

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

REGULAR MEETING : TRANSCRIPT OF
: :
: :
-----: PROCEEDINGS

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey

Thursday, April 13, 2023
Commencing at 6:04 p.m.

M E M B E R S P R E S E N T:

MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ
ROSIO PENA
GERALDINE PEREZ
ALTAGRACIA SAN MARTINO
VIVIAN O'DELL

M E M B E R S A B S E N T:

VICTOR GRULLON, Chairperson
RAYMOND CETINICH
MINDRY WATLEY

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Board Counsel

JULIAN PANEQUE, ESQ.

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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 510 Bergenline
Avenue, LLC

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1 MR. VALLEJO: May I have your attention,
2 please?

3 Please take notice that on Thursday,
4 April 13, 2023, at 6:00 p.m., a regular meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

9 Adequate notice of this meeting has been
10 provided as follows:

11 Notice of this meeting setting forth the
12 time, date, location, to the agenda to the extent
13 known, was forwarded to The Jersey Journal, The
14 Record, has been posted on the bulletin board in
15 City Hall, and has been made available to the
16 public in the Office of the Municipal Clerk.

17 Before we do roll call for tonight's
18 meeting, can everybody kindly rise to salute the
19 flag, please?

20

21 (Whereupon the Pledge of Allegiance was
22 recited.)

23

24 MR. VALLEJO: Thank you.

25

ROLL CALL:

MR. VALLEJO: Roll call for tonight's meeting. Mr. Grullon is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is on his way, he's absent at this time.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Mr. Cetinich, absent.

Let the record indicate there are five present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes, March 9, 2023. Can I have a motion?

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez. Any second on the motion?

MS. PEREZ: Second.

MR. VALLEJO: Seconded by Ms. Perez. Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Pena was absent.

MS. PENA: Abstain.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Four in favor, one abstained, motion carries.

* * * *

1 **1512 PALISADE AVENUE -**

2 **1512 PALISADE AVENUE:**

3

4 MR. VALLEJO: We're moving to number 1,
5 1512 Palisade Avenue, Mr. Arturi, please.

6 MR. PANEQUE: Mr. Vallejo, before we
7 proceed with the application, I'd just like to
8 make an opening statement here. To all
9 applicants, we have a board consisting of five
10 members tonight. There's another member on his
11 way? We expect to have six members by the end --
12 or sometime soon. If you have a use variance or a
13 variance that requires a super majority and you
14 want to request an adjournment because we don't
15 have a full complement of the Board, this is the
16 time to do it. Step forward. Seeing none, thank
17 you.

18 MR. ARTURI: Well, I'm not sure. You
19 have a member who's on his way?

20 MR. PANEQUE: We have a member on his
21 way.

22 MR. ARTURI: So you would have six?

23 MR. PANEQUE: We would have six, once
24 the other member gets here.

25 MR. ARTURI: Is there an application

1 that's on -- I think I'm on the top of the agenda.
2 Is there an application that's on the agenda that
3 does not have a use variance that might be ready?
4 Maybe I can wait and see if the other member
5 comes, then you have six.

6 I had adjourned it last time because we
7 had five. I know I need all five, I'm inclined to
8 adjourn it again or at least make the motion.

9 MR. PANEQUE: Well, we're going to have
10 a sixth member shortly. Do you want to wait to
11 see if the sixth member gets here and then do you
12 want to proceed with six because you need five --
13 you have a use variance?

14 MR. ARTURI: I do, I do.

15 MR. PANEQUE: You need a super majority
16 vote.

17 MR. ARTURI: Right. So I need five
18 affirmative, I would want to talk to my client for
19 a minute. But if you did have one that doesn't
20 require a super majority that you want to take out
21 of order, I don't want you to wait for me.

22 MR. PANEQUE: Sure. Let's do that then.

23 MR. ARTURI: Thank you.

24 MR. PANEQUE: Next application.

25 * * * *

1 **4531 HARRISON PLACE, LLC -**
2 **4531, 4535 HARRISON PLACE:**

3
4 MR. VALLEJO: Next application, 4531
5 Harrison Place. Mr. Alonso, please.

6 MR. ALONSO: Good evening, Madam Chair,
7 Members of the Board. For the record, Alvaro
8 Alonso on behalf of the applicant. This
9 application was actually commenced at the last
10 hearing, however, no testimony was taken.

11 Mr. Paneque provided me with a copy of
12 the building department memo, which we reviewed
13 and it was adjourned so I can do an OPRA request,
14 trying to find some documentation, which I did.
15 And then we're ready to proceed this evening.

16 Again no testimony was taken last time,
17 so any Board Members who's present today would be
18 able to participate in the vote.

19 MR. PANEQUE: That's my recollection,
20 too, Mr. Alonso. I believe the issue that came up
21 last time was that the building department showed
22 this property as a garage, whereas you were coming
23 in showing that it was at least some existing
24 apartments.

25 MR. ALONSO: Correct. The application

1 is there are two existing apartments that are
2 legal. And there are two illegal apartments,
3 which we're seeking to legalize for a total of
4 four.

5 Now, I reviewed again the memo that was
6 provided at the last hearing, which is dated
7 February 6, 2023, by Mr. Martinetti. If you read
8 it, it says that the property was originally a
9 detached garage. It doesn't say that it is
10 currently recognized as a detached garage and/or
11 nothing else, just originally. And if you look at
12 the documentation that was attached to that memo,
13 it appears to be a property card signed on the
14 bottom in 1975. So we have no problem with
15 accepting that originally it was just garages and
16 then I'll get into the documents that I obtained
17 through the OPRA request.

18 Also, in addition to that, there was
19 another document attached to the memo, which
20 reflects the description as 2F, 2U, 12G. That
21 means it's two-story frame structure with two
22 units and twelve garages. So I think that my --
23 that's my interpretation of the memo. That
24 originally it was just garages back in 1975 and I
25 think that's supported by the fact that he did

1 attach a document which says there's two units
2 there.

3 So with that said, I did the OPRA
4 request. And I'll provide you two sets -- two
5 packages and then we'll review them. One which I
6 marked as exhibit A-1 with today's date, and one
7 exhibit A-2 with today's date. If we go to the
8 first package, which is exhibit A-1, obviously,
9 the first sheet is the OPRA request that was
10 acknowledged receipt by the City. The second page
11 is a construction permit dated April 20, 1992,
12 obviously after 1975 documents provided by Mr.
13 Martinetti. And in that -- it's an electrical
14 permit to install an electrical subpanel and
15 relocate three meters. If you look on the
16 left-hand side, I highlighted it just because it's
17 so hard to read these things, I highlighted it for
18 you, it says four units. So back in 1992, there
19 was permits taken out, electrical permits and
20 there was four units.

21 The next page, again as part of that
22 application for the electrical permits, and if you
23 look at the right-hand side on the bottom, it says
24 number of dwelling units before construction four
25 units after construction four units. So again

1 those are just electrical permits.

2 MR. VALLEJO: You have that?

3 MR. ALONSO: Yes, I have that.

4 The next pages -- the next two pages is
5 part of the electrical permits. So you have a
6 complete set.

7 And then in 2002 is when my client
8 purchased the property. The Realtor submitted,
9 actually submitted a request for a certificate of
10 occupancy for two-family, so it went from a
11 four-family, four units in the permits in 1992 but
12 my clients purchasing it as two units, which we're
13 representing today is what we had since 2002. So
14 there's a request for a certificate of occupancy
15 for the sale of a two-family house to my client.

16 The next page, dated April 11, 2022, is
17 the response from the building department saying a
18 CO is not required. Again, they requested again
19 April 30, 2002 for two-family, again the response
20 was a CO is not required for two-family. So at
21 the very least it's indicative of the fact that in
22 2002, when my client purchased the property, there
23 were two units located when purchasing it. At the
24 very least, there's some indication in the
25 building department there's four units. There was

1 some residential units at the property, we're
2 saying there was two, but somehow the permits say
3 four.

4 Exhibit A-2 is the DCA card from the
5 State of New Jersey. And I know that's not
6 dispositive as to the use, but it's just more
7 indication that it's registered with the state as
8 four units. The state comes in, they do their
9 inspections for habitability and they have to meet
10 all the requirements. So that's just in response
11 to Mr. Martinetti's memo where he indicated that
12 possibly there were no units. My interpretation,
13 I think he was talking about originally.

14 MR. PANEQUE: Okay. If I may just, for
15 the record, respond to the issues that have been
16 raised by Mr. Alonso.

17 The memo from Mr. Martinetti always
18 reads originally, every memo we have. And he's
19 referring to the 1974 Citywide tax appraisal that
20 they did where the City came in and they evaluated
21 all of the properties for a reassessment -- and
22 this is not for your edification, Mr. Alonso, I
23 know you know this. I'm kind of enlightening the
24 Board.

25 MR. ALONSO: We're creating a record.

1 MR. PANEQUE: Creating a record. So in
2 1974-75, Union City did a citywide reassessment
3 and that's where the cutting card gets from that
4 shows what was there. And that's what Mr.
5 Martinetti goes off in order to give his
6 memorandum and his opinion. On the documents that
7 you provided, which are the permits application
8 for the meters and everything else that's here,
9 including the application by Action Agency, which
10 is a local real estate in the area, they applied
11 for a two-family C of O, but no C of O in any of
12 the documents had ever been issued for this
13 property.

14 So if your OPRA had found a certificate
15 of occupancy converting this property from the
16 number of garages that it was originally in
17 1974-75 to the number of units that you allege are
18 there, then that would have come up in an OPRA
19 request. But there's nothing. There was work
20 done, there was meters that were installed, there
21 were applications by Action Agency. And by their
22 own application, they're writing that it's a
23 two-family home. And what's interesting is that
24 it's your client who buys this property as a
25 two-family?

1 MR. ALONSO: Yes.

2 MR. PANEQUE: And then he registers it
3 as a four?

4 MR. ALONSO: Correct.

5 MR. PANEQUE: Okay. So how did it go
6 from two to four without any COs?

7 MR. ALONSO: That's why we're here, to
8 legalize the two additional units. There's not
9 going to be a CO because the building department
10 responded that a CO is not required, so a CO would
11 not be issued.

12 MR. PANEQUE: A CO is not required for
13 purposes of a closing.

14 MR. ALONSO: Correct.

15 MR. PANEQUE: But a CO is required to
16 establish the legitimacy of the unit. So if you
17 build a unit out of garages, let's say, the City
18 has to issue a CO, not for closing purposes, but
19 for occupancy purposes. And that's what I'm
20 saying that in your OPRA findings, it's completely
21 lacking.

22 MR. ALONSO: I understand.

23 MR. PANEQUE: It's --

24 MR. ALONSO: Again, that's why I started
25 off by saying this is not dispositive of the issue

1 that there are two legal units there. But this is
2 more indicative of the fact that there have been
3 two units there, at least from 2002, when my
4 client purchased the property, there were two
5 units there, because that's how they bought it.
6 And in 1992, when the permits were issued for
7 electrical permits in connection with existing
8 residential units. So just indicative that there
9 were residential units there. That's what we're
10 here this evening to legalize them all.

11 MR. PANEQUE: And your application is to
12 go from two to four?

13 MR. ALONSO: Correct.

14 MR. PANEQUE: And that's where the issue
15 came up last month, where we had a problem in the
16 phrasing of the petition that you were going from
17 two to four. Now, I'm still not convinced based
18 on the evidence that the building department's
19 memo is incorrect. So if you want to make your
20 application to the Board to go from garages to
21 four, you can amend it on the record, and we would
22 be -- this Board would then be listening to an
23 application to legalize these four units. And the
24 entire history from 1992 forward can be taken into
25 account by the Board that there have been units

1 there, two, four -- no more than four, but at
2 least two or four have been there for a period of
3 30 plus years, 31 years.

4 MR. ALONSO: Correct.

5 MR. PANEQUE: And the Board can take
6 that into consideration. But I think for purposes
7 of creating a clear record, we should have an
8 application that says we're going from garages to
9 legalizing four units because I'm not sure that
10 the two units that you claim were legal are. And
11 that's because I don't see anything in the history
12 of this property that those units received either
13 a CO or even a building permit. How did we go
14 from garages to creating two units without having
15 issued any building permits and that appearing in
16 an OPRA? They issued permits for meters.

17 MR. ALONSO: I understand that. And one
18 of the advantages of being old like you and I --

19 MR. PANEQUE: Speak for yourself.

20 MR. ALONSO: Not like the other Mr.
21 Paneque in the room, is that we've had a lot of
22 experience with a lot of the building departments
23 in North Hudson. And I know that over the years,
24 when I try to get records, a lot of times I hear,
25 oh, in West New York, we had a flood, so all those

1 documents were destroyed, we have no records. In
2 North Bergen, they had the fire, we have no
3 records, everything was destroyed. In Union City,
4 the same thing.

5 So the fact that it doesn't come up in
6 an OPRA search doesn't mean they never existed, it
7 just means they don't have them now.

8 MR. PANEQUE: I agree.

9 MR. ALONSO: That's why I'm providing
10 this documentation to say, hey, when my client
11 purchased it, there were two units there in 1992.

12 MR. PANEQUE: I agree with that, but for
13 purposes of a clear application, I believe that
14 the proper way to proceed is for this Board either
15 to deny or grant you the four units, starting at
16 zero units, not starting at two. Because if this
17 Board starts at two, then the building department
18 may turn around and say, well, the first two, we
19 don't recognize. So the Board only recognized two
20 and I think for purposes of avoiding issues with
21 the building department, we should go from zero to
22 four and the Board can make a determination based
23 on what you presented and the history of 33 years
24 of what's been there.

25 MR. ALONSO: All right. And for

1 purposes of this application, I will do that. My
2 only --

3 MR. PANEQUE: Reservation?

4 MR. ALONSO: -- reservation is should
5 this not be approved, I don't want to forego the
6 two units that we say that we have because there's
7 still a matter pending before the municipal court.
8 So I want to reserve that.

9 So for purposes of this evening, I'm
10 going to request that all four units be legalized.

11 MR. PANEQUE: Thank you.

12 VICE CHAIRPERSON GUTIERREZ: Thank you,
13 Mr. Alonso.

14 MR. ALONSO: It's a long way to get
15 there, but --

16 MR. PANEQUE: Well, we got there.

17 MR. ALONSO: So Orestes, you're still
18 here?

19 MR. VALELLA: Yes.

20 MR. ALONSO: Orestes Valella is my
21 architect. I'm going to have him sworn in to
22 testify from the podium.

23 MR. PANEQUE: Just so we're clear, Mr.
24 Alonso, use variance in this application?

25 MR. ALONSO: Yes, four units is not

1 permitted in the zone. And I have also Mr.
2 McDonough here somewhere.

3 MR. PANEQUE: So you're proceeding with
4 five members?

5 MR. ALONSO: Yes.

6 MR. PANEQUE: Okay.

7

8 O R E S T E S V A L E L L A, after having been
9 duly sworn or affirmed, did testify as follows:

10

11 MR. VALELLA: Good evening. My name is
12 Orestes Valella, V-A-L-E-L-L-A, I'm a licensed
13 architect in the State of New York and New Jersey.
14 My professional offices are at 507 43rd Street in
15 Union City.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. ALONSO: Madam Chair, Mr. Valella
18 has been accepted in the past --

19 VICE CHAIRPERSON GUTIERREZ: Yes, we
20 accept his qualifications. Welcome.

21 MR. ALONSO: Thank you very much.

22 Now, Mr. Valella, just to be clear, the
23 plans you prepared, are they based on existing
24 conditions or is there any proposed situation?

25 MR. VALELLA: No, it's all existing.

1 MR. ALONSO: So I'm going have you
2 review the plans with the Board at this time.

3 MR. VALELLA: Sure, I'll be happy to.
4 As you probably know, this is a square 100-by-100
5 foot property, it's an interior lot which is
6 accessed from Harrison Place. Harrison Place ties
7 into it. There's a large parking area in the
8 middle and then has a U shaped structure, there
9 are garages that surround it. And as counsel
10 mentioned, I've worked on this property for
11 decades now with our client, so I can attest that
12 these units have been there for quite awhile.

13 The second page shows the existing
14 conditions. And what we have is you drive in, the
15 big parking lot and then they have garages on the
16 right side. There's one, two, three, four --
17 there's 13 garage spaces, including three that are
18 outside. And then we have two dwelling units on
19 the bottom left hand corner, these are at ground
20 floor. Then if you go on the right side, there
21 are two additional units that you discussed on the
22 second floor.

23 So these units -- and I think I'll take
24 the ones on the second floor first, which are the
25 ones that were in question in your conversation.

1 It's an existing apartment, apartment A, it is
2 728 square feet, so you go up the stairs and you
3 enter into apartment A. Apartment A is a two
4 bedroom apartment, bathroom, kitchen, and living
5 room. And all the windows here face the courtyard
6 or the parking area. And that is a 728 square
7 foot dwelling. They are -- you know, full
8 disclosure, if you approve this and we go to the
9 next step, there are some life safety measures
10 that I will be recommending to the client, smoke
11 detection, confirming fire ratings, especially the
12 separation between the garages and the dwelling
13 units that require certain safety features. So I
14 hope you do approve them so that we can implement
15 and make this a safer environment. But that would
16 be apartment A.

17 Apartment B is next to it. So you walk
18 up, apartment A to the left, apartment B to the
19 right. Apartment B is a two bedroom apartment
20 with a kitchen and a bathroom and that is a
21 443 square feet dwelling unit. While we visited,
22 the living area was being used as a bedroom. It's
23 really a one bedroom apartment because there's no
24 door or closet in the dwelling units. But my
25 staff called it a bedroom because there was --

1 there was evidence of people sleeping in that
2 room, but it's really a one bedroom, 443.

3 So those are the two dwelling units and
4 I visited the site early 2000s I believe and I
5 recall seeing that there. So they've been there
6 for quite awhile. But they do need a little
7 tender loving care with regards to life safety.
8 So that's why I undertook this, in the hopes that
9 I can implement some of that.

10 Then if we go down again, then you have
11 the two corner apartments on the ground floor.
12 And these I call C and D, apartment D, which is
13 the first one that I'm going to discuss is
14 847 square feet. And, again, it's a walk -- you
15 walk to it, you enter directly from the parking
16 area. And that has one, two, three -- five
17 bedrooms, kitchen and a living area and two
18 bathrooms. And this is all existing as well.
19 There's no evidence of any recent construction.

20 And apartment C, which is the smaller of
21 the two, again you enter from the ground floor, is
22 404 square feet. And that's a two bedroom
23 dwelling unit as well, kitchen and bathroom. And
24 these units have also been there for quite awhile.
25 We had, at one point, been retained to consider

1 doing an apartment building on the property and
2 demolishing everything. So I recall back in the
3 early 2000s. It makes sense in that the clients
4 must have bought it at that time, visiting the
5 area and preparing plans for that.

6 MR. VALLEJO: Allow me one second.
7 Please let the record reflect that Mr. Ortiz
8 joined the meeting at 6:28. Thank you. Go ahead,
9 Mr. Valella.

10 MR. VALELLA: That's it. Mr. McDonough
11 will give you the zoning data. But everything
12 here is existing, everything here has been
13 existing for quite awhile. And I hope we get the
14 opportunity to do some life safety improvements
15 there and make it work for everyone.

16 MR. PANEQUE: Thank you, Mr. Valella.

17 MR. VALELLA: No problem.

18 MR. ALONSO: Does the Board have
19 questions for Mr. Valella?

20 MR. PANEQUE: We'll wait until the end
21 of the presentation.

22 MR. ALONSO: Very well. John.

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24 J O H N M c D O N O U G H, after having been
25 duly sworn or affirmed, did testify as follows:

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MR. McDONOUGH: Hi, everyone, my name is John McDonough, it's spelled M-C, capital D, O-N-O-U-G-H, and I'm the project planner.

MR. ALONSO: Madam Chair, Mr. McDonough has been recognized in the past as a planner, I ask that his qualifications be accepted.

VICE CHAIRPERSON GUTIERREZ: Yes, we accept his qualification. Welcome.

MR. McDONOUGH: Thank you, Madam Chair.

MR. ALONSO: Go ahead, take it away.

MR. McDONOUGH: So the applicant is really here before you for one variance. It's a "d" variance, it's a (d)(1) variance to allow a four unit dwelling in your R zone district, which is the zone district that allows one- and two-family dwellings. My planning conclusions are no different whether there's zero units there now, one unit, two units or three units. We know DCA has recognized three units here, but we'll start at zero because as with any variance application, we look at the site itself and whether the site has the capacity to accommodate the use and whether the neighborhood is compatible with what the applicant is proposing here.

1 So, Madam Chair, with your permission, I
2 have a few exhibits that I think answer those
3 questions right off the bat. The first two will
4 be a series of GIS maps, I only brought one, so
5 you'll have to pass it around. And then I got
6 some nice drone photographs of the property to
7 show from a pure physical planning standpoint this
8 application makes real good planning sense.

9 MR. ALONSO: So we'll mark it as A-3 and
10 A-4, so identify what A-3 is and mark it.

11 MR. McDONOUGH: So A-3 for the record is
12 going to be a simple tax parcel map under GIS
13 database. The only reason I'm giving you this is
14 just to show you the surrounding properties in the
15 area. If we need to cross reference them. The
16 key thing you'll see about this particular exhibit
17 here, the subject property is different than other
18 properties on Harrison Place. And that's really
19 what triggers the variance mechanism. It's
20 supposed to relate to distinct pieces of property,
21 not to the entire zone district, not to the entire
22 neighborhood.

23 This site is clearly different by virtue
24 of its sheer size. It's approaching 9,000 square
25 feet, which is much larger than any of the lots in

1 the area. It's at the end of the street, and it's
2 developed with excellent capacity here. It's got
3 building on it that are half the size of what the
4 zoning ordinance would allow and it's got parking
5 capacity that's double what the zoning would
6 allow. So, again, variance relief is supposed to
7 relate to a distinct piece of property. And,
8 again, based on the sheer size of the property,
9 and the physical characteristic under A-3, you'll
10 see that there's a basis for that relief here.

11 The second exhibit I'm going to show you
12 that's being passed around is A-4, which shows the
13 surrounding neighborhood. And what you're going
14 to see on this particular GIS map are a whole
15 bunch of colors. And what we've done is color
16 code based on the number of units on the street
17 and in the neighborhood. And you'll see that
18 four units under the GIS mod 4 database are not
19 atypical of the neighborhood. And, again, I say
20 this is a site at the end of Harrison Place, it's
21 a large site. I see two other lots on the street
22 that already have four units, so this is not going
23 to be the first four-unit lot on the site. And we
24 actually have double or triple the lot area that
25 those other four-unit buildings have.

1 Touching this site, off of JFK
2 Boulevard, is a 20-unit building. And on the
3 other side is a 21-unit building. So this
4 building is sandwiched between a 20-unit building
5 and a 21-unit building. Applicant is asking the
6 Board to move on four units here, which we think
7 is a perfectly appropriate in-fill. Behind over
8 on 47th Street, we've got a five-unit building as
9 well. So, again, with in-fill development, we
10 always look at the character of the area. And I
11 think all of these colors that you'll see will
12 help show that the applicant is not creating
13 something that is unusually different than what's
14 around it.

15 And the last thing I'm going to show you
16 I actually had last time, everyone gets a copy of
17 these. These are drone photographs to show from a
18 physical planning standpoint, this application
19 makes good planning sense and the site has
20 excellent carrying capacity, again, from a
21 physical planning standpoint. And so A-5 for the
22 record is just going to be a series of one, two,
23 three, four photographs of the subject property
24 looking at various advantage points.

25 But as you just heard Orestes'

1 testimony, we're looking at a parking field in the
2 middle of the site that has capacity for 13
3 vehicles, where only eight would be required. So
4 we've got more than adequate parking capacity
5 here. We know that that's a key consideration in
6 your planning policy documents. And then also
7 we've got established buildings here. What's nice
8 about this application is this an adaptive reuse.
9 This is not new construction, but taking what's
10 there at the end of the street.

11 And every one of these photographs we've
12 labeled the subject property. On the first page,
13 you've got a view looking to the east. On the
14 second page, you've got a view looking to the
15 south. On the third page, you've got a view
16 looking to the west. And on the fourth page,
17 you've got a view looking top down, so you get a
18 sense of how the site lays out. The applicant is
19 looking to put two units in the one building, two
20 units in the other building with enclosed parking
21 associated with both of those buildings and then
22 surface parking as well.

23 So in terms of the justification for the
24 relief here, I'm reminding the Board no other
25 relief is being sought because this is a reuse of

1 what's there. In terms of the statutory positive
2 criteria, the site is particularly suited for this
3 use for all the reasons that I have just given you
4 with the evidence. The sheer size of the site,
5 its parking capacity, its location at the end of
6 the street, not in the middle of the neighborhood,
7 but flanked by much more intense development, all
8 relate to the site suitability.

9 The project itself is essentially an
10 isolated lot at the end of the street. This is
11 not one of the interior lots, but it's the
12 terminus of the street, so again, we're not
13 breaking up any sort of neighborhood pattern. And
14 it is actually good planning to provide an accent
15 at the end of the street and greater intensity of
16 use is something that I think adds to the
17 character of the end of the street.

18 The project will promote a positive
19 aesthetic by keeping what's there, what's familiar
20 to the local population. What's been there for
21 decades now is not going to change. And then most
22 importantly we, always talk in planning now about
23 middle missing housing, which your community does
24 so well, it is the gap between the detached
25 dwelling and the big apartments. I'm not saying

1 big apartments are bad, they have their
2 appropriate locations as well. But middle missing
3 housing fills that gap. They provide for economy
4 of scale for someone who may not be able to afford
5 a single family home, but wants to enjoy that same
6 kind of ambiance and doesn't want to live in the
7 big apartment building. Again your community does
8 that so well, finding ways to promote this missing
9 middle housing and filling that gap. And we have
10 to pick our spots and I think this is one of those
11 spots where that makes does planning sense. It
12 will promote those positives.

13 And for all of the reasons that I've
14 given you, the impact here will be minimal, if
15 any. As I said, all relief can be granted without
16 substantial detriment to the area or the zone
17 plan. It's a very spacious site, four units here
18 will be comfortable, will be well appointed. As
19 you just heard through Orestes' testimony, will be
20 designed in accordance with all applicable codes.
21 DCA has found that four units are appropriate
22 here. DCA are the stewards of life safety in our
23 buildings and they have already given you proof
24 positive that four units can be safely lived in
25 here. So I think that also is some weight that

1 the Board can give to the suitability of this
2 site.

3 No relief is needed for parking. In
4 fact, the parking here is well in excess of what
5 the ordinance would require. And most
6 importantly, when we look at the zone plan, we
7 look at whether the relief relates to a distinct
8 piece of property. I started with that and I'll
9 come back to that in closing. Again, this doesn't
10 relate to every single piece of property on the
11 street. Clearly it relates to one lot, which is
12 different. That's why we have the use variance
13 mechanism in our land use law now for five
14 decades, six decades, has not gone away. It's for
15 situations like this.

16 And with all that said, I think based on
17 all the evidence, this is an appropriate location
18 for those four units regardless of how many units
19 the Board finds is there now. With that, I would
20 offer the criteria for (d) (1) relief are met here
21 and approval is warranted.

22 MR. ALONSO: Thank you, Mr. McDonough.

23 MR. McDONOUGH: That's all I have on
24 direct.

25 MR. ALONSO: I have nothing further.

1 MR. PANEQUE: Thank you, Mr. McDonough.

2 VICE CHAIRPERSON GUTIERREZ: Any
3 questions from the Board Members? I'll open up to
4 the public.

5 MR. PANEQUE: No questions from the
6 public, all right. Thank you. Mr. Alonso, that
7 concludes your presentation?

8 MR. ALONSO: That concludes our
9 presentation.

10 MR. PANEQUE: That concludes the
11 presentation. Is there a motion?

12 VICE CHAIRPERSON GUTIERREZ: Motion.

13 MR. ORTIZ: I'll second it.

14 MR. VALLEJO: Motion to?

15 VICE CHAIRPERSON GUTIERREZ: To approve
16 the application.

17 MR. VALLEJO: Motion to grant the
18 application by Ms. Gutierrez, seconded by Mr.
19 Ortiz. Roll call on the motion.

20 MR. PANEQUE: Before we have a roll call
21 on the motion, Mr. Vallejo, I just want to clarify
22 from our vice chairperson, it's a motion to
23 approve the application going from zero units to
24 four, so that we're in compliance with the
25 building department?

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MS. PEREZ: I did have one question.
3 You said there were some things that you were
4 going to do, what were they?

5 MR. ALONSO: Life safety.

6 MS. PEREZ: That was --

7 MR. ALONSO: Once we legalize, we have
8 to meet certain codes. And Mr. Valella is going
9 to work with the building department and our
10 client to make sure those codes -- if you want to
11 just give a brief overview of some of the codes.

12 MR. VALELLA: Normally, what happens
13 with a project like this or any legalization is a
14 two-step process. The first process is the most
15 fundamental, whether we can proceed or not in
16 change of use type scenario. After that, we have
17 to prepare engineering plans for the building
18 department to satisfy the technical part.

19 At that point, we make sure that the
20 separation between dwelling units have certain
21 fire rating, that the electrical system is
22 upgraded, the smoke detectors are added if they're
23 not there, emergency intercoms and smoke detection
24 is a big item. But the fire rating is the
25 critical one. And all of that come at step two.

1 Without this, we don't go to that step. That's
2 why I was looking forward to an approval, so I
3 could have an opportunity to improve the property.

4 MS. PEREZ: Not to demolish it?

5 MR. VALELLA: No.

6 MS. PEREZ: Just upgrading it?

7 MR. VALELLA: Upgrade and mechanical,
8 life safety.

9 VICE CHAIRPERSON GUTIERREZ: Thank you.

10 MR. PANEQUE: No further questions from
11 the Board Members? All right. There's a motion
12 on the floor to approve the application going from
13 on the units to four, seconded by Mr. Ortiz.

14 MR. VALLEJO: Roll call on the motion.
15 Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Six in favor, motion
3 carries.

4 MR. ALONSO: Thank you very much. Have
5 a good evening.

6 MR. PANEQUE: Thank you, Mr. Alonso.

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8 (Discussion held off the record at 6:40
9 p.m.)

10 (Back on the record at 6:44 p.m.)

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1 **1512 PALISADE AVENUE -**

2 **1512 PALISADE AVENUE:**

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4 MR. VALLEJO: Back on the record.

5 MR. PANEQUE: Back on the record,
6 please. We're going to go back to number one, Mr.
7 Vallejo.

8 MR. VALLEJO: 1512 Palisade Avenue, Mr.
9 Arturi, please.

10 MR. ALONSO: Good afternoon, Madam
11 Chair, Members of the Board. I've had a chance to
12 speak with my client about the lack of a full
13 complement. And, unfortunately, we do have a
14 request to adjourn this application until we can
15 have a full board. I know we had five when I
16 first came up, I know we have six now, but we need
17 five affirmative votes. I do believe that it's
18 important for us to have a full complement, so I'd
19 ask for another adjournment to next month's
20 meeting.

21 MR. PANEQUE: Mr. Arturi, do you and
22 your client waive the statutory time limits for
23 which this Board has to proceed and hear your
24 application?

25 MR. ARTURI: Yes.

1 MR. PANEQUE: Thank you. So the request
2 is to adjourn to the next meeting.

3 MR. VALLEJO: That would be May 11th.

4 MR. PANEQUE: Can I have a motion?

5 VICE CHAIRPERSON GUTIERREZ: I make my
6 motion to adjourn for May 11th.

7 MR. VALLEJO: Motion to adjourn to
8 May 11th by Ms. Gutierrez.

9 MS. PENA: I second it.

10 MR. VALLEJO: Seconded by Ms. Pena.
11 Roll call on the motion to adjourn this for
12 May 11th. Ms. Gutierrez.

13 VICE CHAIRPERSON GUTIERREZ: Yes.

14 MR. GRULLON: Mr. Ortiz.

15 MR. ORTIZ: Yes.

16 MR. VALLEJO: Ms. Perez.

17 MS. PEREZ: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Ms. O'Dell.

21 MS. O'DELL: Yes.

22 MR. VALLEJO: Ms. San Martino.

23 MS. SAN MARTINO: Yes.

24 MR. VALLEJO: Six in favor, motion
25 carries.

1 MR. PANEQUE: Before you leave, I just
2 want to make an announcement. For anybody in the
3 public who is here on the application for 1512
4 Palisade Avenue, the applicant has requested that
5 this matter be carried to the next meeting. The
6 reason for the request is that the applicant is
7 entitled to a full complement of the Board, which
8 we don't have this evening because some of our
9 Board Members are missing. That is a right that
10 the applicant has and the Board has deemed fit to
11 grant his request to adjourn to May 11th.

12 So if you're here on 1512 Palisade
13 Avenue, this matter is being carried with no
14 further notices required. So if you want to be
15 heard with respect to that application, be back on
16 May 11th at 6:00 p.m. at this location. Thank
17 you, Mr. Arturi.

18 MR. ARTURI: Thank you.

19 VICE CHAIRPERSON GUTIERREZ: Thank you.

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1 **509-513 BERGENLINE AVENUE, LLC -**

2 **509-513 BERGENLINE AVENUE:**

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4 MR. PANEQUE: We have one more that is
5 going to be a request for adjournment also on the
6 same basis. Mr. Lopez, which one is that?

7 MR. LOPEZ: That is number 8.

8 MR. VALLEJO: Number 8?

9 MR. LOPEZ: Roman numeral 8, number 4.

10 MR. PANEQUE: That's 509-513 Bergenline
11 Avenue.

12 MR. LOPEZ: That's correct.

13 MR. PANEQUE: Okay.

14 MR. LOPEZ: For the record, Adolfo Lopez
15 appearing on behalf of the applicant. For the
16 same reason as the prior requested adjournment of
17 Mr. Arturi, we really would like a full complement
18 of members for this application. It's a little
19 more out of the ordinary, so we would respectfully
20 request that you carry us to the next meeting.
21 And we obviously would waive jurisdictional time
22 requirements.

23 MR. PANEQUE: Thank you, Mr. Lopez. Is
24 there a motion?

25 VICE CHAIRPERSON GUTIERREZ: Make a

1 motion to adjourn for May 11th.

2 MR. VALLEJO: Motion to adjourn this
3 application to May 11th by Ms. Gutierrez. Any
4 second on the motion?

5 MR. ORTIZ: Second.

6 MR. VALLEJO: Seconded by Mr. Ortiz.
7 Roll call on the motion to adjourn this
8 application. Ms. Gutierrez.

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

16 MR. VALLEJO: Ms. O'Dell.

17 MS. O'DELL: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Six in favor, motion
21 carries. No new notice required.

22 MR. PANEQUE: If any members of the
23 public are here on the application of 509-513
24 Bergenline Avenue, that application is being
25 carried to the May 11th hearing at the request of

1 attorney for the applicant based on the fact that
2 we do not have a full complement of the Board this
3 evening.

4 No further notice will go out. So if
5 you want to be heard with respect to any concerns
6 you have on that application, it will be heard
7 May 11th at 6:00 p.m. at this location. Thank
8 you.

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1 **MERWIN RICHARD -**

2 **3100 CENTRAL AVENUE:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda Merwin Richard. Mr. Alonso,
6 please.

7 MR. PANEQUE: I believe Mr. Alonso left.
8 For the record, I've been provided by a letter
9 from the office of Mr. Alonso which states that
10 "this office represents Merwin Richard in
11 connection with the above-referenced application.
12 A hearing commenced on March 9th, after which it
13 was carried to April 13, 2023. Upon returning to
14 my office, I noticed that I have a special hearing
15 at the West New York Zoning Board of Adjustment
16 which conflicts with that date. Kindly accept
17 this letter as a formal request to schedule this
18 matter for the June 8th hearing. Please advise
19 that the applicant waives the time period within
20 which the Board is required to act."

21 The request is to adjourn the matter to
22 the June 8th meeting. Is there a motion?

23 VICE CHAIRPERSON GUTIERREZ: I make a
24 motion to adjourn.

25 MR. VALLEJO: Motion by Ms. Gutierrez.

1 MR. ORTIZ: I'll second it.

2 MR. VALLEJO: Seconded by Mr. Ortiz.

3 Roll call on the motion. Ms. Gutierrez.

4 VICE CHAIRPERSON GUTIERREZ: Yes.

5 MR. VALLEJO: Mr. Ortiz.

6 MR. ORTIZ: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Ms. San Martino.

14 MS. SAN MARTINO: Yes.

15 MR. VALLEJO: Six in favor, motion
16 carries. Next meeting, June 8th for this
17 application.

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1 **BLACK CAT PALISADE, LLC -**

2 **804 PALISADE AVENUE:**

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4 MR. VALLEJO: We're moving now to number
5 5?

6 MR. PANEQUE: Yes.

7 MR. LOPEZ: Number 6, if you don't mind.
8 It's an adjournment request.

9 MR. PANEQUE: The Black Cat Palisade,
10 LLC?

11 MR. LOPEZ: Correct. Adolfo Lopez
12 appearing on behalf of the applicant, we're ready
13 to proceed tonight with that application, when I
14 saw that my architect planner wasn't here, I
15 reached out to him. It's Jose Izquierdo, he
16 texted me that he has an emergency in the family.
17 I don't know anything else, but he's not here and
18 I would ask that you please carry this for that
19 reason.

20 MR. PANEQUE: Mr. Lopez, on behalf of
21 your client you waive the statutory time periods
22 in which this Board can act?

23 MR. LOPEZ: I do.

24 MR. VALLEJO: Mr. Paneque, for the
25 record, this application is Black Cat Palisade,

1 LLC, 804 Palisade Avenue?

2 MR. PANEQUE: Yes. We need to establish
3 jurisdiction.

4 MR. LOPEZ: Yes, I'm sorry, I forgot.

5 The others, I have jurisdiction. On
6 this one, Mr. Paneque, I gave your assistant
7 counsel the jurisdictional documents earlier.

8 MR. PANEQUE: Let the record reflect as
9 follows: I've been provided by Mr. Lopez with the
10 following documents. I have an affidavit of
11 service signed by Mr. Adolfo Lopez indicating that
12 notice of tonight's hearing was provided to all
13 property owners within a 200 foot radius of 804
14 Palisade Avenue.

15 I've also been provided with an
16 affidavit of publication from The Jersey Journal
17 indicating that notice of the application with
18 respect to the site at 804 Palisade Avenue was
19 published in the The Jersey Journal on March 17,
20 2023. That notice indicates that the application
21 will be heard here at the Union City High School.

22 I've also been provided with a copy of
23 the notice that was generated and given to all
24 property owners within the 200 foot radius, as
25 well as the 200 foot list from the tax assessor's

1 office. That list has a date of October 31, 2022,
2 and it's listing all property owners within the
3 200 foot radius of 804 Palisade Avenue, Block 186,
4 Lot 18.

5 I've also been provided with the
6 certified mail receipts, which have a postmark
7 date of March 20, 2023.

8 Based on the documentation that has been
9 provided by Mr. Lopez, this Board has jurisdiction
10 to proceed and hear this matter.

11 Mr. Lopez, it's your request that this
12 matter be carried to May 11th or June 8th?

13 MR. LOPEZ: May 11th, please.

14 MR. PANEQUE: Is there a motion?

15 VICE CHAIRPERSON GUTIERREZ: Make a
16 motion to adjourn to May 11th.

17 MR. VALLEJO: Motion to adjourn this
18 application to May 11th by Ms. Gutierrez. Any
19 second on the motion?

20 MR. ORTIZ: Second.

21 MR. VALLEJO: Seconded by Mr. Ortiz.
22 Roll call on the motion. Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Pena.

4 MS. PENA: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Six in favor, motion
10 carries.

11 MR. PANEQUE: Thank you, Mr. Vallejo.

12 If anyone in the public is here on the
13 application of 804 Palisade Avenue, this
14 application is being carried to May 11th, which is
15 our next hearing at this location, same time. You
16 will not be receiving any notices and there will
17 not be any publication in the paper. If you want
18 to be heard with respect to this application, be
19 present on May 11th.

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1 **2705 BERGENLINE, LLC -**

2 **2705 BERGENLINE AVENUE:**

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4 MR. VALLEJO: We're going to number 5
5 now, 2705 Bergenline Avenue. It's a
6 reconsideration of this application.

7 MR. PANEQUE: Off the record for a
8 moment. Mr. Lopez, may I see you?

9 MR. LOPEZ: Yes.

10
11 (Discussion held off the record at 6:57
12 p.m.)

13 (Back on the record at 6:59 p.m.)

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15 MR. LOPEZ: Good evening, Madam
16 Chairwoman, Members of the Board, good evening.
17 This is an application on behalf of my client,
18 2705 Bergenline, LLC. It concerns a property at
19 that address, 2705 Bergenline Avenue, which
20 currently has a bit of a -- let's call it a weird
21 setup due to prior conditions on and near the
22 property which we're seeking to correct today.
23 This property used to back up onto a lot
24 on 27th Street and it had a garage in the rear.
25 And there was access to the rear of the property,

1 cars used to drive up on the lot on 27th Street
2 and there was a garage and they would park there.
3 That ended when that property was developed.

4 And so my client currently has a
5 building fronting on Bergenline Avenue, there's a
6 beauty salon, which operates on the ground floor
7 which is operated by the owner. It has two
8 residential units above. And we have a garage
9 which cannot be accessed from any place. And it's
10 also created and my architect will certainly
11 testify, this is just a primer, it created a
12 dangerous condition for tenants above and in the
13 building next door, which used to use a fire
14 escape and now it leads them to nowhere in its
15 current condition.

16 So the application before you -- and
17 I'll have Mr. Weiner, who's my architect testify
18 as to the project -- but just as a primer, that's
19 what we're seeking tonight. And if we -- can I
20 just have Mr. Weiner come up, have you -- he's
21 never been qualified before the Board, so --

22
23 G E O R G E W E I N E R, after having been duly
24 sworn or affirmed, did testify as follows:

25

1 MR. WEINER: George Weiner, W-E-I-N-E-R,
2 registered architect, New York, New Jersey,
3 Pennsylvania. My offices are in Hoboken, 333
4 Court Street and I've been practicing in Hudson
5 County and in these environs for about 40 years.

6 MR. LOPEZ: Have you testified before
7 boards in other municipalities previously?

8 MR. WEINER: Yes.

9 MR. LOPEZ: Would you give us an
10 estimate of approximately how many times?

11 MR. WEINER: Perhaps 20 times over the
12 course of that period of time.

13 MR. LOPEZ: Okay. I would offer him as
14 an expert in the field of architecture?

15 VICE CHAIRPERSON GUTIERREZ: Yes, I
16 accept his qualification and welcome.

17 MR. WEINER: Thank you.

18 MR. LOPEZ: Thank you.

19 Mr. Weiner, your office, and more
20 particularly you, were involved with the
21 preparation of the plans and specifications that
22 are before the Board; is that correct?

23 MR. WEINER: That's correct.

24 MR. LOPEZ: You heard the introduction
25 that I gave to the project. Would you agree

1 that's generally what the purpose of this
2 application is?

3 MR. WEINER: Yes. We certainly want to
4 move toward making this a safer and more effective
5 piece of property, which right now is kind of an
6 acronym, it's this remnant, which is a garage
7 doesn't meet energy code, doesn't have any really
8 useful function.

9 MR. LOPEZ: Will you please use your
10 plans and explain to us what it is that we are
11 proposing for that space, its location, and
12 generally describe the project?

13 MR. WEINER: The existing first floor at
14 grade, this is the beauty salon at this point in
15 time. The entrance is here. The entrance to the
16 upper two units in this common area at this point.
17 So there would be no change to the entrance for
18 residential purposes.

19 What we are proposing to do is to borrow
20 some space from the wide -- widen this common wall
21 into -- make the hair salon narrower and allowing
22 for an entry point bypass -- does two things. It
23 allows for common area access to the basement,
24 which currently there is none from a common area.
25 And also we're proposing that at this point have

1 an entry point with a two hour rated wall into a
2 kitchen, living room, single bedroom and a study.

3 What we would do is we would lop off
4 three feet of rear section allowing for windows,
5 egress windows still on the property line, and
6 secondarily being able to rationalize the existing
7 very unusual fire escape, which at this point,
8 this is the existing third floor. There's a fire
9 escape and stair that goes down to the roof.
10 There's no metal decking for that roof. And then
11 there's a secondary stair where this breaks and
12 right now there's a J ladder that goes to the rear
13 yard adjacent property.

14 Since we're full lot coverage, that was
15 a kind of combination, I guess, that Angelica had
16 inherited when she purchased the building. So the
17 adjacent property actually uses that for access
18 for, you know, for secondary safety reasons as
19 kind of a constructive easement, cooperative
20 easement between the two properties. It's a
21 little odd. We would rationalize that, we're not
22 precluding that, but we would then have a metal
23 deck that goes all the way to the rear and a
24 proper drop stair which would go onto Angelica's
25 property in this rear section. So that would

1 really make a much safer fire escape, you know,
2 configuration. It's consistent with three -- the
3 requirement for a three family to have a fire
4 escape. Right now we have two-family plus a
5 commercial. And it just makes for -- I do a lot
6 of fire escape inspections and corrections. And
7 we -- the important thing is try to get two
8 vertical FT03, which is a safe, you know --
9 generalized safe condition with standard widths
10 and configurations and railings.

11 MR. LOPEZ: Mr. Weiner, just one
12 question, if I may bring you to the other board.
13 Can you explain that part of the plan is to widen
14 the hallway to provide access to the basement,
15 does that also create a better safety situation in
16 providing firemen with access to the mechanicals?

17 MR. WEINER: Yes, absolutely.

18 MR. LOPEZ: Right now, there would be
19 none; is that correct?

20 MR. WEINER: That's correct. In
21 addition to that, I overlooked that we would then
22 be able to enlarge the existing toilet room to
23 make it handicapped accessible for the hair salon.
24 And secondly, we could also have handicapped
25 accessible new bathroom for the one bedroom, which

1 is going in. So that would be in step with
2 encouraging ADA conformance as well.

3 MR. LOPEZ: And do you have the second
4 page of your drawings on there somewhere? Can you
5 show on the diagram towards the bottom right what
6 the proposed fire escape configuration, you were
7 explaining it, can you please demonstrate it to
8 the Board using that diagram?

9 MR. WEINER: Okay. Believe it or not, I
10 really didn't try to make it more complicated than
11 it is. We have an existing basket on the third
12 floor level with an existing stair that goes to
13 this roof. This roof then has an open stair that
14 goes to the lower roof. And right now, there's a
15 ladder that goes to the adjacent property
16 background.

17 What we're going to have here is have
18 metal decking all the way around in conformance
19 with the code, bring it down to that lower roof.
20 And at that particular point be able to have a
21 drop stair, which makes for a much safer
22 condition. We try to do a drop stair when
23 physical dimensions permit it. So it would just
24 make for a much safer exit way for that -- those
25 upper two units.

1 MR. LOPEZ: You used the term a J ladder,
2 can you explain for the Board what that is and why
3 this is safer? Would it be fair to say that the J
4 stair that you described is just a ladder that is
5 perfectly perpendicular to the wall and you
6 basically would have to climb up?

7 MR. WEINER: It's a fixed ladder that
8 has a curve on it, it's typically used for roofs.
9 What we do on fire escapes is we have a counter
10 balance slide down ladder that allows for easy
11 dropping during fire, but less access for, let's
12 say, you know -- for people coming back the other
13 way that shouldn't.

14 So in this particular case, we have the
15 best of both worlds, which is the stair that
16 literally rotates down and counter balances. When
17 you start going down it, it automatically goes
18 down. And then when you're down, it goes back up.
19 So now it's -- but it's wholly on this property.
20 It's not, you know, going into anybody else's
21 backyard or the rear section. There is an open
22 area in the back which is shown on the survey,
23 A-1, which is this narrow alleyway here.

24 So in effect we're widening our area
25 here from three feet, which allows then for a

1 window, so a person can get out and -- at this
2 point, everybody is relying on, I guess, a
3 constructive easement for access to the street.
4 So it's a hard property from a standpoint of fire
5 safety. And we're making the best resolution of
6 it that I believe is possible.

7 Secondly, the access doesn't change.
8 You know, the residential at grade, as you said
9 isn't -- this does not change the streetscape at
10 all, nor that facade I think that's this geography
11 that you can see here. So the entrance to the
12 store is here and the entrance to the residential
13 is here.

14 MR. LOPEZ: And, Mr. Weiner, the
15 footprint of the building is actually shrinking a
16 little bit, you're certainly not expanding it?

17 MR. WEINER: Right.

18 MR. LOPEZ: And is it fair to say that
19 this space here is what you're cutting away from
20 the existing building, so you're actually making
21 it slightly smaller?

22 MR. WEINER: Exactly.

23 MR. LOPEZ: Okay. Anything else?

24 MR. WEINER: No.

25 MR. LOPEZ: That's our presentation,

1 Madam Chairwoman and Members of the Board.

2 VICE CHAIRPERSON GUTIERREZ: Open to the
3 Board, if anybody has any questions.

4 MS. PEREZ: When you enter, is that
5 Bergenline Avenue here? The entrance is on
6 Bergenline?

7 MR. LOPEZ: The main entrance is on
8 Bergenline Avenue, yes.

9 MS. PEREZ: So when you exit through
10 that ladder, where do you end up -- how do you get
11 out?

12 MR. LOPEZ: 27th Street.

13 MS. PEREZ: You're on --

14 MR. LOPEZ: From the back of the -- is
15 that correct, Mr. Weiner?

16 MR. WEINER: Yes.

17 MR. LOPEZ: From the back of the
18 property, you come down here and right out to 27th
19 Street.

20 MS. PEREZ: What is that? It's like --

21 MR. WEINER: A side yard.

22 MR. LOPEZ: It's a side yard, correct.
23 It used to be what I described initially just an
24 empty parking lot. It now has a house, but it
25 does have a four foot wide side yard, which all

1 the buildings use as an exit point for -- an
2 emergency exit point.

3 VICE CHAIRPERSON GUTIERREZ: Anybody
4 else from the Board have any questions?

5 MS. PEREZ: There's an apartment on the
6 second floor and an apartment on the third floor?

7 MR. LOPEZ: Correct.

8 MS. PEREZ: And then a third apartment
9 would be where the garage that's on the bottom?

10 MR. WEINER: Right now, this whole area
11 is -- this is the open space in the back garage.
12 This is the hair salon. What we're going to do is in
13 effect get a haircut, widen this so that this
14 becomes a safer common area, which it isn't now.
15 And from here on, we have an L shape, residential.

16 MS. PEREZ: On the first floor.

17 MR. WEINER: On the first floor in the
18 rear with egress windows here.

19 MS. PEREZ: What's in the basement?

20 MR. WEINER: Just storage, boiler room,
21 mechanical equipment.

22 MS. PEREZ: I was unclear, how do you
23 get to the basement? You get to the basement from
24 the common area that you're making?

25 MR. WEINER: Yes, we'll have downstairs

1 at this point, probably many years ago, where it
2 was, we're going back to make it to the building
3 proper.

4 MR. LOPEZ: Right now, the only access
5 to the basement is from inside the store. What
6 we're saying is in an emergency, at night, the
7 store is not open, firemen can't get in. And this
8 is sort of, as Mr. Weiner indicated, this is how
9 these buildings were originally designed with a
10 side hallway that allows entry to the -- permanent
11 entry to the basement.

12 MS. PEREZ: Okay.

13 VICE CHAIRPERSON GUTIERREZ: Anybody
14 else? Okay, close. Now, open to the public,
15 anybody have any questions? None from the public.
16 I make a motion to grant the application.

17 MR. VALLEJO: Motion on the table to
18 grant the application by Ms. Gutierrez.

19 MR. ORTIZ: Second.

20 MR. VALLEJO: Seconded by Mr. Ortiz.
21 Roll call on the motion. Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Ms. San Martino.

7 MS. SAN MARTINO: Yes.

8 MR. VALLEJO: Six in favor, motion
9 carries.

10 MR. LOPEZ: Thank you so much.

11 VICE CHAIRPERSON GUTIERREZ: Thank you.

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1 **JORGE & ZAIDA TURBAY -**
2 **731-733 30TH STREET:**

3
4 MR. VALLEJO: Now, we're going to move
5 to number 7, 731-733 30th Street, Jorge and Zaida
6 Turbay. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Good evening, counsels, Madam Chair, Members of
9 the Board, may it please the Board, Bianca
10 Pereiras on behalf of the applicant.

11 This is a matter that has actually been
12 continued. We provided testimony I believe at the
13 February 9th meeting, we did not have the pleasure
14 of our new Board Members at that time and I don't
15 believe you read the transcripts from the
16 February 9th hearing, correct?

17 MR. PANEQUE: Ms. Pereiras, since we do
18 have two new Board Members who were not here, I
19 would most respectfully request that you have the
20 application commence anew.

21 MS. PEREIRAS: Absolutely. Happy to do
22 so.

23 MR. PANEQUE: Thank you.

24 MS. PEREIRAS: So the application in
25 question is for property at 731-733 30th Street.

1 We have a lot that's approximately 3,100 square
2 feet that has a two-family home on it. The crux
3 of this application is for a very small portion of
4 this lot, it's about 334 square feet garage that
5 we are looking to convert to commercial space.
6 The applicant's son is here. They have actually
7 partnered with Union City native and renowned
8 world champion, Mr. Paul Vizzio. And the goal of
9 this space is to have Mr. Vizzio do one-on-one
10 training with individuals. So it will be a small
11 kickboxing martial arts studio, but only for
12 one-on-one training.

13 We have two experts to testify before
14 the Board this evening. And I'd like to begin the
15 presentation with our architect, Mr. Manuel
16 Pereiras.

17
18 M A N U E L P E R E I R A S, after having been
19 duly sworn or affirmed, did testify as follows:

20
21 MR. PEREIRAS: Manny Pereiras,
22 P-E-R-E-I-R-A-S, with Pereiras Architect
23 Ubiquitous, located at 1116 Summit Avenue here in
24 Union City.

25 MS. PEREIRAS: And simply for purpose of

1 the new record, Mr. Pereiras has been qualified
2 before and has also appeared before this Board
3 several times.

4 VICE CHAIRPERSON GUTIERREZ: We accept
5 his qualifications and welcome.

6 MR. PEREIRAS: Thank you, Madam Chair.

7 VICE CHAIRPERSON GUTIERREZ: Many times.

8 MS. PEREIRAS: Are you familiar with the
9 property at 731-733 30th Street?

10 MR. PEREIRAS: Very much so.

11 MS. PEREIRAS: And did you prepare the
12 drawings that are before the Board this evening?

13 MR. PEREIRAS: I have.

14 MS. PEREIRAS: And would you kindly
15 describe the proposal before the Board?

16 MR. PEREIRAS: I'd be very happy to.
17 For purposes of the record, the drawings on the
18 easel to my left are the same drawings submitted
19 to the Board, they were actually revised at one
20 point. We are dealing -- first and foremost, the
21 Board should understand that this is a
22 significantly oversized lot. Where Union City
23 requires 2,500, we are at 3,187 square feet. It's
24 41.09 wide and 81.23 in depth, so a little bit
25 different from our usual configuration. But the

1 house is on the corner of Summit and 30th Street.
2 There's some photographs of the house here along
3 the left in the neighborhood. But as you can see,
4 the house faces 30th Street and then there is a
5 garage along Summit Avenue.

6 That garage is the focus of our
7 application tonight. And what we're basically
8 doing is legalizing the condition that's already
9 there. And just making it much more comfortable
10 and making it safe and legal. So speaking of that
11 garage, this is the garage and its dimensions,
12 it's 18-foot six inches in depth, that is very
13 much undersized for a garage in today's standards.
14 And it's really not suitable as a garage. So much
15 so that Union City built a lamp post right front
16 of the garage. So obviously even the City didn't
17 recognize this as a garage because there's a light
18 post right smack in front of this property.

19 So what we're looking to do is take the
20 garage doors that are existing there, remove them
21 with beautiful storefront glass, have a proper
22 entrance, create a real ADA bathroom so that we're
23 complying with handicapped code and basically use
24 that space for this training facility, which is --
25 it's only 334 square feet, but it's perfect for

1 one-on-one training with one person.

2 This is also less than a block away from
3 a school, so it's a much safer solution than what
4 it was before. Having garages coming in and out
5 with school children going to school would have
6 been an unsafe thing. Now we have a training
7 studio, which actually compliments kids in school.
8 They can take classes here, it's a very nice
9 complimentary use.

10 I could go on but I think that that's --
11 it's a simple application, I'll keep it simple
12 there. We do want proposed signage. We're fixing
13 up the facade a lot. If you look at the
14 photograph, what it looks like right now, it looks
15 like a messed up garage. There's a gate there and
16 there's a garage door to the right of it. We're
17 cleaning that up, putting a nice cornice on it,
18 putting a sign with lighting on it. So it's going
19 to look significantly more beautiful. And it's on
20 Summit Avenue, which it makes sense from a
21 commercial standpoint to have that there on
22 Summit.

23 And that concludes my testimony and we
24 have a planner who will talk more about the
25 variances that are requested.

1 MR. PANEQUE: Before we proceed, Mr.
2 Pereiras, I have a question. Wasn't this
3 application originally presented as a water
4 company?

5 MR. PEREIRAS: It was. It absolutely
6 was and we recognized that the Board was very much
7 against this. And the owner understood that that
8 was not going to work for the neighborhood. So he
9 changed the concept of it. He knew Mr. Paul
10 Vizzio and he convinced him of this and that's why
11 we made an application that makes sense.

12 MR. PANEQUE: Okay. But you're coming
13 back on your same application.

14 MR. PEREIRAS: Because it's a commercial
15 space, it's not specifying -- nothing was
16 specified in our application. It was just
17 testimony.

18 MR. PANEQUE: The testimony last time
19 was that it was going to be used as water storage
20 facility.

21 MR. PEREIRAS: That's correct.

22 MR. PANEQUE: And now, it's going to be
23 changed into a quasi-training martial arts dojo,
24 whatever you want to call it?

25 MR. PEREIRAS: Correct.

1 MR. PANEQUE: The memorandum of Mr.
2 Spatz, who we have in front of us, goes back to
3 October of 2022 and it's based on your previous
4 application.

5 MS. PEREIRAS: The application and the
6 drawings that were submitted were for a commercial
7 space. At no point until the testimony that we
8 presented in February did we specify any kind of
9 use.

10 MR. PANEQUE: I see.

11 MR. PEREIRAS: And Mr. Spatz has
12 reviewed the current plan that there were some
13 changes to it, clarifying a few things. And it is
14 under his review.

15 MR. PANEQUE: Do we have a -- Mr.
16 Vallejo, have we received a revised memo from Mr.
17 Spatz based on the changes that were submitted?

18 MS. GABLE: I have an October 27th memo
19 from him.

20 MR. PANEQUE: That's the original one.

21 MS. GABLE: I did not receive another
22 more updated one from him.

23 MR. PANEQUE: Thank you. What were the
24 changes structurally that would have to be
25 addressed by Mr. Spatz?

1 MR. PEREIRAS: Nothing structurally. It
2 was more about the semantics of presenting this
3 and being clear that there was -- we basically
4 blew up this drawing on the ground floor showing
5 the location of the existing light post, showing
6 the sidewalk, that we're removing the curb cut
7 along here. So it was just things that was
8 dialogue between Mr. Spatz and myself just to
9 clarify on the drawings. It doesn't structurally
10 change anything to his memo or to the breadth of
11 the application.

12 MR. PANEQUE: In the present
13 application, both garages are being used for the
14 proposed use, right?

15 MR. PEREIRAS: That's correct. And it
16 was always the case.

17 MR. PANEQUE: Okay. So we're losing the
18 curb cut?

19 MR. PEREIRAS: We're losing the curb
20 cut.

21 MR. PANEQUE: And, therefore, we're
22 losing the existing off-street parking that we now
23 have for the home?

24 MR. PEREIRAS: Correct.

25 MR. PANEQUE: So according to Mr. Spatz,

1 a total of five spaces are required as a variance?

2 MR. PEREIRAS: That's correct. Four for
3 the --

4 MR. PANEQUE: -- and the commercial
5 space would still require one.

6 MR. PEREIRAS: Four for the house and
7 one for the commercial space. So it would be a
8 total of five spaces that we're requesting a
9 variance.

10 MR. PANEQUE: Okay. I just want to
11 clarify something with our planner. Does it make
12 a difference if the use is now a dojo, where
13 you're going to have students coming in and so
14 forth?

15 MS. GABLE: Let me check the ordinance,
16 if that's all right?

17 MR. PANEQUE: I just don't know if
18 that's going to kick a different parking
19 requirement because you're going to have students
20 coming in to the area, as well as, you know, where
21 before it was storing water. And now it's, you
22 could have potentially ten, fifteen students
23 there.

24 MR. PEREIRAS: Our commercial space
25 parking requirement is basically 300 square feet

1 per parking space. It doesn't change depending on
2 the use, unless it's medical. So it would still
3 be the same parking requirement. So we would
4 still need five parking spaces in total.

5 The reality is that cars could never
6 park in those spaces, it was too small as it is.
7 It's really a legalization of an existing
8 condition. This was a commercial use for many
9 years, it's just a matter of making it up to code.

10 MR. PANEQUE: The garage door was also
11 commercial use?

12 MR. PEREIRAS: So, yeah, there was --
13 this portion was like literally a storefront and
14 this portion still had the garage door on that
15 side.

16 MR. PANEQUE: But the area behind the
17 garage door?

18 MR. PEREIRAS: It was storage for the
19 commercial space.

20 MR. PANEQUE: So they weren't parking --

21 MR. PEREIRAS: Yeah, no one has parked
22 there in many years.

23 MR. PANEQUE: While we get that answer,
24 if you want to present your planner, so we
25 don't --

1 MS. PEREIRAS: Mr. Dougherty.

2 MR. PANEQUE: To bring our new members
3 up to speed, when this application started, the
4 presentation was that we were going to have a
5 water company, those five gallon water companies,
6 they were going to store it there and deliver from
7 there. So that was the basis of the applications.
8 So we've gone from water to some type of martial
9 arts studio now.

10

11 A L E X A N D E R D O U G H E R T Y, after
12 having been duly sworn or affirmed, did testify as
13 follows:

14

15 MR. DOUGHERTY: Alexander Dougherty,
16 last name is D-O-U-G-H-E-R-T-Y, professional
17 planner, 54 Main Street, Chatham, New Jersey. My
18 licenses are good and current and I've testified
19 in front of this Board and many others.

20 MR. PANEQUE: Thank you, Mr. Dougherty.

21 VICE CHAIRPERSON GUTIERREZ: Yes, I
22 accept your qualifications, thank you.

23 MR. DOUGHERTY: I do apologize for the
24 new Board Members. Last time we presented this
25 application, I had some aerial exhibits,

1 documenting the site's condition, as we kind of
2 just outlined and ironed out. And you see on the
3 site plans before you, the photos off to your
4 right here -- I'm sorry, your left.

5 If you really look at this garage,
6 what's important to note about this feature we
7 just hashed out is currently cars are not parking
8 in there. We see an awning there, we see a
9 storefront on the one side. We do have the
10 typical garage bay door there. Historically, this
11 property is not using this structure, this
12 detached garage as a garage. So I do note we have
13 some parking.

14 We are in the R low density residential
15 zone, where the mixed use component here is not
16 allowed. So we're here for what's called a (d) (1)
17 use variance. Essentially when we look at that,
18 we have four prongs with site suitability. I
19 think we certainly look at site suitability a
20 number of ways, condition wise, the context.

21 The condition of this worked as a --
22 some form of a commercial use here. And the
23 context of things, when we look at the street
24 fabric, we know Summit here, we do have some low
25 lying retail uses there. I think this component

1 here extends that retail amenity for the
2 neighborhood. And the facades of this proposed
3 project will bring the nice streetscape there. We
4 looked at the streetscape when we were here last
5 time talking about the water distillery and things
6 like that.

7 If you look at that streetscape and we
8 talked about getting the curb cuts removed and
9 gaining one more on-street parking. You know, we
10 look at that, even if this wasn't a commercial
11 space here, you know, or garage, that pole really
12 does limit the use of this as a garage. And then
13 the structure itself with the depth.

14 So in the context of things, I think
15 commercial space is very suited here, it works
16 here. When we look at special reasons, part of
17 this is the positive here. We're going to bring
18 this structure-- bring in a new face, give it
19 that curb appeal. We have another amenity going
20 into the local community here. I think this is a
21 great adaptive reuse of a project, smart growth
22 in-fill here for that garage space.

23 Right now, it's kind of an eyesore. We
24 are one block away from the school. I think this
25 is a great opportunity to bring that youth and get

1 some after school programs, one-on-one and so
2 there are profound benefits of working with the
3 youth in this capacity.

4 With that being said, it's an efficient
5 use of land for a variety of uses. Again, I don't
6 think it's going to change the fabric of the
7 neighborhood. I think this neighborhood has seen
8 this over the years historically as a commercial
9 use. I believe when we look at this, we advance
10 purposes of Municipal Land Use Law, purpose A,
11 purpose G, I, and M. A, to encourage municipal
12 action to guide appropriate use or development in
13 a manner which will promote the public health,
14 safety, morals and general welfare. I think when
15 we look at a dojo, we can certainly say that that
16 will advances the purposes A.

17 G, to provide sufficient space in
18 appropriate locations for a variety of uses, both
19 public and private, according to their respective
20 environmental use in order to meet the needs of
21 all New Jersey citizens.

22 Purpose I, desirable visual environment.

23 Purpose M, to encourage coordination of
24 various public and private procedures and
25 activities shaping land development with a view

1 of lessening the cost of such development. In the
2 structures here, it's a good class of use.

3 When we look at the negative here, the
4 public impact I don't believe is going to be a
5 substantial impact here to allow this dojo and
6 training facility for one-on-one. It's
7 one-on-one, it's not really a mass training. So
8 the demand to come here would be certainly
9 limited. The space is limited and I think it's a
10 very small boutique, one-off opportunity to
11 provide another amenity for the community at
12 large.

13 And when I look at the intent of the
14 zone here, which is the last criteria in
15 reconciling this, I don't believe it's going to
16 impair the entire zone of the residential. In
17 fact, I think it's going to compliment it because
18 right next door, we have a whole strip of low
19 lying retail commercial space. And again this lot
20 is distinctly unique because it's substantially
21 oversized.

22 And with that, I'll conclude here. I
23 think this is a great application with little to
24 no detriment at all. And I would warrant that the
25 approval be warranted.

1 MR. PANEQUE: Thank you, Mr. Dougherty.

2 VICE CHAIRPERSON GUTIERREZ: Any
3 questions from the Board Members?

4 MR. VALLEJO: Mr. Paneque.

5 MS. GABLE: I have here the parking
6 request, I found the numbers. I believe this use
7 would qualify either as a health club and fitness
8 center, that's one space per 300 square feet and
9 we're at 334 square feet. Or it could be an
10 indoor commercial recreation, including roller
11 rink, ice skate, recreation center, and sports
12 club. And it's about four and a half spaces per a
13 thousand square feet.

14 So if you apply the health club and
15 fitness center it's that one space. If you apply
16 the other one, it's about one and a half spaces.
17 So it's about one space deficient, one or two.

18 MR. PANEQUE: So that coincides with the
19 testimony that's been provided.

20 Mr. Dougherty, what we have before us
21 this evening is a request for a dojo studio,
22 boutique. In comparison to what had been
23 presented before, which was the water facility,
24 and as an expert planner, which has less of an
25 impact on the neighborhood?

1 MR. DOUGHERTY: I think this dojo does.
2 I think this is something that really works well
3 with a community. The water distillery was
4 talking about doing deliveries only, not coming
5 here to reduce the need to visit the site. But
6 nonetheless, when you look at that operation, it's
7 distilling water and so forth versus just, you
8 know, a nice one-on-one opportunity to train and
9 be healthy and work with the youth. I think this
10 application here really is a better suited low
11 intensity impact and better use for the community.

12 MR. PANEQUE: It's fair to say most
13 dojos, they only have hours of operation for a
14 certain limited time during the day?

15 MR. DOUGHERTY: Right. I think that is
16 what we're going to go over next, what those hours
17 of operation may look like.

18 MR. PANEQUE: Whereas, a water facility
19 is probably running seven, 24?

20 MR. DOUGHERTY: Yes. And distillery is
21 more mechanical, this is more health oriented,
22 one-on-one self esteem, fitness and technique.

23 MR. PANEQUE: Thank you. Mr. Pereiras,
24 do we have hours of operation that are estimated?

25 MR. PEREIRAS: We do. Do you have the

1 list?

2 MS. PEREIRAS: So during the week and
3 during -- it's after school hours, so we're
4 looking at 3:00 onwards. I don't know what time
5 we were looking to close.

6 MR. TURBAY: Since it's one-on-one, it's
7 mostly with reservation. So there's not going to
8 be a lot of in and out, mostly adults after work.

9 MR. PANEQUE: If you want to have your
10 client sworn and testify?

11 MS. PEREIRAS: Sure.

12

13 A L E X T U R B A Y, after having been duly
14 sworn or affirmed, did testify as follows:

15

16 MS. PEREIRAS: Mr. Turbay, if you could
17 tell us what your anticipated hours of operation
18 are for the business?

19 MR. TURBAY: Sure. So it's -- we're
20 going to focus on business -- people who work. So
21 it's going to be after hours, weekends, and
22 everything is going to be on schedule. So it's
23 not like it's 24/7 open, so it's usually
24 reservations.

25 I'm a student under Sifu Vizzio and this

1 is where the idea came in. He wants to come back
2 to Union City. I had a little space that I think
3 a water store would have been a lot in terms of
4 equipment investment and all that. And it seems
5 something that I personally enjoy a lot and I
6 think it would be great if we could bring him back
7 to Union City. So something we're really excited
8 about.

9 MR. PANEQUE: Anything else, Ms.
10 Pereiras?

11 MS. PEREIRAS: No, Counsel.

12 MR. PANEQUE: Okay.

13 VICE CHAIRPERSON GUTIERREZ: Open to the
14 public?

15 MR. VALLEJO: Any Board?

16 VICE CHAIRPERSON GUTIERREZ: Any Members
17 of the Board?

18 MS. PEREZ: If we approve this, we're
19 approving that the space is commercial or it
20 already is commercial?

21 MR. PANEQUE: The space is not
22 commercial, it's residential.

23 MS. PEREZ: It's residential.

24 MR. PANEQUE: And if we approve it, it
25 would be a commercial use as a dojo boutique

1 facility. So they couldn't -- even though it's
2 going to be commercial, they can't turn around and
3 convert it into, let's say, a liquor store.

4 MS. PEREZ: That's what I wanted to ask,
5 can you make it a pizzeria in two months? Any
6 time you want to change the use, it has to come
7 back?

8 MR. PANEQUE: Yeah. They would have a C
9 of O approved by this Board for what they have
10 requested, which is the dojo facility.

11 MS. PEREZ: Okay.

12 MR. PANEQUE: So a pizzeria, they would
13 have to --

14 MS. PEREZ: You would have to come back
15 if you change it?

16 MR. PANEQUE: Yes. Ms. Pereiras, you
17 agree with that?

18 MS. PEREIRAS: Yes, I do.

19 MS. PEREZ: Just want to make sure.

20 This has a lot less parking situation.

21 MR. PANEQUE: Well, as Mr. Dougherty
22 stated, the intensity of what was being presented
23 previously, the water, would have been more
24 impactful on the neighborhood because of the truck
25 traffic and so forth, whereas this kind of dojo

1 boutique, especially from what Mr. Turbay said,
2 that it's one-on-one kind of thing, maybe a couple
3 students in there, will be less of an impact.

4 And the parking requirement has been
5 confirmed that it still remains at one.

6 MS. PEREZ: And the area gains a parking
7 spot because right now you can't park there?

8 MR. PANEQUE: Correct.

9 VICE CHAIRPERSON GUTIERREZ: I make my
10 motion to approve the application with all the
11 conditions.

12 MR. VALLEJO: Motion on the table to
13 approve the application by Ms. Gutierrez.

14 MS. PENA: I'll second it.

15 MR. PANEQUE: Before we vote, the
16 condition is that it's being approved as a dojo
17 and it has to remain as a dojo. Any other changes
18 to any other type of commercial would have to come
19 back before the Board.

20 MS. PEREIRAS: Understood.

21 MR. VALLEJO: Motion on the table to
22 grant the application by Ms. Gutierrez, seconded
23 by Ms. Pena. Roll call on the motion.

24 Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 MR. VALLEJO: Mr. Ortiz.

2 MR. ORTIZ: Yes, with all the stated
3 condition.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

12 MR. VALLEJO: Six in favor, motion
13 carries.

14 MS. PEREIRAS: Thank you all very much.

15 VICE CHAIRPERSON GUTIERREZ: Thank you.

16 * * * *

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1 **HUNG FAT, INC. -**

2 **1212-1216 SUMMIT AVENUE:**

3
4 MR. VALLEJO: On the record. Next
5 application ON tonight's agenda, Hung Fat, Inc.,
6 1212-1216 Summit Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you.

8 Again, Bianca Pereiras on behalf of the
9 applicant, Hung Fat, Inc., for property at
10 1212-1214 Summit Avenue, also known as Lots 26 and
11 28 in Block 58. I'm sure many of you remember
12 this building, this is Summit Theatre. So many of
13 us -- I used to go to a lot of movies there when I
14 was a little girl. So I'm glad to see an
15 application in front of this Board to finally
16 bring some life back in that building.

17 This Board might recall that we came in
18 front of you back in 2019 for a similar approval.
19 Unfortunately, I think that was the last
20 resolution before COVID hit and the owners were
21 not able to act on those approvals. And so here
22 we are back again with a new application,
23 hopefully, for the Board's consideration this
24 evening.

25 We have two experts. I'd like to begin

1 with our architect, Mr. Manuel Pereiras.

2

3 M A N U E L P E R E I R A S, previously sworn:

4

5 MR. PEREIRAS: Manny Pereiras, I
6 recognize I am still under oath.

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property at 1212 --

9 MR. PEREIRAS: Very familiar.

10 MS. PEREIRAS: And can you please
11 describe the project for the Board?

12 MR. PEREIRAS: I'd be very happy to.
13 Actually over the years, this is one of my
14 favorite projects, not only because it's so close
15 to home and this is where I saw so many movies
16 growing up and friends with the owners and -- but
17 it's also kind of a very beautiful piece of
18 architecture that we are proposing to preserve.
19 Union City once had many theatres, they're -- most
20 of them are gone at this point. The Summit --
21 this used to be the Summit Hippodrome and it's
22 actually got a lot of really beautiful character
23 to it. You see the brick work that it has, the
24 old cornice. So we're looking to salvage all of
25 that in what we call an adaptive reuse project.

1 And really marry that with the new, which is this,
2 the two-story version up here, which fits well.
3 It's set back a couple feet from the facade
4 itself. So this marriage of the two to adaptively
5 reuse the existing building I think is a very
6 beautiful interpretation. It really preserves a
7 lot of our history of Union City and yet makes it
8 very useful and it animates Summit Avenue. Summit
9 Avenue needs more people in it because we are --
10 even the stores, everything, is hurting ever since
11 Amazon has taken over. We need more people to add
12 to animate Summit Avenue. This is my
13 neighborhood, so I feel very strongly and
14 passionately about that.

15 So let me walk you through the project
16 so you know exactly what we're doing. First and
17 foremost, this is a big lot. It's four times the
18 lot size of a typical lot in Union City in the CN
19 district. We are almost -- we're 90 feet wide,
20 we're 101.2 feet on one side and 99.25 feet on the
21 other. And the current theatre occupies
22 100 percent of the footprint.

23 So one of the very important aspects of
24 our application is that we're tearing down a
25 portion of the rear and that's very important from

1 a planning standpoint because we're bringing light
2 and air. You're seeing so many applications
3 earlier today that are asking for variances to
4 grow and make it bigger. We're actually doing
5 exactly the opposite. We're opening up, tearing
6 down the back of this building, creating rear yard
7 space and bringing light into the neighborhood.

8 And then what we were doing with the
9 existing space, I'd like to describe right now.
10 So this is our ground floor. On the ground floor
11 we have an existing barber shop, that's going to
12 remain. We have an existing dental lab, that's
13 going to remain. The portion over here, which
14 used to be the main entrance to the theatre is
15 going to become the new main residential entrance.
16 And then next to that, we're creating a studio
17 apartment. That studio apartment is creating
18 handicapped access to the building. So if someone
19 were in a wheelchair they'd have access in that
20 space.

21 We have, in the rear portion, three
22 additional bedrooms. And then when we get
23 upstairs to the second and third floor, we have
24 the same footprint copied twice over. So you have
25 again three bedrooms along the back and three

1 bedrooms along the front -- three apartments along
2 the front. Again, three apartments long the rear
3 and three apartments along the front. And it's a
4 healthy mix of apartments. The corners are one
5 bedroom, the center is a two bedroom. Same thing
6 in the front, one bedroom, two bedroom, one
7 bedroom. So we have a total of 16 apartments, two
8 commercial spaces in this existing building, which
9 makes perfect sense with the size of the structure
10 and salvaging what we have here.

11 The facade, just to describe a little
12 bit of what we were talking about again. We're
13 maintaining that existing facade, we're removing
14 the marquee, the old theatre marquee and salvaging
15 this facade and providing our new architecture
16 that is basically second place to the existing
17 facade, to the historic facade. So the concept is
18 that it almost blends away into the back and ties
19 together very seamlessly.

20 Here, we have some photographs of the
21 site. As you can see that theatre is basically
22 covering the entire site. We're reducing that
23 significantly. That concludes my testimony and
24 we're open for planning.

25 MS. PEREIRAS: Mr. Dougherty.

1 MS. GABLE: I have a question. Were you
2 keeping the marquee sign or eliminating that?

3 MR. PEREIRAS: We're eliminating the
4 marquee sign.

5 MS. GABLE: Okay.

6
7 A L E X A N D E R D O U G H E R T Y, previously
8 sworn:

9
10 MR. DOUGHERTY: I recognize I'm still
11 under oath. For the Board this evening, in
12 preparation for this application, I prepared an
13 exhibit packet. It identifies as seven, it's
14 really five. I marked every single one five pages
15 with my initial next to it. It consists of maps
16 and just photographs documenting the site. If it
17 pleases, I'll pass this out.

18 MS. PEREIRAS: Counsel, should we mark
19 that as A-1?

20 MR. PANEQUE: A-1.

21 MR. DOUGHERTY: So your first page on
22 here is really just the zoning map. And the
23 little red arrow in the bottom left indicates
24 where we are within the zone. You see we're in
25 that red area on Summit Avenue, which is the CN

1 zone. The next slide on page two will show you
2 the tax lots outlined in red. The next ones are
3 just some photographs and some maps from GIS. As
4 you can see here, we have a fairly large piece of
5 property as the architect just went over.

6 And when we look at the third page here,
7 I think what's important to take away from here on
8 the third page is the map created from N.J.
9 GeoWeb's GCOF. On the third page, you'll see
10 little bus indicators going up and down Summit
11 Ave. here, just showcasing mass transit
12 accessibility is really at the door step here
13 because parking is certainly going to be an issue
14 as the site historically has never accommodated
15 parking on-site and going forward, it will
16 continue to be that way.

17 Page four here is an existing photo of
18 the site taken by myself on March 5th. You see
19 those are the full cornices, arched windows, the
20 marquee we just talked about goes away. As you
21 can see that's what's there today and that's what
22 we're going for on the ground. So we're really
23 keeping that historical look of the property
24 that's been ingrained in the local community's
25 fabric and certainly that's dominated the Summit

1 streetscape for a very long time. So we're going
2 to keep that, kind of bump up some residential
3 behind it.

4 What's important when we look at the
5 fifth page here is the massing of the property to
6 our right, our adjacent. It's a fairly large
7 apartment complex. And then off to the left
8 there, you'll see down the street, there's another
9 fairly large apartment complex there. So what
10 we're doing is we're really filling that void from
11 the public realm with something compatible. I
12 think that rendering really does show a good
13 indication of how we fill that void. So that's
14 what this five page exhibit is reflective of
15 there.

16 And when we look at the property itself,
17 consists of three tax lots on Block 58, Lots 26,
18 27, 28, approximately 1214 Summit Avenue. The
19 area is primarily mix of residential apartments,
20 mixed use commercial, various types of sizes. I
21 think we have some really great diversity along
22 Summit Ave., this is on page three. We do have
23 mass transit available.

24 The plan is for six apartments. We want
25 to retain that iconic movie theatre elevation or

1 facade of the building, strong association and
2 recognition within the community, adaptively
3 reusing the vast majority of the structure. And
4 again to provide for the mixed use complex here.
5 Of those 16 apartments, we have one studio, ten
6 one bedrooms and five two bedrooms.

7 And it's -- we have some on the ground
8 floor. Studio, two bedroom -- two one bedroom
9 units and one two bedroom unit, all of which have
10 access to the newly created rear yard. We talk
11 about the rear yard, what's important to note, I
12 know we discussed it briefly. The site is
13 currently built out to the lot lines, where your
14 rear yard setback is 20 feet, currently it's at
15 zero. We're bringing it to 30 feet, so we're
16 going to bring that well within the rear yard
17 setback limits here. Bring that in, and then
18 going up with that.

19 We are in that CN neighborhood
20 commercial zone. I believe this application
21 substantially is in good conformance with the
22 intent of the zone, which is that mixed use scale
23 here. We are a little larger than what the zone
24 probably intended, so we're going for that (d)(1)
25 use variance here. With that being said, doesn't

1 really allow for apartments on the first floor as
2 well as the number of apartments going up is
3 certainly limited as well. So we're going for
4 (d) (1) with (d) (5) density. We do have some minor
5 (c) (1) bulk relief linked to that, which is kind
6 of subsumed in the (d) (1) use relief.

7 With that being said, the lot is
8 deficient with respect to the lot depth. We fall
9 short of the requirement by merely 10 inches,
10 which I don't believe is a detriment to the
11 project overall. We talk about site suitability
12 for the (d) (1) use. I believe the site is
13 particularly suited for the use by its condition
14 and context. When we look at the context and
15 condition of the neighborhood, neighboring land
16 use are extremely larger in scale, mixed use and
17 residential. Condition wise, I believe, you know,
18 the site is -- held up fairly well, but is
19 weathered and tattered. It's nearly vacant and
20 certainly oversized. I believe we have excellent
21 carrying capacity to accommodate this use at the
22 site.

23 Special reasons are on the positive
24 criteria here. The project promotes the general
25 welfare with new housing stock for a growing

1 population, promotes a variety of housing options
2 to meet all the needs of New Jersey citizens. The
3 redevelopment is complimentary to and in harmony
4 with the Summit Ave. corridor.

5 The project bolsters the diversified
6 character of Summit Ave. and puts people near mass
7 transit and in your downtown. The project
8 deliveries new housing stock to offset the aging
9 housing stock. The project promotes positive
10 aesthetics, efficient use of land and a variety of
11 uses in the respects to the land.

12 With that being said, I believe we
13 advance purposes A, E, G, I and M. Purpose E is
14 to provide for appropriate densities in
15 appropriate locations. I believe these 16
16 apartments are appropriate for Summit Ave.,
17 especially in this location of Union City here.

18 With that being said, when you look at
19 the negative impact, I believe the project will
20 minimal negative impacts, if any. The site will
21 function and operate safely. I know we have a
22 parking deficiency here. The site has never had
23 parking. And with that being said, we are gaining
24 some rear yard, bringing that property into more
25 of a compliance and we are under the height. I

1 don't believe this is overdeveloped or
2 overcrowding. The unit sizes are very comfortably
3 sized, and there's certainly a variety. With that
4 being said, this would be built to applicable
5 building and fire code regulations and it will
6 certainly give a healthy range of modern housing
7 choices. And, again, this is an adaptive reuse.

8 When we look at the zone plan in
9 reconciling the zone here, relief relates to
10 distinct site with existing characteristics, not
11 the whole zone. The project will strengthen the
12 C1 zone with residents and general population to
13 support the local businesses. Again, the movie
14 theatre went under, I'm sure for a variety of
15 reasons, but when you put people in your downtown,
16 it certainly gives your economic corridor a
17 fighting chance.

18 The degree of departure from the zone
19 scheme I don't believe is substantial. Apartments
20 over retail is allowed. With that being said, we
21 are limited to the amount of apartments over
22 retail. I'd like to encourage and revisit that we
23 have three adjoining lots, so we are oversized.
24 And I think given that robust size, we can
25 accommodate the increased density here.

1 When I look at some of the "C" relief
2 here, just to kind of go over that, the lot depth
3 and parking. We would require 30 parking, the
4 site has zero. Again, historically, had zero
5 parking here. We're going to continue that use
6 from a land use perspective, commercial retail.
7 Those generate more trips per volume and land use
8 than residential. So the fact we're getting rid
9 of a movie theatre would lower the demand to
10 drive, let's say, to the facility versus your
11 apartment. You know, the only people going to the
12 apartment are really the people that live there
13 and maybe some family and guests, it's not a
14 destination location. We certainly limit that by
15 getting rid of the movie theatre, the land use
16 itself and putting some apartments there.

17 With that being said, we are under the
18 height requirements, it's important to note.
19 We're allowed four stories or 50 feet, we're at
20 three stories, 39 feet. So we're falling
21 certainly within that height limit. But again, I
22 think it's tastefully done to kind of fill that
23 gap between the two larger apartment complexes.

24 Impervious coverage was at 100 percent,
25 it will now be at 76 percent. Building coverage

1 80 is allowed, we were at 100, we'll now be at
2 64 percent. And again we're growing that rear
3 yard from zero where 20 is allowed, we're at 30
4 now. So there are some positives with this
5 application.

6 With that being said, some of the mass
7 transit nearby. We have bus line 83, 85 and 87.
8 When I look at some of the relief, when we look at
9 this generally speaking, this relief is a
10 preexisting condition related to the parking and
11 the lot depth. The density, part of that relief
12 when we look at that density is can the site
13 accommodate this. And I believe when we look at
14 the architectural plans, the site can certainly
15 accommodate the density. I think it's called for
16 for this corridor. And the intent of the zone
17 plan.

18 With that I'll conclude, the project is
19 a modest deviation, respectfully, in scale. But
20 it's very much compatible and it will certainly
21 anchor and accentuate the Summit corridor. And I
22 believe this will be a positive addition to the
23 corridor. And with that being said, the criteria
24 for grant of relief would be met and approval
25 would be warranted.

1 And just -- I guess I'll put on the
2 record, I took it a step further and I looked into
3 the City's master plan, the re-examination
4 reports. I just want to bring out some highlights
5 here. The 2019 re-examination goals and
6 objectives, which came directly from community
7 engagement, part of that were number three, where
8 possible, the residents would like to see the City
9 take steps to reduce traffic and improve
10 pedestrian mobility. I think a project like this
11 certainly reduces the need and demand for the
12 vehicle itself and promotes pedestrians and that
13 mobility with respect to being in the corridor and
14 accessing mass transit, so I do want to put that
15 out there.

16 MR. PANEQUE: Any further witnesses?

17 MS. PEREIRAS: That would conclude our
18 presentation. We're open to the Board's
19 questions.

20 VICE CHAIRPERSON GUTIERREZ: Open it up
21 to the Board?

22 MS. PEREZ: I'm concerned about the
23 parking.

24 MS. SAN MARTINO: Yes.

25 MS. PEREZ: The 33 parking spots, it

1 could be more than 33 parking spots. And I
2 don't -- I just don't know where the cars would
3 go. I don't know like what's -- is there a
4 municipal near here? Is there --

5 MR. PEREIRAS: So that has been
6 something that when they prepared the master plan
7 and they prepared the concept of the CN district
8 is -- it has seriously taken into concern. The
9 idea or the concept in this is that the typical
10 resident over the commercial units on the
11 commercial corridor is not the typical resident
12 that's going to be owning a car. This is a
13 commuter resident, this is an on-foot or
14 pedestrian resident. And that's the way we
15 designed these apartments, too. If you notice
16 these aren't luxury apartments, they're very
17 modest apartments, great for the community, which
18 there is a desperate need modestly priced
19 apartments.

20 So the idea is that this type of project
21 doesn't generate a lot of parking demand, even
22 though it is a variance. You would note as well
23 we are being discouraged from creating a curb cut
24 on Summit Avenue. This is a commercial corridor
25 right between 13th -- 12th and 13th Street. This

1 is a highly commercial corridor because this is
2 all along that. The last thing you want to do is
3 break the pedestrian path by creating a parking --
4 a driveway.

5 So in addition to that, we are dealing
6 with an existing building, okay. So we are
7 basically adaptively reusing that building. It's
8 not that we're -- if this was a theatre, it would
9 create an even larger demand. And it is currently
10 a theatre. So if they were to -- able to run this
11 theatre, a lot more parking issues would occur at
12 this site.

13 So, in essence, even though we have a
14 parking variance for 33 on paper, we're reducing
15 the parking variance because the parking
16 requirement is somewhere around 90 cars if this
17 was a theatre. So we're, like, cutting that into
18 a third.

19 MS. PEREZ: But no one drove there.

20 MS. PENA: That's what -- I feel like
21 the community would just walk to the theatre.

22 MS. PEREZ: It was a neighborhood --

23 MS. PENA: If that was the case.

24 MR. PEREIRAS: Absolutely. And the
25 concept is that this is a community-based with,

1 you know, commercial on the ground floor and
2 apartments above, and access to public
3 transportation. We have the 83 right there, we
4 have the 125 on Kennedy Boulevard one block away.
5 There's a lot of mass transit.

6 MR. PANEQUE: I just want to clarify
7 something, Mr. Pereiras. Because, yes, the CN
8 zone was created with a commercial zone on the
9 ground floor with no parking provided. But the
10 limitation is to three units above the commercial
11 zone.

12 MR. PEREIRAS: That's correct.

13 MR. PANEQUE: So here we have three
14 lots --

15 MR. PEREIRAS: Four.

16 MR. PANEQUE: So if we take the four
17 lots separately, in theory, you could have 3 units
18 above each lot. That would give you a total of
19 12.

20 MR. PEREIRAS: Um-hum.

21 MR. PANEQUE: Okay. That was the intent
22 of the CN zone, to not exceed the three above the
23 commercial.

24 MR. PEREIRAS: Correct. And then
25 there's a balance because we are keeping this

1 historic structure. Instead of tearing it down
2 and building four typical units with their own
3 entrances, own stores, we're kind of keeping this
4 historical character of Union City that's so
5 critical and so important and that's part of the
6 give back that we're requesting this Board to
7 consider. Yeah, we're asking for a little bit
8 more density, but in order to keep this and
9 adaptively reuse the existing structures and keep
10 a little bit of beauty.

11 MS. PEREZ: It's three lots or four?

12 MS. PEREIRAS: It's three lots, but
13 it's --

14 MR. VALLEJO: It's only three lots.

15 MS. PEREZ: So really nine would have
16 been the most.

17 MR. PANEQUE: See, I went on your word,
18 it's three lots. Let me just --

19 MS. PEREZ: They're oversized lots.

20 MR. PEREIRAS: But they're oversized.

21 MR. PANEQUE: 30 foot lots. We have to
22 look at it as three lots.

23 MS. PEREZ: But should we?

24 MR. PANEQUE: No, I mean if we look at
25 it as three lots, which is what it is, regardless

1 of the fact that they're not 25, they're 30, we're
2 looking at nine apartments. Which is what is
3 permitted by the CN zone.

4 MR. DOUGHERTY: I think when we look at
5 the zone, the 20 foot wide lots or 25 foot wide
6 lots and these are 30, the density balance with
7 that same area, that square footage, that negative
8 space could accommodate, by the zone, more
9 density, 12 instead of the nine. I know we're
10 asking for 16, that slight four uptick is to help
11 effectuate this project.

12 MR. PANEQUE: Okay.

13 MR. DOUGHERTY: It's a slight uptick in
14 density. Your zone could carry this for 12, we're
15 asking for 16. If we subdivided these into four
16 lots.

17 MR. PANEQUE: You can't get four lots
18 out of 90.

19 MR. DOUGHERTY: So with 30 each lot? We
20 have one bigger than the other.

21 MR. PEREIRAS: If it's 30, it would be
22 two lots.

23 MS. GABLE: It's 25.

24 MR. DOUGHERTY: So we're going to say
25 little over three lots.

1 MR. PEREIRAS: Any further dialogue?

2 MR. VALLEJO: Mr. Paneque.

3 MS. GABLE: I have a question. On the
4 plans, there's this storm water system. Is there
5 a storm water management being proposed in the
6 rear?

7 MR. PEREIRAS: Absolutely there will be.

8 MS. GABLE: And then looking at the
9 floor plans for the first floor, is the rear yard
10 only accessible by those first floor units?

11 MR. PEREIRAS: Correct. It's accessible
12 right now by the first floor.

13 MS. GABLE: Only the first floor units
14 that abut that. So the other tenants wouldn't
15 have access to the yard?

16 MR. PEREIRAS: Correct.

17 MS. PEREZ: They'll have a balcony,
18 there's no --

19 MR. PEREIRAS: There's Juliette
20 balconies.

21 MS. PEREZ: That's what, in the back?
22 Where is that?

23 MR. DOUGHERTY: The Juliette balconies
24 are in the back?

25 MR. PEREIRAS: Right. The dining room

1 area is going have the Juliettes.

2 MS. O'DELL: Juliette balconies are the
3 ones you don't step out, you just kind of open?

4 MR. PEREIRAS: Yes.

5 MS. O'DELL: Now, the storefronts in
6 front, they will also be remade?

7 MR. PEREIRAS: Correct.

8 MS. O'DELL: And jazzed up?

9 MR. PEREIRAS: Part of what we're
10 proposing.

11 MR. PANEQUE: Currently, you have four
12 residential units there that were approved back in
13 2017?

14 MR. PEREIRAS: No. So we went before
15 this Board to correct five residential units, but
16 we never followed through with getting that --
17 getting a CO on those. So no.

18 MR. PANEQUE: But according to
19 Martinetti's memo, back in 2017, there was a
20 legalization for residential units. It was the
21 two commercial spaces, the theatre, and
22 four units. So that's what the building
23 department is recognizing.

24 MS. PEREZ: Are there units there now?

25 MR. PEREIRAS: No, currently, it's

1 vacant.

2 MS. PEREZ: Vacant theatre, empty
3 theatre and two businesses?

4 MR. PEREIRAS: Two businesses are there.

5 MS. PEREZ: And never apartments?

6 MR. PEREIRAS: There were apartments.
7 They were demolished as part of the correction
8 process, but it was never followed through and the
9 CO was never issued.

10 MS. PEREIRAS: I think they pulled
11 permits, a CO was never issued.

12 MR. PANEQUE: Just for the Board's
13 edification, your previously approval that has now
14 lapsed --

15 MR. PEREIRAS: We have -- we had a
16 previously approval to legalize the apartments
17 that were there, which I believe were five, not
18 four, but it doesn't matter. And then we had an
19 approval for 12 units as well. And that has
20 lapsed, so we're here before you today for the 16
21 residential units and the two commercial.

22 MR. DOUGHERTY: For the Board, when I
23 look at your 2021 re-examination of your master
24 plan, the goal, your 2019 re-examination, the
25 goals and objectives that came from the

1 participation from the community. 2021, to
2 provide a balance of land uses and balance of
3 development pattern in appropriate locations in
4 order to preserve the character of the community,
5 encourage economic development, protect and
6 preserve the established residential character,
7 promote and reenforce the City as a desirable
8 residential location, and attractive shopping,
9 entertainment and recreation destination and to
10 improve the quality of life of the residents of
11 Union City, that was 2021. I think we hit all
12 that, to protect and preserve the established
13 residential character, I think is more in line
14 with the residential neighborhood, where detached
15 dwellings.

16 The 2019 re-examination goals and
17 objectives that came from the citizens' input, a
18 lot of it talks about preserving the residential
19 character while simultaneously taking into
20 consideration the mechanisms that promote economic
21 growth and development. Part two, advocate for
22 smart growth and planning principles that maintain
23 the established neighborhoods with scale without
24 exacerbating burdens upon infrastructure. Three,
25 where possible, residents would like to see the

1 City take steps to reduce traffic and improve
2 pedestrian mobility. Six, residents would like to
3 see improved public transit options within the
4 City. Seven, members of the community were
5 interested in maintaining the existing density and
6 scale of the City as opposed to new construction,
7 new high-rise residential development. And eight,
8 residents want to ensure that family character of
9 the City remains and are interested in smart
10 growth techniques that promote health and quality
11 of life. I do think this application brings a lot
12 of that to light.

13 MR. PANEQUE: Thank you, Mr. Dougherty.
14 We're going to have a one minute break. Off the
15 record.

16

17 (Discussion held off the record at 8:13
18 p.m.)

19 (Back on the record at 8:15 p.m.)

20

21 MR. PANEQUE: Back on the record,
22 please.

23 MS. PEREIRAS: Counsel, Madam Chair,
24 having heard some of the concerns raised by some
25 of the Board Members, I'd like an opportunity to

1 address those. And if possible, if the Board
2 would be so kind as to carry this matter to next
3 month, maybe I can address those concerns.

4 VICE CHAIRPERSON GUTIERREZ: Thank you,
5 Ms. Pereiras.

6 MS. PEREIRAS: Thank you.

7 MR. PANEQUE: Is there a motion to
8 adjourn -- Ms. Pereiras, you waive the statutory
9 time limits?

10 MS. PEREIRAS: Of course we do.

11 VICE CHAIRPERSON GUTIERREZ: I make a
12 motion to adjourn to May 11th.

13 MR. VALLEJO: Motion on the table to
14 adjourn this application for May 11, 2023, by Ms.
15 Gutierrez.

16 MS. PENA: Second.

17 MR. VALLEJO: Seconded by Ms. Pena.
18 Roll call on the motion.

19 Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

6 MR. VALLEJO: Six in favor, motion
7 carries.

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1 **ELIEZER WIGDER -**
2 **314 36TH STREET:**
3

4 MR. VALLEJO: Next application on
5 tonight's agenda, Eliezer Wigder, 31436th Street.
6 Ms. Pereiras, please.

7 MR. PANEQUE: Mr. Vallejo, you're going
8 to collect these?

9 For the record, I've been provided by
10 Ms. Pereiras with the following documentation:

11 I have a certification as to publication
12 and service, giving notice of tonight's hearing
13 with respect to the property at 314 36th Street,
14 Block 215, Lot 7. Said certification indicates
15 that notice was given to all property owners
16 within the 200 foot radius.

17 I've also been provided with a tax
18 assessor's list with a date of March 20, 2023,
19 listing all property owners within the 200 foot
20 radius.

21 I've also been provided with a copy of
22 the notice that went out to all property owners,
23 as well as a copy of the publication in the
24 newspaper with a date of March 31, 2023. Said
25 notice indicates that the application with respect

1 to the property at 314 36th Street will be heard
2 at this location, 2500 John F. Kennedy Boulevard,
3 Union City, New Jersey.

4 Ms. Pereiras, I'm going to ask that you
5 provide us with the affidavit.

6 MS. PEREIRAS: Yes. I've requested it,
7 I just have not received it yet.

8 MR. PANEQUE: No problem. That will be
9 a condition.

10 MS. PEREIRAS: Absolutely.

11 MR. PANEQUE: Thank you. I've also been
12 provided with the certified mail receipts dated
13 March 25, 2023.

14 Based on the documentation provided,
15 this Board has jurisdiction to proceed and hear
16 this matter.

17 MS. PEREIRAS: Thank you very much,
18 Counsel. Bianca Pereiras on behalf of the
19 applicant, Eliezer Wigder for property at 314 36th
20 Street, also known as Block 215, Lot 7. The
21 application before the Board this evening is to
22 legalize a basement apartment for a total of three
23 residential units on-site.

24 This property is located in the R low
25 density residential zone and we have two experts

1 to testify before the Board. We'll begin our
2 presentation with our architect, Mr. Manuel
3 Pereiras.

4

5 M A N U E L P E R E I R A S, previously sworn:

6

7 MR. PEREIRAS: Manny Pereiras, I
8 recognize I am still under oath.

9

10 MS. PEREIRAS: Mr. Pereiras, are you
familiar with the property in question?

11

MR. PEREIRAS: I am.

12

13 MS. PEREIRAS: And did you prepare the
drawings that are before the Board this evening?

14

MR. PEREIRAS: I have.

15

16 MS. PEREIRAS: Would you kindly describe
the legalization to the Board?

17

18 MR. PEREIRAS: I'll be very happy to.
19 This is a typical legalization that we see with
the apartment behind the garage, it's actually not
20 a basement apartment, it's a ground floor
21 apartment. We have typical lot that's 25 by 100.
22 A building that we're not looking to change in any
23 way on the exterior. There's a preexisting side
24 yard setback on one side and two foot five side
25 yard setback on the other. Our rear yard whereas

1 20 feet is required, it's 25 feet two inches. Our
2 front yard, whereas only 7 feet is required, we're
3 at 20 feet, so the building is setback
4 significantly in a good way.

5 The sheet that I'm turning to now shows
6 the existing and proposed conditions. Right now,
7 the existing conditions, you can see they built
8 out a storage area. We're proposing to demolish
9 that so we can have a car park inside. So for the
10 first time ever in these legalization situations,
11 we're actually adding a vehicle to the site, which
12 I think is very important. So by demolishing
13 that, we have vehicle parking inside. We
14 currently park two vehicles on the apron outside,
15 so there are three parking spaces for this
16 apartment. And then the existing apartment we're
17 looking to maintain as is, so that we're not
18 displacing anybody, any tenants. And that is a
19 515 square foot apartment, we're considering it a
20 one bedroom apartment. It has a bedroom area and
21 living room area. You can call this a studio
22 apartment because there's no real door separating
23 the bedroom. I think it's more likely better
24 described as a studio apartment of 513 square
25 foot.

1 There are two apartments above, in the
2 two floors above. Those aren't changing in any
3 way. Those are existing three bedroom and three
4 bedroom apartments. And they're each at
5 987 square feet and 951 square feet. And we're
6 not proposing to do any changes to them.

7 I'd like to remind this Board that when
8 we do changes like this, when we legalize a unit,
9 it's a significant improvement to life and safety
10 of both the residents above and the neighborhood
11 as well. When we legalize this unit, we're going
12 to go through the building department process.
13 We're going to create a two hour fire separation
14 in that ceiling. We're going to install a low
15 voltage alarm system throughout the entire
16 building. And there will be a domestic line
17 sprinkler system in that unit as well. So it's
18 going to become a very safe building as a result
19 of this application being approved, if this Board
20 so deems fit. And that concludes my testimony.

21 MR. PANEQUE: Thank you, Mr. Pereiras.

22 Before we proceed with the next witness,
23 I just want to make a notice to the public, on the
24 previous application, which was 1212-16 Summit
25 Avenue, that application was adjourned to the

1 following meeting on May 11th. If anyone in the
2 public is here on that application, that
3 application is carried to May 11th, same place at
4 6:00.

5 MS. PEREIRAS: Thank you, Counsel.

6 MR. PANEQUE: No further notices are
7 going to go out. Thank you. My fault.

8 MS. PEREIRAS: I didn't catch it.

9 MR. PANEQUE: Thank you, Ms. Pereiras.
10 Do you have any further witnesses?

11 MS. PEREIRAS: We do. Since we are
12 seeking a (d) (1) use variance because three
13 families are not permitted, we have our planner to
14 testify as well.

15 MR. PANEQUE: Thank you.

16

17 A L E X A N D E R D O U G H E R T Y, previously
18 sworn:

19

20 MR. DOUGHERTY: Alex Dougherty, I
21 recognize I am still under oath.

22 Similar to the last application, I
23 prepared some exhibit packets kind of documenting
24 the site and some maps, consists of six slides.

25 MR. PANEQUE: We'll have that marked as

1 A-1, Mr. Dougherty.

2 MR. DOUGHERTY: Yes.

3 MR. PANEQUE: Thank you.

4 MR. DOUGHERTY: The first slide is the
5 zoning map with the red arrow indicating where we
6 are, so on the upper part of the page there. And
7 the rest really are reflective of what we saw
8 before, some NJ-GeoWeb, some shots with the drone.
9 So there's about six pages here.

10 The second page is indicative of the
11 NJDEP's GeoWeb outlining the site in red. What's
12 important I like to take a look what's happening
13 behind there, those smaller square lots, if you
14 will. There are some large density on the next
15 block over, but nonetheless, when we look at the
16 site itself, I'm kind of showcasing the property
17 as it is.

18 On page three, we do have that parking.
19 As you see in pink, we do have some side width.
20 But without the pink, you can see there's a
21 vehicle that can easily be parked next to it. We
22 start flying the drone around, taking some shots
23 with the drone, give you some perspective just the
24 property overall condition. You see we have that
25 balcony on the second floor. And there's the

1 apartment on the third floor.

2 Page five, you can see the higher
3 density to the rear of the site, with that larger
4 newer residential build out.

5 And then page six is kind of a collage,
6 if you will, of what's around the property. Right
7 across the street, we do have a church of some
8 sort, a headquarters. And then, you know, we have
9 some -- a nice one way small boutique corridor for
10 the neighborhood. At the corner here, we have
11 some great amenity retail for the community.

12 And the last slide is more just zoomed
13 down version of what you saw with the
14 architectural. On the left of that, bottom
15 square, you see it's a two car. Essentially what
16 we're doing is removing that wall in that garage,
17 gives you access for that third car, as you can
18 see on the bottom right indication of what's being
19 proposed. That's really all the changes to this
20 application is removal of that wall, so we can
21 facilitate a third garage.

22 With that being said, we are looking for
23 a (d) (1) use variance to allow for the three
24 family dwelling to exist and/or be permitted here.

25 We're on Block 215, Lot 7, predominantly

1 residential with a healthy balance of units and
2 heights, commercial amenities around, an
3 abundance. The plan as you heard to modify and
4 retrofit the existing interior with no exterior
5 improvements to the site being made. The massing
6 from the public will remain.

7 With that being said, this project is
8 substantially in zone compliance. Minimum lot
9 area, 2,500 square feet; minimum lot width,
10 25 feet; minimum lot depth, 100; minimum front
11 yard, 7 feet or prevailing, we're at 20; minimum
12 rear yard setback 20, we're at 25; building
13 coverage 65 percent is allowed, we're at 64.
14 Building height, three stories, 38 feet; we're at
15 three stories, 30 feet. So we are predominantly
16 in compliance.

17 With that being said, the site, I
18 believe, is particularly suited for the use.
19 Condition wise, it's already being used as a
20 residential building, it's a minor retrofit, of
21 the small rear -- I'm sorry, lower floor.
22 Contextually, I believe it's in good standing in
23 the context of the neighborhood. We do have some
24 larger residential massing behind us. Across the
25 street is a religious church, I believe,

1 headquarters there. We do have ample mass transit
2 right off New York Avenue.

3 Special reasons, I believe this
4 application, when we look at it, promotes the
5 planning goals to provide for diversified housing
6 to meet all the needs of all the citizens. The
7 project retains and improves what's there. From a
8 safety perspective, as we hear, this will be
9 applicable to all fire and building code
10 regulations to ensure safety of the residents and
11 the neighborhood overall. The improvements add
12 value and quality to the site, which adds value
13 and quality to the neighborhood overall. The
14 project promotes the efficient land use, variety
15 of land uses, economy of scale, we're adding
16 another studio apartment here, more density
17 towards your main corridor.

18 With that being said all this advances
19 purpose of land use law, purpose A, G, I, and M.
20 With that being said, when we look at the negative
21 impact here, I believe relief can be granted
22 without substantial detriment to the public.
23 Again, we will have a site now that is compliant
24 with more of your building code and fire
25 regulations. The site will function and operate

1 efficiently. We have enough parking on site to
2 accommodate that. I do understand there will have
3 to be some communication between the residents of
4 the various floors. Again, kind of really honing
5 in and drawing in that neighborhood feel of
6 knowing your neighbors and your community. I
7 don't believe that's going to be a detriment to
8 the overall project here.

9 When I look at that, I believe the unit
10 is very comfortably sized. I don't think it's
11 overdeveloped and overcrowded. Again, this unit
12 exists there today, it's existed within the
13 neighborhood. But I think we're improving the
14 site by accommodating that third vehicle here.

15 With that being said, I don't believe
16 this is -- when we look at the fourth prong, to
17 reconcile with the zone intent, I don't believe
18 this is constituting a whole rezone. At one
19 point, three families were allowed in the zone.
20 There's certainly more three families still
21 floating around.

22 With that being said, the site itself,
23 relief relates to the specific site, you know,
24 distinct attributes, not the whole zone. This is
25 not tantamount to rezone, it's merely a retrofit

1 of an existing building, nothing on the exterior
2 is changing, nothing from the public realm, if you
3 were to go down the street, would change. You
4 wouldn't even know there was a third unit there
5 unless you knew there was that third unit.

6 With that being said, when we look at
7 the unit itself, if that unit were to be subsumed
8 within the second floor apartment as a bedroom,
9 the density here, the body count wouldn't change
10 with this property if that was part of the second
11 unit as well. In fact, the vehicle count would
12 probably just reduce.

13 With that being said, I still think we
14 advance the purposes of your master plan, your
15 re-examination by preserving the character of the
16 community and the residential character itself.
17 With that being said, I don't believe there's
18 substantial detriment to the public. And we do
19 have some minor relief, which is subsumed within
20 the "D" relief. We do have the minimum side yard
21 setback, where we need two feet on one side and
22 five feet total. We have 2.9 on one side and zero
23 feet for the other, that's an existing condition.
24 We can't move the building, we can't grab anymore
25 land.

1 And with that being said, impervious
2 coverage, requires 95 percent, we're at 100
3 because there's some paver stone patios in the
4 rear of the property that takes us up a little
5 bit. And then the parking counts, we would need
6 six, parking we have three. I believe the three
7 parking is acceptable for this neighborhood, mass
8 transit is one block away. And, again, this unit
9 has existed here with just the two parking, we're
10 adding the third.

11 I don't believe there will be a high
12 demand for the vehicle. I believe it's offset by
13 the walkability and the access to transit and
14 shops and other grocery amenities, just one block
15 over. I believe this helps to fill what -- as we
16 heard earlier, filling the missing middle,
17 providing another option for housing units instead
18 of large scale robust apartment complexes, you
19 still have that residential feel. No physical
20 change to the property from the public realm. I
21 believe the project is palatable and well done and
22 will certainly provide more safety features here
23 for the residents and the community.

24 With that said, statutory criteria for
25 relief have been met and approval would be

1 warranted.

2 MR. PANEQUE: Thank you, Mr. Dougherty.

3 VICE CHAIRPERSON GUTIERREZ: Thank you.

4 Open to the Board, any Members of the
5 Board have any questions? Okay. So open up to
6 the public. Anybody in the public have any
7 questions? None from the public. I make my
8 motion to grant the application.

9 MR. VALLEJO: Motion on the table to
10 grant the application by Ms. Gutierrez. Seconded
11 by?

12 MS. PEREZ: I second.

13 MR. VALLEJO: Ms. Perez. Roll call on
14 the motion to grant this application.

15 Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Six in favor, motion
3 carries.

4 MS. PEREIRAS: Thank you all very much.

5 VICE CHAIRPERSON GUTIERREZ: You're
6 welcome.

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1 **LUCIANO CALLES -**

2 **1817 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Luciano Calles, 1817 Bergenline
6 Avenue. Ms. Pereiras, please.

7 MR. PANEQUE: For the record, I've been
8 provided by Ms. Pereiras with a certification as
9 to publication and service noting that notice was
10 given to all property owners within the 200 foot
11 radius of 1817 Bergenline Avenue, Block 98, Lot 8.

12 I've also been provided with a list from
13 the tax assessor's office noting all property
14 owners within a 200 foot radius of 1817 Bergenline
15 Avenue. This list is dated March 20, 2023.

16 I've also been provided with an
17 affidavit from The Jersey Journal indicating that
18 notice of tonight's hearing was published on
19 March 31, 2023, giving notice of the hearing at
20 this location, the Union City High School.

21 I've also been provided with a copy of
22 the actual notice that went out to all property
23 owners, as well as the certified mail receipts
24 with a postmark date of March 25, 2023.

25 Based on the documentation that has been

1 provided, this Board has jurisdiction to proceed
2 and hear this matter.

3 MS. PEREIRAS: Thank you, Counsel.

4 Bianca Pereiras on behalf of Luciano
5 Calles for property at 1817 Bergenline Avenue,
6 also known as Lot 8 in Block 98. Existing, we
7 have a mixed use structure that has one commercial
8 unit as well as five residential units. The
9 application before the Board this evening is to
10 legalize a sixth unit. We have two experts again.
11 And I'll begin our presentation with our
12 architect, Mr. Manuel Pereiras.

13 MR. PANEQUE: Ms. Pereiras, before we
14 proceed, we just have to reconcile your
15 application with a memo from the building
16 department. Have you seen it?

17 MS. PEREIRAS: Yes, I have seen it. I
18 believe that the memo references four residential
19 units. However, if you turn to the last page,
20 which is a list of the permits. If you look at
21 permit -- the fifth one down, it shows that there
22 was a legalization back in 2004. Do you have
23 that, Mr. Paneque?

24 MR. PANEQUE: I do.

25 MS. PEREIRAS: The fifth one down

1 references that a CO was issued for a basement
2 apartment for a total of five residential units.

3 MR. PANEQUE: I have here -- and I'm
4 reading for the record -- notation of permit issue
5 August 31, 2004, indicating that adding basement
6 unit to create a five-family home, commercial
7 space as per Board of Adjustment approval dated
8 April 2004. And your application tonight is to go
9 from one commercial five units to six?

10 MS. PEREIRAS: Correct.

11 MR. PANEQUE: So we're good. Thank you
12 for clearing that up.

13 MS. PEREIRAS: Thank you, Counsel.

14 Mr. Pereiras.

15 MR. PANEQUE: They should all be that
16 easy.

17

18 M A N U E L P E R E I R A S, previously sworn:

19

20 MS. PEREIRAS: Mr. Pereiras, are you
21 familiar with the property in question?

22 MR. PEREIRAS: I am.

23 MS. PEREIRAS: And did you prepare the
24 drawings that are before the Board this evening?

25 MR. PEREIRAS: I have.

1 MS. PEREIRAS: Would you kindly describe
2 the project?

3 MR. PEREIRAS: I'd be very happy to.
4 The site is a typical 25-by-100 lot. In the
5 front, we have a three story brick building. In
6 the rear, we have a garage.

7 Turning now to sheet Z02, we see the
8 ground floor is the area in question. We have in
9 front, commercial space, we have three garages in
10 the back. There is an existing studio apartment
11 that is behind the commercial space. It has its
12 own separate entrance to 19th Street. There is a
13 current resident there, we're looking not to
14 displace that resident and simply looking to
15 legalize this unit.

16 We'd like this to be considered a
17 preexisting nonconforming structure. And we would
18 be doing everything to bring this up to code.
19 Like I said, with the previous application, very
20 similarly, we're going have a two hour fire
21 separation. This one a little bit more intense
22 because the separation not only goes between the
23 ceiling between this floor and the floor above,
24 but it also separates the commercial space. And
25 then there will be a domestic line sprinkler

1 system in that unit as well. And then the entire
2 building already has a low voltage alarm system,
3 it's simply going to be connected to that unit as
4 well. That ends my testimony. I'm open for
5 questions.

6 MS. PEREIRAS: If there are no questions
7 of Mr. Pereiras, we do have a planner to testify
8 as well.

9
10 A L E X A N D E R D O U G H E R T Y, previously
11 sworn:

12
13 MR. DOUGHERTY: Alex Dougherty, I
14 recognize I'm still under oath.

15 If it pleases the Board, I have a seven
16 page exhibit packet, very reflective of the last
17 few we saw. First page is a red arrow indicating
18 kind of in the middle in the bottom, the stretch,
19 down the middle. You'll see CN corridor,
20 indicating where the property is located.

21 Next page is going to be N.J. DEP's
22 GeoWeb. You'll see on that page there's ample
23 mass transit close to the property. And then the
24 next couple slides are more photos documenting the
25 site in its current condition, taken by myself

1 over the weekend.

2 MR. PANEQUE: Just for the record, Mr.
3 Dougherty, this set of exhibits is going to be
4 marked as A-1.

5 MR. DOUGHERTY: Yes. On page two,
6 you'll see there's mass transit relatively
7 available along Bergenline, just one block over
8 left or right, if you will. And then the next
9 couple slides really just are showing the property
10 as it is today. It's a great looking building, it
11 accentuates the corner well. We do have that
12 corner store and we'll start to kind of look --
13 spin the property around. We do have three
14 garages that are associated with the property
15 here. On page four and -- I'm sorry, slide four,
16 you'll see there's some doors along the property.
17 And page five really shows the doors and the red
18 arrow indicating where this door is associated
19 with relation to the studio apartment in the back
20 of that commercial space. And, again, that's how
21 you get in and get out. We do have windows. And
22 the other door with the awning over it, the white
23 one, smaller one, that's more -- if you look
24 inside the architectural, that's the staircase to
25 get to the floors above.

1 And then page six and seven show what's
2 really close by. One block over, we do have a
3 nice grocery store, a corner store. Page seven,
4 which is my favorite shot, I think, of the
5 evening, shows a guy biking across the street and
6 a laundromat, really showing that there's not a
7 high demand and need to use a car along this
8 corridor, people do get out and bike. And we do
9 have great amenity features for the residents
10 along this corridor and associated with this
11 property.

12 With that being said, we're not here for
13 the (d) (1), we're here for a (d) (2), which is an
14 expansion or intensification of a preexisting
15 nonconforming use. Before I jump into that, we
16 are in the CN neighborhood commercial zone. Block
17 98, Lot 8, and we're here for the six unit mixed
18 use configuration. It's simply to retain what's
19 behind that commercial build out with an internal
20 retrofit, if you will, no exterior changes to the
21 site itself from the public realm. What you see
22 exterior is what will remain.

23 The zone conformance. The application
24 is substantially in compliance with the zone, from
25 a lot area, lot width, lot depth, front yard

1 setback is not applicable, side yard as well.
2 Impervious coverage, 100 percent is allowed, it's
3 at 100. Building height, four stories 45 feet is
4 allowed, we're at 40.7, three stories.

5 So with that being said, we jump into
6 the (d) (2) relief, it's a little bit more relaxed
7 than (d) (1). The essence of (d) (2) is site
8 betterment, not whether the use belong in the
9 first place. When we look at this, this retrofit
10 will bring with it the applicable building codes
11 and fire regulations to ensure safety. When we
12 look at this, the application promotes the land
13 use for general welfare with new housing stock for
14 the growing population of Union City, promotes the
15 planning goals to further diversified housing to
16 meet all needs of all the people.

17 I certainly believe we can look at this
18 as this will be an affordable option, more of a
19 smaller boutique build out here behind that other
20 project, retains and improves what is there. The
21 improvements add value to the site, which adds
22 value and quality to the surrounding neighborhood.

23 I believe this promotes the efficient
24 land use for a variety of land uses. We certainly
25 can say economy of scale. We have people in the

1 downtown corridor. And I believe we can say
2 positive aesthetics, it's a great looking building
3 and nothing is changing here.

4 All the above promote the purpose of
5 land use law, purpose A, E, G, I, and M. Purpose
6 E would be appropriate locations and density in
7 appropriate locations. I do believe the six units
8 is appropriate density for this corridor. Again,
9 we have mass transit, we have shopping, we have
10 retail, there's a laundromat right up the street,
11 a grocery store right up the street. This is a
12 great opportunity to encourage density along this
13 corridor by preserving the community's residential
14 character and those low lying neighborhood.

15 When we look at public impact for the
16 negative criteria, all relief can be granted
17 without substantial detriment to the public. The
18 project will have minimal, if any, impacts at all.
19 I believe when we look at this, the site will
20 function and operate efficiently and safely. It
21 currently operates that way and we'd like to
22 retain what's there. I believe when we look at
23 this, applicable to building and fire code
24 regulations for this. The overall massing, the
25 building is compatible, nothing is changing again.

1 I don't believe this is overdevelopment or
2 overcrowding. I believe it's a comfortably sized
3 unit here. With that being said, I do not see any
4 public impacts with allowing this unit to remain.

5 Again, when we talked about earlier,
6 some of the master plan and re-examination goals
7 talk about pedestrian mobility, preserving
8 character, economic development, smart growth,
9 in-fill techniques. This application brings all
10 that with that.

11 With that (d)(2) relief, we do have some
12 "C" relief with respect to the minimum rear yard,
13 it's an existing condition. It requires 20, we're
14 at two feet. And for the parking count, we do
15 have three vehicle parking stalls off -- I'm sorry
16 on-site. But obviously we would not have enough
17 to accommodate that and I think that need to
18 accommodate parking that we see on photo six is
19 really alleviated by the fact this is a walkable
20 downtown, bikeable, mass transit is available
21 there. This unit has existed, existed for quite
22 some time. And I don't believe there was an issue
23 with parking, at least in the local neighborhood.
24 I don't think there would be allowing this to
25 continue.

1 With that, the demand for a vehicle
2 again is offset by that walkability and mass
3 transit. The project brings a healthy balance of
4 housing options. There's no physical change to
5 the property from the public realm. The project
6 is perfectly suited for the area and for the City.
7 Most notably it will add value to Union City's
8 housing stock and variety. And the statutory
9 criteria for grant of relief would be met and
10 approval would be warranted.

11 MR. PANEQUE: Thank you, Mr. Dougherty.

12 VICE CHAIRPERSON GUTIERREZ: Thank you.
13 Open to the Board. Anybody have any questions?

14 MS. PEREZ: Can you get from the
15 commercial into the apartment or is that separate?

16 MR. DOUGHERTY: I believe there's some
17 doorways there, but I think they're going to be
18 locked.

19 MS. PEREZ: Like in an emergency, you
20 can get through?

21 MR. PEREIRAS: I'm sorry, what was the
22 question?

23 MS. PEREZ: Can you get from the
24 commercial space to the studio?

25 MR. PEREIRAS: There is an existing door

1 there. That can actually be -- I think it's a
2 good idea and it can be part of the record that
3 we'll close that door.

4 MS. O'DELL: To get to the basement
5 apartment, that's the side with the gate, right?

6 MR. PEREIRAS: Yes.

7 MS. PEREZ: Those are windows by the
8 bathroom and the kitchen?

9 MR. PEREIRAS: Correct.

10 VICE CHAIRPERSON GUTIERREZ: Anymore
11 questions? Open to the public. Seeing none, I
12 make my motion to approve the application.

13 MR. VALLEJO: Motion on the table to
14 grant the application by Ms. Gutierrez. Is there
15 a second?

16 MR. ORTIZ: Second.

17 MR. VALLEJO: Mr. Ortiz. Roll call on
18 the motion.

19 Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

6 MR. VALLEJO: Six in favor, motion
7 carries.

8 MS. PEREIRAS: Thank you, all.

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1 **AA SUMMIT AVE, LLC -**

2 **1406 SUMMIT AVENUE:**

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4 MR. VALLEJO: Moving now to the next
5 application on tonight's agenda, AA Summit Avenue,
6 LLC, 1406 Summit Avenue. Ms. Pereiras, please.

7 MR. PANEQUE: For the record, I've been
8 provide by Ms. Pereiras with the following
9 documentation:

10 Certification and proof of publication
11 and service indicating that notice went out to all
12 property owners within the 200 foot radius of the
13 property located at 1406 Summit Avenue. I have a
14 tax list from the Union City tax assessor's
15 office, noting all property owners within the 200
16 foot radius of 1406 Summit Avenue. This tax list
17 was done on March 20, 2023.

18 I also have a copy of the publication,
19 which appears to have come out in The Jersey
20 Journal on March 31, 2023. Again, Ms. Pereiras,
21 as a condition, we're going to need the affidavit
22 of publication.

23 MS. PEREIRAS: Of course.

24 MR. PANEQUE: I also have a copy of the
25 notice that went out to all property owners, as

1 well as the certified mail receipts with a
2 postmark date of March 25th.

3 Based on the documentation that has been
4 provided, this Board has jurisdiction to proceed
5 and hear this matter.

6 MS. PEREIRAS: Thank you very much,
7 Counsel.

8 MR. VALLEJO: Could you please email
9 these?

10 MS. PEREIRAS: Sure, absolutely.

11 MR. PANEQUE: The affidavit.

12 MS. PEREIRAS: Absolutely.

13 MR. VALLEJO: Thank you.

14 MS. PEREIRAS: Bianca Pereiras on behalf
15 the applicant for property at 1406 Summit Avenue,
16 also known as Block 70, in Lot 20. We're very
17 excited and happy about this application because
18 this property has been vacant for awhile, since
19 there was a devastating fire a few years ago. And
20 Dr. Patel who's here this evening is hoping to
21 operate her dental office on the ground floor.
22 And this will be a mixed use building with three
23 residential units above.

24 The reason we're in front of this Board
25 is even though commercial or businesses are

1 allowed on the ground floor of this CN
2 neighborhood, medical offices are not. So that is
3 the reason we're here in front of the Board. We
4 have two experts to testify and we'll begin with
5 our architect, Mr. Manuel Pereiras.

6

7 M A N U E L P E R E I R A S, previously sworn:

8

9 MR. PEREIRAS: Thank you. Manny
10 Pereiras, I recognize that I am still under oath.

11 MS. PEREIRAS: Mr. Pereiras, are you
12 familiar with 1406 Summit Avenue?

13 MR. PEREIRAS: Yes.

14 MS. PEREIRAS: And did you prepare the
15 drawings that are before the Board this evening?

16 MR. PEREIRAS: I did.

17 MS. PEREIRAS: Would you kindly describe
18 the project for the Board?

19 MR. PEREIRAS: I'd be very happy to.
20 This is the kind of application that is exactly
21 what Union City wants. We are conforming as much
22 as we can to the ordinance. I think that the
23 variances that we're seeking today are just kind
24 of things that the ordinance didn't think of.

25 Dr. Patel has a very successful practice

1 just a block away from this. Her lease is running
2 up and she's looking to keep her practice in Union
3 City. I admire that, I appreciate that very much
4 and I hope this Board does that as well. She was
5 able to purchase this lot and building just
6 specifically for her practice.

7 That said, a dentist's office is not
8 permitted on the ground floor because the master
9 plan envisioned retail. I think it's a great use
10 to have dental offices on the ground floor,
11 particularly on Summit Avenue. That's the main
12 reason we're here before you and we have some
13 small incidental C variances as well.

14 The first -- first off is the depth of
15 the rear yard. In order to make the practice
16 work, she needs about 1,600 square feet, it's just
17 a requirement of her practice. And the only way
18 we're able to do that is to extend to the rear
19 yard a little bit and we're asking for a rear yard
20 variance. We only have a five foot rear yard.
21 However, on the floors above, we're setting the
22 building significantly back in order to create
23 that open space in the back. So we're really just
24 satisfying her need.

25 There's also another bit of what I would

1 call a technical variance is that the ordinance
2 says that you're allowed to have zero side yard
3 setback. But if you provide a side yard, it has
4 to be five feet. So we chose -- we elected not to
5 have a zero side yard setback because we wanted to
6 have air and windows coming to the building, but
7 we didn't want to go an entire five feet because
8 that would mess with the practice and those
9 apartments above. So we're proposing three feet
10 along the majority of the building and four feet
11 along almost half of the building along the front
12 as well. And I think that would be more clear
13 what I described.

14 This is the basement, ground floor,
15 second, third and fourth. On the ground floor,
16 you see that we created a true storefront. For
17 the entire width of the building, you have glass
18 storefront and commercial entryway for the dental
19 office. And we changed -- and we moved the
20 residential access to the side of the building.
21 And we created a four foot side yard setback to
22 access that side yard. So that vertical
23 circulation is stepped back from the front and we
24 have a true workable commercial frontage.

25 As you can see, it's a typical dental

1 office with operatory rooms and reception and
2 waiting area. That's why we requested the rear
3 yard setback variance to the setback.

4 The lower level, the basement, will
5 house mechanical equipment and other -- you know,
6 a kitchenette eating area for the dentist and
7 staff, storage area and compressors for the dental
8 equipment.

9 The floors above are as permitted in our
10 ordinance three apartments, one on each of the
11 floors and they're three bedroom apartments. You
12 go up the main stair, you have living and dining
13 area and kitchen with open concept along the
14 front. And then the privacy corridor that leads
15 you to two guest bedrooms and one master bedroom
16 in the back. The master bedroom being 12 feet
17 wide by 21 feet deep. It has its master bath and
18 two sets of closets. And the floor plan is
19 typical for those three floors.

20 The facade of the building is in keeping
21 with what we want in Union City. We have the
22 brick facade and we have a color rendering of the
23 facade. Counsel, should we mark this as A-1?

24 MR. PANEQUE: Yes, please.

25 MR. PEREIRAS: For the record, I'm

1 marking the top right-hand corner A-1 with today's
2 date.

3 This shows that we have a brick facade
4 with in-fill commercial storefront, black frame,
5 canopy accentuating the windows, and floor to
6 ceiling glass for those apartments in that living
7 area, with a nice simple cornice on top. The
8 sides of the building are siding and the rear is
9 siding as well. And that concludes my testimony.

10 MR. PANEQUE: Thank you.

11 MS. PEREIRAS: I'll proceed with our
12 planner.

13 MR. PANEQUE: Ms. Pereira, before with
14 proceed with your planner's testimony, did you
15 have a chance to look at the memo from Mr.
16 Martinetti?

17 MS. PEREIRAS: I did not, Counsel.

18 MR. PEREIRAS: It's an empty lot.

19 MR. PANEQUE: It's an empty lot?

20 MS. PEREIRAS: Yes.

21 MR. PANEQUE: So this all brand new?

22 MS. PEREIRAS: Yes.

23 MR. PANEQUE: At one time, this was a
24 one unit structure and that's what the memo refers
25 to back in the '70s?

1 MR. PEREIRAS: Who knows. But it's been
2 an empty structure. There was a mixed use
3 multifamily there that was -- there was a fire,
4 devastating fire, actually some tragedies there.
5 And it's been vacant for quite a few years.

6 So I'm not sure -- the memo is probably
7 a typo of some sort. Right now, it's vacant land.

8 MR. PANEQUE: Okay. So what we have
9 here is brand new construction with three units
10 above the commercial?

11 MS. PEREIRAS: Correct.

12 MR. PANEQUE: And the commercial is the
13 dental office and that's why you need the (d) (1)
14 use variance?

15 MS. PEREIRAS: Correct.

16 MR. PEREIRAS: Correct.

17 MR. PANEQUE: Because a dental office is
18 not considered a type of business that is allowed
19 in a commercial zone?

20 MR. PEREIRAS: That's correct.

21 MR. PANEQUE: Now we're clear. Thank
22 you.

23 MS. PEREZ: That's the building that
24 was --

25 MS. PEREIRAS: This is the same one that

1 burned, Saint Joseph and Michael's.

2 MS. PEREZ: That was a big building,
3 wasn't it?

4 MS. PEREIRAS: It was a bigger building
5 where it started, but it encompassed this building
6 as well.

7 MR. PEREIRAS: There were two buildings
8 on that, side by side.

9
10 A L E X A N D E R D O U G H E R T Y, previously
11 sworn:

12
13 MR. DOUGHERTY: Alexander Dougherty, I
14 recognize I'm still under oath. Similar to the
15 last couple we've done, I have an exhibit packet.
16 We'll mark it as A-2, seven slides. The first
17 slide, you'll see the zoning map on lower bottom
18 left, the red arrow indicating where we're at
19 along Summit. And we are in the CN neighborhood
20 commercial corridor.

21 MR. PANEQUE: We'll mark this as A-2.

22 MR. DOUGHERTY: We have seven slides
23 here. The second slide will show you that there's
24 mass transit across the street from NJDEP's
25 GeoWeb. Directly across the street, along Summit

1 Avenue, we do have an abundance of mass transit
2 accessible for the corridor for the neighborhood
3 here.

4 And then the next couple slides are some
5 drone shots indicating the property in question.
6 As you can see, we do have a very large void in
7 the public realm, kind of a gap, if you will, in
8 that massing. And you'll see it's kind of
9 outlined in red of the property in question. It
10 will still be a gap to our one side, but hopefully
11 this will kind of be a catalyst and kind of push
12 other projects along along Summit. But currently
13 right now, we do have a very large void within the
14 public realm.

15 Page five kind of looking across the
16 street here, it's kind of what we're reflecting if
17 you will, but a newer more modern style with the
18 brick facade, some commercial on the ground floor.
19 Unfortunately, this is not your typical commercial
20 narrative here. This is identified in the land
21 use as a medical office and your zone does not
22 allow medical office on the ground floor. So we
23 are here for the (d)(1) use variance.

24 With that, I'll kind of just jump right
25 into it, if you will. As a planner, I believe

1 this is a great, great project. I would prefer
2 dentist offices, eye doctors, and so forth on the
3 ground floor, you can walk right in. A lot of
4 zoning ordinances, not just Union City, they do
5 call for those to be on the second floor. For the
6 life of me, I can't understand why, I think
7 they're better suited on the ground floor. But
8 nonetheless, that's where we're at.

9 The application is substantially in
10 compliance with the zone. We are in that CN
11 neighborhood commercial zone. Lot area, we're
12 actually a little oversized, we're at 2,813.9
13 square feet where 2,500 is required. The lot
14 width is 25, we're at 25. Lot depth is 100, we're
15 at 112. And then as far as the impervious
16 coverage, 100 percent allowed, we're at 98.
17 Building height, four stories, 50 feet. We're at
18 four stories 45 feet. So I think we're a brand
19 new building, appropriately suited in this empty
20 void here with a great opportunity to provide for
21 some housing options and choices. Newer
22 development, coming on line, built to code, fire
23 code. And I think we have an opportunity to
24 provide amenities for the community in the form of
25 medical and dental establishments, which certainly

1 is a plus.

2 Site suitability here. The site is
3 particularly suited, one, it's vacant, it's a
4 missing void. In the context of the neighborhood,
5 again, we are adding appropriate density here. We
6 are adding another amenity, economically speaking
7 and options for the community out loud, with a new
8 business and so forth.

9 With that being said, I believe this
10 project would advance purposes of the land use
11 law, purpose A, E, G, I, and M. Again, E being
12 appropriate density in appropriate locations.
13 Purpose I, promote desirable visual environment.
14 I think what we're proposing here in that
15 rendering is a lot more desirable than what's
16 currently there now. I think it's very reflective
17 of the properties across the street, again, with
18 the brick facade, commercial, retail on the ground
19 familiar.

20 And we have purpose M, encourage
21 coordination of various public and private
22 procedures and activities shaping land and
23 development with the view of lessening the cost of
24 such development and more efficient use of land.
25 This is smart growth in-fill development here.

1 With that being said, when I look at the
2 public impacts, the negative criteria, I believe
3 relief can be granted without substantial
4 detriment to the public. I know we're asking for
5 a little bit of a rear yard, but we do have that
6 offset on the floors above to again allow for
7 adequate light, air and open space. One of the
8 exhibits, you'll notice, our neighbor to our left
9 is outside playing basketball. So I think we're
10 respecting our neighbors. I don't think there's
11 going to be a substantial detriment that's going
12 to take away from the positives of the application
13 with that rear yard. We are giving ourselves a
14 three foot side yard setback to again offset that
15 distance because we are asking for a little bit in
16 the rear yard there.

17 With that being said, as we heard
18 earlier because we give up three feet of side yard
19 setback, the zone requires it to be five. But
20 again the zone contemplates no side yard setback.
21 So I don't think there's a substantial detriment
22 allowing for three versus that five when the zone
23 allows for it to be at zero, if you go to zero.

24 With that being said, when I look at
25 this, this is again new construction. And the

1 future use, if you will, to allow for dental on
2 the ground floor, I don't think undermines the
3 intent of your zone. If the dental were to leave
4 one day, I think that's a great opportunity for a
5 retail amenity, which is what the zone allows for.
6 It's just, you know, the square footage space and
7 what we're using today is medical. It certainly
8 can be adaptive reuse for commercial amenity space
9 in that regards.

10 With that being said, I do believe we do
11 advance purposes of your master plan by
12 encouraging economic development, smart growth,
13 promoting pedestrian mobility here, we do have
14 mass transit relatively available. And some of
15 the "C" relief which would be subsumed within the
16 "D" relief, just so we understand, is that rear
17 yard setback, that side yard setback, and we have
18 a maximum building coverage of 80, we're slightly
19 over at 82 percent. I don't think the coverage is
20 going to be substantial in such a way. It's new
21 construction, we're going to meet all applicable
22 building codes and regulations going forward. And
23 drainage issues, that would be caused with this
24 would be standard practice going forward as new
25 construction.

1 We do have a reduction of parking with
2 this site here. Six parking would be required for
3 the residential, we're providing zero. Again the
4 parking demand is certainly offset with the mass
5 transit along Summit.

6 I believe this project again helps to
7 fill what we as planners call the missing middle.
8 It's a nice three unit complex there. And with
9 that, I believe it brings a healthy balance of
10 housing options. We certainly fill that missing
11 tooth, if you will, along Summit, which certainly
12 advances and accentuates the corridor.

13 With that said, I believe this is a
14 great project, whether it's dental or not, this is
15 a great opportunity to promote newer housing
16 that's certainly designed with the character of
17 Union City along Summit. And I don't believe
18 there would be a substantial detriment here with
19 this application. And I believe the statutory
20 criteria for relief would be met and approval
21 would be warranted.

22 MR. PANEQUE: Thank you, Mr. Dougherty.

23 VICE CHAIRPERSON GUTIERREZ: Open to the
24 Board. Anybody on the Board have any questions?

25 MS. PEREZ: The design of the basement,

1 with the kitchen and the laundry, you don't think
2 that could potentially to lead to becoming another
3 apartment?

4 MR. PEREIRAS: Absolutely not. It's
5 essential for the business. They plan to be there
6 for the long haul. They've already been there for
7 quite a few years. It's really a necessity to
8 them, from a dental aspect and things and the
9 kitchen for the staff.

10 VICE CHAIRPERSON GUTIERREZ: Okay. Open
11 to the public. Anybody in the public have any
12 questions?

13 MS. PEREZ: Is the doctor going to live
14 there?

15 MR. PEREIRAS: No. And the access to
16 the basement is only through the dental office,
17 there's no way to get there.

18 MS. PEREZ: There's no separate
19 entrance?

20 MR. PEREIRAS: Correct.

21 VICE CHAIRPERSON GUTIERREZ: Okay.
22 Anybody else have any questions? No. I make my
23 motion to grant the application.

24 MR. VALLEJO: Motion on the table to
25 grant the application by Ms. Gutierrez.

1 MS. PENA: Second.

2 MR. VALLEJO: Seconded by Ms. Pena.

3 Roll call on the motion.

4 Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Six in favor, motion
17 carries.

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1 **UNION CITY PACKAGE, LLC -**
2 **530 28TH STREET:**

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4 MR. PANEQUE: For the record, I've been
5 provided by Ms. Pereiras with a certification as
6 to publication and service listing the notice that
7 went out to all property owners within a 200 foot
8 radius of 530 28th Street.

9 I've also been provided with a tax list
10 from the Union City tax assessor's office listing
11 all property owners within the 200 foot radius of
12 530 28th Street, Block 160, Lot 13. Said tax list
13 was done on March 24, 2023.

14 I've been provided with an affidavit of
15 publication from the The Jersey Journal listing
16 that the variances going to be heard tonight at
17 this location with respect to the property at 530
18 28th Street, said publication was done on
19 March 31, 2023.

20 I've also been provided with a copy of
21 the notices that went out to all property owners
22 within a 200 foot radius, as well as the certified
23 mail receipts with a postmark date of March 28,
24 2023.

25 Based on the documentation that has been

1 provided, this Board has jurisdiction to proceed
2 and hear this matter.

3 MS. PEREIRAS: Thank you, Counsel.

4 MR. PANEQUE: Thank you, Ms. Pereiras.

5 MS. PEREIRAS: Bianca Pereiras on behalf
6 of Union City Package, LLC, for property located
7 at 530 28th Street, also known as Lot 13 in Block
8 160. This property is located in the R low
9 density residential zone. And we are hoping to
10 legalize a fourth unit in an existing multifamily
11 structure. We have two experts to testify before
12 the Board. And we'll begin with our architect,
13 Mr. Manuel Pereiras.

14

15 M A N U E L P E R E I R A S, previously sworn:

16

17 MR. PEREIRAS: Manny Pereiras, I
18 recognize I am still under oath.

19 MR. PANEQUE: Mr. Pereiras, before we
20 proceed, let's just put into perspective the memo
21 from the building department. Did you see it?

22 MS. PEREIRAS: I know it was sent, I
23 don't remember reading it though.

24 MR. PANEQUE: Okay. You're applying for
25 legalization of a basement apartment to go from

1 three to four?

2 MS. PEREIRAS: Correct.

3 MR. PANEQUE: And the building
4 department memo for 530 38th Street, this was
5 originally a twelve unit structure.

6 MR. PEREIRAS: We're going from twelve
7 to thirteen.

8 MR. PANEQUE: From twelve to thirteen?

9 MR. PEREIRAS: That's what we're doing.

10 MS. PEREIRAS: Disregard my opening
11 then. We're looking to legalize a basement
12 apartment in an existing multifamily.

13 MR. PANEQUE: Okay. So you're going
14 from twelve to thirteen, right, Mr. Pereiras?

15 MR. PEREIRAS: I feel very off today.
16 And I think through osmosis, she just --

17 MS. PEREIRAS: I apologize.

18 MR. PEREIRAS: We have twelve that are
19 recognized by the building department. There's a
20 thirteenth existing unit on the site that's been
21 there for many years and we're looking to legalize
22 that.

23 MS. PEREIRAS: My apologies.

24 MR. PANEQUE: I just want to make a
25 comment and a correction. On the calendar, the

1 calendar states that it's legalization of a
2 basement to go to a total of four. So that's
3 where I was going from, but it's really from
4 twelve to thirteen and that coincides with your
5 application, which -- where is your application?
6 Mr. Vallejo, do we have the application?

7 MR. VALLEJO: Sure.

8 MR. PANEQUE: I found it. It's buried
9 in the bottom here. So your application states
10 you're legalizing a basement and --

11 MS. PEREIRAS: We don't specify a number
12 of units.

13 MR. PANEQUE: But the memo is twelve
14 from the building and you're going to thirteen.

15 MS. PEREIRAS: Yes.

16 MR. PANEQUE: So now that we're all on
17 the same page, please proceed.

18 MS. PEREIRAS: Thank you so much.

19 MR. PEREIRAS: So I'd like you to focus
20 on the satellite image. The first building on the
21 left of the three is the one in question now. The
22 other two buildings are actually identical,
23 there's twelve units above and there's a basement
24 unit in those as well. I don't know if that
25 basement unit is legal in those two, but I can

1 tell you that all three buildings do have that
2 same basement unit. We're looking to legalize
3 that unit. It's been part of this building, I
4 would say for 40 years, even the appliances look
5 very dated. So it's definitely been there for
6 many years. However, it's in pretty horrible
7 condition. And the great thing about this
8 application is that we could really make it a lot
9 nicer and bring it up to code.

10 So one of the first things that we're
11 doing is we're fixing the steps to take you down
12 to that unit. Right now, the steps are basically
13 out of residential code. There's eight inch
14 risers, we're going to change that to seven inch
15 risers to meet commercial code. We're demolishing
16 the interior wall that you see there, demolishing
17 the existing bathroom, the kitchen that's there,
18 and demolishing the vestibule. It's very
19 uncomfortable dimensions across the whole thing.
20 And we're reconstructing them so that now we're
21 eliminating the vestibule. You have a front entry
22 door directly from the front of the building. You
23 enter into a living area, we have a brand new
24 kitchen along the side. And then we're creating
25 two beautiful bedrooms that are 10-by-12 each with

1 a closet and then another third bedroom along the
2 side of the building here, basically we're
3 removing the oil tank that is part of the
4 apartment. It's just going to be a significant
5 change to the site.

6 In addition to the changes that we're
7 doing, it is going to meet the requirements of ADA
8 accessibility. Yes, there are steps there, but
9 there are many other disabilities that don't
10 include a wheelchair. For example, someone in
11 crutches. So this apartment will accommodate
12 those requirements. It's just larger areas that
13 somebody can maneuver around in the bathroom and
14 in the kitchen area.

15 So this proposal basically creates an
16 ADA apartment that is desperately needed in our
17 neighborhood and it creates safe conditions for a
18 preexisting unit. Like similar applications
19 before, there will be a two hour fire separation
20 in the ceiling of the space. There will be a
21 domestic line sprinkler system in the space, and
22 there will be an alarm system in the space. So
23 there are significant changes that will be
24 happening. The bedroom windows are actually going
25 to get enlarged in this space as well, so that

1 people can escape in case of a fire to the rear
2 yard, to what we call an area of refuge in the
3 rear yard. That concludes my testimony. Ready
4 for planning.

5
6 A L E X A N D E R D O U G H E R T Y, previously
7 sworn:

8
9 MR. DOUGHERTY: Alexander Dougherty, I
10 recognize I'm still under oath. Similar to the
11 last few we've done, I have a seven page exhibit
12 packet (A-1). First slide is your zoning map. In
13 the middle is the red arrow, in the yellow
14 indicating where exactly we are in relation to the
15 City. You'll see the yellow is the R low
16 residential density zone. As we well know, only
17 one of two things are allowed in that zone. Here
18 we have twelve units going on thirteen. This
19 becomes a (d) (2), an expansion or intensification
20 of a preexisting nonconforming use. The use
21 itself today, if it would be brand new would not
22 be allowed in the zone. But again it's here as
23 well as two sister complexes dotting 28th Street
24 here.

25 Slide two will show you NJDEP GeoWeb

1 showing there's some mass transit available along
2 Bergenline Avenue, which is just one block over.

3 Slides three to seven are shots I've
4 taken when I visited the site over the weekend.
5 Out of those three towers, the one closest to us
6 on slide three with the burnt orange cornices up
7 top, that is the property in question. It's more
8 of an overall massing of the three mirror
9 buildings here. What's important to note on
10 page four I thought was pretty impressive is trash
11 is well maintained at the sites. As you see on
12 page four, we have a greater density here. But I
13 don't see this density being a substantial
14 detriment and nuisance to the surrounding
15 neighborhood and the community. I think the
16 properties are fairly well maintained.

17 As we fly the drone over on page five,
18 it does give this appearance that the buildings
19 are touching. But as you see through the
20 architectural plans and as you see on the next
21 slide, there are some doors on the side. And this
22 is where that apartment had manifested, this is
23 one of the doors that you see along 28th Street
24 that goes to the unit. So as you heard from the
25 architect, we're going to clean this all up and

1 get a lot of the unsanctioned imperfections out of
2 the way, to building code and fire code
3 regulations, and cleaning it up.

4 The last slide here as you saw in the
5 architecturals on page seven here, showing to the
6 left, the existing layout; and to the right,
7 what's being proposed. Again, showing those side
8 door entrances as the slide shows above there.

9 So with that being said, we'll have
10 three spacious bedrooms, a kitchen and the likes
11 of that, bigger windows, accessible, up to code
12 and in regards. So with that being said, we are
13 in the R low density residential zone where only
14 one and two families are permitted, so we are
15 seeking a (d) (2) expansion or intensification of
16 the preexisting nonconforming use within that
17 zone. The essence of the (d) (2) is a little more
18 relaxed than (d) (1), it's site betterment not
19 whether the use belongs in the first place because
20 it is there.

21 When I look at the positives of the
22 application, I believe the project will serve the
23 general welfare with new housing stock for a
24 growing population, we're bringing this apartment
25 to code, building and fire code, with bigger

1 windows, let a lot more adequate air and light
2 into the units, and as well as fire escapes.
3 Certainly clean a lot of the imperfections and
4 unsanctioned modifications and bring them up to
5 code here.

6 I believe the improvements to the site
7 will add value and quality, not just to the site,
8 but to the overall neighborhood and improve the
9 quality. I believe it's more efficient use of
10 land, variety of land uses. I believe we are
11 providing a greater little uptick in density,
12 which serves Bergenline Ave., which is right down
13 the street.

14 When I look at this, overall this
15 application, I believe this apartment, this three
16 bedroom apartment in the basement is well suited.
17 We do have three properties, mirror of each other,
18 that are high in density. So we're going to talk
19 about a structure to increase density, I believe
20 it would be these three locations, particularly
21 this one. It's already existing there. I believe
22 the site, you can see from the photos, they're
23 fairly clean, trash is well maintained. I don't
24 think it's going to be a substantial detriment.
25 Again, the unit is there now. We're going to

1 certainly improve that, bring it up to code. And
2 improve the living conditions and overall safety
3 for building residents. As you heard, it's going
4 to be ADA compliant. So we reach members of our
5 community that historically get overlooked. And
6 we provide housing options for those members as
7 well.

8 I believe all this will advance purposes
9 A, E, G, I, and M of the Municipal Land Use Law.
10 And with that being said, when I look at the
11 public or the negative criteria of the public
12 impacts here, I believe relief can be granted
13 without substantial detriment. Again, this unit
14 is existing today in the public realm.

15 With that being said, as we've heard,
16 we'll bring this unit up to code and fire
17 regulations and so forth. It will be ADA
18 compliant. There's a lot more benefits that come
19 with recognizing this unit than what has
20 manifested before. I believe the units are
21 comfortably sized. I don't believe it's
22 overcrowding, overdevelopment. I believe that
23 basement unit is certainly suitable for a dental
24 dwelling there.

25 I believe when we look at the project

1 itself, we do have to recognize that, you know,
2 with this, we do have a density or a (d) (5), where
3 900 square feet is what's required for multifamily
4 dwellings and we're at 663 square feet. We can't
5 gain much more because we do have utilities in the
6 front and mechanicals for the building. I don't
7 believe that deficiency of 277 square feet would
8 be so substantial that we can't provide adequate
9 housing accommodations for ADA compliance and the
10 likes of that.

11 I believe when we look at the property
12 itself, we do have a greater density than what's
13 allowed. And, again, recognizing this thirteenth
14 unit on the ground floor gives us an opportunity
15 for the ADA compliant, I think is a benefit here.
16 I don't believe the units so small that it would
17 take away from the quality of life.

18 Again, members of our community found
19 their way living in this unit for quite some time.
20 And I do believe it says that certainly it's
21 sizeable. 633 square feet on the ground floor, I
22 believe is appropriate and when we look at the
23 fact that it is a (d) (2), I personally wouldn't
24 want a larger unit where the zone only requires
25 two families. So I think there's a balance to be

1 had here. And I don't think the unit is oversized
2 by any stretch.

3 With that, I do believe we also advance
4 your master plan goals with preserving the
5 character of the community. Again, this is
6 twelve units going on thirteen. I wouldn't want
7 to see another two-family become a three or a
8 three-family become a four. Let's keep the
9 density at this location. Historically this
10 neighborhood has accommodated the densities at
11 this location with these properties.

12 With that being said, I think when we
13 look at this, we're preserving the character of
14 the community and certainly the established
15 residential character and a desirable location and
16 attractiveness for our communities with ADA
17 compliance.

18 We do have some "C" relief related to
19 this application, (c) (1) these are -- the relief
20 is there, we can't rectify these issues. For lot
21 area 2,500 square feet is required, we're at
22 2,000. Lot width, 25 feet, we're at 20. That's
23 where the deficiency comes. The front yard
24 setback is seven feet or prevailing. I believe
25 we're approximately just shy of seven feet. But I

1 think that's mitigated because the surrounding
2 buildings are in line with that. So I don't think
3 this is sticking out too much. We do have a side
4 yard setback of two feet required on one and five
5 on the other, we're at zero on both sides. And
6 the building height for this zone is three stories
7 with 38 feet, we're at four stories, 45 feet. And
8 we do not offer any parking. Again these
9 conditions essentially run with the property as it
10 is. We can't gain anymore land, it's a built-out
11 environment. We can't offset those deficiencies.
12 But nonetheless, that's due because the structure
13 is actually there and existing thereon. And we're
14 not changing anything exterior from the from
15 structure in such a way to offset these
16 preexisting nonconformities with respect to the
17 zone bulk requirements. Nonetheless, I don't
18 think this takes away from the application, the
19 opportunity to provide the ADA basement unit.

20 And with that said, I believe the site
21 itself and possibly the other two sites are
22 perfectly suited to accommodate the slight uptick
23 in density, as they already have that uptick in
24 density, from what the zone requires to provide
25 for ADA compliant units here I think is a benefit

1 to the community overall.

2 With that being said, I don't believe
3 there's a substantial detriment here and I believe
4 approval would be warranted.

5 MR. PANEQUE: Thank you, Mr. Dougherty.

6 VICE CHAIRPERSON GUTIERREZ: Thank you.
7 I'm going to open up to the Board, anybody have
8 any questions? No. Open up to the public? None.
9 I make my motion to approve the application.

10 MR. VALLEJO: Motion on the table to
11 approve the application by Ms. Gutierrez.

12 MS. PEREZ: I'll second it.

13 MR. VALLEJO: Seconded by Ms. Perez.
14 Roll call on the motion.

15 Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Six in favor, motion
3 carries.

4 MS. PEREIRAS: Thank you all very much.

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1 **KIMBERLEY GUELDNER -**

2 **411 42ND STREET:**

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4 MR. VALLEJO: Now, we're moving to
5 number 13, Kimberley Gueldner, 411 42nd Street.

6 I deemed this application completed and
7 emailed to Ms. Pereiras on March 20th. Ms.
8 Pereiras, by email, mentioned that she didn't
9 publish.

10 MS. PEREIRAS: Yes. My apologies to the
11 Board, I had this calendared in my office for
12 May 11th, so I did not notice or publish for
13 today's meeting.

14 MR. PANEQUE: Okay. Without notice and
15 publication, we don't have jurisdiction to
16 proceed. So the matter will have to be carried to
17 May 11th.

18 MS. PEREIRAS: Please. Thank you.

19 MR. PANEQUE: So at this time, Mr.
20 Vallejo, we're just taking it off the calendar.

21 MR. VALLEJO: Yes.

22 MR. PANEQUE: Before we proceed, we do
23 have to place on the record what you just said
24 about the time limits. Ms. Pereiras, you waive
25 the time limits for which the Board can act?

1 MS. PEREIRAS: Of course.

2 MR. PANEQUE: Thank you.

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1 **510 BERGENLINE AVE, LLC -**

2 **510-514 BERGENLINE AVENUE:**

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4 MR. VALLEJO: We're going now to number
5 14, 510 Bergenline Avenue, LLC. The applicant
6 requests that the Board amend the resolution to
7 acknowledge the existing easement.

8 MR. PANEQUE: Ms. Pereira, may I have
9 those, please?

10 MS. PEREIRAS: Of course.

11 MR. PANEQUE: This matter comes before
12 the Board on a request for an amended application.
13 The applicant published for tonight's hearing on
14 her request to amend the application that was
15 approved by the Board on a resolution memorialized
16 on November 18, 2021.

17 It's my legal opinion at this time, Ms.
18 Pereira, that we have several impediments to hear
19 this application this evening. One is that there
20 are substantial changes that are being made to the
21 application, as we've discussed, involving the
22 rear yard as well as a roof deck that is now being
23 proposed.

24 Additionally, this Board is composed
25 differently than what it was back in 2021. So the

1 members that we have here tonight were not
2 privileged to the hearing of the application when
3 it was first presented. And it would not be
4 proper for these members to vote on an amended
5 application without having heard the original
6 application.

7 Additionally, it was the decision that
8 was taken that since there was substantial
9 changes, that an application should be submitted
10 basically formalizing what it is that you want to
11 request from this Board, other than just a letter
12 indicating that it's an amendment.

13 So what I'm going to do at this point is
14 I'm going to request that the matter be carried.
15 I'm going to take jurisdiction now from what you
16 have submitted, have the matter carried to the
17 next meeting. And you're going to need to submit
18 between now and the next meeting the application
19 with the appropriate fees.

20 MS. PEREIRAS: That's fine.

21 MR. PANEQUE: Mr. Vallejo, do you agree
22 with that or can we have it at the next meeting?
23 You call the call.

24 MR. VALLEJO: The application is to be
25 amend or as a new application?

1 MR. PANEQUE: Let me see what the notice
2 says.

3 MS. PEREIRAS: I referenced amending an
4 approval and I gave the date of the approval.

5 Just for clarity, we don't trigger any
6 new variances of any sort, it's just the actual
7 use the building to reflect the easement.

8 MR. PANEQUE: Well, I'm not sure if
9 that's correct because the rear yard does trigger
10 a variance.

11 MS. PEREIRAS: The rear yard still
12 exists, we're just using it in a different
13 capacity. So we're not going to have it as open
14 space for the --

15 MR. PEREIRAS: Rear yard is just
16 reference to the setback difference.

17 MR. PANEQUE: But your original
18 application complied with the rear yard?

19 MS. PEREIRAS: No, we had a rear yard
20 variance, but we're not --

21 MR. PANEQUE: You did?

22 MS. PEREIRAS: Yes.

23 We don't trigger any new variances. We
24 just wanted clarity and full transparency with
25 this Board as to how we would use the space

1 respecting the easement.

2 MR. PANEQUE: Yeah.

3 MR. PEREIRAS: All the setbacks are the
4 same, the building volume is the same. Everything
5 is the same. The only change is we had a stair
6 that the roof was only connected to the top
7 apartment. And we modified the stair based on the
8 connected recommendation that the bottom apartment
9 also has access to that.

10 MR. PANEQUE: I'm of the opinion that --
11 just to be safe, that you submit an application as
12 if you were starting from the ground, with the
13 understanding that it's really something that's
14 already been approved by the Board with certain
15 modifications. But since it's a new application,
16 my suggestion would be to renotice. And I just
17 want to know if Mr. Vallejo can put us on the next
18 calendar.

19 MR. VALLEJO: I can do that.

20 MR. PEREIRAS: Counsel, I feel very
21 uncomfortable with that because when we submitted
22 this, it was under a different ordinance. So now
23 we're basically changing it.

24 MR. PANEQUE: Well, make your
25 application for an amendment, okay, so you're not

1 changing. You're asking for an amended, but I
2 just want to dot all the --

3 MR. PEREIRAS: It's still an amended
4 application, but it's a new submission.

5 MR. PANEQUE: It's a new submission
6 amending your approvals.

7 MR. PEREIRAS: I like that, we're
8 dotting all the I's and crossing all the T's.

9 MR. PANEQUE: I want to make sure that,
10 using your words, we dot the I's, we cross the
11 T's, so if anybody challenges this, it doesn't get
12 knocked out on a technicality.

13 MS. PEREIRAS: Yes.

14 MR. PANEQUE: So you're going to be on
15 for the May 11th meeting, but get your application
16 in and it's an application seeking an amendment of
17 plans that were already approved. And your only
18 amending the easement in the rear yard and the
19 connection to the roof deck?

20 MR. PEREIRAS: Correct.

21 MS. PEREIRAS: Yes.

22 MR. PANEQUE: Just -- I know it's an
23 additional cost having to go through the extra
24 cost of the publication and so forth, but just to
25 play it safe, I think that's the best way to go.

1 MR. PEREIRAS: We'd rather be cautious.

2 MR. PANEQUE: I'm not going to take
3 jurisdiction of this tonight. We're just going to
4 on the record place that it will be heard for the
5 next meeting, okay.

6 MR. VALLEJO: It will be carried?

7 MR. PANEQUE: It's going to get carried
8 with the understanding that an application will be
9 submitted with all the requirements of an
10 application for an amendment to the approvals.

11 MS. PEREIRAS: Okay.

12 MR. PANEQUE: So you're going to have
13 publication, you're going to have notice, however
14 many copies Mr. Vallejo requires, what is it 15?

15 MR. VALLEJO: As soon as possible.

16 MS. PEREIRAS: Absolutely I'll give you
17 the twelve sets.

18 MR. VALLEJO: That's Monday, I have to
19 review the application.

20 MS. PEREIRAS: Understood.

21 MR. VALLEJO: And send a set to the
22 planner.

23 MR. PANEQUE: So just so we're clear,
24 Mr. Vallejo has to review it. He'll send you an
25 email saying that the application has now been

1 deemed --

2 MR. VALLEJO: Completed. I will email
3 them the regular procedure that we follow-up.

4 MS. PEREIRAS: That's my question as
5 well. Is it just the application form itself with
6 the copy of the prior approvals?

7 MR. PANEQUE: Submit your application
8 and your 15 sets of sealed plans, just like you
9 would from beginning. And it's going to --

10 MR. VALLEJO: But as an amendment.

11 MR. PEREIRAS: You have them.

12 MR. PANEQUE: Do you have the --

13 MR. VALLEJO: I have --

14 MR. PANEQUE: Ms. Pereiras, you said
15 that you submitted only five.

16 MS. PEREIRAS: I think we only submitted
17 five originally.

18 MR. PEREIRAS: We'll submit the twelve.

19 MR. PANEQUE: So submit the regular
20 number.

21 So it's going to be an amended
22 application. And once you have the email from Mr.
23 Vallejo that it's been deemed completed, do your
24 notice and we'll be on for the May meeting.

25 MS. PEREIRAS: And that's why I'm just

1 asking for a little bit of clarity. When I submit
2 a normal application, I'm submitting a W9, a
3 denial letter, a list of certified property
4 owners. The only thing that I would not be able
5 to obtain that would be valid within six months is
6 the denial letter, but we've already been denied
7 originally. That's the only clarity.

8 MR. PANEQUE: Yeah. The denial letter
9 is not required because you're seeking an amended
10 of your approvals.

11 MS. PEREIRAS: Perfect. Thank you,
12 Counsel. And I can reference that in my notice
13 and publication as well.

14 MR. PANEQUE: Yes. And Mr. Vallejo is
15 on board with that.

16 MS. PEREIRAS: Okay.

17 MR. PANEQUE: Mr. Vallejo?

18 MR. VALLEJO: Yes. As soon as I receive
19 the application, review it, I can deem it
20 completed, I will email you.

21 MS. PEREIRAS: Sure.

22 MR. VALLEJO: Send it to Mr. Spatz a
23 PDF.

24 MR. PEREIRAS: Will do.

25 MR. PANEQUE: Thank you.

1 MR. VALLEJO: We don't need to vote?

2 MR. PANEQUE: No, no. We're just going
3 to take it off the calendar for tonight.

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1 **ADOPTION OF RESOLUTIONS:**

2 (1.) MI 412 4th Street, LLC - 412 4th Street.
3 Block 14 Lot 29. Legalization of two (2)
4 apartments in an existing multifamily building.

5 **Approved**

6 (2.) Immanuel United Methodist Church - 3301 New
7 York Avenue Block: 198, Lot 1. The applicant
8 proposes to operate a day care center on the
9 ground floor. **Approved. Revised drawings required**

10 (3.) Apnaghar Property Management, LLC 1909 New
11 York Avenue, Block: 102 Lot 19. The applicant
12 proposed to legalize and existing studio and
13 convert a two-family building into three units.

14 **Approved**

15
16 MR. VALLEJO: We're moving now to
17 resolutions.

18 MR. PANEQUE: Resolution number two is
19 also being removed from the calendar, Immanuel
20 United Methodist Church, that's the one we're
21 missing the revised plans.

22 MR. VALLEJO: We have two resolutions on
23 tonight's agenda. Resolution number one is MI 412
24 Fourth Street. And the application was approved
25 at the previous meeting. Can I have a motion to

1 adopt this resolution?

2 VICE CHAIRPERSON GUTIERREZ: Motion.

3 MR. VALLEJO: Motion by Ms. Gutierrez.

4 MR. ORTIZ: Second.

5 MR. VALLEJO: Seconded by Mr. Ortiz.

6 Roll call on the motion.

7 Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: I abstain.

13 MR. VALLEJO: Ms. Pena was absent.

14 Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Ms. San Martino.

17 MS. SAN MARTINO: Yes.

18 MR. VALLEJO: Four in favor, two

19 abstain, motion carries.

20 Now, we're going to next resolution.

21 Apnaghar Property Management, LLC, 1909 New York
22 Avenue. It was approved at the previous meeting.

23 Can I have a motion to adopt this resolution?

24 VICE CHAIRPERSON GUTIERREZ: Motion.

25 MR. VALLEJO: Motion by Ms. Gutierrez.

1 MR. ORTIZ: Second.

2 MR. VALLEJO: Seconded by Mr. Ortiz.

3 Roll call on the motion.

4 Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. O'Dell.

11 MS. O'DELL: Yes.

12 MR. VALLEJO: Ms. San Martino.

13 MS. SAN MARTINO: Yes.

14 MR. VALLEJO: Five in favor, motion

15 carries.

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1 **ADJOURNMENT :**

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3 MR. VALLEJO: There being no other
4 applications on tonight, can I have motion to
5 close tonight's meeting?

6 MS. PEREZ: Motion.

7 VICE CHAIRPERSON GUTIERREZ: Motion.

8 MR. VALLEJO: Motion by Ms. Perez,
9 seconded by Ms. Gutierrez.

10 All in favor?

11 (Whereupon, all Board Members indicate
12 in the affirmative.)

13 MR. VALLEJO: The ayes have it. Thank
14 you and good night.

15
16 (Whereupon the meeting was adjourned at
17 9:37 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700