

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, May 11, 2023
Commencing at 6:30 p.m.

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

MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ
ANDRES GARCIA
JOHN MEDINA
ROSIO PENA
GERALDINE PEREZ
MINDRY WATLEY

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

VICTOR M. GRULLON, Chairperson
RAYMOND CETINICH

A L S O P R E S E N T:

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Board Counsel

AGUSTIN PANEQUE, ESQ.
Substitute Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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ADOLFO LOPEZ, ESQ.
Attorney for Applicant, Black Cat
Palisade, LLC

BIANCA PEREIRAS, ESQ.
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 391 Mountain
Road, LLC

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Attorney for Applicant, JFK Realty

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Massimo A. Bassi
& Fabiana Zangara

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, ER Home Group

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, B & V
Investment, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Kimberley Guedner

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1512 Palisade Avenue

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BLACK CAT PALISADE, LLC
804 Palisade Avenue

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Jose Izquierdo

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JFK REALTY
4614 Kennedy Boulevard

WITNESS

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MANUEL PEREIRAS

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MASSIMO BASSI & FABIANA ZANGARA
2015 Palisade Avenue

WITNESSPAGE

MANUEL PEREIRAS

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KIMBERLEY GUELDNER
411 42nd Street

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MANUEL PEREIRAS

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ER HOME GROUP
1309 Bergenline Avenue

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

3 Please take notice that on Thursday, May
4 11, 2023, at 6:00 p.m., a regular meeting is
5 scheduled for the Union City Zoning Board of
6 Adjustment to be held in the Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

9 Before we take roll call for tonight's
10 meeting, can everybody kindly rise to salute the
11 flag, please.

12
13 (Whereupon, the Pledge of Allegiance is
14 recited.)

15
16 MR. VALLEJO: Thank you. Opening
17 statement.

18 Adequate notice of this meeting has been
19 provided as follows: Notice of this meeting
20 setting forth the time, date, location, the agenda
21 to the extent known, was forwarded to The Jersey
22 Journal, The Record, has been posted on the
23 bulletin board in City Hall and has been made
24 available to the public in the office of the
25 municipal clerk.

ROLL CALL:

MR. VALLEJO: Roll call for tonight's meeting.

Mr. Grullon is absent.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Let the record indicate there are eight members present for tonight's hearing. So we have full quorum for tonight's meeting.

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes. May I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

MR. ORTIZ: Second.

MR. VALLEJO: Seconded by Mr. Ortiz.

Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Six in favor, motion carries.

Before we continue, for the record, let me congratulate Mr. Andres Garcia on being

1 appointed a new board regular member for the
2 Zoning Board of Adjustment. Welcome, Mr. Garcia.

3 Also Ms. Pena has been placed as
4 alternate number one. Thank you.

5 VICE CHAIRPERSON GUTIERREZ: Mr.
6 Vallejo, before we start the meeting, I would like
7 to get a moment of silence for Jacqueline Grullon,
8 sister of Victor Grullon.

9 MR. VALLEJO: A moment of silence,
10 please, in memory of Jacqueline Grullon, sister of
11 Victor Grullon.

12
13 (Whereupon, a moment of silence was
14 observed.)

15
16 MR. VALLEJO: Thank you.

17 * * * *

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1 **1512 PALISADE AVENUE -**

2 **1512 PALISADE AVENUE:**

3
4 MR. VALLEJO: First application on
5 tonight's agenda, 1512 Palisade Avenue. Mr.
6 Arturi, please.

7 MR. ARTURI: Yes. Good evening, ladies
8 and gentlemen. I'm Anthony Arturi, here to
9 present this application as counsel for the
10 applicant who is here with me. I have two
11 witnesses, an architect, Jose car value and a
12 planner, Alex Dougherty, both of whom have
13 qualified before this Board many times.

14 Brief summary of the application, they
15 own a home at 1512 Palisade Avenue, it was built
16 more than 100 years ago. The application
17 identifies the property as a one-family house. I
18 believe the tax records show it as a two-family.
19 We're in the R low density zone.

20 The property is 25-by-100 feet deep,
21 existing home is three stories and it is built to
22 the side lines. But it only extends 32 feet deep
23 out of the 100 foot. We're seeking permission to
24 not knock the building down, but to add an
25 addition to the building and save the building.

1 So we're looking for bulk in height and another
2 30 feet in depth, but no bulk variances. We are
3 seeking to convert the property into four dwelling
4 units.

5 We are here actually for the "D"
6 variance for the four units and a variance for
7 parking. So, I'll present my first witness if
8 we're ready. Jose Carballo.

9
10 J O S E C A R B A L L O , after having been
11 duly sworn or affirmed, did testify as follows:

12
13 MR. CARBALLO: Jose Carballo, C-A-R-B as
14 in boy, A-L-L-O.

15 MR. ARTURI: Ladies and gentlemen, I ask
16 that Mr. Carballo be accepted as an expert in
17 architecture, he's qualified here many times?

18 VICE CHAIRPERSON GUTIERREZ: Yes, I
19 accept his qualification. Thank you.

20 MR. CARBALLO: Thank you.

21 MR. ARTURI: Mr. Carballo, you have in
22 front of you a set of plans which is a copy of
23 what is before the Board that have been presented
24 on the application?

25 MR. CARBALLO: That is correct.

1 MR. ARTURI: So we can mark that A-1 for
2 identification.

3 MR. CARBALLO: Sure.

4 MR. ARTURI: Can you explain the
5 application and what your plans show what we plan
6 to do if approved?

7 MR. CARBALLO: Absolutely. First of
8 all, good evening and my condolences to the
9 family.

10 So the proposal in front of you tonight
11 is an addition to an existing one dwelling unit
12 and it's a two-story building. On the first page,
13 you're going to see the front facade of the
14 building. I took a picture of it so you see it.

15 So the proposal is to convert that
16 one-story building -- I'm sorry, the one-unit
17 building into four units. The application
18 consists of an addition, not just to enlarge the
19 building upwards two stories, but to also be an
20 addition towards the back of the building.

21 As counsel explained and as Mr. Spatz
22 reports, as far as the bulk of the building, aside
23 from the preexisting variances from the existing
24 building, we are not seeking any variances. We
25 conform to height, setbacks, coverage, et cetera.

1 We're okay with the building as it is. The
2 building as it is right now, as we show on the
3 plans. The only variances, as counsel explained,
4 is we're going to need a use variance because of
5 the density and also we're going to need a parking
6 variance. We do have a planner here today who's
7 going to talk as far as those two variances that
8 we're seeking.

9 But basically it's a six drawing set.
10 And what we have is on drawing A-3, we have three
11 floor plans. We have the lower level, which is on
12 the left-hand side. It's a two-bedroom unit. We
13 have on the first floor, we have another unit,
14 which is a three-bedroom unit. The second floor,
15 now this is where the proposed other building
16 towards the back, we actually have three-bedroom
17 unit and then we have two more stories. One on
18 the third floor, which is going to be our fourth
19 unit, that's also a three-bedroom unit. And then
20 we have rooftop deck with the stairs going up to
21 service that deck. Again, the setbacks conform,
22 does not require any variances. It's just the
23 height of the building -- I'm sorry, it's just the
24 density of the building.

25 You can see on A-5, the way we treated

1 the addition. So we're following the shape of the
2 building as existing for one story, then we're
3 pulling back the fourth floor, just to minimize
4 the visual impacts of the neighborhood.

5 Aside from that, you know, this
6 application, aside from the number of units and no
7 parking fully conforms to the ordinances as we
8 have today.

9 MR. ARTURI: Mr. Carballo, if approved
10 where is most of the addition of this building, if
11 not all of it, is the addition of the building
12 planned?

13 MR. CARBALLO: Most of the addition is
14 towards the rear of the building. And, again, it
15 does comply, so we're not seeking any variances.
16 The top floor, which is the fourth floor, like I
17 said before, we pulled it back just to minimize
18 the visual impact. So you're going to visualize a
19 three story building. And then if you go across
20 the street, you may see the top floor, which is
21 the fourth floor, but that is setback.

22 MR. ARTURI: And the interior of the
23 building is going to be completely renovated?

24 MR. CARBALLO: Everything is --
25 obviously the addition is brand new. But even

1 that existing building will be fully renovated,
2 you know, it's going to be brought up to latest
3 codes, just so it complies with energy, so it
4 complies with accessibility. Because one of the
5 units has to be accessible, it's a four-unit
6 building, so we do need some accessibility. So we
7 will comply with all the codes as we have today.

8 MR. ARTURI: Okay. Looking at page --
9 the first page of A-1, your schedule for existing
10 and conformities, can you just run through those
11 again, just to be more specific about what it is
12 that we need and what it is that we don't need?
13 In other words, the existing conditions --

14 MR. CARBALLO: Absolutely. And the
15 planner will go in more depth for this. The lot
16 size requires 2,000, we have 2,500, which
17 conforms. Frontage, 25, it's 25, so we conform.
18 The front yard, which is 10 feet or prevailing.
19 We got 9.74, that's an existing condition and
20 that's prevailing, again, so we don't need a
21 variance. When I say prevailing, all the other
22 buildings in the neighborhood basically comply
23 with that.

24 The rear yard, 5 feet, we have 25 feet.
25 So we do comply with that. The side yards are two

1 and zero. We have two and 3.66, so we're fully
2 compliant with that as well. And both sides yards
3 are 5 feet, we have 5.66, so we do comply with
4 that.

5 Building height 45 feet, four stories
6 permitted. We're at 34 and three, so we comply
7 with that. Lot coverage, we're permitted
8 100 percent lot coverage, we got 72. And the
9 building coverage, which we're permitted to go 85,
10 we're at 51 percent.

11 So as you can see bulk wise the building
12 does comply with the ordinances. Again, it's just
13 the density and the parking. And the planner will
14 get into that in more detail.

15 MR. ARTURI: Thank you. From an
16 architectural point of view, did you look at
17 trying to create a parking space of any kind while
18 at the same time keeping this building?

19 MR. CARBALLO: It's really impossible,
20 the building is too close to the street to allow
21 for a ramp to go down into the basement. And even
22 if we could do that, the maximum you could park is
23 two vehicles. So it really didn't make any sense
24 and, you know, it was basically impossible to do
25 that.

1 MR. ARTURI: Is there any room on the
2 side lines to create parking or a driveway?

3 MR. CARBALLO: No. We're at -- the
4 building, if you can see at the schematic site
5 plan on A-1, the left side is on the property line
6 and the right side is a couple of feet. So we
7 really don't have any room for parking.

8 MR. ARTURI: So in your professional
9 opinion as an architect, there's no way to save
10 this building and create any parking spaces?

11 MR. CARBALLO: That is correct.

12 MR. ARTURI: Okay, thank you. I don't
13 have any further questions.

14 MR. GARCIA: Mr. Carballo, the existing
15 structure, is frame or what is it?

16 MR. CARBALLO: The existing structure is
17 brick on the outside and it's frame on the inside.
18 So all the bearing is basically going to be on the
19 frame inside.

20 MR. GARCIA: And what your client is
21 proposing is -- basically he right now has -- by
22 the way, we have here a memorandum from the
23 building department saying that it is one-family
24 to four, right?

25 MR. CARBALLO: That is correct.

1 MR. GARCIA: As per your plans in the
2 building data, which one is that -- the front
3 page. You indicate that right now, you have a
4 basement, first and second floor, adding
5 everything to 2,223, right?

6 MR. CARBALLO: Yes.

7 MR. GARCIA: And you are proposing
8 first, second and third with 1,346 and basement
9 with 1,143, that means that you are proposing more
10 than double what's existing right now?

11 MR. CARBALLO: Mathematically, yes, I
12 agree with you. However, going by the bulk
13 ordinance, it has no meaning, right, because we
14 confirm with all the bulk ordinances.

15 MR. GARCIA: But this is -- that's what
16 you're proposing?

17 MR. CARBALLO: Mathematically, yes,
18 that's what we're proposing.

19 MR. GARCIA: And you are -- which one is
20 setback, the rear setback?

21 MR. CARBALLO: Rear setback we have is
22 25.2.

23 MR. ARTURI: If approved.

24 MR. GARCIA: Well, the proposal is 25?

25 MR. CARBALLO: If you look through A-1,

1 the second drawing from the left, you're going to
2 see the schematic site plan does show 25 and
3 4 inches.

4 MR. GARCIA: Okay. And you said this --
5 okay. I want to hear that -- you're going to have
6 a planner, right?

7 MR. CARBALLO: Yes.

8 MR. GARCIA: Okay.

9 MR. CARBALLO: We do.

10 MR. GARCIA: Thank you very much.

11 MR. ARTURI: Any other questions?

12 VICE CHAIRPERSON GUTIERREZ: Anybody
13 else on the Board want to ask any questions?

14 MS. O'DELL: Is it going to stay a
15 two-story building or are you adding another floor
16 to the top?

17 MR. CARBALLO: We're actually adding two
18 stories to the back. One story is going to match
19 the building as it is. The fourth story is going
20 to step back.

21 MS. O'DELL: And the basement will stay
22 a basement or is that going to change to another?

23 MR. CARBALLO: That will turn into
24 another unit. You'll have windows to be a unit.
25 The one unit is going to be in the basement,

1 second unit is going to be on the first floor as
2 it is now. Second unit is going to be on the
3 second floor as it is now, and one more unit on
4 the top.

5 MS. O'DELL: So on the one on the fourth
6 floor -- third floor, the top floor, is that going
7 to be a smaller apartment?

8 MR. CARBALLO: It's going to be a little
9 smaller because of the setback, yes.

10 MR. GARCIA: The top floor?

11 MR. CARBALLO: Yes.

12 MR. GARCIA: You have the same size
13 1,346, first, second and third. The basement is
14 the one that's going to be smaller?

15 MR. CARBALLO: The basement is the one
16 that's going to be smaller.

17 MR. GARCIA: Okay.

18 MR. CARBALLO: Part of the drawings, the
19 last drawing shows a few photos of the area. And,
20 again, the planner is going to get into that in
21 more depth.

22 MS. PEREZ: The planner will talk about
23 the parking?

24 MR. CARBALLO: Yes.

25 MR. PANEQUE: Any other witnesses, Mr.

1 Arturi?

2 MR. ARTURI: I do. If there's no more
3 questions for Mr. Carballo, I have Alex Dougherty.

4 MR. PANEQUE: No other questions --

5 MR. GARCIA: He's not leaving, right?

6 MR. ARTURI: He's not leaving.

7 MR. CARBALLO: I'll be here all week.

8 MR. PANEQUE: Thank you.

9

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

13

14 MR. DOUGHERTY: Alexander Dougherty,
15 last name is D-O-U-G-H-E-R-T-Y, here on behalf of
16 John McDonough of McDonough Associates at 101
17 Gibraltar Avenue, Suite 1A of Morris Plains.

18 MR. ARTURI: Madam Chair, can I ask that
19 Mr. Dougherty --

20 VICE CHAIRPERSON GUTIERREZ: We accept
21 his qualifications.

22 MR. ARTURI: Thank you.

23 Mr. Dougherty, did you make an --

24 MR. GARCIA: One second, one second,
25 sorry, Chairwoman. You mentioned where you're

1 located, where your license is, can you give a
2 little background just for the record?

3 MR. DOUGHERTY: Yes, absolutely.
4 Professional planner, my license is PP,
5 professional planner in New Jersey, national,
6 AICP, licenses are good and current, never been
7 suspended. My education is Rutgers Blaustein,
8 master's in city and regional planning,
9 concentration in redevelopment and redevelopment
10 studies, certification in public policy. I
11 testify in this capacity on a weekly, sometimes
12 daily basis. I've testified in front of this --

13 MR. GARCIA: You've testified in front
14 of this Board?

15 MR. DOUGHERTY: Yes.

16 MR. ARTURI: You did qualify here as an
17 expert before this particular Board, correct?

18 MR. DOUGHERTY: Yes.

19 MR. ARTURI: How many times would you
20 estimate?

21 MR. GARCIA: A few.

22 MR. ARTURI: So he's accepted as an
23 expert for professional planning?

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. PANEQUE: The record should reflect

1 Mr. Arturi, that Mr. Dougherty has appeared
2 several times before this Board and been
3 previously accepted as an expert in the field of
4 planning.

5 MR. ARTURI: Thank you, appreciate it.

6 Did you make an analysis of the proposed
7 project from a professional planning standpoint?

8 MR. DOUGHERTY: I did.

9 MR. ARTURI: Can you take the Board
10 through what you looked at and what your analysis
11 and opinions are?

12 MR. DOUGHERTY: Certainly. For tonight,
13 the office prepared an exhibit package. If it
14 pleases the Board, I'll pass that out. It
15 consists of, I believe, three slides -- I'm sorry,
16 four. And it's -- I'm sorry, five slides. And it
17 consists of maps and photographs of the site and
18 of the surroundings and a density map as well.

19 MR. PANEQUE: Let the record show it
20 will be marked A-2.

21 MR. DOUGHERTY: So slide one outlined in
22 yellow is the property in question. It's 512
23 Palisade Avenue, as you can see it's one tax lot,
24 Block 181, Lot 4.

25 We turn the page, I think this is a

1 compelling slide, if you will. So what the office
2 did is it compiled essentially a density, a unit
3 count of some of the surrounding area. As you can
4 see, it's color coordinated. The green, the teal
5 indicates four units. We have blue at five to
6 nine units and purple would be 10 to 19. And then
7 the darker red would be 20 or more units. So I
8 think the exercise here is to show that this is
9 not your typical two-family residential zone,
10 there are some larger massing and densities here.
11 This would not be out of character for this
12 neighborhood and it certainly would not be the
13 most intensive residential dwelling here in the
14 neighborhood.

15 With that, the next couple slides, we
16 took the drone out, flew it around so we can see
17 where some of these higher density buildings fall.
18 And if we flip back and forth, you can kind of --
19 like on slide three, you can see some of the
20 larger residential buildings, as the yellow arrow
21 indicates the property in question.

22 From the public realm, it appears as a
23 two-family. As you heard, this would be three
24 stories where three stories is allowed. We are at
25 three stories and we're underneath the height

1 requirement. So the height would not be the
2 issue.

3 As you can tell on the next slide, it's
4 really a small building, really small, compact.
5 It's right on the property line. The back is, you
6 know, pretty short. As you see, the building to
7 our left is, I guess, kind of built during the
8 same time frame.

9 And the next slide is the aerial view.
10 On page five, as you can see it really does hug
11 the front of the property. The back is wide open.
12 This is essentially the essence of the proposed
13 project. To kind of build off the back of the
14 house and kind of come up. And then add that
15 third floor. As we just heard, as you can see, it
16 is a small house. I think what's also important
17 to note is the fact it is on the property, the
18 front and there is not opportunity for driveways
19 or garages. The building has a really good curb
20 appeal. It is relatively old, it's built 1898, so
21 kind of before when the car was, you know, the hot
22 ticket item and houses were being designed around
23 cars. So it certainly limits our ability to
24 provide for the vehicle.

25 Nonetheless, as we heard, we're in the

1 R, residential low density. We are proposing
2 four units. As the architect went over, they're
3 relatively comfortable in size. We're kind of
4 giving this dated building, this antiquated
5 building a makeover and bringing it more into what
6 the market is asking for and keeping the older
7 structures and giving them that internal modern
8 vision for better living arrangements.

9 We are here for that (d)(1) use relief.
10 And when we look at that, the zone allows for
11 two-family and we're asking for four. With that
12 increased housing, we do have a parking variance
13 that is hooked to this application. A (d)(1) use,
14 those variances are subsumed within that. But
15 nonetheless, we would be needing eight parking
16 where zero is provided. Again, I ask the Board to
17 look at where we are. We are on Palisade. We do
18 have some parking on street. But nonetheless,
19 this is not your typical quiet residential street.
20 It is a little bit more of a heavily traversed
21 corridor through Union City.

22 With that being said, we believe the
23 application meets the Medici test here. When we
24 look at the application from a positive
25 perspective, the building mass is fully conforming

1 and can go there right as it is. The only
2 question is: Is it appropriate to fill it with
3 smaller units or more conducive to today's urban
4 market than one larger or two units here, which
5 again, would not have parking, whether it was
6 single family or two-family, parking is going to
7 be an issue for this building regardless.

8 When we look at the public welfare, I
9 believe the project provides the critical
10 important, what we call in the planning world, the
11 missing middle. Where you see here, we have
12 larger apartment housing. And then typically in
13 America, we go from housing to single family, two,
14 three, four is what we classify the missing
15 middle. It's an opportunity to provide for that.
16 With that being said, the missing middle movement
17 is gaining currency and is an effective solution
18 for housing affordability crisis and the housing
19 choices are evolving in response to the shifting
20 demographic. Again, it's the option to live
21 either in a big apartment or that detached
22 dwelling in a more suitable condition.

23 Site suitability, is the site suited for
24 the extra addition off the rear? As we heard, it
25 will be in conformance with the bulk relief.

1 Again, we have substantial room to accommodate
2 appropriate housing comfortably here. We are on a
3 major road. If this was a smaller, quieter road,
4 maybe the site wouldn't be suitable for
5 four units. As you can see, when we look at the
6 increased density, this particular corridor has a
7 greater density because that's where it's best
8 suited versus a residential quieter neighborhood.

9 When we look at the purposes of zoning,
10 the project promotes municipal planning goals of
11 aesthetics. Again, we're keeping that front
12 facade from 1800's, an efficiency and variety of
13 uses. All the above promotes the fundamental
14 purposes of the land use law, especially purpose
15 A, G, I, and M. When we look at the negative
16 criteria, we believe the relief can be granted
17 without substantial detriment to the zone. The
18 four-unit development I believe is a compatible
19 character for the area shown on the second map.
20 There are abundance of multi-unit building nicely
21 commingling in the general area. The massing of
22 this project and scale of development is certainly
23 compatible, as we can see from some of the shots.
24 The project has been designed to meet all
25 applicable building codes and fire codes. Again,

1 the units are comfortable in size, spacious, well
2 appointed units, and the wholesome living
3 environment.

4 I believe the relief relates to the
5 specific piece of property. I don't believe it's
6 tantamount to a rezone. Again looking at the
7 scale of the major road, I believe a one-family or
8 two-family would be a little bit out of character
9 from what's happening out there. At the same
10 time, when we look at the property itself, this
11 addition and with these increased units, we're not
12 violating the setbacks and the regulations as
13 outlined in the planner's report. We're under lot
14 coverage, we're under building height, we're
15 within the bulk requirements. We're simply here
16 for two additional units on a major road.

17 We also have some (c) relief that's
18 hooked into that. Again, that (c) relief would be
19 subsumed within the (d) (1). But nonetheless, the
20 relief relates to the parking. We can look at it
21 as a (c)1 or (c)2, (c)1 is a hardship. The
22 building existed there, never had a driveway. You
23 know, for us to provide for a driveway for this,
24 we would have to essentially knock the building
25 down. I don't think that's something we'd like to

1 do. I think it's a good looking building from the
2 public realm.

3 We also have some case law. In the
4 Ricci case where it basically found that parking
5 can't be imposed on a building that never had it.
6 Even if we went to a two-family permitted use or,
7 you know, we had a basement dwelling for three, we
8 can't provide for that parking. Nonetheless,
9 Palisades does have opportunities for mass transit
10 and walkability. Given that I've been here quite
11 a bit, I know parking is a concern, I took it one
12 step further, I looked into the Census Reporter
13 for Union City. And some of the most current
14 information, about 75 percent of the population
15 either car pools, takes mass transit, works from
16 home, bikes, walks, or other. That's right from
17 the Census Reporter for Union City. With that,
18 the per capita is about 29. So again that really
19 helps with that affordable range of housing
20 options and choices.

21 With that being said, I don't believe
22 that parking would be so substantial to take away
23 from the ability to provide for moderate living
24 and comfortability. With this application, again,
25 we do have a substantial rear yard and we are

1 building within the confinements of what the bulk
2 requirements are.

3 With that being said, I believe
4 statutory criteria for relief have been met and
5 approval would be warranted. And I'll conclude
6 with that for any questions.

7 MR. GARCIA: I have a few questions.
8 Did you have the opportunity to pass by the
9 location?

10 MR. DOUGHERTY: I'm here quite a bit.
11 For this particular site, I think I've been out
12 here before on Palisades in this neighborhood.

13 MR. GARCIA: But do you know the area?

14 MR. DOUGHERTY: I know Palisades, yes.

15 MR. GARCIA: And also in page two, you
16 mention by color, purple is 10 to 19, red is over
17 20. Did you figure out how old are those
18 buildings?

19 MR. DOUGHERTY: The age of the
20 buildings, no I did not go into the age of the
21 buildings.

22 MR. GARCIA: Okay. So you could
23 probably say that it's probably over 50 years
24 building?

25 MR. DOUGHERTY: I'm sure some of these

1 properties are. This one's from the 1800s.

2 MR. GARCIA: I'm no expert in this, but
3 I know most of them are really, really -- at least
4 pre- the second time that they did the ordinance,
5 you know what I mean? So they're really, really
6 old. So I don't think this is comparison with
7 this one. It's probably the same old as the house
8 is or probably older, but okay.

9 Also, you mentioned it's from two to
10 four, but the application is from one to four. So
11 are you asking to legalize one and then go to
12 four?

13 MR. DOUGHERTY: So the zone allows for
14 two. Our tax records are showing it as two.
15 Whether one person lives there or doesn't --

16 MR. GARCIA: No, no, because I mention
17 in the beginning of the application that we have a
18 memo from the building department indicating it as
19 one.

20 MR. DOUGHERTY: Right. The building
21 department is saying it's one, the tax assessor
22 says two. Nonetheless, twos are allowed, so we're
23 just asking for two more. Whether it's one or
24 two, you know, we're being taxed as two from my
25 understanding.

1 MR. GARCIA: Mr. Spatz, can we -- I mean
2 we as -- just for us, can you give us some
3 clarification. How we treat this one? From one
4 to four or two to four? Because they say the tax
5 said two, but building department, like you saw
6 the memo, saying it's only one.

7 MR. SPATZ: The Board always accepts the
8 building department's record because that
9 determines the number of legal units in the
10 building. They may be taxed for more, but legally
11 there's only one unit in the building according to
12 the building department.

13 MR. GARCIA: Thank you very much. And
14 like you said no property to add any parking?

15 MR. DOUGHERTY: No, there's a hardship.
16 We can't have parking on this property unless we
17 knock the building down. And that's something we
18 really didn't want to do.

19 MR. GARCIA: Okay. Did you -- going
20 around, did you realize that you have a school
21 almost across the street?

22 MR. DOUGHERTY: Yeah. And that's good
23 planning putting people next to parks, schools,
24 public amenities, mass transit. I believe
25 actually that's one of the ideal utopian city

1 layouts is to build around schools.

2 MR. GARCIA: Do you drive around at the
3 grub hub and pick up kids from another school --
4 how many kids is in that school?

5 MS. PEREZ: 600.

6 MR. GARCIA: 600, okay.

7 MS. PENA: And Hudson School is down the
8 block as well to the left. And then Cork Hill,
9 the restaurant that does not have parking at all.

10 MS. PEREZ: How many parking spots are
11 required now?

12 MR. DOUGHERTY: With this application?

13 MS. PEREZ: Before, prior to the
14 proposal, what is currently required?

15 MR. DOUGHERTY: It's about two to a
16 unit, so if it's one, it would be two.

17 MR. ARTURI: But this is an existing
18 condition, well before --

19 MR. GARCIA: According to the memo, Mr.
20 Spatz mentioned the existing condition is 2.1, but
21 according to the exposition it's 8.1.

22 MR. DOUGHERTY: With the addition.

23 MR. GARCIA: With the addition.

24 MR. DOUGHERTY: It's basically two per
25 unit.

1 MR. GARCIA: Okay.

2 MR. PANEQUE: Mr. Dougherty, I have a
3 question for you. I call your attention to page
4 two of your exhibit.

5 MR. DOUGHERTY: Yes.

6 MR. PANEQUE: You have a color scheme
7 for four units, five to nine, 10 to 19 and over
8 20.

9 MR. DOUGHERTY: Yes.

10 MR. PANEQUE: And then you have a whole
11 bunch of blocks that are just white.

12 MR. DOUGHERTY: Yes.

13 MR. PANEQUE: Are those one- and
14 two-family?

15 MR. DOUGHERTY: I didn't make the map
16 personally, a colleague friend of mine did that.
17 When we do present these maps that is the number
18 one question that comes up, well, what are the
19 whites. I tell them to do the whole neighborhood,
20 this is what he gives us. I don't have that data
21 available.

22 MR. PANEQUE: So the assumption is that
23 they're one and twos?

24 MR. DOUGHERTY: It could be. It could
25 be commercial uses.

1 MR. PANEQUE: Okay. Now, the next
2 question is for Mr. Spatz. Mr. Spatz, we have on
3 the side yard, the existing building does not
4 comply with the side yard requirements, correct?

5 MR. SPATZ: That's correct, yes.

6 MR. PANEQUE: And the proposed addition
7 does that not trigger a side yard variance
8 requirement?

9 MR. SPATZ: The addition has been set
10 back in on the sides. So the addition itself
11 meets the side yards, but the existing building
12 does not.

13 MR. PANEQUE: The addition does, but
14 this Board will still have to approve a side yard
15 because once you add an addition to an existing
16 property, you're thereby creating a variance for
17 the existing property.

18 MR. SPATZ: Yes. You would be creating
19 a variance for that, you know, acknowledging that
20 it is a preexisting condition, yes. But that
21 would be one of the variances that would be
22 included, yes.

23 MR. PANEQUE: Now, this also is in the
24 LDR zone, right? The property is in the LDR zone?

25 MR. SPATZ: Right.

1 MR. PANEQUE: Now, the LDR zone is one-
2 and two-families under the new ordinance in Union
3 City?

4 MR. SPATZ: That's correct, it is a one-
5 and two-family zone, yes.

6 MR. PANEQUE: So if this was a vacant
7 lot --

8 MR. SPATZ: Without coming in for a use
9 variance, they could build a one- or two-family.

10 MR. PANEQUE: One or two, but not a
11 four, without a use variance?

12 MR. SPATZ: That's correct, that's why
13 they're in, yes.

14 MR. PANEQUE: So a side yard is a
15 variance that they would be requiring at this
16 juncture?

17 MR. SPATZ: Yes. They would need that
18 variance. As I said, it's for a preexisting
19 condition, but it is a variance because you would
20 legalize all of the various circumstances on the
21 property.

22 MR. PANEQUE: And that applies also to
23 the front yard because they're not meeting the
24 10-foot requirement, they're at 9.74?

25 MR. SPATZ: They've indicated it is --

1 it's seven foot or prevailing. And they've
2 indicated that that is the prevailing setback, so
3 I don't believe they need a variance for that.
4 But the side yard, they would, the preexisting
5 condition.

6 MR. PANEQUE: Thank you.

7 VICE CHAIRPERSON GUTIERREZ: Thank you.
8 Let's open up to the public. Anybody in the
9 public want to ask --

10 MR. GARCIA: Question that I have, do
11 you have the meeting with the neighborhood? Your
12 client didn't have any meeting with the
13 neighborhood?

14 MR. ARTURI: I've had several
15 discussions, as we've been here five or six times,
16 so I know --

17 MR. GARCIA: But the discussion here,
18 not that you get a meeting with --

19 MR. ARTURI: No.

20 MR. GARCIA: Okay.

21 MR. ARTURI: There's one or two letters
22 that were sent to the Board. I did have a
23 discussion with one of those people that's here,
24 but they don't really want any development. So
25 there's no way for us to come to a consensus.

1 VICE CHAIRPERSON GUTIERREZ: Okay.
2 Let's open up to the public. Please step forward
3 if you have any questions.

4 MR. GARCIA: The lady there.

5 VICE CHAIRPERSON GUTIERREZ: Come up,
6 ma'am.

7 MS. VANETIK: Thank you for --

8 MR. PANEQUE: State your name, please.

9 MS. VANETIK: My name is Yulia Vanetik.

10 MR. PANEQUE: And your address?

11 MS. VANETIK: 1510 Palisade Avenue.

12 Thank you for hearing me. I would like
13 to -- I've been hearing these gentlemen. I would
14 just like to say I have no opposition to
15 development per se. Because the building has
16 been -- I've been living there for about 20
17 something years, the building is not well taken
18 care of. But I have no opposition to having it
19 improved.

20 However, I do express opposition to an
21 addition, it's a 25-by-100 lot, it's very long and
22 they're proposing to have the extension all the
23 way to the backyard. Basically, it would -- my --
24 one second. Right now, 1508, 1510 and 1512 have
25 been built together in 1886, '96?

1 MR. DOUGHERTY: About 1898.

2 MS. VANETIK: Right. So they're sharing
3 the same foundation and there's no parking,
4 there's no proposal for the parking, as you've
5 heard. Right now as a matter of fact, it's very
6 difficult to begin to find any parking. There's a
7 big school across the street, there's a few big
8 buildings across on Palisade Avenue, which it's
9 very densely populated. And they just build
10 another building further down on 15th Street and
11 Palisade Avenue, there's a big building. So
12 there's already no parking.

13 And so I mean it's a four-family
14 building, but usually the maximum of cars would be
15 at least eight cars. So that adds a lot to
16 already an overpopulated neighborhood. It will
17 increase traffic jams, it's already a lot of
18 traffic, disproportionate surge during morning and
19 evening rush hours causing traffic issues because
20 of the street across -- because of the school
21 across the street.

22 I also would like to give you a photo of
23 the back. I don't know, maybe you've seen it.
24 Right now, I'm squeezed between two buildings --

25 MR. GARCIA: Just for the record, let

1 me -- sorry for the interruption. Can we accept?

2 MR. PANEQUE: We can see it.

3 MS. VANETIK: So basically on my right
4 side, there's 1508, which is a two-family house,
5 it's extends all the way to the back, there's a
6 wall there. So if I have another building on the
7 left side, I will have basic --

8 MR. GARCIA: This is the backyard of
9 1512?

10 MS. VANETIK: Yes. So it's very narrow
11 space, so it would be a brick wall or they want to
12 extend all the way to the back. First of all,
13 they'll kill all the trees, they'll have to chop
14 down the trees. I know nobody cares about the
15 trees, but there's a huge bird sanctuary there.
16 So I'll be stuck between two walls basically,
17 there's no regress for me. So nobody thought of
18 that because I'm right next door.

19 Also to create an apartment in a
20 basement, you would probably need to dig deeper
21 because the height of the basement is not very
22 high, it's not even seven feet, maybe. You would
23 have to dig deeper, so this will affect my
24 foundation because I share the same foundation
25 with the building. And so when you dig underneath

1 I have architect friend, they said the house, my
2 house could settle by one or two inches. So that
3 will destroy my house. We're all attached, this
4 is attached house. These are attached houses.

5 So if that does go forward I would like
6 to request that I would be the beneficiary for
7 anything that ever happens to my house, I would
8 need to be the beneficiary on a -- legally, with
9 insurance, so...

10 MR. PANEQUE: Anything else you want to
11 say to the Board, ma'am?

12 MS. VANETIK: Okay. Well, actually I
13 have a New York Times article on -- you will see
14 my house and the house in the back, we're the
15 same, we're sharing the same wall, it's flat.
16 There's -- all too often, these stories where the
17 houses are replaced or, like, renovated when the
18 developers come in, they destroy. There's a house
19 right here in the West Village, they did the same
20 thing. And they had to knock down the house -- I
21 can share this with you, if I may?

22 MR. GARCIA: Share with them first.

23 MS. VANETIK: So what happens with the
24 house next door, they had to knock it down as well
25 because it affected the house next door. So these

1 are my concerns because I'm right next door. I
2 share the same wall, the same foundation.

3 MR. PANEQUE: Ma'am, regarding your
4 concerns, if the Board deems fit to approve this
5 application, all of those concerns that you're
6 raising will be addressed by our building
7 department, okay. They will have to undertake
8 certain precautions and meet certain criteria with
9 engineering specs and everything, so that you will
10 not be in any way impacted.

11 I'm not saying that it's going to be
12 approved, I'm just trying to address the concerns
13 that you're raising. Because those concerns are
14 raised often and we have an excellent building
15 department, who is very cognizant of how
16 construction should be undertaken, and the kind of
17 engineering specs that have to be met.

18 MS. VANETIK: Would somebody come and
19 inspect my house because -- if this does go
20 forward, I would like somebody to come and inspect
21 what is inside my house right now.

22 MR. PANEQUE: You can ask for that, but
23 let's take one step at a time for now. We'll see
24 whether the Board approves this application or
25 not.

1 MS. VANETIK: Okay. Thank you very
2 much.

3 MR. PANEQUE: Any other concerns you
4 have?

5 MS. VANETIK: No, it's -- I'm more
6 concerned about the quality of life that I will be
7 losing because of the backyard and the life that
8 is in the backyard. Because there's not much of
9 that left in Union City because of all the
10 development that's going on, the parking. So
11 basically we're all -- all the neighbors are
12 concerned about having our quality of life taken
13 away from us.

14 MR. PANEQUE: Understood. Do you drive?

15 MS. VANETIK: Yes, I do.

16 MR. PANEQUE: And you have a vehicle?

17 MS. VANETIK: Yes, I do.

18 MR. PANEQUE: Would you like to tell
19 this Board what the parking situation is from your
20 perspective?

21 MS. VANETIK: Well, I went -- because of
22 the school, there's basically no parking. I have
23 to drive around for quite a long time to find any
24 parking. Even today, when I came back and you
25 would think that at 3:00, the school comes out,

1 maybe I would find a parking spot, I couldn't find
2 one.

3 MR. PANEQUE: Okay.

4 MS. VANETIK: So I have to go quite far
5 away.

6 MR. PANEQUE: Understood, all right.
7 Thank you, ma'am.

8 MS. VANETIK: Thank you very much for
9 hearing me.

10 MR. PANEQUE: Anybody else from the
11 public?

12 MR. DOUGHERTY: Could I say something
13 about the building?

14 MR. PANEQUE: Not yet, Mr. Dougherty.
15 You can answer later.

16 MR. TRITHART: Thank you. My name is
17 Albert Trithart, I live at 1511 Palisade Avenue,
18 right across the street from the property. I'd
19 like to speak on behalf of my neighbor. I came
20 here tonight with a very open mind, I'm generally
21 not opposed to new developments. But the plans I
22 heard cause me concern. It seems very reasonable
23 that this property would be turned into a
24 two-family home, but a four-family home really
25 seems like a stretch to me, especially with the

1 addition of two stories. And considering the fact
2 that these are very old buildings that are
3 connected, it's not a standalone house, it's a row
4 house, as is my house across the street. We have
5 a row of six houses that are all connected. Any
6 significant changes to one of those properties has
7 very substantial changes on all of the neighbors.
8 So it's one thing to talk in the abstract about
9 the community or about the impact it will have.
10 But I think we have to think about the impact it
11 will have on the immediate neighbors.

12 And as my neighbor just said it will
13 have a serious impact on her quality of life, her
14 backyard will basically become completely dark.
15 And there's a serious risk of damage to her house
16 during the construction. I would have the same
17 fear if the similar thing was being done to the
18 house adjacent to mine. And that would have a
19 significant impact on her property value as well.

20 I'm also concerned about parking, as has
21 already been mentioned. I also have a car in the
22 neighborhood and I'm often driving around for half
23 an hour looking for a place to park, it's almost
24 impossible. There is public transit, I take the
25 123 bus most days. I often have to wait and let

1 the bus go by and wait for the next one because
2 it's so crowded. The infrastructure in the
3 neighborhood is not adequate for the level of
4 density that we have right now. And it's also
5 right next to the school. The streets in this
6 neighborhood are filled with children and so
7 adding more cars could also pose a risk to them.

8 So I think that it's good to have new
9 housing in Union City, I'm not sure that this is
10 the kind of new housing that we need. I'm not
11 sure that it's going to be providing the housing
12 that the current residents of Union City need.
13 And while I think two families would be reasonable
14 at this property, the only reason I see for having
15 four families there would be to maximize the
16 profits for the developers.

17 MR. PANEQUE: Thank you, sir.

18 VICE CHAIRPERSON GUTIERREZ: Thank you.

19 MS. PENA: Thank you.

20 MR. PANEQUE: Anyone else from the
21 public want to speak on this application? Madam
22 Chairperson?

23 VICE CHAIRPERSON GUTIERREZ: Yes. You
24 don't have anything else?

25 MR. ARTURI: I'd like to know if any

1 Members of the Board have questions for either of
2 my witnesses based on the objections that were
3 raised?

4 MR. PANEQUE: Mr. Arturi, I think your
5 expert Mr. Dougherty had something to add.

6 MR. ARTURI: He does have something to
7 add, I can ask him. I just want to know if anyone
8 has questions of their own?

9 VICE CHAIRPERSON GUTIERREZ: Anybody on
10 the Board have any questions?

11 MR. GARCIA: No.

12 MR. ARTURI: Mr. Dougherty, you heard
13 the objectors.

14 MR. DOUGHERTY: I understand exactly the
15 concerns from the actual build out itself, as far
16 as the rear yard and the side yards and in
17 respects to the massing of the proposed addition,
18 if we were to take out the units, let's say it's
19 two units, it's two really big apartments. Those
20 two units could, you know, potentially have
21 several vehicles.

22 The massing of the property itself is
23 not necessarily not allowed to happen. They can
24 build off the back, they can build to the height,
25 they can build to the distance of the rear yard.

1 That essentially is allowed, there is the existing
2 side yard setback, which, you know, as
3 demonstrated is nonexistent because the buildings
4 were built side by side. But you can build
5 certainly off the back, build up to that height in
6 that regards.

7 And then it's the matter of the internal
8 layout, is it four units or is it two really big
9 single family dwellings. And my experience in
10 this space is we have robust living and
11 opportunity, you do get that family nucleus that
12 certainly does have a lot of cars. When you
13 provide for a range of housing options,
14 particularly, at least, from my census gathering
15 from the Census Reporter and we can look it up and
16 it's relatively available information, according
17 to the census, 75 percent of the population
18 carpools, uses transit, walks, works from home, or
19 other. 25 percent of the population needs the car
20 independently for quality of living, commuting,
21 working in that regards.

22 As far as the school being there, it is
23 a beacon, it brings the community there. There is
24 certainly going to be traffic traversing there,
25 but there is an opportunity to provide housing

1 around the school, put a family there. In that
2 regards, that is good sound planning practices,
3 you want to put populations next to parks, open
4 spaces, schools, mass transit. That is sound
5 planning practice.

6 But as far as the idea where the car
7 comes, we can have the same amount of cars with
8 one-family or two-family units, that's
9 undetermined. But as far as the building goes, I
10 want to inform the neighbors, the building itself,
11 that new addition is in compliance with the zone
12 requirement.

13 MS. VANETIK: But there's also my
14 quality of life and the extension to the back,
15 which I will be stuck between two walls.

16 MR. DOUGHERTY: That extension is
17 allowed. I just want to --

18 MS. VANETIK: I'll be stuck between two
19 walls, there's no regress and it will be
20 dangerous.

21 MR. ARTURI: Mr. Dougherty, are you
22 saying from your point of view if this was a
23 one-family use or even a two-family use, this
24 building can be built as far as back as proposed
25 or even further?

1 MR. DOUGHERTY: Yes. We have a hardship
2 with the side yard setback and have a hardship
3 without having parking. There is a practical
4 difficulty that new addition off the rear falls in
5 compliance with the bulk requirements. As far as
6 that falling in side yard setbacks, the rear yard
7 setbacks, the height, the lot coverage, the
8 building coverage, that would be allowed. And
9 there's a practical difficulty with, like I said,
10 the front mask with the side yard and the parking.
11 That new addition would not be a detrimental
12 factor or something that would require relief from
13 what that would be.

14 We would just refer to the Board that we
15 have a hardship and, you know, it's a condition we
16 cannot cure, which is the parking and the front
17 yard setback. However, the new addition,
18 everything would be in compliance.

19 MR. ARTURI: So in your opinion, if no
20 parking variance is granted, can there be any
21 expansion of this building, even if it was kept as
22 a one- or two-family?

23 MR. DOUGHERTY: Yes, yes.

24 MR. ARTURI: I'm sorry, maybe you
25 misunderstood my question. Is it impossible to

1 make any expansion of this building, even if it's
2 a one- or two-family without a parking variance?

3 MR. DOUGHERTY: No, it's not impossible
4 at all.

5 MR. ARTURI: Can you explain that?

6 MR. DOUGHERTY: It's the hardship, the
7 addition would be built in compliance as is
8 demonstrated with the bulk requirements, the
9 building coverage, lot coverage, rear yard
10 setback, side yard setback, the height, it would
11 just be a very large one-family and it would have
12 a hardship that it has no parking. And I don't
13 know how many vehicles that large one-family house
14 would produce.

15 MR. ARTURI: But you would still need
16 two parking spaces for it as a one-family, right?

17 MR. DOUGHERTY: Yes.

18 MR. ARTURI: And it's impossible to have
19 two --

20 MR. DOUGHERTY: Yeah. It probably would
21 be a very large family.

22 MR. ARTURI: Obviously. In your opinion
23 overall, having heard the objectors, do the
24 benefits of going from one- or two-family to four
25 and without parking here, outweigh the overall

1 detriments?

2 MR. DOUGHERTY: I do. I think there's a
3 better argument to be had that providing housing
4 is paramount. And parking, as a planner, the
5 vehicle, I love it and I hate it. I understand
6 the concerns, I'm out here, parking is tough.
7 However, the individuals that would move here,
8 they would know there's no parking and if that was
9 an issue, eventually at some point, there would be
10 some kind of balance there. But, again, the
11 parking situation is a situation.

12 MR. ARTURI: And in your opinion is the
13 proximity to schools a positive or a negative
14 overall?

15 MR. DOUGHERTY: That's a positive in the
16 planning world.

17 MR. ARTURI: Can you explain why?

18 MR. DOUGHERTY: If you can put
19 populations next to civic centers, open space,
20 mass transit, that's always a plus. That's good
21 sound planning across the board, especially
22 residential development. When you talk about land
23 uses around the school, I wouldn't want to see
24 industry and industrial uses around the school. I
25 would want to see residential in that regards.

1 MR. ARTURI: Thank you. I don't have
2 any further questions. I don't have any further
3 witnesses, I would just move into evidence A-1 and
4 A-2?

5 VICE CHAIRPERSON GUTIERREZ: Okay.

6 MR. GARCIA: Can I? I have two
7 questions. So I don't know if I -- probably since
8 English is my second language, I didn't probably
9 understand pretty well. When you say that for
10 one-family, we're going to need two parking spaces
11 and you don't have anywhere? And for that reason,
12 it's okay if we have a four unit, we accept it, we
13 grant it the eight parking waiver, that's what I
14 understood. So it's like I don't think it doesn't
15 come to the table to mention, like, the two
16 parking spaces is needed, right, in one family?

17 MR. ARTURI: We're saying that we have a
18 hardship the way the building is constructed --

19 MR. GARCIA: For those two, but not for
20 eight.

21 MR. ARTURI: Right. So we cannot create
22 any parking spaces at all and do anything with
23 this building, in terms of expansion.

24 MS. PEREZ: But you're creating a bigger
25 hardship, right? The probability or the

1 likelihood of eight --

2 MR. GARCIA: Thank you.

3 MS. PEREZ: I think it's a bigger
4 hardship than already exists. That I think that's
5 where we're all...

6 MR. GARCIA: And another point I have is
7 when you mention it's good to have that housing
8 close to the school because it's way, way better
9 to have housing than industrial. It is -- do you
10 think that it could be like -- your client could
11 convert this one in a factory?

12 MR. DOUGHERTY: I'm sorry?

13 MR. GARCIA: You mentioned that it's
14 better to have housing close by the school?

15 MR. DOUGHERTY: Yes.

16 MR. GARCIA: Because all the -- nobody
17 wants like industrial, that's what you mentioned,
18 right, that's what you testified?

19 MR. DOUGHERTY: Yes. Residential land
20 use is ideal.

21 MR. GARCIA: Do you think that your
22 client could convert that space into a warehouse
23 industry? I mean is this one able to have a
24 factory in there, in 1512 Palisade?

25 MR. DOUGHERTY: No, this is a

1 residential zone.

2 MR. GARCIA: Okay, okay.

3 MR. DOUGHERTY: But putting populations
4 next to schools is what I was getting at.

5 MR. GARCIA: Thank you.

6 MR. DOUGHERTY: And to go with the car
7 situation, the reason I hate it so much and
8 planning, we're evolving, we're learning from past
9 generations and newer data and studies. We're
10 planning right now for the vehicles. And,
11 historically, when I look across cities, you know,
12 we see just a sea of asphalt, we plan for the car
13 at the highest peak possible use for the vehicle.
14 And it's possible that we would truly need eight
15 vehicles. This would be a new renovation, they
16 would know it comes with no parking. That would
17 be something that is up front. At the same time,
18 if we look at a large one-family because it is
19 existing, as we discussed from the building
20 department, a one-family, that would be a very
21 large single family house. It could produce eight
22 vehicles. We don't know, but from a planning
23 standpoint housing versus the vehicle, the
24 benefits of providing housing outweigh --

25 MR. GARCIA: Right now, you have

1 1,598 square feet house and you are proposing
2 three units with 1,346. So you are -- I mean you
3 are -- you're going to have four times what you
4 have now. Because the size of the house that you
5 have right now, if you add everything it is 1,598.

6 MR. DOUGHERTY: Yes.

7 MR. GARCIA: You have first floor,
8 second floor, third floor are 1,346, the
9 difference is only 250 square feet. So the
10 difference is not that big with it. So you are
11 proposing really large apartments.

12 MR. DOUGHERTY: Yes. So the maximum lot
13 coverage permitted is 65 percent, this enlargement
14 would only bring this property at 51 percent.

15 MR. GARCIA: No, no, no -- okay. But
16 it's like you mentioned that if you keep that one
17 just one-family house, it could be a large family
18 house?

19 MR. DOUGHERTY: Yes, that's what I'm
20 saying.

21 MR. GARCIA: But you're proposing four
22 large units, the difference versus what you have
23 now with the unit that you're presenting is only
24 250 per unit different. The new size proposed --

25 MR. DOUGHERTY: No, I understand.

1 That's exactly what I'm saying. So whether it's
2 four units or one unit, the size of the property
3 can remain. And I'm saying the vehicle count for
4 that one large single family house may be large.

5 MR. GARCIA: But now going to be -- if
6 this application is granted, going to be for four
7 big family houses, not for one?

8 MR. DOUGHERTY: Yeah, but they're each
9 on their own level versus having the three floors
10 of residential.

11 MR. GARCIA: Now, we're go back to Mr.
12 Carballo was saying it's mathematical.

13 MR. DOUGHERTY: I'm sorry?

14 MR. GARCIA: This is about mathematics.
15 What you mention is mathematics, going to be one
16 on top of the other. But in density, you are
17 giving me -- you're going from one to four, you're
18 multiplying by four or by three, whatever, the
19 density in this application. Because you are,
20 like you said, we have right now 1,598 versus
21 1,346 that you presented. So right now, let's
22 say, yes, keep it as a one-family, there could
23 live how many people?

24 MR. DOUGHERTY: With the addition?

25 MR. GARCIA: No, no, without the

1 addition, one-family. The one that you have right
2 now?

3 MR. DOUGHERTY: I'm talking about with
4 the addition one family, that's a big one-family
5 house. That's a lot of kids, that's a lot of
6 grandparents. That's -- that vehicle demand could
7 still be eight at a one-family, that's what I'm
8 trying to say.

9 MR. GARCIA: Right now, it could be
10 eight. Because like you mentioned before because
11 you said okay, it's two cars, but who controls
12 that everybody going to have one car?

13 MR. DOUGHERTY: Right.

14 MS. PEREZ: You have children who drive.

15 MR. DOUGHERTY: Right. That's what I'm
16 saying with the housing versus the car, I'd rather
17 plan for housing than plan for the vehicle, that's
18 better sound planning. Providing housing versus
19 providing parking, I think the benefit of
20 providing housing is there. We have mass transit.
21 It would be up front this property comes with no
22 parking. We can't provide parking unless we knock
23 the whole building.

24 MR. GARCIA: One of the main issue that
25 the City's having right now --

1 VICE CHAIRPERSON GUTIERREZ: Is parking.

2 MR. GARCIA: -- is not only the parking.

3 If you drive around, I'm kind of a maniac with my
4 City, I love my City.

5 MR. DOUGHERTY: It's beautiful.

6 MR. GARCIA: I drive around two,
7 three o'clock in the morning. The big, big
8 problem that we have is like people park blocking
9 the crosswalk. You go to 39th and Bergenline, you
10 go to 49th and Pal, come on, I mean --

11 MS. PENA: That's with the buses.

12 MR. GARCIA: Because they don't have the
13 space to park.

14 MR. DOUGHERTY: Right, I understand.

15 MR. GARCIA: And I think this is one, if
16 not the only city in the State of New Jersey, that
17 allow the people after eight o'clock up to six
18 a.m. to park in the bus stop because no space, no
19 space.

20 MS. PEREZ: I think we have to be
21 sensitive to hardships, but we can't create more.

22 MR. PANEQUE: Any further questions from
23 the Board Members?

24 MS. VANETIK: I just would like to add
25 you just mentioned how much you love your city, I

1 also love Union City. I've been living here for a
2 very long time and these houses, the church, and
3 the three houses that are attached, the church
4 house, the church and the three townhouses,
5 they're townhouses. They were built at -- in
6 1896, they're part of Union City's history.
7 They're proposing something different to destroy
8 the backyard. There's so little green space left
9 in the City, there's like nowhere to breathe
10 anymore, everything is concreted.

11 I understand we need parking. I would
12 love for the house to be developed, but maybe make
13 that house a better house, make it back a little
14 bit. But don't destroy the whole yard and take
15 away the trees. And they will destroy these
16 townhouses which increase the value of our City.
17 Thank you.

18 VICE CHAIRPERSON GUTIERREZ: Thank you.

19 MS. MENTES: Is there going to be any
20 blasting involved in the construction of that
21 expansion?

22 VICE CHAIRPERSON GUTIERREZ: Ma'am, you
23 have to step forward.

24 MS. MENTES: Is there going to be any
25 blasting involved in --

1 MR. PANEQUE: Ma'am, you have to state
2 your name and address.

3 MS. MENTES: Yumara Mentes, 1509
4 Palisade, right across.

5 MR. PANEQUE: Thank you.

6 MR. DOUGHERTY: I don't have the answer
7 to that, I'm a land use planner.

8 MR. ARTURI: Mr. Carballo.

9 MR. DOUGHERTY: I think there would be
10 testing that would need to be done.

11 MS. MENTES: The reason I'm asking is
12 for two summers, consecutive summers, there was
13 continuous blasting at Manhattan Avenue by DMR
14 Construction Company, which shook all the houses.

15 MR. DOUGHERTY: So there's a new
16 standard where they use chemicals instead of the
17 actual dynamite and blow up.

18 MS. MENTES: Was that standard in effect
19 two years ago?

20 MR. DOUGHERTY: I don't know the answer
21 to that. This is the architect.

22 MR. CARBALLO: I'm sorry, what was your
23 question again?

24 MS. MENTES: Is blasting going to be
25 involved in the construction?

1 MR. CARBALLO: We don't believe so. The
2 extension --

3 MS. VANETIK: It will damage our houses.

4 MR. CARBALLO: The extension is not
5 going to go down. So we don't think there's going
6 to be any blasting. If there's any blasting, the
7 there's chemicals that can be used. So instead
8 anything that's mechanical, such as driving,
9 drilling or anything like that, yes, there could
10 be. But we don't believe there's any blasting
11 that's going to happen.

12 MS. MENTES: Because I'm worried --

13 MR. CARBALLO: If it is, it's
14 controlled.

15 MS. MENTES: As controlled as it may be,
16 sir, we had two summers consecutive blasting and I
17 end up with cracks on the side of my house.

18 MR. DOUGHERTY: They can use chemicals
19 for that.

20 MS. MENTES: Two years ago --

21 MR. CARBALLO: This property cannot use
22 chemicals. This was a much larger project, it
23 needed to go down deep. And, yes, they did blast.

24 MS. MENTES: Right.

25 MR. CARBALLO: Absolutely.

1 MS. MENTES: My worry is that because
2 we're going to go back to blasting and cracks
3 again, I have bricks leaning forward to my
4 sidewalk, which I had to fix. And the insurance
5 company deem it wear and tear, so meaning no
6 compensation at all. One-third of the bricks in
7 my front had to be replaced.

8 MR. CARBALLO: Okay.

9 MS. MENTES: Okay. I just wanted to ask
10 you. Any blasting?

11 MR. DOUGHERTY: I wouldn't believe
12 blasting would be necessary.

13 MS. MENTES: I hope so because we had
14 enough of that.

15 MR. CARBALLO: Sure.

16 MS. MENTES: Thank you very much.

17 VICE CHAIRPERSON GUTIERREZ: Thank you,
18 ma'am. Okay.

19 MR. ARTURI: Mr. Dougherty, do you have
20 any final thoughts on the parking issue that's
21 been raised?

22 MR. DOUGHERTY: No, I think, you know, I
23 made the point the housing outweighs housing the
24 vehicle. At some point though, as a planner, I
25 deal with the situation quite a bit. There are

1 some more progressive planning tactics taking
2 place in neighboring municipalities to address the
3 vehicle accommodations to weigh precedent over
4 housing and pedestrians versus the vehicle. But
5 at some point with a population over 60,000, we
6 all have vehicles in this 1.8 square mile city. I
7 don't think you'd have the real estate to house
8 the vehicle. I think the City at some point would
9 have to make a determination on a parking plan,
10 parking decks, something of that narrative. At
11 this point, any applications coming before the
12 Board would essentially need parking and if they
13 can't fit it online, you know, basically it's that
14 serious of an issue that nothing great can come up
15 without having the vehicle accommodated first. As
16 a planner, it's a concern. But I think the
17 application overall does have benefits to it that
18 would outweigh the parking demand.

19 MR. ARTURI: In fact, sir, isn't the
20 inability of the City to provide for parking more
21 of an impact on what you call the missing middle
22 project versus larger developments that come in
23 with larger tracts?

24 MR. DOUGHERTY: Right. With the missing
25 middle, because you would essentially need four

1 vehicles for the two families, as we just went
2 over, six for three, eight for four. With these
3 smaller tracts of properties, it's not feasible.
4 I don't know -- I'm sure it happens, but given
5 these tracts without tandem parking, side by side,
6 you know, sometimes it's hard just as it is to
7 design a house. It certainly can happen, it has
8 before. But parking relief is an issue that I
9 think the City should address. And there's
10 opportunities to provide great housing that are
11 being overlooked for a vehicle.

12 MR. PANEQUE: Does that conclude?

13 MR. ARTURI: Yes.

14 MR. PANEQUE: Thank you.

15 VICE CHAIRPERSON GUTIERREZ: Okay.

16 MR. PANEQUE: Any further questions from
17 the Board?

18 VICE CHAIRPERSON GUTIERREZ: Okay. So
19 I'm going to make my motion to deny the
20 application.

21 MR. VALLEJO: Motion on the table by Ms.
22 Gutierrez to deny the application.

23 MS. PEREZ: Second.

24 MR. VALLEJO: Seconded by Ms. Perez.
25 Roll call on the motion to deny this application.

1 Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Hold on a
3 minute.

4 MR. GARCIA: Before I make my vote, I --
5 I want to give my opinion. Like I said, I love
6 Union City. I had the opportunity to live in
7 another place, but I think that this town is a
8 home town, it's a family town. It's a place where
9 when you see it like in the '80s and you see it
10 now, and you go on the street and you know
11 everybody knows each other. It is important for
12 us to protect our quality of life. And I think
13 that across the street of a school is a really,
14 really -- hassle for the kids. I mean I drive, I
15 have to drive to work in the morning to go to the
16 office and it's terrible.

17 Also, what we're going is from one unit
18 to four large units. So we are going from 14 --
19 1,500 square foot living area to 5,191. And I
20 think this is density increase. That's one of the
21 reasons that I vote for no.

22 MR. VALLEJO: Let me go back to -- we
23 have a motion to deny the application by Ms.
24 Gutierrez, seconded by Ms. Perez.

25 Roll call on the motion to deny this

1 application. Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Before I do the vote, I also
5 want to make a comment. I believe that adding
6 that amount of rooms puts a bigger hardship.
7 Right now, it's a hardship. Adding more, I think
8 it will be a bigger hardship. That's the reason
9 I'm voting no on this application.

10 MR. VALLEJO: You're voting to deny the
11 application, right?

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: I'm voting to deny the
15 application.

16 MR. VALLEJO: Yes, to deny the
17 application.

18 Ms. Watley.

19 MS. WATLEY: Deny the application.

20 MR. VALLEJO: Ms. O'Dell.

21 MS. O'DELL: Deny the application.

22 MR. VALLEJO: Mr. Garcia.

23 MR. GARCIA: Deny the application.

24 MR. VALLEJO: Ms. Pena.

25 MS. PENA: Deny the application.

1 MR. VALLEJO: Seven in favor to deny
2 this application. Motion carries.

3 MR. ARTURI: Thank you for all your
4 efforts.

5 * * * *

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

2 **509-513 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 509-513 Bergenline Avenue. Mr.
6 Lopez, please.

7 MR. LOPEZ: Good evening, Madam
8 Chairwoman, Members of the Board. I have here a
9 project that we are proposing at 509-513
10 Bergenline Avenue. By way of introduction, it is
11 a six unit structure. We think we will be able to
12 show you that this is a better zoning alternative
13 than what would otherwise be three two-family
14 houses, same number of units. Through the
15 testimony, we believe that you'll find this more
16 acceptable.

17 MR. PANEQUE: Mr. Lopez, before we
18 proceed with your experts, we have a memo from the
19 building department. I'm assuming that this
20 property is it a vacant lot now or is it going to
21 be demolished?

22 MR. LOPEZ: It's -- well, it's mostly a
23 vacant lot. There are two garage structures which
24 are shown on the photograph in the plans, at the
25 bottom. So it's all used right now for parking,

1 it's all one humongous driveway with two garage
2 structures that are being demolished. I think
3 historically there may have been a three-family
4 there at some point. But whatever is there, it
5 will all be demolished.

6 MR. PANEQUE: Okay. So the memo from
7 the building department at this point has no
8 relevance?

9 MR. LOPEZ: It has no relevance to
10 what's being proposed.

11 MR. PANEQUE: You're starting from the
12 ground up?

13 MR. LOPEZ: Correct.

14 MR. PANEQUE: Thank you, sir.

15 MR. LOPEZ: And I would call my first
16 witness, Mr. Carballo, who's been previously sworn
17 this evening and accepted as an expert in
18 architecture.

19

20 J O S E C A R B A L L O, previously sworn:

21

22 MR. LOPEZ: Mr. Carballo, you have
23 certain plans before you which are the same thing
24 before the Board Members tonight. Your office
25 prepared these plans; is that correct?

1 MR. CARBALLO: That is correct.

2 MR. LOPEZ: And you are familiar with
3 the site and with the proposed structure; is that
4 correct?

5 MR. CARBALLO: That is correct also.

6 MR. LOPEZ: Could you describe first
7 just generally what the project entails and what
8 we are proposing?

9 MR. CARBALLO: Sure. So what we have is
10 a 75 -- generally 75-by-100 piece of property. We
11 have three lots, two of them are 25-by-100, the
12 third one is not quite 100 feet deep. As 75 feet,
13 we could build three two-families at 25 foot
14 frontage. But as an alternative to the three
15 two-families, which is six units, we're proposing
16 a six unit building.

17 And through the testimony we're going to
18 show how much more efficient this is and the
19 benefits that it provides the municipality and the
20 occupants of the building.

21 MR. LOPEZ: So first let's just start --
22 so we'll be marking this as A-1, Mr. Paneque. So
23 generally describe the building, what would be on
24 the first floor and what would be on the upper
25 floors?

1 MR. CARBALLO: Sure. So if you look at
2 drawing, A-1, which is the second set of drawings
3 what we show is a first floor plan and we show a
4 second floor plan, which is basically typical
5 throughout. On the first floor, we have 11
6 parking spaces and a lobby, elevator, the stairs.
7 And on the upper floors, we have two units per
8 floor. We have three floors above that, above
9 parking. So we have six units in this building.

10 We know that parking is a big deal in
11 Union City and it's a big deal because we don't
12 have it. So one of the things that we needed to
13 do here was to create as much parking as possible.
14 So we have six units, we have 11 parking spaces,
15 including a handicapped accessible parking space.
16 The first thing that I need to tell you about that
17 is the parking spaces, the drive aisle all comply
18 with the RSIS standards. So we don't have
19 undersized parking spaces, we don't have really
20 undersized aisle. We are fully compliant with the
21 RSIS and we do have 11 parking spaces.

22 Also, the way that you travel through
23 the parking space is actually you will go in head
24 in from Bergenline Avenue, you park your car.
25 You're going to leave, you go head out. So you

1 never back out into Bergenline Avenue in a
2 dangerous manner. It's always in a very safe
3 manner coming out of the parking -- this parking
4 area.

5 The entrance to the building, it's on
6 the south side, which is the right side of the
7 building as you're looking at it. You have the
8 vestibule, you have your lobby.

9 MR. LOPEZ: Before you go into that,
10 let's stay on the parking issue for a moment. And
11 you mentioned earlier as an alternative that we
12 would build three two-family houses, which is a
13 permitted use. Can you craft the issue of parking
14 in those three two-families and the way parking is
15 proposed here?

16 MR. CARBALLO: Absolutely. Just one of
17 the things I got to tell is my office doesn't do
18 two-family buildings. We decided not to do family
19 buildings for the last ten years. The reason for
20 that is two-family buildings don't actually work.
21 The first problem we have with two-family
22 buildings is parking. You have a 25-foot wide
23 property, you have a building that is 18 feet. By
24 the time you take the three and the two from the
25 sides, so 20 feet. So by the time you get inside

1 the building, you're about 17 feet wide. So
2 putting two parking spaces there really doesn't
3 work, it's really tight because you have walls
4 along side. So now, you have tandem parking. You
5 would have two parking spaces inside, two parking
6 spaces on the apron. Well, the problem with that
7 is people don't really park very well. And what
8 happens is, at best, you get one car inside, one
9 car outside, maybe two cars. So you're down to
10 three parking spaces.

11 What happens with two-family buildings
12 is you have a three bedroom apartment and it's
13 large enough that a family can grow into it. So
14 what you have now is you have a mother and father
15 in a bedroom and you may have two children in the
16 bedrooms, who at some point will be driving. So
17 the potential of having the need for four parking
18 spaces per unit, now you have eight parking spaces
19 and you're basically only providing maybe three at
20 best.

21 So parking spaces don't -- two families
22 don't really work from that point of view. The
23 other point also is that once you do that, you're
24 basically eliminating parking on the street. So
25 parallel parking is very similar, 75 feet you

1 don't have it.

2 MR. LOPEZ: That's because all the
3 driveways are right next to each other?

4 MR. CARBALLO: Because all the
5 driveways. It's basically driveway after driveway
6 after driveway. What we have here, if you're
7 looking at the photo that shows the existing area,
8 we don't have any parking in front of the lot. I
9 mean we have driveways basically --

10 MS. PEREZ: The bottom?

11 MR. LOPEZ: The one at the bottom.

12 MR. CARBALLO: So basically you have all
13 driveway, so there's no parking there. By doing
14 this building, not only are you providing parking
15 for the residents, you're also providing more
16 parking on-site. So in essence, you're adding
17 parking to the neighborhood. That is a big
18 benefit.

19 MR. LOPEZ: So we would have 11 inside
20 and based upon what your testimony is now, how
21 many parking spaces would be added to the street?

22 MR. CARBALLO: I would say you'd
23 probably have another three parking spaces in the
24 street that you don't have now. All right. So
25 that's the benefit of this building as far as

1 parking is concerned.

2 MS. PEREZ: Who uses -- can I ask now?

3 MR. LOPEZ: Yes, please.

4 MS. PEREZ: Who uses the parking -- who
5 parks in that driveway?

6 MR. LOPEZ: Right now, it's rented to
7 people who rent.

8 MS. PEREZ: They're rented spots?

9 MR. LOPEZ: Rent the garages basically.
10 Bu there's no on-street parking.

11 Please describe the size of the
12 apartments and let us know if they're compliant
13 with minimum requirements?

14 MR. CARBALLO: So one of the first
15 things this building actually provides is
16 accessibility. And by that, I mean the people
17 getting into it, I mean for the physically
18 impaired. So we do have an elevator that goes
19 from the first floor to all the floors. We have a
20 van accessible parking space, which is required by
21 code in the parking area. So we comply with all
22 that. And all the apartments are basically
23 adaptable, that means you can convert an apartment
24 into an accessible apartment with very little
25 effort. Bathrooms have -- at least one bathroom

1 has the size that's needed for disability, the
2 kitchen will have the accessibility requirements.
3 And, you know, you do have an apartment that is
4 really a livable apartment as opposed to an
5 apartment that, you know, you can't access or it's
6 just something that is very constrained.

7 So the apartments are basically large
8 apartments. I'm not going to say they're small
9 apartments, we're looking at in the range of 1,740
10 to 1,684 for three bedroom apartments. As you can
11 see, they're designed so that the front of the
12 building is facing Bergenline Avenue. The stairs
13 are to the back and, you know, you have a lobby
14 and your elevator. So it's a different product,
15 it's something that's a little more sophisticated.
16 It's a lot more sophisticated than two-family
17 buildings.

18 So we're really happy the way that, you
19 know, the size of the property allowed us to work
20 the plans. We also have, if you look at again the
21 first floor, we have a backyard area. So we do
22 have some grass, we do have some outdoor space for
23 the residents of the building. So, you know, from
24 that point of view again, you're getting a product
25 that has a lot of, you know, positive notes for

1 the tenants.

2 MR. LOPEZ: Mr. Carballo, I just want to
3 point out to the Board one of the variances that
4 we're seeking is a height variance. We are
5 looking to go approximately six feet above what
6 would be permitted. Could you explain to the
7 Board the advantages that that gives us?

8 MR. CARBALLO: So the advantage that
9 that gives is that we could have a high first
10 floor so we can park. One of the things that
11 happens with accessibility is that the first
12 accessible parking space has to be van accessible
13 parking space. And this is -- you have to have a
14 clear entrance of eight foot two, which actually
15 raises the first floor. So you have that, you
16 have the structure, you have 12 feet.

17 The other thing is something that, you
18 know, we actually build into all these buildings
19 is, you know, we also raise that first floor
20 because there's always a possibility if you needed
21 more parking, you could do stackable parking. Not
22 that we're going to do it now nor are we
23 presenting, but in the future, if needed, you can
24 have that adaptability for parking that would
25 provide even more parking.

1 MR. LOPEZ: Please finish anything else
2 relating to the building itself, then let's go
3 through the chart and let's put on the record the
4 variances that we require.

5 MR. CARBALLO: So basically if you look
6 at the elevation of the building, what we're
7 trying to do is work with different materials. We
8 do have brick, we do have some panels, we do have
9 some metal panels as well as GFRC, which is glass
10 fiber reinforced concrete, so that the building's
11 actually broken up into several different areas,
12 to again just make sure that aesthetically it's
13 something that's pleasing to look at. There's a
14 lot of glass as you can see from the front
15 elevation. You know, this is where you have your
16 living areas, your kitchens and, again, you want a
17 lot of sunlight coming into the space.

18 We don't have a rooftop deck, so we're
19 not going all the way up to the roof. But, you
20 know, we do have a building that we believe is
21 aesthetically very pleasing. And I think it would
22 be a plus for that neighborhood.

23 MR. LOPEZ: Let's go through the
24 variances that we're seeking, please.

25 MR. CARBALLO: And, again, we do have a

1 planner who's going to testify.

2 MR. LOPEZ: Yes.

3 MR. CARBALLO: But I will go through
4 this. We're in the residential -- low density
5 residential area. Again, two families are
6 permitted, that would be six units. We just went
7 through what I believe the situation of the
8 problems would be by building two families versus
9 this building. But, again, the area 2,500 square
10 feet, we have 6,624 square feet. The width 25, we
11 have 75. The depth 100, we have 100. So from the
12 size of the lot, we don't have any variances. The
13 yard dimensions, we have 7 feet, we do have 4.46
14 on one side and we do have on the side that is two
15 feet, we have 1.33. So those are the only two
16 variances that we need for the setbacks, the side
17 setbacks. So both sides we have 5 feet. So we --
18 I'm sorry, so we have 5 feet, so we don't have a
19 variance there.

20 The rear 20 feet, we have 3 feet in the
21 rear, we propose 4 feet. And that, if you look at
22 the first floor plan, that 4 feet only happens
23 behind what we call stair A because we come close
24 to the property line there. That's due to the
25 fact that the depth of the lot is shorter at that

1 point. But if you look at the other side, where
2 we have the backyard area, we're fully compliant.
3 We have about 20 -- about 30 feet there to the
4 billing itself. So just for this little portion
5 that we have that variance on the rear of the
6 building.

7 Building height, you're permitted two
8 stories to 38, we have 44 feet. That's again
9 something that allows us to have parking, allows
10 us to park a van accessible vehicle on the lower
11 level. Building coverage 65, we're at 69, just
12 over that. So we do need a variance. The
13 impervious coverage, we're permitted 95, we're
14 down to 83. We have the big lawn area in the back
15 for the enjoyment and experience of the occupants.

16 And residential density, we're allowed
17 again three units per every 2,500 square feet. We
18 have six units so that -- I'm sorry, two units per
19 25, so we have six units. We have a six unit
20 building. The only reason we say there's a
21 variance is because we are -- we have a six unit
22 building as opposed to three two unit buildings.
23 Parking as per RSIS, we require 13 parking spaces,
24 we're providing 11 parking spaces inside. But my
25 testimony showed we can fit three more parking

1 spaces outside of what we have now. So basically
2 we do comply with parking.

3 MR. LOPEZ: I have no other questions
4 for the witness.

5 MR. PANEQUE: Okay. Any other
6 witnesses, Mr. Lopez?

7 MR. LOPEZ: I do have a planner.

8 MR. PANEQUE: Let's have your planner
9 testify, then we'll have questions from the Board.

10 MR. LOPEZ: If I might just have a word
11 with him.

12

13 (Discussion held off the record.)

14

15 MR. LOPEZ: Again, he's been previously
16 sworn this evening and accepted as a planner.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18

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

21

22 MR. DOUGHERTY: So kind of like last
23 application, we do have some exhibit packets.
24 This one is relatively shorter, it's only three
25 slide decks and it really just consists of

1 photographs of the property.

2 MR. LOPEZ: We'll mark this A-2, Mr.
3 Paneque?

4 MR. PANEQUE: Yes, Mr. Lopez.

5 MR. LOPEZ: Mr. Dougherty, you are
6 familiar with the site at 509-513 Bergenline
7 Avenue?

8 MR. DOUGHERTY: Yes, I am.

9 MR. LOPEZ: And your office prepared the
10 zoning and planning for this proposed project; is
11 that correct?

12 MR. DOUGHERTY: Correct.

13 MR. LOPEZ: Could you generally describe
14 from your perspective, from a zoning perspective,
15 the positive criteria of what is being proposed
16 this evening?

17 MR. DOUGHERTY: Certainly. I think if
18 you look at the three slides with this packet, one
19 of the things that kind of sticks out is what's
20 there today really is an outlier for the
21 neighborhood. I like to point out on slide one,
22 kind of off to the right here, we do have a larger
23 building with four-story massing, I think it's
24 compatible and, you know, would work well here,
25 versus the low lying asphalt kind of double wide

1 garage.

2 So from a positive standpoint here, I
3 think the project promotes the public welfare by
4 kind of replacing what I would describe as an
5 eyesore of a land use here with a more attractive,
6 aesthetically attractive newer building. The
7 project promotes the public welfare with new
8 housing stock to offset the City's ageing housing
9 stock.

10 Again, I think it's important to note
11 when we talk about the residential zone, what we
12 have here is not residential in nature. So we're
13 kind of getting rid of a land use that is not
14 really called out for for the zone and replacing
15 this larger void in the public realm with housing.
16 Again, kind of mirroring what's across the street.
17 And if we kind of look at that slide one, we do
18 see off to the left some other larger houses there
19 and structures. So I think it would be out of
20 character from a height perspective here, giving
21 what the built environment is.

22 As well as the project will promote the
23 universally acceptable planning principle of
24 efficient land use in a variety of land uses in
25 appropriate locations. Development yield is the

1 same as if a conforming subdivision. Now what
2 that means is we have three tax lots, we're at
3 Lots 29, Lots 30, Lots 31, so we have three lots.
4 As we discussed previously, each lot could hold a
5 two-family houses for a total of six residential
6 dwellings. So in essence, this is just a
7 different massing of that which would be
8 permitted, six units here. This is just a
9 different form of that six units. And I think it
10 works well again with the massing across the
11 street as well the surrounding area.

12 With that, I believe the positive
13 criteria, we would be advancing the purposes of
14 the Municipal Land Use Law, purpose A, purpose E,
15 G, I, and M. With that, we can kind of move to
16 the negative here. The negative criteria, I think
17 though we are asking for parking relief as it was
18 mentioned prior, you know, with the six units on
19 site, we're proposing 11, which we need 13. At
20 the same time, six units, 11, giving the curb cut
21 here, we eliminate that as the architect kind of
22 went through, we actually provide more parking on
23 street as well. As you heard, approximately,
24 three, so we would be floating around with this
25 development appropriately with the appropriate

1 parking on-site with 11, with hopefully reducing
2 the curb cut to allow for some parking on street.

3 Again, we think the use itself here with
4 this six units, the 11 parking stalls is
5 sufficient. As I testified prior, the statistics
6 from census show that about 75 percent of Union
7 City's population will carpool, use transit, walk,
8 work from home, bike, and other. So I think we
9 have adequate parking here to meet actual supply
10 and demand for these six units.

11 When I look at the height, again, this
12 height is needed to effectuate a beneficial
13 project. Again, it's residential over parking
14 here. And as slide one shows, we do have the
15 massing of that same, you know, four stories.
16 With that being said, one of the benefits with
17 that is we do have a green roof for this
18 application as well.

19 And the overall, I believe, when we look
20 at these, the setbacks really from the front yard
21 setback, we're at -- I think it's appropriate
22 given our neighbor to our right. As you see on
23 slide one is kind of orientating itself on the
24 intersection there. So our neighbor on the left
25 is right on the line, our neighbor to the right

1 faces the other intersection. So I believe, you
2 know, given the size and the massing, I don't
3 think we would be out of place here with the front
4 yard setback. And with that being said, I
5 believe -- I don't believe a substantial detriment
6 to the zone plan as we look at this being a (d) (1)
7 use. Again, the yield from the development is six
8 units, these three lots would generate six units
9 if we subdivided them off, 29 would have two, 30
10 would have two, 31 would have two, we'd have six
11 units, here we have six units. I think this
12 project brings a lot more benefits than just those
13 individually developed two-family lots here.

14 With that being said, I do see a lot of
15 positive with this application. I don't see a
16 whole lot of negative, so substantial that would
17 take way from such a great project. The parking
18 relief is justified again on the walkability of
19 the area and the access to mass transit. I
20 believe we have the appropriate parking ratio for
21 the site. The setbacks and coverages are drastic
22 improvement. I think it's important to note that
23 what's there, as we can see, entire lot pretty
24 much is paved over. Setbacks, you know, are what
25 they are with that garage. I think we're

1 improving that to a degree. And I believe when we
2 look at the -- take it right from the planner's
3 report, the maximum impervious coverage is
4 95 percent, this is currently at 100 percent.
5 With this proposed development, this impervious
6 coverage will be down to 83 and a half percent,
7 which is conforming.

8 When I look at the maximum lot coverage
9 or building, 65 is permitted, the proposed use is
10 at 69, we're just a tad bit over from a building
11 standpoint. Again, I think that's mitigated by
12 the fact the impervious coverage is under. And as
13 well as just the being built to all applicable
14 building codes and design elements here. I don't
15 think there would be such a substantial detriment
16 with that increase in building mass, given the
17 fact we're under on lot coverage.

18 With that, I'll conclude that approval
19 would be warranted.

20 MR. LOPEZ: I have no other questions
21 for my witness.

22 VICE CHAIRPERSON GUTIERREZ: Questions
23 from the Board? Anybody on the Board would like
24 to ask questions?

25 MS. O'DELL: Can you explain what a

1 green roof is?

2 MR. DOUGHERTY: It's more progressive
3 modern building techniques to utilize the roof for
4 various purposes of energy efficiency, of
5 stormwater management. So it's actually being
6 required with what they call major developments,
7 but it's supposed to help with like energy
8 efficiency and water, as far as collecting it
9 actually goes into a rain barge rooftop garden.
10 It's just better more modern design and more
11 sustainable development practices for these larger
12 buildings.

13 MR. LOPEZ: Is it also helpful from an
14 insulation standpoint?

15 MR. DOUGHERTY: Yes, for insulation, the
16 energy efficiency, right, sometimes will have cool
17 roofs, paint it white or paint it blue. It's
18 supposed to help with the energy efficiency of the
19 building and draw on the demands for utilities.
20 At the same time, you can purpose for water and
21 drainage, stormwater management controls. And
22 also it helps purify the urban environments with
23 air, it is vegetation. So it's an older city, you
24 don't really see green roofs. It's more in newer
25 style developments and it's good building

1 technique.

2 MS. O'DELL: So there's literally like
3 grass or vegetation, is that what you are --

4 MR. DOUGHERTY: You can do them in
5 various different ways. I've seen an application
6 that I was part of where it was more like a
7 hydroponic tray system, where the water came on
8 the roof, it went into a retention system
9 underground and then it was pumped back up to the
10 roof to, you know, it was like basically recycling
11 stormwater. There's very different ways, but the
12 proposed application is bring a green roof to the
13 project.

14 MR. LOPEZ: The architect can also
15 answer some more questions, if you'd like.

16 MS. O'DELL: I'm just trying to think of
17 if the tenants are allowed to go up there, just
18 for safety reasons.

19 MR. DOUGHERTY: No.

20 MR. LOPEZ: No.

21 MS. O'DELL: Like if they're like, oh,
22 there's grass, we'll go --

23 MR. DOUGHERTY: You're in a helicopter,
24 looking down, you would never know it was
25 developed, it would just be green.

1 VICE CHAIRPERSON GUTIERREZ: Anybody
2 else on the Board?

3 MR. GARCIA: Yes. When you mention the
4 fourth floor, the height requirement, you mention
5 the green. So that means that's only to be done
6 in the four story or it's doable with a three
7 story?

8 MR. LOPEZ: Actually, my architect can
9 address that issue. The reason -- the benefits
10 that we get from having that additional height.
11 Mr. Carballo, can you explain if we were to cut
12 this down what the problems we would create on the
13 ground floor?

14 MR. CARBALLO: So one of the reasons we
15 went four stories was just to be able to put all
16 the stairs in the back because now we have two
17 building -- two units and the elevator in the
18 back. That gave us the ability to have all the
19 parking spaces. If we were to go one level lower
20 and get the six units, all that would shift to the
21 front and we would lose parking. So that's the
22 detriment of having, you know, the three stories
23 as opposed to four stories.

24 MR. GARCIA: But the question was
25 regarding to the green roof, you mentioned because

1 he mentioned the four story, to have the green
2 roof. But the green roof, you can have as two
3 story?

4 MR. LOPEZ: Yes.

5 MR. CARBALLO: It's a roof. So wherever
6 that roof line is that's where you can have it.

7 MR. GARCIA: Mr. Carballo, you're here,
8 let me ask you a question. Which one is the width
9 of the vestibule, the hallway to go to the lobby?

10 MR. CARBALLO: Which drawing are you
11 looking at?

12 MR. GARCIA: This is A-1.

13 MR. CARBALLO: So you're looking at the
14 width of the vestibule? It's about six feet.

15 MR. GARCIA: Six feet, okay.

16 MR. CARBALLO: The one going from the
17 entrance back to the lobby?

18 MR. GARCIA: Right.

19 MR. CARBALLO: It is six feet, yeah.
20 The reason it's six feet, it has to comply with
21 accessibility standards.

22 MR. GARCIA: Right. And you said three
23 eight is the side setback on both sides?

24 MR. CARBALLO: So if we go to the lower
25 level plan, we have -- on the left, we have three

1 eight. On the right we have three eight, the
2 reason we go to three eight, again that's minimum
3 for egress from the building. And the back is
4 four, we pulled it out a little bit more from the
5 rear property line on the short side on the short
6 property. The other side, where we were the lawn
7 area, that's going to be like 30 feet.

8 MR. GARCIA: Okay. Which one is the
9 material for the facade? You're using --

10 MR. CARBALLO: So we have brick, we have
11 metal panel, we have composite panels, and we have
12 Hardie Board siding as well.

13 MR. GARCIA: You provide also here, you
14 have the second floor, I've seen like something
15 hanging out. So you're not going to setback the
16 first floor and how is the difference between
17 the -- I am looking at -- you see here, we have
18 this setback and also which one going to be the
19 setback of the stuff coming out?

20 MR. CARBALLO: So what you're talking
21 about is trim, that trim is about four inches.

22 MR. GARCIA: Four inches?

23 MR. CARBALLO: Yes, what we did at the
24 entrances is we set it back just to create a cover
25 in bad weather.

1 MR. GARCIA: Okay.

2 MR. LOPEZ: Mr. Carballo, once again
3 your testimony relating to the facade and breaking
4 it up into the sections is to prevent the monotony
5 of one, among other things --

6 MR. CARBALLO: Among other things. You
7 know we see a lot of new buildings where it's just
8 the one material that covers the entire facade and
9 it just looks monotonous, it's not that
10 architectural. So we want to give it a different
11 look to it, something a little more aesthetic,
12 something that's more pleasing to look at, you
13 know, breaking up materials, large windows, and
14 the trims that you just noticed, again, just to
15 break it up and make it interesting to look at.

16 MR. GARCIA: I have a question for the
17 planner.

18 MR. DOUGHERTY: Yes.

19 MR. GARCIA: Did you have the time to go
20 around that block, the Passaic, B-line, 5 West?

21 MR. DOUGHERTY: I'm on Bergenline quite
22 a bit.

23 MR. GARCIA: Okay. So you -- what do
24 you mean you're --

25 MR. DOUGHERTY: I'm probably -- I don't

1 know exactly where this particular project is in
2 relation to the rest of the City grid, I don't
3 live in Union City, but I got two other ones here
4 on Bergenline. I've done maybe five other ones on
5 Bergenline. I've shopped on Bergenline. I'm very
6 familiar with Bergenline as far as the cross
7 streets, this is a common feature, not so much
8 now, but the double garage on Bergenline and in
9 other neighborhoods, it was more common.

10 MR. GARCIA: Before you come with your
11 testimony, I think -- I'm sure that you did your
12 due diligence and do you realize that in the
13 picture you have here, number two, the only
14 building that's going to have four stories in that
15 block, the block that I mention to you, B-line,
16 5th West and 6th, going to be the only
17 structure --

18 MR. DOUGHERTY: No, Mr. --

19 MR. GARCIA: With four stories?

20 MR. LOPEZ: No. The one right across
21 the street.

22 MR. GARCIA: No, no, no. I'm talking
23 that block. I'm talking that block, going to be
24 the only one with four stories, right? And also
25 when I mention before, I like Union City, always

1 reading about what's going on in Union City,
2 whatever, you also know that -- probably know that
3 if you planned out, that the southeast corner of
4 4th and Bergenline Avenue, they're going to come
5 on line the same size of your lot and they're
6 going to come up three two-family houses, right?

7 MR. DOUGHERTY: I don't -- I have the
8 orientation as southeast here.

9 MR. GARCIA: I'm sorry, I don't know
10 how -- I'm not an engineer. Southeast.

11 MR. DOUGHERTY: He's saying this one,
12 the white one?

13 MR. GARCIA: I'll explain to you.

14 MR. DOUGHERTY: The white house on the
15 corner.

16 MR. GARCIA: South is this one. I mean
17 if you point to New York, New York is to the east?

18 MR. DOUGHERTY: Yes.

19 MR. GARCIA: If I point to the south,
20 Jersey City is the south?

21 MR. DOUGHERTY: So the white one on the
22 corner.

23 MR. GARCIA: The empty lot here.

24 MR. DOUGHERTY: You're saying the empty
25 lot, yeah, yeah.

1 MR. GARCIA: Used to be the Monty's,
2 like whatever.

3 VICE CHAIRPERSON GUTIERREZ: Monty's
4 Bar.

5 MR. GARCIA: I think, like, just say
6 southeast, I thought it was, okay. But this one
7 going to come like exactly the same lot with three
8 two-family houses, exactly the same units and also
9 any architect -- your architect will respond that
10 in that space, they always come with six parking
11 spaces, always. So if you multiple six by three,
12 it's 18 and you're presenting 11, with the same
13 number of units?

14 MR. LOPEZ: I'm sorry, are you --

15 MR. CARBALLO: Could you repeat that
16 again?

17 MR. GARCIA: Okay, okay. What I'm
18 saying is that this corner was approved, southeast
19 corner of --

20 MR. CARBALLO: That's another corner.

21 MR. GARCIA: There's coming three
22 two-family houses, with each one, you, as an
23 architect, also presented before, six parking
24 spaces multiply by three, 18, with the same number
25 of units.

1 MR. CARBALLO: So what you're telling me
2 is somebody came in, made an application for a
3 two-family on a 25-by-100 and they're putting in
4 six parking spaces?

5 MR. GARCIA: Mr. Carballo, if I go to
6 the history of the zoning board, you presented
7 before?

8 MR. CARBALLO: Yes, I have.

9 MR. GARCIA: Okay.

10 MR. CARBALLO: And I just told you why
11 we don't do two-families any more because parking
12 wise, they don't work. You could go to any
13 two-family, Union City, West New York, North
14 Bergen, on a 25-by-100, you're not going to see
15 four cars park there.

16 MR. GARCIA: I used to live in 203
17 Palisade Avenue, unit number 3, and we had three
18 park inside and one in the driveway in the left
19 side?

20 MR. CARBALLO: You had three cars inside
21 and one in the driveway?

22 MR. GARCIA: Yes. Actually, when I say
23 the driveway, to the left side, everybody have
24 access. But actually, Mr. Carballo, with all due
25 respect because we accept your qualification,

1 before you presented to us, so that's not true
2 what you presented before?

3 MR. CARBALLO: I'm just telling you, we
4 found out, if you listen --

5 MR. GARCIA: What I'm --

6 MR. CARBALLO: Mr. Garcia.

7 MR. GARCIA: What I mention now is what
8 you presented before. It's based on that, it's
9 not -- I'm not an engineer, you could talk to me
10 about --

11 MR. CARBALLO: Okay. So if you hear
12 what I'm saying, we don't do two families anymore
13 because we found out that they don't work. Yes,
14 everybody wanted to do two families in the past
15 and that was the big thing. Two families do not
16 work parking wise. There's no way that you can
17 tell me you park three cars inside. I'm just --
18 I'm sorry, I just can't visualize it. I can't.

19 MR. LOPEZ: Mr. Garcia --

20 MR. GARCIA: So you learned that after,
21 how many years you have experience, with all
22 due --

23 MR. CARBALLO: Does it really matter?

24 MR. GARCIA: I mean -- no matter, but
25 it's like -- I mean we are learning also through

1 the years --

2 MR. CARBALLO: Absolutely.

3 MR. GARCIA: -- least in all the
4 application, you know what I mean?

5 MR. CARBALLO: So as you learn -- as you
6 learn, and as I learned, right? I found out if
7 you're going to do three two-families, this is the
8 alternative, the better alternative to actually
9 provide parking, provide accessibility, provide a
10 building that actually works with a community. As
11 opposed two-family buildings, that in my own
12 personal professional opinion, okay, they just
13 don't work. They don't provide the service that
14 the community needs. That's all.

15 MR. LOPEZ: Mr. Garcia, and Members of
16 the Board, I would like to point out that Union
17 City specifically changed the ordinance because it
18 had been anticipated that we would be building
19 three units over these six parking spaces on the
20 ground. And it turned out that it was not working
21 and Union City specifically changed the ordinance
22 to eliminate that and reduce it to two families.

23 MR. GARCIA: Two-family, 25-by-100?

24 MR. LOPEZ: Two-family, 25-by-100.

25 MR. GARCIA: So you have here --

1 MR. LOPEZ: But you can't but six
2 parking spaces --

3 MR. GARCIA: But you ever here, you have
4 here three 25-by-100 that you could accommodate --
5 you respond to my question. You have three
6 25-by-100 that you could bring 3 two-family houses
7 and you could accommodate the parking, but that's
8 my opinion.

9 MR. LOPEZ: I understand. No, what
10 we're saying is that the reason we're not putting
11 up three two-families is because we could not
12 accommodate the parking. The testimony of the
13 experts was that this parking is much superior.
14 You drive in face forward and you drive out,
15 you're not Backing out like you WOULD in a
16 two-family house. You can't turn a car in a
17 basically a 17 foot wide space. They go in and
18 they back out.

19 And, realistically, you have two cars
20 inside in a garage. If you have one in the apron
21 or if you have two in the apron, you have to move
22 it in order to get out. And so I ask that you
23 consider the much better alternative. In
24 addition, the off-street parking, I ask that you
25 please consider the testimony of the Board, that

1 if you put three two-families, you're taking away
2 75 feet of parking on the street. This is only
3 one driveway. We are creating three additional
4 spaces on the street. So it's, as the experts
5 indicated, it's a much better alternative, and on
6 the same number of units. But I respect your
7 opinion, obviously. We're all entitled to an
8 opinion.

9 MR. GARCIA: But I prefer, it's my
10 opinion, Andres, I don't know about the other
11 Members of the Board. I prefer to lose three
12 parking spaces and no situation like what happened
13 in 18 and Kerrigan and the fire. And what
14 happened in 8 when you have -- so when -- why one
15 story versus three parking spaces. I mean, for
16 me, that's my only opinion.

17 MR. LOPEZ: But, Mr. Garcia, you're
18 saying you're preferring losing three parking
19 spaces, but in the application right before us,
20 you were saying the opposite.

21 MR. GARCIA: Versus to have another
22 story, yes. Because if you go at two o'clock in
23 the morning to a fire and you see --

24 MR. LOPEZ: To a fire, you said?

25 MR. GARCIA: Yes. How hard it is to

1 fight a fire in the four-story versus three
2 different family houses with a setback on the
3 side.

4 MR. CARBALLO: Can I get into that a
5 little bit?

6 MR. GARCIA: You can go, of course.

7 MR. CARBALLO: So two-family buildings
8 doesn't need to be sprinkled, it's a three story
9 building, doesn't need to be sprinklered. If
10 there's a fire, that fire is just going to go
11 right through it. Here is a building that is
12 fully fire suppressed, it's fully alarmed, and
13 it's fully rated between units and floors and
14 everything else. This, it's a lot safer than a
15 two family.

16 MR. GARCIA: Mr. Carballo, with all due
17 respect, I was in a seminar two weeks ago with the
18 fire department. And, unfortunately, the new
19 system to build now, if you don't go to staircase
20 in ten minutes -- if you don't go -- in the fire
21 situation, you don't go to the staircase in
22 ten minutes, the building collapse. And you know
23 that.

24 MR. CARBALLO: I don't know that.

25 MR. GARCIA: Okay.

1 MR. CARBALLO: I don't know that.

2 MR. GARCIA: Can I request it?

3 MR. CARBALLO: Because with the fire
4 sprinklers, it will not happen not, not ten
5 minutes, it will not happen.

6 MR. GARCIA: That's not -- but that's
7 okay. I'm not a fire officer, you know what I
8 mean?

9 MR. CARBALLO: I understand.

10 MR. GARCIA: That's my opinion. And
11 every time, you know, every application, what I
12 I'm looking at is the safety issue is first and
13 then the parking. But I don't want to put first
14 the parking and then the safety.

15 MR. CARBALLO: The safety is 100 percent
16 here. We do these types of buildings day in day
17 out. We do buildings that are 40, 50 units a
18 floor, they're safe. And I've been talking to
19 fire marshals because it's something we have to
20 do. No one has ever said ten minutes, which is
21 why, which is why you have one hour rating in
22 between apartments, hallways and that, because the
23 rated building is supposed to extend a fire for
24 approximately an hour.

25 Now, you might be talking about a

1 three-family building or two-family building.

2 MR. LOPEZ: Or an older building.

3 MR. GARCIA: I could mention a building,
4 121 34th Street, 119 Peter Street. What happened
5 in Avalon in Imperial. Mr. Carballo, when you --
6 don't compare from the story, like you said --

7 MR. CARBALLO: I'm not.

8 MR. GARCIA: No, you mentioned it.

9 MR. CARBALLO: I didn't say 40 story, I
10 said 40 units per floor.

11 MR. GARCIA: Okay.

12 MR. CARBALLO: 40 units per floor. What
13 happened in Avalon, they were under construction.
14 It wasn't finished yet.

15 MR. GARCIA: Thanks God.

16 MR. CARBALLO: It wasn't finished yet.

17 VICE CHAIRPERSON GUTIERREZ: Okay.

18 MR. GARCIA: I have no further
19 questions.

20 VICE CHAIRPERSON GUTIERREZ: Nobody else
21 on the Board, do you have any questions? No.
22 Open up to the public, anybody from the public?

23 MR. GARCIA: Yeah, let me ask a
24 question. Did you have a meeting with the
25 neighborhood or no?

1 MR. LOPEZ: We had no --

2 MR. GARCIA: No, no, I'm asking you.

3 MR. LOPEZ: We had no objection to the
4 proposed project. One other thing, if the Board
5 Members have any questions of my clients, they're
6 right here, willing to answer any questions that
7 you might have.

8 VICE CHAIRPERSON GUTIERREZ: Anybody
9 from the Board?

10 MR. PANEQUE: I just want to clear
11 something up. Mr. Garcia, you mentioned that on
12 the east lot, which is basically across the street
13 from this, there's a proposed project of three
14 two-units?

15 MR. GARCIA: It was granted before the
16 planning board.

17 MR. PANEQUE: Do you know whether those
18 units are facing 6th Street?

19 MR. GARCIA: Facing 6th.

20 MR. PANEQUE: Okay. So they will be
21 backing up onto 6th Street from the parking
22 garage, correct?

23 MR. GARCIA: Correct, same narrow
24 street.

25 MR. PANEQUE: Well, traffic on

1 Bergenline cannot compare with traffic on 6th
2 Street.

3 MR. GARCIA: Yes.

4 MR. PANEQUE: Okay. So if we were to
5 put three two-units on Bergenline, which we would
6 require the vehicles to back out of the parking
7 lot instead of what's being proposed here, I think
8 the Board should take into consideration the
9 difference between the lot across the street,
10 which would be backing up onto 6th Street, which
11 is a less trafficked street than backing the
12 traffic from three units onto Bergenline. I think
13 that's a point of clarification.

14 MR. GARCIA: I also, as a member of the
15 board take in consideration this is the only four
16 story in that block.

17 MR. LOPEZ: But, Mr. Garcia, you're
18 bringing -- for comparison, you're bringing the
19 lot across the street, the same lot where the four
20 story building is, so it's -- I think it's a
21 little --

22 MR. GARCIA: No, no.

23 MR. LOPEZ: -- disingenuous of you --

24 MR. GARCIA: The lot is empty, the one I
25 compared.

1 MR. LOPEZ: Yes, but you're saying
2 that -- you're mentioning a lot as a better
3 alternative to put the two families in a block,
4 which is across the street. That's the same block
5 where a four story building is.

6 MR. GARCIA: How old is the four story?

7 MR. LOPEZ: I would imagine from the
8 type of construction, 80 years or so.

9 MR. GARCIA: If we build the same way
10 that was -- Union City was built one hundred years
11 ago, then it doesn't make sense to be here.

12 MR. LOPEZ: No, but, Mr. Garcia, this is
13 not the same way. The four stories across the
14 street has no parking, no fire suppression.

15 MR. GARCIA: Again, but how old is the
16 building?

17 MR. LOPEZ: I don't know, but --

18 MR. GARCIA: Okay.

19 MR. LOPEZ: -- it's existing and it's
20 four stories.

21 MR. GARCIA: Okay. If that's existing,
22 I don't want to ask for parking because that one
23 doesn't have parking.

24 MR. LOPEZ: Right.

25 MR. GARCIA: I don't want to ask you for

1 parking. Does it have parking?

2 MR. LOPEZ: No, but we're not going
3 there, we're proposing plenty of parking.

4 MR. PANEQUE: Any further questions from
5 Board Members?

6 MS. PEREZ: To me, it seems like there's
7 the same number of units but with a better parking
8 alternative.

9 MR. LOPEZ: Absolutely.

10 MS. PEREZ: What is proposed.

11 MR. PANEQUE: Is there a motion?

12 VICE CHAIRPERSON GUTIERREZ: I'm going
13 to make my motion to approve the application
14 taking in consideration the parking situation that
15 we have in Union City.

16 MR. LOPEZ: Thank you.

17 MR. VALLEJO: Motion on the table to
18 approve this application by Ms. Gutierrez. Any
19 second on the motion?

20 MS. PEREZ: I second.

21 MR. VALLEJO: Seconded by Ms. Perez.
22 Roll call on the motion to approve this
23 application.

24 Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes, with

1 all the condition.

2 MR. VALLEJO: Mr. Ortiz.

3 MR. ORTIZ: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 MR. GARCIA: No.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Six in favor, one against,
15 motion carries.

16 MR. LOPEZ: Thank you.

17 * * * *

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19 (Whereupon a short recess was taken.)

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1 **BLACK CAT PALISADE AVENUE, LLC -**
2 **804 PALISADE AVENUE:**

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4 MR. VALLEJO: May I have your attention,
5 please? Back on the record. Next application on
6 tonight's agenda, Black Cat Palisade Avenue, LLC,
7 804 Palisade Avenue. Mr. Lopez, please.

8 MR. LOPEZ: Thank you. Madam
9 Chairwoman, Members of the Board, this is an
10 application to legalize an existing apartment. My
11 expert is Mr. Jose Izquierdo.

12 Mr. Paneque, we previously gained
13 jurisdiction on this project. This is our first
14 presentation, but --

15 MR. VALLEJO: I'm sorry to interrupt
16 you. Let the record reflect that Ms. Pena left
17 the meeting. We have only seven members now.

18 MR. LOPEZ: We previously established
19 jurisdiction for this project at an earlier
20 meeting.

21 MR. PANEQUE: Yes.

22 MR. LOPEZ: Mr. Izquierdo has been
23 previously admitted as an expert witness. Madam
24 Chairwoman, will you accept Mr. Izquierdo?

25 VICE CHAIRPERSON GUTIERREZ: Yes, we

1 accept his qualifications.

2

3 J O S E I Z Q U I E R D O, after having been
4 duly sworn or affirmed, did testify as follows:

5

6 MR. IZQUIERDO: My name is Jose
7 Izquierdo, I-Z-Q-U-I-E-R-D-O, registered architect
8 09143, registered planner 03385.

9 MR. LOPEZ: Mr. Izquierdo, you have
10 plans before you, did your office prepare these
11 plans for this presentation?

12 MR. IZQUIERDO: Yes, we did.

13 MR. LOPEZ: Are you familiar with the
14 site and the plans that are before you?

15 MR. IZQUIERDO: Yes, I am.

16 MR. LOPEZ: Prior to the preparation of
17 these plans, did you have the opportunity to visit
18 the site and the surrounding area?

19 MR. IZQUIERDO: Yes, I did.

20 MR. LOPEZ: Okay. Could you describe
21 what is being proposed this evening?

22 MR. IZQUIERDO: Good evening, Members of
23 the Board. This is an application for
24 legalization of a basement apartment converting a
25 two-family house to a three-family house in the R

1 district. Since the three-family house is not an
2 allowed use, the Union City Zoning Board of
3 Adjustment takes jurisdiction of this application
4 through Municipal Land Use Law (d)(1). We have a
5 (d)(1) building use variance.

6 The property is known as 804 Palisade
7 Avenue and its neighbor to the south is 802
8 Palisade Avenue, which is almost identical. And
9 then to the north, there is 806 Palisade, 806
10 Palisade Avenue is a vacant piece of property that
11 received approval from the Union City Zoning Board
12 and has been in litigation, since I am the
13 architect for 806. In any event, it's an empty
14 lot, 804 has an empty lot next to it and next to
15 it is 802 Palisade Avenue.

16 These two houses are old brownstones in
17 the a la Union City, a la Hoboken, a la West New
18 York, with the bluestone foundation from the
19 Lincoln Tunnel. And basically when you stand in
20 front of Palisade Avenue, you see a two-story
21 structure. You go down a few steps into the
22 basement, basement quote/unquote, and then you are
23 in the unit that we're trying to legalize. But
24 when you go all the way to the rear, it's actually
25 a four-story structure because the property slopes

1 so steeply to the rear, that the rear of the
2 property, the basement, is not a daylight basement
3 it's actually the basement has a balcony looking
4 at New York City.

5 MR. GARCIA: Like a ground floor.

6 MR. IZQUIERDO: Like a what?

7 MR. LOPEZ: Ground floor.

8 MR. IZQUIERDO: Like an elevated ground
9 floor because it's eight feet above the grade, it
10 really slopes down and there's steps coming down.
11 So what the applicant is seeking to do is convert
12 the house from a two-family to a three-family by
13 legalizing the basement. The basement has been
14 there for numerous years and it has a tenant and
15 everything. I don't know how this came about, but
16 in any event, it's changing from a two to a three
17 because the basement is actually a story above
18 grade. According to the definition in the
19 International Building Code 2021, the building
20 needs a second means of egress. So we're going to
21 be providing a suppression system and we're also
22 going to be providing a fire escape.

23 MR. LOPEZ: And when you use the term
24 basement, you're doing so just in a generic
25 fashion?

1 MR. IZQUIERDO: I said basement
2 quote/unquote.

3 MR. LOPEZ: Because it's above grade.

4 MR. IZQUIERDO: It's a story above
5 grade, but from Palisade Avenue, you see only two
6 stories. There are two drawings submitted in
7 conjunction with the application T01 and A01, T01
8 has the pictures of the area, there's no new
9 construction, no new volume. We're actually doing
10 no changes to the building other than fire
11 suppression and the fire escape.

12 We have the plot plan, we have the
13 aerial map, we have all the information on the
14 building as it stands. And then we have the
15 zoning requirements. We're in the low density
16 residential zone, as such a three-family use is
17 not allowed and the (d)(1) building use is
18 required. The minimum lot size required is
19 2,500 square feet, the existing one is
20 1,850 square feet and that is preexisting
21 nonconforming variance.

22 The minimum lot width is 25 feet and we
23 have 18.54 feet, that is an existing nonconforming
24 variance. The minimum lot depth is 100 feet,
25 which conforms. The minimum front yard is 10 feet

1 or prevailing, we have 8.28 and we conform because
2 we are the prevailing. And the minimum front
3 yard -- oh, I just said that. The minimum side
4 yard is one foot -- one side two feet, the other
5 side three feet, both being five feet. And in one
6 side, we have zero feet and other side we have
7 also zero feet because I believe 806 Palisade
8 Avenue may have been another row house that was
9 demolished. So as such, 804 is right on the
10 property line on both sides and 802 Palisade
11 Avenue is also on the property line on both sides,
12 802 and 804 have a party wall.

13 The minimum rear yard is 25 percent, we
14 have 41.75 percent, which conforms. The building
15 coverage is 60 percent, we have 44.7 percent,
16 which conforms. The maximum building height is
17 two stories or 40 feet, we have two stories or
18 30 feet, which conforms.

19 The parking spaces are impossible.
20 There's no way that you can park on that property
21 because it's only seven feet away from Palisade
22 Avenue, the rest of the property just slopes down.
23 So for the two apartments there, we would need
24 four parking spaces, which are a variance.
25 There's no parking on the property. Including the

1 basement as well in the calculation, brings the
2 parking calculation to six. So we would be
3 seeking a variance from two, creating a variance
4 for two parking spaces, whereas four of the six
5 are preexisting nonconformity.

6 The second sheet of the drawings shows
7 the floor plans of the unit, the roof plan, the
8 basement quote/unquote, the first floor, and the
9 second floor. They're all two bedroom units with
10 one bathroom and they're all very nice.

11 MR. LOPEZ: The size of the unit that we
12 are proposing to legalize at this time?

13 MR. IZQUIERDO: It's 828.7 square feet.

14 MR. LOPEZ: And that conforms to the
15 minimum size requirements?

16 MR. IZQUIERDO: Yes. Because the
17 minimum size requirement for two bedroom apartment
18 is 750, we have 828.

19 MR. LOPEZ: Now, there's a legal
20 apartment currently on the property now, which is
21 slightly less than the 750 square feet; is that
22 correct?

23 MR. IZQUIERDO: Correct. The problem is
24 when we have two-family house, the density
25 calculations and the density standards of the

1 Union City zoning ordinance don't apply. So the
2 house as it is is okay, but then once we change to
3 three-family house, we're short in the square
4 footage of apartment number two, we're at 750 feet
5 is required and we have 668.3.

6 MR. LOPEZ: That's an existing legal
7 unit?

8 MR. IZQUIERDO: That's an existing legal
9 unit. I have nothing further.

10 MR. GARCIA: Mr. Izquierdo, are you
11 going to do anything in the basement, going to
12 stay like that?

13 MR. IZQUIERDO: The basement is
14 beautiful, it's occupied by the tenant. And I
15 don't think the resident wants to do anything. I
16 think it's vacant at this point, I think she
17 vacated the unit.

18 MR. GARCIA: But as per your expertise?

19 MR. IZQUIERDO: Suppress, it has to be
20 suppressed.

21 MR. GARCIA: Okay. Does it need any
22 upgrade in the --

23 MR. IZQUIERDO: The kitchen?

24 MR. GARCIA: -- the walls?

25 MR. IZQUIERDO: They're very nice

1 apartments. Mr. Turner has very nice apartments.

2 MR. LOPEZ: The only thing we will need
3 to cut up walls to put in the fire suppression
4 system?

5 MR. IZQUIERDO: Yeah, the sprinkler
6 system.

7 MR. GARCIA: Okay. Okay. This is a
8 kind of situation, like I understand that going in
9 favor of this kind of application, we are not
10 increasing the detriment of the parking because
11 it's already there?

12 MR. IZQUIERDO: Right.

13 MR. GARCIA: It's completely different
14 if it's brand new, okay, we're going to build.

15 MR. IZQUIERDO: In order to meet the
16 standard for (d)(1) building use variance, the
17 applicant needs to prove that the positive
18 criteria outweighs the negative criteria. And
19 what you're suggesting is the negative criteria
20 associated with this application is basically at a
21 minimum because the positive criteria is that we
22 generate another unit, which is legal, it's
23 taxable and everything. And it's been there,
24 there's nothing to do. If you take these two
25 units and demolish them, you're going to end up

1 with a 37-by-100 piece of property and how do you
2 develop it with the new standards? We cannot.

3 So the choice to the Board right now is
4 to consider this to be better for the community
5 because it has -- it's not a basement that you're
6 going to be buried underneath the grade. You have
7 a beautiful view of New York City at the rear of
8 the property. You know, all those houses on
9 Palisade avenue, they have a gorgeous view.

10 MR. GARCIA: Is there any --

11 MR. PANEQUE: Mr. Garcia, I'm sorry to
12 interrupt. Mr. Lopez, just as a matter of
13 housekeeping, you had Mr. Izquierdo qualified as
14 your expert --

15 MR. IZQUIERDO: Architect and planner.

16 MR. PANEQUE: I know that Mr. Izquierdo
17 is also a planner. Can you please have him
18 identified also as the planner on your application
19 because you have a (d) (1) use variance, which
20 requires planning testimony.

21 MR. LOPEZ: Yes, we do. I did indicate
22 and Mr. Izquierdo indicated in his introduction
23 that he would be testifying as both. And he -- I
24 don't want to belabor the point on the
25 application. But he did address the positive

1 criteria in this application. I don't want to
2 keep the Board here all night with additional
3 testimony.

4 MR. IZQUIERDO: Because it's essential
5 another one of the positive criteria is I heard a
6 lot of discussion here among the Board Members
7 about the history of Union City and how we, as a
8 community, are actually a mix of variety of
9 housing types identified in the housing element.
10 So we have high-rise building, then we have a
11 multifamily, and then we have -- we're a city,
12 we're mixed. We have a variety of housing types.
13 And preserving this building is the right thing to
14 do.

15 MR. PANEQUE: Mr. Garcia, sorry I
16 interrupted you. Do you have any questions?

17 MR. GARCIA: I didn't forget, just for
18 the record no any improvement to exterior or
19 nothing?

20 MR. IZQUIERDO: No, just repairs. The
21 buildings are in nice shape and they're historical
22 in the sense that they have this architecture. I
23 don't want to put vinyl siding on these things, I
24 want them to be preserved as they are. They have
25 a quality of their own, they have a charm.

1 MR. GARCIA: Okay.

2 MR. IZQUIERDO: And that's what the
3 applicant is intending.

4 MR. LOPEZ: It's not rundown housing
5 that we're improving, it's a really nice house to
6 begin with.

7 MR. IZQUIERDO: No, no, no.

8 MR. GARCIA: Okay. I have no further
9 questions.

10 VICE CHAIRPERSON GUTIERREZ: Anybody
11 from the Board have any questions? Open to the
12 public. Anybody wants to step forward? Close to
13 the public. Mr. Garcia, do you have anything
14 else?

15 MR. GARCIA: No. Going to make just a
16 motivation. Like this is the kind of opportunity
17 as the people, the owner has, to bring everything
18 to code, to legalize it.

19 MR. IZQUIERDO: We have to do it because
20 we have N.J.A.C. 5.6-31 and that's a change of
21 use, we have to bring it up to code.

22 MR. GARCIA: Right. So this is -- I
23 think that this is a very good thing is that it
24 doesn't have an impact because it's an existing
25 situation and I mean --

1 MR. IZQUIERDO: Thank you, Mr. Garcia.

2 VICE CHAIRPERSON GUTIERREZ: Okay. I
3 make my motion to grant the application.

4 MR. VALLEJO: Motion on the table to
5 grant the application by Ms. Gutierrez. Any
6 second on the motion?

7 MR. GARCIA: I second.

8 MR. VALLEJO: Seconded by Mr. Garcia.
9 Roll call on the motion.

10 Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 MR. GARCIA: Yes.

22 MR. VALLEJO: Ms. San Martino.

23 MS. SAN MARTINO: Yes.

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

1 MR. IZQUIERDO: Thank you so much.

2 MR. LOPEZ: Thank you. Have a good

3 evening.

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1 **HUNG FAT, INC. -**

2 **1212-1216 SUMMIT AVENUE:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Hung Fat, Inc., 1212-1216 Summit
6 Avenue. Ms. Pereiras.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Good evening, Members of the Board, Bianca
9 Pereiras on behalf of the applicant. This is a
10 continuation of a matter. Unfortunately, one of
11 my consultants was not available this evening, so
12 I am respectfully requesting that this matter be
13 carried to the June hearing.

14 MR. PANEQUE: Ms. Pereiras, the
15 testimony was already started on this application?

16 MS. PEREIRAS: It was.

17 MR. PANEQUE: And who are you missing?

18 MS. PEREIRAS: We are missing our
19 traffic engineer. Based on some of the comments
20 we heard from the Board, we hired a traffic
21 engineer.

22 MR. PANEQUE: If this Board deems fit to
23 carry the application, do you waive the statutory
24 time periods in which the Board has to hear this
25 application?

1 MS. PEREIRAS: Absolutely, Counsel.

2 MR. PANEQUE: All right, thank you.

3 VICE CHAIRPERSON GUTIERREZ: Okay.

4 MR. PANEQUE: Madam Chairperson?

5 VICE CHAIRPERSON GUTIERREZ: Motion to
6 adjourn the application for June 8th?

7 MR. VALLEJO: Same place, different
8 location. It will be the teacher's room on the
9 first floor.

10 MS. PEREIRAS: Okay.

11 MR. VALLEJO: Same place.

12 MR. PANEQUE: Mr. Vallejo, we should
13 announce that to the public. So for the members
14 of the public who are here on this application,
15 it's going to be carried to the June 8th meeting,
16 it will be at this location, just not this room.
17 Teacher's room across the hallway.

18 MR. VALLEJO: Correct.

19 MR. PANEQUE: Motion on the floor.

20 MR. GARCIA: I second.

21 MR. VALLEJO: Motion to adjourn this
22 application by Ms. Gutierrez, seconded by Mr.
23 Garcia. Roll call on the motion to adjourn this
24 application to June 8, 2023, no new notice
25 required.

1 Ms. Gutierrez.
2 VICE CHAIRPERSON GUTIERREZ: Yes.
3 MR. VALLEJO: Mr. Ortiz.
4 MR. ORTIZ: Yes.
5 MR. VALLEJO: Ms. Perez.
6 MS. PEREZ: Yes.
7 MR. VALLEJO: Ms. Watley.
8 MS. WATLEY: Yes.
9 MR. VALLEJO: Ms. O'Dell.
10 MS. O'DELL: Yes.
11 MR. VALLEJO: Mr. Garcia.
12 MR. GARCIA: Yes.
13 MR. VALLEJO: Ms. San Martino.
14 MS. SAN MARTINO: Yes.
15 MR. VALLEJO: Seven in favor, motion
16 carries.
17 MS. PEREIRAS: Thank you all very much.

18 * * * *

1 **391 MOUNTAIN ROAD, LLC -**

2 **391 MOUNTAIN ROAD:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 391 Mountain Road, LLC, 391
6 Mountain Road. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant.

9 The Board may recall that back in May of
10 2021, you heard an application for 391 Mountain
11 Road, this was an existing one family and the
12 Board approved an application to convert this one
13 family to a two family with a small addition to
14 the rear. Unfortunately, the family who owns this
15 property suffered a tragic death in the family and
16 unfortunately this project was put on the back
17 burner.

18 They're now in a position to proceed;
19 however, their approvals are expiring in June and
20 we are here before this Board requesting a
21 one-year extension so that the applicant can
22 submit for permits and begin construction.

23 MR. PANEQUE: Before we proceed, let's
24 just place on the record that in May of 2021, the
25 following members were not present, those would

1 have been Ms. Vivian O'Dell, Mr. Andres Garcia,
2 and Ms. Altagracia San Martino. Now, I have in my
3 hand, certifications that these three members that
4 I've just named, have read the transcripts from
5 the zoning board meeting in which this application
6 was approved. Since these members have read the
7 transcripts, they are authorized to vote on your
8 application for an extension tonight.

9 MS. PEREIRAS: Thank you, Counsel.

10 MR. PANEQUE: These certifications will
11 become part of the record.

12 MS. PEREIRAS: Thank you, Counsel.

13 MR. PANEQUE: Now, you may proceed.
14 Anything else you want to say with respect to your
15 request for an extension?

16 MS. PEREIRAS: Nothing further.

17 MR. PANEQUE: Any questions from the
18 Board?

19 MR. GARCIA: Are they -- Ms. Pereiras,
20 are they willing to proceed with the construction?

21 MS. PEREIRAS: Yes.

22 MR. GARCIA: This year.

23 MS. PEREIRAS: They are ready, willing,
24 and able to proceed.

25 MR. GARCIA: They are aware that the

1 extension carries all the condition from the prior
2 approval?

3 MS. PEREIRAS: They understand that all
4 the conditions continue to be valid, yes.

5 MR. GARCIA: Okay.

6 MR. PANEQUE: Ms. Pereiras, this is the
7 first extension request?

8 MS. PEREIRAS: It is our first extension
9 request.

10 VICE CHAIRPERSON GUTIERREZ: Okay. I
11 make my motion to grant the one-year extension.

12 MR. VALLEJO: I have a motion to grant
13 the one-year extension by Ms. Gutierrez.

14 MS. PEREZ: Second.

15 MR. VALLEJO: Seconded by Ms. Perez.

16 Roll call on the motion.

17 Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

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

8 MS. PEREIRAS: Thank you.

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1 **JFK REALTY -**

2 **4614 KENNEDY BOULEVARD:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, JFK Realty, 4614 Kennedy
6 Boulevard. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows: I've been provided by Ms. Pereiras with
9 certification as to publication and service
10 indicating that notice of tonight's hearing at
11 this location, the Union City High School, with
12 respect to the property at 4614 Kennedy Boulevard
13 was given to all property owners within the 200
14 foot radius.

15 I've also been provided with the list
16 from the tax assessor's office with a date of
17 April 25, 2023, listing all property owners within
18 the 200 foot radius of 4614 Kennedy Boulevard.

19 I've also been provided with the
20 affidavit from The Jersey Journal giving notice of
21 tonight's hearing with respect to the property in
22 question. Said notice indicates that the meeting
23 will take place tonight at 6:00 p.m. at the
24 location of the Union City High School.

25 And, lastly, I've been provided with the

1 certified mail receipts, which have a postmark
2 date of April 27, 2023.

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

6 MS. PEREIRAS: Thank you, Counsel.
7 Bianca Pereiras on behalf of the applicant.

8 MR. PANEQUE: Okay. We have a -- our
9 Vice Chairperson is informing us that she needs to
10 recuse herself due to the fact of proximity to the
11 subject site. So I'm going to ask that our Vice
12 Chairperson step outside and we will have her come
13 back in. And we will then go to the oldest member
14 after, who would that be?

15 MR. VALLEJO: Mr. Ortiz. He'll be the
16 temporary chairperson for this hearing.

17 MR. PANEQUE: Vice Chairperson pro tem.

18 MR. VALLEJO: All in favor, right?

19 (Whereupon, all Board Members indicate
20 in the affirmative.)

21 MR. VALLEJO: The ayes have it. Thank
22 you.

23 MS. PEREIRAS: Thank you.

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

25 MS. PEREIRAS: Of course. Bianca

1 Pereiras on behalf of the applicant for property
2 at 4614 Kennedy Boulevard, also known as Lots 34
3 and 35 in Block 263. We have an oversized lot of
4 approximately over 6,000 square feet. And what we
5 are hoping to build on the site where we currently
6 have a two family is an 18 unit building. This is
7 on the corner of 47th Street and Kennedy
8 Boulevard. We have several experts to testify
9 before the Board this evening, but I'd like to
10 begin tonight's presentation with our architect,
11 Mr. Manuel Pereiras.

12
13 M A N U E L P E R E I R A S, after having been
14 duly sworn or affirmed, did testify as follows:

15
16 MR. PEREIRAS: Manny Pereiras,
17 P-E-R-E-I-R-A-S, with Pereiras Architects
18 Ubiquitous, 1116 Summit Avenue, Union City.

19 MS. PEREIRAS: Mr. Perez has been
20 accepted as an expert in the field of architecture
21 by this Board on numerous occasions and I ask that
22 they recognize him today as well?

23 MR. PANEQUE: Yes, he is so recognized.

24 Now, Ms. Pereiras, I just want to bring
25 to your attention, which I'm sure you realize,

1 that we now have a Board composed of six members.
2 And you are proceeding with a request for a use
3 variance, which requires a super majority vote, at
4 least five votes. Do you still wish to proceed or
5 do you wish to come back when you have a -- well,
6 a full compliment of the Board will at least get
7 you two more members, which would be Mr. Grullon
8 and Ms. Pena who had to leave?

9 MS. PEREIRAS: Let me just confer with
10 my client.

11
12 (Discussion held off the record.)

13
14 MR. PANEQUE: Back on the record.

15 MS. PEREIRAS: I just had an opportunity
16 to confer with my clients and they would
17 appreciate the opportunity to have the full
18 compliment of the Board. So if this Board would
19 be so kind this evening as to carry this matter to
20 June 8th meeting, we'll be able to proceed that
21 evening, hopefully, if all members are here.

22 MR. ORTIZ: I make a motion to adjourn.

23 MR. PANEQUE: Before we vote on the
24 motion, Ms. Pereiras, you are waiving the
25 statutory time periods?

1 MS. PEREIRAS: Of course, we are.

2 MR. PANEQUE: Thank you. Motion to
3 adjourn is on the floor, is there a second?

4 MS. PEREZ: Second.

5 MR. VALLEJO: Motion by Mr. Ortiz,
6 seconded by Ms. Perez. Roll call to adjourn this
7 application to June 8th. Roll call on the motion.

8 Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Mr. Garcia.

17 MR. GARCIA: 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.

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1 **MASSIMO A. BASSI & FABIANA ZANGARA -**
2 **2015 PALISADE AVENUE:**

3
4 MR. PANEQUE: I'm going to have my
5 partner substitute.

6 MR. VALLEJO: Next application on
7 tonight's agenda, Massimo Bassi and Fabiana
8 Zangara, 2015 Palisade Avenue. Ms. Pereiras,
9 please.

10 MS. PEREZ: I have to recuse myself on
11 this one.

12 MR. A. PANEQUE: Agustin Paneque from
13 the Law Office of Tomas R. Paneque.

14 So Counsel has provided this Board with
15 the following documentation:

16 Let the record reflect that we have the
17 certification as to publication and service.

18 And we have the 200 foot radius, we have
19 the list of the property owners to be served with
20 notice within 200 feet, that was provided on
21 April 25, 2023.

22 We have the following certified mail
23 receipts for those addresses postmarked April 28,
24 2023.

25 Last, we have the legal affidavit from

1 The Jersey Journal, that is dated April 28, 2023.

2 This Board has jurisdiction to hear this
3 matter.

4 MS. PEREIRAS: Thank you very much,
5 Counsel.

6 Bianca Pereiras on behalf of Massimo
7 Bassi and Fabiana Zangara in regard to their
8 property at 2015 Palisade Avenue, also known as
9 Lot 25 in Block 111. This is an existing
10 two-family home. The applicants are seeking some
11 interior modifications, as well as a rooftop
12 addition and deck. We have a preexisting
13 nonconformity as to parking and impervious
14 coverage and we have a side yard variance. We
15 have one expert to testify before the Board this
16 evening and that is our architect, Mr. Manuel
17 Pereiras.

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

20
21 MR. PEREIRAS: Still Manny Pereiras and
22 I recognize I am still under oath.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 2015 Palisade
25 Avenue?

1 MR. PEREIRAS: Very much so.

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

4 MR. PEREIRAS: They were prepared under
5 my direct supervision.

6 MS. PEREIRAS: Would you describe the
7 proposed project for the Board?

8 MR. PEREIRAS: I'd be very happy to.

9 For purposes of the record, the drawings
10 on the easel to my left are the same drawings that
11 were submitted to the Board. This is a project
12 which is like the ideal project, it's what Union
13 City really wants. We have an applicant who
14 rented in Union City by chance, fell in love with
15 Union City, and decided to put their roots in
16 Union City. They looked for a house, they found a
17 great house that had a lot of problems with it.
18 There were several illegal units in it, they
19 purchased it, they moved the tenants, cleaned it
20 up, demoed it and now they're creating this house
21 for them, exactly what our ordinance asks for,
22 which is a two-family house.

23 We have -- let me just talk about the
24 house, the existing house. We have an existing
25 rear yard setback of 25 feet 9 inches, more than

1 what's required, we're keeping that. We're not
2 making any extensions to the rear, we're not
3 making any extensions to the left, right, or
4 front. We're simply redesigning the house, using
5 what we have and creating a third floor, which is
6 actually permitted. And I'll go more in depth
7 about that.

8 We have an existing side yard setback of
9 2.7 feet and another one of -- that's on the
10 line at zero feet. So the variance that we have
11 before you is really a bit of a technical
12 variance. It's an existing variance on the side
13 yard, but since we're going up with our structure,
14 we're expanding on that variance. So that's the
15 variance that we're asking for today.

16 We also have an existing nonconformity
17 as far as maximum lot coverage. And parking is,
18 of course, an existing nonconformity as well.
19 There's no parking available on the site.
20 However, we're not affecting that in any way
21 because we are keeping this as a two-family house.

22 Turning now to sheet Z02, we see the
23 floor plans. As you can see, we completely
24 redesigned this house, kept within the footprint
25 of the first three floors. Basically we're

1 creating two duplexes. Duplex one, you enter
2 through the main stairs, you have a door on the
3 left-hand side, you have an open kitchenette,
4 dining room, living space and two bedrooms in the
5 rear. You take the stairs downstairs and you have
6 a nice family room and bedroom along the front of
7 the house.

8 Unit two, you go up the stairs. You
9 have a kitchen, dining room, living room space,
10 two bedrooms in the rear portion of that that
11 share a bathroom. And then you get to our
12 addition. You take the stairs, a beautiful
13 monumental stair from the living room up to what's
14 the third floor. And you have the primary bedroom
15 suite with its own walk-in closet and bathroom
16 suite. And that same area is open to a roof deck.
17 And we're -- we took a lot of caution, you would
18 notice that that addition is setback 30 feet
19 9 inches from the front of the house. That way
20 from the street, it really still looks like the
21 same height house that it was.

22 We're completely redesigning this
23 facade, taking the original characteristics that
24 it has and just really elevating them to something
25 more beautiful and more contemporary, maintaining

1 the historical look of the house. And then the
2 addition is further back. If you can see from the
3 side elevation, which is the north side, you could
4 see this is the front of the house. It maintains
5 its two-story statute and the addition is stepped
6 way back, so you don't even see it from the street
7 and from the corner.

8 The siding on the house, the addition is
9 simply vinyl siding. And there's a railing along
10 the perimeter to provide a 42-inch railing as per
11 code. And that really it's a simple project. And
12 I could probably talk more about it, but I'll
13 leave it at that. I'm open for your questions.

14 MR. GARCIA: Okay. I have a question,
15 Mr. Pereiras.

16 MR. PEREIRAS: Yes.

17 MR. GARCIA: Here, you have two doors,
18 right?

19 MR. PEREIRAS: That's correct.

20 MR. GARCIA: So the left one is for the
21 first floor and the basement. And my question is
22 in the basement, you have -- how do you get into
23 the basement?

24 MR. PEREIRAS: So if you could see the
25 stairs that lead you upstairs.

1 MR. GARCIA: Right.

2 MR. PEREIRAS: Underneath those same
3 stairs -- so you have a stair going up and a stair
4 going down from the basement. And it's open from
5 inside the apartment. So in that kitchen area,
6 you take the steps down to the basement and that's
7 the only true entrance to the basement.

8 MR. GARCIA: Okay. Let me be more
9 clear. So if I go through here, I don't have
10 access to the basement?

11 MR. PEREIRAS: If you go through where?

12 MR. GARCIA: To the right, to the north
13 side door?

14 MR. PEREIRAS: No.

15 MR. GARCIA: Okay. It's --

16 MR. PEREIRAS: It's two distinction
17 units, a duplex and a duplex and the two duplexes
18 don't mix with each other. The duplex on the
19 bottom has the rear yard, the duplex on the top
20 has the roof deck.

21 MR. GARCIA: Okay. You know why I'm
22 asking the question?

23 MR. PEREIRAS: Of course.

24 MR. GARCIA: Because then you'll come to
25 legalize the basement.

1 MR. PEREIRAS: Absolutely not --

2 MR. GARCIA: No, not now. Ten, twenty
3 years, after that --

4 MR. PEREIRAS: They could have done that
5 today, coming over here and I'm sure that this
6 Board would probably legalize a basement unit
7 there. However, that's not their intention,
8 that's not what they want to do. They're here to
9 live there and they want to have two duplexes.

10 MR. GARCIA: Can you give me the setback
11 of the rail?

12 MR. PEREIRAS: It's 42 inches, it's just
13 setback because it's the width of the parapet, so
14 it's right on the parapet. And I know where
15 you're coming from, this is a very different
16 situation from a building that has multiple people
17 going up there. This is a couple who live there,
18 it's a small family-type situation. It's a
19 two-family house.

20 So when we design larger buildings, we
21 create setbacks so that people aren't overhanging,
22 overlooking so that people don't get rowdy. This
23 is not that type of situation. This is a
24 two-family house that it's an owner-occupied
25 two-family house. They're not going to be

1 throwing massive parties, they're not going to be
2 overhanging. It's a beautiful young couple that's
3 staying right there.

4 MR. GARCIA: My point is it's not about
5 that people get crazy there, it's about the
6 children. You never ever know when they -- you
7 know, you have two years old kid here and you
8 don't know when he's there, all right, you know
9 what I mean? And that's why I always been -- just
10 to give an example, let me tell you why. When I
11 purchased my two house, they were building that
12 house, that apartment. And I asked the developer
13 to setback four feet just because my nephews,
14 friends and nobody wants that situation.
15 That's -- it's my -- you know what I mean?

16 MR. PEREIRAS: I understand your opinion
17 and I think it's completely correct when we have
18 larger structures, when they're taller, when
19 there's more space to work with. We're talking
20 typical 25-by-100 lot, we have a small house. If
21 we setback any distance, it really diminishes
22 that --

23 MR. GARCIA: But you have 20-by-30, it's
24 a nice space.

25 MR. PEREIRAS: That's right. If we

1 reduce that, it's not as nice.

2 MR. GARCIA: It is, it is nice.

3 MR. PEREIRAS: But I'm going to propose
4 something else.

5 MR. GARCIA: And -- but no, no, I'm just
6 giving an opinion. I don't know what will happen.
7 Let's continue with the application.

8 MR. PEREIRAS: There are other ways that
9 we can make this more difficult for a child to
10 climb over, okay. And my suggestion is that we do
11 that as far as what the railing is, okay. We have
12 several options for the railing. Right now, it's
13 a 42 inch guardrail okay. The way we have it,
14 it's on top of a parapet. I can foresee somebody
15 maybe climbing on the parapet and then climbing on
16 the guardrail. What we can do is we can make sure
17 that the guardrail is flush with the wall of the
18 parapet and slides down, so there's really nowhere
19 for a kid to grab or climb up, unless it's
20 42 inches high. It makes it a lot more difficult
21 for a child to go over. And I think in a
22 two-family house situation that's appropriate.
23 And it's an appropriate means to avoid that. And
24 remember we're only at the top of a two story,
25 it's not like they're falling 40 feet, it's a very

1 different situation.

2 MR. GARCIA: Okay. You only -- also I
3 saw that you're going have a terrace in the master
4 bedroom?

5 MR. PEREIRAS: That's correct, there's a
6 terrace off the -- so we're taking advantage of
7 this small space that's here, so we're taking the
8 roof of that and making that into a terrace.

9 MR. GARCIA: Are you going to
10 recommend -- I'm just figuring the apartment I
11 used to have. Why you going to put that in the
12 master bedroom, it's nice, it's nice. And no,
13 you're not going to impact the setback at all in
14 any way?

15 MR. PEREIRAS: So we're asking for an
16 expansion of the side yard back because this
17 addition is exactly the same height going up. So
18 it's technically a side yard variance.

19 MR. GARCIA: And you're going to extend
20 the bedroom on the first floor, going to be --

21 MR. PEREIRAS: It's exactly --

22 MR. GARCIA: It's going to be the top --
23 master of that bedroom?

24 MR. PEREIRAS: Correct.

25 MR. GARCIA: Okay.

1 MR. PEREIRAS: So we're not expanding on
2 this footprint in any way, it's basically going up
3 and just in the rear. Very simple application.

4 MR. GARCIA: Wait, wait, wait, wait.
5 You see here the first floor?

6 MR. PEREIRAS: Yes, that's existing.

7 MR. GARCIA: Existing all the way to
8 there?

9 MR. PEREIRAS: Yes.

10 MR. GARCIA: And you're going to build
11 the terrace on top of that?

12 MR. PEREIRAS: The terrace, yeah. We're
13 not building anything higher, we're not doing
14 anything. Instead of it being a roof, it's going
15 to become pavers and it's going to be a terrace.

16 MR. GARCIA: Okay. So reality, you're
17 not going to take any --

18 MR. PEREIRAS: There will be a railing
19 there, the railing wasn't there before.

20 MR. GARCIA: Right. And it's existing,
21 too, and you just want the railing is for the
22 terrace?

23 MR. PEREIRAS: Yep.

24 MS. PEREIRAS: The use remains the same.

25 MR. PEREIRAS: And I request if this

1 Board deemed this favorably, that the resolution
2 would clearly state both the roof deck, the
3 terrace and the third floor addition, just so our
4 building department is clear.

5 MR. GARCIA: How deep is this? What is
6 this here, the fire escape -- what is this?

7 MR. PEREIRAS: I'm not sure what you're
8 pointing to.

9 MR. GARCIA: The chimney?

10 MR. PEREIRAS: That's the chimney for
11 the fireplace.

12 MR. GARCIA: And how big is this?

13 MR. PEREIRAS: The depth of it? It
14 depends on a lot of factors, it's probably going
15 to be about 22 inches.

16 MR. GARCIA: 22 inches, okay.

17 MR. PEREIRAS: And the chimney is exempt
18 from any variances there.

19 MR. GARCIA: I don't have another
20 question. I don't know if --

21 VICE CHAIRPERSON GUTIERREZ: Okay.
22 Anybody else from the Board want to ask any
23 questions?

24 Open to the public, anybody from the
25 public that want to ask any questions? Close to

1 the public. Mr. Garcia?

2 MR. GARCIA: I want to make a comment.
3 I really want to thank your client because
4 application like this is bringing more quality of
5 life to Union City and its beauty and also take
6 advantage of the view on the front of the water.
7 Because you could come with a more aggressive
8 application and meeting and so forth, probably
9 going to make more money because the rent there
10 has to be high for the view and everything. And
11 reality, that's what we need in Union City, okay.

12 My only concern and my only
13 recommendation going to be at least setback 1.5
14 the rail. This is something, like, I hope never
15 happen, but if anything happened and anyone is
16 safe, you're going to thank me for the rest of the
17 life, okay. That's the only thing. So that's my
18 recommendation.

19 VICE CHAIRPERSON GUTIERREZ: Okay. I
20 make my motion to grant that application. And
21 thank you for bringing to Union City a beautiful
22 house.

23 MR. BASSI: Thank you for the
24 opportunity.

25 MR. VALLEJO: Motion on the table to

1 grant the application by Ms. Gutierrez.

2 MR. GARCIA: With the condition of the
3 one and a half?

4 MR. PEREIRAS: No, no, is that a
5 condition of the motion?

6 MR. GARCIA: You didn't make it a
7 condition, oh, okay.

8 VICE CHAIRPERSON GUTIERREZ: No with the
9 condition, one and a half.

10 MR. VALLEJO: Motion with the condition
11 to grant the application by Ms. Gutierrez. Any
12 second on the motion?

13 MS. PEREIRAS: Counsel, if I may?

14 MR. GARCIA: That was an opinion.

15 MS. PEREIRAS: That was a suggestion, we
16 did not think that was the motion made by the
17 Chairwoman. The approval was --

18 MR. GARCIA: I would make -- i mean just
19 for peace of mind.

20 MR. BASSI: We appreciate it.

21 MR. GARCIA: I used to live 203, maybe
22 you will thank -- but I suggest the setback.

23 MR. T. PANEQUE: Ms. Chairperson,
24 there's been a recommendation by Mr. Garcia that
25 the rail be setback one and a half feet from the

1 edge of the property line. Now, Mr. Pereiras, is
2 that something that can be accommodated in your
3 plans?

4 MR. PEREIRAS: The Board might question
5 why that's an issue for me, okay. When we put the
6 railing on the parapet, it's a safe kind of
7 condition. Once we take the railing off the
8 parapet and put it on the roof and we create a
9 condition where it's close to the edge, that's
10 just welcoming water to infiltrate the house, in a
11 two family house. When it's a larger structure,
12 when it's built a different way, there's ways to
13 accommodate that. When it's a two-family house, I
14 guarantee you because of the expansion of
15 materials, there will be a water issue in their
16 house and they're going to hate me a year or two
17 years from now. And every time they repair that,
18 they're going to call me and step on my name.

19 I would much prefer that not be the
20 situation and we tackle this a different way,
21 create a railing that could support that.

22 MR. GARCIA: That -- one question. Why
23 you going to have in the thing? That's going to
24 be top of the roof, right?

25 MR. PEREIRAS: Yes.

1 MR. GARCIA: They're going to have space
2 between?

3 MR. PEREIRAS: Correct.

4 MR. GARCIA: That means that if you
5 bring all the way to the end, you're not going to
6 have water coming in. You're not going to have
7 leak. Why is that difference going to create leak
8 into the roof?

9 MR. PEREIRAS: My deck is going to be
10 built on pedestals. Those pedestals do not
11 penetrate the roof, it's just by weight that
12 they're going to be sitting on the roof. So that
13 deck is basically going become a false layer over
14 the roof. The roof stays intact. When I put my
15 railing on the parapet, it's a wall that's coming
16 up and I'm addressing it on the wall. The second
17 I don't put it on the wall and I put it in the
18 roof, it's going to -- it's just prone for --
19 every post is going to be a pitch pocket into the
20 roof. Those pitch pockets are a problem.

21 MR. GARCIA: Okay. So you're telling me
22 that this is a roof, right? You're going to bring
23 the deck up to here and you're going to connect it
24 to here, right? That's what you're telling me.
25 And then you're going to put --

1 MR. T. PANEQUE: If I may, I'm going
2 to -- I have some idea of what Mr. Pereiras is
3 recommending because I've seen it. I'm going to
4 use this table as your roof.

5 MR. PEREIRAS: Thank you.

6 MR. T. PANEQUE: What you're saying, Mr.
7 Pereiras, is that if you were to place the railing
8 on the roof, you will be penetrating the actual
9 roof surface, thereby creating penetration points.
10 Whereas if you're going to connect the railing on
11 the side of the house, you're using the side of
12 the house as opposed to the roof for an anchor
13 point.

14 MR. PEREIRAS: Thank you for the
15 explanation. But also there's a wall coming up at
16 the side, so we're connecting to that wall, the
17 inside, not the --

18 MR. T. PANEQUE: And the roof flooring
19 material, is that the one that are tiles that go
20 on pegs and then you go setting and the pegs have
21 different dimensions and sizes in order to get a
22 level surface?

23 MR. PEREIRAS: That's exactly what we're
24 doing.

25 MR. T. PANEQUE: So basically what you

1 have is you have these tiles. And then using Mr.
2 Garcia's phone, you have the peg on the bottom,
3 one peg and then another peg, and so forth and --

4 MR. PEREIRAS: Floating.

5 MR. T. PANEQUE: These floor tiles are
6 usually two feet?

7 MR. PEREIRAS: They're typically two
8 foot, 18 by 18.

9 MR. GARCIA: What happened if you only
10 bring it up to here?

11 MR. T. PANEQUE: The question is, from
12 what I understand, from the construction aspect,
13 that if you put the railing into here, you have to
14 go into the roof. By going into the roof, then
15 you create a pocket where the water can
16 infiltrate, whereas here, you're not going into
17 the roof, you're going into the wall of the house;
18 is that correct?

19 MR. PEREIRAS: That's perfectly said.

20 MR. T. PANEQUE: So based on that, Mr.
21 Garcia has a suggestion, Madam Chairperson, it's
22 your call.

23 MR. A. PANEQUE: It's up to you.

24 MR. GARCIA: You see that in so many
25 houses around here.

1 MR. PEREIRAS: And they all leak.

2 MS. O'DELL: You don't want to drill
3 anything into your roof.

4 MR. GARCIA: You don't want a kid fall
5 down from the roof.

6 MS. O'DELL: An adult --

7 MR. T. PANEQUE: May I make a --

8 MR. GARCIA: No, no --

9 MR. T. PANEQUE: I am addressing Mr.
10 Garcia's concern and it's also a concern that this
11 Board has with the safety of children. What is
12 going to be the height of that railing from the
13 floor of the roof?

14 MR. PEREIRAS: It's 42 inches.

15 MR. T. PANEQUE: Is it possible to
16 increase the height of the railing?

17 MR. PEREIRAS: Yes.

18 MR. T. PANEQUE: What would be the
19 maximum height that that railing can be
20 accommodated at?

21 MR. PEREIRAS: The give and take is that
22 we don't want to obstruct the views because they
23 are gorgeous views of Manhattan that we have
24 there. So I would say that a reasonable height
25 that a child, a typical child, which would be

1 about 48-inches, give them an additional six
2 inches and that way you're really not obstructing
3 the view.

4 MR. T. PANEQUE: If we're talking about
5 obstructing views, instead of a metal railing, is
6 it feasible to put a glass partition there?

7 MR. PEREIRAS: Yeah. The applicants are
8 willing to do that and I actually feel even more
9 comfortable because it's much harder to climb a
10 glass wall than rails.

11 MR. T. PANEQUE: How high can you go
12 with a glass partition?

13 MR. PEREIRAS: They come and they're
14 made at 42 inches, typically. We could go higher
15 if this Board finds a height they're comfortable
16 with.

17 MR. T. PANEQUE: Can you start that
18 glass partition on top of, let's say, a one foot
19 railing section, so you have railing and then the
20 glass partition here?

21 MR. PEREIRAS: Yes, that is possible.

22 MR. T. PANEQUE: Mr. Garcia, is that
23 accommodation that you would find --

24 MR. GARCIA: Yes. Whatever it is for
25 safety, I'm going for.

1 VICE CHAIRPERSON GUTIERREZ: All right.

2 MS. PEREIRAS: Thank you, Mr. Garcia.

3 MR. T. PANEQUE: Okay. Just so that
4 we're clear, okay, the condition is that it will
5 be a glass, I guess --

6 MR. PEREIRAS: I think the condition
7 would be that we would be at 48 inches, whether
8 it's glass or balusters or however --

9 MR. T. PANEQUE: No, because balusters
10 are easily climbable, whereas glass is more
11 difficult for a child.

12 MR. PEREIRAS: So solid panels, I'm just
13 looking out for my client's best interests because
14 glass is extremely expensive. So they might
15 choose to do glass at the end and solid panels on
16 the side, which will accomplish the same goal.

17 MR. T. PANEQUE: As long as we meet the
18 safety concerns of Mr. Garcia.

19 MR. PEREIRAS: I appreciate his concern.

20 MR. T. PANEQUE: So let's make condition
21 and let's clear it up. It would be a solid glass
22 panel in the front, okay. And then -- Mr. Spatz,
23 any comments on that?

24 MR. SPATZ: No, I think that what the
25 Board has discussed, I think that -- confirm with

1 the applicant, I think that's the way to go on it.

2 VICE CHAIRPERSON GUTIERREZ: All right.

3 MR. PEREIRAS: Great.

4 MR. T. PANEQUE: I want to make sure we
5 have that condition. It would be a solid glass --

6 MR. PEREIRAS: East facade.

7 MR. T. PANEQUE: Eastern side, minimum
8 42 inches.

9 VICE CHAIRPERSON GUTIERREZ: 48.

10 MR. PEREIRAS: 48.

11 MR. T. PANEQUE: Minimum 48 inches high.
12 And I believe, Mr. Garcia, that addresses your
13 concerns?

14 MR. GARCIA: Yes.

15 MR. T. PANEQUE: All right.

16 MR. PEREIRAS: Thank you all, that was
17 very accommodating.

18 VICE CHAIRPERSON GUTIERREZ: I make my
19 motion to grant the application with the
20 condition.

21 MR. VALLEJO: Motion on the table to
22 grant this application with the condition by Ms.
23 Gutierrez. Anyone second the motion?

24 MS. WATLEY: I'll second it.

25 MR. VALLEJO: Seconded by Ms. Watley.

1 Roll call on the motion.

2 Ms. Gutierrez.

3 VICE CHAIRPERSON GUTIERREZ: Yes.

4 MR. VALLEJO: Mr. Ortiz.

5 MR. ORTIZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 MR. GARCIA: Yes.

12 MR. VALLEJO: Ms. San Martino.

13 MS. SAN MARTINO: Yes.

14 MR. VALLEJO: Six in favor, motion

15 carries.

16 MS. PEREIRAS: Thank you all very much.

17 VICE CHAIRPERSON GUTIERREZ: Thank you.

18 MR. VALLEJO: Are we going to need

19 revised plans?

20 MR. T. PANEQUE: Mr. Pereiras, we're
21 going to need a revision to the plans before the
22 resolution is approved.

23 MR. PEREIRAS: Absolutely, I'll add the
24 guardrail.

25 MR. T. PANEQUE: Thank you.

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MR. PEREIRAS: Thank you.

* * * *

1 **KIMBERLEY GUELDNER -**

2 **411 42ND STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, ER Home Group, 1309 Bergenline
6 Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: If I could just make one
8 request, my client is here for number 10, which is
9 Kim Gueldner, is it possible to go out of order,
10 that way they don't have to stick around? I think
11 there's also some neighbors here, if that's all
12 right.

13 MR. VALLEJO: Then we're going to change
14 the order.

15 MS. PEREIRAS: Thank you very much.

16 MR. VALLEJO: One second, please. Next
17 application on tonight's agenda, Kimberley
18 Gueldner, 411 42nd Street. Ms. Pereiras, please.

19 MR. A. PANEQUE: For the record, Counsel
20 has provided us with the following documentation.

21 Certification as to publication and
22 service for the City of Union City, giving notice
23 of this application at Union City high school
24 tonight.

25 The affidavit of publication from The

1 Jersey Journal, dated April 28th, 2023.

2 The list of property owners to be served
3 with notice within 200 feet of the property
4 planning board, zoning board in the City of Union
5 City.

6 The certified mail receipts stamped
7 April 27, 2023.

8 Based on the documentation provided to
9 this Board by Counsel, this Board has jurisdiction
10 to proceed and hear this application.

11 MS. PEREIRAS: Thank you very much,
12 Counsel. And thank you, Board, for your
13 accommodation in changing the order a little bit
14 this evening. This is for applicant Kimberley
15 Guelnder at 411 42nd Street, also known as Lot
16 24.02 in Block 240.

17 The property in question is or was used
18 in the past as a warehouse. The application
19 before the Board this evening is to convert that
20 warehouse into a one-family home. There was a
21 similar application that came before this Board
22 several years by the prior, it was approved.
23 However, the prior owner never moved on those
24 permits or that application and the client
25 recently closed on the property and is eager to

1 make this their home.

2 We have one expert to testify before the
3 Board this evening and that is our architect, Mr.
4 Manuel Pereiras.

5

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

7

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

10 VICE CHAIRPERSON GUTIERREZ: Yes.

11 MR. T. PANEQUE: Ms. Pereiras, before we
12 proceed, we do have to reconcile the building
13 department memo. According to Mr. Martinetti's
14 memo, this property was recognized as a two-unit
15 structure. Do you know when it was converted to a
16 warehouse?

17 MS. PEREIRAS: This references -- so
18 there's two -- the lot is interesting, there's
19 like a lot in the rear. The lot in particular
20 here is 24.02 and I see that the memo from the
21 building department only references Lot 24.

22 MR. T. PANEQUE: Okay.

23 MS. PEREIRAS: I don't know if it was a
24 mistake in the building department, but that is
25 not -- I am certain that this property is a

1 warehouse. Mr. Pereiras, do you know when it
2 was --

3 MR. PEREIRAS: I believe it's always
4 been a warehouse. The building department, when I
5 checked their records, had it as a warehouse. So
6 I think it was just a mistake or typo in the memo.
7 There was a previous application to convert this
8 to a one-family that was granted by this Board.
9 However, it was never followed through and the CO
10 was never obtained.

11 MR. T. PANEQUE: I do note that the
12 building department memo refers to Block 240, Lot
13 24.

14 MS. PEREIRAS: Right.

15 MR. T. PANEQUE: Where your application,
16 is on Block 240, Lot 24.02.

17 MS. PEREIRAS: Correct.

18 MR. T. PANEQUE: That's where, I guess,
19 the discrepancy comes in.

20 MS. PEREIRAS: Absolutely.

21 MR. T. PANEQUE: We have cleared that
22 up. Kindly proceed.

23 MS. PEREIRAS: Thank you, Counsel.

24 Mr. Pereiras, are you familiar with the
25 property at 411 42nd Street?

1 MR. PEREIRAS: I am.

2 MS. PEREIRAS: Did you prepare the
3 drawings that are before the Board this evening?

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: And would you kindly
6 describe the proposal for the Board?

7 MR. PEREIRAS: I'd be very happy to. So
8 Union City is a rich town with a lot of history, a
9 lot of very rich history. And buildings simply
10 were created in different time frames. If you
11 go -- there's certain neighborhoods or pockets of
12 neighborhoods, like 23rd Street, where there are a
13 lot of structures that were created in the middle
14 of the block and they were warehouses and then
15 later on, buildings were created on the street,
16 and those warehouses remain in the back.

17 This is actually one of those same
18 situations. You have a building that is located
19 in the rear of the lot and this is definitely a --
20 what we call a preexisting nonconforming use. It
21 is dated, it is probably turn of the century,
22 probably 1905, that type of -- that era. So it's
23 a preexisting use and that building sits on its
24 own lot, it sits on the property line on the
25 perimeter. And then there is a piece, a sliver of

1 property that takes them to the street. And that
2 sliver of property, there's also an easement for a
3 driveway with the neighboring property. So right
4 now, as a warehouse, it operates with vehicles
5 walking through and the access through that
6 easement and on their property to the front.

7 So obviously, when we have a site that's
8 so intricate in many ways, it triggers a lot of
9 variances. However, these are all preexisting
10 nonconformities. We have a side yard variance,
11 we're zero on both sides, we have a rear yard
12 variance because it's zero, we have a front yard
13 variance because it's zero along this property
14 line. Even though it extends to the front over
15 here. We have coverage issues, and we have
16 building coverage issues and lot coverage issues
17 because we're at 100 percent of the lot coverage.
18 These are all preexisting nonconformities and
19 we're not asking to expand those in any way.

20 However, the current use of this is a
21 warehouse. Obviously, it does not fit in this
22 neighborhood, there's residential completely
23 around it. It's extremely disturbing to have a
24 warehouse. So I'm very happy that the applicants
25 have purchased this property and want to make it

1 their home and they want to make into a single
2 family house. We cannot ask -- as Union City, we
3 cannot ask for a better application for the site,
4 a simple single family home.

5 This is a two-story structure. The
6 ground story has very beautiful traditional barn
7 doors that will open up so we can park two
8 vehicles in that space. The primary entrance of
9 the building is right next to that garage door,
10 where you could either walk towards the rear of
11 the structure where we have a bedroom and we have
12 a bathroom there. Or you can go up to the second
13 floor, where we have an open very modern design,
14 open kitchen, dining room, living room layout,
15 nice wood burning fireplace and then two bedrooms
16 in that portion as well. So that we have a three
17 bedroom -- we're taking this warehouse and making
18 it into a three-bedroom single-family house.
19 Again, we're not expanding in any way, we're just
20 taking that existing structure, what we call
21 adaptively reusing the existing structure, and
22 making it into a single family home.

23 There are significant aspects to code
24 that we're going to make -- improve the site in
25 order to make it safe for a single-family home.

1 This includes fire separations, fire alarms, and
2 things of that nature. And we're going to go
3 through with the building department to make sure
4 that this gets constructed in the right way. But
5 at the end we have a beautiful single family home.
6 That concludes my testimony.

7 VICE CHAIRPERSON GUTIERREZ: Anybody on
8 the Board have any questions? Mr. Garcia?

9 MR. GARCIA: I do. The size of the
10 apartment, you say this living is 1,131, right?

11 MR. PEREIRAS: Yes.

12 MR. GARCIA: That's for the two floors?

13 MR. PEREIRAS: That's both floors.

14 MR. GARCIA: How big is the second
15 floor?

16 MR. PEREIRAS: They're identical in
17 size, so --

18 MR. GARCIA: 625?

19 MR. PEREIRAS: Yes. Let me make
20 before -- I don't want to misspeak to let me check
21 one thing.

22 MR. GARCIA: To be --

23 MR. PEREIRAS: That's not correct. Each
24 floor, that's the area for each floor.

25 MR. GARCIA: So it have to be 650?

1 MR. PEREIRAS: No, it's --

2 MR. GARCIA: 665?

3 MR. PEREIRAS: 1,131 is the area for
4 each floor, so in total we have 2,262 square feet.

5 MR. GARCIA: That's -- but one second.
6 In the first floor, for the apartment, you have
7 625 square feet?

8 MR. PEREIRAS: Hold on.

9 MR. GARCIA: Oh, no, no --

10 MR. PEREIRAS: You're actually right, it
11 says -- it actually breaks it up already on the
12 floor plan. The total is 1,131 square feet. The
13 first floor is 625 square feet.

14 MR. GARCIA: So you got 625 plus 405,
15 you get 1,130?

16 MR. PEREIRAS: That's correct.

17 MR. GARCIA: So you have 1,130 in the
18 second floor?

19 MR. PEREIRAS: The total apartment is
20 1,130, yes.

21 MR. GARCIA: Okay. So the apartment's
22 going to have --

23 MR. PEREIRAS: Okay. Yeah -- it's 1,130
24 on the second floor and 625 on the first floor.

25 MR. GARCIA: Yeah, but --

1 MR. PEREIRAS: The garage is 405.

2 MR. GARCIA: The size of the warehouse
3 is 1,130 per floor?

4 MR. PEREIRAS: Correct.

5 MR. GARCIA: You're going to have 625
6 for the first floor apartment, living area, and
7 the rest, whatever 600 going to be for the
8 parking, 405 for the parking?

9 MR. PEREIRAS: Correct, 1,756 square
10 feet.

11 MR. GARCIA: Yes. You don't think it's
12 too narrow to go to the bedroom on the first
13 floor?

14 MR. PEREIRAS: No, not at all. It
15 actually could be a lot less narrow. Code in the
16 single family house allows me to go significantly
17 less, about a foot less than that. What we
18 typically do is 36 inches. So even when we design
19 the new two-family houses, we have 36-inch halls,
20 this is actually 41 inches. So it's actually very
21 generous. It looks narrow because it's long, so
22 the proportions make it look narrow.

23 MR. GARCIA: But you're going -- I have
24 no further questions.

25 MS. O'DELL: Just a question out of

1 curiosity, on the second floor, why are there
2 three sinks?

3 MR. PEREIRAS: I'm not sure why the
4 applicants wanted that specific --

5 MR. BELL: I'm the applicant, it's
6 actually what's there right now. We wouldn't --
7 we wouldn't use that.

8 MS. O'DELL: It's what's there now, you
9 just based off the footing --

10 MS. PEREZ: There's an apartment there
11 already?

12 MR. BELL: People used to live there.

13 MR. A. PANEQUE: Sir, we need you to
14 state your name.

15 MR. BELL: Nicholas Bell, I'm Kim
16 Gueldner's partner. And the co-applicant.

17 MR. A. PANEQUE: Just state your full
18 name?

19 MR. BELL: Nicholas Ross Bell.

20 VICE CHAIRPERSON GUTIERREZ: And your
21 address?

22 MR. BELL: 225 West 106 Street,
23 Apartment 3E in New York, New York.

24 MR. A. PANEQUE: Thank you.

25 MS. PEREIRAS: Mr. Bell, just to

1 clarify, the three sinks that are shown in the
2 drawings prepared by Pereiras Architects are
3 existing?

4 MR. BELL: Correct, yes.

5 MS. PEREIRAS: And you're not looking to
6 make any modifications to that?

7 MR. BELL: No.

8 MS. PEREIRAS: You're leaving the three
9 sinks?

10 MR. BELL: Yes.

11 MS. PEREIRAS: Okay.

12 MR. GARCIA: How high is the ceiling?

13 MR. PEREIRAS: They're tall.

14 MR. GARCIA: It's a warehouse.

15 MR. BELL: They're 12 on the first
16 floor, 11 on the second floor.

17 MR. PEREIRAS: That's about right, it's
18 11 on the first floor and -- exactly right, and
19 about 11 on the second floor.

20 MR. GARCIA: Are you going to maintain
21 the same facade?

22 MR. PEREIRAS: We're not proposing any
23 changes on the facade.

24 MS. O'DELL: What's the pull down
25 ladder? What is that? Is that something it's

1 like an attic?

2 MR. BELL: It's to the roof and it's
3 existing.

4 MS. O'DELL: To the roof.

5 MR. BELL: There's a roof hatch.

6 VICE CHAIRPERSON GUTIERREZ: Anybody
7 else from the Board? Mr. Garcia, are you okay?

8 MR. GARCIA: Yes. I really also want to
9 thank you for living in Union City and bringing
10 Union City new quality of design and good quality
11 of life because it's a really decent apartment.
12 And also with parking, you could come here and be
13 more aggressive, come with two apartments, you
14 know what I mean, and no parking. You're
15 providing parking, so something good, especially
16 that area. It's like --

17 MR. BELL: My neighbors have been
18 telling me. As soon as we saw the listing and we
19 went to see the space, we fell in love with the
20 neighborhood quickly.

21 MR. GARCIA: Please keep the facade.

22 MR. BELL: We have to have masons look
23 at it, but we don't want to change anything to the
24 outside, we think it's beautiful.

25 VICE CHAIRPERSON GUTIERREZ: Okay.

1 MR. BELL: Thank you.

2 VICE CHAIRPERSON GUTIERREZ: All right.
3 Open up to the public.

4 MR. PEREIRAS: If the resolution -- if
5 this Board deems fit to approve -- if this Board
6 approves this project, if the resolution could
7 write that it is an adaptive reuse of a
8 preexisting nonconforming structure. That is
9 important in the building department.

10 MR. GARCIA: There is a person --

11 VICE CHAIRPERSON GUTIERREZ: Ma'am,
12 please step up.

13 MS. CARABALLO: Good evening. My name
14 is Maria Caraballo, this is my sister, Jennie
15 Caraballo. We represent the Caraballo family, who
16 live at 413 42nd Street, which is his neighbor on
17 the left side. The Caraballo family has had this
18 house since 1988. When we moved into this house,
19 we moved into a has neighborhood, residential zone
20 neighborhood. And we could park in front of the
21 house. The farthest, maybe on the block, but we
22 had parking. We had close schools, it was a
23 neighborhood of two to three-family homes on this
24 block between New York Avenue and Bergenline
25 Avenue.

1 Today, we have six businesses, three
2 loading zones, and two huge parking lots that the
3 residents are not allowed to park in. Two
4 residential buildings were ripped down to put a
5 parking lot, a residential building across the
6 street was sold to a clinic, Riverside, who is now
7 Optimum. So they have that building and the
8 building around the corner. We have a beauty
9 parlor, the chicken, the polleria, the laundromat,
10 the clinic, the construction company, the bank
11 that is now been two clinics and a T Mobile place.
12 So that parking lot over there by the bank can at
13 least put, I would say 20 to 23 cars and the two
14 house area that was two homes that was ripped
15 down, you could put at least 13 cars there. But
16 none of us are allowed to park on this block.

17 I could use parking lot down the block,
18 but it's crowded. If I choose to pay for parking
19 in the new parking lots five blocks down, I can't
20 purchase parking because it's -- there's a waiting
21 list, they're all full, even the new one. So in
22 the 35 years that we've owned this house, the
23 quality of life has diminished for us greatly.
24 Along with the bars on 43rd Street, people coming
25 around after 2 a.m. and having their way in our

1 alleys and our gates and stuff, things have
2 changed a lot.

3 I'm here today because I received a
4 letter, this is the second letter I've received
5 for 411 42nd Street. Andy, my neighbor who used
6 to live there with his wife and three kids, he
7 gained that property from his father who passed it
8 down to him. And at some point, that man was
9 living there with his family and kids, someone
10 said you can't live there any more because it's a
11 warehouse and you shouldn't have kids in a
12 warehouse. He came and he asked for a permit, you
13 said sure, but he has a wife and three kids, he
14 couldn't afford to do all that. So he tried, as
15 I'm his neighbor, we've known each other for many
16 years. He tried. He moved his family out, tried
17 to fix it, couldn't so do it. So he finally sold
18 the property.

19 So we met Nick, he introduced himself to
20 us. And then we received this letter, I kind of
21 didn't get this letter for all the other changes
22 on my block. I didn't get this letter when they,
23 you know -- when they asked to put parking lots in
24 that we can't park in. It takes me an hour and a
25 half to park when I get home at night. If I'm not

1 to block by 7:00, I got a window between 7:00 and
2 7:30 that I can find parking. If I'm -- if I get
3 home after 8:00, forget about it. I can't even
4 park on Bergenline.

5 When we moved on this neighborhood, you
6 couldn't park on the right side of Bergenline,
7 from 90 something all the way down. Now I can't
8 find parking on Bergenline. But I'm here today
9 because I got a letter stating that this gentleman
10 wants to make it a one-family home, which is
11 wonderful. It's nice. It will be refreshing.
12 I'm going to miss my old neighbor, but he's a nice
13 person.

14 My only concern is he has to make some
15 changes to make it a one-family house. He has an
16 existing fire escape, he has a means of egress.
17 If I'm to be clear, if I understood our
18 conversation properly, he says that in order to be
19 in code, he cannot use his fire escape anymore,
20 that fire escape is not appropriate. 35 years
21 I've been there, they've always used that fire
22 escape in case of emergency. So I was curious to
23 why all of a sudden this fire escape is no longer
24 a viable fire escape for this particular home.
25 The gentleman has asked if he can put his means of

1 egress on the left side of his building, which
2 reaches onto my property, which would make my
3 property his means of egress.

4 It's a square building, there's three
5 other sides, mine, one in the back, and one on the
6 side. I'm not clear as to whether he's outreached
7 any of the other residents because his back would
8 be the backyard of the 41st Street person. I'm
9 not clear who's on the right side of his
10 residence. And if he asked them, I just know he
11 has a fire escape.

12 I don't mind the man redoing the house,
13 I think it would be nice to have a family here.
14 But I'm concerned about his means of egress having
15 to come on my property in case of emergency. I
16 have three means of egress and none of my means of
17 egress go onto someone else's property.

18 The property in front of his -- because
19 we have the whole lot. So his lot is broken up
20 like the length of his house is broken up in two
21 section, his is in the back, there's another
22 rental property in the front, that's a multiunit
23 apartment, they have a fire escape. His building
24 has a fire escape. I have two means -- three
25 means of egress and they come out onto my

1 property. My concern is because he also let us
2 know that even though they love the property and
3 want to move in, they're not long-term residents,
4 nor do they plan to be long-term residents. He
5 said they're going to live there between five to
6 ten years and then after that, they may use it as
7 rental property. That's fine, but I was asked if
8 it was okay to make -- to allow them to have their
9 means of egress come onto my property. And I'm
10 not comfortable with that responsibility. One,
11 because if I'm asked to sign something that puts
12 that in writing because according to records, this
13 is no longer going to be a warehouse, it's going
14 to a one-family house, so if I sign a paper saying
15 your means of egress is on my property, when he
16 sells this house today, tomorrow, rents it out to
17 Bejesus, I don't know. It's still -- there's
18 nothing I can do about that anymore. So whomever
19 is in this home, now we're going to have a
20 one-family home that has a means of egress onto my
21 property. And find that quite odd considering
22 that he has an existing fire escape in the front
23 of his building that's always been there, faces
24 the -- both fire escapes face each other from the
25 front unit to the back unit. In the 35 years that

1 we've been here, I've never heard of such a thing.
2 I haven't seen such a thing. A means of egress is
3 a way for you to leave your house in case of
4 emergency safely, but I'm not -- I have no
5 knowledge of you having to utilize other people's
6 property to do so, nor having to put in writing
7 that that's allowed.

8 Also, like I said, he's a nice man, but
9 I don't believe that that's the only option for
10 means of egress or that's the only option to have
11 this house in compliance with the fire safety
12 code. There are other options that are available,
13 whether or not they're cost effective to him or
14 not is an entirely different story. But there are
15 other options. So I'm here to ask why his fire
16 escape is no longer good at this point, you know,
17 that he can't utilize the existing fire escape
18 structure, and what his other options? Because I
19 just find it a little hard to believe that his
20 only option is to come through my backyard, which
21 then makes me have to conform to that. Because
22 then what I use my property for is going to have
23 to be adjusted. Because if I allow that, then
24 maybe my gazebo can't go on that side where it's
25 always been. I have a tray table put there for my

1 functions where we put the food out. I have
2 storage area over there, I have little wall that I
3 keep the possums and the raccoons out of my yard
4 that I build over there, because we have, you
5 know, I have the polleria on the left side of me.

6 So along with the polleria and the, you
7 know, scrapes and scraps from the polleria, I have
8 livestock going through my backyard, raccoons,
9 possums --

10 MR. A. PANEQUE: Ma'am, I'm sorry to
11 interrupt you, but would you give Mr. Pereiras an
12 opportunity to answer your inquiry about the fire
13 escape?

14 MS. CARABALLO: I wasn't finished with
15 my sentence, but okay.

16 MR. A. PANEQUE: Thank you, ma'am.

17 MR. PEREIRAS: Thank you, ma'am.

18 Hopefully, I could add some light to this. When
19 we present before this Board, it really is the
20 first step of many. And once we finish here with
21 the positive approval, I produce a series of
22 documents and they're stack thick of documents,
23 paper this size, that goes into detail to make a
24 building conform with code, okay. So it doesn't
25 end just here. We go and we have to go through

1 and get approvals and permits from the building
2 department. And we have to make sure that the
3 building complies with all the rules and
4 regulations that are open in the State of New
5 Jersey.

6 This is what we call the change of use,
7 it's going from a warehouse to a residence. So
8 when you have an old house that doesn't meet the
9 requirements, it's an old house that doesn't meet
10 the requirements, that's okay. It doesn't have to
11 meet everything in code. This isn't that
12 situation, we're going from a warehouse to a
13 single-family house, so we have to meet all the
14 requirements of the code.

15 One of the requirements of the code is
16 that if there's a fire, someone has to be able to
17 o escape from their house, from their window of
18 their bedroom and get out, okay. As a second
19 means of egress. It's a wonderful code. It makes
20 a lot of sense. Like I explained in my
21 application earlier, this property is on the
22 property line all around. So the applicant has to
23 obtain an easement in order to keep the bedrooms
24 where we have them, so that people, when they
25 escape out of their window, they have a way of

1 getting to the street. The applicant is
2 surrounded by multiple neighbors and he has to get
3 an easement from one of the neighbors. He's going
4 to negotiate that with his neighbors. And if he
5 can't do that, then we can't comply with the
6 codes. And this application isn't going to get
7 built.

8 However, this Board is that first step.
9 The applicant has to secure an easement, it might
10 not be with you. If you don't want someone to use
11 your property in case of an emergency, you don't
12 have to. It's 100 percent your choice, no one is
13 forcing you. He has other options. However, if
14 you were to say yes, that he could use your
15 property to escape, then it's simply that in the
16 case of an emergency, he could escape through that
17 property. And the easement will typically be
18 three feet wide to the length to the street, which
19 we can't build on those three feet anyway, so it
20 doesn't affect anybody.

21 But that said, if you don't want to sign
22 something, you have every right not to sign it.
23 It's not a problem and it doesn't stop the
24 application. The application will seek other
25 neighbors to get it. If he can't get any of the

1 neighbors to do this, we have to redesign this in
2 a different way so we're not needing the second
3 means of egress from the neighbors' property.

4 But as far as this Board is concerned
5 and as far as you're concerned, the application
6 stands as is. And he as to go through those
7 multiple steps to finalize and get his CO.

8 MS. PEREZ: Where's the fire escape
9 coming from now, is it not coming from a bedroom?

10 MR. PEREIRAS: It's in the front of the
11 house. Correct, it's not coming from the
12 bedrooms. So the bedroom in the rear will require
13 an easement in order for someone to escape, but
14 the first step is getting the approval from this
15 Board. We move further, we'll get the easement.

16 MR. A. PANEQUE: Does that answer your
17 concern?

18 MS. CARABALLO: Yeah, I just wanted to
19 know what was wrong with the first fire escape
20 because he has a fire escape. If it's a matter of
21 him having to -- it has to be from his bedroom?

22 MR. PEREIRAS: Yes.

23 MS. CARABALLO: Is that what you're
24 saying, that the fire escape -- so we can't put
25 the bedroom in the front of the house? I mean I

1 suppose --

2 MR. PEREIRAS: It's the entry to the
3 house, so you would be going into the house
4 through the bedroom. So no.

5 MS. O'DELL: Is that in every building
6 that --

7 MS. CARABALLO: It's on the second
8 floor.

9 MS. O'DELL: It's a different --

10 MR. PEREIRAS: We don't need a fire
11 escape, we don't need a fire escape at all. No
12 one is asking for a fire escape. There's a
13 preexisting fire escape there in the front of the
14 building, that's just a matter of fact. We do not
15 need a fire escape. We just need that when he
16 opens -- if there's a fire in the house and he
17 opens his window, he needs to be able to tell the
18 fireman, I'm here, so he can get out. That's the
19 only thing that is required.

20 MS. CARABALLO: So egress --

21 VICE CHAIRPERSON GUTIERREZ: It's a
22 one-family house.

23 MR. PEREIRAS: It's a one-family house,
24 it's a very simple --

25 MS. SAN MARTINO: The house, where is

1 she coming from, it's going to be the fire escape,
2 if you said it's not going to be where she has
3 that concern from then? Meaning, you say you
4 don't need it?

5 MR. PEREIRAS: I never said we don't
6 need it, we don't need a fire escape, okay. We
7 need an emergency escape window. The emergency
8 escape window has to lead to a public
9 right-of-way, that's it.

10 MR. T. PANEQUE: If I may provide some
11 guidance to the Board? And Mr. Spatz can also
12 chime in here. The law requires that on a
13 one-family home, in a bedroom, the person has a
14 means to leave that home in the event of a fire.
15 However, as in the case that we have at hand, this
16 property is built on the property line, the law
17 says that even in a fire, I'm not allowed to go
18 through the window into this neighbor's property,
19 unless she has given us an easement, which is a
20 right-of-way for me to be able to escape through
21 her property. If -- I'm sorry, you're name?

22 MS. CARABALLO: Maria Caraballo.

23 MR. T. PANEQUE: If Ms. Maria Caraballo
24 says I do not grant you that easement, I do not
25 want to give you that easement -- and she is

1 within her full right not to give an easement --
2 and, in fact, when people actually come to my
3 office and say should I give an easement, my
4 response initially is no. Because if in the
5 future you decide to build something in your
6 property, that easement will prevent you from
7 building. So that is a given, okay.

8 In other occurrences, we negotiate a
9 deal where the easement is purchased for a fee.
10 And then there's a price put on it. In other
11 circumstances, the person says you know what, it's
12 my backyard, the reality is that I'll never build
13 anything there because I'm building in the front.
14 You're never allowed to go to the full extent of
15 the rear of the yard, so an easement doesn't
16 really bother me. I'm just going to give the
17 easement without any consideration.

18 But the point is, if the house is on the
19 lot line, you cannot exit onto -- I cannot step --
20 if this is the lot line, I cannot step into her
21 property and step on her property to exit a fire,
22 unless she has given us permission. And that
23 bedroom requires that that access be in writing
24 through an easement that they would have to
25 actually record, okay.

1 Now, there is no need for a fire escape
2 on a one-family house. A one-family two-story
3 home does not require that they have a fire escape
4 on the second floor. They do require a -- that
5 the second floor have a window and you basically
6 have to jump out if there's no fire escape, but
7 it's a 12 foot jump or whatever -- in case of a
8 fire, it's better to jump 12 feet than to get
9 burned or access where the firemen can get to you.
10 Okay. Does that answer your question?

11 MS. SAN MARTINO: Yes.

12 MR. T. PANEQUE: Mr. Spatz, anything you
13 want to add?

14 MR. SPATZ: No, I think you summed it
15 up.

16 MS. PEREZ: And there's nothing saying
17 he can't leave the fire escape either, if he
18 wanted to keep it there?

19 MR. T. PANEQUE: The fire escape in this
20 whole thing is a red herring. It shouldn't even
21 have been brought up. It's there, it's nice.
22 Should it stay there, maybe because it's an
23 extra --

24 MS. PEREZ: It doesn't have to go away
25 or anything like that?

1 MR. T. PANEQUE: It doesn't have to go
2 away, it doesn't have to stay. The real issue
3 that's been raised by Ms. Caraballo is why should
4 I allow this access to my yard, this means of
5 egress? That's what I believe Ms. Caraballo is
6 objecting to, okay.

7 Now, as Mr. Pereiras indicated, they can
8 negotiate with her and maybe by an easement or
9 they can negotiate with another neighbor on one of
10 the other two sides and negotiate an easement,
11 either through a purchase or some kind of
12 arrangement. But if they don't get those
13 easements, this project dies in the water.

14 MS. PEREZ: It's really a second level
15 problem. We have to go at it first, then it
16 becomes an issue.

17 MR. T. PANEQUE: It's an issue for the
18 building department and for the legal department,
19 Ms. Pereiras to address.

20 MS. O'DELL: In order to convert from a
21 warehouse to a one-family --

22 MR. T. PANEQUE: In order to get their
23 permits.

24 MS. O'DELL: They need to have a fire
25 escape.

1 MS. CARABALLO: So it's a means of
2 egress and I'm just here to question what are the
3 other options.

4 MR. T. PANEQUE: Well, it's not even
5 what the other options. They're going to come to
6 you and they're going to say are you willing to
7 give us this easement. And you can very well say
8 no, you could very well say I want X dollars for
9 this easement and, you know, get yourself a nice
10 vacation out of it. Or the reality is you can
11 just say to them, yes, I'll give you the easement
12 because this portion of my yard will never be
13 built on, realistically, okay.

14 You could also come up with another
15 solution. There's a whole bunch of solutions or
16 you could just say no, thank you, not interested.

17 MS. CARABALLO: I have a question. If I
18 said okay, I like Mr. Nick, I don't want to see
19 Mr. Nick burn up, Mr. Nick can come down, jump out
20 of the window on my side of the property should
21 his house be on fire. And I document that and Mr.
22 Nick changes the status of his house from
23 warehouse to one-family home. In five years or
24 ten years, when Mr. Nick leaves his home and sells
25 it to someone else, am I still bound by that

1 allowing -- this is their means of egress --

2 MR. T. PANEQUE: Yes.

3 MS. CARABALLO: -- even though it's not
4 his any more, can I have that revoked?

5 MR. T. PANEQUE: No.

6 MS. CARABALLO: Once I do that, it's a
7 final decision and it can never go back?

8 MR. T. PANEQUE: That easement will
9 remain as long as this house is there and is on
10 the property line. If the house in the future
11 burns, then any new house will have to meet code.
12 And that's why we have a code and have an
13 ordinance that creates side yards and rear yards,
14 so that we don't run into this situation that
15 you're running into now.

16 MS. CARABALLO: Okay. So once I sign
17 that, it's a done deal. No matter if it's sold
18 one hundred times, on the records that has to be
19 the means of easement.

20 MR. T. PANEQUE: As long as the building
21 is standing, if you give an easement, it's going
22 to stay in perpetuity.

23 MR. A. PANEQUE: It runs with the land.

24 MS. CARABALLO: Great, thank you very
25 much.

1 MR. T. PANEQUE: Okay. So as Mr.
2 Pereiras stated, it's not up to this Board to even
3 address this issue. We addressed it because Ms.
4 Caraballo came and took the time to be here
5 tonight. But the reality is this if Board
6 approves the first facet of this application, then
7 they to deal with the rest of it.

8 MS. O'DELL: We're approving to go from
9 warehouse to a one-family.

10 VICE CHAIRPERSON GUTIERREZ: Mr. Garcia?

11 MR. GARCIA: No, I made my comment
12 already. I love the idea, I really appreciate
13 that this improving the quality of life, it's
14 providing an application with parking, that is one
15 of our big concerns in Union City. And also it's
16 respecting the structure, the property is there
17 for 200 years. I think it's really the kind of
18 improvement that we need in Union City.

19 VICE CHAIRPERSON GUTIERREZ: Okay, thank
20 you. So I'm going to make my motion to grant the
21 application.

22 MR. VALLEJO: Motion to grant the
23 application by Ms. Gutierrez. Any second on the
24 motion?

25 MR. ORTIZ: Second.

1 MR. VALLEJO: Seconded by Mr. Ortiz.

2 Roll call on the motion.

3 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. Watley.

10 MS. WATLEY: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Mr. Garcia.

14 MR. GARCIA: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

17 MR. VALLEJO: Seven in favor, motion

18 carries.

19 MS. PEREIRAS: Thank you all very much.

20 VICE CHAIRPERSON GUTIERREZ: Thank you.

21 * * * *

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1 **B & V INVESTMENT, LLC -**
2 **3810-14 32ND STREET:**

3
4 MR. VALLEJO: Now, we're going to move
5 to number 9 --

6
7 (Discussion held off the record.)

8
9 MR. VALLEJO: We're going to change
10 again the order on tonight's agenda. We're going
11 to move to number 9, B&V Investment, LLC, 3810-14
12 32nd Street. Ms. Pereiras, please.

13 MS. PEREIRAS: Yes, thank you. Bianca
14 Pereiras on behalf of B&V Investment, LLC, 3810-14
15 32nd Street. One of my consultants, my traffic
16 planner, Mr. Kline, was unavailable this evening.
17 As such, I'm respectfully requesting that this
18 matter be carried to the next hearing date of
19 June 8th, if the Board can accommodate us.

20 MR. T. PANEQUE: Before we decide on
21 that, Ms. Pereiras, we have to take jurisdiction.

22 MS. PEREIRAS: My apologies, yes.

23 MR. A. PANEQUE: For the record, Counsel
24 has provided us with the following documentation:

25 Certification as to publication and

1 service giving notice of this application at Union
2 City High School tonight.

3 She has provided us with an affidavit of
4 publication from The Jersey Journal dated
5 April 28, 2023.

6 She's provided us with a list of 200
7 foot radius property owners from the tax
8 assessor's office dated January 30, 2023.

9 She has provided us with certified mail
10 slips dated had April 27, 2023.

11 Based on the documentation provided by
12 Counsel to this Board, this Board has jurisdiction
13 to proceed and hear this application.

14 MS. PEREIRAS: Thank you very much,
15 Counsel. As mentioned, we are seeking an
16 adjournment of this matter, our consultant is
17 unavailable this evening.

18 VICE CHAIRPERSON GUTIERREZ: Okay. I
19 make my motion to adjourn.

20 MR. VALLEJO: Motion to adjourn the --

21 VICE CHAIRPERSON GUTIERREZ: For
22 June 8th.

23 MS. WATLEY: Second.

24 MR. T. PANEQUE: Jurisdictional time is
25 waived?

1 MS. PEREIRAS: Yes, Counsel.

2 MR. VALLEJO: We have a motion on the
3 table to adjourn this for June 8th by Ms.
4 Gutierrez, seconded by Ms. Watley. Roll call on
5 the motion to adjourn this application.

6 Ms. Gutierrez.

7 VICE CHAIRPERSON GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Mr. Garcia.

17 MR. GARCIA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

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

22 MS. PEREIRAS: Thank you.

23 * * * *

24

25

1 **ER HOME GROUP -**

2 **1309 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: We're moving now to
5 number -- the last application on tonight's
6 agenda, ER Home Group, 1309 Bergenline Avenue.
7 Ms. Pereiras, please.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of ER Homes Group, LLC.

10 MR. A. PANEQUE: For the record, counsel
11 has provided this Board with the following
12 documentation.

13 Certification as to publication and
14 service, giving notice of this application at
15 Union City High School tonight.

16 The certified mail slips dated April 27,
17 2023.

18 The list of 200 foot radius property
19 owners from the tax assessor's office dated
20 April 25, 2023.

21 And the affidavit of publication from
22 The Jersey Journal dated April 28, 2023.

23 Based on the documentation provided by
24 Counsel to this Board, this Board has jurisdiction
25 to proceed and hear this application.

1 MS. PEREIRAS: Thank you very much,
2 Counsel. The property in question is 1309
3 Bergenline Avenue, also known as Lot 5 in Block
4 65. Currently, we have a building that housed two
5 legal residential units. The application before
6 the Board this evening is to legalize two
7 additional units for a total of four units
8 on-site. We have two experts this evening. We
9 have our planner as well our architect. And we'll
10 begin tonight's presentation with our architect,
11 Mr. Manuel Pereiras.

12

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

14

15 MR. PEREIRAS: Manny Pereiras, I
16 recognize I'm still under oath.

17 VICE CHAIRPERSON GUTIERREZ: Yes.

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with 1309 Bergenline Avenue?

20 MR. PEREIRAS: Yes.

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

23 MR. PEREIRAS: I have. I know we're all
24 tired, I'll try to be as brief as possible. This
25 is actually a very simple application. We've

1 actually come before this Board for I think two of
2 the four other properties on the same block to do
3 exactly the same thing. We are legalizing an
4 existing situation. So the impact that this
5 application has -- it's one of the opportunities
6 where we know what the impact is. We know what
7 the impact is on parking because it's preexisting,
8 it's there. And we know that we can live with it.

9 The other aspect that is very important
10 to look at with this application is that we are --
11 by means of legalizing it, we're really improving
12 it from a life safety standpoint. We're going to
13 meet all the current codes, upgrade the fire code.
14 There will be hourly separations between the
15 apartments, there is going to be 2 hour separation
16 between the basement apartment and the upper ones.
17 There's going to be a new alarm system, there's
18 going to be a sprinkler system. So there's a
19 significant amount of improvements to the
20 building, which translates to an improvement to
21 the entire block. Because from a fire safety
22 standpoint, this building will be safe and it
23 reduces the possibility of a fire on the block
24 significantly. The possibility of a fire
25 spreading through this building to another one, if

1 another one were to catch on fire.

2 If you look at the building from the
3 front, from the street on Bergenline Avenue, you
4 see a four-story structure, slightly recessed
5 because the topography of the lot goes up as you
6 move back. So on the rear portion of the
7 building, it's actually a three story structure.
8 This being the ground floor, the basement being...

9 So from a code standpoint, this is
10 actually a three story structure. And there is a
11 typo on my drawings. On the floor plans, it calls
12 it second, third and fourth floor. It's actually
13 basement, first, second and third floor. And what
14 we have here is very simple, it's an apartment on
15 each of the floors. We've modified them to make
16 them -- however, for the most part, these are
17 existing conditions. We are tearing out the
18 existing room on the ground floor to create a
19 studio apartment. It's going to be a 787-square
20 foot studio apartment. There's going to be a
21 common vestibule that leads to a mechanical area
22 for the building. So that if something were to
23 breakdown in any of the apartments, it's separate
24 from any of the units. So you have the vestibule,
25 the mechanical area, a 787-square foot apartment.

1 On the first floor, you have the main
2 entrance to the building. You could enter the
3 apartment through here. And you have an
4 856-square foot apartment, and that's a
5 preexisting two bedroom apartment. You have the
6 dining room and the kitchen in the back, the
7 living room along the front and two preexisting
8 nonconforming bedrooms along the side of the
9 structure.

10 The second floor has -- if you take the
11 stairs up to the second floor, you have a common
12 hallway and you have a 593-square foot apartment,
13 it's an existing two bedroom apartment. We're not
14 making any changes to that. That has been in
15 existence, it's been recognized legally by the
16 building department.

17 And then you have the third floor, which
18 is another apartment that we're legalizing. We're
19 legalizing the basement and the third floor. That
20 third floor, which we call apartment number 4, is
21 622-square feet. Again, we're legalizing the
22 situation, it's already there. It has two
23 bedrooms along the front of the structure.

24 And we have a planner, so he's going to
25 talk about the variances, so I won't bore you and

1 you have hear that twice. That concludes my
2 testimony.

3 VICE CHAIRPERSON GUTIERREZ: Thank you.

4

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

7

8 MR. DOUGHERTY: I recognize I'm still
9 under oath. I want to make the distinction, my
10 location -- this is under Dougherty Planning
11 Development, my LLC, not McDonough Associates.
12 And that's at 54 Main Street in Chatham.

13 For tonight, I prepared an exhibit
14 packet. It consists of six slides and it's maps
15 and photographs of the property and existing
16 conditions around it. The architect basically
17 testified to, this is the situation that's
18 basically bringing the property more into code.
19 It's an attached row house where other housing
20 next to it, you'll see on mailboxes, has a similar
21 situation with respect to unit counts and
22 mailboxes.

23 This is an opportunity to basically
24 bring the building up to code, it's a built
25 environment. These houses, as you'll see, the row

1 houses on slide three going forward, particularly
2 on page four, there's substantial density here.
3 There's no parking. Each of these lots will have
4 one parking. What makes this application unique
5 is this is not the RDL zone, this is your CN zone,
6 which is your neighborhood commercial, where
7 residential is not allowed on the ground floor.
8 So we have that relief here.

9 If you see through the slides,
10 truthfully, from a built environment, residential
11 belongs there. Those are residential buildings,
12 but with that being said, we're here for that
13 relief. This is your (d)(1) Medici test, site
14 suitability. It is suitable here by virtue of its
15 condition and context here within the
16 neighborhood. If we go through the slide packet,
17 you'll see towards the end here, page six, slide
18 six, there's a chop them up into four, we have a
19 learning center on our street. I believe it's the
20 next one over, not the adjacent, but the one after
21 that. And then the top right, I believe we have a
22 laundromat there at the corner lot across the
23 street. Then we have a deli. And I believe we
24 have another deli, all at the end caps of the
25 intersection surrounding the property here at

1 Bergenline.

2 I believe, you know, with that being
3 said, it's really conducive to residential here.
4 The building footprint itself is more residential.
5 But with that (d) (1) use, we do have that parking
6 relief that's subsumed within the (d) (1). Again,
7 I want to put out there we do advance purposes of
8 Municipal Land Use Law, purpose A, G, I, and M.

9 From a negative standpoint as the
10 architect put on the record, this use of the
11 property, it exists now. So the impacts and the
12 negative impacts, they've been felt. It's part of
13 that neighborhood. This actually is a positive
14 application to bring the building into more sound
15 development and safety concerns.

16 And then when I look at that, when we
17 talk about subsumed C relief here, give you exact
18 numbers, 31 percent of Union City's population use
19 public transportation, 17 percent carpool, 14
20 percent walk from home -- work from home,
21 11 percent walk, 1 percent bike, 1 percent other.
22 That's your 75 percent of your population from the
23 census report. I don't think parking here is a
24 detriment.

25 I don't believe retail, office,

1 commercial on the first floor is appropriate here.
2 I believe the site is suited for the residential
3 use. And with that being said, I don't see
4 negative impacts with this application for the
5 four residential units.

6 With that, I'll conclude. We have mass
7 transit, we have amenities at the doorstep. This
8 works and I believe approval would be warranted.

9 MR. A. PANEQUE: Can we just pause to
10 mark this as exhibit A-1?

11 VICE CHAIRPERSON GUTIERREZ: Anybody on
12 the Board have any questions? Mr. Garcia?

13 MR. GARCIA: Like you had mentioned, all
14 the -- basically seeing the picture of houses are
15 the same, running the same way. The house has
16 always been four units?

17 MR. DOUGHERTY: Illegally.

18 MR. PEREIRAS: Not always. You know, at
19 some point, it was probably --

20 MR. GARCIA: When they built it, it
21 probably was just one --

22 MR. PEREIRAS: But it's been four units
23 for a long time. And it's common for -- we've
24 been before this Board for two other ones on that
25 strip.

1 MR. GARCIA: This is only the one
2 parking space, right, won driveway?

3 MR. PEREIRAS: Correct.

4 MR. GARCIA: It doesn't fit two.

5 MS. PEREZ: Were the top two floors
6 supposed to be one apartment, is how that got that
7 way? How that did situation --

8 MR. PEREIRAS: Probably, more than
9 likely the attic was either not finished or just
10 like a storage area or it was a duplex.

11 MS. PEREZ: They didn't build another
12 apartment, it kind of got --

13 MR. PEREIRAS: It's in the same
14 envelope, yeah. One of the other houses that we
15 visited, there was a spiral staircase between the
16 two. This is actually a better situation than any
17 of the other houses I visited on that block. It's
18 in good shape and once we -- if this Board
19 approves it, from a code standpoint, that second
20 step that we take really makes a difference and
21 really improves the safety of the entire
22 neighborhood.

23 MS. PEREZ: The fire separation because
24 the way they're so close together, you're
25 fixing --

1 MR. PEREIRAS: So we upgrade the fire
2 rating in between the floors, the walls, yeah.
3 It's significant.

4 MR. GARCIA: The requirement is
5 completely different from two to four families?

6 MR. PEREIRAS: Yeah.

7 MR. GARCIA: You have to sprinkle --

8 MR. PEREIRAS: We're required to do a
9 sprinkler system. I've said this a million times,
10 the statistics don't lie, there have been zero
11 deaths to fire in a sprinklered building in the
12 United States in the history of sprinkler systems.

13 MR. GARCIA: Mr. Pereiras, I think
14 it's -- I mean always is good to legalize, bring
15 everything to code, and especially all the houses
16 attached. You don't think that it's also a good
17 time for the client to give it a touch of beauty
18 to the facade?

19 MR. PEREIRAS: Yeah.

20 MR. GARCIA: If you see here at the top,
21 it's kind of -- and also can you like recommend to
22 your client like some place for the garbage?
23 Because picture number three of the exhibit A-1,
24 you see a lot of garbage there. So it's like --

25 MR. PEREIRAS: I think those are great

1 recommendations. We could definitely as part of
2 this application improve the facade and find an
3 area for garbage or create a receptacle for the
4 garbage.

5 MS. O'DELL: Are those gates legal? I
6 know people have them on windows, I've never seen
7 them on complete door fronts, like God forbid
8 there's a fire, is that locked and then nobody can
9 get in and out?

10 MR. PEREIRAS: It's a multistep
11 question. Gates are legal, okay.

12 MS. O'DELL: They're legal?

13 MR. PEREIRAS: Yes. The location of the
14 gate in this one, for instance, is illegal because
15 when you get to the top of the steps, you're
16 supposed to have a landing and then have the gate,
17 okay. So the positioning is incorrect and yet --
18 and there's also limitations as to how you lock it
19 as well. You cannot lock it with a key so someone
20 can't get out. You can lock it from the outside,
21 and have like a mesh so someone can reach around.
22 But from the inside, you can't lock it with a key.
23 You have to be able to escape in case there's an
24 emergency.

25 So there are ways of doing that legally,

1 this is not one of those ways. That will be
2 corrected.

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

5 MR. GARCIA: Now, are you going to
6 recommend to the client to bring it to legal?

7 MR. PEREIRAS: We have no choice, we
8 have to do it. When it gets to the building
9 department, we have to -- this building is similar
10 to the warehouse, this is also considered a change
11 of use. A two-family house is considered either
12 R-3 or R-5 and a four-family house is considered
13 R-2. From a technical standpoint, that's a change
14 of use. It changes, we have to comply with all
15 the codes.

16 MR. GARCIA: Thank you very much.

17 VICE CHAIRPERSON GUTIERREZ: Thank you.
18 So anybody else? Open up to the public? None. I
19 make my motion to approve the application.

20 MR. VALLEJO: Motion on the table to
21 grant the application by Ms. Gutierrez. Any
22 second on the motion?

23 MS. SAN MARTINO: Second.

24 MR. VALLEJO: Second by Ms. San Martino.
25 Roll call on the motion to approve this

1 application.

2 Ms. Gutierrez.

3 VICE CHAIRPERSON GUTIERREZ: Yes.

4 MR. VALLEJO: Mr. Ortiz.

5 MR. ORTIZ: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes.

10 MR. VALLEJO: Ms. O'Dell.

11 MS. O'DELL: Yes.

12 MR. VALLEJO: Mr. Garcia.

13 MR. GARCIA: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Seven in favor, motion

17 carries.

18 MS. PEREIRAS: Thank you all very much.

19 VICE CHAIRPERSON GUTIERREZ: Thank you.

20 Good night.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. 4531 Harrison Place, LLC. 4535 Harrison Place,
3 Block: 264, Lots: 22, 23 & 24. Legalization of two
4 existing apartments to create a total of 4
5 residential units. **Approved**

6
7 MR. VALLEJO: We're going to move to
8 resolutions. We're going to do one by one.
9 Resolution number one, 4531 Harrison Place, LLC,
10 4535 Harrison Place. This application was
11 approved at the previous meeting.

12 Can I have a motion to memorialize the
13 resolution?

14 VICE CHAIRPERSON GUTIERREZ: Motion.

15 MR. VALLEJO: Motion by Ms. Gutierrez.

16 MS. PEREZ: Second.

17 MR. VALLEJO: Second by Ms. Perez. Roll
18 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. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Five in favor, motion
5 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 2. 2705 Bergenline, LLC, 2705 Bergenline Avenue,
3 Block: 154 Lot: 3 The applicant proposes to
4 convert a portion of existing commercial space on
5 the ground floor of a mixed-use building into a
6 residential apartment, unit consisting of one (1)
7 bedroom. **Reconsideration. Approved.**

8
9 MR. VALLEJO: Resolution number two,
10 2705 Bergenline Avenue, LLC, reconsideration was
11 approved at the previous meeting. Can I have a
12 motion to adopt the resolution.

13 VICE CHAIRPERSON GUTIERREZ: Motion.

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

16 MR. ORTIZ: Second.

17 MR. VALLEJO: Seconded by Mr. Ortiz.
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. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Five in favor, motion
5 carries.

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ADOPTION OF RESOLUTIONS:

3. 731-733 30th Street Jorge & Zaida Turbay
Block: 162, Lots 35 & 36. Legalization of a
commercial space in a former two-car garage.

Approved

MR. VALLEJO: Resolution number three,
731-733 30th Street, Jorge and Zaida Turbay. This
application was approved at the previous meeting.
Can I have a motion to memorialize this
resolution?

VICE CHAIRPERSON GUTIERREZ: Motion.

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

MS. SAN MARTINO: Second.

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

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Five in favor, motion
4 carries.

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ADOPTION OF RESOLUTIONS:

4. Eliezer Wigder 314 36th Street Block: 215,
Lot: 7. The applicant proposes to legalize an
existing one-bedroom apartment in the basement;
there will be a total of 3 units in the building.

Approved

MR. VALLEJO: Resolution number four,
Eliezer Wigder, 314 3th Street, approved at the
previous meeting. Can I have a motion to
memorialize this resolution.

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.
Any second on the motion? Seconded by Mr. Ortiz.
Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

1 MR. VALLEJO: Five in favor, motion
2 carries.

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ADOPTION OF RESOLUTIONS:

5. Luciano Calles 1817 Bergenline Avenue, Block: 98, Lot: 8. The applicant proposes to legalize and existing ground floor apartment in the 6-unit mixed use building. **Approved**

MR. VALLEJO: Resolution number five, Luciano Calles, 1817 Bergenline Avenue, approved at the previous meeting.

Can I have a motion to memorialize this resolution?

VICE CHAIRPERSON GUTIERREZ: Motion.

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

MR. ORTIZ: Second.

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

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Five in favor, motion
4 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 6. AA Summit Ave, LLC 1406 Summit Avenue Block:
3 70, Lot: 20. New construction of a mixed-use
4 building with 3 residential units and dental
5 office on the ground floor. No parking spaces are
6 provided **Approved**

7
8 MR. VALLEJO: Next resolution,
9 number six, AA Summit Avenue, LLC, 1406 Summit
10 Avenue, approved at the previous meeting.

11 Can I have a motion to memorialize this
12 resolution?

13 VICE CHAIRPERSON GUTIERREZ: Motion.

14 MR. VALLEJO: Motion by Ms. Gutierrez
15 seconded by?

16 MS. PEREZ: Second.

17 MR. VALLEJO: Ms. Perez. 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. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Five in favor, motion
5 carries.

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ADOPTION OF RESOLUTIONS:

7. Union City Package, LLC 530 28th Street,
Block: 160, Lot 13. The applicant proposes to
legalize an existing basement apartment; there
will be a total of 13 units in the building.

Approved

MR. VALLEJO: Number seven, Union City
Package, LLC, 530 28th Street, approved at the
previous meeting.

Can I have a motion to memorialize this
resolution?

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

MS. PEREZ: Second.

MR. VALLEJO: Seconded by Ms. Perez.

Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Five in favor, motion
4 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 8. Immanuel United Methodist Church - 3301 New
3 York Avenue Block: 198 Lot: 1. The applicant
4 proposes to operate a day care center on the
5 ground floor. **Approved. Revised drawings received**
6 **on 04/20/23**

7
8 MR. VALLEJO: Resolution number eight,
9 Immanuel United Methodist Church, 3301 New York
10 Avenue. This application was approved at the
11 March meeting and revised drawings received on
12 April 20, 2023. Now, the members present at that
13 meeting was Ms. Gutierrez, Mr. Ortiz, Ms. Perez,
14 Ms. Watley, Ms. O'Dell, and Ms. San Martino.

15 Can I have a motion to memorialize this
16 resolution?

17 VICE CHAIRPERSON GUTIERREZ: Motion.

18 MR. VALLEJO: Motion by Ms. Gutierrez.
19 Seconded by?

20 MS. WATLEY: Second.

21 MR. VALLEJO: Ms. Watley. Roll call on
22 the motion.

23 Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

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

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1 **ADJOURNMENT:**

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3 MR. VALLEJO: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 MS. PEREZ: Motion.

7 MR. VALLEJO: Motion by Ms. Perez.

8 VICE CHAIRPERSON GUTIERREZ: Motion.

9 MR. VALLEJO: 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. Let the record show the
15 meeting has ended.

16
17 (Whereupon the meeting was adjourned at
18 10:45 p.m.)
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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