

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

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

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

Tuesday, May 23, 2023
Commencing at 6:08 p.m.

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

ALEJANDRO VELAZQUEZ, Chairperson
YDALIA GENAO
FRANKLIN MEDINA
JOSE GUARENO, Alternate #1
HECTOR OSEGUERA, Alternate #2

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

BRIAN T. STACK, Mayor
CELIN J. VALDIVIA, Commissioner
ALICIA MOREJON
CAROLINA FERNANDEZ

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

BRIAN CHEWCASKIE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, P.P.

SUSAN BISCHOFF, CCR, RPR
449 Columbia Blvd., Wood-Ridge, NJ 07075
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A P P E A R A N C E S:

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Shaista, LLC

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CALL TO ORDER

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SALUTE TO FLAG

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ROLL CALL

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I N D E X

SHAISTA, LLC
522-524 31st Street

WITNESSPAGE

MANUEL PEREIRAS

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NO

EXHIBITS

MARKED

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

3 Please take notice that on Tuesday, May
4 23, 2023, at 6:00 p.m., a regular meeting is
5 scheduled for the City of Union City Planning
6 Board to be held in Union City High School,
7 located at 2500 John F. Kennedy Boulevard, Union
8 City, New Jersey.

9 This meeting is called in compliance
10 with Chapter 231, Public Law 1975, of the Open
11 Public Meetings Act. Adequate notice of this
12 meeting has been provided as follows: Notice of
13 this meeting setting forth the time, date,
14 location, and the agenda to the extent known, was
15 forwarded to The Jersey Journal, The Record, and
16 The Star Ledger, has been posted on the bulletin
17 board in City Hall, and has been made available to
18 the public in the Office of the Municipal Clerk.

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

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

MR. VALLEJO: Roll call for tonight's meeting. Mayor Brian Stack is absent.

Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Here.

MR. VALLEJO: Commissioner Valdivia is absent.

Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Ms. Morejon is absent.

Ms. Fernandez is absent.

Mr. Medina.

MR. MEDINA: Here.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Here.

MR. VALLEJO: Let the record indicate there are five present for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: We are going to adoption of minutes, regular meeting held on April 25, 2023. Can I have a motion?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.

MR. OSEGUERA: Second.

MR. VALLEJO: Seconded by Mr. Oseguera.

Roll call on the motion. Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Yes.

MR. VALLEJO: Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Mr. Medina.

MR. MEDINA: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

HEARINGS/APPLICATIONS:

SHAISTA, LLC -

522-524 31st Street:

MR. VALLEJO: We're moving to now the first item on tonight's agenda, Shaista, LLC, 522-524 31st Street. Ms. Pereiras, please.

MS. PEREIRAS: Thank you. Good evening, everyone. Bianca Pereiras on behalf of Shaista, LLC. As this Board may recall, we were in front of you last month on this application to subdivide this lot and to constructed exactly what the ordinance looks for, which is a mixed use building, commercial on the ground floor with three residential units above.

You heard from our one expert that evening, which was our architect, Mr. Manuel Pereiras. And at that time, the Board asked to continue this matter so that some of the Board Members could visit the site. I'm hoping the Board Members had an opportunity to do so from the last meeting. And we're here to answer or address any concerns the Board may have.

CHAIRPERSON VELAZQUEZ: Anybody?

MR. CHEWCASKIE: Mr. Chairman, that was

1 my recollection. I think we heard all the
2 testimony. The matter was carried to this evening
3 for site inspections to investigate the property
4 and the surrounding neighborhood.

5 CHAIRPERSON VELAZQUEZ: I visited the
6 site. I had to go over there because we're doing
7 some upgrades to lighting where the bus shuttle
8 is. What I did notice was everything was double
9 parked, so no parking. I went around like three
10 times, I had to double park.

11 It's a great project, but without the
12 parking component -- and a lot of what's happening
13 is we're getting a lot of people that doesn't
14 understand, like, with the older buildings why is
15 there not parking. We understand it's a new
16 generation where you get the two cars, the
17 teenagers growing up and everything. But not
18 having parking on a property is going to be very
19 detrimental to this project.

20
21 M A N U E L P E R E I R A S, previously sworn
22 on this application:

23
24 MR. PEREIRAS: I'd like to address that,
25 if possible. We have in Union City in place a

1 master plan and the zoning ordinance. And both of
2 them very specifically outlined exactly this
3 project. So much to the fact that I'd like to say
4 that two months ago, we presented before the Union
5 City Board of Adjustment, which is your sister
6 board, which is supposed to be a much more
7 difficult approval to get. And they approved
8 exactly the same building on Summit Avenue, which
9 is even more densely populated and more difficult
10 to park.

11 So even Union City has accepted and
12 approved this project as of two months ago. And
13 there are very specific reasons why and why it
14 makes sense. We want this area to be populated,
15 both during the day and during the evening. So
16 during the day, during business hours, and during
17 the evening, when there's residential people
18 coming home.

19 In order to keep commercial properties
20 on the ground floor, we can't create a curb cut
21 and create parking on the ground floor. We don't
22 want that. As a City, we don't want to see that.
23 What we want is an activated ground floor with
24 commercial properties on both -- on the ground
25 floor. If I were to not provide that commercial

1 property on the ground floor, I wouldn't be coming
2 before this Board, I would be going before the
3 Zoning Board of Adjustment because I wasn't able
4 to provide retail or commercial on the ground
5 floor, which is more difficult, I'd be asking for
6 a use variance. So, in fact, by not granting a
7 parking variance, this Board is forcing me into a
8 use variance before the Zoning Board of
9 Adjustment.

10 The apartments that we're creating, it's
11 three apartments in each of these units. This is
12 exactly what the ordinance says. It actually
13 recommends three apartments above. And I want to
14 take this a little bit further. This is a project
15 where we have a site where there are two
16 nonconforming buildings, and that the original
17 site -- I know this is a little confusing, the one
18 site is like this. This is lot one and this is
19 lot two, and both of them are nonconforming
20 according to our ordinance. We're taking two
21 nonconforming lots, dividing it, splitting it down
22 the middle perfectly so that we have two
23 conforming 25-by-100 lots and creating a use
24 that's exactly what this ordinance says.

25 So, you know, I do a lot of work in

1 town. And this is as ideal of a project, this is
2 exactly what we want in Union City. I understand
3 parking is an issue, it's an issue everywhere.
4 This is a sensor hub of commercial -- of
5 transport. We have buses into New York, we have
6 buses towards the west on Route 3, we have
7 everything right across here. We have the light
8 rail that's not -- 16 blocks away. This is not
9 meant to be big multifamily buildings, there's no
10 elevator in this building. There's no huge amount
11 of apartments in this building. This is just what
12 the ordinance specifically says. Why? Because
13 it's modest apartments, you know, walk up, four
14 stories, okay, for Union City families that are
15 struggling, that need a place that need three
16 bedroom apartments that you can't get in any of
17 the big buildings around here because none of them
18 have a three bedroom apartment. This is providing
19 for that, it's providing, for Union City families,
20 hard working families that can't afford the luxury
21 of bigger buildings. This is what -- it's for
22 them, okay.

23 And if we turn down a building like
24 this, it's a problem for many reasons. Number
25 one, we're basically turning away those hard

1 working families, not giving them a place to stay,
2 that this provides desperately. And second,
3 you're forcing a use variance on this that's going
4 to go before the Zoning Board of Adjustment and we
5 already know they already approved exactly the
6 same thing with -- you know, the same building
7 without parking two months ago.

8 So I ask you -- and just to be a little
9 bit more of a devil's advocate here and explain a
10 little bit what's going on. This neighborhood,
11 since that last board meeting, I made it a point
12 to drive by the site every single day. Some days,
13 it was hard to find parking. It was -- there were
14 few spots. But almost every day -- and I'm
15 telling you over 90 percent of the days, there
16 were lots of empty parking spots. I actually
17 wound up taking pictures of a lot of the empty
18 parking slots. And this is like after 6:00, when
19 I'm heading home. Just from the car, all empty
20 parking spots along that 32nd Street, extra spaces
21 you have, open spots all over the place.

22 It's just, you know -- and it's not
23 every day. But there are, this is actually one of
24 those locations in Union City where parking is
25 available. And I think that it would -- it's the

1 right choice for the City to approve something
2 like this. And I hope this Board considers that.

3 And if there's -- if parking is really
4 an issue, if this is like a real concern of the
5 Board and this Board tells me, Manny, we want
6 stats, we want -- next month, come in with a
7 parking study that says you know how much parking
8 space is available there and we go every day and
9 we count the spaces. Give us the opportunity to
10 provide that because I really think it's -- I
11 think it would be a shame if the Board would turn
12 this down. Because what we would have is those
13 two existing buildings, that are nonconforming,
14 it's not right. And we're not providing the
15 housing stock that we need.

16 I don't know if you guys are in tune
17 with our market, but if you need a one bedroom
18 apartment, if you need a studio in Union City, if
19 you need a two bedroom even, you'll get it. If
20 you need a nice three bedroom apartment that
21 you're raising a family, you have two kids or
22 three kids, it's almost impossible to get. It's
23 very hard to get decent housing stock.

24 This is going to provide that. And
25 thank you for letting me talk.

1 MR. CHEWCASKIE: Maybe you want to hear
2 from David?

3 MR. SPATZ: Yeah, I think it's a little
4 bit of a contradiction in our ordinance in that it
5 requires commercial on the ground floor, but
6 doesn't -- and requires parking, but it doesn't
7 allow to you actually put the parking on the
8 ground floor. The only place that it would work
9 is if you had a corner lot and potentially you
10 could come in off of the side street and put a few
11 spaces in the back and have the stores a little
12 smaller. Otherwise, there's really -- the
13 ordinance doesn't even allow you to provide
14 parking on the site, but it requires parking.
15 Because it makes you have to put commercial
16 downstairs and Manny's right in that if you didn't
17 have the commercial on one of them and used it as
18 parking, he'd have to go to the other board for a
19 variance. So I think that it is sort of a
20 difficulty in the ordinance, which requires the
21 parking and requires commercial on the ground
22 floor.

23 So I think that, you know, the Board
24 needs to consider that, that it puts a burden on
25 the property owner that -- and the applicants that

1 can't really be solved.

2 CHAIRPERSON VELAZQUEZ: Can you get a
3 traffic study done?

4 MR. PEREIRAS: We'll be happy to get a
5 traffic study. We'll be here next month, we'll
6 give you the statistics so that you can see and
7 clearly understand and make a good judgment on it,
8 okay. Because this really is the right project
9 for this neighborhood.

10 MR. CHEWCASKIE: Manny, and I guess if
11 you're doing the study, you know, I'm looking at
12 it, you have an undefined commercial use and
13 Domino's, correct?

14 MR. PEREIRAS: Correct.

15 MR. CHEWCASKIE: Would the undefined be
16 retail?

17 MR. PEREIRAS: That's what we expect it
18 to be, but it's undefined.

19 MR. CHEWCASKIE: I mean, but if you're
20 doing the study, you're going to rely on ITE, the
21 trip generation and the like. I think Domino's,
22 you're going have the data that's there, whether
23 it's predominantly delivery, pickup or whatever.
24 So I think that's what the Board want to see and
25 perhaps just to get an idea of the peak times for

1 the facilities, what the parking demand -- what
2 the parking is really like in the area.

3 MS. PEREIRAS: We'll be happy to provide
4 that.

5 MR. CHEWCASKIE: I think that will
6 clarify because, you know, if I could go there and
7 spend five minutes and not find a parking space.
8 And then, you know, ten minutes later, it might be
9 opening up. We don't know. So I think that's
10 something the Board will want to see.

11 MS. PEREIRAS: I think that's a fair
12 request and we're happy to comply.

13 MR. CHEWCASKIE: So I think, Mr.
14 Chairman, it would be appropriate to have a motion
15 to carry this to the June 27th meeting.

16 CHAIRPERSON VELAZQUEZ: I make a motion
17 to adjourn.

18 MR. VALLEJO: Motion to adjourn to
19 June 27, 2023, by Mr. Velazquez. Any second on
20 the motion?

21 MS. GENAO: I second it.

22 MR. VALLEJO: Ms. Genao. Roll call on
23 the motion to adjourn this application. Mr.
24 Velazquez.

25 CHAIRPERSON VELAZQUEZ: Yes.

1 MR. VALLEJO: Ms. Genao.

2 MS. GENAO: Yes.

3 MR. VALLEJO: Mr. Guareno.

4 MR. GUARENO: Yes.

5 MR. VALLEJO: Mr. Medina.

6 MR. MEDINA: Yes.

7 MR. VALLEJO: Mr. Oseguera.

8 MR. OSEGUERA: Yes.

9 MR. VALLEJO: Before I -- there's time
10 limits for the application?

11 MR. CHEWCASKIE: Ms. Pereiras, you're
12 waiving the time limits to return?

13 MS. PEREIRAS: Of course, we are.

14 MR. CHEWCASKIE: I think it was deemed
15 complete in March so we're getting close.

16 MR. VALLEJO: Thank you. Five in favor,
17 motion carries. This application has been
18 adjourned.

19 MR. CHEWCASKIE: We'll see you in June.

20 MS. PEREIRAS: We'll be back. Thank
21 you, all.

22 MR. PEREIRAS: Thank you, everyone.

23 * * * *

24

25

ADOPTION OF RESOLUTIONS:

1. West 13, LLC, 409 4th Street:

MR. VALLEJO: Moving to resolutions.

First resolution is West 13th, LLC, 409 4th Street. This application was denied at the previous meeting. Can I get a motion to memorialize this resolution?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.

MR. GUARENO: Second.

MR. VALLEJO: Seconded by Mr. Guareno.

Roll call on the motion.

Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Yes.

MR. VALLEJO: Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Mr. Medina.

MR. MEDINA: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

ADJOURNMENT:

MR. VALLEJO: There being no other applications on tonight's agenda, can I have a motion to adjourn the meeting.

MR. OSEGUERA: Motion.

MR. VALLEJO: Motion by Mr. Oseguera.

MR. MEDINA: Second.

MR. VALLEJO: Second by Mr. Medina.

Roll call on the motion. All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it, thank you. Good night. Let the record indicate the meeting has ended.

(Whereupon the meeting was adjourned at 6:23 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700