

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, June 8, 2023
Commencing at 6:14 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ
ALTAGRACIA SAN MARTINO
VIVIAN O'DELL
ANDRES GARCIA

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

ROSIO PENA
GERALDINE PEREZ
RAYMOND CETINICH
MINDRY WATLEY

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

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AUGUSTIN PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Mark & Mira Paloka

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, BWS

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Rino Management LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 810 6th Street, LLC

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3100 Central Avenue

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526 26th Street

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MARK & MIRA PALOKA
1002 New York Avenue

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903-905 New York Avenue

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JFK REALTY
4614 Kennedy Boulevard

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1 MR. VALLEJO: Can I have your attention,
2 please. Please take notice on Thursday, June 8,
3 2023 at 6 p.m., a regular meeting is scheduled for
4 the City of Union City Zoning Board of Adjustment
5 to be held in Union City High School, located at
6 2500 John F. Kennedy Boulevard, Union City, New
7 Jersey.

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

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

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

19
20 (Whereupon the Pledge of Allegiance was
21 recited.)

22
23 MR. VALLEJO: Thank you.
24
25

ROLL CALL:

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

Mr. Grullon.

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez is absent.

Ms. Watley is absent.

Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Let the record indicate there are five present.

* * * *

APPROVAL OF MINUTES:

MR. VALLEJO: Okay. Now, we're going to move to the previous meeting minutes of May 11, 2023. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez. Seconded by?

MR. GARCIA: Aye.

MR. VALLEJO: Mr. Garcia.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes. I read the minutes.

MR. VALLEJO: For the record, Mr. Paneque, can you --

MR. PANEQUE: Yes. Although our Chairman has not been in attendance in the last couple meetings of March, April, and May, Mr. Grullon has signed a certification indicating that he has read the board transcripts of the meetings March 9th, April 13th, and May 11th. And as such, having read those meeting minutes, he's allowed to vote on all the agenda dealing with those cases.

MR. VALLEJO: Thank you, Mr. Paneque. We have a motion approve by Ms. Gutierrez,

1 seconded by Mr. Garcia.

2 Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 MR. GARCIA: Yes.

10 MR. VALLEJO: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

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

14 * * * *

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1 **RICHARD MERWIN -**

2 **3100 CENTRAL AVENUE:**

3
4 MR. VALLEJO: We're moving to the first
5 item on tonight's agenda. Merwin Richard, 3100
6 Central Avenue. Mr. Alonso, please.

7 MR. ALONSO: Good evening. For the
8 record, Al Alonso on behalf of the applicant. The
9 Board may recall that this application was
10 commenced on --

11 MR. GARCIA: Hold on. Before
12 continuing, just please accept our apologies that
13 we're in this small room. It's because there was
14 another activity. So I know there's a lot of
15 people here in the small room, but trying to do
16 the best --

17 MR. ALONSO: We all like each other and
18 it makes it a little more intimate.

19 The Board may recall we were here on
20 March 9th when we started the application and we
21 heard testimony from our architect. Essentially,
22 the two issues were the number of units and the
23 parking. You may recall this is an existing
24 abandoned building on the corner of 31st and
25 Central Avenue and it's been abandoned for

1 probably five, six, seven years. My client
2 purchased the property, wants to put it back on
3 the tax rolls, wants to renovate it. And as part
4 of it, he's adding a couple units.

5 So with that said, Ms. Rosas submitted
6 revised plans. She also sent a letter dated
7 March 29th, with a point by point breakdown of
8 what all the changes were. With that said, I'm
9 going to call her back up to testify as to the
10 revised plans.

11 MR. VALLEJO: The revised plans are on
12 the table, also the revised memorandum from Mr.
13 Spatz also.

14
15 C A R O L A R O S A S, after having been duly
16 sworn or affirmed, did testify as follows:

17
18 MR. ALONSO: Thank you. Ms. Rosas, you
19 filed revised plans, correct?

20 MS. ROSAS: Yes.

21 MR. ALONSO: You also submitted a letter
22 dated March 29th, basically giving us a point by
23 point breakdown what those changes were?

24 MS. ROSAS: Yes.

25 MR. ALONSO: So just remind the Board

1 because it's been several months, I think we have
2 at least one or two new Board Members. What was
3 the original application, how is it revised?

4 MS. ROSAS: Okay. So --

5 MR. ALONSO: Just keep your voice up.

6 MR. GARCIA: This one is April 11th and
7 this one is -- okay, yes.

8 MS. ROSAS: I'll take you through the
9 plans. So basically the zoning district is CN,
10 whereas commercial residence use. Originally, we
11 had a total of ten dwelling units plus eight
12 parking spaces and a commercial space, basically
13 mixed use building. We're proposing a five-story
14 building and now it's been revised. So it's been
15 revised from ten dwelling units to seven dwelling
16 units. From eight parking spaces now we've
17 revised it to seven parking spaces, plus a
18 commercial space. The facade here has been
19 redesigned, we removed the mezzanine level, which
20 is the fifth level, reduced the height from 48
21 feet 7 inches to 38 feet in height. So now we
22 have a four-story building. The design basically
23 is similar in identified, we're going to play with
24 the texture, brick, to create some kind of a
25 layering effect, bringing down the scale of the

1 building. So it's more contextual.

2 You can see here on the west elevation
3 that faces 31st Street, we have parking underneath
4 on the first floor street level. The commercial
5 space in the corner. This elevation here, north
6 elevation faces Central Avenue, it's a commercial
7 space on the first level. The residential is
8 above. And this is the rear elevation, south
9 elevation is facing rear, where you can see the
10 stair tower next to it and part of the parking
11 area.

12 So the total height from the ground to
13 the roof level is 38 feet. We're going to start
14 first with the diagram here, the first floor plan.
15 This is diagram number two. We still have the
16 commercial space in the corner, but we increased
17 the size from 160 to 282 square feet, so it's much
18 larger in size. Adjacent to that, we have a
19 one-bedroom unit, originally it was 396 square,
20 feet we've increased it to 580 square feet. This
21 unit will be the accessible unit. We have two
22 stairwells, opposite ends, and seven parking
23 spaces.

24 Now, five of the parking spaces
25 measure 9 feet by 20 feet, a standard size. And

1 we have two parking spaces at the end, which is
2 more compact size 9 feet by 17 feet 8 inches.
3 Plus a curb cut that is 69 feet 10 inches along
4 the front.

5 Now, the diagram number three, the
6 basement floor level, we redesigned this.
7 Originally we had laundry area. But now we're
8 going to provide each unit will have its own
9 laundry area. So in the basement now, we're using
10 it as a utility room for trash area and also
11 recycle cans. And the second floor above,
12 basically we have two units per floor. Now the
13 two units is two bedroom from the stair to the
14 corner is two bedroom. We've also increased the
15 size from 680 square feet to now 961 square feet,
16 so it's a much larger size unit. And the three
17 bedroom unit has been increased from 927 square
18 feet to 1,152 square feet. So it's very spacious
19 with two bathrooms and a laundry area. And,
20 again, the way the stair works, two set of
21 stairway, two means of egress opposite end. So
22 that's basically the layout for the second floor.

23 I want to mention that the third floor
24 and the fourth floor is an identical layout, so
25 two units per floor, two bedrooms and one unit is

1 three bedrooms. Again 961 square feet, spacious
2 for two bedroom. And for three bedroom,
3 1,152 square feet. So second third and fourth
4 identical.

5 And here we are on the roof level, which
6 a flat roof. The only stairwell that projects out
7 to the roof is for roof access. And we have these
8 HVAC multi-zone outdoor units that's going to be
9 placed on the rooftop. So a total of eight of
10 them. And here you see the section of the
11 building, the lower level. The four levels, now
12 is flat with the projection of the stair well. A
13 total height of 38 feet to the top of the roof.

14 What I want to mention is we still need
15 three variances, and very similar to last time.
16 Okay. The three variance is for the rear yard,
17 where 20 feet is required for the rear yard, but
18 we have .16, which is basically considered a zero
19 lot line, since we're right on the lot, which is a
20 stair well. That's one item. The second item is
21 building coverage. What's required is 80 percent
22 and we're proposing 92.16 percent, that hasn't
23 changed from the last design. Still 92 percent of
24 building coverage. And for parking because we
25 reduced the number of dwelling units from ten to

1 seven, originally what was required was 20 parking
2 spaces. The reduction now is 15 parking spaces
3 required and we're providing seven parking spaces.

4 I also want to mention that the building
5 will be fully sprinklered, fire alarm and fire
6 protected. And that's basically it. Any
7 questions?

8 MR. VALLEJO: One second. Let the
9 record show that Mr. Ortiz joined the meeting. We
10 have six members at this time.

11 CHAIRPERSON GRULLON: I have a question.
12 This is a lot that's only 25-by-100?

13 MS. ROSAS: Yes.

14 CHAIRPERSON GRULLON: And you're
15 accommodating three apartments per floor?

16 MS. ROSAS: Two apartments per floor.

17 CHAIRPERSON GRULLON: Just want to see
18 the size of the rooms. Could you just tell -- you
19 know, I know everything is labeled here, but I
20 want to see do you have a ground level apartment
21 and a commercial?

22 MS. ROSAS: Yes that one bedroom is
23 580 square feet.

24 CHAIRPERSON GRULLON: And two apartments
25 per floor?

1 MS. ROSAS: Yes, two apartments per
2 floor. Our two bedroom apartment is 961 square
3 feet, it is very spacious. We increased from
4 680 square feet, the previous time. All the units
5 have been increased. And we have the three
6 bedroom unit 1,152 square feet. All the room
7 sizes go far beyond the requirement. They're very
8 spacious. We have with the three-bedroom, the
9 master bedroom, two bedrooms. The smallest room
10 is 120 square feet, not including closets.

11 MR. GARCIA: How big is the three
12 bedroom apartment?

13 MS. ROSAS: 1,152 square feet.

14 CHAIRPERSON GRULLON: Mr. Spatz,
15 question. In that area, for that size lot, what
16 is permitted?

17 MR. SPATZ: Well, it's a commercial
18 zone, which would permit at a maximum commercial
19 on the ground floor and then three apartments
20 above. That would be the maximum that would be
21 permitted in that zone without a need for a
22 variance.

23 CHAIRPERSON GRULLON: But the commercial
24 and apartment is not permitted on the ground
25 floor?

1 MR. SPATZ: That's correct. That's one
2 of the parts of the use variance that they need,
3 it's for the apartment on the ground floor.

4 CHAIRPERSON GRULLON: And with the
5 parking, the requirement according to the table
6 here, I don't have it in front of me, can you tell
7 me what's the --

8 MR. SPATZ: They need 15 spaces.

9 CHAIRPERSON GRULLON: 15?

10 MR. SPATZ: And they provide seven.

11 CHAIRPERSON GRULLON: That's way -- you
12 know, not even half of the parking requirement.

13 MS. ROSAS: That is true. But
14 originally we had ten dwelling units and what was
15 required was 20 parking spaces, so we reduced by
16 three units to seven. And now what's required,
17 the numbers, the way it works out, 15 parking
18 space. So we've lowered the level of intensity or
19 requirements to try.

20 MR. ALONSO: Currently, the property is
21 abandoned, it's vacant. How many current parking
22 spaces are on the site, do you know?

23 AUDIENCE MEMBER: Right now, like six.

24 MR. ALONSO: So about six or seven
25 spaces, that's what fits on the site. And how

1 many total units are there now?

2 MS. ROSAS: Three.

3 MR. ALONSO: There's three units now.

4 But again the property is in bad state of
5 disrepair. In order to bring it to current codes,
6 it's very expensive.

7 CHAIRPERSON GRULLON: We understand
8 that. We want to, you know, fix the area and all
9 that. But at the same time, we want -- we don't
10 want to create more parking situation to worsen.
11 What we have right now is bad situation, you know.
12 But I'm going to let the other Members of the
13 Board see if they have any questions.

14 MR. GARCIA: I have a few.

15 Mr. Spatz, what happened if -- which one
16 going to be the parking requirement if we
17 eliminate the first floor unit apartment and just
18 leave the commercial unit there?

19 MR. SPATZ: It would drop by two spaces.

20 MR. GARCIA: Instead of 15, going to go
21 13?

22 MR. SPATZ: Right.

23 MR. GARCIA: Going to be according to
24 the ordinance that the first floor going to be
25 only commercial?

1 MR. SPATZ: That's correct, yes,
2 commercial and/or parking.

3 MR. GARCIA: Right.

4 MS. O'DELL: Now, when these cars -- as
5 I'm looking at the diagram, they're going to pull
6 in head first. And then coming out, they're going
7 to be coming out rear into 31st Street, right? Is
8 that how you get out?

9 MR. ALONSO: Correct. That's the way
10 it's currently configured.

11 MS. O'DELL: So --

12 MR. ALONSO: That doesn't change.
13 That's the way it is now and that's the only way
14 you can do it given the size of the lot.

15 MS. O'DELL: That's a crazy street,
16 especially in the morning. And now you're backing
17 out into where all the buses that come and go from
18 New York into, you know, Route 3 and all that, now
19 you're backing out into that. Is there enough
20 space for a car to back out into --

21 MR. ALONSO: Well, that's the way it's
22 always been used. So we're not making the
23 condition any worse. So assuming that this
24 application is not approved and assuming somebody
25 goes ahead and finishes the building, those are

1 the parking spaces that are there, that's the way
2 they've always operated, that's the way they'll
3 continue to operate. Our proposal does not change
4 that at all.

5 MS. O'DELL: Okay.

6 MR. ALONSO: That's the condition that's
7 always been there.

8 MR. GARCIA: What is in the adjacent
9 side where you only have 1.6, the setback
10 requirements, what do you have adjacent?

11 MS. ROSAS: There's a property adjacent.

12 MR. GARCIA: What is there adjacent,
13 what is it?

14 MR. ALONSO: Is that a driveway?

15 VICE CHAIRPERSON GUTIERREZ: It's an
16 empty lot.

17 MR. ALONSO: It's a driveway.

18 MR. GARCIA: It's a driveway of a
19 commercial place or --

20 MS. O'DELL: Is that the taxi?

21 MR. ALONSO: We have a planner who's
22 going to be testifying.

23 MR. GARCIA: Okay, sorry, sorry. Okay.

24 MR. ALONSO: But, Mr. Garcia, one of the
25 comments you're asking about with the ground

1 floor, the reason why we're incorporating the
2 ground floor residential unit is for handicapped
3 accessibility purposes. So it's either that or
4 add an elevator. So if you have the ground floor
5 residential unit, you don't need the elevator. So
6 that's why it's required.

7 MR. GARCIA: How high is the building?

8 MS. ROSAS: 38 feet.

9 MR. GARCIA: Are you going --

10 CHAIRPERSON GRULLON: Mr. Alonso, the
11 elevator, why would that be a requirement?

12 MR. ALONSO: It's a requirement if
13 there's four units or more.

14 CHAIRPERSON GRULLON: Because four
15 floors?

16 MR. ALONSO: No, it's not the number of
17 floors, it's the number of units.

18 MR. GARCIA: With four units, do I need
19 an elevator?

20 MR. SPATZ: I believe so. It's a
21 building code issue, not a zoning issue.

22 CHAIRPERSON GRULLON: You want to bring
23 your planner?

24 MR. ALONSO: Sure. If the Board has no
25 more questions.

1 CHAIRPERSON GRULLON: If we have more,
2 we'll let you know.

3 MR. ALONSO: John McDonough.

4

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

7

8 MR. McDONOUGH: Hi, everyone, John
9 McDonough, M-C, capital D-O-N-O-U-G-H. I'm the
10 project planner.

11 CHAIRPERSON GRULLON: We accept your
12 qualifications.

13 MR. ALONSO: Thank you, Mr. Chairman.

14 Mr. McDonough, you've been here before.
15 I'm going to ask you to go through your planning
16 review. I know you have an exhibit, so we'll go
17 ahead and mark that as A-1. Just identify that
18 for the record.

19 MR. McDONOUGH: Sure. Mr. Chairman,
20 I'll start handing them out. It's going to be the
21 usual packet of drone photographs.

22 Exhibit A-1 is going to be six pages.
23 You're going to see views of the site. We're kind
24 of going to spin you around with the drone, so you
25 can see it from all sides. Then we'll give you a

1 top down so you can see how it relates to the
2 surrounding streetscape. As you've heard and
3 Carola just gave good testimony as to what the
4 proposed building will look like and how it
5 responds to the comments of the Board. These
6 photographs will help show how nicely this plan is
7 going to marry up with the site. It's the unique
8 site in the community, here other corner of
9 Central Avenue, the last lot before you get to the
10 cut for the tunnel entrance. It's actually
11 overlooking it.

12 You've got a vacant abandoned building
13 that's doing nothing to contribute to the area.
14 You've got what is effectively become a lawn area
15 right next to it, dead open space. So the site is
16 certainly ripe for redevelopment. Our applicant
17 has listened and has responded by coming back with
18 a plan that has eliminated the height variance
19 that was here for before.

20 And you could see with these photographs
21 that surrounding land use context is varied.
22 That's what makes your community so special, is
23 that you do have this diversity of building
24 height. Some a little taller, some a little
25 smaller, everything is not the same. Importantly,

1 the applicant is not asking the Board to move on
2 any height relief here. Technical D variance to
3 tell us extent we have ground level residential
4 use and the second we have more dwelling units
5 than the ordinance would allow in the CN zone.

6 But what's important to me in terms of
7 the way Carola has drawn up the plan here is
8 you've got this very nice commercial space, which
9 is going to be on the corner of Central Avenue.
10 You have an excellent example of how you can take
11 a small commercial space like this and activate a
12 corner. I just came from Cortadita's. And,
13 again, with the open air sides, you can actually
14 experience outdoor dining and indoor dining
15 through the same window. That can happen here at
16 this particular space. So a small space,
17 commercial retail can be very effective in
18 activating a street. And you have proof positive
19 here in what you've done in the community. I
20 think there's an opportunity here to do the same
21 thing.

22 The applicant is asking the Board to
23 move on some balance here. The benefits, of
24 course, are pulling in housing in a commercial
25 area where you now will have a consumer population

1 that can support those businesses and not eroding
2 the commercial intent of the zone but actually
3 bolstering the intent by bringing in viability
4 with those added consumers.

5 I don't think we've reached the tipping
6 point where we have too much going on here.
7 There's adequate parking capacity. And you can
8 see from the plan that there's actually a stripe
9 out where vehicles are contemplated as backing
10 out. It look like overtime people are illegally
11 parking there because it's not an active space
12 presently. But that is not available for
13 on-street parking now. So historically that same
14 area has been used for the parking that the Board
15 Member had the concern about. So there is ability
16 here to accommodate that backup parking, as it has
17 historically been done in the past.

18 In terms of the number of units here, we
19 have seven units that the applicant is asking the
20 Board to move on. That building that you see in
21 this picture which occupies half the site has
22 four units, it's registered with the DCA as a four
23 unit building. So theoretically, if we doubled
24 the amount of building mass on this site, that
25 would be eight units. Again, our applicant is

1 asking the Board to move on seven units here.

2 So we think based on the physical
3 characteristic of the site, the evolution of the
4 plan, the interactive process between the Board
5 and a responsive applicant here, we've landed at a
6 good spot where the intent and purpose of the CN
7 zone will not be substantially impaired with the
8 plan that's before you now.

9 We think the project is going to promote
10 a number of public benefits here, including new
11 housing stock, including diversity of housing
12 choices to accommodate all people. The ability to
13 promote a desirable visual environment, taking an
14 eyesore building, eliminating it. This is a
15 visually prominent corner in your community.
16 Carola has done a great job putting together a
17 beautiful building. And, lastly, our planning go
18 for efficient use of land, taking a developed
19 piece of property and repurposing it, we think are
20 all good things.

21 Counterbalancing that with the negative
22 criteria for all of the reasons we've given, this
23 project, this site will flow, function, operate
24 safely, comfortably. These are not undersized
25 units and efficiently. This will be a nice place

1 to live, this will be a nice a place to go for
2 some sort of commercial type of use. And, again,
3 we think it just advances a number of positives
4 and really has minimal, if any, impacts.

5 It's a departure from your zone scheme,
6 every variance is. But the degree of departure,
7 in my view, is not substantial here. That's
8 really for the Board to weigh. All the other
9 relief, the parking, the setbacks, again, you can
10 see it from the visual that we've given you here.
11 The relief that the applicant is asking for with
12 respect to rear setback is adjacent to an
13 alleyway, is adjacent to a paved place, not
14 someone's windows, not a building per se. So
15 there is built in separation there or effective
16 separation, even though we're building close to
17 the property line.

18 All said, I think it all ties together
19 where this is a net positive for the community.
20 And in that regard, I believe the test for the
21 (d) (1) relief and the subsidiary (c) relief are
22 all met here. With that, I'll pause.

23 MR. ALONSO: Thank you. I have no
24 further questions.

25 MR. GARCIA: The question I had before

1 that Mr. Spatz was going to ask you, since I have
2 a long -- it's been a long time. Which one going
3 to be the parking requirement. Let's say -- it's
4 an idea -- if we eliminate the commercial and keep
5 it like that, everything like residential, and you
6 keep -- you put the two bedrooms in the first
7 floor, what's going to be the parking requirement,
8 going to be the same, 15?

9 MR. ALONSO: What is parking requirement
10 for commercial?

11 MR. McDONOUGH: I think they will be
12 similar, yes. They will be similar, if not
13 identical here, given the size of the commercial
14 space.

15 CHAIRPERSON GRULLON: I was going to go
16 in a different direction. My question was going
17 to be to provide more parking, is it possible to
18 eliminate the apartment and the commercial and
19 provide more parking on the ground floor? Let's
20 say, you provide ten parking?

21 MR. ALONSO: If you eliminate the
22 residential, then you need an elevator. So while
23 you may eliminate the space, that space would then
24 be occupied by the elevator room and the shaft and
25 everything else.

1 CHAIRPERSON GRULLON: We have much
2 better building that way.

3 MR. ALONSO: But then you don't gain any
4 parking.

5 CHAIRPERSON GRULLON: Yes, you will
6 because you're eliminating an apartment and the
7 commercial.

8 MR. GARCIA: Going to be six units
9 instead of seven.

10 CHAIRPERSON GRULLON: Get more parking.
11 We don't want to see people moving in and leaving
12 cars on the street, to make the situation worse 90
13 Area. Central Avenue -- because I know, at the
14 end of the day, they're going to be parking on
15 Central Avenue.

16 MR. ALONSO: That's an architecture
17 question. And I have to defer to the architect to
18 see if it's feasible to design it to eliminate the
19 uses on the ground floor and convert that into
20 parking.

21 MS. ROSAS: For example, to extend the
22 curb cut to the corner, in general, it's not
23 really a good practice. Because you're getting
24 too close to the corner, it's too much turns, too
25 much in and outs. Normally, you like to be away

1 from the corner, general rules, to make it safe.
2 You don't want to back up into an intersection,
3 you want to back up with enough distance from the
4 corner.

5 The other issue would be you will have
6 to put in an elevator. An elevator takes up room,
7 all the way throughout, so it changes everything
8 around to --

9 MR. McDONOUGH: Mr. Chairman, if it
10 helps the Board, if you go to the last visual --

11 CHAIRPERSON GRULLON: I saw that page,
12 that's what I was looking at.

13 MR. McDONOUGH: You could see there are
14 two legitimate spaces striped near the corner.
15 Those would -- we can't eliminate those to get
16 more parking into the building. But there is that
17 cutout area where we could achieve and where
18 Carola's plans are respecting that ability to park
19 there. So that's the difficulty in terms of
20 eliminating that residential unit and putting
21 parking there is that we would be taking away
22 on-street parking.

23 MR. GARCIA: But let me ask a question,
24 which one is the -- can I say -- can I word it and
25 say which one is hardship to say like go another

1 floor and not stay with the three floors? And
2 you're going to increase the parking impact and
3 you're going have your five units, you're going to
4 have your commercial units, and you're going have
5 to go another floor. Which one is the necessity
6 to go to the fourth floor? Which one is the
7 necessity? That's my question.

8 MR. ALONSO: Well, again, I'll defer to
9 the architect in terms of the justification for
10 the additional floor.

11 MS. ROSAS: Sometimes you need the
12 additional units in order to make the project
13 feasible.

14 MR. GARCIA: If we recommend to
15 eliminate the first floor, I mean the first space
16 in -- the residential on the first floor, then got
17 to go the elevator, so it's either one. So it's
18 like -- okay, eliminate the apartment on the first
19 floor, then I needle elevator, okay.

20 But why is it necessity to go to the
21 four floors? That's my point.

22 MS. ROSAS: Economically, that's --

23 MR. GARCIA: Let me tell you, the
24 problem that we have right now with the parking in
25 Union City, you have no clue. You have no idea,

1 okay, the issue that we have with parking. So we
2 have to think about our neighbors, you know what I
3 mean? So this is a big, big concern.

4 I like the project. I am the kind of
5 person, I am pro development. However, we need to
6 figure out how can we mitigate the negative impact
7 that we're going to -- that the community going to
8 have. So that was my -- the financial is only one
9 aspect to go to the fourth floor?

10 MS. SAN MARTINO: In a sense it's kind
11 of funny because as soon as I come here, we start
12 talking about the parking, I was talking to one of
13 my friends there, too. And he said there's no
14 parking, it looks excellent, but the commercial
15 space is a concern, because as soon as you bring a
16 commercial space around here, that -- like right
17 away is parking. Taking from our neighborhood and
18 plus like sometimes when they see the commercial,
19 they see free space, they go and park, they don't
20 move the car. What about the people who live
21 around there, you know? Me, like I said, it looks
22 excellent, but I'm concerned about the parking.

23 CHAIRPERSON GRULLON: Ms. Rosas, could
24 you approach the table? I just want to show you
25 something, if it's doable.

1 MR. PANEQUE: Mr. Alonso, come up,
2 please.

3 CHAIRPERSON GRULLON: My thought is to
4 eliminate the apartment and also the commercial,
5 just do like a lobby here area with the elevator.
6 It would look much nicer. Then you'll be able to
7 give me two more parking space here. And this,
8 probably the City will move it down, you know.
9 I'm just more concerned of the amount of units and
10 the apartment. I know --

11 MR. ALONSO: The question is if you were
12 to put an elevator in the corner, what does that
13 do to your floor plans?

14 CHAIRPERSON GRULLON: A small lobby.

15 MR. ALONSO: Then we have to access the
16 apartments from the elevator, so then we would
17 have to look at the floor plans to see the
18 internal --

19 CHAIRPERSON GRULLON: I see, okay.

20 MR. ALONSO: -- circulation.

21 CHAIRPERSON GRULLON: I see, you're
22 going to lose space inside the second and third
23 floor.

24 MR. ALONSO: We have to reconfigure the
25 hallway.

1 CHAIRPERSON GRULLON: Maybe --

2 MS. ROSAS: I can make --

3 CHAIRPERSON GRULLON: Two bedroom
4 apartment instead of three bedroom apartments. My
5 concern is the amount of parking you're providing.

6 MR. ALONSO: Understood.

7 CHAIRPERSON GRULLON: It doesn't match
8 what we're looking for. And I know Central Avenue
9 is crowded. I think we want the area to be
10 redeveloped. I think the project is beautiful,
11 but it's not providing sufficient parking. That's
12 really --

13 MR. ALONSO: I think it's a tradeoff
14 because my client purchased the property, he saw a
15 need to improve the neighborhood.

16 CHAIRPERSON GRULLON: That's the best
17 part in town.

18 MR. ALONSO: The tradeoff is in order to
19 invest what's to bring it into code because it's
20 not a matter of Sheetrock and a little paint, we
21 have to bring it to code, you need the additional
22 units to offset the costs. And the additional
23 units bring a parking demand, which unfortunately,
24 we can't accommodate. Which becomes a tradeoff.
25 Do we leave it sitting like that or do we improve

1 it, it's a couple units going to have overall.

2 MS. O'DELL: Taking it down to three
3 floors is not feasible?

4 MS. ROSAS: The project might be too
5 expensive where it's too expensive to invest, no
6 returns. We reduced from ten units to seven
7 units.

8 MR. GARCIA: What time did you take the
9 pictures?

10 MR. McDONOUGH: I would say mid to late
11 afternoon. I didn't fly the drone, but I know
12 that's approximately the time he was out there.

13 VICE CHAIRPERSON GUTIERREZ: You can see
14 there's no parking already.

15 MS. ROSAS: As I mentioned, when you
16 back out of a parking space, you need to have that
17 distance from the corner, the distance to the --

18 CHAIRPERSON GRULLON: You're not going
19 to the corner, you're going to be maybe like
20 25 feet from the corner.

21 MS. ROSAS: Even 25 feet, you might
22 have -- we're so close to the intersection, too
23 much activity on the corner.

24 MR. PANEQUE: The traffic light with
25 cars and pull up to the light and stop there. So

1 if you have a car waiting for the light, the
2 person cannot back out. Whereas here, there's
3 more of an ability to back out because you only
4 have two or three cars, not all the way back here.
5 And that's another factor that comes into putting
6 a driveway in this corner.

7 Now, Mr. Alonso, you want to talk to
8 your client about the possibility of reducing?

9 MR. ALONSO: Can you give us a few
10 minutes?

11 MR. PANEQUE: We're going to go off the
12 record for a minute.

13
14 (Discussion held off the record.)

15
16 MR. PANEQUE: Back on the record.

17 MR. ALONSO: Okay. We did have an
18 opportunity to consult with the client and our
19 team of professionals --

20 VICE CHAIRPERSON GUTIERREZ: Excuse me.

21 MR. VALLEJO: Excuse me, back there.

22 MR. ALONSO: -- during the break. The
23 Board had requested back in March that we reduce
24 the height of the building and reduce the number
25 of units. And we did that. We thought we were

1 compliant with what the Board had requested. Now
2 you're asking us to further reduce the height of
3 the building and the number of units. We did the
4 most that we could.

5 And I think with respect to the parking
6 issue, okay, you've always heard all the years the
7 traffic engineers testifying that you take the
8 existing parking, you take the existing traffic
9 condition for what it is. This is not -- has
10 nothing do with our development. It is what it
11 is. And then the question is what is the impact
12 on that, okay. And it's the substantial negative
13 impact that ultimately will help you determine as
14 to whether or not you should approve or not
15 approve an application.

16 Currently, we have four residential
17 units and one commercial space in the building.
18 It's vacant, okay, but that's what's there. So if
19 they were to get permits, somebody comes in and
20 redoes it, if they can, financially, that's what
21 you would have. You're asking us to eliminate a
22 floor and we're only going to get one additional
23 unit. So the amount of investment that's required
24 and at the end the yield is only one additional
25 unit, just financially, you can't do it.

1 So you compare it to what was being
2 proposed at this time as amended, which is
3 seven units. So the difference is the four to the
4 three. What is the difference between the three
5 additional units, okay. And those are really one
6 bedrooms. Because I think these are three
7 bedrooms that are currently in there. So really
8 the impact is even less. It's even further
9 mitigated by the introduction of the one-bedroom
10 units.

11 And you've also heard over the years how
12 nowadays more and more people are moving away from
13 purchasing and owning vehicles. So less people
14 actually have vehicles --

15 CHAIRPERSON GRULLON: Sorry to
16 interrupt, but that's not happening. And one
17 thing is that -- I know that when I read the
18 minutes, part of the request from the Board was TO
19 reduce the height of the building. But at the
20 same, time we're also looking to have one parking
21 space per unit. Right now, you're proposing --
22 that's why I asked to remove the ground level
23 unit, just to come up with seven and seven. But
24 just saying that that's not possible because of
25 the elevator and because of the investment, we're

1 not here for the investment. But we're here to
2 protect the neighborhood.

3 MR. ALONSO: Understood. We have one
4 parking space per unit, there's seven parking
5 spaces and seven units.

6 MR. GARCIA: But the thing is right now,
7 okay, I also read the transcript. And we request
8 the reduction, I said we, as the zoning board, I
9 was not part of the Board at that time, but I read
10 the transcript. We request to reduce it, but we
11 cannot say to you, no, reduce it to five, we're
12 going to approve it. That you use the common
13 sense, but the requirement for parking is double,
14 you know what I mean? You're providing seven,
15 however the requirement are 15, it's over
16 50 percent that you're required.

17 And like Mr. Chairman mentioned, we are
18 here to try to maintain or increase the quality of
19 life in Union City. And that's what we have right
20 now in Union City, that's our key situation is the
21 parking. If you drive around, Mr. Alonso, I'm
22 going to invite you to drive around at midnight.
23 People here have to park in the crosswalk. They
24 park here and it's there. To me, it's a shame to
25 drive around and see, oh, my God, it's like --

1 And let me tell you, if you do that, I
2 know that people who going to move there also
3 going to do the same because they don't find.
4 Because you have one, one; however, if you bring
5 in the traffic expert here, you're going to see
6 that the ratio could be 1.5, 1.8 car per
7 apartment.

8 So that's why my question about the why
9 to go to another floor? If you go down to another
10 floor, you're going to provide five units with
11 seven parking spaces. Because forget about it,
12 you still -- I mean with the commercial, I know
13 it's permitted there. But you're going to --
14 we're going to have an issue with the commercial
15 with the parking space, again, because they don't
16 want to use those parking for space --

17 MR. ALONSO: I would respectfully
18 disagree that the ratio will be 1.5, 1.6, 1.7.
19 Doing this for as long as I've been doing this,
20 currently, the ratios are less than one per unit.
21 I know you're talking about the 15 parking space
22 requirement, but that's RSIS. And I know you've
23 heard this ad nauseam in other applications,
24 that's the state standard. If you're in Hunterdon
25 County, out in the middle of farmland and somebody

1 purchases 20 acres in the middle of nowhere,
2 everybody needs a car to go to the grocery store
3 to get a gallon of milk. Here, you don't need
4 that. Here you have a --

5 MR. GARCIA: Mr. Alonso, unfortunately,
6 I disagree completely with you. Because I'm the
7 one, like I told you, I invite you. I invite you
8 to the car to drive around at 12:00 at midnight
9 and I going to show you what happens --

10 MR. ALONSO: I've finished hearings at
11 midnight, I'm around --

12 MR. GARCIA: So you don't disagree with
13 me with the situation that we have right now --

14 MR. ALONSO: That's --

15 MR. GARCIA: The ratios could be,
16 however, the amount of cars that we have in Union
17 City, we don't have the space for them.

18 MR. ALONSO: That's exactly how I
19 started. I said I'm not disputing that there's a
20 parking problem, it is what it is. The question
21 is what's the difference between one additional
22 unit or three additional units, okay. And if it's
23 not substantial, then you should be able to
24 approve the application.

25 MR. GARCIA: I'm going to give it to you

1 right now. You said that you disagree with me
2 about 1.5, 1.8, you said one or less than one.
3 You have seven, and you only -- if you have
4 seven units, you only going to have parking for
5 seven, right? However, if you go to five, you
6 have two extra spaces that I swear to God that
7 you're going to need more than that. Actually,
8 your client because it's not your building.

9 So this is -- the day-by-day situation
10 in Union City is the parking.

11 MR. ALONSO: Unfortunately, my client
12 cannot reduce it any further, just financially
13 just doesn't make any sense. The amount of money
14 that has to go into this building to bring it up
15 to code, again it's been vacant for a very long
16 time. You know, he's probably going to have to
17 walk away from it and it's going to continue to
18 sit there, which is a disservice to the community.

19 So the question is the balancing test
20 that you should do is, okay, you have a couple
21 extra units or do we leave the eyesore? And also
22 the taxes obviously, the ratables is going to go
23 up if it's fixed. So, unfortunately, we can't do
24 anything further.

25 CHAIRPERSON GRULLON: Do you have any

1 other witness?

2 MR. ALONSO: I have no further
3 witnesses.

4 CHAIRPERSON GRULLON: Okay. At this
5 time, I'm going to open to the public. Any
6 members of the public here for this application?

7 MR. GARCIA: Can I make a comment, Mr.
8 Chairman?

9 CHAIRPERSON GRULLON: Go ahead.

10 MR. GARCIA: I understand the financial
11 hardship for your client, but at the same token,
12 we never take consideration that any development
13 in Union City going to bring more taxes to Union
14 City, no. What we consider is whatever going to
15 get -- going to increase the quality of life of
16 Union City. That's why we're asking you about the
17 fourth floor.

18 MR. ALONSO: Understood and the quality
19 of life issue.

20 MR. GARCIA: And prior experience, and I
21 think that in the present, we never even talk
22 about whatever financial subject, not even for the
23 developer or not even for the City.

24 MR. ALONSO: The reason I bring up
25 financial because it's not feasible. If you

1 approve it that way, it's never going to get
2 built. And if it's a quality of life issue, which
3 is exactly why my client purchased the property,
4 he saw the need here. It's looking at you right
5 on the picture. The quality of life right now, I
6 can tell you, is substantially worse than by
7 adding a couple more cars to the street.

8 So I'm going to leave it with that. I
9 respect the Board. My client did as much as he
10 could. And then we'll leave it in your hands.

11 CHAIRPERSON GRULLON: I'm going to make
12 my motion. Since the building doesn't meet the
13 parking requirement and the lot coverage is way
14 more than what is permitted, I make a motion to
15 deny this application.

16 MR. VALLEJO: Motion on the table to
17 deny the application by Mr. Grullon.

18 VICE CHAIRPERSON GUTIERREZ: I'll second
19 it.

20 MR. VALLEJO: Seconded by Ms. Gutierrez.
21 Roll call on the motion to deny this application.
22 Mr. Grullon.

23 CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 MR. GARCIA: Yes.

5 MR. VALLEJO: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

7 MR. VALLEJO: Five in favor, motion
8 carries.

9 MR. ALONSO: Thank you.

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1 **312 11TH STREET HOMES, LLC -**

2 **312 11TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda 312 11th Street Homes, LLC. Mr.
6 Alonso, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Mr. Alonso with an
10 affidavit of publication and service with respect
11 to the property at 312 11th Street, indicating
12 that notice of tonight's hearing at this location
13 was given to all property owners within the 200
14 foot radius.

15 I've also been provided with an
16 affidavit from The Jersey Journal indicating that
17 notice of tonight's hearing with respect to the
18 application for 312 11th Street was published on
19 The Jersey Journal on May 27, 2023. The notice
20 does say that the hearing will take place at this
21 location on today's date.

22 I've also been provided by Mr. Alonso
23 with a copy of the notice indicating tonight's
24 hearing at this location, as well as a tax list
25 from the Union City tax assessor's office, with a

1 date of May 17, 2023, listing all property owners
2 within the 200 foot radius of Block 51, Lot 29,
3 also known as 312 11th Street.

4 Lastly, I've been provided by Mr. Alonso
5 with the certified mail receipts with a postmark
6 date of May 26, 2023.

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

10 MR. ALONSO: Thank you very much.

11 MR. PANEQUE: Let the record reflect
12 that we have a memo from the building department
13 indicating that the building department recognizes
14 the existing structure at that location as a one
15 unit structure with an unattached garage. And,
16 Mr. Alonso, your application is to go from one
17 unit to two?

18 MR. ALONSO: That is correct.

19 MR. PANEQUE: So you are in conformity
20 with the building department's memo?

21 MR. ALONSO: That is correct.

22 MR. PANEQUE: Thank you.

23 MR. ALONSO: And, again, for the record,
24 Alvaro Alonso on behalf of the applicant. This is
25 an application to construct an addition to an

1 existing one-family to convert it from one-family
2 to a two-family. The property is located in the R
3 zone in an oversized lot. But we need some bulk
4 variances associated with the project.

5 I have two witnesses this evening. I
6 have Mr. Pereiras, who's my architect. And I have
7 Mr. McDonough, who will be testifying as a
8 planner. With that, I'll call Manny.

9
10 M A N U E L P E R E I R A S, after having been
11 duly sworn or affirmed, did testify as follows:

12
13 MR. PEREIRAS: Manny Pereiras,
14 P-E-R-E-I-R-A-S, with Pereiras Architects
15 Ubiquitous, 1116 Summit Avenue, Union City.

16 CHAIRPERSON GRULLON: We accept your
17 qualifications, Mr. Pereiras.

18 MR. PEREIRAS: Thank you, Mr. Chairman.

19 MR. ALONSO: Thank you, Mr. Chairman.

20 Mr. Pereiras, I'm going to ask you to
21 review the existing conditions and how it is we
22 propose the two-family?

23 MR. PEREIRAS: I'd be very happy to.
24 First and foremost, I'd like to say that I'm
25 intimately familiar with this site. This is less

1 than a block from where I grew up. So I must have
2 passed this house every day for -- I'm now
3 44 years, so many years.

4 This is exactly what we want in Union
5 City, which is a two-family house. To understand
6 the site, the first kind of characteristic that
7 pops out is that this is a lot bigger than a
8 typical 25 by 100, actually it's 32.6 feet. So
9 where our typical lots are 2,500 square feet,
10 we're at 3,262 square feet. So we have a really,
11 really big site.

12 And if you look at the -- just for
13 purposes of the record, the drawings I have on the
14 easel today are the same drawings that were
15 submitted to the Board. The only difference is
16 that these have a hint of color on them in some
17 sheets. So we have the existing site plan on the
18 left, sheet Z02 and the proposed site plan on the
19 right. And what really stands out is that even
20 though we have a very oversized lot, we have a
21 really tiny house in that footprint. It's
22 undersized even for a single family house. What
23 we're proposing to do is make this into a
24 two-family house by creating additions.

25 And all the additions that we're doing

1 are in conformance with the zoning law as much as
2 possible. We have an existing zero foot side yard
3 setback along the west side, that is going to be
4 continued with our addition. On the east side, we
5 are providing even though only a two foot side
6 yard setback would be required, we're actually
7 providing 3 feet 7 inches. And that is only on
8 the top two floors. The ground floor, we're
9 actually leaving completely open in order to have
10 parking. And as we heard for the past hour or so
11 how important parking is in Union City, we also
12 feel it's very important. So we're providing all
13 the parking required. We have zero -- no variance
14 for parking in this project. Four parking spaces
15 are required and we're provided more than four and
16 I'll walk you through that in a second. The rear
17 yard is significant, however, it's a little
18 deceiving. The house itself is going to 41 feet
19 in depth. There is, however, an existing garage
20 in the rear of this property. So the addition is
21 going to go to 20 feet. And the existing garage
22 is going to remain so that we can park our
23 vehicles. And that is the ground floor only and
24 that does have a preexisting nonconformity as far
25 as side yard and rear yard.

1 The front of the building, we're
2 providing a ten foot front yard setback. And we
3 thought that was very important. When you walk
4 down this block, this feels like a little bit of
5 an eyesore, not only because it's an old house,
6 but it's also sunken in too much. Sometimes when
7 houses have too little of a side yard, they don't
8 look good, when they have too much of a front yard
9 setback, they don't look good either. So we're
10 bringing the front yard setback to ten feet, which
11 is in line with the neighborhood and makes sense
12 and looks beautiful. So we're creating that front
13 yard setback and we're adding a front porch.
14 We're also dividing so that each of the apartments
15 in the two-family house has its own stoop. So
16 they have their individual steps and entryways in
17 the front as well.

18 That said, I want to walk you through
19 the rest of the drawings. You could see the tiny
20 house that was there before in the existing
21 conditions. The tiny elevations that we had and
22 now an adequate, appropriate house for the lot
23 size that we have. This is the ground floor that
24 I'm pointing to now in the middle of sheet Z05.
25 You can see that we have the two stoops, we

1 created a lot of landscaping, as much as possible
2 in that front yard on both sides of each of the
3 steps. We created nice pavers in the front of it
4 to match our beautiful sidewalks in Union City.

5 And once you get to the front porch,
6 which each apartment has their own individual
7 porch. Unit one which you'll enter on the
8 right-hand side. You enter that unit you have a
9 beautiful open floor plan. So the entire floor
10 from one end to the other is visible. When you
11 walk into the house, you enter into a living
12 space, dining space, and then the kitchen in the
13 rear with nice windows, with own pantry and steps
14 outside to the rear yard to where you're going to
15 park your vehicle. That unit has steps going down
16 from the back, so that you have a family room on
17 the basement, the existing basement that we're
18 extending a bit. And then stairs up to the second
19 floor, which is the duplex part of unit one, which
20 is a three bedroom unit. So we're creating a
21 simple, very beautiful three bedroom unit on that
22 floor. It has a master bedroom in the rear, the
23 master suite has its own bathroom and walk-in
24 closet. And then two additional bedrooms that
25 share a bathroom in the hallway and a laundry

1 along the end of it.

2 Unit two is entered on the left-hand
3 side of the house. You walk in and you have the
4 steps that go up to the second floor. That's
5 where you have a master bedroom, where it has its
6 master bathroom and walk-in closet and a simple
7 open den area, so someone could place a desk. And
8 you go up to another floor, the third floor. And
9 you have the living space, which again is an open
10 floor plan concept. We have a nice kitchen with
11 beautiful island, dining area, and living room
12 space. Then there are three more rooms in the
13 back, two are bedrooms and were one is a home
14 office. And those rooms share a bathroom.

15 Again very modest, very simple, and very
16 appropriate for this area. You go up the stairs
17 and you have a private roof deck for that unit.
18 To clarify and make sure we have on the record,
19 unit number two has a roof deck on top of it, on
20 top of the main building. And unit number one has
21 a roof deck on top of the garage, the existing
22 garage along the back of the house.

23 To understand how our parking works on
24 the site, we have three cars that fit inside the
25 garage. And then all the space in the back. We

1 have about 16 feet and open and we could park
2 additional cars here. And, of course, we could
3 have additional cars on the driveway. If you ever
4 have company over, they could park three more cars
5 along the driveway. So it's good for the
6 inhabitants parking for the inhabitants and even
7 enough parking if you have guests at the house.

8 And then the facade is a very simple
9 facade, very beautiful. I like to introduce brick
10 as much as possible here in Union City. I think
11 it's a material that blends in well with the
12 neighborhood. So the majority of this facade is
13 brick. And then we have introduce some panels as
14 well. You notice that we have nice large windows
15 to bring as much light into the space. You notice
16 we created an overhang so that cars can drive
17 underneath that no problem as a driveway.

18 I would like to put on the record as
19 well that in order to create that driveway a nice
20 and clear path and make it comfortable for cars,
21 we are putting a column right on the -- off the
22 property line. So that does fit into our side
23 yard variance that we are requesting. So that's
24 the front house. You can see the two individual
25 doors with the porches, one for each of the

1 apartments and their individual stoops. And all
2 the landscaping that we have in front of it on the
3 front yard.

4 You could see the house in profile. You
5 can see that this is the driveway, heading back,
6 cars in the back. The first floor apartment has
7 its open space here and the second floor apartment
8 has its open space on the top over there.

9 And that concludes my testimony. And I
10 know we have a planner that's going to go through
11 the variances in more detail.

12 MR. ALONSO: Mr. Chairman, I have no
13 further questions of Mr. Pereiras.

14 CHAIRPERSON GRULLON: Let me ask Mr.
15 Pereiras, it's going to be quick. The demolition,
16 are you demolishing the existing property?

17 MR. PEREIRAS: So we are looking to
18 demolish as little as possible. That said, we
19 walked the house, it's not in very good condition.
20 There's a lot that's going to be demolished. I
21 would say there is a good chance that the entire
22 thing is going to get demolished. But right now,
23 we're trying to salvage as much as we can.

24 CHAIRPERSON GRULLON: I see. Because
25 looking at the existing condition, looking at your

1 proposed elevation, it looks completely different.

2 MR. PEREIRAS: Oh, yes. So this is all
3 an addition to the front. So that front what you
4 see visibly is completely different. And the site
5 plan I think is the easiest place to see that. So
6 this is the existing house. You don't see it at
7 all because this is an addition in front of it.

8 CHAIRPERSON GRULLON: Sure.

9 MR. PEREIRAS: From the street. So you
10 don't see anything of the house.

11 CHAIRPERSON GRULLON: And to the right,
12 that would be the drive going to be parking
13 garage?

14 MR. PEREIRAS: Correct, that's the
15 driveway.

16 CHAIRPERSON GRULLON: No opportunity to
17 go to the side because you'll sacrifice the
18 driveway?

19 MR. PEREIRAS: I want to maintain --

20 CHAIRPERSON GRULLON: For the record, we
21 want always to have more parking spaces than
22 units. And that's what you're providing. Thank
23 you, Mr. Alonso.

24 MR. PEREIRAS: And so the Board
25 understands very quickly, too. One of the reasons

1 that we're asking for the side yard setback here,
2 instead of tearing it down and moving it also
3 because that's a wall against an existing
4 building, we don't want to disturb that.

5 CHAIRPERSON GRULLON: Thank you, Mr.
6 Pereiras. Your next witness?

7 MR. ALONSO: Sure. Mr. McDonough.

8 MR. GARCIA: Mr. Pereiras, what are you
9 going to do with the tree?

10 MR. PEREIRAS: The tree stays there. If
11 you notice what we're doing is we're respecting
12 the existing driveway that's there. So we're not
13 moving the driveway, we're not changing the curb
14 cut and we're not moving the tree. So as far as
15 the neighborhood's concerned, it's not going to
16 bother them in any way. It's the beauty that was
17 there, we're keeping. The ugliness, we're taking
18 away.

19 MR. ALONSO: So my next witness is Mr.
20 McDonough, who's been sworn and qualified at the
21 prior application. So I'm going to ask that be
22 continued. And in anticipation of his testimony,
23 I'm going to mark his exhibit as A-1 with today's
24 date.

25

1 J O H N M c D O N O U G H, previously sworn:

2

3 MR. McDONOUGH: And again for the
4 record, John McDonough, I'm the project planner.
5 We're looking at four photographs in A-1. One
6 from the ground and then several from the air,
7 including one from top down, so you get a sense of
8 the spacial capacity of the area.

9 Whoever just asked the question about
10 the tree, that was the very first question that I
11 asked as well. It's a beautiful tree, it's going
12 to stay. And along with what Manny is doing in
13 terms of beautifying the face of this older
14 building, modernizing it, contemporizing it, my
15 favorite part of this plan is what's happening
16 with the steps and the way the planting beds are
17 being integrated into the tiered nature of those
18 steps. Plants have a welcoming -- create a sense
19 of welcome, come home after a hard day, it just
20 makes you feel good to have them there. So not
21 only keeping the tree, but enhancing the
22 vegetation. And if you look at that very first
23 photograph, this building has been there for a
24 long time, it looks a little tired, and it's
25 showing its age. It's also pretty bland. There's

1 no landscaping, no foundation plantings
2 whatsoever. This plan not only is going to bring
3 in beautiful tasteful architecture, but a
4 beautiful landscape architecture as well to help
5 that building blend in with the natural
6 environment.

7 So I think those are very strong
8 positives here as you weigh the balancing. The
9 relief that the applicant is seeking becomes clear
10 on the last sheet. We're asking the Board to move
11 on a side yard setback variance, which is already
12 there, zero feet is what's being proposed, and I
13 believe three feet is the minimum requirement.
14 That said, it is a continuation of an existing
15 condition. The building is moving closer to the
16 street, that's a continuation of the existing side
17 yard setback. It doesn't need a front yard
18 setback variance, its respecting the front yard.
19 You can see that the building is recessed relative
20 to the building next to it. So pulling the
21 building forward actually integrates very well
22 with that building that's adjacent. And you've
23 got the larger buildings on the corner that sort
24 of bookend the street that are also right there at
25 the front property line. So this building is not

1 going to stand out, I'll say, like a sore thumb
2 with pulling that building facade forward. It
3 actually is going to enhance and improve that
4 which is presently there.

5 So we tie all this back together under
6 the (c) (2) balancing test where the benefits of
7 the application as a whole would substantially
8 outweigh any detriments. On the positive side,
9 certainly beautification, that's purpose I of the
10 land use law to promote desirable visual
11 environment. Also purpose A, the promotion of the
12 general welfare by improving and increasing the
13 living environment here.

14 Your community is the model for what we
15 call missing middle housing, to fill that gap
16 between the one-family home and the large
17 apartments. You're a shining example of how you
18 achieve that and that's exactly what the applicant
19 is doing here. It's a permitted use in the zone,
20 so we're not asking for any relief relative to the
21 two-family. We can park it, that was a nice
22 relief for me after the last one.

23 So all I can see here is the relief that
24 the applicant is seeking is relatively minimal.
25 At the end of the day, it's going to look much

1 better than it presently does and be a substantial
2 improvement over the existing condition. That's
3 what good planning is supposed to be. And that's
4 the basis for the Board having the ability to
5 grant relief.

6 All said, the test is met here and
7 approval is warranted.

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

9 CHAIRPERSON GRULLON: Thank you, Mr.
10 McDonough.

11 Just the variances that are required
12 here?

13 MR. McDONOUGH: I went through that
14 quickly. I just want to make sure I get the
15 number right. The minimum side yard requirement
16 is two feet on one side and five feet for both
17 sides. We're at zero feet for the one side,
18 that's an existing condition being extended. And
19 we're at 3.1 feet for both.

20 MR. PEREIRAS: And zero where the column
21 is.

22 MR. McDONOUGH: And zero where the
23 column is, yes.

24 MR. GARCIA: But this is basically going
25 to be just for the driveway.

1 MR. PEREIRAS: Just for the driveway.

2 MR. McDONOUGH: That's it. And then
3 there is an indication of parking relief on here,
4 but that's been corrected this evening. So just
5 it's really the setback.

6 CHAIRPERSON GRULLON: Thank you. And
7 thank you for the pictures, it really tells the
8 story really well. Thank you, Mr. McDonough. Do
9 you have any other witnesses?

10 MR. ALONSO: I have no further
11 witnesses.

12 CHAIRPERSON GRULLON: Any questions?

13 MR. GARCIA: I have a question for Mr.
14 Pereira.

15 Mr. Pereira, in Z07, when you show the
16 wall you're going to have in the driveway, it's a
17 part of second floor, they're going to come out.
18 How do you -- how is it going to be in the
19 structure?

20 MR. PEREIRAS: It's in the area over the
21 parking area. So we chose --

22 MR. GARCIA: Like a --

23 MR. PEREIRAS: Basically, we made the
24 addition to the house but we didn't want to
25 sacrifice parking. So the second and third floor

1 pull out, the first floor is open so cars can
2 drive through.

3 MR. GARCIA: And the three foot setback
4 is in the -- -

5 MR. PEREIRAS: 3 foot 7 is above.

6 MR. GARCIA: Above?

7 MR. PEREIRAS: And then there's columns,
8 these columns are on the property line.

9 MR. GARCIA: Okay, perfect, that's just
10 columns?

11 MR. PEREIRAS: Just columns.

12 MR. GARCIA: Holding the second floor?

13 MR. PEREIRAS: Correct.

14 MR. GARCIA: Okay. And this is
15 structure -- you know what I'm going to ask you?

16 MR. PEREIRAS: Of course, I do. I know.

17 MR. GARCIA: How it going to be?

18 MR. PEREIRAS: All right. Let's --

19 MR. GARCIA: Just for the record, I'm
20 asking for the setback in the roof terrace because
21 they're requesting a roof deck.

22 MR. PEREIRAS: So the last time we had
23 this discussion, this is again very similar to
24 that. I understand Mr. Garcia's concerns with
25 people overhanging on roof terraces, looking out

1 and the safety of children. That is 100 percent
2 true on multifamily buildings, large structures.
3 This is a little bit different, this is a one and
4 two family house. So what we're proposing is a --
5 and we could do exactly the same thing as we did
6 on the previous application. The agreement that
7 we came to I think it was two meetings ago which
8 is we could have a smooth parapet so that it's
9 very hard for a child to climb that. And that
10 could be very easily achievable in the parapet
11 that we have around on both of the roof decks.
12 And we would be very happy to do that to address
13 all the safety concerns.

14 MR. GARCIA: I think we're talking about
15 like crystal or plastic --

16 MR. PEREIRAS: The other one, we were
17 talking about glass because it was the views.
18 This doesn't have really those views.

19 MR. GARCIA: Right.

20 MR. PEREIRAS: So what I'm going to do
21 is I'm going to extend the parapet up and make
22 sure it's smooth so kids can't climb up it.

23 VICE CHAIRPERSON GUTIERREZ: How high is
24 it?

25 MR. PEREIRAS: 42 inches.

1 MS. O'DELL: How high was the other
2 house?

3 MR. PEREIRAS: 42 is code and I think we
4 made it 46 at the other house.

5 MR. GARCIA: Can you do 48? Can we try
6 to? Because you said -- and I understood what
7 we're talking about the reason that you -- just to
8 try to avoid the leak in the roof. But can we
9 standardize for future, just say 48, four feet?
10 This way the -- it's for the kids. I mean we, as
11 adults, are probably a little more careful, but
12 not necessarily. But it's for the kids is my
13 concern.

14 MR. PEREIRAS: I think it's a valid
15 concern and we'll be happy to comply with that.

16 MR. PANEQUE: If I may, Mr. Garcia? Mr.
17 Pereira this is a question -- in the last
18 application where the roof deck issue came up and
19 Mr. Garcia was asking for a setback, the reason
20 for not having that setback is because you were
21 building on an existing structure. This is a
22 brand new structure on the second floor?

23 MR. PEREIRAS: Yes.

24 MR. PANEQUE: Can't you, as an
25 architect, build into your plans, a wall that's

1 setback that is not protruding into the roof
2 floor?

3 MR. PEREIRAS: It's the same practical
4 issue. Even though it's new, if I'm penetrating
5 into the roof, I'm adding a new penetration,
6 whether or not it's new.

7 MR. PANEQUE: But aren't -- if you
8 design so that it comes through without
9 penetrating, then you're not penetrating, you're
10 making it part of the structure. Isn't that
11 feasible?

12 MR. PEREIRAS: No because we have the
13 exterior wall, I wouldn't have a new structure
14 inside, within three feet. I would have put a new
15 parapet wall there.

16 MR. PANEQUE: A beam?

17 MR. PEREIRAS: It's still a penetration
18 into the roof, even if I put a beam. You know,
19 structurally, it's not a problem. I could support
20 this whether it's an existing structure or new
21 structure. The question is every hole into a roof
22 is a potential leak hazard. And I think we're
23 addressing it with the parapet.

24 MR. PANEQUE: Okay. I just had a
25 confirmation from our Chairman that his roof is

1 leaking. Mr. Garcia's concern expressed at the
2 last meeting is for the safety of children.

3 MR. PEREIRAS: Yes.

4 MR. PANEQUE: Okay. And if we had that
5 setback, you know, it would provide that extra
6 amount of safety protection. What we came up last
7 time was a very smooth surface, high enough, 48
8 inches, so that can be accommodated here as well?

9 MR. PEREIRAS: Yes, it can.

10 MR. PANEQUE: Okay.

11 CHAIRPERSON GRULLON: Okay. That's a
12 good point. Thank you, Mr. Pereiras. Any other
13 Member of the Board have any questions? Hearing
14 none, you don't have anymore witness?

15 MR. ALONSO: No.

16 CHAIRPERSON GRULLON: At this time, I
17 want to open to the public. Any member of the
18 public want to step forward on this application?
19 Hearing none, taking in consideration this
20 application on an oversized lot is really what
21 Union City wants, two-family homes and with
22 sufficient parking spaces, I make a motion to
23 grant the application.

24 MR. VALLEJO: Motion on the table to
25 grant the application by Mr. Grullon.

1 CHAIRPERSON GRULLON: To go from one to
2 two.

3 VICE CHAIRPERSON GUTIERREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Gutierrez.

5 MR. PANEQUE: If I may just add to that?
6 There was a condition that we have the 48 inch --
7 was that in your plans?

8 MR. PEREIRAS: My plans have 42 inches,
9 so we would extend it to 48.

10 MR. PANEQUE: So it's part of the
11 condition of the approval is that the 48 inch wall
12 be on the roof.

13 CHAIRPERSON GRULLON: The approval is to
14 go from one unit to two units on the oversized
15 lot.

16 MR. VALLEJO: Revised plans?

17 MR. PANEQUE: Mr. Pereiras, revised
18 plans prior to ten days.

19 MR. PEREIRAS: Yes, sir.

20 MR. VALLEJO: Motion on the table to
21 grant this application by Mr. Grullon, seconded by
22 Ms. Gutierrez. Roll call on the motion.

23 Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.
2 MR. VALLEJO: Mr. Ortiz.
3 MR. ORTIZ: Yes.
4 MR. VALLEJO: Ms. O'Dell.
5 MS. O'DELL: Yes.
6 MR. VALLEJO: Mr. Garcia.
7 MR. GARCIA: Yes.
8 MR. VALLEJO: Ms. San Martino.
9 MS. SAN MARTINO: Yes.
10 MR. VALLEJO: Six in favor, motion
11 carries.
12 MR. ALONSO: Thank you very much.
13 MR. VALLEJO: Thank you.

14 * * * *

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1 **JOAQUIN GARCIA -**

2 **526 26TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 526 26th Street, Joaquin Garcia.
6 Mr. Alonso, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Mr. Alonso with an
10 affidavit indicating that notice of tonight's
11 hearing with respect to the property at 526 26th
12 Street was provided to all property owners within
13 the 200 foot radius.

14 I've also been provided with an
15 affidavit of publication from The Jersey Journal
16 indicating that notice was published on May 27,
17 2023, giving notice of this hearing at this
18 location.

19 I've been provided with a copy of the
20 notice that went out to all the property owners
21 within the 200 foot radius.

22 I've been provided with the 200 foot
23 list from the tax assessor's office dated May 25,
24 2023, listing all property owners within the 200
25 foot radius of Block 148, Lots 11 and 12, also

1 known as 526 26th Street.

2 Lastly, I have been provided with the
3 certified mail receipt with a postmark date of May
4 26, 2023.

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

8 MR. ALONSO: Good evening, Mr. Chairman,
9 Members of the Board. For the record, Alvaro
10 Alonso on behalf of the applicant. This is an
11 application to create and legalize a ground floor
12 apartment in the building that's recognized as a
13 two-family house. The property also has an
14 additional building in the back, which has another
15 unit. So the total number of units for the
16 property is going to be four, but we're only
17 talking about the ground floor in the front.

18 By way of history, my client purchased
19 the property in 1979 and she's here this evening
20 with her family. She raised her family there. In
21 1989, the property burnt down. When she purchased
22 it, it had four residential units in the front,
23 plus a commercial unit, plus the one in the back.

24 During the fire, the one in the back
25 didn't get disturbed, so that still remains. As a

1 result of the fire in 1990, she built a two-family
2 in the front. So the intent now is to legalize a
3 unit on the ground floor to make it a total of
4 three in the front, plus the one in the back.

5 MR. PANEQUE: All right.

6 CHAIRPERSON GRULLON: Right now, you
7 have four existing unit and you're trying to go to
8 five?

9 MR. ALONSO: No, we want to go to a
10 total of four.

11 MR. PANEQUE: The building department
12 currently has this property as a four unit. Based
13 on the records from 1976, I guess, tax assessment.

14 MR. ALONSO: That's the representation I
15 just made.

16 MR. PANEQUE: Yes. As Mr. Alonso has
17 indicated, this property has undergone several
18 fires and rebuilding. So even though this memo
19 says four, this isn't the three and one that's
20 there now. Because the four was referring to
21 something else and now you want to legalize the
22 three that are there now plus the one?

23 MR. ALONSO: Correct.

24 MR. PANEQUE: So you two structures on
25 one lot. Actually you have two lots, 11 and 12?

1 MR. ALONSO: I think it's all
2 consolidated into one lot. And there's two
3 structures. The front structure has two legal
4 units, the one in the back has one legal unit.
5 We're looking to legalize the fourth one, but that
6 just confirms what I indicated. When my client
7 purchased in 1979, there were four legal
8 apartments plus the commercial.

9 MR. PANEQUE: Just for clarification,
10 Mr. Spatz, under our ordinance you're not allowed
11 to have two separate structures on one lot?

12 MR. SPATZ: That is correct. That is
13 part of the use variance that's required.

14 MR. PANEQUE: So part of the use
15 variance that Mr. Alonso is requesting for his
16 client is that we're going to have two independent
17 structures on one lot.

18 MR. SPATZ: Correct. Number of units
19 total and the fact that there are two separate
20 principal buildings on the lot.

21 MR. ALONSO: Correct, it's a (d) (2)
22 variance, not the (d) (1) because it's just an
23 expansion of what's already there.

24 MR. SPATZ: Right.

25 MR. PANEQUE: Thank you.

1 MR. ALONSO: So with that, I'll have Mr.
2 Valella --

3 CHAIRPERSON GRULLON: And they are
4 existing?

5 MR. ALONSO: Correct. As a matter of
6 fact, our tenant for the back unit is here. He's
7 been there for 50 years, still there. So if the
8 Board has any questions of either of them.

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

12
13 MR. VALELLA: Good evening. My name is
14 Orestes Valella, V-A-L-E-L-L-A. I'm a licensed
15 architect in the State of New York and New Jersey.
16 And for the last two years, my offices have moved
17 to Union City. I'm at 507 43rd Street, here in
18 Union City. Good to be back.

19 CHAIRPERSON GRULLON: We welcome you
20 back, Mr. Valella, and accept the qualifications.

21 MR. ALONSO: Thank you.

22 Mr. Valella, I gave a broad overview of
23 the existing conditions. I'm going to ask you
24 just to focus on the one ground floor unit that
25 we're seeking to legalize.

1 MR. VALELLA: Absolutely. As counsel
2 has stated very succinctly, this is a 50-by-100
3 foot lot on 26th between Bergenline and Central.
4 And it has a relatively new two-family in the
5 front, which is in very good condition. The
6 property overall is being very well maintained,
7 both outside and inside. And the structure, as
8 you can see in the picture, has two apartments.
9 There's apartment number one and apartment number
10 two on the first and second floors. On the ground
11 floor, there's an existing dwelling unit in the
12 rear, which is what we are here for. And, again,
13 it is in very good condition. You know, we go in
14 as architects into buildings almost on a daily
15 basis and we can tell a good owner from a not so
16 good. This is a good owner.

17 The structure is existing. The fourth
18 unit is also existing which is in the rear, that's
19 the tenant that's here. Now, the property has a
20 goodly amount of garages, parking on the property,
21 which is exceptional for the area. There is a two
22 car garage at the ground floor in front of the
23 existing rear unit that's before you. And that's
24 a two car garage. In addition to that, there's a
25 second garage to the side of it that accommodates

1 one vehicle. And in the rear, there are four
2 additional parking spaces. So this property has
3 parking capacity for seven vehicles presently.

4 We are not proposing to make this any
5 bigger, any smaller, nothing really will change
6 here except for the legal status of the dwelling
7 unit. The dwelling unit itself is a one bedroom,
8 it is 608 square feet, it has 7 foot 10 ceilings,
9 almost 8 feet. It has two windows in the rear
10 that give daylight and firemen's access to
11 bedroom. The living room, dining area here, the
12 bathroom. There's a window to the living room as
13 well as well direct access from the ground level.

14 The only really modification that we
15 would be proposing, I didn't care -- the boilers
16 are in a closet with bifold doors. And neither I
17 nor Mr. Felice at the building department like
18 that. We like to have a fully enclosed rated
19 assembly around the mechanical equipment. So we
20 would be installing a wall and putting a fire
21 rated door, but that's a super minor detail.

22 Again, the building is very well
23 maintained. There is no change in appearance and
24 very little here will need -- should you approve,
25 very little will need to be done at the building

1 department to bring it to compliance with life
2 safety.

3 That really, you know, is the reason I
4 take these on is because I want to take these --
5 used to be called basement apartments, this is not
6 a basement. This is a ground floor unit, but
7 still it's not legal, it hasn't been inspected and
8 brought up to code and given a proper C of O. So
9 that's what I like to do with these, I like to
10 bring them into the light, get them certified, get
11 them legal, get them safe, and continue on with
12 their life.

13 Nothing else is being done here. This
14 is all existing, people have lived in this
15 dwelling unit before. The density really is not
16 going to change. The pattern of use, the
17 neighborhood quality, nothing here will change,
18 except that it's an opportunity for us to make
19 this unit legal and safe -- which it is now, but,
20 you know, proper status.

21 CHAIRPERSON GRULLON: Mr. Valella,
22 you're referring to the ground floor apartment?

23 MR. VALELLA: Correct.

24 CHAIRPERSON GRULLON: And when you say
25 that one of the improvements is safety, you are

1 proposing to do a fire rated wall of the
2 mechanical area?

3 MR. VALELLA: Right, enclose the
4 mechanical equipment in a fire rated assembly.

5 CHAIRPERSON GRULLON: Also that
6 apartment is one bedroom with a living room, like
7 I don't see a kitchen there?

8 MR. VALELLA: The kitchen is in the rear
9 where -- the kitchen has been removed and we're
10 going to reinstall it and we're going to put it in
11 the rear. This is the location of the new
12 kitchen.

13 CHAIRPERSON GRULLON: Oh, this is the
14 layout, I see. I was looking at the wrong
15 picture. Okay, thank you. Everything else is
16 existing, you're not doing any changes to the
17 facade?

18 MR. VALELLA: No. The building is
19 actually in very good condition, both inside and
20 outside. There's really no -- in other instances,
21 I have proposed repairs, this doesn't need any.

22 CHAIRPERSON GRULLON: And the apartment
23 in consideration, it has two windows in the back
24 and another window in front?

25 MR. VALELLA: Every room has daylight,

1 the entrance is right off the ground floor, it's a
2 very safe accessible unit.

3 CHAIRPERSON GRULLON: Okay. I don't
4 have anymore questions. Do you have any other
5 witnesses?

6 MR. ALONSO: I have no further
7 witnesses.

8 CHAIRPERSON GRULLON: Any questions from
9 the Members of the Board?

10 MR. GARCIA: How long has the situation
11 been there?

12 MR. ALONSO: I'm sorry.

13 MR. GARCIA: For how long has that
14 condition been there, forever with the four units?

15 MR. ALONSO: The structure was built in
16 1990, right after the fire, but it was built as
17 two-family. When it was converted, that unit, I
18 don't know.

19 MR. GARCIA: Okay.

20 MR. VALELLA: You could ask them.

21 MR. ALONSO: When the house was first
22 constructed, it was constructed with a kitchen
23 downstairs and her daughter was there for awhile
24 and people moved in and out. Now, because it was
25 an illegal unit, the kitchen was removed and now

1 the proposal is to put it back in.

2 MS. O'DELL: There is someone currently
3 living there?

4 MR. ALONSO: No, no, because of the
5 status.

6 MS. O'DELL: Okay.

7 CHAIRPERSON GRULLON: Any other Members
8 have any questions? No more. At this time, I'm
9 going to open to the public. Any member of the
10 public want to step forward? Hearing none, close
11 to the public. Taking in consideration that this
12 condition is existing and it's in very good
13 condition and what is required here is just to
14 have two structures on one lot, I make a motion to
15 grant this request from Mr. Alonso.

16 MR. VALLEJO: Motion on the table to
17 grant the application by Mr. Grullon. Any second
18 on the motion? Seconded by Ms. Gutierrez. Roll
19 call on the motion to approve this application.

20 Mr. Grullon.

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 MR. GARCIA: Yes.

5 MR. VALLEJO: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

7 MR. VALLEJO: Six in favor, motion

8 carries.

9 MR. ALONSO: Thank you very much.

10 MR. GARCIA: Can we take a break?

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12 (Whereupon a short recess was taken.)

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1 **HUNG FAT, INC. -**
2 **1212-1216 SUMMIT AVENUE:**

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4 MR. VALLEJO: Back on the record. We're
5 going to number four, Hung Fat, Inc., 1212-1216
6 Summit Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you. Good evening,
8 counsel, Mr. Chairman, Members of the Board. May
9 it please the Board, Bianca Pereiras on behalf of
10 the applicant. I'm respectfully coming before
11 this Board to request adjournment on this. We're
12 waiting for one final expert. We had a conflict
13 with that expert this evening, and he will be
14 providing traffic testimony. I do need him here
15 to present in front of the Board. So I am
16 respectfully requesting an adjournment at this
17 time.

18 CHAIRPERSON GRULLON: Ms. Pereiras,
19 you're aware this is going to be the fourth
20 adjournment of this application?

21 MS. PEREIRAS: I am aware.

22 CHAIRPERSON GRULLON: You'll be waiving
23 the statutory rights on this application?

24 MS. PEREIRAS: Of course.

25 CHAIRPERSON GRULLON: You would have to

1 renotice the public.

2 MS. PEREIRAS: We will renotice and
3 republish.

4 MR. VALLEJO: July 6, 2023, same time,
5 same place. New notice required.

6 CHAIRPERSON GRULLON: New notice
7 required. And they are waiving --

8 MR. PANEQUE: The statutory time periods
9 are waived, right, Ms. Pereiras?

10 MS. PEREIRAS: That is correct.

11 CHAIRPERSON GRULLON: I make a motion to
12 grant this adjournment.

13 MR. GARCIA: We need to --

14 MR. VALLEJO: We have to first change
15 the next hearing date.

16 MR. GARCIA: Before this application.

17 CHAIRPERSON GRULLON: First, I make a
18 motion to change the date.

19 MR. PANEQUE: We do because the dates
20 have been published.

21 MR. GARCIA: Right.

22 MR. VALLEJO: Yeah, for the 13th.

23 MR. PANEQUE: What it's going to be
24 changed to.

25 CHAIRPERSON GRULLON: It's already

1 changed.

2 MR. VALLEJO: Regularly schedule is for
3 July 13th.

4 MR. GARCIA: Due to lack of members, Mr.
5 Paneque, that's why we recommend like to change it
6 for the 6th.

7 MR. PANEQUE: The normal meeting date is
8 the second Thursday of every month, which would
9 have been July 13th.

10 MR. VALLEJO: Correct.

11 MR. PANEQUE: Now, that was what was
12 published for the calendar year.

13 MR. VALLEJO: The schedule.

14 MR. PANEQUE: The schedule. Now we're
15 asking to have that date changed from July 13th to
16 July 6th?

17 MR. VALLEJO: Correct.

18 MR. PANEQUE: Okay. So is there a
19 motion on the table to change the July meeting
20 from the 13th to the 6th.

21 CHAIRPERSON GRULLON: I make a motion to
22 change the meeting --

23 MR. VALLEJO: Motion by Mr. Grullon.

24 CHAIRPERSON GRULLON: -- to July 6th.

25 MS. GUTIERREZ: I'll second it.

1 MR. VALLEJO: Seconded by Ms. Gutierrez.
2 Motion by Mr. Grullon, seconded by Ms.
3 Gutierrez to reschedule the next meeting of
4 July 13th to July 6th. Roll call on the motion.
5 Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. GRULLON: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Mr. Garcia.

12 MR. GARCIA: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

17 MR. VALLEJO: Six in favor, motion
18 carries. Next meeting will be on July 6th, same
19 location, thank you.

20 All right, now we're going to back to
21 application number four.

22 MR. PANEQUE: Application number four,
23 there's a request to adjourn it, there was a
24 motion to adjourn the matter to July 6th, it was
25 seconded, and now we call a vote.

1 MR. VALLEJO: Motion by Mr. Grullon,
2 seconded by Ms. Gutierrez. Roll call on the
3 motion.

4 Mr. Grullon.

5 CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 VICE CHAIRPERSON GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 MR. GARCIA: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

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

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1 **MARK & MIRA PALOKA -**
2 **1002 NEW YORK AVENUE:**

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4 MR. PANEQUE: We're going to take the
5 next case out of order. We're going to jump to
6 number seven.

7 MR. VALLEJO: That's Mark and Mira
8 Paloka, 1002 New York Avenue. Ms. Pereiras,
9 please.

10 MS. PEREIRAS: Thank you very much.
11 Bianca Pereiras on behalf of Mark and Mira Paloka.

12 MR. PANEQUE: My partner is going to do
13 this one.

14 MR. A. PANEQUE: Let the record reflect
15 that I've been provided by Ms. Pereiras with the
16 following documentation:

17 Certification as to publication and
18 service providing that on May 23, 2023, their
19 office mailed to all properties within a 200 foot
20 radius of 1002 New York Avenue, Union City, New
21 Jersey 07087, notice of today's meeting.

22 The Jersey Journal published on May 25,
23 2023, giving notice of today's meeting.

24 The copy of the notice given to all
25 property owners.

1 The mailing list of all the property
2 owners within the 200 foot radius of 1002 New York
3 Avenue, Union City, New Jersey 07087, dated May
4 23, 2023.

5 And the certified mail receipts for all
6 of the mail sent to the property owners.

7 Based on the documentation that's been
8 provided, this Board has jurisdiction and can hear
9 this matter.

10 MS. PEREIRAS: Thank you very much,
11 Counsel. This is the property located at 1002 New
12 York Avenue, also known as Lot 21 in Block 50.
13 The property is owned by Mira and Mark Paloka.
14 Mr. Paloka is here in case the Board has any
15 questions of him, but he resides in this building.
16 The application before the Board is to legalize a
17 unit on the ground floor for a total of
18 three units on-site. This property is located in
19 the CN neighborhood commercial zone.

20 We have two experts to testify this
21 evening and I'd like to begin the presentation
22 with our architect, Mr. Manuel Pereiras.

23

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

25

1 MR. PEREIRAS: Manny Pereira, I
2 recognize I am still under oath.

3 MS. PEREIRAS: Mr. Pereira, are you
4 familiar with the property at 1002 New York
5 Avenue?

6 MR. PEREIRAS: I am.

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

9 MR. PEREIRAS: I have.

10 MS. PEREIRAS: And would you kindly
11 describe the project for the Board?

12 MR. PEREIRAS: I'd be very happy to. We
13 have a planner who's going to go over the
14 variances in much more detail. What we have here
15 is basically an opportunity to legalize a unit and
16 bring it up to code for the safety of the
17 inhabitants of that structure and the neighbors.
18 We have an existing two-family house, here's a
19 photograph of it here. If you notice on the
20 ground level, there's a garage to the right-hand
21 side and then the building entry, and there's two
22 floors above. There are two existing apartments
23 on the floors above, we're not proposing to make
24 any changes to them. We're also not proposing to
25 make any changes to the exterior of the building.

1 What we are proposing is an existing apartment
2 that is behind the garage. You enter it from the
3 same entryway as the other two apartments above.
4 You walk in and enter a foyer and then there's an
5 immediate door to the rear. What we're proposing
6 to do, the existing apartment is -- has a very
7 small bathroom, it has an inadequate kitchen, it
8 has a door that is not fire rated. What we're
9 looking to do is create a fire rated enclosure.
10 We're going to provide a limited area sprinkler
11 system for this area. We're demolishing the
12 bathroom and recreating an appropriate sized
13 bathroom for this unit with an appropriate brand
14 new kitchen with no walls interior, so it is a
15 true studio. And we're upgrading this building
16 with an alarm system as well and providing a fire
17 rated separation at the ceiling also.

18 So from a safety standpoint, this
19 building is going to meet all the requirement of
20 international building code, New Jersey Edition.
21 And it's going to be current and safe. And that
22 concludes my testimony.

23 CHAIRPERSON GRULLON: Mr. Pereiras, what
24 is the square footage of the apartment?

25 MR. PEREIRAS: It's undersized, so we're

1 seeking a variance for that and the planner is
2 going to speak more about that. It's about 365
3 square feet for the apartment. Actually, I'm
4 sorry, 387 square feet.

5 MR. GARCIA: It is a studio or is it a
6 one bedroom?

7 MR. PEREIRAS: So it was a one bedroom
8 and we thought that it was way undersized to be a
9 one bedroom. So what we're doing is we're
10 relocating the tenant for a short period of time
11 so that we can demo that wall, create it into a
12 real studio. And then bring the people back.

13 MR. GARCIA: Okay. And that's the only
14 change that you're going to do in the unit, you're
15 not doing any exterior?

16 MR. PEREIRAS: Just interior.

17 MR. GARCIA: No structural change?

18 MR. PEREIRAS: Yes. And the reality is
19 we're basically redoing that apartment. It's
20 going to have a new bathroom, new kitchen and it's
21 not going have any other walls so that's a true
22 studio, which is desperately needed to have
23 economic apartments in the neighborhood and, you
24 know, it's an existing condition.

25 MR. GARCIA: It's going to be occupied?

1 MR. PEREIRAS: It's currently occupied.
2 That person will be displaced and brought back at
3 the appropriate time.

4 MR. GARCIA: Okay.

5 CHAIRPERSON GRULLON: You're not doing
6 any work on the other apartments?

7 MR. PEREIRAS: We are not. Those are
8 existing apartments, there are tenants. We don't
9 want to displace them.

10 CHAIRPERSON GRULLON: Thank you, Mr.
11 Pereiras. You're going to bring a planner?

12 MS. PEREIRAS: We do have our planner,
13 Mr. Alex Dougherty.

14
15 A L E X A N D E R D O U G H E R T Y, after
16 having been duly sworn or affirmed, did testify as
17 follows:

18
19 MR. DOUGHERTY: Alexander Dougherty,
20 last name is D-O-U-G-H-E-R-T-Y, professional
21 planner. 54 Main Street, Chatham, New Jersey. My
22 licenses are good and current. I've testified in
23 this capacity on a weekly/daily basis, testified
24 in front of this board.

25 CHAIRPERSON GRULLON: Thank you. We

1 accept your qualifications.

2 MR. DOUGHERTY: Thank you.

3 MS. PEREIRAS: Mr. Dougherty, are you
4 familiar with the property in question?

5 MR. DOUGHERTY: Yes, I am.

6 MS. PEREIRAS: Would you kindly describe
7 this project from a planning perspective?

8 MR. DOUGHERTY: Certainly. It's
9 legalization of an existing dwelling for
10 three units, where two is permitted by zone. And
11 I think when we look at this particular project, I
12 know Manny touched on it briefly, but there are
13 some internal changes to this unit that exist
14 today to ensure it stays as advertised as a studio
15 because it is slightly undersized from a
16 habitability standpoint, thus for some density
17 concerns there. But for studio standpoint, I
18 believe it's an appropriate-sized unit and
19 eliminating the internal wall will ensure it stays
20 a studio and not made an illegal two bedroom where
21 someone's sleeping in the living room, in that
22 regards.

23 But for tonight's presentation, I did
24 prepare a five page exhibit packet consisting of
25 maps and photographs of the site and surrounding.

1 MS. PEREIRAS: Counsel, should we have
2 that marked as A-1?

3 MR. T. PANEQUE: Yes.

4 MR. DOUGHERTY: So the first slide, if
5 you will, is going to indicate where the property
6 in question is related to Union City zoning. You
7 see in the first slide there's a red arrow with
8 the red circle. As we see we are in the CN
9 neighborhood commercial district. As we turn to
10 slide two, outlined in red is the property in
11 question. This particular slide is based on NJ
12 DEP's GeoWeb. This shows the various community
13 land uses as well as infrastructure and mass
14 transit. Here we can see we have mass transit
15 literally right at the doorstep right in front of
16 this property.

17 As we go to the next slides here, the
18 next slide is just a ground shot I took earlier
19 today real time. Really well hidden behind the
20 street trees here, but it's the red facade
21 building to the left that does not have the
22 overhang. And we'll kind of take the drone up and
23 we'll get better shots, if you will. This is the
24 existing structure you see on slide four, its
25 identical twin sitting to the right with the

1 awning there. This is how the property sits
2 today. You can kind of see right on the bottom,
3 the cut off there for a bus stop literally right
4 in front of the property.

5 And then slide five is another ground
6 shot I took myself of the property with the garage
7 and the entrance that, as you see for the
8 architectural, allows for access to the studio off
9 to the back and the two apartments above that.

10 So with that, kind of jump right into
11 it. The site itself is one tax lot, Block 50, Lot
12 21 and the address is 1002 New York Avenue. The
13 plan as we heard is to essentially modify and
14 retrofit the existing interior with no exterior
15 improvements to the site. The massing from the
16 public realm will stay as you see on page 5 and 3
17 and 4 of the slides. We are in the CN
18 neighborhood commercial district. It is an
19 undersized lot, we do have some hardship here.
20 But most importantly we do have that (d)(1) use
21 variance coupled with (d)(5) for density. So
22 we'll get right into it.

23 For the (d)(1) use is what we call the
24 Medici test. And we have four elements of proof
25 for the Medici test. Part one is site

1 suitability. The site is particularly suited for
2 the use by virtue of its condition and context
3 condition wise. The site has already been used as
4 a three family dwelling in the past, there is no
5 change from the public realm.

6 And when we look at contextually, the
7 neighborhood, right, we have a lot of
8 opportunities along the CN corridor, which is the
9 neighborhood commercial for residential to bolster
10 that corridor. We do have -- in the context of
11 this neighborhood, we do have a bus stop sitting
12 right in front of that bolster dwelling. Union
13 City is what we call PA1, planning area 1, which
14 most of the state's redevelopment fall in this
15 area. The infrastructure is here, mass transit is
16 here. This is essentially a retrofit, an in-fill
17 kind of project of existing housing.

18 When we look at part two of this, it's
19 called special reasons. The project as a whole
20 has many benefits here for the general welfare for
21 new housing stock for a growing population. The
22 project promotes planning goals providing the
23 diversity of housing options to meet all the needs
24 of the people in the state, as well as in the
25 City. The project retains and improves what's

1 there's from a fire and building code.

2 The improvement adds value and quality
3 to the site, which add value and quality to the
4 neighborhood. Again, this helps to promote the
5 neighborhood commercial district by putting
6 bolster in that corridor.

7 When we look at this project overall,
8 promotes efficient land use in a variety of land
9 uses. We do have that economy of scale, if you
10 will. We have positive aesthetics, it's good
11 looking building, we're not changing that. It
12 also helps to promote what we call the missing
13 middle. As we heard earlier tonight, the missing
14 middle is when we have large robust apartments,
15 typically in America, New Jersey, we go right to
16 the single family dwelling, so the missing middle
17 is the two, three, four families in between. So
18 certainly we're doing that here.

19 All the above promotes the purposes of
20 Municipal Land Use Law, purpose A, purpose, E, G,
21 I, and M. Purpose E is appropriate populations
22 and densities in the right locations. Purpose I
23 is desirable visual environment. Purpose M is
24 encourage coordination of various public and
25 private procedures, with the view of lessening

1 such costs for more efficient use of land. Here
2 we have a nice residential dwelling, it can
3 accommodate a nice modern sized studio.

4 When we look at the studio itself, part
5 of that last -- part three of this is negative
6 criteria, public impacts. I don't believe there
7 will be negative impacts so substantial to the
8 neighborhood, or the community, or the zone.
9 Again, this unit has been in the public realm, has
10 been in existence for quite some time. We're
11 modifying that, making it strictly just a studio,
12 no options for two bedrooms here. Again, it's
13 existed here without negative impact to the
14 surrounding uses.

15 Overall, I don't believe it's going
16 undermine your zone intent or that commercial
17 neighborhood, being that we're putting a couple
18 more people in the zone for that neighborhood
19 commercial. When we look at this, we do have that
20 (d) (5) density. In essence here, when we look at
21 the density is can the added density, if you will,
22 can the site accommodate that. And I think what
23 we've done is we've recognized the site has
24 accommodated the extra unit, maybe even a little
25 bit more than we would like. As we saw in the

1 architectural plans, we got rid the internal wall
2 that separate living dining room from what would
3 be the bedroom to essentially keep it an open
4 floor plan to make sure it stays as advertised as
5 a studio.

6 When we talk about can the site function
7 efficiently with this added density. I believe
8 from a planning standpoint it certainly can. When
9 I look at Union City from a data standpoint,
10 particularly transportation, 31 percent of Union
11 City's population uses mass transit. I have a bus
12 right in front of the -- bus stop right in front
13 of the site, number 84 as well as number 86. The
14 next block over on Palisades, we have the number
15 22 and the number 123 bus line right there. So
16 there's ample mass transit to accommodate this
17 individual.

18 With that being said as well, when we
19 look overall population, about 24 percent of the
20 Union City's population drives alone to go to
21 work. So about 76 percent of the population is
22 taking transit, carpooling, working from home,
23 biking, and other means of transportation. So I
24 don't believe this particular studio unit would
25 cause an impact so substantial as far as the

1 parking. Because I know Union City cares a great
2 deal about parking, we do have that right in front
3 of us.

4 With that being said, we do have some
5 (c)1 variances related to the property itself.
6 Lot area, the zone requires 2,500. This is an
7 undersized lot, we can't cure this deficiency.
8 We're at 1,250. It's an existing condition due to
9 the lot depth, requirement is 100, we're at 50.
10 We have a rear yard setback requirement of 5,
11 we're at 3.

12 With that being said, these are existing
13 conditions. We can't add anymore land to the
14 property. As we see from the aerials, it's built
15 up around us. We were under parked. But, again,
16 I believe that parking is offset by the
17 availability of mass transit. And the overall
18 data that's on Union City as far as car demand.

19 I'll conclude the demand for vehicles is
20 offset by walkability. We're putting residents in
21 the commercial neighborhood corridor. The project
22 brings a healthy balance of housing options,
23 retains what's there, and improves from a building
24 standpoint. The project helps, as I said, from a
25 planning standpoint to fill that missing middle

1 housing stock. There's no physical change from
2 the public realm.

3 With that, I believe this project has a
4 lot of benefits here and the statutory criteria
5 would have been met and approval would be
6 warranted.

7 CHAIRPERSON GRULLON: Thank you, Mr.
8 Dougherty. I only have one question. I don't
9 know who can answer this. I know the unit, I
10 think is currently occupied?

11 MS. PEREIRAS: Correct.

12 CHAIRPERSON GRULLON: And in order to do
13 the renovation, you're going to have to
14 accommodate the resident. For how long has the
15 resident been living there, do you know?

16 MR. PEREIRAS: I think it's been over a
17 year, not a long time.

18 CHAIRPERSON GRULLON: I mean that unit's
19 being used as a one bedroom unit. The owner has
20 any idea of how long that condition has been
21 there?

22 MR. PEREIRAS: It's been -- I actually
23 walked into this unit with the previous owner
24 about eight years ago. And they were going to
25 legalize it then and they didn't. And this owner

1 purchased it and now he's moving forward with the
2 legalization. So I know at least as of a fact
3 that eight years ago that unit was there. And
4 it's dated -- so the appliances are dated. So
5 it's probably been there quite a bit of time, but
6 precise time, I can't tell you.

7 CHAIRPERSON GRULLON: I know it's an
8 undersized lot and most of the, you know,
9 variances requirement is the preexisting
10 condition, you know. It's a good facade to the
11 building, all brick. I don't have anymore
12 questions. Do you have any questions?

13 MR. GARCIA: No.

14 CHAIRPERSON GRULLON: Do you have any
15 other witness?

16 MS. PEREIRAS: We do not.

17 CHAIRPERSON GRULLON: At this time, I
18 want to open to the public. Any member of the
19 public want to step forward on this application?
20 Hearing none, taking in consideration that this an
21 existing condition and he already has tenant
22 occupying the unit, that's something we don't want
23 to do is to displace tenants from Union City, I
24 make a motion to grant this to go from two units
25 to three units.

1 MR. VALLEJO: Motion on the table to
2 grant this application by Mr. Gullon. Any second
3 on the motion?

4 VICE CHAIRPERSON GUTIERREZ: Second.

5 MR. VALLEJO: Seconded by Ms. Gutierrez.
6 Roll call on the motion to approve this
7 application.

8 Mr. Gullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: 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.

22 MS. PEREIRAS: Thank you all very much.

23 * * * *

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1 **B W S -**

2 **903-905 NEW YORK AVENUE:**

3

4 MR. VALLEJO: Now we're going back to
5 number five --

6 MR. GARCIA: Hold on.

7 MR. VALLEJO: We're going to do the
8 different --

9 MR. GARCIA: I thought we said we're
10 going to take the legalizations, since the other
11 two are so big.

12 MR. VALLEJO: We're going to number 5?

13 MR. GARCIA: I think we said we're going
14 to do the legalization because it's short.

15 CHAIRPERSON GRULLON: We're going to do
16 the legalization.

17 MR. VALLEJO: Which one is the next one?

18 MR. GARCIA: It's up to you because of
19 the clients.

20 CHAIRPERSON GRULLON: Number 8 or number
21 9.

22 MR. VALLEJO: Hold on now.

23 MS. PEREIRAS: Number 8 would be the
24 next legalization.

25 MR. VALLEJO: Now we're going to BWS,

1 903-905 New York Avenue?

2 MS. PEREIRAS: Yes.

3 MR. VALLEJO: Next application on
4 tonight's agenda, BWS, LLC, 903-905 New York
5 Avenue. Ms. Pereiras, please.

6 MR. A. PANEQUE: Let the record reflect
7 that Bianca Pereiras has provided this Board with
8 the following documentation:

9 Certification as to publication and
10 service providing that on May 22, 2023, mail was
11 sent to all the properties within the 200 foot
12 radius of 903-905 New York Avenue, Union City, New
13 Jersey.

14 She also provided a list of the property
15 owners to be served with notice dated May 15,
16 2023.

17 Certified mail receipts postmarked May
18 22, 2023.

19 A copy of the notice provided to the
20 properties within 200 foot radius.

21 And a legal affidavit by The Jersey
22 Journal published on May 25, 2023.

23 Based on the documentation that's been
24 provided to this Board, this Board has
25 jurisdiction to hear this matter.

1 MS. PEREIRAS: Thank you very much,
2 Counsel. Bianca Pereira on behalf of the
3 applicant BWS, LLC, for property at 903-905 New
4 York Avenue, also known as Block 39.02, Lots 2 and
5 3. The application before the Board this evening
6 is to legalize one apartment in the basement of an
7 existing multifamily structure. There are
8 currently 30 units on-site, we're looking to
9 legalize one additional unit. We have two experts
10 to testify this evening. And I'll begin tonight's
11 presentation with our architect, Mr. Manuel
12 Pereira.

13

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

15

16 MR. PEREIRAS: Manny Pereira, I
17 recognize I am still under oath.

18 MS. PEREIRAS: Mr. Pereira, are you
19 familiar with the property 903 New York Avenue?

20 MR. PEREIRAS: I am.

21 MS. PEREIRAS: And did you prepare the
22 drawings before the Board this evening?

23 MR. PEREIRAS: They were prepared under
24 my direct supervision.

25 MS. PEREIRAS: And would you kindly

1 describe the proposal for the Board?

2 MR. PEREIRAS: I'd be very happy to. So
3 this is a situation I've seen many times and I'm
4 sure the Board has seen it many times as well. I
5 believe this was a super apartment. They're
6 original to the existing structure. Typically,
7 they weren't registered in the City, I don't know
8 why that wasn't the case back then. But we've
9 legalized many of these throughout the City. This
10 is one of those units. It's actually a very nice
11 unit.

12 CHAIRPERSON GRULLON: It's existing?

13 MR. PEREIRAS: It's existing, yes. And
14 it's been existing I believe since the building
15 was created. And it was the super's apartment.
16 One of the things that we're proposing here is
17 to -- since it was a super's apartment, which was
18 very common back then, it was all open towards the
19 boiler room and the mechanics of the building.

20 What we're proposing as a major change
21 here is to create a vestibule. So now when you
22 enter that area for the apartment, you're not
23 entering into an apartment, you're entering into a
24 vestibule. And that vestibule separates the
25 boilers of the apartments, so they're completely

1 separate from the apartment itself. And then from
2 that vestibule, you enter the apartment proper.
3 And you enter into a living room. And then
4 there's a kitchen dining room area on the opposite
5 side of the boilers. We're re-creating the
6 bathroom, it's basically there, we're just
7 changing the fixtures, fixing it up a bit. And
8 then you have two bedrooms against the rear. And
9 those bedrooms have windows, decent size windows
10 out the back. So even though it's a basement
11 apartment, it has good height along the back
12 there.

13 The entrance of the building is directly
14 to the front. There's a corridor that leads you
15 right down the middle of the building. So it's,
16 you know, a typical front entrance. And we're
17 basically legalizing this unit. Everything that
18 will be required in today's code would be upgraded
19 on this unit as well. So even though this
20 building was built, you know, in the '50s, it's
21 going to comply with the codes from today, 2023.

22 We're going to have a limited area
23 sprinkler system on this unit. We're also going
24 have a fire rated ceiling across the entire unit.
25 So if there's a fire above or below, there's a

1 delayed action between the two spaces. And the
2 alarm systems are all going to be upgraded
3 throughout the building as well.

4 So it's a great opportunity to legalize
5 a condition that's been there since the building
6 was started there. And our planner is going to go
7 over the variances and they're all preexisting
8 nonconformities.

9 CHAIRPERSON GRULLON: And the height of
10 the ceiling?

11 MR. PEREIRAS: I walked there, it's
12 tall. I don't have it on my plans, but it's a
13 conforming height. And we would have to meet the
14 requirements of height at the building department.
15 If for some reason one of the spaces didn't
16 comply, we'd have to make it comply at the
17 building department.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Pereiras. You want to bring your next witness?

20 MS. PEREIRAS: Yes. Mr. Dougherty,
21 please.

22

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

25

1 MR. DOUGHERTY: Alexander Dougherty, I
2 recognize I am still under oath.

3 CHAIRPERSON GRULLON: Yes, you are. You
4 may proceed.

5 MR. DOUGHERTY: Thank you. Very similar
6 to the last application, I prepared an exhibit
7 packet, five pages. This one is right down the
8 street from the other location. We're at 903 New
9 York Avenue and the last one was 1002 New York
10 Avenue. It consists of five sheets, very much the
11 same manner as the last.

12 MR. A. PANEQUE: We'll mark that as A-1.

13 MR. DOUGHERTY: So first slide, in red,
14 you'll see the red arrow and the red circle
15 indicating the zone we're in for Union City, again
16 the CN neighborhood commercial district. Slide
17 two is the property outlined in red, see on New
18 York Avenue, we have ample mass transit
19 opportunities. We have bus 84 and 86 right on New
20 York Avenue. On Palisades, again we have line 22
21 and bus line 123, as is reflected on slide two
22 created from NJ DEP's GeoWeb.

23 As we go to the next couple slides here,
24 slide three is a photo I took myself, a ground
25 view of the subject site and hidden behind the

1 three street trees is a brick building,
2 multifamily dwelling that is the subject site in
3 question.

4 Took the drone up, spun around. It's a
5 fairly good looking building. It's all
6 residential. And the last slide, if you will, is
7 a nearby residential building just a few lots
8 over. As you can see on the ground floor there
9 and/or basement with the blinds there, there is
10 certainly some neighboring properties with that
11 basement ground floor residential.

12 So what we're asking for, I don't
13 believe, is out of the ordinary for what's
14 happening out there. As we've heard this was a
15 super's apartment. So there's always been
16 residential here. What's unique about this
17 particular application, this is what we would
18 called a (d) (2), an expansion or intensification
19 of a preexisting nonconforming use. This is
20 nonconforming to the zone per section of the
21 ordinance 2:23-42E, section 2D, apartments are
22 allowed on upper floors only in a low-rise or
23 mid-rise apartment, that has one or more permitted
24 non-residential use on the ground floor. We don't
25 necessarily meet that scenario because we don't

1 have non-residential on the ground floor.

2 So with that being said, this would be a
3 (d) (2) variance. And essentially the (d) (2)
4 variance at its core is site betterment. It's the
5 typical Burbridge versus Mine Hill. I like to
6 think we are improving the site by making it
7 legal, validating this from a building and fire
8 code standpoint, for safe occupancy, you know,
9 readjusting where those boilers sit inside that
10 unit. What's unique about this particular unit
11 within itself is it's pretty spacious. It's about
12 1,107 square feet, two bedroom unit.

13 When we look at the positives of this
14 application, the (d) (2) is a little more relaxed
15 than the (d) (1). It's not whether the use belongs
16 here in the first place because it's there, it's
17 preexisting. So with the positives of this
18 application, the project promotes the planning
19 goals to provide for a diversity of housing to
20 meet all needs, new housing stock for a growing
21 population. It improves and retains what's there.
22 The added value to the site, added value to the
23 quality of the neighborhood. We bolster the CN
24 zone by adding more residents to the neighborhood
25 corridor, commercial corridor. Promotes efficient

1 land use for a variety of land uses, economy of
2 scale.

3 Promotes the Municipal Land Use Law
4 purpose A, E, G, I, and M. E being appropriate
5 populations and densities in locations; purpose I,
6 desirable visual environment. It's a good looking
7 building, we're not going to change anything from
8 the exterior. Purpose M, to encourage
9 coordination of both public and private procedures
10 affecting and shaping development with the view of
11 lessening such cost of development. This is more
12 efficient use of the land, of the structure, of
13 the development, to provide for two housing within
14 an existing structure. Again purpose A here would
15 encourage municipal action to guide appropriate
16 use and development in a manner which promotes the
17 public health, safety, morals and general welfare.
18 I think we're doing that hereby legalizing this,
19 getting the architect involved, bringing it up to
20 code, bringing it up to fire regulations to ensure
21 these dwelling units, these two bedrooms are in a
22 safe manner.

23 From a public impact, the negative
24 criteria here. I believe this project here will
25 have minimal, if any, negative impacts. This has

1 existed for quite some time as a residential
2 dwelling. So the surrounding neighborhood has
3 certainly accommodated that and absorbed that
4 extra density and the extra units. The units are
5 comfortably sized, there's no overcrowding or
6 overdevelopment here.

7 And again, when we look a little bit
8 further some of the re-examination goals of 2019,
9 part three says, where possible, residents would
10 like to see the City take steps to reduce traffic
11 and improve pedestrian mobility. I think what we
12 do here is we bring residents right to that
13 commercial neighborhood corridor, which reduces
14 the vehicle demand here as well.

15 And, again, we do have mass transit
16 relatively available as you see on slide two. We
17 do have some existing variances here which are
18 preexisting C variances. We have building
19 coverage, we're allowed 80, we're at 84. Building
20 height, four stories or 45 feet, we're at five and
21 a half stories, 56 feet, as well as the RSIS
22 count, we don't provide any parking. These are
23 existing conditions, the structure as you see is
24 fairly large, five and a half stories, 56 feet.
25 It's going to be pretty hard to accommodate

1 parking on-site with an existing structure. So
2 this would fall in the (c) (1) hardship for the
3 lawful structures thereon. And, again, this site
4 has accommodated this structure in this capacity
5 for many decades.

6 With that, I'll conclude I believe the
7 demand for vehicles is offset with the walkability
8 and access to mass transit with amenities at the
9 doorstep. The project brings a healthy balance of
10 housing options. There is no physical change from
11 the public real. And I believe there's added
12 benefits here from an architectural, fire,
13 building code to promote the public welfare. With
14 that said, I believe this unit is particularly
15 suited for this corridor within the CN zone. And
16 the statutory criteria for relief would be met and
17 approval would be warranted.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Dougherty.

20 MR. DOUGHERTY: Yes.

21 MR. GARCIA: Is this currently occupied?

22 MR. PEREIRAS: Not currently because
23 it's -- we need to upgrade it significantly.

24 MR. GARCIA: It is -- you mentioned it's
25 a similar building by the --

1 MR. PEREIRAS: Yeah.

2 MR. GARCIA: Similar to this one, it's
3 close by?

4 MR. PEREIRAS: Yes.

5 MR. DOUGHERTY: I think it's two --

6 MR. GARCIA: It's a block down.

7 MR. DOUGHERTY: Yes, one block, two lots
8 down.

9 MR. GARCIA: 809 Palisade.

10 CHAIRPERSON GRULLON: Are you proposing
11 to do any construction inside, demolition?

12 MR. PEREIRAS: Yes. So one of the main
13 things that we're doing is creating that vestibule
14 and upgrading all the fire code, basically. So
15 right now there's boilers with no fire barrier.
16 So we're upgrading the fire barrier around all the
17 boilers and hot water heaters. We're creating
18 that vestibule and then we're re-creating --
19 basically this was -- the way it was, this was one
20 huge bedroom and this was a huge bedroom. And
21 this is was the living room, dining room. What
22 we're doing is we're making this into the living
23 room and a bedroom in the back here. So we're --
24 we're basically taking one of the bedrooms away
25 from this apartment to make it more living space.

1 CHAIRPERSON GRULLON: Okay. Anybody
2 else on the Board have any questions? Hearing
3 none, do you have any other witness?

4 MS. PEREIRAS: We have no further
5 witnesses.

6 CHAIRPERSON GRULLON: At this time, I
7 want to open to the public. Any members of the
8 public want to step forward on this application?
9 Hearing none --

10 MR. VALLEJO: How many apartments are
11 going to be now?

12 CHAIRPERSON GRULLON: 31, if we approve.
13 Taking in consideration this is an
14 existing condition and if we approve this unit,
15 it's going to be an opportunity to bring the
16 building up to code. With that said, I make a
17 motion to grant this application.

18 MR. VALLEJO: Motion to grant the
19 application by Mr. Grullon.

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 MR. VALLEJO: Seconded by Ms. Gutierrez.

22 CHAIRPERSON GRULLON: For the record,
23 just to make it from 30 to 31.

24 MR. VALLEJO: Okay. Thank you, Mr.
25 Grullon. Motion on the table by Mr. Grullon to

1 approve this application, seconded by Ms.
2 Gutierrez. Roll call on the motion.

3 Mr. Grullon.

4 CHAIRPERSON GRULLON: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 VICE CHAIRPERSON GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: 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: Six in favor, motion
16 passes.

17 MS. PEREIRAS: Thank you all very much.

18 MR. VALLEJO: Thank you.

19 * * * *

20

21

22

23

24

25

1 **RINO MANAGEMENT, LLC -**

2 **411 38TH STREET:**

3
4 MS. PEREIRAS: I am adjourning Rino
5 Management.

6 MR. VALLEJO: Hold on one second.

7 Next application on tonight's agenda,
8 Rino Management, LLC, 411 38th Street. Ms.
9 Pereiras, please.

10 MR. A. PANEQUE: Let the record reflect
11 the following, I have been provided by Ms.
12 Pereiras with the following documentation:

13 Certification as to publication and
14 service providing that on May 23, 2023, the
15 properties within the 200 foot radius of 411 38th
16 Street, Union City, New Jersey, were provided with
17 notice.

18 A list of property owners to be served
19 with notice within the 200 foot radius dated May
20 23, 2023.

21 A notice provided to property owners
22 within 200 foot radius.

23 Certified mail receipts postmarked May
24 23, 2023.

25 And the legal affidavit by The Jersey

1 Journal published on May 25, 2023.

2 Are you waiving the statutory time
3 limits?

4 MS. PEREIRAS: Yes, I am. And the
5 purpose that we're requesting an adjournment this
6 evening, my client had to travel out of state
7 unexpectedly. And he would really like to be here
8 at the time of the presentation, so we are asking
9 for this matter to be adjourned.

10 MR. A. PANEQUE: This Board has
11 jurisdiction to hear this matter based on the
12 documentation provided.

13 MS. PEREIRAS: Thank you, Counsel.

14 CHAIRPERSON GRULLON: You're requesting
15 to adjourn it to the July 6th meeting?

16 MS. PEREIRAS: Yes, Mr. Chairman.

17 CHAIRPERSON GRULLON: I make my motion
18 to adjourn this application to July 6th meeting.

19 MR. VALLEJO: Motion on the table to
20 adjourn this application to July 6th by Mr.
21 Grullon.

22 VICE CHAIRPERSON GUTIERREZ: Second.

23 MR. VALLEJO: Seconded by Ms. Gutierrez.
24 Roll call on the motion.

25 Mr. Grullon.

1 CHAIRPERSON GRULLON: Yes.
2 MR. VALLEJO: Ms. Gutierrez.
3 VICE CHAIRPERSON GUTIERREZ: Yes.
4 MR. VALLEJO: Mr. Ortiz.
5 MR. ORTIZ: Yes.
6 MR. VALLEJO: Ms. O'Dell.
7 MS. O'DELL: Yes.
8 MR. VALLEJO: Mr. Garcia.
9 MR. GARCIA: Yes.
10 MR. VALLEJO: Ms. San Martino.
11 MS. SAN MARTINO: Yes.
12 MR. VALLEJO: Six in favor, motion
13 carries.

14 * * * *

1 **JFK REALTY -**

2 **4614 KENNEDY BOULEVARD:**

3

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

7 VICE CHAIRPERSON GUTIERREZ: Mr.
8 Vallejo, I have to recuse myself.

9 MR. VALLEJO: We have five members.

10 MR. PANEQUE: You're aware of what's
11 going on with the fact that we have one member who
12 recused herself, Ms. Gutierrez. We're down to
13 five members now, which I believe you need a use
14 variance on this application?

15 MS. PEREIRAS: We do.

16 MR. PANEQUE: Okay. So it's your
17 decision whether you want to have it carried to
18 the next meeting or proceed with the five members
19 that are here.

20 MS. PEREIRAS: We actually carried it
21 last month because we did not have the full
22 compliment of the Board. Having done so, we'd
23 like to proceed with this matter this evening.
24 I'll wait to get all the drawings, then we'll
25 begin.

1 MR. PANEQUE: Let the record reflect
2 that jurisdiction was established at the last
3 hearing.

4 MR. GARCIA: That's not the reason --

5 MS. PEREIRAS: When they called our
6 matter, we only had five members, I think a member
7 came in a little afterwards. But because of that,
8 we adjourned it, yes.

9 Now that everyone has their drawings,
10 this Board may recall, we actually came in front
11 of you approximately one year ago with a much
12 larger application. This Board had several
13 comments, suggestions, which we took and went back
14 to the drawing table, worked with our client, our
15 applicant, the architect, our traffic engineer,
16 our planner, to make the best possible project
17 that we could make. Why? Because this project is
18 very important. Not only were we looking to
19 create something that was beautiful on the site on
20 Kennedy Boulevard --

21 CHAIRPERSON GRULLON: Ms. Pereira,
22 sorry to interrupt, but the previous project that
23 you're comparing to was denied?

24 MS. PEREIRAS: It was denied. It was
25 much larger. We heard several comments from the

1 Board and we went back to the drawing board.

2 Not only are we looking to create a
3 beautiful four story dwelling, we are looking to
4 create and satisfy a need in our community. All
5 of you are familiar with this site, we're located
6 on 47th and Kennedy Boulevard. Just west of our
7 site is the Islamic Educational Center, just a few
8 steps away. And we're looking to provide a home
9 for members of this community. So the sight in
10 particular is very important to our applicant.
11 And that's why we're here with an application that
12 we think is much more suitable. And, hopefully,
13 amenable to the Board.

14 We have several experts to testify and
15 we'll begin our presentation this evening with our
16 architect, Mr. Manuel Pereiras.

17

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

19

20 MR. PEREIRAS: Manny Pereiras, I
21 recognize that I am still under oath.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with 4614 Kennedy Boulevard?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And did you prepare these

1 drawings that are before the Board this evening?

2 MR. PEREIRAS: I did.

3 MS. PEREIRAS: Would you kindly describe
4 the project for the Board?

5 MR. PEREIRAS: I'd be very happy to. On
6 the easel to my left are the same drawings that
7 were provided to the Board. However, these have
8 color. And in addition to that, we're also going
9 to present a rendering. When I get to that part,
10 I will mark it appropriately.

11 Let's start by looking at the tax map.
12 This is a tax map that shows the area within
13 200 feet of the property. The property is this
14 portion right here. As you can see, within the
15 200 feet circle, you have the mosque, which is
16 right down 47th Street. This is critical to this
17 project. That mosque currently has parking, not
18 only on the same property, but also across the
19 street. On that property across the street, they
20 demolished three houses of their community in
21 order to provide parking for the mosque. So they
22 displaced people. In addition to that, they have
23 plans to demolish additional houses that they're
24 obtaining around the property. And they're going
25 to be displacing more members of their community.

1 Those people have to go somewhere. We're
2 proposing that this provide the housing for those
3 people from the community. So this has a direct
4 relationship with the mosque that we have here.
5 It is going to be private housing for them.

6 On Kennedy Boulevard, understanding the
7 site a little bit better, we have several large
8 structures along Kennedy Boulevard. And then we
9 have on the corner, our property here. That
10 property is currently sitting on top of a large
11 mound of earth. So that earth mound is almost a
12 story in and of itself. And then there are three
13 stories on top of that. What we're proposing, our
14 building, is actually going to be shorter than the
15 peak of the existing house. So from a massing
16 standpoint, we're going to be smaller than the
17 adjacent structures, which a huge drastic
18 difference from the first application we gave you.
19 We reduced the size significantly, not only the
20 number of units, but the dimensional size of this
21 building, we reduced it in height as well as the
22 bulk.

23 Moving to our site plan on sheet Z02,
24 you can see that we created landscaping all along
25 47th Street and along Kennedy Boulevard. So we're

1 setting our building back seven feet on Kennedy
2 Boulevard to create two areas of nice planters.
3 And then two feet along all of 47th Street, so
4 that you can planting from one end to the other.

5 As you can see our curb cut is pulled
6 away as much as possible from Kennedy Boulevard to
7 reduce the traffic impact. And then our rear
8 setback, which is really a side yard back to the
9 adjacent dwelling is five feet. And since we've
10 reduced the building height significantly, it
11 works in scale with the adjacent property as well,
12 as well as still fits in scale with the larger
13 structures. So it steps the building down very
14 nicely along the street. One of the things that
15 we also have an advantage is that the topography
16 goes up along here slightly, so it feels less tall
17 along the rear of the property as well.

18 Our parking solution is very simple. We
19 wanted to reduce the number of curb cuts. Parking
20 is critically important. We don't want multiple
21 curb cuts, like you saw a house today on the
22 25-by-100 that had multiple driveways, very
23 unsafe, cars pulling backwards out of that. We
24 eliminated that completely. What we have is a
25 real true drive aisle, a 24-foot wide drive aisle

1 so that cars can pull in on both sides and then
2 pull out and come out the front, face first onto
3 the avenue. And we have an equivalent parking
4 count of 19 parking spaces.

5 In addition to that, we're also
6 providing bicycle storage and ample room on the
7 ground floor for garbage and recycling. And we
8 have a nice little entry foyer lobby, our water
9 service and mail room because we have Amazon is a
10 new thing that we're doing with all these
11 buildings. We don't want them sitting in the
12 lobby, so we created a room on shelves so the
13 Amazon packages can go into the mail room.

14 The building has two means of egress
15 from a safety standpoint and we put those at the
16 two extreme ends. We have a stair on one corner
17 and a stair on the other. And we have an
18 elevator, so we have an elevator building, which
19 is extremely lacking in Union City right now.
20 There's been several years that we haven't been
21 producing this type of building type. So people
22 with wheelchairs, the elderly don't have new
23 product that they can go into. This will be
24 providing some of that very necessary housing
25 stock.

1 The building from a circulation
2 standpoint is extremely safe, very direct.
3 There's a direct line dissecting the building down
4 the middle as a hallway. And you have apartments
5 flanking on both sides. The apartments vary from
6 one and two bedroom units. We have a total of 18
7 units, six of them being one bedrooms and twelve
8 being -- I'm sorry twelve of them being one
9 bedroom and six of them being two bedroom units.

10 The sizes are very comfortable. For
11 example, I'm just going to walk through a little
12 bit on the floor plan. Apartment two is a two
13 bedroom, 750 square feet. Apartment 204 is a two
14 bedroom, 750 square feet. Apartment 206 is a 750
15 square foot one bedroom. Apartment 201 is a 550
16 square foot one bedroom. Apartment 203 is a 550
17 one bedroom apartment, and apartment 205 is a 550
18 one bedroom apartment. So as you can see, all
19 these apartments have an open floor plan, where
20 the kitchen, living room, and dining room is one
21 space, with a bedroom or a two bedroom with a
22 shared bathroom.

23 There is one floor that's slightly
24 different. That's because we stepped back the
25 corner of 47th and Kennedy Boulevard for several

1 reasons. Number one, it works with the scale of
2 the building very nicely to create something
3 aesthetically pleasing. And it provides a balcony
4 on that one corner. We're locating all our
5 mechanical equipment, our condensers on the roof
6 and we have a stair that leads up to the roof to
7 access that, we're not providing a roof deck
8 there.

9 And as you can see, the building is very
10 modestly sized. It was squished down. And if
11 you're looking at the 47th Street side, you can
12 see the topography goes up. So along the end of
13 it where you're becoming more residential, it's a
14 three-and-a-half story structure. So we're --
15 what's permitted on that district is a three story
16 structure, moving back. So this fits in scale
17 vary well with those houses. And along the front
18 where you have Kennedy Boulevard and you have the
19 larger structures, that's where we're a four-story
20 structure.

21 The building is a mixture of brick,
22 siding and panels. And what we propose -- this is
23 our rendering. I believe it's a very attractive
24 building, it's going to fit really well into that
25 corner. As you can see, the larger structure to

1 the right is a little bit taller than this
2 building. So as a matter of height, it fits very
3 well and it serves the community, a desperate need
4 that that community needs. And we ask you to look
5 favorably on this. That ends my testimony for
6 now. Should I mark the rendering as --

7 MS. PEREIRAS: A-1.

8 MR. PEREIRAS: For the record, I am
9 marking the top right hand corner as A-1. And
10 this is a three dimensional computer generated
11 rendering of the building.

12 CHAIRPERSON GRULLON: Ms. Pereiras, we
13 want to hear from the engineer.

14 MS. PEREIRAS: Sure. We'll call up our
15 traffic engineer, Mr. Connor Hughes.

16

17 C O N N O R H U G H E S, after having been duly
18 sworn or affirmed, did testify as follows:

19

20 MR. HUGHES: Connor Hughes, H-U-G-H-E-S,
21 project manager at Dynamic Traffic, worked there
22 about six years, in which time I've prepared
23 hundreds of traffic impact studies. I've been
24 accepted as an expert witness before this Board.
25 My license is still in good standing with State of

1 New Jersey. Do you need me to go on?

2 CHAIRPERSON GRULLON: Have you ever
3 testified in front of this Board?

4 MR. HUGHES: Yes, I have.

5 CHAIRPERSON GRULLON: Thank you. We
6 accept your qualifications.

7 MR. HUGHES: Thank you.

8 MS. PEREIRAS: Mr. Hughes, would you
9 kindly describe this project from a traffic
10 perspective?

11 MR. HUGHES: Certainly. So as we
12 mentioned, this kind of a revamping of a previous
13 project, previously had 24 units, now reduced to
14 18. So that lessens the traffic impacts from that
15 perspective. That also reduces the number of
16 bedrooms from 35 down to 24, again, reducing the
17 traffic generation impacts.

18 We've conducted our traffic counts in
19 September 2022, analyzed the morning and afternoon
20 peak hours associated with the residential use,
21 found that with or without the project, that the
22 levels of service and traffic operations don't
23 materially change. Existing level of service Cs
24 or Ds, and that remained with the addition of the
25 site traffic, which again is very minimal.

1 Specifically, looking at the ITE standards, it's
2 only six trips during the a.m. and p.m. peak
3 hours. And to kind of just put that into
4 perspective, for one thing if you think about that
5 over the course of an hour, that averages out to
6 one car every ten minutes. So there's not a
7 constant influx or outflux of cars from the site.
8 DOT and ITE have a threshold of 100 new trips
9 during any peak hour that they consider a
10 significant increase in traffic. We're clearly
11 very much below that threshold at six trips per
12 hour. So there's really no -- materially no
13 change in the traffic conditions in the adjacent
14 roadway network. And those trips also don't take
15 into account the fact that there's an existing use
16 on the site, it's a mix of office and residential.
17 So really the offset of what's there to what's
18 proposed lessens that impact even more so. Along
19 with the association with the mosque just down the
20 street, whereas patrons aren't driving to and from
21 the mosque, they can simply walk directly from the
22 building down to the mosque and avoid any
23 additional vehicular traffic on the roads.

24 Now, onto everybody's favorite subject
25 of the night, which is parking. We're proposing

1 15 spaces for the 18 units. What's required RSIS
2 is 34. Now, I do want to note that RSIS is
3 technically a maximum, the maximum number that a
4 municipality can impose. So it's not necessarily
5 a minimum requirement, but nonetheless RSIS does
6 recognize when you're in certain areas, such as
7 urban areas like Union City, where you have mass
8 transit availability, walkability, ride share, and
9 that sort of thing, that it does impact the
10 parking demands of residential uses.

11 And so specifically looking at the
12 census data for the particular tract in which
13 we're located, as far as the vehicle availability
14 per household per the rental unit it's about .5
15 cars per unit, all right. So that equates, based
16 on the 18 units that we have, to nine parking
17 spaces as opposed to the 15 that we're proposing.
18 We also looked at the ITE standards that they also
19 set forth parking generation rates. Within a half
20 mile of rail transit, we're about 650 feet away
21 from the Bergen Avenue light rail station, it's
22 just a block and a half away, so it's well within
23 that half mile influence area. So the ITE in
24 those areas indicates a parking demand again of
25 about .5 vehicles, but per bedroom rather than the

1 units. So based on the 24 bedrooms that are
2 proposed, that equates to 12 spaces. Again, we
3 have 15.

4 So just based on those aspects alone, we
5 do very much feel that the parking supply versus
6 the demands and the nature of the area is
7 appropriate for this particular use. And, you
8 know, we do feel that even with the Board's
9 concerns of the parking, we understand it, you
10 know, there's a large influx of that here, that
11 the parking supply is appropriate to support the
12 demands of this site. And with that I'll conclude
13 my testimony and open up to any questions.

14 CHAIRPERSON GRULLON: Thank you. We're
15 going to leave the questions to the end.

16 MS. PEREIRAS: We do have one more
17 witness, that is our planner Mr. Alex Dougherty.

18 CHAIRPERSON GRULLON: Thank you.

19

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

22

23 MR. DOUGHERTY: Alexander Dougherty, I
24 recognize I'm still under oath. In anticipation
25 of tonight's application, I prepared an exhibit

1 packet of eight slides, very much in the same
2 manner as previously presented. We'll mark this
3 A-2.

4 So slide one, if you will, the red arrow
5 and the red circle indicates the property in
6 question as it relates to Union City's zoning map.
7 As you can see, the yellow area here is the R low
8 density residential. What's unique about this
9 particular site, many things. Slide two will show
10 that we are next to quite a bit of mass transit
11 buses, we'll see the Bergen Avenue Hudson Bergen
12 light rail station just off to the right, where we
13 have multiple bus lines. The bus lines around
14 this site reflective of slide two, just for some
15 numbers here, it's quite a bit. This site is
16 surrounded by bus line number 88 and 154, right in
17 front of the site, right next to it. As you can
18 see the site is in red. We have the Bergenline
19 Avenue station a little further up where we have
20 bus line number 22, 84, 89, 156, 159, 181, and
21 186. So we have ample mass transit availability
22 around this site.

23 What's important to note is we're right
24 across the street from a cemetery, which also
25 houses a church. Right behind us as we've heard

1 in discussion is the Islamic Education Center as
2 reflective on the slide, as well as the Hudson
3 County College where the Bergenline Avenue station
4 is hosted. So we're surrounded by educational and
5 religious centers. Some of us might recall a
6 conversation we had in a previous application some
7 time ago about a school and the traffic they
8 impact for the community. So we went into great
9 conversation about putting density next to
10 educational facilities, kind of what we're doing
11 here, as well as religious facilities. As a
12 planner, I have to be forward thinking from a land
13 use perspective. Religious centers may come and
14 they may go, educational as well. Very unlikely
15 the county college will go anywhere any time soon
16 or the foreseeable future. We have an opportunity
17 here to put populations next to educational
18 centers as well as religious centers. So from a
19 land use perspective, this is sound planning.
20 However, we are in the low density residential
21 zone.

22 With that being said, we do have quite a
23 few variances to discuss, particularly the (d) (1)
24 use variance. The Medici test, there's the four
25 prongs of the test, site suitability is the first

1 part of that test. I believe the site is
2 particularly suited for the use based on its
3 condition and its context. Condition wise, the
4 site as it currently sits is nonconforming, where
5 commercial mixed use is associated with this
6 location. This zone is for one and two-family
7 residential. The site itself is well oversized,
8 has excellent carrying capacity to accommodate the
9 use. This site is nearly two and a half times the
10 zone requirement.

11 Again, it's also located on a major
12 corridor. This is not an in-fill lot, this is
13 on what would be necessarily in a quieter
14 residential neighborhood, we are on the corner.
15 Again, on Kennedy, there's a lot of action and
16 activity out this way. So from a population
17 standpoint, I don't think this site is not suited
18 versus if this -- like I said earlier -- was in a
19 smaller, more quiet residential neighborhood.
20 This corner, this works for what we're proposing
21 here.

22 And contextually, the proposed use and
23 its location within the fabric of Kennedy
24 Boulevard, it works. We have two larger housing
25 complexes of four-story structures, we have large

1 open space across the street in the way of a
2 cemetery. We have multiple mass transit options
3 that are at your doorstep, literally outside the
4 property. We have the county college and we have
5 the educational mosque right behind us as well.

6 When we look at part two, special
7 reasons. The use and the application here
8 proposed advances multiple Municipal Land Use Law
9 purposes. The project promotes efficient land use
10 with modern living arrangement, promotes the
11 planning goals to provide for a diversity of
12 housing to meet all needs of all people.

13 The project improves the lighted
14 intersection visually and replaces the current
15 elevated massing with a structure that would be
16 similar in the overall massing in the streetscape
17 from the public realm. As we heard the architect,
18 we're actually going to be lower than what's
19 currently there. As we can see through the slide
20 deck, as we go for the next couple slides, the
21 project as it sits today is actually elevated with
22 some older retaining walls holding that up. So if
23 we look at the architectural plans, that retaining
24 wall essentially is gone. The building kind of
25 comes down a little bit, but yes we're still

1 asking for some height. In the grand scheme of
2 things, this current structure with the peaked
3 roofs is actually taller than what we're proposing
4 today. But from a public realm perspective that
5 fabric, it's very much compatible with what the
6 community has always seen on this corner, it will
7 be new, modern, clean, and really well landscaped.

8 So going through that slide deck, if you
9 will, page three is the current property, the way
10 it sits. We can get a good feel for that
11 retaining wall that I described.

12 Slide four, we kind of spin the drone
13 around, give you a feel for the property overall.
14 As we've heard, the side profile kind of elevates,
15 so the massing actually gets a little bit shorter.
16 We do have the existing curb cut in the back,
17 which I think is appropriate given the proposed
18 plans and its location. We have on-street
19 parking, that is a one-way street there, I believe
20 that's 47th.

21 Page five is a top down aerial view.
22 And slides -- the next couple slides here, slide
23 six, if I can turn the page, we'll do some ground
24 shot perspectives. So right here in the front, we
25 have the property in question. Off to the left

1 again is that Hudson County College, so great
2 proximity. Again, right behind us is the Islamic
3 Educational Center right across the street. The
4 next slide will show -- I believe is going to show
5 you the garage. As you see, it's got a curb cut
6 there. And then the last slide will show you, top
7 left is the county college. The top right, we do
8 have some larger massing buildings, so it will
9 blend in perfectly along Kennedy. The bottom left
10 is the surrounding residential. To the back of
11 that, we have -- I believe that's the library or
12 I'm sorry, it's the Islamic Center. Right across
13 is the on the bottom right is the church and the
14 cemetery. And again mass transit relatively
15 available.

16 When I look at this project for special
17 reasons, this would advance -- clean up an
18 exhausted corner with modern housing near the
19 college, near religious facilities. We promote
20 the Municipal Land Use Law, purpose A, E, G, I and
21 M. Purpose A to encourage municipal action to
22 guide appropriate use and development in a manner
23 which promotes the public health, safety, morals
24 and general welfare. As we've heard, the building
25 will be built to all codes and fire rated codes.

1 The site has excellent capacity to carry and
2 circulation. We have purpose E, which is to
3 provide appropriate densities and populations in
4 appropriate locations. We have mass transit at
5 our doorstep. Purpose G to provide sufficient
6 space in appropriate locations for a variety of
7 uses, both public and private. With respect to
8 the environmental requirements in order to meet
9 the needs of all New Jersey citizens. Purpose I,
10 promote a desirable visual environment through
11 good creative development and good civic design
12 arrangements. Purpose M, to encourage
13 coordination of various public and private
14 procedures and activities shaping land development
15 with the view of lessening such costs in
16 developments for more efficient use of land.

17 When I look at prong three with Medici,
18 public impact or the negative criteria, we have
19 sworn testimony from the experts -- from both
20 experts the site will function safety,
21 efficiently, and most notably, the units are
22 comfortably sized. Visually, the project provides
23 visual enhancement for the City of Union without
24 impairment to the surrounding properties. The
25 property as it stands today is proportional to the

1 general massing, as proposed on Kennedy. There's
2 no open issues on the record, no impacts of
3 substantially adverse nature unresolved, as we've
4 heard.

5 We previously proposed 24 units, we're
6 down to 18. The use itself mirrors nicely and
7 enhances a multitude of uses with the church,
8 religious facilities. As we've heard, the
9 organization has already accommodated parking
10 further up the street. So if visitors were to
11 come, there's parking demand there, visitors were
12 to come for the religious mosque and educational
13 center, there's also parking there as well.

14 As you've heard, we've displaced some of
15 the community, so we'd like to get the housing
16 back in place for those that were affected. As
17 we've heard, the units are comfortably sized,
18 there's no overdevelopment.

19 When I look at prong four, zone plan
20 impact. The use will not cause a substantial zone
21 plan impairment. The relief relates to a specific
22 piece of property with distinct attributes and not
23 the zone as a whole. Relief is not tantamount to
24 a rezone. The zone allows for residential use.
25 Greater massing and density works here for unique

1 elements to this neighborhood, as I've set forth.
2 This is a benefit to the surrounding neighborhood
3 providing for housing near, as I said, religious
4 and educational facilities, and again near major
5 mass transit, as well as along a major corridor.

6 We do have a height variance, we call it
7 (d) (6). The application meets the elements of
8 proof required by what we call the Grasso test.
9 All the positives set forth carry forward.

10 The height is necessary to effectuate a
11 beneficial redevelopment project. The
12 residential, as we've heard is over parking, so we
13 needed extra height to accommodate the on-site
14 parking. As we've heard before, the current
15 structure actually stands taller than what we're
16 proposing from the public realm.

17 Going forward, from a negative criteria,
18 none of the Grasso purposes of height control are
19 violated. The height is appropriate at this
20 location and will not overpower the area. The
21 added height will not cause a negative shadow
22 effect, block views or create unappealing
23 appearance. The building will enhance visual
24 quality for the area. The site is well isolated
25 from interior residential neighborhoods, it is on

1 the edge, not the center of a neighborhood. It is
2 good community design to accentuate and anchor
3 this corner with taller, newer, more modern
4 buildings. And I believe we're doing that here.

5 We do have some (c) relief, that (c)
6 relief is subsumed within the (d)(1) use relief.
7 But most notably here, the parking. We have 15
8 with the electric vehicle, we'll have 19, what is
9 required by ordinance would be 36. When I look at
10 this, it's more efficient land use. The supplies,
11 we heard, meet actual demand, additional is
12 wasteful. We have mass transit at our doorstep.
13 As I mentioned a few times before and I'll go
14 through the numbers, 31 percent of Union City's
15 population uses mass transit and we were at that
16 doorstep. We have 17 percent carpool, 14 work
17 from home, 11 walk, 1 percent bike, 2 percent
18 other, that total 76 percent of Union City's
19 population uses another means of transportation
20 than solely driving alone. About 24 percent of
21 the population use a car, independent one person,
22 to commute to work. So I think when we look at
23 the grand scheme of things, I don't think this is
24 going to be an impairment, even though under
25 parked here.

1 With that being said, I think this
2 project brings a lot of positives and a lot of
3 benefit to the community and the surrounding.
4 When I look at your master plan, part of the
5 (d) (1) use variance, to reconcile against the
6 master plan, as I stated before, goal three here
7 is to improve internal circulation, pedestrian as
8 well as vehicular, and enhance connectivity to the
9 regional transportation network. I believe we're
10 doing that here.

11 We also have projects to preserve the
12 character of the community, encourage economic
13 development, and preserve the established
14 residential character. This is the R low
15 residential one and two-family zone, but I don't
16 believe a two-family house would work on the
17 corner. I think this is more suitable development
18 for the corner.

19 With that said, I'll conclude the
20 project is a positive investment that will bring
21 the site more in harmony with the area and the
22 streetscape along Kennedy. The project will have
23 minimal, if any, negative impacts. And the
24 statutory criteria for approval will be met and
25 approval is warranted.

1 CHAIRPERSON GRULLON: Thank you, Mr.
2 Dougherty.

3 MR. DOUGHERTY: Yes.

4 CHAIRPERSON GRULLON: Any other
5 witnesses?

6 MS. PEREIRAS: We have no other
7 professionals, no.

8 CHAIRPERSON GRULLON: Okay.

9 MR. GARCIA: I have a few questions.
10 Where are they coming with the 19 parks space?

11 MR. DOUGHERTY: EVs allow -- EV which
12 was an executive order by the governor, electric
13 vehicle parking, you can look at it in one of two
14 ways, it's a reduction in number or you can get a
15 bonus. So in this particular case, allowing for
16 electric vehicles, physically there's 15, but with
17 that count, we would be at 19 per that executive
18 order.

19 MR. GARCIA: But per se, you don't have
20 15 spaces -- I mean you only have 15 spaces?

21 MR. DOUGHERTY: Correct.

22 MR. PEREIRAS: But the reality is we're
23 way over parked because the mosque has parking
24 literally on the same block, three properties
25 over. 75 feet away, there are over 30 parking

1 spaces there. And you might say but if the
2 parking is used for the mosque, it's the same
3 people. So it's not like if they were to live
4 somewhere else, drive from their home, go to the
5 mosque, the parking space is still being occupied
6 by the same people. So we're actually what's
7 different from most projects is that we are way
8 over parked. We have probably --

9 MR. GARCIA: With all due respect to Mr.
10 Pereiras, and also with all due respect to the
11 community because I love that community, I mean I
12 think like -- I understand that we have to treat
13 this one as this facility, okay. I mean they have
14 something else that is not in here. It's
15 something like we probably could take in
16 consideration, but we cannot bring it into like
17 support --

18 MR. PEREIRAS: The Board can absolutely
19 take it into consideration, it's parking within
20 the same block, 75 feet of this property. That
21 should completely be part of the consideration.

22 MR. GARCIA: It's like if I'm going to
23 build on 35th Street between Kennedy and B-line, I
24 can come here and say I have across the street,
25 municipal parking, you know what I mean?

1 MR. PEREIRAS: Yes. And you would take
2 that into consideration.

3 MR. GARCIA: But it's something like
4 we're dealing with here with actually with 15
5 spaces, not even 19. If we could consider the
6 electrical one, but what about if you have -- I
7 mean if you have -- if I have, let's say, six
8 electrical car, I only have for four. So those
9 four have to be space that have to be available
10 for electrical cars. Those are going to be
11 assigned to a specific apartment, you know what I
12 mean? So that's my point. That was just a
13 comment.

14 Also for the traffic expert, I have a
15 question.

16 MR. HUGHES: Okay.

17 MR. GARCIA: When did you conduct the
18 study?

19 MR. HUGHES: The counts? In
20 September 2022, September 15th, to be exact.

21 MR. GARCIA: September 15, 2022?

22 MR. HUGHES: Yes, that's correct.

23 MR. GARCIA: What time?

24 MR. HUGHES: It was from 7 to 9 in the
25 morning and 4:30 to 6:30 in the afternoon. This

1 coincides with the typical peak hours of the
2 roadway rush hours, so that's our worst case
3 scenario.

4 MR. GARCIA: And you took in
5 consideration that the left turn coming south on
6 Kennedy Boulevard?

7 MR. HUGHES: Right.

8 MR. GARCIA: How is it?

9 MR. HUGHES: We did the counts, I should
10 have mention that, at JFK and 47th. So we
11 analyzed at the signal, all those movements are
12 all accounted for.

13 MR. GARCIA: I'm sorry, you don't have a
14 signal at that corner, you have a left turn?

15 MR. HUGHES: At JFK and 47th?

16 MR. DOUGHERTY: There's a traffic light?

17 MR. VALLEJO: Yes.

18 MR. GARCIA: Okay. Another question I
19 have I don't know for who, but did you do any soil
20 study, I mean how is -- is it rock --

21 MR. PEREIRAS: So there may be. That's
22 something we're going to have to contend with when
23 we get to that point.

24 MR. GARCIA: Okay.

25 MR. PEREIRAS: I doubt it because the

1 buildings next to it don't have anything, they're
2 cut down. And it's pretty typical in that
3 neighborhood, I've done a few houses that it was
4 just the topography of the site that went up. And
5 the stone that we found along there -- in my
6 professional opinion, I doubt there's rock in that
7 one-story that we're excavating.

8 MR. GARCIA: Because I don't like to
9 mention about financial, like I mentioned in prior
10 application that we had today, however, I
11 recall -- and not really all application I think
12 at that time you weren't not around, it was 713
13 Sip Street, there's bluestone, you probably know
14 the history about that application.

15 MR. PEREIRAS: I do.

16 MR. GARCIA: I'm that kind of concerned
17 person like that. It's like not even -- I mean
18 also to protect your client.

19 MR. PEREIRAS: Yes.

20 MR. GARCIA: You know what I mean? It's
21 like -- especially with this kind of application,
22 you know, it's something like this, we really --
23 it's something for the community. However, it's
24 something also for Union City and one of the
25 comments in a prior application was oh, that's

1 going to be dilapidated in the other application,
2 remember?

3 I think that -- I don't know I'm going
4 to go to the comments after the other people went
5 to ask.

6 CHAIRPERSON GRULLON: My concern is
7 still the parking. I understand that the governor
8 has, you know, mandated for every electrical car,
9 but that's when the counts go at least one to one
10 in the apartment. Right, now we have a big
11 deficiency. We have 18 apartment and only nine
12 physical parking spaces.

13 MR. HUGHES: No, 15.

14 CHAIRPERSON GRULLON: The other are
15 tandem, they're tandem parking? When I count how
16 many apartments can access one space, it's going
17 to be nine apartments that's accessing nine
18 parking spaces. At the beginning, I thought that
19 I had a page missing, maybe you have another floor
20 of parking.

21 MR. GARCIA: Elaborating on what Mr.
22 Chairman said, it's like we said, we love this
23 community, definitely. But, let's say -- let's go
24 to another community that is going through really,
25 really hardship. I'm Catholic, I'm seeing like

1 after many, many years, when the Catholic church
2 has an issue, you have all the building, all the
3 stuff. Let's say what happened and I know -- I
4 mean I believe in God and I know this is not the
5 case here, that they're going to think to do
6 business, this is for the community. But, let's
7 say, this building has to pass to a private
8 sector, not for a community. We have a big, big
9 huge deficiency in the parking.

10 MR. DOUGHERTY: So to answer that,
11 31 percent of your community uses mass transit.
12 When I look at this neighborhood, it is so unique,
13 I have one, two, three, four, five, six, seven,
14 eight, nine different bus lines that converge
15 right here at this site. On top of that, I
16 actually have a light rail station. If I were to
17 design any project in Union City, I would say no
18 parking here. That's this neighborhood, it's so
19 unique.

20 MR. GARCIA: How many percent of my
21 community use car?

22 MR. DOUGHERTY: 24 percent of your
23 community uses a car, one person, to commute to
24 work. 31 will use mass transit.

25 MR. GARCIA: You know the population of

1 Union City?

2 MR. DOUGHERTY: 65,000.

3 MR. GARCIA: Can you --

4 MR. DOUGHERTY: In 1.3 square mile
5 radius.

6 MR. GARCIA: Can you give me the 24
7 percent? It's not 64, it's around 70,000, that's
8 okay.

9 MR. DOUGHERTY: Census is 65.

10 MR. GARCIA: Okay. Can you use this
11 number and do the 24 percent?

12 MR. DOUGHERTY: 24 percent of 65,000
13 residents, ballpark in my head?

14 MR. GARCIA: I could do it.

15 MR. DOUGHERTY: 17,000 residents, is
16 that what that is? But when I look at this
17 neighborhood with nine bus routes, unique bus
18 routes and a light rail? I'm not worried about
19 the car here, I'm really not as a land use
20 planner.

21 CHAIRPERSON GRULLON: You're probably
22 not driving in Union City.

23 MR. DOUGHERTY: I just drove a big
24 pickup truck out here, a Dodge 2500, every month
25 I'm here.

1 CHAIRPERSON GRULLON: We can see you
2 don't live in Union City.

3 MR. DOUGHERTY: I live in Jersey City,
4 yeah.

5 CHAIRPERSON GRULLON: That's not the
6 case here. The case is that parking situation is
7 a big issue all over town. And like we're trying
8 to be reasonable, and at least when he approve an
9 application, have at least one parking space,
10 legal parking space per unit. Right now, what I
11 see here, I mean I don't care how many bus stop,
12 what we see is the parking situation, parking
13 condition is worsening, not getting any better.
14 And by you saying that 35 percent, 27 percent of
15 the population take transportation, that doesn't
16 guarantee me this property, you know.

17 We love the community, but down the
18 road, if it go to private sector, we're still
19 going to need one to one. We're going to need at
20 least one to one, in order to do to enough to feel
21 we're doing the right thing for the community.
22 That's what I thought you were going to be able to
23 provide, more parking spaces, at least one to one
24 with this application.

25 Mr. Garcia mentioned that making a

1 study, maybe you can dig in and come up with -- I
2 don't know. I don't want to put any more
3 recommendations here because it's a low
4 residential zone, you know, where only two
5 families are permitted. And we -- because of the
6 exception with the community, we try to see how we
7 can accommodate, but not without creating a
8 hardship for the neighborhood.

9 MR. PEREIRAS: Mr. Chairman, I hear you
10 loud and clear. And I agree with you on a number
11 of the points. So in addition to the parking on
12 the same block, what I propose and I ask for this
13 Board to consider, what we can do is if we
14 increase the height slightly -- and what I mean by
15 slightly is less than four feet more, which still
16 brings us to even to the adjacent structure, the
17 larger building that's there. If I do that, then
18 I'm going to have enough height that I can put a
19 parking system into the building. That parking
20 system will take the car, lift it up. And I'm
21 basically essentially doubling the parking on this
22 building. And the floor plans stays the same, the
23 drawing stays the same. The only thing that
24 changes is I'm going to be four feet taller. I'm
25 going to have a parking system within this that's

1 going to double our parking. So instead of those
2 15 parking spaces, I'm going to have 30 parking
3 spaces.

4 CHAIRPERSON GRULLON: Right now, you're
5 at like five feet above the permitted height?

6 MR. PEREIRAS: That's correct. However,
7 four feet higher is not going to make a difference
8 to that neighborhood. Those buildings will take
9 that. We're on Kennedy Boulevard. If you look at
10 the structures --

11 MR. GARCIA: Mr. Pereira, if you see
12 page three of exhibit A-2, the property 4612,
13 going to be squeezed between two buildings.

14 MR. PEREIRAS: That's correct, it would
15 be. And we have spoken to that -- those owners
16 and they're not here today because they're in
17 favor of this project.

18 MR. DOUGHERTY: I do want to note,
19 Manny, though that parking system a creative
20 solution, in the planning world, we have low
21 sprawling residential development, as we discussed
22 in a previous application. If you lived out let's
23 say Jefferson or Sparta, right, you need the car.
24 We're in an urban environment that is literally
25 surrounded by mass transit. We have different

1 types of developments, we all them TODs, transit
2 oriented development, and also BRTs. I would
3 really encourage from a land use perspective to
4 capitalize and utilize those nine bus routes as
5 well the light rail station within 600 feet from
6 the property.

7 MR. GARCIA: Well, let me ask you a
8 question. This is an R zone?

9 MR. DOUGHERTY: This is an R zone, yes.

10 MR. GARCIA: Correct. So when we do the
11 plans, all those transportation was there, and
12 that's no matter what they were there, we didn't
13 take that in consideration because we know the
14 issue with the parking, my friend.

15 MR. DOUGHERTY: I understand.

16 MR. GARCIA: I'm sorry, sir. Sorry --

17 MR. DOUGHERTY: No, I understand. I
18 can't say nor good nor bad. I think your zoning
19 in Union City is actually pretty spot on, you
20 really do hug in red, your commercial main roads.
21 I don't know why Kennedy was not zoned CN or
22 higher density, it is a major road. Especially
23 right around the college, I don't know why.

24 In my opinion, I think it gives the
25 community, the City, an opportunity safeguard this

1 area by bringing these applications in front of
2 you. And I think we have a really good
3 application here.

4 MS. PEREIRAS: Mr. Chairman, if I may?
5 Like I said before, we're back in front of this
6 Board because we really want to make the project
7 work. That's why we're having the dialogue with
8 the Board because we always say when the Board
9 works with us, that's when we come up with the
10 greatest planning project. So if you may, I'd
11 like to have an opportunity to revisit the parking
12 issue in particular because that seems to be the
13 issue or the only issue in front of the Board. If
14 we can just revisit that, see if we can make it
15 work a little better, to the liking of the Board.
16 So we'd like to have this carried, see if we can
17 address that and maybe come back to the Board with
18 additional parking.

19 CHAIRPERSON GRULLON: I mean, I know
20 parking is an issue. And I know we talk about the
21 amount of units, but would it be a chance to
22 reduce it more units?

23 MS. O'DELL: I do have a question. You
24 said there was 18 units?

25 MS. PEREIRAS: Correct.

1 MS. O'DELL: Unless I'm looking at this
2 wrong, all I see is 12.

3 MR. PEREIRAS: Six per floor. One of
4 the floors is identical, so we only show the one.

5 MR. DOUGHERTY: Instead of floor one
6 through four --

7 MS. O'DELL: So there's another floor.

8 MR. GARCIA: If you see that, the --

9 MS. O'DELL: I was like am I missing
10 something, I don't understand, where are they
11 counting all these floors, okay.

12 Now, the parking here, are these cars
13 one in front of the another?

14 MS. PEREIRAS: There are some tandem
15 spots, yes.

16 MS. O'DELL: So the guy in front would
17 have to more move in order for the --

18 MR. PEREIRAS: Correct.

19 MS. O'DELL: When they come out of the
20 driveway on the side, where exactly would that
21 driveway be? Like on this page four, the
22 driveway, you see here you have this here garage?

23 MR. PEREIRAS: That's our property,
24 we're tearing that down, so it's a little over.

25 MS. O'DELL: Is this where it's going to

1 come in or it's going to be here in the middle?

2 MR. PEREIRAS: It's right after that
3 garage.

4 MR. GARCIA: Between.

5 MS. O'DELL: Are you losing any spots
6 outside?

7 MR. PEREIRAS: No, because we're taking
8 away that garage and we're putting a curb cut.
9 We're not losing parking off the street.

10 MS. O'DELL: Okay. Okay, that was it.

11 MS. PEREIRAS: Thank you.

12 MR. GARCIA: I mean also, Ms. Pereiras,
13 taking in consideration that this is an R zone,
14 can you also consider it to lower it a little bit
15 the density, the units, can you --

16 MS. PEREIRAS: Can I have a moment with
17 my client? Maybe we can address some of this
18 stuff right now. If not, I'll request, again, my
19 adjournment.

20 MR. GARCIA: And I take a break.

21

22 (Whereupon a short recess was taken.)

23

24 MR. VALLEJO: Back on the record,
25 please. Ms. Pereiras.

1 MS. PEREIRAS: Mr. Chairman, having
2 heard the comments of the Board and having spoken
3 to our clients, I think the prudent thing would be
4 to adjourn this matter, give us a little longer
5 opportunity to flesh out the details and see if we
6 can rework this project in a way that would be
7 amenable to the Board.

8 CHAIRPERSON GRULLON: Yeah, I don't have
9 any objection to that. Any Members of the Board
10 have any objection?

11 MR. GARCIA: No.

12 CHAIRPERSON GRULLON: With that, I make
13 a motion to adjourn this application to the next
14 board meeting, July 6th.

15 MR. VALLEJO: Motion by --

16 MR. PANEQUE: Ms. Pereiras, before we
17 have the roll call, you waive the statutory time
18 periods?

19 MS. PEREIRAS: Yes, of course.

20 MR. PANEQUE: And no further notice will
21 be required.

22 MS. PEREIRAS: Thank you very much,
23 Counsel.

24 MR. VALLEJO: Motion on the table to
25 adjourn this application for July 6, 2023, by Mr.

1 Grullon. Any second on the motion?

2 MS. SAN MARTINO: Second.

3 MR. VALLEJO: Seconded by Ms. San

4 Martino. Roll call on the motion.

5 Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. O'Dell.

10 MS. O'DELL: Yes.

11 MR. VALLEJO: Mr. Garcia.

12 MR. GARCIA: Yes.

13 MS. SAN MARTINO: Five in favor, motion
14 carries.

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1 **B & V INVESTMENT -**

2 **3810-14 32ND STREET:**

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4 MR. VALLEJO: Back on the record. Next
5 application on tonight's agenda is B & V
6 Investment, LLC, 3810-14 32nd Street. Ms.
7 Pereiras, please.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of the applicant. Jurisdiction was acquired at
10 last month's meeting. Unfortunately, we weren't
11 able to be heard because we did not have a full
12 complement of the Board at that time. I
13 understand that it's late and everybody wants to
14 go home, so I have no objection to having this
15 matter carried to the July 6th meeting.

16 CHAIRPERSON GRULLON: Thank you, Ms.
17 Pereiras, thank you. We do have an curfew of 10,
18 it's past 10.

19 MR. PANEQUE: Ms. Pereiras, you waive
20 the statutory time limits?

21 MS. PEREIRAS: I do.

22 MR. VALLEJO: Let the record show that
23 Ms. Gutierrez joined the meeting.

24 CHAIRPERSON GRULLON: I make a motion to
25 carry this application to the next board meeting.

1 MR. VALLEJO: Motion by Mr. Grullon.

2 VICE CHAIRPERSON GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion to adjourn this
5 application to July 6, 2023, number six, B & V
6 Investment, LLC, 3810-14 32nd Street. Roll call
7 on the motion.

8 Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: 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 **810 6TH STREET, LLC -**
2 **10 6TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 810 6th Street, LLC. Ms.
6 Pereiras, please.

7 MR. A. PANEQUE: Let the record reflect
8 that I have been provided by Ms. Pereiras with the
9 following documentation:

10 Certification as to publication and
11 service stating that on May 25th, their office
12 mailed to all the properties within the 200 foot
13 radius of 810 6th Street, Union City, New Jersey,
14 notices.

15 The list of property owners to be served
16 with notice within the 200 foot radius of the
17 property dated May 25, 2023.

18 The notice provided to all the property
19 owners within the 200 foot radius.

20 Certified mail receipts postmarked
21 May 25, 2023.

22 The legal affidavit from The Jersey
23 Journal published on May 27, 2023.

24 Based on the documentation that's been
25 provided to this Board, this Board has

1 jurisdiction to hear the application.

2 MS. PEREIRAS: Thank you very much,
3 Counsel. Bianca Pereiras on behalf of the
4 applicant, 810 6th Street, LLC, for property at
5 810 6th Street, also known as Lot 6 in Block 31.
6 The application before the Board is to for a
7 two-family home. We're slightly undersized and
8 that's the reason we're coming before the Board,
9 that we trigger some variances here. We have one
10 expert to testify before the Board and that is our
11 architect, Mr. Manuel Pereiras.

12 CHAIRPERSON GRULLON: Give me one
13 second. Carlos, do we have the plans?

14 MS. PEREIRAS: We have one person to
15 testify before the Board, that is our architect
16 Mr. Manuel Pereiras.

17

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

19

20 MS. PEREIRAS: Mr. Pereiras, are you
21 familiar with the property at 810 6th Street?

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I did.

1 MS. PEREIRAS: Would you kindly describe
2 the two-family home and the variances that are
3 triggered?

4 MR. PEREIRAS: I'd be very happy to. I
5 do recognize that I am still under oath.

6 This is a very simple application. We
7 have a two-family house in a two-family zone.
8 We're compliant with everything we can. The
9 reason we have some variances that are triggered
10 is because the lot's undersized a little bit. It
11 is only 22 feet wide. So what I'm proposing to do
12 is have a zero setback along the east side and
13 that is appropriate because the adjacent structure
14 is setback three feet, so it works very well. And
15 on the west side, we have a three foot setback for
16 everything above, but where the cars park, we have
17 a two foot setback. In the rear, we have a 15
18 foot rear yard as opposed to the 20 feet that's
19 required.

20 Otherwise, we're in compliance with
21 everything else. Our building is three stories.
22 Just to go through the plans very quickly, on the
23 ground floor, we have two entrances, one for each
24 of the apartments, left and right, and the
25 driveway aisle right down the middle. You get

1 through the garage doors and we have space for
2 four cars. We widened it there, that's why we're
3 asking for a little bit of a variance on the width
4 so we can fit the four cars comfortably in tandem.
5 So each of the apartments have two cars.

6 You take the stairs up, you get to the
7 first unit, open dining room, kitchen, living room
8 layout, with nice beautiful huge windows out to
9 the front. And then you have the privacy corridor
10 to the three bedrooms, two kid bedrooms and one
11 master bedroom that has its own bathroom and
12 walk-in closet. The floor above is identical,
13 except the stairs are in different locations. So
14 on the floor above, you come up the stairs at this
15 point, you turn around and that's the living room,
16 dining room and kitchen. And the same thing for
17 the bedrooms. Apartment number one gets the rear
18 yard, apartment number two gets the roof deck.
19 And we'll do exactly what we did on all the other
20 projects, we'll create a parapet that's 46 inches
21 high, smooth material --

22 MR. GARCIA: 48.

23 VICE CHAIRPERSON GUTIERREZ: 48.

24 MR. PEREIRAS: 48 inches, no problem,
25 four feet high parapet so kids can climb up there.

1 And then the bulkhead is a very small bulkhead, it
2 drops down as you move back.

3 The facade, very simple, very clean. We
4 have brick on both sides, metal panels in between,
5 huge beautiful windows and nice good looking
6 garage door in the front. We have siding on the
7 sides of the building. Here you can see in
8 profile how it works with the garage that's going
9 to be a foot wider so cars can fit in there. And
10 the roof deck in the back. That concludes my
11 testimony.

12 CHAIRPERSON GRULLON: Mr. Pereiras, is
13 that an empty lot?

14 MR. PEREIRAS: It's an empty lot, it's
15 been empty for many years, yes.

16 MR. GARCIA: Two-family is permitted?

17 MR. PEREIRAS: It's a permitted use,
18 yeah. So we have just to be clear and put on the
19 record, I'm just going to walk through the
20 variances. We have a various for lot width, 25 is
21 required, we're at 22. We have rear yard, 20 is
22 required, we're at 15. We have side yard, two
23 feet is required on one side, five feet on both.
24 We have two feet on one side. We don't have the
25 both as five feet because we have zero on the

1 opposite side.

2 We have a -- and there are no other
3 variances. Everything else we comply with.

4 MS. O'DELL: This will be two-family
5 home, but technically three stories?

6 MR. PEREIRAS: Yes, it's a three store.
7 We put the parking below and then one unit on each
8 of the two floors, exactly what Union City kind of
9 wants.

10 CHAIRPERSON GRULLON: Mr. Pereiras, for
11 fire safety, like two feet for firefighters to go
12 to the back?

13 MR. PEREIRAS: It's 3 feet actually. So
14 the two feet is only that portion where the cars
15 are at the lowest level. Everything else is
16 three feet so the fire department can get through
17 all the windows, access perfectly fine.

18 CHAIRPERSON GRULLON: They're able to
19 access the back of the building?

20 MR. PEREIRAS: Yes.

21 MR. GARCIA: Is it another means of
22 egress?

23 MR. PEREIRAS: Not required because it's
24 a two-family house. So this Board doesn't really
25 tend to have the two-family houses for it, site

1 plan exempt.

2 CHAIRPERSON GRULLON: Okay. Any other
3 member has any questions. Do you have another
4 witness, Ms. Pereiras?

5 MS. PEREIRAS: We do not.

6 CHAIRPERSON GRULLON: Okay. The reason
7 why you're asking for this variance is because you
8 have an undersized lot, there is no opportunity
9 for you to increase that?

10 MR. PEREIRAS: That's our hardship, yes.

11 CHAIRPERSON GRULLON: Okay. Taking in
12 consideration -- I'm sorry, no questions from the
13 Members of the Board? At this time, I want to
14 open to the public. Any member of the public want
15 to step forward on this application? Hearing
16 none, close to the public.

17 Taking in consideration that this
18 application is conforming to the zoning map of
19 two-families are permitted, I make a motion to
20 grant this application.

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

24 Mr. Grullon.

25 CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Mr. Garcia.

8 MR. GARCIA: Yes.

9 MR. VALLEJO: Ms. San Martino.

10 MS. SAN MARTINO: Yes.

11 MR. VALLEJO: Six in favor, motion

12 carries.

13 MS. PEREIRAS: Thank you all very much.

14 Have a good night. Enjoy the rest of your summer.

15 VICE CHAIRPERSON GUTIERREZ: Thank you.

16 MR. VALLEJO: We'll see you on the 6th.

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ADOPTION OF RESOLUTIONS:

1. 1512 Palisade Avenue - 1512 Palisade Avenue
Block: 181 Lot: 4 addition and conversion from
one (1) family to four (4) family. **Denied**

MR. VALLEJO: We are moving to
resolutions now. We have seven resolutions on
tonight's agenda.

Resolution number one, 1512 Palisade
Avenue. This application was denied at the
previous meeting.

Can I have a motion to memorialize the
resolution?

MR. GARCIA: Motion.

MR. VALLEJO: Motion by Mr. Garcia.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Second by Ms. Gutierrez.

Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes. Five in favor,
4 motion carries.

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ADOPTION OF RESOLUTIONS:

2. 509-513 Bergenline Avenue, LLC, 509-513 Bergenline Avenue. Block: 23 Lots: 29-31. The applicant proposes to construct a four story, six-unit, multifamily building. A total of 11 parking spaces are provided. Approved.

MR. VALLEJO: Resolution number two, 509-513 Bergenline Avenue. 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?

MR. ORTIZ: Second.

MR. VALLEJO: Second by Mr. Ortiz. Roll call on the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: I recuse myself.

MR. VALLEJO: I'm sorry, he recused.

1 Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Four in favor, one
6 abstention, motion carries.

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ADOPTION OF RESOLUTIONS:

3. Black Cat Palisade, LLC. 804 Palisade Avenue.
Block: 186, Lot: 18. Legalization of basement
apartment to go from 2 units to 3 units. Approved

MR. VALLEJO: Resolution number three,
Black Cat Palisade, 804 Palisade Avenue. This
application was approved at the previous meeting.

Can I get a motion to memorialize the
resolution?

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.
Seconded by?

MR. GARCIA: Second.

MR. VALLEJO: Mr. Garcia. Roll call on
the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Five in favor, motion

3 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 4. 391 Mountain Road, LLC, 391 Mountain Road.
3 Block: 175, Lot: 48. Applicant proposes to a
4 rear addition and the conversion of one family
5 into a two family. **The approval resolution was**
6 **memorialized on 06-10-2021. The applicant is**
7 **requesting 1 year extension. Approved.**

8
9 MR. VALLEJO: Resolution number four,
10 391 Mountain Road, LLC. 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 Any second on the motion?

17 MR. GARCIA: Aye.

18 MR. VALLEJO: Second by Mr. Garcia.
19 Roll call on the motion.

20 Ms. Gutierrez.

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Five in favor, motion
6 carries.

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ADOPTION OF RESOLUTIONS:

5. Massimo A. Bassi & Fabiana Zangara - 2015
Palisade Avenue Block: 111 Lot: 15. Interior
renovations and construct a rooftop addition and
deck on an existing two-family dwelling. **Approved.**

MR. VALLEJO: Resolution number five,
Massimo A. Bassi and Fabiana Zangara, 2015
Palisade Avenue. This was approved at the
previous meeting.

Can I have a motion to memorialize the
resolution?

MR. GARCIA: Motion.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Garcia
first, seconded by Ms. Gutierrez. Roll call on
the motion.

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: 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:

6. ER Home Group - 1309 Bergenline Avenue Block:
65, Lot: 5. Legalize two (2) existing
apartments, will be a total of 4 units. Approved.

MR. VALLEJO: Resolution number six, ER
Home Group, 1309 Bergenline Avenue. 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?

MR. GARCIA: Aye.

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

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

7. Kimberley Guelnder 411 42nd Street, Block:
240, Lot: 24.02. The applicant proposes to
legalize the conversion of a warehouse building
into a two-bedroom apartment. Approved.

MR. VALLEJO: Resolution number seven,
Kimberley Guelnder, 411 42nd Street.

Can I have a motion to memorialize this
resolution?

MR. GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

VICE CHAIRPERSON GUTIERREZ: Second.

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

Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Five in favor, motion
2 carries.

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ADJOURNMENT :

MR. VALLEJO: With no further applications on tonight's agenda, can I have motion to close tonight's meeting?

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

CHAIRPERSON GRULLON: Second.

MR. VALLEJO: Seconded by Mr. Grullon. All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it. Let the record show the meeting has ended.

(Whereupon the meeting was adjourned at 10:23 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