

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

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

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

Thursday, July 6, 2023
Commencing at 6:15 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
VIVIAN O'DELL
ALTAGRACIA SAN MARTINO
ANDRES GARCIA

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

RAYMOND CETINICH
ROSIO PENA
GERALDINE PEREZ
MINDRY WATLEY

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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Attorney for Applicant, Juan Vizqueta

VITTORIO VELLA, ESQ.
Attorney for Applicant, Hung Fat, Inc.

VITTORIO VELLA, ESQ.
Attorney for Applicant, JFK Realty

VITTORIO VELLA, ESQ.
Attorney for Applicant, B&V Investment, LLC

VITTORIO VELLA, ESQ.
Attorney for Applicant, Rino Management, LLC

VITTORIO VELLA, ESQ.
Attorney for Applicant, Oz Holdings, LLC

VITTORIO VELLA, ESQ.
Attorney for Applicant, Park Ave
Investments, LLC

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

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

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent at this time, he's coming.

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: Mr. Cetinich is absent.

We have five members present for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Now we're going to approve
the previous meeting minutes for June 8, 2023.
Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Five in favor, motion
carries.

* * * *

1 **JUAN VIZUETA -**

2 **534 42nd Street:**

3
4 MR. VALLEJO: Moving to hearings and
5 applications on tonight's agenda. Juan Vizqueta,
6 534 42nd Street. Mr. Alonso, please.

7 MR. PANEQUE: Let the record reflect as
8 follows, I've been provided by Mr. Alonso with an
9 affidavit indicating that notice of tonight's
10 hearing at this location was sent out to all
11 property owners within the 200 foot radius of
12 53442nd Street, said affidavit is dated June 29,
13 2023, and it indicates that the notice went out on
14 June 24th.

15 I've also been provided with an
16 affidavit from The Jersey Journal indicating that
17 notice of tonight's hearing was published in the
18 The Jersey Journal on June 24, 2023.

19 I've also been provided with a copy of
20 the letter that went out to all property owners
21 within the 200 foot radius, as well as the tax
22 list from the Union City tax assessor's office
23 listing all property owners within a 200 foot
24 radius of Block 244, Lot 10, property known as 534
25 42nd Street, said tax list has date of June 14th,

1 2023.

2 And lastly I've been provided with the
3 certified mail receipts with a postmark date of
4 June 24, 2023.

5 Based on the documentation provided by
6 Mr. Alonso, this board has jurisdiction to proceed
7 and hear the matter.

8 MR. ALONSO: Thank you, Mr. Paneque.
9 Good evening, members of the board. For the
10 record, Alvaro Alonso on behalf of the applicant.
11 This was actually approved back in 2018. And what
12 I filed is an amendment to that prior approval.
13 When we came before the board, I presented
14 evidence that there's two units -- three units in
15 the front, two legal, one illegal; two units in
16 the rear, one legal, one illegal. I sent in
17 proofs that it's been occupied for many years and
18 it's been an ongoing condition.

19 We came to legalize the two lower
20 basement units, one in the front and one in the
21 back building, two separate buildings. The board
22 approved it in 2018, I attached a copy of the
23 memorializing resolution to the application, you
24 should have a copy of that. There were a number
25 of legal issues that resulted from the use of that

1 property. I was representing my client before the
2 Hudson County Construction Board of Appeals with
3 respect to violations that were issued with the
4 building department. We went to municipal court
5 with other violations. And we were dealing with
6 the City with the rent assistance program to help
7 relocate some of the tenants.

8 And, ultimately, my client went to get
9 permits to do the renovations. At that time, it
10 was determined that it was going to be cost
11 prohibitive because in order to meet to the
12 construction code, he needed to spend a lot of
13 money. So he decided he wasn't going to move
14 forward with the legalization of the units, so he
15 kind of just left it alone.

16 The City then comes in, the fire
17 department comes in, and says, hey, listen, we
18 have you listed as five units, so you have to
19 comply with the fire codes. So my client
20 explained to them I don't need to because I didn't
21 legalize the two units. They said we have it as
22 five, you need to legalize it.

23 My client went ahead, hired an
24 architect, spend the money, brought both buildings
25 up to code. And then they said, okay, you have

1 five units, go ahead and rent it. He rented it.
2 The City comes in and says you never got the
3 permits to legalize the units, even though you had
4 the approvals.

5 We then had a meeting at the site. Mr.
6 Valella was present, my client who's here, he was
7 present, Sal Felice was there, and the town
8 attorney was there, we walked through both units.
9 And we entered into an agreement that we're going
10 to use the rear unit, legalize that; and we're
11 going to abandon the front unit. The only issue
12 was that that approval had expired. I came before
13 the board, you may recall, I asked for an
14 extension of the approvals. Mr. Paneque, you
15 indicated that since we're abandoning one of the
16 units, it changes the approval. So we needed to
17 come back for a new approval.

18 With that long history said, we're now
19 here, just to legalize the rear unit and we're
20 going to abandon the front unit. So I hope I
21 didn't confuse you too much, but I'm going to call
22 Mr. Valella to explain the rear unit.

23 CHAIRPERSON GRULLON: Mr. Alonso, just
24 to be clear, now we're looking to have five units,
25 just two and two, four units?

1 MR. ALONSO: Correct, four units.

2 MR. GARCIA: But that's not what the
3 memo says. The memo says the legalize existing
4 second unit in the rear building -- it will be
5 converted from a three unit building to a
6 two-family dwelling.

7 MR. ALONSO: Correct.

8 MR. GARCIA: Four units.

9 MR. VALELLA: That was a mouthful.

10 MR. ALONSO: Trying to make --

11 MR. GARCIA: When we start to hear the
12 testimony, then we need to be clear what the
13 application is.

14

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

17

18 MR. VALELLA: Good evening. My name is
19 Orestes Valella, V-A-L-E-L-L-A. I'm still a
20 licensed architect in the State of New Jersey.

21 CHAIRPERSON GRULLON: We accept your
22 qualifications, Mr. Valella.

23 MR. VALELLA: Thank you. And my office
24 is still at 507 43rd Street in Union City.
25 Everything is the same.

1 MR. PANEQUE: Your license is still
2 valid?

3 MR. VALELLA: Yes.

4 MR. PANEQUE: Okay.

5 MR. VALELLA: Just took my continuing
6 education the last hour that I needed.

7 So this property is on 42nd Street,
8 between JFK and Bergenline Avenue. It's Block
9 244, it's Lot 10. It's an existing 25 by 100, it
10 has two structures on the property. The front
11 unit, which is a two-family, and that will remain
12 a two, we're going to eliminate the apartment
13 downstairs. And then there's an existing
14 structure, which we call building B in the rear,
15 where we'd like to legalize one unit.

16 Now, how we do that. If you look at
17 page 2, V2 -- and again we met with the building
18 department and whatever we are presenting to you,
19 they are -- you know, we worked with them and
20 they're satisfied to do that. So the basement to
21 the front unit will be eliminated, the kitchen
22 will be removed, the shower will be removed,
23 doorways will be removed, walls will be removed.
24 And there's a significant amount of agreement that
25 will satisfy the building department that that

1 basement will no longer be habitable or possible
2 for somebody to occupy it. There won't be any
3 kitchens, there won't be any shower, and the
4 bedrooms have all the doors eliminated, et cetera.
5 So what we're proposing there is the elimination
6 of that apartment.

7 Now, having said that, the rear dwelling
8 unit, rear building, what we call building B is
9 where on the ground, it's a little shallow, it's
10 not a true ground floor. There's a couple steps
11 down, but it's very up high. And there is where
12 we have the apartment that we'd like to legalize.
13 It's a one-bedroom apartment and that is what we
14 call apartment number 4. It has a kitchen, living
15 area, a bathroom, and the bedroom on the left. It
16 has the mechanical plan. And upstairs is a
17 duplex, where the second unit is existing and
18 there's no work to be performed there. Also I've
19 shown, for clarity and full transparency, the
20 units above on the front building, apartment one
21 and apartment two. And again no work is to be
22 performed there.

23 Again, a lot of notes that we've added
24 lighting in the ceiling, repairs, and the
25 cabinetry. So there's work that needs to be

1 performed there, but all that work was
2 negotiated -- not negotiated, but reviewed and
3 we've come to an agreement with the building
4 department. Should you grant this application,
5 then they will be fine with the repairs that will
6 be undertaken.

7 We're not making this property any
8 bigger, any smaller. These units have been there
9 forever, there's no impact to the neighborhood.
10 The only impact is the density is being reduced
11 because we are eliminating one dwelling unit from
12 the front. But you know the established pattern
13 of living with a number of occupants and the
14 density itself, everything remains intact.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Valella. Mr. Valella, you're not touching
17 anything on the first floor or second floor?

18 MR. VALELLA: No, we're not touching
19 anything on either building on the first or second
20 floor. Those living apartments are fine and
21 there's no need to do anything.

22 CHAIRPERSON GRULLON: But what you are
23 proposing to do is to renovation of the basement
24 area?

25 MR. VALELLA: A full renovation of the

1 rear apartment. And then a renovation on the
2 front to eliminate the possibility of it being
3 used.

4 CHAIRPERSON GRULLON: Two units.

5 MR. VALELLA: Right.

6 CHAIRPERSON GRULLON: You say that you
7 are making this building more in compliance with
8 safety?

9 MR. VALELLA: Yes. This is a great
10 opportunity because when we went through with the
11 building department, you know, we want fire rating
12 here, we want emergency lights here, we want
13 additional lights here. So there's a host of
14 things that normally don't come up -- you know,
15 this was an opportunity to get all the technical
16 stuff out of the way. So it would be a very good
17 upgrade in life safety of this.

18 CHAIRPERSON GRULLON: There are no
19 changes proposed on the footprint of the building?

20 MR. VALELLA: No, no, it all stays the
21 same.

22 CHAIRPERSON GRULLON: I don't have any
23 more.

24 MR. GARCIA: I have a question. Again,
25 I ask the first question, it's going to be

1 four units?

2 MR. VALELLA: Yes.

3 MR. GARCIA: Why, in V2, I have
4 apartment one, two, three, apartment number 5,
5 duplex apartment number 5?

6 MR. VALELLA: The apartment in the
7 front -- in the rear is being eliminated. And
8 then apartment one and two in the front, those
9 remain. And then in the back, we have apartment
10 number four, which is the apartment that we are
11 renovating. And there's an error here because
12 apartment number five is really apartment number
13 three, which is a duplex.

14 MR. GARCIA: I don't see any drawings
15 showing four. I see one, two, three, five.

16 MR. VALELLA: If you look in the ground.

17 MR. GARCIA: Apartment four, yes.

18 MR. VALELLA: That five is really a
19 three.

20 MR. GARCIA: But I have apartment three
21 here?

22 MR. VALELLA: No.

23 MR. GARCIA: Here, number three to be
24 eliminated?

25 MR. VALELLA: Yes.

1 MR. GARCIA: So can we --

2 MR. VALELLA: This three is being
3 eliminated.

4 MR. GARCIA: Which one is number two?

5 MR. VALELLA: This is one.

6 MR. GARCIA: This is two.

7 MR. VALELLA: Three is being eliminated.

8 MR. GARCIA: This one going to be
9 eliminated?

10 MR. VALELLA: Four is the one we're
11 legalizing. And we numbered it as five, but
12 that's the apartment that stays. So it stays at
13 four.

14 MR. GARCIA: Okay.

15 MR. VALELLA: There's presently five,
16 we're going to four.

17 MR. GARCIA: I'm kind of an alphabet,
18 you know. So I think that for the -- try to avoid
19 this error in the future plans because may bring a
20 lot of confusion.

21 MR. VALELLA: Okay, taken.

22 MR. GARCIA: Thank you.

23 CHAIRPERSON GRULLON: Any other members
24 of the board? Mr. Alonso, do you have any other
25 witness?

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

3 MR. GARCIA: I'm going to talk again. I
4 Mr. Grullon asked already, there's not going to be
5 any structure, any repair outside? It's going to
6 be the same setback?

7 MR. VALELLA: Everything stays.

8 MR. GARCIA: Everything is existing?

9 MR. VALELLA: Everything stays the same.
10 All the lot coverage, the building coverage, side
11 yards, front yard, rear yard. We're not making
12 the structure any bigger. It's staying exactly as
13 it is.

14 MR. GARCIA: Okay. I have no further
15 questions.

16 CHAIRPERSON GRULLON: Anybody else on
17 the board?

18 At this time, I want to open to the
19 public. Any members of the public want to step
20 forward on this application?

21 MR. GARCIA: I'm going to have another
22 question, just for the record.

23 MR. VALELLA: Okay.

24 MR. GARCIA: I know the issue that we're
25 having with parking. This is way, way preexisting

1 condition with the parking and everything, is
2 there any way to add at least one parking?

3 MR. VALELLA: No, no. The house is
4 7.7 feet from the property line, so there's no --
5 and there's no side yard. So there's absolutely
6 no way to accommodate a vehicle on the property.

7 MR. GARCIA: Okay. Thank you very much.

8 CHAIRPERSON GRULLON: Thank you, Mr.
9 Garcia.

10 At this time, I'll open to the public.
11 Any member of the public wants to step forward?
12 Hearing none, close to the public.

13 One thing that I would like to mention
14 here, Mr. Valella, it's a little bit confusing by
15 looking at the changes you're making and all that.
16 If you could just -- I mean I would like to see
17 revised plans, showing the proposed layout of the
18 basement.

19 MR. VALELLA: No problem.

20 CHAIRPERSON GRULLON: You can leave that
21 alone, maybe put on another side here, or you
22 could just provide a nice plan with the layout
23 that we want as you propose for the basement
24 level.

25 MR. VALELLA: Okay, no problem.

1 CHAIRPERSON GRULLON: Okay. Taking into
2 consideration that there's no opportunity to
3 provide parking, but by doing this it's going to
4 bring this building to a better safety condition,
5 it's going to have the opportunity to be more
6 safe, I make a motion to grant this application to
7 go to four units, two structures, two units in the
8 front, two units in the back and, please, with
9 revised plans.

10 MR. VALELLA: Yes.

11 MR. VALLEJO: Motion on the table to
12 grant the application by Mr. Grullon. Any second
13 on the motion?

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 MR. VALLEJO: Seconded by Ms. Gutierrez.
16 Roll call on the motion. Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Ms. O'Dell.

21 MS. O'DELL: Yes.

22 MR. VALLEJO: Mr. Garcia.

23 MR. GARCIA: Yes. I have -- this is
24 approval. But the resolution will be taken after
25 we receive the revised plans, right?

1 MR. VALLEJO: When they provide ten days
2 before the next hearing day, we'll be fine. Then
3 you can adopt the resolution. The only thing I
4 need is that page, then you can --

5 MR. GARCIA: The V2.

6 MR. VALELLA: Okay.

7 MR. GARCIA: Yes.

8 MR. VALLEJO: For the record, so far we
9 have ayes from Mr. Grullon, Ms. Gutierrez, Ms.
10 O'Dell, Mr. Garcia.

11 Ms. San Martino.

12 MS. SAN MARTINO: Yes.

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

15 MR. ALONSO: Thank you very much.

16 MR. VALELLA: Thank you very much.
17 We'll have those for you before the ten days.

18 * * * *

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1 **RINO MANAGEMENT, LLC -**

2 **411 38th Street:**

3
4 MR. VALLEJO: We're going to change a
5 little bit the order of tonight's agenda. We're
6 going to move now to Rino Management. Mr.
7 Pereiras, please.

8 MR. VELLA: Good evening. May it please
9 the board, Vittorio Vella on behalf of the Law
10 Office of Bianca Pereiras, representing Rino
11 Management, LLC, 411 38th Street, Block 220, Lot
12 22. I'm respectfully requesting adjournment for
13 this matter, I believe jurisdiction was previously
14 established. I ask that this matter be adjourned
15 to the next hearing date without need for renote
16 or publication.

17 MR. PANEQUE: Is there a reason for a
18 request for an adjournment?

19 MR. VELLA: There is. There was
20 apparently a discrepancy between our records and
21 the records from the building department. We are
22 attempting to address the discrepancy before
23 appearing before the board. So we're not prepared
24 to appear before the board at this time.

25 CHAIRPERSON GRULLON: This is your first

1 request for adjournment on this application?

2 MR. PEREIRAS: Second.

3 MR. GARCIA: Why was it adjourned in
4 July? Why was it adjourned?

5 MR. PEREIRAS: The Union City building
6 department issued the memo the day of the meeting.
7 And the memo does not match our records and our
8 applicant has substantial proofs that the records
9 are not reflecting what it is. So we've been in
10 dialogue with the building department and
11 unfortunately they've been a little slow in
12 reacting back. But we're hoping to get a new memo
13 with the proper counts so that we can present this
14 board with the proper case.

15 MR. PANEQUE: Okay. Counsel, does your
16 client waive the statutory time limits in which
17 this board has to hear this matter?

18 MR. VELLA: Yes.

19 MR. PANEQUE: Thank you.

20 CHAIRPERSON GRULLON: Just to give you
21 the opportunity to address the matter with the
22 building department.

23 MR. VALLEJO: Mr. Chairman, let the
24 record show that Mr. Ortiz joined the meeting at
25 6:37.

1 CHAIRPERSON GRULLON: I make a motion to
2 accept the adjournment of this application to the
3 September meeting.

4 VICE CHAIRPERSON GUTIERREZ: Second.

5 MR. VALLEJO: Motion on the table to
6 adjourn the application for September 14, 2023,
7 same place, same location meeting by Mr. Grullon.
8 Seconded by Ms. Gutierrez.

9 Roll call on the motion to adjourn this
10 application. Mr. Grullon.

11 CHAIRPERSON GRULLON: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 VICE CHAIRPERSON GUTIERREZ: Yes.

14 MR. GRULLON: Mr. Ortiz.

15 MR. ORTIZ: I abstain.

16 MR. VALLEJO: It's to adjourn.

17 MR. PANEQUE: He's abstaining. He
18 didn't walk in until after the --

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Ms. San Martino.

24 MS. SAN MARTINO: Yes.

25 MR. VALLEJO: Five in favor, one

1 abstention, motion carries. No new notice
2 required.

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1 **OZ HOLDINGS, LLC -**
2 **506 Lincoln Street:**
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4 MR. VALLEJO: We're moving now to
5 number six on the agenda, that would be number
6 three now. Oz Holdings, LLC, 506 Lincoln Street.

7 MR. PANEQUE: Let the record reflect as
8 follows. I've been provided by counsel with the
9 following:

10 Certification as to publication and
11 service indicating that notice of tonight's
12 hearing with respect to the property at 506
13 Lincoln Street was provided to all property owners
14 within the 200 foot radius on June 26, 2023.

15 I've been provided with an affidavit of
16 publication from The Jersey Journal giving notice
17 of tonight's hearing with respect to this
18 application at this location. Said notice was
19 published on June 24th.

20 I've also been provided with a tax list
21 from the Union City tax assessor's office noting
22 all property owners within the 200 foot radius,
23 with a date of June 26, 2023, as well as the
24 certified mail receipts with a postmark date of
25 June 26, 2023.

1 Based on the documentation provided,
2 this board has jurisdiction to proceed and hear
3 this matter.

4 MR. VELLA: Again, may it please the
5 board, Vittorio Vella on behalf of the Law Office
6 of Bianca Pereiras, on behalf of Oz Holdings, LLC.
7 This is an application for the property located at
8 506 Lincoln Street, also known as Lot 45 in Block
9 254, for the construction of a two-family house on
10 a vacant lot. We have one expert for this
11 evening, our architect, Mr. Manuel Pereiras.

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

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

19 CHAIRPERSON GRULLON: We accept your
20 qualifications.

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

22 MR. VELLA: Mr. Pereiras, you're
23 familiar with the project and property located at
24 506 Lincoln Street, correct?

25 MR. PEREIRAS: I am.

1 MR. VELLA: And in fact you prepared the
2 drawings that are presently before the board?

3 MR. PEREIRAS: I have.

4 MR. VELLA: Would you be kind enough to
5 take the board through the project, please?

6 MR. PEREIRAS: I'd be very happy to.
7 Actually, just to give the board a little bit of
8 history, this board approved a three-family house
9 on this site several years ago. The economy
10 wasn't okay to -- the financials of the client
11 weren't okay to build it. Since then, the permits
12 have expired and we're coming to his board today
13 with a two-family house, which is exactly in line
14 with our ordinance. We thought a two-family house
15 was much more appropriate than the three-family
16 house.

17 However, we're here before you for
18 several reasons. It's an undersized lot and I'm
19 going to refer now to the drawings to my right are
20 the same drawings submitted to the board. If you
21 look at the tax map, this property is in the rear
22 of a property off of Bergenline Avenue. So we're
23 actually falling into the CN district, even though
24 all the neighbors to the east of it are all
25 residential two-family houses, this technically

1 falls into CN. So the district is asking us to
2 put commercial there with residential above. We
3 don't feel it's an appropriate use of the space.
4 It's not on Bergenline Avenue, it's on Lincoln
5 Street. So what we're proposing is a two-family
6 house, which I think is perfectly in line with
7 what the city actually wants in this location.

8 We have a few existing nonconformities.
9 First and foremost, where 2,500 square foot lot is
10 required, we're at 1,875 square feet. And where
11 100 foot depth is required, we're at 75 feet.
12 Obviously, these are existing nonconformities and
13 we have no opportunity to increase the size of
14 this lot in anyway without making another lot
15 that's adjacent deficient. So we're stuck with
16 this one site, those are existing nonconformities.

17 We have a variance for rear yard, simply
18 because we have such a small site, we can't meet
19 the requirements of the rear yard, so we're at
20 three foot one. And we have, we're meeting all
21 the other requirements. If you can see the site
22 plan, to the right of the this drawing -- to the
23 left of this drawing, we have a three foot side
24 yard setback to the west, a two foot side yard
25 setback to the east. We're on the property line

1 on Lincoln Street, however this is in conformance
2 and it's a prevailing front yard setback, so it's
3 in line with the rest of the neighbors. And we
4 are asking for the rear yard variance, we're at
5 three foot one from the rear.

6 However, we are dropping -- actually,
7 I'll just show you right now in the further
8 drawings, I'll explain that a little bit better.
9 We wanted to make sure that there was some rear
10 yard space, so what we did is we provided columns
11 in the rear yard. So at the ground level, it's a
12 little bit open. But in order to provide a simple
13 and useable two-family house, we did go back to
14 the three foot one rear yard setback.

15 On the ground floor, we have the
16 pedestrian entrance off of the stairs. And then
17 we have vehicle parking for four cars, so we'll
18 have two in tandem for each of the units. So
19 we're providing all the parking that's required
20 there. We have a space for a trash room, that's
21 accessed on the three foot side on the east. And
22 we have our hot water heaters located in the
23 basement as well, as well as our water main.

24 If you take the stairs up to the second
25 level, you're at a landing. And you're able to

1 choose both apartments. This is an important
2 thing to keep us as a two-family house, each
3 apartment has its own independent entrance from
4 the street. So you have the entrance for the
5 second floor apartment on the left-hand side. You
6 walk in, and you have a very modern design where
7 it's living room, dining room, kitchen all open.
8 And then you have the privacy area of the
9 apartment, two small bedrooms and a master along
10 the rear.

11 If you choose door number B, you take
12 the steps to the third floor and that's an
13 apartment of itself. You have a bedroom along the
14 front of the building, two bedrooms along the
15 rear. The back one being the master suite and
16 open dining room, living room, kitchen area is
17 along the middle of the building. It's a very
18 compact design, very efficient to work on the
19 small site.

20 As far as the facade -- and that unit
21 has access to a roof deck. So the first unit has
22 access to the downstairs space and they have some
23 outdoor space. And the top unit has access to a
24 roof deck. And just to be clear, that roof deck
25 is significantly setback. We setback about --

1 we're 14 feet from the front and about 25 feet
2 from the rear. So that deck is set inside the
3 building.

4 For our facade, it's a mixture of
5 materials, the majority of it being brick. So we
6 created this U-shaped brick with a nice simple
7 cornice, large windows, really opens up the living
8 space on that second floor and that large bedroom
9 on the top. And then vinyl siding as the building
10 is setback. It is vinyl siding on the sides of
11 the building and the rear.

12 As you can see here, we have a beautiful
13 garage door and the stairwell entrance on the
14 right-hand side of the building. And that
15 concludes my testimony. We have some photographs
16 so that you can see how it's located on the site.
17 Here's Bergenline Avenue, here's our building.
18 Along the back, you can see that it's a series of
19 two-family houses. A two-family houses fits
20 appropriately in this location. And then some
21 pictures of the area.

22 CHAIRPERSON GRULLON: Thank you, Mr.
23 Pereiras.

24 MR. PEREIRAS: I'm open for questions.

25 MR. PANEQUE: Any other witnesses?

1 MR. PEREIRAS: Unless the board requires
2 planning. We do have a planner here, if you like.

3 MR. PANEQUE: Yes. Mr. Pereiras, it is
4 a use variance and we have a rule that we have to
5 follow based on case law that indicates that when
6 a use variance is requested, you must have the
7 testimony of a planner.

8 MR. PEREIRAS: We're ready for that,
9 counsel.

10 MR. VELLA: Yes. Thank you. At this
11 time, we call Alex Dougherty as our witness.

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

16
17 MR. DOUGHERTY: Alexander Dougherty,
18 last name is D-O-U-G-H-E-R-T-Y, professional 54
19 Main Street, Chatham, New Jersey.

20 CHAIRPERSON GRULLON: Thank you, Mr.
21 Dougherty. We accept your qualifications, you've
22 been here several times.

23 MR. VELLA: Thank you. Mr. Dougherty,
24 you're also familiar with the project at 506
25 Listen Street, correct?

1 MR. DOUGHERTY: I am.

2 MR. VELLA: Would you be kind enough to
3 take the board through this project from a
4 planning perspective?

5 MR. DOUGHERTY: Certainly. I think we
6 have one of those unique applications before the
7 board tonight where it's right on the fringe of
8 the CN zone where residential is not permitted on
9 the ground floor, so that's kind of where we're
10 at. If you look at this property on Lincoln and
11 versus Bergenline, it's not orientated towards
12 Bergenline. From a planning standpoint, the
13 intent, as I see the zone, is the properties that
14 are orientated towards Bergenline, those would be
15 the ones that would be in there. So we're kind of
16 off to the back. If you look at the zone, the
17 lots a little bit smaller. So it's kind of
18 sitting right on that non-permitted use zone. And
19 we're right on the fringe, if you will, of the
20 residential zone where two families are permitted.

21 As you've heard just a moment ago, a
22 three-family was permitted here sometime ago, that
23 never manifested. Come back with something a
24 little more palatable, that makes sense. From a
25 use standpoint and a planning standpoint, I think

1 we'll be happier. We have an opportunity to fill
2 that missing void in the public realm with a new
3 house, parking is compliant. It's two-family.
4 We're putting, you know, residents right next to
5 the commercial neighborhood zone, which is what
6 the intent is of that zone for a neighborhood
7 commercial and having that density right there.

8 Having the first floor as residential,
9 from a planning perspective, I don't believe would
10 undermine the intent and the integrity of the
11 zone. When we look at some of these variances
12 that are correlated with this property, from a use
13 standpoint, we are deficient in lot area, as we've
14 heard, 2,500 square feet is what's required.

15 We're 1,875. It's really because we have a lot
16 depth deficiency, where 100 is required and we're
17 at 75. I think this is offset when we look at the
18 opportunity to put families next to the commercial
19 business zone, and at the same time mass transit.

20 We have an opportunity to provide for parking,
21 where four parking spots are required, we're
22 proposing four, two on each side for both units.

23 And at the same time, we have a rear yard
24 deficiency, where 20 feet is required and we're at
25 3.1. I think this is an offset, as we have ample

1 open space on the roof.

2 When I look at this opportunity from a
3 planning standpoint, to put this two-family house
4 here, I think given we're on the fringe of the
5 residential zone where two families are allowed
6 and the CN zone, when I look at that context, this
7 work in that context and condition. When we look
8 at this in the built neighborhood, we have two
9 families right here right next to us. We're
10 really orientated on the Lincoln Avenue, where
11 this works.

12 If we were to put a business here, I
13 think that would be more out of place and
14 inappropriate for this particular property. I
15 think this particular property is suited for this
16 use, and this use alone. Putting a business on
17 the ground floor in this neighborhood, I think,
18 would actually be doing that neighborhood an
19 injustice. The two-family house works here. And
20 with that, I'll conclude for any questions.

21 CHAIRPERSON GRULLON: Thank you. First,
22 Mr. Dougherty, on the west side of property, what
23 do you have there?

24 MR. DOUGHERTY: On the west side?

25 CHAIRPERSON GRULLON: Did you get an

1 opportunity to visit the area?

2 MR. DOUGHERTY: Yes. The east side
3 is --

4 MR. PEREIRAS: It's a two-family house.

5 CHAIRPERSON GRULLON: Two-family house.
6 How high is that?

7 MR. DOUGHERTY: I don't have that.

8 MR. PEREIRAS: It's like two-and-a-half
9 stories. The first floor is elevated, just like
10 our first floor and then there's two apartments.
11 And then -- but it does have a pitched roof,
12 whereas we don't. So it's actually taller than
13 what we're proposing.

14 CHAIRPERSON GRULLON: And in that block,
15 is that consistent?

16 MR. PEREIRAS: It's consistent with the
17 neighborhood. So we designed this house to fit
18 into that neighborhood and that block. It's the
19 same scale, same style. And in it's in
20 conformance -- I took the assumption of designing
21 this based on our ordinance for R zone, so that
22 we're at the same height as our R zone permits,
23 which is the immediate property next to it. So
24 the property immediately to the west is already
25 the R zone.

1 MR. DOUGHERTY: Right on the fringe. I
2 think when you look at slide 3 from Manny's
3 exhibit, you see the aerial perspective. We do
4 have some larger properties, anchoring the corners
5 and directly behind us. Certainly, it's not
6 overpowering the neighborhood. And we have an
7 opportunity to provide for new housing, which
8 would advance purposes of the Municipal Land Use
9 Law. Purpose A, I believe purpose C would be
10 sufficient as well, as we are providing for
11 adequate light, air and open space on the roof.
12 Purpose G as well as purpose E for the appropriate
13 densities in the appropriate locations. And
14 purpose I for desirable visual environment,
15 filling that void in the public realm with the
16 brand new housing stock. And purpose M to
17 encourage the coordination of procedures, private
18 and public, with the view of lessening the costs
19 of such development. I believe certainly this
20 application advances purposes of the Municipal
21 Land Use Law.

22 CHAIRPERSON GRULLON: Thank you, Mr.
23 Dougherty.

24 My next question would be for Mr.
25 Pereiras. Mr. Pereiras, you know, I appreciate

1 that you proposing to setback in the front and
2 also in the back. Do you have any setback on the
3 side of the roof deck?

4 MR. PEREIRAS: So I've been thinking a
5 lot about how we're going to solve this --

6 CHAIRPERSON GRULLON: One of my concerns
7 is that next to a two-family house that I don't --
8 I mean we need to respect privacy of the other
9 neighbors. Could you just explain to me the roof
10 deck?

11 MR. PEREIRAS: I'd be happy to. And
12 I've actually been thinking a lot about this since
13 it's been a hot topic in the last few
14 applications. I think I know how to solve this.

15 Moving on and in the future --
16 obviously, I submitted these drawings awhile ago,
17 so we couldn't update them as of yet. I think
18 that it's appropriate to keep the railing on the
19 edge of the building for water purposes and for
20 construction. But what we can do is we can build
21 a two foot planter across the entire edge of the
22 property. That planter could sit, I could have it
23 tall, so that it's comfortable with bushes, so
24 that it not only serves as a blockage for the kids
25 to jump over, but it also is a screen for -- a

1 visual screen for the neighbors.

2 So I propose that from the one end of
3 the deck to the other, have a two foot planter
4 with a tall hedge on there.

5 CHAIRPERSON GRULLON: I think that would
6 make it worse because now you're giving a step to
7 the kids, just to climb to the planter, then jump
8 to the fence.

9 MR. PEREIRAS: But I can make that
10 planter, just like we did on other applications, I
11 can make it 48 inches tall. So that on the
12 neighbor's side, it's plants. On this side, it is
13 a smooth wall that's 48 inches so a kid can't jump
14 over it.

15 MR. GARCIA: Let me ask you a question,
16 Mr. Pereira. This is a good example about you
17 say they're going to have problem with leaking
18 water. How come -- how you going to work this
19 here?

20 MR. PEREIRAS: In this case, it's
21 actually less of an issue. And if you want us to
22 step back, we can. The way we work this is pretty
23 simple. We have joists running across this
24 section, so we'll have an elevated joist over here
25 that's going to sit as a parapet. Same thing over

1 here. This, the joists are running in the other
2 direction. But in this house, if you like, and
3 you want to make that railing taller or make that
4 railing step in, we can do that. We can put
5 another joist on top of that and put the railing
6 there.

7 MR. GARCIA: Just for the record, it's
8 not like -- in reality, I'm crazy with open
9 spaces. And I could have, like, all the way going
10 out, like in the wind, I do it. But this is for
11 safety issues, that's my concern, you know what I
12 mean?

13 CHAIRPERSON GRULLON: Safety and respect
14 to the neighbors.

15 MR. PEREIRAS: So we can step back the
16 railing two feet?

17 CHAIRPERSON GRULLON: Yes, you can
18 always make an L shape.

19 MR. PEREIRAS: I'll make it work.

20 CHAIRPERSON GRULLON: I mean other than
21 that, I know you're providing two parking spaces
22 per apartment?

23 MR. PEREIRAS: Correct.

24 CHAIRPERSON GRULLON: They're going to
25 be tandem, but they're going to be assigned to

1 each apartment?

2 MR. PEREIRAS: Correct.

3 MR. GARCIA: In that respect, it's 16.
4 Because at the end is 18 something, 18 --

5 MR. PEREIRAS: Correct.

6 MR. GARCIA: And narrow space is 16
7 according to your drawing Z01.

8 MR. PEREIRAS: Correct. Let me --

9 MR. GARCIA: If you look at V01, it's
10 going to be 16.

11 MR. PEREIRAS: It's 19, 11 and we're
12 going to lose 14 inches. We're going to be at a
13 little bit -- we're going to be at 18 feet. We're
14 going to have --

15 MR. GARCIA: Inside, where you got the
16 stairs is only 16.

17 MR. PEREIRAS: It is, that's a typical
18 driveway coming in. And then in the back where
19 the cars are parked, there's a full 9 feet for
20 each car.

21 MR. GARCIA: Can I ask you for a favor
22 for future applications? Can you like specify the
23 dimension of the parking, no matter what it is?

24 MR. PEREIRAS: I'll make sure we do that
25 from now on.

1 MR. GARCIA: Thank you very much. I
2 have another question, it's regarding the front
3 setback. Just looking in the Z1 again, the
4 picture you have here, the satellite picture, the
5 bottom one. You have the adjacent southwest
6 property is not on the property line, right?

7 MR. PEREIRAS: The west one is not on
8 the property line, the stairs are on the property
9 line and then the building itself is set back --

10 MR. GARCIA: The 43, 13.

11 MR. PEREIRAS: Right.

12 MR. GARCIA: In Bergenline Avenue, the
13 south side is on the property line?

14 MR. PEREIRAS: Correct.

15 MR. GARCIA: So you're going to match it
16 up with that one, that's not going to create that
17 impact?

18 MR. PEREIRAS: That's exactly correct.
19 And we thought that was appropriate because on a
20 typical block, this would 100 feet in depth. It's
21 similar -- it's basically continuing that what
22 would typically be a lot there. So we're matching
23 that lot line and then it steps back.

24 MR. GARCIA: Okay. And the setback
25 again in the side setback?

1 MR. PEREIRAS: Three feet one inches and
2 two feet on the other.

3 MR. GARCIA: Okay.

4 VICE CHAIRPERSON GUTIERREZ: Mr.
5 Pereiras, the size of the apartment?

6 MR. PEREIRAS: Yes. They're three
7 bedroom apartments each. The apartment A is 1,214
8 square feet and apartment B is 1,263 square feet.

9 VICE CHAIRPERSON GUTIERREZ: Thank you.

10 MR. GARCIA: How big is the backyard for
11 the first floor?

12 MR. PEREIRAS: It's -- on the first
13 floor, it's 12 feet.

14 MS. SAN MARTINO: You said they're going
15 to be the same height as the house next door?

16 MR. PEREIRAS: We're at 35 feet, so it's
17 very close to the same height of the neighborhood.
18 We didn't measure the neighbor's house, but I have
19 a feeling the neighbor's house is a little bit
20 taller than ours.

21 MS. SAN MARTINO: Even with the deck?

22 MR. PEREIRAS: Yes. Because our deck is
23 a flat roof, the neighbor's house has a pitched
24 roof. So their floor goes from here to the
25 highest pitch on the roof. So we're going to be

1 lower.

2 CHAIRPERSON GRULLON: And the proposed
3 backyard is going to be covered by the second
4 floor?

5 MR. PEREIRAS: Three feet are going to
6 be open all the way up and then another nine feet
7 is going to be covered.

8 CHAIRPERSON GRULLON: I don't have
9 anymore questions. Any other members?

10 MR. PANEQUE: For purposes of when I
11 draft the resolution, I just need clarification on
12 what we're actually going to end up doing with the
13 roof deck and the walls.

14 MR. PEREIRAS: We will setback the
15 railing on the west side two feet, in addition to
16 the two feet --

17 CHAIRPERSON GRULLON: How high are the
18 railings going to be all around?

19 MR. PEREIRAS: I think we'll continue
20 with the precedents, that we'll make it 48 inches.

21 MR. PANEQUE: Setback two feet from that
22 side and 48 inches all around?

23 CHAIRPERSON GRULLON: You don't have
24 anymore witnesses?

25 MR. VELLA: No, we do not.

1 CHAIRPERSON GRULLON: At this time, I
2 want to open to the public. Any members of the
3 public want to step forward on this application?

4 Hearing none, taking in consideration
5 that this is going to be -- the proposed
6 application is to do a two-family house in that
7 lot, which is what the City wants for residential
8 area and it's also something that will fit a
9 little better than a business into the area, I
10 make a motion to grant the application with the
11 condition of the roof deck and revised plans
12 ten days before the meeting.

13 MR. VALLEJO: Motion on the table to
14 grant this application by Mr. Grullon. Any
15 second?

16 VICE CHAIRPERSON GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by Ms. Gutierrez.
18 Roll call on the motion. Mr. Grullon.

19 CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. O'Dell.

25 MS. O'DELL: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 MR. GARCIA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

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

7 MR. VELLA: Thank you.

8 MR. VALLEJO: Two minute break, please,
9 off the record.

10

11 (Whereupon a short recess was taken.)

12

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1 **PARK AVENUE INVESTMENTS, LLC -**

2 **3801 Park Avenue:**

3
4 MR. VALLEJO: We're moving now to Park
5 Avenue Investment, LLC, 3801 Park Avenue.

6 MR. PANEQUE: Let the record reflect as
7 follows: I've been provided by Mr. Vella with a
8 certification and service indicating that notice
9 of tonight's hearing with respect to the property
10 located at 3801 Park Avenue, Union City, was given
11 to all property owners within the 200 foot radius
12 on June 20, 2023.

13 I've also been provided with an
14 affidavit from The Jersey Journal indicating that
15 notice of tonight's hearing at this location with
16 respect to the property at 3801 Park Avenue was
17 published in the paper on 6/24/23.

18 And I've also been provided with a list
19 of property owners within the 200 foot radius of
20 the subject property with a date of June 28, 2023,
21 as well as the certified mail receipts with a
22 postmark date of June 22, 2023.

23 Based on the documentation that has been
24 provided, this board has jurisdiction to proceed
25 and hear this matter. Thank you.

1 MR. VELLA: For the record, may it
2 please the board, Vittorio Vella of the Law Office
3 of Bianca Pereiras on behalf of Oz Holdings, LLC,
4 here to present with respect to 3801 Park Avenue,
5 Block 228, Lot 19.01. This project is to
6 construct a three-story four-family building.

7 Just by way of history, this lot
8 previously hosted a multifamily building, which
9 was apparently devastated by fire, necessitating
10 this current application. We have two experts
11 that will be testifying on this project. First,
12 Mr. Manuel Pereiras and then subsequently our
13 planner, Alex Dougherty. So we'll get started
14 with our architect, Mr. Manuel Pereiras.

15

16 M A N N Y P E R E I R A S, previously sworn:

17

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

20 MR. VELLA: Mr. Pereiras, again, you are
21 familiar with the project and property located at
22 3801 Park Avenue, correct?

23 MR. PEREIRAS: I am.

24 MR. VELLA: And you are in fact the
25 architect who prepared the drawings that are

1 presently before the board?

2 MR. PEREIRAS: I have.

3 MR. VELLA: Would you be kind enough to
4 take us through this project, please?

5 MR. PEREIRAS: Be very happy to. Just
6 to explain the familiarity with the area, we
7 designed 307 and 309 Park Avenue, they're actually
8 two of my favorite buildings and the area we built
9 in is gorgeous. We did work across the street,
10 we've done work on the same block, three different
11 projects on that block. So we're intimately
12 familiar with that.

13 In addition to this exact corner, we
14 came before this board, I would say probably three
15 or four years ago, right before the pandemic. And
16 we got a basement apartment approved there, I
17 think we took it from a five to a six unit.
18 Unfortunately, and those are -- it serves as a
19 great lesson that, you know, that's why these
20 illegal tenancies are so important that we address
21 them. Because there was a fire that devastated
22 that structure. If we would have had the chance
23 to build, as we were going to, and bring it all up
24 to code, that fire probably wouldn't have
25 devastated that structure.

1 So we're here before this board today
2 because we are -- we took a loss from housing
3 stock. And rather than build a typical two-family
4 where there's three bedrooms and three bedrooms,
5 we thought we could provide something to replenish
6 the housing stock that we lost. All the new
7 projects that we have that are small scale are big
8 three bedrooms. And this is a great opportunity
9 to have studio and one bedroom units and bring
10 them back to the area. And we did this in the way
11 that was very modest and kept to the scale of the
12 site and reduced it to the scale of, not only the
13 lot, but also the neighborhood.

14 So what we're proposing is a four family
15 dwelling. The drawings that I'm looking to here
16 on my right are the same drawings submitted to the
17 board. I'm turning to sheet Z02, if you see here
18 our site, we're very close to the corner of --
19 well, we are at the corner of Park and 38th
20 Street. So it was inappropriate to do a
21 traditional two-family house with the driveway
22 along the front, it was too close to the corner
23 and very unsafe. What we're proposing to do is
24 take that curb cut further down 38th Street to the
25 furthest point on 38th Street and we created

1 parking for three cars along that spot. And then
2 we created along the front half of the building a
3 one bedroom apartment, which is fully handicapped
4 compliant. So you have access straight from the
5 sidewalk and you have a fully handicapped
6 compliant apartment, which means they have a
7 larger bathroom with grab bars, a kitchen that has
8 all the clearances. So someone with a disability
9 now has that and all these two-family houses that
10 we're building in Union City, it's completely
11 absent from that. So this is an opportunity to
12 provide ADA housing, which is very important.

13 If you enter the stairs on the side, you
14 go up to the second floor. And on that second
15 floor, you have two apartments, one bedroom in
16 each. One apartment is 672 square feet, the other
17 apartment is 608 square feet. And then you
18 continue that stair up to the third floor and you
19 have a typical three bedroom apartment, which is
20 1,277 square feet. It has the two bedroom, plus a
21 master, and a nice large open living room, dining
22 room, kitchen space.

23 To talk about our setbacks, we're
24 setback three feet to the north, three feet one
25 inches. We're setback three feet one inches to

1 the east. We're on the property line along the
2 corner and then we're setback in the front, it's
3 an irregular lot. So the setback is seven foot
4 six inches on one end and five feet five inches on
5 the other. And there's a projecting balcony there
6 as well.

7 This is the elevations. As you can see,
8 we made this a three story building, very simple,
9 very modest. Brick is wrapping the two facades
10 that are open to the street, vinyl to the facades
11 that are facing the other structures on the three
12 foot side. And this is what we're proposing to
13 do, very large windows, bring light into the
14 building, brick, three garages along the front.
15 And very simple design that fits into the
16 neighborhood. So this is the same height as all
17 the structures in both directions. So we're
18 either the same or lower than the two structures
19 on each side of the project. And we fit in very
20 nicely.

21 Just to go over -- we have a planner
22 that's going to go over the details of the
23 variances.

24 CHAIRPERSON GRULLON: We would like to
25 hear from the planner, please.

1 MR. VELLA: Sure. Our next witness
2 would be our planner, Mr. Alex Dougherty.

3

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

6

7 MR. DOUGHERTY: I swear to tell the
8 truth.

9 MR. VELLA: Mr. Dougherty, you testified
10 on a matter earlier. Presently, are you familiar
11 with the project and property located at 3801 Park
12 Avenue?

13 MR. DOUGHERTY: I am. If it pleases the
14 board, I do have a packet exhibit of maps and
15 drone shots that I took over the weekend for some
16 orientation of the site and surrounding
17 conditions. I'll pass those out.

18 MR. PANEQUE: Thank you.

19 MR. DOUGHERTY: I will make a note,
20 oversight on my end. My title slipped, so I hand
21 wrote the address on the top.

22 MR. PANEQUE: It will be marked A-1.

23 MR. DOUGHERTY: So it consists of 11
24 slides, the first slide, if you will, indicates
25 the property in question as the City's zone. As

1 you see the red arrow and the red circle off to
2 the right-hand side, that's where the property is.
3 The yellow indicating we are in the R low density
4 residential zone.

5 The second map or second slide, if you
6 will, is a map from NJ DEP's GeoWeb showcasing the
7 property outlined in red and really what's around
8 it from a land use community standpoint. You see
9 the Union Hill School behind us. We have a large
10 park on the corner, the music park. Right across
11 the street, we have a garden park. I know that's
12 on the municipal border on the other side right
13 there. But there is an open space park right
14 there. And right across the street, if you will,
15 you'll notice the tower plaza, the shopping.
16 There's a Lidl in there, and a bunch of other
17 amenities, barber shops, and various other
18 amenities there. Most importantly when you look
19 at Park Ave., you'll notice the mass transit
20 availability at your doorstep.

21 This property is unique as it sits on a
22 major corridor, where we have ample bus routes at
23 the doorstep. We have bus line 156, bus line 86,
24 89, and others. And that's right at the doorstep,
25 as you see on slide two.

1 When I look at the property, slide
2 three, if you will, is a shot back in time from
3 Google street view back in August 2021. As you
4 can see, there was a structure there at some
5 point. As we just discussed, there was a fire due
6 to an unregistered unit. And that's what the
7 structure used to look like. It had some presence
8 on the street corner. As we've heard, the new
9 proposed project will be more in line with what's
10 out there.

11 And if we look at the next couple
12 slides, slide four is a drone shot I took myself
13 on July 3rd of the property as it is today, it's
14 vacant. What's important to note when we look at
15 the slide four is we do have a fire hydrant right
16 there on the left side of the property. And we do
17 have a handicapped stall right in front of the
18 property, where the proposed handicapped
19 accessible unit would be. So there's handicapped
20 accessibility for parking right in front of the
21 property, as well as an issue with parking on the
22 side due to fire hydrant. And as you can see on
23 the slide, there was an existing curb cut there.
24 And that's -- we're proposing to reestablish that
25 curb cut for the property.

1 Slide five shows more of a neighborhood
2 shot, if you will. Again with the music park on
3 the corner and here's another opportunity for the
4 property in question on the opposite corner to
5 really splash some greenery onto the site. If we
6 look at the architectural plans, I believe it's
7 sheet Z02, you can see there's a real good
8 opportunity here to splash some greenery, to
9 really anchor and accentuate these corners in the
10 neighborhood.

11 Slide six is more of a top down view
12 again of the property in question. It's kind of
13 unique feature, so it's an undersized lot.

14 Slide seven shows more of the
15 surrounding neighborhood. As we see, we have some
16 relatively high density residential apartments
17 here right across the street.

18 Slide eight shows what's directly across
19 the street is a large supermarket. What's
20 important to note when we look at this particular
21 slide here is the vehicles off to the right, with
22 all the baseball field, I had the chance to visit
23 the site and walk around. These are all permitted
24 parking, I believe through Weehawken. They have a
25 contract where you can park in the Lidl parking

1 lot for those high density apartments. So for the
2 surrounding neighborhood, when we look at parking
3 and the conditions here, I believe it's going to
4 be offset by this large parking lot in the off
5 hours and they have the permit parking there.

6 And I kind of spin the drone around on
7 slide nine showing more of the neighborhood. The
8 structure right to the left of the music park, I
9 had the opportunity to talk to a few residents.
10 From my understanding, that is a four-family
11 house. The property a little bit further down
12 with the yellow front facade next to the school,
13 the white building with the yellow porch there, I
14 believe that is also a four-family talking to the
15 residents.

16 In my visit around the neighborhood,
17 there seemed to be a lot more three-family and up
18 versus your standard two-family in this area. So
19 when I look at this project, I don't believe this
20 is certainly going to be out of character with the
21 environment and surrounding neighborhood.

22 Slide ten shows you the school, just on
23 the opposite side of the block.

24 And again the slide eleven is some more
25 high density surrounding the neighborhood as we

1 look at the context of the neighborhood.

2 From a planning standpoint we are here
3 for (d) (1) use variance as four families are not
4 proposed in the zone. The site is one tax lot,
5 Block 228, Lot 19.01. As we heard, the plan is to
6 rebuild what was lost at a much more palatable
7 scale from a massing standpoint and provide for
8 handicapped accessibility and modern living
9 conditions.

10 When we look at this I believe this
11 applications satisfies the (d) (1) use for the
12 Medici test. Condition wise, as you heard, the
13 site currently sits vacant. And there was once
14 multifamily house there. And again the house --
15 the surrounding neighborhood is mostly three
16 families and up. And the context, the neighboring
17 land uses are predominantly residential structures
18 exceeding three-family dwellings.

19 When we look at this, we have mass
20 transit opportunities right at the doorstep. And
21 we have an opportunity to provide for handicapped
22 accessible living accommodations.

23 When we look at part two of the Medici
24 test, special reasons. The project promotes the
25 general welfare with new housing stock for a

1 growing population.

2 The project promotes planning goals to
3 provide diversity of housing to meet all needs of
4 the people. The project provides handicapped
5 accessible housing, which is a paramount public
6 interest. The project fills the missing void in
7 the public realm. The improvement adds value and
8 quality to the site, which adds value and quality
9 to the surrounding neighborhood.

10 The project brings a curb cut to an area
11 of the street where parking is prohibited due to a
12 fire hydrant and it's existed there sometime in
13 the past. We also had the opportunity to utilize
14 the handicapped parking along Park Ave. to
15 accommodate what's been overlooked in most of the
16 housing, which is the handicapped housing with a
17 handicapped parking in front of the handicapped
18 accessible unit.

19 The project also anchors the corner on
20 38th and Park with a comparable building mass and
21 a splash of greenery for the avenue with lush
22 landscaping to offset anchor the music park. All
23 the above promote purposes of the land use law,
24 purpose A, G, I, and M. When I look at the public
25 impact or negative criteria, I believe relief can

1 be granted without substantial detriment to the
2 public. The project will have minimal impact, if
3 any. This will be built to all applicable
4 building and fire code regulations. As we've
5 heard, we have three and one bedroom units. We
6 have three one-bedroom and the top floor would be
7 three bedroom, so I think we have a healthy
8 balance and health range of housing options,
9 they're comfortably sized. This is not
10 overcrowding or overdevelopment.

11 If we look at the surrounding context,
12 this certainly -- to do a two-family here, I
13 believe, this would feel like it's being
14 overpowered by the surrounding neighborhood and
15 surrounding build out of the neighborhood. I
16 think this four-family works with three one
17 bedrooms and one of those being handicapped --
18 accessibility with the handicapped in front.

19 When I look at the zone plan impact, the
20 use with a slight uptick in the density, I don't
21 believe will cause substantial impact or undermine
22 the integrity of the zone here. We're on the edge
23 of the municipality, at a major avenue, it's an
24 opportunity to replenish the housing stock in a
25 way we typically don't see with the handicapped

1 accessible units here. And at the same time we
2 have ample amenities at your doorstep, with the
3 bus line right there. We have two schools,
4 Weehawken school right across, the shopping center
5 and the school to the back of us. So we're
6 putting populations and residents near employment
7 opportunities, mass transit, schools, and we have
8 the open spaces nearby as well.

9 I think this is sound planning. And
10 when we look at the master plan, I believe we hit
11 purpose one, provide a balance of land uses and
12 balance of development patterns in appropriate
13 locations in order to preserve the character of
14 the community. This was residential, we're
15 putting that back in here, but better, right.
16 We're putting the greenery on the corner, we're
17 providing for the handicapped accessibility and a
18 building built to code with no illegal units there
19 at all.

20 We do have some related (c) relief here.
21 With that being said, all (c) relief is subsumed
22 within the (d) (1) use, but nonetheless we have a
23 deficiency of lot area, 2,500 square feet is
24 required, 1,900 square feet is where we're at.
25 This is due to the lot depth, 100 feet is required

1 in depth and we're at 75.9. So we have a little
2 bit of rear yard depth issue.

3 Our side yard, we need two feet and then
4 five feet total. We're at 3.1 and 3.1. Building
5 coverage, given that we are undersized, building
6 coverage for the zone is 65 percent, we're at
7 77 percent. So even though we're substantially
8 undersized, I think what we have here is
9 something, you know, palatable for that lot and
10 the conditions of that lot. And when I look back
11 at the 2001 structure, I don't have those
12 dimensions, but it certainly I believe was built
13 out to the max there. So I think we have
14 something here, if you look at that, now we're
15 putting that greenery on the corner as well.

16 So I think when we look at this
17 undersized lot, that 77, it doesn't strike me as a
18 concern, given we are on a corner lot. If this
19 was, let's say, in the middle of a residential
20 stretch here and it's so big. We're on a corner,
21 so I think we have some breathing room on the
22 corner.

23 When we look at the parking, eight is
24 required. We have three off street off of 38th.
25 But really we have that fourth, that handicapped

1 right in front of there, right in front of the
2 property and that unit is handicapped accessible.
3 So it's a great marriage to take advantage of that
4 opportunity with handicapped right there. But
5 on-site we have three. As we've heard, three of
6 these units would be one bedroom units. And then
7 the top floor would be that third bedroom unit.
8 And we also have mass transit right at the
9 doorstep. As we just discussed before, the Lidl
10 parking lot across the street does permit parking
11 by permit in that parking lot.

12 With that, I'll conclude here. The
13 multifamily on this lot would very much -- I
14 believe if it was a conforming two-family would
15 feel overpowered by the surrounding built
16 environment. The dimensional relief is offset by
17 the nature of the public open space, the music
18 park, as well as across the street. And, again,
19 we are just a slight uptick, I think we're taking
20 advantage of that with the handicapped
21 accessibility, and the units are comfortably
22 sized. I don't think it constitutes
23 overdevelopment.

24 I'll conclude the new project will fill
25 the void in the public realm that will act as an

1 anchor and accentuate the corner, both from a
2 massing and a greenery standpoint. The demand of
3 the vehicle, I believe, is offset by the
4 walkability and access to mass transit amenities,
5 as well as parking demand is offset with the
6 availability to pull permit parking across the
7 street.

8 Projects such as this help to fill what
9 we, as planners, call the missing middle, where we
10 go right from large robust apartment complex, like
11 what's across the street. There's really not much
12 of that two- to four-family housing situations.
13 So we have that opportunity to provide for that,
14 as well. And, again, to take an opportunity of
15 handicapped accessible parking, provide the unit,
16 that would marry up nicely with the parking.

17 With that being said, the project I
18 believe is perfectly suited for the City and the
19 growing population. And most notably will add
20 value to Union City housing. The statutory
21 criteria for relief have been met and approval
22 would be warranted.

23 CHAIRPERSON GRULLON: Thank you, Mr.
24 Dougherty.

25 Mr. Dougherty, I want to start by

1 addressing the handicapped space that you see in
2 front of the property.

3 MR. DOUGHERTY: Yes.

4 CHAIRPERSON GRULLON: That parking space
5 is already assigned to a resident, that's not
6 something that you can consider being part of your
7 application.

8 MR. DOUGHERTY: I understand that.
9 Handicapped parking, when I look --

10 CHAIRPERSON GRULLON: You got the
11 opportunity to look at that parking space, it
12 probably has a license plate associated with that
13 space.

14 MR. DOUGHERTY: When look at slide
15 three, when the house was there in 2021, I saw
16 that that handicapped parking was there.

17 CHAIRPERSON GRULLON: It was probably
18 reassigned to somebody else.

19 MR. DOUGHERTY: What I'm saying, there's
20 an opportunity, though, that it's there, and to
21 provide for handicapped --

22 CHAIRPERSON GRULLON: That's not for you
23 to mention to be a part of this application.

24 MR. DOUGHERTY: No. I'm just saying the
25 opportunity would be there. We are parking

1 deficient. The handicapped accessible unit would
2 be in close proximity to handicapped parking. If
3 somebody were to move --

4 CHAIRPERSON GRULLON: That's one of the
5 issues that you mentioned regarding the parking.
6 Also when you mention that parking lot across the
7 street, that's Weehawken.

8 MR. DOUGHERTY: Yes.

9 CHAIRPERSON GRULLON: That has nothing
10 to do with Union City.

11 MR. DOUGHERTY: Correct.

12 CHAIRPERSON GRULLON: That's by permit
13 only for Weehawken residents.

14 MR. DOUGHERTY: Yes.

15 CHAIRPERSON GRULLON: It's not for Union
16 City. Saying that, that being said, that proposed
17 location cannot use that lot at all.

18 MR. DOUGHERTY: My understanding, yes.
19 On black and white, that's how it was drawn up.
20 It says Weehawken apartment and Weehawken -- I
21 would find it hard pressed as an individual, I
22 live right across from there that I wouldn't be
23 able to find a way to get that parking.

24 CHAIRPERSON GRULLON: They will tow your
25 car away.

1 MR. PANEQUE: And ticket you.

2 MR. GARCIA: You think we can, let's
3 say, grant an application relying on that?

4 MR. DOUGHERTY: No. I'm saying there's
5 opportunity and there's arrangements, where
6 parking for the larger structures, they're not in
7 your neighborhood, they're accommodated there.
8 And with that being said, when I look at those
9 structures, they are, you know, fairly large and,
10 you know, they command the streetscape, it's high
11 density right across the street. That parking
12 relief is met there. We have three parking stalls
13 on-site, handicapped accessible unit right in
14 front of a handicapped accessible parking stall.
15 Whoever owns that stall or the permit's reissued,
16 the opportunities are there. And I believe the
17 parking demand in that neighborhood is offset by
18 that large parking lot and the accommodations that
19 Weehawken has made with the apartment towers.

20 MR. GARCIA: When this picture was
21 taken, you said July the 3rd?

22 MR. DOUGHERTY: Yes.

23 MR. GARCIA: What time, do you have an
24 idea?

25 MR. DOUGHERTY: I would say I was out

1 there 10:30 to 12:30.

2 MR. GARCIA: Okay. I going make a
3 statement and I want to keep that on the record,
4 not to you, nothing personal, okay.

5 But this is the third time that I catch
6 up something in a picture that I didn't present,
7 okay. This picture been taken from 10:30 to 12,
8 July 3rd, that's Monday. Do you know the schedule
9 of the music park at 39th Street and Park Avenue?

10 MR. DOUGHERTY: The schedule for it?

11 MR. GARCIA: The schedule for it?

12 MR. DOUGHERTY: No.

13 MR. GARCIA: That park is open since
14 11:00 to 6:00 p.m.?

15 MR. DOUGHERTY: Yes.

16 MR. GARCIA: And in the picture, nobody
17 is in the park, this is impossible in the fourth
18 of July weekend.

19 MR. DOUGHERTY: I saw people.

20 MR. GARCIA: I'm making a statement, and
21 I said nothing personal. But it's like the other
22 day -- it was not your application, it was not
23 you, it was another planner -- came to us in 31st
24 and Central with recent picture took, however,
25 none of those construction machine were in the

1 picture. So I think that we, as a member of the
2 board, who volunteer, come here, to try to get
3 good stuff to the City, I mean to the people
4 who -- us who live here, we deserve more respect.
5 Not to you, nothing personal, but this is the
6 third time.

7 MR. DOUGHERTY: I'm just kind of
8 concerned though how attendance in a park, where
9 this relates to the application?

10 MR. GARCIA: Not to the application, but
11 you're presenting some proof, some picture took,
12 as the park open on July the 3rd, and the schedule
13 the park was open. And I think that we deserve
14 more respect.

15 Again, for the record, nothing personal.
16 But, Mr. Chairman, I think that for future
17 presentation, we deserve more respect. That's one
18 thing.

19 CHAIRPERSON GRULLON: And for the
20 record, we don't necessarily, you know, take our
21 information from the pictures because we know the
22 neighborhood, the neighborhood.

23 MR. PEREIRAS: And I don't think we
24 should jump to conclusions. It might have been
25 closed for any different reason, we don't know.

1 MR. GARCIA: Mr. Pereiras, I mean this
2 the third time. I'm not telling you this is
3 professional doing, but this is third time that I
4 catch up.

5 MR. DOUGHERTY: But I'm not sure where
6 the attendance at the park, what the --

7 MR. GARCIA: Okay. What I know is that
8 it's at least four people work for that water
9 park, especially the fourth of July weekend. And
10 nobody is in the park. Show the picture. The
11 thing is if I come here to get an idea how the
12 place is, come on, be more respectful?

13 MR. PEREIRAS: Actually, the park was
14 closed on the 3rd.

15 MR. GARCIA: On the 3rd? It's open --
16 no, my friend.

17 MR. PEREIRAS: The schedule online says
18 it's only open Saturday, Sunday and Monday.

19 MR. GARCIA: Monday was the 3rd.

20 MR. PEREIRAS: So it was open --

21 MR. GARCIA: My friend, it was open,
22 especially that weekend.

23 MR. PEREIRAS: So it was open. Is it
24 possible you took the photograph before 11:00?

25 MR. DOUGHERTY: I just want to -- my job

1 is not to deceive you of your neighborhood. And
2 the --

3 MR. GARCIA: I'm not asking you what is
4 your job.

5 MR. DOUGHERTY: Right.

6 MR. GARCIA: The only thing is we
7 deserve respect. That's the only thing.

8 MR. DOUGHERTY: I don't mean to
9 disrespect you or deceive you by the photographs I
10 take. These were taken by myself on that date.
11 I'm under oath here. At the same time, I saw
12 people going to the park. It's very possible
13 these photographs were taken right as the park was
14 opening. Because when I left the site, I actually
15 called Manny to see what he was doing. And he
16 asked me, hey, do you want to grab lunch. And I
17 had something else to do and unfortunately I
18 couldn't stick around.

19 MR. PEREIRAS: That's true.

20 MR. DOUGHERTY: So the time I was there
21 is the time I'm telling you I was there.

22 MR. PEREIRAS: He called me right around
23 11:30, so that means you probably took the
24 photograph right before 11:00, right before the
25 park opened.

1 MR. DOUGHERTY: Because I didn't get to
2 my next meeting in time because I was trying to
3 get through this.

4 CHAIRPERSON GRULLON: Mr. Dougherty, I
5 also, you know, want you -- you probably mentioned
6 most of it, but the requirements, out of the
7 criteria that we normally look, you know, to see
8 if it meets the criteria, there are twelve items
9 in the criteria and nine of them you don't meet
10 the criteria. Could you just go over the zoning
11 table one more time? I just want to see if we are
12 on the same page here because you're asking for a
13 parking variance.

14 MR. DOUGHERTY: So in a (d) (1) variance,
15 all other relief is subsumed within that. But to
16 go over those variances, certainly. Those relief
17 variances that I'm looking at here, I have a lot
18 area deficiency. It's an existing condition,
19 there's no more land to grab to offset that
20 condition. I have a lot depth deficiency, again
21 relates to the land as it exists today. We have a
22 rear yard, where 20 is permitted and we'll be at
23 3.1. I have two side yards. I have a side yard
24 setback for two and five feet, we're only at 3.1
25 is being proposed. I think that's, again, the

1 uniqueness of the property.

2 CHAIRPERSON GRULLON: I'm sorry, let me
3 stop you. Like 20 feet is required for rear yard?

4 MR. DOUGHERTY: Yes.

5 CHAIRPERSON GRULLON: You have an empty
6 lot, you have an opportunity to provide a rear
7 yard.

8 MR. DOUGHERTY: Yes.

9 CHAIRPERSON GRULLON: Why are we not
10 meeting that criteria?

11 MR. DOUGHERTY: I think we're not
12 meeting that rear yard due to the shallowness of
13 the lot depth. I think if we shrunk this property
14 in, it would look really out of place. Again,
15 we're on the corner, visible from most sides of
16 the property there. And to accommodate the off
17 street parking and housing conditions there, you
18 know, to extend that building footprint. I
19 believe, if I'm not mistaken, the building
20 footprint is very similar to what was previously
21 there, from my understanding about this
22 application.

23 So if there was a substantial detriment
24 to that surrounding neighborhood it certainly
25 would have, you know, come to light and come to

1 fruition sometime when that property was standing
2 in its original state.

3 I think what we did is we took that down
4 and really redesigned from an architectural
5 standpoint to lock in that corner.

6 MR. PEREIRAS: May I address the board,
7 I have a few things I'd like to --

8 CHAIRPERSON GRULLON: I'm going to have
9 questions for you next.

10 MR. PEREIRAS: I'll wait.

11 CHAIRPERSON GRULLON: Yes, Mr. Pereiras.
12 Could you describe the three parking, Mr.
13 Pereiras?

14 MR. PEREIRAS: I'll be very happy to.

15 CHAIRPERSON GRULLON: Where you're going
16 to have the curb cuts and how -- how do you think
17 that's going to impact the neighborhood?

18 MR. PEREIRAS: So our curb cut is across
19 the end of our building, okay.

20 CHAIRPERSON GRULLON: Is that 38th?

21 MR. PEREIRAS: It's on 38th Street. We
22 wanted to make sure that the curb cut was away
23 from Park Avenue because of just safety concerns.
24 When you have parking curb cut too close to the
25 building, it's a little dangerous, so we wanted to

1 make sure it was as far away as possible. So the
2 lot we're working with is a typical a lot of
3 25 feet wide. So we have enough parking for 3
4 vehicles along 38th Street.

5 I think what the gist of this
6 application, if this application were only a
7 two-family, the bulk dimensions of this building
8 would not change in any way. The way I designed
9 the parking and the curb cut would not change in
10 any way. The distance from the neighbors would
11 not change in any way. What really is the
12 question before this board is really is a
13 four-family appropriate here or what the zone
14 requires, mandates as a two-family, that's the
15 real question. And there's specific reasons why
16 we're presenting a four-family. I think you know
17 that I always want the best for Union City and the
18 best for the neighborhood.

19 What was previously there was a housing
20 stock that was economic, it was accessible for the
21 citizens of Union City. If we were to build two
22 two-family houses, we'd have two large three
23 bedroom apartments. Those are six bedrooms that
24 we have in this application. What we're proposing
25 here is three one bedrooms and a three bedroom,

1 still six bedrooms. So we're not changing the
2 density on this lot in any way whatsoever. We're
3 not increasing it. We're providing what basically
4 what the zone asks for as far as six bedrooms, the
5 density is the same.

6 What we're changing here is the way
7 we're shopping this up. Instead of making it two
8 very large apartments that are 1,200 square feet
9 each, we're creating three one bedroom apartments
10 and one handicapped accessible. And this board
11 may not like that, and you know what --

12 CHAIRPERSON GRULLON: You're not making
13 two very large apartments because you have an
14 empty lot where you have the opportunity to
15 provide a rear yard. You have an opportunity to
16 provide setbacks.

17 MR. PEREIRAS: I'd like to address that.

18 CHAIRPERSON GRULLON: And you have an
19 opportunity to provide enough parking.

20 MR. PEREIRAS: I'd like to address that.
21 There's opportunities there to create the right
22 setbacks. What we have here, if you're facing on
23 38th Street, and you're looking at this building,
24 you're looking at a side yard. And what we're
25 doing is we're providing and respecting what we

1 typically have as a side yard, which is
2 three feet. Rather than having this empty missing
3 tooth between the house and the next house around
4 the corner.

5 So from a planning standpoint, from an
6 architectural standpoint, we're continuing that
7 three foot side yard setback as you're going down
8 the block, which is actually less than what the
9 houses, the neighboring houses have. They're a
10 lot further than us. We're stepping -- and if you
11 look at the site plan, it's a little deceptive.
12 There are eight feet between this edge of this
13 house to what we're proposing as our house because
14 there's a five foot setback from this house to our
15 property line and then another three feet. So we
16 have an eight foot setback to the rear, which is I
17 believe appropriate for this site.

18 And on this side, with the houses, if
19 you look at the way they're constructed, this
20 house has another two feet from the property line.
21 And we're setback another three feet from them on
22 that side. So we have a total of five feet on
23 that side and a total of eight feet from this
24 house, which is what fits into the neighborhood,
25 whether this was a two-family house or this is a

1 four-family house, those bulk requirements make
2 sense. It's the right setbacks for this
3 neighborhood.

4 MR. DOUGHERTY: When I look at this,
5 corner properties are challenging when we look at
6 side yard and rear yard because perception on
7 those. You know, like what Manny is talking
8 about, on 38th Street, if you're looking at the
9 property head on, the lot, if I'm not mistaken, is
10 25 feet wide. So if I do a 20 foot rear yard, my
11 property is -- the building is only five feet
12 deep. But if I go on Park, my lot is only 75 feet
13 deep. So if I do 20, my property is only going to
14 be 50 feet deep. It would look way out of place
15 and I don't think that's the right zoning for this
16 property.

17 CHAIRPERSON GRULLON: We leave that to
18 Manny. I think you can design something beautiful
19 in a two-family. But let's finish hearing from
20 everybody else. Do you have any other witness?

21 MR. VELLA: No, we do not.

22 CHAIRPERSON GRULLON: Do you have any
23 other question? Mr. Garcia.

24 MR. GARCIA: You're providing three
25 parking spaces, right?

1 MR. PEREIRAS: We're providing three
2 parking spaces.

3 MR. GARCIA: But you're taking two
4 parking spaces from the street?

5 MR. PEREIRAS: We are.

6 MR. GARCIA: Okay. So you're providing
7 one, basically?

8 MR. PEREIRAS: The net is one. Unless
9 you can park one in front, in which case we're
10 providing two.

11 MR. GARCIA: Also how come it's like
12 conforming with the neighbor when you have three
13 or 305, 307, that they are two-family houses?

14 MR. PEREIRAS: They're not. 307 for a
15 fact is a three-family house. It was approved by
16 the planning board as a three-family house. 309
17 is a three-family house. The house across the
18 street directly is a three-family house. There's
19 multiple threes and fours and even more along that
20 entire neighborhood. So it is --

21 CHAIRPERSON GRULLON: Do you know if
22 that was permitted at the time of the approval?

23 MR. PEREIRAS: The 307 and 309 were
24 permitted, the one across the street was not
25 permitted.

1 CHAIRPERSON GRULLON: Across the street.

2 MR. GARCIA: Across the street where?

3 MR. PEREIRAS: Across 38th Street.

4 MR. PANEQUE: On the corner? That house
5 is older than dirt.

6 MR. PEREIRAS: Yes, it is. But we went
7 before the board to legalize two apartments in --

8 MR. GARCIA: It's preexisting, Mr.
9 Pereiras, it's not the same.

10 MR. PEREIRAS: And there were five and
11 this board approved a sixth apartment on this
12 site. We're looking to regain that housing stock.

13 CHAIRPERSON GRULLON: Any other members
14 of the board have any questions?

15 MR. PEREIRAS: So we're reading the tea
16 leaves, I think it's pretty expressive that you're
17 not --

18 CHAIRPERSON GRULLON: We want to open it
19 to the public first and see if --

20 MR. VALLEJO: Mr. Chairman, the
21 gentlemen's here if they have questions, but we
22 need somebody to translate.

23 CHAIRPERSON GRULLON: If anybody has any
24 questions.

25 MR. PANEQUE: I will translate.

1 MR. SANCHEZ-DIAZ (through Mr. Paneque):
2 Orlando Sanchez-Diaz. 106 38th Street is his
3 house.

4 The old building had a yard in the rear.
5 It looks like they want to build over that yard
6 now. And they're looking to do parking in the
7 rear. We will be losing the parking on the
8 street. I don't know why they're not doing their
9 parking on the front, on Park Avenue, like the
10 other houses.

11 MR. PANEQUE: And for the record, Mr.
12 Diaz is pointing to page 6 of 11 and it shows
13 three parking spots on 38th Street adjacent to the
14 lot, which is the subject lot. And his remark is
15 that the neighborhood would be losing those three
16 parking spots.

17 MR. SANCHEZ-DIAZ: We'll be losing two
18 of them. I question whether the height is going
19 to be the same as our height on the house. We
20 want to know if it's going to be higher or the
21 same?

22 MR. PEREIRAS: The same.

23 MR. SANCHEZ-DIAZ: And I'd like to know
24 the separation between my house and the new
25 construction?

1 MR. PEREIRAS: Eight feet, five feet
2 from his house to the property line and three feet
3 from the property line to the new house.

4 MR. SANCHEZ-DIAZ: There's going to be a
5 space there?

6 MR. PEREIRAS: Eight feet.

7 MR. SANCHEZ-DIAZ: That is not a
8 problem. The problem is the parking. The parking
9 is a problem. Why don't they do it in the front?
10 Nothing else for now. Somebody else wants to
11 talk, the lady.

12 MS. MONCADA (through Mr. Paneque): Ana
13 Moncada, 3803 Park Avenue.

14 You should take deliberate precautions
15 so that we don't suffer from the construction
16 because they're right next to us. That's all.
17 Thank you very much.

18 CHAIRPERSON GRULLON: Anybody else from
19 the public? Any other --

20 MR. PANEQUE: He has something else to
21 say.

22 MR. SANCHEZ-DIAZ (through Mr. Paneque):
23 I want to know where I can find the
24 plans from the construction?

25 CHAIRPERSON GRULLON: Mr. Vallejo?

1 MR. VALLEJO: For the record, I gave it
2 to -- I gave a copy of the application, also
3 notification was sent by Ms. Pereiras' office to
4 the neighborhood, so they can review the explains,
5 the municipal tax office.

6 MR. PEREIRAS: I believe he has a copy
7 of them.

8 MR. SANCHEZ-DIAZ: Are they going to
9 send us assurances that we're going to be eight
10 feet away?

11 CHAIRPERSON GRULLON: The application
12 hasn't been approved, it's pending to be approved.
13 It's pending, if it is approved, then he has
14 access to all that information.

15 MR. SANCHEZ-DIAZ: Okay.

16 MR. PANEQUE: I think okay is translated
17 as okay.

18 MR. VELLA: Mr. Chairman, if it would
19 please the board, in hearing some of the comments
20 the board is making today, I think in the past,
21 Mr. Pereiras and his office have demonstrated they
22 want to do everything they can to work within what
23 is required and needed for the City. If the board
24 would be kind enough to grant us an adjournment to
25 allows us to address some of the concerns that

1 we've heard to address these questions,
2 specifically the two-family versus four-family and
3 some of the parking issues. We'd love the
4 opportunity to come back and present maybe a
5 project that may be a little more appealing to the
6 board next time around.

7 CHAIRPERSON GRULLON: I mean I was
8 getting ready to make my recommendation, my
9 motion. But since you are requesting an
10 opportunity to make this application better, I
11 think it would be changing the whole application
12 because what -- that's an undersized lot and it's
13 already requesting just too many variances for
14 that neighborhood.

15 A comment for the record is that these
16 pictures were taken on July 3rd, there was no
17 school in session at that time and that
18 neighborhood was very quiet at that time. Because
19 that's a very busy area, very busy. And it
20 probably has a stop sign right there, right next
21 to the property -- and because of that, because
22 how busy that intersection is. And my
23 recommendation was just to come back with a new
24 application for a two-family that would fit there.

25 I know that what they had in the past

1 was something bigger, but now you have the
2 opportunity to make it work, you know. To make it
3 work. Just give me one second off the record.

4 MR. PANEQUE: We can go back on the
5 record. What I'm going to say is they have the
6 choice of either withdrawing the application
7 altogether or take the chance of a motion.

8 CHAIRPERSON GRULLON: Okay.

9 MR. PANEQUE: No adjournment, just --
10 we're back on the record. We're going to
11 implement a policy that -- so that everybody is on
12 board, okay. The previous actions of the board of
13 adjourning applications for purposes of
14 retrofitting, for lack of a better word, trying to
15 conform the application puts the public in a
16 quandary in that the public doesn't have an
17 opportunity to really receive notice of what's
18 going to be presented the second time around.

19 So based on that, any application that
20 comes before the board, a request for adjournment
21 is going to be taken on a case-by-case basis, but
22 is going to be really reviewed carefully before
23 the board grants it. In this application, you're
24 coming in with a four-family, it's a use variance.
25 It's a -- what is zoned in the area is for

1 two-family, it's an undersized lot. No matter how
2 much you try to accommodate this, it's going to be
3 a really difficult application to get past the
4 board.

5 That being said, your choices are
6 withdraw the application, so there's no prejudice
7 to you, come back with a new application or take
8 your chances on a vote.

9 MR. VELLA: May I have a moment to
10 confer?

11 MR. PANEQUE: Sure.

12
13 (Discussion held off the record.)

14
15 MR. VELLA: We'll withdraw the present
16 application without prejudice and submit a new
17 application.

18 MR. PANEQUE: Thank you, Mr. Vella.

19 There's a request to withdraw the
20 application. Is there a motion? Yes, we'll vote
21 on that.

22 CHAIRPERSON GRULLON: Motion to accept
23 the withdrawal of the application.

24 VICE CHAIRPERSON GUTIERREZ: And I'll
25 second it.

1 MR. VALLEJO: Motion on the table to
2 withdraw the application by the applicant's
3 attorney. Motion by Mr. Grullon, seconded by Ms.
4 Gutierrez.

5 Roll call on the motion. Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Mr. Garcia.

14 MR. GARCIA: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

17 MR. VALLEJO: Six in favor. Let the
18 record indicate that the motion passes.

19 MR. PANEQUE: Thank you, Mr. Vella. I'm
20 just going to make the announcement in Spanish.

21 CHAIRPERSON GRULLON: We'll take a two
22 minute break.

23

24 (Whereupon a short recess was taken.)

25

* * * *

1 **HUNG FAT, INC. -**

2 **1212-1216 Summit Avenue:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Hung Fat, Inc., 1212-1216 Summit
6 Avenue. Mr. Vella, please.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Mr. Vella with the
9 following certification as to publication and
10 service with respect to all property owners within
11 a 200 foot radius of 1212-1216 Summit Avenue,
12 having received notice that was sent out on
13 June 20, 2023.

14 An affidavit of publication from The
15 Jersey Journal noting that notice was given for
16 this meeting at this location with respect to the
17 subject property on June 24, 2023.

18 The tax list from the tax assessor's
19 office noting all property owners within a 200
20 foot radius of 1212-16 Summit Avenue with a date
21 of June 20, 2023, and the certified mail slips
22 with a postmark date of June 22nd, 2023.

23 Based on the documentation that has been
24 provided, this board has jurisdiction to proceed
25 and hear this matter. Thank you, Mr. Vella.

1 MR. VELLA: Thank you, Mr. Paneque. For
2 the record, Vittorio Vella of the Law Office of
3 Bianca Pereiras, on behalf of Hung Fat, Inc., with
4 respect to 1212-1216 Summit Avenue.

5 We're here on behalf of applicant for
6 that address also known as Block 58, Lots 26, 27,
7 and 28. We submitted revised drawings to the
8 board in response to the board's comments at the
9 last hearing. We have three experts who are here
10 to testify before board and we're going to get
11 started with Mr. Manuel Pereiras.

12

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

14

15 MR. PEREIRAS: Hello, everyone. I will
16 be brief because you've heard from me four times
17 already. I love this application. I think
18 there's a lot of merit to it. A few things I've
19 never said in the past. The applicant is Andrew
20 Dey. I've known Andrew Dey since I was little a
21 little boy going to this movie theatre, he's owned
22 this property forever. The problem is movie
23 theatre business is no longer in existence. So
24 we've a problem. We have a large structure and to
25 mention what the large structure is, just so we

1 get a little of a reference of what it is, I'd
2 like to show you the aerial photograph.

3 This massive thing in the middle is the
4 existing theatre, okay. It is property line to
5 property line, property line to property line. It
6 covers the entire site and it's huge. In the
7 front, it looks like two stories but it goes to
8 the full height. What we're proposing is not to
9 make this thing bigger at all, we're actually
10 reducing the size of the structure significantly.
11 A 20 foot rear yard is required, we're cutting
12 36 feet of the back of this building and ripping
13 it out. And what we're doing is we're filling in
14 the block along the front, not going taller than
15 what was there, we're keeping it at the same
16 height of that building and moving that forward.
17 So what we're doing really is subtracting from
18 this building, rather than adding to it.

19 But we have a large mass and what could
20 we do with this? Adaptive reuse. We're
21 introducing apartments into the space. And
22 apartments that fit reasonably into this area that
23 make sense. Summit Avenue -- and my office is at
24 the corner, I grew up here, this is what I know.
25 It's suffering. We need people on Summit Avenue,

1 a little bit of density is good. And that's what
2 we're providing here. What we're providing is
3 16 units.

4 And we heard exactly what the board said
5 at the last time we were here. And the concern
6 was parking. So we looked at this, tried to
7 figure it out. And the applicant is going to
8 spend a significant amount of money in order to
9 create parking for this site. So what we're
10 proposing to do with our revised drawings, as I
11 said before, 36 feet of the rear yard is being
12 demolished. So now we have open air back there.
13 But if you see our ground floor, we're looking to
14 create a curb cut along Summit Avenue and create a
15 driveway into that rear space. We eliminated all
16 the units on the ground floor along the back and
17 we're providing parking for 17 vehicles, that
18 includes a handicapped parking spot.

19 So we heard the board loud and clear,
20 you wanted parking, we provided parking. And then
21 the rest of the building modified a little bit.
22 There are two existing commercial spaces, those
23 will remain. There's a barber shop and a dental
24 lab, that's not changing. The space over here
25 which used to be the candy shop for the movie

1 theatre, that becomes a handicapped accessible
2 apartment. I've said this so many times, we need
3 handicapped accessible apartments. This is going
4 to provide for that on the ground floor. It's a
5 510-square foot studio. So it meets the
6 requirements of our studio square footage and it's
7 on the ground floor, that works very well.

8 You walk into there and the stairs lead
9 you to the second floor. The building is
10 dissected right down the middle. We have a stair
11 on each side, so it's a very safe building.
12 Anywhere you come out of your apartment, you have
13 two choices to go to egress out of the building.
14 And we have the blue apartments, those are two
15 bedroom units, very simple, clean, open dining
16 room, kitchen, living room, open plan. And then
17 the bedrooms on each side. And then we have one
18 bedroom units at the two corners along the front.
19 The one bedroom units are 570 and 707 square foot.
20 The two bedroom units are 995 square feet, 1,304
21 square feet and 1,262 square feet. And it's the
22 same floor plan on the third and fourth floor.

23 So this is the same floor plan for the
24 third and fourth. And it's labeled on the bottom,
25 so this hasn't changed, so we're showing it here.

1 And it's the same floor plan, two bedrooms along
2 the back, a two bedroom in the middle and a one
3 bedroom on each of the two corners.

4 The roof now changes to be a flat roof.
5 And what that does is we're maintaining the same
6 height of what this building was. And if you
7 could see in the rendering, it's still
8 significantly smaller than the building
9 immediately next to it. And it's about the same
10 height, it's about eight feet taller than the
11 building immediately to the left of it. And the
12 next building over is taller yet still. So this
13 building in height wise fits into the
14 neighborhood.

15 We're not increasing the height in any
16 way. We're reducing the building, we're removing
17 36 feet by 92 feet of the building to create a lot
18 more open are. We're providing the necessary
19 parking, we have 17 parking spaces for 16
20 apartments. And I believe we've done everything
21 that the board has asked of us. That concludes my
22 testimony.

23 CHAIRPERSON GRULLON: Do you have
24 another witness?

25 MR. VELLA: We do. The next witness is

1 Mr. Connor Hughes.

2

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

5

6 MR. HUGHES: Connor Hughes, C-O-N-N-O-R
7 H-U-G-H-E-S. I work for Dynamic Traffic, I'm a
8 project manager there, a professional engineer in
9 the State of New Jersey.

10 MR. VELLA: Mr. Hughes has testified
11 before this board before.

12 CHAIRPERSON GRULLON: He's been before
13 us before, we accept your qualifications.

14 MR. VELLA: Thank you.

15 MR. HUGHES: Thank you.

16 MR. VELLA: Mr. Hughes, you're familiar
17 with the property and project located at 1212-1216
18 Summit Avenue, correct?

19 MR. HUGHES: Yes, I am.

20 MR. VELLA: Would you kindly describe
21 the project from a traffic and parking
22 perspective, please?

23 MR. HUGHES: Certainly. So as Manny
24 described for us, this project is going from a
25 theatre to an apartment building containing 16

1 units, seven one bedrooms, nine two bedrooms. The
2 dental lab and barber shop are remaining, so those
3 are effectively a wash, when it come to trips and
4 parking.

5 As far as the trips associated with the
6 residential use that's being proposed. We looked
7 at the standard ITE data for midrise housing, and
8 that projects seven trips during a.m. peak hour as
9 well as seven trips during the p.m. peak hour.
10 And that alone is not a significant increase in
11 traffic, but when you compare the difference
12 between the potential theatre use to the
13 residential, that net difference is even less.

14 And, again, even just considering the
15 seven trips, based on the residential use by
16 itself, ITE and New Jersey DOT, they set forth a
17 significant increase in traffic of 100 new peak
18 hour trips during any peak hour. We're very much
19 well below that number at seven trips per peak
20 hour. So the trip generation effects from this
21 project won't be discernible, I would say, for the
22 surrounding neighborhood.

23 There's also numerous mass transit
24 options. There's eight NJ Transit bus lines with
25 one being located right at the corner of Summit

1 Avenue and 12th. There's two actually, one on
2 opposite corners. So it's very accessible as far
3 as mass transit accessibility, which helps further
4 reduce vehicular demand, parking demand, which
5 I'll get into that in just a moment as well. But
6 that's just another factor that proves that this
7 project is beneficial and not a significant impact
8 to the neighborhood.

9 As far as the parking itself, as Manny
10 mentions, we're providing 17 spaces for 16 units,
11 so just over one per unit. RSIS does required 31
12 spaces, so hence we do have a parking variance.
13 However, RSIS does recognize that given different
14 parameters and factors, there is an effect that
15 happens -- a diminishing effect that happens on
16 the parking demand, those being household
17 characteristics, mass transit availability, as
18 well as the surrounding area, whether it's urban,
19 suburban, things like that. So we went and took a
20 look at each of those items as well.

21 As far as household characteristics, we
22 took a look at the census data for this particular
23 census tract, so the area directly surrounding
24 this area of Union City and this particular site.
25 And we looked at the vehicle occupancy per rental

1 unit, which is effectively the vehicle ownership.
2 So that number is just under .9 per unit, .87 cars
3 per unit. With the 16 units, that translates to
4 14 spaces, we have 17. So it's consistent with
5 what has been seen there in other developments in
6 the area. We also took a look at ITE parking
7 data, which is about half a vehicle per bedroom,
8 25 bedrooms, that equates to 12 parking spaces,
9 again we have 17. So we're consistent with that
10 data as well. And as I mentioned earlier we have
11 the mass transit availability. There's obviously
12 a wide network of sidewalks for biking, walking,
13 Uber, Lyft, taxi services are all available as
14 well, all of which help diminish the parking
15 demand and compliment the area.

16 And it's also improvement over the
17 existing conditions, which doesn't provide any
18 parking. So we're helping to improve that by
19 taking a lot of that parking off the street,
20 providing it on-site now, by cutting -- by
21 providing that curb cut and providing the parking
22 at the back of the building. So that's pretty
23 much it. I'll open up to any questions.

24 CHAIRPERSON GRULLON: The size of the
25 parking spaces, can you go over that?

1 MR. HUGHES: Good question.

2 CHAIRPERSON GRULLON: And the driveway.

3 MR. HUGHES: Yep. So the curb cut is
4 20 feet wide and then same thing with the drive
5 aisle in the back, it's a two-way drive aisle, 20
6 feet wide, parking on both sides. And then the
7 parking spaces are 9-by-18, which is the standard
8 spaces.

9 MR. GARCIA: Can I -- are we going to
10 ask questions after the three come up or you're
11 going to start to questions by testimony?

12 CHAIRPERSON GRULLON: Do you have other
13 another witness?

14 MR. GARCIA: They have another one.

15 MR. VELLA: We do have another one.

16 CHAIRPERSON GRULLON: Please.

17 MR. VELLA: Thank you, Mr. Chairman.
18 Calling Mr. Alex Dougherty.

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: I recognize I'm still
24 under oath. I'm not sure if the board still has
25 the exhibit packet I presented at the last

1 hearing. I do have a few, several -- I'm not sure
2 I have enough.

3 MR. GARCIA: One here, one per table.

4 MR. VELLA: Mr. Dougherty, would you be
5 so kind to take the board through this project
6 from a planning perspective, please?

7 MR. DOUGHERTY: Certainly. As we've
8 just touched on briefly before, this is another
9 iteration of what we proposed, where we've taken
10 back some of the concerns that were raised at the
11 previous hearing for this application and went
12 back to the drawing board to try to accommodate
13 the concerns the board had.

14 With that being said, just to recap on
15 this application, this is an adaptive reuse of an
16 existing -- I don't want to say historical, but
17 it's got sentimental value to the community, this
18 movie theatre. We're trying to keep what's there
19 with what we're seeing a lot of, which is adaptive
20 reuse, more of a modern building, while keeping
21 some of the old, more unique characters of a
22 community intact. I think Manny's done a really
23 good job of that from an architectural standpoint.

24 What we have here from this application
25 is we have really two existing variances that

1 we're seeking. A lot depth, we need 100 feet,
2 we're at, I believe, 10 short. We can't acquire
3 any more land in the rear. As you see from the
4 aerials, everything is built up around us. So we
5 have that preexisting condition, really is de
6 minimus of 10 inches.

7 Then we have an existing condition on
8 the site where they're -- as it stands today,
9 there's zero parking for this particular property.
10 Hearing some of the concerns, we've now added 16
11 parking stalls on-site. And I think when we did
12 that, what we did for the (d) (1) use variance, we
13 are proposing residential on the first floor,
14 which is not permitted in the zone. So we had in
15 the last iteration we had four apartments
16 downstairs, now we have one. Again a handicapped
17 apartment.

18 From a planning standpoint, providing
19 housing for other members of the community that
20 are sometimes forgotten is paramount and is good
21 sound city planning to provide a diversity of
22 housing options. And when we look at the
23 opportunity to do adaptive reuse of the site
24 without the installment of elevators, a
25 handicapped unit would be on the ground floor.

1 When we look at that, this is a (d) (1)
2 use variance. I believe this application, as
3 stated last time, has tremendous benefit to the
4 community with little to no detriment. We
5 understood the board's concern that parking was a
6 concern. We brought the traffic planner back as
7 well.

8 I believe, last couple times, you've
9 heard me talk about the census makeup for parking.
10 31 percent of the population in Union City uses
11 public transit, 17 percent car pool, 14 percent
12 walk from home, 11 percent bike, and -- I'm sorry,
13 11 percent walk, and 1 percent bike. So we have a
14 make up of 74 percent of the population does not
15 drive alone. So we have essentially an
16 opportunity for a one-to-one parking ratio with
17 one extra. And I think, you know, that's right on
18 par with what the site would accommodate with some
19 residents and with what the makeup is for the
20 city.

21 Now, when I look at this particular site
22 itself, the (d) variance here for that one unit on
23 the ground floor, I don't believe, would undermine
24 the integrity of the zone plan. When we look at
25 the intent of the zone plan for the CN

1 neighborhood commercial, as Manny said early on,
2 we're kind of adding that density to a much needed
3 portion of Summit, where, you know, residents here
4 would be able to shop, play, and work and have a
5 relatively easy access to the amenities and mass
6 transit, which I think supports the intent of the
7 CN zone as far as a commercial neighborhood, you
8 know. If we don't put the residents here, it's
9 not really a neighborhood commercial zone anymore,
10 it's just a commercial zone. So adding these
11 residents here to accommodate the one-to-one
12 parking, I think, is sound planning. I think the
13 application has come a long way.

14 And with that, I'll conclude that the
15 application would advance purposes of the
16 Municipal Land Use Law, purpose A -- I believe it
17 was purpose A, E for the appropriate densities,
18 purpose I for desirable visual environment,
19 purpose G and purpose M. Again, to highlight some
20 of the benefits of this application, we took a
21 property that was built nearly to every lot line
22 and actually have added greenery, added parking,
23 and added residents, which I think is sound
24 planning for the CN zone. With that, I'll
25 conclude.

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

2 Mr. Dougherty would be our final
3 witness, so we'll be open to questions from the
4 board.

5 CHAIRPERSON GRULLON: Thank you.

6 Mr. Spatz, I want to ask you for
7 clarification on the requirements, you know, what
8 conforms.

9 MR. SPATZ: Sure.

10 CHAIRPERSON GRULLON: The minimum lot
11 area, this has 16 units, but when we -- in your
12 memo, it calls for 2,500 square feet?

13 MR. SPATZ: Right.

14 CHAIRPERSON GRULLON: Could you explain
15 that to me, because I'm confused. I believe 2,500
16 is for one lot. This has three lots, this has
17 16 units. How is that conforming because I see
18 that we have more units than what is permitted?

19 MR. SPATZ: Right. Well, the zone is
20 the commercial zone, which only permits a maximum
21 of three dwelling units. So they need a density
22 variance or a use variance for two reasons because
23 they have a unit on the ground floor, which the
24 commercial zone doesn't permit. And then they
25 have more three units on the upper floors, so they

1 need a use variance. So all of these other
2 variances, you don't technically grant them as
3 separate variances, with the exception of parking.
4 But when you consider the project, you consider
5 the use with whatever variances or nonconformities
6 there are. So the zone, you know, requires 25 by
7 100 lot in the commercial zone.

8 MR. GARCIA: For any application?

9 MR. SPATZ: For any application.

10 CHAIRPERSON GRULLON: That would be for
11 like three units.

12 MR. SPATZ: The zoning doesn't work that
13 way, where a different size lot would have -- or
14 different number of units required for a different
15 lot. It wouldn't technically need a lot area
16 variance, but in terms of density it does need
17 that variance because more than three units are
18 being proposed.

19 MR. GARCIA: This is one lot or three
20 lots?

21 MR. SPATZ: It's one site. The zoning
22 ordinance doesn't distinguish between a single lot
23 or a site made up of multiple lots.

24 CHAIRPERSON GRULLON: Okay.

25 MR. GARCIA: I understand that you come

1 with testimony. In the other application and I
2 was asking -- I was ready to ask for two minutes,
3 just to invite the applicant -- I mean the
4 attorney and the architect or whatever to invite
5 the applicants to come around. I mean we live in
6 the City, like, there are a lot of information,
7 there are lot of meetings in the street.

8 If you go by all those -- before I come
9 to the meeting, I usually drive around.

10 MR. PEREIRAS: Mr. Garcia, I don't
11 think -- I can say with almost surety that I know
12 this site better than any person in this room,
13 even better than Mr. Dey. This is my
14 neighborhood.

15 MR. GARCIA: I know that you know the
16 area better than me, I know. I just get to the
17 area probably 1998, so you were born there and you
18 grew up there. However, I got some discrepancy
19 regarding the parking. Right now, when you walk
20 in the street -- by the way, I pass -- I was in a
21 meeting the other day in the street, 14th Street
22 and Summit. And all the complaint is parking?

23 MR. PEREIRAS: I don't disagree with
24 you.

25 MR. GARCIA: Right now, you drive around

1 the City 10:00 at night, 11:00 at night and you
2 see that the four corners, you have cars blocking
3 the crosswalk. So no matter what those statistics
4 that come out that show that .8 rental units, they
5 don't use the parking. This could be pretty nice
6 on paper, however, in practice, that we live in
7 Union City, we know what we're doing.

8 I just rented a year ago one unit on
9 34th Street. We are like seventy something units
10 with like 80 parking or 85 parking and we still
11 have people -- and it's a rental building parking
12 in the street, and most of them work in New York.

13 I work hybrid, I work. I go sometime
14 into the office, sometime I work from home, but
15 still I have my car. So all those numbers on
16 paper could be nice for another area in the state,
17 but in Union City, where we're living with the
18 parking -- you know, Mr. Pereiras, right.

19 MR. PEREIRAS: Mr. Garcia, I agree with
20 you 100 percent. We have a horrible parking issue
21 in Union City, okay, it is devastating. On the
22 same block, the building next to this is twenty
23 something units, 27 units I believe. It has no
24 parking in that building, okay. So those are 27
25 apartments that statistically .9 percent of them

1 per unit have cars?

2 CHAIRPERSON GRULLON: That doesn't --

3 MR. GARCIA: That building was approved
4 by the board.

5 MR. PEREIRAS: It was.

6 MR. GARCIA: Probably prior to the new
7 master plan.

8 MR. PEREIRAS: But RSIS was in existence
9 when that building was approved.

10 MR. GARCIA: Correctly.

11 MR. PEREIRAS: That's not my argument.
12 I'm supporting your statement, there's a lack of
13 parking in the neighborhood, there's a lack of
14 parking. The building next to it, to the
15 immediate north of it, is 14 units, no parking.
16 The building across the street from it has about
17 eight units, no parking. All the little
18 commercial spaces that have commercial and
19 apartments above, none of them have parking.

20 CHAIRPERSON GRULLON: And that's exactly
21 what we're taking in consideration. The parking
22 condition is --

23 MR. PEREIRAS: Horrible.

24 CHAIRPERSON GRULLON: It's a chronic
25 situation.

1 MR. PEREIRAS: It's a chronic problem.

2 CHAIRPERSON GRULLON: It's horrible.

3 MR. PEREIRAS: The question --

4 CHAIRPERSON GRULLON: And I know it's
5 because of what we have there now. We're trying
6 to work with what's coming.

7 MR. PEREIRAS: And it makes perfect
8 sense.

9 CHAIRPERSON GRULLON: In a way, you
10 know, we have to understand that the City right
11 now, if you go, at this time, all the bus stops
12 are taken, the crossings, sometimes, are also
13 taken. And the pedestrians, they have to walk to
14 the street because the cars are parking right on
15 the corners.

16 MR. PEREIRAS: Yet, again I completely
17 agree. I'd like to finish my --

18 CHAIRPERSON GRULLON: I know there's a
19 lot of existing conditions, there's nothing we can
20 do about those things now. But anything that
21 comes up, we need to set some kind of precedent
22 that from now on, anything that goes in front of
23 this board, we have to try to consider to provide
24 enough parking. And also the size of the parking
25 to be a normal parking size.

1 MR. PEREIRAS: That --

2 CHAIRPERSON GRULLON: That's the thing
3 we're seeing a lot, small parking size that people
4 now are on the street because they don't fit into
5 the parking space.

6 MR. PEREIRAS: May I finish my
7 statement? So small parking sizes, I think that
8 that's horrible. What's a right parking size?
9 It's 9-by-18. What does this project have? 17
10 parking spaces that are 9-by-18, exactly what the
11 requirement is. What's the drive aisle required?
12 We meet the drive aisle requirement. We meet all
13 the standards for parking.

14 Now, the question that is before this
15 board, the real question you want to say. We know
16 parking is horrible in the area. The question is
17 whether this project makes the parking situation
18 worse or not, that's the real question. Not that
19 the parking is bad, we all know the parking is
20 horrible. I park there every single day, I go to
21 a job site and come back. I know how horrible the
22 parking is.

23 But the question is does this project
24 make that parking worse. And I present to the
25 board, our traffic consultant presented to the

1 board, that it will not. Why? Because we have
2 small apartments that statistically you might have
3 one person per apartment that has a car, that
4 means we have one additional parking space to --
5 we have 17 parking spaces, whereas 16 would
6 statistically be required.

7 Furthermore, if this board were to
8 request it of my client, if parking is the issue,
9 all these cars in the back are open to the air. I
10 could double every single one of those parking
11 spaces with a simple parking lift. And we could
12 provide that for all the cars across the back.
13 We'll double the amount of parking this board
14 would like, immediately.

15 So if the issue is really parking, we've
16 satisfied that. We have 17 spaces, we can double
17 it to 27 spaces, no problem. We'd like to work
18 with the board. You came to me last meeting,
19 parking was the issue. We solved that issue. My
20 client --

21 CHAIRPERSON GRULLON: It's not solved,
22 it's still an issue.

23 MR. PEREIRAS: How could -- if we can
24 provide 27 parking spaces for 16 apartments, how
25 is that an issue?

1 MR. GARCIA: How much parking would it
2 require?

3 CHAIRPERSON GRULLON: The requirement is
4 33 spaces.

5 MR. PEREIRAS: All right. Then we
6 actually meet the requirement for 33 spaces. What
7 I'll do is I'll provide four EV stations, okay.
8 Those EV stations count as eight parking spaces
9 and we meet the requirement on paper. That's
10 exactly what you're asking --

11 CHAIRPERSON GRULLON: I don't agree with
12 the EV stations. Still you're going to have one
13 car there regardless. It could be a law, but it
14 doesn't apply to our board. What we're looking at
15 is space.

16 MR. PEREIRAS: But your statistics,
17 based on 33 parking spaces, you're looking at a
18 law. That law says that an EV parking space
19 counts as two. So we can meet the requirement of
20 parking with this application. So we have no
21 issues with parking. If the board likes, we add
22 the stackers and we meet the parking requirement
23 for this project.

24 MR. GARCIA: Those 33 parking is
25 included the commercial?

1 MR. SPATZ: 35 are required with the
2 commercial.

3 MR. PEREIRAS: And we have enough
4 height. We have 17 spaces, we can double all 17.
5 We have 34 parking spaces there plus the EV
6 stations, that puts us at about 40 parking spaces
7 that we can provide this board. So if the issue
8 is parking, we'll provide it for you. We have 40
9 parking spaces available.

10 CHAIRPERSON GRULLON: I know you also
11 mentioned, this is another topic. The size of the
12 apartment, they're small units.

13 MR. PEREIRAS: I'll walk you through the
14 sizes of the apartments.

15 MR. GARCIA: Before we get out from the
16 parking spaces, I need also the consultants here
17 about -- that going to be kind of something new
18 for us, that kind of mechanical parking, right?

19 MR. PEREIRAS: And we'll be happy to
20 provide testimony on that. We'll come back the
21 next meeting and provide testimony on the
22 mechanical parking. They're extremely safe, I've
23 used it on multiple buildings, never in Union
24 City. We've done it in West New York, we've done
25 it in Guttenberg. Union City will be the first,

1 so we can provide testimony on how that works and
2 how safe it is. There are so many sensors, it's a
3 wonderful system.

4 MR. DOUGHERTY: I have some familiar
5 experience with that as well. I did a tour of one
6 in Jersey City because Belleville is going to be
7 putting two or three in their residential
8 apartments and mixed use to accommodate. So
9 there's a lot of options out there and I toured
10 one, they're going to be doing that in the
11 redevelopment plans. And that's kind of the new
12 fix for parking for efficient land use for these
13 mechanical parking lifts.

14 MR. GARCIA: Going to be new in Union
15 City.

16 MR. DOUGHERTY: It's out there in the
17 world, but in America, it's starting to catch on.

18 MR. PEREIRAS: So if parking is the
19 concern of the board, rest assured, we're
20 providing enough parking.

21 MR. GARCIA: I cut you off, you were
22 going to talk about the apartment size.

23 CHAIRPERSON GRULLON: Talk about the
24 apartment sizes.

25 MR. PEREIRAS: I'll be very happy to.

1 So we have a studio apartment on the ground floor,
2 we're conforming, we're 510 square feet for the
3 studio apartment. That's the ADA unit on the
4 ground floor.

5 The apartment 201 is 570 square feet,
6 one bedroom. If this board has a concern with the
7 size of the area, I'll change it to a studio,
8 that's not a problem. We'll be happy to comply
9 with whatever the board thinks. We believe that
10 that 570 square feet fits well. If you want to
11 make it a studio, we can make it a studio.

12 Apartment 202 is 1,304 square feet,
13 that's probably twice as big as the majority of
14 the apartments on this block. So we have a very
15 comfortable large apartment, two bedroom there.

16 Apartment number 203 is 995 square feet,
17 two bedroom. Yet again extremely comfortable
18 apartment. Apartment A 204 is 1,265 square feet.
19 Again, much better than anything else on this
20 block, even better than the larger building that
21 was built more recently.

22 And then apartment 205 is 707 square
23 feet, one bedroom. So the only one that I would
24 say is on the smaller side is the one unit. If
25 this board so fits, we'll change that into a

1 studio, we have no issue with it. We believe that
2 as a one bedroom it works well, but we want to
3 work with the board. If you want to change that
4 to a studio, we'd be happy to.

5 CHAIRPERSON GRULLON: Let me ask you
6 what is the reason you have an apartment on the
7 ground floor?

8 MR. PEREIRAS: For ADA compliance.

9 MR. GARCIA: If you don't have, you have
10 to get an elevator.

11 MR. PEREIRAS: And it changes the
12 economies of the building. The owner is a
13 landlord from this neighborhood. This is one of
14 the reasons I'm petitioning this a lot. His
15 building have common people who live -- these
16 aren't yuppies from Manhattan living in these
17 buildings. There are for common people from the
18 neighborhood. We want to keep it that way. We
19 want to keep the economics of this project
20 reasonable. That's one of the reasons we're
21 presenting this project to you at the scale in
22 this way. Number one, we want to keep the
23 integrity of the fabric, the historical fabric of
24 the site. Union City had about nine theatres,
25 they're all gone except for the Park Theatre,

1 they're pretty much gone. This is part who we are
2 in Union City. We didn't want to tear this down,
3 okay, we want to keep the building. It's one of
4 the things -- the pushes that I made with this
5 applicant. I thought it was so important to keep
6 this historical fabric. This is a gorgeous brick
7 building. And what we're doing is keeping that
8 building alive by this application.

9 In addition to that, provide the housing
10 stock that's necessary. These are economic units
11 that make sense for this neighborhood. And
12 utilizing a building that otherwise is obsolete.
13 There's nothing we can do with this massive
14 structure. We have four theatres in there, full
15 size theatres inside that building. It's massive,
16 it's stone. What we're doing for the community is
17 great, we're removing 36 feet of this building,
18 creating open air for all the neighbors around.
19 We're reducing the size of it significantly. And
20 what we're filling in doesn't impact the neighbors
21 because they're taller.

22 So this is -- I'm sorry I'm getting
23 passionate about this because I believe very
24 strongly in this project. I really --

25 CHAIRPERSON GRULLON: You always are.

1 MR. PEREIRAS: It's the right project
2 for the right neighborhood at the right site. And
3 Summit Avenue desperately needs this.

4 CHAIRPERSON GRULLON: My concern is
5 parking.

6 MR. PEREIRAS: And we've addressed it.
7 We're providing all the parking necessary. And if
8 you give us opportunity to do the stackers, we
9 have no parking variance. And we can provide that
10 to this board.

11 MR. GARCIA: Mr. Spatz, can we
12 consider -- since we all know that this is new for
13 us, can we consider those mechanical parking to
14 supply the requirement?

15 MR. SPATZ: Yes. They would go towards
16 the number of spaces that they require. They
17 would have to show them on the plan and provide
18 testimony to the board to satisfy that you feel
19 they'll work. But that's an acceptable way of
20 providing parking.

21 MR. HUGHES: I want to also put on the
22 record that our RSIS is actually a maximum
23 requirement that a municipality can impose. It's
24 not a minimum that we have to meet. We actually
25 have legislation from DCA stating it as such, but

1 I wanted to get that on the record. It's not
2 necessarily a minimum that we have to meet, it's a
3 maximum that could be imposed.

4 MR. PEREIRAS: I want the board to
5 understand how willing this applicant has been,
6 he's spent in every direction. In order to create
7 the parking -- there's a basement under the
8 building. We're going to build retaining walls,
9 we're going to fill solid the driveway of this
10 site. It's a significant economic request that
11 he's doing. And he's willing to comply because
12 that's what the board told us they wanted and
13 we're complying with that. So I feel -- pardon my
14 passion, but I feel it's the right project for
15 here.

16 MR. GARCIA: Another question. There
17 was a prior approval, right?

18 MR. PEREIRAS: There was. There was a
19 prior approval. And there were two problems with
20 that prior approval. Number one, it expired. And
21 number two -- and this is not for the board's
22 consideration -- the economics just did not work.
23 It was too expensive to tear down this building
24 and just get what we had.

25 So that's why we came before this board

1 with exactly this project that we're presenting
2 for you. Otherwise, it would have stayed the same
3 way as it was, a vacant building because the
4 numbers just did not work.

5 CHAIRPERSON GRULLON: For the traffic
6 person -- and if we're going to continue listening
7 to the proposed plan to do more parking, we're
8 probably going to have to hear from you again.
9 But the study that you made, did you consider that
10 you are right behind a church and a school?
11 There's a lot of pedestrian traffic going to that
12 sidewalk?

13 MR. HUGHES: Certainly. I mean we're
14 going to obviously make sure that the design of
15 the curb cut is conforming with any safety
16 measures and proper design standard. If that
17 means adding additional measures, mirrors,
18 flashing lights, anything like that, I'm sure the
19 applicant is willing to do that in the interest of
20 safety. So we can absolutely make sure that it's
21 going to be a safe travel way, not only for cars,
22 but also pedestrians that are in the area.

23 MR. GARCIA: Did you provide the
24 secretary with the written report?

25 MR. HUGHES: No, just testimony.

1 MR. VALLEJO: It has to be ten days
2 before the date of the hearing date.

3 MR. GARCIA: When did you do the study?

4 MR. HUGHES: We didn't submit an actual
5 traffic study, I'm just providing testimony
6 tonight.

7 MR. GARCIA: What I'm saying because you
8 visit the area, when did you go there?

9 MR. HUGHES: I didn't go myself. I got
10 just contracted recently, so I didn't have time to
11 get out there myself. But I had to familiarize
12 myself virtually, but I've done other projects in
13 the area. And certainly between now and the next
14 meeting, I can make that effort to get myself out
15 there with my own eyes.

16 MR. PANEQUE: Mr. Pereiras, I have a
17 question for you. The structure now that's there
18 is a brick building?

19 MR. PEREIRAS: It is masonry and steel.

20 MR. PANEQUE: Masonry and steel. And
21 you're removing 36 feet from the rear of that
22 building?

23 MR. PEREIRAS: Correct.

24 MR. PANEQUE: Now, you mentioned
25 something interesting. You're actually filling in

1 an entire driveway from -- you're converting a
2 basement into a driveway?

3 MR. PEREIRAS: That's correct.

4 MR. PANEQUE: I'm assuming a lot of the
5 fill is going to go into the basement?

6 MR. PEREIRAS: That's exactly how we
7 have it planned. We're going to plan to mill and
8 chop the masonry around the exterior and use it as
9 fill.

10 MR. PANEQUE: So from a perspective of
11 environmental impact, you're limiting the
12 environmental impact that would be caused if this
13 building had to be completely demolished by
14 utilizing the rubble in filling in the basement
15 for the apron that's going to be created for the
16 driveway?

17 MR. PEREIRAS: That's a fantastic point.
18 It is environmentally sound for several factors.
19 Number one, we are using that rubble. But,
20 second, we're salvaging the building that there is
21 there. So by not tearing that down, we're
22 reducing the impact on the environment, just from
23 the trucks pulling debris away, reducing amount of
24 fill. And this is going to be -- meet all the
25 energy requirements for now for 2023. So it is

1 going to become a very green building as well.

2 MR. PANEQUE: Is a portion of the
3 building still remaining?

4 MR. PEREIRAS: A small portion for
5 mechanicals. We have an existing sprinkler system
6 coming in. That room is going to remain in order
7 to provide sprinklers for the building that
8 maintain that usage.

9 MR. PANEQUE: That's on either side of
10 the building? Because the apron is going to be --

11 MR. PEREIRAS: Both sides of the
12 building. So the two stairs are both going to go
13 down for the front portion of the building. The
14 apron is going to -- for the driveway is going to
15 get filled and rear portion of the building is
16 going to get filled. And we're going to be left
17 with two squares along the base of the building.

18 MR. PANEQUE: You have ten parking
19 spaces around the back, which you say are open to
20 the air?

21 MR. PEREIRAS: Yes.

22 MR. PANEQUE: Six are the ones that are
23 under the building.

24 MR. PEREIRAS: Seven spaces under the
25 building.

1 MR. PANEQUE: Is there enough height
2 there to fit a tandem mechanical --

3 MR. PEREIRAS: Yes. We're using the
4 existing floor to floor heights of the building.
5 And since it was a theatre, it had a tall lobby.
6 We have more than sufficient room to be able to
7 have two cars, one on top of the other.

8 MR. PANEQUE: So practically you could
9 34 parking spots there?

10 MR. PEREIRAS: That's correct.

11 MR. PANEQUE: Not even going into this
12 whole EV --

13 MR. PEREIRAS: Yes. We have 34 spots,
14 plus using the EV, we can increase that county.

15 MR. PANEQUE: Okay. All right. I have
16 no further questions.

17 CHAIRPERSON GRULLON: Mr. Pereiras, the
18 curb cut that you're proposing, 20 feet, how many
19 street parking are you proposing to eliminate?

20 MR. PEREIRAS: That would eliminate one
21 parking space.

22 CHAIRPERSON GRULLON: Just one.

23 MR. PEREIRAS: One parking space. It
24 works out the way it's laid out there. And not
25 that long ago, that was a loading zone. So that

1 parking space actually has only been in existence
2 for two years. That's typically been a loading
3 zone for years. So the neighborhood is used to
4 not having that parking space.

5 CHAIRPERSON GRULLON: All right. I
6 think I don't have anymore at this time. I want
7 to open it to the public. Any member of the
8 public want to step forward on this application?

9 We would like to hear more testimony
10 about the parking. And, again, this is something
11 that -- I don't want to consider what's the
12 statistic in the neighborhood anymore. We're
13 going to try to stay away from parking variance.
14 Please revise your plans, at least the parking
15 level.

16 MR. GARCIA: And I want to make a
17 question -- I want to ask a question, Mr.
18 Chairman. I hear a few times Mr. Pereiras
19 mention, like, I want to do whatever the board
20 wants. And just to clarify, I don't go by that
21 guidance. Whatever I mention here, that doesn't
22 mean that I'm asking the applicant to do. I don't
23 know because that's what I -- my interpretation
24 about your statement, okay.

25 If we're asking for this -- I mean

1 asking questions about the parking, asking
2 questions about this, it's not what we want. We
3 just ask questions, we just make statements about
4 what we hear in the street, what we need in the
5 City, it's not what we want.

6 I mean when I'm going to see the
7 application again, next meeting, to me, it's brand
8 new, no matter what it is, you know what I mean?
9 So it's not whatever comment is here, don't take
10 it -- I'm telling you, I'm talking to everybody.
11 This is me personal, I don't know what the other
12 Member of the Board think about it --

13 CHAIRPERSON GRULLON: He's correct.

14 MR. GARCIA: Whatever I said in the
15 meeting today, that doesn't mean that if you come
16 with my question answered, that doesn't mean that
17 that's what I want.

18 MR. PEREIRAS: That's why we have
19 meetings, Mr. Garcia.

20 CHAIRPERSON GRULLON: That doesn't mean
21 we're inclined to grant the approval, we're going
22 to review the request for the board. Sometimes,
23 we try to lead the board to say this is what you
24 requested, you should approve that. We requested
25 to see it and review it. At that time, we still

1 have a decision whether to approve it or deny it.

2 But for now, we would like to see more
3 testimony about providing more parking, you know.
4 And at least the parking variance to disappear, to
5 go away.

6 MR. PEREIRAS: As applicants, I'd just
7 like to say, we're very in tune to what you say.
8 And what you say holds a lot of value, not because
9 of you as an individual, but because we understand
10 that you understand the neighborhood, you
11 understand what the needs of the community are.

12 So when you say something, it holds a
13 lot of value for us. And we try our best to
14 address those things. We know that there might be
15 new things that arise, but we do our best to try
16 to satisfy those.

17 MR. GARCIA: Thank you.

18 CHAIRPERSON GRULLON: You know, we hear
19 from the residents, we hear from the neighborhood,
20 that we're not here for any applicant. Even
21 though we appreciate them bringing new
22 construction to the City, but we also have to make
23 sure that, you know, safety and quality of life in
24 the neighborhood are met. With that, I'm going to
25 make a motion --

1 MR. PANEQUE: Before we have an
2 application to adjourn, Mr. Vella, does your
3 client waive the statutory time limits in which
4 this board can hear the application?

5 MR. VELLA: Yes, he does.

6 MR. PANEQUE: Thank you. Is there a
7 motion to adjourn the application?

8 CHAIRPERSON GRULLON: Motion to adjourn
9 to the next meeting.

10 MR. VALLEJO: Next meeting would be
11 September 14, 2023, same place.

12 VICE CHAIRPERSON GUTIERREZ: Second it.

13 MR. VALLEJO: Motion by Mr. Grullon to
14 adjourn the application to September 14, 2023,
15 revised plans required?

16 MR. PANEQUE: We're going to need the
17 submissions on the revised plans for the parking
18 proposal with the mechanical parking.

19 CHAIRPERSON GRULLON: And change that
20 one apartment to a studio.

21 MR. PEREIRAS: Yes, we'll do that.

22 MR. PANEQUE: Traffic engineer's report
23 please. And no new notice will be required since
24 you just noticed for this hearing.

25 MR. PEREIRAS: Thank you.

1 MR. VELLA: Thank you.

2 VICE CHAIRPERSON GUTIERREZ: Thank you.

3 MR. PEREIRAS: If I may, we can create
4 an opportunity for this board -- and I know that
5 you don't want to meet altogether, because it will
6 create a quorum. But if the board would like to
7 see an example of a parking lift, we could
8 definitely arrange that if you like.

9 CHAIRPERSON GRULLON: Just tell us where
10 to go and we'll park there.

11 MR. VALLEJO: We need revised plans.
12 And make sure on the location of the parking, it
13 shows the columns of the building that they can
14 describe better, the spaces of the parking spaces,
15 please.

16 I have a motion to adjourn this
17 application by Mr. Grullon, seconded by Ms.
18 Gutierrez, to adjourn this application for
19 September 14, 2023.

20 Roll call on the motion. Mr. Grullon.

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

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

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1 **JFK REALTY -**

2 **4614 KENNEDY BOULEVARD:**

3

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

7 VICE CHAIRPERSON GUTIERREZ: I recuse
8 myself on this application.

9 MR. VELLA: We're ready. May it please
10 the board, Vittorio Vella of the Law Office of
11 Bianca Pereiras on behalf of JFK Realty. My
12 understanding that jurisdiction was previously
13 adjourned on June 8, 2023. I want to make sure if
14 you have a question or something, that I could
15 answer it, that's all.

16 So, at this time, we're going to call
17 three witnesses with respect to this project. The
18 first being Mr. Manuel Pereiras, followed by
19 Connor Hughes, and I do believe Mr. Lee Klein. So
20 we'll start with Manny. Just give him a moment.

21 MR. PANEQUE: Mr. Vella, just so that
22 the record is clear and I'd like to state that
23 because Ms. Gutierrez recused herself, we only
24 have five members at this time. And it's your
25 decision to proceed with five members, even though

1 you need a full quorum vote because you need a
2 super majority?

3 MR. VELLA: That is correct, Mr.
4 Paneque.

5 MR. PANEQUE: Thank you.

6

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

8

9 MR. PEREIRAS: So still Manny Pereiras,
10 I recognize I'm still under only.

11 MR. PANEQUE: Still passionate?

12 MR. PEREIRAS: Always passionate.

13 MR. VELLA: I'd take a passionate
14 architect over a non-passionate one any day of the
15 week, I'll tell you that.

16 Manny, would be so kind as to take the
17 board through the project?

18 MR. PEREIRAS: I'd be very happy to.
19 The drawings on the easel to my right are the same
20 drawings that were submitted to the board.
21 However, some sheets have color. That's the only
22 difference.

23 I'd like to start by showing what is
24 there existing. If you see the photograph on
25 sheet Z01 and there's several photographs of the

1 building. We see that the existing three story
2 structure on there is on top of a significant
3 amount of soil, which constitutes another story.
4 So in essence what's there on the site right is
5 now is a four-story building, as far as we relate
6 to in the height of the structure. What we're
7 proposing to do is not go any taller than that
8 existing height the peak of that building. So our
9 building fits within that footprint of height.

10 When we were before the board
11 previously, the biggest concern was parking.
12 There was a very clear recommendation or I could
13 say a suggestion to have at least a one-to-one
14 ratio. We were able to accomplish that in this
15 application. We understand that it is still under
16 your review and you still have the ability to make
17 comments, but we tried to listen to your comments
18 and address it on the site. We also took that
19 opportunity to massage the building a little more
20 and make it a little even more attractive.

21 One of the things I did, if you remember
22 the previous application, the building followed
23 the property line, which was at an angle along
24 Kennedy Boulevard.

25 CHAIRPERSON GRULLON: Mr. Pereira,

1 just -- Mr. Vallejo?

2 MR. VALLEJO: Yes, revised memorandum?

3 CHAIRPERSON GRULLON: Yes, please.

4 MR. VALLEJO: Of course.

5 MR. GARCIA: June 29th?

6 MR. PANEQUE: That's the one.

7 MR. VALLEJO: June 23rd.

8 MR. VELLA: Just to clarify for the
9 record, the address of 4614 Kennedy Boulevard,
10 also with respect to the witnesses called, I
11 believe I misspoke earlier, our third witness is
12 not Mr. Lee Klein, it's actually Mr. Alex next on
13 this project as well. I just want to clarify
14 that.

15 MR. PANEQUE: Take a five minute break
16 while you look for that.

17

18 (Whereupon a short recess was taken.)

19

20 MR. VALLEJO: Back on the record.

21 Mr. Grullon, please.

22 MR. VELLA: Thank you. Before the
23 break, we were getting started with the testimony
24 of our architect, Mr. Pereiras.

25 Mr. Pereiras, just to continue, would

1 you kindly take the board through the project with
2 respect to 4614 Kennedy Boulevard, Block 263, Lots
3 34 and 35.

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

5 Site is always important. I think it's
6 significantly important with this job site. This
7 is Kennedy Boulevard, this is 27th Street. These
8 two lots are our job site. As you can see along
9 the same block, we have mosque with parking all
10 around it. The mosque tore down three houses and
11 created a parking lot there. And then lot number
12 15, they also purchased and tore down that house.
13 And they have a plan to keep on purchasing and
14 tearing down to create parking.

15 If we go a little bit further on 47th
16 Street, right before we hit Bergenline Avenue,
17 there's a municipal lot right there. And of
18 course everyone knows our proximity to the light
19 rail, just a few blocks away from the light rail.

20 As I was saying, what's existing on the
21 site is a three-story structure on top of
22 one-story of dirt. So it acts like a four-story
23 structure. We're not looking to go any higher
24 from that. We're matching the peak of the house.
25 And our building is equal to that in height.

1 When we presented previously to the
2 board, we had a tandem parking layout that was
3 very limited in parking. We understood the
4 board's request to have at least a one-to-one
5 ratio with our apartments. And we made that
6 happen. We moved the location of our curb cut
7 towards -- more to the middle of the building.
8 And we created 13 parking spaces that are head on.
9 So there are no tandem spaces and we are providing
10 for EV parking as well. The majority of our
11 spaces are 9-by-18. However, we do have some
12 spaces, particularly where there's columns that
13 are reduced to 8-by-18, so they're slightly less
14 wide than a typical space. However, our drive
15 aisle is significant to compensate for the smaller
16 space. We provide greater drive aisle, so we have
17 a total drive aisle in the worst case scenario of
18 25 feet three inches, that increase in certain
19 areas. Particularly where there is an
20 intersection of parking spaces. So, in essence,
21 what we created is a building that has 13 parking
22 spaces for 13 apartments. And I'd like to walk
23 you through what those apartments are.

24 Let me talk about the site a little bit
25 more. Our previous application had the front yard

1 setback that was in line or parallel to the
2 property line. And one of the -- something that a
3 board member mentioned is that the house
4 immediately to the south of this felt a little bit
5 setback. So what we did is we made that a
6 straight line coming from the front yard setback
7 of seven feet on one end. So on this end, we have
8 a front yard setback of about 11 feet six inches.
9 So we're setting our building significantly back,
10 so we're more in line with the adjacent dwelling
11 there as well.

12 Our apartment layout on the floors above
13 changed from the previous application. We rotated
14 the location of the stairs, but what we created
15 now is two stairwells on each end of the building,
16 an elevator along the front. And we reconfigured
17 in a way so now it's very clear, clearly
18 dissecting the building along the middle. Just to
19 walk you through apartments 201 to 401 are two
20 bedroom apartments, they're 960 square feet. Like
21 most of my projects, you enter into a living room,
22 dining room, kitchen area, and then have two
23 bedrooms along the back. The rear bedroom being a
24 bedroom suite.

25 The apartments 202 to 302 are again two

1 bedrooms, and that's 950 square feet with the same
2 concept for the floor plan.

3 Apartment 203 to 303 is a one bedroom of
4 7:28 square feet. And apartment 204 to 304 is a
5 two bedroom of 1,030 square feet. That is true of
6 the second and the third floor, they're identical.
7 The fourth floor is a slightly different. And the
8 difference comes in the unit layout and in
9 stepping that corner back. We thought it was
10 attractive feature to reduce the height of the
11 corner as you're reaching the intersection and
12 step that back. So we basically took what was a
13 bedroom there and we moved it and made it a small
14 terrace. And that unit becomes a two bedroom unit
15 of 1,030 square feet. Apartment 405 becomes a one
16 bedroom unit of 572 square feet, apartment 403
17 becomes a one bedroom unit of 572 square feet.
18 And apartment 402 becomes a one bedroom unit of
19 562. Apartment 201 and 401 remains the same as
20 the footprint below, that's a 960 square feet.
21 And that is -- that makes up all the apartment
22 count. So we have two floors identical with this
23 layout and then the top floor there.

24 When we get to the height of the
25 building and the elevations, as I said before,

1 this becomes a four-story structure equal to the
2 height of the three-story structure that was
3 there. It fits in with the rest of the
4 neighborhood. The topography of the site helps us
5 a lot. If you see the elevation, what we call the
6 side elevation here, which is on the opposite of
7 47th Street and the 47th Street side. On the
8 Kennedy Boulevard side, we have a total height of
9 45 feet, but when you take the building and you
10 consider the topography of 47th Street, the total
11 height of this side is significantly less, it's
12 about four feet less. There's an elevation grade,
13 a difference between 172 to 168. So there's a
14 four foot difference that makes the back of the
15 building four feet smaller, which is more in line
16 with the neighborhood, the residential houses a
17 little bit further down.

18 We have two other experts to testify
19 today. But before I get to that, I think it's a
20 great photograph to see this and understand the
21 height and the massing of the building, as opposed
22 to what the larger structures are next to it.
23 We're just meeting that same line, which I think
24 fits very well into the neighborhood. And that
25 concludes my testimony.

1 CHAIRPERSON GRULLON: Thank you, Mr.
2 Pereiras. Bring your next witness.

3 MR. VELLA: Yes, Mr. Chairman. Mr.
4 Connor Hughes.

5
6 C O N N O R H U G H E S, previously sworn:

7
8 MR. VELLA: Mr. Hughes, would you be --
9 you do understand you are still under oath?

10 MR. HUGHES: Yes.

11 MR. VELLA: Would you kindly take the
12 board through this project in the perspective of
13 traffic engineering, please?

14 MR. HUGHES: Yes, absolutely. So as was
15 mentioned, based on the concerns that the board
16 expressed at the previous meeting, we reduced the
17 unit count, so that reduces the parking
18 requirement. That requirement comes down to 25.
19 We are proposing now 13 parking spaces, whereas
20 before we had a lot of those spaces working in
21 tandem, so stacked behind each other. The spaces
22 are now by themselves, so it provides much better
23 access, much easier access for all the residents.

24 And as Manny also mentioned, this is
25 rather unique circumstance where you have the

1 association with the mosque that's providing their
2 own parking effectively across the street. You
3 also have the public parking just down the street,
4 closer to Kennedy Boulevard, which provides
5 parking overnight for residents. So you have
6 multiple resources outside of the on-site parking
7 that can be utilized to help meet that parking
8 demand, that obviously is a large concern.

9 And the other thing to point out is
10 along 47th, there's not a lot of residential
11 buildings along there. So the direct impacts of
12 the parking along 47th, when it relates to the
13 residential is less than compared to some other
14 streets or areas compared to the city. And,
15 again, just the RSIS requirements, like I stated
16 were, 25. As I mentioned before, again, that's a
17 maximum that the municipality can impose, it's not
18 a minimum that's required. So I just want to
19 point that out.

20 But between the mosque spaces as well as
21 the public lot, that's about 60 or so spaces that
22 can be utilized. Granted, you know, that doesn't
23 create a situation where we meet the variance with
24 those spaces, we still would have the variance.
25 But what we're asking is there to be consideration

1 to approve the variance on the basis that we are
2 in a unique situation here, where we have those
3 facilities available to us. And in addition to
4 having the mass transit nearby, Bergenline Avenue
5 light rail is less than a quarter mile away.
6 That's another factor that helps reduce the
7 parking. And an attractive feature for future
8 residents of the building that might not have a
9 car.

10 So with all those factors and on the --
11 again, hearing the board's concerns from last
12 time, and reducing that unit count, providing one
13 space per unit, we do feel this is much more
14 palatable project for the board. And that
15 effectively concludes my testimony regarding the
16 changes.

17 MR. VELLA: Thank you, Mr. Hughes.

18 We do have a third witness, our planner,
19 Mr. Alex Dougherty.

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

23
24 MR. DOUGHERTY: I recognize I'm still
25 under oath. To make this quick, as we've heard,

1 this is a stage where we're at now where we've
2 heard the concerns of the board, we went back to
3 the drawing board, made some revisions, we think
4 something a little more palatable, given some of
5 the conversations and exchanges we had. Which is
6 exactly what the courts ask for, is that
7 interactive process to, you know, land on
8 something where we hear the concerns of the board
9 and the community, the neighborhoods and something
10 that still works from the applicant's side that we
11 think fits.

12 So with that being said, we've heard,
13 we've come down. We're at 13 units with 13
14 parking stalls. To recap this is a (d)(1) use
15 variance. We are in the R low density residential
16 zone. As we've heard -- and, you know, in great
17 detail last time, we are sitting on a gold mine of
18 mass transit opportunities right at your doorstep.
19 There's the university right down the street, we
20 have ample bus lines within the area, as well as a
21 light rail system here.

22 To kind of recap, you know, the project,
23 when we look at this, 31 percent of the Union City
24 population uses mass transit. Mass transit is
25 right here in Union City. You can't get any

1 closer unless you build right on top of the light
2 rail system. It's right here, right next to a
3 university. This works. And given the board's
4 concerns about parking, 17 percent car pool,
5 14 percent work from home, 11 percent walk, 1
6 percent bike. This site works for the increased
7 density at a one-to-one parking ratio.

8 When we look at this project from a
9 benefit, a public benefit, I think it is important
10 to note this site is nearly two and a half
11 times the size what the zone requires, thus making
12 excellent carrying capacity for the increased
13 density on the site.

14 When we look at this, we're on a major
15 corridor. This is not necessarily in-fill in the
16 middle of the neighborhood, this is on a corner
17 where you accentuate and anchor these corners in
18 the City, in a municipality. As you can see by
19 the architectural renderings, that's going to be a
20 beautiful building on the corner on a major
21 corridor. It's a statement for Union City, as
22 well as we just heard and went in great detail
23 last time, the existing building as it sits today
24 is actually elevated quite a bit. So the massing
25 of this building really is what the massing is out

1 there today from a height. So we're not going to
2 overpower this corner or make some gargantuan
3 structure. The structure is very much comparable
4 to what is out there now from a height standpoint.
5 But, nonetheless, we do have a height variance
6 because we are exceeding the high limitations for
7 this zone.

8 But from a public realm standpoint, this
9 project is very much in scale in massing with what
10 the structure is out there today at the peak
11 roofs. As Manny just described, this building is
12 sitting right at the same height where the roof
13 lines would align, we're just taking away the
14 earth and we're putting in a parking arrangement
15 for the residential parking.

16 But with that being said, the site is
17 two and a half times the zone requirement. So
18 it's well oversized and excellent carrying
19 capacity. When I look at the context of the
20 neighborhood as I described, right next to the
21 mosque, municipal parking. We have ample open
22 space across the street with the church, cemetery.
23 We're on a major corridor, and we're right next to
24 the light rail system, major bus lines, as well as
25 the university.

1 So from the context of neighborhood,
2 this increased density works for this particular
3 neighborhood and this part of Union City.

4 When we look at this from a special
5 reasons standpoint, the project will promote
6 efficient land use with modern living
7 arrangements, provides the planning goal for
8 diversified housing to meet the needs of all
9 people. The project improves a lighted
10 intersection individually and replaces the current
11 elevated massing with a structure that would be of
12 similar massing. And again a lot more
13 architectural appealing and moderate. Improves
14 the area functionally with off street parking
15 accommodations, again, we're at that one-to-one
16 parking ratio here. And the project cleans up an
17 exhausted corner with modern housing near the
18 university and the religious centers here.

19 All the above promote the purposes of
20 the Municipal Land Use Law, purpose A, E, G, I,
21 and M. When I look at the negative impact here, I
22 believe relief can be granted without substantial
23 detriment to the public or the zone plan. We have
24 sworn testimony that the site will flow and
25 function as designed safely and efficiently, and

1 meet all applicable building and fire code
2 regulations.

3 As we went into great detail, the units
4 are comfortably sized. There is no
5 overdevelopment or overcrowding here with these
6 developments. Visually, the project provides
7 visual enhancements to the City without impairment
8 to the surrounding properties. The property as it
9 stands today is in proportion with the general
10 massing that will be there with what we're
11 proposing now.

12 There's no open issues on the record,
13 there's no impacts of a substantially adverse
14 nature that haven't been addressed. We heard the
15 concerns for parking and the tandem parking. And
16 we believe we landed on something that works for
17 the site and work for the intended users. And
18 from a planning standpoint, long-term, if
19 something were to happen to the mosque and to this
20 application, this is a great planning opportunity
21 to provide housing next to university, next to
22 mass transit. I don't see long-term detriment
23 here at all if this project were to go in a
24 different direction 40, 50 years down the road.
25 This is sound planning.

1 With that being said, the units are
2 comfortably sized. When I look at the zone plan
3 impact here, I believe this will not cause a
4 substantial zone plan impairment. This relief
5 relates to a unique specific piece of property.
6 Again, this is two and a half times the size of
7 what is required the for zone. It is not
8 tantamount to a rezone.

9 When we look at the overall intent of
10 the zone, the residential zone is for residential.
11 Here we have residential, just a little bit more
12 residential. The benefits of the surrounding
13 neighborhood provide for housing near college and
14 campus and is appropriate for major corridor
15 around mass transit opportunities.

16 When I look at this application from a
17 height perspective, the application meets the
18 elements required for what we call the Grasso
19 test. All the positives I said carry forward.
20 The purposes of height control are not violated.
21 The height is appropriate at this location, will
22 not overpower the area. The added height will not
23 cause a negative shadow effect, block views or
24 create unappealing appearances. The building will
25 enhance the visual quality of the area. The site

1 is well isolated from residential neighborhoods
2 and is at the edge, not the center of the
3 neighborhood. This is good community design to,
4 as I said before, accentuate these corners.

5 When we look at the (c) relief as we
6 just heard, we still have a parking deficiency,
7 but we think this is right where we need to be
8 from a parking standpoint, a one-to-one ratio.
9 And again (c) relief is subsumed within the (d) (1)
10 use variance. But as we look at the parking here,
11 again, 31 percent of the population of Union City
12 is using mass transit. Mass transit is at this
13 doorstep.

14 With that being said, I believe the
15 extra story provides the public benefit for off
16 street parking. So I believe we're putting the
17 residents over the parking, that's why we have the
18 increased height here. Building and lot coverage,
19 we have proper stormwater management. And, again,
20 this is not an area where we would ideally like to
21 see an active yard. I know it's zoned for a
22 two-family. I believe this is more appropriate
23 for this corner than a two-family would be. And
24 as we've heard before, we have some open spaces
25 across the street.

1 When I look at the zone plan and
2 reconcile it with the master plan here, the master
3 plan, 2021, goal one is provide a balance of land
4 uses and balanced development patterns in
5 appropriate locations in order to preserve the
6 character of the community, encourage economic
7 development, protect and preserve the established
8 residential character. Promote and reenforce the
9 City as a desirable residential location, and
10 attractive shopping, entertainment and recreation
11 destination, and to improve the quality of life of
12 residents in Union City.

13 When I look at goal three, improve
14 internal circulation, pedestrian as well as
15 vehicular, enhance connectivity to the region 's
16 transpiration network, major roadway systems, and
17 that are in close proximity to bus and light rail.
18 I think we're doing that here. So, again, I
19 believe we advance purposes of the master plan
20 here as well.

21 With that, I'll conclude here that the
22 project is a positive investment that would bring
23 the site more into harmony with the area. And the
24 project will have minimal, if any, negative
25 impacts. And the statutory criteria for relief

1 would be met.

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

3 Obviously, the three witnesses are open
4 to questions from the board.

5 CHAIRPERSON GRULLON: Thank you. I want
6 to start with Mr. Dougherty.

7 MR. DOUGHERTY: Yes.

8 CHAIRPERSON GRULLON: On the inside of
9 the property, the 47th Street, right on the back
10 side of the property?

11 MR. DOUGHERTY: Yes.

12 CHAIRPERSON GRULLON: Did you get an
13 opportunity to visit the area?

14 MR. DOUGHERTY: I've been to the site.

15 CHAIRPERSON GRULLON: Could you
16 describe, you know, the property next to the area?

17 MR. DOUGHERTY: I had --

18 CHAIRPERSON GRULLON: 47th Street, I
19 don't see any --

20 MR. DOUGHERTY: I handed out an exhibit
21 packet last time I was here. I think I might have
22 one extra set.

23 MR. PEREIRAS: So what we have here is a
24 three-story two-family house. If you see from
25 this photograph --

1 CHAIRPERSON GRULLON: I only see like
2 the stairwell.

3 MR. PEREIRAS: Yeah, this is the garage
4 for our property and then this is the stairwell
5 that leads into a typical two-family house.

6 CHAIRPERSON GRULLON: Down that block,
7 what is else there?

8 MR. PEREIRAS: There's two other houses,
9 maybe three. I think two and then the mosque.

10 CHAIRPERSON GRULLON: I visit the area
11 and I notice there is low density area.

12 MR. PEREIRAS: It's two houses and then
13 the mosque.

14 CHAIRPERSON GRULLON: I know the area,
15 but that's what I'm asking if you -- because I
16 don't see it in your pictures. I want to make
17 sure that you know that 47th Street is low
18 density, it's just like two, three family houses.

19 MR. PEREIRAS: No, it's not actually.
20 Let me go to the aerial photographs so we can talk
21 about it a little more clearly.

22 So this is 47th Street on this
23 photograph. We have our site and we have two
24 houses and then we have the mosque. So it's not
25 low scale residential even on that side of the

1 street. On the opposite side of the street,
2 there's a large building, I think it's 18 units, I
3 believe, right across the street. And then
4 there's a tire repair shop right there on that
5 block, and then another two two-family houses.
6 So, no, it's a very mixed neighborhood. There's
7 commercial, there's a mosque, institutional
8 buildings, there's a large scale building, all
9 along 47th Street. And then if you get to the
10 back, the parking lot that the mosque owns there
11 on 47th Street as well. So you have parking there
12 as well. And then you have the municipal lot just
13 a little bit further up. And then if you turn the
14 corner, there's also large scale buildings there
15 too. So saying it's low density is inaccurate.

16 MR. DOUGHERTY: The last time we
17 presented the application, the exhibit that was on
18 file is what I just gave you. On page 6, this is
19 the property in question, that's the university.
20 This is not a quiet residential, you know,
21 boutique neighborhood. This is the furthest thing
22 from this case. This application works. Like
23 we've heard the mosque behind us, there's higher
24 density developments on the adjacent corners.
25 This is not in the middle of a neighborhood. This

1 is on the corner of a major corridor next to a
2 university and religious facilities.

3 CHAIRPERSON GRULLON: Mr. Spatz, what is
4 permitted on the lot?

5 MR. SPATZ: It's a one- and two-family
6 zone. But, you know, the other uses in the
7 area -- there is a mixtures of uses. There are
8 high density. There's --

9 CHAIRPERSON GRULLON: The mixed use?

10 MR. SPATZ: There's a couple of low
11 density residentials in there. But along Kennedy
12 Boulevard, there are higher density. The opposite
13 side of 47th, as was described. It does have a
14 mixture of uses in that area.

15 MR. PEREIRAS: And a two-family house on
16 this site would not be appropriate.

17 MR. VALLEJO: It's low density
18 residential area.

19 MR. PEREIRAS: That's correct. Our zone
20 is R low density, we're not arguing that. But it
21 would be extremely inappropriate for this site.
22 And I'd like to walk you through why. If we were
23 to build a two-family house and a two-family
24 house, we're facing Kennedy Boulevard. That would
25 mean that if we provide parking for this, at a

1 minimum, the inside lot would be exiting and
2 entering Kennedy Boulevard. I think that's
3 disastrous. The scale is completely wrong and it
4 would be a dangerous intersection.

5 It is appropriate planning to look at a
6 different density building and different way of
7 creating. What we're doing is creating a driveway
8 away, where there is an existing driveway already,
9 that was wider. We're actually moving it and
10 making it smaller, so we're increasing the number
11 of parking on the street. We're creating 13
12 parking spaces within this building, so that we
13 have a one-to-one ratio for the apartments. And
14 we're creating a building that actually works,
15 that makes sense for the neighborhood. This is a
16 high density neighborhood. There's large
17 buildings, there's a university. It makes sense
18 here. And we have all the public transportation
19 as well.

20 CHAIRPERSON GRULLON: I mean I
21 understand that your client already went through
22 some changes trying to meet our requirement. It's
23 a low density area, you know, one- and two-family
24 area.

25 MR. PEREIRAS: It's a low density zone,

1 it's not a low density area.

2 CHAIRPERSON GRULLON: Zone, yes. But
3 it's facing Kennedy Boulevard.

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GRULLON: And that's the
6 reason why we kind of looking at this application
7 as a possibility to get something that, you know,
8 makes sense for the area. You're providing 13
9 parking spaces, which is good, but the size of the
10 parking spaces, they're all eight feet wide.

11 MR. PEREIRAS: No, there's a mixture of
12 nine feet and eight feet. Some of them are --

13 CHAIRPERSON GRULLON: Can you walk me
14 through the parking?

15 MR. PEREIRAS: Sure.

16 CHAIRPERSON GRULLON: That's something
17 we just mentioned on the previous application.

18 MR. PEREIRAS: So the two ends are
19 9-by-18, so we have six parking spaces that are
20 9-by-18. And then we have these parking spaces
21 here that are 8-by-18. And our traffic consultant
22 can speak to this. It is an extremely typical
23 size parking space for our neighborhood. And what
24 we would be requiring from there would be a
25 technical variance for the width of those parking

1 spaces. However, it is extremely typical
2 throughout all Hudson County that we have 8-by-18
3 parking spaces.

4 And what we did to compensate for that,
5 when you have a smaller parking space, one of the
6 significant things is it's harder to turn into
7 them. So in order to compensate for that, we
8 created a really deep drive aisle, whereas 23 is
9 the recommended at like a maximum, we're at 25
10 foot three at the worst case scenario. So that
11 cars have ample room to turn into those parking
12 spaces. So it is very typical and it works well
13 for the neighborhood being at 8-by-18.

14 MR. HUGHES: And the thing you have to
15 remember too, they're going used by residents. So
16 these residents are going to be coming in and out
17 of the garage on a daily basis, they're going to
18 under the circulation pattern. They're going to
19 understand the maneuvers required to get in and
20 out of these spaces. It's not a shopping center
21 where you have random residents or random people
22 getting in and out all the time. These are going
23 to be people who are very familiar with the
24 circulation and will have no problem getting in
25 and out of the spaces.

1 MR. GARCIA: Sorry for my comments, I
2 got a lot because I don't want to be like the one
3 picking up stuff. Your testimony now contradicts
4 the planner's testimony. Because the statistics,
5 only 13 percent of people use the cars. So are
6 they going to use it or they're not going to use
7 it? You know what I mean? Just a comment, okay.

8 So it's like one information for this
9 answer, but another information for this. So it's
10 kind of -- let's be consistent in the testimony.

11 MR. HUGHES: I understand and I'll
12 recite the parking will be utilized. Right, but
13 what we're trying to, you know, get across is that
14 it's not going to be -- there's not going to be an
15 oversaturation of the parking, based on the data
16 that we have available to us, based on what's
17 around. So, you know, the parking spaces will be
18 utilized. And when they are utilized, they're
19 going to be residents who are familiar with the
20 circulation of the garage.

21 MR. VELLA: Just to note for the record,
22 the fact that residents will be using these
23 parking spaces and the fact that what Mr.
24 Dougherty testified to in terms of percentages,
25 those two statements are not necessarily combative

1 or restrictive. All Mr. Hughes is representing is
2 that those will be used by actual residents who
3 are familiar with the way the parking spaces work.

4 MR. GARCIA: The thing is sometimes is
5 like -- you know what I mean, it's like hello. I
6 mean we know the reality.

7 MR. VELLA: Again, with all due respect,
8 the contradiction, I don't necessarily see the
9 contradiction. I don't think there is one.

10 CHAIRPERSON GRULLON: Mr. Pereiras,
11 another concern. The rendering that you have, the
12 first sheet, that seems to be like practically the
13 same layout that you have before. I thought we
14 were changing -- making changes there?

15 MR. PEREIRAS: So there is. I didn't
16 redo a rendering for this. This area here is
17 actually stepped back a little bit more and the
18 parking garage is shifted, but the building itself
19 is pretty much the same.

20 MR. GARCIA: Also, the one that you
21 presented, this is the revised plan, right?

22 MR. PEREIRAS: Yes, the rendering didn't
23 change.

24 MR. GARCIA: Didn't change, okay.
25 Because here you still show the same rendering

1 that you --

2 CHAIRPERSON GRULLON: The south side of
3 the building, on the ground floor, could you just
4 tell me what is the setback to the other property?
5 Because you see you have doors going out from the
6 mechanical room and garbage, recycle.

7 MR. PEREIRAS: So the setback changes
8 from being on the property line to being set back
9 two feet. So there's different locations and it's
10 it steps back and forth. We provide landscaping
11 along this corner over here, which is what you see
12 on the rendering, the landscaping there. And then
13 where the driveway is, next to the driveway, it's
14 stepping back for landscaping as well.

15 CHAIRPERSON GRULLON: Mr. Pereira, I'm
16 looking at sheet Z03, the parking level, you know
17 that -- could you tell me the setback to that
18 property line?

19 MR. PEREIRAS: The setback stays the
20 same on the floor plans to the site plan. It is
21 zero in certain locations.

22 CHAIRPERSON GRULLON: On the south side.

23 MR. PEREIRAS: And steps back to two
24 feet.

25 CHAIRPERSON GRULLON: So the south side.

1 MR. PEREIRAS: It is continuous -- hold
2 on. I'll go back to the site plan, it is three
3 foot one.

4 CHAIRPERSON GRULLON: Because you have
5 doors there for the recycling area?

6 MR. PEREIRAS: Yes, we do. We have a
7 mechanical room --

8 CHAIRPERSON GRULLON: Would that be
9 sufficient space to get the recycling --

10 MR. PEREIRAS: Yes. It's pretty typical
11 here in the neighborhood that we have three feet
12 to get in and out from the recycling.

13 CHAIRPERSON GRULLON: I know we heard a
14 lot of testimony on this application.

15 MR. GARCIA: I have a question, just
16 curiosity. Mr. Pereiras, Z04, the side elevation,
17 the right low corner, why the building in the east
18 side, is this part of it come up more than where
19 you have the elevator machines, you know, that
20 one?

21 MR. PEREIRAS: Yes.

22 MR. GARCIA: I just saw it and I just --

23 MR. PEREIRAS: So elevators have what's
24 called an override. So they have a pit that goes
25 deeper than the rest of the floor. And they have

1 an override on the top. So that is always an
2 elevate bulkhead, it's a little bit taller.

3 MR. GARCIA: This is not the elevator.

4 MR. PEREIRAS: I thought you said the
5 elevator.

6 MR. GARCIA: No, that's why --

7 MR. PEREIRAS: You see it beyond, it's
8 not the elevation, you just see it further down.

9 MR. GARCIA: Why this one come out more
10 than the elevator parapet in the rear? The corner
11 in the bottom?

12 MR. PEREIRAS: So this one?

13 MR. GARCIA: This is curiosity. This
14 side is -- this is the back. Why this come out
15 there? This is not the elevator, the elevator is
16 here in the front.

17 MR. PEREIRAS: Why is that going up?

18 MR. GARCIA: Yes.

19 MR. PEREIRAS: I'm not sure, hold on.

20 MR. GARCIA: I understand the elevator
21 is there, how come the elevator in the front.

22 MR. PEREIRAS: We have the stair in the
23 back going up to the roof. So we have to have one
24 stair going up to the roof. I didn't want to do
25 it in the front because I didn't want it to look

1 big from the Kennedy Boulevard. So we made the
2 stair in the back go up.

3 MR. GARCIA: Okay.

4 MR. PEREIRAS: And that's exempt from
5 height.

6 MR. GARCIA: Just the layout.

7 MS. O'DELL: The little balcony, just
8 because -- that's 48 inches high, right?

9 MR. PEREIRAS: The balcony?

10 MS. O'DELL: The fourth floor, the
11 little balcony all the way on the left, that's the
12 proper height that we have for the railing?

13 MR. PEREIRAS: We can make it 48 inches,
14 yes. It isn't, but we'll make it 48 inches.

15 MS. O'DELL: Okay.

16 CHAIRPERSON GRULLON: Mr. Pereiras, my
17 question is, you know, we're going to be strict
18 with the parking size forever, you know, for now.
19 And is any chance to make those parking spaces to
20 be, all of them, nine feet wide?

21 MR. PEREIRAS: I can make that happen, I
22 can make it happen. I'll make them all nine feet
23 wide.

24 CHAIRPERSON GRULLON: I have other
25 recommendation, but I want to hear from the other

1 board members before I express my other
2 recommendations. Do you have any other?

3 MR. GARCIA: Actually, I mean it's
4 not -- it's my opinion, I think that this
5 application and the applicant took in
6 consideration all of our questions, a lot of our
7 advice. I think also it is -- like I mentioned
8 last meeting, we love this community and we want
9 that community here. I think, like, we all have
10 to take consideration, all the -- basically, yes,
11 sacrifice with going down from the first time that
12 I don't know how many units, just to try to comply
13 with the area, and not only that also to
14 accommodate part of the community. So it's
15 something, like, I think we need to take
16 consideration a moment that we're going to vote
17 because in reality, in the past experience and
18 this experience now, this is one of the
19 applicants, like, I think that have been more
20 reasonable, more -- in reality, they want it for
21 the community.

22 So I think that -- I know that probably
23 still -- probably going to hurt the applicant, but
24 if I say we say that I don't know why they have an
25 extra unit in the top floor. But I think like we

1 have to take consideration all the sacrifice that
2 this applicant is committed to do. And also like
3 I said, it's for very -- for the community with a
4 great reputation. And it is a community that is a
5 plus for Union City. So I think we need to take
6 that in consideration at the moment that we're
7 going to decide for this application.

8 CHAIRPERSON GRULLON: Any other members
9 on the board have any questions or concerns?

10 Manny, you know, as we say, my concern
11 is that we are sitting in a low density -- on the
12 zoning map, low density. What's permitted is
13 supposed to be two-families. And that only
14 brings, allows a lot to be four-family, two and
15 two. But considering that these units are going
16 to be occupied, hopefully, by the same members of
17 the community, I think it would be a good
18 opportunity to try to find common ground, you
19 know, to find a way.

20 The first thing is I appreciate that he
21 came up and you came up with a plan to present
22 parking spaces that are not tandem and assigned to
23 the units, you know, to the amount of units,
24 that's one. But I would like to see parking space
25 and this is going to be part of my recommendation,

1 parking spaces to be 9-by-18.

2 MR. PEREIRAS: Um-hum.

3 CHAIRPERSON GRULLON: The other
4 recommendation is we don't want to see a terrace
5 on Kennedy Boulevard.

6 MR. PEREIRAS: Okay.

7 CHAIRPERSON GRULLON: And also I think
8 we're going from four units that are permitted to
9 13 units, I think we can lower that down a little
10 bit, maybe make it 12 units with 13 parking
11 spaces, if you want. And the other thing is that
12 providing a gate for that side, for the south side
13 yard, with lighting on the side. I'm sure you're
14 go to propose those things as well, but my
15 recommendation would be to provide the 9-by-18
16 parking spaces, remove one of the units. Just
17 make it to 12 with 13 parking spaces. I wish you
18 could provide more, but in this case, since your
19 applicant already went through a lot of changes to
20 make it fit to the neighborhood, maybe you can
21 just discuss it with him.

22 MR. PEREIRAS: My patron is shaking his
23 head in the affirmative, so we'll be happy to
24 comply with the conditions.

25 CHAIRPERSON GRULLON: Any other members

1 of the board have any other suggestions?

2 MS. O'DELL: No, just make sure the
3 balcony --

4 MR. GARCIA: So we'll say 12 units and
5 9-by-18.

6 CHAIRPERSON GRULLON: 9-by-18.

7 MR. PEREIRAS: So just to make purposes
8 of this application very clear, the fourth floor
9 plan is basically eliminated, it's just going to
10 be the same as the second and third floor.

11 CHAIRPERSON GRULLON: Actually, that's
12 the other thing I want to ask you for the future,
13 for this application. Even if you present 12
14 floors, we want to see --

15 MR. PEREIRAS: Each floor copied.

16 CHAIRPERSON GRULLON: Sometime it's
17 confusing for board members to see only one floor.
18 You know, like right now, I know the last hearing,
19 some of the board members got confused thinking
20 that it was two floors above parking, but it's
21 actually three floors above parking.

22 MR. PEREIRAS: We'll be happy to do
23 that.

24 CHAIRPERSON GRULLON: Just remove the
25 terrace and the parking spaces, revise the plans.

1 And we should we hold the vote.

2 MR. GARCIA: Can we just -- it's a
3 recommendation. Can we hold the vote for next
4 meeting, but we keep -- we bring the resolution
5 ready and we adopt the resolution? Can we do
6 that?

7 MR. PANEQUE: Well, I can't prepare a
8 resolution unless there's a vote. Now, the vote
9 can be taken tonight, I can prepare a resolution.
10 And it will be subject to revised plans having
11 been submitted to the board at least ten days
12 prior to the next meeting, which is
13 September 14th.

14 Now, the resolution will have the
15 following conditions:

16 The parking spaces will be all at least
17 9-by-18. Reduce the number of units from 13 to
18 12, and remove the balconies/terrace from Kennedy
19 Boulevard.

20 MR. GARCIA: Maintaining the 13 parking.

21 MR. PANEQUE: The parking spaces are not
22 changing.

23 CHAIRPERSON GRULLON: I was going to ask
24 the height that you have, that is not to the
25 elevator is 45 feet.

1 MR. PEREIRAS: Correct.

2 CHAIRPERSON GRULLON: Any way to bring
3 that down to 43 feet?

4 MR. PEREIRAS: I'll tell you in a
5 second.

6 CHAIRPERSON GRULLON: I mean it's not a
7 substantial amount, for what's needed.

8 MR. PEREIRAS: No. So I have a nine
9 foot ceiling height and that' become the standard
10 now. So we're not asking for a lot more, it's
11 nine feet on every floor.

12 CHAIRPERSON GRULLON: Nine feet on every
13 floor, that's four floors?

14 MR. PEREIRAS: Correct. And then
15 there's structure between the floors, so you know
16 that accounts for the rest of it. So we're not
17 adding any spaces to this basically is what I'm
18 saying. We're at -- it's lean, unless we do less
19 than nine foot ceilings, which is substandard for
20 new buildings today.

21 MR. PANEQUE: Your testimony is that the
22 height of this building is going to be
23 commensurate with what's there now?

24 MR. PEREIRAS: That's correct.

25 MR. PANEQUE: So it's not going to

1 change much, looking at what's there today than
2 what will be there if it's built as you're
3 proposing?

4 MR. PEREIRAS: Correct. And just to be
5 clear on that, I don't want to be deceptive in any
6 way. Our roof is in line with the peak of what's
7 there today.

8 CHAIRPERSON GRULLON: And we taking in
9 consideration that the building is facing Kennedy
10 Boulevard.

11 MR. PEREIRAS: Yes.

12 CHAIRPERSON GRULLON: That's why we're
13 making some exceptions here in this case. And
14 with those conditions, I make a motion.

15 MR. VALLEJO: Can you open to the public
16 first?

17 CHAIRPERSON GRULLON: Excuse me, I'm
18 sorry. At this time, I want to open to the
19 public. Any member of the public want to step
20 forward? Hearing none, close to the public.

21 Again with the conditions making the
22 parking spaces all 13 parking spaces to be 9-by-18
23 and removing one of the apartments from the third
24 floor of the residential and provide lighting
25 around the building, and eliminate the terrace, I

1 make a motion to grant this application with those
2 recommendations.

3 MR. VALLEJO: Motion on the table to
4 grant the application with the conditions stated
5 by Mr. Grullon. Any second on the motion?

6 MR. GARCIA: Aye.

7 MR. VALLEJO: Seconded by Mr. Garcia.
8 Roll call on the motion to approve this
9 application. Mr. Grullon.

10 CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Mr. Garcia.

16 MR. GARCIA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

19 MR. VALLEJO: Five in favor. Motion
20 carries with the conditions. Revised plans
21 required at least ten days before the next hearing
22 date. Please provide PDF of revised plans to Mr.
23 Spatz by email. Thank you. Motion passes.

24 * * * *

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1 **B & V INVESTMENT, LLC -**
2 **3810-14 32nd Street:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, B & V Investment, LLC, 3810-14
6 32nd Street. Mr. Paneque, please.

7 MR. PANEQUE: Thank you.

8 Mr. Vella, we normally have a 10:00
9 curfew in this board. It is now quarter past ten.
10 With this application, I believe, you have three
11 witnesses?

12 MR. VELLA: That is correct.

13 MR. PANEQUE: It would be best to
14 adjourn the application and have you come in at
15 the next meeting and give you the time that this
16 application requires. We cannot go beyond the
17 10:00 curfew and we're already beyond that point.
18 So if you would agree to waive the statutory time
19 limits, this matter will be carried to the next
20 meeting, which will be September 14.

21 MR. VELLA: We do agree and just to note
22 for the record if all efforts can be made to push
23 this to the top of the agenda to make sure this is
24 heard at the next hearing date, that would be very
25 welcome.

1 MR. PANEQUE: I can't guarantee spot
2 number one, but we'll make top five.

3 MR. VELLA: Thank you, appreciate it.

4 MR. PANEQUE: A motion and a second.

5 MR. VALLEJO: Okay.

6 CHAIRPERSON GRULLON: The request is to
7 adjourn this application to September 14th, I make
8 a motion.

9 MR. VALLEJO: Motion to adjourn this
10 application by Mr. Grullon for September 14, 2023,
11 same place.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.
14 Roll call on the motion. Mr. Grullon, to adjourn
15 the application to September 14th.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Same place. Ms.
18 Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Six in favor, motion
4 passes.

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1 **ADOPTION OF RESOLUTIONS:**

2 (1.) Merwin Richard. 4100 Central Avenue.
3 Block: 170 Lot: 1. The applicant proposes to
4 demolish an existing 2.5 story masonry building
5 and construct a new 5 story, mixed use building.
6 A total of 8 parking spaces are provided on the
7 ground floor. **Denied**

8
9 MR. VALLEJO: We're going to
10 resolutions, we have six for tonight's agenda,
11 okay.

12 Resolution number one, Merwin Richard,
13 3100 Central Avenue. This application was denied
14 at the previous meeting. Can I have a motion.

15 MR. GARCIA: Motion to adopt.

16 VICE CHAIRPERSON GUTIERREZ: Second.

17 MR. VALLEJO: To adopt the resolution.

18 MR. GARCIA: That's right.

19 MR. VALLEJO: Seconded by Ms. Gutierrez.
20 Roll call on the motion to adopt this resolution.

21 Mr. Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 MR. GARCIA: Yes.

6 MR. VALLEJO: Ms. San Martino.

7 MS. SAN MARTINO: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Abstain.

10 MR. VALLEJO: Five in favor, one
11 abstention. Motion passes.

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1 **ADOPTION OF RESOLUTIONS:**

2 (2.) 312 11th Street Homes, LLC 312 11th Street.
3 Block: 51 Lot: 29. The applicant proposes several
4 additions to an existing single-family dwelling
5 and convert the building to a two-family dwelling.

6 **Revised plans received on 06-16-23 approved**

7
8 MR. VALLEJO: Resolution two, 312 11th
9 Street. This application was approved at the
10 previous meeting. Can I have a motion to
11 memorialize this resolution?

12 CHAIRPERSON GRULLON: Motion.

13 MR. VALLEJO: Motion by Mr. Grullon.

14 VICE CHAIRPERSON GUTIERREZ: Second.

15 MR. VALLEJO: Seconded by Ms. Gutierrez.

16 Roll call on the motion.

17 Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. GRULLON: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 MR. GARCIA: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Six in favor, motion
5 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 (3.) 526 26th Street. Joaquin Garcia. Block:
3 148 Lots: 11 & 12. Legalization of an existing
4 ground floor apartment. The legalization shall
5 create a total of 4 residential units in 2
6 principal structures. **Approved**

7
8 MR. VALLEJO: Resolution number three,
9 426 26th Street, Joaquin Garcia. This application
10 was approved at the previous meeting. Can I have
11 a motion to memorialize this resolution?

12 VICE CHAIRPERSON GUTIERREZ: Motion.

13 MR. VALLEJO: Motion by Ms. Gutierrez.

14 CHAIRPERSON GRULLON: Second.

15 MR. VALLEJO: Seconded by Mr. Grullon.

16 Roll call on the motion.

17 Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 MR. GARCIA: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Six in favor, motion
5 passes.

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1 **ADOPTION OF RESOLUTIONS:**

2 (4.) Mark & Mira Paloka - 1002 New York Avenue.
3 Block: 50 Lot: 21. The applicant proposes to
4 legalize an existing apartment (the unit will be
5 modified from a one-bedroom unit to a studio) on
6 the ground floor of the building; there will be a
7 total of 3 units in the building. **Approved**

8
9 MR. VALLEJO: Resolution number four.
10 Mark and Mira Paloka, 1002 New York Avenue. This
11 application was approved at the previous meeting.
12 Can I have a motion to memorialize this
13 resolution?

14 CHAIRPERSON GRULLON: Motion.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 MR. VALLEJO: Motion by Mr. Grullon,
17 seconded by Ms. Gutierrez. Roll call on the
18 motion.

19 Mr. Grullon.

20 CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 MR. GARCIA: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 (5.) B W S 903-905 New York Avenue Block: 39.02
3 Lots: 2 & 3. Applicant proposes legalization of a
4 basement apartment in a multifamily building.

5 **Approved**

6
7 MR. VALLEJO: Resolution number five,
8 BWS, 903-905 New York Avenue. This application
9 was approved at the previous meeting. Can I have
10 a motion?

11 MR. GARCIA: Aye.

12 MR. VALLEJO: Motion by Mr. Garcia.

13 VICE CHAIRPERSON GUTIERREZ: Second.

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

16 Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. GRULLON: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Mr. Garcia.

23 MR. GARCIA: Yes.

24 MR. VALLEJO: Ms. O'Dell.

25 MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Six in favor, motion
4 passes.

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ADOPTION OF RESOLUTIONS:

(6.) 810 6th St., LLC 810 6th Street Block: 31
Lot: 6. The applicant proposes a new two-family
dwelling. Approved

MR. VALLEJO: Resolution number six, 810
6th Street. This application was approved at the
previous meeting. 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.

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: 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: Six in favor, motion

3 carries.

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ADJOURNMENT :

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

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

MR. ORTIZ: Second.

MR. VALLEJO: Seconded by Mr. Ortiz.
All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it. Let the record reflect the meeting has ended.

(Whereupon the meeting was adjourned at 10:25 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
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