

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

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

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

Thursday, September 14, 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
ANDRES GARCIA
ROSIO PENA
GERALDINE PEREZ
MINDRY WATLEY
ALTAGRACIA SAN MARTINO
VIVIAN O'DELL

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

RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
AUGUST PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

SUSAN BISCHOFF, CCR, RPR
449 Columbia Blvd., Wood-Ridge, NJ 07075
201-933-8220 SBischoffccr@yahoo.com

A P P E A R A N C E S:

CARLOS RENDO, ESQ.
Attorney for Applicant, The Residences
at New York Avenue, LLC

CHRISTINA VERGARA, ESQ.
Attorney for Applicant, Marusia Cuellar

ALVARO ALONSO, ESQ.
Attorney for Applicant, Haider Ahmad

ADOLFO LOPEZ, ESQ.
Attorney for Applicant, Hilda Perez &
Alex Perez

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, JFK Realty

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Hung Fat, Inc.

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

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Juan Inoa

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Sergio Quinde

I N D E X

	<u>PAGE</u>
CALL TO ORDER	11
SALUTE TO FLAG	11
ROLL CALL	12
ADOPTION OF MINUTES	13
HEARINGS	
The Residences at NY Ave.	15
Marusia Cuellar	30
Haider Ahmad	36
Alex & Hilda Perez	52
JFK Realty	76
Hung Fat, Inc.	79
B&V Investment, LLC	82
Rino Management	139
Juan Inoa	146
Sergio Quinde	161
COMMUNICATIONS	178
ADOPTION OF RESOLUTIONS	180/182/184/186/188
ADJOURNMENT	190

I N D E X

THE RESIDENCES AT NEW YORK AVENUE, LLC
1211 New York Avenue

WITNESSPAGE

CHRISTIANO PEREIRA

16

E X H I B I T SNO.DOCUMENTPAGE

NO

EXHIBITS

MARKED

I N D E X

HAIDER AHMAD
2410 Summit Avenue

WITNESSPAGE

ORESTES VALELLA

37

E X H I B I T SNO.DOCUMENTPAGE

NO

EXHIBITS

MARKED

I N D E X

HILDA PEREZ & ALEX PEREZ
2000 West Street

WITNESSPAGE

MANUEL PEREIRAS

54

ALEX PEREZ

61

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

I N D E X

B & V INVESTMENT, LLC
3810-14 32nd Street

<u>WITNESS</u>	<u>PAGE</u>
MANUEL PEREIRAS	83
LEE D. KLEIN	92
ALEXANDER DOUGHERTY	97

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Planning packet	98

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

RINO MANAGEMENT, LLC
411 38th Street

WITNESS

PAGE

MANNY PEREIRAS

139

E X H I B I T S

NO.

DOCUMENT

PAGE

NO EXHIBITS MARKED

I N D E X

JUAN INOA
705-707 Bergenline Avenue

<u>WITNESS</u>	<u>PAGE</u>
MANUEL PEREIRAS	147
ALEXANDER DOUGHERTY	152

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Planning packet	152

I N D E X

SERGIO QUINDE
516 40th Street

WITNESSPAGE

MANUEL PEREIRAS

162

ALEXANDER DOUGHERTY

166

E X H I B I T SNO.DOCUMENTPAGE

A-1

Planning packet

166

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

3 Please take notice that on Thursday,
4 September 14, 2023, at 6:00 p.m., a regular
5 meeting is scheduled for the City of Union City
6 Zoning Board of Adjustment, to be held in Union
7 City High School, located at 2500 John F. Kennedy
8 Boulevard, 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.

MR. ORTIZ: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Let the record indicate there are nine present. We have a full quorum for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes, July 6, 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 -- unless, Mr. Paneque, before I roll call, let the record indicate that three members signed the affidavit for the June and July hearings.

MR. PANEQUE: Okay. Let the record reflect that I have been provided by Mr. Vallejo with certifications of absence indicating that the following Board Members have read the complete minutes of the meetings of June 8th and July 16th; therefore, being eligible to vote on anything that comes before the Board regarding those meetings. Said members are Rosio Pena, Mindry Watley, and Geraldine Perez.

MR. VALLEJO: Thank you, Mr. Paneque.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 VICE CHAIRPERSON GUTIERREZ: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

7 MR. VALLEJO: Ms. Watley.

8 MS. WATLEY: Yes.

9 MR. VALLEJO: Ms. O'Dell.

10 MS. O'DELL: Yes.

11 MR. VALLEJO: Mr. Garcia.

12 MR. GARCIA: Yes.

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

15 * * * *

16

17

18

19

20

21

22

23

24

25

1 **THE RESIDENCES AT NEW YORK AVENUE, LLC -**
2 **1211 New York Avenue:**

3
4 MR. VALLEJO: We are going to have the
5 first hearing on tonight's agenda, The Residences
6 at New York Avenue, LLC, 1211 New York Avenue.
7 Mr. Rendo, please.

8 MR. RENDO: Good evening. Carlos Rendo,
9 Mulkey and Rendo representing the applicant, The
10 Residences at New York Avenue, LLC.

11 MR. VALLEJO: Allow me one second, Mr.
12 Rendo. For the record, Mr. Paneque, Mr. Garcia
13 signed the affidavit?

14 MR. GARCIA: Yes, I read the transcript
15 for the four minutes prior to tonight, in 2019.

16 MR. PANEQUE: Let the record reflect
17 that I've been provided with a certification of
18 absence which has been executed by Board Member
19 Andres Garcia, indicating that he did read the
20 board transcripts from the July 11, 2019;
21 September 12, 2019; October 10, 2019; December 12,
22 2019, regarding the meetings that took place on
23 this application; and therefore, Mr. Garcia is
24 eligible to participate and vote on this
25 application. Thank you.

1 MR. RENDO: Thank you.

2 We're here today to request a minor
3 design change to a prior application that this
4 board had previously approved. I have our
5 architect here to briefly go over the changes, if
6 we could swear him in.

7
8 C H R I S T I A N O P E R E I R A, after having
9 been duly sworn or affirmed, did testify as
10 follows:

11
12 MR. RENDO: Good evening, Mr. Pereira.

13 CHAIRPERSON GRULLON: For the record, we
14 accept your qualifications, Mr. Pereira.

15 MR. PEREIRA: Yes, I'm a registered
16 architect in --

17 CHAIRPERSON GRULLON: You've been
18 before --

19 MR. PEREIRA: I've been before this
20 board many times.

21 CHAIRPERSON GRULLON: Thank you.

22 MR. PEREIRA: Licenses are current.

23 MR. RENDO: Very good.

24 CHAIRPERSON GRULLON: You may proceed.

25 MR. RENDO: Mr. Pereira, you had an

1 opportunity to prepare these plans?

2 MR. PEREIRA: Yes, we did.

3 MR. RENDO: Can you please explain to
4 the board what are the changes that are being
5 requested?

6 MR. PEREIRA: Certainly. So good
7 evening, first of all. We had this project
8 presented back in 2019 as mentioned initially.
9 The project was approved, it was a subdivision of
10 a larger parcel with residence facing New York
11 Avenue, and five three-family uses facing Tournade
12 Place.

13 Following the approvals, we prepared a
14 construction set of documents, applied for
15 permits, and we had a couple back and forths with
16 the building department. And there was some
17 concerns raised about the egress from the duplex
18 style units. So these were, you know,
19 three-family building with the parking on the
20 ground floor, flat apartment on the first floor
21 above the parking. And then the two top stories
22 had two units that were set up in a duplex style.

23 So there were a few concerns and we went
24 back, as we had discussions with the building
25 department about egress, we went back and we

1 modified the plans to convert those duplexes and
2 convert them into flats. So it's the same number
3 of bedrooms, same number of units, same number of
4 parking spaces, no changes to any of the setbacks,
5 any of the variances that we received. No changes
6 to the height. But the duplex units on top, we
7 converted them to flat units. So instead of
8 having one flat unit above the parking level and
9 then two duplexes sharing the two top floors, we
10 now have three flat units.

11 So, again, there were no changes to the
12 building or setbacks or anything, really, number
13 of parking spaces. But we -- in order to address
14 the concerns from the building department, we
15 decided to make the modification and make them
16 three flats. Because it's something that's more
17 usually seen in this construction typology in
18 town.

19 So we went back and refiled for permits
20 and we were just about to get permits, and as
21 we're about to have permits issued, we went
22 through the resolution. And the resolution
23 specifically said one flat apartment and then two
24 duplex units. So we're essentially here before
25 you tonight because the resolution twice says

1 duplexes. And we really need to change that and
2 just state that they're flat units.

3 I can go through the plans. As I
4 mentioned, we really have no impact on the
5 variances that were granted. It's the same amount
6 of units, same amount of floors, same height. The
7 building facade is essentially the same with the
8 exception of a couple windows that got to move
9 just because the duplex units rather than the
10 flats are slightly different, so the windows
11 changed slightly. So I can review those quickly.
12 But, in essence, we're really here to make that
13 modification, so it doesn't say duplex.

14 CHAIRPERSON GRULLON: I have a question.
15 The square footage per unit, does that remain the
16 same?

17 MR. PEREIRA: The square footage per
18 unit got reduced slightly because part of the
19 requirements from the building department was
20 adding a second means of egress towards the back
21 of the building. So as we did that, the square
22 footage, they were around 1,700 square feet,
23 they're around 1,550 now. So that was the only
24 change as we went through all the floors.

25 But, again, we have -- one of the units

1 is a two bedroom as per the resolution. And then
2 the other three units are three bedroom units.
3 Just instead of setting it up as a duplex, they're
4 flat units now. And that's the essence of it. I
5 can go through the plans.

6 CHAIRPERSON GRULLON: Mr. Spatz, does
7 that meet the requirements, the 1,500 square foot?

8 MR. SPATZ: It's larger. But the
9 minimum square footage is only triggered by a four
10 unit building, so it won't be affected by it. So
11 this is really something that would have been
12 handled by a corrected resolution, but it's a
13 little more involved. So coming back before the
14 board makes sense.

15 CHAIRPERSON GRULLON: Okay.

16 MR. PEREIRA: So I don't know if --

17 CHAIRPERSON GRULLON: Just go over the
18 changes, please, if you can. You say that there's
19 going to be an additional egress at the back of
20 the building, so can you just show us where that's
21 going to be?

22 MR. PEREIRA: We only have two sheets.
23 We were trying to make this simple, I know we have
24 a full agenda, so I'm sorry if I'm rushing.

25 CHAIRPERSON GRULLON: Take your time,

1 don't worry.

2 MR. PEREIRA: The unit on New York
3 Avenue is not before you tonight, that was
4 approved and that was always set up the way I'm
5 presenting the units now. It was always set up as
6 one -- parking on the ground, and three levels
7 above as flats. These units were not, the five
8 units facing Tournade. So the plans that we have
9 here -- and I apologize they're a little smaller,
10 just trying to compress it to one sheet. But the
11 parking all remains the same. What you see on the
12 top right of the parking is the one single stair
13 run that runs down and exits on the side alleyway.
14 So we have the same amount of parking we have
15 before with the five cars inside the garage, the
16 one on the apron. And then the first floor above
17 that is the flat unit that I mentioned, this is
18 the two bedroom unit. And then you have the
19 stairs, you have one in front and one in the rear.
20 And the two top floors are the same exact unit,
21 but just as a flat, they're no longer splitting
22 floors between them. So it's a three bedroom and
23 three bedroom.

24 The elevations as I mentioned stayed the
25 same, with the exception of a few of the windows.

1 You know, the units are essentially all the same.
2 So the windows now line up on the side of the
3 building. So that's really the change and we're
4 here before you tonight.

5 CHAIRPERSON GRULLON: Okay. I mean the
6 setbacks, they will still remain the same, the
7 footprint will remain the same, height --

8 MR. PEREIRA: Setbacks, everything.

9 CHAIRPERSON GRULLON: And I mean I don't
10 have the whole table here in front of me, but the
11 setbacks are going to be maintained from ground to
12 top?

13 MR. PEREIRA: They are, yes.

14 CHAIRPERSON GRULLON: No setback at the
15 windows are, like, projecting out or anything like
16 that?

17 MR. PEREIRA: No. When you look down,
18 you know, you can see on this elevation there's no
19 projections, no overhangs. It's flat all the way
20 down.

21 CHAIRPERSON GRULLON: Okay. I don't
22 have anymore questions.

23 MR. GARCIA: Yes, I do have a question.
24 When you see the A100, I am seeing the front
25 elevation northwest, the front setback, you

1 requested is at the ground level?

2 MR. PEREIRA: So the front setback that
3 we had previously approved was 10 foot 3, which is
4 to the top floor. We did usually on these homes,
5 we leave the lower floor back 18 feet so we can
6 park the car, but that's a standard.

7 MR. GARCIA: But here -- so the 10 foot
8 front yard is from the garage entry?

9 MR. PEREIRA: From the upper floor.

10 MR. GARCIA: From the upper floor?

11 MR. PEREIRA: And this hasn't change.
12 We haven't changed the building. The building
13 envelope stayed exactly the same. This was an
14 interior change to the building.

15 MR. RENDO: That was approved by the
16 board previously.

17 MR GARCIA: That's my second question,
18 that was approved on December 9, 2019, and the
19 resolution was on January 9, 2020. So already
20 going to be almost four years, any particular
21 reason why it never went -- the construction went
22 on?

23 MR. PEREIRA: I can answer. We did file
24 for permits about a year and a half after. And
25 then, you know, we have had a very long back and

1 forth with the building department, where we filed
2 a full set of construction documents that were
3 exactly as we got them approved. And then we had
4 to -- we had some communication with DCA and some
5 interpretations. And at some point, we decided we
6 didn't want to go that path anymore and we decided
7 to redraw the construction documents following the
8 discussions we had with the building department.

9 So we did -- so it's been filed for
10 permits for awhile. We have been trying to get
11 permits for awhile. That's why we're here
12 tonight, because we're right there. We saw those
13 two words in the resolution and we were asked to
14 come back.

15 MR. GARCIA: Mr. Paneque, I don't know,
16 in a legal perspective, is any, like, extension
17 need to be requested or would this request and
18 change of the plans is also -- can I understand it
19 as an extension or we don't need an extension?

20 MR. PANEQUE: No. The permits have been
21 applied for as indicated in the direct testimony
22 of the architect. It's just been a matter of,
23 from what I understand, of addressing the concerns
24 that have been brought up by the building
25 department.

1 MR. GARCIA: Okay.

2 MR. PANEQUE: I do have a question for
3 Mr. Pereira. This issue that was brought up by
4 the building department that was caused by the
5 duplex structure, the modifications that you have
6 presented to the board this evening, have those
7 been presented to the building department?

8 MR. PEREIRA: They have and --

9 MR. PANEQUE: Are they okay with it?

10 MR. PEREIRA: They're okay with it.
11 We've been through it. As I mentioned we were
12 literally about to get the permits and then we saw
13 the resolution as final checklist. And that's
14 what stopped us from getting the permits. So the
15 building department is fine with what we have
16 currently.

17 MR. PANEQUE: It's your testimony that
18 with a new resolution eliminating the duplex that
19 were approved and creating the flat apartments,
20 the building department will issue the permits
21 forthwith?

22 MR. PEREIRA: I can't speak for them,
23 but yes, that's my understanding.

24 MR. PANEQUE: That's your understanding
25 of your back and forth with the building

1 department?

2 MR. PEREIRA: Yes, correct.

3 MR. PANEQUE: And I do have a question
4 for Mr. Spatz.

5 MR. SPATZ: Yes, sir.

6 MR. PANEQUE: Mr. Spatz, with these
7 modifications, as far as you've been able to tell,
8 there's no new variances being triggered?

9 MR. SPATZ: Correct, no new variances.

10 MR. PANEQUE: This is more in the realm
11 of structural changes in order to accommodate the
12 building department's concern?

13 MR. SPATZ: Correct.

14 MR. PANEQUE: And those concerns have to
15 do with fire safety?

16 MR. SPATZ: Correct, yes.

17 MR. PANEQUE: Thank you.

18 MR. GARCIA: I have another question.
19 Looking at T000, you have a setback of five-one.
20 However, you're showing three-nine in one of the
21 lines. Can you -- I don't know if --

22 MR. PEREIRA: Which one of the tables
23 are you referring to?

24 MR. GARCIA: It's T000. If you come
25 here, you see here, you have -- so you only have

1 three-nine between two buildings, two houses, you
2 don't have the five-one?

3 MR. PEREIRA: Well, the five-one is the
4 rear setback.

5 MR. GARCIA: So the setback --

6 MR. PEREIRA: The side yard was
7 three-nine. And then in addition to that, we have
8 an additional setback to the other house.

9 MR. GARCIA: The three-nine that you're
10 showing here is between the two houses?

11 MR. PEREIRA: No. It's three-nine to
12 the property line and then another two feet to the
13 other. So it's five-nine total home to home.

14 MR GARCIA: But you're showing for
15 there?

16 MR. PEREIRA: From here to the property
17 line. And then this is --

18 MR GARCIA: Okay. So this one this
19 three-nine is this one?

20 MR. PEREIRA: Correct, exactly.

21 MR GARCIA: And then --

22 MR. PEREIRA: And then the two foot is
23 from the property line to the wall.

24 MR GARCIA: How many do I have here?

25 MR. PEREIRA: Five foot nine.

1 MR GARCIA: Five foot nine.

2 MR. PEREIRA: Plus two.

3 MR GARCIA: Oh, I got you, these two?

4 MR. PEREIRA: Those two together.

5 MR GARCIA: Okay. I gotcha.

6 MR. PEREIRA: No problem.

7 MR GARCIA: Thank you very much.

8 MR. PEREIRA: Sure.

9 CHAIRPERSON GRULLON: Any other Members
10 of the Board have any questions? Do you have
11 anymore testimony?

12 MR. RENDO: No, we rest.

13 CHAIRPERSON GRULLON: At this point, I
14 want to open to the public. Any member of the
15 public want to step forward on this application?

16 Hearing none, taking in consideration
17 that by making the changes, it's going to improve
18 safety in this building. And just making the
19 changes and not creating any additional variance,
20 keeping the same footprint of the building and
21 setbacks, I make a motion to grant this request.

22 MR. VALLEJO: Motion on the table to
23 grant the application by Mr. Grullon. Any second?

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Seconded by Ms. Gutierrez.

1 Roll call on the motion to grant the request.

2 Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Mr. Garcia.

13 MR. GARCIA: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes seven in favor, motion
16 carries.

17 MR. RENDO: Thank you so much.

18 MR. PEREIRA: Thank you.

19 * * * *

20

21

22

23

24

25

1 **MARUSIA CUELLAR -**

2 **106 32nd Street:**

3
4 MR. VALLEJO: Next application is Ms.
5 Marusia Cuellar. Ms. Vergara, please.

6 MR. PANEQUE: Do you have prove of
7 mailings?

8 MS. VERGARA: Yes.

9 MR. PANEQUE: Let the record reflect as
10 follows:

11 I've been provided by Ms. Vergara with
12 the certified mail receipts that went out to all
13 property owners within the 200 foot radius of the
14 property located at 106 32nd Street, Block 197,
15 Lot 25.

16 I've also been provided with the tax
17 list from the tax assessor's office giving all
18 property owners within the subject property. This
19 tax list has a date of August 15, 2023.

20 I've also been provided with a copy of
21 the notice that went out to all property owners.
22 Said notice indicates that the date, September 14,
23 at 6 p.m., the application regarding the subject
24 property 106 32nd Street will be heard at the
25 Union City High School.

1 I've also been provided with a copy of
2 the affidavit from The Jersey Journal showing that
3 notice was published on August 30, 2023. Said
4 notice indicates that the meeting is to take place
5 tonight at the Union City High School with respect
6 to the subject property.

7 I've also been provided with copies of
8 the certified mail slips as well as the original
9 certified mail slips.

10 Ms. Vergara, as per our conversation,
11 you've indicated that you've provided Mr. Vallejo
12 with the certifications?

13 MS. VERGARA: Yes.

14 MR. PANEQUE: Via email.

15 MS. VERGARA: Yes.

16 MR. PANEQUE: And you will be sending
17 that to him again because I need that for the
18 file.

19 MS. VERGARA: Of course.

20 MR. PANEQUE: As well as the stamped
21 copies of the certified mail receipts.

22 MS. VERGARA: Yes.

23 MR. PANEQUE: Based on the document that
24 has been provided, this Board has jurisdiction to
25 proceed and here the matter, subject to those

1 documents being submitted to Mr. Vallejo. Thank
2 you.

3 MS. VERGARA: Mr. Paneque, actually, if
4 you don't mind, if I can approach one more time to
5 discuss some new information with you?

6 MR. PANEQUE: Off the record.

7
8 (Discussion held off the record.)

9
10 MR. PANEQUE: Back on the record,
11 please.

12 Ms. Vergara, you brought to my attention
13 the fact that this evening you were provided with
14 the memo that was given to this board by our
15 building department?

16 MS. VERGARA: Yes.

17 MR. PANEQUE: That memo indicates that
18 the building department, based on the 1971
19 assessment, as well as the 1991 assessment, shows
20 that the property in question was a legal
21 four-family. And, in fact, it shows floor by
22 floor how many units were on each floor. Your
23 application tonight before this board was to
24 legalize a four-family. It has come to your
25 attention that the building department recognizes

1 it as a four-family?

2 MS. VERGARA: And that that is also,
3 just for the record, dated June 30, 2023, so as of
4 this year. This is new information because we --
5 this is dated from September 11th, but I did not
6 have this until today. My clients were under the
7 impression it was previously a four-family, but
8 now exists as a three-family.

9 So because that changes the application
10 or may change the application, we're going to ask
11 to carry it while we investigate exactly what the
12 situation is. So to that end, we do request the
13 Board to permit us to carry this to the next
14 available date.

15 CHAIRPERSON GRULLON: I don't have any
16 objection to that. I mean we read the memo, we
17 can see Mr. Spatz's memorandum. It is recognized
18 as four-family in the building department. And
19 until you get the opportunity to clarify this,
20 we'll carry this to the next board meeting. When
21 is that meeting?

22 MR. VALLEJO: October 12th.

23 CHAIRPERSON GRULLON: To the
24 October 12th meeting.

25 MS. VERGARA: Thank you. To confirm,

1 provided I send everything that you need, Counsel,
2 do I need to re-notice?

3 MR. PANEQUE: No, you do not need to
4 re-notice. It's going to be carried tonight, once
5 the Chairman makes his motion. And if anybody in
6 the audience is here with respect to the
7 application for 106 32nd Street, that application
8 will be carried to the October 12th meeting. No
9 further notices will be sent. If you want to be
10 heard on that application, please be here
11 October 12th, 6 p.m. at this location.

12 CHAIRPERSON GRULLON: With that, I make
13 a motion to carry this application to
14 October 12th.

15 MR. VALLEJO: Motion on the table to
16 carry the application to October 12, 2023, by Mr.
17 Grullon.

18 VICE CHAIRPERSON GUTIERREZ: Second.

19 MR. VALLEJO: Seconded by Ms. Gutierrez.
20 Roll call on the motion.

21 Mr. Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. GRULLON: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 MR. GARCIA: Yes.

10 MR. VALLEJO: Seven in favor, motion
11 carries.

12 MS. VERGARA: Thank you.

13 (Mr. Vallejo spoke in Spanish to the
14 public.)

15 * * * *

16

17

18

19

20

21

22

23

24

25

1 **HAIDER AHMAD -**

2 **2410 Summit Avenue:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Haider Ahmad, 2410 Summit
6 Avenue. Mr. Alonso, please.

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

9 I've been provided by Mr. Alonso with
10 the following documentation. I have an affidavit
11 indicating that notices of tonight's hearing with
12 respect to the property at 2410 Summit Avenue was
13 sent out to all property owners within the 200
14 foot radius of said property, pursuant to the list
15 from the tax assessor's office.

16 I've also been provided with a copy of
17 that list, which has a date of September 1, 2023.

18 I've also been provided with the
19 affidavit from The Jersey Journal indicating that
20 notice of tonight's hearing at this location was
21 published with respect to the property at 2410
22 Summit Avenue.

23 I've also been provided with a copy of
24 the notice that went out to all property owners as
25 well as the certified mail receipts with a

1 postmark date of September 2, 2023.

2 Based on the documentation that has been
3 provided by Mr. Alonso, this Board has
4 jurisdiction to proceed and here this matter.

5 MR. ALONSO: Thank you very much.

6 Good evening, everybody. For the
7 record, Alvaro Alonso on behalf of the applicant.
8 This is an application to legalize a basement
9 apartment and convert an existing two-family house
10 into a three-family house. My client has recently
11 finished a renovation of the entire property and
12 at this point we're looking just to legalize the
13 basement.

14 I have one witness this evening, Mr.
15 Valella, if we can have him sworn in.

16

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

19

20 MR. PANEQUE: Mr. Alonso. Can I see you
21 a second, please? Off the record.

22

23 (Discussion held off the record.)

24

25 MR. PANEQUE: Thank you. Back on the

1 record, please.

2 MR. VALELLA: So good evening. My name
3 is Orestes Valella, V-A-L-E-L-L-A. I'm a licensed
4 architect in the State of New York and New Jersey
5 and my professional offices are at 507 43rd Street
6 in Union City.

7 CHAIRPERSON GRULLON: We accept your
8 qualification, Mr. Valella.

9 MR. VALELLA: Thank you.

10 CHAIRPERSON GRULLON: You're welcome.

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

12 Mr. Valella, I'm going to ask you to
13 review the entire property with the board, what
14 are the existing conditions, and what is it that
15 we're looking to legalize?

16 MR. VALELLA: Sure, I'll be happy to.
17 This is a current -- it's almost across the
18 street, it's 25 by 100 on Summit between 24th and
19 25th Street. And it's a two-family. The owner
20 engaged us to renovate the upper floors. We did a
21 gut rehab of that, it's brand new. He did a very
22 good job. In fact, he did such a good job, I
23 hired him to do some work at my house. But
24 beautiful job, so it's a brand new two-family at
25 this point.

1 And then he -- there seems to have been
2 an apartment in the basement previously.
3 Although, once we came to the -- he purchased it
4 and we renovated it, it seemed like the basement
5 had been stripped. But you can still see the
6 studding and you can see the electrical wiring,
7 and so -- but there's nobody there at the moment.
8 We are before you to renovate that apartment,
9 hopefully, to the same level as upstairs and, you
10 know, complete the project. What we're proposing
11 is an 867 square foot apartment, which is a very
12 nice size. It has two access points, you can go
13 in from the front or you can go out through the
14 rear. We're proposing two bedrooms, each of the
15 bedrooms has windows. And those windows meet the
16 fireman access sizes.

17 So we would be basically tearing down
18 the studding that was there from the previous
19 layout and relocating the HVAC and building it
20 brand new. It would be two bedrooms, one
21 bathroom, kitchen, washer dryer, and the living
22 room. And, again, it has a good ceiling height,
23 seven foot six, and daylight on the front and
24 daylight on the rear.

25 Should you approve this, of course, we

1 would be adding the residential sprinkler system
2 to the basement apartment and the necessary fire
3 ratings that a three-family dwelling would
4 require.

5 All the work that we're proposing is on
6 the inside of the home. We're not making any --
7 none of the bulk characteristics of the property
8 are altered by this application. Everything is
9 inside, there's no -- we're not making it any
10 bigger, any wider, any taller. It all stays
11 within the home. And that's about it.

12 I mean it's -- he did a beautiful job
13 upstairs and I look forward, should you approve
14 it, to continue working with him. And, you know,
15 making another nice apartment that would be
16 available to the residents.

17 CHAIRPERSON GRULLON: Mr. Valella, the
18 proposed plan, because I believe it's proposed, is
19 this done already?

20 MR. VALELLA: No, no, we would never do
21 that.

22 CHAIRPERSON GRULLON: The proposed plan
23 is doing also the second and third floor,
24 apartment two and three, the whole building?

25 MR. VALELLA: Those are finished

1 already. You want the statistics on that?

2 CHAIRPERSON GRULLON: Yes.

3 MR. VALELLA: Absolutely. The ground
4 floor apartment is 845 square feet, it's an
5 existing three bedroom, kitchen, bathroom, washer
6 dryer, et cetera. And the third floor apartment
7 or the second floor apartment is 940 square feet.
8 And they're basically identical, they're both
9 three bedroom, kitchen, washer, dryer, furnace.
10 Those are in mint condition now, just completed.

11 CHAIRPERSON GRULLON: And they were both
12 totally renovated?

13 MR. VALELLA: They were totally
14 renovated as of right, we didn't alter the bedroom
15 count or anything.

16 CHAIRPERSON GRULLON: In the basement
17 apartment, that is the proposed, you know,
18 apartment in front of us right now, the basement
19 apartment, what is the existing conditioning of
20 that site now?

21 MR. VALELLA: It's unfinished. It's not
22 an apartment, it's unfinished. There is some
23 existing studs from a previous, but no, there's
24 no -- it's not an apartment.

25 CHAIRPERSON GRULLON: Okay. This is a

1 proposed site plan. What about the exterior of
2 the building, are you proposing to renovate the
3 exterior of the building?

4 MR. VALELLA: No. The exterior is in
5 very good condition. It has brick on the ground
6 floor and siding on the second. And it's in very
7 good condition. We changed the windows, we did
8 new windows as part of the renovation. And, you
9 know, some cosmetic things, but it's generally in
10 good condition.

11 MR. GARCIA: I have a question for Mr.
12 Spatz. Mr. Spatz, the proposal is actually not to
13 legalize a basement, it's to add another unit to
14 the property?

15 MR. SPATZ: That's what it seems. It's
16 creating a third unit as opposed to legalizing an
17 existing apartment.

18 MR. GARCIA: Here it says no change in
19 the parking situation. In reality, they have an
20 existing condition in the parking with two units;
21 however, they need to request for parking because
22 they're adding another unit?

23 MR. SPATZ: Even if they were legalizing
24 the basement apartment, they would need two
25 additional spaces in this circumstance. So they

1 would need a park variance in any event.

2 MR. GARCIA: Okay. Thank you.

3 MR. VALELLA: Now, I just want to stress
4 we're not legalizing an existing apartment because
5 it seems like that dwelling unit that might have
6 been there was stripped down. But my 30 some odd
7 years of working in Union City, that was
8 definitely an apartment at some point. But that's
9 an aside. We're proposing a dwelling unit.

10 MR. ALONSO: And the City did at one
11 point recognize it, maybe not legally, but for tax
12 purposes, the memo that was provided by Mr.
13 Vallejo today has some tax records and you'll see
14 it has 2F, 3U, which is two-story frame building
15 with three units. So at one time, the City did
16 recognize there may have been a unit down there,
17 which is consistent with what Mr. Valella's
18 saying. But it's vacant, it's stripped down.
19 Evidently one of the owners along the way took the
20 walls down.

21 MR. GARCIA: But according to the memo
22 from the building department, Mr. Alonso, said
23 that they -- it was originally a two-unit
24 structure.

25 MR. ALONSO: No, I understand that.

1 We're accepting that it's a two-unit structure,
2 but consistent with what Mr. Valella was saying,
3 at some point, it was taxed as a three-unit
4 building. At some point, there was an apartment,
5 no longer there.

6 MR. GARCIA: Okay.

7 CHAIRPERSON GRULLON: Mr. Spatz, for the
8 parking, as it is right now, two units, the
9 requirement and what would that be for the
10 three units?

11 MR. SPATZ: The existing two apartments,
12 three bedroom units each, they would require four
13 parking spaces in total. And the new two bedroom
14 unit would require an additional two spaces. So
15 six in total is what's required now.

16 MR. VALELLA: Now, there is no
17 opportunity to introduce parking, it's an
18 existing. And there's no setback to propose that
19 or we would have obviously brought you some
20 parking.

21 CHAIRPERSON GRULLON: I was going to ask
22 you for that, for the setback. You know, what the
23 property to the south side and the north side of
24 the property, could you describe those?

25 MR. VALELLA: Yes, the setbacks are as

1 follows and I'll go off the chart. The lot area
2 is 2,500, which is what is required. The lot
3 width is 25, which is required, the lot depth is
4 100. The front yard requirement is 10 feet or the
5 prevailing setback and we have 10.4, so that's
6 good.

7 And then the side yards we have 2.9 and
8 zero. We have zero on the north and -- we
9 actually have zero on both. We have an alley, but
10 then it goes to the property line, so it's zero
11 side yards. The rear yard, we have 44 and a half
12 feet, which is about 44 percent of the lot depth
13 where 25 percent is required. So we actually have
14 a much bigger rear yard than is necessary.

15 The building coverage is at 42 percent,
16 where 60 percent is required. So again we're good
17 there. We're at two and a half stories high and
18 three is permitted in the zone. The maximum
19 height is 40, we have 30. And the lot coverage is
20 85 percent and we're at 56.

21 So, again, you know, this is actually
22 one property that quite a few of the norms are
23 satisfied. You would require six parking spaces,
24 as Mr. Spatz mentioned, and zero are provided.
25 Zero are existing.

1 MR. GARCIA: Mr. Chairman? My concern
2 here is that I mean -- I know that we have a lot
3 of legalization of existing basement in the
4 history. However, we have here is a new unit with
5 two more parking required. Across the street of
6 the high school where the west side of the Summit
7 street, at that block, they don't have parking,
8 not allowed to park. That's my concern.

9 CHAIRPERSON GRULLON: Thank you, Mr.
10 Garcia. Let's move on. Could you explain the
11 proposed, you know, apartment? Could you just go
12 over the egress and the window size?

13 MR. VALELLA: Sure.

14 CHAIRPERSON GRULLON: And, you know, the
15 size of the bedroom?

16 MR. VALELLA: Yes. We come in off of
17 the street, off the sidewalk, and you enter into
18 the living room. The living room is twelve foot
19 seven by seventeen feet. We have an open kitchen
20 with an island, nine and a half feet by twelve
21 foot two. We have a dining area that's six foot
22 ten by ten feet. We have a bathroom that's five
23 and a half by eight feet and two bedrooms, one ten
24 by ten. Now that dimension excludes the closet
25 that it also has. And another -- a second bedroom

1 is nine foot four by ten-eleven, exclusive of the
2 closet. The second bedroom has an exit door that
3 leads out into the backyard. And overall is
4 867 square feet, seven and a half foot ceilings.
5 Windows on the living room, dining area, and the
6 two bedrooms. So, you know, it's very generous,
7 it's very well sized.

8 CHAIRPERSON GRULLON: I disagree with
9 that, I mean the size. Bedroom seems to be pretty
10 small. Ten by ten with a closet in there?

11 MR. VALELLA: Ten by ten plus the
12 closet.

13 CHAIRPERSON GRULLON: I guess the master
14 bedroom is like nine-four.

15 MR. VALELLA: Those could be made bigger
16 if you wish. We have the room to make them
17 bigger. We can make the second bedroom ten by
18 twelve, we can make the master twelve by eleven,
19 which would be very well sized. We have the room
20 to do that.

21 MS. PEREZ: Did you say if it was
22 handicapped accessible?

23 MR. VALELLA: Three dwelling units, ADA
24 does not kick in. ADA kicks in at the four
25 dwelling unit.

1 CHAIRPERSON GRULLON: Mr. Valella, one
2 of the -- the biggest concern with this
3 application is parking. I know it's in front of
4 the high school and Summit Avenue. Could you
5 provide more testimony in regard to how you're
6 going to deal with -- how you're going to mitigate
7 the parking situation for this unit?

8 MR. ALONSO: Well, the one expert that
9 we don't have this evening is a planner. And the
10 planner would testify as to that. So we would
11 have to carry it anyway and come back with a
12 planner.

13 CHAIRPERSON GRULLON: I would like to
14 hear more testimony about, you know, how your
15 planner -- because this is creating a (d) (1)
16 variance. It's going from two units to
17 three units, which is not permitted in the area.
18 And at the same time, it's also adding on the
19 requirement for parking. Instead of four and no
20 parking, it's going to be six and no parking. We
21 would like to hear from the planner.

22 MR. VALELLA: Very good.

23 MR. ALONSO: Would you like to open to
24 the public at this point?

25 CHAIRPERSON GRULLON: Yes. Any other

1 Members of the Board have any questions? Hearing
2 none, at this time I want to open to the public.
3 Any member of the public want to step forward on
4 this application? Hearing none.

5 MS. SAN MARTINO: Before anything,
6 sorry. You were saying like the bedroom is small,
7 right now. For the next application, will you
8 require to make the bedroom bigger or stay the
9 same size?

10 CHAIRPERSON GRULLON: That's a good
11 question. I think you should try to make those
12 bedrooms -- we're also concerned about the tenants
13 that are going occupy the units. If you could try
14 to modify the bedroom? That doesn't mean we're
15 accepting the application, we want to hear from
16 the planner. But if you could make that one
17 bedroom to be ten-twelve and other one -- at least
18 ten-twelve.

19 MR. VALELLA: Yes, I'll be happy to. We
20 have the room to do that. I'll update the plan.

21 CHAIRPERSON GRULLON: Close to the
22 public -- hearing none, close to the public. With
23 that I make a motion to adjourn this application
24 to the next meeting of October 12th.

25 MR. VALLEJO: Motion on the table to

1 adjourn the application by Mr. Grullon for
2 October 12th. Any second on the motion?

3 VICE CHAIRPERSON GUTIERREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Gutierrez.

5 MR. PANEQUE: No further notices will be
6 required.

7 MR. VALLEJO: Roll call on the motion.
8 Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 MR. GARCIA: Yes.

22 MR. VALLEJO: Seven in favor, motion
23 carried. No new notice required.

24 MR. ALONSO: Thank you. Have a good
25 evening.

1 MR. VALLEJO: Do they need revised
2 plans?

3 MR. ALONSO: If we do revised plans,
4 ten days before.

5 * * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **HILDA PEREZ & ALEX PEREZ -**
2 **2000 West Street:**
3 **(MS. O'DELL RECUSED.)**
4

5 MR. VALLEJO: The next application on
6 tonight's agenda, Hilda Perez and Alex Perez 2000
7 West Street. Mr. Lopez, please.

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

10 I've been provided by Mr. Lopez with an
11 affidavit of service indicating that notice of
12 tonight's hearing with respect to the property
13 located at 2000 West Street was provided to all
14 property owners within the 200 foot radius of said
15 property.

16 I've also been provided with a copy of
17 the affidavit of publication noting that there
18 will be a hearing at this location, the Union City
19 High School, with respect to the property in
20 question. Said notice was published in the paper
21 August 24, 2023.

22 I've also been provided with a copy of
23 the notice that was sent out as well as the tax
24 list from the tax assessor's office with a date of
25 June 27th; and the certified mail slips with a

1 postmark date of August 25th.

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

5 For the record we have one member that
6 has brought to the attention of the Board that she
7 may have a potential conflict due to the children
8 attending the same school. And since we have a
9 full board with extra members, we're going to ask
10 that that member step out.

11 (Ms. O'Dell left the room.)

12 MR. LOPEZ: Mr. Chairman, Members of the
13 Board, good evening, Adolfo Lopez, Lopez and
14 Noris, LLC, appearing on behalf of the applicant.

15 By way of background, this application
16 involves a daycare center at number 2000 Kerrigan
17 Avenue. On September 9, 2021, exactly about two
18 years ago, almost exactly two years ago, this
19 Board approved --

20 MR. PANEQUE: West Street.

21 MR. LOPEZ: West, I'm sorry, 2000 West
22 Street in Union City. Almost exactly two years
23 ago, this Board approved the use of the daycare
24 center at this location. So tonight, we're
25 looking to expand the use, given the popularity of

1 the center, to the second floor. I have two
2 witnesses, Mr. Pereiras, who's our architect and
3 Alex who will be testifying. His family runs the
4 center and we have the benefit of two years'
5 history, so he can let the Board know how it's
6 been going up to now and the particulars of it.

7 One additional item that I want to bring
8 forward to the Board's attention before we get
9 started is that the space that we're looking to
10 now occupy is space that is already being -- had
11 been used for a very similar use. So there was a
12 martial arts academy, which actually accommodates
13 many, many more children than what would be
14 accommodated. They are vacating the space and we
15 are proposing the expansion of the daycare center.

16 And with that, I would call my first
17 witness, Mr. Pereiras, as our expert architect.

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

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

25 MR. LOPEZ: Mr. Chairman --

1 CHAIRPERSON GRULLON: We accept your
2 qualifications.

3 MR. LOPEZ: Thank you, Mr. Chairman.

4 MR. PEREIRAS: Thank you.

5 MR. LOPEZ: Mr. Pereiras, your office
6 was involved with the preparation of the plans
7 that are before the Board this evening; is that
8 correct?

9 MR. PEREIRAS: That is correct.

10 MR. LOPEZ: And are you familiar with
11 these plans?

12 MR. PEREIRAS: I am.

13 MR. LOPEZ: And can you describe well
14 what's going on there now, how is the space being
15 used on the ground floor and what we're proposing?

16 MR. PEREIRAS: I'll be very happy to.
17 Quite honestly, from an architect's perspective,
18 this might be one of the easiest projects I've
19 done because we have such a great existing
20 building. We have a building that is built well,
21 it is a type 2 construction, that's a
22 non-combustible building, we don't see that very
23 often in Union City. It has concrete floors and
24 it has a fully suppressed -- it's a fully
25 suppressed building. So there's a sprinklered

1 building throughout. This is the old Passionous
2 building, really well done and it's perfect for
3 this use. In addition to that, the use was pretty
4 much there. They had an educational facility on
5 the second floor, which was a martial arts studio.

6 So from an architectural standpoint,
7 there's very little I need to do. I'll just walk
8 through the plans right now. The drawings to my
9 left are the same drawings that were submitted to
10 the Board. On the top left hand corner of sheet
11 Z01, you see the photograph at the center. You
12 see the existing daycare center on the ground
13 floor. That's something we did a little bit ago,
14 it's running wonderfully right now. It's fully
15 handicapped accessible daycare and it has ages
16 from zero to school age children on that ground
17 floor.

18 The second floor is a little bit
19 different, we won't have infants there, it will
20 only be school age children on the top floor. As
21 you know Union City has a preK-3, preK-4, so
22 typically it's older kids and more of an after
23 school program and then during the summer as well.

24 The space is 2,200 square feet. It's
25 accessed directly from the stair in the childcare

1 center, there's a scissor stair leading up, small
2 hallway and your access to the entire space.
3 We're looking to keep this as an open space,
4 divided for smaller areas just by furniture. And
5 it's 2,200 square feet. That is an equivalent
6 code capacity of about 62 children. But, of
7 course, daycares don't operate at full capacity,
8 they usually operate at about 10 to 15 percent
9 less than that. So he'll probably be operating at
10 about 50 to 55 children there, they have the
11 capacity to do that.

12 Beyond that, there's -- I'll leave my
13 testimony there. I'm open for questions, if you
14 have any.

15 MR. LOPEZ: Just one question, Mr.
16 Pereiras. Is the existing space connected
17 internally to the proposed new space?

18 MR. PEREIRAS: Correct. The stairwell
19 that connects the two spaces comes directly out of
20 the existing daycare. So you're not leaving the
21 daycare facility at any moment. You walk through
22 a controlled door, so there's high security with
23 an office that sees you through the vision panel
24 that we presented to the board before, and you're
25 allowed into the space. From that space inside

1 the daycare center, you can circulate up to the
2 second floor.

3 MR. LOPEZ: And I understand there's no
4 change, but let's go over it for the Board. In
5 our initial application, we had testified as to
6 the existing parking spaces. Is there any change
7 there?

8 MR. PEREIRAS: So there's no additional
9 parking spaces created. However, since we're
10 occupying another space, the lease has created --
11 allowed the tenant to use an additional six
12 spaces. So from a daycare perspective, you're not
13 increasing the number of parking except for the
14 number of teachers. We have six parking spaces,
15 definitely ample for the second floor space. So
16 we're meeting the parking demand by that.

17 MR. LOPEZ: And I would just call
18 attention to the Board's prior resolution. As
19 part of the old application, there was in fact a
20 requirement of six parking spaces. But even at
21 that meeting, my client had testified that he had
22 secured three additional spaces. So there are
23 nine spaces as per the last resolution and they
24 still exist. But my client will testify as to
25 that issue. And I have nothing else as to Mr.

1 Pereiras.

2 CHAIRPERSON GRULLON: I mean for, Mr.
3 Pereiras, the site plan, I see a stairwell that's
4 going to take the children up to the second floor.
5 And as you mentioned, there could be maybe the
6 older children are going to go there using the
7 stairwell. But is there -- in that second floor,
8 is there any other egress in case of a fire in
9 that stairwell?

10 MR. PEREIRAS: Absolutely. As I said
11 before this is an extremely safe building. That
12 corridor that you see here, if you look at the
13 diagram, opens up to an additional means of
14 egress. So there's actually two additional means
15 of egress across the building. There's a second
16 stair at the other end and a stair in the middle
17 of the building. The stair in the middle of the
18 building also has an elevator. So if someone had
19 any ADA requirements or the elderly, they can take
20 the elevator into the space as well.

21 So like I said before, extremely safe
22 building. Multiple means of egress, meets all
23 code requirements. Will meet all licensing
24 requirements for daycares as well. That's a
25 process we go through with the building department

1 and with the state for licensing.

2 CHAIRPERSON GRULLON: Mr. Lopez, I think
3 this is for you. Since you mentioned that as the
4 previous application the owner was able to secure
5 nine parking spaces and by adding this, this
6 lease, this portion, are there going to be
7 additional parking spaces added to the --

8 MR. LOPEZ: There will be no additional
9 parking spaces. My client will testify as to the
10 use of the parking spaces and how much use they've
11 given in the two year history.

12 CHAIRPERSON GRULLON: Okay. Because
13 that question comes because I would like to know
14 how many, you know, children they're servicing
15 now.

16 MR. LOPEZ: That's exactly what I intend
17 my client to testify about.

18 MR. PEREIRAS: And from an architectural
19 standpoint, the building is not increasing in
20 anyway. So when we do an addition, more parking
21 would be required. That's not what we're
22 requesting of this Board. We're not adding any
23 additional square footage. You need a parking
24 space per 300 square feet, that doesn't apply here
25 because the space is existing. We're just

1 changing the use of it. So we're not requesting
2 additional parking variance there.

3 MR. LOPEZ: In other words, let's say,
4 what the martial arts school needed for parking is
5 the same thing that my client would be using for
6 parking.

7 CHAIRPERSON GRULLON: That's what --

8 MR. LOPEZ: Less actually.

9 CHAIRPERSON GRULLON: That was my
10 question. Are they going to be using the spaces
11 that the martial arts was using for parking in
12 addition to what they have?

13 MR. LOPEZ: My client will testify as to
14 that.

15 CHAIRPERSON GRULLON: All right. I'd
16 like to hear from you.

17

18 A L E X P E R E Z, after having been duly sworn
19 or affirmed, did testify as follows:

20

21 MR. PEREZ: Alex Perez, P-E-R-E-Z.

22 MR. LOPEZ: Now, Alex, as I indicated to
23 the boarder, we received approval, it was heard
24 September 9, 2021. How long did it take you to
25 get up and running after this?

1 MR. PEREZ: We actually just turned one
2 full year of operations in September. So it took
3 us about a year to get opened, but we turned one
4 full year as of September of this year.

5 MR. LOPEZ: And during that time, you
6 were operating as per the original approval on the
7 ground floor; is that correct?

8 MR. PEREZ: Yes. We were licensed for
9 113 children.

10 MR. LOPEZ: Okay. And would you say
11 that you are at or near full capacity right now?

12 MR. PEREZ: We are almost -- we're
13 probably 90 percent capacity on the downstairs.
14 Our biggest demand is after school in Union City,
15 it's just -- it's nonstop phone calls for after
16 school services and stuff like that. We offered
17 after school last year, we actually went out and
18 bought a school bus, a licensed school bus driver.
19 So we pick up the Union City children from seven
20 different schools in our school bus. So parents
21 aren't bringing them, it's by school bus they're
22 coming in, pulling into our space, dropping off
23 the children. So that's what we've been doing for
24 now.

25 MR. LOPEZ: Please describe a little

1 more the drop off and the safety issue as to the
2 children?

3 MR. PEREZ: Absolutely.

4 MR. LOPEZ: How the front is set up?

5 MR. PEREZ: So West travels down, so
6 when the bus comes, the door opens to the right,
7 right to the sidewalk. So the children are never
8 crossing the street. So it pulls up right here.
9 So we have directly in front of the school, we
10 have six places, plus you have where you can park
11 right in front, that's where the bus comes in.
12 And then the additional spaces are on this side
13 over here of the building.

14 So, again, we have ample parking. We
15 have ample pickup and drop off zone. And again
16 the children are being picked up after 2:30 in a
17 school bus and brought to the school in the school
18 bus, dropped off there and the kids go up the
19 stairs. And then the parents pick up in the
20 afternoon.

21 MR. LOPEZ: And as far as the usage of
22 the parking spaces, in the one year history of
23 operations that you have, could you describe what
24 percentage of the spaces are occupied?

25 MR. PEREZ: Yes. I currently have over

1 24 employees in the building part time and full
2 time, only three of the employees, me being one,
3 use the spaces, so we have six vacant spaces
4 throughout the day. That's what parents use to
5 come in and out, plus the front of it that fits
6 another four or five cars that could fit in the
7 front to pull up, pick up the children, and go.
8 So you can go down West Street at peak time, 4 to
9 6:00 and you won't see traffic jams because we've
10 worked it to where it goes nice and smooth. We're
11 not creating any traffic jams. It's safe because
12 all the children walk out of the school into a
13 sidewalk and the cars are right there. So they're
14 not crossing the street or anything like that.

15 MR. LOPEZ: And I represented to the
16 Board, based upon what you told me, and please
17 confirm if it's correct, that you still have the
18 original nine spaces that you had contracted
19 for --

20 MR. PEREZ: Yes.

21 MR. LOPEZ: -- on the original
22 application?

23 MR. PEREZ: Yes.

24 MR. LOPEZ: Okay. And you're saying
25 that three of those are occupied?

1 MR. PEREZ: For employees.

2 MR. LOPEZ: For employees.

3 MR. PEREZ: Myself and two employees.
4 Every other employee walks or takes the bus,
5 they're all local.

6 MR. LOPEZ: Anything else you need to
7 add to this Board?

8 MR. PEREZ: No. Again, the reason we're
9 expanding is just the need for the after school
10 program. That's why we're doing it. I'm taking
11 the space just for three hours. The goal is to
12 expand slowly, so we'll take that space upstairs.
13 And then if another spaces becomes available, we
14 would eventually might consider that as well. It
15 all depends on the need. Right now, the biggest
16 need for us is after school.

17 Again, I don't have 3 or 4 year olds
18 because they go to the program in town. So, you
19 know, that helps us as well and we service a need
20 for the town.

21 MR. LOPEZ: I have no other questions.

22 CHAIRPERSON GRULLON: Mr. Perez, could
23 you tell us the hours of operation for the center?

24 MR. PEREZ: 7 a.m. till 6 p.m., Monday
25 to Friday.

1 CHAIRPERSON GRULLON: You mentioned you
2 have roughly 90 percent capacity now?

3 MR. PEREZ: Yes.

4 CHAIRPERSON GRULLON: How many children
5 is that?

6 MR. PEREZ: About 90.

7 CHAIRPERSON GRULLON: About 90.

8 MR. PEREZ: 90 full time downstairs.
9 Again, you get 90 downstairs, but, you know, by
10 3:00, 30 of those kids leave, so you bring in
11 another 30. And that's how you balance it out.

12 CHAIRPERSON GRULLON: And the amount of
13 staff that you have servicing?

14 MR. PEREZ: Over 20, between full time
15 and part time.

16 MR. LOPEZ: And with the additional
17 proposed space, you said --

18 MR. PEREZ: About another six employees,
19 about another six employees upstairs.

20 CHAIRPERSON GRULLON: I don't have
21 anymore questions. Do you have any questions?

22 MR. GARCIA: I do. Mr. Pereiras, you
23 show on the plans the existing third floor plan,
24 no change. Are you occupying the three floors?

25 MR. PEREZ: No. That section of the

1 building only has two floors.

2 MR. GARCIA: Because you're saying third
3 floor.

4 MR. LOPEZ: Go over it, Manny.

5 MR. GARCIA: Another question, Mr.
6 Pereiras or Mr. Perez, this is to whoever. You
7 are proposing that corner of the building --

8 MR. PEREIRAS: Correct.

9 MR. LOPEZ: What is adjacent to that
10 2,200 square feet?

11 MR. PEREIRAS: I believe it's a vacant
12 space right now just looking to the --

13 MR. PEREZ: It's a church.

14 MR. LOPEZ: In your testimony, Mr.
15 Pereiras, responding to the question from Mr.
16 Chairman that you have another way to get out from
17 that proposal egress, you said that in the second
18 floor, you have another two stairs, right, three?

19 MR. PEREIRAS: There's three. I can see
20 you're looking at the key plan and that hallway is
21 for some reason not connected. It is in fact the
22 hallway connecting to the other two stairs.

23 MR. GARCIA: Because whatever I have
24 here is like if any emergency and you have to take
25 the kids out from there, you have to go through

1 another space?

2 MR. PEREIRAS: You do not, there's a
3 hallway.

4 MR. GARCIA: That's what I'm seeing
5 here, Mr. Pereiras --

6 MR. PEREIRAS: I understand.

7 MR. GARCIA: I trust you, but in the
8 plans, it's showing me, like -- let's say that
9 they have any, whatever storage in the future. I
10 don't see the plans the way THAT the kids going to
11 get out.

12 MR. PEREIRAS: You have my testimony as
13 the architect of record on this that there's a
14 hallway that connects to the two other stairs.
15 And just for clarity, based -- if this Board so
16 deems favorably on this project, we'll do an
17 update to that drawing, just to make it very
18 abundantly clear. What I will do is I'll show the
19 entire building and I'll highlight the connection
20 to the three stairs, just so everyone feels safe.

21 MR. GARCIA: Thank you.

22 CHAIRPERSON GRULLON: That's good idea.
23 I think we should do that. Let's do it for the
24 safety of the children.

25 MR. PEREIRAS: Yes.

1 CHAIRPERSON GRULLON: Any other Members
2 of the Board?

3 MS. SAN MARTINO: Right now, on the
4 second floor, you have martial art there. And you
5 said the parking space, you offer right now to the
6 new employee you're going to hire for the second
7 floor. It's not -- I just want to see what is the
8 connection. You have how many people like or how
9 many instructors for the martial arts, and then
10 you say -- like how you say, like that question is
11 like --

12 MR. PEREIRAS: This proposal is
13 replacing the martial arts, it's no longer there.

14 MS. SAN MARTINO: No longer there.

15 MR. PEREIRAS: No longer there.

16 MS. SAN MARTINO: It's not the same
17 amount of people you're going to have in the
18 martial class then the daycare, it's going to be a
19 huge difference, right, between those amount of
20 people?

21 MS. PEREZ: There are going to be fewer
22 kids.

23 MR. PEREZ: There will be fewer kids and
24 the timing is more beneficial because more parking
25 spaces open up after 6 p.m. for the community.

1 Because again we close at 6, the martial arts
2 school will go to 10 or 11 at night.

3 MS. SAN MARTINO: Okay.

4 MS. PEREZ: Are you anticipating that
5 the six new employees the part time employees will
6 start later in the day or after school or are they
7 going to be --

8 MR. PEREZ: Yes. It's four out of the
9 six will be part timers, two will be full timers.
10 We'll bring them in to get the room organized and
11 we'll use as aides on the bus to pick up the
12 children.

13 MS. SAN MARTINO: What age you'll --

14 MR. PEREZ: So it's the state licensing
15 department will only license on the second floor
16 for ages 3 and above, so 3 to 13. They won't
17 allow any child under 3 to be upstairs, so only 3
18 and above, so that's what we'll service.

19 MR. LOPEZ: And, Alex, it's fair to say
20 that even if you're approved here, you still need
21 approval from Trenton?

22 MR. PEREZ: Yes, absolutely. The state
23 has already been out to survey the area. They
24 like it, they approve it, we won't see -- we don't
25 foresee any issues with the licensing department.

1 MS. PEREZ: Did you say that the parking
2 after 6:00, the community members can park in your
3 spots?

4 MR. PEREZ: What we do is those spaces
5 are available for rent for the community, anybody
6 who wants to rent it. So we rent all the spaces
7 from 6 p.m. to 6 a.m. in the morning, Monday to
8 Friday, they have been vacant by 6 a.m. And on
9 the weekends, they have full access, Saturday and
10 Sunday.

11 CHAIRPERSON GRULLON: Any other Members
12 of the Board? Mr. Lopez, do you have another
13 witness?

14 MR. LOPEZ: No more witnesses. I would
15 ask Mr. Spatz, just for the benefit of the board,
16 to explain what an inherently beneficial use is
17 and why this qualifies.

18 CHAIRPERSON GRULLON: Yes. Mr. Spatz?

19 MR. SPATZ: Do I get to send you an
20 invoice for my planning testimony?

21 MR. LOPEZ: If you must.

22 MR. SPATZ: Yes, daycare centers are
23 inherently beneficial according to the Municipal
24 Land Use Law. And that would go to support the
25 expansion of the use variance.

1 CHAIRPERSON GRULLON: And the reason why
2 you're here is because we want to make sure the
3 safety of the children, you know, comes first.
4 And like the testimony that we hear is beneficial
5 also for your client.

6 MR. LOPEZ: Absolutely.

7 CHAIRPERSON GRULLON: Sure.

8 MR. PEREZ: If I can add one more thing?
9 You know, feedback we get from the parents are
10 there's no daycare like this in Union City,
11 Hoboken or Weehawken. Because we spent a lot of
12 time, a lot of effort, a lot of money to make it
13 safe, comfortable, secure for the children and the
14 families.

15 CHAIRPERSON GRULLON: Thank you, Mr.
16 Perez.

17 VICE CHAIRPERSON GUTIERREZ: Can I ask
18 you a question? When the parents come to pick up
19 the kids, where they parking?

20 MR. PEREZ: Like I said before, you have
21 open spaces. Because right now we have six open
22 spaces and then you also have the whole length
23 that you could just pull up and you're not double
24 parked. So right here, cars can lineup this way
25 and park right there. So you could pass by there

1 between 4 and 6, you won't see a traffic jam
2 because the way we've conditioned the parents to
3 pick up and drop off. It's Union City, so I say
4 probably, you know, maybe 50 percent of the
5 parents come in vehicles, maybe. Majority is
6 walking, but again you don't see any issues.

7 MR. PEREIRAS: That side of West Street
8 has no parking, so they can pull up right at the
9 sidewalk.

10 VICE CHAIRPERSON GUTIERREZ: Thank you.

11 CHAIRPERSON GRULLON: Any members of the
12 public want to step forward on this application?
13 Hearing none, close to the public.

14 First of all, I'd like to thank Mr.
15 Perez for the job that you're doing there. It's
16 something beneficial for the community and for the
17 children of Union City. And, again, our concern
18 is safety first and we want you to continue
19 practicing that. You know, make sure the drop off
20 is on the sidewalks always, make sure it's the
21 children coming out of the buses on the sidewalk,
22 not crossing the street, and having enough
23 personnel attending the children when they come to
24 your facilities.

25 With that and the condition to make

1 revised plan showing the secondary means of egress
2 for the building, I make a motion to grant this
3 application.

4 MR. VALLEJO: Motion on the table to
5 grant the application by Mr. Gullon.

6 CHAIRPERSON GRULLON: With revised
7 plans.

8 VICE CHAIRPERSON GUTIERREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Gutierrez.
10 Roll call on the motion to grant this application.
11 Mr. Gullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: I abstain.

23 MR. VALLEJO: Abstain, Mr. Garcia.

24 Ms. Pena.

25 MS. PENA: Yes.

1 MR. VALLEJO: Six in favor, one
2 abstained, motion carries.

3 MR. LOPEZ: Thank you, Mr. Chairman.
4 Thank you, Members of the Board.

5 MR. PEREZ: Thank you.

6 MR. LOPEZ: Mr. Paneque, just for
7 clarification, and Mr. Chairman, the modification
8 that's being shown it's actually for the hallways,
9 not for the actual rental space that my client
10 will be occupying?

11 CHAIRPERSON GRULLON: Just for the
12 hallways.

13 MR. LOPEZ: Thank you.

14 MR. GARCIA: Actually, Mr. Chairman,
15 with all due respect.

16 MR. VALLEJO: You abstained.

17 MR. GARCIA: That's right, I abstained.

18 CHAIRPERSON GRULLON: You're showing the
19 site plan with the hallway, where it's going to --

20 MR. PEREIRAS: I'll show a full plan.

21 MR. VALLEJO: Five minute break off the
22 record.

23 * * * *

24

25 (Whereupon a short recess was taken.)

1 **JFK REALTY -**

2 **4614 Kennedy Boulevard:**

3 **(MS. GUTIERREZ RECUSED)**

4

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

8 MS. PEREIRAS: Thank you very much, Mr.
9 Vallejo. Good evening, everyone. Bianca
10 Pereiras, on behalf of the applicant.

11 Before I go forward, I just want to say
12 thank you so much. The substitute that I had
13 cover for me in July said you were a great board.
14 I think he finally understood why I like doing
15 what I do so much. So thank you all.

16 MR. GARCIA: I think you sent him to
17 just --

18 MS. PEREIRAS: Not at all. So thank
19 you.

20 MR. PANEQUE: On the application for JFK
21 Realty, let the record reflect that I have been
22 provided by Ms. Pereiras with a copy of the notice
23 that went out to the property owners across the
24 street and I'll list them because there's only
25 three of them. Lieber Rivera Funeral Home, Inc.,

1 4543 Kennedy Boulevard. Grove Church at 1132 46th
2 Street, and Grove Church Cemetery, 1132 46th
3 Street.

4 If the board recalls, there was a
5 question that the tax list from North Bergen had
6 not been provided, and now it has been provided.
7 There's only three names on the tax list and they
8 were placed on notice of the application that was
9 heard and approved by the Board at the last
10 meeting. So thank you, Ms. Pereiras, this will
11 become part of the application.

12 MS. PEREIRAS: Thank you very much,
13 Counsel.

14 CHAIRPERSON GRULLON: Thank you, Ms.
15 Pereiras. I know we had testimony from the
16 professionals that you presented the application.
17 And one of our requests was to bring revised
18 plans. Were they submitted?

19 MS. PEREIRAS: Revised plans were
20 submitted on August 25th.

21 MR. SPATZ: We reviewed them and they
22 had all the changes that the Board had
23 recommended, so they're in full compliance.

24 CHAIRPERSON GRULLON: Thank you, Mr.
25 Spatz.

1 I mean with that, all we have now is
2 just to open to the public. Any member of the
3 public here for this application of JFK Realty,
4 4614 Kennedy Boulevard? Any members of the public
5 want to step forward? Hearing none, close to the
6 public.

7 Any Members of the Board want to ask any
8 questions before we make a motion? Hearing none.

9 MR. PANEQUE: Motion was already done at
10 the last meeting and the application was passed
11 and approved.

12 CHAIRPERSON GRULLON: Do we have to
13 accept the --

14 MR. PANEQUE: This was basically carried
15 to tonight's meeting for purposes of having
16 revised plans submitted.

17 CHAIRPERSON GRULLON: No vote?

18 MR. PANEQUE: There's no other testimony
19 required.

20 CHAIRPERSON GRULLON: Thank you very
21 much, Ms. Pereiras. Since there's no member of
22 the public, the application is granted.

23 MR. PANEQUE: Okay.

24 * * * *

25

1 **HUNG FAT, INC. -**

2 **1212-1216 Summit Avenue:**

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

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Bianca Pereiras on behalf of the applicant. My
9 apologies to the Board. Unfortunately, I do have
10 a conflict with won of my professionals that was
11 going to testify this evening. As such, I'm
12 respectfully requesting that this matter be
13 carried to the October date. And at that time,
14 we'll have all our professionals ready to testify.

15 MR. PANEQUE: Ms. Pereiras, do you waive
16 the statutory requirement for this Board to hear
17 this application?

18 MS. PEREIRAS: I do.

19 MR. PANEQUE: And you understand that it
20 has been carried a number of times, so this will
21 be the last adjournment of this application.

22 MS. PEREIRAS: Understood, Counsel.

23 MR. PANEQUE: Thank you. Mr.
24 Chairman --

25 CHAIRPERSON GRULLON: If we agree to

1 that, I'm okay with carrying this application to
2 the October 12th meeting, that will be the last
3 carry for this application. I make a motion to
4 carry the application for October 12th.

5 MR. VALLEJO: Motion on the table to
6 carry the application for October 12, 2023, by Mr.
7 Grullon. Any section on the motion?

8 MS. PEREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Perez.
10 Roll call on the motion to carry this application
11 to October 12, 2023. Mr. Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Seven in favor, motion

1 carries.

2 MS. PEREIRAS: Thank you all very much.

3 * * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.

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

10 I've been provided by Ms. Pereiras with
11 a certification as to publication and service
12 indicating that notice of tonight's hearing with
13 respect to the property 3810-14 32nd Street was
14 provided to all property owners within the 200
15 foot radius. Notice says that the hearing will
16 take place at this location, in Union City High
17 School.

18 In addition, I have received from Ms.
19 Pereiras, the certified mail receipts with a
20 postmark date of September 1, 2023, as well as an
21 affidavit of publication from The Jersey Journal
22 indicating that notice of tonight's hearing was
23 published in the paper on August 31, 2023, and the
24 tax list from the tax assessor's office with a
25 date of August 24, 2023. And the North Bergen tax

1 assessor's office as well with a date of
2 August 25, 2023.

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

6 MS. PEREIRAS: Thank you very much,
7 Counsel. Again, Bianca Pereiras on behalf of the
8 applicant, B and V Investment, LLC, for their
9 application to construct new mixed use building at
10 the location of 3810-3814 32nd Street. This is a
11 location much in need of some beautiful
12 development. We think this is an appropriate
13 project for this Board. It provides commercial,
14 parking, residential units.

15 We do have several experts to testify
16 this evening. So I'll begin our presentation with
17 our architect, Mr. Manuel Pereiras.

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

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

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 3810-3814 32nd
25 Street?

1 MR. PEREIRAS: I am.

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

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

6 MS. PEREIRAS: And would you kindly
7 describe the proposed development for the Board?

8 MR. PEREIRAS: Very happy to. We're
9 right on the corner of 39th Street and Hackensack
10 Plank Road, also known as 32nd Street and Berger
11 Turnpike. The property that we're looking at
12 currently has a three story building or two and a
13 half story building, it's the monuments building.
14 It has two commercial spaces on the ground floor.
15 The monuments, the restaurant and then residential
16 above.

17 The building is in horrible condition.
18 My client just purchased this property. It's been
19 a little bit now because it's taken awhile to get
20 before the Board. And they're looking to demolish
21 the structure that is basically ready to demolish
22 on its own and provide this new mixed use
23 building.

24 Just to locate you here a little better,
25 I am referring to sheet Z01 in my drawings. You

1 see an aerial photograph, you see the housing
2 authority's buildings across the street from the
3 property. The larger new construction is up on
4 Hackensack Plank Road right there at the corner.
5 Immediately behind the lot, the planning board
6 approved a four-story building there. So the back
7 of this building also has a four-story building at
8 the height of the topography there.

9 So what we're proposing is something
10 that really fits into this neighborhood, it fits
11 into the scale of the neighborhood. Even though
12 normally in Union City we have three story
13 buildings permitted in an R-zone, this is a very
14 particular location where it is appropriate to go
15 a little bit taller simply because of the
16 surrounding structures. Everything around it is a
17 tall structure. And across the street is the
18 cemetery diagonally, so that there are no shadow
19 lines or sight visions that are impaired in that
20 location.

21 Turning now to sheet Z02, we see the
22 existing condition on the left and the proposed
23 condition on the right. The existing structure is
24 actually overlapping the property line onto 39th
25 Street, that's going to be demolished. The garage

1 in the rear is going to be demolished. And what
2 we propose to do is a new six story building in
3 that corner. And we're lacking to set back that
4 building from 39th Street and we're offering
5 seven feet of landscaping all across 39th Street.
6 And we're offering seven feet of landscaping all
7 across Hackensack Plank Road, along the front as
8 well.

9 We're using the topography, when you go
10 down 39th Street, it's a very steep hill. So
11 we're using that steepness so that we have a
12 parking entrance at the top of it and another
13 parking entrance at the bottom, so that we're
14 creating two floors without having to do any
15 ramping within the building. So we have two very
16 safe egress and -- entrance and exit of the
17 building from a parking level without having to go
18 up and down ramps, which is a very safe component
19 to this building.

20 There is a main entry to the building
21 along 32nd Street and Hackensack Plank Road. By
22 the way, I say 32nd Street, it's a very weird
23 thing because 32nd Street kind of wraps around,
24 it's really 39th Street, but it's a confusing
25 thing. It's Hackensack Plank Road, also known as

1 32nd Street there.

2 We have a lower level proposed, it's
3 really a basement. This is just dirt along the
4 whole back, but this portion right here is simply
5 to house mechanical systems. We have our
6 sprinkler manifold there and our meters in that
7 location. The ground floor, which is the 32nd,
8 Hackensack Plank Road entrance has a commercial
9 space at the corner, it's slightly under
10 600 square feet with its own handicapped bathroom
11 and entrance right off of 32nd Street. There,
12 there's a ramp. That ramp is access for cars with
13 a 24 foot drive aisle. That's very important
14 because that's what -- that's actually the
15 recommendation from the state. It gives you ample
16 room to go in and out from the parking spaces.
17 And we have full 9 by 18 parking spaces. So
18 exactly what the Union City ordinance requests,
19 we're fully compliant with that. And we have 12
20 parking spaces on this floor.

21 So you enter from 32nd Street, pull into
22 your parking space. When you come out, you back
23 it out of the parking space and you're going head
24 out into 32nd Street. This is an important kind
25 of distinction I'd like to make. If we were to

1 build two-family houses, which is what the
2 district actually permits, we would have
3 two-family houses with driveways backing out onto
4 32nd Street. It's a very hazardous situation.
5 You have a car that goes into the driveway and
6 then backing out on 32nd Street.

7 So not only are two-family houses
8 inappropriate for this location because of the
9 scale of them, they would be tiny in this
10 location. It's also extremely hazardous, not just
11 for the inhabitants of these houses backing out
12 into 32nd Street, but also the incoming traffic.
13 It would create a horrible traffic hazard. So by
14 creating a small building that has parking that
15 cars are able to circulate in and out and head out
16 head first, it creates a safe condition.

17 Please note that we're also setting the
18 building back significantly and creating a paved
19 area so that cars coming in and out have perfect
20 visibility of any traffic coming down the hill.
21 So it's a very safe entry and exit of the
22 building.

23 What we're calling the second floor,
24 it's really the first floor up on 39th Street.
25 Because that entrance, you drive right into the

1 building. You again have the 24 foot drive aisle.
2 And we have additional parking spaces, so that we
3 have a total of 25 parking spaces in this
4 building. In addition to the 25 parking spaces,
5 we also have electrical charging stations at four
6 of these spaces. So that if you have an electric
7 vehicle you're able to charge it on this building
8 and RSIS standards allows us a bonus of that.
9 That gives us an additional four parking spaces as
10 a count towards our counted parking.

11 The front of this floor has bike
12 storage, so that we're promoting bike usage in the
13 building. And we have a small fitness center,
14 enough to have two treadmills, two bicycles, and
15 some free weights at the corner of building with
16 nice windows, so people could workout looking out
17 at the sunset views across there. And then our
18 trash room is also located in that location, so
19 that the compactor compacts the trash and it is
20 brought out on 39th Street appropriately.

21 What we're calling the third floor,
22 which would be second from this side, third floor
23 from 32nd Street or Hackensack Plank Road, this
24 becomes our typical floor. We did a color layout
25 so it's very easy to read these plans. The yellow

1 areas are two bedrooms and the darker green areas
2 are one bedrooms. The two bedroom apartments are
3 very simple in concept. You open the door, you're
4 in an open floor plan, kitchen, dining room,
5 living room. And then the more private corridor
6 with two bedrooms and two baths for each one. So
7 that you have a primary bedroom with a walk-in
8 closet and bathroom. And then the secondary
9 bathroom is used by the secondary bedroom and
10 guests. The two bedroom apartment is 1,018 square
11 foot for this unit and 1,101 square feet for this
12 unit. So they're generous units, corner living
13 room spaces, so it's a very beautiful space.

14 The one bedroom apartments are very
15 similar in concept and they vary in sizes,
16 669 square feet, 681 square feet, 680 square feet,
17 and 579 square feet for the corner unit, which is
18 a little bit smaller than the rest, but actually
19 has amazing views because it has a lot of
20 frontage, since it works on the corner. So
21 there's very large open windows, makes it a very
22 special space.

23 The floors above are very similar.
24 There are slight changes in the square footage on
25 that. The one bedrooms get a little bigger. The

1 one in the rear is 724 square feet, the rest stay
2 about the same. And this is the same floor plan
3 for the remaining floors.

4 Our roof is simply to house mechanical
5 equipment and we have two stairwells and elevator
6 bulkhead for that space.

7 Changing now to page Z06, we see the
8 front of the building along Hackensack Plank Road.
9 And on page Z07, the building along 39th Street.
10 As you can see, we presented several different
11 materials, all from a very green material, very
12 sustainable, fiber cement panels of different
13 colors and different layers, and also masonry. So
14 we have brick in all these areas that you see
15 here. These are all brick areas. And then we're
16 breaking up the brick so that we have -- introduce
17 a different level of scale throughout the building
18 with these niche hot and fiber cement panels of
19 different colors. And we introduce some Roman
20 stucco at the upper areas of the building to
21 create some architectural interest. And this is
22 the design that we came out with. It's beautiful,
23 simple, and it really breaks the building down
24 into smaller forms.

25 On the side profile, you could

1 definitely see the difference in elevation. This
2 is the ground floor, this is the first floor. And
3 if you follow this back, you can see that the
4 first floor is basically level with the ground at
5 the rear of the building. So one floor is lost in
6 there into the ground.

7 That concludes my testimony. I'm sure
8 there's going to be a lot of questions, but this
9 is a nice beginning overview.

10 CHAIRPERSON GRULLON: We have a lot of
11 questions for you. Do you have any other --

12 MS. PEREIRAS: We have two more
13 witnesses.

14 CHAIRPERSON GRULLON: We'll hear from
15 the witnesses first.

16 MS. PEREIRAS: Absolutely. I'd like to
17 proceed with our traffic engineer.

18

19 L E E D. K L E I N, after having been duly
20 sworn or affirmed, did testify as follows:

21

22 MR. KLEIN: Lee D. Klein, K-L-E-I-N.
23 I'm a professional engineer in the State of New
24 Jersey. My license is current and in good
25 standing. I'm also a nationally certified

1 professional traffic operations engineer. And
2 that certification is also current and in good
3 standing. I've been accepted as a traffic expert
4 before well over 100 planning and zoning boards
5 throughout New Jersey as well as Superior Court in
6 New Jersey.

7 CHAIRPERSON GRULLON: We accept your
8 qualifications, Mr. Klein.

9 MR. KLEIN: Thank you.

10 MS. PEREIRAS: Mr. Klein, did you have
11 an opportunity to review the drawings prepared by
12 Pereiras Architects?

13 MR. KLEIN: I did.

14 MS. PEREIRAS: And are you also familiar
15 with the site in question?

16 MR. KLEIN: I am.

17 MS. PEREIRAS: Would you kindly describe
18 the proposal or the project from your perspective?

19 MR. KLEIN: Certainly. I prepared a
20 traffic engineering evaluation report dated May 5,
21 2023. And in that, we did a trip generation
22 calculation based on the number of units. We're
23 proposing 24 mid-rise units, multifamily housing.
24 And we used the Institute of Transportation
25 Engineers Trip Generation Manual, the 11th

1 Edition, which is the current edition. And we
2 calculate the a.m. peak hour, the one hour
3 sometime between 7 and 9 in the morning and the
4 p.m. peak hour, one hour between 4 and 6 p.m.
5 where the most traffic will be coming out. And
6 that one hour peak in the morning would be one car
7 coming in, seven cars coming out for a total of
8 eight. And in the p.m. peak hour, one hour
9 between 4 and 6 p.m., five cars entering and two
10 cars exiting for a total of seven cars.

11 As you heard from our architect, we have
12 two different driveways. So those numbers will be
13 split between the two driveways on the two
14 different streets. So in my estimation and
15 professional opinion, as well as industry
16 standard, when a development generates less than
17 100 peak hours trips -- and we're significantly
18 less than that -- it's not considered a
19 significant increase in traffic. And therefore a
20 full traffic impact study with traffic counts and
21 analysis is not required. As you also heard Mr.
22 Pereiras say that the orientation of the parking
23 is such that vehicles will enter head first, find
24 a parking spot. When they're ready to leave,
25 they'll turn around, come out and exit head first.

1 Sight distance, they'll be able to see
2 up and down both streets to be able to enter and
3 exit. I believe we'll be assigning the parking
4 spaces to the units, so that people won't have to
5 enter one level, look for a spot, if they don't
6 find one, go to the other level. We'll assign the
7 parking spaces to their level.

8 I also looked at the surrounding area,
9 there's mass transit in the area. There's quite a
10 few bus lines within about two-tenths of a mile,
11 four minute walk that provides service to Journal
12 Square, Hackensack, Hoboken, and Fairview. So
13 those are options for people to not necessarily
14 commute by vehicle or certainly not to have own a
15 vehicle of their own.

16 When we look at the parking, the
17 Residential Site Improvement Standards requires
18 parking spaces, 1.8 for the studios and one
19 bedrooms and two for the two bedrooms, and that
20 adds up to 45. We're proposing 24, as you heard.

21 We've also got a total of 32 bedrooms.
22 Eight one bedrooms, eight studios, and eight two
23 bedrooms for a total of 32 bedrooms. We also look
24 at the Institute of Transportation Engineers Fifth
25 Edition of the parking generation. That gives us

1 data that looks at other multifamily housing,
2 mid-rise facilities like this, and does parking
3 counts in the overnight hours, so when the most
4 people are home in their beds sleeping. And the
5 average peak parking demand per bedroom is .48,
6 less than half of a car parked per bedroom. Our
7 parking supply is 25 spaces for 32 bedrooms or .78
8 parking spaces per bedroom, so we've got well over
9 the average. The 85th percentile, 85 percent of
10 that data is 0.71 and we're .78, so we're greater
11 than that the 85th percentile. The 95 percent
12 confidence interval, which is 95 percent of the
13 data falls within a range, it's between .44 and
14 .52 parked cars per bedroom in the overnight
15 hours. And, again, we've got .78 parking spaces
16 per bedroom.

17 We also looked at census data from 2020.
18 And the census data we looked at was for Union
19 City, and particularly census tract 164. And we
20 found the data shows very similar numbers as the
21 Institute of Transportation Engineers. We're
22 looking at, again, based on the census a range of
23 .47 to .56 vehicles per bedroom or .62 to .67
24 vehicles per unit, and we've got one parking space
25 per unit, whereas the census is telling us it's

1 actually a little bit less than that. So in my
2 professional opinion, the proposed 24 units with
3 25 parking spaces, one per unit with an ADA spot
4 left over would be adequate to supply the parking
5 for the bedrooms mix that we have. And based on
6 the census data, the Institute of Transportation
7 Engineers data, I feel confident that the parking
8 would be adequate for this facility.

9 MS. PEREIRAS: Thank you, Mr. Klein.

10 CHAIRPERSON GRULLON: Thank you, Mr.
11 Klein. Do you have another witness?

12 MS. PEREIRAS: We still have one other
13 witness. I'd like to call our planner, Mr. Alex
14 Dougherty.

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

19
20 MR. DOUGHERTY: Alexander Dougherty,
21 last name is D-O-U-G-H-E-R-T-Y, professional
22 planner. My licenses are good and current.

23 CHAIRPERSON GRULLON: We accept your
24 qualifications, you've been in front of this
25 Board.

1 MS. PEREIRAS: Mr. Dougherty, are you
2 familiar with the site in question?

3 MR. DOUGHERTY: I am.

4 MS. PEREIRAS: Did you have a chance to
5 review the drawings prepared by the architect?

6 MR. DOUGHERTY: Yes, I have.

7 MS. PEREIRAS: Would you kindly describe
8 this project from your planning perspective?

9 MR. DOUGHERTY: Certainly. I think
10 before I do that, I'd like to pass out an exhibit
11 packet I prepared which consists of photographs
12 and maps of 9 pages.

13 MS. PEREIRAS: Should we label this,
14 Counsel?

15 MR. PANEQUE: Yes. We'll have this
16 marked as A-1.

17 MR. DOUGHERTY: So slide one of this
18 exhibit packet, you'll see in the upper left, page
19 one, slide one, you'll see red arrow in a circle
20 indicates roughly approximately the property in
21 question, as relates to Union City's zoning map.
22 You see we're in yellow, this is the R, low
23 density residential zone.

24 Slide two is a lens from NJ DEP's
25 GeoWeb. Outlined in red is the property in

1 question. As we can see here, we take a moment,
2 we do have some large open space by way of
3 cemetery, as Manny described, catty-corner across
4 the street. Also important to note when we look
5 at the slide are little blue icons sitting right
6 in front of the property indicating mass transit,
7 literally at the doorstep and right down Union
8 Turnpike. Also, if we look, the little X's across
9 from 39th Street, as we'll see in the next couple
10 slides, fairly high-rise apartment complex. As
11 you'll see on here, we have 38th Street skate park
12 in great proximity.

13 Slide three is the existing property in
14 question, located at 3810-3814 32nd Street. This
15 is Block 261, Lots 33, 34, 35 and approximately
16 8,158 square feet. This is the current condition.
17 These photographs were taken May 6th by myself.
18 You see it's a pretty tattered building, about
19 four stories at the peak there with the fire
20 escape. It's a mixed use building.

21 And when you go to slide four, I kind of
22 walked around the property. You see it's in
23 pretty rough shape here. Again, this is at the
24 corner, major intersection. There's a lot of
25 stray cats hanging around there. As you see, the

1 property is pretty tattered, weathered, seen
2 better days.

3 Page five, slide five, take the drone
4 out and fly it around, get a better perspective of
5 the property in question and the surrounding area.
6 So this really just reflects the top down view,
7 you know. Again, right on that corner here. Off
8 to the left, you kind of see the brick structure,
9 you'll see those in just a moment, you'll start to
10 see some of the topography that was mentioned
11 earlier, the slopes.

12 Slide six is the commercial use, if you
13 will, that's off the rear as described before
14 selling sandwiches and cold cuts.

15 Slide seven, I think is a better
16 perspective of the immediate neighborhood. We can
17 see the new construction just a little further up,
18 about two lots down underway here in this
19 photograph. You can see the skate park off in the
20 background, the one way street that comes to that
21 lighted intersection here at 32nd. Again, the
22 property in question right here at the corner.

23 Slide eight, kind of starts to spin the
24 drone around. You can see how we have a dramatic
25 change here from a built environment, you know,

1 between an approximately seven story building and
2 kind of just drop right here at the corner.

3 And slide nine is just a collective
4 group of the immediate neighborhood. Top left is
5 that cemetery, catty-corner across the street. The
6 top right is the apartment complex directly across
7 the street. Again, we see the skate park, we see
8 some newer development off right behind the skate
9 park. The bottom left, you see the newer
10 development kind of going up that topography, up
11 the terrain. And then right across the street is
12 reflective of the bottom right photograph.

13 The purpose of this exercise is really
14 to confirm site orientation, which I'm sure we're
15 all very familiar with the site. The site is
16 definitely unique. We're here before you for a
17 (d) (1) use relief. When we look at the zone, we
18 are in that, as described, low density residential
19 zone.

20 What I want to point out, 2019, this was
21 formerly the RN medium density, where mid-rises
22 were a permitted use. So when I look at this from
23 a zone conformance, this is an oversized property
24 with area, width, and depth. I believe when we
25 look at the overall project here, you know, it's

1 substantially in compliance. We're here for a use
2 variance because the current zoning now is only
3 two-family zone.

4 So when we look at that built
5 environment, I think this is more suitable for the
6 property, the terrain. And when we look at this,
7 I believe we can satisfy the Medici test, the
8 four-prong site suitability. And condition wise,
9 the site, as we look at it now, I believe it's a
10 nonconforming use, as commercial retail has always
11 been associated with this location. The site
12 itself is oversized and has excellent carrying
13 capacity for this particular project. It's more
14 than three times the zone requirement and is
15 located on a major corridor. This is an in-fill
16 lot, this is not in the middle of a quiet
17 neighborhood. And the context, I believe the
18 proposed use in this location fit the context and
19 the fabric of 32nd and Berger Turnpike. I believe
20 this works here.

21 We have a larger housing complex of
22 several stories, seven, I believe. New multilevel
23 structure is currently being built one block over,
24 as we saw. We have large open space cemetery
25 across the street. We have multiple mass transit

1 options right at the doorstep. We're right next
2 to a public skate park.

3 Most notably, the unique topography of
4 this area that makes the site work for larger
5 build outs, to accentuate these corners and end
6 caps coming into the town and works as a gateway
7 coming into the community, a statement piece. As
8 we've heard, this project will bring a great deal
9 of greenery to the corner and improve the current
10 situations for traffic backing in and out, make
11 the corner more vibrant and safe.

12 Look at special reasons. I believe this
13 use and the application promote the purpose of
14 Municipal Land Use Law. The project will promote
15 the efficient land use with modern living
16 arrangements. The project promotes the planning
17 goals to provide for diversified housing to meet
18 all the needs of people in the state. There's a
19 strong reinvestment to the community, as well as
20 the site, which adds value, not just to the site
21 but the surrounding neighborhoods. I believe the
22 project improves the lighted intersection visually
23 with the stepdown approach coming down the hill
24 from the larger development. Or going up, we have
25 seven story project, six story project going up,

1 we'll start to see that elevation in those
2 massings kind of all converge into the natural
3 built environment there.

4 Most importantly, the project cleans up
5 a tattered and exhausted corner. As I said
6 before, give it a fresh pop, fresh look, gateway
7 coming into the community, brand new development
8 that will accentuate and anchor the corner with
9 greenery here. And will certainly improve the
10 traffic situation that exists there now for
11 ingress, egress of the current site.

12 All of which promote the purposes of
13 land use law, purpose A, E, G, I, and M. Most
14 notably, purpose A, to encourage municipal action
15 to guide appropriate uses or development within
16 the area which promote the public health, safety,
17 morals, and general welfare. Purpose G to provide
18 sufficient space in appropriate locations for a
19 variety of uses, both public and private,
20 according to their respective requirements to meet
21 the needs of all New Jersey citizens. Purpose E,
22 to provide appropriate densities in appropriate
23 locations. Purpose I, to promote a desirable
24 visual environment through good creative
25 development techniques and good civic design and

1 arrangement. And purpose M, to encourage
2 coordination of various public and private
3 procedures and activities shaping the land and
4 development with the view of lessening the cost of
5 such development and more efficient use of land.

6 When we look at prong three, which is
7 the public impact or the negative criteria, if we
8 will, I believe the relief can be granted without
9 substantial detriment to the public or the zone
10 plan. We have sworn testimony from the architect
11 and the traffic engineer that the site will
12 function safely, efficiently, and most notably,
13 the units are comfortably sized. This is not
14 overdevelopment, this works for this site.

15 When I look at the visual, the project
16 provides visual enhancements for the City of
17 Union, without the impairment to the surrounding
18 properties. Again, we have behind us that
19 commercial stand, we have new development going
20 up, and we have high mid-rise apartments just
21 across the street. We have adequate open space as
22 well across the street.

23 I believe there's no open issues on the
24 record, there's no impact substantially adverse
25 nature that would be unresolved. The use itself

1 mirrors nicely and enhances the already
2 established portion of this neighborhood. The
3 building has been designed in accordance with all
4 applicable building and fire codes. And again
5 most notably, the units are comfortably sized.
6 There's no overcrowding, these units work here.

7 And when I look at the zone plan and the
8 impact here, I believe the use will not cause
9 substantial zone plan impairment. This relief
10 relates to a specific piece of property with
11 distinct attributes and characteristics and not
12 the whole zone. Relief is not tantamount to
13 rezone. The zone allows for residential use. The
14 greater massing and density works here for
15 features unique to this part of the City. The
16 commercial retail use is appropriate as it gives
17 the site the historical use of the properties.
18 The greater density as well helps with these
19 commercial uses in the community. This is a
20 benefit to the surrounding neighborhood to provide
21 for an amenity on an appropriate major corridor
22 here, on 32nd Street.

23 When I look at the (d) (6) here for
24 height relief, I believe the application meets the
25 proof required by the Grasso test. All the

1 positives I said before carry forward. I believe
2 the height is necessary to effectuate the
3 beneficial redevelopment project here before you.

4 When I look at the negative criteria,
5 none of the Grasso purposes of height control are
6 violated. The height is appropriate at this
7 location and will not overpower the area. I think
8 if anything, not having another substantial
9 massing here, makes those neighboring seven story
10 properties feel very overpowering for this
11 neighborhood. I think this will blend in nicely
12 and work as a transitional piece going up 32nd
13 Street, coming from the larger seven story
14 buildings going up the hill here. I believe the
15 added height will not cause a negative shadow
16 effects, block scenic views, or create unappealing
17 appearance. I believe it will enhance this corner
18 and accentuate the corner as a gateway. It will
19 certainly enhance it visually, considering what is
20 there today is pretty tattered and exhausted.

21 The site is well isolated from
22 residential neighborhoods. It's on the edge of
23 town, not the center of the neighborhood. It's a
24 good community design, like I said, to accentuate
25 these corners with the taller buildings and anchor

1 this.

2 When I look at the C relief, all the C
3 relief is subsume within the (d) (1) use relief.
4 And all the positives carry forward. Nonetheless,
5 the relief is necessary to effectuate the
6 beneficial redevelopment of the site.

7 We do have, as we discussed, some
8 parking relief here. We're at 29 with some
9 electric vehicles, where 47 is needed. As we saw
10 on slide two here, we do have mass transit at our
11 door, bus line number 83, 127, 85 and 121 well
12 within walking distance, just a few steps away.

13 I believe this is efficient land use and
14 we meet actually parking supply and demand here.
15 Additional parking would be wasteful as again mass
16 transit at the doorstep.

17 To counteract the traffic engineer -- to
18 support the traffic engineer, when I looked at the
19 when I date for Union City, nearly three quarters
20 of the population fall in this category, 74
21 percent to be exact, 31 percent of Union City's
22 population uses public transportation; 17 percent
23 car pool; 14 percent work from home; 11 percent
24 walk; 1 percent bike, 74 percent of the
25 population.

1 When I look at the building height, the
2 extra story provides for the public benefit of
3 off-street parking. Building coverage I believe
4 is proper stormwater management, controls will be
5 in place, under lot coverage requirement.

6 Again, when we look at the rear yard
7 setback, this abuts a low lying garage, conversion
8 into a commercial use. There's no rear windows,
9 adequate separation as we've heard kind of built
10 into the hillside for the first floor.

11 When I look at reconciling this with the
12 master plan, one of the goals of the master plan
13 is to provide a balancing of land uses and a
14 balance of development patterns in appropriate
15 locations in order to preserve the character of
16 the community, encourage economic development, and
17 protect and preserve the established residential
18 character. I believe the residential character
19 here with that seven story building will be
20 another decently massing building to reflect that
21 and keep with that character, provide that
22 gateway. I don't believe a two-family house here
23 would be appropriate.

24 Nonetheless, I believe when we look at,
25 it promotes and reenforces the City as a desirable

1 residential location and attractive shopping,
2 entertainment and recreation destination. And
3 also to improve the quality of life for the
4 residents of Union City.

5 Goal number three is to improve the
6 internal circulation for pedestrians as well as
7 vehicles. We provide for off-street parking, we
8 utilize mass transit, and clean up a dangerous
9 intersection with the current arrangements, as you
10 heard before.

11 Nonetheless, I'll conclude here that the
12 project is a positive investment that will bring
13 the site more into harmony with the area. The
14 project will have minimal, if any, impacts. And I
15 believe the statutory criteria for relief is met
16 and approval would be warranted.

17 MS. PEREIRAS: Thank you, Mr. Dougherty.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Dougherty. Do you have any other witnesses?

20 MS. PEREIRAS: No, Mr. Chairman. We're
21 open and eager to hear your comments.

22 CHAIRPERSON GRULLON: I want to start by
23 hearing from the architect and just go one by one.
24 Mr. Pereiras.

25 MR. PEREIRAS: Yes, Mr. Chairman.

1 CHAIRPERSON GRULLON: The first thing I
2 notice on your zoning table, on the data table,
3 you say three families are permitted in that zone
4 there.

5 MR. PEREIRAS: No, only two-family
6 houses are permitted. We started this project a
7 long time ago, so it went through various
8 iterations. I believe when we started, three
9 families were permitted. Only two-family houses
10 are permitted at this time.

11 CHAIRPERSON GRULLON: Please just make
12 sure that you clear those things for all the Board
13 Members just to understand what we're looking at.

14 The other thing we mentioned in the past
15 is that we want to see floor plans for each floor.

16 MR. PEREIRAS: I know. This was
17 submitted way before that.

18 CHAIRPERSON GRULLON: Again, we only
19 have one floor plan. And you are mentioning all
20 the floors are the same. You know, we want to see
21 each floor plan. I know we, I guess, I mean
22 saving a sheet of paper right now is not what we
23 want. We want to see you know each floor plan.

24 MR. PEREIRAS: Mr. Chairman, ever since
25 you said that, every project I've submitted has

1 done that. This was submitted a long time ago.
2 And, yes, just to be clear for everyone in the
3 public, this sheet, which is sheet 705, this is
4 the same exact floor plan for the fourth, the
5 fifth, and the sixth floor. So it's the same one.
6 In the future, I'll print it. It's the same floor
7 multiple times.

8 CHAIRPERSON GRULLON: Okay. I know it's
9 clear, you went over the layout of the plan.
10 You're proposing two curb cuts, one on 39th and
11 the other one is on Berger Turnpike?

12 MR. PEREIRAS: Correct.

13 CHAIRPERSON GRULLON: Right on the
14 intersection?

15 MR. PEREIRAS: It's stepped back from
16 the intersection.

17 CHAIRPERSON GRULLON: Can you explain
18 how far it's set back?

19 MR. PEREIRAS: Id' be very happy to and
20 we have our expert here to talk about traffic, to
21 explain the safety of that as well. So from the
22 corner of our property to the beginning of the
23 curb cut is 12 feet one inches. And then we also
24 have a very large sidewalk there as well. So you
25 have a total of about 20 feet between the curb cut

1 and the intersection.

2 CHAIRPERSON GRULLON: I mean I don't
3 have any other questions for you. My next
4 question, I guess, is for the planner, for Mr.
5 Dougherty. This site, as you mentioned, there are
6 only two-family are permitted. You had three
7 lots. What's permitted to build in those three
8 lots are actually six family. And the proposed
9 plan is four times what is permitted, are you
10 aware of that?

11 MR. DOUGHERTY: Yes, I am.

12 CHAIRPERSON GRULLON: And how would that
13 benefit the area, you know, because -- let me just
14 ask Mr. Spatz one question.

15 MR. SPATZ: Yes.

16 CHAIRPERSON GRULLON: When was the last
17 review, revision that we have to our zoning plan?

18 MR. SPATZ: In 2022 is when the zoning
19 changed.

20 CHAIRPERSON GRULLON: It was very
21 recent. And we had a reason to have the zoning
22 plan review because of the density in the city and
23 all the parking issues that we have.

24 MR. SPATZ: Correct. That was included
25 in the master plan, that was one of the reasons

1 for making the change.

2 CHAIRPERSON GRULLON: Now, we're seeing
3 this application with four times the requirement.
4 I'd like to explain a little bit more how can we
5 say that this is going to be beneficial for Union
6 City?

7 MR. DOUGHERTY: Certainly. I think a
8 picture's worth a thousand words. Slide eight of
9 my exhibit packet, I don't believe a two-family --
10 yes, we can do six units.

11 CHAIRPERSON GRULLON: You're saying all
12 the professionals that got together in 2022 to
13 revision a master plan got it wrong?

14 MR. DOUGHERTY: No, no. The master plan
15 states general goals and objectives. The zone was
16 change in 2019, right before COVID. 2019 and
17 going back, your zoning map allowed for this, this
18 would have been a permitted use. So at some
19 point, but visions and ideas change and so forth,
20 you know, it's not wrong to change zones. We're
21 not saying change the whole zone. We're saying
22 this unique corner works for a building like this,
23 that's reflective of what's across the street.

24 Again, the first exhibit page shows
25 you're at the edge of town, major road, gateway

1 coming in, it mirrors what's there, goes nicely
2 into the terrain, topography going up 32nd there.

3 With that being said, you have a
4 larger building there going online. So you'll
5 kind of have this large building and you'll kind
6 of just gradually go into that corner and the
7 built environment. Three two-families here, I
8 think, would just be lost and it would look really
9 out of place. Again, this is a busy intersection.
10 I believe this is a superior layout as far as
11 accommodating new housing, benefitting the
12 community, taking advantage of mass transit, and
13 cleaning up this tattered site. Again, this
14 corridor, this stretch is zoned strictly
15 residential. My professional opinion, a major
16 corridor like this I think it's more appropriate
17 for a mixed use.

18 But nonetheless, residential of a
19 two-family independent, you know, dwellings,
20 two-family, two-family, two-family, I believe
21 aren't really -- they're not necessarily a bad
22 thing. But I believe this is a better
23 alternative, enhance the corner and take advantage
24 of the terrain and topography, the mass transit,
25 as well. And again 2019, this was a permitted

1 use. The zone changed recently. And the exact
2 ordinance was -- and this zoning map is still
3 found on the website and the RN zone is still
4 found on the website. But the current zoning map
5 doesn't show RN, it just shows R. So it's a
6 little confusing when people look at doing work.
7 But that zoning was Section 22-42(B)(F) where
8 permitted uses were mid-rise. And apartment
9 buildings and mid-rises containing from four to
10 six stories. So this is exactly what would have
11 been permitted in 2019.

12 Again, things change, we're not saying
13 change the whole zone. We're saying this
14 particular lot works for that narrative. As far
15 as substantial detriment, I don't believe there's
16 going to be much substantial detriment here at all
17 with this proposed project.

18 CHAIRPERSON GRULLON: When you say
19 substantial detriment, we are talking about here a
20 400 percent increase of what's permitted in the
21 area. 400 percent, as a Board here, my experience
22 here for many years that I'm on this board, I've
23 never seen an application with the vision to
24 propose a request for a variance with a
25 400 percent requirement.

1 MR. DOUGHERTY: This was once the vision
2 of the City to put a six story building on the
3 corner. I still think it works for this corner,
4 not the whole zone, this particular corner. It
5 doesn't constitute a rezone and things of that.
6 It's not a substantial impairment. This site is
7 unique, it's three times larger than what the zone
8 requires. And for the features here being on a
9 major corridor, being right next to a seven story
10 building. I believe this is more appropriate
11 given the topography, terrain, mass transit right
12 at your doorstep, open space across the street.
13 There's really no adverse impacts here from a
14 residential standpoint as well as zoning
15 standpoint. This little corner works perfect
16 going right up into the hill.

17 CHAIRPERSON GRULLON: I'm seeing a lot
18 of negative aspects on this application.

19 MS. PEREZ: The parking jumps out.

20 CHAIRPERSON GRULLON: Another one I see,
21 those two curb cuts, one comes outright on the --
22 I think the most dangerous intersection in Union
23 City, that Berger Turnpike and 39th Street. It's
24 a lot of traffic and that traffic is always
25 speeding there when they come down the hill there.

1 The curb cut there, I would say, it's impossible
2 to have it.

3 But probably that's something that maybe
4 your traffic expert is going to explain, you know,
5 how that's going to work. And the other curb cut
6 on 39th Street, even on the picture, it shows
7 traffic all the way to Kennedy Boulevard. You
8 know how busy --

9 MR. GARCIA: That was Saturday.

10 CHAIRPERSON GRULLON: That was probably
11 on a weekend.

12 MR. GARCIA: May 6th was Saturday.

13 CHAIRPERSON GRULLON: Even your pictures
14 that you say --

15 MR. DOUGHERTY: It's a major corridor, a
16 gateway coming into the community. So I think a
17 project like this --

18 CHAIRPERSON GRULLON: I think a project
19 like this is just way too ambitious to be in that
20 area. Could you explain how a curb cut would work
21 in that area?

22 MR. KLEIN: Certainly. If you note -- I
23 guess you can look at 8 of 9, that's an aerial
24 view of the corner. If you look at the stop bar,
25 that white line on Bergen Turnpike, 32nd Street,

1 whatever you want to call it, our driveway is in
2 front of that stop bar. So traffic will be
3 stopped and our driveway will be able to make the
4 right turn out of that driveway before the traffic
5 begins to go.

6 CHAIRPERSON GRULLON: They would never
7 be able to make any turns, left or right. When
8 the traffic light stop, it's backed up to Kennedy
9 Boulevard.

10 MS. SAN MARTINO: Another point --

11 MR. KLEIN: In the intersection?

12 MS. SAN MARTINO: Another point, too, is
13 a lot of trucks there, it's not just regular cars,
14 too, speed. Trucks speed on that particular side
15 too.

16 MS. PEREZ: You'll never get out of
17 there.

18 CHAIRPERSON GRULLON: Something else
19 that you mentioned is that .5, .7 works for Union
20 City. It doesn't work for Union City. Right now,
21 we have a such a high demand for parking and a
22 deficiency in parking. People are parking on
23 crosswalk, fire hydrants, bus stop, it's permitted
24 at night. We have no parking in Union City.

25 MS. SAN MARTINO: It's in the picture.

1 MR. GARCIA: It's on the picture is a
2 gray car parked in the crosswalk, it's right
3 there.

4 CHAIRPERSON GRULLON: People are park in
5 the crosswalks. That calculation of point -- even
6 1.5 is not making it for Union City anymore. We
7 had to be more -- think more about the residents
8 when we bring in applications here, what's
9 permitted in this lot are three two-family houses.
10 And, you know, I get it. You're here just to try
11 to get -- to maximize, you know, what you can with
12 the lot. But you also have to have the condition
13 to fit into the neighborhood. You know, to be
14 able to get something that is appropriate for the
15 area.

16 I believe -- that's just my opinion.
17 I'm going to let the other members speak and ask
18 questions.

19 MS. PEREIRAS: Absolutely.

20 CHAIRPERSON GRULLON: But I believe that
21 24 units with 24 parking spaces where 47 is
22 required is something that is not acceptable.

23 MS. PEREIRAS: Chairman, if we could
24 respond to the comments?

25 MR. KLEIN: So let me take it in a

1 couple of pieces. What's permitted is three
2 two-family houses.

3 CHAIRPERSON GRULLON: Yes.

4 MR. KLEIN: They would each have their
5 own driveway, so we would have six driveways
6 instead of two driveways. Each of them, because
7 they're homes as opposed to apartments, would
8 likely have the high numbers of parking that
9 you're talking about, three cars in a driveway and
10 the garage. So now you're talking about probably
11 18 cars in 6 units as opposed to 24 cars in
12 24 units. Because the type of unit that this is,
13 it's an apartment, it's transitional, it's young
14 people that have come out of college, that don't
15 have extra money for cars. They're looking to
16 live in a place where they don't have to be in mom
17 and dad's basement, they can be independent. And
18 they use Uber and they use mass transit, they work
19 from home. They don't particularly need to own a
20 car nor can they afford to own a car with their
21 college debt.

22 I think it's hard to compare, but I
23 would say three two-family homes would have
24 probably just as much traffic as this proposed
25 with two driveways, they would have six driveways.

1 And I don't think they'd ever be able to get out
2 and not because it's a traffic thing, but the
3 dwarfing of three two-families homes versus the
4 buildings around it, I just don't think it fits on
5 that corner, but that's different.

6 VICE CHAIRPERSON GUTIERREZ: In that
7 block, we have three big buildings, housing
8 buildings. You pass around there 4:00, you don't
9 find parking. Even the middle of the night,
10 they're looking for parking.

11 MS. O'DELL: Middle of the day.

12 MR. KLEIN: Because that's the type of
13 building that that is. This is building is a
14 newer building with smaller apartments for people
15 that don't particularly have their own cars.

16 VICE CHAIRPERSON GUTIERREZ: And in
17 Union City, you have three people living in an
18 apartment, everybody have cars because they work
19 all different places, not only in Union City.

20 MR. PEREIRAS: If I may just a few
21 comments. I hear you, this is Union City, it's my
22 home, I totally understand. And the problem is a
23 little bit exacerbated in this situation because
24 you have the housing authority's buildings that
25 don't have parking.

1 There's several questions we need to ask
2 on this application. First, we're looking in the
3 R district, okay, two-family houses -- and, Mr.
4 Chairman, you mentioned a 400 percent increase.
5 If we had a perfect ordinance, there would be no
6 need for this board. We would just build and
7 everything would be --

8 CHAIRPERSON GRULLON: You would still
9 come here for a 50 percent ordinance.

10 MR. PEREIRAS: So the ordinance isn't
11 perfect. Right now, the ordinance says we can
12 build three two-family houses. I think we all
13 agree that would be a disaster for this area for
14 all the things that Mr. Klein said. It actually
15 would be worse parking situation than the building
16 we're proposing, it would be a more dangerous
17 situation, it would look really out of place. You
18 have the housing authority buildings, you have the
19 four-story building behind, you have the mass and
20 then you're going to have three two-family houses?
21 I think we all agree on that aspect that
22 two-family houses aren't the proper solution here.
23 And we might be a little aggressive in what our
24 request is, okay, and we'll find an understanding
25 where it makes sense. But a building makes a lot

1 more sense than three two-family houses. And the
2 density that we're proposing is very different
3 when you're talking about two bedroom and one
4 bedroom units to the density of a house that has a
5 family, that has a couple with two cars and kids
6 with cars, it's a very different thing. This is
7 one bedroom apartments and two bedroom apartments.

8 So we're proposing -- and the question
9 before this board is really what's better, having
10 three two-family houses there or having a small
11 building, okay. And I think the question
12 undoubtedly, if you ask yourselves, it's better to
13 have a small building.

14 CHAIRPERSON GRULLON: Mr. Pereiras, as
15 long as it meets the parking requirement -- again,
16 we're not going to go over that you are going to
17 give me one parking that is electric and that's
18 going to be considered two parking. As long as it
19 meets the parking requirement and also the
20 setbacks, respecting the setbacks, it might be
21 something we could work out.

22 MS. PEREIRAS: Okay.

23 CHAIRPERSON GRULLON: But the way it's
24 presented right now, it's very difficult.

25 MR. GARCIA: Can I have a question? To

1 the planner, you mentioned that 24 percent of the
2 population work from home, right?

3 MR. DOUGHERTY: 14 percent work from
4 home, 31 percent uses public transportation.

5 MR. GARCIA: Public transportation. And
6 also, did you do the numbers about the population
7 in Union City that we have probably over
8 90 percent of Hispanic that work in, like,
9 production, that they don't work from home, but
10 that's okay?

11 MR. DOUGHERTY: This is your census
12 data.

13 MR. GARCIA: Perfect. I live here and I
14 know -- okay.

15 Also I have a question is why we have to
16 come here with you short the parking all time? I
17 understand your point. When you say that if we
18 come with three family houses -- two-family houses
19 are going to have three driveways, probably 39th
20 Street or probably in Berger Turnpike or 32nd
21 Street. However, I'm going to come with a
22 question to you, to your client. Why they don't
23 come with an application probably with -- let's
24 say a number, could be 10, but the same 24 units
25 and probably 40 parking, that isn't going to

1 impact, you know what I mean, the parking
2 situation? Isn't going to increase the parking
3 situation in Union City, you know what I mean?

4 It's something -- like I understand,
5 your point, you're going to have three curb cuts,
6 could be 39th, could be 32nd. However, why come
7 with application like usually is one-one and
8 doesn't come with two-two, I mean with two parking
9 per unit. And this way going to alleviate the
10 situation in Union City? At least it's not going
11 to increase the situation, you know what I mean?

12 MR. KLEIN: Right.

13 MS. PEREIRAS: Mr. Chairman, if I may?
14 I think this is an appropriate site to work
15 together towards something that meets both the
16 goals of the City and the applicant as well. As
17 Mr. Dougherty mentioned, this is a very important
18 thoroughfare. It is the gateway coming into Union
19 City when you're coming up on Hackensack Plank
20 Road. And I don't think we want to miss this
21 opportunity to create something very beautiful
22 that introduces people to our beautiful city.

23 That being said, I'm hearing the
24 comments of the Board as to how we should reduce
25 this. I think maybe if we get another shot or

1 take another shot at these drawings, we might be
2 able to reduce this to a point that makes sense
3 for the Board. So I would ask -- I don't want
4 waste anymore time of the Board this evening -- to
5 have this carried, give us the opportunity to
6 speak again with all the professionals with the
7 applicant and see if we can modify the plans.

8 CHAIRPERSON GRULLON: Just to be clear,
9 what the Board is looking for is to comply with
10 the parking requirement. And also not to go with
11 a 400 percent increase.

12 MR. PEREIRAS: One thing I'd like to
13 offer immediately is that we designed this parking
14 layout so that it's clean, individual spots. We
15 could easily put a lift on each one of these
16 spaces, doubling the park that we're providing.
17 Would the board consider that?

18 CHAIRPERSON GRULLON: We went over
19 previous application and we did some research on
20 the mechanical parking and they're not something
21 that we're looking forward to having in Union
22 City.

23 I just -- Ms. Pereiras, you say you want
24 to carry the application and come back with a
25 reduced building, maybe try to eliminate the curb

1 cut on 32nd Street and try to find your way to
2 getting only 39th, you know, maybe we'll hear the
3 application. It's up to you. If not, we can just
4 go for a vote now and come back with new plans.

5 MR. PEREIRAS: We appreciate the
6 opportunity.

7 MS. O'DELL: I just have something to
8 say. A comment that I was kind of weirded about
9 is that the proposal was oh, these are small
10 apartments for young kids coming out of college,
11 getting a job. And I understand, I was in that
12 position -- you didn't, the traffic guy.

13 So now what happens? You graduate
14 college, you get this cut little apartment, okay.
15 And you find someone and you get married. So
16 that's another person in that apartment. And then
17 still can't afford a house because of pricing of
18 houses in New Jersey and Hudson County just keep
19 going up. And you have a baby. And years later
20 that baby is still there and you're there in this
21 little one bedroom and now this baby drives. So
22 now there's three cars.

23 And I'm just saying this out of my own
24 personal thing. I, too, was single in my little
25 apartment, got married, two babies later, I'm

1 still in that apartment and now there's four of us
2 and three cars. I'm not saying that it's going to
3 happen. But how are you going to keep that
4 statistic? How are you going to keep saying it's
5 only going to be single people with one car or a
6 bike?

7 MR. DOUGHERTY: That's an enforcement
8 issue.

9 MS. O'DELL: So are you going to say,
10 all right, so now you're pregnant, you're out?

11 MR. DOUGHERTY: This happens a lot. And
12 I heard analogy before from a zoning officer.
13 You're young, you're single, you have a Corvette.
14 You meet somebody, you have baby, couple babies.
15 You don't get to put all the kids on your lap in a
16 two-seater car, it's against the law, it's an
17 enforcement issue. The six people, five people
18 accommodating one bedroom, that's a
19 municipality -- that's an enforcement issue.

20 The idea of a one bedroom apartment or
21 two bedroom apartment is transitional housing.
22 When you're looking for something affordable
23 because you can't buy a house, and in that
24 regards, but --

25 MS. O'DELL: I went from a cute little

1 car to a minivan and I still kept the little car
2 because it was paid off, you know what I mean?
3 And that little car is what got me to work, which
4 is right here because that car was this big and I
5 was able to find parking because of that little
6 car, not because of the minivan.

7 So now that minivan has transitioned
8 into a third car because there's a teenager in the
9 house.

10 MR. DOUGHERTY: In planning, we're kind
11 of forward thinking. We recognize the now, we
12 recognize the past. But we're forward thinking.
13 The generation in high school today and elementary
14 school today, what they're showing is their
15 interest is not in owning a car.

16 And when we look at other urban
17 environments across the world, when they stop
18 designing a city around the vehicle and around
19 pedestrians, around housing, the city starts to
20 move differently and act differently. We have
21 congestion issues because we want to accommodate
22 the vehicle versus accommodating the pedestrian.
23 So, you know, there is a balance to it. But the
24 U.S. is kind of the last one to get with the
25 trends. But that's the direction we're seeing in

1 the planning world.

2 MS. O'DELL: Listen, I work here for
3 15 years, this is my horror. During the day, when
4 everybody is supposed to be working, and during
5 the day, non-peak hours, I can't find a spot for
6 the life of fee me. And we have to park down the
7 block into North Bergen, almost to Tonnelles Avenue
8 just to get to work here. Or park all the way up
9 by the construction, all the way up towards
10 Kennedy. It's a horror.

11 And unless you're going to be like well,
12 this is only for single people, and if you get
13 married and have a baby, you're out. You
14 understand what I'm saying? That statistic
15 doesn't work.

16 Like this happened in Hoboken. Hoboken
17 was a party, I was there in that party in Hoboken.
18 Guess what? Housing market went insane. People
19 never left Hoboken because they couldn't. They
20 couldn't afford it. So they stayed in Hoboken.
21 And Hoboken, little by little, starting
22 increasing, became more family oriented. Now
23 there's like millions of babies everywhere because
24 all those parents are my age and younger. And
25 they couldn't leave because you couldn't afford a

1 house in New Jersey. So they stayed there and
2 made their own community. And it's full of
3 people. So you can't say it's for a single,
4 one -- I just don't buy that. Unless you're going
5 to go be regulated, and say, well, now, you're
6 married with a baby, I'm sorry, you need to leave
7 this apartment for another single person coming
8 in. That just doesn't work for me. That just
9 doesn't -- it doesn't click because it's not --

10 And this street here, there's no parking
11 down the street. You can't park anywhere, it's
12 illegal, there's no parking spaces. And just that
13 one comment saying well, this is all for single
14 people and families little families is just -- it
15 isn't what happens here. It's not what happens
16 here.

17 These apartments get filled really quick
18 and people have babies really quick. And before
19 you know it, ten years go by and you're like how
20 many kids do I have, what is going on? I can't
21 move yet. It's just insane. Life goes on because
22 I was that. I was that statistic. I was alone,
23 husband came in, babies came in, dogs, cats,
24 everybody came in. And now there's three cars and
25 a minivan is out and it's insane and I still

1 haven't left because I had to take care of
2 parents, but that's not here or there.

3 MR. DOUGHERTY: You're saying exactly
4 what I'm trying to say with the generation. Your
5 kids are in a car looking for the parking as
6 you're driving around. They know that, it's
7 engraved. The car -- it's not something we're
8 seeing the younger generation aspire to have.

9 MS. O'DELL: You can't say that.

10 MR. DOUGHERTY: There's cities across
11 the globe that they zoned out vehicles across the
12 world.

13 MS. O'DELL: Yeah, but here it doesn't
14 work this way. Every kids I know have cars
15 everywhere. It's not like I'm going to take
16 public -- kids hate taking public transportation.

17 MS. PEREZ: And you have all the Ubers
18 and Uber Eats --

19 MR. VALLEJO: We have three more
20 applications.

21 MS. PEREZ: -- that have people double
22 parked. The drivers, deliveries have nowhere to
23 go. There's an impact.

24 MS. O'DELL: As a matter of fact, on
25 this street, one coworker going down Bergen

1 Turnpike, her car got hit because people fly down
2 the street, people double park. They don't see
3 you coming out of the driveway. It's insane.

4 MS. PEREZ: Somebody was killed there.

5 MS. O'DELL: Somebody was killed right
6 here and a lady almost got hit, two people almost
7 hit right here in this section right here.

8 CHAIRPERSON GRULLON: Okay, thank you.

9 I think that was very opportune to
10 mention those kind of things because that's the
11 reality. Sometime the statistic is not showing
12 the reality for Union City. And we have to listen
13 to that.

14 MS. PEREIRAS: Chairman, we welcome the
15 opportunity to work with the town and try to find
16 an appropriate building here. So again, I ask
17 that this matter be carried so we can address the
18 concerns.

19 CHAIRPERSON GRULLON: Let me open to the
20 public and then carry it. At this time, if
21 there's anyone from the public that wants to step
22 forward on this application?

23 MR. TIRSO: I'm a neighbor up the
24 street. I don't know about all the parking.

25 CHAIRPERSON GRULLON: Please step

1 forward.

2 MR. TIRSO: Alex Tirso, T-I-R-S-O. And
3 I would agree with what the original people were
4 saying, it does -- this is a decrepit corner that
5 could use some new life. And the other building
6 up the block looks very nice. And the building
7 that Vinny and his brother are putting up looks
8 like it should be nice.

9 CHAIRPERSON GRULLON: What is your
10 address, sir?

11 MR. TIRSO: 649. But, you know, I
12 thought the one space per unit was what he said to
13 me, seemed generous, but you're right that parking
14 can be challenging, so...

15 CHAIRPERSON GRULLON: Okay.

16 MR. TIRSO: Thank you.

17 CHAIRPERSON GRULLON: Thank you so much.
18 Anybody else from the public want to step forward?
19 Hearing none, close to the public. With that, I
20 make a motion to --

21 MR. PANEQUE: Ms. Pereiras, would you
22 waive the statutory time requirement?

23 MS. PEREIRAS: I do, Counsel.

24 MR. PANEQUE: For the record, this
25 matter has been adjourned since May 11th. It was

1 adjourned May 11th, June 8th, and July 6th. So
2 this will be one more adjournment.

3 MS. PEREIRAS: And, Counsel, please
4 note, I adjourned the last meeting. But the prior
5 adjournments were at the request of the Board
6 because they didn't get to that application. So
7 for that, I'm hoping we'll get it resolved next
8 month. But I wanted to put that on the record.

9 MR. PANEQUE: And you do waive the
10 statutory requirements?

11 MS. PEREIRAS: I do.

12 MR. VALLEJO: If any major changes, they
13 have to renotice?

14 MR. PANEQUE: Not renotice, but they
15 have to be submitted at least ten days prior to
16 the meeting.

17 MR. VALLEJO: Thank you, Mr. Paneque.

18 MR. PANEQUE: There's no request for
19 changes, they're going to take back our
20 suggestions.

21 CHAIRPERSON GRULLON: And then you would
22 have -- you have to renotice if there are major
23 changes.

24 MS. PEREIRAS: I don't believe new
25 noticing would be required because we would be

1 reducing the scale of what we proposed from the
2 original time. If we were impacting this project,
3 it would be a greater impact, then I would
4 renotice. But I don't expect to have to in this
5 case.

6 CHAIRPERSON GRULLON: With that, I make
7 a motion to adjourn it to the next board meeting,
8 October 12th.

9 MR. VALLEJO: Motion to adjourn the
10 application by Mr. Grullon to October 12th.

11 MS. PEREZ: Second.

12 MR. VALLEJO: Any second on the motion?
13 Seconded by Ms. Perez. Roll call on the motion to
14 adjourn this application for October 12, 2023.
15 Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Seven in favor, motion
5 carries.

6 * * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RINO MANAGEMENT, LLC -**

2 **411 38th Street:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Rino Management, LLC, 411 38th
6 Street. This application has been adjourned on
7 June 8, 2023, and July 6, 2023. Thank you.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of Rino Management for property at 411 38th
10 Street, also known as Lot 22 in Block 220. This
11 application is to legalize residential units for a
12 total of seven on site, as well as the
13 legalization of a Bible study that has existed
14 here on site for several, several years. We have
15 two experts to testify this evening and we'll
16 begin our presentation with our architect, Mr.
17 Manuel Pereiras.

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

20
21 MR. PEREIRAS: Manny Pereiras, I
22 recognize I am still under oath. This is --

23 MR. PANEQUE: Mr. Pereiras, before we
24 proceed, let's reconcile with the building
25 department memo. Your application is to go from

1 six units to seven?

2 MR. PEREIRAS: In the end, we have eight
3 residential units plus the house of worship.

4 MR. PANEQUE: Okay. Because I'm looking
5 at a building department memo and I don't know if
6 you've been given a copy. But that building
7 department memo indicates that this is a five unit
8 and one commercial.

9 MR. PEREIRAS: The building department
10 has been giving us conflicting information.
11 Actually, all of the eight units that we're
12 legalizing here have had COs at one point or
13 another throughout the history, have had permit
14 works being done. And when was the date of that
15 last memo?

16 MR. PANEQUE: June 8th.

17 MR. PEREIRAS: June 8th and they're
18 saying five on June 8th?

19 MR. PANEQUE: Yes.

20 MS. PEREIRAS: And then if I turn to the
21 property record and appraisal card, the number of
22 units does not match that memorandum. And these
23 are so difficult to read, so I apologize, but I
24 believe it was --

25 MR. PEREIRAS: That's seven.

1 MS. PEREIRAS: I see number of units as
2 seven on the description.

3 MR. PEREIRAS: So if we go back to the
4 1970s tax assessment, even on that record, it
5 actually has seven units.

6 MR. PANEQUE: The tax assessor's record
7 I would agree is showing seven units. There's a
8 violation here dating to 2013, I don't know if you
9 have a copy of that?

10 MS. PEREIRAS: I do see that.

11 MR. PANEQUE: Failed to obtain required
12 certificate of occupancy for construction of
13 nonconforming units throughout the entire
14 structure, 13 total.

15 Violation, occupied without altering
16 structure without a CO. Then there's another
17 violation for failure to obtain required building
18 and electrical, plumbing, fire inspections. And
19 another violation for failure to obtain required
20 certificate of occupancy for the church. Failure
21 to obtain required certificate of occupancy for
22 construction of nonconforming units throughout the
23 entire structure. What is the status of those
24 violations?

25 MR. PEREIRAS: This is the first I heard

1 of it.

2 MS. PEREIRAS: Looking at the sheet, it
3 doesn't look like it was closed out, there's no
4 closed out date. However, this references a total
5 of 13 units, which I can assure you there aren't
6 13 units on site.

7 MR. PANEQUE: I just need your
8 application to match whatever you're asking for.

9 MS. PEREIRAS: Right. I think my
10 application calls for the legalization of the
11 ground floor unit, if I'm not mistaken, as well as
12 the Bible study.

13 MR. PANEQUE: Applicant proposes to
14 legalize the ground floor studio apartment and a
15 Bible study program in a building located in the
16 above noticed site, there will be a total of
17 seven units in the building. So that indicates to
18 me that you're going from a studio unit a
19 one-bedroom unit and five two-bedrooms. So you're
20 going from six residential to seven, plus the
21 Bible study.

22 MS. PEREIRAS: Correct.

23 MR. PANEQUE: Okay.

24 MR. PEREIRAS: I think we need to
25 adjourn this matter because there are actually, in

1 the building -- and this is a preexisting
2 building -- this thing is old. The units have
3 been there, no exaggeration, probably since the
4 1960s, there are six units in the building. What
5 I believe was in question were units that were
6 done in the late '70s that were in the back, it
7 was a studio and a one bedroom. So I think we
8 need to adjourn and clarify this and maybe have
9 another conversation with the building department
10 and see exactly what is legal, what's not legal.

11 MR. PANEQUE: Okay. As you're coming
12 before the board and asking for approval from what
13 it is considered legal to what you want to have --

14 MR. PEREIRAS: The building department
15 is saying five in the memo?

16 MR. PANEQUE: They're saying five and
17 one commercial structure. And you're asking to go
18 from six to seven plus the commercial structure.
19 So there's a missing unit here.

20 MS. PEREIRAS: That's fine.

21 MR. PANEQUE: Your request is to carry
22 this matter?

23 MS. PEREIRAS: Please, Counsel.

24 MR. PANEQUE: You waive the statutory
25 requirement?

1 MS. PEREIRAS: Sure.

2 MR. PANEQUE: Mr. Chairman.

3 CHAIRPERSON GRULLON: With that waiver
4 of statutory rights, I make a motion to adjourn
5 this application based on Counsel's advice.

6 MR. VALLEJO: To October 12th. Motion
7 on the table to adjourn this application to
8 October 12th by Mr. Grullon.

9 VICE CHAIRPERSON GUTIERREZ: I'll
10 second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.
12 Roll call on the motion. Mr. Grullon.

13 CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: Ms. Gutierrez.

15 VICE CHAIRPERSON GUTIERREZ: Yes.

16 MR. VALLEJO: Mr. Ortiz.

17 MR. ORTIZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

* * * *

1 **JUAN INOA -**

2 **705-707 Bergenline Avenue:**

3
4 MR. PANEQUE: Let the record indicate
5 that I've been provided by Ms. Pereiras with
6 certification as to publication and service
7 indicating that notice of tonight's hearing with
8 respect to the property at 705-707 Bergenline
9 Avenue was provided to all property owners,
10 indicating that the hearing would take place at
11 this location, the Union City High School, on
12 tonight's agenda at 6:00 p.m.

13 I've also been provided with a legal
14 affidavit from The Jersey Journal giving notice of
15 this application, at this location. Said notice
16 was published in The Jersey Journal on August 31,
17 2023.

18 I've also been provided with the
19 certified mail slips that were sent to all
20 property owners with a postmark date of August 25,
21 2023, as well as the tax list from the tax
22 assessor's office with a date of August 23, 2023.

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

1 MS. PEREIRAS: Thank you, Counsel.

2 Bianca Pereiras --

3 MR. VALLEJO: One second, Ms. Pereiras,
4 to give the application to the Board Members.

5 MS. PEREIRAS: Sure, I will wait. No
6 problem.

7 Bianca Pereiras on behalf of the
8 applicant, Juan Inoa, for property at 705-707
9 Bergenline Avenue, also known as Lots 3 and 4, in
10 Block 35. Here we have a 5,000 square foot lot
11 with an existing building, consisting of six
12 residential units, plus parking. The application
13 before the Board this evening is to legalize one
14 unit for a total of seven on site. We have two
15 experts to testify and we'll begin the
16 presentation with our architect, Mr. Manuel
17 Pereiras.

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

20

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

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 705-707 Bergenline
25 Avenue?

1 MR. PEREIRAS: I am.

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

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: Would you kindly describe
6 the project as well as the legalization that we're
7 proposing?

8 MR. PEREIRAS: I'd be very happy to.
9 This is one of those projects where we have the
10 opportunity to legalize something that has been
11 there for many, many years. We're not proposing
12 any changes to the outside of the structure. And
13 we're actually -- this is a good building. We
14 have a lot that's oversized, we're at 5,000 square
15 feet, whereas 2,500 is the requirement of the lot.
16 We have a double lot, 50 wide in front, 100 feet
17 deep. The current site houses a three story frame
18 building in the center with very nice setbacks on
19 each side, unusual for Union City, unusual for
20 this neighborhood. It's five foot nine on the
21 south side and seven foot two on the north side.
22 That seven foot two acts as a driveway access to a
23 five door garage in the back. So we have five
24 parking spaces in the rear of this property and we
25 three parking spaces in the front. This is an

1 existing condition, it's a rare, but beautiful,
2 existing condition.

3 The three story frame building houses
4 six units currently recognized by the Union City
5 building department. On the first floor, it's
6 split half and half. Apartment one is 523 square
7 feet, apartment two is 493 square feet. On the
8 second floor, same thing, apartment three, 549;
9 apartment four, 517. And on the third floor, 587
10 and 490. Those are recognized by the building
11 department, registered with the state, taxes are
12 being paid, everything is good there.

13 The apartment in question is the lower
14 level, which was previously actually separated,
15 again, apartment to the left and apartment to the
16 right. We're proposing today to have a single
17 apartment down there so that we're not displacing
18 the tenant that's there. So he's going to occupy
19 the entire space. So this is an existing
20 apartment that we're bringing up to code. We're
21 doing that number, one, by creating -- and this is
22 the larger floor plan here. We're eliminating the
23 doors and the separations of this hallway, so that
24 the entire floor would be one unit.

25 We're also bringing this up to code.

1 That means a lot of different things that are very
2 important for the safety of this building. Number
3 one, there's going to be a two hour fire
4 separation between this floor and the rest of the
5 building. There's going to be a domestic line
6 sprinkler system protecting that floor, and
7 there's going to be an alarm system that's
8 connected to the rest of the building on that
9 floor with both 110-volt interconnected on that
10 floor, and the low voltage shown on the outside of
11 the building.

12 In addition to that, because of the
13 number of units that are existing in this
14 building, we're meeting ADA requirements. ADA is
15 people with disabilities, so the bathroom is going
16 to be enlarged. It's going to have a large
17 bathroom with all the requirements for someone who
18 is handicapped, as well as the kitchen area, and
19 all the approaches for all the doors, so that a
20 handicapped person can fit in that area. Now,
21 keep in mind, this is a basements, so there's a
22 few steps down, so it won't be wheelchair
23 appropriate. But there are lots of disabilities
24 out there. And this is appropriate for one of
25 those disabilities, it's close to the ground floor

1 and it's perfectly accessible.

2 So from a planning standpoint, from an
3 architectural standpoint, we're taking a
4 preexisting condition that we already know the
5 impact because it's been there for many years.
6 Also we're not increasing the impact on the
7 neighborhood in any way. And we're making it
8 safe. So the impact on the neighborhood is really
9 full of positive criteria because we're making a
10 building that's sound, that's providing housing
11 stock for someone who's disabled, and definitely
12 beautifying the neighborhood, which is an
13 aesthetic reason.

14 So for those reasons, we ask this board
15 to look upon this project favorably.

16 MS. PEREIRAS: We do also have -- okay.
17 That would conclude our presentation this evening.

18 CHAIRPERSON GRULLON: Do you have
19 another witness?

20 MS. PEREIRAS: We do not.

21 CHAIRPERSON GRULLON: You do not have
22 another witness on this application. Do they need
23 a --

24 MR. PANEQUE: It's a (d) (2) use
25 variance, a planner is required. Do you have a

1 planner?

2 MR. PEREIRAS: If we could have a five
3 minute recess, we'd really appreciate that.

4 MR. PANEQUE: Yes.

5 MR. PEREIRAS: Thank you so much.

6

7 (Whereupon a short recess was taken.)

8

9 (Planning exhibit was marked A-1.)

10

11 MR. PANEQUE: Okay.

12 MS. PEREIRAS: Thank you. We do have
13 one final witness to testify before the board on
14 this application, our planner, Mr. Alexander
15 Dougherty.

16

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

19

20 MR. DOUGHERTY: I recognize I'm still
21 under oath.

22 MS. PEREIRAS: Mr. Dougherty, would you
23 kindly describe this project from a planning
24 perspective?

25 MR. DOUGHERTY: Certainly. We have a

1 unique project here. We are in the R low density
2 zone, as figure one shows. Figure two, again, NJ
3 DEP's GeoWeb shows mass transit just steps away
4 here. We have an existing property where there
5 currently is six legal dwellings. Before you, as
6 you heard, is to add an ADA compliant dwelling in
7 the lower level.

8 We are one -- Block 35, Lots 3 and 4
9 here, 705-707 Bergenline. As we heard, the plan
10 is to modify and retrofit the existing interior
11 with minor improvements. Massing from the public
12 recommend does not change, it's a beautiful
13 building, as the slide will show you. It's got
14 some good charm, really stands out.

15 Again, when we look at this, we're here
16 for a (d) (2) use variance as this a preexisting
17 nonconforming use, as only one and two-family
18 dwellings are permitted within the R zone. With
19 that being said, we look at the legal
20 justifications here for the (d) (2) test, it's a
21 little more relaxed than the (d) (1). The essence
22 of the (d) (2) test is site betterment, not whether
23 the use belongs here in the first place.

24 When we look at those betterments, the
25 positive criteria, the use, on the application

1 promotes purposes of Municipal Land Use Law, such
2 as promoting general welfare with new housing
3 stock for a growing population. It promotes the
4 planning goals to provide for diversified housing
5 to meet the needs of all New Jersey citizens.
6 When we look at this, the project retains and
7 improves what's there. The improvements add value
8 and quality to the site, which add value and
9 quality to the neighborhood. This is a more
10 efficient use of land. And with that being said,
11 all the above promote purpose of land use law,
12 purpose A, G, I, and M.

13 When I look at the negative impacts
14 here, I believe the relief can be granted without
15 substantial detriment to the public. The project
16 will have minimal impacts, if anything. There's a
17 lot of positives here, providing for ADA compliant
18 housing here. As we've heard from the architect,
19 we have testimony that the site will function safe
20 and efficiently and operate. Again, we have this
21 unique situation where it's been tested within the
22 public realm. This dwelling unit has existed for
23 some time, we're here to legalize that.

24 We do have some preexisting density.
25 The units are a little smaller, but importantly

1 this new ADA unit is in compliance with the
2 required square footage here. And I believe it's
3 appropriate as it provides a range of housing
4 options here. It's on the first floor. When I
5 look at the C relief, this is an oversized lot.
6 It's two lots really one, where 2,500 square feet
7 would be required, this project is 5,000 square
8 feet. I think we have ample capacity to
9 accommodate this is ADA unit on the first floor.

10 We are oversized on lot width again
11 because there's two lots in one. When we look at
12 the overall variances here, we do have some
13 parking relief. With this ADA, we will need 13.
14 We have eight. We have the five parking stalls in
15 the back, we have three in the front. What's
16 important to note there, as you saw on slide two,
17 we have mass transit. Bus line 84, 86, 22, 123,
18 at your doorstep.

19 I believe when we look at this
20 application in its entirety, this unit has existed
21 for some time. This works here with the
22 additional unit. There's no adverse impact from a
23 parking standpoint that this neighborhood hasn't
24 already absorbed. This other unit meets the
25 actual demand.

1 As it stands, the C relief is
2 preexisting to the site, we're not changing
3 anything. The parking would be any additional
4 increase we would need. And I believe there's a
5 lot more positives here than a detriment from a
6 (c) (2) balancing standpoint with adding the ADA
7 compliant unit, I think outweighs the need for
8 parking in the city to accommodate those members
9 of our community.

10 With that being said, I'd conclude here.
11 The demand for vehicle is offset by walkability
12 and access to mass transit. This neighborhood has
13 absorbed this additional unit. The project brings
14 a healthy balance of housing options. There's no
15 physical change to the property from the public
16 realm.

17 And with that being said, this project
18 is perfectly suited for the area and for the city.
19 Most notably, it will add value to Union City's
20 housing with a full compliant ADA unit. And the
21 statutory criteria for relief has been met and
22 approval would be warranted.

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

25 MR. PANEQUE: Thank you.

1 MR. DOUGHERTY: You're welcome.

2 CHAIRPERSON GRULLON: I only have one
3 question for the architect.

4 MS. PEREIRAS: Sure. Mr. Pereiras.

5 MR. PEREIRAS: Yes, Mr. Chairman.

6 CHAIRPERSON GRULLON: The request is to
7 legalize the basement unit, no?

8 MR. PEREIRAS: Correct.

9 CHAIRPERSON GRULLON: And the previous
10 condition, you're showing on sheet Z02, on the
11 left corner, on the left upper corner, the layout
12 of -- you're changing completely the layout of the
13 apartment.

14 MR. PEREIRAS: Correct. First and
15 foremost, the Board should understand that there
16 used to be two units down there. The owner
17 corrected it, removed one of the units. It was on
18 the right-hand side that shows a bedroom and a
19 bathroom, that was one unit. That's already been
20 removed. However, we're doing additional changes
21 to it to make it meet code.

22 CHAIRPERSON GRULLON: Okay. Because I
23 was going ask you for that. Because it looks like
24 it was wall between the bedroom and something
25 else --

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON GRULLON: That's being
3 removed?

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GRULLON: You're making
6 modification that are shown here on the right side
7 of the plans?

8 MR. PEREIRAS: That's correct, Mr.
9 Chairman.

10 CHAIRPERSON GRULLON: Could you just go
11 over the safety measurements that you're taking,
12 just to bring the building up to code?

13 MR. PEREIRAS: Absolutely. I'll hit
14 them as trigger points rather quickly.

15 Number one, fire safety. There's going
16 to be a fire separation between that apartment and
17 the apartment above. It's going to be a two hour
18 fire separation.

19 Number two, there's going to be a
20 domestic line sprinkler system in that space.
21 And, remember I always say this to the boards,
22 when buildings are sprinklered, there have been
23 zero deaths in sprinklered buildings in the United
24 States. That's an amazing statistic. So it's a
25 very safe statistic.

1 In addition, there will be an alarm
2 system on that apartment. And everything is going
3 to be upgraded to meet code requirements.

4 CHAIRPERSON GRULLON: And the basement
5 unit is a one bedroom apartment?

6 MR. PEREIRAS: It is, yes. It is a one
7 bedroom apartment.

8 CHAIRPERSON GRULLON: Height of the
9 ceiling? Do you know what the height of the
10 ceiling is in the basement?

11 MR. PEREIRAS: Yes. It's comfortable in
12 certain area -- it actually varies. In the worst
13 location, it's six foot eight. From a code
14 standpoint, we're going to bring that to
15 seven feet.

16 CHAIRPERSON GRULLON: I don't have
17 anymore questions. Any other Board Members have
18 any questions? Hearing none, at this point, I
19 want to open to the public. Any member of the
20 public want to step forward on this application?
21 Hearing none, close to the public.

22 Taking in consideration that it's
23 bringing the building more into code for safety
24 and just making the apartment more up to code and
25 making it to be handicapped compliant, I make a

1 motion to grant this application to go from
2 six units to seven units.

3 MR. VALLEJO: Motion on the table to
4 grant the application by Mr. Grullon. Any second?

5 VICE CHAIRPERSON GUTIERREZ: Second.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.
7 Roll call on the motion to approve this
8 application from six units to seven units. Roll
9 call on the motion. Mr. Grullon.

10 CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

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

25 MS. PEREIRAS: Thank you all very much.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * * *

1 **SERGIO QUINDE -**

2 **516 40th Street:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Sergio Quinde, 516 40th Street.
6 Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect
8 that I've been provided by Ms. Pereiras with a
9 certification as to publication and service,
10 giving notice to all property owners within a 200
11 foot radius of the application for the property at
12 516 40th Street.

13 I've also been provided with an
14 affidavit of publication indicating that notice of
15 this hearing tonight was published in The Jersey
16 Journal on August 31, 2023.

17 I've also been provided with the tax
18 list from the tax assessor's office with a date of
19 August 23rd, as well as the certified mail
20 receipts with a postmark date of August 30th.

21 Based on the documentation provided,
22 this Board has jurisdiction to proceed and hear
23 this matter.

24 MS. PEREIRAS: Thank you very much,
25 Counsel.

1 May it please the Board, Bianca Pereiras
2 on behalf of Sergio Quinde. Sergio Quinde
3 purchased the property in 2007. When he purchased
4 the property, it looked like there were three
5 units on the site, he's been paying taxes for
6 three units all along.

7 Recently, he decided to outfit the one
8 unit in the basement for his adult daughter, so
9 she's not too far, but she has her own space. So
10 the application before the Board this evening is
11 to legalize that existing unit for her use. We
12 have one -- we have two experts to testify before
13 the Board this evening. We'll begin with our
14 architect, Mr. Manuel Pereiras.

15

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

17

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

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

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I have.

1 MS. PEREIRAS: Would you kindly describe
2 the proposal for the Board?

3 MR. PEREIRAS: I'd be very happy to. We
4 have a slightly oversized lot, it's 102.76 feet in
5 depth, it's 25 feet wide, which makes it 2,570
6 square feet. Currently, there's a two-family
7 house there, typical design. There's a garage in
8 the lower level and then one apartment on each of
9 the other two levels. The second floor apartment
10 is being rented. Mr. Quinde and his wife live on
11 the third floor.

12 The apartment on the lower level, which
13 is an existing condition, is where he proposes to
14 house his daughter. And that's the apartment that
15 we're legalizing. We are upgrading this wall that
16 currently is there to a two hour fire rated wall.
17 We're upgrading the ceiling of the apartment to a
18 two hour rated ceiling. The entrance to the
19 apartment is along the side yard of the building.
20 It's an existing -- this is a preexisting
21 nonconforming condition. You have existing doors
22 and windows on the two foot seven to two foot
23 eight side yard. And that's an important
24 distinction to make on the resolution that this is
25 legalization of a preexisting nonconforming

1 condition.

2 And from that side yard, you enter into
3 an open living room, dining room, kitchen space.
4 There's a bedroom along the rear of the property
5 with an egress window that uses that same egress
6 court. That's an existing condition. And there's
7 a small den in that corner that the daughter uses
8 to work from home. There is a primary bedroom
9 along the front of the building. And that is also
10 being upgraded from a fire safety standpoint as
11 well.

12 Similar to the previous application,
13 we're doing several things to create fire safety.
14 There will be a two hour fire separation on the
15 ceiling. There will be a two hour fire separation
16 on the wall. There will be a limited area
17 sprinkler system throughout that apartment. The
18 above floors will remain intact as they are, we're
19 not proposing any changes to them. The exterior
20 of the building remains the same as it is.

21 There is an existing apron on the
22 building, so we're able to park two cars on there,
23 that suit the family. So there's two existing
24 cars on that lot. That concludes my testimony.
25 I'll leave it to the planner.

1 MS. PEREIRAS: We are seeking a (d)(1)
2 use variance, so we have the testimony of Mr. Alex
3 Dougherty.

4
5 (Planning exhibit is marked A-1.)

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

9
10 MR. DOUGHERTY: I recognize I'm still
11 under oath.

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

13 MR. DOUGHERTY: So I passed out a six
14 page slide exhibit, very reflective of what we
15 heard before.

16 You'll see the property in question, we
17 talked about the apron. Page three is a good shot
18 of the property in question. And then the
19 remaining three slides will kind of orientate
20 around the property.

21 We are here for a (d)(1) use variance.
22 We are in the R low density residential zone,
23 where three families are not permitted. We are
24 one tax lot, Bock 234, Lot 23, 516 40th Street.
25 When I look at this application, when I look at

1 the zone conformance, we conform with lot area,
2 2,500 square feet is required, we're at 2,570.
3 Lot depth, 100 feet required, we're at 102.8. Lot
4 width, we're compliant. Minimum front yard
5 setback, seven feet or prevailing, we're 18.3.
6 The minimum rear yard setback is 20, we're at
7 22.23. Building coverage is 65 percent, we're at
8 47 percent. Building height, three stories or
9 38 feet, we're at three stories, 30 feet.

10 What you see before you on slide three
11 is a structure that is predominantly in
12 compliance. We are here for a (d) (1) use variance
13 for that additional unit. Four parts to the
14 (d) (2) test. Site suitability. I believe the
15 site is particularly suited for this use by the
16 conditional context. Condition wise, the site is
17 already being used as a residential building.
18 This is a minor retrofit, as we heard. There's
19 really no changing of this property from a public
20 realm here. It certainly will keep the character
21 of this neighborhood from a public realm
22 standpoint.

23 When I look at special reasons. The use
24 promotes purposes of land use law, promoting
25 general welfare with new housing stock for a

1 growing population. Planning goals to provide
2 diversified housing to meet the needs of all
3 people within the state. The project retains and
4 improves what's there. The improvements will add
5 value and quality to the site, which adds value
6 and quality to the neighborhood. The project
7 promotes efficient land use, a variety of land
8 uses and positive aesthetics. With that being
9 said, all the above promotes purposes of Municipal
10 Land Use Law purpose A, E, G, I, and M.

11 When I look at the negative criteria or
12 the public impact, I believe the relief can be
13 granted without substantial detriment to the
14 public. The project will have minimal impacts, if
15 anything. The sworn testimony as you heard, it
16 will operate efficiently. The building has been
17 designed in accordance with the applicable
18 building codes. The units are comfortably sized,
19 there's no overcrowding or overdevelopment.

20 The overall building mass is compatible
21 with the area, as you heard, there's no change.
22 This is predominantly an application internal to
23 the structure, that is virtually compliant with
24 the bulk requirements of the zone.

25 When I look at the zone plan impact and

1 reconciling this three-family within the zone, the
2 use is slight uptick in unit counts than what the
3 zone would currently allow. I believe this will
4 not cause a substantial zone plan impairment, as
5 three-families historically had been allowed in
6 the zone, and currently are not.

7 Relief relates to a specific piece of
8 property, with that being said, not the whole
9 zone. I don't believe the relief is tantamount to
10 a rezone, again, it's a small retrofit, existing
11 structure. The new housing is compatible with
12 the new housing online. The unit's comfortably
13 sized.

14 When I look at this between the second
15 and third floor, as far as creating bedrooms,
16 these bedrooms on the first floor, if the second
17 floor were a split level apartment, you know, the
18 yield here, the amount of people that would still
19 occupy this property, would be the same. So
20 having one of the units be two floors or giving
21 that unit separate accommodations, the bedrooms
22 could essentially still be the same on the site.

23 And with that being said, when we look
24 at that, I think there's an opportunity here to
25 meet that need to provide housing for all peoples

1 and a healthy housing choice and options within
2 the City.

3 Again, meets the goals of the master
4 plan, preserving the character of the community,
5 encouraging economic development, protect and
6 preserve the established residential character,
7 and reenforce the City as a desirable residential
8 location and attractive shopping, entertainment,
9 and recreation destination, and to improve the
10 quality of life for the residents within Union
11 City.

12 We do have some minor relief here. All
13 the relief is subsumed within the (d) (1) use. We
14 have maximum lot coverage, 90 percent is what's
15 required, we're at 99, this is an existing
16 condition. And we have the parking count, where
17 it was essentially four as a two-family. It now
18 would be a six parking requirement. The site, as
19 we've heard, exists as two. With that being said,
20 we do have ample mass transit relatively nearby.
21 We have the number 22 line, the 84 line, the 159
22 line, and the 154 line. With that being said, the
23 demand for the vehicle is offset by the
24 walkability of the neighborhood, and the access to
25 mass transit services. And the surrounding

1 amenities are within walking distance.

2 The project brings a healthy balance of
3 housing options. A project such as this helps
4 with what we as city planners call "filling the
5 missing middle", where we don't have the large 24
6 unit apartment complexes. And, you know, that
7 two, three, four family option right there is the
8 missing middle housing gap. It's desperately
9 needed. So a project like this helps fill the gap
10 in that need where we can't necessarily move right
11 into a single family house. We want to get out of
12 the apartment complex, something a little more
13 spacious. This provides that and helps us fill
14 that missing gap.

15 Again, there's no physical change to the
16 property from the public realm. With that said,
17 the project's perfectly suited for the area in the
18 City. Most notably, it will add value and quality
19 to Union City's housing.

20 The statutory criteria for relief has
21 been met and approval would be warranted.

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

24 Ms. Pereiras, I know in your opening
25 statement, you mentioned that this two-family, the

1 requirement is to add an additional unit. Could
2 you just explain that again? Also the owner of
3 the property, how long has he owned the property?

4 MS. PEREIRAS: He purchased the property
5 in 2007. It looks like -- I was able to go back
6 in the property. I can have -- I have
7 verification that at least in 1992, there were
8 three units on-site. He purchased in 2007 as
9 three units, it's been taxed as three units.
10 Right now, that space is not occupied. He thought
11 he would give that space to his daughter. They
12 were waiting and not renting it out until the
13 daughter was of age and adult, and she could have
14 her own space. And now when they're in the
15 process of trying to do that, that's when it came
16 to their attention that this property was not
17 recognized by the building department.

18 CHAIRPERSON GRULLON: Okay.

19 Mr. Pereiras, I can see there's an
20 existing unit in the back of the garage. The
21 proposal -- you know, what they are requesting
22 here is to remove the garage and add an additional
23 bedroom?

24 MR. PEREIRAS: That's actually not
25 accurate. And I can see how my drawings were

1 confusing there. That's an existing room. The
2 reason we're showing it as proposed is because we
3 have to rebuild that wall to be a two hour wall.
4 So my draftsperson hatched that as differently
5 from the other floor plans. But that room
6 currently exists and it's been in existence for
7 awhile.

8 And for the edification of the Board, I
9 also want to show that Mr. Quinde has a lot of
10 interest in this project. He was here until not
11 too long ago, but he works nights, so he had to
12 leave to go to work.

13 CHAIRPERSON GRULLON: It is clear that
14 you show on the elevation, you show a garage door.

15 MR. PEREIRAS: That garage door is going
16 to continue to be there.

17 CHAIRPERSON GRULLON: Is that garage
18 door for cars?

19 MR. PEREIRAS: Yeah. It was at one
20 time -- the way that building was built, it was
21 supposed to be a garage.

22 CHAIRPERSON GRULLON: That's my point.
23 It was a garage.

24 MR. PEREIRAS: Correct.

25 CHAIRPERSON GRULLON: At one point,

1 someone converted it to an apartment.

2 MR. PEREIRAS: Correct.

3 CHAIRPERSON GRULLON: It could be that
4 it has a small apartment in the back, studio or
5 one bedroom. But in this case, he wants to
6 transfer this to his daughter. He didn't, you
7 know, look at the opportunity to provide parking
8 and just leave it as a one bedroom?

9 MR. PEREIRAS: So the daughter has
10 certain needs. So she needed those rooms, that's
11 why this is specifically going to be like that.
12 And the other aspect that's important for this
13 Board to consider is that this is a house that is
14 setback significantly from the front yard, so
15 there's two cars that can park in the front.

16 CHAIRPERSON GRULLON: This is the owner,
17 it's owner occupied?

18 MR. PEREIRAS: Yes.

19 CHAIRPERSON GRULLON: And the two units,
20 he already have a unit, rental units?

21 MR. PEREIRAS: Correct.

22 MR. GARCIA: You make two mistake.

23 Where you said proposed bedroom and only that --

24 MR. PEREIRAS: I know.

25 MR. GARCIA: -- egress window.

1 MR. PEREIRAS: I know. I saw it before
2 I came here.

3 MR. GARCIA: And if you use as garage,
4 you only going to need the parking variance for
5 the legalized unit, because you have four parking,
6 two inside and two outside.

7 MR. PEREIRAS: But we're trying to meet
8 the needs of the family.

9 MS. O'DELL: If you look at slide number
10 four, they may -- looks like someone is parking in
11 their driveway, so technically --

12 MR. PEREIRAS: It's legal, so they
13 technically have three parking spots.

14 CHAIRPERSON GRULLON: Any other Members
15 of the Board? At this time, I want to open to the
16 public. Any members of the public want to step
17 forward? Hearing none.

18 You know, in my case, an exception just
19 taking in consideration that this is homeowner
20 occupied and the statement is that this unit is
21 going to be used for his daughter, I make a motion
22 to grant this application, with the condition that
23 Mr. Pereiras revise the plan just to show this as
24 a, you know, one unit, not an additional bedroom.

25 MR. PEREIRAS: Correct.

1 CHAIRPERSON GRULLON: Please. Just be
2 careful with this in the future.

3 MR. VALLEJO: Motion on the table by Mr.
4 Grullon to grant this application with a revised
5 plans condition.

6 VICE CHAIRPERSON GUTIERREZ: Second.

7 MR. VALLEJO: Seconded by Ms. Gutierrez.
8 Roll call on the motion. Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 MR. GARCIA: Yes.

22 MR. VALLEJO: Seven in favor, motion
23 carries. Please provide revised plans at least
24 ten days before the next hearing date.

25 MS. PEREIRAS: Thank you all very much.

1 Have a good night.

2 * * * *

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **COMMUNICATIONS:**

2 **APPLICATION TO BE DISMISSED WITHOUT PREJUDICE:**

3 Mukherjee, Subha & Viabhav D. Joshi - 515 28th
4 Street, Block: 154, Lot: 34 (deemed incomplete on
5 03-20-2023)

6 **WITHDRAWAL APPLICATION:**

7 412 10th Street - 10th Street Investment, LLC
8 Block: 48, Lot: 27. The applicant proposes to
9 demolish an existing structure, and construct a
10 new two-family dwelling. The new building will
11 have a roof top terrace. **The application was**
12 **withdrawn by the applicant's attorney on July 18,**
13 **2023.**

14
15 MR. VALLEJO: Now we're going to
16 notifications. We have two notifications. An
17 application has been deemed incomplete since
18 March 2023, it's Mukherjee, Subat and Viabhav D.
19 Joshi, 525 28th Street. And there's another
20 application that withdrawn by the applicant's
21 attorney on July 18, 2023, 412 10th Street.
22 That's a communication to keep in the records?

23 MR. PANEQUE: Yes. We have a letter
24 from the office of Ms. Pereiras regarding 412 10th
25 Street, in which she indicates that the applicant

1 is voluntarily withdrawing this application. This
2 Board accepts the withdrawal.

3 MR. VALLEJO: Thank you, sir.

4 * * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ADOPTION OF RESOLUTIONS:

1. Resolution to appoint the Attorney to the Zoning Board of Adjustment, retroactive on July 1, 2023, through December 31, 2023.

MR. VALLEJO: Now, we're moving to resolutions. Resolution number one to appoint the attorney to the Zoning Board of Adjustment retroactive to July 1, 2023, to December 31, 2023.

CHAIRPERSON GRULLON: Motion.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Grullon, second 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: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Seven in favor, motion
4 carries.

5 * * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF RESOLUTIONS:**

2 2. Juan Vizueta 534 42nd Street Block: 244, Lot
3 10. The applicant proposes to legalize an
4 existing second unit in the rear building to a
5 two-family dwelling. The front most building will
6 be converted from a three unit building to a
7 two-family dwelling. **Approved revised plans**
8 **required. Received on 07/12/23.**

9
10 MR. VALLEJO: Resolution number two,
11 Juan Vizueta, 53442nd Street. We have revised
12 plans received on July 12, 2023. Can I have a
13 motion to adopt this resolution?

14 MR. GARCIA: Aye.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 MR. VALLEJO: Motion by Mr. Garcia, and
17 second by Ms. Gutierrez. Roll call on the motion.
18 Mr. Grullon.

19 CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 VICE CHAIRPERSON GUTIERREZ: 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: Ms. Perez.

4 MS. PEREZ: Yes.

5 MR. VALLEJO: Ms. Watley.

6 MS. WATLEY: Yes.

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

9 * * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF RESOLUTIONS:**

2 3. JFK Realty 4614 Kennedy Blvd. Block 263, Lot:
3 34 & 35. Construction of a new multifamily
4 building. 12 apartments - 13 parking spaces.

5 **Approved revised plans required. Received on**
6 **08-25-2023.**

7
8 MR. VALLEJO: Resolution number three,
9 JFK Realty, 4614 Kennedy Boulevard, revised plans
10 received on August 25, 2023. Can I have a motion
11 to memorialize this resolution?

12 MR. GARCIA: Aye.

13 CHAIRPERSON GRULLON: Motion.

14 MR. VALLEJO: Motion by Mr. Grullon.

15 MS. WATLEY: Second.

16 MR. VALLEJO: Seconded by Ms. Watley.

17 Roll call on the motion. Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Recused.

21 MR. VALLEJO: You recused, I'm sorry,
22 scratch that out. Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

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

11 * * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF RESOLUTIONS:**

2 4. Oz Holdings, LLC 506 Lincoln Street. Block:
3 254 Lot 45. Construction of a new two-family house
4 on a vacant lot. **Approved. Revised plans**
5 **required. Received on 08-24-2023.**

6
7
8 MR. VALLEJO: Resolution number 4, Oz
9 Holdings, LLC, 506 Lincoln Street, we received
10 revised plans on August 24, 2023. Can I have a
11 motion to memorialize this resolution?

12 MR. GARCIA: Aye.

13 MR. VALLEJO: Motion by Mr. Garcia.

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: 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: Ms. Perez.

4 MS. PEREZ: Yes.

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

7 * * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF RESOLUTIONS:**

2 5. Park Ave Investments, LLC 3801 Park Avenue.
3 Block: 228, Lot: 19.01 The applicant proposes to
4 construct a new 3 story, four family building.
5 Three (3) parking spaces will be provided.

6 **Withdrawn**

7
8 MR. VALLEJO: Resolution number five,
9 Park Avenue Investment, LLC, 3801 Park Avenue.
10 This application was withdrawn at the previous
11 meeting.

12 MR. PANEQUE: The application was
13 withdrawn, there's a withdrawn resolution.

14 MR. VALLEJO: Right. Can I have a
15 motion to accept the withdrawal resolution.

16 CHAIRPERSON GRULLON: Motion.

17 MR. GARCIA: Aye.

18 MR. VALLEJO: Second by Mr. Garcia.
19 Roll call on motion. 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: Ms. Perez.

7 MS. PEREZ: Yes.

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

10 * * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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. GARCIA: You second that statistic.

MR. VALLEJO: All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: Let the record reflect the meeting has ended.

(Whereupon the meeting was adjourned at 10:01 p.m.)

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700