

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, October 12, 2023
Commencing at 6:10 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 (arrived at 6:18 PM)
GERALDINE PEREZ
MINDRY WATLEY (arrived at 6:22 PM)
ANDRES GARCIA
ALTAGRACIA SAN MARTINO

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

ROSIO PENA
RAYMOND CETINICH
VIVIAN O'DELL

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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

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

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Attorney for Applicant, 2109 West Union
City, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 601 New York
Avenue, LLC

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2109 West Street

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601 New York Avenue

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

3 Please take notice that on Thursday,
4 October 12, 2023, at 6:00 p.m., a regular meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell is absent.

Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Let the record indicate there are five present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Okay. Approval of previous meeting minutes September 14, 2023. Can I have a motion?

MR. GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **MARUSIA CUELLAR -**

2 **106 32nd Street:**

3
4 MR. VALLEJO: We're moving on, tonight's
5 first hearing is Marusia Cuellar, 106 32nd Street.
6 Mr. Paneque, please. Mr. Grullon, you wanted to
7 say something?

8 CHAIRPERSON GRULLON: Yes. I just want
9 to change the order of the agenda for tonight's
10 hearing. First, we were going to hear application
11 number one, the one you just referred to. Then it
12 will be application number two. After that, we're
13 going to hear application number eight, just to go
14 with the smaller applications first. And after
15 number eight, we're going to go to number six.
16 And then we'll resume the order of the agenda. It
17 will be three, four, five, and seven, after that,
18 and nine.

19 MR. VALLEJO: Thank you. Mr. Paneque,
20 on 106 32nd Street?

21 MR. PANEQUE: Let the record reflect
22 that we've been provided with a letter from
23 Christina Vergara, attorney for the applicant for
24 property address 106 32nd Street, indicating that
25 the above application, which was presented to the

1 board, was coming before the board and the client
2 has decided to withdraw the application.
3 Therefore, a letter dated September 18, requesting
4 that the application be withdrawn.

5 MR. VALLEJO: Can I have a motion to
6 accept?

7 CHAIRPERSON GRULLON: Motion.

8 VICE CHAIRPERSON GUTIERREZ: Second.

9 MR. VALLEJO: Motion by Mr. Grullon,
10 second by Ms. Gutierrez.

11 Roll call on the motion. Mr. Grullon.

12 CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 VICE CHAIRPERSON GUTIERREZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Mr. Garcia.

18 MR. GARCIA: Yes.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Yes.

21 MR. VALLEJO: Five in favor, motion
22 carries.

23 * * * *

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1 **HAIDER AHMAD -**

2 **2410 Summit Avenue:**

3
4 MR. PANEQUE: Mr. Vallejo, before we
5 proceed with the agenda, do we expect anymore
6 members this evening?

7 MR. GARCIA: Mr. Ortiz already texted
8 saying he's coming and somebody else is on the
9 way, I don't know that number.

10 MR. VALLEJO: Mindry is on her way, Mr.
11 Ortiz, too. We have two more members.

12 We're moving now to Haider Ahmad, 2410
13 Summit Avenue. Mr. Paneque, please.

14 MR. PANEQUE: Let the record reflect
15 that I've been provided with a letter from the
16 office of Alvaro Alonso, attorney for the
17 applicant, indicating that his client respectfully
18 requests a withdrawal of the application. The
19 letter is dated October 4, 2023.

20 MR. VALLEJO: Motion to withdraw the
21 application.

22 CHAIRPERSON GRULLON: Motion.

23 MR. VALLEJO: Motion to accept the
24 withdrawal of the application by Mr. Grullon.

25 VICE CHAIRPERSON GUTIERREZ: Second.

1 MR. VALLEJO: Seconded by Ms. Gutierrez.

2 Roll call on the motion. Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Let the record reflect
7 that Mr. Ortiz joined the meeting, at 6:18 p.m.,
8 we have six members now.

9 Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Mr. Garcia.

12 MR. GARCIA: Yes.

13 MR. VALLEJO: Ms. San Martino.

14 MS. SAN MARTINO: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Abstain.

17 MR. VALLEJO: Five in favor, one
18 abstained. Motion carries.

19 * * * *

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1 **SARFARAZ KAHN -**

2 **507 6th Street:**

3
4 MR. VALLEJO: We're moving to 507 6th
5 Street. Mr. Lopez, please.

6 MR. PANEQUE: Let the record reflect as
7 follows: I've been provided by Mr. Lopez with the
8 following documentation.

9 I have an affidavit of service signed by
10 Mr. Lopez, notarized by Anna Noris, an attorney in
11 his office, indicating that notice of tonight's
12 hearing with respect to the property at 507 6th
13 Street was provided to all property owners within
14 the 200 foot radius of the property.

15 I've also been provided with an
16 affidavit from The Jersey Journal indicating that
17 notice of tonight's hearing, October 12, 2023, at
18 6:00 at this location, the Union City High School
19 with respect to the property located at 507 6th
20 Street, Lot 28, Block 123 was provided. This
21 notice was published in The Jersey Journal on
22 September 22, 2023.

23 I've also been provided with a copy of
24 the notice that went out to all property owners,
25 as well as the tax list from the Union City tax

1 assessor's office indicating all property owners
2 within the 200 foot radius of 507 6th Street. As
3 well as the certified mail receipts with a
4 postmark date of September 26, 2023.

5 Based upon the documentation that has
6 been provided by Mr. Lopez, this board has
7 jurisdiction to proceed and hear this matter.

8 MR. LOPEZ: Mr. Chairman, good evening,
9 members of the board. For the record, Adolfo
10 Lopez appearing on behalf of the applicant.

11 Preliminarily, I just want to tell the
12 board my client is not here this evening, it's not
13 intended as any type of disrespect for this board.
14 My client had to leave the country in order to
15 finalize his immigration status and return as a
16 resident of the United States and it's the reason
17 why he can't be here. He purchased this property
18 with the intent of living in it --

19 MR. VALLEJO: Allow me one second, Mr.
20 Lopez. Let the record reflect that Ms. Watley
21 joined the meeting. We have seven members now at
22 6:22. Thank you, Mr. Lopez.

23 MR. LOPEZ: Thank you. The proposed
24 unit is intended for his own residence. My expert
25 this evening is Mr. Izquierdo.

1

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

4

5 MR. IZQUIERDO: Jose Izquierdo,
6 architect number 03385, 391 Nelson Avenue,
7 Cliffside Park, New Jersey 07010.

8 MR. LOPEZ: Mr. Chairman, will the board
9 accept Mr. Izquierdo's credentials?

10 CHAIRPERSON GRULLON: We accept his
11 qualifications.

12 MR. LOPEZ: Thank you.

13 MR. IZQUIERDO: Thank you.

14 MR. LOPEZ: Mr. Izquierdo, can you
15 indicate to us whether you are familiar with the
16 plans that have been presented to this board
17 relating to this application?

18 MR. IZQUIERDO: Yes, I have. Good
19 evening, members of the board.

20 MR. LOPEZ: Were they prepared by your
21 office in furtherance of this application?

22 MR. IZQUIERDO: Yes, they were. And I
23 personally visited the property as well.

24 MR. LOPEZ: Can you describe generally
25 the scope of this project?

1 MR. IZQUIERDO: This board gains
2 jurisdiction of this application because this is a
3 legalization of a ground floor apartment in a
4 one-family house, thereby converting it to a
5 two-family house. The house faces on 6th Street,
6 it's 507 6th Street, Block 23, Lot 28. When you
7 look at the house from the 6th Street, you see
8 only one story. But when you go down to the rear
9 yard, the rear yard slopes significantly. When
10 you look at the property from the back, it's two
11 stories. All the other houses on 6th Street, when
12 you look at it from 6th Street are two stories,
13 but this house when you look at it from the front
14 is one story.

15 The legal apartment is the one facing
16 the street on the first floor facing 6th Street.
17 The one being legalized is the one facing the
18 rear, which is also a one story. This is a
19 two-story house. They're both one bedrooms,
20 they're both like around 840 square feet with lot
21 coverage being less than 80 percent. Actually, we
22 have conforming building coverage and we have
23 conforming building height.

24 However, because this site, this lot is
25 undersized, as well as all the other lots of

1 record facing on 6th Street, the ones facing
2 north, they are 25 by -- 26.55 by 57. So that's a
3 (c) (1) variance because the lot of record is
4 actually undersized. The minimum lot size
5 required is 2,500 square feet and we have 1,529,
6 which is a preexisting nonconforming (c) (1)
7 variance, which is not changing. Actually, we're
8 not changing anything in the building what we were
9 doing is in the ground floor apartment in the
10 rear, which is going to be the owner's apartment,
11 we're going to take a little window that faces the
12 rear yard. And we're going to take it, turn it
13 into a sliding glass door so that the sliding
14 glass door faces the rear yard.

15 Two drawings have been submitted in
16 conjunction with the application. T01 that shows
17 the list of variances together with all the code
18 data, and drawing A01, which shows the ground
19 floor, the proposed -- the existing proposed
20 ground floor where we have the window being turned
21 into a sliding glass door.

22 MR. LOPEZ: And, Mr. Izquierdo, just for
23 the board's information, the area that you are
24 describing as a window being turned into a sliding
25 door, is that shown on the drawing all the way to

1 the right?

2 MR. IZQUIERDO: Of A01.

3 MR. LOPEZ: Which is indicated as area
4 of work; is that correct?

5 MR. IZQUIERDO: Exactly. Because this
6 falls under the rehabilitation sub code of the
7 State of New Jersey. And that is specifically the
8 only area of work. We're also putting some
9 lighting in the building. But essentially what
10 happens with the building is when you face 6th
11 Street, you enter the building through the left.
12 And you have two steps which are enclosed that
13 lead to the first floor apartment. Thereby you go
14 down some more steps, and then you go down into
15 the ground floor apartment facing the rear.

16 So the ground floor apartment facing the
17 rear has two means of egress. The one to the rear
18 yard and the one to the front. And the front
19 apartment has two means of egress, the entrance
20 through the side and the entrance through the
21 front.

22 Additionally to that, besides the (c) (1)
23 variance because the lot is undersized, we have
24 the lot width of 25 feet, which is required, we
25 conform and exceed at 26.55. The minimum lot

1 depth required is 100 feet, we have 57, that's
2 actually a (c)(1) variance, which is existing --
3 preexisting nonconforming. And then the minimum
4 front yard required is 10 feet or the prevailing
5 setback, and we're at 2.7 feet. But all the
6 houses on 6th Street pretty much because the lots
7 are undersized, they are closer to the street, and
8 so they have adequate rear yards.

9 The side yards required is one -- two
10 feet on the one side, three feet on the other
11 side. And we have on one side zero feet and on
12 the other side 2.88 feet, that's a (c)(2)
13 variances and that is existing.

14 The minimum rear yard is 25 percent
15 required or 25 feet if it was 100 feet. And since
16 the lot is 57 feet, existing we have 12.42 rear
17 yard and the requirement would be 14.25. That's a
18 (c)(2) variance, that's also an existing
19 condition.

20 The building coverage conforms and the
21 building height conforms. The lot coverage is
22 slightly over; whereas, we're required to have
23 1,223 square feet and we have 1,364 square foot,
24 that is an existing condition. And the building
25 has no parking because none of the houses on that

1 side of 6th Street have parking because the lots
2 are undersized.

3 MR. LOPEZ: Mr. Izquierdo, you have, on
4 the second page of your plans, for the proposed
5 legalization ground floor apartment, there are
6 partitions. There is already a bathroom installed
7 and a kitchen installed, those have always been
8 there, correct?

9 MR. IZQUIERDO: They have always been
10 there.

11 MR. LOPEZ: And other than the work that
12 you described, putting a sliding door on the rear
13 wall, nothing else is being changed?

14 MR. IZQUIERDO: Other than the lighting.

15 MR. LOPEZ: Other than the lighting.

16 MR. IZQUIERDO: The site lighting
17 because the rear yard needs to be lit for the
18 owner to occupy it appropriately. The side yard
19 is also being provided with lighting.

20 MR. LOPEZ: I have nothing else of Mr.
21 Izquierdo.

22 MR. IZQUIERDO: I have nothing further.

23 CHAIRPERSON GRULLON: Mr. Izquierdo, the
24 proposed modification to the building, could you
25 just describe the area and what you're proposing

1 to do?

2 MR. IZQUIERDO: When you look at 6th
3 Street, you have the ground floor apartment that
4 is existing, that has been always there. It's
5 legal, nothing is occurring there. When you go
6 down to the rear yard, you have a ground floor
7 apartment that faces the rear yard and it has a
8 little window. That window is way too small, not
9 only for the apartment for the living room, but
10 also we're turning it into a sliding glass door to
11 go to the rear yard. So when the owner comes back
12 from overseas and he occupies the ground floor
13 unit, he's able to have the sliding glass door
14 facing the rear yard and he's able to use the rear
15 yard.

16 That is the only thing we're doing. And
17 that provides also the second means of egress.

18 CHAIRPERSON GRULLON: Mr. Lopez, your
19 client, I know you mentioned that he's not present
20 here, but could you let us know when he purchased
21 the property?

22 MR. LOPEZ: He purchased the property in
23 2018. He lived on this property thinking it was a
24 legal unit.

25 CHAIRPERSON GRULLON: That was going to

1 be my next question, is he occupying that unit?

2 MR. LOPEZ: He was occupying the unit.
3 He timed everything because he had to leave the
4 country anyway to get his green card and return,
5 but he was occupying this unit. It has been
6 vacant for the last few months.

7 He found out that it was illegal, when
8 he made an application to the building department.

9 MR. IZQUIERDO: To do some renovations.

10 CHAIRPERSON GRULLON: Sure. And you're
11 not proposing to do any work on the outside,
12 changing the footprint of the building?

13 MR. IZQUIERDO: No.

14 MR. LOPEZ: Just lighting.

15 CHAIRPERSON GRULLON: Just lighting.
16 That will make the building more secure, no?

17 MR. IZQUIERDO: It's going to provide
18 the second means of egress. It's also going to be
19 able to have the ground floor unit, which is going
20 to be the owner unit to have access to the rear
21 yard, so that he can enjoy the rear yard.

22 MR. LOPEZ: But the lighting on the side
23 yard.

24 MR. IZQUIERDO: Oh, the lighting on the
25 side yard, oh, yeah, the second entrance of both

1 units.

2 CHAIRPERSON GRULLON: I don't have any
3 other questions. Do you have any questions? Any
4 questions? Mr. Lopez, do you have any other
5 witnesses?

6 MR. LOPEZ: I have no other witness.

7 MS. SAN MARTINO: Something I don't
8 really understand, when you said living in the
9 ground, right? That means he's renting the first
10 one?

11 MR. LOPEZ: Yes. The second floor is
12 rented -- I'm sorry, the floor level on the street
13 level, it is rented.

14 MR. IZQUIERDO: There are two first
15 floors. One first floor faces 6th Street and you
16 would never know from looking from 6th Street that
17 it's a two-story house. But when you go into the
18 rear yard, which it significantly slopes down,
19 then you see two stories. You see the ground
20 floor, which is going to be the owner unit and
21 then the second floor of the unit facing 6th
22 Street.

23 MS. SAN MARTINO: When he goes to his
24 apartment, it's inside the --

25 MR. IZQUIERDO: No, there's no common

1 entrance. There's a stair that leads to both
2 apartments, but you don't have to go through one
3 apartment to go to the other. When you face 6th
4 Street, on the left hand side, which would be the
5 eastern side of the property, you go into a
6 sheltered, you go up two stairs, and then you make
7 a right to go into the ground floor unit facing
8 6th Street. And then you go down further more
9 steps and then you go down into the ground floor
10 rear apartment.

11 MR. LOPEZ: If I could show you the
12 photograph on the front page, the entry is that
13 space just to the left of the property. They go
14 down the stairs that are there, as are shown --

15 MS. SAN MARTINO: Now I understand.

16 MR. LOPEZ: That's how you access the
17 rear. So there will be no change whatsoever.
18 What you see in the photograph now will remain if
19 the variance is approved.

20 MS. SAN MARTINO: And the distance in
21 the bottom one and the first floor how high is?

22 MR. IZQUIERDO: Yes.

23 MS. SAN MARTINO: How much is the
24 distance, that window here?

25 MR. IZQUIERDO: You go up two steps to

1 go to the ground floor apartment facing 6th
2 Street. And that unit is like 840 square feet, it
3 has an eight foot four ceiling height. The
4 building is very well kept. The building is very
5 neat, very tidy.

6 MR. GARCIA: How is the ceiling height?

7 MR. IZQUIERDO: Eight, four.

8 MR. GARCIA: Eight, four.

9 CHAIRPERSON GRULLON: At this time, I
10 want to open up to the public. Is any member of
11 the public here for this application?

12 MR. GARCIA: So all the variances are
13 preexisting condition?

14 MR. IZQUIERDO: All of them. The use is
15 allowed.

16 CHAIRPERSON GRULLON: And there's an
17 increase on the variance request because parking
18 is not provided. You're providing another unit,
19 that's going to increase it. Could you just let
20 us know --

21 MR. IZQUIERDO: They're both one bedroom
22 apartments.

23 CHAIRPERSON GRULLON: What is the
24 parking requirement with the existing one
25 apartment?

1 MR. IZQUIERDO: It would be 1.8.

2 CHAIRPERSON GRULLON: And now it's going
3 to be three?

4 MR. IZQUIERDO: 3.6.

5 MR. GARCIA: Four.

6 CHAIRPERSON GRULLON: Hearing nothing
7 from the public, close to the public.

8 Taking in consideration that this is a
9 preexisting condition and it's just -- you know,
10 we're going to continue maintaining a resident
11 that is living in that unit, I make the motion to
12 grant this application.

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

16 VICE CHAIRPERSON GUTIERREZ: I'll
17 second.

18 MR. VALLEJO: Seconded by Ms. Gutierrez.

19 Roll call on the motion to grant this
20 application. Mr. Grullon.

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 MR. GARCIA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

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

11 MR. IZQUIERDO: Thank you very much.

12 MR. LOPEZ: Thank you so much.

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1 **310-318 7TH STREET:**

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3 MR. VALLEJO: Moving to the next
4 application, 310-318 7th Street. Ms. Pereiras,
5 please.

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

8 I've been provided by Ms. Pereiras with
9 a certification as to publication and service
10 indicating that notice of tonight's hearing with
11 respect to the property located at 310-318 7th
12 Street was provided to all property owners within
13 the 200 foot radius of said property.

14 I've been provided with an affidavit
15 from The Jersey Journal indicating that notice of
16 tonight's hearing at this location, the Union City
17 High School, with respect to the property 310-318
18 7th Street was published in the paper on October
19 2, 2023.

20 I've been provided with a list of
21 property owners from the tax assessor's office
22 with a date of September 29, 2023, listing all
23 property owners within the 200 foot radius of
24 310-318 7th Street, as well as the certified mail
25 slips with a postmark date of September 30, 2023.

1 Based on the information that has been
2 provided by Ms. Pereiras, this board has
3 jurisdiction to proceed and hear this matter.

4 MS. PEREIRAS: Thank you very much,
5 counsel. Good evening, members of the board. May
6 it please the board, Bianca Pereiras on behalf of
7 the applicant, the Peace of Jesus Christ
8 Pentecostal Church, for property located at
9 310-318 7th Street, also known as Lots 22 through
10 25 in Block 37.

11 Here, we have an existing building that
12 to any layperson looks like a church, it's been
13 operational as church for many, many years.
14 You'll hear from the testimony that it's been
15 operational as a church since at least the early
16 1970s. For whatever reason, the building
17 department could not locate a certificate of
18 occupancy allowing this use to proceed. So we are
19 here before this board to rectify that situation.

20 We have a few experts to testify as well
21 as the pastor for the church. I'd like to begin
22 tonight's presentation with our architect, Mr.
23 Manuel Pereiras.

24

25 M A N U E L P E R E I R A S, after having been

1 duly sworn or affirmed, did testify as follows:

2

3 MR. PEREIRAS: Manny Pereira,
4 P-E-R-E-I-R-A-S with Pereira Architects
5 Ubiquitous, located at 1116 Summit Avenue in Union
6 City.

7 CHAIRPERSON GRULLON: We recognize you
8 as an expert.

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

10 MS. PEREIRAS: Mr. Pereira, are you
11 familiar with the property in question?

12 MR. PEREIRAS: I am.

13 MS. PEREIRAS: Did you prepare the
14 drawings that are before the board this evening?

15 MR. PEREIRAS: I did.

16 MS. PEREIRAS: Would you kindly describe
17 the project for board?

18 MR. PEREIRAS: I'd be very happy to.
19 Before I testify as an architect, I'll testify as
20 a resident of Union City my whole life, I'm
21 45 years old now. And this building has been a
22 church as far as I could remember. It has been in
23 existence since 1972. I'd like to remind this
24 board that our ordinance was written in 1977, our
25 building code was written in 1978. So this

1 predates everything that we have here in Union
2 City.

3 As such, what we're doing today is
4 really documenting this preexisting nonconforming
5 condition before you today. We're not planning on
6 making any changes to the exterior, we're not
7 planning on making any changes on the interior.

8 We'd like the board to be aware of what
9 is existing there and we'd like to continue its
10 use moving forward. We have a lot, it's located
11 on the south side of 7th Street, between Palisade
12 and New York Avenue. It is a 100 by 100 lot, so
13 we're compliant with lot depth. And we are four
14 times the size of lot width required. We have
15 10,000 square foot lot, four times larger than the
16 25 by 100 that's required in the neighborhood.
17 And we have a preexisting building on that lot.
18 It has a rear yard setback of .5 feet, again
19 existing. We have a side yard setback to the
20 north of one foot and a side yard setback to the
21 south of the -- to the west of 2.5 feet. And we
22 have a beautiful front yard setback of 23.5 feet.

23 It is kind of a -- it is very clear when
24 you look at the front of this building that it is
25 an institutional building, a church building. It

1 has four large fluted columns in the front of the
2 building. It has an archway with the name of the
3 church in the front of it. And it's been like
4 that for many years with this monumental stairwell
5 and I'll show you that in plan view as well.

6 So we have preexisting nonconformities
7 when it comes to rear yard, side yard. And
8 anything else? Building height. We have a
9 building that's existing at 46.1 feet, that's the
10 top of the cupola and I'll show that in elevations
11 as well. And building coverage, we're at
12 73.5 percent whereas 65 percent is permitted. And
13 of course parking. There's no existing parking on
14 this site. However, we understand that this
15 church has been in existence forever. It's a
16 community based operation and there's nowhere to
17 put parking on the site. So we continually
18 request a parking variance for that as well.

19 Turning now to sheet Z02. We can see
20 the existing floor plans of the church. The
21 basement floor plan is quite simple. There's a
22 large store area, mechanical rooms, and there are
23 several Bible study rooms and the offices for the
24 church on the lower level. Again, no changes
25 there.

1 And then the ground floor, the main
2 floor, which is a few steps up from the exterior.
3 That is the main sanctuary. There is seating for
4 a little over 200 people there. Of course, they
5 typically don't have a full occupancy, but they
6 have capacity of 200 people. And they have
7 restrooms of course in the middle, and a
8 multipurpose room after church and for different
9 functions, at the end of the building as well.
10 Typically it's not simultaneous occupancy. People
11 in churches will have service at the sanctuary and
12 move on to the multipurpose room. It's rare that
13 a situation will be where you have double
14 occupancy or full occupancy of the entire
15 building.

16 And on the second floor is the
17 parsonage, the pastor's house, he's staying there.
18 Again, we're not making any changes to that.
19 There are four existing bedrooms in that space and
20 a nice large kitchen, dining room, living area
21 that's shared there. There is a small attic space
22 and it's part of the cupola.

23 And I'm going to turn now to sheet Z03.
24 And on sheet Z03, we see the elevation. As I was
25 speaking before, it looks like a church, it feels

1 like a church, it is a church, since 1972. We're
2 not proposing any changes to that facade. As you
3 can see here, we have the height of the building.
4 There's a preexisting nonconforming height
5 variance there.

6 And what we're looking to do from a life
7 and safety issue, we need to meet all the codes,
8 when we come in what we call the rehab subcode.
9 This is a preexisting building and we have to meet
10 all the codes of the rehab subcode. So we're
11 going to be working with the building department,
12 if this board deems fit to approve this project,
13 and work with them to make sure it meets all life
14 and safety standards under the rehab subcode as a
15 preexisting nonconforming structure.

16 That concludes my testimony. I'm open
17 for questions.

18 CHAIRPERSON GRULLON: Mr. Pereiras,
19 again, I know you mentioned that on the second
20 floor, there's the house --

21 MR. PEREIRAS: Yes.

22 CHAIRPERSON GRULLON: -- where the
23 pastor is staying. He has four bedrooms. Could
24 you describe that area a little more?

25 MR. PEREIRAS: Absolutely.

1 CHAIRPERSON GRULLON: Is that existing?

2 MR. PEREIRAS: That's an existing
3 condition, yes. So first, I want to clearly walk
4 you through there. If you walk through the center
5 of the building, you enter a porch area, that's
6 the colonnade with the fluted columns.

7 You walk into the foyer, there's a
8 stairwell that leads you to the second floor and
9 that's the parsonage. There's a hallway, you have
10 bedrooms along the perimeter of it. And then you
11 walk into the kitchen, living room, dining room
12 area along the rear of it. That is all one
13 apartment and it is occupied by the pastor.

14 CHAIRPERSON GRULLON: It's just one
15 apartment?

16 MR. PEREIRAS: Correct.

17 CHAIRPERSON GRULLON: Okay.

18 MR. GARCIA: Is this apartment used only
19 for the pastor or is there any service for the
20 church?

21 MR. PEREIRAS: The pastor is here and
22 he's willing to testify. So I believe he's better
23 to respond to that.

24 MS. PEREIRAS: If this is the
25 appropriate time, I'll --

1 CHAIRPERSON GRULLON: Do you have any
2 other witness?

3 MS. PEREIRAS: We have a planner, but
4 I'd like to call our pastor so he can tell you a
5 little more of the operation.

6 MS. SAN MARTINO: Yeah, because it's not
7 just an existing apartment. You see the top, it
8 says office there, that means something different
9 there.

10 MR. PEREIRAS: Well, the pastor has his
11 own private office where he does his paperwork.
12 That's all it is, it's an only office.

13

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

17

18 MS. PEREIRAS: Mr. Chairman, my client
19 feels more comfortable addressing the board in
20 Spanish, if the board has no objection, maybe we
21 can have Mr. Pereiras translate for him.

22 MR. VALLEJO: Mr. Paneque.

23 PASTOR CANELO (THROUGH MR. PANEQUE):
24 Pastor Rafael Canelo, C-A-N-E-L-O.

25 MS. PEREIRAS: Pastor Canelo, would you

1 kindly tell us a little bit about yourself and
2 your relationship to the church?

3 PASTOR CANELO: I've been the pastor
4 since 2010 and we've been occupying that place at
5 310 7th Street since May of 2015.

6 MS. PEREIRAS: Pastor, prior to you
7 becoming the pastor of this church, is it your
8 understanding that this building operated as a
9 church?

10 PASTOR CANELO: Yes.

11 MS. PEREIRAS: And, Pastor, would you
12 kindly tell us a little bit about the services
13 that you provide at the church?

14 PASTOR CANELO: We provide services on
15 Tuesday from 7:45 to 9:45. Fridays, 7:45 to 9:45,
16 and Sundays from 12 noon to 2:30 p.m.

17 MS. PEREIRAS: And, Pastor,
18 approximately how large is your congregation at
19 the moment?

20 PASTOR CANELO: We have about 120
21 members.

22 MS. PEREIRAS: Pastor, the board was
23 questioning your residence. Can you please tell
24 us a little bit about your home there at the site?

25 PASTOR CANELO: I don't understand the

1 question.

2 MS. PEREIRAS: If you could just explain
3 who resides in the parsonage or the apartment
4 that's located on-site?

5 PASTOR CANELO: Myself and my wife live
6 on the second level.

7 MS. PEREIRAS: And, Pastor, there seems
8 to be an office space just off of the parsonage or
9 your residence, can you tell us who uses that
10 office?

11 PASTOR CANELO: That is an office for
12 the church and I'm the one who uses it.

13 MS. PEREIRAS: And, Pastor, I'm very
14 familiar with the kinds of charity work and
15 outreach that you've done for the City, but if you
16 could just kindly tell the board some of the
17 efforts that you've done, primarily possibly all
18 the work that you did during the pandemic for the
19 community?

20 PASTOR CANELO: During Covid and during
21 that period, we were distributing food to the
22 community, approximately 400 boxes of meals
23 weekly. We also provide biblical classes in the
24 homes. We also effectuate services in the street
25 during summertime, specifically in the First

1 Street park. And we collaborate with people that
2 come to us in needy situations, especially with
3 food and medicine.

4 Recently, we were providing meals to the
5 homeless of the City, they would go to restaurant
6 El Conuco on Mondays and have a meal, which we
7 paid for. In addition to the works that we do
8 internationally.

9 MS. PEREIRAS: Thank you very much,
10 Pastor. I have no further questions of the
11 Pastor.

12 CHAIRPERSON GRULLON: I have one more
13 question. Is any other use besides the church,
14 like it's a daycare service provided there?

15 MS. PEREIRAS: No, but we can address
16 that to the Pastor as well. Pastor, do you have
17 any daycare services provided on site?

18 PASTOR CANELO: No, no.

19 MR. GARCIA: Besides the services on
20 Wednesday, Friday, and also Sunday, in that
21 location, they don't have another kind of like
22 classes like Bible, you know what I mean, like,
23 kind of those --

24 MS. PEREIRAS: I believe the Pastor
25 referenced Bible classes, but we can confirm when

1 those are offered. Pastor, can you clarify when
2 the Bible study classes are offered?

3 PASTOR CANELO: On Tuesdays for the
4 adults and Sunday for the children in the same
5 hour.

6 MR. GARCIA: Okay.

7 CHAIRPERSON GRULLON: Thank you, Pastor.

8 MS. PEREIRAS: Thank you.

9 CHAIRPERSON GRULLON: Do you have any
10 other --

11 MS. PEREIRAS: We do. We have one final
12 witness and that is our planner.

13

14 F R E D E R I C K M E O L A, after having been
15 duly sworn or affirmed, did testify as follows:

16

17 MR. MEOLA: Frederick C. Meola,
18 M-E-O-L-A, 28 Whippany Road, Whippany, New Jersey.

19 MS. PEREIRAS: Mr. Meola, is this your
20 first time appearing before the Union City Board
21 of Adjustment?

22 MR. MEOLA: Yes.

23 MS. PEREIRAS: Would you kindly give
24 your qualifications for the board?

25 MR. MEOLA: Yes. I have a bachelor of

1 science in civil engineering from New Jersey
2 Institute of Technology. I was an adjunct
3 professor at County College of Morris teaching the
4 boundary analysis course and the land use planning
5 course at that facility for 12 years. When I
6 first started out, I was working for Berkeley
7 Heights as the assistant engineer. One of my
8 charges was to review all the plans for the
9 planning board and board of adjustment.

10 CHAIRPERSON GRULLON: Have you testified
11 in other boards in New Jersey?

12 MR. MEOLA: Yes, many boards. Most of
13 my work -- my offices are in Hanover, right near
14 Morristown. Most of my work is probably within a
15 five, ten mile radius of that area. Hanover, East
16 Hanover, Madison, Chatham, Parsippany. That's
17 where they see me all the time.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Meola. The board accepts your qualifications.
20 Thank you.

21 MS. PEREIRAS: Mr. Meola, are you
22 familiar with the site in question?

23 MR. MEOLA: Yes, I am.

24 MS. PEREIRAS: Would you kindly describe
25 for the board the project from a planning

1 perspective?

2 MR. MEOLA: Yes, I have some exhibits.

3 MS. PEREIRAS: Counsel, should we mark
4 this A-1?

5 MR. PANEQUE: A-1.

6 MR. MEOLA: This property has got a
7 relatively large structure on it, on a large lot.
8 We're talking about 100 by 100 for the size of the
9 lot. The area is in the R zone, which is the low
10 density residential, right across the street from
11 the neighborhood commercial zone.

12 What was just passed out, if you look at
13 the first exhibit, it's a copy of the Union City
14 zoning map. We have it circled where the property
15 is so you can see where it is. The building is
16 setback substantially more than necessary from the
17 front line allowing for an attractive front yard
18 and a nice appearance looking going up to the
19 church, but rear of the building is very close to
20 the rear property line.

21 If you look at page 5 of the exhibit,
22 you can see the church and behind it is an area
23 that does not have a structure on it. And then
24 you can see the apartment building on the
25 adjoining property. So while it's close to the

1 back line, it's not abutting another building. So
2 it's providing for adequate open space and it does
3 have a slightly excess lot coverage, 75 percent is
4 allowed in this zone and we're at 76.5. And the
5 ordinance allows three stories, 38 feet, the
6 property is two and a half stories, 46.1 feet.

7 And if you look at the exhibit again,
8 I'll flip you back to the page, even on page 3,
9 you can see it. You can see the pediment, which
10 is the third floor is not covering the whole --
11 it's only a portion in the center of the building.
12 So it's a very small amount that's exceeding the
13 height requirement.

14 And the church does have -- as a matter
15 of fact, you can see it on page 4 clearly, the
16 church does provide van pickup for the
17 parishioners, so that limits the need for parking,
18 you know they recognize that they got to treat the
19 parishioners well to get them there.

20 And I'm just going to run through the
21 relief so we have it for the record. The
22 ordinance requires a rear yard of 30 feet, this
23 building is .5 feet off the rear yard, that's the
24 biggest deficiency. The side yard requires two
25 foot minimum with five foot combined. We got a

1 one foot minimum with two and a half foot
2 combined. And the building height, as I just
3 pointed out, the ordinance allows three stories,
4 40 feet. We have two and a half stories, 46 feet
5 because of the pediment. And then the lot
6 coverage is required 75 percent and we're at 76.2.
7 And the building coverage is supposed to be
8 50 percent and we're at 73.5. And the parking
9 requirement is a deficiency. There's a need, by
10 code, based on the number of seats of 71 parking
11 spots, there's no parking. But again they try to
12 offset that by having the van pick up as many
13 parishioners as possible.

14 I believe that the application that the
15 board has before them promotes the general welfare
16 of the public and community with a place of
17 worship and -- there's no daycare. I thought I
18 had it wrong. Let me correct my own notes. And
19 the project will promote efficient use of land
20 with adaptive reuse of a longstanding structure.
21 The building, as you heard, has been there since
22 1924. It's a large substantial structure that is
23 in great condition. You know, it's not going to
24 go anywhere. And all we're doing is trying to
25 make it better. The project retains and keeps

1 what is there with little change to the existing
2 massing from a public, and visually more in line
3 with the zoning.

4 And that being said, my feeling is that
5 this application meets sections A, G, I, and M of
6 the Municipal Land Use Law. And I'll just read
7 them for the record, A is encourage municipal
8 actions to guide appropriate use of the
9 development of all lands in the State of New
10 Jersey and manage and promote public health,
11 safety, morals and general welfare. And I think
12 we can agree that what's being done meets that
13 character and provides sufficient space in
14 appropriate locations for a variety of
15 residential, commercial, industrial uses, and open
16 spaces for both public and private according to
17 respective environmental requirements in order to
18 meets the needs. As the pastor had said, they,
19 during Covid had some of their -- I'm Catholic, so
20 I call it a mass, but their ceremony in that front
21 lawn area because it's so large and provides
22 better -- especially with Covid.

23 And then, I promotes desirable visual
24 environment for creative development techniques
25 and good civic designs. And I think looking at

1 the drawings, looking at the nice arch leading
2 into a courtyard with the building above, very
3 attractive, very nice for the neighborhood, it's
4 not out of character. And M is encourage
5 coordination of various public and private
6 procedure activities shaping land development with
7 the view of lessening the cost of such development
8 and a more efficient use of land. And clearly the
9 building is there, it is being used. All they're
10 doing is enhancing it, fixing it up, bringing it
11 up to today's standards.

12 So on that, I'm open for questions.

13 CHAIRPERSON GRULLON: Thank you for your
14 testimony. My question, Mr. Spatz, could you help
15 me with some clarification. On the findings, it
16 mentions that the facility is being used as
17 daycare?

18 MR. SPATZ: I thought I had seen that,
19 but there's certainly been testimony there's no
20 daycare. I'm not sure where I saw that in the
21 application, but I did see it.

22 MS. PEREIRAS: We can clarify that.
23 There were original drawings that were submitted
24 that labeled that area as daycare. It is not a
25 daycare, it's where the children go to do Bible

1 study, that's the only kind of activity that's
2 done in that area.

3 CHAIRPERSON GRULLON: But it's children
4 involved, but it's for the Bible study?

5 MS. PEREIRAS: Correct. So if you look
6 at the drawings in front of you, there's no
7 daycare use labeled.

8 MR. SPATZ: So I'm only partly wrong, I
9 don't take full credit for that.

10 MR. VALLEJO: I received revised plans
11 by Ms. Pereiras's office. And also I request to
12 send a PDF to Mr. Spatz looks like none was sent.

13 MR. SPATZ: In any event, those uses,
14 the parsonage, the Bible study, those are all
15 legitimate accessory uses to a church, they're not
16 considered a separate use. So they're all part of
17 the operation on the site.

18 CHAIRPERSON GRULLON: I just wanted to
19 have clarification on that. Thank you, Mr. Spatz.
20 My other question is for the architect. By
21 looking at the building, it looks like it's in
22 condition, it's been there for many years, do we
23 know more or less when the building was -- how
24 long is the building there?

25 MR. PEREIRAS: So the original building,

1 from records, dates back to about 1924. The
2 oldest church documents that we have is 1972.

3 CHAIRPERSON GRULLON: And after that,
4 there's no renovation to building?

5 MR. PEREIRAS: There's been continuous
6 use of the church since 1972. It's gone through a
7 series of different pastors obviously throughout
8 the year. And the congregation has changed a lot,
9 but it's always been in use since then.

10 MR. GARCIA: This is owned by the
11 congregation?

12 MR. PEREIRAS: I don't know if the
13 congregation --

14 MS. PEREIRAS: I'm going to confirm.

15 MR. PEREIRAS: I'm not sure how they
16 structured their ownership. But it's a house of
17 worship.

18 MR. GARCIA: And all the services there
19 are open for everyone or -- this is probably a
20 question for the pastor -- or only for the
21 parishioners?

22 MR. PEREIRAS: It's a question for the
23 pastor, we can bring him back up.

24 MS. PEREIRAS: Just to clarify, the
25 property is owned by the Spanish Eastern District

1 Council of the Assemblies of God. And this is a
2 congregation that operates out of that church.

3 I apologize if I missed a question that
4 was posed by the board.

5 MR. GARCIA: It's probably for the
6 pastor. It's like if all the services there are
7 only for the parishioners or is it open for the
8 community?

9 MS. PEREIRAS: Pastor, the services that
10 you offer at the church are they open to the
11 entire Union City community?

12 PASTOR CANELO (THROUGH MR. PANEQUE):
13 For all of the community of Union City.

14 MR. GARCIA: Which one is the main -- I
15 saw that you have the van here. And as was
16 testified by the planner, that you provide
17 transportation, it is because they live out of
18 Union City or they mainly live in Union City, the
19 parishioners?

20 PASTOR CANELO: Some live in Union City,
21 by 49th Street, 46th Street. There's others that
22 live in West New York, Jersey City.

23 MR. GARCIA: Thank you.

24 PASTOR CANELO: Thank you.

25 MR. PANEQUE: The record should note

1 that we do have a memo from the building
2 department. And as per the memo from the Mr.
3 Martinetti, this property is recognized or was
4 recognized as a lodge hall. It was some kind of
5 lodge dating back to, I guess, prior to 1974 when
6 the last tax assessment was done.

7 Therefore, if this board saw fit to
8 approve this application, it would be approving
9 the conversion from lodge hall to place of worship
10 with an ancillary apartment and office on the
11 second floor.

12 CHAIRPERSON GRULLON: Do you have any
13 other witnesses?

14 MS. PEREIRAS: We have no other
15 witnesses.

16 CHAIRPERSON GRULLON: Any other
17 questions from the board members? At this time, I
18 want to open to the public. Any member of the
19 public want to step forward on this application?

20 MR. GARCIA: Is any member of the church
21 here?

22 MS. PEREIRAS: We have members of the
23 church, yes. We do, quite a bit.

24 MS. CANELO: Isma Canelo, I live at 320
25 7th Street. (THROUGH MR. PANEQUE): My husband

1 and I, since very young, work in the church. And
2 in reality, the church is a great need for the
3 community. We work with the youth that,
4 unfortunately, they're going through very hard
5 times, such as depression. We do activities in
6 the community and deal with youth that are dealing
7 with vices, specifically in this area 7th, 8th,
8 and New York Avenue. We see a lot of youth with
9 necessities. And us, as pastors to the youth, and
10 with a society of youths, our job is to work in
11 favor of the community.

12 In order to reduce the delinquency, to
13 reduce the vices, and I think the church is
14 contributing a whole lot in the community in this
15 area. And that's why I beg of you to take into
16 consideration approving this application. Thank
17 you.

18 CHAIRPERSON GRULLON: Thank you.

19 Any other members of the public?

20 MR. PANEQUE: Let's have a showing of
21 hands. (Speaking in Spanish.) Thank you.

22 CHAIRPERSON GRULLON: After that, close
23 to the public. Just taking in consideration that
24 this church has been in that location for many
25 years and it's a necessity to the community, I

1 make a motion to grant this application to change
2 the lodge hall to a church with the one apartment
3 for the pastor.

4 VICE CHAIRPERSON GUTIERREZ: I'll second
5 it.

6 MR. VALLEJO: Motion by Mr. Grullon to
7 grant this application, 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: Mr. Garcia.

19 MR. GARCIA: Yes.

20 MR. VALLEJO: Ms. San Martino.

21 MS. SAN MARTINO: Yes.

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

24 MS. PEREIRAS: Thank you all very much.

25 * * * *

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

3

4 MR. VALLEJO: Two minute break.

5

6 (Whereupon a short recess was taken.)

7

8 MR. VALLEJO: Next application on
9 tonight's agenda, Hung Fat, Inc., 1212-1216 Summit
10 Avenue. Ms. Pereiras, please.

11 MS. PEREIRAS: My apologies, Mr.
12 Vallejo, which one did you call?

13 MR. VALLEJO: Summit Avenue.

14 MS. PEREIRAS: Okay. Bianca Pereiras on
15 behalf of the applicant.

16 Board members, I am going to
17 respectfully request an adjournment of this
18 matter. I found out literally an hour before this
19 meeting was going to start that my traffic
20 consultant could not appear this evening. As
21 such, if this board could carry this to the
22 November 9th meeting, it would be greatly
23 appreciated. I think the only testimony that's
24 pending here is that of our traffic engineer.

25 MR. PANEQUE: Is this 1212 Summit Avenue

1 that you're asking for an adjournment?

2 MS. PEREIRAS: I am asking for an
3 adjournment.

4 CHAIRPERSON GRULLON: Summit Avenue. I
5 know on the previous meeting there was something
6 represented for mechanical parking.

7 MS. PEREIRAS: Yes.

8 CHAIRPERSON GRULLON: Us, as a board, we
9 do not agree with that.

10 MS. PEREIRAS: With mechanical parking.

11 CHAIRPERSON GRULLON: And I don't think
12 we should carry this application anymore. If you
13 want to, we can vote now or do you want to take a
14 two minute break? But I don't think we should
15 carry this.

16 MS. PEREIRAS: If I could have a brief
17 recess. I told my client that I was adjourning
18 and sent him home, so I need to give him a call
19 and let him know that's the --

20 CHAIRPERSON GRULLON: I know the
21 mechanical parking would not work. And again the
22 amount of units in that commercial zone doesn't
23 fit the area.

24 MS. PEREIRAS: Okay.

25 CHAIRPERSON GRULLON: We already heard

1 enough testimony on this application, I think
2 we're ready to proceed.

3 MS. PEREIRAS: The only thing we had not
4 addressed was the stacked parking, that was the
5 reason for carrying this and for having testimony
6 put on the record today. You're telling me now
7 before you hear the testimony of our professional
8 that you're not comfortable with that. That being
9 said, I would appreciate the opportunity to modify
10 that, if that is now the inclination of the board.

11 MR. GARCIA: I want to add that by the
12 testimony of the architect, he said the only way
13 you could provide the two spaces parking per unit
14 is with mechanical parking.

15 MS. PEREIRAS: Correct.

16 MR. GARCIA: I think we had the
17 opportunity, myself and the chairman, to also do
18 our due diligence about the pro and cons of the
19 mechanical parking. And I think that we are not
20 ready in the City to have mechanical parking. I
21 mean it's in the peak hour how they handle it, the
22 tenants or the owner, how we're going to handle it
23 if it's an issue with mechanical issue, how we're
24 going to handle it. Also the safety concerns, all
25 of it, I think it is -- I corroborate Mr.

1 Chairman's opinion, like, I don't think it is
2 appropriate.

3 MS. PEREIRAS: Those are valid concerns
4 and considerations. Honestly, the only person
5 that could testify as to how that works is a
6 professional in that field, that's why we had an
7 engineer lined up to testify this evening. Like I
8 said, it was an hour before this meeting that I
9 found out he couldn't testify.

10 MR. PEREIRAS: And Mr. Chairman and Mr.
11 Garcia, now that we know the board's opinion on
12 the mechanical parking, then we're -- like I said,
13 the applicant has been willing to work with the
14 board this whole time. We can reduce the number
15 of units --

16 CHAIRPERSON GRULLON: It's not only
17 that, Mr. Pereiras. We have other conditions in
18 there. We have a commercial zone that is only two
19 families over a business permitted. And you have
20 an oversized lot, it might accommodate more units.
21 But this particular application doing curb cuts on
22 a commercial zone, we're not --

23 MR. PEREIRAS: We'll remove the curb
24 cuts. What we're saying as an applicant we're
25 willing to work with whatever this board wants.

1 And it's a little unfair to the applicant that
2 every time you've asked for something, we've met
3 that. And then the goal post keeps getting
4 changed and moved every time we come before this
5 board with exactly what the board asked for. It's
6 not like we're making something up.

7 MS. PEREIRAS: Just to remind the board,
8 we originally came in with an application that did
9 not have a curb cut or parking and that was --

10 CHAIRPERSON GRULLON: You have approval
11 for something?

12 MR. PEREIRAS: It's expired. We would
13 be happy with that approval if this board were to
14 grant that.

15 CHAIRPERSON GRULLON: What was that
16 approval? I don't have it in front of me, we can
17 not approve it.

18 MS. PEREIRAS: We do have previous
19 approval.

20 MR. PEREIRAS: We would be happy to
21 bring that previous approval back before this
22 board. If the board were to say that from the
23 beginning, we would have done that from the
24 beginning.

25 CHAIRPERSON GRULLON: Mr. Spatz, could

1 that be presented as a new application? I just
2 don't feel comfortable carrying this.

3 MR. SPATZ: With that approval, what I
4 would suggest is since it's been carried as many
5 times is that it could withdrawn without prejudice
6 and then they could resubmit the previous approved
7 plans for the board and we would review it.

8 MR. GARCIA: When was the approval?

9 MR. PEREIRAS: It was before Covid. And
10 Covid messed the application up moving forward.
11 The building department sent us back here and we
12 thought it was an opportunity to be able to get
13 additional units. We thought it was favorable to
14 the board because it made sense because of the
15 need in Summit Avenue right now for housing, it's
16 in a really bad condition. And then we just
17 followed the advice of the board every single
18 meeting moving forward.

19 CHAIRPERSON GRULLON: I know with this
20 parking situation, but we've also been discussing
21 the curb cuts and we revisited the area, there is
22 a school nearby with a lot of pedestrian traffic.

23 MR. PEREIRAS: We agreed from the
24 beginning. We did the curb cut because you asked
25 us to.

1 CHAIRPERSON GRULLON: We don't feel
2 comfortable carrying this application and
3 continuing. Because let's just say we're going to
4 be finding other issues with the application.
5 It's more units, it's more traffic, something that
6 is not permitted there. And we're just making it
7 worse than what you have the approval for.

8 MS. PEREIRAS: Mr. Chairman, if I may?
9 Like I said, I told my client he could go home
10 because I couldn't proceed on it. If I can make a
11 quick phone call, so he understands what the board
12 is indicating to us. And so that we can determine
13 whether this would merit a withdrawal at this
14 point.

15 MR. PEREIRAS: Just to respond to
16 statements that you said, just so we have it on
17 the record. The current use is a movie theatre
18 with four theatres. The impact on the
19 neighborhood for parking, for traffic, is
20 significantly greater than what our proposal is as
21 residential, which is conforming.

22 CHAIRPERSON GRULLON: I do not agree
23 with that.

24 MR. PEREIRAS: I know you don't --

25 CHAIRPERSON GRULLON: Because a movie

1 theatre, if you opened the movie theatre, you're
2 not going to get the traffic there. Because no
3 one going to a movie theatre now.

4 MR. PEREIRAS: Right. But we have 100
5 by 100 commercial space. And any commercial
6 business we're going to put in there is going to
7 generate traffic.

8 MR. GARCIA: But it's currently there,
9 you have commercial there right now?

10 MR. PEREIRAS: It's empty and it's been
11 empty.

12 MR. GARCIA: That's what I'm saying.
13 Okay, it's an existing condition. Like, okay, if
14 you are explaining that, that doesn't mean because
15 there's an existing condition that doesn't mean
16 that going to go in favor to increase the parking
17 situation. It's existing, so nothing to do with
18 existing commercial.

19 MR. PEREIRAS: We're hoping to reduce
20 the impact.

21 MR. GARCIA: Actually, I mean, if I
22 recall, if I read the transcript back, I could
23 remember that you said the only way for you to
24 create the parking requirement is with a
25 mechanical parking. We always been showing or

1 myself --

2 MR. PEREIRAS: No, let me correct my
3 testimony. The only way we can meet a
4 non-variance application for the number of units
5 that we were presenting is with mechanical
6 parking. We could present the same project with
7 parking, no mechanical system and meet the parking
8 variance. All we would have to do is reduce the
9 number of units. And if this board came to me and
10 said that, we would have done that five meetings
11 ago. We simply have been following your
12 recommendations and moving forward.

13 MR. GARCIA: Mr. Pereiras, I really have
14 a lot of respect for you, but I never agree with
15 you when you said, like, you follow whatever --
16 no. We don't give instruction, you don't have to
17 follow whatever we said, you know what I mean?
18 With all due respect, we hold an opinion here, you
19 take whatever from us, but that doesn't mean that
20 I'm instructing you or giving a suggestion what to
21 do, you know what I mean? So with all due
22 respect, you know I have a lot of respect for you.

23 MR. PEREIRAS: Absolutely. And it's
24 mutual.

25 MR. GARCIA: Thank you. Let's take a

1 two minute break. You make the call and talk to
2 your client.

3

4 (Whereupon a short recess was taken.)

5

6 MR. PANEQUE: Back on the record,
7 please. Ms. Pereiras, your request is to adjourn
8 the matter?

9

MS. PEREIRAS: It is.

10 MR. PANEQUE: Does your client waive the
11 statutory time limits in which this board has to
12 respond to this application?

13

MS. PEREIRAS: Of course he does.

14

15 MR. PANEQUE: Mr. Chairman, it's up to
you.

16

17 CHAIRPERSON GRULLON: I mean, since
you're waiving the statutory rights.

18

19 MR. GARCIA: I'm going to have a legal
20 question to our -- Mr. Paneque. Mr. Paneque,
21 legally, what happens if they waive the statutory,
22 then there's not going to be any issue later on,
it's legally -- we're legally protected?

23

24 MR. PANEQUE: The statute requires this
25 board to act within a certain time period from the
time the application is being --

1 MR. VALLEJO: 90 days.

2 MR. PANEQUE: However, every time that
3 we've been back, it has been at the request of the
4 applicant to adjourn the application in order to
5 make certain accommodations and changes to the
6 plans. They've done those changes. They've made
7 accommodations, I believe, you also noticed twice?

8 MS. PEREIRAS: We have.

9 MR. PANEQUE: Okay. So if the request
10 is coming from the applicant, they cannot use the
11 statute against the board in going to the Superior
12 Court and asking the Superior Court for approval
13 based on the nonaction of the board. This board
14 is acting, the request is coming from the
15 applicant. If the applicant is waiving the
16 statutory requirements, we can request the
17 adjournment or deny it and take a vote on it.
18 It's up to the board. But we're not creating a
19 prejudice for this board by either accepting it or
20 denying it.

21 MR. GARCIA: Okay. We have no prior
22 cases that have -- that applicant refers to for
23 any further issue?

24 MR. PANEQUE: No, because they're the
25 ones requesting the adjournment.

1 MR. GARCIA: Okay.

2 MR. PANEQUE: If it was the board
3 adjourning the matter, it would be a different
4 case. The applicant is the one requesting the
5 adjournment in order to make certain
6 accommodations to the application.

7 MR. GARCIA: Okay.

8 CHAIRPERSON GRULLON: Okay. With that,
9 I accept the request to adjourn this application
10 and you'll be providing revised plans and we also
11 have your expert at that time.

12 MS. PEREIRAS: We'll have him here and
13 present at that time.

14 CHAIRPERSON GRULLON: That's one of the
15 main reasons why you're requesting the adjournment
16 now, because your expert is not present?

17 MS. PEREIRAS: That is correct, Mr.
18 Chairman.

19 CHAIRPERSON GRULLON: Thank you. I make
20 a motion to adjourn this application.

21 MR. VALLEJO: Motion on the table to
22 adjourn this application for November 9, 2023,
23 same place, same time.

24 MR. GARCIA: I second.

25 MR. VALLEJO: By Mr. Grullon. Seconded

1 by Mr. Garcia.

2 Roll call on the motion. 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. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Seven in favor, motion
17 carries.

18 MS. PEREIRAS: Thank you very much.

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1 **B & V INVESTMENT, LLC -**
2 **3810-14 32ND STREET:**

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

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Bianca Pereiras on behalf of the applicant. If
9 the board may recall, we were here in front of you
10 last month at which time we presented testimony on
11 this application. The board had a few
12 recommendations and we went back to the drawing
13 board. We were overly optimistic, we expected to
14 have revised drawings to this board ten days in
15 advance, but we are still modifying that
16 application to something that is most suitable in
17 our opinion and hopefully amenable to the board.
18 As such, I do ask for a brief adjournment on this
19 matter, hopefully to the November 9th date, at
20 which time this board will have revised drawings.

21 MR. GARCIA: This one also has been
22 adjourned from --

23 CHAIRPERSON GRULLON: You're waiving the
24 statutory rights?

25 MS. PEREIRAS: Of course, we do.

1 CHAIRPERSON GRULLON: Mr. Paneque, this
2 application is also another application that we
3 have over 90 days.

4 MR. GARCIA: Since May.

5 MS. PEREIRAS: If I may, Mr. Chairman, I
6 requested an adjournment in July and then last
7 month after hearing the comments of the board.
8 The prior adjournments were at the request of the
9 board. I believe it was just too many
10 applications and no one was going to keep anybody
11 after 10:00 p.m., and we had no objections to the
12 adjournments at that time.

13 CHAIRPERSON GRULLON: So I recall that.
14 It was a meeting in June that we requested because
15 of the timing that we have at the board. But this
16 is the third carry request by your requests.

17 MS. PEREIRAS: This our second -- third
18 request, you could say.

19 MR. GARCIA: July, September, and
20 October.

21 CHAIRPERSON GRULLON: For the record,
22 Mr. Paneque, they're waiving the statutory rights,
23 we're legally protected by allowing this to
24 happen?

25 MR. PANEQUE: Yes. As I previously

1 stated, this particular circumstance as well, Ms.
2 Pereiras, as the attorney for the applicant, is
3 the one requesting the board to carry this matter.
4 The board, based on the fact that Ms. Pereiras has
5 waived the statutory time limits in which this
6 board has to answer and hear this application, can
7 very well grant the adjournment request to the
8 next meeting.

9 CHAIRPERSON GRULLON: With that, I make
10 a motion to adjourn it to the next meeting.

11 VICE CHAIRPERSON GUTIERREZ: I'll second
12 it.

13 MR. VALLEJO: Motion to adjourn this
14 application for November 9, 2023, same place, same
15 time, by Mr. Grullon. 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: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 MR. GARCIA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Seven in favor, motion
6 carries. No new notice required.

7 MS. PEREIRAS: Thank you very much.

8 MR. PANEQUE: For any of the members in
9 the audience who are here on the application for
10 3810-14 32nd Street, this application is being
11 carried to the next meeting, November 9, 2023, at
12 6 p.m. at this location. There will be no further
13 notices other than the one you've received
14 tonight.

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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. Ms. Pereiras, please.

7 This application has been adjourned June
8 8, 2023, July 6, 2023, and September 14, 2023.

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

11 I've been provided by Ms. Pereiras with
12 the certification as to publication and service
13 with respect to notice given to all property
14 owners within the 200 foot radius of 411 38th
15 Street. Said notice was given on or about
16 September 30, 2023.

17 I've been provided with an affidavit
18 from The Jersey Journal indicating that notice of
19 tonight's hearing at this location, the Union City
20 High School, with respect to the property at 411
21 38th Street was published in The Jersey Journal on
22 October 2, 2023.

23 I also have a tax list from the tax
24 assessor's office noting all property owners
25 within the 200 foot radius of 411 38th Street.

1 Said tax list has a date of September 29, 2023.

2 And I've been provided with the
3 certified mail receipts with a postmark date of
4 September 30, 2023.

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

8 MS. RIVERA: Thank you very much,
9 Counsel. Bianca Pereiras on behalf of the
10 applicant for property at 411 38th Street, also
11 known as Lot 22 in Block 220.

12 The application before the board this
13 evening is to legalize residential units as well
14 as a Bible study. These units and the Bible study
15 have been in existence for many, many years.
16 There's actually quite a bit of paperwork going
17 back and forth between the building department and
18 our client regarding eight units and the Bible
19 study. Unfortunately, the building department and
20 my client could not located a C of O for those
21 units. So we're here just to correct the
22 situation, address the entire building as a whole,
23 and make sure that every unit that's existing is
24 legal and recognized by this board.

25 Obviously, everything will be brought up

1 to code as well. We have two experts to testify
2 before the board this evening. We also have our
3 applicant here in case the board has any questions
4 of him. Mr. Pereiras.

5

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

7

8 MR. PEREIRAS: Manny Pereiras, I
9 recognize I am still under oath.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with 411 38th Street?

12 MR. PEREIRAS: I am.

13 MR. PANEQUE: Ms. Pereiras, I'm sorry.
14 Before we proceed with Mr. Pereiras, your
15 application is to legalize a ground floor studio
16 apartment and a Bible study program?

17 MS. RIVERA: So we came in originally
18 with that application, at which time we received a
19 memo from the building department at the last
20 meeting where it said that they only recognized
21 five residential units.

22 As such, we revised the drawings as well
23 as our notice, that's why we provided notice to
24 the board this evening to address the fact that
25 we're legalizing the entire building as a whole,

1 so it's three additional units from the five that
2 are recognized by the building department, plus
3 the Bible study space.

4 MR. PANEQUE: So you're going from five
5 residential units to eight?

6 MS. PEREIRAS: Correct.

7 MR. PANEQUE: Plus the commercial space
8 with the Bible study?

9 MS. RIVERA: Correct.

10 MR. PANEQUE: Okay. For the record, the
11 building department has a memorandum to the board
12 which indicates this property was recognized in
13 the building department based on the tax records
14 as five units and one commercial structure. If
15 this board deems fit to approve this application,
16 it's going to go from five units to eight with the
17 commercial space, which is currently being used as
18 a Bible study?

19 MS. PEREIRAS: Correct.

20 MR. PANEQUE: Thank you and I apologize
21 for the interruption. I needed to clear that up.

22 MS. PEREIRAS: Mr. Pereiras, would you
23 kindly describe the project for board?

24 MR. PEREIRAS: I'd be very happy to. I
25 think the most critical aspect of this project is

1 to understand that it is fully occupied. There
2 are tenants in each one of the spaces and one of
3 our goals is to not displace anyone and allow the
4 tenancies to continue in the building.

5 As we heard earlier this evening,
6 sometimes the records at the building department
7 aren't as accurate as we hope them to be. On the
8 site that you see on my right here, we have a
9 building that occupies the majority of the site.
10 The front of the building is a four-story
11 structure. That four-story structure is divided
12 with two apartments on each of the floors going
13 up. And then in the rear, there's a two-story
14 portion and then a studio apartment all the way at
15 the end. And I'm going to walk you through each
16 of those pieces.

17 Just to go through our variances as far
18 as existing nonconformities, we have an existing
19 nonconformity for front yard. We're at -- zero is
20 required and we have zero, so there's no
21 nonconformity there. We have an existing
22 nonconformity when it comes to building coverage,
23 where 84 percent, whereas 80 is permitted in this
24 district. And we have an existing nonconformity
25 that we're expanding regarding parking.

1 Turning now to sheet Z02, we see the
2 existing conditions of the building, which are the
3 conditions we propose to remain. We see on the
4 left-hand side an existing basement. That
5 basement is simply mechanical units. We have hot
6 water heaters there, mechanical equipment,
7 boilers, electric meters, gas meters, and such.

8 The ground floor with the entrance off
9 38th Street is the existing Bible study area.
10 There are two large restrooms along the back and
11 then the rest is used for Bible study and
12 religious studies. And that is a congregation
13 that has been existing there for several years.
14 Then if you look at the building on the left-hand
15 side, there is a courtyard that's five feet wide
16 that leads you to a studio in the back. Yes, this
17 is a small studio. We're asking for a variance,
18 density variance there because it's a 288-square
19 foot studio. The resident has lived there for
20 quite some time and we're looking to allow him to
21 continue in that studio and bring it up to code.
22 That studio in particular already has a sprinkler
23 system in it. And it is very safe from a
24 construction standpoint. The exit is directly to
25 the street through that courtyard.

1 If you take the building and you go up
2 the stairs from 38th Street, you enter into a
3 common hallway, the common hallway shows that the
4 floor plate is divided in half. You have one
5 apartment in the rear that's 619 square feet, two
6 bedroom; and one to the front that's 370 square
7 feet. Since the building department only
8 recognized five out of the eight units, we really
9 don't know what that sixth unit is. And we've
10 designated on our drawings that unit here as the
11 proposed unit on -- the first apartment on the
12 rear.

13 The second unit would be the studio
14 apartment and the third unit being that rear unit
15 along here, which is accessed from the ground
16 floor, the steps along the back. It's a
17 two-bedroom unit of 947 square feet.

18 CHAIRPERSON GRULLON: Mr. Pereiras, is
19 that sheet Z02.

20 MR. PEREIRAS: That's correct, sheet
21 Z02. And I think my print is pretty poor. For
22 some reason it didn't come out because I know we
23 have dimensions on the right-hand side. But it
24 didn't come out on this presentation.

25 The third floor is, again, the same

1 floor plate as below, the building is divided in
2 two. The apartment towards the south is 553
3 square feet, the apartment towards the north is
4 549 square feet. And the floor above, the fourth
5 floor, is the exact same floor plate, again as the
6 floor below. However, in this floor plate it's
7 only a one-bedroom apartment along the south side
8 and a two-bedroom apartment along the rear.
9 Again, these are preexisting floors, apartments
10 without question.

11 The three that we're looking to legalize
12 are the studio apartment, the rear second floor
13 apartment, and what we call as apartment number
14 one, which is the second floor south side of the
15 building, and the Bible study along the ground
16 floor.

17 Again, these are all preexisting
18 nonconforming conditions that we're not looking to
19 modify in any way, simply bring it to safety
20 standards for the safety of the building and the
21 inhabitants and the neighbors. That concludes my
22 testimony.

23 CHAIRPERSON GRULLON: Do you have any
24 other witnesses?

25 MS. PEREIRAS: We do. We have our

1 planner.

2

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

6

7 MR. DOUGHERTY: Alex Dougherty,
8 professional planner. I've testified in front of
9 this board last month. My licenses are still
10 current, in good standing.

11 CHAIRPERSON GRULLON: We accept your
12 qualifications, Mr. Dougherty.

13 MR. DOUGHERTY: If it pleases the board,
14 I'll pass out an exhibit packet I prepared back in
15 July, earlier this year. And it consists of seven
16 sheets consisting of maps and photographs for
17 orientation purposes.

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

19 MR. DOUGHERTY: Slide one, as you can
20 see is located in red, the City zoning map. As we
21 see we are in the red CN neighborhood commercial
22 zone, towards the middle with the red circle and
23 red arrow.

24 When we turn the page here, slide two is
25 a lens from NJ DEP's GeoWeb. Property in question

1 is outlined in red. The point of this exercise is
2 to indicate exactly where we are with some of the
3 built environments. We are just a few steps away
4 from Bergenline, we have mass transit relatively
5 available, as you can see with the little bus
6 terminals off of New York Ave. and Bergenline Ave.

7 We do have other religious facilities
8 nearby, on the same block as well as one block
9 north, St. Augustine's Roman Catholic, and we have
10 the church of San Lazaro. As we see the property
11 in question, the lots next to it identified with
12 the P, fairly large asphalt parking lot. This
13 building is pretty visible.

14 Slide three shows you the front
15 elevation from the public realm. It's fairly well
16 hidden, right in the front, on the sidewalk and
17 the street, got some nice foliage there. You can
18 see there's some apartment buildings on top. We
19 have that storefront with the awning, the
20 traditional look here. Again, we are 411 38th
21 Street.

22 Took the drone out, these photos were
23 taken by me on July 3rd. Slide four, you kind of
24 see a side profile of the building. What's
25 important to note when you look at this building,

1 lot coverage is at 100 percent. It's a fairly
2 large building, the front from the public realm
3 may be deceiving, but it certainly continues all
4 the way to the back.

5 As the architect described, we do have
6 some existing apartments here in the rear. And I
7 think this photograph accurately demonstrates, as
8 you can see we have some air conditioners hanging
9 off the side of the building, we do have some
10 personal items in the courtyard.

11 As described earlier, we have the
12 parking lot right in the foreground here. So the
13 site is fairly visible from a side profile. I
14 took the drone a little closer to give you a
15 better perspective on the courtyard. As you can
16 see, we have some lawn chairs, personal items,
17 trash cans. We do have the window there on the
18 first floor with the AC hanging out, on the second
19 floor in the back. There are some apartments back
20 there. We are here to legalize those three units
21 as described as well the Bible study.

22 We do have a private gate that separates
23 the residential apartments from the religious
24 intent of the property, from the public realm.
25 And, again, you see the door there off in the

1 shadows on slide six. We have a door on the first
2 floor again where you have the steps going up to
3 the apartment in the rear.

4 Slide seven is a collage of, you know,
5 the built environment as it relates to Bergenline
6 and the surrounding neighborhoods. Top left, you
7 can see we have a fairly large mixed use building
8 here with a laundromat on the first floor again
9 just steps away. Top right, we have a dental
10 facility, again, just a few steps away. The
11 bottom left here, we have several medical
12 facilities. As you can see, the urgent care again
13 just a few steps away. And then we do have, I
14 believe it's the school on that bottom right, if
15 my memory serves me correctly.

16 So from a location standpoint, it's a
17 fairly good pocket neighborhood. We're here
18 really for the legalization and recognition of
19 these units and the religious facility as it
20 exists in the property. We are in a CN
21 neighborhood commercial district.

22 With that being said, the plan is to
23 modify and retrofit the existing interior, there
24 really is no exterior changes to the site. You
25 know, bring the building up to fire code and

1 building codes and safety concerns of that
2 narrative.

3 We are here for the place of worship as
4 well. And with that being said, we typically see
5 this application as a (d) (1) not permitted use.
6 The Bible study and religious attributes that
7 associate with the Bible and religious education.
8 As a planner, I believe this would fall under what
9 we call the Sica test, inherently beneficial use.
10 But nonetheless, we do, in my opinion satisfy a
11 (d) (1), which is a more stringent criteria, if you
12 will, the Medici test. We'll go through Medici
13 really quick and then we'll touch on the
14 inherently beneficial criteria.

15 Medici, four prong test. One, site
16 suitability. I think the site is particularly
17 suited for the use by virtue of the condition and
18 the context. Condition wise, as we've heard, the
19 site is already being used for residential, these
20 are existing residential units. At the same time,
21 in this manner, this is a retrofit, the massing is
22 not changing, it's all internal to the site. It's
23 a fairly large site as you see by the photographs.
24 In the context, the neighboring land uses are
25 predominantly mixed. We're outside the large

1 metropolitan city in the area. This is PA1, we
2 have good communal amenities at your doorstep, we
3 have mass transit at the doorstep. We have
4 employment opportunities, shopping opportunities,
5 healthcare, and the typical day-to-day needs such
6 as laundromat and transportation.

7 In the context of things, recognizing
8 the three additional units, I believe in the
9 context of this neighborhood, really do work and
10 blend in well, no real detriment. For the
11 tenants, the use itself, as well as the
12 surrounding neighborhood is fairly built out.

13 Prong two, special reasons. This use or
14 this application promotes the land use law,
15 promotes the general welfare with new housing
16 stock for a growing population, the project
17 promotes the planning goals to provide diversified
18 housing to meet the needs of all citizens. Again,
19 the project retains and improves what's there.
20 The improvements add value and quality to the
21 site, which again add value and quality to the
22 neighborhood. The project promotes the efficient
23 land use in a variety of land uses. We have also
24 economy of scale, appropriate populations in
25 appropriate locations. And, again, positive

1 aesthetics. We're not changing the outside, this
2 is just retrofit. The building from the front,
3 the street looks fairly nice. Got nice street
4 trees, got the nice, you know, commercial look on
5 the first floor with the awning, with the Bible
6 studies intended to be. As we heard, we have
7 adequate separation between the religious study
8 and the residential.

9 With all that being said, we advance
10 purposes of the Municipal Land Use Law, purpose A,
11 E, G, I, M. When we look at the public impact,
12 the negative criteria. I believe the relief can
13 be granted without substantial detriment. I say
14 that because as you've heard these uses,
15 residential, have existed here for some time. And
16 any negative impacts associated with it, whether
17 it be parking, and in that regards, that's been
18 absorbed. That's been addressed in the
19 neighborhood just by virtue of it existing. If
20 there was substantial detriment, this would have
21 been picked up some years ago.

22 We have sworn testimony that the site
23 will be built to applicable building codes and
24 fire regulations and designed in accordance with
25 all those codes. We believe the units are

1 comfortably sized for what we need. We have a
2 healthy balance of studios, one bedrooms, and the
3 like. I don't believe there's overcrowding.
4 We're asking for eight units, the building is
5 fairly large. And we offer a variety of unit
6 types. The building its overall mass I believe is
7 compatible with the area, there is no change.
8 It's internal use of space we're dealing with.
9 And housing is a need.

10 When we look at part four, the zone plan
11 impact, I don't believe this would cause
12 substantial plan impairment. This is a studio
13 unit one of them we're talking about, located on
14 the ground floor. When we look at this, it's not
15 tantamount to rezone, it's a small retrofit and
16 acknowledgement of some of the existing units in
17 there. It's not a new housing development coming
18 on line, it's an existing structure, adaptive
19 reuse.

20 The structure is not substantially
21 altered in such a way that future uses within the
22 zone may not accommodate the site. Integrity of
23 the zone is very much intact. Again, this is
24 merely a retrofit of the interior use of the
25 building.

1 The upper floors, if we look at really
2 retrofitting this building and accommodating,
3 again, we have the studio, one bedrooms, we can
4 take these existing five units and, you know, move
5 some walls around, put some internal staircases
6 and utilize these independent units as bedroom
7 accommodations.

8 I say that because the yield would not
9 change if we expanded the units to accommodate
10 them as bedrooms. So we would have five units, we
11 would have additional bedrooms. With think this
12 is a more appropriate option for diversified
13 housing choices for the community.

14 With that said, we'll look at some of
15 the master plan intents and re-examinations, to
16 preserve the character of the community. Again,
17 these are existing units for some time. Encourage
18 economic development, we're putting appropriate
19 populations next to your major corridor and your
20 shopping centers. Preserve and protect the
21 established residential character, promote and
22 reenforce the City as a desirable residential
23 location and attractive shopping, entertainment,
24 recreation destination. To improve the quality of
25 life of the residents in Union City. Some

1 residents may not need a two-bedroom apartment or
2 a three-bedroom apartment, they may need housing.
3 So we're improving quality of life, we're
4 promoting and reenforcing the City as a shopping
5 district, the residential location, desire to live
6 and work and shop and play within Union City. And
7 we're preserving the established residential
8 character. Again, this has been here for quite
9 some time. That was from your 2021 re-examination
10 report of April.

11 When I look at religious facility, if
12 you will, the Bible study, I believe would fall
13 under the Sica test. And there's four parts of
14 the Sica test. One, evaluate the public interest
15 being served by the inherently beneficial use.
16 Identify any adverse impacts of granting the
17 variance to allow for the Bible study. Consider
18 reasonable conditions with -- that might mitigate
19 these impacts that we may discuss. Four, balance
20 the public interest versus adverse impacts, is
21 there substantial detriment to the public if the
22 variances are granted.

23 We're asking for the Bible study, it
24 serves the greater community, you see there's a
25 few other religious facilities there. It's an

1 educational, it builds community character. I do
2 not see a detriment with a Bible study on the
3 ground floor in the mixed use setting such as
4 this.

5 We do have some interrelated C relief
6 that would be subsumed within the D relief.
7 Nonetheless, we have zero parking. It's an
8 existing condition that's to remain at the site,
9 associated with the site for some time. Again, if
10 we were to interconnect the spaces that are used
11 as independent units to add additional bedrooms,
12 the yield of people living in the property would
13 still be the same. Again, we would still have
14 zero parking. We are next to mass transit.

15 With that being said, I'll conclude. I
16 think this project is suitable for this location.
17 I think a Bible study is appropriate and I believe
18 statutory criteria for relief has been met and
19 approval would be warranted.

20 CHAIRPERSON GRULLON: Thank you, Mr.
21 Dougherty. First question, is the title of the --

22 MR. DOUGHERTY: I missed the 3 on the
23 title.

24 CHAIRPERSON GRULLON: The title of the
25 pictures here says 411 8th Street.

1 MR. DOUGHERTY: I missed the 3 for 38th
2 Street.

3 CHAIRPERSON GRULLON: I see because I'm
4 looking all --

5 MR. DOUGHERTY: I'm sorry about that.
6 On mine, I penciled in. I thought we got them on
7 all of them.

8 CHAIRPERSON GRULLON: Then you mentioned
9 at one point that it would be an opportunity to
10 enlarge this living space here and convert these
11 units into less units and more living space?

12 MR. DOUGHERTY: If we were going to
13 entertain that idea, I personally, as a planner,
14 think having the balance of units would be
15 appropriate. We have five, you know, it may need
16 to come back to expand upon those units. But at
17 the end of the day, I think to allow a variety of
18 housing choices and options, I think promotes
19 purpose A of the Municipal Land Use Law, to
20 provide the housing. Purpose E for appropriate
21 densities in appropriate locations. I don't see
22 any detriment to allow for some of these smaller
23 apartments to come online. We're at five, we're
24 asking for eight. We're trying to recognize the
25 eight.

1 MS. PEREIRAS: Mr. Grullon, these
2 apartments are all occupied. And the main goal of
3 the application was not to displace anybody.

4 CHAIRPERSON GRULLON: My only concern is
5 with apartment number 2 is 370 square feet because
6 it's two bedrooms. I think that's really small
7 two-bedroom apartment.

8 MR. PEREIRAS: We agree. We can modify
9 that to a one-bedroom. However, please keep in
10 mind there's a family already living there and
11 occupying it. So our goal is not to displace
12 them. But if this board thinks that's
13 appropriate, we'd be happy to.

14 CHAIRPERSON GRULLON: Mr. Spatz, on this
15 unit, they're all undersized, all of them?

16 MR. SPATZ: They're on the small side,
17 not all of them are -- don't meet the ordinance,
18 but they're on the small side, yes.

19 MR. DOUGHERTY: I think what's
20 appropriate when we look at the overall conditions
21 is does it have adequate, you know, egress and is
22 it going to meet the code and fire code. We
23 certainly don't want to put anyone in units that
24 are going to be unsafe and have a negative impact
25 on their wellbeing. They are small, somebody may

1 not be able to afford a 3,000-square foot
2 penthouse.

3 CHAIRPERSON GRULLON: Ms. Pereira, you
4 say that all these units are occupied presently?

5 MS. PEREIRAS: They are, correct.

6 CHAIRPERSON GRULLON: The reason why
7 you're here is because there are only five legal
8 units?

9 MS. PEREIRAS: Right, there's a
10 discrepancy --

11 CHAIRPERSON GRULLON: Did the building
12 department require you to vacate those units that
13 were not legal?

14 MS. PEREIRAS: No.

15 MR. PEREIRAS: We've already had
16 conversations with the building department on how
17 to attack this and comply. And one of the -- you
18 know, considering this preexisting nonconforming
19 unit, there are ways that we can do that and
20 maintain the occupancy of the units. So that's
21 our goal. And we were looking, if this board
22 would see favorably, those occupants would all
23 remain.

24 CHAIRPERSON GRULLON: The other thing
25 with this is the opportunity to bring the building

1 up to code.

2 MR. PEREIRAS: Yes.

3 CHAIRPERSON GRULLON: Could you testify
4 how you're approaching that?

5 MR. PEREIRAS: It's a wonderful
6 opportunity. And we're actually dealing with a
7 very good landlord and it's a very good building
8 that's been kept pretty well. First and foremost,
9 it's a masonry building, so the walls, the
10 exterior walls are brick. We have five escapes in
11 the front and the back of the building. Since
12 it's such a tight building, that's a huge benefit
13 to this building because there's a second means of
14 egress from every single apartment. Not only do
15 they have the center core that meets all the fire
16 code requirements, they also have the secondary
17 egress from the front and the back through the
18 fire escapes.

19 Now, everything that is considered
20 legalized is going to have upgrade for fire alarm
21 systems. Now, the upgrade is actually somewhat
22 minimal because they already have the appropriate
23 fire alarms throughout the building, because it
24 has been registered with the state and they have
25 been obtaining green cards, it's been meeting all

1 those requirements. So there's very minimal
2 changes from fire alarm.

3 What we are going to be upgrading in
4 these units is the fire resistance rating or the
5 fire separation between those units and the
6 corridor, and the rest of the building. So we're
7 going to make sure that the proper fire doors are
8 in, the proper egress windows. And it will become
9 a safer -- it is safe and it will become a safer
10 building.

11 CHAIRPERSON GRULLON: There is an
12 alleyway in the inside of the building?

13 MR. PEREIRAS: Correct.

14 CHAIRPERSON GRULLON: That leads over to
15 the studio apartment in the back?

16 MR. PEREIRAS: Yes.

17 CHAIRPERSON GRULLON: I can see that
18 alleyway is open.

19 MR. PEREIRAS: Yes.

20 CHAIRPERSON GRULLON: Is there anything
21 that can be done for safety, you know, put in a
22 gate there in front of the unit -- in front of the
23 corridor?

24 MR. PEREIRAS: Yes, we can do that. We
25 can provide a locked gate.

1 CHAIRPERSON GRULLON: And also provide
2 some lighting there.

3 MR. PEREIRAS: Applicant is nodding his
4 head, we can definitely comply with that, provide
5 lighting and the locked gate.

6 CHAIRPERSON GRULLON: Okay.

7 MR. GARCIA: Which apartment are you
8 legalizing, apartment five?

9 MR. PEREIRAS: We're legalizing the
10 studio, the second floor rear and apartment number
11 one.

12 MR. GARCIA: Apartment number one?

13 MR. DOUGHERTY: 619 square feet.

14 MR. GARCIA: The studio in the back?

15 MR. DOUGHERTY: 947 square feet.

16 MR. GARCIA: Which one is the other one?

17 MR. PEREIRAS: So on the ground floor,
18 there's an apartment in the back.

19 MR. GARCIA: That's the one -- the
20 really small one that isn't a studio? And Ms.
21 Pereira stated that they're all occupied?

22 MR. PEREIRAS: They're all occupied.

23 MR. GARCIA: Regarding the Bible study
24 level, it is actually a Bible study?

25 MR. PEREIRAS: It's actually a Bible

1 study. The applicant is the landlord, not the
2 tenants. They are simply a tenant in the
3 building, that's why they're not present here
4 today. But, yes, it's an existing Bible study.

5 MR. GARCIA: Is Rino related to the
6 Bible study?

7 MS. PEREIRAS: No. Rino owns the
8 building. This is a small Bible study, it's not a
9 congregation, it's not a church. It's a group of
10 literally between 10 and 15 people, three times a
11 week, where they meet just to read the Bible and
12 discuss the Bible.

13 CHAIRPERSON GRULLON: That use has been
14 there for?

15 MS. PEREIRAS: It's been there since
16 before my client purchased the property. I
17 believe he purchased in 2012.

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

20 MR. SPATZ: There's an easement that
21 provides access to the studio apartment in the
22 back along the side?

23 MR. PEREIRAS: No, that's on our
24 property.

25 MR. SPATZ: Right, but it's an easement

1 for somebody else?

2 MR. PEREIRAS: No, there's an easement
3 question on the west side of the building.

4 MR. SPATZ: Okay.

5 MR. PEREIRAS: That there's an existing
6 door there. It doesn't have any bearing on this.

7 MR. SPATZ: I think the plan says that
8 it's a light -- my only question is as it relates
9 to putting a gate there, whether that is --

10 MR. GARCIA: It's the east side. The
11 comment that Mr. Grullon mentioned?

12 CHAIRPERSON GRULLON: On the inside.

13 MR. GARCIA: On the inside.

14 MR. SPATZ: Yes.

15 CHAIRPERSON GRULLON: To the parking
16 lot --

17 MR. PEREIRAS: There's a light and air
18 easement as well.

19 MR. SPATZ: Right. Just to look at to
20 make sure that putting a gate there, which is what
21 the board is suggesting, I think is an excellent
22 idea, doesn't somehow violate what that easement
23 says. It might not, but just something to take a
24 look at.

25 MR. PEREIRAS: I'll check.

1 CHAIRPERSON GRULLON: Okay. Any other
2 members of the board?

3 MS. SAN MARTINO: When they said the
4 Bible study, it's like a small room or it's
5 consider as an apartment? Like how --

6 MR. PEREIRAS: The Bible study?

7 MS. SAN MARTINO: Yes.

8 MR. PEREIRAS: It's basically the size
9 of a commercial space. So on sheet Z02, you see
10 they have one room in the front and one room in
11 the back. And then they have restrooms over here.
12 So it's two large rooms.

13 MS. SAN MARTINO: Okay.

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

16 MS. PEREIRAS: We do not, Mr. Chairman.

17 CHAIRPERSON GRULLON: At this point, I
18 want to open to the public. Any member of the
19 public want to step forward on this applications?
20 Hearing none, close to the public.

21 Taking in consideration that this is a
22 preexisting condition and it's occupied by tenants
23 and we don't want to displace tenants from the
24 building, I make a motion with the condition to
25 put the gate on the inside alleyway, and also

1 provide some lighting there. Motion to grant this
2 application from five units to eight units with
3 one commercial.

4 VICE CHAIRPERSON GUTIERREZ: Second.

5 MR. VALLEJO: Motion on the table to
6 grant the application by Mr. Grullon, seconded by
7 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, with the stated condition.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Mr. Garcia.

19 MR. GARCIA: Yes.

20 MR. VALLEJO: Ms. San Martino.

21 MS. SAN MARTINO: Yes.

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

24 MS. PEREIRAS: Thank you all very much.

25 * * * *

1 **2109 WEST UNION CITY, LLC -**

2 **2109 WEST STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 2109 West Union City, LLC. Ms.
6 Pereiras, please.

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

9 I've been provided by Ms. Pereiras with
10 the certification as to publication and service
11 indicating that notice of tonight's hearing was
12 provided to all properties owners within the 200
13 foot radius of 2109 West Street, Union City, New
14 Jersey.

15 I've also been provided with an
16 affidavit from The Jersey Journal indicating that
17 notice of this hearing at this location with
18 respect to the property 2109 West Street was
19 published in the paper on October 2, 2023.

20 I've also been provided with the list
21 from the tax assessor's office dated 9/29, listing
22 all property owners within a 200 foot radius of
23 2109 West Street.

24 And, finally, I've been provided with
25 the certified mail receipts with a postmark date

1 of October 2, 2023.

2 Based on the documentation I've been
3 provided, this board has jurisdiction to proceed
4 and hear this matter.

5 MS. PEREIRAS: Thank you very much,
6 Counsel. Again, Bianca Pereiras on behalf of the
7 applicant for 2109 West Street. The application
8 is an existing two-family, we're going to maintain
9 it as a two-family. We're looking to provide
10 additional living space and bedroom quarters for
11 what is an existing very small two-family. The
12 applicants are here this evening; however, we have
13 one expert to testify before the board this
14 evening and that is our architect, Mr. Manuel
15 Pereiras.

16

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

18

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

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with 2109 West Street?

23 MR. PEREIRAS: I am.

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

1 MR. PEREIRAS: I did.

2 MS. PEREIRAS: Would you kindly describe
3 the proposal to this board?

4 MR. PEREIRAS: I'd be very happy to.
5 I'm happy to be presenting an actual two-family
6 house. It's so often we're legalizing a basement
7 or making it to a three, this is a two-family
8 house which is a permitted use in the district.
9 We have a lot that is 25.49 wide, so we're a
10 little larger than the limit. However, we have a
11 depth of 85.94 and that really is the crux of the
12 problem. That's the hardship that we have. The
13 shallowness of the lot, which really triggers the
14 variances that we're seeking today.

15 Before I get started, I'd like to show
16 you on the tax map that that is typical of the
17 block. All the houses in this neighborhood do
18 have that shallowness of lot. Going to our site
19 plan, the existing house sits in the front, we're
20 not looking to modify that as far as growth in the
21 sides or the front, we're looking to grow towards
22 the back.

23 The northern side yard setback is
24 .5 feet or 5 inches -- it's 5 inches right now.
25 We're looking to extend and expand that side yard

1 to the rear and we're looking to have the side
2 yard on the opposite side in the south side be
3 three foot one, so it's stepping in slightly from
4 the building. And we're looking to do a rear
5 addition that's 33 feet in depth.

6 In addition to that, we're looking to
7 provide -- right now, there's no parking on the
8 site. We're looking to introduce a curb cut so
9 that we can have two cars parked in front of the
10 building. Those cars overlap on the property
11 line, but that is typical of the neighborhood.
12 And it's a wonderful opportunity to get two cars
13 off the street and on to the building.

14 So to be clear, we have preexisting
15 nonconformity when it comes to lot area. We're at
16 2,191 square feet, whereas 2,500 are permitted.
17 We have a preexisting nonconformity with lot
18 depth, 85.54 is existing, whereas 100 is the
19 minimum lot size. Our rear yard, 20 feet is
20 required, we're asking -- we're proposing a
21 variance there and we're providing 10 foot rear
22 yard. Our side yard is three foot one, in the
23 addition and .5 inches, whereas two feet and a
24 total of five feet is required. So we're asking
25 for a variance on that. And that's an expansion

1 of an existing nonconformity. The building
2 coverage, 65 percent is the maximum, we're at
3 71 percent. And the lot coverage, 90 percent is
4 the maximum and we're just shy over that at
5 92 percent. And, again, parking, we are actually
6 reducing the parking demand because we're
7 providing two parking spaces. But we still need a
8 variance for parking because four vehicles would
9 be required and we're only providing two.

10 Turning now to sheet Z02, we see the
11 existing conditions of the house. We have a
12 basement that is not currently in use. We have a
13 ground floor which is apartment number one, which
14 571 square feet for a two-family house that's
15 extremely undersized. And the apartment on the
16 second floor is 636 square feet, also extremely
17 undersized for a typical two-family house.

18 Now on sheet Z04, we see the proposed
19 conditions. We are look to go utilize the
20 basement to increase the square footage of
21 apartment number one. There's an internal
22 stairwell that leads to the basement where we have
23 a family room, a bathroom, and one additional
24 bedroom there. Apartment number one, when you
25 walk in from the street, you have an open dining

1 room, living room, kitchen area, that is 14-4 by
2 13-3. And then you have the private side of the
3 house where we have three bedrooms along there.
4 And those three bedrooms, two of which share one
5 bathroom and then the master suite in the rear,
6 you enter the master suite, it's 14 by 12. And it
7 has a master bathroom and a small walk-in closet
8 in the rear.

9 The floor above is accessed from the
10 stair that's located off the foyer in the front.
11 That stair leads you to a similar design, where we
12 have an open area dining room, kitchen, living
13 room, and then three bedrooms in the rear. A 9
14 foot 6 by 12 bedrooms -- smaller bedrooms, and
15 then a master which is 14-7 by 11-11, almost
16 12 feet, with a walk-in closet and bathroom.

17 In elevation, we're not looking to
18 change the elevation in any way in height or in
19 width off the front of the building. We're simply
20 going to do cosmetic changes to make it
21 significantly more beautiful, replacing the door,
22 replacing the siding, and do different things to
23 make it a lot more attractive. Then the facades,
24 one would be a blind facade off of the property
25 line. And the other would have windows for the

1 bedrooms on the three foot one side.

2 And that concludes my testimony and I am
3 open for questions.

4 MR. GARCIA: Mr. Pereiras, what is Z04
5 proposed floor plan on the left side --

6 CHAIRPERSON GRULLON: The basement, in
7 the basement unit.

8 MR. PEREIRAS: It's not a separate unit.
9 So you access that from the apartment, so that
10 first floor apartment has a duplex into the
11 basement. So we have a family room and a bedroom
12 there.

13 MR. GARCIA: So the first floor going to
14 be four bedroom?

15 MR. PEREIRAS: Correct.

16 CHAIRPERSON GRULLON: With the proposed
17 request is just for rear addition, it's going to
18 remain two-family?

19 MR. PEREIRAS: Correct. The basement
20 added space is actually something that we could
21 just go to the building department and get. The
22 proposal and the reason we're here before this
23 board is because we're triggering variances with
24 the rear addition. And these variances are rear
25 yard and expansion of the side yard.

1 CHAIRPERSON GRULLON: What about the
2 variance for parking, are you affecting the
3 parking count, the requirement?

4 MR. PEREIRAS: So the parking count, ad
5 Mr. Spatz could correct me if I'm wrong, it's two
6 units, two parking spaces per unit. I don't think
7 our ordinance specifies --

8 MR. GARCIA: With three bedroom, two
9 parking?

10 MR. SPATZ: The way the ordinance reads,
11 it's two per bedroom, right.

12 MR. PEREIRAS: Two per apartment.

13 MR. SPATZ: Two per unit. My only
14 question is that the spaces project over the
15 property line. I don't know if the -- I think the
16 Board of Commissioners have to grant the curb cut
17 and then that easement as well, that access over
18 it. So the board has to consider it's not
19 impossible that the Board of Commissioners don't
20 permit the curb cut and therefore there would be
21 no parking on-site.

22 MR. PEREIRAS: So to clarify everything,
23 the parking demand prior to this application was
24 four cars, and zero provided. The parking demand,
25 if this board so sees fit to approve it, will

1 continue to be four parking spaces. However,
2 we're providing two, so we're reducing the
3 variance request that we're having. And as Mr.
4 Spatz stated, absolutely correct, we are over the
5 property line. We need the Mayor's office and the
6 Board of Commissioners to approve the curb cut.
7 But that is the second step after this board
8 should find it fit to approve and it would be a
9 condition on approval.

10 MR. SPATZ: I'm not suggesting it's a
11 particular issue, but that's the process. There
12 is one question, if I may, Mr. Chairman, ask?
13 Since you're putting a rear addition and you
14 really have sort of control over depth, is it
15 possible to maybe take a little bit off each room
16 and, you know, maybe have a 15 foot rear yard
17 versus 10 foot rear yard, just since it is all new
18 construction? Because it's very limited rear
19 yard, that would also reduce the building coverage
20 and it might make it conforming at this point.

21 MR. PEREIRAS: I think that's a great
22 recommendation and we happily could comply with
23 that.

24 CHAIRPERSON GRULLON: Because it's a new
25 construction and you have sufficient space on the,

1 you can reduce the size of the rooms, to allow for
2 more rear yard.

3 MR. PEREIRAS: I agree with the
4 recommendation.

5 MS. WATLEY: I have a question. Is this
6 property occupied?

7 MR. PEREIRAS: It's currently not
8 occupied. The owner is here and she can answer
9 any questions you may have as far as that.

10 MR. GARCIA: This is going to be
11 completely new construction?

12 MR. PEREIRAS: It's currently gutted
13 right now, so there's a shell in this building.

14 MR. GARCIA: It's going to be new
15 facade, right?

16 MR. PEREIRAS: We're using the existing
17 structure, so all that front and four walls are
18 going to remain, we're simply blowing it back.

19 MR. GARCIA: I still have my concern
20 about the parking. Because it's --

21 MR. SPATZ: It's not really changed as a
22 result of what action is taking place. And if the
23 Board of Commissioners does approve the curb cut
24 and the space encroaching into the right-of-way,
25 then they've picked up two spaces. Otherwise,

1 it's the same condition as now.

2 CHAIRPERSON GRULLON: And that condition
3 is on the adjacent property already.

4 MR. SPATZ: Right. It currently exists
5 and, you know, I guess the balance is also losing
6 one street space to pick up two spaces on the
7 property. You know, the Board of Commissioners
8 would have to weigh that as to which direction
9 they want to go.

10 CHAIRPERSON GRULLON: Do you have any
11 other witnesses?

12 MS. PEREIRAS: We do not. The applicant
13 is here in case the board has any questions. But
14 as far as testimony, no, we are done.

15 MR. GARCIA: When did your client
16 purchase the property?

17 MS. PEREIRAS: I'll let you know right
18 now, so I can give you the exact date. 2014.

19 MR. GARCIA: Another question is the
20 first -- so apartment number one is going to have
21 1,800 square feet?

22 MR. PEREIRAS: Counting both floors,
23 it's 18.

24 MR. GARCIA: Everything.

25 MR. PEREIRAS: It will be reduced now

1 that we're increasing the rear yard setback. So
2 the square footage will come down.

3 MS. SAN MARTINO: You say it's not
4 occupied right now, but how long have they been
5 empty?

6 MS. PEREIRAS: Let's call up the
7 applicant, she can best address that.

8
9 Y U A N Y U A N, after having been duly sworn
10 or affirmed, did testify as follows:

11
12 MS. YUAN: Yuan Yuan, Y-U-A-N Y-U-A-N.
13 2109 West Street.

14 MS. PEREIRAS: The question that was
15 posed by the board is how long has this property
16 been empty?

17 MS. YUAN: A year, I think about a year.

18 MS. PEREIRAS: And is it your intention
19 to address this building for your own use and
20 occupancy?

21 MS. YUAN: Yeah, me, my family, and my
22 parents. They immigrated to here last year, so we
23 want to live together.

24 CHAIRPERSON GRULLON: Okay, thank you.

25 MS. YUAN: Thank you.

1 CHAIRPERSON GRULLON: Mr. Pereiras, are
2 you proposing to do anything with the exterior of
3 the building?

4 MR. PEREIRAS: We're proposing to clean
5 up the entire exterior, new siding, new door, new
6 windows.

7 CHAIRPERSON GRULLON: The adjacent
8 property, I can see they are set back.

9 MR. GARCIA: Let me correct something.

10 CHAIRPERSON GRULLON: I'm just trying to
11 understand if you put a car in front of the
12 building.

13 MR. PEREIRAS: I believe all the
14 buildings are in line with each other. And the
15 buildings that do have parking have the same
16 setback and same condition as us. That said,
17 we're overlapping the property.

18 MR. GARCIA: I think 2113 don't.

19 MR. PEREIRAS: It's a straight line.

20 If you do a perspective line, it's a
21 straight line. That means they're set back the
22 same, it's just an optical illusion that they're
23 setback further. And the survey will show that
24 the adjacent building is at the same height, the
25 one to the right.

1 CHAIRPERSON GRULLON: The distance.

2 MR. PEREIRAS: It's the same.

3 CHAIRPERSON GRULLON: What do you have?

4 MR. PEREIRAS: It's nine foot four.

5 CHAIRPERSON GRULLON: From the edge of
6 the building?

7 MR. PEREIRAS: Correct.

8 CHAIRPERSON GRULLON: A car is typically
9 18.

10 MR. PEREIRAS: It's 16. Parking space
11 is typically 18 in Union City. A typical parking
12 space in Union City, the requirements are 9 by 18.
13 And as we just checked the satellite picture,
14 they're setback exactly the same all across.

15 CHAIRPERSON GRULLON: My only concern is
16 the parking and pulling a car in front of the
17 building, it's going to be blocking the sidewalk.
18 But as you mentioned, Mr. Spatz, they have to go
19 and get approval at the Board of Commissioners.

20 MR. SPATZ: That's correct. Only the
21 Board of Commissioners can grant that curb cut as
22 well as allowing the car to extend over the
23 property line.

24 CHAIRPERSON GRULLON: Sure.

25 MR. SPATZ: They're the ones who do it.

1 CHAIRPERSON GRULLON: In the event we
2 grant this application, we're not granting
3 parking.

4 MR. SPATZ: I think the resolution --
5 and I'll leave that up to Mr. Paneque -- the
6 resolution would sort of have the two conditions,
7 that in the event a curb cut was granted, there's
8 a variance for two cars. If the Board of
9 Commissioners does not grant the variance, then
10 there would be -- does not grant the curb cut,
11 there would be a variance for four cars. I don't
12 think if you want to make it a condition of
13 approval, but I think you could address it in the
14 resolution.

15 MR. PANEQUE: Yes. As Mr. Spatz
16 indicated, because the proposed parking does
17 encroach into the right-of-way, which is the
18 sidewalk, the applicant -- if this board deemed to
19 approve this application -- would still need
20 approval from the Board of Commissioners. And if
21 the Board of Commissioners denied it, then
22 basically this property would be continued as a
23 two-family with the existing parking situation and
24 it would not have parking in the front.

25 MR. GARCIA: Which one is your

1 recommendation, Mr. Paneque? Do they go for the
2 Board of Commissioners and then come back here or
3 I feel more comfortable they go there, if they
4 have it granted, then come back here.

5 MR. PANEQUE: That's a decision for the
6 board to make.

7 MR. GARCIA: Okay.

8 MR. PANEQUE: It's not really a legal
9 question.

10 MR. GARCIA: Okay.

11 MR. PANEQUE: There appears to be
12 precedent on that city block of other driveways
13 that appear to be cutting into the right-of-way,
14 just from the pictures that were submitted as part
15 of the site plan.

16 So whether the Board of Commissioners
17 will approve an additional curb cut and
18 encroachment into the right-of-way, that's to be
19 seen. But you know this board has to decide
20 whether to approve the addition to the property or
21 not.

22 MR. PEREIRAS: And this scenario is very
23 similar to what happens on every project. This
24 board may grant an approval, we still need to get
25 permits, we still need to get approvals from the

1 building department. Sometimes we need to get
2 approvals from the county. So these are
3 conditions that have to be met in order to meet
4 the board's approval. And this is just another
5 one of those situations.

6 MR. PANEQUE: What this board can make
7 their approval is conditioned on the Board of
8 Commissioners granting them the parking. And this
9 resolution can read that if the Board of
10 Commissioners denies them their parking curb cut
11 and encroachment, then the approval is null and
12 void.

13 MR. PEREIRAS: Or how Mr. Spatz
14 suggested that the parking is null and void, but
15 the approval will stand.

16 MR. SPATZ: Yeah.

17 MR. PANEQUE: I think this board is
18 looking to approve this with the parking.

19 CHAIRPERSON GRULLON: With the
20 condition. We don't want to make this situation
21 with parking worse. We'd like to see two parking
22 spaces be provided there, but it's not our
23 jurisdiction to approve it. I would say that we
24 would be more inclined in putting that as a
25 condition of this approval, pending approval of

1 the parking spaces. You say you don't have any
2 other witness?

3 MS. PEREIRAS: I do not. I just want a
4 minute to clarify what the proposal is on the
5 table, a minute just to make sure my client
6 understands.

7 CHAIRPERSON GRULLON: Off the record.

8
9 (Discussion held off the record.)

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

13 MS. PEREIRAS: Thank you for the
14 opportunity. I addressed the option that the
15 board is giving us with my client and we have no
16 objection to that being written in the resolution.

17 MR. PANEQUE: So just so that we're
18 clear, if this board deemed fit to approve this
19 extension to this two-family house, it would be
20 conditioned on the applicant also receiving the
21 approval from the Board of Commissioners for the
22 curb cut and encroachment in the right-of-way.
23 And just to take that to the next step, if said
24 approval is denied by the Board of Commissioners,
25 then this resolution will also be null and void.

1 MR. GARCIA: I hear the proposal -- I'm
2 going to vote for something that say two parking
3 provide and it's not provided, it's like in the
4 air.

5 MR. PANEQUE: Yeah, but it's conditioned
6 on the board approval, Board of Commissioners.

7 CHAIRPERSON GRULLON: Any other members
8 of the board have any questions? Hearing none,
9 open to the public. Any member of the public want
10 to step forward on this application?

11 MS. ROMANO: Gabriella Romano, 2111 West
12 Street. So my property is the five inches next to
13 the property in question. Not only is it that our
14 property lines are really close, there's a fence
15 there, landscaping. I've been there for
16 three years, re-did the whole backyard, put in a
17 whole bunch of landscaping, it's a side note, it's
18 personal. But I really do want to emphasize the
19 fact that this is not a necessary extension,
20 right. It's a two-family house, yes, it's small,
21 they're all small. You talked about the setback,
22 all the setbacks are the same. The difference
23 between the houses in a row is maybe five feet,
24 adding 33 feet is changing it completely. So
25 we're in a low density area. Adding three

1 bedrooms is -- that's additional people. I know
2 her family is going to live there, that's
3 separate. They haven't lived there yet. They're
4 going to live there now.

5 Additionally, the letter I received from
6 the counsel here said it would be two
7 three-bedroom apartments, now it's a three-bedroom
8 and a four-bedroom. So I just want to make sure
9 everything is clear, I have all the information,
10 the public has all the information, you guys have
11 all the information.

12 Again, I do emphasize the parking. I
13 had to get a curb cut myself and the process --
14 it's not that long, it's not that bad. But they
15 do bring up the setbacks. But I got approval, so
16 it's okay. Yes, that's pretty much all I have.

17 MR. GARCIA: Do you have the letter from
18 the attorney?

19 MS. ROMANO: I have it if you need it.

20 MR. PANEQUE: Carlos, you have the
21 notice?

22 MR. VALLEJO: I should have it.

23 MS. ROMANO: If I may add extending the
24 building 33 feet, the sun comes up and over that
25 way. It would block my backyard completely. Open

1 air and space, like I said, there's no other
2 building that's that far back. There's a
3 relatively decent amount of green space there now
4 and this would decrease that.

5 CHAIRPERSON GRULLON: Thank you.

6 MR. GARCIA: Thank you.

7 MR. VALLEJO: I didn't get it by email.

8 MR. PANEQUE: It's part of the packet.

9 MR. VALLEJO: This one, all right. This
10 one.

11 MS. PEREIRAS: And to clarify, the
12 addition for the bedrooms, my client has three
13 children. So the bedroom count is very important
14 for her to make sure everybody has space in the
15 home. It's a necessary request.

16 MS. YUAN: It's not going to change the
17 number of members in my home, it's only going to
18 make our living condition worse. Current size is
19 only 500 square feet, so that's for my size. Me,
20 my husband, and three big kids. So I mean, we
21 need more space.

22 MR. PANEQUE: Actually, a question for
23 Mr. Pereiras. Mr. Pereiras, bring us to the page
24 with the basement. You have a bedroom in the
25 basement and I see there's a window. How high is

1 that window from the floor?

2 MR. PEREIRAS: So it has to meet code
3 requirement. So the minimum code requirements
4 from the floor level is a window has to be
5 44 inches. We're actually going to be less than
6 that, so we're going to exceed code requirements
7 there. The window also has to have an entire
8 opening of 5.7 square feet. We're going to be
9 providing that as well. So this window -- or one
10 of the two windows at a minimum is going to be
11 compliant with what we call egress requirements
12 for safety out of that bedroom.

13 MR. PANEQUE: And where is this window
14 exiting to?

15 MR. PEREIRAS: Towards the front yard.

16 MR. PANEQUE: Towards the front yard?
17 You're going to have cars parked there.

18 MR. PEREIRAS: We are.

19 MR. PANEQUE: You're going to have a car
20 right against that wall?

21 MR. PEREIRAS: Correct, we will.

22 MR. PANEQUE: Okay. See where the
23 problem could be?

24 MR. PEREIRAS: I mean it's -- the
25 windows open in, the egress windows. And a person

1 could escape through there, even if a car is
2 parked close to there. It would be this window.
3 What we could do to make the board feel more
4 comfortable is we could actually -- actually, I'm
5 sorry. I just realized we added a window on the
6 side yard. That would be the egress, not through
7 the front. So your concern --

8 MR. PANEQUE: The side yard, how wide is
9 that?

10 MR. PEREIRAS: It's three foot -- it's a
11 little bit shy of three foot there, it's two foot
12 four.

13 MR. PANEQUE: Two foot four, is that
14 within the property line?

15 MR. PEREIRAS: Within the property line,
16 we have two foot four, measuring to the property
17 line. The way the code reads is you have to
18 egress into nine square feet, the nine square feet
19 can have any dimension as small as two feet. So
20 we're at two, four, that's complaint. Then we
21 have to make it longer so that someone could come
22 out of the window and out of the house.

23 Now, I also want to keep in mind that
24 the basement is not sunken an entire floor. If
25 you notice the front steps, there are steps moving

1 up to the house. There's actually one, two,
2 three, four, five, six steps. So that the
3 basement is lifted up a little bit higher, it's
4 not a fully submerged basement. It has to meet
5 all the requirements of code.

6 MR. PANEQUE: If you go to the first
7 page where the front of the house is, you do have
8 pictures of windows of the basement there and
9 those windows don't look very large.

10 MR. PEREIRAS: The existing windows,
11 they're not very large at all. But we would
12 increase the size of those windows to make them
13 egress.

14 MR. PANEQUE: You're going to have to do
15 window wells.

16 MR. PEREIRAS: Yes, absolutely. The
17 well is what I'm referring to as the nine square
18 feet. Only on the side yard, not the front.

19 MR. PANEQUE: And the side yard right
20 now, is there a gate or anything on it?

21 MR. PEREIRAS: Currently, no. We could
22 put a gate.

23 MR. GARCIA: How is it setback in the
24 south side?

25 MR. PEREIRAS: Two feet four inches.

1 MR. GARCIA: Two, four.

2 VICE CHAIRPERSON GUTIERREZ: Mr.

3 Pereiras, how high is the basement?

4 MR. PEREIRAS: It's eight feet.

5 CHAIRPERSON GRULLON: Mr. Pereiras, I'm
6 trying to look for a rear picture that can show me
7 all the properties on the backyard.

8 MR. PEREIRAS: Sure.

9 CHAIRPERSON GRULLON: I don't see -- I
10 see something here, but it doesn't show me
11 exactly.

12 MR. PEREIRAS: The rear yard.

13 CHAIRPERSON GRULLON: The rear yard, the
14 other properties compared to your proposed plan.

15 MR. PEREIRAS: The neighbor stated
16 accurately, they're all within about five or
17 six feet of each other along the rear yard.

18 CHAIRPERSON GRULLON: And this --

19 MR. PEREIRAS: Except for the house --
20 well, that's not completely accurate. Because the
21 house to the east is a little bit deeper. Hold
22 on, let me see if I have --

23 MR. GARCIA: To the north you mean.

24 MR. PEREIRAS: To the north, I'll pull
25 it up on satellite.

1 MS. ROMANO: I have pictures if needed.
2 Am I allowed to? This is 2109.

3 CHAIRPERSON GRULLON: This is your
4 property?

5 MS. ROMANO: Other side.

6 MR. PEREIRAS: That's accurate. So
7 these houses are roughly in line about five feet
8 difference. Then this one has a deeper yard.
9 This one has a deeper yard.

10 MS. ROMANO: It's not a permanent
11 structure.

12 MR. PEREIRAS: It's a building, it's a
13 one-story building.

14 MS. ROMANO: Along the side, it's not a
15 permanent structure.

16 MR. PANEQUE: Mr. Pereiras, are you able
17 to provide a 20 foot yard and meet the code?

18 MR. PEREIRAS: We wouldn't be able to
19 provide all the bedrooms that the applicant
20 requires. We already conceded to the 15 foot rear
21 yard of Mr. Spatz, and we'd like the board to
22 consider that.

23 CHAIRPERSON GRULLON: What is the
24 permitted, the required?

25 MR. PEREIRAS: 20 feet and we're at 15.

1 CHAIRPERSON GRULLON: You're proposing
2 15.

3 MR. PEREIRAS: We were proposing less,
4 we're proposing 15 now after Mr. Spatz's
5 recommendation.

6 MR. GARCIA: What happens if you comply
7 with the 20?

8 MR. PEREIRAS: We would lose one of the
9 bedrooms.

10 MS. PEREIRAS: And I remind the board
11 this is not an apartment that's going to be rented
12 out, this is an owner occupied building. This
13 meets the needs of the applicant who's here today
14 and testified she's going to be living here with
15 her family. So this is not to be rented out in
16 any way. This is an owner occupied two-family,
17 which is the ideal situation in town.

18 MR. PEREIRAS: Just to explain how
19 modest it is, the living room and dining room area
20 is only 14 by 13 for both the living room and
21 dining area. So it's not like we're looking for
22 luxury and looking for a huge house. And the
23 bedrooms are 10 by 12, which are going to be
24 smaller now because we're reducing the length of
25 the house. So it's -- and the master, just to be

1 clear on the record is 14-7 by 12-3 right now and
2 we're already going to give up another five feet,
3 I'm going to distribute between those three rooms.
4 So giving up another five feet would be -- would
5 mean losing a bedroom.

6 MS. YUAN: I currently have three kids,
7 I don't know if we're going to have more.

8 MR. GARCIA: One of the -- I really
9 respect the community. One of my frustrations
10 with experience on the zoning board is that we're
11 not prosecutor. So you could indicate that and as
12 per experience, they testify here, I mean,
13 whatever they understand at the moment, but then
14 two years later, a year later, they change, you
15 know what I mean.

16 I'm not saying it's your condition. I
17 know that it's your culture, you bring your
18 family, and you're always family oriented and I
19 really respect that. And I appreciate that. But
20 it's like in another situation, the applicant
21 testified to something. And they let -- I cannot
22 force them to change their condition, you know
23 what I mean, it's like -- and that's something
24 like -- it's a frustration for me.

25 MS. YUAN: Should I write a letter of

1 commitment?

2 MS. PEREIRAS: We're looking at a very
3 modest ask.

4 MR. GARCIA: No matter what -- Mr.
5 Spatz, going back, I asked you before but let me
6 ask again. So no matter what, how many bedrooms
7 you have in the house, it's only going to be two
8 parking spaces required?

9 MR. SPATZ: For what they're proposing,
10 they require two parking spaces for each unit,
11 yes.

12 MR. PANEQUE: Which is the current
13 requirement?

14 MR. SPATZ: Correct.

15 MR. GARCIA: It's an existing condition.

16 MR. SPATZ: Correct.

17 MR. GARCIA: If it's granted by the
18 Commissioner board.

19 MR. SPATZ: Right. They'll have two
20 spaces where they need four.

21 CHAIRPERSON GRULLON: But, Mr. Pereiras,
22 if providing the 20 foot rear yard, would it be a
23 possibility to bring that bedroom down to the unit
24 below, that you have a family room there? And
25 provide what is required for the rear yard?

1 MR. PEREIRAS: It is possible. And if
2 you give me a minute to talk to the client?

3 CHAIRPERSON GRULLON: Because looking at
4 the aerial pictures, it's going to look like a
5 mass building, you know, like, we're going to be
6 setting a precedent for all the other buildings to
7 try to come up and do what's not permitted.

8 MR. PEREIRAS: If you could allow us a
9 two minute recess?

10 MR. GARCIA: Just two.

11

12 (Whereupon a short recess was taken.)

13

14 MR. PANEQUE: Back on the record. Ms.
15 Pereira, have you had an opportunity to speak to
16 your client?

17 MS. PEREIRAS: We did. And please know
18 we came in with a small building and we're really
19 just looking to make it unique for her family, to
20 make it work for her family. I think we were
21 asking for a very modest rear yard. That being
22 said, if it's the condition of this board that you
23 require the 20 feet in the rear, then we're
24 willing to concede to that.

25 CHAIRPERSON GRULLON: Thank you. Thank

1 you to the applicant. Thank you, Ms. Pereiras,
2 for this consideration. Any other members of the
3 public that want to step forward?

4 MR. VALLEJO: Open to the public.

5 MR. GARCIA: It's also consideration to
6 the neighbors. I mean at the end, you're going to
7 be a family because you're going to be living next
8 to each other.

9 MS. YUAN: I understand that. They
10 should think the same way, which is stay in the
11 middle, we're back from 10 to 15, they should
12 allow 15, win-win situation for both.

13 CHAIRPERSON GRULLON: And, again, we
14 request for the changes because 20 feet rear yard
15 is what is permitted there.

16 And with that, I make a motion to grant
17 the application with the condition of the parking
18 spaces would have to be approved by the City
19 Commissioners. And that condition will override
20 if it's not -- if it's denied, it will also void
21 our resolution. You would have to provide revised
22 plans with the modification on the rear yard.

23 MS. PEREIRAS: That's fine.

24 CHAIRPERSON GRULLON: For the approval.

25 MS. PEREIRAS: Not a problem.

1 MS. GUTIERREZ: Second.

2 MR. GARCIA: One question, Mr. Paneque.
3 We hold the resolution of today's approval or --

4 MR. PANEQUE: No. We can do the
5 resolution with that condition.

6 Mr. Pereiras and Ms. Pereiras, if you
7 have an opportunity to discuss with your client
8 whether you're adding a bedroom in the basement?

9 MR. PEREIRAS: We will.

10 MR. PANEQUE: So it's going to be two
11 bedrooms in the basement.

12 MR. PEREIRAS: Correct.

13 MR. PANEQUE: The only condition that
14 will be placed on that is that they must be fully
15 egressed, which the construction department will
16 handle that. But this board is very concerned
17 about having safety for especially children in the
18 basement.

19 MR. PEREIRAS: Yes.

20 MR. PANEQUE: So two bedrooms in the
21 basement and two bedrooms upstairs.

22 CHAIRPERSON GRULLON: Also for the
23 record, the parking conditions are preexisting.
24 And just want to clarify that for the record
25 that's the preexisting condition, but there's no

1 parking provided at the moment. And we are
2 requiring at least two parking spaces, but pending
3 approval of the City Commissioners.

4 MS. PEREIRAS: Understood.

5 MR. VALLEJO: Motion on the table to
6 grant the application by Mr. Grullon, seconded by
7 Ms. Gutierrez.

8 Roll call on the motion. Mr. Grullon.

9 CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Yes, with
12 all the conditions.

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: Mr. Garcia.

20 MR. GARCIA: Yes.

21 MR. VALLEJO: Ms. San Martino.

22 MS. SAN MARTINO: Yes, with all the
23 conditions.

24 MR. VALLEJO: Seven in favor, motion
25 carries. Revised plans required at least ten days

1 before the next hearing date.

2 MS. PEREIRAS: Thank you.

3 MR. VALLEJO: And make sure to send the
4 PDF to Mr. Spatz.

5 MS. PEREIRAS: Sure.

6 * * * *

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1 **601 NEW YORK AVENUE, LLC -**

2 **601 NEW YORK AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 601 New York Avenue, LLC. Ms.
6 Pereiras, please.

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

10 A certification as to publication and
11 service giving notice to all property owners
12 within the 200 foot radius of 601 New York Avenue.

13 I've also been provided with an
14 affidavit of publication from The Jersey Journal
15 indicating that notice of tonight's hearing at
16 this location with respect to the property at 601
17 New York Avenue was published in the newspaper on
18 October 2, 2023.

19 I've also been provided with a list from
20 the tax assessor's office, with a date of
21 September 29th, listing all property owners within
22 the 200 foot radius of 601 New York Avenue, as
23 well as the certified mail slips with a postmark
24 date of October 2, 2023.

25 Based on the documentation provided,

1 this board has jurisdiction to proceed and hear
2 this matter.

3 MS. PEREIRAS: Thank you very much,
4 Counsel. Again, Bianca Pereiras on behalf of the
5 applicant for property at 601 New York Avenue,
6 also known as Lot 1 in Block 27. Currently, we
7 have an existing mixed use building. I am honored
8 to present this application on behalf of the
9 client and colleague, who is looking to renovate
10 this space so he can operate his own law firm out
11 of the ground basement floor and provide
12 residential units above.

13 The applicant is here in case there are
14 any questions specifically of him, however, we
15 have two experts to testify before the board this
16 evening. And we'll begin tonight's presentation
17 with 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 601 New York Avenue?

25 MR. PEREIRAS: Very familiar.

1 MS. PEREIRAS: Did you prepare the
2 drawings that are before the board this evening?

3 MR. PEREIRAS: I did.

4 MS. PEREIRAS: Would you kindly describe
5 the proposal for the board?

6 MR. PEREIRAS: I'd be happy to. I
7 chuckled a little bit because Bianca and I would
8 have all our birthday parties in the hall in this
9 building, that's been there, the old Blue Flame
10 Pizzeria, that rear portion of it was like a party
11 hall. So we're very familiar with it.

12 MR. PANEQUE: I didn't get the invite.

13 MR. PEREIRAS: So there's a slight
14 inaccuracy on my drawings. If you look at the
15 existing conditions, we show the single story in
16 the back. When we drew this, that was accurate.
17 Now, we actually demolished that portion of the
18 building to prepare for this application. It was
19 in really, really bad shape, it had to be
20 demolished. So that has been accomplished now.

21 So you see two story portion here in the
22 back, everything behind that is no longer there.
23 Okay. What we're looking to propose is to
24 reconstruct that. We're not going any bigger.
25 It's still going to be a one-story. And we're

1 going down, we're going to have a full basement.

2 Counsel mentioned the applicant, the
3 applicant is an attorney. He is not an attorney
4 that deals with public, he actually deals with
5 municipalities and institutions. So his clientele
6 are people like the Sewage Authority and other
7 municipalities around the area. So we're not
8 dealing with people coming in and out of his
9 office. So the impact on this site is actually
10 very minimal. And we're proposing what I think is
11 going to be a gorgeous building.

12 I'd like to begin by just orienting you,
13 it is that property, as you can see it's three
14 stories existing in the front, we're looking to
15 maintain the three stories and single story is
16 going to continue in the back, we're looking to do
17 a roof deck over the single story.

18 As you can see, the structures around it
19 are actually larger structures. The structure
20 immediately adjacent is the same height, the next
21 structure over is a much larger building. So the
22 impact to the neighborhood is absolutely minimal
23 and it's nothing more than what is there
24 currently.

25 I'm turning to Z03, and we see all the

1 floor plans throughout the building. On the
2 left-hand side, the first floor plan is the
3 basement. The front portion is the existing
4 basement. That houses mechanical rooms, meters
5 and it houses two storage areas and those are for
6 the tenants upstairs. We have two very small
7 existing apartments. So in order to give them a
8 little bit of additional space, the owner is
9 looking to rent them out with the storage spaces
10 to alleviate some of the trouble of having a small
11 space.

12 What we're proposing to do in the rear
13 is to create and excavate down to have a nice
14 ceiling height and create additional office space.
15 That's a multipurpose office space with bathrooms
16 on the lower level so that there could be work
17 flow on there, like a bullpen, have small meeting
18 in that area.

19 That is access to a new center core that
20 we're doing. And this is going to be a beautiful
21 monumental staircase with a huge skylight at the
22 top. So even though it's a basement, it's going
23 to read and bring a lot of sunshine in through the
24 hallway. And instead of doing a stair that's side
25 by side, we're creating basically a donut stair so

1 that it really floods the basement with light.
2 It's not going to feel like a basement. It's
3 going to be a beautiful area.

4 So that when you walk off of 6th Street
5 and we're proposing the main entrance of the legal
6 office off of 6th Street, you have access and
7 directly view of that beautiful staircase. And
8 when you step inside, you have clear view all the
9 way down to New York Avenue and all the way back
10 so that there's like a beautiful linear, very open
11 office with a lot of open space there. There are
12 going to be three small offices for junior lawyers
13 that are going to be glass encased, so it's
14 beautiful and visible.

15 Then the executive office for Mr.
16 Capizzi will be at the rear of the building. That
17 office is going to have a second door so he can
18 exit and enter the building with a bathroom for
19 himself, as well as an executive bathroom.

20 There's a conference room in what is the
21 former building along here with a collapsible door
22 so that if there's a larger conference area, that
23 door opens up and it can be used as a bigger
24 space. And then there is a kitchenette area so
25 that he could entertain guests with the office.

1 And small paralegal area where he can have three
2 paralegals working and a waiting area, a lobby in
3 the front.

4 As you can see from New York Avenue,
5 there's a foyer that also provides access so that
6 the mailing address could be very easy off New
7 York Avenue and guests would come through there.
8 And that's also becomes the residential access
9 going upstairs to the two existing apartments.
10 And there's two apartments there, we're not
11 looking to make any changes there. Those are
12 existing apartments to remain.

13 Now, going back to that stairwell. That
14 stairwell will take you downstairs to the
15 basement, it will also take you upstairs to the
16 roof. And what we have is a roof deck. And I
17 know, Mr. Garcia, your concerns with roofs. So we
18 made sure we took care of them even before we got
19 to the board. So we have a landscaping buffer
20 across the entire front of that roof edge facing
21 6th street. And we have a parapet that brings it
22 up to the height so that it becomes a private roof
23 deck up there. And on top of that, there's a
24 pergola on top to provide some shade from the sun.
25 There is a wet bar that we're asking this board to

1 specifically approve, just so he could entertain
2 guests when there are meetings on the roof as
3 well. There's a second means of egress from that
4 roof deck that is in the rear of the property.
5 And we're proposing a bulkhead stair takes you
6 down and off on 6th Street.

7 If you go to the third floor plan, you
8 see the pergola from the top view and you see the
9 large skylight from the top view as well. We're
10 looking to clad the building with panels. It will
11 be a very contemporary looking building, panels
12 and glass.

13 If you look at the side profile, you get
14 a real understanding of what this building is. It
15 would be the law office across the entire first
16 floor --

17 CHAIRPERSON GRULLON: We're not looking
18 at the same plans that you have.

19 MR. GARCIA: They're all --

20 MS. WATLEY: The previous one.

21 MR. GARCIA: The 04 for us is the
22 previous one. The 05 for you is 04. Z04 for us
23 is that one.

24 MR. PEREIRAS: So there's no confusion,
25 Carlos, may I borrow a set of plans? Carlos, you

1 don't have the later submission?

2 MR. VALLEJO: It's June 13th?

3 MR. PEREIRAS: July 10th.

4 MR. VALLEJO: This is June 13th, I never
5 got July 10th.

6 MR. PEREIRAS: So the only difference --
7 and there was a second submission. The only
8 difference that we have is that we are proposing a
9 pergola that's not shown on your drawings. So if
10 you would allow me to label my drawings as an
11 exhibit for presentation, and I will label it
12 particularly sheet Z05, I'm going to -- for
13 purposes of the record, if counsel allows me, I
14 will mark the top right-hand corner as A-1 with
15 today's date, which is 10/12/23.

16 I'd like to enter this as evidence as an
17 exhibit presentation. The only difference is the
18 pergola right here.

19 CHAIRPERSON GRULLON: It's the previous
20 page I think. If you going back on the drawings,
21 there's another page that we don't have.

22 MR. PEREIRAS: I think it's the same
23 drawing, except for some reason we split it into
24 two different sheets. These two drawings are on
25 top of the sheet that you have.

1 MR. GARCIA: So you have separate and we
2 have the same one.

3 CHAIRPERSON GRULLON: What about the
4 previous one, let me see the previous one.

5 MR. GARCIA: The other one, the previous
6 one.

7 CHAIRPERSON GRULLON: We don't have that
8 one. Z03 only shows the deck.

9 MS. WATLEY: We have it.

10 MR. PEREIRAS: It's the pergola that's
11 missing. So the pergola is missing off your
12 drawing. Everything else is the same, but the
13 pergola was --

14 CHAIRPERSON GRULLON: Could you step up
15 here?

16 MR. PEREIRAS: I'll be happy to.

17 CHAIRPERSON GRULLON: You're missing
18 something here.

19 MR. PEREIRAS: That's the roof view of
20 the pergola. And this was in the end of June or
21 the -- it was in July we added a pergola to the
22 project. I believe the submission was made, it's
23 my error, my apologies. But if you allow me, I
24 will mark this one, this would be part of A-1.

25 MR. PANEQUE: A-2.

1 MR. PEREIRAS: It would be A-2. So
2 sheet Z03 is going to be marked A-2.

3 MR. PANEQUE: It's your testimony, Mr.
4 Pereiras, that the only change from what the board
5 has is the addition of the pergola?

6 MR. PEREIRAS: Correct. And I forgot to
7 mention something that I think is very critical.
8 We added a trash room to the side of the building
9 as well with doors off of 6th Street to harness
10 any trash for the building. That was in your
11 drawings. The only difference is the pergola.

12 MR. PANEQUE: Anything else?

13 MR. PEREIRAS: That concludes my
14 testimony. I'm open for questions.

15 CHAIRPERSON GRULLON: Do you have any
16 other witnesses?

17 MS. PEREIRAS: We have our planner.

18 MR. GARCIA: What kind of attorney is
19 this one?

20 MR. PEREIRAS: His clientele are
21 municipalities.

22

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

25

1 MR. DOUGHERTY: I recognize I'm still
2 under oath. For the board, I've also visited the
3 site and prepared an exhibit packet. I'll pass
4 that out for you, very similar the last set. It
5 consists of six slides, sheet one, slide one
6 consists of the zoning map in red where the
7 property exists within the zoning map. Then we've
8 have some photographs, zoning maps.

9 So as indicated slide one in yellow,
10 you'll see the red arrow and red circle that
11 yellow is the R low density residential zone.
12 What's important to take here is just we're one
13 block away from -- if you see the red area, that's
14 your CN neighborhood commercial zone. It's
15 important to know we're in close proximity.

16 Slide two, again, NJ DEP's GeoWeb lens,
17 property is outlined in red. What's important to
18 know here is the mass transit is literally right
19 in front of the property. You see the robust
20 signal right here on New York Ave., again on
21 Bergenline Ave. and then again on Palisades Ave.,
22 another block past New York Ave., again mass
23 transit surrounding the site.

24 It is a corner lot, as you can see on
25 slide three through the drone shot. This was

1 taken on October 8th by myself. You see we still
2 have the signage for the Blue Pizzeria that was
3 described. It's important to note here the
4 apartments aren't changing, as the architect
5 described.

6 Slide four, if you turn the page, you'll
7 see the bus is actually there at the site. The
8 bus stop is right in front of the property. We do
9 have two parking stalls in front. We have
10 on-street parking along 6th.

11 Slide five is the top down drone shot.
12 As we see the rear of the property, the building
13 no longer exists, but there -- clearly indicate
14 there was a rear portion of the building that
15 needed to be removed. When we look at this, what
16 I want to point out is the rear drive aisle behind
17 us to the rear, as well as the red awning past the
18 drive aisle is again another daycare use.

19 You can see on page 6 the top left is
20 the red awning as described, immediately adjacent
21 to the site. Top right photograph is the site,
22 again the red awning to the rear. But what's
23 important to note is the large massing of the
24 building next to us. The bottom two photographs,
25 the bottom left, we have a bar, a saloon, if you

1 will, at the corner just outside that CN zone. On
2 the bottom right, we also have a mixed use retail.
3 I believe it was also tax office in there if I
4 recall from the other day. Those are the
5 surrounding conditions, that's the existing
6 conditions there is with the property.

7 What's important why we're here, we're
8 here for what we call a (d) (2) use variance. It's
9 an expansion of a preexisting nonconforming use,
10 intensification. With that being said, this zone
11 is the R zone, commercial retail office is not
12 permitted on the ground floor within the zone. As
13 you see in the photographs, we have the pizzeria
14 here.

15 I'd like to point out is the pizzeria,
16 as we describe the hall, the party hall, it's a
17 fairly intensive use, patrons come and go. It's a
18 trip destination. An office is a less intensive
19 use. So I think when we look at kind swapping out
20 the pizzeria for the office use, we'll calm the
21 activity and the intensification at the site,
22 again, recognizing that there has been existing
23 commercial establishment there.

24 Going back to slide one, the commercial
25 on the ground floor is permitted within the CN

1 zone. Again, just one block away. From the
2 public's perspective, coming down New York Ave.,
3 you do not know when you leave one zone and come
4 to another zone. So I don't believe there will be
5 a substantial impairment to the fabric of New York
6 Avenue. As you see, we're one block south of that
7 red zone on slide one.

8 Nonetheless, the essence of the (d) (2)
9 is what we call the Burbridge case. It's all
10 about site betterment, the use isn't the issue per
11 se, it's been there, it's existed. It's when we
12 touch this preexisting nonconforming use, it's an
13 opportunity to bring this use more into harmony
14 with what the intent of the zone is. I think
15 certainly we have that.

16 So I'll touch on some of the positive
17 criteria. The use of an office space is less
18 intensive than a commercial pizzeria. That's more
19 in conformance with the intensity associated with
20 that zone plan. The project fills what we call
21 the missing void. In the public realm, with that
22 rear addition that's no longer there, that had to
23 be taken down. Again, adding that rear addition
24 back into play that's existing for quite some
25 time.

1 You saw the architect's renderings, it's
2 going to be pretty light, airy, a lot of glazing,
3 windows. So it's not going to be a large mass
4 continuous wall going down there. We are having
5 the opportunity to improve the overall site, which
6 will help to anchor that corner. It's visible on
7 6th as well as New York. And that's good sound
8 city planning to accentuate these corner lots.

9 Again, this is a major corridor. This
10 will provide a fresh new look. Also have a splash
11 of greenery on the roof, that roof deck. As you
12 can see in the roof deck, there is a 29-inch high
13 retaining wall before there is that row of
14 vegetation to ensure the safety of residents and
15 beyond that will provide some screening along 6th
16 Street.

17 What's important to note is behind us,
18 we're not looking into somebody's private
19 backyard, there's a drive aisle and a daycare.
20 There is no detriment to allow residents in that
21 rear roof area above the office space.

22 With that being said, we have some
23 greenery. The project adds vibrancy to the
24 downtown, which is a core goal of the master plan
25 for desirable place to live and work. The project

1 aids and offsets the demand for the automobile by
2 supplying office space in close proximity to high
3 density as well as the mass transit, as well as
4 residential above. We're promoting walkability
5 and vibrancy and mass transit. The project brings
6 the addition of rooftop amenity for the
7 residential dwellings for that site betterment.
8 Again, this is a residential zone, having the
9 outside space is certainly site betterment. That
10 project -- that rooftop amenity will promote the
11 public health with the convenience of fresh air
12 and open space.

13 The project promotes the public benefit
14 of socialization with a rooftop amenity bringing
15 people together and the enjoyment of the outdoors.
16 Again we are in an urban environment, having
17 outside space is in high demand.

18 The project promotes the core planning
19 goals for efficient land use and variety of land
20 uses with an adaptive reuse of that pizzeria space
21 for an office.

22 All the above promotes purposes of the
23 Municipal Land Use Law, purpose A, G, I, and M.
24 Really want to emphasize purpose I for desirable
25 visual environment. I believe what we have here,

1 the architect provided us a site with a fresh
2 look, that will add value to the corner in the
3 neighborhood.

4 When I look at the negative criteria,
5 relief can be granted without substantial
6 detriment to the public or the zone plan. This
7 would be built to applicable building codes and
8 fire codes. I don't believe we have an open issue
9 on the record that hasn't been addressed.

10 When we look at the flow, the
11 residential apartments are not changing. The
12 rooftop amenity is a benefit to those residential
13 dwellings. When we look at the use itself, I
14 believe it mirrors nicely and enhances the
15 established portion of the neighborhood. We have
16 a low profile extension that existed there for
17 years, that rear yard.

18 I do want to point out it has existed
19 there for years. If you look at the first slide
20 Z01, where you have the existing rear yard and
21 then the proposed. It is a small increase in what
22 existed there by two feet. It's two feet 11
23 inches, so it's a small addition to the rear yard.
24 We are asking for that relief. With that being
25 said, the rear addition, in my opinion, will

1 remove -- is well removed from residential
2 dwellings. There's nothing to the rear of us, so
3 it wouldn't be invasive to the quality of life and
4 enjoyment of residential property. We've got the
5 drive aisle and commercial use there.

6 Also the low profile of the building is
7 a nice transition. Coming down 6th Street, you
8 have the low profile before you actually hit the
9 three story structure going up. So, you know, we
10 don't have a three store structure going all the
11 way down 6th Street there, it's a low profile
12 building. We have the rooftop amenity, the
13 pergola, the greenery up there. I think it will
14 certainly accentuate that corner with little to
15 know detriment here.

16 When we talk about the C relief, when we
17 look at that, the bulk relief can be seen really
18 as a preexisting condition. We are asking for two
19 feet more in the rear yard. We can look at this
20 as a (c) (2) balancing test, that the benefits of
21 the application as a whole substantially outweigh
22 the detriments. I do not see a detriment allowing
23 us to replace that rear extension, it's been there
24 from the public realm for many, many years.

25 When we look at parking, we need 15

1 parking, we have zero. That's an existing
2 condition that had a more intensive use there in
3 the pizzeria. The neighborhood has accommodated
4 that pizzeria. Again, we have mass transit
5 available literally on the three major corridors
6 surrounding this property. The building coverage,
7 zone allows 65 percent, we're at 100 percent,
8 slight uptick than what used to be there. Again,
9 that additional two foot, we used to be 98.2. If
10 this project were to be approved and rebuilt, to
11 the public that's imperceivable, they're not going
12 to notice, wow, that's a huge addition. It's been
13 there for quite some time in the rear.

14 With that, the side yard is needed. We
15 have side yard and rear yard coverage. Existing
16 conditions that are really proposing to remain.
17 The side yard is needed to complete the massing.
18 So we are a corner lot, that is technically by
19 definition our side yard. We're right on the
20 property line. We need that to continue that
21 massing going down and so forth. To recess that
22 portion of the building in, I think, it would look
23 out of place right there along 6th Street.

24 And then the rear yard, that really has
25 been there. We're asking for that two feet. We

1 have a drive aisle. I do not see a detriment
2 there, with the lack of two feet vegetation or to
3 be in full compliance, I think this would
4 certainly look out of place. To put parking back
5 there, we'll have the void behind the building. I
6 think it's an opportunity to really bring some
7 business into the area and give that corner a
8 fresh new look.

9 With that being said, the lot area. We
10 have a slight undersized lot, the area is 2,450
11 square feet, we need 2,500. The reason being is
12 the width here, 25 feet, we're at 24.6. So there
13 is an undersized element to the lot, though that
14 relief again from the public realm is not
15 perceivable.

16 With some of these bulk variances, I do
17 not see a detriment. I see a more intensive use
18 at the site, with virtually the same variances
19 existing. And that use was absorbed in the
20 community and was a destination for many birthday
21 parties and patrons and the likes of that.

22 I'll conclude the project improves the
23 conditions with the long association with the site
24 and brings the property more into conformance with
25 a less intensive use than what was prior there.

1 The site is one block away from the CN
2 neighborhood commercial corridor, where commercial
3 retail are permitted uses on the ground floor. I
4 do not believe we're going to impair the intent of
5 the zone. New York Avenue is a major corridor and
6 has a longstanding association with office and
7 commercial uses throughout New York Avenue.

8 When I look at the overall project as
9 well, do not know when one zone stops and one
10 begins. Relief is truly minor, with little to no
11 detriment to the public. I see a lot of added
12 value with this proposed project and this design.

13 With that being said, I'll conclude I
14 believe approval would be warranted and the
15 application will be a positive impact.

16 CHAIRPERSON GRULLON: Thank you. I have
17 a question for you. Could you -- this is an
18 expansion of a nonconforming use, the business as
19 a pizzeria, it was a pizzeria on the ground level,
20 we're expanding now to the basement, with more
21 office that require more parking spaces.

22 MR. DOUGHERTY: I got to double check.
23 I believe the office space in the basement, I
24 don't think is necessarily office space, but
25 multiple purpose room on that plan. We also are

1 expanding by that two feet to the rear, which is
2 also the expansion as well.

3 CHAIRPERSON GRULLON: But the parking
4 requirement is greater now because of that.

5 MR. PEREIRAS: Correct.

6 CHAIRPERSON GRULLON: I didn't hear any
7 testimony with regard to parking.

8 MR. PEREIRAS: We have mass transit
9 right across the street, right on Bergenline
10 Avenue, right on Palisades Avenue. When we talk
11 about a commercial use, those patrons come,
12 15 minutes, they leave. You're going to have a
13 lot of turn over, a lot of destination, no
14 parking. With an office space, though based on
15 square footage and it's a bigger building because
16 we have the basement, you come, you work. Only
17 people going there are for business invite, it's
18 not really open to the public as an open door
19 policy to come in and --

20 CHAIRPERSON GRULLON: The comment about
21 comparing the pizzeria with the type of business
22 that is -- the pizzeria that was there, as Mr.
23 Pereiras mentioned, it was more oriented to the
24 community. There was no driving by, no parking
25 required.

1 MR. DOUGHERTY: Well, if you live across
2 town, how do you get to the pizzeria?

3 CHAIRPERSON GRULLON: They have pizzeria
4 up town.

5 MR. PEREIRAS: So typically in Union
6 City, the problem we have with parking is
7 residential because we have a lot of people in a
8 very dense area. This works well with that
9 because this is normal business hours, 9 to 5, an
10 office.

11 CHAIRPERSON GRULLON: But I didn't hear
12 any testimony by your planner regarding to parking
13 and he was only comparing a pizzeria to the type
14 of business. I think it would generate more
15 parking requirement because you're going to have
16 people coming to the law firm from far away,
17 looking for parking.

18 MR. PEREIRAS: Correct. I'd like to
19 expand a little bit of personal testimony. I've
20 been to this site at least 20 times since we
21 started this project, never once did I have
22 trouble finding parking. Why, it's during the
23 middle of the day and there are plenty of parking
24 spots in the middle of the day in that block.
25 Every single time, no issues finding parking

1 during the day.

2 That said, it is a small office. It is
3 the attorney with probably two paralegals. It is
4 not an intense use and it's not with clientele
5 coming off the street. So our office works with
6 the public, we have people visiting constantly in
7 and out. His office is very different. He deals
8 with municipalities. The only -- he doesn't have
9 that clientele coming in and out.

10 CHAIRPERSON GRULLON: Thank you, Mr.
11 Pereiras.

12 MR. DOUGHERTY: For the parking, I think
13 this a less intensive demand. He has three
14 offices plus himself. Versus a pizzeria, you're
15 going to have the chef, cashier, and all the other
16 patrons. I think the pizzeria would demand more
17 parking because it's really more open to the
18 community. And maybe the pizzeria across town
19 isn't so good, I want to go to this one. There's
20 no parking associated with the site to begin with.

21 The residents that existed in these two
22 dwelling units for some time. The neighborhood
23 has absorbed that parking demand. Again, mass
24 transit is right across the street. This is one
25 of the few sites I'll say I didn't have an issue

1 finding parking. I did not.

2 CHAIRPERSON GRULLON: Thank you, Mr.
3 Dougherty. Ms. Pereiras, do you have any other
4 witness?

5 MS. PEREIRAS: We don't. The applicant
6 is here in case the board has any questions of
7 him.

8 CHAIRPERSON GRULLON: I have a question
9 for the architect. Mr. Pereiras.

10 MS. PEREIRAS: Sure.

11 CHAIRPERSON GRULLON: Is the footprint
12 of the building changing in any way?

13 MR. PEREIRAS: Slightly in the rear
14 yard, it's growing two foot eleven to the rear. I
15 don't believe we're affecting any neighbors in any
16 way. It is just a portion in the back and there's
17 a specific reason we're doing that. It's in order
18 to have that second means of egress from the roof
19 deck. So the width of those stairs, that's what
20 we're growing as far as the building along the
21 back.

22 CHAIRPERSON GRULLON: And then that was
23 my other concern. You have a roof deck that
24 typically we see roof deck here that are to serve
25 the residents of the building. Here you're

1 proposing a roof deck, it's like a business type.

2 MR. PEREIRAS: Correct. And it is an
3 office. So it's simply -- and the attorney may
4 testify to this himself a little bit. It's more
5 his own personal use, so he can go up there on the
6 roof and relax. He has a very stressful life,
7 with very stressful clients. So he's just looking
8 for a beautiful environment there.

9 MR. GARCIA: I have a question to the
10 planner regarding his testimony. He said this is
11 a benefit that the roof deck is for the
12 residential dwelling.

13 MR. DOUGHERTY: I apologize.

14 MR. PEREIRAS: There's no access for the
15 residential units.

16 MR. DOUGHERTY: I thought the stairs
17 were for the residents.

18 MR. PEREIRAS: No.

19 CHAIRPERSON GRULLON: I have a concern
20 with the wet bar, if it's going to be used just to
21 relax there. It could be that now this use is for
22 the law firm, but by allowing that, with the wet
23 bar, they might intend to change that use.

24 MR. PEREIRAS: They can't, they would
25 have to come before the board.

1 CHAIRPERSON GRULLON: By allowing that
2 kind of wet bar there.

3 MR. PEREIRAS: And a wet bar, all it
4 means is there's a sink. So if you're up there
5 and having your glass of coffee in the morning,
6 and you dump it out, you can dump it in the sink
7 and not carry it down with you.

8 CHAIRPERSON GRULLON: Mr. Spatz, is that
9 a requirement that they have a second means of
10 egress to the roof deck?

11 MR. SPATZ: That would be more of a
12 building department issue, but yes, I believe that
13 they would need to be able to get off of that,
14 outside of coming in through the building.

15 MR. PEREIRAS: It's a commercial space,
16 so we're required --

17 MR. GARCIA: What's the size of the roof
18 deck?

19 CHAIRPERSON GRULLON: It's huge deck.

20 MR. PEREIRAS: It is the size of the
21 entire addition which is about 50 feet long.

22 MR. GARCIA: 50 feet long by?

23 MR. PEREIRAS: By the width of the
24 building, which is 25, less the stairs there.

25 MR. GARCIA: Over 700 square feet.

1 CHAIRPERSON GRULLON: I don't have any
2 problem with a roof deck for like spending some
3 time, there reading a book, you know, doing those
4 kind of things to relax. But having like an
5 extension with a sink, wet bar that you call it,
6 that's inviting to create, you know, parties
7 upstairs.

8 MR. PEREIRAS: We can remove the sink if
9 that's an issue.

10 CHAIRPERSON GRULLON: I want to hear
11 from the other Board Members. I know the
12 renovation of the building is going to be an
13 improvement to the building, but I'm not too sure
14 about the roof deck. Let me just --

15 MR. PEREIRAS: I'd just like to say it's
16 a law office, it's not a party place.

17 CHAIRPERSON GRULLON: That's what it
18 is -- that's what is proposed now.

19 MR. PEREIRAS: And if it were to change,
20 they would have to come before the board.

21 MR. DOUGHERTY: It would have to remain
22 an office use.

23 MR. GARCIA: I really concur with Mr.
24 Grullon, our chairman, about this application
25 going to improve the area. And I think that the

1 pizzeria is closed for many years already. And
2 that area is improving and it will be a plus if
3 they come to it. However, as probably Mr.
4 Pereiras knows, I'm a little bit kind of concerned
5 all the time about the roof deck. And I don't --
6 personally I don't see -- I don't relate the law
7 office with a roof deck. I don't personally,
8 that's my opinion, okay. And also your testimony
9 said that it probably your attorney's under stress
10 and you -- your client. Sometime he needs to go
11 for cigar, probably glass of wine. He needs 700
12 square foot for that?

13 MR. PEREIRAS: Not only that, he'd like
14 to entertain clientele up there as well.

15 CHAIRPERSON GRULLON: And tables, you
16 know, like --

17 MR. PEREIRAS: He'd like to entertain
18 clientele up there as well, there's no doubt about
19 that. And I don't see any problem with that.
20 We're speaking about a law office. If he wants to
21 bring a few clients up to the roof deck and have
22 that show, that's perfectly reasonable. It's
23 during business hours, he's not going to be
24 affecting neighbors. We believe it's a reasonable
25 request.

1 MS. PEREIRAS: In my own practice, we
2 have a fridge and a wet bar. When I do a closing,
3 we have water for all my clients, it's just a very
4 typical thing. To be able to have an outdoor area
5 to work with clients is really just an ideal
6 situation here. So you're not looking at having
7 crazy parties at night. When we hear wet bar,
8 it's like -- we're looking at something with a
9 fridge, with a sink, something very, very
10 reasonable.

11 MS. PEREZ: Is there a time limit on the
12 space, you can't use it after a certain time?

13 MR. PEREIRAS: There can be.

14 MR. GARCIA: But again I go to we don't
15 enforce that. We approve it, they come and say
16 whatever they want to say. I know it doesn't
17 sound professional to say whatever they want to
18 say, but they could. Some rules, however, we
19 approve it, we put the condition and that's it.
20 You know what I mean, we disappear from our hands.

21 I mean I'm not in favor to create the
22 precedent to have a roof deck for an office.

23 CHAIRPERSON GRULLON: Mr. Pereiras, can
24 you explain what you have on the west side of the
25 property where you are increasing the setback?

1 MR. PEREIRAS: Yes. So the purpose of
2 that increase is --

3 CHAIRPERSON GRULLON: What is on the
4 other side.

5 MR. PEREIRAS: -- the emergency
6 stairwell, that's all it is. It doesn't affect
7 any neighbor in any way. It's a commercial
8 driveway that's there. It's not going to impact
9 any houses.

10 MR. DOUGHERTY: If I may, I want to
11 circle back to the roof deck. I think we have to
12 look at the confines of the fabric of the city.
13 There's little to no open space. When I go to
14 offices and office complexes, they have patios,
15 staff are out there on a nice day, eating lunch.
16 They're outside in the fresh air, maybe outside
17 having a smoke break. To go outside and do that,
18 you're on the sidewalk, you know. So it's not
19 that offices don't have outside space or, you
20 know, an amenity of that area. Here it's more of
21 an adaptive feature because it's a built-out urban
22 environment. You don't have open space to put a
23 courtyard with a fountain and benches and a table
24 to sit out there and have lunch or, you know, to
25 have a smoke or whatever the case may be.

1 I think it's a creative use. It's not a
2 precedent, many offices and office complexes have
3 outside accommodations.

4 MR. GARCIA: Is this application
5 expanded, right?

6 MR. DOUGHERTY: By two feet in the back.

7 CHAIRPERSON GRULLON: Which picture is
8 showing that?

9 MR. DOUGHERTY: It's really to access
10 that, what would be dead space.

11 CHAIRPERSON GRULLON: Do you have an
12 aerial picture can show that?

13 MR. PANEQUE: They're putting back the
14 first floor.

15 MR. GARCIA: That's why my questions.
16 So the first floor, you're expanding? All the way
17 to the back.

18 MR. PEREIRAS: The best way to describe
19 it is on the site plan. We have the existing site
20 plan on the left and the proposed on the right.
21 That existing rear building is already demolished,
22 it's gone. We tore it down. We're looking to
23 build it back. But instead of building it back
24 right there, we're going all the way to the
25 property line. And that's in order to create that

1 second means of egress along the back.

2 CHAIRPERSON GRULLON: Okay.

3 MR. PEREIRAS: We don't feel it's an
4 impact to any neighbors in any way.

5 MR. DOUGHERTY: You have the drive aisle
6 and the commercial daycare there, there's no
7 residences there. And the rear yard setback would
8 be 20 feet. I think 20 feet would look out of
9 place sitting right next to an open drive aisle.
10 It would be a large void in the public realm. I
11 think this adds to purpose I, a desirable visual
12 environment for the community, in blocking up and
13 accentuating that corner on the main corridor.

14 CHAIRPERSON GRULLON: I can see it
15 clearly in your picture on page 5.

16 MR. PEREIRAS: If you look at sheet Z02,
17 if you have an aerial perspective. You see the
18 existing building. You see that there's this
19 driveway, commercial driveway along the back. All
20 we're doing is butting up right on the property
21 line. It's not affecting anyone.

22 CHAIRPERSON GRULLON: Okay.

23 MS. PEREIRAS: And I think it's hard to
24 wrap our minds around an office space having this
25 outdoor space. So I think the best thing to do is

1 call up our applicant, just so he can explain a
2 little bit as to what his practice is and why he
3 requires this space.

4

5 J A S O N C A P I Z Z I, after having been duly
6 sworn or affirmed, did testify as follows:

7

8 MR. CAPIZZI: Jason Capizzi,
9 C-A-P-I-Z-Z-I, 601 New York Avenue.

10 Thank you for the opportunity to address
11 you tonight and for your consideration of my
12 application. And before I proceed, I just want to
13 acknowledge my professional team as well in their
14 presentation of my application and representation
15 of me. I think you guys are doing a great job.
16 I'm very excited for, you know, to see this now
17 all coming together.

18 So you heard I'm an attorney, I'm not
19 your regular attorney. I'm one of maybe about a
20 dozen in the state that practice in an area called
21 public finance. I represent governmental entities
22 throughout the state, primarily as bond counsel,
23 in their project financings. So this is a highly
24 specialized area of law which is uncommon for
25 somebody to be successful in doing this on their

1 own. I'm competing against the largest of the
2 largest and oldest firms in the state. So this
3 opportunity when I saw the building to purchase it
4 and the vision -- it really is primarily as a
5 showcase against anybody else who thinks that I am
6 going to -- I'm a fly-by-night operation. So it's
7 a showcase for that, number one.

8 Number two, part of my practice
9 unfortunately or fortunately, you have the
10 academic side, but there's also a political side.
11 So there is a lot of marketing myself, one, by
12 hosting seminars and showing I'm an expert in this
13 area and constantly teaching. And then two,
14 hosting events for clients, elected officials and,
15 you know, so forth. So that is goes into what my
16 business plan is and use for this space. It's a
17 large office for me right now and probably not
18 more than a couple of paralegals as we continue to
19 grow.

20 Primarily, you're questioning the
21 basement, it's a work area. I'm really in legal
22 publishing, when people ask what I do. It's a
23 large area to spread out, it's a lot of paperwork
24 that we put together. We assemble transcripts of
25 the financings that we hope the SEC and the IRS

1 will never read. But at the end of the day, it's
2 nonadversarial work. I rarely see the clients
3 during the day, everything is done remotely right
4 now. And it's -- I love what I do. So is that
5 clear?

6 CHAIRPERSON GRULLON: We're just trying
7 to understand the large area for the roof deck and
8 also the needs of having a wet bar, like an area?

9 MR. CAPIZZI: Sure. So I grew up in the
10 suburbs with a backyard and then I got married to
11 a woman who likes urban living. And we moved into
12 a condo and there's no chance for me to have a
13 backyard any time soon. We have a little
14 daughter. So one, I wanted outdoor space in my
15 office since I'm constantly working as much as
16 possible. We saw this building and we had the
17 vision for, right, a big outdoor deck.

18 I went to an environmental college. I
19 would love to just be barefoot running in lawns
20 and just sitting under a tree and working. So I
21 work for myself and this is my way to accomplish
22 that. And then, again, yes, to have staff and
23 everybody enjoy outdoor space. To have clients as
24 well enjoy outdoor space and to just not be cooped
25 up inside all the time. So that's -- this brings

1 all that together.

2 CHAIRPERSON GRULLON: The hours of
3 operation that you're projected to have your
4 office open?

5 MR. CAPIZZI: Hopefully not as long as
6 would be concerning to you guys, but yeah, you
7 know, I have a baby daughter at home.

8 CHAIRPERSON GRULLON: Will you be open
9 at night with noise on the roof deck, will you --

10 MR. CAPIZZI: Would there be events at
11 night occasionally throughout the year, perhaps.
12 But nothing late, nothing like a crazy party that
13 you're thinking. You know, hours of operation, I
14 stuttered. I'm always working, right. If I don't
15 work, the job doesn't get done. But 9 to 5 if you
16 have to set hours, I don't expect office staff to
17 be there working as much as me.

18 But also I don't expect to go around
19 fighting for or looking for a parking space after
20 5:00, because as everybody testified, it's really
21 easy to park there during the day. I hope, you
22 know, I'm not jinxing myself by not seeking some
23 other approval for parking. But it's really not
24 necessary for me and, again, clients don't come at
25 all, which good and bad. You're all welcome to

1 visit.

2 CHAIRPERSON GRULLON: Thank you, Mr.
3 Capizzi.

4 MR. CAPIZZI: Thank you.

5 VICE CHAIRPERSON GUTIERREZ: Thank you.

6 CHAIRPERSON GRULLON: Do you have any
7 other witnesses?

8 MS. PEREIRAS: We do not.

9 CHAIRPERSON GRULLON: Any questions from
10 the board? At this time --

11 MR. GARCIA: The roof deck is at the
12 second level, right?

13 MR. PEREIRAS: Correct.

14 MS. PEREIRAS: Yes.

15 MR. GARCIA: Any way that your client is
16 willing to like reduce the roof deck? And
17 eliminate the -- I'm asking for myself, maybe to
18 see if you could eliminate the wet bar?

19 MR. PEREIRAS: The answer is no. We're
20 asking that the board please grant that.

21 MS. PEREIRAS: Please remember it's a
22 very rare opportunity where we can provide some
23 outdoor office space. I would love to have this,
24 this is like a dream office.

25 MR. GARCIA: Ms. Pereiras, with all due

1 respect, I know that you were born and grew up in
2 the city, that's going to create precedent.
3 That's why we need to take in consideration when
4 we're going to vote.

5 MS. PEREIRAS: Sure.

6 MR. GARCIA: You know what I mean,
7 that's why.

8 MR. PANEQUE: Two minute break?

9

10 (Whereupon a short recess was taken.)

11

12 MR. PANEQUE: Back on the record.

13 CHAIRPERSON GRULLON: Mr. Pereiras, as
14 we said before, the improvement to the building,
15 that's something that's needed in the area. Our
16 concern was we had some concern with the roof deck
17 and I believe that you had the opportunity to
18 consult with your client?

19 MR. PEREIRAS: We have.

20 CHAIRPERSON GRULLON: Would you please --

21 MR. PEREIRAS: I'd be very happy to. If
22 you notice, the roof deck has landscaping to the
23 south across the entire length. We would like to
24 propose to this board that we provide landscaping
25 on the opposite side, on the north equally, the

1 way I showed here on this drawing. So we'll have
2 a space from the door and that will continue all
3 the way to the counter area. And instead of a wet
4 bar, we would propose to eliminate that and just
5 provide a sink.

6 CHAIRPERSON GRULLON: Okay.

7 MR. GARCIA: How high is those gardens,
8 whatever plants that you're going to --

9 MR. PEREIRAS: It's just small bushes,
10 is there a specific height you would like?

11 CHAIRPERSON GRULLON: You're going to be
12 on the second floor, it's close to the street. We
13 would like it not to be visible from the street.

14 MR. PEREIRAS: Correct. We'll provide
15 bushes that are going to be planted probably at
16 around three foot height with a one inch caliper,
17 that will grow to eventually about a four foot
18 height, which is going to cover that view from the
19 street.

20 MR. GARCIA: I'm just figuring myself
21 there and I can imagine the high level of your
22 client's client, you know what I mean? I don't
23 know how comfortable they're going to feel
24 exposing themselves to the street basically.
25 That's what I'm just visualizing the terrace. And

1 to me being like at the corner with the bush here
2 and then the street right there, you know what I
3 mean. That's the point.

4 MR. PEREIRAS: That makes perfect sense.
5 They don't want to be on display.

6 CHAIRPERSON GRULLON: That will be
7 privacy for the clients.

8 MR. PEREIRAS: Absolutely, I think it
9 will be a beautiful element of privacy.

10 CHAIRPERSON GRULLON: Just keep that in
11 consideration.

12 MR. PEREIRAS: We'll update drawings and
13 submit them prior to the next meeting.

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

18 MR. GARCIA: I want to say thanks to
19 your client. First of all, to think about Union
20 City, to bring really kind of decent, nice office.
21 And also to understand our concern regarding the
22 roof deck. It's not only like we want to be the
23 pain in the neck, but it's kind of to -- first of
24 all, protect them, like I mention before, just
25 visualize myself there. I don't want to expose

1 myself on the corner on the street. Also you know
2 Mr. Pereiras, you know, always with the roof deck,
3 I'm kind of concerned with safety issues. So
4 that's the comment I want to make.

5 MS. PEREIRAS: Thank you, Mr. Garcia.

6 CHAIRPERSON GRULLON: With the condition
7 to provide revised plans, I make a motion to grant
8 this application.

9 MR. VALLEJO: Motion on the table to
10 grant the application by Mr. Grullon.

11 VICE CHAIRPERSON GUTIERREZ: Second.

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

14 CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes, with
17 all the conditions.

18 MR. VALLEJO: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

5 MS. PEREIRAS: Thank you all very much.
6 We appreciate it.

7 MR. CAPIZZI: Thank you.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. The Residences at New York Avenue, LLC 1211
3 New York Avenue. Block: 61.02, Lots 2(22-26).
4 Subdivision of the lot unto 6 new lots (4 lots
5 2,784 sq. ft.; 1 lot 2,976 sq. ft.) with
6 construction of 3 family dwelling on each new lot
7 for a total of 6 - 3 family buildings. The
8 applicant's attorney is requesting a minor design
9 change to the plans. The approval resolution was
10 adopted on 01/09/2020. **Approved**

11
12 MR. VALLEJO: We are moving to
13 resolution right now. We have four resolutions on
14 tonight's agenda. Resolution number one, New York
15 Avenue, LLC, 1211 New York Avenue was approved at
16 the previous meeting. Can I have a motion --

17 CHAIRPERSON GRULLON: Motion.

18 MR. VALLEJO: -- to memorialize this
19 resolution.

20 VICE CHAIRPERSON GUTIERREZ: Second.

21 MR. VALLEJO: Motion by Mr. Grullon,
22 seconded by Ms. Gutierrez.

23 Roll call on the motion. Mr. Grullon.

24 CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.
2 MR. GRULLON: Mr. Ortiz.
3 MR. ORTIZ: Yes.
4 MR. VALLEJO: Ms. Perez.
5 MS. PEREZ: Yes.
6 MR. VALLEJO: Mr. Garcia.
7 MR. GARCIA: Yes.
8 MR. VALLEJO: Ms. Watley.
9 MS. WATLEY: Yes.
10 MR. VALLEJO: Ms. San Martino.
11 MS. SAN MARTINO: Yes.
12 MR. VALLEJO: Seven in favor, motion
13 carries.

14 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 2. Hilda Perez & Alex Perez - 2000 West Street.
3 Block: 23 Lot: 28. Expansion of an existing
4 daycare to the second floor. **Approved. Revised**
5 **plans received on 10-04-2023**

6
7 MR. VALLEJO: Resolution number two,
8 Hilda Perez and Alex Perez, 2000 West Street.
9 This application was approved at the previous
10 meeting, we received revised plans. Can I have a
11 motion to memorialize this resolution.

12 VICE CHAIRPERSON GUTIERREZ: Motion.

13 MR. VALLEJO: Motion by Ms. Gutierrez.

14 MR. GARCIA: Second.

15 MR. VALLEJO: Seconded by Mr. Garcia.

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: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

3. Juan Inoa 705-707 Bergenline Avenue. Block:
35 Lots: 3 & 4. The applicant proposes to
legalize an existing two-bedroom apartment in the
basement; there will be a total of 7 units.

Approved.

MR. VALLEJO: Resolution number three,
Juan Inoa, 705-707 Bergenline Avenue. This
application was approved at the previous meeting.
Can I have a motion to --

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: By Ms. Gutierrez.

MS. WATLEY: Second.

MR. VALLEJO: Second by Ms. Watley.

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.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

4. Sergio Quinde. 516 40th Street. Block: 234
Lot: 23. Legalization of first floor apartment.
Approved. Revised plans received on 10-03-2023.

MR. VALLEJO: Resolution number four,
Sergio Quinde, 516 40th Street, approved at the
previous meeting. Can I have a motion to
memorialize this resolution?

VICE CHAIRPERSON GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

MS. WATLEY: Second.

MR. VALLEJO: Seconded by Ms. Watley.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

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ADJOURNMENT :

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

VICE CHAIRPERSON GUTIERREZ: Motion.

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

MR. ORTIZ: Second.

MR. VALLEJO: All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon the meeting was adjourned at 10:00 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