

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, November 9, 2023
Commencing at 6:16 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
ANDRES GARCIA
GERALDINE PEREZ
VIVIAN O'DELL

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

MIGUEL ORTIZ
ROSIO PENA
RAYMOND CETINICH
MINDRY WATLEY
ALTAGRACIA SAN MARTINO

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

McKINLEY MERTZ, PP, Consulting City Planner

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

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

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

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Lilian Leon

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Monserrat Moran

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 1800 JFK BLVD, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Patricia Villarruel

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SALUTE TO FLAG

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1212-1216 Summit Avenue

WITNESSPAGE

Manuel Pereiras

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NO

EXHIBITS

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3810-14 32nd Street

WITNESSPAGE

Manuel Pereiras

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Lee Kline

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EXHIBITS

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1608-1610 New York Avenue

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MONSERRAT MORAN
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I N D E X

1800 JFK BLVD, LLC
1800 Kennedy Blvd.

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Manuel Pereiras

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NO

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

3 Please take notice that on Thursday,
4 November 9, 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, and The Star
15 Ledger, has been posted on the bulletin board in
16 City Hall, and has been made available to the
17 public in the Office of the 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.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes, here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino is absent.

Mr. Cetinich is absent.

Let the record indicate there are five present. So we have a board of five members for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: All right. We're going to previous meeting minutes of October 12, 2023. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Paneque, let the record show that Ms. --

MS. O'DELL: I read them.

MR. PANEQUE: For the record, I've been provided with a certification of absence indicating that board member Vivian O'Dell does

1 hereby certify that she read the transcripts from
2 the meeting of October 12th and she has become
3 fully familiar with what took place on that night;
4 therefore, she's eligible to vote tonight on all
5 matters that were heard that evening.

6 MR. VALLEJO: Thank you, Mr. Paneque.
7 Five in favor, motion carries.

8 * * * *

1 **HUNG FAT, INC. -**

2 **1212-1216 SUMMIT AVENUE:**

3
4 MR. VALLEJO: First matter on tonight's
5 agenda, Hung Fat, Inc., 1212-1216 Summit Avenue.
6 It's been adjourned on October 2023, Ms. Pereiras.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Good evening, Counsel, Mr. Chairman, members of
9 the board, may it please the board, Bianca
10 Pereiras on behalf of the applicant.

11 As Mr. Vallejo mentioned, this is a
12 continuation. When we were here last month, the
13 board made several suggestions to us to reduce the
14 scale of the project. We provided the board with
15 revised drawings. So I'd like to begin with our
16 architect, Mr. Manuel Pereiras, so that he can
17 describe the changes that were proposed before the
18 board.

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

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

24 Hello, everyone, good to see you.

25 CHAIRPERSON GRULLON: We accept your

1 qualifications, Mr. Pereiras.

2 MR. PEREIRAS: Thank you so much. I'll
3 briefly remind the board what this project is.
4 Turning to page Z01 of the documents, we see the
5 existing -- what used to be called the Summit
6 Hippodrome, it's a large structure. We're
7 actually proposing to reduce the structure by
8 36 percent. We're demolishing the rear portion of
9 the building, creating a rear yard and creating
10 parking for this project.

11 On sheet Z03, we see the new design for
12 the basement. We're splitting the basement into
13 two areas. The center area is actually going get
14 filled and have retaining wall also on both sides.
15 That's in order to provide parking to this
16 facility by means of a driveway through the center
17 portion.

18 Turning to sheet Z04, we see the ground
19 floor. Most importantly here, we see we have 17
20 parking spaces. These are 9-by-18 full parking
21 spaces with a full 24 foot drive aisle available
22 so it's clean circulation, meets all standards for
23 parking. And we're providing two electric parking
24 stations as well, as well as a handicapped parking
25 space for the building.

1 On that ground floor, we have two
2 existing commercial spaces. We're looking not to
3 change those, those are existing viable businesses
4 that we're looking to continue. We're creating
5 two mechanical spaces in the back, one for
6 mechanical equipment and the other to hold all the
7 trash for the building along that part. That's
8 going to have a trash chute, so all the garbage
9 gets located into a sealed room and taken out on
10 trash days. On the ground floor, we have a studio
11 apartment that is a fully handicapped accessible
12 studio apartment. And the entrance to that
13 apartment is the same entrance as the rest of the
14 building.

15 You see that on the bottom left hand
16 corner, we're creating a new entrance that leads
17 you to stairwell number one. That stairwell
18 number one leads you to the second, third, and
19 fourth floor. It is a very simple design where
20 you have a stairwell on both ends of the building
21 for safety and a hallway that connects the two of
22 them. And the floor plan is very similar on every
23 floor. We have four units per floor. Each of the
24 units are two bedroom units.

25 Turning to sheet Z06, you see the third

1 floor, which is the exact same layout. And Z07,
2 that layout remains the same as well.

3 And then the roof is just housing the
4 condensers for the mechanical equipment. There's
5 no roof deck and there's nothing else proposed to
6 the roof and there's no structure hanging over the
7 roof. It's just the mechanical equipment and a
8 hatch for roof access.

9 And our elevations, I think what's very
10 critical here and important to remind you is that
11 this is an adaptive reuse project. We have this
12 beautiful structure, a theatre, that's part of the
13 character and the history of Union City. We're
14 maintaining this facade and really adaptively
15 reusing it in a way that's going to create
16 vibrancy for Summit Avenue we so desperately need
17 it. This is my neighborhood, my office is less
18 than about 150 feet away from here.

19 We desperately need people, we have a
20 lot of vacancies in all the commercial spaces.
21 The building next to this is completely vacant,
22 two floors of commercial space, about 9,000 square
23 feet that are vacant. There's vacancies across
24 the street, there's vacancies everywhere. We need
25 people to generate the businesses there so that

1 Summit Avenue comes back to life.

2 I'll remind this board that we started
3 with a much larger project. We've reduced it now
4 to twelve two bedrooms and one studio apartment on
5 the ground floor to comply with handicapped
6 accessibility. And we're providing 17 parking
7 spaces for those twelve two bedroom apartments
8 above.

9 And we thank you, first and foremost,
10 for working with us throughout this project. It's
11 been a long kind of endeavor going back and forth
12 to find the right project. I feel we found it and
13 I thank you very much and I'm open for questions.

14 CHAIRPERSON GRULLON: Ms. Pereiras, this
15 is your only witness?

16 MS. PEREIRAS: No, we have two
17 additional witnesses.

18 CHAIRPERSON GRULLON: Let's hear from
19 the other witnesses.

20 MS. PEREIRAS: So because parking is
21 always a major issue here in town, we do have a
22 traffic engineer to speak on that issue, Mr.
23 Connor Hughes.

24

25 C O N N O R H U G H E S, after having been duly

1 sworn or affirmed, did testify as follows:

2

3 MR. HUGHES: Connor Hughes, H-U-G-H-E-S.

4 I did previously testify for the project, so
5 hopefully I'm still under oath.

6 MS. PEREIRAS: Just to confirm, Mr.
7 Hughes is accepted as an expert?

8 CHAIRPERSON GRULLON: Yes, we accept
9 your qualifications.

10 MR. HUGHES: Thank you. So as
11 mentioned, parking obviously is, you know, the
12 main concern, not only for this project, but Union
13 City as a whole. So we did take a close look at
14 that and, you know, reason being for all the back
15 and forth, we wanted to make sure this is a viable
16 project, not only for the residents of the
17 building itself, but also no impacts to the
18 surrounding areas and surrounding residents in the
19 community.

20 So per the code, there are 30 spaces
21 required, that includes 26 for the residential
22 portion and four for the existing commercial
23 portions to remain. So we're proposing 17, as was
24 mentioned by Mr. Pereiras. So we do have a
25 parking variance that we're requesting of 11

1 spaces. Comparing the 17 proposed spaces to the
2 12 or 13 units that are proposed, that's a parking
3 ratio of 1.3 per unit.

4 So the other part of this is with the
5 electric vehicle spaces, that allows us to reduce
6 the parking requirement up to 10 percent. Based
7 on the 30 spaces that are required, that allows us
8 to reduce that to 28. So effectively, the
9 ordinance requires 28, we're providing 17.

10 And if you look at some different
11 parking standards, first of all, the RSIS, they
12 allow -- what they set forth is when you have a
13 local, more local demand, they set forth a
14 deviation for household characteristics, mass
15 transit, urban versus suburban locations, as well
16 as off-site parking resources. So they kind of
17 recognize that when you're in a more urbanized or
18 different areas, that there are different parking
19 standards that should be accepted. And looking at
20 the census data for the particular area around the
21 site, we found that when you look at the vehicle
22 occupancy per rental unit, it's a little bit less
23 than one per unit and translates to a demand of 11
24 spaces for the project, whereas 17 are proposed.

25 We also looked at ITE parking demand.

1 They set forth -- they have a parking generation
2 manual that sets forth parking demands for
3 hundreds of different land uses based on empirical
4 research counts. So based on that data source,
5 it's about half a space per bedroom. With 25
6 bedrooms proposed, that equates to 12 spaces, 17
7 are proposed. And being in an urban area, there's
8 obviously mass transit availability, it's a
9 walkable neighborhood, you have Uber, Lyft
10 services, things like that that are available as
11 well, that help reduce that vehicular demand, not
12 only in terms of parking, but in terms of trip
13 generation. So there's a few different factors
14 that come into play.

15 And the other part of this is it's very
16 much an improvement over existing conditions,
17 whereas the entire lot's a building, there's no
18 parking provided on site at all, we're now
19 providing that on site parking, taking that
20 parking off the street. And even comparing it to
21 the use before this or previously, as a theatre,
22 that would have a much higher parking demand than
23 what we're looking to develop as far as a
24 residential use.

25 So just with all those various factors,

1 we do feel that the parking will be more than
2 sufficient to support the use. I'll be open to
3 any questions.

4 CHAIRPERSON GRULLON: Thank you. You
5 have another witness?

6 MS. PEREIRAS: We do, we have our
7 planner to wrap up the presentation this evening.

8
9 A L E X A N D E R D O U G H E R T Y, after
10 having been duly sworn or affirmed, did testify as
11 follows:

12
13 MR. DOUGHERTY: Alexander Dougherty,
14 I've testified on this application just a few
15 months back. My licenses are still good, current
16 and up-to-date.

17 CHAIRPERSON GRULLON: We accept your
18 qualifications.

19 MR. DOUGHERTY: For a recap, just to
20 kind of see where we were and where we're at now.
21 This initial project was 16 apartments, we're down
22 to 13. So with that being said, I think we heard
23 the board's concern. You know, with this
24 application comes an opportunity to revitalize an
25 existing site, that has kind of an intrinsic value

1 in the community, in the neighborhood here.

2 As the exhibits that I distributed last
3 time show, there is multiple mixed uses in the
4 area, there is mass transit available. With that,
5 I believe we have, as we just heard, a healthy
6 parking ratio. This is a comfortable development,
7 this is not over development. The units are
8 comfortably sized. With that, comes an
9 opportunity to what we call, as we call, fill in
10 the missing tooth, the gap here. This is a fairly
11 low profile building, the properties adjacent to
12 it are fairly large in massing. So we'll kind of
13 fill that streetscape void, keep the iconic facade
14 and repurposes this project for housing, to meet
15 the housing needs.

16 The project brings with it advancements
17 of Municipal Land Use Law, purpose A, E, G, I, and
18 M. The project promotes the general welfare with
19 new housing stock for a growing population. It
20 promotes a variety of housing options according to
21 needs of all New Jersey citizens. The
22 redevelopment is complementary to and in harmony
23 with the scale of Summit Avenue corridor. The
24 project bolsters the diverse character of Summit
25 Avenue and puts people near mass transit, and

1 again people near downtown, which would lessen the
2 demand and need for the vehicle. With that, I
3 believe the project promotes new housing stock to
4 offset Union City's aging housing stock, and
5 advances positive aesthetics with keeping the old
6 facade and layering new contemporary design.

7 When we look at the impacts, for a recap
8 here, we have sworn testimony of all the experts
9 that the site will function and flow and operate
10 safely and efficiently. The building has been
11 designed in accordance with all applicable
12 building and fire codes. The units are
13 comfortably sized, it's not overdevelopment.
14 There is no impact substantially adverse in nature
15 that have not been addressed and/or mitigated.
16 There has been great detail and a lot of eyes on
17 this project. I think we landed on something
18 where the City can be proud and the applicant can
19 be proud with what he's producing for the City.

20 We do have some existing variance relief
21 here. The lot depth was the issue, where 100 feet
22 is required, we're at 99.25. With that being
23 said, the parking was the biggest issue and I
24 think we've landed on a comfortable number here,
25 where we have 26 for the residents. We'll need

1 four additional for the commercial. We're at 17
2 here. And I think that's the actual demand that
3 these units will produce, given the walkability
4 and transit access here.

5 The building itself, we're under the
6 height requirement, there's a four-story 50 feet.
7 Existing there is two-story, 30, what we're
8 proposing filling that gap is a third story at
9 39 feet. So we're substantially under the height
10 requirement. The impervious coverage, which is
11 another positive coming with this, is at
12 100 percent and we're bringing it down to about 76
13 percent. So we're going to open it up, greenify
14 it and provide some housing opportunities.

15 The building coverage, requirements are
16 80 percent, existing conditions are 100 percent.
17 We're going to reduce that down to 64 percent. So
18 with this, we're adding more building, but we're
19 alleviating the intensity of the building on the
20 property itself, which is a testament to design
21 and the effort put in.

22 And by way of mass transit, again bus
23 line 83, 85, and 87 are within walking distance to
24 the property. And with that being said, I believe
25 we've landed on something very palatable that the

1 City can be proud of and the applicant. And I
2 believe the statutory criteria would be met and
3 approval would be warranted.

4 CHAIRPERSON GRULLON: Mr. Dougherty, on
5 your notes there, how many stories did you say you
6 have?

7 MR. DOUGHERTY: We had three stories at
8 39 feet.

9 MR. PEREIRAS: It's a four-story
10 building --

11 CHAIRPERSON GRULLON: I don't want to
12 mislead the board.

13 MR. DOUGHERTY: We're under the vertical
14 height.

15 CHAIRPERSON GRULLON: Is it four stories
16 or three?

17 MR. DOUGHERTY: It's four stories, I
18 apologize.

19 MR. GARCIA: How high?

20 MS. MERTZ: What's the number of feet?

21 MR. PEREIRAS: We're actually at the
22 same height of the existing building and it is a
23 total of 46 feet five inches.

24 MR. DOUGHERTY: Is that because of
25 the -- I apologize.

1 MS. MERTZ: They're permitted 50 feet,
2 so they are under it.

3 MR. DOUGHERTY: I apologize.

4 CHAIRPERSON GRULLON: Thank you, Mr.
5 Dougherty. Ms. Pereiras, do you have another
6 witness?

7 MS. PEREIRAS: We do not. We're open
8 for your questions and we hope these modifications
9 are acceptable.

10 MR. PEREIRAS: There's just one more
11 thing I wanted to mention, Mr. Chairman, just to
12 remind the board because it's been many years
13 since this project started. This board previously
14 approved 13 units on this site. We tried to be a
15 little more aggressive and ask for more units.
16 We're back before this board for 13 units again,
17 the same thing the board approved except this is
18 much better because now we have 17 parking spaces.

19 CHAIRPERSON GRULLON: Mr. Pereiras, this
20 is a new application, no?

21 MR. PEREIRAS: Correct.

22 CHAIRPERSON GRULLON: The previous
23 approval does not exist.

24 MR. PEREIRAS: 100 percent.

25 CHAIRPERSON GRULLON: I know it was way

1 back before we had the new zoning map.

2 Mr. Pereiras, could you go over the
3 zoning table, zoning data table?

4 MR. PEREIRAS: I'll be happy to. We're
5 requesting a use variance. The use variance is
6 first and foremost requested because we have an
7 apartment on the ground floor and the number of
8 units that we have in the building. This is the
9 CN zone, the CN zone doesn't contemplate lots that
10 are larger than 2,500 square feet. So we have a
11 use variance just by the function of having a
12 combined lot of 75-by-100. The lot area 2,500 is
13 required, we have 9,119 square feet. There's no
14 variance requested there. The lot width, 25 is
15 the minimum requirement, we have 90 feet, no
16 variance is requested there. The lot depth is
17 100 feet minimum, we have 101.2 feet, no variance
18 is requested there either. The front yard,
19 zero feet is required, it's a preexisting building
20 at zero feet.

21 MS. MERTZ: I apologize. Your planner
22 testified previously that your lot depth was
23 deficient.

24 MR. DOUGHERTY: By a couple inches,
25 we're at 99 and change, 99.25 is the lot depth.

1 It was a preexisting.

2 MR. PEREIRAS: It's a skewed lot and the
3 skewed lot. The deepest point is 101.2, the
4 smallest point is 99 and our ordinance,
5 historically Mr. Spatz has interpreted that as
6 long as we meet the depth at 101.2 -- the one
7 hundred at one point of our, lot we're compliant.
8 So I'm assuming that historical precedent will
9 continue today, but I'll defer to you.

10 MS. MERTZ: I'll defer to the board for
11 how you typically handle this. I have Mr. Spatz's
12 memo in front of me. He did call it out at 99.25,
13 perhaps he misread the drawings.

14 CHAIRPERSON GRULLON: That's my
15 interpretation, too.

16 MS. MERTZ: I would stay on the
17 conservative side would be my recommendation.

18 MR. PEREIRAS: Just for the edification
19 of the board, the south side is 101.2, the north
20 side is 99.25. So just for clarity, we'll say
21 that's a preexisting nonconformity for lot depth.

22 MS. MERTZ: Which I would agree with.

23 MR. PEREIRAS: Back to front yard,
24 zero feet is required, zero feet is existing,
25 there's no change to that. I'd like to also

1 mention that where our new construction is, we
2 wanted to keep the cornice, the beautiful historic
3 cornice. So we elected to set back that center
4 portion of our building another two feet so we
5 could preserve that. So in the center portion of
6 the building, we have an additional two foot front
7 yard setback better, than what the ordinance
8 requires.

9 Our side yards. Zero is required of the
10 ordinance, zero is what's existing, zero is what
11 we continue to do. So there's no variance for
12 that as well. Our building height, four stories
13 is permitted, we're proposing four stories. No
14 variance is required there. Height of the
15 building, no variance is required there either.
16 We're at -- I just mentioned it, let me confirm,
17 so I have no questions later, the testimony is
18 clear. It is 44 feet, six inches, the overall
19 height of the building. We are exactly at that
20 dimension because the Summit Hippodrome has the
21 peak and we didn't want to go higher than the
22 existing peak. We wanted to respect that height,
23 so we're matching that height and no variance is
24 required there either.

25 The building coverage, 80 percent is

1 what's permitted. The site previously was
2 100 percent covered, we're reducing that
3 significantly and we brought it down to 84
4 percent. So we're improving the site conditions,
5 we're removing a variance there, and we're down
6 and there's no variance required there.

7 CHAIRPERSON GRULLON: Mr. Pereiras, with
8 the building coverage, the ground floor, you're
9 going to have a parking lot?

10 MR. PEREIRAS: Yes.

11 CHAIRPERSON GRULLON: It's going to be
12 covered, how is it interpretation to 64 percent?
13 My understanding is that you're going to have the
14 ground floor as parking?

15 MR.

16 DOUGHERTY: Yes.

17 CHAIRPERSON GRULLON: Everything is
18 going to be covered by the parking.

19 MR. PEREIRAS: No I'll go back and I'll
20 clarify that. We're demolishing this portion of
21 the building.

22 CHAIRPERSON GRULLON: Yes.

23 MR. PEREIRAS: So all of this is going
24 to be open to air, so there's no cover to that
25 parking. So the building coverage is only this

1 portion.

2 CHAIRPERSON GRULLON: All right.

3 MR. PEREIRAS: We're not proposing a
4 building -- we're creating a huge rear yard of
5 36 feet, whereas before it didn't exist at all.

6 CHAIRPERSON GRULLON: But it's not
7 covered by the building?

8 MR. PEREIRAS: Correct, it's open to
9 air. And that was a conscious decision in order
10 to bring light and air and significantly improve
11 all the living conditions of all the neighbors.
12 So we have a huge setback. Whereas before it
13 didn't have one, we're creating it. We're
14 removing 36 percent of the existing building. So
15 our building becomes a lot smaller now, what we're
16 proposing. So it's better in every way from bulk
17 standards. We're keeping the same height, yes the
18 previous one was at a pitch, now it's squared out.
19 But we're not making it any taller, so it doesn't
20 affect any neighbors in any negative way. And
21 we're removing 36 percent of the building. So
22 now there's a real rear yard, real light and air
23 coming in to all the neighbors. So it's a
24 significant improvement.

25 And then let's go to finishing off the

1 chart, the lot coverage. Lot coverage, that's
2 what we just went over. The street parking. So
3 we have existing commercial spaces in that
4 building. We have a theatre, really, that's a
5 viable theatre. If somebody wanted tomorrow to
6 open that theatre, they could. Theatre from a
7 parking standpoint would be devastating for the
8 neighborhood. People would come to see movies,
9 where would people park when they come to live?
10 We're changing that, we're really drastically
11 changing the parking demand to make it 12 two
12 bedroom apartments and a small studio on the
13 ground floor. And we're providing 17 parking
14 spaces for the twelve apartments and the one
15 studio. So 13 apartments, 17 parking spaces. I
16 think that's a significant improvement in general
17 from a parking standpoint for this building. And,
18 yes, we're asking for a parking variance, but I
19 think that this board would consider that this is
20 a much better building as an outcome and something
21 that's desperately needed in this neighborhood.

22 CHAIRPERSON GRULLON: Thank you, Mr.
23 Pereiras, for your testimony and for the
24 clarification with the zoning data. I really
25 appreciate all the effort that you made to try to

1 bring this application close to where, you know,
2 the board was requesting. But there is one issue
3 we still have.

4 MR. GARCIA: I have a question.

5 CHAIRPERSON GRULLON: Let me just
6 mention parking. Parking is still way off, you
7 know. Like the required parking is 30 spaces and
8 I'm just going to let everybody speak. In an
9 area -- like I know we have a theatre there, it's
10 not functioning. If it becomes functional, they
11 have the right to do that. But if we're going to
12 bring a new building to that area, it has to
13 comply at least with parking, you know. And my
14 view here, like, you only provided half of the
15 requirement, close to half of the requirement.
16 And that's an issue but I want to hear from the
17 other board members. Mr. Garcia, you were.

18 MR. GARCIA: Yes, I have a few
19 questions. First, when was the prior application
20 approved? What year?

21 MR. PEREIRAS: It was pre-Covid.

22 MR. GARCIA: Okay. Pre-Covid could be
23 any year before 2020. So I could say 2001, 2003,
24 so anything --

25 MR. PEREIRAS: Yeah, it was --

1 MS. PEREIRAS: I don't recall the exact
2 year.

3 MR. GARCIA: Over five years.

4 MR. PEREIRAS: It's around 2019. If I
5 had to guess right now, 2019, but we'll redo the
6 research.

7 MR. GARCIA: I have a question for the
8 traffic expert. How big is the commercial spaces?
9 I mean how many square foot you have for the three
10 commercial spaces?

11 MR. PEREIRAS: It's two commercial
12 spaces, they're preexisting and they are
13 27-by-18-6 and 27 by 18-11.

14 MR. GARCIA: How many is the square
15 footage?

16 MR. PEREIRAS: I'll tell you in a
17 second. About 490 square feet each and that's
18 included in the parking calculation. So there are
19 four parking spaces dedicated -- four from the
20 count is for the commercial spaces and granted
21 those are present --

22 MR. GARCIA: The thing I'm trying to do
23 is real calculation. So you have around what
24 1,200 square footage for the business?

25 MR. PEREIRAS: Like a thousand.

1 MR. GARCIA: You need, according to
2 the --

3 MR. PEREIRAS: 300 square feet -- one
4 parking space for 300 square feet that is four
5 parking spaces.

6 MR. GARCIA: Okay.

7 MR. PEREIRAS: So our apartment count
8 is -- we're using RSIS standards to calculate the
9 parking. There are 12 apartments, based on RSIS
10 standards, there are two parking spaces per
11 apartment, that's 24. There's a studio, the RSIS
12 standard for that is the same as a one bedroom,
13 which is 1.8 parking spaces. So we have 25.8
14 parking spaces required, based on RSIS standards.
15 Now, it's very important to understand that
16 RSIS --

17 MR. GARCIA: Plus the four?

18 MR. PEREIRAS: Plus the four of the
19 commercial. So there's a few things there. So
20 RSIS standards is a blanket number for the entire
21 state. So if we're in Warren or if we're in --
22 down the south in -- with in the suburbs, it's the
23 same number than if we're here in Union City.
24 Union City is a drastically different demographic
25 and different urban makeup.

1 We have and I know we've -- this board
2 has heard it many times, but we have an amazing
3 public transportation system. We're located right
4 next to New York City, not everyone here has cars.
5 It is a different -- however, we're -- it's
6 different in many ways, however, we're using the
7 same standard that's used throughout the state.

8 MR. GARCIA: That's a great comment, Mr.
9 Pereiras, because we are -- the RSIS is like an
10 umbrella and they mention two parking spaces for
11 two bedroom apartment in Wayne, right, just to
12 give an example --

13 MR. PEREIRAS: Anywhere in the state.

14 MR. GARCIA: Anywhere you go to, Wayne
15 and I just put Wayne, if you want Franklin Lakes,
16 let's say Franklin Lake?

17 MR. PEREIRAS: I went before the Wayne
18 zoning board two days ago, that's why it's fresh.

19 MR. GARCIA: What I'm saying is they
20 have plenty of space and they have to -- if they
21 come here, if they come here and you compare that,
22 they're going to say oh, no, this place, you're
23 going to need like four parking spaces for two
24 bedroom.

25 MR. PEREIRAS: It's quite the opposite.

1 In most planning and if you go to neighboring
2 towns like Jersey City, it's the exact opposite.
3 They're reducing their parking requirement for a
4 two bedroom significantly because of the urban
5 environment.

6 MS. MERTZ: Can I ask you didn't do one
7 bedroom units because it has a slightly smaller
8 requirement?

9 MR. PEREIRAS: Because we're already
10 reducing the size of the building by 36 percent,
11 so we're working with the size. And if we make
12 enormous one bedrooms, that prices a lot of the
13 public out. So we want to make units that are
14 reasonably priced to meet the needs -- we don't
15 want yuppies from New York coming here for one
16 bedrooms taking the train back to New York and not
17 spending their money in Union City and not caring
18 about Union City. We want to be able to have
19 small families and have it really open up for the
20 community.

21 So if this board wants us to go to one
22 bedrooms and reduce the parking count, we can do
23 that. I don't think that's what Union City wants
24 or Union City needs, so that's why we're in this
25 size.

1 MR. GARCIA: Let me ask a question to
2 probably to the traffic expert. How come if
3 you're -- you as an architect and I put you as all
4 the architects that come here -- always come to a
5 great proposal here and the parking situation is
6 getting worse every day?

7 MR. PEREIRAS: I think that there's a
8 real important reason for that. And it starts
9 with planning and it trickles all the way down.
10 If you plan for cars, you're going to get cars.
11 And Union City has the mentality that we need more
12 parking spaces that just creates more cars,
13 creates more congestion, and more problems. We
14 should focus on different things. We should focus
15 on bike paths, we should focus on public
16 transportation that's easier accessed, so we don't
17 have cars overlapping into bus stops and
18 crosswalks. That's what's important.

19 MR. GARCIA: I understand that.
20 However, this is not our responsibility as a
21 zoning board. Our responsibility is to try to
22 maintain the quality of life with all development
23 coming to Union City. So every day, it's getting
24 worse and we cannot be able to increase that
25 situation. That's our concern.

1 MR. PEREIRAS: But you're making it
2 worse because if we have 17 parking spaces and
3 that's good amount of parking for two bedroom
4 apartments, and every statistic out there says
5 that. And I understand because I live in Union
6 City, I understand the problems we have with
7 parking. But if we have 17 parking spaces, that's
8 going to be 17 cars on the site.

9 MR. GARCIA: That's why New York City
10 has every day more traffic?

11 MR. PEREIRAS: That's why what?

12 MR. GARCIA: New York City has more
13 traffic every day no matter what, they increase
14 tolls, they increase all the regulation.

15 MR. DOUGHERTY: New York City, Mr.
16 Garcia, is also doing a 25 by 25 street reduction.
17 By the year 2025, 25 percent of the streets will
18 be reduced for more pedestrian mobility versus
19 vehicular as well as the toll increases to kind of
20 stir away from the once was, you know, a car
21 centric city.

22 CHAIRPERSON GRULLON: Let's stay in
23 Union City. Let's go back to Union City.

24 Mr. Pereira, you are from the
25 neighborhood. And I'm sure you're here for your

1 clients. When you come to your office they don't
2 find parking spaces, they call you on the cell
3 phone and you have to go and visit them there
4 because there's no parking spaces there. Our
5 point is we have to try our best to come up with
6 applications that meet the parking demands as it
7 is right now.

8 As two bedroom apartments, it is going
9 to bring a minimum of two cars. Doesn't matter
10 where we put it, whether we put it in New York, we
11 put it -- people are leaving from New York to
12 Union City to get a better life, to be able to
13 have a car. If we don't provide that, if we don't
14 provide that opportunity for them to have a
15 building where they can have parking, they're
16 going to stay in New York. And they will not come
17 to Union City. They're going to come to Union
18 City regardless because of many other, you know,
19 things that Union City offers. And we want to
20 continue offering that. We want to continue, you
21 know, safety. We're going to continue providing
22 that we have a better quality of life, the ability
23 to own a car and be able to go and take the kids
24 somewhere.

25 If we -- the way we see it now because I

1 know you said you had an application that was
2 approved in 2018. I don't know why it was not --
3 why you did not proceed with the application.

4 MR. PEREIRAS: Covid.

5 CHAIRPERSON GRULLON: But now we have
6 the opportunity to come up with a building, you
7 know, like I know, I appreciate a lot to redevelop
8 the area, you know. But we have to come up with a
9 building that provides enough parking spaces. You
10 only have three lots there. My understanding
11 that's sufficient for nine units with the amount
12 of parking spaces that you have.

13 And that's, you know, the way I see the
14 application. If you need to have a ground floor
15 apartment, that's fine, ten apartments with 17
16 parking spaces, we might consider that. But I
17 want to hear from the other Board Members here,
18 because --

19 MR. PEREIRAS: And, Mr. Chairman --

20 CHAIRPERSON GRULLON: -- it's a lot, you
21 know.

22 MR. PEREIRAS: I understand everything
23 you're saying.

24 CHAIRPERSON GRULLON: We go around that
25 area, you know, where you have your office. And

1 I'm not sure if you live there, but you know the
2 neighborhood.

3 MS. PEREZ: It's sometimes very chaotic
4 to go down that block and people double park and
5 people are dropping people off, deliveries and you
6 end up with the double parking. It gets very
7 congested and very chaotic. When was the last
8 time the theatre was open, what year was that?

9 VICE CHAIRPERSON GUTIERREZ: A long ago.

10 MS. PEREZ: Because we're operating
11 without any of those parking spots as a variable
12 for a very long time, I don't remember the last
13 time the theatre was open. So like -- and when
14 people went to the theatre -- I went to that
15 theatre, I walked there. We walked there because
16 we didn't have cars to go out to Secaucus. So if
17 it were a theatre, it wouldn't be a parking
18 burden. It wouldn't impact parking. It was
19 something that -- you know, it was something that
20 people could go to. I'm very concerned about the
21 parking in that area and the traffic that it
22 generates.

23 MR. DOUGHERTY: I just want to put on
24 the record, 31 percent of your population uses
25 public transportation, 17 percent car pool,

1 14 percent work from home, 11 percent walk, 1
2 percent bike, that's 74 percent of your
3 population.

4 MS. PEREZ: But how many of the people
5 that car pool and use public transportation also
6 have a car that they're leaving in a spot because
7 they don't want to worry about the parking? We
8 don't move our car because we can't put it back.
9 We take public transportation and we do that
10 because we have nowhere else to put the car when
11 we get home.

12 MR. DOUGHERTY: That's the same
13 mentality, if you live in an environment that
14 doesn't have parking stalls, you're going to be
15 using and you're going to make the demand for
16 public transportation greater.

17 I want to put out I combed city websites
18 and ordinances and so forth. I'm on the Union
19 City website and I clicked on services and there's
20 a tab called transportation. And Union City
21 brands itself and it says -- under this, it says
22 airports. Union City is an easy commute to Newark
23 International Airport, about 20 minutes by car.
24 Teterboro Airport, a smaller commuter plane,
25 private jet and helicopter airport in Bergen

1 County is about a half hour. Another tab, buses
2 and rail service. Union City is easily accessible
3 by public transportation. New Jersey Transit and
4 other buses and independent commuter vans traverse
5 the city almost 25 hours a day seven days a week.
6 And buses leave Union City to most of north New
7 Jersey and New York and even Miami.
8 Transportation to Manhattan is available via the
9 Lincoln Tunnel, the approach which runs underneath
10 our streets, buses and within a short shuttle bus
11 ride or car drive vary. Then it says construction
12 on a new light rail station in uptown section of
13 the City is slated to begin next year. This
14 station will connect Union City by rail to the
15 entire northeast region of the country.

16 So we're planning on your website
17 advertising on your website public transportation.
18 The census data shows us public transportation.
19 We come in this room and it's only auto centric.

20 MR. GARCIA: The application you're
21 presenting now, Mrs. McKinley said, why you don't
22 come with one bedroom apartment? The problem that
23 you're presenting is family oriented apartment
24 that's going to need the transportation, going to
25 need a car. So the idea that you're selling to us

1 is the people are going to work outside of Union
2 City, going to work in New York City, they're
3 going to take public transportation, yes. I live
4 at 121 34th Street, we have around 88 parking
5 spaces, but you could go -- it's full parking. If
6 you go at 2:00 in the afternoon, yes, you're going
7 to find probably 20 percent of the car parking in
8 the lot. However, you know -- so he's mentioning
9 it's, so I can state it. It's there.

10 MR. PEREIRAS: It's fair. Mr. Chairman,
11 Board Members. We've been working on this
12 building for over five years, we've been before
13 this board so many times. As we've said from day
14 one, we're trying to work with the board and we
15 want to come to a solution. And, hopefully, right
16 now, we can come to that.

17 Mr. Chairman, you stated nine units and
18 the studio apartment below. It doesn't make sense
19 to make the building smaller. What I propose to
20 you today, to the board, if you would be in
21 agreement, if you allow us to do those nine units
22 plus the studio apartment within the same
23 footprint, which the footprint doesn't change
24 anything. So that changes to probably
25 three-bedroom units. So we'll have nine

1 three-bedroom units and we'll have the studio
2 apartment on the ground floor. We're maintaining
3 the count that you've requested, we have 17
4 parking spaces for the nine units. It makes a lot
5 of sense. And we're not reducing the building in
6 any anymore, we're already reducing 36 percent.

7 If this board could agree to that and we
8 get a positive vote tonight, I will present the
9 drawings to Mr. Spatz's office prior to the
10 resolution being written. And we could all leave
11 with a project that we're all proud of.

12 MR. GARCIA: Nine threes?

13 MR. PEREIRAS: Nine three bedrooms and
14 one studio and maintain the two commercial spaces.

15 MS. MERTZ: So can you do the math --

16 MS. O'DELL: You say there's four
17 parking spots for the --

18 MR. PEREIRAS: The parking demand.

19 MS. O'DELL: You have 17 spots.

20 MR. PEREIRAS: So right now, there's two
21 stores. Those stores today require four parking
22 spaces.

23 MS. O'DELL: The ones inside --

24 MR. PEREIRAS: Will nothing to do with
25 those stores, those would be for the apartments.

1 MS. O'DELL: So all 17 will be for the
2 apartments?

3 MR. PEREIRAS: Correct.

4 MS. O'DELL: Okay.

5 MR. GARCIA: Mr. Chairman, going to come
6 to 20.9, so .9 more than is required not.

7 CHAIRPERSON GRULLON: 20.9? What would
8 be the requirement?

9 MR. GARCIA: .9 more than is required
10 right now.

11 MS. MERTZ: Let's do the math. So it's
12 nine spaces times 2.1 spaces per unit is 18.9,
13 plus the 1.8 requirement for the studio is 20.7
14 would be the new residential requirement. So 21
15 spaces --

16 CHAIRPERSON GRULLON: Okay.

17 MS. MERTZ: -- would be the requirement.
18 Right now, the residential requirement as proposed
19 is 26. So it would reduce it by five and they're
20 still proposing 17.

21 MR. PEREIRAS: And I'd like to remind
22 the board what's permitted there is the nine
23 units. We're over a store, so we would have 80
24 foot deep store, three units above with no parking
25 whatsoever. So if this board were to approve it,

1 it would be a better alternative because we're
2 providing parking rather than going before the
3 planning board and getting a stacked commercial
4 and three times three approved.

5 CHAIRPERSON GRULLON: Any other Board
6 Members have any questions? At this time, I want
7 to open to the public. Any members of the public
8 want to step forward on this application? Hearing
9 none, close to the public.

10 With that, Mr. Pereiras, I know one of
11 the reasons that you are trying to get closer to
12 this is because you live in the area and you know
13 how difficult the parking situation is there. We
14 are -- our requirement is two parking spaces per
15 unit, but just considering that the existing
16 condition right now, there's no parking spaces, I
17 make my motion to grant the application for
18 nine units with the one studio apartment and 17
19 parking spaces, three bedrooms.

20 MR. GARCIA: And two commercial.

21 CHAIRPERSON GRULLON: With two
22 commercial spaces. I make a motion to grant the
23 application. You'll have to provide revised
24 plans. And thank you and thank the applicant for
25 hearing the board.

1 VICE CHAIRPERSON GUTIERREZ: I'll second
2 it.

3 MR. VALLEJO: Motion on the table to
4 grant the application for nine units, one studio
5 17 parking spaces, three bedrooms --

6 MR. PANEQUE: Before we vote --

7 MS. PEREZ: Can you clarify that?

8 MR. GARCIA: Before the vote --

9 MR. PANEQUE: Mr. Pereiras, the ground
10 floor unit, that's staying the same?

11 MR. PEREIRAS: It will still be a studio
12 unit, it will be a handicapped unit, it will stay
13 the same size.

14 MR. PANEQUE: So it's going to be nine
15 three-bedroom units, plus one ground floor
16 handicapped studio, plus 17 parking spaces
17 according to what's in the existing plans, full
18 size.

19 MR. PEREIRAS: And two existing
20 commercial spaces, not to be touched. And there's
21 an existing basement there as well.

22 MR. VALLEJO: Motion on the table to
23 grant the application with the condition by Mr.
24 Grullon.

25 VICE CHAIRPERSON GUTIERREZ: Second.

1 MR. VALLEJO: Seconded by Ms. Gutierrez.
2 Roll call on the motion.
3 Mr. Grullon.
4 CHAIRPERSON GRULLON: Yes.
5 MR. VALLEJO: Ms. Gutierrez.
6 VICE CHAIRPERSON GUTIERREZ: Yes.
7 MR. VALLEJO: Ms. Perez.
8 MS. PEREZ: Yes.
9 MR. VALLEJO: Ms. O'Dell.
10 MS. O'DELL: Yes.
11 MR. VALLEJO: Mr. Garcia.
12 MR. GARCIA: Yes.
13 MR. VALLEJO: Five in favor, motion
14 carries. Revised drawings required. Please do --
15 MS. PEREIRAS: Absolutely.
16 MR. VALLEJO: Ten days before the
17 hearing, don't drop it off the same day, please,
18 because I have to mail the hard copy to Mr. Spatz.
19 Please drop it off ten days before the next hearing.
20 MS. PEREIRAS: We'll make sure to do that.
21 MR. PEREIRAS: Mr. Chairman, Board
22 Members, thank you very much. This was a great
23 negotiation and great project. Thank you.
24 * * * *
25 **B & V INVESTMENT, LLC -**

1 **3810-14 32ND STREET:**

2

3 MR. VALLEJO: We're moving to
4 application number two, B and V Investments, LLC,
5 3810-14 32nd Street. This application was
6 adjourned on October 12, 2023, has been in this
7 board since May 11, 2023. Ms. Pereiras, please.

8 MS. PEREIRAS: Thank you very much.
9 Bianca Pereiras on behalf of the applicant. This
10 board may recall that we were here last month at
11 which time this board heard testimony from all of
12 our experts. We received some very good
13 suggestions from this board, so we went back to
14 the drawing board and modified this application
15 and these drawings to better suit the needs of the
16 board and the town.

17 So I'll present -- I'll begin our
18 presentation with our architect, so he can
19 describe the modifications that were made. Mr.
20 Pereiras.

21

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

23

24 MR. PEREIRAS: Thank you. Manny
25 Pereiras, I recognize I am still under oath.

1 Just to remind this board where the site
2 is, if you go down 39th Street in the west
3 direction, you have the Housing Authority
4 buildings on the right-hand side. If you get all
5 the way down to the corner, the site's on the
6 left-hand side. If you go down Bergen Turnpike,
7 you have the Board of Education right there. It
8 gets a little bit confusing because that road is
9 actually called 32nd Street officially, and it's
10 also called Hackensack Plank Road and we know it
11 and I know it as Bergen Turnpike and the cross
12 street is 39th Street. So this is actually at the
13 intersection of 32nd and 39th Street, as odd as
14 that may be.

15 We're all familiar with that area, some
16 of us even more intimately than others, work right
17 around the corner. We know that there's huge
18 structures, the Housing Authority buildings are
19 towering structures. The site immediately to the
20 east of this, which is lot number 36, we recently
21 got approved and we're constructing -- about to
22 start constructing a four story building there.
23 And then along up Bergen Turnpike, you have two
24 smaller houses and then you have a new larger
25 building, I think a little too large, up on the

1 next block on 38th Street. So we're surrounded by
2 massive structures, and I think -- and a very busy
3 street.

4 So we're -- it's definitely not
5 appropriate for little two-family houses. We
6 presented our previous project to the board and we
7 heard you loud and clear. I heard you say reduce
8 the number of units. Well, we've reduced the
9 number of units. We're down to 18 units and we
10 know that the concern is parking -- the biggest
11 concern is parking. So I'm very happy to come
12 before this board and say we have no parking
13 variance.

14 The other thing that the board had a
15 huge concern with was the circulation coming out
16 of this building on Bergen Turnpike. And so what
17 we did is we completely eliminated that driveway
18 on Bergen Turnpike. So the board had three big
19 concerns and I feel that we've addressed them
20 perfectly. Now I'd like to walk you through all
21 of it and see hopefully you feel the same way.

22 Starting with the site, we're
23 demolishing the existing structures that are
24 there. It's a mixed use building. Here, used to
25 have monument store, a restaurant, different

1 things and garages along the back. The garage and
2 this building overlap the existing property line,
3 we're demolishing that. And we're proposing this
4 building that you see here.

5 Everywhere it counts and everywhere
6 that's important, we created setbacks. So along
7 39th Street, I thought it was an important corner
8 coming down, I wanted to create visibility, I
9 wanted to beautify that street. We created a
10 seven foot setback along there to create full
11 landscaping. So you have about 50 feet of
12 landscaping that never existed on 39th Street, and
13 we're proposing that. I think it's going to be a
14 very beautiful addition to the neighborhood,
15 having that significant setback and that
16 landscaping there.

17 Towards the east, where we're meeting
18 another building that I'm constructing, that
19 building is going to be setback three feet along
20 there. We're setting our building back one foot
21 one from the property line. It's a variance, it's
22 more considered a side yard. But the reason we
23 did that is to increase the number of parking in
24 the building. And you'll see that when I move to
25 the parking level. And it doesn't impact the

1 neighborhood. It's a building -- it's actually a
2 blind side of the building that we're
3 constructing, so it's not going to affect that
4 building having that reduced side yard there.

5 Along the front, along Hackensack Plank
6 Road, it is a setback that varies. At its worst
7 point where it's actually a point where it meets,
8 it's at zero but it steps back in different place
9 and at best it's at nine foot three. And then on
10 the south side we're providing a three foot eight
11 setback when it goes to small residential houses.

12 Our planner is going to go more in depth
13 on the variances that we are requesting. We're
14 creating a small basement. That basement is
15 basically as a mechanical equipments for our
16 elevator, so that we don't have a bulky elevator
17 top on the building. We wanted to reduce the
18 height and not have that on the roof, so we're
19 providing that in the basement. And we're putting
20 all our mechanicals there, our sprinkler manifold
21 and all our meters are on that level, as well as
22 the elevator machine room. And we have our
23 garbage and recycling, we have a dedicated room
24 for that inside the building.

25 On our ground floor plan -- and this is

1 the ground floor close to Bergen Turnpike, we're
2 using the topography of the building. And we're
3 creating the parking entrance through here. We
4 have a full 24-foot entryway and we're providing
5 all exactly 9 feet by 18 foot parking spaces so
6 they meet the ordinance completely and we have 17
7 parking spaces on this floor.

8 We're utilizing the topography of the
9 site because 39th Street has such a steep slope
10 that we're able to create an entire floor
11 difference from the bottom of 39th Street to the
12 top of 39th Street and have a little bit of a ramp
13 along the top part of 39th Street. So we're
14 ramping the cars up 27 feet and we have an entire
15 other floor of parking. And in that floor, again,
16 we have all 9 foot by 18 foot parking spaces. And
17 with that, in total, we have 33 parking spaces
18 that we're providing in this building. So we have
19 33 parking spaces for 18 units.

20 Walking through the third floor plan, we
21 divided it into a color scheme so it's easy to
22 read. The one bedrooms are the darker gray and
23 the two bedrooms are the yellow building. So we
24 have eleven 1,141 square foot two bedrooms and
25 this is also 1,141. This one is 968, and this one

1 is 929. And they're all similar in concept, where
2 you walk in to the living room, dining room,
3 kitchen space, that's all open, open floor plan.
4 And then you have two bedrooms off of the side
5 with the ADA bathroom.

6 Please keep in mind that this building
7 is divided by a corridor with two stairs and one
8 elevator, so this is a fully ADA compliant
9 building. There's very few of those in town. And
10 this will be compliant so every unit has
11 accessibility for the elderly and people with
12 disabilities.

13 Page 205, we see the fourth floor plan
14 and the fifth floor plan. On the fourth floor
15 plan, we have another one bedroom and then we have
16 four more two bedroom apartments. They vary in
17 size, the largest one is 1,258 square feet and the
18 smallest one is 929 square feet. The fifth floor,
19 we have four more two bedroom apartments and they
20 vary. The biggest one is 1,390 square feet and
21 the smallest one is 1,120 square feet.

22 And then the sixth floor, there's four
23 more units and the dimensions of the apartments
24 are the same as the previous floor.

25 In elevation, we see on the 39th Street

1 elevation, we see the difference in topography,
2 how the street slopes significantly, and how we
3 have a driveway entrance on the bottom and a
4 driveway entrance on the top. The overall height
5 of the building on its worst case, which is on the
6 Bergen Turnpike side, is 62 feet. And on the top
7 of 39th Street, where it's on the east side of the
8 building, is 53 feet in height. So along -- which
9 compares just to give you a comparison, the
10 immediate building next to it that we're
11 constructing is at 45 feet, so this is only eight
12 feet taller than that. And it's significantly
13 shorter than everything across the street, the
14 Housing Authority buildings. So it fits perfectly
15 within the neighborhood, as far as scale is
16 concerned. It fits very well in the neighborhood.
17 Kit's creating setbacks where other buildings like
18 that monstrosity that's built a block away has no
19 real setbacks. It's a huge wall right at the
20 edge, that's not what we're doing. We're doing
21 significant setbacks, nine feet on one side,
22 seven feet on the other side, even though it
23 varies. And we're breaking the facade down
24 significantly so it doesn't feel like one big
25 massive wall. It's broken down with the elements.

1 And we're creating the elements with metal panel,
2 fiber cement panels, and brick, and metal siding.
3 All to create a beautiful aesthetic that breaks
4 the building so it doesn't feel like a massive
5 thing like we're seeing being constructed close by.

6 So this is a building that fits in the
7 neighborhood. It does what we've been talking
8 about all day here, which is parking. It has no
9 parking variance. We're meeting the parking
10 demand and it's modest in size. We've reduced how
11 you requested to the 18 units. And I hope that
12 this board looks favorably on it.

13 CHAIRPERSON GRULLON: Thank you, Mr.
14 Pereiras, for your testimony. Do you have another
15 witness?

16 MS. PEREIRAS: We do. We have two
17 additional witnesses. I'd like to proceed with
18 our traffic engineer, so he can discuss the
19 significant improvements that we've made to
20 parking. Mr. Kline.

21

22 L E E K L I N E, previously sworn:

23

24 MR. KLINE: Still under oath from last
25 time? Lee Kline, my license is still current and

1 in good standing.

2 CHAIRPERSON GRULLON: We accept your
3 qualifications. Thank you.

4 MR. KLINE: Thank you. I did quick trip
5 generation calculation when we go from the
6 previous 24 units down to 18 units and we're
7 looking at six peak hour trips in the morning
8 hour, one trip coming in, five trips coming out.
9 Five trips in the p.m. peak hour, four trips
10 coming in, two trips coming out. Compared to the
11 previous one, which was eight trips in the morning
12 and seven trips. So it's a reduction obviously in
13 the number of trips.

14 Then I looked at the parking
15 calculations and, as you heard from Mr. Pereiras,
16 we do not have a parking variance because we
17 require 3.6 for the two two-bedrooms, 32 for the
18 16 -- I'm sorry, the two one-bedrooms require 3.6,
19 the 16 two-bedrooms require 32 for a total of
20 35.6. But when we take the credit for the
21 electric vehicle charging station, we're going to
22 propose five, fifteen of the 33, we're allowed to
23 take 10 percent off or add 10, so we're at 36. So
24 36 equals 36, we don't have a parking variance.

25 Also, just to get on the record, this

1 time again, we did look at the ITE Parking
2 Generation, the Fifth Edition. For the most part,
3 we're exceeding those numbers by far, we're at .97
4 parking spaces per unit and the average, the 95th
5 confidence percentile, the 85th percentile are all
6 below that number. So we're very confident the
7 number of parking spaces will be adequate for the
8 tenants of the building. And also we looked at
9 the census data from 2020. And as you heard
10 before, Union City overall 85 percent of the
11 people either own one or zero cars. And in this
12 particular census tract, 164, 93 percent of the
13 population is in the census tract owns one or zero
14 cars. So again, we feel confident that the number
15 of parking spaces proposed, we don't have a
16 deviation from the requirements. And we're
17 confident we will meet the parking demand of the
18 18 units.

19 CHAIRPERSON GRULLON: Okay.

20 MS. PEREIRAS: Thank you, Mr. Kline.

21 CHAIRPERSON GRULLON: Thank you.

22 MS. MERTZ: Mr. Chairman, can I just get
23 one clarification, are there four or five electric
24 vehicle parking spaces?

25 MS. PEREIRAS: If you can just confirm,

1 Mr. Kline, whether we have four electric vehicle
2 parking or five?

3 MS. MERTZ: You said five, but I only
4 count four on the plans here.

5 MR. KLINE: It's 4.95, so I think we
6 have to round up to five.

7 MS. MERTZ: So you'll add --

8 MR. KLINE: We can put in the fifth.

9 MS. MERTZ: There will be five.

10 MS. PEREIRAS: We'll call up our
11 planner, Mr. Dougherty.

12

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

15

16 MR. DOUGHERTY: Alex Dougherty, I
17 recognize I'm still under oath. So as we
18 discussed, we've been here for this application.
19 It was initially proposed at 24 units, six story
20 building. We've reduced that as you've heard to
21 18 units. With the reduction alleviates our
22 parking demand. With that being said, this
23 interactive process is what the courts favor. I
24 think we've landed on something that's right where
25 it needs to be here.

1 This is a (d)(1) use variance, as I
2 testified in the past. With that being said, as
3 the architect expressed in great detail, this site
4 and where it falls is fairly unique. The zoning
5 is R zone, low density, one and two-family. As
6 you've heard in great detail and the exhibit
7 packets I distributed last time we were presenting
8 this application, there are some substantial
9 buildings in size and massing along this corridor
10 around the neighborhood here. And with the unique
11 topography right here on 32nd, there is an
12 opportunity to kind of scale that down or scale
13 that up, depending which way you're traversing
14 along the road, that kind of flows right into the
15 buildings and streetscapes that are currently
16 existing and also coming online.

17 With that being said, as I pointed out
18 prior, I think one of the concerns was the prior
19 zoning allowed for mid-rise apartments, which
20 range from four to six stories. So at one point,
21 the City contemplated this was a suitable location
22 for such structures. And the built environment
23 that's there today is a reflection of that. We
24 are oversized for the area. The property's a
25 little over 8,000 square feet. The minimum lot

1 size is 2,500, so we had some conversations to
2 kind of remind the board that if we were to put
3 the single family or two families there, we can do
4 approximately three of these, give or take. We'd
5 have a couple more curb cuts along the road, is
6 that really where we want to put single family or
7 two family dwelling. We feel this is a superior
8 alternative to those detached dwellings to provide
9 for some adequate housing.

10 With that being said, this is a unique
11 opportunity, as discussed last time, to anchor and
12 accentuate these corners in our City and propose
13 something that is visually intriguing and
14 different that kind of compliments the surrounding
15 area and compliments the City itself.

16 So I'll conclude we do also have some
17 interrelated C relief. As was stated before that
18 C relief is subsumed within the (d)(1). We talked
19 about the (d)(6) height variance we have and as
20 we've heard testimony before, we believe that the
21 site can function safely and operate efficiently
22 with the proposed, you know, units here. We are
23 doing this over parking. We don't believe the
24 height of this is going to cause any substantial
25 detriment to the surrounding properties. Again

1 most of the streetscape here we have larger
2 building, going up the corridor to 32nd, there are
3 some buildings coming online. I think it's
4 important to note what's there now, it's pretty
5 tattered, it's an eyesore. So this gives us an
6 opportunity to give the corner here a fresh new
7 look and new life.

8 As Manny described, we've heard the
9 concerns. We made some alterations addressing the
10 board's concerns. I think we landed on something
11 that works here very well. With that being said,
12 as I testified last time, this project would
13 advance purposes A, E, G, I and M of the Municipal
14 Land Use Law. And when we look at the public
15 impacts here, the negative criteria, I don't
16 believe we have any open or unaddressed issues on
17 the record.

18 This building will be built to all
19 applicable fire, as we've heard ADA and building
20 codes. And we have adequate parking, circulation
21 and we believe this project will not cause a
22 substantial impact to the residents here or to the
23 corridor and the surrounding residents here.
24 Again, that relief -- some of that interrelated C
25 relief here, I'll just list them off for you, that

1 would be subsumed within the (d) (1) would be the
2 front yard setback. This is a corner lot, we have
3 a minimum seven feet or ten feet, we're at zero.
4 And then we have the rear yard, where 20 is
5 needed, we're at a foot. As the exhibit packet
6 demonstrated that I distributed last time, the
7 structure behind us is a commercial use. It's not
8 a residential use. I believe it was an adaptive
9 reuse of an existing garage for selling of
10 groceries and that capacity. So we're not
11 impacting a residence or dwelling or quality of
12 life with that.

13 And we also have the building height for
14 three stories, we're at six, where six was once
15 allowed. Building height of 38 feet is allowed,
16 we're at 62 feet. And then we have the building
17 coverage, 65 percent is allowed in the zone,
18 believe it or not, this is only 76.5. And then we
19 have the lot coverage, 90 percent is allowed, this
20 is the Packanack test we're at 88, so we're under
21 lot coverage with the structure. It is a grand
22 structure. Visually, i think this will certainly
23 compliment the neighborhood here. And again we
24 meet the parking demand by way of the EV credits.
25 I believe the statutory criteria, as I testified

1 last time, was met. And with this proposed
2 alteration, I think certainly we've addressed any
3 adverse impacts that the board had concerns on.
4 And I think the board can move favorably on this
5 application with approval.

6 CHAIRPERSON GRULLON: Thank you, Mr.
7 Dougherty. Let me ask you a question first.
8 Could you -- because we don't have the pictures
9 that you presented last time, can you go over the
10 surrounding area, how many properties -- this is
11 three story, you know -- it's permitted three
12 store and the proposed plan is for six stories.

13 MR. DOUGHERTY: Yes. So I did visit the
14 site, I walked the neighborhood. I take the shots
15 personally myself. I go out to every site I
16 testify to. There is on the other side of the
17 street --

18 CHAIRPERSON GRULLON: That's the
19 housing.

20 MR. DOUGHERTY: A couple of those
21 buildings, they're fairly large. They're kind of
22 at the bottom of the hill. They're fairly large.
23 When we go up, if this were to be approved, we
24 would have this one, and it comes up, the
25 topography. There's another structure currently

1 being built, that's fairly large. As we keep
2 going up there's another one. On the back side,
3 we had a skate park down the same street, which is
4 a nice feature. We had some row housing off the
5 corridor. And catercorner, right across the
6 intersection, was a very large open cemetery. And
7 then there's some -- I think it was an office or
8 single family dwelling right there. But generally
9 speaking, kind of going up there, the there's some
10 start to almost like tier up or tier down until
11 you get to the larger housing projects down there.
12 But this corridor is dotted with some larger
13 structures.

14 MR. PEREIRAS: And Mr. Dougherty isn't
15 aware that we've approved three buildings from the
16 planning board that are being constructed on 39th
17 Street going up. And all three of those buildings
18 are 40 feet in height. So now we have a -- and
19 they're on the high end of 39th. So they're
20 taller as -- they're a lot taller -- actually the
21 top ones will be taller than what this is because
22 this is at a lower topography.

23 So across the street you have the eight
24 story Housing Authority buildings. So this is --
25 in scale of height, it fits into the neighborhood

1 perfectly well.

2 CHAIRPERSON GRULLON: Thank you for
3 that.

4 MR. DOUGHERTY: Yes.

5 CHAIRPERSON GRULLON: Mr. Pereiras, the
6 proposed plan is for 18 units?

7 MR. PEREIRAS: Correct.

8 CHAIRPERSON GRULLON: How many
9 apartments per floor?

10 MR. PEREIRAS: It varies. Most floors
11 are four apartments, I think two floors is five
12 apartments.

13 CHAIRPERSON GRULLON: Can you just go
14 over that?

15 MR. PEREIRAS: Yes. Just to be clear,
16 two floors have five apartments, that's ten and
17 two floors have four, that's the 18. And I'll do
18 that, I'll go over that again.

19 So the lower level and the second floor
20 are parking, so two full levels of parking, no
21 apartments. Remind you we had a commercial space,
22 we had a cafe there before, we completely removed
23 that from the project as well. That cafe space
24 now became more parking for the building and
25 reduced our count. So the applicant did that in

1 consideration of the board.

2 The first residential floor is five.
3 You have four two bedrooms and one bedroom on that
4 corner. The second residential floor is same
5 footprint, it's five again, one bedroom, four two
6 bedrooms. And then the third residential is four
7 two bedrooms and the fifth residential is four two
8 bedrooms.

9 CHAIRPERSON GRULLON: Okay. The parking
10 layout, looking at the plans here, I'm a little
11 confused. The entrance to the parking according
12 to the picture there it shows at the end of the
13 lot on 39th Street side?

14 MR. PEREIRAS: There's two parking
15 entrances. I think it's easiest --

16 CHAIRPERSON GRULLON: You got two
17 parking entrances?

18 MR. PEREIRAS: Yes. It's two floors.
19 They each have their own parking entrance. It's
20 best understood with the elevation on 39th Street.
21 So in this corner, you're standing on 39th Street
22 looking at the building. Towards Bergen Turnpike,
23 there's an entrance on the lower level, that's the
24 lower level parking, you enter through here, at
25 grade. You don't take a ramp, you don't do

1 anything, it's perfectly there. We're using the
2 height of 39th Street because 39th Street is
3 pretty steep. At the top of 39th, we're almost at
4 the parking level. So when you walk in there or
5 drive in there, there's a small ramp that goes
6 another foot and a half higher. And that leads
7 you to that second floor parking and it's a full
8 second floor.

9 So the first one on the lower level,
10 Bergen Turnpike you enter here, and you have full
11 24 foot aisle, which is exactly what is required
12 or what's recommended actually. You could do a
13 lot smaller, it's recommended 24, we're doing 24.
14 Our columns are spaced so that we're clear 24.
15 There's no columns in the way, it's a perfect
16 clear parking space. And then we have 18 foot
17 parking spaces on each side and a bonus of a
18 little -- two more feet on this one. And
19 there's -- and they're each nine feet wide. So it
20 meets the ordinance perfectly, 9-by-18, every
21 single parking space. Not one even that's a
22 little bit smaller, they're all 9-by-18. And then
23 we're providing two full floors of that parking,
24 one access from the lower level and one access
25 from the top part and they're individual floors.

1 CHAIRPERSON GRULLON: That's with two
2 curb cuts?

3 MR. PEREIRAS: There's two curb cuts and
4 it's kind of perfect --

5 CHAIRPERSON GRULLON: How big are they?

6 MR. PEREIRAS: The two curb cuts? We
7 have -- and our traffic consultant can speak about
8 that. And he analyzed the street parking that
9 we're removing as well.

10 CHAIRPERSON GRULLON: Can you please?

11 MR. PEREIRAS: They're 16 feet wide.

12 CHAIRPERSON GRULLON: Because first of
13 all, I would like to know if the calculation that
14 you made taking in consideration that now the
15 parking, the entrance of the building and the exit
16 are on 39th Street?

17 MR. KLINE: Yes. I did the trip
18 generation, talking about a half a dozen cars
19 coming in or out, divide that by two, so you're
20 talking three or four cars at the most coming in
21 out either driveway.

22 CHAIRPERSON GRULLON: And the size of
23 the curb cuts?

24 MR. PEREIRAS: 16 feet.

25 MR. KLINE: They're 16 feet wide for two

1 way traffic. And it's a low volume generator. So
2 if somebody is coming out and somebody wants to
3 come in -- and it's a one way street. So if I'm
4 coming down 39th and I want to make a left in and
5 somebody's trying to get out, I can wait, let them
6 make the left in front of me, I make the left in.
7 Or if they're inside deep enough, I can make the
8 left and they can come out after. So it's a good
9 way that it's going to work as far as the one way
10 flow of 39th and it's all left turns, left in and
11 left out.

12 MS. MERTZ: In terms of being able to
13 see pedestrians, there's nothing that would hinder
14 a car's ability to see what's coming?

15 MR. PEREIRAS: We're setback
16 significantly.

17 CHAIRPERSON GRULLON: Are there existing
18 curb cuts there now?

19 MR. PEREIRAS: Yes, there are. So the
20 existing building has a curb cut that's 20 feet
21 wide up here, we're making it 16 feet. So I think
22 we might actually be able to squeeze another car.
23 Because the car -- the curb cut that we're
24 proposing down here is going to be where there's a
25 car right now. But that is actually not a

1 properly created parking space from the City, it's
2 actually a -- it's illegal, let's put it that way.
3 So what we did is we made it -- we reduced the
4 size of the curb cut along the top to 16 feet.
5 All those cars being parked there are going to
6 shift up. So now we lost no cars from the street
7 and we have two curb cuts, perfect win-win for the
8 neighborhood.

9 CHAIRPERSON GRULLON: Thank you.

10 Mr. Pereiras, again, just go over the
11 zoning table.

12 MR. PEREIRAS: So I'll walk through
13 this, but I'm going to make a mention that we have
14 a D variance. So the zoning table is referencing
15 a two-family house, it's -- the variances are
16 subsumed within the use variance that we're
17 requesting. So there's not a very direct
18 relationship there, but I'm going to go through
19 the chart.

20 So the minimum lot area is 2,500 square
21 feet. We are at 8,158 square feet, no variance
22 requested there, of course, we are significantly
23 larger than what's required. The minimum lot
24 width is 25, we have an irregular lot, it varies
25 from 51 to 75, 51 being at the shortest point, 75

1 being along here. So that's no change and no
2 variances required. The minimum lot depth is
3 100 feet. Again this is an irregular lot. At the
4 best location, it's 111 feet, at the worst
5 location it's 98.22 feet. I didn't list it as a
6 variance, but if I'm using the same logic we used
7 on the previous application, that would be a
8 variance. That would be a preexisting
9 nonconformity, even though we do have parts that
10 are 111 feet. So just for clarity and for the
11 record, I request a variance for preexisting
12 nonconformity for lot depth.

13 The front yard setback, it would be --
14 for two-family house, it's seven feet minimum,
15 ten feet maximum. Ours, it varies -- and I'm
16 considering the Bergen Turnpike as the front yard.
17 If we were to consider 39th Street as the front
18 yard, then we would be compliant as far as that
19 front yard. But right now, we're presenting this
20 as the front yard being Bergen Turnpike because
21 it's the longest part of the lot. Then we're
22 asking for a variance on that. Because even
23 though it varies and at some points, it's nine
24 foot three, we're at zero. I also would like to
25 point out that the reason we're stepped back there

1 is to lineup with the buildings coming across
2 here. So I thought that was important that we
3 matched that line and it's good for the urban
4 fabric. As you walk through, the building has a
5 little bit of a dialogue with the street and
6 matches that line. But we have a variance for
7 front yard setback there.

8 The rear yard for a two-family house,
9 you're looking for a rear yard, it would be
10 20 feet required, we're at 1.1 -- one foot one
11 inch. So we're asking for a variance there. Mind
12 you, the rear yard is facing a new building on the
13 blind side. So we have -- basically there's no,
14 it's not affecting the rear yard from another
15 structure, it's not affecting anything. It's up
16 against a building that is going up right now.

17 The side yards, for a two-family house,
18 it's two feet on one side and then a total of
19 five feet. We are compliant there. We have
20 seven feet along 39th Street, as we said. And we
21 have three foot eight along the south side. And
22 the reason we do three foot eight is because it's
23 perfect clearance for fire safety, so that someone
24 could leave and enter and have enough so that
25 apparatus can get into the building and fight a

1 fire. That's why we did it at three foot eight
2 there for a building of this size.

3 The building height. Again, we're
4 talking about two-family houses, so it's a three
5 story maximum, we're at six stories and 62 feet at
6 the worst case scenario. But as we spoke in the
7 testimony, that height fits into the neighborhood
8 perfectly well. We have eight story structures on
9 one side, we have a four-story structure to the
10 east, that's on a higher elevation and bigger ones
11 going further. If you go further south, there's
12 also larger structures just a few lots away. So
13 it fits into the neighborhood, even though we're
14 asking for a variance on height for both stories
15 and height.

16 Building coverage. 65, is again the
17 permitted, we're at 76.5. There's a difference
18 between a building and a two-family. And that
19 constitutes a hardship for that variance.

20 And then a maximum lot coverage, 90 is
21 permitted. We wanted to make sure that was met,
22 so we're at 88 percent, no variance requested
23 there. Again, this is a variance where I think it
24 counts. We wanted to provide landscaping, I
25 thought that was important. It's going to

1 beautify and change 39th Street to have beautiful
2 landscaping all across there. So we're meeting
3 that and no variance required there.

4 And then parking, we are meeting the
5 parking requirement, no variance requested for
6 parking. So, you know, I'm just reminding you
7 this is drastically different from the building we
8 presented earlier. We had mixed use, we had
9 commercial, we had a lot more units, we had a huge
10 parking variance. We're basically correcting all
11 those things and providing the parking that we
12 need.

13 MS. MERTZ: Mr. Chairman, if I may real
14 quick? I do agree that bulk variances are
15 typically subsumed in a (d)(1). Having said that,
16 I think it's still pertinent for you all to
17 evaluate the bulk that they are proposing in light
18 of the use they are proposing. So it doesn't mean
19 you have to accept all the bulk that they're
20 proposing. You can do it in light of what the use
21 is.

22 I would agree -- I'm going by Mr.
23 Spatz's memo. I would agree that there is a lot
24 depth variance required. He called it 98.2, so I
25 would agree with that. And then the last point,

1 just as a note, the height is not considered a
2 bulk variance in this, it does trigger another D
3 variance, because it exceeds the 10 feet or
4 10 percent. So that really sits in its own
5 category since it's a (d) (6) instead of a bulk
6 variance. Just a few points to think about.

7 CHAIRPERSON GRULLON: Thank you for
8 bringing that out. Again, the height variance is
9 a substantial, you know, amount that you're
10 requesting different from three and a half story
11 to six story and 65 feet high, when the largest as
12 you mentioned the largest building in that area is
13 like 40 feet high going south. We're not
14 considering the projects, we're just talking about
15 the dental component of the area.

16 MR. PEREIRAS: So we're not looking
17 north, we're just looking south?

18 CHAIRPERSON GRULLON: And, again, could
19 you just go back to the -- what you just mentioned
20 on the south side of the property, the property on
21 the south side. How -- could you just explain the
22 setback of that property, the south side, that
23 side --

24 MR. GARCIA: Mr. Chairman.

25 CHAIRPERSON GRULLON: I would like to

1 see a picture of that. Do we have the picture
2 from last time?

3 MR. GARCIA: Mr. Grullon, I think that
4 Mr. Pereiras testified that he had approval next
5 to the south, right?

6 MR. PEREIRAS: To the east, we have
7 approval. To the south, we have two smaller
8 structures. We have an approval for the third
9 lot. So the parking lot right now next to Raven
10 Glass, that's a four-story building as well in the
11 future. I'm not sure if we're going to build it
12 or not, but we have an approval for four-story and
13 it's a valid approval right now. And then you
14 have Raven Glass.

15 So just to understand the lot, if
16 you're -- and I'll use the reference of the site
17 plan to be clear. Because even though we're
18 asking for a height variance and it's a D
19 variance, it is completely reasonable and
20 appropriate. The height we're requesting is
21 completely reasonable and appropriate in this
22 location.

23 So just to orient yourself, using the
24 lots that we have. If we're going east, lot
25 number 36 is a four-story structure at the high

1 point of the street. Lot number -- I believe 42
2 and 41, I might be mistaken, it might be 41 and
3 40, those are again four-story structures that are
4 coming over there at the higher part of the
5 street.

6 If you go down on Bergen Turnpike to the
7 south, you have smaller residential structures.
8 Then you have lot number 3, that was approved for
9 a four-story three-family there as well. And then
10 if you go to the corner, that's the warehouse
11 where it's Raven Glass. And then if you cross
12 that street, you have the tall building -- I'm not
13 sure how many, I think it's six stories as well
14 over there.

15 So whether you're looking north, you
16 have taller buildings. If you're looking south,
17 you have taller buildings. If you're looking
18 east, you have equally high buildings. If you're
19 looking west, you have housing and the cemetery.

20 CHAIRPERSON GRULLON: We're looking at
21 the picture.

22 MR. GARCIA: Go to Z8, please.

23 CHAIRPERSON GRULLON: You know the
24 reason I'm asking for the setback on the south
25 side is that you're at the zero line on some

1 portion of your application and some portion --

2 MR. PEREIRAS: No.

3 CHAIRPERSON GRULLON: -- for the
4 elevator and also for the stairwell.

5 MR. PEREIRAS: So the south side has no
6 variance, we're not asking for a setback.

7 CHAIRPERSON GRULLON: The west side,
8 west side.

9 MR. PEREIRAS: On the west side?

10 CHAIRPERSON GRULLON: The front of the
11 building, on Bergen Turnpike, on 32nd, you're at
12 zero line because you have the stairwell and the
13 elevator.

14 MR. PEREIRAS: It varies and it steps
15 back and forth. And we're at zero at the worst.

16 CHAIRPERSON GRULLON: Are those things
17 going to project outside of the --

18 MR. PEREIRAS: No. Outside of the
19 property line?

20 CHAIRPERSON GRULLON: Outside -- not
21 outside of the property line. Are they going to
22 be over the adjacent property on the south side?

23 MR. PEREIRAS: No. Do they go over --

24 MR. GARCIA: Let me ask --

25 CHAIRPERSON GRULLON: Do they have any

1 setback on the other property?

2 MR. GARCIA: Is the south side -- is the
3 adjacent property in the south side, is it on the
4 property line?

5 MR. PEREIRAS: So it's -- to be clear,
6 there's a bit of a curve on that entire sidewalk.
7 So those buildings are pretty close to the
8 property line. What we did is the corner of our
9 building matches that existing --

10 CHAIRPERSON GRULLON: Mr. Pereiras, can
11 you approach for a second? I just want to show
12 you.

13 MR. PEREIRAS: This curves this way.

14 CHAIRPERSON GRULLON: This here. I know
15 the elevator is going to be here somewhere.

16 MR. PEREIRAS: So our building --

17 CHAIRPERSON GRULLON: The stairwell is
18 going to be there. Do they have any setback or
19 this is --

20 MR. PEREIRAS: So the corner of our
21 building matches the front facade of that building
22 and then it steps in this way and steps in this
23 way. But the road is curving too. So just like
24 this building is further more than this building
25 and this building is further more than this

1 building, they all step forward. And we're
2 stepping forward in the same way. It really makes
3 sense and it continues that line.

4 And just for everyone to hear and see,
5 Bergen Turnpike has a curve. So if you start at
6 the first building, the next one is further more
7 and then you go to the next one and it's more
8 further. And then ours is lining up -- actually
9 we're not stepping forward, we're lining up with
10 that one and then step forward as we get to the
11 corner. So it follows that line as you move
12 forward.

13 MR. PANEQUE: I think what the Chairman
14 is trying to get at, Mr. Pereiras, is what the
15 prevailing setback with the adjoining properties?

16 MR. PEREIRAS: We could calculate it,
17 but I believe the prevailing setback is zero or
18 very close to zero.

19 MR. PANEQUE: We don't have it?

20 MR. PEREIRAS: I don't have the
21 setback -- I don't know where the property lines
22 of those existing buildings are because the
23 property line meanders, it's very odd.

24 MR. GARCIA: You don't have copy of
25 picture that you presented last time?

1 MR. DOUGHERTY: No, I don't.

2 MR. GARCIA: Because there it was pretty
3 clear.

4 MR. DOUGHERTY: We marked them as an
5 exhibit. If going forward a matter carries, I'll
6 bring a extra set for any cases that are carried.

7 MR. PANEQUE: The concern of the board,
8 so it's out on the record --

9 MR. PEREIRAS: You don't want it to
10 stick out.

11 MR. PANEQUE: We don't want to have that
12 section of the building sticking out and going
13 outside the prevailing setback for the rest of the
14 block. It's just an eyesore. And that's where
15 this board is very concerned and will be concerned
16 moving forward.

17 MR. GARCIA: On that corner, Mr.
18 Pereiras, I think you have like a space, open
19 space, right? The one adjacent to the south from
20 you, according to the --

21 MS. MERTZ: The building steps in.

22 MR. PEREIRAS: Yes, it steps in.

23 MR. GARCIA: You're setting --

24 MR. PEREIRAS: I set it back
25 specifically to match the setback of the adjacent

1 building. And since there's an angle there, you
2 know, the entire building is stepping as you move
3 through.

4 MR. PANEQUE: Mr. Pereiras, step up to
5 the desk please.

6

7 (Discussion held off the record.)

8

9 MR. VALLEJO: Ms. Pereiras, please.

10 CHAIRPERSON GRULLON: Ms. Pereiras, are
11 you finished with your witnesses?

12 MS. PEREIRAS: Yes, we've presented.

13 CHAIRPERSON GRULLON: Mr. Pereiras, I
14 know you went over the layout of the units. But
15 these two bedrooms, the size of the units, some of
16 them are like less than a thousand square feet,
17 some of others are maybe 1,250, can you go over
18 the size of each unit?

19 MR. PEREIRAS: For the record, I'll go
20 over each one, just to be 100 percent clear. The
21 one bedroom unit is the smallest unit and there's
22 two of them, it's 636 square feet. The next
23 smallest unit is what we call unit -- it's the 303
24 line or the 03 line, which is a two bedroom that's
25 929 square feet. Keep in mind that Union City

1 standard is 850 square feet, so we're well above
2 what the Union City minimum is, at 929 square
3 feet. The two line is 968 square feet. The four
4 line is 1,141 square feet, and the five line is
5 1,141 square feet. That is the same on two
6 floors. Then on the other two floors, we have
7 unit 501 is 1,390 square feet, unit 502 is
8 1,120 square feet, unit 503 is 1,258 square feet,
9 and unit 504 is 1,141 square feet. So these are
10 all appropriately sized units for their breakdown.
11 And the next floor is exactly the same as that.

12 CHAIRPERSON GRULLON: Any Members of the
13 Board have any questions?

14 MS. MERTZ: Real quick, I just wanted to
15 make sure I hit all the points on Mr. Spatz's
16 memo. The comment on the exterior lighting,
17 especially around the ground floor?

18 MR. PEREIRAS: Yes, we will provide
19 exterior lighting, and let me use the site plan to
20 be a little bit more clear on everything. So
21 coming down 39th Street, a light above the
22 driveway entrance, so that's always illuminated at
23 the driveway point for safety. Keep in mind, it's
24 set back well, so there's not going to be a lot of
25 light pollution. It's going to shine down at the

1 pavement. The same thing is at this driveway, a
2 light above it. Along 39th Street, we're
3 proposing landscape lighting, so that's small
4 bollards with little lights, with the landscaping
5 so it's illuminating the landscaping and
6 doesn't create light pollution onto the street.

7 MS. MERTZ: Small bollards, like eight
8 inches or so?

9 MR. PEREIRAS: Like eight inches, right.
10 We're not proposing any lighting along the back
11 because that's going towards residential, we don't
12 think it's appropriate. We're proposing lighting
13 at the 12 foot mark along the south side and
14 there's going to be about five lights along there
15 illuminating the path of egress, so that's well
16 illuminated across the entire thing. And then
17 we'll use the same eight inch bollards along
18 Bergen Turnpike to light the landscaping along
19 there.

20 MS. MERTZ: Thank you. That was all I
21 had, Mr. Chairman.

22 CHAIRPERSON GRULLON: Thank you. And as
23 you mentioned, you're going to be providing
24 landscape?

25 MR. PEREIRAS: Yes.

1 CHAIRPERSON GRULLON: For the garage
2 entrance, you're providing any safety lights or
3 something like that with opening --

4 MR. PEREIRAS: So both garages are going
5 to have a blinking light with a low buzzer, so
6 that every time the garage door opens, the
7 blinking light is going to go on. As a matter of
8 safety, we always provide concave and convex view
9 mirrors on both corners of the garage entry
10 points, just so there's pure -- good visibility
11 along there. So yes, we're going to do both those
12 factors.

13 CHAIRPERSON GRULLON: Thank you. Any
14 Members of the Board?

15 MS. PEREZ: For parking, you have to
16 exit on Bergen Turnpike or you're going to --

17 MR. PEREIRAS: Both driveways exit on
18 39th Street, so it's very safe. You go on 39th
19 Street, left turn only, and towards Bergen
20 Turnpike.

21 MR. GARCIA: Mr. Pereiras, the driveway
22 that is in 39th Street right now, is part of the
23 property?

24 MR. PEREIRAS: Yes.

25 MR. GARCIA: Okay.

1 MR. PEREIRAS: The driveway immediately
2 behind the structure that's there? That's part of
3 the property. It's an existing driveway, we're
4 making it smaller.

5 MR. GARCIA: So it's only going to add
6 another curb cut because it's your own driveway?

7 MR. PEREIRAS: So considering off street
8 parking, we're going to shift all the cars because
9 we're making the curb cut smaller, so that we
10 don't lose any off street parking -- legal off
11 street parking because there's one illegal spot.

12 MR. GARCIA: Z07, the proposed elevation
13 rear, I'm seeing like two feet back hanging
14 outside. This one is the front facade or the
15 right bottom --

16 MR. PEREIRAS: The right, okay. So
17 these pieces are here, which are architectural
18 elements, just to make it look attractive. We
19 don't want it to be a flat wall, we want it to
20 have some architectural interest, so those are
21 popping out a little bit, 12 inches, just for
22 architectural interest. Remember that's where
23 we're seven feet behind the property line, so
24 we're still very well setback from the property
25 line.

1 MR. GARCIA: Okay.

2 MR. PANEQUE: What's the setback
3 requirement at that point?

4 MR. PEREIRAS: It would be considered a
5 side yard, so it would be two feet on one side and
6 a total of five feet for both sides. We have
7 three foot eight on the one side, so the remainder
8 of that, which would be one foot two inches would
9 be the side yard setback required there. So one
10 foot two inch would be the requirement, we're at
11 -- even if you -- instead of the seven feet,
12 consider it six feet, we're still well behind the
13 setback.

14 MR. PANEQUE: So the projection that
15 you're using for decorative purposes is well
16 within that side yard?

17 MR. PEREIRAS: Yes, it is.

18 CHAIRPERSON GRULLON: Mr. Pereiras, when
19 I asked you about the size of the units, my
20 concern is the height of the building. It's way
21 too high, is it possible that you bring units down
22 and just keep it to five floor instead of six
23 floors?

24 MR. PEREIRAS: It would be a
25 different --

1 CHAIRPERSON GRULLON: That's why I asked
2 you for the size of the apartments, maybe instead
3 of having -- you could have three floors each with
4 five units or six units. But just the height is
5 my concern. I know you did a good job with the
6 parking, we appreciate that, you know, taking in
7 consideration the parking demand that is in Union
8 City. But just the height of the building
9 compared to what's there now, any chance for you
10 to bring that building down to five floors?

11 MR. PEREIRAS: I would have to sacrifice
12 number of bedrooms in order to do that. And for
13 that, I would need to speak to my client. It
14 would be a very different building.

15 CHAIRPERSON GRULLON: Could you please?
16 I think -- because it's my concern like going from
17 three and a half story to six stories is really
18 almost 100 percent increase of the height.

19 MR. PEREIRAS: If you -- if I may ask
20 for a five minute break so that we can discuss
21 this with our client, I'd appreciate that.

22

23 (Discussion held off the record.)

24

25 MR. VALLEJO: Back on the record. Ms.

1 Pereiras, please.

2 MS. PEREIRAS: Mr. Chairman, Board
3 Members, respectfully, if this board would be
4 inclined to allow us to carry this matter to next
5 month. There were a few comments made on the
6 record and we want to make sure and look at the
7 drawings again and see if maybe we can address
8 them further. I don't want to do it rushed in the
9 corner, trying to address it. I think this
10 project is important, I think it's appropriate.
11 And I want to give it the time that it deserves in
12 order to make the perfect application for this
13 board.

14 CHAIRPERSON GRULLON: Thank you, Ms.
15 Pereiras, for hearing our concerns and trying to
16 make adjustments. Like always, we try to do
17 what's best for the area, what's best for Union
18 City. We appreciate you guys also trying to
19 listen to us.

20 MS. PEREIRAS: Absolutely.

21 CHAIRPERSON GRULLON: With that, I make
22 a motion to carry this application.

23 MR. GARCIA: Are they going to --

24 MR. PANEQUE: Yes. Ms. Pereiras, you
25 waive the statutory time limits in which this

1 board can hear the application?

2 MS. PEREIRAS: Of course we do.

3 MR. VALLEJO: It would be December 14th.
4 Motion on the table to adjourn this application by
5 Mr. Grullon.

6 VICE CHAIRPERSON GUTIERREZ: Second.

7 MR. VALLEJO: Seconded by Ms. Gutierrez.
8 Roll call on the motion to adjourn this
9 application for December 14th, same place, same
10 time. Roll call on the motion.

11 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: Ms. O'Dell.

18 MS. O'DELL: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 MR. GARCIA: Yes.

21 MR. VALLEJO: Five in favor, motion
22 carries. Revised plans required?

23 MR. PANEQUE: Only if they're going to
24 make changes. So, Ms. Pereiras, only if change
25 are going to be made to the plans, if you can

1 submit plans prior to ten days from the hearing.
2 No further notices will be required. If anyone is
3 here in the audience on this applications, this
4 matter is going to be carried to the December 14th
5 meeting at this location. At that time, the board
6 will open the application to the public, if any
7 comments are to be made.

8 MS. PEREIRAS: Thank you all.

9 MR. VALLEJO: Thank you.

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1 **HUDSON HEIGHTS CHURCH OF CHRIST -**
2 **2000 WEST STREET:**

3
4 MR. VALLEJO: All right. Moving to the
5 next application on tonight's agenda, Hudson
6 heights church of Christ, 2000 West Street. Mr.
7 Alonso, please.

8 Mr. Paneque, we received an email from
9 Mr. Alonso's office requesting an adjournment of
10 the application.

11 MR. PANEQUE: Yes. Let the record
12 reflect as follows, we have a request from Mr.
13 Alonso's office to carry this matter to the next
14 available meeting -- or actually the January
15 meeting, based on the fact that Mr. Alonso had a
16 conflict this evening where he was attending an
17 application before another board.

18 In order to carry this application,
19 we'll take jurisdiction. Let the record reflect
20 I've been provided with an affidavit from the
21 office of Mr. Alonso indicating that notice of
22 tonight's hearing with respect to the property
23 located at 2000 West Street was given to all
24 property owners within the 200 foot radius. Said
25 affidavit was signed by Mr. Alonso on October 30,

1 2023.

2 I've also been provided with an
3 affidavit from The Jersey Journal indicating that
4 notice of tonight's hearing with respect to the
5 property at 2000 West Street was published in the
6 newspapers. Said publication indicates that the
7 board will hear the application at this location.
8 That notice was published in the paper on
9 October 28, 2023.

10 I've also been provided with a copy of
11 the notice that went out to all property owners
12 within a 200 foot radius, as well as the tax list
13 from the tax assessor's office indicating all
14 property owners within the 200 foot radius of 2000
15 West Street. Said tax list is dated October 19,
16 2023.

17 And, finally, I've been provided with
18 the certified mail receipts going out to all
19 property owners with a stamp receipt marked from
20 the post office of October 28, 2023.

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

24 Mr. Chairman, the request from Mr.
25 Alonso's office is to carry this matter to the

1 January meeting due to the fact that he is not
2 available this evening and he will not be
3 available for the December meeting either.

4 If the matter is carried it would be
5 with no further notices required.

6 CHAIRPERSON GRULLON: Thank you,
7 Counselor. Mr. Vallejo, what date in January --

8 MR. VALLEJO: We have a tentative date
9 of the 11th because that's the second Thursday.

10 CHAIRPERSON GRULLON: Because we don't
11 have an approved calendar.

12 MR. VALLEJO: I will make sure it's the
13 11th.

14 MR. GARCIA: Can you say the first
15 meeting?

16 MR. PANEQUE: First meeting in January.

17 MR. VALLEJO: First meeting in January.

18 VICE CHAIRPERSON GUTIERREZ: The 11th.

19 CHAIRPERSON GRULLON: Okay.

20 MR. VALLEJO: All right.

21 CHAIRPERSON GRULLON: I make a motion to
22 carry this application to the first meeting in
23 January.

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Motion by Mr. Grullon,

1 second by Ms. Gutierrez. Roll call on the motion.

2 Mr. Grullon.

3 CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 VICE CHAIRPERSON GUTIERREZ: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 MR. GARCIA: Yes.

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

14 MR. PANEQUE: If there's anybody in the
15 public who is here with respect to the application
16 for 2000 West Street, this applications is being
17 carried to the January meeting. We expect that
18 meeting to take place on the second Thursday of
19 January, which will be January 11th, but you
20 should confirm that with the board secretary prior
21 to coming to the meeting. It will be held at this
22 location at 6:00, January 11th, most probably.

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

24 * * * *

25

1 **LILIAN LEON -**

2 **1608-1610 NEW YORK AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Lilian Leon 1608-1610 New York
6 Avenue. Ms. Pereiras, please.

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

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service,
11 indicating that notice of the hearing with respect
12 to the property at 1608-10 New York Avenue was
13 given to all property owners within the 200 foot
14 radius. Said certification is signed by Ms.
15 Pereiras.

16 I've also been provided with a copy of
17 the affidavit from The Jersey Journal indicating
18 that notice of tonight's hearing at this location
19 with respect to the property at 1608-10 New York
20 Avenue was published in the newspaper on
21 October 28, 2023.

22 I've also been provided with a list from
23 the tax assessors office, giving all property
24 owners within the 200 foot radius of 1608-10 New
25 York Avenue. Said list was promulgated on

1 October 24, 2023.

2 And finally, I've been provided with the
3 certified mail slips going out to all property
4 owners within the 200 foot radius with a postmark
5 stamped date of October 26, 2023.

6 Based on the documentation that has been
7 provided by Ms. Pereiras, this board has
8 jurisdiction to proceed and hear this matter.
9 Thank you, Ms. Pereiras.

10 MS. PEREIRAS: Thank you very much,
11 Counsel.

12 Again, good evening, Bianca Pereiras on
13 behalf of the applicant for property at 1608-1610
14 New York Avenue, also known as Bot 22 in Block 88.
15 We are very excited to present this application to
16 the board and to open up a dialogue.

17 This site is oversized. It has been
18 vacant for a considerable amount of time and we're
19 looking to finally bring some life to that lot and
20 develop it with a 21-unit apartment building with
21 parking.

22 We have two experts to testify before
23 the board this evening. And we'll begin tonight's
24 presentation with our architect, Mr. Manuel
25 Pereiras.

1

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

3

4 MR. PEREIRAS: Manny Pereiras, I
5 recognize I am still under oath.

6

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property at 1608-1610 New York
9 Avenue?

9

MR. PEREIRAS: Very familiar with it.

10

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

12

MR. PEREIRAS: I have.

13

14 MS. PEREIRAS: You would kindly describe
15 the proposed project to the board?

15

16 MR. PEREIRAS: I'd be very happy to. I
17 think this is an important project for Union City.
18 Just to orient you, if you're going down New York
19 Avenue, if you're going north on New York Avenue
20 this would be on the east side towards the right.
21 You have the fire station at 16th Street, there's
22 an empty lot next to the fire station. That's
23 where we're proposing this building. It's an
24 unusual lot primarily because of its depth.

24

25 Looking at the key map, you see the
unusual depth, it's about 175 feet deep. So it's

1 inappropriate for a two-family house, and what
2 we're proposing is a multifamily building,
3 strictly multifamily building of 21 units and four
4 stories for this site.

5 We have 50 feet wide along the front of
6 it and we have a width of 65.69 at the rear of the
7 property. A total length of 176.22 feet as a
8 depth of the property. For a total lot size of
9 10,172.89 square feet.

10 First and foremost, from a design
11 perspective, if you're going down New York Avenue
12 that feels very much like a missing tooth. You
13 have the firehouse, you have a few residential
14 houses and larger building this is going to fill
15 in that missing tooth. The design aesthetics of
16 it, we were inspired by having the firehouse next
17 door. And we borrowed that design aesthetic of a
18 firehouse, so that it keeps a monumental kind of
19 aspect to it. And then we broke that vertically
20 into two spaces that are mimicking residential
21 houses, typical lot for Union City. And that's
22 what we're proposing here.

23 As far as setbacks are concerned, we're
24 keeping it in line with the firehouse, which is
25 setback at three feet. We're actually setting

1 back at three feet eight inches, so we're just
2 slightly further back than the firehouse. And we
3 are -- the building to the north of this has a
4 zero foot setback, so we have a prevailing front
5 yard setback, so no variance is requested there.

6 On the side yards, it varies. This site
7 has a skewed property line on both sides and what
8 we're proposing is a zero setback. However -- and
9 we're requesting variances on setback. However,
10 I'd like to describe it in more depth because it's
11 a little misleading to say it's zero feet. If
12 you're looking at the building, looking east to
13 the building, the north elevation is actually
14 setback in the front four feet. And the south
15 elevation, because it tapers, it's going to be
16 about a foot and a half from the firehouse. But
17 that quickly opens up as the building tapers back
18 to five foot seven and even more to eight foot six
19 on the rear.

20 If you're going to about 50 percent into
21 the building, which is about 100 feet back, we're
22 back down to zero foot setback on both sides.
23 However that is only for the first story. So the
24 first story is on the property line there. And as
25 the building moves up, it steps in three foot one

1 on one side and on the other side, it varies. It
2 goes from three foot one to eleven foot six at the
3 furthest point closest to the east. So that
4 everything visible beyond the first floor is
5 setback significantly. We're requesting a
6 variance, it's going to be zero at the bottom
7 along this point and along this line across here.
8 And the reason that's requested is to provide
9 parking because parking is so important for us.

10 The rear yard that we're proposing is
11 five foot one. And the building coverage,
12 65 percent is permitted, we're at 86 percent. And
13 the maximum lot coverage, 90 percent is permitted,
14 we're at 99 percent.

15 Turning the page to sheet Z03, we see
16 our ground floor. And the ground floor, we see
17 our vehicle traffic into the parking garage is
18 along its southern side. We're proposing a curb
19 cut, actually it's an existing curb cut. We're
20 reducing that curb cut. That curb cut currently
21 is the entire width of the property. We're
22 reducing it to 16 feet only, so we're adding a
23 parking space to the street there and we're adding
24 two street trees to that sidewalk.

25 The entrance driveway is here, setback

1 three foot eight from the property line and an
2 entrance driveway. And then we have pretty simply
3 cars parked on both sides, left and right. Most
4 parking spaces are 9 feet by 17 foot six. There
5 are -- actually all parking spaces are 9 feet by
6 17 foot six. And we have a drive aisle at the
7 worst case scenario, it's 20 feet 3 inches.

8 We have electrical parking stations
9 along the side here and then we have stacked
10 parking throughout and our ADA spots along the
11 right hand -- the south side of the building. And
12 we have a total of 52 parking spaces provided in
13 this layout, whereas only 42 are required. So in
14 here, where we've been speaking a lot about
15 parking, we have a demand of 42, we're exceeding
16 that demand by 52 parking spaces.

17 If we go up, we have two stairwells, two
18 fire stairwells and a corridor dividing the
19 building. I'll walk you through each of the
20 apartments, they're different configurations
21 throughout the building. Apartment number one is
22 a two bedroom and it's 1,078 square feet.
23 Apartment number two is a studio apartment of 488
24 square feet. Apartment number three is a
25 two-bedroom of 910 square feet. Apartment number

1 four is two-bedroom of 956 square feet. Apartment
2 number five is a two-bedroom of 850 square feet.
3 Apartment number two is a two-bedroom of
4 855 square feet and apartment number seven is a
5 three-bedroom and 1,211 square feet. And the
6 floor plate repeats itself on every floor, giving
7 us a total of three studio apartments, fifteen
8 two-bedroom apartments, and three three-bedroom
9 apartments, which is a nice mix for the
10 neighborhood, provides for different families and
11 different family sizes.

12 Turning now to our elevations. As we
13 spoke earlier, we have a combination of brick,
14 stucco, and stone facade, mimicking a firehouse.
15 We have a four-story structure that we're
16 presenting. The side yards are siding and
17 concrete first floor. And that really concludes
18 my testimony and I'm open for questions.

19 CHAIRPERSON GRULLON: Do you have
20 another witness?

21 MS. PEREIRAS: We do. We have our
22 planner, Mr. Alex Dougherty.

23

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

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

For tonight's application, I prepared an exhibit packet consisting of seven slides, maps and photographs of the site. For orientation purposes, I'll pass this out, if it pleases the board.

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

MR. PANEQUE: Yes, we'll have that marked as A-1.

(Planning packet marked A-1 for identification.)

MR. DOUGHERTY: So as we stated, there's seven slides here. First slide is indicative of the zone we're in with the red circle and red arrow indicating we are in the yellow portion here, which is the R low density one and two-family zone.

Slide two will be an exhibit of NJDEP's GeoWeb, property's outlined in red. Take aways from here is Palisades, one block behind us, ample

1 mass transit. Along Bergenline Avenue, you can
2 see again ample mass transit, one block east and
3 west of the property.

4 And the next few slides are photographs
5 I took myself this past Sunday on the 5th of
6 November. Slide three is the property in
7 question. You see it's a fairly large surface
8 level parking lot, completely paved over. Some
9 vehicles in there. As you see to the right, here
10 is the firehouse with three bay doors, and then
11 some surrounding properties. What's interesting,
12 what I want to note is to the rear of the
13 property, that apartment complex there has a
14 courtyard that, you know, so it has ample space in
15 the back, kind of got the L back there.

16 Took the drone, did a top down view to
17 bring into perspective here. As you can see on
18 slide two, if you flip back and forth here, just
19 how large this site is. As you can see, we have
20 several residential properties abutting the site,
21 the parking lot here. So in comparison, this is a
22 fairly large piece of property. It's four times
23 the zone requirement of 2,500 square feet. This
24 site is just over 10,000 square feet, 10,172.89
25 square feet.

1 So slide five here is a combination of
2 the surrounding conditions. Top left are the
3 immediate properties to the left of the site. Top
4 right is ground perspective looking at the site.
5 It is just a parking lot gated. Then the bottom
6 two inside the parking lot looking towards the
7 rear. And then on the bottom right, I'm kind of
8 looking out towards the main entrance here.

9 Slide six is more collective shots of
10 the surrounding neighborhoods. Top left gives you
11 bird's eye view of the massing and scale here
12 along New York Avenue, catercorner from the site,
13 across the street as well. So the top left, the
14 purple building is a laundromat which is directly
15 across the street from the site, so you can see at
16 the site looking out onto New York Avenue to the
17 right, there's some substantial large massing and
18 building scale.

19 And then the top right photograph, you
20 can see the firehouse there, the parking lot to
21 the left of that, is again the site is question.
22 You can see just beyond the firehouse here, again
23 there's substantial large massing and scale here
24 on New York Avenue. The bottom left is the
25 firehouse. And the become right is the EMS

1 garage, which would also be abutting the property
2 here.

3 So we have a unique neighbor, if you
4 will, that serves the public good by virtue of
5 emergency vehicles and fire and EMS. So with that
6 being said, our immediate neighbor is
7 non-residential piece of property. And then in
8 Mr. Spatz's report, he did ask concerns about how
9 a project such as this would impact the firehouse.
10 This photo on page 7, I took October 9th for
11 another property nearby, that is potentially
12 coming online for discussion. And I had the
13 unique pleasure of witnessing the fire trucks
14 returning to the firehouse. And just like most
15 communities, they get out and they shut the road
16 down. So if there is an emergency, it certainly
17 would not impact the operation of the fire trucks
18 coming in and out as it shuts down that
19 intersection for emergency vehicles.

20 But with that being said, we are here
21 for a (d) (1) use variance as we are in the R
22 single two-family low density zone. And we are
23 proposing a four-story 21 apartments, as well as
24 (d) (6) height variance here. When I look at this
25 overall, we have studios, we have two bedrooms, we

1 have three bedrooms. We have 52 parking stalls
2 where we're required to have 42. Again, the site
3 is nearly four times the zone requirement of 2,500
4 square feet. It's a unique piece of property.

5 As I go through this for the (d)(1), we
6 have what we call Medici test, which is four
7 prongs to that. Site suitability. I believe the
8 site is particularly suited for the use by virtue
9 of the condition and context. Condition wise, as
10 I said, the site is well oversized, has excellent
11 carrying capacity to accommodate 21 apartments,
12 ranging from studios to three bedrooms.

13 With that being said, we're also located
14 on a major corridor. This is not really an
15 in-fill development in a small residential
16 neighborhood. This is an active corridor. As you
17 can see through the exhibits, there are some large
18 scale buildings in the area and activity. And the
19 context, proposed use is in a suitable location
20 for the fabric of New York Avenue. It works well
21 here. We have a large housing complex, suitable
22 building massing throughout the neighborhood. And
23 we have multiple mass transit options and retail
24 amenities at the doorstep. In the context of New
25 York Avenue, an apartment complex works. Again,

1 this is the R zone, but there's nothing on New
2 York Avenue that really screams single family,
3 two-family neighborhood here. It varies, you
4 know, but there are substantial large projects
5 here.

6 Part two of this Medici test is special
7 reasons. The use and the application promote
8 purposes of the Municipal Land Use Law. Promotes
9 the efficient use of land for modern living
10 arrangements. The property promotes planning
11 goals to provide diversified housing to meet the
12 needs of all peoples. The improvements add value
13 and quality to the site, which adds value and
14 quality to the neighborhood.

15 Those added values and qualities are not
16 just a modern building built to code. As Manny
17 testified, the architect, we are bringing the curb
18 cuts shorter, which is going to add for another on
19 street parking there. We are also bringing in two
20 street trees, so there are some added benefits to
21 the collective corridor here. The project cleans
22 up a tattered and exhausted parking lot. And as
23 Manny said, the missing tooth in the public realm
24 with a beautiful building that's reflective of the
25 fire station next door.

1 Again, this site has excellent carrying
2 capacity to accommodate the unit count and we're
3 putting populations in an amenity rich community.
4 This is an economy of scale and putting people in
5 the corridor with those amenities. All the above
6 promote purposes A, E, G, I, M of the Municipal
7 Land Use Law.

8 Part three of that is the public impact
9 or the negative criteria. And I believe the
10 relief can be granted without substantial
11 detriment to the public or the zone plan. We have
12 on here the site will function efficiently,
13 safely. And most notably, the units are
14 comfortably sized, as Manny went over the square
15 footage of the units. This is certainly not over
16 development. This improves the area functionally
17 with off street parking and accommodations.
18 Visually provides visual enhancements for Union
19 City without impairment to the surrounding
20 properties. We don't have any open issues on the
21 record or impacts of a substantially adverse
22 nature. The use itself mirrors nicely, enhances
23 the already established corridor in the
24 neighborhood and certainly pays homage to the
25 firehouse.

1 And when we look at this project, it's a
2 new modern building, built to all applicable
3 building and fire codes here. And with that being
4 said, when we look at the zone plan impact here,
5 which is the fourth part of the Medici test, this
6 will not cause substantial zone impairment.
7 Relief relates to a specific piece of property
8 with distinct attributes, not the whole zone. The
9 site is four times the zone requirements. The
10 relief is not tantamount to a rezone. The zone
11 allows for residential use. And the greater
12 massing and density works here for the features
13 that are unique to this property. Again, it's on
14 a major corridor and four times the zone here.

15 When we look at the master plan and some
16 of the elements of the master plan, goal one was
17 to provide a balance of land uses and balanced
18 development patterns in appropriate locations in
19 order to preserve the character of the community
20 and encourage economic development and protect and
21 preserve the established residential character.
22 This residential character is not of a one and
23 two-family zone. This is New York Avenue, there's
24 some large housing projects here, certainly mixed
25 use as well. And we are encouraging economic

1 development by putting populations in these
2 amenity rich areas of the community.

3 We do have a (d) (6) height relief. When
4 we look at the height, we are putting residential
5 over parking. So the zone allows for a
6 three-story, 38 feet high. We're at four stories
7 and 48 feet high. Again, that's residential over
8 parking. And as we've heard many times, number
9 one thing that is the issue in the community is
10 parking. So we believe when we look at this, the
11 height is appropriate here. We're not going to
12 violate any of the proofs required by the Grasso
13 test. All the positives I stated were carried
14 forward. The height is necessary to effectuate
15 the beneficial redevelopment of the site. The
16 height is appropriate at this location and will
17 not overpower the area. This is not the only
18 larger building in the area, it's not out of
19 character here. The added height will not cause
20 any adverse negative shadow effects or block
21 scenic views or create unappealing appearance. If
22 anything, this building beautifully is designed.

23 I mentioned earlier the little corridor
24 squares to the rear. I believe we have adequate
25 open light and air for that development behind us.

1 Again, our neighbors to the right are an EMS
2 garage and the firehouse. And as Manny showed on
3 the architectural plans, after the first floor,
4 which is what we need for parking, the building is
5 really recessed to kind of help, you know, reduce
6 the impact for the height by providing for some
7 separation between the building for adequate
8 light, air and open space and separation. And,
9 again, the height really is needed to accommodate
10 the parking requirements that, you know, is really
11 the issue with any of the projects coming online
12 in Union City.

13 I believe the site is well located, that
14 if there was an issue, we have mass transit
15 available and so forth. And certainly we have the
16 walkability of the corridor. And I believe when
17 we look at this, it's good city and community
18 design to fill these missing voids and these
19 surface level parking lots to add something
20 substantial to the community that would add value
21 to this corridor.

22 With that, we do have some C relief
23 subsumed within the (d)(1). I'll touch on those
24 briefly, I know Manny did before. We do have a
25 rear yard setback, we are providing five feet

1 where 20 is required. And our side yard on the
2 first floor, two feet or five feet in total is
3 required. We're at zero because of the first
4 floor. Again, the upper floors are pinched in and
5 recessed.

6 What I do want to point out is the lot
7 coverage, 65 percent and we're at 88 percent. If
8 you look at the property now, it's completely
9 covered as a parking lot. The impervious
10 coverage, 95 percent is what's required, we're at
11 99. And then the building height, three -- which
12 is the D variance, we're at three floors, 38 feet,
13 we're at four floors, 48 feet again for parking.

14 Again what's not on the table is the
15 parking requirement. We're over parked, as Manny
16 stated, 42 parking stalls are needed, we're at 52.
17 So we're over parked for the property with mass
18 transit available and amenities at the doorstep.
19 With that being said, as I stated earlier in the
20 previous applications, 74 percent of the
21 population use mass transit. When we look at this
22 project as a whole, the building, height or the
23 stories, the extra story provides for the public
24 benefit for off street parking. The building lot
25 coverage, you know, when we look at this, this is

1 already covered at 100 percent. You know, I
2 believe when we look at this, putting housing
3 project here, newer modern contemporary housing is
4 certainly a benefit here. And then when we look
5 at some of the side yard setbacks, again, we are
6 abutting on the one side, the firehouse and the
7 EMS. It's not a dwelling. And those buildings
8 are recessed.

9 I'll conclude, the project is a positive
10 investment that would bring the site more into
11 harmony with the area. Minimal, if any, negative
12 effects on New York Avenue and the statutory
13 criteria for relief would be warrant -- will be
14 met and approval would be warranted. With that,
15 I'll open for any questions.

16 CHAIRPERSON GRULLON: Mr. Dougherty,
17 quick question. On page six on the pictures,
18 could you describe again the open corner on the
19 left?

20 MR. DOUGHERTY: The top left?

21 CHAIRPERSON GRULLON: The top left.

22 MR. DOUGHERTY: So I took the drone up,
23 essentially over the property and I pointed the
24 camera up. The purple building there with the
25 awning, the purple building, that's right across

1 the street. That's the laundromat. So the top
2 left photo is really reflective of what the
3 neighborhood, what the environment looks like if
4 you're on the property looking on to New York
5 Avenue off to the right. That is what New York
6 Avenue looks like in the surrounding neighborhood.
7 As you can see, there are substantially larger
8 buildings in the area. You know, I know next
9 door, there are some smaller residential. But as
10 you can see, the area is predominantly dominated
11 by larger building massing.

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

14 MS. PEREIRAS: We do not. We're open
15 for your questions.

16 MS. MERTZ: Can I ask one? Maybe you --
17 or maybe Manny would be better to know the actual
18 height of some of the surrounding taller
19 buildings. We can see the stories in here, but if
20 you have the feet?

21 MR. DOUGHERTY: I do not have the feet.
22 Manny, do you know the feet.

23 MR. PEREIRAS: Most of these are pre-war
24 buildings, like four stories in height. So
25 they're roughly about 11 feet per story, for the

1 most part, kind of a broad generalization. So
2 like 44 feet is the typical height of the larger
3 structures you see. There's one larger structure
4 on the opposite block that's much newer that -- I
5 would say that's about 40 feet. And then you know
6 so that's a good average.

7 MS. MERTZ: Do you know how tall the
8 fire station is on the front facade?

9 MR. PEREIRAS: I don't have the precise,
10 I would guess around 30 feet.

11 MS. MERTZ: Thank you.

12 CHAIRPERSON GRULLON: Mr. Pereiras,
13 going to the ground floor, the parking layout. My
14 count here only gave me 27 spaces. I don't know
15 where you're getting 52.

16 MR. PEREIRAS: Okay.

17 CHAIRPERSON GRULLON: Could you --

18 MR. PEREIRAS: I'll be very happy to
19 explain. So I'll walk you through each of the
20 spaces because they're very different. So on the
21 right-hand side, there are 2 ADA car spaces, okay,
22 those are larger than the normal space. Those are
23 located here. The parking spaces to the left are
24 electrical parking spaces, up to 10 percent of our
25 total parking count as two parking spaces. So we

1 have a bonus there, we actually call the bonus as
2 seven parking spaces. I would actually correct
3 that to be five, so we really have 50 parking
4 spaces. The remainder of the parking spaces are
5 stackables, they're a mechanical system. You park
6 the car, it lifts and you have the second car.
7 And I know that Union City doesn't want those
8 operated by residents. This property is proposing
9 to have a man operator 24 hours a day. The person
10 will serve both as the person who's maintaining
11 the building, taking out the trash. He's going to
12 be the doorman, he's going to be the vehicle
13 operator to take the cars up and down. And it
14 would be three shifts to cover the full 24 hours.
15 And that would be part of the resolution that
16 there would be someone manning and operating the
17 mechanical lifts. And by doing so, we're having a
18 total of 50 parking spaces, whereas the demand is
19 only 42, and fully complying with the ordinance
20 and not requiring a variance.

21 MS. O'DELL: Is that same gentleman
22 going to make sure that these electric spots are
23 not going to be hogged up by the same person? So
24 for example, you know, tenant seven, apartment
25 seven, has an electric vehicle, charges his car.

1 Is he going to make it a point to make sure, okay,
2 your car is 100 percent, you have to move?

3 MR. PEREIRAS: So typically, yes, this
4 person will be managing that. We're getting to a
5 point very soon where the majority of the spaces
6 are going to become electrical. I'd say ten years
7 from now that would be the case. Right now, we're
8 only required 10 percent. And, yes, the building
9 will have to have a policy where the cars get
10 shifted if more than seven people have electric
11 cars.

12 MS. O'DELL: That car gets shifted, he's
13 not charging, where he's going to go? Is he going
14 to go to one of the other spots or is he going
15 into the street?

16 MR. PEREIRAS: Why would he go to the
17 street, there's 42 spots in the building?

18 MS. O'DELL: But if they're taken up.

19 MR. PEREIRAS: Why would it be taken up?
20 If someone else has to charge, that spot gets
21 open.

22 MS. O'DELL: I understand. So if this
23 guy -- if he's comfortable here, he charges, but
24 all these spots are taken up by current residents?

25 MR. PEREIRAS: Quite frankly, the new

1 future, every spot should get electric. We could
2 do that. We could actually do that in this
3 building. If you feel concern with that, we could
4 provide electric charging stations for every
5 single spot. We'll have one between each parking
6 spot so two parking spots will share it and that
7 could be done.

8 MS. O'DELL: Because I'm just thinking
9 of human nature, how people are, especially here
10 where it is parking issues. Where if all the
11 spots are taken up by regular -- not electrical,
12 whatever cars, it doesn't matter -- and these guys
13 are all charged up and we're waiting for the next
14 or this guy is -- like another guy is waiting, is
15 he going to move because this is --

16 MR. PEREIRAS: They don't have to move.
17 We'll make every spot access to electrical
18 charging station.

19 MS. O'DELL: So then technically it's
20 not two -- it's just one spot?

21 MR. PEREIRAS: It's still the same, we
22 still get the same bonus.

23 MR. GARCIA: Let me ask a question. I
24 kind of like -- my ignorance is too much, so I
25 don't know if -- can you -- what is the legal

1 aspect about the bonus with electrical parking
2 spaces, if you can explain to me?

3 MS. MERTZ: So with the state ordinance
4 with the electrical spaces, they count -- they
5 give an applicant basically a two for one bonus
6 against their overall parking requirement, but
7 only up to 10 percent of that requirement. So if
8 we use a round number of 50 spaces, which happens
9 to be what the applicant is proposing, they could
10 claim two for one for up to five spaces. So
11 essentially they would get ten parking counts, but
12 only providing five physical spaces. The idea is
13 that those would be installed with the conduit and
14 they would be phased in over a matter of a few
15 years.

16 MR. GARCIA: So --

17 MR. PEREIRAS: With this particular
18 application, even if we didn't use the bonus,
19 we're still over parked. If you take out
20 everything in our bonus, we still have enough
21 parking spaces.

22 MR. GARCIA: Why is -- it's so funny,
23 like I don't know. It's like we -- they requested
24 the state ordinance of the bonus of the EV,
25 however, they don't comply -- this is not the

1 case, as you said -- I don't know yet, I have to
2 do numbers. However, they don't comply with the
3 RSIS. It's so funny, you come here, that's my
4 bonus and count for double.

5 MS. MERTZ: You make a fabulous point.

6 MR. GARCIA: RSIS, I mean come on. It
7 is funny. I look dumb when they come in like with
8 the application like that.

9 MS. MERTZ: It's a very astute
10 observation and it's something I think a lot of
11 professionals in the state, myself and my office
12 included, have struggled with because the state
13 now has two conflicting ordinances that everybody
14 has to abide by. You are absolutely correct.

15 MR. GARCIA: Which is my point.

16 MR. PEREIRAS: And just for clarity,
17 with comply with RSIS requirements in this
18 project.

19 MR. GARCIA: That's if we accepted the
20 electrical and we don't -- I mean that's going to
21 create a precedent.

22 MR. PEREIRAS: And the board has always,
23 historically said that they don't accept it for
24 individuals operating it themselves. And that's
25 why we're committed and ready to have a --

1 MR. PANEQUE: I have to correct you on
2 that, Mr. Pereiras. It's never been a question of
3 individuals operating the stack lift. It's always
4 been a question of we do not accept stacked
5 parking, okay. The problem with your presentation
6 is that you may have the best intentions in the
7 world to have three operators working eight hour
8 shifts, but the bottom line is a year from now,
9 when this building is running in the red, they'll
10 cut that man out. And then you'll be back to
11 having nobody there. And there's no way that this
12 board can enforce that going forward.

13 So it's a good presentation, granted,
14 but you, yourself, and counsel, there's no way
15 that we can make that a condition for enforcement
16 because what's going to be if we make that a
17 condition for enforcement, then someone will have
18 to be going there every week seeing that there's
19 operators in every eight hour shift, making sure
20 that somebody is running those stacked parking.
21 And the day that guy is let go because there's an
22 attrition of finances, where do with go from
23 there? Do we shut down the building at that
24 point? So in reality, what I'm looking at here is
25 34 parking spaces, taking away the 18 stacks and

1 then we're below the parking requirement.

2 MR. DOUGHERTY: If I may jump in? The
3 parking is more efficient use of the land, versus
4 sprawling it out over larger areas that we see at
5 malls and so forth. And, you know, when we look
6 at the regulation for parking, it doesn't specify
7 stacking or surface. We may have a preference,
8 this is a newer concept in the Americas at least.
9 This is all throughout the world, parking and
10 stacking are, you know, being implemented in
11 modern building techniques. And when we talk
12 about the parking demand and so forth, as we've
13 heard the traffic planners on previous
14 applications on the statistics of how many
15 actually own one or zero vehicles in the City and
16 the statistics for mass transit, also with the
17 RSIS, it's actually the maximum you can impose,
18 not necessarily the minimum, it's a misconception.

19 And also there's a brand new study that
20 came out early September where they -- Rutgers,
21 very comprehensive study, shows these developments
22 are over parked. So I would be -- I wouldn't be
23 surprised in the very near future, a lot sooner
24 than ten, we get a whole new parking coming out of
25 city planning and engineers. But the stacked

1 parking is certainly more efficient use of land,
2 especially in urban areas, instead of have to
3 spread out, to go vertical. And, again, the
4 parking might be empty, the stackers might be
5 empty. But when we look at the two bedroom count
6 and the stacking, we can confidentially say this
7 is column would most likely be individuals that
8 have, you know, the two cars in one household kind
9 of narrative here. But I want to put out there,
10 it's an efficient use of land in a tight city.

11 MR. PEREIRAS: Mr. Chairman, if the
12 board looks disfavorably on the stacked parking,
13 we could understand that. We'll be very happy to
14 modify our application. We have 34 parking
15 spaces, 34 parking spaces would be -- with two
16 parking spaces per bedroom, just as -- not
17 counting the ones that are 1.7 and there's -- it's
18 roughly 17 apartments that we would have complying
19 with that.

20 We have three floors. What I propose to
21 this board is we could reduce the number of
22 apartments that we have to 18, so that we have six
23 per floor. And I could improve the application
24 significantly, because if I have six per floor,
25 I'm removing a parking space, I can increase the

1 rear yard also. And I could bring the building
2 further in to create a rear yard and I think that
3 would be a great application. And it meets the
4 concerns that you have.

5 CHAIRPERSON GRULLON: Mr. Pereiras, as
6 you know, we're here for the residents, we're here
7 for the neighborhood. We're here to -- our goal
8 is maintain the quality of life for the residents.
9 You know the area, you know Union City. I
10 understand that there are ordinance that the RSIS,
11 they have their standards, we also have now new
12 laws with the electrical cars. But I always, you
13 know -- here, I always look at -- this board look
14 at the parking spaces as one parking space.
15 Doesn't matter whether you try to put stackable or
16 electrical car, it's just one parking space. It's
17 going to be one person for the apartment building
18 that is going to occupy that space, doesn't matter
19 whether they have electrical or not. I know the
20 intention is to promote electrical cars, but
21 sometimes residents cannot afford electrical cars.
22 You know, they have the cars, we're not telling
23 them to sell the cars because we want to force
24 electrical cars.

25 You know, with that, my opinion is that

1 this -- you have to try to consider two parking
2 spaces per apartment, if you want -- in my
3 opinion, if you want the opportunity to revise
4 this application and come back, we don't -- in
5 this board, we're not accepting stackable units,
6 may be done in the future, a year from now. But
7 at this point, we don't want to be the first one
8 that get caught in an accident that happen in a
9 building. Then it's going to be on us. As our
10 counsel said, we cannot enforce that you're going
11 to have a person 24/7 monitoring those.

12 MR. PEREIRAS: Mr. Chairman, we always
13 want to work with the community. The developer
14 wants this to be a vibrant beautiful community,
15 he's investing a lot of money into it. So we're
16 happy to take your comments --

17 CHAIRPERSON GRULLON: At the same time,
18 we are developing the land that is not being used
19 right now, but it's being used as a parking lot.
20 All those cars are going to go out to the street
21 now, it's going to create a condition in the
22 street even worse. And that's what we need to
23 consider if we're going to put a building there,
24 with 10, 12, 14 units, then provide enough parking
25 spaces to at least to support the units.

1 MR. PEREIRAS: And, Mr. Chairman, what
2 we're going to do is we're going to revise this to
3 be 18 units and we're going to still request a
4 parking variance, just because it makes sense, six
5 per floor, but it's going to be a parking variance
6 of only two parking spaces.

7 CHAIRPERSON GRULLON: But, again, we're
8 not suggesting 18 units, we're suggesting that you
9 provide enough parking spaces.

10 MS. PEREZ: To me, 18 units seems like a
11 lot. It says it's permitted two-family houses and
12 it's two lots, so that's how many units?

13 MR. GARCIA: Four.

14 MS. PEREZ: We're going to 18, I know
15 it's a big --

16 MR. PANEQUE: Ms. Perez, this is an
17 oversized lot.

18 MS. PEREIRAS: It's considerably
19 oversized.

20 MR. PANEQUE: It's not your standard 25
21 by 100, it's way over that.

22 MS. PEREZ: I know it's big, but I'm
23 thinking of the area. I'm familiar with the area
24 because we have -- it's wedged between two
25 schools. Was there a study of how that would

1 impact traffic in the morning with all the kids
2 coming back and forth?

3 MS. PEREIRAS: We have not made that
4 study yet, we were looking for input --

5 MS. PEREZ: What would that look like in
6 the morning? I've stood there at dismissal when
7 the kids are coming from the middle school, kids
8 coming out of the elementary school, it's a very
9 congested area at certain times of the day.

10 MS. PEREIRAS: Okay.

11 MS. PEREZ: And for safety with that
12 many --

13 MS. PEREIRAS: We'll be happy to come
14 back with a traffic engineer to address the
15 concerns.

16 MR. GARCIA: For the record, I know this
17 is an oversized lot, but it's only two-family
18 permitted.

19 MS. MERTZ: That's why they're
20 requesting the use variance. I would agree that a
21 175-foot deep lot is a very -- 25 by 175 foot lot
22 would be difficult for a single or two-family.
23 But I think the discussion of the number of units
24 is still as the --

25 MS. PEREZ: Obviously more than that,

1 but 18 sounded like a lot to me.

2 MS. MERTZ: I think what the chairman
3 said is they really don't want any parking
4 variance.

5 MR. PEREIRAS: Understood.

6 MR. PANEQUE: You could put in the same
7 parking that you have now, 34 and accommodate 34
8 space.

9 CHAIRPERSON GRULLON: I counted 27.

10 MR. PANEQUE: 34. You have 18 stacks,
11 so --

12 CHAIRPERSON GRULLON: Physical spaces.

13 MR. PANEQUE: So yo remove 18, you come
14 down because you're showing 52. They're doing the
15 do you believe count for the EVs.

16 MR. GARCIA: It's only 10 percent.

17 MS. MERTZ: Up to 10 percent of the
18 required.

19 CHAIRPERSON GRULLON: I see.

20 MR. PANEQUE: Because of the double of
21 the EVs --

22 MR. GARCIA: But it's --

23 CHAIRPERSON GRULLON: They are --

24 MR. GARCIA: They can't go over the 10
25 percent.

1 MS. MERTZ: I think it was the
2 architect's calculation. But again I think -- the
3 parking needs to work.

4 MS. PEREIRAS: Okay.

5 MS. MERTZ: Without the stacked.

6 MR. PEREIRAS: We'd like an opportunity
7 to relook at this.

8 MR. PANEQUE: Make the number of units
9 fit the number of parking spaces, so you --

10 VICE CHAIRPERSON GUTIERREZ: So you
11 don't have to worry.

12 CHAIRPERSON GRULLON: No stackable.

13 MS. PEREIRAS: We heard you.

14 VICE CHAIRPERSON GUTIERREZ: We're not
15 prepared yet for that.

16 MR. PANEQUE: You want to carry or --

17 MS. PEREIRAS: If we can have this
18 matter carried to next month, that way we can --

19 MR. GARCIA: Before we carry it -- to
20 the secretary, how is the agenda for January
21 because it's the end of the year.

22 MR. PANEQUE: December.

23 MR. VALLEJO: I have about bunch of
24 incomplete applications, probably -- December is
25 very -- I have about eight or ten applications,

1 most of them incomplete, but you know with the
2 time I think --

3 MR. GARCIA: Plus we already have two
4 carried.

5 MS. PEREIRAS: We have no objection to
6 carrying this to January.

7 MR. PANEQUE: Do you waive the statutory
8 time limit?

9 MS. PEREIRAS: Of course we do.

10 MR. VALLEJO: That would be
11 January 11th.

12 MR. GARCIA: First meeting of the
13 January, the date's not --

14 MR. VALLEJO: January 11, 2024.

15 Before the next meeting in January, they
16 should have the traffic report.

17 MR. GARCIA: The traffic report have to
18 be before January.

19 MS. PEREIRAS: That's fine. We'll get
20 you the report.

21 MR. PANEQUE: Are there any members of
22 the public that want to be heard on this
23 application? Seeing -- you're here on this
24 application, sir?

25 MR. TRINDADE: Can I say something?

1 First name Danilo, D-A-N-I-L-O, last name
2 Trindade, T-R-I-N-D-A-D-E. My address is 317 17th
3 Street. My only concern was that, yes, it is a
4 hole in the parking lot. So our concern was that
5 that hole wouldn't be completely filled up because
6 how it feels like the meaning was that the
7 coverage of it was 98 percent, I think that's a
8 lot of -- in that area. My also concern was the
9 same as she brought. We're around about four
10 schools and when the kids get out in the morning
11 or in the afternoon, it's a traffic jam. There's
12 no way -- there's people honking, the noise
13 pollution of people honking is -- you can't take
14 it. I work from home, my wife also works at home.
15 We cannot take -- like when schools out, we know
16 it not because of the kids screaming, it's due to
17 the pollution of noise. It's honking constantly.
18 There's -- the traffic jam is -- it's amazing
19 because also the crossing ladies, they're doing
20 their job. They need to stop everybody to let the
21 children pass safely, so that's a big concern.

22 Also coming up 18 apartments, it's a lot
23 of people coming into a place that's already
24 filled enough with businesses and also -- I can't
25 stress enough with the school. The schools, they

1 take a lot of time of commuting, also to travel.
2 I guess that would be my concern.

3 And also my concern also would be
4 height, if we're doing double stacks, that's --
5 that looks like 20-foot concrete wall and then
6 we're doing building up. And I guess as my
7 neighbors, I don't think we would like to look
8 into a huge concrete wall and then a couple
9 windows later on. And that's all my concern.

10 MR. PEREIRAS: Sir, we hear you and
11 we're going to address every single one of your
12 concerns.

13 MR. GARCIA: Let me ask a question. Mr.
14 Paneque, what about if we request the soil report,
15 he said he's concerned about the hole in the
16 place?

17 MR. PANEQUE: At this stage of the
18 process, a soil report is not something that we
19 asked for. That is something that's addressed by
20 the building department.

21 MR. GARCIA: Okay.

22 MR. PANEQUE: So this is stage one. If
23 we get beyond this stage where we approve it, then
24 Mr. Pereiras has to submit the building plans to
25 the building department. And the building

1 department deals with soil and everything else
2 that comes along with that.

3 MR. GARCIA: Okay. Did you hear that,
4 sir? That was just --

5 CHAIRPERSON GRULLON: Any other member
6 of the public want to step forward? Hearing none,
7 okay, Ms. Pereiras, you heard the concern from the
8 board, you heard the concern from the residents.
9 We are -- your request is to carry this
10 application to the first meeting in January. With
11 that, I make a motion to carry it.

12 MR. VALLEJO: Motion on the table to
13 carry this application for January 11, 2024, by
14 Mr. Grullon.

15 CHAIRPERSON GRULLON: You're waiving the
16 statutory --

17 VICE CHAIRPERSON GUTIERREZ: Second.

18 MS. PEREIRAS: Yes.

19 MR. VALLEJO: Roll call on the motion.
20 Mr. Grullon.

21 CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 VICE CHAIRPERSON GUTIERREZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 MR. GARCIA: Yes.

5 MR. VALLEJO: Five in favor, motion
6 carries. No new notice?

7 MR. PANEQUE: No new notice required,
8 no.

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1 **MONSERRAT MORAN -**

2 **2405 WEST STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Monserrat Moran, 2405 West
6 Street.

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

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service with
11 respect to the property at 2401 West Street,
12 giving notice of tonight's hearing at this
13 location to all property owners within the 200
14 foot radius.

15 I've also been provided with an
16 affidavit of publication from The Jersey Journal
17 indicating notice of tonight's hearing with
18 respect 2405 West Street, at this location. Said
19 notice was published in the paper on October 28,
20 2023.

21 I've also been provided with the tax
22 list from the tax assessor's office providing all
23 property owners within the 200 foot radius of 2405
24 West Street. Said tax list is dated October 30,
25 2023.

1 And, finally, I have the certified mail
2 slips with a stamped date of October 30th.

3 Based on the documentation that's been
4 provided, this board has jurisdiction to proceed
5 and hear this matter.

6 MS. PEREIRAS: Thank you very much,
7 Counsel. Bianca Pereiras on behalf of Monserrat
8 Moran, who is present here this evening in case
9 the board has any questions of her. However, this
10 is an existing two-family home. We are looking to
11 renovate it and to add a rear addition. But it
12 will continue to maintain itself as a two-family
13 home. Right now these are very cramped living
14 quarters and very cramped sleeping quarters. So
15 we're looking to enlarge the living space for the
16 owners of the building.

17 We have one expert to testify and that
18 is our architect, Mr. Manuel Pereiras.

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

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

24 MS. PEREIRAS: Mr. Pereiras, are you
25 familiar with the property at 2405 West?

1 MR. PEREIRAS: I am.

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

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: Would you kindly describe
6 the existing conditions and then what the
7 applicant is proposing?

8 MR. PEREIRAS: I'd be very happy to. We
9 have an existing two-family house, that's what's
10 permitted in the district. We will continue to
11 have a two-family house. We're not looking to add
12 any units, it's simply the Monserrat family needs
13 a little more space in their property. I'd like
14 to walk you through why. The typical lot in Union
15 City is 2,500 square feet. We have a lot that's
16 significantly smaller, it's at 1,311 square feet.
17 That really creates the hardship variances that we
18 have before this board. We have a 16 foot wide
19 house and it's only a -- a 16 foot wide lot and
20 only 81 feet eight inch depth. So those are
21 existing nonconformities as well.

22 Talking about the front yard, we're
23 maintaining an 11 foot, 11 inch front yard, so
24 it's almost 12 feet in length, that stays the
25 same, we're not looking to make any change there,

1 so that's conforming. Our side yards are zero,
2 which is typical of that neighborhood. There are
3 a few houses that have a small setback, but this
4 is typical. It's an existing condition, we're
5 looking to keep it that way of course. That's a
6 preexisting nonconformity that we're expanding and
7 I'll explain when you walk through the addition.

8 And then three stories is permitted,
9 we're only a two-story structure. So no variance
10 is required there. 38 feet is permitted in height
11 we're at 25 feet 5 inches. The building coverage
12 is permitted maximum 65 percent, we're at 80 and
13 that's a hardship of the undersized lot that we
14 have. And that is a variance that we're
15 requesting. And the landscaping, the lot coverage
16 is 90 percent, we're at 100 percent. That's a
17 preexisting variance nonconformity. And, of
18 course, parking. The demand is four cars, it
19 doesn't change. We continue to have a two-family,
20 the demand is still four cars. And there's no
21 parking available on site. I'm sorry, there's one
22 park space preexisting available in the apron and
23 I'll show it in the site plan. Here's the site
24 plan showing the conditions I explained. Zero on
25 the side and the front yard of 12 feet. And they

1 currently park a car in that front yard setback,
2 with an existing curb cut. So we do have one
3 parking space and we continue to have one parking
4 space.

5 On the site plan, on sheet Z02, we see
6 the existing and proposed conditions side by side.
7 The existing house had a large porch, we're
8 proposing a two-story addition with the same
9 setbacks as the existing house. So we're
10 expanding on that side yard setback. And then we
11 have a rear yard setback. We're proposing a deck
12 at the back of the house, the family is very used
13 to have a big porch, they don't want to lose the
14 porch, but they're reducing the size of it to
15 five feet. So the setback from the property line
16 to the deck is four foot seven, so that would be
17 our rear yard setback. And the setback from the
18 property line to the house itself is nine foot
19 seven.

20 Turning now to sheet Z03, we see the
21 existing conditions of the house and what we're
22 proposing. We're doing a full gut rehab of the
23 house, we're gutting the interior of it. And
24 turning now to sheet Z04, we see the proposed
25 condition. We are proposing a bedroom in the

1 front of the house. And since the house is on the
2 property line, the living space is in the center
3 of the house. We have a small living space,
4 that's 12 by 12 eight. A kitchen that's 15 four
5 by eight. And then a small den, everyone needs
6 dens today because they are basically -- lots of
7 people are working from home. And then a bedroom,
8 the master bedroom in the rear of the property
9 that opens up to the deck.

10 As you can see, it's still a modest
11 house, it's only 60 feet in depth and 16 feet
12 wide. So that's the hardship that we have in this
13 and why we're requesting that rear yard setback
14 variance. The second floor is a direct copy of
15 the floor plate of the floor below. The only
16 difference is that the entrance is a little
17 further back because of the pitch on the stairs.
18 We are not proposing a roof deck or any change
19 there, it's just an extension of that roof into
20 the rear yard. And facade, we're really
21 beautifying the house. We're providing a brick
22 facade, adding some nice headers to the windows,
23 introducing a cornice to beautify that facade.
24 And then the party walls will be stucco on the
25 additions, that would be up against the property

1 line. And then the rear is simply vinyl siding.
2 That concludes my testimony.

3 CHAIRPERSON GRULLON: Ms. Pereiras, do
4 you have any other witnesses?

5 MS. PEREIRAS: We do not.

6 CHAIRMAN GRULLON: Is your client here?

7 MS. PEREIRAS: My client is here.

8 CHAIRPERSON GRULLON: Can I ask --

9 MS. PEREIRAS: Of course.

10 CHAIRPERSON GRULLON: I mean first, I
11 would like to -- could you just --

12 MS. MORAN: Monserrat Moran.

13

14 M O N S E R R A T M O R A N, after having been
15 duly sworn or affirmed, did testify as follows:

16

17 CHAIRPERSON GRULLON: I would like to
18 know for how long do you own the property?

19 MS. MORAN: I own the property for about
20 30 years.

21 CHAIRPERSON GRULLON: Okay. And you
22 live there in the property?

23 MS. MORAN: Yeah, I want to go back to
24 live in the property.

25 CHAIRPERSON GRULLON: Currently. Are

1 you living in the property or not?

2 MS. MORAN: No, not I'm not living in
3 the property. It's so small, I want to fix it to
4 go back to it.

5 CHAIRPERSON GRULLON: Thank you.

6 MR. GARCIA: They didn't present any
7 picture how the houses are in the back.

8 CHAIRPERSON GRULLON: It's only --

9 MS. PEREIRAS: In the rear?

10 MR. GARCIA: Mr. Pereira, how many foot
11 are you going to add to the current property?

12 MR. PEREIRAS: Our addition is 21 feet
13 5 inches.

14 MR. GARCIA: 21 feet.

15 CHAIRPERSON GRULLON: Mr. Pereira,
16 these are attached houses?

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GRULLON: Like the other
19 backyard, how is that going to affect the
20 neighbors?

21 MR. PEREIRAS: So the house to the south
22 has a structure, they have a shed along the back
23 corner. It's also visible in my -- it's a small
24 shed, there's an aerial photograph on sheet Z06.

25 MS. MERTZ: What's happening to the

1 north?

2 MR. PEREIRAS: To the north has rear
3 yard that -- it's open.

4 MS. MERTZ: Have any of the other -- I'm
5 going to call them townhouses because they're all
6 basically --

7 MR. GARCIA: Brownstone.

8 MS. MERTZ: Do any of them have
9 additions or any improvements?

10 MR. PEREIRAS: There's no approvals that
11 I know of. There's an addition to -- it's I think
12 two properties over. Let me see if we can see it
13 from the site plan. When I was in the rear yard,
14 I saw something. Yeah, it's a few houses down.
15 It's the third from the corner, there's a rear
16 addition to that house.

17 MR. GARCIA: Looking at the picture, Mr.
18 Pereiras, the property on 25th Street, at the west
19 side of the building, the corner, you see that?

20 MR. PEREIRAS: The larger structure?

21 MR. GARCIA: Not the larger structure,
22 this one. You see this one that is facing --

23 MR. PEREIRAS: That's 24th.

24 MR. GARCIA: Yes, 24th Street.

25 MR. PEREIRAS: That goes --

1 MR. GARCIA: My question is the 25th,
2 how close is the house going to be that and what
3 is that?

4 MR. PEREIRAS: It's going to go past it
5 a little bit. We can see it on --

6 MR. GARCIA: This one facing 24th
7 Street, which one is going to be the setback from
8 that one to this? It's going to be corner to
9 corner, so I don't know.

10 MR. PANEQUE: There's one house in
11 between the one in the corner and this one.

12 MR. GARCIA: Right.

13 MR. PANEQUE: So it's going to sandwich
14 it in between the two buildings.

15 MR. PEREIRAS: So the house immediately
16 to the south has a one-story that occupies the
17 entire site. So that house actually goes all the
18 way back to the property line, they don't have a
19 rear yard. The three story portion is outlined
20 here in the beginning of it on my drawing here.
21 So there is no rear yard for that house.

22 MR. PANEQUE: For which one?

23 MR. PEREIRAS: For the house on the
24 corner of 24th and West, which is the immediate
25 neighbor to the south.

1 MR. PANEQUE: 2401 or --
2 MR. PEREIRAS: 2401.
3 MR. PANEQUE: 2401 is a building.
4 MR. PEREIRAS: Correct.
5 MR. PANEQUE: Three stories.
6 MR. PEREIRAS: Three stories. And the
7 rear portion is one-story that goes all the way to
8 the property line.
9 MR. PANEQUE: I'm familiar with it.
10 Then you have 2403 and then 2405.
11 MR. PEREIRAS: Correct.
12 MR. PANEQUE: So this would basically
13 then put up a wall that would block in 2403 from
14 both sides?
15 MR. PEREIRAS: No, I actually think -- I
16 don't think there's a 2403, it's the building on
17 the corner that I think is wider than 25, so it
18 probably has two addresses. Our building is the
19 one immediately next to it.
20 MR. PANEQUE: Is your building
21 abutting --
22 MR. PEREIRAS: It's abutting 2401.
23 MR. PANEQUE: Right next to it?
24 MR. GARCIA: So you're 2403?
25 MR. PEREIRAS: No, it's 2405, but it

1 looks like 2401 is a wider lot, it probably had
2 two addresses.

3 MR. GARCIA: Okay, okay. If you go
4 to --

5 MR. PEREIRAS: Yes, that's correct. Our
6 cover sheet, Z01, illustrates that very well. We
7 are lot number 19. Lot number 20 has full lot
8 coverage, all the way to the property line, and
9 that's the immediate neighbor, 2401.

10 MS. MERTZ: What's the distance between
11 that existing 2401 and your new proposed building?

12 MR. PEREIRAS: Zero, they're touching.

13 MS. MERTZ: I'm assuming there's some
14 building codes in place to deal with that.

15 MR. PEREIRAS: Yes, there are. It would
16 be a fire rated wall, it would be an independent
17 fire rated wall that's going to be two hours. And
18 we do this all the time in this urban environment,
19 we would address that with the building
20 department. So we're not affecting any rear yard
21 to the south on that corner.

22 MR. GARCIA: Here is my question: When
23 this expansion, this one going behind there, this
24 is your house?

25 MR. PEREIRAS: Yes.

1 MR. GARCIA: That's going to be extended
2 and this one in that picture, is this one.

3 MR. PEREIRAS: Correct.

4 MR. GARCIA: So when you do the
5 extension --

6 MR. PEREIRAS: You could see it from
7 24th Street.

8 MR. GARCIA: My question is which one is
9 going to be the setback from that property?

10 MR. PEREIRAS: Which one?

11 MR. GARCIA: From this one?

12 MR. PEREIRAS: That's still part of this
13 property.

14 MR. GARCIA: Okay. How far is it?

15 MR. PEREIRAS: Zero, they're touching.

16 MR. GARCIA: They're touching.

17 MR. PEREIRAS: Okay.

18 MR. PANEQUE: On 2401, there's a
19 one-story structure in the rear?

20 MR. PEREIRAS: Yes.

21 MR. PANEQUE: Okay. Which has windows
22 facing that yard?

23 MR. PEREIRAS: It has winds facing --

24 MR. PANEQUE: Yes.

25 MR. PEREIRAS: -- 2405?

1 MR. PANEQUE: Yup. Because that's a one
2 family -- that's one apartment there.

3 MS. PEREZ: Would that block their
4 window?

5 MR. PANEQUE: Yeah. I mean if you put
6 up a wall there, it would block these windows?

7 MR. PEREIRAS: Do you know the location
8 of those windows, how far --

9 MR. PANEQUE: They're on the property
10 line.

11 MR. PEREIRAS: Right, but are they all
12 across -- I think.

13 MR. PANEQUE: They're across the rear.

14 MR. PEREIRAS: To be sure, I want to go
15 back there and measure and locate where those
16 windows are, just to make sure we're okay. Let's
17 carry this and let's verify, so we're all
18 comfortable with it.

19 MR. GARCIA: Mr. Pereiras, can we ask
20 you for a set of pictures?

21 MR. PEREIRAS: Sure.

22 MR. GARCIA: The thing is I just went
23 back, I know that each application is unique, do
24 you remember the application that was -- that was
25 the same street as you, 21 something, you know

1 that --

2 MR. PEREIRAS: It's a few blocks away.

3 MR. GARCIA: They were concerned, the
4 neighbor about how it's going to affect the
5 backyard. That's my concern.

6 MR. PEREIRAS: Of course. And just for
7 the record, we notified all those neighbors of
8 this meeting.

9 MR. GARCIA: Thank you.

10 CHAIRPERSON GRULLON: Ms. Pereiras, this
11 is your application. You want to carry it to
12 December?

13 MS. PEREIRAS: Yes, please. It's very
14 brief.

15 CHAIRPERSON GRULLON: Provide some
16 pictures of the rear of the property?

17 MS. PEREIRAS: We appreciate that, thank
18 you.

19 CHAIRPERSON GRULLON: On both sides.

20 MS. PEREIRAS: Absolutely.

21 MR. VALLEJO: Can I have a motion?

22 CHAIRPERSON GRULLON: Motion to adjourn
23 this application to December 14th meeting.

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

1 VICE CHAIRPERSON GUTIERREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Gutierrez.

3 Roll call on the motion to adjourn this
4 application for December 14, 2023.

5 Mr. Grullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Mr. Garcia.

14 MR. GARCIA: Yes.

15 MR. VALLEJO: Five in favor, motion
16 carries. No new notice required.

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1 **1800 JFK BLVD, LLC -**

2 **1800 KENNEDY BLVD:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda is 1800, JFK Boulevard, LLC. Ms.
6 Pereiras, please.

7 MS. PEREIRAS: Yes.

8 MR. VALLEJO: Can you email ahead of
9 time?

10 MS. PEREIRAS: I know my secretary was
11 having trouble witness scanner.

12 MR. PANEQUE: Let the record reflect as
13 follows:

14 I've been provided by Ms. Pereiras with
15 a certification as to publication and service with
16 respect to the property at 1800 JFK Boulevard.

17 I've also been provided with a copy of
18 the affidavit from The Jersey Journal, giving
19 notice of tonight's hearing with respect to the
20 property at 1800 Kennedy Boulevard. Said notice
21 was published in the paper on October 28, 2023.

22 I also have a tax list listing all
23 property owners within the 200 foot radius of 1800
24 Kennedy Boulevard. The tax list has a date of
25 October 30th.

1 And I have a tax list from the Township
2 of North Bergen with a date of October 27th
3 listing the properties on the North Bergen side,
4 as the property is within a 200 foot radius of the
5 Township of North Bergen.

6 I also have the certified mail slips
7 with a postmark date of October 30th.

8 Based on the documentation that's been
9 provided, this board has jurisdiction and may
10 proceed to hear this matter.

11 MS. PEREIRAS: Thank you very much,
12 Counsel. Bianca Pereiras on behalf of the
13 applicant for 1800 John F. Kennedy Boulevard, also
14 known as Lot 1 in Block 96. The application
15 before the board this evening is to legalize two
16 basement apartment units at this site. We have
17 two experts to testify and we'll begin the
18 presentation with our architect, Mr. Manuel
19 Pereiras.

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

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

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 1800 JFK Boulevard?

2 MR. PEREIRAS: I am.

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

5 MR. PEREIRAS: I did.

6 MS. PEREIRAS: Would you kindly describe
7 the project for the board?

8 MR. PEREIRAS: I'd be very happy to.
9 This is actually a very beautiful building that is
10 very well kept. The owner purchased this, there's
11 two illegal units on the basement level. So he's
12 looking to legalize and clean them up, bring them
13 up to code, and make everything work with it.

14 Just to speak about the site, building
15 is right on the corner of Kennedy Boulevard and
16 18th Street, there's parking for two cars in the
17 rear of the property, it's a three-story property,
18 plus the basement. The basement is not fully
19 underground, it's about three and a half to almost
20 four feet above ground. There's a little
21 topography on the site, so there's enough room for
22 windows. And we're able to enlarge those windows
23 and create big nice window wells for emergency
24 escape. So it doesn't feel like a basement at
25 all.

1 To speak about the site, we're slightly
2 oversized, where 2,500 is the required lot size,
3 we're at 2,719, no variance required. Minimum lot
4 width is 25, no variance required. Minimum lot
5 depth is 107, that adds the additional square
6 footage, no variances required. Front yard is
7 four feet six inches, that would be considered a
8 preexisting nonconformity there. We're not making
9 any changes to that front yard. We're actually
10 not making any changes to the exterior of the
11 building at, all other than entries and windows.

12 The rear yard is 20.7, so no variance
13 required there. So the side yard setbacks are .9
14 on one side and zero on the other. So the total
15 is .9 feet, those are existing nonconformities and
16 we're not looking to change that. The height of
17 the building is three stories, no variance
18 required. It's 38 feet height, so variances
19 required. Building coverage is 63.5 percent, no
20 variances required.

21 Currently, the lot coverage is
22 100 percent, whereas 90 is required, that's an
23 existing nonconformity. And currently six parking
24 spaces would be required, two are provided. We're
25 going to expand that variance to ten parking

1 spaces and two are provided.

2 On the left-hand side, we see the
3 demolition of the existing floor. And what we're
4 doing is creating two apartments that would be
5 fully compliant to code. Each of the apartments
6 will have their own independent entrance. The
7 front entrance is remaining the same. You enter
8 off of Kennedy -- on the side, the corner of
9 Kennedy Boulevard and 18th Street, you walk down
10 and you have a vestibule. That vestibule has
11 access to all the meters of the building and the
12 small storage room that the owner uses to keep his
13 janitorial supplies. And then you enter into the
14 apartment and you have a two-bedroom 756 square
15 foot apartment, kitchen, living room area and two
16 bedrooms, where we're increasing the size of the
17 side yard windows to be fully compliant egress
18 windows.

19 The other apartment is on the back of
20 the building. We're looking to recreate the
21 stair, we're demoing it and bringing it up to
22 code, IBC code, so that the entrance is from the
23 rear. And that's a studio apartment of 539 square
24 feet.

25 We're not looking to make any changes to

1 the building. Again this is a very attractive
2 building, very, very well kept. The landlord is
3 one of the best in Union City and we're looking to
4 correct this condition that is currently there.
5 That concludes my testimony.

6 CHAIRPERSON GRULLON: Thank you, Mr.
7 Pereiras. Before we move to the next witness, I
8 have a few questions. How many units in this
9 building?

10 MS. PEREIRAS: Three.

11 MR. PEREIRAS: There's three current and
12 these are two new ones, so it would be five total.

13 CHAIRPERSON GRULLON: And could you
14 just -- you got three floors, a basement, a first
15 floor, and a second floor?

16 MR. PEREIRAS: We have a first floor, a
17 second floor, and an attic. The attic is not
18 being used, so the units are split and in the
19 other two floors. And we actually measured
20 this --

21 CHAIRPERSON GRULLON: On the plans, do
22 you have the layout of each of the floors?

23 MR. PEREIRAS: We don't. We have the
24 one floor and I believe we don't have the other
25 floors because it was during Covid when we drew

1 this and it just took awhile to get to you. But
2 now, we could of course go back and measure them
3 if you'd like.

4 CHAIRPERSON GRULLON: You have a total
5 of five apartments and you are here to legalize
6 two of them?

7 MR. GARCIA: Actually, it has to be
8 three because the memo from the building
9 department says there's two --

10 CHAIRPERSON GRULLON: Three.

11 MR. PEREIRAS: I never went into the top
12 of this building, you know -- and I hate to -- I'm
13 sorry this happened, but I'd like to carry this to
14 really clarify that. Because I actually think
15 that one of the basement apartments might have
16 been recognized by the City. Let me get my
17 records straight and let me come back.

18 CHAIRPERSON GRULLON: When I'm looking
19 at the plans --

20 MS. PEREIRAS: According to the building
21 department memo, it looks like there was a unit on
22 each floor. So just for clarity purposes --
23 because we just received this -- an opportunity to
24 confirm that.

25 MS. PEREZ: Was the attic one of the

1 floors?

2 MR. PEREIRAS: I don't know because we
3 measured this during Covid and we weren't allowed
4 to go into people's apartments. And then has
5 taken awhile to get before the board between
6 different things. So I want to go there and
7 almost every building I present to you, I go
8 personally and look at everything. This one I
9 wasn't able to.

10 MR. VALLEJO: Ms. Gutierrez.

11 VICE CHAIRPERSON GUTIERREZ: Especially
12 the attic.

13 MR. PEREIRAS: I'll find out.

14 MR. DOUGHERTY: I was there. There's an
15 apartment in the basement, there's no -- there's a
16 mat there on the floor, the window units, you see
17 the curtains in the window.

18 MS. PEREZ: This isn't --

19 MR. PANEQUE: Mr. Pereiras, if I could
20 request, the plans that you have presented only
21 show the basement units that you're proposing to
22 actually build out, not even legalize because
23 they're not there. So if we could have -- even if
24 it's just a simple sketch of what's on the first
25 floor, second floor, and third floor. If the

1 attic is just vacant space, just, you know, draw
2 it out.

3 MR. PEREIRAS: We'll be happy to. We
4 always do --

5 MR. PANEQUE: I know. I was surprised
6 that it wasn't included with this one.

7 MR. PEREIRAS: Yes.

8 MR. PANEQUE: So you're asking that the
9 matter be carried?

10 MR. PEREIRAS: I would appreciate that.

11 MR. GARCIA: The application is for
12 legalization of two units, but in reality, it's
13 legalization of two or one?

14 MR. PANEQUE: Well, the application if
15 it's what -- according to the building department
16 memo, they recognize three.

17 CHAIRPERSON GRULLON: They recognize
18 three and --

19 MR. PANEQUE: So if they're going from
20 three to -- legalizing two in the basement, they
21 would be going from three to five.

22 CHAIRPERSON GRULLON: But we need to see
23 that.

24 MR. PANEQUE: We don't know where the
25 other three are.

1 CHAIRPERSON GRULLON: Mr. Pereiras, you
2 will provide revised plans?

3 MR. PEREIRAS: We will provide revised
4 plans showing the entire building.

5 CHAIRPERSON GRULLON: Mr. Vallejo, we
6 have room on the December meeting?

7 MR. VALLEJO: I have to push other
8 applications, incomplete for January.

9 CHAIRPERSON GRULLON: We carried too
10 many application. I think it would be best that
11 we carry this to January.

12 MS. PEREIRAS: That's fine.

13 MR. VALLEJO: It's fine.

14 MR. PEREIRAS: Giving me time to draw
15 it.

16 CHAIRPERSON GRULLON: I think it would
17 be appropriate to hear the planning testimony only
18 if we have the correct plans, I believe we have to
19 come back.

20 MS. PEREIRAS: We'll save Mr. Dougherty
21 for January.

22 CHAIRPERSON GRULLON: You'll be back in
23 January.

24 MR. DOUGHERTY: I'll be here.

25 CHAIRPERSON GRULLON: With that, I make

1 a motion to adjourn this application to the first
2 meeting in January.

3 MR. PANEQUE: Ms. Pereiras, you waive
4 the statutory requirement?

5 MS. PEREIRAS: I do, Counsel.

6 MR. PANEQUE: No further notice
7 required.

8 MR. VALLEJO: Motion on the table to
9 adjourn this application for January 11, 2024 by
10 Mr. Grullon. Seconded by?

11 VICE CHAIRPERSON GUTIERREZ: Second.

12 MR. VALLEJO: Ms. Gutierrez. Roll call
13 on the motion. Mr. Grullon.

14 CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 VICE CHAIRPERSON GUTIERREZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Five in favor, motion
24 carries. Revised plans required. All right.

25 * * * *

1 **PATRICIA VILLARUEL -**
2 **208 43RD STREET:**

3
4 MR. VALLEJO: We're moving to number
5 seven, Patricia Villaruel, 208 43rd Street. Ms.
6 Pereiras, please.

7 MR. PANEQUE: Thank you.

8 For the record, I've been provided by
9 Ms. Pereiras with a certification as to
10 publication and service indicating that notice of
11 tonight's hearing at this location was provided to
12 all property owners within the 200 foot radius of
13 208 43rd Street.

14 I've also been provided with an
15 affidavit from The Jersey Journal indicating that
16 notice of tonight's hearing with respect to the
17 property was published in the paper on October 28,
18 2023.

19 I've also been provided with a tax list
20 from the tax assessor's office with a postmark
21 date of 10/30/2023, indicating all property owners
22 within the 200 foot radius of 208 43rd Street.

23 And lastly I've been provided with the
24 certified mail receipts with a postmark date of
25 October 30, 2023.

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

4 MS. PEREIRAS: Thank you very much,
5 Counsel. Here, we are located at 208 43rd Street
6 in the R residential zone, Block 252, Lot 7.
7 Currently on-site we have a multifamily building
8 consisting of three units as recognized by the
9 Union City building department. We are before the
10 board this evening to legalize a fourth unit. We
11 have one expert this evening -- well, we have two
12 experts this evening. I'd like to begin with
13 our architect, Mr. Manuel Pereiras.

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

16
17 MR. PEREIRAS: Still Manny Pereiras,
18 still recognize I am under oath.

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property at 208 43rd Street?

21 MR. PEREIRAS: I am.

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

24 MR. PEREIRAS: I did.

25 MS. PEREIRAS: Would you kindly describe

1 the project for the board?

2 MR. PEREIRAS: I'd be very happy to. In
3 this case, we have a building that has four
4 existing units and we're -- but the building
5 department only recognizes three of those units.
6 We're looking to make no changes to the layouts,
7 we're looking to not displace anybody, we're
8 looking to keep -- legalize the existing condition
9 and simply bring it up to code standards of today.

10 We have an existing lot of 25 by 100,
11 which is compliant. We have an existing minimum
12 front yard of 5.2 feet, which is variance, a
13 preexisting nonconformity. We have a rear yard of
14 30.9 feet, which is compliant. We have side yard
15 setbacks of zero on both sides, which is a
16 preexisting nonconformity. We have three stories,
17 38 feet, we're actually at 38.9 feet, which is a
18 slight deviation from the 38 feet that's required,
19 we're less than about 10 inches higher than what's
20 permitted. So that's a preexisting nonconformity.
21 Our building coverage is only 45 percent, no
22 variance is required. Our lot coverage is only
23 7 percent, no variance required.

24 Now, from an existing standpoint, we had
25 three units that were recognized by the building

1 department, that's a parking demand of six. And
2 now we're going to have four, so it's a parking
3 demand of eight. So we're expanding that
4 variance, zero parking spaces are provided on the
5 site.

6 I'd like to point out on the site plan
7 that there is a 3 feet -- 3.3 foot setback on the
8 side of the building, the eastern side of the
9 building. That's very important because that
10 creates an additional access into the apartment.
11 So the basement apartment has its own independent
12 access from that point. And that's what the
13 tenants currently use.

14 Turning now to sheet Z02, we see all the
15 floors of the existing building. On the left-hand
16 side, it starts with the basement, first floor,
17 second and third floor. So we could see all the
18 existing conditions, they're very similar. There
19 are very slight deviations per floor. The
20 basement apartment is what we're proposing to
21 legalize. And we're not proposing to change any
22 walls. There is access to the existing mechanical
23 room through the rear yard. There is also access
24 to the apartment via the side yard setback that I
25 described earlier. And internally, through the

1 building through the main stairwell of the
2 building, it comes down to that hallway, vestibule
3 that enters you into the apartment as well.

4 The unit is 603 square feet and it's a
5 one bedroom. The one bedroom is what we call a
6 preexisting nonconformity, that's important from
7 the resolution standpoint, so that we could get
8 this approved correctly through the building
9 department. That bedroom is going to have egress
10 windows to the rear yard. And we're going to be
11 asking for a variation for emergency escape, so
12 that someone would escape to the rear yard of this
13 property.

14 The current apartment doesn't meet
15 current code requirements. By -- if this board
16 were to deem it favorable to approve this, it
17 would have to meet all requirements of today's
18 code. That means this apartment is going to be
19 separated from the floors above with two hour fire
20 separation. It's going to have a domestic line
21 sprinkler system in that floor, it's going to have
22 a low voltage alarm system in all the common
23 areas, and a hard wired 110-volt system in the
24 apartment itself. It's going to have the
25 appropriate egress windows. And basically it's

1 going to be fully compliant with today's codes and
2 standards. And our building department will make
3 sure of that. And that concludes my testimony.

4 CHAIRPERSON GRULLON: Okay. Do you have
5 any other witness?

6 MS. PEREIRAS: We do. We have our
7 planner, Mr. Dougherty.

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

11
12 MR. DOUGHERTY: I recognize I'm still
13 under oath.

14 Similar to the last application, I
15 prepared an exhibit packet consisting of five
16 sheets of maps and photographs for orientation
17 purposes.

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

19
20 (Planning packet marked A-1 for
21 identification.)

22
23 MR. DOUGHERTY: Slide one is reflective
24 of the zoning map, yellow indicating the R low
25 density residential one and two-family zone.

1 Slide two will be NJDEP's GeoWeb, property
2 outlined in red. You see we have some mass
3 transit opportunities along New York Avenue, just
4 one block away, as well as Bergenline.

5 Slide three is a shot that I took at the
6 ground level on November 5th. The property in
7 question is the building with the green cornice,
8 the corner on the top, the decoration. In that
9 shot, you can kind of see the shadow cast on the
10 gray building. The unit in question is in that
11 separation, you can kind of see a gate there, and
12 we'll identify that on the last slide.

13 Slide four, we kind of zoom out a little
14 bit and get a greater feel for what's going on on
15 43rd surrounding this property. As we see, we
16 have, you know, a larger newer modern apartment
17 complex to the right. We have a -- I believe it
18 was a car wash to the left of the property. And
19 there's some mixed use and commercial around the
20 property as well, scattered throughout the area.

21 Slide five here is a four photo
22 combination of the property in relation to the
23 unit itself. Top left being the property from
24 across the street, top right is right at the
25 property. As we see, we have the cast iron

1 fencing here, the gating. And we have the main
2 entrance underneath the green awning. To the
3 right of that, you'll see there's another gate.
4 The bottom left is a shot of that gate that leads
5 down the corridor where the other dwelling unit
6 exists today. And the bottom right, I zoomed in
7 so you can see the door in the background, you can
8 see the bikes against the side of the building.
9 That is where the unit in question has existed --
10 is located within the property.

11 With that being said, we are here for
12 relief pertaining to this particular unit. Again
13 this is a one and two-family zone. So we are
14 seeking what we call a (d) (2) use variance for
15 the -- recognizing this bottom unit, intensifying
16 a nonconforming use as the property itself does
17 not conform with the one and two-family dwellings
18 here for the zone.

19 When we look at the relief needed here,
20 (d) (2) relief is more relaxed than the (d) (1) use.
21 The essence of (d) (2) is site betterment and not
22 whether the use belongs here in the first place.

23 As we just heard, we're going to
24 recognize this and bring this unit up to building
25 and fire codes for safe and habitable conditions.

1 With that being said, advancing special reasons.
2 The project promotes the general welfare with
3 newer housing stock for the growing population,
4 meet housing goals for diversified housing to meet
5 all needs of the people, retains and improves
6 what's there. The improvements add value and
7 quality to the site, which add value and quality
8 to the neighborhood.

9 The project, again, when we look at this
10 is going to recognize this unit and bring it to
11 safe, modern living conditions and applicable to
12 all codes. Again advancing purposes of the
13 Municipal Land Use Law, purpose A. I believe we
14 advance purpose E for appropriate densities in
15 appropriate locations. I would say purpose i as
16 well, as we're not changing the physical exterior
17 of the structure. The structure as we see from
18 the photos is a fairly good looking structure on
19 43rd.

20 When we look at the negative criteria or
21 the public impact, recognizing this unit or
22 intensifying a preexisting use here. When we look
23 at this the building, as said, it will be designed
24 with applicable building and fire codes, there
25 will be no adverse impact. This unit as it was

1 flagged exists there today. The neighborhood
2 absorbed this additional unit. There is no visual
3 change from the public realm, the building mass.
4 When we look at this, does not change -- again,
5 lot of the work going to be internal from a safety
6 perspective for the residents. For the residents
7 not just in that unit, but the existing residents
8 as well on the floors above.

9 When we look at this, in recognizing
10 this unit, there are some preexisting relief
11 associated with the project. The biggest one
12 being the parking. We don't have parking on the
13 site, as you can see, whether this unit or any of
14 the units, there's no parking there. As outlined
15 in the planner's report, eight parking stalls
16 would be required. Again, this is an existing
17 condition. The site's built pretty much in an
18 urban environment, built out. There's no parking
19 here.

20 As we see in the last photo there, this
21 particular unit, they've recognized the lack of
22 parking and they clearly have the bikes behind
23 their gate. This is a walkable neighborhood.
24 We're one block, even two blocks away from the
25 major corridors within the city that have ample

1 amenities and resources, and so forth. We have
2 mass transit just one and two blocks away from the
3 site.

4 With that being said, we do have some
5 existing variances for the front yard setback,
6 seven feet, we're at 5.2. The side yard, we need
7 two and five for both. We're at really zero
8 because there's the notch for the alleyway.

9 The building height, 38 feet. We're at
10 38.9, that's an existing variance. What I would
11 like to point out though is what we are in
12 compliance with and which I believe this
13 particular property has the excellent capacity to
14 carry the additional unit. The building coverage,
15 65 percent is allowed. This particular property
16 we're at 45 percent. So adding the additional
17 unit, we're not really intensifying on this
18 particular lot. The lot coverage 90 percent is
19 allowed, we're at 70 percent.

20 So I believe we have excellent carrying
21 capacity from a built environment to carry the
22 additional unit. Again, it's what we heard
23 before. The lack of parking I believe is offset.
24 Again, it's existing condition that's been
25 absorbed in the neighborhood. But, again, we have

1 census data that shows the majority of the
2 population is using mass transit.

3 When we look at this I'll conclude the
4 demand for the vehicle is offset by the
5 walkability and access to mass transit and
6 amenities. The project brings a healthy balance
7 of housing options and choices. And there is no
8 physical change in the public realm of this
9 property. We are bringing an existing dwelling
10 unit and we will bring it to code compliance for
11 safe and habitable living conditions, not just for
12 that particular unit, but those in the structure.

13 With that said, I believe the project is
14 particularly suited for the City, most notably it
15 will add value to Union City's housing options.
16 And the statutory criteria for relief are met and
17 approval would be warranted.

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

20 MS. PEREIRAS: We have no further
21 witnesses.

22 CHAIRPERSON GRULLON: Any Members of the
23 Board have any questions of this application?

24 MS. O'DELL: This is what the basement
25 looks like currently? Is this picture here?

1 CHAIRPERSON GRULLON: Any member of the
2 public want to step forward.

3 MR. PEREIRAS: Yes.

4 MS. O'DELL: It currently looks like
5 that?

6 MR. PEREIRAS: The question was whether
7 the basement currently looks like that. Yes,
8 we're not making any changes other than life
9 safety changes.

10 CHAIRPERSON GRULLON: Okay. Taking in
11 consideration that this application is preexisting
12 conditions and you're going to have the
13 opportunity to bring this building up to code for
14 safety purposes, I make a motion to grant this
15 application.

16 MR. VALLEJO: Motion on the table to
17 grant this application by Mr. Grullon. Seconded
18 by?

19 VICE CHAIRPERSON GUTIERREZ: Second.

20 MR. VALLEJO: Ms. Gutierrez. Roll call
21 on the motion.

22 Mr. Grullon.

23 CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 MR. GARCIA: Yes.

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

9 MS. PEREIRAS: Thank you all very much.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. Marusia Cuellar - 106 32nd Street, Block: 197,
3 Lot: 25. The applicant proposes to legalize and
4 existing apartment in the basement of a building;
5 there will be a total of 4 units in the building.

6 **Withdrawn**

7
8 MR. VALLEJO: All right. We're going to
9 move to resolutions. We have seven resolutions on
10 tonight's agenda, we're going to do one by one.
11 All right.

12 Resolution number one, Mariusa Cuellar,
13 106 32nd Street. This application was withdrawn
14 at the previous meeting. Can I have a motion to
15 memorialize this resolution?

16 CHAIRPERSON GRULLON: Motion to
17 memorialize.

18 MR. VALLEJO: Motion by Mr. Grullon.

19 VICE CHAIRPERSON GUTIERREZ: Second.

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

22 Mr. Grullon.

23 CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 VICE CHAIRPERSON GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 MR. GARCIA: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 2. Haider Ahmad - 2410 Summit Avenue.
3 Legalization of apartment. The legalization shall
4 create a total of 3 residential units. Withdrawn

5
6 MR. VALLEJO: Resolution number two,
7 Haider Ahmad, 2410 Summit Avenue. This
8 application was withdrawn at the previous meeting.
9 Can I have a motion to adopt this resolution?

10 MR. GARCIA: Motion.

11 MR. VALLEJO: Motion by Mr. Garcia.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Five in favor, motion

1 carries.

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ADOPTION OF RESOLUTIONS:

3. Rino Management, LLC 411 38th Street Block:
220 Lot: 22. The applicant proposes the
legalization of ground floor studio and bible
study. **Approved**

MR. VALLEJO: Resolution number three,
Rino Management, LLC, 411 38th Street. This
application was approved at the previous meeting.
Can I have a motion to adopt this resolution?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

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

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Five in favor, motion
2 carries.

3 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 4. 310-318 7th Street. Block: 37 Lots: 22-25.

3 The applicant proposes the legalization of a
4 church approved

5
6 MR. VALLEJO: Resolution number four,
7 310-318th 7th Street. This application was
8 approved at the previous meeting. Can I have a
9 motion to adopt?

10 MR. GARCIA: Aye.

11 MR. VALLEJO: Motion by Mr. Garcia.

12 VICE CHAIRPERSON GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Five in favor, motion

1 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 5. 2109 West Union City, LLC - 2109 West Street.
3 Block: 115 Lot: 5. The applicant proposes to
4 construct a two-story addition to the rear of an
5 existing building that contains two units.

6 **Approved. Revised drawings received on 10/30/2023.**

7
8 MR. VALLEJO: Resolution number five,
9 2109 West Street, LLC.

10 MS. PEREIRAS: If I may interrupt for a
11 moment on that one? We submitted revised drawings
12 to the board, we noticed one of our sheets was not
13 updated. I can send that over to your office
14 later this week, but I don't feel comfortable
15 having that memorialized until you have the
16 completed correct package in hand.

17 MR. VALLEJO: On this --

18 MS. PEREIRAS: Just one sheet that's not
19 updated.

20 CHAIRPERSON GRULLON: We'll carry to
21 memorialize.

22 MR. VALLEJO: Scratch out, we're not
23 going to adopt this resolution until next meeting,
24 December 14th.

25 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 6. Sarfaraz Kahn - 507 6th Street. Block: 23 Lot:

3 28. Legalization of basement apartment. **Approved**

4
5 MR. VALLEJO: We're going to move to
6 resolution, according to the record, six.

7 MR. GARCIA: Can I make a motion for
8 next meeting go to Gilmore --

9 MR. VALLEJO: This application was
10 approved at the previous meeting. Can I have a
11 motion to adopt this resolution?

12 CHAIRPERSON GRULLON: Motion.

13 VICE CHAIRPERSON GUTIERREZ: Second.

14 MR. VALLEJO: Motion by Mr. Grullon,
15 second by Ms. Gutierrez. Roll call on the motion.
16 Mr. Grullon.

17 CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 VICE CHAIRPERSON GUTIERREZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Mr. Garcia.

23 MR. GARCIA: Yes.

24 MR. VALLEJO: Ms. O'Dell.

25 MS. O'DELL: Yes.

* * * *

ADOPTION OF RESOLUTIONS:

7. 601 New York Avenue, LLC - 601 New York Avenue. Block: 27 Lot: 1. New legal office in a mixed-use building. Also, reconstruction of rear expansion, new basement office space and new roof deck for office. Approved. Revised drawings received on 10-30-2023.

MR. VALLEJO: We are moving to number seven, 601 New York Avenue, LLC, 601 New York Avenue. This application was approved at the previous meeting, revised drawings received on October 30, 2023.

Can I have a motion to adopt this resolution?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

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

Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 MR. GARCIA: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

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

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1 **ADJOURNMENT:**

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3 MR. VALLEJO: There being no other
4 applications on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 VICE CHAIRPERSON GUTIERREZ: Motion.

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

9 MS. PEREZ: Second.

10 MR. VALLEJO: All in favor?

11
12 (Whereupon, all Board Members indicate
13 in the affirmative.)

14
15 (Whereupon the meeting was adjourned at
16 9:57 p.m.)

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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