

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, January 11, 2024
Commencing at 6:20 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
ALTAGRACIA SAN MARTINO
VIVIAN O'DELL

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

MIGUEL ORTIZ
ROSIO PENA
RAYMOND CETINICH
MINDRY WATLEY

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

TOMAS PANEQUE, ESQ.
Board Counsel

AUGUSTIN PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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Attorney for Applicant, Lilian Leon

BIANCA PEREIRAS, ESQ.
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Melina Garcia

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1608-1610 New York Avenue

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

3 Please take notice that on Thursday,
4 January 11, 2024, at 6:00 p.m., a regular meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent, he's sick.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Let the record indicate there are six present for tonight's meeting.

REORGANIZATION MEETING:

MR. VALLEJO: We're going now to reorganization to elect chair and vice chairperson. Can I have a motion to nominate a chairperson?

CHAIRPERSON GRULLON: I want to make a motion to nominate Mr. Andres Garcia as the chairman.

VICE CHAIRPERSON GUTIERREZ: I'll second.

MR. VALLEJO: Motion to nominate Mr. Garcia as chairperson. Do I have any other nomination?

Seeing none, can I have a second for Mr. Mr. Garcia to be the chairperson. Seconded by Ms. Gutierrez. Roll call on the motion.

MR. VALLEJO: Mr. Grullon.

MR. GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 MR. GARCIA: Yes.

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

7 Now we're going to nominate a vice
8 chairperson. Can I have a motion to nominate a
9 vice chairperson?

10 VICE CHAIRPERSON GUTIERREZ: I nominate
11 Mr. Grullon.

12 MR. VALLEJO: Ms. Gutierrez nominates
13 Mr. Grullon as the vice chairperson. Any other
14 nominations? Seeing none, can I have a second?

15 MS. PEREZ: Second.

16 MR. VALLEJO: Seconded by Ms. Perez.
17 Roll call on the motion.

18 Mr. Grullon.

19 MR. GRULLON: Yes, I accept.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. O'Dell.

25 MS. O'DELL: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Six in favor, motion
6 carries. Congratulations, Mr. Grullon as vice
7 chairperson.

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ADOPTION OF MINUTES:

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

VICE CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

MS. GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion. Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Six in favor, motion carries.

* * * *

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

3
4 MR. VALLEJO: First application --

5 CHAIRPERSON GARCIA: Before we continue,
6 I think Mr. Grullon deserves a round of applause.

7 (Whereupon, there was a round of
8 applause.)

9 CHAIRPERSON GARCIA: Thank you for your
10 dedication. Thank you guys for trusting me and
11 thank you for considering me as chairperson.

12 MR. VALLEJO: First hearing on tonight's
13 agenda, B&V Investment, LLC, 3810-14 32nd Street.
14 Ms. Pereiras, please.

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

16 Good evening, Counsel, Mr. Chairman,
17 Vice Chairman, members of the board, may it please
18 the board, Bianca Pereiras on behalf of the
19 applicant for property at 3810-3814 32nd Street.

20 As you know, this board heard extensive
21 testimony from our architect, our planner, our
22 traffic consultant. And we reduced the size and
23 the scale of the building, we eliminated our
24 parking variance. We asked for a continuation
25 just to see if we could tweak it even more. And

1 after going back to the drawing board, we realized
2 and are extremely confident in the project that we
3 presented before this board. We think it is a
4 right project for this location.

5 So unless the board would like a recap
6 of the project or has any questions of our
7 architect or our planner, we'd submit for the
8 board's vote at this time. Would the board like a
9 recap of the project? We've already presented all
10 our testimony and we haven't changed anything from
11 the last time we presented.

12 CHAIRPERSON GARCIA: Just since we know
13 that we're all concerned regarding the parking, I
14 just want to add a little bit of parking if you
15 can?

16 MS. PEREIRAS: Absolutely.

17 CHAIRPERSON GARCIA: The application
18 said it's 18 apartments with 33 parking spaces,
19 correct?

20 MR. PEREIRAS: Correct, but based on
21 RSIS, there's a requirement of 36 parking spaces.
22 And based on RSIS, we actually have 37 parking
23 spaces.

24 CHAIRPERSON GARCIA: It's 33 plus the --
25 because you have the --

1 MR. PEREIRAS: The four electric.

2 CHAIRPERSON GARCIA: You have four of
3 those 33 are electrical?

4 MR. PEREIRAS: So if we use the same
5 count of RSIS --

6 CHAIRPERSON GARCIA: But in reality
7 physically you got 33.

8 MR. PEREIRAS: We have 33 spaces.

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

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

16 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
17 that was last year.

18 MR. PEREIRAS: I know.

19 VICE CHAIRPERSON GRULLON: If I may, Mr.
20 Chairman, I have something that I would like to
21 know on this application. I know you covered --
22 you have testimony of the layout of the building.
23 Could you just go over the surrounding of the
24 building, like sidewalk, lighting, safety for the
25 intersection? Could you go over this?

1 MR. PEREIRAS: I'd be very happy to. So
2 I'll just remind the board what's there right now
3 is dilapidated structures that are falling apart,
4 mixed uses, residential units, commercial spaces.
5 We're cleaning that all up. There's garages in
6 the back, we're going to demolish all of it and
7 start from new.

8 The site, just to remind the board, if
9 we're looking towards the east, we have brand new
10 four-story three-families are going up behind the
11 property, up the hill. So it's taller than our
12 building. If you look towards the north, we have
13 the Union City housing development there with the
14 tall buildings. If you go to the west, we have
15 the cemetery down in the corner. And if you go to
16 the south, you have a mixture of things, a couple
17 residential properties, commercial. And then if
18 you go to the next block, there's also another
19 large building. So as far as height, we're
20 actually one of the smaller ones and we're going
21 to be smaller than the neighboring properties.

22 The setbacks, we're respecting setbacks
23 more than what was there before. We're creating
24 some landscaping that was never present on that
25 location, so we're creating landscaping both on

1 the west and all along the north, which is facing
2 the Union City housing project. We have almost
3 seven feet of landscaping across that entire
4 strip. So that's also another very significant
5 improvement for the neighborhood. We have
6 lighting throughout the building, all around, so
7 it's very well lit. Our front yard setback is in
8 line with all the buildings down Bergen Turnpike
9 because Bergen Turnpike comes at an angle and they
10 keep stepping up. And one of the things we wanted
11 to be very cautious with that, so even that corner
12 that we have there steps back further, so it
13 matches the adjacent property there. So it
14 matches the line as it grows looking forward and
15 it matches that corner, so you have good sight
16 towards 39th Street. When cars are coming down
17 39th Street, they have good visibility.

18 We removed the parking entrance from
19 Bergen Turnpike, I know the board was very
20 concerned about that. And we moved it onto 39th
21 Street. And what we did is we created two levels
22 of parking for this building. And each of them
23 have their own entrance. So off of 39th Street,
24 you have one parking entrance. We made it nice
25 and wide, two cars can go at the same time, full

1 spaces, 9-by-18. It's rare we have full 9-by-18
2 spaces. We have a full drive aisle of 24 feet so
3 that you could maneuver in and out very easily.
4 And then the second floor is at the top of 39th
5 Street, with entrance to the top floor. And again
6 we have a full 24 foot wide access and 9-by-18
7 parking spaces, every single one. That's also
8 where we also have our handicapped spot and where
9 we are showing electric parking spaces. So we
10 have a parking layout that works very well and is
11 sufficient. There's no parking variance for this
12 building.

13 CHAIRPERSON GARCIA: Are the electrical
14 spaces on the first level of the building or the
15 second?

16 MR. PEREIRAS: They're actually on the
17 second -- it depends on where you look at it. But
18 they're on the second floor.

19 CHAIRPERSON GARCIA: So when you get
20 into the parking, the electrical have to be -- you
21 have to go to the second level?

22 MR. PEREIRAS: No. So each parking
23 level has its own entrance. We're lucky here on
24 the site because 39th is so steep. So at the
25 bottom of 39th Street, you could go into the lower

1 level and then the top of 39th Street, you go on
2 the upper level. That's where we have the
3 electric parking spaces.

4 CHAIRPERSON GARCIA: Okay.

5 MR. PEREIRAS: And to be quite frank
6 with you, Mr. Chairman, in lots of the building
7 I'm working in now, we're retrofitting and adding
8 a lot more electric spaces throughout. So four is
9 the cap that we have right now that we had to
10 meet. More than likely, the reality of this,
11 there's going to be a lot more electric spaces in
12 the years to come on the property.

13 VICE CHAIRPERSON GRULLON: One more
14 thing, Mr. Pereiras, could you go over the
15 proposed material? This building is going to be
16 facing the entrance of Union City when you come
17 from Secaucus and North Bergen.

18 MR. PEREIRAS: Yes.

19 VICE CHAIRPERSON GRULLON: It's the
20 first building, we had the project -- the housing
21 on the left side, but the right side is going to
22 be facing the entrance.

23 MR. PEREIRAS: That's exactly correct.
24 So we have, in this building, what I would call
25 blind sides, we have two blind sides. We have the

1 south, which is this one and we have the east,
2 which is this one. This one is facing a building
3 that's almost the same exact size and they're
4 right up against each other, they're only about
5 four, five feet apart. So there's nothing visible
6 there.

7 The south side, just because you could
8 see a little bit of the corner, we addressed it
9 and we made that beautiful. We had the brick wrap
10 around, we have a concrete detail panel. And we
11 have a stucco wrapping the corner. So the part
12 that is siding is the part that you don't see.
13 This edge, you see. And then what we did is the
14 east -- the west and the north, which are the two
15 very prominent facades, you're going to see them
16 coming up from Secaucus, you're going to see them
17 coming from North Bergen, you're going -- it's
18 really an important piece for Union City. I think
19 we did a beautiful job of mixing materials and
20 creating a very beautiful scale. I didn't want to
21 look at this and make it feel like a big mass.
22 What we did is we did a little bit of a Mondrian,
23 the painter, and we broke this down into different
24 elements. You have vertical stripes, you have
25 horizontal stripes, you have lines, you have

1 squares. And all of these are different
2 materials. So we have a lot of brick, the whole
3 base is brick. And then we have aluminum panels
4 and fiber cement panels to accentuate everything
5 else. And then there are some touches of wood as
6 well so. There's a synthetic wood that we have to
7 make a beautiful two facades, that's going to be
8 something kind of unique and new to the area.

9 CHAIRPERSON GARCIA: Any other members
10 of the board have any questions?

11 MS. PEREZ: Yes. I'm concerned about
12 the area, it gets pretty congested. There's going
13 to be 18 apartments there, and six stories. What
14 is the variance? How many stories are allowed?

15 MR. PEREIRAS: So the height -- what's
16 allowed and permitted in this district is a
17 two-family house that's three stories. I feel
18 that that's improperly zoned, it's a lot -- a lot
19 of the testimony you heard on this project was
20 discussing that. So anything over three stories
21 would be a variance and we're requesting a height
22 variance for that. And we're requesting a use
23 variance for the use.

24 Now, whether that's appropriate to the
25 district, that's before the board. I think it's

1 extremely appropriate because of the density
2 around it. You don't want to have a small piece
3 within a cluster of larger developments, it would
4 get lost. It's inappropriate. This fits, even
5 though it's smaller than the other clusters,
6 smaller than the housing development behind, it
7 maintains the same height as the residential to
8 the east. So the question is does it fit, does it
9 look right in the neighborhood, and I would say
10 yes. And that's up to you to decide.

11 MS. PEREZ: It's beautiful, I'm just
12 concerned about the congestion of 18 apartments in
13 that area where it's heavily travelled.

14 CHAIRPERSON GARCIA: Any other member of
15 the board? May I open to the public, any member
16 of the public want to step forward? No one.
17 Close to the public. Anyone want to make any
18 comments?

19 VICE CHAIRPERSON GRULLON: Before we
20 make a motion, you had two levels of parking and
21 four levels of residential?

22 MR. PEREIRAS: Yes.

23 VICE CHAIRPERSON GRULLON: How many
24 apartments per floor?

25 MR. PEREIRAS: There are five per -- no,

1 there are six per floor.

2 VICE CHAIRPERSON GRULLON: Six per
3 floor?

4 MR. PEREIRAS: No.

5 VICE CHAIRPERSON GRULLON: That's what I
6 was trying to see.

7 MR. PEREIRAS: There's one, two, three,
8 four, five on the --

9 VICE CHAIRPERSON GRULLON: Five, five
10 and --

11 MR. PEREIRAS: We have two that have
12 five and two that have four. Two with five
13 apartments and two with four apartments.

14 VICE CHAIRPERSON GRULLON: Thank you. I
15 don't have anymore questions.

16 CHAIRPERSON GARCIA: The part of
17 application since day one, and understanding also
18 that the client went from a big application to --
19 by the way, you don't have another witness?

20 MS. PEREIRAS: No, we don't. We
21 presented from our traffic engineer and we also
22 have the planner here, but he provided extensive
23 testimony at the last meeting.

24 CHAIRPERSON GARCIA: Also that the area
25 definitely need improvement and also across the

1 street is a project with private property, I think
2 it's going to mitigate any impact that would
3 create the big project, which has a lot of units.
4 Also the potential detriment that has that empty
5 lot basically because I know there's a house
6 there, however it's empty and there's a lot of
7 raccoons and rodents, I make my motion to grant
8 the application with one condition is the setback
9 stated in all the testimony has to go from ground
10 to top, no different side, don't go -- like do it
11 one level. So if you say that you have 12 foot
12 setback, let's say, 3 foot setback in the ground,
13 you have to have the same setback all the way to
14 the top.

15 MR. PEREIRAS: So we have no overhangs,
16 however I want to be able to have beautiful
17 architectural elements that come out of the
18 building, just -- and if the board could limit it
19 to maybe 12 inches, I'd be very happy. That makes
20 the building very beautiful, so on top, I can have
21 frames that make it -- I can have pieces that pop
22 out. Not more floor plan, but decorative
23 elements. I think it's important so we don't have
24 an ugly --

25 CHAIRPERSON GARCIA: Completely agree

1 with you, Mr. Pereiras. When I mention the
2 setback, it's basically the unit itself. It's not
3 like you have a unit, a foot, two foot hanging
4 over the original setback.

5 MR. PEREIRAS: I just want to be clear
6 because our construction department actually reads
7 the minutes of the meeting and they take it to
8 heart. So Mr. Ferlese, this note is for you. I
9 have 12 inch projections on the facade so that we
10 could beautify the building.

11 CHAIRPERSON GARCIA: Okay.

12 MR. PANEQUE: Ornamental projections.

13 VICE CHAIRPERSON GRULLON: For the
14 record, my concern is that area, make sure the
15 building has proper lighting and landscaping.

16 MR. PEREIRAS: Will do.

17 VICE CHAIRPERSON GRULLON: Do the best
18 you can with that because it's at the entrance to
19 Union City. What's there right now is not
20 appropriate, but again, we take thank the client
21 for considering because I know the application was
22 originally 24 units and 25 parking spaces and he
23 heard our concerns. And now I know by having
24 three lots, you may be able to do three
25 two-families there. But again, I heard your

1 testimony, it's not what is needed for that area.
2 Thank you. I second the motion.

3 MS. SAN MARTINO: I said the same thing
4 too, but I was thinking when you were talking
5 about the project and why you want to do. I'm
6 going there every day and I see the whole thing
7 you know, like I said you're going look beautiful.
8 Our concern was the parking because I'm the one
9 not driving there because I don't find parking.
10 But even for the Board of Ed, it's going to look a
11 little better.

12 MR. VALLEJO: There's a motion on the
13 table to approve this application by Mr. Garcia,
14 seconded by Mr. Grullon. Roll call on the motion.
15 Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: I'm going to vote no.

21 MR. VALLEJO: No. Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Motion passes, five in
3 favor and one against.

4 MS. PEREIRAS: Thank you all very much.

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1 **REHANA LATIF -**

2 **1502 CENTRAL AVENUE:**

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4 MR. VALLEJO: We're moving to
5 application number two on the agenda, Rehana
6 Latif, 1502 Central Avenue. Ms. Pereiras, please.

7 CHAIRPERSON GARCIA: This is not the
8 revised plans.

9 MR. VALLEJO: They never submitted.

10 MS. PEREIRAS: No.

11 MR. PEREIRAS: I didn't submit in time,
12 it was submitted a few days ago.

13 MR. SPATZ: I got the PDF today.

14 MS. PEREIRAS: Unfortunately, we didn't
15 get an opportunity to revise those. So if the
16 board would be so kind as to carry this matter to
17 next month, we'll be sure to provide those revised
18 drawings to the board.

19 MR. PANEQUE: Okay. This is on 1502
20 Central Avenue?

21 MS. PEREIRAS: Correct.

22 MR. PANEQUE: I know for a fact that Mr.
23 Frezzo is here on that. Mr. Frezzo,
24 unfortunately, the architect did not submit the
25 revised plans. There is a rule that they must

1 follow that all plans have to be submitted at
2 least ten days prior to the meeting hearing.
3 Since that was not done, this board cannot proceed
4 and hear this matter. So it's going to be carried
5 now to the February meeting.

6 MR. FREZZO: Okay.

7 MR. VALLEJO: February 8th.

8 MR. FREZZO: Thank you for telling me, I
9 appreciate it.

10 MR. PANEQUE: Ms. Pereiras, do you waive
11 the statutory time in which this board can hear
12 the application?

13 MS. PEREIRAS: Of course.

14 MR. PANEQUE: Thank you.

15 CHAIRPERSON GARCIA: I make my notion to
16 adjourn this application to the next meeting,
17 February 8th.

18 MR. VALLEJO: Motion to carry this
19 application for February 8th by Mr. Garcia.

20 MS. GUTIERREZ: Second it.

21 MR. VALLEJO: Seconded by Ms. Gutierrez.
22 Roll call on the motion.

23 Mr. Grullon.

24 VICE CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 MS. GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

10 MR. VALLEJO: Six in favor, motion
11 carries. Next meeting February 8th, same place
12 same time.

13 MS. PEREIRAS: Thank you all so much.

14 MR. VALLEJO: Revised plans required.

15 MS. PEREIRAS: I apologize for the
16 inconvenience.

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

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4 MR. VALLEJO: We're moving to number
5 three, Hudson Heights Church of Christ, 2000 West
6 Street. Mr. Paneque, please.

7 MR. PANEQUE: For the record, we have
8 been provided with a letter from Mr. Alonso's
9 office dated January 10, 2024, in which Mr. Alonso
10 informs the board that this office represents
11 Hudson Heights Church of Christ in connection with
12 the above referenced matter currently scheduled
13 for January 11th. This letter is respectfully
14 submitted as a formal request to adjourn the above
15 mentioned hearing and carry to the February 8th
16 hearing. The statutory time periods are hereby
17 waived on behalf of the applicant. Please
18 announce the date of the next hearing to the
19 public in order to avoid the need to renotece.

20 MR. VALLEJO: Can I have a motion to
21 carry this application for February 8th meeting?

22 CHAIRPERSON GARCIA: I make -- anybody
23 in the public here for that application? I make
24 my notion to grant this application with no new
25 notice.

1 MR. VALLEJO: Motion by Mr. Garcia, any
2 second on the motion.

3 VICE CHAIRPERSON GRULLON: Second.

4 MR. VALLEJO: Seconded by Mr. Grullon.
5 Roll call on the motion. Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. 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 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

17 MR. VALLEJO: Six in favor, motion
18 carries. This application will be adjourned to
19 February 8, same place, same time.

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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 MS. PEREIRAS: Thank you, Mr. Vallejo.

8 Good evening, members of the board,
9 Bianca Pereiras on behalf of Lilian Leon for
10 property at 1608-1610 New York Avenue. The board
11 may recall that you heard testimony from our
12 architect, our planner, and our traffic engineer
13 at the last meeting, at which time the board made
14 some suggestions to reduce the scale and size of
15 this building. We provided revised drawings
16 significantly reducing the number of units and
17 eliminating a parking variance.

18 We have our architect and planner here
19 to testify before the board as to the
20 modifications and the changes that were requested
21 and proposed. Mr. Pereiras.

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

24
25 MR. PEREIRAS: Manny Pereiras, I

1 recognize I am still under oath.

2 MS. PEREIRAS: Mr. Pereira, in regards
3 to 1608-1610 New York Avenue, would you kindly
4 describe the changes that were made to the board?

5 MR. PEREIRAS: I'd be very happy to.
6 I'm very happy to work on this project, I think
7 it's a great project for the town. And the board
8 made some comments and luckily I have a great
9 client, who was basically willing to -- who said
10 make the board happy, give them whatever they ask
11 for. I think that's exactly what we did. We
12 reduced the building in every aspect, we reduced
13 the number of units and we increased the number of
14 parking spaces, so we don't have a parking
15 variance.

16 So just to walk you through and remind
17 you, this is 1608 New York Avenue, it's on the
18 east side of New York Avenue, it's right next to
19 the firehouse. This is an extremely oversized
20 lot. Typical Union City lot is 2,500 square feet,
21 we're at 10,172 square feet. So obviously a
22 two-family house is just not appropriate there.

23 So what we're proposing is a small
24 multifamily building. We have a site that is
25 176 feet in depth, okay, and 50 feet wide. And it

1 is slightly irregular. What we did is we made
2 sure that from our side yards, we tried to do
3 better than our ordinance in every way. Our front
4 yard, it wasn't appropriate to recess the
5 building. You have the firehouse right on the
6 property line, you have the residential structure
7 to the north right on the property line. So what
8 we did is we didn't want to be right on the
9 property line either because we wanted to
10 introduce some landscaping. So we did an
11 irregular front so that we're able to show grass
12 and landscaping at different spots and beautify
13 the front facade. So the front yard setback is at
14 worst, smallest point, is two feet, and then it
15 steps back in different areas to create
16 landscaping. Our side yard setback where we had
17 to provide three feet on one side and two feet on
18 the other, we did three feet on both sides and we
19 maintain those three feet clear throughout the
20 structure. And in some areas it even grows
21 bigger. And then our rear yard setback, we met
22 the ordinance. We left it at 20 feet exactly to
23 the balconies of the building and then 25 feet to
24 the actual building itself. So the rear yard
25 setback is clear and we meet everything that the

1 ordinance requested.

2 Just to go over all the other elements.
3 We have building height, we have a four-story
4 structure, so we are requesting a variance for
5 that. We have a height total height of 48 feet.
6 We have a maximum coverage of 74 percent, which is
7 greater than the building coverage allowed. And
8 then our parking is variance free.

9 Turning now to sheet Z03, we see our
10 ground floor level. In our ground floor level, it
11 is a simple clean floor plan. You have the
12 pedestrian entry which is a lobby smack in the
13 middle of the building. You enter into a lobby.
14 You have a vertical core with an elevator and a
15 stair. The other stair is down towards the middle
16 of the building. Cars enter, we're taking the
17 existing curb cut and we're reducing it to
18 12 feet. And we're creating a vehicular entrance
19 through this garage. And what we're doing is
20 we're providing parking on both sides. So as the
21 site widens, it's open on both sides. As you can
22 see, we fit typical parking spaces are 9-by-18,
23 there are three spots that are compact spots. And
24 we have the typical ADA van parking spaces and the
25 ADA car parking space that's required. What we

1 have is 30 spaces, real spaces, plus the bonus
2 that we have for electric, so that adds us --
3 lifts us up to 33 parking spaces. And those 30
4 spaces or 33 if you use RSIS support 15 apartments
5 above.

6 The layout is very simple, it's the same
7 layout on every floor and I'll walk you through
8 it. We have a stair core here and a stair core
9 here. Every single floor has amenity space. This
10 floor has -- the first floor has a gym, the second
11 floor has a game room, and then there's a lounge.
12 And I'll walk you through the apartments. The
13 first apartment, apartment one is a two bedroom
14 apartment of 930 square feet. You enter into an
15 open space, open floor plan where your kitchen,
16 living room and dining area is one big space. And
17 every single apartment has some type of balcony or
18 outdoor space as well. As you can see here,
19 here's the balcony on the side yard.

20 Apartment number two, again, is a two
21 bedroom. And it is 1,075 square feet, same
22 concept, big open kitchen, living room, dining
23 room space and then the two bedrooms off the side.
24 And we made each of these bedrooms with a walk-in
25 closet as well.

1 You go to apartment 203, again, same
2 concept, two bedroom 885 square feet. Apartment
3 204 is a two bedroom, 1,026 square feet. And
4 apartment 205 or the five line throughout the
5 building is 1,112 square feet, two bedroom. The
6 two rear apartments towards the east have large
7 balconies to the rear yard. And that is setback
8 20 feet as well from the property line.

9 Every floor is exactly the same, no
10 changes other than the amenity. The amenity
11 changes on every floor from a gym to a game room
12 to a small conference room.

13 And then finally, we have our rooftop.
14 What we did is we connected the two stairwells, so
15 that there's a rooftop lounge and a rooftop area.
16 We know this board, so we made very sure that the
17 rooftop area was very safe. It is setback
18 six feet from the edge of the building all around.
19 And in the rear, it's setback significantly as
20 well.

21 So the rooftop is up on the roof and set
22 back significantly with a 44 inch guardrail that's
23 smooth so someone is not able to jump over. And
24 if there's any case that someone does jump over,
25 they land on the roof on the opposite side where

1 there is a parapet all around the building as
2 well. So even if they jump over, they're in a
3 pocket again. So it is an extremely safe rooftop.

4 And then the facade. The facade, the
5 front of the building is stone, stucco, and brick
6 with details similar to a firehouse. The sides of
7 the building and the rear are vinyl siding. And I
8 did a color rendering just so the board could see.
9 Counsel, should I mark this as exhibit A-1?

10 MR. PANEQUE: That's your first exhibit?

11 MR. PEREIRAS: It is.

12 MR. PANEQUE: So we'll mark that A-1.

13 MR. PEREIRAS: For the record, I am
14 marking the top right hand corner as A-1 with
15 today's date 1/11/24. And I'll provide one for
16 the board.

17 So what we tried to do is a very classic
18 building, taking a classical typology of the
19 firehouse that's already established there and
20 continued it. And we're calling these firehouse
21 lofts. I think it's going to be beautiful.

22 So in conclusion, we significantly
23 reduced the number of units of the building to
24 something that really fits and makes sense in this
25 neighborhood. We don't have a parking variance,

1 we have 30 real spaces for 15 apartments. So each
2 apartment gets two real spaces, plus we have a
3 bonus because we have the RSIS bonus of three
4 additional spaces for a count. So we're exceeding
5 the parking variance. We're meeting all the
6 setbacks, three feet on the side, prevailing in
7 the front, 20 feet plus an extra 5 feet of open
8 air in the back. And we're providing different
9 increased setbacks as the site bends in and out.
10 So I think we have presented to you an amazing
11 building and I hope you agree. That concludes my
12 testimony.

13 CHAIRPERSON GARCIA: Mr. Pereiras, which
14 one is the size of the units?

15 MR. PEREIRAS: They're nice large units.
16 I think the smallest is 890 and the biggest
17 1,000 -- the smallest is 885 square feet and the
18 largest is 1,112 square feet. And they're all two
19 bedrooms.

20 CHAIRPERSON GARCIA: All two bedrooms.
21 Where are you locating -- again, same question as
22 before. Where are you locating the electrical
23 parking?

24 MR. PEREIRAS: The electrical parking
25 will be the first few spaces. But honestly and

1 this is actually something the applicant and I
2 have spoken about. He's probably going to elect
3 to do a lot more electric parking spaces. It's
4 just becoming more and more of a necessary aspect.

5 CHAIRPERSON GARCIA: Basically, you're
6 only requesting three variances, right? Lot
7 coverage, building height?

8 MR. PEREIRAS: Well, we have a use
9 variance.

10 CHAIRPERSON GARCIA: And use variance.

11 MR. PEREIRAS: Height, the use, and lot
12 coverage.

13 CHAIRPERSON GARCIA: Lot coverage. You
14 have another witness?

15 MS. PEREIRAS: We have a planner as
16 well. Mr. Dougherty, please.

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

21
22 MR. DOUGHERTY: Alexander Dougherty,
23 D-O-U-G-H-E-R-T-Y, professional planner, 54 Main
24 Street, Chatham, New Jersey. My licenses are good
25 and current.

1 CHAIRPERSON GARCIA: We'll accept your
2 qualifications, of course.

3 MR. DOUGHERTY: Thank you. If the board
4 recalls, I testified previously on this
5 application. I did submit an exhibit packet with
6 the photos and the renderings. We are on New York
7 Ave., just to kind of echo what the architect
8 said, Mr. Pereiras. The applicant heard the cries
9 and the concerns. And I think you have a really
10 good product here. This is the interactive
11 process the courts strongly recommend when we talk
12 about variances and land use.

13 From a planning standpoint, back when I
14 testified, we have oversized lot. We're not in
15 violation of the general bulk requirements and
16 setbacks. This is what the lot can hold. When we
17 look at that from a (d)(1) use variance, as you
18 recall, site suitability. The site is
19 particularly suited for the scale, the size of an
20 apartment complex, here it's not permitted. We
21 are on New York Avenue, a lot of amenities right
22 at the doorstep. I think right across the street
23 was the laundromat. At the same time, we do not
24 have a parking variance.

25 When we look at an urban environment,

1 from a planning standpoint, finding outside spaces
2 in an urban environment is difficult to produce,
3 from a rooftop, from balconies. I think this
4 product here is a product the board can move
5 comfortably on with no detriment to the community.

6 The height, if you recall from the
7 visual exhibits I sent out, there are large
8 buildings and large scale building on New York
9 Avenue. This is not going to be a beacon standing
10 out in the wind by itself. I think this is well
11 suited by design. And I think it advances many
12 aspects of the Municipal Land Use Law, purpose A,
13 for promoting general welfare; purpose I, for
14 desirable visual environment, efficient use of
15 land. And I believe we have as well adequate air,
16 light, and open space, purpose C. And purpose E,
17 for appropriate densities in appropriate
18 locations.

19 This is a major corridor in the
20 community. This product or this project would not
21 be more suited in a smaller internal lot on a
22 smaller residential corridor. This is New York
23 Avenue, this is a major corridor. I think this is
24 appropriate. I'll conclude with that.

25 As a recap, you know, we've heard the

1 concerns and you know we've come back. I think
2 the board can look favorably with no detriment to
3 the public good and nothing but positive with this
4 application.

5 CHAIRPERSON GARCIA: I know that you
6 went through it, when we asked you before, but
7 just to recall. In all your study when you
8 visited the area, you took in consideration all
9 the school right across the street? And I mean
10 how it's going to benefit that area? I mean how
11 it's going to impact that building, when you have
12 the school by there? And you have -- also you're
13 going to be next by the firehouse --

14 MR. DOUGHERTY: So from a land use
15 standpoint, there's two land uses that planners
16 really like from an intensity standpoint.
17 Self-storage is really a very low intensity use
18 and it's a great, you know, product for a growing
19 community. Residential is the second. As far as
20 an impact, the schools are big impact, you know,
21 it's a destination location. And you know
22 commercial, restaurants, that kind of ordeal, that
23 draws many members across the community, even
24 beyond, to that one location. People coming to
25 this location are really going to be subject to

1 the tenants them. I don't think it's going to
2 adversely impact the school.

3 This particular apartment complex
4 will -- those tenants are going to be aware
5 there's a school there. And there will be some
6 morning rush hour issues and school letting out at
7 that particular location, but I don't think the
8 product itself will impact that road network from
9 a school and disrupt the school and the existing
10 fabric because it's residential, it's not a
11 restaurant or a religious facility or another
12 school going there where everyone is going to be
13 congregated there for this new building or this
14 project.

15 I don't think the firehouse per se, this
16 is going to negatively impact the firehouse. When
17 there is a fire, they shut the road down, get
18 trucks out, the lights are on in that regards. I
19 don't see that negatively impacting the firehouse.
20 It is in the middle of New York Avenue, you know,
21 we have the firehouse, we have the school. It's a
22 busy street, it's got hustle-bustle to it. And
23 that's kind of also the appeal to urban living is
24 the excitement. The tenants that move in there
25 would obviously know about the environment they're

1 living in. With a firehouse, there could be a
2 fire two in the morning, right. That's just
3 unfortunately the notion with living next door to
4 a firehouse or hospital or school when the bells
5 go off.

6 I don't think this product here, this
7 project is going to negatively impact the
8 operations of the firehouse or the road network
9 versus the school.

10 CHAIRPERSON GARCIA: I have a question
11 for Mr. Pereiras.

12 Mr. Pereiras, can you go back again
13 through the setback on the west side? The west
14 side of the adjacent property?

15 MR. PEREIRAS: So there's two setbacks
16 I'd like to talk about on the west side. One is
17 to the building itself and one is to the balcony.

18 CHAIRPERSON GARCIA: I'm sorry, the east
19 side, the east side is --

20 MR. PEREIRAS: New York Avenue.

21 CHAIRPERSON GARCIA: New York Avenue
22 is --

23 MR. PEREIRAS: I'm sorry.

24 CHAIRPERSON GARCIA: The east side is to
25 Palisade Avenue --

1 MR. PEREIRAS: The west side is Palisade
2 Avenue. New York Avenue, I'm sorry.

3 CHAIRPERSON GARCIA: West is New York --

4 MR. PEREIRAS: West is New York, east is
5 Palisade.

6 CHAIRPERSON GARCIA: Yes.

7 MR. PEREIRAS: You want the west?

8 CHAIRPERSON GARCIA: The east.

9 MR. PEREIRAS: You want the east. So
10 the setback requirement is 20 feet, we're matching
11 that 20 feet. So from the property line to the
12 balcony, there's 20 feet. But that's an open
13 balcony, that's 5 feet. So the actual setback to
14 the building is 25 feet. So we met the
15 requirement and I think we did a little bit better
16 because it's still open and it goes to the
17 building at 25.

18 CHAIRPERSON GARCIA: How big are the
19 balconies?

20 MR. PEREIRAS: 5 foot balconies.

21 CHAIRPERSON GRULLON: Okay. Any member
22 of the board has a question for Mr. Pereira?

23 VICE CHAIRPERSON GRULLON: I do.
24 Regarding the balconies, typically I see the
25 balconies, they're beautiful when you build it,

1 when you have the building. But after, they
2 become storage and that really is not a good
3 appearance to the neighborhood. I know that
4 sometimes you have applications where maybe a
5 fresh balconies, where you can utilize the space
6 inside, you're not putting your stuff outside. In
7 my opinion, my personal opinion, balconies are
8 terrible.

9 MR. PEREIRAS: I actually share your
10 opinion completely. The problem that we've had
11 recently is that we had Covid. And all of a
12 sudden in Covid, the spaces that had outdoor --
13 the apartments that had outdoor space were the
14 ones that sold, the ones that rented, the ones
15 that were valuable. And so that changed the
16 market. I could talk to our client --

17 VICE CHAIRPERSON GRULLON: We have
18 beautiful parks in Union City.

19 MR. PEREIRAS: I'll talk to our client
20 if you give me a minute.

21 CHAIRPERSON GARCIA: That's why I asked
22 about the balcony. It's because those are -- just
23 this week, we had a state of emergency for the
24 weather storm. And people -- we don't have --
25 we're here just to talk about the community. So

1 if you go around most of the balcony, people use
2 as storage. And I am -- I just mention that, you
3 know --

4 VICE CHAIRPERSON GRULLON: Yeah.

5 CHAIRPERSON GARCIA: -- we didn't know
6 about this -- I didn't know about this balcony.
7 We didn't see it before, the plans. And we had
8 the same idea. I mean it's like the balcony, in
9 this particular case, I think not only that, I
10 know you have 20 feet setback from the east side
11 adjacent property. However, you're going to be on
12 top of that property. So it's more than if you
13 have those balconies.

14 And another one is I don't see -- right
15 now, for me, roof terrace, I mean all the
16 situation it's creating, I'm completely --
17 myself -- against a roof terrace. No matter what
18 you have the setback or whatever, it's safety
19 issues. You know what I mean? It's like we
20 already have a few fires in a few buildings here
21 in the city. And like I mentioned before, we're
22 speaking for the community not for the -- so
23 I'm -- talk to your client about the balcony and
24 about the roof.

25 VICE CHAIRPERSON GRULLON: I'm with the

1 chairman on this. It's very close to a school.
2 We don't want -- we have students walking back and
3 forth, we don't want noise -- I know it's not
4 going -- they're going to say it's not going to
5 produce any noise. It's just too close to the
6 school to have a lounge and a terrace.

7 MS. SAN MARTINO: And not just --
8 sometimes when they have balcony, in summertime,
9 they even do barbecue because I see it. You know
10 that even make more dangerous. I'm part of that I
11 don't agree with the balcony either.

12 MR. PEREIRAS: So I'm going to confer
13 with my client, if the board could give me a few
14 minutes, I would appreciate it.

15 CHAIRPERSON GARCIA: We'll take a --

16 MR. PEREIRAS: My assumption is that the
17 rooftop lounge is okay, the space between the two
18 stairs?

19 CHAIRPERSON GARCIA: I'm -- my
20 recommend -- especially, you're not only close to
21 one school, you're also two blocks away from
22 another one, you're in between two schools.

23 MR. PEREIRAS: If I keep it enclosed
24 with windows, just so they have some place --

25 CHAIRPERSON GARCIA: If you could -- me,

1 personally, is I'm completely against the roof
2 terrace because we -- the point is, Mr. Pereiras,
3 is that whatever we approve here, we don't enforce
4 anything. So we don't have -- I mean tomorrow
5 something happen, oh, my God, I was part of that.

6 MR. PEREIRAS: I understand.

7 CHAIRPERSON GARCIA: So we cannot
8 enforce anything that's approved here. So I am
9 completely against the roof terrace. And with the
10 balcony, we can go with the French balcony.

11 MR. PEREIRAS: I just want to be clear.
12 Removing the balconies and removing this whole
13 portion, but I could keep the stairwells and this
14 portion, right? Enclosed.

15 CHAIRPERSON GARCIA: Enclosed, yes.

16 MR. PEREIRAS: It's the building lounge.

17 MS. O'DELL: What would be up there?

18 MR. PEREIRAS: Amenities, so they
19 could -- just space.

20 MS. PEREZ: Like a community room?

21 CHAIRPERSON GARCIA: Enclosed, I have no
22 problem.

23 MR. PEREIRAS: That's what we'll do.
24 I'm going to speak to my client.

25 MS. GUTIERREZ: The balconies going to

1 go a French?

2 MR. PEREIRAS: Remove the rooftop,
3 remove the balconies and keep the rooftop lounge.

4 MR. VALLEJO: Five minute break --

5 MR. PEREIRAS: We don't need to take a
6 break, he said okay.

7

8 (Whereupon a short recess was taken.)

9

10 MR. VALLEJO: Can I have your attention,
11 please? Back on the record.

12 CHAIRPERSON GARCIA: Any member of
13 public want to step forward? None. Close to the
14 public.

15 MR. PANEQUE: Mr. Garcia, as a matter of
16 housekeeping, it was brought to my attention that
17 there had been a previously marked exhibit, which
18 was A-1 which was Mr. Dougherty's planning
19 exhibit. As such, the exhibit that was marked
20 today should be marked A-2.

21 MR. VALLEJO: Correct.

22 MR. PANEQUE: So the record is being
23 corrected to reflect the exhibit from Mr.
24 Pereiras, which is the rendering of the front of
25 the building, is A-2, not A-1. Thank you.

1 CHAIRPERSON GARCIA: Mr. Pereiras, what
2 was the outcome with the client regarding the
3 balcony and regarding the roof terrace?

4 MR. PEREIRAS: Like I said when I
5 started, we have a wonderful client that wants to
6 work with the board and work with the City of
7 Union City. His immediate response was
8 absolutely, whatever the board likes. So we're
9 removing the rooftop -- the open rooftop terrace
10 and we're removing the balconies and we'll do as
11 the vice chairman suggested, they're Juliette
12 balconies so they're not projecting from the
13 building in any way.

14 MS. O'DELL: How high will be the --

15 MR. PEREIRAS: The Juliette balconies,
16 the railing?

17 MS. O'DELL: The railing.

18 MR. PEREIRAS: 42 inches.

19 MS. GUTIERREZ: Yeah.

20 MS. SAN MARTINO: Avoiding the balcony,
21 that means like we were talking about the living
22 room and the bedroom, you're --

23 MR. PEREIRAS: They become bigger. And
24 I will be preparing revised plans with the changes
25 that we spoke and submitting for Mr. Spatz for his

1 review. After Mr. Spatz's review, I'll be
2 submitting it to Mr. Vallejo for the record for
3 the board to ratify at the next meeting.

4 CHAIRPERSON GARCIA: Okay. I'm going to
5 make a motion taking in consideration basically
6 primarily how considerate your client is, also
7 showing concern about the situation in Union City
8 regarding parking, so this application isn't going
9 to impact the parking because you're providing two
10 per apartment. Also I know that the height
11 variance is from 38 permitted to 48 requested, so
12 it's not going to impact nothing, as well as the
13 lot coverage. And also taking in consideration
14 about the balcony and the roof terrace,
15 understanding everything is for safety issues, I'm
16 going to grant this application with the -- always
17 my condition is going to be the setback has to be
18 from ground to top, the same one, no hanging
19 structure.

20 MR. PEREIRAS: With the exception of
21 decorative elements like the cornice?

22 CHAIRPERSON GARCIA: Right. I make the
23 motion to grant the application with the stated
24 conditions.

25 MR. VALLEJO: Motion on the table to

1 grant the application by Mr. Garcia, any second on
2 the motion.

3 VICE CHAIRPERSON GRULLON: Second on the
4 motion.

5 MR. VALLEJO: Seconded by Mr. Grullon.

6 Roll call on the motion to approve this
7 application. Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Mr. Garcia.

16 MR. GARCIA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

19 MR. VALLEJO: Six in favor, motion
20 carries. Please let the record indicate that
21 revised plans required at least ten days before
22 the hearing date to be accepted in the office of
23 the city clerk.

24 MS. PEREIRAS: Thank you very much.

25 * * * *

1 **1800 JFK BLVD, LLC -**

2 **1880 KENNEDY BLVD:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 1800 JFK Boulevard, LLC. Ms.
6 Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant, 1800 JFK Boulevard for property
9 located at 1800 JFK Boulevard. At the last
10 meeting, the board caught that we were missing
11 some of the layouts for some of the existing
12 drawings and asked us to come back with revised
13 drawings just to show the existing building. The
14 project is to legalize two apartments in the
15 basement. We provided updated drawings showing
16 all legal units as well as the two that are
17 proposed and we have two experts to testify. And
18 we'll begin our preparation with Mr. Pereiras.

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

21
22 MR. PEREIRAS: Thank you, board. I
23 recognize that I am still under oath. Just to
24 remind the board this is a corner building.
25 Actually one of Union City's best landlords, they

1 keep and maintain the buildings extremely well.
2 The reason we weren't prepared at the last meeting
3 is because we measured this building and started
4 this application during Covid, so we were never
5 able to get to the top floors. But we were able
6 to do that now and we're providing that
7 information here for the board.

8 So there was questions as to how that
9 building was laid out. You have the building, the
10 city recognizes four apartments. The apartments
11 on the first floor, it is one apartment that's
12 1,228 square feet, an existing apartment which is
13 three bedroom. On the second floor, there's an
14 existing apartment that's 657 square feet on the
15 front and that's a one bedroom unit. And then in
16 the rear, there's an existing apartment of 571
17 square feet that's also a one bedroom unit. And
18 then the third floor is a two bedroom unit that is
19 1,153 square feet.

20 We're here before this board because the
21 basement apartment -- and it's not really much of
22 a basement, it's only a few steps down, I think
23 it's five steps down in the front -- is not
24 recognized by the city. Those are two existing
25 apartments. What we're doing is we're completely

1 revamping them to meet code. So they're in very
2 poor condition, they were clearly there for many,
3 many years. My suspicion is that they were there
4 predating the ordinance, but we have no evidence
5 of that.

6 So we're bringing then up to code if
7 this board approves them, which means several
8 things. It's a huge impact to the life and safety
9 of both the building and the neighborhood. We are
10 creating a one hour separation between the two
11 units. So if a fire starts on one side, it will
12 take time to get to the other side of the unit.
13 And we're creating a two hour fire separation
14 between those two apartments and the building
15 above. We're also beefing up the fire resistance
16 rating the exterior walls. We're creating egress
17 windows from each of the bedrooms. So each of the
18 bedrooms is going to have a window that's
19 5.7 square feet in size so that someone could
20 escape in case of an emergency. We're going to
21 provide a 110-volt interconnected alarm system in
22 each of these units. And we're going to provide a
23 low voltage system throughout the building that's
24 going to meet today's standards. The previous
25 system is a little outdated. So now we're going

1 to have one that's going to meet today's standards
2 with a central panel.

3 Beyond that, we're not proposing any
4 changes to the exterior of the building. If
5 you've driven by, it's actually very nicely kept,
6 very beautiful. What we're really working on is
7 that interior, legalizing that basement apartment.
8 That concludes my testimony.

9 CHAIRPERSON GARCIA: All the
10 construction is inside in the basement?

11 MR. PEREIRAS: All the construction is
12 within those apartments and it's basically just
13 bringing them up to code, legalizing it, making
14 them safe. Just so you know a little bit about
15 the site, luckily on the site, we have two parking
16 spaces, they're existing. We're not proposing any
17 change. They're on the side along 18th Street in
18 the rear of the property.

19 CHAIRPERSON GARCIA: So basically the
20 variance required, they are preexisting?

21 MR. PEREIRAS: Every single variance is
22 preexisting nonconformity. We technically trigger
23 the parking variance because we're expanding on
24 that, we're adding two units. There's no
25 opportunity to add space on the site or create

1 more parking, so we are expanding on that
2 variance. However, this is an existing condition
3 that the people of this neighborhood have been
4 living with for many years. And we ask this board
5 they're consideration on that hardship.

6 CHAIRPERSON GARCIA: Are people living
7 in those units or is vacant?

8 MR. PEREIRAS: Like I said, this is an
9 amazing landlord. He doesn't allow illegal
10 tenancies, so made arrangements to remove the
11 people. He actually has an arrangement with one
12 of them that after it's fixed, they're going to
13 come back. The other one would be a new
14 apartment.

15 CHAIRPERSON GARCIA: Do you have another
16 witness?

17 MS. PEREIRAS: We do. We have our
18 planner to testify. Mr. Dougherty, please.

19
20 A L E X A N D E R D O U G H E R T Y, previously
21 sworn:

22
23 MR. DOUGHERTY: Recognizing I'm still
24 under oath. For this application, as Mr. Pereiras
25 testified to -- I do apologize, I do not have my

1 visual exhibits. I visited the site, there are
2 separate means of egress as his site plan shows.
3 The doorway in the front to the first two bedroom
4 unit on the lower floor. And around the back
5 where the vehicles are, there's another door. And
6 with that being said, this particular application,
7 as he testified to, on paper, we're essentially
8 adding that because the building department only
9 recognizes four. These are existing dwellings
10 that were there, so we trigger what we call a
11 (d) (2), an expansion of a preexisting
12 nonconforming use, more intensification. The
13 building footprint itself we're not expanding,
14 it's all internal work. That would be the
15 intensification.

16 In that particular application for
17 (d) (2), it's all about site betterment, it's not
18 whether the use belongs there. The use exists.
19 So these four apartments at the site, there's a
20 lot of positives coming from this application. To
21 bring those units up to code, modernize them, and
22 put safe dwelling units for the residents of Union
23 City. And with that, there's certainly a lot of
24 benefits and certainly advancing the purposes of
25 the Municipal Land Use Law by promoting the

1 general welfare and public morals and safeties
2 with adequate living arrangements, and bring the
3 units of up to code.

4 As far as the parking goes, there's
5 parking on the street level. There is a lot of
6 on-street parking. When we look at this
7 particular property and what's across on 18th
8 Street we have, I believe it's the Metropolitan.
9 It's a larger building right across the street,
10 though it's not Union City, I believe it's North
11 Bergen, there's a larger apartment complex there.
12 I think from an intensity standpoint, a density if
13 you will or overall yield coming out of this
14 project, I think it's right in line with the
15 overall streetscape here. And it's not out of
16 place. Again, as the architect testified to this
17 is something that happened pre-Covid that these
18 understood were flagged almost four years ago now.
19 So you know before that, these were existing. So
20 this neighborhood is fully aware of those two
21 dwelling units. And I think it's had ample time
22 to acclimate and accommodate the additional need
23 for parking. There is mass transit available by
24 way of bus line.

25 From a planning standpoint, given the

1 uses are internal, the work is internal, I do not
2 see any detriment. And the variances that you
3 have are really preexisting variances that the
4 chairman called out, which is your (c)1, which is
5 a lawfully existing structure. We can't change
6 the building footprint, we're not proposing new
7 development. So the lot coverages and side yard
8 setbacks, in that regards, that's how it exists
9 and that's how it sat for some time. We can't
10 create new parking on the site, it's a built out
11 site.

12 With that being said, I think the units
13 when we look at them, you know, are appropriately
14 sized. And I think it actually provides some
15 housing opportunity for the residents of Union
16 City. And I think we can advance purpose I by
17 keeping a fairly good looking building on the
18 corner and improving that internally for quality
19 living.

20 So with that, I'll conclude there's
21 little to no detriments by legalizing and bringing
22 these units up to applicable building and fire
23 code.

24 CHAIRPERSON GARCIA: Okay. Going back
25 again to the variances are preexisting, however,

1 you don't think there are going to be any negative
2 impact to legalizing those two units?

3 MR. DOUGHERTY: From a negative impact,
4 I think that neighborhood has felt what that
5 negative impact would have been. And it would
6 have been, in my opinion, on street parking. And
7 you know when we look at that side street there, I
8 believe it's 18th Street, there's ample on street
9 parking along the side of that. I know
10 conservatively Manny said there's two parking
11 stalls in the back. I believe I recall when I was
12 there, there was three vehicles on that area.
13 But, you know, at the same time, you know, there
14 is mass transit right there as well. From a
15 negative impact, it would just be parking, a
16 vehicle from parking. This area has a little bit
17 higher density with some of the larger build outs.
18 But I think when you look at the history of this
19 property from a traffic perspective that would
20 have been accounted for. From a safety
21 standpoint, this would be a negative impact if
22 these units weren't brought up to code. Property
23 as it sits is seen as four units, so I think when
24 you look at the negative impact, it would be
25 vehicle impact, accommodating those vehicles which

1 I believe the neighborhood has absorbed naturally.

2 CHAIRPERSON GARCIA: Okay. Any Member
3 of the Board?

4 VICE CHAIRPERSON GRULLON: I have a
5 question. I know that you weren't able to provide
6 us with the picture, did you get the opportunity
7 to visit the area?

8 MR. DOUGHERTY: Yes, I --

9 VICE CHAIRPERSON GRULLON: Describe more
10 or less what kind of houses are in that area?

11 MR. DOUGHERTY: So this house, they're
12 bigger houses, they're like -- they're girthy and
13 they're long.

14 VICE CHAIRPERSON GRULLON: What do you
15 have on the west side and the --

16 MR. DOUGHERTY: On the left side, going
17 up, they're almost the same, but they have parking
18 in the front. So this is one doesn't necessary
19 have, but it has a parking pad in the back. And
20 then across 18th Street is a fairly large complex.

21 VICE CHAIRPERSON GRULLON: Did you get
22 an opportunity to count the mailboxes, just to
23 see? In my opinion, they are more like two-family
24 houses in that block.

25 MR. DOUGHERTY: So when I'm out there

1 for these type of applications, I make it a point
2 to look for mailboxes, look for electric meters,
3 and so forth. I can't testify to what was out
4 there, I don't have that. It would have been in
5 my exhibit packet.

6 VICE CHAIRPERSON GRULLON: Because I've
7 been to the area and most of the houses there are
8 like two-family houses.

9 MR. DOUGHERTY: Yeah.

10 VICE CHAIRPERSON GRULLON: Do you agree
11 to that?

12 MR. DOUGHERTY: So there are detached
13 dwellings, yes. Are they two-families or is there
14 a third something? I can't testify to that. But
15 they were detached dwellings. The larger complex
16 is across street on the corner. So I think this
17 is kind of appropriate as far as on the corners
18 there. It's not internal to the neighborhood or
19 up 18th Street, it's right on the corner, right on
20 a busy road. Right across the street -- I know
21 it's not Union City, but there's another large
22 complex.

23 And with that being said, this
24 particular property as it sits today has four
25 units. The way I see this is we could still kind

1 of look at potentially the basement itself for
2 that first floor. If they were do to an internal
3 staircase from the first floor to the lower level,
4 technically, it would still be part of the unit
5 and the bedrooms wouldn't change. I think when we
6 look at that in comparison, yes, we're trying to
7 add two more units. But we're trying to add more
8 housing options to a growing community versus
9 having to reorganize and renovate the entire
10 building, and keeping it four, just to renovate it
11 and keep the four upstairs and provide for housing
12 choices and options for a community as safety and
13 code fire --

14 VICE CHAIRPERSON GRULLON: If I may, Mr.
15 Chairman? I want to ask a question to Mr.
16 Pereiras. The layout that I see in the basement
17 is the same layout that you have on the ground
18 floor. I mean the square footage?

19 MR. PEREIRAS: Yes.

20 VICE CHAIRPERSON GRULLON: The wall
21 dividing two apartments, it looks like a new wall.
22 Did you get an opportunity to visit the
23 apartments?

24 MR. PEREIRAS: Yes, I did. I visited
25 the apartments. That wall is not a new wall, but

1 the wall that's there, we have to reconstruct it
2 because it's not a fire wall. So we have to build
3 it the right way. So there are two apartments
4 there, I visited the two apartments. We're
5 reconfiguring a lot of things to bring it nice and
6 make it nice to code.

7 But like I said, there were two existing
8 apartments there in the same size as they were.
9 We're not moving the location of that wall.

10 VICE CHAIRPERSON GRULLON: I know your
11 client is asking to recognize the apartment and
12 that is triggering a bigger variance for parking?

13 MR. PEREIRAS: Yes.

14 VICE CHAIRPERSON GRULLON: Just want to
15 hear what the chairman and the other Board Members
16 want to say.

17 CHAIRPERSON GARCIA: The question is if
18 it's real two units, not that you're going to
19 convert the unit into --

20 MR. PEREIRAS: These are real two units.
21 You have my testimony that they are. We wouldn't
22 be before this board if it wasn't in that
23 situation. There are two existing units there and
24 the applicant is a very good landlord. This is
25 not someone that's trying to pull something over

1 on the city.

2 VICE CHAIRPERSON GRULLON: Even if it's
3 to legalize one unit, it would have to be in front
4 of this board?

5 MR. PEREIRAS: Correct.

6 CHAIRPERSON GRULLON: Going back to the
7 same question Mr. Grullon asked to the planner
8 is -- you know better the area, I mean that block,
9 18 to 19, is basically what two, three?

10 MR. PEREIRAS: Those are beautiful
11 houses. I legalized one of the houses on the
12 block, Deacon Barrett's old house. I made that
13 into a three-family, we went before the planning
14 board years ago. So I know for sure that's a
15 three-family house. We have a unit in the first
16 floor, second floor, and the attic. I don't know
17 of any three families that are legal other than
18 that one. There might be other illegal ones, but
19 I don't know. But they were built two-family
20 houses. And around the corner, there's a lot of
21 multifamily.

22 VICE CHAIRPERSON GRULLON: I don't know,
23 we don't want to set a precedent that everybody on
24 the block is going to want to become a
25 four-family.

1 CHAIRPERSON GARCIA: Or five family.

2 MR. PEREIRAS: I think the difference in
3 this application is that these are existing and
4 we're coming before this board to fix a negative
5 condition.

6 VICE CHAIRPERSON GRULLON: But it's an
7 existing nonconformity. But now as you mentioned,
8 the landlord already have an agreement with one
9 tenant, it's an opportunity just to bring it down
10 to three family and have less impact in the
11 neighborhood.

12 MR. PEREIRAS: Remember four are legal
13 already.

14 VICE CHAIRPERSON GRULLON: Four are
15 legal?

16 MS. PEREZ: Can I ask? Because it says
17 three.

18 CHAIRPERSON GARCIA: Three legal.

19 MS. PEREZ: Then it says it's four on
20 this page.

21 MR. PANEQUE: We need a clarification
22 because the memo from the building department
23 indicates that the building department recognizes
24 only three units. So where -- I know that your
25 testimony was that on the first floor, there were

1 two units. So one of those units is not being
2 recognized by the building department.

3 MR. PEREIRAS: The second floor is two
4 separate units. And that has been the case for a
5 long time and there are tenants living in both of
6 those units. So I'm assuming that's an issue with
7 the building department.

8 MR. PANEQUE: The tax assessment, which
9 is here from 1974 I guess, recognizes one
10 apartment on each floor.

11 MR. PEREIRAS: Okay, okay.

12 MR. PANEQUE: So we have the tax
13 assessment record and we have the building
14 department and your application is to go from --

15 MR. PEREIRAS: I have to correct it
16 because my application was to go from four to six
17 and now my application is from three to six.

18 CHAIRPERSON GARCIA: So it's three to
19 six.

20 MR. PEREIRAS: Three to six.

21 CHAIRPERSON GARCIA: You're going to
22 convert to six units?

23 MR. PEREIRAS: Correct.

24 CHAIRPERSON GARCIA: But we got here
25 three in the memo.

1 MR. PEREIRAS: So that means I will have
2 to do work at the building department to legalize
3 one of those units on the second floor. And we'd
4 like to amend our application before this board.
5 And for purposes of clarity, I think that it's
6 correct for me to update these drawings and
7 reflect -- I'll talk to the building department
8 and see what they feel is not legal and come back
9 to this board. And maybe we can hash out a little
10 bit more.

11 VICE CHAIRPERSON GRULLON: Maybe at that
12 time you get the opportunity to see, give us an
13 idea what you have in the neighborhood.

14 MS. PEREIRAS: That's fine.

15 MR. PEREIRAS: We'll do that. I'll talk
16 to my client to see if he's willing to combine
17 those units into one, he may be willing to do so.
18 We'll find out, we'll talk to him.

19 MR. PANEQUE: Just so you're aware from
20 the tax record purposes, first floor was a four,
21 two, one. Second floor was a four, two, one, and
22 the third floor is three, one, one.

23 MR. PEREIRAS: Oh, that's -- nothing is
24 matching.

25 MR. PANEQUE: Nothing is matching.

1 That's the tax record assessment from the 1970s.

2 MR. PEREIRAS: Okay. We'll be back.

3 MR. PANEQUE: Are you asking for an
4 adjournment?

5 MS. PEREIRAS: We are, Counsel.

6 CHAIRPERSON GARCIA: Mr. Pereiras, may I
7 give you a suggestion before we adjourn? Can you
8 talk to your client and at least -- I mean, which
9 is already to jump on it before, this issue with
10 the living room, you're only giving the width of
11 eight feet.

12 MR. PEREIRAS: Okay.

13 CHAIRPERSON GARCIA: So that kind of, if
14 you could --

15 MR. PEREIRAS: Yes, sir.

16 CHAIRPERSON GARCIA: -- add more space
17 in the living area.

18 MR. PEREIRAS: Okay.

19 CHAIRPERSON GARCIA: Better quality of
20 life.

21 MR. PEREIRAS: Will do.

22 MR. PANEQUE: There's an application to
23 adjourn?

24 CHAIRPERSON GARCIA: Is there a request
25 for an adjournment to the next?

1 MR. PANEQUE: Yes, she did.

2 CHAIRPERSON GARCIA: I make my motion to
3 adjourn this application for the February 8th
4 meeting.

5 MR. VALLEJO: Motion on the table to
6 adjourn this application by Mr. Garcia for
7 February 8th.

8 VICE CHAIRPERSON GRULLON: Second.

9 MR. VALLEJO: Seconded by Mr. Grullon.
10 We need revised plans?

11 MR. SPATZ: Yes, they're going to have
12 to redo.

13 MR. PANEQUE: It's going to be revised.

14 CHAIRPERSON GARCIA: Yeah, because they
15 don't know which is the application, one, two,
16 three.

17 VICE CHAIRPERSON GRULLON: They need a
18 revised application.

19 MR. VALLEJO: Revised application.

20 Motion on the table to adjourn this
21 application by Mr. Garcia, seconded by Mr.
22 Grullon.

23 Roll call on the motion. Mr. Grullon.

24 VICE CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 MS. GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

10 MR. VALLEJO: Six in favor, motion
11 carries. Please be advised it requires revised
12 plans and revised application please.

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1 **MELINA GARCIA -**

2 **716 11TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Melina Garcia, 716 11th Street.
6 Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you very much, Mr.
8 Vallejo.

9 MR. A. PANEQUE: Let the record reflect
10 I've been provided with an affidavit stating that
11 on December 28, 2023, personal notice was given to
12 all property owners within 200 feet of 716 11th
13 Street, Union City, New Jersey 07087 of tonight's
14 meeting.

15 A legal affidavit from The Jersey
16 Journal that notice was given of tonight's hearing
17 was published on December 30, 2023.

18 Certified mail receipts postmarked
19 December 28, 2023.

20 A list of property owners to be served
21 within 200-foot radius, and the notice given to
22 all property owners.

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

1 MS. PEREIRAS: Thank you very much,
2 Counsel.

3 The application is for Ms. Melina Garcia
4 for property at 716 11th Street, also known as Lot
5 13 in Block 55. The application before the board
6 this evening is to legalize one unit. We have an
7 existing two-family, legal two-family. And if
8 this board were to approve this application, we
9 would have a legal three family. We have two
10 experts to testify and we'll begin our
11 presentation with our architect, Mr. Manuel
12 Pereiras.

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

15
16 MR. PEREIRAS: Manny Pereiras, I
17 recognize I am still under oath.

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with the property at 716 11th Street?

20 MR. PEREIRAS: I am.

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

23 MR. PEREIRAS: I have.

24 MS. PEREIRAS: Would you kindly describe
25 the application for board?

1 MR. PEREIRAS: I would be very happy to.
2 Just to give the board a little bit of history,
3 I'd say probably a decade ago, this project went
4 before the board to do exactly the same thing.
5 Back then, it was the planning board and the
6 planning board approved it to legalize this unit.
7 The owners at that time -- actually it was right
8 at the time -- I think it was Hurricane Sandy, had
9 a lot of damage, they didn't have the money to do
10 it and never went forward.

11 Years later, there's a new owner and
12 here we are before the board to finally finish the
13 project and finish this unit and do it properly.
14 We have a 25 by 100 lot. The building's touching
15 on both the east and the west sides. There's a
16 nice front yard setback, which is really
17 appropriate for the site because we have two
18 parking spaces in the front of the building and we
19 have a nice rear yard. We're not looking to make
20 any changes, there's a 27 foot 8 inch rear yard.
21 We're not looking to make any changes to the
22 footprint of the house or expanding in any way
23 whatsoever. And we're keeping the apron of two
24 cars.

25 What we're looking to do is take this

1 existing two-family that's there and that basement
2 apartment, which really isn't much a basement,
3 it's actually up a couple steps from the sidewalk.
4 If you're going from 11th Street, you actually
5 have to take three steps up into the apartment.
6 So it's not really a basement apartment, it's a
7 ground floor apartment. We're making that into a
8 very beautiful one bedroom apartment.

9 The owner of this house is taking a lot
10 of care. She sat down with my staff I think four
11 or five times to work out the design of this
12 layout. And it's a very beautiful layout. We
13 have a one bedroom apartment. The bedroom is near
14 the front of the house, that's done for very
15 specific reasons. In order to have an emergency
16 escape window directly to the street, if there
17 were ever a problem. So it's a very safe design.

18 The house, as you can see, has ample
19 space. We have a full living room space that is
20 10-10, almost 11, by 17-4. It's open to the
21 kitchen with a nice peninsula and seating area.
22 And a proper dining room that is 9-9 by 14-9.
23 There's a laundry room along the back of house,
24 which has a second exit into the backyard. And
25 there is a small area way that bring lights into

1 the bathroom and the bedroom in the back where
2 there's a small walk-in closet there.

3 It's a very beautiful design. The
4 safety of this unit is going to increase the
5 safety of the building itself and of the
6 neighborhood. It's going to have a two hour fire
7 separation between that unit and the units above.
8 It's going to a new domestic line sprinkler system
9 throughout the unit. It's going to have an alarm
10 system, and a low voltage system throughout the
11 house. So definitely positives for the entire
12 neighborhood and adds to the housing stock which
13 is desperately needed in this neighborhood.

14 And I could speak about the neighborhood
15 because this is literally around the corner from
16 me, so I'm within 200 feet. That concludes my
17 testimony.

18 CHAIRPERSON GARCIA: The owner of this
19 property, how long is your client?

20 MR. PEREIRAS: She closed on -- very
21 recently.

22 CHAIRPERSON GARCIA: Recent, okay.

23 MR. PEREIRAS: She's an important member
24 of our community. She actually runs the music
25 program in Union City, so she's an important key

1 member of the Union City community and this is her
2 house that she purchased and doing the right
3 thing.

4 MS. PEREIRAS: She actually closed in
5 October 2021.

6 CHAIRPERSON GARCIA: Just a question,
7 like maybe a question, when you go to the dining
8 room and you have a closet there, you don't think
9 this is a potential two bedroom apartment? I know
10 that you're legalizing the unit; however, that one
11 is a perfect bedroom.

12 MR. PEREIRAS: What I could do to make
13 you feel more comfortable and I think -- and it
14 wouldn't be too hard of a thing to do because I do
15 have a kitchen along the other side, I could move
16 that kitchen towards the dining room, that way
17 that is all open. And there's no opportunity to
18 make it into a bedroom because you would have to
19 get through the bedroom to get to the dining room.
20 That makes it -- and that way, you wouldn't --

21 CHAIRPERSON GARCIA: I'm more
22 comfortable.

23 MR. PEREIRAS: No problem.

24 CHAIRPERSON GARCIA: So if she get --
25 right now, she has an opportunity to legalize and

1 convert into two, but I think going to be more --
2 I'm going to feel more comfortable. I mean just
3 keeping safe that they're not going to convert
4 into two bedroom.

5 MR. PEREIRAS: So for the record, I'll
6 swap out the dining room and the kitchen, they'll
7 each take each other's space.

8 CHAIRPERSON GARCIA: Mr. Pereiras, all
9 the -- all the condition are preexisting
10 condition?

11 MR. PEREIRAS: Correct, of the rest of
12 the building. The apartment is new. It's
13 destroyed. What's there now is pretty destroyed.
14 We're building that all new.

15 CHAIRPERSON GARCIA: You have another
16 witness?

17 MS. PEREIRAS: We do. We have our
18 planner to testify. Mr. Dougherty.

19
20 A L E X A N D E R D O U G H E R T Y, previously
21 sworn:

22 MR. DOUGHERTY: I recognize I'm still
23 under oath. For this evening, I prepared an
24 exhibit packet, maps and photographs documenting
25 the site and the surrounding conditions. I'll

1 pass them out.

2 MR. A. PANEQUE: Let the record reflect
3 that exhibit is marked A-1.

4 MR. DOUGHERTY: So to recap, this is 716
5 11th Street here. The first slide, if you will,
6 is the zoning map of Union City. And you can see
7 the red arrow and the red circle indicating
8 approximately where the property is located. The
9 point of this is to indicate the yellow zone, see
10 in the right, it's the R low density residential
11 zone here.

12 Slide two is a map from NJ DEP's GeoWeb,
13 the property is outlined in red. As we see here,
14 on Summit Avenue, we have ample bus lines and when
15 we go the next slide over, you can also see
16 there's another bus line here, as well on the
17 corner of 10th Street, indicating availability of
18 mass transit in that regard.

19 Slide three are photos I took myself
20 January 6th. You see the property is the blue
21 house right in the front, 716. It's a fairly good
22 looking house. Right behind the white Subaru,
23 you'll see the door, that's how you enter the site
24 as reflected on Mr. Pereiras's architectural
25 plans.

1 And we'll kind of take the drone up a
2 little bit. What makes this site, in my opinion,
3 more suitable, even though we are looking at a
4 parking variance here, if you look to the left,
5 you look to the right, from 714, you can see the
6 garages are kind of enclosed. I think from a
7 practicality standpoint, you know, having it open,
8 we can get two vehicles there, you know. And then
9 you have the parking in front of the driveway in
10 that regards. And, again, three units.

11 I did have an opportunity to talk to the
12 client, the applicant. She advised that one of
13 her tenants doesn't even have a car. I explained
14 to her the use would run with the land, it's
15 something they would consider long-term. But as
16 it stands today, the site itself is accommodating
17 the tenants as they stand. But nonetheless, the
18 prior slides show there's ample mass transit
19 availability here.

20 We kind of take the drone up, birds' eye
21 view on slide five. You kind of see there's a
22 little rear yard. There's some shade. Again as
23 the architectural plans show, there's access to
24 the rear as well. So there's some outside space
25 for the tenant and the residents of the building.

1 And then as you can see, there's on street
2 parking. There's several properties on the street
3 here that have driveways themselves.

4 And then slide six, we kind of take it
5 down. And we look at -- you know, I believe I
6 mislabeled it. We look at Summit Ave., I wrote
7 Bergenline, I do apologize. And you see a lot of
8 amenities, the awnings and the commercial spaces.
9 This is just a quick walk down to main avenue.
10 You can shop, dine, you know, retail. Where
11 there's business offices in that regards,
12 laundromats. So I think from a connectivity
13 standpoint, you have ample amenities right in the
14 doorstep. And the use for the car is a really
15 minimal life-style with this commercial corridor
16 right at the property.

17 So with that, that's the existing
18 conditions. We're here for a (d)(1) use variance,
19 as the R low density residential zone does not
20 permit three-family dwellings any longer. So
21 we're here for a use variance. It's one tax lot,
22 Block 55, Lot 13, 716 11th Street.

23 I want to talk about what is in
24 conformance with this property. Minimum lot
25 width, 25 feet; lot depth, 100 feet; a lot area

1 2,500 square feet; minimum front yard setback,
2 7 feet or prevailing. We have the rear yard
3 setback of 20 feet being the requirement, we're at
4 27.8. The building coverage, you're allowed to
5 have 80 percent, we're just under that 78 percent.
6 Lot coverage 95, we're at 90 percent. And the
7 building height, three stories, 38 feet. We're at
8 three stories, 35 feet.

9 So overall, the building footprint is in
10 compliance. There's no changes to the external
11 building as the architect testified. It's all
12 internal to the site. And I think with the
13 Chair's suggestions, we can ensure it will remain
14 a one bedroom and won't grow and become more
15 intense of a use. We are proposing that one
16 bedroom unit downstairs.

17 From a site suitability, I believe the
18 site is particularly suited for this additional
19 unit. As we heard before, this was a prior
20 application sometime ago that was addressed by the
21 city, prior to the hurricane. You know, the site
22 has been used as a residential three family
23 before. This is a minor retrofit to really
24 improve the overall site, bringing in safety
25 elements by way of fire and building code.

1 In the greater context here, I believe
2 from a neighborhood standpoint, when we look at
3 this, we are an urban environment, we are PA 1,
4 plan area 1 on the state plan. We have an
5 abundance of amenities at the doorstep, as the
6 planning packet shows. We have major bus routes
7 just immediate block and one block over. We have
8 bus line 83, 85, 87, 88, 125 just one block over.

9 When we look at special reasons, I
10 believe when we look at the application, there's
11 some positive benefits. The project promotes
12 planning goals to provide diversified housing to
13 meet the needs of all New Jersey citizens in a
14 growing community. The project retains and
15 improves what's there. These improvements add
16 value and quality to the site, which add value and
17 quality to the neighborhood. These improvements
18 don't just add quality and value, they also add
19 safety.

20 The project promotes the efficient land
21 use and a variety of land uses. At the same time,
22 economy of scale, putting populations near an
23 economic corridor. And, again, positive
24 aesthetics. Building as it stands today looks
25 good, nothing's going to change on the outside.

1 I believe all of the above promotes
2 purposes of the Municipal Land Use Law purpose A;
3 E, for appropriate populations; I believe purpose
4 G, provide sufficient space in appropriate
5 locations in order to meet the needs of all New
6 Jersey citizens, purpose I for desirable visual
7 environment. Purpose M, to provide -- encourage
8 coordination to provide projects in view of
9 lessening the cost of such development and more
10 efficient use of land.

11 Part three of the Medici test is the
12 public impact, the negative criteria. We have
13 sworn testimony that the project will be designed
14 to meet all applicable building and fire codes for
15 safety. The building, when we look at it, the
16 units are comfortably sized, there's no
17 overcrowding.

18 I think I mentioned before with the
19 suggestion of moving some common area spaces, we
20 ensure there will certainly not be an additional
21 bedroom coming online if the board were to approve
22 this. And I think the overall building mass is
23 certainly compatible. The work is taking place
24 internal, there's no visual public impact here.

25 When we look at the site, we have two

1 vehicles on-site now, we can park a car in front
2 of the drive aisle. We do have mass transit
3 available. We are seeking that relief.

4 From a zone plan impact, this is a
5 slight uptick in units than what the zone
6 currently allows for. Used to allow for three,
7 that's no longer the case here. I don't believe
8 this will cause a substantial zone plan impairment
9 to allow for that additional one bedroom unit.
10 This is a specific piece of property, it's not the
11 whole zone. Again we are right outside the
12 commercial corridor of Summit. And when we look
13 at this, the structure is not so substantially
14 altered that we can't make this part of the
15 additional floor, if there were to ever be a need,
16 we could have a split level and still remain a
17 two. I think having the one bedroom is a benefit
18 for a growing community, for housing choices and
19 options.

20 With that being said, when we look at
21 this from the master plan perspective, to provide
22 a balance of land uses, balanced development
23 patterns in appropriate locations in order to
24 preserve the character of the community. Again,
25 this has existed in the neighbor for quite some

1 time. There's a need for housing, as the
2 architect testified, in this neighborhood. We
3 encourage economic development by encouraging
4 populations on commercial corridors, and protect
5 and preserve the established residential
6 character. This has had a third unit there for
7 sometime.

8 When we look at this, promoting and
9 reinforcing the city as a desirable residential
10 location and attractive for shopping,
11 entertainment, recreation destination, and to
12 improve the quality of life of the residents of
13 Union City. I think the application is doing
14 that, hitting that on the head, by providing a
15 quality housing option here. And that's again
16 from the re-examination for the city.

17 When we look at the variances that would
18 be subsumed within the (d)(1) use variance, if you
19 were granting this third unit, these two variances
20 would be subsumed within that. But nonetheless,
21 we have a parking, RSIS requires six. As you saw
22 in the exhibit, we can only fit two vehicles
23 there. I do note that this site though, the fact
24 there's not a garage enclosing that, I think we
25 can hold those two with the additional and

1 certainly an added benefit. You could see the
2 street, there are certainly other houses in the
3 immediate vicinity that do have driveways.

4 So when we look at that, we also have an
5 existing condition for the side yard, where two
6 feet is required on one and total of five for
7 both. As you can see on the exhibit, the property
8 itself is pretty much right on the property line,
9 so there's not a side yard setback. That is why
10 we have that kind of jog in the middle of the
11 building for the windows. But nonetheless, this
12 particular dwelling unit is designed where it has
13 access to the rear, it has access to the front as
14 proper means of egress.

15 I'll conclude that these variances would
16 be subsumed within the use variance. As it stands
17 today, the demand for vehicles is offset by the
18 walkability and access to mass transit services
19 and amenities.

20 The project brings a healthy balance of
21 housing options. And a project such as this helps
22 to fill what we call, in the planning world, the
23 missing middle. Where we go from one-family
24 dwellings right to the large 25 unit apartment
25 complexes, that two, three, four family in the

1 middle. We don't see a whole lot of those housing
2 options and choices. So it is something in the
3 planning world that we like to see more of, the
4 missing middle.

5 Again, there's no physical change to the
6 property from the public realm. With that said, I
7 believe the project is perfectly suited for the
8 use, for the area, for the city. Mostly, it will
9 add value to Union City's housing. The statutory
10 criteria for relief have been met and approval
11 would be warranted.

12 CHAIRPERSON GARCIA: You had the
13 opportunity to visit the area?

14 MR. DOUGHERTY: Yes, I took these.

15 CHAIRPERSON GARCIA: How do you describe
16 the 700 block of 11th Street?

17 MR. DOUGHERTY: I'm sorry, which block?

18 CHAIRPERSON GARCIA: The 700 block.

19 MR. DOUGHERTY: Yeah. So 11th Street,
20 it's unique because I went there in the middle of
21 the day on the weekend and it's tight. It's a
22 one-way street, parking on both sides. There's a
23 fire hydrant right next to it, so that parking
24 stall is not allowed. And a lot of the houses do
25 have driveways there, so on-street parking was

1 difficult. I parked in front of the fire hydrant.

2 CHAIRPERSON GARCIA: Let me make the
3 correction that the person -- they cannot use the
4 driveway as parking. Because this is only -- it
5 is left-side parking only, it's not two --

6 MR. PEREIRAS: There's parking on both
7 sides.

8 CHAIRPERSON GARCIA: On 11th Street?

9 MR. PEREIRAS: In essence, the site can
10 accommodate two cars.

11 CHAIRPERSON GARCIA: Basically, the
12 description, what kind is it? Two-family house,
13 three-family house, building?

14 MR. DOUGHERTY: Oh, here, I think --

15 MR. PEREIRAS: It's a mixture of two and
16 three-family houses. There are -- this is a very
17 congested block. There are a couple of houses on
18 this block that have a rear house and a front
19 house. So a few of the houses have, like,
20 fourth units, two in the front house, two in the
21 rear house. The one two over from this has that.
22 And then there's a couple that we actually
23 legalized as three units on the same block. You
24 have -- it reaches Summit Avenue, so you have the
25 bank on one corner and small commercial spaces on

1 the other corner. So there's a mix in that
2 neighborhood.

3 MR. DOUGHERTY: I want to say,
4 confidently speaking, that our immediate
5 neighborhood on 714 is more than two units. I'm
6 pretty confident when I looked at that, I thought
7 I was going to that one. I'm pretty sure it had
8 three. I'm pretty sure the orange one is three
9 family.

10 CHAIRPERSON GARCIA: Mr. Pereiras, you
11 mentioned, also the planner mentioned, that no
12 exterior change in the house; however, in your
13 application, any possibility to add parking
14 spaces?

15 MR. PEREIRAS: There's no room to add
16 parking spaces, there are two on the lot. One
17 that you can park on the street. I do want the
18 board to know that the building is actually
19 extremely well kept. All the apartments upstairs
20 are two gorgeous apartments. The facade is well
21 kept, it's in good shape, the building.

22 CHAIRPERSON GARCIA: Any members of the
23 board have a question?

24 MS. PEREZ: There's no staircase from
25 inside down, right?

1 MR. PEREIRAS: No.

2 MS. PEREZ: That's only --

3 MR. PEREIRAS: The only access is right
4 by the car.

5 CHAIRPERSON GARCIA: Any member of the
6 public want to step forward? None for the public.
7 Close to the public. No more questions?

8 Taking in consideration that the
9 application is going to bring everything to code,
10 and it's a preexisting condition. Also, like I
11 was stating about the windows, that actually there
12 are two parking spaces, both one in the driveway.
13 Basically, we can say one, one. And also to
14 improve the quality of life in that house, I'm
15 going to make my motion to grant this application
16 without any condition.

17 MR. VALLEJO: Motion on the table to
18 grant the application with the conditions by Mr.
19 Garcia. Any second on the motion?

20 VICE CHAIRPERSON GRULLON: Second.

21 MS. GUTIERREZ: Second.

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

24 Mr. Grullon.

25 VICE CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.
2 MS. GUTIERREZ: Yes.
3 MR. VALLEJO: Ms. Perez.
4 MS. PEREZ: Yes.
5 MR. VALLEJO: Ms. O'Dell.
6 MS. O'DELL: Yes.
7 MR. VALLEJO: Mr. Garcia.
8 CHAIRPERSON GARCIA: Yes.
9 MR. VALLEJO: Ms. San Martino.
10 MS. SAN MARTINO: Yes.
11 MR. VALLEJO: Six in favor, motion
12 carries. Revised plans required.
13 MS. PEREIRAS: Yes.
14 MR. PEREIRAS: No.
15 CHAIRPERSON GARCIA: Yes, yes for the --
16 MR. PEREIRAS: Yes, the kitchen and the
17 dining room. I'm sorry, thank you.
18 MR. VALLEJO: All right. Revised plans
19 required.
20 MR. PEREIRAS: Yes.
21 MS. PEREIRAS: Thank you all very much.

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ADOPTION OF RESOLUTIONS:

1. Monty Residences, LLC. 421-427 6th Street, aka 510-514 Bergenline Avenue. Block 24. Lots; 16.01, 16.02, 16.03 and 16.04 (formerly lots 16, 17, 18. The applicant proposes to demolish two existing buildings, subdivide the property into four lots and construct a new two-family dwelling on each lot. **The approval resolution was memorialized on November 18, 2021. The applicant is seeking for a one-year extension. Approved.**

MR. VALLEJO: We're moving to resolutions. First resolution, Monty Residences, LLC, 421-427 6th Street. This application was seeking one year extension. May I have a motion to adopt the resolution?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

VICE CHAIRPERSON GRULLON: Second.

MS. GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion.

Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

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

12 * * * *

ADOPTION OF RESOLUTIONS:

2. Monserrat Moran - 2405 West Street. Block:
136 Lot: 19 Applicant proposes addition and
alteration to an existing two-family house.

Approved

MR. VALLEJO: Resolution number two,
Monserrat Moran 2405 West Street was approved at
the previous meeting. Can I have a motion to
memorialize this resolution?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.
Seconded by?

MS. GUTIERREZ: Second.

MS. SAN MARTINO: Second.

MR. VALLEJO: Ms. Gutierrez.

Roll call on the motion.

Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

3. Marizela Gonzalez. 906 Kennedy Boulevard.
Block: 43 Lot: 11. The applicant proposes to
legalize an existing two-bedroom apartment in the
basement of a three-family building. Approved

MR. VALLEJO: Resolution number three,
Marizela Gonzalez, 906 Kennedy Boulevard. This
application was approved at the previous meeting.
Can I have a motion to adopt the resolution.

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia. Any
second?

VICE CHAIRPERSON GRULLON: Second.

MR. VALLEJO: Seconded by Mr. Grullon.
Roll call on the motion. Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Six in favor motion
4 carries.

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ADOPTION OF RESOLUTIONS:

4. Resolution to approve the Zoning Board of Adjustment schedule for 2024.

MR. VALLEJO: Resolution number four.

CHAIRPERSON GARCIA: I have a question, this resolution is for planning board?

MR. VALLEJO: Don't worry, it's right there in the -- Mr. Paneque's folder has it.

Can I have a motion to approve the Zoning Board of Adjustment schedule for the year 2024?

VICE CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

MS. GUTIERREZ: Second.

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

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

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

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1 **ADJOURNMENT:**

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3 MR. VALLEJO: There being no other
4 application on tonight's agenda, can I have a
5 motion to close tonight's meeting? Motion by?

6 MS. GUTIERREZ: Motion.

7 MS. PEREZ: Second.

8 MR. VALLEJO: Ms. Gutierrez. Second by
9 Ms. Perez. All in favor?

10
11 (All Board Members indicate in the
12 affirmative.)

13
14 MR. VALLEJO: The ayes have it. Let the
15 record indicate that the meeting has ended. Thank
16 you and good night, everyone.

17
18 (Whereupon the meeting was adjourned at
19 8:12 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