

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, February 8, 2024
Commencing at 6:10 p.m.

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

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

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

MIGUEL ORTIZ
ROSIO PENA
RAYMOND CETINICH
ALTAGRACIA SAN MARTINO

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, Rehana Latif

BIANCA PEREIRAS, ESQ.
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Martha Alvarado

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Geoffrey Williams

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Jacques Minoyan

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Christoff Schluender

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SALUTE TO FLAG

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2000 West Street

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REHANA LATIF
1502 Central Avenue

WITNESSPAGE

MANUEL PEREIRAS

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321 5th Street

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JACQUES MINOYAN
516 25th Street

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1 MR. VALLEJO: Mr. Garcia, ready?

2 May I have your attention, please.

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

8 Can everyone kindly please rise to
9 salute the flag.

10

11 (Whereupon, the Pledge of Allegiance was
12 recited.)

13

14 MR. VALLEJO: Opening statement.

15 Adequate notice of this meeting has been provided
16 as follows:

17 Notice of this meeting setting forth the
18 time, date, location, the agenda to the extent
19 known, was forwarded to The Jersey Journal, The
20 Record, and The Star Ledger, has been posted on
21 the bulletin board in city hall, also has been
22 made available to the public in the office of the
23 municipal clerk, has been posted on the website of
24 the City of Union City, UCNJ.com.

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

VICE CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino is absent.

Mr. Cetinich is absent.

Let the record indicate there are six present.

ADOPTION OF MINUTES:

MR. VALLEJO: We're moving now to previous meeting minutes, approval of the previous meeting minutes on January 11, 2024. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

MR. VALLEJO: Second 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. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Six in favor, motion carries.

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

3
4 MR. VALLEJO: We're going to the first
5 hearing on tonight's agenda, Hudson Heights Church
6 of Christ, 2000 West Street. Mr. Alonso, please.

7 MR. ALONSO: Good evening, Alvaro Alonso
8 on behalf of the applicant. Notices were
9 previously provided to the board and this
10 application was carried to this evening, so new
11 notices were not required.

12 MR. PANEQUE: That is correct, Mr.
13 Alonso.

14 MR. ALONSO: The board may recall this
15 property, we've been before the board over a
16 period of times since 2015. Originally, it was a
17 printing shop that was associated with the church.
18 My client purchased the property 2015, came here
19 the first time. We came back again and we did a
20 Phase 1 and a Phase 2. We completed Phase 1, this
21 is now part of Phase 2. That's really more for
22 the second application that you're going to hear
23 this evening.

24 This application is for a new tenant
25 that's moving into the building, which is a

1 church. The space that was previously approved is
2 a commercial space, it was occupied by a
3 commercial tenant. Even though there is already a
4 church in the building, this is going to be a
5 second church. So the board has approved churches
6 in the building before.

7 The building department has required
8 that we come before the board to get approval for
9 this new tenant. For this site, I have Albert
10 Arencibia, who's been the architect for all these
11 projects that have come to the board.

12

13 A L B E R T A R E N C I B I A, after having
14 been duly sworn or affirmed, did testify as
15 follows:

16

17 MR. ALONSO: Mr. Arencibia has been
18 before the board in the past, so I would ask his
19 qualifications be accepted.

20 CHAIRPERSON GARCIA: Yes. His
21 qualifications have been accepted many, many
22 times.

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

24 MR. ARENCIBIA: This is a pretty
25 straightforward application. It's an existing

1 empty space within one of the premises of the
2 building. And the issue is basically just to have
3 a church occupy the premises. It's going to be a
4 small space, but the walls are already existing
5 demising, so it's just a matter of the use within
6 the premises of the space that's already existing.

7 The occupant load is going to be very
8 minimal, it's going to be like 25, 30 people in
9 the space, to accommodate basically the occupant
10 load. And the church has a history, has been up
11 and running and we have someone here from the
12 church, if you would like to hear from him how his
13 church operates.

14 CHAIRPERSON GARCIA: Which one is the --
15 which tenant here is going to be the church?

16 MR. ARENCIBIA: It's on the second
17 floor, let me see what the -- if you look at sheet
18 A100, where it says tenant number 6: 1,231 square
19 feet.

20 MR. ALONSO: So the left side of the
21 page.

22 CHAIRPERSON GARCIA: That's number 5,
23 not 6.

24 MR. ALONSO: No, 6?

25 MR. ARENCIBIA: I'm sorry, it's the one

1 on the right. The space on the right that's
2 shaded in.

3 CHAIRPERSON GARCIA: Right.

4 MR. ARENCIBIA: That location. You can
5 see pretty much the chairs in the space there, the
6 lectern to give sermons and things like that. So
7 it's a nice open space.

8 MR. ALONSO: There's no --

9 CHAIRPERSON GARCIA: Number 7.

10 MR. ARENCIBIA: Correct.

11 MR. ALONSO: There's no proposed
12 construction?

13 MR. ARENCIBIA: That's correct.
14 Basically just chairs, bringing in chairs, putting
15 the lectern in place. So it's minor work as far
16 as moving into the space.

17 CHAIRPERSON GARCIA: Basically it's a
18 change of use from commercial to a church?

19 MR. ALONSO: Correct.

20 CHAIRPERSON GARCIA: Okay. You
21 mentioned that the 20, 30 people --

22 MR. ARENCIBIA: I believe that's going
23 to be the occupant load, based on what you can
24 actually occupy in the premises.

25 CHAIRPERSON GARCIA: Here, you

1 mention -- in the plans, you indicate 13.

2 MR. ARENCIBIA: It says 13 occupants,
3 but we're going to do it to it meets code as far
4 as the occupant load. And that has to be posted
5 in the church, whatever the occupant load is going
6 to be determined on the square footage gets posted
7 on the premises.

8 CHAIRPERSON GARCIA: Okay.

9 MR. PANEQUE: What is the current size
10 of the congregation?

11 MR. ARENCIBIA: Can I get the gentleman?

12 MR. ALONSO: Don, please.

13

14 D O N B U N T I N G, after having been duly
15 sworn or affirmed, did testify as follows:

16

17 MR. ALONSO: Mr. Bunting, what is your
18 relationship to the Hudson Heights Church of
19 Christ?

20 MR. BUNTING: I'm the preacher and main
21 teacher for the church.

22 MR. ALONSO: Okay. And the chairman had
23 a question as to the size of your congregation
24 currently?

25 MR. BUNTING: Currently, our Sunday

1 morning attendance runs between 12 and 25, usually
2 18 or so.

3 CHAIRPERSON GARCIA: And how long have
4 you been as the preacher for given the duration of
5 the church?

6 MR. BUNTING: For this local
7 congregation, it started up from scratch one year
8 ago.

9 CHAIRPERSON GARCIA: Okay. And you
10 experienced, over the year, one year experience,
11 how congregation grow? I mean because you're
12 seeking for a space that allows you probably for,
13 as per the testimony, that you could put around
14 20, 25 people, but is that enough space according
15 to your growth in the last year?

16 MR. BUNTING: We started with six people
17 in our living room and we're looking for a place
18 to rent. So in a year's time, we've increased
19 attendance to where we are now. So from 10 to 20
20 in a year's time.

21 MR. PANEQUE: So Reverend Bunting,
22 you're going from about six people in your living
23 room to about 20 in the span of one year. How
24 long is your lease for this location?

25 MR. BUNTING: Two years.

1 MR. PANEQUE: Two years. What's going
2 to happen if the congregation doubles in size?

3 MR. BUNTING: Well, we were depending on
4 you to tell us what the occupancy would be, if
5 approved, what is the maximum occupancy. And then
6 we would understand that that's as far as we go in
7 this space. And we would look further for another
8 location.

9 MR. ARENCIBIA: A lot of times in
10 congregations like this, they stagger the
11 services, so they basically have two or three,
12 they break it up that way in order to accommodate
13 the occupant load. That's what a lot of the
14 churches do.

15 MR. PANEQUE: Is that the plan going
16 forward?

17 MR. BUNTING: Possibly, yes. But if we
18 grow faster than I'm expecting, then we'd have to
19 look for another location. But we understand
20 there's limitations on this space, but it suits us
21 now. And, yeah, I don't know what the maximum
22 number allows, so I can't say how soon we'd reach
23 that.

24 MR. PANEQUE: The maximum number will be
25 determined by the building department, once they

1 issue a certificate of occupancy, okay. You would
2 just have to maintain your occupancy within that
3 tolerance.

4 MR. BUNTING: Yeah, we would --

5 MR. PANEQUE: And as Mr. Arencibia
6 indicated, you may have to stagger your services
7 if you have more than the occupancy load permits.

8 MR. BUNTING: Yep, we would respect
9 those limits once they're established.

10 MR. PANEQUE: Okay, thank you.

11 CHAIRPERSON GARCIA: You're not
12 providing any parking space?

13 MR. ARENCIBIA: No, the building is
14 basically -- we have parking for the building, per
15 se, right now. But there's no associated parking
16 with these particular uses.

17 CHAIRPERSON GARCIA: When is your
18 services?

19 MR. BUNTING: Our service is Sunday
20 morning from 10:00 till about 12:30. And we
21 intend to add a service on Thursday night from
22 7:00 till about 8:30. That one continues in our
23 home because, so far, everybody is comfortable
24 there. So we said we'll move as soon as -- a
25 couple more people and we won't have room in our

1 living room. So we would move then.

2 MS. PEREZ: Would you say most of the
3 members are local, that they're from Union City
4 and they would be walking?

5 MR. BUNTING: Not just Union City, but
6 Hudson County, near.

7 CHAIRPERSON GARCIA: Mr. Arencibia, the
8 building provides some parking spaces?

9 MR. ARENCIBIA: Well, there are parking
10 spaces for the building itself. And we have it on
11 the site plan, I think we have a total of 27
12 parking spaces currently. And I know that
13 we'll -- when we get into the other application
14 that we have for this building itself. Right now,
15 the tenants that are in the space, they don't have
16 many car -- needs for any cars. So most of the
17 parking here is pretty much open. And the way
18 it's been run right now, the building -- a lot of
19 the open parking spaces, the owner has let
20 residents in the area be able to use those parking
21 spaces because they're not using all of them right
22 now.

23 CHAIRPERSON GARCIA: And basically what
24 kind of other business is there in the building?

25 MR. ARENCIBIA: They have a number of

1 businesses. They have another church, they have a
2 day care. They have artists, many artists. So
3 there's a lot of -- a mixed bag of different
4 tenants in the building.

5 MR. PANEQUE: The day care is not in
6 operation on Sundays, right?

7 MR. ARENCIBIA: That's correct.

8 MR. PANEQUE: So those spaces are
9 available?

10 MR. ARENCIBIA: Correct.

11 MR. PANEQUE: And other businesses also,
12 do they operate on Sunday or no, to the best of
13 your knowledge?

14 MR. ARENCIBIA: Not that I'm aware of.

15 CHAIRPERSON GARCIA: The other church
16 probably has services.

17 MR. PANEQUE: The other church, but
18 there's some --

19 CHAIRPERSON GARCIA: They have 27
20 parking spaces, okay. Do you have another
21 witness?

22 MR. ALONSO: I have no further
23 witnesses.

24 CHAIRPERSON GARCIA: Any Member of the
25 Board have any questions?

1 MS. PEREZ: Just what's there now?

2 MR. ARENCIBIA: It's an open space.

3 MS. PEREZ: It's been open for how long?

4 MR. ARENCIBIA: Because this was a
5 larger space and subdivided a long time ago --

6 MS. PEREZ: It's never been occupied?

7 MR. ALONSO: I believe there was a
8 cheerleading class that was going on there for
9 awhile and that was a commercial use that was
10 permitted, so they got a CO right away. And then
11 they vacated.

12 MR. PANEQUE: Is the dance studio still
13 there?

14 MR. ALONSO: It's not a dance studio --

15 MR. PANEQUE: Because there was a dance
16 studio approved.

17 MR. ARENCIBIA: I believe there is still
18 a dance studio there.

19 MR. PANEQUE: That's still there?

20 MR. ARENCIBIA: I believe so, yes.
21 There's a number of spaces here that are occupied
22 with different uses.

23 MR. PANEQUE: Okay.

24 VICE CHAIRPERSON GRULLON: I have a
25 question. Do you provide transportation to the

1 members of the congregation?

2 MR. BUNTING: Do we provide?

3 VICE CHAIRPERSON GRULLON: Transportation?

4 MR. BUNTING: No.

5 VICE CHAIRPERSON GRULLON: They all come
6 in individual cars?

7 MR. BUNTING: Yeah.

8 VICE CHAIRPERSON GRULLON: And you say
9 there's -- right now, you're looking to have 20,
10 25 members?

11 MR. BUNTING: Yes, um-hum, yeah.

12 VICE CHAIRPERSON GRULLON: Okay. Thank
13 you.

14 CHAIRPERSON GARCIA: Basically, family
15 or -- I think all these question is, you figured
16 out, is about the ability that there's parking for
17 your congregation, but I imagine that 20 people
18 don't come in 20 cars, they come in family, right?

19 MR. BUNTING: Yes, a mix of that. We
20 don't -- we have families that come and of course
21 their car has some kids and parents. And we got
22 other people coming from the same area and so
23 they'll ride together. So far, parking has not
24 been an issue for us, particularly on Sunday
25 morning. There are vacant spots. And I can't

1 remember -- occasionally, once or twice, we had
2 somebody that comes in late that they had trouble
3 finding spaces, but nobody complains about the
4 parking. It seems available. My wife and I walk
5 most of the time, we live close.

6 CHAIRPERSON GARCIA: Any member of the
7 public want to step forward? None, close to the
8 public.

9 Taking in consideration the hours of the
10 services are going to be Sunday worship, as per
11 the testimony of Mr. Arencibia, that the building
12 has about 27 parking spaces, and also according to
13 the testimony by the applicant that some of the
14 congregation commute, they do carpool, I'm going
15 to make my motion to grant this application with
16 no condition.

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

20 MS. GUTIERREZ: Second.

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

23 VICE CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 MS. GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

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

11 MR. ALONSO: Thank you very much.

12 MR. BUNTING: Thank you.

13 MR. ARENCIBIA: Thank you.

14 * * * *

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1 **2000 WEST STREET, LLC -**

2 **200 WEST STREET:**

3
4 MR. VALLEJO: The next application on
5 tonight's agenda is 2000 West Street, LLC. Mr.
6 Alonso, please.

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

9 I have been provided by Mr. Alonso with
10 an affidavit indicating that notice of tonight's
11 hearing with respect to the property located at
12 2000 West Street was provided to all property
13 owners within the 200 foot radius, said notice was
14 given on January 27, 2024, affidavit signed by Mr.
15 Alonso, notarized by Monica Cardena.

16 I've also been provided with an
17 affidavit from The Jersey Journal indicating that
18 notice of tonight's hearing with respect to 2000
19 West Street was published in the newspaper giving
20 notice of this hearing at this location, the Union
21 City High School. Said notice was published in
22 the newspaper on January 27, 2024.

23 I've also been provided with a copy of
24 the notice that went out to all property owners
25 within a 200 foot radius as well as a list from

1 the Union City tax assessor's office, with a date
2 of January 24, 2024, noting all property owners
3 within the 200 foot radius of the subject
4 property, which is Block 109, Lot 26, also known
5 as 2000 West Street.

6 And, lastly, I've been provided with the
7 certified mail receipts with a postmark date of
8 January 27, 2024.

9 Based on the documentation that's been
10 provided by Mr. Alonso, this board has
11 jurisdiction to proceed and here this matter.
12 Thank you, Mr. Alonso.

13 MR. ALONSO: Thank you, Mr. Paneque.

14 Good evening, Members of the Board, for
15 the record, Alvaro Alonso on behalf of the
16 applicant. As you kind of heard a little bit
17 during the last applications, this is the same
18 property. And this property has gone through a
19 number of different hearings and approvals from
20 this board, starting back in 2015.

21 Ultimately, we came in and we proposed
22 phasing the development of this site, there was a
23 Phase 1 and Phase 2. Phase 1 is complete. COs
24 have been issued and we're moving onto Phase 2.

25 Phase 2 was previously approved, but now

1 we're making an amendment to that Phase 2. What
2 we have learned is that there's a need for a
3 live-work space. So they're not residential
4 apartments and they're not commercial spaces, it's
5 kind of like a hybrid of the two. My client went
6 to the City, the City said, you know what, that
7 sounds like a good idea. It provides an
8 affordable opportunity to people who want to start
9 their own business, but they're not permitted to
10 work out of their apartments because of the
11 commercial component. Yet, they can't afford to
12 rent somewhere to live and rent a commercial
13 space. So this gives you an affordable option for
14 someone who's looking to start up a business. And
15 that's really the concept behind what we're
16 proposing.

17 So with that said, I'm going to turn
18 this over to Mr. Arencibia, who will testify as to
19 the amendment to Phase 2.

20
21 A L B E R T A R E N C I B I A, previously
22 sworn.

23 MR. ARENCIBIA: Good evening, everyone.
24 I just want to do some housekeeping things.
25 Basically the approval that we received is

1 basically a two phase approval. So the first
2 phase approval was work within the building
3 itself, the tenant spaces and reconfiguring all
4 that, bringing the whole thing up to code.
5 Updating the whole building completely, all the
6 systems in the building.

7 That was built and that was done. Now
8 we're going into Phase 2, which is basically the
9 addition to the existing building. Again, this
10 was already approved before. What we're doing in
11 here is basically coming back with the same volume
12 that was approved, the same height, the same
13 dimensions overall. So nothing has changed as far
14 as the actual perimeter of the addition. What
15 we're doing is we're changing some of the uses
16 that we had approved before, as Mr. Alonso
17 indicated.

18 We were going to have some recording
19 studios, that was going to be sort of in part of
20 this Phase 2. But due to a lot of issues with
21 Covid, the market where it is, it was not a viable
22 alternative to develop the project in that
23 respect. So the idea was to try and utilize the
24 space that we have there and use it, so sort of
25 like a mix, quasi-residential and also commercial

1 component. So this way, you have artists that
2 will be able to use that, whether they want to do
3 graphic arts, they want to do digital arts,
4 whether they want to do some tapestries, some
5 paintings. There's a space within the units
6 themselves so they can actually do that within the
7 space.

8 We have two different types of
9 configurations, we have lofts, basically, that are
10 flats. And we have two duplexes. So basically,
11 the duplexes, we have the bedrooms on the upper
12 floor --

13 MR. ALONSO: The loft is the duplex.

14 MR. ARENCIBIA: I'm sorry, the loft is
15 the duplex. The flats are basically one level
16 space, open space. The lofts have the bedroom
17 upstairs. So they're all one bedroom units, no
18 more than that. So basically going to be for a
19 single person or two people. And then the rest of
20 the space is going to be utilized for them to be
21 able to do the art work, of course, kitchen,
22 bathroom, components through the whole thing. So
23 it's like an apartment with open space so they can
24 do their work in the space.

25 So based on the use that we're going to

1 do, we're going to change it from the commercial
2 component that was before and it's going to be
3 sort of like a residential component for what
4 we're adding. So that's sort of the changes that
5 we have in this application.

6 Again, the footprint that we have is the
7 same, so nothing changes as far as that's
8 concerned. On sheet T100, what we have on the
9 upper right-hand corner, we have the zoning chart
10 that we prepared for the Phase 2 that was
11 previously approved. And right below that, we
12 have the zoning -- same zoning chart showing you
13 the changes that were done from the initial
14 approved Phase 2 to the secondary one.

15 As you could see the in the bubble area
16 on the lower Phase 2 zoning application, you see
17 where it says the bubble there, apartment units,
18 one bedroom, and we're calculating the requirement
19 for parking at 1.8 cars, it's basically the RSIS
20 standard. So we figured out based on this, we're
21 going to have to have 40 parking spaces.

22 The breakdown, as you see there in the
23 breakdown of the units, is 16 work studio units
24 and six work loft units. So basically have
25 two-story work lofts and the other ones are just

1 basically flats, 16 flats. So what we're
2 proposing is right now we have 27 parking spaces
3 on the premises. So we're going to be -- part of
4 the application is to ask for a variance because
5 we do not have 40 parking spaces on premises.

6 Again, one of the things that is
7 important to note that right now, I believe out of
8 the 27 spaces that are there, the entire building
9 right now, under the Phase 1 is complete, that's
10 two floors, only occupies five spaces. So we have
11 27 spaces, five are really occupied by the tenants
12 already in the building. So we're going to be
13 short some spaces. So we'll need a variance for
14 the additional parking requirement that we need
15 for the use.

16 Everything else here that we had on the
17 original application to this one, they're all the
18 same. So if you look at the variances for the
19 use, the minimum rear yard that was preexisting,
20 the building coverage area, that's preexisting,
21 that's all the same as we had previously. So it's
22 basically the changes of the use from the old
23 business component to a residential component.
24 That's really the main thrust of the change in
25 this application.

1 CHAIRPERSON GARCIA: And the prior
2 approval was for business component not
3 residential?

4 MR. ARENCIBIA: Correct.

5 MR. ALONSO: But there was a little
6 twist to it. If you recall, we were talking about
7 some of the artists that my client used to work
8 with -- again, my client, you probably don't
9 recall this, but my client's studio was in
10 Hoboken, he got decimated during Sandy and that's
11 when he decided he's going to move up here. Some
12 of them included Guns and Roses, Shakira, things
13 like that. So -- Beyoncé.

14 So there was a component in the studios
15 where they -- if they needed to, they can sleep
16 there. Almost like a residential component, not
17 an apartment, but a residential component that
18 they could do their recordings, do whatever they
19 do with the music, and sleep there if they needed
20 to sleep there. So they didn't have to keep
21 traveling because obviously they don't live in
22 this area.

23 CHAIRPERSON GARCIA: But I would love to
24 review the plans of that one because what happened
25 is commercial one doesn't to allow you to have

1 showers in the bathroom, as a bathroom, you're
2 only going to have bathroom, right? You can have
3 the toilet, you can have a sink, but you can't
4 have showers. You don't provide that in the
5 commercial plans?

6 MR. ALONSO: Well, you can.

7 CHAIRPERSON GARCIA: Of course, you can.
8 But I don't recall seeing the plans that has that.
9 And now seeing the situation that we're having
10 with the parking spaces in Union City, I'm
11 probably going to need to find out an
12 interpretation from Mr. Spatz regarding the impact
13 of the parking in the commercial spaces than
14 impact of the parking in residential application.

15 MR. SPATZ: One of the comments in our
16 report was that we needed to see a breakdown of
17 all the various uses that are in the building,
18 including the one that was approved today, just so
19 we could do the math of how many spaces are needed
20 for all of the uses.

21 CHAIRPERSON GARCIA: Right.

22 MR. SPATZ: So we still need that to be
23 provided.

24 CHAIRPERSON GARCIA: And if you
25 probably -- also I would love to probably have on

1 file, right, Mr. Vallejo the plans? Or you could
2 provide a copy of the --

3 MR. VALLEJO: Of the previous plans?
4 No, I don't have it.

5 MR. ALONSO: We could provide a copy of
6 those.

7 CHAIRPERSON GARCIA: Because it's
8 like --

9 MR. VALLEJO: I have it in the office.

10 CHAIRPERSON GARCIA: -- right now, you
11 know, Mr. Alonso, the situation in Union City --

12 MR. ALONSO: Absolutely.

13 CHAIRPERSON GARCIA: -- with parking
14 spaces, it's something critical. Not only that,
15 we are relying that the previous application
16 approval, I don't like to go back or go forward
17 because each application is unique; however, one
18 of the consideration of the motion to approve the
19 prior one was the access of the parking spaces
20 that are going to be available for the services of
21 the church. So I will ask you to adjourn this one
22 for us to -- to provide us the previous approval
23 for us to review the plans. And also for Mr.
24 Spatz to do the analysis and to show the impact of
25 parking with the residential and the commercial.

1 VICE CHAIRPERSON GRULLON: There is also
2 a day care facility that is planning to be used on
3 a daily basis the same 27 parking spaces.

4 MR. ALONSO: Right.

5 VICE CHAIRPERSON GRULLON: You have a
6 lot of uses using the same parking spaces. And
7 now we got residential commercial use in the same
8 parking space. I think we need to have a better
9 understanding --

10 CHAIRPERSON GARCIA: Right.

11 VICE CHAIRPERSON GRULLON: -- how many
12 spaces we have available, how many spaces we need
13 for that location.

14 CHAIRPERSON GARCIA: We do have an
15 approval of the extension of the day care, that is
16 there.

17 VICE CHAIRPERSON GRULLON: Yes.

18 CHAIRPERSON GARCIA: Few months ago, it
19 was expanded.

20 MR. ALONSO: All right.

21 MR. ARENCIBIA: I mean I have copies of
22 the previous application, but it's hard to show
23 it, I guess.

24 CHAIRPERSON GARCIA: But also Mr. Spatz
25 is going to need time to give us the report with

1 his analysis.

2 MR. ARENCIBIA: Sure.

3 CHAIRPERSON GARCIA: Do you have another
4 witness or do you want to bring them back?

5 MR. ALONSO: Just Mr. Arencibia. I know
6 there's some of the tenants in the building are
7 also here that they're going to provide testimony,
8 I don't know if the board wants to hear from them
9 at all or just hold off to the next time.

10 MR. PANEQUE: Mr. Alonso, your
11 application is for a use variance.

12 MR. ALONSO: Correct.

13 MR. PANEQUE: Do you have a planner?

14 MR. ALONSO: I didn't have a planner
15 this evening, I was going to defer to the board.
16 I know that the board has heard from a planner in
17 the past, a lot of that testimony would just carry
18 over. If the board requires a planner, we
19 would --

20 MR. PANEQUE: We will require a planner.

21 MR. ALONSO: Okay.

22 MR. PANEQUE: Basically what I'm looking
23 at here is an application for 22 apartments.

24 MR. ALONSO: Okay.

25 MR. PANEQUE: That's what it is. You

1 can you know kind of put lipstick on a monkey, but
2 it's still a monkey.

3 MR. ALONSO: It's a pretty monkey.

4 MR. PANEQUE: It's a pretty monkey. But
5 what we have here is 22 apartments. The reason I
6 say that is even though it's couched in the idea
7 that it's going to be used for all these artists
8 that are going to be coming in, what's going to
9 keep or who's going to supervise the owner from
10 renting it to a husband wife and two kids?

11 MR. ALONSO: Trust me, I understand.
12 We've had that discussion internally.

13 MR. PANEQUE: And there's no way that
14 the City can impose that kind of restriction, that
15 it only be used for artists and working, you know,
16 as it was presented. So what we have here is 22
17 apartments being presented to this board, period.
18 And we're going need a planner to justify why this
19 board should approve that.

20 MR. ALONSO: Sure, absolutely.

21 CHAIRPERSON GARCIA: Any other Member of
22 the Board? So we're going to open to the public
23 at the next meeting.

24 MR. ALONSO: Okay, that's fine. So with
25 that, then I would request this matter be carried

1 to the next hearing to provide us time to make
2 copies of the plans, we'll circulate them. And
3 then we'll come back with a planner.

4 CHAIRPERSON GARCIA: Thank you, Mr.
5 Alonso.

6 MR. VALLEJO: I have a copies of the
7 previous approval.

8 MR. PANEQUE: Just make an announcement
9 if anyone is here for this meeting to be back,
10 when is the next meeting?

11 MR. VALLEJO: March 14th.

12 CHAIRPERSON GARCIA: If any member of
13 the public is here for this application,
14 application is going to be adjourned for next
15 meeting, it's going to be March 14th. And I make
16 my motion to adjourn this application for next
17 meeting, March 14th, no new notice needed.

18 MR. ALONSO: Mr. Vallejo, do you have
19 sufficient copies?

20 MR. VALLEJO: I have five.

21 MR. ALONSO: Okay, thank you.

22 MR. ARENCIBIA: If you need, we can get
23 you more.

24 MR. SPATZ: You should so everybody
25 could have a copy.

1 MR. VALLEJO: Can you mail to him.

2 MR. SPATZ: Another five.

3 MR. VALLEJO: Another five.

4 Motion on the table to adjourn this
5 application for March 14th by Mr. Garcia.

6 VICE CHAIRPERSON GRULLON: Second.

7 MR. VALLEJO: Seconded by Mr. Grullon.

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

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. O'Dell.

18 MS. O'DELL: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 CHAIRPERSON GARCIA: Yes.

21 MR. VALLEJO: Six in favor, motion
22 carries. No new notice required.

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

25 * * * *

1 **REHANA LATIF -**

2 **1502 CENTRAL AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda Rehana Latif, 1502 Central
6 Avenue. Ms. Pereiras, please.

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

8 Good evening, Counsel, Chairman, Members
9 of the Board. May it please the board, Bianca
10 Pereiras on behalf of Rehana Latif for property at
11 1502 Central Avenue, also known as Lot 23 in Block
12 78.

13 As the board may recall, we provided
14 testimony at the December meeting, at which time
15 we were a proposing two-family home. Following
16 commentary of this board, we agreed to amend our
17 application to a one-family with parking and we
18 provided revised drawings to the board. We have
19 our expert here to discuss the modifications for
20 the board. Mr. Pereiras.

21
22 M A N U E L P E R E I R A S, after having been
23 duly sworn or affirmed, did testify as follows:

24
25 MR. PEREIRAS: Manny Pereiras,

1 P-E-R-E-I-R-A-S with Pereiras Architects
2 Ubiquitous, located at 1116 Summit Avenue, Union
3 City.

4 MS. PEREIRAS: Mr. Pereiras, would you
5 kindly describe the modifications and the revised
6 drawings that were submitted to the board?

7 MR. PEREIRAS: I'd be very happy to.
8 Mr. Chairman, Board Members, pleasure to be here.

9 We listened to exactly what the board
10 suggested. We removed the unit that was on the
11 ground level and we replaced it with a garage. So
12 to remind the board, we're taking a dilapidated
13 building that has been abandoned for many years
14 and renovating it as a single family home today.
15 And we're doing a lot of things that are going to
16 improve the site. But first and foremost is that
17 we're demolishing the front portion of this
18 building which is at the verge of collapsing. And
19 what that does is it really opens up the front of
20 the site, it allows us to introduce a little bit
21 of landscaping. It opens up the stairs, so it's
22 nice and clean and it brings light into the
23 property.

24 And now we introduced a curb cut in
25 front of the property, so a single car, so we can

1 have a garage inside the property. We can't fit
2 two cars within this property, so we created a
3 home office in the rear of the property with a
4 small bathroom. It's too small to be an apartment
5 and it's only accessed from within the apartment
6 itself. So you have access to go upstairs through
7 a stairwell here. And basically it's exactly what
8 the board requested. And I could talk for awhile,
9 but I think it's pretty simple.

10 CHAIRPERSON GARCIA: So basically you're
11 only applying for a one-family house?

12 MR. PEREIRAS: It's a single family
13 house and we're providing one parking space.
14 Whereas, it was a single family house with zero
15 parking spaces. No additions, we're actually
16 reducing --

17 CHAIRPERSON GARCIA: I know the
18 variances are --

19 MR. PEREIRAS: Preexisting.

20 CHAIRPERSON GARCIA: The only new one is
21 the parking space, but it's an existing, too.

22 MR. PEREIRAS: There's no new variances,
23 we're actually reducing variances. The front yard
24 setback is being reduced in theory. The side
25 yards are also being reduced because it was on the

1 property line. Moving forward, we removed those.
2 There was zero parking, now we're providing a
3 parking space, so we're reducing the parking
4 variance as well.

5 So the only -- this board is --
6 actually, no variances. Honestly, we technically
7 don't even have to be here.

8 CHAIRPERSON GARCIA: Okay. And you got
9 a garage. Did you talk to the neighbor?

10 MR. PEREIRAS: I met with our neighbor
11 who's present here today, we spoke at the building
12 department, the Union City building department. I
13 helped him obtain the drawing so he could review
14 it. I haven't spoken to him since, I hope he's
15 satisfied. If he isn't I'm sure he'll stand up
16 today and speak.

17 CHAIRPERSON GARCIA: Basically, I mean
18 like you said, no further questions because
19 basically you addressed our concern. I don't know
20 if any Member of the Board --

21 VICE CHAIRPERSON GRULLON: I just don't
22 see any need for a shower in the office space.

23 MR. PEREIRAS: It's -- yeah, it's nice
24 to have a second bathroom.

25 VICE CHAIRPERSON GRULLON: That could

1 give ideas in the future to rent out as an
2 apartment.

3 MR. PEREIRAS: You can't even access it
4 is unless you go through the actual -- if you want
5 us to remove the shower, we could do that. I
6 don't think there's a problem.

7 MS. PEREZ: It's nice to have a shower.

8 CHAIRPERSON GARCIA: What do you have on
9 the side? Are they attached?

10 MR. PEREIRAS: They're attached.

11 CHAIRPERSON GARCIA: They're attached,
12 they can't get in --

13 MR. PEREIRAS: No, they're not attached.
14 We're on the property line, but there's a space
15 between the two houses. But on our property,
16 we're on it.

17 MR. PANEQUE: It's only got one bathroom
18 upstairs?

19 VICE CHAIRPERSON GRULLON: There's two
20 bathrooms.

21 CHAIRPERSON GARCIA: It's a powder room.

22 MR. PEREIRAS: I think it's reasonable
23 to remove the shower. We voluntarily remove the
24 shower, I don't think it's a problem.

25 CHAIRPERSON GARCIA: I would love to

1 have it.

2 VICE CHAIRPERSON GRULLON: I'd like to
3 have a shower in my office.

4 MR. PEREIRAS: You have a dog, you want
5 to clean the dog in the bathtub in the garage, it
6 makes sense to have it. We want to make sure the
7 board is happy.

8 VICE CHAIRPERSON GRULLON: My only
9 concern it might become an apartment in the future
10 if it's a shower there, like a studio apartment.
11 But as you mentioned, there's no way to enter the
12 area.

13 MR. PEREIRAS: You would have to go
14 through the garage, which is open to upstairs.
15 You'd have to go into the apartment to --

16 VICE CHAIRPERSON GRULLON: I've seen
17 those apartments.

18 MR. PANEQUE: What's your preference?

19 VICE CHAIRPERSON GRULLON: No shower.

20 MR. PANEQUE: To remove, Mr. Chairman.

21 CHAIRPERSON GARCIA: No, no. I'm okay.
22 If the client is okay to remove it, then satisfied
23 the Member of the Board, okay. Any other concerns
24 to the board? Any member of public want to step
25 forward? Yes.

1 MR. FREZZO: My name is Daniel Frezzo, I
2 live at 1500 Central Avenue. I'm the next door
3 neighbor and I do have a request. I'm going to
4 submit a letter to the zoning board, I contacted
5 North Hudson Sewerage Authority. And my concern
6 is that, like I said, now we have three bathrooms
7 that are basically three outlets that are going to
8 a sewer system that when I contacted North Hudson
9 Sewerage authority, they told me there was a
10 lateral line going into my property, which was
11 natural.

12 If the renovation is taking place, I'd
13 like them to request a new sewer line, that's this
14 letter that I'd like to submit to the board
15 requesting just that. That I would like -- my
16 concern is that because of the property, because
17 of the infrastructure, I would like to put on the
18 record that they request a new sewer line for this
19 building, now hearing that there's a third
20 bathroom coming in.

21 The plans are very good. I saw them,
22 very accommodating. I went to Mr. Vallejo's
23 office, I met with the architect. You know, it
24 seems perfect. But all the more so is my concern
25 that -- and after speaking with North Hudson

1 Sewerage Authority, I would like them to pursue
2 the application for a new sewer line so that
3 there's not a burden. Because this building has
4 been abandoned so long and because of the system
5 itself, I'm very concerned that down the line,
6 we're going have a problem.

7 MR. PEREIRAS: I'd like to address that
8 if it's possible and give the board some
9 information. Union City has an ordinance that if
10 you break the street, you are responsible to pave
11 it from corner to corner, that means that to
12 comply with our neighbor's wishes, it is probably
13 about an 80 to \$90,000 endeavor for this homeowner
14 to do that. So I would object to that concept
15 because it's a \$90,000 burden.

16 Furthermore, they have no responsibility
17 to increase the sewer line or change it in any
18 way. We have a single family house that's
19 existing on the property and it continues to be a
20 single family house that exists on this property.
21 There's no increased impact, even though you have
22 three bathrooms, four bathrooms, they could have
23 six bathrooms, the number of people doesn't change
24 in a house in a single family house, dependent on
25 how many bathrooms you have. The number of

1 bedrooms changes how many people use the bathroom.
2 The same number of people are going to be
3 showering whether you have three or four
4 bathrooms. So that doesn't create any -- trigger
5 anything that would require us to change the sewer
6 or modify it in any way from him.

7 And I would go furthermore that our
8 building department has a series of checklists
9 that they're going to go through, that are for the
10 safety and to meet code. And they will supervise
11 and overview this aspect of the application. And
12 if there is a need for -- to replace the sewer,
13 they would let us know. There is no need in this
14 condition.

15 That said, we're going to prove that
16 that existing sewer line is in good shape. We're
17 going to run a camera through it to satisfy the
18 building department. It may or may not be in good
19 shape. If it's not in good shape, it would have
20 to be replaced. I doubt it sincerely in the
21 condition that it is in. So with that
22 information, I think the board could respond.

23 CHAIRPERSON GARCIA: I have a question
24 for you, Mr. Pereiras. This is a single family
25 house, right?

1 MR. PEREIRAS: Correct.

2 CHAIRPERSON GARCIA: And how many
3 bathrooms do you have there?

4 MR. PEREIRAS: I think we're proposing
5 three bathrooms.

6 CHAIRPERSON GARCIA: Right. And
7 currently, it's what one or two?

8 MR. PEREIRAS: Currently, it's who knows
9 how many they had because it's to the studs right
10 now, but I don't know.

11 CHAIRPERSON GARCIA: One, but it's only
12 one -- if it's a one-family house, the same amount
13 of people going to live there. If they repair the
14 house and they have three bathroom there, they're
15 going -- same number of people going to use the
16 same toilet, the same bathroom. It's going to be
17 the same amount of people using it. Doesn't
18 matter that there's only one or three, ten people
19 going to live there using the same one or using
20 three. That's the math I'm doing, I don't know.

21 And also, like Mr. Pereira mentioned,
22 this is -- who determined that is the building
23 department. No matter whether we say yes and
24 building department understands that they have to
25 do it, they have to do it.

1 MR. FREZZO: My concern also is that the
2 sidewalk will have to be broken because there's a
3 tree in front of the house, have you considered
4 that?

5 MR. PEREIRAS: Absolutely. The sidewalk
6 and the street are two very different things.

7 MR. FREZZO: Well, there is a tree right
8 in the center of the building. So in the process
9 of you putting in a garage, you're going to have
10 to open the sidewalk to remove the tree.

11 MR. PEREIRAS: Absolutely.

12 MR. PANEQUE: Mr. Frezzo, is it your
13 contention that your sewer line shares --

14 MR. FREZZO: It's lateral.

15 MR. PANEQUE: -- shares.

16 MR. FREZZO: His sewer line --

17 MR. PANEQUE: It runs into 15th
18 Street --

19 MR. FREZZO: Yes.

20 MR. PANEQUE: Instead of running into
21 Central Avenue?

22 MR. FREZZO: Right.

23 MR. PANEQUE: Is there a main sewer line
24 on Central Avenue?

25 MR. FREZZO: I contacted North Hudson

1 Sewerage Authority and they told me they were
2 running lateral lines that were going to 15th
3 Street, going into mine. That's why I would like
4 a study done to determine whether or not where the
5 sewer line is going and whether or not they need
6 to apply for a new sewer line.

7 MR. PANEQUE: Well, this board doesn't
8 have the jurisdiction to require that an applicant
9 with an existing home, with an existing sewer
10 line, tie into a new sewer line. It's not a new
11 building.

12 MR. FREZZO: But it hasn't been occupied
13 in over 17 years.

14 MR. PANEQUE: Understood. And if we had
15 the authority, I would tell this board to order
16 it. But this board doesn't have that authority.
17 Even though, it's been a vacant building for
18 17 years, it's still a building that's in
19 existence and has a sewer line, which runs, I
20 guess, under your property and then you tie into
21 that. Now, you're 1500?

22 MR. FREZZO: I'm on the corner.

23 MR. PANEQUE: You're the corner, they're
24 1502. How about 1504 are, they on the same line?

25 MR. FREZZO: I don't know.

1 MR. PANEQUE: Okay.

2 MR. FREZZO: That's why I wanted this in
3 the record, so that down the line, should this
4 sewer collapse, you know, you talk about whether
5 it's \$80,000 -- once the sewer collapses, we're
6 going to have to open up the street anyway. That
7 expense is going to be incurred, I'd like to avoid
8 that expense being incurred on my part because
9 I've already incurred the expense on 15th Street
10 with a sewer that collapsed. So it's not like I'm
11 new to this. I understand the sewer system, the
12 infrastructure. I was responsible for the sewer
13 line that was replaced in 2015 on 15th Street.
14 But now we're talking Central Avenue. And I
15 really don't want to have to incur an expense or
16 go through agencies to try and get restitution for
17 something that I could see could be prevented
18 initially. You're opening up the sewer line
19 anyway, you're gutting out the building.

20 CHAIRPERSON GARCIA: Let's say that the
21 applicant decides to withdraw the application and
22 go for repair the house and the same amount of
23 people going to live there. They don't want to do
24 the repair, you know what I mean? And like Mr.
25 Paneque mentioned, it is not our jurisdiction --

1 MR. FREZZO: I understand that.

2 CHAIRPERSON GARCIA: -- to request them
3 to do it. It's the building department who will
4 determine if they need to do it or if they don't.

5 MR. FREZZO: What assurance do I have
6 that the building department will take the steps
7 in a preventative, prophylactic manner before this
8 takes place to determine whether or not the sewer
9 line is operable and where we could see down the
10 line and prevent what might happen? Because this
11 is the point in which it's repairable or
12 identified.

13 Because right now, we can't identify it,
14 but from, you know, speaking with North Hudson
15 Sewerage Authority and having had an experience in
16 2015, I would have to say if you're going to crack
17 open a building and crack open the sidewalk, which
18 you're going to have to build the garage and
19 remove the tree, then while it's open, let's get a
20 determination whether or not the sewer line is
21 sustainable.

22 MR. PANEQUE: I'm going to venture a
23 guess here that the sewer line that runs through
24 this property, as well as yours, is somewhere
25 under the middle of the house, correct?

1 MR. FREZZO: Whose, mine or --

2 MR. PANEQUE: Yours.

3 MR. FREZZO: Yes.

4 MR. PANEQUE: It's not towards the front
5 of the house.

6 MR. FREZZO: Well, I have a sewer
7 line in the front, I have a water issue in the
8 front.

9 MR. PANEQUE: But I'm talking about your
10 main sewer line, the one that runs underneath your
11 house. Do you know where it runs through in the
12 basement?

13 MR. FREZZO: I was under the
14 impression -- I was under the impression it was
15 running on 15th Street. But from speaking with
16 North Hudson Sewerage Authority, they're telling
17 me it runs from Central. Now, like I said, this
18 is an older home -- these are old homes.

19 MR. PANEQUE: Yeah.

20 MR. FREZZO: You know, and I do have a
21 sewer -- I do have a sewer line in the front of my
22 house in the front extension of my house.

23 MR. PANEQUE: But do you have --

24 MR. FREZZO: That does seep up when it
25 rains.

1 MR. PANEQUE: Is that a storm sewer line
2 or a sanitary sewer line?

3 MR. FREZZO: I don't know. My concern
4 is you're cracking open a building, you're gutting
5 out a building. Right now is the point in which
6 you could determine whether or not it has a
7 sustainable sewer line.

8 MR. PANEQUE: Yeah.

9 MR. FREZZO: And, unfortunately -- and
10 I'm sure that once this is completed, there's
11 going to be a very nice turnover, whether they
12 live there or not, because I know the prices in
13 the real estate in the neighborhood. And they're
14 going to do very well, it's going to improve the
15 neighborhood, but it's going to appreciate grossly
16 in value. Because I know what houses are going
17 for on that block.

18 So I'm not really -- and that's an
19 estimate, whether or not we -- one, whether or not
20 the city is going to force you, you know, to
21 replace the whole sidewalk from corner to corner,
22 although they may say it --

23 MR. PANEQUE: Let me clarify.

24 MR. FREZZO: And, two, whether or not --

25 MR. PANEQUE: Let me clarify that for

1 you. The ordinance that Mr. Pereiras was
2 referring to has nothing to do with the sidewalks.
3 It is an ordinance that if a homeowner has to make
4 an installation or a connection to his home and
5 they have to make an opening on the street, on the
6 asphalt, then the ordinance does not permit that
7 opening to be patched. You have to go from corner
8 to corner and pave the entire street, not the
9 sidewalk, the street. That's our existing
10 ordinance. And that's where Mr. Pereiras is
11 coming up with about an \$80,000 hit because that's
12 the existing ordinance that we have. The
13 sidewalk, you could rip it up ten times and it's
14 only going cost you the cost of replacement. So
15 the issue here is not the sidewalk.

16 Now, if you have your home at 1500 and
17 1502 and then 1504 and 1506 and there's no sewer
18 line running parallel with Central Avenue and your
19 sewer line is running on 15th Street, all these
20 homes are going across tying into 15th Street. I
21 know that from my own experience on a property
22 that we have that -- on Hudson and 35th, there's
23 no sewer line on Hudson Avenue, all those
24 buildings tie in, one line under all the buildings
25 and they all discharge on 35th Street. So you may

1 have the same situation here. They ran the sewer
2 lines on the number streets, not on the main
3 avenues. So I have a feeling that all these
4 houses are tied in and they all run under your
5 house --

6 MR. FREZZO: But we don't know that.

7 MR. PANEQUE: We don't know that, but
8 that's my gut feeling. If there's a sewer line in
9 the front, it would require them to open up the
10 street and that's where the \$80,000 hit comes in.
11 So Mr. Pereiras is suggesting to have the sewer
12 line scanned with a camera.

13 MR. FREZZO: Yes.

14 MR. PANEQUE: Mr. Pereiras, I would
15 suggest that Mr. Frezzo who lives next door be
16 made a participant when this is done, so he can
17 see the actual results of that scan. Those sewer
18 lines are probably clay.

19 MR. FREZZO: They are.

20 MR. PANEQUE: They're probably clay,
21 they date back over 100 years. The portion that
22 you had to repair, that was done with PVC?

23 MR. FREZZO: No.

24 MR. PANEQUE: No.

25 MR. FREZZO: On 15th Street? No.

1 MR. PANEQUE: Cast iron?

2 MR. FREZZO: I believe it was cast iron.
3 It may have been PVC, it was large -- it was right
4 in the middle of the street. It was a very large
5 project, like any sewer line project at the time,
6 it was 2015.

7 MR. PANEQUE: Okay. So if they run a
8 camera through the sewer line and the sewer line
9 is intact, then you shouldn't have a problem.
10 Now, whether it's going to fail in five days or
11 50 years, we don't know. Clay lines do crumble
12 over time, they break. But sometimes they last
13 300 years. We don't know, but you wouldn't know
14 that until the camera is run. And then if he has
15 an issue on his property, they will have to take
16 care of it before they do any major construction.
17 It's incumbent upon them to make sure that they
18 have a working sewer line.

19 MR. FREZZO: I want this -- like I said,
20 I want my concern recorded because I really
21 seriously believe that before any work gets done,
22 they should investigate whether or not the sewer
23 line is solid.

24 MS. PEREZ: Is that standard practice?

25 MR. PEREIRAS: It's standard practice.

1 MR. FREZZO: I know what you're saying,
2 but I've seen renovations done and that's --
3 because of the expense, that's the last thing
4 they're going to be concerned about. And then it
5 maybe five days, it maybe five months, which is a
6 lot more present than 50 years or 300 years. I
7 don't think anything is going to last 300 years in
8 terms of an infrastructure, unless it's addressed.
9 But mine lasted roughly about 125 years on 15th
10 Street. This one is -- you know, that one was
11 ten years ago.

12 MR. PANEQUE: Let's -- the only thing we
13 can do is if we approve this application, you have
14 Mr. Pereiras' word that they will scan that sewer
15 line and get you involved.

16 MR. FREZZO: All right. When will
17 this -- when will I find out whether or not this
18 is done.

19 CHAIRPERSON GARCIA: What we could do
20 is, I think if we make the motion to grant the
21 application and the application is granted, we can
22 put a condition to do the camera, whatever you
23 proposed.

24 MR. PEREIRAS: We're going to do it
25 anyway.

1 CHAIRPERSON GARCIA: We could put it as
2 a condition.

3 MR. PEREIRAS: Okay.

4 CHAIRPERSON GARCIA: He's going to feel
5 more comfortable.

6 MR. PEREIRAS: I think we're going into
7 very difficult territory because we're going to
8 scan it, but the results of that scan and what is
9 done is --

10 CHAIRPERSON GARCIA: That's the building
11 department issue.

12 MR. PEREIRAS: Okay.

13 CHAIRPERSON GARCIA: Not our situation,
14 you know what I mean? We just request the
15 scanner.

16 MR. PEREIRAS: Okay.

17 CHAIRPERSON GARCIA: The condition with
18 the scanner. The results of the scanner is going
19 to be handled by the building department and your
20 client.

21 MR. PEREIRAS: Okay.

22 CHAIRPERSON GARCIA: Because your client
23 has to decide whether he's going to do it or not
24 do it. But at least one of the concerns of the
25 neighbor is that, so we could please him and also

1 going to be better for your client, too.

2 MR. PEREIRAS: Okay.

3 MR. FREZZO: I don't know why it would
4 be complicated, I mean the point is it's
5 necessary.

6 MR. PEREIRAS: We will definitely do it,
7 it's just a matter of --

8 MR. FREZZO: You also said you may not
9 be happy with what they find. And, unfortunately,
10 what they find is what you're going to have to
11 deal with in renovating and dealing with this
12 building.

13 CHAIRPERSON GARCIA: But whatever
14 happened of the results doesn't concern to the
15 board. It's concern to the building department.
16 We just are protecting you. You know, one of the
17 condition is do the scanner. However what you do
18 after the result of the scanner and the building
19 department and the applicant is not in our hands.
20 That's all.

21 MR. PEREIRAS: And just to be clear,
22 it's going to be a camera, not a scan. They do do
23 scans, but it's not --

24 MR. FREZZO: Inevitably, that's what I
25 did with mine, that's how I determined that I had

1 a problem on 15th Street. They literally put like
2 a camera deep into the sewer line, right to the
3 street to determine if there's any blockages or
4 collapse, whether it's a clear line.

5 I had this, in fact, I probably have
6 a -- I paid for it myself to get it done before I
7 actually had the work done. So I probably have a
8 bill for the scanning that was done. I had a
9 plumber come in, an independent plumber, that came
10 in and did that.

11 CHAIRPERSON GARCIA: You feel satisfied,
12 comfortable --

13 MR. FREZZO: Yes, I understand that.

14 CHAIRPERSON GARCIA: -- with the
15 condition --

16 MR. FREZZO: I feel comfortable.

17 CHAIRPERSON GARCIA: -- the camera.

18 MR. FREZZO: I understand the
19 limitations, I understand where the zoning board
20 comes in. But I also would like to be on top of
21 whether the -- if the building department, if this
22 information -- if I'm not satisfied with the
23 information, I'd like the building department to
24 then step in and say this is what needs to be
25 done. And I know they will. But they have to be

1 informed. They have to -- actually, they have to
2 know what's going on. I had a deck that was put
3 in and at one point the building department came
4 in and made me put all these -- weld all of these
5 bars in to sustain a deck, which wasn't necessary.
6 But I paid for it because the building department
7 came in and told me to do it.

8 And that's -- I want to know that the
9 building department is aware that this is a
10 concern.

11 MR. PANEQUE: Noted.

12 MR. FREZZO: Thank you.

13 MR. PANEQUE: Thank you, Mr. Frezzo.

14 CHAIRPERSON GARCIA: Thank you. Any
15 other member of the public want to step forward
16 for this application? That's it.

17 VICE CHAIRPERSON GRULLON: One more
18 thing, Mr. Pereiras, as you always do, the tree
19 and the sidewalk, you're going to --

20 MR. PEREIRAS: We'll relocate it.

21 VICE CHAIRPERSON GRULLON: -- reposition
22 the tree.

23 MR. PEREIRAS: Yes.

24 CHAIRPERSON GARCIA: Okay. Taking in
25 consideration -- I'm sorry for the redundancy, the

1 consideration of the client to accept all the
2 recommendation and also to understand the
3 condition of the neighbor and accepting the --
4 understanding the parking issues, I'm going to
5 make my motion to grant this application with the
6 condition to do the scan or camera to the sewer
7 line and also the tree in front of the house needs
8 to be relocated. So you have to save the tree.

9 MR. PEREIRAS: We will.

10 CHAIRPERSON GARCIA: I make my motion to
11 accept and remove the shower from the basement,
12 ground floor.

13 MR. VALLEJO: Motion on the table to
14 grant the application with condition by Mr.
15 Garcia.

16 VICE CHAIRPERSON GRULLON: Second.

17 MR. VALLEJO: Seconded by Mr. Grullon.

18 Roll call on the motion to approve this
19 application. Mr. Grullon.

20 VICE CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 MS. GUTIERREZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 MR. GARCIA: Yes.

6 MR. VALLEJO: Six in favor, motion
7 carries. Required revised plans at least ten days
8 before the hearing because you have to remove the
9 shower from the bathroom office.

10 MS. PEREIRAS: We need to provide
11 revised plans to show the removal of the tub?

12 MR. VALLEJO: Otherwise the building
13 department --

14 MR. PANEQUE: Yes. Just have the
15 revised plans ten days before, I'll have the
16 resolution for you.

17 MS. PEREIRAS: Okay, that's fine.

18 MR. FREZZO: Thank you.

19 CHAIRPERSON GARCIA: Thank you.

20 * * * *

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1 **1800 JFK BLVD., LLC -**

2 **1800 KENNEDY BOULEVARD:**

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

8 This application was on -- I received
9 revised plans, this one was on January 25, 2024,
10 is this one. And then later, new revised plans, I
11 received on February 6, 2024, also sent as a PDF,
12 revised plans to Mr. Spatz were prepared -- the
13 memorandum of the revised plans on January 23,
14 2024, is the memorandum from --

15 CHAIRPERSON GARCIA: So the last revised
16 you received --

17 MR. VALLEJO: Two days before today.

18 CHAIRPERSON GARCIA: However, they sent
19 the PDF --

20 MR. VALLEJO: Before --

21 MR. SPATZ: I received it more than
22 ten days before the meeting and I did my review.

23 CHAIRPERSON GARCIA: Mr. Paneque,
24 legally, there's an issue with that, right?

25 MR. PANEQUE: Legally, there is an issue

1 because the plans have to be at the board ten days
2 prior for the public to have the opportunity to
3 review them.

4 MR. PEREIRAS: May I explain what the
5 difference is? I think it will shed some clarity.
6 When we do revisions before the board, we bubble
7 those revisions so you know what was changed.
8 When we did this bubble, we bubbled this room as
9 part of it, whereas the apartment is just this
10 portion. So Mr. Spatz pointed that out and we
11 revised that. I would consider that a typo. We
12 can present based on the other drawing. I don't
13 think it impacts the application in any way
14 whatsoever.

15 MR. PANEQUE: So no dimensions were
16 changed at all?

17 MR. PEREIRAS: Nothing.

18 MR. PANEQUE: Okay. So basically it's
19 just --

20 MR. PEREIRAS: The nomenclature of the
21 bubble.

22 MR. PANEQUE: If that is the
23 explanation --

24 CHAIRPERSON GARCIA: That was the
25 change?

1 MR. SPATZ: Yeah, the only change --
2 when I did my review when the plans came in
3 earlier, I noticed that they had bubbled -- the
4 bedrooms were all in one apartment with no
5 bedrooms in the other, which obviously was a
6 graphical typographical error. And I suggested to
7 Manny that he corrects that before coming before
8 the board, just so it's clear, but nothing
9 changed. The bedrooms are still in the same
10 place.

11 MR. PANEQUE: In that case, Mr. Garcia,
12 I'm going to say that Mr. Pereiras has been saved
13 by the bubble.

14 MR. A. PANEQUE: Let the record reflect
15 I've been provided with an affidavit stating that
16 on January 29th, personal notice was given to all
17 property owners within a 200-foot radius of 1800
18 John F. Kennedy Boulevard, Union City, New Jersey,
19 of tonight's meeting. A legal affidavit from The
20 Jersey Journal that notice was given of tonight's
21 meeting was published on January 27, 2024. The
22 list of property owners to be served with the
23 notice. The notice given to all property owners,
24 the certified mail receipts postmarked January 29,
25 2024.

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

4 MS. PEREIRAS: Thank you very much,
5 Counsel. Bianca Pereiras on behalf of the
6 applicant for property at 1800 JFK Boulevard, also
7 known as Lot 1 in Block 96. The application
8 before the board this evening is to legalize two
9 residential units for a total of five on-site. We
10 have two experts to testify and we'll begin our
11 presentation this evening with our architect, Mr.
12 Manual 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 1800 JFK Boulevard?

20 MR. PEREIRAS: I am.

21 MS. PEREIRAS: Can you please describe
22 the property for the board?

23 MR. PEREIRAS: I'd be very happy to.
24 The board may recall that we started this
25 presentation at a previous meeting. On this

1 project, we had in the basement two existing
2 apartments that were illegal. On the first floor,
3 there was one apartment. On the second floor,
4 there were two apartments. And on the third
5 floor, there was an apartment. We were under the
6 impression that all the apartments above were
7 legal and the two basement apartments were
8 illegal. We came to this board to present the two
9 illegal basement apartments and legalize them. We
10 discovered at this board that one of the
11 apartments on the second floor is not recognized
12 either.

13 So what we're here before this board
14 today is to legalize that apartment on the second
15 floor; however, we didn't want to create so much
16 of an impact on the neighborhood, so the owner,
17 based on the recommendations of the board, elected
18 to instead of having two apartments in the
19 basement, we're proposing only one apartment in
20 the basement. So we're removing one of the
21 apartments that are there and making that existing
22 illegal apartment larger at the request of the
23 board.

24 To explain a little about the site,
25 we're on the corner of Kennedy and 18th Street,

1 it's a beautiful structure. There are two parking
2 spaces in the rear, we're maintaining those two
3 parking spaces. The entrance at the rear of the
4 property which used to be access to the rear
5 apartment and another entrance for the front
6 apartment in the basement, that rear entrance will
7 be utilized now and it's going to be repaired to
8 meet all the code standards of today.

9 And what we have is there was previously
10 a wall across here separating the two apartments.
11 Now the apartment will be demolished and the
12 entire apartment will be as shown. The board did
13 mention that the living room was small previously,
14 so we basically almost tripled the size of it.
15 Now it's 24 in length by 11 wide. And then the
16 space is a three bedroom apartment that we're
17 proposing there. And the size of the three
18 bedroom apartment is 1,259 square feet. So it's
19 going to be a beautiful basement apartment.

20 And keep in mind that it isn't
21 completely submerged below ground, it's right
22 about at the 50 percent mark. So there are
23 existing windows that are large, bringing in a lot
24 of the light into the apartment and it really does
25 not feel like a basement apartment at all. And

1 what -- and the apartment that's existing on the
2 second floor, which is currently occupied, both
3 apartments and -- the entire building is occupied
4 above the basement. Those apartments, we're
5 looking to remain exactly the same as they are.
6 However, if this board were to approve it, it
7 would go through the building department to
8 legalize all aspects of it and bring it up to
9 today's codes. That concludes my testimony.

10 MS. PEREIRAS: We also have a planner to
11 testify before the board, so I'll call Mr.
12 Dougherty, please.

13 CHAIRPERSON GARCIA: Mr. Pereira, can
14 you -- I know you mentioned it's a preexisting
15 condition, the two apartments at the second floor?

16 MR. PEREIRAS: Yes.

17 CHAIRPERSON GARCIA: But how come it's
18 exactly the same layout, right, just divided by
19 one wall, right? The layout of the first --

20 MR. PEREIRAS: The first floor and the
21 second floor, yeah. I think they had the existing
22 walls and they divided the apartments at some
23 point in its history.

24 CHAIRPERSON GARCIA: Are you planning to
25 do any like construction on the second floor?

1 MR. PEREIRAS: Only what's required by
2 code, which is the following: The new apartment
3 has to have a two-hour fire separation from the
4 rest of the units. So there will be additional
5 five-eighths inch Sheetrock to create the fire
6 barrier. The alarm system in the apartments will
7 need to be upgraded to today's convention, so
8 there will be a 110-volt smoke alarms and carbon
9 monoxide alarms in the apartment. The hallways
10 already have a monitoring system and low voltage
11 system, but that's going to be upgraded slightly
12 as well. The entry door for the apartment is
13 going to be changed as well. So those are the
14 proposals that we're making. And, of course, we
15 don't want to displace the tenants on the second
16 floor because right now both those apartments on
17 the second floor are occupied.

18 CHAIRPERSON GARCIA: How long your
19 client is the ownership of this house?

20 MR. PEREIRAS: He purchased it right at
21 Covid, I think it was 2020. We started this
22 application right before Covid and everything got
23 on hold because of Covid. So it's actually been
24 like a four year process to get before you today.

25 CHAIRPERSON GARCIA: And you have two

1 parking spaces in the rear?

2 MR. PEREIRAS: We do.

3 CHAIRPERSON GARCIA: By 18th Street.

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GARCIA: You have two
6 parking spaces or one parking space plus a
7 driveway?

8 MR. PEREIRAS: We have two parking
9 spaces, side by side.

10 CHAIRPERSON GARCIA: Plus the driveway?

11 MR. PEREIRAS: Plus the driveway, yes,
12 correct.

13 CHAIRPERSON GARCIA: Your other witness?

14 MS. PEREIRAS: Mr. Dougherty. And Mr.
15 Dougherty had testified at the last meeting;
16 however, if he could give us a brief recap of the
17 variances sought.

18

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

22

23 MR. DOUGHERTY: I recognize I am still
24 under oath. At the last hearing, when we spoke
25 about this application, I didn't have the exhibit

1 packets. I'll pass those around. Typical map on
2 the front and then some drone shots, where we can
3 get a better understanding of the parking and its
4 relationship to surrounding properties.

5 MR. A. PANEQUE: Were there any exhibits
6 marked in the previous hearing? Let the record
7 reflect this is marked as exhibit A-1.

8 MR. DOUGHERTY: So slide one, outlined
9 in red is the property in question, as we see it's
10 on the municipal border right there off to the
11 left, along Kennedy. We are in the yellow area,
12 which is the low density residential, the R zone.

13 Slide two is the NJ DEP's GeoWeb. As
14 you see, we have mass transit availability within
15 great proximity of the property, which is outlined
16 in red. 18th Street is a one way, you know, so at
17 the end of the day, the parking, as you'll see in
18 the next one, is going to be behind the structure.
19 And then the rest of the properties, abutting
20 properties, you'll see have more of a driveway
21 along Kennedy. Ours is more located on 18th. But
22 on slide two, if you look across 18th, you'll see
23 some of the checker boxes there. We'll show you
24 that dwelling as well. It's indicative of a
25 higher density use.

1 So slide one is the property in
2 question. These photos were taken back in
3 November by myself. As you see, we have separate
4 access in the front of the building for that lower
5 level. We have, up on the third floor, the air
6 conditioning unit kind of built into the
7 structure.

8 Slide four, you'll see the parking to
9 the rear. We have two parking side by side.
10 You'll see they're squeezing in a third one on an
11 angle. And then you have the driveway element as
12 well in the front. And you have the on-street
13 parking here off to the side of the structure.
14 It's a fairly large structure, really good shape.

15 Slide five, behind the structure, you'll
16 see there's another door. That is what gave life
17 I guess to the two units that were located in the
18 basement, one having access off of Kennedy, one
19 having access off to the rear. So that's kind of
20 the site layout here.

21 And the next couple slides, slides six
22 and seven are just a collective collage of the
23 existing built environment, surrounding
24 conditions. The top left are very similar
25 structures, as you see, they have parking in the

1 front, where we don't. So ours is kind of located
2 to the rear. And other than that, the house
3 itself, you can see up on the top right, we have a
4 higher density residential complex right across
5 18th Street.

6 And then slide seven, you'll kind of see
7 the housing complex across Kennedy, which is in a
8 different municipality. Again, the top right,
9 you'll see the adjoining across the street higher
10 density. A little bit further down, you'll see
11 the red tower there as well. I think it's a good
12 transitional piece, given we have some high
13 density on our side of the street, right across
14 from 18th.

15 As I testified to last time, this is
16 what we call (d) (2) variance, (d) (2) is a lesser
17 standard than (d) (1). The zone only permits two
18 families, and currently we have more than two. So
19 in this essence, you know, the (d) (2) is about
20 site betterment, bettering the site. I think the
21 architect put it out there that, you know, we're
22 going to take this illegal dwelling units, you
23 know, bring them up to code, make the liveable
24 space, habitable space conducive for quality
25 living. Arrangements and given the nature and the

1 extent of this, the building will be looked at top
2 to bottom by the building department, thus
3 ensuring that the structure can accommodate and is
4 brought to codes and various safety measures.

5 I think we have adequate parking, given
6 the on-street parking associated with the site
7 here. We have mass transit available within
8 walking distance. And we do have you know the
9 parking to the rear on-site as well as the
10 driveway. We are seeking some parking relief, but
11 that is an existing condition associated with the
12 site, given the nature that this is not a
13 two-family.

14 But with that said, the site betterment
15 for this property, we're at Block 96, Lot 1,
16 slightly oversized, we're at 2,719 square feet,
17 the requirement is 25. So given the extra size in
18 the lot, I think we have excellent carrying
19 capacity to accommodate a few extra units. With
20 this build out, whether it's the unit or this
21 internal renovation, given the floor has the
22 walkout access, if there were to be some internal
23 renovations to the site itself, I think the
24 basement could be compiled with the top floor.

25 With that being said, the yield and the

1 people that would accommodate here, I don't think
2 would change that kind of plays forward to the
3 carrying capacity for the site.

4 At the same time, the project does boast
5 some benefits which would advance the purpose of
6 the Municipal Land Use Law. First, we have
7 diversified housing choices to meet the needs of
8 all citizens within the community. Project
9 promotes the general welfare with new housing
10 stock for growing populations. We retain and
11 improve what's there by bringing it to code.
12 There's no exterior work being done. As you can
13 see in the slides, the structure is fairly sound.
14 It's a beautiful structure accentuating that
15 corner very well. I think it's a good
16 transitional piece from the higher density here.
17 The improvements add value and quality to the
18 site, which will add value and quality to the
19 surrounding neighborhood. The project promotes
20 efficient land use, a variety of land uses. We do
21 have that economy of scale and a positive
22 aesthetics with no alterations to the exterior.

23 With that being said, the project
24 promotes purposes of the Municipal Land Use Law,
25 purpose A, E, G, I, and M. When I look at the

1 negative impact, given that the site has existed
2 for quite some time in its state, if you recall
3 our initial application was from four to six, now
4 we're asking for units from three to five. I
5 think any of the negative impacts would have been
6 absorbed in the neighborhood would have been
7 addressed early on by way of vehicle parking. I
8 think we have very spacious units, it's a fairly
9 large structure. We have a generous floor plan.
10 This is not over crowding. Again this building
11 will be brought up to applicable building codes
12 and it will function and flow and operate safely,
13 by way of separations and per each unit.

14 With that being said, I think the board
15 can move favorably upon this application that we
16 are improving the overall site, given it's an
17 existing (d) (2) use variance, that it's not
18 two-family. With that, I'll conclude for any
19 cross.

20 CHAIRPERSON GARCIA: Yes. I think that
21 we asked you for -- I don't know now that you took
22 the pictures, did you have the opportunity to
23 identify what type of houses are there, two, three
24 family houses on Kennedy Boulevard and 18th
25 Street?

1 MR. DOUGHERTY: I know you mentioned
2 that to me last time. Given that I was already at
3 this location, I did not go back and verify that.
4 But that is on my mind every time I come here to
5 make sure I know exactly how many two-family,
6 three-families are in the immediate area.
7 Unfortunately, I don't have that information on
8 this application.

9 CHAIRPERSON GARCIA: Across the street
10 is a building, right? Not on the side of North
11 Bergen, but on the side of 18th and Kennedy
12 Boulevard south.

13 MR. DOUGHERTY: Yeah. Some of them are
14 a little bit more obviously about being multiple
15 dwellings, but the ones that are in the detached
16 dwellings, I don't have that information as far as
17 are they three-families or four-families or
18 two-families.

19 CHAIRPERSON GARCIA: I have a question
20 to Mr. Pereiras that's talking over there.

21 MR. VALLEJO: 98 percent is two-family
22 homes.

23 CHAIRPERSON GARCIA: Mr. Pereiras, in
24 exhibit A-1, page 4, I'm seeing there like it's a
25 car parked in a little space, is there still

1 anyway you could do any repair to accommodate
2 properly that car?

3 MR. PEREIRAS: I've been thinking about
4 that a lot. Yes, we can fit a car there. The
5 reason I didn't show it is that I hate that, it
6 looks really ugly having a car in front of the
7 house. But if this board thinks that that's
8 appropriate, we can definitely do that.

9 CHAIRPERSON GARCIA: What I'm saying
10 they will continue doing it, if it's granted or
11 not, they'll continue doing it. However, is there
12 anything you could do like that car doesn't get
13 part of the sidewalk or put poles there?

14 MR. PEREIRAS: Yes, I could do that. I
15 could create a curb at the property line so that
16 the car can't just like jump that curb.

17 CHAIRPERSON GARCIA: Okay.

18 MS. PEREZ: Is it fine that it blocks
19 the window?

20 CHAIRPERSON GARCIA: What?

21 MS. PEREZ: Isn't the car blocking the
22 window?

23 CHAIRPERSON GARCIA: Yes, it's blocking
24 two windows there. But do you have -- that window
25 is part of the --

1 MR. PEREIRAS: That's the foyer.

2 CHAIRPERSON GARCIA: -- from the
3 bedroom?

4 MR. PEREIRAS: It's the foyer and one
5 bedroom in there, but we have multiple bedroom
6 windows, so we have egress.

7 MS. O'DELL: How many apartments on each
8 floor again?

9 MR. PEREIRAS: The basement, we had two,
10 we're doing one. On the first floor is one, the
11 second floor is two existing, and the third floor
12 is one.

13 MS. O'DELL: Got it.

14 MS. PEREZ: That's a big house, right?

15 MR. PEREIRAS: It's a huge house.

16 MS. PEREZ: I didn't realize how far it
17 went back. When you said two apartments, it
18 didn't look like it would fit until you see this.

19 MR. PEREIRAS: It's a huge house. And
20 the apartment that we're proposing is a very, very
21 big apartment. It's 1,259 square feet, that's one
22 of the reasons why we split it up originally. It
23 was there, it made sense.

24 CHAIRPERSON GARCIA: No more questions?
25 Mr. Grullon? Any member of the public want to

1 step forward? None to the public.

2 I'm going to make my notion to grant
3 this application. Basically it is a preexisting
4 condition, also taking an opportunity to bring the
5 house to code and taking also into consideration
6 no alteration to the exterior, I make my motion to
7 grant this application.

8 MR. VALLEJO: Motion on the table to
9 grant the application by Mr. Garcia.

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 Roll call on the motion to grant this
13 application. Mr. Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 MR. GARCIA: Yes.

25 MR. VALLEJO: Six in favor, motion

1 carries.

2 MR. PANEQUE: Five minute break.

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6 (Whereupon a short recess was taken.)

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1 **MARTHA ALVARADO -**

2 **315 9TH STREET:**

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4 MR. A. PANEQUE: Let the record reflect
5 I've been provided with an affidavit stating that
6 on January 27, 2024, personal notice of tonight's
7 meeting was given to all property owners within a
8 200 foot radios of 315 9th Street, Union City, New
9 Jersey 07087.

10 A legal affidavit of The Jersey Journal
11 that notice was published on January 27, 2024, of
12 today's hearing.

13 The notice given to all property owners,
14 the 200 foot radius list of all property owners
15 that have been served. And the certified mail
16 receipts postmarked January 27, 2024.

17 Based on the documentation that's been
18 provided to this board, this board has
19 jurisdiction to hear this matter.

20 MS. PEREIRAS: Thank you, Counsel.

21 MR. VALLEJO: Martha Alvarado, 315 9th
22 Street.

23 MS. PEREIRAS: Bianca Pereiras on behalf
24 of Martha Alvarado, who's present here this
25 evening in the front row. Ms. Alvarado purchased

1 this property in 2005, at which time she purchased
2 it believing it was a four-family. Recently, she
3 discovered that the building department only
4 recognized three units and she immediately came to
5 our office to ensure that she was doing the
6 correct thing, coming before this board to
7 legalize that unit that's always been there.

8 We have two experts to testify before
9 the board this evening. And we'll begin our
10 presentation with our architect, Mr. Manuel
11 Pereiras.

12
13 M A N U E L P E R E I R A S, previously sworn:

14
15 MR. PEREIRAS: Manny Pereiras, I
16 recognize I am still under oath.

17
18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with the property at 315 9th Street?

20 MR. PEREIRAS: I am.

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

23 MR. PEREIRAS: I have.

24 MS. PEREIRAS: Would you describe the
25 project for the board, please?

1 the floor plan. These are the existing
2 conditions, we propose to maintain them the same.
3 Right now, access is from the front directly from
4 the street, there's only four steps to get to the
5 basement apartment off of the porch of the
6 building. You walk down into a vestibule, there's
7 a common stair that also connects you to the main
8 entrance of the building. And you enter into a
9 living room space, it's a beautiful big, nice
10 apartment. It's an open layout, you have living
11 room, dining room, and kitchen along the back.
12 There's a small den in that corner and there's a
13 bedroom in the front of the building with the
14 emergency escape windows directly to the outside
15 that are already compliant. We don't have to make
16 much of a change. There's a small well there for
17 the windows for people to escape. And it's a nice
18 sized apartment, it's 1,165 square feet.

19 The rest of the conditions of the
20 building are currently legal and existing to
21 remain. There's an apartment on the first floor
22 and there are two apartments on the second floor.
23 Again, these are fully existing conditions. The
24 two apartments on the second floor, they each have
25 two bedrooms, one is 459, the other one is the

1 same exact size, 459 as well. And the bedroom on
2 the first floor is a three bedroom apartment and
3 that is 887 square feet.

4 That concludes my testimony. There's
5 really no changes, other than building department
6 upgrades to make sure it's safe and sound. We're
7 going to have a domestic line sprinkler system in
8 the basement apartment, we're going to provide two
9 hour fire separation in the ceiling. We're going
10 to provide a low voltage alarm system in the
11 building and alarm system, 110-volt alarm system,
12 within that apartment. So we're creating a very
13 safe building, not just for the inhabitants of
14 this building, the other units, but also we're
15 improving the life and safety of the entire
16 neighborhood by meeting these standards. And that
17 concludes my testimony. We have a planner as
18 well.

19 CHAIRPERSON GARCIA: Mr. Pereiras, the
20 1,165 square footage that you have in the
21 basement, that includes the existing gas meter
22 room and also the existing laundry room?

23 MR. PEREIRAS: It shouldn't, although
24 the numbers sound like it does. It definitely
25 includes the laundry room in the back, which is

1 part of that apartment. But, yeah, that's what it
2 seem like. And I could verify that for you.

3 CHAIRPERSON GARCIA: Okay. And you
4 mentioned there isn't going to be any exterior
5 changes?

6 MR. PEREIRAS: No.

7 CHAIRPERSON GARCIA: You're just
8 bringing the building to code?

9 MR. PEREIRAS: Into code compliance.
10 There are some minor changes that we're doing just
11 bringing it to code compliance. For example,
12 we're going to present a new light fixture in
13 front of the door leading into the apartment.
14 That's pretty much it. The building is in great
15 condition, it's a nice brick building, we're not
16 looking to make any changes.

17 CHAIRPERSON GARCIA: The existing den in
18 the basement.

19 MR. PEREIRAS: Yes.

20 CHAIRPERSON GARCIA: You have double
21 accordion doors, I don't know, folding doors.

22 MR. PEREIRAS: There's an existing
23 closet there, yes.

24 CHAIRPERSON GARCIA: You have double
25 doors, what do those mean?

1 MR. PEREIRAS: We are proposing to
2 demolish that wall and make that room a little bit
3 bigger, simply because it's a very small space.
4 And we were proposing to make it a little bit
5 larger. So the dashed lines is the current
6 condition that we're demolition and making it
7 bigger.

8 CHAIRPERSON GARCIA: But the reality is
9 it's a two-bedroom apartment?

10 MR. PEREIRAS: That's what it is.

11 CHAIRPERSON GARCIA: Okay. You have
12 another witness?

13 MS. PEREIRAS: We do. Our planner, Mr.
14 Dougherty.

15 CHAIRPERSON GARCIA: Mr. Dougherty.

16

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

19

20 MR. DOUGHERTY: I recognize I am still
21 under oath. With this application, if you go to
22 the front cover sheet, you'll kind of see what
23 Manny was talking about. This structure, as it
24 exists today, those front windows are spot on for
25 egress windows. They exist in the condition,

1 there's little to no changes that are going to be
2 made to make this a legal habitable space, brought
3 to code and safety.

4 We are here for that (d) (2) use
5 variance, which is about site betterment. You
6 know, the zone allows for two-families, we are in
7 the R low residential zone here. With that being
8 said, we're Block 38, Lot 14, it's a one bedroom.
9 I know we just had a conversation about the den
10 and, you know, Manny can verify, but I don't think
11 it can constitute as a bedroom as the window is
12 internal to the structure on the back, not on the
13 side profile to the building, which is why the
14 bedroom is located in the front of the proposed
15 unit, because that's where the egress windows are.

16 So with that being said, a den, an
17 office, you know, weight room, whatever the case
18 may be, but I don't believe that can actually be a
19 second bedroom by code, and the essence of this
20 application is to bring this unit up to code, as
21 we've heard. It was pretty much move in ready,
22 that's how it's been existing for quite some time.
23 So we do have some existing variances Manny
24 pointed out related to parking. There is no way
25 to accommodate parking on site. The structure has

1 existed, you know, in a capacity of four units.
2 You know, we are trying to legalize that fourth
3 unit. By code, it's supposed to be a three from
4 the building department.

5 Again that parking issue would have been
6 absorbed throughout the neighborhood. We do have
7 mass transit relatively available. This is
8 located right in the middle of Palisades and New
9 York, where there's mass transit right around the
10 corner. With that being said, the project does
11 bring with it some positives with it, that would
12 advance the purposes of the Municipal Land Use
13 Law. The project promotes the general welfare
14 with new housing stock for the growing population,
15 promotes the planning goals to provide for
16 diversified housing to meet the needs of all
17 people. It retains and improves what's there.
18 Those improvements and added value to the site are
19 also felt within the surrounding neighborhood. It
20 promotes efficient land use, a variety of land
21 uses, economy of scale with that additional
22 density, and positive aesthetics with really no
23 alterations to the exterior. All the above
24 promote purposes A, E, G, I and M.

25 From a negative criteria, looking at the

1 application, I think the project will have
2 minimal, if any, negative impacts. Again, it's an
3 exist condition. It's a fairly large oversized
4 unit with modern amenities, such as the washer
5 dryers, open floor plan. We'll have an
6 opportunity to bring this entire building up to
7 code, particularly this unit, and fire code.
8 Again, it's comfortably sized, there's no
9 overcrowding, overdevelopment.

10 With that being said, the overall
11 building itself is not being changed. It's a
12 fairly good looking building. I think the board
13 can look favorably upon the application, that
14 there will be no detriment. I know parking is a
15 concern. Again we're sandwiched right between two
16 major corridors with mass transit. This unit has
17 existed in this neighborhood for quite some time.
18 And that need for parking would have been absorbed
19 in that neighborhood over the years. So with
20 that, I'll conclude for any cross.

21 CHAIRPERSON GARCIA: Did you --

22 MR. DOUGHERTY: Yes.

23 CHAIRPERSON GARCIA: You did.

24 MR. DOUGHERTY: Yes. So the
25 neighborhood is predominantly two-family. We do

1 have a relatively newer one down on the corner
2 that I believe Manny was a part of that, I believe
3 is three?

4 MR. PEREIRAS: It's three units.

5 MR. DOUGHERTY: Three unit, but this
6 would be the only four unit that I recall in the
7 neighborhood.

8 CHAIRPERSON GARCIA: And did Mr.
9 Pereiras mention -- for how long does the client
10 has ownership of the property?

11 MS. PEREIRAS: 2005.

12 CHAIRPERSON GARCIA: Okay, almost
13 20 years. No changes, nothing, just to bring it
14 to code?

15 MR. PEREIRAS: Yes.

16 CHAIRPERSON GARCIA: Any questions?

17 VICE CHAIRPERSON GRULLON: Is the
18 building currently occupied?

19 MS. PEREIRAS: It is.

20 VICE CHAIRPERSON GRULLON: All
21 four units?

22 MS. PEREIRAS: Yes, they are.

23 CHAIRPERSON GARCIA: Any member of the
24 public want to step forward? None, close to the
25 public. Mr. Pereiras, any possibility to add at

1 least one parking space to the building?

2 MR. PEREIRAS: There's no opportunity to
3 do so. The front yard is only a little bit over
4 eight feet, side yard is only three feet. So
5 there's no opportunity to do so.

6 CHAIRPERSON GARCIA: Okay. Any other
7 concerns?

8 VICE CHAIRPERSON GRULLON: My only other
9 concern is the two units on the third floor -- on
10 the second floor. They're really small units
11 for two bedrooms.

12 MR. PEREIRAS: I agree completely, but
13 those are preexisting units. We actually checked
14 with the building department. All the paperwork
15 is correct, everything is good, they're legal
16 units. And it's not the purview of this board.

17 VICE CHAIRPERSON GRULLON: Seeing a
18 bedroom 8 by 11 with no closet, it's not good
19 living condition for the occupant of the
20 apartment.

21 MR. PEREIRAS: I understand, but again,
22 it's a preexisting condition that's legal.

23 CHAIRPERSON GARCIA: And also it's
24 occupied?

25 MR. PEREIRAS: It's occupied as well.

1 CHAIRPERSON GARCIA: Any other concerns?
2 Okay. Taking in consideration that the intention
3 is to bring to code, to try to build it to code,
4 also this is one of the houses I'm going to put
5 some meat there, that you're driving there, it's
6 always clean. Let me please congratulate your
7 client. It's one of the houses you pass by, you
8 right away see it, you have to see the house.
9 It's always clean.

10 Also, since there's no alteration to the
11 exterior and all the variance are preexisting
12 variance, I make my motion to grant this
13 application with no conditions.

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

17 MS. GUTIERREZ: Second.

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

20 VICE CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

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

8 MS. PEREIRAS: Thank you all very much.

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1 **GEOFFREY WILLIAMS -**

2 **321 5TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Geoffrey Williams, 321 5th
6 Street, the applicant is requesting an amendment
7 to the site plan approval to increase the overall
8 height of the project to accommodate an elevator.

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

10 Yes, this is for application at 321 5th
11 Street, also known as Lot 15, in Block 14. This
12 was approved by the board back in May 2022 for a
13 three-family home. Now when the client is ready
14 to submit for building permits, he decided to make
15 some additional improvements to the building
16 including adding an elevator. By doing so and
17 improving the actual apartments, we're increasing
18 the floor height of each floor and the overall
19 height of the building.

20 I'd like Mr. Pereiras just to clarify on
21 that and really explain what the changes or the
22 modifications proposed are.

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

25

1 MR. PEREIRAS: Manny Pereira, I
2 recognize I am still under oath.

3 MS. PEREIRAS: Mr. Pereira, would you
4 kindly describe to the board the proposed changes
5 on the drawings for Mr. Williams at 321 5th
6 Street?

7 MR. PEREIRAS: I'd be very happy to.
8 First and foremost, it's important to understand
9 that this is an owner-occupied building. The
10 Williams are a young couple looking to create
11 their -- establish their family here in Union
12 City. And so he's taken a lot of care to prepare
13 and develop this building. We've had, with no
14 exaggeration, at least 30 meetings in our office
15 working out details and everything throughout the
16 building. One of the things that he realized is
17 that those are a lot of stairs to get up to the
18 building and he wants to have an elevator.

19 We've done two other buildings on the
20 same block, both those buildings have elevators
21 and he wanted to fit in to the neighborhood. And
22 he wanted to have the convenience and he wants to
23 see this as a long-term property that he's going
24 to grow old in. So he definitely wanted an
25 elevator. In order to do that, we had to

1 reconfigure a lot of our interior layout. And we
2 also, since we're reconfiguring and redoing a lot
3 of the floor space, he would like to have a
4 10-foot ceiling height in each of the apartments
5 on each of the floors. When I looked at this
6 neighborhood -- yes, Counsel.

7 MR. PANEQUE: This is a question, I
8 guess, for counsel. Why don't we have notice on
9 this case?

10 MS. PEREIRAS: It was an overall height
11 issue, we don't have a height variance on this.
12 And that's really the only change.

13 MR. PANEQUE: Okay. But I'm reading Mr.
14 Spatz's report.

15 MS. PEREIRAS: I haven't seen a revised
16 report.

17 MR. PANEQUE: He revised this,
18 September 28, 2022, report. And it says
19 number 10 -- you have it there, height wasn't an
20 issue at that point. But now your application is
21 coming in on a (d) (6) variance.

22 MR. PEREIRAS: So the question is does
23 the ordinance that was established when we applied
24 still apply or is the new ordinance?

25 MR. PANEQUE: Well, regardless of which

1 ordinance applies, you're coming in on a (d) (6)
2 height variance because you're bringing the
3 property up to 42 and a half feet.

4 MR. PEREIRAS: And previously 45 was
5 permitted.

6 MR. PANEQUE: Yeah.

7 MR. PEREIRAS: So we're under what was
8 previously permitted.

9 MR. PANEQUE: But still we have to
10 conform with the new ordinance. I'm just saying,
11 I don't have an issue with it. I'm just
12 questioning why this application wasn't noticed
13 and this board doesn't have jurisdiction.

14 MS. PEREIRAS: Okay, that's fine.

15 MR. PANEQUE: I apologize, I mean --

16 MS. PEREIRAS: It's all right.

17 MR. PANEQUE: I'm reading through the
18 memo now. And if it was just a question of
19 downsizing or something to that effect, okay. But
20 you're coming in with a request that requires
21 specifically a (d) variance, so it's not even a
22 bulk variance, it's a (d) variance, a (d) (6).

23 MR. PEREIRAS: Makes sense.

24 MS. PEREIRAS: That's fine. If this can
25 be carried and we'll renote for the next --

1 MR. PANEQUE: I would say carry it, next
2 meeting, March 14th and then we'll hear it.

3 This board doesn't have jurisdiction at
4 this point.

5 It will be adjourned to the next meeting
6 with notice required.

7 MR. VALLEJO: It's carried to
8 March 14th.

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1 **JACQUES MINOYAN -**

2 **516 25TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Jacques Minoyan, 516 25th
6 Street.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant, Jacques Minoyan, for 516 25th
9 Street. This was an application approved by the
10 board for a two-family home. This was an existing
11 building that was legalized to two -- or approved
12 by this board for a total of two units. There was
13 an existing garage. And when they came to
14 building permits, it was decided by the
15 professionals that a portion of the garage was not
16 salvageable, and so they made an application to
17 demolish that portion of the garage only. It
18 doesn't affect our application in any sense. We
19 still have the parking that was provided as part
20 of our original application. But just to clarify
21 even better, we'll have Mr. Pereiras testify as to
22 what the modifications are.

23 MR. PANEQUE: Before you proceed, Mr.
24 Pereiras, I just want to point out that the
25 difference between this one and the previous one

1 in that in this one, you're not triggering any new
2 variances. You're basically coming in asking this
3 board for approval on an issue that arose during
4 construction, where you determined that the
5 structure where the garage was not salvageable.
6 And as such, you're asking the board to continue
7 your approval without the garage. It's still
8 going to be a driveway?

9 MR. PEREIRAS: It is.

10 MR. PANEQUE: Okay. So there's no new
11 variances triggered.

12 MR. PEREIRAS: We're actually reducing
13 all the variances.

14 MR. PANEQUE: So therefore no notice
15 would be required.

16 MR. PEREIRAS: Thank you, Counsel.

17 So as was mentioned before, approvals
18 were obtained, permits were obtained, we started
19 construction. The applicant who is here in the
20 back is doing a great job building this. The
21 garage that you see in the photograph in the
22 corner, once we started working, it literally was
23 collapsing in on itself. So we were looking at
24 rebuilding this thing and we just questioned why
25 are we doing this. It's an ugly condition, it has

1 zero front yard setback, there's zero side yard
2 setbacks. It would be a much better planning
3 alternative to just remove that and demolish that
4 garage. We have the same amount of parking, the
5 building stays the same, it made a lot of sense.
6 We brought the building inspector in, he agreed
7 with our assessment. And then further down the
8 line, in order to be safe, we're coming before the
9 board to just clarify what we're doing. And I'd
10 like to present it.

11 What was previously approved is in the
12 top portion of this drawing, as you could see,
13 there is a garage in the front. The top of the
14 garage was an enclosed porch that was accessed
15 from the apartment on the ground floor. And now
16 the proposed condition is that that is entirely
17 open. So we're creating now a 11 foot 8 inch
18 front yard setback. And one of the nice things is
19 that the house further back had a side yard
20 setback, whereas the garage was right up on the
21 property line. So that creates now a side yard
22 for this house, that creates access to the front
23 very nicely too.

24 The floor plans do not change.
25 Previously, you had the three cars inside the

1 garage. Now you have two cars inside the garage
2 and two cars on the apron. The front portion of
3 it is a carport. Those are the only changes that
4 we're proposing. It's a much more beautiful
5 house, it's a safer house. It looks great and
6 we're reducing the front yard and side yard
7 setbacks.

8 MR. PANEQUE: Did you say you have two
9 cars inside the garage or one?

10 MR. PEREIRAS: We have one car inside
11 and two under the carport on the apron.

12 CHAIRPERSON GARCIA: But basically going
13 to be the same?

14 MR. PEREIRAS: It's exactly the same.

15 CHAIRPERSON GARCIA: Does it change the
16 facade?

17 MR. PEREIRAS: It makes the facade a lot
18 more beautiful. Now, you don't have that ugly
19 garage structure in the front. It's setback.
20 We're putting beautiful barn door garage doors for
21 the car to get in. It's really an attractive
22 building now. You could drive by it and you could
23 see exactly what it is because we already
24 demolished the garage.

25 CHAIRPERSON GARCIA: So basically we are

1 following the previous resolution, except that
2 there's not going to be a garage? It's going to
3 be an open driveway?

4 MR. PEREIRAS: There will still be a
5 garage for the one car, and it would be an open
6 driveway for the other two. That's going to be
7 partially a carport.

8 MS. PEREZ: Is the property the whole
9 thing or is it just -- behind the garage is the
10 house or to the right is part of the property?

11 MR. PEREIRAS: Just behind the garage.

12 MR. PANEQUE: It was just a box
13 structure right in front of the house?

14 MR. PEREIRAS: Correct.

15 MR. PANEQUE: I remember when it was
16 built and who built it.

17 MS. PEREZ: Is there still a porch?

18 MR. PEREIRAS: We're removing the porch.

19 MS. PEREZ: So where's the garage, like
20 how does that look? Where is that car that's
21 inside the garage?

22 MR. PEREIRAS: That car, it's still
23 inside the building.

24 MS. PEREZ: It's part of the house?

25 MR. PEREIRAS: Yes, it's inside the

1 house. So the house -- this is the floor plan of
2 the house. The house comes out to here, that car
3 is underneath.

4 MS. PEREZ: It's inside the house.

5 MR. PEREIRAS: It's a garage inside.

6 CHAIRPERSON GARCIA: Any further
7 questions? Any member of the public wants to step
8 forward? Close to the public.

9 I'm going to make my motion to grant the
10 application, no change from the prior resolution,
11 except the cars layout and the demolition of the
12 front structure, the porch.

13 MS. PEREIRAS: Yes.

14 MR. PEREIRAS: The garage and porch, as
15 per plans.

16 MR. VALLEJO: Before I call roll, Mr.
17 Paneque, can you?

18 MR. PANEQUE: Yes. In order for the
19 members who were not present when this approval
20 took place, let the record reflect that I have
21 affidavits or certifications that have been signed
22 by Chairman Andres Garcia, board member Vivian
23 O'Dell, and board member Mindry Watley, indicating
24 that they have -- although they did not attend the
25 meeting on September 28, 2022, October 13, 2022,

1 and November 10, 2022, they have read the complete
2 minutes of that meeting and are familiar with this
3 application and its approval.

4 MR. VALLEJO: Also for clarification on
5 the record, Ms. Watley was present at the hearing
6 on 118 25th Street.

7 MR. PANEQUE: I sit corrected.

8 MR. VALLEJO: Thank you. Motion on the
9 table to grant the application by Mr. Garcia.

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 Roll call on the motion -- for
13 clarification of the record, this is 516 25th
14 Street. Motion on the table to grant this
15 application by Mr. Garcia, seconded by Ms.
16 Gutierrez.

17 Roll call on the motion. Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

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

6 MS. PEREIRAS: Thank you.

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CHRISTOFF SCHLUENDER -
1801-1803 CLIFF STREET:

MR. VALLEJO: Next application on tonight's agenda, Christoff Schluender, 1801-1803 Cliff Street, and she was present, Ms. Watley, for that application.

MS. PEREIRAS: Bianca Pereiras on behalf of the applicant for 1801-1803 Cliff Street, also known as Lots 25 and 26 in Block 177.

Back in February of 2023, this board issued a memorializing resolution permitting the applicant to construct a two-family home and a one-family home. Originally, we had come in front of the this board to subdivide and construct two two-families, at which time, we had some dialogue and we agreed to change one of the buildings to a one-family. And we specifically asked permission of this board that if the other building, if the applicant decided to reside there himself, if he could also build it as a one-family and not be forced to build it as a two-family. Despite that testimony and that testimony is part of the resolution, the whereas portion of the resolution does not give the client the flexibility to build

1 a one-family. And that is what he would like to
2 do. So the building department has asked us to
3 come in front of this board so that we can amend
4 the resolution and allow the applicant to build a
5 one-family home.

6 CHAIRPERSON GARCIA: What changes on the
7 house?

8 MS. PEREIRAS: It's going to go from a
9 two to a one.

10 VICE CHAIRPERSON GRULLON: They're
11 reducing.

12 CHAIRPERSON GARCIA: Going to be exactly
13 like the mirror of the other one?

14 MS. PEREIRAS: Correct, identical.

15 CHAIRPERSON GARCIA: I don't think we
16 need to hear -- Mr. Spatz?

17 MR. SPATZ: Yes.

18 CHAIRPERSON GARCIA: We don't need any
19 testimony on that because it's just a mirror of
20 the one one-family?

21 MR. SPATZ: Correct.

22 MR. PANEQUE: It's just an approval, a
23 vote on approval.

24 MR. SPATZ: Right. Sort of ratifying
25 what you already heard and discussed at the last

1 meeting when it was adopted.

2 CHAIRPERSON GARCIA: Any concerns from
3 any of the Members of the Board? Any member of
4 the public step forward? None.

5 I make my motion to grant this
6 applications. There's no reason to deny and it's
7 going from a two to a one, going to be a mirror of
8 the one-family.

9 MR. VALLEJO: Motion --

10 CHAIRPERSON GARCIA: Two one-families.

11 MS. PEREIRAS: Correct.

12 MR. VALLEJO: Motion on the table to
13 grant this application by Mr. Garcia. Seconded
14 by?

15 MS. GUTIERREZ: Second.

16 MR. VALLEJO: Ms. Gutierrez.

17 Roll call on the motion.

18 Mr. Grullon.

19 VICE CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

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

7 MS. PEREIRAS: Thank you all very much.

8 MS. GUTIERREZ: Thank you.

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ADOPTION OF RESOLUTIONS:

B & V Investments, LLC - 3810-14 32nd Street. The applicant proposes the construction of a new mixed-use building. Consisting of 6 stories, 18 apartments and 33 parking spaces. **Approved**

MR. VALLEJO: We're going now to resolutions. We have three resolutions on tonight's agenda.

B & V Investment, LLC, 3810-14 32nd Street was approved at the previous meeting. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. WATLEY: Second.

MR. VALLEJO: Seconded by Ms. Watley.

MR. PANEQUE: Ms. Watley seconded.

MS. GUTIERREZ: Second.

MR. VALLEJO: 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.

1 MR. VALLEJO: Ms. O'Dell.

2 CHAIRPERSON GARCIA: You have four

3 people.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Five in favor, motion

7 carries.

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1 **ADOPTION OF RESOLUTION:**

2 2. Lilian Leon - 1608-1610 New York Avenue Block:
3 88, Lot: 22. The applicant proposes a new
4 building with 30 parking spaces on the ground
5 floor and 15 apartments above. **Approved. Revised**
6 **plans received 1-29-24.**

7
8 MR. VALLEJO: Resolution number 2,
9 Lilian Leon, 1608-1610 New York Avenue. Can I
10 have a motion memorialize this resolution.

11 CHAIRPERSON GARCIA: Aye.

12 MR. VALLEJO: Mr. Garcia.

13 VICE CHAIRPERSON GRULLON: Second.

14 MR. VALLEJO: Seconded by Mr. Grullon.

15 Roll call on the motion. Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 MR. GARCIA: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Five in favor, motion carries.

1 **ADOPTION OF RESOLUTION:**

2 3. Melina Garcia. 716 11th Street. Block: 55
3 Lot: 13. Applicant proposes the legalization of a
4 basement apartment. **Approved. Revised plans**
5 **received 1-29-2024.**

6
7 MR. VALLEJO: Next resolution on tonight's
8 agenda, Garcia, approved at the previous meeting.
9 Can I have a motion to adopt this resolution?

10 CHAIRPERSON GARCIA: Aye.

11 MR. VALLEJO: Mr. Garcia move it.

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion. Mr. Grullon.

15 VICE CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 MR. GARCIA: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Five in favor, motion
25 carries.

1 **ADJOURNMENT:**

2
3 MR. VALLEJO: There being no other
4 applications on tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 MS. PEREZ: Motion.

7 MS. GUTIERREZ: Second.

8 MR. VALLEJO: Motion by Ms. Perez,
9 second by --

10 MS. WATLEY: Second.

11 MR. VALLEJO: Ms. Watley. All in favor?

12
13 (All Board Members indicate in the
14 affirmative.)

15 MR. VALLEJO: The ayes have it.

16 Thank you. Let the record show the
17 meeting has ended. Thank you. Good night,
18 everyone.

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21 (Whereupon the meeting was adjourned at
22 8:18 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