

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, March 14, 2024
Commencing at 6:01 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
ALTAGRACIA SAN MARTINO
VIVIAN O'DELL

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

MIGUEL ORTIZ
ROSIO PENA
MINDRY WATLEY
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
AUGUSTIN PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

SUSAN BISCHOFF CCR CO.
449 Columbia Blvd., Wood-Ridge, NJ 07075
201-390-0583 SBischoffccr@yahoo.com

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

ADOLFO LOPEZ, ESQ.
Attorney for Applicant, Felix Roque

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Dr. Ayman Matta

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Geoffrey Williams

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, JFK Realty

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FELIX ROQUE
537 45th Street

WITNESSPAGE

MANUEL PEREIRAS

16

FELIX ROQUE

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E X H I B I T SNO.DOCUMENTPAGE

NO

EXHIBITS

MARKED

I N D E X

DR. AYMAN MATTA
1811 Bergenline Avenue

WITNESSPAGE

MANUEL PEREIRAS

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GABE BAILER

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NO

EXHIBITS

MARKED

I N D E X

GEOFFREY WILLIAMS
321 5th Street

WITNESSPAGE

MANUEL PEREIRAS

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NO EXHIBITS MARKED

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

3 Please take notice that on Thursday,
4 March 14, 2024, at 6:00 p.m., a regular meeting is
5 scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

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

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

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

MR. VALLEJO: Roll call for tonight's meeting. Mr. Grullon is absent, I think he's on the way.

Ms. Gutierrez.

MS. GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Here.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Mr. Cetinich is absent.

Let the record indicate there are five present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Adoption of the previous meeting minutes, February 8, 2024. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MS. GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Garcia, seconded by Ms. Gutierrez. Roll call on the motion.

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Five in favor, motion carries.

CHAIRPERSON GARCIA: Five minute break.

MR. VALLEJO: Five minute break.

(Whereupon a short recess was taken.)

1 **FELIX ROQUE -**

2 **537 45TH STREET:**

3

4 MR. VALLEJO: Back on the record. We're
5 going to change a little bit the order of the
6 tonight's agenda. We're going to go to number 4,
7 Felix Roque, 537 45th Street. Mr. Lopez, please.

8 MR. LOPEZ: Thank you. Good evening Mr.
9 Chairman, Members of the Board, Counselor, the
10 foregoing is an application on a property located
11 at 537 45th Street in Union City. The property
12 owner is Dr. Felix Roque who's in the audience
13 right here behind me. It's an application to
14 convert an existing legal one-family into a
15 two-family structure.

16 MR. VALLEJO: Mr. Lopez, allow me for
17 the record? Mr. Grullon arrived to the meeting.
18 We have six present. Please, Mr. Lopez.

19 MR. LOPEZ: Mr. Paneque, I've given you
20 the jurisdictional documents.

21 MR. PANEQUE: Thank you, Mr. Lopez. For
22 the record, let it reflect that I've been provided
23 by Mr. Lopez with the following documents:

24 An affidavit of service indicating that
25 notice of tonight's hearing with respect to 537

1 45th Street was published and sent out to all
2 property owners within the 200-foot radius of the
3 property. The notice is also included here and it
4 indicates that this hearing will take place on the
5 14th of March at 6:00 at the Union City High
6 School.

7 I've also been provided with the
8 affidavit of publication from The Jersey Journal
9 which indicates that notice of tonight's --

10 MR. VALLEJO: Mr. Paneque, sorry to cut
11 you off.

12 (Discussion held off the record.)

13 MR. PANEQUE: The affidavit from The
14 Jersey Journal indicates that notice of tonight's
15 hearing was given to all property owners via
16 publication noting that the property at 537 45th
17 Street will be coming before the board at this
18 location for variance approvals.

19 I've also been provided with the
20 certified mail receipts indicating that notice was
21 sent out on February 28th to all property owners
22 within the 200-foot radius.

23 Based on the documentation that has been
24 provided by Mr. Lopez, this board has jurisdiction
25 and may proceed to hear this matter.

SWEARING IN OF REAPPOINTED MEMBERS:

MR. PANEQUE: Mr. Lopez, before we proceed, Mr. Vallejo has brought to my attention the fact that we need to take care of an administerial matter with the board, if we could have your indulgence for three minutes.

MR. LOPEZ: Yes.

MR. PANEQUE: We have members who have been reappointed; therefore, we need to have those members sworn in. If I could have Ms. Gutierrez stand up, raise your right hand please. Please repeat after me.

MS. GUTIERREZ: I, Margarita A. Gutierrez, solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of New Jersey, that I will bear true faith and allegiance to the same and to the government established in the United States and in this state under the authority of the people, and that I will faithfully, impartially and justly perform all of the duties of the office of the Union City zoning board of adjustment until the term of this office expires on February 14, 2026, according to the best of my

1 ability.

2 MR. PANEQUE: Congratulations.

3 CHAIRPERSON GARCIA: Mr. Grullon, we
4 also have to swear in Mr. Grullon.

5 MR. PANEQUE: Please raise your right
6 hand and repeat after me.

7 VICE CHAIRPERSON GRULLON: I, Victor
8 Grullon, solemnly swear or affirm that I will
9 support the Constitution of the United States and
10 the Constitution of the State of New Jersey, that
11 I will bear true faith and allegiance to the same
12 and to the governments established in the United
13 States and in this state under the authority of
14 the people, and that I will faithfully,
15 impartially and justly perform all of the duties
16 of the office of the Union City zoning board of
17 adjustment until the term of this office expires
18 on August 15, 2026, according to the best of my
19 ability, so help me God.

20 MR. PANEQUE: Congratulations.

21 * * * *

22

23

24

25

1 **FELIX ROQUE -**

2 **537 45TH STREET:**

3
4 MR. PANEQUE: Mr. Lopez, thank you.

5 MR. LOPEZ: Thank you.

6 MR. PANEQUE: We've taken jurisdiction
7 of your application, this board is ready to
8 proceed and hear your application.

9 MR. LOPEZ: Thank you so much. Once
10 again, this relates to 537 45th Street in Union
11 City. It's an application to convert an existing
12 space on the ground level of the property into a
13 second apartment.

14 Just before we get started, there's
15 something that I'd like to point out for the board
16 to be cognizant of during the presentation. We
17 show zero parking spaces.

18 MR. PANEQUE: I have to interrupt you,
19 Mr. Lopez. I apologize, but the Chairman is
20 bringing to my attention that this board has been
21 provided with a memo from the building department,
22 I don't know if you've seen that memo. It's dated
23 March 8, 2024, and the memo indicates that this
24 property is being recognized as a one-family
25 structure.

1 MR. LOPEZ: Right. We're looking to
2 convert it to a two-family structure, adding what
3 is an existing illegal unit on the ground floor.

4 CHAIRPERSON GARCIA: But you're asking
5 to legalize two, so converting two units into
6 three --

7 MR. LOPEZ: No, no, no, two. No.

8 MR. PANEQUE: You're going from a one to
9 a two?

10 MR. LOPEZ: From a one to a two.

11 MR. PANEQUE: I believe the Chairman
12 was --

13 CHAIRPERSON GARCIA: You have A basement
14 plan, is the basement going to be legal?

15 MR. LOPEZ: Well, it's not really a
16 basement, it's a ground level space. The two
17 above is a duplex apartment, it's not two
18 different units.

19 MR. PANEQUE: So basement and first
20 floor is one combined unit?

21 MR. LOPEZ: No, no. Basement will be
22 one separate unit and the two upstairs is one
23 unit, you'll see from the layout that we have in
24 the plans.

25 MR. PANEQUE: Okay. So it is from a one

1 to a two?

2 MR. LOPEZ: That's correct.

3 CHAIRPERSON GARCIA: Okay.

4 MR. PANEQUE: Thank you. You may
5 proceed.

6 MR. LOPEZ: So just again, we want the
7 board to be cognizant of the fact that while we
8 are showing zero parking spaces, there are
9 actually four parking spaces in the back. We will
10 explain why we are showing it as zero as part of
11 the presentation, okay. My expert this evening is
12 Mr. Manuel Pereiras.

13

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

16

17 MR. PEREIRAS: Manny Pereiras,
18 P-E-R-E-I-R-A-S with Pereiras Architects
19 Ubiquitous, located at 1116 Summit Avenue, Union
20 City.

21 MR. LOPEZ: May I proceed?

22 MR. PANEQUE: Yes, Mr. Lopez.

23 MR. LOPEZ: Thank you.

24 Mr. Pereiras, you're familiar with this
25 site 537 45th Street; is that correct?

1 MR. PEREIRAS: I am.

2 MR. LOPEZ: And your office was involved
3 in the preparation of the plans that are being
4 submitted to the board for consideration this
5 evening; is that correct?

6 MR. PEREIRAS: It was prepared under my
7 direct supervision.

8 MR. LOPEZ: Can you generally
9 describe --

10 CHAIRPERSON GARCIA: Can you -- may I
11 ask one second, please, Mr. Lopez.

12 MR. VALLEJO: Off the record a minute.

13
14 (Discussion held off the record.)

15
16 MR. PANEQUE: Back on the record,
17 please.

18 MR. LOPEZ: All right. Mr. Pereiras,
19 can you generally describe what is being proposed
20 to the board and then we'll go through your plans
21 and the layout?

22 MR. PEREIRAS: I'd be very happy to.
23 Despite a little difficult beginning, this
24 actually is an extremely simple application and
25 something that Union City looks forward to. What

1 we're looking to do is legalize a two-family home,
2 that's exactly what's permitted on the zone and
3 we're not looking to make any changes to the
4 exterior of the house. The footprint remains the
5 same. We're not increasing any variances either.
6 The only variances we have are preexisting
7 nonconformities. I'll walk through each of them.

8 First and foremost, we have a slightly
9 smaller than usual lot. That's one of the reasons
10 we're triggering nonconformities. While a lot
11 25 feet, we are at 24.18 feet in width. This is a
12 preexisting nonconformity. The length of the lot
13 is also slightly shy too, a foot and a few inches
14 shy, it is 98.95 feet whereas 100 feet is
15 required. Again, these are preexisting
16 nonconformities. And as the total square footage
17 of the lot, we have 2,390, and that's our third
18 variance, which is a preexisting nonconformity.
19 There are no properties available to expand or
20 grow this without diminishing adjacent properties
21 and creating a hindrance to them. These are
22 preexisting conditions we are stuck with and can't
23 correct in any way.

24 The other preexisting condition variance
25 that we have is our side yard, the side yard is

1 zero on both sides. We're not looking to make any
2 changes on that, it's a preexisting nonconformity.
3 And our maximum lot coverage, 90 percent is the
4 permitted, we are at 100 percent lot coverage on
5 the site. It is actually very beautifully paved,
6 the rear yard, the front yard. And we're not
7 looking to make any changes on that, so that's a
8 preexisting nonconformity.

9 The last variance which on my drawings
10 indicates zero is simply because of the logistics.
11 We're driving -- parking four cars in the back.
12 Those parking spaces are for the doctors' office
13 during the day and they are for the residents at
14 nighttime. So you have --

15 MR. LOPEZ: If I can just interrupt you,
16 if I can direct the board's attention to this
17 photograph right here, as part of the plans, that
18 shows -- in that photograph, you can see the
19 doctors' office on the right side of the
20 photograph. And that's what the architect is
21 referring to and that's the reason why we're
22 showing it as zero, while we do have spaces. So
23 if you can go on, Mr. Pereiras.

24 MR. PEREIRAS: So referencing though
25 photographs, the curb cut is right adjacent to the

1 house, the driveway is adjacent to the house. The
2 access to the rear is clear and open, there's
3 plenty east of drive aisle to park those spaces.
4 And we could fit four cars comfortably with 9 foot
5 wide, 18 foot depth for each of those four cars.
6 So we are fully in compliance with the zoning
7 requirements for parking.

8 MR. LOPEZ: Is the reason why we're
9 showing it at zero because, as you said, during
10 the day, it's being used for the doctors' office,
11 so it's not technically available 24/7 for this
12 property; is that the reason?

13 MR. PEREIRAS: That's absolutely
14 correct. It's a technical -- we would require a
15 technical waiver on that for the parking.

16 MS. SAN MARTINO: Before you proceed,
17 for example, they rent -- I want to rent, what
18 time am I supposed to move the car in the morning?

19 MR. PEREIRAS: So --

20 MR. LOPEZ: Well, it's actually -- and I
21 can have the doctor explain it. It's a condition
22 of the lease. We -- it is rented to a tenant that
23 will occupy the space with the understanding that
24 when he comes home at night, the office is closed
25 at that point, they're welcome to use the parking

1 spaces at night. They cannot use it during the
2 day.

3 CHAIRPERSON GARCIA: Basically, I'm
4 reading here so the parking spaces behind the
5 house --

6 MR. PEREIRAS: Yes.

7 CHAIRPERSON GARCIA: -- it is not part
8 of the lot?

9 MR. PEREIRAS: It is part of the lot.

10 MR. LOPEZ: It is part of the lot.

11 MR. PEREIRAS: So just to clarify. The
12 lot is almost 100 feet deep, it's 98.59, so the
13 four parking spaces fit on the lot itself. We're
14 not using parking from a different lot, we're
15 using on-site parking on the lot.

16 CHAIRPERSON GARCIA: I'm seeing 58 rear
17 yard.

18 MR. LOPEZ: If you see the zoning map,
19 Mr. Chairman, the lot is the shaded portion right
20 on the bottom. The lot is the shaded portion that
21 shows a complete lot, it's just access is through
22 lot 44.

23 Go ahead, Mr. Pereiras.

24 MR. PEREIRAS: I'm turning now to sheet
25 Z02. Z02 is part of the documents that were

1 submitted to the board. On this sheet, we see the
2 elevations of the building. Again, these are
3 preexisting elevations, we're not looking to make
4 any changes to it. You see a photograph of the
5 building there, it is well kept, good maintenance
6 on the building.

7 CHAIRPERSON GARCIA: Just for the
8 record, this is -- you have Z02 and we have Z01.

9 MR. LOPEZ: They're both numbered at
10 Z01.

11 MR. PEREIRAS: Oh.

12 CHAIRPERSON GARCIA: Just for the
13 record --

14 MR. LOPEZ: It's the second page.

15 CHAIRPERSON GARCIA: We'll change to
16 this one, it's going to be Z02.

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

18 MR. PEREIRAS: No, thank you, Mr.
19 Vallejo.

20 Here we see the three floors, the three
21 existing floors of the house. The first floor,
22 which we're referencing as a basement isn't much
23 of a basement. It only has three steps down, so
24 the majority of the space is above grade. That is
25 the unit we're seeking to legalize. That unit is

1 665 square feet. We're looking to make some
2 renovations to bring everything up to code. There
3 will be a bedroom along the front of the space
4 with an emergency escape window with the proper
5 size, it will be 5.7 square feet in size. There
6 will be a bathroom that will be renovated and the
7 kitchen along the back is open living room dining
8 room area, it's going to be 14 feet, 2 inches by
9 15 feet, 7 inches wide. So it's an ample
10 comfortable space for one bedroom. And the
11 ceiling height is 7 feet, which is compliant with
12 our building code.

13 The other two floors are not being
14 touched at all. There is -- the main entrance is
15 through steps along the front of the house where
16 you enter into a living room, dining room, and
17 bedroom along the rear. And then the second floor
18 above that there are three existing bedrooms there
19 and they share a bathroom. Again, this is a
20 preexisting condition and we're not looking to
21 make any changes there or displace anybody from
22 that unit. That concludes my testimony. It's
23 pretty much that simple and clear.

24 MR. LOPEZ: I have nothing further.

25 CHAIRPERSON GARCIA: The only change

1 that you're going to do is going to be in the
2 basement?

3 MR. PEREIRAS: Correct.

4 CHAIRPERSON GARCIA: So the first and
5 second floor, that's only one-family house?

6 MR. PEREIRAS: That remains the same and
7 will continue to be one unit.

8 CHAIRPERSON GARCIA: One unit.

9 MR. LOPEZ: And that is rented now by a
10 family.

11 CHAIRPERSON GARCIA: And what is the
12 existing condition for the basement? No tenant?

13 MR. PEREIRAS: There's a tenant, there's
14 two rooms.

15 MR. LOPEZ: No.

16 MR. PEREIRAS: The tenant has been
17 removed already? When I measured, there was a
18 tenant. There was two rooms, we're making it code
19 compliant by making it a one bedroom with
20 emergency escape and complying with all the local
21 laws.

22 CHAIRPERSON GARCIA: Are you going to do
23 anything with the windows at the basement?

24 MR. PEREIRAS: One of the windows in the
25 bedroom will be enlarged by changing it from a

1 double hung to a casement window. So that if
2 there's ever an emergency, people can escape
3 through that window.

4 MR. LOPEZ: That's the one in the front
5 of the property?

6 MR. PEREIRAS: That's correct.

7 CHAIRPERSON GARCIA: In the plan, you
8 have like almost -- is it going to be the same
9 dimension and everything because the plans show
10 the same windows in three places, in the bathroom,
11 the kitchen and the bedroom?

12 MR. PEREIRAS: So the front window, it's
13 just labeled as an egress window. The opening is
14 going to be the same, the window itself has to be
15 replaced because right now it's a double hung.
16 When you open a double hung, only half the window
17 is open, that's not code compliant. But we're
18 going to change it to a casement window so the
19 entire thing opens, that way people can escape.

20 CHAIRPERSON GARCIA: Okay.

21 MR. LOPEZ: And the existing windows on
22 the side of the property remain the same?

23 MR. PEREIRAS: They remain the same.

24 CHAIRPERSON GARCIA: Can you bring your
25 client, Mr. Lopez, to explain to the board the way

1 that he's going handle the parking?

2 MR. LOPEZ: Yes, absolutely. Dr. Roque,
3 if you can come up?

4

5 F E L I X R O Q U E, after having been duly
6 sworn or affirmed, did testify as follows:

7

8

9 DR. ROQUE: Good evening, gentlemen.
10 Felix Roque, R-O-Q-U-E.

11 MR. LOPEZ: And, Dr. Roque, you are the
12 owner -- besides this property, you're the owner
13 of the property immediately to the right as you
14 face the property from the street; is that
15 correct?

16 DR. ROQUE: That is correct, yes.

17 MR. LOPEZ: And just explain to this
18 board how the site is being used at the present
19 time and by the site, I mean both this house and
20 the property right next to it and the parking
21 spaces?

22 DR. ROQUE: Right. First, thank you for
23 allowing me to talk tonight, Mr. President. Like
24 my attorney was saying, those parking right now,
25 if you go there, they're empty because I do have

1 my own private parking, which is right there. So
2 it will also be an open space for a private
3 parking. If the tenant decides to use it at any
4 time, they can. I do have plenty of parking in
5 that office. And I could tell you maybe
6 50 percent of the parking is ever used during the
7 day. And at night, maybe 50 percent is also used.
8 There's plenty of parking in my office.

9 MR. LOPEZ: As was intended, the reason
10 we're showing it as zero is because your office
11 sometimes uses the entire parking space during the
12 day?

13 DR. ROQUE: Absolutely. My employees
14 do, yes.

15 MR. LOPEZ: Generally, what time does
16 your office close, what are your office hours?

17 DR. ROQUE: We work from 9 to 5.

18 MR. LOPEZ: After 5:00?

19 DR. ROQUE: We're done.

20 MR. LOPEZ: Is it fair to say that the
21 space behind this particular property, this area
22 back here, after 5:00, it's fully available for
23 the tenants to use?

24 DR. ROQUE: Absolutely.

25 MR. LOPEZ: And that would be part of

1 your agreement with any tenant for this ground
2 floor space, it's part of the lease agreement; is
3 that correct?

4 DR. ROQUE: Yes.

5 MR. LOPEZ: That's how you intend to use
6 it?

7 DR. ROQUE: Yes, sir.

8 MR. LOPEZ: Mr. Chairman, whatever
9 questions.

10 CHAIRPERSON GARCIA: No further
11 questions, just wanted to have it for the record.

12 DR. ROQUE: Thank you for allowing me
13 here tonight.

14 MR. GRULLON: Mr. Paneque, could that be
15 put into a condition, that the parking spaces for
16 the use at night only for the residents?

17 MR. PANEQUE: Well, as Mr. Lopez stated,
18 when they lease these units, they're going to make
19 it part of the lease, which is a contract between
20 the landlord and the tenant that the tenant can
21 only use those spaces during certain hours. So
22 the landlord is within his right to restrict the
23 use of those spaces to the tenant. So to answer
24 your question, yes, it can be restricted.

25 MR. GRULLON: The demand for parking in

1 the area is at night and they are available to the
2 residents at night. I think obviously like I
3 don't have an issue, especially because they have
4 a lot of spaces for the business there during the
5 day, they have enough spaces. But at night, if
6 you had that it could be made a condition when
7 they lease the apartment, they allow the residents
8 to park there at night.

9 MR. PANEQUE: Well, if we make that as
10 part of a condition part of the resolution --

11 MR. GRULLON: I know it's going to be in
12 the lease --

13 MR. PANEQUE: But the way the
14 application is being presented is zero spots. So
15 they're not coming forward with any spots as
16 available for parking. Their explanation is that
17 even though they are coming in with a zero spot
18 for parking application, that they will
19 accommodate those tenants because they have the
20 ability to.

21 Now, if we look forward into the future
22 and the property, which is currently now being
23 used as a parking space is built out, this area in
24 the back will be landlocked. And that's why we
25 can't make it a condition of this application that

1 they must continue to use that as a parking area.
2 Because they're coming in saying we have no
3 parking, we're only explaining that even though we
4 don't have parking, in reality, at least in the
5 foreseeable future, they're going to have parking.
6 Is that going to carry on in perpetuity, no.

7 MR. LOPEZ: Just for clarification, we
8 want to -- we're doing this in a technical sense,
9 as we explained earlier, because the spaces are
10 used during the day for the adjacent property, we
11 are showing it as zero. But in reality, we do
12 have the spaces. They're sort of codependent
13 because the access to the rear of the property is
14 through the adjacent property. That's the reason
15 why we show it --

16 MR. GRULLON: Just trying to see how
17 we're going to go about an application with zero
18 parking and five bedrooms. Zero parking lot, but
19 they have a reasonable explanation, just want to
20 see if we can attach that somehow to our --

21 MR. LOPEZ: Mr. Paneque, it can be
22 developed as part of your resolution, it will
23 indicate --

24 CHAIRPERSON GARCIA: It's like Mr.
25 Paneque said, what about if the adjacent property,

1 your client decides one moment to develop or sell
2 the property, how you're going to have access to
3 that?

4 MR. LOPEZ: Understood.

5 CHAIRPERSON GARCIA: It's going to be
6 used as the backyard of the house. However, I
7 concur with your client that when he said there's
8 a lot of spaces empty. I drive around and every
9 time I pass by, they have available few parking
10 spaces there.

11 MR. LOPEZ: I can also say and I do this
12 at the risk of intruding into my client's desires
13 in the future, I don't think he has any intent of
14 going anywhere in the near future. So I would
15 just pose that to the board.

16 MR. PANEQUE: I'd also like to call to
17 the board's attention, I only see next to your
18 client's house to the left, two other -- well,
19 actually on the second picture, there's a row of
20 houses, more than two. None of those houses have
21 parking.

22 MR. LOPEZ: Nobody has parking on that
23 block.

24 MR. PANEQUE: So it's not unprecedented
25 to have -- and I'm assuming those are two

1 families?

2 MR. LOPEZ: But for the doctor buying
3 this house, this one would not have parking either
4 because it would be landlocked. There would be no
5 way to enter the rear yard. It's just that we
6 think this approach works best for the area. It's
7 basically creating four parking spaces, off street
8 parking spaces, that would not otherwise be there.

9 MR. PANEQUE: The only -- to answer Mr.
10 Grullon's question, I can put a stipulation in the
11 approval that for as long as your client owns the
12 adjacent property, he must allow access to the
13 rear.

14 MR. LOPEZ: We have no objection to
15 that.

16 MR. GRULLON: That would be great.

17 MR. PANEQUE: Thank you.

18 MR. LOPEZ: That's fine, Mr. Paneque.

19 MR. PANEQUE: That would be a condition.

20 MR. LOPEZ: Okay.

21 MR. PANEQUE: As long as -- is it owned
22 individually or through an LLC?

23 MR. LOPEZ: This one is owned
24 individually.

25 MR. PANEQUE: And the one next door

1 also?

2 MR. LOPEZ: Same.

3 MR. PANEQUE: So it's going to have a
4 stipulation that as long as the properties are
5 owned by Dr. Roque in his individual capacity or
6 an LLC that he would control, that he will allow
7 access for purposes of parking at nighttime. And
8 let's say his office is open 9 to 5, so we'll do
9 6 p.m. through 8:30?

10 MR. LOPEZ: Sure.

11 MR. PANEQUE: 6 p.m. to 8:30, access for
12 parking in the rear for four cars to be
13 maintained.

14 MR. LOPEZ: During the term --

15 MR. PANEQUE: Of ownership of --

16 MR. LOPEZ: -- of both properties.

17 MS. SAN MARTINO: The office is open in
18 the weekend or just Monday to Friday?

19 DR. ROQUE: Monday to Friday only.

20 MR. LOPEZ: Monday through Friday.

21 MR. PANEQUE: Should we then allow
22 parking on the weekends?

23 DR. ROQUE: Sure.

24 MR. PANEQUE: So 6 p.m. to 8:30 a.m.
25 Monday to Friday, weekends 24 hours?

1 MR. LOPEZ: Yep.

2 MR. GRULLON: Thank you.

3 MR. PANEQUE: I would hope Dr. Roque
4 owns the property for the next 50 years.

5 DR. ROQUE: I hope so. My father lasted
6 until 96 and still a doctor, so I'm praying for
7 97.

8 MR. PANEQUE: Any other questions?

9 CHAIRPERSON GARCIA: Any other
10 questions? Open to the public, any member of
11 public regarding this application? None. Close
12 to the public.

13 Taking in consideration that most of the
14 condition are preexisting condition, also the
15 consideration that the applicant is willing to
16 accept use of the access for parking spaces in the
17 rear of the location, I'm going to make a motion
18 to grant this application.

19 MR. GRULLON: Second.

20 MR. VALLEJO: Motion on the table to
21 grant this application by Mr. Garcia, seconded by
22 Mr. Grullon. Roll call on the motion to grant
23 this application.

24 Mr. Grullon.

25 MR. GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 MS. GUTIERREZ: Yes.

3 MR. VALLEJO: Ms. Perez.

4 MS. PEREZ: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Ms. San Martino.

10 MS. SAN MARTINO: Yes.

11 MR. VALLEJO: Six in favor, motion
12 carries.

13 MR. LOPEZ: Thank you, Board Members.

14 Thank you so much. Have a good night.

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1 **2000 WEST STREET, LLC -**

2 **2000 WEST STREET:**

3

4 MR. PANEQUE: If we could go back to
5 number one.

6 MR. VALLEJO: Next application on
7 tonight's agenda, 2000 West Street, LLC. Mr.
8 Paneque, please.

9 MR. PANEQUE: Thank you. For the
10 record, I've been provided with a letter from the
11 law office of J. Alvaro Alonso indicating that
12 he's requesting that this application be adjourned
13 to the next hearing. He is waiving the statutory
14 time limits in which this board can hear the
15 application. Mr. Garcia.

16 CHAIRPERSON GARCIA: I make the motion
17 to adjourn this application for the next meeting.

18 MR. VALLEJO: Next meeting is April 11,
19 2024. Motion to adjourn by Mr. Garcia.

20 MR. GRULLON: Second.

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

23 Mr. Grullon.

24 VICE CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 MS. GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

10 MR. VALLEJO: Six in favor, motion
11 passes.

12 MR. PANEQUE: If any member of the
13 public is here on application number one, 2000
14 West Street, LLC, this application is being
15 carried to the next meeting, which will be
16 April 11th. No further notice will be sent out.
17 So if you're here on that application and you want
18 to be heard, please be here at this location April
19 11th, 6 p.m.

20 MR. VALLEJO: No one, okay.

21

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25

1 **DR. AYMAN MATTA -**

2 **1811 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Dr. Ayman Matta, 1811 Bergenline
6 Avenue. Ms. Pereiras, please.

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

8 MR. PANEQUE: Let the record reflect as
9 follows: I've been provided by Ms. Pereiras with
10 a certification as to publication and service
11 indicating that notice of tonight's hearing with
12 respect to the property at 1811 Bergenline Avenue,
13 Union City, New Jersey, was sent to all property
14 owners within the 200-foot radius, indicating that
15 this application will be heard at this location,
16 the Union City High School, tonight at 6 p.m.

17 I've also been provided with an
18 affidavit of publication from The Jersey Journal
19 indicating that notice of this application
20 regarding 1811 Bergenline Avenue was published in
21 the newspaper on March 1, 2024, indicating it will
22 be heard at this location, the Union City High
23 School.

24 I've also been provided with certified
25 mail receipts with a postmark date of March 1,

1 2024, sending notice to all property owners within
2 the 200-foot radius, as well as a list of all
3 property owners promulgated from the Union City
4 city tax assessor's office with a date of
5 February 16, 2024, listing all property owners
6 within the 200-foot radius of Block 98, Lot 5,
7 1811 Bergenline Avenue.

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

11 MS. PEREIRAS: Thank you very much,
12 Counsel. Good evening, members of the board, may
13 it please the board, Bianca Pereiras on behalf of
14 Dr. Matta for property --

15 CHAIRPERSON GARCIA: No memo for this
16 one?

17 MS. PEREIRAS: For property at 1811
18 Bergenline Avenue also known as Lot 5 in Block 98.
19 This property is currently vacant, it's a vacant
20 lot. The doctor is hoping to construct a building
21 where he can have his optometry office on the
22 ground floor and three apartments above. This
23 property is located in the CN zone where mixed
24 uses properties are permitted. However, the use
25 or the zone permits commercial or services on the

1 ground floor and in this case we were proposing an
2 office and that is a (d) (1) variance that we're
3 here before the board this evening.

4 We have two experts to testify and I'll
5 begin our presentation with our architect, Mr.
6 Manuel Pereiras.

7
8 M A N U E L P E R E I R A S, previously sworn:

9
10 MR. PEREIRAS: I recognize I am still
11 under oath.

12 MS. PEREIRAS: Mr. Pereiras, are you
13 familiar with the property at 1811 Bergenline
14 Avenue?

15 MR. PEREIRAS: I am.

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

18 MR. PEREIRAS: I have.

19 MS. PEREIRAS: Would you kindly describe
20 the proposal to the board?

21 MR. PEREIRAS: I'd be very happy to.
22 For purposes of the presentation, the drawings to
23 my left are the same drawings that were submitted
24 to the board. The property that we have is a
25 typical 25 by 100 lot, we are located in the CN

1 zone. And we're doing almost exactly what's
2 allowed in the zone. We have commercial on the
3 ground floor and three apartments in a four-story
4 building. The reason we're before the board is
5 this commercial is not retail. The commercial in
6 order to be fully compliant has been to retail.
7 This property was purchased by an eye doctor in
8 order to have his practice on the ground floor. A
9 doctor's office is not permitted in the zone and
10 therefore, we are before this board on that aspect
11 of this.

12 We also have a couple of variances,
13 small variances. The first of which is our side
14 yard. The ordinance actually allows us to have
15 zero side yard setback. However, if we provide
16 one, it has to be five feet. It's only a 25-foot
17 lot. So if we cut back five feet, it's only
18 20 feet wide, it's too narrow for a proper office
19 and too narrow to get a stair upstairs. That's
20 why we're proposing only a three foot setback,
21 because number one, we want fire safety. We want
22 to be able to have access to the rear of this
23 building, that's why we're providing the three
24 foot setback. And we want to bring light and air
25 into the building, because we don't want a dark

1 building. We want to be able to open windows, so
2 we open it up by creating a three foot setback.
3 So we're asking for relief on that variance, that
4 (c) variance for side yard setback.

5 The other side of the building is a zero
6 setback, fully conforming with the ordinance. The
7 front of the building is a zero setback, fully
8 conforming with the ordinance. And the rear yard
9 is 20 feet, which is also fully conforming with
10 the ordinance.

11 Of course, this is Bergenline Avenue, we
12 do not want to have curb cuts on Bergenline Avenue
13 so we're not providing parking. So that is
14 another variance that we're requesting on that for
15 parking. The entire parking variance requirements
16 is a total of ten spaces, two for each of the
17 apartments for a total of six, and four for the
18 doctor's office.

19 Turning now to sheet Z02, we have all
20 the floors of the building. The first one, along
21 the left-hand side you see is the basement. The
22 basement of this property holds mechanical
23 equipment, it is storage for the doctor's office.
24 And the majority of it is actually going to be a
25 stormwater management system. That's not really

1 accessible, but it's going to mitigate stormwater
2 landing on this property.

3 The ground floor is the doctor's office.
4 As you can see here, the doctor's office has a --
5 it's very schematically designed. The front will
6 be a waiting area and then the back will have the
7 actual exam rooms, where the doctor -- they're not
8 laid out, but there are exam rooms along the back
9 and a small storage room in the rear. That is a
10 second means of egress that's there that you see
11 along the back. And that second means of egress
12 is both for the doctor's office and for the
13 apartments above.

14 Then we have the second, third, and
15 fourth floor, which are identical. They are three
16 bedroom apartments, as is typical and in
17 accordance with the master plan and our zoning
18 ordinance. We go up through a stair, there will
19 be two stairs, one at each end. One main stair
20 and an emergency stair in the rear. You come out
21 to a living room dining room area that's an open
22 floor plan. The kitchen along here. And then you
23 have two bedrooms along the front of the building
24 with access -- with light on Bergenline Avenue.
25 And then the master bedroom along the rear of the

1 building, with 20-foot setback along the back.
2 And that is the same on the three floors.

3 And then we wanted to create some
4 outdoor space for those three units and we created
5 a small roof deck. And we know in Union City, we
6 maintain this small, we created significant
7 setbacks on all sides of this roof deck. We have
8 a 40 inch solid railing so that it is very hard to
9 climb for any child. And we set it back four feet
10 on the side, eight feet along the front and
11 four feet along the other side. So even if
12 someone were to climb over, they're landing on
13 roof. It's just a small deck for the inhabitants
14 of this property, which I think is a very nice
15 touch.

16 In our facade, what we're proposing is a
17 brick building, simple, clean around it with a
18 simple cornice along the top, which is very
19 typical along Bergenline Avenue. Beautiful
20 signage on the canopy and larger storefronts on
21 the ground floor. And we created some brick
22 accents along that ground floor to beautify the
23 space. The sides are siding in one side and
24 the -- actually siding on both sides. The ground
25 floor will be stucco.

1 I'd like to make a point, there was an
2 error in my drawings we showed the building height
3 to be 46 feet, 6 inches. That's because my
4 draftsman measured to the top of the parapet. In
5 Union City, our ordinance actually measures to the
6 top of the roof, so we're actually four feet
7 smaller than that. So we're only at 42 feet 6
8 inches, which removes the one (d) variance that we
9 had. It will be compliant with height.

10 MR. PANEQUE: What's the total height
11 based on your new calculations?

12 MR. PEREIRAS: 42 feet exactly --
13 43 feet, I'm sorry. Doing math in my head and
14 it's been a long day, 46 feet minus three --

15 CHAIRPERSON GARCIA: 46, 6.

16 MR. PEREIRAS: 43 feet is our final
17 height.

18 MR. PANEQUE: 43.

19 MR. PEREIRAS: Yes.

20 MR. PANEQUE: We would need an amendment
21 to the plans on that. Mr. Spatz, 45 is what's
22 permitted?

23 MR. SPATZ: 45 is permitted, yes.

24 MR. PEREIRAS: It actually isn't a
25 change, it's just the way we named the building

1 height. The height should be to the roof, not to
2 the top of the parapet.

3 We have some photographs of the site and
4 this site has been plagued with a lot of bad
5 history. This board approved a different building
6 that was attempted to be constructed on the site.
7 The contractor did not know what he was doing, had
8 a lot of significant trouble. Since then, the
9 permits have expired, the doctor has been -- has
10 purchased this property and is looking to the
11 right thing and do a proper building here.

12 It's been a missing tooth for many years
13 since the fire. I'm not -- I'd say it's over a
14 decade ago already, there's still another empty
15 property adjacent to this, but this will be a huge
16 improvement on the neighborhood. I think it's
17 something that's been a sore sight for many years
18 now.

19 That concludes my testimony.

20 MS. PEREIRAS: I'd like to invite our
21 planner to come up and speak.

22

23 G A B E B A I L E R, after having been duly
24 sworn or affirmed, did testify as follows:

25

1 MR. BAILER: Gabe Bailer, B-A-I-L-E-R,
2 business address is 320 North Avenue, Cranford,
3 New Jersey.

4 MS. PEREIRAS: For purposes of the
5 record, Mr. Bailer has testified before this board
6 in the past and I ask he be accepted --

7 CHAIRPERSON GARCIA: Yes.

8 MR. BAILER: Thank you very much. Good
9 evening, Mr. Chairman, Members of the Board.

10 As Ms. Pereiras mentioned, we're here
11 tonight for a (d)(1) use variance, which is
12 required for the medical office on the ground
13 floor, as well as a side yard variance, and a
14 parking variance. So I'm here to talk first about
15 the use variance for the medical office. As the
16 board, I know is familiar with, they have to -- I
17 have to prove a positive and negative criteria.
18 What is the positive criteria is the variances can
19 be granted in particular cases for special
20 reasons. What are the special reasons? It's
21 satisfied by either showing the proposed use
22 inherently serves the public good or it promotes
23 the general welfare because the site is
24 particularly suited for that use. As well, I have
25 to show the negative criteria where the proposed

1 variance can be granted without substantial
2 detriment to the public good and the intent and
3 purpose of the zone plan.

4 So I will first talk about the site
5 suitability. As Ms. Pereiras mentioned, it's on
6 Bergenline Avenue in one of the most premiere
7 corridors business corridors of Union City. The
8 site has been vacant for, according to Google
9 street view, it's 2017, seven years the property
10 has been vacant.

11 The site is surrounded by mixed uses
12 with apartments above and retail on the bottom.
13 What is mentioned is a medical use is not
14 permitted on the ground floor. As per the zoning
15 code, it is permitted on the second floor, but
16 since it's the ground floor use, it's not
17 permitted. Also the medical uses serves the
18 public good, it provides necessary medical
19 services for the surrounding community. An eye
20 doctor provides necessary resources for the
21 community. Also, when you look at a medical
22 office on the ground floor, it can be looked at
23 has less impairment in terms of quality of life as
24 compare compared to a restaurant or a bar. A
25 medical office is usually 9 to 5, 9 to 6, a

1 restaurant will be later at night. There may be
2 some noise as well. So even though it's not
3 permitted on the ground floor, it actually blends
4 well with the proposed apartments above.

5 It also promotes the purposes of the
6 community neighborhood zone, provides a need for
7 the surrounding community. Also it promotes the
8 purposes of Municipal Land Use Law, purpose A, by
9 encouraging municipal action to guide appropriate
10 use or development in a manner which promotes the
11 public health, safety, morals, and general
12 welfare. Appropriate population and density in
13 appropriate locations. These are three
14 three-bedroom apartments and quality sized,
15 they're not -- the applicant is not trying to
16 maximize and put multiple one bedroom units, these
17 are quality sized three-bedroom units.

18 Also to provide sufficient space in
19 appropriate locations for variety of agricultural,
20 residential, recreational, commercial, industrial
21 uses and open space. Also purpose I, to promote a
22 desirable visual environment for creative
23 development techniques and good civic design.

24 As mentioned, this site has been vacant
25 for countless years. It's in a primary business

1 corridor of Union City and it's been vacant. And
2 it has -- this new building, a four-story building
3 will be contextual, it will compliment the
4 surrounding areas, it will support the area. So
5 this is definitely a desirable visual environment,
6 as well, there will be no public negative
7 criteria.

8 As Mr. Pereiras mentioned, this new
9 building will meet all code, the units are good
10 size, the overall building mass is compatible with
11 the area. The area is mixed use, this is proposed
12 as being mixed use. And the site has direct
13 access to mass transit options and therefore less
14 dependency on vehicles.

15 It will not impair the purpose of the
16 zone plan. Medical uses are permitted on the
17 second floor, but not on the ground floor. But as
18 I said, there's a need for these type of services
19 on the ground floor and support the surrounding
20 area.

21 As well, the proposed use also supports
22 the master plan, the 2021 master plan, goal one,
23 provide a balance of land uses and balanced
24 development patterns in appropriate locations in
25 order to preserve the character of the community,

1 encourage economic development, protect and
2 preserve the established residential character,
3 promote and reinforce the City as a desirable
4 residential location, attractive shopping,
5 entertainment and recreation distance, and improve
6 the quality of life of the residents of Union
7 City.

8 As Mr. Pereiras mentioned, there are two
9 (c) variances required. The first one is for side
10 yard, where five feet is required and what is
11 being proposed is three feet. But this will
12 provide necessary ingress/egress for emergency and
13 as well provide adequate light and air.

14 And a parking variance. Ten parking
15 spaces are required, four for the retail and six
16 for the apartments, where no parking spaces are
17 provided. This is along Bergenline Avenue,
18 there's -- first of all, it's a 25-foot lot. So
19 that creates a hard -- I would say a hardship in
20 providing parking on-site because it's a 25-foot
21 lot. So therefore, when you have the mixed use
22 building, you cannot have enough room to provide
23 parking. Also, in a sense, there's adequate
24 public transportation all throughout Union City.
25 There's also, if you provide parking on the site,

1 you would lose a curb cut and lose a parking space
2 for the surrounding area.

3 And this is a changing nature of terms
4 of parking and car use. The cost of living has
5 gone up. When people live in a city, a car is not
6 necessary. A car is not necessary in Union City
7 on Bergenline Avenue. You have all your amenities
8 within walking distance, you have bus
9 transportation right down the street on Bergenline
10 Avenue. There's a bus stop right there, you have
11 Uber, Lyft. So there are means where you do not
12 need a car in Union City.

13 And in terms of the positives for this
14 application, you have a new four-story building
15 that's going to be visually beautiful. It's going
16 to compliment the surrounding area. It's going to
17 provide a medical need on the ground floor for the
18 surrounding community and provide new apartments,
19 three new three-bedroom apartments.

20 So it's my opinion that the benefits
21 outweigh the detriments. And this application is
22 inherently beneficial and supports the goals and
23 purposes of Union City.

24 MR. PANEQUE: Thank you.

25 CHAIRPERSON GARCIA: Thank you.

1 MR. BAILER: Thank you.

2 CHAIRPERSON GARCIA: I have a question.
3 Do you have the opportunity to visit the area?

4 MR. BAILER: Um-hum.

5 CHAIRPERSON GARCIA: So providing this
6 application, it is conforming with the
7 neighborhood?

8 MR. BAILER: In terms of a mixed use?

9 CHAIRPERSON GARCIA: Mixed --

10 MR. BAILER: A mixed use with apartments
11 above and ground floor. So it's conforming with
12 that. There were a couple -- I believe there's
13 one four-story building in the area further down
14 Bergenline Avenue, but we don't need a height
15 variance. We're compliant with the height.

16 CHAIRPERSON GARCIA: According to the
17 memo that Mr. Spatz gave to us, it is 45
18 permitted.

19 MR. SPATZ: Mr. Pereiras just corrected
20 that, the building height is only 43 feet, so it
21 does conform.

22 CHAIRPERSON GARCIA: Okay, thank you.
23 Thank you very much. I have no further questions
24 for you right now. I have some for Mr. Pereiras.

25 I know that you probably know the area,

1 right?

2 MR. PEREIRAS: I think so.

3 CHAIRPERSON GARCIA: Mr. Pereira,
4 regarding the parking space, as an architect, is
5 there any potential or possibility to design it
6 with --

7 MR. PEREIRAS: So as most things in
8 life, it's a balance. If you provide one, you're
9 going to lose something else. We could provide
10 parking at the ground floor of this building. We
11 could create a curb cut along Bergenline Avenue,
12 we could have cars coming in. We can't have
13 parking and a doctor's office. We can't have --
14 and we would have to sacrifice a curb cut on
15 Bergenline Avenue, which would be disastrous. So
16 those two reasons tell me, as an architect, it is
17 not appropriate to have parking on this site.

18 There's a third very important and
19 compelling reason, which is just good planning.
20 Apartments above commercial is good for a
21 neighborhood. It creates a lively atmosphere
22 24/7. When you have commercial districts without
23 residential above, after a certain time of day,
24 you see different activities that you do not want
25 to see. So that's why the Union City master plan

1 has made it a purpose to say we wanted to
2 encourage apartments above the residential units.
3 So for those reasons, I think it's appropriate to
4 grant a parking variance here.

5 I would even take it a step further and
6 I think Union City should consider, along the
7 Bergenline Avenue corridor, to change their
8 requirements for parking. But right now, we're
9 dealing with that requirement for parking. But it
10 is impossible and a hardship to our client to
11 provide it.

12 CHAIRPERSON GARCIA: Thank you. I know
13 Mr. Pereiras that the CN zone doesn't require the
14 side yard, however you are providing three on one
15 side. If you -- how would it impact your design
16 if you decide to go for three feet one side and
17 two feet on the other side? How could it impact
18 your design, if you put two on the other side?

19 MR. PEREIRAS: So we have 25 feet of a
20 lot. If we were to provide two feet on one side
21 and three feet on the other, we would actually be
22 increasing and asking for an additional variance
23 because of the two feet. Furthermore, we would be
24 left with only 20 feet of building. If we have
25 20 feet of building, you lose 12 inches on one

1 wall, you lose 12 inches on the other. You lose
2 three feet plus another 18 inches, plus the
3 thickness of the wall, that's four and a half
4 almost five feet on one side for the entrance to
5 the residential above. So that means we are left
6 with eight feet of storefront, eight feet of
7 storefront is inadequate. And may I say even
8 ugly. That's not what you want for a doctor's
9 office. That's not what we want along Bergenline
10 Avenue either.

11 CHAIRPERSON GARCIA: Any other questions
12 from anyone on the board? Mr. Grullon?

13 MR. GRULLON: No.

14 CHAIRPERSON GARCIA: Any member of the
15 public here?

16 MR. FUENZALIDA: Yes. Juan Fuenzalida,
17 F-U-E-N-Z-A-L-I-D-A. 126 Morris Avenue, Summit,
18 New Jersey, 079 01.

19 Dear sirs, it happens that I am the
20 adjacent owner of the property that are requesting
21 a variance --

22 CHAIRPERSON GARCIA: Excuse me, just for
23 the record, which one? The south or the north
24 side?

25 MR. PEREIRAS: Is it the empty lot or

1 the building next door?

2 MR. FUENZALIDA: The building next door.

3 MR. PEREIRAS: So that's the south.

4 MR. FUENZALIDA: The south.

5 CHAIRPERSON GARCIA: That's where you're
6 going to have the side yard?

7 MR. PEREIRAS: So just to give the board
8 a little bit -- well, I'll let --

9 CHAIRPERSON GARCIA: Go ahead. Just for
10 to us have an idea which property we're talking --

11 MR. FUENZALIDA: Again, when he explain
12 which one, which one. But I have bad experience
13 from the previous owner. That's why I wanted to
14 find out is there any relationship of Mr. Matta,
15 the new owner, with the prior ownership of that
16 lot?

17 MR. PEREIRAS: There is no relationship.

18 MR. FUENZALIDA: Okay. In addition to
19 that, I would like to know when that property was
20 acquired by Mr. Matta?

21 MS. PEREIRAS: Approximately
22 seven months ago.

23 MR. FUENZALIDA: Who was the seller?

24 AUDIENCE MEMBER: It was a company.

25 MR. PANEQUE: Ms. Pereiras, on your

1 application, you have date of deed September 16,
2 2020.

3 MS. PEREIRAS: But I had him coming in
4 as a contract purchaser on this application when
5 we first submitted it. So he must have closed
6 after.

7 MR. PANEQUE: That's the date of your
8 deed.

9 MR. PEREIRAS: It's less than four years
10 then.

11 MS. PEREIRAS: Let me clarify, bear with
12 me.

13 CHAIRPERSON GARCIA: Can we take a two
14 minute break, please. Off the record.

15

16 (Discussion held off the record.)

17

18 MR. PANEQUE: Back on the record,
19 please.

20 MS. PEREIRAS: Just to clarify, when we
21 submitted our application to this board, Dr. Matta
22 was the contract purchaser. Therefore, the owner
23 actually gave him authorization to submit the
24 application. He finally closed on the property
25 January 31st of this year.

1 CHAIRPERSON GARCIA: This year?

2 MS. PEREIRAS: Correct.

3 CHAIRPERSON GARCIA: Did you hear that
4 information?

5 MR. FUENZALIDA: Are you asking me?

6 CHAIRPERSON GARCIA: Did you hear the
7 information?

8 MS. PEREIRAS: Did you hear what I said?

9 MR. FUENZALIDA: No, because you are
10 talking in that direction.

11 MS. PEREIRAS: I'll speak this way. The
12 client went into contract to purchase the property
13 roughly around seven months ago, so we submitted
14 our application when he was still the contractor
15 purchaser. He closed on the property on
16 January 31st of this year.

17 MR. FUENZALIDA: Seven months ago.

18 MS. PEREIRAS: The contract.

19 MR. FUENZALIDA: The contract.

20 MS. PEREIRAS: He closed January 31st.

21 MR. FUENZALIDA: He was included on the
22 permit to build that construction?

23 MS. PEREIRAS: I'm sorry?

24 MR. FUENZALIDA: He was included in the
25 purchase the right to construct, right to build?

1 MS. PEREIRAS: I wasn't --

2 MR. FUENZALIDA: He has to go through
3 the process.

4 MS. PEREIRAS: I wasn't privy to the
5 actual contract. The owner gave authorization for
6 him to pursue this application that we're here on
7 today.

8 MR. FUENZALIDA: Well, I ask this
9 because it's relevant that the previous owner
10 didn't -- one of the owners maybe, I never got the
11 response from the city from taxation or wherever.
12 The previous owner didn't go for the code and
13 they, in the preparation of the site to make the
14 basement, they went through with the excavator.
15 And they went to my property and they destroyed
16 the sidewalk on my property, which means that we
17 didn't have access to our property because they
18 went to there.

19 Immediately, I went to the building
20 department. I told them these people are
21 destroying my property. They send an inspector
22 and he stopped the construction, which was
23 welcome. As it's welcome to have a new owner now,
24 which he will elevate the neighborhood. But I
25 went to the city talking to the building

1 inspector, talking to the Mayor Brian Stack,
2 everybody was very cooperative in words saying
3 that don't worry, we'll take care of that, they're
4 going to fix your property.

5 In the meantime, the people that they
6 were living on the second floor in order to go to
7 the yard, through our property, they have to jump
8 with a parachute probably. I don't know if you
9 received pictures of it, I have here. And I sent
10 pictures to the building department with the
11 problem that I have, but they never pay attention.
12 In fact, they said we're going to throw the books
13 to the owners, but nothing happened for me.

14 They never took care of the fence that
15 goes to the street of Bergenline Avenue. I heard
16 that there was one child that went through the
17 fence and came into the basement, the hole.
18 Another very high risk, they never took care of
19 the tall grass in that area. So during the
20 summer, anybody can throw a match, it will be a
21 fire over the whole neighborhood because the
22 houses are one next to the other. Like the one
23 that is to the other side, that one, when it got a
24 fire and it got the 1811 also with a problem.

25 So that's why, since I have not get any

1 response from the city in the practice, I would
2 like to request an adjournment of this case in
3 order to be able to retain a lawyer in order to be
4 heard and solve my problem. Because they're going
5 to prepare the site and you're going to go to the
6 excavator. And again they're going to go through
7 my property, instead of going for the code that
8 says that it has to build a retaining wall first
9 before excavating to make the basement.

10 So I have plenty of pictures to show you
11 now or in the future in order for you to have a
12 full look of the property where it's going to be.
13 Because it's going to have a nice building next to
14 us and we're going to have problems that the
15 people, they don't have access to have the garbage
16 in the right place. They have to keep the garbage
17 inside the apartments, which is very risk for
18 sanitary reasons.

19 Another thing, nobody will like to live
20 in an apartment in which they have to open a door
21 and throw five foot to the hole. They have access
22 to the place that they're paying rent. I have to
23 keep without renting income from that property,
24 that apartment, because people reject it or they
25 stop paying the rent because I didn't have the way

1 to solve this situation.

2 I have the pictures right here to show
3 you in order for to you make a decision based on
4 the adjacent property, which is important for all
5 the neighbors there.

6 CHAIRPERSON GARCIA: Mr. Paneque,
7 according to the statement that Mrs. Pereiras gave
8 to us, we're talking about there is an applicant
9 that is not related to prior owners, the current
10 owner is just a few months ago?

11 MR. PANEQUE: That's correct.

12 CHAIRPERSON GARCIA: There's nothing
13 related to the previous owner?

14 MR. PANEQUE: That is correct.

15 CHAIRPERSON GARCIA: Secondly, whatever
16 deal that any individual have with authority of
17 the city is not related to this board?

18 MR. PANEQUE: That's correct.

19 CHAIRPERSON GARCIA: Also, I understand
20 that this application, the applicant has the right
21 to go for an application that is 100 percent
22 without setback. And in this particular case,
23 he's asking for a variance because he's providing
24 three-foot setback for safety issues.

25 MR. PANEQUE: That's one and other is

1 because he's bringing in a use, which is the
2 doctor's office, which is not a permitted use.
3 What is permitted is retail. So if he came in
4 with a 25-foot structure with retail on the ground
5 floor and three apartments upstairs, he would be
6 allowed under the ordinance, correct, Mr. Spatz?

7 MR. SPATZ: That is correct. He would
8 not need to come before the board.

9 MR. PANEQUE: Without coming before this
10 board.

11 MR. SPATZ: He would not need to come
12 before this board.

13 MR. PANEQUE: So what brings him before
14 this board is at this point two variances, one
15 he's putting in a three-foot side yard next to the
16 gentleman's property here, which I believe is
17 1809. And he's asking for permission from this
18 board to deviate from the retail use, which is
19 required, to a use of an office for a doctor.

20 Now, I do have some questions for you,
21 sir. And I apologize I didn't write down your
22 name, will you say it again?

23 MR. FUENZALIDA: Juan Randy Fuenzalida.
24 Some day I'll make it shorter.

25 MR. PANEQUE: Mr. Fuenzalida, your

1 building, do you know the width of your building,
2 is it 25 feet?

3 MR. FUENZALIDA: 25 by 100.

4 MR. PANEQUE: 25. So your building is
5 the size of your property, correct?

6 MR. FUENZALIDA: No.

7 MR. PANEQUE: Do you have a side yard?

8 MR. FUENZALIDA: I do have a side yard
9 and I do have the survey with me.

10 MR. PANEQUE: Okay. If we may see that?

11 MR. FUENZALIDA: Sure. In the meantime,
12 you can see the back --

13 MR. PANEQUE: We need to see the survey,
14 if you have it, sir.

15 MR. FUENZALIDA: I apologize, I don't
16 have it handy this moment. But you have --
17 probably it's in papers that they presented. They
18 show that the side of my property, there's a big
19 portion to the end of the side that is part of my
20 property. And I had a fence and I have stairs
21 also. And they destroyed that with the erosion up
22 to now, it's falling, falling, falling and it's
23 getting to his property.

24 MR. PANEQUE: Okay. I have a copy of
25 their survey, which also shows your property. And

1 it shows what you are referring to. You are
2 referring to the fact that about a little more
3 than three quarters of going back from the front
4 of your property to the back, you have a small
5 side yard --

6 MR. FUENZALIDA: Correct.

7 MR. PANEQUE: -- which looks to be about
8 maybe three feet, between three and four feet.
9 And that goes from about almost half of your
10 property to the rear of the building. Now, if I
11 understand correctly, the concern that you're
12 bringing to this board is that the previous owner
13 of 1811 when they started the excavation of their
14 basement, they went into that side yard that
15 belongs to you and caused damage to your property?

16 MR. FUENZALIDA: Yes, whole thing.

17 MR. PANEQUE: When did this take place?

18 MR. FUENZALIDA: This took place in June
19 approximately May or June 2020.

20 MR. PANEQUE: Okay. So in June of 2020,
21 you had damage caused by a predecessor in title, a
22 prior owner, to your property?

23 MR. FUENZALIDA: Correct.

24 MR. PANEQUE: Did you take any legal
25 action against that prior owner?

1 MR. FUENZALIDA: I was naive enough to
2 go to the building department and they told me
3 don't worry, we'll take care of that. And the
4 previous owner showed me -- they gave me this
5 agreement if I was able to sign to give permission
6 to continue the construction and they never
7 produce any results.

8 MR. PANEQUE: Okay.

9 MR. FUENZALIDA: I didn't go for legal
10 help because the city, the building department and
11 the mayor told me you don't need that, we're going
12 to provide you with our lawyers to take care of
13 the situation.

14 MR. PANEQUE: Okay.

15 MR. FUENZALIDA: One of the lawyers said
16 I'm sorry, but I cannot help you because I have
17 conflict of interest with the current owners.

18 MR. PANEQUE: Okay. Mr. Fuenzalida,
19 what you're relaying to this board, I empathize
20 with the fact that you sustained damage to your
21 property by a predecessor in title. The building
22 department, as per your own statement, put a stop
23 order on the work that was being done at the time.
24 Now, what transpired after that, I wasn't privy to
25 that, so we weren't there. But it's about over

1 four years, okay.

2 If your property is still in that
3 condition, okay, you always have the right to file
4 a claim, but it would be filed against the person
5 who caused the damage, which is the predecessor in
6 title, okay.

7 This board that's sitting here tonight
8 has one specific purpose. And that is when an
9 application is presented to this board, this board
10 must entertain that application and decide whether
11 the applicant should be given the relief that he's
12 requesting, okay. Your situation with what
13 happened with a predecessor in title, okay, we
14 understand it caused damage to you, but it has
15 nothing to do with this application or this
16 applicant. And it shouldn't be a bar for this
17 board to go forward and take action on the
18 application that's before it, okay.

19 You may need to consult with legal
20 counsel, not with regards to this application
21 that's before the board tonight. Because whatever
22 happens with this application has nothing to do
23 with the damages that were caused to you by
24 someone else. You will need to consult with legal
25 counsel to see how they can make you whole by

1 filing a lawsuit against the predecessor in title,
2 if they're still around, okay.

3 MR. FUENZALIDA: I'm not completely
4 agreed with your statement because if they're
5 going to be working in my side of the property or
6 next to my property, they have to make retaining
7 wall, yeah. That's why I wanted to know if those
8 codes are going to be followed or not.

9 MR. PANEQUE: But this board, okay, does
10 not get involved in the actual construction of the
11 project. For that, you have to resort to the
12 building department, as they're the ones who have
13 the enforcement authority to make sure that codes
14 are adhered to.

15 Now, if a retaining wall is necessary,
16 all right, the building department will see to it
17 that it gets built.

18 MR. FUENZALIDA: I understand that and I
19 agree with you in that part, that this is a
20 separate institution. However, this is one of the
21 doors of the second floor, the second floor
22 apartment, look at --

23 MR. PANEQUE: We're going to mark these.

24 MR. FUENZALIDA: You can have it.

25 MR. PANEQUE: We can have this? So

1 we're going to mark this, just so it's part of the
2 record.

3 MR. FUENZALIDA: I also would like --

4 MR. PANEQUE: We understand what's going
5 on with your property, okay. I'm going to
6 paraphrase exactly what the situation is with you.
7 You had a prior owner next door, he came in, he
8 started construction very sloppily, caused damage
9 to your property. They stopped the work from the
10 building department. And then after that, nothing
11 was done. And four years have gone by and you've
12 been sitting on this in that condition, with a
13 drop for about -- looking at it, it's got to be
14 about four to five feet from the door. I
15 understand that. But you're in the wrong venue.
16 We don't deal with this situation here, okay. The
17 place to deal with this situation for the damage
18 that was caused to you is through legal action
19 against that predecessor in title. You may be too
20 late to do that because that predecessor in title
21 has sold the property and probably has shut down
22 this LLC, which it appears to have been by the
23 name of Portella Latina, LLC.

24 MR. FUENZALIDA: One of the owners was
25 previous owner, but then the owners that they ask

1 me to sign an agreement for them to fix it is
2 Arcos and Castro Group, LLC.

3 MR. PANEQUE: Another LLC.

4 MR. FUENZALIDA: Another LLC.

5 MR. PANEQUE: Which could be formed and
6 shut down tomorrow.

7 MR. FUENZALIDA: But the building
8 department told me go to taxation and find out who
9 were the owners, nobody was able to tell me
10 nothing.

11 MR. PANEQUE: But at that point, that's
12 when you should have gone and sought legal
13 counsel. You're in the wrong venue. And I
14 understand this is a serious situation for you,
15 but this board cannot entertain the problem that
16 you have.

17 MR. FUENZALIDA: The mayor's office told
18 me about -- gave me reference to two lawyers. And
19 they didn't want to touch the thing because of
20 conflict of interest.

21 MR. PANEQUE: So if you go to two and
22 they don't want to touch it because of a conflict
23 of interest, that's when you go to three. And if
24 you don't go -- and the third one doesn't take it,
25 that's when you go to fourth. Lawyers are a dime

1 a dozen -- and I'm one of them, I can say that
2 about my profession. You could literally fall
3 over and hit a lawyer when you fall over.

4 So you're telling us that you went to
5 two and you didn't get a lawyer to represent you.

6 MR. FUENZALIDA: Actually I talked to
7 other two, but they don't understand or they see
8 that there's no money involved in this kind of
9 transaction. And they didn't know who was the
10 owner, I tried to find out and tell them the
11 information, and the city doesn't give that
12 information.

13 CHAIRPERSON GARCIA: Let me ask a
14 question to Mr. Pereiras. Mr. Pereiras, he's
15 concerned because the former owner get into his
16 property. However, I don't know but since you're
17 going to have three foot setback, in reality
18 you're going to be like five feet, far away from
19 where he has the issue. Because the setback that
20 he has there plus your three feet setback, you're
21 going to be all the way -- I mean you're going to
22 have enough space when you're going to start
23 construction?

24 MR. PEREIRAS: There are sections where
25 we will be three feet away, there are sections

1 that we will about six to seven feet away from his
2 house.

3 However, I had a very -- one of my great
4 professors told me that codes are records of our
5 mistakes. When there's a mistake on an initial
6 construction, a new code comes out to correct
7 that. This project was actually one of those
8 conditions. Ever since this happened with this
9 property, and you had a rogue contractor who
10 didn't know what he was doing and over excavated
11 and damaged the property next door.

12 Ever since that happened, Union City has
13 actually implemented new policies where whenever
14 we are within proximity to another building, we
15 are providing what's called shoring drawings and
16 excavation drawings, so that we could ensure that
17 his property or any adjacent property is correct.

18 So the building department implemented a
19 new system to verify and make sure that conditions
20 like this don't happen again. And that is in
21 place today. So that will be take place, you'll
22 have an architect or an engineer design a shoring
23 system.

24 Furthermore, the city took action on
25 this individual that formerly owned this property

1 and forced them to create a retaining wall, which
2 the work was completed right prior to my client
3 purchasing the property. So right now, the
4 condition at the site has been stabilized.
5 Nothing was done to his property, but the
6 condition was stabilized on the site to make it a
7 safe condition on the site. And any work that we
8 do will follow all of those parameters to make
9 sure that his property is untouched.

10 CHAIRPERSON GARCIA: Thank you.

11 Did you understand, Mr. Fuenzalida?

12 MR. FUENZALIDA: I have another
13 question. The land has a big hole for the
14 previous basement that they tried to make it
15 bigger --

16 CHAIRPERSON GARCIA: Let me ask you a
17 question before you continue. Do you concur with
18 Mr. Pereiras that the wall was built?

19 MR. FUENZALIDA: No, no. They -- that's
20 what my next question, who ordered to fill the
21 site with earth?

22 MS. PEREIRAS: Soil.

23 MR. FUENZALIDA: Who did that? Why they
24 did that?

25 MR. PEREIRAS: So I was not involved

1 with this. However, we examined these drawings
2 prepared by another engineer as part of my due
3 diligence with my client. They wanted to
4 stabilize the earth and make sure that your
5 building was protected. In order to do so, they
6 created a shoring system which was then backfilled
7 with dirt to protect that. And that was all done
8 for protection of you and your property.

9 CHAIRPERSON GARCIA: Done?

10 MR. PEREIRAS: Completed, yes.

11 CHAIRPERSON GARCIA: Completed, okay.

12 MR. PANEQUE: So there's no basement
13 there now, there's no hole?

14 MR. PEREIRAS: There's a 45 degree slant
15 of dirt, so partially -- there's a void, but
16 against his property, it's all solid.

17 MR. FUENZALIDA: Let me show you --

18 CHAIRPERSON GARCIA: When did you take
19 those pictures?

20 MR. FUENZALIDA: That was a year ago or
21 something like that, before they took --

22 CHAIRPERSON GARCIA: Before?

23 MR. FUENZALIDA: Before they -- but
24 that's -- and it keep eroding, so I have no fence
25 now. And I wondered if they, in their plans, are

1 going to build a fence and who's going to be --
2 who finance that?

3 CHAIRPERSON GARCIA: It's like Mr.
4 Paneque mentioned before, you have to go to the
5 predecessor, to the prior owner. Because it's not
6 the current owner's responsibility to finance the
7 wall or the fence.

8 MR. FUENZALIDA: I would like if the
9 building department or the variance to have the
10 way to force them to give me that information
11 complete, who is the previous owner. Because
12 maybe it's not the one who caused the problem, it
13 was the previous to the previous.

14 MR. PANEQUE: Again, Mr. Fuenzalida, you
15 have to seek counsel, okay. I can tell you that
16 it would take me no more than three minutes in the
17 computer to find out who the chain of title is for
18 this property, okay. Just like it would take Ms.
19 Pereiras about the same time.

20 So I do not know who you have been
21 speaking to that has been telling you it's
22 impossible to find who the owners were because
23 there's tax records, there's the Hudson County
24 registrar's office that contains the records of
25 all the deeds for that property. And any attorney

1 who knows what they're doing can find out the
2 chain of title within three minutes of just
3 starting the process.

4 That being said, your claim for the
5 damages that you have sustained have nothing to do
6 with this board or have nothing to do with the
7 current owner. If you have a claim that's viable,
8 it would be against the predecessor in title.

9 Now, setting all that aside, okay, your
10 property right now is sitting next to a property
11 that's undeveloped, which is an eyesore, okay.
12 This property, it's in need of development, okay.
13 Your damages that you have sustained have nothing
14 to do with the future development of this
15 property, okay. If in the future development of
16 this property any additional damage is caused to
17 your property or any new damage, then you would
18 have a claim against the current owner. But what
19 has happened to you in the past should not be an
20 impediment for this board to proceed and take
21 action on this application. It has nothing to do
22 with what happened to you.

23 MR. FUENZALIDA: So what about my
24 request of adjournment until I retain a lawyer for
25 this situation?

1 MR. PANEQUE: That's for the chairman to
2 decide.

3 CHAIRPERSON GARCIA: I understand if you
4 already -- like you said before, you already went
5 to two and then two more. And none of them take
6 your case. I mean I don't think it would be fair
7 for the current applicant, who's a new owner of
8 the property, to wait another month and spend more
9 money with coming back. And I don't think that is
10 fair to adjourn it. I don't see because it's --
11 if this situation is with you over a year,
12 four years and you couldn't find an attorney at
13 this point. Like Mr. Paneque mentioned, you go
14 to -- just getting to zero, zero could give you
15 the record of the prior owners. You could go to
16 the county clerk, to the Hudson County records, to
17 find out who's a lot owner.

18 So we -- I think that is not fair for
19 the current owner and applicant to adjourn this
20 application, when you have more than the time they
21 owned the property to get an attorney.

22 MR. FUENZALIDA: I understand your point
23 and I have to accept, but in the situation that
24 maybe the four years with different owners of that
25 property, it will not allow me maybe have been

1 prescribed my right to get help for that, to get a
2 legal action because the expiration -- I always
3 thought that the city where I live, which I'm
4 paying regularly property taxes, will be on my
5 side when something has been done wrong.

6 CHAIRPERSON GARCIA: I'm going to
7 mention two things, Mr. Fuenzalida. First of all,
8 we never get involved with whatever is taxes or
9 financial situation for the city or whatever
10 property. Secondly, we are not fair to one side.
11 We try to be fair what is fair. We try to be fair
12 with the community. And I understand that -- my
13 perception is that's not going to be fair when you
14 already have over four years trying to look for an
15 attorney to give another month or two month to the
16 current owner for you to get an attorney. How
17 come I'm going to explain to the current owner
18 that what you didn't do in four years, you're
19 going to do in a month?

20 Because you find an attorney, an
21 attorney have to find out all the answer that you
22 have for the question that you have right now. So
23 I understand that it is not fair for the current
24 owner. Because it has nothing to do with your
25 situation in the prior four years.

1 MR. FUENZALIDA: As a regular taxpayer,
2 I don't know how it is divided the responsibility
3 of each institution within the City of Union City.
4 But I have been punished more than one time. It
5 was once a car went into my facade and hit the
6 front of my building. Luckily, no one was passing
7 there, no car was passing. And I had to pay by
8 myself because the lady who was driving had no
9 insurance. The City, now if you go to the City
10 for a regular thing, they don't even have a record
11 of that accident. That's why as a taxpayer I'm
12 really disappointed the way that they conduct
13 business.

14 CHAIRPERSON GARCIA: I just want to ask
15 you a question, sorry Mr. Paneque.

16 Can you put on the other side now, you
17 purchased the property four months ago and you
18 have to carry with the issue that happened the
19 prior four years, what do you think?

20 MR. FUENZALIDA: Unfortunately, I have
21 to think that the public servant are not that
22 expedient in their job.

23 MR. PANEQUE: Mr. Fuenzalida, did you
24 own your property before there was a fire on the
25 property at 1811?

1 MR. FUENZALIDA: Yes.

2 MR. PANEQUE: The property at 1811, was
3 it built all the way to -- attach the front of
4 your property?

5 MR. FUENZALIDA: Yes.

6 MR. PANEQUE: So both properties were
7 touching, correct, in the front?

8 MR. FUENZALIDA: It was a little space
9 to the street, but that house --

10 MR. PANEQUE: My question is both
11 properties were touching in the front?

12 MR. FUENZALIDA: No, there was a space
13 in between.

14 MR. PANEQUE: Not according to the
15 survey you have. Your property is on the property
16 line in the front.

17 MR. FUENZALIDA: Right. According to
18 the survey, the owner that talked to me says this
19 is my line and I'm going to have five inches or
20 five feet -- five inches in order to start my
21 construction.

22 MR. PANEQUE: Okay.

23 MR. FUENZALIDA: Before it was a
24 passage, people could walk through that side.
25 Now, I don't know what's going to happen.

1 MR. PANEQUE: That's what I'm getting
2 to. The current application, if you look at it,
3 the proposal is to leave three feet from that
4 building to yours the entire length of the
5 property. The applicant does not have to do that
6 under the current zoning ordinance. They could
7 build right up against you. However, they're
8 leaving you three feet -- they're not leaving you,
9 they're leaving themselves three feet, which you
10 benefit from, because you will have a three-foot
11 breezeway there for air, light, and everything.

12 MR. FUENZALIDA: For the whole thing?

13 MR. PANEQUE: The whole thing. You
14 could look at it right there, there's the plan.
15 Mr. Pereiras, would you show him please?

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

17 MR. PANEQUE: So you're fighting an
18 application that is extremely beneficial to you.

19 MR. PEREIRAS: This is the property
20 line. Our building is three feet away from the
21 property line.

22 MR. FUENZALIDA: What is that?

23 MR. PEREIRAS: The dark line.

24 MR. FUENZALIDA: The dark line, so here
25 is going to be more than three feet?

1 MR. PEREIRAS: Yes.

2 MR. FUENZALIDA: In the front of the
3 street?

4 MR. PEREIRAS: In the street, it's going
5 to be three feet. We're going to be three feet
6 from your property line all the way to the back.
7 The distance to your building increases at the
8 back.

9 MR. FUENZALIDA: Going to be more
10 than --

11 MR. PANEQUE: You're going to have your
12 three feet plus what you have on your side.

13 MR. FUENZALIDA: In my side. Who's
14 going to be -- my people in my building, they'll
15 be able to go through?

16 MR. PANEQUE: No. But they'll have the
17 light and air. They won't be able to go through,
18 it's not your property, it's theirs. But you'll
19 have light, air for your people. And I want you
20 to understand this. They have a right to build up
21 right against you. And they're not doing it.

22 MR. FUENZALIDA: Yes, sir.

23 MR. PANEQUE: You are walking away with
24 a tremendous benefit because every application
25 that we see on Bergenline is all the way to the

1 property line.

2 MR. FUENZALIDA: You're mentioning in
3 his plans --

4 MR. PANEQUE: It's right there.

5 MR. FUENZALIDA: To have a fence built?

6 MR. PANEQUE: There's no need for a
7 fence there. If you want to put a fence in the
8 back where your property is, you can. But maybe
9 the applicant will put a fence.

10 MR. PEREIRAS: He may or may not.

11 MR. PANEQUE: But to your benefit --

12 MR. FUENZALIDA: In the back, they can
13 go through my property?

14 MR. PANEQUE: No. Even if there's no
15 fence, nobody has a right to step onto your
16 property. That's trespassing, okay. But if you
17 choose to put a fence on your property, you're
18 actually going to narrow that space. But that's
19 up to you. You could put a fence. You have maybe
20 I don't know 30 feet there, if you put a chain
21 link fence, it's not an expensive fence to put in.

22 But what I'm trying to emphasize to you
23 is that the way the application has been
24 presented, you're getting a huge benefit.

25 MR. FUENZALIDA: I see that and I

1 appreciate that. That in part will alleviate the
2 problems that I had already, the existing
3 problems.

4 MR. PANEQUE: I want to also bring to
5 your attention, look at the plan, look at the
6 other side of the property. On that side, it's
7 going to be right on the property line, so the
8 next building is going to be like this, all right,
9 not even a cockroach is going to fit through
10 there.

11 MR. FUENZALIDA: They're going to take
12 care of this fence?

13 MR. PANEQUE: Yes, sir. Everything will
14 be made up to code, okay.

15 MR. FUENZALIDA: In theory. There's the
16 people that they were constructing, they were
17 going up to the code, but --

18 MR. PANEQUE: Well, I don't know who the
19 people were, their actions speak for itself, okay.
20 What they did to you was a travesty, we're all in
21 agreement that what they did to you was wrong.
22 But what we're saying to you is that this is not
23 the place to get your satisfaction.

24 MR. FUENZALIDA: The venue.

25 MR. PANEQUE: It's not the venue for

1 your satisfaction, you're looking at the wrong
2 place. You should have filed a lawsuit against
3 those people, okay.

4 MR. FUENZALIDA: Barking up the wrong
5 tree.

6 MR. PANEQUE: That's it, you said it.
7 You're barking up the wrong tree. Any other
8 questions, sir?

9 MR. FUENZALIDA: I consult with a lawyer
10 to see what is her decision, her opinion about
11 this. But in the meantime, I would like to have
12 in record that I am not satisfied with the prior
13 information on the owners because I don't know.
14 And the city didn't provide me with the names and
15 address where I can tell my lawyer go and sue
16 these fellows.

17 MR. PANEQUE: Again, it's not up to the
18 City to tell you who the prior owner was, there
19 are plenty of places where your lawyer could have
20 obtained that information.

21 MR. FUENZALIDA: Okay. Unfortunately,
22 the real world, they get away when there's people
23 that are more powerful than small taxpayer with a
24 funny accent.

25 MR. PANEQUE: I understand your concern

1 and your irritation with everything that has taken
2 place, okay.

3 MR. FUENZALIDA: Okay.

4 MR. PANEQUE: Thank you, sir.

5 CHAIRPERSON GARCIA: Thank you.

6 MR. PANEQUE: You're going to take your
7 pictures back?

8 MR. FUENZALIDA: I want to autograph to
9 you.

10 MR. PANEQUE: I appreciate it. Hold on
11 to them.

12 CHAIRPERSON GARCIA: Any other member of
13 the public?

14 MS. FORTOUL: Isabelle Fortoul, 1810
15 Bergenline Avenue, I'm the building right with the
16 beautiful view that I've been seeing. I've been
17 there since the fire, before the fire, I've been
18 there 45 years. So I'm very happy that they're
19 finally building something because, you know, it's
20 just -- my view is really terrible. I've seen so
21 many things happening in that space, garbage,
22 homeless people living there, all different types
23 of animals. It's just a terrible view, you know,
24 depressing. Since I'm very into -- I love nature,
25 but the way it was, it was just like a garbage

1 dump really. Even now, I even see mattresses
2 there right now and garbage. And I think for
3 Union City, since we're trying to make it look
4 good, I've been asking when are they going to
5 build, when are they going to build. Because
6 since the fire, you know, I invite someone, they
7 come and they look like, wow, you're living in a
8 ghetto.

9 So I just came here to support the
10 doctor and I think doctor's office would work, you
11 know. We have enough bars, we have enough
12 restaurants. And I think for the community, it
13 would really, you know, make the place really in
14 harmony, make the place beautiful because that's
15 what we're trying to do with Bergenline and Union
16 City. So I'm here to support the doctor. And,
17 you know, I've been there 45 years, I'm a good
18 neighbor, I pay my taxes. I like to have, you
19 know, a nice view. And I think whatever they have
20 in mind, they'll do a beautiful job.

21 MR. PANEQUE: Thank you.

22 MS. PEREIRAS: Thank you very much, I
23 appreciate that.

24 CHAIRPERSON GARCIA: Any other member of
25 the board -- public I mean? None, close to the

1 public. Mr. Grullon, do you have any comments?

2 VICE CHAIRPERSON GRULLON: No.

3 CHAIRPERSON GARCIA: Okay. Any other
4 questions? No. Mr. Pereiras, you know what I'm
5 going to go over now.

6 MR. PEREIRAS: Yes.

7 CHAIRPERSON GARCIA: I think that as
8 your -- Mr. Bailer mentioned and he said that the
9 application is conforming with the neighborhood,
10 with the blocks, you also know that because you
11 think that you know Union City much better than
12 me. Even though that it is nice to have it, but I
13 don't think that it belongs in the area. You
14 know, that we're right now really, really
15 concerned about all the issue that we're having
16 with the roof deck terrace. And I'm going to make
17 my motion with some condition. First of all, I
18 want to make my motion to grant the application.
19 Why? Because it is -- a doctor office is a good
20 component. Like the lady mentioned before, I mean
21 it's enough restaurant there and places to go, so
22 I think it's more good for the community to bring
23 a doctor.

24 Also, we have to thank the applicant
25 that the three foot setback, he could occupy the

1 entire lot. So that going to give us for three,
2 actually for 1809, also for any safety concern,
3 fire, whatever, going to be great for the fire
4 department.

5 I understand that parking is an issue;
6 however, that part of Bergenline Avenue is going
7 to be too hard to have parking spaces. I'm going
8 to make my motion to grant the application with
9 the condition to eliminate the roof deck terrace,
10 no roof deck terrace. Also elimination trees,
11 whatever you could have it. And also again thank
12 you for the three foot setback because it's going
13 to be really, really good for safety concerns. I
14 make my motion to grant the application with the
15 condition of eliminate the roof deck terrace.

16 MR. VALLEJO: Motion on the table to
17 grant the public with the condition by Mr. Garcia.

18 MR. GRULLON: Second.

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

21 Mr. Grullon.

22 MR. GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

6 MR. VALLEJO: Ms. San Martino.

7 MS. SAN MARTINO: Yes.

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

10 MR. PANEQUE: Mr. Vallejo, just so that
11 we're clear and for Mr. Pereiras, we're going to
12 need revised plans. The height has to be
13 addressed so that we're eliminating the (d) (6)
14 height variance and the roof deck has to be
15 eliminated.

16 MR. PEREIRAS: Yes, sir.

17 MR. PANEQUE: Plans, please, submitted
18 ten days prior to the meeting so we can proceed
19 and have the resolution ready.

20 MR. PEREIRAS: Yes.

21 MR. VALLEJO: Thank you. Revised plans
22 required.

23 MS. PEREIRAS: Thank you very much.

24 * * * *

25

1 **GEOFFREY WILLIAMS -**

2 **321 5TH STREET:**

3
4 MR. VALLEJO: We're moving to the next
5 application on tonight's agenda, Geoffrey
6 Williams, 321 5th Street, requesting an amendment.
7 Ms. Pereiras, please.

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

10 I've been provided by Ms. Pereiras with
11 a certification as to publication and service
12 indicating that notice of tonight's hearing at
13 this location with respect to the project at 321
14 5th Street, Union City, New Jersey, was provided
15 to all property owner within the 200 foot radius.

16 I've also been provided with an
17 affidavit from The Jersey Journal, the date of
18 publication is March 1st. Said affidavit
19 indicates that notice of tonight's hearing with
20 respect to the property at 321 5th Street was
21 given and the venue for the application to be
22 heard is this location, the Union City High
23 School.

24 I've also been provided with certified
25 mail receipts with a postmark date of March 1,

1 2024 as, well as a tax list from the tax
2 assessor's office with a date of February 22,
3 2024, listing all property owners within the
4 200-foot radius of Block 14, Lot 15, 321 5th
5 Street.

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

9 MS. PEREIRAS: Thank you very much,
10 Counsel. Again, Bianca Pereiras on behalf Mr.
11 Geoffrey Williams, for property located at 321 5th
12 Street, also known as Lot 15, Block 14. The board
13 may recall that at the end of last year, we
14 appeared before you on an application for
15 renovations and additions to an existing three
16 family. The property remained a three family.
17 This board approved the application in
18 October 2022 and a resolution was issued the
19 following month in November 2022.

20 As the applicant worked with the
21 architect in the preparation of construction
22 documents, they realized that a few modifications
23 were required because of the site. And we are
24 here before this board as to those modifications.
25 We're actually increasing the height of the

1 building, which is the particular reason for the
2 revision or the request before the board. We have
3 one expert to testify as to those changes from the
4 original application to the one before the board
5 this evening. And that is our architect, Mr.
6 Manuel Pereiras.

7
8 M A N U E L P E R E I R A S, previously sworn:
9

10 MR. PEREIRAS: Manny Pereiras, I
11 recognize I am still under oath.

12 MS. PEREIRAS: Did you prepare the
13 drawings before the board this evening?

14 MR. PEREIRAS: I have.

15 MS. PEREIRAS: Would you kindly describe
16 our original approvals and what modifications
17 we're requesting from the board this evening?

18 MR. PEREIRAS: I'd be very happy to. I
19 actually would like to point out the applicants,
20 they're in the room today. They're young couple,
21 want to live in Union City, they currently live in
22 Union City. They're looking to make this their
23 own residence. I have to say that they've been
24 one of my favorite clients to work with, they're
25 an intelligent couple that is looking to do the

1 best, not only for them, but also the community.

2 We've designed a very gorgeous building,
3 taking a lot of care to it. I think it's going to
4 be one of the most beautiful buildings in Union
5 City. I want to turn you now to the facade so we
6 can see how beautiful the facade is. This is the
7 facade we're proposing. If you could see the
8 headers at the windows have beautiful detail. We
9 have a very gorgeous cornice going on. We have a
10 beautiful railing at the mid level. It's going to
11 be a gorgeous building. However, in designing it
12 and doing very close design with them, we've
13 created a few modifications. A lot of them for
14 budget, a lot of them based on how the building --
15 the existing condition of the building.

16 So we've been able to do more due
17 diligence. One of the things we realized is that
18 the existing structure that we were going to work
19 off of is not adequate enough to work off of. So
20 we're going to be replacing a lot of the joists.
21 And if we're replacing the joists, I'd rather not
22 have the low ceiling heights that it previously
23 had. So we would like to increase the ceiling
24 height to 10 feet. So that's the main reason
25 we're coming before this board, so that each of

1 the floors will have a ten foot ceiling height.

2 One of the other things that we did is
3 we modified the layout of the interior layout to
4 accommodate an elevator. So that in the future,
5 they have access. It's a four-story building, so
6 they could get to the fourth floor comfortably
7 with groceries and packages and things of that
8 nature.

9 And then the other and kind of last
10 change that we're amending or proposing to amend
11 on the resolution is that it wound up becoming
12 very costly to brick the building all around. And
13 they realized it's a great opportunity that
14 instead of bricking the side and the back, we
15 could use a cheaper material. So that we're
16 providing brick only on the front facade of the
17 building and siding on the side and the back, so
18 they could save a little on the construction
19 budget, so they can accomplish this correctly.

20 The other thing, since we're coming
21 before this board, Mr. Chairman, and I know this
22 was a huge concern to you, we changed our roof
23 deck so that we would have a two foot setback all
24 around the perimeter. And we changed the railing
25 so that it is a smooth railing. It's basically

1 either glass or panel railing, we made that
2 four feet high, as per previous applications, just
3 to address your concerns and the board's concerns
4 to provide safety there.

5 That pretty much sum up the project.
6 There are balconies in the rear of the building,
7 I'm not sure those balconies were there before.
8 But just to be clear, we're providing balconies of
9 off each of the apartments along the rear of the
10 property.

11 CHAIRPERSON GARCIA: Do we have a prior
12 resolution?

13 MR. VALLEJO: Yes.

14 CHAIRPERSON GARCIA: You can continue.

15 MR. PEREIRAS: That concludes my
16 testimony. I can walk you through the apartments,
17 but I spoke about the amendments.

18 CHAIRPERSON GARCIA: What is the bubble?

19 MR. PEREIRAS: The bubbles are
20 everything that changed, so that this board knows
21 what the changes are and it's very clear. So all
22 the floor plans changed. In order to provide the
23 elevator, everything moved around a little bit.
24 But the number of units and the number of
25 bedrooms, that all remained the same. It's just

1 the configuration has changed.

2 CHAIRPERSON GARCIA: I think I need a
3 two minute break to read the prior resolution, so
4 two minute break, please.

5
6 (Whereupon a short recess was taken.)

7
8 MR. VALLEJO: Back on the record. Ms.
9 Pereiras, please.

10 MS. PEREIRAS: Mr. Chairman, counsel, I
11 understand that the board needs some time to
12 review our prior application, the resolution, as
13 well as the minutes of the meeting. So we have no
14 objection to having this matter carried to the
15 April 11th meeting.

16 MR. PANEQUE: Ms. Pereiras, you waive
17 the statutory time limit for this board to hear
18 the application?

19 MS. PEREIRAS: Of course I do.

20 MR. PANEQUE: Thank you.

21 CHAIRPERSON GARCIA: Please extend our
22 gratitude to the applicants to give us an
23 opportunity to go through the resolution.

24 MS. PEREIRAS: I will.

25 CHAIRPERSON GARCIA: I make a motion to

1 adjourn this application for the April 11th
2 meeting.

3 MR. VALLEJO: Motion to adjourn this
4 application to April 11th.

5 MS. GUTIERREZ: Second.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.
7 Roll call on the motion.

8 Mr. Grullon.

9 MR. GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 MS. GUTIERREZ: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Mr. Garcia.

17 CHAIRPERSON GARCIA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Six in favor, motion
21 carries.

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1 **JFK REALTY -**

2 **4614 KENNEDY BOULEVARD:**

3
4 MR. VALLEJO: We're moving to item
5 number five, JFK Realty, 4614 Kennedy Boulevard.
6 Ms. Pereiras, please.

7 MS. PEREIRAS: Yes, thank you, Mr.
8 Vallejo. The board may recall several months ago
9 we had an application for 4614 Kennedy Boulevard.
10 We actually came in front of you a quite a few
11 times, there were many iterations.

12 This matter was finally approved at the
13 July meeting, where the board approved a building
14 consisting of 12 residential units. The
15 resolution was memorialized in September. I
16 requested an amendment to the resolution to
17 specify that the units that were approved, the
18 12 units were all two bedrooms. Knowing our
19 building department, I wanted to make sure there
20 was no issue or confusion later on.

21 Having sent that request to counsel and
22 to your board secretary, I was asked to come
23 before the board, just to make sure that that was
24 the understanding of the board as well that the
25 12 units being approved were all two bedrooms. I

1 went through application as well as the minutes of
2 the meeting, wherein the board made a request to
3 reduce one of the units for a total of 12, at
4 which time Mr. Pereiras testified that he would
5 eliminate the one floor. And we were asked to
6 provide additional drawings for the board. We
7 provided those boards, those were submitted --

8 MR. VALLEJO: Ms. Pereiras, allow me two
9 seconds, please. Ms. Gutierrez is going to recuse
10 herself.

11 MS. GUTIERREZ: I did.

12 MS. PEREIRAS: We submitted revised
13 drawings to the board, all of which showed two
14 bedrooms and then the resolution was memorialized.
15 So I'm really here for a clarification and
16 hopefully for an amendment to the resolution that
17 specifies that each apartment was two bedrooms.

18 MR. PANEQUE: Ms. Pereiras, do you know
19 where in the transcript it stated, so that our
20 chairman can go directly to that and not read the
21 entire?

22 MS. PEREIRAS: Sure. So if we go to
23 page 172.

24 MR. PANEQUE: 172, let's just read that.
25 If you have it, can you read that passage where

1 it's stated that all the apartments will be two
2 bedrooms?

3 MS. PEREIRAS: Okay. So Mr. Garcia made
4 a comment, "so we'll say 12 units". And then
5 Chairperson Grullon said, "the parking 9 by 18?"
6 Mr. Pereiras responded, "just to make purposes of
7 this application very clear, the fourth floor plan
8 is basically eliminated. It's just going to be
9 the same as the second and third floor."

10 MR. PEREIRAS: And the second and third
11 floor were all two bedrooms.

12 CHAIRPERSON GARCIA: Where does it say
13 that?

14 MR. PEREIRAS: It was two bedrooms, the
15 drawings that were submitted to the board. It
16 hasn't changed at all. The second floor was four
17 two bedrooms and the third floor was four two
18 bedrooms. And then the third floor, if the board
19 recalls, had a balcony here that was missing a
20 portion of the building. So that unit became --
21 was a one bedroom. That unit now got filled in
22 because the board requested that we eliminate the
23 balcony. So it became exactly like the floors
24 below it, which was two bedroom.

25 MR. PANEQUE: So when you stated that

1 the third floor will be exactly like the second
2 and the third --

3 MR. PEREIRAS: The second -- the fourth
4 would be exactly the same.

5 MR. PANEQUE: The fourth would be
6 exactly the same because the elimination of the
7 balcony, now you gained that extra space?

8 MR. PEREIRAS: That's correct.

9 MR. PANEQUE: Okay.

10 MR. PEREIRAS: And just to be clear, the
11 drawings that were revised that were reviewed by
12 Mr. Spatz that the chairman signed, all had two
13 bedroom apartments. It's just that the resolution
14 didn't have that clarity. And our building
15 department requires a lot of clarity. That's why
16 we're here.

17 CHAIRPERSON GARCIA: So basically, Mr.
18 Spatz, you reviewed the plans?

19 MR. SPATZ: Yes. I reviewed them before
20 the resolution was adopted.

21 CHAIRPERSON GARCIA: So basically the
22 consent like is mentioned on page 172, right?
23 That instead to mention how many bedrooms, it says
24 it's identical, three --

25 MR. PEREIRAS: The three floors are

1 identical.

2 CHAIRPERSON GARCIA: Right, doesn't say
3 how many rooms, just that the three floors are
4 identical.

5 MR. SPATZ: Correct. Yes, they are
6 identical. And, you know, it's up to the board on
7 how you phrase it. But that is what the case is.

8 CHAIRPERSON GARCIA: That's going to be
9 clear enough for the building department?

10 MR. PEREIRAS: We would like it to
11 specifically say that we have 12 two-bedroom
12 apartments. The building department requires
13 that.

14 CHAIRPERSON GARCIA: Can we say although
15 the three -- it's okay, never mind. It's the
16 same. So we can say it's going to be --

17 MR. PEREIRAS: Twelve two-bedroom.

18 MR. PANEQUE: Four apartments per floor,
19 two bedrooms each.

20 CHAIRPERSON GARCIA: All right.

21 MS. PEREIRAS: That's fine.

22 MR. PANEQUE: Okay. It's going to be
23 four apartments on each floor, two bedrooms each.

24 MS. PEREIRAS: I think that's perfect.

25 CHAIRPERSON GARCIA: So it's 24.

1 MR. PANEQUE: Twelve. Four apartments
2 on each floor with two bedrooms each, that's 12
3 two-bedrooms, 24 bedrooms.

4 CHAIRPERSON GARCIA: That's what I'm
5 saying because there's eight bedrooms per floor,
6 24 bedrooms.

7 MR. SPATZ: 24 bedrooms in total.

8 MR. PANEQUE: All right. We'll make
9 that clarification in the resolution.

10 MS. PEREIRAS: Thank you very much.

11 MR. PANEQUE: I'm sorry, I'm speaking --
12 that's if the chairman authorizes.

13 CHAIRPERSON GARCIA: I agree with it.
14 Just looking at the wording, basically as per Mr.
15 Spatz mention and clarified, he reviewed the plans
16 and it's identical.

17 MR. PANEQUE: Okay.

18 CHAIRPERSON GARCIA: So I make my motion
19 to amend this resolution and indicate that each
20 floor has eight bedrooms times three is 24
21 bedrooms for the entire building.

22 MR. VALLEJO: Motion on the table --

23 MR. GRULLON: Second.

24 MR. VALLEJO: -- to grant the amendment
25 on JFK Realty, 4614 Kennedy Boulevard by Mr.

1 Garcia, seconded by Mr. Grullon. Roll call on the
2 motion.

3 Mr. Grullon.

4 MR. GRULLON: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

7 MR. VALLEJO: Ms. O'Dell.

8 MS. O'DELL: Yes.

9 MR. VALLEJO: Mr. Garcia.

10 CHAIRPERSON GARCIA: Yes.

11 MR. VALLEJO: Ms. San Martino.

12 MS. SAN MARTINO: Yes.

13 MR. VALLEJO: Let the record indicate
14 that Ms. Gutierrez recuses herself.

15 MS. PEREIRAS: Thank you all very much.

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

18 MR. PEREIRAS: Thank you, everyone.

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ADOPTION OF RESOLUTIONS:

1. Hudson Heights Church of Christ 2000 West Street. Block: 109, Lot: 26. The applicant proposes to convert a portion of the second floor of an existing mixed-use building for church use.

Approved

MR. VALLEJO: We're going to resolutions now. Let me get Ms. Gutierrez.

Let the record indicate Ms. Gutierrez came back. We're going to resolution number one, Hudson Heights Church of Christ, 2000 West Street. This application was approved at the previous meeting.

Can I have a motion to memorialize this resolution?

MS. GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez, seconded by?

VICE CHAIRPERSON GRULLON: Second.

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

Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

1 VICE CHAIRPERSON GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 MR. GARCIA: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: The motion passes, five in
9 favor.

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ADOPTION OF RESOLUTIONS:

2. Rehana Latif. 1502 Central Avenue. Block:
78 Lot: 23. The applicant proposes to renovate
an existing single-family dwelling and convert it
to two units. No parking provided. **Approved**

MR. VALLEJO: Resolution number two,
Rehana Latif, 1502 Central Avenue, was approved at
the previous meeting. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MS. GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Garcia,
seconded by Ms. Gutierrez. Roll call on the motion.
Mr. Grullon.

MR. GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

MR. GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Five in favor, motion
carries.

ADOPTION OF RESOLUTIONS:

3. 1800 JFK BLVD, LLC 1800 Kennedy Blvd. Block:
96 Lot: 1. The applicant proposes to legalize
two existing apartments in the basement. **Approved**

MR. VALLEJO: Resolution number three,
1800 JFK Boulevard was approved at the previous
meeting. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

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

Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Five in favor, motion
carries.

ADOPTION OF RESOLUTIONS:

4. Martha Alvarado - 315 9th Street. Block: 109
Lot: 26. The applicant proposes the legalization
of an existing apartment. The building shall go
from three-family (3) to four-family (4). **Approved**

MR. VALLEJO: Resolution number four,
Martha Alvarado, 315 9th Street, was approved at
the previous meeting. Can I have a motion?

MS. GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez.

VICE CHAIRPERSON GRULLON: Second.

MR. VALLEJO: Seconded by Mr. Grullon.

Roll call on the motion. Mr. Grullon.

MR. GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Five in favor, motion
carries.

1 **ADOPTION OF RESOLUTIONS:**

2 5. Jacques Minoyan - 516 25th Street. Block:
3 142 Lot: 28. Legalization from 1 family into a
4 two family. **The approval resolution was**
5 **memorialized on 10-13-2022.** The applicant is
6 requesting to amend the resolution, permitting the
7 demolition of a portion of the garage. **Approved**

8
9 MR. VALLEJO: Resolution number five,
10 Jacques Minoyan, 516 25th Street, was approved at
11 the previous meeting. Can I have a motion?

12 VICE CHAIRPERSON GRULLON: Motion.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Motion by Mr. Grullon,
15 seconded by Ms. Gutierrez. Roll call on the
16 motion.

17 Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Five in favor, motion
3 passes.

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1 **ADOPTION OF RESOLUTIONS:**

2 6. Christoff Schluender. 1801-1803 Cliff Street.
3 Block: 177 Lots: 25 & 26. Subdivide the site
4 into two lots and construct a new two-family
5 dwelling on each lot. **Approved on 12-08-22.** The
6 applicant is requesting permission of the board to
7 construct two one-family homes instead of
8 one-family home & one two-family. **Approved**

9
10 MR. VALLEJO: Resolution number six,
11 Christoff Schluender, 1801-1803 Cliff Street,
12 approved at the previous meeting. Can I have a
13 motion?

14 CHAIRPERSON GARCIA: Aye.

15 MR. VALLEJO: Motion by Mr. Garcia.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by Ms. Gutierrez.

18 Roll call on the motion.

19 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: Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Five in favor, motion
5 pass.

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1 **ADJOURNMENT :**

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

7 MR. GRULLON: Second.

8 MR. VALLEJO: Seconded by Mr. Grullon.
9 All in favor?

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

13
14 MR. VALLEJO: The ayes have it. Let the
15 record indicate that the meeting has ended.

16
17 (Whereupon the meeting was adjourned at
18 8:33 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