

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, May 9, 2024
Commencing at 6:10 p.m.

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

ANDRES GARCIA, Chairperson
VICTOR M. GRULLON, Vice Chairperson
MARGARITA GUTIERREZ
GERALDINE PEREZ
ALTAGRACIA SAN MARTINO
MINDRY WATLEY

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

MIGUEL ORTIZ
ROSIO PENA
VIVIAN O'DELL
RAYMOND CETINICH

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

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Board Counsel

AUGUSTIN PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

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I N D E X

	<u>PAGE</u>
CALL TO ORDER	10
SALUTE TO FLAG	10
ROLL CALL	11
ADOPTION OF MINUTES	12
HEARINGS	
2000 West St. LLC	13
Carlos & Ofelia Velazquez	100
Park Ave Investment, LLC	118
Acosta & Jimenez	138
Marcelo Moya	154
Agustin Gonzalez	179
Sol on 18th Street	205
ADOPTION OF RESOLUTIONS	208/210
ADJOURNMENT	212

I N D E X

2000 WEST ST. LLC
2000 West Street

WITNESSPAGE

ALBERT ARENCIBIA

15

CRAIG PEREGOY

35

JOHN McDONOUGH

56

E X H I B I T SNO.DOCUMENTPAGE

A-1

planning packet

58

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

CARLOS & OFELIA VELAZQUEZ
202 41st Street

<u>WITNESS</u>	<u>PAGE</u>
MANUEL PEREIRAS	102
ALEXANDER DOUGHERTY	106

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	planning packet	108

I N D E X

PARK AVE INVESTMENT, LLC
3801 Park Avenue

WITNESSPAGE

MANUEL PEREIRAS

119

E X H I B I T SNO.DOCUMENTPAGE

A-1

rendering

123

I N D E X

SEGUNDO P. ACOSTA & JOSE M. JIMENEZ
2010 Kerrigan Avenue

<u>WITNESS</u>	<u>PAGE</u>
MANUEL PEREIRAS	102
ALEXANDER DOUGHERTY	106

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	planning packet	108

I N D E X

MARCELO MOYA
312-314 4th Street

WITNESSPAGE

MANUEL PEREIRAS

156

ALEXANDER DOUGHERTY

165

E X H I B I T SNO.DOCUMENTPAGE

A-1

rendering

161

A-2

planning packet

166

I N D E X

AGUSTIN GONZALEZ
1413 New York Avenue

WITNESSPAGE

MANUEL PEREIRAS

180

ALEXANDER DOUGHERTY

187

E X H I B I T SNO.DOCUMENTPAGE

A-1

planning packet

187

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

3 Please take notice that on Thursday, May
4 9, 2024, at 6 p.m., a regular meeting is scheduled
5 for the City of Union City Zoning Board of
6 Adjustment, to be held in Union City High School,
7 located at 2500 John F. Kennedy Boulevard, Union
8 City, New Jersey.

9 Adequate notice of this meeting has been
10 provided as follows: Notice of this meeting
11 setting forth the time, date, location, to the
12 agenda to the extent known, was forwarded to The
13 Jersey Journal, The Record, and The Star Ledger,
14 has been posted on the website of the City of
15 Union City, the bulletin board in City Hall, and
16 has been made available to the public in the
17 Office of the Municipal Clerk.

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

21

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

24

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

MR. GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. PANEQUE: Ms. O'Dell is absent.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Let the record indicate there are six present.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes from April 11, 2024. Can I have a motion?

MS. GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez. Any second?

MS. PEREZ: Second.

MR. VALLEJO: Second by Ms. Perez. Roll call on the motion.

Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes, I read the minutes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **PUBLIC HEARING:**

2 **2000 WEST ST LLC -**

3 **2000 WEST STREET:**

4
5 MR. VALLEJO: We're moving to the first
6 item on tonight's agenda, 2000 West, LLC. Mr.
7 Alonso, please.

8 MR. ALONSO: Good evening, Mr. Chairman,
9 Members of the Board. For the record, Alvaro
10 Alonso on behalf of the applicant.

11 The board may recall that we commenced
12 this application back at the February hearing.
13 The board had a number of requests, so we went
14 back and resubmitted revised plans and brought
15 some additional information. We have Mr.
16 Arencibia, who will be concluding his testimony
17 this evening. Craig Peregoy who will be
18 testifying as far as traffic and parking. John
19 McDonough will be testifying as our planner.

20 Just to refresh your recollection, this
21 is a project that was approved a number of years
22 ago. We came back and we did an amendment and we
23 phased it. We did Phase 1 and Phase 2. Phase 1
24 as you recall has been completed, we're now on
25 Phase 2. Phase 2 portion of the project included

1 recording studios. And the recording studios had
2 a residential component to it because some of the
3 musicians were able to stay there overnight, if
4 they're working hard on their albums.

5 Since then, we discovered there's a need
6 for a live-work type of use. So we're here now to
7 amend those prior approvals to incorporate a
8 live-work component and that's what I had
9 indicated last time. The board was concerned that
10 we're actually introducing residential units. And
11 we're not for a number of reasons and we'll get
12 into that. I think Mr. McDonough is going to
13 provide a great presentation in terms of the
14 live-work type of use.

15 And I do want to express that we -- this
16 was brought to us as a need in the community. It
17 provides an affordable space for both people to
18 live and work and it's a good place to start a
19 business. We did review this with the City and
20 the City is in favor of this type of use,
21 obviously subject to this board's approval. And
22 we hope that we can convince you by the end of the
23 evening that this is something that works,
24 especially at this site.

25 So with that said, I'm going to call Mr.

1 Arencibia.

2

3 A L B E R T A R E N C I B I A, after having
4 been duly sworn or affirmed, did testify as
5 follows:

6

7 MR. ARENCIBIA: Albert Arencibia.

8 MR. ALONSO: Thank you. Albert, you
9 testified at the hearing in February; is that
10 correct?

11 MR. ARENCIBIA: That's correct, yes.

12 MR. ALONSO: You're here to continue
13 your testimony?

14 MR. ARENCIBIA: That is correct, yes.

15 MR. ALONSO: So I think one of the
16 questions the board had last time was what was the
17 prior use that was approved and they asked to us
18 bring some plans?

19 MR. ARENCIBIA: Correct. The prior use
20 was the recording studio. But the interesting
21 thing about this project that, you know, I'm
22 actually very excited about because this has a
23 component, that's the older monastery office
24 building that was part of the monastery at the
25 time. So it's very historic in nature. And one

1 of the things that actual building also had was an
2 addition that was some sort of a modern add onto
3 it.

4 So what was challenging at the beginning
5 was when we're doing the phasing of this project
6 was that basically you have the two stories,
7 office spaces on the ground floor. And then the
8 new two floors are going to be the recording
9 studios, that's going to be part of the whole
10 thing. So it was interesting and, you know,
11 exciting to be able to design something that would
12 sort of kind of blend the two. So we created this
13 sort of second -- third and fourth floor of the
14 building in a very modern kind of metallic
15 exterior finish on it. But, you know, that's --
16 so it really is going to be contextually very
17 pleasing to the eye, anybody going by the area.
18 But one of the things was that the uses were going
19 to be the recording studios. And, again, as Mr.
20 Alonso indicated was that a lot of musicians, they
21 actually record during the evenings because
22 they're doing other things, running around during
23 the day, so that a lot of the recordings are done
24 at night. Those areas were going to be used also
25 for sleeping over while they're doing recordings

1 at night. So typically that's the way it works.
2 So what we did here is --

3 MR. ALONSO: And just to be clear,
4 that's the way it was presented when it was
5 approved?

6 MR. ARENCIBIA: That's correct.

7 MR. ALONSO: That -- I don't want to say
8 residential component -- but they were able to
9 sleepover?

10 MR. ARENCIBIA: It's a hybrid sort of
11 thing. That's basically what we've come back to
12 also. The live-work is sort of like a hybrid, so
13 you're working out of your own apartment.

14 So one of the things that -- what we've
15 done in the new change of the use is basically
16 wanted to make sure that everybody is aware we
17 have not increased any of the building size
18 whatsoever, everything is confined to the building
19 interior. So the only changes have to do with the
20 partitions on the interior of the spaces and
21 nothing increased on the exterior of the building.
22 So the volume itself that was -- we asked and we
23 got approval for, that's exactly what we still
24 have right now.

25 So what we have is basically on sheet

1 T100. Basically, see the existing monastery place
2 elevations, which is the nice classical building,
3 you have the cross, the actual statue. We
4 actually took the statue down and the cross down
5 because it's an office building, but all the
6 architectural detail still remains, consistent
7 throughout the old section. As you can see here,
8 on the same sheet, T100, the rear addition that I
9 would say is like a sort of modern component to
10 it. But also sort of matches scale wise with the
11 old. So it was a nice combination. So it was a
12 challenge to do the addition, but I think the
13 design we came up with is a very good blend
14 between the two.

15 Sheet T101 is basically the survey of
16 the existing property, so that's existing. So
17 here we have, of course, pictures of the location
18 of the space. As you can see, it's on West Street
19 and Monastery Place. The location there, there's
20 some parking along West Street along here. And
21 when we did the original application, we also had
22 parking along an interior alleyway that they have
23 here. As part of this application, in order to
24 provide more parking, we have actually added some
25 additional parking along the Monastery Place area

1 where we have some additional parking spaces there
2 in order to help the parking requirement for the
3 residents that are going to be living in the
4 spaces.

5 These are some of the existing tenants
6 that are in the building on the first and second
7 floor. That hasn't changed. So basically here,
8 we get to where the third and fourth floor what we
9 have basically the addition, the rear section
10 here. Because on the third floor, there's
11 actually a partial floor on the third floor and
12 the addition was connecting the third floor to the
13 rest of the addition. So this would be a brand
14 new addition, what you see here in white and the
15 shaded area here. And of course the fourth floor
16 would be the entire floor addition.

17 So basically it's going to fit right
18 above this section of the building here toward the
19 rear of the building. So it's roughly a 70-foot
20 extension there by about 98-foot extension.
21 Again, this is exactly the same extension that we
22 had originally in the application.

23 So what we have is we created a center
24 hall corridor for the upper spaces. And off of
25 the center hall corridor, it's going to have

1 live-work units on both sides of them. Roughly
2 the sizes range from 600 square feet to about
3 910 square feet. The areas on the ground floor --
4 on the third floor are actually going to be
5 one-story. And the areas above are going to be
6 two -- sort of like a mixed duplex upper two-story
7 work area, and then your living area is above.
8 And that's what you see on sheet A102. Basically,
9 you have the actual work areas like facing the
10 windows, the large windows that we're proposing.
11 And then the living area setting back from there
12 as well. We show basically some movable
13 partitions in order to separate the two spaces,
14 but in essence, it's going to look like overall
15 one entire space.

16 These are the existing elevation on
17 sheet A200. And on sheet A201, you see the
18 addition here. And you see the nice large metal
19 vertical panels and the windows, that's in scale
20 with the windows of the second addition that was
21 done on the building previously.

22 Again, the front facade of the building.
23 Basically, you will see that, but it's going to be
24 set back from the actual coping on the cornice on
25 the floor in front of the building itself and it's

1 going to wrap around. It's going to be set back
2 from the actual architectural detail of the old
3 building.

4 MR. ALONSO: Mr. Arencibia, before you
5 continue, you're just referring to the structure
6 for purposes of bringing the board up to speed and
7 refreshing their recollection, we don't need any
8 approvals, we're not requesting approvals for the
9 construction of the addition?

10 MR. ARENCIBIA: That is correct.

11 MR. ALONSO: It's really just for the
12 use?

13 MR. ARENCIBIA: Correct.

14 MR. ALONSO: Thank you.

15 MR. ARENCIBIA: So, and again, this
16 completes all the elevations of the building. You
17 get a good idea of the context of the new with the
18 context of the old building itself. I don't know
19 what else to add.

20 CHAIRPERSON GARCIA: Mr. Alonso, you
21 mentioned something, making a statement saying
22 that you're here just for the use, not for any
23 variance?

24 MR. ALONSO: We need variances
25 associated with the use.

1 CHAIRPERSON GARCIA: Okay.

2 MR. ALONSO: But the addition that Mr.
3 Arencibia is referring to has already been
4 approved.

5 CHAIRPERSON GARCIA: Okay.

6 MR. ALONSO: So what we're intending to
7 do is use the property or that portion of the
8 property for the live-work that we had discussed
9 earlier.

10 CHAIRPERSON GARCIA: Okay.

11 Mr. Arencibia, can you explain how many
12 units in total? Maybe also the work area?

13 MR. ARENCIBIA: Twenty-two. Sixteen
14 studios and six lofts.

15 CHAIRPERSON GARCIA: Okay. And with the
16 commercial, how many commercial spaces do you have
17 right now?

18 MR. ARENCIBIA: Well, again, that's
19 something that varies because, you know,
20 commercial space is depending on the tenant that
21 moves in, their sizes change. So I know that the
22 owner has had certain tenants come in and out
23 during the course of the years since we re-did
24 this application. But I can tell you what we have
25 there right now. But those are not fixed in stone

1 is what I'm saying. Right now, we have on the
2 ground floor plan, seven tenants on the ground
3 floor.

4 CHAIRPERSON GARCIA: Okay.

5 MR. ARENCIBIA: And on the second floor
6 plan, we have ten tenants. But again that's
7 basically the same square footage. So you see the
8 difference that one floor makes.

9 CHAIRPERSON GARCIA: Okay. Which one
10 is -- when you presented like approval of Phase 2
11 and approved Phase 2 chart, Block 109, Block 109,
12 Lot 26, which one is the difference between those
13 two because this is really similar? The only
14 thing I'm seeing here is some changes in the
15 number -- the math that you did for the parking
16 spaces and 16 more studios -- six for studios,
17 okay.

18 Can you explain to us the difference
19 between those two charts? It is in the T100, the
20 first one, those two charts.

21 MR. ARENCIBIA: Okay here, okay. Yes.
22 What we did here was basically that's what we had
23 approved previously. And what we did here, we
24 just basically updated the chart for the parking
25 requirement, based on the 22 units and the parking

1 requirement that is required for that.

2 So as you see here, that's the one
3 section that's bubbled. That's the area that's
4 basically changing in the two charts, just for the
5 parking.

6 MR. ALONSO: And the purpose of
7 including both charts is not to confuse is to
8 actually help you understand what was previously
9 approved compared to what we're proposing now.

10 MR. ARENCIBIA: Because everything
11 here other than the parking was already approved
12 and that's not changing at all.

13 CHAIRPERSON GARCIA: Okay. You
14 mentioned about tenant commercial spaces. I know
15 the parking spaces, the commercial, is based on
16 the size of the space, correct, Mr. Spatz?

17 MR. SPATZ: That's correct, yes.

18 CHAIRPERSON GARCIA: So how big is the
19 space the commercial space in the building and how
20 many parking spaces is required for the commercial
21 space, you know, the space that you dedicate for
22 commercial?

23 MR. ARENCIBIA: Should we get.

24 MR. ALONSO: We have a traffic engineer
25 who did a parking analysis, if you want, we can

1 defer to him.

2 CHAIRPERSON GARCIA: Okay. Mr.
3 Arencibia, those 22 units, six and 16, how many
4 bathroom do you have? I mean complete bathrooms,
5 shower?

6 MR. ARENCIBIA: Each one of the units
7 will have one full bath.

8 CHAIRPERSON GARCIA: Okay. And any
9 change related to the prior versus the prior
10 approval, right? No change at all just --

11 MR. ARENCIBIA: Not at all.

12 CHAIRPERSON GARCIA: I have no further
13 questions.

14 VICE CHAIRPERSON GRULLON: If I may, Mr.
15 Chairman? I mean this application has been in
16 front of us, the same site for three years. How
17 many, you know, type of uses are we proposing
18 here? I know we have church, we have daycare, we
19 have music studio, now we have apartments, you
20 know; is that right?

21 MR. ALONSO: They're not apartments.
22 And there's --

23 VICE CHAIRPERSON GRULLON: Those
24 previous uses, they're going to continue?

25 MR. ALONSO: Correct.

1 VICE CHAIRPERSON GRULLON: We're not
2 just saying that we don't want --

3 MR. ALONSO: Correct.

4 MR. GRULLON: This is addition to
5 those --

6 MR. ALONSO: This is the Phase 2
7 portion --

8 VICE CHAIRPERSON GRULLON: That's a lot.

9 MR. ALONSO: -- which was testified to
10 when again this was approved.

11 VICE CHAIRPERSON GRULLON: This will be
12 Phase 4.

13 MR. ALONSO: No, no, this is Phase 2.

14 MR. GRULLON: I know we have church use.

15 MR. ALONSO: No, no, no. That's all
16 part of Phase 1.

17 VICE CHAIRPERSON GRULLON: Daycare that
18 came recently.

19 MR. ALONSO: That's all part of Phase 1.
20 So what happens is as the tenants turnover, okay,
21 depending on the use, they may be able to move
22 right in and get a certificate of occupancy.
23 Based on Mr. Spatz's review and the building
24 department's review, they may require zoning
25 approval and then they'll refer you to here.

1 VICE CHAIRPERSON GRULLON: I hope your
2 traffic expert -- all those parking requirements
3 will be covered for every single use.

4 MR. ALONSO: He's going provide a full
5 analysis on that. But all those uses you're
6 referring to is part of Phase 1 and that Phase 1
7 is complete. Like any other building, once it's
8 complete, it's complete. And then the tenants
9 move in and out. This is Phase 2, which
10 originally was going to be recording studios and
11 now it's going to be live-work instead.

12 VICE CHAIRPERSON GRULLON: Thank you.

13 MS. PEREZ: For the 16 units and the six
14 lofts, could you zoom in for me, like what do they
15 look like? I know you explained it, but can you
16 give me what's inside? Like zoom it in a little
17 bit.

18 MR. ARENCIBIA: If you want to go to
19 sheet A102. On the right-hand side of the sheet
20 there is the floor plan.

21 CHAIRPERSON GARCIA: You have to go
22 further.

23 MR. ARENCIBIA: So those are all the
24 lofts there on the third -- so the units there on
25 the third floor --

1 MS. PEREZ: To the right are the lofts.

2 MR. ARENCIBIA: The lofts are -- if you
3 go to A103, that's where you run into the lofts
4 along the right-hand side. Because what happens,
5 the right -- that section toward the front of the
6 building, this is a two-story section to below and
7 then the lofts are back in here.

8 MS. PEREZ: Can you walk me through
9 what's in it?

10 MR. ARENCIBIA: Sure. You walk into the
11 base and you basically have your bathroom --

12 MR. ALONSO: You're on A103 now, right?

13 MR. ARENCIBIA: Yes.

14 MS. PEREZ: So that's what a loft --

15 MR. ARENCIBIA: You walk in the front
16 door, the corridor, you basically have an entrance
17 closet. To your left, you have stairs that leads
18 up to the loft above there. On the right-hand
19 side, you see the washer and dryer and hot water
20 heater. There's the full bathroom for the unit
21 there. And then basically from the back -- the
22 back side, not over, there's a galley kitchen
23 along one side. And then the rest of the space is
24 an open loft space area. So that live-work loft
25 space area behind those walls there, that's like a

1 two-story space. So you actually from the second
2 floor, you actually look down below. And the way
3 we designed the windows are nice tall windows
4 along the outside, so you get a lot of sunlight
5 into the space, which a lot of artists need a lot
6 of sunlight to do their work. That's basically a
7 typical --

8 MS. PEREZ: It's different from the
9 other units how? Like this --

10 MR. ARENCIBIA: This unit is basically
11 lofts.

12 MS. PEREZ: Just that it's two stories
13 and it's basically the same.

14 MR. ARENCIBIA: Right. Because some are
15 not two stories and some are. So the ones we're
16 able to get the two stories, we did the lofts.
17 The other ones, we couldn't do that.

18 MS. PEREZ: They all have full
19 bathrooms, kitchen, and a living space?

20 MR. ARENCIBIA: Yes.

21 CHAIRPERSON GARCIA: Mr. Arencibia, you
22 have six residential and six --

23 MR. ARENCIBIA: Duplex.

24 CHAIRPERSON GARCIA: 16.

25 MR. ARENCIBIA: So some are just flats

1 and some are duplex.

2 CHAIRPERSON GARCIA: But you have -- the
3 difference between six and 16, what I understand
4 is six residential and 16 is work studio --

5 MR. ALONSO: No, no.

6 CHAIRPERSON GARCIA: Everything is work
7 studio.

8 MR. ALONSO: They're all live-work, just
9 that 16 are flats with a studio and six because of
10 the height, we were able to accommodate a second
11 level. And those are lofts. Same use, just one
12 has two floors --

13 MS. PEREZ: That's what I was not clear
14 about.

15 CHAIRPERSON GARCIA: Okay. And also let
16 me -- I don't know. Probably I need to go back to
17 school, but can you give me the difference between
18 residential and live-work space, which one --

19 MR. ALONSO: I'm going to answer that in
20 two parts. The first part is Mr. McDonough has a
21 full analysis and presentation on that. And,
22 hopefully, he'll be able to explain it a lot
23 better than I can in terms of what the actual use
24 is. The second part to that is Mr. Grullon
25 indicated how there's -- there seems to be

1 multiple phases because we have churches and other
2 daycares coming before the board for approvals.
3 And that's exactly what protects the board and the
4 City because there's a mechanism that's already in
5 place. That whoever is going to move in here,
6 they're not moving in as an apartment. They have
7 to make an application to the building department,
8 assuming there's an approval, saying I want a
9 live-work space, this is how I'm going to use it.
10 This is the type of work I'm going to be doing.
11 Mr. Spatz will review it, along with the building
12 department. And they'll say yes that meets the
13 approval from the board and you can go ahead to
14 the next phase, which is then go to the building
15 department and obtain the certificate of
16 occupancy. The building department then does
17 their own investigation to make sure that it is a
18 live-work before they issue the CO. And then the
19 third phase is the fire department -- because it
20 is commercial in nature, the fire department does
21 an inspection once a year. And every year, they
22 go in to confirm that it continues to be a
23 live-work and not just an apartment.

24 So exactly the point that Mr. Grullon
25 was making -- I don't know if you knew that you

1 were making -- would be the other tenants who are
2 coming in for approval, same exact thing will
3 happen with the other tenants. So as long as they
4 meet the live-work criteria that we're going to be
5 presenting tonight, Mr. Spatz should feel
6 comfortable in saying we don't need zoning
7 approval, building department signs off on it,
8 fire department does their inspections. And then
9 we just continue with the use of the building.

10 CHAIRPERSON GARCIA: But can we
11 understand this not as residential, it's a
12 commercial thing? So if it's live-work --

13 MR. ALONSO: It's not a residential
14 apartment building.

15 CHAIRPERSON GARCIA: It's everything
16 commercial.

17 MR. ALONSO: Correct. The whole
18 intention is to provide an affordable space for
19 local residents to be able to start their
20 business, while at the same time cutting their
21 living expenses because rents could be high, so
22 they don't have to pay for both.

23 CHAIRPERSON GARCIA: Mr. Spatz, can you
24 corroborate that definition that everything is
25 residential, not -- everything is commercial, not

1 residential?

2 MR. SPATZ: Right. These are -- it's
3 sort of the opposite of what a home office would
4 be, where you have a living space and then
5 somebody uses a room for an office. This is sort
6 of the reverse of it. It's more of a commercial
7 studio space or some other business and then they
8 have a small area for -- as the residential
9 component of it. But it's more commercial with
10 residential as opposed to residential with
11 commercial. And I'm sure Mr. McDonough will give
12 a more detailed description of that in his
13 testimony.

14 CHAIRPERSON GARCIA: Okay.

15 MR. ARENCIBIA: Also basically we've
16 been at this for a long time. We actually sat
17 with the mayor, it's a very positive application.
18 We feel it's something that's in need, a lot of
19 artists, as we know, coming into Union City. And
20 one of the great things about this location is
21 you're close to Bergenline, you're right there, so
22 you have a lot of access. So, you know, going to
23 the city, any other place like that. But it's a
24 good -- it's a perfect fit for the type of use
25 that we're proposing.

1 VICE CHAIRPERSON GRULLON: Now that we
2 have Mr. Arencibia here, are we proposing any
3 construction here? Are these floors already
4 built?

5 MR. ARENCIBIA: No, the --

6 VICE CHAIRPERSON GRULLON: The entire
7 third floor is part of the application now?

8 MR. ARENCIBIA: Correct. Part of the
9 third floor and the whole entire fourth floor.
10 And we've already examined the structure of the
11 building, it's able to accommodate it.

12 MR. ALONSO: The construction is not
13 proposed as part of the application, it's already
14 been approved.

15 MR. ARENCIBIA: That's already been
16 approved.

17 MR. ALONSO: Just to be clear, but it's
18 not been constructed.

19 CHAIRPERSON GARCIA: Okay. I have no
20 further questions for the architect. There may be
21 more.

22 MR. ARENCIBIA: I'll be here.

23 MR. ALONSO: With that, I'll call Craig
24 Peregoy.

25

1 C R A I G P E R E G O Y, after having been duly
2 sworn or affirmed, did testify as follows:

3

4 MR. PEREGOY: Craig Peregoy,
5 P-E-R-E-G-O-Y.

6 MR. ALONSO: Mr. Chairman, Mr.
7 Peregoy has appeared before in the past --

8 CHAIRPERSON GARCIA: Way back.

9 MR. ALONSO: Long time, he's still
10 licensed.

11 CHAIRPERSON GARCIA: Still?

12 MR. ALONSO: I ask his qualifications be
13 accepted.

14 CHAIRPERSON GARCIA: Our pleasure.

15 MR. PEREGOY: Thank you.

16 All right. So the numbers you were
17 asking about earlier, that's what I was going to
18 start with. So I thought that made sense. Just
19 to clarify, what was approved initially for Phase
20 1 was 19,855 square feet of commercial space. And
21 above that, there's two four-bedroom apartments
22 that are there. And there's the 14 parking spaces
23 along the front, so that was Phase 1. That's
24 approved, that's what was built, that's what's
25 operating there today.

1 Phase 2 was the recording studio and
2 ancillary office space that was involved. And
3 that was an additional 17,300 square feet of -- at
4 the time it was approved as completely commercial
5 space. So the difference now is we're getting rid
6 of that 17,300 recording study, the 22 live-work
7 or work-live units are being proposed. And those
8 two four-bedroom apartments are coming out. We're
9 adding 22 -- they're not bedrooms, but, you know,
10 you put a bed, so call them a bedroom and taking
11 away eight bedrooms. So it's an addition of 14
12 bedrooms in lieu of over 17,000 square feet of
13 commercial space. So that's sort of the delta
14 that I worked with for my analysis.

15 The live-work thing -- it's really more
16 work-live. These spaces are primarily the work
17 spaces and it just happens to have a component
18 where somebody is able to live there. That isn't
19 something that's in your ordinance, that's not
20 something that's in any of the traffic engineering
21 literature that I use, the ITE parking data,
22 because it's generally accepted that, all right,
23 the whole idea of it is to reduce the need to
24 commute to and from work, to have a car, so it's
25 going to a lesser impact on traffic and parking.

1 And the second thing is most of these are in
2 rehabilitated industrial buildings that don't have
3 off-street parking. So you couldn't quantify how
4 much parking there was.

5 So everything that I put together is
6 based on your ordinance and based on my
7 statistics. So I looked at them as they were
8 apartments because that's going to be more
9 conservative than the reality. Obviously, the
10 parking rate and traffic rate where somebody lives
11 and works in the same place is going to be
12 reduced. So I'm looking at a worst case scenario
13 in term of what I put together for my numbers.

14 Just briefly to touch on the traffic
15 aspects of it, again, we're comparing basically
16 17,000 square feet of commercial space to an
17 additional 22 units, 14 sleeping places, bedrooms.
18 If you do the math on that, based on the trip
19 generation for the ITE, it's a decrease in traffic
20 as compared to what was previously approved of
21 eight fewer trips in the morning in the peak hour
22 and nine fewer in the evening. So it's not a
23 significant decrease, but it's less traffic
24 generation. Again that number would come down
25 farther when you take into consideration the fact

1 that somebody isn't commuting from one of these
2 units because they work there. So that's it for
3 the traffic, I think the parking is probably more
4 critical thing.

5 So based on the zoning ordinance here,
6 which we have to use, it doesn't have that
7 work-live component. So I'm using again
8 residential and for the commercial space, it's
9 generally retail sales and other not specifically
10 listed uses as one per 300 square feet, which is
11 what was used in the original approval.

12 So to give you more numbers, the
13 original approved Phase 1 had a parking
14 requirement based on the ordinance of 74 parking
15 spaces, that's 66 for the commercial space and an
16 additional eight for the two four-bedroom
17 apartments. The approved Phase 2 had a parking
18 requirement of 57 spaces. So what was originally
19 approved was 131 total parking spaces with 14
20 provided.

21 Now, when you go through again and do
22 the math for what's proposed now is the need for
23 parking, you're removing the two four-bedroom
24 apartments and then just assuming the typical 1.8
25 per one bedroom per RSIS and your ordinance says,

1 the Phase 2 now requires 40 space and the Phase 1
2 would be reduced to 66 because you're taking away
3 those two four-bedrooms, so a total of 106 is now
4 ordinance wise required. That reduces from --
5 that's 25 spaces less than what was previously
6 approved, just based on the ordinance alone, just
7 doing the math based on the numbers, not
8 necessarily based on reality, it's based on the
9 numbers.

10 There's a bunch of different users in
11 there now, so we had the opportunity -- that's
12 obviously going to change over time, so I think
13 that one per 300 number makes sense. But if I do
14 go through each use in there and compare it to
15 your ordinance, that's 74 spaces that was
16 originally approved for the Phase 1 commercial
17 space would go down to 70 spaces based on the
18 specific uses that are there. The daycare has a
19 little bit higher requirement, there's two
20 churches that have a little bit lower requirement,
21 so that one per 300 is a pretty safe number to
22 keep using. Because I don't think there's
23 anything that could go in one of the spaces that's
24 larger than that. So that was the answer I know
25 you mentioned that before in terms of what's in

1 there.

2 So the second step that I took obviously
3 we had the ordinance, we're now asking for a
4 lesser parking variance as compared to what was
5 approved. But I also took a look at the ITE, the
6 Institute of Transportation Engineers' numbers
7 which have parking generation numbers. And that's
8 based on parking counts taken throughout the
9 country at various land uses. I went through and
10 did the same math that I did with the ordinance
11 for the originally approved versus what's now
12 proposed, based on what the ITE's recommendations
13 would be. What it says is 47 spaces for the
14 approved existing Phase 1 is what the demand would
15 be. For the approved Phase 2, the recording
16 studios is 35, for a total of 82. So that's what
17 the ITE would suggest for that original approval
18 back when we came with that. The revised proposed
19 Phase 2, less those two four-bedroom apartments,
20 the total is 53 spaces that the ITE recommends, so
21 29 less. So 82 was approved using the ITE
22 numbers, now we need 53 proposed, so 25 less
23 spaces based on the ordinance, 29 less based on
24 ITE.

25 Now, obviously, there's only 14 spaces

1 there and this is a successful functioning
2 building. So I did have a chance to speak to the
3 applicant, go through all the different uses in
4 there and they're parking. And right now, if you
5 add up everybody's parking needs, they need 13
6 total parking spaces for the whole Phase 1. So
7 that's about 18 percent of what the ordinance says
8 this should need. So if you go through and adjust
9 everything to match that, say, okay, this is what
10 the ordinance thought, we're at 18 percent of
11 that. If you go through and do that for all of
12 those ordinance numbers, then the difference is
13 five less parking spaces. But what's actually
14 required for Phase 2, the addition beyond what's
15 there today, is five parking spaces. And we've
16 come up with a plan that we could do, we can add
17 up to 11 parking spaces. And I know --

18 MR. ALONSO: Just refer to the sheet
19 number.

20 MR. ARENCIBIA: If I find it, I will.
21 So the point being what we showed originally here
22 was this long conga line of cars where you could
23 store vehicles back there. I don't think that's
24 practical if I'm in the space all the way in the
25 back and I need to get out. So we've come up with

1 a plan where we can add three parking spaces to
2 the lawn on this side, four tandem spaces on this
3 side, and then just two spaces in this alley, just
4 a typical tandem space and two back here. Just to
5 see what the functional practical amount of
6 parking if we wanted to add some could be, we
7 added 11 parking spaces to what's existing. I'm
8 not suggesting that that should actually be done
9 because I don't think we want to promote -- the
10 whole idea of this is people who don't have
11 vehicles and don't need to commute and do actually
12 use the spaces to work. So if you provide
13 parking, there's more chance they're going have a
14 car. But at the board's discretion, we can easily
15 provide 11 very functional working parking spaces
16 to this project for a delta based on the reality
17 that's here of five. I defer that to you guys.
18 My suggestion would be not to provide more parking
19 and not invite more cars, but it is a possibility
20 to add 11 parking spaces, if you guys would like.

21 But the idea and you're going to hear
22 from Mr. McDonough, these work-live, live-work
23 spaces is to not -- to not have vehicle ownership,
24 to have the person working there. Ideally with a
25 building like this is the perfect opportunity, if

1 an artist is in one of those spaces creating art,
2 maybe ultimately one day, they secure one of the
3 ground floor commercial spaces to sell it. And
4 then you have a whole ecosystem, you know, an
5 artist selling and creating their work all in one
6 place. They're not driving, they're not
7 commuting, taking advantage of all the resources
8 that are available in Union City, not necessarily
9 out in suburbia.

10 So that's the idea. Again, we can add
11 11 spaces if you want. I suggest we leave it, but
12 defer to the board's discussions.

13 MR. ALONSO: Mr. Peregoy, just to keep
14 the record complete -- obviously, there was a
15 parking and traffic analysis performed at the
16 prior applications, which the board accepted and
17 found that the variances could be granted. Now,
18 you testified that the parking demand on this
19 Phase 2 is less than what was previously approved?

20 MR. PEREGOY: Yes.

21 MR. ALONSO: So did you form an opinion
22 as to whether or not there's no -- should be no
23 problem with the parking?

24 MR. PEREGOY: Yes. Like I said, we're
25 reducing -- depending on which way you look at it,

1 we're reducing the parking demand. If you look at
2 what's actually happening on the ground, the
3 ordinance, or the ITE standards, we're
4 substantially reducing the parking requirement
5 with the modification of Phase 2.

6 MR. ALONSO: And, similarly, there's a
7 reduction in the proposed traffic generation for
8 this proposed use compared to what was previously
9 approved. So did you form an opinion with respect
10 to the traffic generation?

11 MR. PEREGOY: Yes. Again, traffic
12 generation is less, a little lesser degree,
13 slightly less. And, again, just to preface,
14 everything that I'm saying is considering those
15 live-work, work-live units as typical apartments,
16 market rate apartments, which they're not. So all
17 the numbers that I'm giving you are conservative,
18 we're really going to see lesser traffic and
19 lesser parking demand based on the specific uses.
20 But absent any standards for that, I'm calling
21 them apartments. And even still, we're bringing
22 those numbers down, both traffic and parking.

23 MR. ALONSO: And although you're using
24 conservative analysis, sometimes these analyses
25 are speculative in nature. But you had an

1 opportunity to survey the actual uses and the
2 actual parking demand and we found it to be
3 substantially less?

4 MR. PEREGOY: 18 percent of the
5 ordinance requirement, yes.

6 MR. ALONSO: Mr. Chairman, I have
7 nothing further of Mr. Peregoy.

8 CHAIRPERSON GARCIA: Mr. Peregoy, you
9 mentioned -- you stated that right now Phase 1
10 only really is 13 parking needed?

11 MR. PEREGOY: Yeah, based on the tenant
12 mix that's in there now, 13 parking spaces are
13 spoken for from the tenants in there.

14 CHAIRPERSON GARCIA: Okay. And also you
15 stated that with this, converting it to work-live
16 space, you reduce the requirements, right?

17 MR. PEREGOY: The requirements are
18 reduced by getting rid of two four-bedroom
19 apartments and instead of doing commercial space,
20 doing the live-work, yes.

21 CHAIRPERSON GARCIA: How come the
22 architect didn't make that change in here? I mean
23 it's something favorable for the application;
24 however, it's not reflected in the application?
25 Down to 131, the same one that was before.

1 MR. PEREGOY: The numbers that I gave
2 before, total 131 cars, adding 57 in Phase 2 and
3 then down here, it's adding 40 in Phase 2. The
4 difference is he didn't subcontract the two
5 four-bedroom units.

6 CHAIRPERSON GARCIA: Okay. And right
7 now, let me go back to the concerns Mr. Arencibia,
8 since presentation, you are providing just 22
9 parking spaces right? How many parking spaces are
10 you providing, 25 in total?

11 MR. PEREGOY: Yes. There's 14 now, we
12 can add -- like I said we can add up to 11.

13 CHAIRPERSON GARCIA: To 11.

14 MR. PEREGOY: In your judgment --

15 CHAIRPERSON GARCIA: Your recommendation
16 is to maintain the 14?

17 MR. PEREGOY: Yeah.

18 CHAIRPERSON GARCIA: Also you stated
19 that probably the living working apartment going
20 to be -- the impact going to be less because
21 people doesn't have to go out to work, right?

22 MR. PEREGOY: Right.

23 CHAIRPERSON GARCIA: However, they don't
24 receive anybody at the work space?

25 MR. ALONSO: No, they will.

1 MR. PEREGOY: A visitor just like --

2 CHAIRPERSON GARCIA: Yeah, okay.

3 MR. PEREGOY: They can't operate a
4 business out of it, right.

5 CHAIRPERSON GARCIA: Okay. So that's
6 one side going to help, another side doesn't help.

7 MR. ALONSO: But the parking demand
8 typically is overnight when people come home from
9 work.

10 CHAIRPERSON GARCIA: You're going have
11 people coming to use parking spaces outside in the
12 streets.

13 MR. ALONSO: During the day, during the
14 day.

15 CHAIRPERSON GARCIA: Okay.

16 I have no further. You have any
17 questions.

18 VICE CHAIRPERSON GRULLON: The parking
19 requirement for that, is that 131?

20 MR. PEREGOY: What was approved.

21 VICE CHAIRPERSON GRULLON: For the site
22 including previous approval?

23 MR. PEREGOY: The prior approval granted
24 gave approval for variance to provide 14 spaces
25 versus 131 required.

1 VICE CHAIRPERSON GRULLON: Just the
2 one --

3 CHAIRPERSON GARCIA: What is required?

4 VICE CHAIRPERSON GRULLON: What you
5 mention about one parking spaces for 300 square
6 feet?

7 MR. PEREGOY: Yeah.

8 VICE CHAIRPERSON GRULLON: For the
9 commercial, what did that add up to with the new
10 application?

11 MR. PEREGOY: The new application in
12 total, 106 required. 66 required for what's
13 already --

14 VICE CHAIRPERSON GRULLON: 106 required
15 total, not 131 like it --

16 MR. ALONSO: That was --

17 MR. PEREGOY: 25 less than --

18 VICE CHAIRPERSON GRULLON: What you're
19 proposing is 13 parking spaces with a requirement
20 of 106?

21 MR. ALONSO: Correct.

22 MR. PEREGOY: We got approval for
23 deviation from 131 to 14. Now we're asking to go
24 for deviation from 106 to 25.

25 CHAIRPERSON GARCIA: How come it's

1 possible, if you need a parking space per every
2 300 square feet.

3 MR. SPATZ: For commercial, yes.

4 CHAIRPERSON GARCIA: And those
5 apartments are considered not residential, they're
6 considered commercial?

7 MR. SPATZ: I think for purposes of the
8 calculation, they calculated it as a residential
9 parking requirement.

10 CHAIRPERSON GARCIA: But they're asking
11 for commercial.

12 MR. SPATZ: Right.

13 CHAIRPERSON GARCIA: So it's increase
14 from 131 to --

15 MR. PEREGOY: So the number --

16 CHAIRPERSON GARCIA: -- going to go up
17 because you're going to need -- for each apartment
18 it's 1.5 parking or two parking. However, you
19 have apartment there for 900 square feet, you're
20 going to need three parking spaces.

21 MR. SPATZ: I think the difference is
22 the commercial parking calculation, what the
23 requirement is, it assumes the tenant of the space
24 and then patrons of the space. So the parking
25 calculation of one for every 300 is both the

1 person working there, plus employees perhaps, and
2 people shopping there or going there for the
3 service.

4 So there's -- it's a larger requirement
5 than residential, which is just for the people
6 living there because people are theoretically not
7 coming to this space to buy anything.

8 CHAIRPERSON GARCIA: But this is -- it
9 is, just to give an example, it's like we come
10 to -- I mean any -- we put here any commercial
11 spaces, it doesn't matter it's a doctor office or
12 if it's a deli, they're going to have people come
13 in and out.

14 MR. SPATZ: Right.

15 CHAIRPERSON GARCIA: I mean the rule is
16 one space per every 300-square foot.

17 MR. SPATZ: Correct.

18 CHAIRPERSON GARCIA: So this particular
19 case, it's not going to decrease, it's going
20 increase.

21 MR. SPATZ: It's not going to increase
22 from what was -- if you want to take the position
23 that these spaces are commercial spaces, the six
24 and 16 are commercial spaces and not residential
25 spaces, because they are working with somebody

1 living there, then it actually would be the same
2 count as what was required originally.

3 CHAIRPERSON GARCIA: Right.

4 MR. SPATZ: When they were all
5 commercial spaces. But by what you're suggesting
6 is it required 131, it still requires 131. But
7 variances were granted because they're not
8 increasing the amount of space.

9 CHAIRPERSON GARCIA: Yeah. But what's
10 approved as a residential, not as commercial and
11 that's why he's here.

12 MR. SPATZ: It was approved as
13 commercial.

14 CHAIRPERSON GARCIA: The apartment.

15 MS. PEREZ: The four apartments?

16 MR. SPATZ: Not --

17 MR. PEREGOY: The existing were
18 approved.

19 MR. SPATZ: They were approved.

20 CHAIRPERSON GARCIA: What about the
21 other 16 apartment?

22 MR. PEREGOY: They were commercial space
23 in the original approval.

24 CHAIRPERSON GARCIA: Okay.

25 MR. PEREGOY: If you want to call them

1 commercial, then the variance request stays as
2 what was approved. But to me, the commercial is
3 retail sales and service uses. So it's more akin,
4 to me, residential because it's only the occupant
5 who owns and lives there -- or office I guess you
6 can say. You're not selling anything out of
7 there, you're not having customers --

8 CHAIRPERSON GARCIA: But it's still
9 commercial.

10 MR. PEREGOY: So it's.

11 CHAIRPERSON GARCIA: Okay.

12 MR. PEREGOY: It's one or the other.
13 It's either we're asking for the same, just a
14 continuation of the same.

15 MR. ALONSO: Right. We're not
16 exacerbating or increasing the variance that was
17 previously granted. Worst case scenario, it's
18 exactly what was previously approved, 131.

19 MR. PEREGOY: You do have -- there's a
20 home occupation in the ordinance, that's one per
21 employee. So I could make the case that it needs
22 22 parking spaces, not -- you know, you could play
23 whatever game. I took the one that --

24 CHAIRPERSON GARCIA: You want to apply
25 the city ordinance in one side and the other one,

1 you want to apply the RSIS?

2 MR. PEREGOY: Your ordinance is RSIS.

3 CHAIRPERSON GARCIA: You go to one or
4 both. You know, it's like --

5 MR. PEREGOY: No, no. Your ordinance
6 lists the old RSIS minimums in there that are now
7 maximums. So your ordinance is the highest
8 parking rate per residence that you legally are
9 allowed to ask for.

10 CHAIRPERSON GARCIA: Okay.

11 MR. ALONSO: So if you want to evaluate
12 this application as purely all commercial, we're
13 not exceeding what was previously approved.

14 CHAIRPERSON GARCIA: Okay.

15 MR. ALONSO: We're asking for the same
16 variance that was previously approved. If you
17 want to evaluate it as residential, then it
18 reduces.

19 CHAIRPERSON GARCIA: Do you corroborate
20 that statement, Mr. Spatz?

21 MR. SPATZ: I agree with that. I think
22 if you want to just do it as a math problem, then
23 it's the same number of spaces. And, you know,
24 there's no change in the variance. If you want
25 to, you know, in your own mind, evaluate what the

1 the impact is going to be, then you can consider
2 that it's actually a reduction.

3 But, you know, for purposes of variance,
4 I don't think there's anything wrong with just
5 saying it was 131, it's still 131, and therefore,
6 there's no change.

7 MR. ALONSO: And I think the key term
8 that Mr. Spatz uses is impact. So we know that
9 131 is 131, there is no additional impact. But
10 there's potential for improvement, if Mr.
11 Perego's analysis is correct in terms of the
12 residential. So it's not any worse, but it's
13 potentially better.

14 MR. PEREGOY: What do you mean if it's
15 correct? The point is the reality is what we're
16 coming here with is similar to what was proposed
17 before, but less intensive than what was already
18 approved. Whether or not the ordinance, however
19 you want to pick that, doesn't make any
20 difference. The reality is the new Phase 2 is
21 less than the approved Phase 2 in terms of traffic
22 and parking impacts.

23 CHAIRPERSON GARCIA: Okay.

24 MR. PEREGOY: And we're going to add --

25 MS. PEREZ: How do you monitor how many

1 people are using the spaces?

2 MR. ALONSO: That's what I was saying
3 before, there's the enforcement mechanism that's
4 already in place, which starts with Mr. Spatz's
5 review of the proposed tenant. The building
6 department's certificate of occupancy,
7 inspections, and the fire department's yearly
8 inspections.

9 MS. PEREZ: On a day-to-day, like let's
10 say how only one person could live in the
11 work-live space or how many people can live -- how
12 many people can reside in --

13 MR. ALONSO: I'll have John testify as
14 to the actual uses. But also in terms of
15 intensity, again, if it's a recording studio, it's
16 not one person, you have maybe a musician, maybe
17 you have a band, and the band, who knows how many
18 people in the band. Then you have the producer,
19 then you have the engineers, and then you have the
20 cling-ons who hang out with the musicians.

21 CHAIRPERSON GARCIA: And you have the
22 truck that come with equipment.

23 MR. ALONSO: Yeah, so --

24 MR. PEREGOY: The groupies.

25 CHAIRPERSON GARCIA: Okay. I have no

1 further questions for the traffic expert. Bring
2 up Mr. McDonough.

3 MR. ALONSO: Sure. Johnny.

4

5 J O H N M c D O N O U G H, after having been
6 duly sworn or affirmed, did testify as follows:

7

8 MR. McDONOUGH: Hi, everyone. John
9 McDonough, M-C, capital D-O-N-O-U-G-H. I'm the
10 project planner.

11 MR. ALONSO: Mr. Chairman, I ask that
12 his qualifications be accepted.

13 CHAIRPERSON GARCIA: Yes. Our pleasure
14 to have you here again.

15 MR. McDONOUGH: Always good to be back.

16 MR. ALONSO: Johnny, what are we doing
17 here?

18 MR. McDONOUGH: Sounds to me like we
19 want to do some work-live units, which is going to
20 need variance relief in a previously approved
21 building for recording studio as part of Phase 2.

22 We know Phase 1 has been built out, so
23 this is really to modify the commercial aspect of
24 a previously granted approval. And I think what
25 the applicant is proposing here is a perfect fit

1 for what has already established itself in Phase
2 1. Work-live or live-work units are typically
3 defined as a single unit that has a commercial
4 component and a related residential component. As
5 your planner, Mr. Spatz said, it's sort of a
6 converse of a home occupation, where the
7 residential use is the dominant portion and the
8 commercial use is subsidiary to that. Picture the
9 person who works in a den or even a doctor's
10 office where a portion of the building may be
11 devoted to the professional use, but the majority
12 of the building is devoted to residential use.
13 This is the opposite. The emphasis here is going
14 to be on commercial. You've heard about three
15 layers of protection to ensure that this stays and
16 remains non-residential in its emphasis. It does
17 have a living component to it. It caters to
18 smaller businesses, incubator businesses, startup
19 businesses, where costs may be a problem paying
20 rent for an apartment, paying rent for a business
21 use. This sort of marries the two and provides an
22 economy of scale and efficiency that startup
23 businesses may like.

24 What I real like about this application
25 is that it relates to a particular piece of

1 property, it relates not to the zone as a whole.
2 We know we're in your R zone district and we're
3 not asking the board to do something that would be
4 a wholesale sweep of what is not allowed in the R
5 zone, but we think it makes perfect sense here by
6 the physical characteristic of the site itself.

7 What I'd like to do is take the board
8 through a little tour of the building, it's a very
9 unique and distinct building. It's been filled up
10 with some very distinct uses as well that are
11 separate and apart, I think, from your
12 conventional business uses that are there. I'd
13 like to thank our applicant for giving me the tour
14 today and letting me see what's happening in
15 there. It's a very neat, well maintained
16 facility. You have really good users in there and
17 good things happening. And this is going to be a
18 continuum of what's already there.

19 So, Mr. Chairman, with your permission,
20 we're going to give a slide deck of about 14 or so
21 slides, we'll walk you through the building.

22 MR. ALONSO: We're going to mark this as
23 A-1.

24 (Planning packet marked A-1 for
25 identification.)

1 MR. McDONOUGH: So we'll start with the
2 subject building itself. Again, these are photos
3 I took today around lunch time, so fair and
4 accurate representation of the property. You can
5 see the building itself is a very distinct
6 building, it's a historically significant
7 building. Almost in line with what the applicant
8 is proposing here to the extent that we have a
9 non-residential use, the religious purpose and
10 then residential component upstairs all
11 intertwined. The priests live upstairs and the
12 applicant is looking to do something similar here.
13 As an industrialized nation, this is kind of how
14 we started out. Everybody lived and worked in the
15 same place and when zoning kicked in about 100
16 years ago, we kind of separated everything. We
17 put our residential uses over here and our
18 nonresidential uses over there. And we're coming
19 back now with mixed use development, with home
20 occupations. And then this relatively newer
21 concept of work-live or live-work, where again the
22 commercial component is the dominant portion.

23 The main thing I wanted to show you here
24 on the outside, obviously a very beautiful and
25 distinct building. But on the inside, you've got

1 a nice mix of arts oriented uses, not only arts
2 oriented uses, not only artists, you do have a
3 nice commingling of other small businesses as
4 well. But this certainly has an artists' vibe to
5 it. And that's why I think this carves out as
6 distinct because live-work is typically associated
7 and these examples are used everywhere, artist
8 studios, lofts and the like.

9 So what do we have in here? On page
10 two, you can see that we have a space here that's
11 a fashion designer. On page 3, you've got a
12 beautician. And I think you can see as I go
13 through all of these, you can imagine that the
14 non-residential component is the dominant part,
15 but you could see a residential component here as
16 well. Number 4, we've got fabric apparel
17 designer. Number 5, this was a neat space, an
18 event florist, I took two photos of that as well.
19 Number 7, your typical artist, there's a lot of
20 paper there, there's a lot of color, there's a lot
21 going on in this one, this is a painter.
22 Number 8, this is another artist, but this is a
23 sculptor who is involved with weaving. Number 9
24 was another interesting space, we had a whole
25 little sub-unit where we were looking at T-shirts

1 and graphic arts being put together. So you can
2 see that set up there.

3 Again, clearly, all these have the
4 dominant emphasis on non-residential use and this
5 is kind of the theme we're looking to carry up as
6 well. Enabling these businesses to have a
7 residential sleeping component, living component
8 associated with their business uses.

9 We've got an artist on page 10, on
10 page 11. We've got the small music studio, on
11 number 12. And then the other thing that's
12 special about this site, I don't have to tell you
13 about your community. You work your way up and
14 you've got the magnificent views to the east.
15 You've got the magnificent view here to the
16 monastery to the west as well. So you've got the
17 nice 360 views here. It's a real nice space.
18 It's an excellent space to live. And we think
19 it's appropriate for the type of use that the
20 applicant is asking the board to move on here.

21 The planning benefits associated with
22 this use here are obviously efficiency and economy
23 of scale. It's going to lessen cost for these
24 startup businesses and really cater to incubator
25 space. Another really nice positive is if you

1 live and work in the same place, you don't have to
2 commute to work, so there's certainly less
3 reliance on the automobile as well. We know that
4 you have a highly transit oriented and amenitized
5 area in that regard as well. That's one of the
6 nice appeals of this area as well. Excellent
7 accessibility to services to shops and other
8 things in a very walkable environment.

9 Additionally, we're going to see the
10 advancement of purpose M, which is for efficient
11 use of land. This is adaptive reuse, this is
12 taking the footprint that's there. The applicant
13 is going up, we're not triggering any new bulk
14 relief related to height, related to floor area,
15 related to the overall mass and scale of the
16 building. There's some interrelated relief for
17 that curb cut on 20th to effectuate some more
18 parking on here and improve the overall parking
19 ratio than that which was previously approved.
20 We're basically the same theme, instead of having
21 a recording studio in that large space, we're
22 looking at smaller startup units, which we think
23 certainly serves a public purpose.

24 As with any relief, we always look at
25 whether the site is perfectly suitable for the

1 use. And for the reasons I've given you with
2 these pictures, with the tour of the inside, this
3 relief, if granted, clearly will relate to a
4 distinct piece of property. This is not going to
5 be something that lends itself to your typical
6 detached dwellings or apartments here in the
7 community, but clearly a separate building and a
8 distinct, I'll say vibe or character, that has
9 established itself here.

10 The arts community tends to like to
11 commingle, it's a creative community. And that
12 creativity is what sparks the commingling of these
13 type of entrepreneurships and the enterprises
14 colocated together. It's already manifested here
15 and again I see this as a continuum of that which
16 is already there.

17 In terms of the negative criteria, we
18 always look at whether the relief can be granted
19 without any substantially adverse impacts.
20 Internally, these are going to be very nice,
21 comfortable, spacious units, place to work, place
22 to relax. Again, it doesn't have to be an artist.
23 I've done these for accountants, particularly at
24 tax time, they're working around the clock, having
25 a little sleeping space in the back. Good common

1 practical sense to keep these businesses working
2 and rested at the same time.

3 Also we look at whether relief can be
4 granted without any substantial impairment to the
5 intent and purpose of your zone plan. Most
6 importantly, this board can't act in the capacity
7 of the governing body. Only your governing body
8 has the authority to effectuate zoning. If you
9 grant this relief here, you are not creating a new
10 use or a new zone throughout the R district.
11 Again, this is site specific, that's exactly what
12 the variance mechanism is there for. And I
13 believe the board would not be acting tantamount
14 to a rezone. It sounds to me like this has
15 already been vetted on a higher level here,
16 politically. So, again, to the extent that
17 there's concern about acting in the form of a
18 rezone here, clearly that's not the intent as
19 well.

20 The parking relief, as you just heard
21 through traffic testimony, this is actually going
22 to improve or hold the line in terms of what's
23 been previously approved. With a recording
24 studio, you wouldn't necessarily have all the
25 workers living in the same space. Here, the

1 intent of this is small work space, small
2 residential place, and not an increase in demand
3 from a parking standpoint.

4 So we think from a pure practical
5 standpoint, this makes good planning sense, here
6 at this particular location. Most importantly, we
7 always have to look at not whether we like or
8 dislike the application, but whether it lines up
9 with the criteria for approval, the positives and
10 the negatives. And I think this application is
11 spot on with that statutory criteria and approval
12 is warranted. That's all I have on direct.

13 MR. ALONSO: Thank you.

14 CHAIRPERSON GARCIA: First of all, I'm
15 going to start, Mr. McDonough, saying that we
16 never grant or deny an application here because we
17 like it or we don't like it. We're always here
18 trying to do the best for our community. We live
19 here. We've been -- I think we've been living in
20 Union City, I think everybody for over 25 years or
21 more. I'm probably the youngest one, I came here
22 in 1998 -- not youngest in age, but youngest in
23 Union City. I think that statement -- I don't
24 take it.

25 Regarding the size, I'm going to go back

1 to the other -- to the units, to the residential.
2 The other one were four units approval or two
3 units approval?

4 MR. ALONSO: The other one was two
5 four-bedrooms.

6 CHAIRPERSON GARCIA: Four-bedroom. Can
7 you give me the size of the units?

8 MR. ARENCIBIA: They're on the --

9 CHAIRPERSON GARCIA: According to the
10 chart that Mr. Arencibia put, there was two units,
11 four bedrooms, right?

12 MR. ALONSO: But you're looking for the
13 square footage, Mr. Chairman?

14 CHAIRPERSON GARCIA: Yes.

15 MR. ARENCIBIA: I mean you can look at
16 it on sheet A102.

17 CHAIRPERSON GARCIA: Can you mention it
18 for the record?

19 MR. ARENCIBIA: Yes. On sheet A102, you
20 could see basically --

21 MR. McDONOUGH: Mr. Chairman, unit one
22 2,025 -- I'm being approximate. Unit number two,
23 1,860 square feet.

24 MR. ARENCIBIA: Those are four bedrooms
25 each, that's for the priests to go to so, there

1 were four bedrooms in each of the units that they
2 had.

3 CHAIRPERSON GARCIA: Okay.

4 I have a question for Mr. McDonough.
5 Mr. McDonough, I want to ask you for the
6 applicant, why you mention a lot about the
7 recording. Most of the tenant going to be
8 recording studio or --

9 MR. ALONSO: No, no. Only because that
10 that's the approval that we have --

11 MS. PEREZ: That's the initial.

12 CHAIRPERSON GARCIA: The initial.

13 MR. ALONSO: -- is the recording studio.

14 CHAIRPERSON GARCIA: Usually when you
15 have a recording studio, you have more than one
16 people working on it, right?

17 MR. ALONSO: Correct.

18 CHAIRPERSON GARCIA: Correct. So when
19 they come there, there's only one person going to
20 stay there, everybody going to go home after they
21 finish? They're not going to sleep there? It's
22 something that we have to consider --

23 MR. ALONSO: Yeah, yeah.

24 CHAIRPERSON GARCIA: -- before we
25 approve anything.

1 MR. ALONSO: I don't know, it depends.

2 CHAIRPERSON GARCIA: Because it's like
3 the situation where you have an apartment with two
4 bedroom, you know, one bathroom. You know what I
5 mean? It's like if you don't know, we're not
6 going to know.

7 MR. ALONSO: You're saying is if --
8 assuming this was denied and we go ahead and we
9 build the recording studio, so you're saying that
10 only one person would stay in the units?

11 CHAIRPERSON GARCIA: No, because --

12 MS. WATLEY: Is there business hours for
13 these --

14 MR. ALONSO: Recording studios, they --

15 MS. WATLEY: It's 24 hours.

16 MR. ALONSO: They work into the night
17 which is one of the reasons why -- and I recall
18 the presentation at the time. And I remember my
19 client, I believe, testified he's talking about
20 the kinds of groups that he was recording down in
21 Hoboken, which is after Sandy, that's why he came
22 up to Union City, were Shakira, Guns and Roses,
23 Allman Brothers. So those are big groups with big
24 entourages and they don't work nine to five.

25 MS. GUTIERREZ: That will be 24-hour

1 service.

2 MR. PANEQUE: Mr. Alonso, at that time,
3 if I recall, the testimony was that these
4 recording artists would be brought in mainly from
5 the city, do their recording, do their work, and
6 then depart. And the idea was to have a component
7 where if they needed to stay overnight, they would
8 have either a bed or a pull out sofa where they
9 can catch some sleeping time.

10 MR. ALONSO: Right. And those would be
11 the larger stars, the A listers that could afford
12 to stay in the city. Other ones who can't, then
13 this is a perfect place to crash overnight.

14 MR. PANEQUE: Question. And this goes
15 to Mr. McDonough's presentation and exhibits.
16 These uses that are there now, the apparel
17 designer, the event florist, are these taking
18 place where the recording studios were supposed to
19 be?

20 MR. ALONSO: No. The recording studio
21 hasn't been constructed yet.

22 MR. PANEQUE: Okay.

23 MR. ALONSO: That portion of the
24 building hasn't been built.

25 MR. PANEQUE: So these uses are on the

1 first floor?

2 MR. ALONSO: Correct.

3 MR. PANEQUE: Okay. And the second
4 floor of the recording studios were supposed to be
5 built, that's still a blank slate?

6 MR. ARENCIBIA: Third and fourth.

7 MR. ALONSO: Third and fourth has not
8 been constructed yet.

9 MR. PANEQUE: That's a blank slate
10 basically.

11 MR. ALONSO: Correct. And the reason --
12 I think I indicated this back in February what
13 triggered this whole application or this whole
14 change was a number of people approached my client
15 looking for a live-work space and they knew he had
16 this building. Because as they were trying to do
17 that in their apartments where they currently
18 live, I believe I stated that they were -- they
19 would have to go to the building department and
20 they were being denied for the use. So they
21 couldn't operate as they wanted to in their
22 apartments.

23 One of the themes that we've been trying
24 to impress upon you is the affordability for the
25 startups. A lot of people don't have the extra

1 income to be able to pay an attorney, an
2 architect, a planner because the use is not
3 permitted, come in, pay the escrows, pay the
4 application fees, go through the process and hope
5 to be approved. And if they are approved, then
6 you go back to the building department and comply
7 with whatever construction code requirements they
8 have. It's very expensive. By approving this,
9 it's a one shot and done, it's approved. Somebody
10 could come in, in terms of the construction code,
11 it's all done. It's basically just move your
12 business right into here. So that's really the
13 benefit to service a need that my client found
14 exists in Union City.

15 MR. PANEQUE: And the idea, as
16 presented, sounds great. From a legal
17 perspective, explain to this board how that
18 concept is going to be enforced? And I'll give
19 you an example. I have a husband and wife and two
20 kids and they come in and they say, you know what,
21 we're going to get a pottering wheel and we're
22 going to do clay pots, that's going to be our
23 business. Who's going to enforce that this unit
24 doesn't actually become 99.9 percent residential
25 and .1 percent the clay pots?

1 MR. ALONSO: I can tell from you my
2 practice, you have a very active building
3 department and enforcement mechanism in Union
4 City. They have housing court in Union City.
5 They have the construction board of appeals down
6 at the county. They're very active in pursuing
7 and enforcing --

8 MR. PANEQUE: But who's going to enforce
9 it?

10 MR. ALONSO: The building department.

11 MR. PANEQUE: I understand that. But
12 who's going to be checking up on them? That
13 question hasn't been answered. Once the C of O is
14 issued, who's going to follow up to make sure that
15 this doesn't turn into a residential unit in the,
16 let's say, traditional definition of what we
17 consider residential?

18 MR. ALONSO: Well, there's a couple
19 things. Number one, the fire department does an
20 inspection every year.

21 MR. PANEQUE: Not in the units.

22 MR. ALONSO: My understanding is because
23 they're considered commercial that they are.

24 MR. PANEQUE: Not to my knowledge.

25 MR. ALONSO: Yeah, they do because

1 they're commercial in nature, they're not
2 residential in nature, so they would. Number
3 two --

4 MR. PANEQUE: The fire --

5 MR. ALONSO: -- we would have no
6 objection to a condition of approval where the
7 tenant or the owner is obligated to certify to the
8 building department on a yearly basis, not only do
9 you have the turnovers, whenever a tenant moves in
10 and out, but on a yearly basis, certify to the
11 building department, who the tenants are and what
12 the uses are.

13 MR. PANEQUE: Okay. So that's the
14 proposal?

15 MR. ALONSO: Correct.

16 MR. PANEQUE: Okay.

17 MS. PEREZ: My understanding is
18 fluctuating a little bit of a work-live space.
19 The intent is to have the availability of a place
20 to crash in your work area, not to make it one in
21 the same, like you live and work in the same unit?
22 That's the back and forth I'm having difficulty
23 understanding. The intent is to have places where
24 the worksite is also a full time place where the
25 person lives or it's a potential place where you

1 could stay, should you be working past a certain
2 number of hours? Or is that -- you know what
3 I'm --

4 CHAIRPERSON GARCIA: Yeah, that's --

5 MS. PEREZ: I'm unclear.

6 CHAIRPERSON GARCIA: It is their -- they
7 could live there and they could work there.
8 That's their apartment where they're --

9 MS. PEREZ: It's basically --

10 CHAIRPERSON GARCIA: An apartment.

11 MS. PEREZ: -- unmonitored.

12 CHAIRPERSON GARCIA: Use it as a
13 commercial space.

14 MR. PANEQUE: It's going to be their
15 main residential unit.

16 MS. PEREZ: It is going to be their main
17 residential.

18 MR. PANEQUE: That's what the proposal
19 is. It's not a place they go to work and then
20 whether they stay overnight, they go back to
21 another place and call it home. This will be
22 home.

23 MR. ALONSO: The residential portion --
24 I'll call it residential portion -- is small
25 relative to the work space. So it's not conducive

1 to having a family.

2 MR. McDONOUGH: The board could control.
3 This is supposed to be an interactive process. It
4 could be measurable standards. Some of the things
5 we see sometimes in terms of regulating the use,
6 it's the exact opposite of a home occupation where
7 no more than 30 percent of the home can be the
8 occupation. You can do the reverse here, no more
9 than -- again, I'm just throwing out numbers --
10 30 percent can be living space. So you ensure
11 that the dominant floor area is commercial space,
12 not residential. And that's subject --

13 VICE CHAIRPERSON GRULLON: How would
14 that be enforced?

15 MR. McDONOUGH: As I am understanding,
16 there would be annual inspections.

17 MS. SAN MARTINO: Just single people can
18 live there, it can't be a family.

19 CHAIRPERSON GARCIA: Yeah, but it's
20 something we cannot enforce.

21 MS. SAN MARTINO: I understand, but
22 that's neither kind of -- okay. It's an area
23 where you're going to work, but what about as a
24 husband and kid?

25 CHAIRPERSON GARCIA: Let me open to the

1 public. Any member of the public want to step
2 forward for this application? (Speaking in
3 Spanish). I just translated for the record
4 because I saw some people didn't understand. So
5 we're going to need somebody to translate.

6 MS. ALVAREZ: Are you talking me?

7

8 S U S A N A L V A R E Z, after having been duly
9 sworn or affirmed, did testify as follows:

10

11 MS. ALVAREZ: Susan Alvarez,
12 A-L-V-A-R-E-Z, 404 New York Avenue, Jersey City.

13 All right. So after these testimonies
14 here, mine is more of an emotional testimony
15 because I am the florist that's in the building
16 right now. And I can tell you that I've lived
17 through starting a business, the difficulty of
18 paying rent and -- rent at home and rent in my
19 studio. Just recently, after 23 years of being in
20 Hoboken, I had to leave because I couldn't afford
21 that rent anymore. And I was lucky enough to find
22 a space here at 2000, which is a wonderful space,
23 you saw it in the pictures. And that really has
24 helped. But having said all that, had I had a
25 space where I could live and work would be ideal.

1 I mean I've done it in the past, like when I first
2 started out, I worked out of my small apartment in
3 Jersey City. But that didn't last very long
4 because of obviously reasons, zoning and because
5 the space wasn't designed for that kind of thing.

6 So I'm backing this up 100 percent
7 because I feel that for -- especially, I don't
8 know how these young kids are doing it, starting
9 out nowadays, with the way the economy is and the
10 way the rents are, how are they surviving? How
11 are they building their business? So for me, like
12 I said, it's more emotional. I don't have all the
13 details that these gentlemen did, but I'm speaking
14 also for the tenants that are here. We're all
15 unanimous in backing this up. There's a lot of,
16 you know, I know like Henry, he's working around
17 the clock. It would be ideal for him if he had
18 like a place to crash there. I work around the
19 clock in the studio, too. And I'm an established
20 business of 23 years, so you can only imagine
21 what's like for these young guys starting out.

22 CHAIRPERSON GARCIA: Okay.

23 MS. ALVAREZ: And as far as the parking
24 situation, I know that was one of your concerns,
25 parking situation. I don't have all the details,

1 I think these guys did a phenomenal job, but lot
2 of these starting artists and starting businesses,
3 they don't own cars, you know.

4 And the other concern that I know that
5 you guys mentioned was -- you keep mentioning it
6 is how are you going to make sure that these
7 apartments are not rented out as just apartments.
8 And the one thing that I can say from knowing Mr.
9 Grenoble is that, you know, he's a man of
10 integrity. And those that know him, they know he
11 runs a tight ship. And he's not going to allow
12 anything like that to happen in his
13 establishments.

14 CHAIRPERSON GARCIA: Thank you.

15 MS. ALVAREZ: That's all I have. Thank
16 you.

17 CHAIRPERSON GARCIA: Thank you. Any
18 other member of the public, step forward.

19
20 A L E X P E R E Z, after having been duly sworn
21 or affirmed, did testify as follows:

22
23 MR. A. PEREZ: Alex Perez, P-E-R-E-Z,
24 from Hudson Children's Academy, I'm one of the
25 tenants there. I also have six parking spaces

1 that are in right in front of my property, so I'm
2 here just to testify that it's a great mixed use
3 building. I have a lot of traffic that goes
4 through there and if you go there any time during
5 the day, you'll see my spaces are mostly empty.
6 At night, I actually rent out those spaces to the
7 community as well and on the weekends, too.

8 You know, Rob runs a good facility. I
9 think this idea is really good. I also have
10 businesses in Manhattan and there's a lot of
11 buildings that do this. And it seems to work out
12 for a lot of people who are starting out. I think
13 it's a good opportunity for someone who's starting
14 out to be able to work out of there and also live
15 there at a very affordable price for them. I wish
16 I had that opportunity when we started in New
17 York, but now we're here. Again I'm one of the
18 biggest tenants there. I fully support this
19 project. I think it will be great for the
20 building and great for the community as well to
21 attract a lot of folks from Manhattan, Hoboken, up
22 into this area.

23 CHAIRPERSON GARCIA: I have a question
24 for you, Mr. Perez. You mentioned that you have
25 six spaces?

1 MR. A. PEREZ: Yes.

2 CHAIRPERSON GARCIA: So they currently
3 have 14 spaces, right. And 14 of those -- six of
4 those 14 belong to you?

5 MR. A. PEREZ: Yes.

6 CHAIRPERSON GARCIA: And which
7 percentage of the building -- of the current space
8 do you occupy?

9 MR. A. PEREZ: 20.

10 CHAIRPERSON GARCIA: 20 percent, okay,
11 thank you.

12 Any other members -- sorry, I didn't --
13 do you have any questions for Mr. Perez?

14 Thank you, Mr. Perez. Any members of
15 the public want to step forward?

16

17 J A C O B C A R T W R I G H T, after having
18 been duly sworn or affirmed, did testify as
19 follows:

20 MR. CARTWRIGHT: My name is Jacob
21 Cartwright, C-A-R-T-W-R-I-G-H-T. My residential
22 address is 161 18th Street, Union City.

23 MR. CARTWRIGHT: I've been a Union City
24 resident for about 10 years, although my partner
25 was born here. Prior to the pandemic -- I'm a

1 visual artist painter. Prior to the pandemic, I
2 was renting a space in Queens and commuting back
3 and forth and also working in the city, in
4 Manhattan. The business went into work from home
5 model during the pandemic and it started to seem
6 kind of crazy for me to be commuting all the way
7 to Queens and then coming back. So I started
8 looking for basically an artist studio in the area
9 close around here. And one thing I noticed very
10 quickly was there wasn't a lot of diversity in
11 terms of the available spaces to do, you know,
12 light creative work. And it was fortuitous that I
13 walked by the building that we're discussing on a
14 number of occasions and always admired it, it was
15 empty. But I did notice that they had just, I
16 think that week, put up a for rent sign. And I
17 ended up being the first tenant on the second
18 floor.

19 So I've seen the whole thing come
20 together. And I think one thing that I would
21 remark about the building is that it's really
22 reflective of the community. You know, the people
23 that are there, it is a real diversity of uses
24 that's happening there. And I think that's to its
25 credit, you know, it's not bringing something into

1 the community that, you know, feels like it's
2 disrupting existing use. It seems like it's
3 supporting people that, you know, as previous
4 people have mentioned, you know, or maybe in a
5 early stage or transitional stage of a business
6 plan that wouldn't be well suited for the typical
7 kind of commercial uses that are more prevalent
8 around here.

9 Speaking to intensity of parking, you
10 know, I walk to the studio when I work there, so
11 that's one of the appeals for me is just being
12 able to. I've timed it, it's a seven minute walk
13 door to door. If I could get it to be less, I
14 would. So I think, you know, my experience kind
15 of speaks to the appeal for, you know, somebody --
16 and I work odd hours because I work at a gallery
17 day job during the day. So I'm often there
18 working at night. So it's very appealing for me
19 to be able to, you know, get as much time out of
20 the process as I can and then you know walk home.
21 So that I've used live-work options in the past
22 and that's been the same advantage is that, you
23 know, transition very seamlessly between, you
24 know, whatever project you're working on and, you
25 know, home life.

1 CHAIRPERSON GARCIA: Thank you.

2 MR. CARTWRIGHT: Thanks.

3 CHAIRPERSON GARCIA: Any other member of
4 public?

5

6 T R A C E Y C A M P B E L L, after having been
7 duly sworn or affirmed, did testify as follows:

8

9 MR. CAMPBELL: Tracey Campbell,
10 C-A-M-P-B-E-L-L, 2011 Palisade Avenue, Union City,
11 New Jersey.

12 Good evening. How you doing? Again, my
13 name is Tracey Campbell, I'm here actually
14 representing one of the artists who is a current
15 tenant at the building. And I actually do work in
16 the building, so I work with Susie and I also work
17 with Maryann, her name is Maryann Fernandez, she's
18 a yoga and meditation instructor there. So this
19 is her letter to you all. She could not be here
20 tonight. It says, dear members, I'm reaching out
21 to you on behalf of Rob Grenoble, the owner of
22 2000 West Union City in regards to his project to
23 build live-work spaces at this location. In
24 addition to being a yoga instructor for Union City
25 as well as the surrounding communities and

1 Englewood Hospital, I am an artist. In my early
2 years, I rented studio spaces in Hoboken to be
3 able to work and commuted from Union City, which
4 has always been my home. Union City has a very
5 rich artistic community, as we see with our ever
6 evolving exhibitions at the William Musto Center.
7 This building, 2000 West, is a vibrant collection
8 of so many talented, creative people from all over
9 the globe, entrepreneurs that also call Union City
10 home.

11 I live around the corner and this has
12 allowed me to be able to keep painting and
13 creating as my home space does not facilitate
14 that. It would be a great advantage to have such
15 a space in our community. It has been proven that
16 areas where art is at the forefront have so many
17 benefits. Here are some key benefits: Creativity
18 and expression, cultural enrichment, community
19 engagement, personal growth and development,
20 emotional wellbeing, economic growth and
21 revitalization. I'll read this little blurb. Art
22 centered communities often serve as hubs for
23 economic growth and revitalization, attracting
24 tourists, businesses, and investment
25 opportunities. The presence of art galleries,

1 theatres, cultural institutions, and creative
2 industries contributes to the overall vitality and
3 prosperity of the community, creating jobs,
4 stimulating commerce, and enhancing property
5 values. By supporting a project such as this
6 facilitates accessible live-work conditions, you
7 are investing in our city with an eye towards the
8 future, as the world shifts to a more creative
9 based modality.

10 Personally, Rob Grenoble has a lot of
11 integrity. The building is always clean,
12 maintained. And all the renters are respectful,
13 nice individuals. I always feel safe. I trust
14 the same would be with his live-work spaces. I
15 believe this addition will enrich the area and
16 will be done so tastefully in this landmark space.
17 Thank you for your time and consideration.
18 Maryann Fernandez.

19 MS. GUTIERREZ: Thank you.

20 CHAIRPERSON GARCIA: Any other member of
21 public?

22
23 S A N D R A H O W A R D F E S T A, after
24 having been duly sworn or affirmed, did testify as
25 follows:

1 MS. FESTA: Sandra Howard Festa, I
2 reside 2000 West, penthouse 1 in Union City.

3 Hi, my name is Sandra Festa, I grew up
4 in Union City, born and raised. And I'm also
5 residing at the property right now, so that's the
6 four bedroom, four bathroom apartment because I
7 have six children, okay. I'm also a business
8 owner in Union City. So I'm going to just say
9 something about me. We all have different starts
10 in life. I left home very young, but I always had
11 a strong foundation and I had goals. But when we
12 work a job, I always -- I've never had one job,
13 I've always had three jobs -- life just -- when
14 they give us our paycheck, it just pays for our
15 rents, just our day-to-day things. For us to have
16 anything extra in life, you have to either have
17 another job or a side hustle.

18 I've had a side hustle, a business that
19 registered in 1995. And I started very small.
20 And I am a prime example of live and work. Every
21 place I have lived, I have always converted my
22 living room into my office since 1995. And I've
23 been doing this and eventually networking,
24 building myself up. You know, it hasn't been
25 easy, but I've been building, building, building

1 since 1995, I work seven days a week. And, you
2 know, I remember buying my first van for \$150,
3 right, all graffitied up, right? But to make a
4 long story short, I've been building slowly and
5 always working two jobs to support my life, pay
6 for college, all that kind of stuff.

7 And then in 2013, because I've been
8 networking since 1995 and building my reputation
9 as a performer entertainer, all that kind of
10 stuff, I jumped, I took the risk. And then I got
11 a warehouse in Union City and I expanded and now
12 I'm doing okay, you know, I'm still working
13 another job.

14 I just want to you know, like, there's
15 different forms of businesses. You have
16 businesses that you could get a commercial spot,
17 pay four, or five thousand a month and you have
18 business every day, whether it's food, bodegas,
19 restaurants, all that kind of stuff. There's also
20 businesses that are just seasonal. I am a
21 seasonal -- my job is only on weekends. It's only
22 eight days a month. For me to get a commercial
23 spot, prior in, 1995, I would never have survived.
24 Because I had it in my home and because I saved
25 money, it allowed me to, you know, slowly but

1 surely get to where I'm at.

2 So this accountants -- there's a lot of
3 reasons why this is a good idea. This property is
4 a hidden gem. Union City, you know, I grew up
5 here, I see all the apartments, I see everything
6 that's going on. But this particular property
7 that has high ceilings, it's just a gorgeous piece
8 of property and it has a lot of potential. It
9 would benefit a lot of people who are struggling
10 financially, maybe live and then build, and have a
11 little side hustle, make a little -- have a
12 little business where then they can grow and get
13 better and bigger later on in life. All right,
14 thank you.

15 CHAIRPERSON GARCIA: Thank you.

16 MR. PANEQUE: Thank you.

17 MS. GUTIERREZ: Thank you.

18 CHAIRPERSON GARCIA: The gentleman was
19 on his way already.

20

21 A N D R E W B O T T I C E L L I, after having
22 been duly sworn or affirmed, did testify as
23 follows:

24 MR. BOTTICELLI: Andrew Botticelli,
25 B-O-T-T-I-C-E-L-L-I, 1100 Maxwell Lane in Hoboken.

1 I just want to say I'm so happy to see
2 all the wonderful tenants speaking on behalf of
3 the building because Rob is actually truly
4 amazing. I toured the building with Bob DeRigiero
5 I would say back in -- I don't know 2011 or '12.
6 Unfortunately, he got sick. I'm a broker now with
7 Compass. And it just -- it's just great, it
8 really makes me happy to see all the small
9 businesses thriving. And everybody really just
10 took the words out of my mouth as far as like, you
11 know, you really need a home, you need a place to
12 go.

13 I think the project is going to help the
14 businesses thrive and create a more diverse
15 community. So thank you everybody for coming.

16 CHAIRPERSON GARCIA: Thank you.

17 MS. GUTIERREZ: Thank you.

18

19 H E N R Y M O R A L E S, after having been duly
20 sworn or affirmed, did testify as follows:

21

22 MR. MORALES: Henry Morales,
23 M-O-R-A-L-E-S.

24 CHAIRPERSON GARCIA: Before we continue,
25 sorry for the interruption, one of the members

1 needs a break, two minute break. Sorry and thank
2 you for your consideration.

3

4 (Whereupon a short recess was taken.)

5

6 MR. VALLEJO: May I have your attention,
7 please? On the record.

8 MR. MORALES: So my name is Henry
9 Morales, I own the screen printing company there,
10 printing T-shirts. I just want to say that it's
11 been very difficult trying to get a place here in
12 Jersey. I'm from New York, so I travel back and
13 forth right now, I'm staying with a family member.
14 And I work a lot of long hours, I work till 2,
15 3:00 in the morning and I just got to crash
16 because the buses ain't running. And I rinse and
17 repeat.

18 So it will be a great idea to get this
19 plan in motion and I fully support it. And that's
20 pretty much what I wanted to say.

21 CHAIRPERSON GARCIA: Any other member of
22 the public? Okay. Close to the public. Mr.
23 Alonso.

24 MR. ALONSO: Mr. Chairman, I have no
25 further witnesses. That concludes our

1 presentation.

2 CHAIRPERSON GARCIA: The prior
3 application that was granted, how many full
4 bathrooms was approved?

5 MR. ALONSO: How many full bathrooms,
6 shower and everything? Albert?

7 MR. ARENCIBIA: It was a commercial
8 component, so basically there were bathrooms on
9 all floors.

10 CHAIRPERSON GARCIA: Bathrooms.

11 MR. ARENCIBIA: Bathrooms, but not in
12 the individual spaces.

13 CHAIRPERSON GARCIA: Okay. Any other
14 questions?

15 MR. GRULLON: Mr. Alonso, on the
16 previous approval, it was entirely for commercial
17 spaces, not -- they were not home commercial?

18 MR. ALONSO: No. There was the two
19 residential units we talked about, the four
20 bedrooms and everything else was commercial.

21 MR. GRULLON: You know, I know there was
22 testimony that those commercial spaces were going
23 to be occupied during the day, you know, the
24 parking. And maybe that was one of the, you know,
25 things that we considered to make the approval,

1 based on those uses that were going to be used
2 during the day. And at night, they would vacate
3 the spaces around the area. Because right now
4 we're talking about 131 spaces. It's a deficit, a
5 minimum of 106 spaces that we don't have, that's
6 including people coming to the businesses and
7 people living in the units.

8 With the previous application, my
9 understanding is that those spaces were going to
10 be vacant at night for the residents. You know,
11 like looking at the area in my opinion, if we go
12 around that area now -- I've been living here for
13 30 years, it's been the same condition around that
14 area, 20th Street between Bergenline to Summit,
15 it's no parking. There's no parking at all at
16 night especially. And I know when we say
17 residential, my opinion -- we love the community,
18 artist community to be here in Union City. But
19 it's just that the site, to me, doesn't support to
20 have an additional 106 spaces occupied at night.

21 MR. ALONSO: It's not an additional 106
22 spaces, it's a reduction to 106 spaces. What was
23 approved originally was 131.

24 VICE CHAIRPERSON GRULLON: Yes. That's
25 during the day.

1 MR. ALONSO: That's for the use.

2 MR. GRULLON: What's going to happen at
3 night?

4 MR. ALONSO: It's not limited to the
5 day, that's for the use for the building. It's
6 131 spaces whether it's day, whether it's night,
7 you can't regulate it's only from 9 to 5 --

8 VICE CHAIRPERSON GRULLON: But --

9 MR. ALONSO: -- if I could finish?
10 There was no condition of approval that at night,
11 it would convert to resident parking. One of the
12 tenants indicated, listen, I have six spaces --

13 VICE CHAIRPERSON GRULLON: That's
14 what --

15 MR. ALONSO: -- he doesn't use it. As a
16 courtesy to the neighbors, he allows --

17 VICE CHAIRPERSON GRULLON: Mr. Perez
18 mentioned that because of the condition for
19 parking, during the nighttime, his business is a
20 daycare, he doesn't use the spaces.

21 MR. ALONSO: He doesn't use them during
22 the day.

23 VICE CHAIRPERSON GRULLON: He rented to
24 the residents.

25 MR. ALONSO: Right. But the important

1 factor is that he doesn't use them during the day
2 either. Because although there's a requirement of
3 131 spaces, that's just a number that's in the
4 there because the ordinance says that's what
5 you're supposed to provide. But the actuality,
6 the empirical data that we have, based on a survey
7 of the actual tenants, is that only 18 percent of
8 those spaces are actually -- of the requirement
9 are actually used. So the demand is not there.

10 You're required to provide the parking
11 spaces, but there's no need for those parking
12 spaces. And at nighttime, when all those
13 commercial spaces are gone, if -- and I'm saying
14 if because I believe that based on the testimony
15 from a lot of the residents -- not the residents
16 the, actual tenants who occupy, who would be
17 interested in moving to one of these units -- they
18 really don't have cars. So they won't -- they
19 don't have the vehicles to park on-site number
20 one. And number two, if they did, those spaces
21 are vacant anyway because --

22 VICE CHAIRPERSON GRULLON: That's not --
23 Mr. Paneque, that's not something we can put as a
24 condition? Whoever is going occupy the space
25 cannot own a car?

1 MR. PANEQUE: That is correct.

2 VICE CHAIRPERSON GRULLON: Okay.

3 MR. ALONSO: No, I'm not saying that, I
4 never said that. What I'm saying is that you're
5 concerned because --

6 VICE CHAIRPERSON GRULLON: My concern is
7 parking.

8 MR. ALONSO: -- there's a demand of 131
9 parking spaces. My first point, from a zoning
10 perspective, is that's already been considered.
11 This board has already determined in the past that
12 this site can accommodate the variance that was
13 granted for the 10031 parking spaces. We're not
14 increasing that. We're not making it worse, we're
15 not exacerbating upon that. The worst case
16 scenario, depending how you want to analyze this
17 is still 131 spaces. However, we're presenting to
18 you testimony that the demand or the requirement
19 is actually reduced from 131 to 106, that's 25
20 less in terms of what the requirement is. And the
21 demand, as we know, is less.

22 VICE CHAIRPERSON GRULLON: In my
23 opinion, I'm analyzing this from 6:00 p.m. to 6:00
24 a.m.

25 MR. ALONSO: I'm sorry?

1 VICE CHAIRPERSON GRULLON: I'm analyzing
2 this for the nighttime.

3 MR. ALONSO: Sure.

4 VICE CHAIRPERSON GRULLON: When people
5 come from work to the area, in an area where we
6 already have a parking situation that is in that
7 area -- it's a situation in probably all of Union
8 City, that we have higher parking demand than we
9 can provide the residents. This board, in my
10 opinion, we have to make sure that when we approve
11 an application, I take in consideration the
12 business, sometimes when we are, you know,
13 allowing variances on parking because business
14 occupy the spaces throughout the neighborhood
15 during the daytime, when the residents are out
16 there working somewhere else.

17 MR. ALONSO: And I understand your
18 concern, but that was already considered. And I
19 said that's already considered because at the
20 prior application for these studios, the testimony
21 was that most of that stuff happens at night. So
22 when you have these people coming in from the
23 city, these artists, sometimes they come by bus,
24 sometimes they come by limo. So there's not
25 enough parking for limos, buses on the site, so

1 the site and the neighborhood was able to
2 accommodate that. And it was substantial more
3 than what we're proposing now in terms of the
4 night, assuming that those residents would have
5 vehicles, which we're saying they're not going to
6 have vehicles. Because the whole purpose of this
7 is to facilitate an affordable option for a small
8 business to come in, where they could live, they
9 could work. And since they're not commuting,
10 they're probably not going to have a car.

11 So that consideration or concern about
12 the nighttime was already considered and accepted
13 by the board.

14 VICE CHAIRPERSON GRULLON: Thank you.

15 CHAIRPERSON GARCIA: Okay. Before I --
16 any other questions or any other comments? Before
17 I make my motion for this application, first of
18 all, I'm going to say thanks to all the tenants to
19 believe in Union City, for bringing new business.

20 Second, as a demonstration that we
21 support the small business, that we support the
22 artists, that we support our community, was that
23 the application was granted back with that
24 difference with parking 131 -- actually,
25 currently, you only have 14 parking spaces,

1 correct? However, unfortunately, we as a board,
2 we don't have any power to enforce any condition
3 that we submit here. And also the prior
4 application was granted without those full 22
5 bathrooms that was there that you are proposing
6 right now.

7 Since we don't have that capacity, that
8 power to enforce any regulation after we grant or
9 deny -- deny, no, but grant any application and
10 understanding that this application is converting
11 those business spaces, in reality, to 22
12 apartments, that we don't have any control of how
13 many people are going to be sleeping there, living
14 there, then I'm going to make my motion to deny
15 this application.

16 MR. VALLEJO: Motion on the table to
17 deny this application by Mr. Garcia. Any second
18 on the motion?

19 MS. GUTIERREZ: Second.

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

22 Mr. Grullon.

23 VICE CHAIRPERSON GRULLON: Yes to deny.

24 MR. VALLEJO: Yes to deny.

25 Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 MR. GARCIA: Yes to deny.

6 MR. VALLEJO: Ms. San Martino.

7 MS. SAN MARTINO: Yes, deny.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes.

10 MR. VALLEJO: Six in favor, the
11 application has been denied.

12 MR. ALONSO: Thank you, have a good
13 evening.

14 MS. GUTIERREZ: Thank you.

15 * * * *

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**CARLOS VELAZQUEZ AND OFELIA VELAZQUEZ -
202 41ST STREET:**

MR. VALLEJO: All right. We're moving now to application number two, Carlos Velazquez and Ofelia Velazquez, 202 41st Street. Mr. O'Brien, please.

MR. PANEQUE: Thank you, sir.

Let the record reflect as follows:

I've been provided by Mr. O'Brien with the following documentation. I have an affidavit of service indicating that notice of tonight's hearing was provided to all property owners within the 200-foot radius of 202 41st Street, signed by Mr. W. Mark O'Brien and notarized by Michelle Gace, attorney at law of New Jersey.

I've also been provided with a copy of the notice that was sent out to all property owners indicating that notice of this hearing at this location, the Union City High School, with respect to the property at 202 41st Street was given to all property owners.

I've also been provided with a list of the property owners within the 200-foot radius of Block 242, Lot 9, the property address 202 41st

1 Street. The list was done by the tax assessor's
2 office with a date of April 18th.

3 I've also been provided with a copy of
4 the affidavit of publication indicating that
5 notice of tonight's hearing was published in The
6 Jersey Journal on April 26, 2024.

7 And the last thing I have is the
8 certified mail receipts, as well as the return
9 green cards. The certified mail receipts have a
10 postmark date of April 26, 2024.

11 Based on the documentation provided,
12 this board has jurisdiction to proceed and hear
13 this matter. Thank you, Mr. O'Brien.

14 MR. O'BRIEN: Good evening, everyone.
15 For the record, my name is Mark O'Brien from the
16 firm of Flowers and O'Brien, here on behalf of the
17 applicants Carlos and Ofelia Velazquez. My
18 clients seek all requisite approvals to legalize a
19 ground floor two bedroom apartment in a two-family
20 structure that result in three total legal units.

21 I have with me tonight two professionals
22 to provide the requisite testimony. Mr. Manuel
23 Pereiras, our architect, and Mr. Alexander
24 Dougherty, our professional planner. Barring any
25 threshold questions of me from the board, I'd like

1 to call our architect.

2

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

5

6 MR. PEREIRAS: Manny Pereiras,
7 P-E-R-E-I-R-A-S with Pereiras Architects
8 Ubiquitous, located at 1116 Summit Avenue, here in
9 Union City.

10 MR. O'BRIEN: Mr. Chairman, I understand
11 that Mr. Pereiras has --

12 CHAIRPERSON GARCIA: He never came here
13 before.

14 MR. O'BRIEN: Never seen him, right?

15 CHAIRPERSON GARCIA: Our pleasure, Mr.
16 Pereiras.

17 MR. PEREIRAS: Thank you, Mr. Chairman,
18 and board members.

19 MR. O'BRIEN: Please.

20 MR. PEREIRAS: Great to be here. Hello,
21 public. We have a pretty simple application for
22 you. First and foremost, we have a conforming
23 lot. It is 25 wide, 100 deep. We are conforming
24 in side yard setbacks, we have 3 feet on one side,
25 2.5 on the other. We are conforming in front yard

1 setback, it's 14 feet 11 inches. And we are
2 conforming -- we are not conforming in rear yard,
3 that is one preexisting nonconformity. It is 17
4 feet 9 inches. We're dealing with an existing
5 structure. As you can see, with the exception of
6 rear yard, it is fully conforming. And this
7 structure, throughout the years, at some point,
8 the ground floor apartment, the ground floor bonus
9 room behind the garage was converted to an
10 apartment. And we're here before you today to
11 legalize that condition. And we're doing several
12 things to improve the structure as well.

13 First and foremost, the majority of our
14 work is concentrated to the interior; however, we
15 are doing two small modifications to the exterior.
16 The first of which is the garage door. We are
17 taking the garage door and shifting it forward a
18 few feet. And that's very specifically to provide
19 enough parking. By shifting that garage door
20 forward, we're able to fit four cars within the
21 garage and two more on the apron. So therefore,
22 they're in tandem condition, but we can provide
23 six cars on-site, so a parking variance is not
24 required there.

25 The other aspect to the exterior of the

1 building that we're modifying is that because
2 we're changing from a two- to a three-family,
3 we're providing a second means of egress for the
4 second floor apartment. And therefore we're
5 creating a fire escape along the back of the
6 building, as you can see there. Yes, Mr. Paneque.

7 MR. PANEQUE: Mr. Pereiras, I'm going to
8 interrupt you for one second. We do have a memo
9 from the building department, just give us a
10 minute to go over this.

11 CHAIRPERSON GARCIA: Two minute break,
12 please.

13
14 (Whereupon a short recess was taken.)

15
16 MR. VALLEJO: Back on the record.

17 MR. PANEQUE: Thank you.

18 Mr. Pereiras, as a way of explanation to
19 yourself and Mr. O'Brien for the interruption, we
20 have been provided with a memo from the building
21 department. The memo, on its face, indicates that
22 this unit was originally a one unit structure.
23 However, there is a further explanation that the
24 one unit structure was the house that was there in
25 1973. In 1986, the new home was built as a

1 two-family.

2 MR. PEREIRAS: That makes perfect sense.

3 MR. PANEQUE: So the first page threw us
4 all off, but then we have an explanation. And
5 looking at the photograph that's part of the tax
6 assessors record, it's clearly a two-family with
7 the ground floor garage and rear space, which now
8 you're looking to convert to the third unit.
9 Thank you, you may proceed.

10 MR. PEREIRAS: Thank you so much. As
11 counsel said, this house was constructed in 1986,
12 typical of the houses constructed in that era, we
13 had two families, one on each of the floors above.
14 And the ground floor had the garage in the front
15 and that bonus space in the back that was used
16 often as family room. That bonus space in the
17 back is was converted at some point through its
18 history into a two-bedroom apartment and that's
19 what we're looking to legalize today.

20 We're not looking to make any major
21 changes to that space, except we're adding the
22 convenience of a washer and dryer in that space.
23 And, again, what I mentioned before which is
24 moving the garage door so we that can have
25 additional parking on-site, filling the full

1 requirement of the six parking spaces.

2 In addition to that, there are
3 tremendous life safety improvements to this
4 building to protect both the inhabitants of that
5 space, the inhabitants of the house, and the
6 neighborhood. There will be a two-hour fire
7 separation between this unit and the garage and
8 this unit and the unit above. There will be a
9 domestic line sprinkler system located for this
10 building. And the statistics are wonderful,
11 sprinklered buildings, zero deaths throughout the
12 history of the United States. And there will be
13 an alarm system, 110-volt alarm system, in that
14 space and a low voltage alarm system throughout
15 the building. So this is a dramatic improvement
16 to the conditions it has currently now. And we're
17 simply legalizing the conditions and making it
18 safe. That concludes my testimony.

19 MR. PANEQUE: Thank you. Mr. O'Brien,
20 do you have anybody else?

21 MR. O'BRIEN: I do, sir. Alex.

22

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

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MR. DOUGHERTY: Alexander Dougherty,
D-O-U-G-H-E-R-T-Y, professional planner.

MR. O'BRIEN: And, again, Mr. Chairman,
I believe Mr. Dougherty has testified as a
licensed planner in the State of New Jersey before
this board a number of times previously. I would
ask again that he be recognized as an expert in
that capacity.

CHAIRPERSON GARCIA: Yes. It's our
pleasure to have you.

MR. DOUGHERTY: Thank you. So kind of
sum this up, as you've heard, two-family
conversion to three-family. However, we are in
the R zone where two-families are permitted,
three-families are not. So we are seeking a use
variance, a (d) (1) use variance. I did prepare,
as usual, an exhibit packet, visual orientation,
purposes of the site in its current condition. If
it pleases the board, I'll pass this out.

MR. O'BRIEN: For the record, should we
note that as applicant's exhibits A-1 through A-6?

MR. PANEQUE: We'll mark it A-1,
consisting of six sheets.

MR. O'BRIEN: Very good, thank you.

1 (Planning packet marked A-1.)

2

3 MR. DOUGHERTY: Slide one is cropped out
4 zoning map as red arrow and the red circle
5 approximately indicate the property in question,
6 located at 202 41st Street, Lot 9, Block 242.

7 Slide two, outlined in red is the
8 property in question taken from NJ DEP's GeoWeb.
9 I want to point out the proximity to Park Ave.,
10 Palisades, we have also New York Ave., just a
11 quick block, block and a half walk. You see on
12 this map orientation wise, there are several
13 little bus indicators for mass transit
14 accessibility. Along these corridors, as many of
15 us know, is several variety of commercial
16 amenities, within great walking distance.

17 The next slide is the property as it
18 exists today. I took this photograph personally
19 May 5th of this year. As you see, as described
20 before, the ground floor has the garage, as Manny
21 indicated, we're going to bring that a little bit
22 forward here to ensure we have adequate internal
23 parking with four vehicles and then two on the
24 exterior. So by way of this image here, really
25 nothing is changing from what you see other than

1 the garage door coming forward a little bit.

2 I took the drone up a little higher. I
3 think what really makes this particular property,
4 this structure, suitable for the additional unit
5 is that length here that we have. You know, I
6 don't believe it's overdevelopment. You see by
7 the architectural floor plans, it's very spacious
8 units. It works, there's the existing dead space,
9 if you will, that typically in the two-family
10 arrangement, that ground floor space, you know,
11 who owns that? Who uses that? So I think it's
12 more efficient use of that property in that ground
13 floor space.

14 As we've heard, this is an opportunity
15 to bring the building into modern compliance by
16 building and fire code regulations.

17 Page 5 is a site really of the
18 structure. Again, as the architect had testified
19 to, it gives us an opportunity to make the rear
20 windows into a fire escape for efficiency and
21 safety of the entire structure. But most
22 importantly this is a flavor of what's out there
23 for the neighborhood. By no means are we the
24 biggest building in the neighborhood or the
25 highest in the neighborhood. I think this slide

1 here really is reflective of that. Particularly
2 as well though, our immediate abutting neighbor is
3 smaller home, doesn't really extend that far to
4 the rear. So by way of the intensity of use, I
5 don't believe it's going to be adverse impacts
6 there.

7 I do want point out we do have quite a
8 bit of dwellings in the area that exceed that
9 two-family capacity. I don't think this is out of
10 character. Again, our abutting neighbor to the
11 rear, catercorner, you can kind of see we have
12 that existing structure, if you will, behind
13 another existing structure. It's a very good mix
14 up of the neighborhood, predominantly residential,
15 with some of the corner end caps surrounding of a
16 mixed use.

17 The last slide, slide six, really wanted
18 to show that just across the street here, we do
19 have a larger building scale and massing and
20 density here. Really this is just an existing
21 structure, small retrofit to the inside.

22 As your planner's report clearly
23 outlines here, this is a (d)(1) use variance. And
24 we're really here to legalize an existing two
25 bedroom unit on the ground floor. From a planning

1 standpoint, I think this unit to be separate,
2 certainly advances a lot of positives providing a
3 range of housing options for a growing community.
4 These additional two bedrooms with the building
5 department by virtue of meeting the parking demand
6 could be internal to that upper floor.

7 So for here, I think it's more efficient
8 use, certainly advancing the housing choices in
9 the area. Again, this is one of the few
10 applications that come before this board that's
11 not seeking a parking variance. So by that way, I
12 do think the site is particularly suited for it,
13 by the conditions, by the surrounding context of
14 the neighborhood. I think it's a lot of positives
15 here. We advance purpose I. Really no changes
16 that visual environment, you know, with the moving
17 of the garbage door. We keep that character, the
18 flavor. A lot of this is internal and the fire
19 escape advancing purpose A, the general welfare
20 and safety of the community. And certainly more
21 efficient use of land.

22 When I look at that negative criteria, I
23 don't believe there will be any adverse impacts
24 for advancing this application for that third
25 unit. As we've heard the architect, site can

1 flow, function, and operate efficiently and
2 safely. We have the parking that we need on site,
3 by RSIS, by local ordinance. And we improve the
4 overall building by safety standards and building
5 code regulation.

6 When we look at this, reconciling the
7 master plan here, we're preserving the character
8 of the neighborhood, we're promoting the
9 population. This is what we call an economy of
10 scale, you know, close to commercial amenities. I
11 think when we look at this overall, we're not
12 going to constitute rezone by adaptively reusing
13 that dead space, if you will, that -- who's going
14 to use that, first floor, second floor, behind
15 that garage? We can certainly, as we see here,
16 adaptively reuse that for a more efficient use
17 here.

18 All in all, I'll conclude when we look
19 at this application, we do have one existing
20 variance, which will be subsumed within the (d) (1)
21 use variance. It's again the rear yard requires
22 20, we're at 17.9. There's no, I guess, addition
23 to the rear other than the fire escape. This is
24 there existing now, there's no plans to cut off
25 the rear of the building. In fact, that added

1 extra couple feet is what makes the ground floor
2 unit a lot more palatable by way of comfortability
3 and size and scale.

4 I think the board can look favorably
5 upon this application. That this is perfectly
6 suited for this building, it will cause no
7 detriment. And I believe the criteria would be
8 met and approval would be warranted.

9 MR. PANEQUE: Thank you, Mr. Dougherty.

10 CHAIRPERSON GARCIA: Question is did you
11 have the chance to visit the site? You understand
12 that this two-family house converting three-family
13 house is conforming with the character of the
14 neighborhood?

15 MR. DOUGHERTY: I believe when we look
16 at the overall neighborhood, about a block and a
17 half radius, there's some larger development in
18 the area. And then I think on page 5 it was,
19 what's interesting is behind us, there was another
20 structure behind a structure. The white structure
21 there, you can kind of see it. It's unique. And
22 you see on the corner on this side, it's just a
23 large low lying parking garage. And you can kind
24 of see going down the street, some more
25 multifamily, some more higher density. There's

1 some two, one, but predominantly, it's a healthy
2 mix. I don't believe this is out of character at
3 all.

4 CHAIRPERSON GARCIA: Okay. Any
5 questions? Mr. Pereiras, I have a question.
6 Thank you.

7 MR. PEREIRAS: Yes, sir.

8 CHAIRPERSON GARCIA: In the testimony,
9 you mentioned you're that not going to do any
10 construction?

11 MR. PEREIRAS: There's a couple small
12 things that we're doing construction. Number one,
13 the fire escape; number two, the garage door that
14 we're moving forward; and number three, the fire
15 ratings that were putting new sheetrock on the
16 ceiling and the exterior walls to pump up the fire
17 rating. Number four, the fire alarms; and number
18 five, we're providing a new washer dryer in the
19 space. So that's the scope of work that we're
20 proposing.

21 CHAIRPERSON GARCIA: Okay. And nothing
22 around the --

23 MR. PEREIRAS: No.

24 CHAIRPERSON GARCIA: Okay. And you
25 said -- when you mentioned you're going to

1 relocate the garage doors because you're going to
2 put a little bit --

3 MR. PEREIRAS: It's going to allow me to
4 put more vehicles in the garage. Right now, they
5 don't fit four deep. If I move the garage door,
6 they will fit. And the other thing, just to
7 mention, we're going to make sure that the windows
8 are egress windows out of the bedrooms. We're
9 going to make sure that the front door into the
10 apartment is properly rated and has proper
11 clearances and distance. So there are other
12 little things we'll be modifying in the apartment.

13 CHAIRPERSON GARCIA: The building
14 department going to --

15 MR. PEREIRAS: Correct.

16 CHAIRPERSON GARCIA: -- control and
17 enforce?

18 MR. PEREIRAS: The building department
19 has full on that. As you know, we have a building
20 department that's very thorough with those things.

21 CHAIRPERSON GARCIA: I have no further
22 questions. Any other questions?

23 MR. GRULLON: Mr. Pereiras, on the
24 ground floor, the first bedroom, is that a typo
25 for the size the bedroom? The 1.8?

1 MR. PEREIRAS: It's actually 11.8, the
2 one is overlapping the bed.

3 VICE CHAIRPERSON GRULLON: I don't have
4 any other questions.

5 CHAIRPERSON GARCIA: Any member of the
6 public want to step forward? Seeing none, close
7 to the public.

8 Understanding that this is an existing
9 condition and there's nothing -- one other
10 question. It is currently tenant there? Is it
11 occupied?

12 MR. PEREIRAS: When I was there to
13 measure it was. Is it still?

14 AUDIENCE MEMBER: No.

15 MR. PEREIRAS: No.

16 CHAIRPERSON GARCIA: Okay. I'm going to
17 make my motion to grant this application,
18 especially that no parking variance. I'm happy,
19 you make my night. I make a motion to grant this
20 application.

21 VICE CHAIRPERSON GRULLON: Especially
22 making the building safer by adding the fire
23 escape. I second the motion.

24 MR. VALLEJO: Motion on the table to
25 grant the application by Mr. Garcia, seconded by

1 Mr. Grullon.

2 Roll call on the motion. Mr. Grullon.

3 MR. GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 MS. GUTIERREZ: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Ms. San Martino.

13 MS. SAN MARTINO: Yes.

14 MR. VALLEJO: Six in favor, motion

15 carries.

16 RIGHT2: Thank you very much, everyone.

17 CHAIRPERSON GARCIA: Thank you.

18 * * * *

19

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25

1 **PARK AVE INVESTMENT, LLC -**

2 **3801 PARK AVENUE:**

3
4 MR. VALLEJO: We're going to change a
5 little bit the order of tonight's agenda. We're
6 going to go to number six, Park Avenue
7 Investments, LLC, 3801 Park Avenue. Ms. Pereiras,
8 please.

9 MR. A. PANEQUE: Let the record reflect
10 I've been provided with an affidavit stating that
11 on April 22, 2024, personal notice was given of
12 tonight's meeting to all property owners within a
13 200-foot radius of 3801 Park Avenue, Union City,
14 New Jersey 07087.

15 A legal affidavit from The Jersey
16 Journal that notice was published on April 25,
17 2024, of today's hearing.

18 The notice given to all property owners.
19 Certified mail receipts postmarked
20 April 22nd.

21 The list of property owners to be served
22 with notice.

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

1 MS. PEREIRAS: Thank you very much,
2 counsel. Good evening, counsel, Mr. Chairman,
3 members of the board. May it please the board,
4 Bianca Pereiras on behalf of the applicant, Park
5 Avenue Investments, LLC, for property at 3801 Park
6 Avenue, also known as Lot 19.01 in Block 228.

7 The site in question previously hosted a
8 six-unit multifamily building. The property
9 suffered a fire and it was demolished and the
10 applicant is here before the board to reconstruct.
11 However, he's not reconstructing six units, he's
12 asking this board for four units, plus parking
13 on-site. We have two experts to testify before
14 the board this evening. I'd like to start today's
15 presentation with our architect, Mr. Manuel
16 Pereiras.

17
18 M A N U E L P E R E I R A S, previously sworn:
19

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

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 3801 Park Avenue?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: Did you prepare the

1 drawings that are before the board this evening?

2 MR. PEREIRAS: I have.

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

5 MR. PEREIRAS: I would be very happy to.
6 I think the board is probably very familiar with
7 this. It's probably the third time you've seen me
8 come for this property. We legalized the sixth
9 unit many years ago, they had the devastating
10 fire. And I'm very glad, you know, when there's
11 an empty lot and there's a fire, I always feel
12 like it's important for us to recover and recover
13 strong. I feel we're doing that with this
14 project. We've really taken our time to design
15 something very beautiful for this location. And I
16 hope you can appreciate very much.

17 As you can notice, we have Park Avenue,
18 which is at an angle and lots -- the houses are
19 stepping back as we go. We thought it was very
20 important to keep that kind of same stepping
21 along. And therefore, we set back our building
22 similar, so it works in a line with Park Avenue.
23 And it's 6 feet 4 inches at one at the end and
24 it's 10 feet 7 inches at the other end, since Park
25 Avenue is pushing back. So we provided that

1 setback along the front.

2 If you recall one of the applications
3 that I had before, we had apartments on the ground
4 floor. And the argument, which was completely
5 valid, was that we needed a lot more parking and
6 that the apartment on the ground floor was not
7 appropriate. We heard you loud and clear and what
8 we did is we created the entire ground floor of
9 all parking. This made a big difference for the
10 building because now the building has to provide
11 handicapped access. So we're providing an
12 elevator on the ground floor. So the economics of
13 this building very much changed. But the
14 applicant was very happy to do so. And in order
15 to provide the parking that's required, we're
16 coming closer to the parking requirement.

17 And so what we have done is right now
18 along 38th Street, there is a fire hydrant along
19 the corner and there are three parking spaces.
20 And then all the houses further to the west on
21 38th Street have driveways, so there's no parking
22 along there. So the only parking on that side of
23 the street is the three parking spaces. So we
24 wanted to make sure we did the least amount of
25 intrusion into that.

1 So what we did is we isolated one garage
2 to the back of the property, so that we're only
3 affecting one parking spaces off the street. But
4 by removing the one parking space off the street,
5 we're providing two inside. And, of course, the
6 one that we could park on the curb. So by losing
7 one, we gain three parking spaces there.

8 The rest of the parking, we're
9 maintaining the two street parking along 38th
10 Street and we're providing four inside the garage
11 located on Park Avenue. So we worked with your
12 professionals to see how this would be
13 appropriate. And we created two individual
14 driveways so that they're broken down into two
15 spaces, two in tandem, and two in tandem. That
16 allows for us to have six parking spaces in this
17 small building. What we're proposing upstairs,
18 new access upstairs to one main stairwell in the
19 middle and the elevator along the side. And
20 that's your center core of the building.

21 And notice that that center core isn't
22 perfectly in the center of the building, it's
23 shifted over a bit. Number one to provide for the
24 double tandem parking spaces, but number two, so
25 we have a mixture of units. What we're providing

1 on each floor, we have a two-bedroom apartment
2 along the front, that's a 688 square foot
3 two-bedroom apartment. And along the back, we
4 have a 488-square foot one-bedroom apartment. And
5 then the floor above is exactly the same thing as
6 a pancake of that floor.

7 The facade of the building, we spent
8 good time on it, I'd like to enter -- I'm not sure
9 if you want this as an exhibit, it's the same
10 rendering that's there, simply in color. Counsel,
11 would you like me to mark this?

12 MR. A. PANEQUE: Yes, please. We can
13 mark it as exhibit A-1.

14 MR. PEREIRAS: I am marking the top
15 right hand corner as A-1 with today's date. I'll
16 provide this one to the board secretary and I have
17 a few copies for everyone to share.

18
19 (Rendering marked A-1 for
20 identification.)

21
22 MR. PEREIRAS: As you can see we're
23 proposing a fully bricked building on the two
24 facades that are facing the street. There's a lot
25 of character and a lot beauty to it. We're

1 providing large fenestrations, big windows that
2 play with the industrial look of the area overall.
3 And it also plays with the brick colors of the
4 other buildings that we've designed on Park
5 Avenue. There's two houses next to it, we were
6 able and lucky to design the other two houses
7 further back, so there's a continuity in the
8 neighborhood with the brick colors and brick
9 style. And that concludes my testimony.

10 CHAIRPERSON GARCIA: Mr. Pereiras, in
11 that corner, 3801 Park, there's a handicapped
12 space correct?

13 MR. PEREIRAS: There was a handicapped
14 space, I'm not sure if it's still there --

15 CHAIRPERSON GARCIA: It's still there.

16 MR. PEREIRAS: Okay.

17 CHAIRPERSON GARCIA: So I'm going to ask
18 a question to our attorney, Mr. Paneque, are we
19 allowed to -- in the event we grant this
20 application -- because they have a driveway there,
21 can we -- Mr. Spatz, there is a handicapped spot.

22 MR. SPATZ: Right.

23 CHAIRPERSON GARCIA: And they have a
24 driveway there, the proposal. It's the first time
25 in my experience at the board because we don't

1 know who belongs that handicapped. What's your
2 recommendation?

3 MR. SPATZ: Well, it's created by the
4 Board of Commissioners by resolution and they
5 could relocate it. So I would suggest that if the
6 board was in favor of this application, perhaps,
7 making it a condition that they go to the Board of
8 Commissioners to get the handicapped accessible
9 parking spot relocated. And then if they're
10 unable to, then come back before the board.

11 CHAIRPERSON GARCIA: Mr. Pereiras, do
12 you want to ask your client before they -- to
13 proceed?

14 MR. PEREIRAS: No, we would be happy to
15 proceed. We've had the situation in the past
16 where handicapped spots are relocated. It's
17 relocated as a function of the Board of
18 Commissioners, if they can find another spot. We
19 work with the DPW to do that. I don't see a
20 problem moving forward.

21 I'm just curious because I know I
22 remember there was a handicapped spot in the front
23 of the building, that was for the tenants of the
24 building before the fire. So I'm curious as to
25 whose handicapped spot that actually is right now.

1 CHAIRPERSON GARCIA: I know there's a
2 handicapped spot, but I don't know who's own it,
3 right.

4 MR. PEREIRAS: Right, right.

5 CHAIRPERSON GARCIA: But I just want to
6 you to be clear, your client is clear what's going
7 on there.

8 MR. PEREIRAS: Understood.

9 CHAIRPERSON GARCIA: It's not able to
10 move --

11 MR. SPATZ: To modify what I said
12 perhaps when they go to the Board of Commissioners
13 or at least the building, make sure that the
14 parking spot is legitimately there. Conceivably
15 if it was for the tenant of the building who's no
16 longer there, then the spot was vacated. And they
17 maybe just haven't repainted the stripe or removed
18 the pole. It is possible there's no handicapped
19 accessible parking spot. So again that could be
20 part of the condition.

21 MR. PEREIRAS: Potentially we might be
22 adding a space to -- no, it's taken up by the
23 driveway.

24 CHAIRPERSON GARCIA: Just trying to
25 avoid an inconvenience.

1 MR. SPATZ: I think they could easily
2 check that.

3 CHAIRPERSON GARCIA: What is the height
4 of the building?

5 MR. PEREIRAS: The total building height
6 is three stories, 33 feet. So we're well under
7 the requirement of the zone.

8 CHAIRPERSON GARCIA: And you're going
9 have garage in both ways --

10 MR. PEREIRAS: Yeah.

11 CHAIRPERSON GARCIA: I mean both sides,
12 38th Street and --

13 MR. PEREIRAS: Correct. In order to
14 provide six parking spaces in total.

15 CHAIRPERSON GARCIA: Address is going to
16 be 3801, however you're main entrance is going to
17 be through 38th Street?

18 MR. PEREIRAS: Correct. We might change
19 the address.

20 CHAIRPERSON GARCIA: Okay. And the size
21 of the unit, 1,472?

22 MR. PEREIRAS: Yes. We have a bit of a
23 density variance there. Our planner is going to
24 speak about that. We have 688 square feet for the
25 two-bedroom and 488 square feet for the

1 one-bedroom.

2 CHAIRPERSON GARCIA: Okay.

3 MR. PEREIRAS: And I'd like to remind
4 this board one very important aspect of this
5 project in Union City, in general, we're creating
6 a lot of two-family houses, they are not elevator
7 buildings. So when you're looking for small units
8 like this, it's very hard if you have a
9 disability, if you're elderly to find an
10 appropriate space. It's very hard to find a
11 rental unit. This is actually solving that, it's
12 providing four units, one-bedroom and two-bedroom
13 units that are going to be fully ADA accessible by
14 an elevator. That's a very important aspect of
15 this presentation.

16 CHAIRPERSON GARCIA: Okay. I have a
17 concern about that lot, is that that lot
18 doesn't -- it's not conforming with the line of
19 the other two houses that are on both sides.

20 MR. PEREIRAS: That's correct.

21 CHAIRPERSON GARCIA: Can you show us --
22 can you explain to us the difference between --
23 because if I'm driving north on Park Avenue, I'm
24 not going to see the other two adjacent houses,
25 right?

1 MR. PEREIRAS: It's actually a very
2 beautiful block. It's almost like steps moving
3 forward along Park Avenue. You have the park,
4 which more reads as a void. Then you have the
5 other two houses that I designed that take a step.
6 Then you have the other -- the next two houses
7 that take a step. And we're proposing the same
8 proportionate step at the corner. So we're still
9 6 foot 7 on the left-hand side of the house and
10 we're more than 10 feet on the right-hand side of
11 the house. But it's a proportionate step as
12 you're moving forward and progressing along Park
13 Avenue.

14 CHAIRPERSON GARCIA: So here in the Z02,
15 you have -- this is the adjacent property, right?

16 MR. PEREIRAS: Correct. You could see
17 the edge of the adjacent property right here.

18 CHAIRPERSON GARCIA: And this is the
19 edge of your proposal?

20 MR. PEREIRAS: Right here.

21 CHAIRPERSON GARCIA: How many foot do
22 you have between here and here?

23 MR. PEREIRAS: Between the steps and the
24 building, probably about four feet that we're
25 stepping forward from this edge, from the

1 building -- the taller part of the building to the
2 front, we are at about 7 feet, I would scale,
3 maybe 7 and a half feet.

4 CHAIRPERSON GARCIA: Okay. I have no
5 further questions for now. Any other member?

6 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
7 the setback on the south side of the building,
8 could you just explain that?

9 MR. PEREIRAS: Yes. So the south side
10 is zero, the west side is zero as well.

11 VICE CHAIRPERSON GRULLON: The other
12 side.

13 MR. PEREIRAS: And the north side is two
14 feet everywhere except where the stair is, the
15 stair is zero. Then the rest of the building
16 steps back two feet.

17 VICE CHAIRPERSON GRULLON: What are the
18 adjacent property, is that the setback from the --

19 MR. PEREIRAS: Yes, the adjacent
20 property is set back almost three feet, it's set
21 back 2 foot 11 on the north and on the west, it's
22 set back 6 feet 2 inches.

23 VICE CHAIRPERSON GRULLON: Anyway that
24 this -- I know you're doing this because of the
25 stairwell, but is there any way you can make that

1 two feet straight to the end?

2 MR. PEREIRAS: There's no room.

3 MR. GRULLON: Because I mean there's no
4 point having two feet and then get trapped.

5 MR. PEREIRAS: The idea is that the
6 building --

7 VICE CHAIRPERSON GRULLON: That's not an
8 egress?

9 MR. PEREIRAS: It's not an egress and we
10 have no windows along that side. So it's
11 purposefully not an egress. The only reason we're
12 providing those two feet is so a firefighter can
13 get there along the side and get in along the
14 other side to fight the fire. The problem -- and
15 if you notice, every little square inch is
16 important to make this work. Otherwise, I don't
17 have the proper clearances for ADA for
18 handicapped. So handicapped clearances on the
19 door, you need to have on the push side, 12 inches
20 clear. And there are certain dimensions on the
21 stairwell and everything. So this is actually the
22 absolute minimum dimension. That's why we had to
23 step it back.

24 VICE CHAIRPERSON GRULLON: There's got
25 to be a way to make it two feet -- straight two

1 feet?

2 MR. PEREIRAS: I can make it straight
3 two feet, but we'll have the risk -- I would
4 basically steps horizontally on the stairs. I'll
5 make them a little bit wider, and then the units
6 become slightly smaller. Which we can do that as
7 well, we'll sacrifice 20 square feet out of each
8 unit.

9 VICE CHAIRPERSON GRULLON: I leave it up
10 to the chairman --

11 MR. PEREIRAS: I think it's a valid
12 point.

13 VICE CHAIRPERSON GRULLON: I would like
14 to see --

15 CHAIRPERSON GARCIA: Because you block
16 access --

17 MR. PEREIRAS: I think it's a valid
18 point, we'll make it work. We're just going to
19 lose a little square footage out of the apartment.

20 CHAIRPERSON GARCIA: Mr. Pereiras, I
21 said my last question, but I have another. You
22 are requesting front setback variance and we have
23 that like seven foot difference between the other
24 house?

25 MR. PEREIRAS: Mr. Chairman, I have an

1 idea. Before you move forward, Mr. Grullon made
2 the suggestion that we do two feet. That's going
3 to modify my floor plan a little. In order to
4 make you feel comfortable, I'd like to do a site
5 plan of the entire block, so that you see how the
6 houses step and to see if it's appropriate or not.
7 So maybe we carry this to the next meeting. I'll
8 fix that two foot setback and then I'll present a
9 site plan so you could determine whether it makes
10 sense or it doesn't.

11 CHAIRPERSON GARCIA: Because it's
12 like -- I mean we just to protect the
13 neighborhood, you know? I mean it's something
14 like --

15 MR. PEREIRAS: I hate when houses stick
16 out.

17 CHAIRPERSON GARCIA: 1307.

18 MR. PEREIRAS: I know.

19 CHAIRPERSON GARCIA: 1707.

20 MR. PEREIRAS: That's in my nightmares.

21 CHAIRPERSON GARCIA: Every time I pass
22 by there --

23 MR. PEREIRAS: 1305.

24 CHAIRPERSON GARCIA: You're going to
25 adjourn it?

1 MS. PEREIRAS: If the board would be so
2 kind as to carry it, we'll come back with modified
3 plans.

4 CHAIRPERSON GARCIA: Going to make my
5 motion to adjourn this application for the next
6 meeting.

7 MR. VALLEJO: June 13th.

8 AUDIENCE MEMBER: Can I have a word
9 about this --

10 CHAIRPERSON GARCIA: No, no. You can
11 come because -- let me open to the public because
12 this way the architect has an idea.

13

14 D I A N A S A N C H E Z, after having been duly
15 sworn or affirmed, did testify as follows:

16

17 MS. SANCHEZ: Diana Sanchez, D-I-A-N-A
18 S-A-N-C-H-E-Z, 106 38th Street, Union City.

19 So first of all, I'm glad that our
20 neighbor notified us about this meeting because I
21 really didn't receive notification in the mail.
22 So one of our concerns is the parking space. You
23 know, you all know in Union City, it's usually
24 trouble to find parking spaces. And based on the
25 project they're presenting today, that will take

1 one parking space from the public. So I believe
2 that's one of the main concerns. Also, this
3 property seems to be four-family. The
4 neighborhood is mostly two- or three-family area,
5 I'm not sure.

6 CHAIRPERSON GARCIA: Just for --
7 according to the memo from the building
8 department, there was six-family house with no
9 parking. And they have the right to come and
10 build exactly the same thing that used to be there
11 before, without coming to the board.

12 MS. SANCHEZ: So I believe the main
13 concern then is the garage, is the parking because
14 they already taking one space from the public.

15 CHAIRPERSON GARCIA: They are providing
16 six parking spaces, they require eight. I know
17 that they're short two, but I think that -- I
18 don't know how Mr. Pereiras could address that,
19 but -- I just want to tell everybody, myself
20 included, they have the right to come exactly with
21 the same facility that they had before the fire.

22 MS. SANCHEZ: I understand.

23 MR. PEREIRAS: Are you the homeowner?

24 MS. SANCHEZ: Yes.

25 MR. PEREIRAS: You're the house

1 immediately to the west, right?

2 MS. SANCHEZ: Yes, in the back.

3 MR. PEREIRAS: So just to point out.
4 And I think it's important to know this is that
5 her house has a driveway in front of it also,
6 removing a parking space from the street as well.
7 We're not asking to do anything more than what
8 you're doing already on your same house. And what
9 we're doing is we're losing one parking space on
10 the street, but we're basically gaining, from
11 losing that one spot, three spots. Because we
12 have two within and then one that could park in
13 the apron as well. So at the end of the day, it's
14 a net positive of two additional vehicles off the
15 street. That's how we justify that.

16 MS. SANCHEZ: Thank you.

17 MR. PEREIRAS: No problem.

18 CHAIRPERSON GARCIA: Any other member of
19 the public? None, close to the public.

20 We're going to be reopening next month,
21 so you're more than welcome to come back for the
22 application.

23 MR. VALLEJO: Motion on the table to
24 adjourn this application for June 13th, same
25 place, same time by Mr. Garcia.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Gutierrez.

3 Roll call on the motion to adjourn this
4 application. Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 MS. GUTIERREZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Mr. Garcia.

13 CHAIRPERSON GARCIA: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Six in favor, motion
17 carried. No new notice required.

18 MS. PEREIRAS: Thank you all very much.

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1 **SEGUNDO P. ACOSTA & JOSE M. JIMENEZ -**
2 **2010 KERRIGAN AVENUE:**

3
4 MR. VALLEJO: We're moving to number
5 three on the agenda, Segundo Acosta and Jose
6 Jimenez, 2010 Kerrigan Avenue.

7 MR. A. PANEQUE: Let the record reflect
8 I've been provided with an affidavit stating that
9 on April 22, 2024, personal notice of tonight's
10 meeting was given to all property owners within a
11 200-foot radius of 210 Kerrigan Avenue, Union
12 City, New Jersey 07087.

13 Legal affidavit from The Jersey Journal
14 stating that notice was published of today's
15 meeting on April 25, 2024.

16 The notice given to all property owners.

17 The list of all property owners to be
18 served with notice.

19 Certified mail receipts postmarked
20 April 22, 2024.

21 Based on documentation that's been
22 provided, this board has jurisdiction to hear this
23 matter.

24 MS. PEREIRAS: Thank you very much,
25 Counsel. Good evening, again, Bianca Pereiras on

1 behalf of Segundo Acosta and Jose Jimenez, for
2 property at 2010 Kerrigan Avenue, also known as
3 Lot 19 in Block 107.

4 This property was acquired by my clients
5 in 2022, at which time, they believed they were
6 acquiring a three-family home. It recently came
7 to their knowledge that one of the units was not
8 legal. And therefore they're doing the proper
9 thing, coming in front of the board and asking for
10 legalization. We have two experts to testify and
11 we'll begin our preparation with our architect,
12 Mr. Manuel Pereiras.

13

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

15

16 MR. PEREIRAS: Still Manuel Pereiras and
17 still under oath.

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with 2010 Kerrigan Avenue?

20 MR. PEREIRAS: I am.

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

23 MR. PEREIRAS: I have.

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

1 MR. PEREIRAS: I'd be very happy to.
2 This is an owner-occupied property, which I think
3 is a huge benefit. And these are owners who have
4 taken a lot of care and in the past two years that
5 they've owned the property, put a lot of sweat
6 equity into it. They've been fixing it up
7 themselves, doing a lot of beautiful things. And
8 as soon as they discovered that this was an
9 illegal unit, here we are before the board.
10 They're doing the right thing.

11 We're not looking to make any real
12 changes, other than to bring it up to code and
13 make it a safe structure. The lot is slightly
14 undersized. We have an undersized lot width of
15 21.77 where 25 feet is required. And our total
16 square footage for the lot is 2,174 where as 2,500
17 is required.

18 There's an existing nonconformity for
19 side yard. We have zero foot side yard on one
20 side and a 1.2 foot side yard on the other. The
21 rear yard is conforming and the front yard is not
22 conforming. There's a front yard setback of
23 5.5 feet; however, we're considering that
24 prevailing because it does lineup with the other
25 houses.

1 There is an existing parking space,
2 there's a carport underneath the front porch.
3 That's looking to remain, we're not looking to
4 make any changes there. We're really not looking
5 to make any changes on the exterior of the house.
6 We're trying to make this as painless as possible
7 for the home owners.

8 Now, I'm turning to sheet Z02. We see
9 the existing apartment on the second floor, we see
10 the existing apartment on the third floor, no
11 changes there. The facades both front and rear,
12 no changes there. No fire escape is necessary for
13 the second floor because the height isn't as
14 severe as the previous application that we saw.

15 The only thing that we're legalizing and
16 focusing on is the ground floor apartment. The
17 entrance to the ground floor apartment is directly
18 through the front of the house, behind the
19 carport. And you enter, we're providing the
20 bedroom at that front corner, so it has an
21 emergency escape window through the front of the
22 building. And then the rest is an open space.
23 There's a kitchen to the rear left, a dining room,
24 and a small living room area. The apartment has
25 one bathroom with a standing shower.

1 The entire square footage of the
2 apartment is 944 square feet, the ceiling height
3 is 7 feet, it's an existing ceiling height of
4 7 feet. We're looking to do what's necessary from
5 a code perspective to make this safe.

6 Similar to other applications, there's
7 going to be a two-hour fire separation in the
8 ceiling of the property. There's going to be a
9 domestic line sprinkler system within that space.
10 The egress window is going to be enlarged and
11 there's going to be a 110 interconnected alarm
12 system within that space as well. And this is as
13 complicated as this project is. It's pretty
14 simple and that concludes my testimony.

15 CHAIRPERSON GARCIA: Are you planning to
16 have emergency exit through the dining room in the
17 back?

18 MR. PEREIRAS: There's an existing door
19 in the rear of the property, we're looking to keep
20 that. That's another means of egress for the
21 property. In essence this has three means of
22 egress, one through the front, one through the
23 rear, and one through the window.

24 CHAIRPERSON GARCIA: Okay. I don't have
25 any more questions.

1 MS. PEREIRAS: We have a planner.

2 CHAIRPERSON GARCIA: You have a planner?

3 MS. PEREIRAS: Yes, we do.

4

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

7

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

10 CHAIRPERSON GARCIA: I think so.

11 MR. DOUGHERTY: Similar to the previous
12 application, I prepared a five page exhibit
13 consisting of the existing condition. If it
14 pleases the board, I'll pass it out.

15 MR. A. PANEQUE: Please introduce this
16 into evidence as exhibit A-1.

17

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

20

21 MR. DOUGHERTY: For orientation
22 purposes, slide one, red circle, red arrow is
23 approximately the property in question. I want to
24 take just a moment and really emphasize where this
25 property is located by way of the abutting zoning

1 is an mixed use zone. You see in relation to the
2 map, one block away from Summit Avenue and one
3 block off of JFK. Again, strong commercial
4 corridors. And the mixed use obviously being
5 essential mixed use zone with commercial retail.

6 Slide two is the existing structure as
7 is in the foreground here with the blue facade,
8 white vehicle. That's the property as it stands
9 today, May 5th, taken by myself.

10 Next couple slides kind of go through
11 some aerial shots. Slide three, it's a really
12 great neighborhood. As we see, we have very large
13 open space behind one block over. We have parking
14 in the rear parking lot. So by way of that
15 emergency egress, there's not -- unlike most
16 blocks, there's not a neighbor to the rear in your
17 typical fashion.

18 Slide four, we have some of that mixed
19 use, commercial space. Some old industrial areas,
20 some renovations going on.

21 Slide five is shot of really the
22 abutting neighborhood, this is a newer residential
23 structure. Really just relating that we are not
24 the biggest house, biggest building, highest
25 density. It's existing there for quite some time

1 as we've heard. And really any problems
2 associated with that additional one-bedroom unit
3 really has been absorbed in that neighborhood. I
4 want to emphasize on the character of the house.
5 What we see is pretty much existing therein. By
6 way of that additional unit on the ground floor to
7 the rear, again, there's not another structure or
8 house that we typically see in the rear of this.
9 There's a large open parking lot just beyond that
10 large open space.

11 We look at the use here that we're
12 seeking. We are in the R zone, 2010 Kerrigan
13 Ave., Lot 19, Block 107. We are seeking a use
14 variance. It does come with some interrelated C
15 relief of some existing conditions here that we
16 really can't cure these ailments. The property
17 exists as it is there now. Lot area, we are
18 undersized, 2,500, has been described, 2,174,
19 little bit smaller of a lot. And that's really
20 interrelated to the lot width, 25 feet is
21 required, we're at 21.7. So it's a little bit
22 smaller of a house left to right, thus a little
23 bit smaller lot area.

24 The depth, we're conforming. The rear
25 yard, we actually make up for 20 feet is required,

1 we're at 27. So it's a smaller, quaint, really
2 boutique build out here, really palatable for a
3 one-bedroom, not a two, not a three. I don't
4 believe it's going to constitute overdevelopment.

5 However, with this additional fit out
6 here, it does require some parking. Again, as
7 we've heard, this has been existing condition.
8 You know, it's been absorbed that need for
9 parking. Again, I really want to emphasize that
10 we are with great walking distance from the
11 typical need for vehicle, by way of amenity retail
12 commercial spaces. We are one block from Summit,
13 JFK and right across from a mixed use zone. So
14 the demand, the need for vehicle is certainly
15 lessened in this immediate neighborhood. We have
16 open space right there as well, great to put
17 populations near open space, as well as mass
18 transit accessibility.

19 I do want to point out with some of the
20 deficiencies in lot area and lot width, we are
21 under the maximum lot coverage, building coverage,
22 65 percent permitted, we're at 53 percent. So the
23 building could be larger. There's no additions
24 here, what you see is what you get here. As Manny
25 described, we are really below that the maximum

1 building threshold, 38 is allowed and we're at 30.

2 So really when we look at this, it's
3 proportional, smaller building, one bedroom,
4 existing there. Like I said before, I don't
5 believe this overdevelopment. The (d)(1) use, by
6 virtue of the location here, I would say this is
7 particularly suited by the character of the
8 surrounding neighborhood, that mixed use
9 commercial corridor, JFK, Summit, open space in
10 the back. There's not a building behind us,
11 adequate safety, as we've heard, measures in
12 place.

13 I think from a positive criteria,
14 certainly advancing purpose I, desirable visual
15 environment. Very good looking house, very good
16 looking neighborhood. Really no changes to the
17 immediate facade. Purpose A, advancing the public
18 safety and morales and the general welfare of the
19 community. Upgrading the building from a fire
20 safety code perspective and bringing us into
21 compliance.

22 Certainly more efficient use of land. I
23 do want to point out though, we're a growing
24 community. A one bedroom is desirable. This is
25 what we call the missing middle. You go right

1 from a one-family house right to the large scale
2 apartments you see on the last sheet. So this is
3 kind of middle scale, not everybody wants to live
4 in a mid-rise or high-rise apartment complex, they
5 want that kind of residential character.

6 I think this is a very unique
7 neighborhood, particularly suited for a nice
8 one-bedroom for a growing community for that
9 diversity of housing choices and options. With
10 that being said, from a negative standpoint, I
11 don't believe that the demand for the vehicle is
12 really here for this neighborhood, given that
13 mixed use zone, given that strong commercial
14 corridor retail, and the mass transit availability
15 for that one-bedroom unit here.

16 I think when we look at this, the
17 application as a whole substantially outweighs the
18 detriment. A lot of these variances are existing
19 conditions associated with that build out. We're
20 not changing the structure, it's a beautiful
21 house, beautiful neighborhood. We'd like to keep
22 it as is. And certainly recognize and bring that
23 unit into a legal standing. And certainly bring
24 that safety element to it.

25 It's not going to constitute a rezone.

1 Again, we're certainly not looking to do mid-rises
2 or apartment complex, residential character,
3 residential zone. Certainly, you heard me say
4 before, if they wanted to make that second floor
5 kind of a duplex, kind of grab that one bedroom
6 unit internal, this would still be a two-family,
7 the yield would be the same here. I think it's
8 more efficient and appropriate for a growing
9 community to provide that housing diversity. Do
10 not see a substantial detriment to the
11 neighborhood, to the zone to allow for the
12 one-bedroom unit.

13 I think when we look at this
14 application, the board can move favorably upon
15 that with the criteria being met and approval
16 being warranted. This is proportional to the
17 scale and size, it's a one-bedroom unit, smaller
18 house. And it's got great amenity features for
19 that additional one unit, that efficiency unit, I
20 like to call it. Sorry.

21 CHAIRPERSON GARCIA: Is this house
22 conforming with the neighborhood?

23 MR. DOUGHERTY: Conforming in what
24 aspects?

25 CHAIRPERSON GARCIA: It's two-,

1 three-family houses there?

2 MR. DOUGHERTY: I'm sorry?

3 CHAIRPERSON GARCIA: The neighborhood is
4 composed by what?

5 MR. DOUGHERTY: It's a little bit of a
6 mix. There's -- I believe right across the
7 street, there's some higher density coming online
8 by way of prior approvals some years ago from some
9 research. This house in the immediate -- I think
10 the one next to us on the corner, because I did
11 look. I knew you were going to ask this question.
12 I think my corner house, you can see on page 3,
13 that white one, I'm pretty sure that might be a
14 four-family. There's some variety here. Then,
15 obviously, going down the street, closer to the
16 park, we kind of see some higher density build
17 outs. But for the most part, this is right in the
18 face, you see the meters, there's definitely
19 three. I didn't see anything indicative of our
20 immediate neighbor that it might be just two or
21 one. But I definitely think the white one because
22 I looked at it, it really is a long -- it's got a
23 couple different doorways. I think that I counted
24 four different mailboxes and entry points. The
25 white one on the corner. And then the one across

1 the street with the cranes and stuff, I think
2 there's some higher density going on there as
3 well.

4 CHAIRPERSON GARCIA: Okay.

5 Mr. Pereiras, is there any possibility
6 to like add any parking spaces?

7 MR. PEREIRAS: So I'll look before
8 saying anything, but there's not a realistic
9 possibility of adding parking spaces. Anything
10 would require a significant amount of demolition
11 and reconstruction of the house, which is an undue
12 hardship to my clients.

13 CHAIRPERSON GARCIA: Ms. Pereiras, when
14 did your client purchase the property?

15 MS. PEREIRAS: In February of 2022.

16 CHAIRPERSON GARCIA: Okay. And they
17 have -- it's currently occupied?

18 MS. PEREIRAS: Yes, it's currently
19 occupied.

20 CHAIRPERSON GARCIA: Any member the
21 board has any questions? Any member of the public
22 wants to step forward? None, close to the public.

23 Mr. Pereiras, just for the record, let
24 me ask you, you're going to go to the code?

25 MR. PEREIRAS: Yes. We're going to

1 comply with all the code requirements.

2 CHAIRPERSON GARCIA: Enforced by the
3 building department?

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GARCIA: Okay. Taking into
6 consideration that the owner purchased the
7 property understanding that it was only two-family
8 house, also is occupied, it's preexisting
9 condition, no space to enlarge or to add any
10 parking, I'm going to make my motion to grant this
11 application.

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

15 MS. GUTIERREZ: Second.

16 MR. VALLEJO: Seconded by Ms. Gutierrez.
17 Roll call on the motion to grant this
18 application. Mr. Grullon.

19 VICE CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 VICE CHAIRPERSON GUTIERREZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 CHAIRPERSON GARCIA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

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

7 MS. PEREIRAS: Thank you all very much.

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1 **MARCELO MOYA -**

2 **312-314 4TH STREET:**

3
4 MR. VALLEJO: We're moving to
5 application number four, Marcelo Moya, 312-314 4th
6 Street. Ms. Pereiras, please.

7 MR. A. PANEQUE: Let the record reflect
8 I've been provided with an affidavit stating that
9 on April 25, 2024, personal notice of tonight's
10 meeting was given to all property owners within a
11 200-foot radius of 312-314 4th Street, Union City,
12 New Jersey 07087.

13 A legal affidavit from The Jersey
14 Journal that notice was published on April 25,
15 2024, of today's meeting.

16 The notice given to all property owners,
17 a list of property owners to be served with the
18 notice, certified mail receipts postmarked
19 April 25, 2024.

20 Based on the documentation that's been
21 provided, this board has jurisdiction to hear this
22 matter.

23 MS. PEREIRAS: Thank you, Counsel.
24 Bianca Pereiras on behalf of Marcelo Moya for
25 property at 312-314 4th Street. The property in

1 question is oversized, we're just shy of 5,000
2 square feet. And legally on the site, the
3 building department recognizes three units, there
4 are actually five units. So the applicant is here
5 before the board --

6 CHAIRPERSON GARCIA: How many units?

7 MS. PEREIRAS: There are three legal
8 units recognized by the building department and
9 we're asking for the legalization of two
10 additional units. We are also restructuring this
11 building to make a livable space more adequate for
12 the residents. We have two experts to testify and
13 we'll begin our presentation with our architect,
14 Mr. Manuel Pereiras.

15 MR. PANEQUE: Before we proceed, Ms.
16 Pereiras, I'm looking at a memo from the building
17 department with a date of May 3, 2024,
18 verification of legal units. According to the
19 building department, this property is originally a
20 two-unit structure.

21 MS. PEREIRAS: I'm looking at a
22 notice --

23 MR. PANEQUE: When you believe it was
24 turned into a three?

25 MS. PEREIRAS: I have a memo from the

1 building department that says three-unit
2 structure. Let me show you what I have.

3 MR. PANEQUE: Are we looking at the
4 same, 2010 Kerrigan Avenue?

5 CHAIRPERSON GARCIA: Carlos, thank you
6 very much.

7 MR. PANEQUE: We're good, three-unit
8 structure. Strike all that from the record.

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

11
12 MS. PEREIRAS: Mr. Pereiras, are you
13 familiar with the property at 312-14 4th Street?

14 MR. PEREIRAS: I am.

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

17 MR. PEREIRAS: I have.

18 MS. PEREIRAS: Would you kindly describe
19 the property as is and what the proposal is?

20 MR. PEREIRAS: I'd be very happy to.
21 I'd like to think that I'm trying to make Union
22 City better a little bit and little bit at a time,
23 possibly. And that's what I do here before you.
24 This client has allowed me to take that not a
25 little bit better, but a lot better. This is a

1 legal three unit building, I'm going to walk you
2 through it. It's been used as a five-unit
3 building since he purchased it. And it's one of
4 the oddest, strangest buildings. And my client
5 has let me do what I think is appropriate to this
6 building, which is a massive intervention. And
7 we're basically reconstructing this building to
8 make it an appropriate and very beautiful
9 five-unit building.

10 Let me walk you through it. Let's talk
11 first about the site. We're almost 50 foot wide,
12 we're 49.58 feet wide and we are 100 feet deep.
13 So we have a lot of property here that we're
14 working with. If you look at the existing
15 building, first and foremost, the building is on
16 the property line. Along the left-hand side,
17 there is a garage along the rear of the property
18 and those garages are barely useable, it's hard to
19 maneuver into them, in and out. And then you're
20 looking at portions of this building, this
21 building goes up and down. And the units
22 themselves, it is the oddest thing. To get into
23 this building, there's a stairwell that's open in
24 the middle of the building from the street. It's
25 like a create stairwell, you scissor back and

1 forth. It's extremely ugly, I would say. And
2 then you enter the apartments on the landing from
3 the street. The apartments are dark, they're on
4 the property line, there's no windows. As you go
5 through the building, there are two-story spaces,
6 moving through the building to create duplexes
7 within the space. It just doesn't work, okay.
8 It's a very poorly designed, poorly constructed
9 building.

10 We're proposing to make drastic changes.
11 First and foremost, all these garages in the rear,
12 we were demolishing those garages, demolishing a
13 portion of the house, demolishing the edge of the
14 house, and reconstructing a lot of what we have.
15 The first and most important aspect of this is
16 that the applicant has allowed me to bring an
17 application before you that doesn't require a
18 parking variance. Since we have a big 50 by 100
19 lot, what we did is we're providing for 10 parking
20 spaces on this lot. So by demolishing all the
21 garages in the back, we're creating a drive aisle
22 where you could turn and have two cars in tandem
23 for three of the apartments. And then have an
24 additional four cars along here, so every
25 apartment has it's bay. The larger apartments

1 have two cars. And each -- and we meet the
2 ordinance, five apartments with ten parking
3 spaces. I think that's a huge and significant
4 difference in this application.

5 Then the existing unit that they had on
6 the ground floor, which was not recognized by the
7 city is now being renovated and being brought up
8 to code. And that's the first unit that we're
9 legalizing and we're calling that apartment number
10 five, the last unit. We are reconstructing the
11 steps in the building. And this is something that
12 I got from my phase -- when I was studying at
13 Fontaine Bleu in France, where they have two
14 stairs leading up to the front, very beautiful,
15 very simple design. So instead of having that
16 mid-stair we're creating the entry from two stairs
17 along the back and then you enter into the
18 apartments. And since we demolished a portion of
19 the apartment, and we're removing the multilevel
20 floors, we're creating a traditional three-bedroom
21 unit apartment, where we have an open living room
22 dining room, kitchen space in the front and then
23 we have three bedrooms in the back. And the
24 master being in the rear that has its own master
25 suite, closets and a large bathroom as part of it.

1 The other side of the building is the exact
2 mirror.

3 And then on the floor above, we did
4 exactly the same thing. It's two more apartments.
5 We access from the same stairwell along the front
6 that we're constructing and making something
7 beautiful. So in essence, we have, for this lot,
8 where typically a two-family house would be
9 created, we have two two-families and then we have
10 this bonus apartment that we're legalizing. So
11 all the applications you saw before the board
12 today, this is the least dense of all of them. We
13 have more lot size and we're making a significant
14 impact on the neighborhood by changing this.

15 This is only a three story building, so
16 it complies with the ordinance as far as height.
17 It complies with the ordinance as far as setbacks,
18 front yard, rear yard. It's working, it's a
19 building that works in the City within our
20 ordinance. The only thing is it's multifamily.
21 And just to explain a little bit the topography of
22 the site. The site lifts up, so as you go back,
23 the building also lifts up along the rear. But it
24 is a three-store building, no matter where you
25 look at it. And we're redesigning it to make it

1 something very beautiful. And I have an exhibit
2 for you as well.

3 MR. A. PANEQUE: Let the record reflect
4 it's marked as exhibit A-1.

5
6 (Rendering marked A-1 for
7 identification.)

8
9 MR. A. PANEQUE: We need a two minute
10 break.

11
12 (Whereupon a short recess was taken.)

13
14 MR. VALLEJO: Ms. Pereiras, please.
15 Back on the record.

16 MR. PEREIRAS: As you can see on the
17 renderings, we took a lot of care. There's a
18 variety of materials and colors, just to bring
19 interest because it's a lot of facade. Since
20 we're setback from property line in order to have
21 the driveway, it's going to be a very visible
22 facade, so we wanted to take extra care there.

23 In conclusion, we have the four units,
24 it's as if it's side by side two families and then
25 the bonus unit, which is a legalized unit on the

1 ground floor. And we have ten parking spaces for
2 five units. That concludes my testimony.

3 CHAIRPERSON GARCIA: How many parking
4 spaces do you have right now?

5 MR. PEREIRAS: Existing right now, there
6 are -- it's being used -- the entire driveway is
7 being used, so there's a trucking company that
8 uses several cars parked along there. That's
9 another benefit of this application, it takes that
10 away. And these garages are at least when I
11 visited the site, filled with debris. So they're
12 not really being used right now. So what we're
13 creating, we're really creating in essence ten
14 parking spaces.

15 CHAIRPERSON GARCIA: Okay. Also I
16 believe it's Z04, you have parking spaces one,
17 two, three, and four. On top of those parking
18 spaces, what is it going to be?

19 MR. PEREIRAS: These? This apartment.
20 So these spaces are below this unit.

21 CHAIRPERSON GARCIA: And what is right
22 now that space?

23 MR. PEREIRAS: Right now, here, is
24 apartment partially and then just dirt right now.
25 There's nothing in that portion.

1 CHAIRPERSON GARCIA: Okay.

2 MS. PEREZ: So you're building up and
3 back?

4 MR. PEREIRAS: Yeah, and removing the
5 rear, so we're creating a rear yard that wasn't
6 there before. All that's being cut, where as it
7 used to have all this area.

8 And just to be a little bit clear, too,
9 there's a duplex apartment back there, too, that
10 we're removing in this portion here, which is
11 here, but partially here because site goes up.

12 MS. PEREZ: What's the address?

13 CHAIRPERSON GARCIA: 314-312 4th Street.
14 I have no further questions.

15 VICE CHAIRPERSON GRULLON: Are you
16 proposing to demolish?

17 MR. PEREIRAS: We're looking to salvage
18 a lot of it.

19 VICE CHAIRPERSON GRULLON: Looking at
20 the ground floor, could you just point on Z02 the
21 middle portion?

22 MR. PEREIRAS: This is the existing and
23 this is the proposed. The existing is going all
24 the way to the property line, we're demoing that
25 and reconstructing -- we're practically

1 re-creating this. We're keeping the foundation
2 for the majority of it, for the front, for the
3 right-hand side. We're reframing -- we're finding
4 one floor plate, the floor plate along here is
5 good. But over here, it steps down. It's in
6 really bad shape, so that's going to be
7 reconstructed. So we're reconstructing this
8 building basically. And reconstructing it in a
9 way that is a lot more conforming than the
10 previous lot. We're creating a three-foot setback
11 on one side, we're keeping it clean along the
12 back, and creating a rear yard. The rear yard
13 that we're creating is almost 25 feet, it's
14 24 feet 11 inches.

15 VICE CHAIRPERSON GRULLON: What is the
16 front setback of this building?

17 MR. PEREIRAS: The front setback stays
18 the same, it is 5 feet 3 to the face of the
19 building. However, there are steps and the steps
20 are going to remain right on the property line
21 there.

22 VICE CHAIRPERSON GRULLON: There will be
23 zero setback?

24 MR. PEREIRAS: On the steps.

25 MS. PEREZ: When you look at this from

1 the side, the roof hangs over the roof or that's
2 in front of it? Like this is on top of this or
3 this is in front of it?

4 MR. PEREIRAS: It's slightly on top,
5 it's just a decorative element, the roof that
6 overhangs.

7 CHAIRPERSON GARCIA: I have no further
8 questions for him. I don't know if the members of
9 the board?

10 MS. PEREIRAS: We also have a planner.
11 Mr. Dougherty, please.

12
13 A L E X A N D E R D O U G H E R T Y, previously
14 sworn:

15
16 MR. DOUGHERTY: I recognize I'm still
17 under oath. I prepared an exhibit packet as well
18 for existing conditions. Unfortunately, it's
19 smaller, I do apologize. There was an error in
20 the printing, I hit print and it came out smaller.
21 It's six slides, if the board pleases, I'll pass
22 it out.

23 MR. A. PANEQUE: This is exhibit number
24 2, correct? Let the record reflect this exhibit
25 is marked as A-2.

1
2 (Planning packet marked A-2 for
3 identification.)
4

5 MR. DOUGHERTY: Slide one, as reflected,
6 the red circle, red arrow, it's approximately the
7 property in question located within the Union City
8 zoning map, the municipality. We're on the lower
9 end of Union City here. It's kind of a different
10 feel, it's unique within its own right. This is
11 312-314 4th Street.

12 Slide two is GeoWeb outlined in red is
13 the property in question. For this particular
14 property, I want to emphasize the character here
15 of the neighborhood build out. The lighter gray
16 areas are reflective of building footprints. I
17 want to emphasize on this side of 4th Street,
18 there really isn't a whole a lot of building
19 footprints. Excluding the corner, which is a
20 church/daycare along Palisades, the block itself
21 has five structures on that side. And you could
22 see right across the street, you see in the drone
23 shots, right across the street, there's five
24 structures there. And there's a few other more
25 densely buildings, we'll kind of go through those

1 later.

2 When we look at this particular
3 property, double lot, just shy of 50 feet in width
4 and the zone requirement is 25. So from a -- it's
5 a sizeable lot and it certainly has the carrying
6 capacity. As Manny demonstrated from an
7 architectural standpoint to carry the additional
8 units here.

9 Slide three, took a ground shot because
10 of the tree, it was hard to capture the building
11 with the drone. This is the way it exists from
12 the public realm, kind of gives you the side by
13 side, you know, hybrid townhouse feel with the
14 center staircase, as Manny described, and the
15 units. It is very unique. I do want to point out
16 315 to the right, again, is a double lot.
17 Recently, as you can see, kind of a mesh between
18 the old and new there, fairly large build out
19 there as well.

20 So essentially what we're doing is
21 something reflective of that same kind of build
22 out, but more tastefully done with the right
23 design elements and internal layout. Kind of take
24 a drone up, really want to emphasize just how a
25 50-foot wide lot by 100 deep by 315, 310, our

1 adjacent neighbor to the right, just the scale and
2 massing that really abuts this particular
3 property. Next door, certainly is a lot larger,
4 you can see the roof deck, the new panelling, the
5 protrusion off to the side.

6 What you have here is two separate
7 design elements taking place. But I think the
8 proof is in the pudding here. The 50 foot wide
9 lots by 100 deep can certainly accommodate some
10 added density, with the appropriate parking. As
11 you've heard, we're not seeking a parking
12 variance.

13 By virtue of that, I spin the drone
14 around and I want to see what's behind us, right?
15 When we talk about going a little bit further
16 back, taking the garages out, extending the
17 structure to the back. What's behind us? As you
18 can see right here with the brick facade, we have
19 another fairly large density development here. So
20 by way of compatibility, you know, this is not
21 two-family houses behind us. We're certainly
22 not -- we have a good mirror image to the neighbor
23 as well as to the rear.

24 Take a moment on slide five to really
25 look what's across the street from the site. On

1 the corner there, across the street, another high
2 density development. Again, we have the blue
3 house, there's one, a yellow one, a red one, and a
4 white one, another white one. So right there, we
5 have five. Again, our side of the street
6 collectively is five structures.

7 Then I want to emphasize the one off to
8 the right here, we'll kind of do the last slide,
9 you'll see it better, certainly higher density
10 development. Then a church as well associated on
11 that side. From an intensity standpoint, as Manny
12 explained, this is one of the less dense
13 developments because we have the oversized lot.
14 But most importantly, this side of the street, is
15 less intensive of a use than what's going on
16 across the street, collectively from a
17 neighborhood standpoint.

18 With that being said, I think it's
19 really important to emphasize that we're not
20 seeking a parking variance in relation to this
21 project. The bottom left hand slide here on slide
22 six, you'll see that gray blue structure, it's a
23 multifamily build out with another structure
24 behind that as well to the rear. And then we have
25 this -- next to it, I believe it's a religious

1 facility. I want to emphasize going up on slide
2 six, the top left one, you'll see the dark gray
3 structure off to the left there, that's our block
4 makeup there.

5 Talking to some of the residents in the
6 neighborhood while I was out visiting the site, I
7 believe the church is now occupying that building
8 to some capacity. So from a standpoint there,
9 really this side of the neighborhood here has the
10 two white structures, dwellings there, the site in
11 question, and then the adjacent neighborhood from
12 a residential standpoint. So this side of the
13 street is certainly not as intensive.

14 I don't believe, you know, when we look
15 at this project collectively -- it's a detriment.
16 As we've heard, it's kind of an odd structure, the
17 way it's been laid out. It will cure some of
18 those site ailments.

19 This particular project however is not
20 seeking a use variance. We already have an
21 existing property, by way of, as we discussed, due
22 to the construction of the building department, in
23 their memo, we are in the R zone, which is a
24 two-family zone, we have more than two legal units
25 there. Essentially what we call (d) (2), an

1 expansion intensification of a preexisting
2 nonconforming use. Essence for that is site
3 betterment. I think as we discussed from an
4 architectural standpoint, internal layouts,
5 parking, this certainly does bring that site
6 betterment from a practicality and use and flow.

7 I think when you have the opportunity to
8 look at the positives of the application,
9 providing housing options for a growing community.
10 We also have the ability to provide for on-site
11 parking and bring this building to applicable
12 building and fire code regulations. We certainly
13 have the compatibility, neighborhood integration,
14 and the continuity there. This is a double lot, I
15 think we have the capacity to carry that extra
16 couple units.

17 When we look at the overall project in
18 general terms, the overall site itself from a
19 negative standpoint, I don't believe we're going
20 to cause substantial detriment here. By virtue of
21 this neighborhood, that side of the street is a
22 not whole lot of density here.

23 You know, that being the case, we do
24 have the church, they have the associated parking
25 on the side. We have high density around us. I

1 think we're right where we need to be. Our
2 neighbor to our immediate right 315-310, I believe
3 that's also a five-unit build out there as well.
4 So we certainly have this step down, if you will,
5 getting into the middle of the neighborhood here.
6 But the essence is the Burbidge case, which is
7 site betterment. It's a residential zone, we are
8 making this residential property more suitable for
9 residential use.

10 As we've heard, the units are dark,
11 they're kind of all over the place, they're
12 mismatched. We're going to clean this up, really
13 drop off the back of the detached garage
14 structures that aren't being used in that manner.
15 Kind of have that ability to redesign this to
16 accommodate, you know, the additional unit to
17 legalize that. So we'll have a total of
18 four units, if I'm not mistaken, and we have two
19 additional lots here. So we're going to from
20 three to five units, we'll capture the additional
21 unit. With the double lot, each lot can carry two
22 units themselves, we're really asking for one
23 additional unit. Given that extra width, I think
24 we can certainly see the site can accommodate that
25 as well, with a new beautiful design. The

1 architect will advance purpose A, more efficient
2 use of land. And certainly positive aesthetics as
3 well. I think when we look at this again, the big
4 detriment here is compatibility. We fit by virtue
5 of our neighborhood to the rear, to the left. We
6 have some stronger density units within the
7 character of the neighborhood. But most
8 importantly, it fits because we can accommodate
9 this use, this density, this additional unit,
10 double lot. We have the associated parking that
11 we'll need. And again we're right off Palisades,
12 there's mass transit relatively available. I do
13 not believe it's going to be a substantial
14 detriment here.

15 I think the board can look upon this
16 application. It's a very unique site,
17 particularly suited for this particular use here.
18 And if we had to look at this from a (d) (1)
19 perspective, site suitability is the key component
20 with that. This particular site is particularly
21 suited for this build out by virtue of the double
22 lot, in that regards, designed to accommodate
23 that.

24 But again, it's a lesser tier, it's a
25 preexisting nonconforming use, it's an

1 intensification and/or an expansion of that use.
2 And the expansion certainly hangs true to the site
3 betterment of that site.

4 So with that I'll conclude for direct.
5 I believe this application meets the criteria and
6 approval would be warranted with little to no
7 detriment.

8 CHAIRPERSON GARCIA: So you indicate
9 it's a preexisting condition, right? So you're
10 not going to touch the apartment, you're going to
11 keep it the same way? The apartment is going to
12 stay the same, Mr. Pereiras?

13 MR. PEREIRAS: No, they're completely
14 reconfigured. But there were five existing
15 apartments and there's five that we propose. The
16 one kind of -- what I'm calling the bonus
17 apartment on the lower level, that's existing.

18 CHAIRPERSON GARCIA: And the apartments
19 are currently occupied?

20 MR. PEREIRAS: I don't know.

21 AUDIENCE MEMBER: Just three.

22 MR. PEREIRAS: Three.

23 CHAIRPERSON GARCIA: And you're not
24 requesting parking variance?

25 MR. DOUGHERTY: No.

1 MR. PEREIRAS: That's correct.

2 CHAIRPERSON GARCIA: According to RSIS?

3 MR. PEREIRAS: Correct.

4 CHAIRPERSON GARCIA: According to RSIS,
5 it has to be 9 by 19, right?

6 MR. PEREIRAS: That's correct.

7 CHAIRPERSON GARCIA: You are
8 providing --

9 MR. PEREIRAS: That's the
10 recommendation.

11 CHAIRPERSON GARCIA: 15 by 8 and a half.

12 MR. PEREIRAS: That's because they're
13 also in tandem. So when you park in tandem, you
14 need less room, you can park one behind the other.

15 CHAIRPERSON GARCIA: And the other four
16 are the same size?

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GARCIA: What is the width
19 of this?

20 MR. PEREIRAS: 13 feet 3 inches of the
21 drive aisle to the building.

22 CHAIRPERSON GARCIA: Which percentage of
23 the building are you going to demolish and
24 reconstruct?

25 MR. PEREIRAS: I'd said it's probably

1 around 60 -- 50 to 60 percent, we're demolishing.

2 CHAIRPERSON GARCIA: And rebuild it
3 probably 90 percent, right? Because you're going
4 to redo all apartments.

5 MR. PEREIRAS: Yes.

6 CHAIRPERSON GARCIA: Okay. Anybody have
7 any questions?

8 VICE CHAIRPERSON GRULLON: The parking,
9 I know the driveway is 13-3.

10 MR. PEREIRAS: Yes.

11 MR. GRULLON: Then you got 15 feet for
12 each of the cars. Do you think that driveway is
13 practical to make the turn to park the vehicles?
14 I believe that you need at least 20 feet to go,
15 you know, back and then -- I don't see how it's
16 going to operate.

17 MR. PEREIRAS: It's Union City, so we
18 make wonders in parking. It is actually very
19 comfortable to be able to turn here. 13 feet is
20 sufficient to turn the vehicles in and turn
21 around.

22 VICE CHAIRPERSON GRULLON: If there's no
23 one parking on the other side. I don't think you
24 have --

25 MR. PEREIRAS: There's room. It's not

1 going to be done with one sweeping turn, you'll
2 probably need two turns to get in there. But
3 there's definitely room to maneuver.

4 CHAIRPERSON GARCIA: Any other questions
5 from the board? Any member of the public want to
6 step forward? Okay, close to the public.

7 No more questions, right? Okay. I
8 understand, Mr. Pereiras, that you always come
9 here with a great application, you always want --
10 who better than you wants the better for Union
11 City. However, I think that according -- the
12 parking measure, I mean for me, I don't have any
13 parking spaces there because it's not according to
14 RSIS. And I think since you're going to demolish,
15 like 40, 50 percent and you're going to do 80, 90
16 percent of the building, I think it's a great
17 moment to redo it, where it come to -- so I make
18 my motion to deny this application because we
19 don't have any parking spaces.

20 MR. VALLEJO: Motion on the table to
21 deny this application by Mr. Garcia. Any second
22 on the motion?

23 MS. WATLEY: Second.

24 MR. VALLEJO: Seconded by Ms. Watley.

25 Roll call on the motion to deny this

1 application. Mr. Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

7 MR. VALLEJO: Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Ms. San Martino.

10 MS. SAN MARTINO: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: We got six in favor,
14 motion carries. Thank you. I just wanted to make
15 sure I called everyone.

16 * * * *

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1 **AGUSTIN GONZALEZ -**

2 **1413 NEW YORK AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Agustin Gonzalez, 1413 New York
6 Avenue. Ms. Pereiras, please.

7 MR. A. PANEQUE: Let the record reflect
8 I've been provided with an affidavit stating that
9 on April 24, 2024, personal notice of tonight's
10 meeting was given to all property owners within a
11 200-foot radius of 1413 New York Avenue, Union
12 City, New Jersey 07087.

13 Legal affidavit from The Jersey Journal
14 that notice was published on April 25, 2024, of
15 today's hearing.

16 The notice given to all property owners.
17 The list of all property owner within a 200 foot
18 radius to be served with the notice. Certified
19 mail receipts postmarked April 24, 2024.

20 Based on the documentation that's been
21 provided, this board has jurisdiction to hear this
22 matter.

23 MS. PEREIRAS: Thank you very much,
24 Counsel. Bianca Pereiras on behalf of the
25 applicant, Agustin Gonzalez for property at 1413

1 New York Avenue, also known as Lot 4 in Block 73.
2 Previously on the site, there was a two-family
3 home. The prior owner had let this property go,
4 it was dilapidated, had been abandoned, and
5 boarded up. My client purchased this property at
6 the end of last year, I believe in November 2023,
7 and immediately took the steps or the correct
8 steps to come before this board to renovate it.

9 He's actually, since we submitted our
10 application, the property was demolished. So
11 we're now before this board to construct a brand
12 new two-family home. We have two experts to
13 testify. We have our architect Mr. Manuel
14 Pereiras followed by our planner.

15

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

17

18 MR. PEREIRAS: Still Manny Pereiras and
19 I recognize I am still under oath.

20 MS. PEREIRAS: Mr. Pereiras, are you
21 familiar with 1413 New York Avenue?

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I have.

1 MS. PEREIRAS: Would you kindly describe
2 the proposal for the board?

3 MR. PEREIRAS: I'd be very happy to.
4 We're proposing a house that fits perfectly in
5 this neighborhood. It's actually a very beautiful
6 block, it's the west side of New York Avenue
7 between 15th and 16th Street. You have a larger
8 structure, brick structure on the corner, then you
9 have a series of smaller houses along the
10 right-hand side. Our building is really going to
11 become the transition building between the larger
12 structure and the smaller houses.

13 What we have proposed for you is very
14 simply a two-family home. It is conforming for
15 the most part with our ordinance, it's a
16 three-story, two-family home, providing four
17 parking spaces. However, we do trigger some (c)
18 variances for you as well.

19 One of the key issues on the site is
20 that it is an irregular site. It is 26.54 in the
21 front, but it tapers in the back to only 20.48
22 feet in the rear of the property. It is 100 feet
23 in depth, but that tapering to 20 feet creates a
24 few difficulties for us, particularly regarding
25 parking.

1 And in order to provide, on the ground
2 floor, four parking spaces as our ordinance
3 requests, we have no other means but to provide a
4 zero setback along that southern wall. And I have
5 no hesitation doing that because there is a
6 building with no windows along that property line
7 along here. So that we're not affecting anybody
8 negatively by creating our building with the zero
9 setback along the southern wall.

10 On the northern wall, we have 3 foot 1
11 inch setback along the entire depth of the
12 building. And then we took a lot of care as to
13 how our front yard setback is going to be. We
14 have the building to the south that's right on the
15 property line and. Then we have the houses to the
16 north that are set back from the property line.
17 So what we did is we put the corner of our
18 building matching the building next to it. And
19 then we put the rest of the house at an angle to
20 transition into the two-family houses. So that
21 the front facade is stepping forward to really
22 make a transition in the neighborhood, so you
23 don't have a harsh jutting out of the structures.

24 So this makes a nice transition from the
25 big structures to the small structures. And we

1 have our simple three-story structure here.

2 In plan, we have a very simple design
3 where we have our circulation, our tower basically
4 on that corner. You enter into there and you have
5 the vertical circulation that leads to each of the
6 two floors of the apartments. You enter into an
7 open area, which is living room, dining room,
8 kitchen. Then you have three bedrooms along the
9 back. The master having its own walk-in closet
10 and master bath. And two additional bedrooms that
11 share a bathroom, a hall bathroom.

12 The floor plan is exactly the same on
13 the second floor. And then we have a roof deck.
14 The roof deck is accessed from the top unit. And
15 then the lower unit has access to the rear yard,
16 so each of the units have open space, outdoor
17 space.

18 The facade, very simple facade,
19 contemporary in look with materials. We have
20 large windows, with Juliette balconies on them.
21 We have fiber cement panels. We have a synthetic
22 wood panel, it's actually a metal panel that looks
23 like wood along the face of the building. And
24 then we have some beautiful stucco trim along the
25 building. And the side is vinyl siding. And that

1 concludes my testimony. We're presenting a
2 two-family house.

3 CHAIRPERSON GARCIA: Mr. Pereiras, I
4 have a concern about this application. It is the
5 size of the lot.

6 MR. PEREIRAS: Yes.

7 CHAIRPERSON GARCIA: I mean you have
8 20 --

9 MR. PEREIRAS: It's 26 in the front and
10 20 in the rear.

11 CHAIRPERSON GARCIA: In the rear, right?
12 The setback, the rear setback?

13 MR. PEREIRAS: We're providing 20 feet.

14 CHAIRPERSON GARCIA: 20 feet. And how
15 is the end of the house, how wide is it?

16 MR. PEREIRAS: The end of the house? At
17 the end is 18 feet 6 inches.

18 CHAIRPERSON GARCIA: 18 feet, right.
19 That's including the two foot setback?

20 MR. PEREIRAS: No. You have three feet
21 and then you have the 18 foot 6 for the house.

22 CHAIRPERSON GARCIA: And the garage, how
23 is it going -- can you give me the size?

24 MR. PEREIRAS: Yes, the interior of the
25 garage is -- remember the house is tapering back.

1 So what we did is we couldn't have both cars
2 fitting side by side all the way back there. So
3 what we did is, in a smart way, first and
4 foremost, we staggered the cars, so there's better
5 room to have the doors open. And the cars are
6 pushed forward, so that we're at the wider part of
7 house so they fit comfortably, so we could have
8 all four cars fitting within the space.

9 CHAIRPERSON GARCIA: The hallway of each
10 apartment, you said that is 3-8 by 32-9, but it's
11 3-8 all the way in the largest space, right? Go
12 all the way down to -- narrow down to how many?

13 MR. PEREIRAS: The hallway stays 3-8.

14 CHAIRPERSON GARCIA: No, couldn't be
15 because it's going -- getting inside --

16 MR. PEREIRAS: The hallway stays the
17 same size, the bedrooms become smaller. Those two
18 walls are parallel to each other so.

19 CHAIRPERSON GARCIA: The door is larger
20 than 36?

21 MR. PEREIRAS: Those are 36 inch doors,
22 yeah.

23 CHAIRPERSON GARCIA: So the hallway
24 couldn't be 3 feet 8 inches at the side -- at the
25 end of the doors.

1 MR. PEREIRAS: Here?

2 CHAIRPERSON GARCIA: Z03, when you come
3 here, you're using 36.

4 MR. PEREIRAS: 36 inch door. This is --

5 CHAIRPERSON GARCIA: But that's what I'm
6 saying.

7 MR. PEREIRAS: This is 3 foot, 8, that's
8 an additional 8 inches. I have 4 inches on each
9 side of the door. It's 4 inch, 36 inches, 4
10 inches, that's exactly what it is, 3 foot 8, 3
11 foot 8. And this wall is parallel to this wall.
12 They're both going like this. So the bathroom --
13 this bedroom is bigger than where this bathroom
14 and laundry closet is. So the rooms get smaller.
15 But the safety and circulation of the apartment
16 stays the same. It's a very safe, very nicely
17 designed house and it works.

18 CHAIRPERSON GARCIA: Please continue.

19 MR. PEREIRAS: I'm open for your
20 questions.

21 CHAIRPERSON GARCIA: Any other questions
22 for Mr. Pereiras? Do you have another witness?

23 MS. PEREIRAS: We do. We have our
24 planner, Mr. Dougherty.

25

1 A L E X A N D E R D O U G H E R T Y, previously
2 sworn;

3

4 MR. PEREIRAS: I'm going to try to get
5 out of here real quick. I prepared an exhibit
6 packet. If pleases the board, I'll pass it,
7 consisting of five slides.

8 MR. A. PANEQUE: Let the record reflect
9 that this exhibit is marked as A-1.

10

11 (Planning packet marked A-1 for
12 identification.)

13

14 MR. DOUGHERTY: Slide one, as always,
15 the red circle, red arrow, kind of unfortunate,
16 right above the number 14 in the red area, that's
17 CN, neighborhood commercial, essentially why we're
18 here. This is a commercial zone. The residential
19 component here -- it's not that residential is not
20 permitted, it's just two families are not
21 permitted. There has to be some kind of
22 commercial retail element associated with that.
23 Unfortunately, this application does not have
24 that. So we are here for a (d) (1) use variance to
25 permit just strictly two-family within the CN zone

1 here. We are 1413 New York Avenue, Lot 4, Block
2 73.

3 Slide two is existing conditions.
4 There's a large void in the public realm right in
5 the commercial corridor, right on New York Avenue.
6 I took that photo myself on May 5th visiting the
7 site. I think also we can kind of visually see
8 how the rear of the lot does seem to get a little
9 bit thinner. But nonetheless, the public realm,
10 that upper front, certainly has some good massing
11 and good size to it.

12 Right across the street, on slide three,
13 residential. That is also in the CN zone. Point
14 that out, CN zone, as many of us know, is chopped
15 up. There are some remnants of residential, some
16 newer residential, some mixed use, and certainly
17 some large scale multifamily. So for this
18 particular neighborhood here, as we can see, we
19 are not out of character here. This is not a
20 two-family house in the middle of a bustling kind
21 of commercial corridor. Kind of you see on slide
22 one there, the front of the packet, we're at the
23 tail end of the commercial zone, not in the middle
24 or the heart of it. But, nonetheless, we do bring
25 some benefit by putting some residents in a

1 commercial corridor, by way of supporting those
2 businesses.

3 Slide four, top down view. Think this
4 one really hits home. The rear of the lot does
5 pinch. We're not seeking a rear yard setback.
6 The rear yard, as designed by Manny, you know, the
7 building does not go to the rear.

8 Slide five, also wanted to show one,
9 it's block down for orientation purposes. We have
10 some more residential dwellings as well, but
11 nonetheless, we do have some commercial mixed use
12 on the corners here. And then off in the
13 distance, we'll see some of the larger multifamily
14 and some of the low lying residential as well. So
15 I think we certainly blend, kind of transitioning
16 from the commercial to that R, residential
17 two-family zone.

18 With that being said, I do want to point
19 out that our immediate neighbor to the left of us,
20 good architectural design, good building, very
21 aesthetically pleasing to the eye. That's going
22 to be visible on slide two. So we have an
23 opportunity kind of fill that void with a very
24 beautiful building, well designed, well appointed
25 with appropriate capacity to carry the

1 residential.

2 We are seeking a (d) (1). With that
3 being said, I believe the site is particularly
4 suited for the use by its condition and its
5 character, its location within the CN zone. Most
6 residents, we don't know when one zone stops and
7 one begins. So it's kind of on the fringe, if you
8 will, as I described earlier, we're just outside
9 that two-family zone. Again, we're not in the
10 heart of the commercial corridor.

11 From a site suitability standpoint, I
12 think it's particularly suited to have that on the
13 low lying fringe here, that transition. There's
14 some other case law that reference the zoning is
15 not so black and white in the public realm, where
16 we'll have that where one zone stops and one
17 starts, we'll see some back and forth here. The
18 two-family here, I think it works very well. And
19 given we're at the top of the commercial corridor,
20 we'll have that economy of scale, some additional
21 you know pedestrians walking in the corridors,
22 supporting that business.

23 With that being said, it does come with
24 some variances that are subsumed within that
25 (d) (1) use. By virtue of the minimum lot area, we

1 have a hardship here, given the characteristic of
2 that property, 2,351 and we need 2,500. We have
3 minimum lot width 25, we have the 20 foot wide
4 lot, it is outlying.

5 We do conform with the depth of 100.
6 There is no front yard setback in CN zone, so
7 we're going keep that scale, that massing, fill
8 that void, that missing tooth in the public realm.
9 We also have a side yard setback for the CN zone,
10 where one side has to be at least five. We had
11 designed the site so we have the three foot
12 separation, which is for safety concerns for
13 residential, for the egress portion. So we are
14 asking for some movement on that by two feet.
15 Important to note, when we look at the overall
16 building coverage here, 80 is allowed, this is
17 certainly under that. We're at 69.6 percent,
18 maximum pervious coverage is 100, we're at 93.1.
19 Stories, the scale, the size, the massing, we're
20 under that, 45 feet is allowed, we're at 44.

21 By virtue of the parking, most important
22 question this evening, do we meet parking. We
23 meet parking. So when I look at this from a
24 negative standpoint, I don't believe this is going
25 to cause substantial detriment. I think it's

1 important it's the CN zone, the CN zone does allow
2 residential. So it's not that we won't see
3 residential, just not in this particular style and
4 this fashion. Which I think given the context of
5 the neighborhood, it fits, it works here.

6 We have advancement of purpose A,
7 providing the welfare and safety for the new
8 modern building, applicable to all building and
9 fire code regulations, the general welfare. We
10 have purpose I, desirable visual environment. And
11 certainly appropriate density, we are putting a
12 two-family dwelling in a commercial corridor to
13 support that corridor.

14 When I look at this overall application,
15 given some of the existing conditions that will be
16 subsumed within the (d) (1) use variance, I do not
17 believe this particular project with those
18 associated deviations for the characteristic of
19 that property will cause any substantial detriment
20 or impediment to the quality of life that these
21 potential tenants may have.

22 We look at the design, it's well
23 appointed, it's not overdevelopment, it's right
24 where it needs to be. I believe the board can
25 look favorably upon this application, the criteria

1 has been met, and approval would be warranted.
2 Again, I do not see substantial detriment with
3 this application.

4 CHAIRPERSON GARCIA: I don't have any
5 questions for the planner. Do you have any
6 questions, Victor?

7 I have a question for Mr. Pereiras. Mr.
8 Pereiras, I'm hearing -- first of all that was
9 demolished?

10 MR. PEREIRAS: Yes, we tried to -- not
11 these owners, the previous owners and I walked
12 this building, tried to salvage it. It was not
13 salvageable at all. It was like walking into a
14 moon, it was completely overcome with mold. There
15 were literally stalactites and stalagmites in the
16 property. It had to be demolished.

17 CHAIRPERSON GARCIA: My concern is the
18 size of the lot. I mean if you get into the
19 garage, you have you 18 by 78 in one, right? You
20 get to the point that you don't have the 18.

21 MR. PEREIRAS: Yes. But that point is
22 past the vehicles. So if you notice on my
23 drawing, I drew a 9 by 18 rectangle around each of
24 the vehicles. As you can see we have additional
25 space in some of the vehicles, but we always meet

1 the minimum of the 9 by 18 parking spaces. The
2 site in the front is 26 feet wide and we have a
3 rear yard -- side yard setback of zero. So we
4 actually have a wider house than most Union City
5 houses from here all the way to about
6 three-quarters of the way in. Wider than every
7 other house that we approve in Union City. Where
8 it gets narrow is in the rear, which is not where
9 the cars are.

10 So if you wanted to compare it to other
11 houses in Union City, this is actually wider along
12 the front.

13 CHAIRPERSON GARCIA: No, no, Mr.
14 Pereiras, you know that I go case by case.

15 MR. PEREIRAS: Right.

16 CHAIRPERSON GARCIA: So because here,
17 you have 18, okay.

18 MR. PEREIRAS: Where?

19 CHAIRPERSON GARCIA: Here you get into
20 the driveway to the garage, you got 18 here,
21 right?

22 MR. PEREIRAS: More. It's more than 18.

23 CHAIRPERSON GARCIA: It's not more than
24 18, Mr. Pereiras, I know that. You're not going
25 to provide me -- so I respect you and I respect

1 you, senor, you're a great, great, great
2 professional. Like I mentioned before, you always
3 want --

4 MR. PEREIRAS: Numbers don't lie. It's
5 22 feet 3 inches from the inside wall to the
6 inside wall, when you walk in. So where you
7 pointed to and said it was 18, it's actually
8 4 feet 3 inches bigger --

9 CHAIRPERSON GARCIA: With all due
10 respect, Mr. Pereiras, it's not inside wall, it's
11 here. Let me show you. I mean it's not inside, I
12 mean I'm not a --

13 MR. PEREIRAS: That's the outside.

14 CHAIRPERSON GARCIA: It's outside wall.

15 MR. PEREIRAS: 22 feet 3 inches outside
16 wall.

17 CHAIRPERSON GARCIA: Outside wall. And
18 you have the width of the, right, of the wall
19 here? Then the lot start to get inside right
20 away. So here, you have 18, but here you don't
21 have the 18.

22 MR. PEREIRAS: I have 18 feet from this
23 point here to this point here. That's 9 feet,
24 each of these parking spaces. So two 9 feet is
25 18 feet. So from this point, all the way to the

1 front, it's greater than 18 feet. And if I go
2 past that point, it becomes smaller than 18 feet.
3 But from that point, all the way to the front, we
4 have 18 feet.

5 CHAIRPERSON GARCIA: If you have here,
6 like you mentioned before, four inches inside of
7 the door, can you give me the size of that wall
8 and this wall?

9 MR. PEREIRAS: Which walls?

10 CHAIRPERSON GARCIA: This one.

11 MR. PEREIRAS: The exterior wall?

12 CHAIRPERSON GARCIA: Yes.

13 MR. PEREIRAS: It's twelve inches on the
14 lowest level. Above, it's going to be nine and
15 three-quarter inches.

16 CHAIRPERSON GARCIA: So you mean --
17 that's what I'm saying. So at the garage level,
18 you have 22-3 minus two, you have 23. But what
19 happened, I'm doing my math -- I'm not an
20 architect, I'm not an engineer, but I'm concerned
21 about the size of the lot. And the problem is the
22 reality later on.

23 MR. PEREIRAS: Your concern is the
24 parking.

25 CHAIRPERSON GARCIA: Yes, so -- because,

1 Mr. Pereiras, I mean 12 by 12, you have two feet
2 in the both sides, 22-3 minus two, you have 20-3,
3 right? And right away that you pass the
4 stairwell -- I mean before that, the lot, it start
5 to narrow. So can I -- let me ask you for a
6 favor. I don't know if -- that's my concern. I
7 don't know the concern of the other members of the
8 board. Can you provide me with a dimension by
9 here, here, here and here?

10 MR. PEREIRAS: Absolutely, I can. And
11 just to be clear. Those parking spaces are 9 by
12 18. That is my testimony as an architect, I'm
13 under oath, 9 by 18. And there's two side by side
14 all the way up here, 9 plus 9 is 18. So the clear
15 dimension at this point right here, which is where
16 the trash receptacles start, is 18 feet. And
17 everything towards the east is larger, it gets
18 larger than 18 feet.

19 And I know every project is a project by
20 project basis and you judge every project on its
21 own. However, a typical lot in Union City is
22 25 feet wide. We provide three feet setback on
23 one side, two feet setback on the other, we're
24 left with a 20 foot wide house. 20 foot wide
25 house you take away one foot for one sidewall and

1 one foot for another, we have 18 foot wide from
2 beginning to rear. That's what we have here.
3 It's 18 foot wide from here all the way forward.
4 It's no different from every single other --

5 CHAIRPERSON GARCIA: You have here, 18-6
6 minus two, you got 16-6.

7 MR. PEREIRAS: In the back, yes. In the
8 back of the house, where I have the storage units
9 and the trash room.

10 CHAIRPERSON GARCIA: That's right. But
11 come here again.

12 MS. PEREZ: How far to the car --

13 CHAIRPERSON GARCIA: So here right
14 now --

15 MR. PEREIRAS: That's 18 feet. From
16 there to there is 18 feet. This line is 9, from
17 here to here. This line is 9, from here to here.
18 From this corner to this corner is 18 feet. From
19 this side to this side is 18 feet.

20 CHAIRPERSON GARCIA: With all due
21 respect, Mr. Pereiras, so you -- your plans are
22 wrong because you got 18-6.

23 MR. PEREIRAS: Back here, the wall is
24 getting larger.

25 CHAIRPERSON GARCIA: Getting larger, but

1 look at this. You don't want to tell me that you
2 already -- that you lost two feet from here to
3 there, no.

4 MR. PEREIRAS: Lost 18 inches.

5 CHAIRPERSON GARCIA: Two feet.

6 MR. PEREIRAS: Lost 18 inches. The
7 difference between 18-6 and the thickness of the
8 walls, that's 12 inches each wall, that's
9 24 inches minus the 18-6, we have 18 inch
10 difference over here. That's a 1 foot 6
11 difference. It makes sense. It's to scale. It
12 totally makes sense. And to make you feel more
13 comfortable, we can shift the cars another foot
14 forward, gives me another four inches.

15 MR. DOUGHERTY: They don't have to go
16 all the way back that far.

17 MR. PEREIRAS: The reality is I can
18 understand if you have any other objections to
19 this project, but the parking is equal --

20 CHAIRPERSON GARCIA: My objection is.

21 MR. PEREIRAS: -- to every other
22 building in Union City.

23 CHAIRPERSON GARCIA: And you have the
24 same concern that I have because you drive in
25 Union City. However, I don't know where you park.

1 I know where I park. The problem is the issue
2 with that size of the parking, can you imagine the
3 issue that we have with three-family houses,
4 two-family houses in 25 by 100. And this one is
5 not 25 by 100 and you're planning to put four
6 parking inside. You know where my concern is?

7 MR. PEREIRAS: I totally understand.

8 CHAIRPERSON GARCIA: That's my concern.

9 MR. PEREIRAS: But we're compensating --

10 CHAIRPERSON GARCIA: I you've to live in
11 203 Palisade Avenue, 25 by 100. My friend, we
12 only could have three cars. Why? In this
13 particular case, because you have two apartments,
14 but really, really tight. And it was 25 by 100,
15 with the three foot setback in the south side and
16 attached to 205.

17 MR. DOUGHERTY: I would like to jump in.
18 This is the maximum RSIS you can impose. So by
19 virtue of this --

20 CHAIRPERSON GARCIA: Yes. But we are
21 here to protect the person who live in Union City.
22 I don't mind that this is whatever is allowed, I
23 mean by RSIS is recommended. However, I'm going
24 to say, yes, I'm going to say grant it and park
25 whatever. No, my friend.

1 MR. DOUGHERTY: I'm not saying you
2 are --

3 MS. PEREIRAS: Mr. Chairman, if we --

4 MR. DOUGHERTY: Let me finish. Park on
5 the driveway apron as well here is allowed. By
6 virtue of this, I do conclude that though he's
7 showing as far back as they can possibly be,
8 there's ample room to scoot these back closer to
9 the front of the house. If your concern is the
10 width of it, but these are also the largest stalls
11 you can recommend, the highest parking standard
12 you can legally recommend. There's also compact
13 cars. Some people don't have cars. The beauty of
14 this application is you're putting the population
15 in the commercial core. The need to get in the
16 car to go to a store is right here at the
17 doorstep, you're in a commercial corridor.

18 MR. PEREIRAS: Mr. Chairman, I have an
19 idea. I have a feeling I could make this a better
20 building. If you allow me to table this, I have
21 some ideas and I could work with your planner, Mr.
22 Spatz, if that's possible, to get a design that
23 makes sense and the parking works a little bit
24 better.

25 CHAIRPERSON GARCIA: You know me, Mr.

1 Pereiras.

2 MR. PEREIRAS: You want the best
3 intentions for the neighborhood. Just so I could
4 speak out loud, so I could get a flavor of what
5 your response is. What I could do -- and I think
6 actually makes a lot of sense here -- is on the
7 ground floor level, step that in, out a little bit
8 more and have a little bit less of a side yard,
9 that creates a lot more room for the cars to park.
10 And upstairs, I could step it in the same and keep
11 that line of sight and keep the open and airiness.
12 Only on the ground level take another foot away
13 and request a variance for that.

14 And I know you don't have to make a
15 decision now, but I'd like to have the opportunity
16 to draw that up and present it to the board and
17 maybe that will answer your questions.

18 CHAIRPERSON GARCIA: I really appreciate
19 that, you know, consideration. Yes, I would love
20 to see it.

21 MR. PEREIRAS: We'll do that.

22 VICE CHAIRPERSON GRULLON: I have a --

23 CHAIRPERSON GARCIA: Mr. Pereiras, Mr.
24 Grullon has a question.

25 VICE CHAIRPERSON GRULLON: I also have a

1 concern with the roof deck being so close to the
2 other houses. Is it necessary to have a roof
3 deck?

4 MR. PEREIRAS: The applicant was very --
5 it was important to them, we could reduce it in
6 size.

7 VICE CHAIRPERSON GRULLON: When I see
8 the rendering here with that undersized lot.

9 MR. PEREIRAS: So I will speak to the
10 client.

11 VICE CHAIRPERSON GRULLON: It's going to
12 be on top.

13 MR. PEREIRAS: I'll see what I can do
14 with the client.

15 CHAIRPERSON GARCIA: I make my motion to
16 adjourn this application to the next meeting.

17 MR. VALLEJO: For June 13, 2024. Motion
18 on the table to adjourn the application.

19 MS. WATLEY: Second.

20 MR. VALLEJO: Seconded by Ms. Watley.

21 Roll call on the motion to adjourn this
22 application, no new notice required. Mr. Grullon.

23 VICE CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 MS. GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Six in favor, motion
10 carries. They need revised plans?

11 CHAIRPERSON GARCIA: They're going to
12 come with another --

13 MR. SPATZ: They're going to revise.

14 CHAIRPERSON GARCIA: They're going to
15 redo it.

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1 **SOL ON 18TH STREET, LLC -**

2 **821 18TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, Sol on 18th Street, LLC, 821
6 18th Street.

7 MR. PANEQUE: For the record, I've been
8 provided by Ms. Pereiras with the following
9 documentation: a certification as to publication
10 and service indicating that notice of tonight's
11 hearing at this location with respect to the
12 property at 821 18th Street was provided to all
13 property owners on April 25, 2024.

14 I have a copy of the actual notice of
15 publication with respect to this property that
16 came out in The Jersey Journal, there's no
17 affidavit of publication, so that will be a
18 condition.

19 MS. PEREIRAS: I must have left it out.

20 MR. PANEQUE: I have a copy of the
21 notice that was published, but no affidavit.

22 MS. PEREIRAS: We will provide that.

23 MR. PANEQUE: Thank you. I have a copy
24 of the property owners within the 200-foot radius
25 of 821 18th Street, with a date of 4/19/24, as

1 well as the certified mail receipts with a
2 postmark date of April 26, 2024.

3 With the condition that the affidavit of
4 publication has to be provided prior to the
5 memorialization of the resolution, this board has
6 jurisdiction to proceed and hear this matter.

7 MS. PEREIRAS: Thank you, Counsel.
8 Bianca Pereiras on behalf of Sol on 18th Street
9 for property at 821 18th Street. The applicant
10 has decided to tweak this project a little bit, so
11 I don't want to make any kind of presentation at
12 this time because we might modify it and change
13 the terms. So we are respectfully requesting for
14 this application to be carried to next month.

15 CHAIRPERSON GARCIA: Okay. I make my
16 motion to carry this.

17 MR. PANEQUE: You waive the statutory
18 time period?

19 MS. PEREIRAS: Of course.

20 MS. PEREZ: I second that.

21 MR. VALLEJO: Motion by Mr. Garcia to
22 adjourn this application, seconded by Ms. Perez.

23 Roll call on the motion to adjourn this
24 application for June 13, 2024. Mr. Grullon.

25 VICE CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 MS. GUTIERREZ: Yes.

3 MR. VALLEJO: Ms. Perez.

4 MS. PEREZ: Yes.

5 MR. VALLEJO: Ms. Watley.

6 MS. WATLEY: 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. No new notice required.

13 MS. PEREIRAS: Thank you all.

14 MR. VALLEJO: Thank you.

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ADOPTION OF RESOLUTIONS:

1. Geoffrey Williams, 321 5th Street Block: 139, Lot: 20. Addition and alterations to existing three-family building. **The approval resolution was memorialized on 11-10-22. The applicant is requesting an amendment to the site plan approval to increase the overall height of the project to accommodate an elevator. Approved**

MR. VALLEJO: Right. We're moving to resolutions now. Resolution number one, Geoffrey Williams, 324 5th Street. This was approved at the previous meeting. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MS. GUTIERREZ: Motion.

MR. VALLEJO: Motion by Ms. Gutierrez. Seconded by?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Mr. Garcia.

Roll call on the motion. Mr. Grullon.

VICE CHAIRPERSON GRULLON: Abstain. I was not at the previous meeting.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: I wasn't here, abstain.

6 MR. VALLEJO: Ms. San Martino.

7 MS. SAN MARTINO: Yes.

8 MR. VALLEJO: Four in favor, two
9 abstained. Motion carries.

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ADOPTION OF RESOLUTIONS:

2. 9799 Ventures I, LLC. 1219 Bergenline Avenue. Block 60.02 Lot 4. Applicant proposes a new mixed-use building (4 residential and commercial). The approval resolution was memorialized on 02-10-2022. The applicant is requesting a one-year extension. **Approved**

MR. VALLEJO: Resolution number 2, 9799 Ventures I, LLC, 1219 Bergenline Avenue was approved at the previous meeting. Can I have a motion to memorialize this resolution?

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: Abstain.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Abstain.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Four in favor, two
5 abstention. Motion carries.

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ADJOURNMENT:

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

MS. GUTIERREZ: Motion.

MS. WATLEY: Second.

MR. VALLEJO: All in favor?

(Whereupon, all board members indicate in the affirmative.)

(Whereupon the meeting was adjourned at 10:18 PM.)

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