

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, June 13, 2024
Commencing at 6:12 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
MINDRY WATLEY
MIGUEL ORTIZ
ROSIO PENA
VIVIAN O'DELL

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

GERALDINE PEREZ
ALTAGRACIA SAN MARTINO

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

TOMAS PANEQUE, ESQ., Board Counsel
CARLOS VALLEJO, Board Secretary
DAVID SPATZ, PP, Consulting City Planner

STENOGRAPHICALLY REPORTED BY:
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant
SOL ON 18TH STREET

ADOLFO LOPEZ, ESQ.
Attorney for Applicant
ARIS B. VENTURA MARTINEZ

ADOLFO LOPEZ, ESQ.
Attorney for Applicant
MICHAEL HERN

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I N D E X

AGUSTIN GONZALEZ
1413 New York Avenue
Block: 73 Lot: 4

WITNESSPAGE

(None)

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(None)

I N D E X

PARK AVENUE INVESTMENT, LLC
3801 Park Avenue
Block: 228 Lot: 10.01

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

SOL ON 18TH STREET
821 18th Street
Block: 94 Lot: 19

WITNESSPAGE

MANUEL PEREIRAS

24

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

ARIS B. VENTURA MARTINEZ
104 40TH STREET
Block: 238 Lot: 18

WITNESSPAGE

(None)

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(None)

I N D E X

MICHAEL HERN
409 6th Street
Block: 24 Lot: 9

WITNESSPAGE

JOSE ISQUIERDO

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(None)

1 CALL TO ORDER/SALUTE TO FLAG/

2 STATEMENT-OPEN PUBLIC MEETING ACT/SUNSHINE LAW:

3
4 MR. VALLEJO: May I have your attention,
5 please?

6 Please take notice that on, Thursday,
7 June 13, 2024, at 6 p.m., a regular meeting is
8 scheduled for the Union City Zoning Board of
9 Adjustment, to be held in Union City High School,
10 located at 2500 John F. Kennedy Boulevard, Union
11 City, New Jersey.

12 Can everybody kindly please rise to salute
13 the flag?

14 * * *

15 (Whereupon, the Pledge of Allegiance was
16 recited.)

17 * * *

18 MR. VALLEJO: Thank you.

19 Adequate notice of this meeting has been
20 provided as follows: Notice of this meeting setting
21 forth the time, date, location, and the agenda, to
22 the extent known, was forwarded to The Jersey
23 Journal, The Record, and The Star-Ledger. Notice has
24 been emailed, has been posted on the bulletin board
25 in City Hall, and has been made available to the

public in the Office of the Municipal Clerk.

* * * *

1 ROLL CALL/

2 ADOPTION OF RESOLUTION:

3 Reappointing Miguel Ortiz as Board Member.

4
5 MR. VALLEJO: Roll call for tonight's
6 meeting:

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 MR. GRULLON: Here.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Here.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Here.

15 MR. VALLEJO: Ms. Perez is absent.

16 Ms. Watley is on the way but is absent at
17 this time.

18 Ms. O'Dell.

19 MS. O'DELL: Here.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: Present.

22 MR. VALLEJO: Let the record indicate we
23 have six present for tonight's meeting. We are going
24 to --

25 CHAIRPERSON GARCIA: Carlos.

1 MR. VALLEJO: Yes?

2 CHAIRPERSON GARCIA: Before we continue I
3 think at this time to dedicate at least one minute of
4 silence in the memory of this great man, Libero
5 Marotta. We fight a lot, but we also learned a lot
6 from him.

7 (Pause was had for moment of silence.)

8 CHAIRPERSON GARCIA: Thank you.

9 MR. VALLEJO: Thank you.

10 Let's go now to approving of meeting
11 minutes. Oh, no, I'm sorry. Mr. Paneque, please, we
12 have Mr. Ortiz's resolution.

13 MR. PANEQUE: Yes, we do. For the record,
14 we have a resolution reappointing Mr. Miguel Ortiz as
15 a board member, and we'll proceed now into the oath
16 of office.

17 Mr. Ortiz.

18 MR. PANEQUE: I --

19 MR. ORTIZ: I --

20 MR. PANEQUE: State your name.

21 MR. ORTIZ: -- Miguel E. Ortiz.

22 MR. PANEQUE: -- solemnly swear or
23 affirm --

24 MR. ORTIZ: -- solemnly swear or affirm --

25 MR. PANEQUE: -- that I will support the

1 Constitution of the United States --

2 MR. ORTIZ: -- that I will support the
3 Constitution of the United States --

4 MR. PANEQUE: -- and the Constitution of
5 the State of New Jersey;

6 MR. ORTIZ: -- and the Constitution of the
7 State of New Jersey;

8 MR. PANEQUE: -- that I will bear true
9 faith and allegiance --

10 MR. ORTIZ: -- that I will bear true faith
11 and allegiance --

12 MR. PANEQUE: -- to the same and to the
13 government --

14 MR. ORTIZ: -- to the same and to the
15 government --

16 MR. PANEQUE: -- established in the United
17 States --

18 MR. ORTIZ: -- established in the United
19 States --

20 MR. PANEQUE: -- and in this state --

21 MR. ORTIZ: -- and in this state --

22 MR. PANEQUE: -- under the authority of
23 the people --

24 MR. ORTIZ: -- under the authority of the
25 people --

1 MR. PANEQUE: --and that I will
2 faithfully --

3 MR. ORTIZ: -- and that I will
4 faithfully --

5 MR. PANEQUE: -- impartially --

6 MR. ORTIZ: -- impartially --

7 MR. PANEQUE: -- and justly --

8 MR. ORTIZ: -- and justly --

9 MR. PANEQUE: -- perform all of the
10 duties --

11 MR. ORTIZ: -- perform all of the duties --

12 MR. PANEQUE: -- of the office --

13 MR. ORTIZ: -- of the office --

14 MR. PANEQUE: -- according to the best of
15 my ability.

16 MR. ORTIZ: -- according to the best of my
17 ability.

18 MR. PANEQUE: Congratulations.

19 (Applause.)
20
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1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: Thank you, Mr. Paneque.

4 We're moving to the approval of the
5 previous meeting minutes from May 9, 2024. Can I
6 have a motion?

7 MS. GUTIERREZ: Motion.

8 MR. VALLEJO: Motion by Ms. Gutierrez.
9 Can I have any second?

10 VICE CHAIRPERSON GRULLON: Second.

11 MR. VALLEJO: Second by Mr. Grullon. Roll
12 call on the motion:

13 Mr. Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Let the record indicate that
20 they have to sign the --

21 MR. PANEQUE: The oath of office.

22 MR. VALLEJO: Thank you.

23 Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: I abstain.

4 MR. VALLEJO: Abstain. Okay. Let the
5 record indicate five in favor followed by abstention.
6 Motion passed.

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1 PUBLIC HEARING:

2 AGUSTIN GONZALEZ -

3 1413 NEW YORK AVENUE

4 BLOCK 73, LOT 4:

5
6 MR. VALLEJO: Now we move into the first
7 item on tonight's agenda, Agustin Gonzalez, 1413 New
8 York Avenue.

9 Ms. Pereiras, please.

10 MS. PEREIRAS: Good evening, Board
11 Members. Bianca Pereiras on behalf of Agustin
12 Gonzalez. As the board may recall, we were here last
13 month on this application to construct a two-family
14 on the subject's property. We had some revisions
15 that were submitted to the board pursuant to the
16 comments that were given to us that evening. That
17 was submitted; however, we have additional testimony
18 to provide, particularly from our planner, and our
19 planner canceled on us at the last minute. He had a
20 family emergency and couldn't make it out this
21 evening, so I am respectfully requesting if we can
22 carry this to next month so that Manny can provide
23 the testimony on the revisions and our planner can
24 also speak to the modifications that were made.

25 CHAIRPERSON GARCIA: We're waiting on the

1 schedule for July.

2 MR. VALLEJO: July 11th.

3 MR. SPATZ: The 11th.

4 CHAIRPERSON GARCIA: I'm going to make a
5 motion to adjourn this application to July 11.

6 MR. VALLEJO: We're within the time
7 limits?

8 MR. PANEQUE: Yes.

9 MR. VALLEJO: Thank you. Motion to
10 adjourn this application by Mr. Garcia. Can we have
11 a second?

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Second by Ms. Gutierrez.
14 Roll call to adjourn this application for July 11,
15 2024. Call on the motion:

16 Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

5 MS. PEREIRAS: Thank you.

6 MR. VALLEJO: No notice required, right?

7 CHAIRPERSON GARCIA: No new notice.

8 MR. VALLEJO: Okay. The 11th. Today is
9 the 13th.

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1 **PUBLIC HEARING:**

2 **PARK AVENUE INVESTMENT, LLC -**

3 **3801 PARK AVENUE**

4 **BLOCK 228, LOT 10.01**

5
6 MR. VALLEJO: Let's move now to next
7 application on tonight's agenda, Park Avenue
8 Investment, LLC, 3801 Park Avenue.

9 Ms. Pereiras, please.

10 MS. PEREIRAS: Again, Bianca Pereiras on
11 behalf of the applicant. Similarly, we were before
12 this board last month on this application to
13 construct a new four-family home. We submitted
14 revisions pursuant to the comments made by this
15 board. Again we also had our planner, Mr. Dougherty,
16 testifying. He was unable to make it this evening,
17 and I would not like to proceed without his
18 additional testimony this evening. So if the board
19 would be so kind as to carry this matter to the
20 July 11th meeting, at that time we'll have both our
21 professionals available to speak.

22 MR. PANEQUE: Ms. Pereiras, thank you for
23 your time.

24 CHAIRPERSON GARCIA: I make a motion to
25 adjourn this application to the next meeting,

1 July 11th.

2 MR. VALLEJO: Motion on the table to
3 adjourn this application for July 11 by Mr. Garcia.
4 Second the motion?

5 MS. GUTIERREZ: Second.

6 MR. VALLEJO: Seconded by Ms. Gutierrez.
7 Roll call on the motion to adjourn this application
8 for July 11, 2024:

9 Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Yes.

17 MR. VALLEJO: Mr. Garcia.

18 CHAIRPERSON GARCIA: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Six in favor. Motion
22 carries.

23 MS. PEREIRAS: Thank you all.

24 * * * *

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1 PUBLIC HEARING:

2 SOL ON 18TH STREET -

3 821 18th Street

4 BLOCK 94, LOT 19:

5
6 MR. VALLEJO: Next application on
7 tonight's agenda, Sol on 18th Street, 821 18th Street.
8 Ms. Pereiras, please.

9 MR. PANEQUE: Let the record reflect as
10 follows: I've been provided by Ms. Pereiras with a
11 certification as to publication and served giving
12 notice of tonight's hearing with respect to the
13 property at 821 18th Street in Union City, New
14 Jersey, Block 94, Lot 19. The certification
15 indicates that notice was given of tonight's hearing
16 at the location of the Union City High School to all
17 property owners within a 200-foot radius.

18 I've been provided with a copy of the
19 notice of application that was published in The
20 Jersey Journal indicating that with respect to the
21 property in question it will be heard at a meeting at
22 this location. This notice was published on June 1,
23 2024. I've also been provided with the certified
24 mail slips with a postmark date of June 3rd.

25 And is there a copy of the notice?

1 MS. PEREIRAS: I can give you one.

2 MR. PANEQUE: And the tax list. Let the
3 record further reflect that I've been provided with a
4 copy of the old property owners within a 200-foot
5 radius of Block 94, Lot 19, also known as
6 821 18th Street, with a date of May 24, 2024, as well
7 as the notice that went out to the property owners
8 indicating that a hearing will be heard.

9 Ms. Pereiras.

10 MR. VALLEJO: Let the record indicate that
11 Ms. Watley joined the meeting. We have seven members
12 now. Thank you.

13 MR. PANEQUE: As a condition of the
14 resolution being approved, we're going to need the
15 affidavit of publication, which was not included, as
16 well as a copy of the notice that went out to all
17 property owners within a 200-foot radius. Based on
18 the documentation that has been provided by
19 Ms. Pereiras, this board has jurisdiction to proceed
20 and hear this matter.

21 MS. PEREIRAS: Thank you very much,
22 Counsel. Bianca Pereiras on the application of Sol
23 on 18th, LLC, the property located at
24 821 18th Street, also known as Lot 19, Block 94. The
25 application before the board is to add units to an

1 existing apartment. So currently we have a two-unit
2 building, and it will maintain a two-unit building.
3 We are, however, making a duplex out of one of the
4 units to provide a larger living space. We actually
5 have an oversized lot. To build the lots, as we
6 know, are 2,500 square feet, and we have over 3,000
7 square feet at this particular site. We have one
8 expert to testify before the board this evening, and
9 that is our architect, Mr. Manuel Pereiras.

10 * * *

11 MANUEL PEREIRAS, after having been duly sworn or
12 affirmed, did testify as follows:

13 * * *

14 MR. PEREIRAS: Manny Pereiras,
15 P-e-r-e-i-r-a-s, Pereiras Architects Ubiquitous
16 located at 1116 Summit Avenue, Union City, New Jersey.

17 MS. PEREIRAS: Mr. Pereiras has testified
18 before this board in the past. I ask that he be
19 accepted as an expert in the field of architecture.

20 CHAIRPERSON GARCIA: Our pleasure,
21 Mr. Pereiras.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 821 18th Street?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And did you prepare the

1 drawings that are before the board this evening?

2 MR. PEREIRAS: I have.

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

5 MR. PEREIRAS: I'd be very happy to. Our
6 clients purchased the property not too long ago.
7 They discovered that there's an illegal apartment in
8 the basement. Where we normally come before this
9 board legalizing that unit, these clients actually
10 said, no, we'd rather have a two-family house. What
11 we'd like to do is duplex that basement with the
12 ground floor. And that's what we're here before you
13 today, because we're increasing the number of
14 bedrooms. So we're using the ground floor, two
15 existing bedrooms, today, and that's what we're
16 presenting.

17 We have, as counsel said, an oversized
18 lot. We are at 3,049 square feet. However, we have
19 two existing nonconformities. One is the lot width,
20 because it is at 22.43. It's compensated by an extra
21 long lot which is 135.86 feet. And the other
22 existing nonconformity is our site yard setbacks.
23 We're actually at 0 on both sides. We're not
24 proposing to change this in any way.

25 There is another preexisting variance

1 we're making a little bit better. The existing
2 two-family house, legally a two-family house,
3 requires four parking spaces. The house had none.
4 We're proposing to have one parking space in the
5 front yard. If you see here (indicating), we have
6 the existing site plan on the left, the proposed site
7 plan on the right, and we're looking to take that
8 space in front of the house and create a parking
9 space there. There are no other changes to the front
10 of the house other than we're demolishing that porch
11 in order to make room for that car. And by
12 demolishing that porch, we're creating a second means
13 of egress from that basement portion of the
14 apartment, and we're creating -- unifying the steps
15 into the ground -- the first floor apartment.

16 Turning now to Sheet 03, we see the three
17 floors of the building: basement, first floor,
18 second floor. Second floor is an independent
19 apartment. It's existing, no changes proposed.
20 First floor, we're proposing to create a doorway and
21 new steps that lead you down to the lower level so
22 that we have two bedrooms above with the kitchen and
23 dining room, and then we have the living room, family
24 room on the lower level with two bedrooms in the
25 back.

1 The two bedrooms that we're creating on
2 the lower level -- or I should say legalizing on the
3 lower level shall have egress windows. So they're
4 going to be 5.7 square feet in size so that someone
5 can escape in case there's a fire. The fire rating
6 between floors is going to -- is existing. There
7 will be an alarm system placed so that there will be
8 smoke detectors in each of the bedrooms. There will
9 be a carbon monoxide detector outside of the bedrooms
10 for carbon monoxide.

11 And that's it. Really very minimal
12 intervention that we're doing here. Just legalizing
13 the duplex instead of legalizing apartment and
14 creating those two bedrooms. And that concludes my
15 testimony.

16 CHAIRPERSON GARCIA: Mr. Pereiras, so you
17 don't want to touch anything in the setback? It's
18 going to be exactly in the same area?

19 MR. PEREIRAS: Correct.

20 CHAIRPERSON GARCIA: Except to the front?

21 MR. PEREIRAS: The steps. So the steps
22 are going to change. Prior to our change, they were
23 coming in from the side, no room to park a vehicle.
24 We're not going any further out. We're keeping the
25 same setback, but the steps are now straight into the

1 building.

2 CHAIRPERSON GARCIA: Okay. You have right
3 now, like, you said 4-7 and 3-4, right, for the
4 stairs and the porch and the -- yeah, kind of the
5 porch?

6 MR. PEREIRAS: Yeah. And, actually, we're
7 making it a little bit better. Because if you look
8 at the existing site plan, you have the porch. There
9 were steps in front of that porch that took you down
10 to go underneath the porch. We're eliminating those
11 steps. So now our setback is clearly 4-foot-1, not
12 the 4-foot-1 plus the steps, so we're actually
13 setting the house back a little bit.

14 CHAIRPERSON GARCIA: Right now in the
15 basement what do you have?

16 MR. PEREIRAS: There's an apartment down
17 there.

18 CHAIRPERSON GARCIA: And there's people
19 living there?

20 MR. PEREIRAS: They're vacant. It's
21 vacant. It's out.

22 CHAIRPERSON GARCIA: And you're going to
23 have all the, like, living area on the second floor?

24 MR. PEREIRAS: So, I'm not sure how the
25 client is going to divide this. I would assume he's

1 going to have, like, a family room on the lower
2 level, put the TV down there, and then he has two
3 bedrooms, and then there's two bedrooms on the ground
4 floor. So this apartment will have a total of four
5 bedrooms with -- in two floors.

6 CHAIRPERSON GARCIA: No. My question --
7 let me reword it. So you're only going to have one
8 kitchen on the second floor, right?

9 MR. PEREIRAS: Correct.

10 CHAIRPERSON GARCIA: You don't want to
11 have anymore on the first floor?

12 MR. PEREIRAS: Yeah. We're demolishing
13 the kitchen that's on the ground floor.

14 CHAIRPERSON GARCIA: You're only going to
15 have two in the building?

16 MR. PEREIRAS: Two kitchens in the
17 building, two apartments, three floors.

18 CHAIRPERSON GARCIA: Okay. And it's
19 legally two right now?

20 MR. PEREIRAS: It's legally two. It
21 remains legally two.

22 CHAIRPERSON GARCIA: Any member of the
23 board have any questions?

24 VICE CHAIRPERSON GRULLON: I know you
25 don't have the square footage here, but that seems to

1 be like a really large apartment for a duplex.

2 MR. PEREIRAS: It's actually a very small
3 house. The square footage is right over the title.
4 It's 767 square feet on the lower level and
5 585 square feet. So, in total -- I'm sorry. 818
6 square feet. So the total square footage is 1,585,
7 which is not actually an exorbitantly big apartment.
8 It's a comfortable apartment.

9 VICE CHAIRPERSON GRULLON: Thank you.

10 CHAIRPERSON GARCIA: Any other members of
11 the board?

12 (No response.)

13 CHAIRPERSON GARCIA: Any members of the
14 public want to step forward?

15 (No response.)

16 CHAIRPERSON GARCIA: No to the public.
17 Closed to the public.

18 I'm going to make my motion to grant the
19 application, especially when you are adding the
20 parking space when you're remediating. And, also, it
21 seems like the new owner of the house is trying to
22 improve his own house. So I make my motion to grant
23 the application.

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

1 motion?

2 MS. GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion to grant this application:

5 Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Seven in favor. Motion
20 carries.

21 MS. PEREIRAS: Thank you very much. Have
22 a good night.

23 * * * *

24

25

1 **PUBLIC HEARING:**

2 **ARIS B. VENTURA MARTINEZ -**

3 **104 40TH STREET**

4 **BLOCK 238, LOT 18:**

5
6 MR. VALLEJO: Next item on tonight's
7 agenda is Aris B. Ventura Martinez, 104 40th Street.

8 Go ahead, Mr. Lopez.

9 MR. LOPEZ: Mr. Chairman, Members of the
10 Board, good evening. My name is Adolfo Lopez from
11 Lopez Noris, LLC. I'm appearing today on behalf of
12 Aris Ventura, the young lady sitting next to me on my
13 right, and it is a request for the board's indulgence
14 on an application for an extension of a prior
15 variance that was approved. It is her first request
16 for an extension; however, it is not as of ripe
17 because it is beyond the time frame. It was approved
18 exactly -- well, three years ago. The resolution was
19 in June of 2021.

20 Ms. Ventura is a lifelong resident of
21 Union City. She purchased the house for her own
22 personal residence. She did start the process of
23 construction. However, the permits that were pulled
24 were for demolition and electrical. They were not
25 the full permits. Unfortunately, due to personal

1 problems, she had been unable to proceed up to this
2 point. She is going through a very bad divorce.
3 This house is intended to be for her and her children,
4 and that really has slowed her down. She has secured
5 the financing to go forward if the board will allow
6 her an extension of time. Her father is providing
7 her the funding. So she would be fully able to
8 proceed with the project and would certainly -- she's
9 only asking for a one-year extension.

10 There's no real change in the
11 neighborhood. There's no change with the use --
12 well, actually, when she applied for the property,
13 there was one vacant apartment that she intended to
14 occupy. Because of the work that was already
15 started, the property is completely vacant and gutted
16 and she's carrying a mortgage.

17 She's currently living at 805 17th Street
18 with her parents and her children. So we would
19 really ask the Board to look at it, it's already --
20 even though we are beyond the two-year period and
21 grant her a one-year extension. And she's certainly
22 here for any questions you may have.

23 CHAIRPERSON GARCIA: Mr. Paneque, I have a
24 question. Do we still have an extension to proceed
25 no matter what it is that the -- for a resolution to

1 proceed?

2 MR. PANEQUE: This board has the right to
3 grant extensions on a one-year basis. So, since we're
4 on the anniversary month of the first year,
5 technically, you can grant the one-year extension,
6 carry her through 2024 and then grant her -- the
7 second extension is usually based on extenuating
8 circumstances. So, if this board deems fit, they can
9 see this as technically being the second extension so
10 that there wouldn't be any third extension. So it
11 would be a vote to grant the one-year extension which
12 would carry her through this month and then a second
13 vote for extenuating circumstances to carry her
14 through the 25th with the understanding that that's
15 it.

16 CHAIRPERSON GARCIA: Mr. Lopez, does this
17 work for your client?

18 MR. LOPEZ: It does. We've discussed this
19 ahead of time, and she's fully prepared within the
20 one-year period to take all the necessary steps to
21 proceed with the construction.

22 CHAIRPERSON GARCIA: And, also, does she
23 understand that if it's granted, she has to follow
24 the resolution as is, no changes?

25 MR. LOPEZ: No changes are requested,

1 Mr. Chairman, correct.

2 You understand that?

3 MS. VENTURA MARTINEZ: Oh, yeah, no
4 changes.

5 CHAIRPERSON GARCIA: Any member of the
6 board have a question?

7 (No response.)

8 CHAIRPERSON GARCIA: Any member of the
9 public?

10 (No response.)

11 CHAIRPERSON GARCIA: None. Closed to the
12 public.

13 Understanding your situation, sadly, that
14 you're going through and also you being a citizen --
15 I mean a resident of Union City, I think -- I'm going
16 to make a motion to grant the application.

17 MR. PANEQUE: If I may, Chairman Garcia,
18 we should have a bifurcated vote so that we carry her
19 through June of 2024 on her first extension request.

20 MR. LOPEZ: Right.

21 CHAIRPERSON GARCIA: So if this
22 application -- I'm looking at the resolution. The
23 resolution was --

24 MR. LOPEZ: June 21.

25 MR. PANEQUE: -- she would have had a

1 two-year period, which would have expired in June of
2 2023. So, the vote now is to extend through June of
3 '24 with a second vote to give her the second
4 extension.

5 CHAIRPERSON GARCIA: Okay. So I make my
6 motion to grant up to June 2024.

7 MS. GUTIERREZ: Second.

8 MR. VALLEJO: Motion on the table to
9 extend the resolution to June '24 by Mr. Garcia,
10 seconded by Ms. Gutierrez. Roll call on the motion:
11 Mr. Grullon.

12 VICE CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 MS. GUTIERREZ: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 CHAIRPERSON GARCIA: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Seven in favor. Motion

1 carries.

2 MR. LOPEZ: Thank you so much.

3 MS. VENTURA MARTINEZ: Thank you, everyone.

4 CHAIRPERSON GARCIA: I make my motion to
5 grant the second extension up until June of 2025.

6 MR. VALLEJO: Until June 2025 motion by
7 Mr. Garcia.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Gutierrez.

10 Roll call on the motion:

11 Mr. Grullon.

12 VICE CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 MS. GUTIERREZ: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Mr. Garcia.

22 CHAIRPERSON GARCIA: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Seven in favor. Motion

1 carries.

2 MS. VENTURA MARTINEZ: Thank you.

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1 PUBLIC HEARING:

2 MICHAEL HERN -

3 409 6TH STREET.

4 BLOCK 24, LOT 9:

5
6 MR. VALLEJO: All right. We're moving now
7 to Number 5, Michael Hern - 409 6th Street.

8 Mr. Lopez, please.

9 MR. LOPEZ: Thank you. Once again,
10 Mr. Chairman, Members of the Board, good evening.
11 Adolfo Lopez appearing on behalf of Mr. and Mrs. Hern
12 for a property at 317 4th Street in Union City.

13 Mr. Paneque, we've provided these
14 electronically. These are the original
15 jurisdictional documents for your review.

16 MR. PANEQUE: Thank you, Mr. Lopez. Let
17 the record reflect as follows: I've been provided by
18 Mr. Lopez with an affidavit of service indicating
19 that notice of tonight's hearing with respect to the
20 property located at 409 6th Street, Lot 9, Block 24
21 was provided to all property owners within a 200-foot
22 radius. Affidavit is signed by Mr. Lopez, authorized
23 by Anna Noris, a member of his firm.

24 I've also been provided with the original
25 affidavit of publication from The Jersey Journal.

1 Said notice in The Jersey Journal indicates that on
2 this date at 6:00 the Board will be presented with
3 the application with respect to the property in
4 question.

5 I've also been provided with a copy of the
6 notice that went out to all property owners within a
7 200-foot radius as well as the tax list from the Tax
8 Assessor's Office noting all property owners within a
9 200-foot radius of Block 24, Lot 9. Said tax list
10 has a date of April 15, 2024; and, finally, the
11 certified mail receipts with a postmark date of
12 May 29, 2024. Based on the documentation that has
13 been provided by Mr. Lopez, this board has
14 jurisdiction to proceed and hear this matter.

15 MR. LOPEZ: Thank you. Thank you,
16 Mr. Chairman, Members of the Board. This is an
17 application for the legalization of an existing
18 ground floor apartment at this property. My expert
19 this evening is Mr. Jose Isquierdo who will testify
20 as an architect and a planner regarding this
21 application.

22 I will merely point out before his
23 testimony that our application indicates that there
24 are only two parking spaces, the two legitimate
25 parking spaces within the garage. However, through

1 testimony we will show you that there's much more
2 than two parking spaces and a lot more flexibility
3 given the size of the property.

4 * * *

5 JOSE ISQUIERDO, after having been duly sworn or
6 affirmed, did testify as follows:

7 * * *

8 MR. ISQUIERDO: My name is Jose Isquierdo.
9 I am a registered architect, License No. 09143,
10 License Planner 03385.

11 MR. LOPEZ: Mr. Paneque, I would ask that
12 the board accept Mr. Isquierdo as an expert witness
13 as a planner and architect. He's testified many
14 times before this board.

15 MR. PANEQUE: Our pleasure, Mr. Lopez.

16 MR. ISQUIERDO: Thank you very kindly.

17 This board gains jurisdiction of this
18 application because applicant is proposing to take a
19 two-family house, which is an allowed use in our
20 district, and convert it to a three-family house via
21 the legalization of a basement. There is essentially
22 only one variance required, which is the d(1)
23 building -- building use variance. A three-family
24 house is not an allowed use in the R zone.

25 The other two variances that are required

1 existing of lot coverage is already an existing
2 condition because the property is actually almost
3 totally paved. It's 98.2 percent. The property is
4 irregular. It has 30 feet in the front, and in the back it's 25 feet. And when you
5 see -- there are two drawings submitted in
6 conjunction with the application, T-01 and A-01.
7 They are both dated February 28, 2024. The site plan
8 shows that there is a detached two-car garage in the
9 back. That's the 25-foot width of the property. The
10 front of the property is 30 feet. And there is a
11 driveway, an asphalt driveway to the left or east of
12 the property that leads access to a rear parking area
13 in the back. And, actually, comfortably we can fit
14 five parking spaces. We are requesting a parking
15 variance because that would be a preexisting
16 nonconforming use. We would be required to have six
17 parking spaces.

18
19 The applicant originally in his
20 application proposed to have a two-bedroom apartment
21 in the basement, but we would like to modify -- amend
22 our application to have only a one-bedroom apartment
23 in the basement. That's not only because I think
24 comfortably we can fit the five parking spaces but
25 also because it's more sensible to have a one-bedroom

1 apartment in the basement.

2 MR. LOPEZ: Can you describe what --

3 MR. ISQUIERDO: This is a two-story brick
4 house, and the basement apartment has direct access
5 from the front. It doesn't share access with any of
6 the apartments upstairs. It's shown in Drawing A-1.
7 You see the architectural existing on the left-hand
8 side, and you see the architecturally proposed on the
9 right-hand side.

10 MR. LOPEZ: And which of the bedrooms --

11 MR. ISQUIERDO: The one in the rear.

12 MR. LOPEZ: -- would you seek to
13 eliminate, and which one would you keep?

14 MR. ISQUIERDO: Yeah. It would seem the
15 basement apartment has a door directly from
16 6th Street from the front. You go down a few steps,
17 maybe four or five, and then you go inside the
18 apartment. The apartment has adequate height. And
19 it also has a door to the rear, so any basement --
20 any basement tenant can park in the back. So we
21 would have five parking spaces, two for the second
22 floor apartment, two for the first floor apartment,
23 and one for the basement, turning it into a
24 one-bedroom apartment. It shows presently right now
25 -- and we will submit revised plans if the board

1 kindly considers our application -- so that the only
2 bedroom that would remain would be the one in the
3 front that has a bathroom together with it. So this
4 bedroom would have a private bathroom that's
5 existing, and then the door to the bedroom in the
6 back, the wall to the bedroom that separates it from
7 the living room would be removed so that the living
8 room, that bedroom, and the kitchen show an open
9 area, and that open area has access to another
10 bedroom -- to another bathroom. So, basically, the
11 apartment has right now two bathrooms. And it will
12 be proposed as a one-bedroom, two bathrooms with a
13 new kitchen, access from the back and access from the
14 front. All separate utilities.

15 MR. LOPEZ: The overall square footage of
16 the property is not being extended; is that correct?

17 MR. ISQUIERDO: No. The property is 2,890
18 square feet because it's irregular. It's 25 feet in
19 the back, and it's 30 feet in the front. The list of
20 variances, the lot size required is 2,500 square
21 feet. We have 2,890, which conforms. The lot width
22 is 25, and we have 25 in the rear, but we have 30 in
23 the front, which conforms. The lot, that says 100,
24 which conforms.

25 The front yard is 10 feet or prevailing.

1 We have the prevailing, it meets the prevailing.
2 We're not extending this house by way of shape or
3 extension, addition, or volume in any way, shape, or
4 form. The minimum side yard one is 2 feet, both is 5
5 feet. On one side we have 8 feet, which is the
6 driveway leading to the rear parking area, and on the
7 other side, it's just a brick wall that is on the
8 property line. The rear yard is 25 percent, which
9 would be 25 feet. And we have 38 feet to the house,
10 which exceeds. And we have to the detached garage we
11 have .34 feet. That is an accessory building, which
12 conforms.

13 The building coverage allowed is
14 60 percent. And the existing house -- it's not that
15 large -- it's 40.8 percent. The lot coverage, as I
16 indicated, because of the large paved parking area in
17 the back is 98.2 percent, and that would be a
18 preexisting nonconforming. That is a c(2) variances
19 for the purposes of zoning or advance by a deviation
20 from the requirements.

21 And the building height is two stories.
22 We have a two-story house, and the parking spaces at
23 the table indicates we're required to have six
24 spaces. We show that we're providing two spaces, but
25 the board in its education and knowledge of plans and

1 whatnot can see that we can comfortably fit five
2 parking spaces in that site.

3 MR. LOPEZ: Mr. Isquierdo, from a planning
4 perspective, could you give your testimony as to the
5 positive and negative criteria of this project?

6 MR. ISQUIERDO: When the zoning ordinance
7 says that a three-family house is not allowed and is
8 subject to zoning regulations, the way that Union
9 City -- the way that New Jersey municipalities are
10 growing is we're growing within what we already have.
11 There's a need for housing, so it meets the positive
12 criteria because we're providing an apartment with a
13 parking space in a very nice place of the city.

14 The negative criteria would be basically
15 we are requesting a parking variance that we would be
16 suggesting to the board that we're going to have
17 three apartments that have no parking, but we have
18 parking. So, in terms of growth and smart growth
19 within the state, we're building within the houses
20 and the structures that we already have. So we're
21 not going to impose on the neighborhood.

22 This apartment has been existing for a
23 while. Basically, the owner, what he's trying to do
24 is legalize it and he's also trying to make it nice.
25 So the negative criteria would be the parking. But

1 we're not requesting -- we're requesting a parking
2 variance only because within the paved parking area
3 when we show the five parking spaces, it would not
4 meet all the requirements. But they can comfortably
5 park five spaces back there.

6 CHAIRPERSON GARCIA: So, basically, those
7 didn't want to be parking -- you're going to have the
8 space but you cannot --

9 MR. LOPEZ: Define it.

10 CHAIRPERSON GARCIA: Define it as a
11 parking space?

12 MR. PEREIRAS: If I park five spaces there
13 in the back, every one of those spaces is able to get
14 out. Nobody is going to be in a tandem condition.
15 I'm not suggesting that we're going to have five
16 spaces --

17 MR. LOPEZ: I think the chairman's
18 question is that officially we're only showing two
19 spaces.

20 MR. ISQUIERDO: Because they're within the
21 garage.

22 CHAIRPERSON GARCIA: You're also going to
23 have a driveway. So at nighttime you could go up
24 that driveway.

25 MR. ISQUIERDO: Actually, one of the parts

1 of the application is that I want to remove the wall
2 that leads access to those garages in the back and
3 you see it's shown in the -- because I'll be candid,
4 it's just a little tight for all those cars to get
5 there. So what we're doing is we're removing that
6 wall so that we have plenty of space for all those
7 cars to get back there. It is shown as part of the
8 application, and it will be filed with the building
9 department as such.

10 CHAIRPERSON GARCIA: Is that wall a
11 part --

12 MR. ISQUIERDO: It's a low wall.

13 CHAIRPERSON GARCIA: It's a fence?

14 MR. ISQUIERDO: Yeah. It's like a block
15 wall that it's low. It's a 3-foot wall. It's
16 just --

17 CHAIRPERSON GARCIA: It's just part of
18 your --

19 MR. ISQUIERDO: Of our property. Yeah.
20 Yeah. It's not on the other neighbor's property. I
21 just don't want the wall there because it's going to
22 be a problem. That wall is going to be a problem.

23 CHAIRPERSON GARCIA: What do you have
24 currently in that two-car garage? It is just a
25 storage, or you have to do --

1 MR. ISQUIERDO: There are two cars inside
2 that garage right now. There are two apartments
3 occupied.

4 CHAIRPERSON GARCIA: And which one is the
5 width of the driveway at the end of the house? You
6 show here --

7 MR. ISQUIERDO: 7 feet 5 -- oh, 30 feet.

8 CHAIRPERSON GARCIA: No. No. No. That
9 wasn't the question. Not the backyard. The
10 driveway.

11 MR. ISQUIERDO: 7 feet 5.

12 CHAIRPERSON GARCIA: 7-5?

13 MR. ISQUIERDO: Yes.

14 CHAIRPERSON GARCIA: So you're probably
15 going to add a few more inches?

16 MR. ISQUIERDO: Yes. Yes.

17 CHAIRPERSON GARCIA: And I don't know,
18 probably I didn't follow your testimony regarding
19 that, so this is the basement, the right side?

20 MR. ISQUIERDO: That's the basement
21 apartment. It's a few steps down, but it qualifies
22 as a basement. So the house according to code is a
23 two-story house. The basement does not constitute a
24 story above grade according to building code and nor
25 according to zoning. This is a two-story house, and

1 this is a basement apartment.

2 CHAIRPERSON GARCIA: Okay. And here you
3 show a two-bedroom and --

4 MR. ISQUIERDO: And we're going to have a
5 one-bedroom.

6 CHAIRPERSON GARCIA: Just one bedroom?

7 MR. ISQUIERDO: Yes, just one bedroom.

8 And I will follow the revised drawings. I will give
9 them to the attorney so that he can follow through.

10 MR. LOPEZ: And any approval would be
11 conditioned upon --

12 MR. ISQUIERDO: Subject to that.

13 MR. LOPEZ: -- the revised plans.

14 MR. ISQUIERDO: Yes. Which is the only
15 revision that we want to have. I want the wall to be
16 removed.

17 CHAIRPERSON GARCIA: Okay. And what is
18 the condition right now? The two-bedroom apartment?

19 MR. ISQUIERDO: Right now there are three
20 bedrooms down there.

21 CHAIRPERSON GARCIA: Okay.

22 MR. ISQUIERDO: Because it was not like
23 what it was, like what it's supposed to be.

24 MR. LOPEZ: Mr. Chairman, and that was by
25 the prior owner. Since my client purchased the

1 property in 2022 --

2 MR. ISQUIERDO: Correct.

3 MR. LOPEZ: -- that has been vacated,
4 and it has not been granted.

5 CHAIRPERSON GARCIA: So nobody is living
6 there?

7 MR. LOPEZ: Nobody is living there.

8 MR. ISQUIERDO: No.

9 CHAIRPERSON GARCIA: Any member of the
10 board has a question?

11 VICE CHAIRPERSON GRULLON: Mr. Isquierdo,
12 I'm a little confused with the prints here. I'm
13 confused with these prints. Your testimony is for
14 three apartments?

15 MR. ISQUIERDO: Three apartments.

16 VICE CHAIRPERSON GRULLON: I only see two
17 apartments here.

18 MR. ISQUIERDO: No. No. You see an
19 existing apartment, and you see the proposed
20 apartment. We're only showing the basement --

21 VICE CHAIRPERSON GRULLON: You're only
22 showing one?

23 MR. ISQUIERDO: Yeah. The apartments
24 upstairs are both two-bedroom apartments.

25 VICE CHAIRPERSON GRULLON: They're not

1 part of the application.

2 MR. LOPEZ: They're not part of the
3 application, right.

4 VICE CHAIRPERSON GRULLON: Just to label,
5 when you revise the prints, just you should label
6 "basement apartment existing condition."

7 MR. ISQUIERDO: Yes.

8 VICE CHAIRPERSON GRULLON: "Basement
9 apartment proposed condition."

10 MR. ISQUIERDO: Yes.

11 CHAIRPERSON GARCIA: Yes, it is. We're
12 going to see the plan for the first and second floor.

13 MR. ISQUIERDO: Okay.

14 CHAIRPERSON GARCIA: With existing
15 condition.

16 MR. ISQUIERDO: Okay.

17 MR. LOPEZ: With the understanding that
18 they're not going to be touched, Mr. Chairman?

19 CHAIRPERSON GARCIA: No. No. I
20 completely agree. But I want to see --

21 MR. ISQUIERDO: You want to show that as
22 the revised plans, or you want us to come back to the
23 board with the revised plans?

24 CHAIRPERSON GARCIA: No. I think we can
25 go -- you could bring -- it could be two ways. We

1 can vote when you come back without any testimony
2 just to see this, or we probably could go for a
3 motion and --

4 MR. ISQUIERDO: Subject to.

5 CHAIRPERSON GARCIA: Subject to the
6 revision.

7 MR. ISQUIERDO: Okay. That is actually a
8 correct determination, and I want to apologize to the
9 board. Applicant is seeking site plan approval, and
10 site plan approval according to Municipal Land Use
11 Law requires the applicant to disclose all floors of
12 the building. That is a mistake on me, and you're
13 being very candid with it. What I will do is I will
14 show the floor plan for the ground floor and the
15 second floor, and it will be as a condition. And as
16 counsel indicated, no changes is going to be
17 proposed.

18 CHAIRPERSON GARCIA: Any other question?
19 (No response.)

20 CHAIRPERSON GARCIA: Any member of the
21 public?

22 (No response.)

23 CHAIRPERSON GARCIA: No to the public.
24 None. Closed to the public.

25 Understanding that the parking space is

1 going to be mitigated in reality because you're going
2 to have the space to have more than three, four cars,
3 let's say for a fact. And, also, you're going to
4 improve the condition of living in that house. I'm
5 going to make my motion to grant the application with
6 the condition for the revised plans.

7 MR. ISQUIERDO: Thank you.

8 MR. VALLEJO: Motion on the table to grant
9 the application with the condition to revise plan
10 requires at least ten days before the hearing date --
11 next hearing date by Mr. Garcia. Can I have a
12 second?

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Seconded by Ms. Gutierrez.

15 Roll call on the motion:

16 Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Ms. O'Dell.

25 MS. O'DELL: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 CHAIRPERSON GARCIA: Yes.

3 MR. VALLEJO: Ms. Pena.

4 MS. PENA: Yes.

5 MR. VALLEJO: Seven in favor. Motion

6 carries.

7 MR. ISQUIERDO: Thank you.

8 MR. LOPEZ: Thank you, Board Members.

9 MR. ISQUIERDO: Happy Father's Day.

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1 **ADOPTION OF MINUTES: (continued)**

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3 MR. VALLEJO: One minute off the record.

4 (Discussion held off the record.)

5 MR. VALLEJO: Back on the record, please.

6 MR. PANEQUE: Let the record reflect that
7 the following board members who were not present at
8 May's meeting have signed a certification indicating
9 that even though they did not attend the meeting on
10 May 9th, they have nonetheless read the complete
11 minutes of the meeting of May 9th and are familiar
12 with what transpired at that meeting and, therefore,
13 are able to vote on the approval of the resolutions.

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

15 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 1. 2000 West St., LLC, 2000 West Street, Block: 109,
3 Lot: 26. The applicant seeks amended site plan and
4 variance approval to the previously approved
5 Phase II. Applicant proposes to have 6 studio
6 apartments and 16 live/work units. A total of 25
7 parking spaces are provided. Denied.

8
9 MR. VALLEJO: All right. We are moving to
10 the first resolution of tonight's agenda, 2000 West
11 St, LLC, 2000 West Street. This application was
12 denied at the previous meeting. Can I have a motion
13 to memorialize this resolution?

14 CHAIRPERSON GARCIA: Aye.

15 VICE CHAIRPERSON GRULLON: Aye.

16 MR. VALLEJO: Motion by Mr. Garcia.
17 Seconded by Mr. Grullon.

18 Roll call on the motion to adopt this
19 resolution:

20 Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 MS. GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 CHAIRPERSON GARCIA: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Ms. Pena.

8 MS. PENA: Yes.

9 MR. VALLEJO: Seven in favor. Motion
10 carries.

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1 **ADOPTION OF MINUTES: (continued)**

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3 Resolution No. 2.

4 MR. PANEQUE: Mr. Vallejo, I'm sorry.
5 Before we proceed let me just clarify the record that
6 the members who have read the minutes -- and I
7 neglected to do that, my apologies -- are Rosio Pena,
8 Vivian O'Dell, Miguel E. Ortiz Garcia.

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

10 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 1. Carlos Velazquez and Ofelia Velazquez, 202 41st
3 Street, Block: 242, Lot: 9. The applicant proposes
4 to legalize an existing two-bedroom apartment on the
5 ground floor; to convert the structure from a
6 two-family residential dwelling to a legal
7 three-family residential dwelling. A total of six
8 parking spaces is provided. Approved.

9
10 MR. VALLEJO: We're moving to Resolution
11 No. 2, Carlos Velazquez and Ofelia Velazquez,
12 202 41st Street. This application was approved at
13 the previous meeting.

14 Can I have a motion to adopt this
15 resolution?

16 CHAIRPERSON GARCIA: Aye.

17 MR. VALLEJO: Motion by Mr. Garcia.

18 MS. WATLEY: Second.

19 MR. VALLEJO: Seconded by Ms. Watley.

20 Roll call on the motion:

21 Mr. Grullon.

22 VICE CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Seven in favor. Motion
11 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. Segundo P. Acosta & Jose M. Jimenez,
3 2010 Kerrigan Avenue, Block: 107, Lot: 19. The
4 applicant proposes to legalize an existing one --
5 bedroom apartment on the ground floor of a two-family
6 building; there will be a total of three units. A
7 total of one parking space is provided. Approved.

8
9 MR. VALLEJO: Resolution No. 3, Segundo P.
10 Acosta & Jose Jimenez, 2010 Kerrigan Avenue. This
11 application was approved at the previous meeting.

12 Can I have a motion to adopt this
13 resolution?

14 CHAIRPERSON GARCIA: Aye.

15 MR. VALLEJO: Motion by Mr. Garcia.

16 MS. O'DELL: I have a question,
17 Mr. Vallejo. For that one I wasn't here. However,
18 we received the letter for this because I live around
19 the corner.

20 MR. VALLEJO: I have a motion --

21 MS. GUTIERREZ: Second.

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

24 Mr. Grullon.

25 VICE CHAIRPERSON GRULLON: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 MS. GUTIERREZ: Yes.

3 MR. VALLEJO: Mr. Ortiz.

4 MR. ORTIZ: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Ms. Watley.

8 MS. WATLEY: Yes.

9 MR. VALLEJO: Ms. O'Dell.

10 MS. O'DELL: Abstain.

11 MR. VALLEJO: Ms. Pena.

12 MS. PENA: Yes.

13 MR. VALLEJO: Six in favor, one
14 abstention. Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. Marcelo Moya, Block: 312-314 4th Street.
3 14 Lots: 25 & 26. The applicant proposes to demolish
4 a portion of and construct an addition to an existing
5 three-family dwelling and legalize two apartments.
6 The building will have a total of five units. A
7 total of ten parking spaces are provided. Denied.

8
9 MR. VALLEJO: We move into Resolution
10 No. 4. This is Marcelo Moya. This is 312-314 4th
11 Street. This application was denied at the previous
12 meeting.

13 Can I have a motion to adopt the
14 resolution?

15 CHAIRPERSON GARCIA: Aye.

16 MR. VALLEJO: Motion by Mr. Garcia.

17 MS. WATLEY: Second.

18 MR. VALLEJO: Seconded by Ms. Watley.

19 Roll call on the motion to adopt this
20 application -- a resolution -- I'm sorry:

21 Mr. Grullon.

22 VICE CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Seven in favor. Motion
11 carries.

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1 **ADJOURNMENT:**

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

6 MS. GUTIERREZ: Motion.

7 MR. VALLEJO: Motion by Ms. Gutierrez.

8 MS. WATLEY: Second.

9 MR. VALLEJO: Seconded by Ms. Watley. All
10 in favor?

11 * * *

12 (Whereupon, all board members indicate in
13 the affirmative.)

14 * * *

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

18 * * *

19 (Whereupon, the meeting was adjourned at
20 7:06 p.m.)

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CERTIFICATE

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.

LILIANA THOMAS, CCR, RPR
LICENSE NO. 30XI00238800