

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, July 11, 2024
Commencing at 6:14 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
MIGUEL ORTIZ
VIVIAN O'DELL

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

ALTAGRACIA SAN MARTINO
MINDRY WATLEY
ROSIO PENA

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

AGUSTIN PANEQUE, ESQ., Board Counsel
TOMAS PANEQUE, ESQ., Board Counsel
M. McKINLEY MERTZ, PP, AICP, Consulting City Planner

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PARK AVE INVESTMENT, LLC
3801 Park Avenue

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(None)

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(None)

I N D E X

JOSE AVALOS
2412 Central Avenue

WITNESSPAGE

(None)

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(None)

I N D E X

MIGUEL A. CALDERON
210 46th Street

WITNESSPAGE

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(None)

I N D E X

MERWIN RICHARD
301 New York Avenue

WITNESSPAGE

ORESTES VALELLA

15

E X H I B I T SNO.DOCUMENTPAGE

(None)

1 **CALL TO ORDER/SALUTE TO FLAG/
2 STATEMENT-OPEN PUBLIC MEETING ACT/SUNSHINE LAW:**

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

10 May we all stand, please, and salute the
11 flag.

12 * * *

13 (Whereupon the Pledge of Allegiance was
14 recited.)

15 * * *

16 MR. T. PANEQUE: Thank you. Adequate
17 notice of this meeting has been provided as follows:
18 Notice of this meeting setting forth the time, date,
19 location of the agenda to the extent known was
20 forwarded to The Jersey Journal, The Record, and The
21 Star Ledger, has been posted on the bulletin board in
22 City Hall, and has been made available to the public
23 in the Office of the Municipal Clerk.

24 * * *

25

1 **ROLL CALL:**

2
3 MR. T. PANEQUE: Roll call for tonight's
4 meeting.

5 Andres Garcia.

6 CHAIRPERSON GARCIA: Here.

7 MR. T. PANEQUE: Victor Grullon.

8 VICE CHAIRPERSON GRULLON: Here.

9 MR. T. PANEQUE: Margarita Gutierrez.

10 MS. GUTIERREZ: Here.

11 MR. T. PANEQUE: Miguel Ortiz.

12 MR. ORTIZ: Here.

13 MR. T. PANEQUE: Geraldine Perez.

14 MS. PEREZ: Here.

15 MR. T. PANEQUE: Mindry Watley.

16 (No response.)

17 MR. T. PANEQUE: Absent.

18 Vivian O'Dell.

19 MS. O'DELL: Here.

20 MR. T. PANEQUE: Rosio Pena.

21 (No response.)

22 MR. T. PANEQUE: Absent.

23 Altagracia San Martino.

24 (No response.)

25 MR. T. PANEQUE: Absent.

1 Let the record indicate there are six
2 present. Those absent tonight are Mindry Watley,
3 Rosio Pena, and Altagracia San Martino. So we have a
4 board made up of six members which constitutes a full
5 quorum to establish decisions.

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1 **ADOPTION OF MINUTES:**

2
3 MR. T. PANEQUE: Approval of previous
4 meetings. Approval of previous meetings from
5 June 13, 2024. Motion to approve the previous
6 meetings.

7 CHAIRPERSON GARCIA: Aye.

8 MR. T. PANEQUE: Andres Garcia.

9 Second?

10 MS. GUTIERREZ: Second.

11 MR. T. PANEQUE: Margarita Gutierrez. Roll
12 call on the motion.

13 Victor Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. T. PANEQUE: Margarita Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. T. PANEQUE: Miguel Ortiz.

18 MR. ORTIZ: Yes.

19 MR. T. PANEQUE: Geraldine Perez.

20 MS. PEREZ: I wasn't here last time.

21 MR. T. PANEQUE: Absent. Okay. Abstain.

22 Vivian O'Dell.

23 MS. O'DELL: Yes.

24 MR. T. PANEQUE: Andres Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. T. PANEQUE: We have five affirmative
2 votes, one abstention, motion carries.

3
4 * * *

1 PUBLIC HEARING:

2 MERWIN RICHARD -

3 301 New York Avenue

4 Block 12, Lot 1:

5
6 MR. T. PANEQUE: Hearings and
7 applications, we're going to divert from the printed
8 agenda in order to accommodate Mr. Alonso with the
9 consent of Ms. Pereiras, who has the cases in front
10 of him.

11 So we'll be calling Case No. 5, Merwin
12 Richard, 301 New York Avenue, Block 12, Lot 1. This
13 is to construct a new two-family house, a total of
14 four parking spaces to be provided.

15 MR. A. PANEQUE: Let the record reflect,
16 I've been provided with an affidavit stating that on
17 June 29, 2024, personal notice was given of tonight's
18 meeting to all property owners within 200 feet of
19 301 New York Avenue. A legal affidavit in The Jersey
20 Journal stating that notice was published on June 29,
21 2024, of today's hearing, the notice given to all
22 property owners, the list of all property owners to
23 be served with notice, certified mail receipts
24 postmarked June 29, 2024. Based on documentation
25 that has been provided to this board, this board has

1 jurisdiction to hear this matter.

2 Thank you.

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

4 Members of the Board, for the record,
5 Alvaro Alonso on behalf of the applicant. This is an
6 application to construct a new two-family house at
7 301 New York Avenue. I have one witness this
8 evening, Mr. Valella. I have a planner who, if he
9 shows up, I'll call him if the board requires further
10 testimony. But we do not need any D variances.
11 There are no use variances. So with that said, I'm
12 going to call Mr. Valella.

13 * * *

14 ORESTES VALELLA, after having been duly sworn or
15 affirmed, did testify as follows:

16 MR. ALONSO: Mr. Chairman, Mr. Valella has
17 been recognized in the past.

18 CHAIRPERSON GARCIA: My pleasure.

19 MR. ALONSO: Thank you.

20 Orestes, we're proposing a two-family
21 house, and I ask you to proceed with your testimony.

22 MR. VALELLA: Sure. I'd be happy to.

23 Good evening. For the record, my name is
24 Orestes Valella, V-a-l-e-l-l-a. My professional law
25 offices are at 507 43rd Street in Union City, and I'm

1 still licensed in the State of New Jersey.

2 Al said it very briefly. We have a corner
3 lot on the corner of 3rd Street and New York Avenue,
4 which is an empty corner. And we've been asked to
5 design a two-family for that piece of property to
6 fill in the last gap. It's an open corner. The
7 house that we're proposing is a two-family home, and
8 it's a very residential neighborhood. There is an
9 apartment building across the street, but most of it
10 is low lying, one, two, and three families, I would
11 assume. So it's very much in keeping with the type
12 of housing on the block. In fact, if you go towards
13 on New York down to 2nd Street, before you hit the
14 park, we had the opportunity to do some repair work,
15 meaning there was a fire on some of those lots and
16 those burned down and we built -- and Manny as
17 well -- we rebuilt those lots, and they look very
18 nice. Not that I want to blow my horn, but I'm very
19 happy with the way they look. So we'd like to do a
20 similar thing here, where we are proposing --

21 MR. T. PANEQUE: Mr. Valella, sorry to
22 interrupt. But I just want to take care of a
23 ministerial function because I don't think it's fair
24 to the public to have to wait.

25 If anybody sitting here tonight is here

1 for the following applications, which are: Park
2 Avenue Investments, 3801 Park Avenue; Jose Avalos,
3 2412 Central Avenue; or Miguel Calderon, 210 46th
4 Street, those applications will not be heard tonight
5 because of a jurisdictional proof matter. Okay? So
6 if you're waiting on those applications, you don't
7 have to wait because they're not going to be heard
8 tonight. They'll be heard at the next meeting.
9 Thank you.

10 MR. VALELLA: Thank you, Mr. Paneque.

11 Okay. So what we're proposing and to get
12 into more specifics is on the corner we'd like to
13 build a home. We are leaving 4 and a half feet on
14 one side and 5 feet on the rear as side yards and
15 rear yards, and we're building at the property line
16 on the corner.

17 The layout of the homes, you can see are
18 V-2, where on the ground floor we have a two-car
19 garage. We have the stairs giving access to the
20 apartments, and then the second two-car garage. So
21 the two-family has four parking spaces inside, and
22 the curb cuts on 3rd Street, and then we have a
23 sundry, laundry, and mechanical, garbage recycling.
24 So that's all on the ground floor.

25 You come up to the second floor, you have

1 the living room, the kitchen, a powder room, and,
2 likewise, you have a living room, kitchen, and powder
3 room. And we have internal stairs that then give you
4 access to two bedrooms on the second floor. So these
5 apartments or houses, however you want to call them,
6 they have living room and then the bedrooms on the
7 third floor. They're self-contained which I think
8 people like quite a bit. You know, it feels more
9 like a home when you've got a second floor. And
10 that's the distribution with the stair in the middle.
11 The elevations you can see on the bottom, we're
12 entering on 3rd Street.

13 The elevations, you can see on the bottom
14 of the page, we have brick. And then on the third
15 floor we were considering doing a stucco facade.
16 Now, I know the board in Union City does not like
17 stucco. So what we can do in that case is we can do
18 a lighter colored brick. We're just trying to make
19 it look smaller by breaking up the elevation. So,
20 the first two floors can be a darker brick, and then
21 the third floor can be a lighter color brick.

22 CHAIRPERSON GARCIA: I think also there
23 was no, like, resolution for the other -- like, they
24 weren't --

25 MR. VALELLA: Yeah. They do. They do.

1 The person that I was working with in the office,
2 they didn't understand. So that would be a lighter
3 color. The whole house will be in brick. The garage
4 doors are going to be glass and aluminum. We're
5 going to have black frames for the window frames and
6 mahogany on the front door. We have new trees. We
7 have two new trees going in as well. Actually, I
8 would like to add a third tree. We can put it on the
9 record as three new street trees.

10 So, the height is very sensible. It's
11 29 feet high -- in height. The house is 20 feet by
12 70 feet. I think it will go well. I think it's a
13 nice design. We've done this. I'd like to use the
14 same color brick that I did on 2nd Street so that it
15 creates more of a visual pattern, and I hope you like
16 it. I think it will fit very nicely.

17 MR. ALONSO: Orestes, can you just
18 identify the variances that are being requested?

19 MR. VALELLA: Absolutely. It's a
20 two-family. We're in the R low-density residential.
21 The required lot area is 2,500 square feet; we have
22 1875. The lot width is 25; we have 25. The lot
23 depth on 3rd Street, 100 feet; we have 75. This is a
24 25 by 75. The front yard, 7 feet or prevailing.
25 We've chosen to go to 0 at the property line to

1 maintain the streetscape and also as a reaction to
2 the 75 not 100. We have a side yard, 2 and 5. We
3 have 0 on 3rd Street and then 5 on the other side.
4 We have a rear yard of 20. We have 4-foot-6;
5 65 percent lot coverage, we're at 76 -- I'm sorry --
6 building coverage. Permitted lot coverage is 95;
7 we're at 83. So we're actually a little bit under;
8 and the maximum height is 3 stories or 38, we're
9 3 stories, 29 feet 9 inches. For all intents and
10 purposes, 30 feet. And we're required four parking
11 spaces, and we have four parking spaces.

12 MR. ALONSO: Thank you.

13 Mr. Chairman, I have no further questions.

14 CHAIRPERSON GARCIA: The chart that you
15 put in your plan, it can be confusing because you say
16 propose and change. It doesn't say which one you're
17 requiring. So you're requiring, like, lot area
18 because it's 1875 and you're required 2500. Right?

19 MR. VALELLA: Correct.

20 CHAIRPERSON GARCIA: And, also, lot depth,
21 also the front yard, the rear yard. The building
22 coverage you are not required because you have
23 76 percent. However, you don't require lot coverage
24 because you're proposing 83?

25 MR. VALELLA: Correct.

1 CHAIRPERSON GARCIA: And also height,
2 you're not requiring height because you are at 29-9

3 MR. VALELLA: Correct. And we don't
4 require parking either.

5 CHAIRPERSON GARCIA: No parking.

6 MR. ALONSO: The majority of the variances
7 are created because of the lot depth.

8 CHAIRPERSON GARCIA: Okay. And in the
9 north side adjacent to the 303, which one is the
10 setback?

11 MR. VALELLA: We have 4-foot-6 as a
12 setback. Now, the house next door comes in about a
13 foot and a half. So we are 3 feet there in
14 separation, and we have 5 feet on the opposite.

15 CHAIRPERSON GARCIA: Just like 8
16 between --

17 MR. VALELLA: No. It's 5 feet plus the
18 other house, it's probably a good 8 feet, 8 or
19 9 feet.

20 CHAIRPERSON GARCIA: Right. That's what
21 I'm saying.

22 MR. VALELLA: And then on the other side
23 we have 4 and a half plus another 2 feet, about 6 and
24 a half feet. So they're generous side yards.

25 CHAIRPERSON GARCIA: It's a corner site,

1 right?

2 MR. VALELLA: Yes.

3 CHAIRPERSON GARCIA: So if we go to the
4 south side setback, in reality you are on the
5 sidewalk?

6 MR. VALELLA: Yeah. We're right at the
7 property line, right, which is okay.

8 CHAIRPERSON GARCIA: How is the size of
9 the parking garage?

10 MR. VALELLA: The garage has 18 by 24, so
11 we have 9 by 24-foot parking spaces, so we're much
12 bigger than the average parking space. An average
13 parking space is 9 by 18. We're 9 by 24.

14 CHAIRPERSON GARCIA: You don't have access
15 to the roof, right?

16 MR. VALELLA: No. There's no access to
17 the roof. You know, the thing I like about this one
18 is the duplex nature of it where you're in your
19 living room. We could have done it the entire
20 apartment on one floor and then the second apartment.
21 But I like it better when you have your living room
22 and dining room on one floor and then the bedrooms
23 are on the second floor, especially with all your
24 children. So it's a much nicer arrangement.

25 CHAIRPERSON GARCIA: Okay. I have no

1 further questions for now. Any member of the board?

2 VICE CHAIRPERSON GRULLON: I have a
3 question. The front yard, that's the north side of
4 the building on New York Avenue?

5 MR. VALELLA: No. That's the south but
6 okay.

7 MR. ALONSO: No. No. Front is the west.

8 CHAIRPERSON GARCIA: No. The front is
9 south. The thing is the address is 301.

10 VICE CHAIRPERSON GRULLON: 301.

11 CHAIRPERSON GARCIA: And 301, yes, is to
12 the east. However, you are using the entry to the
13 side, the corner, they're going to be the east side
14 of the property.

15 VICE CHAIRPERSON GRULLON: Where do you
16 have 0 setback?

17 MR. VALELLA: We have it on the street on
18 3rd Street and on New York Avenue.

19 VICE CHAIRPERSON GRULLON: New York
20 Avenue. And the property next door?

21 MR. VALELLA: They are fairly close to the
22 street.

23 VICE CHAIRPERSON GRULLON: Is that also 0
24 setback?

25 MR. VALELLA: I can't say that it's 0.

1 But for all intents and purposes, it's all one road
2 right up against --

3 VICE CHAIRPERSON GRULLON: You know how
4 sometimes -- when we see construction that one house
5 is like 10 feet setback and you have 1 --

6 MR. VALELLA: No. That's not the case
7 here. Like, for example --

8 VICE CHAIRPERSON GRULLON: Do you have any
9 pictures to show that?

10 MR. VALELLA: I do not. But knowing the
11 property, all those houses along New York Avenue are
12 basically there.

13 VICE CHAIRPERSON GRULLON: That's my only
14 concern.

15 MS. MERTZ: It looks like from the survey
16 that the property adjacent on New York Avenue,
17 there's a concrete pad that seems to come up to the
18 property line, but the building itself seems to be
19 set back apparently maybe 6, 7 feet or so based on
20 that survey.

21 MR. VALELLA: Let me see if I can get you
22 one too. Do we have internet here? I was trying to
23 get Google Maps.

24 CHAIRPERSON GARCIA: I'm trying to do the
25 same.

1 MR. VALELLA: My recollection is that they
2 all form a street wall, and they're fairly defined.

3 VICE CHAIRPERSON GRULLON: You can
4 continue. I don't have any further questions.

5 MS. PEREZ: 303 is the one next to it?

6 CHAIRPERSON GARCIA: Yes, 303.

7 It seems like the setback, the stairs set
8 back.

9 MR. VALELLA: But I mean, my humble
10 opinion, it's the corner -- usually on the corners
11 usually you get the buildings coming to the edge. I
12 could do that. I prefer to keep it at the property
13 line so that I can give it more breathing room in the
14 back.

15 MS. MERTZ: I was going to say if the
16 board is concerned about New York Avenue, they have
17 room to push it down 3rd, but then it does pinch the
18 building separation between their proposed and the
19 existing on 3rd, which is what their neighbor seems
20 to be.

21 MR. VALELLA: May I approach? This kind
22 of gives you a very good -- this is the corner and
23 then it goes (indicating).

24 CHAIRPERSON GARCIA: It's a lot. It's a
25 lot. Because --

1 MR. VALELLA: Then if you keep going.

2 CHAIRPERSON GARCIA: It's a lot. You're
3 talking about probably 4 feet or more.

4 MR. VALELLA: If it's an issue, we can
5 move the house and provide more space in the front.

6 VICE CHAIRPERSON GRULLON: From this door
7 or --

8 MR. VALELLA: We can move the house. We
9 have 5 feet. We can move it back 3, 4 feet.

10 CHAIRPERSON GARCIA: Let me ask you a
11 question. What happened here with that property in
12 the back?

13 MR. VALELLA: That's an existing house.
14 The next one encroaches on ours. We are accounting
15 for that.

16 CHAIRPERSON GARCIA: Okay. How many feet
17 are they going to have on that part?

18 MR. VALELLA: This is the encroachment.
19 It goes in a foot and a half. That's why we're 4 and
20 a half to give 3 feet.

21 CHAIRPERSON GARCIA: They're still going
22 to have 3 feet?

23 MR. VALELLA: Correct. Look, what I can
24 do -- if it's an issue with the board, I can move the
25 house back 2 feet from from New York Avenue to

1 provide some breathing room, and that would give me 3
2 as a rear yard and move the house 2 feet.

3 MR. ALONSO: Mr. Valella, you have a
4 window on that side in the bedroom?

5 MR. VALELLA: Yes, but it's still 3 feet,
6 so I'm still okay.

7 MR. ALONSO: I just want to make sure you
8 account for it.

9 CHAIRPERSON GARCIA: Is your client here?

10 MR. VALELLA: Yes.

11 CHAIRPERSON GARCIA: Can you ask if he's
12 comfortable with that?

13 MR. VALELLA: Can we move the house 2 feet
14 this way so we have 3 and then 2 over here?

15 MR. RICHARD: Yeah.

16 MR. VALELLA: That's fine.

17 MS. PEREZ: That doesn't change the
18 parking?

19 MR. VALELLA: No. The parking is inside
20 the house. The garages are still --

21 CHAIRPERSON GARCIA: Just moving it.

22 MR. VALELLA: We're just moving the house.

23 CHAIRPERSON GARCIA: So we're going to
24 have less setback, rear setback. But it's still
25 going to have 3.

1 MR. VALELLA: 3, correct. And then you'll
2 have 2 on New York Avenue.

3 CHAIRPERSON GARCIA: Any other questions?
4 Any member of the public want to step
5 forward?

6 (No response.)

7 CHAIRPERSON GARCIA: None. Closed to the
8 public.

9 Mr. Valella, remember, we are not dealing
10 with stucco anymore. Okay?

11 MR. VALELLA: I know. I apologize.

12 CHAIRPERSON GARCIA: I'm going to make a
13 motion. First of all, thanks to your client that it
14 didn't become so greedy, like trying to be three or
15 four, whatever, you know how the parking situation
16 is.

17 MR. VALELLA: Yes.

18 CHAIRPERSON GARCIA: And that area is
19 terrible. It's one of the worst parking situations
20 in the City down there. And I'm going to make a
21 motion to grant this application with the
22 condition to -- everything, like, the setback and the
23 east side of New York Avenue, and I'm also going to
24 request revised plans before the resolution. So I
25 make a motion to grant the application with the

1 stated conditions.

2 MR. VALELLA: Actually, I added another
3 street tree as well.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALELLA: If I can put that on the
6 record. I don't want to forget.

7 MR. T. PANEQUE: Just so that we're clear,
8 with respect to the conditions, the house is going to
9 be moved 2 feet back on New York Avenue.

10 CHAIRPERSON GARCIA: To the west.

11 MR. T. PANEQUE: Yeah. So New York Avenue
12 will have a 2-foot front or side or whatever --

13 MR. VALELLA: Yes.

14 MR. T. PANEQUE: -- setback. Brick on
15 both --

16 MR. VALELLA: On all four facades.

17 MR. T. PANEQUE: Four facades, Mr. Garcia?

18 CHAIRPERSON GARCIA: Yes.

19 MR. VALELLA: And one additional street
20 tree.

21 MR. T. PANEQUE: One additional.

22 MR. VALELLA: Right.

23 MR. T. PANEQUE: We have a motion made by
24 Chairman Garcia. Is there a second.

25 MS. GUTIERREZ: Second.

1 MR. T. PANEQUE: Seconded by Margarita
2 Gutierrez. Roll call on the motion.

3 Victor Grullon.

4 VICE CHAIRPERSON GRULLON: Yes.

5 MR. T. PANEQUE: Margarita Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. T. PANEQUE: Miguel Ortiz.

8 MR. ORTIZ: Yes.

9 MR. T. PANEQUE: Geraldine Perez.

10 MS. PEREZ: Yes.

11 MR. T. PANEQUE: Vivian O'Dell.

12 MS. O'DELL: Yes.

13 MR. T. PANEQUE: Andres Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. T. PANEQUE: Six yes votes. Motion
16 carries.

17 MR. VALELLA: Thank you very much. Have a
18 good evening.

19 MR. ALONSO: Thank you for accommodating
20 us.

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1 **AGUSTIN GONZALEZ -**
2 **1413 New York Avenue**
3 **Block 73, Lot 4:**
4

5 MR. T. PANEQUE: We are now going back to
6 the beginning of the calendar. Case No. 1,
7 Ms. Pereiras. This is the matter of Agustin
8 Gonzalez, 1413 New York Avenue. The applicant
9 proposes to demolish an existing structure and
10 construct a new two-family house on an undersized
11 lot. A total of four parking spaces are provided.
12 This matter was carried from the May 9th and
13 June 13th meeting. Jurisdictional proofs were placed
14 on the record and this board was found to have
15 jurisdiction.

16 MS. PEREIRAS: Thank you very much,
17 Counsel.

18 Good evening, Members of the Board. May
19 it please the board, Bianca Pereiras on behalf of the
20 applicant. As the board may recall, we presented
21 some testimony at the last meeting. However, there
22 were some comments from the board, so we made some
23 revisions. We are located in the C-N zone. We are
24 typically a mixed-use building. What is proposed,
25 commercial on the ground floor with maybe three

1 apartments above. But we have a client and an
2 applicant who is not being greedy. He's looking to
3 make this his primary home, and he is asking for this
4 board is permission to build a two-family, a modest
5 two-family home. We have two experts as well as our
6 client who would also like to address the board this
7 evening. But we'll begin the presentation or at
8 least review all the modifications that were done
9 with our architect, Mr. Manuel Pereiras.

10 MR. T. PANEQUE: Mr. Pereiras, just give
11 me a minute, okay, because I am not as young as
12 Mr. Vallejo, and I move much slower.

13 Before proceeding with Mr. Pereiras'
14 testimony, for those members in the public who are
15 here on the matter of Park Avenue Investment,
16 3801 Park Avenue; Jose Avalos, 2412 Central Avenue;
17 and Miguel Calderon, 210 46th Street, those cases
18 will not be heard tonight. They will be carried. So
19 we don't want you just waiting. All right? You'll
20 get a new notice to be here. The next meeting is
21 going to be the meeting in September.

22 UNIDENTIFIED SPEAKER: Okay. Thank you.

23 MR. T. PANEQUE: You're welcome. Have a
24 good night.

25 Thank you, Mr. Pereiras.

* * *

1
2 MANUEL PEREIRAS, after having been duly sworn or
3 affirmed, did testify as follows:

4 MR. PEREIRAS: Manny Pereiras,
5 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous,
6 located at 1116 Summit Avenue in Union City, New
7 Jersey.

8 MS. PEREIRAS: Mr. Pereiras, would you
9 kindly revisit the drawings with the board?

10 MR. PEREIRAS: I'd be very happy to.
11 Again, we are in a C-N zone. In the C-N zone you're
12 permitted to have a commercial space on the ground
13 floor. You're permitted to have three apartments on
14 the floors above. We looked at this site, and even
15 though there are large mixed-use buildings a little
16 bit to the south of us, there's mixed-use buildings
17 to the north of us, there's actually a very beautiful
18 small house right next to us, and the applicant
19 thought it would be really nice to blend into the
20 landscape. And instead of a building, commercial
21 plus three residential, he was going to come to this
22 board with a two-family house, which I think is what
23 really fits well into this neighborhood, and we are
24 as compliant as possible based on the lot that we
25 have. And I'd like to walk you through that right

1 now.

2 We have a lot that's 2,351 square feet.
3 The minimum lot size in Union City is 2,500. That
4 means we're 149 square feet short. It's a small
5 number, very de minimus, so we're slightly shy of
6 that. We're at 2,351, and that's a preexisting
7 nonconforming, nothing that we can do about that.
8 There's no way to -- that's a hardship of the lot.
9 We can't grow it in any way. There are houses and
10 properties all around us, so we can't make the lot
11 any bigger. So we're stuck with that preexisting
12 nonconforming.

13 The width, we're actually compliant
14 because the front of the site is at 26.54. What's
15 different about the site is that it tapers to the
16 rear, and at the rear we're at 20.48 feet. And then
17 our lot is fully compliant. We're actually a little
18 bit larger than a typical lot. A typical lot is 100
19 feet; we're 101. So we just have a couple of inches
20 larger than a typical lot.

21 Now, when it comes to front yard, we're in
22 the C-N zone. We are allowed and completely
23 permitted to put the building right on the property
24 line at 0. We didn't think that was appropriate
25 here. We thought that in order to fit into this

1 neighborhood we wanted to blend it and make it work
2 with the neighboring properties. So we have the
3 property to the south. That is right on the property
4 line over here (indicating). We could have put it
5 there and lined it up with that building.

6 When we were here before the board, we
7 discussed this a little bit. We said let's push the
8 house back even further. So what we did is we went
9 even further back than the adjoining house. So, this
10 part of the structure that comes out is actually
11 going to be crown of our proposal, and our building
12 is going to line up to the midpoint of that little
13 structure that's coming out. So if you look at our
14 site plan, this portion of the building lines up a
15 little bit behind that front vestibule of the house
16 next door. That allows the south side of our house
17 to come out a little bit more and be more in line
18 with the 0 setback of the larger building next to us.
19 So we want our front yard setback to really work and
20 be part of that fabric of the street and fit into the
21 new.

22 Our side yard in the C-N zone you are
23 permitted to be at 0. We could have built right up
24 against the building to the south and we could have
25 built right up to the house on the north. We thought

1 it would be perfectly appropriate to keep that 0
2 setback to the building to the south. That building
3 has one window along very close to the street. So
4 what we did is we made sure that our building is
5 further back from it so we're not affecting that
6 window in any way and our building is up against this
7 structure which is a big, ugly, long brick wall. So
8 now we're up against that with our new building which
9 makes perfect sense.

10 And on the opposite side, the north side
11 where we're next to the house, we're set back
12 3-foot-1 inches. Now, that makes the setback even
13 better because that house is setback also another
14 3 feet -- 3.04 feet. So we're actually set back from
15 that house over 6 feet on that side. So we're giving
16 a good amount of space to that existing house that's
17 to the north. So we're 6 feet set back there, 3 feet
18 us from the property line, and they're 3 feet from
19 the property line.

20 MR. T. PANEQUE: Excuse me, Mr. Pereiras.

21 MR. PEREIRAS: Yes.

22 MR. T. PANEQUE: Are you working with the
23 same plans that we have? Because our planner is
24 calling to my attention, were the plans revised?

25 MR. PEREIRAS: The plans were revised and

1 submitted in time.

2 MS. MERTZ: What's the date on your set?

3 MS. PEREIRAS: May 22nd.

4 MR. T. PANEQUE: May 22nd?

5 MR. PEREIRAS: And it's on the revision
6 block on the right-hand side. That's not the revised
7 plan.

8 MS. MERTZ: That's the older plan.

9 MR. PEREIRAS: That's the old plan.

10 MR. T. PANEQUE: Okay. My recommendation
11 to the board then is --

12 MS. O'DELL: This says, May 29. It says,
13 revised.

14 MR. T. PANEQUE: It does? Okay. Can
15 everybody check and make sure they have a May 29?

16 CHAIRPERSON GARCIA: May 29.

17 MR. T. PANEQUE: Okay. Because the one we
18 have here is not.

19 MS. MERTZ: As long as the Board has the
20 correct one.

21 MR. T. PANEQUE: Okay. So the board has
22 the correct one.

23 MR. A. PANEQUE: Also, Mr. Pereiras,
24 neither of these renderings were marked for the
25 record, correct?

1 MR. PEREIRAS: Correct. They're the same
2 drawings that were submitted to the board.

3 MR. A. PANEQUE: Okay.

4 MR. PEREIRAS: So we normally do not -- we
5 could mark them just for clarity because -- yes,
6 since there's a little bit of confusion, I'll mark
7 it.

8 MR. A. PANEQUE: Yeah.

9 MR. PEREIRAS: And I'll mark it A-1. I
10 don't think we've had any other exhibits. And you're
11 a hundred percent right --

12 MR. A. PANEQUE: The rendering.

13 MR. PEREIRAS: -- the renderings. My
14 apologies, you're a hundred percent correct. So the
15 rendering for purposes of the record I'm marking as
16 A-1 and today's date, which is --

17 MS. GUTIERREZ: 7/11.

18 MR. PEREIRAS: '24. Thank you, Counsel.
19 Appreciate it.

20 * * *

21 (Exhibit was marked A-1 for
22 identification.)

23 * * *

24 MR. PEREIRAS: So I just described side
25 yard setback. Then building height. So building

1 height we're permitted four stories. We're only a
2 three-story building. We're permitted 45 feet. We
3 cautioned -- we were very cautious in the figure that
4 we put there. We put it under 45 feet, which is
5 permitted 44.8. However, the way the Union City
6 ordinance is written it's measured to the roof, and
7 to the roof of our building it's actually 35 feet.
8 The rest is just a bulkhead which actually doesn't
9 count. So we're completely in compliance with a
10 typical two-family house elsewhere in Union City as
11 well. We decided on caution and made it very clear
12 that we're -- but we're not asking for a high
13 variance at all. We're fully compliant here.

14 And then building coverage, we're
15 permitted up to 80 percent; we're only at 68.06. So
16 we're well under that as well. Lot coverage we're
17 permitted up to 100 percent; we're at 95.4. And then
18 parking, parking we're required to have two parking
19 spaces per apartment; we have two apartments, and
20 we're providing four parking spaces. So no variances
21 were required for parking either.

22 I'd like to walk you through the building.
23 So, starting with the site, we're introducing a curb
24 cut that's 12 feet wide to have pedestrian traffic
25 into the building. And we don't show -- yes, we do.

1 We have a light pole on one end, and we're proposing
2 a tree in the front, which we're not -- yes, we have
3 one tree in the front.

4 Turning now to the floor plans, we did
5 some big modifications since the last time we were
6 here. We had parking spaces that were 9 feet by 18,
7 just like the previous application. It's a typical
8 two-family parking space.

9 CHAIRPERSON GARCIA: Let me make a
10 correction.

11 MR. PEREIRAS: And --

12 CHAIRPERSON GARCIA: Let me make a
13 correction. Okay. Don't confuse the members of the
14 board.

15 MR. PEREIRAS: Yes, Mr. Chairman.

16 CHAIRPERSON GARCIA: It's a little
17 different between this application and the other one.
18 The other one --

19 MR. PEREIRAS: There's a lot of
20 differences.

21 CHAIRPERSON GARCIA: The other one was a
22 corner. This is a lot in between. You can continue,
23 Mr. Pereiras.

24 MR. PEREIRAS: Absolutely, Mr. Chairman.
25 Thank you.

1 So, in Union City we have parking spaces
2 required to be 9 feet by 18 feet. We're fully
3 compliant with that. We have 9 feet wide by 18 feet
4 at the parking space. In fact, we did the situation
5 a lot better because what we did is instead of
6 creating walls in this portion of the building, we're
7 actually putting the building on columns keeping it
8 open so that you have full width to now, instead of
9 just having a 9-foot parking space, you have the
10 entire width of the property, which is a lot larger.

11 And just to make the board feel
12 comfortable with how easy it is to open these doors
13 and how it works, and what we did is we drew the
14 biggest size car that we have, a large SUV, and we
15 drew the doors open on each of these SUVs so you can
16 see that there's ample space to park, there's ample
17 space to open your door, there's ample space to get
18 around the vehicle. These are fully compliant spaces
19 just like every other two-family in Union City.

20 In the back of the property, we created a
21 trash room that's actually very generous in size.
22 There's no problems with storing garbage there. In
23 the front of the property, we have this main
24 stairwell and vestibule when you come in. We have
25 utilities behind that stairwell so they're hidden

1 from the public, so it looks actually very
2 attractive. And then that stairwell leads you up to
3 the two apartments above. And the two apartments
4 have very typical Union City style apartments. You
5 come up the stairs, scissor stair and you open into a
6 living room, dining room, kitchen area. It's an open
7 floor plan layout, and that leads you then to the
8 hallway, which is the more private part of the house,
9 where we have three bedrooms, one being a primary
10 that has its own walk-in closet and master bath and
11 then two secondary bedrooms. They're a good size.
12 They're 9-foot -- 12-foot-3 by 9-foot-6 and
13 12-foot-10 by 9-foot-6, and those have a common
14 bathroom in the hall. Bedroom No. 2 actually is a
15 junior suite with its own bathroom as well. So each
16 floor has a 3-bedroom, 3-bath design on it.

17 The floor above is exactly the same thing.
18 And then the same stairwell will lead you to the roof
19 deck, and we have a very small roof deck, and it is
20 440 square feet along the front of the building. It
21 is hidden behind the bulkhead, and it is well set
22 back on all sides. So we have a 4-foot setback in
23 the front. We have a 3-foot setback on the north.
24 We have a 3-foot setback on the south. We have a
25 3-foot setback to a second fence on the west just to

1 be ultrasafe. And that setback 36 feet from the rear
2 of the property as well. So there's no overhang in
3 the rear looking out. It's located here in the
4 center (indicating).

5 And then it brings us to our elevations.
6 We work to make a contemporary very beautiful
7 building. These, as you can see, we have very large
8 glass windows in the front. We're able to achieve
9 that by strengthening that structure along the front.
10 We have the garage door that is in proportion
11 underneath those windows. We have a beautiful
12 synthetic wood siding along that center portion. We
13 have a metallic panel edge that comes around.

14 We have a stucco front to this building
15 which, by the way, stucco is permitted in Union City.
16 What's not permitted is EIFS. EIFS is a special type
17 of stucco that's synthetic that has like a foam
18 behind it that gets damaged. Stucco, there's no
19 ordinance against stucco. There is a Roman stucco
20 that we're permitted to use. It's actually very
21 attractive, very good stuff, and that's what we're
22 proposing here. However, I would like to say that if
23 the board has any objections to using stucco, we'd be
24 very happy to change this to any other material,
25 including brick. We have no objections to that. But

1 there is no ordinance in town that says that you
2 cannot use stucco. I use it in projects every single
3 day, and it's permitted in Union City.

4 As you can see, there's a beautiful amount
5 of, like, minor landscaping on the roof at the edge.
6 It really softens that top point, and you see the
7 railing behind for the roof deck. There's that
8 double layer of railings in case someone climbs over,
9 they're still falling and you still have that second
10 railing behind you. So that we took a lot of safety
11 into this.

12 And that really concludes my testimony.
13 We have a house that I feel really fits into the
14 neighborhood. We have a D variance because the
15 ground floor should be commercial. What we're
16 looking for is something that's less intense. We
17 have a building that works from a residential
18 standpoint. We have a building that works from a
19 parking standpoint. We have no parking variance.
20 The only thing if this board were to deny it in order
21 for us to avoid having a D variance, we'd have to
22 have a commercial space on that ground floor. And if
23 we have a commercial space on that ground floor, then
24 we wouldn't be able to have parking. So there's a
25 catch-22 on this property. So the only reason we're

1 really here before you is preexisting nonconformities
2 or that D variance because we cannot provide a
3 commercial space simultaneous to providing parking
4 for this. So if we were providing with the
5 commercial space, we wouldn't have had that variance
6 either. We think that the right alternative, the
7 proper thing -- and I'm very happy the applicant has
8 chosen to do this -- is to provide a two-family house
9 that is compliant in that sense and it's compliant
10 with parking, so no parking variance. And that
11 concludes my testimony, and I am open for your
12 questions.

13 CHAIRPERSON GARCIA: Mr. Pereiras, can you
14 give me the size of the lot, the front by New York
15 Avenue?

16 MR. PEREIRAS: The entire lot is
17 2,356 square feet. The front of the lot is 25 --
18 26.54 feet. So it's wider than the normal Union City
19 lot in the front. In the rear is where we've tapered
20 down, and that's where we're 20.48 feet.

21 CHAIRPERSON GARCIA: How big is in the
22 rear?

23 MR. PEREIRAS: The front is 26.54. The
24 rear is 20.48.

25 CHAIRPERSON GARCIA: And the depth is?

1 MR. PEREIRAS: 100 -- I want to quote
2 exactly, 100.57 on the south side of the wall and
3 100.1 on the north side of the wall -- not wall,
4 property line.

5 CHAIRPERSON GARCIA: Sorry for the
6 question. I know you went through that. The setback
7 on the south side of the property, that is where the
8 lot has the main -- that's where the lot is getting
9 narrow. It's not a straight line?

10 MR. PEREIRAS: Correct.

11 CHAIRPERSON GARCIA: Can you give me the
12 setback on that one?

13 MR. PEREIRAS: That's 0. So that's where
14 we're abutting the existing masonry three-story
15 mixed-use large building. That is the first portion
16 of the site. And then the rear portion of that
17 building is set back a good, like, 6 and a half to 7
18 feet further. And we're on the property line from
19 the front. And as that property line tapers in,
20 we're following that taper into the building.

21 CHAIRPERSON GARCIA: So you said 0 at this
22 point, right?

23 MR. PEREIRAS: It's 0 along that entire
24 property line. So the south wall, it's a 0 setback.

25 CHAIRPERSON GARCIA: Entire?

1 MR. PEREIRAS: Yes. In order for the
2 stairs to look nice in the front, we did a 1-foot
3 2-inch setback just in that corner just so it looks
4 nice and square. But as soon as it meets the
5 building, then the building goes back. So if you
6 zoom into this corner, we have actually a 1-foot-2
7 there just to make it square, and then it goes to 0.
8 So practically it's 0 throughout the entire property
9 line.

10 CHAIRPERSON GARCIA: And the size of the
11 parking lot, you said that it's -- you could park an
12 Escalade there?

13 MR. PEREIRAS: Yes. So we put this large
14 car -- I think it is an Escalade. I'm not exactly
15 correct. What we did is we drew that gray light
16 line. That is 9 feet by 18 feet. And we drew the
17 car in there with the doors open just so you could
18 see there's ample room and how we're compliant with
19 the parking spaces, just like every single other
20 house in Union City, same size.

21 And I heard a murmur behind me that we can
22 probably fit more cars. Yes, we could fit more cars.
23 We're not showing more cars because --

24 CHAIRPERSON GARCIA: You can fit eight
25 cars there. But the thing is how are you going to

1 move it?

2 MR. PEREIRAS: Exactly. That's why we do
3 it like this because now we're in tandem. There's
4 two cars in tandem, two for each of the apartments,
5 and there's ample room to circulate them in and out.
6 Just like suburban America, just like every other
7 house in Union City, we fit the cars in tandem so
8 that one family comes out, they have two cars, one
9 moves, the other one comes out.

10 CHAIRPERSON GARCIA: I have a confusion
11 with the plans also.

12 MR. PEREIRAS: Yes.

13 CHAIRPERSON GARCIA: I know that the first
14 one was -- which one you got, 03?

15 MR. PEREIRAS: Right now I'm on Sheet 03.

16 CHAIRPERSON GARCIA: You don't have
17 the revised one?

18 MR. PEREIRAS: The first page is revised,
19 but not the other. They're all revised.

20 CHAIRPERSON GARCIA: Let me show you.
21 Come here. Let me show you. This car, opened, the
22 door. Those don't open, the door.

23 MR. PEREIRAS: You don't have the --

24 CHAIRPERSON GARCIA: Of course.

25 MS. O'DELL: Ours too, the car doors

1 aren't open.

2 MR. PEREIRAS: And it has the same.

3 CHAIRPERSON GARCIA: Just the first page
4 is revised.

5 MR. PEREIRAS: Yeah. It has the same
6 date.

7 CHAIRPERSON GARCIA: They probably closed
8 the door.

9 MR. PEREIRAS: Well, my apologies. I
10 don't know how that happened. The only thing I could
11 guess is that when I redlined and told my draftsman,
12 no, show the doors open for the board, maybe she sent
13 out the wrong sheet, the previous sheet. But that
14 was one of the last comments I made in my office,
15 Please show the doors open so that people could
16 understand. My apologies for that.

17 MR. T. PANEQUE: He provided us with a
18 miniature one with the doors open which is the same
19 one you see there, if you want to circulate that.

20 CHAIRPERSON GARCIA: Any members of the
21 board have any questions? No? Do you have another
22 witness.

23 MS. PEREIRAS: We do. We have our
24 planner.

25 Mr. Dougherty, please.

* * *

ALEXANDER DOUGHERTY, after having been duly sworn or affirmed, did testify as follows:

MR. DOUGHERTY: Alex Dougherty. Last name is D-o-u-g-h-e-r-t-y, Professional Planner, 54 Main Street, Dougherty Planning & Development. My licenses are still current.

CHAIRPERSON GARCIA: Still active?

MR. DOUGHERTY: Yes.

So just to kind of recap, we did testify on this previously I believe it was last month. And as the architect came out and stated, residential is permitted within the zone. The issue here in the use variance is we don't have a commercial component on the ground floor. I think the architect really, you know, hit it on the head here. In order to do that, it comes with a caveat. You know, how do you provide parking? In this particular case and, you know, I did pass out exhibit packets the last time I was here to give you some neighborhood continuity. There are residential, strictly residential uses within the immediate area. It's not out of character. It's not going to be off on an island by itself. So there was some discussion about neighborhood continuity and it blended in well.

1 We left off last time really and the
2 discussion about does it work with the parking
3 arrangement given that the lot tapered into the rear?
4 So the real revision from the discussion standpoint
5 was really, as the architect testified to, open up
6 that ground floor because it really is encapsulated
7 by a built environment so that that way there was
8 ample room for the doors to open and mobility.

9 The last time that we were here, the
10 previous plans show the parking arrangement was a
11 little more staggered. But, you know, we brought it
12 further back to show that you can open them. And
13 even the back is the choke point, the pinch point.
14 So between the front to the rear, we have that width,
15 and then as the current rendering show, there's ample
16 width to open the doors. I know that was a concern.
17 Does it work? Does it fit? And, you know, as the
18 architect kind of opened up, it works, it fits. And
19 design has been detailed to really blend in simply
20 with that built environment with respects to open
21 that air for the residents and their dwellings as
22 well.

23 From a use standpoint, to kind of just
24 touch on it briefly, it's a D(1), GIS site
25 suitability. It's a site suitable for this

1 two-family. It's a two-family, you know -- I will
2 revisit and say, yes, it is. Site trip is suited --
3 again, to put ground floor retail here may not work
4 as well, and there might be more detriment here.

5 Given this lot, given this built
6 environment, I believe this site would be suited for
7 residential. Again, one can decide -- residential
8 was not permitted on the ground floor, but it is
9 permitted within the zone. With that being said, one
10 can understand why it would not be put on the ground
11 floor. This is New York Avenue. This is a
12 commercial zone. Nobody wants to live on the ground
13 floor in a commercial zone. You know, besides that
14 the other is a strictly residential building. The
15 residents are not really on the ground floor. There
16 is that floor. So from the purpose of why the zone
17 may have been required not to put residents on the
18 ground floor with people walking past your window and
19 so forth, and in that regard you are elevated on that
20 second floor which is where you would typically have
21 a permitted use of that mixed use where the residents
22 would be elevated.

23 So in the context of things, we are
24 missing that commercial component or that office
25 component. But in this particular scale and the way

1 it's set up, we believe that that use would generate
2 more of a detriment because everyone knows parking is
3 the issue, congestion is the issue. So with this
4 particular use and the way it's set up, we believe
5 it's favorably suited for this without any
6 substantial detriment.

7 We talked about some of the positives in
8 supporting the intent of the zone. We do put
9 populations in the commercial core, which is always a
10 benefit that supports that, that underlying zoning.
11 So we don't see that as a detriment. We do see it's
12 supporting the intent and integrity of the zone and
13 the master plan here.

14 You know, as the architect testified last
15 time, this is going to be a brand new build-out.
16 Right now it's an empty void on the major corridor.
17 We want to fill that void, that missing tooth with a
18 beautiful aesthetically pleasing building that will
19 fit in and near nice, with older and newer designs.
20 Again, this building was built, typical building and
21 fire codes in that regard.

22 So from a negative standpoint, I really do
23 not see any negative detriment here. You know, as we
24 see, the site can operate and flow and function
25 efficiently and safely for the residents here or

1 proposed residents to be here and getting in and out
2 of that site. There would be no real need to park
3 out on the street. And as we just had a brief
4 discussion, there is ample room to add a couple more
5 cars there. But for the sake of, you know, the
6 application, we need four, we're showing four, but
7 there was a need for one more. I think, you know,
8 there's ample room there. There's some growth.
9 There some flexibility. And that's if all the
10 residents will have four cars parked there. That is
11 to be determined. But we do have the adequate
12 parking, which is a big issue here.

13 With that being said, when we talked about
14 the positives of the application, you know, certainly
15 more efficient use of land comes to mind, a desirable
16 visual environment, and certainly we can argue
17 adequate light, air, open space. But we do give that
18 3-yard setback. They have 3 yards. We have an
19 additional 6 feet for the buffer there while we have
20 that continuous wall effect, which is typical for
21 more most urban course and city life to have that
22 continuous massing.

23 So from an overall aesthetic standpoint, I
24 really do think we have purpose A, certainly purpose
25 A for the safety, welfare, and an overall community

1 here, ingress-egress, parking, you know, in that
2 regard is important. There's not going to be a
3 substantial detriment in that capacity.

4 You know, I think we can also argue
5 appropriate populations and appropriate locations,
6 again, residential is allowed. There are certainly
7 larger -- from the previous exhibit packet I
8 circulated out, larger mixed-use density here, this
9 is a modest build-out of a two-family right in the
10 heart of New York Avenue.

11 So with that being said, we talked about
12 the fourth prong, the intent of the master plan in
13 the zoning, again, this is a one-off site specific.
14 This is a two-family in that zone. It's not going to
15 undermine. It's not going to call for a rezone for
16 the whole -- citywide. This particular use here, as
17 you see, there is residential all around it. And to
18 put a commercial use here, would really bring, I
19 think, more detriment. Because the biggest issue,
20 again, to circle back, is the parking. Where do we
21 put residential?

22 And for the sake of the zone, we allow
23 office on the second floor. If we were to put office
24 on the second floor, office uses are more intense
25 than residential. The only people who are really

1 going to your house are those that live there, maybe
2 a family member or a friend from time to time. An
3 office use is open to the public. It's going to
4 drive more traffic. It's going to drive trips,
5 degenerations in that regard, thus more intense. So
6 when we talk about this site, this is the less
7 intensive use that could work here. And it does work
8 and it works well here.

9 So, to kind of recap, I do not see a
10 substantial detriment with this application. I think
11 when we talk about the D(1) use variance and the
12 criteria needed, we touched on it last time, I think
13 we hit that right on the head with this application.
14 With that, I'll open that, and I think that the board
15 can look upon this application favorably. We've
16 heard the concerns prior which was: Do we really
17 have enough space to account for these vehicles with
18 the slight modification? I think the answer is a
19 certain yes. We do have the room to accommodate
20 those four vehicles in that lot as it pinches towards
21 the back. With that, I'll conclude. I believe the
22 criteria has been met and approval would be
23 warranted.

24 CHAIRPERSON GARCIA: Understanding that we
25 know a little bit, the area, I think that you're

1 going to agree with me that this is going to be
2 probably in these two, three blocks and the new one,
3 I mean other property there, all the buildings and
4 houses are old houses, right?

5 MR. PEREIRAS: No.

6 MR. DOUGHERTY: I think there was a newer
7 one in the exhibit packet I showed.

8 MR. PEREIRAS: Well, define
9 "neighborhood," because on the corner of -- this is
10 on 14th, between 14th and 15th. On the corner of
11 13th, we have a brand new building there. It's
12 actually mixed-use. It's commercial --

13 CHAIRPERSON GARCIA: Corner, right?

14 MR. PEREIRAS: What was that?

15 CHAIRPERSON GARCIA: The corner, right?

16 MR. PEREIRAS: The corner.

17 CHAIRPERSON GARCIA: Okay.

18 MR. PEREIRAS: We have in a block and a
19 half in the opposite direction, we have a two-family
20 that's brand new on 13th Street between New York and
21 Palisade Avenue. We just got it approved. It's
22 under construction. It's actually two 2-families.
23 If you go to the next block, we have 3-families
24 there. If you turn around on 14th Street between New
25 York Avenue and Bergenline, there are three

1 3-families that just completed.

2 CHAIRPERSON GARCIA: Setback, no attached?

3 MR. PEREIRAS: They're all set back. Yes,
4 they're all set back. There's a lot of new
5 construction in that immediate area.

6 CHAIRPERSON GARCIA: Okay.

7 MR. PEREIRAS: And there's more coming.
8 On 15th Street we have a new one coming up as well.

9 CHAIRPERSON GARCIA: Do you agree with me,
10 Mr. Pereiras, that most of the application granted --
11 not granted -- all the new construction we want to
12 try to be approved for better quality of life, more
13 safety, right?

14 MR. PEREIRAS: A hundred percent I agree
15 with that. And that's why we're presenting this. We
16 feel that this gives a better quality of life for all
17 the residents, a better quality of life for the
18 inhabitants of it, and I agree with you a hundred
19 percent on that.

20 CHAIRPERSON GARCIA: All right. Any
21 member of the board?

22 VICE CHAIRPERSON GRULLON: I have a
23 question. Mr. Pereiras, you know we have a school
24 right on the corner, right? It's going to be a
25 potential of another school calling, that most of the

1 schools they have a lot of students coming back and
2 forth through the sidewalks there. Right now that
3 property doesn't have parking. You don't have a curb
4 cut there?

5 MR. PEREIRAS: That's correct.

6 VICE CHAIRPERSON GRULLON: You're
7 proposing a curb cut? Taking up a parking space
8 through the area?

9 MR. PEREIRAS: That's correct.

10 VICE CHAIRPERSON GRULLON: That and also
11 there is a beautiful sidewalk with trees. I know you
12 will, you know, plant it again. But my concern is
13 the, you know, the pedestrians, the children in the
14 morning, in the afternoon, people trying to back out
15 of that area. I know the reason why that's a
16 commercial zone, because of that. It's better to
17 have a commercial zone. You have potentially three
18 schools in that area. That is pedestrians all day
19 long, all day long. I don't see how we're going to
20 have a curb cut. I don't think any of the other
21 properties has curb cuts.

22 MR. PEREIRAS: I could address that. And
23 I think it's very important to address this. So I'm
24 in a particular situation where I can really address
25 this because I was that school boy walking in front

1 of this building. I grew up on 12th and New York
2 Avenue, and I went to school on 15th and New York
3 Avenue when that was St. Michael's, when Colin Powell
4 used to be St. Michael's School. So I went there
5 until third grade until I went to St. Francis. So I
6 walked in front of this house. I knew the owner of
7 this house. He was a friendly guy. So this was my
8 walk. And I can tell you that across the street
9 there's a lot. On that same block, there's a
10 driveway. There's what used to be a bakery. I'm not
11 sure what building it is now. I think it's a plumber
12 now. They have a driveway there. If you go to the
13 liquor store, they have the driveway over there at
14 that other corner. So there are plenty of other
15 driveways in that neighborhood on that route.

16 Now, you mentioned that we'd be taking a
17 parking space away from the neighborhood. That's
18 actually not true. We're creating parking spaces for
19 the neighborhood because we're providing four parking
20 spaces inside this building. This was a residential
21 building. People in that house had cars. They
22 parked on the street. Now we're taking those cars
23 off the street, and we're providing four parking
24 spaces inside the building. So we're actually
25 creating -- relieving the traffic and the parking

1 situation on that block. We're doing much better,
2 especially if you compare it to if we didn't provide
3 parking at all. So we're making that better as well.

4 So, for those reasons and let's talk a
5 little bit about the safety, of the safety of the
6 driveway. If you notice on my site plan, we could
7 have been right on the property line. We're set back
8 9 feet 4 inches. That helps a lot. It leaves for
9 the garage door, the car could come all the way up to
10 the property line and really have good visibility in
11 both directions and maintain that safety to drive out
12 into the street. So there's very good site lines
13 here. It's not obstructed. It's very safe for
14 pedestrians. It's kind of what we want in our
15 neighborhoods.

16 VICE CHAIRPERSON GRULLON: I know we have
17 existing driveways there, but they are existing.
18 Existing, it's just creating more, you know, that
19 concerns me. The other thing is balconies.
20 Balconies has become something very nice in the
21 beginning, but then at the end they become storage,
22 and that's something that --

23 MR. PEREIRAS: Look, we're willing to work
24 with the board. If you want us to remove the
25 balconies, we're completely willing to remove the

1 balconies. We're willing to work with, as we've
2 demonstrated, as the client demonstrated. We pushed
3 the building back. We removed the walls. We made
4 sure that the parking would work, and if there's
5 something you'd like us to address, we'll be happy
6 to.

7 CHAIRPERSON GARCIA: Actually, I mean, I'm
8 going to make my suggestion. To me this is an
9 irregular lot, completely. And I know on the record
10 mentioned that before about that this lot is probably
11 larger than the prior applications that was granted.
12 However --

13 MR. PEREIRAS: I haven't said that.

14 CHAIRPERSON GARCIA: Okay. Okay.

15 MR. PEREIRAS: Every project works on its
16 own. However, I'm glad you said it because it is
17 true.

18 CHAIRPERSON GARCIA: Okay. But it was
19 mentioned before. So it's a corner lot. And one of
20 my concerns since I started as a member of the board,
21 probably 20 years ago, is the safety issue. And for
22 me, anything attached, it is a disaster. And this
23 situation probably your client, I don't know if he's
24 here, says I don't know what he's talking about. But
25 the other thing is that when you live there and when

1 you have the emergency is when you say, well,
2 Mr. Garcia was right.

3 MR. PEREIRAS: I think that's a great
4 point. So if you don't want an attached building,
5 we'll make sure this is not attached.

6 CHAIRPERSON GARCIA: And I think at this
7 point, Mr. Pereiras, this is a really, really -- this
8 is a really nice area, really nice lot to have a
9 family house, comfortable, safe, parking and
10 everything. That's my opinion. I'm just a chairman.
11 Okay?

12 MR. PEREIRAS: I understand.

13 CHAIRPERSON GARCIA: But we went through a
14 lot with this application, and I think that, with all
15 due respect, both of the professionals that testified
16 here, I'm going to make my motion.

17 MR. PEREIRAS: We still have more.

18 MS. PEREIRAS: As I mentioned when we
19 first started, my client is here and would like to
20 address the board.

21 CHAIRPERSON GARCIA: Okay. More than
22 welcome.

23 MS. PEREIRAS: And I'd like it to stay
24 open to the public as far as asking questions.

25 CHAIRPERSON GARCIA: I prefer to bring

1 forward your applicant -- your client, and then open
2 to the public.

3 MR. PEREIRAS: And just to address the
4 chairman's comments because they were great comments,
5 and we all care about safety. The building is set
6 back on the north. It's set back in the rear. It's
7 set set back in the front. The only place where
8 we're proposing a 0 setback is where we're up against
9 a brick two R-rated wall. And our wall will be a two
10 R-rated wall. And we can set that back an inch or 2
11 inches just so that it would be very clear that it's
12 not attached. And that can be done very easily as
13 well, and we're happy to accommodate there. And then
14 I'll step down.

15 CHAIRPERSON GARCIA: I don't understand,
16 Mr. Pereiras, when we mention about the setback all
17 the time. I mean there's nothing -- if you are open
18 to? No, Mr. Pereiras. Always, always, I mean every
19 meeting here, everything that we attack is setback
20 and parking, first, first. That's our first motion.

21 MR. PEREIRAS: Understood.

22 MS. PEREIRAS: I'd like to introduce the
23 board to the applicant and the owner, Mr. Agustin
24 Gonzalez.

25 * * *

1 AGUSTIN GONZALEZ, after having been duly sworn or
2 affirmed, did testify as follows:

3 MR. GONZALEZ: How you doing, members of
4 the board? Good afternoon. I am the owner. I
5 purchased this property because I'm a long-time
6 resident in Union City, 37 years. That's a long
7 time. I grew up here. My father bought a property
8 on 14th Street, 1319 Bergenline Avenue, and there he
9 had a business, 14 years. After that I bought a
10 house, 527 30th Street. I lived there from 2000 to
11 2024. That's 24 years.

12 My daughter is already an adult. That
13 house, where I live right now, it's a one-family
14 home, two bedrooms, very small. So, we have money
15 together, saw this property. And when I told my
16 daughter, she's like 1413 New York Avenue? I said,
17 yeah, that's the old neighborhood. She goes, great.
18 So that's why I bought this property. I noticed it
19 was irregular a little bit, but I didn't think it was
20 going to be that much of a situation. But,
21 nevertheless, you know, I want to live here. I want
22 to live in my old neighborhood.

23 So I'm asking the board to see if you
24 would consider that. This is not something that I
25 want to do a business, I'm going to do anything else.

1 So it's a family thing. So I would like you to
2 consider that. It's a second time that I've come
3 here. And I understand. I understand your concerns,
4 the residents and all that. But I am going to make
5 sure that whatever they modify, I'm okay with,
6 whatever you decide, I'm okay with. But I would like
7 to live there. So if you can consider that as a
8 long-time resident, 37 years, that's a long time.
9 And I want to live here. I want to retire here. I
10 don't want to go anywhere. I can go anywhere else,
11 cheaper, better, whatever, bigger lot. But I just
12 want to go back where, you know, I grew up. So thank
13 you for letting me speak. Hopefully, you'll consider
14 that. Thank you.

15 CHAIRPERSON GARCIA: Thank you,
16 Mr. Gonzalez.

17 MS. GUTIERREZ: Thank you.

18 CHAIRPERSON GARCIA: Thank you for the
19 consideration to continue living in Union City,
20 continuing investing in Union City. I feel like my
21 hometown -- I'm not from here. I'm from Santiago.
22 And every time that anything -- people are interested
23 to live in Union City is because they feel safe. I
24 feel like, you know, it's a great, great
25 neighborhood. But by the same token, is like when

1 my -- I'm talking about -- I'm not talking by them --
2 it's like a safety issue. And I know a lot of people
3 know me, and I fight, fight, fight for safety issues.
4 And I take the bullet for that.

5 Any member of the public wants to step
6 forward?

7 (No response.)

8 CHAIRPERSON GARCIA: No? Closed to the
9 public.

10 My only recommendation is converting one
11 family and fix the setback and everything. I make my
12 motion to deny this application as a two-family
13 house.

14 MR. T. PANEQUE: Motion on the table by
15 Mr. Garcia to deny this application. Is there a
16 second?

17 VICE CHAIRPERSON GRULLON: Second.

18 MR. T. PANEQUE: Seconded by Member Victor
19 Grullon.

20 Roll call on the motion.

21 Victor Grullon.

22 VICE CHAIRPERSON GRULLON: Yes.

23 MR. T. PANEQUE: Margarita Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. T. PANEQUE: Miguel Ortiz.

1 MR. ORTIZ: Yes.

2 MR. T. PANEQUE: Geraldine Perez.

3 MS. PEREZ: Yes.

4 MR. T. PANEQUE: Vivian O'Dell.

5 MS. O'DELL: Yes.

6 MR. T. PANEQUE: Andres Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. T. PANEQUE: Six in favor to deny the
9 application. Motion carries.

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1 PARK AVENUE INVESTMENT, LLC -

2 3801 Park Avenue.

3 Block 228, Lot 10.01:

4
5 MR. T. PANEQUE: We are now moving to Case
6 No. 2, Park Avenue Investment, LLC, 3801 Park Avenue.

7 Ms. Pereiras.

8 MS. PEREIRAS: Sorry, Counsel. I didn't
9 hear.

10 MR. T. PANEQUE: We're on application
11 Number 2, 3801 Park Avenue. I understand that you
12 are going to have a request to the board.

13 MS. PEREIRAS: Yes. Board Members,
14 following your comments at the last meeting, we've
15 been working on modifying the drawing to represent to
16 the board. Unfortunately, those drawings are not
17 done yet. So if the Board would be so kind as to
18 carry this matter to the September meeting, we'll
19 make sure the drawings are timely submitted.

20 CHAIRPERSON GARCIA: Do they need further
21 notice?

22
23 MS. PEREIRAS: No.

24 CHAIRPERSON GARCIA: No new notice?

25 MR. T. PANEQUE: Well, this matter has

1 been carried now. Already this would be the third
2 month, and it is going to be -- we're going to have a
3 gap in August where we don't have a meeting.

4 MS. PEREIRAS: I have no objection to
5 re-noticing it.

6 MR. T. PANEQUE: It's going to be
7 adjourned with notice, both publication and certified
8 mail.

9 MS. PEREIRAS: That's fine. Thank you.

10 CHAIRPERSON GARCIA: And also --

11 MR. A. PANEQUE: Waive the statutory
12 limitations?

13 MS. PEREIRAS: Of course. Thank you.

14 CHAIRPERSON GARCIA: Make my motion to
15 adjourn this application to September meeting.

16 MS. GUTIERREZ: September 12th it would
17 be.

18 MR. T. PANEQUE: Let me just see the date
19 September would be.

20 MS. PEREZ: September 12th.

21 MR. T. PANEQUE: It is?

22 MS. GUTIERREZ: Yes, the 12th.

23 MR. T. PANEQUE: Okay. September 12th is
24 the second Thursday. So it would be September 12,
25 2024.

1 Motion by Mr. Garcia.

2 MS. GUTIERREZ: Second.

3 MR. T. PANEQUE: Seconded by Margarita

4 Gutierrez. Roll call on the motion.

5 Victor Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. T. PANEQUE: Margarita Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. T. PANEQUE: Miguel Ortiz.

10 MR. ORTIZ: Yes.

11 MR. T. PANEQUE: Geraldine Perez.

12 MS. PEREZ: Yes.

13 MR. T. PANEQUE: Vivian O'Dell.

14 MS. O'DELL: Yes.

15 MR. T. PANEQUE: Andres Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. T. PANEQUE: Motion carries. Matter
18 adjourned to September 12, 2024.

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1 JOSE AVALOS -
2 2412 Central Avenue.
3 Block 136, Lot 6:

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5 MR. T. PANEQUE: We now move to Case
6 No. 3, 2412 Central Avenue, Applicant Jose Avalos.

7 Ms. Pereiras, I understand you have a
8 request to the board.

9 MS. PEREIRAS: Yes. Board Members, we
10 noticed the neighborhood. We scheduled and confirmed
11 our publication. Unfortunately, the newspaper failed
12 to publish. So, unfortunately, this Board does not
13 have jurisdiction to hear this matter. So we are
14 asking to have this matter heard in September as
15 well.

16 MR. A. PANEQUE: You waive statutory
17 limitations?

18 MS. PEREIRAS: Of course, Counsel.

19 MR. A. PANEQUE: Thank you.

20 CHAIRPERSON GARCIA: I make my motion to
21 adjourn this application for the September meeting.

22 MR. T. PANEQUE: Motion by Chairman Andres
23 Garcia. Is there a second?

24 MS. GUTIERREZ: Second.

25 MR. T. PANEQUE: Seconded by Margarita

1 Gutierrez. Roll call on the motion.

2 Victor Grullon.

3 VICE CHAIRPERSON GRULLON: Yes.

4 MR. T. PANEQUE: Miguel Ortiz.

5 MR. ORTIZ: Yes.

6 MR. T. PANEQUE: Geraldine Perez.

7 MS. PEREZ: Yes.

8 MR. T. PANEQUE: Vivian O'Dell.

9 MS. O'DELL: Yes.

10 MR. T. PANEQUE: Andres Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. T. PANEQUE: I missed one.

13 CHAIRPERSON GARCIA: Miguel.

14 MR. T. PANEQUE: Miguel Ortiz.

15 CHAIRPERSON GARCIA: Margarita.

16 MR. T. PANEQUE: Margarita, I missed you?

17 I'm sorry. Margarita Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. T. PANEQUE: Six in favor. Motion
20 carries.

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1 **MIGUEL CALDERON -**
2 **210 46th Street**
3 **Block 272, Lot 11:**

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5 MR. T. PANEQUE: Moving onto Case No. 4,
6 Miguel Calderon, Applicant, 210 46th Street.

7 Ms. Pereiras, you have a request to the
8 board?

9 MS. PEREIRAS: Again, Board Members, we
10 noticed the neighbors, confirmed the publication with
11 the newspaper and, unfortunately, they failed to
12 publish. So the Board does not have jurisdiction to
13 hear this case tonight. And if the board may be so
14 kind as to adjourn this matter to September.

15 MR. A. PANEQUE: Do you waive statutory
16 limitations?

17 MS. PEREIRAS: Of course, Counsel.

18 CHAIRPERSON GARCIA: I make a motion to
19 adjourn to September 12.

20 MR. T. PANEQUE: Motion to adjourn made by
21 Chairman Andres Garcia.

22 MS. GUTIERREZ: Second.

23 MR. T. PANEQUE: Seconded by esteemed
24 member Margarita Gutierrez. Roll call on the motion.
25 Victor Grullon.

1 VICE CHAIRPERSON GRULLON: Yes.

2 MR. T. PANEQUE: Margarita Gutierrez.

3 MS. GUTIERREZ: Yes.

4 MR. T. PANEQUE: Miguel Ortiz.

5 MR. ORTIZ: Yes.

6 MR. T. PANEQUE: Geraldine Perez.

7 MS. PEREZ: Yes.

8 MR. T. PANEQUE: Vivian O'Dell.

9 MS. O'DELL: Yes.

10 MR. T. PANEQUE: Andres Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. T. PANEQUE: Six in favor. Motion
13 carries.

14 MS. PEREIRAS: Thank you all. Enjoy the
15 rest of your summer, and see you in September.

16 MS. GUTIERREZ: Thank you. Enjoy the
17 summer.

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1 **ADOPTION OF RESOLUTIONS:**

2
3 MR. T. PANEQUE: We now move to the
4 resolutions and adoption of resolutions. We have
5 three resolutions that are on tonight's agenda.

6 The first resolution is:

7
8 1. Sol on 18th Street, 821 18th Street,
9 Block: 94, Lot: 19. The applicant proposes to
10 combine an existing three-bedroom apartment in the
11 basement of a two-family building; with the existing
12 ground floor apartment to create a four-bedroom
13 duplex unit. There will be a total of two units.
14 One parking space is provided. Approved.

15 MR. T. PANEQUE: The first resolution is
16 Sol on 18th Street, where the applicant proposes to
17 combine an existing three-bedroom apartment in the
18 basement of a two-family building. Is there a motion
19 to approve this resolution?

20 CHAIRPERSON GARCIA: Aye.

21 MR. T. PANEQUE: Motion by Andres Garcia.
22 Seconded by --

23 MS. GUTIERREZ: Second.

24 MR. T. PANEQUE: Second by Margarita
25 Gutierrez. Roll call on the motion.

1 Victor Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. T. PANEQUE: Margarita Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. T. PANEQUE: Miguel Ortiz.

6 MR. ORTIZ: Yes.

7 MR. T. PANEQUE: Geraldine Perez.

8 MS. PEREZ: I think I abstained.

9 MR. T. PANEQUE: You were absent last
10 time. Abstained. I apologize.

11 Andres Garcia.

12 CHAIRPERSON GARCIA: Yes.

13 MR. T. PANEQUE: And Vivian O'Dell.

14 MS. O'DELL: Yes.

15 MR. T. PANEQUE: Five in favor.

16 Resolution is carried.

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1 **ADOPTION OF RESOLUTIONS:**

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3 2. Aris B. Ventura Martinez, 104 40th Street,
4 Block: 238, Lot: 18. **Conversion from one (1) family**
5 **to a two (2) family home with a 197 sq. ft. addition**
6 **to second floor. The approval resolution was**
7 **memorialized on June 10, 2021. The applicant is**
8 **requesting a one-year extension. Approved.**
9

10 MR. T. PANEQUE: Second, adoption of
11 resolution in the matter of Aris B. Ventura Martinez,
12 104 40th Street. This was a two one-year extensions
13 for her approvals. Is there a motion on the table?

14 CHAIRPERSON GARCIA: Aye.

15 MR. T. PANEQUE: Motion by Chairman
16 Garcia.

17 MS. GUTIERREZ: Second.

18 MR. T. PANEQUE: Seconded by Margarita
19 Gutierrez. Roll call on the motion.

20 Victor Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. T. PANEQUE: Margarita Gutierrez.

23 MS. GUTIERREZ: Yes.

24 MR. T. PANEQUE: Miguel Ortiz.

25 MR. ORTIZ: Yes.

1 MR. T. PANEQUE: Andres Garcia.

2 CHAIRPERSON GARCIA: Yes.

3 MR. T. PANEQUE: Vivian O'Dell.

4 MS. O'DELL: Yes.

5 MR. T. PANEQUE: Five in favor. Motion
6 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 3. Michael Hern, 409 6th Street, Block: 24, Lot: 9.
3 **Legalization of existing basement apartment in an**
4 **existing two (2) family home. There will be a total**
5 **of three units in the building. Approved.**

6
7 MR. T. PANEQUE: And final resolution is
8 the matter of Michael Hern, 409 6th Street, is a
9 legalization of a basement apartment to convert to an
10 existing 2-family home for conversion from a 2- to a
11 3-family building. Is there a motion on the table?

12 CHAIRPERSON GARCIA: Aye.

13 MR. T. PANEQUE: Motion by Chairman
14 Garcia. Second.

15 MS. GUTIERREZ: Second by Margarita
16 Gutierrez. Roll call on the motion.

17 Victor Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. T. PANEQUE: Margarita Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. T. PANEQUE: Miguel Ortiz.

22 MR. ORTIZ: Yes.

23 MR. T. PANEQUE: Andres Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. T. PANEQUE: Vivian O'Dell.

1 MS. O'DELL: Yes.

2 MR. T. PANEQUE: Five in favor. Motion
3 carries.

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1 **ADJOURNMENT:**

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3 MR. T. PANEQUE: There being no other
4 applications on tonight's agenda, can I have a motion
5 to close and end tonight's meeting?

6 VICE CHAIRPERSON GRULLON: Motion.

7 MR. T. PANEQUE: Motion by Victor Grullon.

8 MS. GUTIERREZ: Second.

9 MR. T. PANEQUE: Seconded by Margarita
10 Gutierrez. Roll call on the motions.

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

13 MR. T. PANEQUE: The ayes have it. Six in
14 favor. Let the record show that the meeting has
15 ended.

16 (Whereupon, the meeting was adjourned at
17 7:33 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