

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
ZONING BOARD OF ADJUSTMENT

----- :
REGULAR MEETING : TRANSCRIPT OF PROCEEDINGS
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Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey
Thursday, September 12, 2024
Commencing at 6:13 p.m.

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

ANDRES GARCIA, Chairperson
VICTOR M. GRULLON, Vice Chairperson
MARGARITA GUTIERREZ
GERALDINE PEREZ
ALTAGRACIA SAN MARTINO
MINDRY WATLEY
ROSIO PENA
VIVIAN O'DELL

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

MIGUEL ORTIZ

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

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

STENOGRAPHICALLY REPORTED BY:
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PARK AVENUE INVESTMENT, LLC
3801 Park Avenue

WITNESSPAGE

(None)

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(None)

I N D E X

JOSE AVALOS
2412 Central Avenue

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

MIGUEL A. CALDERON
210 46th Street

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MANUEL PEREIRAS

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JOHN McDONOUGH

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(None)

I N D E X

SAKIRI REAL STATE MANAGEMENT, LLC
4101-4103 Bergenline Avenue

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(None)

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(None)

I N D E X

ADVANCED UNION CITY, LLC
3914-3916 Kennedy Blvd

WITNESSPAGE

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(None)

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MARGARITA ONOFRE
136 37th Street

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JBZ ENTERPRISES, LLC
588-590 32nd Street

WITNESS

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(None)

E X H I B I T S

NO.

DOCUMENT

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(None)

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RAJESH MATHEW
2302 Kerrigan Avenue

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SHERMAN REALTY, LLC
406 Bergenline Avenue

WITNESS

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(None)

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NO.

DOCUMENT

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(None)

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

3 MR. VALLEJO: May I have your attention,
4 please? Please take notice that on Thursday,
5 September 12, 2024, at 6 p.m. a regular meeting is
6 scheduled for the City of Union City Zoning Board of
7 Adjustment to be held in the Union City High School
8 located at 2500 John F. Kennedy Boulevard, Union
9 City, New Jersey.

10 Can everybody kindly please raise to
11 salute the flag?

12 * * *

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

15 * * *

16 MR. VALLEJO: Adequate notice of this
17 meeting has been provided as follows: Notice of this
18 meeting setting forth the time, date, location, and
19 the agenda, to the extent known, was forwarded to the
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. It also has
24 been posted on the website of the City of Union City,
25 ucnj.com.

 * * * *

1 **ROLL CALL:**

2
3 MR. VALLEJO: Roll call for tonight's
4 meeting.

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Here.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Mr. Ortiz is absent.

12 Ms. Perez.

13 MS. PEREZ: Here.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Here.

16 MR. VALLEJO: Ms. O'Dell.

17 MS. O'DELL: Here.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Present.

20 MR. VALLEJO: Ms. San Martino.

21 MS. SAN MARTINO: Here.

22 MR. VALLEJO: The record indicates that
23 there are eight present.

24 * * * *

25

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: All right. We are going to
4 approve the previous meeting minutes on July 11,
5 2024. Can I have a motion?

6 CHAIRPERSON GARCIA: Aye.

7 MR. VALLEJO: Motioned by Mr. Garcia.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Gutierrez.

10 Roll call on the motion.

11 Mr. Garcia.

12 CHAIRPERSON GARCIA: Yes.

13 MR. VALLEJO: Mr. Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

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

23 CHAIRPERSON GARCIA: Carlos, before we
24 start the meeting, can we approach the 600 block of
25 12th Street?

1 MR. VALLEJO: Yes.

2 CHAIRPERSON GARCIA: Is anybody here for
3 the application for the 600 block of 12th Street?

4 MR. VALLEJO: Anybody here for 600 block
5 of 12th Street?

6 UNKNOWN SPEAKER: Yes. We're here.

7 CHAIRPERSON GARCIA: Basically, the
8 application is not on the agenda. It was published.

9 MR. VALLEJO: Yes. It was published, but
10 I never deemed it completed.

11 CHAIRPERSON GARCIA: So the application --
12 I mean, they file it and complete it, so we can
13 know -- we didn't put it in the agenda, and they're
14 going to be scheduled for I don't know when, probably
15 November, December, but they're going to need to give
16 adequate notice, and they're going to publish it
17 again. So it is not on the agenda. So if anybody is
18 here for that application who -- stay here if you
19 want to listen to the meeting, but that application
20 is not going to be here in the meeting today.

21 MR. VALLEJO: Once I receive the missing
22 documentations, I will give the next available
23 hearing date, right, that will be published by the
24 applicant and notice to the homeowners.

25 UNKNOWN SPEAKER: Okay.

1 CHAIRPERSON GARCIA: Before we continue,
2 Carlos and members of the board and public, I want to
3 ask from now on -- I want to put on the record, any
4 application -- all the applications we're going to
5 need Carlos to receive it with the table of variance
6 requested, not on the second page. We need to see it
7 on the first page from now on. Also, we're going to
8 need one of the pages.

9 Mr. Spatz, they have to show at least a
10 picture or plans of how it's going to be -- to show
11 the front setback versus the adjacent properties.

12 MR. SPATZ: Okay.

13 CHAIRPERSON GARCIA: Just to give an
14 example, I want to see the case in 312 11th Street, I
15 don't see -- I was trying to see on the record on all
16 the papers, and I didn't see any of those
17 surrounding, and now it's -- I mean this one pack is
18 terrible in that application.

19 MR. SPATZ: Okay.

20 CHAIRPERSON GARCIA: I just brought that
21 one as an application. Because from now on we'll
22 need all the applications with a picture of the
23 current location of the application to compare with
24 the adjacent property and the surrounding area.

25 MR. SPATZ: I will look for that.

1 MR. VALLEJO: The proposed construction.

2 CHAIRPERSON GARCIA: Right. And, also,
3 we're going to ask too, when they come with the
4 renovation, we need to see a picture of the current
5 condition of the location of the application
6 concerning to the location concerning to the
7 application. Just to give an example, 711 Seber
8 (phonetic) Street, they're going to remove that.
9 They're going to demolish 95 percent, 90 percent or
10 whatever, I need to see -- not me, the board needs to
11 see the picture of the current situation, current
12 condition of that.

13 MR. SPATZ: Sure.

14 CHAIRPERSON GARCIA: Also, we're going to
15 need for when we're going to legalize units, we want
16 to see a picture of the current condition of the
17 apartment that we're going to legalize. Let's say
18 that we're going to legalize the basement. We want
19 to see the current pictures of the -- I mean, the
20 picture of the current situation of those units.

21 MR. SPATZ: Okay.

22 CHAIRPERSON GARCIA: Thank you.

23 * * * *

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1 **COMMUNICATIONS:**

2 **418 JPM PROPERTIES LLC -**

3 **418 11th Street:**

4
5 MR. VALLEJO: We're going to
6 communications, 418 11th Street. Mr. Paneque,
7 please. You request we carry to the October 10th
8 meeting that will be at the Gilmore School,
9 1600 Kerrigan Avenue.

10 CHAIRPERSON GARCIA: Any particular reason
11 why they requested the carry?

12 MR. VALLEJO: He mentioned that he have to
13 attend another meeting.

14 MR. T. PANEQUE: Mr. Chairman, the fact
15 that we are changing locations for the meeting in
16 October creates an issue for these notices.

17 MR. VALLEJO: They didn't notice.

18 MR. T. PANEQUE: They did not notice?

19 MR. VALLEJO: I requested by email, the
20 notice. They say they were deficient, and they are
21 going to republish the notice.

22 MR. T. PANEQUE: So that's on 418 JPM
23 Properties LLC, 418 11th Street?

24 MR. VALLEJO: Talking about 3914?

25 CHAIRPERSON GARCIA: 418 11th Street.

1 MR. VALLEJO: No. No. They didn't
2 publish for that. That's why it was on
3 communications only.

4 MR. T. PANEQUE: Okay. So if they didn't
5 publish then it's just going to be carried subject to
6 publication and notice to all property owners. And
7 that will be carried to October 10th?

8 MS. GUTIERREZ: 10.

9 CHAIRPERSON GARCIA: So the publication is
10 your notice, right?

11 MR. T. PANEQUE: Well -- yes. It will be
12 subject to having publication.

13 MR. VALLEJO: Notice on publications. We
14 don't require a vote on that, on the motion, right,
15 on the new motion?

16 MR. T. PANEQUE: There's no motion because
17 it's not really on the agenda.

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1 **PUBLIC HEARING:**

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3 **PARK AVENUE INVESTMENTS, LLC -**

4 **3801 Park Avenue**

5 **Block 228, Lot 10.01:**

6
7 MR. VALLEJO: Now we're going to Number 1,
8 Park Avenue Investments, LLC 3801 Park Avenue.

9 And, Ms. Pereiras, please.

10 MS. PEREIRAS: Good evening, Members of
11 the Board. Bianca Pereiras on behalf of Park Avenue
12 Investments. My apologies on this one. My
13 understanding was that this application was going to
14 be heard in October, and I did not notice the
15 neighbors, so we respectfully ask that this matter be
16 added to the October agenda, and we will notice the
17 neighbors and public as well.

18 CHAIRPERSON GARCIA: Carlos, how is your
19 agenda for October?

20 MR. VALLEJO: For this one we have space
21 for 3801 Park Avenue. I already added it.

22 CHAIRPERSON GARCIA: Okay.

23 MR. T. PANEQUE: Ms. Pereiras, you waive
24 the jurisdictional period in which this board can
25 act?

1 MS. PEREIRAS: Of course, yes.

2 MR. T. PANEQUE: And, also, I want to
3 bring to your attention which has been stated on the
4 record that the next meeting will take place at the
5 Gilmore School. So make sure your notice indicates
6 that the meeting will take place at that location.

7 MS. PEREIRAS: Thank you very much.

8 MR. VALLEJO: All right. Can I have a
9 motion to adjourn this application for October 10,
10 2024 at the Gilmore School 1600 Kerrigan Avenue?

11 CHAIRPERSON GARCIA: Motion.

12 MR. VALLEJO: Motion by Mr. Garcia.

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: Ms. Perez.

21 MS. PEREZ: 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.

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1 **JOSE AVALOS -**
2 **2412 Central Avenue**
3 **Block 136, Lot 11:**
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5 MR. VALLEJO: We're moving now to
6 Number 2, Jose Avalos, 2412 Central Avenue.

7 Ms. Pereiras, please.

8 MR. T. PANEQUE: Let the record reflect as
9 follows: I've been provided by Ms. Pereiras with a
10 certification as to publication and service
11 indicating that notice of tonight's hearing at this
12 location, the Union City High School, was sent to all
13 property owners within a 200-foot radius of the
14 property located at 2412 Central Avenue, Union City,
15 New Jersey.

16 I have also been provided with a copy of
17 The Jersey Journal affidavit indicating that notice
18 of tonight's hearing for the property at 2412 Central
19 Avenue was published on August 20, 2024. I've also
20 been provided with the certified mail receipts with a
21 postmark date of August 16, 2024, as well as the list
22 of property owners promulgated by the Union City Tax
23 Assessor's Office listing all property owners within
24 the 200-foot radius of block 136, lot 6, 2412 Central
25 Avenue. Said list was done on August 8, 2024. Based

1 on the documentation that has been provided, this
2 board has jurisdiction to proceed and hear this
3 matter.

4 MS. PEREIRAS: Thank you, Counsel. Bianca
5 Pereiras on behalf of the applicant. I am
6 respectfully requesting an adjournment on this
7 matter. The planner that was supposed to testify on
8 this application could not make it this evening.
9 He's actually enjoying his honeymoon after his
10 marriage. So if you would be so kind as to carry
11 this matter to the October date so that we can have
12 all our professionals here.

13 (Discussion held off the record.)

14 CHAIRPERSON GARCIA: How is the October
15 agenda for this one?

16 MR. VALLEJO: So far I have, like,
17 seven applications.

18 CHAIRPERSON GARCIA: Carlos, I'm just
19 speaking to the Chairman regarding logistically how
20 we're going to handle the switch from this location
21 to the Gilmore School.

22 MR. VALLEJO: I have to publish. Also on
23 the website with the City of Union City.

24 CHAIRPERSON GARCIA: Is it possible to put
25 a notice up?

1 MR. VALLEJO: Yes, I will. Of course.
2 November 14th is still open.

3 CHAIRPERSON GARCIA: Can we put this one
4 for October?

5 MR. VALLEJO: Sure.

6 CHAIRPERSON GARCIA: I was just trying to,
7 you know, the logistics for the new notice that way
8 they don't have to be noticed.

9 MR. VALLEJO: Yes, that's true.

10 CHAIRPERSON GARCIA: I make my motion to
11 adjourn this application for the October meeting.

12 MS. GUTIERREZ: Second.

13 MR. T. PANEQUE: Ms. Pereiras, you waive
14 the jurisdictional time period in which this board
15 can hear this application?

16 MS. PEREIRAS: Yes, Counsel.

17 MR. T. PANEQUE: Okay. Thank you.

18 MR. VALLEJO: Motion on the table to
19 adjourn this application for October 10th at the
20 Gilmore School, 1600 Kerrigan Avenue by Mr. Garcia.
21 Seconded by Ms. Gutierrez.

22 Roll call on the motion.

23 Mr. Grullon.

24 VICE CHAIRPERSON GRULLON: Yes.

25 MR. VALLEJO: Ms. Gutierrez.

1 MS. GUTIERREZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 CHAIRPERSON GARCIA: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Seven in favor. Motion
13 carries.

14 MR. T. PANEQUE: For the members of the
15 public who are here with respect to the application
16 for 2412 Central Avenue, this application is being
17 carried to the next meeting which will be
18 October 10th at 6 p.m., and it's going to be heard at
19 the Gilmore School, which is 1600 Kerrigan Avenue in
20 Union City. It will not be here. So if you want to
21 be heard with respect to this application, it will be
22 heard at the Gilmore School October 10th. You can be
23 present at that time and state any either objection
24 or approval of the application.

25 * * * *

1 **MIGUEL A. CALDERON -**

2 **210 46th Street**

3 **Block 272, Lot 11:**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, Miguel Calderon, 210 46th Street.

7 CHAIRPERSON GARCIA: I want to recuse
8 myself for this application.

9 MR. VALLEJO: Let the record indicate that
10 Mr. Garcia recused for this application. The meeting
11 is going to be run by Mr. Grullon.

12 MR. T. PANEQUE: Yes. We'll have our vice
13 chairperson. Let the record reflect as follows:
14 I've been provided by Ms. Pereiras with a
15 certification as to publication and service
16 indicating that notice of tonight's hearing with
17 respect to the property at 210 46th Street was given
18 to all property owners within the 200-foot radius of
19 said property. I've also been provided an affidavit
20 of publication from The Jersey Journal listing this
21 location for the property in question. Said
22 publication was done on August 20, 2024.

23 I've also been provided with the certified
24 mail receipts with a postmarked date of August 16,
25 2024, as well as a list of all property owners within

1 the 200-foot radius of block 272, lot 11, also known
2 as 210 46th Street, Union City.

3 VICE CHAIRPERSON GRULLON: I have notice.

4 (Discussion held off the record.)

5 MR. T. PANEQUE: We have Roosevelt, but
6 218, let's see if we have any others. No. So the
7 only Roosevelt is 218. So you're good, Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: All right.

9 MR. T. PANEQUE: To continue the
10 jurisdictional proof, I've been provided with a list
11 of all property owners within a 200-foot radius
12 promulgated by the Tax Assessor's Office with a date
13 of August 8, 2024. Let the record reflect that based
14 on the documentation that has been provided, this
15 board has jurisdiction to proceed and hear this
16 matter.

17 MS. PEREIRAS: Bianca Pereiras on behalf
18 of Miguel Calderon for a property located at 210 46th
19 Street. This is an application to legalize a
20 basement apartment in an existing two-family. If the
21 board were to approve this application, we would have
22 a total of three residential units on site. We have
23 two experts to testify before the board this evening.
24 And we will begin tonight's presentation with our
25 architect, Mr. Manuel Pereiras.

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

3 MR. PEREIRAS: Manuel Pereiras,
4 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous
5 located at 1116 Summit Avenue, Union City.

6 VICE CHAIRPERSON GRULLON: Thank you.

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property at 210 46th Street?

9 MR. PEREIRAS: I am.

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

12 MR. PEREIRAS: I have.

13 MS. PEREIRAS: And would you kindly
14 describe the existing conditions and the proposal for
15 the board?

16 MR. PEREIRAS: I'd be very happy to. The
17 drawings that were submitted to the board are
18 identical to the drawings on my easel. What we have
19 on this project is a lot that is conforming in size.
20 It is 25 feet wide, and it's 100 feet deep. Right
21 now what we have is a 2 and a half story frame
22 structure on this site. The problem is that it's in
23 the C-N district. If you look at the photograph, all
24 the houses next to it, left and right, basically the
25 entire block is residential in nature, but our zone

1 says that it's commercial. So we have a D variance,
2 and that brings us before your board because the
3 residential aspect of this does not permit it,
4 particularly on the ground floor.

5 Currently what's there was a rooming house
6 on that first lower level. We've been working with
7 the Building Department, demolished that rooming
8 house where they had up to six rooms. And what we're
9 doing is we're creating a legal beautiful apartment.
10 And while doing that, really bringing the standards
11 of this building up to code throughout the entire
12 structure. We are proposing no changes to the
13 exterior of the building other than small cosmetic
14 things, for example, there is a pipe sticking out of
15 the side of the building. There's different things
16 that we're cleaning up, but we're not making any
17 changes and it's not growing in any way. There are a
18 series of variances that we have. Actually, not many
19 at all. We have a front yard of 13 feet 8 inches,
20 and that's technically a variance because in the C-N
21 district we want we want a 0 front yard. So by
22 giving a front yard, we're triggering a variance.

23 We also have a parking variance because
24 apartments in or if we're treating this as a
25 two-family house, we would have two existing legal

1 units which requires four parking spaces. We're
2 adding another unit to legalize it, so that's six
3 parking spaces in total that are required, and
4 there's absolutely no opportunity to provide parking
5 on this site. As you can see, these buildings are
6 all residential, all next to each other. There's no
7 room on the front yards to provide parking. However,
8 we're legalizing a condition and making it better in
9 every way.

10 What we're proposing to do is correcting
11 that front entryway that leads straight into the
12 apartment. And that entryway, we're creating a small
13 vestibule area that separates the mechanical
14 equipment for the entire house to the new apartment,
15 and you enter into a large long space that is
16 kitchen, dining room, and living room space. We have
17 a home office, a small home office along the front.
18 And we have a master suite along the back bedroom.
19 The bedroom size is 10 wide by 13 foot 9 in depth,
20 and it has its own closet and bathroom.

21 There are two means of egress from the
22 space, the entryway that I've explained here and exit
23 through the rear of the property to the back yard.
24 And what happens if this board were to approve this
25 favorably is that we're going to bring this entire

1 building up to code, not just this apartment. We're
2 going to increase the fire separation between this
3 apartment and the rest. We're going to put an alarm
4 system throughout the entire building. The common
5 areas are going to have a low voltage alarm system.
6 The individual apartments will have a interconnected
7 110-volt system, and we're providing a sprinkler
8 system for the new unit. So it really enhances the
9 safety of not only the inhabitants of that building
10 but the neighbors as well due to fire safety. And
11 that concludes my testimony because we do have a
12 planner that is going to continue on that.

13 VICE CHAIRPERSON GRULLON: The planner.

14 MS. PEREIRAS: Sure. The planner.

15 * * *

16 JOHN MCDONOUGH, after having been duly sworn or
17 affirmed, did testify as follows:

18 MS. PEREIRAS: Mr. McDonough has testified
19 before the board in the past, and I ask that he be
20 accepted as an expert in the field of planning.

21 VICE CHAIRPERSON GRULLON: Yes. Yes.

22 MR. MCDONOUGH: Thank you, Mr. Chairman.

23 MS. PEREIRAS: Mr. McDonough, are you
24 familiar with the property as well as the drawings
25 prepared by Ubiquitous Architects?

1 MR. McDONOUGH: Yes.

2 MS. PEREIRAS: And would you kindly
3 describe this project from a planning perspective
4 focusing on the variances that we're seeking?

5 MR. McDONOUGH: Sure thing. Relying upon
6 the testimony that was just put forth by our
7 architectural expert, this is going to bring this
8 long-standing building into full conformance with
9 modern building codes and the stricter standards that
10 were around when this building was originally built.
11 That is certainly going to promote the general
12 welfare within an improved living environment that's
13 up to contemporary code.

14 Applicant is seeking relief for a
15 three-family dwelling which is not permitted in the
16 zone. That's what this basement apartment will
17 provide here. It will advance the planning goal for
18 efficient use of land, requires no physical expansion
19 per se, working with that which is already there, so
20 we've got good positive integration. It's a building
21 that is able to accommodate that third dwelling unit.
22 So clearly on the positive side we see the
23 advancement of purpose A, the promotion of the
24 general welfare; purpose G, to provide for a variety
25 of uses in appropriate locations according to the

1 needs of all New Jersey citizens. And I would also
2 offer purpose M, the efficient use of land with
3 retrofit of living space that readily accommodates
4 this additional unit.

5 On the negative side, relief can be
6 granted here without any substantially adverse impact
7 to the public or to the zone plan. As you just heard
8 and saw, this building is in a residential
9 neighborhood, so we have like compatible uses both
10 from a use standpoint, from a mass and scale
11 standpoint in terms of what the applicant is doing.
12 And in that regard we see good neighborhood harmony
13 here, no substantial impairment to the intent and
14 purpose of the zone plan. This is going to be
15 residential in a residential neighborhood in an area
16 that does have good access to mass transit which
17 would offset any of the inter-related relief for
18 parking. If you live here, you'll have excellent
19 access to the bus stops on New York Avenue which are
20 only minutes away. And in that regard, we think that
21 that relief is warranted as well. All the other
22 relief that were just listed through architectural
23 testimony are existing conditions not being worsened
24 but again actually being improved by the physical
25 upgrades to the building that's there now.

1 With that, I would offer that the
2 applicant has met its burden under the law and
3 approval is warranted here for the D-1 use relief and
4 the related C relief.

5 VICE CHAIRPERSON GRULLON: I have a
6 question for the architect. Mr. Pereiras, the unit
7 that you are proposing to legalize, is that unit
8 occupied at this moment or currently occupied?

9 MR. PEREIRAS: It was occupied.
10 Unfortunately, there was a rooming house. There were
11 multiple rooms, so we worked with the Building
12 Department to get that demolished. And what we're
13 looking to do is replace it with a legal apartment.

14 VICE CHAIRPERSON GRULLON: What is the
15 height of the ceiling?

16 MR. PEREIRAS: It is 9-foot-4, actually.
17 It's a very tall ceiling.

18 VICE CHAIRPERSON GRULLON: Are you
19 proposing to do any changes on the footprint of the
20 building?

21 MR. PEREIRAS: No changes to the
22 footprint.

23 VICE CHAIRPERSON GRULLON: You mentioned
24 that you have means of egress. Are the windows
25 remaining the same size?

1 MR. PEREIRAS: So we're actually enlarging
2 one of the windows, which is the bedroom window along
3 the back. We're taking one of the windows that they
4 have that's a double-hung window and we're replacing
5 that with a casement window that has a full setup for
6 emergency egress.

7 VICE CHAIRPERSON GRULLON: I assume that
8 it's going to be improving the security system in the
9 building, fire alarm --

10 MR. PEREIRAS: Significant improvements.

11 VICE CHAIRPERSON GRULLON: -- to the
12 apartment.

13 MR. PEREIRAS: Yes. The building code for
14 this as a three-family house is basically we need to
15 meet the standards of part two, international
16 building code. So it's significant improvements.

17 VICE CHAIRPERSON GRULLON: The height of
18 the building -- what is the height of the building
19 right now?

20 MR. PEREIRAS: It's a three-story or like
21 two and a half-story, and it is 24 feet tall.

22 VICE CHAIRPERSON GRULLON: I don't have
23 any other questions.

24 MS. SAN MARTINO: Here in the planning
25 stage, it looks like it's two bathrooms.

1 MR. PEREIRAS: It's two bathrooms, one for
2 the master because it's inside the master bedroom and
3 one for guests.

4 MS. PEREZ: And right now what's there?

5 MR. PEREIRAS: So this exact second, it's
6 exactly what I showed there. It's been demolished
7 except for those columns and those walls. Because we
8 demolished it working with the Building Department to
9 remove the illegal bedrooms.

10 MS. PEREZ: There's no bathroom? There's
11 no plumbing on this side?

12 MR. PEREIRAS: There's pipes there exactly
13 where we have them, but it's only on the ground and
14 no supply pipes. It's just the drainage pipes. And
15 that's why we have two bathrooms because there were
16 two there.

17 VICE CHAIRPERSON GRULLON: That's one of
18 the reasons why it's important what the Chairman
19 mentioned before that to provide pictures so that
20 it's not in our head.

21 MR. PEREIRAS: That's a great idea.

22 MS. PEREZ: No one is living there right
23 now?

24 MR. PEREIRAS: No one.

25 MS. O'DELL: What is this space back here?

1 MR. PEREIRAS: It's filled with dirt. So
2 it's basically --

3 MS. O'DELL: Is that a part of a back
4 yard?

5 MR. PEREIRAS: It's not. They did an
6 addition, but the addition didn't go down to the
7 basement. It was only the top floor, so it's a
8 voided space.

9 MS. O'DELL: Do you have any plans to fill
10 that?

11 MR. PEREIRAS: No, no plans. And I spoke
12 with the neighbor, and the neighbor I'm sure will
13 step up. We discussed she was a little concerned
14 that we were demolishing the building to create
15 parking into it. That's not what we want to do.

16 MS. PEREZ: To clarify the parking, it
17 says two, but it's actually six?

18 MR. PEREIRAS: So the way Union City does
19 parking -- and Mr. Spatz could clarify this, when
20 we're dealing with small-framed houses, it is two per
21 unit, so it would be a new requirement of six. What
22 we're asking for is two additional.

23 MS. SAN MARTINO: Why just one room,
24 bathroom -- like that space --

25 MS. O'DELL: They can make this a home

1 office.

2 MR. PEREIRAS: But we can't legally call
3 it a bedroom.

4 VICE CHAIRPERSON GRULLON: Any other
5 member of the board? At this time do you have any
6 other witnesses?

7 MS. PEREIRAS: We do not.

8 VICE CHAIRPERSON GRULLON: Thank you,
9 Mr. Pereiras. With that, I want to open to the
10 public. Any members of the public want to step
11 forward with this application?

12 MR. VALLEJO: The lady, ma'am.

13 MS. PORTAL: (Speaking in Spanish.)

14 MR. VALLEJO: Hold on one second. Hold on
15 one second.

16 MR. T. PANEQUE: (Speaking in Spanish.)

17 MS. PORTAL: (Speaking in Spanish.)

18 (Discussion held off the record.)

19 MR. T. PANEQUE: I will translate.

20 Ms. Portal wants to know if the owner of
21 the property is going to reside there.

22 That's what you'd like to know?

23 MS. PORTAL: (Through Mr. T. Paneque) I do
24 not know. I have been living in the house next door
25 for 32 years. I have never seen him. I do not know

1 who the person is. There's entering and exiting of
2 people all day, and they have gas lines for outside,
3 and I have to be calling City Hall constantly. And
4 the grass is full of mosquitos, and they take garbage
5 into the yard. They never clean it, and the garbage
6 is accumulated there.

7 MR. T. PANEQUE: I have a question for the
8 lady.

9 (Speaking in Spanish.)

10 MR. T. PANEQUE: I asked if there were
11 people currently inhabiting the property. And the
12 answer is yes.

13 MS. PORTAL: (Through Mr. T. Paneque)
14 Every day there's people coming in and out with
15 luggage in and out.

16 VICE CHAIRPERSON GRULLON: I have a
17 question, Ms. Pereiras. For how long has the owner
18 owned the property?

19 MS. PEREIRAS: 2011.

20 MR. PEREIRAS: And these are some of the
21 things we are addressing. You know, there's a
22 rooming board on the ground floor. We're bringing
23 this all up to code.

24 VICE CHAIRPERSON GRULLON: And he hasn't
25 been taking care of -- that there seems to be that

1 the owner has not been taking care of the property in
2 the way they're supposed to do it. It's a concern.

3 MS. PEREIRAS: We've been actively working
4 with the Building Department to try to resolve some
5 of these issues, but we'll also bring this to his
6 attention and make sure it gets resolved.

7 MR. A. PANEQUE: It looks like your client
8 wants to speak.

9 MR. T. PANEQUE: Ms. Pereiras, from a
10 legal perspective, we have been provided with the
11 Building Department memo. And in the Building
12 Department memo there appears to be a list of
13 violations going all the way back to 2003. What is
14 the status of those violations?

15 MS. PEREIRAS: May I take a look at it and
16 just confirm with my client?

17 MR. T. PANEQUE: Yes.

18 MR. VALLEJO: Ms. Pereiras, the memorandum
19 from the Building Department.

20 (Ms. Portal returns to seat.)

21 MS. PEREIRAS: Counsel, it appears that
22 all of these violations done for the illegal
23 occupancy that was occupying that basement apartment
24 which hopefully with this application we'll be able
25 to abate, and they'll be able to take out the

1 necessary permits, and you'll have to close out all
2 of these existing violations in order to resolve
3 that.

4 MR. T. PANEQUE: Okay. But my question
5 really stems to the core of irrespective of this
6 application, how is he addressing these violations?
7 Because to me they seem that they haven't been
8 addressed yet.

9 MS. PEREIRAS: While I understand that
10 they're working to better this --

11 MR. PEREIRAS: So they have, the majority
12 of them. And they're not closed out, but they have.
13 So if you notice my plan, these are accurate existing
14 conditions. And if you notice the plans that I
15 submit to the board always has the existing apartment
16 there. And what we do to kind of fix it, we're very
17 accurate in how we present this. It's my license on
18 the line and where we show it. So this is the actual
19 condition of what it is right now. None of those
20 walls are there. All the bedrooms have been
21 demolished. They were demolished with proper
22 permits, but we haven't finished going through and
23 cleaning out and abating the violations because we
24 have more permits to do to complete this project.
25 We're hoping that this board with a favorable

1 approval could help us go through with that. If this
2 board were to vote no, those abatement -- those
3 violations will still be closed but in a slightly
4 different process.

5 MS. O'DELL: Now, let me ask you a
6 question. In the apartment, the ground floor and the
7 second floor, how many bedrooms? Is this also
8 considered boarding, or is this just one family on
9 each floor?

10 MR. PEREIRAS: No. Those are one family
11 on each floor. The owner could speak a little bit
12 about who his tenants are. Because I think the board
13 will benefit from understanding who the tenants are,
14 and here for that.

15 MR. T. PANEQUE: I want to stay on this
16 issue with the violations. Because, as you can see,
17 these violations are substantial in the amount of
18 penalties that have been assessed. Okay? My concern
19 here is that you're asking this board to take action
20 on a property that is substantially under heavy
21 penalties at this point. I mean, we're talking some
22 of those violations are in the multi-million dollar
23 range. My suggestion is that this matter be tabled
24 until a resolution is brought forth as to what has
25 happened with these violations either in the form of

1 a settlement or whatever. Because at this point
2 going forward with an approval under the
3 circumstances is really contrary to what this board
4 is here for.

5 VICE CHAIRPERSON GRULLON: I was going to
6 ask you for that, the issues with the violations
7 before we make a decision.

8 MS. PEREIRAS: Absolutely. Counsel, my
9 client is mentioning to me that he actually paid some
10 fines to the city as well. So maybe it's
11 administrative that we don't have this cleared up.
12 But I will reach out to the Building Department and
13 counsel just to see what's going if anything.

14 MR. T. PANEQUE: What I would like to see,
15 we're going to table this application -- and that's
16 up to the Vice Chairman -- when we get that next
17 report, post the dates or some kind of memo from the
18 Building Department that the violations have been
19 somehow settled.

20 MR. VALLEJO: Mr. Paneque, allow me to --
21 according to the Building Department, any violation
22 that is not dated, that is still open.

23 MR. T. PANEQUE: Yes. And that's been
24 recognized on the record by Ms. Pereiras. She
25 recognized that these violations are still open,

1 Mr. Vallejo.

2 So we really have a number of open
3 violations that have to be addressed. And we ask
4 this board at this time for an approval on an
5 apartment on a property which has open violations.
6 And aside from that, we have a member of the public
7 here who expressed some serious concerns to this
8 board because this is not just a six-month -- those
9 violations go back to 2003. And this poor resident
10 who lives next door has been putting up with this
11 condition. So we need to address that.

12 MS. PEREIRAS: Not a problem, Counsel.
13 We'll make sure to address that.

14 MR. T. PANEQUE: So are you asking this
15 matter be carried for 30 days, or do you want more
16 than 30 days?

17 MS. PEREIRAS: I'll check with my client.
18 (Discussion held off the record.)

19 MS. PEREIRAS: We can carry it for
20 60 days, and that will give us sufficient time to
21 address the violations.

22 VICE CHAIRPERSON GRULLON: I'm going to
23 ask you for one more thing. I know you only require
24 to do work in the basement unit, but we would like to
25 know the plans for the first and second floor as well

1 just to confirm that they don't have the same
2 conditions as they had in the basement.

3 MR. PEREIRAS: Yes, Mr. Chairman. And
4 we'll take photographs.

5 VICE CHAIRPERSON GRULLON: Bring it up to
6 code completely.

7 MR. PEREIRAS: Yes.

8 VICE CHAIRPERSON GRULLON: Any other
9 members of the public want to step forward?

10 (No response.)

11 VICE CHAIRPERSON GRULLON: Closed to the
12 public. For what, November?

13 MR. VALLEJO: November 14th.

14 VICE CHAIRPERSON GRULLON: With that, I'm
15 going to make a motion to carry this application at
16 the November 14th meeting with the condition to show
17 the violation and to bring new plans.

18 MS. GUTIERREZ: Second.

19 MR. T. PANEQUE: Ms. Pereiras, you waive
20 the jurisdictional period in which this board can
21 act?

22 MS. PEREIRAS: I do, Counsel.

23 MR. VALLEJO: Motion to adjourn this
24 application for November 14, 2024, same place, same
25 location, high school, by Mr. Grullon.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Gutierrez.

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

5 Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

19 MR. VALLEJO: Seven in favor. Motion
20 carries. No new notice required.

21 (Discussion held off the record.)

22 MR. T. PANEQUE: What I said was that the
23 matter is being carried to the November 14th meeting
24 if she wants to be present and hear what happens with
25 the case. It's going to be carried so that they can

address some issues.

* * * *

1 **SAKIRI REAL ESTATE MANAGEMENT, LLC -**
2 **4101-4103 Bergenline Avenue**
3 **Block 239, Lot 26:**
4

5 MR. VALLEJO: Let the record indicate that
6 Chairman Garcia has joined the meeting. We have now
7 eight members. The next application on tonight's
8 agenda, Sakiri Real Estate Management, LLC,
9 4101-4103 Bergenline Avenue.

10 MR. T. PANEQUE: For the record, I have
11 been provided with the following documentation which
12 was delivered to Mr. Vallejo from the office of
13 Mr. Adolfo Lopez. I have a copy of the notice that
14 went out to all property owners within the 200-foot
15 radius 4101-4103 Bergenline Avenue. I have an
16 affidavit of service indicating that notice went out
17 to all property owners which is signed by Mr. Lopez
18 and notarized by Anna Noris. I have an affidavit of
19 publication giving notice of tonight's hearing at
20 this location in Union City High School.

21 With respect to the property located at
22 4101-4103 Bergenline Avenue, said affidavit of
23 publication indicates that notice was published in
24 The Jersey Journal on August 22, 2024. I also have
25 an actual copy of the notice that went to all

1 property owners and the list from the Tax Assessor's
2 Office providing for the names and addresses of all
3 property owners within the 200-foot radius of block
4 239, lot 26, also known as 4101-4103 Bergenline
5 Avenue. Said tax list was done by the tax assessor
6 on July 10 of this year.

7 And, finally, I have the certified mail
8 receipts with a postmarked date of August 26, 2024.
9 Based on documentation that has been provided by
10 Mr. Lopez's office, this board has jurisdiction to
11 proceed and hear this matter.

12 Mr. Vallejo, I understand that Mr. Lopez
13 provided notice that he had an issue with attendance
14 this evening with experts and so forth, that he was
15 requesting that the matter be carried to the next
16 available meeting. Correct?

17 MR. VALLEJO: To October 10th.

18 MR. T. PANEQUE: October 10.

19 Mr. Chairman, Mr. Lopez did call and notified that he
20 had a conflict that had arisen by either himself or
21 the experts, and he was asking the Board take
22 jurisdiction, which we just did, and that the matter
23 be carried to the next available hearing on
24 October 10th.

25 CHAIRPERSON GARCIA: Do they need to give

1 notice?

2 MR. T. PANEQUE: They will not need to
3 re-notice because in the previous application that we
4 did Mr. Vallejo will place the notice in the local
5 newspaper giving notice that the meeting will be
6 carried to the Gilmore School as well as we will take
7 steps to provide notices at the door here in case
8 anybody shows up for the meeting.

9 I'll also make a notice at this time. If
10 anybody here in the public is here with respect to
11 the application for 4101-4103 Bergenline Avenue, this
12 application will not be heard tonight. It's going to
13 be carried, if the Chairman approves, to the
14 October 10th meeting, and it will be held at the
15 Gilmore School, 1600 Kerrigan Avenue, Union City.

16 CHAIRPERSON GARCIA: Motion to carry.

17 MR. VALLEJO: Motion to carry to
18 October 10th by Mr. Garcia.

19 MS. GUTIERREZ: Second.

20 MR. VALLEJO: Seconded by Ms. Gutierrez.

21 Roll call on the motion to carry this
22 application for October 10th. No new notice
23 required.

24 Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Mr. Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

7 MR. VALLEJO: Ms. Watley.

8 MS. WATLEY: Yes.

9 MR. VALLEJO: Ms. O'Dell.

10 MS. O'DELL: Yes.

11 MR. VALLEJO: Ms. Pena.

12 MS. PENA: Yes.

13 MR. VALLEJO: That's seven in favor.

14 Motion carries.

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1 **ADVANCED UNION CITY, LLC -**
2 **3914-3916 Kennedy Blvd.**
3 **Block 229, Lot 1.01:**
4

5 MR. VALLEJO: Next application on the
6 agenda is supposed to be Advanced Union City, LLC,
7 3914-3916 Kennedy Blvd., and we received an email by
8 Mr. Alonso's office.

9 MR. T. PANEQUE: For the record, I've been
10 provided with a copy of a letter dated September 12,
11 2024, addressed to Mr. Carlos Vallejo regarding the
12 Advanced Union City, LLC application for
13 3914-3916 Kennedy Blvd. The letter states: Dear
14 Mr. Vallejo, this office represents Advanced Union
15 City, LLC in connection with the above-referenced
16 matter currently scheduled for September 12, 2024.
17 This letter is respectfully submitted as a formal
18 request to adjourn the above-mentioned to the
19 October 10, 2024, hearing date. The statutory time
20 periods are hereby waived on behalf of the applicant.
21 Please feel free to contact this office should there
22 be any problems. And it's signed by Mr. J. Alvaro
23 Alonso, attorney for the applicant.

24 Mr. Vallejo, we did not receive any --

25 MR. VALLEJO: I contacted Mr. Alonso's

1 office and requested to send me by email the notice,
2 publications. They told me that it was deficient and
3 they have to publish again.

4 MR. T. PANEQUE: So if they have not
5 published, basically at this time, there's really no
6 need to carry the matter. It would have to be placed
7 on the agenda, and it would be up to you if you say
8 there's room for the October 10th or for the November.

9 MR. VALLEJO: I think, if I am not
10 mistaken, I put already a dozen in October. I got to
11 email to them to make sure to publish to the Gilmore
12 School.

13 MR. T. PANEQUE: Okay. Mr. Chairman, if
14 you see fit, we can carry -- not carry -- we can say
15 that this matter will be listed for the October 10th
16 meeting with the requirement that the applicant
17 noticed and sent out the certified mail to all
18 property owners giving notice of the hearing at the
19 Gilmore School.

20 CHAIRPERSON GARCIA: Need to make a motion
21 for that or just to --

22 MR. T. PANEQUE: Well, it's on the agenda,
23 so let's make a motion. Make a motion to carry for
24 October meeting.

25 MR. VALLEJO: Motion to carry.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Motion on the table to carry
3 to October 10th by Chairman Garcia. Seconded by
4 Ms. Gutierrez.

5 Roll call on the motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Mr. Grullon.

9 VICE CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 MS. GUTIERREZ: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Ms. O'Dell.

17 MS. O'DELL: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Seven in favor. Motion
21 carries. Is notice required?

22 MR. T. PANEQUE: Yes.

23 CHAIRPERSON GARCIA: Yes.

24 MR. VALLEJO: Gilmore School.

25 * * * *

1 MARGARITA ONOFRE -

2 136 37th Street

3 Block 223, Lot 8:

4
5 MR. VALLEJO: All right. Next item on the
6 agenda, Number 6, Margarita Onofre, 136 37th Street.

7 Mr. T. Paneque, the same situation.

8 MR. T. PANEQUE: For the record, I have
9 been provided with a very similar letter from
10 Mr. Alonso's office also requesting that this matter
11 be carried through the October 10th hearing date.

12 Mr. Chairman, same situation.

13 CHAIRPERSON GARCIA: Do you have a space
14 for October?

15 MR. VALLEJO: I did already.

16 CHAIRPERSON GARCIA: Did they waive the
17 statutory --

18 MR. T. PANEQUE: Yes. Statutory time
19 periods are hereby waived.

20 CHAIRPERSON GARCIA: Okay. And I make a
21 motion to adjourn to October meeting.

22 MS. GUTIERREZ: Second.

23 MR. VALLEJO: Motion to adjourn this
24 application for October 10, 2024, at Gilmore School,
25 1600 Kerrigan Avenue by Mr. Garcia, and seconded by

1 Ms. Gutierrez.

2 Roll call on the motion.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 Seven in favor. Motion carries. Notice
18 required.

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1 **JBZ ENTERPRISES, LLC -**

2 **588-590 32nd Street**

3 **Block 204, Lot 2 & 3:**

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5 MR. VALLEJO: Next application on
6 tonight's agenda. JBZ Enterprises, 588-590 32nd
7 Street. Ms. Pereiras.

8 MS. PEREIRAS: Yes. Bianca Pereiras on
9 behalf of this applicant. We did not notice and we
10 did not publish for this application because this
11 should be in front of the Planning Board not the
12 Board of Adjustments, so I will speak with
13 Mr. Vallejo about scheduling that before the
14 appropriate board.

15 MR. VALLEJO: Planning Board. No action?

16 MR. T. PANEQUE: No action is required.
17 Ms. Pereiras, you're asking that the matter be
18 withdrawn from this board?

19 MS. PEREIRAS: Of course.

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1 **RAJESH MATTHEW -**
2 **2302 Kerrigan Avenue.**
3 **Block 131, Lot 2:**
4

5 MR. VALLEJO: Now, next application,
6 Number 8, Rajesh Matthew, 2302 Kerrigan Avenue.

7 Ms. Pereiras, please.

8 MS. GUTIERREZ: Mr. Vallejo, I recuse
9 myself in this application.

10 MR. VALLEJO: Let the record show that
11 Ms. Gutierrez is recusing for this application.
12 Thank you. We have seven members now.

13 MR. T. PANEQUE: For the record, I've been
14 provided by Ms. Pereiras with a certification as to
15 publication and service giving notice of tonight's
16 hearing with respect to the property at 2302 Kerrigan
17 Avenue at this location in Union City High School.
18 I've also been provided with an affidavit of
19 publication from The Jersey Journal giving notice of
20 tonight's hearing at this location with respect to
21 the application for 2302 Kerrigan Avenue. That
22 notice on The Jersey Journal was published on
23 August 20, 2024.

24 I've also received the certified mail
25 receipts with a postmark date of August 23rd, 2024,

1 as well as the taxes from the Tax Assessor's Office
2 from block 131, lot 2, property known as
3 2302 Kerrigan Avenue listing all property owners.
4 And that has a date of August 8, 2024. Based on the
5 documentation that's been provided, this Board has
6 jurisdiction to proceed and hear this matter.

7 MS. PEREIRAS: Thank you, Counsel. Bianca
8 Pereiras on behalf of Rajesh Matthew for property
9 located at 2302 Kerrigan Avenue, also known as lot 2
10 and block 131. The application before the board this
11 evening is to legalize one apartment in an existing
12 two-family. We are located in the R-M density
13 residential zone. And if the board were to approve
14 this application this evening, we would have a total
15 of three residential units on the site. We have two
16 experts and we'll begin our presentation with our
17 architect, Mr. Manuel Pereiras.

18 * * *

19 MANUEL PEREIRAS, having been previously sworn or
20 affirmed, did testify as follows:

21 MR. PEREIRAS: I recognize that I am still
22 under oath.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with the property at 2302 Kerrigan Avenue?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

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

6 MR. PEREIRAS: I would be very happy to.
7 This is a property on Kerrigan Avenue. I'm sure many
8 of you remember there was a fire on this corner. The
9 fire affected these houses when there was damage to
10 the houses. And when we were going before the
11 Building Department to make the appropriate
12 renovations, we discovered that the unit on the lower
13 level, the basement was illegal. The owner did not
14 know until we actually went forward to do
15 renovations.

16 So we're here before this board to
17 legalize it. The site is 25 feet wide. However, it
18 is undersized as far as depth. We are at 78 feet --
19 78.05 feet in depth. That's an existing
20 nonconformity. So our minimum lot area should be
21 2,500 is at 1,951.

22 We have a front yard that is existing and
23 prevailing. It is matching along all the houses in
24 the neighborhood as far as front yard. The rear yard
25 is 13 feet 5 inches, whereas 20 feet is required.

1 That's an existing nonconformity. And the lot
2 coverage is 100 percent whereas 95 is required.

3 And the parking we are expanding because
4 we are legalizing a unit that we need an additional
5 two parking spaces. There is no possibility of
6 creating parking space. We're not looking to make
7 any changes to the exterior of the building.
8 However, we are making some very significant changes
9 to the apartment. The existing apartment had three
10 bedrooms. The emergency egress for the three
11 bedrooms was along the side yard. If you look at our
12 site plan, our side yard had .5 feet. So 6 inches
13 along the front and .9 inches along the back. That
14 is not adequate for proper safety of egress of people.

15 So what we're looking to do is we've
16 redesigned that entire floor plan and created one
17 bedroom along the front of the building where we'll
18 have an egress window to the front and one bedroom
19 along the back that will have escape to the rear
20 yard. By doing that we are reducing it from a
21 three-bedroom unit to a two-bedroom unit that meets
22 all the requirements of the code.

23 In addition to that, we're providing a
24 domestic line sprinkler system to this unit so that
25 unit will be suppressed for a fire. There's going to

1 be a new 2-hour fire separation along the floor
2 between the ceiling of that unit and the floors
3 above. And there's going to be a new alarm system
4 throughout the entire building to bring it up to code.

5 The floors above are remaining the same.
6 If you look at the apartment number -- the second
7 floor or the first floor, there is an existing
8 three-bedroom apartment. And on the third floor,
9 there is an existing two-bedroom apartment which we
10 are not proposing any changes. And the intricate
11 changes of those apartments are described in the
12 drawings.

13 The exterior of the building is not having
14 any changes other than the egress windows that were
15 created. One here along the front of the building
16 that's visible from both of these facades and one
17 along the rear of the building and come out of the
18 back bedroom. And that concludes my testimony.

19 MS. PEREIRAS: We do have a planner as
20 well.

21 Mr. McDonough.

22 * * *

23 JOHN McDONOUGH, having been previously sworn or
24 affirmed, did testify as follows:

25 MR. McDONOUGH: I'm still under oath. Do

1 I need to be resworn?

2 MS. PEREIRAS: Mr. McDonough, are you
3 familiar with the property at 2302 Kerrigan Avenue?

4 MR. McDONOUGH: Yes, I am.

5 MS. PEREIRAS: Would you kindly describe
6 the variances sought on this application for the
7 board.

8 MR. McDONOUGH: Sure. The applicant is
9 seeking use relief to allow a three-family in the R,
10 low-density residential district where one or two
11 families are permitted. The relief is justifiable in
12 terms of satisfying the positive and the negative
13 criteria whereby you heard about the fire safety
14 upgrades that the applicant is proposing here in
15 terms of an egress window and the other code issues
16 that are being brought up above and beyond that which
17 presently exists. The reduction of bedroom count on
18 that lower level from three to two all resulting in
19 improved living space. That will go to its purpose
20 A, the promotion of the general welfare. In purpose
21 I, the promotion of efficient use of land.

22 On the negative side, relief can be
23 granted without any substantially adverse impacts.
24 We are in a transit rich area in close proximity to
25 bus stops on Kennedy Boulevard which would mitigate

1 the relief that's being requested here in connection
2 with the efficient parking. It's an existing
3 building. It's an adaption or adaptive reuse of the
4 building that's there, taking what's there and making
5 it better. From a planning standpoint, we believe
6 the statutory criteria are met and approval is
7 warranted.

8 CHAIRPERSON GARCIA: Mr. Pereiras, you
9 mentioned that that was an existing -- existing
10 condition was a three-bedroom apartment.

11 MR. PEREIRAS: Correct.

12 CHAIRPERSON GARCIA: And it's the current
13 condition right now. And they are reducing to two
14 bedrooms.

15 MR. PEREIRAS: Correct.

16 CHAIRPERSON GARCIA: And any changes to
17 the exterior?

18 MR. PEREIRAS: No changes other than the
19 egress windows.

20 CHAIRPERSON GARCIA: And how is that going
21 to impact that front area?

22 MR. PEREIRAS: It doesn't change anything
23 other than that window becomes bigger.

24 CHAIRPERSON GARCIA: And what about the
25 first floor and second floor?

1 MR. PEREIRAS: No changes proposed to
2 either of those floors. The only thing that we will
3 be doing there is the alarm system is going to be
4 upgraded.

5 CHAIRPERSON GARCIA: On the first --

6 MR. PEREIRAS: On both -- throughout the
7 building. So each of the bedrooms is going to have
8 an interconnected smoke alarm, and there will be a
9 carbon monoxide detector outside of the bedrooms.

10 CHAIRPERSON GARCIA: Any other questions
11 from the board? No? Any member of the public want
12 to step forward?

13 (No response.)

14 CHAIRPERSON GARCIA: Seeing none, closed
15 to the public. Understanding that the application is
16 basically an improvement for the unit from bringing
17 from the three to two, and also to bring -- to
18 legalize the basement apartment and bring it to code.
19 Also, sadly understanding that they realized that it
20 was illegal after the fire. So I think it's -- I see
21 no reason to -- grant this application without any
22 condition. I make my motion to grant it.

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

1 VICE CHAIRPERSON GRULLON: Second.

2 MR. VALLEJO: Seconded by Mr. Grullon.

3 Roll call on the motion to grant this
4 application.

5 MR. VALLEJO: Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

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

21 MS. PEREIRAS: Thank you very much.

22 * * * *

23

24

25

1 **LUZ J. NUNEZ -**
2 **653 39th Street**
3 **Block 261, Lot 37:**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, Luz J. Nunez, 653 39th Street.

7 Ms. Pereiras, please.

8 MR. T. PANEQUE: For the record, I have
9 been provided by Ms. Pereiras with a certification as
10 to the publication and service listing all the
11 property owners within a -- indicating that a notice
12 was given to all property owners within a 200-foot
13 radius of 653 39th Street --

14 MR. VALLEJO: Wait. Let me call
15 Margarita. I'm sorry. Let the record show
16 Ms. Gutierrez joined the meeting. We have eight
17 members now.

18 MR. T. PANEQUE: We'll start anew.

19 For the record, I've been provided with a
20 certification as to the publication of service by
21 Ms. Pereiras indicating that notice was provided to
22 all property owners within a 200-foot radius of
23 653 39th Street, block 261, lot 37. I've also been
24 provided with an affidavit of publication from The
25 Jersey Journal indicating that notice was given as

1 per statute with respect to the property at 653 39th
2 Street. Said notice was published in The Jersey
3 Journal on August 20, 2024. I also have the
4 certified mail receipts with a postmarked date of
5 August 9, 2020 as well as the property owner's list
6 of the Tax Assessor's Office, block 261, lot 37, also
7 known as 653 39th Street. Said tax list has a date
8 of August 8, 2024. Based on the documentation that
9 has been provided by Ms. Pereiras, this board has
10 jurisdiction to proceed and hear this matter.

11 MS. PEREIRAS: Thank you very much,
12 Counsel. Bianca Pereiras on behalf of Luz Nunez.
13 The property at 653 39th Street, also known as
14 lot 37, block 261. This property is located in the
15 R, low-density residential zone. And what we are
16 seeking this evening is to legalize a ground floor
17 apartment in the existing legal two-family for a
18 total of three units before the board this evening.
19 We have two experts again, our architect and our
20 planner. We'll begin with Mr. Pereiras.

21 * * *

22 MANUEL PEREIRAS, having been previously sworn or
23 affirmed, did testify as follows:

24 MR. PEREIRAS: Manny Pereiras. I
25 recognize that I am still under oath.

1 MS. PEREIRAS: Mr. Pereira, are you
2 familiar with 653 39th Street?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 drawings that are before the board.

6 MR. PEREIRAS: I have.

7 MS. PEREIRAS: Can you please describe the
8 application for the board.

9 MR. PEREIRAS: I'd be very happy to. The
10 drawings to my right are the same drawings submitted
11 to the board. This is an owner-occupied house. We
12 have the owner sitting right here in the front row,
13 and they really keep the house very lovely. It's
14 extremely well-kept, maintained, and beautiful in
15 every aspect.

16 This is one of the newer developments that
17 we have that is very typical to Union City a few
18 years ago. There's a garage on the ground floor, and
19 then there's was a bonus room in the back of that
20 garage, and then there were two apartments, one on
21 each floor above.

22 The two apartments above are existing to
23 remain. The owners hired a contractor to do work in
24 the rear to set up as an apartment. They didn't know
25 any better. The contractor said he took out permits.

1 They started inhabiting in there, and now they've
2 discovered that it was illegally done. So what we're
3 here -- before the owners are on the first floor and
4 they want to bring this to code and come before this
5 board and legalize that. And it's very well-kept and
6 very nicely done.

7 So here we have the existing conditions,
8 ground floor, second floor, and a third floor.
9 There's absolutely no changes that we want to the
10 second and third floor. And, quite frankly, almost
11 no changes to that ground floor either. The only
12 changes that we're doing is code changes to just
13 bring it up to fire safety code, which is the fire
14 suppression system, which will be the domestic fire
15 suppression system for that unit, and the alarm
16 systems, and the fire ratings. We're going to create
17 a two-hour fire-rating between the unit and the
18 garage. And then we're also going to create a
19 two-hour rating in that ceiling between that unit and
20 the unit above.

21 The size of the windows is adequate. We
22 are adding in the rear of this property a fire
23 escape. Why? It's an intricate aspect of the code.
24 When a house is a two-family house, you don't need a
25 second means of egress from that side. When you come

1 to a three-family house, different codes apply, and
2 now you need a second means of egress when that floor
3 is more than 16 feet above the ground. This triggers
4 those requirements, so we are proposing a new fire
5 escape in the rear of the house as a second means of
6 egress for this apartment. And that is the extent of
7 our intervention. We have drawings of the existing
8 house all the way around, and we show the new fire
9 escape the way it's going to look like in the
10 diagram. That completes my testimony.

11 MS. PEREIRAS: We do have a planner as
12 well. Mr. McDonough, please.

13 * * *

14 JOHN McDONOUGH, having been previously sworn or
15 affirmed, did testify as follows:

16 MR. McDONOUGH: And I do recognize I'm
17 still under oath.

18 MS. PEREIRAS: Mr. McDonough, are you
19 familiar with the property at 653 39th Street?

20 MR. McDONOUGH: Yes, I am.

21 MS. PEREIRAS: Would you kindly describe
22 the variances sought.

23 MR. McDONOUGH: Primarily relief that the
24 applicant is seeking is (d)1 use relief for a
25 three-family in your R zone district where

1 three-families are not permitted, one- and two- are.
2 This application substantially aligns with your
3 zoning criteria from a bulk standpoint. If you look
4 at the architectural plans in the table that have
5 been provided, you'll see from top to bottom there's
6 either conformance or existing continuation of
7 existing non-conforming condition but, again,
8 substantial compliance with the overall bulk
9 compliance of the R zone district. The only real
10 relief that the applicant is seeking here as noted in
11 Mr. Spatz's report is the (d)1 use variance for that
12 third unit to legalize that third unit and also the
13 fact that this will trigger relief for an additional
14 parking space. And in that regard, the applicant is
15 seeking C relief related to the D relief.

16 Again, the justifications are that this is
17 taking an existing condition and making it better,
18 advancing the planning goal for efficient use of
19 land, variety of land uses in appropriate locations
20 and also the promotion of the general welfare with an
21 upgrade of housing stock that, again, does meet all
22 the bulk requirements of the R zone district.

23 In terms of the negative criteria, where
24 the relief can be granted without any substantially
25 adverse impacts to the public or to the zone plan,

1 this is a residential area. The mass and scale of
2 the building is on par with the rest of the buildings
3 in the area and typical of this time period of
4 construction here in the city. And with that, we see
5 that the applicant is not creating or continuing an
6 anomaly here. With that said, we believe the
7 statutory criteria for relief are met and approval is
8 warranted.

9 CHAIRPERSON GARCIA: I have a question for
10 Mr. Pereiras.

11 Mr. Pereiras, in your testimony you
12 mentioned that the owner of the -- your client went
13 to do the repair -- I mean, whatever the alteration
14 on the ground floors and went to the Building
15 Department -- I mean didn't go.

16 MR. PEREIRAS: No. She hired a
17 contractor.

18 CHAIRPERSON GARCIA: No permit. When was
19 that?

20 MR. PEREIRAS: I don't know the year
21 exactly. It's relatively new, so I would say it's
22 within two or three years.

23 CHAIRPERSON GARCIA: Two, three years.
24 Okay. So they did without permits?

25 MR. PEREIRAS: Yes.

1 CHAIRPERSON GARCIA: And what was there
2 before?

3 MR. PEREIRAS: Just the big room.

4 CHAIRPERSON GARCIA: Big room. This
5 question is going to be for Mr. Paneque or Mr. Spatz.

6 MR. PEREIRAS: Mr. Chairman, I need to
7 take a step back. I see a lot of these projects. I
8 think I'm a little confused. They bought it like
9 that. So they bought the property with the apartment
10 in the back. I think I got my streets crossed. I
11 have another one on 39th Street is the one that they
12 did without permits. So they purchased this property
13 like that.

14 CHAIRPERSON GARCIA: Okay.

15 MR. PEREIRAS: I'm getting old and I'm
16 looking at too many Union City houses.

17 CHAIRPERSON GARCIA: I have another
18 question. The setback that you have, the rear
19 setback, you said they are 24-4, right?

20 MR. PEREIRAS: Yes.

21 CHAIRPERSON GARCIA: Can I have the size
22 of the fire stairs that you are going to install?

23 MR. PEREIRAS: It's 3-foot-4. The reality
24 is that when you look at the size of the steel, it's
25 kind of 3-foot-6 that sticks out.

1 CHAIRPERSON GARCIA: Okay. Mr. Paneque,
2 can you specify pretty well the resolution and then
3 the transcript -- I mean, the transcript already say
4 that -- about the size of the fire stairs. Let me
5 tell you why. Because then in the future -- not
6 talking about you, Mr. Pereiras, not talking about
7 your client -- but in the future your client comes,
8 sell the house, and you know what's going to happen.
9 They're going to expand it. They have another
10 20 feet to go back, and they're going to create two
11 decks.

12 MR. PEREIRAS: I'll make you feel
13 comfortable about this. We're proposing a fire
14 escape, not a fire stair. There's a huge difference.
15 The code is very specific in what the dimensions and
16 how a fire escape is built. I don't have an option
17 there. It's a part of a code that's called FT0 3.
18 It's a formal technical opinion 3 that was issued by
19 the state about eight years ago. And that tells us
20 exactly how we have to build fire escapes. It can't
21 be an inch bigger. It can't be an inch smaller. We
22 have to build it exactly by those standards, and
23 that's what they have to do here. It's a fire
24 escape, not a fire stare. So you can feel
25 comfortable that it won't be anything else.

1 CHAIRPERSON GARCIA: Thank you. Also,
2 just trying, there's no -- any way you can add
3 another, like, in the driveway for two cars?

4 MR. PEREIRAS: So the width --

5 CHAIRPERSON GARCIA: Because you're
6 providing one parking space, and I know it's an
7 existing condition.

8 MR. PEREIRAS: The reality is I can fit
9 two cars there. They just can't get out of the cars.
10 There's no way they're going to open the doors.

11 CHAIRPERSON GARCIA: And like you
12 mentioned before, it's going to be a fire suppression
13 system. That's for the first floor, right, the
14 ground floor?

15 MR. PEREIRAS: First floor.

16 CHAIRPERSON GARCIA: And the alarm system
17 is going to be --

18 MR. PEREIRAS: Throughout the building.
19 The existing alarm system since this is a newer house
20 is pretty much up to code, so it's really on the
21 basement that we're changing.

22 CHAIRPERSON GARCIA: When did your client
23 purchase the house?

24 MS. PEREIRAS: In 2004. I just want to
25 confirm. 2004. Mr. Chairman, just to clarify, I'm

1 looking at the deed, and the deed was transferred
2 from Luz Nunez to Jose and Luz Nunez in 2004, and it
3 was originally purchased in 1985.

4 CHAIRPERSON GARCIA: Yeah, but it's --
5 there is a contradiction with Mr. --

6 MR. T. PANEQUE: I understand where the
7 contradiction is.

8 CHAIRPERSON GARCIA: Can you bring up your
9 client, please.

10 MS. PEREIRAS: Absolutely. Just to
11 clarify the record.

12 * * *

13 JEANELLY NUNEZ, after having been duly sworn or
14 affirmed, did testify as follows:

15 CHAIRPERSON GARCIA: Just for the record,
16 since Mr. Pereiras' testimony probably with the
17 information about the application, another house,
18 it's just to confirm, when did you fix the house?
19 Did you fix the ground floor?

20 MS. J. NUNEZ: No. That wasn't
21 constructed. That was there when it was bought in my
22 understanding from my mother in 1985.

23 CHAIRPERSON GARCIA: And all the time you
24 see the house in that condition --

25 MS. J. NUNEZ: Yes.

1 CHAIRPERSON GARCIA: No other house --
2 okay. That was just for the record. Thank you very
3 much.

4 MR. T. PANEQUE: I have a question.
5 Ms. Nunez, are you the current owner?

6 MS. J. NUNEZ: I'm the daughter.

7 MR. T. PANEQUE: You're the daughter. And
8 this property was purchased originally in 1985?

9 MS. J. NUNEZ: Yes.

10 MR. T. PANEQUE: Okay. Was that the year
11 it was built?

12 MS. J. NUNEZ: I am not sure.

13 MR. T. PANEQUE: Mr. Pereiras.

14 MR. PEREIRAS: It's probably very close to
15 that.

16 MR. T. PANEQUE: Based on the
17 construction, this property was built probably in
18 1985, and it was built as a two-family home. And if
19 we have original owners who bought and they're here
20 as a two-family home, who did the conversion?

21 MR. PEREIRAS: Well, the answer to that is
22 more likely -- and this is I'm making assumptions
23 here -- they didn't build the homes themselves. They
24 purchased it from a contractor. It's very plausible
25 that the contractor built this for someone as a

1 three-unit and not as a two-.

2 MR. T. PANEQUE: It wouldn't pass muster
3 with the Building Department.

4 MR. PEREIRAS: In 1985?

5 MR. T. PANEQUE: In 1985, yeah. They
6 would still have to get a CO. The CO originally for
7 this house was a two-family house.

8 MS. PEREIRAS: I'm sorry. I'm going to
9 clarify because I have the actual deed in front of
10 me. Okay? The deed was transferred from a
11 Mr. Vasquez in 1999 to Ms. Lust Nunez, and Ms. Luz
12 Nunez added her husband to it in 2004. So this
13 property was acquired in 1999. Does that sound right
14 to you?

15 MR. T. PANEQUE: That may account for the
16 fact that there's a period here where they're not the
17 owners. That then adds credence to what you were
18 saying. But before when we were going back to the
19 time that the property was built and if they had been
20 original owners, I would have a real issue with this
21 application.

22 MS. PEREIRAS: I understand the confusion.

23 MR. T. PANEQUE: There's a time period
24 here of about 14 years, '85 to '99, we have 14 years
25 in which very well this would have been transformed

1 from when it was originally a two-family into a
2 three-. So I can accept the argument that they
3 bought it as a three-.

4 Mr. Chairman.

5 CHAIRPERSON GARCIA: Any other questions,
6 Members of the Board?

7 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
8 going back to the parking, I see that they have a
9 garage that fits one car inside, and it has another
10 car out in the driveway. Does that go to the
11 parking?

12 MR. PEREIRAS: That's considered a parking
13 spot. There's two.

14 VICE CHAIRPERSON GRULLON: Two parking
15 spaces. You are proposing one not two.

16 MR. PEREIRAS: You're right. Actually,
17 no, the reason it's not considered two is because
18 it's only 11 feet, front yard. So even though people
19 park there it's not a legal spot.

20 VICE CHAIRPERSON GRULLON: I see a car
21 parked there.

22 MR. PEREIRAS: That's not a legal spot.

23 MR. T. PANEQUE: Any other questions?

24 CHAIRPERSON GARCIA: Any other questions
25 from the board? Any members of the public step

1 forward?

2 (No response.)

3 CHAIRPERSON GARCIA: Seeing none, then
4 closed to the public.

5 Understanding that already all the
6 questions from the board had and also understanding
7 that it is for the benefit of the -- it's for the
8 safety of the house, I'm going to make a motion to
9 grant this application without any conditions.

10 MR. VALLEJO: Motion on the table to grant
11 the application by Mr. Garcia.

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion to grant this
15 application.

16 Mr. Garcia.

17 CHAIRPERSON GARCIA: Yes.

18 MR. VALLEJO: Mr. Grullon.

19 VICE CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Ms. Pena.

4 MS. PENA: Yes.

5 MR. VALLEJO: Seven in favor. Motion
6 carries.

7 MS. PEREIRAS: Thank you very much.

8 MR. VALLEJO: Let's take a two-minute
9 break.

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1 **PRIYA & JILL, LLC -**
2 **913-915 Summit Avenue**
3 **Block 43, Lot 19:**
4

5 MR. VALLEJO: May I have your attention,
6 please. Next application on tonight's agenda,
7 Priya & Jill, LLC, 913-915, Summit Avenue.

8 Ms. Pereiras, please.

9 MR. T. PANEQUE: Let the record reflect as
10 follows: I've been provided by Ms. Pereiras
11 certification as to publication and service listing
12 the fact that all property owners within a 200-foot
13 radius of 913-915 Summit Avenue have been advised of
14 tonight's application hearing at this location. I've
15 also been provided with an affidavit from The Jersey
16 Journal indicating that notice was published in The
17 Jersey Journal giving notice of the hearing with
18 respect to 913-915 Summit Avenue at this location.
19 Said notice was published on August 20, 2024.

20 I've also been provided with a certified
21 mail receipt dated August 27, 2024, as well as the
22 list from the Tax Assessor's Office listing all
23 property owners within a 200-foot radius of block 43,
24 lot 19, property address known as 913-915 Summit
25 Avenue. The checklist has a date of August 8, 2024.

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

4 MS. PEREIRAS: Thank you very much,
5 Counsel. Bianca Pereiras on behalf of Priya & Jill,
6 LLC for property located at 913-915 Summit Avenue
7 known as lot 19 in block 43. We're located on Summit
8 Avenue in a C-N neighborhood commercial zone. And
9 the application before the board this evening is to
10 provide an addition to this building so that we can
11 connect a structure a building in the front with a
12 rear structure on site and legalize the apartment.
13 We have two experts and we will begin our
14 presentation this evening with our architect,
15 Mr. Manuel Pereiras.

16 * * *

17 MANUEL PEREIRAS, having been previously sworn or
18 affirmed, testified as follows:

19 MR. PEREIRAS: Still Manny Pereiras and
20 still under oath.

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with 913-915 Summit Avenue?

23 MR. PEREIRAS: I am.

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

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: And would you kindly
3 describe the existing conditions and the proposal for
4 the board.

5 MR. PEREIRAS: I'd be happy to. The
6 drawings to my right are the same drawings submitted
7 to the board. This project has a very interesting
8 and long history. I've been working on this for,
9 like, almost 10 years. We came before the board many
10 years ago for an approval. We got approved. The
11 owner pulled permits, started the construction work
12 on it. That construction work lagged, particularly
13 because they wanted to knock this place for people
14 that were living in there. And eventually they gave
15 up on it, and now there's a new owner in place that
16 wants to finalize and make things right. And by
17 making things right, it makes a big difference
18 because there are things that are left half done
19 also. So this is really going to elevate the safety
20 of this property significantly.

21 The property -- actually, Mr. McDonough is
22 going to go over the variances in detail. Currently,
23 there are two structures on the property, the front
24 structure which houses two commercial units on the
25 ground floor and four apartments above, and then this

1 rear house that is probably equally as old as the
2 front building if not a preexisting to the front
3 building. And that is an existing dwelling unit that
4 we're looking to legalize. There are significant
5 difficulties in legalizing that from an architectural
6 and code standpoint. First and foremost, when you
7 exit this building, you shouldn't if let's say
8 there's a fire, you shouldn't be reentering another
9 building to exit. It should be part of the same
10 structure so that if there's a fire in the back, the
11 people in the front are notified. If there's a fire
12 in the front, the people in the back are notified.
13 It should be one cohesive building that works
14 together.

15 So part of our proposal is to make it one
16 building. So what we're doing is we're doing an
17 addition to basically connect the two structures
18 together so it's safe, people have a clear path to
19 get out. It's going to be a fire-rated corridor, and
20 it's meeting all of today's codes.

21 Let me get into that in a little bit more
22 detail. Since this building is a little intricate,
23 what we did is we put the existing condition for a
24 plan and a nice large scale along the top and the
25 proposed condition along the bottom.

1 This is the basement level. So this unit
2 in the back had two levels. What we're doing is
3 making it into a nice duplex so that you have a
4 bedroom suite on the lower level, and on the ground
5 floor level or the upper level you have a living room
6 and bedroom there. So it becomes a two-bedroom
7 apartment duplex. So it would be actually very nice,
8 a nice little duplex.

9 The ground floor existing plan and
10 proposed plan, as you can see, the apartment itself,
11 very little changes that we're doing, basically just
12 to finish the repairs and clean things up. And what
13 we're doing is we're taking this hallway and we're
14 connecting it. This building is being attached.
15 We're building up the floor on this area so that it
16 all connects and leads to the front of the building.
17 We're going to upgrade that entire hallway into
18 what's called a two-hour fire separation so that if
19 there was any fire in any apartment in any area,
20 there's a resistance for that fire to spread into the
21 home. That allows sufficient time for anybody to
22 exit the building.

23 In addition to that, we're doing a special
24 alarm system that is basically a low-voltage alarm
25 system that's an early notice alarm system, so that

1 if something goes off in the rear of the property,
2 it's alerted in the front of the building as well.
3 There is a sprinkler system that will happen along
4 this unit and along that entire hallway as well so
5 that there's safety for not only that apartment but
6 the entire building as well.

7 And then there are -- these are the floor
8 plans above. We're not proposing any changes above
9 except one minor thing. We're modifying the fire
10 escape so that there's a new platform to bring the
11 people down since the new roof is in the way of the
12 existing fire escape. And on the third floor, no
13 change along that third floor.

14 And as far as the facade of the building,
15 these are existing construction. No changes there.
16 And the only modification is this platform so that
17 the stairwell -- the fire escape could bring people
18 from that second and third floor down along the side
19 of the building. And that concludes my testimony.

20 MS. PEREIRAS: We'll call our planner,
21 Mr. McDonough, please.

22 * * *

23 JOHN McDONOUGH, having been previously sworn or
24 affirmed, did testify as follows:

25 MS. PEREIRAS: Mr. McDonough, are you

1 familiar with 913-915 Summit Avenue?

2 MR. McDONOUGH: Yes, I am.

3 MS. PEREIRAS: Would you kindly describe
4 this application from a planner's perspective?

5 MR. McDONOUGH: Sure. This is an
6 application that is in your C-N, neighborhood
7 commercial zone district, where the existing use, the
8 existing mixed-use is nonconforming. We call this a
9 (d)2 variance, technically an expansion of a
10 nonconforming use. But what's nice about this
11 application is it's expanding inward not outward,
12 closer to the setbacks and basically keeping the
13 setbacks that are there. As you also heard, this is
14 going to provide for connectivity of two buildings
15 that are now somewhat disjointed. It will create
16 greater connectivity that will improve the flow and
17 the function throughout the entirety of this site and
18 improved living environment.

19 In terms of the positive criteria, towards
20 the justification of that (d)2 relief, it takes
21 what's there, an existing mixed-use building, makes
22 it better in terms of compliance with building code
23 and upgrades that, again, will improve the flow and
24 function of the site. The purpose I of the land use
25 law is to promote a desirable visual environment.

1 This is going to keep what's familiar in the public
2 realm, not changing the facade of the building, but
3 you would see from the roadside. Again, this is
4 interior to the property, sort of joining those two
5 disjointed pieces, and we think that provides for a
6 better zoning alternative as well.

7 In terms of the negative criteria, again,
8 this has been well-vetted that the design is in
9 conformance with all contemporary building codes.
10 The site can adequately function safely,
11 conveniently, and comfortably for the people who will
12 live here. The subsidiary relief for as listed in
13 Mr. Spatz's report on the C level are for lot area
14 which is actually 98 percent compliant, so
15 substantially compliant with the ordinance
16 requirement. Also, the lot depth is at 98.59 feet
17 where 100 would be required.

18 So we're not looking at a development on a
19 substantially undersized piece of property. Again,
20 we're looking at a site that has no parking existing
21 presently. We're simply looking to validate that
22 fifth unit. But when we look at the application in
23 its totality, the benefits of the application as a
24 whole, it would substantially outweigh the
25 detriments, and in that regard we believe the burden

1 is met and approval is warranted. That's all I have
2 on direct.

3 CHAIRPERSON GARCIA: I have a question for
4 Mr. Pereiras. Mr. Pereiras, in I think it's C2, that
5 both structures are separate, right?

6 MR. PEREIRAS: They're currently separate,
7 Z02. You have the existing site plan in the middle
8 of the sheet and the proposed site plan to the right
9 of the sheet. The white area is a void between the
10 two buildings.

11 CHAIRPERSON GARCIA: But when I go to Z04,
12 the existing conditions show me what? They are
13 connected, no?

14 MR. PEREIRAS: You're a hundred percent
15 correct. And the reason that happens is because this
16 is taken from the survey, and this is taken from real
17 life measurements of my staff --

18 CHAIRPERSON GARCIA: Your testimony said,
19 if we go back to the record, you said they're two
20 separate structures.

21 MR. PEREIRAS: Yeah, I did. And they are
22 two independent separate structures, but right here
23 they are abutting each other.

24 CHAIRPERSON GARCIA: This is one of the
25 reasons, Mr. Pereiras and Members of the Board,

1 Members of the Public, when I started the meeting I
2 said we need pictures. We need to see what is there.
3 Because one thing is the plan and one thing is the in
4 the picture. So this one, me, personally -- I don't
5 know what the other members of the board
6 understand -- I am blind in order for me to take an
7 action of this one.

8 MR. PEREIRAS: I do want to say one thing.

9 CHAIRPERSON GARCIA: This is Andres, I
10 don't know the other members of the board. You know,
11 what I mean?

12 MR. PEREIRAS: I totally understand. I
13 agree with you, actually. Just so that the board
14 understands how these charts get produced and how we
15 move forward. Every time you see floor plans from my
16 office, I send a crew there to measure and accurately
17 depict it on the floor plans. When you see a site
18 plan like this, that site plan is not produced by my
19 office. That site plan is produced by the surveyor.
20 And that's why we actually have the survey
21 information listed on the drawings. So that is
22 something that I take from the surveyor. Clearly
23 there's a mistake there. My proposed plan corrects
24 it because that's what I change, and then my drawings
25 are correct. That said, I understand completely.

1 I'm going to go back to the site. I'll take
2 photographs so everyone feels comfortable.

3 CHAIRPERSON GARCIA: I understand your
4 point, but also you have to understand my point.
5 Because if I don't have -- that's one of the evidence
6 that you provided, so I follow -- I respect your
7 evidence, and I don't know where to go. It's some
8 kind of contradiction between one and another.

9 MR. PEREIRAS: I understand.

10 CHAIRPERSON GARCIA: So the surveyor is
11 showing me two separate units. And I really
12 appreciate if you can take a picture of the current
13 condition of the individual apartment and apply it to
14 the conversation. I don't have any other questions.
15 If the board have a question.

16 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
17 on the fifth unit, are you proposing that's a duplex
18 unit?

19 MR. PEREIRAS: It's a duplex unit.

20 VICE CHAIRPERSON GRULLON: It's not
21 labelled.

22 MR. PEREIRAS: It's labelled "duplex."

23 VICE CHAIRPERSON GRULLON: It's labelled
24 "duplex," but it's not labelled Apartment No. 5. You
25 have 1, 2, 3, and 4.

1 MR. PEREIRAS: Number 5.

2 VICE CHAIRPERSON GRULLON: And it's a
3 duplex.

4 MR. PEREIRAS: Yes.

5 VICE CHAIRPERSON GRULLON: It's going to
6 be a two-bedroom?

7 MR. PEREIRAS: Two-bedroom.

8 MS. PEREZ: What is it now?

9 MR. PEREIRAS: Right now it's a duplex
10 still, but the ground floor is one big open space,
11 and the top floor has one-bedroom along the back and
12 the kitchen along here. The top floor is almost
13 exactly the same. The difference is that the bottom
14 floor we're adding a bathroom so that the people
15 downstairs don't have to go all the way upstairs to
16 get to the bathroom.

17 VICE CHAIRPERSON GRULLON: And you're only
18 connecting the buildings? You're not expanding the
19 buildings.

20 MR. PEREIRAS: Correct. It's just the
21 hallway, basically, that's being connected.

22 CHAIRPERSON GARCIA: And as we see the
23 plan, it's just like I mean the building is attached,
24 what you're creating is just a hall connected to the
25 existing hall in the front.

1 MR. PEREIRAS: Right now you come out of
2 the building, go up steps, get into this building.
3 So we're just putting a wall there, making the floor
4 even.

5 MS. O'DELL: So that hallway, is that
6 going to be just one story, or is it the height of --

7 MR. PEREIRAS: It's a little more than a
8 story because there are steps. There's four steps
9 up, so it's a little bit higher. But it's about --
10 and I'll show you the elevations. It shows exactly
11 how it is.

12 CHAIRPERSON GARCIA: It is a duplex.
13 That's it, right?

14 MR. PEREIRAS: Yes. So this is the height
15 of the duplex here. This is the height of the
16 hallway. So it's not -- it's about 12 feet from the
17 ground.

18 VICE CHAIRPERSON GRULLON: The fire escape
19 is existing?

20 MR. PEREIRAS: The fire escape is
21 existing, and we're modifying it a little bit because
22 before people would come down over here, so we're
23 bringing the ladder here so that it's outside of the
24 hallway. And I'll come with pictures so that
25 everyone feels comfortable.

1 MS. PEREZ: Is that a store? There's a
2 store?

3 MR. PEREIRAS: There are two stores,
4 existing stores.

5 CHAIRPERSON GARCIA: Any other questions
6 from the board?

7 (No response.)

8 CHAIRPERSON GARCIA: Any member of the
9 public wants to step forward?

10 (No response.)

11 CHAIRPERSON GARCIA: We will reopen it to
12 the public. I just want to ask just because if
13 anyone was here, so this way -- okay. So we could
14 fit it in October?

15 MR. VALLEJO: October? The next one is
16 going to be carried over, right?

17 CHAIRPERSON GARCIA: If they're okay for
18 November, let's do November.

19 MS. PEREIRAS: That's fine. We have no
20 objection.

21 CHAIRPERSON GARCIA: I made my motion to
22 adjourn this application to the November 14 meeting.

23 MR. VALLEJO: November 14th.

24 MS. GUTIERREZ: Second.

25 MR. VALLEJO: Motion to adjourn this

1 application for November 14, 2024, same place by
2 Mr. Garcia. Seconded by Ms. Gutierrez.

3 Roll call on the motion.

4 Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

6 MR. VALLEJO: Mr. Grullon.

7 VICE CHAIRPERSON GRULLON: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Seven in favor. Motion
19 carries. No new notice required. Right?

20 CHAIRPERSON GARCIA: No new notice.

21 MR. T. PANEQUE: Ms. Pereiras, you waive
22 the statutory requirements?

23 MS. PEREIRAS: Yes, I do.

24 MR. T. PANEQUE: Thank you.

25 * * * *

1 **SHERMAN REALTY, LLC -**
2 **406 Bergenline Avenue**
3 **Block 15, Lot 20:**
4

5 MR. VALLEJO: Let's go to the next
6 application on tonight's agenda, Sherman Realty, LLC,
7 406 Bergenline Avenue.

8 Ms. Pereiras, please.

9 MR. T. PANEQUE: For the record, I've been
10 provided by Ms. Pereiras with a certification as to
11 publication and service indicating that notice was
12 given to all property owners within a 200-foot radius
13 with respect to the property at 406 Bergenline Avenue
14 Union City, New Jersey. I also have the affidavit of
15 publication from The Jersey Journal with respect to
16 this property giving notice of tonight's hearing at
17 this location which said publication took place on
18 August 20, 2024.

19 I also have the certified rail receipts
20 for the postmarked date of August 14, 2024, as well
21 as the taxes from the tax assessor listing all
22 property owners within the 200-foot radius of
23 block 15, lot 20, 406 Bergenline Avenue, with a date
24 of August 8, 2024. Based on the documentation that
25 has been provided, this board has jurisdiction to

1 proceed and hear this matter.

2 MS. PEREIRAS: Thank you very much.

3 Bianca Pereiras on behalf of the applicant.

4 Respectfully, Board Members, the applicants on this
5 application wanted to be present this evening. He
6 had an emergency and was unable to attend and told me
7 earlier today. So we are respectfully requesting
8 that this matter be carries so he has an opportunity
9 to be here and available to be heard that's required
10 by the board.

11 CHAIRPERSON GARCIA: It is okay for
12 November?

13 MS. PEREIRAS: Yeah. That's fine.

14 MR. VALLEJO: November 14. All right. We
15 have for October and November.

16 CHAIRPERSON GARCIA: Waiving?

17 MS. PEREIRAS: Yes, of course.

18 MR. VALLEJO: In the future, December.

19 MR. T. PANEQUE: No new notice required.

20 CHAIRPERSON GARCIA: Make my motion to
21 adjourn this application for the November meeting.

22 MS. GUTIERREZ: Second.

23 MR. VALLEJO: Motion to adjourn this
24 application by Mr. Garcia. Seconded by
25 Ms. Gutierrez.

1 Roll call on the motion to adjourn this
2 application for November 14, 2024, same place.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Seven in favor. Motion
18 carries.

19 MS. PEREIRAS: Thank you all very much.

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1 **ADOPTION OF RESOLUTIONS:**

2 **1. AGUSTIN GONZALEZ, 1413 New York Avenue,**
3 **Block: 73, Lot: 4.** The applicant proposes to
4 demolish an existing structure and construct a new
5 two-family house on an undersized lot. A total of
6 four parking spaces are provided. **Denied.**

7
8 MR. VALLEJO: We are moving to resolutions
9 now. We have two resolutions on tonight's agenda.
10 Resolution No. 1, Augustin Gonzalez, 1413 New York
11 Avenue. This application was denied at the July
12 meeting. Can I have a motion to memorialize this
13 resolution?

14 CHAIRPERSON GARCIA: Motion.

15 MR. VALLEJO: Motion by Mr. Garcia.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by --

18 MS. WATLEY: I don't think I was here for
19 that.

20 MR. VALLEJO: -- Ms. Gutierrez.

21 Roll call on the motion.

22 Mr. Grullon.

23 VICE CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Gutierrez.

25 MS. GUTIERREZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. O'Dell.

6 MS. O'DELL: Yes.

7 MR. VALLEJO: Five in favor. Motion
8 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. **MERWIN RICHARD, 301 New York Avenue, Block: 12,**
3 **Lot: 1.** Construct a new two -- family house. A
4 total of four parking spaces are provided. Approved.

5
6 MR. VALLEJO: Next resolution on tonight's
7 agenda, Merwin Richard, 301 New York Avenue. This
8 application was approved at the previous meeting.

9 CHAIRPERSON GARCIA: Motion.

10 MR. VALLEJO: Motion to memorialize the
11 resolution by Mr. Garcia.

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Five in favor. Motion

1 carries.

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1 **ADJOURNMENT:**

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4 MR. VALLEJO: There being no other
5 application on tonight's agenda, can I have a motion
6 to adjourn tonight's meeting?

7 MS. O'DELL: Aye.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Motion by Ms. O'Dell. All
10 in favor.

11 * * *

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

14 * * *

15 MR. VALLEJO: The ayes have it. Motion
16 carries. Let the record indicate that the meeting
17 has ended. Have a good night, everyone.

18 * * *

19 (Whereupon, the meeting concluded at
20 **8:09 p.m.**)

21 * * * *

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25

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

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