

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

----- :
REGULAR MEETING : TRANSCRIPT OF PROCEEDINGS
----- :

Sara M. Gilmore Academy
1600 Kerrigan Avenue
Union City, New Jersey
Thursday, October 10, 2024
Commencing at 6:17 p.m.

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

ANDRES GARCIA, 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 :

VICTOR M. GRULLON, Vice Chairperson
MIGUEL ORTIZ

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

TOMAS PANEQUE, ESQ., Board Counsel
CARLOS VALLEJO, Board Secretary
JOHN BARREE, PP, Principal Planner

STENOGRAPHICALLY REPORTED BY:
LILIANA THOMAS, CCR, RPR

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

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

ALFONSO LOPEZ, ESQ.
Attorney for Applicant
Sakiri Real State Management, LLC
(Not present)

ALVARO ALONSO, ESQ.
Attorney for Applicant
Margarita Onofre

BIANCA PEREIRAS, ESQ.
Attorney for Applicant
Park Avenue Investment, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant
Jose Avalos

BIANCA PEREIRAS, ESQ.
Attorney for Applicant
506-508 26th Street, LLC

ALVARO ALONSO, ESQ.
Attorney for Applicant
418 JPM Properties, LLC

ALVARO ALONSO, ESQ.
Attorney for Applicant
Advanced Union City, LLC

ALVARO ALONSO, ESQ.
Attorney for Applicant
Bishai, LLC

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Sakiri Real Estate Management, LLC
4101-4103 Bergenline Avenue

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(None)

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MARGARITA ONOFRE
136 37th Street

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LAUREN HALL

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JOSE AVALOS
2412 Central Avenue

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(None)

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(None)

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506-508 26TH STREET, LLC
506-508 26th Street

WITNESSPAGE

MANUEL PEREIRAS

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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 October 10, 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 Sara M. Gilmore Academy
8 located at 1600 Kerrigan Avenue, Union City, New
9 Jersey.

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

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

14 * * *

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

25 * * * *

1 **ROLL CALL:**

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

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Present.

7 MR. VALLEJO: Mr. Grullon is absent.

8 Ms. Gutierrez.

9 MS. GUTIERREZ: Present.

10 MR. VALLEJO: Mr. Ortiz is absent.

11 Ms. Perez.

12 MS. PEREZ: Here.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: Here.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Here.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Here.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Here.

21 MR. VALLEJO: Seven present. We have a
22 full quorum for tonight's meeting.

23 * * * *

24

25

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: Approval of previous meeting
4 from September 12, 2024. Can I have a motion?

5 CHAIRPERSON GARCIA: Aye.

6 MR. VALLEJO: Motion by Mr. Garcia.

7 MS. GUTIERREZ: Second.

8 MR. VALLEJO: Seconded by Ms. Gutierrez.

9 Roll call on the motion.

10 Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 MS. GUTIERREZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Here.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: Yes.

22 MR. VALLEJO: Ms. San Martino.

23 MS. SAN MARTINO: Yes.

24 MR. VALLEJO: Seven in favor. Motion
25 carries.

 * * * *

1 **PUBLIC HEARING:**

2 **SAKIRI REAL ESTATE MANAGEMENT, LLC -**

3 **4101-4103 Bergenline Avenue**

4 **Block 239, Lot 26:**

5
6 MR. VALLEJO: Item No. 1 on the agenda,
7 Sakiri Real Estate Management, LLC,
8 4101-4103 Bergenline Avenue.

9 Mr. Paneque, please.

10 MR. T. PANEQUE: Thank you, Mr. Vallejo.
11 Let the record reflect that I have a letter from the
12 office of Lopez Noris, LLC dated October 8, 2024.
13 The letter states as follows:

14 Dear, Mr. Paneque, as you were previously
15 advised, our office represents the above-noted
16 applicant with the matter that is scheduled before
17 the Zoning Board of Adjustment on Thursday,
18 October 10, 2024. Please be advised that I have a
19 conflict with my schedule for that evening because I
20 have a matter scheduled for the zoning board of the
21 Town of West New York.

22 Accordingly, I hereby request that this
23 matter is scheduled on the agenda of November 2024.
24 I thank you for your kind accommodation in this
25 regard. Signed, Adolfo Lopez.

1 Mr. Chairman, the request is for an
2 adjournment to the next meeting.

3 CHAIRPERSON GARCIA: Mr. Lopez never
4 indicated the waiver of the statutory --

5 MR. T. PANEQUE: It is not indicated in
6 the letter, no.

7 CHAIRPERSON GARCIA: Then how can --

8 MR. T. PANEQUE: But he did contact my
9 office, and it's his request, so he wouldn't be able
10 to avail himself of the statute because he's the one
11 who requested the adjournment.

12 CHAIRPERSON GARCIA: I make a motion to
13 adjourn this application for the next date --
14 November, right?

15 MS. GUTIERREZ: November.

16 CHAIRPERSON GARCIA: November 14.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Motion by Mr. Garcia to
19 adjourn this application to November 14. No new
20 notice required. Seconded by Ms. Gutierrez.

21 CHAIRPERSON GARCIA: Hold it a second.
22 The notice is for here?

23 MR. VALLEJO: It's going to be at the high
24 school. The notice was for the high school.

25 Seconded by Ms. Gutierrez.

1 Roll call on the motion.

2 Ms. Gutierrez.

3 MS. GUTIERREZ: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Seven in favor. Motion

17 carries.

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1 MARGARITA ONOFRE -

2 136 37th Street

3 Block: 223, Lot: 8.

4
5 MR. VALLEJO: We're doing the adjournment
6 first.

7 MR. T. PANEQUE: Yes, do the adjournment.

8 MR. VALLEJO: All right. We're moving to
9 the next item on tonight's agenda, we're moving to
10 Number 7. That would be Margarita Onofre, 136 37th
11 Street.

12 Mr. Alonso, please.

13 MR. T. PANEQUE: Before we proceed with
14 Mr. Alonso's adjournment request, I just have to
15 state something on the record. If anybody is here on
16 the application for 4101-4103 Bergenline Avenue, that
17 application is being carried to the November 14th
18 meeting. No further notices will be sent out.

19 MR. VALLEJO: At the high school.

20 MR. T. PANEQUE: At the Union City High
21 School. Thank you.

22 Thank you, Mr. Alonso.

23 Let the record reflect as follows: I've
24 been provided by Mr. Alonso with an affidavit of
25 service and publication indicating that notice of

1 tonight's hearing was sent to all property owners
2 within a 200-foot radius of 136 37th Street, Union
3 City, New Jersey. I've also been provided with the
4 affidavit from the Jersey Journal indicating that
5 notice of tonight's hearing with respect to the
6 property at 136 37th Street was published in the
7 newspaper on September 20, 2024. It gives notice
8 that the hearing will take place at 1600 Kerrigan
9 Avenue, this location. I've also been provided with
10 a copy of the notice that went out to all property
11 owners as well as a list from the Union City Tax
12 Assessor's Office with a date of August 29, 2024,
13 listing all property owners within a 200-foot radius
14 of Block 223, Lot 8, property also known as 136 37th
15 Street.

16 And, finally, I've been provided with
17 copies of the certified mail receipts with a postmark
18 date of September 27, 2024. Based on the
19 documentation that has been provided by Mr. Alonso,
20 this board has jurisdiction to proceed and hear this
21 matter.

22 MR. ALONSO: Thank you. Good evening,
23 Mr. Chairman, Members of the Board. For the record,
24 Alvaro Alonso on behalf of the applicant. This is a
25 request to carry this matter. Unfortunately, my

1 architect is unavailable this evening. I do want to
2 say that we do have a neighbor to the rear, Ms. Hall,
3 who is also present. I have had an opportunity to
4 talk to her. She had a couple of concerns related to
5 two dead trees on the property that are endangering
6 her garage, some debris that's accumulated in the
7 rear of the property, and she also has a concern with
8 respect to stormwater. I represented to her that we
9 would have the trees removed in terms of any debris
10 would be removed and I would talk to my client to
11 level the rear yard to take out the additional dirt,
12 and I will see we will address the stormwater matters
13 before the board and also regarding the code once we
14 get to the construction board -- the construction
15 code assuming that there's approval by this board.
16 So I just want to put those representations that I
17 made to Ms. Hall on the record in the event that
18 she's unable to come at a future date.

19 CHAIRPERSON GARCIA: Can she come forward,
20 please?

21 * * *

22 LAUREN HALL, after having been duly sworn or
23 affirmed, did testify as follows:

24 CHAIRPERSON GARCIA: Since Mr. Alonso has
25 stated that you already explained to him your

1 concern, just for the record, since you probably
2 won't be here for the next meeting, can you just put
3 on the record on your own about the concern with that
4 application.

5 MS. HALL: Sure. Do you have a piece of
6 paper?

7 MR. ALONSO: And she also gave me her
8 notes and some photographs so that I can view with my
9 client and my architect.

10 MS. HALL: I can show them?

11 MR. ALONSO: I think he just wants you to
12 articulate what the issues are.

13 MS. HALL: Sure. So in regards to the
14 property of 136 37th Street, Union City proposed
15 addition addressing my concerns. My family owns the
16 property at 133 38th Street that adjoins to the rear
17 of that property and our garage and house forms the
18 entire back edge by the property line. Over the last
19 few decades, it seemed that the back of the property
20 has been used almost like a dumping ground for
21 debris, trash, old construction, building materials,
22 and miscellaneous other items.

23 Over the years this has accumulated at a
24 depth of several feet of what is now seen in the
25 pictures as dirt, rocks, debris, rotting trees. Some

1 of the dirt and debris can be seen as close to the
2 bottom edge of my garage windows up several feet.

3 While the current portion of the back of
4 their yard is in a better cleaned condition than over
5 the last several years, the remaining dirt and debris
6 over time has pushed along the back of our garage and
7 has caused cracks in the walls, roof damage from the
8 trees, broken windows, and continues to be an ongoing
9 issue of water leaks when it rains.

10 As such, we have three questions and
11 concerns: Number one, what is the plan for the
12 removal of the dead trees? These pose a hazard and
13 are potential property damage when they fall. One
14 tree can be seen in the pictures as being held up by
15 rope.

16 Question No. 2: What is the plan for yard
17 cleanup and removal of the several feet deep and
18 about 10 feet wide of dirt and debris at the entire
19 back edge of the property close to our garage in
20 order to restore it to a ground level and elevation
21 and improved condition?

22 Number 3: What is the proposed drainage,
23 gutter system, and stormwater plan for the new
24 addition considering there's an increase in
25 impervious surface area and a potential to have water

1 runoff that can impact our garage, house, and our
2 entire property area?

3 CHAIRPERSON GARCIA: And are you satisfied
4 with the conversation with Mr. Alonso? Are you
5 satisfied with the conversation with Mr. Alonso?

6 MS. HALL: Yes. He explained that he
7 would contact me with further information regarding
8 my questions.

9 CHAIRPERSON GARCIA: Okay.

10 MR. ALONSO: We also exchanged contact
11 information, and I'll be reaching out to her before
12 the next meeting.

13 MS. HALL: And thank you for having this
14 information right now when I'm not able to attend the
15 next one. So I appreciate it. Thank you.

16 MR. T. PANEQUE: Mr. Alonso, you waived
17 the statutory time period in which this board can
18 take action on your case?

19 MR. ALONSO: Yes, I did.

20 MR. T. PANEQUE: Thank you.

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

24 MR. VALLEJO: No new notice required?

25 CHAIRPERSON GARCIA: No notice.

1 MR. T. PANEQUE: It's going to be carried.
2 No new notice is required.

3 MR. ALONSO: Thank you.

4 MS. GUTIERREZ: Second.

5 MR. VALLEJO: Seconded by Ms. Gutierrez.
6 Roll call on the motion to adjourn this
7 application.

8 Mr. Garcia.

9 CHAIRPERSON GARCIA: 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.

22 * * * *

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24

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1 **PARK AVENUE INVESTMENT, LLC -**

2 **3801 Park Avenue.**

3 **Block: 228, Lot 10.01:**

4
5 MR. T. PANEQUE: Let the record reflect as
6 follows: I've been provided by Ms. Pereiras with a
7 certification as to publication and service
8 indicating that notices went out to all the property
9 owners within a 200-foot radius of 3801 Park Avenue,
10 Block 228, Lot 19.01, on September 25, 2024. I've
11 also been provided with a copy of the affidavit from
12 the Jersey Journal -- actually, strike that -- this
13 is the original affidavit from the Jersey Journal
14 which gives notice of the hearing with respect to the
15 property in question and indicates that the meeting
16 will take place at this location, 1600 Kerrigan
17 Avenue. Said notice was published in the Jersey
18 Journal on September 26, 2024.

19 I also have a copy of the tax list from
20 the Tax Assessor in Union City with a date of
21 September 30, 2024, listing all property owners
22 within a 200-foot radius of 3801 Park Avenue. And,
23 finally, I have the certified mail receipts with a
24 postmark date of September 30, 2024. Based on the
25 documentation that has been provided, this board has

1 jurisdiction to proceed and hear this matter.

2 MS. PEREIRAS: Thank you very much,
3 Counsel. Good evening, Board Members. May it please
4 the Board, Bianca Pereiras on behalf of the
5 applicant, Park Avenue Investments, LLC. As you may
6 recall, we were originally in front of this board
7 several months ago with an application for a
8 four-family home. This building originally had six
9 units. It was devoured by a fire, and the applicant
10 was looking to construct this close to what we had
11 originally back on the property. Based on the
12 comments that we heard from the board, we went back
13 to the drawing board, revised our drawings, and now
14 we are before the board with a three-units building.
15 We have two experts to testify, and we'll begin our
16 presentation with our architect, Mr. Manny Pereiras.

17 * * *

18 MANUEL PEREIRAS, after having been duly sworn or
19 affirmed, did testify as follows:

20 MR. PEREIRAS: Manny Pereiras,
21 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous
22 located at 116 Summit Avenue in Union City.

23 CHAIRPERSON GARCIA: Pleasure to have you
24 here, Mr. Pereiras.

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

1 MS. PEREIRAS: Mr. Pereira, are you
2 familiar with the property at 3801 Park Avenue?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 revisions of the drawings that were submitted to the
6 board?

7 MR. PEREIRAS: I have.

8 MS. PEREIRAS: And would you kindly
9 describe the proposal for the board?

10 MR. PEREIRAS: I would be very happy to.
11 As counsel said, we've listened very closely to the
12 comments of the board. We've listened very closely
13 to the comments of the neighbors, and we have
14 prepared the drawings on the easel to my right which
15 I think very closely reflect what those comments
16 were.

17 Just as a quick reminder, we have an
18 undersized lot that's 1838 square feet where as 2,500
19 are required. We have a compliant lot width -- we
20 have a planner that's going to testify to the
21 variances, so I'll let it go.

22 I'm going to highlight what the big
23 changes were. Obviously, the biggest change is that
24 we went down in density. We had four units presented
25 originally, and we've been scaling it back, and now

1 we have a three-unit building. That really changed
2 the dynamic of the building. It's no longer an
3 elevator building. It's a single-stair building, so
4 it's very different in the density aspect of it. By
5 bringing it down to three units, we are fully
6 conforming with parking. We have six parking spaces.
7 Two are located on Park Avenue and two on the side
8 street on 38th Street. So that each of the
9 apartments has two parking spaces which is fully
10 compliant, so there's no parking variance asked for
11 at this time even though we started out with that.

12 And the other thing that we did that was a
13 significant change is created a rear yard setback of
14 2 feet just to separate it off that property line for
15 fire safety and to bring light and air. If you
16 recall, we had several aspects of the building that
17 were turning out towards the property line including
18 the stairs. We condensed everything and met it --
19 and put it all with that 2-foot setback.

20 We also clarified that our front yard
21 setback is in line with the rest of the street so
22 that the building fits very clearly and doesn't jut
23 out in any way from the streetscape. This is an
24 angled street and all the buildings are stepping back
25 equally across and we increased that front yard

1 setback so that at its smallest point it's 8 feet and
2 its largest point it's 10-foot-7 set back from the
3 front. I believe this addressed all the comments of
4 the board. And the way we did that is by creating a
5 common vestibule with mechanical rooms on the ground
6 floor, garage in the front, garage in the back. That
7 stair leads you up to the second floor. You have
8 Apartment No. 1 towards the rear which is 538 square
9 feet and Apartment No. 2 towards Park Ave. which is
10 618 square feet. And then when you go up the stairs
11 to the third floor, you have a three-bedroom
12 apartment, Apartment No. 3, which is 1209 square
13 feet. The elevations -- and I know I'm going to say
14 it's a beautiful elevation. They're all my babies,
15 so I always think so. But it's a very nice, kind of
16 elegant design that's split up so it doesn't feel
17 like a big mass. There's three floors very clearly
18 distinct designated, a beautiful garage door
19 entryway, a beautiful entryway for the apartments,
20 nice large windows even on the basement level -- on
21 the ground level so that it doesn't feel like a
22 garage, it feels more residential, and then nice
23 large windows above with a combination of brick and
24 metal paneling that we have in the front of the
25 building.

1 And since we've spoken several times and
2 had several meetings, I think that concludes my
3 testimony, and I'm open for any questions.

4 CHAIRPERSON GARCIA: Mr. Pereiras, we
5 requested something that is going to impact this
6 issue.

7 MR. PEREIRAS: What was that?

8 CHAIRPERSON GARCIA: It is if you can send
9 out a drawing about how it's going to be, the
10 structure related to the adjacent property.

11 MR. PEREIRAS: Actually, at the previous
12 application I did a Zoom-up map and we showed how it
13 lined up, and I believe that the Board was satisfied
14 with that. I don't have it today, and I will be very
15 happy to bring it back.

16 CHAIRPERSON GARCIA: And like we stated in
17 the last meeting, we're going to request that for
18 future applications since the last meeting.

19 MR. PEREIRAS: Yes. Yes.

20 CHAIRPERSON GARCIA: Mr. Pereiras, can you
21 go through the division of the Apartment 1 and 2?

22 MR. PEREIRAS: Apartment No. 1 you enter
23 and you open into a large living room, kitchen,
24 dining room area. That is 14-foot-7 in width and
25 then 21-feet-4 in the overall length of that space.

1 Then there's a bedroom. The bedroom is 10-foot-3 by
2 12-foot-11. And that has a bathroom that is 10, the
3 same length as the bedroom, and at its widest point
4 is 8 feet. It gets more narrow where there is the
5 stair in the back, the closet in the back. The
6 entire apartment size for the one-bedroom is
7 538 square feet.

8 Apartment No. 2 is a similar concept. You
9 walk in. It's a large space. It's 69 by 21-4. The
10 bathroom is within that area, and then there's two
11 bedrooms looking towards Park Avenue, and that is
12 618 square feet.

13 CHAIRPERSON GARCIA: Why do you have 1209
14 in the second -- in Apartment No. 3, and you have in
15 both 1 and 2 you have less?

16 MR. PEREIRAS: Because this area here
17 (indicating), in front of the stairs, is not part of
18 either of these two apartments. It's common area.
19 So if you add that area, it increases the square
20 footage.

21 CHAIRPERSON GARCIA: Also, the setback on
22 both sides, you said you have 2 feet?

23 MR. PEREIRAS: On the north side we have 2
24 feet, and it's a complete 2 feet. Our previous
25 application had things jutting out from it, including

1 the stairs. We made it line up so it's clean 2 feet
2 across.

3 CHAIRPERSON GARCIA: In the rear what do
4 you have?

5 MR. PEREIRAS: Zero.

6 CHAIRPERSON GARCIA: Zero.

7 MR. PEREIRAS: And it's important to note
8 that behind the property there is 6 feet 2 inches
9 until the next building. So it's a big side yard to
10 the next building.

11 CHAIRPERSON GARCIA: Okay. And this
12 corner, this house versus the adjacent property to
13 the north, how --

14 MR. PEREIRAS: So the adjacent property to
15 the north is almost 3 feet away. It's actually
16 2-foot-11 according to the survey, plus our house is
17 another 2 feet. So it's 5-foot-11 inches, almost 6
18 feet away from the house to the north.

19 CHAIRPERSON GARCIA: Okay. And how many
20 feet is this one going to be in front of the next
21 property?

22 MR. PEREIRAS: It is several feet. I'd
23 probably say about 5 feet, which makes sense because
24 you could see the pitch on Park Avenue that the
25 building keeps stepping back as they go north on Park

1 Avenue.

2 CHAIRPERSON GARCIA: Any other questions?

3 MR. T. PANEQUE: The planner,
4 Ms. Pereiras?

5 MS. PEREIRAS: Mr. Chairman, our planner
6 had testified at one of the previous meetings as to
7 the four units. Now it's less intense activity. I
8 don't know if the board would like to hear full
9 testimony or maybe just pose some questions regarding
10 the application.

11 CHAIRPERSON GARCIA: Actually,
12 Mr. Paneque, I don't think that it would impact it
13 because of reduced -- down there another requested
14 parking variance? Because they have no other
15 setback --

16 MR. T. PANEQUE: No. Yes. The planner is
17 required because they have a "D" variance. So it's
18 not only the parking, but it's the --

19 MS. PEREIRAS: The d(1). Right. We had
20 testified on the d(1) prior, correct.

21 MR. T. PANEQUE: So we're taking this
22 application as a de novo application. So any
23 previous testimony will not be --

24 MS. PEREIRAS: Understood. Then if I can
25 just have one minute with my planner?

1 MR. BARREE: Mr. Chairman, may I ask the
2 architect one question before the planner begins?

3 MR. PEREIRAS: Yes, sir.

4 MR. BARREE: And this may have been
5 covered at the other meeting. I wasn't here. But
6 the driveways to Park Avenue, we've got the turning
7 movement at Park Avenue. We got a very close -- it's
8 a wide road. Did you talk about the backing out onto
9 Park Avenue and any restrictions that might make that
10 safer than unrestricted?

11 MR. PEREIRAS: We did. This was actually
12 a conversation that the board and I and the neighbors
13 had at great lengths because we originally had
14 designed this so that all the parking was off of 38th
15 Street. We thought it was a lot safer to do it that
16 way. But when you do that, you're sacrificing all
17 the street parking on the 38th Street. So it was a
18 compromise to bring it to the corner. It seemed like
19 it made sense. It's a very wide street. There's
20 very good visibility, specially since Park Avenue
21 opens across. So you have very good site views
22 there. So that's why we came up with this
23 configuration.

24 MR. BARREE: Okay. I didn't mean to
25 retread covered ground. Thank you.

1 MS. PEREIRAS: And if I may just have a
2 quick minute with my professionals?

3 CHAIRPERSON GARCIA: A five-minute break?
4 (Brief recess was taken.)

5 CHAIRPERSON GARCIA: Mr. Pereiras, I have
6 a few concerns about the application.

7 MR. PEREIRAS: Yes, sir.

8 CHAIRPERSON GARCIA: First of all is the
9 drawing, the front to see how it's going to be
10 according to the --

11 MR. PEREIRAS: And I can prepare all that
12 for the board.

13 CHAIRPERSON GARCIA: Also, I think I'm
14 seeing here in C-03 that you have 7 feet 6 inches
15 front, right? And then from the property line here
16 (indicating) -- can you come here?

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GARCIA: What is this
19 (indicating)? This is the C-03. This is Park
20 Avenue. You mentioned 7-6.

21 MR. PEREIRAS: Yeah. That is -- for some
22 reason, which I don't understand why, we're
23 dimensioning the location of the tree at 7-foot-6
24 from the building. The property line is further
25 down. Why we chose to dimension that, I have no

1 idea. But that's what the line is, from there to
2 there to the tree. The property line is a little bit
3 further which the property line is 10-foot-7 from
4 that point. (Indicating.)

5 CHAIRPERSON GARCIA: So you are -- okay.
6 Good to hear it. Can you come here?

7 MR. PEREIRAS: Yes.

8 CHAIRPERSON GARCIA: So this is the
9 survey, right, and your lot side comes up to here
10 (pointing), right?

11 MR. PEREIRAS: No. Our lot goes to that
12 black line (pointing).

13 CHAIRPERSON GARCIA: To the black line.

14 MR. PEREIRAS: That black line is the
15 property.

16 CHAIRPERSON GARCIA: Where are you going
17 to have the structure coming out?

18 MR. PEREIRAS: The building does this
19 (writing), this way and that way.

20 CHAIRPERSON GARCIA: I want for you to
21 show me how --

22 MR. PEREIRAS: The distance from there to
23 there (pointing)?

24 CHAIRPERSON GARCIA: How many feet is the
25 north side property?

1 MR. PEREIRAS: Setback?

2 CHAIRPERSON GARCIA: Setback. And also
3 here (pointing). Because, remember, we're having a
4 lot of construction in the city, for example,
5 Palisade Avenue. Okay?

6 MR. PEREIRAS: That kills me, that one.

7 CHAIRPERSON GARCIA: Right. So we have to
8 try to mitigate that situation on the record.

9 MR. PEREIRAS: Okay.

10 CHAIRPERSON GARCIA: So can you please
11 provide the board with that? And then whatever
12 question -- we can adjourn it -- and you come with
13 that presentation.

14 MR. PEREIRAS: I feel very comfortable
15 with that. Thank you, Mr. Chairman. We'll do that.

16 MR. T. PANEQUE: Ms. Pereiras, does your
17 client waive the statutory time which the board can
18 act on this application?

19 MS. PEREIRAS: Yes, of course.

20 MR. T. PANEQUE: Thank you.

21 CHAIRPERSON GARCIA: Can I make my motion
22 to adjourn this application for the November meeting,
23 November 14th?

24 MS. GUTIERREZ: I second it.

25 MR. VALLEJO: At the Union City High

1 School, 2500 John F. Kennedy Boulevard, Union City.

2 Motion by Mr. Garcia to adjourn this application.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Gutierrez.

5 Roll call on the motion.

6 Ms. Gutierrez.

7 MS. GUTIERREZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

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

22 Bring pictures of the area of the
23 neighborhoods, right?

24 MR. T. PANEQUE: I'm sorry, Mr. Vallejo.
25 I missed that.

1 MR. VALLEJO: What I said?

2 MR. T. PANEQUE: Yes.

3 MR. VALLEJO: Bring pictures of the area,
4 of the neighbors?

5 MR. T. PANEQUE: Yes.

6 CHAIRPERSON GARCIA: Yes.

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1 JOSE AVALOS -
2 2412 Central Avenue
3 Block: 136, Lot: 6:
4

5 MR. VALLEJO: Moving to the next
6 application on tonight's agenda, Jose Avalos,
7 2412 Central Avenue. This application has been
8 adjourned on July 11, 2024 and September 12, 2024.

9 MS. PEREIRAS: Board members, Bianca
10 Pereiras on behalf of Jose Avalos. We are requesting
11 one final adjournment on this matter. Unfortunately,
12 our planner is not available come and testify this
13 evening. I would ask that the board place this on
14 the November calendar so that we can proceed with the
15 testimony.

16 MR. VALLEJO: Mr. Chairman, November is
17 full.

18 CHAIRPERSON GARCIA: December.

19 MR. VALLEJO: December. Let me see
20 December.

21 MR. PEREIRAS: The client has a huge
22 hardship. If there's any way we can fit in November?

23 CHAIRPERSON GARCIA: What?

24 MR. PEREIRAS: The client has a huge
25 hardship. If we can fit November in any way for that

1 one? I defer to the board.

2 CHAIRPERSON GARCIA: Can we have a
3 5-minute break, please.

4 (Brief recess was taken.)

5 CHAIRPERSON GARCIA: We're going to try to
6 accommodate for November the 14th. I make my motion
7 to adjourn this application for November the 14th.
8 Waiving the statutory time?

9 MS. PEREIRAS: Yes.

10 MR. T. PANEQUE: Ms. Pereiras, you waive
11 the statutory time requirements?

12 MS. PEREIRAS: Of course. Thank you so
13 much.

14 CHAIRPERSON GARCIA: I make my motion to
15 adjourn it.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Motion by Mr. Garcia to
18 adjourn this application for November 14th. Seconded
19 by Ms. Gutierrez.

20 Roll call on the motion.

21 Ms. Gutierrez.

22 MS. GUTIERREZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Ms. O'Dell.

3 MS. O'DELL: Yes.

4 MR. VALLEJO: Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

6 MR. VALLEJO: Ms. Pena.

7 MS. PENA: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MR. SAN MARTINO: Yes.

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

12 MS. PEREIRAS: Thank you.

13 MR. VALLEJO: Next meeting is at the Union
14 City High School, 2500 John F. Kennedy Boulevard,
15 Union City, New Jersey.

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1 **506-508 26th Street, LLC -**

2 **506-508 26th Street, LLC**

3 **Block: 148, Lots: 3 & 4**

4
5 MR. VALLEJO: The next application on
6 tonight's agenda, 506-508 26th Street, LLC.

7 Ms. Pereiras, please.

8 MR. T. PANEQUE: For the record, I've been
9 provided by Ms. Pereiras with the following
10 documentation: I have a certification as to
11 publication and service signed by Ms. Pereiras with
12 respect to the property at 506-508 26th Street, Union
13 City, New Jersey, Block 148, Lots 3 and 4. Noting
14 that hearing will take place at this location. I
15 also have been provided with the affidavit of
16 publication from the Jersey Journal indicating that
17 the application with respect to this property will be
18 heard at this location, 1600 Kerrigan Avenue. Said
19 notice was published in the Jersey Journal on
20 September 25, 2024.

21 I also have a tax list from the Tax
22 Assessor's Office with a date of September 20, 2024,
23 listing all properties within the 200-foot radius
24 506-208 26th Street.

25 And then, finally, I've been provided with

1 the certified mail receipts with a postmark date of
2 September 30, 2024. Based on the documentation that
3 has been provided, this board has jurisdiction to
4 proceed and hear this matter.

5 MS. PEREIRAS: Thank you very much,
6 Counsel.

7 Members of the Board, Bianca Pereiras on
8 behalf of 506-508 26th Street, LLC in regards to
9 their application to legalize two basement apartments
10 in an existing multifamily building. We were
11 actually in front of this board several years ago
12 where an identical application was approved.
13 However, in a back and forth with the Building
14 Department drawings were displaced multiple times,
15 and at this point we are proceeding with this avenue
16 to correct it and hopefully get the resolution again
17 so that they can form the necessary permits. We have
18 two experts to testify. And we'll begin our
19 presentation with our architect, Mr. Manuel Pereiras.

20 * * *

21 MANUEL PEREIRAS, previously sworn:

22 MR. PEREIRAS: Manny Pereiras. I
23 recognize that I am still under oath.

24 MS. PEREIRAS: Mr. Pereiras, are you
25 familiar with the property at 506-508 26th Street?

1 MR. PEREIRAS: I am.

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

4 MR. PEREIRAS: I have.

5 MS. PEREIRAS: And would you kindly
6 describe the proposal for the Board?

7 MR. PEREIRAS: I'd be very happy to. So,
8 as counsel said, this project has a long history. I
9 think we started working on this building in 2016
10 making renovations throughout the building. We came
11 before the board and legalized two apartments, one in
12 each of the two sides of this building on the ground
13 floor. These are very similar documents that was
14 presented and approved back then. There are some
15 changes, though. One of the changes is that we have
16 been working with the Building Department, demolished
17 a lot of what was there originally. There were two
18 kitchens.

19 MR. T. PANEQUE: Mr. Pereiras, sorry to
20 interrupt. Just one second, please. We have a memo
21 from the Building Department. However, this memo is
22 only making reference to block 148, lot 3, which is
23 506. For some reason the property for 508 has not
24 been provided to us in the form of a memo from the
25 Building Department. We just need to clear this up.

1 Mr. Vallejo.

2 MR. VALLEJO: Yes.

3 MR. T. PANEQUE: Do you have a memo on
4 508?

5 MR. VALLEJO: It should be there.

6 MR. T. PANEQUE: It should be here? This
7 is 506.

8 Mr. Pereiras, what is the number of units
9 in 506 currently?

10 MR. PEREIRAS: 506 currently has eight
11 units. 508 has six.

12 MR. T. PANEQUE: Okay. You're proposing
13 to go from eight to what?

14 MR. PEREIRAS: To nine.

15 MR. T. PANEQUE: To nine. And then 508?

16 MR. PEREIRAS: Currently has six units,
17 and we're proposing to seven. So one unit in each of
18 the two buildings.

19 MR. T. PANEQUE: So with respect to 506,
20 we do have the memo that says that it's an eight-unit
21 building. However, we don't have a memo on 508.

22 MR. VALLEJO: That's the only memo you
23 have?

24 (Discussion held off the record.)

25 CHAIRPERSON GARCIA: You have to look at

1 this one (indicating).

2 MR. T. PANEQUE: So your applicant is
3 looking to legalize one unit in each of the
4 properties?

5 MR. PEREIRAS: Correct.

6 MR. T. PANEQUE: So on 506, we're good
7 because you're going from eight to nine. So our memo
8 is fine on that. There's no issues. The problem
9 this board is having now is that without a memo from
10 the Building Department for 508, we don't know what
11 the legal number of units currently exist on that
12 building.

13 MR. PEREIRAS: Understood. I believe we
14 have a copy of the original resolution that states
15 what units it was going from and to. That's a legal
16 document that has the number of units. I'm not sure
17 if that would suffice.

18 CHAIRPERSON GARCIA: You have eight and
19 six currently?

20 MR. PEREIRAS: Yes, eight and six
21 currently. And we're proposing nine and seven.

22 CHAIRPERSON GARCIA: 16?

23 MR. PEREIRAS: Correct.

24 (Discussion held off the record.)

25 MS. PEREIRAS: Counsel, we have our

1 original resolution.

2 MR. T. PANEQUE: You have it?

3 MS. PEREIRAS: I do have a copy of the
4 original resolution which references the total of
5 16 units that we applied for at that time, and it
6 specifies that we were legalizing two units.

7 (Discussion was held off the record.)

8 MR. T. PANEQUE: Ms. Pereiras, I see that
9 you have the resolution from 2014 noting that it's
10 16 units. However, what we're missing is the
11 Building Department confirmation that the building is
12 actually transformed from, I guess, at the time five
13 units to six when you legalized it. We don't have
14 that for 508. This board needs to have that memo
15 from the Building Department. Why we don't have it,
16 they might have just looked at the first number on
17 the street address and had given us that one without
18 realizing that it was two separate properties.

19 MS. PEREIRAS: I understand, Counsel.

20 MR. T. PANEQUE: Therefore, Mr. Chairman,
21 it's your call.

22 CHAIRPERSON GARCIA: I will make a motion
23 to carry this application for next month.

24 And, also, Mr. Pereiras, you remember at
25 the last meeting?

1 MR. PEREIRAS: Photographs.

2 CHAIRPERSON GARCIA: Bring it in, please.

3 MR. PEREIRAS: And all our new projects
4 moving forward is actually -- were submitted to
5 Mr. Vallejo is in the drawing itself we have pictures
6 showing where it's taken from. So this was submitted
7 previously. We'll update it.

8 CHAIRPERSON GARCIA: Okay.

9 MR. T. PANEQUE: Ms. Pereiras, you waive
10 the statutory time requirements?

11 MS. PEREIRAS: Yes, Counsel.

12 MR. T. PANEQUE: Thank you.

13 CHAIRPERSON GARCIA: Adjourn to
14 November 14th.

15 MR. VALLEJO: Mr. Chairman, November 14th
16 is packed.

17 CHAIRPERSON GARCIA: November 14th?

18 MR. VALLEJO: Carry it to December?

19 CHAIRPERSON GARCIA: This is a
20 legalization, so I don't think it's going to be an
21 issue.

22 So I make my motion to carry this
23 application to November the 14th.

24 MS. GUTIERREZ: Second.

25 MR. VALLEJO: Motion to carry this

1 application to November 14th by Mr. Garcia. Seconded
2 by Ms. Gutierrez.

3 Roll call on the motion.

4 Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 MS. GUTIERREZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

16 MR. VALLEJO: Ms. San Martino.

17 MS. SAN MARTINO: Yes.

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

20 Next meeting will be at the Union City
21 High School, 2500 John F. Kennedy Boulevard, Union
22 City, New Jersey.

23 MS. PEREIRAS: Good night, everyone.

24 CHAIRPERSON GARCIA: Thank you.

25 * * * *

1 **418 JPM PROPERTIES, LLC-**

2 **418 11th Street**

3 **Block: 52, Lot: 23**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, 418 JPM Properties, LLC,
7 418 11th Street.

8 Mr. Alonso, please.

9 MR. T. PANEQUE: Let the record reflect as
10 follows: I've been provided by Mr. Alonso with an
11 affidavit indicating that notices of tonight's
12 hearing with respect to the property at 418 11th
13 Street were sent to all property owners within a
14 200-foot radius. I've also been provided with an
15 affidavit from the Jersey Journal indicating that
16 notice of tonight's hearing at this location was
17 published in the Jersey Journal on September 20,
18 2024. I also have a copy of the notice that went out
19 indicating that the meeting will take place at this
20 location with respect to 418 11th Street.

21 I also have a list from the Tax Assessor's
22 Office with a date of September 25, 2024, listing all
23 property owners within a 200-foot radius of 418 11th
24 Street, Block 52, Lot 23. And, finally, I have the
25 certified mail receipts with a postmark date of

1 September 27, 2024. Based on the documentation
2 provided, this board has jurisdiction to proceed and
3 hear this matter.

4 MR. ALONSO: Thank you, Mr. Chairman.

5 Members of the Board, for the record,
6 Alvaro Alonso on behalf of the applicant. This is
7 not an application for variance relief to develop a
8 property. This property was previously approved by
9 this Board and construction has started. Part of the
10 application was to demolish the existing structure
11 down to the existing foundation and then to build up
12 from there.

13 During the construction process, it was
14 determined that part of the foundation needed to be
15 rebuilt. So my client started to do the work. My
16 client through his architect, Mr. Pereiras, prepared
17 some detailed drawings to reflect the construction to
18 be performed. At that point the construction code
19 official, Mr. Ferlise, stopped the work and indicated
20 that we needed zoning approvals for the additional
21 footing work. It's a construction detail. It's not
22 a zoning issue which are in opposition. So we
23 applied here for an appeal. We're appealing the
24 determination. So I'm going to call Mr. Pereiras who
25 will testify as to what the approval was, what is it

1 that we're doing, and to show how it does not violate
2 the zoning approvals that were previously granted.

3 CHAIRPERSON GARCIA: One second.

4 Mr. Paneque, what I'm understanding is
5 they are here appealing the violation of the Building
6 Department. So why -- how come we are going to
7 determine if that appeal was right or was wrong? You
8 know what I mean? I've been on the board for like
9 20 years. This is the first time I'm hearing this
10 situation. Because who are we as a board to
11 determine if this violation is appropriate or not?
12 Because most of the time what we discuss is that we
13 are not a prosecutor. We are just here to understand
14 the presentation -- grant any variance. That's my
15 concern.

16 MR. T. PANEQUE: That is a legitimate
17 concern, Chairman Garcia.

18 Mr. Alonso, you have -- we have a copy of
19 the Notice and Order of Penalty that was issued by
20 the Building Department. Why hasn't this been
21 brought up to the construction code --

22 MR. ALONSO: I filed two appeals
23 simultaneously. And the reason was because if you
24 read the determination that he issued -- and I
25 provided in the application package -- I think it's

1 Exhibit E, it's not clear what his position is. Is
2 it a construction code issue, which then goes to the
3 Construction Board of Appeals, or is it a zoning
4 issue. The zoning issue would be that by
5 reconstructing the foundation and moving it closer to
6 the property line, we're increasing -- or decreasing
7 the setback and thereby creating or exacerbating the
8 variance that may have been granted by this board.
9 So I apply it to both. The Construction Board of
10 Appeals says it's not a construction code issue. And
11 they said: You have to come back; make sure you come
12 here first. And now we're here before the board to
13 determine whether or not the details that
14 Mr. Pereiras is going to discuss creates a variance
15 or exacerbates a variance that may have been
16 approved. If it does not, then your determination
17 is, Mr. Ferlise, we have not. There is no zoning
18 issue. They can continue with the work.

19 MR. T. PANEQUE: By moving the foundation
20 wall --

21 MR. ALONSO: We didn't move the foundation
22 wall. We rebuilt it in its location.

23 MR. T. PANEQUE: It was rebuilt in the
24 same location?

25 MR. ALONSO: Correct.

1 CHAIRPERSON GARCIA: That's the point --

2 MR. PEREIRAS: I could --

3 CHAIRPERSON GARCIA: If they rebuild it,
4 it's in the same foundation.

5 MR. PEREIRAS: I could describe that
6 because none of those scenarios is actually what took
7 place. So, to help understand what took place, I
8 inspected the foundation wall that was there. It was
9 a rubble foundation and I was uncomfortable with its
10 condition. So what we did is we presented details
11 where we're reinforcing that existing foundation with
12 concrete right next to it going inside the property.
13 So we're not expanding the footprint of the property
14 in any way. We're not changing the interior
15 dimensions in any way because it's the basement.
16 It's the foundation wall. So everything that's
17 happening is below the approvals, and we are
18 reinforcing the existing wall to make sure it's
19 strong and safe. That's all we're doing.

20 CHAIRPERSON GARCIA: Are you reinforcing
21 or rebuilding?

22 MR. PEREIRAS: We're reinforcing. So what
23 we're doing is we're leaving that existing wall in
24 place and we're pouring a new wall in front of it.
25 We actually presented two details. One detail was

1 with concrete. Another one Mr. Ferlise was not happy
2 with that, so then the other detail is that we
3 rebuilt a new wall in front of that existing
4 foundation wall. But that existing foundation wall
5 is remaining there.

6 CHAIRPERSON GARCIA: Which percentage of
7 the original foundation are you maintaining? Which
8 percentage are you rebuilding?

9 MR. PEREIRAS: So this is the footprint of
10 the original foundation (pointing). We were always
11 reconstructing the foundation over on this side
12 because the building was on the property line and we
13 set it back. The portion of the building that was
14 supposed to remain is along the left-hand side. All
15 of that is still staying there. The foundation wall
16 will continue to be there. We're just putting a
17 stronger wall in front of it to just make sure that
18 there's no structural problems. And that wall -- if
19 you can see here, this is the existing wall. This is
20 our new CMU wall sitting on a new footing and then
21 concrete on top of it so that now it used to be this
22 thick, now it's going to be this thick.

23 CHAIRPERSON GARCIA: I think at this
24 point, since we are like -- it's kind of doing an
25 arbitration job -- I'm going to make a suggestion. I

1 don't know what the members of the board think about
2 it and also what Mr. Paneque understands. We are not
3 seeing this situation. I know you are presenting
4 plans. We want to see a current situation of the
5 facility -- of the place. Can you bring me in a
6 graphic, a picture? This is the structure. That's
7 what we need -- that's what we -- the wall over here,
8 this is the original one, that's what we're doing.

9 Because right now, remember, Mr. Alonso,
10 they're asking us to act as a judge about that
11 decision. So I'm not -- I don't want to take any --
12 I don't want to make any motion. I don't want to
13 vote at all if I don't see the real situation.
14 Because it's something between your client and the
15 Building Department, and we are the one that have to
16 judge the situation. So --

17 MR. ALONSO: But your review is limited.
18 Your review has nothing to do with the construction.

19 CHAIRPERSON GARCIA: If it's limited why
20 do you bring it over here? Why did they send it over
21 here?

22 MR. ALONSO: We're here for a limited
23 issue.

24 CHAIRPERSON GARCIA: You know what I mean?
25 Because if we take the position --

1 MR. ALONSO: No. No. No. Mr. Chairman,
2 we're here for a limited issue.

3 CHAIRPERSON GARCIA: Okay.

4 MR. ALONSO: Okay? And the limited issue
5 is that Mr. Pereiras was the architect who presented
6 this application at the time that it was granted by
7 this board. The board granted a number of variances,
8 okay, which includes front yard, setbacks -- and we
9 have the pictures here, so we'll go through it -- you
10 know, front yard, side yard, rear yard, lot coverage,
11 building coverage, all the zoning requirements, okay?
12 And you reduce that to a resolution and say this is
13 what is approved based on these plans. What
14 Mr. Pereiras is testifying at this point and I can
15 have him put on the record is that the work that's
16 being done here does not increase the lot coverage,
17 does not increase the building coverage, does not
18 decrease the setbacks whatsoever and is in
19 conformance with the zoning. Okay? Because
20 Mr. Ferlise is saying that in his opinion we need to
21 come back to the board for zoning approval. I said,
22 How can we? And I asked him to please specify
23 exactly where we violate the zoning approvals, and he
24 can't. And the reason why he can't is because we
25 don't.

1 So, under the statute, under the statute,
2 okay, N.J.S.A. 40:55D-70, okay, there's A, B, C, and
3 D. A and B is appeals and interpretations. We're
4 here under "A" for an appeal. Our only remedy is to
5 appeal Mr. Ferlise to this board, and that's why
6 we're here. And the question before the board is:
7 Does the setbacks that we have with the
8 reconstructed, reinforced foundation: Does it
9 increase the variances that were granted or does it
10 create new variances? If the answer is no, then
11 that's your answer, and that's your determination.

12 MR. T. PANEQUE: Okay. But, Mr. Alonso,
13 I'm looking at the Notice and Order of Penalty, and
14 it indicates that the reason that this job was
15 stopped was, A, working above and beyond released
16 plans, permits, and prior approvals; working above
17 and beyond released permit and plans. So this is, I
18 guess, issued by Mr. Sal Ferlise, correct?

19 MR. ALONSO: Correct.

20 MR. T. PANEQUE: Mr. Chairman, my legal
21 opinion is that we should have Mr. Sal Ferlise come
22 to the meeting and explain to this board why he saw
23 fit to issue this violation. Okay? What did he see
24 at the construction sites that triggered this
25 violation to be issued? Because if we go on what

1 Mr. Pereiras is testifying, that the only change here
2 was to add a sister wall to the foundation on the
3 inside.

4 Right, Mr. Pereiras?

5 MR. PEREIRAS: That's correct.

6 MR. T. PANEQUE: And nothing was done to
7 the outside. I don't understand where Mr. Ferlise's
8 violation comes in. That's why we would need him to
9 come in. And we can do that for the next meeting.

10 MR. ALONSO: But that's the problem. He
11 refuses to say that. My client has been stopped.

12 MR. T. PANEQUE: Yes.

13 MR. ALONSO: Since May. Okay? And when
14 you're under construction and you're stopped, number
15 one, it creates a dangerous situation for the people
16 who live in the area because you have an open
17 construction site. Okay? It attracts bad things to
18 happen there, and it caused a substantial amount of
19 money to keep a construction site open without any
20 work being performed. Okay, so --

21 MR. T. PANEQUE: I understand the dilemma
22 your client is facing. But see it from the
23 perspective of the board, okay. We have your
24 argument, which Mr. Pereiras and yourself presented
25 quite eloquently. But we have a written statement

1 here that on its face it says that the applicant was
2 stopped for working above and beyond the plans.
3 Okay? No further explanation. But this document, as
4 you stated, could have been addressed at the
5 Construction Board of Appeals, which apparently, from
6 what you've said, the Construction Board of Appeals
7 has said we're not touching this, it's not our
8 problem. For this board, but this board needs more
9 of an explanation from Mr. Ferlise as to what
10 triggered this. Because if it's as simple as just a
11 sister wall on the outside of this foundation, I
12 don't see where the problem is in violating the terms
13 of the resolution that was approved by this board
14 unless Mr. Ferlise has something to add. If he comes
15 in and says Mr. Pereiras' explanation is on point,
16 then this board can make a determination. But we
17 won't know unless we get Mr. Ferlise here, and I
18 believe that the Chairman has the authority to
19 request that Mr. Ferlise appear and give us an
20 explanation to this board.

21 CHAIRPERSON GARCIA: I will feel more
22 comfortable taking a decision after Mr. Ferlise's
23 testimony. I don't know what the other members of
24 the board think about it, but I think to take a
25 decision now like that without no supporting --

1 MS. PEREZ: And request a picture.

2 CHAIRPERSON GARCIA: We're also going to
3 need a picture for the next meeting.

4 MR. PEREIRAS: So the owner has
5 photographs of the site. Unfortunately, we only
6 have --

7 CHAIRPERSON GARCIA: Let me tell you, I
8 also have pictures of the front of the property.
9 However, it's not enough pictures for me, for the
10 board to show that. Has the sister wall been done?

11 MR. PEREIRAS: No, it has not been done.
12 The footings for the sister wall were prepared. We
13 submitted details, and that's when Mr. Ferlise felt
14 that we were going beyond the scope of work. And
15 that's how he phrased it. And he's looking for the
16 satisfaction that this does not violate any zoning.
17 Mr. Ferlise is not a zoning expert. He doesn't know.
18 He wants the board as experts to know does this
19 violate as any zoning.

20 MR. T. PANEQUE: We don't have the benefit
21 of Mr. Spatz here this evening. But we have Mr. John
22 Barree here.

23 Right?

24 MR. BARREE: Yes.

25 MR. T. PANEQUE: Mr. Barree, am I correct

1 in that if the only work that's being done is a
2 sister wall to the inside of the existing foundation,
3 that wouldn't violate any of the side yards or any of
4 those bulk variances that were granted, correct?

5 MR. BARREE: Based on the testimony and
6 the visual that was provided in the packet here, it
7 looks like the addition to the wall is on the inside.
8 So it's not making it any larger toward any of the
9 property lines. Typically, those kinds of structural
10 considerations would not be a board issue. I
11 understand we are in a unique position because of the
12 violation. But in my professional opinion, if the
13 exterior walls are in the same place and the
14 reinforcement is happening on the inside, that
15 doesn't impact any of the board's prior
16 decision-making.

17 MR. T. PANEQUE: All right. Thank you,
18 Mr. Barree.

19 MR. BARREE: You're welcome.

20 MR. T. PANEQUE: I also agree with that.
21 But we have a situation here where we can't override
22 the Building Department without knowing why they
23 issued it. And on its face, I can't tell --

24 MR. ALONSO: I understand. But back on
25 May 20th, my client filed for a zoning determination

1 to get in writing why is it a zoning violation, and
2 why are we stopped? This is in May. We've had two
3 requests to extend that, okay? And then we had to
4 file another one and they requested again an
5 extension and we still to this day have not received
6 any confirmation as to why it violates the zoning.
7 And I think it's pretty clear that it doesn't. And
8 we just want to keep continuing moving on in this
9 construction.

10 MR. T. PANEQUE: I understand. As I
11 stated, Mr. Alonso, the dilemma that your client has.
12 But this board needs the reason why Mr. Ferlise
13 issued this violation. We don't have it. And we
14 can't tell on the paper that we have in front of us
15 what he saw there. Okay? It's clear that he's
16 saying that the work exceeds what the permits were
17 and what the application variances that were granted.
18 But we don't know what those are. There might be
19 something else to the story. And that's what we need
20 to get to the bottom of. Hopefully, at the next
21 meeting we can and have Mr. Ferlise come in and get
22 this cleared up.

23 MR. ALONSO: Well, I would ask that if
24 Mr. Ferlise does not appear, because he's required to
25 appear and should appear today, once his

1 determination was on appeal, that's --

2 MR. T. PANEQUE: That's not.

3 MR. ALONSO: That's in the statute. In
4 the statute it says that he's required to appear
5 tonight.

6 MR. T. PANEQUE: Was he subpoenaed by you?

7 MR. ALONSO: I can't subpoena him.

8 MR. T. PANEQUE: Well, you can. You can
9 have a subpoena issued to have Mr. Ferlise here. The
10 board will request for him to be here and, hopefully,
11 he'll be here at the next meeting, and we'll get to
12 the bottom of it.

13 CHAIRPERSON GARCIA: Please can you bring
14 the picture of the existing condition?

15 MR. ALONSO: Sure.

16 CHAIRPERSON GARCIA: I could see it there.
17 I could see it on my drawing; however, I want
18 something to keep it as an exhibit for the
19 application, please.

20 MR. PEREIRAS: That makes sense.

21 MR. ALONSO: Okay.

22 MR. T. PANEQUE: Mr. Alonso, it is the
23 request by the Chairman as to carry this matter to
24 the next meeting which will be November 14. Does
25 your client waive the statutory requirement?

1 MR. ALONSO: Yes. I don't think it
2 applies in this case, but sure.

3 CHAIRPERSON GARCIA: I make my motion to
4 adjourn this application to the November meeting.

5 MR. VALLEJO: Motion to carry this
6 application to November 14, 2024, at the Union City
7 High School, 2500 John F. Kennedy Boulevard, Union
8 City, New Jersey. Motion by Mr. Garcia?

9 MS. GUTIERREZ: Second.

10 MR. VALLEJO: Seconded by Ms. Gutierrez.

11 MS. GUTIERREZ: Roll call on the motion.
12 Ms. Gutierrez.

13 MS. GUTIERREZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Ms. Pena.

23 MS. PENA: Yes.

24 MR. VALLEJO: Ms. San Martino.

25 MS. SAN MARTINO: Yes.

1 MR. VALLEJO: Seven in favor. Motion
2 carries.

3 MR. ALONSO: Mr. Paneque, you'll be
4 sending Mr. Ferlise a letter?

5 MR. T. PANEQUE: Yes. Mr. Vallejo will
6 send Mr. Ferlise a letter.

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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
6 tonights's agenda, Advanced Union City, LLC,
7 3914-3916 Kennedy Boulevard.

8 MR. T. PANEQUE: Let the record reflect as
9 follows: I've been provided by Mr. Alonso with an
10 affidavit noting that a notice was provided to all
11 property owners within a 200-foot radius of
12 3916 Kennedy Boulevard. I've also been provided with
13 an affidavit from the Jersey Journal indicating that
14 notice with respect to the property in question was
15 published on September 20, 2024. I have also a copy
16 of the notice that went out to all property owners.
17 I have also a copy of the tax list from the Tax
18 Assessor's Office with a date of August 29, 2024,
19 listing all property owners within a 200-foot radius
20 of block 229, lot 1.01, property known as
21 3914-3916 Kennedy Boulevard.

22 And, finally, I have the certified mail
23 receipts with a postmark date of September 27th.
24 Based on the documentation provided, this board has
25 jurisdiction to proceed and hear this matter.

MR. ALONSO: Thank you. Good evening, Mr. Chairman and the Board. Alvaro Alonso on behalf of the applicant. This is an application to legalize three existing apartments on the second floor of this property. It is a mixed-use property. The downstairs or the ground floor is a medical office building -- a medical office. My client purchased the property approximately ten years ago. He's a doctor. He occupies the first floor, and the three apartments were upstairs at the time that he purchased it. He purchased the property from another doctor, so the use has been continuing and there is no question as to the legality of the use on the first floor.

In terms of the second floor, the three units that are existing, my client has not received any violations for the apartments, but he does want to legalize them to avoid any problems down the road. With that said, I have two witnesses this evening. Mr. Carballo is here on behalf of Mr. Valella who is away on vacation.

* * *

JOSE CARBALLO, after having been duly sworn or affirmed, did testify as follows:

CHAIRPERSON GARCIA: Pleasure to have you

1 Mr. Carballo.

2 MR. CARBALLO: Pleasure being here today,
3 Mr. Garcia. It's been a while.

4 CHAIRPERSON GARCIA: Been a while, yes.

5 MR. ALONSO: Mr. Carballo, you are here on
6 behalf of Mr. Valella, correct?

7 MR. CARBALLO: That is correct.

8 MR. ALONSO: And Mr. Valella is the one
9 who prepared the plans?

10 MR. CARBALLO: Yes, he is.

11 MR. ALONSO: And you have had an
12 opportunity to review the plans with Mr. Valella?

13 MR. CARBALLO: Yes, I have.

14 MR. ALONSO: And you also had an
15 opportunity to speak with the applicant?

16 MR. CARBALLO: I did that as well.

17 MR. ALONSO: So you're familiar with
18 that --

19 MR. CARBALLO: I went by the site as well.

20 MR. ALONSO: Okay. So I'm going to ask
21 you just to review the proposal with the board.

22 MR. CARBALLO: Absolutely. So good
23 evening, everyone. Jose Carballo. Some of you
24 haven't seen me here, but I've been coming here,
25 what, since -- I used to have a full head of hair

1 when I first started.

2 The property in question is
3 3914-3916 Kennedy Boulevard. It's an existing
4 two-story building. It's been there forever. It's
5 an old building. It's a beautiful building. And it
6 has been used in this manner as we have it tonight
7 for the longest time. First floor has been an office
8 ever since I can't remember. And the second floor --
9 not that I ever went there, but it's got existing
10 three apartments.

11 This application is not considered an
12 expansion or extension of the building. The building
13 is going to remain as is, and all the legalization is
14 what's happening inside the building, which is the
15 office on the first floor and three apartments on the
16 second floor. I'll let the planner go through all
17 the variances. So if you go to Joint A-2 -- V-2.
18 So, anyway, if you go to the second sheet, you're
19 going to see the two existing floors on the left-hand
20 side. It's small in scale. And you can see on the
21 first floor that it's really an office -- I'm
22 sorry -- on the first floor it shows an office.
23 You're also going to see where there's a stair
24 towards the rear of the property which leads to the
25 second floor where there's an existing office on the

1 second floor. That stair, that office is going to go
2 away as an office, and that's going to become part of
3 one of the apartments on the second floor.

4 So, first floor, again, remains as office.
5 Second floor we have one unit in the front. It's a
6 two-bedroom unit. We have a one-bedroom unit on, in
7 this case, the upper-right hand corner of the sheet
8 and then a two-bedroom unit towards the left side.
9 The only changes that we're proposing for the second
10 floor is again that office that was on the second
11 floor is going to go, and we have two bedrooms that
12 have no windows. We now have one bedroom that has
13 one window in the back.

14 If you go back to the site that's in
15 reference in here, we do have three parking spaces.
16 One is inside and then we have two on the outside.
17 We do need a parking variance. And, again, I'll let
18 the Planning Board go through that, through the
19 variances, but we do need 18 parking spaces, and
20 we've provided 3 parking spaces. There is no way to
21 get more parking. The building is what the building
22 has been forever, and we're here to try to get, you
23 know, the office as well as the three units
24 legalized.

25 MR. ALONSO: Mr. Chairman, that's the

1 extent of the architectural testimony with respect to
2 the units upstairs.

3 CHAIRPERSON GARCIA: Mr. Carballo or
4 Mr. Alonso, the existing condition are three
5 apartments on the second floor?

6 MR. CARBALLO: Correct.

7 CHAIRPERSON GARCIA: After seeing the
8 record, I mean, I recall -- I'm in this country,
9 like, over 40 years. And I recall that this is four
10 stories since back then. And it's kind of strange
11 that it's still in the record saying that it's a
12 one-story building.

13 MR. ALONSO: Yeah, I was shocked. No.
14 No. I'm looking at the documents that were provided
15 just now.

16 MR. CARBALLO: The picture, yeah.

17 MR. ALONSO: Yeah. It says it's a
18 one-story brick commercial unit.

19 CHAIRPERSON GARCIA: 1973, 1992, 1992,
20 2024 tax --

21 MR. ALONSO: They just never updated the
22 tax --

23 CHAIRPERSON GARCIA: It's over 40 years.

24 MR. CARBALLO: They probably looked at it
25 from the outside and said, hey, that's a one-story

1 building. But it actually is a two-story building.

2 CHAIRPERSON GARCIA: And your client, when
3 did he purchase this --

4 MR. ALONSO: My client is here. He can
5 testify, if you'd like. But he indicates to me that
6 he purchased it about ten years ago.

7 CHAIRPERSON GARCIA: And when he purchased
8 it, that was with those three units?

9 MR. ALONSO: That's correct.

10 CHAIRPERSON GARCIA: Any other questions?
11 (No verbal response.)

12 CHAIRPERSON GARCIA: You have a planner?

13 MR. ALONSO: I have a planner. We need
14 what's called a (d)2 variance because the ground
15 floor commercial is a technically permitted use in
16 the zone. So even though the apartments that we're
17 seeking to legalize are permitted, it creates an
18 expansion of a pre-existing non-conforming use.

19 * * *

20 ALEXANDER McCLEAN, after having been duly sworn or
21 affirmed, did testify as follows:

22 CHAIRPERSON GARCIA: You've never
23 testified in front of us, right?

24 MR. McCLEAN: No. First time.

25 CHAIRPERSON GARCIA: First time. Just for

1 the record, qualification.

2 MR. ALONSO: Sure.

3 Can you state your full name for the
4 record?

5 MR. McCLEAN: Sure. Alexander McClean.
6 I'll give you my address. It's 137 Heckel Street,
7 Belleville, New Jersey.

8 MR. ALONSO: And you're here as a licensed
9 planner?

10 MR. McCLEAN: I am, yes.

11 MR. ALONSO: Can you give us the benefit
12 of your educational background?

13 MR. McCLEAN: Sure. I hold a master's
14 degree in city and regional planning from Rutgers
15 University, and I'm a member of the AICP, American
16 Institute of Certified Planners. I'm licensed by the
17 State Board of Professional Planners, and I've
18 testified -- I've been practicing for five to ten
19 years -- I've testified before boards throughout the
20 state.

21 CHAIRPERSON GARCIA: Our pleasure to have
22 you with us.

23 MR. McCLEAN: Thank you.

24 MR. ALONSO: Thank you, Mr. Chairman.

25 So if you can just review your planning

1 testimony.

2 MR. McCLEAN: Sure. So the subject
3 property is a corner lot, lot 1.01 on block 229. It
4 measures 3,449 square feet located on the corner of
5 John F. Kennedy Boulevard to the west and 40th Street
6 to the north. The property had been approved with a
7 two-story commercial building as you saw through the
8 plans. It was constructed around 1913 according to
9 tax records, and the ground floor of the existing
10 building is currently being occupied by a medical
11 service provider, Advanced Cardiology and Vein
12 Center. Again, to the area, I have some exhibits to
13 kind of orientate the board if inclined.

14 So the first image here is --

15 MR. ALONSO: So what we're going to do is
16 we're going to mark this exhibit as A-1. And just
17 identify what the package is.

18 * * *

19 (Series of drone shots were marked A-1 for
20 identification.)

21 * * *

22 MR. McCLEAN: This is a series of drone
23 shots of the site and around the site. The first
24 page is facing the subject site straight down on the
25 corner of John F. Kennedy and 40th Street. It's

1 the -- this portion of the building on the left side
2 of that corner. To the north or, I guess, left of
3 that, across the street from 40th Street you have
4 Iglesia Universal Church. On the right you have
5 Speedway gas station. And then further down, looking
6 down 40th Street you have a mix of single two-family
7 and mixed multifamily buildings. And then
8 immediately to the right or south of the property is
9 several commercial uses.

10 The next page, this is a shot facing, I
11 guess, it's the southeast. You can see some
12 residential buildings. South. On the third page,
13 facing north is more of the same, a mix of
14 residential types. And on the last page, across the
15 street, that is a Union City Housing Authority
16 apartment across John F. Kennedy Boulevard.

17 So as noted before, the applicant is
18 looking to legalize the three existing apartments.
19 And as Mr. Alonso noted, there's a bit of a mixed-use
20 going on on the property since, you know -- we're
21 here for a (d)2 variance because, you know, you have
22 the three units on the second floor which are
23 permitted under the ordinance, under the C-N
24 District. The C-N District does not allow medical
25 uses on the ground floor. They are permitted on the

1 second floor. So that conflict is the reason why
2 we're requesting a (d)2 variance relief.

3 So, second, the deviation for the use
4 requirements in the C-N Zoning District, the property
5 is in conformance with a bunch of zoning requirements
6 of the C-N Building District. That includes the
7 minimum lot area, minimum lot width, front yard
8 setback, side yard setback, impervious surface
9 coverage, building height, and there are several
10 preexisting nonconforming conditions which is minimum
11 lot depth, minimum mirror yard requirement, maximum
12 lot coverage parking.

13 And now I'll just get into the
14 justifications for the requested (d)2 relief. So,
15 per 1990 State Supreme Court ruling in *Burbridge v.*
16 *Mine Hill*. Applicant is required to demonstrate
17 special reasons for justifying the granting of the
18 (d)2 variance for the expansion of pre-existing
19 nonconforming use. That is not an inherent
20 beneficial use.

21 With respect to the relief from the units
22 that we're trying to legalize, as I see it, you know,
23 we're formally trying to provide additional housing
24 units where we're formally acknowledging it by the
25 city. This is avoiding displacement of the houses

1 occupying those units. It ensures that these units
2 in the building by extension will comply with all
3 building code requirements. And in my professional
4 opinion, this satisfies purpose A, which is investing
5 in the general welfare which in turn satisfies the
6 special reasons requirement of the (d)2 variance
7 relief.

8 I'll speak briefly about the medical
9 facility too. I mean, not that it's necessary but
10 just to speak to the fact that C-N District doesn't,
11 you know, formally -- permit ground floor medical
12 facility space. So this is not a hospital, but the
13 services provide an important medical service to the
14 residents, and that by extension also satisfies the
15 general welfare requirements under purpose A of the
16 Municipal Land Use Law.

17 So with respect to the negative criteria,
18 I believe that the variance relief can be granted
19 without substantial detriment to the public good
20 since it advances multiple purposes of the MLUL,
21 which is the efficient use of land, purpose M. And
22 relief would advance the city's 2019 master plan
23 goals 1, 2, and 7, for the preservation of
24 established residential character of Union City while
25 simultaneously taking into consideration mechanisms

1 to promote a common growth and development, which is
2 goal one, advocating smart growth and planning
3 principles that maintain the established neighborhood
4 scale without exacerbating burdens on the
5 infrastructure since we're just maintaining the
6 existing structure. There are several transit
7 options right across -- along John Kennedy Boulevard
8 as well. You got Bus 10 -- NJ Transit Bus 10,
9 Bus 80, 88, 88c, all available which will run down
10 John Kennedy Boulevard to and from Jersey City and
11 also the preservation and enhancement of the existing
12 business district of the city and maintain sufficient
13 retail and commercial uses to meet the needs of the
14 city residents which is goal six -- I'm sorry -- not
15 goal 7.

16 In legalization of this unit, there is a
17 de minimus deviation from the pre-existing condition
18 since it's been there for quite a long time. And
19 there's been structural changes to the building that
20 would impact the streetscape. With that, I believe
21 that the criteria for the relief has been met and
22 that approval is warranted.

23 MR. ALONSO: Thank you.

24 Mr. Chairman, I have no further witnesses.

25 CHAIRPERSON GARCIA: I have a question.

1 Are they going to do any internal construction?

2 MR. ALONSO: No. My understanding is that
3 it's just alteration.

4 CHAIRPERSON GARCIA: Because when you say
5 "alteration," what do you mean?

6 MR. CARBALLO: So what I stated before is
7 that an existing first floor there is a stair that
8 goes to the second floor, and that's an office for
9 the office downstairs. Right? So what's going to
10 happen is that that's going to go away, and that
11 becomes a bedroom for the second floor. And the two
12 bedrooms that are existing, interior bedrooms that
13 don't have any light now becomes one bedroom with an
14 outdoor window.

15 CHAIRPERSON GARCIA: And what about
16 Apartment No. 2? Is that going to be just a studio
17 without a bedroom?

18 MR. CARBALLO: So that apartment remains
19 the same. That apartment remains the same, and this
20 is the one that changes.

21 CHAIRPERSON GARCIA: Yeah, but that one
22 you're not going to have any bedroom?

23 MR. CARBALLO: (No verbal response.)

24 CHAIRPERSON GARCIA: Bedroom?

25 MR. CARBALLO: Yeah. I just said, the one

1 in the back.

2 MS. GUTIERREZ: The back.

3 CHAIRPERSON GARCIA: Oh, okay. So the
4 only proposal there is the dining room area and that
5 bedroom, right?

6 MR. CARBALLO: Right. So the dining room
7 area used to be two bedrooms which are now going to
8 occupy that office that used to be on the second
9 floor.

10 CHAIRPERSON GARCIA: Okay. Because you
11 didn't show the current -- you don't have any plans
12 for the current condition?

13 MR. CARBALLO: Right over here. We just
14 went through those plans before, right?

15 CHAIRPERSON GARCIA: Okay. Your client is
16 here. Why did he never come with legalization if he
17 owns the building for ten years?

18 MR. ALONSO: There was never a need. What
19 happened is last year there was the issues that maybe
20 work was performed without obtaining permits. But
21 since they were there for so long before my client
22 purchased the property, he says, let me come in, let
23 me legalize the units and then go back and then
24 take -- pull the permits that are required in order
25 to legalize the units.

1 CHAIRPERSON GARCIA: What do you mean
2 there's no need to legalize? There's always a need
3 to legalize.

4 MR. ALONSO: Correct.

5 CHAIRPERSON GARCIA: How come you're going
6 to leave them illegal?

7 MR. ALONSO: No. No. That's why we're
8 here, to --

9 CHAIRPERSON GARCIA: For ten years. You
10 know what I mean? Why now after ten years. Just a
11 question. You know what I mean? Also, regarding
12 Photo No. 4, you said that he has three parking
13 spaces, right? You have two adjacent to the
14 property, to the east side of the property.

15 MR. CARBALLO: If you're looking at Photo
16 No. 4?

17 CHAIRPERSON GARCIA: Photo No. 4 and also
18 V-2 of the plans, you have that by 40th Street. You
19 have two parking spaces, right?

20 MR. CARBALLO: Right.

21 CHAIRPERSON GARCIA: Looking at Picture
22 No. 4, what you're showing me for two parking spaces,
23 you have a dumpster there for garbage, for a
24 business. How come you're going to provide two
25 parking spaces and have a dumpster there?

1 MR. CARBALLO: Well, the dumper is all the
2 way in the back.

3 CHAIRPERSON GARCIA: No. No. No. No.
4 Not the picture. Show me the back.

5 MR. CARBALLO: The proposal, the
6 proposal -- it gets moved to the back so you can fit
7 the two parking spaces --

8 CHAIRPERSON GARCIA: Well, that's not the
9 practice. That's not the practice.

10 MR. CARBALLO: That's what?

11 CHAIRPERSON GARCIA: That's not the
12 practice, my friend. Show me something that you're
13 going to put a wall to cover the dumpsters or
14 something. You know what I mean? But that's okay.

15 MR. CARBALLO: Okay. So if approved,
16 we'll provide the wall for it.

17 CHAIRPERSON GARCIA: Okay. This is --
18 just to clarify also, the property question is just a
19 corner, right?

20 MR. ALONSO: Correct. It's the silver
21 roof.

22 CHAIRPERSON GARCIA: The silver roof.

23 MR. ALONSO: Correct.

24 CHAIRPERSON GARCIA: And how come the
25 other property -- I'm assuming it is 3914 -- I mean

1 3912 and 3910, they're going to have access if you
2 park over there? Just questioning. You know what I
3 mean? I know that it's -- because if you see
4 Picture 4, for those pieces of the garbage and all
5 that stuff, they have to use the --

6 MR. ALONSO: Yes. There's an easement
7 which allows them to use -- it's going to be a
8 driveway. There's enough space there -- to park the
9 cars and then get by in order to park the cars in the
10 other lot next door.

11 CHAIRPERSON GARCIA: I have no further
12 questions. Any questions from any of the members of
13 the board?

14 (No verbal response.)

15 CHAIRPERSON GARCIA: Any member of the
16 public wants to step forward?

17 (No verbal response.)

18 CHAIRPERSON GARCIA: No? Closed to the
19 public.

20 I make all those comments just for future
21 applications and also for the witness and also you as
22 an attorney to pay attention. However, I understand
23 that.

24 I'm going to make my motion to grant it
25 because I think to legalize those units is also going

1 to help to avoid to create another environment of
2 those units on the second floor. Also, as I
3 mentioned it, for over 40 years, and I always saw
4 that building there with the two floors, so I make my
5 motion, and also there's no way for them to provide
6 parking. So I make my motion to grant this
7 application without any condition.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Motion to grant the
10 application by Mr. Garcia. Seconded by
11 Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Seven in favor. Motion
3 carries.

4 MR. ALONSO: Thank you very much.

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1 **BISHAI, LLC -**
2 **2907 Central Avenue**
3 **Block: 162, Lot: 18.**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, Bishai, LLC, 2907 Central Avenue.

7 Mr. Alonso, please.

8 MR. T. PANEQUE: Let the record reflect as
9 follows: I've been provided by Mr. Alonso with an
10 affidavit as to having served notices on all property
11 owners within a 200-foot radius of 2907 Central
12 Avenue. Said affidavit is dated October 8, 2024,
13 signed by Mr. Alonso.

14 I also have an affidavit of publication
15 from the Jersey Journal giving notice of tonight's
16 hearing at this location with respect to the property
17 at 2907 Central Avenue. Said notice was published in
18 the paper on September 20, 2024. Mr. Alonso has also
19 provided a copy of that notice that went out to all
20 property owners as well as a list from the Tax
21 Assessor's Office for property at 2907 Central Avenue
22 noting all property owners within a 200-foot radius
23 of said property.

24 And, finally, I have the certified mail
25 receipt with a postmark date of September 27, 2024.

1 Based on the documentation provided this board has
2 jurisdiction to proceed and hear this matter.

3 MR. ALONSO: Good evening, Mr. Chairman,
4 Members of the Board again. For the record, Alvaro
5 Alfonso on behalf of the applicant. This is an
6 application to convert -- the property has two
7 buildings. It has a two-family house in the front.
8 It has a second building in the rear property. The
9 ground floor is a commercial unit. It's been used
10 for many years as a granite fabricating facility, and
11 there's an apartment upstairs. The apartment
12 upstairs is not legal. My client purchased the
13 property just last year, and he's here to convert the
14 commercial unit into an apartment and to legalize the
15 second floor apartment. There is no proposed work on
16 the outside, so we're not increasing any of the
17 setbacks or the lot coverages. With that said, I
18 have Mr. Carballo to testify as to the plans.

19 * * *

20 JOSE CARBALL0, previously sworn:

21 MR. CARBALL0: Good evening again.
22 Sitting in for Orestes Valella who is still not back
23 from vacation. So the property in question is
24 2907 Central Avenue. And what it is is, as counsel
25 correctly explained, is it's a property that's 45 by

1 139 feet deep, and on it there are two buildings.
2 There's a building in the front, which is a
3 two-family building. It's existing. It remains as
4 that. The building in the back is the one where --
5 the reason we're here today. It's a two-story
6 building. The second floor contains an apartment.
7 First floor, as Mr. Alonso explained, used to be a
8 granite factory business, and the client wants to
9 convert that to a unit and legalize the unit on the
10 second floor.

11 The only work that is being considered is
12 a stair for exiting on the second floor. There's a
13 stair in the existing building to go to a second
14 floor, which granted is not shown in the plans, but
15 there is a stair there to go to that second floor.
16 That's going to be removed and a new stair is going
17 to be located on the outside of the building.

18 As you can see, the first floor is going
19 to have two bedrooms and a den, a dining room, living
20 room, and the existing apartment, it has four
21 bedrooms and -- I'm sorry -- it's got three bedrooms,
22 a living room, and a dining room, and it's going to
23 remain as such. Basically, just converting the first
24 floor. That's what we're here for and legalizing the
25 second floor apartment.

1 MR. ALONSO: That's basically the
2 application.

3 CHAIRPERSON GARCIA: And how many parking
4 spaces do you have?

5 MR. CARBALLO: So I've been told they can
6 fit five parking spaces all the way to the back.
7 Granted they're tandem parking spaces. Central
8 Avenue is difficult to find parking. So as many cars
9 as we can park on the property, it would be
10 beneficial.

11 CHAIRPERSON GARCIA: The proposed
12 commercial area converted into the -- this is the
13 existing, right?

14 MR. CARBALLO: Everything is existing.
15 The building is existing, no expansion, no extension.
16 It's just all the work is going to be within the
17 shell of the building.

18 CHAIRPERSON GARCIA: Yes, but whatever it
19 is right now as a commercial is already built.

20 MR. CARBALLO: It's already built, yeah.
21 It's the first floor of a two-story building, so it's
22 there.

23 CHAIRPERSON GARCIA: This is existing
24 right now?

25 MR. CARBALLO: No. No. Existing if you

1 go back to the first floor.

2 CHAIRPERSON GARCIA: That's what I'm
3 saying, the commercial one.

4 MR. CARBALLO: Yeah. This one here.
5 Right.

6 CHAIRPERSON GARCIA: The second floor is
7 there?

8 MR. CARBALLO: The second floor unit is
9 there, yes. The first floor is vacant right now.

10 CHAIRPERSON GARCIA: It's vacant. And can
11 you go back -- no. No. Stay there. That one,
12 that's existing condition?

13 MR. CARBALLO: This is existing condition
14 back here, yes, first floor and second floor.

15 CHAIRPERSON GARCIA: Can you go to the
16 second page? Do you have the size of those bedrooms?

17 MR. CARBALLO: Downstairs?

18 CHAIRPERSON GARCIA: Yes.

19 MR. CARBALLO: Those bedrooms got to be --
20 well, this is -- that's got to be 9 by like 12.

21 CHAIRPERSON GARCIA: And the size of the
22 den?

23 MR. CARBALLO: Size of the den is probably
24 10 feet by, again, 12, 13 feet.

25 CHAIRPERSON GARCIA: Is your client here?

1 MR. ALONSO: Yes.

2 CHAIRPERSON GARCIA: Can I ask him a
3 question?

4 MR. ALONSO: Sure.

5 * * *

6 SHENOUDA BISHAI, after having been duly sworn or
7 affirmed, did testify as follows:

8 MR. ALONSO: State your name for the
9 record.

10 MR. BISHAI: Shenouda Bishai, Shenouda,
11 S-h-e-n-o-u-d-a; Bishai, last name, B-i-s-h-a-i.

12 CHAIRPERSON GARCIA: Just a question. Is
13 there any problem for you if you do it just one
14 bedroom? I think they're small bedroom.

15 MR. BISHAI: No. It's okay.

16 CHAIRPERSON GARCIA: Because if they are
17 like 9 by 10 or 9 by 12?

18 MR. CARBALL0: They're like 9 by 12, yeah.

19 CHAIRPERSON GARCIA: 9 by 12. I think
20 that's kind of small bedroom, right?

21 MR. BISHAI: It doesn't matter.

22 MR. ALONSO: The client has no objection
23 to consolidating and making it one bedroom.

24 CHAIRPERSON GARCIA: Probably I don't know
25 if you can recommend him to like --

1 MR. VALLEJO: Mr. Chairman.

2 (Discussion was held off the record.)

3 CHAIRPERSON GARCIA: Can you recommend a
4 second bedroom in the back or something?

5 MR. CARBALLO: We can do that.

6 Absolutely.

7 CHAIRPERSON GARCIA: You know what I mean?
8 This way you maintain the two bedrooms. I don't want
9 to squeeze you. Because it's too small. And I know
10 the reason is -- if I'm being honest, I like the
11 application because it's a residential area and you
12 eliminated a commercial use to convert it to
13 residential. However, we also like to -- we're in
14 favor of a better quality of life, better quality of
15 housing. That's why I make my recommendation.

16 MR. CARBALLO: And you're right. Because
17 we have these coming in here (indicating). We don't
18 have it back here, so the unit is now going be by --
19 11, 12 feet wide. Because there's a 25-foot wide lot
20 too.

21 CHAIRPERSON GARCIA: Okay. Any other
22 questions? Any other comments?

23 (No verbal response.)

24 CHAIRPERSON GARCIA: Okay. I'm going to
25 make my motion to grant this --

1 Any member of the public wants to step
2 forward?

3 MR. BARREE: One quick question for you.
4 The mechanical room on the ground floor in the back
5 building, that's two boilers and two water heaters.
6 So is the mechanical unit for the upstairs --

7 MR. CARBALLO: So ours will not allow you
8 to go and then use as what we put in.

9 MR. BARREE: So you're going to have --
10 that's shown on the proposed condition?

11 MR. CARBALLO: There's two boilers over
12 here. Okay. Yeah, so those are internal boilers.
13 One would be for the first floor, and one would be
14 for the second floor.

15 MR. BARREE: But will there be any issue
16 if the second floor apartment needs to access their
17 mechanical equipment inside the first floor
18 apartment? Will they be able to --

19 MR. CARBALLO: We could put it on the
20 second floor. You're right. It's more practical
21 that way.

22 MR. BARREE: It's much less of a headache
23 for the building owner-operator.

24 MR. CARBALLO: Absolutely. Absolutely.

25 CHAIRPERSON GARCIA: Okay. I'm going to

1 make my motion to grant the application. I think you
2 are improving the residential zones, the commercial
3 to make residential.

4 We're going to approve the revised plans?
5 We're going to vote now, or we're going when the
6 revised plans?

7 MR. T. PANEQUE: Yes. We can vote to
8 approve the resolution now subject to the revised
9 plans being submitted at least ten days prior to the
10 next meeting.

11 MR. ALONSO: Right. And we're going to
12 consolidate two bedrooms into one.

13 CHAIRPERSON GARCIA: It's going to be two,
14 two. It's going to be two bedrooms. The only thing
15 is this is one is going to be large and the other one
16 in the rear.

17 MR. ALONSO: So the two in the front
18 you're going to consolidate into one?

19 CHAIRPERSON GARCIA: Right.

20 MR. ALONSO: And then one in the back?

21 CHAIRPERSON GARCIA: Correct.

22 MR. ALONSO: And then relocate the
23 mechanicals.

24 CHAIRPERSON GARCIA: One and one.

25 MR. CARBALLO: So let's try to do it this

1 way. Let's put the two bedrooms in the back and
2 let's put the living room in the front.

3 CHAIRPERSON GARCIA: Okay.

4 MR. CARBALLO: Because it works better
5 that way.

6 CHAIRPERSON GARCIA: But remember, just to
7 enlarge the bedroom. Okay? Not to have the same
8 size, the bedroom.

9 MR. CARBALLO: No. No. Like I said, so
10 the property is 25-foot wide. Right? So you take
11 let's say a foot for each one of the walls on the
12 side. So now you have 23 left. So you can have
13 11-foot wide as opposed to 9-foot wide. So that's a
14 good size bedroom.

15 CHAIRPERSON GARCIA: Motion to grant it
16 subject to revised plans but approve the resolution.

17 MR. VALLEJO: Motion by Mr. Garcia to
18 grant the application.

19 MS. GUTIERREZ: Second.

20 MR. VALLEJO: Seconded by Ms. Gutierrez.
21 Roll call on the motion to approve this
22 application.

23 Mr. Garcia.

24 CHAIRPERSON GARCIA: 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: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

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

14 MR. T. PANEQUE: Before we leave, I just
15 want to make sure that we have the conditions
16 correct. So we're going to change from a
17 three-bedroom apartment to a two-bedroom apartment.

18 MR. CARBALLO: That's still a two-bedroom
19 apartment. We're just going to put the bedrooms in
20 the back.

21 MR. ALONSO: We're talking about
22 downstairs?

23 MR. T. PANEQUE: Yeah, downstairs.

24 CHAIRPERSON GARCIA: No. It was two. It
25 was the den. It was two with the den. So there's

1 going to be no den.

2 MR. CARBALLO: There's going to be no den
3 at this point, right?

4 MR. T. PANEQUE: The den will be relocated
5 to the back, and each apartment will have its own
6 mechanical room.

7 MR. CARBALLO: Within them.

8 MR. T. PANEQUE: Within them. And no den.

9 MR. CARBALLO: No den.

10 CHAIRPERSON GARCIA: Thank you.

11 MR. ALONSO: Thank you very much.

12 MR. VALLEJO: Motion carries.

13 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 1. Rajesh Mathew, 2302 Kerrigan Avenue, Block: 131,
3 Lot: 2. The applicant proposes to legalize an
4 existing apartment in the basement of a two-family
5 building; there will be a total of three units.

6 Approved.

7 * * *

8 MR. VALLEJO: Moving onto Resolution 1,
9 Rajesh Mathew, 2302 Kerrigan Avenue. This
10 application was approved at the previous meeting.

11 Can I have a motion?

12 CHAIRPERSON GARCIA: Aye.

13 MR. VALLEJO: Motion to approve this
14 application by Mr. Garcia.

15 MS. GUTIERREZ: Second.

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

18 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: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

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

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10 MR. VALLEJO: Let me go back to Resolution
11 No. 1 because Ms. Gutierrez recused on that
12 application.

13 MS. GUTIERREZ: Yes. I recused myself on
14 that one.

15 MR. VALLEJO: I need a new motion.

16 CHAIRPERSON GARCIA: I make my motion.

17 MR. VALLEJO: Motion by Mr. Garcia. I
18 need a second on the motion.

19 MS. O'DELL: Second.

20 MR. VALLEJO: Seconded by Ms. O'Dell.

21 Roll call on the motion.

22 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: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Six in favor. Motion
10 carries. Ms. Gutierrez recused on this application.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. LUZ J. NUNEZ, 653 39th Street, Block: 261, Lot:
3 37. The applicant proposes to legalize an existing
4 apartment on the ground floor of a two-family
5 building; there will be a total of three units. No
6 parking is provided. Approved.

7 * * *

8 MR. VALLEJO: Resolution No. 2, Luz J.
9 Nunez, 653 39th Street. Can I have a motion to
10 memorialize this application, resolution?

11 CHAIRPERSON GARCIA: Aye.

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 Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Seven in favor. Motion

6 carries.

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1 **ADJOURNMENT:**

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

6 MS. GUTIERREZ: Motion.

7 MR. VALLEJO: Motion by Ms. Gutierrez.

8 MS. WATLEY: Second.

9 MR. VALLEJO: Seconded by Ms. Watley.

10 All in favor.

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

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

15 Thank you and good night.

16 (Whereupon, the meeting concluded at
17 8:17 p.m.)

18 * * * *

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