

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

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

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey

TUESDAY, OCTOBER 22, 2024
Commencing at 6:00 p.m.

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

ALEJANDRO VELAZQUEZ, Chairperson
YDALIA GENAO
ALICIA MOREJON
FRANKLIN MEDINA
JOSE GUARENO
HECTOR OSEGUERA

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

BRIAN T. STACK, Mayor
CELIN J. VALDIVIA, Commissioner
CAROLINA FERNANDEZ

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

BRIAN CHEWCASKIE, ESQ.
Board Counsel

DAVID SPATZ, P.P.

SUSAN BISCHOFF CCR CO.
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A P P E A R A N C E S:

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, H&A Developers

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, JBZ Enterprises

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I N D E X

JBZ ENTERPRISES, LLC
588-590 32nd Street

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NO.

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photo board

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1 MR. CHEWCASKIE: Please take notice that
2 on Tuesday, October 22, 2024, at 6:00 p.m., a
3 regular meeting is scheduled for the City of Union
4 City Planning Board to be held at the Union City
5 High School, located at 2500 John F. Kennedy
6 Boulevard, Union City, New Jersey. This is a
7 meeting called in compliance with Chapter 231,
8 Public Law 1975 of the Open Public Meetings Act.
9 Adequate notice of this meeting has been provided
10 as follows: Notice of this meeting setting forth
11 the time, date, location, and the agenda to the
12 extent known, was forwarded to The Jersey Journal,
13 The Record, and The Hudson Reporter and has been
14 posted on the bulletin board in city hall and has
15 been made available to the public in the office of
16 the municipal clerk.

17 Before we call roll for this evening,
18 will we kindly rise for the Pledge of Allegiance.

19
20 (Whereupon, the Pledge of Allegiance was
21 recited.)

22
23 **ROLL CALL:**

24
25 MR. CHEWCASKIE: Roll call for tonight's

1 meeting. Mayor Brian P. Stack absent.

2 Mr. Velazquez.

3 CHAIRPERSON VELAZQUEZ: Here.

4 MR. CHEWCASKIE: Mr. Valdivia, absent.

5 Ms. Genao.

6 MS. GENAO: Yes.

7 MR. CHEWCASKIE: Ms. Morejon.

8 MS. MOREJON: Yes.

9 MR. CHEWCASKIE: Ms. Fernandez, absent.

10 Mr. Medina.

11 MR. MEDINA: Here.

12 MR. CHEWCASKIE: Mr. Guareno.

13 MR. GUARENO: Here.

14 MR. CHEWCASKIE: Mr. Oseguera.

15 MR. OSEGUERA: Here.

16 MR. CHEWCASKIE: We have six members
17 present, so we do have a quorum tonight.

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ADOPTION OF MINUTES:

MR. CHEWCASKIE: Mr. Chairman, first order on the agenda is the adoption of minutes of the regular meeting held June 25th. Eligible to vote would be Mr. Velazquez, Ms. Genao, Mr. Guareno, Ms. Morejon and Mr. Oseguera. Can I have a motion.

CHAIRPERSON VELAZQUEZ: I make a motion.

MS. MOREJON: Second.

MR. CHEWCASKIE: Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Yes.

MR. CHEWCASKIE: Ms. Genao.

MS. GENAO: Yes.

MR. CHEWCASKIE: Mr. Guareno.

MR. GUARENO: Yes.

MR. CHEWCASKIE: Ms. Morejon.

MS. MOREJON: Yes.

MR. CHEWCASKIE: Mr. Oseguera.

MR. OSEGUERA: Yes.

HEARINGS/APPLICATIONS:

Consideration of a Zoning Ordinance introduced by the City of Union City Board of Commissioners to ban poultry shops as a principal permitted use in any zone district in the City of Union City.

MR. CHEWCASKIE: First order of business tonight is that there were two ordinances that were referred to the planning board for review and recommendation. And the board's job is to make a determination of consistency for the ordinance.

First ordinance is an ordinance to ban poultry shops as a principal permitted use in any zone district in the City of Union City. I would recommend that we hear a little bit from Mr. Spatz about what the ordinance does and what his recommendation is.

MR. SPATZ: Certainly. This is ordinance number 2024-26 and it is to amend the zoning ordinance to ban poultry shops as principal permitted uses in any zone within the City. The ordinance I think clearly states the City's goals and objectives in the whereas clauses. It gives a definition of poultry shops and then amends the ordinance to say that poultry shops are expressly

1 prohibited as uses in all zones of the City. From
2 a planning perspective, this is consistent with
3 the master plan. One of the prime purposes of
4 zoning is stated in the Municipal Land Use Law,
5 purpose A is promoting the public health, safety,
6 and general welfare, which this certainly does. I
7 don't believe that the sale of larger animals is
8 permitted anywhere in any zone within the City, so
9 this really just strengthens that specifically
10 related to poultry shops. So we do find it is
11 consistent with the master plan of the City.

12 MR. CHEWCASKIE: Okay. The with the was
13 introduced by the Board of Commissioners at their
14 last commission meeting. Under the land use law,
15 any development regulation is referred to the
16 planning board for their consistency review, as
17 explained by Mr. Spatz. So unless there's any
18 question, I would ask for a motion for a
19 determination that same is consistent, set forth
20 in the reasoning of Mr. Spatz.

21 CHAIRPERSON VELAZQUEZ: I make a motion.

22 MR. GUARENO: Second.

23 MR. CHEWCASKIE: Mr. Velazquez.

24 CHAIRPERSON VELAZQUEZ: Yes.

25 MR. CHEWCASKIE: Ms. Genao.

1 MS. GENAO: Yes.

2 MR. CHEWCASKIE: Mr. Guareno.

3 MR. GUARENO: Yes.

4 MR. CHEWCASKIE: Mr. Medina.

5 MR. MEDINA: Yes.

6 MR. CHEWCASKIE: Ms. Morejon.

7 MS. MOREJON: Yes.

8 MR. CHEWCASKIE: Mr. Oseguera.

9 MR. OSEGUERA: Yes.

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HEARINGS/APPLICATIONS:

Consideration of a zoning ordinance introduced by the City of Union City Board of Commissioners to ban smoke shops and vape shops as a principal permitted use in any zone district in the City of Union City.

MR. CHEWCASKIE: Next is an ordinance to ban smoke shops and vape shops as a principal permitted use in any zone district in the City of Union City. Again, this was an ordinance that was introduced, it wasn't referred to the planning board, it has now been referred to the planning board. Mr. Spatz, please.

MR. SPATZ: Certainly. This is ordinance 2023-60. And it is to ban smoke shops and vape shops as principal permitted uses in any zone within the City. Likewise, the prior ordinance, the City, in this ordinance, clearly sets forth the rationale and the reasoning in the whereas clauses for why smoke shops and vape shops should be banned as permitted principal uses. The ordinance has definitions of smoke shop and vape shop and then amends the ordinance to add specifically smoke shops and vape shops are

1 expressly prohibited as uses in all zones within
2 the City. Likewise, the Municipal Land Use Law in
3 its purposes states one of the purposes of zoning
4 is to promote the public health, safety, morals
5 and general welfare of its residents. And I think
6 this ordinance certainly does that.

7 As I indicated, the whereas clauses set
8 forth the rationale for this. In terms of
9 statistical studies that have been done showing
10 the negative impact of this particularly on
11 younger people. And so we again would indicate
12 that this is consistent with the master plan in
13 terms of actions that the Board of Commissioners
14 can take could promote the health, safety, morals,
15 and general welfare of its residents.

16 MR. CHEWCASKIE: Okay. So unless there
17 are any questions, it would be necessary for a
18 motion to confirm that this ordinance is
19 consistent with the Union City master plan.

20 CHAIRPERSON VELAZQUEZ: I make a motion.

21 MS. MOREJON: Second.

22 MR. CHEWCASKIE: Mr. Velazquez.

23 CHAIRPERSON VELAZQUEZ: Yes.

24 MR. CHEWCASKIE: Ms. Genao.

25 MS. GENAO: Yes.

1 MR. CHEWCASKIE: Mr. Guareno.

2 MR. GUARENO: Yes.

3 MR. CHEWCASKIE: Mr. Medina.

4 MR. MEDINA: Yes.

5 MR. CHEWCASKIE: Ms. Morejon.

6 MS. MOREJON: Yes.

7 MR. CHEWCASKIE: Mr. Oseguera.

8 MR. OSEGUERA: Yes.

9 MR. CHEWCASKIE: Okay. So what will
10 happen with respect to both of those two
11 ordinances, I will prepare a letter to the Board
12 of Commissioners indicating that the findings were
13 made that they were consistent with the master
14 plan.

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HEARINGS/APPLICATIONS:

H & A Developers, LLC -

2704-2710 Kennedy Boulevard:

MR. CHEWCASKIE: The next application is a request for extension. Does anyone want to see the plans for this application? It's H & A developers, LLC, 2704-2710 Kennedy Boulevard. Block 156, Lots 2, 3, 24, 25, 26, 27, 28 and 8. And it's a proposed six story mixed use building consisting of 70 residential units, two commercial spaces and 137 parking spaces.

The resolution was memorialized on November 22, 2022, and there's a request for a one year extension. Anyone want to see the drawings, Mr. Vallejo did leave them. If not, Ms. Pereiras is here on behalf of the applicant.

MS. PEREIRAS: Thank you very much, Counsel.

As Counsel mentioned, this application came before this board and was approved via resolution in November of 2022. This is for a mixed use building. The application is pending before the Hudson County planning board. We're waiting for that final approval, we've had some

1 TRC meetings with them, but we're waiting for the
2 final hearing date. In that respect, we are
3 asking for a one-year extension so we can finalize
4 approvals with the county and then hopefully pull
5 permits before the end of next year.

6 CHAIRPERSON VELAZQUEZ: I would like to
7 add to the members that the owner of that property
8 is always on top of everything, from cutting
9 grass, to removing snow. I wish everybody was
10 like him. So I make a motion to --

11 MS. MOREJON: I second.

12 CHAIRPERSON VELAZQUEZ: -- grant the
13 extension.

14 MR. CHEWCASKIE: So we have a motion and
15 second on the extension.

16 Mr. Velazquez.

17 CHAIRPERSON VELAZQUEZ: Yes.

18 MR. CHEWCASKIE: Ms. Genao.

19 MS. GENAO: Yes.

20 MR. CHEWCASKIE: Mr. Guareno.

21 MR. GUARENO: Yes.

22 MR. CHEWCASKIE: Mr. Medina.

23 MR. MEDINA: Yes.

24 MR. CHEWCASKIE: Ms. Morejon.

25 MS. MOREJON: Yes.

1 MR. CHEWCASKIE: Mr. Oseguera.

2 MR. OSEGUERA: Yes.

3 MR. CHEWCASKIE: Okay.

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1 **JBZ ENTERPRISES, LLC -**
2 **588-590 32ND STREET:**
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4 MR. CHEWCASKIE: The next order of
5 business and I will hand out the drawings in a
6 minute, it's JBZ Enterprises, LLC, 588 to 590 32nd
7 Street, Block 204, Lots 2 and 3. Applicant
8 proposes to construct a one-story addition over
9 existing two-story mixed use structure. There
10 will be a restaurant on the ground floor, two
11 two-bedroom units on the second floor, and a
12 four-bedroom unit on the third floor, no parking
13 is provided.

14 Ms. Pereiras is the attorney and I will
15 do double duty. I will hand out the plans to
16 everybody. I also earlier received from Ms.
17 Pereiras the affidavit of service. I reviewed it
18 and the application is complete for review by the
19 board.

20 MS. PEREIRAS: Bianca Pereiras on behalf
21 of the applicant. This is for property located at
22 588-590 32nd Street, we all may know it as P&L
23 Grill on 32nd Street and the owner is actually
24 here. He's owned this building and operated the
25 restaurant for 18 years. What we're looking to do

1 is a create a one-story addition to provide an
2 additional apartment for a total of three units
3 and one commercial on the site, as is permitted in
4 the zone. We have one expert to testify and that
5 is our architect, Mr. Manuel Pereiras.

6

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

9

10 MR. PEREIRAS: Manny Pereiras,
11 P-E-R-E-I-R-A-S, with Pereiras Architects
12 Ubiquitous, located at 1116 Summit Avenue, here in
13 Union City.

14 MS. PEREIRAS: For purposes of the
15 record, Mr. Pereiras has testified in front of
16 this board in the past.

17 MR. CHEWCASKIE: I would suggest the
18 board accept Mr. Pereiras as an expert as having
19 been confirmed several times by this board.

20 CHAIRPERSON VELAZQUEZ: Yes.

21 MS. PEREIRAS: Thank you, Counsel.

22 Mr. Pereiras, are you familiar with the
23 property at 588-590 32nd Street?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: Did you prepare the

1 drawings that are before the board this evening?

2 MR. PEREIRAS: I have.

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

5 MR. PEREIRAS: I'd be very happy to.
6 You know how they say a picture is worth a
7 thousand words, I'd like to share an exhibit with
8 the board.

9 MR. CHEWCASKIE: If we would, why don't
10 you explain that, Mr. Pereiras, and we'll mark it
11 as A-1 because I don't believe it was part of
12 application package.

13 MS. PEREIRAS: It was not.

14 MR. PEREIRAS: So what we did was we did
15 a photograph of the existing conditions of the
16 site on the left hand side, so we can see exactly
17 what's there in its current condition. And then
18 an artistic rendition of what the site we're
19 proposing to do on the right-hand side of the
20 page. So you see a real clear contrast.

21 MR. CHEWCASKIE: You prepared that
22 document, correct, Mr. Pereiras?

23 MR. PEREIRAS: That's correct.

24 MR. CHEWCASKIE: Please feel free to
25 hand it out. We'll mark it as A-1.

1 (Photo board marked A-1.)

2
3 MR. PEREIRAS: Moving along, we did two
4 views, equal views so you can really contrast.
5 This is such a critical piece of property for
6 Union City. When you come down Kennedy Boulevard,
7 when you come up Bergen Turnpike, this is what you
8 see. And right now, you see a -- and pardon me
9 for taking the liberties of saying this, you see
10 an ugly bar that really doesn't represent Union
11 City in any way whatsoever. But that's the P&L
12 Grill, so we're looking at a complete renovation
13 and reconstruction of the existing building to
14 something that really fits perfectly into the
15 neighborhood, and can represent Union City and we
16 could all be proud of. I think it's about time
17 that this application comes before this board. I
18 think it's desperately needed for that particular
19 location and it really will give Union City itself
20 a huge facelift.

21 We're dealing with an odd shaped lot in
22 a very intricate and important location. It is
23 extremely visible because of its proximity, its
24 neighbor is a gas station, so it's visible from
25 all along Kennedy Boulevard. So we have really

1 two very important facades. The facade that's
2 facing the gas station and the facade that's
3 facing 32nd Street. In addition to that, it's a
4 small lot. We have a slightly undersized lot.
5 We're at 2,462, whereas a fully conforming lot is
6 2,500, so we're 48 square feet short, de minimus
7 in nature. But the configuration of the lot makes
8 it difficult. It's 53.4 feet in one direction,
9 39.87 on the other side. And on the opposite
10 side, the west side, it's 58.62. So we're dealing
11 with an odd shape.

12 The existing building -- and I'm turning
13 now, by the way for purposes of the record, the
14 drawings that I have on the easel are the same
15 drawings that were submitted to the board.

16 MR. CHEWCASKIE: Just identify those by
17 date, Mr. Pereiras.

18 MR. PEREIRAS: The submission date on
19 these drawings were revised 4/29/24 and they are
20 labeled release for zoning approval.

21 Currently, I am at sheet Z02. On Z02,
22 we see the differences between the existing site
23 and the proposed site. You can barely tell the
24 difference, that's because we're kind of using the
25 footprint of the building. The only real

1 difference is that on the west side of the
2 building, there were Bilco doors to head down to
3 the basement, so you had to go into the ground,
4 open up the doors to get down. And we are now
5 replacing those, covering them up, and we're doing
6 a small addition, two foot addition which is going
7 to -- you're going to understand why and how we're
8 doing that as soon as we get to the floor plans.
9 Everything else around the outside of the building
10 is the same. We're not changing anything. We're
11 not making anything bigger to the sides, other
12 than that two foot strip for only a portion here
13 in the front. So we're respecting the footprint
14 and going up along that footprint.

15 You see more photographs on Z03, so we
16 really understand the site and how important it
17 is. It's, you know -- I'm speaking to the choir
18 here because you understand Union City and you
19 understand how important this location is for the
20 site.

21 The basement is the same basement;
22 however, the entrance right now is those Bilco
23 doors on the sidewalk. We're making an entrance
24 that you can walk down. The owner is getting
25 older, it's harder for him to open the doors and

1 move in the same way. So we're creating a door
2 that you could head down into the basement and
3 make it comfortable.

4 Right now, the way you get to the second
5 floor apartments is really odd. You walk all the
6 way through the back of the building on the side
7 and you go up an ugly staircase to get upstairs.
8 We're proposing to demolish that staircase and
9 what we're doing is we're eating up into our
10 building two feet. And then we have those two
11 feet that I spoke about on the site plan. So
12 that's the tiny addition that we're proposing here
13 so that we could have a good stairwell that is
14 coming from 32nd Street. So now, when you're in
15 front of the building on 32nd Street, you'll have
16 a door to get into the apartments above and a door
17 to get into the restaurant. So it makes it nice
18 and safe, clean, you're not walking through an
19 alley to get to the back of the building.

20 We also since now that is not a walkway
21 to get to the back, we created an area to put
22 trash receptacles. So now the trash for the
23 building has a place to go and its safe because
24 it's not in the path of egress. The business
25 itself, as you could see, we're renovating the

1 restaurant. I don't know if you've been there in
2 awhile, it needs a do-over, it needs a renovation.
3 And we're cleaning it up. We're creating more
4 booths along the front on both sides, so the
5 seating is more comfortable, you can have families
6 in there, everyone wants to sit in a booth. So
7 we're doing that and we're doing a renovation
8 throughout the building, just a little bit of
9 makeup to make it look beautiful, new finishes,
10 new light fixtures. Everything in there is new,
11 but it's the existing configuration, other than
12 the booths.

13 We go upstairs, we have the apartment
14 that was there, existing. We're proposing the
15 stairwell to lead you up to a hallway and that
16 hallway leads you into two apartments, one in the
17 front and one in the back. The apartments are
18 comfortable sizes, they're 876 square feet and
19 775 square feet. And they're each two-bedroom,
20 complying with all codes in Union City, safe
21 beautiful, simple apartments, two bedrooms that
22 are desperately needed. We have a huge deficit in
23 housing stock, prices are really high for rentals.
24 That's because we don't have enough apartments
25 like this being developed. It's very hard to

1 develop in Union City, it's very hard to get to
2 this board. That's why we have a huge deficit in
3 apartments, this is going to help satisfy that.

4 And the biggest deficit that we have in
5 Union City is apartments that are big enough for
6 families. So what we're proposing is on the third
7 floor, have a stairwell that continues up to the
8 third floor. And we have a four-bedroom apartment
9 on that floor. Again, we're not making this
10 building any bigger. We're actually stepping in
11 on the sides and that third floor is completely
12 compliant, remember our zoning ordinance allows
13 four stories here, we're only three stories, okay.
14 And our ordinance allows three apartments, we have
15 three apartments, and the existing business.

16 And in addition to that, what's
17 important is we're setting this building back as
18 well. So even from the street, it really fits in
19 and it works well. And I'll go back to the
20 elevations to show that. But by providing this
21 apartment, we provide a huge need to our
22 community. Try to find a four-bedroom apartment
23 in Union City, you can't. It's impossible, okay.
24 This is going to provide that for the neighborhood
25 that's desperately needed.

1 In our elevations, we could see how the
2 building steps back. So this is the side view of
3 the building. These are the new stair addition
4 that we have here and see how the stairs turn
5 back, so the entire building steps back. So from
6 the street level, you really read this portion
7 over here. And we did that very much on purpose.
8 We knew we were allowed up to four stories, but we
9 wanted this building to look beautiful, we wanted
10 it to fit into the neighborhood perfectly. So
11 instead of going four stories up, we went two
12 stories, in line with the buildings next to it.
13 So it really, really fits into the neighborhood.
14 And then we stepped back that third story and we
15 never even built the fourth story, we're not
16 proposing that. So we're keeping it as a
17 three-story building and it really reads from the
18 street as two-story that works well with the
19 existing facade.

20 Now, when we're talking about the
21 facade, talk about a facelift. You're going from
22 a red shingled barn roof that is falling apart to
23 a beautiful brick building that really represents
24 Union City. So what we're doing is that entire
25 facade, front and side, even on the second floor

1 is brick. Nice large windows facing the street
2 that has a nice rhythm. We were lucky enough to
3 design the last two buildings that were new on
4 that block, so looking going further towards the
5 east, you have two buildings. This is the same
6 sized windows, same rhythm, so we have a
7 continuity on 32nd Street. The rhythm, it's brick
8 just like those other buildings. So now we're
9 creating a beautiful streetscape that all kind of
10 ties together from the corner, which is this, all
11 the way up 32nd Street. So this is a very
12 important piece to make that happen. And then
13 what's the restaurant. It goes from being the P&L
14 Grill that was outdated by 50 years to a beautiful
15 sleek kind of open restaurant with large glass
16 windows so you could look in, black frames, and
17 very simple lettering, not bold, not obnoxious
18 signage, very simple lettering to show that it's
19 there. So I believe that we were able to design a
20 building that really, really fits into the
21 neighborhood.

22 So let's talk about the variances we're
23 seeking. For one, we are here before the planning
24 board. That means we don't have a use variance,
25 we're proposing exactly what is supposed to be

1 here. The zone allows for apartments above, it
2 specifically recommends three apartments above and
3 commercial on the ground floor. That's what we're
4 doing. We have commercial on the ground floor,
5 which is the existing P&L Grill. The owner Mark
6 here has been there for 18 years, he plans to be
7 there longer and continue serving the community
8 and we're looking to renovate his store and create
9 apartments above that are satisfying a need in the
10 community, a huge need in the community. And
11 we're in a location that is the best spot of
12 transportation in probably the entire State of New
13 Jersey. You have every single bus line you could
14 imagine going through there. Whether it's on
15 Kennedy Boulevard or 32nd Street, you have access
16 to the city, you have access to go west on
17 Route 3, every single bus line imaginable is right
18 there. If you want -- within three blocks, you
19 basically have access to anywhere in the State of
20 New Jersey or going over to New York City. So it
21 is the perfect location for a commuter.

22 And, beyond that, it would be completely
23 inappropriate to create parking on this site. So
24 in many sites in Union City, it makes sense to
25 create parking. We want to create parking, the

1 owner wants to have his own parking spot in the
2 building. Here, it doesn't make sense. Why? We
3 don't want to create another curb cut going into
4 the building with the gas station right there.
5 There's no room to do that. If we did that, there
6 would be no restaurant. We want a restaurant on
7 the ground floor. It's important to keep that
8 continuity across there. So it is inappropriate
9 to create parking on a site such as this.

10 And why do we want residential above?
11 Number one, it's necessary because we have a huge
12 need in Union City. You can't get a four bedroom
13 anywhere, it's hard to get apartments, the prices
14 are skyrocketing. We have to solve that by
15 creating more apartments. And it works with the
16 businesses. When you have apartments above and
17 businesses below, the apartments feed the
18 businesses, the businesses create areas for the
19 people in the apartments that they want to go to.
20 And it's a cycle that is positive. When you have
21 just the business and they close their door at
22 7:00 or 8:00 or 9:00, that's it, it's abandoned,
23 there's no one there, there's no activity. When
24 you have people living there, guess what? People
25 are coming in and out, they watch, they want to

1 see what's happening in their neighborhood.

2 So it really activates and it's solid
3 planning to have this mixed use approach. And
4 it's exactly what our master plan recommends that
5 we do and that's what we did. We followed the
6 master plan exactly in that nature.

7 To go through the variances. I
8 mentioned before, we're 48 square feet less than
9 what we have to -- 38 square feet less than what
10 we have to be. So it's an existing nonconformity
11 for lot area. It's impossible to make this land
12 bigger, we can't purchase property anywhere around
13 us. So it's an existing nonconformity that we
14 have to live with. Same goes with the lot depth,
15 100 feet is required, we're at 58.7. We can't
16 purchase more property, there's no room to grow
17 this lot. So we're stuck with that preexisting
18 variance that we have.

19 The next existing variance that we have
20 is the rear yard, 20 foot is required. We have an
21 odd lot. We're not making it worse in any way,
22 we're going straight up. So we're not expanding
23 on that rear yard into the back, we're expanding
24 vertically for that rear yard variance.

25 Side yards. This is a really weird one,

1 okay. Because this ordinance allows us to be
2 zero, right on the property line, okay. But the
3 way the ordinance reads is you could be zero, but
4 if you provide one, we want it to be 5 feet. And
5 I think that made a lot of sense when they were
6 writing the ordinance because if you have an
7 alley, they want to be able to walk through it.
8 Here, we're dealing with a preexisting condition.
9 It's 2 foot 3 on one side. If we made an addition
10 to the building, we would eliminate that variance.
11 What we're looking to do is keep it the same way.
12 And on the other side, it's 5 feet along the back,
13 we're looking to make that two feet. So it's
14 really odd, we can make it zero, but we have a
15 variance because we're not zero, okay.

16 And building coverage. Because the
17 ordinance contemplates a 20-foot rear yard, the
18 lot coverage permitted is 80 percent. We don't
19 have that condition here, it's impossible to meet
20 that condition and that's why we have that
21 variance. And, again, it's a preexisting
22 nonconforming variance, we're not making that
23 worse.

24 And, finally, is the parking and I think
25 I explained that at length. This site is

1 inappropriate to have parking there. And we have
2 every single bus route possible. This is the
3 perfect use and presentation and kind of aesthetic
4 for this site. We believe strongly that we're
5 presenting the best building possible for you.

6 With that said, that concludes my
7 testimony. And I'm open to any questions,
8 recommendations, or changes you may have.

9 MR. CHEWCASKIE: Mr. Oseguera.

10 MR. OSEGUERA: I guess I want to go back
11 to the parking just because, you know, I'm kind of
12 unconvinced that the site is inappropriate. If
13 you're going to bring a family in, especially
14 you're talking about four people apartment, it's
15 pretty unlikely that none of those people are
16 going to have a car or that, you know -- I agree
17 with the use, but, you know, to put no parking
18 just doesn't make a lot of sense.

19 MR. PEREIRAS: So when -- you have to
20 think of the hardship of putting parking here. If
21 we were to put parking here, we would create two
22 big problems. Problem number one is we're
23 creating another curb cut on 32nd Street. What
24 does that do? Once we create the curb cut, we're
25 removing parking from the street. So we're making

1 the problem worse for the neighborhood. So that's
2 problem number one.

3 Problem number two is if we create
4 parking on the ground floor, you don't have room
5 for a restaurant anymore. You can't have the
6 restaurant. And that goes against what our
7 ordinance is. We wouldn't even be before this
8 board, we would go before the zoning board of
9 adjustment. So there's an ordinance issue there
10 if that's the issue. Because what you want is to
11 have commercial restaurants and stores on the
12 ground floor. If you don't want that, and you
13 want parking instead, that's an ordinance issue.

14 We need -- I think the ordinance is
15 correct, we want the restaurants. We want the
16 stores on the ground floor, that's very important.

17 MS. MOREJON: If I may? You have
18 four-bedroom apartment, at least three cars in a
19 four-bedroom apartment. Then you have a
20 restaurant, they're going to have business, where
21 you going to park those cars?

22 MR. PEREIRAS: So you know the
23 neighborhood and you know how it is.
24 Statistically, a four-bedroom unit in Union City
25 doesn't have four cars, it just doesn't happen

1 statistically. And I'm sure you could --
2 apartment is very different from a house living,
3 okay. It's very different from a four-bedroom
4 house, because statistically it's not, okay.
5 Parking for the people who do have cars would be
6 street parking, okay.

7 MS. MOREJON: If I may, please? If you
8 go to IHOP, the parking across the street, you can
9 find no parking, so it's going -- what business is
10 he going have if he has no parking?

11 MR. PEREIRAS: The P&L Grill? He's been
12 running the P&L Grill for 18 years, that's not
13 going to change. And this application doesn't
14 change that. What he's looking to do is make it
15 beautiful. There's no opportunity to create
16 parking on the site, that's the hardship. If he
17 could do it, he would do it. I think that there's
18 no question. I would like to see parking. It's
19 impossible to do on the configuration of this site
20 and keep the restaurant. But that's his
21 livelihood. This is a man, that's his business,
22 he wants to keep the restaurant. And I think we
23 want him to keep the restaurant. It's important
24 for that location.

25 CHAIRPERSON VELAZQUEZ: If you can, and

1 it's a suggestion, because it would probably
2 please the board a little better, do you remember
3 when you did that parking study, like that, maybe
4 if you could introduce something like that at the
5 next meeting? And then we could just visualize it
6 a lot better because you don't have any parking,
7 that goes all the way up to the doctors' office
8 over there. That goes all the way there. This is
9 right-hand turn in the middle and this is a
10 nightmare over there. So if we could see the
11 parking, especially at night, we could make a
12 determination like that.

13 But I think it's a great project. The
14 only thing is the parking situation. And with the
15 other hat that I wear, I hear it every single day
16 about -- even people that don't know what's going
17 on complains about it. I don't know where all
18 this building that everybody says is happening in
19 Union City. This is what everybody says, we're
20 overdeveloping, we're overdoing that. We're not.
21 We just got to conform with what people are saying
22 at these meetings day-in day-out about the
23 parking, the parking, the parking.

24 So if you have something like that we
25 could take a look at?

1 MR. PEREIRAS: Absolutely.

2 CHAIRPERSON VELAZQUEZ: I would love to
3 see this rehab, I used to go there.

4 MR. OSEGUERA: I pass it every day.

5 MR. PEREIRAS: And you pass by it and
6 you used to go there. And let me tell, if you
7 looked like this, I'm sure you'd still be going.
8 And you, instead of passing by, would visit it.
9 And that's what we need to do.

10 So, Mr. Chairman, I heard you loud and
11 clear. We'll have a traffic engineer prepare a
12 traffic study so we have the supporting argument,
13 so we can approve a project like this.

14 MR. CHEWCASKIE: Mr. Chairman, I have a
15 couple questions, but also Mr. Spatz has a few
16 observations.

17 MR. SPATZ: Just to note, the entire
18 frontage of this property is painted yellow, so
19 there's -- I'm not sure whether they actually
20 could put a driveway into that, but I think it's
21 painted yellow, and the parking starts east of
22 this building. And there's a traffic bump right
23 at the property. So, you know, I understand the
24 need for parking in general. I'm not sure that
25 you could even put a driveway into this, given the

1 fact that its proximity to the traffic light at
2 the corner might cause more problems rather than
3 less problems.

4 CHAIRPERSON VELAZQUEZ: That's bad
5 there.

6 MR. SPATZ: Just something to think
7 about. I think that the parking count study that
8 was done, I think, is certainly going to be
9 helpful. But I don't think there's even an
10 ability to put a driveway into the property.

11 MR. CHEWCASKIE: Just a couple of
12 questions, Mr. Pereiras.

13 First, with respect to what you said,
14 there is no change in the footprint of this
15 building except to accommodate the stairs?

16 MR. PEREIRAS: That's correct.

17 MR. CHEWCASKIE: So the first floor,
18 which currently operates as a restaurant, the
19 square footage isn't changing?

20 MR. PEREIRAS: That's correct.

21 MR. CHEWCASKIE: On the second floor,
22 what exists there today?

23 MR. PEREIRAS: There's an apartment
24 there today.

25 MR. CHEWCASKIE: And how many bedrooms

1 are in that apartment?

2 MR. PEREIRAS: I believe it's two and
3 let me be 100 percent positive for the record.
4 It's actually a three-bedroom apartment.

5 MR. CHEWCASKIE: So there's a
6 three-bedroom apartment on the second floor. You
7 can -- you're converting that to two two-bedroom
8 apartments and that's probably within the same
9 square footage that exists or is there an
10 expansion?

11 MR. PEREIRAS: There's an expansion.
12 That fit in about half the building, we're growing
13 it.

14 MR. CHEWCASKIE: Okay. But it was a
15 three-bedroom unit?

16 MR. PEREIRAS: That's correct.

17 MR. CHEWCASKIE: And then the third
18 floor is the additional, which is the four-bedroom
19 unit.

20 Other question I have for the board.
21 You identified the brick facade on the side by the
22 Sunoco and also in front along 32nd. Is the brick
23 all around the building or are there other
24 treatments to the rear and to the other side?

25 MR. PEREIRAS: No. The other two sides

1 will be vinyl to keep the costs low. But these
2 will be two-hour rated fire walls. So it would be
3 constructed in a way to meet all fire safety, but
4 we did vinyl because they won't be visible from
5 anywhere. It's only a two-foot space between
6 building next door and it's completely covered.

7 MR. CHEWCASKIE: And going back to the
8 parking, the commercial use and the residential
9 use that presently exists, has existed without any
10 parking for how many years that place has been
11 there, and I'm going back to like the '80s that
12 I'm remembering it?

13 MR. PEREIRAS: As far as I could
14 remember.

15 MR. CHEWCASKIE: Mr. Chairman, I know
16 there is another person here, I don't know if we
17 should open to the public at this point in time
18 before we make a motion to carry the case.

19 CHAIRPERSON VELAZQUEZ: We could, yeah.

20 MR. CHEWCASKIE: Did you have any
21 questions, sir?

22 AUDIENCE MEMBER: Just came to listen to
23 what's going on.

24 MR. CHEWCASKIE: I just wanted to make
25 sure. Since there's no public and I believe Ms.

1 Pereiras wants to engage the traffic engineer as
2 we've done on prior applications, is there a
3 motion to carry this application to November 26,
4 2024?

5 CHAIRPERSON VELAZQUEZ: I make a motion.

6 MR. GUARENO: Second.

7 MR. CHEWCASKIE: Mr. Velazquez.

8 CHAIRPERSON VELAZQUEZ: Yes.

9 MR. CHEWCASKIE: Ms. Genao.

10 MS. GENAO: Yes.

11 MR. CHEWCASKIE: Mr. Guareno.

12 MR. GUARENO: Yes.

13 MR. CHEWCASKIE: Mr. Medina.

14 MR. MEDINA: Yes.

15 MR. CHEWCASKIE: Ms. Morejon.

16 MS. MOREJON: Yes.

17 MR. CHEWCASKIE: Mr. Oseguera.

18 MR. OSEGUERA: Yes.

19 MR. CHEWCASKIE: So this application
20 will be carried to November 26, 2024, no further
21 notice will be required. I do not know when this
22 was filed, Ms. Pereiras, so do we have the
23 extension of time, if necessary?

24 MS. PEREIRAS: Of course, Counsel.

25 MR. CHEWCASKIE: Thank you.

1 MS. PEREIRAS: Thank you all very much.

2 MR. PEREIRAS: Thank you, everyone.

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HEARINGS/APPLICATIONS/COURT ORDER:

WEST 13, LLC -

409 4TH STREET:

MR. CHEWCASKIE: We also had a request to adjourn the West 13th, LLC, matter. This has been a remand for the court. So I don't think we actually have a choice, it's really the applicant's burden to proceed. Do we have a motion to adjourn the application?

CHAIRPERSON VELAZQUEZ: I make a motion.

MS. GENAO: I second.

MR. CHEWCASKIE: Mr. Velazquez.

CHAIRPERSON VELAZQUEZ: Yes.

MR. CHEWCASKIE: Ms. Genao.

MS. GENAO: Yes.

MR. CHEWCASKIE: Mr. Guareno.

MR. GUARENO: Yes.

MR. CHEWCASKIE: Mr. Medina.

MR. MEDINA: Yes.

MR. CHEWCASKIE: Ms. Morejon.

MS. MOREJON: Yes.

MR. CHEWCASKIE: Mr. Oseguera.

MR. OSEGUERA: Yes.

ADJOURNMENT:

MR. CHEWCASKIE: There are no resolutions this evening. Do I have a motion to adjourn the meeting?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. GUARENO: Second.

MR. CHEWCASKIE: All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon, the meeting was adjourned at 6:39 p.m.)

C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700