

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

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

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey
Thursday, November 14, 2024
Commencing at 6:18 p.m.

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

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

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

MIGUEL ORTIZ

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

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

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I N D E X

418 JPM PROPERTIES, LLC
418 11th Street

WITNESSPAGE

MANUEL PEREIRAS
JACQUES MINOYAN
SAL FERLISE

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I N D E X

JULIO MONCAYO
1109 New York Avenue

WITNESSPAGE

JULIO MONCAYO

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(None)

I N D E X

Union City Living, LLC
614-622 12th Street

WITNESSPAGE

MANUEL PEREIRAS
CRAIG PEREGOY
ALEXANDER DOUGHERTY

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MARGARITA ONOFRE
136 37th Street

WITNESSPAGE

(None)

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I N D E X

SAKIRI REAL ESTATE MANAGEMENT, LLC
4101-4103 Bergenline Avenue

WITNESSPAGE

(None)

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PARK AVENUE INVESTMENT, LLC
3801 Park Avenue

WITNESSPAGE

MANUEL PEREIRAS

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JOSE AVALOS
2412 Central Avenue

WITNESS

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MANUEL PEREIRAS
ALEXANDER DOUGHERTY

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I N D E X

MIGUEL A. CALDERON
210 46th Street

WITNESS

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NO.

DOCUMENT

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I N D E X

MARTHA PALMA
1806 Kerrigan Avenue

WITNESSPAGE

MANUEL PEREIRAS
ALEXANDER DOUGHERTY

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A-1 Packet provided by Mr. Dougherty

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I N D E X

PRIYA & JILL, LLC
913-915 Summit Avenue

WITNESSPAGE

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I N D E X

SHERMAN REALTY, LLC
406 Bergenline Avenue

WITNESS

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I N D E X

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

WITNESS

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(None)

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

3 MR. VALLEJO: Please take notice that on
4 Thursday, November 14, 2024, at 6 p.m., a regular
5 meeting is scheduled for the City of Union City
6 Zoning Board of Adjustment, to be held in Union City
7 Union City High School located at 2500 John F.
8 Kennedy Boulevard, Union City, New Jersey.

9 Can everybody raise to salute the flag,
10 please?

11 * * *

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

14 * * *

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

24 * * * *

25

1 **ROLL CALL:**

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

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Mr. Grullon.

8 MR. GRULLON: Here.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Here.

11 MR. VALLEJO: Mr. Ortiz is absent.

12 Ms. Perez.

13 MS. PEREZ: Here.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Here.

16 MR. VALLEJO: Ms. O'Dell.

17 MS. O'DELL: Here.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Here.

20 MR. VALLEJO: Ms. San Martino.

21 MS. SAN MARTINO: Here.

22 MR. VALLEJO: We have eight members
23 present. We have a full quorum for tonight's
24 meeting.

25 * * * *

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: Approval of previous meeting
4 minutes of October 10, 2024. May I have a motion?

5 CHAIRPERSON GARCIA: Aye.

6 MR. VALLEJO: Motioned 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: Mr. Grullon.

13 VICE CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: You were absent at the
15 previous meeting. You have to abstain.

16 VICE CHAIRPERSON GRULLON: That's right.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Watley.

22 MS. WATLEY: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Seven in favor. Motion
5 carries. One abstainment.

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1 **PUBLIC HEARING:**

2 **418 JPM PROPERTIES, LLC -**

3 **418 11th Street**

4 **Block 52, Lot 23:**

5
6 MR. VALLEJO: We are going to change a
7 little bit the order of tonight's agenda. We are
8 going to move first to 418 JPM Properties, LLC.

9 Mr. Alonso, please.

10 MR. ALONSO: I'm sorry, Mr. Vallejo. I
11 didn't hear which one you called.

12 MR. VALLEJO: Yes, I called you.

13 MR. ALONSO: I know but which one did you
14 call?

15 MR. A. PANEQUE: JPM.

16 MR. VALLEJO: JPM.

17 MR. ALONSO: Okay. Good evening,
18 Mr. Chairman, Members of the Board. For the record,
19 Alvaro Alonso on behalf of the applicant. The Board
20 may recall that we were here at a prior meeting.
21 This is an appeal, not a variance application but an
22 appeal of a determination by the Construction Board
23 official. The board approved variances, a site plan
24 to construct a new -- actually, they're renovating
25 the existing building, use the foundation to build a

1 three-family building.

2 During the construction process, the
3 testimony was that we needed to change some details
4 of the foundation wall. Mr. Ferlise issued a stop
5 work order. The stop work order was not clear as to
6 why it was being denied. We didn't know if it was a
7 zoning issue or a construction code issue.

8 I filed an appeal of that determination to
9 this board. I also filed an appeal to the
10 Construction Board of Appeals down in Jersey City.
11 The Construction Board of Appeals indicated that
12 initially it appears to be a zoning issue, not a
13 construction code issue, so they deferred to this
14 board first to see what happens here. With that
15 said, we presented initially the application. The
16 Chairman had requested that we come back with some
17 photographs and also wanted to hear from Mr. Ferlise,
18 who is also present this evening.

19 CHAIRPERSON GARCIA: I'm going to have a
20 question before continuing with this.

21 MR. ALONSO: Sure.

22 CHAIRPERSON GARCIA: I need legal advice
23 from Mr. Paneque.

24 After I carefully read the resolution
25 transcript -- you have the resolution with you,

1 right?

2 MR. ALONSO: I do.

3 CHAIRPERSON GARCIA: The resolution that
4 it started saying that an application has been made,
5 418 JPM Properties, LLC, Union City -- the site plan
6 to remove except for the basement and foundation.
7 And the first thing that you have here is that the
8 basement was demolished completely. It's demolished.

9 MR. ALONSO: No --

10 CHAIRPERSON GARCIA: My friend, I don't
11 want to argue a lot of the things. The current thing
12 here is that -- the current situation is the basement
13 is not there.

14 And what I'm just going to ask to
15 Mr. Paneque is what is -- right now if they don't
16 follow what is in the resolution, can we override the
17 decision of the Building Department? Because the
18 resolution clearly said except for the basement and
19 the foundation.

20 MR. T. PANEQUE: Yes. Legally this board
21 does not have the authority to override a
22 determination made by the Building Department. The
23 Building Department is going off the approvals on
24 that resolution. That resolution had plans that was
25 presented, that were signed off on, and my

1 understanding from Mr. Ferlise is that those plans
2 have been not adhered to.

3 MR. ALONSO: We haven't heard from him
4 yet.

5 MR. T. PANEQUE: Well, I'm just -- we'll
6 have to ask Mr. Ferlise. But that's the reason why
7 the stop order was placed on this project. Now, as
8 the Chairman clearly stated, the resolution indicates
9 that site plan approval to remove except for the
10 basement and foundation. And it seems that there was
11 more than just a removal of the structure, and it
12 went into the basement and foundation part, and
13 that's why the stop order had been issued.

14 MR. ALONSO: Right. Clearly we disagree,
15 and that's why we want to present the proofs.

16 CHAIRPERSON GARCIA: My point is right now
17 it's demolished, the basement. So we, the Board --

18 MR. ALONSO: Demolition and removal are
19 two different things.

20 CHAIRPERSON GARCIA: Except for the
21 basement and foundation.

22 MR. ALONSO: Removal of. It doesn't say
23 demolition. It says "removal of." The basement
24 remains and the basement will be there as part of
25 the --

1 CHAIRPERSON GARCIA: Okay. Let me ask the
2 question --

3 MR. ALONSO: The basement is not an issue
4 here.

5 CHAIRPERSON GARCIA: No. No. No. My
6 friend, I'm going to ask the question to all of the
7 members of the board. What do you understand if
8 theoretically they come here and say, "Okay, I'm
9 going to remove everything except the basement, and
10 the current situation is this one," what do you
11 understand?

12 MS. PEREZ: Let me see.

13 VICE CHAIRPERSON GRULLON: If I may say,
14 our approval was based on that you were keeping the
15 basement --

16 MR. ALONSO: We are keeping the basement.

17 VICE CHAIRPERSON GRULLON: -- that you are
18 not demolishing the basement.

19 MR. ALONSO: No, again, there's a
20 difference between removal and demolition.

21 CHAIRPERSON GARCIA: That was my question,
22 Mr. Alonso, to them. Let me see which one is the
23 interpretation that they have with the removal. It
24 doesn't matter which one is your interpretation.

25 MR. ALONSO: I understand. But the

1 basement is not an issue for this appeal. What's an
2 issue for this appeal is the foundation wall.

3 CHAIRPERSON GARCIA: It's a legal aspect
4 for us to continue or not with this because in the
5 resolution it said about except the basement. They
6 don't want to remove the basement. So that means
7 that -- I just want to see the interpretation for
8 them, what all the members of the board understand
9 about the removal. To me, personally, demolish the
10 basement.

11 MS. GUTIERREZ: Demolish. Nothing there.

12 CHAIRPERSON GARCIA: That's my
13 interpretation. Can we continue with this? This is
14 separate with the issue with the Building Department.

15 MR. ALONSO: I'm sorry. Was that a
16 question?

17 CHAIRPERSON GARCIA: I'm asking them. Are
18 they removing or not --

19 VICE CHAIRPERSON GRULLON: During this
20 testimony we asked several times if the basement was
21 going to remain, and the answer was yes. To us if
22 it's going to remain it's because you're not touching
23 the basement. It's not demolishing of the building,
24 the basement. We know that you're going to build the
25 basement. If you come up with a new building -- this

1 looks like you're coming up with a new building.

2 MR. ALONSO: The basement is not an issue
3 on this appeal.

4 MS. O'DELL: So are you considering the
5 walls that are still standing here a part of just the
6 removal? So if these walls were completely gone,
7 that would be considered demolished? Is that how
8 you're looking at it?

9 MR. ALONSO: No. The foundation wall is
10 exactly the way it was when the foundation was
11 presented. Again, I'm just advocating here. I'm not
12 testifying. Mr. Pereiras did provide some testimony.
13 He's going to provide additional testimony. I also
14 have the owner of the property here who has
15 additional photographs and he's going to testify as
16 to the foundation walls. The foundation walls have
17 not been removed. There's an area there that appears
18 to be different which has the CMU and with the cinder
19 blocks --

20 CHAIRPERSON GARCIA: What do you mean that
21 that foundation wasn't removed? What is this?

22 MR. ALONSO: That's exactly what I'm
23 saying right now. Those CMU blocks were there at the
24 time that this application was presented to this
25 board.

1 CHAIRPERSON GARCIA: Okay. Mr. Alonso, if
2 you want to play with words, okay.

3 MR. ALONSO: I'm not playing with words.

4 CHAIRPERSON GARCIA: One second. One
5 second. Let me tell you something.

6 MR. ALONSO: Pre-existing condition.

7 CHAIRPERSON GARCIA: Yeah. You are
8 playing with words. Okay. Perfect. You said, we
9 "don't want to remove," okay, except the basement.
10 You removed everything right now. Because you said
11 you don't want to remove the basement; however,
12 you're going to remove the two houses on the top. So
13 you're only going to have the basement, right? You
14 removed everything.

15 MR. ALONSO: Remove the basement means
16 that there is not going to be a basement.

17 CHAIRPERSON GARCIA: Okay. But the only
18 thing that you said you're going to remove everything
19 else. So the only thing you're going to do here is
20 the basement. Because you're going to remove the
21 other two houses on the first and second floor.

22 MR. ALONSO: Mr. Chairman, with all due
23 respect --

24 CHAIRPERSON GARCIA: No. With all due
25 respect --

1 MR. ALONSO: Mr. Ferlise had no
2 objection --

3 CHAIRPERSON GARCIA: Mr. Alonso, if you
4 said that -- that don't want to remove the basement,
5 it means that you're going to maintain the basement.
6 That's what you said, except the basement. So that
7 means that the only thing that is going to remain is
8 the basement, so why are we here? So why are you
9 going to build --

10 MR. ALONSO: We're not here for the
11 basement. You're stuck on the basement. We're not
12 here for the basement.

13 CHAIRPERSON GARCIA: Mr. Alonso, with all
14 due respect, I arguing here that the resolution said
15 that you're going to remove everything except the
16 basement. Now you're playing with the words saying,
17 no, that means that we're going to maintain the
18 basement. But that means that if you're going to
19 remove the other, you don't want to maintain it. You
20 don't want to maintain the first and second floor.

21 MR. ALONSO: That issue is not before the
22 board. Mr. Ferlise approved construction drawings
23 and issued permits for the work that was done in the
24 basement. That's not what we're appealing. His
25 objection is the foundation wall.

1 CHAIRPERSON GARCIA: I started saying -- I
2 started my statement saying, after careful review, I
3 found the saying that except for the basement and
4 foundation. So before we continue with the building
5 issue, with your issue, your current issue, then I
6 need the legal aspect if we continue or not. Because
7 you didn't follow -- your client didn't follow what
8 is in the resolution. Did he follow?

9 MR. ALONSO: We did follow what's in
10 the --

11 CHAIRPERSON GARCIA: My friend --

12 MR. ALONSO: We did. Because the Building
13 Department issued permits. I see the pictures. I
14 see the pictures. I have the picture right in front
15 of me. Mr. Ferlise -- that building department
16 issued permits.

17 CHAIRPERSON GARCIA: That means that you
18 followed the resolution?

19 MR. ALONSO: Yes.

20 CHAIRPERSON GARCIA: You didn't follow, my
21 friend. You didn't follow.

22 MR. ALONSO: According to the Building
23 Department, we did. I mean, why did they issue
24 permits? Because we did. Okay? We did. And that's
25 not before this board. The issue before this

1 board --

2 CHAIRPERSON GARCIA: Okay. If it's not
3 the board, okay, then we move to deny it and then go
4 home. That's it. I mean, if it's not a question, I
5 mean -- come on. You don't put the rules here,
6 Mr. Alonso.

7 MR. ALONSO: No, I don't put the rules.
8 But it's my application. And the application --

9 CHAIRPERSON GARCIA: Yeah, but before we
10 continue with an application, we, the members of the
11 board, we have to be clear and legally correct in
12 order to continue with the application. And I still
13 don't have any answer yet from the attorney. Okay?
14 So we need to clear it.

15 Okay, Mr. Paneque and Mr. Alonso?

16 MR. T. PANEQUE: Mr. Alonso, your
17 application to this board is seeking this board's
18 approval to overturn the stop order, basically?

19 MR. ALONSO: Correct.

20 MR. T. PANEQUE: This board doesn't have
21 the legal authority to overturn the Building
22 Department.

23 MR. ALONSO: Yes, it does.

24 MR. T. PANEQUE: Where is your citation
25 for that?

1 MR. ALONSO: Under Subsection 70(a) which
2 is an appeal in the Municipal Land Use Law, this
3 board has the sole jurisdiction to hear an appeal
4 from a determination from the Building Department,
5 absolutely.

6 MR. T. PANEQUE: The determination from
7 the Building Department was that you didn't follow
8 the plans.

9 MR. ALONSO: Correct.

10 MR. T. PANEQUE: Okay.

11 MR. ALONSO: As to the foundation -- as to
12 the wall, not as to the basement.

13 MR. T. PANEQUE: Well, our chairman is
14 referring to the fact that the resolution reads that
15 the property building that existed there was going to
16 be removed except for the basement --

17 CHAIRPERSON GARCIA: And foundation.

18 MR. T. PANEQUE: -- and foundation. Okay?
19 And what the Building Department has determined --
20 and this is --

21 MR. ALONSO: We don't know that because he
22 hasn't testified yet.

23 MR. T. PANEQUE: But what we know that the
24 Building Department has determined is that the
25 foundation was modified, was replaced, was changed,

1 and the compliance and adherence to this resolution
2 was not followed. Okay? So, my suggestion is if you
3 have a presentation from Mr. Pereiras, have
4 Mr. Pereiras testify. Mr. Ferlise is here. We'll
5 have his side of it. And then this board could make
6 a determination.

7 MR. ALONSO: Absolutely. And just to be
8 clear, this goes back to May of this year where the
9 Building Department has a stop work order on a
10 project in Union City. We requested a copy of the
11 stop work order. They refused to give it to us. We
12 were forced to file an OPRA request, which is absurd.
13 If we're being told not to do something, they should
14 serve that upon us. They requested multiple
15 extensions to provide us with a stop work order. We
16 had to file a second OPRA request. They requested
17 yet another extension to give us a stop work order,
18 and now we're here. The Notice and Order of Penalty
19 that was issued is unclear as to why but it is my
20 understanding that it's the foundational wall. So
21 with that said, I'm going to call Manny Pereiras.

22 * * *

23 MANUEL PEREIRAS, after having been duly sworn or
24 affirmed, did testify as follows:

25 MR. PEREIRAS: Manny Pereiras,

1 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous
2 located at 1116 Summit Avenue in Union City.

3 MR. ALONSO: Thank you. Mr. Pereiras, you
4 were here at the last hearing and you provided
5 testimony with respect to the issue of the foundation
6 wall.

7 MR. PEREIRAS: I have.

8 MR. ALONSO: So I'm going to ask you just
9 to refresh the board's memory in terms of what
10 exactly happened, how we got here.

11 MR. PEREIRAS: I'd be happy to. I believe
12 that my testimony is consistent from the first time I
13 had presented the application to our previous hearing
14 and hopefully today as well. We have an existing
15 foundation wall for an existing small structure. We
16 were proposing that we were going to increase the
17 side yard setback towards the east, so we were
18 completely demolishing the existing foundation wall
19 on the east in order to create a side yard setback
20 and create windows on that side of the building, and
21 we were keeping the existing foundation along the
22 west of the property.

23 I prepared construction documents. Those
24 construction documents were reviewed by the Building
25 Department. The Building Department issued the

1 permits. Demolition and construction began. They
2 properly removed the foundation along the east. And
3 then were working on the foundation to the west. And
4 I did my site visit. I found that that foundation
5 was not adequate to support the new building. We
6 were not going to remove the foundation because it
7 was part of the resolution to keep it there. So we
8 created the design where we're building a new block
9 wall in front of the foundation wall and we were
10 capping that existing foundation wall with concrete
11 in order to provide a solid foundation for the
12 building. It wasn't removed. We're not growing in
13 footprint in any way. This was simply a
14 reinforcement of that existing foundation wall. At
15 that point when we submitted the details to the
16 Building Department, Mr. Ferlise issued a stop work
17 order and questioned whether this was going beyond
18 the scope of zoning, and we are here today.

19 MR. ALONSO: Now, Mr. Pereiras, there was
20 an issue that was raised with respect to some CMU
21 blocks that are located within the foundation wall.
22 What have you learned about those foundation
23 blocks -- those blocks?

24 MR. PEREIRAS: So the adjacent -- may I
25 use the photographs that were submitted into

1 evidence?

2 MR. ALONSO: Yes. We actually have
3 clearer ones that we're going to introduce.

4 MR. PEREIRAS: To the west of the property
5 is a parking area. That parking area, it's a
6 warehouse. They did school supplies out of that
7 warehouse. One of the trucks backed into the
8 foundation wall and broke a portion of that
9 foundation wall. Before I even came to this board to
10 present the project, that was repaired with CMU
11 block. I actually thought it was the previous owner.
12 It was the current owner that repaired that. That
13 was an existing condition when I even came before
14 this board.

15 MR. ALONSO: So we're going to mark
16 this --

17 CHAIRPERSON GARCIA: Let me ask a
18 question, Mr. Pereiras. You came -- were you the
19 architect for the original application?

20 MR. PEREIRAS: I was.

21 CHAIRPERSON GARCIA: So that happened
22 before you came in 2022 --

23 MR. PEREIRAS: Yes.

24 CHAIRPERSON GARCIA: -- the application?

25 MR. PEREIRAS: It was preexisting to this

1 zoning board application.

2 MR. ALONSO: So we're going to mark this
3 as Exhibit A-1. And I'll have -- my client has a
4 number of photographs that we're going to introduce,
5 and he'll provide the proper foundation for them.
6 But for now we're just going to mark it as A-1.

7 And, Mr. Pereiras, I'm just going to show
8 you A-1. I'll mark it up here, A-1.

9 * * *

10 (Photograph of western foundation wall was
11 marked A-1 for identification.)

12 * * *

13 MR. PEREIRAS: I recognize that as Picture
14 A-1. We're looking at the western foundation wall
15 that shows a stretch of about 6 feet of CMU that
16 replaces the existing foundation which is where the
17 next-door vehicle crashed into the foundation wall
18 and that was repaired.

19 CHAIRPERSON GARCIA: -- let me ask a
20 question, Mr. Pereiras. The demolition was before or
21 after you came with the application?

22 MR. PEREIRAS: Demolition happened after
23 the application.

24 CHAIRPERSON GARCIA: After the application
25 was approved?

1 MR. PEREIRAS: The demolition of the
2 building was after the application was approved.

3 CHAIRPERSON GARCIA: Okay.

4 MR. ALONSO: And when you testified before
5 this board and you testified that this foundation
6 wall was going to remain, is this the condition of
7 the foundation wall at the time?

8 MR. PEREIRAS: That's the condition of the
9 foundation wall at the time.

10 MR. ALONSO: Okay. And sometimes for us
11 non-architects it's easier to look at a photograph
12 than a plan. But can you tell us based on this
13 photograph, A-1, what the plan is?

14 MR. PEREIRAS: So, the photograph matches
15 the plan. The hatch wall that I'm pointing to here
16 on the plan which is a crosshatch, that is the
17 existing foundation wall. The tighter and darker
18 crosshatch is the proposed new wall that's going to
19 reinforce that existing foundation. So as you can
20 see, it's a step into the property not outside of the
21 property. So this existing wall, which was always in
22 existence, will remain, and a new wall will reinforce
23 it.

24 MR. ALONSO: So when the resolution says
25 that "except the foundation wall," that's what we're

1 talking about? That foundation wall is not being
2 touched. It's just being reinforced from the inside.

3 MR. PEREIRAS: That's correct.

4 CHAIRPERSON GARCIA: The resolution said
5 "except for the basement and foundation." It doesn't
6 mention about walls. Don't put -- let's play with
7 the words again too. Okay.

8 MR. ALONSO: No, we're not playing --
9 Mr. Chairman, we're not playing with words.

10 CHAIRPERSON GARCIA: Just for the record,
11 it said "except for the basement and foundation."
12 Thank you.

13 MR. ALONSO: Mr. --

14 CHAIRPERSON GARCIA: No. No. That's it.
15 Thank you.

16 MR. ALONSO: Mr. Pereiras, the foundation
17 wall is not being moved. Correct?

18 MR. PEREIRAS: That is correct. The
19 western foundation.

20 MR. ALONSO: The western foundation wall
21 is not being removed. And that is consistent, in
22 your opinion, with the resolution?

23 MR. PEREIRAS: It's consistent with the
24 resolution and consistent with my testimony at the
25 original hearing and the previous hearing.

1 MR. ALONSO: And when you put the
2 reinforcement concrete on the inside of the wall,
3 does that create any variances?

4 MR. PEREIRAS: In my opinion, no.

5 MR. ALONSO: Does that exacerbate or
6 expand upon the variances approved by the board?

7 MR. PEREIRAS: In my professional opinion,
8 no.

9 MR. ALONSO: Okay. I have no more
10 questions for Mr. Pereira.

11 Oh, wait. The basement, is the basement
12 being removed, or is it going to remain?

13 MR. PEREIRAS: There's a hole which was
14 defined as a basement previously, and it will
15 continue to be defined to be a basement.

16 MR. ALONSO: And did you prepare the
17 construction drawings that were presented to the
18 Building Department in order to obtain these permits?

19 MR. PEREIRAS: I did.

20 MR. ALONSO: And did those construction
21 drawings include a basement?

22 MR. PEREIRAS: Yes.

23 MR. ALONSO: Okay. And did that require
24 the work that's -- that you see in the photograph
25 which removes or demolishes the existing basement?

1 MR. PEREIRAS: Yes.

2 MR. ALONSO: And were those permits issued
3 for that basement?

4 MR. PEREIRAS: Yes.

5 MR. ALONSO: There's no more issue with
6 the basement?

7 MR. PEREIRAS: None.

8 MR. ALONSO: So as far as we're concerned,
9 we're in compliance with the resolution in terms of
10 the basement?

11 MR. PEREIRAS: Yes.

12 MR. ALONSO: And it is your understanding
13 that the only issue Mr. Ferlise has is with the wall?

14 MR. PEREIRAS: Yes.

15 MR. ALONSO: I have nothing further for
16 Mr. Pereiras.

17 CHAIRPERSON GARCIA: Let me ask you a
18 question, Mr. Alonso. Why if you understand that
19 it's no longer according to our jurisdiction to
20 indicate about that if it's a basement or not,
21 however, why do you come -- you bring the Building
22 Department here if they issued, the Department, with
23 us, if we don't have jurisdiction?

24 MR. ALONSO: The jurisdiction is under the
25 Municipal Land Use Law. And Mr. Paneque asked me for

1 a citation. And it was as I said,
2 N.J.S.A. 40:55D-70(a), which says, "Powers. The
3 Board of Adjustment shall have the power to hear and
4 decide appeals," which is what this is, "where it is
5 alleged by the appellant," us, "that there is error
6 in any order, requirement, decision, or refusal made
7 by an administrative officer," Mr. Ferlise, "based on
8 or made in the enforcement of the zoning ordinance."

9 So he's indicating that he's enforcing the
10 zoning ordinance because this plan, in order to put a
11 reinforcing wall on the inside, violates the zoning
12 ordinance. Now that's what we're here for.

13 MR. T. PANEQUE: Mr. Alonso, with all due
14 respect, that is not the issue. He's not saying
15 you're violating the zoning ordinance. He's saying
16 you're violating the zoning approval.

17 MR. ALONSO: Correct.

18 MR. T. PANEQUE: There's a difference.
19 Okay?

20 MR. ALONSO: It's not.

21 MR. T. PANEQUE: There's been no
22 indication here. He is saying you have not followed
23 the approvals. Now, I do have some cross-examination
24 of Mr. Pereiras, if you could bring him back here,
25 please.

1 MR. ALONSO: Sure.

2 MR. T. PANEQUE: Mr. Pereiras, it's your
3 testimony that this repair patch that was caused by
4 the neighbor next-door's truck was in existence when
5 you got involved with this project?

6 MR. PEREIRAS: Yes.

7 MR. T. PANEQUE: And the wall that's
8 being --

9 MR. PEREIRAS: Actually, let me clarify
10 that fully. I was working on that property, the
11 neighboring property when that happened. So I was
12 involved. That's why I have knowledge of it, because
13 we were going to come before this board for that
14 property but prior to this application and this
15 property.

16 MR. T. PANEQUE: So when you started
17 working on these plans, what is depicted on that
18 photograph with this new patchwork on this foundation
19 wall was in existence?

20 MR. PEREIRAS: Yes.

21 MR. T. PANEQUE: Okay. Is it depicted on
22 the plans that you submitted to this board or the
23 plans that were submitted to the Building Department?

24 MR. PEREIRAS: The plans do not go into
25 that detail, no.

1 MR. T. PANEQUE: Are you sure?

2 MR. PEREIRAS: I will look at it just to
3 be a hundred percent positive. But I'm looking right
4 now at Sheet 04, which is a copy of the plans that
5 were submitted to the board. There's a hatch wall
6 that is continuous. It doesn't show a
7 differentiation between block or boulder, which is
8 very typical of the existing conditions.

9 MR. T. PANEQUE: And the plans that were
10 submitted to the Building Department for approval?

11 MR. PEREIRAS: Equally not as specific in
12 that. It's an existing wall. We don't go into the
13 details of whether it's CMU or rubble.

14 MR. T. PANEQUE: So it's your testimony
15 that that would not have been depicted on the plans
16 of the Building Department?

17 MR. PEREIRAS: That is correct.

18 MR. T. PANEQUE: Thank you. I have no
19 further questions.

20 Do you have anybody else, Mr. Alonso?

21 MR. ALONSO: I have the owner, Jacques
22 Minoyan.

23 * * *

24 JACQUES MINOYAN, after having been duly sworn or
25 affirmed, did testify as follows:

1 MR. MINOYAN: Jacques Minoyan,
2 J-a-c-q-u-e-s. Last name is M-i-n-o-y-a-n. And I'm
3 in ownership in conjunction with my father as well.

4 * * *

5 (Four photographs taken by Mr. Minoyan
6 were collectively marked A-2 through A-5 for
7 identification.)

8 * * *

9 MR. ALONSO: Okay. Now, Mr. Minoyan, I
10 presented Manny with a photograph that we marked as
11 A-1. I also have other several photographs that are
12 marked A-2, A-3, A-4, and A-5. Did you take these
13 photographs?

14 MR. MINOYAN: Yes.

15 MR. ALONSO: When did you take these
16 photographs?

17 MR. MINOYAN: After the last meeting, as
18 it was requested for more pictures.

19 MR. ALONSO: Okay. So you took these
20 photographs at the request of the board?

21 MR. MINOYAN: Correct.

22 MR. ALONSO: And do these accurately
23 reflect the condition of the foundation wall at the
24 time that you took the pictures?

25 MR. MINOYAN: Correct.

1 MR. ALONSO: Okay. So I'm going to just
2 ask you to explain what each one of those pictures
3 shows and then just identify them by the number.

4 MR. MINOYAN: Sure. So, in A-1, there's a
5 more western view. Where the existing house and the
6 basement are is in the foreground in this picture.
7 And when we were issued permits back in February of
8 2024, the masonry subcontractor that we hired
9 followed the plans to extend the project as per the
10 plans which were then approved first on March 19th of
11 2024. We received a footing and foundation approval
12 of that.

13 And then as the project went to the
14 eastern site, on May 3, 2024, a secondary footing and
15 foundation was approved by the Building Department
16 which -- and then on the same day, later on that
17 evening, the subcontractor, Camaja & Sons, who is a
18 masonry contractor, said, We received the two
19 approvals, basically, and we have now been issued a
20 stop work order.

21 MR. ALONSO: Now, before you move onto the
22 next one, on A-1 -- and make sure all the board
23 members could see it, and we'll pass this around --
24 you're showing the foundation wall with the CMU.
25 Mr. Pereiras testified that that was a condition that

1 was existing at the time that it was presented to
2 this board.

3 MR. MINOYAN: Correct. Yes.

4 MR. ALONSO: Do you have any knowledge as
5 to how that came to be?

6 MR. MINOYAN: The only way of it being,
7 because this is on the lot line, there have been
8 several times we had purchased this property
9 originally in August of 2021. And so in the time
10 that we were responsible for cutting the grass,
11 cleaning the grass, getting in front of the Board was
12 approved, the project, in July of 2022, a year,
13 13 months after, there were times where I've seen
14 cars always abutting it. And to Mr. Pereiras'
15 previous testimony, he's been involved with the
16 neighboring site project even earlier. So this wall
17 has been hit many a time. So when we started to
18 commence in the construction, it was discovered that
19 this is the existing, you know, condition -- you
20 know, the picture that you're seeing is once we took
21 down the structure.

22 MR. ALONSO: And the plan is not to remove
23 the foundation wall; it's just to reinforce it?

24 MR. MINOYAN: Correct.

25 MR. ALONSO: Okay. Now, on the other side

1 of the picture, there's a brand new wall, a
2 foundation wall, correct?

3 MR. MINOYAN: Correct.

4 MR. ALONSO: As part of the approvals, you
5 agreed to remove that foundation wall and bring it
6 in; is that correct?

7 MR. MINOYAN: Correct.

8 MR. ALONSO: And build a new foundation
9 wall?

10 MR. MINOYAN: Correct.

11 MR. ALONSO: So when you look at the first
12 line here that Chairman keeps focusing on, it says,
13 "except for the basement and foundation," part of the
14 foundation was agreed that it would be removed,
15 correct?

16 MR. MINOYAN: Correct.

17 MR. ALONSO: So when it says "foundation,"
18 it's not entirely -- the entire foundation?

19 MR. MINOYAN: Correct.

20 MR. ALONSO: Okay. So you can go ahead
21 and just so show us what the rest of the pictures
22 are, and I'll set up and pass them around the board.

23 MR. MINOYAN: This is a view from the
24 property site, so south facing north. And I believe
25 last time at the previous meeting a comment was

1 questioned, whether or not this -- which I believe
2 are clarifying now -- is that there's no further
3 encroachment. This is the existing setback, which is
4 a zero lot line setback which has been previously
5 presented in front of the board and even during the
6 July 2022 resolution. But I did prepare that
7 picture, which is A-3.

8 A-3, which is a view from the northern
9 site looking south, what you would see if you look
10 closely as we pass this around, that this has
11 previously been repaired, because there's also old
12 brick. And so whoever's done that is not what a
13 mason doing this entire job would do, and that's why
14 we paused, reviewed it, like Mr. Pereiras said, did
15 the site visit. And this is just another top view of
16 the existing foundation.

17 MR. ALONSO: And that's A-4?

18 MR. MINOYAN: That's A-4.

19 MR. ALONSO: And I think there's an A-5.

20 MR. MINOYAN: Yes. The A-5 is just kind
21 of a step back of the existing. And what you will
22 note is in terms of maintaining the existing basement
23 in, say, the front section, you could see the grade
24 change is existing and being maintained. And
25 whatever details that are called out for in the

1 construction drawings are being followed by the
2 existing contractor, and there's a grade change
3 because then the second path, the extension of this
4 project, is at a crawl space level. So, there's a
5 lot of kind of grade changes that we're trying to
6 maintain because that was what was granted by the
7 board as part of this existing and extension.

8 MR. ALONSO: And, to your knowledge, is
9 there any objection by the Building Department in
10 terms of the basement in the way it's being
11 reconstructed?

12 MR. MINOYAN: No.

13 MR. ALONSO: Okay. I have no further
14 questions. I'll present these to the Chairman.

15 And you can circulate them to the board.

16 * * *

17 MANUEL PEREIRAS, having been recalled, further
18 testified as follows:

19 CHAIRPERSON GARCIA: Mr. Pereiras, quick
20 question. In your Z-01 -- going again to the game of
21 the word -- your Z-01 said, "demolish 2 and a
22 half-story frame dwelling, Number 418, basement to
23 remain, foundation to remain." Thank you. Just for
24 the record.

25 MR. PEREIRAS: That's correct. And that

1 testimony, just for the record, elaborated on that
2 quite a bit.

3 MR. ALONSO: Now, Mr. Pereiras, even
4 though that's a notation on the plans, the plan also
5 depict partial removal of foundation, correct?

6 MR. PEREIRAS: Yes. Sheet Z-01 that is
7 being referred to shows the existing conditions on
8 the left, the proposed conditions on the right. The
9 proposed conditions on the right show that the
10 western -- the eastern wall is completely in a
11 different location from the existing plan on the
12 right. So it was very clear from the beginning that
13 that foundation wall was going to be removed. Both
14 in the front of the building and the back of the
15 building was changed from being 6-foot-4 in the front
16 and 0 in the back to being a consistent 3-foot-1 in
17 front the building all the way to the back of the
18 building. So it was very clearly depicted as being
19 modified.

20 MR. ALONSO: Now, Mr. Pereiras, while
21 we're there, since you moved the wall in,
22 consequently, does the square footage of the basement
23 change?

24 MR. PEREIRAS: Yes.

25 MR. ALONSO: Is it bigger or smaller?

1 MR. PEREIRAS: It becomes smaller. From
2 east to west, it becomes smaller. And overall the
3 basement does get bigger because the building is
4 growing to the rear.

5 MR. ALONSO: Correct. And in terms of
6 linear feet, in terms of square footage from side to
7 side, it gets smaller.

8 MR. PEREIRAS: It gets smaller and the
9 repairs will make it smaller as well.

10 MR. ALONSO: And in order to put the new
11 foundation wall, you need to break the basement up?
12 You need to break the cement up? You need to pour
13 the new footings --

14 MR. PEREIRAS: Yes.

15 MR. ALONSO: -- the foundation and the
16 walls?

17 MR. PEREIRAS: Yes and yes.

18 MR. ALONSO: So, clearly, you have to
19 demolish the basement to replace the basement? We're
20 not removing the basement, correct?

21 MR. PEREIRAS: Yes.

22 MR. ALONSO: Thank you.

23 CHAIRPERSON GARCIA: Yeah, but you're
24 removing the foundation and not removing the
25 basement?

1 MR. ALONSO: The basement is not removed.

2 CHAIRPERSON GARCIA: No, my friend, you
3 want to play with the word --

4 MR. ALONSO: I'm not playing,
5 Mr. Chairman.

6 CHAIRPERSON GARCIA: Come on. You're an
7 attorney. I'm not an attorney.

8 MR. ALONSO: I don't understand what the
9 "playing" comment is.

10 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
11 your testimony back in 2022 for the approval was
12 based on renovating the building.

13 MR. PEREIRAS: No.

14 VICE CHAIRPERSON GRULLON: Keeping the
15 building.

16 MR. PEREIRAS: No.

17 VICE CHAIRPERSON GRULLON: That's what I
18 have in the transcript. That's what we have on the
19 resolution. Now we're looking at a new construction
20 completely.

21 MR. PEREIRAS: My testimony was never
22 renovation of the building.

23 VICE CHAIRPERSON GRULLON: I mean, it says
24 it on the application. It says it on the transcript.
25 It says it on the resolution. And that's what we're

1 looking at.

2 MR. PEREIRAS: That's not my testimony.

3 VICE CHAIRPERSON GRULLON: We're looking
4 at empty lot trying to build a three-family house.

5 MR. PEREIRAS: No.

6 VICE CHAIRPERSON GRULLON: That's what
7 we're looking at.

8 MR. T. PANEQUE: Mr. Pereiras, I have a
9 question. That CMU section of wall that's there now,
10 it's your testimony that this occurred while the
11 building was still up, right?

12 MR. PEREIRAS: Yes.

13 MR. T. PANEQUE: So, at some point while
14 the building was still up, a truck backed into this
15 wall, caused damage, and they did the repair work?

16 MR. PEREIRAS: I'm not sure the exact time
17 that repair work was done. I could say that the
18 damage was caused prior to coming to this
19 application. I believe very strongly that the
20 repairs were done prior to the presentation to this
21 board. Do I know the precise date the construction
22 was done? No, Mr. Paneque, I do not know.

23 CHAIRPERSON GARCIA: Just going back to
24 Mr. Grullon's question, and here is the application,
25 Proposed use. Applicant proposed addition and

1 alteration to an existing structure to legalize a
2 three-family home.

3 MR. PEREIRAS: We could read the testimony
4 of that night --

5 CHAIRPERSON GARCIA: But this is the
6 application, my friend.

7 MR. PEREIRAS: -- and it's very clear.

8 CHAIRPERSON GARCIA: That's the real
9 application.

10 MR. PEREIRAS: Talk to the lawyers about
11 that.

12 CHAIRPERSON GARCIA: No. You use whatever
13 you want to use in your favor, so we also use our
14 word according to the law.

15 MR. T. PANEQUE: You have anybody else,
16 Mr. Alonso?

17 MR. ALONSO: Yeah, I'm just going to
18 recall Mr. Minoyan.

19 * * *

20 (Photograph taken by Mr. Minoyan depicting
21 the existing structure was marked A-6 for
22 identification.)

23 * * *

24 JACQUES MINOYAN, having been recalled, further
25 testified as follows:

1 MR. ALONSO: Mr. Minoyan, I'll show you
2 what has been marked as A-6. Mr. Paneque had a
3 question in terms of the timing of when that repair
4 was done to the wall on the CMU blocks.

5 MR. MINOYAN: Correct.

6 MR. ALONSO: What does A-6 reflect?

7 MR. MINOYAN: A-6 is a picture of the
8 structure, the existing structure. This is the only
9 picture I was able to locate.

10 MR. ALONSO: And what does that show in
11 terms of the CMU block?

12 MR. MINOYAN: What you see in the other
13 pictures is what was existing when the structure was
14 standing.

15 MR. ALONSO: And was that the condition at
16 the time that the application was presented to the
17 board?

18 MR. MINOYAN: Yes.

19 MR. ALONSO: So I'm just going to give
20 this to the Chairman also to look at.

21 CHAIRPERSON GARCIA: Who presented this
22 picture? Your client, right? Can your client show
23 me in this picture what is the foundation that was
24 broken or what is it?

25 It's here, right?

1 MR. T. PANEQUE: Hold on. You don't even
2 have to go there. Mr. Alonso.

3 MR. ALONSO: Yes.

4 MR. T. PANEQUE: Or, actually, for your
5 client, I'm going to show you what's been marked as
6 A-5, which is your exhibit, which shows a frontal
7 view looking from the front into the property. Can
8 you show me on this photograph -- we have the side
9 that you changed. On this side, where is that CMU
10 wall?

11 MR. MINOYAN: That's right there
12 (indicating). So that's why I took some top photos.

13 MR. T. PANEQUE: Yeah, but where is it
14 here?

15 MR. MINOYAN: That's here (indicating).

16 MR. T. PANEQUE: Where? I don't see it.
17 All I see -- I would say that it's in this section
18 here (indicating).

19 MR. MINOYAN: No. It's where the trash
20 can is, sir.

21 MR. T. PANEQUE: There's no CMU there. Do
22 you see it?

23 MR. MINOYAN: I don't know how -- that's
24 why we've taken several different vantage points.

25 MR. ALONSO: I'm looking for a picture

1 that would show --

2 MR. MINOYAN: I took several angles so
3 that --

4 MR. ALONSO: Right. Do you have a picture
5 that shows here and here (indicating)?

6 MR. MINOYAN: Well, there's this one and
7 this one.

8 MR. T. PANEQUE: All right. Let's
9 proceed, and if you find it --

10 Are you done with your witnesses?

11 MR. ALONSO: I'm done with my witnesses.

12 MR. T. PANEQUE: Okay. Mr. Ferlise, do
13 you have the plans that were presented to the
14 Building Department?

15 MR. FERLISE: Yes.

16 MR. T. PANEQUE: Okay. Can you please
17 bring those up. We'll have those marked.

18 MR. ALONSO: Who has the exhibits?

19 MR. T. PANEQUE: They're over here.

20 Let's have Mr. Ferlise sworn in.

21 * * *

22 SAL FERLISE, after having been duly sworn or
23 affirmed, did testify as follows:

24 MR. T. PANEQUE: Mr. Ferlise, you are the
25 building official who placed a stop order on this

1 project?

2 MR. FERLISE: Yes, I am.

3 MR. T. PANEQUE: And the plans that you
4 have in your hands, let's mark those as -- it would
5 be --

6 MR. FERLISE: Specifically, Sheet A-01 on
7 the construction package. Specifically, Sheet A-01
8 on the release plans from the Building Department.

9 MR. ALONSO: You can mark them ZB-1 for
10 the board.

11 * * *

12 (Sheet A-01 on release plans from the
13 Building Department was marked ZB-1 for
14 identification.)

15 * * *

16 MR. FERLISE: We have the area on the west
17 foundation wall. I note on the plan the existing
18 stone wall, it doesn't show a CMU wall anywhere.

19 MR. T. PANEQUE: So those are the plans
20 that were provided to the Building Department?

21 MR. FERLISE: Yes, they are.

22 MR. T. PANEQUE: And those are the plans
23 that Mr. Pereiras' office prepared?

24 MR. FERLISE: Correct.

25 MR. T. PANEQUE: And those plans were

1 presented as a result of the approvals that were
2 granted by this board?

3 MR. FERLISE: Correct.

4 MR. T. PANEQUE: Okay. Now, I'm going to
5 bring your attention to the western wall. Okay?

6 MR. FERLISE: That's right here.

7 MR. T. PANEQUE: All right. In particular
8 the foundation in that western wall, is there a
9 description of what is located there when the plans
10 were prepared?

11 MR. FERLISE: Yeah. It says "existing
12 stone wall."

13 MR. T. PANEQUE: It says that?

14 MR. FERLISE: It says it right here. I
15 highlighted it.

16 MR. T. PANEQUE: So when Mr. Pereiras
17 indicated that there was no demarcation of what was
18 there, just the wall, it's actually marked by
19 Mr. Pereiras' office as the existing stone wall?

20 MR. FERLISE: Correct.

21 MR. T. PANEQUE: Is there any showing on
22 that plan that says a portion of it was CMU?

23 MR. FERLISE: No.

24 MR. T. PANEQUE: Okay. Now, when you
25 visited the site and saw what was there, what caused

1 you to place a stop order on this project?

2 MR. FERLISE: That in the back, this area
3 here (indicating), and also an additional foundation
4 wall, which is not depicted on here, and I would
5 imagine somewhere around here -- which they never had
6 permits and plans -- they dug it out. I do have
7 pictures of it. That's where they were working above
8 and beyond the permits, this area back here, the back
9 wall. Now you call me for a footing inspection and
10 you don't have any plans or approvals for it. That's
11 why I stopped it. That and this.

12 MR. T. PANEQUE: You went out to the site
13 for a footing inspection?

14 MR. FERLISE: Correct.

15 MR. T. PANEQUE: And what you found there
16 was not in compliance with what?

17 MR. FERLISE: With the release plans.

18 MR. T. PANEQUE: With the release plans.

19 MR. FERLISE: Yes.

20 MR. T. PANEQUE: So you're not making a
21 stop order based on a zoning issue; you're making a
22 stop order based on the plans not being followed?

23 MR. FERLISE: Correct.

24 MR. T. PANEQUE: And that's a construction
25 department issue, correct?

1 MR. FERLISE: Yes.

2 MR. T. PANEQUE: All right. Anything else
3 that you saw while you were out at the site?

4 MR. FERLISE: Those two issues.

5 MR. T. PANEQUE: Those two issues. Okay.
6 And your stop order is still in effect?

7 MR. FERLISE: Yes.

8 MR. T. PANEQUE: Anything else you want to
9 bring to the attention of the board?

10 MR. FERLISE: No. Just that.

11 MR. T. PANEQUE: Okay. No further
12 questions.

13 MR. ALONSO: Quick question, Mr. Ferlise.
14 So it's your testimony that there is no zoning
15 violation? That's what you just testified to.

16 MR. FERLISE: Well, if you give me a
17 minute, I'll pull out what it says on my --

18 MR. ALONSO: No. No. You just
19 testified -- your answer --

20 MR. FERLISE: Wait. Wait. Wait. Before
21 we go there --

22 What did you just ask me? Release plans,
23 correct?

24 MR. T. PANEQUE: Release plans.

25 MR. FERLISE: Yeah. Right. So it wasn't

1 about zoning. All right. So can I get my stop work
2 order and I'll tell you what's on it?

3 MR. ALONSO: But you indicated --

4 CHAIRPERSON GARCIA: Excuse me. He wants
5 to go get the notes. That's what he wants to do.

6 MR. ALONSO: Go get it because maybe you
7 can explain them to me.

8 MR. FERLISE: No. This is the permit. I
9 have one of these too. The violation was work
10 performed without required permit -- no, that's an
11 old violation. Hold on.

12 Working above and beyond release plans and
13 permits. I'll read the whole thing. I'll cite the
14 statute first, and then I'll read out the infraction.
15 N.J.A.C. 5:23-2.31(b)(1)(ii) and
16 N.J.A.C. 5:23-2.15(f)(4)(ii). That's the prior
17 approval. That's the violation I just read. Okay?
18 That's zoning. Okay. Working above and beyond
19 release plans permits and prior approvals is what the
20 infraction says on this violation right here. I want
21 to submit it in. I'd be more than happy to.

22 MR. ALONSO: What were the violations?

23 MR. FERLISE: I just told you. Working
24 above and beyond, which I testified that the back
25 wall was not on the release plans. You didn't have

1 permits for that. You called me for a footing
2 inspection.

3 MR. ALONSO: No. Permit -- we filled out
4 permits. You're talking about the construction
5 permits?

6 MR. FERLISE: Correct.

7 MR. ALONSO: So it's a Construction Board
8 issue?

9 MR. FERLISE: Yeah. And it's also a
10 zoning issue too.

11 MR. ALONSO: Okay. Why is it a zoning
12 issue? What relief would be required for that area,
13 for that wall inside the building?

14 MR. FERLISE: Well, no, not inside the
15 building. It's outside the building. It's the west
16 wall. Okay. I don't have any history that west wall
17 was ever repaired, okay, nor do I have a release plan
18 that shows that there's a CMU wall there either.

19 MR. ALONSO: But there was a repair.

20 MR. FERLISE: Doesn't matter.

21 MR. ALONSO: You mean -- so is that your
22 testimony, that you need board approval to repair a
23 wall, not construct it, just to repair a patch of
24 wall that was damaged?

25 MR. T. PANEQUE: Don't answer that,

1 Mr. Ferlise.

2 Mr. Alonso, is it your client's testimony
3 that they were the ones who repaired the wall?
4 Because that's not what I've been hearing at all
5 throughout this whole process.

6 MR. ALONSO: The testimony was that the
7 wall was repaired and in the condition that it was at
8 the time that it was approved by this board.

9 MR. T. PANEQUE: And the evidence
10 indicates, based on the plans that were submitted by
11 your architect, that there was a stone wall,
12 foundation wall there with no indication of a CMU.

13 MR. ALONSO: I'm going to recall Manny to
14 testify as to those plans. That's fine.

15 So, if I were to go in, if I had damage to
16 my existing wall -- I'm not expanding upon it, I'm
17 not changing the use, I'm not doing anything, I just
18 need to fill it in with some CMU, would you give me a
19 permit to repair that wall?

20 MR. FERLISE: It all depends on the
21 circumstances.

22 MR. ALONSO: Under these circumstances if
23 a truck backs into a wall and makes a hole, like yay
24 big, okay, and I need to repair that with CMU, do I
25 need zoning approvals to fix that wall, or can I just

1 patch it up?

2 MR. FERLISE: This permit didn't have a
3 CMU wall there. The testimony said that that CMU
4 wall --

5 MR. ALONSO: That's not my question. My
6 question is: Do I need zoning approval to patch that
7 wall? And the answer is no. Isn't that correct?

8 MR. FERLISE: No. The answer to that
9 question is if it's not on the zoning plan and it's
10 not on --

11 MR. ALONSO: I'm not talking about a
12 zoning plan. I'm talking about a wall that's damaged
13 by a truck and makes a hole.

14 MR. FERLISE: If you weren't doing any
15 other work, yes, you would need a permit and you
16 wouldn't need zoning, if you weren't doing any other
17 work.

18 MR. ALONSO: Correct.

19 MR. FERLISE: In this case you were
20 tearing the whole building up except the foundation.

21 MR. ALONSO: So if you accept the
22 testimony of Mr. Pereiras and Mr. Minoyan that the
23 damage happened before this application was even
24 filed, you didn't need zoning approval -- we didn't
25 need zoning approval to patch that wall. That's your

1 testimony, correct?

2 MR. FERLISE: No, it's not.

3 MR. ALONSO: That's what you just said.

4 MR. FERLISE: No. I just told you.

5 MR. ALONSO: You said --

6 MR. FERLISE: I just told you that --

7 MR. T. PANEQUE: It's been asked and
8 answered, Mr. Alonso.

9 MR. ALONSO: You're not answering the
10 question.

11 MR. T. PANEQUE: He is. He is answering
12 the question.

13 MR. ALONSO: No, he's not answering.

14 CHAIRPERSON GARCIA: That's his answer,
15 Mr. Alonso.

16 MR. ALONSO: I know that's his answer, but
17 it's not answering the question.

18 CHAIRPERSON GARCIA: You don't want to
19 listen. It's something different. Okay? It's
20 something different. He already answered it with his
21 answer. You like it or you don't like it, that's his
22 answer. Or if you want that he answer it what you
23 want, give him the answer and he'll answer it.

24 MR. ALONSO: With all due respect --

25 CHAIRPERSON GARCIA: With all due respect.

1 Because you're trying to put the guy nervous, no. If
2 you don't want to listen -- he has to listen. You
3 have to listen what his answer is, Mr. Alonso,
4 unfortunately.

5 MR. ALONSO: It's a very simple question,
6 Mr. Chairman.

7 CHAIRPERSON GARCIA: He answered it. You
8 didn't like the answer.

9 MR. ALONSO: And then he changed -- and
10 then he changed his answer.

11 MR. FERLISE: Read back the minutes.

12 MR. ALONSO: Assuming that --

13 MR. FERLISE: Wait a minute. Read back
14 the minutes.

15 MR. ALONSO: Excuse me. I'm asking the
16 question.

17 MR. FERLISE: No. You're trying to twist
18 me up.

19 MR. ALONSO: I'm not trying to twist --

20 MR. FERLISE: Yeah, you are.

21 MR. T. PANEQUE: You don't have to answer
22 anything else.

23 MR. ALONSO: Yes, he does.

24 MR. T. PANEQUE: It's been asked and
25 answered, Mr. Alonso.

1 MR. ALONSO: It's not.

2 MR. T. PANEQUE: He did give you an
3 answer.

4 MR. ALONSO: Mr. Ferlise, if there's no
5 application before this board, okay, no application
6 before the board -- forget about this approval,
7 forget everything -- if somebody backs into this
8 wall --

9 CHAIRPERSON GARCIA: It's out of order.

10 MR. ALONSO: Why is it out of order?

11 CHAIRPERSON GARCIA: You know why it's out
12 of order? Because it's something that is not
13 concerning about us. It's not concerning about us.
14 It's not concerning about this application.

15 MR. ALONSO: This is exactly --

16 CHAIRPERSON GARCIA: We don't have to
17 listen. It doesn't have to be a record.

18 MR. ALONSO: This is exactly what it's
19 about.

20 CHAIRPERSON GARCIA: No. It doesn't have
21 to be a record.

22 Mr. Ferlise, what about the construction
23 on 3108 59th Street? Explain this to me.

24 MR. ALONSO: I'm talking about --

25 CHAIRPERSON GARCIA: Oh, come on. I

1 mean --

2 MR. ALONSO: I'm talking about this --

3 CHAIRPERSON GARCIA: It's all regarding --
4 yes.

5 MR. ALONSO: I'm talking about
6 this property.

7 CHAIRPERSON GARCIA: It's about this
8 property.

9 MR. ALONSO: I'm talking about this
10 property.

11 CHAIRPERSON GARCIA: Okay. Mr. --

12 MR. ALONSO: Mr. Chairman, can I -- are we
13 going to talk over each other? Is that the way we're
14 going to play this game?

15 CHAIRPERSON GARCIA: My friend, no, I know
16 your game, Mr. Alonso.

17 MR. ALONSO: It's not a game. I'm trying
18 to ask the question.

19 CHAIRPERSON GARCIA: He answered. You
20 didn't like the answer. Okay?

21 MR. T. PANEQUE: Mr. Alonso, the issue
22 here is whether this appeal that you have it's one of
23 a zoning ordinance issue or a stop order from the
24 Building Department based on the fact that they went
25 beyond the scope of what was approved.

1 MR. ALONSO: I know that. And the problem
2 is we don't know because Mr. Ferlise is not clear.

3 MR. T. PANEQUE: But Mr. Ferlise --

4 MR. ALONSO: Excuse me. Let me just
5 finish. I filed an appeal here for the zoning issue,
6 and I filed an appeal in the Construction Board of
7 Appeals for the construction code issue. They're
8 saying they don't know what it is but they think it's
9 a zoning issue. We're coming here and he's saying
10 it's not a zoning issue, it's a construction issue.
11 So we need a determination.

12 MR. T. PANEQUE: The issue here is one
13 that the Building Department putting a stop order on
14 this project because your client exceeded what was
15 permitted by the resolution --

16 MR. ALONSO: That's not what it says.

17 MR. T. PANEQUE: Yes, it is. It says
18 here, "Working above and beyond release plans,
19 permits, and prior approvals." It doesn't say
20 anything about violating the zoning ordinance. It
21 says working beyond the approved release plans.
22 Okay? And Mr. Ferlise has testified that there was a
23 foundation wall in the back being done and also that
24 one on the side. That's why he stopped the project.

25 MR. ALONSO: No. Is there are foundation

1 wall -- are we removing the foundation wall? No,
2 right?

3 MR. FERLISE: You did remove a section of
4 it.

5 MR. ALONSO: No.

6 MR. FERLISE: Approximately 7-foot by --
7 I'll show you the picture. I'll tell you how many
8 feet. Approximately 7 feet by 2 feet. So you did
9 remove some of it.

10 MR. ALONSO: Where?

11 MR. FERLISE: You want to see the picture?

12 MR. ALONSO: Yeah.

13 MR. FERLISE: Here. I'll show you an
14 inside shot. I have other pictures if you need more
15 clarification. This area right here.

16 MR. ALONSO: Correct. That's the area
17 that we're talking about all day.

18 MR. FERLISE: That's the west wall,
19 specifically.

20 MR. ALONSO: Now, if the testimony.

21 MR. FERLISE: I also brought the permit
22 history, and I don't see a permit history for it.

23 MR. ALONSO: If the testimony was if that
24 condition existed prior to this board granting an
25 approval, then it was not -- it was not demolished as

1 part of the permits that were issued, correct, if
2 that was already an existing condition?

3 MR. FERLISE: It should have been on the
4 release plan specifically A-01, and it should have
5 been on the zoning plan, and it's not. So nobody can
6 prove that because there's no dates on those
7 pictures.

8 MR. ALONSO: And typically when you do
9 fail an inspection like that, the remedy would be to
10 have the architect issue a detail, correct, an
11 updated detail?

12 MR. FERLISE: And go back to the board
13 too.

14 MR. ALONSO: For what?

15 MR. FERLISE: For an approval.

16 MR. ALONSO: For what?

17 MR. FERLISE: For the west wall.

18 MR. ALONSO: For what?

19 MR. FERLISE: For what?

20 MR. ALONSO: Exactly. For what?

21 MR. FERLISE: The resolution states to
22 build on the existing foundation. That's not the
23 existing foundation. That's a new foundation.

24 MR. ALONSO: No. Was that existing at the
25 time that it was approved?

1 MR. FERLISE: Doesn't show it on the
2 release plan. It doesn't show it on the board plan
3 either.

4 MR. ALONSO: But was it there? Based on
5 the testimony you heard tonight, was that foundation
6 existing at the time --

7 MR. FERLISE: I'm looking for the dates in
8 those pictures. Was that taken with a date on the
9 camera? I don't know. I don't know if that's a true
10 testimony.

11 MR. ALONSO: If you don't want to accept
12 Mr. Pereiras' testimony, that's fine.

13 MR. FERLISE: I can't because there's no
14 permit history for that repair, and there would have
15 been a permit history for it.

16 MR. ALONSO: So you're saying that because
17 there was a repair made, that's a zoning issue?

18 MR. FERLISE: I'm saying it should have
19 been on the zoning plan that there was a repair
20 already made, and it should have been on the A-01 of
21 the release plan, which it wasn't.

22 MR. ALONSO: Well, I don't agree with
23 that, but that's your testimony.

24 MR. FERLISE: That is my testimony.

25 MS. PEREZ: Can I ask a question?

1 MR. T. PANEQUE: Yes.

2 MS. PEREZ: Would a permit have been
3 required at any time regardless of when that wall
4 was --

5 MR. FERLISE: Yeah. That's a structural
6 repair, and I have the history here, which there was
7 no permit.

8 MR. ALONSO: But not zoning approval,
9 which is the issue.

10 MR. T. PANEQUE: The issue here is that
11 your client exceeded the allowable work that was done
12 by the resolution, period. It's not a zoning
13 determination. So this board --

14 MR. ALONSO: Mr. Paneque, with all due
15 respect --

16 MR. T. PANEQUE: Yeah.

17 MR. ALONSO: -- as I stand here for as
18 long as we've been arguing back and forth,
19 Mr. Ferlise has not indicated how we exceeded the
20 approved plans.

21 MR. T. PANEQUE: He did.

22 MR. ALONSO: The approval was to build
23 over the existing foundation which was what was done.
24 The fact that a repair was discovered --

25 MR. T. PANEQUE: Mr. Alonso, the testimony

1 of Mr. Ferlise is that when he visited the site,
2 there was work being done on the rear foundation that
3 was not in the plans. And I'll bring him up again
4 and he'll testify to the same thing. And on that
5 westerly wall, there was work done that was not on
6 the plans. Okay? So if this repair, the CMU repair
7 had been there, as your witnesses are trying to
8 convince this board of that, if it had been there
9 from the beginning, it should have been depicted on
10 those release plans, and it was not.

11 MR. ALONSO: Okay. I'm going to recall
12 Mr. Minoyan.

13 * * *

14 JACQUES MINOYAN, having been recalled, further
15 testified as follows:

16 MR. ALONSO: Mr. Minoyan, there's an issue
17 with respect to a rear foundation wall.

18 MR. MINOYAN: Sure.

19 MR. ALONSO: Did you obtain permits for
20 that rear foundation wall?

21 MR. MINOYAN: Yes. In February of 2024.

22 MR. ALONSO: Was it constructed?

23 MR. MINOYAN: Yes. And it was --

24 MR. ALONSO: Was it inspected?

25 MR. MINOYAN: Yes.

1 MR. ALONSO: Was it approved?

2 MR. MINOYAN: Yes.

3 MR. ALONSO: Did you get an approval
4 sticker?

5 MR. MINOYAN: Yes. And there are two
6 approval stickers.

7 MR. ALONSO: Okay. And what are the dates
8 of the approval stickers?

9 MR. MINOYAN: The date of the first
10 approval sticker -- so the permit for this expansion
11 and the renovation was issued February 9, 2024. On
12 March 19, 2024, the first partial footing inspection
13 was issued by the Building Department. And on May 3,
14 when the easterly section, when we first started on
15 the rear western section and turned, we got that
16 portion approved -- and I have a copy of the permit
17 inspection sticker. And then on May 3, when the next
18 section, the easterly side was called for inspection,
19 that was also reviewed by the Building Department,
20 and a sticker was issued on May 3, 2024. So, two
21 approvals for the CMU work was done because it was
22 reviewed and signed off in accordance with the plans
23 that were approved at the zoning as well as the
24 construction, or else I would not have two footing
25 and foundation approvals to attest to.

1 MR. FERLISE: Can I be recalled? There's
2 a little bit of confusion. I'm recalling myself, if
3 that's all right.

4 MR. ALONSO: Only if I can ask him
5 questions.

6 MR. T. PANEQUE: You can ask him
7 questions.

8 * * *

9 SAL FERLISE, further testified as follows:

10 MR. FERLISE: Okay. So, the confusion
11 is -- and I did point to it on the plan, right?
12 There's an existing rear foundation wall from the
13 existing building, and there's a back wall to the
14 addition. And, yes, that back wall to the new
15 addition was inspected. His testimony was spot on.
16 The confusion is -- and I did point it out on
17 Sheet A-01 -- the existing foundation wall, A-01, was
18 getting a new footing poured in front of it, okay,
19 and they didn't have any plans. I did point to that
20 on the easel, so you guys got confused somewhere in
21 the interim. So there's two back foundation wall,
22 one for the existing structure, which they didn't
23 have permits and updated drawings for.

24 MR. ALONSO: But the plans you're talking
25 about talk about construction plans, correct?

1 MR. FERLISE: Correct.

2 MR. ALONSO: Okay. There's a construction
3 code issue.

4 MR. FERLISE: Right.

5 MR. ALONSO: Okay.

6 MR. FERLISE: So that was one issue that
7 it got stopped for. So, to be clear, there was a
8 rear foundation on the addition. And, yes, it was
9 inspected. And I do have my inspection report with
10 me.

11 MR. ALONSO: So I just want to be clear,
12 it's a construction code issue not a zoning board
13 issue?

14 MR. FERLISE: I didn't say that, you did.

15 MR. ALONSO: Okay.

16 MR. FERLISE: All right. I'm done.

17 MR. ALONSO: You said -- it's okay.

18 MR. T. PANEQUE: I think we're in
19 agreement, Mr. Alonso, that this is not a zoning
20 board issue. So your appeal if it had been a
21 question of a zoning ordinance interpretation would
22 come before this board. But your appeal seems to be
23 an issue with the stop order that was placed by the
24 Building Department because the scope of the work
25 exceeded what was approved in the plans. It's a

1 construction code issue, not a zoning board issue.
2 So N.J.S.A. 40:55(A)(1) doesn't give this board
3 jurisdiction to overrule the Building Department on
4 what transpired.

5 MR. ALONSO: That's a different issue.
6 The first issue that the board needs to consider is:
7 Is it a zoning issue or a construction issue? If
8 it's a construction issue, then that's your finding.
9 And that's fine, and then I can go to the
10 Construction Board of Appeals.

11 MR. T. PANEQUE: Okay.

12 MR. ALONSO: But as much as I -- believe
13 me, I argue with them as much as I argue with you
14 guys, and they say we don't want to hear it, it's a
15 zoning issue. And I told them it's not, but -- so
16 we're here.

17 MR. T. PANEQUE: Okay.

18 MR. ALONSO: So if you want to find that
19 it's not, then at least I have a resolution. I can
20 go back to them and say it's not a zoning issue.

21 CHAIRPERSON GARCIA: Before continuing,
22 I'm going to say, guys, that this is just a great,
23 great exercise that we have for one thing. When I
24 learned from here now is that, unfortunately -- and
25 nothing personal with none of the professionals that

1 come here -- that we can take the testimony for
2 granted like that. Okay? We have testimony here,
3 not just in this one but on other applications, they
4 come and just because they are experts and swear to
5 the testimony, then that's true. We have here right
6 now -- with all due respect, Mr. Pereiras -- we're
7 going back to the transcript, page 69 of the
8 transcript of June 9, 2022, okay, line 16, 17, 18,
9 and 19 said -- or I'm just going to be reading from
10 17 to 18, and it is his goal to renovate this
11 building which desperately needs some attention,
12 renovate.

13 MR. PEREIRAS: Mr. Chairman --

14 CHAIRPERSON GARCIA: No. My friend, I
15 just --

16 MR. PEREIRAS: Read the rest of the
17 transcript. You just can't take one line.

18 CHAIRPERSON GARCIA: No. It's not taking
19 the full line. The thing is -- I just said this was
20 a great exercise for us.

21 MR. PEREIRAS: I spoke for a half an hour
22 that night.

23 CHAIRPERSON GARCIA: I just said this was
24 a great exercise for us.

25 MR. PEREIRAS: I spoke for half an hour

1 that night, and I was very clear.

2 CHAIRPERSON GARCIA: You know what I mean?
3 So at one point -- and what makes me sometimes upset
4 is that we have to take this sentence this way and
5 this one this way. No. You know how I take it? How
6 it's better for the residents of Union City, because
7 we are here and we are trying to protect them. Okay?

8 At this point, Mr. Paneque, the legal
9 advice is that we don't have jurisdiction for this.
10 Right?

11 MR. T. PANEQUE: The legal advice is that
12 the question that's being presented to this board is
13 not one of a determination of a zoning ordinance.
14 It's one of a construction code issue. And the stop
15 order clearly states that the reason that the stop
16 order was placed was because they exceeded the scope
17 of what was approved by this board.

18 They're not asking for determination of
19 whether we have a 3-foot or a 2-foot and side yards
20 that are not in compliance. It's a question of
21 exceeding the scope of the approved work. And that
22 being said, if this board deems fit, the appeal
23 should be denied with an indication that this is a
24 construction code issue that should go to the
25 Construction Board of Appeals so that Mr. Alonso can

1 go and present this case.

2 CHAIRPERSON GARCIA: I make my motion to
3 deny it according to the statements of Mr. Paneque.

4 VICE CHAIRPERSON GRULLON: I second.

5 MR. VALLEJO: Motion by Mr. Garcia.

6 VICE CHAIRPERSON GRULLON: I second.

7 MR. VALLEJO: Seconded by Mr. Grullon.

8 Roll call on the motion.

9 Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. O'Dell.

18 MS. O'DELL: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 CHAIRPERSON GARCIA: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

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

25 MR. ALONSO: Thank you.

1 MR. FERLISE: I'd like to make a
2 statement.

3 CHAIRPERSON GARCIA: We're closed.

4 MR. FERLISE: You're closed?

5 CHAIRPERSON GARCIA: We're closed.

6 MR. FERLISE: All right.

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1 JULIO MONCAYO -
2 1109 New York Avenue
3 Block 52, Lot 3:
4

5 MR. VALLEJO: Next application on
6 tonight's agenda, Julio Moncayo, 1109 New York
7 Avenue.

8 Mr. Moncayo, please.

9 The applicant is requesting a one-year
10 extension for the previous approvals.

11 MR. MONCAYO: Good evening. Good evening,
12 Chairman of the Board as well as the members.

13 * * *

14 JULIO MONCAYO, after having been duly sworn or
15 affirmed, did testify as follows:

16 MR. MONCAYO: My name is Julio Moncayo. I
17 am the owner of 1109 New York Avenue, Block 52,
18 Lot 3. I am in front of the board seeking an
19 extension of an approval that was memorialized on
20 November 10th of 2022, to legalize a third unit at
21 1109 New York Avenue. The reason for my request is
22 due to personal medical issues, I was not able to
23 complete the project.

24 CHAIRPERSON GARCIA: This is your first
25 extension?

1 MR. MONCAYO: It is.

2 CHAIRPERSON GARCIA: It is. And do you
3 understand that you're going to be willing to proceed
4 with the construction now?

5 MR. MONCAYO: Yes, I am.

6 CHAIRPERSON GARCIA: Understanding that it
7 was for a health issue, I don't see any reason why to
8 deny. I'm going to make my motion to approve this
9 one-year extension and hoping that your health allows
10 you to continue with construction.

11 MR. MONCAYO: I appreciate it. Thank you,
12 sir.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Motion on the table to grant
15 the extension by Mr. Garcia, seconded by
16 Ms. Gutierrez.

17 Roll call on the motion.

18 Mr. Garcia.

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 MS. GUTIERREZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

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

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1 **UNION CITY LIVING, LLC -**

2 **614-622 12th Street**

3 **Block 59, Lots 43, 44, 45, 46, 47 & 48:**

4
5 MR. VALLEJO: We're going to change a
6 little bit the order of tonight's agenda. We're
7 going to move to Union City Living, LLC, 614-622 12th
8 Street.

9 Ms. Pereiras, please.

10 MR. T. PANEQUE: Let the record reflect as
11 follows: I've been provided by Ms. Pereiras with a
12 certification as to publication and service
13 indicating that notice of tonight's hearing with
14 respect to the property at 614-622 12th Street, Union
15 City, New Jersey, Block 59, Lot 43-48 was provided to
16 all property owners within a 200-foot radius. I've
17 also been provided with a copy of the notice that
18 went out to all neighbors as well as an affidavit
19 from the Jersey Journal. Said affidavit was
20 published on October 30, 2024. The affidavit
21 indicates that the application with respect to this
22 property will be heard at this location at Union City
23 High School.

24 I've also been provided with the tax list
25 from the Union City Tax Assessor's Office listing all

1 property owners within a 200-foot radius of block 59,
2 lots 43 to 48. Said tax list has a date of
3 October 28, 2024.

4 And, finally, I've been provided with the
5 certified mail receipts with a postmark date of
6 November 1, 2024. Based on the documentation that
7 has been provided, this board has jurisdiction to
8 proceed and hear this matter.

9 MS. PEREIRAS: Thank you very much,
10 Counsel.

11 Good evening, Counsel, Mr. Chairman,
12 Members of the Board. May it please the board, on
13 behalf of Union City Living, my name is Bianca
14 Pereira. The property in question is located at
15 614-622 12th Street, also known as lots 23 through 48
16 on block 59. You all may know this, this has been a
17 vacant lot for several years now. This is right on
18 12th Street, so I'm actually very excited to bring
19 this project in front of the board because I drive by
20 this property. I walk by this property every single
21 day between walking from my office to my mom's home,
22 which are both on 12th Street.

23 This is a very large area. While a
24 typical lot in Union City is 2500 square feet, here
25 we have over 24,000 square feet. We've actually met

1 with several of the neighbors in the past year and a
2 half. This has been a long process to make sure we
3 brought the right application before this board. And
4 the application this evening is to construct 16
5 two-family homes. We have several experts to testify
6 this evening, and we'll begin our presentation with
7 our architect, Mr. Manuel Pereiras.

8 * * *

9 MANUEL PEREIRAS, after having been previously duly
10 sworn, did testify as follows:

11 MR. PEREIRAS: Manny Pereiras. I
12 recognize I am still under oath.

13 MS. PEREIRAS: Mr. Pereiras, are you
14 familiar with the property at 614-622 12th Street?

15 MR. FERLISE: I am.

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

18 MR. FERLISE: I have.

19 MS. PEREIRAS: And would you kindly
20 describe the proposal for the board. I'd be very
21 happy to. And, hopefully, you know, this one will be
22 a lot smoother. It's always good to be here. Thank
23 you for the opportunity to present today.

24 For this presentation I have the drawings
25 that were submitted to the board on this easel. In

1 addition to that, I have prepared a few extra
2 exhibits, both on this board which I'll describe as
3 we move forward, and we have some renderings of what
4 we're proposing to do as well. These are colored
5 photographs.

6 Counsels, should I mark those as
7 Exhibit A?

8 MR. T. PANEQUE: Yes, please. Mark each
9 individually, A-1 through --

10 MR. PEREIRAS: So, starting with an image
11 looking at the flat houses, I'm marking that as A-1
12 and I'm marking on the rear of the drawing. Then
13 there's an image from 12th Street of the houses.
14 That's going to be marked as A-2. And then there's
15 an image looking directly to the north from
16 12th Street. That's going to be marked A-3. And
17 then, finally, just an artistic interpretation, with
18 the sunset, of the space. That's going to be marked
19 as A-4. And I'll mark the other exhibits as we move
20 forward.

21 * * *

22 (Four photographs were marked A-1 through
23 A-4 for identification.)

24 * * *

25 MR. PEREIRAS: So, counsel mentioned kind

1 of our attachment to this neighborhood. The
2 neighbors have heard me say this already. This is
3 the fourth time they hear it because we've already
4 presented to the neighbors on three separate
5 occasions. I mean, every project I do is dear to me.
6 This one has a little extra tenderness to it because
7 it's so close to home. I grew up at 406 12th Street.
8 My office is 1116 Summit Avenue, so this project is
9 literally between the two properties. It's housed
10 at -- except for a one-week vacation every year, it's
11 something I walk past or drive past every single day,
12 multiple times a day for my entire life. So I am
13 very intimately familiar with this neighborhood. I
14 would call this my neighborhood. I hope that you
15 permit me to call it my neighborhood.

16 So we've taken a lot of special care. A
17 lot of design hours went into this, and we went
18 through a lot of different versions of this project
19 to get to your board today. Okay?

20 So we went from a multifamily building.
21 We changed the scale of it. And we're presenting a
22 project today that I am very, very proud of, the
23 applicant is proud of. I think it makes really good
24 planning sense, and I think it's a beautiful product,
25 and I'm hoping if this board looks favorably, I'm

1 very much looking forward to seeing this get built.

2 Let's start by describing the site. This
3 is a massive site when it comes to Union City and it
4 comes to this neighborhood. The frontage on
5 12th Street is a 140.57 feet. Okay? We're normally
6 talking about 25-foot lots. We're at 140 feet --
7 more than 140 feet on 12th Street. And what really,
8 really makes this different is the depth of the lot,
9 okay. The depth of the lot is 176.67 feet, okay.
10 That is almost twice as much as a typical lot. A
11 typical lot is 100. We're 176 feet in depth.

12 Just to make the record completely clear
13 and not misrepresent, the front is 140.57. The rear
14 is 132.75. When I speak of the rear of the property,
15 I'm speaking of the northern end of the property, and
16 the front would be the southern end of the property.
17 The border on the east is 176.67, and the border --
18 the property line on the west is 176.10.

19 So, a typical approach to this would be to
20 create a building in the middle of this. It didn't
21 fit into the neighborhood. We wanted something that
22 really fit and worked into the neighborhood. And our
23 ordinance allows for two-family houses, so we really
24 wanted to work in a way that is as close to our
25 ordinance as possible. The only thing we would be

1 able to build on this lot would be one single
2 two-family house because that's the way our ordinance
3 is written, one house, two-family house per lot.

4 We are almost ten times the size of a
5 normal lot, and what we propose to do is instead of
6 having houses facing the front, what we're looking to
7 do is create a townhouse design so that we're
8 splitting the site in half, creating a road, a
9 private road in between and then having these
10 beautiful townhouses on each side on the east and the
11 west of this house. And what we're proposing to do
12 is a total of 16 of these two-families side by side
13 in groups of four. So we four groups of four along
14 the property -- the property we show.

15 To describe the site, we have a curb cut
16 that's 25 feet wide. That is ample width. And we
17 have an expert in traffic that's going to speak a lot
18 more about this. That's an ample width so that cars
19 could turn from 12th Street into the property and
20 turn out of the property. We did a drive path that
21 is 23 feet wide. That's the asphalt of the drive
22 path. And then we created a path in front of each of
23 the houses that is going to be pavers. So it's very
24 beautiful. You have your asphalt road and then a
25 series of pavers with landscaping in front of each of

1 the houses. We made that pretty wide. We could, if
2 the board thought that it was necessary to widen that
3 road, we thought 23 feet was appropriate. We spoke
4 to our traffic consultant. He thought that was
5 appropriate. We have it at 23 feet. If we need to
6 make it wider, we can make it wider. It just makes
7 it a little bit less in landscaping. If we make it
8 24 feet, you have 6 inches less landscaping on each
9 side of this house. And then the houses are oriented
10 in the east-west direction.

11 And I'd like to describe exactly each of
12 these houses. So turning now to Sheet 04, we see the
13 floor plans for each individual townhouse or each
14 individual two-family. We have the ground floor,
15 which is the parking. You have the pedestrian
16 entrance. You have a door from the front of the
17 building with stairs that lead you upstairs coming
18 from a foyer. And then you have the garage entrance,
19 and that garage entrance gives enough parking for
20 four cars. They're in tandem, two for one apartment
21 and two for the other apartment, the way we do every
22 two-family house here in Union City.

23 We have room for gas meters. We have room
24 for water meters, and the garbage for the apartments
25 is placed here behind the gas meters in the garage

1 area. There's a door to the rear yard for emergency
2 escape and to the rear yard.

3 If you take the stairs up to the next
4 floor, you enter into Apartment A. Apartment A is
5 770 square feet, and it is a two-bedroom apartment.
6 You walk to the left, you have a living room/dining
7 room/kitchen area -- it's 11 feet wide by 20 feet in
8 depth -- and one bathroom and two small bedrooms.
9 This is a nice condensed apartment, perfect for the
10 Union City market.

11 And then you take the scissor stairs going
12 up and it's the same thing. You walk in, you have
13 your coat closet, the bathroom in the hall and the
14 same large living room/dining room/kitchen area with
15 a small bathroom in the front of it and the two
16 bedrooms in the back of the house.

17 And then that apartment, Apartment B, has
18 access to the rooftop terrace in the back of the
19 house so that Apartment A has access to the small
20 rear yard and Apartment B has access to the rooftop
21 terrace. That creates outdoor space for each of the
22 two units in the neighborhood. The rooftop terrace
23 is 18-6 by 15-6.

24 And, Mr. Garcia, we understand your
25 concerns. As you can see, we created landscape all

1 around the edge of the house. The reason you don't
2 see it on this side is because next to that you have
3 the next house with the landscaping all around that
4 house. So there's 3 feet of landscaping, and there
5 will be a parapet wall and a smooth railing so that
6 children won't be able to jump over. And in the
7 event that children do jump over, they're falling on
8 the roof and not further below.

9 And the space that you see here is not
10 additional space, that's just open from above. It's
11 a nice tall ceiling. So if you look at the
12 rendering, this is the floor plate. We have no floor
13 plate here so that there's a nice tall ceiling in the
14 living room and kitchen area on that second floor.
15 So it's a nice, beautiful, open big space.

16 The elevations of the building that we
17 took a lot of care in putting together, the building
18 facade is mostly brick. So, as you could see, we
19 have brick. We have the metal edging that creates
20 the trim. We have siding along the side of the
21 building and then regular shingle roof for the top.
22 We have wood rollup doors in the front and a nice,
23 beautiful wood door for the pedestrian entrance.

24 The height of the building as measured by
25 our ordinance to the middle of the roof is 37 feet 6

1 and a half inches. And all the way, if you measure
2 to the peak, we are at -- I have it on another
3 drawing -- I believe it's 39 feet 6 inches, and I'll
4 get to it when I turn to the other drawing.

5 So the building is very much in scale with
6 the rest of the neighborhood. To describe that I
7 have provided a lot of photographs of the
8 neighborhood.

9 Turning now to Sheet Z-08, which is a new
10 sheet, and I'm going to mark that -- I believe I was
11 at A-4, so this would be A-5, and I'm marking the top
12 right-hand corner.

13 * * *

14 (Recent photograph taken from front of
15 site at edge of 12th Street looking north was marked
16 A-5 for identification.)

17 * * *

18 MR. PEREIRAS: A-5 was a photograph taken,
19 this is a recent photograph taken standing at the
20 front of the site at the edge of 12th Street looking
21 towards the north. This photograph is very
22 important. It really explains a little bit of how
23 this site works.

24 There is a huge topographical difference
25 between 12th Street and 13th Street on this block.

1 12th Street is at level with the bottom of this
2 retaining wall. The sidewalk is at level. The
3 bottom is retaining wall. 13th Street is up here
4 (indicating). So just so that you could understand a
5 little bit of scale, this block wall in the back is
6 9 feet 8 inches in height. So there's an additional
7 about 8 and a half feet above that for the floor. So
8 there are the 9 feet plus 8 feet, there's about a
9 17-foot difference between the houses along
10 13th Street and the base of our buildings. That's
11 very important to understand because if you're on the
12 13th Street side -- and I'm marking this A-6. This
13 is labeled as Sheet Z-05.1.

14 * * *

15 (Diagram created by Mr. Pereiras labeled
16 Sheet Z-05.1 was marked A-6 for identification.)

17 * * *

18 MR. PEREIRAS: This is a diagram I created
19 so that the board could really understand the scale
20 of this with the neighboring properties. This black
21 line here is the level at 13th Street. This dash
22 line down here is the base of our building. We have
23 a three-story building, which is exactly what's
24 permitted in Union City. Our building ends here. So
25 the houses, the little houses on 13th Street are

1 actually taller, all of these, than what our building
2 is going to be. They hover over what we're
3 proposing. So it's very much in scale. It's
4 actually smaller than the existing houses along
5 13th Street.

6 In addition to that, and as you could see
7 from this photograph, this is the back of
8 13th Street. So you have a rear structure for one of
9 the houses that is three stories in height. We're
10 three stories starting over here. And then you have
11 a block wall for garages, and then you have a vinyl
12 fence across here and a CMU wall over there. So
13 that's all what the neighbors are to the rear.

14 Understanding a little bit of what the
15 neighbors are to the west, this is a photograph
16 looking west. Our site is down here. So our
17 building is three stories from here. It is much
18 smaller than the house to the west as well. That
19 house is about a story larger than what we're
20 proposing on our site as well. So the scale of this
21 is really small.

22 And then on the north -- on the east, I
23 should say, on the east is this building, which is
24 newer buildings, which was actually what was
25 originally approved for this site. These buildings

1 that held eight units each were originally approved
2 way back, I think, before I was even an architect,
3 across this site to build more of them. Our building
4 will be the same height of that building to the east
5 as well. So it will fit in character of those
6 neighborhoods -- of those buildings as well.

7 So, just pushing towards -- looking at our
8 renderings, this is standing in front of the site
9 looking at the building so you could really
10 understand the look and the character and the size of
11 the units how it's small. This is an image from
12 12th Street so you could see the facades that are
13 facing the 12th Street side. You could see that
14 we're a three-story building, which is what's
15 permitted in our ordinance. And this is standing
16 right in the middle of the new buildings. And you
17 could see the retaining wall that we're going to be
18 reconstructing in the back of this property and have
19 the additional houses -- the existing houses that are
20 in the back. So you can understand kind of the
21 scale, how those are over the houses that we're
22 presenting here and how we're creating and restoring
23 or reconstructing new retaining wall along the back
24 of that property.

25 And what else can I say? I'm very excited

1 about this project. I think it's beautiful. I think
2 it fits into the neighborhood. I think it makes
3 sense, and I hope the board feels the same way. That
4 concludes my testimony.

5 CHAIRPERSON GARCIA: To understand a
6 little bit, so you are combining the six lots, and
7 the front of the lot is going to be the side of the
8 two-block view in the front, right?

9 MR. PEREIRAS: So I believe the lots have
10 already been combined by the City of Union City. So
11 it's one large lot that we have right now that we're
12 dealing with. So we're not consolidating the lots.
13 And what we're proposing -- and I'll get back to our
14 drawings here --

15 CHAIRPERSON GARCIA: Mr. Spatz, why, if
16 they are combined already, did the Building
17 Department send me six different memos from the six
18 different lots?

19 MR. VALLEJO: The Building Department
20 provided one memoranda for every --

21 CHAIRPERSON GARCIA: Lot.

22 MR. VALLEJO: -- different lot, yes.

23 CHAIRPERSON GARCIA: Right. Yeah, but
24 testimony is saying that they are combined as one
25 lot.

1 MR. SPATZ: They just may have not updated
2 their records based on what the Tax Office does. The
3 Tax Office would automatically combine them, you
4 know, they would merge. If they were all in one
5 ownership and the building Department just may not
6 have updated their records to show them as one lot.

7 CHAIRPERSON GARCIA: That isn't going to
8 be an issue later on? Just to give you an example,
9 that's why we're receiving a lot of legalization of
10 apartments, because in the tax records for the state,
11 for everywhere, they have the six units and then
12 apartments only five units, and then they have to
13 come here to legalize. So are we treating this one
14 as one lot or treating this one as six lots?

15 MR. SPATZ: You would treat it as one lot.
16 And I don't have their memo in front of me, but it
17 talks about --

18 CHAIRPERSON GARCIA: They are here.

19 MR. SPATZ: -- what's on the property.
20 They are going to clear the property and build new.
21 So, you know, for the purposes of this, what is
22 currently on the property doesn't really matter.
23 It's not like where we've seen a number of them where
24 the applicant comes in and wants to legalize one unit
25 to get up to five when it turns out they actually

1 have to legalize two units to get up to five.

2 CHAIRPERSON GARCIA: So if we take this
3 one as one lot, that there's not saying nothing about
4 that in the memo, if we say that this is only one
5 lot, according to the ordinance, so there is only two
6 units allowed over there?

7 MR. PEREIRAS: That's correct.

8 MR. SPATZ: That's correct. Yes. They're
9 seeking a use variance to allow a multifamily
10 building. If they were subdividing the property into
11 individual lots for each two-family house, that would
12 be a different application. But this is a
13 multifamily development that happens to be designed
14 as a series of two-family houses. But it is 32 units
15 on 1 property. I think that's how you look at it.

16 CHAIRPERSON GARCIA: Okay. I think the
17 testimony of Mr. Pereiras before said that per lot
18 then you put two units and then you could allow to
19 12 units -- in reality, we're allowed only to two
20 units because we are taking this one as just one lot?

21 MR. SPATZ: That's right. It would be --
22 according to the ordinance, you would be allowed two
23 units --

24 CHAIRPERSON GARCIA: Two units.

25 MR. SPATZ: -- on a 24,000 square foot

1 lot.

2 MR. PEREIRAS: I specifically said we're
3 allowed a two-family house in this lot.

4 MR. SPATZ: Right. But they're asking for
5 a 32-unit development.

6 MR. T. PANEQUE: Mr. Spatz, for point of
7 clarification, if we're looking at this as one lot --

8 MR. SPATZ: Yes.

9 MR. T. PANEQUE: -- we have four principal
10 structures here. Our ordinance prohibits the
11 building of principal structures more than one in a
12 single lot, correct?

13 MR. SPATZ: Correct. That would be
14 another element of the use variance. It's sort of
15 two parts to the use variance, the overall use of
16 32 units and then four principal buildings on one
17 lot.

18 MR. PEREIRAS: And to clarify, our
19 ordinance also says that when you have multiple
20 buildings on one lot, they need to be separated by
21 4 feet, and that's exactly what we did. So we
22 created these blocks and separated them by 4 feet.

23 MR. T. PANEQUE: Now, Mr. Pereiras, you
24 mentioned that this is going to be townhouses?

25 MR. PEREIRAS: They're two-family homes.

1 The definition of a townhouse is when they are
2 attached, are three structures, and our three
3 structures are our one- and two-family homes. So
4 once you have attached one- and two-family homes, the
5 building code understands these as townhouses, so
6 that's the definition I am presenting before this
7 board.

8 CHAIRPERSON GARCIA: Mr. Pereiras, can you
9 go through the size of the units?

10 MR. PEREIRAS: Yes.

11 CHAIRPERSON GARCIA: How deep is each
12 apartment? Can we consider it apartments? units?
13 townhouse? How do you want it? apartment?

14 MR. PEREIRAS: For clarity, let's just
15 call them "units." Because we don't need to label
16 them in any way. Let's just call it a unit. So each
17 of these units, let's walk through it. The overall
18 gross dimension of the unit is 21 feet wide by
19 46 feet in length.

20 CHAIRPERSON GARCIA: 46?

21 MR. PEREIRAS: Yes.

22 CHAIRPERSON GARCIA: Z-04?

23 MR. PEREIRAS: The easiest place to see it
24 is Sheet Z-04. That shows the floor plans of each
25 individual unit.

1 CHAIRPERSON GARCIA: That's the different
2 one. In some spaces you have 44, right?

3 MR. PEREIRAS: They're all exactly the
4 same size.

5 CHAIRPERSON GARCIA: In the corner is just
6 the same?

7 MR. PEREIRAS: Every single one is the
8 same size.

9 CHAIRPERSON GARCIA: I understand. But
10 it's not 46. Because you have part of the units that
11 they are not 46, they are 44.

12 MR. PEREIRAS: No. Every unit is 46 by
13 21. If you look at the opposite side, we did a
14 recess where the door is. So that wall is 44 feet
15 10 inches. But the dimensions of every structure is
16 exactly the same. So by "gross dimension" I mean the
17 overall dimension. Where we did that -- where the
18 front door is, for architectural interest, to make it
19 beautiful, we made these two portions of the
20 buildings on two separate planes.

21 So this portion is sticking out a little
22 bit more than that portion to make it beautiful and
23 create an attraction. So the shorter side is 44 foot
24 10 inches. The longer side is 46 feet. But this is
25 the exact same floor plan for each of the units that

1 we're proposing.

2 CHAIRPERSON GARCIA: So that means the new
3 application, if you turn the lot -- right? You turn
4 it?

5 MR. PEREIRAS: More than that. We're
6 adding a road right down the middle, and we're
7 creating houses on the sides. It's very different
8 from turning the buildings. Turning the buildings,
9 which we've done in different places, is -- you know,
10 I want to be clear for the record -- we are creating
11 a road down the middle and having the entrances
12 flanked on each side of that road.

13 CHAIRPERSON GARCIA: Let me use a new
14 word. You are not creating a road. You are creating
15 an entrance. Because that's not a road. That's an
16 entrance.

17 MR. PEREIRAS: So the definition of
18 pavement that vehicles drive over is a road. If you
19 would like, we could call it a driveway instead of a
20 road. But we're creating -- whether you call it a
21 road or a driveway --

22 CHAIRPERSON GARCIA: Because you are not
23 dividing the two lots.

24 MR. PEREIRAS: We're not subdividing.

25 CHAIRPERSON GARCIA: You're dividing,

1 dividing the lot, so this is not a road. How come I
2 can't find the road?

3 MR. PEREIRAS: Would you prefer if I call
4 it a driveway?

5 CHAIRPERSON GARCIA: Also, regarding the
6 side setback, since this is kind of a unique
7 application, what do you describe as a side setback?

8 MR. PEREIRAS: So working with our
9 ordinance -- and Mr. Spatz could let me know if he
10 agrees with this or not -- you're still looking at a
11 property where you have the side yard setbacks to the
12 west and to the east, because that's what makes sense
13 from a planning standpoint with the neighbors. So
14 from a planning standpoint, the aspect of our
15 ordinance we have a setback that varies along the
16 west and the east simply because we created that
17 architectural interest that we pushed these forward
18 and backwards and because the site tapers at the
19 back. So it's wider in the front and smaller in the
20 back. So at its largest, it's about 10 feet. At
21 it's smallest, which is what matters from a zoning
22 standpoint, is 3 feet 5 inches on the west and 3 feet
23 4 inches on the east.

24 CHAIRPERSON GARCIA: And you agree with me
25 that the side setback of this application are the

1 rear setbacks for your units?

2 MR. PEREIRAS: Yes. It's the rear yard of
3 the units. It wouldn't be the rear setback.

4 CHAIRPERSON GARCIA: And you said that you
5 have 4- -- you have 4 or you have 3-8 foot setback
6 between the buildings. You mentioned that you have
7 4, but now you have 3-8.

8 MR. PEREIRAS: No. Let me be very clear
9 with that. We created four buildings, four clusters
10 of four units of four two-families, and between them
11 there's 4 feet. So where I am describing here on
12 Sheet Z-01 -- and I'm pointing to the proposed site
13 plan -- you have the four clusters. Between the two
14 clusters on each side, on the east and the west,
15 there's a 4-foot separation between. That was my
16 testimony before. It's accurate. The rear yard,
17 which is the -- or the side yard, which is the
18 building to the property line -- it is not the
19 building to another building -- is 3-foot-8 at its
20 worst case.

21 CHAIRPERSON GARCIA: Wait. Wait. Wait.
22 Can you reword -- the 3-8?

23 MR. PEREIRAS: Yes. The worst location
24 where it's smallest is 3-foot-8, where as our
25 ordinance says 3 feet and 2 feet on one side. We

1 have more. We have 3-foot-8, and that's at this
2 point. And that is from our building, the proposed
3 building, to the property line. The adjacent,
4 there's actually no one there. That's an empty rear
5 yard there. There's no building there.

6 MR. T. PANEQUE: Mr. Pereiras, what the
7 Chairman is bringing your attention to is the center
8 of the driveway aisle. You have between the two
9 buildings there a marking there of 3 feet 8 inches.

10 CHAIRPERSON GARCIA: You say that you have
11 a 4-foot setback between buildings, but Z-01
12 indicates a 3-8 between buildings.

13 MR. PEREIRAS: You are correct. It does
14 say 3-foot-8. We can make that 4 feet, and my
15 testimony will be that it's 4 feet, and we can
16 continue and make that 4 feet. It should be 4 feet.

17 CHAIRPERSON GARCIA: Any members have
18 another question?

19 (No response.)

20 CHAIRPERSON GARCIA: Okay. I don't
21 know -- I think that for Ms. Hogan, I don't know if
22 the board agrees and also the public, since she has
23 her condition, if she wants to have -- any concern or
24 something, bring it here.

25 And this way you are willing to leave

1 whenever you want. If you also -- the client and the
2 expert -- accept any comment, any question, anything.
3 Let's bring Ms. Hogan --

4 MS. PEREIRAS: For Ms. Hogan we have no
5 objection whatsoever.

6 CHAIRPERSON GARCIA: Okay. Ms. Hogan.

7 MS. HOGAN: You know what, we've been to a
8 couple of meetings and, you know, I am against it. I
9 don't mind building on it. But to have 38 units, I
10 think it's ridiculous. I live on 13th Street. The
11 traffic coming up 13th Street is unbelievable.

12 Last night coming home, every corner had a
13 car parked illegally. You're saying you're building
14 two parking spaces. Let's face it, you have four
15 people in a house with a driver's license, they all
16 have cars. My thing is, why does it have to be 38?
17 Why can't it be less?

18 I suggested a little area for a park for
19 the kids instead of building every available space
20 there is for these apartments. We are so densely
21 populated as it is, it's ridiculous. And it's going
22 to bother me on 13th Street.

23 Also, I am not a fan of having the
24 electric there for people to do their cars. There's
25 been talk. There's been fires. It's too close to

1 me. I can't see why we can't have less than 38.

2 UNIDENTIFIED SPEAKER: 32.

3 MS. HOGAN: 32, 32. And then what happens
4 if these don't get sold? What happened next door?
5 They laid dormant. Homeless were in there until they
6 went in there and took care of it. I went past there
7 last Thursday.

8 And I know, Manny, you said that the
9 building is going to be smaller than the existing
10 building that's there. I need numbers. Because I
11 looked there and I can't imagine a garage on the
12 first floor, then you have the first floor with the
13 apartments, then you have the second with the
14 apartments, and then you have a roof on top.

15 We live there and I am very upset with it.
16 It's like I'm being pushed out of my own home, and
17 we've been there for years. I don't know why there
18 has to be so many apartments. So, I want it noted
19 that I am against it. I don't mind you building
20 there, but we do not need 32.

21 CHAIRPERSON GARCIA: Ms. Hogan, did you
22 mention that you met with them more than one time?

23 MS. HOGAN: I have a lot of neighbors here
24 today. We went to meetings.

25 CHAIRPERSON GARCIA: Give me just one

1 second to consult.

2 MR. PEREIRAS: Mr. Chairman, just so you
3 know, we've met with the public at a formal event
4 three times in the past. So we invited the neighbors
5 and we presented three versions of this project to
6 make sure and talk to the neighbors. We have a lot
7 of neighbors in opposition. We have a lot of
8 neighbors in favor of the project. I think there's
9 both in the audience today. We tried to work with
10 them. Every single rendition we made it better. We
11 listened to their concerns, and that's how we've got
12 to this board. Like I said, this is part of the
13 neighborhood.

14 CHAIRPERSON GARCIA: We want to be fair
15 with both.

16 MR. RICHARDSON: That's why we're here.
17 We spent the time to come here. We've been to the
18 three meetings before, and we've been here every
19 time. I can look around and look at the people --

20 MR. VALLEJO: Sir.

21 MR. RICHARDSON: We're neighbors --

22 MR. VALLEJO: Sir. Sir, please. One
23 second.

24 CHAIRPERSON GARCIA: Because you have to
25 state your name and address. That's why.

1 MR. RICHARDSON: No problem. My name is
2 Andrew Richardson. I live on 12th Street, 617-619 --

3 CHAIRPERSON GARCIA: One second. One
4 second.

5 Let's do something. Okay. Just to show
6 you -- let me explain to the public our process.
7 We're going to listen --

8 How many experts do you have?

9 MS. PEREIRAS: We have two additional.

10 CHAIRPERSON GARCIA: Two.

11 MS. PEREIRAS: Correct.

12 CHAIRPERSON GARCIA: Let's wait for the
13 two other experts, and then we'll open to the public.

14 MS. PEREIRAS: Sure.

15 CHAIRPERSON GARCIA: And then we, as
16 members of the board, we're going to approach all the
17 questions all together also.

18 MS. PEREIRAS: I think that's a fair
19 approach, Chairman.

20 CHAIRPERSON GARCIA: Okay. Perfect.

21 MR. T. PANEQUE: Before we get off from
22 Mr. Pereiras, I do have some questions for
23 Mr. Pereiras.

24 Mr. Pereiras, your depiction there, A-1
25 shows -- let's call it a driveway or a row, okay.

1 MR. PEREIRAS: Yes.

2 MR. T. PANEQUE: Is there a sidewalk for
3 these homes?

4 MR. PEREIRAS: Yes. There is pavement in
5 front of them.

6 MR. T. PANEQUE: Is this pavement marked
7 off by a curb where cars cannot go where that
8 sidewalk is?

9 MR. PEREIRAS: It currently is not, but we
10 can definitely provide a curb if this board feels
11 that's appropriate. We can make it a sidewalk, an
12 actual sidewalk as well.

13 MR. T. PANEQUE: Well, from a safety
14 perspective, you're building 16 homes here with a row
15 that has no curb cut, no protection, no sidewalk,
16 where you're going to have cars jockeying in and out.
17 And where are these pedestrians that are supposed to
18 be getting into these homes plus their visitors
19 supposed to traverse this area which is a hundred
20 something feet? So see where the dilemma is?

21 MR. PEREIRAS: No. I don't understand the
22 dilemma. Each of these are curb cuts.

23 MR. T. PANEQUE: No. They're curb cuts
24 into the driveways.

25 MR. PEREIRAS: Correct.

1 MR. T. PANEQUE: Where are the pedestrians
2 going to walk? Are they going to walk in the middle
3 of this road?

4 MR. PEREIRAS: So this is the road in one
5 hatch. And then this is the path, the sidewalk path
6 on the other hatch.

7 MR. T. PANEQUE: So you do have a sidewalk
8 path?

9 MR. PEREIRAS: Yes.

10 MR. T. PANEQUE: Is that sidewalk path
11 protected by a curb?

12 MR. PEREIRAS: Currently, no. But we can
13 definitely provide that. I think it makes -- it's a
14 brilliant comment.

15 MR. T. PANEQUE: Second concern that I
16 have here is, in the event of a fire and you need to
17 get fire department trucks and ladders and so
18 forth in there.

19 MR. PEREIRAS: Better access than
20 95 percent of buildings in Union City. You can get a
21 truck all the way through down to the bottom.

22 MR. T. PANEQUE: Okay. Is there a turning
23 radius?

24 MR. PEREIRAS: It doesn't need to have a
25 turning radius because it's less than 300 feet in

1 depth. There is no need for a turning radius for
2 fire trucks and emergency vehicles. And we have a
3 traffic consultant that can speak to this better than
4 I can. But we are under the dimension that is
5 required, because an emergency vehicle like a fire
6 truck could pull in and pull out, which is much
7 better access than most structures all over Union
8 City.

9 MR. T. PANEQUE: And my last question is
10 is we're talking about emergency access vehicles,
11 okay. What provisions are going to be taken in order
12 to assure that the owners and residents of these
13 homes do not park their vehicles on this 23-foot
14 road?

15 MR. PEREIRAS: They wouldn't be able to
16 because they would obstruct the road.

17 MR. T. PANEQUE: So the entire section
18 there will be a no parking zone?

19 MR. PEREIRAS: Yes. And we provided -- to
20 address one of Ms. Hogan's concerns, we have four
21 parking spaces for each one of these two-family
22 units. So each unit -- and these are small. They're
23 770 square feet each. So they're small homes with
24 two parking spaces each. They're very well
25 over-parked for this neighborhood.

1 MR. T. PANEQUE: And with respect to the
2 road, is this road intended to being passed on to the
3 city, or will it remain a private road?

4 MR. PEREIRAS: It will remain a private
5 road, plowed privately and maintained privately.

6 CHAIRPERSON GARCIA: Also, what is in the
7 plans, the garbage?

8 MR. PEREIRAS: It's in the garage area.

9 CHAIRPERSON GARCIA: And how is it going
10 to be so the DPW have to get in all the way to the
11 end to pick up the garbage?

12 MR. PEREIRAS: No. Just like every other
13 building in Union City and every single house in
14 Union City, the owner will be responsible to bring it
15 to the curb. And since this is a complex, the
16 complex will have someone take that to the curb.

17 CHAIRPERSON GARCIA: That's one of the
18 issues that we have here as a board. We don't do any
19 sourcing, so you can come with any answer --

20 MR. PEREIRAS: But that comment could be
21 made to every single project in the entire city.

22 CHAIRPERSON GARCIA: Yeah, but this is
23 completely different because you have a hundred
24 something -- how big is the lot?

25 MR. PEREIRAS: 176 feet.

1 CHAIRPERSON GARCIA: 176 feet. You don't
2 have any place for garbage, like outside where people
3 bring it outside?

4 MR. PEREIRAS: No.

5 CHAIRPERSON GARCIA: I live in the last
6 unit. I don't have any place when I come out, so I
7 have to throw it -- I have to put it on the --

8 MR. PEREIRAS: Your garbage bins are in
9 your garage. And then when garbage day comes, you
10 take it to the curb.

11 CHAIRPERSON GARCIA: When they take it to
12 the "garage" space -- you have gas meters or you have
13 water meters?

14 MR. PEREIRAS: Behind the gas meters. You
15 could put it there. We can enclose it in a room if
16 you'd like. It's a closet. That's not a problem.

17 CHAIRPERSON GARCIA: You're talking about
18 32 families, Mr. Pereiras.

19 MR. PEREIRAS: But these are working
20 individuals, two-family houses, and it's very typical
21 to have your garbage in the garage.

22 MR. T. PANEQUE: And when you say "bring
23 it to the curb," are you saying bring it to the front
24 of your house or all the way down to 12th Street?

25 MR. PEREIRAS: No. It would have to come

1 all the way down to 12th Street.

2 MR. T. PANEQUE: So you don't expect a
3 garbage truck to pull in all the way 170 feet?

4 MR. PEREIRAS: Not at all. Definitely
5 not. That would be unreasonable. It's a private
6 road. They would be responsible to bring it to the
7 curb at 12th Street.

8 MR. SPATZ: Mr. Chairman, I have a
9 question of Mr. Pereiras.

10 The garages of the units that are opposite
11 each other, are the garage doors opposite each other,
12 or are they staggered?

13 MR. PEREIRAS: They're staggered but they
14 overlap with each other because the entire width of
15 the unit is 21 feet, so every single one overlaps.

16 MR. SPATZ: Okay. Because I'm concerned
17 that if two cars are backing out of opposite units,
18 that, you know, there may be a conflict perhaps
19 if the -- you know, it would obviously involve a
20 redesign. And maybe that's where we're headed. But
21 if the doors are opposite each other and the
22 neighbors are pulling out at the same time, you have
23 a conflict.

24 MR. PEREIRAS: We have about 30 feet
25 between garage door to garage door. And we have a

1 traffic consultant who will testify to that. But I
2 believe 30 feet is more than enough for cars to turn.
3 That's less than some of our Union City streets.

4 MR. SPATZ: I realize it. I think that
5 that's an issue throughout Union City. We have the
6 ability to create something new and eliminate that if
7 that's a possibility. But I'll wait for the traffic
8 expert to respond to that as well.

9 MS. PEREZ: Two cars fit here at the same
10 time? They can both be coming out?

11 MR. PEREIRAS: Yes. It's more than ample
12 to have two-way traffic. That's why it's that size.

13 MS. O'DELL: Is that view from the inside
14 of this driveway?

15 MR. PEREIRAS: Yeah. That's the view
16 facing the houses from the inside, and this is the
17 view from both.

18 MS. O'DELL: The first picture there,
19 there's no -- it looks like the car is on the --

20 MR. PEREIRAS: It's a rendering. It's not
21 perfect.

22 MS. O'DELL: Yeah. And then there's a
23 human walking right next to it.

24 CHAIRPERSON GARCIA: Any other question to
25 the architect?

1 MR. PEREIRAS: It's a street and then
2 pavers. And Mr. Paneque made a great point. We
3 could raise that so it's a sidewalk. It's a great
4 point.

5 CHAIRPERSON GARCIA: Any other questions?
6 (No response.)

7 CHAIRPERSON GARCIA: Let's go to another
8 expert.

9 MS. PEREIRAS: Sure.

10 CHAIRPERSON GARCIA: Before we go to
11 another expert, we're going to take a two-minute
12 break.

13 (Recess was taken.)

14 MR. VALLEJO: Back on record, please.

15 MR. T. PANEQUE: Ms. Pereiras, before we
16 proceed with your application, we're just going to go
17 off the calendar a minute. And since we anticipate
18 that your application is going to probably the
19 majority of the evening, we don't want to have other
20 applicants just waiting around to be told that late
21 in the evening that they should be going home.

22 MS. PEREIRAS: I completely understand.

23 (Pause in the matter of Union City Living,
24 LLC to hear other applications.)

25

* * * *

1 MARGARITA ONOFRE -

2 136 37th Street

3 Block 223, Lot 8:

4
5 MR. T. PANEQUE: So we're going to go now
6 to, Mr. Chairman, Number 3.

7 CHAIRPERSON GARCIA: We're going to go to
8 136 37th Street.

9 MR. VALLEJO: That's Margarita Onofre?

10 CHAIRPERSON GARCIA: Yes.

11 MR. VALLEJO: Mr. Alonso, please.

12 MR. ALONSO: Good evening, Mr. Chairman,
13 Members of the Board. For the record, Alvaro Alonso.
14 Notices were accepted at the last hearing and carried
15 to this evening. It's my understanding that given
16 the size of the application that you have this
17 evening, it would be carried. I would waive any time
18 periods for the board to take action.

19 CHAIRPERSON GARCIA: Carlos, for the next
20 meeting, December?

21 MR. VALLEJO: December 12th. 12/12. Same
22 place.

23 CHAIRPERSON GARCIA: First of all, thank
24 you for waiving the statutory, and I'm going to make
25 my motion to carry this application for the December

1 meeting that will take place here at the Union City
2 High School on December 12, 2024.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Motion to adjourn this
5 application by Mr. Garcia. Seconded by
6 Ms. Gutierrez.

7 Roll call on the motion.

8 Mr. Garcia.

9 CHAIRPERSON GARCIA: Yes.

10 MR. VALLEJO: Mr. Grullon.

11 VICE CHAIRPERSON GRULLON: Yes.

12 MR. VALLEJO: 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: Ms. Pena.

21 MS. PENA: Yes.

22 MR. VALLEJO: Seven in favor. Motion
23 carries.

24 MR. ALONSO: Thank you very much. Have a
25 good evening.

1 MR. T. PANEQUE: If any members of the
2 public are here on the application of
3 136 37th Street, this application is being carried to
4 the December 12th meeting at this location with no
5 further notices.

6 MR. ALONSO: Thank you. Have a Happy
7 Thanksgiving.

8 * * * *

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

5 MR. VALLEJO: The next one is Sakiri Real
6 Estate Management, LLC, 4101-4103 Bergenline Avenue.

7 Mr. Lopez.

8 MR. LOPEZ: Good evening, Mr. Chairman,
9 Members of the Board.

10 MR. T. PANEQUE: Mr. Lopez, do you have a
11 request for this board?

12 MR. LOPEZ: I do. Similar to Mr. Alonso's
13 request, given the nature of the application that you
14 have pending, that you're presently hearing and the
15 time that will be allotted to the experts and the
16 number of citizens that are here, we're asking that
17 we be carried to the next meeting also.

18 I've previously submitted jurisdictional
19 documents at a prior meeting, and I would waive any
20 statutory time limits for a decision.

21 MR. T. PANEQUE: Thank you, Mr. Lopez.

22 CHAIRPERSON GARCIA: Thank you, Mr. Lopez.
23 I make my motion to carry this application to the
24 December meeting, December 12, 2024.

25 MS. GUTIERREZ: Second.

1 MR. VALLEJO: Motion on the table by
2 Mr. Garcia. Seconded by Ms. Gutierrez.

3 Roll call on the motion to adjourn this
4 application for December 12, 2024, same place.

5 MR. VALLEJO: Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. O'Dell.

14 MS. O'DELL: Yes.

15 MR. VALLEJO: Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

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

21 MR. T. PANEQUE: If anybody here from the
22 public is here for 4101-4103 Bergenline Avenue, this
23 application is being carried to the December 12th
24 meeting with no further notices at this location.
25 Thank you, Mr. Lopez.

1 MR. LOPEZ: Thank you all. Happy
2 Thanksgiving.

3 MR. T. PANEQUE: Happy Thanksgiving.

4 * * * *

UNION CITY LIVING, LLC -

614-622 12th Street

Block 49, Lots 43, 44, 45, 46, 47 & 48:

(After a pause to hear other applications, the matter of Union City Living, LLC, resumed as follows:)

MR. T. PANEQUE: Is there anybody else here in the audience not in relation to the application that is currently being presented?

(No response.)

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

(No response.)

MR. T. PANEQUE: None.

MR. VALLEJO: We'll go back to the previous application.

MS. PEREIRAS: We'll proceed now with our traffic engineer, Mr. Peregoy.

* * *

CRAIG PEREGOY, after having been duly sworn, did testify as follows:

MS. PEREIRAS: Mr. Peregoy has testified before this board in the past as a traffic engineer, and I ask that he be accepted this evening as well.

CHAIRPERSON GARCIA: Our pleasure to have

1 you here.

2 MR. PEREGOY: Thank you.

3 MS. PEREIRAS: Mr. Peregoy, if you could
4 give the board the courtesy of your testimony on this
5 matter.

6 MR. PEREGOY: Sure. We did take a look at
7 this in terms of traffic impact, which probably I
8 think is lesser important than the geometric impact,
9 but I'll give you the traffic analysis first.

10 We took traffic down along 12 Street just
11 to see how active it was. It's actually not that
12 busy of a street. 13th Street, I agree, is a little
13 busier. Looking at the weekday morning and the
14 evening peak hours, traffic volume on 12 Street is a
15 one-way street. It's about a hundred vehicles per
16 hour, which is not a heavily traveled street.

17 In terms of the traffic generation by the
18 proposed development, we used the ITE, or the
19 Institute of Transportation Engineers statistics to
20 project how many cars would come in and out during
21 those peak hours and then assume that the peak hour
22 of this project is the exact same hour as
23 12th Street. The ITE data tells me that we have a
24 total of 17 vehicle trips in the morning peak hour
25 and 11 vehicle trips in the evening peak hour. A

1 trip is a car either entering or exiting. Obviously,
2 a residential development in the morning during the
3 week, most of them are leaving. In the evening most
4 of them are returning.

5 It's a simplified configuration because
6 it's a one-way street. It's a left in and a left
7 out. It's not two-way traffic there. And the
8 combination of that low roadway volume, the
9 simplified configuration, and the relatively low
10 traffic generation of the project, it gives me a good
11 analysis of the driveway. It would operate very
12 minimal delay. The level service is "A" in both the
13 morning and the evening peak hours. So, certainly
14 not anticipating to have any issues with the
15 connection here at 12th Street.

16 What I think is good about this project is
17 we have the one access point along this much
18 frontage, so we're not losing too much on-street
19 parking, whereas if you had several homes facing
20 12th Street, you'd lose a lot more on-street parking.
21 So I think that's a benefit.

22 Now, in terms of the geometry, which I
23 think is more of what has been discussed here
24 tonight, the residential site improvement
25 standards -- I know we're talking about is it a road?

1 Is it a driveway? What is it? Per the RSIS this is
2 defined as a multifamily court. And the picture even
3 in the RSIS almost looks like the site plan that's in
4 front of you. It's really the example that they
5 give.

6 Multifamily court without on-street
7 parking only needs to be 20 feet wide. But as
8 Mr. Pereiras mentioned, we thought it made a lot more
9 sense to go a little bit wider than that 20-foot
10 width. So we're exceeding what the RSIS would
11 require, 23 feet. That does two things. It makes it
12 a little bit better flow for two-way traffic. It
13 addresses Mr. Spatz's concern about people backing
14 out at the same time. It gives you a little more
15 room, and it allows a little more room for somebody
16 got lost, went down the street and didn't know where
17 they were going. They could make a K-turn and back
18 out a lot easier and pull back out.

19 In terms of an actual formal turnaround at
20 the end, the RSIS is very clear that you do not need
21 to provide a cul-de-sac or a means of turning around
22 if the roadway is less than 300 feet. So we're at a
23 176-foot depth, so there's no need for a cul-de-sac
24 or a turnaround. Like I said, with that extra 3 feet
25 and the 4 feet sidewalk area, there would be no

1 problem for a police car, an ambulance, or a regular
2 passenger vehicle to make a K-turn and pull out of
3 there.

4 Just to give you the section in the RSIS,
5 it specifically says, "Multifamilily courts need not
6 be provided with a means of turning around. However,
7 their length shall not exceed 300 feet." So, that's,
8 you know, straight out of the RSIS design. Again,
9 the example that they give you looks just like what
10 we've got here on our site plan.

11 In terms of parking, we have the two
12 tandem spaces for each unit, so we actually meet the
13 RSIS requirement for parking, which matches your
14 ordinance requirement. The RSIS recently switched
15 their requirements to meet maximums and not minimums.
16 But Union City ordinance refers to what used to be
17 the minimums. So in either way we meet it. We have
18 two spaces per unit and the garages all throughout.
19 So no deviations whatsoever from the RSIS. As a
20 matter of fact, we're exceeding it in terms of the
21 roadway width, and really this meets the letter of
22 what is described in terms of the geometric layout.

23 I completely agree with Mr. Paneque's
24 suggestion of creating a sidewalk here. I actually
25 mentioned that before we got started. I definitely

1 would want a sidewalk, connecting the sidewalk to the
2 street, and that's not a problem. Those plans could
3 be revised and have that protected with the curb. It
4 makes all the sense in the world in terms of safety.

5 That's really it from a traffic impact
6 perspective. I think geometrically it's good. We
7 have enough parking. And it's a better design for a
8 property this size, short of your typical multifamily
9 building with a garage in there.

10 CHAIRPERSON GARCIA: I understand that you
11 grade the traffic like as A, B, and C, right?

12 MR. PEREGOY: Any intersection is graded
13 and is based on the delay per vehicle calculations.
14 An "A" is the best or the least. So this driveway
15 would be an "A." You'd have no problem getting out.

16 CHAIRPERSON GARCIA: However, you mention
17 that you're going to have 18 vehicles in rush hour
18 morning.

19 MR. PEREGOY: Yes. At the driveway, less
20 everywhere else.

21 CHAIRPERSON GARCIA: Do you know that --
22 these are only one way, right?

23 MR. PEREGOY: One way.

24 CHAIRPERSON GARCIA: Going east.

25 MR. PEREGOY: Yeah.

1 CHAIRPERSON GARCIA: And going east you're
2 right away going to have a corner with west street,
3 right there.

4 MR. PEREGOY: Right.

5 CHAIRPERSON GARCIA: Right? And the next
6 one you're going to have Morris. However, everything
7 going to Bergenline Avenue there's a traffic light.
8 Did you do the counts there?

9 MR. PEREGOY: No, we didn't there.
10 Because by the time that you get there, this is going
11 to be so much farther diluted. The most you have
12 coming out in the peak hours in the morning is 15
13 cars to make a left out of here at a level of service
14 "A." At that point some of them are probably going
15 to use Morris to get back to the west and then some
16 of them are going to go to Bergenline. So you're
17 going to even split that farther. So even at a full
18 15 cars, that's such a small amount of traffic.

19 Usually, you would be concerned that there
20 would be a change in the level of service for a
21 hundred or more cars, a hundred or more trips at a
22 peak hour. That's what DOT uses. That's what the
23 ITE uses. That's the standard. Check and make sure
24 it's going to work if you're at a hundred. We're
25 going to be at less than 15. So there's not going to

1 be any impact there. Of more concern to me was that
2 the driveway was going to work, you know, make sure
3 that 12th Street isn't backed up past the driveway
4 all the time. We don't have any of that situation
5 here. So from a safety perspective and how this is
6 going to work and efficiency, it's going to work
7 fine. That traffic is diluted as soon it comes out
8 of here in different locations and will have no
9 impact.

10 CHAIRPERSON GARCIA: How long do you have
11 that you don't drive -- when was the last time that
12 you drove in Union City? I mean, when I say "Union
13 City," we're talking about let's say Bergenline
14 Avenue, 32nd Street, Hudson Avenue?

15 MR. PEREGOY: I just drove all that
16 tonight because I was doing the parking, something
17 else, yeah.

18 CHAIRPERSON GARCIA: If I tell you that
19 from Mountain Road to 38th Street this morning it
20 took me like 40 minutes, do you believe me?

21 MR. PEREGOY: I believe you.

22 CHAIRPERSON GARCIA: And I think that that
23 specific block between Central Avenue -- or those two
24 blocks, Central Avenue and Bergenline Avenue, that
25 traffic light there with the kids and buses coming

1 south and all the parents that are trying to take
2 12th to Colin Powell or one of the schools, I mean,
3 you know, I respect your opinion, but I think 15 more
4 cars there makes an impact.

5 MR. PEREGOY: I could tell you, I can
6 assure you that it will not. You got to put it in
7 perspective of what 15 cars is. It is not. That's
8 one car every four minutes. You start down the road
9 and a car goes by and then you start your stopwatch,
10 it would be four minutes. That's when the next one
11 comes out. No one would even notice.

12 CHAIRPERSON GARCIA: If you take that
13 block at 7:30 a.m., I could tell you that you're
14 going to probably take like three times the light,
15 probably more than three.

16 MR. PEREGOY: I'm not saying that that
17 intersection works well. I'm sure it doesn't. But
18 this isn't going to make it work any noticeably
19 worse. You wouldn't notice the difference one day to
20 the next, no way.

21 CHAIRPERSON GARCIA: Also, is there any
22 study that shows you how many visitors it will
23 create, the 32 units? And where is this application
24 contemplating to park the visitors? Are all those
25 visitors going to be adding more cars on the street?

MR. PEREGOY: The RSIS is very explicit. I don't know if that part of it was transposed into your order. They're very explicit that the numbers that they require includes visitor parking spaces. So we meet the requirement for the residents and the visitors.

CHAIRPERSON GARCIA: Yeah. But that doesn't mean that that application doesn't mitigate, doesn't increase the parking situation in the specific area.

MR. PEREGOY: On our site. We meet the requirement.

CHAIRPERSON GARCIA: Come on. If I go there, where am I going to park to visit them? You know what I mean? It's like, okay, you are complying with the two parking per unit. And I have a lot of questions about the size of the parking also. Because one thing is on paper and one thing is the practice. Okay?

MR. PEREGOV: Well, we meet the requirement.

CHAIRPERSON GARCIA: We are not reserving any two, three spaces for visitors, no spaces for visitors?

MR. PEREGOY: There's nothing on here now

1 specifically for visitors. And if I had a visitor --
2 several of these are likely to only have one car.
3 The visitor can just park behind that person's car,
4 you know. But the number is built in there.
5 Realistically, if this gets parked the way this block
6 is, this tract --

7 CHAIRPERSON GARCIA: If I tell you that I
8 know people in Union City who pay over \$300 for a
9 parking space per month, do you believe me?

10 MR. PEREGOY: Of course. Yes.

11 CHAIRPERSON GARCIA: Okay. That tells you
12 the parking crisis that we have here in Union City.

13 MR. PEREGOY: A hundred percent. That's
14 why we want to make sure we're not asking for a
15 parking variance here. We're not. Union City in
16 this particular neighborhood, this specific
17 neighborhood right around this block per the census,
18 vehicle ownership is .88 per unit. So if you did
19 that here, that would be 28 cars. So if this gets
20 parked just like the rest of this neighborhood, 28
21 cars.

22 CHAIRPERSON GARCIA: My friend, I used to
23 live at 1200 Central Avenue back in 1999. In 1999,
24 25 years ago, sometimes it takes me an hour and a
25 half at nighttime to get parking.

1 MR. PEREGOY: Vehicle ownership was much
2 higher.

3 CHAIRPERSON GARCIA: 25 years ago.

4 MR. PEREGOY: Hey, the street parking is a
5 problem here, so we want to make sure we do not ask
6 for a parking variance and we are not.

7 CHAIRPERSON GARCIA: So we're going to
8 block any visitors in that 32 units?

9 MR. PEREGOY: Visitors parking is included
10 in there. They can park in the garage of the person
11 they're visiting.

12 CHAIRPERSON GARCIA: And if I have two
13 cars in my case, I pull it out, right?

14 MR. PEREGOY: Maybe you got a nice
15 neighbor that will let you park in her spot.

16 MS. PEREZ: How about the delivery people?
17 There's a lot of units there, people that have a lot
18 of deliveries. Is there a spot delivery people can
19 make drop-offs?

20 MR. PEREGOY: I heard you mention like a
21 Uber or Grubhub.

22 MS. PEREZ: Yeah.

23 MR. PEREGOY: More than likely, they'll
24 pull in. And, like I said, there's plenty of room
25 for them to turn around and come back out. The

1 Amazon or whatever, if we give them a loading zone in
2 here, they won't come onto private property. So
3 wherever they're delivering to all the other people
4 in the area, they'll just have an extra stop here.
5 Just the same as --

6 MS. PEREZ: Wouldn't that impact the
7 traffic in that -- what do you call it?

8 MR. PEREGOY: Multifamily court.

9 MS. PEREZ: Not so much there, but won't
10 that impact the traffic in the neighborhood for the
11 deliveries because they're not going to go on there
12 to do it.

13 MR. PEREGOY: Not anymore than it does
14 today. Nobody in the neighborhood -- people get
15 Amazon deliveries in this neighborhood all the time.

16 MS. PEREZ: But there's not going to be
17 32 units. I'm saying won't that impact the traffic?

18 MR. PEREGOY: Not anymore than it does
19 today. I mean, the Amazon driver, however he
20 delivers to this person here, they'll deliver to that
21 person and then walk over here and deliver to these
22 people. It's not going to be any different.

23 MS. O'DELL: I have a question. These
24 people park in here, the owners have their parking
25 spots. Are they required to have residential parking

1 stickers like the rest of us, or are they just going
2 to be hidden away and nobody is going to see that
3 there's a number of cars --

4 CHAIRPERSON GARCIA: To park on the
5 street?

6 MS. O'DELL: Huh?

7 CHAIRPERSON GARCIA: To park on the
8 street?

9 MS. O'DELL: Well, because they're all
10 parked in garages. I know people have gotten tickets
11 parking in their own driveway because they didn't
12 have a residential sticker. Are they going to be
13 required to get residential stickers?

14 MR. T. PANEQUE: They won't be able to
15 park in the driveways.

16 MS. O'DELL: No. Inside their garages.
17 So, like, regardless, would they require residential
18 parking stickers being if a guest comes over and they
19 got to go outside and park their car? Do you
20 understand what I mean? Because their cars are going
21 to be hidden. So I've known people who have parked
22 in their own driveways on their own property and
23 gotten tickets for residential. Do you understand
24 what I'm saying? Are they required to have
25 residential stickers if you're parked inside of a

1 garage?

2 MR. T. PANEQUE: No. Not inside a garage,
3 no.

4 MS. O'DELL: Not inside a garage.

5 MR. T. PANEQUE: But the way these homes
6 were designed, it doesn't have a front driveway.

7 MS. O'DELL: So they can't park outside of
8 their garage?

9 MR. T. PANEQUE: Mr. Pereiras, am I
10 correct in that?

11 MR. PEREIRAS: Yes.

12 MR. T. PANEQUE: There is no apron. These
13 properties are set -- the building itself comes up to
14 the what we call the street or the road. So they
15 don't have that -- usually there's 16-foot or 18-foot
16 driveway in front of the garage. And in Union City
17 you are required to have that if you're going to park
18 there, but these cars are going to be under the
19 house, inside.

20 MS. O'DELL: Okay. Okay.

21 MR. PEREGOY: And I think a lot of times
22 you try to get -- if you don't get that 18 feet of
23 space, it doesn't actually count as a parking space
24 in the RSIS. Just short of that, you're going to
25 encourage people to park there. I like this design

1 where you only got the 4 feet, so nobody is going to
2 try to park there because you wouldn't fit. You
3 don't want people trying to squeeze in there, which
4 happens a lot. So you either give the full 18 feet
5 or you don't give anything.

6 CHAIRPERSON GARCIA: Any other questions?

7 (No response.)

8 MS. PEREIRAS: We'll wrap up with our
9 planner.

10 * * *

11 ALEXANDER DOUGHERTY, after having been duly sworn,
12 did testify as follows:

13 MS. PEREIRAS: Mr. Dougherty has also
14 testified before this board in the past, and I ask
15 that he be accepted as an expert in the field of
16 planning.

17 CHAIRPERSON GARCIA: Pleasure.

18 MS. PEREIRAS: Thank you so much.

19 MR. DOUGHERTY: Good evening. As usual,
20 there is a packet of maps and photographs. I'll pass
21 that out to the board.

22 CHAIRPERSON GARCIA: That will be marked,
23 the packet, as A-1.

24 MS. PEREIRAS: We have exhibits through
25 A-6. So this would be A-7.

1 MR. T. PANEQUE: A-7, so I stand
2 corrected.

3 * * *

4 (Packet of maps and photographs provided
5 by Mr. Dougherty was marked A-7 for identification.)

6 * * *

7 MR. DOUGHERTY: So the exhibit packet
8 before the board consists of I believe it's 10 pages.
9 As usual, Slide 1 is reflective of the property in
10 question outlined in red. And as detailed in the
11 planner's report, we are in the "R" zone, the
12 low-density residential zone. We are here for that
13 variance, that D(1) use variance.

14 The remaining slides and photographs this
15 board is familiar with will really illustrate
16 existing conditions of the site. Some of the big
17 takeaways when we look through the exhibit packet
18 here is really how low the property is in comparison
19 to 13th Street. We can see that giant retaining
20 wall. We can see some of the existing structures
21 within the neighborhood, the various design and
22 architectural features within the neighborhood,
23 particularly on 12th Street, right across the street.
24 You'll see a fairly large apartment complex. You'll
25 see multifamilies with a flat roof. You'll see one

1 with almost a cone, second one in, various designs.
2 You'll see the fairly newer project that was
3 referenced earlier where there were, I guess, some
4 issues halted construction. Homeless people moved
5 in.

6 And if you recall the architect's
7 testimony, we're right in par with the height and
8 scale of the neighborhood. But what I want to point
9 out is the red structure off on the side here. You
10 know, we're below that red structure and height.
11 Dealing and having a couple of meetings with a lot of
12 the residents, that's been a discussion that we
13 talked about a great deal. This is not the first
14 iteration before you. We've had other designs. So
15 we're trying to strike that balance. And that's
16 really what this comes down to, striking a balance.

17 We've talked about this site collectively.
18 It is substantially oversized for the zone. The
19 minimum requirements is 2500 square feet. We are at
20 24,100 square feet. So it's substantially oversized.
21 It's a unique opportunity to do something here and
22 make the most efficient use of the property while
23 addressing the concerns that we hear time and time
24 again before this board, parking, parking, parking,
25 parking. This is an opportunity to come up with a

1 transformative project, something innovative,
2 something unique that really takes the site's
3 oversized scale and nature and use that for something
4 complimentary.

5 When we talk about the oversized nature,
6 for purposes, the minimum lot that is 100 feet.
7 We're at 167.67. So we're almost two times in depth.
8 You know, we're getting there. You know, we're
9 67 feet larger in depth. So we have a lot of extra
10 room on this site. When we talk about the minimum
11 lot width it's 25 feet. So when we talk about your
12 typical building, you know, multifamily in size and
13 scale, it's 25 by 100, a really tight and compact
14 lot.

15 So we have an opportunity to kind of
16 utilize this property and really try to bring in
17 something that otherwise what we look to bring value
18 while addressing many of the concerns. And, again,
19 that concern is parking. For that purpose, for
20 parking, we are not seeking a parking variance. That
21 RSIS, we meet that. For the purposes, for clarity,
22 that's not the minimum parking requirement. That's
23 the maximum parking requirement to impose on a
24 particular land use.

25 So, we have concerns about visitors and we

1 have concerns about guests and deliveries and so
2 forth. We're not seeking a parking variance. When
3 we talk about the design of this private road, this
4 inlet, if you will, with that, that width which we've
5 testified to. We can make it smaller. We don't need
6 it to be as wide. When we talk about a typical
7 parking stall on a street that's parking in tandem.
8 And a convenience store, they may be 9 by 18 in
9 depth. When you're doing tandem, they're a little
10 bit longer. So when you talk about that length, and
11 I'll leave that to the traffic expert, but you're
12 typically at that 20-foot mark, 22-foot mark, 21-,
13 you know, when you talk about tandem. So when we
14 talk about the width of this driveway, we're really
15 talking about removing one, approximately one car off
16 of 12th Street to put that drive outlet in.

17 So when we talk about trying to design
18 something with minimal impact respecting the concerns
19 of the community that we hear time and time again,
20 parking being that and not trying to disrupt that
21 existing fabric. But we do have a unique opportunity
22 here.

23 And that brings us to the use variance,
24 that D(1) use variance, the core of that is the
25 Medici test, which is site suitability. Is this site

1 strictly suited or what otherwise would be, for lack
2 of a better word, a row house, townhouses in this
3 design. Given the sheer size, the scale, the nature
4 of this site and the context here, I would argue it
5 does. This is an opportunity to find appropriate
6 populations and appropriate locations. You know,
7 this is an oversized lot, 24,100 square feet where
8 2500 is the minimum requirement.

9 When we talk about a lot of the variances
10 here that we have, it really does relate to the use
11 itself. When we talk about the lot area, we conform;
12 the lot width, we conform; the lot depth, we conform.
13 What's important to note too when we talk about the
14 design and nature of this project, when we talk about
15 overdevelopment, right, back to a test that I like to
16 look at is let's look at the maximum of building
17 coverage. 65 percent is permitted. So we're talking
18 about this whole collective site, from a building
19 standpoint, the building footprint. 65 is permitted.
20 We're at 63.6. So when we talk about the sheer
21 development on site, we're beyond that.

22 Let's look at the maximum lot coverage.
23 Maximum lot coverage is 65 percent -- I'm sorry --
24 95 percent. We're at 87.1. Again, so when we talk
25 about this is overdevelopment for this site, I'd

1 argue it is not. You have a unique site with a
2 unique opportunity. We're here for use variance
3 because these homes are interconnected. It's on one
4 lot. We do have that component here where there's
5 multiple structures on the property. If you see in
6 the exhibit packet, our immediate neighbor to the
7 rear has two structures on the property. It's not an
8 uncommon feature. It's not uncharacteristic of Union
9 City. A lot of sites I've seen out here flying the
10 drone around, we do have multiple structures on a
11 property. So we're certainly not out of character
12 here. I think when you talk about character here, we
13 want to enhance the character with a beautiful design
14 which would advance purposes of Municipal Land Use
15 Law.

16 From a planning standpoint, I would argue
17 that we could advance the purposes of the Municipal
18 Land Use Law, Purpose A, E, G, and I. "I" being
19 desirable visual environment. Purpose E would be
20 appropriate populations and the appropriate
21 locations. And Purpose G is certainly more efficient
22 use of land, and it could lessen such costs. And
23 Purpose A would be protecting the community's safety
24 and welfare.

25 When you talk about safety, designed to

1 all building codes and fire codes as we just
2 discussed. Fire and safety is paramount to any
3 application. We do not need to have the fire trucks.
4 The turnaround, as we've discussed, is not 300 feet
5 in depth or greater. We can certainly access this.

6 When we talk about the overall efficiency
7 of the building and the overall site, I would argue
8 Purpose C for adequate light, air, and open space.
9 But we are asking for row houses, and we are asking
10 for minimum separation. It's a design feature of
11 this property. The original concept we had was your
12 typical box in the middle of the property. So one of
13 these neighbors, we want to open it up, push it to
14 the side. We thought we could find something a bit
15 better. But for purposes of tonight's presentation,
16 when we look at this I think we can certainly strike
17 a balance here what that looks like. You know,
18 that's why we're in front of this board. We've met
19 with the community several times.

20 From a negative standpoint, I don't think
21 there's any negative detriment that we are not
22 familiar with that can't be addressed or hasn't been
23 resolved. The negative impact being parking,
24 parking, parking, traffic. So to be able to pull
25 these cars off 12th Street into the site, not request

1 a parking variance, have minimal impact on
2 12th Street as a way of taking away the existing
3 parking, so I think that's a benefit that we really
4 see coming to Union City.

5 When we talk about the overall condition
6 here, we don't really have too many properties in the
7 community that are like this, that give us an
8 opportunity to build something that would otherwise
9 be a fresh opportunity to design a new neighborhood
10 that would otherwise be its own kind of a pocket that
11 would add value and quality. So adding value and
12 quality to the site would certainly add value and
13 quality to the surrounding neighborhoods.

14 I do know from talking to the community,
15 there's issues associated with the site, with rodents
16 and so forth. We can have an opportunity to clean up
17 all this debris, all this overgrowth, clean it up,
18 add landscaping, curb appeal and the likes of that.

19 For purposes of, you know, the way this
20 project is designed, we have a lot of outside open
21 spaces as the roof decks and the roof terrace. This
22 is an urban core. Finding that ability to be outside
23 and relax, you know, have out morning cup of coffee,
24 we're trying to provide that on-site as well.

25 But for purposes of a negative standpoint,

1 I'm confident with the concerns of the community, the
2 concerns of the board can certainly be addressed to
3 avoid any negative impacts. We have a large site.
4 We have a big canvas, so it's just a matter of
5 striking that balance. The way I look at this use
6 variance, again, the site as it exists today would
7 otherwise be a two-family dwelling. I certainly
8 don't think that's the best use of that property or
9 the most efficient use of that property. I think we
10 can strike that balance.

11 So I understand there's a lot of community
12 input about this project. Some have concerns, some
13 don't. I'm confident given the sheer size of this
14 application and the thoroughness of the board, we can
15 strike a balance that would be better than this one-,
16 two-family dwelling on this site.

17 With that being said, whether it's 16
18 multifamilies, 14, 10, 18, we're going to be here for
19 the same exact variance which is a D(1) use variance.
20 But, again, use variance comes back to site
21 suitability. I think this site is suitable to house
22 more than one two-family dwelling no matter which way
23 you look at it. The design, I think we've come to a
24 really good design here. It's just a matter of
25 striking that balance, carrying those concerns to see

1 if we can massage this if need be to lessen that
2 degree.

3 And we talk about the overall application,
4 given this D(1) use variance is site suitability, I
5 would argue the criteria for site suitability is met
6 in advancing the purposes of the Municipal Land Use
7 Law. I don't think there's any detriment here that
8 would be substantial to not bring us a positive,
9 transformative project to the community.

10 And with that I'll rest for any cross. I
11 do know we have a long list of residents, and I'd
12 like to hear their concerns to see what we can do.

13 Is there anything else?

14 MS. PEREIRAS: No. You're good.

15 CHAIRPERSON GARCIA: Regarding the lot
16 depth --

17 MR. DOUGHERTY: Yes.

18 CHAIRPERSON GARCIA: -- when you said
19 that, you're not requesting that. You're proposing
20 the 176. I understand that. When it's required, you
21 only need two, right?

22 MR. DOUGHERTY: (No response.)

23 CHAIRPERSON GARCIA: The lot depth --

24 MR. DOUGHERTY: Yeah. It's a 102 cars.

25 CHAIRPERSON GARCIA: Right. Right. But

1 also you are turning -- if you go to what is in
2 reality, if this is constructed, you're not going to
3 have a 176-lot depth. You're going to have, what,
4 less than 70 because you turn the half --

5 MR. DOUGHERTY: Yes. The lot width is
6 140, yeah.

7 CHAIRPERSON GARCIA: Again, I love the way
8 that the experts play with the exposition. Yes, I
9 understand. It's complying with the depth. But your
10 application turned the construction and also is
11 splitting the lot. So in reality, if I go at the
12 end, you don't have that 176 lot depth per unit.

13 MR. DOUGHERTY: Mr. Chairman, I'm sorry if
14 you think I'm trying to play on words. The only
15 reason I brought that into the conversation is
16 because we're trying to build into that depth and
17 orientate the face of the structures that way. So
18 that's why I brought up the lot depth, that we have
19 such a large overhang that would otherwise just be
20 vacant space. If we just built along 13, there's
21 substantial void certainly underutilized. And,
22 again, as we discussed early on, it's one at this
23 point. One structure is going to be there. So
24 that's the only reason why. But for purposes of --
25 I'm not trying to mislead or play on words. I

1 brought that in there because I think from a design
2 standpoint, it would be beneficial to turn the
3 projects, whatever they may be, and try to make more
4 efficient use of that and build something or design
5 something that would otherwise take advantage of such
6 features that we really don't get to see in Union
7 City from a blank canvas standpoint.

8 CHAIRPERSON GARCIA: Thank you. Any other
9 questions?

10 VICE CHAIRPERSON GRULLON: I know you
11 mentioned that it's an oversized lot and it doesn't
12 make sense to build a one-, two-family house in that
13 oversized lot. When you say "oversized lot," you're
14 referring to one lot. According to the zoning map of
15 Z-3, you have five lots there, five lots. You got
16 43, 45, 46, 47, and 48, five lots that you can build
17 five two-family houses. You'll be able to build five
18 two-family houses with a nice front yard and a nice
19 back yard, a normal family house. You're just trying
20 to maximize the lot. The amount of units that you're
21 proposing here is just to maximize the lot. Is that
22 correct? Because you'll still be able to build ten
23 units, you know, on each lot on a two-family lot with
24 a nice front yard like the other houses have and a
25 nice back yard.

1 MR. DOUGHERTY: That's not necessarily
2 accurate. When we talk about -- could we do it that
3 way? Yes. And then all the parking on 13th Street
4 goes out. All those cars are backing out. Right?
5 We looked at this as an opportunity to do something
6 different that would otherwise be more of a benefit
7 for the overall community and to take advantage of
8 that.

9 VICE CHAIRPERSON GRULLON: How would that
10 be a benefit? You have 10 families living in the
11 neighborhood compared to 32 families?

12 MR. DOUGHERTY: Well, for purposes for my
13 closing, whether it's 16, 10 --

14 VICE CHAIRPERSON GRULLON: If you're able
15 to provide parking --

16 MR. DOUGHERTY: It's still going to
17 require the same variances. You're looking at this
18 as one lot. But for purposes of the use variance --
19 but what I'm saying, can we put them along
20 13th Street? We could. I would think that would be
21 more of a negative effect for the existing community
22 if we do it that way.

23 VICE CHAIRPERSON GRULLON: 12th Street,
24 no?

25 MR. DOUGHERTY: I'm sorry. 12th Street.

1 I do apologize.

2 VICE CHAIRPERSON GRULLON: No. No. I got
3 confused when you say building a two-family house in
4 an oversized lot after you combine this, it doesn't
5 make sense. You're not going to build a two-family
6 house in a lot that big.

7 MR. DOUGHERTY: But we certainly don't
8 want to do it one by one by one on 12th Street. I
9 think that's going to be more of a negative effect to
10 the neighborhood.

11 VICE CHAIRPERSON GRULLON: No, it would
12 not be. Because you will be providing enough
13 parking. And you would be providing a front yard.
14 You would be providing, you know, a big backyard for
15 the residents to have open air.

16 MR. DOUGHERTY: When we look at that
17 impact in the existing neighborhood, all that parking
18 along those five lots that you've identified, they're
19 gone on 12th Street. Those cars are backing in and
20 out. We still have the same conversation. Can we do
21 that? Maybe as a permitted use. But the same ones
22 we made before about what about visitors and so
23 forth. That's all the same. We want to not to
24 disrupt that 12th Street fabric, utilize that depth
25 and bring something into the site.

1 VICE CHAIRPERSON GRULLON: Yeah. I'm
2 concerned with that population in that neighborhood
3 with the amount of cars at the same time. I got your
4 point, you'd be losing maybe seven spaces in between
5 parking, but that's something that we're going to
6 have to --

7 MR. DOUGHERTY: I think there's a balance.
8 You know, this site is large. It's a blank canvas.
9 I think for purposes of the design, I think the
10 design is a pure design to bring anything in site
11 versus putting it against 12th Street.

12 MR. SAN MARTINO: It's like what the
13 Chairman said, it's so cute when they talk. But the
14 reality is another thing. I was talking today with
15 one of my friends. She has a second floor apartment.
16 And she was saying -- I said, "I'm afraid to drive
17 because when I get home, I don't find parking, I get
18 terrified." And she said, "I understand because when
19 I rented my second floor, it was two people, and now
20 they have four kids, and the four kids drive." Where
21 do they park? How are we going to control those
22 people who live there. Okay. They're going to move
23 in with two or three people, but they're not going to
24 stay three people. They're going to multiply. I'm
25 sorry. It looks cut but it's not in the reality.

1 It's not.

2 MR. T. PANEQUE: I have a question for you
3 before we proceed, Mr. Pereiras. I call your
4 attention to your exhibit page 3 of 10. If you can
5 look at page 3 of 10 on your exhibit.

6 MR. DOUGHERTY: Yes, 3 of 10.

7 MR. T. PANEQUE: What seems to be the
8 prevailing setback there for those other homes on
9 12 Street? Would you not from a planning perspective
10 have to agree that the proposed project is going to
11 stick out from what the prevailing setback is from
12 all the other homes there on 12th Street?

13 MR. DOUGHERTY: Yes. It's different,
14 yeah. It's a unique character.

15 MR. T. PANEQUE: Difference is, yes, it
16 will stick out. Okay. Now, you also indicated that
17 building a one-, two-family home on this oversized
18 lot would not be efficient use of that lot. But the
19 fact is that you have historically here 5 lots.
20 They've been combined as a matter of law because of
21 the unity of title. This application could have come
22 in as a subdivision for 5 lots without a use
23 variance, simple. And then you could have had 5
24 homes fronting 12th Street with enough setback to
25 match the prevailing there and enough parking spaces

1 and a very nice yard, which a lot of homes in Union
2 City lack, okay. So you would have beautiful 10
3 families with ample parking in the front and a
4 beautiful backyard and a tremendous home because you
5 could build an oversized home with 176 feet. So
6 where is the planning benefit to allowing 32 units
7 where by law we only would allow 10?

8 MR. DOUGHERTY: When we look at the
9 overall concept, you're talking about unit
10 population, kids, so forth. These are two-bedroom
11 units. We can build a two-family, four-,
12 five-bedroom, you know, in a big -- that's certainly
13 going to be a talking point, and that's going to
14 generate that. These are designed to be two
15 bedrooms. And for the unity title concept, how often
16 is there an opportunity to grab five consecutive
17 properties that are vacant? You know, for purposes
18 of that, this is an opportunity to do something
19 that's distinct, unique that would certainly drive
20 value and character to this area. If it pleases to
21 do row houses along 13th, as I've testified, I think
22 that would be more detrimental to the existing fabric
23 of that neighborhood.

24 MR. T. PANEQUE: The existing fabric of
25 that neighborhood --

1 MR. DOUGHERTY: All those parking stalls
2 that you're looking at on page 3 in front of the site
3 would be gone.

4 MR. T. PANEQUE: Yeah. But you'll have
5 the parking spaces in front of each house.

6 MR. DOUGHERTY: Those are residents that
7 live here today --

8 MR. PEREIRAS: May I interrupt for just
9 one second?

10 MR. T. PANEQUE: Yes, Mr. Pereiras.

11 MR. PEREIRAS: I think this is very
12 important. I think, Mr. Gullon and Mr. Paneque,
13 you've made extremely great points. In theory, we
14 can go not even before this board, we can go before
15 the Planning Board and get a subdivision for five
16 lots, maybe even six lots, and even the six lots
17 would be oversized lots.

18 Now, and this is -- I'm sharing my
19 opinion, and I know not everyone in the audience is
20 going to agree with it, and maybe not even the board
21 will agree with it. But when we present projects as
22 architects and planners, we really consider what our
23 multiple options are. When we're building, if we
24 were to go with that plan and we had six -- let's
25 just say five for the argument, less, even though I

1 think six would be totally reasonable to ask. If we
2 build six houses, we would be building six,
3 two-family houses that, as you said, Mr. Paneque, are
4 going to be much larger. Okay? These are going to
5 be four- or five-bedroom units for each of these
6 units. You're going to have two, five-bedroom units
7 on each of these lots. When you do that, you are
8 still only required to have four parking spaces in
9 total for each of these houses. And we're going to
10 create an apron, all 146 feet, along 13th Street.
11 That means all the parking for the entire
12 neighborhood is gone. And we have five bedrooms,
13 maybe six bedrooms. We have a lot of space to go
14 back. The developer may likely want to build more
15 bedrooms. That means you're going to have a lot more
16 people in each of these houses. So the net outcome,
17 the 0 outcome is that by going with that plan, it's
18 actually greater density of people, greater density
19 of families than the plan that we're proposing.
20 Okay?

21 So when you look at the number of
22 bedrooms, the count is probably going to be very
23 close to the same number. We can do a very quick
24 study to see what the count difference is. So it's
25 not a question of density. Because we design a

1 building that meets the lot coverage and meets the
2 building coverage, that means that we design
3 buildings that are proportionate to the size of the
4 lot. If we design a two-family house that's designed
5 proportionate to the size of the lot, you're going to
6 have just as much density, just as many people but a
7 much worse parking situation for the people in the
8 two-family house and a much, much worse parking
9 situation for the neighborhood.

10 That alternative plan is something we
11 considered, and we considered it heavily. The
12 applicant can build those a lot cheaper than building
13 this. It would be not sprinklered. It would be a
14 very different -- it's something that makes sense,
15 and he would very likely if we get denied today do
16 that application. Well, actually, I should say if we
17 get denied today a hundred percent he's going to go
18 with that route because that's what we can do as of
19 right now. But I think that's bad for the
20 neighborhood, and that's bad for Union City. That's
21 why we presented this, because it's a better
22 solution. It sounds different and, yes, we say
23 beautiful words and we talk about this and we do
24 beautiful buildings, but that's because I believe
25 strongly in this. I'm genuinely, honestly designing

1 what's best for the community.

2 And now there's questions. We have
3 32 units. We went from a bunch of different units.
4 Maybe the density is a little bit too much. Maybe
5 we're being a little too aggressive. Maybe we need
6 to cut back on two units. Maybe we need to cut back
7 on that. Maybe the rear yard setback is a little bit
8 different. The applicant is here. We met with the
9 community. We're willing to work with this. But
10 we're presenting this because I believe, as a
11 professional -- I went to school for five years. I
12 did an internship for three years. I studied in
13 France. I studied all over. I've won a ton of
14 awards, and I'm here working in my town doing
15 projects that instead of going with the simple
16 solution of doing two-family houses that are going to
17 ruin the neighborhood, create no parking, create a
18 problem with density in our neighborhood, we've
19 designed something that I believe -- and this is
20 fullheartedly what, you know -- it pains me to say
21 this is the right and smart approach for the
22 neighborhood. And that's why I'm here, and that's
23 why I'm so passionate about this because this is what
24 I love. This is what I've dedicated my life to
25 architecture, and I've dedicated my life to Union

1 City. There's a reason I'm still here. So I believe
2 so strongly that this is the smart path to go. If we
3 get denied today, you're going to have those
4 two-family houses, and that's bad for the
5 neighborhood.

6 CHAIRPERSON GARCIA: Mr. Pereiras, knowing
7 that, and I'm recognizing your study, recognizing
8 your love for the city, recognizing the love for that
9 block because you grew up on the following block, I
10 think so, do you think it's visually attractive to
11 have this structure in the middle of that block when
12 it's not conforming with the same setback that you
13 have all over that block? You think so?

14 MR. PEREIRAS: Mr. Chairman, I look at the
15 character of that block --

16 CHAIRPERSON GARCIA: And I ask you --

17 MR. PEREIRAS: I haven't answered.

18 CHAIRPERSON GARCIA: Okay. Go ahead.

19 MR. PEREIRAS: I look at the character of
20 that block, and as much as I love Union City, a lot
21 of the structures need help. The structures that
22 were built and approved right next to this, they're
23 eight families each one, it's an ugly building, okay?
24 I tried to salvage it and fix it as much as I can. I
25 truly believe this is a beautiful well-designed

1 building. Design is opinions. Everyone has their
2 own. Everyone has their own perspective. Okay? I
3 think this is beautiful. I think it makes sense.

4 We'll work with the city. We've never,
5 ever -- I've never stood here and stood firm and said
6 we're not changing; this is how it has to be. I've
7 never, ever had that approach ever before this board.
8 We're here to listen to you. We're here to make
9 things better. I want a beautiful Union City. I
10 want a beautiful project. The applicant has been
11 willing to work with me. We've met with neighbors
12 three times. Applicants don't normally do that.
13 I've asked them to change the design. I asked them
14 to move it a billion times. He's allowed me to do
15 that every single time. I have no question that if
16 this board suggest something, wants to do this a
17 little differently, I have no doubt he'll be willing
18 to work with the board and willing to work with the
19 neighborhood. And if the board doesn't want to do
20 that negotiations and doesn't want to talk, that's
21 fine also because he's going to build those
22 two-family houses. I just really honestly believe
23 that's worse for Union City, worse for the
24 neighborhood, and worse for all the neighbors.

25 MR. T. PANEQUE: Mr. Pereiras, what is the

1 width of the driveway on a two-family home?

2 MR. PEREIRAS: Width of a driveway on a
3 two-family home.

4 MR. T. PANEQUE: Yeah.

5 MR. PEREIRAS: We usually do a 12-foot
6 curb cut.

7 MR. T. PANEQUE: 12-foot curb cut.

8 MR. PEREIRAS: 12-foot is the minimum.
9 Usually, in Union City we go up to 14 feet. But
10 12-foot is the curb cut.

11 MR. T. PANEQUE: Okay. So if you have two
12 two-family homes and you design them so that the two
13 garages are side by side, doesn't that leave a
14 portion of the street for off-street parking?

15 MR. PEREIRAS: So, the proof of how that
16 works is all over Union City. You can look at two
17 families and three families everywhere where we've
18 designed them with the garage. It doesn't give
19 enough space for one full car parking spot in between
20 the two houses when you have the two divided spaces,
21 and they're always overlapping.

22 MR. T. PANEQUE: Here's my math --

23 MR. PEREIRAS: And here's why -- before
24 you even give your math -- let's say a lot is 25,
25 which in this case we're going to be slightly smaller

1 because we are 140 feet wide and if we divide it into
2 six -- but let's assume we divide to 25-foot lots,
3 which is a typical Union City lot, we need to provide
4 3 feet on one side and 2 feet on the other of
5 setback. Okay? Then you have the thickness of the
6 walls, and then you have the garage doors. Okay? So
7 the garage door on its best case scenario is 5 feet
8 in from the property edge. On the opposite side,
9 let's say we flip the houses differently, okay, you
10 only have 6 feet for the entryway of the doorway
11 until you get to the next spot. So you lost 11 feet
12 of your entryway. All you have to the street is the
13 space for barely one vehicle. Because a street
14 parking should be 22 feet wide, not the 18 feet you
15 have in driveways, because you pull in. So a 22-foot
16 wide just doesn't fit. So the problem is we create
17 those gaps, and then people park there with larger
18 cars, SUVs, and then the neighbors are calling the
19 police asking them to move cars and honking and
20 creating a mess in the entire neighborhood. It
21 doesn't work, okay. It just doesn't work. Because
22 if everyone had a little, tiny Mini Cooper, it would
23 work and you could park there. But people don't.
24 And so you overlap on the driveways, and you're
25 creating a huge problem for the entire neighborhood.

1 MR. T. PANEQUE: But in a situation such
2 as we have here where you have a prevailing setback,
3 if you look at page 3 of 10 of your exhibits, the
4 driveway cut can be custom fit so that you can turn
5 into that entire apron that you have.

6 MR. PEREIRAS: To turn into a house?

7 MR. T. PANEQUE: To turn into a house.

8 MR. PEREIRAS: That would be not
9 recommended by every standard in architecture and
10 traffic. And our traffic expert could speak to that.
11 It would not be recommended. Because then you have a
12 car that's turning to then turn into the street.

13 MR. T. PANEQUE: No. I'm not talking
14 about --

15 MR. PEREIRAS: Yeah. Maybe 2 feet or
16 3 feet, but it's not.

17 MR. T. PANEQUE: I mean, the thing that
18 we're looking at here and --

19 MR. PEREIRAS: And if that were the case
20 even, we would salvage one spot between each of the
21 units. So we're still eliminating the majority of
22 them. And it will cause the problem I said.

23 MR. DOUGHERTY: Look, if I may, for
24 purposes of the setback comment in the front, front
25 yard comment, for the prevailing setback, in my

1 opinion, it's just my opinion, I think when we look
2 at slide three here, our adjacent neighbor, that
3 large building is way out of character for the
4 neighborhood. Whether the setbacks draw the line,
5 the sheer mass, scale, and size of that building is
6 dominating.

7 CHAIRPERSON GARCIA: Which one?

8 MR. PEREIRAS: The building to the east
9 which has parking spaces in the front of the
10 building.

11 MR. DOUGHERTY: The size of that building
12 is massive. You look next to it, it's essentially
13 one, two, three, four, five, six, seven homes. That
14 thing is huge on the side. For purposes of the
15 continuity, the characteristic of the neighborhood,
16 this is its own little pocket neighborhood.

17 MR. T. PANEQUE: Mr. Dougherty, you're
18 looking at a sky view. You're looking at a bird's
19 eye view, okay. That's not what the general public
20 sees. Okay? So when the general public drives on
21 12th Street, they're looking at the front, not that
22 bird's eye view. And I agree with you, from that
23 bird's eye view, that building is huge. But none of
24 us fly over that neighborhood; we drive by it.

25 MR. DOUGHERTY: We talk about the

1 intensity and the sheer size and you have to yield.
2 To the people that otherwise live there --

3 MR. T. PANEQUE: No. We're talking about
4 the setback.

5 MR. DOUGHERTY: The setback, this is its
6 own neighborhood.

7 MR. T. PANEQUE: It's its own neighborhood
8 that's going to stick out in the middle of the block.

9 MR. PEREIRAS: And I think we went off
10 track with the setback. But if this board thinks
11 that a front yard setback is important, we can
12 provide a front yard setback in this design. We
13 could drop a couple of units, give it more of a front
14 yard setback, give it more of a rear yard setback.
15 That can totally be possible as well. If the front
16 yard setback is a concern of the board, we can
17 address that.

18 MR. A. PANEQUE: So your plan is that you
19 have to go after this board and provide the six lots?
20 Is that a fact, six lots or five lots?

21 MR. PEREIRAS: So a minimum lot size in
22 Union City in 2,500 square feet. Because we have a
23 very huge depth, my argument before the Planning
24 Board and way before this board would be that we
25 should be entitled to a minimum of six lots because

1 we have much far exceeded the 2500 square feet. And
2 I think Union City may or may not grant that. But I
3 think if that were even to go to appeal, it would be
4 granted pretty easily. But that's just assumptions.
5 So as a guarantee, it would be five lots as of right.
6 And as a matter of -- it could be six lots.

7 MR. T. PANEQUE: You would probably be
8 able to get 6 lots of 23, 42 in width.

9 MR. PEREIRAS: Correct.

10 MR. T. PANEQUE: Which is almost by 176.
11 So you'll meet the square footage but not the width.

12 MR. PEREIRAS: That's correct.

13 MR. T. PANEQUE: And I agree with you,
14 that most likely the applicant can get six lots out
15 of this. But those six lots will provide for a
16 prevailing setback to maintain that setback in that
17 neighborhood.

18 MR. PEREIRAS: All of that's true, and we
19 could do that. I think it's the wrong choice.

20 MR. DOUGHERTY: We designed this with
21 parking in mind. Me, personally, going on two years
22 in front of this board, and everything I've picked up
23 is we better have the parking in order. And, you
24 know, we don't want to disrupt the existing
25 community, the existing neighborhood. All those

1 street trees you see on Slide 3, gone. The parking
2 right there with those trees, gone. That's not the
3 right call. That's not fair to the residents that
4 already live there where parking is on high demand.

5 CHAIRPERSON GARCIA: But it's not even
6 fair to have 176 feet to go all the way down if you
7 have -- let me finish. Like Mr. Pereiras said, I'm
8 talking -- if I have to drive the fire truck all the
9 way to the end.

10 MR. PEREIRAS: You can't do that.

11 CHAIRPERSON GARCIA: And for me, and
12 Mr. Pereiras knows me probably like, I don't know, 20
13 years. For me nothing is more important than a life
14 and the safety issue, nothing. And I don't play with
15 that. I think Mr. Spatz has a question.

16 MR. SPATZ: Yes. I just have a question.
17 Without designing anything if we start with the
18 premise that you could get six lots, would it be
19 possible to design that to get six lots and two
20 families is 12 units?

21 MR. PEREIRAS: That's correct.

22 MR. SPATZ: Could you design this with one
23 driveway coming in and two buildings of three units
24 each?

25 MR. PEREIRAS: Yes.

1 MR. SPATZ: That gives you the 12 units.
2 It only is one driveway. You can set one of the
3 buildings back, the front building back. You could
4 provide probably some surface parking, a lot larger
5 back yards, and you get the same number of units, but
6 you wouldn't be creating the issue, which I agree
7 with you, of six driveways.

8 MR. PEREIRAS: Right.

9 MS. PEREZ: It would be the same thing.
10 It would be three and three instead of eight and
11 eight.

12 MR. SPATZ: Right. Where on the eastern
13 side if you put a road coming in, you could actually
14 probably create driveways for the buildings, bigger
15 back yards. Again, I'm not designing.

16 MR. PEREIRAS: I agree completely. And
17 I'd like to say one thing, the applicant is here to
18 make money. That's not a question.

19 MR. SPATZ: No doubt about it.

20 MR. PEREIRAS: Okay. So, if he has the
21 same number of units, six units that we can take in
22 the other path where he's building two-family houses,
23 if he's looking at his pocket he's going to do the
24 same thing. If we turn this building and do this and
25 negotiate the number of units, then it would make

1 sense for him to do that because he might gain a
2 couple more units. Otherwise, it makes sense for him
3 to do the alternative that I hope we don't do.

4 And just so that we have, like, an
5 understanding, if we do -- it's a 176 feet deep. A
6 five-bedroom unit is totally reasonable at 176 feet.
7 We'll still have another 50 something, maybe 60 feet
8 of rear yard plus front yard, okay. That means we
9 have 60 bedrooms. Whereas the proposal that we have
10 even today for you is 62 bedrooms. So it's the same
11 scale, the same density. I think I've made my case.
12 There's, you know -- you know how I feel.

13 MR. PEREGOY: The other thing you've got
14 to keep in mind, if you're putting four and five
15 bedrooms in one unit, you're going to get the problem
16 that you mentioned. The couple moves in. They have
17 kids. The kids grow up, they have cars. And that's
18 what's causing the parking problems in Union City.
19 That's larger. These are two-bedrooms. When the
20 kids grow up, you're growing someplace bigger. So
21 it's a totally different problem. This number of
22 bedrooms is going to generate less parking than the
23 same number of bedrooms if there was bunch of fives.

24 MR. PEREIRAS: This design has 64 parking
25 spaces. The other design is going to have 6 times 4,

1 24 parking spaces, okay. So here we have 62 -- 64
2 parking spaces. The other design with the two
3 families, 24 parking spaces. And so you have the
4 same density, same number of people but we have less
5 parking, and we're taking away parking from the
6 street.

7 MR. PEREGOY: And you're likely to have
8 more cars per unit because you got all those extra
9 bedrooms. You're going to have more drivers.

10 MR. PEREIRAS: Exactly.

11 MR. PEREGOY: With two bedrooms you're
12 going to have one, maybe two cars. Whereas a
13 five-bedroom all the kids and everything you're going
14 to have four, five, six cars. The parking crisis in
15 Union City is because of these three-family houses.

16 CHAIRPERSON GARCIA: We're going to open
17 to the public in one moment.

18 (Discussion held off the record.)

19 CHAIRPERSON GARCIA: We're going to open
20 to the public. Any member of the public, step
21 forward. Everybody is going to have the time to
22 talk. So one by one, you can come up.

23 MR. BORG: Andrew Borg. I don't live in
24 Union City. I'm a former resident at 615 13th Street
25 in Union City, and I'm speaking on behalf of the

1 other residents in the building who are here.

2 MR. T. PANEQUE: Unless you're an
3 attorney, sir, the rules don't allow you to speak on
4 behalf of her other people.

5 MR. BORG: Okay.

6 MR. T. PANEQUE: So we would like every
7 person who wants to make a comment either on behalf
8 or against the project to do it individually.

9 MR. BORG: Okay. I'll do it individually.
10 May I?

11 MR. T. PANEQUE: So state your name.

12 MR. BORG: Andrew Borg.

13 MR. T. PANEQUE: And your address.

14 MR. BORG: My address is 15 Cleveland
15 Terrace, West Orange, New Jersey.

16 MR. T. PANEQUE: Thank you.

17 MR. BORG: I was a resident of the
18 building for two years, the building at
19 615 13th Street. It's the building in the drawings.
20 I don't know -- it's the tallest one. It has three
21 stories. We have one apartment on the first two
22 floors and a second apartment on the top. And I'm
23 concerned about two things. One is the lack of a
24 setback to our building, the building I formerly
25 resided in. So, according to the drawing, with the

1 retaining wall, it needs to be reinforced, the
2 buildings that are proposed go right up against that
3 retaining wall. And, apparently, that gives us 2 and
4 a half feet between our window and siding. So we
5 have three floors. The first floor will be looking
6 at siding, 2 and a half feet away from the window
7 with no air, no light, okay. It also will impact the
8 value of our building -- their building. Sorry. It
9 will impact the value of the building for resale.

10 So, the second story of the building will
11 be looking out over the decks. So they will be
12 looking at 2 and a half feet away is the deck, right?
13 And they'll be looking at all the 16 decks out there
14 across the horizon. At a minimum we would ask for a
15 greater setback for light and air. 2 and a half feet
16 is inhumane. And we would ask that the top of that
17 wall be landscaped, the top of the retaining wall be
18 landscaped, so we have a visual screen -- they have a
19 visual screen. So plantings, whether that's a tree
20 or a bush, something to give some privacy so that
21 they're not just looking directly into both siding
22 and then into the top of the building where the
23 outside decks are. Those are my points. Thank you.
24 Thank you for listening.

25 CHAIRPERSON GARCIA: Thank you.

1 MS. GUTIERREZ: Thank you.

2 MR. PEREIRAS: And just for the record,
3 we're willing to concede to that. We're willing to
4 landscaping and setback.

5 CHAIRPERSON GARCIA: Let me ask you a
6 question. How come, Mr. Pereiras, you met with the
7 neighborhood three times and you didn't get to any
8 agreement with them? I have a lot of -- we have a
9 lot of people complaining.

10 MR. PEREIRAS: Mr. Chairman, you've done
11 this for a long time, and you understand that we've
12 tried our hardest to make people happy. I think
13 we've made a lot of steps. It's impossible to make
14 everyone happy. And with the gentleman that just
15 spoke, we have spoken to him. We've actually agreed
16 to concede on several things. We've agreed to
17 concede on the landscaping above. We said that maybe
18 we can increase the setbacks. And we're here doing
19 this before the board. And we've spoken multiple
20 times at each of the last two meetings. And we're
21 here today even telling him that we're willing to
22 work and work with this aspect. And, so, we're here
23 saying that we're fully willing to work with the
24 board and with the neighbors. And --

25 CHAIRPERSON GARCIA: And how come,

1 Mr. Pereiras -- sorry for the interruption -- that
2 you were willing to do it and then you don't present
3 it with what you're willing to do?

4 MR. PEREIRAS: Because at this last
5 conversation that we had the drawings were already
6 submitted to the board, the last conversation that we
7 had with this. So we can't make modifications or
8 changes to these drawings that were not submitted to
9 the board. But that's why we're here today and we're
10 able to speak about it, we're able to come back with
11 some changes that are spoken here today.

12 CHAIRPERSON GARCIA: Okay. Good. Thank
13 you.

14 Any other members of the public?

15 MS. SONZOGNI: My name is Janice Sonzogni.
16 I've lived in Union City for 68 years, and my mother
17 is still alive and she's here, 98 years. This
18 building is going to be out of place on 12th Street.
19 It's very -- it's congested as it is. And traffic, I
20 understand he's saying 12th Street isn't so bad.
21 Well, 12th Street comes up Morris Street right into
22 13th Street. This morning from 8:00 to about 8:30,
23 traffic was backed up from Central Avenue to
24 Bergenline Avenue. When I went to work, I could not
25 even get out of my house to go to work at that

1 time -- to get to work on time.

2 I don't care for the 16 -- what is it
3 called? -- patio deck on top of each apartment. I
4 don't understand why it has to be like that. He said
5 there's some kind of retaining wall, but I don't
6 agree with that. And why does it have to be all the
7 way to 2 feet from the property lines?

8 I have a building that's around the corner
9 from me right now on Morris Street, it's a box. It's
10 so tall. And when I look out my window, I can't even
11 see half the building. I see all the buildings, just
12 a box.

13 And I understand they're saying -- I'm on
14 13th Street, they're down here, I don't see a need
15 for 32 units. And, also, when he had the meeting
16 with us, he said that the building that's directly
17 behind me, that box one, that was empty, homeless
18 people were there. He told me satanic people live
19 there. Then what if this doesn't get filled? We
20 have 32 units sitting there with homeless people. I
21 mean, that's not practical.

22 The parking is ridiculous, yes, I
23 understand. But I don't see why they can't be
24 two-family homes along the way. And I understand the
25 builder, he owns the property and he wants to make

1 money. But, I don't know, why can't it be
2 two-family, three family across the way? So that's
3 it. Thank you.

4 CHAIRPERSON GARCIA:

5 MR. PEREIRAS: Just to mention a couple of
6 things, the building that she's referring to on
7 Morris Avenue was built as of right within the
8 Planning Board. It is 45 feet to the roof plus the
9 bulkhead, which goes another 10 feet. So it's
10 55 feet tall and at the top of Morris. Comparing it
11 to our building that is 37 feet tall, it's a
12 non-comparison of the height and the size of it.

13 MS. SONZOGNI: I said it wasn't compared
14 to the size. I understand that. But I'm just saying
15 it's all the way to the property line on both sides
16 to the back of the property line. And that's what
17 this is going to be, to the property line and the
18 sides. So you have all this property and you're
19 taking every inch of it. There's no -- there's
20 nothing. That's all I have.

21 MS. MANSURY: My name is Leila Mansury. I
22 live at 615 13th Street, right behind the property.
23 And I agree, I think what you were saying, what you
24 were proposing is a great idea. It's a beautiful
25 neighborhood. It's a quiet neighborhood. This

1 eyesore it doesn't add to the value, to the property
2 value. To have yard space, to have, you know, air,
3 there's going to be less air. She's not going to
4 have any light at all. She's going to have a wall in
5 front of her. The fumes from the cars, I can't even
6 imagine what that's going to be like. It's just an
7 eyesore, and it's just going to devalue our
8 neighborhood. I really think there's nothing
9 practical or nothing beautiful about it, frankly.
10 Maybe down on Edgewater you'd see places like that,
11 but not where we are. And I don't think it's going
12 to -- I don't know, 32 people, 32 families are going
13 to buy it, frankly. That's all I have to say.

14 MR. RICHARDSON: My name is Andrew
15 Richardson. I live on 617-619 12th Street. So I'd
16 like to start by talking about our lot size. We live
17 in a double lot, so we live in a 50, right, by a
18 100-foot lot. And we actually have a garage. And in
19 that garage it has two parking spots. And in front
20 of our house, there's two spots on the street. And
21 the house was designed in 1894. So I find it really
22 hard to believe that they can't figure out a way to
23 design an entrance into their complex, as we called
24 it, right, as he called it, not townhouses, right.
25 It's a complex. So they're going to take this 146-

1 by 176-foot lot, which is basically 46 feet longer.
2 So it's three lots the size, you know, in the front,
3 and they're going to build this massive complex with
4 this private road. So they're not asking Union City
5 to build the road. They're going to build their own
6 road into their own private area. And I don't see
7 why we can't have green space. There's kids that
8 play on 12th Street, right? So the green space is
9 going to reduce the carbon footprint. So you're
10 talking about 36 parking spots. So we said parking,
11 parking, parking. I'm the opposite on the parking.
12 Everybody is concerned about parking on the street.
13 Obviously, I'm privileged to have a garage, right?
14 But when you're taking that amount of cars and
15 bringing it in and pulling it into the middle of the
16 lot instead of having the street parking, you're
17 basically effectively having a complex with a parking
18 complex. So to me that's my problem, my major
19 problem, is that we have this massive complex being
20 built with unneeded, you know, spacing, 4 feet on
21 each side. Why is there no green space? Why can't
22 we have something that is going to help increase the
23 value of the neighborhood, increase the feel of what
24 it is with these beautiful old houses. I will say
25 that, yes, we did meet with the group, and it was

1 very nice, you know, that we did talk, and they did
2 change their plans. Because before it was going to
3 be this massive square block. So I don't see that
4 there can't be a way in which that it can be worked
5 out. But 36 units, I mean, that's a lot of places.

6 So basically -- sorry. 32 units. So,
7 basically, if I sell my property, which is a 50-,
8 100-foot property, you're telling me that I can build
9 six units on it, right, five units on it? It doesn't
10 make sense. It's not a logical splitting of the
11 space. Yes, it's going to make more money, but is it
12 really going to be better for the community?

13 MS. GUTIERREZ: Thank you.

14 MR. DOUGHERTY: If I may, for the Board,
15 for green space I think it's very important to
16 understand, we're under a maximum impervious
17 coverage. This entire site can be covered in more
18 impervious and less green. That requirement is
19 95 percent and is allowed. This project is 87. So,
20 I mean, we're not asking for, you know, a variance
21 regarding that. But, you know, I think there's
22 opportunities, as I mentioned before, to kind of, you
23 know, massage this. But this is an overdevelopment
24 by virtue of the ordinance that allows 95 percent of
25 that lot to be covered.

1 CHAIRPERSON GARCIA: Any other members of
2 the public?

3 MS. DZEVEL: Kaitlin Dzevel, 1110 Central
4 Avenue. So I moved to Union City in 2020. And I had
5 a lot of choices of where I wanted to live. I chose
6 Union City because it was that kind of urban area
7 with two families, lots of families with kids.
8 Everyone, you know, kind of living together in a
9 community feeling. I don't think that this current
10 proposal meets the current fabric of the neighborhood
11 I live in. I think that's pretty obvious. I'm all
12 for development being progressive, but I do think we
13 lose a lot with this particular proposal. So I'm
14 much more in favor of six two-families,
15 three-families, whatever. I think that fits with the
16 neighborhood. I'm not concerned about the parking
17 with that. And I have a building I live in, I only
18 have one driveway. So, that's what I'd like to say.
19 Thank you.

20 MS. GUTIERREZ: Thank you.

21 CHAIRPERSON GARCIA: Any other member of
22 the public?

23 MR. GRAHAM: Matthew Graham.

24 CHAIRPERSON GARCIA: Hello. I live on
25 1205 Morris Street. Just around the corner from the

1 development. It's a row of houses built in the
2 1890s. I think it actually -- if you took this row
3 of houses and put it I right next to it, I think they
4 would blend in pretty well. I'm in support of this
5 project.

6 As far as the traffic, I rent a parking
7 spot on 12th Street, just across the street from
8 here. My family and I were constantly crossing
9 12th Street back and forth every time we go anywhere
10 in the car. My daughter learned to ride a bike on
11 12th Street right in front of this property.

12 I think, as I said, I think it would blend
13 in. I don't think it's so different from if you go
14 on Morris Street and you look at our row homes of
15 multifamily houses, it doesn't look so different from
16 this. With respect to the parking in the
17 neighborhood, it's already a problem. It's already a
18 problem across the entire city. I think if we're
19 asking developers of an individual property to solve
20 that problem for the city, like, one, we're never
21 going to solve the problem; and, two, we're never
22 going to build anything.

23 So if this was six lots, there's only six
24 parking spots in front of this property on the curb.
25 So if they turn this into six lots, they would all be

1 gone. So instead of leaving us five spots on the
2 street in the neighborhood, the way the developers do
3 it with the current design, they would leave us with
4 zero street spots because they would all be curb
5 cuts.

6 Each of those houses would be over a
7 million dollars. So, yeah, it would be like six
8 single-family houses. That's great. It's more than
9 a million dollars. So it's not going to be a house
10 that's accessible to someone moving out of an
11 apartment trying to upgrade. So, even more than
12 parking, we need places for people to live, right?
13 And the housing prices are going up. Adding five
14 more than a million dollar homes isn't going to help
15 home prices. It's not going to help home prices.
16 It's not going to help people who are trying to find
17 a place to live here in Union City.

18 The businesses in the neighborhood could
19 use more customers. The place where they met us used
20 to be called Manchego. Now it's something else.
21 Before Manchego it was something else. In the
22 duration they're trying to put this development, that
23 place has been three different places. And it's just
24 in the neighborhood. They could use more people,
25 more customers around the neighborhood.

1 The property values would go up. A lot of
2 us pay property taxes. Having 32 more property
3 taxpayers, I think would help. It would help share
4 the load that right now that's an empty lot. That's
5 not really paying a lot of property tax.

6 There's a lot of what-ifs tonight. You
7 know, sounds like the developer is flexible, willing
8 to work with people. But in the big picture, there's
9 a lot of benefit to this development. It will bring
10 a lot of new people to the community, and I think it
11 would be a great development, and I hope the board
12 approves it.

13 MR. T. PANEQUE: Thank you.

14 MS. GUTIERREZ: Thank you.

15 CHAIRPERSON GARCIA: Any other member of
16 the public?

17 MS. ARNODO: I'm Myra Arnodo (phonetic).
18 I live at 613-615 12th Street, so directly across
19 from the lot. There's a couple of points I want to
20 bring up. I speak for my family. We are a family of
21 seven plus four kids. We reside at 613-615, and I
22 personally like the new orientation of the structure
23 of the complex, the fact that it would take maybe one
24 or two parking spaces only from the street.

25 The problem that we have is the volume.

1 The volume, the number of units, the number of
2 people. If we count 32 units times four people per
3 family, that's 128 new people in the neighborhood,
4 new kids. Is there any space for kids to play? Any
5 green space? Any grass? Anywhere to walk the dog?
6 Here there isn't anything. The problem here is that
7 the structure takes the entirety of the space that's
8 available. So it's almost to the inch from property
9 line to property line. So that's a problem.

10 And then the other thing that I can think
11 is fire hydrants. Are they going to put any fire
12 hydrants or any other additional safety measures
13 here. Because the two fire hydrants that we have,
14 they're pretty far away from where this complex is
15 right now. And, yeah, I would love to see something
16 that is a little bit less in scale, smaller in scale.
17 I believe, if I'm not mistaken, this property was
18 sold in 2017 with an approval for 20 units at the
19 time, and it was as six lots. And so to jump from
20 20 units at that time to now 32 units, I think that's
21 a bit of a stretch. I would love to see the same
22 type of layout but maybe the last two buildings
23 omitted from the complex, the last two -- so the very
24 last two, so one building on either side of the
25 courts, walkway, driveway. And that's my thoughts.

1 That's everything. Thank you.

2 MS. GUTIERREZ: Thank you.

3 CHAIRPERSON GARCIA: Any other member of
4 the public?

5 MR. PEREIRAS: And I just want to speak
6 for the applicant a second. The applicant will
7 completely concede to eliminating those two buildings
8 in the back and increase the front yard setback, even
9 if that means eliminating two buildings in the front.
10 That means we'd even be willing to drop four houses
11 in total on this application. Okay. That makes a
12 big difference. That, I think, addresses a lot of
13 the concerns of the neighbors that they've expressed
14 right now. And I think that is still a much, much
15 better alternative than the other. So the
16 application stands by eliminating four houses,
17 creating a rear, creating a front yard. Okay.

18 CHAIRPERSON GARCIA: Four units or four
19 houses?

20 MR. PEREIRAS: No. Four two-families, so
21 that's eight units less. And let me diagram it. We
22 would eliminate the two in the rear that creates an
23 increased rear yard. We eliminate the two in the
24 front. And if this board were to allow me, I would
25 make each of these about 18 inches wider so that

1 there's more room for the cars coming in and out,
2 better room for the doors, and then the square
3 footage is a little bit bigger on each of the units.
4 Instead of 770 they're going to past 800 square feet
5 each. And that drops our count down, reduces eight
6 units in total from the project. We're creating a
7 rear yard. We are addressing the first neighbor's
8 concern. We'll provide landscaping. We can even
9 make that retaining wall step down and create some
10 landscaping on different levels of that. That would
11 be very beautiful. I think that addresses a lot of
12 the neighbor's concerns. And I think that's much
13 better than six two-families facing the front.

14 CHAIRPERSON GARCIA: And what are you
15 going to do -- you know my main concern, I already
16 stated.

17 MR. PEREIRAS: I understand.

18 CHAIRPERSON GARCIA: With this road, I
19 don't want to -- my main concern here is any
20 emergency. How can you create -- do a little bit
21 wider?

22 MR. PEREIRAS: So let's say we build the
23 six houses, there would be no way for emergency
24 vehicle to get to the back or attack this fire from
25 any direction. It would be impossible to attack it.

1 By creating this road, it makes it a much safer,
2 better solution. And a fire truck could come through
3 here and address it. And we're going to create, more
4 than likely, because we need to work with city
5 engineering. So the Union City city Engineering
6 Office will work with us. But more than likely,
7 we'll need a fire hydrant at the end of the property
8 so that fire trucks could connect to it. And it's
9 perfectly viable for fire trucks to pull in and pull
10 out. It's perfectly safe. If you want the road to
11 be a little bit wider, remember, only 20 feet is
12 required and recommended. We're at 23. If you want
13 it to be 24, we can make it 24. Mr. Paneque made a
14 great suggestion, to make it a sidewalk, a full
15 sidewalk with a curb. I think that's a great idea.
16 We can do that as well, and we're open to any other
17 questions or suggestions.

18 MR. T. PANEQUE: Mr. Pereiras, by
19 eliminating the 2 rear units and the 2 front units
20 and adding 18 inches to each of the remaining 6 homes
21 on either side, what would be left where you're
22 eliminating those units?

23 MR. PEREIRAS: As far as rear yard
24 setback?

25 MR. T. PANEQUE: Where these units are

1 being eliminated, what would be left? Because you're
2 taking 18 inches and adding 18 inches to 6 units.

3 MR. PEREIRAS: That would be 9 feet that
4 we're adding to the units in total.

5 MR. T. PANEQUE: Correct.

6 MR. PEREIRAS: So we would have the width
7 of 21 of each unit. We're removing 42 feet of space,
8 and we're adding 9 feet of space. So we would have
9 31 -- 32 feet. Did I do my math right?

10 MR. PEREGOY: 33.

11 MR. PEREIRAS: 33. 33 feet of space to
12 share to the rear yard or the front yard, however you
13 see fit to do.

14 MR. T. PANEQUE: Okay. So if you have 33
15 feet, you could do a 16 and a half foot front yard
16 setback in keeping with the prevailing setback of the
17 other houses.

18 MR. PEREIRAS: Yes.

19 MR. T. PANEQUE: And you could have a
20 16 and a half foot rear green space on either side.
21 Yard or something for the kids.

22 MS. SONZOGNI: Do you still need the patio
23 on the top of the roof?

24 MR. T. PANEQUE: We'll get to the patio.

25 MS. SONZOGNI: I'm sorry.

1 MR. T. PANEQUE: Our chairman will get to
2 the patio soon.

3 CHAIRPERSON GARCIA: Mr. Pereiras, it is
4 going to be 16 and a half front setback or
5 prevailing. Remember that, please. I prefer to --

6 MR. PEREIRAS: The prevailing is very
7 weird on this block and it's very hard to read. So
8 if you look at the houses to the east, they're set
9 back 18 feet from the property line. And if you look
10 at the house to the west, it actually feels very
11 differently because it's elevated. So the front yard
12 setback is really profound. I don't think we can
13 meet the prevailing by those standards.

14 MR. T. PANEQUE: And I'll intercede here,
15 Mr. Chairman. If we don't -- if we exceed 16 and a
16 half feet of setback in the front, you're giving up
17 the green space in the back?

18 MR. PEREIRAS: I actually would rather
19 have more space in the rear yard and about 12 feet in
20 the front. I think it makes a lot more planning
21 sense because we can put in pretty nice landscaping
22 there.

23 CHAIRPERSON GARCIA: But I think the
24 adjacent property to the east doesn't have the 16.

25 MR. PEREIRAS: Right. But they have all

1 concrete and it's 18 feet. But it's all concrete.
2 That's a very big difference from having about
3 12 feet full of landscaping. It actually looks --
4 ours is going to look a million times better and
5 appropriate in the neighborhood rather than having
6 that.

7 CHAIRPERSON GARCIA: Let me ask again.
8 Any other member of the public want to step forward?

9 (No response.)

10 CHAIRPERSON GARCIA: It's closed to the
11 public.

12 Mr. Pereiras, what I would want to ask you
13 is the terrace, is for who?

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GARCIA: It's for the second
16 floor?

17 MR. PEREIRAS: It's for the second floor
18 unit.

19 MR. T. PANEQUE: Mr. Pereiras, these roof
20 terraces would actually be facing --

21 MR. PEREIRAS: East and west.

22 MR. T. PANEQUE: East and west, not north
23 and south, right?

24 MR. PEREIRAS: That's correct.

25 MR. T. PANEQUE: So the buildings that are

1 on, I guess, 13th Street and facing the rear of the
2 property, they wouldn't have a roof deck overlooking
3 their property, correct, other than the one in the
4 corner? No. Not even. Because you lost the corner
5 there. You lost the corner house.

6 CHAIRPERSON GARCIA: And it's going to be
7 also, like, I mean, how many, like, 17 feet setback,
8 so it's not right there.

9 MR. PEREIRAS: Yeah. I think, my
10 suggestion is that we have about 12 feet in the front
11 and about 20 feet in the rear. Because that's really
12 where you have the neighbors, in the rear. So I'd
13 rather be further away from them. Give them more
14 privacy, more green space there, more light, and air,
15 especially since one of the neighbor's houses is
16 right on the property line, and do 12 feet in the
17 front yard. That's my suggestion. And we're willing
18 to do whatever.

19 CHAIRPERSON GARCIA: And, also, what --
20 Andrew is your name? What he recommended is, also
21 try to offer some like green wall on top of the -- in
22 the retaining wall.

23 MR. PEREIRAS: Yeah. I think we should
24 tier the retaining wall and have landscaping on the
25 retaining wall. Because it's going to be an easier

1 way to build. It's going to be a lot more attractive
2 so you don't see a wall, you see landscaping at
3 different levels. I think it would be very nice.

4 CHAIRPERSON GARCIA: On the roof terrace,
5 can you enclose a little bit, like separate a little
6 bit from the setback? It's like probably use like 2
7 feet and 2 feet. This way enlarge the green area.

8 MR. PEREIRAS: You want to enlarge the
9 green area?

10 CHAIRPERSON GARCIA: Yes.

11 MR. PEREIRAS: So right now our roof deck
12 is 18-6 by 15-6.

13 CHAIRPERSON GARCIA: Let's do it like 16
14 by 13, and that also is better for safety and it's
15 more privacy for the neighborhood.

16 MR. PEREIRAS: Okay.

17 CHAIRPERSON GARCIA: Sorry to ask you, but
18 I just want to reconfirm. When you go to the
19 terrace, will you have like a double ceiling and you
20 see to the living room and dining room?

21 MR. PEREIRAS: Yes. There's no window
22 there, but it's just a double height.

23 CHAIRPERSON GARCIA: Doubling height.

24 MR. PEREIRAS: And we put the roof
25 condensers in the middle of the building so it's

1 farther away from any of the neighbors so that they
2 don't hear the noise of the condensers.

3 CHAIRPERSON GARCIA: And what are you
4 going to do with the garbage?

5 MR. PEREIRAS: I think garbage should go
6 in the garage. This is typical suburban America and
7 Union City style. Put the garbage in the garage, and
8 people take it to the curb on garbage days. It's not
9 unusual.

10 VICE CHAIRPERSON GRULLON: And now that
11 should be actually 18 inches bigger.

12 MR. PEREIRAS: Exactly. It's going to be
13 much better. And would you like to make it into a
14 closet, or leave it open space?

15 CHAIRPERSON GARCIA: No. I prefer a
16 designated area for the garbage.

17 MR. PEREIRAS: Okay. We can do that.

18 CHAIRPERSON GARCIA: Any other questions?

19 MS. O'DELL: Apartment A, since
20 Apartment B has a terrace, Apartment A, are those the
21 ones that have the little back yards in the back?

22 MR. PEREIRAS: That's correct. That's the
23 idea.

24 CHAIRPERSON GARCIA: Any other questions?

25 (No response.)

1 CHAIRPERSON GARCIA: Mr. Pereiras, I'm
2 going to ask you --

3 (Discussion held off the record.)

4 CHAIRPERSON GARCIA: To the members of the
5 public that are here for this application, do you
6 have any comments to the proposed change? Do you
7 agree with the proposed change?

8 MS. SONZAOGNI: We'd like to have a lot of
9 that green space in the back. That's much better.

10 MR. T. PANEQUE: And, also, if you're
11 going to speak, you have to stand up and state your
12 name so that there's a record being made, please.

13 Do you have a comment on the revised
14 proposal? And I'll just recap what it is. 32 units
15 are being reduced to 24. So they're getting rid of
16 four two-family homes. There's going to be at the
17 rear yard on either side of about 20 feet. And then
18 the front structure is going to have a front yard of
19 about 12 feet. Okay? So it will try to match what
20 the prevailing setback is with the other homes so
21 it's not sticking out at the very edge of the street,
22 sidewalk. And you'll have green space in the back.
23 And the roof decks are going to be reduced so that
24 there's more of a buffer zone to the neighbors.

25 MR. PEREIRAS: And landscaping in the

1 front.

2 MR. T. PANEQUE: And the landscaping in
3 the front. So if you have a comment on the proposed
4 revisions, stand up, state your name again, and let's
5 put it on the record.

6 CHAIRPERSON GARCIA: Also the 24.

7 MR. PEREIRAS: We'll make the driveway 24
8 wide.

9 MR. BORG: Andrew Borg. And, also, that
10 there would be on that retaining wall landscaping. I
11 know we talked about it, but it wasn't mentioned in
12 the summary. But with all of those change, yes.

13 CHAIRPERSON GARCIA: Okay. Mr. Pereiras,
14 the landscape.

15 MR. PEREIRAS: Just for the record, I will
16 do a tier retaining wall with landscaping at the top
17 and the middle of the tier.

18 MS. MANSURY: Leila Mansury. Those
19 changes are fine, are much better. Thank you.

20 CHAIRPERSON GARCIA: Any other members of
21 the public, any comments for the changes?

22 MS. ARNODO: For the record, I'm Myra at
23 613-615 12th Street. And, yes, I am in agreement
24 with this new plan.

25 MR. T. PANEQUE: Mr. Pereiras, don't

1 forget the sidewalk.

2 MR. BORG: Andrew Borg again. It was
3 mentioned by Marybeth and a couple of other people
4 about using that back green area for possible --
5 children to use in a safe way, being it a playground
6 or otherwise. So I'm just putting that out there as
7 part of the list if that is to be accepted, so the
8 children in that development have a place to go.

9 CHAIRPERSON GARCIA: Any other member?

10 MR. RICHARDSON: Back to the complex.
11 It's still a complex, but it's better that it's
12 smaller. It doesn't fit with the old houses here,
13 but I guess things need to change. I guess we'll
14 turn into a different neighborhood. It's better than
15 having an empty lot.

16 I am allowed to say what I think. All
17 right? I don't know if you work for him, but I'm
18 just speaking on my own. Right? I have a garden.
19 My wife and I, I'm speaking for both of us, we
20 garden, so it's good there's green space. Once
21 again, they're building their own road in the middle
22 of the town but it's okay. It's a compromise, and
23 that's what life is about.

24 MR. GRAHAM: Matthew Graham. I spoke
25 earlier. I live on 1205 Morris Street. I just want

1 to say I don't work for the developer or have any
2 relationship with them. Thanks.

3 CHAIRPERSON GARCIA: All right. Closed to
4 the public.

5 MR. T. PANEQUE: Now, Mr. Pereiras,
6 because of the extensive amount of changes that are
7 being suggested by the board, my suggestion to the
8 board would be to have you revise the plans, submit
9 them by the 10 days for the next meeting for
10 December 12th. The public is advised that they can
11 review the plans at the secretary's office in Union
12 City. They will be there at least 10 days prior to
13 the next meeting on December 12th. So at least by
14 December 2nd, they should be there. So anytime after
15 December 2nd you can go. And you're also welcome to
16 be back here on December 12th. And at that time the
17 Board will take a vote after we see the revised
18 plans.

19 By no means is the Board approving this
20 application, and by no means is the Board saying we
21 will approve it with the revised changes. We need to
22 see it and then a vote will be taken. And if any
23 comments after you see the revised plans, if you have
24 any comments, suggestions, opposition, be here at the
25 next meeting to put them on the record.

1 MS. PEREZ: There's something I want to
2 mention about December 12th, there's parents' night.

3 (Discussion was held off the record.)

4 MR. PEREIRAS: By the way, December 12th
5 is the planner's association, so we won't be able to
6 get a planner here that night because all the
7 planners are going to be at that. So if we can
8 modify the date, it would make it great for everyone.

9 MR. T. PANEQUE: You want to carry it to
10 January?

11 MR. PEREIRAS: No. No.

12 MR. T. PANEQUE: The choice is December 12
13 or January.

14 MR. PEREIRAS: We'll take December 12th.

15 MS. PEREIRAS: That's fine. That's fine.

16 (Discussion was held off the record.)

17 MR. T. PANEQUE: Anything else,
18 Mr. Pereiras?

19 MR. PEREIRAS: No. Thank you. I want to
20 thank the board.

21 CHAIRPERSON GARCIA: I make my motion to
22 carry this application to the December 12th meeting.
23 No further notice.

24 MR. VALLEJO: For the record, that is
25 going to be 24 units and 48 parking spaces?

1 MR. T. PANEQUE: What is it?

2 MR. VALLEJO: 24 units. That's 12
3 two-family house, right?

4 MR. T. PANEQUE: It's going to be 12
5 two-family homes.

6 MR. VALLEJO: How many parking spaces?

7 MS. GUTIERREZ: 24.

8 MR. T. PANEQUE: 4 per unit, 48.

9 MR. VALLEJO: Motion on the able to
10 adjourn this application to December 12, 2024 by
11 Mr. Garcia.

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.
14 Roll call on the motion.

15 Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

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

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1 **PARK AVENUE INVESTMENT, LLC -**

2 **3801 Park Avenue**

3 **Block 228, Lot 19.01:**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, Park Avenue Investment, LLC,
7 3801 Park Avenue.

8 Ms. Pereiras, please.

9 MS. PEREIRAS: Again, Bianca Pereiras on
10 behalf of Park Avenue Investments, LLC, for a
11 property at 3801 Park Avenue, also known as Lot 19.01
12 on Block 228. The Board may recall that we had
13 previously testified on this application. Originally
14 this property had a six-family home built on it.
15 That property was consumed by fire and destroyed, and
16 we are now seeking approvals for a three-family.
17 When we were here last, the board posed a question of
18 our architect. And Mr. Pereiras is here hopefully to
19 address that concern for the Board.

20 Mr. Pereiras.

21 (Ms. Pena leaves hearing room.)

22 MR. PEREIRAS: Hello, everyone.

23 MR. VALLEJO: Allow me two seconds,
24 please. For the record, Ms. Pena is no longer in the
25 meeting. Now we have seven members. Thank you.

* * *

MANUEL PEREIRAS, after having been previously duly sworn, did testify as follows:

MR. PEREIRAS: So we presented this multiple times on multiple nights. We reduced the number of units. The board came to a good consensus. The question was the Board wanted to be reminded of the front yard setback and how it worked. I had presented this drawing originally, but I didn't have it at the last meeting. And just for the record, I'll give one copy to Mr. Vallejo and Mr. Spatz to share and one copy to our chairman and attorney to chair, and this is a blown-up copy here.

If you notice the proposed house that we have is in line with the rest of the neighborhood. What we did is we drew a dash line showing from the edge of the park all the way up across. And if you notice our building is set back well behind that line, and it's simply stepped in front of the other building just because the street is tapering forward.

So that concludes my testimony. This was the building that we presented to you. And if you would like me to expand on it, I will. But I think everyone knows what it was about.

CHAIRPERSON GARCIA: Mr. Pereiras, I have

1 a question for you regarding the balcony. How big is
2 the balcony?

3 MR. PEREIRAS: I'll tell you right now.
4 So we thought it would be very attractive if the
5 balcony took the same angle as the street. It would
6 look really nice. You're coming down the street and
7 it's perfectly parallel. So on its biggest point,
8 it's 4-foot-7. And the width is 17 feet 2 inches.
9 And there's one for each of the two apartments in the
10 front.

11 CHAIRPERSON GARCIA: And, also, regarding
12 the setback, just for the record, the side setback
13 that was not at the prior meeting, the meeting before
14 it was made to your attention, and you already
15 cleaned it up.

16 MR. PEREIRAS: We cleaned that up, and I
17 gave testimony last time. I'll clear it up now.
18 Before we had 0-foot setback along the north, and now
19 we created 2 feet along the north. And it's
20 continuous, the entire length of the building, 2-feet
21 setback.

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

24 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
25 the door that you have, the garages.

1 MR. PEREIRAS: Garage doors, yes.

2 VICE CHAIRPERSON GRULLON: Enclosed
3 garage?

4 MR. PEREIRAS: It's an enclosed garage,
5 yes.

6 CHAIRPERSON GARCIA: Those doors, it
7 doesn't have any glass?

8 MR. PEREIRAS: We could do that. I find
9 it usually ugly when you could see a small
10 residential garage because they're not really looking
11 at anything inside. But we can provide either vision
12 panels or we can provide open slots. Either or is
13 acceptable. The client has no objection to it. I
14 think it's a lot nicer when it's solid.

15 CHAIRPERSON GARCIA: I like it better when
16 it has some kind of --

17 MR. PEREIRAS: So we'll create a vision
18 panel. You can put that on the record. We'll do a
19 few slots of vision panel. Also, another thing I'd
20 like to put on the record -- I know this sounds a
21 little silly -- but Union City has an ordinance
22 against roll-up doors. The reason we have an
23 ordinance against roll-up doors is because in stores,
24 when they roll up in front and you have that big ugly
25 box, they look horrible, okay. So the way the

1 ordinance is written is no roll-up doors, okay. But
2 when you design the roll-up doors beautiful and you
3 have it on the inside that you don't see it from the
4 street like we're doing here, it makes sense. It
5 rolls up. You have beautiful slots, and it's hidden
6 behind the building.

7 So I know it's an annoying task, but if
8 this board can actually mention in the resolution
9 that it's a roll-up door simply because I'm having
10 that issue in other buildings in Union City. The
11 Building Department, when Mr. Ferlise looks at it, he
12 says, oh, roll-up doors not allowed. But the
13 difference is you would have like very ugly
14 residential doors or wide doors otherwise. So if the
15 board would consider that, we could do what. Or we
16 could do what Mr. Ferlise wants, which is the doors
17 that slide back in front of the house. But when you
18 do that, it's more of a residential, not as
19 industrial, and not as strong.

20 MS. O'DELL: Is this garage doors?

21 MR. PEREIRAS: Garage doors.

22 MS. O'DELL: The garages that go up and
23 in, those are called roll-up.

24 MR. PEREIRAS: No. So the roll-up are the
25 ones that coil. And then the other ones --

1 MS. O'DELL: Just like in front of bodegas
2 and stuff like that.

3 MR. PEREIRAS: That's the point of the
4 ordinance.

5 MS. O'DELL: Well, why would they have
6 that in front of a house? I've never seen a house
7 with a roll-up door. I don't understand.

8 MR. PEREIRAS: No, it's more meant for
9 like -- but for this it's nicer if it rolls up but
10 hidden behind the wall. If not, we'll do the other
11 ones that slide.

12 CHAIRPERSON GARCIA: What do you mean
13 "inside"?

14 MR. PEREIRAS: The coil is inside the
15 house, and you don't see it from the outside.

16 MS. WATLEY: It goes up on the ceiling.

17 MS. GUTIERREZ: It's up on the ceiling.

18 MR. PEREIRAS: The reason I want those is
19 because they're much stronger from a security
20 standpoint. The ones that slide up in a residential
21 house, it's great for the suburbs. In Union City,
22 they get banged up. Kids play baseball. They're
23 banged up immediately. They look really ugly really
24 fast. That's why I like putting the ones that coil
25 up. They're much stronger. That said, it could be

1 either way.

2 CHAIRPERSON GARCIA: And can you have this
3 whole panel with the rolling one?

4 MR. PEREIRAS: Yes, you can. You can do
5 visual panels with those. But if the board doesn't
6 want it, that's fine too.

7 CHAIRPERSON GARCIA: This whole panel, I'm
8 not telling you, like, those metal things in the
9 middle.

10 MR. PEREIRAS: It's like slots. So the
11 things are 5 inches wide and then there's glass
12 slots, and you have a lot of them in between.

13 CHAIRPERSON GARCIA: Right. I don't like
14 those --

15 MR. PEREIRAS: The grills. You don't like
16 the grills.

17 CHAIRPERSON GARCIA: Grills, right.

18 MR. PEREIRAS: Right.

19 CHAIRPERSON GARCIA: Any other question?

20 (No response.)

21 CHAIRPERSON GARCIA: Any member of the
22 public want to step forward?

23 (No response.)

24 CHAIRPERSON GARCIA: Okay. Closed to the
25 public.

1 Basically, I'm going to mention something.
2 I wasn't really concerned about that there's no
3 component with the house. And let me tell you, I
4 past there like 20 times in the last two weeks to
5 figure out how come. I took like 60 pictures just to
6 do my homework at my house. And the reality, yes,
7 going with the line of the other houses, it's kind of
8 like a curve, definitely, yes. If you do it
9 differently, it doesn't do it. So, yes.

10 And, also, that block, all the two-,
11 three-family houses, they have also a balcony. So
12 it's also in conformance with the other houses.

13 And I'm going to make my motion to grant
14 this application. And, also, thanks for taking into
15 consideration all the recommendations proposed from
16 the board. I make my motion to grant this
17 application.

18 MS. GUTIERREZ: Second.

19 MR. VALLEJO: Motion to grant the
20 application by Mr. Garcia. Seconded by Ms. Gutierrez.

21 MR. T. PANEQUE: Before we go,
22 Mr. Vallejo, as a point of clarification, is the
23 board allowing the roll-up doors?

24 CHAIRPERSON GARCIA: The roll-up doors
25 with the roll-up inside, yes.

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON GARCIA: So I have to mention
3 that it's inside, not outside.

4 MR. PEREIRAS: Yes.

5 MR. T. PANEQUE: Mr. Pereiras, what is
6 that called, the box?

7 MR. PEREIRAS: The coil.

8 MR. T. PANEQUE: The coil. Thank you.

9 MR. VALLEJO: We have a motion on the
10 table to grant the application by Mr. Garcia,
11 seconded by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MR. SAN MARTINO: Yes.

2 MR. VALLEJO: Seven in favor. Motion

3 carries.

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

5 (After a brief recess, the hearing resumed
6 as follows:)

7 MR. VALLEJO: Next application on
8 tonight's agenda, Jose Avalos, 2412 Central Avenue.
9 Ms. Pereiras, please.

10 MS. PEREIRAS: Thank you very much.
11 Bianca Pereiras on behalf of Mr. Jose Avalos, who is
12 present this evening in the room. The application is
13 for the property at 2412 Central for Lot 6 on Block
14 136. The application before the board this evening
15 is to legalize one residential unit in an existing
16 mixed-use building. If this board were to approve
17 this application, we would have a total of three
18 residential units over parking. What we are looking
19 to do is add a three-story addition to nicely
20 configure these apartments to provide a larger living
21 space. We have one expert to testify, and that is
22 our architect, Mr. Manuel Pereiras.

23 * * *

24 MANUEL PEREIRAS, after having been previously duly
25 sworn, did testify as follows:

1 MR. PEREIRAS: Manny Pereiras. I
2 recognize I'm still under oath.

3 MS. PEREIRAS: Mr. Pereiras, are you
4 familiar with the property at 2412 Central Avenue?

5 MR. PEREIRAS: I am.

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

8 MR. PEREIRAS: I have.

9 MS. PEREIRAS: And would you kindly
10 describe the proposal for the Board.

11 MR. PEREIRAS: I'd be very happy to. I'd
12 like to start off the proposal with an apology
13 because the drawings that we submitted I feel that
14 was a misrepresentation, and that's why we've
15 resubmitted the drawings with the date of October 21,
16 2024. They are different from the original
17 submission. And I'm going to elaborate on what the
18 differences are in a second.

19 One of the things that we have done is
20 that we went back and we documented what the existing
21 condition was at this site when we started the
22 project. And just to remind the board, I gave the
23 story a little bit. We started this project back in
24 2017. We started the drawings. There were three
25 illegal units on the second floor and the restaurant

1 on the ground floor. Mr. Avalos was present here.
2 He was residing on the second floor in one of the
3 units and ran the restaurant on the ground level. He
4 wanted to renovate. We started doing construction
5 documents at the Building Department to move forward
6 with the renovation of the building. And the
7 Building Department realized that these were illegal
8 units.

9 And that's why we're here before this
10 board. So my original drawings mentioned an addition
11 to the third floor because that's what this was. It
12 was a third floor addition because he wanted to live
13 there, and he wanted to live on the third floor.
14 What I failed to mention is that there always were
15 three units. They were just not legal. So this is
16 really a legalization of a unit, but Mr. Avalos, now
17 with the renovation and the alterations, wants to
18 live a little bit more comfortably and have his
19 children fit in the house with him.

20 So to describe them, the existing building
21 had three floors. It had a small basement, which
22 housed mechanical equipment and the meters. On the
23 ground floor was the actual restaurant. He had a
24 small office for himself along the front, and then
25 the rest of the restaurant, a bar area, the kitchen

1 in the back, and then his storage with the pantry on
2 the side.

3 And then if you took the stairs that were
4 in the middle of the building and you went upstairs,
5 there were three doors. Those three doors were three
6 different apartments. Apartment 1 was a two-bedroom
7 338 square feet. Apartment 2 was a one-bedroom that
8 was 362 square feet. And Apartment 3 was a
9 one-bedroom that's 317 square feet, okay. So you had
10 these three existing apartments there.

11 What we're looking to do is renovate the
12 entire ground floor. We're removing that stairwell
13 that was in the middle of the space and we're pushing
14 it to the right side of the building. That creates
15 an open restaurant along the front. That's actually
16 a nice dining area for the restaurant with those two
17 bathrooms that are required, an all-new kitchen, and
18 a service bar, not a bar, a service bar to bring out
19 the drinks and bring out the food. So there's some
20 very important key things to look at. The entire bar
21 area is gone, okay. And now it's more of a family
22 restaurant with a nice room, open light and nice
23 glass doors in the front of the building. And now,
24 since we've pushed the stair to the side, it's got a
25 nice width for the dining area.

1 The second floor we divided into two
2 apartments, a two-bedroom along the back and a
3 two-bedroom along the front, perfectly divided. But
4 Mr. Avalos has a larger family. He does not fit in a
5 two-bedroom apartment and that's the reason we're
6 proposing a third floor so that he can live there.
7 And that's why it's a four bedroom house because he
8 needs those four bedrooms. So he has this living,
9 dining room, and a kitchen in the middle area, and
10 then two bedrooms on one side and two bedrooms on the
11 other side for he, himself, to live there.

12 Now, from the perspective of the building
13 height, we're proposing a three-story building. It's
14 permitted in the area. It makes perfect sense. The
15 building immediately to the east of it is a
16 three-story building. To the west is two stories,
17 but the next building over is three stories as well.
18 So it perfectly fits in the neighborhood as far as
19 height. It makes sense as far the number of units.
20 Because he had three units back in 2017. He still
21 has three units now. It makes sense because its
22 owner occupied. He wants to live there. He can't
23 live in a two-bedroom apartment anymore. He needs
24 the four bedrooms.

25 Now, the only thing that causes -- and

1 it's the negative criteria that we speak about, it's
2 a larger apartment. That means he needs parking. So
3 we've been working with Mr. Avalos as much as
4 possible, and now we know that Mr. Avalos already
5 rents parking spaces over at Frank's Carpet, which is
6 one block away. So he, himself, has been renting
7 there, has parking spaces, and he's going to live
8 here. So that apartment that's on the third floor is
9 really not exasperating our parking problem.

10 So it is with confidence that I can tell
11 this board that I feel it is an appropriate approval.
12 It would be appropriate to approve this. Number one,
13 we're dealing with three existing units. We still
14 have three existing units. We have a restaurant that
15 was a bar and really ugly and small and really dark.
16 Now it's going to be an open dining room family
17 restaurant with no bar. And now Mr. Avalos can have
18 the comfort of actually living there in his third
19 floor. And that concludes my testimony.

20 CHAIRPERSON GARCIA: What size are the
21 current apartment?

22 MR. PEREIRAS: They're tiny. So right now
23 currently, there's nothing. We started construction
24 on this back in 2017. COVID hit and we found out
25 that the unit was -- the third apartment was illegal.

1 We continued moving forward with construction.
2 There's permits for the two units that are existing.
3 We don't have permits for the third unit. That's why
4 we're here before this board to legalize that third
5 unit. Currently, there's nothing there. It's just
6 wood framing on that second floor. But in 2017, the
7 conditions were this, Apartment 1 was a two-bedroom,
8 338 square feet. Apartment 2 was a one-bedroom,
9 362 square feet. And Apartment 3 was a one-bedroom,
10 317 square feet.

11 CHAIRPERSON GARCIA: And the proposal
12 apartment units, can you go through the dimensions?

13 MR. PEREIRAS: Yes. The second floor,
14 which is Apartment 1 and 2, each have, the front,
15 Apartment 1, has 664 square feet. And Apartment 2
16 has 825 square feet. And how did we come across
17 this? Very simply, we took the footprint of the
18 building and we went up.

19 And then the top apartment is 1,567 square
20 feet. Mr. Avalos has worked hard his whole life. He
21 wants to have a nice apartment, a nice large
22 apartment so he can live upstairs and work downstairs
23 and live comfortably. And he's worked so hard. I
24 feel he deserves it. He deserves a nice apartment,
25 and he likes the very short commute.

1 So that's why we're here proposing a 1,567
2 square feet apartment. It's bigger than a normal
3 apartment. But it's because you have a tenant that
4 is owner occupied, that lives there, works in his own
5 restaurant. And it's also easy from a construction
6 standpoint to go straight up. So that's how we came
7 up with this configuration.

8 CHAIRPERSON GARCIA: When did your client
9 purchase the property?

10 MS. PEREIRAS: I believe it was 2006. Let
11 me just confirm.

12 MR. PEREIRAS: He operated that restaurant
13 for many years.

14 CHAIRPERSON GARCIA: Is the restaurant
15 currently --

16 MR. PEREIRAS: It's under construction.
17 It's in a wood frame, the entire thing, which has
18 been a huge financial strain on Mr. Avalos.

19 MS. PEREIRAS: In 20006.

20 MR. PEREIRAS: And Mr. Avalos is a member
21 of our community. It's definitely a neighborhood
22 restaurant that serves the community. It's an
23 application that makes sense because it's the
24 applicant, because it's an owner-occupied building.

25 CHAIRPERSON GARCIA: Is it going to

1 have -- so the setback is existing?

2 MR. PEREIRAS: Preexisting and there's no
3 setbacks that we're proposing.

4 CHAIRPERSON GARCIA: And the adjacent
5 property to the south, what do you have there? How
6 high is it?

7 MR. PEREIRAS: The adjacent property to
8 the south, that is on the opposite end of the
9 building, like, in the back rear deck.

10 CHAIRPERSON GARCIA: No, the side.

11 MR. PEREIRAS: Oh, on this side. There's
12 a two-story building and then the one over from it is
13 a three-story building. And to the north is a
14 three-story.

15 CHAIRPERSON GARCIA: The other one is a
16 three-story too, right?

17 MR. PEREIRAS: Yeah.

18 CHAIRPERSON GARCIA: The other one is the
19 corner for the AC shop, right?

20 MR. PEREIRAS: Yes.

21 CHAIRPERSON GARCIA: The air conditioner
22 shop?

23 MR. PEREIRAS: Yes.

24 CHAIRPERSON GARCIA: I have no further
25 questions. Any questions?

1 (No response.)

2 Do you have another testimony?

3 MS. PEREIRAS: We do not, Mr. Chairman.

4 CHAIRPERSON GARCIA: No?

5 MS. PEREIRAS: No.

6 MR. T. PANEQUE: One second.

7 (Discussion held off the record.)

8 MR. T. PANEQUE: Just so that we're clear,
9 Mr. Pereiras, it's going to be just a restaurant,
10 right?

11 MR. PEREIRAS: Yes, just a restaurant, no
12 bar.

13 MR. T. PANEQUE: No bar.

14 MS. PEREIRAS: And, Mr. Chairman, we do
15 have a planner to testify this evening, Mr. Alex
16 Dougherty.

17 CHAIRPERSON GARCIA: Yeah. I saw the D(1)
18 variance.

19 MS. PEREIRAS: It's been a long night.

20 * * *

21 ALEXANDER DOUGHERTY, after having been previously
22 duly sworn, did testify as follows:

23 MR. DOUGHERTY: For the record, I'm still
24 under oath. For the purposes of Manny's testimony,
25 again, we do have confirmation there was a third unit

1 there. For the purposes of this, we have the
2 restaurant, just a mixed use here. We are in the
3 R zone. We are seeking a D(1) use variance. I know
4 this condition has been associated with this site.
5 D(1) or D(2), you know, I think if you wanted, you
6 know, a harder level of scrutiny, which is site
7 suitability, many of you had problems with, as Manny
8 testified to before, that you have otherwise
9 associated here have been absorbed. Parking for the
10 residential component certainly has been accommodated
11 off site.

12 When we talk about the purposes of the
13 restaurant within itself we have, you know, a
14 population. This is more of a neighborhood, as you
15 heard. We're cleaning this up. You get rid of that
16 bar to make it more family, which again, is cleaning
17 up the overall content of the zone, residential,
18 family oriented.

19 From a planning standpoint, I do not see
20 any substantial detriment. I think we took care of
21 some of the ovens that are there. Going up in
22 height, certainly we're not seeking a height variance
23 here. For purposes of the board, directly behind the
24 building is more of an open large garage. We talked
25 about behind it. From the context, I visited the

1 site. It certainly blends in well. But from a use
2 standpoint, it's certainly not out of character for
3 the neighborhood for overall Union City as well.

4 Again, I think when we talk about this,
5 getting rid of that bar, which would otherwise drive
6 the alcohol and consumption in that regard and kind
7 of bring in a different fabric here is an element
8 within itself. The mixed-use component here is not
9 permitted. As we've heard this use has been here for
10 some time. It's under renovation. We hope to bring
11 it back better and more family-friendly. Again, I
12 think with the intent of the zone, which is
13 residential, I believe when we look at this we
14 certainly can say it advances Purpose A of Municipal
15 Land Use Law to protect the general welfare of the
16 public and the safeties.

17 For Purpose I, a desirable visual
18 environment, this building would get a whole new
19 facelift and bring added value to this site and to
20 the overall corridor. From a negative standpoint, I
21 really do not see any detriment. I do not believe
22 this will erode the intent of the zone plan or the
23 master plan. Again, I think, you know, when we talk
24 about this use within itself, it has a long
25 affiliation here at this site. And I think, you

1 know, with some fine tuning, with the interworkings
2 of the bar and the overall appeal of the building, I
3 think we can bring this to certainly hit some
4 positive notes. With that, I'll conclude for any
5 questions or commentary.

6 MR. T. PANEQUE: Thank you.

7 CHAIRPERSON GARCIA: Any other witnesses?

8 MS. PEREIRAS: No.

9 CHAIRPERSON GARCIA: Do you have any
10 questions, members of the board?

11 (No response.)

12 CHAIRPERSON GARCIA: Any members of the
13 public?

14 (No response.)

15 CHAIRPERSON GARCIA: Okay. Closed to the
16 public.

17 I'm going to ask on the record, is there
18 any intention to have like an alcohol license in the
19 place?

20 MS. PEREIRAS: Not at all. This is not a
21 bar and have no intention to make it a bar in the
22 future.

23 CHAIRPERSON GARCIA: Is it also the
24 intention of the owner is to stay living there?

25 MS. PEREIRAS: Correct.

1 MR. PEREIRAS: And may I please add one
2 small thing? We're having a problem with the
3 Building Department with the wording of rooms. If
4 the resolution can state bedrooms or dens, that would
5 be appreciated.

6 MR. T. PANEQUE: So your application
7 has --

8 MR. PEREIRAS: Four bedrooms on the third
9 floor. It would read four bedrooms or dens on the
10 fourth floor and four bedrooms or dens on the second
11 floor.

12 MR. T. PANEQUE: There's two apartments?

13 MR. PEREIRAS: Two apartments. Two
14 bedrooms or dens and two bedrooms or dens.

15 CHAIRPERSON GARCIA: Understanding that we
16 know that there's parking required there and where
17 it's a preexisting condition and knowing that is a
18 family from the community for over eight years,
19 trying to bring the apartment to a better quality of
20 living, I think there's enough reason to make a
21 motion to grant this application.

22 MR. VALLEJO: Motion on the table to grant
23 the application by Mr. Garcia.

24 MS. GUTIERREZ: Second.

25 MR. VALLEJO: Seconded by Ms. Gutierrez.

1 Roll call on the motion to grant this
2 application.

3 Mr. Grullon.

4 VICE CHAIRPERSON GRULLON: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Watley.

10 MS. WATLEY: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

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

19 MR. PEREIRAS: Thank you, everyone.

20 MS. PEREIRAS: Thank you very much.

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

4
5
6 (Following an off-the-record discussion
7 Chairperson Garcia recused himself and left hearing
8 room.)

9 MR. T. PANEQUE: Ms. Pereiras, so on
10 Miguel Calderon, you have a request?

11 MS. PEREIRAS: My apologize. Yes. The
12 Board, I believe, wanted to see pictures of the
13 units. So if we can have some time to provide that
14 for the board, we'd like to have this matter carried
15 to the December 12th meeting, if possible?

16 MR. T. PANEQUE: And you waive the
17 statutory requirements?

18 MS. PEREIRAS: Of course, Counsel.

19 MR. T. PANEQUE: All right. Ms. Pereiras,
20 the vice chairman is asking about the violations.
21 We're supposed to get the letter.

22 MS. PEREIRAS: Yes. We're actually
23 working with City Council on that to resolve it, so
24 hopefully by the next time we meet, we'll have a
25 settlement agreement hopefully in place.

1 MR. T. PANEQUE: The matter will be
2 rescheduled to the December 12th meeting. No further
3 notices, and you waive the statutory requirements?

4 MS. PEREIRAS: Of course, Counsel. Thank
5 you.

6 MR. VALLEJO: You'd like to make a motion?

7 MR. T. PANEQUE: Yes.

8 VICE CHAIRPERSON GRULLON: Make a motion.

9 MR. VALLEJO: Motion by Mr. Grullon.

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Grullon.

14 VICE CHAIRPERSON GRULLON: Yes.

15 MR. VALLEJO: Let the record indicate that
16 Mr. Garcia recused himself for this application.

17 Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Watley.

22 MS. WATLEY: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Six in favor. Motion

3 carries.

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MARTHA PALMA -
1806 Kerrigan Avenue
Block 97, Lot 4:

MR. VALLEJO: Next application on tonight's agenda, Martha Palma, 1806 Kerrigan Avenue.

MR. T. PANEQUE: Let the record reflect I've been provided by Ms. Pereiras with a certification as to publication and service listing that notice was sent to all property owners within a 200-foot radius of 1806 Kerrigan Avenue.

I've also been provided with a copy of the notice indicating that the hearing will take place at this location at Union City High School on this evening. I've also been provided with an affidavit of publication listing this application at this location with a publication date of October 22, 2024, as well as the taxes from the Tax Assessor's Office listing all the properties within a 200-foot radius of block 97, lot 4. Said list was published on October 17, 2024. And, finally, a certified mail receipt with a postmark date of October 31, 2024. Based on the information provided, this board has jurisdiction to proceed and hear this matter.

MS. PEREIRAS: Thank you, Counsel. Bianca

1 Pereiras on behalf of Martha Palma, who's is present
2 here this evening for property at 1806 Kerrigan
3 Avenue, also known as Lot 4 on Block 97. The
4 application before the board this evening is to
5 legalize one unit in an existing hopefully
6 three-family home. We have two experts to testify,
7 and we'll begin with our architect, Mr. Manuel
8 Pereiras.

9 * * *

10 MANUEL PEREIRAS, after having been previously duly
11 sworn, did testify as follows:

12 MR. PEREIRAS: Manny Pereiras. I
13 recognize I'm still under oath.

14 MS. PEREIRAS: Mr. Pereiras, are you
15 familiar with 1806 Kerrigan Avenue?

16 MR. PEREIRAS: Yes.

17 MS. PEREIRAS: Have you prepared the
18 drawings that are before the board this evening?

19 MR. PEREIRAS: I have.

20 MS. PEREIRAS: And would you kindly walk
21 us through the application.

22 MR. PEREIRAS: I'd be very happy to. We
23 have a typical 25 by 100 lot. And the first thing
24 I'd like to say is that Ms. Palma keeps her house
25 impeccable. This is actually a gorgeously, well-kept

1 home. This is a photograph of the facade. It's
2 impeccably clean, painted nicely, well-kept, brand
3 new brick on the facade of the building. And the
4 interior of the house is jut equally as nice and very
5 well kept. So we have an owner-occupied house who is
6 very concerned and works with her neighborhood.

7 We have a typical lot. It's 25 by 100.
8 There's an existing building on the lot. We're now
9 looking to make this building bigger in any
10 direction. We're keeping the existing footprint
11 which goes to our existing nonconformities. We have
12 two existing nonconformities as far as variances.
13 One is side yard, because we only have 2-foot-8
14 inches on one side and 0 on the other.

15 And then the other one would be lot
16 coverage. We are at a hundred percent lot coverage.
17 So covered there's no grass yeah whereas 90 is
18 permitted, and we're expanding on our parking
19 variance. There are two parking spaces in front of
20 this house currently. However, the additional
21 apartment will require two more spaces. We can't
22 provide two additional spaces. There's no room to
23 provide those spaces.

24 The house itself, here are the floor plans
25 for the house. As you could see, the existing and

1 the proposed basement are pretty much the same thing.
2 There are no changes other than code compliance
3 changes. We're putting a fire-rated ceiling. We're
4 putting a domestic lights sprinkler system, and we're
5 upgrading the alarms to the entire building. And
6 then the floors above are continued to be the same as
7 far as the layouts and the size of the apartments.

8 And then, finally, I'd like to call to
9 your attention photographs of the existing apartment.
10 This is the existing basement apartment. There is
11 the existing living room, the existing bathroom, the
12 existing kitchen, and the bedrooms. And that
13 concludes my testimony.

14 CHAIRPERSON GARCIA: Mr. Pereiras, are you
15 going to do some changes to the apartment?

16 MR. PEREIRAS: So we're doing all the
17 regular code changes. I don't believe there are any
18 physical changes to the apartment. But now as I
19 compare side by side -- no, no changes other than
20 we're going to upgrade the kitchen and make it look
21 nicer. Right now the counter kind of ends here and
22 the stove is off to the right. We're making it an
23 L-shaped kitchen and giving it a small peninsula.

24 CHAIRPERSON GARCIA: What's the height of
25 the apartment? It's really short.

1 MR. PEREIRAS: It is 6-foot-7 inches.

2 CHAIRPERSON GARCIA: And you have to bring
3 it to code because it has to be at least 7. No?

4 MR. PEREIRAS: So we present that to the
5 Building Department. The Building Department can
6 grant what's called a variation to allow it to remain
7 6-foot-7. It is very typical in Union City that they
8 consider that when you have a preexisting apartment.
9 They may or may not approve that. If they don't
10 approve it, we need to bring it to 7 feet.

11 CHAIRPERSON GARCIA: Because it's 6-7, you
12 said?

13 MR. PEREIRAS: Yes.

14 CHAIRPERSON GARCIA: And when you pass
15 through the beam?

16 MR. PEREIRAS: It's 6-7 at the beam
17 height.

18 CHAIRPERSON GARCIA: And you're not going
19 to have any changes outside? The setback is going to
20 everything remain the same?

21 MR. PEREIRAS: That's correct.

22 CHAIRPERSON GARCIA: Any questions?

23 (No response.)

24 CHAIRPERSON GARCIA: Any other witness?

25 MS. PEREIRAS: We do. We have one more

1 witness, Mr. Alex Dougherty.

2 * * *

3 ALEXANDER DOUGHERTY, after having been previously
4 duly sworn, did testify as follows:

5 MR. DOUGHERTY: I recognize I'm still
6 under oath. To save time I've already distributed
7 the exhibit packet. You can mark that Exhibit A-1.

8 * * *

9 (Packet provided by Mr. Dougherty was
10 marked A-1 for identification.)

11 * * *

12 MR. DOUGHERTY: Really, after the first
13 page, it would indicate the zoning in the R zone,
14 low-density. The second slide there will be in the
15 foreground the black building, 1806, the property in
16 question. The purposes of this exhibit packet I know
17 the chair is curious on how many other potential
18 properties are out there. I took the liberty to
19 canvass the neighborhoods. You'll see there are
20 multiple three families out there, three doorbells,
21 three meters, three mailboxes. You know, we have the
22 two parking, as Manny stated, on site. And on
23 Slide 2 my brown car parked in front, essentially a 1
24 to 1 ratio. That is not out of character with a lot
25 of what I saw out there at the site.

1 But for purposes of this board, we are
2 here for a legalization of that basement unit. For
3 purposes of the existing features of the building, as
4 you can see by the character and design of the
5 building types, they are pretty much the same design
6 with some smaller modifications on the exterior. But
7 for purposes, a lot of these structures out here are
8 adjacent neighbors. They all have the walkout
9 basements in that regard. There are multiple
10 three-families out there. This would not be out of
11 character.

12 We have an opportunity, as Manny testified
13 to, to bring this property to bring this property
14 into applicable building codes and fire codes which
15 would be a benefit for advances in Purpose A of the
16 Municipal Land Use Law, for the protection of the
17 advancement of health, safety, and general welfare of
18 the community. We have an opportunity here as well
19 to really emphasize that this property didn't always
20 look like this. I think as it stands today, it's
21 certainly advancement of Purpose I, desirable visual
22 environment. I took the liberty of going back in
23 time. That's a recent facelift on that building.
24 There's a lot of positive investment to this site. I
25 think I can stand confidently before this board and

1 say whatever needs to be done to make this unit safe
2 and viable, it certainly can be done.

3 Certainly a show piece for the
4 neighborhood here. For purposes of this legalization
5 of the basement unit. Again, I don't believe it's
6 out of character. This has been an existing
7 condition associated with this neighborhood. Those
8 issues would otherwise be absorbed. And for purposes
9 of the overall advancement of Municipal Land Use Law,
10 I do not see any detriment. I do see advancements
11 and positive here. This is a site that when we look
12 at this, it doesn't need a whole lot of extra work.
13 That work has already taken place before coming to
14 this board. Again, it's a hands-on homeowner here,
15 well within the neighborhood, great upkeep, as Manny
16 testified to.

17 I do not think there's going to be any
18 erosion of the zone intent or the master plan. I
19 know the board is very familiar with the history of
20 Union City. 2019, three-family zones, three families
21 were allowed. So that's why we have a lot of relics
22 still hanging around.

23 And for the legalization purposes, again,
24 this is not out of character. It's not intrusive to
25 the neighborhood. This exists. Others exist. We

1 have an opportunity here to, you know, advance this
2 by building code and the fire code, and to certainly
3 recognize this as a long-standing third unit.

4 With that, I'll conclude. I see positive.
5 I do not see any detriment. And I think by virtue of
6 this application, the criteria would otherwise be met
7 and approval would be warranted.

8 MR. DOUGHERTY: It's a good house, a
9 beautiful house.

10 CHAIRPERSON GARCIA: The neighborhood that
11 you said is basically two-, three-family house.

12 MR. DOUGHERTY: Yeah, and I know you'd
13 like to know for certain, so I took the liberty of
14 looking at the mailboxes, doorbells, meters. The
15 meters can be tricky because you have the central
16 one. But even cable connections. There's a couple
17 three-families, and I think our neighbor right there
18 in the walkout was a three-family as well.

19 CHAIRPERSON GARCIA: And the house, the
20 facade is grey?

21 MR. DOUGHERTY: Curb appeal, yes.

22 CHAIRPERSON GARCIA: Just one question,
23 you said that -- but you're going to redo the
24 basement? Or you're just going to retouch the
25 basement? Because you have an existing one here, and

1 you have both proposals here.

2 MR. PEREIRAS: Because we know that the
3 board wants to see the existing, so we try to always
4 provide the existing even though they're exactly the
5 same. Notice that the only difference is the
6 kitchen. We didn't want the stove to be floating. I
7 always feel that's very unattractive, so we're
8 proposing a countertop up there. But beyond that
9 we're looking for Ms. Palma to spend as less money as
10 possible to bring this unit back to compliance.

11 VICE CHAIRPERSON GRULLON: And the units
12 are going to be occupied.

13 MR. PEREIRAS: I believe she worked with
14 the city to remove the tenant, so it's currently
15 unoccupied.

16 CHAIRPERSON GARCIA: Any other question?

17 (No response.)

18 CHAIRPERSON GARCIA: Any member of the
19 public?

20 (No response.)

21 CHAIRPERSON GARCIA: Okay. Closed to the
22 public. Taking into consideration that the intention
23 is to bring the house, the apartment to code and also
24 improving the safety condition, I'm going to make my
25 motion to grant this application.

1 MR. VALLEJO: Motion on the table to grant
2 the application by Mr. Garcia.

3 MS. GUTIERREZ: Second.

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

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. O'Dell.

18 MS. O'DELL: Yes.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Yes.

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

23 MS. PEREIRAS: Thank you all very much.

24 MR. T. PANEQUE: Thank you.

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

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

8 Ms. Pereiras, please.

9 MS. PEREIRAS: Thank you, Mr. Vallejo. I
10 understand it's been a very late night. I actually
11 have a very sick child at home, so if we can carry
12 this matter to December 12th?

13 CHAIRPERSON GARCIA: Six?

14 MS. PEREIRAS: No. No. No. Sick.

15 MR. T. PANEQUE: She waived the statutory
16 requirements.

17 CHAIRPERSON GARCIA: I make my motion to
18 carry this application to the next December meeting.

19 MR. VALLEJO: Yes. December 12th.

20 MS. WATLEY: Second.

21 MR. VALLEJO: Seconded by Ms. Watley.

22 Roll call on the motion to adjourn this
23 application to December 12, 2024.

24 Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Mr. Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Ms. Perez.

6 MS. PEREZ: Yes.

7 MR. VALLEJO: Ms. Watley.

8 MS. WATLEY: Yes.

9 MR. VALLEJO: Ms. O'Dell.

10 MS. O'DELL: Yes.

11 MR. VALLEJO: Ms. San Martino.

12 MS. SAN MARTINO: Yes.

13 MR. VALLEJO: Seven in favor. Motion
14 carries. The adjournment is for December 12, 2024.

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1 **SHERMAN REALTY, LLC -**
2 **406 Bergenline Avenue**
3 **Block 15, Lot 20:**
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5 MR. VALLEJO: Moving to the next one,
6 Sherman Realty, LLC, 406 Bergenline Avenue.

7 Ms. Pereiras, please.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of Sherman Realty, LLC. Again, looking at the hour,
10 if this matter can be carried to December 12th, that
11 would be greatly appreciated.

12 CHAIRPERSON GARCIA: Waiving the
13 statutory?

14 MS. PEREIRAS: Of course.

15 CHAIRPERSON GARCIA: I make my motion to
16 carry this application for 12/12/24.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Motion to carry the
19 application by Mr. Garcia to December 12, 2024.

20 MS. GUTIERREZ: Second.

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

23 Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Mr. Gullon.

1 VICE CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: 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: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

12 MR. VALLEJO: Seven in favor. Motion

13 carries.

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1 **506-508 26TH STREET, LLC -**

2 **506-508 26th Street**

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

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5 MR. VALLEJO: Next application on
6 tonight's agenda, 506-508 26th Street, LLC,
7 506-508 26th Street.

8 Ms. Pereiras, please.

9 MS. PEREIRAS: Again, Bianca Pereiras on
10 behalf of the applicant. Similarly, it's past
11 11 p.m. If we can carry this matter to the
12 December 12th meeting, that would be greatly
13 appreciated.

14 CHAIRPERSON GARCIA: Waiving the
15 statutory?

16 MS. PEREIRAS: Of course.

17 CHAIRPERSON GARCIA: Making my motion to
18 carry this application to 12/12/24.

19 MS. GUTIERREZ: Second.

20 MR. VALLEJO: Motion by Mr. Garcia.
21 Seconded by Ms. Gutierrez.

22 Roll call on the motion.

23 Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Mr. Gullon.

1 VICE CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: 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: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

12 MR. VALLEJO: Seven in favor. Motion

13 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 **ADVANCED UNION CITY, LLC**, 3914-3916 Kennedy Blvd,
3 Block: 229, Lot: 1.01,. Legalization of three
4 existing apartments on the 2nd Floor in a mixed-use
5 building. There are three existing parking spaces.
6 Approved.

7
8 MR. VALLEJO: All right. We're moving now
9 to resolutions. We have two resolutions on tonight's
10 agenda, Resolution No. 1, Advanced Union City, LLC,
11 3914-3916 Kennedy Boulevard. It was approved at the
12 previous meeting. Can I have a motion to memorialize
13 this resolution?

14 CHAIRPERSON GARCIA: Aye.

15 Motion by Mr. Garcia.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by Ms. Gutierrez.

18 Roll call on the motion.

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. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Six in favor. Motion

6 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 **BISHAI, LLC**, 2907 Central Avenue, Block: 162, Lot:
3 18. Change of use from commercial to residential and
4 legalization of an existing dwelling unit on 2nd
5 Floor. Five parking spaces are provided. Approved.

6
7 MR. VALLEJO: Next resolution, Bishai, LLC,
8 2907 Central Avenue. This application was approved
9 at the previous meeting. Can I have a motion to
10 memorialize this resolution?

11 CHAIRPERSON GARCIA: Aye.

12 MR. VALLEJO: Motioned 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. San Martino.

2 MS. SAN MARTINO: Yes.

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

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1 **ADJOURNMENT:**

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3 MR. VALLEJO: There being no other
4 applications on tonight's agenda, can I have a motion
5 to close tonight's meeting -- long 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 * * * *

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

14 * * * *

15
16 MR. VALLEJO: The ayes have it. Thank
17 you. Good luck.

18 And let the record show that the meeting
19 has ended.

20 * * *

21 (Whereupon, the meeting was adjourned at
22 11:17 p.m.)

23 * * * *

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CERTIFICATE

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

LILIANA THOMAS, CCR, RPR
LICENSE NO. 30XI00238800