

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

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

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

Thursday, December 12, 2024  
Commencing at 6:15 p.m.

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

ANDRES GARCIA, Chairperson  
MARGARITA GUTIERREZ  
MIGUEL ORTIZ  
ROSIO PENA  
GERALDINE PEREZ  
ALTAGRACIA SAN MARTINO  
VIVIAN O'DELL

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

VICTOR M. GRULLON, Vice Chairperson  
MINDRY WATLEY  
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.  
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

SUSAN BISCHOFF CCR CO.  
201-390-0583 SBischoffccr@yahoo.com

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

ADOLFO LOPEZ, ESQ.  
Attorney for Applicant, Sakiri Real  
State Mgmt, LLC

J. ALVARO ALONSO, ESQ.  
Attorney for Applicant, DDIS Union City, LLC

J. ALVARO ALONSO, ESQ.  
Attorney for Applicant, Margarita Onofre

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, 503 Central Avenue,  
LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Priya & Jill, LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Sherman Realty, LLC

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

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Union City  
Living, LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Miguel A. Calderon

J. ALVARO ALONSO, ESQ.  
Attorney for Applicant, Thomas Chartier

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, Sol on 18th, LLC

BIANCA PEREIRAS, ESQ.  
Attorney for Applicant, 407 46th Street  
Associates, LLC

I N D E X

|                                 | <u>PAGE</u> |
|---------------------------------|-------------|
| CALL TO ORDER                   | 10          |
| SALUTE TO FLAG                  | 10          |
| ROLL CALL                       | 11          |
| ADOPTION OF MINUTES             | 11          |
| HEARINGS                        |             |
| Miguel A. Calderon              | 13          |
| Sol on 18th, LLC                | 16          |
| Sakiri Real State Mgmt, LLC     | 18          |
| DDIS Union City, LLC            | 36          |
| Margarita Onofre                | 41          |
| 603 Central Avenue, LLC         | 43          |
| Priya & Jill, LLC               | 48          |
| Sherman Realty                  | 64          |
| 506-508 26th St, LLC            | 66          |
| Union City Living, LLC          | 85          |
| Thomas Chartier                 | 126         |
| 407 46th Street Associates, LLC | 229         |
| ADOPTION OF RESOLUTIONS         | 241/244     |
| ADJOURNMENT                     | 246         |

I N D E X

SAKIRI REAL STATE MANAGEMENT, LLC  
4101-4103 BERGENLINE AVENUE

WITNESSPAGE

JOSE IZQUIERDO

19

E X H I B I T SNO.DOCUMENTPAGE

NO

EXHIBITS

MARKED

I N D E X

PRIYA & JILL, LLC  
913-915 SUMMIT AVENUE

WITNESSPAGE

MANUEL PEREIRAS

48

JOHN McDONOUGH

57

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

I N D E X

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

WITNESSPAGE

MANUEL PEREIRAS

66

E X H I B I T SNO.DOCUMENTPAGE

NO

EXHIBITS

MARKED

I N D E X

Union City Living, LLC  
614-622 12th Street

WITNESSPAGE

MANUEL PEREIRAS

75

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

I N D E X

THOMAS CHARTIER  
1010-1012 New York Avenue

| <u>WITNESS</u>     | <u>PAGE</u> |
|--------------------|-------------|
| DANIEL ROMAN       | 128         |
| JORGE MASTROPIETRO | 128         |
| MEREDITH CHARTIER  | 148         |
| GARY DEAN          | 155         |
| PEDRO FERNANDEZ    | 168         |
| THOMAS CHARTIER    | 186         |
| GUILAGO MARSINO    | 204         |
| JOHN McDONOUGH     | 208         |

E X H I B I T S

| <u>NO.</u> | <u>DOCUMENT</u> | <u>PAGE</u> |
|------------|-----------------|-------------|
| A-1        | planning packet | 208         |

I N D E X

407 46TH STREET ASSOCIATES, LLC  
407 46th Street

WITNESSPAGE

MANUEL PEREIRAS

230

JOHN McDONOUGH

237

E X H I B I T SNO.DOCUMENTPAGE

NO EXHIBITS MARKED

1           MR. VALLEJO: May I have your attention,  
2 please?

3           Please take notice that on Thursday,  
4 December 12, 2024, at 6:00 p.m., a regular meeting  
5 is scheduled for the City of Union City Zoning  
6 Board of Adjustment, to be held in Union City High  
7 School, located at 2500 John F. Kennedy Boulevard,  
8 Union City, New Jersey.

9           Adequate notice of this meeting has been  
10 provided as follows:

11           Notice of this meeting setting forth the  
12 time, date, location, to the agenda to the extent  
13 known, was forwarded to The Jersey Journal, The  
14 Record, and The Hudson Reporter, has been posted  
15 on the bulletin board in City Hall, and has been  
16 made available to the public in the Office of the  
17 Municipal Clerk.

18           Before we do roll call for tonight's  
19 meeting, can everybody kindly rise to salute the  
20 flag, please?

21

22           (Whereupon the Pledge of Allegiance was  
23 recited.)

24

25           MR. VALLEJO: Thank you.

**ROLL CALL:**

MR. VALLEJO: Roll call for tonight's meeting.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Mr. Grullon is absent.

Ms. Gutierrez.

MS. GUTIERREZ: Here.

MR. GRULLON: Mr. Ortiz.

MR. ORTIZ: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Let the record indicate we have six present.

**ADOPTION OF MINUTES:**

MR. VALLEJO: Approval of previous meeting minutes from November 2024.

1 CHAIRPERSON GARCIA: Motion.

2 MR. VALLEJO: Motion by Mr. Garcia.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Second by Ms. Gutierrez.

5 Role call on the motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Mr. Ortiz, you abstain,  
17 right?

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Five in favor, one  
20 abstained, motion carries.

21 \* \* \* \*

22

23

24

25

1       **MIGUEL A. CALDERON -**

2       **210 46TH STREET:**

3  
4               MR. VALLEJO: All right. We are going  
5 to move the order of tonight's agenda. We're  
6 going to move to number 9, Miguel Calderon, 210  
7 46th Street. Ms. Pereiras, please.

8               MS. PEREIRAS: Good evening, Board  
9 Members, Bianca Pereiras on behalf of the  
10 applicant, Miguel Calderon. We are respectfully  
11 requesting an adjournment of this matter. When we  
12 were here last month, the Board had requested that  
13 we enter into an agreement with city counsel. We  
14 have been in dialogue with city counsel and still  
15 working on that settlement agreement. Hopefully,  
16 we will have it in time for the next meeting in  
17 January. So if the Board could kindly carry the  
18 matter to the next meeting.

19              MR. PANEQUE: Ms. Pereiras, you're  
20 waiving the statutory time period in which this  
21 Board can act?

22              MS. PEREIRAS: Of course, Counsel.

23              MR. PANEQUE: Thank you.

24              CHAIRPERSON GARCIA: This is for 210  
25 46th Street?

1 MS. PEREIRAS: That's correct.

2 CHAIRPERSON GARCIA: Okay. I make a  
3 motion to adjourn this application to the January  
4 meeting. Do we have the date?

5 MR. VALLEJO: Tentatively scheduled,  
6 that will be the hearing on January 9th. Motion  
7 to adjourn this application to --

8 CHAIRPERSON GARCIA: January meeting  
9 2025.

10 MR. VALLEJO: By Mr. Garcia.

11 MS. GUTIERREZ: Second.

12 MR. VALLEJO: Seconded by Ms. Gutierrez.  
13 Roll call on the motion.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Ms. San Martino.

25 MS. SAN MARTINO: Yes.

1 MR. VALLEJO: Six in favor, motion  
2 carries.

3 MS. PEREIRAS: Thank you.

4 \* \* \* \*

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1       **SOL ON 18TH, LLC -**

2       **821 18TH STREET:**

3  
4               MR. VALLEJO: We're going to move now --

5               MR. PANEQUE: Mr. Vallejo, before we  
6 move on to the next matter, we have another Board  
7 member, Ms. Pena, who just came in.

8               MR. VALLEJO: Let the record reflect  
9 that Ms. Pena joined the meeting at 6:21, we have  
10 seven members now.

11              Moving now to Sol on 18th, LLC, 821 18th  
12 Street. Ms. Pereiras, please.

13              MS. PEREIRAS: Bianca Pereiras on behalf  
14 of applicant. There was an issue with the  
15 publication on this application, so the Board does  
16 not have jurisdiction to hear this matter. And we  
17 ask for this to be placed on the agenda for  
18 January 9th.

19              MR. PANEQUE: Technically, the Board  
20 hasn't taken jurisdiction. You'll be  
21 republishing?

22              MS. PEREIRAS: We will be, yes.

23              MR. PANEQUE: You waive the statutory  
24 time limits?

25              MS. PEREIRAS: Of course, Counsel.

1           MR. PANEQUE: Thank you. Technically,  
2           there's no vote on it because the Board didn't  
3           take jurisdiction, so we'll just carry it to  
4           January 9th.

5           MS. PEREIRAS: Thank you all very much.

6                           \*       \*       \*       \*

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**SAKIRI REAL STATE MGMT, LLC -**  
**4101-4103 BERGENLINE AVENUE:**

MR. VALLEJO: Going back to the regular order, Sakiri Real State Management, LLC, 4101-4103 Bergenline Avenue. Mr. Lopez, please.

MR. LOPEZ: Good evening, Mr. Chairman, Members of the Board. This is an application for property located at 4101-4103 Bergenline, which currently houses the Artesano Restaurant on the first floor, which by the way, which you were eating your earlier dinner this evening. And the entire upper floors are empty.

Before I begin the presentation with my architect, a little bit of history on this property. This property was originally used always as a commercial on the ground floor. The upper floors had six apartment units. And the reason we know that is that all of the original partitions are existing on the property. This ground floor space was occupied by a very successful and famous bedding, drapery, and curtain store by the name of Ben Myers in the 1950s and '60s. And for business reasons, they basically used the entire upper floors as storage

1 space. However, as I said, all of the -- none of  
2 the walls were removed, they're all existing and  
3 they'll be part of the presentation of my  
4 architect.

5 In addition, I'd like to point out to  
6 the Board before we get started that the  
7 applicant's position is that there is a parking  
8 waiver for the first six units on this property,  
9 so there is no parking requirement for those  
10 units.

11 We are proposing one detached unit in  
12 the rear and we are providing parking spaces for  
13 that unit, it's a studio apartment. And, yes, we  
14 have to deal with the existing restaurant and  
15 whatever parking requirements are attributed to  
16 it, but that is a preexisting use, which the Board  
17 knows has been there for many, many years. And  
18 that's by way of introduction. I would call my  
19 expert, Jose Izquierdo.

20  
21 J O S E I Z Q U I E R D O, after having been  
22 duly sworn or affirmed, did testify as follows:

23  
24 MR. IZQUIERDO: Jose Izquierdo,  
25 I-Z-Q-U-I-E-R-D-O, New Jersey architect 09143, New

1 Jersey planner 03385.

2 MR. LOPEZ: Mr. Chairman, I would ask  
3 that Mr. Izquierdo be qualified as an expert  
4 architect and planner.

5 CHAIRPERSON GARCIA: Always a pleasure  
6 to have Mr. Izquierdo with us.

7 MR. IZQUIERDO: Thank you.

8 MR. LOPEZ: Thank you, Mr. Chairman.

9 Mr. Izquierdo, are you familiar with the  
10 plans that are proposed to the Board this evening?

11 MR. IZQUIERDO: Yes, I am.

12 MR. LOPEZ: Your office was involved in  
13 the preparation of these plans?

14 MR. IZQUIERDO: Yes, it was.

15 MR. LOPEZ: Prior to preparing these  
16 plans, did you have an opportunity to visit the  
17 site including all of the interior aspects of it?

18 MR. IZQUIERDO: Yes.

19 MR. LOPEZ: Can you describe what is  
20 located at the site at the present time?

21 MR. IZQUIERDO: Yes. Good evening,  
22 Members of the Board. This property is located on  
23 the northwest corner of the intersection of 41st  
24 and Bergenline Avenue. It's 4101-4103 Bergenline  
25 Avenue. The ground floor of the building is

1 occupied by two portions of a restaurant. The  
2 larger Artesano and then a smaller annex for the  
3 Artesano. Because apparently what happened with  
4 this property, it was two properties that merged.  
5 One was 25 feet wide, the other one was 12 and a  
6 half or something feet wide, and they merged into  
7 the larger lot. As such, the property in question  
8 right now is 37.5 by 99.99 feet, which has a  
9 little bit of a smaller depth, which is a de  
10 minimus variance.

11 The upper -- the second floor and the  
12 third floor of the building are completely vacant.  
13 As Counselor indicated, the original partitions  
14 that were there when it was apparently storage on  
15 the second floor and some apartments on the third  
16 floor remain exactly as they are. And those are  
17 shown in drawing A01. There's seven sheet  
18 submitted with the application. And the first  
19 sheet, when you see the picture of the building,  
20 you see very clearly that the building appears to  
21 be like a larger one and a little smaller one.  
22 And those are the two portions of the building  
23 that merged.

24 MR. LOPEZ: Mr. Izquierdo, from your  
25 examination of the property and the existing

1 remnants of the original architecture, are you  
2 able to show that there were two entrances with  
3 separate staircases?

4 MR. IZQUIERDO: Yes. There's actually a  
5 rear stair right now from the rear of the property  
6 which is like the service part of the restaurant  
7 that used to need access to the smaller portion of  
8 the building. That stair is being removed because  
9 we don't need to have that stair. There is a new  
10 stair.

11 MR. LOPEZ: Where is that shown on your  
12 plan?

13 MR. IZQUIERDO: On drawing A01, on the  
14 architectural existing first floor plan, you see a  
15 stair that is marked in bold. That stair is  
16 existing, that stair still leads to the smaller  
17 part of the building. That stair is being removed  
18 because we don't want any access from the rear of  
19 the building to the apartments.

20 What is being proposed is a new  
21 staircase from Bergenline Avenue leading to six  
22 apartments, three on the second floor and three on  
23 the third floor. Both floors have two studios and  
24 one one-bedroom. So the total application is for  
25 five studios and two one-bedrooms.

1           The Board gained jurisdiction of this  
2           application because there was a stipulation by the  
3           Board that no apartments were going to be on the  
4           simple floor as the commercial space on the ground  
5           floor. However, according to the code, once you  
6           have anymore than four units or more, you need to  
7           have handicapped access to the first floor  
8           apartment where the residential use exists. We're  
9           creating a new small building, which is a studio  
10          apartment and has its own handicapped parking  
11          spaces, which is detached from the restaurant.  
12          And that's accessible only from 41st Street.

13                 So if approved, there will be a new  
14          stair from Bergenline Avenue. The building  
15          doesn't require to have fire escapes or anything  
16          because it's going to be fully sprinklered and  
17          being a three-story sprinklered building doesn't  
18          need two means of egress.

19                 If approved, we would have four studios,  
20          two one bedrooms and a detached studio in the  
21          back.

22                 MR. LOPEZ: Mr. Izquierdo, besides  
23          creating this detached studio apartment, is it  
24          also the intention to improve the flow for garbage  
25          and access to the restaurant as a result of the

1     redesign?

2                 MR. IZQUIERDO: Yeah. In sheet T03, you  
3     see how the site is being developed. We're  
4     cordoning off the commercial use of the restaurant  
5     by having a specific space for the garbage and a  
6     specific entrance from the kitchen through the  
7     rear which is totally separate from the  
8     residential use. There's also some garbage  
9     containers here for the residential use and the  
10    studio apartment that's going to have its own  
11    parking space.

12                MR. LOPEZ: That is intended to be  
13    blocked off from the street and improve the  
14    existing conditions there now that there are  
15    completely open; isn't that correct?

16                MR. IZQUIERDO: Correct. The rear of  
17    this building has a parking lot, that is the  
18    parking lot that occurs between 41st and 42nd  
19    Street. And the side is also close to public  
20    transit with the light rail system on 48th Street,  
21    plenty of buses serve. And as counselor indicated  
22    according to the zoning ordinance of Union City,  
23    the first six units that are located on  
24    Bergenline, I believe, between 31st and -- are not  
25    subject to parking requirements. So in our

1 estimation, we're building one new unit, which is  
2 a handicapped unit with its own parking space --  
3 between 30th and 47th on Bergenline Avenue.

4 Our drawings show that we need to have a  
5 variance for -- the use variance for the ground  
6 floor apartment, de minimus variance for the, with  
7 both are C-2 variances and a parking variance,  
8 which we are estimating that we would need a  
9 parking variance for the existing restaurant.

10 There's going to be no addition to the  
11 existing footprint of the building. The building  
12 is going to be brought up to code, fully  
13 sprinklered and the exterior of the building is  
14 going to be renovated.

15 MR. LOPEZ: Do all the apartment units  
16 require with the minimum square footage required  
17 by the ordinance?

18 MR. IZQUIERDO: Yes, they do. There's  
19 no (d)5 density variance according to the  
20 ordinance. All apartments conform.

21 MR. LOPEZ: Mr. Izquierdo, can you  
22 please go into the positive and negative criteria  
23 associated with this proposed project?

24 MR. IZQUIERDO: Locations such as 41st  
25 and Bergenline Avenue, it's right smack in the

1 middle of the city, and having two floors that are  
2 completely vacant, not lending itself to office  
3 use or anything, but having residential furthers  
4 the active life of the avenue. Having smaller  
5 apartments is in response to a need for smaller  
6 units. A lot of the units that are being created  
7 in new construction, they're all two bedrooms and  
8 three bedrooms or one bedrooms. And in having  
9 four studios -- five studios and two one-bedrooms,  
10 it addresses the market need for those units.

11 I don't see any negative criteria  
12 because right now we have a building that has been  
13 underutilized. The restaurant has been  
14 established for many years and the restaurant just  
15 wishes to have a more stable base in terms of the  
16 income that the building generates, so that it can  
17 further the maintenance of the building.

18 MR. LOPEZ: Nothing else, Mr. Chairman.

19 CHAIRPERSON GARCIA: You don't have any  
20 other witnesses? No other expert?

21 MR. LOPEZ: No other expert, Mr.  
22 Izquierdo is both.

23 CHAIRPERSON GARCIA: Okay. Mr.  
24 Izquierdo, in your statement, you said there are  
25 going to be four studios and three one-bedroom?

1                   MR. IZQUIERDO: No, no. Two  
2 one-bedrooms and four studios in the main  
3 building. That's within the existing  
4 construction, we're utilizing existing square  
5 footage that is vacant right now. What we're  
6 creating is a new studio detached from the  
7 building, in a little one-story structure with its  
8 own handicapped parking space, which is an  
9 apartment for the handicapped.

10                  CHAIRPERSON GARCIA: What I'm  
11 understanding is those six apartments, they're  
12 already there?

13                  MR. IZQUIERDO: There's nothing, the  
14 building is vacant other than the restaurant. The  
15 Artesano restaurant has been in that vacant  
16 building for many, many years.

17                  MS. PEREIRAS: Mr. Chairman, the  
18 partitions -- let me ask Mr. Izquierdo. I believe  
19 what the Chairman was alluding to is the existing  
20 partitions that we see, which you show as existing  
21 second floor plan and existing third floor plan in  
22 your sketch A01.

23                  MR. IZQUIERDO: They're all existing.  
24 All those partitions are going to be removed and a  
25 new layout is going to be created that was the

1     remnants of the previous use. Whatever use that  
2     was, warehouse for the curtain store or  
3     apartments, if they ever existed on the third  
4     floor. It's vacant. The building is vacant, it's  
5     not heated, it's completely vacant.

6             CHAIRPERSON GARCIA: What I'm trying to  
7     understand is that this is the existing condition?

8             MR. IZQUIERDO: In A01, yes.

9             CHAIRPERSON GARCIA: Yes. And which one  
10    is the proposed?

11            MR. IZQUIERDO: Is in A03, all the  
12    apartments on the upper floor. The six apartments  
13    are adaptable to the handicapped, even though  
14    we're not going to have elevator to gain access to  
15    the apartments, all the kitchens and all the  
16    bedrooms comply with the ADA code and all those  
17    partitions are new, only the structural walls are  
18    going to remain. And there's an existing stair  
19    that we're going to be remaining. And that stair  
20    connects only the second floor to the third floor.

21            The access to the building right now is  
22    from the rear of the structure, which is the  
23    service area for the restaurant. We're removing  
24    that stair and we're creating one residential  
25    stair to the apartments only from Bergenline

1 Avenue. And that's also shown in drawing A03.

2 CHAIRPERSON GARCIA: So you basically --  
3 so you're going to have three per floor?

4 MR. IZQUIERDO: Three per floor.

5 CHAIRPERSON GARCIA: So like you say,  
6 it's like -- and you say it used to be two lot and  
7 they combine the two lots?

8 MR. IZQUIERDO: Yes.

9 CHAIRPERSON GARCIA: One is 25 by 99.99  
10 and the other one is 18 --

11 MR. IZQUIERDO: 12 by 99.99. So the way  
12 we laid out the apartments is we have the one  
13 bedroom on the interior part of the building so  
14 that the living room faces Bergenline Avenue and  
15 the bedroom faces the rear of the building. And  
16 the two studios, they're both going to face the  
17 corner of 41st and Bergenline and the other one  
18 faces 41st.

19 CHAIRPERSON GARCIA: So basically you  
20 put the two one-bedroom units on top of  
21 the -- let's say -- this is not on top of the lot  
22 12?

23 MR. IZQUIERDO: The interior --

24 CHAIRPERSON GARCIA: The 12 by 99.99.

25 MR. IZQUIERDO: Not exactly because

1 we're redistributing everything on the inside.  
2 When we're finished, there's not going to be the  
3 division of the 25 and the 12, it's going to all  
4 be a 37-foot wide building. But some portions of  
5 that 12 feet will remain because that's structural  
6 wall.

7 CHAIRPERSON GARCIA: Can you go through  
8 the size of the units?

9 MR. IZQUIERDO: Yes. Unit 203, which is  
10 one-bedroom apartment is 717 square feet. Unit  
11 201, which is a studio is 410 square feet. Unit  
12 202 which is a studio is 475 square feet. Unit  
13 603 which is a one-bedroom is 841 square feet.  
14 Unit 301 which is a studio is going to be  
15 422 square feet. And unit 302 which is a studio  
16 is 416 square feet. And unit 101 which is the  
17 studio, not including the parking space and the  
18 other area is 316 square feet.

19 CHAIRPERSON GARCIA: Okay. So you're  
20 going to have -- let me go back. In reality, if  
21 you're going to have five studios, not four.

22 MR. IZQUIERDO: Five studios? With our  
23 four in the main building two one-bedrooms and  
24 then the new studio.

25 CHAIRPERSON GARCIA: It's a studio, the

1       one separate?

2               MR. IZQUIERDO: Yes. That's the only  
3 additional square footage we're adding to the  
4 building.

5               CHAIRPERSON GARCIA: You're not going to  
6 have any in the setback, the foundation is going  
7 to be the same, everything going --

8               MR. IZQUIERDO: Only interior work.

9               CHAIRPERSON GARCIA: Mr. Spatz, I'm  
10 going to -- we're going to need your advice  
11 regarding -- I know that in Bergenline Avenue, we  
12 have some kind of norms regarding the parking  
13 spaces, allowed to build whatever without parking  
14 spaces. Can you help us to understand this  
15 application a little bit more?

16              MR. SPATZ: Sure. Basically, the units  
17 that are within the existing building don't  
18 require any parking. It's really the new unit,  
19 the new studio requires parking and it requires  
20 two parking spaces because it's 1.8 for a studio  
21 or a one bedroom. The restaurant itself requires  
22 parking and none is provided, but that is a  
23 preexisting condition. And testimony was provided  
24 that there's a municipal lot nearby and then bus  
25 traffic, they're also not that far from the light

1 rail station either.

2 CHAIRPERSON GARCIA: Thank you. Mr.  
3 Izquierdo, there's not anyway that you could like  
4 add another space for parking?

5 MR. IZQUIERDO: Well, what happens is  
6 the handicapped parking space actually occupies  
7 two parking spaces. Because it's the 8-foot space  
8 plus the 8-foot aisle that needs when the doors  
9 open to take out the wheelchair. So in reality, I  
10 would be able to provide two parking spaces, but I  
11 wouldn't be able to provide the handicapped  
12 parking space.

13 CHAIRPERSON GARCIA: Okay.

14 MS. PEREZ: There are currently no  
15 residential units now?

16 MR. IZQUIERDO: No.

17 MS. PEREZ: Has there been? When was  
18 the last time --

19 MR. LOPEZ: That's a question we can't  
20 answer. We estimate that probably sometime in the  
21 1960s, which is when --

22 MS. PEREZ: I think maybe in the '70s.

23 MR. LOPEZ: Or '70s when Ben Myers was  
24 there, they needed the space for warehousing. But  
25 clearly all the partitions are there, they were

1     never removed. They simply stored the things  
2     within that existing apartment layout. But since  
3     then, it hasn't been used, it's been vacant.

4             CHAIRPERSON GARCIA: Any other questions  
5     from Members of the Board? Any member of the  
6     public want to step forward on this application?  
7     None, close to the public.

8             By any chance, you don't have a picture  
9     of the current condition inside?

10            MR. LOPEZ: The pictures inside, we  
11     didn't include those. We can submit those to the  
12     Board prior to the next meeting, if you'd like.

13            MR. IZQUIERDO: Right now, when you go  
14     into the second and the third floor, you see  
15     unfinished hard wood floor that has been unkept  
16     for many years because it's basically an abandoned  
17     vacant place. The Artesano has not used that for  
18     any reason. It's unheated. The bathrooms that  
19     are there have been left there for many years.  
20     And it's all the old sheetrock with old wallpaper,  
21     whatever used to be there. All of that has to be  
22     removed.

23            MR. LOPEZ: My client pointed out that  
24     there's still the original gas lines for the gas  
25     lighting of the apartments. So it's very, very

1 old, but certainly we can submit photographs if  
2 you'd like, Mr. Chairman.

3 CHAIRPERSON GARCIA: Okay. I'm going to  
4 make -- actually I'm going to make my motion, but  
5 I'm going to need the picture before the  
6 resolution, okay?

7 MR. LOPEZ: Okay.

8 CHAIRPERSON GARCIA: Understanding that  
9 Mr. Spatz's statement indicating about the  
10 situation with the parking, so it's a preexisting  
11 condition. Also understanding that we decide to  
12 go two parking spaces or ADA parking spaces, I  
13 understand in this condition, if we approve one  
14 ADA apartment, so we're going to need the one ADA  
15 parking space. And also understanding that  
16 adjacent to the east side of the property is the  
17 municipal parking space. I'm going to make my  
18 motion to grant this application with the  
19 condition that you need to provide us with  
20 pictures of the current situation of the second  
21 and third floor.

22 MR. IZQUIERDO: The pictures will be  
23 authenticated, I will take them myself.

24 MS. GUTIERREZ: I second.

25 MR. VALLEJO: Motion on the table to

1     approve this application by Mr. Garcia, seconded  
2     by Ms. Gutierrez. Roll call on the motion to  
3     approve.

4             Mr. Garcia.

5             CHAIRPERSON GARCIA: Yes.

6             MR. VALLEJO: Ms. Gutierrez.

7             MS. GUTIERREZ: Yes.

8             MR. VALLEJO: Mr. Ortiz.

9             MR. ORTIZ: Yes.

10            MR. VALLEJO: Ms. Perez.

11            MS. PEREZ: Yes.

12            MR. VALLEJO: Ms. O'Dell.

13            MS. O'DELL: Yes.

14            MR. VALLEJO: Ms. Pena.

15            MS. PENA: Yes.

16            MR. VALLEJO: Ms. San Martino.

17            MS. SAN MARTINO: Yes.

18            MR. VALLEJO: Seven in favor, motion  
19     carries.

20            MR. IZQUIERDO: Thank you.

21            MR. LOPEZ: Thank you, Board Members.  
22     Merry Christmas to all.

23            CHAIRPERSON GARCIA: Thank you, happy  
24     new year.

25                   \*       \*       \*       \*

1     **DDIS UNION CITY, LLC -**  
2     **717 BERGENLINE AVENUE:**

3  
4             MR. VALLEJO: DDIS Union City, 717  
5     Bergenline Avenue. Mr. Alonso, please.

6             MR. ALONSO: Thank you. Good evening,  
7     Mr. Chairman, Members of the Board. For the  
8     record, Alvaro Alonso on behalf of the applicant.  
9     The Board may recall this application was approved  
10    two years ago actually. My client, unfortunately,  
11    was unable to start with the construction drawings  
12    and obtain the permits, so kind of put the project  
13    to the side. When he started up again and now  
14    he's ready to file for his permits, he discovered  
15    that his resolution had expired. So I'm just here  
16    this evening requesting an extension.

17            CHAIRPERSON GARCIA: Is your client  
18    willing to proceed with the construction?

19            MR. ALONSO: Yes.

20            CHAIRPERSON GARCIA: This year?

21            MR. ALONSO: Yeah, he's ready to start  
22    and file for his permits. He just realized that  
23    the resolution expired.

24            CHAIRPERSON GARCIA: I make my motion to  
25    grant this extension, for one year extension.

1 MS. PEREZ: Motion.

2 MR. VALLEJO: Motion by Mr. Garcia.

3 MS. PEREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Perez.

5 Roll call on the motion to approve.

6 Ms. Gutierrez.

7 MS. GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Mr. Garcia.

15 MR. GARCIA: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Seven in favor, motion  
21 carries.

22 MR. PANEQUE: Before we proceed, just as  
23 a point of clarification, Mr. Alonso. Your  
24 resolution was dated January 13, 2022, therefore,  
25 your two year would have tolled on January of

1       2024. And as such, a one year extension from that  
2       date would only carry you to January.

3               MR. ALONSO: January 25th.

4               MR. PANEQUE: So since you're here, you  
5       probably -- with this extension, you're only going  
6       to get a couple weeks?

7               MR. ALONSO: Correct.

8               MR. PANEQUE: Are you asking this Board  
9       to carry you a second extension through January of  
10      2026?

11              MR. ALONSO: I think it would be  
12      prudent. And since we're here already, might as  
13      well.

14              MR. PANEQUE: So Mr. Garcia.

15              CHAIRPERSON GARCIA: That's going to the  
16      last one.

17              MR. PANEQUE: That would be his second  
18      extension, so yes. But he's representing to the  
19      Board that his client is ready to proceed. I just  
20      don't want him to get caught up in a loophole with  
21      the building department, since his extension would  
22      have been for one year from January of 2024  
23      through January of 2025. If his client doesn't  
24      jump on the motorcycle and get this done within  
25      the next three weeks --

1           MR. ALONSO: With the holidays coming  
2 up.

3           MR. PANEQUE: So therefore, since we're  
4 granting him the extension, we should grant him --  
5 it will be a two-part resolution. First year  
6 extension followed by the second year extension  
7 through January of 2025 and this is your second  
8 year then already granted.

9           MR. ALONSO: Yes. I would appreciate  
10 that. Thank you.

11          MR. VALLEJO: Then I need motion?

12          MR. PANEQUE: We need a second motion  
13 because he got his first extension that's only  
14 going to carry him for like another three weeks.

15          CHAIRPERSON GARCIA: The first one was  
16 approved for up to 2025.

17               I make my motion to grant it to 2026.

18          MS. GUTIERREZ: And I'll second.

19          MR. VALLEJO: Motion to approve to  
20 January 2026 by Mr. Garcia, seconded by Ms.  
21 Gutierrez. Roll call on the motion.

22               Ms. Gutierrez.

23          MS. GUTIERREZ: Yes.

24          MR. VALLEJO: Mr. Ortiz.

25          MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Ms. Pena.

8 MS. PENA: Yes.

9 MR. VALLEJO: Ms. San Martino.

10 MS. SAN MARTINO: Yes.

11 MR. VALLEJO: Seven in favor, motion  
12 carries, for the second extension.

13 MR. ALONSO: Thank you.

14 \* \* \* \*

15

16

17

18

19

20

21

22

23

24

25

1       **MARGARITA ONOFRE -**  
2       **136 37TH STREET:**

3

4               MR. VALLEJO: We're moving now to  
5 Margarita Onofre, 136 37th Street. Mr. Alonso,  
6 please.

7               MR. ALONSO: Thank you, Mr. Chairman.  
8 Again, for the record, Alvaro Alonso on behalf of  
9 the applicant. I learned today that unfortunately  
10 my architect was unable to attend this evening and  
11 I cannot proceed without him. So I'm going to  
12 need to carry this matter.

13              CHAIRPERSON GARCIA: This is Margarita  
14 Onofre?

15              MR. PANEQUE: Mr. Alonso, do you waive  
16 the statutory time period in which this Board can  
17 act on this application?

18              MR. ALONSO: Yes.

19              MR. PANEQUE: Thank you.

20              CHAIRPERSON GARCIA: I make my motion to  
21 adjourn this application to January meeting.

22              MS. GUTIERREZ: Second it.

23              MR. VALLEJO: It will be confirmed after  
24 the Board approves the schedule for 2025. Motion  
25 to adjourn this application to January 9, 2025, by

1 Mr. Garcia, second by Ms. Gutierrez. Roll call on  
2 the motion.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Ms. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Ms. San Martino.

16 MS. SAN MARTINO: Yes.

17 MR. VALLEJO: Seven in favor, motion  
18 carries.

19 MR. ALONSO: Thank you.

20 \* \* \* \*

21

22

23

24

25

1       **603 CENTRAL AVENUE, LLC -**

2       **603-607 CENTRAL AVENUE:**

3  
4               MR. VALLEJO: Now we're moving to number  
5 four, 603 Central Avenue, LLC, 603-607 Central  
6 Avenue. Ms. Pereiras, please.

7               MS. PEREIRAS: Board Members, Bianca  
8 Pereiras on behalf of 603 Central Avenue, LLC.  
9 The application before the Board this evening is  
10 for an extension. This Board actually heard this  
11 application back in 2020 where the Board approved  
12 an application to demolish the existing warehouse  
13 to construct three two-family homes.

14              We are in essence requesting two  
15 extensions from this Board because the approvals  
16 would have lasted through November of 2023. So we  
17 are requesting an extension through November of  
18 2024 and then a third and final extension through  
19 the following year November 2025. The clients are  
20 ready to proceed. There were a few delays when  
21 they were dealing with the sewer authority. They  
22 actually submitted their permits to Union City  
23 Building Department and at that point, they  
24 realized at the resolution had expired.

25              So respectfully, we're requesting a

1 second and a third year extension on this matter.

2 CHAIRPERSON GARCIA: So --

3 MR. PANEQUE: Let's look at the time  
4 line, Ms. Pereiras. The original application of  
5 this matter was approved on November 12, 2020.

6 MS. PEREIRAS: That's correct.

7 MR. PANEQUE: That means your two year  
8 approval would have been good through November of  
9 2022?

10 MS. PEREIRAS: Correct.

11 MR. PANEQUE: And then you came in on an  
12 extension that was granted February 9, 2023, which  
13 would have carried you through November of 2023?

14 MS. PEREIRAS: That's correct.

15 MR. PANEQUE: And there's been no  
16 further extensions after that?

17 MS. PEREIRAS: No.

18 MR. PANEQUE: So technically your  
19 extension expired on November of '23, you would  
20 need a second extension to carry you through  
21 November of '24, which would expire on its own --

22 MS. PEREIRAS: Correct.

23 MR. PANEQUE: -- as soon as it's  
24 approved?

25 MS. PEREIRAS: Correct.

1           MR. PANEQUE: And then you're asking for  
2 the third extension?

3           MS. PEREIRAS: That's correct.

4           MR. PANEQUE: What stage is your client  
5 in with respect to commencing this project?

6           MS. PEREIRAS: We are ready. They  
7 submitted to the building department and that's  
8 when they realized their resolution had expired.

9           MR. PANEQUE: As you're aware, this  
10 Board routinely grants the first extension, almost  
11 as a matter of right, just as courtesy. Second  
12 extensions are extended on a need basis. Third  
13 extensions are rarely extended, okay. But you're  
14 representing to this Board that your client is  
15 ready?

16           MS. PEREIRAS: They are ready.

17           MR. PANEQUE: Okay. I would --

18           CHAIRPERSON GARCIA: How long is it  
19 going take?

20           MR. PANEQUE: How long to get permits?

21           MS. PEREIRAS: They're ready to submit  
22 it. So if the Board is more comfortable with just  
23 giving the applicant a few months, that's all the  
24 time we need.

25           MR. PANEQUE: So we're in December, your

1 extension expired in November of '24. If we give  
2 it a third extension for five months, you would  
3 have already used almost two of them with November  
4 and December, that would only give you  
5 three months. Is that enough time? The Chairman  
6 is suggesting June 30th.

7 MS. PEREIRAS: I appreciate that.

8 CHAIRPERSON GARCIA: This way, I mean,  
9 knowing that because we don't handle the  
10 permits --

11 MS. PEREIRAS: Right.

12 MR. PANEQUE: There must be a Christmas  
13 spirit somewhere.

14 MS. PENA: It's the empanadas.

15 MR. PANEQUE: So June 30th.

16 MS. PEREIRAS: That's sufficient time.  
17 Thank you very much.

18 CHAIRPERSON GARCIA: Okay. Like Mr.  
19 Paneque said, Christmas is around. Just take in  
20 consideration that it's not in the Board's control  
21 about permits. We're going to give the exception  
22 to give up to June 30th to proceed with this  
23 application. So I'm going make my motion to grant  
24 this extension up to June 30th.

25 MR. VALLEJO: Motion to grant the

1 extension through June 30, 2025, by Mr. Garcia.

2 MS. GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion.

5 Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: 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. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

19 MR. VALLEJO: Seven in favor, motion  
20 carries.

21 MS. PEREIRAS: Thank you all very much.

22 \* \* \* \*

23

24

25

1       **PRIYA & JILL, LLC -**

2       **913-915 SUMMIT AVENUE:**

3  
4               MR. VALLEJO: Next application on  
5 tonight's agenda is Priya and Jill, 913-915 Summit  
6 Avenue. Ms. Pereiras, please.

7               MS. PEREIRAS: Thank you very much.  
8 Bianca Pereiras on behalf of the applicant for  
9 913-915 Summit Avenue. As the Board may recall,  
10 we had previously presented testimony in this  
11 regard for legalization of a fifth unit in the  
12 existing mixed use building on Summit Avenue. The  
13 Board asked us to take a look at the footprint of  
14 the building because there was a discrepancy  
15 between the survey and our architectural drawings.  
16 So the architect has made some revisions and  
17 submitted those to the Board. And I ask Mr.  
18 Pereiras to address those changes to the Board  
19 this evening. Mr. Pereiras.

20  
21 M A N U E L       P E R E I R A S, after having been  
22 duly sworn or affirmed, did testify as follows:

23  
24               MR. PEREIRAS: Manny Pereiras,  
25 P-E-R-E-I-R-A-S, with Pereiras Architects

1 Ubiquitous, located at 1116 Summit Avenue, Union  
2 City.

3 MS. PEREIRAS: Mr. Pereira, this is a  
4 continuation of your testimony from two months  
5 ago. Considering it's been a little bit of a  
6 while, why don't you give the Board the benefit of  
7 a brief presentation and hopefully address the  
8 changes that were made.

9 MR. PEREIRAS: I'd be very happy to.  
10 I'll walk through the entire project, but just as  
11 a quick overview, the big question that the Board  
12 had was that on the cover sheet, there's a survey  
13 that we always print out. That survey comes  
14 straight from a surveyor and we put it on our  
15 drawings. The survey was inaccurate with the  
16 space within the buildings. So -- but my drawings  
17 actually were accurate and we're going to describe  
18 it more in detail as we go through, but we updated  
19 the survey here so that we could see what the  
20 difference was.

21 To remind the Board, these are all  
22 preexisting conditions that we have here that  
23 we're tweaking and making it a better situation.  
24 The building is on Summit Avenue. There are two  
25 businesses on the ground floor, and above that,

1     there are four apartments. We're not making any  
2     changes to that existing building other than what  
3     I'm going to describe in testimony. What's in  
4     question here is a rear house that has been there  
5     for many years. We have photographs so the Board  
6     can see the conditions of the rear house and we're  
7     looking to legalize that rear house.

8             We came before the Board several years  
9     ago. Covid happened, issues happened, the  
10    building department process was extremely  
11    difficult because of the conditions that we have.  
12    Therefore, it took longer than we expected. And  
13    as such, the resolutions expired and that's why  
14    we're back here to create a clean new application  
15    that shows exactly what to do, so we could  
16    legalize that rear unit.

17            Here, we can really clarify and these  
18    bubbles indicate what the changes were and the  
19    area in question. As you can see here, you have  
20    the existing house that reaches the back and then  
21    it butts up against the existing rear house. One  
22    of the problems that we have a from a code  
23    perspective is that in situations of an emergency,  
24    you are not allowed to enter a second structure.  
25    So let's say there's a fire, you leave your

1 apartment. You can't re-enter another structure  
2 to get to the outside. We are, in Union City,  
3 property line to property line, Summit Avenue.  
4 There's no way of escaping that rear portion, that  
5 rear building, unless you come back through this  
6 building. So the only solution we have in order  
7 to legalize and make things right and take this  
8 existing condition and make it work is that you're  
9 not leaving the building to come inside, you're  
10 staying within the same building and going across.

11 So we're proposing a small one-story  
12 addition that -- where this used to be the front  
13 entry of the building, the building is now  
14 connected. And you have one hallway within this  
15 building that connects the front entrance, the  
16 apartments upstairs, and the building in the back.

17 So that consists of an addition that's  
18 15 feet in length and then the remaining width of  
19 the building. You could see it a little bit  
20 better when we turn to our plan sheet.

21 In our plans starting with Z03, we have  
22 the existing condition above and the proposed  
23 condition below. That rear structure right now as  
24 you could see here has steps that are accessed  
25 through this point. And there's basically a

1 bedroom down there. What we were looking to do is  
2 remove the furnace, remove the mechanical  
3 equipment that's there and create a proper bedroom  
4 and full bathroom, so that that bedroom has a full  
5 bathroom.

6 Turning now to sheet Z04, we see again  
7 the existing condition and the proposed condition.  
8 As you can see here, you have to go through the  
9 building, step outside go back up steps to enter  
10 into this bedroom apartment. What we're doing is  
11 enclosing that completely so that we have one fire  
12 rated corridor.

13 Now, this is one of the reasons that  
14 this application makes a lot of sense. Because by  
15 legalizing that rear unit, we're actually  
16 upgrading the building in the front. And we're  
17 bringing it up to code so it is a proper two-hour  
18 fire rated corridor. What does that mean to be  
19 two hours? We're basically adding layers of  
20 Sheetrock that stops a fire from passing through  
21 that wall and delays it so that people could enter  
22 and exit the building. So it's not only  
23 beneficial for that rear unit, it's extremely  
24 beneficial for all the apartments upstairs. We  
25 have four apartments upstairs that are now going

1 to benefit from this fire rating. And it's going  
2 to benefit the stores because since we're  
3 affecting this corridor, we're also affecting the  
4 stores that we have there. So if there's a fire  
5 in the store, we're creating a two-hour fire  
6 separation between the store and the residential  
7 units as well. So it's a huge upgrade to the  
8 building.

9 We're also creating a low voltage alarm  
10 system that's connecting that entire space  
11 together. So all those common areas will have a  
12 low voltage alarm system. So if there's a fire  
13 anywhere there, all the residents are alerted  
14 upstairs or the commercial spaces. So it's a huge  
15 benefit to the community. And when you have a  
16 benefit to the a building, when all these  
17 buildings are so close together, it creates a lot  
18 of fire safety. Because when we make one building  
19 better, we're protecting the entire neighborhood  
20 from potential fires across.

21 So going back to this floor, you enter  
22 and we're creating a living room, kitchen space  
23 here with a bedroom on that floor as well. Both  
24 bedrooms are going to have egress windows. Both  
25 bedrooms are going to be fully protected and

1       sprinklered and we'll have that fire exit.

2               Now, we also drew elevations of the  
3       building. But before I get to the elevations,  
4       here we added photographs that we didn't have in  
5       the previous application. As you can see, the  
6       conditions are pretty much existing. This is a  
7       photograph of the existing kitchen looking this  
8       way. Looking towards the bedroom, you could see  
9       the floors are actually pretty well kept. There's  
10      a bathroom there. These are all existing  
11      conditions with people that live in this apartment  
12      and we're legalizing that aspect of it.

13              We also you included a photograph of the  
14      exterior, so that you could see how you come out,  
15      going through the steps. And see that the  
16      existing building is already connected. We're  
17      just enclosing it and making it a little bit  
18      better -- I should say a lot better.

19              Also included in our drawings are  
20      existing conditions of all the apartments above.  
21      Here, you could see all four apartments. We're  
22      not proposing any changes on there. This is the  
23      top floor, no changes proposed there as well. And  
24      you could see elevations of how this building  
25      looks. From Summit Avenue, you could see you have

1 two stores and then the apartments above. And on  
2 the rear, this is the structure that we're talking  
3 about. And it's best seen from the side view over  
4 here.

5 Also included in our proposal is  
6 revamping the fire escape along the rear so that  
7 there is proper egress from the apartments above.  
8 So if someone -- if there were the unfortunate  
9 event of a fire and people are exiting from the  
10 rear, they're able to safely get down and get back  
11 through the building to get to the front. So  
12 that's part of this application again. Another  
13 huge benefit from legalizing and preparing these  
14 conditions because we're bringing the entire  
15 building up to code in that sense. And that  
16 concludes my testimony.

17 CHAIRPERSON GARCIA: So basically, Mr.  
18 Pereiras, in the event of any fire, whatever,  
19 they're going to have the same corridor to get out  
20 and it's going to be -- is it going to be -- the  
21 people who live in the back not going to get lost  
22 in the middle of a fire?

23 MR. PEREIRAS: It's also an equity  
24 condition. So now this is an apartment that is  
25 equal to the other ones. They have the same front

1 door, the same access, the same corridor. So it  
2 really unifies it. It's good for fire safety and  
3 really brings an equity level into -- it's not  
4 this rear unit, it's part of the building.

5 CHAIRPERSON GARCIA: Okay. So with that  
6 corridor, you integrate that unit into the  
7 building?

8 MR. PEREIRAS: That's correct.

9 CHAIRPERSON GARCIA: And all the  
10 variance are pre-existing?

11 MR. PEREIRAS: Everything is preexisting  
12 nonconforming. We're not expanding on any  
13 variance that we have other than -- actually we're  
14 not expanding on anything. The only thing that we  
15 could consider to be an expansion is parking, but  
16 again this is a preexisting condition. There's no  
17 way of creating or adding parking to this  
18 location. It's also a commercial boulevard, it's  
19 on Summit Avenue, which is mixed use. So we  
20 encourage this mixed use element there as well.

21 MS. PEREIRAS: Mr. Chairman, we have a  
22 planner to testify as well.

23 CHAIRPERSON GARCIA: Thank you.

24 MS. PEREIRAS: Okay.

25

1 J O H N M c D O N O U G H, after having been  
2 duly sworn or affirmed, did testify as follows:

3

4 MR. McDONOUGH: John McDonough,  
5 M-C-D-O-N-O-U-G-H, project planner.

6 MS. PEREIRAS: I ask that Mr. McDonough  
7 be accepted as an expert.

8 CHAIRPERSON GARCIA: Our pleasure to  
9 have him here.

10 MS. PEREIRAS: Thank you very much.

11 Mr. McDonough, if you could review the  
12 variances with the Board as well as your opinion  
13 as to whether this Board can approve this  
14 application?

15 MR. McDONOUGH: Sure. I think it's a  
16 pretty straightforward application. I can be  
17 relatively brief with my planning points here. As  
18 always, Mr. Spatz as given the board a good road  
19 map of the relief that the applicant is seeking.  
20 The main relief is a (d)(2) variance. We're here  
21 in your CN zone district, your neighborhood  
22 commercial zone district, where mixed use is  
23 allowed. This is a mixed use building. However,  
24 the residential units are not allowed on the  
25 ground floor. This back unit is and will be on

1 the ground floor, so that's really the (d) (2)  
2 relief that the applicant is asking the Board to  
3 move on.

4 In terms of the positives and the  
5 negatives here. The clearcut positive is the  
6 efficient use of land. The introduction of what  
7 we always call missing middle housing. That  
8 building is there, this is an adaptive reuse. It  
9 is going to repurpose it. And as you just heard  
10 through our architectural testimony, pull in  
11 upgrades to the whole building that will unify  
12 this component with the rest of the building as  
13 well.

14 Promotion of a desirable visual  
15 environment. It's a beautiful building on Summit.  
16 This is going to add to the efficacy of that  
17 building.

18 And then finally purpose G, to promote a  
19 variety of uses in appropriate locations according  
20 to the needs of all New Jersey citizens. This is  
21 a five-story building. And essentially what we're  
22 doing is reconciling the building and zoning code  
23 here, recognition of this particular building with  
24 what your tax card already shows. It's taxed as a  
25 five-unit building, it's registered with N.J. DCA

1 as a five-unit building. That's valid  
2 through 11/3/25, so we got a whole year on that  
3 registration. It was just inspected as a  
4 five-unit building by DCA back in May. And,  
5 again, this has real world proof that it can  
6 accommodate a residential unit because the  
7 seller's mother actually lived in there.

8           There's all utilities, there's low  
9 voltage, there's fire monitoring system in the  
10 back. It is readily adaptable to a conducive and  
11 wholesome living environment.

12           Again, this is a retrofit of that which  
13 is already there. The positives are substantial,  
14 the negatives are minimal. At the end of the day,  
15 it's going to be a five-story building next to a  
16 five-story building, right next door on lot number  
17 20. So there's good neighborhood harmony there as  
18 well. In that regard, we think the statutory  
19 tests are met. The positives substantially  
20 outweigh the detriments.

21           All of these other things that are  
22 listed in Mr. Spatz's report as the chair has said  
23 are existing conditions not being worsened by the  
24 application. So, again, we think it's a  
25 straightforward application that meets the test

1     and warrants the Board's approval. That's all I  
2     have on direct.

3             CHAIRPERSON GARCIA: Okay. So, Mr.  
4     McDonough, do you understand like it's going to  
5     improve the quality of life or safety condition in  
6     the building? That they should be connecting the  
7     rear apartment with the building?

8             MR. McDONOUGH: Yes. It unifies and as  
9     you just heard, brings everybody out through the  
10    same door, so we don't have this disconnect  
11    between the back and the front. So, yes, better  
12    living environment overall for the entire  
13    building.

14            CHAIRPERSON GARCIA: Okay. Any  
15    questions? Mr. Spatz, you know, this is CN zone,  
16    which one is your opinion regarding the parking  
17    spaces? And, of course, it's a preexisting  
18    condition the more I think about it. And then  
19    legalizing the rear unit that they integrated into  
20    the building, but can you give us your expertise?

21            MR. SPATZ: By our calculation, they do  
22    require a total of 14 spaces for both the  
23    commercial and the residential uses. But as has  
24    been testified to, these are preexisting  
25    conditions. There is no parking on the property,

1 no ability to provide parking on the property.  
2 So, you know, any impacts that might have come  
3 from the lack of parking have been already sort of  
4 integrated within the neighborhood. This has been  
5 ongoing for many years.

6 CHAIRPERSON GARCIA: Okay. Thank you.

7 Mr. Pereiras, so any way to add any  
8 parking spaces with your -- in the corridor, but  
9 no way to accommodate any parking space?

10 MR. PEREIRAS: Unfortunately, the  
11 existing building is lot line to lot line.  
12 There's no available land in the immediate  
13 vicinity, so there's no way of expanding the lot  
14 in any way and no way of providing parking.

15 CHAIRPERSON GARCIA: Is that -- your  
16 client acquired the building like that?

17 MR. PEREIRAS: That is correct, he  
18 acquired it like this, in this condition.

19 CHAIRPERSON GARCIA: Okay. Any other  
20 questions from the Board? Any member of the  
21 public want to step forward for this application?  
22 None, close to the public.

23 First of all, thank you for  
24 understanding our concern about the safety issues  
25 connecting the rear unit with the building. The

1     only thing I have in my mind is the fire  
2     department back in 2007, 11th Street, that the  
3     fire department couldn't get into the back and it  
4     was a disaster. Also understanding that all of  
5     the parking situation is preexisting condition,  
6     also setbacks are an existing condition, I'm going  
7     make my motion to grant this application.

8             MR. VALLEJO: Motion on the table to  
9     grant the application by Mr. Garcia.

10            MS. GUTIERREZ: Second.

11            MR. VALLEJO: Seconded by Ms. Gutierrez.  
12     Roll call on the motion to approve this  
13     application.

14            Mr. Garcia.

15            CHAIRPERSON GARCIA: Yes.

16            MR. VALLEJO: Ms. Gutierrez.

17            MS. GUTIERREZ: Yes.

18            MR. VALLEJO: Mr. Ortiz.

19            MR. ORTIZ: Yes.

20            MR. VALLEJO: Ms. Perez.

21            MS. PEREZ: Yes.

22            MR. VALLEJO: Ms. O'Dell.

23            MS. O'DELL: Yes.

24            MR. VALLEJO: Ms. Pena.

25            MS. PENA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Seven in favor, motion  
4 carries.

5 MS. PEREIRAS: Thank you all very much.

6 CHAIRPERSON GARCIA: Going to take a  
7 two-minute break.

8 MR. VALLEJO: Two-minute break.

9

10 (Whereupon a short recess was taken.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1       **SHERMAN REALTY, LLC -**  
2       **406 BERGENLINE AVENUE:**

3  
4               MR. VALLEJO: Back on the record. Ms.  
5       Pereiras.

6               MS. PEREIRAS: Bianca Pereiras on behalf  
7       of Sherman Realty, LLC, 406 Bergenline Avenue. If  
8       the Board would be so kind, we'd like to carry  
9       this matter to next month's agenda, if possible.

10              MR. PANEQUE: Ms. Pereiras, can you  
11       please state a reason?

12              MS. PEREIRAS: Oh, absolutely. My  
13       client would like to be here to be able to testify  
14       in front of the Board. Unfortunately, he was not  
15       able to make it this evening.

16              MR. PANEQUE: Okay. And are you waiving  
17       the statutory time --

18              MS. PEREIRAS: Yes, of course.

19              MR. PANEQUE: -- that the Board can act  
20       on this?

21              MS. PEREIRAS: Yes, Counsel.

22              MR. PANEQUE: Thank you.

23              CHAIRPERSON GARCIA: Okay. I'm going to  
24       make a motion to adjourn this application to  
25       January meeting.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Motion on the table to  
3 adjourn by Mr. Garcia to January 2025, seconded by  
4 Ms. Gutierrez. Roll call on the motion.

5 Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: 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. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Ms. San Martino.

18 MS. SAN MARTINO: Yes.

19 MR. VALLEJO: Seven in favor, motion  
20 carries.

21 \* \* \* \*

22

23

24

25

1       **506-508 26TH ST., LLC -**

2       **506-508 26TH STREET:**

3  
4               MR. VALLEJO: The next application on  
5 tonight's agenda 506-508 26th Street, LLC. Ms.  
6 Pereiras, please.

7               MS. PEREIRAS: Thank you, Mr. Vallejo.  
8 Bianca Pereiras on behalf of 506-508 26th Street,  
9 LLC, for property located at 506-508 26th Street,  
10 also known as Block 148, Lots 3 and 4.

11               The application before the Board this  
12 evening actually came before the Board many, many  
13 years ago, at which point the Board approved an  
14 application to legalize two units in an existing  
15 multifamily building. The applicant had submitted  
16 his drawings and CDs for permits. And  
17 unfortunately in the change of the years, the  
18 drawings were misplaced. And here we are in front  
19 of the Board again to obtain approval for a second  
20 time. Again this is legalization of two  
21 residential units. We have two experts to  
22 testify. And we'll begin our presentation with  
23 our architect, Mr. Manual Pereiras. Mr. Pereiras.

24  
25       M A N U E L       P E R E I R A S, previously sworn:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

MR. PEREIRAS: I am.

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

MR. PEREIRAS: I have.

MS. PEREIRAS: And could you kindly walk us through the application?

MR. PEREIRAS: I'd be very happy to. So as was said earlier, we've been working on this project for many, many years. We've been bringing this building into compliance, making it work. We got through Covid with a lot of issues that things got delayed and extended. But this is an application -- one of those applications where it's a great opportunity to do something better. And the client has provided a lot of givebacks that are better for the community.

So we have two structures, they're next to each other. They share a main wall. One is 506 and one is 508. On 506, the City recognizes eight apartments within that building. And in

1     508, the City recognizes six apartments within  
2     that building. There were, at times, in the  
3     basement a lot more apartments. And I'll  
4     demonstrate that with our floor plan, which is on  
5     sheet Z03.

6             So as I said before, we've been working  
7     with the City for a long time now.

8             CHAIRPERSON GARCIA: Hold on.

9             MR. PEREIRAS: It's not adding up.

10            CHAIRPERSON GARCIA: I have a quick  
11     question is the building department recognizes 14  
12     and you are asking for legalization of two  
13     bringing it to 15.

14            MR. PEREIRAS: Yeah, I am. It's news to  
15     me that they're recognizing one less. We've been  
16     working with them for years now. This is the  
17     first time --

18            MR. PANEQUE: You have eight and six,  
19     Mr. Pereiras, is 14.

20            CHAIRPERSON GARCIA: And your  
21     application was for two -- legalization of two  
22     bringing it to 15.

23            Here's the second one, one is eight, one  
24     is six.

25            MR. PEREIRAS: One is eight, one is six,

1 correct.

2 CHAIRPERSON GARCIA: And your  
3 application is for 15, legalizing two. So you're  
4 only legalizing one.

5 MR. PEREIRAS: We're legalizing two and  
6 the drawings indicate two. So we are legalizing  
7 one apartment within each building and my drawings  
8 are clear. 506, eight units, proposed 506,  
9 nine units. And 508, six units, proposed 508,  
10 seven units.

11 MR. PANEQUE: That gives you 16.

12 CHAIRPERSON GARCIA: So 16.

13 MR. PEREIRAS: That is a total of 16,  
14 yes.

15 CHAIRPERSON GARCIA: And one second, let  
16 me see the application now.

17 MR. PEREIRAS: 14 recognized, 16  
18 proposed.

19 MR. PANEQUE: Your application is  
20 requesting approval for 15 units with the two that  
21 you're putting in.

22 MR. PEREIRAS: It should be for 16 units  
23 with the two.

24 MS. PEREIRAS: And our notice only  
25 specifying two legalizations, so we didn't specify

1 15 units on our notice.

2 MR. PANEQUE: Do you have a copy of the  
3 notice?

4 MS. PEREIRAS: Yes, of course.

5 MR. PANEQUE: So I may take a look at  
6 it.

7 MS. PEREIRAS: Sure. We're legalizing  
8 two units.

9 MR. PEREIRAS: We're asking for 16.

10 CHAIRPERSON GARCIA: Applicant proposes  
11 the legalization of two residential units in an  
12 existing multifamily building for a total of  
13 15 units.

14 MR. PEREIRAS: So the application --

15 CHAIRPERSON GARCIA: Not 16 units.

16 MR. PEREIRAS: So we clearly have a  
17 typo. The drawings all show 16, the notice says  
18 two additional apartments. So the notice is  
19 correct, the drawings are correct. If you'd like  
20 us to resubmit the application and carry this, we  
21 can do that but it was a typo. I hope the Board  
22 could overlook the typo.

23 CHAIRPERSON GARCIA: Can we have the  
24 legal advice, Mr. Paneque?

25 MR. PANEQUE: The problem is that your

1 application is calling for something which you're  
2 coming before this Board with a different request.  
3 Also on your notice, okay, you have limited your  
4 notice to specifying that you're requesting the  
5 legalization of two basement apartments, but your  
6 notice is completely devoid of what your ultimate  
7 result is going to be. As you know, most notices  
8 will say we're going from a three to a five with  
9 the legalization of two basement units. Your  
10 notice doesn't say you're going from X to Y.

11 Clearly, this notice has an issue  
12 because it doesn't put any notice on the public as  
13 to what it is that you're coming for. So the  
14 public doesn't know, looking at the notice,  
15 whether you're legalizing two basement apartments  
16 in a two-family house or in a 30-unit building.

17 MS. PEREIRAS: Counsel, we can amend the  
18 application very quickly and renotice and specify  
19 the total number.

20 MR. PANEQUE: And clearly the building  
21 department is showing eight and six, so your  
22 drawings are technically correct with the building  
23 department. But your application has a typo, for  
24 lack of a better description of what it is, which  
25 is deceiving if somebody read this application and

1 your notice is a bit deficient.

2 MS. PEREIRAS: We'll adjust that.

3 MR. PANEQUE: Okay. So you're  
4 requesting to carry -- let's see how you want to  
5 handle this. We can handle this one of two ways.  
6 You ask it be carried with the condition that new  
7 notices and an amended application be submitted.

8 MS. PEREIRAS: That's fine, Counsel,  
9 we'll get that done.

10 MR. PANEQUE: Carry to the January 9th  
11 meeting.

12 MR. VALLEJO: January 9th meeting would  
13 be very tight. I don't recommend the board to go  
14 to January, go to February.

15 CHAIRPERSON GARCIA: But this one,  
16 already, we carried a few times already.

17 MS. PEREIRAS: Since September.

18 CHAIRPERSON GARCIA: Since September.  
19 So I think that we have to. And also in reality,  
20 this is a legalization and I'm seeing you know the  
21 picture there. The only reason that I make this  
22 call is because it's just for protection to your  
23 client.

24 MS. PEREIRAS: Right.

25 CHAIRPERSON GARCIA: And also the board.

1 MR. PEREIRAS: We understand.

2 CHAIRPERSON GARCIA: I don't think this  
3 one is going to be -- I mean we have there the  
4 picture and I mean -- do you have a planner?

5 MS. PEREIRAS: We do.

6 CHAIRPERSON GARCIA: Okay. So I think  
7 that it's better to put it in because this is the  
8 third time that we're going to do it.

9 MR. PANEQUE: They're going have new  
10 notices, so --

11 MR. VALLEJO: We have to submit to the  
12 newspapers.

13 MS. PEREIRAS: We have to take advantage  
14 before they close.

15 MR. VALLEJO: We're waiting because The  
16 Jersey Journal is going out of business in  
17 January.

18 MR. PANEQUE: If they have it scheduled  
19 for January 9th, they won't run into the issue of  
20 the newspapers.

21 CHAIRPERSON GARCIA: But they have to  
22 publish.

23 MR. PANEQUE: Before that.

24 MR. VALLEJO: All right.

25 CHAIRPERSON GARCIA: So go to January, I

1 make my notion to adjourn this application.

2 MR. VALLEJO: To January 9, 2025.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Motion to adjourn this  
5 application by Mr. Garcia, seconded by Ms.  
6 Gutierrez. Roll call on the motion.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Yes.

21 MR. VALLEJO: Seven in favor, motion  
22 carries. New notice required and revised  
23 application.

24 \* \* \* \*

25

1       **UNION CITY LIVING, LLC -**  
2       **614-622 12TH STREET:**

3  
4               MR. VALLEJO: Now, we're going to move  
5 now to Union City Living, LLC, 614-622 12th  
6 Street. Ms. Pereiras, please.

7               MS. PEREIRAS: Bianca Pereiras on behalf  
8 of the applicant, Union City Living, property at  
9 614-622 12th Street.

10              As the Board may recall, this is a  
11 continuation of our presentation at the last  
12 meeting. When we were here last month, there was  
13 a very nice collaborative effort between the  
14 neighbors, the Board, and our applicant to make a  
15 few concessions and modify the plans to best fit  
16 the wishes of everyone involved, we have. The  
17 modifications were submitted to the Board.

18  
19       M A N U E L       P E R E I R A S, previously sworn:

20  
21              MS. PEREIRAS: Mr. Pereiras, could you  
22 kindly describe the modifications to the Board?

23              MR. PEREIRAS: I'll be very happy to.  
24 On the record, still Manny Pereiras, still under  
25 oath. So we very much enjoyed the collaborative

1 effort with the Board and with the neighbors. I  
2 think that we listened as best we could and I  
3 think we came up with a good schematic.

4 So what we had presented at the last  
5 meeting, we dropped eight units in total. So we  
6 removed four houses from our plan. And what that  
7 did is it really created a lot of space. It's a  
8 significant cut back, but I think we satisfied a  
9 lot of the questions that we had through doing  
10 that. The first thing that we did is we created a  
11 front yard setback. So now, the houses start at  
12 12 feet away from the property line. That allows  
13 us the opportunity to create significantly a lot  
14 more landscaping along the front of the house.

15 We also took advantage of that and said,  
16 hey, we're creating this big front yard and people  
17 have visitors, people come to say hi and see  
18 what's going on, why don't we create two  
19 additional parking spots in the front of this  
20 complex. So we created two visitor spots, one  
21 being an ADA spot to be in compliance. Because  
22 once you create a parking space for a complex,  
23 you're required to have ADA compliance. So one is  
24 a regular spot, that's 9 by 18 and the second one  
25 is an ADA compliant spot. So we created those two

1 new parking space where before we didn't have.  
2 And we created a 12 by the entire width of the  
3 property of landscaping along there.

4 The next very important thing is that  
5 the Chairman made a very important point to make  
6 the court, what is technically defined as a court  
7 or the street we're creating between the two,  
8 wider. So we increased that court to 24 feet.  
9 We're only required 20 feet. In order to provide  
10 significant amount of safety and make this even  
11 better, we're proposing 24. So it's more than  
12 ample room for cars to circulate. You heard  
13 testimony from our traffic engineer that 20 feet  
14 was sufficient. We now have 24, so it's a lot  
15 better.

16 Mr. Paneque made the very clever  
17 suggestion of raising the sidewalk or the space in  
18 front of these houses. We increased the width of  
19 that space a little bit, so that even at its most  
20 narrow point, we have a 4 foot 6 wide sidewalk and  
21 we raised this like a regular sidewalk to  
22 6 inches. That creates a level of safety so  
23 anybody that walks through is not afraid of  
24 getting hit by a car, they're protected, just like  
25 a Union City sidewalk. Now it's turned on the

1 site. We're also still keeping a little bit of  
2 landscaping in front of every single one of the  
3 houses and the depressed curb at that, so that the  
4 cars can enter the house.

5 And then what I think is the most  
6 significant difference is that by removing all  
7 those eight units that we took out of the plan, we  
8 creating a really ample rear yard. So remember,  
9 Union City, 25 feet, that's all we need. We're  
10 actually even more than that. So we're at  
11 25 feet, 7 inches. So we're fully compliant with  
12 the rear yard, no variance required there.

13 And what we did is because there's a big  
14 elevation change and we have neighbors that are up  
15 here on 13th Street and we're down here, and a lot  
16 of the neighbors were concerned with what are they  
17 going to look at, we created a three-tiered  
18 retaining wall. So that you have the first tier  
19 and the first level, you ramp up on both sides,  
20 you have some nice little landscaping. Second  
21 tier, a little bit more landscaping that droops  
22 down. And then on the top tier, we're planting  
23 small pine bushes and small pine trees so that it  
24 creates basically a fence for the neighbors. So  
25 now they have landscaping up there and they're not

1 looking towards buildings. However, if a neighbor  
2 were to look towards our property, they wouldn't  
3 see anything for 25 feet. Now they have like a  
4 full rear yard, just like every other property in  
5 Union City, as far as the ordinance is concerned.  
6 So every property -- and there are some neighbors  
7 that are right up against the property line --  
8 they're more than 25 feet away from our building.

9 Now, to remind you, our building is a  
10 three story building so it's -- and the neighbors  
11 are up high on 13th Street, a huge topographical  
12 difference. I'm just going to turn now to -- we  
13 created, just so we could understand that  
14 difference, we created a diagram. So this line  
15 represents 13th Street, the dashed lines represent  
16 the buildings on 13th Street, and the height. If  
17 you see our building, the line is below there. So  
18 we're well below the heights of all the buildings  
19 on 13th Street. Not only are we below, we're also  
20 more than 25 feet away.

21 So I think we addressed all the concerns  
22 of the neighbors. And we were talking to some of  
23 the neighbors earlier today, I'm sure they're  
24 going to come up here for some questions, we'll  
25 try to address it better. But I hope we met their

1 concerns there. One of the things that we started  
2 briefly talking about that the neighbors were  
3 slightly concerned about -- and hopefully we could  
4 address -- is the rooftops that we have for each  
5 of these buildings. So the rooftop isn't all the  
6 way up here at the roof of these, it's down here.  
7 So it lines up basically with -- the bottom of our  
8 rooftop or the feet of our rooftop lines up with  
9 their second story -- I'm sorry, the beginning of  
10 their second story, so right above their first  
11 story windows. So you'll have that rooftop with a  
12 guardrail that's 44 inches high, 25 feet away. So  
13 it really doesn't impact the houses on 13th Street  
14 in any way, more than 25 feet at the same level as  
15 their second floor doesn't change anything there.  
16 So I think we addressed those concerns there.

17 What else? Right now, my drawings show  
18 that that rear space can be used as a playground  
19 and we used playground equipment. I must say that  
20 maybe there could be some dialogue from the  
21 audience because some of the neighbors suggested  
22 that maybe they don't want playground equipment  
23 right next to their house. We're very happy to  
24 remove that playground equipment, that could be  
25 stipulated in the resolution, absolutely. And

1 we're completely willing to concede. One of the  
2 neighbors asked for it, that's why we put it on  
3 there. We're very willing to remove that as well  
4 if the neighbors think that that's fair.

5           So overall, we reduced the building by  
6 eight units. Now, it fits very much on the site.  
7 We have a building coverage that is well below the  
8 requirement of the zone. So the zoning definitely  
9 contemplates buildings of this scale, we're at  
10 63.7 percent, where 65 is permitted. So it is a  
11 building that really meets our ordinance in  
12 concept and intent. We have the rear yard, we're  
13 away from the neighbors, we're low and very low  
14 building. And that concludes my testimony.

15           MS. SAN MARTINO: I remember we were  
16 talking about, too, the garbage.

17           MR. PEREIRAS: Oh, yeah. So the  
18 garbage. We updated that by the way, I'm sorry.  
19 You reminded me, thank you so much. I love that.  
20 I would have forgot it.

21           So one of the things that we were able  
22 to do is we added width to every single one of the  
23 houses. Because we removed four houses, that gave  
24 us a lot of space. That gave us more than 40 feet  
25 each way. So we added 18 inches to each of the

1 houses, that created several things. We got  
2 garbage, we got trash rooms. So we have ample  
3 room, what we did is we created two garbage  
4 closets in the back of the garage, with one door  
5 in between to get to the back. So now each of the  
6 apartments have their own garbage garage. They  
7 have a double door that opens up, they have the  
8 recycling, they have their garbage on each side.  
9 So each of the houses have garbage in the back.

10 And because we made the houses wider, we  
11 have more room for the cars, they could open their  
12 doors, it's comfortable. It's very simple. The  
13 bedrooms became a little bit bigger. So now the  
14 bedrooms are 10 by 12 and 11 by 12, so they're  
15 more comfortable as well. So giving those extra  
16 18 inches to the house made a very big difference.  
17 Thank you so much for reminding me.

18 MS. PEREZ: Does everybody get their  
19 mail -- they each have a separate home address or  
20 is there a place for the mail?

21 MR. PEREIRAS: So we can't answer that  
22 yet because the post master general is the one  
23 that's going to answer that. I believe that the  
24 best thing would be that each house gets their own  
25 mailbox. It's very reasonable, we've done it in

1 other similar projects in other towns. But at the  
2 end of the day, we don't make that decision. The  
3 post master general makes the ultimate decision.  
4 We submit them a plan, they could say that yes or  
5 no. They can say we need to have in the front  
6 yard a mailbox structure, to put it there. But in  
7 Union City, that's not normally done. So my guess  
8 is that they're going to allow us to do every  
9 door. But I can't give testimony one way or the  
10 other.

11 MS. PEREZ: The address, is it one  
12 address for the whole --

13 MR. PEREIRAS: Again, post master  
14 general is the person who is going determine that  
15 at the end.

16 CHAIRPERSON GARCIA: Mr. Paneque, I know  
17 that we're not an enforcement, we don't have any  
18 enforcement authority; however, is there any -- my  
19 concern is, bad for you, Mr. Pereiras, is like  
20 this -- just as a example. I know there's a  
21 driveway inside, however, how they going to  
22 regulate that they're not going to have any  
23 parking, any car blocking the driveway? If I own  
24 my driveway, it's my driveway, you know what I  
25 mean? And I could park in front of my driveway.

1     However, I'm in -- just in the entry that's in the  
2     street that is only 24 feet wide. And I'm -- if I  
3     park a car there, then we're going have issues.  
4     Is there any way that we could -- I mean that we  
5     could, let's say, that the application is granted,  
6     that the application have a condition that we  
7     don't have any authority to --

8             MS. O'DELL: Make it a no parking zone?

9             CHAIRPERSON GARCIA: No parking in that  
10     24 feet?

11            MR. PEREIRAS: So ownership has the  
12     ability to regulate the parking there. And it  
13     could be a condition of this Board that ownership  
14     continue that policy throughout their property.  
15     So they could enforce it, they could control it.  
16     And ownership is completely willing to say you  
17     can't park in front of your driveway. I think  
18     it's fairly obvious, it will block off everyone  
19     else. So I don't think any of the residents would  
20     tolerate if their neighbors always park in their  
21     driveway, I would be very mad if I was the  
22     resident, I would call the cops and have it towed.

23            CHAIRPERSON GARCIA: I know that the  
24     condominium has their own regulations. And I have  
25     an issue, every time I go to visit my sister and

1     aunt, I only have two hours to park outside. It's  
2     on a street, it's not 24-foot, it's in the street.  
3     If I am more than two hours, they tow my car and  
4     that's it.

5             But we, as a Board of Adjustment, I  
6     never in my experience at the Board, we don't have  
7     any enforcement authority to say, okay, that  
8     regulation has to be implemented if they build  
9     that project.

10            MR. PEREIRAS: And you don't have  
11     enforcement to say they can't throw their garbage  
12     in front of the sidewalk, that they have to put it  
13     inside in the garbage room. There's no way of  
14     this Board to regulate that, but the ownership can  
15     and the people who regulate and control the  
16     property. And they want the best intention for  
17     this property. So I hope that gives you a little  
18     bit more confidence in that it is self-regulating  
19     in many ways.

20            MR. PANEQUE: Well, to answer the  
21     Chairman's question, Mr. Garcia, I think this  
22     Board, as part of its approval, if it deemed fit  
23     to approve this application, can make a condition  
24     that no parking can take place in that --

25            CHAIRPERSON GARCIA: 24-foot.

1           MR. PANEQUE: -- 24-foot lane. It's not  
2 a street, it's not regulated as a street within  
3 the authority of the City of Union City, it's on  
4 private property. But as a condition on the  
5 resolution, you can say that because of the  
6 narrowness, which is 24 feet, parking will be  
7 prohibited along the entire length of that lane.  
8 And that would also give the ownership board,  
9 whoever that may be who controls those units, an  
10 ability to say to the -- whether they're tenants  
11 or they're sold as individual condominiums, that  
12 they cannot park there because this was a  
13 condition of approval.

14           MS. PEREIRAS: And we have no objection  
15 to that condition.

16           MR. PANEQUE: And the Chairman does have  
17 a point that if, you know, if you get neighbors or  
18 residents who live in those units into the bad  
19 habit of parking in front of their driveway, it  
20 could cause legal issues. But if you have this  
21 resolution that says this is a condition of  
22 approval, they would not be able to do that.

23           MS. PEREIRAS: Right.

24           CHAIRPERSON GARCIA: Plus, going to have  
25 also issues because if there's any fire at the

1 last unit and the fire truck has to get in or the  
2 ambulance and the car there going to probably  
3 block the way of the big truck going all the way  
4 to the end.

5 MR. PANEQUE: Yeah. The way that it is  
6 depicted on the picture that Mr. Pereiras has  
7 presented, one car is a de minimus obstruction.  
8 The problem is that if you get the one guy to do  
9 it, everybody else in all the other units will  
10 say, well, if Peter is doing it, why can't I do  
11 it. And you'll have every single owner utilizing  
12 those spots.

13 MS. SAN MARTINO: Even though when,  
14 example, if I live there and somebody come and  
15 visit me, they cannot even park --

16 MR. PANEQUE: No, it will be a  
17 prohibited parking area. And the resolution can  
18 specifically state that signs have to be put up  
19 making the entire 24-foot lane a prohibited  
20 parking area or we can call it a fire lane.

21 MR. PEREIRAS: We can stripe the ground  
22 and call it a fire lane, so nobody can park there.

23 MR. PANEQUE: If it's a fire lane, that  
24 would give authority to the Union City Police  
25 Department to go into a private property and say,

1     you know, you'll be ticketed.

2             MR. PEREIRAS: Yes.

3             MR. PANEQUE: Because otherwise, inside  
4     apartment properties, Union City would not have  
5     authority.

6             MR. PEREIRAS: With the fire lane, they  
7     would. It's a safety issue.

8             MR. PANEQUE: So if you want to have  
9     that as a condition that can be added to the  
10    resolution that the entire 24-foot lane would be  
11    considered a fire lane as well as a means of  
12    egress.

13            MR. PEREIRAS: I think it's a great  
14    idea.

15            CHAIRPERSON GARCIA: Also, Mr. Pereiras,  
16    I have a question why you maintain the same  
17    four feet setback between buildings and you didn't  
18    give at least six?

19            MR. PEREIRAS: Because if we create more  
20    setback there, we lose it in either the rear yard  
21    or the front yard. We'll be happy to move that, I  
22    think four feet is more than ample. The ordinance  
23    actually says four feet between buildings, so  
24    that's what we matched. We matched what the  
25    ordinance says, four feet between building. And

1 an egress court from code is 44 inches. We're at  
2 48 inches. The ordinance says four feet, we're at  
3 four feet. That's why we made that judgment.  
4 We'll be happy to move that in any way you like.

5 CHAIRPERSON GARCIA: Which one is the  
6 one you're going to use in facade?

7 MR. PEREIRAS: In the facade, it's --  
8 I'll use the rendering. So there is a metal  
9 edging that is going to be a combination of metal  
10 edging and stucco. And then we have a white brick  
11 along the front of the building and we have rollup  
12 doors that are synthetic.

13 CHAIRPERSON GARCIA: Can you repeat?

14 MR. PEREIRAS: It's all brick in the  
15 facade.

16 CHAIRPERSON GARCIA: But what about  
17 where you going to have the stucco?

18 MR. PEREIRAS: The stucco is the edge,  
19 how it's trimmed out. You can't make that out of  
20 brick and keep the same look. So typically as  
21 long as you look at the facade and it's majorly  
22 brick, you're allowed to have details and other  
23 materials which adds to the attractive nature. If  
24 we eliminate those details, it's not as attractive  
25 of a building.

1           CHAIRPERSON GARCIA: How going to be the  
2 facade on the side? I'm kind of concerned about  
3 that. How's it going to look on the side?

4           MR. PEREIRAS: I think it's actually  
5 really beautiful. Here, you could see the 12th  
6 Street side.

7           MS. PEREZ: No gate to get in?

8           MR. PEREIRAS: No, no gate. I think a  
9 gate would be very cumbersome because instead of  
10 people coming in, it's going to create traffic on  
11 12th Street.

12          CHAIRPERSON GARCIA: And you don't have  
13 any -- you didn't show anything in the backyard of  
14 the units, any of the setback of the unit in the  
15 front? I just want to see how it's going to --  
16 I'm kind of concerned about the --

17          MR. PEREIRAS: So this is the visitor  
18 parking spot, this would be the handicapped  
19 parking spot and the landscape.

20          CHAIRPERSON GARCIA: Yeah, what about  
21 more to the side setback, you don't have any --

22          MR. PEREIRAS: What we show on the  
23 drawings is that we're going to have a small gate  
24 there and a gate, a 6-foot high gate between every  
25 one, so that there's safety. So people aren't

1 walking around the backyards and each one becomes  
2 private to the unit.

3 MS. PEREZ: There's a gate in the back,  
4 you can get in and out?

5 MR. PEREIRAS: Actually gate is the  
6 wrong word. There's a fence, we call out a 6-foot  
7 high fence. So the only way of getting back here  
8 is through the building itself, through each  
9 two-family.

10 CHAIRPERSON GARCIA: What about the  
11 lighting, the light in the street?

12 MR. PEREIRAS: The lighting? We can  
13 address this in two ways. We could have over each  
14 of the garage doors --

15 CHAIRPERSON GARCIA: Leave it there.  
16 Let me tell you why. You see how dark it looks  
17 inside and you know like how Union City is going.

18 MR. PEREIRAS: I think that's a great  
19 point. So what we can do is over each of the  
20 garage doors, we could have a flood light and we  
21 could design it in a way that the flood light  
22 meets both sides so that it hits perfectly at the  
23 center. So the whole street would be lit always  
24 and it eliminates light pollution. So that it  
25 goes from the garage doors down, which is nice

1     because on the ground floor, we have no windows.  
2     So it won't affect the residents above. And the  
3     lighting just hits and lights up the streetscape,  
4     which is perfect for a space like this.

5             CHAIRPERSON GARCIA: Because I'm walking  
6     in the street, I'm seeing situation like the  
7     people call the police because I have the homeless  
8     at the corner. And it's going to be issue for the  
9     police department if you don't have lights.

10            MR. PEREIRAS: We'll provide a lot of  
11     lights.

12            CHAIRPERSON GARCIA: I'm seeing through  
13     there. You have to design the lights like if I'm  
14     walking on 12th Street, I'm seeing all the way to  
15     the end.

16            MR. PEREIRAS: We're going to design --

17            CHAIRPERSON GARCIA: It's better for  
18     security of the tenant or owner, whatever.

19            MR. PEREIRAS: I agree 100 percent. So  
20     from a code standpoint, we have to provide one  
21     foot-candle at the furthest point. So at the  
22     center of that street -- and a foot-candle is how  
23     you measure light. So the light that comes out of  
24     a candle one foot away from your eyes. So if you  
25     measured the level, the intensity of that light,

1     that light of that one candle one foot away has to  
2     be at the floor at the worst point. So obviously  
3     there's going to be more intense light near the  
4     buildings and it's going to dissipate until you  
5     get to that center. And that center point is one  
6     foot-candle. And what we do when we design that  
7     is we avoid light pollution above. So it creates  
8     a beautiful lit street and no light pollution  
9     above.

10           CHAIRPERSON GARCIA: Yeah, but let me  
11     tell you something. There is a contradiction  
12     between what is beautiful and what is secure,  
13     okay.

14           MR. PEREIRAS: We can add more.

15           CHAIRPERSON GARCIA: I know, I like --  
16     how you call that -- the yellow one? It's not  
17     that intense. However, however, that's not the  
18     one with the more secure light. Because you  
19     cannot -- I mean you're only going to see right  
20     there.

21           So in this particular case, just your  
22     drawing there, just your picture there, without  
23     light, I feel dark. I don't know about you guys,  
24     but I feel it's dark. Probably because it's only  
25     24-foot and also there's --

1           MR. PEREIRAS: It's not real sunlight,  
2       it's a 3D image. We can put the sun anywhere --

3           CHAIRPERSON GARCIA: Still, you know,  
4       only at 12:00, you're going to have real, real  
5       clear. But after that, you're going have one side  
6       in shadow and the other one lit. So it is  
7       something like we have to -- if approved, we have  
8       to get to a point to try to make something to put  
9       in the resolution.

10          MR. PEREIRAS: To make you comfortable,  
11       we need one foot-candle. How about we commit to  
12       making it 10 foot-candle at the worst location?  
13       And that's scientific, we can engineer that and  
14       that's ten times the light that's required at that  
15       worst case scenario. And that way the whole thing  
16       is lit and the Board could feel safe that this  
17       going to be secure. And the building department  
18       will regulate that.

19          CHAIRPERSON GARCIA: Okay. Any other  
20       questions? Any member of the public wants to step  
21       forward? Any member of the public.

22          MR. RICHARDSON: Couple questions.  
23       Hello, my name is Andrew Richardson, I live at  
24       617-619 12th Street, so we're directly across,  
25       kitty corner from the property.

1           So one of the problems -- one of the  
2 things that's great is that we're able to come and  
3 talk and leave -- shrink the project and not have  
4 as many residents. But also for me parking spots,  
5 right, because 12th Street is pretty quiet. And  
6 I've only been living in Union City for six years,  
7 but one of the reasons we moved to 12th Street is  
8 because it is quiet. So what I see -- it's great  
9 that we've changed and worked together with the  
10 architect and the developer, but it's grown again.  
11 So it's grown wider, the property is sort of the  
12 development or the complex is wider. Now there's  
13 50 parking spots. So we've added two parking  
14 spots on the outside for handicapped and for  
15 visitors. I understand Union City has a parking  
16 problem because I live here and I see it on the  
17 street constantly. But now we're going to have  
18 even more parking and more cars. So I guess  
19 that's one of the problems.

20           The second is I'm not sure -- I know  
21 story, right, the story one, two, three. It's in  
22 English, it's British way of measurement. So it's  
23 anywhere from 10 to 14 feet? What is the --  
24 what's the technical three story?

25           MR. PEREIRAS: There's no term for a

1 story.

2 MR. RICHARDSON: Because when we first  
3 met, the first meeting we had, you said that  
4 38 feet was the requirement in Union City, the  
5 regulation, if I'm --

6 MR. PEREIRAS: Correct.

7 MR. RICHARDSON: If you're correct. And  
8 on this diagram, when we looked at the way that  
9 it's laid out, it's 41 feet. So the sun rises  
10 across 13th Street and then comes across to my  
11 property. And I've got plants and I grow things,  
12 so the air rights or the sun rights on that higher  
13 development is going to affect the way that I am.  
14 So that's one problem -- second problem I have.

15 I just think that for the community --  
16 and I'm new to the community, but I'm part of  
17 it -- when you're looking at the old houses, the  
18 classic houses and if you've got six lots, is it?  
19 Or is it five lots? Technically --

20 AUDIENCE MEMBER: Six.

21 MR. RICHARDSON: So if you've got six  
22 lots, to me, when we're looking at this classic  
23 old houses, I don't understand why -- why the  
24 developer can't just build six two-family places.  
25 You need two parking spots per family, right? So

1     that's 24, it's roughly 24 -- let's just call it  
2     30 parking spots. So now you're building this  
3     complex with 50 parking spots, so 50 cars are  
4     going to go up and down 12th Street instead of 30,  
5     if they built the way it should be built, right.  
6     And so we're not just talking about the lane, all  
7     right. So what happens when we get a big snow  
8     storm, that's not my problem. The problem will be  
9     when the cars can't get in and out, right, when  
10    there's 50 cars on 12th Street. And we deal with  
11    it, we deal with it constantly.

12                 So I do appreciate the work, the hard  
13    work and I'm for development. I'm not against the  
14    idea of making a property in a vacant lot. I  
15    appreciate that there's green space. I  
16    appreciate, you know, the whole concept of that.  
17    I just think -- I don't see why we can't have a  
18    more traditional six lot two-family houses with 28  
19    parking spots or 30, God forbid, maybe 35, but 50  
20    spots? That's 50 cars. And then we're taking  
21    into consideration, which we already talked about  
22    and we're beating a dead horse with it, the  
23    visitors. So that's 50 spots, just the tenants.

24                 So those are just my concerns. And  
25    other than that, I mean I just -- I think that it

1     could be a little more traditional to the  
2     neighborhood.

3             MR. PEREIRAS:  So I'd just like to  
4     address a couple of those points.  We talked about  
5     it a lot, so I'll be short, unless you want me to  
6     expand.  The measurement of height in Union City,  
7     we're permitted 38 feet.  The way the height is  
8     measured here is we're actually below 38 feet.  
9     What's going past is that little peak of the  
10    houses.  Because we're not measuring to the top of  
11    the peak.

12            So for the drawing purposes, we added --  
13    if the Board wants us to drop down those  
14    three feet and remove the peak, we'll be happy to  
15    remove the peak, if it bothers anybody in any way.  
16    I don't think it does, I think it adds to the  
17    character and the beauty of the structures.  It  
18    doesn't affect any neighbor in any way negatively,  
19    as far as I could see.  We're setback enough.

20            That said, that's the first point.  And  
21    the second point he addressed, we talked about it  
22    at length.  If we were to build six houses, first  
23    and foremost, the driveways for each of the houses  
24    would remove all the street parking along 12th  
25    Street, because you have driveways in front of

1 each of the six houses. There's no other way to  
2 make it fit. You have 20 foot lot, there would be  
3 no room for parking on 12th Street in front of  
4 this property.

5           Additionally, we have a lot that's over  
6 146 feet in depth. These are going to be really,  
7 really big two-family houses on each of these  
8 lots. Let's just say that we do just five  
9 bedrooms, which we could do even bigger, that  
10 would be ten bedrooms on each of the lots, times  
11 six lots, that's 60 bedrooms on here. Whereas, in  
12 our project, we have 60 bedrooms here, but in the  
13 same density. However, in the six lot version,  
14 you have huge families that kids have cars, other  
15 people have cars within the same lots. So you're  
16 going to have multiple cars. Whereas, you can't  
17 park those cars in that scenario. Where in this,  
18 every single one of the houses has two parking  
19 spaces for each of the units. So there's four  
20 parking spaces for each. So we're providing all  
21 the parking for this house; whereas, if we did the  
22 six family, there would be a huge deficit of  
23 parking. And we're removing parking from the  
24 neighborhood. So in this solution, the traffic  
25 conditions of parking as the main concern is

1 removed.

2 CHAIRPERSON GARCIA: Mr. Spatz, let me  
3 ask you a question. If we build six two-family  
4 houses, with a driveway, my opinion is like of  
5 course you're not going to have parking spaces  
6 available in the street?

7 MR. SPATZ: Correct.

8 CHAIRPERSON GARCIA: You agree with me?  
9 Because you're going to have the driveway, then a  
10 small spaces and another driveway, another small  
11 space. I'm just thinking about when I used to  
12 live in 203 Palisade Avenue, that they build 207,  
13 but they have 205 in the middle. So we cannot  
14 park between 203 and 205 and 205 and 207 because  
15 it's just like --

16 MR. SPATZ: Essentially, you have one  
17 wide curb cut the entire width of the property.

18 CHAIRPERSON GARCIA: Okay. Also, Mr.  
19 Spatz, let's say, they come with nice building,  
20 nine units, nothing ambitious, whatever. They  
21 only have to come with 18 parking spaces for the  
22 nine units in the building, right?

23 MR. SPATZ: Right. The requirement for  
24 the number of spaces would be less, but you'd have  
25 more -- potentially more parking required because

1     you'd have much bigger units. They wouldn't have  
2     to provide parking for five bedrooms, there was a  
3     maximum requirement. But you'd have potentially a  
4     lot more parking coming.

5             CHAIRPERSON GARCIA: Also, Mr. Spatz,  
6     did you work with the plans within the City,  
7     right?

8             MR. SPATZ: Yes.

9             CHAIRPERSON GARCIA: And you are aware  
10    of the situation with the parking space, the  
11    crisis that we are living?

12            MR. SPATZ: Yes.

13            CHAIRPERSON GARCIA: Not only Union  
14    City, you drive in North Bergen, you drive in  
15    Jersey City, you drive in Hoboken, wherever. And  
16    do you understand that -- per your opinion, why do  
17    you think about is this one compliant with the  
18    parking spaces required or this application could  
19    be still improved, improving the parking spaces?

20            MR. SPATZ: I think they provide a  
21    conforming amount of parking on the site. I think  
22    you have to balance, as you did in earlier  
23    discussion, in terms of not allowing parking on  
24    the lane that goes through, the driveway really.  
25    So, you know, for safety reasons, you've

1 eliminated the ability for other cars to park on  
2 the site in front of the driveway as you  
3 discussed. But they do provide a conforming  
4 amount of parking for the number of units and the  
5 size of the units.

6 CHAIRPERSON GARCIA: He brought a point  
7 regarding the shadow. I understand that the  
8 location of the lot is going -- the sun going from  
9 east to west and that he is in the south side. I  
10 know your experience is not in shadows and lights,  
11 however, as a planner, I mean if I have a house in  
12 front of me and in my south side, how is my height  
13 going to impact the property in the north or in  
14 the south sides versus east and south side -- east  
15 and west side?

16 MR. SPATZ: The peaks of -- the  
17 buildings front to the interior of the lot. So on  
18 12th Street, you're really only getting the  
19 profile of the peaks. They're not getting -- it's  
20 not like the entire roof is facing 12th Street and  
21 blocking it. It's just sort of a, you know, a  
22 thin sliver of building as part of the design of  
23 the building itself. The rest of the roof is at  
24 the 38 feet.

25 CHAIRPERSON GARCIA: Okay.

1           MR. SPATZ: So that's really the only  
2 part that's creating the shadow. The shadows  
3 might be interior of the lot and you discussed  
4 lighting to increase that. But I don't see that  
5 the shadows will be projecting to the --

6           CHAIRPERSON GARCIA: To the south side.

7           MR. SPATZ: Right.

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

10          MS. MYRA: Yes. Hi. My name is Myra, I  
11 am at 615 12th Street. And I like the project, I  
12 think it's beautiful. I am wondering if there's  
13 anyway to make it -- make the facade look a little  
14 more like the rest of the houses in the block or  
15 in the city, more of the traditional look that we  
16 have? I'm not saying take off the peaks, but the  
17 peaks are very, very different from what we have.  
18 This is what I want to bring up. Thank you.

19          MS. GUTIERREZ: Thank you.

20          CHAIRPERSON GARCIA: Any other member of  
21 the public want to step forward?

22          MR. BORG: Andrew Borg, West Orange --  
23 resident of West Orange, former resident 615 13th  
24 Street. This is really just more for the record  
25 because we did talk to Mr. Pereiras prior to the

1 meeting, just to confirm that we're concerned  
2 about where it abuts against our house on 13th  
3 Street. That the plan, which is a concept plan,  
4 those three levels of landscaping, we want to just  
5 say for the record that we assume they will be in  
6 the final plan, not just in the concept. But  
7 realizing these are not final plans and can't be  
8 made final yet, we're asking they retain that  
9 level of landscaping, up that gradation because we  
10 have an apartment right at the top that looks out  
11 straight ahead. And rather than looking at a  
12 building, granted 25 feet away, but if you look at  
13 greenery would be far preferable and improve, if  
14 you will, any prospects on the value of our  
15 property being devalued because of the proximity.  
16 So the fact that there's been this 25 feet, we  
17 applaud that. We want to make sure that that  
18 concept is actually implemented. Thank you.

19 MS. GUTIERREZ: Thank you.

20 CHAIRPERSON GARCIA: Mr. Pereiras,  
21 regarding the other lady that was here. You  
22 never -- when you meet with -- when you and your  
23 client meet with the community, they never -- you  
24 never presented another option of design on the  
25 facade?

1           MR. PEREIRAS: Well, we presented  
2 multiple different buildings, different designs,  
3 different concepts. Honestly, I think this was  
4 the first time I heard that there was an issue  
5 with the aesthetics of it. Aesthetics are taste.  
6 Every single person has a different taste.  
7 Actually some people like the design, some people  
8 will not. I don't know how to address that.

9           CHAIRPERSON GARCIA: I understand.

10          MS. O'DELL: I like it, it's beautiful,  
11 it's beautiful. I just don't think it goes with  
12 the aesthetic of the neighborhood. I mean it  
13 looks like it belongs in a nice suburb, somewhere  
14 pretty -- not saying Union City is not pretty.

15          MR. PEREIRAS: But I think Union City is  
16 gorgeous.

17          MS. O'DELL: I was born and raised here.  
18 I'm not saying that, but I like the look of -- I'm  
19 all for change. It's not -- I'm all for change.  
20 I just think that the points -- I think it  
21 modernized just a little too much and the city is  
22 too old to be that modern. I like the facade, I  
23 just think -- from the moment I saw it, it's  
24 beautiful, but wait, it doesn't match with  
25 anything else in that neighborhood. And it is

1 beautiful, don't get me wrong, like don't get  
2 offended by that, please. It is beautiful. I  
3 just don't think it goes with the rest of the  
4 town. That's how I feel. I just think those  
5 peaks are just so modern, I don't think it goes.

6 MS. SAN MARTINO: It looks --

7 CHAIRPERSON GARCIA: Vivian, I'm sorry,  
8 with all respect -- let me give my opinion. The  
9 reason that I asked -- can you go back to the  
10 facade on 12th?

11 MR. PEREIRAS: The 12th Street side.

12 CHAIRPERSON GARCIA: Please.

13 MR. PEREIRAS: This is a catty corner  
14 version. And then this is a flat version. I  
15 think the catty corner version actually --

16 CHAIRPERSON GARCIA: My opinion is -- I  
17 understand like this is a little bit modern for  
18 the area, however, they're going to see shorter.  
19 Whatever we're going to see when we pass by is  
20 this facade, that is kind of modern, but it's  
21 not -- I mean we have similar in like what they  
22 did in New York Avenue by 10th street, 12th  
23 Street, something like that. It's my opinion.

24 It's like -- just to give an example,  
25 it's like when you drive through 18th Street

1 through St. Michael walk, it's completely  
2 different through 18th Street than it is when you  
3 get into the garage. It's completely different.  
4 They have -- I don't know how come, I'm not an  
5 architect. They did a great job. So it is if you  
6 drive through 18th street before you get into the  
7 St. Michael walk is really, really according to  
8 whatever they have in the south side of the 18th  
9 Street. However, when you get into the garage,  
10 you feel like you're in Washington, D.C., or  
11 something like that. It's my opinion, you know  
12 what I mean.

13 It's like I think that this -- the  
14 facade they have at 12th Street, I was really,  
15 really concerned. I was not concerned about the  
16 facade inside of the street that you have inside,  
17 but I was concerned about this. Because if I saw  
18 those peaks outside, then I would say come on.

19 MS. O'DELL: You can drive down 12th  
20 Street and if these apartments are -- complexes  
21 are taller than the other houses or homes next to  
22 it, you're going to see those peaks.

23 MR. PEREIRAS: But they're not taller.

24 MS. O'DELL: From the moment you drive  
25 down 12th Street or from anywhere you go, you're

1       going to see them.

2               MR. PEREIRAS: I understand, but both  
3       structures to the west and to the east are taller.

4               MS. O'DELL: They're taller than this?

5               MR. PEREIRAS: Yes. So the house to the  
6       west -- and I have a photograph just so you could  
7       understand the neighborhood. I have lots of  
8       photographs, just so that we all know exactly. So  
9       this is the house to the west, we're going to be  
10      over here, that's way higher.

11              MS. PEREZ: That's the house he's  
12      talking about?

13              MR. PEREIRAS: No, he's catty corner  
14      opposite way.

15              CHAIRPERSON GARCIA: This is on 12th?

16              MR. PEREIRAS: This is 12th Street, this  
17      is the property immediately to the west of --

18              CHAIRPERSON GARCIA: That's the red one?

19              MR. PEREIRAS: That's the red one, so  
20      this house --

21              MR. PANEQUE: Mr. Pereiras, that house  
22      would be to the left of your --

23              MR. PEREIRAS: To the left of this.

24              CHAIRPERSON GARCIA: To the west.

25              MR. PANEQUE: That house has an A frame

1     roof.

2             MR. PEREIRAS: Yes, with a peak as well.

3             MR. PANEQUE: Now, I'm not an architect,  
4     but your houses have a sort of an A frame roof  
5     except that you inverted the A?

6             MR. PEREIRAS: This is would be called a  
7     shed roof, that would be A frame roof. They both  
8     have peaks, they're both very similar actually  
9     aesthetically, yeah.

10            MR. PANEQUE: So you're keeping in  
11     continuity with that A frame style, just in a  
12     different angle?

13            MR. PEREIRAS: Yes.

14            MR. PANEQUE: Okay.

15            MS. O'DELL: Is that the only house on  
16     the block that has that A frame?

17            MR. RICHARDSON: We have one, too.

18            MS. O'DELL: You have one too?

19            MR. RICHARDSON: But the one that's  
20     right beside it is about eight feet tall, like  
21     there's a -- it goes in a parking lot. So it's  
22     raised. So if it was actually on the same level  
23     as the property that he's building, your property  
24     would be higher --

25            MR. PEREIRAS: No, it would be equal,

1 the same --

2 MR. RICHARDSON: So --

3 MR. PEREIRAS: Right now, it's a story  
4 higher than our property.

5 MR. RICHARDSON: Because of the --

6 MR. PEREIRAS: Because of the raise.

7 MR. RICHARDSON: So your property would  
8 be the same height as my property?

9 MR. PEREIRAS: I'm not sure exactly how  
10 tall your property --

11 MR. RICHARDSON: Three stories, but  
12 what's a story?

13 MR. PEREIRAS: Three stories.

14 MR. RICHARDSON: What's a story?

15 MR. PEREIRAS: It could be different,  
16 depending on --

17 MR. RICHARDSON: Yeah.

18 MR. PEREIRAS: And the property to the  
19 east of this is three stories structure with  
20 9-foot ceilings, with a parapet on top. So we're  
21 going to be right at par with the property to the  
22 east, which is a more modern building. And I'll  
23 just show you a picture, so you see it.

24 MS. O'DELL: The last picture.

25 MR. PEREIRAS: This one, you could see

1     it over here. So they have a garage, apartment,  
2     apartment, same as us.

3             MS. PEREZ: Can you flip to the next? I  
4     think that the openness of that street, I just  
5     feel like it could invite people that don't belong  
6     on the property and problems. But that's it -- it  
7     just seems very -- there's no way to close that  
8     off in any way? I know cars have to get in and  
9     out, it just seems like it's so open.

10            MR. PEREIRAS: I think the openness is  
11    what invites it to be safe and visible. I think  
12    if I start closing it off with landscaping or  
13    anything --

14            MS. PEREZ: I feel --

15            MS. O'DELL: I think because the light.

16            MR. PEREIRAS: I think the rendering has  
17    issues, we should have done better lighting.

18            MS. PEREZ: I think you shouldn't have  
19    picked the rainy day.

20            MR. PEREIRAS: That's true. I should  
21    have made it a bright sunny day, not a rainy day.

22            MS. O'DELL: Is there a way to put  
23    lights in front of each door?

24            MR. PEREIRAS: We actually committed to  
25    that already, so we're putting a light in front of

1 the garage door and a side light sconce.

2 MS. O'DELL: So you can see the door  
3 number. It really is beautiful.

4 CHAIRPERSON GARCIA: Mr. Pereiras, let  
5 me ask you a question. I'm thinking here --

6 MS. O'DELL: Oh, boy.

7 CHAIRPERSON GARCIA: I really appreciate  
8 the two parking spaces, but I'm kind of more  
9 ambitious with the parking spaces, okay. Is there  
10 any way, like, you could have -- it's kind of my  
11 proposal is like -- don't get upset with me. Can  
12 we go like to 22 units, 20 units, and move more  
13 little bit to the back, give me two and two  
14 parking and more green area in the front?

15 MR. PEREIRAS: So --

16 CHAIRPERSON GARCIA: That's going to  
17 be -- let me tell you. Everybody going to be -- I  
18 mean, this is my opinion, how I love Union City,  
19 how I see Union City, going to be a great, great,  
20 great project there. You could probably enlarge  
21 it a little bit -- will be the parking spaces  
22 inside the units -- I mean inside of the  
23 townhouses and you're going to have that four  
24 parking for visitors and more green area, that's  
25 my opinion.

1           MR. PEREIRAS: Thank you, Mr. Chairman,  
2 I hope you could hear me out.

3           CHAIRPERSON GARCIA: No, no, no, that's  
4 what we're here for.

5           MR. PEREIRAS: First and foremost, to  
6 make that decision, it's above my pay grade, I  
7 need to confide with my client who couldn't be  
8 here because of a personal emergency. So the  
9 ultimate decision on our part, we can't make  
10 tonight. However, I would like to say that this  
11 applicant has worked very hard with us for a very  
12 long time. And we've cut this down, cut this  
13 down, cut this down. And with my last  
14 conversation with him, this is what kind of made  
15 financial sense.

16           Quite frankly, if the board were to  
17 consider this -- and I hope you don't take this as  
18 a threat, I just want to be very clear in how  
19 we're negotiating -- the alternative of the six  
20 houses and the six lots is a lot more attractive  
21 because those are going to be bigger houses and  
22 he's going to make more money on that. And this  
23 Board, I know, is not concerned with finances.  
24 But the reality is, I think that solution might be  
25 what is done.

1           Now that said, put that aside, I  
2 actually prefer this and not having a greater  
3 front yard setback. Why? I think when you create  
4 a front yard setback that's too big, it really  
5 changes the character of a house and kind of the  
6 neighborhood. We have different conditions along  
7 this block. And I think a very good example of it  
8 is the property immediately to the east of this  
9 house. That house is set back a little bit even  
10 more than what we are. I think it's about 19 feet  
11 set back. And what that does, it creates an ugly  
12 pocket. And that house has cars parked vertically  
13 and it kind of really creates a strange recess in  
14 the block and in the neighborhood. So having an  
15 appropriate front yard setback, I think is  
16 important. We're at 12 feet, I think that's the  
17 ideal sweet spot.

18           The Union City ordinance actually says  
19 that it should be between 7 feet and 10 feet, the  
20 front setback. We're a little bit further past  
21 that. So I think that the -- what we're  
22 presenting today is the proper planning solution.  
23 That said, Mr. Chairman, we're always willing to  
24 work with you. And if you feel strongly about  
25 that, we'll go back to our client with that.

1 CHAIRPERSON GARCIA: What about if we  
2 add the two parking spaces in the rear, let's say?

3 MR. PEREIRAS: I like that idea a lot,  
4 but I would have to bring the houses forward.

5 CHAIRPERSON GARCIA: You're going to  
6 take part of the green area, of course, but you're  
7 going to have two more parking spaces for  
8 visitors.

9 MR. PEREIRAS: We could do that.

10 MR. PANEQUE: Can you still accommodate  
11 recreation area even if you include two parking  
12 spaces? Parking spaces have to be 9 by 18.

13 MR. PEREIRAS: That's correct, so we  
14 have room behind it.

15 MR. PANEQUE: You would have room?

16 MR. PEREIRAS: It would exactly how we  
17 have in the front.

18 MR. PANEQUE: You wouldn't need an ADA?

19 MR. McDONOUGH: We need one -- as long  
20 as --

21 MR. PANEQUE: You wouldn't need an ADA  
22 in the back?

23 MR. PEREIRAS: If we provide parking,  
24 we're required -- you're saying add additional two  
25 parking spaces in the back, not get rid of the two

1 in the front?

2 MR. PANEQUE: Two in the front.

3 MR. PEREIRAS: As long as we have one  
4 ADA, we don't need more.

5 MR. PANEQUE: So the two in the rear  
6 would be two --

7 MR. PEREIRAS: 9 by 18.

8 MS. PEREZ: Instead of the playground?

9 MR. PANEQUE: No, you still have the  
10 playground or the play area, but create two spots  
11 in the rear for visitors.

12 MS. O'DELL: One on each side?

13 CHAIRPERSON GARCIA: One on each side.  
14 It's the same thing, it's a mirror of what we have  
15 in the front.

16 MS. O'DELL: I don't think I would want  
17 a car next to a playground with kids right there.

18 MR. PANEQUE: Safety measures can be --

19 MS. O'DELL: I don't --

20 MR. PANEQUE: -- taken, you can have --

21 MR. PEREIRAS: I could raise the  
22 playground so it's two feet higher than the  
23 parking level, so a car can't get to the  
24 playground area.

25 MS. O'DELL: I'm not --

1           MR. BORG: Why are we reducing the  
2 recreation area and green space and lack of  
3 asphalt, heat sink and car fumes, why are we --

4           AUDIENCE MEMBER: We're right behind  
5 you, that property --

6           CHAIRPERSON GARCIA: Just was an idea,  
7 we're not telling you to do it. It was an idea.

8           MR. BORG: Understood, sorry.

9           AUDIENCE MEMBER: I want to say our  
10 backyard is right up against that wall, so I'm  
11 actually not for a playground. I don't want  
12 screaming kids, I'm concerned about noise. If  
13 there's a garden in the back, that's fine. I'm  
14 wondering is that garden going to be public space?  
15 Do people have barbecues back there and uses that  
16 garden to like -- I'm concerned about noise levels  
17 as well, you know, people partying, people  
18 partying late at night.

19           MR. BORG: There's a patio on every  
20 place.

21           CHAIRPERSON GARCIA: This is not like  
22 for barbecues, this is a green area for kids.  
23 That's not like -- it's not a --

24           AUDIENCE MEMBER: There's a garden  
25 there, I would rather have it all garden --

1 MS. O'DELL: Kids need somewhere to  
2 play --

3 AUDIENCE MEMBER: Just have all garden,  
4 but not cars and fumes.

5 MS. O'DELL: I say no to cars, but I  
6 think kids need somewhere to play, they need  
7 somewhere to go.

8 MR. BORG: Otherwise they're going to be  
9 in the street.

10 CHAIRPERSON GARCIA: How big is this  
11 playground?

12 MR. PEREIRAS: The entire rear yard is  
13 25 feet 6, that playground area, that would be  
14 about half of that. So about 12 feet, it's  
15 12 feet 2 inches.

16 CHAIRPERSON GARCIA: So if we take --  
17 what about if we push the building back and we  
18 have the two parking spaces between the building.

19 AUDIENCE MEMBER: No.

20 CHAIRPERSON GARCIA: Okay. That was  
21 only opinion to reduce it. My opinion to set  
22 back, to put two more parking. That's all I mean,  
23 okay.

24 MS. PEREZ: In that garden area in the  
25 back, is that something that only residents would

1     have access to? It's not like the neighborhood  
2     kids could come and --

3             MR. PEREIRAS: Correct.

4             MS. PEREZ: Okay.

5             MS. WILSON: My name is Robin Wilson, I  
6     live in that house that's right up against the  
7     property coming in. And what was so great about  
8     Manny making space there was so that there was  
9     some air coming through and there was less  
10    invasion of privacy. Before the house was right  
11    up against my house, so that I would have to block  
12    off all the windows, no air, nothing. This was a  
13    good compromise. And now when you talk about --  
14    somebody says pushing it back again towards the  
15    houses on 13th Street, that -- it's just -- I  
16    don't know what to say. I'm not the only person  
17    who's going to live there, they're going to want  
18    to sell this property at some point. The value of  
19    the property of having something right up against  
20    you is -- it just brings the level way down. Who  
21    wants to go and live in a place where you -- it's  
22    dark in your kitchen, there's no light, there's no  
23    air. And even the idea of having another parking  
24    space in the back, I mean there's going to be  
25    lights all over the place coming into our windows

1       it's not just me, neighbors along the street.

2               MR. PEREIRAS: Are you in support of  
3       this plan as is now?

4               MS. WILSON: I'm more in support of the  
5       plan as it is now than any of the suggestions that  
6       have just come up, yes.

7               MS. PEREZ: Is there anyone else?

8               CHAIRPERSON GARCIA: Can I take two  
9       minute break?

10              MR. PEREIRAS: Of course.

11

12              (Whereupon a short recess was taken.)

13

14              MR. VALLEJO: Back on the record.

15              CHAIRPERSON GARCIA: Okay. I was just  
16       reading the chart of the variance. And basically  
17       this one was only here just for use variance?

18              MR. PEREIRAS: Yes.

19              MS. PEREIRAS: Yes.

20              CHAIRPERSON GARCIA: I thought there was  
21       also for height variance, but it's not. I want to  
22       ask Mr. Spatz, can you please, Mr. Spatz, go  
23       through the variance chart to see -- can you go  
24       through there and explain to the public and also  
25       to the Member of the Board, why this application

1 was here?

2 MR. SPATZ: Right. Well, it needed a  
3 use variance because the multifamily use is not  
4 permitted in the zone. Also there's more than one  
5 principal building on the lot, so that creates the  
6 (d) (1) use variance. The revisions eliminated the  
7 few variances that were there. The height is  
8 measured in accordance with the ordinance and it  
9 is conforming as well. So the only -- they have  
10 enough parking as well. So the only variance is  
11 the use variance.

12 CHAIRPERSON GARCIA: Thank you, Mr.  
13 Spatz. Do you understand, guys?

14 MS. PEREZ: Yes.

15 MS. GUTIERREZ: Yes.

16 CHAIRPERSON GARCIA: Mr. Pereiras,  
17 regarding the lights. I'm concerned because just  
18 for safety issues, not only for this -- for the  
19 application, also for the neighborhood because  
20 whenever any -- I don't want to frame any  
21 individual, however, any homeless, any person, you  
22 know, alcohol, drugs, whatever, and it's always  
23 our concern. We're always trying to fight the  
24 crimes and everything, not only in Union City,  
25 wherever we go. One of my recommendation is can

1 we go to the middle of the buildings with two  
2 lights. What kind of light could it be, Mr.  
3 Spatz?

4 MR. SPATZ: I think street lights, you  
5 know, the same height as the street lights would  
6 be, but something more designed to fit in the  
7 neighborhood, something shielded to go down as  
8 opposed to like the avenue lights that we have now  
9 as part of the streetscape improvements of the  
10 city. Sort of broadcast that light larger, this  
11 would be something similar in appearance, but the  
12 light would be shining down. I think that will  
13 give -- and it will be on dusk to dawn. And I  
14 think that would light up right in the middle of  
15 the project. I think that will light it up  
16 nicely. Something like that shade like that.

17 MS. GUTIERREZ: Something like that.

18 MS. PEREZ: Not that light, but shade.

19 MR. SPATZ: Like a regular street light,  
20 but shielded to be coming down, something that  
21 fits in with the architecture of the building,  
22 something a little more modern would fit.

23 CHAIRPERSON GARCIA: Can we do that in  
24 the middle and in the end of the building?

25 MR. PEREIRAS: Mr. Chairman, I think

1     that's an excellent idea for safety, an excellent  
2     idea for beauty. We're very happy to provide  
3     that. I think there's a perfect spot where the  
4     buildings are separated with that four feet, to  
5     put a light at that intersection, and both those  
6     places. So I think it would be beautiful. And in  
7     the back as well. We could definitely do that.

8             MR. PANEQUE: That's in addition to the  
9     lights you propose on top of each garage door?

10            MR. PEREIRAS: So each garage door will  
11     have a flood light, each home entrance door will  
12     have a beautiful scone next to it. There will be  
13     a total of four pole lights we call them, it's  
14     a -- we'll make sure that they're decorative  
15     element pole lights -- where they would be  
16     lighting both sides of the road, one at the  
17     midpoint and one at the rear of the property.

18            CHAIRPERSON GARCIA: Okay. I'm going to  
19     make my motion to grant this application, taking  
20     in consideration that the application went down  
21     probably more than like 20 percent, more than  
22     25 percent. Also it provided -- it's only one  
23     variance, it's not creating more parking issues.  
24     It is also providing at least two parking spaces  
25     for the visitors. And not only that, after a few

1 minutes with this application, we understand that  
2 the applicant is willing to cooperate for the best  
3 of the neighborhood, get together with the  
4 neighbors, not all the applicants take that into  
5 consideration.

6 With the condition of the lighting, I'm  
7 going to make my motion to grant this application.

8 MS. GUTIERREZ: I'll second it.

9 MR. VALLEJO: Motion on the table to  
10 grant the application with condition of lighting  
11 by Mr. Garcia, seconded by Ms. Gutierrez. Roll  
12 call on the motion to approve this application.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Seven in favor, motion  
3 carries. Thank you.

4 MS. PEREIRAS: Thank you all very, very  
5 much.

6 MR. PEREIRAS: Thank you.

7 CHAIRPERSON GARCIA: Lights in the rear,  
8 lights in the middle.

9 MR. PEREIRAS: Yes.

10 MS. GUTIERREZ: Lights everywhere.

11 MR. PANEQUE: So we're going to have  
12 lights above the garage doors, four poles, and the  
13 sconces.

14 MR. PEREIRAS: And no playground  
15 equipment, the neighbors requested that.

16 MS. O'DELL: Kids are in school all day,  
17 they play for a few hours, then they go home.  
18 Kids need somewhere to play, even if there's one  
19 child they need somewhere to play. You seem to  
20 forget you were a kid, too. They need somewhere  
21 to play, it's only --

22 AUDIENCE MEMBER: I'm entitled to my  
23 opinion.

24 \* \* \* \*

25

1       **THOMAS CHARTIER -**

2       **1010-1012 NEW YORK AVENUE:**

3  
4               MR. VALLEJO: Next application on  
5 tonight's agenda, Thomas Chartier, 1010-1012 New  
6 York Avenue. Mr. Alonso, please.

7               MR. PANEQUE: Let the record reflect as  
8 follows: I've been provided by Mr. Alonso with an  
9 affidavit indicating that notice of this  
10 application here at the Union City High School  
11 with respect to the property at 1010-1012 New York  
12 Avenue was given to all property owners within a  
13 200-foot radius of said property.

14               I've also been provided with an  
15 affidavit from The Record and The Herald News  
16 indicating that notice was published on  
17 December 2, 2024.

18               I've also been provided with a copy of  
19 the notice that went out. Said notice indicates  
20 that the application with respect to this  
21 property, 1010-1012 New York Avenue, was going to  
22 be heard at this location, the Union City High  
23 School, on the evening of December 12, 2024, at  
24 6:00 p.m.

25               I've also been provided with a list from

1 the Union City tax assessor listing all property  
2 owners within the 200-foot radius of 1010-1012 New  
3 York Avenue, Block 50, Lots 17 and 18. Said list  
4 was provided by the tax assessor on October 28,  
5 2024.

6 And, finally, I have the certified mail  
7 receipts with a postmark date of November 30,  
8 2024.

9 Based on the documentation that has been  
10 provided by Mr. Alonso, this Board has  
11 jurisdiction to proceed and hear this matter.

12 MR. ALONSO: Thank you. Good evening,  
13 Mr. Chairman, Members of the Board. For the  
14 record, Alvaro Alonso on behalf of the applicant.  
15 As indicated, this is an application to demolish  
16 all the existing structures on the properties,  
17 it's two separate lots, to construct new  
18 structure, which will have a mixed use building  
19 with commercial and six residential units.

20 I have a number of witnesses this  
21 evening. I'm going to start off with my  
22 architects. I have two architects, they work  
23 together and they testify as to different things.  
24 So I'm going to ask that they both be sworn and  
25 qualified at the same time in order to save some

1 time. And then they'll both do the presentation.

2

3 D A N I E L R O M A N, after having been duly  
4 sworn or affirmed, did testify as follows:

5

6 MR. ROMAN: My name is Daniel Angel  
7 Roman, I'm the licensed architect for this  
8 project.

9

10 J O R G E M A S T R O P I E T R O, after having  
11 been duly sworn or affirmed, did testify as  
12 follows:

13

14 MR. MASTROPIETRO: My name is Jorge  
15 Mastropietro, M-A-S-T-R-O-P-I-E-T-R-O.

16 MR. ALONSO: Okay. So I'm going to  
17 start with you, Daniel. Please provide your  
18 qualifications for the Board. I don't believe  
19 you've testified here before?

20 MR. ROMAN: No, this is the first time.  
21 I have a bachelor degree in architecture from the  
22 University of Buenos Aires, Argentina. I came to  
23 this country in 1985 and since then I've been  
24 involved in the field of architecture, first as a  
25 draftsman, general contractor. In 2006, I become

1 a licensed architect in the State of New York and  
2 New Jersey. I've been in front of many boards of  
3 adjustment boards, most of the time in Newark, New  
4 Jersey, and Elizabeth. And my license is current.

5 MR. ALONSO: This is your first time --

6 MR. PEREIRAS: It's my first time here  
7 in Union City.

8 MR. ALONSO: And, Mr. Mastropietro, I'm  
9 going to ask you the same question.

10 MR. MASTROPIETRO: I am Jorge  
11 Mastropietro, as I said before. I don't hold a  
12 license in New Jersey, my license is in New York.  
13 But my office is in New York, we work in New York,  
14 New Jersey, when we work together with Daniel.  
15 And we work in Florida. I hold my license in  
16 Argentina, where I'm from, that's originally.  
17 We're working in projects in South America, here.  
18 So I have the five year bachelor's degree, I have  
19 a master's degree in urban design. And I'm here  
20 to testify about this project.

21 MR. ALONSO: Have you testified in  
22 tandem --

23 MR. MASTROPIETRO: With Daniel, in many,  
24 many. In Jersey City, Bayonne. This is the first  
25 time here. I hope it's not the last.

1           MR. ALONSO: Thank you. Mr. Chairman, I  
2 would ask that both gentleman be qualified in the  
3 field of architecture.

4           CHAIRPERSON GARCIA: I have a question  
5 to Mr. Paneque. No issue with him not having a  
6 license in New Jersey to testify here?

7           MR. PANEQUE: He will not be able to  
8 present the plan to the building department in  
9 which he signs off on. However, it appears that  
10 he's working in conjunction with Mr. Roman and Mr.  
11 Roman said that he's licensed in New Jersey. So  
12 any plans that would be presented to the board as  
13 a building plan would be under the signature of  
14 Mr. Roman.

15          MR. ALONSO: That's correct.

16          MR. PANEQUE: Now, for purposes of  
17 giving expert opinion as an architect, this Board  
18 can find that based on the credentials that have  
19 been presented by Mr. Mastropietro, that he would  
20 qualify as an expert in the field of architecture.  
21 Although he's not licensed in New Jersey, he did  
22 represent to the Board that he is licensed in New  
23 York as well as having been trained in Argentina  
24 and has been active in the field architecture. So  
25 this Board can find that he is an expert in the

1 field of architecture for purposes of accepting  
2 his testimony.

3 CHAIRPERSON GARCIA: Thank you. Our  
4 pleasure to have you here.

5 MR. ALONSO: Thank you, Mr. Chairman. I  
6 believe, Daniel, that you were going to lead off  
7 the presentation or Jorge?

8 MR. ROMAN: He will start.

9 MR. ALONSO: Okay.

10 MR. MASTROPIETRO: So, hello, everybody.  
11 So I'm very happy to be here. This is our first  
12 project in Union City. When we were hired by our  
13 client, I walk around the city -- I know the city  
14 because my wife live in -- and I'm happily  
15 married, so I have nice memories of Union City.  
16 But I walk around the neighborhood, I was trying  
17 to get a feeling of what the neighborhood has to  
18 say to me.

19 So we did and also we like this project  
20 to be here in Union City, Union City has something  
21 very special, which is diversity. The community  
22 is very diverse, the buildings, in consequence,  
23 the buildings are very diverse, too. It's very  
24 close to public transportation, which makes the  
25 city a beautiful city for people to live. And

1     that was what we were trying to get with this  
2     building.

3             So as I said before, we looked at the  
4     town and this is the location, this is New York  
5     Avenue. And the first thing that we were trying  
6     to find is what people living in this building,  
7     working in this building, can do within  
8     three minutes distance walking, five minutes and  
9     ten minutes. And we found that there are nice  
10    public transportation within walking distance.  
11    What makes this location a beautiful location for  
12    people living here and also for the -- and of  
13    course 17 minutes walk to the light rail station.

14            So this is existing condition, we have  
15    two lots. Today are two different lots, each lot  
16    is 25 feet by 100. We are going to combine the  
17    two lots in one area, which will be 50 by 100.

18            The existing conditions are two  
19    buildings, one is 100 percent built coverage, the  
20    other one is 98 percent, there is only a side  
21    setback, which is 3 feet. And there's a little  
22    backyard setback in the back, which is also  
23    3 feet. So most of the site today is 100 percent  
24    build.

25            So this is existing building, one

1 building is one-story building, the other is  
2 two-story building. There is a little on the  
3 ground floor and here we show again the  
4 100 percent of the lot build. So this is what was  
5 important when we were looking at this. So this  
6 is NC district, NC means neighborhood commercial.  
7 As somebody who was trained as an urban designer,  
8 for me, commercial district means where people can  
9 walk. And people -- we need to drive people to  
10 walk and how we do that? We do when we have safe  
11 sidewalks, when there is something interesting to  
12 walk along the sidewalk. When you walk along  
13 parking garage or open parking spaces, nobody  
14 wants to walk there. So when there is something  
15 nice to walk, people want to walk. So that was  
16 the intention we're trying to focus here.

17 So this is the variance that we are  
18 requesting. And I'm going to explain later, along  
19 this presentation, why we're requesting the  
20 variances. So the first variance that we're  
21 requesting is the rear yard setback. So existing,  
22 we don't have any rear setback and we don't have  
23 anyone in the proposed building. The maximum  
24 height of the building as per code should be four  
25 story, 45 feet, we're proposing five stories. And

1     also I'll explain why. The maximum building  
2     coverage has to be, as per code, 80 percent, as  
3     you saw. And I already explained we are proposing  
4     100 percent.

5             And the residential requirement, so the  
6     zoning code says that for each lot has to have  
7     three units, so we have two lots, but once we  
8     combined the two lots, they're going to be one  
9     bigger lot. Still we have to have three units, so  
10    in this case, if today we decide to build in each  
11    lot, one building in each lot, we would have  
12    three units plus three units, which would be six  
13    units. Combining that, as per the code, we need  
14    to have three units, but we're proposing six.

15            So this is the site plan that we were  
16    working on. Again, this is the existing site  
17    plan, this is the proposed site plan and I'm going  
18    to explain later about that. So this is the first  
19    variance that we're requesting. We said we're  
20    building 100 percent on the ground floor. The  
21    reason that we're doing that is because we are  
22    providing parking. The parking needs to be  
23    covered because it's an automatic system, so it  
24    has to be covered. But what we are doing above,  
25    we are setting back the building for light and

1 ventilation for all the apartments here and for  
2 the space here. So we still have -- so based on  
3 today's situation and the future, we still have  
4 the full lot cover, but we have setback above.  
5 This is the variance we are requesting.

6 When we were looking at the town, not  
7 only the town, but the street and across the  
8 street and that street to see what is the  
9 streetscape, what we see is all the buildings that  
10 are within 25 feet wide area lot. So it makes  
11 every building different, they have those  
12 proportions. And also what we notice is that  
13 because this is commercial district and NC  
14 district, we have all the commercial spaces on the  
15 ground floor. And all these are different from  
16 what is above. There's a big difference between  
17 the commercial space below and the residential  
18 building above that.

19 So this is our street. Again, we have  
20 25 feet lot, commercial space on the existing  
21 situation. And what we are proposing now that  
22 we're at 50 feet wide, so still we want to have  
23 the look of two buildings. It's the same  
24 building, same thing here, same thing here for  
25 composition, but tried to show always the

1 proportion of the 25 feet lot. Again, trying to  
2 show here -- showing here, not trying, we are  
3 showing here the commercial space between the  
4 ground floor and the second floor.

5 Here is another view from the same  
6 situation, 25 feet, always trying to keep that  
7 proportion. Looking at -- again, around the town,  
8 I walk around the town, we were walking around, we  
9 were looking at the materials that they were using  
10 in other buildings, existing buildings. And this  
11 is the newest construction around town, very  
12 close. This is like -- for example, this is  
13 almost right across. So everything is within  
14 .2 miles or .3 miles. And based on what we look  
15 at here, we saw that materials that other  
16 buildings are using are siding, composite panels.  
17 And this is what we are proposing here, we are  
18 proposing siding and composite materials. I  
19 brought the material here, this is the siding that  
20 we are using that looks like wood. But the  
21 benefit of this is we don't have to keep -- to do  
22 maintenance, this is a composite material.

23 Then this is the other material that  
24 we're using, that is very sustainable. It's all  
25 about the sustainability of this material. This

1 is for this, which is a rain screen, this is  
2 paper -- actually this is paper, recycled paper.  
3 It's material that has around 20 years on the  
4 market. We use in many buildings, it's a -- it's  
5 black -- actually, it's not this color, it's a  
6 little darker, but I don't have that sample here.  
7 And we're using aluminum windows.

8 And this is the backyard -- the rear  
9 facade, we're trying to do a nice facade, big  
10 windows. The siding, which is this material, and  
11 stucco here to do these bands to separate the  
12 different levels.

13 Okay. So now let's talk about the  
14 building. As I said before, when we work in  
15 commercial zone, we are always trying to emphasize  
16 people walking. For us, people walking on the  
17 street is very important. Today, especially towns  
18 like this, as I said before, close to the mass  
19 transportation, people like to walk. People are  
20 moving to towns like this because they don't need  
21 to have a car, they don't want to have a car.  
22 There are many studies saying that millennials are  
23 people who don't have even sometimes a driver's  
24 license. So but we're still providing here  
25 parking. The Union City zoning code has something

1     that is very nice, which says that we can share  
2     parking, depending the different activities of the  
3     building. So people who work on the building,  
4     like the retail spaces, they use the parking  
5     during the day. People who live there use the  
6     parking mostly at night. So the zoning code  
7     allows us to have a deduction of 20 percent to  
8     avoid to have so many parking that maybe nobody is  
9     going to use. So we're counting on that.

10           We have testimony later about the  
11     parking. This is an automatic system, so we see  
12     here eight stalls here, but each stall has a  
13     system of elevation, so it's three cars on top.  
14     We have a little excavation here, but I have  
15     somebody else that's going to explain the system.  
16     This is a great system, it's expensive, very  
17     expensive, but it is the way that allow us to have  
18     26 parking in this 50 feet wide and small lot for  
19     so many cars.

20           So in the ground floor, we have the  
21     entrance for the building and we have -- we  
22     provide as much as we can of a storefront, because  
23     the storefront is what is going to make people to  
24     walk to go there. So we have a little storefront  
25     here with the stair and we have the retail space

1 on the floor above. And this is the second means  
2 of egress that we need for the building. As per  
3 the building code, the second means of egress has  
4 to have direct access to the street. So to the  
5 right-of-way, so this is the second means of  
6 egress for the stair. And it has to be in front  
7 of the building. So within all of that, within  
8 the 50 feet that we have here, we need to have the  
9 garage, the entrance for the garage, the retail,  
10 and the entrance for the building. The main  
11 entrance and the exit.

12 This is most interesting part of the  
13 building. And I love this part. So this is the  
14 retail. The retail is -- and the owner is going  
15 to testify about this -- this is food court and a  
16 professional kitchen. What is that? This is a  
17 great idea. Because as an architect and somebody  
18 who works in urban design, for me, building  
19 community is the most important thing that we need  
20 to get when we design buildings. And what we do  
21 here is people in this community who want to start  
22 a business in the food business, and they do -- I  
23 say empanada because I have friends that they cook  
24 empanadas and they want to sell empanadas to  
25 others. They will have here a place to rent a

1 kitchen and to share the kitchen with others, so  
2 that's community. They can share the kitchen,  
3 they can get hints and they can prepare the food  
4 in this level. And they can rent a kiosk to offer  
5 the food to test or to try to other people. And  
6 here, in the middle, will be all the community  
7 tables. So for people there, they can go to the  
8 different kiosks, try different food, buy the  
9 food. Because this is going to be for these  
10 people who want to start new business in the food  
11 business.

12           So this is going to be the second floor  
13 and this third floor is a kitchen. And on the  
14 fourth and fifth, we have the six apartment, three  
15 apartments on the fourth floor and three  
16 apartments on the -- the same layout on the fifth  
17 floor. The two apartments in the back is  
18 two-bedroom apartment, we have little open here  
19 for ventilation for these bedrooms. So it's rear  
20 second bedroom, the other bedroom in the back.  
21 Living room, kitchen, nice balcony. And in the  
22 front, we have three bedroom apartment, big  
23 apartment, two bathrooms. I think it's going to  
24 look -- they are going to be beautiful apartments.  
25 And finally the roof.

1           So something that I'm going to talk  
2   about is sustainable building. Tom, the owner,  
3   and I met for the first time 10 years ago,  
4   something like that, taking classes about LEED  
5   certification. So both the owner and I, the  
6   architect, we believe in sustainable buildings.  
7   And also Tom and I are passive house certified  
8   designers, not so many people that have that  
9   certification. It's a German certification, which  
10  we tried to build very sustainable.

11           So on the roof, we have the beautiful  
12  green roof and green roof has many benefits. But  
13  everything that we are trying to do with the  
14  building is always a holistic approach, having  
15  green in the building makes people feel happy,  
16  they have green there, and also has many  
17  sustainable benefits. This is a roof deck here in  
18  the center. Here, we have all the mechanical  
19  equipment. And above the mechanical equipment, we  
20  have solar panels.

21           As a passive house design, for us, it's  
22  very important, maybe this section looks very  
23  simple, but what we are trying to show here that  
24  the envelope of the building is very important.  
25  It has to be very well insulated to avoid to use a

1 lot of air conditioner, heating. So this is what  
2 we're trying to show here. That, for us, this is  
3 going to be our main focus during the construction  
4 of this building.

5 Here is above the green roof. All the  
6 benefit, this is how a green roof would look here.  
7 And here has also benefit for -- of course, one  
8 green roof in the whole community doesn't do so  
9 much, but we start building green roof -- this is  
10 a map of New York City and all the areas around  
11 here. We see so much heat coming from the roof  
12 because most of the roof are like this, black  
13 roof. And this is what produce the black roof,  
14 instead of a green roof produce a cooler roof. Of  
15 course, this helps to the community, helps to the  
16 building. It's great insulation for the building  
17 and also is great for water. My first green roof  
18 that I did years ago in New York City, we were  
19 testing the water, watch after the rain, where all  
20 the water was going. When we check the retention  
21 tank, we saw that it was almost no water because  
22 the green roof keeps the water. So that's a great  
23 element for runoff of water.

24 So that's my presentation. I think this  
25 is a beautiful building for the community. The

1 use of the building with the kitchen and the food  
2 court is a great amenity. And having apartments  
3 also in the neighborhood and commercial  
4 neighborhood, I feel that we need people living in  
5 the community, so they can use the retail. And we  
6 help get the people using them and spending money  
7 on the commercial. Thank you. I don't know if  
8 you have any questions, I'm here to answer.

9 CHAIRPERSON GARCIA: How many experts do  
10 you have, Mr. Alonso?

11 MR. ALONSO: I have two architects. Are  
12 you going to testify?

13 MR. ROMAN: No.

14 MR. ALONSO: So he covered it. I have  
15 the owner of the property who's going to talk  
16 about the use. I have a traffic engineer, I have  
17 an expert for the mechanical system, I have my  
18 civil engineer and I have the planner.

19 CHAIRPERSON GARCIA: We'll write down  
20 the question and then we'll do the questions when  
21 we hear all the experts.

22 MR. PANEQUE: Mr. Alonso, you're having  
23 Mr. Mastropietro testify in his architecture  
24 capacity, right? There was no testimony as to the  
25 layout of the units, the apartments that are being

1 proposed. If Mr. Mastropietro can go into that?

2 MR. ALONSO: Sure.

3 MR. PANEQUE: Thank you. Mr.  
4 Mastropietro, can you please take us through the  
5 proposed units?

6 MR. MASTROPIETRO: So we have elevator  
7 here. So from the exit to the elevator, we have  
8 access to the first apartment, which is a three  
9 bedroom apartment, we have kitchen and living room  
10 here. We have the second bathroom here with the  
11 second bathroom here, a master suite. And we have  
12 a third bedroom here.

13 MR. PANEQUE: Okay.

14 MR. MASTROPIETRO: This is a permanent  
15 and this is the stair going to the exit that's  
16 there.

17 MR. PANEQUE: What sheet are you  
18 referring to?

19 MR. MASTROPIETRO: This is a different  
20 sheet I have here.

21 MS. O'DELL: A2.02.

22 MR. PANEQUE: So the elevator which you  
23 referred to, the residents entering the building  
24 would enter where? And where would they take that  
25 elevator?

1           MR. MASTROPIETRO: So that's the other  
2 page. This is page 021, so this is the entrance  
3 of the building here with the elevator here. The  
4 stair, the first stair. Here on this side, we  
5 have some mechanical equipment and also we have  
6 access to the parking here.

7           MR. PANEQUE: So that's your ground  
8 level?

9           MR. MASTROPIETRO: Yes.

10          MR. PANEQUE: On the other side, you  
11 have the storefront?

12          MR. MASTROPIETRO: The storefront is  
13 here.

14          MR. PANEQUE: And in the middle, that's  
15 the driveway?

16          MR. MASTROPIETRO: That's the driveway  
17 for the garage.

18          CHAIRPERSON GARCIA: Which one is the --  
19 how many foot is the driveway, the entry?

20          MR. MASTROPIETRO: 10 feet.

21          CHAIRPERSON GARCIA: 10?

22          MR. MASTROPIETRO: Yes, 10.

23          MR. PANEQUE: So if you could take us  
24 through the rest of the layouts of the units?

25          MR. MASTROPIETRO: So this is the

1 apartment on the front. We have some bike storage  
2 on every floor and we have a trash room here. And  
3 in this corridor, we have one apartment, the  
4 second apartment, third apartment. And we come in  
5 here, we have the kitchen here with this small  
6 window towards the shaft. And we have the laundry  
7 here, the living room here. One bedroom here,  
8 bathroom here, and the other bathroom there. And  
9 here is the balcony, this is a balcony.

10 MS. SAN MARTINO: When you were in the  
11 first one you were talking, you said you had like  
12 a space in the front and then the balcony in the  
13 back, that part, I couldn't understand why you was  
14 explaining -- like what was when you say you have  
15 the space in the fifth --

16 MR. MASTROPIETRO: In the front, we  
17 don't have a balcony. The balcony is in the back.

18 MS. SAN MARTINO: In the back.

19 MR. MASTROPIETRO: The apartments in the  
20 front doesn't have a balcony. We have one balcony  
21 here and the other one here for these apartments.

22 MS. O'DELL: The front apartment has  
23 three bedrooms?

24 MR. MASTROPIETRO: They have two, one  
25 here. This is the master suite and they have this

1 other one here, it's three bedroom. A nice  
2 kitchen because it's a big kitchen.

3 CHAIRPERSON GARCIA: The front is three  
4 bedroom?

5 MR. MASTROPIETRO: Yes, yes. Three,  
6 one, two, three, yes.

7 CHAIRPERSON GARCIA: And the size of the  
8 rooms?

9 MR. MASTROPIETRO: I think they are  
10 large enough. So the master is 12 feet by  
11 13 feet, 8 inches. And the other one, the second  
12 one is 10 feet by 10 feet plus a closet, and the  
13 third one is 12 feet by 9 feet, 8 inches.

14 CHAIRPERSON GARCIA: Okay.

15 MR. PANEQUE: Mr. Mastropietro, I  
16 apologize if I'm butchering your name. Are these  
17 ADA compliant apartments?

18 MR. MASTROPIETRO: Yes. Once we have  
19 the elevator, everything has to be ADA.

20 MR. PANEQUE: So all three units on each  
21 floor have ADA compliant bathrooms and doorways  
22 and --

23 MR. MASTROPIETRO: Of course.

24 MR. PANEQUE: -- et cetera?

25 MR. ROMAN: Yes. That's per building

1 code has to be like that.

2 MR. MASTROPIETRO: Once we provide an  
3 elevator, that's the only way to go with that. We  
4 show something here. This is -- of course we show  
5 that in the building for the building permit. We  
6 show here all this is basically all the room for  
7 the wheelchair.

8 MR. ALONSO: If the board has no further  
9 questions, have you gone through all the units?  
10 So I'm going to call Meredith Chartier next. She  
11 is one of the owners. Tom Chartier is the name of  
12 the applicant, that's her husband. She also  
13 operates a similar type of business right down the  
14 block. She's going to talk about the existing  
15 business and how it's going to translate into this  
16 property, if it's approved. Meredith.

17  
18 M E R E D I T H C H A R T I E R, after having  
19 been duly sworn or affirmed, did testify as  
20 follows:

21  
22 MS. CHARTIER: Meredith Chartier,  
23 M-E-R-E-D-I-T-H, C-H-A-R-I-T-I-E-R.

24 MR. ALONSO: Meredith, what is your  
25 relationship to this application?

1 MS. CHARTIER: So I will be operating  
2 the commercial retail space.

3 MR. ALONSO: Now, the architect, Mr.  
4 Mastropietro, identified it as a food court and  
5 professional kitchen?

6 MS. CHARTIER: So there's two parts to  
7 it. There will be a restaurant space and then  
8 there will be a commercial kitchen component,  
9 which is an extension of my current business,  
10 which is located at 913 New York Avenue, Bellamy  
11 Kitchen. It's a rental commercial kitchen  
12 facility. Currently, there are 35 businesses that  
13 are occupying the space. They rent in hourly  
14 shifts. Since we opened in November of 2018,  
15 there have been 110 businesses that have been able  
16 to start and grow their business. Quite a few of  
17 them have opened up their own brick and mortars in  
18 Union City. And that is what our goal is.

19 There's quite a bit of diversity within  
20 the space. So out of those 35 businesses that are  
21 currently operating at Bellamy Kitchen, 21 of them  
22 are women owned and 20 are minority and immigrant  
23 owned. We have cuisines that range from all over  
24 the world, including Ecuador, El Salvador, Panama,  
25 Chile, Puerto Rico, Argentina, Peru, Cuba,

1 Dominican Republic, Mexico, Jamaica, Japan, Korea,  
2 Vietnam, Thailand, Indonesia, India, China,  
3 Russia, Turkey, France, Lebanon, Albania, and  
4 Iran.

5           Throughout those 35 businesses, I've  
6 calculated approximately 107 employees, they are  
7 all local to Hudson County and Union City. They  
8 walk, they bike, they live in the neighborhood,  
9 they take the bus. It's really become a really  
10 great incubator for small food businesses in the  
11 neighborhood.

12           So 1010 New York will be an expansion of  
13 this use. Multiple businesses will be sharing the  
14 restaurant space. So if a business were to fail,  
15 there will be no closure. There will be no empty  
16 storefront for a year plus, waiting for the  
17 building department to approve changes of use. It  
18 will -- there will be another business right  
19 there, ready to go, and operate out of the space.

20           We -- the way Bellamy Kitchen operates  
21 right now, there's one business per kitchen. So  
22 there will be a commercial kitchen component,  
23 where there will be dedicated kitchen spaces, two  
24 businesses that don't necessarily need a  
25 storefront, they'll be operating, such as like

1 caterers or wholesale bakers, which Bellamy  
2 Kitchen is home to quite a few of those right now.

3 MR. ALONSO: Okay. And parking  
4 obviously is a major issue in Union City. You  
5 just gave us a list of a lot of different  
6 businesses, employees, and a lot of turnover. Can  
7 you explain to us at the current location, which  
8 is approximately about a block away?

9 MS. CHARTIER: Yeah.

10 MR. ALONSO: What is the situation there  
11 in terms of parking and the demand for parking?

12 MS. CHARTIER: So very few of my tenants  
13 actually drive to Bellamy Kitchen, they walk, they  
14 bike, they take an Uber, or some type of other car  
15 share. There are a few who do have their own  
16 vehicles and they'll come drop something off, use  
17 the loading zone, then park their car.

18 But I've had to write letters to the  
19 parking authority, I think this year, maybe three  
20 business parking permits I had to do this year for  
21 Bellamy Kitchen, out of 107 employees.

22 MR. ALONSO: And the current location  
23 that you have on 9th Street, do you have any  
24 off-street parking on-site?

25 MS. CHARTIER: Not for the business.

1           MR. ALONSO: And there's no problems you  
2 indicated because only three parking permits were  
3 required?

4           MS. CHARTIER: Yeah. I don't receive  
5 any complaints about parking.

6           MR. ALONSO: How do you see, based on  
7 your experience, that translating into this  
8 property, should this application be approved?

9           MS. CHARTIER: Sure. So quite a few of  
10 these businesses that have started at Bellamy  
11 Kitchen have outgrown the space, either in size,  
12 which is why we're building a commercial kitchen  
13 component, that is dedicated, so that these  
14 businesses would be the only businesses using some  
15 of these kitchens. And that will be their space  
16 and they can design it, have the equipment that  
17 they need there for them.

18           And then for the businesses that are  
19 looking to grow into a retail restaurant space,  
20 they have the opportunity do that there. There  
21 are so many of my businesses that have moved into  
22 a brick and mortar space, where the landlord or  
23 the Realtor did not know what they were talking  
24 about. And so they put down their deposit, they  
25 get ready to open and they find out, oh, my ovens

1     won't work because we have single phase power and  
2     we need three phase power or this gas line isn't  
3     big enough to run my range, so I have to rip up  
4     the ground, put in new gas lines, go to PSE&G.  
5     Not only does this cost them time, but it costs a  
6     significant amount of money.

7             So my goal is to help these businesses  
8     that started in Union City that want to stay in  
9     Union City grow and have safe, number one,  
10    fireproofed, health department approved, kitchen  
11    space. The health department loves Bellamy  
12    Kitchen, everything is pristine, to code, and  
13    properly done.

14            MR. ALONSO: Now, I think you live in  
15    that vicinity, right?

16            MS. CHARTIER: Yes. I live in the  
17    building that my business is in.

18            MR. ALONSO: So you obviously don't need  
19    a car to go back and forth --

20            MS. CHARTIER: No.

21            MR. ALONSO: -- to operate this  
22    business. Now, the architect also talked about  
23    kiosks, how does that work?

24            MS. CHARTIER: That's how the businesses  
25    would share space. And that would be that, you

1 know, that communal restaurant space would be  
2 decided with those businesses that are operating  
3 as brick and mortar business. So they would be  
4 fully licensed, there would be a prep kitchen,  
5 they would have all of the proper sinks and  
6 sanitary systems. And then the space would have  
7 very little turnover because these, you know,  
8 group of businesses would be working together.  
9 Similar to how they work together now at 913, but  
10 here, they would have a public facing, you know,  
11 ability, so that they can actually interact with  
12 their customers.

13 MR. ALONSO: You also indicated there's  
14 going to be a series of tables where people come  
15 in, purchase some food --

16 MS. CHARTIER: Just like any restaurant,  
17 right. You purchase your food and you sit at a  
18 table.

19 MR. ALONSO: Now, this is not what they  
20 would call a destination type restaurant --

21 MS. CHARTIER: No, this is --

22 MR. ALONSO: -- where you get into your  
23 car and drive there, it's really more of a walk  
24 up?

25 MS. CHARTIER: No. This is for the

1 neighborhood. These are you know -- this is for  
2 me, this is for my friends. You want to meet up,  
3 you want to grab a cup of coffee. I have two  
4 small kids, I have a stroller. There's not one  
5 place in my neighborhood that I can push a  
6 stroller in so that I can order a cup of coffee.  
7 It's upstairs, downstairs, the doorways are too  
8 narrow, they're not ADA compliant. So this -- you  
9 know, a lot of businesses, food retail businesses,  
10 lose business because they can't accommodate  
11 everyone in the community.

12 MR. ALONSO: Thank you. Is there  
13 anything else that you need to add to what you  
14 testified to?

15 MS. CHARTIER: No, I think that's it.

16 MR. ALONSO: Mr. Chairman, I have no  
17 further questions at this time of Ms. Chartier.  
18 So if I can call my next witness, unless the board  
19 has any specific questions you may have?

20 CHAIRPERSON GARCIA: We'll open at the  
21 end.

22 MR. ALONSO: I'm going to call Gary  
23 Dean, he's our traffic consultant.

24

25 G A R Y D E A N, after having been duly sworn

1 or affirmed, did testify as follows:

2

3 MR. DEAN: Gary Dean, D-E-A-N.

4 MR. ALONSO: Thank you. Mr. Dean, can  
5 you please go over your qualifications in the  
6 field of traffic engineering?

7 MR. DEAN: Certainly. I'm a graduate of  
8 Lehigh University, with a bachelor of science  
9 degree in civil engineering. I've been licensed  
10 as a professional engineer in New Jersey since the  
11 late '80s. I've been qualified as an expert in  
12 traffic engineering before roughly 450 to 500  
13 different planning and zoning boards. And about  
14 15 years ago, I had the honor to serve as this  
15 Board's traffic consultant in the review, I  
16 believe it was a senior daycare application on  
17 Manhattan Avenue, as memory serves me. My license  
18 is current and remains in good standing.

19 MR. ALONSO: Thank you. Mr. Chairman, I  
20 would ask that Mr. Dean --

21 CHAIRPERSON GARCIA: Yes. Our pleasure  
22 having you.

23 MR. DEAN: Thank you.

24 MR. ALONSO: Mr. Dean, you heard the  
25 testimony of the architect as well as Ms. Chartier

1 in terms of the proposed use of the building.  
2 Have you formed an opinion with respect to traffic  
3 and/or parking?

4 MR. DEAN: Yes. As part of our review  
5 with this application, we consulted with the  
6 applicant as well as the architect to better  
7 understand what you just heard, which is a fairly  
8 unique application and proposed operation. This  
9 is not a traditional, put it on the highway  
10 commercial retail or suburban apartment building.  
11 It capitalizes on the unique aspects of Union  
12 City, which has a very, very high walkability  
13 score. And that is something that is known among  
14 urban planners, I think Hoboken has almost an  
15 equally high walkability score, which means having  
16 interviewed residents, having looked at  
17 demographics, most people elect to live in the  
18 community simply because one does not need a car.

19 As part of our work throughout Hudson  
20 County, in Hoboken and Jersey City, we've actually  
21 done studies consulting with our clients, but  
22 actually interviewing people where there is mass  
23 transit. And we have found that over 70 percent  
24 of the residents simply don't elect to have a car  
25 because they don't need one. The cost of

1 ownership, insurance, maintenance, and of course  
2 parking factors into why one would avoid having an  
3 automobile.

4           Nevertheless, you've heard from the  
5 application, the professionals, that 25 parking  
6 spaces are proposed for six apartments. We have  
7 followed the parameters within your ordinance,  
8 which accounts for two spaces per unit. That's  
9 very high, particularly where we found from  
10 studying again also in Hudson County the ratio is  
11 about a half a space per unit. So for residents  
12 in walkable communities, roughly half of the  
13 people simply don't own cars.

14           Nevertheless, this project proposed 25  
15 parking spaces. You'll hear from another  
16 consultant as to how the mechanized system works,  
17 but it is automated, in that it allows vehicles to  
18 be stacked literally vertically as opposed to  
19 horizontally.

20           That surplus in parking will also allow  
21 for any number of employees who may elect to  
22 drive. As you've heard from the applicant, it is  
23 not a high demand based on the current operation.  
24 The system will allow shared parking. That is a  
25 recognized practice in your ordinance. And it

1 allows basically for time of day adjustments,  
2 where, as residents leave during the day, there's  
3 a vacation of parking spaces that can be used by  
4 any individuals to the commercial component.

5 In addition, your ordinance allows for  
6 guest parking. And under your standards for  
7 parking, there is an allocation of one-half space  
8 per unit that is supposed to be set aside for  
9 visitors and guests, someone who may visit a  
10 resident within the building, that can't be  
11 accommodated on-street. I'm not suggesting that  
12 it's necessary, but it is allowed. And certainly  
13 in a walkable neighborhood, the availability of  
14 on-street parking, particularly during overnight  
15 hours when we would expect more visitors and  
16 guests can certainly be accommodated.

17 So on balance, we're replacing -- again,  
18 there are two structures on the properties today.  
19 Those are being replaced with a rehabilitated,  
20 completely new building, with a substantial  
21 increase in parking. So on balance, I find that  
22 given the unique characteristics of the community  
23 and more importantly the unique characteristics of  
24 the proposed operation, that this project doesn't  
25 need a lot of parking to be successful. And the

1 evidence of that is what you see immediately up  
2 the block with the current commercial kitchen and  
3 its operation. It's intended to cater to the  
4 neighborhood. And as you've heard from our  
5 architect, that is the zone in which the property  
6 lies. And it is catering to the neighborhood  
7 commercial and area. We would not expect people  
8 to come from Summit to visit one of these uses or  
9 restaurants, it's just not that type of  
10 destination. And that's why, on balance, I think  
11 it is a good zoning alternative. It certainly  
12 provides an aesthetic improvement, I'll leave that  
13 to your judgement. But in terms of the amount of  
14 parking that's provided, I find it to be a very  
15 innovative and creative way to accommodate that  
16 demand so that the building does not rely on  
17 on-street parking.

18 And, in general, I find that the  
19 proposal certainly will provide safe and efficient  
20 traffic circulation. There's one curb cut  
21 proposed on New York Avenue and it will serve the  
22 needs of the garage. And that's all I have in the  
23 way of direct presentation.

24 MR. ALONSO: Thank you. Mr. Chairman,  
25 Mr. Dean had a personal issue, he was gracious

1 enough with his time to stay and present. It's my  
2 intention to, with your permission, to excuse him.  
3 So if the board has any questions, I would ask  
4 that they be presented at this time of Mr. Dean  
5 with respect to parking. The parking system  
6 itself, we have a representative from the  
7 manufacturer.

8 CHAIRPERSON GARCIA: Yes, I have -- I  
9 put some notes here. I'm -- I feel some kind of  
10 contradiction with this testimony. When he said  
11 that it's -- most don't need to own a car to go to  
12 work. However, also Union City ordinance  
13 accommodate to change the scale of people going to  
14 work in a car, whoever come to the building use  
15 the parking space. However, in his testimony,  
16 he's indicated that the community here doesn't  
17 need a car to go to work. How come -- that person  
18 isn't going to move his car, how come the people  
19 going to come to the building going to use that?  
20 That's one. He mentioned surplus parking, when  
21 one variance is the parking space. According to  
22 Mr. Spatz's memo, we need 32 parking spaces. We  
23 need 12 spaces for the six units, plus we need 20  
24 parking spaces for the retail for business. You  
25 are only providing 25, which --

1 MS. CHARTIER: It's 26 spaces.

2 CHAIRPERSON GARCIA: Still not a  
3 surplus, still short. Plus I'm going to ask the  
4 expert with the mechanical parking. But I feel,  
5 me personally, some kind of contradiction with his  
6 testimony.

7 MR. ALONSO: I'm going ask him a couple  
8 follow-up questions.

9 In terms of the parking requirement,  
10 does the ordinance provide for a credit if you  
11 have shared parking?

12 MR. DEAN: Yes.

13 MR. ALONSO: And what is that credit?

14 MR. DEAN: I believe it's 20 percent.

15 MR. ALONSO: So in reducing the total  
16 number, which I believe the Chairman said is --

17 CHAIRPERSON GARCIA: 32.

18 MR. ALONSO: 32 and you reduce it by  
19 20 percent, that brings us to --

20 MR. DEAN: Call it six, you know --

21 CHAIRPERSON GARCIA: But that's why it  
22 contradicts his statement. Shared parking,  
23 whatever, if you say that people doesn't need to  
24 go to work with cars because we have great public  
25 transportation, how am I going to share my space?

1 If I go in the public transportation and I keep my  
2 car parked in the space, how do I share with Geri  
3 when she comes?

4 MR. ALONSO: Assuming -- and I'll let  
5 him testify.

6 CHAIRPERSON GARCIA: It's assuming --

7 MR. ALONSO: No, no, assuming full  
8 occupancy, okay. So two spaces per unit per  
9 apartment, that's a total of 12 parking spaces.  
10 We have 26, so assuming they're all used by the  
11 tenants and assuming that they don't leave during  
12 the day, you still have 26 minus 12?

13 MR. DEAN: 14 available for the  
14 commercial component. The difference is -- and  
15 there are a few other nuances to this, Mr.  
16 Chairman. First is the ordinance allows  
17 20 percent shared parking, so that takes 30 and  
18 it -- excuse me, 32 and it reduces it to 26,  
19 that's exactly what we have.

20 In addition, for each electric vehicle  
21 space, we are allowed a one space credit. So that  
22 now brings the total supply and that's under the  
23 New Jersey legislation --

24 CHAIRPERSON GARCIA: Here we go. That's  
25 what I love, when an expert come here and they

1 take the state, when it's in his favor and they  
2 take city ordinance for his favor. So you're  
3 taking ordinance according to 20 percent. And  
4 then you go to the state. Can you show me the  
5 electrical vehicle, an ordinance in the City of  
6 Union City?

7 MR. DEAN: It's a state regulation, so  
8 it supercedes your ordinance.

9 CHAIRPERSON GARCIA: Okay. As per RSIS,  
10 where we need 32, by your ordinance -- our  
11 ordinance said that we have the 20 percent. So  
12 whenever it's your convenience to use our city  
13 ordinance and whenever it's convenience, we use  
14 state, that's the discrepancy. It's not only with  
15 you, Mr. Dean. We have this issue with another  
16 expert that come with according to whatever is in  
17 my benefit then I use it in my testimony.

18 MR. DEAN: It is offered in that, should  
19 the Board feel that relief is necessary, the  
20 legislature has allowed for those EV credits as an  
21 incentive for multifamily builders to provide that  
22 equipment. And that is why that credit is  
23 allowed. I would say it is allowed only up to a  
24 maximum of 10 percent of the total parking. So at  
25 26 spaces, that's a three space EV credit. So

1 that brings us to 29. And then your ordinance  
2 also allows that. Part of the challenge is that  
3 the EV legislation is a state requirement and it's  
4 sort of like handicapped parking, we have to have  
5 it because the state says every municipality, when  
6 you're considering a land development application,  
7 has to acknowledge the state standard. Understand  
8 every community also has their own particular  
9 standard relative to parking, circulation, access,  
10 or any other matter of zoning. So the state  
11 regulations, I'll say are -- we're all obligated  
12 to follow it as we are with handicapped parking.  
13 I understand you're taking exception to it. I'm  
14 not offering that.

15 What you've heard from the applicant, in  
16 my opinion, and I'm here to buttress that  
17 testimony, is that there are very specific and  
18 unique characteristics of the commercial operation  
19 that allow it to successfully operate without  
20 needing parking. I would also say that under the  
21 RSIS standard, as you described, those standards  
22 don't apply to mixed-use buildings. That is a  
23 limitation in RSIS, and that's in the  
24 applicability section, in that they only apply if  
25 the commercial and the residential are totally

1 separate, which we don't have in this case.

2 So I am deferring to your ordinance,  
3 even though I'll say it parrots RSIS, but I'm also  
4 trying to identify that it includes a half a space  
5 per unit for visitor and guests. And they can be  
6 accommodated on-street. We're allowed to count  
7 the one space in front of the building as part of  
8 our requirement or supply under RSIS. So I do  
9 understand the concern. I'm not suggesting  
10 everyone who lives in this building needs two  
11 cars.

12 CHAIRPERSON GARCIA: Thank you, Mr.  
13 Dean. Mr. Spatz, can you give me a statement  
14 before Mr. Dean leave, regarding the parking  
15 spaces, as per your memo, require 32 parking  
16 spaces, they're short, they're providing 26?

17 MS. SAN MARTINO: Where is it 26?

18 MR. SPATZ: Because this is a mixture of  
19 uses, the Residential Site Improvement Standards  
20 only applies to the residences in the building.  
21 The commercial parking requirement is from Union  
22 City's ordinance. So that's why, you know, more  
23 is required.

24 I do have a number of other questions  
25 about it, but if Mr. Dean has to leave, I think --

1           MR. DEAN: I am here, I appreciate your  
2 time. Just for everyone, literally the minute I  
3 walked up to the meeting room, my wife called me,  
4 had just been hit by a car --

5           CHAIRPERSON GARCIA: No, no.

6           MR. SPATZ: I'll save my questions for  
7 the operator, because it's not --

8           MR. DEAN: They are safe, everyone is  
9 fine, but I'm here to stay.

10          CHAIRPERSON GARCIA: Mr. Dean, family is  
11 first.

12          MR. SPATZ: The questions --

13          CHAIRPERSON GARCIA: The worst scenario  
14 is you have to come back. Please go. I'm  
15 married, I have kids.

16          VICE CHAIRPERSON GUTIERREZ: Go.

17          MR. DEAN: Everyone is safe, thank you.  
18 I'm here, I'm more than happy to continue to  
19 answer your questions and concerns. I stayed this  
20 late specifically for this reason.

21          MR. SPATZ: My questions also relate to  
22 the operation of it.

23          MR. DEAN: Thank you, Mr. Spatz.

24          CHAIRPERSON GARCIA: Okay.

25          MS. GUTIERREZ: Thank you.

1 MR. DEAN: Thank you for your time.

2 MR. ALONSO: And, again, in terms of --  
3 we don't believe there was an inconsistency. It's  
4 just the way that the standards are applied. As  
5 you know and when we were putting together an  
6 application, one of the things that we have to  
7 look at is what are the standards, what are the  
8 requirements. So what Mr. Dean was talking about  
9 was talking about is not trying to get an  
10 advantage by manipulating it, but this is the  
11 standard that's required. And this is what we're  
12 providing. With that said, I'll release Mr. Dean.

13 CHAIRPERSON GARCIA: Yes. Hope  
14 everything is okay with your wife.

15 MR. DEAN: Thank you very much for your  
16 consideration.

17 MR. ALONSO: So what I'm going to do is  
18 go out of order and I'll call the represent from  
19 KLAUS Parking System because I believe Mr. Spatz  
20 has some questions.

21  
22 P E D R O F E R N A N D E Z, after having been  
23 duly sworn or affirmed, did testify as follows:

24  
25 MR. FERNANDEZ: Pedro Fernandez,

1 F-E-R-N-A-N-D-E-Z.

2 MR. ALONSO: Mr. Fernandez, where are  
3 you currently employed?

4 MR. FERNANDEZ: I represent KLAUS  
5 Parking Systems in the United States, particularly  
6 in the northeast area here.

7 MR. ALONSO: Okay. And what is KLAUS  
8 Parking System?

9 MR. FERNANDEZ: KLAUS Parking System is  
10 a manufacturer of parking systems based in Germany  
11 with a worldwide presence, that's in business  
12 manufacturing parking systems since the 1960s. We  
13 have been in the U.S. since 1994, I believe. And  
14 we have been installing and selling and  
15 maintaining the parking systems mostly in  
16 California, the New York/New Jersey area, Florida,  
17 and obviously some other states. But these three  
18 are the most prominent parking.

19 MR. ALONSO: How long have you been  
20 working with KLAUS?

21 MR. FERNANDEZ: Since 2002.

22 MR. ALONSO: Okay. And what are your  
23 general -- what is your job title and general --

24 MR. FERNANDEZ: Well, I'm an independent  
25 representative, I'm an exclusive representative

1     there. So what I do is I own the company, the  
2     group that represents them. I do the sales, the  
3     sign with the architects. And later, the  
4     installation and maintenance of the parking  
5     systems.

6             MR. ALONSO: Now, we have a proposed  
7     mechanical parking system in this application, are  
8     you familiar with it?

9             MR. FERNANDEZ: Yes.

10            MR. ALONSO: Okay. I'm going to ask you  
11     to just review the type of system it is with the  
12     Board and overall how does it work?

13            MR. FERNANDEZ: This is a semiautomatic  
14     parking system. We call it semiautomatic and not  
15     automatic because people actually park their cars  
16     into it. It's a triple level system that is  
17     designed to fit the building. I can go into the  
18     technical details of the design, but I think most  
19     importantly what really matters, it's a parking  
20     system that is designed to be part of a building,  
21     a residential building, not really a revenue  
22     parking type of thing. It's designed that way so  
23     the people who live in the building can use it  
24     themselves, without needing an operator.

25            We are the manufacturer, we are the

1 installer, we provide the maintenance to the  
2 system. But the operation is done by the people  
3 who actually park there. By means that I can  
4 explain -- I don't know if you have questions, do  
5 I just keep talking? It's a parking system that  
6 is designed to fit the space provided. And it  
7 will park 23 cars. I believe that the extra three  
8 cars are parked the building outside in some other  
9 areas. The one that we're supplying parks 23.

10 MR. ALONSO: I always look at these as  
11 those little games when you were a kid and you  
12 used to move the little blocks around, there's  
13 always an empty space?

14 MR. FERNANDEZ: That's always what  
15 people say. That creates sort of this idea that  
16 the cars are going to rotate around the parking  
17 system, it's not the case.

18 We have three levels of parking, I'll  
19 explain very quickly. Obviously, ground level,  
20 upper level, and there's a level below in a pit.  
21 So the parking system that you see, the parking  
22 area looks like a normal eight car parking garage.  
23 There, those eight cars, we double them up on top,  
24 so eight cars on top, there's going to be eight  
25 cars in the pit. On the ground level, there is

1     seven parking pallets, seven. There's one fewer  
2     because that allows this ground level cars to  
3     slide over one space only to allow the top ones or  
4     the bottoms ones to get to the ground level.

5             When people want to park their cars,  
6     they always access the parking system at each  
7     individual bay. So if there were no parking  
8     system at all, you have eight concrete parking  
9     spaces, people come to space one, two, three,  
10    four, five, as usual. With the parking spaces,  
11    it's about the same. People come to parking  
12    spaces one, two, three, four, five, but then they  
13    activate it with a remote control or a fob. And  
14    the system will bring down to the them either the  
15    top platform, the bottom platform or it will just  
16    open the safety gate in front of it for the ground  
17    space. That's very important. I don't know if  
18    you have questions, please interrupt me  
19    because --

20            MR. ALONSO: That was the next thing I  
21    was going to ask. The first thing I was going to  
22    ask you is how easy is it for a regular person to  
23    just operate the system?

24            MR. FERNANDEZ: Obviously, I believe  
25    it's very easy. There's a learning curve that

1 takes about an hour. People, if I have to show  
2 someone how to use the parking system, I would  
3 say, okay, this parking system, this is your  
4 pallet. We will adjust the wheels above the  
5 pallet for their car. Because our intention is  
6 the people always park the same car on the same  
7 pallet all the time. That person will be assigned  
8 a fob and a remote control.

9           How does the operation work? When they  
10 come with their car, they pull right in front of  
11 the gate that belongs to their parking space.  
12 They click the remote, the remote will know, okay,  
13 this person parks at the bottom space. So it will  
14 move the ground spaces to the left or right,  
15 whatever, to clear that area for your bottom car  
16 to come up. At that moment, when that platform is  
17 at the ground, the gate opens and the person just  
18 drives right onto a parking space that really  
19 looks like a steel parking space rather than a  
20 concrete parking space. While that person is  
21 parking their car, no one can operate the system,  
22 the system is shut down for that person to leave  
23 there.

24           It feels just like parking in a parking  
25 space, person gets out, closes the door, walks

1 out, needs to go a little screen where you say I  
2 am done, beep. And then the gate closes. After  
3 that gate is closed, it's available for the next  
4 person.

5 MR. ALONSO: Now, in terms of safety,  
6 one of the things that people always think is that  
7 on that platform that you drive your car onto,  
8 there may be holes or some way to fall into a pit?

9 MR. FERNANDEZ: Obviously, all those  
10 gaps are taken care of and they're minimized to  
11 the two or three-inch range, which basically meets  
12 standards of gaps. And there's something also I  
13 want to point out, the system will always cover  
14 that empty area created by the absence of a space  
15 either from above or the top, so there's never a  
16 falling hazard.

17 MR. ALONSO: Does this come with a  
18 maintenance contract?

19 MR. FERNANDEZ: Yeah, absolute.

20 MR. ALONSO: Can you explain to the  
21 Board how the maintenance contract works?

22 MR. FERNANDEZ: We do the maintenance  
23 two or three times a year, depending how big the  
24 garage is. We have several installations from  
25 West New York to Bayonne here. So West New York,

1 Hoboken, Jersey City, Bayonne. These are, as I  
2 said, most of our installations, we have about 500  
3 cars parked in systems in total. And our crew is  
4 based out of North Bergen. We do the maintenance  
5 two or three times a year, depending on the size  
6 of the garage. And, occasionally, we have  
7 services calls from buildings. How many service  
8 calls we have a year? I would say one or two  
9 every six months. Then when those service calls  
10 happen, typically it has to do with sometimes  
11 power goes out and we need to just go there and  
12 reset the system or something simple like that.  
13 We get a phone call and we go.

14 MR. ALONSO: And if there is a service  
15 call, what is the turnaround time?

16 MR. FERNANDEZ: We try to be within the  
17 hour, sometimes it takes two. We promise four  
18 hours.

19 MR. ALONSO: So it's a pretty quick  
20 turnaround?

21 MR. FERNANDEZ: Yes.

22 MR. ALONSO: And do you maintain any  
23 spare parts at the location?

24 MR. FERNANDEZ: We have our own spare  
25 parts if we need them, yes.

1           Okay. Mr. Chairman, I have no further  
2 questions of Mr. Fernandez with respect to the  
3 system.

4           CHAIRPERSON GARCIA: Go ahead.

5           MR. SPATZ: There's no attendant?

6           MR. FERNANDEZ: No.

7           MR. SPATZ: Okay. I understand the  
8 residents, they can do their car, one above the  
9 other. And then they have control of their own  
10 cars. But you have and you need twelve of those  
11 spaces, so the remaining spaces are operated by  
12 just visitors to the building? If somebody is  
13 coming to go to the restaurant and wants to park  
14 their car, how will they operate the space? They  
15 won't have a fob, they'll be operating -- if  
16 there's three in a row and only two for the  
17 residents, then they'll be operating, moving a  
18 resident's cars.

19           MS. CHARTIER: I can answer that.

20           MR. FERNANDEZ: That's part of the  
21 building really --

22           MS. CHARTIER: I can answer that for  
23 you. So these parking spaces will be for the  
24 owners and employees of the businesses working in  
25 the commercial space and the restaurant space. So

1     they, as part of their orientation with me, I will  
2     teach them how to use the system. As the owner  
3     and operator of the space, I am also there and  
4     available. And I will be working with Pedro and  
5     KLAUS Parking to understand the system, the  
6     operations, the maintenance. So someone will be  
7     there.

8             MR. SPATZ: Okay.

9             MS. CHARTIER: And they will be trained  
10    to use it, just like the residents of the space  
11    will be trained to use the space.

12            CHAIRPERSON GARCIA: How many locations  
13    you have with that system?

14            MR. FERNANDEZ: How many locations?

15            CHAIRPERSON GARCIA: Yes.

16            MS. CHARTIER: Me?

17            CHAIRPERSON GARCIA: Yes. The  
18    applicant, the ones --

19            MR. ALONSO: Meredith.

20            MS. CHARTIER: This will be my first  
21    location with this system. As my current space  
22    offers no parking for 107 employees and there's no  
23    issue with parking.

24            MR. SPATZ: So just again, so I can  
25    understand. So if a residence, they need two

1 spaces -- let me ask to backup for that. The  
2 employees and the people who own is the idea that  
3 they will be the tenants of the building also or  
4 that's not -- I mean possibly they will be, but --

5 MS. CHARTIER: That's the dream. I've  
6 had multiple business owners come to Bellamy  
7 Kitchen, rent space at Bellamy Kitchen, and ask,  
8 any of those apartments above available? There's  
9 nothing better than having to take an elevator to  
10 work.

11 We've had a few businesses who have  
12 consulted with my husband and myself, how do I go  
13 about buying a mixed-use property so that I can  
14 live above, my parents can live above, and we can  
15 operate our family business here. That would be  
16 ideal and that would be, you know, a great -- I  
17 can't promise that, right. I can't tell people  
18 where they're allowed to live, but that would be  
19 an ideal setting.

20 MR. SPATZ: I agree, that would be the  
21 ideal way. But if you have three cars in a row  
22 and a family only has two, theoretically an  
23 employee at the property will be moving a tenant's  
24 car?

25 MS. CHARTIER: No, they're not getting

1       into the car.

2               MR. SPATZ: I know, but they will be  
3       operating the lift --

4               MS. CHARTIER: Correct.

5               MR. SPATZ: -- with other people's cars  
6       on it in order to get their car?

7               MS. CHARTIER: Right. Just like any of  
8       the residents in this building will be operating  
9       the lift and moving their neighbor's cars.

10              MR. SPATZ: Well, yeah, that -- I mean  
11       they may need. I'm just concerned of the  
12       liability of it, of an employee moving a tenant's  
13       car.

14              MR. FERNANDEZ: And that's the magic of  
15       insurance.

16              MR. ALONSO: But I think --

17              MR. SPATZ: Unless it's your car.

18              MR. ALONSO: With respect to that  
19       concern -- and Mr. Fernandez can correct me if I'm  
20       wrong, the fob is preprogrammed and designated for  
21       a certain spot. So if one of the --

22              MR. FERNANDEZ: That's correct, yes.

23              MS. CHARTIER: So then the dedicated --

24              MR. ALONSO: One of the commercial  
25       tenants has a fob, they know they go to bay four

1 and they're going to press it and then it moves.  
2 They're sitting on these trays and you don't even  
3 see the cars moving around. So no one's moving  
4 the cars -- the car is moving.

5 MR. SPATZ: I know somebody is not  
6 getting into the car, but a mechanical apparatus  
7 is moving my car so somebody else can get their  
8 car out.

9 MS. CHARTIER: I also want to emphasize  
10 the point of this restaurant space. It is for the  
11 local community. I don't want weirdos driving in  
12 from all over the place coming here, this is my  
13 business. No. This is for my neighbors, these  
14 are for my friends that I have made over the ten  
15 plus years that I've been in Union City, the  
16 six years my business has operated here. This is  
17 for my neighbors that are here today to speak in  
18 support of this project. That's what this space  
19 is for, they're not -- my neighbors aren't driving  
20 from 6th Street to 10th Street, who wants to do  
21 that? No one's driving here. This is for the  
22 community. This is for this particular  
23 neighborhood. There are eight different  
24 restaurants within walking distance of 913 New  
25 York, 1010. Not one has parking, not one. So

1       that's what this is for.

2               MR. SPATZ: I understand it completely.

3               MS. CHARTIER: That's who this is for.

4               MR. SPATZ: Maybe there's a little  
5       heresy on it, but maybe you don't need as many  
6       parking spaces as you're providing with the  
7       complicated system.

8               MS. CHARTIER: But that's your  
9       requirement, so...

10              MR. SPATZ: You're already seeking a  
11       variance, so the variance, you know, if you  
12       increase the number, it just seems if twelve  
13       spaces are used by the residents and very few  
14       spaces are needed for everybody else and you don't  
15       have parking for people who -- for patrons of the  
16       restaurant?

17              MS. PEREZ: There's no parking for  
18       guests at all.

19              MR. SPATZ: Right. But it would seem  
20       that, you know, maybe a little bit of a simplified  
21       system, rather than three tiers, maybe the  
22       building could be lowered a little bit, if you  
23       don't need as much room for the system. You're  
24       already seeking a variance, I know parking --

25              MS. CHARTIER: Right, to accommodate the

1     parking. The variance is to accommodate the  
2     parking, which is -- the ordinance requires. So  
3     if you want to say, you know what, you're right,  
4     this is a community restaurant, we don't want  
5     people driving around. Yeah, okay, we're going to  
6     waive you. We're going to let you not have to  
7     fulfill our parking variance. Then, yeah, we can,  
8     but --

9             MR. SPATZ: You're already seeking a  
10     parking variance so maybe it's reevaluate that,  
11     you know, maybe reduce, the building doesn't have  
12     to be as tall, at least the parking doesn't have  
13     to be as tall because you don't have three levels,  
14     even you though one is sort of below ground.

15            MS. CHARTIER: But then how do you  
16     accommodate all those cars?

17            MR. SPATZ: I think seeking, you know  
18     a -- again, you're already seeking a variance.  
19     And maybe an evaluation of that parking because it  
20     seems that you're creating potential conflicts.

21            MR. ALONSO: Right. The variance we're  
22     seeking because of the parking is the height  
23     variance, it's not a parking variance. Because  
24     when you apply the 20 percent credit, which we're  
25     entitled to under the ordinance -- but that's your

1 ordinance, Mr. Chairman.

2 MR. SPATZ: I need to review the shared,  
3 whether this actually fits that. But that's not  
4 really the point. Then if you could eliminate the  
5 height variance --

6 MR. ALONSO: So if we --

7 MR. SPATZ: -- wouldn't that be  
8 something worth doing?

9 MR. ALONSO: Here's -- and I'm just  
10 throwing this out there, I haven't spoken to  
11 anybody. But by eliminating one level of parking,  
12 and we'll have eight and seven, that's 15. We  
13 require 12 for the residential units. And you  
14 could still have the same system, is that correct,  
15 Mr. Fernandez?

16 MR. FERNANDEZ: Sure.

17 MR. ALONSO: So you reduce it down, you  
18 have 15 parking spaces where 12 are required, with  
19 no credits or anything.

20 MR. SPATZ: Again, from my point of  
21 view -- I obviously don't speak for the Board and  
22 I don't vote --

23 MS. CHARTIER: But then we reduce the  
24 community benefit, we reduce the job creation  
25 because then we don't have the space --

1 MR. SPATZ: I'm not suggesting it's --

2 MR. ALONSO: Everything stays the same.

3 MR. SPATZ: I'm suggesting the  
4 parking --

5 MR. ALONSO: Everything stays the same,  
6 you're just eliminating one row of parking, which  
7 reduces the height of the building.

8 MS. PEREZ: This is for -- it was  
9 initially two residential units and they're going  
10 up to six?

11 MR. ALONSO: There are two properties,  
12 there's two separate properties. And they're  
13 independent of each other. They don't have  
14 parking and they already have commercial and they  
15 already have residential uses on them with no  
16 parking. We're eliminating those building and  
17 proposing --

18 MS. PEREZ: How many -- there's  
19 residential units right now?

20 MR. ALONSO: There are residential  
21 units. What's the total, Tom?

22 MR. CHARTIER: Well, there's been  
23 illegal apartments on the property. So there's  
24 two legal ones, but they've been running three or  
25 four illegally for --

1 CHAIRPERSON GARCIA: Wait, wait, wait.  
2 He didn't get sworn in, so --

3 MR. CHARTIER: I'm sorry. So I can't  
4 talk?

5 CHAIRPERSON GARCIA: No, no, you can  
6 talk. It's for her, for the transcript.

7 MS. CHARTIER: So there's two legal  
8 apartments on the current property. But in the  
9 last 30 years, there has been three to four  
10 apartments there. The 3/4 have been operating  
11 illegally.

12 CHAIRPERSON GARCIA: Mr. Alonso, could  
13 you clarify to your client -- I don't know if it's  
14 your client. My comment was because two people  
15 are talking at the same time, also he's not on the  
16 record, his name isn't on the record. So it looks  
17 like he didn't like my interruption. However,  
18 going to be probably against him in the transcript  
19 later on. So can you please clarify for him?

20 MR. ALONSO: Absolutely, absolutely.

21 CHAIRPERSON GARCIA: Thank you very  
22 much.

23 MR. ALONSO: So what happens is, I  
24 believe, we have a packet from the building  
25 department to answer your question. And there

1       were a number of violations -- my client is a  
2       contract-purchaser of the property as indicated on  
3       the application. We don't own the property and  
4       the property has had a history of violations, a  
5       number of them being the illegal apartments. But  
6       there are currently on the books two legal  
7       apartments and a commercial.

8               MS. PEREZ: One on each property?

9               MR. ALONSO: No, I believe it's two on  
10       one property legally, and then commercial in the  
11       ground floor.

12              MS. PEREZ: And the other property,  
13       what's there?

14              MR. ALONSO: I'm going to swear Tom in.  
15       Tom, I'm going to swear you in.

16

17       T H O M A S     C H A R T I E R, after having been  
18       duly sworn or affirmed, did testify as follows:

19

20              MR. CHARTIER: Thomas Chartier,  
21       T-H-O-M-A-S C-H-A-R-T-I-E-R.

22              MR. ALONSO: Mr. Chartier, you're the  
23       applicant?

24              MR. CHARTIER: Correct.

25              MR. ALONSO: You heard what your wife

1 had testified to with respect to the uses and the  
2 representations that I made to the Board in terms  
3 of the illegal units. Now, you're much more  
4 familiar with the building than I am. Can you  
5 explain to the Board, how are the two properties  
6 laid out?

7 MR. CHARTIER: They're connected,  
8 internally they're connected. I mean it feels  
9 like it's two from the outside, but they're  
10 internally connected. There's a hair salon, there  
11 was an illegally operating barber shop that was  
12 vacated a year or so ago. And there were illegal  
13 apartments being operated and two legal apartments  
14 being operated, and sort of on different floors.

15 MR. ALONSO: Okay. I don't know if --

16 MS. PEREZ: How does that happen? How  
17 did that come about? Each building like doesn't  
18 have a legal apartment?

19 MR. CHARTIER: There's separate  
20 entrances, so there's an entrance that takes you  
21 into the residential area and then there's an  
22 entrance into the one retail space and a separate  
23 entrance into the other retail space. A separate  
24 garage entrance. And then once you're in the  
25 building, there are sort of interconnecting doors,

1     which are not fire rated, which are not fire  
2     proofed.

3             MS. O'DELL:   So it looks like two  
4     buildings, with two facades, with two store  
5     fronts, but once you pass the store fronts,  
6     everything above and behind is connected as one?

7             MR. CHARTIER:  Yes.

8             MR. PANEQUE:  Mr. Alonso, just so that  
9     we're clear, your clients' plan is to demolish  
10    these buildings?

11            MR. ALONSO:   Correct.

12            MR. PANEQUE:  If it's being demolished,  
13    this is for the Board's edification.  If the  
14    buildings are being demolished, what was there,  
15    whether it was legal or illegal or not is  
16    immaterial, okay.  We have to deal with --

17            MS. PEREZ:   If it's being demolished,  
18    why wouldn't you use the two units?  Why would you  
19    concrete six?

20            MR. PANEQUE:  No, no, they're starting  
21    from a blank slate.  It's going to be an empty  
22    lot, putting up a new building.  Their application  
23    is for the six units, plus the commercial space.

24            MR. ALONSO:   As the architect testified  
25    earlier, your ordinance permits in this zone,

1 three units per 25-foot frontage. So if we leave  
2 it as two separate, lots you have six units. But  
3 what we want to do is we want to consolidate it.  
4 Really the purpose is to expand the business  
5 that's ongoing a block away. And then by doing  
6 that, then we'll -- we don't want to be penalized  
7 because it's still six units, whether it's three  
8 and three or six, in terms of the density. You  
9 know, in reality, that's what the permitted  
10 density is.

11 MR. CHARTIER: I think most developers  
12 would come here and they would try to squeeze in  
13 as many apartments as possible, do the parking  
14 math, because rental apartments are sort of easy  
15 money. This is over 51 percent retail and  
16 commercial. We're doing this to expand our  
17 businesses, and all these 35 businesses that are  
18 in there. You know, like if it just doesn't fly  
19 tonight, we can come back and squeeze in as many  
20 apartments as possible, like a lot of other  
21 developers are doing.

22 This is heavily focused on community  
23 attributes, amenities for the community. I mean  
24 this is not only going to be about expanding the  
25 existing businesses, but a place to have birthday

1 parties for kids, it's an event space.

2 MR. PANEQUE: We understand the  
3 application, Mr. Chartier, and it's very  
4 commendable. And the fact that you have a proven  
5 concept just one block away, we understand you're  
6 trying to expand. Being that the case, we're  
7 trying to see, you know, what needs to actually be  
8 approved here. Now, we've gone off on a tangent  
9 and we got off the issue of parking, which is what  
10 we were discussing when we went off on the  
11 tangent.

12 Just so that we're clear, this proposed  
13 parking arrangement, okay, does not provide  
14 parking for any of the patrons that will be  
15 visiting this proposed kiosk location?

16 MR. ALONSO: Well, there's --

17 MR. PANEQUE: Because of its --

18 MR. ALONSO: -- there's no requirement.

19 MR. PANEQUE: -- mechanical nature.

20 Well, there is. There's a 20 space requirement,  
21 okay. That 20 space requirement wasn't meant for  
22 the employees, that 20 space requirement was meant  
23 for a restaurant-type business. And that's why we  
24 have 20 plus 12, the 12 were for the apartments,  
25 the 20 are for the commercial space. However, the

1 commercial space, those 20 spaces are not to  
2 accommodate employees, which is the testimony  
3 that's been presented with zero accommodation for  
4 patrons. So I think what Mr. Spatz --

5 MR. CHARTIER: That's not necessarily  
6 true.

7 MR. PANEQUE: Well, there's not going to  
8 a patron coming to this place that's going to have  
9 a kiosk or the knowledge to operate this parking  
10 arrangement that has been presented. Based on  
11 your own expert's testimony, Mr. Fernandez, it  
12 takes over an hour's worth of training to become  
13 familiar with how to use the system. Regardless  
14 of whether this facility has a billion dollars of  
15 insurance, nobody whose coming in off the street  
16 to patronize one of the kiosks is going to have  
17 access to parking there. That's a fact, okay.

18 So Mr. Spatz was suggesting, as a  
19 compromise -- and I think this is what Mr. Spatz  
20 was suggesting. Instead of trying to meet the  
21 letter of the law, which calls for 32 spaces, but  
22 you were providing 26, in trying to meet the  
23 letter of the law, you're not actually making what  
24 the ordinance was intended to make, which was to  
25 provide parking for patrons. That's a fact. Yes,

1     you're providing spaces, but those spaces are not  
2     meant for the people who they were meant to be,  
3     under the ordinance.

4             So if that is -- and you're still  
5     requiring a parking variance, as Mr. Spatz  
6     indicated -- why not tailor this application to  
7     have 15 spaces where then we could reduce the  
8     height because you don't need the extra level.  
9     I'm not speaking for the Board or the Chairman,  
10    but I'm trying to put a suggestion out there,  
11    which is what our expert was trying to relay when  
12    we went off on a separate subject about the number  
13    of illegal or legal units that exist there now.

14            Because the 26 spaces are not meant for  
15    the patrons and that's the point that Mr. Spatz  
16    was trying to make.

17            MR. ALONSO: Right, that's the  
18    discussion we were having.

19            CHAIRPERSON GARCIA: I'm going to go  
20    also because now I'm going to have my opinion as a  
21    member, not as Chairperson, as a Member of the  
22    Board. My question to you, Mr. Alonso, my  
23    question to you, Mr. Paneque, my question to you,  
24    Mr. Spatz, how many application -- well, I could  
25    say last two years because I came back two years

1     ago. I could say from 2004 to 2015 and 2019 to  
2     2022, to now, new applications we approved, we  
3     granted with parking variance? Existing  
4     condition, okay. But new application adding --  
5     increasing the situation with the parking, I don't  
6     recall. You know my point?

7             MR. PANEQUE: I understand the  
8     Chairman's point. I think every application --

9             CHAIRPERSON GARCIA: Is unique.

10            MR. PANEQUE: Well, every application is  
11     unique and every application has to be taken on  
12     its own merits and looking at the totality of the  
13     circumstances of the application. What the  
14     applicant is coming forward with is an application  
15     in which, based on her testimony, it's a proven  
16     concept. She has a working kitchen, which clearly  
17     is need of expansion, if I understand?

18            MR. ALONSO: That's correct.

19            MR. PANEQUE: And the fact that she's  
20     only a block away allows for that expansion to  
21     take place. I'm going to go out on a limb here  
22     and I'm going guess that the kind of expenditure  
23     that's going into putting up this project, just  
24     based on the fact that you have four stories, you  
25     have this mechanized parking system, you have

1 elevators, your applicant won't be making this  
2 application unless the concept of what they're  
3 trying to put forth had been proven. And they  
4 understand that they will have a return on their  
5 investment. Because the investment is going to be  
6 quite substantial.

7           So we have to take a look at the  
8 totality of the circumstances here on this  
9 application. And the fact is that Mr. Spatz's  
10 opinion to this Board is that meeting the letter  
11 of the law to try to say we have X number of  
12 spaces and therefore we're very close to what the  
13 ordinance provides for as a requirement, when in  
14 reality, it's not going to be met because those  
15 are not going to be used for patrons. The  
16 compromise to that would be to -- as an exchange  
17 for not meeting the letter of the law with the  
18 parking, bringing down some of the other variances  
19 that are needed, such as the height.

20           And understanding that this application  
21 is coming in with a project that would probably be  
22 very beneficial to the neighborhood in the sense  
23 that it's already a proven concept, it works. And  
24 honestly the amount of money that's being expended  
25 on this project wouldn't be putting forth if this

1 project, the concept had not been already  
2 conceived and tested.

3 CHAIRPERSON GARCIA: Like you said  
4 before, Mr. Paneque, with all due respect, every  
5 application is unique. And 913 is a corner, it's  
6 a corner, southwest of New York Avenue and 10th.  
7 This one is between two buildings, it's where the  
8 11th street hit New York Avenue. So the condition  
9 and traffic there is completely, completely  
10 different than that corner, no matter what, that  
11 is few hundred feet away from the building.  
12 Completely different. I could tell you, I went  
13 the other day to a restaurant across the street of  
14 that place. It's -- I have to double park, I was  
15 shamed for me. I went down to try to get a  
16 parking, I couldn't find out, I block a driveway.  
17 The owner of the house across the street came to  
18 me right away, move your car. The situation in  
19 that -- in that one, Mr. Paneque, and all of the  
20 public, is completely different than 913 New York  
21 Avenue, completely different, it's a corner. And  
22 this one is with 11th Street.

23 MR. ALONSO: Right, but --

24 CHAIRPERSON GARCIA: That's the problem.

25 MR. ALONSO: Understood, but the concept

1 is the same and --

2 CHAIRPERSON GARCIA: No, no, Mr. --  
3 that's always --

4 MR. ALONSO: If I can --

5 CHAIRPERSON GARCIA: -- the issue that I  
6 have with you, Mr. Alonso. I mean it's whatever  
7 is convenient for you is this. But before, when  
8 Mr. Paneque said that every application is unique,  
9 that's why. That place is unique. I could not  
10 compare the 913 location with 1010-1012.

11 MR. ALONSO: With all due respect --

12 CHAIRPERSON GARCIA: With all due  
13 respect.

14 MR. ALONSO: With all due respect, this  
15 application and this location is unique because,  
16 as the testimony has been presented, we don't  
17 anticipate anybody driving there. That's the  
18 anticipation. Based on the history back since  
19 2018 when they started operating this type of  
20 business there. It's a local type of business,  
21 I'm not going to drive from my office in North  
22 Bergen to that location.

23 CHAIRPERSON GARCIA: Mr. Alonso, to get  
24 an empanada.

25 MR. ALONSO: You know why? I can get an

1       empanada anywhere.

2               CHAIRPERSON GARCIA: Mr. Alonso, for me  
3       to go from my house to go to Artesano, to pick up  
4       the empanada today to come down here, took me  
5       40 minutes at 5:00 in the afternoon. You don't  
6       drive in Union City, I mean --

7               MR. ALONSO: I do, but who's going there  
8       at 5:00?

9               MR. PANEQUE: Mr. Alonso, the current  
10       operation that your client has is a commercial  
11       kitchen, it's not retail, correct, and Mr.  
12       Chartier?

13              MR. CHARTIER: Well, it's both. There's  
14       a restaurant component and there's a commercial  
15       kitchen.

16              MR. PANEQUE: So you're open, retail,  
17       public can go in?

18              MR. CHARTIER: You're talking about 913  
19       New York? No.

20              MR. PANEQUE: That's what I'm talking  
21       about, 913 New York is only a commercial kitchen,  
22       people are going in there, your 35 plus, you know,  
23       current tenants. They cook and they take their  
24       end-product off-site?

25              MR. CHARTIER: Correct.

1           MR. PANEQUE: Correct. The present  
2 operation has two components. It has the  
3 commercial kitchen, which is going to be very  
4 similar to 913, but it also has the kiosk, which  
5 is more like a brick and mortar restaurant type,  
6 where you're going to have patrons coming in.

7           Now, I grant you that most of those  
8 patrons will probably be from the neighborhood,  
9 but you're still going to be having certain  
10 individuals that are going to be driving in, okay.  
11 And that's what our ordinance provides for, those  
12 parking spaces for those individuals.

13           And this is for Mr. Alonso, is there a  
14 way to accommodate some sort of parking on-site  
15 for those patrons, okay, and at the same time  
16 accommodate parking for the residents? I'm not  
17 saying you're going to need 100 percent of the  
18 parking ordinance, but as it stands right now, I  
19 think the Chairman's objection to this is that  
20 nothing is being accommodated for your patrons for  
21 the restaurant.

22           MR. CHARTIER: May I respond to that?  
23 There's nothing stopping us from letting patrons  
24 use the parking space.

25           MR. PANEQUE: Sure there is.

1 MR. CHARTIER: There's not.

2 MR. PANEQUE: Your own system is  
3 stopping you, Mr. Chartier. With all due respect,  
4 Mr. Fernandez testified that it takes over an  
5 hour's training. You're not going to have  
6 somebody there is, a valet.

7 MR. CHARTIER: We may. If we feel it's  
8 necessary, we can have valet on-site.

9 MR. PANEQUE: The problem with that is  
10 that this Board will have no ability to enforce  
11 that six months after you open up, if you don't  
12 have anybody there. We have no control. So this  
13 Board has to take into consideration now what it's  
14 going to approve. And if we approve a system  
15 where it's going to be dependent on having valets  
16 there and it turns out six months later, you  
17 decide not to, this Board wouldn't have done its  
18 job.

19 MR. CHARTIER: Well, I mean if it's a  
20 matter of just reducing the parking, making a  
21 motion to approve this with the reduced parking, I  
22 personally, based on my experience after building  
23 800 homes and running this business with my wife,  
24 we don't believe that the residents need 12  
25 parking spots. We don't believe that the

1 commercial space or the restaurant space needs the  
2 additional 14 parking spaces. We don't believe  
3 that.

4 MR. PANEQUE: And that's why --

5 MR. CHARTIER: Based on our experience.

6 MR. PANEQUE: That's why I said, and I  
7 questioned Mr. Alonso, whether the application can  
8 be modified to have a combination of parking  
9 spaces for the residents as well as parking spaces  
10 for the patrons who may frequent the kiosk  
11 location. So that if Mr. Garcia decided to go  
12 pick up empanadas at one of the kiosks, he  
13 wouldn't have to park in front of somebody's  
14 driveway. He could go in, pull in to one of the  
15 designated spots for the restaurant -- let's say  
16 I'm going to have four designated spots for the  
17 restaurant, which will not require the KLAUS  
18 mechanical system to operate. And then you have  
19 designated spots for the residents. And there's  
20 no way you're going to meet the ordinance, but  
21 it's something. Because right now, what's being  
22 presented from, what I'm understanding from Mr.  
23 Garcia, is that it's objectionable.

24 MR. CHARTIER: I mean is the -- are you  
25 looking to provide parking for the neighborhood?

1 Do you feel the neighborhood needs parking?

2 MR. PANEQUE: No.

3 MR. ALONSO: No, no.

4 MR. PANEQUE: Nobody's --

5 MR. ALONSO: For the patrons.

6 MR. PANEQUE: For the patrons. Your  
7 model now is not the same model that you're  
8 operating at 913. 913 is a commercial kitchen, it  
9 has, by your own testimony, your wife stepped up  
10 and said it, has no patrons coming to pick up food  
11 there.

12 MS. CHARTIER: No.

13 MR. CHARTIER: That's actually --

14 MS. CHARTIER: I'm sorry. That is  
15 actually incorrect. We do have a pickup, takeout  
16 option. And so there are plenty of patrons that  
17 come and pickup and takeout from the businesses  
18 working. But they -- you know, there's no  
19 parking.

20 MR. ALONSO: There's no tables?

21 MS. CHARTIER: There's no tables, right,  
22 but it is like a takeout. But people do operate  
23 takeout businesses.

24 MR. PANEQUE: But the concept model for  
25 1010 is that you're going have this section which

1 is going to have tables and you're going to -- in  
2 fact, you mentioned parties, where some of the  
3 local neighborhoods can have parties and so forth.  
4 This Board is having a very difficult time with  
5 approving a new construction project that has zero  
6 parking for this need.

7 MS. CHARTIER: So you're saying that the  
8 parking system that we've proposed is not  
9 acceptable by the Board?

10 MR. PANEQUE: Well, the parking system  
11 that you're proposing has a very big flaw. And  
12 the flaw is that, yes, you're providing 26 parking  
13 for yourself, for yourself, for the people that  
14 are going to work there. But it's not meeting the  
15 intent of the ordinance, which was -- the intent  
16 of the ordinance is those 20 spaces were for  
17 patrons, that's what our ordinance calls for. You  
18 have 12 spaces for the tenants and I understand  
19 that the ordinance is calling for 12 spaces and  
20 even your own traffic expert person said you may  
21 not need 12 spaces, okay. But out of the 20 that  
22 the patrons need, zero. Because that KLAUS system  
23 doesn't work in this scenario for a restaurant or  
24 any kind of commercial business.

25 MR. MASTROPIETRO: Can I make a

1 suggestion? Maybe what about -- we're not going  
2 to with the city parking, maybe what we can do  
3 here, so we keep these four here for the automatic  
4 parking, which is 11 spots for the residential.  
5 And then we have this four and these two here for  
6 patrons, without any system. They drive, they  
7 park, and that's it.

8 MR. PANEQUE: Mr. Mastropietro, that  
9 suggestion might be a good suggestion, I can't  
10 speak for the Board.

11 MR. MASTROPIETRO: Okay.

12 MR. PANEQUE: It's definitely heading  
13 towards what I think our expert was suggesting and  
14 also what this Board is looking for.

15 MR. MASTROPIETRO: Okay.

16 MR. PANEQUE: So I can't speak for the  
17 Board, that's up to the Board. But definitely,  
18 the KLAUS system that's being proposed doesn't  
19 work in a commercial setting.

20 MR. MASTROPIETRO: I understand.

21 MR. ALONSO: Okay. So if there's no  
22 more questions on that, then I guess my last  
23 witness is John, right -- I have Guilago Marsino,  
24 he's our engineer.

25

1 G U I L A G O M A R S I N O, after having been  
2 duly sworn or affirmed, did testify as follows:

3

4 MR. MARSINO: Guilago Marsino,  
5 G-U-I-L-A-G-O M-A-R-S-I-N-O.

6 MR. ALONSO: I believe you've testified  
7 before this Board?

8 MR. MARSINO: I've been here before.

9 CHAIRPERSON GARCIA: Yes, a long time  
10 ago.

11 MR. MARSINO: I am a licensed engineer,  
12 it is current.

13 CHAIRPERSON GARCIA: Our pleasure to  
14 have you here.

15 MR. MARSINO: Thank you. I'm really  
16 coming on the heels of rather intense and maybe  
17 mine is a little more boring subject here about  
18 basically what's going on with the site and the  
19 feasibility of construction. And I've testified a  
20 few times, both -- I have a PhD in structural as  
21 well I'm testifying today as civil on that matter.  
22 So I wasn't -- I'm going to touch more on the  
23 civil, but I've testified already in West New York  
24 in a similar matter as this on the  
25 constructibility of such mechanism that they're

1     proposing here. Obviously, it's -- I'm going --  
2     before I get into the civil matter, I want to  
3     touch on the parking. It is feasible. And we  
4     have done a study at the site, geotechnical study,  
5     that this can be constructed. We've got a couple  
6     borings at the site and we've hit rock around 12.  
7     In the front, it's a little more higher, which  
8     would be more favorable to where the back is  
9     concerned, where they can go down. Because  
10    there's a lot of concerns in other municipalities  
11    that I've testified on this matter, that the  
12    multiple layer of cars, the weight. And they were  
13    concerned about any settling and the amount of  
14    construction that's there.

15                So from a structural perspective, we're  
16    not going to have that problem since we will have  
17    to go deeper around 10 feet down. And there is a  
18    concern with the neighboring properties,  
19    obviously, only on one side, there will be step  
20    footings. These two buildings would have to be  
21    shored during construction, but most favorable to  
22    this type of construction, which is most doable.  
23    And I've even done even now I've designed recently  
24    in East Orange, very similar, you've done that.  
25    The soil is good here. We have rock, so there

1     should be no problem with the construction of this  
2     at this site. And so to really say that even  
3     though today, you get approved and then you can't  
4     find out it is not constructible, it is  
5     constructible.

6             There will be shoring along this wall.  
7     And the -- build the wall and they'll set the  
8     footing up around where it's only 3 and a half  
9     where you come down to 10 feet around the site.  
10    So that's really basically how the parking  
11    situation is done. It can be done accordingly and  
12    constructed the way the architect had presented  
13    today.

14            Moving onto the other matter, which is  
15    basically why I'm here today is the civil. The  
16    civil matter is right now, there's two buildings,  
17    most of the site is pretty much impervious. So  
18    we're doing a benefit here because right now the  
19    it's being impervious, water runs off to the  
20    streets. We are going to bring this into  
21    compliance with the state standards. And most of  
22    all is North Hudson Sewer Authority, which has set  
23    standards of where they --

24            Most of all in Hudson County and North  
25    Hudson, most is that they require certain

1 tabulation to where we're going to increase. Not  
2 only, the roof is going to have green roof, which  
3 we get some benefit, we're going to put storm  
4 detention on-site to collect the water. So we're  
5 going to give great benefit to the environment  
6 most of all at the site and the building is  
7 actually --

8 That being said, we're going to have the  
9 storage of over 150 feet of three -- of a two-foot  
10 diameter pipes. And obviously since the rock  
11 level is pretty high here, we're not doing any  
12 perc-ing, meaning that the soil doesn't absorb the  
13 rainwater. So in Hudson County mostly, they  
14 collect the water, we store it, and then release  
15 it to the street slowly.

16 So that being said, we're going to have  
17 to do new utilities. And obviously, there's a  
18 kitchen here, new gas lines, new electric lines,  
19 you know, the works. So that -- knowing the  
20 ordinance in Union City, they're going to repave  
21 the street from corner to corner and they're going  
22 to upgrade all the utilities here, and obviously  
23 make sure they have enough gas for the building.  
24 And I think that should pretty much cover most of  
25 my testimony on this matter.

1                   MR. ALONSO: I have no more questions of  
2 Mr. Marsino, I'll call Mr. McDonough.

3

4 J O H N       M c D O N O U G H, previously sworn.

5

6                   MR. ALONSO: We're going to mark this as  
7 A-1.

8                   MR. McDONOUGH: John McDonough, for the  
9 record.

10                  MR. ALONSO: Mr. Chairman, Mr. McDonough  
11 was qualified earlier this evening.

12                  CHAIRPERSON GARCIA: Our pleasure to  
13 have you here.

14                  MR. McDONOUGH: Good to be back, haven't  
15 left.

16                  MR. ALONSO: Now, Mr. McDonough, you  
17 have an exhibit. We're going to mark this as A-1  
18 and just identify for the record what A-1 is.

19                  MR. McDONOUGH: A-1 is going to be  
20 handed out, file-sized 11 by 17, it's four pages,  
21 they're all aerial photographs of the subject  
22 property, to give you context that you already  
23 basically know about where the site is located.  
24 There's a nice variety of building types, uses,  
25 and sizes in the general area.

1           And so we're looking at a tax lot or  
2     site that consists of two tax lots, we've got  
3     Block 50, Lot 17 and 18. I've put a little arrow  
4     on there to show you where the subject building  
5     is, the subject buildings. You've got that one  
6     building that has a little angle to it and then  
7     the other building as well. That is developed as  
8     mixed use, it's about 5,000 square feet with one  
9     parking space out there now. And as these  
10    photographs show you from various vantage points,  
11    I'm looking to the east, looking to the west,  
12    looking from the top down. You can see of course  
13    what you heard before, the beauty of your  
14    community as we all know is the great diversity of  
15    building forms, uses, and styles. And you've got  
16    taller buildings here. You can see there's  
17    five-story buildings nearby, there's taller  
18    buildings, there's smaller buildings. It's one of  
19    the things that makes your town so beautiful.

20           The applicant is proposing a five-story  
21    building here that actually requires relief, four  
22    stories is what's allowed. But as you heard,  
23    there's really three layers to the plan, to this  
24    building. The parking layer, the commercial  
25    kitchen layer, which actually has two floors to

1     it, the prep area and the kiosk. And then the two  
2     floors of residential. The applicant's asking the  
3     Board to move on six units here, where three would  
4     be the maximum allowed in any one building.  
5     Bearing in mind, we're dealing with a double wide  
6     lot here, so effectively the applicant could  
7     develop each lot with a single building and put  
8     three units there. So the point being that based  
9     on the land mass, six units is not far afield from  
10    what the zone plan would contemplate here.

11           Again, I'm not going to take you through  
12    each one of the pictures, they show again the  
13    various views of the subject property. And also  
14    you can see again that we do have five stories  
15    within eye shot from any advantage that you look  
16    here. So this building with the extra story is  
17    not going to stand out as out of context in  
18    comparison to the surrounding general area, which  
19    is mixed.

20           In terms of the zone, we're in the CN  
21    neighborhood commercial zone. There's a wide  
22    variety of uses that are permitted here,  
23    residential is allowed. The applicant is  
24    proposing residential use. Retail, commercial,  
25    restaurants are all allowed here as well. To the

1 degree that we have a commercial kitchen, we're  
2 not looking at something that's far afield from  
3 what an otherwise permitted restaurant use would  
4 be.

5 I'm going to walk you through some  
6 (d) (1) proofs for use relief in that regard. But  
7 again we always look at the degree of departure  
8 from the zone scheme. And a commercial kitchen is  
9 not far afield from a restaurant use. Mixed use  
10 is also permitted here. We've got a mixed use  
11 building, we've got the parking below, we've got  
12 the commercial above that, we've got the  
13 residential above that, which is very typical for  
14 a mixed-use type building.

15 Now, in terms of the overall zone  
16 conformance, along with the basic use pattern  
17 that's here, the building area, the lot coverage,  
18 the front setbacks, the side setbacks, and if you  
19 apply that 20 percent shared parking standard, we  
20 could surmise that the parking complies as well.  
21 So we're going to walk you through the basis for  
22 parking relief to the extent the Board finds that  
23 that's needed here as well.

24 But in terms of the hierarchy of relief  
25 that the Board needs to weigh here, we start with

1 the (d) (1) use relief to the extent that a  
2 commercial kitchen is not specifically  
3 contemplated in your CN zone scheme. The  
4 applicant is asking the Board to move favorably in  
5 that regard. We've got some (d)5 density relief.  
6 Again, to allow six units here, where only three  
7 are allowed in one building. Like I just said,  
8 we've got two side by side lots here that  
9 theoretically could have the same six units built,  
10 so not far afield in that regard.

11 Then we've got the height relief for the  
12 extra story, which takes us up to 54.5 feet, where  
13 a maximum of 45 would be permitted. That's a  
14 9.5-foot height variance. Given the visuals I've  
15 just given you, I don't think this is going to  
16 stand out as overlarge, as imposing, or obtrusive  
17 in the context of the overall neighborhood. The  
18 planning benefit of course is that there is that  
19 level that provides for parking. And also the  
20 fact that our commercial use here has two layers  
21 to it or two floors to it, the prep area and then  
22 the kiosk area below it, which you just heard  
23 about. So somewhat related to the specialty type  
24 of land use that we're proposing here.

25 We've got interrelated "C" relief, the

1 numbers of stories is technically a "C" variance,  
2 not a "D" variance, so we've got five versus four,  
3 which is again compatible with the character of  
4 the area, which has multiple multistory buildings.

5 We've got "C" relief for the rear yard  
6 setback, where zero feet is proposed in the  
7 interest of providing parking, where 20 feet would  
8 be the minimum that's required. And then "C"  
9 relief for the building coverage at 100 percent,  
10 where 80 percent is the maximum allowed. It is  
11 mitigated by the fact that the overall lot  
12 coverage is allowed to be 100 percent. So the  
13 applicant is building corner to corner to  
14 effectuate some parking here.

15 In terms of the justifications for the  
16 (d) (1) use relief, the application satisfies the  
17 statutory criteria under what we all know as the  
18 Medici case. The first part of the test looks at  
19 special reasons. We look at the purposes of  
20 zoning in the land use law, N.J.S.A. 40:55D-2, I  
21 see multiple purposes of zoning advanced here,  
22 including purpose A, the promotion of the general  
23 welfare, because it is delivering a series of  
24 permitted uses and one use which is not far afield  
25 from what otherwise would be permitted here. You

1 heard about the economic benefits that would go  
2 with this. The provision of jobs, the variety and  
3 the cross-cultural types of foods that would be  
4 provided here as well. We think that also goes  
5 towards the promotion of the general welfare.

6 Likewise purpose G is the planning goal  
7 to provide for a variety of uses according to the  
8 needs of all New Jersey citizens. This becomes an  
9 incubator space to support businesses that want to  
10 work their way in the food industry.

11 Purpose I, the promotion of the free  
12 flow of traffic because the parking supply again,  
13 applying that 20 percent standard, would comply  
14 and generate less traffic than the existing  
15 combination with the salon, with a barber, and  
16 apartments above, as you heard through Gary's  
17 testimony as well.

18 Purpose I, the promotion of a desirable  
19 visual environment, I'll let Jorge's beautiful  
20 building speak for itself. This is going to add  
21 aesthetic value and quality to the area above and  
22 beyond that which is there now presently. And  
23 certainly reenforce your community as a positive  
24 place to invest.

25 Purpose M, the promotion for the

1 planning goal for efficient use of land. This is  
2 in-fill development, that's compatible with the  
3 buildings around it. It's taking previously  
4 developed land and repurposing it in accordance  
5 with the use that is certainly gaining currency in  
6 the industry today.

7 Also, in terms of site suitability, the  
8 site is particularly suitable for the use by  
9 virtue of its context and condition. This  
10 commercial kitchen is a natural extension of the  
11 community around it. And the fact that we do have  
12 one very similar, if not identical, use just a  
13 block away. Contextually, this is a site in an  
14 area where many eateries have blossomed and this  
15 plays off of that service as well.

16 Public impacts. Based on all of the  
17 testimony, I believe that relief can be granted  
18 without any substantially adverse public impacts.  
19 This is a functionally innocuous use and visually  
20 inconspicuous use in terms of the degree of  
21 departure from what the zone would contemplate.

22 Lastly, with respect to the zone plan,  
23 the project would promote the goals and the  
24 objectives of the Union City master plan, "to  
25 encourage economic development". Also "promote

1 and reenforce the City as a desirable residential  
2 location and an attractive shopping,  
3 entertainment, and recreation destination" as  
4 well.

5 Based on all of the above, I think the  
6 Board can move favorably on the (d)(1) use relief  
7 without any substantial impairment to the zone  
8 plan and ordinance. The (d)(5), that's your  
9 density variance, six units where only three are  
10 allowed in one building. I gave you the practical  
11 reason there as well. This is a double sized lot,  
12 where we could have two side by side. And so you  
13 would see those six units there under a conforming  
14 zone scheme. Based on all the testimony in terms  
15 of negative criteria, the additional three units  
16 will not create a negative parking effect on the  
17 area, will not exceed the water or sewer carrying  
18 capacity of the land. And in that regard, the  
19 site can accommodate those additional three units.

20 In terms of the justification for the  
21 (d)(6) height relief, the application satisfies  
22 the statutory criteria under the Grasso standard.  
23 That's the one that looks at the purposes of  
24 height control and if any of them are being  
25 violated. Running through them, the added height

1 will not block scenic views or create negative  
2 shadow effects. The height variance that the  
3 applicant is asking the Board to move on is not  
4 54 feet, but it's 9 feet above what the ordinance  
5 would allow. The added height is not going to  
6 create runoff problems, give this site an unfair  
7 height advantage over other properties where  
8 waters would be directed onto adjacent lands. The  
9 added height will not give this property an  
10 imposing or obtrusive structure that would  
11 overwhelm the area. And the added height will not  
12 create a population density that exceeds the  
13 carrying capacity of the land. For that reason, I  
14 believe the (d) (6) height relief can be met as  
15 well.

16 Finally, with respect to the "C" relief,  
17 I believe all "C" relief can be justified under  
18 the balancing test, the (C) (2) balancing test.  
19 All those benefits of the application as a whole  
20 substantially outweigh the detriments. The number  
21 of stories, I've given you the practical side to.  
22 The rear setbacks, zero versus 20 is for the  
23 benefit of parking, likewise for the building  
24 coverage. To the extent parking relief is  
25 necessary, I think you do have a good predicate of

1 witnesses before me including Gary Dean who is  
2 well respected in the industry. I will certainly  
3 emphasize how valuable your community is in terms  
4 of the walk score. We have 566 communities here  
5 in New Jersey and your community ranks number 2 in  
6 terms of the highest walk score. The website  
7 actually calls it a walkers' paradise. So you  
8 should be very proud of that and you're just a  
9 tick or two away from being number one. So that's  
10 an amenity that I think plays off of our  
11 applicant's testimony, that this will cater to a  
12 local crowd who will walk here, as we see with the  
13 other facility as well. This is a pocket, a  
14 husband if you will. And, hopefully, we see more  
15 of these start to populate in the community as  
16 well. Of course you have great transit amenities,  
17 as well, which I think offsets the demand for  
18 parking and the automobile in the area.

19 With that, I think the applicant and his  
20 team has put together a real good presentation for  
21 the Board. It is certainly an interactive process  
22 and has been back and forth with the applicant  
23 listening, but has also been responsive. I think  
24 this application has landed at a good spot. Based  
25 on all the testimony, I believe the criteria for

1 all of the relief the applicant is seeking are met  
2 and approval is warranted.

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

4 CHAIRPERSON GARCIA: No more witnesses?

5 MR. ALONSO: No more witnesses.

6 CHAIRPERSON GARCIA: Mr. McDonough, you  
7 indicate that the zero setback in the rear, you  
8 indicate it's for benefit of the parking. I  
9 understand that it's for the benefit of the  
10 parking, however, you are still requesting a  
11 parking variance. I could understand for the  
12 benefit of the parking, if you're going to  
13 provide -- if you're not going to request a  
14 parking variance. But I don't think there's a  
15 benefit at this point.

16 MR. McDONOUGH: Well, again, it's an  
17 interactive process. There's been some back and  
18 forth with the applicant. I think there's been  
19 some suggestions of potential modifications here,  
20 but it's the applicant's position and remains the  
21 applicant's position, number one, if the  
22 20 percent does apply here, that it would meet the  
23 26 space requirement.

24 CHAIRPERSON GARCIA: Actually, they  
25 don't provide parking for the clients, the

1     20 percent doesn't apply.

2             MR. McDONOUGH: It does not apply, okay.  
3     I'd have to look at it, I didn't hear an  
4     interpretation. That said, the testimony on the  
5     record is that the supply will meet the actual  
6     demand here. And the site will flow, function,  
7     and operate safely and efficiently. Again, I  
8     think the Board can give deference to that and the  
9     testimony of the witnesses before me.

10            MR. PANEQUE: I don't have a question, I  
11    have a comment. And this is for the Board as well  
12    as the applicant. Mr. Spatz has brought to my  
13    attention, therefore, I'm bringing it to the  
14    Board's attention that our ordinance for Union  
15    City provides that the shared parking is only to  
16    be used between commercial, shared, not a hybrid  
17    of commercial-residential. So you can't use the  
18    shared parking argument on a hybrid, which is what  
19    is being presented here, which is -- you're using  
20    the same spaces for parking for residential and  
21    commercial. It clearly -- and I just read through  
22    the ordinance, I was not aware. I'm not as  
23    proficient with the ordinance as Mr. Spatz is, but  
24    Mr. Spatz brought that to our attention. A shared  
25    parking situation is between two commercials and,

1 in fact, it gives the types of commercials, which  
2 can share parking. Which is, for example, a  
3 daytime operation and a nighttime operation  
4 sharing parking situation, where one is off-site  
5 while the other one uses it. That doesn't work in  
6 a residential-commercial setting.

7 MR. McDONOUGH: Thank you for that  
8 clarity, David.

9 CHAIRPERSON GARCIA: I have a question  
10 for the architect.

11 MR. ALONSO: Sure.

12 CHAIRPERSON GARCIA: You have  
13 100 percent lot coverage?

14 MR. MASTROPIETRO: Yes.

15 CHAIRPERSON GARCIA: You don't have any  
16 setback at all, right?

17 MR. MASTROPIETRO: No.

18 CHAIRPERSON GARCIA: I understand THAT  
19 in CN zone, the side setback, if you're not going  
20 to give 5 feet, you could go to zero. However,  
21 not on the rear setback. I mean you don't think  
22 that kind of application, just for the safety  
23 issue, at least in the rear, you need the rear  
24 setback, just for safety issue.

25 MR. MASTROPIETRO: For safety?

1 CHAIRPERSON GARCIA: Of course.

2 MR. MASTROPIETRO: For safety for what?

3 CHAIRPERSON GARCIA: Any fire, any  
4 question of the --

5 MR. MASTROPIETRO: You can't evacuate  
6 from the back. So actually based on the building  
7 code, you don't need that. Because we're doing  
8 the setback -- that's what the building code  
9 requires --

10 CHAIRPERSON GARCIA: Why they require  
11 20 percent?

12 MR. MASTROPIETRO: For light and  
13 ventilation. So we are providing the light and  
14 ventilation on the floors above, not in the  
15 garage. What I said at the beginning was because  
16 for this type of parking, we need to cover. That  
17 restriction we have with this site is --

18 CHAIRPERSON GARCIA: I understand that  
19 for this kind of parking, however, if at least  
20 you're going to provide all the parking required,  
21 I could probably consider. I mean, however, for  
22 this kind of parking, and not compliant with the  
23 parking, I'm kind of -- I have a lot of concerns.

24 MR. SPATZ: The presentation was that  
25 there were 3 EV charging stations. Could you show

1 me where they are?

2 MR. MASTROPIETRO: No, that can be  
3 located wherever we decide in the system.

4 MR. SPATZ: I'm not sure how it would  
5 work in a stacked system. If the car on the  
6 ground level was charging up, how could somebody  
7 move that car in order to get another car out?

8 MR. CHARTIER: He left, but if I may?  
9 We'll have an EV charging station here, here.  
10 We're also proposing one on the street, that the  
11 master plan re-examination report encourages. And  
12 then the KLAUS parking system allows for as many  
13 EV charging stations as possible. So we can --

14 MR. SPATZ: If the car on the ground  
15 level is charging, how do you move it to get the  
16 car above it or below it out?

17 MR. CHARTIER: It's part of the dolly  
18 that moves around.

19 MR. SPATZ: If we're going to come back,  
20 they need to be shown on the plans in some  
21 fashion.

22 MR. MASTROPIETRO: Yeah, yeah.

23 CHAIRPERSON GARCIA: Any other member of  
24 the public? Any member of the public wants to  
25 step forward, okay?

1           MR. BOEDECKER: I've got one here. My  
2 name is Jan Boedecker, I live in 4th Street, 310,  
3 for around three years. Jan, J-A-N. Boedecker,  
4 B-O-E-D-E-C-K-E-R. It's a German name.

5           We came to Union City because we used to  
6 live more on the east, but what made us move to  
7 Union City is actually the people and we also  
8 bought property here. So we want to settle and  
9 live here long-term. I've got two kids, actually  
10 three, one moved out, one is four years, and the  
11 other one is ten months, which means that we're  
12 looking for space we can actually -- especially  
13 now when it's the colder days, summer you see me  
14 in the morning with two kids, one with the  
15 stroller, one with the carrier. And we're looking  
16 for a space we can go and settle and have a coffee  
17 in between and go and walk away, as well as some  
18 little bit of unique and new inspiring place. And  
19 I think that actually ticks the box for me.

20           I'm part of the millenials, someone  
21 mentioned that earlier. I like the idea of a  
22 green roof, I was considering the system myself.  
23 I will use it as inspiration. However, I like the  
24 idea. For me, it's fresh. I like to have a place  
25 where I can go between 4th Street and 10th Street,

1     there are not too many places I can go. I usually  
2     go to most places, but I cannot go with my kids in  
3     stroller and carrier. For me, it would be  
4     convenient and very helpful. And actually I  
5     walk -- by the way, I also walked here from 4th  
6     Street. So it would be a convenient place for me  
7     to go and also for me inspiring a new place to  
8     actually meet other people, which are my age,  
9     which are my kids ages. So that's it. Thank you.

10           CHAIRPERSON GARCIA: Thank you.

11           MS. GUTIERREZ: Thank you.

12           CHAIRPERSON GARCIA: Any other from the  
13     public?

14           MS. CHARTIER: I would just like the  
15     record to show that there were seven other people  
16     here that wanted to speak in the public portion,  
17     but because they had to get home to their children  
18     and their businesses, they couldn't stay until  
19     11:00 p.m.

20           CHAIRPERSON GARCIA: Just for the  
21     record, I mean we also have personal  
22     responsibility, we also have family, we dedicate  
23     our time here. This is dedication to the  
24     community. This is volunteer. And well, I've  
25     been in this board for over 20 years. And I feel

1     so, so proud that all the decision take in the  
2     best for the community. I'm living in Union City  
3     for over 24 years, I'm so proud to see the  
4     improvement in Union City. And I think like when  
5     we have dedication for whatever you understand is  
6     the best for you and your family and your  
7     community, you have to dedicate. So I understand  
8     that. Also nobody, nobody, take in consideration  
9     our side. Okay.

10           I'm going to make my motion to deny this  
11     application. I think --

12           MR. MASTROPIETRO: Can I say something?  
13     That's okay, that's okay.

14           CHAIRPERSON GARCIA: No, no, go ahead.

15           MR. MASTROPIETRO: With all my respect,  
16     I have 30 years of experience as an architect,  
17     working in many places. Safety is my first  
18     priority. So if I think this is not about safety,  
19     if it goes -- it really --

20           CHAIRPERSON GARCIA: If you go to all  
21     the local public, we have parking issues. You  
22     have the 20 percent doesn't count here.

23           MR. MASTROPIETRO: Yes.

24           CHAIRPERSON GARCIA: You have 100  
25     percent lot coverage, you have height issues.

1     Also, we're going to have driving there. I drive  
2     every day in Union City. Driving that block, you  
3     have traffic lights in the corner of 9th, traffic  
4     light in the corner of 10th. And 10th only go  
5     west. If you have a new restaurant here that they  
6     do double parking to pick up food, you add another  
7     one to pick it up. You have also the bus stop at  
8     the corner of 9th and New York Avenue. I mean  
9     seeing the whole picture here, that's why I  
10    understand that the project is a little ambitious.  
11    I'm not against this project, however, with all  
12    the variance requested, that isn't going to  
13    improve, that's going to decrease the quality of  
14    traffic, that going to -- that also going to  
15    decrease the situation with -- why no setback? I  
16    mean, so with all those -- for all those reasons,  
17    I make my motion to deny this application.

18                MR. ALONSO: Mr. Chairman.

19                MR. VALLEJO: Motion on the table to  
20    deny the application by Chairman Garcia.

21                MS. PENA: Second.

22                MR. ALONSO: We were discussing some  
23    options that I believe --

24                CHAIRPERSON GARCIA: Mr. Alonso, I  
25    already made my motion to deny the application.

1 Thank you.

2 MR. VALLEJO: Motion on the table to  
3 deny the application by Chairman Garcia, seconded  
4 by Ms. Pena. Roll call on the motion to deny this  
5 application.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes, to deny.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes, to deny.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes, to deny.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Seven in favor, motion  
21 carries. Let the record indicate that the  
22 application has been denied.

23 Let's take a two-minute break.

24 \* \* \* \*

25

1       **407 46TH STREET ASSOCIATES, LLC -**

2       **407 46TH STREET:**

3  
4               MR. VALLEJO: Next application.

5               CHAIRPERSON GARCIA: For the record,  
6       Rosio Pena left.

7               MR. VALLEJO: Ms. Pena left the meeting  
8       for the record.

9               Next application on tonight's agenda,  
10       407 46th Street. Ms. Pereiras, please.

11              MR. PANEQUE: Let the record reflect as  
12       follows:

13              I've been provide by Ms. Pereiras with a  
14       certification as to publication and service  
15       indicating that notice was provided to all  
16       property owners within the 200-foot radius of 407  
17       46th Street, Union City, New Jersey on Block 269,  
18       Lot 7.

19              I've also been provided with the  
20       affidavit from The Jersey Journal indicating that  
21       notice was published on 12/2/24.

22              As well as the 200-foot list from the  
23       tax assessor's office, with a date of November 27,  
24       2024.

25              And the certified mailed slips with a

1 stamped postmark date of December 2nd.

2 Based on the information provided, this  
3 Board has jurisdiction to proceed and hear this  
4 matter.

5 MS. PEREIRAS: Thank you very much.  
6 Bianca Pereiras on behalf of the applicant 407  
7 46th Street Associates, LLC, for property at 407  
8 46th Street. The property in question is to  
9 legalize what we have on-site. Currently, we have  
10 two buildings on one lot, a two-family in the  
11 front and a two-family in the rear. We're looking  
12 to legalize both buildings. This is an  
13 interesting lot in Union City because it goes from  
14 46th Street all the way to Golden Lane. So  
15 technically each building has frontage on a  
16 street, one having frontage on 46th and the other  
17 one having frontage on Golden Lane.

18 We have two experts to testify before  
19 the Board this evening. And we'll begin our  
20 presentation with our architect, Mr. Manuel  
21 Pereiras.

22  
23 M A N U E L P E R E I R A S, previously sworn:

24  
25 MR. PEREIRAS: Still Manny Pereiras, I

1 recognize I am still under oath.

2 MS. PEREIRAS: Mr. Pereiras, are you  
3 familiar with the property at 407 46th Street?

4 MR. PEREIRAS: I am.

5 MS. PEREIRAS: Did you prepare the  
6 drawings that are before the Board this evening?

7 MR. PEREIRAS: I have.

8 MS. PEREIRAS: Would you kindly describe  
9 the project for the Board?

10 MR. PEREIRAS: I'd be happy to. As  
11 Counsel said, we have a unique condition here.  
12 The entire block of Block 269 in Union City is  
13 represented by having frontage on both 46th Street  
14 and on Golden Lane. So in essence, this building  
15 has two front yards, one in the front and one in  
16 the back. However, for purposes of the  
17 application and the way the Union City ordinance  
18 is written, we presented it as having frontage on  
19 46th Street because that is the primary address.

20 There are two separate and distinct  
21 structures on the site. And what we're looking to  
22 do is to legalize both of the structures. There  
23 are multiple preexisting units in these and I'll  
24 walk you through that very quickly. But what  
25 we're looking to do is to have a two-family house

1 on 46th Street and a two-family house along Golden  
2 Lane.

3 The exterior of the building is not  
4 changing in anyway, we're not growing, we're not  
5 changing height. These are all existing  
6 conditions that we are legalizing here today. And  
7 our planner is going to go through the variances  
8 with you.

9 Turning to sheet Z02, we see the  
10 existing and proposed conditions on the building  
11 that's along 46th Street. As you can see, the  
12 basement of that building had a unit, that was a  
13 third unit in this building. We are not proposing  
14 to legalize that. We're actually demolishing that  
15 unit and it's going to remain vacant in the  
16 proposed condition. The existing three-bedroom  
17 apartment and the existing two-bedroom apartment,  
18 three-bedroom on the first floor and two-bedroom  
19 on the second floor are looking to remain exactly  
20 as they are. We're not looking to make any  
21 changes other than to bring things up to code  
22 properly. And these are the facades of that  
23 building, which again are not changing in anyway.

24 Turning now to the building along Golden  
25 Lane, we have two units in that building, the

1 first of which is a duplex. That duplex, you  
2 center into a foyer, you have one apartment to  
3 your left, another apartment to your right. From  
4 that duplex, you can go up to the two bedrooms on  
5 the top, and kitchen, living room, dining room is  
6 on the ground floor. The other apartment, which  
7 is a one-bedroom apartment is only a single story.  
8 And we have one bedroom and a home office in that  
9 space and living room, kitchen, dining room as  
10 well. Again these are all preexisting conditions  
11 we're not changing in any way. And that concludes  
12 my testimony.

13 CHAIRPERSON GARCIA: Go to Z04, you have  
14 the duplex. This one and this?

15 MR. PEREIRAS: The duplex is the first  
16 piece of the ground floor and this piece over  
17 here.

18 CHAIRPERSON GARCIA: And the one-bedroom  
19 apartment only one floor?

20 MR. PEREIRAS: Correct.

21 CHAIRPERSON GARCIA: How many foot, 300?

22 MR. PEREIRAS: It is 398 square feet,  
23 that's why we're proposing only one bedroom. It  
24 used to be a two-bedroom apartment, we felt it was  
25 a little bit small. We're looking to do as little

1 changes as possible, not displace anybody. That's  
2 why we're keeping everything the way it is.

3 CHAIRPERSON GARCIA: You're not going to  
4 do any inside renovation?

5 MR. PEREIRAS: Only what the building  
6 department is going to require. So we need to  
7 make sure everything is up to code. So there will  
8 be an electrician that goes through the building,  
9 there will be a plumber that goes through the  
10 building, and there will be a thorough building  
11 inspection. So we're only changing things that  
12 need to be changed. Otherwise, it's going to  
13 remain exactly the way it is.

14 CHAIRPERSON GARCIA: That's the current  
15 condition, those pictures?

16 MR. PEREIRAS: That's correct. Those  
17 are the current conditions. As you can see,  
18 they're lived in. There's furniture, there's  
19 people, the bathrooms are existing, the kitchens  
20 are existing. And what we're looking to do from a  
21 code perspective is present this to the building  
22 department as what's called a preexisting  
23 nonconforming condition. It was built clearly  
24 predates building code and we're looking to  
25 present it as such.

1           CHAIRPERSON GARCIA: And in the Z03 --  
2       sorry, Z02, you said that an existing condition,  
3       you have a two bedroom?

4           MR. PEREIRAS: So in the existing  
5       condition in this building, there are actually  
6       three apartments. We're proposing to demolish one  
7       completely, which is the basement apartment. And  
8       then we have two additional apartments, one is a  
9       three-bedroom, which is on the ground floor. You  
10      have bedroom one which is 14-2 by 10-3, bedroom  
11      two which is 9-10 by 11-10 and bedroom three which  
12      is 13-7 by 8-5.

13          CHAIRPERSON GARCIA: So it's kind of  
14      strange like that your client wants -- that is  
15      illegal, but I mean he's not requesting to  
16      legalize the basement?

17          MR. PEREIRAS: So that was my  
18      recommendation to the client. It is a complete  
19      basement, it is very hard from a code standpoint  
20      to bring it up to code. So we felt that it was  
21      the proper thing to do.

22          CHAIRPERSON GARCIA: When did your  
23      client purchase this property?

24          MS. PEREIRAS: Bear with me, 2004.

25          CHAIRPERSON GARCIA: 2004. Have they

1 converted one residential to three?

2 MR. PEREIRAS: So the client purchased  
3 it exactly as it is now. These walls, these  
4 bathrooms, these kitchens, they have been there  
5 for 50 years.

6 CHAIRPERSON GARCIA: No, no, my question  
7 is he's legalizing two, he's bringing to three  
8 units, right?

9 MR. PEREIRAS: So, no. We're legalizing  
10 two two-family houses, two-family in the front and  
11 two-family in the back. Now, I hope you have a  
12 memo from the building department, we were unable  
13 to get that memo from them. So we're presenting  
14 as two units being legalized.

15 CHAIRPERSON GARCIA: Two-story frame,  
16 one residential unit.

17 MR. PEREIRAS: So the building  
18 department recognizes one, we're bringing that  
19 first one into a two. And then the rear house  
20 into a two as well, which is very typical of  
21 Golden Lane.

22 CHAIRPERSON GARCIA: Okay. I have no  
23 further questions. Any questions? You have a  
24 planner?

25 MS. PEREIRAS: We have a planner to

1       testify as well, Mr. McDonough.

2               MR. McDONOUGH:   Still under oath, still  
3       John McDonough.

4

5       J O H N       M c D O N O U G H, previously sworn:

6

7               MS. PEREIRAS:   Mr. McDonough, are you  
8       familiar with the property in question?

9               MR. McDONOUGH:   Yes, I am.

10              MS. PEREIRAS:   Would you kindly give  
11       your testimony for the Board?

12              MR. McDONOUGH:   Sure thing.   I'll be  
13       very brief here.   We're in the R zone, we know  
14       two-family dwellings are a permitted use in the  
15       zone, but not two two-family dwellings.   So this a  
16       distinct situation, a unique situation.   But also  
17       a unique lot that lends itself well to the relief  
18       the applicant is seeking.   It's a through lot,  
19       which means it has double frontage.   So we're  
20       going to have one house that's associated with  
21       Chapel, and then the other house -- the other unit  
22       associated with the other street.   So not out of  
23       character with the through lot condition,  
24       certainly not out of character with what we see  
25       happening at Chapel, where you do have this sort

1 of juxtaposition of backs and fronts of buildings  
2 as well. So we think this does maintain nice  
3 harmony with what we're seeing over at Chapel.

4 To the extent that the applicant is  
5 triggering relief here interrelated for parking,  
6 zero spaces are provided, eight are required under  
7 the letter of the ordinance. Again, it's a  
8 walkable area, you've got two buses stops within  
9 reasonable walking distance, right off of 46, one  
10 on Bergenline, one over on New York Avenue, as  
11 well, which I think offsets and mitigates the need  
12 for parking.

13 On balancing here, this lies positively  
14 on the promotion of the general welfare, efficient  
15 use of land, and promotion of the desirable visual  
16 environment. Keeping what's there, familiar in  
17 the local eye, with minimal, if any, adverse  
18 impacts. Again, most of the relief, from a bulk  
19 standpoint, are existing conditions that are not  
20 changing or worsening.

21 With that, I think this is a good  
22 application for legalization and meets the  
23 statutory criteria under (d) (1).

24 CHAIRPERSON GARCIA: Do you have any  
25 questions, any Members of the Board? I don't have

1 any questions. Any member of the public wants to  
2 step forward? None, close to the public.

3 Taking that the client is with the  
4 intention to bring to code and everything and  
5 legalize, I think there's no reason not to grant  
6 the application legalizing the units.

7 MS. GUTIERREZ: Second.

8 CHAIRPERSON GARCIA: I make a motion to  
9 grant.

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Motion to grant the  
12 application by Mr. Garcia, seconded by Ms.  
13 Gutierrez. Roll call on the motion to grant the  
14 application.

15 Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: 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.

4 MS. PEREIRAS: Thank you all very much.

5 \* \* \* \*

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**ADOPTION OF RESOLUTIONS:**

**6. RESOLUTION TO REAPPOINT THE ZONING BOARD  
SECRETARY FOR THE YEAR 2025:**

MR. VALLEJO: We are going to move to resolutions. Mr. Paneque, please.

MR. PANEQUE: Regarding the resolutions that were to be approved this evening, which we had five resolutions, those resolutions that were approved at the last meeting and they were to be memorialized this evening will be carried to the next meeting, due to the fact that as a result of a medical situation, the transcripts couldn't be provided on time. And we need the transcripts in order to finish the resolutions.

So the five resolutions, which are Julio Moncayo, 1109 New York Avenue; 418 JPM Properties, Park Avenue Investments, LLC, 3801 Park Avenue; Jose Avalos, 2412 Central Avenue; and Martha Palma, 1806 Kerrigan, those resolutions will be carried to the next meeting in January. We have two other resolutions.

MR. VALLEJO: We have the resolution Number six and seven.

Number six, resolution to reappoint the

1 zoning board secretary for the year 2025. Can I  
2 have a motion?

3 MS. GUTIERREZ: Motion.

4 CHAIRPERSON GARCIA: Wait, wait, who is  
5 the secretary?

6 MR. VALLEJO: Tomas Paneque.

7 MS. PEREZ: You said that really fast,  
8 everything else was slow.

9 MS. GUTIERREZ: Motion.

10 MR. VALLEJO: Motion by Ms. Gutierrez.

11 MR. ORTIZ: Second.

12 MR. VALLEJO: Second by Mr. Ortiz. Roll  
13 call on the motion.

14 Ms. Gutierrez.

15 MS. GUTIERREZ: Yes.

16 MR. VALLEJO: Mr. Ortiz.

17 MR. ORTIZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. O'Dell.

21 MS. O'DELL: Sure.

22 MR. VALLEJO: Mr. Garcia.

23 CHAIRPERSON GARCIA: Yes.

24 MR. VALLEJO: Ms. San Martino.

25 MS. SAN MARTINO: Yeah.

1                   MR. VALLEJO: Six in favor, motion  
2 carries.

3                               \*       \*       \*       \*

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**ADOPTION OF RESOLUTIONS:**

**7. RESOLUTION TO APPROVE THE ZONING BOARD'S  
SCHEDULE FOR THE YEAR 2025:**

MR. VALLEJO: Resolution number seven,  
to approve the zoning board's schedule for the  
year 2025.

MS. GUTIERREZ: Motion.

MS. PEREZ: Let us look at it first.

MR. PANEQUE: Every second Thursday.

MR. VALLEJO: It's the second Thursday  
of every month, that's the regulation.

MS. GUTIERREZ: Motion.

CHAIRPERSON GARCIA: Wait, wait, we  
didn't put it at Gilmore School.

MR. PANEQUE: He's kidding.

MR. VALLEJO: Can I have a motion?

MS. GUTIERREZ: Motion.

MS. PEREZ: Second.

MR. VALLEJO: Motion by Ms. Gutierrez,  
second by Ms. Perez. Roll call on the motion.

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

1 MR. VALLEJO: Ms. Perez.

2 MS. PEREZ: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Six in favor, motion  
10 carries.

11 \* \* \* \*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**ADJOURNMENT :**

MR. VALLEJO: All right. There being no other applications on tonight's agenda, can I have a motion to adjourn?

MS. PEREZ: Motion.

MS. GUTIERREZ: Second.

MR. VALLEJO: Motion by Ms. Perez, seconded by Ms. Gutierrez. All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon the meeting was adjourned at 11:28 p.m.)

C E R T I F I C A T E

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

---

SUSAN BISCHOFF, CCR, RPR  
LICENSE NO. 30XI00233700