

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, January 9, 2025
Commencing at 6:10 p.m.

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

ANDRES GARCIA, Chairperson
VICTOR M. GRULLON, Vice Chairperson
MARGARITA GUTIERREZ
MIGUEL ORTIZ
ROSIO PENA
GERALDINE PEREZ
MINDRY WATLEY

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

ALTAGRACIA SAN MARTINO
VIVIAN O'DELL

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

TOMAS PANEQUE, ESQ.
Board Counsel

AUGUSTIN 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:

ALVARO ALONSO, ESQ.
Attorney for Applicant, Margarita Onofre

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, Miguel A. Calderon

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 1601 Palisade
Avenue, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Allison Williams

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 1700 Manhattan, LLC

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

3 Please take notice that on Thursday,
4 January 9, 2025, 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, The Hudson Reporter, The Star Ledger, has
15 been posted on the bulletin board in City Hall,
16 and has been made available to the public in the
17 Office of the Municipal Clerk. It is also posted
18 on the website of the City of Union City,
19 ucnj.com.

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

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

25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GARCIA: Present.

MR. VALLEJO: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is on his way, he's absent at this time.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell is absent.

Ms. Pena.

MS. PENA: Present.

MR. VALLEJO: Let the record reflect that we have six present.

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes from December 12, 2024. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

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

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Abstain, I was not here at the previous meeting.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Abstain.

MR. VALLEJO: Four in favor, two abstain, motion carries.

1 **PUBLIC HEARING:**

2 **MARGARITA ONOFRE -**

3 **136 37TH STREET:**

4
5 MR. VALLEJO: First application,
6 Margarita Onofre. Mr. Alonso, please.

7 MR. ALONSO: Good evening, members of
8 the board, for the record, Alvaro Alonso on behalf
9 of the applicant. I have my architect coming up
10 now. The board may recall that this actually was
11 commenced back in October. At that time, the
12 architect was not available, this has been carried
13 several times. The board took jurisdiction back
14 then. We actually never started the presentation
15 other than the board did hear comments from our
16 neighbor, Ms. Hall, just because she was going to
17 be unavailable moving forward because she was
18 traveling at the time.

19 With that said, this is an application
20 to construct an addition to an existing
21 three-family house. We need certain variances,
22 one for a (d) (2) variance for an expansion of a
23 nonconforming use and we need a front yard and a
24 side yard variance for existing conditions as well
25 as parking.

1 CHAIRPERSON GARCIA: One question. Mr.
2 Vallejo, the applicant submitted the picture of
3 the current condition of the location?

4 MR. VALLEJO: We should have it here.

5 Let the record reflect that Mr. Ortiz
6 joined the meeting. We have seven members now, we
7 have a full quorum.

8

9 (Discussion held off the record.)

10

11 MR. PANEQUE: Back on the record,
12 please.

13 MR. ALONSO: Mr. Chairman, I was just
14 provided with a memo from the building department
15 which indicates that they recognize it as a legal
16 one unit. So obviously my application is to
17 expand what we believe to be a legal three units,
18 so there's a little disconnect there. We can't
19 proceed.

20 I can't accept this as we stand here
21 without doing any further investigation. I don't
22 want to waive any of my client's rights. So I'm
23 going to have to request that this matter be
24 carried so I can do some investigation so I can
25 see what proofs, if any, we have to substantiate

1 the three-family.

2 CHAIRPERSON GARCIA: Do you waive the
3 statutory?

4 MR. ALONSO: Yes.

5 CHAIRPERSON GARCIA: Okay. I make my
6 motion to carry this application to the next
7 meeting, February.

8 MS. GUTIERREZ: I'll second it.

9 MR. VALLEJO: Motion to carry this
10 application to February 13, 2025, by Mr. Garcia,
11 seconded by Ms. Gutierrez. Roll call on the
12 motion.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: 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. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

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

4 MR. ALONSO: Thank you very much.

5 CHAIRPERSON GARCIA: Thank you.

6 MR. PANEQUE: Thank you, Mr. Alonso.

7 MR. ALONSO: Also let it reflect that it
8 will be my birthday on the 13th.

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

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4 MR. VALLEJO: Moving on to application
5 number two, Sherman Realty, LLC, 406 Bergenline
6 Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Board Members, Bianca Pereiras on behalf of
9 Sherman Realty for property at 406 Bergenline
10 Avenue. As the Board may recall, we had begun our
11 testimony on this application and we carried this
12 matter. In the interim, I had filed an extension
13 for approvals that were obtained on this property.
14 And if that application were to be heard,
15 hopefully, approved by this Board, we would not be
16 proceeding on the application that is before the
17 Board this evening. Unfortunately, I don't
18 believe the extension is on the Board's agenda
19 this evening, so I ask if this can be carried
20 hopefully to next month. And at that point, we
21 can hear the extension application. And then at
22 that point, my client would voluntarily withdraw
23 this application.

24 CHAIRPERSON GARCIA: I have a legal
25 question for you, Mr. Paneque. Can I have an

1 agenda with two applications for the same
2 location?

3 MR. PANEQUE: It's technically not two
4 applications. What they have is an approved
5 resolution on their first application, which --
6 what's the time period on coming the expiration on
7 that?

8 MS. PEREIRAS: It expired in November.

9 MR. PANEQUE: November of '24.

10 MS. PEREIRAS: Correct.

11 MR. PANEQUE: So you're still -- this
12 would be your first --

13 MS. PEREIRAS: This would be our first
14 request.

15 MR. PANEQUE: So that extension request
16 would you carry you through November of '25?

17 MS. PEREIRAS: Correct.

18 MR. PANEQUE: So, Mr. Chairman, what we
19 have here is, to my understanding, the applicant
20 is proposing to come in on an extension request on
21 an application that's already been approved by
22 this Board. And if that extension request is
23 granted, which it would be a first extension
24 request. And as the norm of this Board has been
25 to approve first extension requests as a matter of

1 right, then the applicant has indicated that they
2 will withdraw this application. So this second
3 application is filed in an abundance of caution, I
4 believe, Ms. Pereiras?

5 MS. PEREIRAS: Correct.

6 MR. PANEQUE: Just to -- but I was
7 hoping that the extension request would be heard
8 tonight. It didn't get put on?

9 MR. VALLEJO: I didn't put it on.

10 MR. PANEQUE: You didn't?

11 MR. VALLEJO: No, I didn't.

12 MR. PANEQUE: So then it's going to be
13 on for the February 13th meeting. If that
14 application extension is approved, then the
15 understanding is that they will withdraw this one.

16 CHAIRPERSON GARCIA: Okay.

17 MR. PANEQUE: So, Ms. Pereiras, you
18 waive the statutory time limits in which this
19 Board can hear the application?

20 MS. PEREIRAS: Yes, Counsel.

21 CHAIRPERSON GARCIA: I make my motion to
22 adjourn this application for the February meeting.

23 MR. VALLEJO: Motion on the table to
24 adjourn this application to February 13th by Mr.
25 Garcia.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Gutierrez.
3 Before the roll call, for clarification of the
4 record, on the next month's meeting, I should put
5 first the extension?

6 MR. PANEQUE: Yes.

7 MR. VALLEJO: Or the adjournment of the
8 application?

9 MR. PANEQUE: The extension should come
10 first because that's going to be indicative of
11 what happens with this application.

12 MR. VALLEJO: Thank you. All right.
13 Roll call on the motion to adjourn this
14 application for February 13th. Mr. Grullon.

15 VICE CHAIRPERSON GRULLON: 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. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

5 CHAIRPERSON GARCIA: Can I have a minute
6 break, I need to talk to the attorney?

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8 (Whereupon a short recess was taken.)

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1 **506-508 26TH ST, LLC -**

2 **506-508 26TH STREET:**

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

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 the following documentation. I have a
11 certification as to publication and service, which
12 indicates that notice was provided to all property
13 owners within the vicinity of 506-508 26th Street,
14 Union City, New Jersey, for the meeting which is
15 taking place tonight, Thursday, January 9th, at
16 this location, the Union City High School.

17 I've been provided with an affidavit
18 from The Jersey Journal indicating that notice of
19 tonight's hearing was published on December 23,
20 2024, giving notice of tonight's hearing at this
21 location with respect to the property in question.

22 I've also been provided with a tax list
23 from the Union City tax assessor's office with a
24 date of December 18, 2024, giving all property
25 owners within a 200-foot radius of 506-508 26th

1 Street.

2 And finally I've been provided with the
3 certified mail receipts with a postmark date of
4 December 26, 2024.

5 Based on the documentation that's been
6 provided, this Board has jurisdiction to proceed
7 and hear this matter.

8 Ms. Pereiras, before we proceed with the
9 presentation, I'm going to request that this
10 matter be carried in order to allow the Board to
11 carefully review this application and take a site
12 visit, especially the site visit the Board wants
13 to initiate. So will your client waive the
14 statutory time limits in which this board can hear
15 this application?

16 MS. PEREIRAS: Yes, he will.

17 CHAIRPERSON GARCIA: Thank you.

18 MR. PANEQUE: The request is to adjourn
19 this matter. Ms. Pereiras, you join me in that
20 request?

21 MS. PEREIRAS: I have no objection to
22 that request.

23 CHAIRPERSON GARCIA: Thank you, Ms.
24 Pereiras. I make my motion to adjourn this
25 application to February.

1 MR. VALLEJO: February 13th.

2 MS. GUTIERREZ: Second.

3 MR. VALLEJO: Motion on the table to
4 adjourn this application by Mr. Garcia, seconded
5 by Ms. Gutierrez. Roll call on the motion to
6 adjourn this application to February 13, 2025.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

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

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1 **MIGUEL A. CALDERON -**
2 **210 46TH STREET:**

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

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of Mr. Calderon. If the Board may recall, this
9 matter was adjourned so that our office could
10 initiate discussions with the building department
11 as well as city council for this application to
12 confirm any violations or open permits that were
13 on the property. I've gone back and forth with
14 city council on this matter and I finally secured
15 an inspection by the building department that's
16 going to happen on tomorrow's date. So I
17 respectfully request an adjournment one last time,
18 hopefully. And we will have a resolution from the
19 building department, so hopefully, this matter can
20 proceed in February.

21 MR. PANEQUE: Ms. Pereiras, you're
22 waiving the statutory time limits?

23 MS. PEREIRAS: Yes, I am, Counsel.

24 CHAIRPERSON GARCIA: I make my motion to
25 adjourn this application to carry this application

1 to February meeting.

2 MS. GUTIERREZ: I'll second it.

3 MR. VALLEJO: Motion on the table to
4 adjourn this application for February 13, 2025, by
5 Mr. Garcia, seconded by Ms. Gutierrez. Roll call
6 on the motion.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 VICE CHAIRPERSON GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Seven in favor, motion
22 carries. Can we get a two minute break, please?

23

24 (Whereupon a short recess was taken.)

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* * * *

1 **SOL ON 18TH, LLC -**

2 **821 18TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Sol on 18th Street, LLC, 821
6 18th Street. Ms. Pereiras, please.

7 MR. A. PANEQUE: We have been provided
8 with the following jurisdictional proofs in
9 today's matter for the application of Sol on 18th,
10 LLC, the address is 821 18th Street, Union City,
11 New Jersey.

12 We were provided with a certification
13 from The Jersey Journal which gives notice of
14 today's hearing.

15 We're provided with the list of property
16 owners to be served with today's hearing within a
17 200-foot radius of 821 18th Street, Union City,
18 New Jersey.

19 We've been provided with certified mail
20 receipts postmarked December 30, 2024.

21 The publication date from The Jersey
22 Journal is December 23, 2024, and the
23 certification list date is December 27, 2024.
24 Accordingly, we have jurisdiction to hear this
25 matter.

1 MS. PEREIRAS: Thank you very much,
2 Counsel. Bianca Pereiras on behalf of the
3 applicant, Sol on 18th, for property located at
4 821 18th Street. The application before the Board
5 this evening is to legalize a third unit in an
6 existing two-family home for a total of
7 three units, if this Board were to approve this
8 application.

9 Here, we have an oversized lot, located
10 between Kerrigan and Summit and we have just a few
11 variances that are triggered by this application.
12 We have two experts to testify and we'll begin
13 tonight's presentation with our architect, Mr.
14 Manuel Pereiras.

15
16 M A N U E L P E R E I R A S, after having been
17 duly sworn or affirmed, did testify as follows:

18
19 MR. PEREIRAS: Manny Pereiras,
20 P-E-R-E-I-R-A-S, with Pereiras Architects
21 Ubiquitous, located at 1116 Summit Avenue, Union
22 City.

23 MS. PEREIRAS: And for purposes of the
24 record, Mr. Pereiras has been qualified as an
25 expert in architecture by this Board in the past.

1 And I ask he be accepted this evening.

2 CHAIRPERSON GARCIA: Our pleasure to
3 have you here.

4 MR. PEREIRAS: Thank you, Mr. Chairman.
5 Hello, everyone, happy new year.

6 MS. PEREIRAS: Mr. Pereiras, are you
7 familiar with the property located at 821 18th
8 Street?

9 MR. PEREIRAS: I am.

10 MS. PEREIRAS: Did you prepare the
11 drawings that are before the Board this evening?

12 MR. PEREIRAS: I have.

13 MS. PEREIRAS: Would you kindly describe
14 the proposal for the Board?

15 MR. PEREIRAS: I'd be very happy to. We
16 have a lot that's a little unusual, it's only
17 22.43 feet wide; however, it's extremely long,
18 it's 135.86 feet on one side and and 136.02 feet
19 on the other for a grand total of 3,049 square
20 feet. So we're 549 square feet larger than a
21 typical house on this property. We're here before
22 you because we're going from a two-family to a
23 three-family. The house was always used as a
24 three-family house. Currently, there are
25 construction permits for the house. We have

1 gutted and removed everything. However, we have
2 provided documentation so that you could see that
3 the existing apartment that was there and the
4 current conditions that we have today as well.

5 We are not proposing any changes for the
6 building itself. However, we are making some
7 small changes to the front porch so that we could
8 accommodate parking in the front of the house.
9 We'll provide one parking space to reduce the
10 parking burden of the new unit that we're seeking
11 to legalize. In addition to that, we are
12 reconstructing the front steps so we have a proper
13 code compliant entrance for that basement
14 apartment unit. So all of that will be recreated
15 so that there's proper height, proper steps. And
16 it is a comfortable and safe entry way from the
17 street to the unit itself. So the portion that
18 you see here will be demolished and reconfigured
19 in this orientation here.

20 Beyond that, there are no exterior
21 elements that we're changing to the building. And
22 what we will have is a two-bedroom apartment on
23 the ground floor, this is a 767-square foot
24 apartment. The kitchen, living room, and dining
25 area is in the back, where there is an entrance

1 from the rear yard as well, so they have access to
2 the backyard, which is also a compliant means of
3 egress because the rear yard is so big, it fits as
4 a means of egress. In case there was a fire, they
5 could escape to the rear yard. And they have the
6 entrance right from the front that they could exit
7 directly to the street as well.

8 There are two bedrooms proposed, one is
9 a master with its own bathroom and walk-in closet.
10 And the secondary bedroom, the secondary, which is
11 the smallest of the two is 9-foot 6 by 10-foot 1,
12 and they have their own washer and dryer in that
13 room as well.

14 The apartments upstairs have been
15 reconfigured. It's the same number of bedrooms it
16 was before and that has already been approved by
17 the building department. However, just for
18 reference, they're both two-bedroom apartments.
19 The apartment number 2 is 818 square feet and
20 apartment number 3 is 833 square feet.

21 The facade of the building is going to
22 be changed. Right now, there is an ugly siding on
23 the building. That is all going to get ripped
24 off, new sheathing is going to be placed and we're
25 providing a brick facade with a wood siding for

1 the bay window, and a very simple modern trim
2 along the top of the building. So it's greatly
3 going to be improved.

4 The rear deck has already been approved
5 by the Union City building department. And we
6 have some photographs of the existing conditions.
7 So currently it looks like this. The basement
8 wasn't -- didn't have sufficient height, so we're
9 excavating the basement we're underpinning the
10 entire house, so it is a proper safe basement.
11 And these are pictures provided by the owner of
12 the bathroom that was there in the basement and
13 the kitchen area.

14 There are a number of things that we're
15 doing from a code perspective that greatly
16 improves the safety for this building and, of
17 course, for the neighbors when we're dealing with
18 fire safety. First and foremost, because we're
19 going from a two-family to a three-family, we're
20 going to provide a domestic sprinkler system on
21 the ground floor. So if there was ever a fire,
22 that sprinkler system will go off and extinguish
23 the fire immediately. In addition to that,
24 there's going to be a two-hour fire separation
25 between that apartment and the apartments above,

1 so that there's safety. So if there's a fire,
2 whether it's above or below, there is that time
3 delay that allows people to get out of the house.
4 And the building's going to be upgraded from a
5 regular 110-volt alarm system to a low voltage
6 alarm system for the common areas and for the
7 building itself. And then having a 110-volt
8 system per apartment as well. So we're increasing
9 the safety of the building significantly.

10 And the bedrooms, both of the bedrooms
11 will have enlarged windows for emergency escapes.
12 So if there's ever a fire, people could escape out
13 the windows if needed. And also a fire department
14 can get in through the windows and it has the
15 sufficient size for that to happen.

16 And that concludes my testimony.

17 CHAIRPERSON GARCIA: Mr. Pereiras, you
18 indicate that this is -- it was an existing
19 apartment there?

20 MR. PEREIRAS: So this was a
21 three-family house. Legally, it was a two-family,
22 but in existence, there's three families. And at
23 one point, it was one commercial unit, one
24 residential unit, and then an illegal basement
25 apartment. It's gone through different

1 iterations.

2 CHAIRPERSON GARCIA: And when was that
3 apartment utilized, the one in the basement?

4 MR. PEREIRAS: So when the applicant
5 purchased this building, they sought permits
6 immediately and then they demolished everything
7 so -- and now we're before the Board.

8 CHAIRPERSON GARCIA: Okay. When your
9 client purchased the property?

10 MS. PEREIRAS: This past year, March of
11 2024.

12 CHAIRPERSON GARCIA: March 2024?

13 MS. PEREIRAS: Correct.

14 CHAIRPERSON GARCIA: Do you have
15 another --

16 MS. PEREIRAS: We have another expert.
17 We have a planner to testify as well.

18 CHAIRPERSON GARCIA: Yes, please.

19 MS. PEREIRAS: Sure.

20

21 M A T T H E W F L Y N N, after having been duly
22 sworn or affirmed, did testify as follows:

23

24 MR. FLYNN: Matthew Flynn, F-L-Y-N-N.

25 MS. PEREIRAS: Board Members, Mr. Flynn

1 has testified before the Board in the past, it has
2 been a while, in case the Board would like to hear
3 his qualifications?

4 CHAIRPERSON GARCIA: Yes, please,
5 because I don't recall you, just for the record.

6 MR. FLYNN: Sure. So my education comes
7 from Rutgers, I have my master's degree in
8 planning and public policy. I have my
9 professional planners license in the State of New
10 Jersey, as well as my national licensure, which is
11 the AICP license. I have testified before this
12 Board and over one hundred other boards across the
13 state.

14 CHAIRPERSON GARCIA: Our pleasure to
15 have you here, Mr. Flynn.

16 MR. FLYNN: Appreciate it.

17 MS. PEREIRAS: Mr. Flynn, are you
18 familiar with the property at 821 18th Street?

19 MR. FLYNN: I am.

20 MS. PEREIRAS: Did you have an
21 opportunity to review the drawings that were
22 prepared by Pereiras Architects?

23 MR. FLYNN: Yes.

24 MS. PEREIRAS: And would you kindly
25 describe this property from a planning perspective

1 for the Board?

2 MR. FLYNN: Sure. So, again, from a
3 planning perspective, we're looking at a property
4 that's about 3,050 square foot, which is oversized
5 per zoning in the R zone. We do have a minimum of
6 2,500 square feet, so we're looking at
7 approximately 550 square feet over the anticipated
8 lot area in the zone. That being said, we are a
9 use variance, since three-family is not a
10 permitted use in the zone, which requires up to --
11 or permits up to two-family buildings.

12 So when we look at a use variance, what
13 we have do is we look at it, it's a site specific
14 test. We need to look at what makes this property
15 unique, what makes it able to accommodate the
16 proposed use. Seeing that it's not permitted in
17 the zone, what makes this a suitable location for
18 this use. I would say that this a well-served
19 area, we do have proximity to the neighborhood
20 commercial zone, so we do have plenty of shopping
21 opportunities. So to the extent we are providing
22 that one additional units, this is an area where
23 people can walk and achieve some of their daily
24 needs. In terms of size and scale, I'll get to
25 this in moment, but in terms of the bulk

1 requirements, we are substantially compliant. So
2 aesthetically and visually, this is actually
3 providing something that looks and feels like what
4 the zoning anticipates here, again, from a size
5 and scale perspective. And I think that by virtue
6 of those two conditions that does speak to the
7 fact that this is not going to stand out visually,
8 functionally, et cetera.

9 Having said that, I would say that
10 within 200 feet of this property, based on tax
11 records, I did find several multifamily buildings
12 that are comparable in terms of density, if not
13 more dense. I found three three-unit buildings
14 again, that's within 200 feet. I found a
15 four-unit, a five-unit, a six-unit, a seven, an
16 eight, and a nine-unit building. Most of those
17 were actually also in the R zone, which is the
18 zone we're located in. So from a compatibility
19 standpoint, this isn't going to be putting
20 something where it's the only three-family in the
21 immediate area. There's nice context to support
22 it.

23 The Municipal Land Use Law does provide
24 a nice foundation for boards to look at in terms
25 of what constitutes good planning, good zoning.

1 Again, despite the fact that this is a variance,
2 we do look at the fact this site specific test.
3 In terms of the Municipal Land Use Law, I think
4 this furthers purpose A, which is promotion of the
5 general welfare. This is providing one additional
6 housing unit to support the needs of all New
7 Jersey residents. It does provide what we call
8 missing middle housing. In other words, not
9 everybody can afford to live in a single family
10 home, not everybody wants to live in a large
11 apartment building. So situations like this where
12 we have a three-family is a nice middle ground.

13 Purpose G, variety of uses in
14 appropriate locations. Again, I'll fall back on
15 my site suitability testimony.

16 Purpose I, desirable visual environment.
17 Again, this is, I think aesthetically compatible,
18 functionally compatible with everything happening
19 around us.

20 Purpose M, efficient use of land. I
21 would say this additional unit does not constitute
22 a substantial departure from zoning, being that we
23 are substantially compliant in terms of the bulk
24 of the building.

25 So having said that, the negative

1 criteria, no substantial detriment to the public
2 or to the zone. Like I keep saying, we are
3 substantially compliant from a bulk standpoint.
4 So just to give the Board some numbers there in
5 terms of zoning conformance. In terms of front
6 setback, the requirement is to be between 7 feet
7 and 10 feet from the front of our property. We're
8 just under that maximum at 9 and a half feet,
9 actually 9 feet 5 inches. In terms of rear
10 setback, we have almost four times the required
11 rear setback. We have 76 feet, whereas 20 feet is
12 what's required. Building height, we have more
13 than 10 feet less than what we would be required
14 to go up to. We have 26 feet, we're allowed to go
15 up to 38 feet. In terms of building coverage, so
16 the proportion of the building to the lot area,
17 we're looking at 33.4 percent. We're allowed to
18 go up to 65 percent in the zone, so we're about
19 half of that. And also in terms of impervious
20 coverage, we're looking at 51.8 percent, whereas
21 we're allowed to go up to 90 percent, so again
22 about half of that as well.

23 Again, the reason I give the Board those
24 numbers is just to say that isn't necessarily
25 overdevelopment of this property. Even though

1 this is a use variance, it's not going to stand
2 out in terms of scale, being that we are, I think,
3 in line with what the zoning anticipates, at least
4 visually.

5 I think all of the "C" relief is
6 actually preexisting nonconforming conditions for
7 lot width, side yards. Seeing that this is an
8 existing lot, it's an existing building on the
9 property. Really, the only new variance would be
10 for parking. Whereas we're providing one parking
11 space, whereas we need five. Again, as our
12 architect mentioned, that's an improvement over
13 existing conditions. Right now, there's zero
14 parking spaces on the property. So now this
15 property can attract residents that might have a
16 car, whereas previously, residents would be
17 looking at this property that didn't have a car.

18 I think we can look to the (c)2
19 balancing test, the benefits of the application as
20 a whole substantially outweigh any detriments.
21 The zoning intent for light, air, open space,
22 adequate openness around the building itself is
23 met by virtue of that substantial compliance with
24 setbacks and coverage.

25 We do have several bus stops along

1 Summit Avenue, which is just the other side of
2 this block. Like I said, this is a highly
3 amenitized neighborhood. We do have plenty of
4 shopping for residents to meet the daily needs.
5 So I think to the extent we do need the parking
6 variance, not only is it an improvement over
7 existing but it's also an area where you might not
8 need a car in order to live. So with that, I
9 would say the balancing test is met, the benefits
10 as a whole substantially outweigh any detriments.

11 The use variance is justified for all
12 those reasons I put on the record. All in all,
13 this is an appropriate location for a three-family
14 home. There are several other multifamily homes
15 in this zone within 200 feet. It's not going to
16 stand out, it's going to be compatible. And I
17 think it can be -- all variances can be granted
18 without any substantial detriment.

19 So unless there's any questions or
20 redirect from counsel, that's my testimony.

21 CHAIRPERSON GARCIA: Okay. Mr. Flynn,
22 you mentioned that only five parking is needed and
23 you're provided one?

24 MR. FLYNN: Yes. Was it six, did I
25 misspeak on that one?

1 MR. PEREIRAS: So as a two-family, four
2 parking spaces are required, zero are provided.
3 Our application is to make this into a
4 three-family, six parking spaces are required,
5 we're providing one. So we have a net positive of
6 one additional parking that we're expanding on.

7 CHAIRPERSON GARCIA: Instead of five to
8 six, so you concur with Mr. Spatz?

9 MR. SPATZ: Yeah, my calculation.

10 MR. FLYNN: I believe I misspoke, it's
11 six.

12 CHAIRPERSON GARCIA: Mr. Flynn, you also
13 mentioned that it's kind of a unique property for
14 this kind of application. Why do you define this
15 property as unique for this application?

16 MR. FLYNN: Yeah, so I think we need to
17 look at the surrounding area in terms of where
18 this property is situated. Like I said, we do
19 have several other multifamily building within
20 200 feet, many of those in the same zone. So this
21 might not be your typical R-zone property, in that
22 we have other uses that are similar right around
23 us. Not only that, like I said, we do have
24 proximity to the commercial zone. We're not deep
25 in the R zone, where it would be a substantial

1 walk to get to some of these amenities. So for
2 those reasons, I think this is a suitable
3 location.

4 MR. PEREIRAS: And what really makes
5 this unique different from any other property is
6 that 2,500 square feet is required for a typical
7 two-family, we're at 3,049, that is really a
8 unique characteristic to this property, that the
9 allowed additional area makes sense that we grant
10 the additional unit.

11 CHAIRPERSON GARCIA: Okay. I have
12 another question for Mr. Flynn, that could be
13 answered by you, Mr. Pereiras. In your statement,
14 Mr. Flynn, you mentioned there was several
15 multifamily in the area. Also you probably
16 mentioned with eight units or more, you know,
17 buildings. Can you tell me, just looking at the
18 area, how old do you think those buildings are?

19 MR. FLYNN: I don't know. I didn't
20 really look for that.

21 CHAIRPERSON GARCIA: Do you know when we
22 revised the last time our zoning plan?

23 MR. FLYNN: I do not.

24 CHAIRPERSON GARCIA: Okay. I don't have
25 any other questions for Mr. Flynn. I'm going to

1 have a question for Mr. Pereiras. Mr. Pereiras,
2 is your client here?

3 MR. PEREIRAS: No, they couldn't make
4 it. They were here at all the previous hearings.

5 CHAIRPERSON GARCIA: I'm kind of
6 skeptical, I'm kind of confused with that, if
7 it's -- because the application is to legalize an
8 existing unit, okay. I mean without the stairs
9 that's shown in the picture, that's why we're
10 requesting the picture now. With that stair, to
11 me, is not showing me that it's an existing
12 apartment. I mean I'm not telling you that it's
13 not, but this is my perception through pictures,
14 okay.

15 And the point is one thing is to
16 legalize an existing unit that probably people
17 living there, to convert a basement into a unit
18 with the situation, with the parking, increasing
19 the parking situation is completely two different
20 scenarios. I am -- that's my -- I don't know if
21 any other Member of Board have a question. But
22 I'm going to probably ask for a break, a minute
23 break to ask a legal question to my attorney.

24 MR. PEREIRAS: May I respond for one
25 second? I agree with you completely, Mr.

1 Chairman. However, in this situation, there were
2 three apartments in this, the conditions were
3 poor. You saw the stair. That stair is during
4 demolition, obviously, it's a lot worse condition
5 than it was when it was there.

6 So the new owners really are being
7 proactive. They sought the necessary permits at
8 the building department. They're making it into
9 good living conditions. I don't want to penalize
10 them for taking that step. Because I wish more
11 people took that step to make these proper and
12 good units rather than just an ugly basement
13 apartment.

14 CHAIRPERSON GARCIA: Can I have a minute
15 break, I have a question for the attorney?

16

17 (Whereupon a short recess was taken.)

18

19 MS. PEREIRAS: Board Members, at this
20 time, I would respectfully request to have this
21 matter carried. I think it would behoove all of
22 us to have the applicant testify before this
23 Board. We are potentially also amending the
24 application. So if the Board would be so inclined
25 to carry this to the February meeting, we will be

1 prepared to proceed at that time.

2 MR. A. PANEQUE: Ms. Pereiras, you waive
3 the statutory?

4 MS. PEREIRAS: Yes.

5 MR. VALLEJO: Providing revised
6 application, right?

7 MS. PEREIRAS: Yes.

8 CHAIRPERSON GARCIA: I make my motion to
9 carry this application to February meeting.

10 MS. WATLEY: Second.

11 MR. VALLEJO: Motion by Mr. Garcia,
12 seconded by Ms. Watley. Roll call on the motion
13 to adjourn this application to February 13, 2025.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Seven in favor, motion
4 carries. No new notice required, right?

5 MR. PANEQUE: No new notice is required.
6 I'm sorry, I apologize I will sit corrected, we do
7 need new notice because of the amended
8 application.

9 MS. PEREIRAS: If we proceed on the
10 amendment, we will renotece.

11 MR. VALLEJO: New notice required for
12 the record.

13 MR. SPATZ: If it's amended.

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1 **1601 PALISADE AVENUE, LLC -**

2 **1601-1607 PALISADE AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, 1601 Palisade Avenue, LLC. Ms.
6 Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows: I've been provided by Ms. Pereiras with
9 a certification as to publication and service
10 giving notice of tonight's hearing to all property
11 owners within a 200-foot radius of 1601 Palisade
12 Avenue, Union City, New Jersey. Said publication
13 indicates that notice was given and also published
14 in The Jersey Journal.

15 I also have an affidavit from The Jersey
16 Journal indicating that notice was published on
17 December, 27, 2024, giving notice of the
18 application at hand at this location.

19 I also have been provided with a list
20 from the tax assessor's office noting all property
21 owners within a 200-foot radius of Block 88, Lot
22 1.01-2.01, 1601 Palisade Avenue. Said tax list
23 has a date of December 20, 2024.

24 And, finally, I've been provided with
25 the certified mail receipts with a postmark date

1 of December 23, 2024.

2 Based on the documentation provided,
3 this Board has jurisdiction to proceed and hear
4 this matter.

5 MS. PEREIRAS: Thank very much, Counsel.
6 Bianca Pereiras on behalf of the applicant, 1601
7 Palisade Avenue, LLC, for property at 1601
8 Palisade Avenue, also known as Lots 1.01 and 2.01
9 in Block 88. The property in question is
10 currently vacant and the application before the
11 board this evening is to construct a mixed-use
12 structure that would have two residential units
13 and a coffee shop on the ground floor. We have
14 two experts to testify and we'll begin our
15 presentation with our architect, Mr. Manuel
16 Pereiras.

17
18 M A N U E L P E R E I R A S, previously sworn:

19

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

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 1601 Palisade
24 Avenue?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: Would you kindly describe
5 the project for the Board?

6 MR. PEREIRAS: I'd be very happy to.
7 This has been one of my favorite projects in a
8 long time. We were able to really craft it and I
9 think I have something very special for you today.

10 So let's start with just orienting
11 ourselves. We're on Palisade Avenue, 16th Street.
12 We're talking about that northwest corner that has
13 been vacant for many, many years, okay. It's an
14 odd shaped lot, it's almost square, it's 48 by 50
15 wide. So it doesn't fit into the normal cookie
16 cutter of 25 by 100, it's a different lot. It's a
17 beautiful location, it's on wide Palisade Avenue,
18 so the merits something different and something
19 with a lot of thought.

20 And this is what we did. We took a lot
21 of care as to what would really fit well in this
22 neighborhood. Here, we can see the lot, it's
23 46.15 in the back, 48.34 in the front, and it's
24 50.51 along the south side and 50.08 on the north
25 side. First thing we did is that we separated the

1 lot in every direction, we're 3-foot 6 from the
2 west side, we're 3-foot 1 on the north side. We
3 stepped it in so that we're well behind the houses
4 along Palisade Avenue. So if you notice, we
5 created a one-story area in the front that lines
6 up with the houses. And then our building is
7 actually stepped back even further than that. So
8 the building itself is 7 feet, the one-story is
9 5 feet away from the property line. And the same
10 thing along the south side, 5 feet to the
11 one-story point and 7 feet to the taller three
12 story area.

13 And what we did is something a little
14 bit different. We have a wide sidewalk on
15 Palisade Avenue, but we wanted to create landscape
16 integrated into the sidewalk, so it doesn't feel
17 like a traditional kind of you have your sidewalk
18 and then just like a bush in front of the
19 building. So what we did is we created these
20 little landscaping areas and continued the
21 sidewalk on the other side of it. So now you're
22 part of the landscaping, the landscaping is part
23 of the neighborhood. And the building kind of
24 really gets integrated with the sidewalk. So our
25 sidewalks get wider with those 5 feet that we have

1 here. And the landscaping is in between, within
2 the sidewalk, still on the property line.

3 And now I'm turning to sheet Z04, which
4 we could see our ground floor and the first floor
5 above. As you could see, what we're proposing to
6 do is something that is in desperate need in this
7 neighborhood, which is a small coffee shop. We
8 don't have little coffee shops, okay. We have a
9 great restaurant down the block at the corner of
10 Manhattan and 16th, but we have no small good
11 coffee shops in the area. So what we're proposing
12 to do is just a 606-square foot small coffee shop
13 right at the corner of the property, that's a
14 one-story small area, okay. And it's no cooking,
15 nothing there other than coffee and small
16 sandwiches that are going to be prepared
17 elsewhere. Enough seating that it's going to have
18 one little table and then a counter along the
19 perimeter of it. And then we have parking on the
20 ground floor.

21 We're proposing two apartments upstairs,
22 okay. This is an R neighborhood, so a two-family
23 is permitted, so we're proposing two apartments
24 upstairs, and we're providing all the parking that
25 those apartments require. So on 16th Street, we

1 have a garage, just like a typical house. We have
2 a garage with two cars, one in front, the other in
3 tandem on 16th Street. And on Palisade Avenue, we
4 have a garage with two cars in front of each other
5 along Palisade Avenue. So we have all the parking
6 necessary for the apartments.

7 And then the entrance to the apartments
8 is along 16th Street, you enter, take the stairs
9 up and you're entering into a beautiful apartment.
10 You have this corner with nice windows and that
11 becomes your living room, dining room, kitchen
12 area. Living room across here, dining room and
13 kitchen along the back here. And then the more
14 private side of the house, we have three bedrooms,
15 two bedroom for the kids with a bathroom that they
16 share. And then you go further back and you have
17 a master. The master is 14-4 by 11-5 with a
18 walk-in closet and the master bath there as well.

19 You go up one-story, and we have exactly
20 the same thing. It's the same layout again. This
21 is an 1,243 square feet apartments, so it's a nice
22 generous apartment, three bedroom with all the
23 required parking of it as well.

24 And then we have the facade. So since
25 this was such an intricate and important corner,

1 we really wanted the building to fit in and work
2 with the neighborhood. And I think the best way
3 of doing that is showing you rendering. You can
4 see how the building fits in. You see the
5 adjacent structures, we're actually a lot smaller.
6 There's one house next to us and then a larger
7 structure. So this building really fits into the
8 corner, works well. It has that angled view of
9 it, where we could see the cafe on the ground
10 floor. We could see the garages at the two ends.
11 And you could see that it fits on the scale of
12 16th Street as well.

13 We have a couple other views. And this
14 is all brick and panelling for the facade as well,
15 so it's all monumental sized brick, so we have a
16 nice beautiful large brick, blue to have a little
17 different color, different taste to it, and a blue
18 and white building.

19 Here's another view. And then finally,
20 a brighter view showing the building as it is.
21 This is that one-story cafe area, black cornice,
22 very simple. We're introducing landscaping into
23 the building, so there's greenery on top of that
24 one-story portion as well. And then the
25 two-family on top, as you could see here, with

1 nice windows all along the living room areas and
2 then the bedroom windows along the back. And that
3 concludes my testimony.

4 CHAIRPERSON GARCIA: You show there a
5 wood deck?

6 MR. PEREIRAS: For the roof, yes. We're
7 proposing since there's no real backyard, since
8 we're on a corner lot, we're proposing to have a
9 roof deck. So we don't define exactly how big.
10 We can definitely set it back, how we always do in
11 Union City. But we're proposing a small roof.
12 Actually, in my drawings, I just say roof. But we
13 would want a roof deck there.

14 CHAIRPERSON GARCIA: What kind of
15 material are you showing? You're showing stucco
16 in the front?

17 MR. PEREIRAS: There's no stucco in the
18 front. So this is brick, these are panels,
19 they're fiber cement panels. And then there's
20 Azek panels, which is basically like a synthetic
21 wood that does all the trim areas of the building.
22 But no stucco is proposed. And my drawings do
23 show a stucco trim, I wouldn't build that out of
24 stucco, I would build it. And my testimony can
25 override the drawings, we'll update it. But that

1 should be made out of Azek, a hard material.

2 CHAIRPERSON GARCIA: And in your design,
3 the driveway on Palisade Avenue, it is -- actually
4 both, it's next to the adjacent property, not in
5 the middle of the construction?

6 MR. PEREIRAS: We did that on purpose
7 because we want to be as far as away from the
8 corner as possible. So we went to the extreme
9 ends of the property.

10 CHAIRPERSON GARCIA: How many feet wide
11 do we have here?

12 MR. PEREIRAS: For the driveway, we have
13 a 12-foot curb cut. So we're at the end, so it's
14 only 3-foot 6. So the driveway ends at 15 feet
15 and our property is 48, 50 feet basically. So we
16 are about 42 feet from the edge of the -- from the
17 street in both directions.

18 CHAIRPERSON GARCIA: And the other one
19 to the Palisade Avenue?

20 MR. PEREIRAS: The same, about 48 feet.

21 CHAIRPERSON GARCIA: So you are
22 intending to request to the PSE&G to remove the
23 pole that is there?

24 MR. PEREIRAS: The utility pole is right
25 next to -- you can see it on the survey, it's

1 right next to the curb cut.

2 CHAIRPERSON GARCIA: If you see there,
3 you have less than 10 feet from the -- according
4 to the corner that they used in the sidewalk, but
5 okay.

6 MR. PEREIRAS: Based on the survey, we
7 have room. We're not touching the light pole
8 that's on the 16th Street, we're not touching the
9 utility pole on Palisade Avenue. There is a
10 parking sign that would have to get moved --
11 actually, no, we're right at the edge of it as
12 well.

13 CHAIRPERSON GARCIA: Are you going to --
14 which one -- can you go to the setback again to
15 the north side?

16 MR. PEREIRAS: So the north side is
17 3-foot 1-inches.

18 CHAIRPERSON GARCIA: Okay.

19 MR. PEREIRAS: Which is compliant with
20 the side yard setback. And the west side is a
21 little bit bigger, it's 3-foot 6 along the back
22 and at its smallest point is 3-foot 1. The reason
23 there's a difference is because the site tapers a
24 little bit. It's not a perfectly square site.

25 CHAIRPERSON GARCIA: Can you go to the

1 size of the bedrooms, not the master bedroom?

2 MR. PEREIRAS: Sure. We have two
3 bedrooms, one is 9 by 14-6 and -- they're both 9
4 by 14-6.

5 CHAIRPERSON GARCIA: Any other Member of
6 the Board?

7 MS. PEREZ: Is that a bus stop in front
8 of the property?

9 MR. PEREIRAS: Yeah.

10 MS. PEREZ: Because there's no cars
11 parked there?

12 MR. PEREIRAS: There's a bus stop there.

13 MS. PEREZ: So would that impact the
14 driveway?

15 MR. PEREIRAS: No, it's permitted. We
16 do it all the time.

17 CHAIRPERSON GARCIA: Probably gonna --
18 the issue they're going to have if there's a cafe
19 there, the people going to go to the cafe going to
20 stop there and by law you cannot stop by --

21 MS. PEREZ: It can't be a bus stop.

22 MR. PEREIRAS: This is more a
23 neighborhood cafe, it's only 600 square feet for
24 the people in the neighborhood. It's not
25 something you drive to.

1 CHAIRPERSON GARCIA: The same thing that
2 we have with the bakery on 7th Street, you know
3 what I mean? It's a neighborhood bakery.

4 MS. PEREZ: Which one?

5 CHAIRPERSON GARCIA: The one at 7th and
6 Palisade?

7 MS. PEREZ: Oh, yeah.

8 CHAIRPERSON GARCIA: I have no further
9 questions for Mr. Pereiras for now.

10 MR. GRULLON: Mr. Pereiras, on the
11 second floor, you have landscaping there?

12 MR. PEREIRAS: Yes, we do. So this is
13 one-story building portion and in that one-story,
14 we have landscaping.

15 MR. GRULLON: How will you maintain?

16 MR. PEREIRAS: That's accessed through
17 the windows. We worked with a landscape architect
18 that could select plants that work really well.
19 We did it on one building in West New York and
20 we're bringing that in, having more vegetation.

21 VICE CHAIRPERSON GRULLON: The owner of
22 the second apartment, they're going to maintain
23 the plants?

24 MR. PEREIRAS: It would be the owner of
25 the building.

1 VICE CHAIRPERSON GRULLON: That's nice,
2 but I wonder how they're going to go about
3 watering the plants.

4 MS. PEREZ: If they don't take care of
5 it, it could be very ugly.

6 MR. PEREIRAS: If they don't take care
7 of it, then they basically go away, it becomes a
8 cornice. But I think it could be a very beautiful
9 feature.

10 MS. PEREIRAS: And the owner of the
11 building actually lives maybe a few blocks away on
12 Palisade Avenue.

13 MR. PEREIRAS: He's on Palisade and
14 19th, great guy.

15 VICE CHAIRPERSON GRULLON: He'll keep an
16 eye on it.

17 MR. PEREIRAS: Neighborhood guy.

18 CHAIRPERSON GARCIA: Do you have another
19 witness?

20 MS. PEREIRAS: Sure, our planner.

21

22 M A T T H E W F L Y N N, previously sworn:

23

24 MR. FLYNN: Again, Matthew Flynn for the
25 record.

1 MS. PEREIRAS: Mr. Flynn, if you could
2 please share your expertise as to planning on this
3 matter?

4 MR. FLYNN: Yeah, I think I can be
5 somewhat quick on this one. Again, this is a use
6 variance, so we need to look at the site
7 suitability test. Some of the unique conditions
8 of this particular lot is this is a corner lot,
9 it's always good to accentuate these corner lots
10 with developments that actually get used,
11 something that's aesthetically pleasing. This is
12 adjacent to another commercial use in the same
13 zone. Right down the block, we have the North
14 Hudson Fire Rescue and then the Union City EMS. I
15 would imagine that these are volunteers that would
16 be happy to have this right down the street from
17 them. I think it would be utilized pretty
18 substantially by people directly in the area, that
19 not only live here, but work here.

20 Just in terms of some benefits of
21 mixed-use, generally speaking, this does provide a
22 local business that supports the daily needs of
23 residents. Like our architect mentioned, this is
24 something that's going to serve the local
25 community. It's not necessarily a destination for

1 people coming in from out of town. The nice thing
2 about mixed use is that we get this
3 non-residential, but also the residential base to
4 support these uses.

5 I think the Board is aware that this R
6 zone is dotted with some non-residential uses.
7 It's part of what makes the City nice and
8 walkable. It's part of what makes the City
9 appealing to residents to have some of these
10 amenities close by to where they live. It also
11 provides around-the-clock activity. You're going
12 to have people walking home from work, people
13 walking to some of these amenities at all hours of
14 the day.

15 Like was mentioned, we are compliant in
16 terms of parking as well, which I think is a plus.
17 All that goes to towards purpose A of the
18 Municipal Land Use Law, promotion of the general
19 welfare. Purpose G, again, going back to site
20 suitability. Purpose I, aesthetics. This is
21 highly aesthetic architecture. We do have the
22 landscaping, again accentuating a prominent
23 corner. Purpose N, efficient use of land. In
24 terms of efficiency, we're compliant with
25 coverage, which is pretty big here, since this is

1 an undersized lot. We still have something that's
2 not taking up the entire lot, which is nice. We
3 get some of the openness around us.

4 On the flip side to that is the negative
5 criteria. Again, this is going to add to the
6 community, it's not going to detract from it.
7 It's going to provide a service that people in the
8 local community are going to use and benefit from.
9 And it's not going to really stand out as
10 something is inappropriate for the area. It is a
11 small scale use and for that reason I think this
12 is a compatible and appropriate project.

13 So with that, that's really all I have,
14 unless there's any questions.

15 CHAIRPERSON GARCIA: Yes. Mr. Flynn,
16 you mentioned we comply with the parking, you
17 have --

18 MR. FLYNN: I believe.

19 CHAIRPERSON GARCIA: You have -- you're
20 providing four parking spaces, you comply with the
21 two apartments, but what about the coffee shop?

22 MR. PEREIRAS: The coffee shop is
23 606-square feet, at 300-square foot per parking
24 space, we're required to have two cars for the
25 cafe. We do not have two cars for the cafe.

1 We're asking for a variance on parking with the
2 cafe. We're compliant with the parking for the
3 apartments. And we're presenting to the Board
4 that this is very much a neighborhood shop, small
5 enough to just serve coffee for the neighborhood;
6 therefore, does not need parking. And we
7 understand your concerns.

8 CHAIRPERSON GARCIA: Mr. Pereiras, I
9 love the design, let me tell you. However, I have
10 my concerns because we have -- I mentioned one,
11 it's probably like ten blocks away from your
12 application, but I could show you one -- I could
13 mention one that's only a block away from your
14 location, that is the something -- the one, the
15 natural juice that they sell it papaya
16 something...

17 MR. PEREIRAS: Playa Bowl, I designed
18 that as well.

19 CHAIRPERSON GARCIA: You know what I
20 mean? You know that that place is also same as
21 most people walk there and go, however, people
22 park there, double parking in that corner. Going
23 to be the same issue. That's my concern right
24 now. And also it's my concern, not only that, the
25 concern is that that's going -- going to be great.

1 Because this place going to be available every
2 time if I go for coffee, I stop there. But what
3 about the New Jersey Transit coming to there, you
4 know what I mean? So that's my personal concern.
5 I don't know about the other Member of the Board,
6 but this is my concern for that commercial --
7 don't get me wrong, the design is great, it's
8 beautiful. But my concern there is that coffee
9 shop with the traffic. And I know people going to
10 come walking, whoever going to go to New York have
11 a place to grab the coffee. But what about the
12 situation that we have not only in the one for the
13 fruit juice, whatever, that we also have in 7th,
14 you know what I mean? We also have the issue,
15 let's go ten blocks north, we have that issue.
16 And Dunkin Donuts has a lot of parking spaces
17 there, however we have issue people double parking
18 there to stop in Dunkin Donuts and grab the coffee
19 in Palisade Avenue, right across the street of the
20 post office. This is my concern.

21 MR. PEREIRAS: I understand. If I may
22 address it just a little bit? Your comparisons
23 are for very different types of uses. Playa Bowl
24 is an acai bowl, it's lunch, dinner. It's an all
25 day thing that is -- it's a chain that has a lot

1 of reach to different places. The bakery is
2 enormous on 7th. They do all their own baking,
3 they supply bread to New York in all different
4 restaurants, it's a very different scale. This
5 is -- and the concept behind this a neighborhood
6 coffee bar. It's for your espresso, for one
7 latte. It's not like a Dunkin Donuts that you're
8 placing an order and going to pick up. That's not
9 the concept that we have.

10 All that said, Mr. Chairman, you know
11 the neighborhood better than anyone, we
12 understand --

13 CHAIRPERSON GARCIA: I think going back
14 to your statement regarding the 7th, the bakery at
15 7th Street. The bakery, the issue with the bakery
16 in 7th Street is not the production for different
17 business. No, that's not the issue. Because they
18 have a descent space at the south side of the
19 property with the truck and everything that they
20 load everything. The problem is the people that
21 pass by and has double parking, block the
22 crosswalk, that's the issue.

23 Also when you said that Playa --
24 whatever, I don't recall the name exactly. It's
25 the same thing, just to order food, whatever, they

1 don't cook there, they prepare the -- you know
2 what I mean? You're going to go there to get a
3 cappuccino, at least, it's five minutes. Or you
4 can -- let's go -- it's completely different
5 location and I don't want to mention it because
6 it's way, way far. But if you go to north, Park
7 Avenue and 45th Street, you know what I mean?

8 MR. PEREIRAS: Yes.

9 CHAIRPERSON GARCIA: I think it's
10 Cortalita's, you go there, I mean it's -- 19th
11 Street and Bergenline Avenue, Sweet Coffee, I love
12 that place. And I have to go around, around,
13 around because I'm the last person that I want to
14 block a crosswalk, you know what I mean?

15 MR. PEREIRAS: Understood.

16 CHAIRPERSON GARCIA: And same issue with
17 Bergenline and 19th Street with Sweet Coffee, this
18 is my concern with this.

19 MR. PEREIRAS: It's a valid concern and
20 the only thing I had say that could maybe combat
21 that is that during the day, there's actually a
22 lot of parking in that area. Maybe the Board of
23 Commissioners would entertain a loading zone in
24 front of there for that quick in and out on 16th
25 Street. It kind of makes sense, but --

1 CHAIRPERSON GARCIA: What happened at
2 16th Street -- I do my homework, Mr. Pereiras.
3 And I love -- when I go to sleep and I can't
4 sleep, what I do is I start to drive around the
5 City 2, 3:00 in the morning. 16th Street, that's
6 going -- that's the only way that ambulance can
7 come out from the EMS.

8 MR. PEREIRAS: That's true.

9 CHAIRPERSON GARCIA: So this is a big --
10 it's another issue that I don't want to touch.
11 But now that you mention that, let me touch that.
12 EMS going -- that's the only way that they could
13 get out from the location.

14 MR. PEREIRAS: Okay.

15 CHAIRPERSON GARCIA: And again, I love
16 the design, it's great. Those two units are
17 great, but in reality -- and also you have a bus
18 stop. And also I have my concern, it's nothing
19 because the applicant is the one that's going to
20 be responsible. But that post there, it is in
21 your 12 -- I mean I could show you the picture --

22 MR. PEREIRAS: I have to trust the
23 survey --

24 CHAIRPERSON GARCIA: How many feet is
25 every block, it's like four or five?

1 MR. PEREIRAS: It varies. In Union
2 City, it's usually four feet.

3 CHAIRPERSON GARCIA: So you have two
4 only from the borderline, you know from to --
5 where the post is. So you're going to need to
6 remove it.

7 MR. PEREIRAS: Okay.

8 CHAIRPERSON GARCIA: So it is --

9 MR. PEREIRAS: So, Mr. Chairman, if this
10 is the opinion of the Board, maybe we could have a
11 five-minute recess so we could discuss it with the
12 client? And maybe we could modify the
13 application.

14 MR. FLYNN: Before we do, I would like
15 to jump in from the planning end. One other
16 differentiating factor with this particular use,
17 first of all, to take the Playa Bowl example. I
18 want to say that Playa Bowl is sort of
19 one-of-a-kind. If you want that bowl, that fruit
20 mix bowl, there's really only one place you can
21 get it and that's Playa Bowl. When it comes to
22 coffee, I mean if you look up almost any
23 restaurant, the nice thing about a coffee shop is
24 if you live next door, you're going to go to that
25 one. You're going to go to the one that's closest

1 to you. Most people if they just want a cup of
2 coffee and live close to a bakery, they're going
3 to go to the bakery. They're not going to drive
4 across town to back up traffic, to parallel park,
5 to inconvenience themselves for this particular
6 shop.

7 You know, if you just look up
8 restaurants across Union City, you know, the City
9 is obviously dotted with many restaurants. And
10 you could get coffee at any of those places. So I
11 understand the concern, but I do think that that's
12 an important consideration as well.

13 Also this is an undersized lot. So
14 really when it come to getting the most out of
15 this property, we are sacrificing two parking
16 spaces. But, again, even if we did have those two
17 parking spaces, if the concern is double parking
18 of a lot of vehicles, I don't think two parking
19 spaces would necessarily make that condition go
20 away. I think the two spaces that we have is
21 actually sufficient. Again, considering the fact
22 that most people are going to walk here. So just
23 to kind of pepper that in there, but I understand
24 the concern.

25 CHAIRPERSON GARCIA: Going through your

1 statement, also the kind of coffee that you're
2 going to prepare is not the same coffee you're
3 going to get in any of the those bodegas. This is
4 going to be like for a cafe, latte, this is going
5 to be for the American coffee. I mean that's
6 going to be a service -- I don't know, but I mean
7 what I'm seeing from here, it's at least, give me
8 frappuccino, give me a -- I mean it's something
9 that's going to take time. That's the concern.

10 MR. PANEQUE: Speak to your client.

11

12 (Whereupon a short recess was taken.)

13

14 MR. VALLEJO: Ready?

15 CHAIRPERSON GARCIA: Back on the record.
16 I have another question for Mr. Flynn.

17 Mr. Flynn, did you have the opportunity
18 to go around to visit the area or no?

19 MR. FLYNN: I did.

20 CHAIRPERSON GARCIA: You did. So in
21 your testimony, you didn't mention about the two
22 school that you have around.

23 MR. FLYNN: That's correct, yes.

24 CHAIRPERSON GARCIA: You know that you
25 have like Colin Powell that is the next block.

1 MR. FLYNN: Yes.

2 CHAIRPERSON GARCIA: And also you have
3 probably a few blocks away from there, you have
4 the Hudson that's there? All of this, that's --
5 this is our concern regarding the people driving.

6 MR. PEREIRAS: Teachers love coffee.

7 CHAIRPERSON GARCIA: Teachers like it,
8 but it's not going according to the kids, I mean,
9 with the traffic and that's our concern.

10 MR. PEREIRAS: No doubt. I understand
11 the concern. I guess, you know, not to go back
12 and forth, obviously, but one thing maybe to
13 consider is all of these things, schools, you have
14 the EMS, you have an office right across the
15 street. All of this sort of builds together to
16 make this a highly walkable area, which adds to
17 point that Mr. Pereiras is making regarding the
18 fact that this is mostly going to be people
19 walking there. They're already walking around the
20 area now, so with all these amenities happening,
21 schools, EMS, offices, other restaurants. So it's
22 not necessarily out of the typical walking
23 patterns of residents. So I think there's a
24 balancing there. I understand your concern, but
25 there's also another way to look at it.

1 CHAIRPERSON GARCIA: Also, I'm going to
2 add to the record, is that also that corner,
3 Palisade, Palisade is only way to get out from
4 Union City to go to Jersey City. And also not
5 only that, 16th Street is also the only egress to
6 Hoboken. So the ambulance, I mean again, I mean,
7 the only thing -- all my concern is about safety
8 issues. The ambulance get out or going down to
9 Palisade Avenue or have to go down to Hoboken,
10 that's the only way to get out.

11 MR. PEREIRAS: So the applicant lives in
12 Union City, he's part of our community, he works
13 with us. He wants to make the Board happy, so
14 we'd like to ask for an adjournment, if this Board
15 would consider it. So we can modify this
16 application to make it palatable to the Board and
17 fill that February agenda.

18 CHAIRPERSON GARCIA: Do me a favor, Mr.
19 Pereiras, can you check the ink in your printer?

20 MR. PEREIRAS: Yeah, yeah.

21 CHAIRPERSON GARCIA: You waive the
22 statutory time limits?

23 MS. PEREIRAS: Yes, of course.

24 CHAIRPERSON GARCIA: I make my motion to
25 adjourn this application to February meeting.

1 MS. GUTIERREZ: I second it.

2 MR. VALLEJO: Motion on the table to
3 adjourn this application to February 13, 2025, by
4 Mr. Garcia, seconded by Ms. Gutierrez. Roll call
5 on the motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Mr. Grullon.

9 VICE CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 MS. GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Seven in favor, motion
21 carries. No new notice required?

22 MR. PANEQUE: No new notice is required.

23 MR. VALLEJO: Thank you, Mr. Paneque.

24 * * * *

25 **ALLISON WILLIAMS -**

1 **319 5TH STREET:**

2

3 MR. VALLEJO: Next application on
4 tonight's agenda, Allison Williams, 319 5th
5 Street. Ms. Pereiras, please.

6 MR. PANEQUE: Let the record reflect as
7 follows:

8 I've been provided by Ms. Pereiras with
9 a certification as to publication and service
10 giving notice of the application at this meeting
11 with respect to the property at 319 5th Street,
12 Block 14, Lot 14.

13 I've also been provided with an
14 affidavit from The Jersey Journal indicating that
15 notice of this meeting at this location was
16 published on December 27, 2024.

17 As well as a list from the tax
18 assessor's office with a date of 12/27/24 listing
19 all property owners within a 200-foot radius of
20 319 5th Street.

21 And finally a certified mail receipt
22 list with all the certified mail receipts with a
23 date of December 30, 2024.

24 Based on the documentation provided,
25 this Board has jurisdiction to proceed and hear

1 this matter.

2 MS. PEREIRAS: Thank you very much,
3 Counsel. May it please the Board, Bianca Pereiras
4 on behalf of the applicant, Allison Williams, for
5 property located at 319 5th Street. The
6 application is to replace an existing three-family
7 with a new three-family for the applicant's use.
8 And the applicant has asked for a quick audience
9 with the Board just to introduce herself and say
10 hello, if I could briefly call up Ms. Williams.

11
12 A L L I S O N W I L L I A M S, after having
13 been duly sworn or affirmed, did testify as
14 follows:

15
16 MS. WILLIAMS: Allison Williams. Good
17 evening, thank you for your time. I am actually a
18 teacher in the community, I teach at Edison
19 School, which if you know the neighborhood, it's
20 two blocks away from our new home on 319 5th
21 Street. So I'm very excited about this project.
22 I want to build roots in the community, my
23 students that I care about every day are also my
24 neighbors. And my husband and I really want to
25 live here for a fairly long time. But we can only

1 do that if our home is suitable for our needs.
2 And right now, it is in poor condition so we
3 really need to make some changes to suit our needs
4 and our growing family and our future. Thank you.

5 MS. PEREIRAS: Thank you. We do have
6 two experts to testify this evening and we'll
7 begin our presentation with our architect, Mr.
8 Manuel Pereiras.

9
10 M A N U E L P E R E I R A S, previously sworn:

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

14 MS. PEREIRAS: Mr. Pereiras, are you
15 familiar with the property at 319 5th Street?

16 MR. PEREIRAS: I am.

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

19 MR. PEREIRAS: I have.

20 MS. PEREIRAS: Can you kindly describe
21 the proposal before the Board?

22 MR. PEREIRAS: I'd be very happy to. As
23 counsel said, there's an existing three-family
24 there. That three-family was built in about 1880.
25 And it's -- I think if someone sneezes really

1 hard, it's going to fall down. So it's in really,
2 really bad condition, we can't salvage it. So
3 we're looking to demolish the entire building and
4 build new. And when we're building new, we wanted
5 to really fit into the neighborhood. So we
6 created this front facade of the block, so we kind
7 of understand what's going there. There's a
8 four-story, three-family a little bit to the west
9 of it. There's one immediately next to it that is
10 already approved and in the process of getting
11 permits to be built. And what we're looking to do
12 is to mimic it and do exactly the same building
13 right next to it, so that we have that beautiful
14 pattern.

15 So this is already underway for
16 construction. And this is what we're proposing,
17 which is the mirror image, almost like a matchbook
18 of it. And there's one property and then next to
19 it, you have a taller building. And then you go
20 further, you have multifamily also to the right.
21 So it really kind of fits into the neighborhood
22 and I think it really adds to the character. And
23 Ms. Williams loved the design next door. What she
24 wants to really do is capture the same thing. So
25 as you could tell, they're pumping a lot of money

1 into this facade, pumping a lot of money into the
2 building to really make it look beautiful.
3 There's a lot of detail, it's brick, it's got an
4 intricate cornice. It has a railing at the second
5 floor, there's stone features on the garage. So
6 it's something that really is catered really to
7 fit into the neighborhood.

8 On sheet Z02, we see the difference of
9 what was existing and what we're proposing. We're
10 requiring a few variances and our planner is going
11 to talk about. We are maintaining the prevailing
12 setback along the front yard. If you look at the
13 properties to the east and to the west, they're
14 all in line with our property. So there's no
15 variance there.

16 We are requesting a zero setback between
17 the two buildings. It kind of makes sense, it
18 makes them look and keeps that rhythm. And then
19 we're proposing 3-foot 1 along the east side of
20 the property for windows. And then our rear yard
21 setback, we're requesting a variance there as
22 well. We're at 15 foot 3 inches, which is in line
23 exactly with the building next door, it's in line
24 with the shed and it's in line with other
25 buildings along the block. So the rear yard is

1 matched and make sense as well.

2 As far as the building itself, we're
3 proposing a 4-car garage, entrance off the street,
4 a small vestibule and an elevator that takes you
5 up. And then independent entrances for the
6 apartments. You have an entrance on the side yard
7 here, an entrance on the side yard here, and an
8 entrance to the elevator along this point as well.
9 What that does is it creates three levels of three
10 different apartments with independent entrances.
11 And we have a total of 2,090 square feet for the
12 first apartment because it has the family room on
13 the ground level. And then it has three bedrooms
14 upstairs, the master bedroom being the largest,
15 which is 13-11 by 10-3 with two closets and a
16 master bath. The children's bedrooms are 10-9 by
17 9-2 and the smallest one is 12-3 by 10-3.

18 Upstairs, it's very similar, but
19 slightly different, the master is 13-11 by 10,
20 with a walk-in closet and a master bath and a
21 secondary closet. And then two bedrooms that
22 match the sizes below. The living space is a
23 dining room, kitchen, living room with an elevator
24 that opens into that space. The two emergency
25 stairs, one along the back and one along the

1 middle of the building.

2 And then when you go upstairs to the
3 roof, we're providing each of the top two units
4 with a roof deck. One towards the back, accessed
5 from one stair and one towards the front, accessed
6 from the other stair. And the lower apartment,
7 which has the family room in the back has access
8 to the rear yard as well. So that we're providing
9 a three-family with three different outdoor spaces
10 and adequate spaces for the rooms.

11 And here's our facade. As you could
12 see, we are requesting a variance for height. We
13 are at a total of 46 feet 8 inches to the top of
14 the fence, 42 feet 6 inches is what the ordinance
15 reads as our maximum height. So we're past the
16 38 feet permitted with an additional story. Then
17 you can see all the intricate detail on that
18 facade that we're proposing today.

19 We have some photographs of the
20 neighborhood so that you really could understand
21 kind of how it fits. You see the taller buildings
22 I talked about, we're going right here at this
23 spot. You could see the mixed-use coming off New
24 York Avenue and the taller buildings that we have
25 and the multifamilies. And from a solid

1 perspective, you really can understand and see
2 that the building that we're proposing really fits
3 into the neighborhood as far as scale is
4 concerned. And that concludes my testimony.

5 CHAIRPERSON GARCIA: Quick question --
6 few questions. Did you design the other one?

7 MR. PEREIRAS: Yes.

8 CHAIRPERSON GARCIA: Okay. So, you
9 know, who's the -- is the owner of the other one
10 the same owner of this one?

11 MR. PEREIRAS: It's -- they're related.

12 CHAIRPERSON GARCIA: They're related.

13 MR. PEREIRAS: And that's one of the
14 reasons they're living side by side.

15 CHAIRPERSON GARCIA: Okay. Since you
16 have a long house, why -- to the question -- I
17 know it's a mirror, but why you didn't try to at
18 least to -- I know that you're providing a family
19 room on the ground floor, why didn't you think
20 about accommodating at least two more cars for
21 tenant parking?

22 MR. PEREIRAS: We talked about that a
23 lot. That unit, which is the largest unit, is
24 what Ms. Williams wanted to live in herself. So
25 that she could have the rear yard and have the

1 family room in the back. That was a wish list
2 item by her.

3 CHAIRPERSON GARCIA: Okay. That's going
4 to be exactly the same height of the other one?

5 MR. PEREIRAS: It's identical -- it's a
6 matchbook difference, the mirror of it, yes.

7 CHAIRPERSON GARCIA: It's going to be
8 attached to the other one?

9 MR. PEREIRAS: They're going to be
10 touching side by side, but they're going to be
11 independent buildings.

12 CHAIRPERSON GARCIA: Independent
13 buildings.

14 MR. PEREIRAS: So one building is going
15 to have a two-hour fire rated wall, the other
16 building is going to have a two-hour fire rated
17 wall. There's going to be exactly two inches in
18 between them, one inch off of each building.

19 CHAIRPERSON GARCIA: When was the other
20 application approved?

21 MR. PEREIRAS: About a year ago.

22 CHAIRPERSON GARCIA: A year?

23 MR. PEREIRAS: I think has it been a
24 whole year.

25 CHAIRPERSON GARCIA: No, more than that.

1 MS. PEREIRAS: Longer.

2 CHAIRPERSON GARCIA: I don't recall that
3 one.

4 MR. PEREIRAS: You weren't on the board.

5 CHAIRPERSON GARCIA: I have no other
6 questions for now. You have another witness?

7 MS. PEREIRAS: We do. Mr. Bailer,
8 please.

9
10 G A B E B A I L E R, after having been duly
11 sworn or affirmed, did testify as follows:

12
13 MR. BAILER: Gabe Bailer, B-A-I-L-E-R.

14 MS. PEREIRAS: I'm pulling up the
15 resolution real quick.

16 MR. BAILER: Actually, I have it here.
17 It was 2022.

18 MS. PEREIRAS: November 2022.

19 MR. BAILER: But then there was an
20 amendment last year for height for the elevator,
21 that was 2024.

22 CHAIRPERSON GARCIA: I recall that one.

23 MS. PEREIRAS: Okay. Mr. Bailer has
24 testified before this Board in the past and --

25 CHAIRPERSON GARCIA: Yes.

1 MS. PEREIRAS: -- I ask he be
2 accepted --

3 CHAIRPERSON GARCIA: Yes, our pleasure.

4 MR. BAILER: Thank you, Mr. Chairman.
5 Good evening, everyone, happy new year.

6 As Mr. Pereiras mentioned, there are
7 several variances related to this proposed
8 three-family. The first variance is the
9 three-family itself. There's an existing
10 three-family, as Mr. Pereiras mentioned. And what
11 is being proposed is a three-family. So this is
12 in the R residential zone, and three-family is not
13 permitted. But however, this is not a use
14 variance, it's a (d) (2) expansion of a
15 nonconforming use because there's an existing
16 three-family there. So we're basically expanding,
17 in essence, because there is an existing
18 three-family there.

19 And also there's a (d) (6) height
20 variance required. A (d) (6) is required when a
21 principal structure is 10 percent more than what's
22 permitted. The maximum permitted is 38 feet,
23 what's proposed is 42 feet 6 inches, so this is
24 more than 10 percent. So this is a (d) (6)
25 variance. There's also "C" variances required. A

1 rear yard requires 20 feet, what's proposed is
2 15.3 feet. A side yard required is for one side
3 is 2 for both sides is 5 feet. What's being
4 proposed is 3.1 feet for one side and zero for the
5 other side. But that's going to be attached to
6 321 5th Street, the another building identical to
7 what's being proposed here.

8 As well, there's a maximum building
9 coverage. Max permitted is 65 percent, what's
10 being proposed is 73.2 percent. Building height,
11 stories, max is three stories, what's proposed is
12 four stories. And required parking, there's six
13 required parking spaces and what's being proposed
14 is four stacked parking spaces.

15 So basically on this, there's the
16 (d) (2), (d) (6) and "C" variances. As this is a
17 "D" variance, as the Board is familiar, it's the
18 positive and negative criteria. The positive
19 criteria, variances can be granted only in special
20 cases for special reasons. What are those special
21 reasons? It's that the Board is satisfied either
22 by showing the proposed use inherently serves the
23 public good or it promotes the general welfare
24 because the proposed site is particularly suited.
25 As well, the negative criteria is the variance can

1 be granted without substantial detriment to the
2 public good and zone plan.

3 As this is a (d) (2) variance, there is a
4 case the Burbridge versus Mine Hill Township,
5 which the court determined that in certain
6 circumstances, aesthetic improvements alone can be
7 sufficient special reasons to justify a "D"
8 variance. The court also confirmed that special
9 reasons can be found, in fact, if the variance
10 granted would tend to minimize nonconformity of a
11 nonconforming use and make it more acceptable to
12 the particular setting.

13 As Mr. Pereiras mentioned before, this
14 is an existing three-family, but there's no
15 on-site parking. What we're proposing tonight is
16 a three-family with four parking spaces. So this
17 improves the condition of this property by
18 providing four parking spaces, which would be one
19 per unit for each of the three bedrooms. So you
20 have one parking space for each unit.

21 As well as you see in the pictures, this
22 is going to be an substantial improvement to that
23 aesthetic improvement of the neighborhood and the
24 property of what was previously there before. As
25 you can see it's an attractive building. It has a

1 brick facade, has a cornice. So it's a very
2 attractive building in terms of aesthetics and
3 definitely blends in and will complement the
4 project approved at 321 5th Street. And as well,
5 there's another four-story building at 315 5th
6 Street. It's a new construction, it will be
7 attractive. It will attract new residents.

8 It also has an elevator, so this is
9 something unique, where you have an elevator which
10 will provide access to all floors and the roof
11 deck. So you could be able to provide access to
12 all individuals, anyone with handicapped access as
13 well. So having that elevator provides that
14 ability.

15 In my opinion, you know, you also won't
16 substantially impair the light and the air and the
17 surrounding area. Also mentioned in the
18 resolution for 321 5th Street, based on the
19 negative criteria, in the resolution, it says that
20 no negative criteria be associated with the
21 project. And as well, the project would not be in
22 conflict with the character of the neighborhood or
23 with the master plan. So that was the resolution
24 for 321 5th Street, which is identical to 319 5th
25 Street. As you can see, there will be joined and

1 connected and complement each other.

2 Regarding the "C" variances, in my
3 opinion the "C" variances can be granted by the
4 c(2), with benefits outweigh the detriments. As
5 you can see, this is an aesthetic improvement in
6 terms of what's existing. It compliments the
7 surrounding neighborhood, with the approved 321
8 5th Street, which is four stories, which the
9 four-story building at 315 5th Street, so it's the
10 changing nature of the neighborhood. And it
11 compliments the surrounding area and correlates to
12 what's there.

13 Also, there was previously no parking,
14 we're now providing four parking spaces. And the
15 variances for the side, rear and building
16 coverage, they're consistent with the other
17 existing conditions of the surrounding
18 neighborhood, so you're not going to have
19 something that is -- in terms of the built
20 character, it's consistent with the built
21 character. In terms of negative criteria, it's my
22 opinion that all these variances can be granted
23 without substantial detriment to the public good
24 and master plan.

25 Regarding the purposes of Municipal Land

1 Use Law, I believe that this project promotes
2 Purpose A, to encourage municipal action to guide
3 the appropriate use and development of all lands,
4 Purpose G, to provide sufficient space in
5 appropriate locations and Purpose I, to promote a
6 desirable visual environment.

7 So based on those purposes and what's
8 being proposed, I feel in my opinion that this is
9 a substantial improvement that compliments the
10 surrounding neighborhood, provides four parking
11 spaces, at least one per unit, and shows the
12 changing nature of the neighborhood with another
13 four-story building that compliments it.

14 So my opinion that these variances can
15 be granted without substantial detriment to the
16 public good and zone plan. Thank you.

17 CHAIRPERSON GARCIA: Okay. I understand
18 and I concur with a few of your statements. When
19 you say it's going to be an improvement because
20 you're coming with an application that is a new
21 building, more modern, with more according to the
22 codes and everything. However, my question is how
23 do you understand that the two main variances that
24 you are requesting here is the -- you're talking
25 about three units in the R zone that only permits

1 two units. And also you're providing -- you're
2 coming with an application with three units and
3 only providing four parking spaces. I understand
4 that the present condition is zero parking;
5 however, since you have the opportunity to come
6 with an application, brand new application, how
7 come you cannot accommodate at least -- don't come
8 requesting for parking variance? You know,
9 because you're coming from scratch, you know? And
10 that's kind of my concern.

11 I have a question for your client, Ms.
12 Pereiras.

13 MS. PEREIRAS: Sure. You could ask her
14 is she residing in Union City?

15 MS. WILLIAMS: Right now, I live in
16 Jersey City Heights.

17 CHAIRPERSON GARCIA: Jersey City
18 Heights. Also, who is -- I mean that house is
19 occupied, the three floors?

20 MS. WILLIAMS: Can you repeat?

21 CHAIRPERSON GARCIA: How many apartments
22 are occupied?

23 MS. WILLIAMS: Two of them. Two out of
24 the three, the first floor is unlivable right now.

25 CHAIRPERSON GARCIA: Okay. And which

1 one is your plans that you have with the resident
2 of those two units? You know because our concern
3 also is to try to protect the situation of the
4 current residents.

5 MS. WILLIAMS: I understand that. My
6 neighbors are also families at my school, so I
7 understand that. The leases that we have right
8 now, they're only six-month leases and they're up
9 at the end of the April. We do not plan to evict
10 anybody, we don't plan to break any leases. The
11 leases are up at the end of April. So if the
12 plans go through, we would be able to hopefully
13 smoothly send them on their way with adequate
14 notice.

15 CHAIRPERSON GARCIA: Mr. Pereiras --
16 thank you very much, Ms. Williams.

17 Mr. Pereiras, do you -- time out. Can I
18 take a two minute break?

19
20 (Whereupon a short recess was taken.)

21
22 MR. PANEQUE: Let's go back on the
23 record.

24 Ms. Pereiras, as you're now well aware,
25 it just dawned on this Board of the conflict that

1 has arisen due to fact that the applicant happens
2 to be an employee of the Board of Education. And
3 all of the members here tonight, with the
4 exception of one, are also employees of the Board
5 of Education.

6 Based on the fact that we have employees
7 hearing a case from an employee, these Board
8 Members have to recuse themselves. And as such,
9 this Board cannot proceed to hear this matter.
10 Technically, we can't even vote on an adjournment,
11 so it's just going to be carried pending the
12 secretary of the board making the arrangements to
13 have this application transferred to another
14 venue.

15 The Board considered transferring --
16 have the members from the planning board appear;
17 however, a review of the names of the members of
18 the planning board also demonstrated that many of
19 those members are also employees of the Board of
20 Education, and as such would have the same
21 conflict.

22 I think the only viable solution here is
23 to have a neighbor jurisdiction take over this
24 application and it would avoid conflict. So
25 pending notification from Mr. Vallejo of where

1 this application can be heard, you will receive
2 that notice.

3 MS. PEREIRAS: Understood, Counsel.

4 MR. PANEQUE: There will be a
5 requirement for new notice.

6 CHAIRPERSON GARCIA: It's for your
7 benefit later on.

8 MS. WILLIAMS: I understand, thank you.

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1 **1700 MANHATTAN, LLC -**

2 **1700 MANHATTAN AVENUE:**

3
4 MR. VALLEJO: Back on the record. Next
5 application on tonight's agenda, 1700 Manhattan
6 Avenue, LLC. Ms. Pereiras, please.

7 MR. A. PANEQUE: We've been provided
8 with the following proofs to establish
9 jurisdiction:

10 We were provided with a certification
11 that states that 1700 Manhattan, LLC, is making
12 this application and the property address is 1700
13 Manhattan Avenue, Union City, New Jersey 07087,
14 Block 179, Lot 4. The certification provides that
15 the certification list date is December 18, 2024.

16 We do have the notice of The Jersey
17 Journal dated December 23, 2024.

18 We have the list of the property owners
19 to be served with notice within a 200-foot radius
20 of 1700 Manhattan Avenue, Union City, New Jersey.

21 We have the certified mail receipts,
22 postmarked December 23, 2024.

23 Accordingly, we have been provided with
24 sufficient proofs to establish jurisdiction for
25 today's hearing.

1 MS. PEREIRAS: Thank you very much,
2 Counsel. Bianca Pereiras on behalf of the
3 applicant for property at 1700 Manhattan Avenue,
4 also known as Lot 4 in Block 179.

5 The property in question currently holds
6 a small commercial structure. The application
7 before the Board this evening is to expand the
8 building, remove the commercial aspect of it and
9 convert it to four residential units. We have two
10 experts to testify and we'll begin our
11 presentation with our architect, Mr. Manuel
12 Pereiras.

13
14 M A N U E L P E R E I R A S, previously sworn:

15
16 MR. PEREIRAS: Still Manny Pereiras,
17 still under oath.

18 MS. PEREIRAS: Mr. Pereiras, are you
19 familiar with 1700 Manhattan Avenue?

20 MR. PEREIRAS: I am.

21 MS. PEREIRAS: Did you prepare the
22 drawings that are before the Board this evening?

23 MR. PEREIRAS: I have.

24 MS. PEREIRAS: Would you kindly describe
25 the proposal?

1 MR. PEREIRAS: I'd be very happy to.
2 We're on the east side of Manhattan Avenue, right
3 next to Manhattan Ave. Lofts, so we have a large
4 older structure that kind of dominates that corner
5 and then it transitions into smaller houses. We
6 looked at our building as really a transition,
7 where we're going from a very large structure,
8 stepping down to our structure, and then finally
9 stepping down to residential. We're taking what
10 is currently there, which is a construction
11 company where you have trucks going in and out,
12 construction vehicles, workers coming in and out,
13 and replacing that commercial entity that's on the
14 block with a residential entity. What we're
15 proposing to do is four units over parking.

16 Talking now and turning to page Z02, we
17 see site plan, with both its existing condition
18 and proposed condition. The existing condition as
19 you can see occupies the entire site except for
20 two feet off the rear of the property. We're
21 looking to maintain that footprint on the ground
22 level. And yet on the upper floors, set back our
23 building to be in compliance with the zoning
24 regulations as far as three feet on one project,
25 two feet on the other. And then, we're setting it

1 back another 3-foot 8 from the rear as well. The
2 front is being set back a few inches also, so that
3 we have one footprint at the base that occupies
4 the site, and then the upstairs that is stepped
5 in.

6 On the ground floor, these are the
7 existing conditions of the current construction
8 company. Garage parking and storage for all the
9 vehicles, their existing offices. And then
10 equipment storage and materials along the back.
11 We're looking to demolish the interior of all that
12 and provide parking for four vehicles in the
13 garage, including ADA parking for an ADA vehicle
14 as well as electric charging station, which gives
15 us a bonus of one vehicle from a code perspective,
16 RSIS count.

17 We have some bicycle parking. We have
18 our two main stairs for egress. We have our
19 sprinkler manifold along the back of the building.
20 And we have our main lobby with an elevator that
21 connects all the floors.

22 On the first floor -- first residential
23 floor, which is the second floor of the building,
24 we have two units. Unit number one is a
25 598-square foot one bedroom. You walk in to a

1 living room, dining room, kitchen area along here,
2 and then the one bedroom here with one bath. The
3 apartment number two, which we're calling 202, is
4 also one bedroom, one bath, and that's 630 square
5 feet. You enter, kitchen, living room, dining
6 room area, mechanical equipment here, washer
7 dryer, bedroom that is 12-3 by 10-2 and then the
8 bathroom which is an ADA compliant bathroom.

9 You go up one story more and we have the
10 first larger unit, which is unit 301, it's also
11 the same as unit 401 on the next floor. It's a
12 three-bedroom two-bath unit, it's 1,481 square
13 feet. When you exit the elevator, you have a
14 vestibule. Come into the apartment, you have the
15 dining room in front of you, the living room space
16 to the left and the kitchen in the nook towards
17 Manhattan Avenue. Then you have three bedrooms
18 along the back. The kids' bedrooms are 10 by
19 12 -- 10 by 11-9, they share a bedroom. Then you
20 have the master in the rear which is 11 by 13-1,
21 with the master bath and walk-in closet. Utility
22 closet along here and a small terrace facing east
23 towards New York, along the back of the property.

24 The floor above is exactly the same
25 thing, so that we have one, two, three and four

1 units in total that we're proposing on this
2 project. This is the fourth floor, which is
3 identical to the floor below, it's at 1,481 square
4 feet.

5 And finally the roof. In the roof, we
6 have a roof deck proposed. We have a 3-foot
7 setback all along the perimeter for safety. We
8 have the two stairs that have access and the
9 elevator that has access to the roof as well.

10 Here, we could also see photographs of
11 the existing neighborhood. As you could see, it's
12 characterized by a lot of larger structures.
13 These are all structures within a 200-foot radius
14 of the property, you have the Manhattan Lofts, you
15 have the building I designed on the corner of
16 Manhattan, and then this is across the street. So
17 this is our site right here.

18 And then finally our elevations. We
19 have a block facade on the ground, which we're
20 cladding with stucco and stone, we're cladding the
21 elevator tower with stone. And then we have a
22 combination of siding and panels for the rest of
23 the building. And that concludes my testimony.

24 CHAIRPERSON GARCIA: Mr. Pereiras,
25 you're proposing four parking spaces, right?

1 MR. PEREIRAS: That's correct, Mr.
2 Chairman, four parking spaces for four apartments.

3 CHAIRPERSON GARCIA: And according to
4 the chart of variance, so you are requesting for
5 variance for everything?

6 MR. PEREIRAS: Yes, Mr. Chairman. We
7 have variances and our planner is going to speak
8 more about it. But we have variances for lot
9 size, which is including area, lot width, and lot
10 depth. Those are preexisting nonconformities. We
11 have preexisting variances for side yard and rear
12 yard, which we're keeping on the ground floor.
13 When we go to the levels above, we're going to be
14 compliant with side yard. It's going to step in
15 two feet and 3 feet 1. We have a variance for
16 height as well. We're in the R zone, 38 feet is
17 the maximum, we're well above that at four
18 stories. So we have a variance for stories and
19 for feet. And, again, these I feel are justified
20 because it fits kind of into the neighborhood.
21 Just because of the large buildings next to it.

22 CHAIRPERSON GARCIA: There's no way to
23 accommodate more parking spaces?

24 MR. PEREIRAS: So, unfortunately, when
25 it comes to four units, we need to provide ADA

1 parking spaces, that occupies a lot of space. And
2 then only if we were to do them in tandem could we
3 provide more parking spaces.

4 CHAIRPERSON GARCIA: You mention about
5 the building next to the -- the south side of the
6 property, right?

7 MR. PEREIRAS: That's correct.

8 CHAIRPERSON GARCIA: But you also --
9 since you were born in Union City, you're probably
10 going to remember that used to be factories back
11 probably before your parents was born. And they
12 take the opportunity to convert it into apartment,
13 very nice apartments.

14 MR. PEREIRAS: Very nice, I love them.

15 CHAIRPERSON GARCIA: So it's kind of --
16 I don't have anymore questions for now, Mr.
17 Pereiras. Can you bring your --

18 MS. PEREIRAS: Planner, of course.

19
20 M A T T H E W F L Y N N, previously sworn:

21
22 MR. FLYNN: Hello, again. Matt Flynn,
23 for the record, professional planner.

24 MS. PEREIRAS: Mr. Flynn, if you could
25 please provide us with your planning testimony

1 regarding this property?

2 MR. FLYNN: Sure. So we are looking at
3 one tax lot, Block 179, Lot 4. We're looking at a
4 2,566-square foot lot, which is just over that
5 minimum requirement in the R zone. Another
6 application in the R low density zone, which we
7 should know by now it's one and two-family that's
8 permitted in the zone. Here, we're proposing
9 four units.

10 So again we're looking at a (d) (1) use
11 variance. We talk about it's specifically this
12 property, what makes it suitable for the proposed
13 four units. I think if the Board has in front of
14 them -- so I just wants to bring the Board's
15 attention to the cover sheet of Manny's plans
16 here. Obviously, our property is highlighted,
17 it's these dashed lines. Really, the reason I
18 bring this up is because this particular block
19 doesn't really have a cohesive or typical cookie
20 cutter pattern to it. There's a lot of different
21 sizes, shapes going on on this particular block.
22 The block itself is pretty abnormally shaped, so
23 that kind of results in all these different kookie
24 kind of shapes abound there.

25 Having said that, there are plenty of

1 multifamily happening on the block. There's a
2 25-unit building, a 28-unit building, a four, a
3 three, a six. And there's also some
4 non-residential. Obviously, the non-residential
5 on our property as well that we're going to be
6 switching back to residential, which I would say
7 is more compliant with the intent of the zone,
8 again, being that residential zoning.

9 In terms of the positive criteria,
10 Purpose A, promotion of the general welfare. Not
11 only is this providing a variety of housing
12 options to meet the needs of New Jersey residents,
13 this is actually, like I said, switching a
14 non-residential property in a residential zone
15 back to that residential intent. It is a use
16 variance for four versus the two that's permitted.
17 But, again, I think we can look at what's out
18 there today. We have this pretty intense
19 operation happening there now. And so I think we
20 can look at that.

21 Also in terms of scale, I know Manny
22 pointed out that we do have this, I think,
23 six-story building right next door. So there is
24 sort of a lot more intense activity having an
25 influence on this property that make this a good

1 fit. Purpose G, variety of uses in appropriate
2 locations. I'd say all the same reasons that I
3 just went through. Purpose I, desirable visual
4 environment. I think obviously Manny does a good
5 job, we're familiar with his work by now. This is
6 highly aesthetic architecture that's going to
7 complement the area. And, again, vastly better
8 alternative than what we have on the property
9 today. Finally, purpose M, efficient use of land.
10 Again, this is a property that meets the lot area
11 requirement. And to the extent that we do have a
12 lot of different types of activities, scale,
13 massing happening on this block, this is something
14 that's not going to interrupt a typical pattern
15 that we might see otherwise in the R zone.
16 Specifically, just as an example, if we were to
17 look across Manhattan Avenue, we do get some more
18 normal square or rectangular shaped lots. And if
19 you just counter that to what we have on our
20 block, I think that point is pretty clear.

21 So in terms of the variances we're
22 seeking, obviously, we have the height variance,
23 we have lot depth, front setback, rear setback,
24 side setback, coverage, number of stories, which
25 goes along with the height, as well as parking. I

1 think we can look to the (c)(2) balancing test
2 here, the benefits of the application as a whole
3 outweigh any detriments. Just to start with those
4 potential detriments, again, we're not
5 interrupting a typical suburban or residential
6 style block here. This is something that's going
7 to fit in with the nice variety in terms of scale
8 and use and density that we have in this immediate
9 location. So, again, it won't stand out. It's
10 going to be a nice complement to that variety that
11 we have, despite those variances.

12 Again, I would say if we were in our
13 typical R-zoned area where we have lots that meet
14 all the requirements, it might make more sense to
15 hold this property more strictly to those
16 requirements to get that compatibility. But again
17 since we do have this variation here, I think the
18 approval is warranted of those variances.

19 I wanted to touch on the parking
20 variance, specifically. Obviously, this Board
21 knows that we redirect our parking requirements to
22 the RSIS, the Residential Site Improvement
23 Requirements. I just want to quote the RSIS
24 requirements, just to read it into the record, and
25 to give the Board of the benefit of where these

1 requirements come from in the first place. The
2 RSIS is a maximum number of parking spaces that a
3 Board can require an applicant to provide. The
4 Board has the right to apply them as minimums, of
5 course, but really the intent of this statute is
6 to provide a maximum that boards can provide to
7 avoid excess parking. And just to quote it here,
8 like I said, "specifies the maximum number of
9 parking spaces boards can require." But it also
10 gives the -- what makes these requirements
11 particularly appropriate to ask for variances.
12 And it lists four conditions, one is household
13 characteristics, two is access to mass transit,
14 three is geographic location, and four is off-site
15 parking resources. Here we're talking about a
16 City, obviously, these requirements apply to the
17 entire State of New Jersey, all suburban areas as
18 well as cities alike. I wanted to put that on the
19 record because of course we are talking about
20 Union City and not a typical suburb of New Jersey.
21 Where a deviation of parking one-to-one, we have
22 four units proposed, four parking spaces to go
23 along with it. I think that's appropriate
24 considering the fact this is a highly walkable
25 amenitized city, so I just wanted to add that in

1 there in terms of the parking. I think one-to-one
2 is appropriate.

3 I think all those "C" conditions that
4 we're seeking are not going to stand out by virtue
5 of the great variety that we see here. And
6 overall, this is a vast improvement over what we
7 have, which is this commercial establishment with
8 lots of trucking activity as Manny mentioned.

9 With that, planning is a balancing. We
10 have to look at, you know, what's out there today,
11 how it relates to everything that's happening
12 around us. Notwithstanding the fact that we do
13 have variances, I think it's important to consider
14 all these contextual conditions. So with that,
15 I'll close my testimony.

16 CHAIRPERSON GARCIA: Mr. Flynn, I really
17 want to thank you for educating us regarding the
18 RSIS parking requirement and also the standards
19 that they use. Also like you mention, it's
20 statewide.

21 MR. FLYNN: Just while you're saying
22 that, it's probably -- I should have probably
23 mentioned that that maximum that they -- that was
24 actually a recent amendment. So a lot of boards
25 are still catching onto it. It was ambiguous up

1 until about a year ago. So some boards are not
2 aware of the fact that it is a maximum amount.

3 CHAIRPERSON GARCIA: Thank you very
4 much. However, this is just some -- like you
5 said, you take it as reference. And in reality, I
6 mean we don't have -- like you said, it's
7 statewide. We don't have the same situation in
8 parking spaces and also traffic, like a friend of
9 mine has in Franklin Township, not the same
10 situation as another one in Fair Lawn, or another
11 one in probably in Jersey City, that is probably
12 similar to here. And we who drive every single
13 day and who live here, we understand. We know the
14 situation with the parking spaces. If I tell you
15 that people here in Union City are paying \$300 for
16 a parking space, you're going to say yes or no,
17 but, yes, that's a reality. And I think it's one
18 of our main concern of the Board is parking. And
19 we are creating the norm to at least come with two
20 per unit, okay.

21 Also, you in your statement indicate
22 that this kind of that the neighborhood is not
23 cookie cutter because it's not actually -- I mean
24 if you -- you use the picture, the first picture
25 in Z01. But if you go to the middle picture, 3D

1 satellite view, you will see that the only two big
2 building that we have is there the 600 Manhattan
3 Avenue and also the 1601 Manhattan Avenue, that
4 was approved probably back in 2009. But if you
5 continue driving on Manhattan Avenue, all the way
6 to the north, you're going to see -- I don't see
7 any building more than three stories. To say
8 building because 17 -- the corner of 17 -- I mean
9 18th and Manhattan Avenue is three stories. This
10 is restaurant on the bottom and two apartments on
11 top. However, you continue driving you're going
12 to see that you're not going to see more than
13 two-family houses of three story. So that -- I
14 don't concur with your testimony, but you're the
15 professional, no problem. Mr. Pereiras.

16 MR. FLYNN: Before you move on, Mr.
17 Chairman, could I address your last comment?

18 CHAIRPERSON GARCIA: Absolutely.

19 MR. FLYNN: I just want to mention like
20 you said there might not be more typical
21 three-story buildings as you drive farther out.
22 But, again, the fact that we do have the six-story
23 is important, not only because it's right next
24 door, but also if we were to -- I think we can see
25 you know the existing building there. It's sort

1 of dwarfed by that building. So getting
2 additional height is actually a good thing in this
3 instance, so that we do have something that's
4 comparable to what's right next door,
5 notwithstanding what's happening further out. It
6 sort of looks kind of awkward, I would say, if you
7 have --

8 CHAIRPERSON GARCIA: But let me ask you
9 a question: Why you go to the south side and you
10 don't go to the north side where you have two
11 two-family houses next to it? And you could do
12 some two-family houses and you go according to the
13 adjacent to the north side and no, you went to the
14 largest one.

15 MR. FLYNN: Well, we looked at --

16 CHAIRPERSON GARCIA: If you put there
17 the two-family -- if you go to the same shape that
18 you have in that adjacent north side, going to
19 justify the same way that you're trying to justify
20 the height of the building because the 1600 is
21 that high.

22 MR. FLYNN: Yeah, I think it does sort
23 of provide this step wise sort of pattern that
24 goes from small, middle, large, which is kind of
25 nice. There is a smaller building on the other

1 side, of course, but we do have this substantial
2 building right next door, I think, is the more
3 important feature for that reason.

4 MR. PEREIRAS: We have a six-story on
5 the south, we have a two-story to the north, we're
6 in between at four, that's what we're proposing.
7 And of course we're here to listen and dialogue
8 with the Board and see what areas we can improve.

9 CHAIRPERSON GARCIA: Actually, Mr.
10 Pereiras, you know our main concern in Union City
11 parking, parking, and parking. In that area -- if
12 I don't have issue with parking, I have to pay
13 \$330 every month for two parking spaces in my
14 building. And I live like four blocks away from
15 there or three blocks away from there.

16 If we don't have an issue, okay. But we
17 have issue with the parking. Also again, Mr.
18 Flynn didn't mention about the Hudson School
19 that's around there. I mean I think that we
20 need -- I mean our community deserve more
21 consideration.

22 MR. PEREIRAS: I totally agree, Mr.
23 Chairman. One of the restrictions that we have in
24 the parking here is because we're creating the
25 handicapped parking space. I think maybe if we're

1 given the opportunity to reflect and go back to
2 the drawing board, reduce the number of units from
3 four to three, maybe we're able to really provide
4 the amount of parking that's necessary because we
5 don't have that handicapped parking space. We can
6 create a typical Union City pattern, where we have
7 four along the back and two on the side. And we
8 can come back to the Board with no parking
9 variance, which I think makes for a lot more
10 reasonable of a project. And we'd like that
11 opportunity.

12 CHAIRPERSON GARCIA: And I really
13 appreciate, Mr. Pereiras, the -- I think
14 everything you bring, you design, they're great.
15 You're bringing our view of Union City to another
16 level, but also we need to mitigate, not increase
17 a critical situation like the parking.

18 MR. PEREIRAS: I understand.

19 CHAIRPERSON GARCIA: If you -- so as per
20 your last statement, is that you are probably
21 requesting to adjourn it?

22 MR. PEREIRAS: Yes, please.

23 CHAIRPERSON GARCIA: Do you waive the
24 statutory time?

25 MS. PEREIRAS: Of course, Mr. Chairman.

1 CHAIRPERSON GARCIA: I make my motion to
2 adjourn this application for February meeting.

3 MS. GUTIERREZ: Second it.

4 MR. VALLEJO: Motion to adjourn the
5 application to February 13, 2025, by Mr. Garcia,
6 seconded by Ms. Gutierrez. Roll call on the
7 motion. Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Seven in favor, motion
22 carries. No new notice required?

23 MR. PANEQUE: No new notice.

24 MR. VALLEJO: Thank you.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **NOVEMBER 14, 2024:**

3 1. Julio Moncayo 1109 New York Avenue, Block: 52
4 Lot: 3 legalize an existing apartment to go from 2
5 units to 3 units. The approval resolution was
6 memorialized on 11-10-2022. The applicant is
7 requesting a one-year extension. **Approved**

8
9 MR. VALLEJO: We're going to move to
10 resolutions, we have in total for November 14,
11 2024, we have five resolutions.

12 Resolution number one, Julio Moncayo,
13 1109 New York Avenue. Can I have a motion to
14 adopt the resolution?

15 MR. GRULLON: Motion.

16 MR. VALLEJO: Motion by Mr. Grullon.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Seconded by Ms. Gutierrez.
19 Roll call on the motion.

20 Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 MS. GUTIERREZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Mr. Ortiz, you abstain,
8 right?

9 MR. ORTIZ: Abstain.

10 MR. VALLEJO: Six in favor, one
11 abstained. Motion carries.

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1 **ADOPTION OF RESOLUTION: APPLICATIONS FROM NOVEMBER**
2 **14, 2024:**

3 2. 418 JPM Properties LLC - 418 11th Street,
4 Block: 52 Lot: 23. The applicant proposes addition
5 and alteration ton an existing structure to
6 legalize a three-family home. The approval
7 resolution was memorialized on July 14, 2022. The
8 applicant appeals the determination of the
9 construction official pursuant to N.J.S.A
10 40:55D-70(a). **Denied**

11
12 MR. VALLEJO: All right, same thing.
13 Resolution number two, 418 JPM Properties LLC, 418
14 11th Street. Can I have a motion to memorialize
15 this resolution?

16 CHAIRPERSON GARCIA: Aye.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Motion by Mr. Garcia,
19 second by Ms. Gutierrez. Roll call on the motion.
20 Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 MS. GUTIERREZ: Yes to deny.

24 MR. VALLEJO: Yes, to memorialize the
25 resolution.

1 MS. GUTIERREZ: Yes.

2 MR. VALLEJO: The application was denied
3 already.

4 Ms. Perez.

5 MS. PEREZ: Yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Mr. Garcia.

9 CHAIRPERSON GARCIA: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Six in favor, motion
13 carries.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **NOVEMBER 14, 2024:**

3 3. Park Ave Investment, LLC - 3801 Park Avenue.
4 Block: 228 Lot: 10.01. The applicant proposes to
5 construct a four-unit multifamily residential
6 building with six parking spaces. Approved

7
8 MR. VALLEJO: Resolution number three,
9 Park Avenue Investments, LLC, 3801 Park Avenue.
10 Can I have a motion to memorialize the
11 resolution?

12 CHAIRPERSON GARCIA: Aye.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Motion by Mr. Garcia,
15 seconded by Ms. Gutierrez. Roll call on the
16 motion.

17 Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Five in favor, motion

3 carries.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **NOVEMBER 14, 2024:**

3 4. Jose Avalos - 2412 Central Avenue. Block: 136
4 Lot: 6. The applicant proposes the addition of a
5 third-floor apartment and restaurant on the first
6 floor and three apartments above. No parking is
7 provided. **Approved**

8
9 MR. VALLEJO: Resolution number four,
10 Jose Avalos, 2412 Central Avenue. Can I have a
11 motion?

12 CHAIRPERSON GARCIA: Aye.

13 MR. VALLEJO: Motion by Mr. Garcia.

14 MS. WATLEY: Second.

15 MR. VALLEJO: Seconded by Ms. Watley.

16 Roll call on the motion.

17 Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Ms. Perez.

22 MS. PEREZ: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Five in favor, motion

3 carries.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **NOVEMBER 14, 2024:**

3 5. Martha Palma - 1806 Kerrigan Avenue. Block: 97
4 Lot: 4. The applicant proposes the legalization of
5 a basement apartment. Two parking spaces are
6 provided. **Approved**

7
8 MR. VALLEJO: Resolution number five,
9 Martha Palma, 1806 Kerrigan Avenue. Can I have a
10 motion to adopt this resolution?

11 CHAIRPERSON GARCIA: Aye.

12 MR. VALLEJO: Mr. Garcia.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Ms. Gutierrez. Roll call
15 on the motion.

16 Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

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

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**ADOPTION OF RESOLUTIONS: APPLICATIONS FROM
DECEMBER 12, 2024:**

1. Sakiri Real State Mgmt LLC 4101-4103
Bergenline Avenue. Block: 239 Lot: 26, creating of
seven (7) residential units, including one (1) ADA
accessible unit in existing mixed-use structure.
One parking space is provided. Approved

MR. VALLEJO: Now, we're moving to
resolutions of applications approved or denied on
December 12, 2024. Now, resolution number one,
Sakiri Real Estate Management, 4101-4103
Bergenline Avenue. Can I have a motion to adopt
this resolution?

CHAIRPERSON GARCIA: Aye.

MS. GUTIERREZ: Second.

MR. VALLEJO: By Mr. Garcia, seconded by
Ms. Gutierrez. Roll call on the motion.

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Si, senior. Yes.

MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Four in favor, motion
3 carries.

4 MR. ORTIZ: I was here.

5 MR. VALLEJO: Mr. Ortiz.

6 MR. ORTIZ: Yes.

7 MR. VALLEJO: Five in favor, motion
8 carries.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **DECEMBER 12, 2024:**

3 2. DDIS Union City, LLC. 717 Bergenline Avenue.
4 Block: 35, Lot: 7.01. Legalization of 2 existing
5 apartments to create a mixed-use building
6 containing 1 commercial unit and 4 residential
7 units. The approval resolution was memorialized
8 on 01-13-2022. The applicant is requesting a
9 one-year extension. **Approved**

10
11 MR. VALLEJO: Resolution number two,
12 DDIS Union City, LLC, 717 Bergenline Avenue. Can
13 I have a motion to memorialize the resolution?

14 CHAIRPERSON GARCIA: Aye.

15 MS. GUTIERREZ: Second.

16 MR. VALLEJO: Motion by Mr. Garcia,
17 seconded by Ms. Gutierrez. Roll call on the
18 motion.

19 Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Five in favor, motion
5 carries.

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**ADOPTION OF RESOLUTIONS: APPLICATIONS FROM
DECEMBER 12, 2024:**

3. 603 Central Avenue, LLC. 603-607 Central Avenue. Block 300. Lots 21, 22, 23. Applicant proposes demolishing existing one-story warehouse and constructing three (3) two-family house.

MR. VALLEJO: Resolution number three, 603 Central Avenue, LLC. Can I have a motion to adopt this resolution?

CHAIRPERSON GARCIA: Aye.

MS. GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Garcia, seconded by Ms. Gutierrez. Roll call on the motion.

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

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

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**ADOPTION OF RESOLUTIONS: APPLICATIONS FROM
DECEMBER 12, 2024:**

4. Priya & Jill, LLC 913-915 Summit Avenue Block:
43 Lot: 19. The applicant proposes to construct an
addition to an existing mixed-use building to
connect it to a rear building on the site and
legalize a fifth (5) apartment on the property. No
parking spaces are provided. Approved

MR. VALLEJO: We're moving to resolution
number four, Priya and Jill, LLC, 913-915 Summit
Avenue. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

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

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **DECEMBER 14, 2024:**

3 5. Union City Living, LLC. 614-522 12th Street.
4 Block: 59 Lots: 43, 44, 45, 46, 47 & 48. New
5 multifamily development consisting of twelve (12)
6 two-family dwellings for a total of 24 apartments
7 with 50 parking spaces. Approved

8
9 MR. VALLEJO: Resolution number five,
10 Union City Living, LLC, 614-622 12th Street. Can
11 I have a motion?

12 CHAIRPERSON GARCIA: Aye.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Motion by Mr. Garcia,
15 seconded by Ms. Gutierrez. Roll call on the
16 motion.

17 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: Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Five in favor, motion
3 carries.

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1 **ADOPTION OF RESOLUTIONS: APPLICATIONS FROM**
2 **DECEMBER 14, 2024:**

3 6. Thomas Chartier. 1010-1012 New York Avenue.
4 Block: 50 Lots: 17 & 18. Applicant proposes to
5 construct a new mixed-use building with retail
6 space and 6 residential units. 25 parking spaces
7 are provided. **Denied**

8
9 MR. VALLEJO: Next resolution, Thomas
10 Chartier, 1010-1012 New York Avenue. This
11 application was denied at the previous meeting.
12 Can I have a motion to adopt the resolution?

13 CHAIRPERSON GARCIA: Aye.

14 MS. GUTIERREZ: Second.

15 MR. VALLEJO: Motion by Mr. Garcia,
16 seconded by Ms. Gutierrez. Roll call on the
17 motion.

18 Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

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**ADOPTION OF RESOLUTIONS: APPLICATIONS FROM
DECEMBER 14, 2024:**

7. 407 46th Street Associates, LLC. 407 46th Street. The applicant proposes to legalize two existing two-family dwelling. No parking spaces are provided.

MR. VALLEJO: Resolution number seven, 407 46th Street Associates, LLC. Can I have a motion to adopt this resolution?

CHAIRPERSON GARCIA: Motion.

MS. GUTIERREZ: Second.

MR. VALLEJO: Motion by Mr. Garcia, seconded by Ms. Gutierrez. Roll call on the motion.

Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. GRULLON: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: I abstain.

1 MR. VALLEJO: Four in favor, one
2 abstention, motion carries.

3 * * * *

1 **ADJOURNMENT :**

2
3 MR. VALLEJO: All right. There being no
4 other applications on tonight's agenda, can I have
5 a motion to close tonight's meeting?

6 MS. PEREZ: Motion.

7 MS. GUTIERREZ: Motion -- second.

8 MR. VALLEJO: Motion by Ms. Perez,
9 seconded by Ms. Gutierrez. All in favor?

10
11 (Whereupon, all Board Members indicated
12 in the affirmative).

13
14 (Whereupon, the meeting was adjourned at
15 9:00 p.m.)

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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