

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

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

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

Tuesday, January 28, 2025
Commencing at 6:00 p.m.

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

ALEJANDRO VELAZQUEZ, Chairperson
YDALIA GENAO
ALICIA MOREJON
JOSE GUARENO, Alternate #1
HECTOR OSEGUERA, Alternate #2

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

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

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

BRIAN CHEWCASKIE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, P.P.

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

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Shaista, LLC

I N D E XPAGE

CALL TO ORDER	7
SALUTE TO FLAG	7
ROLL CALL	8
ADOPTION OF MINUTES	9
HEARINGS	
4700 Bergenline Avenue	10
507 West Street	18
Shaista, LLC	24
ADOPTION OF RESOLUTIONS	50/52
ADJOURNMENT	54

I N D E X

PRELIMINARY INVESTIGATION
4700 Bergenline Avenue

WITNESSPAGE

JOHN BARREE

11

E X H I B I T SNO.DOCUMENTPAGE

Exhibit A

Redevelopment study
dated 10/11/24

15

I N D E X

PRELIMINARY INVESTIGATION
507 West Street

WITNESSPAGE

DAVID SPATZ

19

E X H I B I T SNO.DOCUMENTPAGE

Exhibit A

Redevelopment study
dated 12/12/24

22

I N D E X

SHAISTA, LLC
522-524 32nd Street

WITNESSPAGE

MANUEL PEREIRAS

26

E X H I B I T SNO.DOCUMENTPAGE

A-1

3-D rendering

27

1 MR. VALLEJO: May I have your attention,
2 please. Please take notice that on Tuesday,
3 January 28, 2025, at 6:00 PM, a regular meeting is
4 scheduled for the City of Union City Planning
5 Board to be held in the Union City High School
6 located at 2500 John F. Kennedy Boulevard, Union
7 City, New Jersey.

8 Opening statement: This meeting is
9 called in compliance with chapter 231 public law
10 of 1975, Open Public Meeting Act. Adequate notice
11 of this meeting has been provided as follows:
12 Notice of this meeting setting forth the time,
13 date, location, and the agenda to the extent known
14 was forwarded to The Jersey Journal, The Hudson
15 Reporter, and The Record, has been posted on the
16 bulletin board in City Hall and has been made
17 available to the public in the office of the
18 municipal clerk, and also the website of the City
19 of Union City.

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

23
24 (Whereupon, the Pledge of Allegiance is
25 recited.)

ROLL CALL:

MR. VALLEJO: Mayor Stack is absent.
Mr. Velazquez.

MR. VELAZQUEZ: Here.

MR. VALLEJO: Commissioner Celin
Valdivia is absent. Miss Genao.

MS. GENAO: Yes.

MR. VALLEJO: Ms. Morejon.

MS. MOREJON: Yes.

MR. VALLEJO: Ms. Fernandez is absent.
Mr. Medina is absent. Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Here.

MR. VALLEJO: Let the record indicate
there are five present.

ADOPTION OF MINUTES:

MR. VALLEJO: All right. Adoption of minutes. Regular meeting held on November 26, 2024, can I have a motion?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.
Any Second.

MR. GUARENO: Second.

MR. VALLEJO: Seconded by Mr. Guareno.
Roll call on the motion.

Mr. Velazquez.

MR. VELAZQUEZ: Yes.

MR. VALLEJO: Ms. Genao.

MS. GENAO: Yes.

MR. VALLEJO: Mr. Guareno.

MR. GUARENO: Yes.

MR. VALLEJO: Ms. Morejon.

MS. MOREJON: Yes.

MR. VALLEJO: Mr. Oseguera.

MR. OSEGUERA: Yes.

MR. VALLEJO: Five in favor, motion carries. We're moving to the agenda.

HEARINGS/APPLICATIONS:

1. 4700 BERGENLINE AVENUE -

PRELIMINARY INVESTIGATION:

MR. VALLEJO: Hearings on tonight's agenda is first 4700 Bergenline Avenue.

MR. CHEWCASKIE: Just briefly, everyone, this Board adopted a resolution on November 9, 2024, referring this matter to the planning board to undertake an investigation of 4700 Bergenline Avenue listed as Block 276, Lot 1. This investigation is to determine whether the property would qualify as an area in need of redevelopment. To assist the Board in their review a study was prepared by Heyer Gruel and Associates. That study was dated October 11, 2024, and its entire area in need of redevelopment investigation report CVS - Capital Theatre. That report was put on file with the planning board and the city's clerk. We also provided notice of this meeting by providing notice by certified and regular mail to the property owner on November 26th and publishing twice in The Jersey Journal which occurred on January 6th and January 13th. Mr. John Barree is here from Heyer Gruel to highlight aspect of the

1 report. And at the conclusion of Mr. Barree's
2 testimony, the Board will be requested whether to
3 recommend that the Board of Commissioners
4 determine the area to be an area in need of
5 redevelopment. If that does occur, the next step
6 would be a redevelopment plan which would be
7 prepared and then introduced by ordinance by the
8 Board of Commissioners. So unless there's any
9 questions, I believe we can swear in Mr. Barree
10 and go forward.

11
12 J O H N B A R R E E , after having been duly
13 sworn or affirmed, did testify as follows:

14
15 MR. BARREE: John Barree, B-A-R-R-E-E.
16 I'm a professional planner with the firm Heyer
17 Gruel and Associates. I've been here a couple of
18 times for these presentations in the past, it's
19 nice to see you all again. So, in the interest of
20 keeping things brief because I know you have other
21 items on the agenda, what we have is a
22 redevelopment study. Mr. Chewcaskie gave us a
23 very nice overview of the process. The property
24 in question is Block 276, Lot 1, it's 4700
25 Bergenline Avenue. So it's a nice chunk of

1 property between 47th and 48th Street on the north
2 end of the city. Currently, the property is
3 developed with a CVS and a small commercial strip
4 that has laundry, dry cleaner, and a physical
5 therapist's office along with a parking lot along
6 the 47th/48th Street side of the property. And
7 then the most notable is the old Capital Theatre
8 building that's located behind the CVS along the
9 47th Street frontage.

10 So, historically, there were twin
11 theatres side by side here on this property facing
12 Bergenline Avenue. Over the years, the property
13 has experienced some changes as the other
14 commercial developments came about and one of the
15 theatres was completely demolished and the
16 remaining portion of the theatre was partially
17 demolished.

18 This is a redevelopment study where the
19 pictures really speak for themselves. If you look
20 through the report starting on page 17, my
21 colleague Brooke here was nice enough to do a site
22 visit and investigation with some representatives
23 of the property owner and managed to take quite a
24 few pictures that really detail the conditions
25 well. You have the old remnants of the theatre

1 that have been gutted out. The conditions with
2 ventilation, lack of light, crumbling walls, and
3 ceilings, you can see those on page 23. There's
4 some open shafts throughout the building. Piles
5 of rubble, so within the theatre itself it's
6 certainly not occupiable. It hasn't been used as
7 a theatre in over 60 years at this point. And the
8 conditions in that portion of the building really
9 speak for themselves.

10 The CVS and the commercial buildings
11 themselves are in fair condition with the
12 exception of the basement of the CVS building that
13 used to have as a fitness center, a gym there,
14 that area experienced flooding. You can see some
15 pictures of that on pages 31 through 33. Standing
16 water, there's some really rough conditions down
17 in that portion and that's not occupiable at this
18 point and hasn't been for a number of years.

19 So we also have attached to the report,
20 there was a structural engineering inspection and
21 general physical condition inspection done by a
22 firm called Hudson Engineering. It's attached as
23 appendix H to the report. That does a more
24 technical substantiation of what the pictures show
25 and what our observations record.

1 As far as the redevelopment criteria go,
2 there's two here that really jump to the
3 forefront. Criteria A, talks about unsafe
4 conditions, lack of light, air, and space, and
5 unwholesome living or working conditions.
6 Certainly, the condition of the theatre which is a
7 substantial amount of the square footage and the
8 volume of the commercial space here demonstrate
9 those types of conditions, certainly not safe for
10 any kind of occupancy or use at this point in its
11 current conditions. And, likewise, the health
12 club space, the former health club space in the
13 basement of the CVS building with the standing
14 water further demonstrate unsafe and unsuitable
15 conditions for occupancy.

16 Then, in addition, besides Criteria A,
17 we have Criteria B in play as well. That criteria
18 deals with substantial vacancy of commercial
19 property for a period of at least two years. As
20 the report notes, the Capital Theatre, which is
21 probably more than half of the square footage and
22 certainly most of the volume of the property, it
23 is a tall four-story or so structure has been
24 vacant since the '60s. And the substantial
25 basement area in the CVS part of the building

1 currently vacant as well for a period greater than
2 two years.

3 So both of those criteria are met in my
4 opinion by the report and the evidence attached to
5 the report. So unless anybody requires anything
6 further, that's all I have for you this evening.

7 MR. CHEWCASKIE: Mr. Chairman, I just
8 for the record, suggest we should mark as Exhibit
9 A, the redevelopment study which was dated October
10 11, 2024.

11
12 (Redevelopment study dated
13 10/11/24 marked Exhibit A.)

14
15 MR. CHEWCASKIE: So I don't know if any
16 Board Members have questions, this would be the
17 time to ask those questions? Seeing none, I would
18 suggest we open to the public for any questions or
19 comments regarding this redevelopment study.

20 CHAIRPERSON VELAZQUEZ: Do we have any
21 public comments?

22 MR. CHEWCASKIE: Seeing none, Mr.
23 Chairman, as Mr. Barree indicated, the report has
24 been on file and review of the report will
25 indicate that the criteria appears to be satisfied

1 to designate the area an area in need of
2 redevelopment. This Board does not do that. This
3 Board, based upon the study, just recommends
4 whether in its opinion that based upon the Heyer
5 Gruel report that the area would qualify as an
6 area in need of redevelopment. So if that is the
7 Board's conclusion, it would be appropriate to
8 have a motion on that. And then I would prepare a
9 resolution for adoption at the next meeting for
10 the recommendation to the Board of Commissioners.

11 MR. VALLEJO: Can I have a motion?

12 CHAIRPERSON VELAZQUEZ: I make a motion.

13 MS. MOREJON: Motion.

14 MR. VALLEJO: Seconded by Ms. Morejon.

15 Roll call on the motion to approve.

16 Mr. Velazquez.

17 CHAIRPERSON VELAZQUEZ: Yes.

18 MR. VALLEJO: Ms. Genao.

19 MS. GENAO: Yes.

20 MR. VALLEJO: Mr. Guareno.

21 MR. GUARENO: Yes.

22 MR. VALLEJO: Ms. Morejon.

23 MS. MOREJON: Yes.

24 MR. VALLEJO: Mr. Oseguera.

25 MR. OSEGUERA: Yes.

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

3 MR. BARREE: Thank you, Commissioners.

4 * * * *

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1 **HEARINGS/APPLICATIONS**

2 **2. 507 WEST STREET -**

3 **PRELIMINARY INVESTIGATION:**

4
5 MR. VALLEJO: Now we move to 507 West
6 Street.

7 MR. CHEWCASKIE: Okay. Similar to what
8 we've heard, this is another redevelopment. This
9 is the Bruce Walter Recreation Center and it's
10 also known as 507 West Street, it's Block 17, Lot 1.
11 The City adopted a resolution referring this
12 matter for the preliminary investigation on
13 October 8, 2024. And what has been prepared to
14 assist the Board in its review and recommendation
15 was a report prepared by Mr. Spatz, which was
16 dated December 12th. The non-condemnation
17 redemption area in need report which has been
18 on file with the city clerk and the planning board
19 secretary. So Mr. Spatz is prepared to go over
20 that report with respect to the conditions that
21 exist on this site and also to answer any
22 questions so it would be appropriate to have Mr.
23 Spatz sworn at this time.

24
25 D A V I D S P A T Z, after having been duly

1 sworn or affirmed, did testify as follows:

2
3 MR. SPATZ: Good evening. You heard
4 what the process is, you had one experience of
5 reviewing a redevelopment report. We were asked
6 to take a look at the Bruce Walter Recreation
7 Center property. As noted, it's Lot 1 in Block 17
8 and it has a street address of 507 West Street.
9 We're asked to look at whether it met the state
10 criteria for declaration of a site as a
11 redevelopment area, the state has about 10 or 11
12 various criteria you heard two of them described
13 earlier. As part of this process, the City had
14 commissioned several studies and reports. One of
15 them was by the Pennoni Group, they're an
16 engineering and planning firm. Another study was
17 done by Colliers Engineering, who is the different
18 name now, they're the City's consulting engineers
19 firm, and then an architectural firm also prepared
20 some structural reports. Those are all appended
21 to the report that was in the file and then the
22 reports were on the City's website.

23 We reviewed the reports, we visited the
24 property as well and we believe that there are
25 also at least two criteria of the state

1 redevelopment statute that are met by the site.
2 Criteria D, which is by reason of dilapidation,
3 faulty arrangement, or design, deleterious land
4 uses or any combination of these or other factors,
5 the improvements in the study area are detrimental
6 to the safety, health, morals, and welfare in
7 Union City and the surrounding neighborhood. Both
8 of the engineering studies that were done found
9 conditions on the site and in the building that
10 support the need to replace the building and
11 improve the property.

12 Primarily, the mason report found that
13 there were, from prior development on the
14 property, a number of voids underneath the base
15 flooring of the property. That would -- had
16 caused settling within the pool area as well as
17 other portions of the building itself. And the
18 Pennoni report found there was eight areas of
19 concern within report that they noted that met
20 various environmental conditions. A number of
21 them warranted some further investigation, some of
22 them they felt could be addressed. But there were
23 a number that required further study to determine
24 the impact of that and those were throughout the
25 building in various locations. So the combination

1 of both reports which indicated some structural
2 defects within the building itself that might not
3 be able to be met, we believe that Criteria D is
4 met.

5 The second criteria that we think is met
6 is Criteria H, which basically states that
7 redevelopment area can be created if smart growth
8 planning principles of the state's master plan,
9 it's the New Jersey development and redevelopment
10 plan, whether the smart growth principles are met
11 by designating the study area an area in need of
12 redevelopment. And we believe a number of those
13 purposes from the plan are met by this criteria
14 and the project, which again goes towards that the
15 City of Union City under the plan, we're the
16 metropolitan planning area. Some of the
17 principles for that include revitalization of the
18 states, cities, and towns, improvement of
19 livability and sustainability by investing public
20 resources in accordance with current plans. And
21 this project is in the master plan, where there's
22 a lack of available land and buildings to meet
23 some of these controls. So we think that this
24 criteria is met in a number of ways.

25 So based on that, at least two criteria

1 are met. Our recommendation was that this area be
2 declared an area in need of redevelopment. And
3 then the process, as Mr. Chewcaskie described,
4 will move forward. So I think that describes the
5 report which you all have copies of. I'll answer
6 any questions you have and obviously anything from
7 public.

8 MR. CHEWCASKIE: And then, Mr. Chairman,
9 as before we should mark Mr. Spatz's redevelopment
10 study as Exhibit A for purposes of the record.

11
12 (Redevelopment study dated
13 12/12/24 marked Exhibit A.)
14

15 MR. CHEWCASKIE: Also in this instance,
16 this was referred by the City, though it does not
17 appear to be any, let's call it immediate plans to
18 effect this area, but this is being done to
19 protect the City with regard to potential
20 findings. So that's why they've asked that this
21 study be done.

22 And as before, unless there are any
23 questions of Mr. Spatz, we should open to the
24 public for any questions.

25 CHAIRPERSON VELAZQUEZ: Any questions?

1 Does anybody from the public have any questions?

2 MR. CHEWCASKIE: Okay. And the same
3 thing, Mr. Chairman, it would be a motion to
4 recommend to the Board of Commissioners to
5 designate the area as an area in need of
6 redevelopment based upon the findings in Mr.
7 Spatz's study.

8 CHAIRPERSON VELAZQUEZ: I'm going to
9 make a motion.

10 MS. MOREJON: Second.

11 MR. VALLEJO: Motion to recommend by Mr.
12 Velazquez, seconded by Ms. Morejon. Roll call on
13 the motion.

14 Mr. Velazquez.

15 CHAIRPERSON VELAZQUEZ: Yes.

16 MR. VALLEJO: Ms. Genao.

17 MS. GENAO: Yes.

18 MR. VALLEJO: Mr. Guareno.

19 MR. GUARENO: Yes.

20 MR. VALLEJO: Ms. Morejon.

21 MS. MOREJON: Yes.

22 MR. VALLEJO: Mr. Oseguera.

23 MR. OSEGUERA: Yes.

24 MR. VALLEJO: Five in favor, motion
25 carries. Thank you, Mr. Spatz.

PUBLIC HEARING:

3. SHAISTA, LLC -

552-524 31st STREET:

MR. VALLEJO: Now, we're moving to Item Number 3, Shaista, LLC, 522-524 31st Street. Ms. Pereiras, please.

MS. PEREIRAS: Good evening, Board Members. May it please the Board, Bianca Pereiras on behalf of Shaista, LLC, for property located at 522-524 31st Street, also known as Lots 41 and 42 in Block 170. I previously submitted my jurisdiction submission to counsel.

MR. CHEWCASKIE: Yes. Mr. Vallejo did provide me a copy via email yesterday. I've had the opportunity to look at the affidavit of service, application and mailing, it's in appropriate order with the Board to proceed.

Before you begin, Ms. Pereiras, if I may just bring the Board up to speed? We had a prior application on this property, which was subject to hearings in 2023. That application was denied by the Board and resolution was adopted in July of 2023. The application that you have in front of you has been revised primarily to provide for

1 parking on the property. Therefore, I'll ask Mr.
2 Spatz whether he agrees with me. My analysis is
3 that since there were changes to the application,
4 the applicant can proceed because I do not see any
5 issue of res adjudicata?

6 MR. SPATZ: So we reviewed the plan as
7 well and we've included this in our memorandum to
8 the Board. Some of the variances themselves is
9 have been modified. One of the major concerns at
10 the prior hearing was lack of parking and parking
11 has now been provided. They still need a
12 variance, but at least now some parking has been
13 provided. So we also think it's a significant
14 enough change in the plan that it could come back
15 before the Board.

16 MR. CHEWCASKIE: Then it would be
17 appropriate for the Board to proceed with this
18 application, Mr. Chairman.

19 CHAIRPERSON VELAZQUEZ: Proceed.

20 MS. PEREIRAS: Thank you very much.
21 This property is located in a CN commercial zone,
22 wherein mixed-use properties are permitted, in
23 particular properties such as this, where we're
24 proposing a commercial unit on the ground floor
25 and three residential units above. As you heard,

1 this Board -- that application or a similar
2 application came before this Board in 2023, at
3 which point this Board said we want to see
4 parking. So here we are, with an application for
5 the mixed-use building plus parking. We believe
6 this addresses the concerns of the Board. And we
7 have one expert to testify and that is our
8 architect, Mr. Manuel Pereiras.

9
10 M A N U E L P E R E I R A S, after having been
11 duly sworn or affirmed, did testify as follows:

12
13 MR. PEREIRAS: Manuel Pereiras,
14 P-E-R-E-I-R-A-S, with Pereiras Architects
15 Ubiquitous, located at 1116 Summit Avenue, Union
16 City.

17 CHAIRPERSON VELAZQUEZ: Mr. Pereiras
18 has testified before this Board before, the
19 Board's fully familiar with his qualifications and
20 we accept him as an expert in the field of
21 architecture.

22 MS. PEREIRAS: Thank you very much.

23 Mr. Pereiras, are you familiar with the
24 property at 522-524 31st Street?

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: Were you also the
5 architect of record on the prior application?

6 MR. PEREIRAS: I was.

7 MS. PEREIRAS: And if you could please
8 kindly describe the project for the Board?

9 MR. PEREIRAS: I'd be very happy to. I
10 have on the two easels here to my right, I have
11 one the same exact submission that was submitted
12 to the Board simply on the easel for presentation
13 purposes. And on the right easel, we created a
14 3-dimensional rendering as a representation of
15 what would be built, if this Board were to approve
16 it. So this is the 3-D artistic rendering,
17 Counsel, would you like me to mark it?

18 MR. CHEWCASKIE: No need to mark the
19 submission to the Board because that's part of the
20 application. If you could mark the 3-D rendering
21 as A-1.

22

23 (3-D rendering marked A-1.)

24

25 MR. PEREIRAS: For purposes of the

1 record, I am marking the top left corner as A-1
2 with today's date. And to proceed, I think it was
3 summed up very well. I think the Board -- and I
4 don't want to speak for you -- but overall we were
5 very pleased with the building, but parking was
6 the big issue. So we had to think a little bit
7 outside the box to see how we're going to resolve
8 that, and I believe we have.

9 A little bit of housekeeping. Right
10 now, on the site there are two lots, one is
11 oversized and the other one is undersized. It's a
12 narrow lot. So one of the first things we're
13 doing is redistributing the lots so that it makes
14 sense and we're creating two oversized lots rather
15 than having one oversized and one undersized. So
16 the lot width is 50 overall, if you combine the
17 two and the depth is 110. So we're dividing this
18 perfectly in half, so we have two 25-by-110-foot
19 lots on the property. To do that, we're also
20 demolishing existing buildings that we have there.
21 We have the Domino's which has offices on the
22 second floor. And there's a small house there
23 that's just a one-family house right now, that's
24 in poor shape and we have to demolish it.

25 Turning to sheet Z-101, the second sheet

1 of our submission, we could see the two buildings
2 that we're proposing. As we can see here, the lot
3 is divided down the middle perfectly so that we
4 have 25 on each side. The building on the
5 left-hand side occupies the entire lot from left
6 to right, from west to east, and we have a zero
7 yard setback, which is exactly what our ordinance
8 requires for it to be, zero setback. We're
9 proposing a 4-foot rear yard setback. That's a
10 little bit out of the ordinary. However, the
11 reason it's appropriate here is that in order to
12 create parking on the site, what we did is we
13 pushed back the front yard setback to 23 feet.
14 That allows us to have parking for five vehicles
15 along the front of the property and have an
16 additional 5 feet for a beautiful walkway along
17 the side of the perimeter to create access to the
18 buildings.

19 So the building on the west has a front
20 yard setback of 23 feet, the building on the east
21 also has 23 feet; however, we have one additional
22 variance on that building. We thought it was very
23 important to create a life safety mechanism, so
24 that fire trucks could get fire protection and for
25 safety and access of the building. So we were

1 allowed to go to zero setback, but we're creating
2 a 3-foot setback in order to provide both light
3 and air to come into the building, so we can have
4 nice windows in the building, and so we could have
5 firemen access to both buildings through that
6 center aisle.

7 In addition to that, there's an open
8 driveway along the side of the building and along
9 the rear of the building, that's a parking lot of
10 another building that we have approved yet. And
11 that provides access to the building all around
12 the perimeter for fire safety as well.

13 The only other variance that we have is
14 parking. There is a demand for parking both for
15 the commercial units and the residential units.
16 Residential units, per our ordinance, require two
17 parking spaces per unit. We have three units on
18 one building and three units on the other. So we
19 have a total parking demand of twelve for
20 residential. And from a commercial standpoint,
21 we're required to have six parking spaces for each
22 of the buildings as well. Actually six on one
23 side and six on the other for twelve as well.
24 We're providing five parking spaces along the
25 front of the building.

1 The beauty of the way this works, too,
2 is that they work together. The parking is during
3 the day for the commercial spaces. And at night,
4 they're able to be used for residences upstairs.
5 So each of the residences, five of the residences
6 will have their own parking space in front of the
7 building.

8 And then as far as a variance standpoint
9 we're fully compliant, other than what I mentioned
10 now. The use is permitted, the zone specifically
11 recommends, both the master plan and the
12 ordinance, having commercial on the ground floor
13 with three residences above. We created exactly
14 that. Our setbacks, we're allowed to be zero on
15 both sides, we did a little step further, we're
16 stepping back 3 feet at the one side and zero on
17 the other. We have a rear yard variance setback
18 request because we're at 4 feet, that was in order
19 to accommodate the parking along the front of the
20 building and our building is setback 23 feet. As
21 far as building coverage, our coverage, we're
22 permitted to have 80 percent, we're only at
23 75 percent. Our lot coverage is permitted to be
24 100 percent, we're at 85.5 percent as well. So we
25 are compliant in all other ways.

1 And now I'd like to describe the actual
2 floor plans. We have two small basements in each
3 of the units, they're basically for mechanical
4 systems. These are going to be fully suppressed
5 fire suppression systems in each of these
6 buildings, So we have a sprinkler room and meter
7 room for that. We have stormwater management to
8 reduce the impact on our sewer systems, so we have
9 a bay for stormwater management and we have a
10 small storage room in the basement as well.

11 On the ground floor we see the two
12 commercial units. One is for Domino's. Domino's
13 currently is working out of a facility that is
14 subpar. They want to create -- and this is really
15 the generator of this project. The owner, who is
16 seated right here in the audience, he owns the
17 Domino's. And he wants to elevate it and make it
18 a great Domino's for the community. Redo the
19 kitchen, redo all the work, and have a space that
20 is actually able to service the community
21 appropriately. And that's what we're proposing on
22 the right-hand side. So as you could see here, it
23 is set up and designed already for Domino's. So
24 we're relocating the existing Domino's that's
25 there to the space on the right-hand side. And on

1 the left-hand side, it's open for a future tenant.
2 We don't know who that would be but it would be a
3 tenant that would service the community locally
4 and would fit the ordinance or they would have to
5 come back before the Board.

6 Also, on the ground floor you see the
7 residential vestibule entry. That is in the
8 center of the building, the two doors that you see
9 here independently, each building has their own
10 entrance. And that entrance leads you to the main
11 stairwell. That stairwell continues up the four
12 stories of the building. And we have an emergency
13 stairwell along the rear of the properties as
14 well. So we have a total of four stairwells in
15 this project that you see here.

16 When you go up the stairs, you open
17 towards the south and you have your living room,
18 dining room, and kitchen area. It's a beautiful,
19 nice large living room, dining room, and kitchen
20 area. It's 23.8-by-16.2 and 28-by-16.2 on the
21 other house. And then you have a hallway for the
22 more private areas of the house and it's a
23 three-bedroom house. The two bedrooms that are
24 10-by-12 share a common hallway bathroom. And
25 then there's a master suite along the back of the

1 property. That master suite is 12.6-by-16.9, it
2 has his and hers closets and a master bath as
3 well. Same thing on the other building.

4 We have this same design on two
5 additional floors. And then finally, setback on
6 the roof of the property, setback from the front a
7 total of 20 additional feet, so we're 23 feet from
8 the property line plus another 20 feet, so we have
9 43 feet from the property line, we have our roof
10 deck. And then in the rear, we have the 4 feet on
11 the ground, plus 22-foot, we have a total of
12 26-foot setback from the rear, two roof decks for
13 each the building, so that the occupants of the
14 buildings will have open outdoor space as well.

15 For the facades of the building, we are
16 creating something that really fits into the
17 character of Union City. We are proposing brick
18 buildings. So these are beautiful brick buildings
19 with three tones of brick, one for the columns,
20 one for the walls itself, and one for the headers
21 and sills of the windows, creating some beautiful
22 architectural detail there. The commercial spaces
23 have more of a sleek look, black frame with large
24 storefront glass, beautiful signage for Domino's
25 showing the Domino's logo and their title, their

1 name, nice and large on the building for identity.

2 And as you could see here, we have the
3 parking for five vehicles, which is the major
4 difference for the application that we have today,
5 with a clear walkway to get to the apartments,
6 nice and safe, beautiful. And I think we created
7 something that addressed your concerns and I hope
8 you feel the same way. That concludes my
9 testimony.

10 MR. CHEWCASKIE: If I may, Mr. Chairman.
11 Just trying to remember the testimony last time.
12 I guess focusing on the parking shared parking,
13 the Domino's exists on the site today?

14 MR. PEREIRAS: That's correct.

15 MR. CHEWCASKIE: There's no parking for
16 the Domino's?

17 MR. PEREIRAS: That is correct.

18 MR. CHEWCASKIE: So with regard to the
19 shared parking, I know you said like during the
20 day, it would be the commercial, at night, for the
21 residential, but isn't Domino's pretty active into
22 the evening?

23 MR. PEREIRAS: It is. But typically
24 Domino's into the later hours, you have very --
25 it's unusual to have more than one car at a time.

1 So the idea would be to keep one spot dedicated
2 for Domino's right in front of Domino's and the
3 other spots would go directly to the residents.

4 MR. CHEWCASKIE: When you say dedicated
5 for Domino's, that would be for pick up?

6 MR. PEREIRAS: Pick up and delivery.

7 MR. CHEWCASKIE: In terms of the
8 delivery, and I mean I don't know if you can
9 answer this, is that, you know, when we're dealing
10 with the evening hours, is the majority of product
11 going to be delivered or picked up?

12 MR. PEREIRAS: The majority is being
13 delivered. So today, Domino's does the majority
14 of their business, I think it was 70 something
15 percent is delivery.

16 MR. CHEWCASKIE: Then in addition, I
17 guess, just focusing on the shared parking, it
18 also would depend on what the other commercial use
19 would be? I mean is that -- it's almost if you
20 had another restaurant or some other type of use,
21 you might have a greater demand for the parking
22 where you won't be able to provide for the
23 residential. Just trying to get a flavor of
24 what's going on.

25 MR. PEREIRAS: And that's true for every

1 single spot along Bergenline Avenue and any
2 commercial spot in the City.

3 MR CHEWCASKIE: All right. I mean
4 you've answered my questions, I just think, you
5 know, I don't know how well the shared parking
6 will work. Certainly, you're providing parking,
7 but you know depending on the corner, which is now
8 undesignated and the volume at Domino's, unless
9 we're reserving spaces for residents at night, it
10 may be difficult to monitor.

11 MR. PEREIRAS: We're definitely
12 reserving spaces for residences, so four out of
13 the five will be for residences.

14 MS. MOREJON: Are these going to be
15 rental?

16 MR. PEREIRAS: Yes.

17 MS. MOREJON: So each tenants are going
18 to have parking spaces?

19 MR. PEREIRAS: Yes.

20 MS. MOREJON: That's --

21 MR. PEREIRAS: Well, four of the six
22 will have a parking space, which statistically is
23 actually very good for parking in this area.

24 CHAIRPERSON VELAZQUEZ: That structure
25 that's next door right now, that's a one-family?

1 MR. PEREIRAS: That's a one-family
2 house. It's currently occupied with a tenant,
3 They're about to move out. Mr. Shafiq is working
4 on a house in Jersey City that we've been working
5 on, those tenants are moving into that house.
6 This house is in desperate need of repair,
7 something has to be done with this property,
8 something has to be done with the Domino's. These
9 are properties that require rehabilitation. So
10 this will be our proposal to replace those two
11 properties.

12 CHAIRPERSON VELAZQUEZ: How long is it
13 going to take to get the tenants relocated?

14 MR. PEREIRAS: I think -- well, we have
15 to finish the other property. So as soon as we
16 finish the other property, we're about two or
17 three months away from that. This project, if
18 this Board were to approve it, it would be another
19 month for the resolution and then Union City
20 permits will take me at least three months,
21 probably four. So we're talking about six to
22 seven months for this to take place. So the
23 tenants will not be displaced due to this project.

24 CHAIRPERSON VELAZQUEZ: Anybody have any
25 questions?

1 MS. MOREJON: I just have a question.
2 The color that you have there, what is on top, is
3 that green or block on top?

4 MR. PEREIRAS: This?

5 MS. MOREJON: That's a brick color.

6 MR. PEREIRAS: Yeah.

7 MS. MOREJON: And on the side what is
8 the color?

9 MR. PEREIRAS: This?

10 MS. MOREJON: The side?

11 MR. PEREIRAS: That's white, white
12 brick.

13 MS. MOREJON: It's going to be white?

14 MR. PEREIRAS: Whitish brick, yeah.

15 MS. MOREJON: And in the middle also
16 going to be white?

17 MR. PEREIRAS: Three white columns and
18 the color -- I'll make it whatever color you want.
19 I have no objection to changing colors. If you
20 like a different color, you tell me and I will
21 have it.

22 MS. MOREJON: The Board have to agree to
23 that.

24 MR. PEREIRAS: So the important thing
25 from a zoning standpoint and viewpoint is that

1 it's brick.

2 MS. MOREJON: Go ahead.

3 MR. PEREIRAS: Technically, the Board
4 and the construction officials when we go to build
5 this thing, they're going say is it brick, they're
6 going to check it off. The color in reality is
7 finally the end choice of the owner who is here,
8 When we go select the brick, and I help him select
9 the brick. That said, if you were to ask for a
10 particular color, we would be happy.

11 MS. MOREJON: What I'm looking, you
12 know, is the colors that we use on 32nd Street,
13 which is really nice, very elegant.

14 MR. PEREIRAS: They're all my buildings,
15 we can use the same brick.

16 MS. MOREJON: There's a big difference.

17 MR. PEREIRAS: We can do that, all of
18 those are my buildings.

19 MR. CHEWCASKIE: Manny, let me ask you a
20 question, I know probably somewhat out of the
21 Board's jurisdiction, but being familiar with the
22 City, the City will be concerned about the tenant.
23 And, basically, you know if the tenant's going to
24 be relocated, we would want that without cost to
25 the City.

1 MR. PEREIRAS: Yeah, absolutely.

2 MR. CHEWCASKIE: Sometimes, if something
3 happens, they're sitting upstairs at the mayor's
4 office and requesting rental assistance and that's
5 a concern, I just wanted to bring that out. My
6 understanding I think that house, because I've
7 been by and I don't think it's in great shape.

8 MR. PEREIRAS: So just -- so that you
9 understand a little bit of history behind this,
10 Mr. Shafiq Kahn has been very concerned of our
11 other project because he's had to move these
12 tenants over there. One of his concerns was
13 actually putting them into this space because he
14 didn't want to cause any trouble putting them in
15 here. So we've been balancing the timing of this
16 properly so that they are comfortable in
17 relocating to the new space.

18 MR. CHEWCASKIE: Where -- and I guess,
19 you know, I know I'm jumping around because I'm
20 just trying to remember back to '23, I'm lucky I
21 could remember yesterday. But, you know, my
22 understanding is that people would park run in in
23 front of where the Domino's is today.

24 MR. PEREIRAS: That's correct.

25 MR. CHEWCASKIE: And that the delivery

1 driver was either parking in front or on the side
2 of the property.

3 MR. PEREIRAS: That's correct.

4 MR. CHEWCASKIE: Okay.

5 MR. PEREIRAS: And I hope we've
6 addressed that issue. And now they actually have
7 a place to park, which is a huge improvement of
8 what's there, and would continue to be there if
9 this Board weren't to approve this.

10 MS. GENAO: I have a question. Are you
11 expanding Domino's or are you keeping it the way
12 it is right now?

13 MR. PEREIRAS: So we're demolishing the
14 existing Domino's that's there, and we're going
15 to -- here's our logistics plan of how we're doing
16 it. It's two buildings on-site. So our goal is
17 to keep Domino's open, demolish the one on the
18 right, build that one, move Domino's to there.
19 Then demolish the one to the left and build that
20 one. So that's our overall plan. So it will have
21 two phases.

22 MR. OSEGUERA: Won't the Domino's end up
23 on one side and not -- why would you move the
24 second time? You know, if you're going to do
25 that, don't you run the risk that the Domino's

1 will end up where it moves?

2 MR. PEREIRAS: So the Domino's right now
3 is on the left-hand side of the building.

4 MR. OSEGUERA: Right.

5 MR. PEREIRAS: We're keeping that as-is.
6 We're building this one, we're putting the
7 Domino's on the right-hand side. Once the
8 Domino's is operational, we'll demolish the other
9 one.

10 MR. OSEGUERA: Gotcha.

11 CHAIRPERSON VELAZQUEZ: My only concern
12 is really with that structure with the people
13 living in there.

14 MR. PEREIRAS: And we could -- I'm not
15 sure, Counsel, how we could word it.

16 MR. CHEWCASKIE: Well --

17 MR. PEREIRAS: To make assurances to the
18 City.

19 MR. CHEWCASKIE: I made some notes that,
20 you know, the property should not be demolished
21 until the tenant is relocated and such relocation
22 is not at the cost of the City.

23 MR. PEREIRAS: Yeah, we could agree to
24 that.

25 MR. CHEWCASKIE: That's my concern.

1 MR. PEREIRAS: Yeah.

2 CHAIRPERSON VELAZQUEZ: I just want to
3 really just do a site visit to that building.

4 MR. PEREIRAS: Yeah.

5 CHAIRPERSON VELAZQUEZ: But I want to
6 make sure of that because I remember last time, if
7 memory serves me correct, I thought that was
8 vacant.

9 MR. PEREIRAS: I think it was vacant.
10 When we came before the application, but he had to
11 locate these tenants. So this was done just as a
12 temporary basis. Have them there, let's finish
13 the other property, and then he'll relocate them
14 over there.

15 CHAIRPERSON VELAZQUEZ: I was driving by
16 and all of a sudden, I saw Christmas decorations.
17 I was thinking that was vacant.

18 MR. PEREIRAS: He had the property, it
19 was available, that's what he did on a short-term.
20 They were actually supposed to be moved already,
21 it's just logistics haven't worked out yet.

22 CHAIRPERSON VELAZQUEZ: I would just
23 want to do one site visit over there and see how
24 we're going to proceed with that. My main concern
25 is the tenants.

1 MR. PEREIRAS: We understand.

2 MR. VALLEJO: Okay.

3 CHAIRPERSON VELAZQUEZ: My other hat
4 that I deal with -- and it's even worse now, in
5 this climate and everything today -- we had about
6 17 evictions that came to the door with sheriffs
7 locking everybody out.

8 MR. PEREIRAS: Wow.

9 MR. CHEWCASKIE: So if I may suggest,
10 Mr. Chairman, at this point in time, I know
11 there's some people here, if we want to open to
12 the public. Then I would suggest that we carry
13 the application to the February meeting.

14 MR. VALLEJO: February 25th.

15 MR. PEREIRAS: I'm going to say two
16 cents just to the dangers of this. Because if
17 the applicants hear that you won't accept an
18 approval unless it's vacant, then they're going to
19 be vacating apartments prior to coming before the
20 Board.

21 MR. CHEWCASKIE: I don't think that it's
22 vacant, I just think, from what Alex said, he
23 wants to familiarize himself with the area again
24 to see how the parking works.

25 MR. PEREIRAS: That makes totally makes

1 sense.

2 MR. CHEWCASKIE: What it is. There is a
3 concern and I know the City's concerned with
4 people who live in building.

5 MR. PEREIRAS: Let's adjourn to look at
6 the property.

7 MR. CHEWCASKIE: We would look at the
8 property. I think you answered the question about
9 the tenant.

10 CHAIRPERSON VELAZQUEZ: If memory serves
11 me correctly, I may be a little off, that island
12 where the bus stop is, how far does that go in?

13 MR. PEREIRAS: The bus stop?

14 CHAIRPERSON VELAZQUEZ: That little
15 street, the bus stop, because sometimes -- I
16 always have always seen parking in the middle.

17 MR. PEREIRAS: There's three spots at
18 least right in front of the Domino's, parking
19 spaces, the bus stop is a little bit further.

20 CHAIRPERSON VELAZQUEZ: I'm just trying
21 think of where they come and they turn out.

22 MR. PEREIRAS: Remember that's still
23 section where there's a little sidewalk between
24 the other road and this road, so they have -- it's
25 pretty comfortable. All have people turning there

1 are the people going in to the parking between --
2 off of Bergenline, the parking, the parallel
3 parking, that's over there.

4 MR. CHEWCASKIE: So just so that I'm
5 clear, if I have my direction, you have the three
6 spaces in front and then to -- is that to the
7 west?

8 MR. PEREIRAS: The west would be that
9 direction.

10 MR. CHEWCASKIE: So to the east is where
11 the bus would stop?

12 MR. PEREIRAS: Correct.

13 MR. CHEWCASKIE: I just want to get my
14 direction.

15 MR. PEREIRAS: And it's not really
16 there, It's on the other end of the sidewalk.

17 CHAIRMAN VELAZQUEZ: I'm not talking
18 about the bus stop. It's the cars reversing out
19 of there. They're going have an obstruction with
20 that.

21 MR. PEREIRAS: The majority of the
22 traffic is of on the other side of that island.
23 That side has a lot less traffic.

24 CHAIRPERSON VELAZQUEZ: We'll take
25 questions from the public, anybody? All right. I

1 move to adjourn this to the next meeting.

2 MR. CHEWCASKIE: What's the date?

3 MR. VALLEJO: February 25th.

4 MR. CHEWCASKIE: So there's a motion to
5 carry the application to February 25th to allow
6 any Board Members to conduct a site visit. Is
7 there a second to that motion?

8 MR. OSEGUERA: Second.

9 MR. VALLEJO: Seconded by Mr. Oseguera.
10 Roll call on the motion.

11 Mr. Velazquez.

12 CHAIRPERSON VELAZQUEZ: Yes.

13 MR. VALLEJO: Ms. Genao.

14 MS. GENAO: Yes.

15 MR. VALLEJO: Mr. Guareno.

16 MR. GUARENO: Yes.

17 MR. VALLEJO: Ms. Morejon.

18 MS. MOREJON: Yes.

19 MR. VALLEJO: Mr. Oseguera.

20 MR. OSEGUERA: Yes.

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

23 MR. CHEWCASKIE: So for anyone
24 interested in this application, the Board will
25 reconsider and vote on the application on

1 February 25th at 6:00 p.m. There will be no
2 further notice, this is your notice. So if you're
3 interested, mark your calendar for February 25th.

4 MR. PEREIRAS: Thank you.

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ADOPTION OF RESOLUTIONS:

1. JBZ Enterprises, LLC, 588-590 32nd Street Block: 204 Lots: 2 & 3. The applicant proposes to construct a one-story addition over an existing two-story mixed-use structure; there will be a restaurant on the ground floor, 2 two-bedrooms units on the second floor and four-bedroom unit on the third floor. No parking is provided. Approved

MR. CHEWCASKIE: We do have two resolutions, Mr. Chairman. Resolution number one is JBZ Enterprises, that was the one-story addition over the mixed use structure, the restaurant on the first floor with apartments, two two-bedroom units. There was a site visit, there was a traffic study that was done and the Board determined to approve that application. So we would need a motion on the resolution.

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.

MR. GUARENO: Second.

MR. VALLEJO: Seconded by Mr. Guareno.

Roll call on the motion to memorialize the resolution.

Mr. Velazquez.

1 CHAIRPERSON VELAZQUEZ: Yes.
2 MR. VALLEJO: Ms. Genao.
3 MS. GENAO: Yes.
4 MR. VALLEJO: Mr. Guareno.
5 MR. GUARENO: Yes.
6 MR. VALLEJO: Ms. Morejon.
7 MS. MOREJON: Yes.
8 MR. VALLEJO: Mr. Oseguera.
9 MR. OSEGUERA: Yes.
10 MR. Vallejo: Five in favor, motion
11 carries.

12 * * * *

1 **ADOPTION OF RESOLUTIONS:**

2 2. WEST 13, LLC, 409 4th Street. Block 12 Lot 9.
3 Client proposes to construct a new three family
4 house in the R-Zone. Applicant will require
5 preliminary and final site plans approval as well
6 as any other variances required by the board. **The**
7 **application was Denied on March 23, 2021 and the**
8 **Resolution was memorialized on April 27, 2021.**

9
10 MR. CHEWCASKIE: The next resolution,
11 Mr. Chairman, we discussed at our last meeting in
12 November is West 13th, LLC. This was a remand
13 from the court for the Board to consider
14 additional testimony regarding the application.
15 At the November meeting, it was determined if the
16 application is not completed by the February
17 meeting that the application would be dismissed.
18 We prepared a resolution to that effect and that's
19 the resolution before you. It's basically you try
20 your case or it gets dismissed if you don't
21 proceed on February 25th.

22 Since this was a remand from the court,
23 I wanted to document precisely what was happening
24 by resolution. And we will certainly advise Mr.
25 Alonso, the attorney for the applicant of that.

1 So we would need a motion on that resolution.

2 CHAIRPERSON VELAZQUEZ: I make a motion.

3 MR. GUARENO: Second.

4 MR. VALLEJO: Motion by Mr. Velazquez,
5 seconded by Mr. Guareno. Roll call on the motion
6 to adopt the resolution.

7 Mr. Velazquez.

8 CHAIRPERSON VELAZQUEZ: Yes.

9 MR. VALLEJO: Ms. Genao.

10 MS. GENAO: Yes.

11 MR. VALLEJO: Mr. Guareno.

12 MR. GUARENO: Yes.

13 MR. VALLEJO: Ms. Morejon.

14 MS. MOREJON: Yes.

15 MR. VALLEJO: Mr. Oseguera.

16 MR. OSEGUERA: Yes.

17 MR. CHEWCASKIE: Five in favor, motion
18 carries.

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ADJOURNMENT

MR. VALLEJO: There being no other applications on tonight's agenda, can I have a motion to adjourn the meeting?

CHAIRPERSON VELAZQUEZ: I make a motion.

MR. VALLEJO: Motion by Mr. Velazquez.

MR. OSEGUERA: Second.

MR. VALLEJO: Seconded by Mr. Oseguera.
All in favor?

(All Board Members indicate in the affirmative.)

(Whereupon the meeting was adjourned at 6:52 p.m.)

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700