

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, February 13, 2025
Commencing at 6:15 p.m.

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

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

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

MARGARITA GUTIERREZ
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
Board Counsel

AGUSTIN PANEQUE, ESQ.
Board Counsel

BRIAN CHEWCASKIE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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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

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Attorney for Applicant, 1601 Palisade
Avenue, LLC

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

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

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MIGUEL A. CALDERON
210 46th Street

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NO EXHIBITS MARKED

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

3 Please take notice that on Thursday,
4 February 13, 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: Mr. Ortiz.

MR. ORTIZ: Here.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Present.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Here.

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

1 **COMMUNICATION:**

2

3 MR. VALLEJO: Communication, Mr.
4 Paneque, please.

5 MR. PANEQUE: The first thing on the
6 agenda we'll be taking care of is the swearing in
7 of our members.

8 So we have two existing members that
9 have been sworn in for their new term. Those
10 members Ms. San Martino and Ms. Perez. So I'll
11 start with Ms. San Martino first.

12 Please raise your right hand.

13 MS. SAN MARTINO: I, Altagracia San
14 Martino, do solemnly swear or affirm that I will
15 support the Constitution of the United States and
16 the Constitution of the State of New Jersey.

17 That I will bear true faith and
18 allegiance to the same and to the governments
19 established in the United States and in this state
20 under the authority of the people.

21 And that I will faithfully, impartially,
22 and justly perform all of the duties of the office
23 according to the best of my ability, so help me
24 God.

25 MR. PANEQUE: Congratulations.

1 Ms. Perez, please raise your right hand.

2 MS. PEREZ: I, Geraldine Perez, do
3 solemnly swear or affirm that I will support the
4 Constitution of the United States and the
5 Constitution of the State of New Jersey.

6 That I will bear true faith and
7 allegiance to the same and to the governments
8 established in the United States and in this state
9 under the authority of the people.

10 And that I will faithfully, impartially,
11 and justly perform all of the duties of the office
12 according to the best of my ability, so help me
13 God.

14 MR. PANEQUE: Thank you.
15 Congratulations.

16 CHAIRPERSON GARCIA: I want to take one
17 minute to say thank you, Geri, and Altagracia, and
18 all the rest of the Members of the Board for your
19 dedication and I know everything you do, you do
20 for the best of Union City. Thank you very much.

21 MR. VALLEJO: Thank you.

22

23

24

25

APPROVAL OF MINUTES:

MR. VALLEJO: We're moving to approval of previous minutes from January 9, 2025. Can I have a motion?

CHAIRPERSON GARCIA: Aye.

MR. VALLEJO: Motion by Mr. Garcia.

MS. PEREZ: Second.

MR. VALLEJO: Seconded by Ms. Perez.

Roll call on the motion. Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley stepped out.

Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **BERGEN 24, LLC -**

2 **2400 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: Bergen 24, LLC.

5 MR. PANEQUE: Mr. Vallejo, on this
6 application, I'm going to recuse myself as the
7 Board Attorney. And we have arranged for Mr.
8 Brian Chewcaskie to cover.

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

10 MR. CHEWCASKIE: Good evening, everyone.
11 For those of you who don't know me, I am the
12 attorney for the planning board.

13 The application that you have before you
14 this evening is probably unusual for the Board,
15 you usually don't see a lot of these. So what's
16 being requested this evening is a request for an
17 interpretation of the zoning ordinance of the City
18 of Union City. So what that means is under the
19 Municipal Land Use Law, questions of
20 interpretation of a zoning ordinance or zoning map
21 are rested with the board of adjustment and the
22 board of adjustment has jurisdiction to make a
23 determination. To put it in perspective, there
24 was a request that was made for that
25 interpretation on September 20th. Thereafter, on

1 October 22nd, the City adopted an ordinance which
2 banned poultry shops, that was ordinance number
3 2024-26. In communicating with the attorneys for
4 the applicant for the interpretation, there was a
5 request that they would like to proceed with the
6 interpretation by this Board before taking any
7 other action or seeking any relief that may or may
8 not be necessary.

9 So in this instance, it's unusual.
10 There is no notice to the surrounding property
11 owners because it's merely a request for
12 interpretation of the City's zoning ordinance. I
13 believe there will be a presentation this evening.
14 Once that presentation is concluded, I can
15 certainly help guide the Board and address any
16 questions. I don't know if there are any
17 questions of me right now, but certainly I would
18 just ask the Board to consider the presentation.
19 And then I will address any of the standards that
20 need to be addressed by the Board at the
21 conclusion of the applicant's presentation.

22 CHAIRPERSON GARCIA: Okay. Thank you,
23 Brian. I don't have any questions now. You could
24 proceed.

25 MR. ROSENBERG: Thank you very much.

1 May I ask if there's one Board Member who's left
2 the dais?

3 MR. VALLEJO: Ms. Watley.

4 MS. SAN MARTINO: She has a cold and --

5 MR. ROSENBERG: Thank you so much.

6 Forgive me, Mr. Chairman, I want to make sure that
7 we have --

8 MR. VALLEJO: Let the record reflect
9 that we have eight members, Ms. Watley joined the
10 meeting.

11 MR. ROSENBERG: Thank you so very much.

12 Thank you, Mr. Chewcaskie, for your
13 review of why we're here. For the record, my name
14 is Bruce Rosenberg, I'm an attorney with the firm
15 of Winne, Banta, Basralian and Kahn. I represent
16 Manuel and his wife Niurka Alvarez. And they
17 currently operate the Panorama Live Poultry Market
18 from premises that are located at 2408 Bergenline
19 Avenue here in Union City. Mr. and Mrs. Alvarez
20 are seeking to relocate to a new location at 2408
21 Bergenline Avenue -- 2400 Bergenline Avenue. Both
22 2408, where they have operated for 23 years, and
23 2400 are located in the CN commercial district.
24 And, again, they've operated the Panorama Live
25 Poultry Market for 23 years.

1 It's important to note that at no time
2 were they required to ever seek a use variance
3 from the zoning board to operate the live poultry
4 market from the premises on Bergenline Avenue in
5 the CN commercial district. When they sought a
6 zoning determination this past August, they were
7 advised by the zoning department that they needed
8 a use variance and they needed to come to the
9 zoning board of adjustment for their approval.

10 But as you'll hear this evening, the CN
11 commercial district is intended to provide
12 commercial sales and service uses for the
13 adjoining neighborhood and under and pursuant to
14 your sections of the code, the code permits retail
15 sales and personal service establishments.

16 This evening, we're seeking, as Mr.
17 Chewcaskie said, an interpretation that in fact
18 the CN district does allow live poultry sales in
19 Union City. I have two witnesses this evening.
20 My first witness is Niurka Alvarez. Mrs. Alvarez
21 is one of the owners of the Panorama Live Poultry
22 Market. I also have a licensed land use planner,
23 Joseph Burgis, who will testify about the CN
24 zoning district. He also is going to talk about
25 the ordinance that Mr. Chewcaskie referenced that

1 was adopted by the mayor and council in October,
2 which prohibits live poultry markets in Union
3 City.

4 With that, Mr. Chairman, I'd like, if I
5 can, Ms. Alvarez to be sworn and she's my first
6 witness.

7

8 N I U R K A A L V A R E Z, after having been
9 duly sworn or affirmed, did testify as follows:

10

11 MR. ROSENBERG: So, Mrs. Alvarez, do you
12 and your husband own the Panorama Live Poultry
13 Market, which operates at 2408 Bergenline Avenue?

14 MS. ALVAREZ: Yes, we do.

15 MR. ROSENBERG: Okay. And how long have
16 you owned and operated that market?

17 MS. ALVAREZ: We operated since 2002.

18 MR. ROSENBERG: 2002, okay. And when
19 you and your husband applied in 2002 to operate
20 the live poultry market, were you required to come
21 to the zoning board or seek a use variance from
22 the City for the live poultry market use?

23 MS. ALVAREZ: No, but actually, when we
24 purchased the poultry market, we purchased a
25 preexisting already live poultry market, we

1 purchased in 2002. Then we came to the City to
2 relocate the poultry market to the location that
3 we are now and we have been operating since then.

4 MR. ROSENBERG: So, again, for 23 years,
5 no problem, got your approval in 2002?

6 MS. ALVAREZ: Yes.

7 MR. ROSENBERG: Thank you very much.
8 Would you just tell the Board what the hours of
9 operation of the business are?

10 MS. ALVAREZ: We are open from 8:30 to
11 6:00.

12 MR. ROSENBERG: Okay. What days?

13 MS. ALVAREZ: Oh, I'm sorry. Monday to
14 Saturday and Sunday we close at 3:00.

15 MR. ROSENBERG: Okay. And how many
16 employees do you have?

17 MS. ALVAREZ: Around six employees.

18 MR. ROSENBERG: Okay. And how many live
19 chickens are in the store at any one time
20 generally?

21 MS. ALVAREZ: Generally, it depends on
22 the season, son the demands of the season. But
23 usually we have around 500 chickens in the store.

24 MR. ROSENBERG: Okay. And where do they
25 come from?

1 MS. ALVAREZ: They all come from
2 registered distributors, from Pennsylvania, most
3 of them.

4 MR. ROSENBERG: Okay. And how often do
5 you get deliveries of poultry?

6 MS. ALVAREZ: Well, we get deliveries
7 two or three times daily.

8 MR. ROSENBERG: Okay, very good. And
9 how long can a chicken remain in the store before
10 it's sold?

11 MS. ALVAREZ: We are allowed to keep the
12 chicken in the store for ten days. After the ten
13 days, if we don't sell the chicken, we have to
14 kill it. We have to dispose of the chicken.

15 MR. ROSENBERG: Very good. Just tell
16 the Board what licenses you are required to
17 maintain as a live poultry dealer?

18 MS. ALVAREZ: I need two license, one
19 the City of Union City and the other one from the
20 State of New Jersey. And they both, I just
21 renewed the one from Union City January 15th and
22 the one from the state, we renew every August.

23 MR. ROSENBERG: So I'm going to just
24 show you a document and ask is this the live
25 poultry dealer license that was issued by Union

1 City on December 31st -- January -- December 31st?

2 MS. ALVAREZ: No, January.

3 MR. ROSENBERG: January?

4 MS. ALVAREZ: 15 and it's --

5 MR. ROSENBERG: Mr. Chairman, if I may,
6 I want this is marked as exhibit A, if I can, or
7 Mr. Chewcaskie?

8 MR. CHEWCASKIE: That's fine.

9

10 (Union City license dated
11 1/15/25 marked Exhibit A.)

12

13 MR. CHEWCASKIE: My understanding is
14 this is the licensed issued by the City of Union
15 City dated January 15th, was that 2025?

16 MR. ROSENBERG: Yes. Thank you very
17 much.

18 And, Ms. Alvarez, are you also subject
19 to inspection rules and regulations of the
20 Department of Agriculture of the State of New
21 Jersey?

22 MS. ALVAREZ: Certainly, we are.

23 MR. ROSENBERG: Okay. And could you
24 just tell the Board generally, you know, what
25 types of inspections you're subject to by the

1 State Department of Agriculture?

2 MS. ALVAREZ: Every year, we get around
3 15 inspection. One every month, without us
4 knowing. We don't know when they're coming. They
5 inspect, they ask for all the invoices that we
6 have, make sure that we get the chickens from a
7 registered retail distributor, meaning that those
8 chickens came with a blood test, and they all
9 tested as negative influence. And also we get
10 reinspection -- oh, while they're doing those
11 inspection, in those month that we don't get
12 notified, they also get blood test from the
13 chickens that I have already in the store, to make
14 sure that when they get to the store, they don't
15 get any virus either.

16 And then we get three inspection that
17 they are scheduled with us. Why? Because we have
18 to clean the whole store, completely, no chickens
19 in the store. And we cannot have -- for 24 hours
20 and we cannot have more chickens until the
21 inspector pass by. They take a sample of the
22 sewers, they take a sample of the water. An then
23 we can get deliveries to start doing business all
24 over again.

25 MR. ROSENBERG: And this is all done by

1 the New Jersey State Department of Agriculture; is
2 that correct?

3 MS. ALVAREZ: Yes.

4 MR. ROSENBERG: And you scrupulously
5 abide by whatever rules and regulations the State
6 Department of Agriculture basically tells you you
7 must follow; is that correct?

8 MS. ALVAREZ: Yes, we do.

9 MR. ROSENBERG: Okay. And did you
10 recently receive an update from the State
11 Department of Agriculture regarding your live
12 poultry market and would you tell the Board what
13 that is?

14 MS. ALVAREZ: Okay. We were closed
15 for -- we have to close for three days, not
16 because we got any virus, it's just to prevent the
17 virus, to keep it spreading. Since everybody
18 knows that there's avian influence, and we're
19 going through a lot now with the eggs. So to
20 prevent that virus to keep spreading, they asked
21 all the poultry markets in New Jersey,
22 Pennsylvania, and New York to close. Us, for
23 three days, because we don't have the virus. The
24 ones that have the virus are supposed to be closed
25 for a week or two weeks.

1 MR. ROSENBERG: Very good. And in the
2 23 years that you've operated the live poultry
3 market here in Union City, have you ever received
4 a violation from Union City or the New Jersey
5 Department of Agriculture?

6 MS. ALVAREZ: No, I haven't.

7 MR. ROSENBERG: Okay. With respect to
8 the waste generated by the business, how is that
9 handled by you?

10 MS. ALVAREZ: Okay. We have a walk-in
11 freezer. We keep the temperature there around
12 minus 18 degrees. And every garbage that we
13 produce from the poultry market, we storage in
14 there, so to get frozen. And then we get picked
15 up by a private company three times a week,
16 Monday, Wednesday and Friday. And that's how we
17 dispose the garbage.

18 MR. ROSENBERG: Thank you very much.
19 And just generally who are the customers that you
20 service with your live poultry market and where
21 are they from?

22 MS. ALVAREZ: Of course 95 percent from
23 Union City and they're the same customers ones
24 over and over and over again.

25 MR. ROSENBERG: Thank you. And just --

1 now did you apply in August to relocate the live
2 poultry market to the new location?

3 MS. ALVAREZ: Yes, I did.

4 MR. ROSENBERG: Okay. If I may, Mr.
5 Chewcaskie, I just want to introduce as exhibit B,
6 if I may, this is the application for zoning
7 determination that was filed on August 2, 2024.

8
9 (Application for zoning
10 determination marked Exhibit B.)
11

12 MR. ROSENBERG: And at that time, when
13 you applied in August, did you also receive a
14 letter that indicated that you would have to go to
15 the zoning board of adjustment for your proposed
16 poultry use?

17 MS. ALVAREZ: Yes, I did.

18 MR. ROSENBERG: Mr. Chewcaskie, if I
19 may, I'd just like this letter of August 15, 2024,
20 to be marked as Exhibit C.

21
22 (Letter marked Exhibit C.)
23

24 MR. ROSENBERG: And ask this is a form
25 of the letter that you received saying you need to

1 go before the board of adjustment; is that
2 correct?

3 MS. ALVAREZ: Yes.

4 MR. ROSENBERG: Thank you very much.

5 And, finally, Mrs. Alvarez, at any time
6 during the 23 years that you've operated a live
7 poultry market here in Union City, has anyone ever
8 questioned your right to operate the business as a
9 permitted use in the zone?

10 MS. ALVAREZ: No, never.

11 MR. ROSENBERG: Thank you.

12 Mr. Chairman and Members of the Board, I
13 have nothing further of Ms. Alvarez at this time.

14 CHAIRPERSON GARCIA: You stated that you
15 have two witnesses, right? You have another
16 person?

17 MR. ROSENBERG: Yes, I have another
18 witness, correct. Our licensed land use planner.

19 MS. ALVAREZ: Thank you.

20 MR. CHEWCASKIE: Before you leave, Ms.
21 Alvarez, just one question for clarity purposes.
22 I believe you indicated that you purchased the
23 poultry market in 2022?

24 MS. ALVAREZ: No, 2002.

25 MR. CHEWCASKIE: I'm sorry, I did write

1 2002, I'm looking at too many exhibits here. In
2 2002. In 2002, where was the poultry market
3 located?

4 MS. ALVAREZ: It was in 2410.

5 MR. CHEWCASKIE: 2410 and did it
6 relocate to its present address?

7 MS. ALVAREZ: Yes.

8 MR. CHEWCASKIE: So it went from 2410 to
9 2408?

10 MS. ALVAREZ: Yes.

11 MR. CHEWCASKIE: Was that also in 2002?

12 MS. ALVAREZ: Yes.

13 MR. CHEWCASKIE: All right. And Mr.
14 Rosenberg said you had received approval from the
15 City. Do you recall whether you appeared before a
16 board for approval or was this approval issued add
17 administratively by the building department?

18 MS. ALVAREZ: No, I appealed to the
19 Board.

20 MR. ROSENBERG: No, not in 2002.

21 MS. ALVAREZ: No, no board.

22 MR. CHEWCASKIE: I want to be clear. So
23 you didn't appear before the Board to go from --
24 hopefully I get this correct 2410 --

25 MS. ALVAREZ: To 2408.

1 MR. CHEWCASKIE: All right, I have it
2 now. Thank you.

3 MS. ALVAREZ: Thank you. Can I go?

4 MR. CHEWCASKIE: Yes.

5 MR. ROSENBERG: Thank you. You did very
6 well. My next witness is our licensed land use
7 planner, Mr. Burgis.

8
9 J O E B U R G I S, after having been duly sworn
10 or affirmed, did testify as follows:

11
12 MR. CHEWCASKIE: Mr. Chairman, I'm
13 familiar with Mr. Burgis's qualifications.
14 Unfortunately, we've known each other probably for
15 about 40 years now. He regularly testifies and is
16 licensed as a professional planner. I don't
17 believe we need to go through his qualifications,
18 but I would just ask if his license is still in
19 good standing?

20 MR. BURGIS: My license is still in good
21 standing.

22 MR. CHEWCASKIE: Thank you.

23 MR. BURGIS: I hate the idea to admit
24 that I've known anybody for 40 years as a
25 professional.

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

3 MR. ROSENBERG: Thank you very much.
4 So, Mr. Burgis, you were asked by the applicant to
5 review the CN zone of Union City. Can you just
6 tell the Board what analysis you've undertaken
7 with respect to the CN zone here in the City?

8 MR. BURGIS: Certainly. Actually, it
9 was a twofold process. I first looked at the
10 City's master plan because the master plan is the
11 predicate for all of the zoning ordinances in the
12 municipality. The master plan does establish the
13 site and the whole Bergenline corridor as a CN
14 neighborhood commercial zone district. The master
15 plan identifies a series of goals and objectives
16 for that zone, amongst the many that are in the
17 plan that are most pertinent for this case, is the
18 fact it talks about encouraging economic growth
19 and development. It talks about strengthening the
20 existing commercial corridor. It also talked
21 about encouraging neighborhood service oriented
22 retail uses. And it also talks about encouraging
23 ethnic businesses to recognize the diversity of
24 the Union City marketplace.

25 It identifies a series of recommended

1 regulatory controls that are implemented through
2 the zoning ordinance. It talks about permitting
3 for a wide variety of retail uses, it establishes
4 bulk variances and bulk standards, which I'll get
5 into in a moment. And it typically encourages
6 retail stores at grade that have transparency for
7 pedestrians that are in movement and recognition
8 of the stores themselves.

9 I believe that these goals of the master
10 plan are affirmed by the application. As you
11 heard fully 95 percent of their clientele comes
12 from Union City. She didn't mention it, but she
13 had mentioned to me, it's a highly ethnic
14 clientele. And there are multiple food
15 establishments already in the neighborhood grocery
16 stores -- in addition to restaurants and bars,
17 there's grocery stores, convenience stores, and
18 delis all located in the immediate and general
19 vicinity.

20 Now, the zoning ordinance does in fact
21 reflect the master plan. For example, as has
22 already been mentioned, it permits retail and
23 service -- personal service establishments amongst
24 many other uses that are identified. And the
25 ordinance regulations are such that it requires a

1 minimum lot size of 2,500 square feet. The width
2 and depth dimensions of those properties should be
3 minimally by 25 by 100 in dimension. It basically
4 allows for buildings at lot lines. There's a
5 zero-foot front and side yard setback requirement.
6 There's a 20-foot rear yard setback requirement.
7 Buildings can be as high as four stories and
8 45 feet. Building and impervious coverage factors
9 are 80 percent for the building. And there's a
10 total impervious, paved surface and building, it
11 allows fully 100 percent of the site to be covered
12 by building and paved surfaces. There are a
13 number of other regulatory controls that aren't
14 really pertinent to this discussion.

15 MR. ROSENBERG: So, generally, have you
16 come to a conclusion with respect to whether this
17 live poultry market is or, you know, should be a
18 permitted use, given the way in which it comports
19 with your testimony about the CN zone?

20 MR. BURGIS: Yes, I do believe in fact
21 it is a permitted use. That's reflective of the
22 fact that there are a number of other related type
23 of uses that I just mentioned, that I've
24 identified. Parking standards simply talk about
25 those types of uses and the parking standards that

1 should be applied. The fact that the municipality
2 has adopted this new amendment to the ordinance
3 prohibiting the use suggests that it is permitted
4 prior to the adoption of that ordinance.

5 Otherwise, they wouldn't have needed to adopt the
6 ordinance. And I think all those factors suggest
7 that the use is permitted and allowed as-of-right.

8 MR. ROSENBERG: And just generally,
9 obviously, we've gone through the background of
10 what occurred here with the application that was
11 made, could you just again for the record
12 reiterate when things were filed, now they're in
13 the record?

14 MR. BURGIS: Certainly. On August 2,
15 2024, my client had filed for the zoning
16 determination to confirm that the use is
17 permitted, that's why we're here this evening. On
18 August 15th, roughly two weeks later, the
19 construction official responded with his
20 correspondence, basically this form letter that
21 simply said -- indicates the zoning application
22 you've submitted has been reviewed and has been
23 denied. And then in bold letters, it says, needs
24 to go to the zoning board of adjustment. And
25 that's why we're here.

1 Now, subsequent to that, on
2 September 20th, the applicant filed the letter
3 that Bruce had mentioned earlier seeking pursuant
4 to the Municipal Land Use Law, this interpretation
5 of the zoning ordinance that permits the market as
6 a principal permitted use as-of-right.

7 Subsequently, the municipality put
8 together this amending ordinance 2024-26. Now,
9 that ordinance was specifically designed to ban
10 live poultry shops as a permitted use throughout
11 City. And there's really only two pertinent
12 sections that need mentioning. One, in section
13 one, it specifically adds a definition of poultry
14 shops, which basically describes what my client
15 had mentioned earlier. And section two, simply
16 states that poultry shops are expressly prohibited
17 as uses in the City.

18 That was introduced on September 24th
19 and was adopted on October 22nd this past year.

20 MR. ROSENBERG: Let me stop you there.
21 Again, just for the record, the ordinance that
22 you're talking about that the governing body
23 adopted on October 22, 2024, was that ordinance in
24 effect on August 2, 2024, when the Alvarezes
25 applied to the zoning official?

1 MR. BURGIS: It was not.

2 MR. ROSENBERG: Was the ordinance
3 effective on August 15, 2024, when the zoning
4 officer told the Alvarezes they needed to come to
5 the zoning board of adjustment for a use variance?

6 MR. BURGIS: No, it was not.

7 MR. ROSENBERG: Was the ordinance
8 effective on September 20, 2024, when the
9 Alvarezes applied to the zoning board for this
10 interpretation under 40:55D(B)?

11 MR. BURGIS: Again, it was not.

12 MR. ROSENBERG: And now, Mr. Burgis, in
13 your opinion, is the ordinance adopted by the
14 governing body prohibiting poultry markets in
15 Union City adopted on October 22, 2024, effective
16 today?

17 MR. BURGIS: Again, it is not.

18 MR. ROSENBERG: Why is it not effective
19 today?

20 MR. BURGIS: Because when a governing
21 body adopts an ordinance, that is not the last
22 step in the process that needs to be taken.
23 Following the adoption of an ordinance, the
24 municipality is obligated by the Municipal Land
25 Use Law to file that document with the County

1 Planning Board. And in our analysis and review of
2 documentation from the county, that step was never
3 taken. And the Municipal Land Use Law in
4 Section 40:55D-16, specifically states that -- and
5 it's a section that's entitled "filing of
6 ordinance", it says and I'll quote, development
7 regulations, except for official map, which
8 doesn't apply here, development regulations shall
9 not take effect until a copy thereof shall be
10 filed with the County Planning Board. That step
11 has never been taken. In fact, we have a series
12 of letters from the County indicating such.

13 MR. ROSENBERG: Thank you.

14 Mr. Chewcaskie, if I may, I'd like to
15 just have marked as Exhibit D, this is the last
16 letter dated February 11th from Kevin Force. He's
17 the professional planner for the County Planning
18 Board. And in that letter -- and, again, as Mr.
19 Burgis said, this is a series of letters. We've
20 been corresponding with the County since November,
21 going back to September, when we filed the
22 application for interpretation, to see whether or
23 not this land development ordinance prohibiting
24 poultry sales in Union City was ever filed with
25 the County Planning Board as required by law. And

1 again, it has not been filed.

2 MR. CHEWCASKIE: If I may, Mr.
3 Rosenberg, this is an email to an Aaron Joseph
4 referencing a Hoboken redevelopment.

5 MR. ROSENBERG: That is correct. And
6 the only reason is because that is the only
7 filings that have been made according to Mr.
8 Force.

9 MR. CHEWCASKIE: This is incomplete in
10 order to indicate that there is any reference to
11 any ordinance in Union City, Mr. Rosenberg.

12 MR. ROSENBERG: The fact, Mr.
13 Chewcaskie, is that they have nothing -- nothing
14 has been filed.

15 MR. CHEWCASKIE: But I'm saying what
16 you're purporting to submit to this Board from Mr.
17 Force is a one page document where, Joseph Aaron
18 says great, thank you. And it says good morning,
19 Mr. Joseph, not sure if this is helpful, but we
20 receive this this morning. There's no reference
21 to Union City.

22 MR. ROSENBERG: There would not be any
23 reference to Union City, Mr. Chewcaskie. What the
24 purpose is to demonstrate and if you want me to
25 introduce every single ordinance filed in the

1 County of Hudson since September 25th, which I
2 have here in my hand, showing that nothing has
3 been filed by Union City, I am happy to do that.

4 MR. CHEWCASKIE: Well --

5 MR. ROSENBERG: Because that's the way
6 it works.

7 MR. CHEWCASKIE: Well, I just want to be
8 clear.

9 MR. ROSENBERG: Yes.

10 MR. CHEWCASKIE: What you want to
11 introduce is a document to support a proposition
12 that an ordinance by Union City was not filed with
13 the County Planning Board. But this document
14 doesn't say that. You also want to say these are
15 all the ordinances that were filed. But until we
16 have something on official letterhead from the
17 County Planning Board or someone from the county
18 to demonstrate that, it's basically you saying I
19 have a pile of ordinances here -- and again I
20 don't see the relevancy of this document.

21 If you want -- you know, this is a board
22 of adjustment, the board --

23 MR. ROSENBERG: The trial rules don't
24 apply.

25 MR. CHEWCASKIE: The trial rules don't

1 apply --

2 MR. ROSENBERG: I know that.

3 MR. CHEWCASKIE: But when I look at it,
4 this is what it says. I have no problem marking
5 it as Exhibit D, but if the purpose is that this
6 supports the argument that it wasn't filed,
7 there's nothing in that document that says that.
8 And then what you indicated is that I have every
9 ordinance that was filed, but we have no documents
10 to say that either.

11 MR. ROSENBERG: We have every
12 document -- well, we have all the documents that
13 Mr. Force has forwarded to our office. These are
14 they.

15 MR. CHEWCASKIE: But we don't know where
16 it came from, we don't have Mr. Force here. I
17 mean I'm just pointing out what my issue is with
18 this. If it said we have reviewed our records for
19 the City of Union City and see nothing filed. But
20 I mean we'll mark it as Exhibit D.

21 MR. ROSENBERG: Sure.

22 MR. CHEWCASKIE: Which will be an email
23 from Kevin Force, which is dated Tuesday,
24 February 11th. And I'll allow the Board to look
25 at it and they might reach a different conclusion

1 than I have.

2

3 (Email from Kevin Force dated
4 2/11/25 marked Exhibit D.)

5

6 MR. ROSENBERG: Mr. Chewcaskie, I have
7 every email communication with Mr. Force beginning
8 in November of 2024 through February 11th of 2025,
9 wherein he basically, at our request, has provided
10 every ordinance that has been filed with Hudson
11 County since September.

12 MR. CHEWCASKIE: So I guess let me put
13 it this way, I'll accept your premise that he's
14 given you every ordinance. But has he given you
15 anything to indicate that no ordinances have been
16 filed by the City of Union City?

17 MR. ROSENBERG: By the absence of what's
18 been filed with the County, that is what we're
19 relying on Mr. Chewcaskie.

20 MR. CHEWCASKIE: That's fine.

21 MR. ROSENBERG: That's all.

22 MR. CHEWCASKIE: I accept the proffer
23 and the Board can accept it or reject it.

24 MR. ROSENBERG: Sure.

25 MR. CHEWCASKIE: I just wanted to make

1 sure --

2 MR. ROSENBERG: Yes.

3 MR. CHEWCASKIE: -- because I was
4 concerned when it referenced a redevelopment in
5 Hoboken.

6 MR. ROSENBERG: I understand, that is
7 the most recent one. But I'm happy to introduce
8 into the record all the communications between my
9 office and Mr. Force. And, again, the way that
10 it's done is that you are provided with those that
11 have been filed.

12 MR. CHEWCASKIE: I mean I don't know
13 their process, I'll accept your representation.

14 MR. ROSENBERG: That is their process.

15 MR. PANEQUE: I'll accept your
16 representation. But I don't think we would need
17 to burden the Board, if what your proffer is is
18 I've asked for ordinances that were filed and
19 there were none from the City?

20 MR. ROSENBERG: That is correct, that's
21 exactly the proffer.

22 MR. CHEWCASKIE: Okay.

23 MR. ROSENBERG: I don't know whether you
24 want to introduce each of these documents as a
25 separate document or as a package, Exhibit E?

1 MR. CHEWCASKIE: When you say a package,
2 are these --

3 MR. ROSENBERG: The communications with
4 Mr. Force.

5 MR. CHEWCASKIE: Why don't you do the
6 package as Exhibit E?

7 MR. ROSENBERG: Sure.

8 MR. CHEWCASKIE: But perhaps in the
9 interest of time because I know the Board has a
10 long agenda, I'll certainly pass out Exhibit E. I
11 don't think we need any of the attachments.

12 MR. ROSENBERG: Thank you very much.

13

14 (Packet of emails marked
15 Exhibit E.)

16

17 MR. ROSENBERG: So, Mr. Burgis, if you
18 would, just summarize your conclusion, please?

19 MR. BURGIS: Certainly. Based on all
20 that I had said prior to that last soliloquy, our
21 position is that ordinance 2024-26 is not in
22 effect for all the reasons I stated earlier. The
23 prior ordinance is the one that is still in
24 effect. That prior ordinance allowed -- or
25 permitted the use as a principal permitted use,

1 allowed as-of-right. So, therefore, the use is in
2 fact permitted and we would ask that you confirm
3 that position in your deliberations when they
4 occur.

5 MR. ROSENBERG: Thank you very much.

6 Mr. Chairman, I have nothing further and
7 I have no further witnesses this evening.

8 CHAIRPERSON GARCIA: Okay.

9 MR. CHEWCASKIE: Just one question, Mr.
10 Burgis. The reference to the County Planning
11 Board, I know that Mr. Rosenberg's firm made
12 inquiries to the Hudson County Planning Board.
13 Did you do any independent inquiries?

14 MR. BURGIS: No, I had relied on the
15 information they sent. If I could just follow-up
16 on the answer? We had discussed how Hudson County
17 does respond to the inquiry. And, typically, they
18 do provide the ordinances that have been adopted
19 and filed, not necessarily just a simple letter, a
20 simple letter that says nothing is filed. And
21 that's what we offered.

22 CHAIRPERSON GARCIA: So this one, no
23 certification from Hudson County, just email?

24 MR. ROSENBERG: That is correct, that's
25 the way in which we communicated with the County

1 Planning Board.

2 CHAIRPERSON GARCIA: But no
3 certification?

4 MR. ROSENBERG: There is no certificate,
5 but that, of course, is a government
6 communication, Mr. Chairman.

7 CHAIRPERSON GARCIA: Just --

8 MR. ROSENBERG: Yeah.

9 MR. CHEWCASKIE: Does anyone else -- are
10 you finished, Bruce?

11 MR. ROSENBERG: Yes.

12 MR. CHEWCASKIE: Does anyone else on the
13 Board have questions for Mr. Burgis?

14 CHAIRPERSON GARCIA: Basically, the
15 ordinance was adopted on 10/22/2024, correct?

16 MR. BURGIS: Correct.

17 CHAIRPERSON GARCIA: And also you are --
18 no matter what is commercial, you are seeking
19 change of use?

20 MR. BURGIS: No. We're just seeking the
21 interpretation.

22 MR. CHEWCASKIE: This is the
23 interpretation, Mr. Chairman. And when Mr.
24 Rosenberg is finished, I'll go over the standards
25 to the extent that I know them. Because this is

1 you know -- this is unusual that you have
2 interpretations. I'm not saying it doesn't
3 happen, but it exists under the statute. And then
4 I'll explain what I believe the standards are.

5 CHAIRPERSON GARCIA: Thank you. Any
6 questions?

7 MR. GRULLON: I have a question. I'm a
8 little confused with 2408 and 2400. What I see
9 here on the package in front of us is a request
10 for 2400, but this whole discussion is about 2408.

11 MR. ROSENBERG: I think he --

12 MR. GRULLON: Are they -- are you --

13 MR. ROSENBERG: Yeah.

14 MR. GRULLON: Could you explain that?

15 MR. CHEWCASKIE: If I may, Mr. Grullon?
16 There have been two applications filed. So for
17 purposes of this evening, we're focusing solely
18 generically on the use and not the location. If
19 the Board determines that a variance is required,
20 then the application that was filed for that
21 variance will be heard by this Board.

22 MR. GRULLON: At the beginning of the
23 presentation, I heard you say that there was no
24 notice provided to the --

25 MR. CHEWCASKIE: That is correct because

1 it's solely for the interpretation.

2 MR. GRULLON: Okay. Thank you.

3 MR. ROSENBERG: If I may just add to
4 that, Mr. Chewcaskie, this is important. Is that
5 an application if the use is deemed permitted goes
6 to the planning board for minor site plan, that's
7 what we filed in December.

8 MR. CHEWCASKIE: Correct.

9 MR. ROSENBERG: Okay, just want to make
10 sure. Thank you.

11 MR. CHEWCASKIE: Mr. Rosenberg, I don't
12 see any other questions, if you want to sum up,
13 please?

14 MR. ROSENBERG: Sure. I appreciate the
15 Board's time with the application this evening. I
16 think you've heard that the Panorama Poultry
17 Market has operated for 23 years. They were not
18 required and have never been required to seek a
19 use variance from the zoning board of adjustment.
20 They filed in good faith in August. And for some
21 reason, unknown to us, they were advised they
22 needed to come to the zoning board of adjustment,
23 notwithstanding the fact that nothing had changed
24 in August when they applied for their permitted
25 use. And once again, our position is that we

1 firmly believe that the CN district allows for
2 live poultry. It provides for local business and
3 customers, which is exactly what Mr. Burgis has
4 testified with respect to is the purpose of the CN
5 district, the neighborhood business. 95 percent
6 of the business's customers are from the
7 neighborhood and are repeat customers, as you've
8 heard this evening.

9 And we would ask that the Board find
10 that we are entitled to the use as a matter of
11 right in the CN zone. Thank you very much.

12 CHAIRPERSON GARCIA: Thank you.

13 MR. CHEWCASKIE: Thank you, Mr.
14 Rosenberg, that was a very informative
15 presentation. The Board, I'm sure may have some
16 confusion here, so let me try to lay it out for
17 the Board and how a motion could be characterized.

18 So what you're here today is for what's
19 called an interpretation, that is specifically
20 provided under the powers for the board of
21 adjustment under N.J.S.A. 40:55D-70B. And the
22 section is short, so I'll read it. It says herein
23 decide requests for interpretation of the zoning
24 map or ordinances or for decisions upon other
25 special requests on which the Board is authorized

1 to pass by any zoning official map or ordinance.

2 So basically it's the first part, herein
3 decide a request for interpretation of the zoning
4 ordinance. So what we've heard is -- to break it
5 down -- is that we've been provided the license
6 that was issued for the property at 2408, which is
7 in existence. And that license was issued for the
8 period January 15, 2025, to December 31, 2025.
9 There was an application applied for a different
10 address. The current address is 2408, the site
11 address proposed was 2400 Bergenline and that was
12 dated August 2, 2024, that was Exhibit B. Exhibit
13 C was the response from the construction official
14 dated August 15th. It indicates that the zoning
15 application has been denied and needs to go before
16 the board of adjustment. That's the language,
17 there is no specific reason asserted.

18 We do have Exhibit D and E regarding
19 communications with the County. I find that
20 interesting because whether the ordinance is
21 effective or not is really not for the Board to
22 determine, that's a legal conclusion that has to
23 be reached. And I agree with what the statute
24 provides. But irrespective of that is that the
25 Board is charged with interpreting the ordinance.

1 And I have to assume that the ordinance is in
2 effect.

3 Doing that, I agree with the testimony
4 I've heard from Mr. Burgis regarding the CN zoning
5 district, that it permits the retail use and that
6 this use, whether it was preexisting nonconforming
7 or conforming, that that use was perhaps permitted
8 in the CN zone. Difficult to say whether it was
9 or wasn't based upon what I have seen so far. But
10 irrespective of whether it is or wasn't permitted
11 in the CN zone, we now have a new ordinance that
12 was adopted in October of 2024, in which poultry
13 shops were specifically prohibited.

14 So it's up to the Board to determine --
15 and I mean the dates may be important, and the
16 record was created. But there was no appeal from
17 the determination of the zoning official to this
18 Board. What was requested was the interpretation
19 of the ordinance. That interpretation -- whether
20 it's effective or not is another question and I
21 don't think the Board can determine
22 effectiveness -- because that is something else
23 that is really not before the Board. I accepted
24 testimony, but that's not before the Board. If
25 the Board agrees that the ordinance banning

1 poultry shops would not permit this use in the CN
2 zone, because it bans it in all zoning districts,
3 then that would be the appropriate motion. If it
4 disagrees, the motion would be it's a permitted
5 use. And as Mr. Rosenberg said there would have
6 to be an application to the planning board, which
7 was in fact filed.

8 So if the Board is inclined to interpret
9 the ordinance as banning poultry shops and that's
10 what the ordinance says, then the appropriate
11 motion would be that the ordinance does not permit
12 this use and that an application for a use
13 variance would be required. So I don't know if
14 anybody has any questions, but that's the way you
15 have to look at it. You have to look at the CN
16 ordinance, the poultry ordinance, and the
17 testimony that you've heard from both the
18 applicant and Mr. Burgis.

19 CHAIRPERSON GARCIA: But just to
20 reconfirm, the ordinance prohibiting the poultry
21 was effective -- in effect, I mean on 10/22/2024,
22 right, with ordinance 2024-26?

23 MR. CHEWCASKIE: The ordinance was
24 adopted on October 22, 2024.

25 CHAIRPERSON GARCIA: Correct.

1 MR. CHEWCASKIE: But you have to look at
2 it today. What does that mean today.

3 CHAIRPERSON GARCIA: Okay.

4 MR. ORTIZ: Mr. Chairman, we also, in
5 order to make our decision, we need to know from
6 the County that the City didn't apply, we need to
7 have confirmation from the County.

8 CHAIRPERSON GARCIA: Okay. We what they
9 provide us a confirmation through emails, no
10 certification. So we have go according to the
11 advice of the attorney is we go through the
12 current ordinance that was on October 2022, 2024.

13 MR. ROSENBERG: Mr. Chewcaskie, if I
14 may?

15 CHAIRPERSON GARCIA: Sorry October 22,
16 2024.

17 MR. ROSENBERG: If I may? If that's the
18 situation, and the Chairman is looking for a
19 certification, then I'd ask for a stay of the
20 proceeding so that we can secure the certification
21 that the ordinance is not effective because it has
22 not been filed with the County.

23 CHAIRPERSON GARCIA: But we base -- we
24 have to base what we have right now, okay. So
25 based on that, I'm going to make my motion to

1 interpret that this has to come to the zoning
2 board.

3 MR. CHEWCASKIE: Zoning board for a use
4 variance, Mr. Chairman?

5 CHAIRPERSON GARCIA: Yes.

6 MR. CHEWCASKIE: Okay. Is there a
7 second to the motion?

8 MR. ORTIZ: I second.

9 MR. VALLEJO: Seconded by Mr. Ortiz.
10 Motion by Mr. Garcia, seconded by Mr. Ortiz. Roll
11 call on the motion.

12 CHAIRPERSON GARCIA: This is based on
13 the ordinance 2024-26, where it's not permitted.

14 MR. CHEWCASKIE: Just so that I
15 understand, your motion was that a use variance is
16 required by virtue of the fact that the ordinance
17 was adopted in October 22, 2024?

18 CHAIRPERSON GARCIA: Correct, that is
19 prohibiting this type of business.

20 MR. VALLEJO: Motion on the table by Mr.
21 Garcia, seconded by Mr. Ortiz. Roll call on the
22 motion.

23 Mr. Garcia.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Mr. Grullon.

1 MR. GRULLON: Yes.
2 MR. VALLEJO: Mr. Ortiz.
3 MR. ORTIZ: Yes.
4 MR. VALLEJO: Ms. Perez.
5 MS. PEREZ: Yes.
6 MR. VALLEJO: Ms. Watley.
7 MS. WATLEY: Yes.
8 MR. VALLEJO: Ms. O'Dell.
9 MS. O'DELL: Yes.
10 MR. VALLEJO: Ms. Pena.
11 MS. PENA: Yes.
12 MR. VALLEJO: Seven in favor, motion
13 carries.
14 MR. ROSENBERG: Thank you very much,
15 Members of the Board. Thank you for your time.
16 CHAIRPERSON GARCIA: Thank you. Five
17 minute break.
18
19 (Whereupon a short recess was taken.)

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1 **2027 BERGENLINE, LLC -**

2 **2027 BERGENLINE AVENUE:**

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4 MR. VALLEJO: Mr. Chairman, back on the
5 record?

6 All right. Next application on
7 tonight's agenda is 2027 Bergenline Avenue. Mr.
8 Paneque, please.

9 MR. PANEQUE: On this application, let
10 the record reflect that Mr. Mulkay realized
11 earlier this evening that his notice improperly
12 gave the location for the hearing at the Union
13 City municipal court building on Palisade Avenue.
14 It was a mistake and he has let us know that he
15 will renote and be ready for the next meeting.

16 MR. VALLEJO: No action?

17 CHAIRPERSON GARCIA: One question.

18 MR. VALLEJO: No vote.

19 CHAIRPERSON GARCIA: We didn't receive
20 it, we don't accept.

21 MR. PANEQUE: There's no jurisdiction.

22 CHAIRPERSON GARCIA: But one second.
23 How many do you have for next meeting?

24 MR. VALLEJO: How many do I have for
25 next meeting depends what happens today.

1 CHAIRPERSON GARCIA: Already. How many
2 do you have?

3 MR. VALLEJO: Three or four.

4 CHAIRPERSON GARCIA: Let's say four.

5 MR. VALLEJO: Okay.

6 CHAIRPERSON GARCIA: Can I have that one
7 for April?

8 MR. VALLEJO: Which one?

9 CHAIRPERSON GARCIA: This one. Tell
10 Mulkey for April, not for March.

11 MR. VALLEJO: All right.

12 MS. PEREZ: Do you have some for April?

13 MR. VALLEJO: April?

14 CHAIRPERSON GARCIA: It's empty so far.

15 MR. SPATZ: It's April 3rd. You haven't
16 changed the date yet, but it's April 3rd.

17 MR. VALLEJO: 4/3, all right. No
18 problem, for April meeting.

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1 **MARGARITA ONOFRE -**

2 **136 37TH STREET:**

3
4 MR. VALLEJO: Let's move now to
5 Margarita Onofre, 136 37th Street. I received an
6 email from the office of Mr. Alonso. Do you have
7 a copy?

8 MR. PANEQUE: I don't have a copy, but I
9 did see that email because I was copied on it.
10 Let the record reflect that Mr. Alonso notified us
11 this afternoon that he was asking that this matter
12 be carried due to the fact that he was having to
13 file the amended application, which was requested,
14 and he had not had the opportunity to have the
15 plans finalized. So he is asking that it be
16 carried for the March hearing date, with renote
17 and republish.

18 CHAIRPERSON GARCIA: Did he waive the
19 statutory?

20 MR. PANEQUE: The letter states that
21 waives the statutory time period.

22 MR. VALLEJO: That will be for
23 March 13th.

24 CHAIRPERSON GARCIA: Let me think about
25 this. I prefer to clean it up pretty well, March.

1 So I know that he requested for March, but I'm
2 going to make -- I'm going to recommend to bring
3 it to April.

4 MR. VALLEJO: April 3rd.

5 CHAIRPERSON GARCIA: I make my motion --

6 MR. PANEQUE: Excuse me a second. Off
7 the record, please.

8

9 (Discussion held off the record.)

10

11 CHAIRPERSON GARCIA: I make my motion to
12 adjourn this application to the March meeting.

13 MR. VALLEJO: March 13th. Motion on the
14 table to adjourn this application, Margarita
15 Onofre. Motion by Mr. Garcia for March 13, 2025.
16 Any second?

17 VICE CHAIRPERSON GRULLON: Second.

18 MR. VALLEJO: Seconded by Mr. Grullon.

19 Roll call on the motion. Mr. Garcia.

20 CHAIRPERSON GARCIA: Yes.

21 MR. VALLEJO: Mr. Grullon.

22 VICE CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Ms. Pena.

7 MS. PENA: Yes.

8 MR. VALLEJO: Seven in favor, motion
9 carries.

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1 **SHERMAN REALTY, LLC (MEDNA BUILDERS LLC) -**
2 **406 BERGENLINE AVENUE:**

3
4 MR. VALLEJO: We're moving now to
5 Sherman Realty, LLC. Ms. Pereiras, please,
6 requesting one year extension.

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Good evening, Board Members, Bianca Pereiras on
9 behalf of the applicant for property at 406
10 Bergenline Avenue. If the Board may recall, this
11 application was approved back in 2022 to construct
12 a new two-family house. Unfortunately, the client
13 has not been able to secure permits. He is hoping
14 to do so in the very near future. He has
15 construction documents ready and is just going
16 through the permitting process now.

17 So we are respectfully requesting a
18 one-year extension. These approvals just expired
19 recently in November of 2024. So we're asking for
20 these approvals to be valid for one year, so he
21 can secure the necessary permits.

22 CHAIRPERSON GARCIA: Okay. So you tell
23 me that the building department took more than two
24 years to --

25 MS. PEREIRAS: I'm not saying the

1 building department took more than two years. I'm
2 saying they finalized construction documents and
3 are in the process of submitting for permits and
4 getting those approvals. There's quite a few
5 approvals that have to take place prior to them
6 getting approval from the building department.

7 CHAIRPERSON GARCIA: Also I'm seeing
8 that you have another application for the same
9 location?

10 MS. PEREIRAS: Correct.

11 CHAIRPERSON GARCIA: I'm going to
12 request, if you allow me and I hope that you can,
13 is to adjourn both applications for next meeting.
14 And I need to revise the prior -- I was not part
15 of the Board at that time, okay. And I know that
16 it's -- I understand that -- I don't know if it's
17 the same application, it's not the same
18 application, what is the difference between both.
19 I would appreciate if you can give me an
20 opportunity read the transcript and to review the
21 other plans and compare with this application.
22 And if it's -- I really appreciate if you can do
23 it. And also -- this one, not for the next one.
24 So if you don't mind, we can --

25 MS. PEREIRAS: Adjourn until --

1 CHAIRPERSON GARCIA: For the March
2 meeting.

3 MS. PEREIRAS: That's no problem, Mr.
4 Chairman.

5 CHAIRPERSON GARCIA: I make my motion to
6 adjourn the extension to next meeting for me to
7 read the -- for all the Members of the Board that
8 was not on the Board to read the transcript.

9 VICE CHAIRPERSON GRULLON: I second.

10 MR. VALLEJO: Motion by Mr. Garcia,
11 seconded by Mr. Grullon.

12 Roll call on the motion. Mr. Garcia.

13 CHAIRPERSON GARCIA: Yes.

14 MR. VALLEJO: Mr. Grullon.

15 VICE CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Mr. Ortiz.

17 MR. ORTIZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Ms. Pena.

25 MS. PENA: Yes.

1 MR. VALLEJO: Seven in favor, motions
2 carries.

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

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4 MR. VALLEJO: Now we're moving to number
5 five, Sherman Realty, 406 Bergenline Avenue. Ms.
6 Pereiras, please.

7 CHAIRPERSON GARCIA: Also, I'm going to
8 request you to waive the statutory limit.

9 MS. PEREIRAS: That's fine, Mr.
10 Chairman.

11 CHAIRPERSON GARCIA: For March meeting,
12 this way we have the opportunity to see both
13 applications and read the transcript from the
14 prior --

15 MS. PEREIRAS: That's fine. Just to
16 confirm, no new notice or publication for that new
17 application, correct?

18 CHAIRPERSON GARCIA: No new notice.

19 MS. PEREIRAS: Thank you.

20 CHAIRPERSON GARCIA: Make my notion to
21 adjourn for March 13, 2025.

22 VICE CHAIRPERSON GRULLON: Second.

23 MR. VALLEJO: Motion made by Mr. Garcia,
24 seconded by Mr. Grullon.

25 Roll call on the motion. Mr. Grullon.

1 VICE CHAIRPERSON GRULLON: Yes.
2 MR. VALLEJO: Mr. Ortiz.
3 MR. ORTIZ: Yes.
4 MR. VALLEJO: Ms. Perez.
5 MS. PEREZ: Yes.
6 MR. VALLEJO: Ms. Watley.
7 MS. WATLEY: Yes.
8 MR. VALLEJO: Ms. O'Dell.
9 MS. O'DELL: Yes.
10 MR. VALLEJO: Mr. Garcia.
11 CHAIRPERSON GARCIA: Yes.
12 MR. VALLEJO: Ms. Pena.
13 MS. PENA: Yes.
14 MR. VALLEJO: Seven in favor, motion
15 carries.
16 CHAIRPERSON GARCIA: We already have
17 more or less like seven for March, right? Okay.
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1 **506-508 26TH ST, LLC -**

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

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4 MR. VALLEJO: Next application is
5 506-508 26th Street. Ms. Pereiras, please.

6 MS. PEREIRAS: Thank you, Mr. Vallejo.
7 Bianca Pereiras on behalf of 506-508 26th Street.
8 This is an application to legalize two residential
9 units in an existing multifamily building. The
10 Board may recall we presented testimony at the
11 last meeting, you heard from our architect as well
12 as from our planner. At that time, the Board made
13 a motion to carry this matter so that they could
14 maybe visit the site, so there's no additional
15 testimony from our side at this point, unless the
16 Board has any questions of us.

17 CHAIRPERSON GARCIA: I think we already
18 went through --

19 MS. PEREIRAS: We went through all the
20 testimony.

21 CHAIRPERSON GARCIA: Okay. Did you
22 provide the pictures?

23
24 M A N U E L P E R E I R A S, previously sworn:
25

1 MR. PEREIRAS: We did. And there's one
2 thing I want to expand on my testimony. Since we
3 had a little bit of added time, we had the
4 opportunity to go to the site and figure out how
5 we could make parking a little bit better. And so
6 we actually added parking spaces and we figured
7 out a way to make this comfortable.

8 There's no reason why we couldn't have
9 tandem spaces in the parking area. So what we did
10 is, whereas we had three prior, we actually
11 doubled it. So now we're providing six parking
12 spaces in the rear of the property.

13 CHAIRPERSON GARCIA: So we -- you didn't
14 provide it before?

15 MR. PEREIRAS: Before we only had, it
16 was three existing spaces, we weren't providing
17 any additional parking. Now we figured we could
18 make those tandem and we could have three cars
19 parked in the back.

20 CHAIRPERSON GARCIA: Okay. To make the
21 park --

22 MR. PEREIRAS: To make the parking
23 situation even better. And then photographs were
24 submitted. And I think we have some, we have
25 photographs here. This is the current condition

1 of the spaces.

2 CHAIRPERSON GARCIA: Right.

3 MR. PEREIRAS: The apartment on the
4 right-hand side, apartment on the left-hand side,
5 entrance. So it's gutted, it's to the studs right
6 now and that's why our application is for new
7 apartments. They previously were there. They
8 were demolished as part of an agreement with the
9 municipality and now we're coming to recreate
10 those apartments.

11 CHAIRPERSON GARCIA: Any further
12 questions? Any member of the public want to step
13 forward? Seeing none, close to the public. In
14 consideration -- first of all, thank you for
15 adding three more parking spaces, that's a way to
16 mitigate a situation in the City that we have
17 every day. And also the quality of life in those
18 apartments in the basement. So I'm going to make
19 my motion to grant this application.

20 MR. VALLEJO: Motion on the table to
21 grant the application by Mr. Garcia.

22 MR. ORTIZ: Second.

23 MR. VALLEJO: Seconded by Mr. Ortiz.

24 Roll call on the motion. Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Mr. Grullon.
2 VICE CHAIRPERSON GRULLON: Yes.
3 MR. VALLEJO: Mr. Ortiz.
4 MR. ORTIZ: Yes.
5 MR. VALLEJO: Ms. Perez.
6 MS. PEREZ: Yes.
7 MR. VALLEJO: Ms. Watley.
8 MS. WATLEY: Yes.
9 MR. VALLEJO: Ms. O'Dell.
10 MS. O'DELL: Yes.
11 MR. VALLEJO: Ms. Pena.
12 MS. PENA: Yes.
13 MR. VALLEJO: Seven in favor, motion
14 carries.
15 MS. PEREIRAS: Thank you all very much.

16 * * * *

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

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Miguel Calderon, 210 46th
6 Street.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of Miguel Calderon for 210 46th Street.

9 MR. PANEQUE: Thank you, Ms. Pereiras.
10 Let the record reflect as follows:

11 I've been provided by Ms. Pereiras with
12 a certification as to publication and service
13 indicating that notice of tonight's hearing with
14 respect to the property located at 210 46th Street
15 was given to all property owners within 200-foot
16 radius, as well as published in the newspaper.

17 I've also been provided with an
18 affidavit of publication from The Record and
19 Herald News showing that the notice was published
20 on the issue of January 31, 2025. And the notice
21 says that application will take place on this
22 evening, February 13th, at 6:00 p.m., at this
23 location, with respect to the property in
24 question.

25 And I've also been provided with a list

1 from the tax assessor's office listing all
2 property owners within a 200 foot radius of 210
3 46th Street. Said list has a date of January 31,
4 2025.

5 And, finally, the certified mail slips
6 with a stamp from the post office of February 3,
7 2025.

8 Based on the documentation provided,
9 this Board has jurisdiction to proceed and hear
10 this matter.

11 MS. PEREIRAS: Thank you very much,
12 Counsel. Bianca Pereiras on behalf of Miguel
13 Calderon. The property in question has a revised
14 application before you, as well as revised
15 drawings. Why? Initially we came in with an
16 application to legalize a third unit in an
17 existing two-family. It looks like at some time
18 in the past, there were officially three units
19 there, but one was not recognized by the building
20 department and that unit was removed. We are
21 coming before this Board --

22 MR. PANEQUE: Ms. Pereiras, I apologize
23 for the interruption. Let the record reflect that
24 our chairman, Mr. Andres Garcia, has recused
25 himself. And we have our vice chairman, Mr.

1 Victor Grullon, who is going to attend to carry
2 this meeting.

3 MS. PEREIRAS: Thank you very much. As
4 I was saying, the application is to go from a two-
5 to a three-family home by adding a third unit in
6 this property. We have two experts to testify and
7 we'll begin our presentation with our architect,
8 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: Manny Pereiras,
14 P-E-R-E-I-R-A-S, with Pereiras Architects
15 Ubiquitous, 1116 Summit Avenue, Union City.

16 MS. PEREIRAS: Mr. Pereiras has
17 testified before the Board in the past and I ask
18 he be accepted as an expert in the field of
19 architecture?

20 MR. GRULLON: Yes. It is our pleasure,
21 Mr. Pereiras.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 210 46th Street?

24 MR. PEREIRAS: I am.

25 MS. PEREIRAS: And did you prepare the

1 drawings that are before the Board this evening?

2 MR. PEREIRAS: I have.

3 MS. PEREIRAS: And would you kindly
4 describe the proposal for the Board?

5 MR. PEREIRAS: I'd be very happy to.
6 These are one of those projects where it's an
7 opportunity to really fix the neighborhood and
8 take advantage of the work that we have to do on
9 the ground floor and really make the building a
10 lot better and a lot safer.

11 We have a conforming lot that is
12 25-by-100, we have an existing building that we're
13 not looking to change and grow in any way. So all
14 the setbacks are preexisting nonconformities or
15 compliant. And I'll just go through the list, we
16 have a planner that's going to testify. But we
17 have a side yard variance and that's a previous
18 existing nonconformity, it's 2 feet 5 inches on
19 one side and zero on the opposite side, whereas
20 three and a total of five is required. And there
21 is a parking requirement that we are expanding on,
22 six parking spaces total, we have none. But this
23 is a preexisting building, typical of the
24 neighborhood. As we all know, there's no
25 opportunity to create parking on the site because

1 we don't have a bigger front yard setback. We
2 only have 13 feet to the building, it's actually
3 more like 10 feet, so a car doesn't fit. And it
4 wouldn't be appropriate on this block because we
5 don't have that condition of front yard parking on
6 this block.

7 So what we're looking to do is to create
8 a safe, beautiful structure. The way we're doing
9 that and first and foremost, we have an apartment
10 that is a good size, it's 863 square feet. It
11 consists of a bedroom, a den, a home office along
12 the front of the building, kitchen, dining room,
13 living room, two bathrooms. So there's ample
14 space in this house at 863 square feet. There are
15 two entrances to this space, one from the front of
16 the building and then one to the rear yard, both
17 are full sized, comfortable sized entries. And
18 there's emergency escape windows from the rear
19 bedroom also.

20 There are a number of things that we're
21 doing from a safety standpoint that really enhance
22 and protect the public, not only this building,
23 but the adjacent structures. By means of
24 approving this, we're creating a two-hour fire
25 rating in the ceiling of the entire space. We're

1 also adding a domestic line sprinkler system to
2 the space and we're upgrading the alarm system
3 throughout the entire building, as well as a lot
4 of cosmetic changes. So there's lots of little
5 things that we're fixing, we're removing satellite
6 dishes from the facade of the building, cleaning
7 it up, making it a lot more beautiful to really
8 enhance the neighborhood.

9 And I'm open for more questions if we
10 need to, but I think that sums it up in a
11 nutshell. And we do have a planner to speak.

12 VICE CHAIRPERSON GRULLON: Thank you,
13 Mr. Pereiras. Can you bring your next witness?

14 MS. PEREIRAS: Of course. Mr.
15 Dougherty, please.

16 MR. GRULLON: We'll save our questions
17 for Mr. Pereiras for the end.

18
19 A L E X A N D E R D O U G H E R T Y, after
20 having been duly sworn or affirmed, did testify as
21 follows:

22
23 MR. DOUGHERTY: Alexander Dougherty,
24 D-O-U-G-H-E-R-T-Y, professional planner.

25 MS. PEREIRAS: Mr. Dougherty has

1 appeared --

2 VICE CHAIRPERSON GRULLON: Yes, we
3 accept your qualifications.

4 MR. DOUGHERTY: Good to see everybody.
5 Sorry I couldn't make it last month. So with this
6 property, your planner has a very good, thorough
7 outline. As Manny just testified, the structure
8 itself is an existing structure. We're not
9 expanding the physical footprint at all, it's all
10 internal programing. What's nice about this
11 application is just one bedroom, something small,
12 palatable, young professional. You know, it's not
13 a family sized unit, it really is small. There is
14 the big issue, there's no parking, there's never
15 been parking associated with this site.

16 With that said, I want to remind the
17 Board this zone used to allow for three families.
18 With that being said, it was discontinued not too
19 long ago, but it's not there, it's an opportunity
20 to bring it back. With that, I want to emphasize,
21 though we are deficient on our parking, it once
22 existed for some time. At that point, when we
23 look at this application, the neighborhood would
24 have absorbed that additional need for parking if
25 that parking would have manifested with the one

1 bedroom.

2 With that also, with this property
3 situated at 46th Street, it's in really good
4 walking distance from New York, Palisade, and
5 Hudson, ample bus stops all around, ample
6 amenities, just one block radius around. So for
7 the need, from a housing perspective versus the
8 need from a vehicle perspective, this application,
9 when you look at it, does bring with it an
10 opportunity to provide for that diversified
11 housing option. We see a lot of times, two,
12 three, four bedroom units. You know, one-bedroom
13 units in a detached dwelling, I think is a benefit
14 in a large apartment complex.

15 So when we look at this application as
16 it was outlined in your planner's report, this is
17 (d) (1) use variance. We have to outweigh the
18 benefits and negatives here. Site suitability,
19 being the first prong here. This neighborhood,
20 there are several three families, there are
21 several. It's not out of character. Again, it
22 used to have a third unit there.

23 When we look at the positives here,
24 within the overall confines of the neighborhood,
25 you know, as Manny testified, it's an opportunity

1 to bring a more weathered property, give it that
2 fresh look, give it that modern building codes,
3 fire codes, in that regard, bring a safe habitable
4 unit into play that would benefit the remaining
5 two.

6 From a negative standpoint, again this
7 site doesn't have parking. This is -- we're
8 trying to make this a separate unit. With that,
9 if the first floor were to extend down to this one
10 bedroom, it would just be an expansion of that, to
11 include the one bedroom. We feel the unit itself
12 is better to provide for that housing option, that
13 range if you will for a growing community. Maybe
14 not everybody needs a three-bedroom apartment or
15 two-bedroom apartment, they need that one-bedroom.
16 So I think it's appropriately sized for, you know,
17 the limitations that exist on the property.

18 I don't think there will be any
19 substantial negative effects. Parking is not a
20 new issue. You know, one-bedroom units, you know,
21 hopefully -- like I said, it's not going to have
22 that big of a parking demand for the neighborhood,
23 for the community because it is just a one-bedroom
24 apartment.

25 I think Manny knows his limitations and

1 how far the City will -- the municipality will
2 look at things. So for this, bringing this back,
3 we're not asking for anything more than what was
4 already historically there and associated with the
5 site.

6 And, again, when we talk about the ample
7 mass transit around, there's the 86, the 86X,
8 there's 89, the 156, this is all within one block
9 radius left and right of this property. So again,
10 there's ample amenities at your doorstep here.
11 Good mass your. The site use to accommodate the
12 three family, we're going to bring it back, modern
13 living arrangements, state of the art. I don't
14 believe there will be any negative effects.

15 To touch on some of the other variances
16 here that we discussed, the lot is conforming.
17 The lot width is conforming, and we have a few
18 preexisting issues here. The lot depth is
19 conforming. We have the front yard setback, which
20 is conforming, even though had it been pushed
21 further back, we might be able to put a parking
22 stall in there. Again, we're not moving the
23 building that's there as it is. We have that
24 front yard setback where 20 is required and -- I'm
25 sorry. The rear yard setback, 20 is required and

1 we're at 27. So we could have gone back about
2 seven, but again, the building exists there today.

3 The lot coverage it's at 56, 65 allowed.
4 And then we have impervious coverage, 95 is
5 allowed and we were at 73. So I don't believe the
6 site is quote/unquote overdeveloped. Again, it's
7 existing in this manner. We're really just
8 working the internal gut here.

9 We do have that parking issue, where
10 this one apartment, we would be technically
11 required to provide 1.8, as per the planner's
12 report. There's no parking here, as we've gone
13 through. But from a (d)(1) use standpoint, I just
14 want to rhyme the Board 2019, three units were
15 allowed in the zone. I know we've calmed things
16 down, we want to look at things. There's a lot of
17 units everywhere. This gives the Board an
18 opportunity to put fresh eyes on it, bring it back
19 to code, make it safe, modern and small.

20 So with that, I do think we advance many
21 purposes of Municipal Land Use Law, purpose A,
22 which is safeguard the morals and welfare of the
23 community. Again, this building would be built to
24 code, fire and building codes. Purpose I, for
25 desirable visual environment. And I don't think

1 there would be any adverse effects. And purpose
2 E, certainly for appropriate populations in
3 appropriate locations. Again, we are right at the
4 cusp of a lot of amenities and retail and mass
5 transit, which is good placement throughout the
6 community for an additional one-bedroom unit. And
7 certainly purpose M, for more efficient use of
8 land. You know, we have that space that was once
9 there, reactivate it and make more efficient,
10 provide that one bedroom for a growing population
11 for housing.

12 So with that, I do believe that this
13 additional one bedroom would advance the purposes
14 of the season overall master plan without eroding
15 the integrity of the zone. So with that, I'll
16 conclude for any cross and testimony, but
17 otherwise approval would be warranted.

18 VICE CHAIRPERSON GRULLON: Thank you.

19 Ms. Pereiras, this application, we've
20 heard this application back in July. And then
21 after that, we've been listening to testimony on
22 few occasions, carrying this application few
23 occasions. And I believe at one point, we asked
24 for pictures. I don't know if you ever provided
25 pictures to the Board?

1 MS. PEREIRAS: I believe we did. As far
2 as the -- just to clarify, I don't think we
3 actually ever testified on this matter. We were
4 asked to look into the matter because there was
5 some violations that were on record with the
6 building department and that's why we didn't
7 provide testimony. So it's been adjourned several
8 times --

9 VICE CHAIRPERSON GRULLON: At one point,
10 we had residents from the area. I know we have
11 violations, but they were concerned about the
12 units being used as Airbnb and there was a lot of
13 complaints. I don't see anyone from the
14 neighborhood here now. Did we notify the
15 neighborhood at this time?

16 MS. PEREIRAS: I did send new notices
17 and new publication because it's been adjourned so
18 many times and because we modified the application
19 to show that this was a new addition, we did
20 notice.

21 VICE CHAIRPERSON GRULLON: Were the
22 violations resolved?

23 MS. PEREIRAS: The violations, as far as
24 I'm concerned, there were violations for the
25 nonconforming apartment. That nonconforming

1 apartment was removed and a fine was paid to the
2 municipality.

3 MR. PEREIRAS: And it was discovered
4 that the Airbnb situation was a tenant that was
5 renting out a room, had nothing to do with the
6 ownership.

7 VICE CHAIRPERSON GRULLON: Mr. Paneque,
8 are those issues that we have violations and I
9 believe that's why we carried to see the
10 resolution of the violations, do we have any
11 documentation of the result?

12 MR. PANEQUE: None that has been
13 provided to us.

14 VICE CHAIRPERSON GRULLON: And do we
15 have the pictures of the existing condition?

16 MR. VALLEJO: I'll look in the record
17 and I didn't find -- only the ones on the
18 blueprints.

19 MR. PANEQUE: The question is, Ms.
20 Pereiras, are there any photographs of the
21 interior of the property in its present condition?

22 MS. PEREIRAS: The issue with that,
23 there's a tenant on that first floor that has been
24 very, very difficult and has not permitted entry
25 into that unit. In fact, she's also taken over

1 this basement area with her storage and her
2 garbage. And that's something that's being --
3 we're trying to resolve.

4 VICE CHAIRPERSON GRULLON: Those were
5 some of the complaints from the neighborhood.

6 MS. PEREIRAS: That's all related to one
7 tenant and he has an attorney who is handling that
8 in landlord/tenant court. I have nothing to do
9 with the tenant issue.

10 VICE CHAIRPERSON GRULLON: Okay.

11 MR. PEREIRAS: And this if the Board
12 were to approve this, it would help in removing
13 that tenant and moving forward and getting good
14 tenants in that space.

15 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
16 you say you have revised plans, what is the
17 difference between the plans that you have the
18 previous meeting?

19 MR. PEREIRAS: The only difference is
20 semantics. It's the wording that we said it's an
21 existing apartment. We weren't comfortable using
22 that term existing because they had already
23 removed the kitchen, they had already removed the
24 bathtub. So instead of saying existing apartment
25 and it's been taken over by that other tenant, the

1 hoarder tenant. So instead of calling it an
2 existing apartment, we revised so the record is
3 clear and it's a new apartment.

4 VICE CHAIRPERSON GRULLON: Do you guys
5 have any questions?

6 MS. O'DELL: Just one question. If this
7 is supposed to be an apartment for, I guess, one
8 bedroom, why is there two bathrooms with two
9 showers? In this section, number two?

10 MR. PEREIRAS: We can make it one
11 bathroom, if it's something the Board is concerned
12 with -- I agree, I think it's overkill. I think
13 it's definitely overkill, we can make it a half
14 bathroom if you like. That's not something I
15 have -- I don't think the tenant would object to
16 it. I have a feeling that's probably what was
17 there and that's why they built it and put it like
18 this. But I'm not sure because I haven't
19 personally been in that space, which is a rare
20 condition. But I just haven't had access.

21 MR. DOUGHERTY: It looks like one
22 bathroom is a master bath.

23 MS. O'DELL: But if it's for one or
24 two --

25 MR. PEREIRAS: It doesn't have to have a

1 bathtub on the other. The master bath, remove the
2 bath tub, we can remove the bathtub if it makes
3 you feel comfortable and put a linen closet.
4 That's not a problem.

5 MS. SAN MARTINO: Another thing is if --
6 I know you said they've been difficult to take
7 pictures, but it's going to be difficult, too, for
8 us to give like blind decision if we don't see how
9 it is and how are --

10 MR. PEREIRAS: I'm not asking to do a
11 blind decision. What's there is a disaster, okay.
12 The little that I peaked in, it's a hoarder that's
13 there, it's a problem. This is going to be
14 reconstructed all new.

15 MS. O'DELL: This is the basement? This
16 is the bottom, where the construction --

17 MR. PEREIRAS: It's four steps down, so
18 it's not a full -- it's not below grade, it's four
19 steps below grade. And we're going to have to
20 reconstruct all of that. So that's going to be
21 all new, brand new apartment. It's going to meet
22 all the conditions that are required by the
23 building department. So safety egress, everything
24 is going to be compliant, ceiling height,
25 everything is going to be built to a new standard.

1 So there's lots of conditions where we're like
2 coming here, where we're asking you to legalize, I
3 totally understand why pictures are important
4 because it's what's there. And then you want to
5 make sure you're doing the right thing and want to
6 legalize. In this situation, it's not. We're
7 reconstructing everything, so it's going to be a
8 new apartment. So that's why I feel comfortable
9 sharing that with you, to present it like this.

10 VICE CHAIRPERSON GRULLON: Because of
11 the violation and also because of the concern
12 about -- they could say it's one of the tenants,
13 but the building being used for Airbnb, by
14 renovating the building, I think that's going to
15 make the situation worse.

16 MR. PEREIRAS: Well, it's the tenant --

17 VICE CHAIRPERSON GRULLON: If I may, I
18 know you're being in front of us for many times
19 and you waiting for a decision on this. But we're
20 here to protect the neighborhoods and to make sure
21 that if they have any concern -- I heard concern
22 from the neighbors. I would not feel comfortable
23 approving something that is already an issue for
24 them, but rather deal with the issue legally,
25 instead of with us. But I don't feel we're

1 proceeding with this.

2 MR. PEREIRAS: So we feel that we're
3 working to --

4 VICE CHAIRPERSON GRULLON: And I don't
5 want to carry it again because --

6 MS. PEREIRAS: Just to --

7 VICE CHAIRPERSON GRULLON: First of all,
8 the pictures are a requirement that we imposed a
9 few months ago. We want to see, but I know in
10 this case, you're not going to be able to get
11 pictures. I mean I'm just ready to make a motion
12 on this, but --

13 MS. PEREIRAS: Just to clarify because
14 there's an allegation being made that there's an
15 Airbnb, but there's no violation as to an Airbnb.

16 VICE CHAIRPERSON GRULLON: Complaint
17 from the neighbors, the neighbors that came in
18 previous meetings.

19 MS. PEREIRAS: It may be an allegation,
20 that's not the case. No violation has ever been
21 issued. We even invited the building department
22 to come see the conditions of the apartment and
23 the building inspectors weren't able to access the
24 basement apartment because this tenant is being as
25 difficult as she's being.

1 VICE CHAIRPERSON GRULLON: It's a
2 terrible situation.

3 MS. PEREIRAS: It's very difficult.

4 VICE CHAIRPERSON GRULLON: I don't think
5 you're going to make it any better by getting
6 approval on something that -- I don't think they
7 deserve to have --

8 MS. PEREIRAS: It would definitely make
9 it better. You're talking about a very good
10 landlord here who has taken care of this property
11 and has had a tenant who has taken over. And they
12 are doing everything that they can to make sure
13 that that tenant is removed and they're working on
14 that.

15 In the interim, I don't think they
16 should be held back from proceeding and trying to
17 fix their entire building, which is what they're
18 trying to do.

19 MR. PANEQUE: If I may? Mr. Pereira, I
20 know that the argument that's being offered to the
21 Board is that an approval would assist your client
22 in the issue with the tenant, okay. However, from
23 a legal perspective, this approval would have no
24 bearings on the landlord/tenant proceedings that
25 are currently undergoing, if that is the case,

1 okay. So this approval is separate and apart from
2 the legal actions being taken against those
3 tenants or that tenant, if she's a hoarder or
4 whatever is going on.

5 Now, I have a feeling that I know where
6 the vice chairman is going with this. And I'm
7 giving you the option, okay, because this Board
8 did make it very clear that photographs have to be
9 presented so that this Board can make the most
10 educated decisions on every case. If this Board
11 votes on your application, you're going to be
12 barred from bringing it again.

13 MS. PEREIRAS: Right.

14 MR. PANEQUE: Okay. My suggestion would
15 be that if there's an attorney dealing with the
16 landlord/tenant action, let them deal with it,
17 vacate that tenant, take the photographs, and then
18 come back before the Board with the same
19 application with the photographs. Because if the
20 Board goes the way I think it's going to go
21 tonight, it's going to bar your application.

22 MS. PEREIRAS: I understand, Counsel,
23 and the only issue I have, my client has been at
24 all of the other meetings and he wasn't able to
25 make it tonight. And I was hoping to proceed and

1 to resolve it. I don't want to make -- I don't
2 want to withdraw the application without first
3 confirming with my client. So if the Board would
4 be so kind to carry this matter, I'll speak to my
5 client. If he's that a position to withdraw, then
6 I'll withdraw. If not, we'll make a -- the Board
7 can make their motion at the next meeting.

8 VICE CHAIRPERSON GRULLON: Just for the
9 record, you know, you mentioned that the
10 residents, when they were concerned about the
11 units being used as Airbnb, it's an allegation, it
12 may not be true. But it's the same way the other
13 way around, that the owner is claiming that it's a
14 tenant that is using the units as Airbnb, it might
15 be the owner. We don't know that.

16 MS. PEREIRAS: We don't know that.

17 VICE CHAIRPERSON GRULLON: There's
18 nothing on the record.

19 MS. PEREIRAS: There's no violation for
20 an Airbnb.

21 VICE CHAIRPERSON GRULLON: I think it
22 would be fair if we're not breaking any rules, and
23 you waive the statutory right, I'd like to carry
24 this until you solve the situation because we're
25 ready to make a motion.

1 MR. PANEQUE: I'm going to interrupt a
2 second, Mr. Vice Chairman.

3 Ms. Pereiras, as you've gathered from
4 the amount of cases that we have, we were trying
5 not to pack the agenda in March any further.
6 Would it be possible for to you reach out to your
7 client for the sole purpose of inquiring if you
8 could withdraw the application tonight? With the
9 expectation that you're going to come back before
10 this Board once you have access to that unit.

11 There's certain things that come to
12 mind, okay. And those things that come to mind
13 are if you haven't had access to the basement,
14 which your architect, Mr. Pereiras, testified he
15 hasn't had access to it, okay. We have nothing
16 that's being presented to this Board as to the
17 feasibility of actually doing an apartment there.
18 This basement may be 5-foot tall, okay. We don't
19 know. It could be 5 foot-5, 6 feet tall, and it
20 wouldn't be financially possible without digging
21 down into the sub floor. So to come in blindly
22 and say, hey, we want -- we have a canvas, we're
23 going to do a new painting, but we don't know
24 whether the canvas is 4 feet or 5 feet or, you
25 know. If you could reach out to your client,

1 withdraw it if he okays it. Then come back and
2 this Board, with the proper presentation of
3 photographs and so forth, then we'll be in a
4 better position to make the determination.

5 MS. PEREIRAS: Understood. If I can
6 have a few minutes to try to reach him on his
7 phone?

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. DOUGHERTY: Counsel, do we need
10 pictures of just units themselves, because I go to
11 the sites with the drone. So I just -- if I have
12 to schedule --

13 MR. PANEQUE: No, unless the drone can
14 go inside the window.

15 VICE CHAIRPERSON GRULLON: The inside.

16 MR. DOUGHERTY: I'm saying for any and
17 all applications, you want interior photos, okay.

18 MR. PANEQUE: The procedure that we're
19 following now on any application is that we want
20 to see interior photographs so that this Board can
21 make an educated decision on what is being asked
22 of it. So, yes, aside from your perfect drone
23 pictures, which I enjoy very much because I like
24 to see my Union City city in its panoramic view,
25 we would like to see indoor pictures as well.

1 MR. DOUGHERTY: So key indicators, you
2 want to know the heights and so forth of the floor
3 to ceiling?

4 VICE CHAIRPERSON GRULLON: Like in this
5 case, we're proposing a basement unit, we want to
6 see the condition of the basement.

7 MR. DOUGHERTY: Height is a key issue.

8 VICE CHAIRPERSON GRULLON: Height is a
9 key issue. And it might be an existing apartment
10 there now, like we don't know. That's why we
11 request pictures.

12 MR. DOUGHERTY: I'll make sure to try to
13 get those.

14 VICE CHAIRPERSON GRULLON: Because of
15 the Airbnb situation, it would be nice to see if
16 they have family living in there. If they have, I
17 don't know -- I don't know if we could ask for
18 those kinds of thing. Because we have a complaint
19 for Airbnb, if they have leases for those
20 apartments.

21 MS. PEREIRAS: Okay.

22 MS. O'DELL: When it is two bathrooms,
23 it looks to me like --

24 MS. PEREZ: The office looks like
25 another bedroom.

1 MS. O'DELL: And then there's two
2 bathrooms and another bedroom --

3 MS. PEREIRAS: That's something we can
4 always modify. It's nice to have a master bath --

5 MR. PANEQUE: We're going to go off the
6 record.

7
8 (Whereupon a short recess was taken.)

9
10 VICE CHAIRPERSON GRULLON: Back on the
11 record.

12 MR. VALLEJO: Back on the record.

13 MS. PEREIRAS: Mr. Chairman, Board
14 Members, we were able to confer with our client.
15 Our client has advised us he has a matter before
16 the landlord/tenant court in Hudson County on
17 Thursday the 20th of this month. That being said,
18 we're respectfully requesting this matter be
19 carried to the April meeting, if possible, to give
20 us opportunity to have that tenant vacated. And
21 hopefully we can provide this Board with the
22 pictures that you need in order to really hear
23 this application.

24 VICE CHAIRPERSON GRULLON: Ms. Pereiras,
25 you waive the statutory time limit?

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

2 VICE CHAIRPERSON GRULLON: This will be
3 the last carry, please. We're going to need the
4 pictures, you know, any kind of proof that you can
5 have, just to make the Board aware that the
6 building is not being used as a rental, a daily
7 rental.

8 With that, I make a motion to carry to
9 the application to the April 3rd meeting.

10 MR. VALLEJO: Motion on the table to
11 carry this application for April 3, 2025, by Mr.
12 Grullon. Any second on the motion?

13 MR. ORTIZ: I second it.

14 MR. VALLEJO: Seconded by Mr. Ortiz.
15 Roll call on the motion. Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Mr. Ortiz.

18 MR. ORTIZ: Yes.

19 MR. VALLEJO: Ms. Perez.

20 MS. PEREZ: Yes.

21 MR. VALLEJO: Ms. Watley.

22 MS. WATLEY: Yes.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

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

6 MS. PEREIRAS: Thank you all.

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

2 **821 18TH STREET:**

3
4 MR. VALLEJO: Now we're going to move to
5 Sol on 18th Street, LLC.

6 Let the record reflect that Chairman
7 Garcia joined the meeting. Ms. Pereiras, please.

8 MS. PEREIRAS: Thank you very much.

9 MR. A. PANEQUE: Let the record reflect
10 the Board has been provided the following
11 documentation:

12 An affidavit stating that on January 31,
13 2025, personal notice of tonight's meeting was
14 given to all property owners within the 200-foot
15 radius of 821 18th Street, Union City, New Jersey.

16 A legal affidavit from The Jersey
17 Journal that notice was published on January 30,
18 2025, of today's hearing. The notice given to all
19 property owners, the list of the property owners
20 to be served with notice, certified mail receipts
21 postmarked January 30th, 2025.

22 Based on the documentation provided to
23 this Board, this Board has jurisdiction to hear
24 this application.

25 MS. PEREIRAS: Thank you very much,

1 Counsel. Bianca Pereiras on behalf of Sol on
2 18th, LLC, for property at 821 18th Street, also
3 known as Lot 19 in Block 94.

4 The application before the Board this
5 evening is to add a third unit to an existing
6 two-family home. We have two experts to testify
7 and we'll begin our presentation with our
8 architect, Mr. 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. This is a great
14 application. We have a very rare condition on
15 this property that we have an extremely huge lot.
16 This is 136 feet long as a lot, so we have a
17 square footage of 3,049 square feet, which really
18 provides the planning justification that we have
19 the proper size for a three-family house. The
20 building itself is existing to remain, all we're
21 doing is cosmetic changes to the building. We're
22 really redoing the facade and making it into a
23 really beautiful facade.

24 I'd like to start with Z02. And sheet
25 Z02, we have the existing and proposed site plan.

1 The existing site plan, we see there's an existing
2 large porch. We also see the neighboring houses
3 have cars in the front yard, which is very typical
4 all along the block. We're proposing to demolish
5 that front porch and create steps both going up,
6 creating a smaller porch and steps going down.
7 And what that does is creates enough space that we
8 can provide a car in the front yard, just like all
9 our neighbors have a car. So we are providing the
10 car for the additional apartment that we are
11 requesting.

12 There is a zero side yard setback on
13 both sides, that's very typical of this entire
14 neighborhood. And then the rear yard is actually
15 77 feet to the building and it's 55 feet 6 inches
16 to the rear deck that we have there. The proposed
17 apartment, we could see here, we reconstructed the
18 steps. We have six steps going down, you have
19 your own entryway from the front of the building,
20 with a full sized door. And you walk in, it's an
21 8-foot ceiling across the entire space. You have
22 a two-bedroom apartment. Bedroom number one is
23 the first one to the side, 9 foot 6 by 10 foot 1
24 at the smallest dimension. It's actually got all
25 of this additional space and all of this

1 additional space. That has a bathroom in the
2 hallway. And then there's an master bedroom,
3 which is 12 by 10 and that has its own bathroom
4 and small walk-in closet. The living room, dining
5 and kitchen area is along the back of the property
6 looking at the huge rear yard that we have and
7 that is 18-3 by 11-7. The entire apartment square
8 footage is 767 square feet.

9 And we have the nice opportunity that
10 we're providing new brick. It's an old siding
11 building and we're providing new brick in two
12 different tones. Last time when we presented, it
13 was mentioned can we just make it brick. So we
14 revised the elevation and it will be completely
15 brick. Before we had siding along the center
16 portion, now it's two tones, with a lighter tan
17 color brick in the middle and a darker color along
18 the perimeter. We're putting a nice new metal
19 cornice on it. So the building is going to become
20 a lot more attractive.

21 And everything I always say about
22 apartment revitalization applies here, we're
23 creating a two-hour fire separation between the
24 lower apartment and the apartments above. We're
25 creating a fire alarm system throughout the entire

1 building, that's low voltage, very safe building.
2 We're also providing a domestic line sprinkler
3 system to that lower unit. So we have a sprinkler
4 system protecting the entire building. And that
5 concludes my testimony.

6 MS. PEREIRAS: We have one additional
7 expert to testify, if the Board would like to hear
8 from the planner, or if they have any questions of
9 Mr. Pereiras.

10 CHAIRPERSON GARCIA: You don't have any
11 parking spaces right now, right?

12 MR. PEREIRAS: There are no parking
13 spaces currently. We're proposing a new parking
14 space.

15 MS. O'DELL: I have a question. It says
16 existing rear view and there's a balcony and a
17 door, but on the existing rear view, there's no
18 balcony or door.

19 MR. PEREIRAS: You're looking at the
20 photograph?

21 MS. O'DELL: Existing rear view. It
22 says existing rear view and there's a balcony and
23 a door there.

24 MR. PEREIRAS: I'll explain that. So we
25 prepared these drawings and submitted an

1 application to the Board at the same time that we
2 prepared drawings for the renovation of the second
3 floor and third floor apartments. So that
4 photograph was taken realtime. Now, currently,
5 that balcony exists. So by the time -- you know,
6 there's a little bit of a lag, but we knew that
7 was going to happen by the time we get to the
8 Board, so we drew it. But we can't take a picture
9 in the future. So we drew what was going to be
10 there and that's currently what's there. We
11 couldn't take the picture in the future.

12 VICE CHAIRPERSON GRULLON: Why not?

13 MR. PEREIRAS: Not yet, maybe AI will
14 change that.

15 CHAIRPERSON GARCIA: No further
16 questions for now. Your next witness.

17 MS. PEREIRAS: Our planner.

18

19 A L E X A N D E R D O U G H E R T Y, previously
20 sworn:

21

22 MR. DOUGHERTY: I recognize I'm still
23 under oath. I want to capitalize on -- to go back
24 on what Manny said. This is a unique property
25 here at 821 18th Street, it's an oversized lot,

1 2,500 is the minimum, it's a little over 3,000,
2 3,049 square feet. So when we look at this, to
3 add that additional unit, the test if you will,
4 can the site accommodate this extra unit. I think
5 we have some bandwidth here, it's an oversized lot
6 that certainly, you know, I think can handle that
7 additional unit. As you heard, the ceilings are
8 8 feet, ample head room and clearance spaces.

9 One of the other things I want to point
10 out, the lot coverage by the building is
11 65 percent permitted, we're well under that, it's
12 about 33.42 percent and the maximum previous
13 coverage for the zone is 95 and we're at 51.88.
14 So by overdevelopment, no. As you've heard, as
15 you can see by the plans, it really isn't an
16 expansion of the building footprint. So for the
17 ratio or balance, if you will, the building is, I
18 believe, well suited to accommodate this
19 additional unit. It certainly promotes more
20 efficient use of land and the property as well.

21 I do think when we look at this with
22 what's there, with that very dated siding, to give
23 that fresh look, that modern look, that positive
24 investment in the site. The positive investment
25 is not just to the site, but to the overall

1 neighborhood, that's felt throughout.

2 I think a big strong take away point
3 here is where there was no parking, we're trying
4 to find parking where we can. So with that front
5 portico and step redesign, as you heard Manny say,
6 we can get another parking stall on-site, which is
7 I think an added benefit not just to the site, but
8 the overall neighborhood. Because this tenant may
9 not have a, you know, parking and now we have that
10 ability to pull that in site, as well.

11 So when we look at this, again, we're
12 here for a use variance. I want to just again
13 circle back. As I said earlier, this is a zone
14 where three families were once allowed. So we're
15 trying to reactivate that and provide for modern
16 living arrangements, providing houses for
17 diversified population -- of housing choices, I'm
18 sorry, for a growing population. To meet all
19 buildings and fire codes, which certainly would
20 advance purpose A of the Municipal Land Use Law,
21 of the community welfare, safety. Certainly
22 purpose I for desirable visual environment. I
23 think also purpose E, for appropriate populations
24 in appropriate locations. If you look at the
25 front page of the site plan, you'll see the zoning

1 chart. We're a handful of lots away from what I
2 believe is Summit corridor right there, which is
3 that neighborhood commercial. So there's ample
4 amenities nearby as well.

5 So with that, I want to kind of conclude
6 here. I believe this is a positive application
7 that will be felt by the entire neighborhood and
8 surrounding area. I do not believe there's any
9 substantial detriment with this application. It
10 does bring with it parking where none existed.
11 And we're in great proximity to the neighborhood
12 commercial district, where there's ample
13 commercial amenities and transportation routes
14 available.

15 Additionally, I do not believe it's
16 going to erode the intent and integrity of the
17 zone. We're not expanding the building footprint.
18 We're just adaptively reusing the existing floor,
19 which has ample head room, where an apartment once
20 was.

21 And with that, I don't believe it's
22 going to erode the zone. It's a site specific,
23 this is an oversized lot. I think it can
24 certainly carry that additional unit. With that
25 I'll conclude. I believe the criteria would be

1 met. This is site specific property and I believe
2 the benefits of this application as a whole
3 certainly outweigh any of the detriments here.

4 And I really want to emphasize, this
5 brings with it the ability to really redesign an
6 existing building and bring fresh new look on the
7 corridor. So with that, I'll conclude many
8 advancements of the purposes of the Municipal Land
9 Use Law, and approval would be warranted.

10 CHAIRPERSON GARCIA: Did you -- my
11 question going to be, you know my question. Did
12 you have the opportunity to visit the area?

13 MR. DOUGHERTY: I did not go to this
14 site. I've been on 18th, I think for a few other
15 applications and Summit as well. I've been to
16 this general area, not this particular site. The
17 weather was not favorable.

18 CHAIRPERSON GARCIA: Okay. Mr.
19 Pereiras, probably, you could help me. I know
20 that you know Union City like the back of your
21 hand.

22 MR. PEREIRAS: I was in this building
23 yesterday, so I have a fresh mind now.

24 CHAIRPERSON GARCIA: Regarding the
25 surrounding area, I mean houses, are they

1 basically what are -- neighborhood of what two,
2 three families or buildings?

3 MR. PEREIRAS: That's exactly correct.
4 The majority of that block is two and
5 three-families. As you get closer to the avenues,
6 there are some larger structures. But this is
7 very typical of the neighborhood, very -- you
8 know, very -- they also have parking in the front
9 yard, it's typical throughout the entire
10 neighborhood on both sides of the streets.
11 There's two and three-family houses across the
12 entire, same scale, same type as this one. So it
13 really fits into the neighborhood very well.

14 CHAIRPERSON GARCIA: Also, are you --
15 according to Z04, you're going to redo the facade?

16 MR. PEREIRAS: We're completely redoing
17 the facade with brick. And one of the things that
18 was suggested by the Board is that they weren't so
19 happy with the siding in the middle, so we changed
20 that and we're doing brick on the entire facade.

21 CHAIRPERSON GARCIA: Entire facade.
22 You're going to -- are you going to be able to
23 maneuver the parking space there?

24 MR. PEREIRAS: Yeah, it's actually very
25 typical of the neighborhood. Every house has the

1 same front -- kind of frontage or same setbacks,
2 everything is about the same. And the neighbors
3 manage to do it. And I know it's not an ideal
4 space, but it works well and it kind of fits into
5 that neighborhood.

6 CHAIRPERSON GARCIA: Going back to again
7 to Z04. So that means you're going to have a bay
8 window in the front?

9 MR. PEREIRAS: Yeah, it's not just a bay
10 window, it's a full bay. So that bay continues
11 all the way from ground up and has three windows.

12 CHAIRPERSON GARCIA: From ground?

13 MR. PEREIRAS: Yeah, from ground. So
14 this is -- so in Union City, you'll see two types
15 of bays protrusions. Some overhang, like there's
16 space underneath that's open. And some of them go
17 all the way to the ground. This goes all the way
18 to ground. We have a stucco kind of like stone
19 base there, so we're covering it with stucco and
20 the brick starts from that point up.

21 CHAIRPERSON GARCIA: Okay. I don't like
22 stucco.

23 MR. PEREIRAS: We can make it --

24 CHAIRPERSON GARCIA: The reason why I
25 don't like it, I mean you have siding, you have

1 brick and also stucco.

2 MR. PEREIRAS: We can make the brick go
3 all the way down. So that's a condition of
4 approval that --

5 CHAIRPERSON GARCIA: I don't want sound
6 kind of rude to say I don't like stucco, but it's
7 like you have three different elements besides the
8 metal that you have with the windows, you know.

9 MR. PEREIRAS: The only reason we did
10 that is because we saved four inches so the car
11 goes in four inches more. But I'd be happy to put
12 brick going all the way down.

13 MR. PANEQUE: What's the length that you
14 have right now to park the car without intruding
15 into the sidewalk?

16 MR. PEREIRAS: So the front yard setback
17 to the front of the bay -- well, it's really the
18 measurement should be to the edge of the building
19 is 12-foot 9.

20 MR. PANEQUE: 12-foot 9 and a legal
21 parking spot is?

22 MR. PEREIRAS: 9-by-18.

23 MR. PANEQUE: 18. So this spot would
24 leave 6 feet protruding into the sidewalk?

25 MR. PEREIRAS: That is correct.

1 MR. PANEQUE: And that's with the
2 stucco?

3 MR. PEREIRAS: 6 feet of parking space,
4 cars are shorter in length.

5 MR. PANEQUE: Yeah. So that measurement
6 is based on a stucco facade, right?

7 MR. PEREIRAS: No. That's the
8 measurement to the corner edge of the building,
9 which always was brick, all the way to the bottom.
10 This front edge of the bay was the stucco, which
11 yeah, I guess it would give us four more inches
12 further back.

13 MR. PANEQUE: So if we went with brick,
14 you would lose four inches?

15 MR. PEREIRAS: That's correct, four and
16 a half inches.

17 MR. PANEQUE: Is the rest of the
18 neighborhood that type of parking scenario where
19 they're all protruding into the sidewalk?

20 MR. PEREIRAS: They're all identical.
21 All these houses have the same type of footprint
22 and they're protruding into the sidewalk. There
23 is a satellite image aerial, which it's hard to
24 see the cars, but you can see the driveways marked
25 out. And if this Board wants, we could go to the

1 neighborhood and take pictures of the adjacent
2 ones so we could -- you know, if there's any doubt
3 or any question that you want to see.

4 It is very clear that both houses next
5 to us, on the left and the right, both have that
6 same parking scenario.

7 CHAIRPERSON GARCIA: But that te isn't
8 going to bother?

9 MR. PEREIRAS: The tree, we're --

10 CHAIRPERSON GARCIA: You have three --

11 MR. PEREIRAS: We're going to have to
12 move that tree over. So we're going to -- the
13 applicant has to create the new curb cut. And
14 with the new curb, we can move the tree over to in
15 front of the steps.

16 CHAIRPERSON GARCIA: The speed bump
17 doesn't impact it?

18 MR. PEREIRAS: No. The speed bump
19 doesn't impact the driveway at all. We have speed
20 bumps in front of the driveways all the time.

21 MR. PANEQUE: Is there the possibility
22 of having the nose of a car go into a portion of
23 the house or that's not possible?

24 You know what I'm talking about? Some
25 houses have a cutout, where at least you're able

1 to put in a portion of the nose of the car, which
2 creates less of a protrusion on to the
3 right-of-way, the sidewalk?

4 MR. PEREIRAS: In this situation, it is
5 extremely difficult.

6 MR. PANEQUE: Okay.

7 CHAIRPERSON GARCIA: Because the bay
8 doesn't overhang, it goes all the way down.

9 MR. PEREIRAS: Correct. And we finished
10 the renovations on the second floor, like
11 everything is done and beautiful. It's a gorgeous
12 apartment.

13 MR. PANEQUE: Mr. Vallejo, do we have a
14 letter from Mr. Martinetti's office as to the
15 legality of the existing home? It's not part of
16 this packet.

17 I'll read it for the record. The
18 building department memo indicates that this is a
19 two-story, two residential unit structure, which
20 is in compliance with the application of Ms.
21 Pereiras and Mr. Pereiras that they're going from
22 a two to a three.

23 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
24 the height of the ceiling in the basement?

25 MR. PEREIRAS: It's going to be a full

1 8 feet. We're in the process of excavating that
2 with permits from the building department, so it
3 was about 7 and we're going have a full 8 feet.

4 CHAIRPERSON GARCIA: Any other
5 questions? Any member of the public want to step
6 forward? Seeing none, close to the public.

7 I'm going to make my motion to grant
8 this application. First of all, providing one
9 parking space, where there's no parking available.
10 And also is bringing to code an existing unit in
11 the basement, that is for better safety condition.
12 So I make my motion to grant this application.

13 MR. VALLEJO: Motion to grant the
14 application by Mr. Garcia. Any second on the
15 motion?

16 MS. WATLEY: Second.

17 MR. VALLEJO: Seconded by Ms. Watley.
18 Roll call on the motion. Mr. Garcia.

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

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

9 MS. PEREIRAS: Thank you all very much.

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1 **1601 PALISADE AVENUE, LLC -**

2 **1601-1607 PALISADE AVENUE:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda is 1601 Palisade Avenue.

6 MS. PEREIRAS: Bianca Pereiras on behalf
7 of 1601 Palisade Avenue. Board Members, our
8 apologies. When we were here last time, we had
9 presented testimony and the Board had asked us for
10 revised drawings. And, unfortunately, due to a
11 death in the family, Manny and I were both taken
12 away from the office and we were not able to
13 submit those revisions in time.

14 So I respectfully ask if this matter
15 could be carried and we will make sure to provide
16 the revised drawings to the Board.

17 CHAIRPERSON GARCIA: It's okay for you
18 to move it to April?

19 MS. PEREIRAS: That's fine.

20 CHAIRPERSON GARCIA: Okay.

21 MR. PANEQUE: And you waive the
22 statutory time limits?

23 MS. PEREIRAS: Yes, Counsel.

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

1 MR. VALLEJO: Motion on the table to
2 adjourn this application for April 3, 2025, by Mr.
3 Garcia. Seconded by?

4 MS. WATLEY: Second.

5 MR. VALLEJO: Ms. Watley.

6 Roll call on the motion to adjourn this
7 application. Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. O'Dell.

18 MS. O'DELL: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Seven in favor, motion
22 carries. With the condition of revised plans?

23 MR. PANEQUE: Yes. That was the
24 condition last time, so the condition continues.
25 Revised plans to be submitted no less than 10 days

1 prior to the next meeting and no further notices
2 are required.

3 MR. VALLEJO: Thank you.

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1 **1700 MANHATTAN, LLC -**

2 **1700 MANHATTAN AVENUE:**

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4 MR. VALLEJO: We're moving to number 10,
5 1700 Manhattan Avenue. Ms. Pereiras, please.

6 MS. PEREIRAS: Thank you very much.
7 Bianca Pereiras on behalf of 1700 Manhattan, LLC,
8 for property at 1700 Manhattan Avenue. The Board
9 may recall that you heard testimony on this
10 application for a renovation to an existing
11 commercial and mixed-use building. The Board at
12 that time asked us to modify the application by
13 removing one of the apartments. We were able to
14 confer with our client and our client wants to
15 very much work with this Board and has agreed to
16 remove that one unit.

17 We have our expert, Mr. Manuel Pereiras,
18 to address that change for the Board.

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

21
22 MR. PEREIRAS: Thank you, Board Members.
23 Manny Pereiras, I recognize I am still under oath.

24 In addition to removing the unit, we did
25 something that I think is substantially important

1 for the project, which is that by removing the
2 unit, we had to no longer comply with ADA
3 requirements, so that made our dimensions very
4 different. And by doing so, we now do not have a
5 parking variance. We have six parking spaces for
6 three apartments. And what we were able to do is
7 we put them in tandem. So you have apartment 201
8 is -- apartment 2, you have A and B. Apartment
9 one, A and B; two, A and B, and three A and B. So
10 each apartment has two cars in tandem. And
11 they're -- there's plenty of space to circulate
12 and move them around, so you come in and out. We
13 have a 12-foot entrance along the front of the
14 building.

15 The rest of the footprint of the
16 building doesn't change much. We created a trash
17 room behind the stairs. We have two fire stairs,
18 one in each end of the building, and an elevator
19 as you come in. And then the apartment layout is
20 the same on all three floors now. You come up the
21 stairs or the elevator and you're entering into a
22 vestibule. You walk into the apartment, you have
23 living room and dining room space, the kitchen off
24 the front. And then you have three bedrooms, two
25 smaller bedrooms and a master bedroom in the back,

1 with a bathroom and walk-in closet. And then
2 we're not going all the way to the back of the
3 building, we're stepping that building in, so that
4 we have an 8-foot terrace along the rear of the
5 property.

6 The two floors above are exactly the
7 same. And then there's a roof deck all the way on
8 the top, on the roof, obviously. And there's
9 access from the two stairwells that we have there.
10 I think that's the brightest thing I've ever said
11 in this Board.

12 The elevations, I'm going back to the
13 rendering. We're taking an existing warehouse
14 that was a construction company -- and I don't
15 want to exacerbate on my previously said
16 testimony -- but we're taking a construction
17 company that has trucks coming in and out, large
18 vehicles, and we're changing it to more
19 residential, which is conforming in use as far as
20 residential, and replacing it with a beautiful
21 building that you see here.

22 And I'll talk more and expand however
23 you need it, but I don't want to bore you with all
24 the details again.

25 MR. PANEQUE: So, Mr. Pereiras, your

1 application is for a three-unit?

2 MR. PEREIRAS: That's correct.

3 CHAIRPERSON GARCIA: So your second
4 floor height variance?

5 MR. PEREIRAS: We still are.

6 CHAIRPERSON GARCIA: So you're exceeding
7 another like 6-6, right?

8 MR. PEREIRAS: That's correct and we're
9 right next to Manhattan Lofts, which is an
10 enormous building there. So one of the strategies
11 that we had is that from a zoning standpoint, it's
12 really odd when you go from tall to really low.
13 So our building is working as a transition, it's
14 really creating steps to get to the corner. It
15 makes it a more elegant transition into the
16 neighborhood.

17 CHAIRPERSON GARCIA: So this chart of
18 variance is not updated, right?

19 MS. PEREIRAS: No, we didn't reflect the
20 new parking.

21 CHAIRPERSON GARCIA: How high is the
22 building though?

23 MR. PEREIRAS: The building height is
24 the same.

25 CHAIRPERSON GARCIA: The same?

1 MR. PEREIRAS: The same height. What we
2 did and what we had previously is on the second
3 floor, there was two apartments. We combined it
4 and made it one apartment. So now every floor is
5 exactly the same, you have one apartment in each,
6 which is a three-bedroom apartment.

7 CHAIRPERSON GARCIA: Okay.

8 MR. PEREIRAS: And the ground floor
9 changed completely because now we have parking for
10 six cars.

11 CHAIRPERSON GARCIA: The size of the
12 units?

13 MR. PEREIRAS: They are 1,481 square
14 feet, so they're large. You have the old plans in
15 front of you, the new plans are just here. But
16 they're big units, 1,481 square feet.

17 CHAIRPERSON GARCIA: So you're reducing
18 from four to three?

19 MR. PEREIRAS: Four to three and
20 removing the parking variance by adding parking
21 spaces.

22 CHAIRPERSON GARCIA: So you're providing
23 six?

24 MR. PEREIRAS: Six.

25 CHAIRPERSON GARCIA: Regarding the Z05,

1 I think that you didn't have any change in the
2 Z05? So it's the same -- oh, yes -- all right.
3 It's in the terrace.

4 MR. PEREIRAS: Yes. There's a terrace
5 in the back of each apartment.

6 CHAIRPERSON GARCIA: Each apartment?

7 MR. PEREIRAS: Each apartment has a
8 terrace in the back and then --

9 CHAIRPERSON GARCIA: Also you have a
10 rooftop?

11 MR. PEREIRAS: Yes. Mr. Chairman,
12 knowing you and the way this application is, the
13 rooftop is, I know, large. We could create much
14 more significant setbacks. I suggest that we keep
15 the rooftop between the two stairs so that we're
16 removing all of this back portion, all of this
17 front portion. And we'll keep the roof deck
18 within the two and keep that 3-foot setback on
19 both sides. I think that's reasonable. And the
20 reason they want the roof deck is because that's
21 going to have beautiful views of Manhattan from
22 there.

23 CHAIRPERSON GARCIA: Okay. One of the
24 reasons that always I'm concerned about the roof
25 deck, you know what it is, it's the safety issue.

1 I think like if you just concentrate the rooftop
2 to the middle, like you said, and also like create
3 a better setback where the garden, whatever, and
4 more on the both sides -- is this building
5 attached? No, it's not attached to the --

6 MR. PEREIRAS: No.

7 CHAIRPERSON GARCIA: What is the
8 setback?

9 MR. PEREIRAS: The building on the
10 ground level is attached. We're stepping in on
11 both sides as we go up. So that we're bringing
12 the building separate from the adjacent
13 properties. So we're doing 3 feet on one side and
14 2 feet on the other, above the ground.

15 CHAIRPERSON GARCIA: Above the ground?

16 MS. PEREZ: On the ground, it's level?

17 MR. PEREIRAS: On the parking level,
18 it's connected. They're occupying the whole site.
19 That's one of the reasons why parking works so
20 well because we have 30 feet open in the middle,
21 so we could fit three cars very comfortably inside
22 there -- six, I should say.

23 CHAIRPERSON GARCIA: And how is the
24 adjacent property to the north side compare with
25 the property line?

1 MR. PEREIRAS: They're set back also.
2 Let me pull up the survey. Our ground level is
3 existing on the property line and everything that
4 we're building new will be set back. And then the
5 adjacent property, as you could see here, it's not
6 exact dimensions, but it's about two feet --
7 actually almost three feet from the property line,
8 it's three feet in the back and two feet in the
9 front, it tapers. And then the Manhattan Lofts is
10 right on the property line.

11 CHAIRPERSON GARCIA: That's only the
12 ground floor?

13 MR. PEREIRAS: That's only the ground
14 floor, correct. Every floor above is stepped in.
15 And if -- just for purposes of clarity, we did a
16 dashed line where the footprint is above. So
17 we're stepping in on all the sides above.

18 CHAIRPERSON GARCIA: And can you go back
19 to the drawing showing me the terrace?

20 MR. PEREIRAS: Yes. So the terrace is
21 eight feet in the back, that just creates an
22 additional setback. And the apartments were
23 basically were very big, they were 1,400 square
24 feet, so we stepped that back.

25 CHAIRPERSON GARCIA: If you don't mind

1 to bring that more closer?

2 MR. PEREIRAS: Yeah.

3 CHAIRPERSON GARCIA: So you're going to
4 have access to the hallway from the living room
5 all the way to the terrace?

6 MR. PEREIRAS: All the way to the
7 terrace.

8 CHAIRPERSON GARCIA: You don't have to
9 get into the bedroom?

10 MR. PEREIRAS: Correct.

11 CHAIRPERSON GARCIA: What is the size of
12 the living room?

13 MR. PEREIRAS: It's almost 8 feet, it's
14 7-11 by 18-4.

15 CHAIRPERSON GARCIA: What is in the east
16 side of the property?

17 MR. PEREIRAS: On the east side is
18 the -- I have an aerial, let me pull it up.

19 MR. PANEQUE: Those terraces are facing
20 north?

21 MR. PEREIRAS: No, the terraces are
22 facing east.

23 MR. PANEQUE: It's east.

24 MR. PEREIRAS: So it's the rear yard of
25 the houses on --

1 CHAIRPERSON GARCIA: What is the setback
2 of the house, the rear setback?

3 MR. PEREIRAS: On the ground level is
4 zero. And then as we go up, we step back 3 feet
5 and then we have the terraces stepping back
6 further. It looks like a weird triangular space,
7 but there's a lot and parking behind it. So we're
8 not intruding into anybody's rear yard or anything
9 like that.

10 CHAIRPERSON GARCIA: So basically it's
11 more like into the parking lot?

12 MR. PEREIRAS: Yeah.

13 CHAIRPERSON GARCIA: Anyone have any
14 further questions? No, okay. Mr. Pereiras, can I
15 ask you for a favor?

16 MR. PEREIRAS: Sure.

17 CHAIRPERSON GARCIA: Can we go for a
18 vote, just can you present revised plans and also
19 can you show me a better picture of the adjacent
20 property to the east side, you know, the rear
21 setback?

22 MR. PEREIRAS: I can do that, Mr.
23 Chairman.

24 CHAIRPERSON GARCIA: Please?

25 MR. PEREIRAS: Of course.

1 CHAIRPERSON GARCIA: We're going to just
2 for a vote in the next meeting.

3 MR. PEREIRAS: I'm sure we can get a
4 drone up there, right?

5 MR. DOUGHERTY: Yeah, I can get a drone
6 up there.

7 MR. PANEQUE: So the application is to
8 carry it.

9 CHAIRPERSON GARCIA: Basically, yes.
10 But we just need the revised plans and it's not
11 going to need any other testimony. Please, if you
12 remember about the roof deck.

13 MR. PEREIRAS: Yes, we're going to
14 reduce the deck.

15 MS. O'DELL: Is there a balcony on the
16 third and second floors?

17 MR. PEREIRAS: Second, third, and fourth
18 floors have a balcony.

19 MS. O'DELL: All right, in the back and
20 the first floor has --

21 MR. PEREIRAS: The first floor is just
22 parking.

23 CHAIRPERSON GARCIA: Because the three
24 floors. The apartment on the top of the parking
25 space that doesn't have setback in order for them

1 to provide the six parking spaces.

2 MS. O'DELL: Got it.

3 CHAIRPERSON GARCIA: That's why I prefer
4 to bring the new plans, this way everybody has the
5 big picture.

6 MS. PEREIRAS: Makes sense.

7 MR. PANEQUE: If you can, make sure Mr.
8 Spatz gets a copy.

9 MR. PEREIRAS: I will.

10 MR. PANEQUE: Mr. Spatz, I'm assuming
11 your memo has to be revised?

12 MR. SPATZ: Yes. I did not see the
13 revised plans. If they submit them, I'll do a
14 revised report for the next meeting.

15 MR. PANEQUE: Thank you.

16 CHAIRPERSON GARCIA: We can bring this
17 for March, it's only a vote.

18 MR. VALLEJO: March 13th.

19 CHAIRPERSON GARCIA: We're going to do
20 it next meeting, okay. So I make me motion to
21 adjourn this application for March meeting.

22 MR. VALLEJO: Motion to adjourn this
23 application by Mr. Garcia. Any second?

24 MS. PEREZ: Second.

25 MR. VALLEJO: Seconded by Ms. Perez.

1 Roll call on the motion to adjourn this
2 application for March 13, 2025. Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

4 MR. VALLEJO: Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Watley.

11 MS. WATLEY: Yes.

12 MR. VALLEJO: Ms. O'Dell.

13 MS. O'DELL: Yes.

14 MR. VALLEJO: Ms. Pena.

15 MS. PENA: Yes.

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

18 MS. PEREIRAS: Thank you all very much.

19 MR. VALLEJO: Revised plans required.

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ADOPTION OF RESOLUTION:

1. 2025 revised schedule.

MR. VALLEJO: We're moving to resolutions. We have one resolution on tonight's agenda. Revised schedule. The regular meeting for April 10, 2025, has been rescheduled for April 3, 2025, at 6:00 p.m. Can I have a motion?

MS. WATLEY: Motion.

MR. VALLEJO: Motion by Ms. Watley.
Seconded by?

MS. PEREZ: Second.

MR. VALLEJO: Ms. Perez.

Roll call on the motion. Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

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1 **ADJOURNMENT :**

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

6 MR. ORTIZ: Motion.

7 MR. VALLEJO: Motion by Mr. Ortiz.

8 MS. WATLEY: Second.

9 MR. VALLEJO: Seconded by Ms. Watley.
10 All in favor?

11 (All Board Members indicate in the
12 affirmative.)

13
14 (Whereupon the meeting was adjourned at
15 8:45 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