

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

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

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

Thursday, March 13, 2025
Commencing at 6:20 p.m.

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

ANDRES GARCIA, Chairperson
MARGARITA GUTIERREZ
GERALDINE PEREZ
ALTAGRACIA SAN MARTINO
MIGUEL ORTIZ
MINDRY WATLEY

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

VICTOR M. GRULLON, Vice Chairperson
VIVIAN O'DELL
ROSIO PENA

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

AGUSTIN PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

STENOGRAPHICALLY REPORTED BY:
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Investment LLC

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MARGARITA ONOFRE
136 37th Street

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(None)

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(None)

I N D E X

SHERMAN REALTY, LLC
406 Bergenline Avenue

WITNESSPAGE

MANUEL PEREIRAS

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(None)

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SHERMAN REALTY, LLC (MEDNA BUILDERS LLC)
406 Bergenline Avenue

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MANUEL PEREIRAS

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1700 MANHATTAN, LLC
1700 Manhattan Avenue

WITNESSPAGE

MANUEL PEREIRAS

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(None)

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517 7TH STREET LLC
517 7th Street

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MANUEL PEREIRAS

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JERSEY PROPERTY HOLDING, LLP
1113 Bergenline Avenue

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MARCELO MOYA
312-314 4th Street

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MANUEL PEREIRAS

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(None)

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814-816 11TH AVENUE INVESTMENT LLC
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WITNESS

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NO.

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AGUSTIN GONZALEZ
1413 New York Avenue

WITNESSPAGE

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(None)

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

3 MR. VALLEJO: May I have your attention,
4 please?

5 Please take notice that on Thursday,
6 March 13, 2025, at 6 p.m. a regular meeting is
7 scheduled for the City of Union City Zoning Board of
8 Adjustment, to be held in Union City High School,
9 located at 2500 John F. Kennedy Boulevard, Union
10 City, New Jersey.

11 **OPENING STATEMENT:**

12 Adequate notice of this meeting has been
13 provided as follows: Notice of this meeting setting
14 forth the time, date, location, to the agenda to the
15 extent known, was forwarded to The Record and The
16 Star-Ledger, has been posted on the website of the
17 City of Union City, the bulletin board in City Hall,
18 and has been made available to the public in the
19 Office of the Municipal Clerk.

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

23 * * *

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

* * *

1 **ROLL CALL:**

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

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Present.

7 MR. VALLEJO: Mr. Grullon is absent.

8 Ms. Gutierrez.

9 MS. GUTIERREZ: Here.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Here.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Here.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Here.

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

17 Ms. Pena is absent.

18 Ms. San Martino.

19 MS. SAN MARTINO: Here.

20 MR. VALLEJO: Let the record indicate
21 there are six present. We have a board made up of
22 six members.

23 * * *

24

25

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: We're going to do the
4 previous meeting minutes first, or do you want to go
5 to the --

6 (Discussion held off the record.)

7 MR. A. PANEQUE: Chairman is asking for a
8 closed session, if we can just have a quick recess.

9 MR. VALLEJO: All right. First we are
10 going to motion to go to closed session.

11 CHAIRPERSON GARCIA: I make a motion to
12 call for a closed session.

13 MR. VALLEJO: Motion by Mr. Garcia.

14 MS. GUTIERREZ: Second.

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

17 Mr. Garcia.

18 CHAIRPERSON GARCIA: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Watley.

1 MS. WATLEY: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Six in favor.

5 Motion carries.

6 * * *

7 (Recess taken for executive session.)

8 * * *

9 MR. VALLEJO: Back on the record. Can we
10 have a motion to close the executive session?

11 CHAIRPERSON GARCIA: I make my motion.

12 MR. VALLEJO: Motion by Mr. Garcia.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Seconded by Ms. Gutierrez.

15 Roll call on the motion.

16 Mr. Garcia.

17 CHAIRPERSON GARCIA: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. San Martino.

25 MR. SAN MARTINO: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Let the record indicate six
4 in favor. Motion carries.

5 Can I have a motion to open --

6 CHAIRPERSON GARCIA: Motion to open the
7 regular session.

8 MR. VALLEJO: -- regular session?

9 CHAIRPERSON GARCIA: Yes.

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Motion by Mr. Garcia.
12 Seconded by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Ms. San Martino.

25 MS. SAN MARTINO: Yes.

1 MR. VALLEJO: Six in favor. Motion
2 carries.

3 All right. We're going now to move to
4 approve the previous meeting minutes from
5 February 13, 2025. Can I have a motion?

6 MS. GUTIERREZ: Motion.

7 MR. VALLEJO: Motion by Ms. Gutierrez.

8 MS. GUTIERREZ: I wasn't here.

9 MR. VALLEJO: Seconded by --

10 CHAIRPERSON GARCIA: No. Aye. Aye. She
11 wasn't here.

12 MR. VALLEJO: Motion by --

13 CHAIRPERSON GARCIA: Aye.

14 MR. VALLEJO: -- Mr. Garcia.

15 MR. ORTIZ: Second.

16 MR. VALLEJO: Seconded by Mr. Ortiz.

17 Roll call on the motion.

18 Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

3 MR. VALLEJO: Five in favor. Motion
4 carries.

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PUBLIC HEARING:

MARGARITA ONOFRE -

136 37th Street

Block 223, Lot 8:

MR. VALLEJO: We're moving to the regular agenda. Number one is Margarita Onofre, 136 37th Street.

Mr. Paneque, please, we received a letter from Mr. Alonso's office.

MR. A. PANEQUE: The letter from Al Alonso's office states the following:

"Dear Mr. Paneque. As you know, this office represents Margarita Onofre in connection with the above referenced application. As per my conversation with your office, my client will now be prepared to proceed as scheduled. Accordingly, we are requesting that this matter be carried to the meeting of April 3, 2025, to allow my client time to file an amended application to address the preexisting requirements. We will renote and republish for the April hearing date. The statutory time periods are hereby waived on behalf of the applicant. Thank you for your attention to this matter. Please feel free to contact this office

1 should there be any problems."

2 CHAIRPERSON GARCIA: I have a question,
3 Mr. Paneque, regarding this application. I don't
4 know if Mr. Alonso addressed to you, the memo from
5 the Building Department said that the application is
6 to add in an extension, right?

7 MR. A. PANEQUE: Adding existing
8 three-family.

9 CHAIRPERSON GARCIA: Adding existing
10 three-family.

11 MR. A. PANEQUE: Adding existing
12 three-family, no parking spaces.

13 CHAIRPERSON GARCIA: My question is, is
14 Mr. Alonso and the client addressing the issue that
15 the memo from the Building Department said this is
16 one family and they have three units in the
17 structure. If that is the case, they have to request
18 the legalization of two units, not just addition.
19 You know what I mean?

20 MR. A. PANEQUE: Yes.

21 CHAIRPERSON GARCIA: So I don't know if at
22 this point if we can adjourn it for next month or
23 which one is the legal recommendation.

24 MR. A. PANEQUE: Well, if we look back at
25 his letter here, it says that he is filing an amended

1 application as he is not prepared to proceed.

2 CHAIRPERSON GARCIA: So they have to amend
3 the application or withdraw and come with a new
4 application for the legalization, or they amended
5 that application?

6 MR. A. PANEQUE: I believe that it's
7 proper if they amend that application --

8 CHAIRPERSON GARCIA: Okay. If the
9 date with --

10 MR. A. PANEQUE: -- and renote, they
11 said in the letter.

12 CHAIRPERSON GARCIA: Okay. I make my
13 motion to reschedule this application for the April
14 meeting, April the 3rd. New notice is required.

15 MR. VALLEJO: Motion to carry this
16 application to April 3, 2025, by Mr. Garcia.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Seconded by Ms. Gutierrez.

19 Roll call on the motion.

20 Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 Ms. Gutierrez: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

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MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Six in favor. Motion
carries. New notice required.

* * *

1 **SHERMAN REALTY, LLC -**
2 **406 Bergenline Avenue**
3 **Block 15, Lot 20:**

4
5 MR. VALLEJO: Item No. 2, Sherman Realty,
6 LLC.

7 Ms. Pereiras, please.

8 MS. PEREIRAS: Thank you, Mr. Vallejo.
9 Good evening, Counsel, Mr. Chairman, Members of the
10 Board. May it please the board, Bianca Pereiras on
11 behalf of Sherman Realty, LLC for the property of
12 406 Bergenline Avenue, also known as Lot 20 and Block
13 15. This application was heard and approved by this
14 board back in November of 2022 at which time this
15 board approved an application for a new two-family
16 home.

17 Unfortunately, the applicant has not been
18 able to secure building permits as of yet. He had
19 debated whether he was changing the building,
20 actually submitted a separate application to modify.
21 However, we are here respectfully requesting a
22 one-year extension through November of this year so
23 that the applicant can proceed with the original
24 application.

25 CHAIRPERSON GARCIA: Which one -- the

1 reason that they couldn't finish or start the
2 construction?

3 MS. PEREIRAS: He started tweaking the
4 building a little bit just to see if it could have
5 been a little better with the parking situation, and
6 that's why we submitted a separate application. We
7 probably should have come in with an amendment
8 instead. However, we are just proceeding on that
9 original application, and he has construction
10 documents ready and is ready to submit to the
11 Building Department at this time.

12 CHAIRPERSON GARCIA: Well, why didn't he
13 submit it before?

14 MS. PEREIRAS: Because he was tweaking the
15 building. So he was making a modified --

16 CHAIRPERSON GARCIA: Is it an issue with
17 the previous application?

18 MS. PEREIRAS: No. The approvals are
19 right in there.

20 CHAIRPERSON GARCIA: Why trying to tweak
21 it?

22 MS. PEREIRAS: They're good applications,
23 a good approval, so he's looking to move forward on
24 that one at this time.

25 CHAIRPERSON GARCIA: Your client was the

1 same client that was approved in 2022?

2 MS. PEREIRAS: He was the same owner.

3 Yes.

4 CHAIRPERSON GARCIA: The same owner.

5 MS. PEREZ: But everything expired in
6 November, correct?

7 MS. PEREIRAS: Just in November, correct.

8 CHAIRPERSON GARCIA: Why didn't it come
9 before? Why didn't it come -- I mean, I understand
10 tweaking, understanding that they probably tried to
11 do something better. But why wait, I mean, wait up
12 to now, not in November?

13 MS. PEREIRAS: We actually submitted the
14 application on the revised version earlier than this.
15 But this matter, unfortunately, has been delayed or
16 adjourned for a multitude of reasons. We could
17 have -- at this point knowing that we are no longer
18 proceeding on that application, we're looking to
19 proceed merely on the extension.

20 MR. A. PANEQUE: I think that,
21 Ms. Pereiras, the chairman is trying to understand
22 better your client's reasoning to ensure that this
23 isn't a self-imposed diligence -- lack of diligence
24 or if it is an outside condition that caused the
25 deficiency or lateness with this application.

1 MS. PEREIRAS: We actually submitted an
2 application, and I'll double-check on the date. But
3 we're talking late spring, early summer. So this has
4 been an application that he's not just sitting and
5 waiting. I know this board can appreciate that
6 tweaking a building and modifying, it takes some time
7 to develop it with the architect, and the architect
8 is here and will speak to that even further. But
9 this was submitted several, several months ago. And
10 we were hoping at this point we would have had a
11 decision. For whatever reason this board or my
12 office was unable to proceed on the application, and
13 this matter has been carried until today. But this
14 is an application that was submitted early summer,
15 late spring.

16 MS. PEREZ: A request for extension was
17 submitted?

18 MS. PEREIRAS: Not for the extension. We
19 came in on the revised application.

20 CHAIRPERSON GARCIA: You came in spring,
21 summer of last year?

22 MS. PEREIRAS: Uh-huh.

23 CHAIRPERSON GARCIA: And last year was --

24 MS. PEREIRAS: So when things are applied
25 for late spring, early summer, this board doesn't

1 meet in August, so depending on the schedule of this
2 board, it wasn't scheduled until September. So the
3 first hearing we would have had on this application
4 was September.

5 CHAIRPERSON GARCIA: No. But I'm talking
6 about extension, not talking about this application.
7 I'm talking about extension.

8 MS. PEREIRAS: When we submitted the
9 extension?

10 CHAIRPERSON GARCIA: No. Okay. Okay.
11 The permit that you said, you mentioned,
12 Ms. Pereiras, that your applicant was tweaking the
13 plans?

14 MS. PEREIRAS: Correct.

15 CHAIRPERSON GARCIA: That was approved on
16 11 -- I mean that was adopted 11/2022.

17 MS. PEREIRAS: Correct.

18 CHAIRPERSON GARCIA: I assume that was
19 approved in October 2022 and adopted 11/2022.

20 MS. PEREIRAS: That's correct.

21 CHAIRPERSON GARCIA: So why since
22 11/2022 -- forget about the new application because
23 they're two separate applications.

24 MS. PEREIRAS: Correct.

25 CHAIRPERSON GARCIA: One is an extension,

1 and one is an application. Let's concentrate on what
2 it is, the extension. The application expired on
3 11/22-2024, the first two years. Why wait up to
4 February 2025 to apply for the extension, and why do
5 you have to apply for that extension? When did you
6 go to the -- when did your client go to the -- went
7 to the Building Department in order for you to say
8 that it was delayed on all the permits for the
9 Building Department?

10 MR. PEREIRAS: I'd like to add a little
11 bit of color because this is more of an interaction
12 between me and the client. We came before the board,
13 and we received approvals for the project. After
14 that happens I meet with the clients when we start
15 the construction document process, which is a lot
16 more detail and a lot more refining the drawings, and
17 those drawings are then submitted to the Building
18 Department.

19 When we started working with that process
20 of refining the drawings, the client did not like the
21 way -- and it's because he went to different houses
22 in Union City, and he said that he felt he's getting
23 older, and he felt that it was very uncomfortable for
24 him to enter the driveway between the stair that's
25 next to it and that the driveway was too tight. And,

1 so, we did a redesign of that so that instead of
2 having the stairs at the front of the house and the
3 door in front of the house, we created the driveway
4 bigger so that we can have four cars in the front.

5 CHAIRPERSON GARCIA: This is a new
6 application.

7 MR. SPATZ: I think he needs to be sworn
8 in.

9 CHAIRPERSON GARCIA: Okay.

10 * * *

11 **MANUEL PEREIRAS**, after having been previously duly
12 sworn, did testify as follows:

13 MR. PEREIRAS: Manny Pereiras,
14 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous,
15 1116 Summit Avenue, Union City.

16 CHAIRPERSON GARCIA: So, Mr. Pereiras,
17 don't mix an apple and pear. This is the new
18 application. This is not -- Mr. Pereiras, we're
19 treating --

20 Right?

21 MR. A. PANEQUE: We don't want to go back
22 to the merits of the previous approval. We're just
23 trying to deduce if this is a self-imposed condition
24 that caused the extension, or if there were external
25 factors outside of your client's control which

1 delayed this to the point where we're now here in
2 March 2025 hearing the application for the extension.

3 MR. PEREIRAS: Well, my client relied on
4 me as his architect saying this is a change that I
5 think is in favor of the project and in favor of the
6 community and that I believe that we can come before
7 the board and correct this. So he relied on my
8 recommendation not to proceed and get permits and
9 wait for the modification. So my client relied on
10 me, and I must have misinformed him because we're
11 here today.

12 CHAIRPERSON GARCIA: You are here today.
13 This is also for the new application. It's not for
14 the extension.

15 MR. PEREIRAS: I told him to wait on the
16 extension.

17 MS. PEREIRAS: And, again, Mr. Chairman,
18 this is our first extension request. And in my
19 experience before this board, this board is usually
20 very kind and generous to applicants understanding
21 that delays may happen for whatever reason.

22 MS. PEREZ: It sounds less like he needs
23 an extension but more of to put in revised plans. It
24 doesn't seem like the extension is something -- he
25 wants to revise them but not get an extension.

1 MR. PEREIRAS: And we have two
2 applications before the board.

3 MS. PEREZ: So does it make sense to
4 extend it because it was past the deadline or should
5 we just proceed onto the next item?

6 CHAIRPERSON GARCIA: I agree with you,
7 Ms. Perez.

8 MS. PEREZ: So we make a motion to not
9 have the extension and just proceed, correct?

10 CHAIRPERSON GARCIA: Proceed with the --

11 MR. VALLEJO: You want to make a motion
12 to --

13 MS. PEREZ: I'll make the motion.

14 MS. PEREIRAS: Can I have just a moment?
15 Can I just have a quick moment, Mr. Chairman?

16 CHAIRPERSON GARCIA: Quick moment how?
17 With us?

18 MS. PEREIRAS: No. Not at all. Just to
19 speak to the professionals and confer with my client.

20 CHAIRPERSON GARCIA: Okay.

21 MS. PEREIRAS: Thank you.

22 CHAIRPERSON GARCIA: We're off the record.
23 (Discussion held off the record.)

24 MR. VALLEJO: Back in business?

25 MS. PEREIRAS: Back in business.

1 MR. VALLEJO: Okay. Back in business,
2 Mr. Chairman.

3 MS. PEREIRAS: Just before the board makes
4 their motion, again, we ask that this extension be
5 granted. This is a first-time extension that this
6 board, as I mentioned before, typically grants. And
7 this would put us through November of this year,
8 which would give them enough time to pull the
9 permits. And I remind the board that the approvals
10 here are for a two-family. This isn't a multifamily
11 building, a mixed-use building. This is a modest
12 two-family home.

13 MR. VALLEJO: I hear a motion before. Do
14 we have a motion on the table?

15 MS. PEREZ: I made the motion to deny the
16 extension.

17 MR. VALLEJO: Motion on the table to deny
18 the extension by Ms. Perez.

19 CHAIRPERSON GARCIA: I second.

20 MR. VALLEJO: Seconded by Mr. Garcia.

21 Roll call on the motion.

22 Mr. Garcia.

23 CHAIRPERSON GARCIA: Yes.

24 MR. VALLEJO: To deny extension.

25 Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Mr. Ortiz.

3 MR. ORTIZ: Yes.

4 MR. VALLEJO: Ms. Perez.

5 MS. PEREZ: I said yes.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

10 MR. VALLEJO: Six in favor. Motion
11 carries. Extension has been denied.

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1 **SHERMAN REALTY, LLC (Medna Builders, LLC)**
2 **406 Bergenline Avenue**
3 **Block 198, Lot 1:**
4

5 MR. VALLEJO: Next application on
6 tonight's agenda, Sherman Realty, LLC, 406 Bergenline
7 Avenue.

8 Ms. Pereiras, please.

9 MS. PEREIRAS: Bianca Pereiras on behalf
10 of the applicant for property at 406 Bergenline
11 Avenue. The application before the board this
12 evening is to construct a two-family home, a modest
13 two-family home on Bergenline Avenue. We have one
14 expert to present before the board, and that is our
15 architect, Mr. Manuel Pereiras.

16 Mr. Pereiras.

17 * * *

18 **MANUEL PEREIRAS**, after having been previously duly
19 sworn, did testify as follows:

20 MR. PEREIRAS: Manny Pereiras. I
21 recognize I am still under oath. Good to see
22 everyone. I am very much under the weather, so
23 please pardon. We have a lot on 406 12th Street.
24 It's 25 feet wide. It is 75 feet.

25 (Discussion held off the record.)

1 MR. PEREIRAS: It's 25 wide by 75 feet
2 deep. I'm going to go back and forth a little bit on
3 this application. Right now I'm referencing
4 Sheet 03. And as I began in the previous
5 application, typical Union City two-family houses
6 have the entry stairwell right at the front of the
7 building which creates a very narrow garage door.

8 The gentleman who is handling this
9 application was not very confident of his own driving
10 skills. He was a little concerned it was a little
11 too narrow for him, and he wanted to create his life
12 a little bit easier by building this custom house.
13 So he wanted the entire front yard -- the entire
14 front of the house to be a garage door so that he can
15 open that garage door and he can get the cars in very
16 comfortably.

17 In order to do that, we had to modify the
18 design and change our setbacks, and that's why we're
19 here before this board. What we did is we created a
20 3-foot-6 side yard setback. That is an acceptable
21 egress port. It's nice and wide, wider than a
22 typical 3-foot. It's 3-foot-6, so that you can enter
23 the house along the side of the building. So we have
24 two doors, one for Apartment No. 1, which you enter,
25 you enter a family room and then you take the stairs

1 up to get to that second apartment. And then you
2 enter the other door to get to apartment at the top,
3 on the third floor.

4 Each of the apartments is a three-bedroom
5 apartment. You enter very typically on both into a
6 living room/dining room/kitchen area, and then
7 there's three bedrooms, two smaller bedrooms that
8 have a shared bathroom, and then a master bedroom
9 which has a master bath and walk-in closet. And
10 that's the same on both floors. The lower apartment
11 has the rear yard, and the upper apartment has a
12 small rooftop deck that's 482 square feet, which is
13 39 percent of the overall unit.

14 Our setbacks as proposed is 6 inches along
15 the front yard. And the reason we did 6 inches is
16 because the houses next to us are all up against the
17 property line as well. So this is going to be in
18 line with the neighborhood. And then we have 1 foot
19 onto the south, and then the 3-foot-6 to the north.
20 And then we have a total 10 feet in the rear.

21 Our proposed facade, as you can see, is
22 brick. We have the large garage door in the front,
23 and then two nice large windows facing the bedroom on
24 top. And as you can see, these are the two primary
25 entrances that are located off the side of the

1 building. We're taking the facade that's brick and
2 we're wrapping it back 4 feet so it creates a very
3 beautiful presence along the side. And that
4 concludes my testimony.

5 MS. PEREIRAS: Mr. Pereira, just to
6 clarify, this is -- the use that's proposed is
7 permitted in the zone, correct?

8 MR. PEREIRAS: Yes, it is.

9 MS. PEREIRAS: This is a two-family home,
10 and you're located in R low-density zone; is that
11 correct?

12 MR. PEREIRAS: That is correct.

13 MS. PEREIRAS: If you can kindly walk us
14 through the variances that are proposed on this
15 application?

16 MR. PEREIRAS: I'd be very happy to. The
17 first of the variance is the minimum lot area.
18 2,500 square feet is required in this district. Our
19 property has 1,875 square feet. This is an existing
20 non-conformity, and there's no ability to make the
21 lot larger. There's no property around it that's
22 available to purchase and enlarge the property. The
23 site is conforming with lot width at 25, although
24 it's not conforming in lot depth. It is 75, whereas
25 100 is required. Again, that's a preexisting

1 non-conformity, and there is no property available to
2 the rear of this. To the east there is no property
3 available.

4 The front yard is prevailing, so it is
5 conforming. The rear yard is required to be 20.
6 We're proposing a 10-foot rear yard, which is a
7 factor of the undersized lot. We felt that this was
8 appropriate due to the undersized lot. It's a
9 hardship of the applicant, and we're hoping you grant
10 it. The side yards, the ordinance requires 3 feet on
11 one side with a total of 5 feet. We have 3-foot-6
12 and 1 foot for a total of 4-foot-6. Let me make
13 sure. Yeah. We have a total of 4-foot-6, so there
14 is a side yard variance. So we have 3-foot-6 on one
15 side and 1 foot on the other.

16 So if you go to our site plan on the
17 Sheet 06, we have 3-foot-6 on one side and a 1 foot
18 on the right-hand side for a total of 4-foot-6, so we
19 are requesting a side yard variance. Building height
20 is fully compliant. We are proposing a three-story
21 building where a three-story is permitted. Building
22 height is fully compliant. 38 feet is permitted. We
23 are at 37 feet. Building coverage, we are asking for
24 a variance. 65 percent is permitted. We're at
25 70.5 percent. That is a function of the undersized

1 lot. The maximum lot coverage is permitted at
2 90 percent. We are compliant at 88.9 percent. And
3 then off-street parking, four parking spaces are
4 required. We are providing four parking spaces.

5 MS. PEREIRAS: Just to confirm,
6 Mr. Pereiras, as to the width of the property, you're
7 able to provide all property on-site for this
8 building, correct?

9 MR. PEREIRAS: That is correct.

10 MS. PEREIRAS: And we are not seeking a
11 parking variance in any nature?

12 MR. PEREIRAS: Correct.

13 MS. PEREIRAS: And this property, if this
14 application if approved, would fit in the scale and
15 character of that neighborhood?

16 MR. PEREIRAS: Yes, it would.

17 MS. PEREIRAS: Okay. And there are other
18 properties on this block that are also undersized; is
19 that correct?

20 MR. PEREIRAS: It is very typical of this
21 block on that side of the block.

22 MS. PEREIRAS: And is it also typical that
23 many of these houses, at least in your opinion, are
24 two-families?

25 MR. PEREIRAS: Yes, There's two- and

1 three-family houses and even multi-families on this
2 block.

3 MS. PEREIRAS: I have no further questions
4 of Mr. Pereiras.

5 CHAIRPERSON GARCIA: Mr. Pereiras, the
6 width of the houses, according to the C02 is 1911,
7 right?

8 MR. PEREIRAS: It is -- yes, 1911.
9 There's definitely an error there because the side
10 yard setback as you see along the back is 1 foot, and
11 there's definitely a typo here that says 2-foot side
12 yard. I don't believe that's correct. I believe
13 that's 1-foot side yard. Because the width of the
14 house is wider than 1911, it should be -- it should
15 be 20 feet 6 inches. That's correct. And if you go
16 to the floor plans, we have 20 feet 6 inches.

17 MS. PEREZ: There were a couple of things
18 on the front page that were not the same as what he
19 said.

20 CHAIRPERSON GARCIA: Yeah. But the chart
21 for the variance, you're not requiring a side
22 setback.

23 MR. PEREIRAS: I noticed that.

24 CHAIRPERSON GARCIA: The memo for the
25 file, the planner also said it's conforming.

1 MR. PEREIRAS: It's non-conforming.
2 There's a side yard variance.

3 CHAIRPERSON GARCIA: And also because the
4 plans in the C02, that's what I catch on, said 1911
5 with 2 and 36 and one in the back. Okay. The width
6 of the garage, you say 19-2 -- when you have -- which
7 one is the width of the property, you said?

8 MR. PEREIRAS: 25.

9 CHAIRPERSON GARCIA: 20?

10 MR. PEREIRAS: 25.

11 CHAIRPERSON GARCIA: No. The house.

12 MR. PEREIRAS: The house is 20 foot
13 6 inches.

14 CHAIRPERSON GARCIA: 20-6. Okay. And the
15 thickness of the wall?

16 MR. PEREIRAS: It's 8 inches on each side.

17 CHAIRPERSON GARCIA: Each side. So you're
18 talking about 16 inches. You're talking about 1-4,
19 subtracted by 24, so you have 19-2. And the depth of
20 the garage?

21 MR. PEREIRAS: It is 36-8.

22 CHAIRPERSON GARCIA: Why do you not show
23 it on the map, in the plans?

24 MR. PEREIRAS: The depth of the garage?

25 CHAIRPERSON GARCIA: Yeah.

1 MR. PEREIRAS: It says it right here,
2 garage is 19 --

3 CHAIRPERSON GARCIA: Oh, 36. Okay. What
4 about here in the entry of the garage? You shrink
5 it, it would be a little bit like, what, another
6 6 inches?

7 MR. PEREIRAS: The reason we shrink it is
8 to provide brick. So brick has a thickness of 4
9 inches and then a 1-inch air gap, so you lose in the
10 front the 8 inches total to both sides. But that's
11 only in the first 4 feet of the house.

12 CHAIRPERSON GARCIA: Okay. Do you have
13 another witness, Ms. Pereiras?

14 MS. PEREIRAS: We do not. We do not have
15 planner testimony. We are not seeking use variance.

16 CHAIRPERSON GARCIA: Mr. Pereiras, can you
17 go through -- can you clarify both the variance that
18 you're requiring?

19 MR. PEREIRAS: I'd be very happy to. I'll
20 go through it again. I know there's been some
21 errors. We have lot area. We have lot depth. We
22 have rear yard. We have side yard, and we have
23 building coverage.

24 MS. PEREZ: Lot area. Lot depth.

25 MR. PEREIRAS: Rear yard, side yard, and

1 building coverage. And they're all factors of the
2 undersized lot.

3 CHAIRPERSON GARCIA: And the adjacent
4 property to the south, how is the setback?

5 MR. ORESTES: It's not setback. It's on
6 the property line.

7 CHAIRPERSON GARCIA: Property line. Why
8 don't you comply with the side setback?

9 MR. PEREIRAS: It was very much a
10 calculated proposal. We thought it was important
11 since in this design in order to accommodate the
12 owner that wanted the wider garage, we were going to
13 create the entrance of the stairs on the side of the
14 house. Rather than having a typical 3-foot, we
15 thought that the extra 6 inches would make a very big
16 difference there, and, therefore, we shifted the
17 house to the right. So instead of 1 foot -- instead
18 of 2 feet we have 1 foot on that side. And we
19 thought that was also fair because the house adjacent
20 to it is set back another 3 feet on its end too. So
21 it would be 3 feet from that house plus 1 foot from
22 ours, we would have a total of 4 feet.

23 CHAIRPERSON GARCIA: Would it be the north
24 side?

25 MR. PEREIRAS: On the south side. On the

1 north side we have 3-foot-6. On the south side we
2 have 1 foot.

3 CHAIRPERSON GARCIA: But you, the property
4 now?

5 MR. PEREIRAS: The property to the south
6 has about 3 feet.

7 CHAIRPERSON GARCIA: When I asked you I
8 think you said no.

9 MR. PEREIRAS: Side yard.

10 CHAIRPERSON GARCIA: Side yard. But I
11 mean the side --

12 MR. PEREIRAS: When you asked me, it was
13 front yard. They're on the property line in the
14 front, but off the side yard they have 3 feet.

15 CHAIRPERSON GARCIA: But on the side yard?
16 I mean the side setback, it's on the property line?

17 MR. PEREIRAS: No. The adjacent house to
18 the south is 3 feet in.

19 CHAIRPERSON GARCIA: So your current
20 property is on the property line?

21 MR. PEREIRAS: Yes. The current property
22 is on the property line. We're making this a lot
23 better than what's there now. The current building
24 is on the property line.

25 MS. PEREZ: So how does that, like, impact

1 the light post on the street? Are they going to
2 relocate that?

3 MR. PEREIRAS: So, yeah. My client has to
4 relocate the light post. The tree, we don't have to
5 relocate it. It's comfortable.

6 MS. PEREZ: Parking is over here?

7 MR. PEREIRAS: The tree is right in front
8 of the 3-foot-6 side yard. So we don't have to move
9 the tree, but we do have to move the light post about
10 5 feet over.

11 CHAIRPERSON GARCIA: Mr. Pereiras, you
12 know our concern all the time, right? Of course,
13 parking and safety. Right?

14 MR. PEREIRAS: Of course, and that's why I
15 feel this is really a great alternative because it
16 actually makes parking really much more comfortable
17 for an elderly person and it complies with -- there's
18 no parking variance, and it makes it a lot safer
19 because now you have a much wider garage door, which
20 I can understand as the applicant that this was a
21 huge concern.

22 CHAIRPERSON GARCIA: So you're going to
23 have 9.5, 9.5, 6 inches for each space, right?

24 MR. PEREIRAS: Right.

25 CHAIRPERSON GARCIA: But you're going to

1 have only 1-foot setback?

2 MR. PEREIRAS: Yes.

3 CHAIRPERSON GARCIA: In a lot 25 by 75?

4 MR. PEREIRAS: If this board thinks that
5 that 1 foot makes a big difference, we can always go
6 back to the drawing board and shift it back to
7 2 feet. However, I think in this case, because it's
8 an undersized lot, it kind of makes a lot of sense
9 because they lose in the depth of the house. So it
10 makes it a little bit wider and it makes it much more
11 comfortable for parking to work. Because that was
12 his concern. The entire concern was to have a wide
13 enough garage door that he's not going to bang up his
14 car and hit the walls.

15 CHAIRPERSON GARCIA: Mr. Pereiras, I mean,
16 you know, like I mentioned before, my concern about
17 the safety. With the setback I'm kind of really,
18 really concerned. If you have the 2-foot setback,
19 then you'll have issue with the parking. I'm really
20 really --

21 MR. PEREIRAS: Actually, Mr. Chairman, we
22 need 9 feet for a parking space, I can make it a
23 2-foot setback and still have the same size parking
24 spaces, the correct proper parking spaces.

25 CHAIRPERSON GARCIA: In a 25 by 75?

1 MR. PEREIRAS: Correct. We have 19 feet
2 inside wall to wall. If we lose a foot, it will
3 still be 18-2, which is still 1 inch bigger for each
4 of the spaces that was required. So we can make that
5 adjustment. You'll see me here back before the board
6 next month, and we'll have a 2-foot setback on that
7 south side and everything else will be the same.

8 CHAIRPERSON GARCIA: In reality,
9 Mr. Pereiras, you know that an 18-foot, you're going
10 to reach the parking space. I mean it's okay, you
11 can draw it there without no problem. But a
12 day-to-day -- I think this lot is a great lot for a
13 one-family house. That's my opinion. If you want to
14 build a bunch of two-family house, but I think it
15 is -- I'm going to make a motion. I'm going to make
16 a motion to deny the application, safety issues. I
17 mean, the setback, if you cut the setback, you don't
18 want to be able to make the parking spaces inside, so
19 I make my motion to deny this application.

20 MR. VALLEJO: Motion on the table to deny
21 the application by Mr. Garcia. Any second on the
22 motion?

23 MS. GUTIERREZ: Seconded.

24 MR. VALLEJO: Second by Ms. Gutierrez.

25 Roll call on the motion to deny this

1 application.

2 Ms. Gutierrez.

3 Yes.

4 MR. VALLEJO: Mr. Ortiz.

5 MR. ORTIZ: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes.

10 MR. VALLEJO: Mr. Garcia.

11 MR. GARCIA: Yes.

12 MR. VALLEJO: Ms. San Martino.

13 MS. SAN MARTINO: Yes.

14 MR. VALLEJO: Six in favor. Motion
15 carries. Let the record reflect that the application
16 has been denied.

17 * * *

1 **1700 MANHATTAN, LLC -**

2 **1700 Manhattan Avenue**

3 **Block 179, Lot 4:**

4
5 MR. VALLEJO: Next application on
6 tonight's agenda, 1700 Manhattan Avenue.

7 Ms. Pereiras, please.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of the applicant. As the board may recall, we heard
10 testimony from both our architect and our planner at
11 the last meeting regarding the modification of this
12 building to allow four residential units to take
13 place in a commercial. We also proposed parking on
14 site. As per the board's comments and suggestions,
15 modifications were made to this application. So our
16 architect today would speak to those changes that
17 were submitted to the board while in advance of this
18 meeting.

19 Mr. Pereiras.

20 * * *

21 **MANUEL PEREIRAS**, after having been previously duly
22 sworn, did testify as follows:

23 MR. PEREIRAS: Thank you. So now for a
24 good turn. Manny Pereiras, I recognize that I am
25 still under oath. So, we've testified --

1 CHAIRPERSON GARCIA: Sorry to cut you.

2 Ms. Pereiras, I have a question,

3 Ms. Pereiras.

4 MS. PEREIRAS: Yes. Go ahead.

5 CHAIRPERSON GARCIA: This application,
6 because the way that it's reading in the agenda is
7 the applicant proposed to expand and modify an
8 existing commercial building. It is not to build a
9 new construction.

10 MR. VALLEJO: They need to submit a
11 revised application.

12 CHAIRPERSON GARCIA: Huh?

13 MR. VALLEJO: I think they need to submit
14 a revised application.

15 CHAIRPERSON GARCIA: Yes. Because you are
16 demolishing everything, right.

17 MR. PEREIRAS: Once they're moving the
18 setbacks out, yeah. Originally we were going
19 straight up.

20 CHAIRPERSON GARCIA: Right. Right.

21 MS. PEREIRAS: But we're changing it based
22 on the recommendations of this board, so we made the
23 modified drawings.

24 MR. PEREIRAS: So the application is still
25 the same but there's been modifications.

1 CHAIRPERSON GARCIA: So are you modifying
2 an existing commercial building?

3 MR. PEREIRAS: No. We're demolishing
4 everything.

5 CHAIRPERSON GARCIA: You're demolishing
6 everything, so it's a new construction. Just to have
7 it clear in the resolution.

8 MR. PEREIRAS: We're not going to tear it
9 all down to the ground unless this board has an
10 objection to that. We were going to keep certain
11 walls and certain foundation walls. That was our
12 goal, but we'll listen to whatever recommendation the
13 board has.

14 CHAIRPERSON GARCIA: How do you work with
15 this --

16 Go ahead.

17 MR. A. PANEQUE: How do you view what your
18 plans are, and I'll make a note of that on the
19 resolution.

20 MR. PEREIRAS: Okay. So if you remember
21 my previous testimony, we had four units presented,
22 previous testimony. We already reduced the building
23 back down to three units. We also increased the
24 parking tremendously so that we have no parking
25 variance. What we did is we created parking, really

1 comfortable parking for six cars inside. And then at
2 the end of the last application, I think the board
3 was very comfortable with this. However, we made
4 this application even better because we took the side
5 yard setback on the north again, and instead of it
6 being on the property line where we had it before, we
7 are cutting the building down, tearing down that wall
8 and rebuilding 3 feet in so that we're creating a
9 side yard setback to the residential houses that were
10 there to the north of the property as well. So
11 that's the biggest difference from when we came
12 before the board. We were able to redesign, look at
13 it and create that 3-foot side yard setback so that
14 that house that is there will now have some more
15 breathing room.

16 CHAIRPERSON GARCIA: And going to be
17 attached on the other side?

18 MR. PEREIRAS: And will continue to be
19 attached on the other side. Only on the ground level
20 because above we're stepping the building in. If you
21 see this dashed line, we're stepping in 3-foot-1
22 above the parking level.

23 CHAIRPERSON GARCIA: Okay. Sorry.

24 MR. PEREIRAS: No problem. And I can talk
25 more about the building, but I think I've given you

1 plenty of testimony. I'd like to conclude there,
2 unless you have questions.

3 CHAIRPERSON GARCIA: Can you go through
4 the parking spaces?

5 MR. PEREIRAS: Yeah. I'd be happy to. So
6 we reduced the width of the building in order to
7 create that side yard setback, but we're left with
8 still fully conforming parking spaces, 9 by 18 each
9 one, and we have a total of six in tandem for each of
10 the units, so that this will be Apartment 1,
11 Apartment 2, and Apartment 3, and they coordinate in
12 and out within the same unit.

13 We have inside the garage a trash room.
14 We have circulation for both coming in and out. We
15 were able to modify. And since we now have the side
16 yard setback, our emergency stair is coming out of
17 the side yard, which is also another benefit. It
18 makes it an even safer building than it was before.

19 CHAIRPERSON GARCIA: Where can I see the
20 setback at the top of the ground level?

21 MR. PEREIRAS: You can see it in two
22 places. But the easiest place is on the actual site
23 plan. We show the dashed line for the building
24 above.

25 CHAIRPERSON GARCIA: Z-2.

1 MR. PEREIRAS: Z-2. And in Z-2, you see
2 the setback at the addition or the floors above which
3 is 3-foot-1 on the south side, and it's 4 feet along
4 the rear of the building. It's actually tapered. So
5 it's 4 feet and 3-foot-8 at the rear of the building.

6 CHAIRPERSON GARCIA: And what is the top
7 of the garage? Concrete?

8 MR. PEREIRAS: The top of the garage is
9 going to be a concrete building.

10 CHAIRPERSON GARCIA: So let's say that
11 anything happened, so the fire department --

12 MR. PEREIRAS: The fire department can
13 stand on there and walk there. There will be no
14 problems. And since we created that 3-foot side
15 yard, now the fire department can be on the ground
16 going all the way to run a ladder along the side of
17 the building. That's a huge improvement from our
18 previous application.

19 CHAIRPERSON GARCIA: What about the -- I
20 saw that you have a terrace on the top.

21 MR. PEREIRAS: Yes, we do. We reduced the
22 size of the terrace from our original design. So now
23 the terrace is set back both from the front of the
24 building and the rear of the building,
25 17-foot-3 inches from the rear, and then 9-3 plus

1 8-5, 17 feet 8 inches from the front of the building.
2 And now it's set back on both sides of the property
3 with 3 feet of landscaping and a privacy fence, a
4 4-foot high privacy fence.

5 CHAIRPERSON GARCIA: And this one is going
6 to be -- why not be for two apartments -- separate?
7 Because there you have open roof terrace?

8 MR. PEREIRAS: Yes.

9 CHAIRPERSON GARCIA: So open to three
10 units for the whole terrace?

11 MR. PEREIRAS: We can divide them and each
12 unit gets their own area. We do that often now. We
13 can definitely do that, split it into three, and that
14 can be part of the resolution.

15 CHAIRPERSON GARCIA: You know which one
16 is -- my concern is with open terrace for any teenage
17 party, whatever, it gets wild. You know what I mean?
18 It's like if you divide it and close it --

19 MR. PEREIRAS: Yeah, we can do private. I
20 love it. We'll divide this and make it private.
21 It's going to add value to the property, and then
22 this will be a common hallway on the side with their
23 own door for each of their own private terraces,
24 Apartment 1, 2, and 3.

25 CHAIRPERSON GARCIA: Let's go to the

1 balcony, to the terrace in the rear.

2 MR. PEREIRAS: For each apartment in the
3 back?

4 CHAIRPERSON GARCIA: Can you describe how
5 high is the fence, the rail?

6 MR. PEREIRAS: In the terrace?

7 CHAIRPERSON GARCIA: Yes.

8 MR. PEREIRAS: It's 42 inches by code, and
9 we can make it taller, if you like.

10 MR. A. PANEQUE: So there's a common
11 hallway running across the rooftop terrace, and then
12 it leads into three separate apartments of each.

13 MR. PEREIRAS: Oh, on the rooftop?

14 MR. A. PANEQUE: Yeah. I just want to
15 understand it.

16 MR. PEREIRAS: Yeah. So what I'll do is
17 I'm going to modify a little bit, actually, very
18 little. I'm going to make sure that this door --
19 this wall comes up a little bit more, and it will
20 have a common hallway. It will be a 4-foot wide
21 hallway open to the sky from one stair to the other
22 stair, and each of the three spaces will have their
23 own key.

24 MS. PEREZ: Does that mess up the view?

25 MR. PEREIRAS: I think that you're going

1 to have one that's going to be a lot more valuable
2 than the other one. So whoever has that one is going
3 to be a lot more valuable. But the view is still
4 there.

5 CHAIRPERSON GARCIA: That don't change the
6 sunset for the New York City view at all. Any other
7 questions?

8 MS. PEREZ: No.

9 CHAIRPERSON GARCIA: Any member of the
10 public want to step forward?

11 (No response.)

12 CHAIRPERSON GARCIA: Seeing none, closed
13 to the public.

14 I'm going to make my motion to grant this
15 application, but I'm going to need the revised plans
16 before that. Okay? I'm going to make my motion on
17 this application. This is one of the reasons that --
18 the beauty of this is to add a three and one setback
19 to the north side of the property.

20 Like always, I mention to you, Members of
21 the Board, you have a property and basically on the
22 safety issues and also the parking condition, so I'm
23 going to make my motion to grant this application.
24 We need the revised plans.

25 MR. VALLEJO: Motion on the table to grant

1 the application by Mr. Garcia.

2 MS. GUTIERREZ: Second.

3 MR. VALLEJO: Seconded by Ms. Gutierrez.

4 Roll call on the motion to grant this
5 application.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Ms. San Martino.

17 MS. SAN MARTINO: Yes.

18 MR. VALLEJO: Six in favor. Motion
19 carries. The application has been approved.

20 * * *

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1 **517 7TH STREET LLC -**

2 **517 7th Street**

3 **Block 28, Lot 15:**

4
5 MR. VALLEJO: We're moving now to 517 7th
6 Street, LLC.

7 Ms. Pereiras, please.

8 MS. PEREIRAS: Thank you, Mr. Vallejo.

9 Board Members, in 2015, you heard an
10 application for a multifamily building. That
11 application was approved. The project has been
12 built, and several of the units are under contract to
13 be sold. However, we are waiting for a certificate
14 of occupancy. The Building Department has asked us
15 to come back in front of this board for clarification
16 on the use of material on a side elevation.

17 Originally, when we came in front of this
18 board, there was stucco and siding, and Mr. Pereiras
19 will point out exactly what was approved originally.
20 And the applicant increased the amount of stucco on
21 the side elevation. So the Building Department just
22 wanted clarification from this board and a revised
23 resolution that the additional stucco does not offend
24 this board in any way.

25 So, Mr. Pereiras.

* * *

1
2 **MANUEL PEREIRAS**, after having been previously duly
3 sworn, did testify as follows:

4 MR. PEREIRAS: Manny Pereiras. I
5 recognize that I am still under oath. As mentioned
6 before, this building was approved with the rear and
7 the sides of the building being vinyl siding. The
8 building has different construction methods. Most of
9 the building is wood frame. However, the stairwells
10 are made of block instead of wood framing. And it's
11 a lot easier to put stucco at the stairwell than
12 putting siding. In my opinion, stucco is a lot more
13 attractive than the siding. And the applicant did
14 exactly that. The bottom was always stucco. The
15 sides were always siding, but the center portion
16 where it had the stairs going up, instead of using
17 siding he used stucco. We'd like this board to
18 consider using stucco instead of the siding that was
19 originally presented. I think it's a more attractive
20 look. I think it's a more efficient use. It's safe.
21 It meets all building code criteria, and we ask you
22 to consider that change, please.

23 CHAIRPERSON GARCIA: That's the only
24 reason why I came. Any questions? I just can tell
25 you and the Members of the Board, I initially do my

1 homework and I pass by, and, actually, it looks much,
2 much better. And I don't understand why if it's an
3 upgrade, it is something better, to have to come here
4 to make sense. So I think that this change is in
5 favor of the application, is an enhancement of the
6 material.

7 Any member of the public want to step
8 forward?

9 (No response.)

10 MR. VALLEJO: Anybody from the public?
11 Any comment?

12 CHAIRPERSON GARCIA: Anybody? No
13 comments?

14 Okay. Closed to the public. I make my
15 motion. Closed to the public.

16 MR. VALLEJO: Motion to grant the
17 application?

18 CHAIRPERSON GARCIA: Yes.

19 MR. VALLEJO: Motion to grant the
20 application by Mr. Garcia.

21 MS. GUTIERREZ: Second.

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

24 Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Gutierrez.

2 MS. GUTIERREZ: 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. San Martino.

10 MS. SAN MARTINO: Yes.

11 MR. VALLEJO: Six in favor. Motion
12 carries.

13 CHAIRPERSON GARCIA: Mr. Paneque, I think
14 that I opened to the public, the previous application.

15 MR. A. PANEQUE: Yes.

16 MS. GUTIERREZ: Yes, you did.

17 MR. A. PANEQUE: You did.

18 MS. GUTIERREZ: You did. Yeah, you did.

19 MR. VALLEJO: Thank you. Liliana, make
20 sure.

21 (Court reporter replies in the
22 affirmative.)

23 MR. VALLEJO: Thank you.

24 CHAIRPERSON GARCIA: Thank you.

25 * * *

1 JERSEY PROPERTY HOLDING, LLP -

2 1113 Bergenline Avenue

3 Block 53, Lots 15 & 16:

4
5 MR. VALLEJO: Next application on
6 tonight's agenda. Jersey Property Holding, LLP,
7 1113 Bergenline Avenue.

8 Ms. Pereiras, please.

9 MR. A. PANEQUE: Let the record reflect
10 I've been provided with an affidavit stating that on
11 March 3, 2025, personal notice of tonight's meeting
12 was given to all property owners within a 200-foot
13 radius of 1113 Bergenline Avenue, Union City, New
14 Jersey 07087. A legal affidavit from The Jersey
15 Journal giving notice of tonight's meeting published
16 on February 26, 2025, the notice was given to all
17 property owners. The list of property owners to be
18 served on notice. The certified mail receipt
19 postmarked March 3, 2025. Based on documentation
20 that has been provided, this board has jurisdiction
21 to hear this matter. Thank you.

22 MS. PEREIRAS: Thank you, Mr. Paneque.

23 Bianca Pereiras on behalf of the
24 applicant, Jersey Property Holdings LLP for property
25 on 1113 Bergenline Avenue, also known as Lots 15 and

1 16 on Block 53. We are located in the C-N commercial
2 zone right on the corner of Bergenline and
3 12th Street. I'm very excited to have this project
4 in front of this board because I can see this
5 property from my house growing up, and it has been
6 vacant since I was young. So I'm excited to finally
7 see something revitalized and built there:

8 In order to work with City's ordinance, it
9 requires us to have both parking and commercial on
10 the ground floor. We took very delicate care to have
11 a building here that should accommodate both the
12 commercial, the parking, and provide beautiful
13 apartments above. We have two experts to testify
14 before the board this evening. The owner is also
15 here in case the board has any questions of him. But
16 I'd like to begin our presentation with our
17 architect, Mr. Manuel Pereiras.

18 * * *

19 **MANUEL PEREIRAS**, after having been previously duly
20 sworn, did testify as follows:

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

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 1113 Bergenline Avenue?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: And would you kindly
5 describe the project to the board?

6 MR. PEREIRAS: I'd be very happy to. This
7 is one of those projects where it has a close place
8 in my heart. I remember the fire that devastated
9 that building. I was ten years old. My family had a
10 hardware store at that corner, and so I remember like
11 it was yesterday. And I've been staring at this
12 vacant lot for my entire life. So I'm very glad to
13 fill it and create a beautiful structure in its place
14 that is appropriate.

15 There's a little bit of history to this
16 lot. So we are in the C-N district. And what's
17 permitted in the C-N district is that every 25 by 100
18 lot, you're permitted to have ground floor
19 commercial, and then three floors above, a
20 residential for three apartments. So, in theory, you
21 can have ground floor commercial, three apartments on
22 lot 1, ground floor commercial and three apartments
23 lot 2. There's one very big problem with that, which
24 is parking. If we built that -- which would be not
25 even before this board; we would go before the

1 Planning Board -- we wouldn't have sufficient parking
2 for the families that were going in there. So we
3 thought a little bit outside the box and we said
4 let's do the same thing. Instead of having two
5 commercial spaces, we're going to create one
6 commercial space and bring it to Bergenline Avenue.
7 And we're going to take the entire back of this
8 property and provide sufficient parking, which is 11
9 parking spaces that we're providing. And we were
10 allowed six units. We're still going to do six
11 units. But you know what, we're going to be
12 extremely conservative because I think it fits better
13 into that neighborhood. And instead of going four
14 stories tall, we're going to go three stories tall.
15 And that's the building that we have proposed to you
16 today. And I'd like to walk you through from
17 beginning to end. There was a lot of consideration
18 to every single piece of this project, and I'd like
19 to present it to you now.

20 First, on Bergenline Avenue we are on the
21 property line that is permitted for the district. On
22 12th Street, we are on the property line, which is
23 also permitted in the district. On the opposite
24 side, which is the south side of the building, we are
25 proposing 3-foot-8 along the front and 3-feet-1 --

1 3 feet along the back of the property. There's a
2 very clear reason why we do that. 3-foot-1 is what
3 we're required as far as light and air for windows.
4 And then 3-foot-8 is what's required for a proper
5 egress court. And due to safety reasons, we have one
6 of the stairs coming out here on the side, so we need
7 that 3-foot-8. However, the C-N district reads a
8 little funny. It says that you're allowed to have 0
9 side yard setback. Okay. So we could have built
10 this right on the property line. Instead, we're
11 stepping back a total of 3 feet on one side and
12 3-foot-8 on the end. However, by doing so we're
13 actually creating a variance. Okay. So we have a
14 side yard setback variance. But please keep in mind
15 that we could have done 0 foot setback there.

16 Along the east side, if you look at the
17 building from 12th Street, it reads like a side yard,
18 so they're treating that like a side yard. And at
19 its smallest condition, we're providing 5 feet. And
20 since the lot is tapered, it is at compressed
21 condition 6-foot-3 wide. But we have a minimum of
22 5 foot on the side yard looking at it from
23 12th Street side.

24 Building coverage, we are asking for a
25 variance for building coverage because we're

1 permitted 80 percent. We're at 87 percent. And
2 that's because we have a corner lot. And as a corner
3 lot, the building, the massing is a little bit
4 different. There's no real rear yard. We're dealing
5 with two side yards, and that triggers that variance.

6 And we do have a parking variance. The
7 entire requirement for this -- and I'll break us down
8 with that. I'll break it down. We have six
9 apartments. We need two parking spaces for each of
10 the apartments as per ordinance. We have 11 parking
11 spaces, and we also have an electric vehicle parking
12 space that counts as 12. But 11 is the maximum that
13 we're able to fit here.

14 And as you can see, we did this in a very
15 considerate and a very attractive way. We created
16 the curb cut, obviously, not on Bergenline Avenue,
17 because that's what we want for a commercial
18 corridor, and it wouldn't be safe. So what we did is
19 we created a curb cut along 12th Street near the end
20 of the building so we're away from the corner so it's
21 nice and safe for traffic coming in and out. We're
22 proposing an 18-foot curb cut and a 23-foot wide
23 drive aisle, which is fully compliant. And every
24 single parking space, the 9 by 18, which is fully
25 compliant as well as an ADA parking space, which is a

1 total of 16 by 18, 11 feet for the area for the van
2 and 5 feet for the driveway.

3 In that, we were also able to create
4 landscaping. So now there is landscaping along the
5 front along 12th Street and along the back of the
6 property so that it's now looking like now we have a
7 beautiful background of some landscaping at the end
8 of the parking spaces.

9 We have two cars that are in tandem, and
10 the rest are individual spots so that each apartment
11 will have their own parking space. And we have a
12 commercial space, which is 804 square feet. That
13 requires two parking spaces as per our ordinance.
14 However, it's Bergenline Avenue. Every business on
15 Bergenline, not any business on Bergenline Avenue
16 along this entire corridor has parking, and we're
17 asking for a variance on that aspect of it for a
18 commercial space, parking spaces on Bergenline Avenue
19 and 12th Street. And I thought that was important to
20 do because it is important to have that commercial
21 space. It really activates a corridor. It provides
22 a continuity for Bergenline Avenue that was critical
23 here from a planning standpoint.

24 The building has a small basement. That's
25 for the commercial space for warehouse and also for

1 the mechanical systems. There is a lobby located off
2 of 12th Street, and we did that purposefully,
3 Bergenline Avenue is the commercial corridor. 12th
4 Street is the residential corridor, so the
5 residential lobby is along 12th Street. We have
6 access to the fire stair and to the elevator.

7 We created the trash room along
8 12th Street as well. That's located from the outside
9 of the building with double doors to access in and
10 out and moving upstairs to the apartments. We're
11 proposing three two-bedroom apartments per floor.
12 It's a very simple, very elegant design. You enter
13 the apartment and it's a large living room/dining
14 room/kitchen area. It's the same for all three
15 apartments. You enter into that large living
16 room/dining room/kitchen area, and then there are two
17 bedrooms in the rear and two bedrooms at each end of
18 the front here, one being a master bedroom that has
19 its own walk-in closet and bathroom and the other
20 being the secondary bedroom that uses the hall bath.

21 This is an elevator building, so they are
22 all fully adaptable, ADA compliant units for handicap
23 safety. And then, finally -- and we only have two
24 floors of it. And then, finally, a roof deck. There
25 will be a small component of green roof for

1 stormwater management and then the roof deck which is
2 setback well from all sides for access for the
3 tenants.

4 And then, finally, the elevations of the
5 building. As you could see here, we have a
6 three-story building on Bergenline Avenue, commercial
7 on the ground floor, and then the two residential
8 portions we have mostly brick, combination of brick,
9 metal panels, siding to create this beautiful facade
10 that we see here. So we have beautiful, large
11 storefront glass, and at ground level very distinct
12 signage that isn't loud, and it's very subdued but
13 clear and distinct signage. The beautiful brick that
14 we try to do everything in Union City, the metal
15 panels, and the edge for the turning, and then the
16 roof deck where we have railings up there. And that
17 concludes my testimony.

18 MR. A. PANEQUE: If I can please have one
19 moment? I didn't want to interrupt you,
20 Mr. Pereiras. Previously I stated on the record the
21 publication is in the Jersey Journal as a force of
22 habit, and I strike that from the record. The
23 publication, to have it on the record as the Herald
24 News.

25 And if we could just mark, while we're at

1 it, as Exhibit A-1, the rendering of the proposed
2 structure.

3 MR. PEREIRAS: Yes, Counsel.

4 MR. A. PANEQUE: Thank you, Mr. Pereiras.

5 MR. PEREIRAS: For the record I am marking
6 the back right-hand corner as A-1 and today's date.

7 * * *

8 (Rendering of proposed structure was
9 marked A-1 for identification.)

10 * * *

11 CHAIRPERSON GARCIA: Mr. Pereiras, the
12 facade is 12th Street?

13 MR. PEREIRAS: Yes.

14 CHAIRPERSON GARCIA: You don't have one?
15 Is this going to be open, the garage?

16 MR. PEREIRAS: So the garage is going to
17 be open, yes.

18 CHAIRPERSON GARCIA: And what kind of
19 material are you going to have on top? Siding?

20 MR. PEREIRAS: The top is siding. I
21 showed it there. We can make that brick.

22 CHAIRPERSON GARCIA: No. The thing is you
23 got a beautiful -- I mean, Bergenline Avenue, but the
24 side is completely -- it's not balanced, but it's
25 okay. The rear setback, the rear is set by

1 12th Street, right?

2 MR. PEREIRAS: Yeah. So the way I'm
3 considering this building is that it has two side
4 yards. Bergenline Avenue has two side yards, and
5 then when we're looking at this on 12th Street, since
6 it's a corner, it's dealing like that's two side
7 gaps. I didn't want to create a big rear yard that's
8 going to feel like a gap.

9 CHAIRPERSON GARCIA: No. No. Now you're
10 talking about the -- because the corner usually, you
11 know -- it's okay. But I mean it's like the rear
12 setback. The rear is by 12th Street, right?

13 MR. PEREIRAS: Yeah.

14 CHAIRPERSON GARCIA: It's adjacent to
15 12th Street?

16 MR. PEREIRAS: Yeah.

17 CHAIRPERSON GARCIA: And you don't have
18 setback there?

19 MR. PEREIRAS: We have 5 feet.

20 CHAIRPERSON GARCIA: You have to fix it on
21 your chart before you come here, Mr. Pereiras,
22 because it doesn't say that. The rear yard is a
23 vacant lot.

24 MR. PEREIRAS: There's existing and
25 proposed. Under the existing it says, "vacant lot."

1 And under "proposed," the rear yard is --

2 CHAIRPERSON GARCIA: N/A.

3 MR. PEREIRAS: N/A, it's not applicable
4 because we consider it another side yard. If you
5 want to consider it a rear yard, then it's 5 feet.
6 At the smallest dimension, we have 5 feet, and at the
7 highest dimension we have 6-foot-3.

8 CHAIRPERSON GARCIA: So you got side yard
9 3-1, that's the south?

10 MR. PEREIRAS: Yes.

11 CHAIRPERSON GARCIA: And 5, that means
12 that is the rear for us?

13 MR. PEREIRAS: The rear yard, yeah.

14 CHAIRPERSON GARCIA: It's not a side yard.
15 You are proposing four stories?

16 MR. PEREIRAS: Three stories. So we
17 originally contemplated four stories. Our original
18 design was four stories. We're proposing today three
19 stories, one, two, three.

20 MS. PEREZ: What about here in the middle?

21 MR. PEREIRAS: Well, that's just to get to
22 the roof. That's the bulkhead which actually isn't
23 considered a story.

24 CHAIRPERSON GARCIA: Okay. In the rear
25 you have 5 to 6-3?

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON GARCIA: You don't think that
3 open space --

4 MS. PEREZ: That goes all the way through
5 to the back of the property?

6 MR. PEREIRAS: It does.

7 MS. PEREZ: And can you go around and out
8 to make an L?

9 MR. PEREIRAS: Yeah. We could and that
10 wouldn't be -- it doesn't change the project at all.
11 Instead of it being open back here, I made a wall so
12 that the parking garage is enclosed. It doesn't
13 change the building at all. It doesn't change the
14 design. If safety is a concern and that's an issue,
15 we can definitely do that.

16 MS. PEREZ: It just makes it easier to get
17 in and out, right?

18 MR. PEREIRAS: Correct. If there's no
19 gate, it's easy in and out.

20 CHAIRPERSON GARCIA: Yeah, but the only
21 reason with the gates is that you have an open
22 garage, it's a safety issue. You know that? That's
23 the concern.

24 MR. PEREIRAS: Then we can enclose it.

25 CHAIRPERSON GARCIA: Especially like we

1 have a lot of gypsy buses going on Bergenline Avenue.
2 So there are a lot of people that probably have to be
3 from over here, from the area. That's kind of my
4 concern.

5 MR. PEREIRAS: And that can be a condition
6 of approval. We could close the south and north wall
7 and put a gate at the front so that no one can get in
8 there.

9 CHAIRPERSON GARCIA: The application is
10 nine units?

11 MR. PEREIRAS: Six.

12 CHAIRPERSON GARCIA: Six.

13 MS. PEREZ: And all the glass that's --
14 some of these apartments, just the bottom level is
15 commercial?

16 MR. PEREIRAS: Commercial is ground level
17 only, and then everything else is apartments. You
18 have an apartment in the front and then one on each
19 side in the back.

20 MS. SAN MARTINO: And the back is going to
21 be for...

22 MR. PEREIRAS: For the apartments.

23 MS. PEREZ: Do you know what the
24 commercial space is?

25 MR. PEREIRAS: We don't know.

1 MS. PEREZ: Is there any restriction on
2 what it could be? Like, it can't be a restaurant?
3 Like, is there anything that says what it can be?

4 MR. SPATZ: No. The restaurants would be
5 permitted in the zone, yeah.

6 MR. PEREIRAS: But we're not designing for
7 a restaurant. A restaurant would require a shaft and
8 a few other things that we're not designing.

9 MS. PEREZ: I was just thinking how nice
10 it would be for rooftop dining. It just looks so
11 pretty.

12 CHAIRPERSON GARCIA: Mr. Spatz.

13 MR. SPATZ: Yes.

14 CHAIRPERSON GARCIA: This is a C-N zone,
15 right?

16 MR. SPATZ: Yes.

17 CHAIRPERSON GARCIA: I thought the
18 mixed-use was permitted.

19 MR. SPATZ: Mixed use is permitted, but --

20 CHAIRPERSON GARCIA: This is not
21 considered mixed use?

22 MR. SPATZ: It is but the zoning ordinance
23 only allows three units above.

24 CHAIRPERSON GARCIA: Okay.

25 MR. SPATZ: But it contemplates that on a

1 25 by 100. This is a 50 by 100. So I think, as the
2 previous testimony was, they could have subdivided it
3 and created two separate buildings which then would
4 have been conforming and would have gone to the
5 Planning Board, but the better design and enable to
6 get more parking was to combine it into one building.
7 So in terms of the number of units, it's no more than
8 could be ever constructed on that property. It's
9 just technically one building that needs a variance.

10 CHAIRPERSON GARCIA: And according to --
11 in that area, Mr. Spatz --

12 MR. SPATZ: Yes.

13 CHAIRPERSON GARCIA: -- that's going to be
14 a question that isn't going to benefit my opinion,
15 but okay, I'm going to ask you to be fair.

16 MR. SPATZ: Sure.

17 CHAIRPERSON GARCIA: If they subdivide and
18 come with a commercial on the bottom and three
19 apartments on top, on Bergenline Avenue they don't
20 require parking?

21 MR. SPATZ: No. They do require parking
22 there.

23 CHAIRPERSON GARCIA: They do? Okay. In
24 that area?

25 MR. SPATZ: Yes. It's only the northern,

1 you know, north of the tunnel cut.

2 CHAIRPERSON GARCIA: Oh, so that's good.

3 MR. SPATZ: Right. So that's the issue
4 down here.

5 CHAIRPERSON GARCIA: Okay. Mr. Pereiras,
6 how can we figure out the space parking spaces?
7 Well, if you want, you have the planner.

8 MS. PEREIRAS: We do.

9 CHAIRPERSON GARCIA: You can bring the
10 planner.

11 MR. PEREIRAS: Keep in mind you have 11
12 parking spaces, technically 12.

13 CHAIRPERSON GARCIA: Eleven. Eleven.

14 MR. PEREIRAS: Eleven parking spaces for
15 six apartments. So, you know, in my experience,
16 that's a lot of parking for six apartments that we
17 have.

18 MR. WATLEY: Didn't you say it was two
19 parking for each apartment?

20 MR. PEREIRAS: No. So we have 11 parking
21 spaces. The requirement is two parking spaces per
22 apartment.

23 CHAIRPERSON GARCIA: Not only that, you
24 also need for the commercial.

25 MS. GUTIERREZ: Yes.

1 MR. PEREIRAS: But every single property
2 in that whole Bergenline Avenue -- and Bergenline
3 continues across there -- not one property I can
4 think of has parking, and they're all commercial
5 spaces.

6 CHAIRPERSON GARCIA: Yes, but that's
7 something like Ms. Pereiras and you know. I mean,
8 like you said, you grew up in that area, and you
9 could see the change of the area like that, how
10 everybody has a car. And in the time that you grew
11 up, I mean, all those old houses there -- and
12 especially that block, that doesn't have new
13 construction at all. The only one bringing the new
14 one is the one block from west to 12th to central,
15 and those applications were granted. So if we think,
16 like, those houses doesn't have parking, no, but that
17 doesn't mean that that was to continue increasing the
18 situation that we have. Because you know what
19 happens. You drive around on 12th and Bergenline
20 Avenue -- and we can go right now, and swear to God,
21 that at least three of the four corners somebody is
22 parking by the crosswalk.

23 MR. PEREIRAS: I agree completely with
24 that. However, I'd like to expand on that. If you
25 go there any time during the day, 9 to 5, you're

1 going to find parking. I know because that's where I
2 park all the time. There is parking from 9 to 5.
3 The problem is after hours when residents come in.
4 So if the parking is a concern for the business --
5 and keep in mind, this is only 804 square feet.
6 We're not talking a big supermarket that people come
7 and are driving to. This is a neighborhood
8 convenience 800 square foot kind of very much
9 neighborhood store that goes there. They're not
10 going to have, generate a huge parking demand. And
11 for the residential, we're almost in compliance.
12 We're at 11, whereas 12 --

13 CHAIRPERSON GARCIA: Almost. Almost.

14 MR. PEREIRAS: We're almost there.

15 CHAIRPERSON GARCIA: And not in compliance
16 with commercial.

17 MR. PEREIRAS: But in all standards, not
18 everyone has two cars, especially on a two-bedroom
19 apartment.

20 CHAIRPERSON GARCIA: Let's open to the
21 public.

22 MS. PEREIRAS: We have a planner to
23 testify. Planner or public? I'm sorry.

24 CHAIRPERSON GARCIA: No. Planner.

25 MS. PEREIRAS: Mr. Dougherty, please.

* * *

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

MR. DOUGHERTY: Alexander Dougherty,
D-o-u-g-h-e-r-t-y, professional planner. My licenses
are good and current. I testify in this capacity on
a continual basis.

CHAIRPERSON GARCIA: Pleasure having you
here.

MR. DOUGHERTY: Glad to be back. So this
is a unique situation here. As the architect already
put on the record, 25 by 100 is the requirement, we
have double the size. It's two separate lots. We'd
like to look at it as one holistic lot in the sense
that it reaches a superior design element. It hits a
lot of the strong talking points that the community
collectively feels burdened with, which is where do
we put the cars, parking. A 25 by 100 foot lot, a
25-foot width, if we were trying to put a parking lot
or design that for parking and it's the interior lot,
not the corner lot, the land lot, that curb cut would
take away parking on the street, but also that drive
aisle access typically by design is 20-24 feet wide.

So where does the commercial go at that
point? So there's kind of a balance. How do we meet

1 the intent and vision of the zone plan while trying
2 to address the concerns that we see the community
3 facing often, which is the parking. There is a
4 balance to be had. If we could pinch out that last
5 parking stall, we would. I think everyone here
6 realizes we would certainly try to do that. It
7 doesn't fit by virtue of design to accommodate the
8 commercial space, you know, with the lot dimension
9 and the parking.

10 So as you heard Manny testify to, we're
11 really here at a crossroads where three units over a
12 commercial space is exactly what the zone envisions.
13 We are looking at this as one lot, one buildout, one
14 building, as you heard, where it has six. Again,
15 we're double the size. Three is allowed, we're at
16 six. But with that, to accommodate a vibrant
17 commercial storefront and provide for that, that
18 amenity and the zone plan for Bergenline just by pure
19 design of the building, it is proven to be slightly
20 difficult to do that last missing parking. You know,
21 do we try to pinch an undersized one in there? Do we
22 take away from some setbacks and landscaping? How do
23 we make that work?

24 Honestly, at this point the space for
25 parking having that availability, again, we're at 11

1 physical stalls. Fifteen is the requirement because
2 it is a mixed use, and we have that residential above
3 where two is required. Bergenline Avenue, we have a
4 bus stop right in front. Literally right in front of
5 this storefront is a bus stop. So when you talk
6 about that last missing parking stall, I believe with
7 ample transit mobility and options in front -- I
8 believe the bus in front is the 84 and 86 line. On
9 Palisades two blocks over, you have the 22 and the
10 123 line. Again, with the idea of putting mixed use
11 zoning in play, those amenities are at your doorstep.
12 There's no need for me to live on the second floor,
13 come down, get my car, and drive to the store when I
14 can walk or catch the bus. It's right there. So
15 there is a balancing act.

16 But nonetheless, we are short on parking.
17 We are here for a d(1) use variance. The six units,
18 this type of buildout isn't expressly called for in
19 the zoning. I think we do have something pretty
20 comparable. Again, the zone allows for three units
21 on 2,500. We're at 5,000, and we have six units. To
22 subdivide this, put them in separate ownerships and
23 go to the Planning Board and scream hardship, you
24 know, we can't provide any parking, we can't get this
25 to work out in the program, I think would be

1 disingenuous of the team and to the community. To
2 ask for the use variance I think is the more
3 appropriate play here, to keep it transparent and
4 open.

5 Where there wasn't parking -- again, this
6 is a vacant lot. Where there isn't parking, we're
7 providing parking. We're trying to keep existing
8 curb cuts in alignment of what's there. So, with
9 that there is a balance. So d(1) is the Medici test
10 site suitability, site suitability by virtue of the
11 condition and the context. Condition of the site is
12 two times larger than what's allowed.

13 With that being said, in the context of
14 the neighborhood here and of the zone plan, this is
15 right on par with what the zone plan allows for.
16 We're just seeing it packaged differently, 3 units
17 over commercial and 25. We have 6 units over
18 commercial on a 5,000. With that there are some
19 design elements here. I think what we have here is
20 that balance. We're one shy of the residential
21 parking requirement but yet three physical stalls,
22 just shy. Because of the EV, it would be 4 because
23 we're at 11 and 15 is the requirement. Again, that
24 commercial component for parking on an interior lot,
25 I don't know how that works. On a 25-foot wide lot

1 asking for commercial at the streetscape but asking
2 for parking, I don't know -- that's why I'm a
3 planner; I'm not an engineer; I'm not a designer, so
4 I don't know how that works. Having this access off
5 of 12th, keeping it open, having that as we'll put a
6 gate on it. You can see that. But having this
7 designed the way it is I think is the appropriate
8 balance.

9 As you heard, you're looking at a
10 four-story. We toned it down, came at three. I
11 think knowing the board's concerns, knowing the
12 concerns of the community, we're right where we need
13 to be. We're not at seven, eight, nine. We're at
14 six apartments with a commercial storefront. As
15 you've heard, the buildout storefront is designed in
16 a way to attract a neighborhood commercial store, not
17 a restaurant or something of that nature which would
18 otherwise be a little bit more intense but yet still
19 trying to envision what the next step calls for.

20 So the second part of that Medici test is
21 the positive. So providing ample housing for a
22 growing community, having that ADA compliance,
23 members of our community that are typically left out
24 of the conversation, desirable visual environment.
25 We have a unique situation. The property is on a

1 corner. It's vacant for many decades. We have an
2 opportunity to put something new and fresh here and
3 lock up and accentuate this corner from all sides.

4 So this positive investment to this site,
5 it is really felt throughout the neighborhood as
6 well. So I certainly think we can argue Purpose I
7 for a desirable visual environment. I would like to
8 also point out I believe the density is right on par
9 here, which is why I don't believe it would otherwise
10 be a density variance and that it is appropriate as
11 your planner identified as a d(1). Because, again, a
12 2500-foot lot contemplates three units. We're at
13 605,000. So I can give appropriate density and
14 appropriate location as well. And, again, this
15 property is designed to function and flow safely,
16 built up to all building codes, advancing Purpose I
17 of the Multiple Land Use Law protecting the
18 community's welfare and safety.

19 With that, I will point out two proposals
20 of the plan. There is proposed drywalls to be
21 installed as well, fresh landscaping as well as ADA.
22 So I think we have a complete package. We do have
23 that rooftop amenity as well. So we do have the
24 ability to access adequate air and open space through
25 the roof. As Manny kind of talked about before, we

1 do have this C variances, if you will, that are
2 matched with the d(1) use variance for that side
3 yard, rear yard kind of conversation. It's a unique
4 property. It's on a corner. So if you're on 12th,
5 it's at the rear yard. If you're on Bergenline, you
6 know, which is the site. So I think we have a
7 balance here pulling it in, keeping that, you know,
8 separated and putting the appropriate spacing, you
9 know, where applicable.

10 Because of the way it's written in the
11 zone, side yard setbacks are not required. But if
12 they are required, one should be 5 feet. So that's
13 kind of where we're striking that side yard setback.
14 So if I'm on 12th, my side yards are here. My rear
15 yard would be, you know, the abutting property that's
16 facing Bergenline. So, it is kind of orientation
17 related. But, nonetheless, I think we do have
18 appropriate separation. As you've heard Manny
19 testify, the architect, that these separations are
20 required by building code and fire code for purposes
21 of egress and safety. So, where the setbacks are in
22 place, I do think they're appropriate.

23 And I want to remind the board that this
24 particular property, the way this code is written in
25 every angle, whether it's a 6.3 going down to 5 on

1 the right-hand side of here on 12th, if you were to
2 look at that as a side yard, someone can make an
3 argument that they don't need a setback on that. You
4 know, so it really is orientation related and
5 perspective. But, nonetheless, the third prong of
6 that Medici test is the negative criteria. I don't
7 believe any of these variances that we're discussing
8 here were cause of an adverse effect. The benefits
9 substantially outweigh the detriments here.

10 With that being said, the last part of
11 that Medici test, the fourth prong, is reconciling
12 this with the master plan and the zoning. I'd like
13 to say this was probably one of those unique Medici
14 tests where that's already applied. This is
15 contemplating the zoning, a mixed-use. You know,
16 it's part of the master plan vision to ignite
17 Bergenline Avenue as a consumer neighborhood
18 corridor. This hits all the marks here to advance
19 housing for a growing community as well. I do
20 believe the statute criteria has to be met for d(1)
21 of the Medici test and approval would be warranted.

22 And I would like to just remind the board
23 this is one of those unique opportunities where we
24 can provide parking. We're providing a better
25 superior design by coming to the zoning board and

1 asking for this design, which really is a design
2 element here with a 6 versus a 3. If we went with
3 the three, I don't know how we would even get parking
4 on the interior lot if we looked at it separately
5 without cross-easements and accesses in that regard.
6 But I think we have here something that the board can
7 look favorably upon, and I think we hit the mark
8 right where we need to be. So with that, I'll stop,
9 and I'll conclude for any comments and questions.
10 I'd like to note too these are spacious units. It's
11 not overcrowding these six units who are here.
12 They're fairly large.

13 CHAIRPERSON GARCIA: Do you understand
14 that this application that is conforming with the
15 neighborhood?

16 MR. DOUGHERTY: I'm sorry?

17 CHAIRPERSON GARCIA: Do you understand
18 that this application is conforming with the
19 neighborhood?

20 MR. DOUGHERTY: Yes. With that, because
21 we're not asking for any of the rule bulk, height,
22 use here, this really, in my opinion, diminishes this
23 more anecdotal -- by virtue of the six versus three,
24 I think this is right on par with your master plan,
25 your zone plan. We're just looking at,

1 unfortunately, every aspect of how it's written in
2 assessing that. Again, I don't think this is
3 appropriate for a density variance. This is a use
4 variance because it calls out the number three, three
5 units. Here we have six units, and we're looking at
6 one holistic building versus two separate buildings.
7 So I do think it's right on par with the neighborhood.

8 CHAIRPERSON GARCIA: You said that it's
9 like to try, if you split it up, how are you going to
10 have parking for the --

11 MR. DOUGHERTY: Interior lot.

12 CHAIRPERSON GARCIA: Interior lot.

13 MR. DOUGHERTY: It's challenging. I think
14 this brings a superior design to it.

15 CHAIRPERSON GARCIA: Any other question?

16 (No verbal response.)

17 CHAIRPERSON GARCIA: I have a question for
18 Mr. Pereiras.

19 Thank you, Mr. Dougherty.

20 Mr. Pereiras, in your C05, you have the
21 1113, the canopy going to go through 12th Street,
22 right?

23 MR. PEREIRAS: The...

24 CHAIRPERSON GARCIA: Here.

25 MR. PEREIRAS: Yes. That's the

1 residential entrance.

2 CHAIRPERSON GARCIA: Right. And the
3 driveway is...

4 MR. PEREIRAS: The driveway is right in
5 the middle of this space here.

6 CHAIRPERSON GARCIA: But you didn't show
7 that.

8 MR. PEREIRAS: In elevation -- we had no
9 garage door. It was all open.

10 CHAIRPERSON GARCIA: Also, the 5-foot rear
11 setback, it's something that I probably could -- in
12 the revised plan, can you change that? That brings
13 confusion later on with the Building Department, you
14 know that.

15 MR. PEREIRAS: Okay.

16 CHAIRPERSON GARCIA: The building, where
17 do you show the 5-foot setback? How do you show it?
18 Where?

19 MR. PEREIRAS: Where we always show it,
20 which is the site plan. So if you could turn -- and
21 it's shown in several places. But the most important
22 place is in Z01.

23 CHAIRPERSON GARCIA: Z01. Okay.

24 MR. PEREIRAS: Where you see the site.

25 CHAIRPERSON GARCIA: Okay.

1 MR. PEREIRAS: And if you go to the back
2 here, it is 5-foot on the worst spot to 6-foot-3 to
3 the best spot.

4 CHAIRPERSON GARCIA: So you necessarily
5 need to have to open it in order for you to make the
6 parking spaces?

7 MR. PEREIRAS: Yes. So what I would
8 propose is that we close 12th Street and we put a
9 gate along 12th Street so that people can access in
10 that direction. And we'll have a gate along the
11 property line as well -- not a gate, a fence, so that
12 this is all enclosed there.

13 CHAIRPERSON GARCIA: Do you see my
14 question, my point? If you go to C01 and you go to
15 the setback, the rear setback in this graphic, the
16 second graphic, next to the pictures, you will see
17 that all the cars is like you have assembled, all the
18 trucks come out. You see?

19 MR. PEREIRAS: I mean, we can enclose
20 that, but then we would have a 0 setback on that
21 floor.

22 MS. PEREZ: Oh, I see what you mean.

23 CHAIRPERSON GARCIA: You see?

24 MS. PEREZ: Yeah. So it's not really a
25 setback.

1 CHAIRPERSON GARCIA: Not really a setback.
2 Correct?

3 MR. PEREIRAS: The building is set back.

4 CHAIRPERSON GARCIA: It's a building
5 setback, yeah.

6 MS. PEREZ: In walking here, there's a
7 walking path?

8 MR. PEREIRAS: No, no walking path.

9 CHAIRPERSON GARCIA: Mr. Pereiras, I like
10 the project. However, me personally -- I don't know
11 what the other members of the board thinks, but my
12 main concern, first of all, is the parking and that
13 setback. I understand that, okay, we could say that
14 commercial could be more reasonable regarding the --
15 but not with the 12th for the six units. How can you
16 accommodate that?

17 MR. PEREIRAS: There's a few ways, and
18 before I even give one solution, I'd like to say that
19 when we built the commercial with three on top,
20 they're usually three bedroom units. Okay? This is
21 very different as a two-bedroom, yet the parking
22 demand stays the same, two units where two parking
23 spaces are required even though there's, you know,
24 potentially six less bedrooms in our design that
25 we're proposing here. That's why we didn't go four

1 stories high. We doing three stories. And we did
2 that because of the parking consideration. We
3 understood -- we didn't want to plague the
4 neighborhood with a parking issue. And that's where
5 real parking issues happen, when you have additional
6 bedrooms. Because when you have additional bedrooms,
7 another couple has a car, a teenage person has a car.
8 These are two-bedroom apartments. Okay? It's very
9 rare that you'll have two cars in all six of these
10 units. So we were very strategic in that. We didn't
11 want to be greedy.

12 CHAIRPERSON GARCIA: How come there are
13 going to be two cars, however, if you have three
14 units -- three apartments, it's going to have more
15 than two parking? So it's like --

16 MR. PEREIRAS: Three bedrooms?

17 CHAIRPERSON GARCIA: Mr. Pereira, it's
18 like -- I mean it's definitely going to need two cars
19 no matter what. Okay. I could probably consider
20 three bedrooms with two parking spaces.

21 MR. PEREIRAS: More?

22 CHAIRPERSON GARCIA: Yes. If you want to
23 reduce 1 at least and bring it to 5 and you give me
24 those 11 parking spaces, I don't know what the other
25 members think about it, but it could be considered.

1 However, I have issue with the setback in the rear.
2 Let's say "rear," not sides. We have issue with
3 that. And, also, I mean, it's like, with all due
4 respect in your design, I think you have to continue
5 the elegance and the beauty of the building all the
6 way to 12th Street. Don't discriminate 12th Street.

7 MR. PEREIRAS: Okay.

8 CHAIRPERSON GARCIA: Okay. And I think
9 like how can you come out with a solution with that?

10 MR. PEREIRAS: And I'm just speaking out
11 loud. Would you consider 8-foot-6 wide parking
12 spaces? Because I can squeeze another parking space
13 so then we have 12 if they were 8-foot-6 on one side.

14 CHAIRPERSON GARCIA: The problem is that
15 you have tenant parking and also you going to have
16 six?

17 MR. PEREIRAS: And would the board be able
18 to consider a 0-foot setback on the ground level, and
19 then we set back the building above so that we can
20 have parking? Because we can't have parking if we do
21 more than a 5-foot setback including -- that would be
22 impossible. You're asking to put too much into one
23 small package.

24 CHAIRPERSON GARCIA: I believe in your
25 capacity, and we could adjourn it for the next

1 meeting and you can come with some solution.

2 MR. PEREIRAS: Okay.

3 CHAIRPERSON GARCIA: And you know, like I
4 said, it's going to be -- the lot is there for
5 probably I think before I came to this country. I
6 came to this country 1986.

7 MR. PEREIRAS: It burned down in 1988.

8 CHAIRPERSON GARCIA: Right. So, and I
9 know they're going to improve the area, and then I
10 know that it's for the better of that community. And
11 I really understand that this is a great opportunity
12 to improve that area. But let's also try to don't --
13 to try to mitigate the situation with the parking
14 spaces with those safety issues and everything. So I
15 don't know why -- do you want to do it?

16 MR. PEREIRAS: I'd like to be able to go
17 back to the drawing board.

18 MR. A. PANEQUE: Chairman Garcia, I
19 believe there's been a member of the public that's
20 been waiting.

21 CHAIRPERSON GARCIA: Oh, yeah. I didn't
22 open it to the public. Thank you.

23 Mr. Paneque, let's open it to the public.
24 Any member of the public want to come forward.

25 MR. GRAHAM: Matthew Graham, G-r-a-h-a-m.

1 Thank you, Board. I received a notice. I
2 live just around the corner from this property, so
3 I'm a neighbor. I walk past this property all the
4 time. I'm also a trustee with Hudson County Complete
5 Streets. We advocate for transit accessible
6 neighborhoods and neighborhoods that are accessible
7 to people who want to use all forms of transportation
8 whether it's cars, bus, walking, riding bikes. And
9 so part of my -- I'll be here representing that
10 perspective as well.

11 When I moved to this house, this
12 neighborhood in 2020, I saw this property and I
13 thought, what is wrong with this property? Like, was
14 there an oil spill? Like, this is a great property.
15 It's right on the corner. It's right on Bergenline.
16 Like, what's wrong? Why is it just here? Now I find
17 out it's been this way since 1988. So that's almost
18 40 years now. And I see tonight what the problem
19 with the property is, and that is the parking
20 requirements.

21 I have -- I live with my wife and my
22 daughter. We have one car. We've had one car since
23 we moved to Union City in 2010. There are people
24 like us. There are households like us. We do exist.
25 We are real. And this property doesn't have anywhere

1 for our family because you're saying, well, sure you
2 can come here, but you're going to have to pay extra
3 for that last parking spot that you're not going to
4 use. Cars are expensive. They cost 8- to \$10,000 a
5 year to have a car. And just because I got this
6 spare spot now, like, am I going to pay 8- to 10,000?
7 I got to pay for the extra spot however it's going to
8 be modified? Maybe it only goes to five units, and
9 now I got to pay an extra 20 percent for this
10 property.

11 The transportation was mentioned earlier.
12 There's also -- the jitneys also run by on Bergenline
13 right in front of the front yard. Also on Summit,
14 two blocks away is the 83 and the 85 on Kennedy.
15 Another block way past that is the 88 and 125. It's
16 bikeable. I bike to work in Jersey City. Again, I
17 live just around the corner from here. Bergenline is
18 very safe to bike on. West Street is safe to bike
19 on. The bike lane on Palisade is just a couple of
20 blocks away. It's walkable. It's walking distance.
21 Everything is within walking distance. The New York
22 Marketplace is a grocery store just around the corner
23 at 13th and New York, so two blocks away. The Food
24 Bazaar is at 15th and Kennedy, easterly walkable.
25 There's a bodega across the street on 12th and

1 Bergenline. You only need to cross Bergenline and
2 you can go get, you know, milk or whatever you need.

3 There's cafes, restaurants all along
4 Bergenline. Although, Bergenline, I know it's a lot
5 less dense on the south end of Bergenline where we
6 are, and I see maybe in part because of these
7 requirements. Washington Park also is 12 blocks
8 away, 12 -- not even, 10 blocks away. Great to walk
9 to. Great for kids to walk to. My daughter walks
10 there with her friends by herself. The light rail is
11 within walking distance. So you can walk to the
12 light rail to get to Jersey City, get to North Bergen
13 or whatever. It's very easily accessible.

14 So, I would ask -- and there's six units
15 here. So that's housing for six families. Only one
16 of them is not compliant. The five are compliant.
17 So we have one out of six that's not compliant here.
18 And as much as you say, oh, it's not compliant, it's
19 not compliant, that's where I want to live. Okay? I
20 have one car. That's the unit for me, and you're
21 saying I'm not compliant, I'm not welcome on this
22 block on this lot in Union City.

23 CHAIRPERSON GARCIA: With all due respect,
24 don't feel like you are not welcome. Because by the
25 same token that you say that you only have one car,

1 if you walk through 15th Street and Bergenline Avenue
2 to take your kid to Colin Powell at 730 and you find
3 the car blocking the crosswalk, your child is unsafe.
4 You know what I mean? And one life, one accident
5 that happens, any construction, any money not worth
6 that one life. So I understand. And we live in a
7 beautiful city that have the facility of public
8 transportation. However, the real life in Union City
9 is that when you start to walk anyplace in Union City
10 after 5, 6:00 probably 90 of 100 corners you will see
11 cars blocking the crosswalk. Okay?

12 MR. GRAHAM: Yes, sir.

13 CHAIRPERSON GARCIA: And I understand
14 people, they don't want to pay the parking space.
15 But for that reason, we don't want to provide the
16 parking space. By the same token, you go south Union
17 City, you'll find places that pay \$300 for a parking
18 space, and the people go and take it. Why? Because
19 they need a place to come after work. You know what
20 I mean?

21 I live in a building, and I have two cars.
22 It's just me and my wife. Okay. You are you and
23 your wife and your daughter -- your son or
24 daughter -- and only one car. But you want to know
25 the meaning exactly. But that doesn't mean that you

1 are not welcome to Union City. You are more than
2 welcome to Union City. And the reason that we are
3 here, the reason why we try to protect -- require the
4 setback for safety issues and also the parking
5 spaces, it's not only for people to have a parking
6 space. It's also for the safety issue with the kids
7 going to the school.

8 This city, this city -- I don't know how
9 long you've been living here, but this city from 30
10 or 40 crosswalks, the situation went up like, what,
11 like over 200 crosswalks we have in this city? So
12 why? You need to have people -- and it's still
13 demanding more. You know what I mean? It's not only
14 because we want to ask for two parking spaces. It's
15 not that we want to. It's the real situation. I
16 mean, another building with six parking for six
17 units, that means that we're going to have probably
18 three to five or three to six more cars in the street
19 because the people usually have more than one car.
20 And that's the reality in Union City. I invite you
21 if you want to we can take a ride one day and we go.

22 MR. GRAHAM: I walk around the city all
23 the time. I see them. I walk around. My daughter
24 walks around on her way to school.

25 CHAIRPERSON GARCIA: And this is the

1 problem. It's not because we want to. I'm
2 pro-development. Because we need, we need to see all
3 the spaces empty with nice construction. I think
4 this kind of application comes here to enhance the
5 area, like I mentioned before, like I mentioned to
6 Mr. Pereiras. It's not because we want to. And you
7 are more than welcome. And we love to see people
8 like you also trying to ask, I don't know, the city
9 to be part of our board because you care about the
10 community. This is not your first application here.
11 I know. I know you. You came for several
12 applications, and I love to see you here.

13 MR. GRAHAM: I have two more things to
14 say. You say I'm welcome, but not ten minutes ago
15 you suggested removing the unit that wouldn't be
16 appropriate for my family going to five units with
17 the same amount of --

18 CHAIRPERSON GARCIA: I don't know who's
19 going to buy that property or who's going to be
20 there, so it's not improvement. You know what I
21 mean?

22 MR. GRAHAM: Yeah. Okay. And then the
23 last thing that I'll leave you with. I've spoken to
24 the Mayor about the parking and crosswalks.

25 CHAIRPERSON GARCIA: We are completely

1 different from the Mayor. I mention it as a citizen
2 who lives here, who walks. The Mayor has a different
3 opinion. You know what I mean?

4 MR. GRAHAM: Certainly. Certainly. And,
5 you know, what I mean is I've been, like, paying
6 attention to this situation, this challenge for years
7 now. And I would just like to ask you all when you
8 see the car parked in the crosswalk in the morning
9 when kids are going to school, at night when you get
10 home, on the weekends when maybe you wish someone
11 could come visit you and there's no parking available
12 and you see the car parked in the crosswalk, just
13 look. Is there a ticket on the car's windshield?
14 Has the car been ticketed? Or are they being allowed
15 to park there for free?

16 CHAIRPERSON GARCIA: We have no part of
17 the parking authority. I don't know. I see a lot of
18 people ticketed.

19 MR. GRAHAM: And I understand that. And
20 it's a big problem. It's going to need a big
21 solution. But I think, again, I hope that you don't
22 put that solution, that big solution on this
23 building. And it's only one unit out of six.

24 CHAIRPERSON GARCIA: Let me tell you, in
25 1999, I used to live on 1200 Central Avenue -- it's a

1 building probably over a hundred years old -- no
2 parking spaces. And in 1999, I have sometimes taken
3 45 minutes or two hours to get parking in the street.
4 Can you imagine now 25 years later?

5 MS. GUTIERREZ: Now it's worse.

6 MR. GRAHAM: Yes. It's a big town.

7 CHAIRPERSON GARCIA: Now, if we don't
8 defend the parking spaces of the buildings, it could
9 be worse, the situation here.

10 MR. GRAHAM: This building has five units
11 for a family like yours, and this design has one unit
12 for a family like mine. And I would just ask the
13 board -- in closing, I would just ask the board to
14 consider and hopefully approve this design as it is.
15 You know, when I moved here, I said, you know, what's
16 wrong with this property? It has so much potential.
17 And I believe that this design fulfills the potential
18 of that lot even if one of the six units is not fully
19 compliant with the parking. Thank you very much.

20 CHAIRPERSON GARCIA: But we are also -- if
21 we accept it with 11, it's not only accepting 11 for
22 6 units, we're also waiving the commercial units that
23 needs two parking spaces. It's not one. It's four.

24 MR. GRAHAM: I believe Manny addressed
25 that earlier with the daytime parking. It's a

1 different situation than evenings. Thank you so
2 much. That's the end of my comment.

3 MS. PEREIRAS: Thank you, Mr. Graham.

4 MR. PEREIRAS: Mr. Chairman, I have been
5 able to have the hamster wheel run, and I think I can
6 come up with a great solution that this board would
7 find appropriate. I'd like if we could possibly
8 adjourn this so that I can go back. I'd appreciate
9 that.

10 CHAIRPERSON GARCIA: Okay. Thank you. I
11 make my motion to adjourn this application for the
12 next meeting.

13 MS. GUTIERREZ: Second.

14 MR. VALLEJO: Motion to adjourn this
15 application for April the 3rd.

16 CHAIRPERSON GARCIA: Yes.

17 MS. PEREZ: They're going to come back
18 with a revised plan or --

19 CHAIRPERSON GARCIA: No. They're going to
20 come with a --

21 MS. PEREZ: A revised plan?

22 CHAIRPERSON GARCIA: Yes, a revised plan.

23 MS. GUTIERREZ: And I second it, Carlos.

24 MR. VALLEJO: Motioned by Mr. Garcia.

25 Seconded by Ms. Gutierrez.

1 Roll call on the motion to adjourn this
2 application.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Mr. Ortiz.

8 MR. ORTIZ: Yes.

9 MR. VALLEJO: Ms. Perez.

10 MS. PEREZ: Yes.

11 MR. VALLEJO: Ms. Watley.

12 MS. WATLEY: Yes.

13 MR. VALLEJO: Ms. San Martino.

14 MS. SAN MARTINO: Yes.

15 MR. VALLEJO: Six in favor. Motion
16 carries. Thank you.

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1 **MARCELO MOYA -**
2 **312-314 4th Street**
3 **Block 14, Lots 25 & 26:**

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5 MR. VALLEJO: Next application on
6 tonight's agenda, Marcelo Moya, 312-314 4th Street.

7 Ms. Pereiras.

8 MR. A. PANEQUE: Let the record reflect
9 I've been provided with an affidavit stating that on
10 March 3, 2025, personal notice of tonight's meeting
11 was given to all property owners within a 200-foot
12 radius of 312-314 4th Street in Union City, New
13 Jersey. A Legal affidavit from The Record and the
14 Herald News and notice was published on February 25,
15 2025. The notice was given to all property owners.
16 The list of property owners to be served notice.
17 Personal certified mail receipt postmarked March 3,
18 2025. Based on documentation that has been provided,
19 this board has jurisdiction to hear this matter.

20 MS. PEREIRAS: Thank you very much,
21 Counsel.

22 Bianca Pereiras on behalf of Mr. Marcelo
23 Moya for property at 312-314 4th Street, also known
24 as Lots 25 and 26 in Block 14. We are seeking to
25 construct two two-family homes. Two-family homes are

1 permitted in the R low density residential zone where
2 this property is located. In fact, we only trigger
3 one variance which is a cellular variance because we
4 are proposing to build these properties side by side.
5 We have one expert to testify and that is our
6 architect, Mr. Manuel Pereiras.

7 Mr. Pereiras.

8 * * *

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

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

13 MS. PEREIRAS: Mr. Pereiras, are you
14 familiar with the property at 312-314 4th Street?

15 MR. PEREIRAS: I am.

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

18 MR. PEREIRAS: I did.

19 MS. PEREIRAS: Would you kindly describe
20 the proposal for the board.

21 MR. PEREIRAS: I'd be very happy to. We
22 have a lot -- or, actually, we have a lot that's a
23 total of 49.58 feet wide, very de minimis, lacking
24 its width requirements and 100 feet deep. And we're
25 proposing to subdivide this and create two,

1 two-family houses, one on each of the lots. Okay?
2 And we are overwhelmingly compliant with everything,
3 and we're really only asking for one variance. And
4 that variance is that instead of having a side yard
5 between the houses, we're proposing to put the houses
6 side by side. And I'll explain why that's so
7 important.

8 But just to walk through all the steps of
9 our proposal, we are before this board because we are
10 proposing these two two-family houses. The front
11 yard is proposed at 8 feet. So we are fully
12 compliant in front yard. Our rear yard is at
13 20 feet, which is fully compliant. Our side yard
14 setbacks on both sides of these houses are 3-foot-1.
15 And, like I said before, simply between the two
16 houses we're putting them side by side.

17 Our building coverage is 64 percent,
18 whereas 80 percent is permitted. And our lot
19 coverage is at 84 percent, whereas 100 percent is
20 permitted. And our parking, we have a requirement of
21 four parking spaces, and we're providing four parking
22 spaces. So we are fully compliant in everything
23 except for that side yard setback, and here's the
24 reason why we're proposing it.

25 CHAIRPERSON GARCIA: Mr. Pereiras, how are

1 the charts here? The charts, the only one is --

2 MR. PEREIRAS: So, no, we have a side yard
3 variance.

4 MS. PEREIRAS: We only have a side yard
5 variance.

6 CHAIRPERSON GARCIA: The chart that we
7 have here, Mr. Pereiras, only says expanding B-2.
8 And, also, and another variance. I don't know. I
9 don't know what this is.

10 MR. PEREIRAS: There is a side yard
11 variance that we're requesting today, and it was
12 properly noticed. And I'll walk you through that, to
13 be a hundred percent clear.

14 CHAIRPERSON GARCIA: Thank you.

15 MR. PEREIRAS: The importance of the side
16 yard variance that we're requesting is simply for the
17 convenience and the comfort of the parking. It
18 doesn't affect the neighbors in any way because this
19 is internal to the two houses. So it doesn't affect
20 either of the two neighbors to the north or the
21 south. And what it does, it creates ample room for
22 people to comfortably get in and out of their cars.
23 As you know, it's been topic of discussion today, and
24 this allows those extra 2 feet in each of the houses
25 and makes it a lot more comfortable for cars to open

1 and close their doors. As far as the design, it's a
2 very typical design that we see all over Union City.

3 We have two residential entrances, one for
4 each of the apartments on each of the two-family
5 houses. You enter the house, it brings you up to the
6 first -- second floor, living room/dining
7 room/kitchen area with three bedrooms. And then the
8 opposite door on the other side takes you up to the
9 second floor where again we have a living room/dining
10 room/kitchen area and three nice bedrooms as well
11 with one of them being a master suite with a master
12 bath and walk-in closet.

13 We're proposing a rooftop on the top.
14 Again, that rooftop is set back, both the front and
15 the back by 20 feet. And this is the facade that
16 we're proposing, very typical to one of the things
17 that we're designing in the area. We have brick and
18 siding, metal siding. And on the sides we have vinyl
19 siding, and on the rear we have vinyl siding as well.

20 Mr. Chairman, I'm open for questions.

21 CHAIRPERSON GARCIA: Give me a second,
22 Mr. Pereiras.

23 MR. PEREIRAS: So just as a recap,
24 two-family houses are permitted. We're proposing
25 exactly a two-family house. We have the rare

1 opportunity that we have two houses right next to
2 each other, so we're using that opportunity that you
3 can build them correctly. And instead of them being
4 with the narrow parking on the ground floor, we're
5 putting them side by side. The reason I feel very
6 comfortable saying that is because this is new
7 construction, and we can build appropriate firewalls
8 for this. So it will be a two-hour firewall on each
9 of the two houses going up. It's attractive and it
10 looks good from the front. And we have proper
11 setbacks all around the building. So from a safety
12 standpoint, it's very safe.

13 We're meeting the rear yard. We're
14 meeting the front yard. Everything else is exactly
15 what the zone says. So, if this board were to, let's
16 say, deny us, the applicant can go right to the
17 Building Department and build these exactly as is
18 with 2-foot setback in the middle. We're not doing
19 that. We're proposing a better building, better
20 parking for the neighborhood so that we can have
21 eight cars off the street and in the building
22 comfortably. And that's why we're here before this
23 board today.

24 MS. PEREZ: So to clarify, there's one
25 house now. That house would be demolished?

1 MR. PEREIRAS: There's a multi-family
2 house now that the applicant's family lives in.
3 That's going to be demolished. It's actually a
4 horrible house. It's very awkward. You walk in,
5 there's steps everywhere. And going through the
6 house, there's steps to get into rooms. It's one of
7 the strangest houses I've ever seen, and it's built
8 very poorly. There's no salvage here. So the first
9 thing I tried to do was seeing if we can reconfigure,
10 fix that house in some way. There's really no
11 salvage here. We're going to be demolishing that
12 house. We're going to relocate his family for a
13 while until it gets built, and then they're going to
14 move into the new house.

15 MS. PEREZ: And then the two new houses
16 are built side --

17 MR. PEREIRAS: Side by side, a two-family
18 and a two-family.

19 CHAIRPERSON GARCIA: Mr. Pereiras, the
20 size of the lot, I don't have any --

21 MR. PEREIRAS: The lot size is -- I am
22 referencing Sheet 01. The entire width of the two
23 lots is 49.58 feet. So we're .32 feet --

24 MS. PEREZ: Where do you see that?

25 MR. PEREIRAS: Where do you see it?

1 MS. PEREZ: Yeah.

2 MR. PEREIRAS: So, this is the breakdown
3 of the two, and I'll walk you through that. So this
4 is one lot, and that's divided into two lots. So
5 we're at 24.79, each of the two lots. And then the
6 100 feet is existing from the bottom. And just to
7 clarify, it is 24.79 feet wide, so that technically
8 is a variance as well because it's not 25. It's .31
9 of a foot smaller.

10 MS. PEREZ: So it is or isn't?

11 MR. PEREIRAS: It's lot width, it would be
12 a variance, yes.

13 CHAIRPERSON GARCIA: So 49.58 by 100?

14 MR. PEREIRAS: By 100, yes.

15 CHAIRPERSON GARCIA: Again, the chart,
16 Mr. Pereiras, is not accurate.

17 MR. PEREIRAS: Right. I'll pay more
18 attention. Sorry.

19 CHAIRPERSON GARCIA: Also, I don't have
20 the -- can I ask you for a favor, Mr. Pereiras? I
21 don't have any -- the size of the garage, I don't
22 have it. The dimension, I don't have it.

23 MR. PEREIRAS: Yes. My apologies. I can
24 tell you that the garage is --

25 CHAIRPERSON GARCIA: 58.

1 MR. PEREIRAS: It's 21 feet 2 inches
2 inside.

3 CHAIRPERSON GARCIA: The size of the
4 houses and the width of the houses.

5 MR. PEREIRAS: I need to calculate this.

6 CHAIRPERSON GARCIA: Mr. Pereiras, you
7 don't mind if you redo the plans?

8 MR. PEREIRAS: Yeah. I'll fix it.

9 CHAIRPERSON GARCIA: I prefer all the
10 members be clear what the -- you know, give each, how
11 is the width of the house, the garage. It's okay?

12 MR. PEREIRAS: No problem. I'll fix that.
13 I'm not happy with the way it's drawn.

14 CHAIRPERSON GARCIA: Okay. Thank you.

15 MS. PEREZ: Are there people here to talk
16 about it?

17 CHAIRPERSON GARCIA: Any members of the
18 public want to step forward?

19 MS. SIPP0: Dorothy Sippo, D-o-r-o-t-h-y,
20 S-i-p-p-o.

21 Okay. My interest tonight pertains to a
22 lot that I own at 316 4th Street, which is right next
23 door to 314 4th Street. Before that, however, I want
24 to affirm that my family and I are good friends and
25 neighbors with the Moyas who own 312 and 314, and

1 they submitted the plans. So we've helped each other
2 in many ways over the years, and I've not come to
3 find fault with their plans. My concern relates to
4 the property line between our two lots, especially
5 the west side of their proposed building on 314 4th
6 Street. Presently, if you look at the plans from the
7 C01, the existing, on the west side, the west side,
8 they have different buildings connected for their
9 house. And a portion of the structure is over the
10 property line by several inches, 3 inches, 4 inches.
11 You can't knock their house down to put it in the
12 right place. But if the house is demolished, my
13 question is: Do they reset their house within their
14 own property?

15 MR. PEREIRAS: Hello, Ms. Sippo. I'd like
16 to answer that. If you please just come over here so
17 I could demonstrate also. The existing house is on
18 the property line. That's going to be demolished. A
19 new house will be constructed 3-foot-1 away from the
20 property line.

21 MS. SIPP0: Right.

22 MR. PEREIRAS: So it's going to be stepped
23 back into his property increasing that space.

24 MS. SIPP0: Yes, I see that. Yes. I see
25 that on the drawing. However, this is the eastern --

1 MR. VALLEJO: Ma'am, you have to speak up.

2 MS. SIPP0: If you look, the proposed
3 houses, the left side --

4 MR. PEREIRAS: That's here, between the
5 houses.

6 MS. SIPP0: Right. It has a 1-inch
7 setback. The right side, here, has a 3-foot-1
8 setback. However, if you go over here, the same
9 exact information is on the left house.

10 MR. PEREIRAS: The left house. This will
11 be 3-foot-1 on that side.

12 MS. SIPP0: Right. But this doesn't say
13 that. This says 1 inch, and it says the right side,
14 between the building --

15 MR. PEREIRAS: I will correct that. That
16 should be the right, and that should be the left.
17 And the site plans will reflect that.

18 MS. SIPP0: Okay. My questions were
19 solved. It was a small irregularity. Because the
20 houses are mirror images, you can't take the
21 information from one and superimpose it on the other.
22 You have to transpose it. So left and right are not
23 the same.

24 MR. PEREIRAS: Right.

25 MS. SIPP0: So he corrected it. And the

1 property line will revert back to the original idea
2 of their house on their side and whatever I have is
3 on mine.

4 CHAIRPERSON GARCIA: Yes. As per the
5 testimony, the new construction is going to be 3-1
6 setback from the property line.

7 MS. SIPPO: On my side.

8 CHAIRPERSON GARCIA: Yes. Yes.

9 MS. SIPPO: Yes. Okay.

10 CHAIRPERSON GARCIA: You are on the west
11 side, right?

12 MS. SIPPO: I'm on the west side, the left
13 side.

14 CHAIRPERSON GARCIA: You are the east --
15 the east side?

16 MR. PEREIRAS: She's the west.

17 CHAIRPERSON GARCIA: She's the west.
18 Okay.

19 MS. SIPPO: I'm on the west. I'm 316.
20 They're 314.

21 UNIDENTIFIED SPEAKER: It's an empty lot.

22 MS. SIPPO: There's one other thing. In
23 the side --

24 (Court reporter interrupts.)

25 CHAIRPERSON GARCIA: Can you speak up?

1 MR. A. PANEQUE: Ms. Sippo, could you
2 please speak more clearly so we can maintain a clear
3 record?

4 MS. SIPP0: In the plans, the side views,
5 these two are mixed up.

6 MR. PEREIRAS: No. I think they're
7 correct.

8 MS. SIPP0: This is where the staircase
9 is, right?

10 MR. PEREIRAS: Yes.

11 MS. SIPP0: On 314?

12 MR. PEREIRAS: Yes.

13 MS. SIPP0: And if you put this along the
14 side, the staircase is here. You'd have the brick
15 facing on the side?

16 MR. PEREIRAS: Yes.

17 MS. SIPP0: I don't think that's what you
18 have there. Is that what you have here?

19 MR. PEREIRAS: Yes.

20 MS. SIPP0: This says, "west." This says,
21 "east." The east one is over here. The stairway is
22 there.

23 MR. PEREIRAS: It's inverted?

24 MS. SIPP0: It's inverted. So you just
25 have to switch these two.

1 UNIDENTIFIED SPEAKER: Manny, maybe you
2 should hire her.

3 MS. SIPP0: I'm happy with the fact that
4 I'll get, you know, everything where it should be.

5 CHAIRPERSON GARCIA: Thank you very much.

6 MS. GUTIERREZ: Thank you.

7 CHAIRPERSON GARCIA: Any other member of
8 the public want to step forward?

9 (No response.)

10 CHAIRPERSON GARCIA: I'm going to make the
11 motion to carry this application to April the 3rd.

12 MR. VALLEJO: Motion on the table to carry
13 this application for April the 3rd. Motion by
14 Mr. Garcia.

15 MS. GUTIERREZ: Second.

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

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

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MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Six in favor. Motion
carries.

* * *

1 **814-816 11TH AVENUE INVESTMENT LLC -**

2 **814-816 11th Street**

3 **Block 56, Lots 12 & 13:**

4
5 MR. VALLEJO: Next item on tonight's
6 agenda, 814-816 11th Street Investments LLC.

7 MR. A. PANEQUE: Let the record reflect I
8 have been provided with an affidavit stating that on
9 February 26, 2025, personal notice of tonight's
10 meeting was given to all property owners within a
11 200-foot radius of 814-816 11th Avenue -- 11th
12 Street -- correct that for the record -- Union City,
13 New Jersey 07087. A legal affidavit from The Record
14 and the Herald News that notice was published of
15 today's hearing on February 25, 2025. The notice was
16 given to all property owners. The list of the
17 property owners to be served notice within a 200-foot
18 radius, certified on February 21, 2025, a certified
19 mail receipt postmarked February 26, 2025. Based on
20 the documentation that has been provided, this board
21 has jurisdiction to hear this matter.

22 Thank you, Counsel.

23 MS. PEREIRAS: Thank you, Mr. Paneque.

24 Bianca Pereiras on behalf of the applicant
25 for 814-816 11th Street. Here we have two lots that

1 we are proposing two two-family homes, and we are
2 slightly undersized on the lots, and we are building
3 these properties side by side so we have a side yard
4 variance. We have one expert to testify, and that is
5 our architect, Mr. Manuel Pereiras.

6 MR. PEREIRAS: Thank you.

7 MS. PEREIRAS: Mr. Pereiras, are you
8 familiar with the property at 814-816 11th Avenue?

9 MR. PEREIRAS: I am.

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

12 MR. PEREIRAS: I have.

13 MS. PEREIRAS: Would you kindly describe
14 the proposal before the board?

15 MR. PEREIRAS: I'd be very happy to.

16 So right now if you go down 11th Street
17 and go towards Kennedy Boulevard, you'll notice that
18 there's an empty lot right before you get to the
19 corner. That's the proposal for this project. On
20 the right-hand side, right now it feels very odd
21 because you can see straight into Kennedy Boulevard.
22 This is going to fill that void on the block. And
23 this is a block that's been really cleaned up. The
24 space across the street, there's a new restaurant
25 that's coming in. So this is where it's going

1 to really -- this and the restaurant is really going
2 to change the block and make it very attractive.

3 We have lots that are 100 foot deep, but
4 they are shy in size. They are 21.69 feet wide.
5 Okay? So we have a variance request for a minimum
6 lot area. Our minimum lot area for each of the two
7 lots is 2,169 square feet, so variance is requested
8 for that. We have a variance for minimum lot width,
9 which is 21.69, whereas 25 feet is required. Our lot
10 depth is conforming.

11 Our front yard is conforming. We have
12 7 feet in the front yard setback for both of the
13 properties. Our rear yard we're requesting a
14 variance. Due to the undersized lot, we couldn't
15 really fit a comfortable house within that footprint,
16 and that's why we're requesting a little bit into the
17 rear yard. We're proposing 16-foot-6 inches in the
18 rear yard instead of the 20-foot that's required of
19 the ordinance.

20 The side yards we're requiring 3 feet on
21 one side and -- 2 feet on one side and 3 feet, and
22 5 feet total. We have 3-foot-1 on each side of the
23 two properties. But then between the two properties
24 we're separating them only by 1 inch. And, again,
25 that creates a few favorable conditions. Number one,

1 it allows us to fit the program of the house. It
2 allows us to make the parking comfortable and doable.
3 And that's why we're requesting that interior side
4 yard setback.

5 The maximum building height is compliant.
6 We're at three stories and 35-foot-6 inches in
7 height, whereas 38 is permitted. Our building
8 coverage is permitted to be 65. We're at 64.2, so
9 we're compliant for both of the houses. Our maximum
10 lot coverage is permitted to be 90. We're at 89.5,
11 also compliant. And then our parking, we're required
12 to have four parking spaces for each of the houses.
13 We provide four spaces for each of the houses in
14 total, so we're fully compliant with that. So, just
15 to recap, we have lot area, lot width, rear yard, and
16 side yard. Everything else is compliant.

17 Turning now to -- and this is the empty
18 lot, photograph of the empty lot there. Turning now
19 to Sheet 03, we see our floor plan. As you could
20 see, we have comfortable room for the four cars to
21 park. We have our entry stairwells inside between
22 the two houses. We're providing some landscaping
23 along the front, 3-foot-6 by 4-foot pieces of
24 landscaping. There's a small family room along the
25 back of the property.

1 As you go up to the second floor, you
2 enter into the second floor apartment. That
3 apartment has stairs that go down to the family room,
4 and it has a three-bedroom apartment. The master
5 being in the back, and then the kids' bedroom,
6 10-foot-6 by 11 and 9-foot-4 by 11.

7 And then the second apartment on the third
8 floor, you enter into a large living room/dining
9 room/kitchen space, and then you have three bedrooms
10 one of their being the master bedroom. We're
11 proposing balconies along the back of it, and we're
12 proposing a small roof deck that is reset into the
13 back of the building. Because the building has a
14 rear yard setback, we want it to be far away from
15 11th Street and set it back along the back. We have
16 a 3-foot setback on top of the roof again with a
17 guardrail on both sides. So there is -- from the
18 roof deck, there's a 3-foot guardrail, 3-foot setback
19 and then again a 3-foot setback with the building
20 itself.

21 From a facade standpoint, we built almost
22 exactly the same building on 11th Street a little bit
23 further going right before New York Avenue. This is
24 mostly brick, and then there's aluminum panels in the
25 center portion of it, nice large glass windows,

1 beautiful large door, and then we have a metal coping
2 along the top. There is brick that wraps the sides a
3 little bit, and then the actual side facades are
4 vinyl siding, and it's stucco along the base. And
5 that concludes my testimony.

6 CHAIRPERSON GARCIA: You have a planner?

7 MR. PEREIRAS: No.

8 CHAIRPERSON GARCIA: Mr. Pereira, I'm
9 going to ask you for the same thing because I have
10 something -- I have some issues with my math. It's
11 like I don't have to remeasure here. Okay. We
12 have -- I have to use my calculator. We have 43.38.
13 That means 21.69, right?

14 MR. PEREIRAS: No. 43 --

15 CHAIRPERSON GARCIA: You got 21.69 and
16 21.69.

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GARCIA: Okay. You have 21.69
19 minus 3.1. So you have 18.59, right?

20 MR. PEREIRAS: Yeah. Roughly.

21 CHAIRPERSON GARCIA: Okay. What about the
22 size of the garage?

23 MR. PEREIRAS: It's actually 18,7, to be a
24 hundred percent clear.

25 CHAIRPERSON GARCIA: Yeah, but the thing

1 is the math doesn't give it to me. You have 21.69
2 plus 21.69 is 43.38.

3 MR. PEREIRAS: Yes.

4 CHAIRPERSON GARCIA: And that's what you
5 have here in C01, 21.69. Okay. Let's say 21.70
6 minus 3.1 of setback, you have 18.6, right?

7 MR. PEREIRAS: It's actually 18.7.

8 CHAIRPERSON GARCIA: Okay, 18.7. Let's
9 go. My math doesn't give me 18.7, but -- because if
10 I said 18.7.

11 MR. PEREIRAS: .1 isn't an inch. From 1
12 is --

13 CHAIRPERSON GARCIA: If I said 18.7 plus
14 18.7 plus 6 -- you have 3.1 on each side, right?

15 MR. PEREIRAS: Yeah. The current report
16 has 3, I guess.

17 CHAIRPERSON GARCIA: Okay. 18.7 plus 18.7
18 equals 37.4 plus 3.1 plus 3.1.

19 MR. PEREIRAS: 3.1 is not 3-foot-1.

20 CHAIRPERSON GARCIA: Okay. No problem.
21 Okay you have 18.7. You have 18.7. What is the size
22 of the garage inside?

23 MR. PEREIRAS: The size of the garage
24 inside?

25 CHAIRPERSON GARCIA: Yes. That's why I

1 prefer the dimension, Mr. Pereiras.

2 MR. PEREIRAS: Of course. Of course. So
3 the garage is tight, and that's why we did it, put
4 the outside wall --

5 CHAIRPERSON GARCIA: It's not tight that
6 they don't fit in there. I mean, you could fit two
7 small -- four small cars definitely. But by the same
8 token, who's going to guaranty me it's going to be
9 four? You know what I mean? Can you give me the --
10 can you come back with all the dimensions?

11 MR. PEREIRAS: Yeah, we can do that.

12 CHAIRPERSON GARCIA: Please. This way all
13 of the board, we are on the same page.

14 MR. PEREIRAS: This has been an off day
15 for me.

16 CHAIRPERSON GARCIA: No. No. No. No
17 problem. No problem.

18 MR. PEREIRAS: Both in drawings and
19 everything.

20 CHAIRPERSON GARCIA: I would really
21 appreciate to adjourn it. Do you waive the statutory
22 communication?

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

24 CHAIRPERSON GARCIA: I'm going to make my
25 motion to adjourn this application for April the 3rd.

1 MS. GUTIERREZ: Second it.

2 MR. VALLEJO: Motion on the table to
3 adjourn the application by Mr. Garcia. Seconded by
4 Ms. Gutierrez for April 3, 2025.

5 Roll call on the motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Ms. Gutierrez.

9 MS. GUTIERREZ: Yes.

10 MR. VALLEJO: Mr. Ortiz.

11 MR. ORTIZ: Yes.

12 MR. VALLEJO: Ms. Perez.

13 MS. PEREZ: Yes.

14 MR. VALLEJO: Ms. Watley.

15 MS. WATLEY: Yes.

16 MR. VALLEJO: Ms. San Martino.

17 MS. SAN MARTINO: Yes.

18 MR. VALLEJO: Six in favor. Motion
19 carries.

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1 **AGUSTIN GONZALEZ -**
2 **1413 New York Avenue**
3 **Block 73, Lot 4:**
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5 MR. VALLEJO: Next application on
6 tonight's application, Agustin Gonzalez, 1413 New
7 York Avenue.

8 Ms. Pereiras, please.

9 MR. A. PANEQUE: Let the record reflect
10 I've been provided with an affidavit stating that on
11 February 28, 2025, personal notice of tonight's
12 meeting was given to all property owners within a
13 200-foot radius of 1413 New York Avenue in Union
14 City. A legal affidavit from The Record and the
15 Herald News stating that notice was published for
16 today's hearing, February 21, 2025. The notice was
17 given to all property owners. The list of property
18 owners to be served with notice within a 200-foot
19 radius. Certified mail receipt postmarked
20 February 28, 2025. Based on the documentation that
21 has been provided to this board, this board has
22 jurisdiction to hear this meeting.

23 MS. PEREIRAS: Counsel, if I can just have
24 just a few minutes? I see my planner left, and I
25 need my planner on this application.

1 MR. VALLEJO: Hold the record a few
2 minutes. Five minutes.

3 (Recess was taken.)

4 MR. VALLEJO: Back on the record.

5 MS. PEREIRAS: Bianca Pereiras on behalf
6 of the applicant, Agustin Gonzalez, at the property
7 at 1413 New York Avenue, also known as Lot 4, Block
8 73. The application before the board this evening is
9 for the approval of a one-family home. We are
10 seeking a d(1) use variance because we are
11 technically located in a C-N zone where single
12 families or residences are not allowed on the ground
13 floor. So we have two experts to testify before the
14 board, and we will begin our presentation with our
15 architect, Mr. Manuel Pereiras.

16 * * *

17 **MANUEL PEREIRAS**, after having been previously duly
18 sworn, did testify as follows:

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

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar 1413 New York Avenue?

23 MR. PEREIRAS: I am.

24 MS. PEREIRAS: Have you prepared the
25 drawings that are before the board this evening?

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: Would you kindly describe
3 the proposal before the board?

4 MR. PEREIRAS: I'd be very happy to. As
5 counsel said, we are in the C-N Zone. So what's
6 permitted is commercial on the ground floor with
7 apartments above. We didn't think that was
8 appropriate here particularly because the properties
9 to the north are residential, and the plot sizes --
10 it's undersized. So what we're proposing is very
11 simple, a single-family house. We have several
12 variances. We are not conforming in lot area. Our
13 property is 2,351 square feet, whereas 2,500 is
14 required. We have compliance in lot width, however,
15 I would like to make a point that the lot tapers from
16 26.54 feet along the frontage on New York Avenue and
17 then goes down to 20.48 feet along the west side.

18 The lot depth is 100.1, so we are
19 compliant there. Our front yard is compliant. We're
20 at 10-foot-5, whereas 0 would be compliant. The
21 reason we set back at 10-foot-5 is to be perfectly in
22 line with the neighboring house, so that is perfectly
23 in line with the two-story portion of that
24 neighboring house.

25 The side yard, we're proposing 3-foot-1 on

1 the north side and 0 on the south side. We did that
2 because there is a large three-story brick building
3 along the south end, and that brick building steps
4 back. So it was appropriate to meet that and do that
5 0 side yard setback which, by the way, the C-N Zone
6 permits 0 side yard setback, so we are within the
7 zone permitted to have 0 there. And then we are
8 providing 3-foot-1 on the other side.

9 The building height, we're permitted to go
10 four stories. We're doing a three-story building.
11 The building height in feet, we're permitted to go up
12 to 45 feet. We're at 36 feet 6 inches. The maximum
13 building coverage, 80 percent is permitted. We're
14 only at 57. And the lot coverage, 100 percent is
15 permitted. We're at 91.

16 There are two parking spaces required for
17 a single-family house, and we are providing two
18 parking spaces. As a frame of reference, if you look
19 at neighboring properties, and you can see that our
20 building is going to fit well into it. We have a
21 parking garage with enough room for two cars.
22 Actually, it is 14 feet 10 inches wide, so well over
23 the 9 feet that is required in Union City and 39 feet
24 6 inches in depth. There's a mechanical room, a
25 trash room, and a water heater room. There's an

1 entry foyer that leads you to the second floor. That
2 second floor is to an open floor plan of living
3 room/dining room/kitchen and then a master bedroom
4 along the back of that second floor. And then taking
5 the stairs up to the third floor, you have three
6 additional bedrooms, two of them being suites in and
7 of themselves along the front and the back of the
8 house.

9 We have contemplated a roof deck on the
10 roof of this. It's a very small roof deck. It is
11 300 square feet, only 12 by 25, and it's set back
12 well from all the sides of the building across the
13 entire house. We do have a two-story space in this
14 living master area along here.

15 And then as far as the facade, we're
16 proposing a brick facade, fully brick on New York
17 Avenue, and then vinyl siding along the sides. Both
18 the north and south side and the rear are vinyl
19 siding. The side facing the adjacent building will
20 be stucco. It will be a weather-type wall up against
21 CMU against the adjacent building. And that
22 concludes my testimony.

23 CHAIRPERSON GARCIA: Okay, Mr. Pereiras.
24 Do you want to bring the planner first?

25 MS. PEREIRAS: Sure. That's fine.

* * *

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

MR. DOUGHERTY: Alexander Dougherty, professional planner. I recognize I'm still under oath.

For this particular property, 1439 New York Avenue, Lot 4, Block 73, it's kind of the opposite of what we typically see here. And the irony is we were just kind of talking about that interior lot in a commercial zone and how do you accommodate that with the typical, you know, lot width being 25 in that regard, having a commercial storefront. This site, however, is unique. It's not oversized. It's undersized. It has unique features that make it a little more difficult. When we look at this proposed application, we are here for a use variance. Though residential is allowed in the C-N zone, not residential standing alone. That's kind of the differentiation right here is you don't have a Medici component here which would otherwise open the door for the residential of the above.

For this particular application, again, the Medici test is what is required here through d(1) use variance. There's four prongs to that test here.

1 One is site suitability. Given the unique features
2 of this property, it's undersized, it's kind of
3 narrowing tapering to the rear, interior lot here.
4 You know, this makes this site unique, particularly
5 suited because to put anything more than residential
6 here, I think would be just a little too much.
7 Again, these are smaller typical lots we see,
8 interior 25 by 100. This residential lot, proposed
9 as a true lot as we see here, it's here, it exists to
10 capacity, that it's a smaller existing structure
11 here. It's not a large structure.

12 We have an opportunity to kind of enhance
13 this interior lot, bring a little bit of life into it
14 with a fairly large building, 36 feet where 45 is the
15 allowed. So large enough where we're compliant kind
16 of filling that void, reactivating that with a brand
17 new building, positive investment to the site felt
18 throughout the neighborhood here. Again,
19 accommodating parking, though we can accommodate the
20 two on site, we also have that driveway apron where
21 the parking can be accommodated as well.

22 We have a rooftop in the space as well.
23 So within the confines of Medici site suitability,
24 it's a uniquely small interior lot. To do commercial
25 space here for this size would require more parking.

1 Residential is a least intense use here. By way of
2 the positive here, for the criteria, prong 2, this
3 application brings with it filling that void, that
4 housing need for a growing community. Desirable
5 visual environment, Purpose I; appropriate density
6 and appropriate locations, Purpose E. And it's
7 certainly a more efficient use of land, and with the
8 view of lessening the cost of such development,
9 again, this is an interior lot. It's an urban
10 setting. We have sewer. We have water. We have a
11 lot. We have an applicant who's capable and willing
12 to revitalize this property.

13 If I look at the negative criteria, do I
14 think just providing a residential alone is a
15 substantial detriment here when we talk about the
16 zone plan and the intent of the master plan? I do
17 not. There's a lot of amenities. There's a lot of
18 commercials, a lot of opportunities here. This
19 interior lot, we have population servicing those
20 existing resident -- commercial amenities by the
21 residential component here. I certainly think we
22 support the intent of the master plan and zone plan
23 by putting the population at this location. To try
24 to put a storefront here, I think it would pose other
25 issues here.

1 And the second, accommodate the parking,
2 we're looking at two existing variances, the
3 undersized lot nature and the width towards the rear
4 being under 25. Everything else here is about the
5 use itself. And with that respect, as we've heard
6 and with the C-N Zone, we do not require setbacks;
7 but, however, if we do offer them, they have to be
8 5 feet on the one side.

9 So we aren't asking for that side yard
10 setback. I think we have -- and that's for purpose
11 of egress, fire safety in that regard. But the use
12 itself, residential, residential is not atypical of
13 the zone. It's just standing alone as residential is
14 what we much rather see, commercial in retail amenity
15 on the ground floor off the space, that kind of
16 ordeal. This particular lot, given its undersized
17 nature, interior lot, I think this suits better for a
18 three-story residential structure.

19 So with that, I'll conclude. I believe
20 the criteria has been met. Approval would be
21 warranted. I do not see any substantial intent or
22 impairment of the zone plan here. This does not
23 constitute a rezone. This is a unique site, unique
24 location of that of its own. So with that, I'll
25 conclude for any questions.

1 CHAIRPERSON GARCIA: This zone is a C-N,
2 so that has to be mixed-use?

3 MR. DOUGHERTY: Well, residential is
4 permitted above --

5 CHAIRPERSON GARCIA: Above the commercial.

6 MR. DOUGHERTY: Yeah. So if you want the
7 residential, by default it's that mixed-use
8 component.

9 CHAIRPERSON GARCIA: Okay. Based on the
10 size of the lot?

11 MR. DOUGHERTY: Yeah. It's an interior
12 lot as well, so to put a commercial space down there
13 would require more parking, will be more intense.
14 It's an interior lot. There's plenty of commercial
15 retail space available, a lot of amenities. This is
16 not going to be really the intent. Union City is
17 economically viable. There's not really an issue
18 with vacancy. Commercial spaces fill up, tenancy
19 fills up. I don't believe there will be the intent
20 in that C-N zone.

21 CHAIRPERSON GARCIA: I have a question for
22 Mr. Pereiras.

23 MR. PEREIRAS: Yes.

24 CHAIRPERSON GARCIA: Mr. Pereiras, the
25 setback, you have a 3.1 all the way to the end on the

1 north side?

2 MR. PEREIRAS: That's correct, Mr. Chairman.

3 CHAIRPERSON GARCIA: And north setback on
4 the south side?

5 MR. PEREIRAS: That's correct.

6 CHAIRPERSON GARCIA: And you mentioned
7 that you have a building on the south side.

8 MR. PEREIRAS: That's correct
9 Mr. Chairman. The building sits on the property line
10 for the first few feet of the property, and then it
11 steps back about 6 feet. This is the existing
12 setback, and we can do it on the proposed site plan.
13 When the building reaches this point, it steps back,
14 and that's where the building has windows. That's
15 well -- and it's set back at least 6 feet from the
16 property line. So they're aren't affecting those
17 windows in any way.

18 CHAIRPERSON GARCIA: No. You don't have
19 windows -- the building doesn't have windows in the
20 first part.

21 MR. PEREIRAS: Correct.

22 CHAIRPERSON GARCIA: The one that's
23 attached to the --

24 MR. PEREIRAS: Correct.

25 CHAIRPERSON GARCIA: And this is what? Is

1 it a structure? How big is that structure? Do you
2 know?

3 MR. PEREIRAS: That building? It's a
4 three-story structure. It's got commercial on the
5 ground floor and then apartments above.

6 CHAIRPERSON GARCIA: And I think it's also
7 an irregular lot, right?

8 MR. PEREIRAS: It's an irregular lot, yes.

9 CHAIRPERSON GARCIA: It's a little narrow.

10 MR. PEREIRAS: I think it's over 25 feet
11 wide.

12 CHAIRPERSON GARCIA: Okay.

13 MS. PEREZ: Will it be as high as that
14 building? Like, it's not this box. Right?

15 MR. PEREIRAS: No. It's a lot smaller
16 than that building.

17 MS. PEREZ: It's going to come up just
18 that high when you're done?

19 MR. PEREIRAS: We have a three-story
20 building.

21 MS. PEREZ: So it's going to come up this
22 high?

23 MR. PEREIRAS: Yeah. It's the height of
24 that.

25 MS PEREZ: It will be aligned to that.

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON GARCIA: Any other questions?
3 (No response.)

4 CHAIRPERSON GARCIA: Any members of the
5 public want to step forward?

6 (No response.)

7 CHAIRPERSON GARCIA: Seeing none, closed
8 to the public.

9 I'm going to make my motion to grant this
10 application. First of all, I want to thank the
11 applicant that came back with the one-family house
12 that's more appropriate to the neighborhood with
13 the -- complying with the parking spaces. So I make
14 my motion to grant this application.

15 MR. VALLEJO: Motion on the table to grant
16 this application by Mr. Garcia.

17 MS. GUTIERREZ: Second.

18 MR. VALLEJO: Seconded by Ms. Gutierrez.

19 Roll call on the motion.

20 Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Ms. Gutierrez.

23 MS. GUTIERREZ: Yes.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes.

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MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. San Martino.

MS. SAN MARTINO: Yes.

MR. VALLEJO: Six in favor. Motion
carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. **SOL ON 18TH LLC**, 821 18th Street

3 Block: 94, Lot: 19. The applicant proposes to
4 legalize an existing two-bedroom apartment in the
5 basement of a two-family building for a total of
6 three residential units. No parking spaces are
7 provided. **Approved.**

8
9 MR. VALLEJO: We move to resolution now
10 for tonight's agenda. That's Sol on 18th Street LLC.
11 Can I have a motion to memorialize this resolution?

12 CHAIRPERSON GARCIA: Aye.

13 MS. PEREZ: Motion.

14 MR. VALLEJO: Motion by Ms. Perez.

15 Second.

16 MR. WATLEY: Second.

17 MR. ORTIZ: Second.

18 MR. VALLEJO: Seconded by Mr. Ortiz.

19 Roll call on the motion.

20 MS. GUTIERREZ: I abstain.

21 MR. VALLEJO: She abstains.

22 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: Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

7 MR. VALLEJO: Five in favor; one abstain.

8 Motion 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 we have a motion
5 to close tonight's meeting?

6 MR. ORTIZ: Motion.

7 MR. VALLEJO: Motion by Mr. Ortiz.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Watley.

10 All in favor.

11 (Whereupon, all board members indicate in
12 the affirmative.)

13 MR. VALLEJO: The ayes have it. Thank
14 you. And let the record show that the meeting has
15 ended.

16 * * *

17 (Whereupon, the meeting was adjourned at
18 9:38 p.m.)

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CERTIFICATE

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

LILIANA THOMAS, CCR, RPR
LICENSE NO. 30XI00238800