

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, April 3, 2025
Commencing at 6:13 p.m.

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

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

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

VIVIAN O'DELL
RAYMOND CETINICH

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AUGUSTINE PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

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BIANCA PEREIRAS, ESQ.
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2027 BERGENLINE, LLC
2027 Bergenline Avenue

WITNESSPAGE

Manny Pereiras

16

Alex Dougherty

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color rendering

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PEDRO & JANINA CASTELLI
145 37th Street

WITNESSPAGE

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Pedro Castelli

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Brian Intindola

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planning document

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

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<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
No	exhibits	marked

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JERSEY PROPERTY HOLDING, LLP
1113 Bergenline Avenue

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MARCELO MOYA
312-314 4th Street

WITNESSPAGE

Manny Pereiras

135

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rendering

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814-816 11TH AVE INVESTMENT, LLC
814-816 11th Street

WITNESSPAGE

Manny Pereiras

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No exhibits marked

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

3 Please take notice that on Thursday,
4 April 3, 2025, at 6:00 PM, a regular meeting is
5 scheduled for the Union City Zoning Board of
6 Adjustment to be held in the Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

9 Can everybody kindly rise to salute the
10 flag, please.

11
12 (Whereupon, the Pledge of Allegiance was
13 recited.)

14
15 MR. VALLEJO: Thank you.

16 Opening statement. Adequate notice of
17 this meeting has been provided as follows: Notice
18 of this meeting setting forth the time, date,
19 location, and the agenda to the extent known was
20 forwarded to The Record, The Star Ledger, has been
21 posted on the bulletin board in City Hall, and has
22 been made available to the public in the office of
23 the municipal clerk, also has been posted on the
24 website of the City of Union City, UCNJ.com.

25

ROLL CALL:

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

CHAIRPERSON GARCIA: Present.

MR. VALLEJO: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Here.

MR. VALLEJO: Mr. Ortiz is absent.

Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

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

Ms. Pena is absent.

Ms. San Martino.

MS. SAN MARTINO: Here.

MR. VALLEJO: Let the record indicate there are six present. All right. So we have a quorum for tonight's meeting.

1 ADOPTION OF MINUTES:

2

3 MR. VALLEJO: Approval of previous
4 meeting minutes from March 13, 2025. Can I have a
5 motion?

6 CHAIRPERSON GARCIA: Motion.

7 MR. VALLEJO: Motion by Mr. Garcia.

8 MS. GUTIERREZ: Second.

9 MR. VALLEJO: Seconded by Ms. Gutierrez.

10 Allow me to put on the record that Mr.
11 Ortiz joined the meeting, we have seven members
12 now.

13 We have a motion by Mr. Garcia, seconded
14 by Ms. Gutierrez. Roll call on the motion.

15 Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Ms. Gutierrez.

18 MS. GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Ortiz.

20 MR. ORTIZ: For the previous minutes,
21 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: Six in favor, motion
4 passes.

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1 2027 BERGENLINE, LLC -
2 2027 Bergenline Avenue:

3

4 MR. VALLEJO: Moving to the first item
5 on tonight's agenda, 2027 Bergenline, LLC, 2027
6 Bergenline Avenue.

7 MR. RENDO: Thank you. I'd just like to
8 present certified mails to Counsel.

9 MR. PANEQUE: Thank you, Mr. Rendo.

10 Ms. Gutierrez is going to recuse.

11 MR. RENDO: That's fine.

12 MR. PANEQUE: We have a Board of six
13 members.

14 Let the record reflect as follows: I've
15 been provided by Mr. Carlos Rendo with the
16 following: An affidavit of service indicating
17 that notice of tonight's hearing at this location
18 was given to all property owners within the
19 200-foot radius of the property in question, said
20 property being 2027 Bergenline Avenue, Block 109,
21 Lots 11 and 12.

22 Furthermore, I've been provided with a
23 copy of the notice. Said notice indicates that on
24 today's date at 6:00, at this location, the Union
25 City High School, the Board will entertain the

1 application of the applicant with respect to the
2 property in question.

3 I also have an affidavit of publication
4 from The Record and Herald News indicating that
5 notice was published on March 12, 2025. Said
6 notice indicates that on tonight's hearing, the
7 application of the applicant with respect to the
8 property at 2027 Bergenline Avenue will be heard.

9 I've also been provided with a list of
10 the property owners within the 200-foot radius.
11 This list was promulgated by the Union City tax
12 assessor. Said list was done on March 5, 2025,
13 listing all property owners within the 200-foot
14 radius of Block 109, Lots 11 and 12.

15 Lastly, I've been provided with the
16 certified mail receipts as well as the notices
17 that have come back.

18 Based on the information that has been
19 provided by Mr. Rendo, this Board has jurisdiction
20 to proceed and hear this matter.

21 Thank you, Mr. Rendo.

22 MR. RENDO: Thank you, Mr. Paneque.

23 It's always great to be back in Union City. Being
24 a former resident of Union City, it's nice to be
25 standing where home plate used to be. But now

1 it's a beautiful high school.

2 MR. PANEQUE: You're giving your age
3 away.

4 MR. RENDO: Time flies. So I am Carlos
5 Rendo, Mulkay and Rendo, representing 2027
6 Bergenline Avenue, LLC. The purpose of this
7 application is to convert a commercial unit into a
8 mixed-use building with residential and
9 commercial.

10 So now I'd like to call up our
11 engineer -- I mean our architect, Mr. Pereiras.

12
13 M A N U E L P E R E I R A S, after having been
14 duly sworn or affirmed, did testify as follows:

15
16 MR. PEREIRAS: Manny Pereiras,
17 P-E-R-E-I-R-A-S, with Pereiras Architects
18 Ubiquitous, located at 1116 Summit Avenue here in
19 Union City.

20 MR. RENDO: So I'm sure Mr. Pereiras has
21 appeared before this Board many times and --

22 CHAIRPERSON GARCIA: Our pleasure to
23 have you here, Mr. Pereiras.

24 MR. PEREIRAS: Thank you, Mr. Chair.

25 MR. RENDO: Mr. Pereiras, were you able

1 to present and prepare these plans?

2 MR. PEREIRAS: I have.

3 MR. RENDO: Could you please explain
4 what the application is?

5 MR. PEREIRAS: I'd be very happy to as a
6 matter of housekeeping, you have two easels. The
7 easel to my left are the same documents that were
8 submitted to the Board previously and the easel to
9 my right is a three dimensional color rendering of
10 what this building is going to look like, if
11 approved and constructed.

12 MR. PANEQUE: Are you introducing that
13 as an exhibit?

14 MR. PEREIRAS: I am.

15 MR. PANEQUE: If we could have that
16 marked, is it just one sheet?

17 MR. PEREIRAS: It is just one sheet.
18 For the record, I am marking the back right hand
19 corner as A-1.

20 MR. PANEQUE: A-1 is fine.

21

22 (Color rendering marked A-1.)

23

24 MR. PEREIRAS: With today's date. So
25 this site -- and I'd like to start by making

1 reference to the photograph at the center of my
2 document, to the left is the old American Electric
3 building. It's kind of a staple of Union City,
4 it's been around forever. It has a big storefront
5 of 27 feet wide, but the times have very much
6 changed. The days of these big warehouses and you
7 would walk in there and it occupied the entire
8 site, it was 2,450 square feet of store. The days
9 of those types of stores are no longer, they've
10 gone out of business, they've closed down. And
11 here we have an empty property that is not really
12 rentable in the neighborhood. And what do we do?

13 What we did is we looked at the master
14 plan and the ordinance to give us guidance as to
15 what to do. And our master plan and ordinance are
16 very clear. They recommend that on Bergenline
17 Avenue, we provide ground floor commercial.
18 That's important, it's the vitality of Bergenline
19 Avenue, it's the liveliness of it, absolutely
20 critical. We provide that on the ground floor.

21 It also says that we should activate and
22 keep the neighborhood alive during the day and
23 during the night. How does that happen? It
24 happens with mixed use, by having businesses
25 active during the day and apartments at night. It

1 makes it so that it is a neighborhood that is
2 always walked at every time of the day.

3 So what we're proposing and what we
4 looked at is at the ordinance. And the ordinance
5 recommends that we have a four-story structure and
6 that we are allowed to do three apartments. Why
7 does it do that? We need family housing in Union
8 City, so we're providing three-bedroom apartments
9 on one of each floor above. And that's what you
10 see here on the rendering on the side. We have a
11 ground floor commercial space and then three
12 floors above of residences.

13 But we still have one really, really big
14 problem. And that's that large commercial spaces
15 on Bergenline Avenue just really don't work and
16 are not rentable. So what do we do? We cut the
17 commercial space down a little bit and we're
18 providing an apartment in the back. That does a
19 couple of things. Number one, it creates rentable
20 space for the commercial that makes sense. But
21 the second and more important aspect of it is that
22 on Bergenline Avenue, it's very hard to find
23 housing that's accessible. Accessible meaning
24 someone with a disability, doesn't have to be a
25 wheelchair, anyone that has mobility issues. It's

1 very hard to go up the steps to have a four-story
2 apartment. And by providing the unit in the rear,
3 we are providing that accessibility on the ground
4 floor.

5 If we were not to have that unit in the
6 bottom of that ground floor, we wouldn't even be
7 before this Board, we would be going before the
8 Planning Board because we would be fully
9 conforming. However, since we're proposing that,
10 which, I think, is a better alternative from a
11 planning standpoint, we're here before this Board.
12 And our planner is going to speak a lot more for
13 the specifics of that and he's going speak to
14 justifications of that.

15 But right now, I'd like to walk you
16 through all the drawings. First and foremost, we
17 have a slightly undersized lot --

18 MR. VALLEJO: Mr. Pereiras, allow me for
19 a second? Let the record indicate that Ms. Pena
20 joined the meeting, we have now eight members.

21 MR. PANEQUE: Seven.

22 MR. VALLEJO: Seven, sorry. Go ahead,
23 Mr. Pereiras.

24 MR. PEREIRAS: The minimum lot
25 requirement in this zone is 2,500 square feet,

1 that's very typical along Bergenline Avenue. We
2 have a slightly de minimusly less square footage
3 of 2,450. And you might find that interesting
4 because the American Electric storefront is so
5 big, yes, it's 27 feet wide. But as you turn now
6 to the second page, you understand why. The site
7 tapers a little bit to the back and it is uneven,
8 it's actually missing a little corner off the back
9 here. So that accounts for the 2,450 square feet
10 that we have and it's the first existing
11 nonconformity that we're proposing here.

12 Our lot width is conforming because we
13 do have a maximum of 27.93, which conforms. Our
14 lot depth also conforms because lot depth at this
15 corner is 106 point -- just to be precise
16 106.19 feet along this length. So we're
17 conforming in length and in width, but not in lot
18 area.

19 The front yard, what we're proposing is
20 fully conforming, zero feet is permitted. We're
21 actually stepping it back 2 foot 7. The reason
22 we're stepping it back 2 foot 7 is because of a
23 very odd thing on Bergenline Avenue. The
24 buildings along Bergenline Avenue on downtown
25 between like 18th and 22nd Street are actually

1 stepped back. They're all stepped back about 2
2 foot to 2 foot 8. And this particular site is --
3 the neighbors are 2 foot 7 stepped back on both
4 sides. So we're proposing a front yard setback of
5 2 foot 7 to be perfectly in line with the
6 neighbors and match the prevailing front yard
7 setback. So as you can see from the diagram, you
8 have the adjoining building, perfectly in line
9 with our proposed building.

10 Our existing building has a lot coverage
11 that covers the absolute entirety of the site.
12 We're proposing to tear that down and step it back
13 and create a rear yard setback. However, we have
14 to measure that rear yard setback at its worst
15 condition and at its worst condition over here in
16 this corner, it's at 2 feet. So we're proposing a
17 rear yard setback of 2 feet at that condition.

18 Then it brings us to side yard. The
19 ordinance allows us to be right on the property
20 line, to be at zero feet. We're proposing that
21 and I think that's very important. When you look
22 at Bergenline Avenue, you want that continuity;
23 however, when we're introducing residential -- and
24 this is something that someone who's been
25 practicing in Union City for many years, on

1 Bergenline Avenue, we have a problem. We have the
2 problem of the access by fire departments and for
3 emergencies. And that's why we took it upon
4 ourselves to instead of doing a zero-foot setback,
5 we're actually creating a setback of 3 feet 1
6 inch, so that we're slightly over what the
7 allowable egress is, so we could have windows, so
8 we could have the fire department access this
9 building all around to the back and on the side.
10 And actually, by providing that additional 3
11 feet -- we could have done zero -- by providing
12 the additional 3 feet, we're actually triggering a
13 variance because the ordinance says zero feet.
14 But we thought it was such an important thing to
15 do for the safety of the building and the safety
16 of the neighborhood that we thought it was a
17 variance that we would seek today because of that.

18 There are a couple more variances that
19 are triggered. And just to walk us through it, we
20 are conforming as building coverage, 80 percent is
21 the requirement, we made sure we were under that
22 at 79.5 percent, that justifies our variance for
23 rear yard. And then our lot coverage, we're
24 allowed to be 100 percent, we are. And our
25 building height is fully in conformance. We are

1 permitted four stories, we are four stories.
2 We're permitted 45 feet, we are 45 feet. So we
3 have no variances there.

4 The variance that we do have is on
5 parking. We are in downtown Union City, it is
6 Bergenline Avenue. We have three apartments
7 above, we have one apartment below. The
8 apartments above would require a total of six
9 parking spaces, the apartment below, one, is seven
10 parking spaces. And then the commercial space,
11 we're required one space per 300 square feet and
12 that would bring us to a total of eight required
13 parking spaces. However, this is Bergenline
14 Avenue. It is customary that on Bergenline
15 Avenue, we do not want to have curb cuts on
16 Bergenline Avenue because it is a pedestrian
17 friendly street. So introducing curb cuts is not
18 something that we want to do. So it makes it
19 impossible to provide parking on-site. Yet we
20 want to comply with the ordinance and the master
21 plan, which is to provide this mixed-use, provide
22 apartments and residential. So as a result of
23 that, we're requesting a parking variance for you
24 here today. And our planner is going to talk more
25 about the justifications of that as well.

1 Moving now to the plans. I am turning
2 to sheet Z03. Z03 has a few photographs of the
3 existing site, the existing American Electric and
4 you could see the floor plans, both the basement
5 and the ground floor. As you can see, it occupies
6 the entire site. It is basically one big
7 warehouse commercial space.

8 This is what we're proposing to do we're
9 utilizing that existing basement, we're re --
10 we're tearing out the foundation wall that's on
11 the north and rebuilding it. And we are creating
12 that as store space for the commercial area.
13 We're proposing a commercial space, but it is
14 dissected by stairs. We have two stairs for
15 access to the building above. And as you can see
16 here, we have that three foot setback on the side
17 that allows access to the rear apartment that is
18 on grade. So that if someone was in a wheelchair
19 or someone was elderly and could not go upstairs,
20 they have access and they have housing for them
21 there.

22 This apartment on the back is 595 square
23 feet, it is a one-bedroom apartment. It has a
24 fully accessible handicapped bathroom and kitchen
25 area. And it is basically one nice open living

1 room, dining room space, that's 18 foot 5 wide by
2 14 foot 9 in depth. Then the bedroom is 10 foot 3
3 by 11 foot 7, plus its closets on the side. It
4 has a washer and dryer in the room as well.

5 Then when we go upstairs, we have two
6 means of egress for the building. The primary
7 entrance, which is right here off of Bergenline
8 Avenue, will lead you to the living room, dining
9 room and kitchen area, open floor concept, nice
10 and large. The entire apartment is 1,526 square
11 feet, so it's a generous apartment. And it is a
12 three-bedroom apartment. You have two smaller
13 bedrooms, each of them are 9-6 by 13-5, 9-6 by
14 14-8. And then you have a suite, a primary suite
15 in the back that has its walk-in closet and master
16 bath as well.

17 That is repeated for the three floors.
18 And then we are not proposing any type of roof
19 deck or any roof structure. All we have is
20 mechanical equipment up there. We have condensers
21 located on the roof and one bulkhead that is in
22 the middle of the building, so it's not visible
23 from the front on Bergenline or from the rear to
24 access the mechanical equipment and to maintain
25 the roof.

1 The facade utilizes materials that we
2 like using in Union City. We have an oversized
3 king brick on the facade that kind of represents
4 the scale of the building. We have a stucco base
5 and we have a metal cornice for signage. And then
6 we have an accent panel, which is actually metal
7 siding along this portion. And we're providing
8 nice large glass windows to bring light into the
9 space.

10 The north side of the building will have
11 windows in that three foot side, and that will be
12 all vinyl siding and stucco on the ground floor.
13 The opposite ends of the buildings will be -- the
14 south side will be CMU block that is going to be
15 covered in stucco because it's up against another
16 structure, and it's also very important for fire
17 safety. There's a two hour fire separation
18 between this structure and the other structure, so
19 we're building in a very conscious way that makes
20 the entire neighborhood very safe. And then the
21 rear that could be either siding or stucco. And
22 that concludes my testimony for now.

23 MR. RENDO: Mr. Pereiras, based on your
24 experience, do you believe that the proposed
25 project improves the aesthetics of the property?

1 MR. PEREIRAS: Absolutely. And just
2 make the comparison for the Board, this is what's
3 there now. It hasn't been renovated, it hasn't
4 been touched in probably 40 years, maybe more.
5 And this is our proposal on the right. I mean
6 every one of my projects is my baby and I love
7 them all, but I think you can make your own
8 judgment, I think it's a huge aesthetic
9 improvement on the neighborhood.

10 MR. RENDO: Thank you. I have no
11 further questions of the architect, I don't know
12 if the Board would like to question the architect?

13 CHAIRPERSON GARCIA: Yeah. Mr.
14 Pereiras, you, in your chart, you are not
15 requesting parking variance, you said none.

16 MR. PEREIRAS: So I've actually had this
17 question many times and I will turn to Mr. Spatz
18 because as I understand it, Bergenline Avenue does
19 not require parking. It's a little confusing the
20 way it's written what area of Bergenline Avenue
21 and what streets. That's why in my presentation
22 and my testimony, I am mentioning let's discuss a
23 parking variance. But I completely defer to Mr.
24 Spatz where it is necessary or not here.

25 MR. SPATZ: I'll double check and have

1 that answer for you before the Board is ready to
2 complete this.

3 CHAIRPERSON GARCIA: Okay. Also you
4 mentioned that if it's not for the residential
5 unit on the ground floor, you don't have to come
6 to this Board?

7 MR. PEREIRAS: We would be going before
8 the planning board because it would be
9 as-of-right. What triggers the difference, the
10 use variance here, is that residential unit in the
11 back. And we feel compelled to do that for the
12 two reasons I said. The biggest reason is
13 commercial spaces on the ground floor just don't
14 rent when they're so big. And number two, we're
15 not providing the appropriate housing in Union
16 City. This allows for that appropriate housing on
17 the ground floor.

18 CHAIRPERSON GARCIA: You don't need
19 variance for side yard?

20 MR. PEREIRAS: We need a variance for
21 side yard just because we're giving too much. If
22 it was zero, we wouldn't need a variance. But
23 we're providing three feet and because we're
24 providing three feet, we're triggering the
25 variance.

1 CHAIRPERSON GARCIA: Because you have to
2 give five --

3 MR. PEREIRAS: We have to give either
4 zero or five. And five will kill the building,
5 it's too small of a lot to do that.

6 CHAIRPERSON GARCIA: Also you mention
7 the material you're going to use for the facade is
8 stucco and brick and metal, is stucco allowed by
9 the building department?

10 MR. PEREIRAS: Yes. So there are lots
11 of different types of stucco. The stucco that we
12 use in Union City is what we call a Roman stucco
13 or a hard stucco. That is the same stucco that
14 was used in the Pantheon 2,000 years ago. Union
15 City approves of that. It's proven that it works
16 very well. Union City does not like what's called
17 EIFS. EIFS is an exterior insulating and
18 finishing system that has its huge down sides.
19 And that's the stucco that isn't permitted. That
20 said, if you would like to change the ground floor
21 facade to any other material, we would be very
22 happy to do it. We can make that brick, we can
23 make that stone, I'm very happy to do it. We can
24 make the same aesthetic, that same look, and still
25 look like that white kind of stone doing stone or

1 doing brick. We proposed stucco because we
2 thought it looked nice, but we have no objection
3 to that.

4 CHAIRPERSON GARCIA: Can you go through
5 the size of the units, not the ground one?

6 MR. PEREIRAS: Yes.

7 CHAIRPERSON GARCIA: The top of the
8 commercial.

9 MR. PEREIRAS: Each unit, you enter in
10 the front of the building, so the western most
11 side of the building. When you enter, you're in
12 the living room area, that living room area is
13 14-foot 3 in width from the stairwell to the
14 exterior wall. Now, please keep in mind, that's
15 measured at the center because the entire building
16 is tapered. So it's 14-foot 3 wide at this
17 center, by 17 feet long, to basically the end of
18 the stairs. Then we have a dining room area that
19 we measured with the kitchen area as well. And
20 that dining room and kitchen area is 15 foot 3 in
21 depth and 20 feet 10 inches in width. So it's a
22 very nice large living area for this apartment.

23 I'll walk you through to the bedrooms.
24 You have a mechanical closet, you have a small
25 pantry, you have a coat closet. The coat closet

1 is 6 feet in width. Then you have the first kids'
2 bedroom. And just for reference, we draw in beds
3 and we drew in a king sized bed, so you could
4 understand the size the room here. And that
5 bedroom is 13-5 by 9-6. Then you have the second
6 stairwell, which is the second means of egress for
7 the building. Then you have the second bedroom,
8 which is 14-8 by 9 foot 6 with two closets. So
9 each of those closets is one is 6 feet, the other
10 is 5 foot 8. Then you have a hall bathroom. That
11 hall bathroom is 9 by 5 and it has a linen closet
12 inside of it. Then you have your washer and
13 dryer. Then you have your master bedroom that has
14 its own walk-in closet that's 5-5 by 5-7 and the
15 master bath which is 5 by 11, having enough room
16 for a double vanity. And the actual primary
17 bedroom is 17-6 by 14-4.

18 MS. SAN MARTINO: All the apartment have
19 the washer and dryer?

20 MR. PEREIRAS: Every single apartment
21 has a washer and dryer, it's become almost
22 expected today. So when we -- whenever we can,
23 we're providing it inside the apartments.

24 CHAIRPERSON GARCIA: The stairs in
25 front, you have two stairs, right?

1 MR. PEREIRAS: That's correct.

2 CHAIRPERSON GARCIA: Okay. Any other
3 questions?

4 MR. SPATZ: Mr. Chairman, I have the
5 answer to the question. It's only
6 noncommercial -- it's only commercial uses don't
7 require parking, the housing does require parking
8 on Bergenline and Summit Avenue. So you can
9 subtract the parking required for the commercial
10 space, but you still need six or eight for the
11 apartments.

12 CHAIRPERSON GARCIA: Okay.

13 MR. GRULLON: Mr. Chairman, do they have
14 a planner?

15 CHAIRPERSON GARCIA: Yeah, yeah, they
16 have a planner.

17 MR. RENDO: Yes. He's coming up. Come
18 on up, Alex.

19 MS. SAN MARTINO: That means even with
20 the commercial space by their using like an
21 apartment and get away with a parking space or
22 it's --

23 MR. SPATZ: Well, it's a confusing
24 aspect of the ordinance. As it was written is
25 that it permits the commercial -- it permits

1 commercial with three apartments above it and it
2 requires parking for the residences, but it's
3 impossible to have parking and commercial, so
4 it's --

5 CHAIRPERSON GARCIA: I was under the
6 perception that the ordinance said that no parking
7 required in some area of Bergenline Avenue, I was
8 under that perception.

9 MR. SPATZ: In the current ordinance,
10 only for commercial uses. The prior ordinance did
11 have that in certain areas on Bergenline Avenue,
12 but this one does require parking. But the
13 conflict is that you can't have commercial space
14 downstairs and provide parking for the apartments
15 above. So that's what the Board has to consider
16 in looking at the variance.

17 MS. PEREZ: So a variance is required
18 for eight?

19 MR. SPATZ: That's correct. They need a
20 variance for eight spaces, but they can't provide
21 it and get the commercial space.

22 CHAIRPERSON GARCIA: Right. Especially
23 Bergenline Avenue is too narrow in that area.

24 MR. SPATZ: Correct.

25

1 A L E X A N D E R D O U G H E R T Y, after
2 having been duly sworn or affirmed, did testify as
3 follows:

4

5 MR. DOUGHERTY: Alexander Dougherty,
6 D-O-U-G-H-E-R-T-Y, professional planner.

7 CHAIRPERSON GARCIA: Our pleasure to
8 have you.

9 MR. DOUGHERTY: All licenses are
10 current.

11 MR. RENDO: Alex, have you been able to
12 review the project?

13 MR. DOUGHERTY: Yes, I have.

14 MR. RENDO: Okay. What are the planning
15 concepts?

16 MR. DOUGHERTY: So we are here for a use
17 variance, as we heard in great detail. We're here
18 for the ADA accessible unit on the ground floor.
19 The CN zone does contemplate residential in the
20 zone, it just doesn't call it out on the ground
21 floor, rightfully so. Think about this as a
22 commercial corridor, you have an apartment on the
23 ground floor, you have hundreds of thousands of
24 people walking past the windows every day. This
25 is a commercial corridor, we want commercial

1 activity, amenities at the doorstep, that
2 vibrancy, that sidewalk activation.

3 With this particular component of that
4 use variance, I don't believe we're eroding the
5 intent of the zone, the intent of the master plan.
6 This housing unit is behind a commercial unit,
7 it's not in the display windows at the sidewalk,
8 at the public realm. It does allow us to provide
9 for, unfortunately, what is quite often overlooked
10 in many communities, members of our communities
11 that are indeed handicapped. So to provide that
12 accessible handicapped unit at the ground floor,
13 to provide that separation that we are seeking
14 that, that side yard setback, as the architect did
15 testify. He's correct, zero side yard setback is
16 allowed, but if we do provide, it has to be over
17 5 feet. So we're proposing the 3.1 because that's
18 what we need for egress purposes and safety and
19 access during emergencies. So we have that
20 ability, which would also benefit the surrounding
21 properties that have the access to the rear of
22 these properties.

23 With that being said, the use variance,
24 when I look at this, I do think it's appropriate
25 here. Again, we are providing that commercial

1 retail at the ground floor, at the street sidewalk
2 public realm. It's behind that, it's kind of
3 hidden, you don't know it's back there unless
4 you're living back there or you're very intimately
5 familiar with the site.

6 With that being said, I believe Manny is
7 100 percent on point. What you see a lot of
8 times, markets do change. What happened to Block
9 Buster, it's no longer here, things do come and
10 go. The mom-and-pop, boutique shops that did
11 really feed a lot of Main Street America, they've
12 been gobbled up, competing with corporate America
13 and big franchise complexes. We're also now
14 seeing those uses struggle, big box retail. You
15 don't need brick and mortar, big box retail. You
16 just need an online presence and a warehouse for
17 overhead to establish a business.

18 So unfortunately in the planning world,
19 we are seeing a lot of these anchor tenants, what
20 we used to think were anchor tenants vacant. We
21 are seeing a lot of office space vacant. So as
22 planners, we have to think about what we're going
23 to do, adaptively reuse these buildings, these
24 structures, these zones.

25 Part of the interactive process, and

1 asking for relief at the zoning board, we have our
2 annual report, what variances we approved. And
3 the intent is as the planners for the
4 municipality, we look at it, that's weird, why are
5 so many variances being approved in this location,
6 is there something we need to look at further.
7 That's kind of where we are kind of held to a
8 degree to what the markets are happening, where
9 they're going. Again, office places, office
10 complexes were big, very popular. The same could
11 be said about big box commercial footprints, once
12 they were very popular. Now, it's small business,
13 incubator, small shops, more compact, and boutique
14 in nature.

15 So unfortunately, we have a site here on
16 Bergenline that is vacant that once was a very
17 large warehouse -- not necessarily warehouse, but
18 kind of a commercial construction, light
19 industrial, electrical trade warehouse supply
20 store. Unfortunately, it's no longer here. We
21 have an opportunity to kind of fill a void, and
22 scale and massing. It is a one-story structure
23 that exists today. We are staying within the
24 permitted height of the 45 feet or four floors. A
25 new design, keeping the commercial component at

1 the ground floor, by also adding that additional
2 ADA accessible unit.

3 When we look at the architectural plans
4 and you look at the units, I think they're
5 appropriately sized. This is not over
6 development, these are fairly large units. The
7 ADA is nearly 600 square feet. Typically when you
8 see one-bedrooms, they're around 500, so we start
9 to see. So I think it's an appropriate sized
10 unit, it's just what you need to accommodate that.
11 And I emphasize that because every municipality
12 wants to accommodate a diversified housing choice
13 and options for a growing community. Again,
14 unfortunately, time and time again, a lot of those
15 members of our community who are handicapped are
16 overlooked when we talk about housing and housing
17 choices and options and availability.

18 So I think we certainly advance purpose
19 A of the Municipal Land Use Law, for the morals,
20 safety, general welfare of the community. Again,
21 safety being the side yard setback and egress,
22 which is fire code and building code, providing
23 the housing options and choices. Certainly more
24 efficient use of land, desirable visual
25 environment here, as we can see by the conceptual

1 rendering.

2 From a planning standpoint, I do not
3 think this use variance is going to erode the
4 intent of the zone or the master plan. Again,
5 this residential unit is not on the sidewalk at
6 the streetscape public realm, it's behind a
7 commercial store. And we're making that
8 commercial space a little bit more palatable and
9 viable by reducing that size which is what's
10 trending now in retail is smaller units, more
11 boutique shops versus larger warehousing and
12 larger footprints.

13 So with that being said, I think there's
14 a lot of benefit here. I do know we have a
15 parking deviation, as we just discussed. We're on
16 Bergenline, we have New York, Palisades within
17 one, two blocks over. We have ample mass transit
18 here. With that, having those amenities at the
19 doorstep is in theory to reduce the demand for the
20 vehicle. Instead of driving to the pizzeria, to
21 the store, you can walk there, take the bus. So
22 that kind of is what that urban environment is
23 about.

24 To accommodate parking here, as you see
25 the lot width is fairly small. We're at 27.93.

1 To do a curb cut here really would eat away the
2 building footprint. I would argue that you have
3 more conflicts with pedestrians on the sidewalk
4 having cars pull in and out there. So we are
5 asking for that parking relief. All of the "C"
6 relief or bulk relief is subsumed within the
7 (d)(1) use variance. To recognize a use variance
8 here is to recognize the bulk relief, the "C"
9 relief.

10 Do I think having these units here is a
11 benefit that certainly outweigh some of that
12 negative? When we look at not having the vehicle,
13 I do -- this is a community that's rich with mass
14 transit and walkable destinations right at your
15 doorstep.

16 With that being said, providing those
17 units above helps us fill in that lower massing,
18 if you will, that one structure. If anyone knows
19 this area, there are some prominent corners where
20 there's larger buildings and massing and scale.
21 Again, the height and the size is appropriate for
22 the zone, it's permitted, it's not a variance. We
23 are looking at the side yard, we are looking at
24 the parking.

25 The side yard, I think is right where we

1 need to be. Anymore does kind of eat away at the
2 storefront and that continuous wall effect that we
3 see in the commercial corridors.

4 So with that being said, I think as you
5 heard with the architect, great deal of care has
6 been put into this project, very familiar with the
7 standards for Union City. I think we landed on
8 something that the community can be proud of. And
9 again we are providing housing and reactivating
10 that site.

11 So with that, I'll conclude. I think
12 there's nothing here but a benefit. I think the
13 parking can certainly justified by the walkability
14 and mass transit accessibility in the immediate
15 neighborhood. I do want to point out, we do have
16 a school, a park just right one block behind us.
17 There's good open space, you know, for a teacher
18 who wants housing, a kid going to school, it's a
19 walkable community right here. With that, I
20 believe it's the Marte playground and school
21 there, one block behind us. I believe that's what
22 it's called. Jose Marte? I think you have a good
23 fabric here for this project.

24 With that, I'll conclude for any cross,
25 but I think approval has been met -- criteria has

1 been met.

2 MR. RENDO: I'd like to address the
3 handicapped accessible unit in the back. In your
4 expert opinion, do you believe that's a positive
5 aspect of this application?

6 MR. DOUGHERTY: I do. As a planner,
7 those members of our community are sadly
8 overlooked in a lot of applications. Handicapped
9 accessible units are very hard to come by,
10 unfortunately.

11 MR. RENDO: Does this plan further the
12 intent and purpose of the Union City master plan?

13 MR. DOUGHERTY: It does. I don't
14 believe the unit will erode that master plan
15 vision or the zone vision. That unit is behind a
16 commercial unit.

17 MR. RENDO: And it meets the positive
18 and negative criteria of the application?

19 MR. DOUGHERTY: Correct. And for use
20 variance, (d)(1), I do believe the site is
21 particularly suited to accommodate residential.
22 We can go up, we can make more efficient use of
23 the land. And that ADA unit being in the back is
24 certainly suitable. And, again, it does not erode
25 the intent of the CN zone.

1 MR. RENDO: I have no further questions.

2 CHAIRPERSON GARCIA: My common
3 questions. Mr. Dougherty, do you have the
4 opportunity to visit the area?

5 MR. DOUGHERTY: I have.

6 CHAIRPERSON GARCIA: Also you could
7 probably figure out that block between 20 and 19,
8 Bergenline Avenue, you don't have any residential
9 unit on the ground floor?

10 MR. DOUGHERTY: That's a common theme
11 throughout, yeah.

12 CHAIRPERSON GARCIA: And also you also
13 see that -- I agree with you that that kind of
14 structure going to enhance the area, you could see
15 like how, you know, along Bergenline Avenue. I
16 think they're going to continue the improvement.
17 One of the improvement going to be if -- this is
18 granted is this one. However, you mention also
19 that ADA compliant apartment, do you understand
20 that, let's say, handicapped person, in a case of
21 an emergency, 3-1 is enough to evacuate one person
22 with a handicapped condition?

23 MR. DOUGHERTY: Can you rephrase, I
24 don't -- I'm sorry.

25 CHAIRPERSON GARCIA: The setback that

1 you have in order for you to have access to that
2 apartment in the rear of business, you only have 3
3 foot 1 inch, right?

4 MR. DOUGHERTY: Correct.

5 CHAIRPERSON GARCIA: You don't think
6 that is kind of tight for an emergency to take out
7 any disabled person?

8 MR. DOUGHERTY: I will say that's the 3
9 feet is required --

10 MR. RENDO: I think the architect.

11 MR. PEREIRAS: I think that's an
12 architectural question. So, Mr. Chairman, you're
13 actually 100 percent correct. There are different
14 codes that we need to comply with. One of the
15 codes for handicapped accessibility and for egress
16 is actually the International Building Code of New
17 Jersey. And right now we're currently working
18 with the 2021 code. That 2021 code specifically
19 specifies that the egress path should be 44
20 inches. And before I even continue, we concede
21 100 percent to stepping the building back instead
22 of the 3-1, which is 37 inches to a full 44
23 inches. However, it is -- and I could speak to
24 this because I am -- we do about 300 projects in
25 Union City every year of small scale. And it is a

1 commonplace thing that the City grants what's
2 called a variation, it's different than a
3 variance, it's not what we do here at this Board.
4 It's a variation at the building department level
5 to allow 3 foot and 3 foot has become the new
6 standard of Union City. But you're completely
7 correct, Mr. Chairman, the code says it's supposed
8 to be 44 inches. And if it makes you feel more
9 comfortable, we're willing to concede the extra
10 few inches.

11 CHAIRPERSON GARCIA: Also you agree, Mr.
12 Pereiras, with Mr. Spatz that you're requiring
13 parking variance for the residential units?

14 MR. PEREIRAS: I understand that. And
15 again just like Mr. Spatz said, we're in an
16 impossible situation. We can't provide
17 commercial, which is what the zone wants and we
18 can't provide residential what the zone wants and
19 not have this variance. It is an ordinance that
20 is -- the ordinance itself is creating the
21 variance.

22 CHAIRPERSON GARCIA: But I'm just making
23 the point -- bringing up the point, just for the
24 record, that there's -- since the application
25 doesn't show parking requirement, I know the

1 specific area is some kind of unique area, I
2 completely understand that. But I want to be
3 clear in that the application also, in the record,
4 that the parking requirement is --

5 MR. PEREIRAS: Mr. Chairman, as a matter
6 of clarity for the record, I, as the architect of
7 record who submitted the plans, requests formally
8 for a parking variance for a total of eight spaces
9 are required. We are unable to provide that,
10 we're providing zero spaces.

11 CHAIRPERSON GARCIA: Any other
12 questions?

13 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
14 would you just go over the zoning chart, what the
15 requirements?

16 MR. PEREIRAS: Yes.

17 MR. GRULLON: Especially the square
18 footage of the building. You're calling for
19 2,450, but the lot itself is 106 by 27.9. How is
20 that?

21 MR. PEREIRAS: It sounds weird but it's
22 because the lot isn't perfectly square and it gets
23 cut back in the back. So even though it's
24 oversized in the front, we have 27.93 and we have
25 an oversized lot in depth, it tapers in the back

1 and we're missing that corner. And that's why
2 there's a strange number there.

3 VICE CHAIRPERSON GRULLON: You have
4 measurements in between, you don't have the 25 in
5 the back?

6 MR. PEREIRAS: We do not. We do not
7 have the 25. Since it's broken up, it's actually
8 9.75 and then 12.67.

9 VICE CHAIRPERSON GRULLON: The other
10 thing I'm confused is the lot coverage. You
11 calling for 79.5?

12 MR. PEREIRAS: So the building coverage
13 is what went down. Our building coverage used to
14 be 95.2 percent because the building went all the
15 way back here. We're cutting that and we're
16 cutting the side of it, so we're creating a side
17 yard. Now, our building coverage is actually
18 going to be less because if we do what the
19 Chairman suggested, which I think is a fantastic
20 idea, we're going to create a 44 inch side yard.
21 And now our building coverage is even less.
22 That's why the number is so much less. And that's
23 why we're conforming and we're not requesting a
24 variance on that.

25 VICE CHAIRPERSON GRULLON: Okay.

1 CHAIRPERSON GARCIA: Any other
2 questions? Any member of the public wants to step
3 forward? None. Close to the public.

4 I'm going to make my recommendation on
5 my motion. I completely agree with Mr. Pereiras,
6 with Mr. Dougherty, that this application is going
7 to enhance the area. And it will provide
8 residential three, four apartments. I'm going to
9 say that we are pro parking; however, we also
10 understand that it is impossible to provide
11 parking in that specific block in Bergenline
12 Avenue.

13 However, in my motion, I'm going to make
14 my motion, yes, to grant the application with --
15 accepting the variance for the parking; however,
16 no residential unit on the ground floor. I can
17 grant the application with the three units in the
18 top and with a commercial on the ground floor, no
19 parking required.

20 MR. RENDO: Yes.

21 CHAIRPERSON GARCIA: I make my motion to
22 grant the application without the residential.

23 MR. PEREIRAS: Three residential.

24 CHAIRPERSON GARCIA: Three residential
25 on top, only commercial on the ground floor.

1 MR. VALLEJO: Motion on the table.

2 CHAIRPERSON GARCIA: Three apartments
3 and one commercial.

4 MR. PANEQUE: Before we proceed on that
5 motion, Mr. Chairman, I just want to have Mr.
6 Pereiras come back up a minute.

7 Mr. Pereiras, the reason you were having
8 the 3 foot side yard was for purposes of access to
9 the rear apartment, right?

10 MR. PEREIRAS: That's correct. So I'd
11 like to continue to have -- I still want the 3
12 foot side yard because I want windows. I'll keep
13 the 3 foot side yard, but I don't want to make it
14 44 inches now because now it doesn't make sense,
15 there's no --

16 CHAIRPERSON GARCIA: Continue the same
17 plan without the residential in the ground floor.

18 MR. PEREIRAS: Okay.

19 CHAIRPERSON GARCIA: So you're
20 continuing the 3-1. I really appreciate also
21 because you also understand and you also respect
22 the Board, understanding that we're always going
23 to the safety issues and that 3-1 could be -- by
24 the way, the north side adjacent property is on
25 the borderline.

1 MR. PEREIRAS: It's on the property
2 line.

3 MS. SAN MARTINO: Even though when he
4 said it's so difficult to rent the ground floor --
5 the commercial, when it's big, that doesn't do
6 anything?

7 CHAIRPERSON GARCIA: Actually, it is
8 something like the Board doesn't handle it,
9 doesn't have jurisdiction. It's something like
10 they have to come with some idea what kind of
11 business to have there. And that is something
12 that's not our jurisdiction. So it's like they
13 could.

14 Clear with the 3-1 request, Mr.
15 Pereiras?

16 MR. PEREIRAS: Yes.

17 MR. RENDO: We thought it was a good
18 thing to have a handicapped apartment, but we'll
19 follow the Board's direction.

20 CHAIRPERSON GARCIA: Okay.

21 MR. VALLEJO: Motion on the table by Mr.
22 Garcia to grant the application on the ground
23 floor only commercial.

24 CHAIRPERSON GARCIA: Only commercial.

25 MR. VALLEJO: And three apartments.

1 MR. PANEQUE: Subject to revised plans
2 to be presented prior to ten days from the next
3 meeting.

4 MR. VALLEJO: Motion by Mr. Garcia to
5 grant this application.

6 MS. WATLEY: Second.

7 MR. VALLEJO: With the conditions,
8 seconded by Ms. Watley. Roll call on the motion.
9 Mr. Garcia.

10 CHAIRPERSON GARCIA: Yes.

11 MR. VALLEJO: Mr. Grullon.

12 VICE CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

21 MR. VALLEJO: Ms. San Martino.

22 MS. SAN MARTINO: Yes.

23 MR. VALLEJO: Seven in favor, motion
24 carries.

25 MR. RENDO: Thank you.

1 MR. VALLEJO: Revised plans required at
2 least ten days before the next hearing day.

3 MR. RENDO: Thank you. Have a good
4 evening.

5 CHAIRPERSON GARCIA: Thank you.

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1 PEDRO CASTELLI AND JANINA CASTELLI -
2 145 37TH STREET:

3
4 MR. VALLEJO: Next application on
5 tonight's agenda, Pedro Castelli and Janina
6 Castelli, 145 37th Street. Mr. Sarlo, please.

7 Let the record indicate Ms. Gutierrez
8 rejoined the meeting, we have eight members. We
9 have a full quorum for tonight's agenda.

10 MR. PANEQUE: Let the record reflect
11 I've been provided by Mr. Charles Sarlo with the
12 following documentation:

13 I have an affidavit of publication from
14 The Record and Herald News indicating that notice
15 of tonight's hearing at this location with respect
16 to the property located at 145 37th Street, Block
17 217, Lot 28 was published in the newspaper on
18 March 24, 2025.

19 I've also been provided with an
20 affidavit and proof of service which has been
21 signed by Mr. Charles H. Sarlo and notarized --

22 MR. SARLO: I didn't have it notarized,
23 just did it myself, Counselor.

24 MR. PANEQUE: Signed by Mr. Charles
25 Sarlo, not notarized. The proof of service, let's

1 call it a certification since it's no longer an
2 affidavit, indicates that notice of tonight's
3 hearing was provided to all property owners within
4 the 200-foot radius of 145 37th Street by
5 certified mail on March 22nd, 2025.

6 I've also been provided with a copy of
7 the notice that went out to all property owners.
8 Said notice indicates that with respect to the
9 property in question, there will be a hearing on
10 April 3, at 6:00 PM at this location, the Union
11 City High School.

12 I've also been provided with a list
13 promulgated from the tax assessor's office listing
14 all property owner within the 200-foot radius of
15 Block 217, Lot 28. Said list was done on
16 February 21, 2025.

17 And lastly, I've been provided with
18 copies of the certified mail receipts with a
19 postmark date of March 22, 2025, as well as the
20 actual green receipts with the same postmark date
21 throughout, March 22, 2025.

22 Based on the documentation that has been
23 provided, this Board has jurisdiction to proceed
24 and hear this matter. Thank you, Mr. Sarlo.

25 MR. SARLO: Thank you, Counselor. Good

1 evening, Chairman, Members of the Board, for the
2 record, Charles Sarlo, S-A-R-L-O, 777 Terrace
3 Avenue, Hasbrouck Heights, New Jersey, attorney at
4 law representing Pedro Castelli and Janina
5 Castelli, the property owners of 145 37th Street,
6 which is, as Counsel indicated, Block 217, Lot 28.

7 Currently, there is a two-family
8 structure at this particular piece of property.
9 What you're going to hear, I have two witnesses
10 this evening, I have an architect and I have a
11 professional planner to testify in support of this
12 application. What you're going to hear is about
13 the age of this structure, the deterioration, it's
14 unique in that it's on its own lot, but
15 semi-attached to the house next door, which
16 creates potential fire issues and life and safety
17 issues, and just the overall age of the structure
18 really needs to be taken down.

19 And what's going to be put in place of
20 it is a proposed three-family. It is in the R
21 zone, we do recognize that the R zone, recently,
22 within the last few years, now does prohibit
23 three-families. But we have do have the
24 professional planner here to offer testimony is
25 support of why we think this is still an

1 appropriate location for a three-family,
2 notwithstanding, the recent master plan
3 reexamination recommending three-families are no
4 longer permitted in the R zone and the recent zone
5 change prohibiting them.

6 So we do need a number of variances,
7 just in the general sense, but we'll have the
8 planner go through them. So we do need a use
9 variance, we need several bulk variances, we do
10 need a density variance based on the lot size.
11 The R zone only allows one- and two-families and
12 we are proposing a three-family, so by case law we
13 do need a density variance. And because it's a
14 three-family that's being proposed, we do need
15 site plan approval.

16 So that's kind of the nature of the
17 application. If there's no questions, procedural
18 questions, I'd like to call my first witness?

19 MR. PANEQUE: Yes.

20 MR. SARLO: Thank you.

21

22 S T E P H E N H A M B R E C H T , after having
23 been duly sworn or affirmed, did testify as
24 follows:

25

1 MR. HAMBRECHT: Stephen Hambrecht,
2 S-T-E-P-H-E-N H-A-M-B-R-E-C-H-T.

3 MR. SARLO: Mr. Hambrecht, before you
4 set up, I'd like to get you qualified as an expert
5 in the field of architecture. For the benefit of
6 the Board Members and for the record, can you
7 please state your qualifications?

8 MR. HAMBRECHT: Yes. I'm a registered
9 architect in the State of New Jersey since 1991
10 and I have a firm, we've been in business
11 25 years.

12 MR. SARLO: Okay. And have you
13 testified before planning boards and zoning boards
14 in the past?

15 MR. HAMBRECHT: I have. Not Union City,
16 Ridgewood, New Jersey, also North Haledon and
17 others.

18 MR. SARLO: You've been qualified as an
19 expert.

20 What's being proposed tonight is a
21 three-family, your experience is, at least in part
22 of previously doing three-families?

23 MR. HAMBRECHT: We've done -- we do
24 residential, we do commercial and we do
25 three-family homes, two-family homes.

1 MR. SARLO: And your license is still in
2 good standing?

3 MR. HAMBRECHT: It is indeed.

4 MR. SARLO: I submit Mr. Hambrecht as an
5 expert in the field of architecture?

6 CHAIRPERSON GARCIA: We accept your
7 qualifications as an expert in architecture.

8 MR. SARLO: Go ahead.

9 MR. HAMBRECHT: I just want to start off
10 with, as Charles mentioned, here's the residence
11 in question. The Castellis came to us --

12 MR. SARLO: If I could interrupt,
13 everything that you're showing, the boards are
14 what the Board Members already have?

15 MR. HAMBRECHT: Yes.

16 MR. SARLO: So we don't have to mark
17 anything.

18 MR. HAMBRECHT: There's nothing new
19 here.

20 So the Castellis came to us. They
21 wanted to improve the quality and functionality of
22 their existing structure and they had a number of
23 issues, it was built in 1896, very old, heating
24 problems, roof leaks. As Charles mentioned one --
25 the eastern end of the building actually abuts the

1 property line and abuts the neighboring house and
2 creates some fire issues there -- so potential
3 fire issues. The building was built in 1896, it's
4 not up to current fire codes. So there are some
5 concerns with regards to that.

6 They have issues, as I mentioned, with
7 leaks and other issues in the building. So they
8 really wanted to -- plus there's no parking for
9 anybody as many residences on the street have no
10 parking. So they really wanted to increase the
11 value of the home, they wanted to increase the
12 amenities, they wanted to make it more attractive
13 for renters in the area. And they wanted to have
14 an apartment for Pedro's mother also. So we
15 wanted to accommodate that by creating a two-story
16 three-family home.

17 Now, I'll show you the floor plans here.
18 So the idea was that we were going to -- I'll show
19 you the site plan first. First of all, we're
20 going to set the house back on the property.
21 Currently, it's about 64 percent of the property
22 is the building is occupied on the property.
23 We're actually going down to 53 percent. But we
24 wanted to allow for parking spaces in the front of
25 the property as well and also get the building

1 away from the property lines on the sides to
2 really create that fire barrier and the
3 independent structure that we have. And we wanted
4 to increase the curb appeal of the space, too,
5 because it's really not a very attractive
6 building. It's right on the sidewalk and we
7 wanted to give a little more breathing room out
8 front, make it a little bit more attractive to
9 people walking up and down the street and also
10 make the apartments that much more, you know,
11 modern and contemporary in their services that
12 they have inside.

13 So we set the building back 20 feet, so
14 we can allow for an and added a garage. So we
15 allow for three cars on the property, currently
16 there are none. And then we have two -- we have
17 one apartment that's at the back of the main
18 level, this is all grade level. So this studio
19 apartment in the back, intended for Pedro's mom,
20 would be accessible to the parking space in the
21 garage, and also have an entrance on the side to
22 get down back.

23 Inside the space, we would go up the
24 stairs, the stair in the front, coming up to a
25 two-bedroom apartment, two nice bedrooms, about 10

1 by 12, open living space, open living dining room,
2 eat-in kitchen and two bathrooms, washer and
3 dryer. These are some of the amenities they don't
4 currently have in the space.

5 And then when we go up to the second
6 floor, continue on the stair and enter into again,
7 an open living space, eat-in kitchen are and two
8 bedrooms towards the front of the property, with
9 two baths also and a washer and dryer inside. So
10 we also try to make these generous. I know we're
11 at 40 feet in height. The height of these floors
12 is about 10 feet, so we try to make the space very
13 generous for the occupants of the building. We
14 also have a nice elevation here, where we're kind
15 of changing the look and feel of the house. Brick
16 facade with some Hardie panel inset, a nice
17 cornice on the top, really give it a strong street
18 presence.

19 So then we also did a few studies here
20 to show kind of the density of the space, how it
21 might look off the street. You can see it's
22 recessed, nice character to it, very much in
23 keeping with some of the more modern apartments
24 that you see up and down the street.

25 So that's exactly what we're hoping to

1 do. I think this -- what it achieves is it
2 achieves a nice open, airy feeling off the street.
3 It has nice big windows, very inviting, nice space
4 for all the apartments inside and for the
5 residents. So I think it's beautiful and love it.

6 MR. SARLO: Just one follow-up question.
7 Your side yard setbacks, you meet the zoning
8 standards for side yard setbacks?

9 MR. HAMBRECHT: We do indeed. We have 2
10 foot 7 on one side and 3 foot on the other side,
11 where the studio entrance is yes.

12 MR. SARLO: Okay. And 3.1 feet meets
13 building code, but you're at 3 feet and 2.7, so
14 this building going to be -- if you could provide
15 testimony as it relates to the structure, fire
16 suppression?

17 MR. HAMBRECHT: Well, yes. It will
18 definitely have at least three-hour rated walls,
19 we'll have masonry on the sides and the front.
20 We'll have three-hour rated walls to create a
21 proper separation to the building.

22 MR. SARLO: Which currently does not
23 exist?

24 MR. HAMBRECHT: Does not exist.

25 MR. SARLO: Okay. I have no further

1 questions at this time for the architect.

2 CHAIRPERSON GARCIA: Yes, I have a few
3 questions. First question is you indicate in your
4 plans that studio is or let's say garage is
5 311-square foot -- master bedroom is -- can I have
6 how many foot by how many foot, the size of --

7 MR. HAMBRECHT: Of the studio?

8 CHAIRPERSON GARCIA: Of the bedroom,
9 master bedroom, I only see 101-square footage,
10 166.

11 MR. HAMBRECHT: Right, right. Yes. So
12 the bedroom itself, I had the dimensions on the
13 top, it's 10 foot 1, the master bedroom 10 foot 1
14 by 12 feet. Of course, the area measurements are
15 taken to the centers of each of the walls to total
16 the area. But the master bedroom of the first
17 floor apartment is 10 foot by 12. We have a
18 second bedroom that's 8 foot by -- without the
19 closet, about 13 feet, 8 foot by 13 feet. And
20 then on the second floor, we have bedroom, the
21 master bedroom, which is 10 foot by 13 feet and
22 one that's 8 foot 1 by about 10 or 11 feet. And
23 of course the studio is one large space. So
24 they're not enormous apartments, but they're
25 comfortable.

1 CHAIRPERSON GARCIA: Mr. Sarlo, how
2 familiar is your client with the situation in
3 Union City and on parking spaces?

4 MR. SARLO: How familiar with studio
5 apartments?

6 CHAIRPERSON GARCIA: With the parking
7 situation in Union City?

8 MR. SARLO: Yeah. I believe we can have
9 him come up and testify if you want some questions
10 answered.

11 CHAIRPERSON GARCIA: Okay.

12 MR. SARLO: Okay. We are finished with
13 the architect?

14 CHAIRPERSON GARCIA: For now, I don't
15 know if you have any further questions. Probably
16 going to pick it up.

17 VICE CHAIRPERSON GRULLON: It's about --
18 my question is about the garage. Is the intention
19 to put three cars inside the garage?

20 MR. HAMBRECHT: No, one car in the
21 garage and two out on the street.

22 VICE CHAIRPERSON GRULLON: What is the
23 measurement of the garage?

24 MR. HAMBRECHT: It's 20 foot deep by 10
25 feet wide.

1 CHAIRPERSON GARCIA: But you have an
2 issue in the garage, there's two doors, the
3 doors --

4 MR. HAMBRECHT: The doors?

5 CHAIRPERSON GARCIA: Of course, the
6 mechanical room. I mean how far -- can you
7 bring -- how many foot do you have from the garage
8 door all the way to the mechanical room door when
9 you open both doors?

10 MR. HAMBRECHT: Hold on.

11 CHAIRPERSON GARCIA: Probably fix it
12 with different --

13 MR. HAMBRECHT: Well, the mechanical
14 room doors are only -- the mechanical room is for
15 mechanical equipment. So it's only going to be
16 accessed when somebody needs to service the
17 equipment.

18 CHAIRPERSON GARCIA: Yeah, but if you
19 have an emergency and you have a car blocking that
20 door, then -- you know what I mean? It's like --
21 I understand, it's a small door and I know you
22 probably could change the function of the door to
23 open like that, could be sliding.

24 MR. HAMBRECHT: We could do something
25 like that, yes, absolutely.

1 CHAIRPERSON GARCIA: Okay. And you said
2 it's 10 by 20?

3 MR. HAMBRECHT: Yes, 10 foot 8 at it's
4 narrowest point by 20 feet deep.

5 CHAIRPERSON GARCIA: So if you're going
6 to have two parking and one tandem?

7 MR. HAMBRECHT: And one, I'm sorry?

8 CHAIRPERSON GARCIA: Tandem, one inside?

9 MR. HAMBRECHT: Yes, and two outside.

10 CHAIRPERSON GARCIA: Okay.

11 VICE CHAIRPERSON GRULLON: Thank you.

12 CHAIRPERSON GARCIA: Thank you. Can I
13 have your client, Mr. Castelli?

14

15 P E D R O C A S T E L L I, after having been
16 duly sworn or affirmed, did testify as follows:

17

18 MR. CASTELLI: Pedro H. Castelli,
19 C-A-S-T-E-L-L-I.

20 MR. SARLO: Mr. Castelli, your address?

21 MR. CASTELLI: 145 37th Street.

22 MR. SARLO: Okay. The Chairman has some
23 questions for you.

24 CHAIRPERSON GARCIA: Yes. The question
25 I was asking to Mr. Sarlo was -- is that if you

1 are familiar with the situation of the parking
2 spaces?

3 MR. CASTELLI: Yeah, absolutely.

4 CHAIRPERSON GARCIA: In Union City.

5 MR. CASTELLI: We actually lived there
6 for a number of years. When my 19-year old was a
7 baby and we went around for hours trying to look
8 for parking spot in that area of ours. Well, you
9 know that put him to sleep, it was quite the job
10 to try to find something.

11 CHAIRPERSON GARCIA: How long have you
12 been an owner of that property?

13 MR. CASTELLI: We bought the property in
14 2002.

15 CHAIRPERSON GARCIA: 2002 and you've
16 been living there since that time?

17 MR. CASTELLI: No, my sister lives
18 there. I lived there for nine years.

19 CHAIRPERSON GARCIA: But it's in the
20 family --

21 MR. CASTELLI: Yes, it's in the family.

22 CHAIRPERSON GARCIA: Okay. I have no
23 the further questions for now.

24 MR. SARLO: Okay, thank you.

25 CHAIRPERSON GARCIA: You have another

1 witness?

2 MR. SARLO: We have a planner.

3 CHAIRPERSON GARCIA: Thank you, Mr.
4 Castelli.

5 MR. CASTELLI: Thank you.

6

7 B R I A N I N T I N D O L A, after having been
8 duly sworn or affirmed, did testify as follows:

9

10 MR. INTINDOLA: Brian Intindola,
11 spelling of my last name I-N-T-I-N-D-O-L-A.

12 MR. SARLO: You want to hand that in
13 first or --

14 MR. INTINDOLA: Qualify me first?

15 MR. SARLO: Mr. Intindola, for the
16 benefit of the Board Members, I'd like to have you
17 qualified as an expert in the field of
18 professional planning, as well as I understand
19 you're a traffic engineer, so if you can put your
20 credentials on the record?

21 MR. INTINDOLA: So with respect to
22 planning, I'm a planner to several municipalities
23 in New Jersey and also conflict and board
24 engineer, specifically in Wood-Ridge and
25 Rutherford, currently appointed as the planner.

1 And then I serve as traffic engineer to a number
2 of boards as well as working before boards, such
3 as yours, having testified as a traffic engineer,
4 300 or 400 plus times and as a planner about 30
5 times.

6 So that's -- I'm currently licensed as a
7 professional planner, by examination in the State
8 of New Jersey, as well as my license as a
9 professional engineer is current.

10 MR. SARLO: Thank you, Mr. Intindola.

11 CHAIRPERSON GARCIA: We accept his
12 qualifications.

13 MR. INTINDOLA: Thank you.

14 I have one exhibit that has two sides.
15 A-1, would that be appropriate?

16 MR. SARLO: Let's get it marked. So,
17 Mr. Intindola, what you're marking is a --

18
19 (Planning package marked A-1.)

20
21 MR. INTINDOLA: I can describe it as I
22 go. So this is a GIS map of the existing
23 multifamily and single-family homes throughout the
24 neighborhood that we're going to speak to tonight.
25 And on the back side are some snapshots of the

1 neighborhood to give you some context.

2 MR. SARLO: Mr. Intindola, what you've
3 marked as A-1, this is prepared by yourself or
4 under your direction?

5 MR. INTINDOLA: Yes, prepared under my
6 direction.

7 MR. SARLO: And this is from a zoning
8 map or --

9 MR. INTINDOLA: What this represents and
10 I'll testify to it, just to get a sense of
11 although we are in an R neighborhood that has
12 recently been rezoned as two-family, we understand
13 that there are we understand multifamily uses in
14 the neighborhood. So we're not going to belabor
15 the point, I think you're all familiar with the
16 neighborhood. This is not the only multifamily
17 existing.

18 MR. SARLO: I didn't want to interrupt
19 your testimony, I just want to move that into
20 evidence.

21 MR. INTINDOLA: Yes.

22 MR. SARLO: If we could just move what's
23 been identified as A-1 into evidence?

24 MR. INTINDOLA: Yes. So following up on
25 this, what we're trying to do is establish a

1 pattern of land use. That there are multifamily
2 plus, more than the two-family that's allowed.
3 And we've seen this in other towns where there are
4 a number of multifamilies, it gets rezoned to
5 two-family and then you have to take a visit to
6 the board if your density or your use exceeds
7 that. And in this instance, we're exceeding the
8 density and the use allowed by one residential
9 unit, which, picking lessers of the evils, would
10 be the studio is bringing us here.

11 So then on the back side, to give you
12 some additional context, there are a number of
13 apartment buildings, there's one across the
14 street, classic brick multifamily as well, as
15 newer dwellings. And then we have the existing
16 single family dwellings. So it's a nice mix of
17 multifamily, as well as two-family and single
18 families. And we're working in that context that
19 we're asking for a (d)(1) variance for a
20 three-family. So that's -- wanted to establish
21 that.

22 So then what is allowed in the R zone?
23 It runs from one-families through two, public
24 parks and playgrounds, and in between that you
25 have nursing homes, two-family dwellings, and

1 municipal uses. So there are a mix of uses, it's
2 not exclusively two-family. And then what we're
3 proposing again is a three-family.

4 We know that the following variances are
5 also required for our (d)(1) variance. We're
6 under on the square footage, 2,500-square foot is
7 required. We're providing about 1,850, we're
8 short on that. Minimum lot depth is 100 feet, we
9 have 73.84. We also have a minimum rear yard
10 because we're short on the overall depth. We're
11 going to be at 8 feet, in the ultimate request for
12 your review. We're going to be at 100 percent
13 maximum coverage, 95 percent is permitted. And
14 then we are slightly over on the 38-foot, we're at
15 40 feet in height, which is -- the height that
16 we're talking about is not excessive. And as the
17 architect had testified to, it allows for a more
18 modern, airy height to the building, just for
19 the -- to enjoy it for that. And the parking
20 spaces of course is why we're here is that we're
21 proposing three spaces, where six spaces is
22 required per Residential Site Improvement
23 Standards.

24 And so I'd like to get into the parking
25 justification right now if that's okay, unless you

1 had any questions about the intro?

2 CHAIRPERSON GARCIA: No, you can go.

3 MR. INTINDOLA: Okay. So now, it is not
4 an understatement that Union City, there's not one
5 extra parking space available in the neighborhood
6 that we're asking for. We also note that per --
7 in this neighborhood and much of Union City, you
8 allow parking up to the stop sign. The state
9 default is 50 feet back and there is an exemption
10 for that if you do -- if the local municipality
11 does their homework. You park right at the stop
12 signs because you need the parking. Every
13 driveway is marked out so that there's not any
14 confusion. It's not clear to me whether if you
15 have a permit, can you park in front of your own
16 driveway. Residential Site Improvement Standards
17 does not allow that. The state statute only
18 allows that if you have an ordinance that does
19 allow it. So there's that, too.

20 So we understand that parking is a
21 premium. We also know that if you look at the
22 census data for the number of -- for every
23 household in Union City, it's one car per
24 household. That's what the census data tells us,
25 but I believe it's a little bit more. I think

1 it's like more in the 1.3, 1.4. But as an
2 accolade to Union City, you have 37 percent mass
3 transit usage, one of the highest in the State of
4 New Jersey.

5 So those factors, the one car per
6 household and the mass transit usage can be taken
7 as a justification for the three spaces provided
8 and the six spaces required. We have a garage
9 space, which means it's accessible at all times
10 during inclement weather, that you don't have to
11 pull out the car to shovel, bring it back in, it's
12 already parked. So it is 100 percent useable
13 during all weather conditions. There's not a code
14 that recognizes that a covered parking space is
15 1.5 parking spaces, not yet. I yet have to write
16 that, but that's the reality of it. So we
17 understand that.

18 And as the architect has said, the first
19 floor studio at grade can be made to be
20 handicapped accessible from the garage. Right
21 now, it's not that way, but because the grades
22 work, you could have a handicapped accessible
23 apartment that has direct covered parking, which
24 is a rarity in Union City. So we want to put that
25 towards the parking justification as well.

1 So what do we have to prove to the
2 Board, right? We need to provide an advanced
3 burden of proof for the "D" variances, right. So
4 typical planning will speak to the Medici case for
5 that burden of proof. We believe that the use,
6 although it is a use variance, it's not out of
7 character to the neighborhood. We're proposing
8 residential in a residential neighborhood. It's
9 not like we're proposing a retail or tavern use,
10 where it's not allowed in the zone at all. It's a
11 complimentary use and it's a studio that brings us
12 to -- or whatever unit you want to ascribe it
13 to -- brings us to the density and the (d)(1)
14 variance.

15 So we also know that generally in north
16 Jersey, there is a demand for modern apartments.
17 As you heard, this building is in the 1880s,
18 anything you want in a living space is hard to do,
19 which is the number of plugs, you know, working
20 out your wifi access. It's just the things that
21 you would want, modern air conditioning, HVAC
22 that's more efficient. So for all of those
23 reasons, this building has come to the end of its
24 life cycle. So they're proposing to replace it
25 with modern housing, which your master plan and

1 all master plans and the Hudson County master plan
2 recognize. So there's that.

3 So there are a number of A through K, or
4 a number of criteria that we have to meet. And I
5 believe that this applicant is proposing a new
6 modern building. The proposed building will be
7 upgrades to the structure. And overall, it will
8 promote the health, safety, and general welfare of
9 the public. And then we're making the side yard
10 setbacks, which is hard to do, but we're willing
11 to do that, is 2 and 3, we meet the 5. So we
12 don't have a side yard setback, (c)(1) variance.

13 So what is the negative? Is that I
14 don't see it aside then, looking at the parking,
15 it's a beautiful building, it's well designed. It
16 will be a compliment to the neighborhood and also
17 Union City to have this unit. It does have the
18 two parking spaces in the front, which as we all
19 know, to have two parking spaces in the front plus
20 the one in the garage, it's a rarity, again, in
21 Union City. A lot of times, the last generation
22 of three-families in Union City had one parking
23 space directly the face of the streets. But now,
24 they're setting the building back, breaking up the
25 wall of buildings. And so we believe that is an

1 aesthetic benefit as well as providing two spaces.

2 If you were to take it, it could be
3 assigned ascribed to one space per each dwelling
4 unit, which is a fair distribution. Union City
5 uses Residential Site Improvement Standards, we
6 need six, we have three. But we have three that
7 in the end, we have almost like a net positive
8 one. When because there's no parking on the site
9 right now. We're accounting for that and bringing
10 one in, so there's that.

11 So those are some -- and then we look at
12 the re-examination report of 2011 exam and we're
13 looking to break up the street wall. This is
14 inset, you have parking in the front, so it
15 recognizes and completes that as well.

16 So then I believe that, you know, this
17 particular building and if I can go to the -- is
18 there a rendering in this stack? So this is the
19 general massing rendering, we'll call it, and
20 we're referring to sheet SD-07 in the plan
21 package. As you can see, it is inset against the
22 larger multifamily. The parking is available,
23 there's the garage space is there. So for all
24 the -- as a workable building, I believe it works
25 in this context. And I believe that should you

1 look favorably on the application the (d)(1), the
2 (d)(4), and the various "C" variances that are
3 subsumed into the "D" variance could be looked
4 upon favorably.

5 So you know this is a -- we're replacing
6 a two centuries ago building with a modern
7 building. And we're here because to make it work
8 for the applicant, he's requesting a three-family
9 where a two-family is permitted. And we are
10 providing parking spaces for each unit, which I
11 think that is a fair number of spaces for Union
12 City. So that's all I have, Chairman.

13 MR. SARLO: Thank you, Brian. Chair?

14 CHAIRPERSON GARCIA: I agree with you
15 regarding this municipality is one of the only
16 municipality that allow you park up to stop line.
17 I'm going to tell you something also, only to the
18 stop sign. Also the middle of the night, you go
19 around and you're going to see people parking in
20 the crosswalk, anywhere that you go.

21 Also regarding the parking spaces, you
22 agree with me, like you said, three parking
23 spaces, if we count the one inside probably do
24 1.5, however, I don't know if you agree with me
25 that that one that is inside is blocked by the

1 other two that are parking in the driveway, right?

2 MR. INTINDOLA: Oh, yeah, but that's --

3 CHAIRPERSON GARCIA: It's tandem
4 parking.

5 MR. INTINDOLA: Residential Site
6 Improvement Standards recognizes that, the stacked
7 parking spaces. There's not a penalty for that,
8 it's only if it's a two car garage in that
9 pattern, for whatever reason. But I recognize
10 what you're saying.

11 CHAIRPERSON GARCIA: Either way that you
12 go for RSIS or if you go for the ordinances, we
13 need parking variance because RSIS also require, I
14 think, going to be 1.5, 1.8 for two-bedroom
15 apartment.

16 MR. SPATZ: Two-bedroom requires 1.8 --
17 excuse me. One-bedroom is 1.8, two-bedroom is 2,
18 and three-bedroom is 2.1.

19 CHAIRPERSON GARCIA: So we're still
20 short either way you get. I have no further
21 question for the planner, I have for the
22 architect.

23 Going through the setback, you said that
24 you only have setback in the north side, right? I
25 mean west side, you have only one, right,

1 currently?

2 MR. HAMBRECHT: Currently.

3 CHAIRPERSON GARCIA: For the west side?

4 MR. HAMBRECHT: Currently, right.

5 CHAIRPERSON GARCIA: So three foot
6 setback?

7 MR. HAMBRECHT: Currently, it's 2.7.

8 CHAIRPERSON GARCIA: But in that -- in
9 the proposal, it's 3.

10 MR. HAMBRECHT: Proposed, yes. The
11 proposed on the west side is 3.

12 CHAIRPERSON GARCIA: And your picture
13 here, which way is the access to the apartment,
14 the east or the west?

15 MR. HAMBRECHT: This is the west, is
16 side.

17 CHAIRPERSON GARCIA: Because you don't
18 show any door in those two pictures, right?

19 MR. HAMBRECHT: I'm sorry?

20 CHAIRPERSON GARCIA: You don't show any
21 door?

22 MR. HAMBRECHT: No no, the door is --

23 CHAIRPERSON GARCIA: Can you bring me
24 that picture, the one you have up there?

25 MR. HAMBRECHT: The door to the studio

1 is here, it's on the side.

2 CHAIRPERSON GARCIA: And you're going to
3 have door for both sides inside. And you have --
4 which one is the setback for the inside?

5 MR. HAMBRECHT: The east side setback is
6 the 2.7, the east side setback is the 2.7. This
7 is the north face, so this is the east side, north
8 facade. So the west facade is 2.7, east facade is
9 3 foot. So this is the 3 foot, that's the east,
10 and that's the 2 foot side. The 2.7 is what's
11 existing on this side, we're making this 3. This
12 is zero now, we're making it 2, so that equals the
13 5.

14 CHAIRPERSON GARCIA: Okay. And this is
15 the access to the studio apartment down this --
16 you only have one access for the apartment?

17 MR. HAMBRECHT: That's correct. And one
18 exterior access, yes.

19 CHAIRPERSON GARCIA: Okay. Do you have
20 the opportunity to go around that area, both of
21 you, both the planner and the architect?

22 MR. HAMBRECHT: Yeah, I walked around --
23 to the degree that we can, yes. Yes, we walked up
24 and down the street.

25 MR. INTINDOLA: Same here.

1 CHAIRPERSON GARCIA: Anyone have any
2 questions? Okay. Any member of the public wants
3 to step forward? Yes.

4 MS. KELLY: This is for the record.
5 Before I start, I'd like to mention something, the
6 green cards that were passed over? I never signed
7 one of those.

8 CHAIRPERSON GARCIA: One second.

9 MS. KELLY: My name is Jean Kelly, I
10 live at 143 37th Street in Union City.

11 The green cards that came back and
12 forth, they were -- thank God for the tenant at
13 145. I made a complaint to the post office
14 because they were delivered to 145 on March -- on
15 Monday the 24th at 12:44. I received them from
16 the tenant last Wednesday evening after 7:00,
17 otherwise I wouldn't be here. And I received the
18 notarized letters were from 145 and also to the
19 tenants that are at 136 37th Street, that's on the
20 agenda tonight.

21 So those green cards are not my
22 signature, I don't know whose they are. And I
23 don't think I'll ever find out.

24 MR. PANEQUE: If I may, Ms. Kelly, I'll
25 respond to that. Mr. Sarlo, you did not have any

1 return receipts on your mail?

2 MR. SARLO: That's correct.

3 MR. PANEQUE: I just wanted to verify
4 that. Just so that you're aware, Mrs. Kelly, the
5 law requires you to be served by certified mail or
6 personal service. Mr. Sarlo chose to serve the
7 property owners within the 200-foot radius by
8 certified mail. There is no requirement for that
9 certified mail to have a return receipt, for which
10 you would have signed for, okay. So he did
11 provide all of the certified mail receipts --

12 MS. KELLY: I never signed them.

13 MR. PANEQUE: You wouldn't have.

14 MS. KELLY: Okay.

15 MR. PANEQUE: There was no requirement
16 for you to sign because he did not do the second
17 part, which is the return receipt --

18 MS. KELLY: All I'm --

19 MR. PANEQUE: -- which he doesn't have
20 to.

21 MS. KELLY: All I'm saying those letters
22 from 136 37th Street and 145 never got to my
23 house, even though I was there. That's all.

24 MR. PANEQUE: That's something for you
25 to take up with the Postmaster.

1 MS. KELLY: I did already, I just wanted
2 to -- when I saw that go flying by, all right,
3 that's the only reason.

4 Now, my name is, like I said, is Jean
5 Kelly. I'm here to oppose the demolition of 145
6 37th Street. It's because my home is permanently
7 attached to 145 37th Street with no interceding
8 space at all. I'm aware that the demolition --
9 I'm afraid that the demolition will impact my
10 home's stability and its structure simply because
11 the home and it's been attached for more than
12 100 years total.

13 Also since 145 is listed as a
14 multi-residential unit which is presently
15 occupied, I've been asking why do they have to
16 demolish the entire building?

17 I respectfully request that you consider
18 my concerns and review all relevant engineering
19 reports from the petitioner and the Union City
20 engineer. Thank you. And I gave a copy for the
21 record, that's it.

22 MR. PANEQUE: Thank you.

23 MS. KELLY: Okay, thank you.

24 CHAIRPERSON GARCIA: The attachment, I
25 mean it's attached to the 143?

1 MS. KELLY: I'm attached.

2 CHAIRPERSON GARCIA: Your house is 143?

3 MS. KELLY: I'm at 143 and we're
4 permanently attached, sharing the same wall. And
5 it's been that way since the early -- I have
6 pictures of it going back, that it's been attached
7 since the early 1900s. I have two separate
8 pictures, one that was probably in -- I don't
9 know, 1910, 1915. And the second one was later
10 than that, I don't have dates on them.

11 MS. PEREZ: Where is it attached, in the
12 back?

13 CHAIRPERSON GARCIA: Where is it
14 attached?

15 MS. KELLY: It's one -- it's two -- as
16 you look at 37th Street, I'm on the right side.
17 I'm a two-story house, little cottage. It's 143.

18 MR. PANEQUE: You're attached on the
19 side?

20 MS. KELLY: The whole wall is -- both
21 houses on both sides of my house are attached to
22 houses.

23 CHAIRPERSON GARCIA: This one --

24 MS. KELLY: This is my house. And I'm
25 attached to this house and I'm attached to 145

1 totally, completely and totally. And they've been
2 that way and I have pictures going back, like I
3 said, to the early 1900s that we're attached. So
4 I'm worried about the stability.

5 (Conversations held off the record.)

6 MS. PEREZ: I was asking where was it
7 attached and I went to look where she was
8 pointing.

9 CHAIRPERSON GARCIA: I mean I've been in
10 the Board for like over 20 years. And we have
11 been dealing with situations similar to this one
12 and never have any incident happen ever. I recall
13 only one in 43rd Street and they have insurance
14 for that. However, I think that I want to hear
15 Mr. Spatz's opinion as a planner regarding Mrs.
16 Kelly's concerns.

17 MR. SPATZ: The concern about the
18 building being attached, that would be something
19 that would be dealt with at the building
20 department. They would ensure that, if this
21 project were approved and it went to actual
22 construction, the building department would ensure
23 that insurance was in place and that the wall
24 could be removed, you know, without detaching it.
25 I don't know exactly how -- whether it's two walls

1 just up to each other or just one wall, I don't
2 have that information. But the building
3 department would be the ones charged with making
4 sure that is handled correctly.

5 CHAIRPERSON GARCIA: Did you hear, Ms.
6 Kelly?

7 MS. KELLY: I didn't hear.

8 MR. SPATZ: I don't disagree with Ms.
9 Kelly's question or her concern or certainly her
10 description of the situation. But the building
11 department is charged with ensuring that a
12 building gets demolished safely without detaching
13 the adjacent property. And there is insurance in
14 place to cover that.

15 CHAIRPERSON GARCIA: Mr. Sarlo, I don't
16 know what happened -- I have a suggestion to your
17 client, I don't know if your client is open to --
18 however, parking is something like in this Board,
19 I mean you just heard previous application because
20 it was in Bergenline Avenue. However, my
21 recommendation to your client is to continue with
22 two units and add another parking space inside and
23 come with those two inside and two outside in the
24 driveway. If you want to take your time and talk
25 to your client or if you want to come back next

1 month, I don't know if you want to break and talk
2 to him?

3 MR. SARLO: Give me a two minute recess?

4 CHAIRPERSON GARCIA: Okay. Two minute
5 break. Thank you.

6 MR. VALLEJO: Five minute break. Off
7 the record.

8
9 (Whereupon a short recess was taken.)

10
11 MR. VALLEJO: May I have your attention,
12 please?

13 MR. PANEQUE: Back on the record.

14 MR. VALLEJO: Back on the record. Mr.
15 Garcia, please.

16 CHAIRPERSON GARCIA: Mr. Sarlo?

17 MR. SARLO: Thank you, Mr. Chairman, for
18 the five minute recess. We heard the concerns of
19 the Board with regard to the parking tandem and
20 all this and that, so I'd like to just recall
21 Brian Intindola real quick for a quick
22 modification, take 30 seconds for him to explain
23 it. And, hopefully, I think that will satisfy the
24 Board's concerns.

25 MR. INTINDOLA: Hearing the Board's

1 concern, right, we know that we have parking
2 issues on point. I believe that we could have a
3 pull forward garage, which would cause us to
4 eliminate the first floor residential, so you
5 would have space number one go towards the back,
6 space number two would then be in an open air
7 porch area with a column, similar to what's across
8 the street. If you look across the street,
9 there's an inset parking for that in the exhibit.
10 It wouldn't look quite like that, but if you look
11 at 140 37th, it looks -- I think our building will
12 be prettier, but it would be similar to that. So
13 you would have one, two, three in a row, right,
14 when you stack them all up and then one to the
15 side. So that's what we're proposing. So the
16 elimination of the first floor dwelling unit, the
17 implementation of four parking spaces, so that we
18 meet the Residential Site Improvement Standards
19 and thereby your ordinance. Two dwelling units
20 and four parking spaces. So that would be --
21 that's what we're proposing. And then I guess it
22 would be a function of resolution compliance, of
23 course.

24 And with that being said, we're
25 proposing four spaces on-site with two dwelling

1 units.

2 CHAIRPERSON GARCIA: You're going to
3 change completely the facade?

4 MR. INTINDOLA: Just be a modified,
5 because we have to see if we stack the spaces,
6 it's got -- I like to do 20 in the garage, 18 in
7 the air, and 18 in the air again. I haven't laid
8 that out yet, but there will be an inset, where it
9 will be open to the air.

10 CHAIRPERSON GARCIA: I think that's
11 going to be -- a good recommendation is to carry,
12 present the new plans, and then we take the vote
13 at the next meeting.

14 MR. SARLO: Okay.

15 CHAIRPERSON GARCIA: Do you confirm?

16 MR. PANEQUE: If I may? The open air
17 spot that you're mentioning, why would there be a
18 need for an open air if you're setting back the
19 house to create two spots in the front driveway
20 apron, wouldn't the other two spots that you're
21 going to be creating would be completely under the
22 house?

23 MR. INTINDOLA: They could be, they
24 could be. I'm proposing it may be open air.

25 MR. PANEQUE: If you go open air, you're

1 losing the apron, the setback?

2 MR. INTINDOLA: The setback.

3 MR. PANEQUE: The house is now setback
4 in order to provide for two spots in the apron.

5 MR. INTINDOLA: We're not changing that,
6 that's fixed.

7 MR. PANEQUE: Why would you need open
8 air, if the house is starting at that point?

9 MR. INTINDOLA: Because I got to see if
10 I have enough length in the house to stack the two
11 spaces. I think I do, but it may need a slight
12 open air space. And then sometimes an applicant
13 will like that to be open air, because when the
14 cars are not there, they can use that space for
15 other things than parking, if they wanted to, but
16 it doesn't have to be.

17 MR. PANEQUE: What's the length of the
18 house from the front to the back?

19 MR. INTINDOLA: That is the question I
20 need answered.

21 MR. SARLO: 48 feet.

22 MR. INTINDOLA: So 48 feet gives me two
23 20-foot spaces plus 8-foot to the back.

24 MR. PANEQUE: Without any open air.

25 MR. INTINDOLA: We can --

1 MR. HAMBRECHT: We can do an open air
2 space here, with the recycling bins, garbage cans
3 and so forth and then have a garage space towards
4 the back.

5 MR. PANEQUE: Then you have --

6 MR. INTINDOLA: The Board is asking if
7 we have 48 feet, why can't we do two 18-foot
8 spaces, 10 foot back for service whatever?

9 MR. SARLO: I think what the Board
10 Chairman is saying --

11 MR. PANEQUE: There was testimony to the
12 fact that a covered garage provides for 1.5 spaces
13 in case of inclement weather, like snow, and now
14 you're backtracking --

15 MR. INTINDOLA: No, no, we're not.
16 We're just making sure that I don't have -- if I
17 didn't lay it out, I just want to make sure. I
18 don't want to over promise and come back --

19 MR. PANEQUE: If we have 48 feet.

20 MR. INTINDOLA: Two inside --

21 MR. PANEQUE: Two inside.

22 MR. INTINDOLA: Two outside.

23 MR. PANEQUE: So basically the footprint
24 of the house would remain the same as it's been
25 presented. Once you get rid of the apartment in

1 the back, then you have the space to do two tandem
2 inside.

3 MR. INTINDOLA: Yes, tandem. In line,
4 yes.

5 MR. SARLO: Because I think what I'm
6 hearing the Chairman say, you like to see the same
7 architectural look?

8 CHAIRPERSON GARCIA: Correct.

9 MR. HAMBRECHT: We'll achieve that.

10 MR. SARLO: I think that resolves it
11 with the 48 feet. So we can stipulate to that and
12 then if the Board is willing, vote on that, then
13 we would submit revised drawings as part of a
14 conforming set of resolution compliance.

15 CHAIRPERSON GARCIA: Okay.

16 MR. PANEQUE: Now, I did have an
17 opportunity to -- and this is for the record -- to
18 speak to Ms. Kelly, who is your neighbor next
19 door. And Ms. Kelly's concerns are very real in
20 that her home has existed there. She says her
21 home predates this one. And I remember testimony
22 that this one goes back to 1897 or something to
23 that effect. So at this point, we don't know
24 whether there are two walls, one for each home or
25 they're sharing a common wall. As a condition of

1 approval, okay, it will be incumbent upon the
2 applicant, if there is just one wall, to make sure
3 that that wall is left for Ms. Kelly's property.
4 If there are two walls, when the wall of the
5 applicant is brought down, the wall that's left,
6 which will then be a bare wall probably, on the
7 wood, it wouldn't have any siding or any kind of
8 exterior protection. We're going to request that
9 the applicant make sure that that entire section
10 of wall, not just one section, but the entire,
11 from front to rear, be waterproofed, insulated and
12 sided, okay. With a siding similar to what she
13 has now. She indicated to me she has vinyl
14 siding, she said it's probably going to be
15 impossible to match the color, but something
16 similar in style. And it would be just that one
17 wall, not the entire house.

18 MR. SARLO: So, Counsel, did the
19 neighbor consent to that in terms of the applicant
20 coming on her property?

21 MR. PANEQUE: The neighbor indicated
22 that as long as her property is not damaged or if
23 it is damaged that the applicant make her whole,
24 that with that condition and the re-siding and
25 re-insulating of her house, that she would not

1 have an objection.

2 MR. SARLO: I would just respectfully
3 request if you could put that consent in the
4 resolution?

5 MR. PANEQUE: Yes.

6 MR. SARLO: So it's not approved and
7 then we have an issue later on that, you know, she
8 doesn't want that to happen and we get hung up.
9 We get it built, but we can't do the siding, we
10 can't get the CO because we didn't finish, you
11 know, compliance with the resolution.

12 MR. PANEQUE: Okay.

13 CHAIRPERSON GARCIA: So I make my motion
14 to carry this application to the next --

15 MR. SARLO: I thought we were going to
16 approve?

17 CHAIRPERSON GARCIA: Sorry, sorry.
18 Because they're going to come with the same thing.

19 MR. PANEQUE: The same footprint.

20 CHAIRPERSON GARCIA: Only thing --

21 MR. PANEQUE: Two spaces inside the
22 house underneath and the two outside that would
23 give us four. They're going to get rid of the
24 rear apartment in the ground floor.

25 MR. SARLO: Same architectural look.

1 MR. PANEQUE: The next door neighbor,
2 whatever damage is caused to her property will be
3 taken care of, and including siding of the entire
4 side of her house and whatever shed she has in the
5 back. She mentioned she has some shed in the back
6 that's also attached that will probably be
7 affected by that. So it would be the house and
8 the shed.

9 MR. SARLO: Okay.

10 CHAIRPERSON GARCIA: So we're going to
11 be making the motion to grant for two units, four
12 parking spaces, two indoor, two outdoor, and
13 maintain the same facade. And with the condition
14 with the protecting the neighbor at 143, Ms.
15 Kelly, mentioned by Mr. Paneque. I make my motion
16 to grant this application.

17 MR. VALLEJO: Motion to grant the
18 application by Mr. Garcia with the conditions.

19 MS. GUTIERREZ: Second.

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

22 Mr. Garcia.

23 CHAIRPERSON GARCIA: Yes, to approve two
24 units.

25 MR. VALLEJO: Mr. Grullon.

1 VICE CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: Ms. Gutierrez.

3 MS. GUTIERREZ: 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: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Seven in favor, motion
13 carries. Revised plans required at least ten days
14 before the next hearing date.

15 MR. SARLO: There would be no more --
16 there's not another hearing?

17 MR. PANEQUE: For purposes of ratifying
18 the resolution, we're going to need the revised
19 plans to be at the secretary's office at least ten
20 days prior to the next meeting. Now, our next
21 meeting is May 8th.

22 MR. VALLEJO: Six sets is fine.

23 MR. SPATZ: I'll review them prior to
24 the resolution being adopted to confirm the
25 changes were made.

1 MR. SARLO: We'll send them to you.

2 Thank you very much for your time.

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1 MARGARITA ONOFRE -
2 136 37th Street:

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 506-508 26th Street. This
6 application was approved at the previous
7 meeting -- no, February 13th. Ms. Pereiras,
8 please.

9 MR. PANEQUE: The next application is
10 before we proceed with this --

11 MR. VALLEJO: I'm sorry, go ahead. I'm
12 sorry.

13 MR. PANEQUE: Call number three.

14 MR. VALLEJO: Number three, that's
15 Margarita Onofre, 136 37th Street. We received a
16 correspondence from Mr. Alonso's office. Mr.
17 Paneque, please.

18 MR. PANEQUE: For the record, we've
19 received a letter from the office of Mr. Alonso
20 indicating that he is requesting that this matter
21 respectfully be adjourned to the June 12th hearing
22 date. Mr. Alonso, in his letter, waives all
23 statutory time periods on which this Board can act
24 on this application. And so the request, Mr.
25 Chairman, is to adjourn until June 12th.

1 CHAIRPERSON GARCIA: Mr. Vallejo, how
2 are we for June 12th?

3 MR. VALLEJO: June 12th, so far? I have
4 to check.

5 CHAIRPERSON GARCIA: Can we do it?
6 We're good.

7 I make my motion to carry this
8 application for June 12th meeting, June 12th?

9 MR. VALLEJO: June 12.

10 MS. WATLEY: Second.

11 MS. GUTIERREZ: Second.

12 MR. VALLEJO: Second by Ms. Gutierrez.

13 Roll call on the motion.

14 Mr. Grullon.

15 VICE CHAIRPERSON GRULLON: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Mr. Ortiz.

19 MR. ORTIZ: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Ms. Watley.

23 MS. WATLEY: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

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1 506-508 26TH ST., LLC -

2 506-508 26th Street:

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4 MR. VALLEJO: Moving to number four now,
5 506-508 26th Street, LLC, the Board approved this
6 application on February 13, 2025, additional
7 planning testimony by Ms. Pereiras' planner.
8 Thank you.

9 MR. PANEQUE: Thank you. Let the record
10 reflect as follows: I've been provided with a
11 certification as to publication and service signed
12 by Ms. Bianca Pereiras indicating that notice of
13 tonight's hearing at this location, the Union City
14 High School was provided to all property owners
15 within the 200-foot radius.

16 I've also been provided with an
17 affidavit of publication from The Record and
18 Herald News indicating that notice was published
19 on March 24, 2025, with respect to the property at
20 506-508 26th Street.

21 I was also provided with a list of all
22 property owners within the 200-foot radius. Said
23 list was done by the tax assessor and it has a
24 date of March 21, 2025.

25 And, finally, the certified mail

1 receipts with a postmark date of March 24, 2025.

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

5 MS. PEREIRAS: Thank you very much,
6 Counsel. Good evening, Mr. Chairman, Members of
7 the Board. May it please the Board, Bianca
8 Pereiras on behalf of the applicant. The Board
9 may recall you heard an application for 506-508
10 26th Street back in January, at which time the
11 Board voted to approve this application.

12 Unfortunately, due to oversight on my
13 part, I made a representation that our planner had
14 already testified. This matter had been carried a
15 few times, so I apologize for that confusion.
16 Just to ensure that the Board has a complete
17 record this evening, we have our planner here
18 today to provide testimony for the Board to
19 further validate the approval.

20 I'd like to just recap briefly with our
21 architect, Mr. Manuel Pereiras.

22

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

24

25 MR. PEREIRAS: Manny Pereiras, I

1 recognize I am still under oath.

2 MS. PEREIRAS: Mr. Pereira, would you
3 briefly recap the project for the Board?

4 MR. PEREIRAS: I'd be very happy to. We
5 have two adjoining structures, we have 506, which
6 currently has eight units and we're proposing the
7 ninth unit, which is in the basement. And we have
8 508 which currently has six units and we're
9 proposing the seventh unit, which is in the
10 basement.

11 The basement floor plan -- before I even
12 get to the apartments themselves, we have
13 significantly improved the parking situation on
14 the site. There's a shared driveway along the
15 side of this property. The driveway sits on the
16 property as well and we're providing parking for
17 six spaces in the rear of the lot, three in
18 tandem. And what we're doing is complete
19 alteration to the ground floor, bringing it up to
20 code and making it into beautiful apartments.
21 They're each two-bedroom apartment. The apartment
22 at 508 has a bedroom along the front, along 26th
23 Street, and a master bedroom along the back
24 towards the rear yard. We're opening window wells
25 and an emergency exit for those egress wells along

1 the back. And then a nice size living area in the
2 middle of the apartment. The entire apartment is
3 893 square feet.

4 And then at 506, it's a 941-square foot
5 apartment with two bedrooms along the rear. We're
6 creating not only emergency egress and window
7 wells for them, but we're actually having a door
8 with an egress out to the backyard as well for
9 emergency. And then the whole front is a nice
10 open living room, dining room, kitchen area. And
11 the entire apartment is 941-square foot.

12 And I guess the best aspect of this
13 project is, as a form of give back and to make the
14 neighborhood better, the applicant has agreed to
15 take a very ugly facade that is in desperate need
16 of some love and care, provide a new beautiful
17 brick facade. That is the application that we
18 have before you today.

19 CHAIRPERSON GARCIA: It's great because
20 it used to be yellow, but it's kind of now like --
21 you don't know if it's white or beige or what.

22 MR. PEREIRAS: It needs help.

23 MS. PEREIRAS: We'll continue the
24 presentation with our planner, Mr. Alex Dougherty.

25

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

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4 MR. DOUGHERTY: I recognize I'm still
5 under oath. This is a pretty straightforward
6 application. I apologize, I also thought I
7 testified to this application, I think, back in
8 September.

9 This is a (d)(2), it's a preexisting
10 nonconforming use. We are in the CN, commercial
11 neighborhood zone. As you just heard, as you can
12 see before you, it's a full residential building,
13 it's preexisting. The (d)(2) is essentially
14 standing or intensifying that use, we're not
15 adding physical additions by way of construction.
16 We are intensifying the use by way of utilizing
17 the basement level.

18 I had visited the site, I walked the
19 site. It's a fairly weathered building, it's seen
20 better days. On that site, it's unique, we
21 have -- underneath the front stairs, we have that
22 access to the lower unit. And in the rear of the
23 building, there's also access to that lower unit
24 from the front and the rear. So we do have access
25 on both sides. It fits well here.

1 It's an existing use. The (d)(2) case
2 for this is Burbridge versus Mine Hill,
3 essentially site betterment. How can we improve
4 this site aesthetically? That case was a little
5 different than this. It was really orientated
6 towards an auto garage in a residential zone,
7 pre-existed, they wanted to expand a couple bays.
8 The town basically came back and said make your
9 auto garage look more residential in character,
10 then we can start to the talk. The courts found
11 that that improvement in aesthetics, purpose I of
12 the MLUL, you know, served the board for
13 justification of that relief.

14 Here, it's a larger building. We do
15 have larger massing, it is residential. It's been
16 existing that way. I think we can argue Burbridge
17 for site betterment that we are going to improve
18 the site visually and functionally, as well.
19 Certainly, make more efficient use of this
20 building by the lower apartments, picking up those
21 two additional ground floor apartments or
22 basement, certainly more efficient use of the
23 space. Housing is at a premium, so to provide
24 housing for a growing community is certainly a
25 benefit as well.

1 So with that, I certainly do believe
2 this application meets the case law and the intent
3 of that case law. The benefits here certainly
4 outweigh the detriments. It's the existing
5 building footprint, existing nonconforming use.
6 Adding those two additional apartments here makes
7 more efficient use of that. We have the
8 opportunity to provide for a growing community,
9 for diversified housing choices and options.

10 Again, we have ample mass transit here.
11 We are in the CN zone, great amenities at the
12 doorstep. I do think when we look at this
13 application, there will be little to no detriment
14 here, adding that additional unit on each
15 building.

16 So with that, I'll conclude. This
17 application meets many positives of the MLUL,
18 purpose A, purpose I, and certainly purpose M, for
19 more efficient use of land. We meet the case law
20 to improve the site with this application and
21 what's being proposed.

22 CHAIRPERSON GARCIA: Thank you, Mr.
23 Dougherty. Any questions? Open to the public.
24 Any member of the public want to step forward?

25 MR. PANEQUE: Mr. Pereira, you

1 mentioned that you've made modifications with
2 respect to the facade, you're doing brick now?

3 MR. PEREIRAS: Correct.

4 MR. PANEQUE: Was that in the previous
5 plans?

6 MR. PEREIRAS: That was always, since
7 the inception.

8 MR. PANEQUE: That was always?

9 MR. PEREIRAS: Always there.

10 MR. PANEQUE: So that was part of the
11 original application?

12 MR. PEREIRAS: It was.

13 MR. PANEQUE: Thank you, sir.

14 CHAIRPERSON GARCIA: Thank you. So any
15 member of the public wants to step forward? None,
16 close to the public. Any other questions?

17 I'm going to make my motion to grant
18 this application.

19 MR. VALLEJO: Motion on the table to
20 grant the 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: Mr. Grullon.
2 VICE CHAIRPERSON GRULLON: Yes.
3 MR. VALLEJO: Ms. Gutierrez.
4 MS. GUTIERREZ: Yes.
5 MR. VALLEJO: Mr. Ortiz.
6 MR. ORTIZ: Yes.
7 MR. VALLEJO: Ms. Perez.
8 MS. PEREZ: Yes.
9 MR. VALLEJO: Ms. Watley.
10 MS. WATLEY: Yes.
11 MR. VALLEJO: Ms. Pena.
12 MS. PENA: Yes.
13 MR. VALLEJO: Seven in favor, motion
14 carries.
15 MS. PEREIRAS: Thank you all very much.

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1 MIGUEL CALDERON -
2 210 46th Street:

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

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant. This in regards to 210 46th
9 Street. As the Board may recall, the Board had
10 asked us for photographs of the apartment that we
11 were looking to add as an apartment --

12 CHAIRPERSON GARCIA: Excuse me. Let me
13 recuse myself, I recused myself.

14 MR. VALLEJO: Let the record reflect
15 that Mr. Garcia is recusing on this application.

16 MS. PEREIRAS: So this matter was
17 carried so we can produce those photographs.
18 Unfortunately, we have a situation in this
19 building where the tenant in the first floor has
20 taken over this ground floor or basement apartment
21 with garbage and bags, and she's a bit of a
22 hoarder. They've actually taken her to
23 landlord/tenant court. There is an order in
24 effect that says she has to remove all her
25 belongings by April 1st. Unfortunately, she has

1 not been able to remove all of those items and we
2 have not been given access. Considering that
3 there is an order in place and she should be
4 removing all her things, hopefully within the next
5 two weeks, we do ask for this matter to be carried
6 so that we could produce those pictures for the
7 Board.

8 VICE CHAIRPERSON GRULLON: Sure. Ms.
9 Pereiras, you know, after they vacate, they empty
10 the apartment there, there was also some issues
11 regarding violations. Were they resolved?

12 MS. PEREIRAS: All the violations have
13 been resolved.

14 VICE CHAIRPERSON GRULLON: All right.
15 Then let's carry it.

16 MR. VALLEJO: For June 12th, Mr.
17 Grullon?

18 MS. PEREIRAS: I appreciate that.

19 MR. VALLEJO: It's better, it's more --

20 VICE CHAIRPERSON GRULLON: You waive the
21 statutory rights?

22 MS. PEREIRAS: Yes, of course, I do.

23 VICE CHAIRPERSON GRULLON: With that, I
24 make a motion.

25 MR. VALLEJO: Motion by Mr. Grullon --

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: -- to carry this
3 application to June 12, 2025. Seconded by Ms.
4 Gutierrez.

5 MS. PEREIRAS: Thank you.

6 MR. VALLEJO: Roll call on the motion.
7 Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Yes.

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

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1 1601 PALISADE AVENUE, LLC -
2 1601-1607 Palisade Avenue:

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 1601 Palisade Avenue, LLC,
6 1601-1607 Palisade Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the applicant. The Board may recall we had
9 come before you to approve a mixed-use structure
10 consisting of a coffee shop and two apartments.
11 The Board made a recommendation for us to remove
12 the coffee shop and keep it as residential only.
13 Our architect is still in the process of refining
14 those plans to best suit that. And we are asking
15 for a brief adjournment so we can provide the
16 revised drawings to the Board.

17 MR. VALLEJO: That will be May 8th?

18 CHAIRPERSON GARCIA: I guess.

19 MS. PEREIRAS: That would work for us,
20 thank you.

21 CHAIRPERSON GARCIA: Are you waiving the
22 statutory --

23 MR. A. PANEQUE: Limitations?

24 MS. PEREIRAS: Yes.

25 CHAIRPERSON GARCIA: I make my motion to

1 carry to next month, to May 8th.

2 MR. VALLEJO: May 8th. Motion by Mr.
3 Garcia.

4 MS. GUTIERREZ: Second.

5 MR. VALLEJO: Seconded by Ms. Gutierrez.

6 Roll call on the motion to carry this application.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

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

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1 JERSEY PROPERTY HOLDING, LLP -
2 1113 Bergenline Avenue:

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

7 MS. PEREIRAS: Thank you. Again, Bianca
8 Pereiras on behalf of the applicants for 1113
9 Bergenline Avenue, also known as Lots 15 and 16 in
10 Block 53.

11 As the Board may recall, we presented at
12 the last meeting, at which time the Board made a
13 great recommendation, actually challenged us to
14 see if we could fit some additional parking
15 on-site. Our architect went back to the drawing
16 board and we provided revised drawings for the
17 Board's review and approval. So I have Mr.
18 Pereiras to testify as to those revised drawings.
19 Mr. Pereiras.

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

22
23 MR. PEREIRAS: Manny Pereiras, I
24 recognize I am still under oath. This is where we
25 get great buildings and great neighborhoods when

1 we work together and make something collaborative.
2 The Board made some amazing suggestions and I
3 think we were able to pick up all the
4 recommendations that the Board made.

5 The first of which is that we're
6 treating 12th Street with the same care and
7 curiosity that we had on Bergenline Avenue. As
8 you can see, the same motif is carried along to
9 12th Street, the brick is continued. And it looks
10 really beautiful and elegant on both elevations.

11 I'd like to start by going to our site
12 plan. On the ground floor, here, you could see we
13 created a little bit of magic, architectural
14 magic. We moved things around, shifted spaces,
15 moved the commercial space, modified our roof
16 height, so we can only use one stair. And what we
17 did is we created twelve parking spaces, all
18 contained within a parking garage on the ground
19 level. So previously we had -- it was an open
20 air, cars on the sides. It was open outside of
21 the space. Now, we have an enclosed space for the
22 garage. It remains to have a 3 foot 1 setback
23 along the south side. We have zero along the west
24 side, and zero along the north side, along 12th
25 Street. But what we're doing is we're fully

1 enclosing it, we're providing a rollup door for
2 the parking garage. And we're parking twelve cars
3 inside, three of them are tandem. So we have
4 twelve cars for six apartments. Works out
5 absolutely beautifully.

6 The commercial space is remains at
7 804-square feet. We have a trash room located
8 along 12th Street, all our vertical circulation
9 comes off 12th Street, along the side, where we
10 have an elevator that accommodates a stretcher in
11 case of an emergency problem. And it is ADA
12 accessible as an elevator.

13 MR. PANEQUE: One second, please.

14

15 (Discussion held off the record.)

16

17 MS. PENA: I need to recuse, sorry about
18 that.

19 MR. PANEQUE: She lives within the
20 200-foot radius.

21 MR. VALLEJO: Let the record reflect Ms.
22 Pena recuses from the application. Go ahead, Mr.
23 Pereiras.

24 MR. PEREIRAS: Moving to the floors
25 above, by removing that second stairwell, we're

1 able to add a little bit more room. So the square
2 footage of our apartments changed a little bit.
3 Apartment number one is 1,072 square feet, it's
4 two bedrooms. You enter into a big beautiful open
5 space, it's 20 feet 11 inches by 21 feet 1 inches,
6 almost a perfect square. And then you have the
7 privacy corridor that has a hall bath and then a
8 master suite, and a second bedroom along the back.

9 Apartment 202 faces the west on
10 Bergenline Avenue. And that's a three-bedroom
11 apartment and it is 1,350 square feet. And same
12 thing, open concept that you walk in and you see
13 immediately the big windows along Bergenline
14 Avenue. It's a beautiful space, kitchen, dining
15 room, living room. And then you have two bedrooms
16 on one side and the master on the other end with
17 its own walk-in closet and master bath.

18 And then finally apartment number three
19 is another three-bedroom apartment that's 1,194
20 square feet. So these are beautiful, nice
21 apartments. And it is simple, also open floor
22 plan concept. You walk into one big L-shaped
23 space, then the three bedrooms behind. The master
24 being 12 by 16-5.

25 We removed the roof area, that's a

1 function of being able to provide more parking.
2 We can't have a second stair up there, so we
3 removed the rooftop area. The only thing on the
4 roof is the bulkheads for the stairs, the elevator
5 and for the mechanical equipment.

6 And, finally, our facades, what we spoke
7 about before. The ground floor is completely
8 enclosed with a CMU stucco wall along the south
9 and the west sides. And along the north and the
10 east sides are the visible facades along
11 Bergenline and 12th Street, it is beautiful brick,
12 panels, and glass. And the rollup doors are in
13 full compliance with the Union City standards.
14 And that concludes my testimony.

15 CHAIRPERSON GARCIA: Mr. Pereiras, do
16 you have setback at the second level?

17 MR. PEREIRAS: We do. So the building
18 gets set back another 5 feet, it's actually a
19 little bit of an angle on the property line. So
20 at its worst case, it's set back five feet. And
21 at its best case, I think it's set back six and a
22 half feet. So that's setback from the --

23 CHAIRPERSON GARCIA: Above.

24 MR. PEREIRAS: -- the west.

25 CHAIRPERSON GARCIA: Above the --

1 MR. PEREIRAS: Above the garage.

2 CHAIRPERSON GARCIA: And also the north
3 side, right, 12th Street?

4 MR. PEREIRAS: On 12th Street. So on
5 the north side off of 12th Street, we're on the
6 property line which is in compliance with the
7 ordinance at zero feet. And then on the opposite
8 side, we're providing 3 feet.

9 CHAIRPERSON GARCIA: Why in sheet 00,
10 the first one?

11 MR. PEREIRAS: The rendering.

12 CHAIRPERSON GARCIA: Yes. If you go by
13 the rollup door in the garage.

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GARCIA: Looks like you have
16 a setback in the second floor, no?

17 MR. PEREIRAS: No, it's just the trim.
18 It shouldn't -- it's an optical illusion because
19 that wall keeps going. You have 5 feet, almost
20 6 feet there, that keeps going. But that wall is
21 all in the same plane. I think it's better
22 visible -- yeah, this is all the same plane. It's
23 just that this wall keeps going back another
24 6 feet. So it's a little bit of an optical
25 illusion. It kind of looks like it's set back,

1 but it's not. It's all on the same plane.

2 CHAIRPERSON GARCIA: Okay. What's going
3 to happen visually when you come inside, eastbound
4 in 12th Street, you're going to see how many --
5 because looking here, the house on 12th Street,
6 since -- it's a little bit setback, right?

7 MR. PEREIRAS: The stairs, I believe,
8 are right on the property line. Let's see,
9 hopefully, the survey shows it or maybe my aerial
10 will show it.

11 The house itself is here. The stairs
12 are pretty much in front. Let's see if we have a
13 good photograph of it. You could see it here. So
14 if you can see, we have the stairs and the porch
15 in the front. That porch is right on the property
16 line. So it's very consistent with the setback
17 along 12th Street.

18 And I just turned to sheet Z06 and
19 there's an aerial photograph. I think there's
20 also a photograph looking down 12th Street. Yeah,
21 we're a little too far forward to tell. The best
22 photograph to see it is really the aerial, where
23 you could see the adjacent house. And you could
24 see that front porch that they have that's
25 enclosed. And that's right on the property line.

1 CHAIRPERSON GARCIA: Can I have the
2 dimension of the parking spaces?

3 MR. PEREIRAS: Yeah, they're all 9 by
4 18, except for the ADA van, which is 16 by 18.
5 And I labeled every single one 9 by 18. And I
6 labeled the dimension lines also, so that it's all
7 very, very clear. No questions asked.

8 CHAIRPERSON GARCIA: How many units?

9 MR. PEREIRAS: We have six units and
10 twelve parking spaces. Therefore, we are not
11 requesting a parking variance.

12 CHAIRPERSON GARCIA: I'm going to -- I'm
13 going to disagree with you and I disagree with Mr.
14 Spatz in the memo. And I don't want to create
15 precedent here, okay. You still need 14 spaces.
16 However, okay, we can waive those two because you
17 came with the six units, you came with 12 parking.
18 But I don't want to create precedent in this Board
19 accepting the EV as two parking spaces, okay?

20 MR. PEREIRAS: That's correct.

21 CHAIRPERSON GARCIA: You know what I
22 mean? So I still -- so we -- we're going to -- if
23 it's granted -- going to be with a variance of
24 parking spaces for the two.

25 MR. PEREIRAS: Understood, Mr. Chairman.

1 And, Mr. Spatz, on Bergenline Avenue, am I
2 required parking for the commercial spaces?

3 MR. SPATZ: Not for the commercial, just
4 for the residential.

5 MR. PEREIRAS: So I have a demand of
6 twelve spaces and I'm providing twelve, I'm not
7 talking about the EV.

8 CHAIRPERSON GARCIA: Okay, okay.

9 MS. PEREZ: How many parking spaces do
10 you need to have?

11 MR. PEREIRAS: Twelve.

12 CHAIRPERSON GARCIA: Twelve.

13 MR. SPATZ: Twelve.

14 MS. PEREZ: For six units?

15 MR. SPATZ: Right. Because you take off
16 the two that the commercial would have required
17 and it's just twelve for the six units and that's
18 what's provided.

19 MR. PEREIRAS: Just to recap, because it
20 really is a great application in many ways. If
21 this were two different lots, we would have
22 commercial with three above, commercial and three
23 above. In this situation, we actually are
24 proposing one less unit because we only have one
25 commercial on the front, and we're providing

1 parking for everything in the back.

2 So earlier today, the first application
3 was one with zero parking on Bergenline Avenue.
4 We're doing exactly the opposite, we're providing
5 twelve spaces and reducing one less unit from a
6 commercial standpoint. It's amazing application,
7 every way you look at it.

8 CHAIRPERSON GARCIA: Yes. If you come
9 with two application, I mean --

10 MR. PEREIRAS: We wouldn't be able to
11 provide parking on the second.

12 CHAIRPERSON GARCIA: Completely agree.
13 Do you have another expert?

14 MS. PEREIRAS: We do. We have our
15 planner, Mr. Dougherty.

16

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

19

20 MR. DOUGHERTY: Good evening, Alex
21 Dougherty. I recognize I'm still under oath. So
22 I believe I testified to this application last
23 time we heard it. As you saw and you heard, we
24 went back to the drawing board, massaged it for
25 the concerns of the Board. Added the additional

1 parking, I think enhanced the streetscape along
2 12th Street with the garage and the curb cut. And
3 having that all inclusive, I think we heard the
4 Board's concern, I think this has landed at a good
5 spot.

6 As you heard, if we approach each the
7 lots separately, it would certainly bring some
8 difficulties, which it would otherwise have, some
9 of those negative effects that the community feels
10 with the current arrangements. Looking at the two
11 lots together, we believe we provided a superior
12 design and build out and it's only gotten better
13 as we picked up more parking, heard those
14 concerns.

15 I do believe the benefits of this
16 application as a whole outweigh the substantial
17 detriment here. And when we look at this as a
18 (d)(1) use, the site suitability, we have an
19 oversized lot. Again, superior design here. We
20 are in the CN neighborhood zone. Again, just to
21 recap, advancing purposes A of the Municipal Land
22 Use Law, purpose I. Certainly purpose M for more
23 efficient use of land. And I believe we have a
24 good consumer population to support the intent and
25 the integrity of that CN zone. I do not believe

1 the zone is eroded. And the character of that
2 zone remains intact. Again, this is a vacant
3 corner where there currently doesn't exist any
4 structures. So we're going really leverage
5 purpose I, desirable visual environment to build
6 something, design something beautiful that's going
7 to lock and anchor, and give that corner on
8 Bergenline some much needed life and population to
9 service that corridor.

10 So with that, I'll conclude. I believe
11 as testified before prior was at a good spot,
12 certainly it's gotten better. The criteria has
13 been met and approval would otherwise be
14 warranted.

15 CHAIRPERSON GARCIA: Question regarding
16 what kind of impact this one could have in the
17 basis that we have a few blocks north, we have
18 school, New York and 15th Street, also we have a
19 few blocks west, we have in Central and 14th, what
20 kind of impact this kind of application can have
21 to the school system?

22 MR. DOUGHERTY: I can shoot off the hip
23 for you, Chairman, I don't have those numbers in
24 front of me, I would have brought that. I will
25 just say that typically, when we look at school

1 age children, detached dwellings tend to generate
2 more, they have more bedrooms, it's more conducive
3 for a family. Apartments, studios, ones and twos
4 are on the lower side. It is relative. To say
5 there would be zero kids coming out of the
6 project, I think would not be practical. But from
7 a standpoint of what generates more school age
8 children, the Rutgers study is pretty
9 comprehensive. And the Rutgers real estate
10 department did a follow-up about the housing and
11 school age children. Apartments are trending
12 lower in that regard, especially, you know, ones
13 and twos. Threes and four apartments and
14 bedrooms, we tend to see, again, more family
15 nucleus centered use of those spaces.

16 But we're at six units, six bedrooms.
17 I'm going to defer to Mr. Spatz to confirm, but I
18 believe we're -- the Rutgers --

19 MR. SPATZ: I mean --

20 MR. DOUGHERTY: Less than one, I think.

21 MR. SPATZ: The numbers for these
22 apartments are you know .02 children per unit. So
23 I think that, you know, without actually running
24 the numbers, I would doubt more than one or two
25 children come from these units in terms of its

1 impact on the school.

2 CHAIRPERSON GARCIA: Okay, thank you.

3 MR. DOUGHERTY: They do it out of 100
4 units, so you would have to do the ratio, right.
5 So out of 100 units, so if you look at three
6 bedrooms, 100 three-bedrooms, 100 two-bedrooms,
7 100 one-bedrooms, you kind of do a ratio of that.
8 Again, Mr. Chairman, I didn't come prepared to
9 address that.

10 CHAIRPERSON GARCIA: Okay, no problem.

11 MR. DOUGHERTY: I know we do have a
12 couple threes in there for good diversified
13 housing choices. But we typically see them in
14 larger units detached dwellings, apartments are
15 trending lower.

16 CHAIRPERSON GARCIA: Okay, thank you.
17 Mr. Pereiras, I have a question for you. The
18 house adjacent to 12th Street to the west side of
19 the lot, west side -- I don't know what it is. It
20 has some setback from the property line or it's in
21 the same?

22 MR. PEREIRAS: So the house has, which
23 is actually typical kind of more across the street
24 than that side of the street. But that first
25 house has a porch that at one point was enclosed.

1 That porch is on the property line. The house
2 itself is setback a few feet from the property
3 line, but the house has a zero setback because it
4 is an enclosed porch.

5 CHAIRPERSON GARCIA: What about the side
6 setback for the house?

7 MR. PEREIRAS: The side setback towards
8 our property, it is I think -- I'm pretty sure
9 it's zero. No, it's not zero, it's probably set
10 back about two feet in the rear and two and a half
11 feet in the front. It's slightly skewed.

12 CHAIRPERSON GARCIA: Okay. Any other
13 questions?

14 MR. GRULLON: Mr. Pereiras, just, your
15 proposal for four floors or three?

16 MR. PEREIRAS: We're proposing three
17 floors.

18 MR. GRULLON: Three floors.

19 MR. PEREIRAS: I know we're permitted to
20 go four stories, we're not doing four stories.
21 And, again, the applicant really worked with us to
22 do this. Because if we went to four stories, we
23 would require two stairs. If we have two stairs,
24 it would be impossible to provide the right amount
25 of parking. So he's sacrificing, he's not going

1 that upper floor. We also thought it fit better
2 into the neighborhood because the houses along
3 12th Street to the west are smaller scale, the
4 first five or six of them. Until you get to
5 another multifamily building that's right on the
6 property line right there as well.

7 But so we made the decision to go three
8 stories instead of four.

9 MR. GRULLON: One floor for commercial?

10 MR. PEREIRAS: And two for residential,
11 three apartments in each of the two floors.

12 MR. GRULLON: Thank you.

13 CHAIRPERSON GARCIA: Another point to
14 you, Mr. Pereiras, the gate for the garage?

15 MR. PEREIRAS: The gate for the garage
16 is actually specified on the drawings and the
17 elevations to match exactly what the City
18 ordinance is. And the City ordinance is very
19 specific on this now. They issued a specific
20 ordinance on grills and what it is is that the
21 first three feet are solid pieces. And then from
22 there above, it's the open grate so that way we
23 could see in and people could see out. And when
24 you have the lights on, it looks nice that
25 everything is open in the garage. It's nice and

1 safe.

2 CHAIRPERSON GARCIA: Okay. Any other
3 questions? I closed to the public already, right?
4 Any member of the public want to step forward?
5 Close to the public, okay. Understanding that --
6 also thank you to the applicant for taking
7 consideration all the recommendation, understand
8 that this application going to enhance that corner
9 that's been empty for so many years and also going
10 to bring more housing in the area and also
11 compliant with what we require about the parking
12 spaces, I'm going make my motion to grant this
13 application.

14 MS. GUTIERREZ: I'll second it.

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

18 Mr. Garcia.

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MS. GUTIERREZ: Yes.

23 MR. VALLEJO: Mr. Ortiz.

24 MR. ORTIZ: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

6 MR. VALLEJO: Seven in favor, motion
7 carries. For clarification, that will be one
8 commercial?

9 CHAIRPERSON GARCIA: And six
10 residential.

11 MR. VALLEJO: Six residential.

12 CHAIRPERSON GARCIA: Twelve parking.

13 MR. VALLEJO: Thank you.

14 MS. PEREIRAS: Thank you all very much.

15 CHAIRPERSON GARCIA: Ms. Pereiras, could
16 you please ask for the garage to put the light for
17 the kids to cross.

18 MR. PEREIRAS: We'll put the light and
19 the mirror.

20 * * * *

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1 MARCELO MOYA -
2 312-314 4th Street:

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

7 MS. PEREIRAS: Thank you very much, Mr.
8 Vallejo. As the Board may recall, we began our
9 presentation at the last meeting. However, the
10 Board had asked us for revised drawings because
11 there was a discrepancy on our submissions. We
12 have submitted revised drawings for the Board and
13 we have our architect to speak to those revisions.
14 Mr. Pereiras.

15

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

17

18 MR. PEREIRAS: Manny Pereiras, I
19 recognize I am still under oath. Thank you,
20 Board, for allowing me the opportunity to correct
21 a few typos, they were embarrassing. I'm glad we
22 have a beautiful set of drawings for you today.
23 So we revised our chart and we revised the naming
24 of our building elevations so that they correspond
25 to the right facades. And just to remind the

1 Board, I'll give you a quick recap of what we're
2 doing.

3 We have an oversized lot of 4,958 square
4 feet and we're proposing a subdivision to two lots
5 that are 2,479 square feet each, perfectly
6 divided, so it's a de minimus difference in what
7 we're missing.

8 Just to remind you, the structure that
9 is on this lot is kind of a hideous disaster,
10 which the Moya family resides in. There are
11 different floors within the same apartments, you
12 got to go from room to get to another room, it's
13 really not salvageable in any way. So what we're
14 looking to do is demolish that and build two
15 two-family houses, pretty much as in conformance
16 as possible to our ordinance.

17 We're proposing a front yard setback of
18 7 feet, we have 3 foot setback on both the west
19 and the extreme east. We are asking for a
20 variances on the property line because we'd like
21 to join the two houses. It's one of the
22 advantages of having two lots being developed at
23 the same time. We could build properly and have
24 the proper fire separations between the two
25 houses. Each of the two houses will have its own

1 two-hour fire rated fire wall between the two.
2 And we're providing a 20-foot rear yard setback as
3 well, to be perfectly in conformance with the
4 code. We do have a variance for side yard, as I
5 mentioned, and a variance for lot width as well.
6 Because we're at 24.79 whereas 25 is required, so
7 .21 is missing.

8 Our layout is a very typical layout. We
9 have two doors, one for each of the apartments on
10 each side. We have a trash room located along the
11 3 foot 1 side. We have a common driveway with
12 parking for four cars, all within the building.
13 And then we have floors above. Apartment number
14 one is on the second floor, open living room,
15 dining room, and kitchen, and then three bedrooms
16 in the back. The last bedroom being 18-1 by 12
17 foot 5 and that's a primary bedroom with its
18 master bath and closets.

19 And then the floor above, you exit at
20 this point and you have, again, open dining room,
21 living room, kitchen. This is a lot wider because
22 it doesn't have the staircase from below. And
23 again three bedrooms along the back and the
24 privacy corridor.

25 The facade of the building is really

1 straightforward. We have brick along the sides.
2 Over the garage door, we have the siding, and
3 that's it. The overhead garage door is in
4 compliance with the ordinance, it has vision
5 panels. There's a small bulkhead for the rooftop
6 terrace, which I skipped over, so I'm going to
7 describe that. And so the rooftop terrace is
8 shown here, from this point to this point, at the
9 bulkhead. And here we are at the last page, we
10 did a setback to the rooftop terrace, as
11 recommended by the Board. So we set it back
12 16 feet 9 inches from the front and 21 feet 3
13 inches from the back of the house. Remember, the
14 house is already set back 20 feet, so we're more
15 than 40 feet, 41 feet and change away from the
16 neighbors on the rooftop terrace. And that's
17 basically that roof deck here in the center of the
18 house. We have stormwater retention tank. And
19 that's it. That concludes my presentation.

20 CHAIRPERSON GARCIA: The front facade is
21 going to be all brick?

22 MR. PEREIRAS: It's brick, but it's a
23 little bit challenging to get the brick over the
24 garage door. So we do siding in between the brick
25 so that we have two beautiful -- two colors, two

1 material colors. We could show you what that
2 looks like. And just presenting into evidence,
3 this is a typical facade, brick, the paneling or
4 siding in between, and then brick at the other
5 end.

6 MR. A. PANEQUE: Please mark this as
7 exhibit A-1.

8 MR. PEREIRAS: Yes, sir. For the record
9 I'm going to mark the back right hand corner as
10 A-1 with today's date.

11
12 (Rendering marked A-1.)

13
14 CHAIRPERSON GARCIA: So you don't have
15 any front setback?

16 MR. PEREIRAS: Seven feet, which is in
17 line with the ordinance. We're not asking for
18 variances on front yard, we're not asking -- and
19 just, Mr. Chairman, to make you feel even more
20 comfortable, the existing house was 5 foot 3 away,
21 we're pushing our house even further back. And
22 it's in line, I know it looks a little odd from
23 the rendering, but it's in line with the
24 neighbor's house as well, perfectly in line with
25 it.

1 And if you look from the aerial
2 photograph, you could see that we are -- the
3 existing house projects past the two houses on
4 both sides. And now we're perfectly in line with
5 the house to the east and very close to the house
6 on the west, as well so our setbacks are
7 pretty similar.

8 CHAIRPERSON GARCIA: To the west isn't
9 going to be -- you got it right there, my friend,
10 look at this.

11 MR. PEREIRAS: Yeah, it's a perspective.
12 Let me show you on the aerial where you look
13 perfectly above. This is the existing house,
14 we're cutting back to lineup with this one
15 perfectly. So it's on this line. And if you go
16 back this way --

17 CHAIRPERSON GARCIA: So the
18 resolution -- if it's granted, the resolution
19 could read that it's going to be online with the
20 east side adjacent?

21 MR. PEREIRAS: The east side adjacent,
22 yes.

23 CHAIRPERSON GARCIA: Yes, okay. Can you
24 go again through the roof terrace?

25 MR. PEREIRAS: Yes. So using sheet Z05

1 as a reference, in sheet Z05, we show the roof
2 terrace. The roof terrace is accessed from the
3 bulkhead from the second floor apartment -- so the
4 third floor apartment. The third floor apartment
5 has exclusive access of the roof deck. The second
6 floor apartment has exclusive access of the rear
7 yard. So this is only accessed by one apartment
8 from inside the apartment. That's their lead to
9 the roof deck. The roof deck is 570 square feet,
10 it's a total distance of 35 feet in length and it
11 varies in width, depending on where the stair is.
12 Where the stair is, it's 14 feet 1 inches and
13 where the entire house is, it's 21 feet and
14 change.

15 The roof deck is setback from the front
16 of the building 16 feet 9 inches. It is set back
17 from the property line an additional 7 feet to
18 those 16 feet 9 inches, so it is 23 feet 9 inches
19 from the property line along the front. In the
20 rear, it's set back from the building edge 21 feet
21 3 inches, and another 20 feet from the property
22 line. So it's set back from the neighboring
23 property 41 feet 3 inches.

24 CHAIRPERSON GARCIA: Okay. Any other
25 questions? Do you have another witness?

1 MS. PEREIRAS: We do not.

2 CHAIRPERSON GARCIA: No, okay.

3 Mr. Pereira, okay. Thank you for
4 taking in consideration our suggestions, but I
5 have more suggestions, okay. You left open the AC
6 units in the roof deck?

7 MR. PEREIRAS: Yes.

8 CHAIRPERSON GARCIA: No, absolutely not.
9 You have to put a division there, any kids -- I
10 mean -- my point, I go a little bit --

11 MR. PEREIRAS: Okay.

12 CHAIRPERSON GARCIA: Also how high is
13 the rail over here?

14 MR. PEREIRAS: So we do 42 inches.

15 CHAIRPERSON GARCIA: 42 inches, why do
16 you need door to go to the roof?

17 MR. PEREIRAS: For access. If there's a
18 leak or something is damaged.

19 CHAIRPERSON GARCIA: With 42 inches, you
20 don't need it.

21 MR. PEREIRAS: We can remove the gate.

22 CHAIRPERSON GARCIA: The only thing is
23 prevention, the only way -- I'm thinking --

24 MR. PEREIRAS: Mr. Chairman.

25 CHAIRPERSON GARCIA: My house, you know

1 what I mean.

2 MR. PEREIRAS: Mr. Chairman, the
3 building department is going to make me put it in.
4 So even if you take it out, the building
5 department will make me put it in for access, it's
6 required.

7 CHAIRPERSON GARCIA: I didn't have it in
8 two decks that I used to have.

9 MR. PEREIRAS: Yeah, we'll take it out
10 of the zoning charts.

11 CHAIRPERSON GARCIA: So --

12 MR. A. PANEQUE: Which doors are being
13 removed?

14 CHAIRPERSON GARCIA: The doors going the
15 access to the --

16 MR. PEREIRAS: The gate -- we put a gate
17 to go from the deck to the actual roof to service
18 the roof, remove dirt from the drain. We do it on
19 this side as well, we can remove them.

20 CHAIRPERSON GARCIA: Also the vision of
21 the AC units.

22 MR. PEREIRAS: Yes, we'll put a privacy
23 fence around the AC units, those can be conditions
24 of approval.

25 CHAIRPERSON GARCIA: Right.

1 MS. PEREZ: Is there another way to get
2 to those areas?

3 MR. PEREIRAS: No.

4 MR. A. PANEQUE: So the AC unit division
5 on the roof and removing --

6 CHAIRPERSON GARCIA: They have to
7 enclose the unit.

8 MR. PANEQUE: Mr. Chairman, just need a
9 point of clarification. The depiction that's
10 being shown shows the houses -- I know it was
11 discussed, but we have had a very serious issue in
12 the past with a home, I believe, on Palisade
13 Avenue that was built outside of the normal line
14 of the other houses. This depiction shows that
15 this property is also affected by that condition.
16 So where do we stand with respect to the line of
17 sight with the other houses?

18 MR. PEREIRAS: To clarify, Counsel, it's
19 a rendering, so it lacks accuracy as far as what
20 it looks visually. This house that we're
21 proposing is perfectly in line -- and it could be
22 stipulated in the resolution -- with the house
23 immediately to its east, which is this one.

24 MR. PANEQUE: The front facade or the --

25 MR. PEREIRAS: The front facade of the

1 house will match the front facade of this house.
2 The houses further down are a little bit more set
3 back and I could demonstrate on the aerial
4 photograph for you, they're not significantly set
5 back from there.

6 MR. PANEQUE: What is a little set back,
7 what are we talking about?

8 MR. PEREIRAS: Let's quantify that.

9 MR. PANEQUE: Because as you are well
10 aware, the previous application that was approved
11 that has been a bone of contention for the City is
12 a real problem that we do not want to have this
13 Board go through that.

14 MR. PEREIRAS: Counsel, I totally
15 understand that, that was a variance for front
16 yard setback that was granted, I think, by
17 mistake. This, we're not requesting a front yard
18 setback. This is fully in compliance with the
19 front yard setback of the Board. And maybe this
20 Board -- we're lining up with the building to the
21 right. We have no objection lining up to the
22 building with the left, but it's a give and take.
23 If we push the house back, our rear yard becomes a
24 little bit smaller as well. But we have no
25 objection to that. We think that this is

1 aesthetically pleasing and this works. But if you
2 want to line it up with the building to the west,
3 we could do that as well.

4 CHAIRPERSON GARCIA: We --

5 MR. PEREIRAS: By the way, the lot next
6 to it is empty. The house is that you see is one
7 over, which adds to the optical illusion because
8 it makes it look like it's more set back.

9 MR. PANEQUE: So the one that you're
10 aligning with is --

11 MR. A. PANEQUE: To the east.

12 CHAIRPERSON GARCIA: Is to the east.

13 MR. PANEQUE: To the east?

14 CHAIRPERSON GARCIA: They're like four
15 apartments.

16 MR. PEREIRAS: Yeah.

17 MR. A. PANEQUE: The yellow building is
18 to the east.

19 MR. PEREIRAS: Yes.

20 MR. PANEQUE: All right.

21 CHAIRPERSON GARCIA: That's one of
22 the -- that's the condition that we mentioned
23 before, to lineup with the property adjacent to
24 the east side.

25 MR. PANEQUE: If we're facing the

1 property from the front, it's going to be the
2 property to the right-hand side?

3 MR. PEREIRAS: Property to the right.

4 MR. PANEQUE: Will align with the new
5 construction?

6 MR. PEREIRAS: And let's clarify align
7 because the difference -- and it's shown on my
8 survey pretty well. The difference is this, which
9 is about two feet difference. So we are
10 protruding two feet from the property to the east
11 and we could set that back to be perfectly in
12 line, but we would request an 18-foot rear yard
13 instead of a 20-foot.

14 MR. PANEQUE: That would be up to the
15 Board. Like I stated, I don't want to be
16 repetitive, we don't want to have another
17 situation like that other property, which has been
18 a real problem for the City.

19 MR. PEREIRAS: Yes.

20 MR. PANEQUE: So, Mr. Chairman, the
21 question is do they cut back two feet from the
22 backyard and reduce it to 18 or two feet --

23 CHAIRPERSON GARCIA: Could be that. I
24 like that it's going to be a little bit
25 between the -- whatever happened in the empty lot

1 that is on the west side. It's going to be
2 further now to the adjacent to one the side.

3 MR. A. PANEQUE: So the front facade is
4 going to be perfectly in line with the building to
5 the east, the rear yard is going to be cut two
6 feet?

7 CHAIRPERSON GARCIA: No, what they're
8 going to have is 9 feet front setback and going to
9 cut it out from the rear yard?

10 MR. PEREIRAS: That's fine.

11 CHAIRPERSON GARCIA: How many you have
12 in the rear?

13 MR. PEREIRAS: 20.

14 CHAIRPERSON GARCIA: 20, you're going to
15 have 18 in the rear yard?

16 MR. PEREIRAS: That's correct.

17 CHAIRPERSON GARCIA: You're going to
18 have 9 in the front?

19 MR. PEREIRAS: Yes.

20 MR. A. PANEQUE: 9 in front, 18 rear.

21 CHAIRPERSON GARCIA: I'm going to make
22 my motion to grant the application with the stated
23 condition and you need to submit revised plans.

24 MR. VALLEJO: Motion on the table to
25 grant the application by Mr. Garcia.

1 MS. GUTIERREZ: Second.

2 MR. VALLEJO: Seconded by Ms. Gutierrez.

3 With revised plan, very good.

4 Mr. Garcia.

5 CHAIRPERSON GARCIA: Yes.

6 MR. VALLEJO: On the motion. Mr.

7 Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Perez.

14 MS. PEREZ: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Yes.

19 MR. VALLEJO: Seven in favor, motion

20 carries.

21 * * * *

22

23

24

25

1 814-816 11TH AVE INVESTMENT, LLC -
2 814-816 11th Street:

3

4 MR. VALLEJO: Let's go to the last one.
5 Next application on tonight's agenda, 814-816 11th
6 Avenue Investments, LLC, 814-816 11th Street. Ms.
7 Pereiras.

8 MS. PEREIRAS: Bianca Pereiras on behalf
9 of the applicant for 814-816 11th Street. At the
10 last meeting, you may recall that we very briefly
11 started this application, however, it was carried
12 for today to provide the Board with revised
13 drawings showing all dimensions on the lot. We
14 have one expert to testify and that is our
15 architect, Mr. Manuel Pereiras.

16

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

18

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

21 Thank you, Board, I'm happy to be here
22 again today. We have a very similar application.
23 This is a larger lot that we're looking to
24 subdivide and put two houses on, two two-family
25 houses. We have a few more restraints on this one

1 because it is a narrower -- more narrow lot. It
2 is 21.69 feet, each of the two lots that we're
3 creating and it is 100 feet deep. So in order to
4 make the parking really work on this house, we are
5 asking for a few variances here today. We have a
6 7 foot front yard setback. The neighbor to the
7 west of this has a zero foot side yard setback,
8 the neighbor to the east has about 10 feet front
9 yard setback. We are proposing a 16 foot -- a 6
10 foot side yard setback to compensate for the
11 narrowness of the lot. And what we're looking to
12 do -- and we're providing landscaping along the
13 front, which is completely absent for 11th Street.

14 The Board made a great suggestion, which
15 was to enclose the parking garage, and we did
16 exactly that. So we have our building that's set
17 back 3 feet, the entire building, all three
18 stories of it, from front to back, except the
19 parking garage itself, which is on the property
20 line. And by doing that, we're providing
21 sufficient space to provide four cars parked
22 within the garage, completely within the garage.
23 Notice that they're just two in tandem, so it's
24 parking that works really well, cars could get in
25 and out without a problem. It's not three deep,

1 like the applications that you saw earlier.

2 The entrance to the house is off of 11th
3 Street, there's a stairwell that leads you to the
4 second floor. At the second floor, you could
5 choose to either enter the house, apartment A, or
6 go up the stairs to apartment B. When you enter
7 apartment A, you have a living room, kitchen,
8 dining room area that's an open floor plan. And
9 then the privacy corridor towards the back, where
10 you have two smaller bedrooms and finally a
11 primary bedroom in the back that's 11 by 11, with
12 the small bath and closet, actually two closets.
13 The master bedroom has a balcony facing the rear,
14 so that each apartment could get some nice outdoor
15 space.

16 And then the second floor, if you take
17 the same stairs, go up to the second floor, you're
18 left in the middle of the apartment. You turn
19 towards the living room, dining room, kitchen
20 area, you have again two bedrooms plus the master.
21 And then finally the rooftop, which has access
22 only from the top unit, that third floor unit has
23 access to the roof deck. That roof deck is
24 518 square feet. And what we did is we recessed
25 that significantly off of 11th Street, because we

1 didn't want any visualization from 11th Street on
2 that roof deck. And there's nothing going on in
3 the backyard. There's a car dealership back here,
4 so having the roof deck in the back didn't affect
5 the car dealership. So that's why we situated the
6 roof deck a little bit further back.

7 As far as facades, we have a very simple
8 facade. The majority of the facade is brick and
9 then we have the sensor bay, with nice large
10 windows, and with a panel wall system in front of
11 that, that panel system. And then we have a
12 simple cornice that's nice and elegant. And then
13 we have a rollup door for the garage that is in
14 compliance with the Union City ordinance.

15 We see the side facades are vinyl siding
16 on the floors, above stucco on the ground floor.
17 And we have the balconies along the back of the
18 master bedrooms. And that concludes my testimony.

19 I'm going to clarify -- it doesn't
20 conclude my testimony. I wanted to go through the
21 chart of variances just so that we have a clean
22 record. By the way, right now, we have this empty
23 lot. Next to it, you have a mechanic shop. So
24 our house is going to be right next to that
25 mechanic shop. Then you have more residential

1 properties, all multifamily to the east.

2 Going over our charts, we have two lots
3 that we're creating, so I will go through both of
4 them. Each of them is required to have
5 2,500 square feet, each of them is 2,169 square
6 feet, that's a variance that we're seeking. The
7 minimum lot width is 25, we are at 21.69, so
8 that's a variance we're seeking. We're in
9 compliance with the lot depth, we're in compliance
10 with front yard. We're requesting a variance for
11 the rear yard, it's 16-foot 6 that we have,
12 whereas 20 is required. That's a function of the
13 slenderness of the house, we wanted to make the
14 house an appropriate size. And it doesn't affect
15 any neighbors because again it's a car dealership
16 that's behind us this property that doesn't get
17 affected by having a reduced rear yard.

18 The side yard is zero on both sides,
19 zero between the buildings and zero at the point
20 of the garage. However, we're setting back three
21 feet all along the front and the sides of the
22 buildings, as well. The maximum height permitted
23 is three stories, we are at three stories. The
24 height is permitted to be 38 feet, we're at
25 35 feet, so we're perfectly in compliance as well.

1 The coverage is permitted to be 65 percent, we're
2 at 69.9, that is because we have narrow lots. And
3 that's our hardship, however, our lot coverage
4 which tells a lot about the building is permitted
5 to be 90 percent and we're at 89 percent. We're
6 actually 89.5 percent, so we are not asking for a
7 lot coverage. That means we're creating enough
8 landscaping both in the rear yard and in the front
9 yard by creating these landscaping berms that are
10 very much necessary on 11th Street. We also have
11 space for site trees, we're providing three site
12 trees in front of our building. One between the
13 two parking curbs and one in each end of the
14 building to really beautify 11th Street.

15 And then finally our parking
16 requirement. Four parking spaces required, we are
17 providing four parking spaces. Now, that
18 concludes my testimony.

19 CHAIRPERSON GARCIA: Mr. Pereiras, I
20 have a concern regarding the parking. You have
21 20.4 inches width. However, entering to the
22 garage, you're going from a door that is 9-4 going
23 to 12-3. The car that's going to be on the right
24 side located -- the one that's going to go in
25 N-16, they're going have the stairs there. How

1 the car going to get in and get out?

2 MR. PEREIRAS: Mr. Chairman, it's
3 actually extremely comfortable. This is a very
4 amply large garage and my draftsman drew the car
5 there, but please keep in mind cars park at the
6 end of the parking garage, and they park bumper to
7 bumper, that's the way it's done. There is plenty
8 of room for a car to back out, in and out of this
9 space.

10 And just as a comparison, this Board
11 approved a two-family house, three cars deep in a
12 narrow -- more narrow space earlier today.

13 CHAIRPERSON GARCIA: Yes. First of all,
14 I'm going to tell you something I never compare --

15 MR. PEREIRAS: That's true.

16 CHAIRPERSON GARCIA: But I'm going to
17 tell you why.

18 MR. PEREIRAS: Yes.

19 CHAIRPERSON GARCIA: In this particular
20 case, I'm telling you as they're going to be
21 straight, three car on line, right?

22 MR. PEREIRAS: No, no. The previous
23 application had two cars side by side and then two
24 in front. This only has two cars in tandem.

25 CHAIRPERSON GARCIA: You're going to

1 have three cars in line, in the other application,
2 if you want to talk about that. However, for me
3 to get in there, I have to make a right and go in
4 there, that's my point, okay. It's not --

5 MR. PEREIRAS: There's --

6 CHAIRPERSON GARCIA: I could have 20 car
7 tandem parking, just move it back, move it back.
8 However, if you have to move one, make a right or
9 let's say, go reverse, turn the car, it's not the
10 same thing that you going straight --

11 MR. PEREIRAS: But, Mr. Chairman,
12 comparing apples to apples, parking, I can fit car
13 number one, car number two, car number three,
14 that's three cars in tandem, perfectly straight
15 back and forth. That was the previous application
16 that I don't want to talk about it or compare --

17 CHAIRPERSON GARCIA: You brought to the
18 table --

19 MR. PEREIRAS: That's three cars back to
20 back, that fits right here. I'm not asking for a
21 variance and they asked for a parking variance for
22 an additional car. We're not asking for a parking
23 variance, we're saying we could fit four cars
24 properly in here, and we can. They fit four side
25 by side.

1 CHAIRPERSON GARCIA: You're coming,
2 you're getting the car inside through a narrow
3 door that is only 9-4, it's narrow.

4 MR. PEREIRAS: It's narrow and --

5 CHAIRPERSON GARCIA: And especially
6 going reverse.

7 MR. PEREIRAS: But that's normal, and we
8 could make that door --

9 CHAIRPERSON GARCIA: That's not normal.
10 Because I can go back to the prior application
11 that we're talking about more than 12 foot, not 9.
12 I could -- let me compare, I can compare.

13 MR. PEREIRAS: I believe it was a 10
14 foot wide parking space?

15 CHAIRPERSON GARCIA: The door was more
16 than 10, but let's say 10. You're talking about
17 9-4 and you're going to make the turn, Mr.
18 Pereiras, okay.

19 MR. PEREIRAS: But let's not be --

20 CHAIRPERSON GARCIA: You're coming from
21 9-4, that you have to put the car inside there,
22 that's my concern. I know that you have --

23 MR. PEREIRAS: Mr. Chairman --

24 CHAIRPERSON GARCIA: You have 18 space
25 inside, but it's the turn.

1 MR. PEREIRAS: Mr. Chairman, I have 12
2 feet between walls. I did 9 foot 3 because I like
3 putting the nice beautiful door in there. We
4 could make it a 12-foot garage door, that will
5 accommodate your concern. We could definitely
6 accommodate a 12 foot garage door.

7 CHAIRPERSON GARCIA: Okay. How many
8 foot is this ground level of the garage?

9 MR. PEREIRAS: In depth?

10 CHAIRPERSON GARCIA: No, the -- you see
11 the setback that you don't have set back here?

12 MR. PEREIRAS: No, I don't see. This is
13 three feet, three feet from the edge of the
14 building to the edge of the property line. So if
15 it's from the inside that you want to know, it is
16 from -- the wall is 8 inches thick.

17 CHAIRPERSON GARCIA: You don't have --
18 you have setback above the garage?

19 MR. PEREIRAS: Yes, above the garage is
20 three feet across the whole way.

21 CHAIRPERSON GARCIA: Definitely, I'm
22 going to recommend you to have a better -- a
23 little bit wider --

24 MR. PEREIRAS: I think it makes perfect
25 sense, Mr. Chairman. Your comment is perfect. I

1 would prefer if it's 11-6 because that way, it
2 allows me to have a nice jam on each side of the
3 door. But 11-6 is a really ample garage door. I
4 think we could definitely accommodate that.

5 CHAIRPERSON GARCIA: What is the
6 adjacent property on the east side?

7 MR. PEREIRAS: On the east side, you
8 have a building. We got it approved as
9 three-family, I think, it looks like two-family
10 house from the front. We have photographs.

11 CHAIRPERSON GARCIA: Since you're
12 familiar with that application that was approved,
13 what was the front setback of that approval?

14 MR. PEREIRAS: Let me see, that was
15 years ago. So we show it on our site plan what
16 that front yard setback is. And if we go to sheet
17 Z01, we see the west is zero. And then the east
18 is at about 10 feet and I can read exactly. The
19 front yard setback on the neighboring property is
20 12 foot 6.

21 CHAIRPERSON GARCIA: Go ahead.

22 MR. PEREIRAS: So the property to the
23 west is zero and the property to the east is 12
24 foot 6, and we're at 7.

25 CHAIRPERSON GARCIA: That's for the

1 previous -- for the adjacent one?

2 MR. PEREIRAS: The adjacent one is 12
3 foot 6.

4 CHAIRPERSON GARCIA: So this one going
5 to be?

6 MR. PEREIRAS: It's further forward,
7 it's 5 feet forward.

8 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
9 I have a concern there, a safety concern there
10 with the fire department getting to the back.
11 With the parking garage being on the property line
12 in both sides, there's no way, even if you leave
13 those three feet at the entrance, there's no way
14 for them to get to the back. I think the only way
15 for you to get four cars in there if you remove
16 the family room in the back and get three cars,
17 like you said, the one on the side. But like
18 having the alleyway blocked by the -- because we
19 want to have four park cars in there to comply
20 with parking. But we need to have a straight
21 length of three -- you know like three and two,
22 like they request. I don't know if you'll be able
23 to accommodate that.

24 CHAIRPERSON GARCIA: I completely agree
25 with that, Mr. Grullon.

1 VICE CHAIRPERSON GRULLON: Safety
2 concern. Fire department getting to the back of
3 the building is very important. The alleyway is
4 blocked.

5 MR. PEREIRAS: So we took that direction
6 because I thought that's where the Board wanted me
7 to go, but we could modify this for sure. And
8 what we could do is we could get rid of the family
9 room and just have all the cars lined up straight
10 down.

11 VICE CHAIRPERSON GRULLON: That would
12 make it safer.

13 MR. PEREIRAS: And then the wall stays
14 in line, three feet.

15 MR. A. PANEQUE: Are we keeping the
16 garage door expansion?

17 MR. PEREIRAS: We could do that.

18 CHAIRPERSON GARCIA: Definitely.

19 MR. PEREIRAS: So conditions of approval
20 would be one, the garage door will be increased to
21 11 foot 6, the building setback at the ground
22 level will be increased to three feet on the
23 extreme west and the extreme east. And the family
24 room in the rear will not be constructed.

25 MS. PEREZ: So it would be empty back

1 there?

2 MR. PEREIRAS: It would be a parking
3 space.

4 CHAIRPERSON GARCIA: But we're not going
5 to have -- we're going to the setback all the way
6 on both sides on the ground level?

7 MR. PEREIRAS: On this side and on this
8 side.

9 CHAIRPERSON GARCIA: Right, okay.

10 MR. A. PANEQUE: Minimum 11 foot
11 6 inches garage door, building setback increases
12 on the west and east and family room in the rear
13 removed.

14 CHAIRPERSON GARCIA: Mr. Pereiras, I'm
15 going to ask you for a favor. Let's carry this
16 for next month, come with everything.

17 MR. PEREIRAS: I think these are very
18 simple conditions. My client has been suffering,
19 they took a hard money loan and they're suffering.
20 And this has already been carried, so I very
21 respectfully request --

22 CHAIRPERSON GARCIA: I'm going to ask
23 you a question. I don't have to go beyond this
24 line, but how do you want to suffer here or you
25 want to suffer in the --

1 MR. PEREIRAS: It's a smart question,
2 sir. Okay.

3 CHAIRPERSON GARCIA: Thank you very
4 much. Carry for the next meeting.

5 MR. VALLEJO: For next month's meeting,
6 we have a big application.

7 CHAIRPERSON GARCIA: But this one going
8 to be quick.

9 MR. VALLEJO: That's May 8th, you want
10 to carry to?

11 CHAIRPERSON GARCIA: For next meeting, I
12 don't want to --

13 MR. PEREIRAS: Mr. Chairman, since this
14 since we know really what it's going to look like,
15 would it be a lot to ask if the resolution could
16 be handled at the same meeting, so they don't lose
17 time?

18 CHAIRPERSON GARCIA: The attorney has
19 nodded, so going to be the same thing.

20 MR. VALLEJO: They need transcript.

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

23 MS. GUTIERREZ: Seconded.

24 MR. VALLEJO: All right. May 8th,
25 motion to adjourn by Mr. Garcia, seconded by Ms.

1 Gutierrez. Roll call on the motion.

2 Mr. Garcia.

3 CHAIRPERSON GARCIA: Yes.

4 MR. VALLEJO: Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Gutierrez.

7 MS. GUTIERREZ: Yes.

8 MR. VALLEJO: Mr. Ortiz.

9 MR. ORTIZ: Yes.

10 MR. VALLEJO: Ms. Perez.

11 MS. PEREZ: Yes.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MS. PENA: Yes.

15 MR. VALLEJO: Seven in favor, motion
16 carries, revised plans required.

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ADOPTION OF RESOLUTIONS:

1. Bergen 24, LLC, 2400 Bergenline Avenue. Block: 138, Lot: 1. Minor site plan for building alteration and change of use from a dental office to live poultry sales. **A use variant is required.**

MR. VALLEJO: We're moving to resolutions. Now, the member that was present on February 13th, Mr. Grullon, Mr. Ortiz, Ms. Perez, Ms. Watley, Mr. Garcia, Ms. Pena, and Ms. San Martino. Okay. It's only one resolution on tonight's agenda, Bergen 24, LLC, 2400 Bergenline Avenue. May I have a motion to adopt this resolution?

CHAIRPERSON GARCIA: Aye.

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

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

1 MR. VALLEJO: Mr. Garcia.

2 CHAIRPERSON GARCIA: Yes.

3 MR. VALLEJO: Ms. Pena.

4 MS. PENA: Yes.

5 MR. VALLEJO: Ms. San Martino.

6 MS. SAN MARTINO: Yes.

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

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1 **ADJOURNMENT:**

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

6 MS. PEREZ: Motion.

7 MS. GUTIERREZ: Second.

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

10
11 (All Board Members indicate in the
12 affirmative.)

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14 MR. VALLEJO: The ayes have it. Thank
15 you.

16
17 (Whereupon the meeting was adjourned at
18 9:26 PM.)

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C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700