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

3 MR. VALLEJO: Please take notice that on
4 Thursday, June 12, 2025, at 6 p.m., a regular meeting
5 is scheduled for the City of Union City Zoning Board
6 of Adjustment, to be held in Union City High School,
7 located at 2500 John F. Kennedy Boulevard, Union
8 City, New Jersey.

9 Can everybody kindly raise to salute the
10 flag, please?

11 * * *

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

14 * * *

15 MR. VALLEJO: Thank you.

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

 * * *

1 **ROLL CALL:**

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

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Gutierrez is absent.

10 Mr. Ortiz is absent.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Here.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: Here.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Here.

17 MR. VALLEJO: Ms. Pena.

18 MS. PENA: Present.

19 MR. VALLEJO: Ms. San Martino.

20 MS. SAN MARTINO: Here.

21 MR. VALLEJO: We have a full quorum for
22 tonight's meeting, seven present.

23 * * *

24

25

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: Approval of previous meeting
4 minutes from May 8, 2025, can I have a motion?

5 CHAIRPERSON GARCIA: Aye.

6 MR. VALLEJO: Motion by Mr. Garcia.

7 VICE CHAIRPERSON GRULLON: Second.

8 MR. VALLEJO: Seconded by Mr. Grullon.

9 Roll call on the motion.

10 Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Mr. Grullon.

13 VICE CHAIRPERSON GRULLON: Yes.

14 MR. VALLEJO: Mr. Ortiz is absent.

15 Ms. Gutierrez is absent.

16 Ms. Perez.

17 MS. PEREZ: Yes.

18 MR. VALLEJO: Ms. Watley.

19 MS. WATLEY: Yes.

20 MR. VALLEJO: Ms. Watley was absent at the
21 previous meeting.

22 MS. WATLEY: Abstain. Abstain. I'm sorry.

23 MR. VALLEJO: Ms. O'Dell.

24 MS. O'DELL: Abstain. I wasn't here.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Five in favor, two abstain.

5 Motion carried.

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1 PUBLIC HEARING:

2 MARGARITA ONOFRE -
3 136 37TH STREET:

4 MR. VALLEJO: We'll move to the agenda
5 now. First hearing on tonight's agenda, Margarita
6 Onofre, 136 37th Street.

7 Mr. Alonso, please.

8 MR. ALONSO: I have the client here. Go
9 out of order. So, Carlos, let's change a little bit
10 tonight's order.

11 * * *

1 **DANIEL CARDENAS -**
2 **703 30TH STREET:**

3 MR. VALLEJO: We're moving to Number 2,
4 Daniel Cardenas, 703 30th Street.

5 Mr. Alonso, please.

6 MR. ALONSO: Yes. Good evening, Members
7 of the Board. For the record, Alvaro Alonso on
8 behalf of the applicant.

9 MR. T. PANEQUE: Thank you, Mr. Alonso.

10 Let the record reflect as follows: I've
11 been provided by Mr. Alonso with an affidavit
12 indicating that notice of tonight's hearing with
13 respect to the property at 703 30th Street was
14 provided to all property owners within a 200-foot
15 radius. That affidavit is signed on June 9, 2025, by
16 Mr. Alvaro Alonso.

17 I also have an affidavit of publication
18 from The Record indicating that the notice was
19 published in The Record on May 30th, 2025. The
20 notice says that the meeting will be held on
21 June 12th at the Union City High School with respect
22 to the property 703 30th Street, Block 162, Lots 20,
23 21, and 22.

24 And I've also been provided with a copy of
25 the notice that was sent to all property owners as

1 well as a list from the Tax Assessor's Office listing
2 all property owners within a 200-foot radius of
3 705 30th Street, also known as 2913-15 Central
4 Avenue. The block is 162, lots 20, 21, and 22. That
5 list from the Tax Assessor's Office is dated May 12th
6 of 2025. Based on the information provided, this
7 board has jurisdiction to proceed and hear this
8 matter.

9 MR. ALONSO: Thank you. Mr. Chairman, I
10 actually had an opportunity to have a conversation
11 with Martin Martinetti, the construction code
12 official this evening. We're here based on the
13 issuance of the denial letter. So we're hoping to
14 get my client's proposal approved by the board.

15 Mr. Martinetti has gone back, has reviewed
16 the file, has indicated to me -- and I can make this
17 representation to you -- that they have reconsidered
18 the denial letter. They're going to withdraw it.
19 They actually did the inspection today of the
20 property and we anticipate having the certificate of
21 occupancy issued relatively shortly, before the next
22 hearing of the board.

23 With that said, I don't believe that it's
24 necessary to present the application, and I would ask
25 that the matter be carried to the next meeting. If

1 in fact the certificate of occupancy for the use is
2 issued, then I'll contact the board secretary, and
3 we'll withdraw the application.

4 CHAIRPERSON GARCIA: I make my motion to
5 adjourn this application for the next meeting.

6 MR. VALLEJO: Motion on the table to
7 adjourn this application by Mr. Garcia for July 10,
8 2025.

9 Second the motion.

10 VICE CHAIRPERSON GRULLON: Second.

11 MR. VALLEJO: Seconded by Mr. Grullon.

12 Roll call on the motion.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Seven in favor. Motion
3 carried.

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1 (Continuation)

2 MARGARITA ONOFRE -
3 136 37TH STREET:

4 MR. VALLEJO: We'll come back to the
5 Margarita Onofre, 136 37th Street.

6 Mr. Alonso, please.

7 MR. T. PANEQUE: Let the record reflect as
8 follows: I've been provided with an affidavit of
9 publication and service indicating that notice of
10 tonight's hearing with respect to the property at
11 136 37th Street was given to all property owners
12 within a 200-foot radius.

13 I've also been provided with an affidavit
14 of publication from The Record. That publication
15 indicates that tonight, June 12th, at this location,
16 Union City High School, the board will be presented
17 with an application with respect to 136 37th Street.

18 I've also been provided with a copy of the
19 notice that went out indicating that the hearing will
20 take place at this location on today's date at 6 p.m.
21 as well as a list from the Tax Assessor's Office
22 listing all property owners within the 200-foot
23 radius of 136 37th Street. Said list was done by the
24 Tax Assessor on March 18, 2025.

25 And, lastly, I have the certified mail

1 receipts with a postmark date of May 31, 2025. Based
2 on the documentation that has been provided by
3 Mr. Alonso, this board has jurisdiction to proceed
4 and hear this matter.

5 MR. ALONSO: Thank you, Mr. Paneque.

6 Mr. Chairman, Members of the Board, I'm
7 going to give you just a little bit of background.
8 We actually were before this board back in early
9 December of 2024, for an application seeking to do an
10 addition to what we believe was an existing
11 three-family house. The matter was carried several
12 times.

13 At the last meeting, we received a memo
14 from the Building Department indicating that based on
15 their records, they believe it's a one-family house.
16 So we needed to address that issue first. I filed an
17 amended application and that's why we renoticed.

18 So my application is twofold. The first
19 part of the application is to appeal the
20 determination of the Building Department that this in
21 fact is a three-family house. And it is significant
22 because if the board agrees with my appeal, then it's
23 a (d)2 variance for expansion. If the board
24 disagrees with my appeal, then it becomes a (d)1 use
25 variance to convert it to a three-family, and then

1 the addition. So there's legal significance, and
2 that's why I think we need to do it this way.

3 CHAIRPERSON GARCIA: Mr. Alonso, before we
4 continue with the determination of the decision of
5 the Building Department, I want to ask to our
6 attorney the legal advice. Why? Because if we hear
7 that application to interpret the decision of the
8 Building Department, so every application that comes
9 here with the legalization of the unit, then it's
10 going to bring an inter- -- going to request an
11 interpretation.

12 And I need, we -- I mean, personally, I
13 don't want to create a precedent. Because what he
14 wants to present here, the client, is to interpret
15 the memo of the Building Department indicating that
16 it's only one unit when it's three units. If that's
17 the case, then every application before we start to
18 hear, we're going to need to first to interpret the
19 memo of the Building Department. And I think that
20 it's going to be good for the board and also for the
21 public, the legal interpretation of this application,
22 of this interpretation.

23 MR. T. PANEQUE: Well, the Zoning Board
24 does have the authority to make a legal
25 determination. However, in order for the Zoning

1 Board to make a legal determination, there has to be
2 proofs presented. We rely on the veracity of the
3 memo that Mr. Martinetti had provided to this board
4 which indicates that according to their records it's
5 showing as a two-story framed, one-unit structure.

6 Now, Mr. Alonso do you have any evidence
7 to the contrary that can sway this board one way or
8 the other?

9 MR. ALONSO: Yes. Of course. Right. So,
10 first thing I was going to do is call my client to
11 testify and give you the history since they purchased
12 the property back in 2003, what the use has been.
13 And then I have a series of documents that I'm going
14 to introduce as exhibits to support what she says.

15 MR. T. PANEQUE: Now, you understand that
16 traditionally going back, what we have considered to
17 be a legalization is one which is found with proofs
18 of a certificate of occupancy.

19 MR. ALONSO: Understood.

20 MR. T. PANEQUE: Okay. So the fact that
21 they may have been using it even back when our
22 grandparents walked this earth is not dispositive
23 unless you have a certificate of occupancy.

24 MR. ALONSO: I understand. But there's
25 also the documents from the city that were issued.

1 And under the theory of estoppel, you're entitled to
2 rely upon that as to what the use was, why there was
3 or was not a C.O. We don't know. All we have is
4 what we have before us. I'll present it to the
5 board. And, again, it's only because it makes a
6 difference to do either a (d)1 or a (d)2 variance
7 moving forward.

8 * * *

9 **VERONICA GUERRERO**, after having been duly sworn, did
10 testify as follows:

11 MR. ALONSO: Can you state your name for
12 the record?

13 MS. GUERRERO: My name is Veronica
14 Guerrero. I'm the daughter of the owners, Catalino
15 Guerrero and Margarita Onofre.

16 My parents bought the property in 2004.
17 They bought like a -- well, they bought a
18 three-family house. And this is an old house. We're
19 just trying to remodel the house and make it a little
20 bit bigger because the second and the third floor are
21 really small apartments. So that's the reason that
22 we submit this application.

23 In 2008, we had a small fire in the
24 basement. And all the city, like, police, all the
25 fire department, they just came to the house and

1 checked everything. They told us the same thing,
2 like, oh, no, this is a one-family house, two-family
3 house. But then they rebuilt all the information and
4 they found out that it's a three-family house. So
5 they never applied us any ticket, any penalty,
6 anything. So now that we just applied to get like a
7 remodel of the house and make it a little bit bigger,
8 we're having this issue.

9 We're always paying like as a three-family
10 house. We're registered in Trenton as a three-family
11 house. We have all the -- everything, like, whatever
12 they have to find out, like the fire stairs and
13 whatever they need to show that it's a three-family
14 house, we're always on, like, on everything.

15 So I don't know. I don't understand how
16 now -- and I went to talk to Mr. Brannis (phonetic),
17 and he told me you clearly can see that it's a
18 three-family house. And I said, yeah. But I don't
19 know why, I don't know how it's not registering in
20 the town as a three-family house.

21 And it's not like something that we're
22 just trying to do something without people seeing it.
23 It's something that you can see it's a three-family
24 house. My parents bought that property as a
25 three-family house, and we don't know what to do now.

1 MR. ALONSO: Now, when your parents bought
2 the house, did you move into the house?

3 MS. GUERRERO: Yes.

4 MR. ALONSO: Okay. And when you moved
5 into the house, which apartment did you live in?

6 MS. GUERRERO: The first floor, always the
7 first floor.

8 MR. ALONSO: Okay. And then were the
9 other two of apartments rented?

10 MS. GUERRERO: Yes.

11 MR. ALONSO: Were they always rented?

12 MS. GUERRERO: Yes, they were always
13 rented.

14 MR. ALONSO: Do you know if your parents
15 did any work to create the apartments, or they were
16 there already?

17 MS. GUERRERO: No. Since my parents
18 bought the property, they never, never did anything.
19 Those apartments look really old, actually. And
20 they're really small apartments. It's just one
21 bedroom, one bathroom, and the kitchen together with
22 living room. So it's a really small space.

23 MR. ALONSO: When you say around 2008
24 there was a fire --

25 MS. GUERRERO: Yeah, there was a fire.

1 MR. ALONSO: -- do you know if your
2 parents obtained permits to do the work to repair?

3 MS. GUERRERO: Of course, they do.
4 Because the fire department and the police were
5 there, so they asked us to get everything, like, to
6 the City Hall.

7 MR. ALONSO: Okay. And then they took the
8 permits out and then they -- -

9 MS. GUERRERO: Yes. They did everything.

10 MR. ALONSO: Okay. In the entire time
11 that you've been there since 2003 until now --

12 MS. GUERRERO: Yeah.

13 MR. ALONSO: -- when we came before this
14 board, has there ever been an issue with respect to
15 the legality of the three units?

16 MS. GUERRERO: No. There were never
17 issues. We spent everything, get everything, like,
18 whatever we have to do, always, like, we have to go
19 to the Building Department and pay everything,
20 inspections, or whatever we need to do, it's always,
21 like, on par.

22 MR. ALONSO: What I'm going to do now is
23 I'm just going to present a couple of documents for
24 your consideration and present it to counsel. I'll
25 review them one at a time, and then he can pass them

1 out to the board.

2 So, as my client has indicated, 2003 they
3 purchased the property. So what I have is there's a
4 letter from Manuel Garcia who is a local attorney who
5 has since retired, so it's hard to get documents.
6 And Michael Jimenez was the attorney representing the
7 buyers. Michael Jimenez is now a judge of the
8 Superior Court. He's no longer practicing, so his
9 records are no longer available. Unfortunately, my
10 client didn't have a copy of their file.

11 * * *

12 (Exhibits A-1 through A-6, and Exhibit A-8
13 were premarked for identification by counsel.)

14 * * *

15 MR. ALONSO: I did reach out to
16 Mr. Garcia. So on A-1, it's the letter from
17 Mr. Garcia to Mr. Jimenez indicating it's being sold
18 as a three-family house and then identifies the
19 tenants for Apartment No. 2, Apartment No. 3.
20 Apartment 1 is owner-occupied. Again, this is not a
21 legal document that proves it. It just shows that at
22 that time there are already three units.

23 A-2 is just, you know, for your
24 edification that I did reach out to Mr. Garcia, who
25 is retired, asking for a copy of his file.

1 Unfortunately, I never received a response.

2 A-3 is an invoice that was paid to the
3 Union City Fire Prevention Bureau in 2004 at the time
4 of the purchase. Those fees are used for inspection
5 of a multifamily building. So at that time the city
6 recognized it as a multifamily and required
7 inspection.

8 A-4 is actually an updated inspection
9 certificate from 2004 just to show that it continues
10 to be inspected and up to code by the city.

11 A-5 is actually an inspection report that
12 was done by my client.

13 CHAIRPERSON GARCIA: But the inspection --
14 this certification is for the fire prevention?

15 MR. ALONSO: It's for the fire prevention,
16 correct. But the fire prevention is also required
17 for purposes of the C.O.

18 A-5 is an inspection report dated
19 January 5, 2004, indicating that it's a three-story,
20 three-family. That's important because in the memo
21 issued by the Building Department, it says that
22 originally it was a two-story, one-unit building.
23 So, originally, the building, based on the records,
24 which was built back in the 1930s, so, sure,
25 originally back in the 1930s it was probably a

1 two-story. But somewhere along the line, prior to my
2 client purchasing, it became a three-story, three
3 units. So this, again, is just evidence to show that
4 the use has been there for at least 20 years.

5 A-6, if you remember Mr. Garcia's letter,
6 it says that that client had not registered with the
7 DCA. It was owner-occupied. In 2004, the seller did
8 in fact register it with the DCA as three units. And
9 the certificate of inspection was issued that year.

10 And A-8 is the current or the more current
11 inspection, certificate of inspection from 2011
12 continuing as a three-family.

13 In terms of the memo, again, as I
14 indicated earlier, it says that originally, back in
15 1930, it was a two-story building. But if you go
16 through the pages that's attached to that. In 2004,
17 it shows as three residential units. The page after
18 that shows 3-U, which indicates three units. The one
19 property card, it shows three kitchens, three
20 bathrooms. This is the property card from the city.
21 And then towards the end we have the additional
22 permits. You'll see that permits were issued. And
23 sometimes there's a notation, Apartment 1,
24 Apartment 2. So there was more than -- they were
25 issuing permits for more than one apartment for

1 construction. And the one in Apartment 2 was back in
2 2006.

3 So there is evidence documentation albeit
4 it's not the C.O. I understand that. It's to
5 support that the city has at least in fact inspected
6 it and acknowledged it at some point as a
7 three-family.

8 CHAIRPERSON GARCIA: Mr. Alonso, as you
9 have enough experience coming to this board. You
10 know the situation. This is the same situation that
11 we had with the old houses in Union City. The
12 history that we have of the Tax Assessor has
13 three-family. The Building Department has
14 two-family. That they have the green card for
15 four-family. And I think that this is a great moment
16 for your client to bring everything, to legalize
17 everything, and then just put everything by code and
18 clear everything with the Building Department.

19 I mean, all the proof that you're
20 presenting to us right now is the same proof that
21 every application that comes for legalization
22 presently. You know what I mean?

23 MR. ALONSO: Understood.

24 MS. PEREZ: I'm confused because it seems
25 like the memo says that it's a one-unit structure.

1 And shouldn't the discussion be to legalize it as
2 three if we think it's three and not to appeal the
3 decision but to legalize it and then do the next
4 step?

5 CHAIRPERSON GARCIA: No. The thing is
6 that usually they accept the Building Department
7 memo. He wants to try to show that the Building
8 Department is wrong. And if we understand that we
9 accept it like knowing in reality, yes, they are a
10 legal three-family, then they don't have to go
11 through that process.

12 However, however, their situation here
13 with Mr. Alonso's client is the same situation that
14 is with all the legalization that comes to the board.
15 They never request what he's requesting. You know
16 what I mean? So I think that one of the reasons that
17 the Building Department is always sending the main
18 one, trying to legalize through the Zoning Board is
19 to bring everything to code and everything is better
20 for the applicant. Because it isn't going to
21 have any -- trying to clear up everything.

22 MR. ALONSO: Yes. And I just want to make
23 clear, the application is for the addition, okay.
24 The difference is if the board finds that it's a
25 legal three-family, the addition then requires a (d)2

1 variance. If the board finds that it's not a legal
2 three-family, then my application is to legalize it
3 with a (d)1 variance, a different variance, and then
4 ask for the addition. So it's all still part of the
5 application. It's just the legal proofs that are
6 required are different. I want to make sure that
7 everything is on the record.

8 CHAIRPERSON GARCIA: And the reason --
9 and, by the way, for the record, the application was
10 adjourned many, many times as per client request. We
11 didn't adjourn it. The first time it was adjourned
12 was in September. Because when we read the memo from
13 the Building Department, the Building Department said
14 this is a one-family. That's when also probably
15 Mr. Alonso's client realized that in the Building
16 Department it's only a one-family.

17 And then right now we sent it back -- we
18 asked them to come here with the application
19 requesting to legalize the three units because that's
20 what the Building Department had. And the reason
21 that this application is here is because the Building
22 Department sent it here.

23 So Mr. Alonso now wants to appeal that
24 memo because physically they are three apartments.
25 But that doesn't mean that the three apartments are

1 legal with the Building Department. To legalize with
2 the Building Department after we grant the
3 legalization, then they have to go through the code
4 process and all that stuff.

5 MR. ALONSO: If you want to hold off on
6 the vote on that part, we can get into the second
7 part of the application, which is actually the
8 construction that we want to do.

9 CHAIRPERSON GARCIA: No. Let's go and
10 finalize with this vote here now.

11 MR. ALONSO: Okay.

12 CHAIRPERSON GARCIA: And if we understand
13 that it has to go by vote, we understand that has to
14 go to the second part, then we'll go to the second
15 part.

16 MR. ALONSO: We have to go to the second
17 part either way.

18 CHAIRPERSON GARCIA: Okay.

19 MS. SAN MARTINO: We have to finish first
20 the legalization before you talk about renovation.

21 MR. ALONSO: Yeah, you do. And that's why
22 I brought it up this way because depending on how you
23 vote, my proofs are different. That's why.

24 CHAIRPERSON GARCIA: Do you have any
25 questions?

1 MR. T. PANEQUE: Before you do that.

2 Mr. Alonso, I understand your legal
3 reasoning as to why you would want to go with a (d)2
4 instead of a (d)1 variance. However, the Building
5 Department's memo is just that, it's a memo. And I'm
6 going to retract what I previously said, that you
7 have the right to appeal the Building Department's
8 determination. And this was brought to my attention
9 by our esteemed planner, Mr. Spatz.

10 We don't have a determination here of the
11 Building Department and an application that you made
12 in the form of a denial. What we have here is a memo
13 which is proof of the Building Department's records.
14 And my legal opinion, after giving this some
15 consideration, is that this board doesn't have the
16 legal authority to make a determination on a memo
17 because it's not calling for a zoning determination.
18 You're asking us to make a determination as to
19 whether their records are correct or not. We have
20 always on this board given full faith and credit to
21 the records that -- these kind of memos come before
22 us at every meeting. We give full faith and credit.

23 And it's not leaving your client without
24 an avenue to a solution because the avenue to the
25 solution is I have a one-family recognized by the

1 city, and we want to go to a three-. And I
2 understand that the proofs are different for the (d)1
3 and you're trying to avoid that. But if you're
4 asking this board for determination that this memo is
5 incorrect, this board is not going to take that vote.

6 MR. ALONSO: And I will accept your
7 explanation. I respectfully disagree. Because if we
8 proceed with a (d)2 variance, the board will say,
9 well, Mr. Alonso, it's a one-family; you need a (d)1
10 variance. So that's why I need guidance from the
11 board. Am I going for the (d)1 or the (d)2, and
12 that's why the appeal is appropriate.

13 MR. T. PANEQUE: The application that you
14 have before the board now as I see it is you're
15 coming in requesting that this board legalize the
16 three units. So you're going from a one- to a
17 three-. And if you have an extension along with that,
18 that's also part of the application.

19 MR. ALONSO: Correct. The first part is,
20 depending on the determination by the board and
21 then -- because we came in as a (d)2. We honestly do
22 believe it's a three-family.

23 MR. T. PANEQUE: You do. And I remember
24 that you came in as a (d)2, and that's when the memo
25 came up.

1 MR. ALONSO: Correct.

2 MR. T. PANEQUE: And what we've done in
3 the past is we told applicants, go back to the
4 Building Department. If you get the Building
5 Department to change their records, and in this case
6 from a one- to a three-, then you would come back and
7 say, hey, I'm here with a letter right now that says
8 three units.

9 MR. ALONSO: But if not, then you would
10 accept the memo.

11 MR. T. PANEQUE: If it came back with a
12 new memo saying it's three, then we would have
13 accepted it.

14 MR. ALONSO: No. No. No. If they don't
15 change it, then you would accept the memo that it's a
16 one-.

17 MR. T. PANEQUE: That is exactly what I am
18 telling this board now. My legal advice to this
19 board is that we accept this memo as a one- and to
20 you to present your application as if you're going
21 from a one- to what you currently have there, which
22 is a three-, with whatever extension you're planning
23 to do.

24 MR. ALONSO: No, that's fine. I always
25 defer to the board. You take the action that you

1 feel appropriate.

2 MR. T. PANEQUE: So let's go with that.
3 There's not going to be a vote on the determination
4 on whether this memo is correct because this board
5 does not have the authority to change that memo.

6 MR. ALONSO: Okay. That's fine.

7 So I'm going to call my architect,
8 Demetrios Kaltsis.

9 * * *

10 **DEMETRIOS KALTSIS**, after having been duly sworn, did
11 testify as follows:

12 MR. ALONSO: Mr. Paneque, does the board
13 recognize Mr. Kaltsis, or should we go through the
14 proofs?

15 MR. T. PANEQUE: Mr. Garcia?

16 CHAIRPERSON GARCIA: Yes. He's been in
17 front of the board many, many times.

18 MR. ALONSO: Mr. Kaltsis, you prepared the
19 plans that are before the board, correct?

20 MR. KALTSIS: That's correct.

21 MR. ALONSO: Okay. And you've heard the
22 discussion that we had on the record. So we are now
23 going to request that the one-family be converted to
24 a three-family. But part of the application is also
25 to do an addition, as indicated by our client,

1 because the apartments are small and they want to
2 make it a little more habitable.

3 MR. KALTSIS: Yes.

4 MR. ALONSO: So I'm going to ask you to go
5 through the plans with the board.

6 MR. KALTSIS: Sure. Starting with the
7 first sheet, you can see towards the right we have a
8 description of the property. It is a three-story
9 structure on a 25-foot wide lot by 111-foot deep lot.
10 The building footprint as is is 997 square feet on
11 the main floor, which is the first floor. And then
12 the second and third floor are significantly smaller.

13 The existing structure does have a front
14 yard setback of 1.7 feet, 2.8 and .7 feet on both
15 sides as well as a 54-foot rear yard setback.

16 There is an existing building photo on the
17 bottom left corner of the first page, which you can
18 see here. And, as you can see, the building is in
19 disrepair. We are looking to do a gut renovation of
20 the existing interior as well as provide a
21 three-story addition to the existing structure.

22 Just looking at the existing structure,
23 these are the four levels, basically the basement on
24 the left, and then we have the three levels. The
25 main floor is 997 square feet. There are two

1 bedrooms on that level and one bathroom. The second
2 level is only 528 square feet. There is one bedroom,
3 one bathroom, and a kitchen. And the third floor is
4 identical to the second, same square footage, same
5 number of bedrooms, as well as the kitchen.

6 We are looking to extend towards the rear
7 of the building. We are proposing an addition of
8 351 square feet, which is indicated here on the back
9 left corner of the structure. And then the second
10 and third floors will be extended flush with the
11 existing first floor, which is this approximate
12 location.

13 So looking at the ground floor or the
14 first floor level, that will be increased to
15 1308 square feet. This will now be a three-bedroom
16 dwelling unit as well as two bathrooms. There will
17 be a combination living, kitchen, and dining room
18 towards the front.

19 We have a second unit on the second floor.
20 This is going from one bedroom to two bedrooms. This
21 will be a new square footage of 1,050 square feet.
22 And, again, the bedroom is in the rear. A common
23 area is towards the front.

24 The third floor is practically identical
25 to the second floor. It does have the two bedrooms

1 along the rear, a full bath, and an open area in the
2 front, with a kitchen, living, and dining room area.

3 We are proposing a second means of egress
4 by way of a fire escape in the front for what was the
5 existing three-family. It does slightly encroach
6 into the front yard setback, so that will be subject
7 to a license agreement should this plan be approved.

8 And then, finally, the elevations, looking
9 at the last sheet, you can see we're proposing to
10 reface the structure with a combination of brick and
11 Hardie Plank siding finish. And we do have a
12 light-color brick towards the right of the structure,
13 Hardie Plank on the left-hand side and sides and rear
14 elevations will match the same siding finish, so it
15 will be consistent with the front elevation.

16 MR. ALONSO: And there is no parking
17 currently on the property, and there is no
18 availability of space to include any parking; is that
19 correct?

20 MR. KALTSIS: Correct. There's no parking
21 currently, and we're not proposing any off-street
22 parking.

23 CHAIRPERSON GARCIA: Are you renovating or
24 are you demolishing?

25 MR. KALTSIS: It's a renovation. It's a

1 gut renovation of the interior as well as a
2 three-story addition in the back.

3 CHAIRPERSON GARCIA: Okay. And the
4 three-story is going to be on top of the existing
5 first one or, no, just --

6 MR. KALTSIS: The first floor is slightly
7 larger than the second and the third. We're going to
8 increase all three levels.

9 CHAIRPERSON GARCIA: You're going to
10 increase according to the first floor?

11 MR. KALTSIS: For the second and third,
12 yes. But the first floor is extending out slightly
13 more.

14 CHAIRPERSON GARCIA: When you say
15 "slightly," how big is it going to be? How many
16 feet?

17 MR. KALTSIS: So this is a side elevation.
18 You can see the second and third floor --

19 CHAIRPERSON GARCIA: No, I could see it,
20 but I don't know how many feet. I mean is it 10, 15,
21 20, 30?

22 MR. KALTSIS: It has a 15-foot addition,
23 if you can see here. And that is the addition of
24 that third bedroom on the first floor.

25 CHAIRPERSON GARCIA: And the rear setback,

1 how deep is going to be the house? How many feet
2 from front to rear?

3 MR. KALTSIS: So the rear yard setback
4 will reduce from 54 feet to 43 feet. I'll tell you
5 right now. Let's see. It will be a length of
6 66 feet on the first floor only. The second floor
7 will be about 50 feet, and the third.

8 CHAIRPERSON GARCIA: And you're going
9 from, like, currently you have two bedrooms per unit?

10 MR. KALTSIS: So right now, there are two
11 bedrooms on the first floor, one bedroom on the
12 second floor, and one bedroom on the third floor.
13 And each level we're increasing it by one bedroom.

14 CHAIRPERSON GARCIA: So it's going to be
15 three, two, two?

16 MR. KALTSIS: Correct.

17 CHAIRPERSON GARCIA: And you're going to
18 maintain the same size setback?

19 MR. KALTSIS: Correct.

20 MS. SAN MARTINO: If you see when the lady
21 was talking, she said another point too, like, the
22 kitchen and the living room are together. Is she
23 going to change that, or are you going to keep it the
24 same way?

25 MR. KALTSIS: It will be renovated,

1 changed.

2 VICE CHAIRPERSON GRULLON: And the height
3 of the building will remain the same?

4 MR. KALTSIS: Yes.

5 VICE CHAIRPERSON GRULLON: On this
6 building you will be renovating the siding?

7 MR. KALTSIS: Yes.

8 VICE CHAIRPERSON GRULLON: Can you just go
9 over this building?

10 MR. KALTSIS: Yes. So the front elevation
11 of the building will remain the same. The overall
12 mass and scale will look exactly the same just with
13 different finishes. We're just doing an extension in
14 the back. So visually, the building --

15 VICE CHAIRPERSON GRULLON: Windows remain
16 the same?

17 MR. KALTSIS: Same size. Yeah. Well, we
18 have new windows in the front, but the shape -- the
19 size of the structure will stay the same.

20 MS. SAN MARTINO: But another thing is the
21 first floor, the point I was saying before, the
22 kitchen and the living room is the same way of the
23 second and the third floor?

24 MR. ALONSO: I believe the board member is
25 asking is the location of the kitchen and living room

1 going to carry from one floor to the next floor?

2 MS. SAN MARTINO: When you do the
3 renovation on the second and the third floor, is it
4 going to be the same way on the first floor, or is
5 the first floor you're going to keep the same as it
6 is right now?

7 MR. KALTSIS: So all the kitchens will be
8 in the same location. One will be on top of the
9 other in the proposed addition.

10 CHAIRPERSON GARCIA: You're going to do a
11 whole renovation?

12 MR. KALTSIS: Yeah. It's going to be a
13 gut renovation.

14 CHAIRPERSON GARCIA: The three apartments,
15 you are going to redo it?

16 MR. KALTSIS: Yes.

17 CHAIRPERSON GARCIA: Completely?

18 MR. KALTSIS: Yes.

19 CHAIRPERSON GARCIA: And you're going to
20 use the same foundation?

21 MR. KALTSIS: Yes.

22 CHAIRPERSON GARCIA: And the facade, what
23 are you going to use, brick?

24 MR. KALTSIS: Yes. We have brick and a
25 Hardie Plank siding on this side which is like a

1 cement-type siding.

2 MS. O'DELL: How far out is the fire
3 escape going to be? Because it's not that much of a
4 setback in the front. Like, how far out -- you don't
5 see where the fire escapes are here, but you see the
6 fire escapes here. Obviously, we know we need to
7 have that, but how far out does it stick out?

8 MR. KALTSIS: Right. So right now the
9 front yard setback is 1.7 feet. The standard depth
10 of a fire escape is about 44 inches. So it will
11 extend out approximately, like, 1 and a half to 2
12 feet. But it will be up high. But that's subject to
13 a license agreement.

14 CHAIRPERSON GARCIA: Is there any way you
15 can put it in the rear?

16 MR. KALTSIS: Yeah. So one of the things
17 we're going to look at is because of the now
18 conversion to a three-family, we may be required to
19 just have a secondary stairwell within the structure
20 as opposed to a fire escape. So that changes one of
21 the code requirements.

22 CHAIRPERSON GARCIA: Do you have a
23 planner?

24 MR. ALONSO: I have a planner, yes.

25 Alex.

* * *

1
2 **ALEXANDER DOUGHERTY**, after having been duly sworn,
3 did testify as follows:

4 MR. DOUGHERTY: Alexander Dougherty,
5 Professional Planner. My licenses are current and
6 still in good standing.

7 CHAIRPERSON GARCIA: Pleasure having you
8 here.

9 MR. DOUGHERTY: It's good to see
10 everybody.

11 So the purpose of this application,
12 there's a couple of twists and turns here. The
13 existing conditions are what they are. I will say
14 the big elephant in the room is zero parking. What
15 this project brings with it is modernizing the
16 existing building footprint, for better habitable
17 living conditions, more efficient use of land.

18 I want to remind the board, 2019, three
19 families were permitted use throughout the city which
20 was as simple as getting a building permit. I don't
21 want to, you know, go into counsel here. I'm not the
22 attorney. But, as I stated before, many applications
23 three-families were an as of right. So there are
24 some leftovers that, you know -- and I believe that
25 this may be one of them -- as you've heard the

1 architect, existing, each floor has kitchens,
2 bathrooms.

3 When we look at this from a planning
4 standpoint, we could argue (d)1 -- I think that's the
5 situation here, we're going to argue (d)1. A (d)2
6 would have been the expanding of a preexisting
7 nonconformed use within site betterment. From a
8 planning standpoint, I would like to argue that
9 before the board, but I think counsel made it clear
10 that we'll go with a (d)1 on this one.

11 So (d)1 is site suitability. What makes
12 the site suitable for a three-family of this size?
13 Well, for purposes -- in the planner's memo you'll
14 see the site is a little oversized. We're at 27,860
15 square feet where 2500 is allowed. So from a site,
16 it's a little bit more palatable, more suitable for a
17 three-family.

18 Again, we'll have three-families
19 throughout the city that are on 2500 square feet that
20 didn't do the what we call the validation when the
21 zoning was changed. So we'll see three-families
22 throughout the city that are on 2500. This will be
23 on 27,860 square feet.

24 The addition as described is taking place
25 to the rear. Notably in the planner's report on the

1 second page you'll see .6, the minimum rear yard of
2 20 feet is required. The enlarged building will have
3 a rear yard of 43 feet, so though we are going back
4 with ample use in the back. With this does provide
5 for the city, a growing city, more housing options,
6 diversified choices. We have three bedrooms, two
7 bedrooms, and a two-bedroom.

8 With that, though, we do not have parking.
9 This side of town, on 37th right off of Park, there's
10 the Lidl supermarket right here right within walking
11 distance. You have these amenities right around the
12 corner where you typically won't need your car
13 because it's right there. So from a vehicle
14 standpoint, we do have mass transit. I know that is
15 an issue. With a (d)1 use variance, all the other
16 ancillary "C" relief, the parking, setbacks,
17 pervious, that kind of stuff, whatever they may be
18 are subsumed within that (d)1 use variance.

19 So when we look at what is conforming, the
20 lot width is conforming. The lot depth, 100 feet is
21 required. We're at 111. Again, we have that rear
22 yard requirement. We'll be at 43 where 20 is
23 required. Maximum lot coverage, though we are
24 expanding it, 65 percent is permitted. This lot
25 coverage for the building will be at 46.9, so

1 substantially under the lot coverage.

2 For the building, maximum pervious
3 coverage, 95 percent is allowed. So we're conforming
4 because we're still at 53.1. With this is a
5 renovation. It's not a teardown rebuild. So the
6 existing building footprints remain, which is kind of
7 where the addition taking place of the rear is. When
8 we look at the maximum building height, three stories
9 where 38 feet is allowed, I mean, we're at 3 stories
10 27 feet. So, with respects to bulk and dimensional,
11 we're pretty much existing.

12 What we are in not conforming with, again,
13 existing building footprints and minimal side yard of
14 2 feet and 5 feet for combined. So we're deficient
15 on that. Again, the existing building has been
16 there. This is really, as you heard, an interior
17 reprogramming of that building footprint with a small
18 addition to the rear. The addition, as you heard, is
19 about 15 feet from the existing first floor, about
20 15 feet. But the second will be a little bit bigger
21 because it's kind of a step down. So the second
22 floor addition and the third floor addition are a
23 little bit larger to grab that extra bedroom and make
24 it a little bit more habitable.

25 So with that, when we look at the (d)1 use

1 variance, site suitability, I think it meets the site
2 suitability. We have the walking distance. We have
3 mass transit. We have an oversized property. We
4 have a structure that historically in the
5 neighborhood has been seen and viewed as a
6 three-family.

7 When we look at this, you know, from the
8 zoning standpoint, I do not believe that it erodes
9 the intent of the zone or the master plan, if you
10 will. Again, three-families were allowed at one
11 point. There are remaining three-families throughout
12 the zone, throughout the city. This will not be a
13 standalone character. Right across the street is a
14 very large housing structure.

15 With this being said, I think it certainly
16 advances the purpose of the Municipal Land Use Law.
17 Purpose A, we get an opportunity here to protect the
18 community, enhance the safety, the morals, and the
19 general welfare. We have a new building built to
20 code, typical fire codes, and the likes of that, kind
21 of giving an older structure a new lease on life.

22 Certainly, purpose I, desirable visual
23 environment, even the interior is getting a
24 reprogram. The outside also will have a fresh
25 upgrade.

1 Certainly, purpose M, for more efficient
2 use of land. Again, land is limited. So a growing
3 population, how do we meet that demand? So I think,
4 certainly, when we have that, you know, for purposes
5 of the (d)1 for a Medici test, I want to emphasize a
6 more efficient use of land. This is a large
7 structure, as you heard, three kitchens, three
8 bathrooms each floor. You know, this existed to some
9 point.

10 I do want to point out the kitchen space,
11 the bathrooms that are on the additional floor. From
12 a planning standpoint, when we talk about uses and
13 housing, in other words, density, if you will, if
14 this cell was one family, it could essentially have
15 more bedrooms because you have those kitchens that
16 otherwise wouldn't be there and so forth. Whether we
17 see it as a three- or a one-, in my professional
18 opinion, the body count, the yield, the density, the
19 people living in there would substantially be the
20 same. It's just a matter of can we provide housing
21 choices and options for a growing community. And
22 from a planning standpoint, we call this the missing
23 middle. We go from one-families right up to large
24 apartment complexes. Those twos, threes, and fours,
25 there's very few of those on the market across the

1 state. They call that the missing middle. So
2 advancing that is good planning practices across the
3 state.

4 So with that being said, the last prong of
5 the Medici test when we look at it is the zone intent
6 and the master plan. I do not believe this is
7 contrary to the zone plan or the master plan. It's
8 no secret Union City is tight. Housing is limited.
9 Where do we find more housing choices and options?
10 So I had an opportunity to look at this and reprogram
11 the entire interior to become modern, more efficient,
12 give that consumer expectation. Though we may not
13 ask for a two-bedroom, that could be a home office.
14 We don't know what that's going to be. But,
15 nonetheless, I do not believe a one- or even a
16 two-family will be suitable given the neighborhood
17 conditions here. We believe it's been a three-family
18 for many years.

19 The parking situation, I believe, has been
20 absorbed in this neighborhood. But, nonetheless, I
21 do believe from a (d)1 use standpoint, the site
22 suitability component here at the site is an
23 oversized lot, and we are right down the street from
24 the supermarket. We have great amenities at your
25 doorstep and mass transit. So with that, I'll

1 conclude (d)1 has been met and approval would
2 otherwise be warranted.

3 MR. ALONSO: Thank you, Mr. Dougherty.

4 Mr. Chairman, I have no further questions.

5 CHAIRPERSON GARCIA: Do you really
6 understand that the positive right here that you
7 presented is in balance with the negative one, that
8 this new renovation is going to improve it?

9 MR. DOUGHERTY: I think it's a positive
10 renovation, a positive as to the site. So overall
11 it's a positive as to the community. To turnover
12 where otherwise is a large structure for better
13 housing options and choices for a modernization,
14 safety, building codes, and fire codes, I certainly
15 do think the positive here is there.

16 The negative of it really, it's no secret,
17 is parking. We have the supermarket right around the
18 corner off of Park, the Lidl store. It's right
19 there. I mean, this is pretty much at the amenities
20 hub, if you will, that if you lived on the other side
21 of the town, how do you get there? This is right
22 around the corner. I think it's a great location,
23 site suitability in the context here. The building
24 is not overdeveloped. The site is not overdeveloped.

25 And, again, we have that rear yard

1 addition. We still meet the rear yard requirement,
2 the building coverage, the lot coverage. I don't
3 believe it will be -- and with the newer building
4 codes, you know, we have an opportunity to really
5 enhance these old structures as well. So I do think
6 there's a lot of positive here. The negative on
7 balance is there's no parking.

8 CHAIRPERSON GARCIA: I understand that.
9 However, I also understand that it's a current
10 situation. You are not increasing. You're
11 maintaining the same situation that you have with the
12 parking issues.

13 MR. DOUGHERTY: Correct.

14 CHAIRPERSON GARCIA: Because you have in
15 the practice, no matter what is not legal, you have
16 three units, correct?

17 MR. DOUGHERTY: Correct. It's tough.

18 CHAIRPERSON GARCIA: Do you have another
19 witness?

20 MR. ALONSO: That concludes our
21 presentation.

22 CHAIRPERSON GARCIA: Any member of the
23 public want to step forward?

24 (No response.)

25 CHAIRPERSON GARCIA: Seeing none, closed

1 to the public.

2 Do you have another question?

3 VICE CHAIRPERSON GRULLON: No. I mean,
4 looking at this picture, I can see that most of the
5 variance that are requested here, they are
6 preexisting. And, I mean, I don't see that they are
7 adding height or expanding the width of the building.

8 CHAIRPERSON GARCIA: Is the owner
9 occupying?

10 MS. GUERRERO: Yes. Personally.

11 CHAIRPERSON GARCIA: Yes? Okay. And the
12 tenant, first, second --

13 MS. GUERRERO: Second and third floor.

14 CHAIRPERSON GARCIA: And if the
15 application is approved, what are you going to do
16 with the tenant?

17 MS. GUERRERO: Well, I believe, the third
18 floor is about to leave. The third floor leave at
19 the end of the month. And the second floor also, he
20 requested me to do by letter because they can't pay
21 the rent. It's already cheaper but they always
22 complaining about it's a small apartment and that's
23 what they say. And I'm always having trouble with
24 them because they don't want to pay. So the last
25 time that I talked to them, they request a letter

1 and, like, requesting the apartment. And I said it's
2 something that I don't need to do because I'm trying
3 to get, like, to renew the house and do some work
4 here. So everything is working like that.

5 CHAIRPERSON GARCIA: Okay. Mr. Alonso,
6 two things, the stairs, the fire escape, since it's
7 going to be overhanging over the sidewalk, it would
8 be a good recommendation to bring it to the rear. If
9 the Building Department has another code, another
10 system, okay. But what about if they accept it like
11 that? I prefer to recommend it in the rear.

12 MR. ALONSO: Right. I was actually having
13 that conversation with the architect while
14 Mr. Dougherty was testifying. The reason why it's
15 proposed in the front is because we thought we were
16 coming in for a (d)2 variance. It's a different
17 code.

18 So if it's approved as a (d)1, then we
19 would work with the Building Department to relocate
20 it to the rear based on the code. So I would just
21 ask that if approved, that there be a notation in the
22 resolution so that we don't have to come back.
23 Because we're changing it so that we would just work
24 with the Building Department to move it to the rear.

25 Is that correct?

1 MR. KALTSIS: That's correct.

2 CHAIRPERSON GARCIA: And also you'd have
3 the bedroom in the rear.

4 MR. KALTSIS: Yes.

5 CHAIRPERSON GARCIA: Also, is your client
6 willing to, like, let's say, can we work the facade
7 with brick?

8 MS. GUERRERO: Yeah.

9 CHAIRPERSON GARCIA: Entire brick?

10 MS. GUERRERO: Whatever.

11 CHAIRPERSON GARCIA: The same combination.

12 MS. GUERRERO: As long as we get the
13 permit to do the renewal and the extension, we're
14 always willing to work with the city to get it and
15 the codes and whatever we need to change, we're
16 willing to do it. We don't want to do whatever we
17 want. We just want to renew the house because it's a
18 really old house, especially inside the apartments,
19 and just do everything under the code.

20 CHAIRPERSON GARCIA: Okay.

21 MR. ALONSO: With the chimney break in the
22 front?

23 CHAIRPERSON GARCIA: Yes.

24 MR. ALONSO: We have no objection.

25 CHAIRPERSON GARCIA: Any other comments?

1 MS. PEREZ: Mr. Garcia, when we vote, are
2 we voting on two different things?

3 CHAIRPERSON GARCIA: No. No. The other
4 one we don't have jurisdiction. That's a legal
5 issue. We are going to legalize the three units and
6 the renovation.

7 MS. PEREZ: And it's all one thing?

8 CHAIRPERSON GARCIA: Yes. Yes.

9 MR. T. PANEQUE: Mr. Garcia, just so that
10 I have it clear, we're going to have the facade all
11 brick?

12 CHAIRPERSON GARCIA: All brick.

13 MR. T. PANEQUE: And the second condition
14 was the fire escape replaced in the rear.

15 CHAIRPERSON GARCIA: And like Mr. Alonso
16 mentioned, it's good to be in the resolution this way
17 that they don't have any conflict with the Building
18 Department.

19 I'm going to make my motion to grant this
20 application to the stated condition. And I
21 understand that this is going to improve the quality
22 of life in those three units. Also, it is an
23 application that they probably could be more greedy
24 than to take the standard more, do it more deeper,
25 because they still have, like, 40 feet in the rear.

1 And also this renovation, that is not a
2 new construction because they're going to leave the
3 foundation, like I mentioned before, is to improve
4 the quality of life, and the situation of the parking
5 is already preexisting, so I'm going to make my
6 motion to grant the current application with the
7 stated condition.

8 MR. VALLEJO: Motion on the table to grant
9 the application by Mr. Garcia.

10 Any second?

11 VICE CHAIRPERSON GRULLON: Second.

12 MR. VALLEJO: Seconded by Mr. Grullon.

13 Roll call on the motion.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: I say yes. It provides more
20 housing options and the site suitability within
21 walking distance to the markets and everything
22 nearby, so I would say yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Ms. O'Dell.

1 MS. O'DELL: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. San Martino.

5 MS. SAN MARTINO: Yes.

6 MR. VALLEJO: Seven in favor. Motion
7 carried.

8 MR. ALONSO: Thank you very much. Have a
9 good evening.

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

3 MR. VALLEJO: Next application on
4 tonight's agenda.

5 CHAIRPERSON GARCIA: I'm going to recuse
6 myself on this one.

7 (Chairperson Garcia leaves room.)

8 MR. VALLEJO: Next application on
9 tonight's agenda, Miguel A. Calderon, 210 46th
10 Street.

11 Ms. Pereiras, please.

12 Let the record reflect that Mr. Garcia is
13 recusing from this application.

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

15 Good evening, Board Members. May it
16 please the board, Bianca Pereiras on behalf of Miguel
17 Calderon. The board may recall that we had
18 previously provided testimony of both our architects
19 as well as our planner. However, this did not reach
20 a vote because the board had asked us for some
21 specific dimensions that prior to tonight's meeting
22 we were unable to provide.

23 We had an issue with a tenant who had
24 taken over the basement space and had occupied it so
25 much that none of the architects were able to enter

1 the space. That tenant has since left. And when
2 they left, they left a mess for the owner. The owner
3 has finally been able to clear out that space and we
4 had an architect go out there just yesterday, and we
5 have the dimensions to provide to the board this
6 evening.

7 Mr. Pereiras.

8 * * *

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

11 MR. PEREIRAS: Manny Pereiras,
12 P-e-r-e-i-r-a-s, with Pereiras Architects Ubiquitous,
13 located at 1116 Summit Avenue here in Union City.

14 VICE CHAIRPERSON GRULLON: Happy to see
15 you here again, Mr. Pereiras.

16 MR. PEREIRAS: Thank you, Mr. Chairman.
17 Pleasure to be here.

18 (Discussion was held off the record.)

19 MR. PEREIRAS: As counsel said, the
20 building owner had a tenant who kind of took over the
21 structure. We tried to go see it, and she actually
22 yelled at us and not a very nice way, and we were
23 shooed away. So we took measurements from the
24 outside and attempted an application without that.

25 We were able to get in. The tenant was

1 removed about a week ago. And we tried to walk into
2 the place, and you open the door and things started
3 falling on top, okay. So they were a hoarder. There
4 were packs of things. We started removing things to
5 get through the space, and it was a horrible
6 condition. I've seen a lot of things in my 20-year
7 tenure. This was one of the worst, I would say.

8 They cleared everything out, and we were
9 finally able to get into the space yesterday. There
10 were a lot of conditions particularly in the basement
11 which is a condition that we are legalizing today
12 that were in such poor condition that everything got
13 ripped out. Even the walls got ripped out. But we
14 were able to document what was there, and it was very
15 evident what the conditions of those things are.

16 So the entrance from this building came
17 from the street side. You take three steps down and
18 you walk into the building, and now the bathroom
19 existed in a very horrible condition. The bathroom
20 had a shower already in it, had the toilet, had the
21 sink. When you walk through, all these walls were
22 demolished. However, we were able to understand
23 where they were based on the imprint that they left
24 on the ground and the tiles that were there.

25 VICE CHAIRPERSON GRULLON: Mr. Pereira,

1 are you talking about the basement?

2 MR. PEREIRAS: I'm talking about the
3 basement unit. And that's the focus of our
4 application today is the legalization of that
5 basement unit.

6 Based on the tiles that we had, these were
7 tiles that, you know, there's 60-year-old tiles,
8 there's 60-year-old linoleum that was across there.
9 The ceiling had some older tin roof evidence there.
10 And then the kitchen was along the back. And that
11 kitchen was ripped out, but you could see the back
12 splash still on the wall. You can see the plumbing
13 still coming out of the wall, and you saw the outlets
14 of what was there, including the older style outlets,
15 the duplex outlets that they had.

16 So what we're doing is a gut renovation.
17 We're clearing everything out, including removing the
18 Sheetrock from the walls. And what we're proposing
19 is a one-bedroom apartment. It's actually a
20 one-bedroom plus den on the ground floor. It's an
21 863-square foot space, and we're using this basically
22 as an opportunity to really legalize this and make
23 this into a safe unit.

24 You walk down the stairs and we're
25 separating the utility area from the apartment

1 itself. So we're creating a two-hour fire separation
2 from that space to the rest of the apartment. And
3 you walk in, and there's a rated door with the boiler
4 rooms and the hot water heaters isolated to one room
5 as you enter.

6 You walk into the proper space. We're
7 providing a new kitchen along the left-hand side, and
8 we're providing two bathrooms, one common bathroom
9 for the guest and one master suite which has its own
10 closet and bathroom. And then the living room space
11 is a nice size. We split it up into areas. You have
12 a dining room area. You have a living room area.
13 And there's a second means of egress through the back
14 of the apartment to the rear yard. We have a very
15 big deep rear yard. We're not proposing to grow this
16 building in any way. We're not looking to go into
17 the backyard. We're not changing the facade in any
18 way. We're simply cleaning it up. And there's a lot
19 of cleaning up to do. This building hasn't been able
20 to be touched for many years. So now we're taking
21 this opportunity to revise the whole thing.

22 There's a lot of things from a life safety
23 standpoint that are happening today. We are going to
24 separate that entire apartment from the apartments
25 above with a two-hour fire separation. We're adding

1 a domestic line sprinkler system to this apartment.
2 We're adding a low voltage alarm system to the common
3 areas of this space. And we're putting a 110 alarm
4 system with smoke detectors and carbon monoxide
5 detectors across the entire space.

6 The facade of the building needs some
7 tender loving care. We're going to clean up that
8 facade. We're going to give it a nice paint job.
9 We're going to fix the siding where it requires to be
10 fixed. We're removing some of the old satellite
11 dishes and things like that that are on that facade
12 to really clean it up and make it good.

13 And we were able to get inside the
14 apartment that the lady had. And we were able to
15 mention the rooms and know exactly what they are.
16 Because the board had concerns that we didn't really
17 know what was upstairs. Now we do. We understand
18 that there is a proper kitchen along the back with a
19 living room attached to it. And then there are three
20 bedrooms on the first floor, and there are four
21 bedrooms on the second floor. And this is a
22 preexisting condition that we're not looking to
23 change in any way other than we're doing life safety
24 things in order to make it safe such as making sure
25 that the alarms work on it and things such as that.

1 The master bedroom, I'd like to add as
2 well that we're proposing the ground floor will have
3 an emergency escape window as well so that if in the
4 event of a fire, people aren't able to escape through
5 that window to the rear yard as well. Just another
6 added safety feature that we're going to be providing
7 with this unit.

8 So, in conclusion, we had an extremely
9 unsafe situation, and in every aspect we're making
10 this a better situation by legalizing it. We're
11 going to have a finished three-family structure here
12 which is going to be co-compliant and meet all of
13 today's building codes and have a beautiful safe unit
14 that I'm sure all the neighbors will be very happy to
15 finally have. And that concludes my testimony.

16 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
17 that proposed unit, is that an underground unit, like
18 a basement?

19 MR. PEREIRAS: It is three and a half
20 steps underground. So not the entire thing is below
21 ground and actually the best way to describe this is
22 using the elevations of the building. We have
23 photographs here. And if you see from the
24 photograph, you see that the first floor is elevated
25 about 4 and a half feet. So that is the ceiling of

1 the unit below. So it's not fully in the basement.
2 It's just partially into the basement.

3 VICE CHAIRPERSON GRULLON: I was going to
4 ask you the height of the ceiling of the basement.

5 MR. PEREIRAS: So it is actually pretty
6 tall right now. It's about 7-foot-6. And we look to
7 make it -- we might be able to excavate and do it a
8 little bit deeper. We're going to do probes, and
9 we're going to get it as high as possible. But it's
10 co-compliant.

11 VICE CHAIRPERSON GRULLON: My other
12 question is to Ms. Pereiras. I recall on the
13 beginning of this application there were, like,
14 outstanding summons. Were those things cleared?

15 MS. PEREIRAS: They had already been
16 cleared. So there were violations for that apartment
17 originally, and the client abated all those issues,
18 paid all the fines, and that is no longer a problem
19 on this property.

20 VICE CHAIRPERSON GRULLON: And that
21 tenant, that basement tenant is no longer there?

22 MS. PEREIRAS: No longer there.

23 VICE CHAIRPERSON GRULLON: Does anyone
24 have any questions about this?

25 (No response.)

1 VICE CHAIRPERSON GRULLON: And the
2 proposal of renovation is just the basement unit, or
3 are you renovating any of the other apartments?

4 MR. PEREIRAS: So there are certain
5 cosmetic things that need to happen to the first
6 floor because that tenant took over the first floor
7 as well but nothing that has any implication to this
8 board.

9 VICE CHAIRPERSON GRULLON: You mentioned
10 the facade. You will be working with the facade as
11 well?

12 MR. PEREIRAS: Correct.

13 VICE CHAIRPERSON GRULLON: What kind of
14 work will you be doing on the facade?

15 MR. PEREIRAS: So the concept is repairs.
16 Because there's lots of damage in the siding and
17 different parts of the facade. There are things like
18 a satellite dish that was attached to it. All of
19 that is going to be removed. The siding where
20 necessary is going to be removed and some fresh
21 paint. That's what we're proposing.

22 VICE CHAIRPERSON GRULLON: Clean up the
23 facade, okay.

24 MR. PEREIRAS: Yes.

25 VICE CHAIRPERSON GRULLON: No more

1 questions.

2 Do you have any questions?

3 (No response.)

4 VICE CHAIRPERSON GRULLON: Do you have any
5 other witnesses, Ms. Pereiras.

6 MS. PEREIRAS: We have previously heard
7 from the planner. He's here this evening if the
8 board has any additional questions. But he had
9 presented his testimony in the past meeting.

10 VICE CHAIRPERSON GRULLON: I mean now that
11 you don't have the tenant there, I would like to hear
12 from him too.

13 MS. PEREIRAS: Sure. Of course.

14 Mr. Dougherty.

15 MR. DOUGHERTY: Certainly.

16 * * *

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

19 MR. DOUGHERTY: To recap about this
20 project, there's a legalization of that third unit.
21 It's a one-bedroom. It's really what we call more of
22 an efficiency unit. We had presented an exhibit
23 packet, I believe, that we marked that was in the
24 record indicating mass transit and neighborhood
25 continuity. But for purposes of rehashing, generally

1 speaking, this would fall under the (d)1. So we
2 satisfied that. I believe we satisfied that criteria
3 for site suitability.

4 Particularly, as we talked about, this
5 particular tenant lived here for many, many years.
6 This is an opportunity, as Manny testified, to get in
7 there, assess the damage that was done, bring it up
8 to code, modernize it, and where we need to, give it
9 a once-over from an esthetics on the outside. But
10 for quite some time it was difficult. That's why we
11 carried it.

12 But for purposes of this, it really is
13 just a reprogramming of an existing space. There's
14 really no additions to be had like the previous
15 application we heard. What's there has been there.
16 As you recall my testimony, we're looking to enhance
17 that, bring it up to code, better living and have a
18 little space here.

19 What's nice about this, it is a
20 one-bedroom unit, so we have that diversified housing
21 choices for a growing community. Not everybody needs
22 a two- or three-bedroom. We need, you know, that
23 one-bedroom for an efficiency unit, again, that
24 missing middle housing stock.

25 And then when we talked about it, again,

1 we advanced purpose A, general welfare, safety, and
2 morals of the community, bring it up to code,
3 cleaning it up. Purpose I, for desirable visual
4 environment. Outside where we need to, we're going
5 to spruce that up. Certainly more efficient use of
6 land, purpose M. And then purpose G really, a
7 variety of uses. This, we believe, is a three-family
8 for a long period of time, so we have that variety of
9 uses from a housing standpoint, again, that growing
10 community. But for purposes, I think, of the big
11 point here, purpose A, to really make that space safe
12 and clean it up.

13 As you heard in many of the testimony,
14 that first floor tenant kind of took over the second
15 floor in that regard. So, again, access to that unit
16 is also to preserve the structure and the quality of
17 life for all those in the building and the
18 neighborhood.

19 So for that (d)1 use, for purpose of site
20 suitability I think the site is correctly suited for
21 it. That unit has been there for a long time, and I
22 think it's a palatable unit. We're talking one
23 bedroom. It's not a two- or three-bedroom, and
24 there's no addition here. So with that building
25 footprint, the site conditions really are to remain

1 but only to be enhanced with this application.

2 VICE CHAIRPERSON GRULLON: What about that
3 block?

4 MR. DOUGHERTY: I think I prepared an
5 exhibit packet. I'm not sure if the board secretary
6 has --

7 VICE CHAIRPERSON GRULLON: The proposed
8 plan, would that fit into that neighborhood?

9 MR. DOUGHERTY: Yeah. I think I had
10 demonstrated a couple of other properties that were
11 three.

12 VICE CHAIRPERSON GRULLON: I remember.
13 But could you refresh our memory?

14 MR. DOUGHERTY: I'd like to see it, if I
15 could, because I need to refresh exactly. I don't
16 want to say. The next door neighbor was three, but I
17 did comb that entire neighborhood. It's been a
18 while. I understand.

19 But I believe if we could just go off the
20 fly, on the first, Z-01, you'll see the top left
21 corner, you'll see at 210 46th Street -- because I
22 don't have it in front of me. I walked this
23 neighborhood. That three-step down to the basement,
24 there's a few houses that have that same character.
25 This house is literally -- the same architect did a

1 couple of these over the years. That's that
2 three-step down. And I believe a couple of these
3 other properties have that downstairs base- --

4 VICE CHAIRPERSON GRULLON: It says on the
5 previous view, is that a view?

6 MR. DOUGHERTY: Yeah. I'm just saying
7 these houses here, they have that basement walk-in
8 unit. There's a couple of them right there that have
9 that. This house is not unique with that first floor
10 unit. There are a few of them in that neighborhood
11 that have that.

12 VICE CHAIRPERSON GRULLON: Thank you.
13 Does that conclude?

14 MS. PEREIRAS: That concludes our
15 presentation.

16 VICE CHAIRPERSON GRULLON: Any members of
17 the public want to step forward on this application.
18 (No response.)

19 VICE CHAIRPERSON GRULLON: Hearing none.

20 Taking into consideration that this is
21 going to enhance the quality of life of the residents
22 in that area and also for the building; it's also
23 going to improve safety, I make a motion to grant
24 this application.

25 MR. VALLEJO: Motion on the table to grant

1 the application by Mr. Grullon.

2 Any second on the motion?

3 MS. PEREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Perez.

5 Roll call on the motion.

6 Mr. Grullon.

7 VICE CHAIRPERSON GRULLON: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes. It improves the
10 neighborhood and increases the safety of the building
11 for all the residents.

12 MR. VALLEJO: Ms. Watley.

13 MS. WATLEY: Yes.

14 MR. VALLEJO: Ms. O'Dell.

15 MS. O'DELL: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Six in favor. Motion
21 carried.

22 MS. PEREIRAS: Thank you very much.

23 (A brief recess was taken.)

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1 **603 CENTRAL AVENUE, LLC.**
2 **603-607 CENTRAL AVENUE:**

3 MR. VALLEJO: Back on the record.

4 Ms. Pereiras.

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

6 This application is 603 Central Avenue,
7 LLC. This was an application that was previously
8 approved by the board, and we're coming in with an
9 amendment. However, at this time I'm asking for a
10 brief adjournment so that we can address the
11 amendments at the following meeting. We do have some
12 revised drawings that we'd like to submit to the
13 board.

14 CHAIRPERSON GARCIA: Okay. I'm going to
15 make a motion to carry this application to July 10th.

16 MS. PEREIRAS: Thank you, Mr. Chairman.

17 CHAIRPERSON GARCIA: Motion to adjourn.

18 MR. VALLEJO: Motion to adjourn by
19 Mr. Garcia.

20 VICE CHAIRPERSON GRULLON: Second.

21 MR. VALLEJO: Seconded by Mr. Grullon.

22 Roll call on the motion to adjourn this
23 application to July 10, 2025.

24 CHAIRPERSON GARCIA: Yes.

25 MR. VALLEJO: Mr. Grullon.

1 VICE CHAIRPERSON GRULLON: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

6 MR. VALLEJO: Ms. O'Dell.

7 MS. O'DELL: Yes.

8 MR. VALLEJO: Ms. Pena.

9 MS. PENA: Yes.

10 MR. VALLEJO: Ms. San Martino.

11 MS. SAN MARTINO: Yes.

12 MR. VALLEJO: Seven in favor. Motion

13 carried.

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1 **ALLISON WILLIAMS -**

2 **319 5TH STREET:**

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

6 MR. T. PANEQUE: Let the record reflect as
7 follows: I've been provided by Ms. Pereiras with a
8 certification as to publication and service with
9 respect to the property at 319 5th Street, Union
10 City, New Jersey, indicating the notice of tonight's
11 hearing at this location in the Union City High
12 School, was given to all property owners within a
13 200-foot radius.

14 I've also been provided with an affidavit
15 of publication indicating that the notice was
16 published in The Record, the date of May 30, 2025.
17 The notice indicates that on today's date at 6 p.m.
18 the hearing will be held with respect to the property
19 at 319 5th Street.

20 I've also been provided with a tax list
21 from the Tax Assessor's Office. But this tax list is
22 for 3412 Hudson Avenue.

23 MS. PEREIRAS: My apologies.

24 MR. T. PANEQUE: I've also been provided
25 with a tax list from the Tax Assessor's Office with

1 respect to the property at 319 5th Street with a date
2 of March 21, 2025, listing all property owners within
3 a 200-foot radius.

4 And, finally, I've been provided with the
5 certified mail receipt with a postmark date of
6 May 19, 2025. Based on the documentation that has
7 been provided, this board has jurisdiction to proceed
8 and hear this matter.

9 MS. PEREIRAS: Thank you very much,
10 Counsel. Again, Bianca Pereiras on behalf of Allison
11 Williams, the property located at 319 5th Street,
12 also known as Lot 14 in Block 14.

13 This application is to reconstruct an
14 existing three-family home. So the idea is to
15 demolish the existing three-family -- we would have
16 needed significant repairs -- and construct a brand
17 new three-family.

18 The board may recall that we appeared
19 before you three months ago at which time we
20 presented testimony from our architect as well as our
21 planner, and there was a question as to whether this
22 board had conflict regarding the ownership of this
23 property. It has since been determined after much
24 discussion with counsel for the municipality that
25 there is no conflict, and we're able to proceed in

1 front of the board with this application.

2 MR. T. PANEQUE: Okay. Ms. Pereiras, I
3 just want to clarify.

4 CHAIRPERSON GARCIA: We have a situation
5 here.

6 MS. PEREIRAS: Sure.

7 CHAIRPERSON GARCIA: We have a memo from
8 the Building Department indicating that it's a
9 residential structure -- it's 5th Street?

10 MS. PEREIRAS: Yes.

11 CHAIRPERSON GARCIA: 319 5th Street?

12 MS. PEREIRAS: Let me see. That must be a
13 typo.

14 CHAIRPERSON GARCIA: 6/12 is this memo.

15 MR. T. PANEQUE: Ms. Pereiras.

16 MS. PEREIRAS: Yes.

17 MR. T. PANEQUE: With respect to the memo
18 from the Building Department, your client's intention
19 is to demolish the property completely?

20 MS. PEREIRAS: Correct.

21 MR. T. PANEQUE: Then the memo at this
22 point is moot since the property is going to be
23 demolished.

24 MS. PEREIRAS: Thank you very much,
25 Counsel.

1 MR. T. PANEQUE: Now, with respect to the
2 history of this matter, as Ms. Pereiras stated, this
3 matter came before the board previously. After the
4 applicant had presented its expert witnesses, it came
5 to the realization of the board that based on the
6 fact that many, if not most, of the board members are
7 employed by the Union City Board of Education, and
8 the applicant was also a member or an employee of the
9 Union City Board of Education, that this board could
10 be in conflict to hear the application.

11 However, after that, it has been further
12 determined that the other board, which would step in
13 in the case of a conflict, which is the Planning
14 Board, also has the same kind of board situation in
15 that many of its members are also members of the --
16 employees of the Union City Board of Education.

17 Based on the fact that both boards are
18 conflicted, this board has the power to invoke the
19 Doctrine of Necessity. Basically, what the Doctrine
20 of Necessity is is that there being no other recourse
21 for this applicant to have her application heard, by
22 necessity it comes back to this board, and this board
23 then would be obliged to hear the application and
24 make a determination.

25 So, with the invocation of Doctrine of

1 Necessity, we will proceed and hear this application
2 at this time as a de novo application.

3 MS. PEREIRAS: Thank you very much,
4 Counsel.

5 MR. T. PANEQUE: Thank you.

6 MS. PEREIRAS: We have two experts to
7 testify before the board this evening. And we'll
8 begin tonight's presentation with our architect,
9 Mr. Manuel Pereiras.

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

12 * * *

13 **MANUEL PEREIRAS**, after having been previously duly
14 sworn, did testify as follows:

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

17 MR. PEREIRAS: I am.

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

20 MR. PEREIRAS: I have.

21 MS. PEREIRAS: And would you kindly
22 describe the proposal for the board?

23 MR. PEREIRAS: I would be very happy to.

24 To provide the board with a little bit of
25 history, very recently this structure has been

1 completed. This is a three-family that's four
2 stories in height. This board has already approved
3 this structure that is about to start construction as
4 well. And Ms. Williams, who is an upstanding member
5 of this community, has fallen in love with that and
6 is looking to do the same thing on her property.

7 Her property -- and we thought it was a
8 three-family -- it's definitely being used as a
9 three-family right now. If it's two-family and
10 commercial, it's in desperate need of -- it's
11 basically falling apart. It's somewhat dangerous
12 right now.

13 So what we're looking at is to demolish
14 that -- three units are preexisting there as of use
15 with no parking -- and create a beautiful structure
16 that becomes a sister building to the one that's
17 going up right next to it creating a beautiful brick
18 facade with a lot of attention to detail and
19 providing parking that where before it was fully
20 absent.

21 I'd like to walk you through the project.
22 We have a building proposed on a lot that is
23 conformed. The lot is 25 feet wide and 100 feet deep
24 with a total of 2,500 square feet. We're proposing
25 to have a front yard setback that is the prevailing

1 pertinent setback. It's 1.16 feet, which keeps it in
2 line with the adjoining structures.

3 We have a rear yard setback of 15 feet 3
4 inches which we are requesting a variance for. And
5 side yard, we are providing 3 feet 1 inch on one
6 side, so it's the greatest separation with the next
7 building. But since the building that we got
8 approved has no windows on that side, we're proposing
9 a blind side to the building and let it adjoin to the
10 other building that's being constructed
11 simultaneously as well. And that creates a beautiful
12 kind of streetscape where these buildings are
13 matching, and it creates a rhythm to the block.

14 As far as building height, we are at
15 42 feet 6 inches, which is a variance. 38 is
16 permitted and our planner is going to speak a lot
17 more to the details of that variance. And our
18 building coverage is at 73.24 whereas 65 is
19 permitted. And we are compliant with our lot
20 coverage, and we are requesting a variance for
21 parking.

22 As I described before, the building is in
23 line with all the neighbors along the front. We're
24 providing that 3-foot-1 setback, and the adjoining
25 building is set back as well. So there's 6 feet

1 between the two buildings. We have the 15-3 in the
2 rear as well, and we're providing grass in the rear
3 and pavement along the side. And here we can see a
4 photograph of the existing structure.

5 And to describe the building as we're
6 proposing, we have a driveway proposed with four cars
7 in tandem so that we have two and two across that.
8 We have a front entrance that meets you to an
9 elevator which is the main circulation of the
10 building, and we have two fire stairs, one diagonal
11 at the end in the corner and one diagonal to the
12 middle.

13 We're proposing the family room to the
14 rear of the property, and when you come out of the
15 elevators, the elevators will not have a lobby. When
16 you come out of the elevator, you come out into the
17 living room space. That living room space is an
18 open-floor concept with the dining room and the
19 kitchen. And then we have the more private corridor
20 where we have three bedrooms along the back including
21 the master bedroom which has a nice, long closet and
22 its own master bath as part of the suite. The other
23 two bedrooms share a hall bathroom as well. And the
24 same concept is repeated on the two floors above
25 that.

1 And then, finally, there is a small roof
2 deck as well that is set back from the front of the
3 building. In the front it's set back 4 feet. In the
4 rear it's set back 15 feet. And on the sides it's
5 set back 3 feet on one side and 4 feet on the
6 other -- actually, 3 feet on one side in the front
7 here and 3 feet here, 4 feet along by the stairs.
8 And that provides for safety measures. If anybody
9 were ever to climb that fence, they're not falling
10 pretty far. They're falling on top of the roof
11 itself. And we're proposing a 4-foot high guardrail
12 there as well.

13 As far as the facade of the building, this
14 building we designed to mimic perfectly the
15 neighboring sister building, and I have a rendering
16 to demonstrate that. We are providing a great amount
17 of detail. First and foremost, the facade is brick
18 and it wraps around significantly to the side. And
19 we thought that was important because there is a
20 smaller house on this side, so a lot of that building
21 is visible. So we didn't want to just make it like a
22 false Hollywood facade. We want it to really feel
23 like a brick structure. So we are spending the money
24 to really back that brick coming around the back. We
25 have a beautiful cornice. And then we have a lot of

1 architectural details both in the headers and in the
2 sills with small brackets at every sill and beautiful
3 windows with the mullions there. And then we're
4 proposing a railing along the first floor. It really
5 creates this historic feel where you're separating
6 the street level and vehicular level with the more
7 residential. And that kind of adds that residential
8 component with the floor to ceiling windows that open
9 up so that it becomes really beautiful, and then the
10 pedestrian door, which is a solid door.

11 I do want to make one important revision
12 that wasn't picked up in this rendering, but we have
13 versions of it. We do not want to use the same color
14 brick as the adjacent one. So we're going to have
15 two different color bricks. So it doesn't feel like
16 a big building. It's going to keep that scale that
17 we have where it's two separate structures, and it
18 keeps that 25-foot scale moving up the block. So it
19 will be the same type of brick but a totally
20 different color. So there's a good juxtaposition
21 there.

22 As far as the side elevations, the side
23 elevation that's going up against the next building
24 will be CMU wall that's going to be covered with
25 stucco. The side elevation on the east is going to

1 have that brick wrap around the first 26 feet. And
2 then for economic reasons, after those 26 feet, we
3 have stucco on the ground floor, and then we have
4 siding above that. And as here you can see that we
5 have the bulkheads coming up for access to the roof
6 and the guardrail along the perimeter of the
7 building. And you could see that cornice is wrapping
8 around the building for beauty. So we're not
9 skimping out on that in any way.

10 The back of the building has small
11 balconies, and that balcony is 9-foot-6 in width by a
12 depth of 5 feet. And that is off of each of the
13 master bedrooms, and it's visible on the plan there.
14 And the elevations on the rear elevation and from the
15 side profile, you could see how those balconies come
16 out as well, so the bedrooms have a little bit of
17 fresh air.

18 And we have photographs so that you could
19 really understand how this is going to fit into the
20 neighborhood. It fits in very much so as far as
21 scale. There are a lot of taller structures or equal
22 structures along that entire neighborhood. So even
23 though we're asking for a height variance, it really
24 fits into that neighborhood. It's going to be a
25 beautiful continuity on the block when we have a nice

1 new structure that's going to have its sister
2 building right next to it. And that concludes my
3 testimony.

4 CHAIRPERSON GARCIA: Mr. Pereiras, can you
5 show me the dimension of the garage?

6 MR. PEREIRAS: Yes. So, Mr. Chairman, as
7 you know, these drawings have been here for a while.
8 They've been carried over and carried over. And I
9 know that this is a new request of the board for the
10 dimensions to be a little bit more clear. These are
11 carried over from before, so the dimensions aren't
12 perfectly clear there. So all I have to do is I have
13 to scale it. And from a scaling standpoint, we
14 have -- and I know the kitchen upstairs is 14 feet
15 wide to this point, plus another 4 feet, that is
16 18 feet.

17 CHAIRPERSON GARCIA: You can use the
18 living room. You can use the living room. The
19 living room is 20 --

20 MR. PEREIRAS: Yes.

21 CHAIRPERSON GARCIA: So you have almost
22 21. But can you give me the dimension of the stairs?

23 MR. PEREIRAS: Of the stairs?

24 CHAIRPERSON GARCIA: Yes. The first room
25 when you're going to go to the middle of the lobby.

1 MR. PEREIRAS: The lobby -- it is 18 feet
2 wide for the parking.

3 CHAIRPERSON GARCIA: Couldn't be,
4 Mr. Pereiras. Couldn't be. Because this is 2 feet.
5 So you can tell me the lobby is only 2 feet?

6 MR. PEREIRAS: No, not at all.

7 CHAIRPERSON GARCIA: I mean, can you come
8 here, Mr. Pereiras?

9 MR. PEREIRAS: Okay. I see. Actually,
10 Mr. Chairman, I rather not guess. You need the
11 dimensions on there we'll get you the dimensions.

12 CHAIRPERSON GARCIA: Okay.

13 MR. PEREIRAS: I don't want to stand up
14 here and guess.

15 CHAIRPERSON GARCIA: Yeah. Because the
16 thing is, I mean, always the concern is how you fit
17 those four cars there. And we are talking about just
18 looking like that, and I'm guessing too, you don't
19 have the other 18 feet wide.

20 MR. PEREIRAS: Yes.

21 CHAIRPERSON GARCIA: Also, the Juliet
22 balcony, do people have access to the balcony?

23 MR. PEREIRAS: The Juliet balcony in the
24 front of the building? Yes.

25 CHAIRPERSON GARCIA: Okay.

1 MR. PEREIRAS: But they don't step out.
2 It's a true Juliet. So the doors open and there's a
3 railing. You don't go out of the house.

4 CHAIRPERSON GARCIA: And that railing is
5 going to hang over the sidewalk, right?

6 MR. PEREIRAS: No. Not at all. That
7 railing is low. It's in line with the building. The
8 sidewalk is 1 foot 6 out.

9 CHAIRPERSON GARCIA: Can you also show me
10 the dimension of how many, is it 2 feet or 1 and a
11 half?

12 MR. PEREIRAS: Of what? The setback from
13 the sidewalk?

14 CHAIRPERSON GARCIA: No. When you open
15 the window to see the Juliet balcony, that space
16 there, what is it? How many inches or 1 foot? What?

17 MR. PEREIRAS: I don't know exactly. That
18 was -- I will get you that dimension. It's about
19 12 inches.

20 CHAIRPERSON GARCIA: 12 inches. Okay.

21 MR. PEREIRAS: And it doesn't overhang.
22 It's part of the cornice below. So -- actually,
23 yeah, there's overhang.

24 CHAIRPERSON GARCIA: Okay. Also, the
25 balcony in the rear, you said how many? It's 9 by?

1 MR. PEREIRAS: 9 by 5.

2 CHAIRPERSON GARCIA: 9 by 5. Okay.

3 Also, the dimension of the setback of the
4 roof deck --

5 MR. PEREIRAS: Yes.

6 CHAIRPERSON GARCIA: -- I know that at one
7 point you show 3 foot. But it is all around or it's
8 only here?

9 MR. PEREIRAS: All around is 3 foot. And
10 then at this point where you have next to the stairs,
11 it's 4 feet. But everywhere else it's 3 feet.

12 CHAIRPERSON GARCIA: Also from the rear.

13 MR. PEREIRAS: Also from the rear, yes.

14 CHAIRPERSON GARCIA: Any comments? Any
15 questions?

16 VICE CHAIRPERSON GRULLON: Mr. Pereiras,
17 the west elevation, you said the material of the west
18 elevation, is that concrete or stucco?

19 MR. PEREIRAS: So that west elevation is
20 up against the other building, so you don't see any
21 of it. So it's CMU block. And as the CMU block gets
22 constructed, it gets a waterproofing. But it's not
23 visible anywhere. It's face to face with the other
24 building.

25 CHAIRPERSON GARCIA: But the first floor

1 is stucco and siding?

2 MR. PEREIRAS: The east is stucco and
3 siding. But the front 26 feet of the building is
4 brick. So the first 26 feet what's visible from the
5 street is brick and then the rest is stucco on the
6 ground floor and siding above that.

7 CHAIRPERSON GARCIA: The adjacent property
8 to the east side is also on the property line? It
9 doesn't have any setback?

10 MR. PEREIRAS: The same as ours, which is
11 about 1 foot 6.

12 Turning to page Z-02, we see our site
13 plan, and it shows the adjacent house at the same
14 level of the proposed house and the adjacent house in
15 the other direction, both east and west.

16 CHAIRPERSON GARCIA: I have no further
17 questions.

18 VICE CHAIRPERSON GRULLON: Mr. Pereira, I
19 know you mentioned the sister application. We're not
20 looking at that here. Do they have the same
21 balconies?

22 MR. PEREIRAS: It is the identical
23 building. We are not proposing any -- we haven't
24 made any changes to that.

25 VICE CHAIRPERSON GRULLON: The balconies

1 are there too?

2 MR. PEREIRAS: Yes.

3 MS. PEREZ: So that building is not built
4 yet? This front view is currently what's there?

5 MR. PEREIRAS: Correct. And they're
6 trying to obtain permits right now. They're in the
7 Building Department getting permits.

8 MS. PEREZ: They're going to demolish that
9 whole building as well?

10 MR. PEREIRAS: Yes.

11 MS. PEREZ: And that ugly pole that's
12 there in the front, is that going to stay there?
13 Because I don't see it in the drawing.

14 MR. PEREIRAS: That's going to stay there.

15 MS. PEREZ: And it doesn't impact any
16 driveways or anything?

17 MR. PEREIRAS: It does not. That's where
18 our door is going, our front door.

19 MS. PEREZ: The door of the --

20 MR. PEREIRAS: The new proposed building.

21 MS. PEREZ: Of the new. Of this building?

22 MR. PEREIRAS: Yes.

23 CHAIRPERSON GARCIA: The electrical pole
24 is there? What --

25 MR. PEREIRAS: In front of the pedestrian

1 door.

2 CHAIRPERSON GARCIA: Along the property
3 line?

4 MR. PEREIRAS: Yes. It's on our property
5 line -- on our side it is east of the property line,
6 in front of our front door.

7 CHAIRPERSON GARCIA: We have no more
8 questions. Do you have a planner?

9 MS. PEREIRAS: We do. And for purposes of
10 clarity, just before we proceed on testimony, I think
11 the original report by your planner called for a
12 (d)2?

13 MR. SPATZ: It is a (d)1 variance.

14 MS. PEREIRAS: Thank you very much.

15 Mr. Bailer.

16 * * *

17 **GABE BAILER**, after having been duly sworn, did
18 testify as follows:

19 MR. BAILER: Gabe Bailer, B-a-i-l-e-r.

20 MS. PEREIRAS: Mr. Bailer has testified
21 before the board in the past, and I ask that he be
22 accepted --

23 CHAIRPERSON GARCIA: Yes. Mr. Bailer,
24 happy to have you.

25 MR. BAILER: Thank you. Thank you,

1 Mr. Chairman, Members of the Board.

2 Tonight, as Mr. Pereiras has mentioned, is
3 for a proposed three-family. We were previously
4 going to use the (d)2 expansion nonconforming use.
5 But as Mr. Spatz clarified, it is a (d)1 use
6 variance. So this property is an R zone. And what's
7 being proposed is a three-family, which is not
8 permitted. So a (d)1 use variance is required.

9 As well, as Ms. Pereiras mentioned, a (d)6
10 height variance is required for height when the max
11 permitted is 38 feet. And what is being proposed is
12 42 feet 6 inches, and it exceeds the 10 percent
13 threshold. So that is a (d)6 variance.

14 In terms of the variance proofs, a (d)1
15 use variance will be granted with special reasons.
16 Special reasons being that the site is particularly
17 suited for the proposed use or it promotes the
18 general welfare as well as the negative criteria that
19 the proposed variance can be granted without
20 substantial detriment to the public good and not
21 substantially impairing the intent and purpose of the
22 zone plan. In my opinion, this application meets the
23 merits of being particularly suited and as well as
24 promotes the general welfare.

25 As mentioned before, this is an

1 existing -- the Building Department clarified it's a
2 two-family with a commercial use. There is no
3 parking on the site. There's no parking provided for
4 the property. What's being proposed here is a new
5 three-family with -- four on-site parking spaces so
6 it improves the condition of the property by
7 providing on-site parking spaces.

8 As Mr. Pereiras mentioned and shown by the
9 rendering, this is a high-quality building with great
10 architectural details, brick details that complements
11 the sister-approved project at 321 5th Street which
12 is approved in 2022. It provides new modern
13 residential opportunities. It also will provide an
14 elevator to provide handicap access to individuals
15 who could live on the second, third, or fourth floor.

16 It will integrate to the changing
17 character of 5th Street. There is a four-story
18 building that is 45 feet, which is to the east of the
19 property. And as previously mentioned, 2022, will
20 approve this property at 321 5th Street, which is
21 nearly identical as what's being proposed.

22 The resolution of approval for the 321 5th
23 Street identified that the project states has special
24 reasons for the variance relief. So, therefore, it
25 says that this project, 321 5th Street, which is

1 nearly identical to 319 5th Street had met the burden
2 of proof providing special reasons for approval. In
3 my opinion also, the negative criteria, that there
4 would be no impacts to the light or the air of the
5 surrounding properties. It would not impair intent
6 and master plan of the zoning ordinance.

7 And as well, the resolution approval for
8 the 2022 application of 321 5th Street, which is
9 identical, nearly identical of what's being proposed
10 at 319 5th Street says that this resolution from
11 relief requested can be granted without substantially
12 impacting on the public good and without
13 substantially impairing the intent of the zone plan
14 and master plan for the following reasons: There
15 would be no negative criteria associated with the
16 project. The project would not be in conflict with
17 the character of the neighborhood or with the master
18 plan.

19 So, in my opinion, that this project meets
20 the positive criteria by being particularly suited
21 and as well promotes the general welfare by improving
22 the visual appearance of the property, provides
23 on-site parking, and integrates the changing nature
24 of 5th Street.

25 As well, there's several C variances

1 required. In my opinion, that this project meets the
2 (c)2 variance, (c)2 criteria where purposes of the
3 zoning would be advanced. The benefits derived of
4 the variance will outweigh any detriments.

5 What's being required for C variances are
6 the rear yard, what's permitted is 20 feet. What's
7 being proposed is 15.3 feet. In my opinion, the
8 4 feet and 7 inches will not have any negative impact
9 on surrounding properties. As well, there's a side
10 yard. What's required is 2 feet for one and 5 feet
11 for both sides. This is actually improving what's
12 existing there. It improves one side for one foot --
13 it actually improves the side yard condition.

14 The building height stories, the maximum
15 is three stories as. What's being proposed is four.
16 As mentioned, what's been approved at 321 5th Street
17 is for four stories. There's a project at 315 5th
18 Street which is four stories to be built. So this
19 integrates the nature of the character of 5th Street
20 with a four-story building. And as well, max
21 building coverage, max permitted is 65 percent, and
22 what's being proposed is 73.24 percent. And this is
23 consistent with the surrounding area of the max
24 building coverage with the area around 5th Street.

25 As well, there's parking required. Six

1 parking spaces are required. We are providing four
2 parking spaces. As previously, there was no parking
3 associated with the previous property. Now there's
4 going to be four on-site parking spaces. That's at
5 least one per unit for each of the three-family,
6 three bedrooms. So you're providing at least one
7 parking unit for each of the units with another
8 additional parking spaces.

9 In my opinion, this also meets purpose A,
10 appropriate use of development. In my opinion, this
11 shows the changing nature of 5th Street by
12 integrating another four-story building in the
13 context of the surrounding area providing a nice
14 beautiful visual building with brick exterior. It
15 also promotes purpose G, provides sufficient space
16 and appropriate locations. All the three bedrooms
17 are over 1500 square feet. So it provides sufficient
18 space. And, in my opinion, purpose I, promote a
19 desirable visual environment.

20 As you could see by the rendering, this is
21 an improvement over the existing building that's
22 there. It integrates the surrounding area. It's an
23 aesthetic improvement. It shows the changing nature
24 of 5th Street. It complements the building and the
25 other building that was approved at 315 5th Street,

1 which is another four-story modern building. So my
2 opinion based on the (d)1 use variance which is
3 required the site is particularly suited and promotes
4 a general welfare. And as well, the C variances can
5 be approved using the (c)2 criteria. But the
6 benefits outweigh the detriments. And the picture
7 tells the story. It's a beautiful building. It
8 complements the building that was approved at 321 5th
9 Street which the board says that meets the positive
10 criteria as well as the variances will not have a
11 significant detriment to the public good or the
12 surrounding area. And this is nearly the identical
13 application being here tonight.

14 So that is the end of my testimony. Any
15 questions?

16 CHAIRPERSON GARCIA: Did you have an
17 opportunity to visit the area?

18 MR. BAILER: Yes.

19 CHAIRPERSON GARCIA: And how different is
20 the application versus the surrounding area?

21 MR. BAILER: Well, as mentioned, what was
22 approved next door is a four-story building at
23 315 5th Street, which to the east is a four-story
24 building which is 45 feet high as well as there are
25 several three-story buildings surrounding the area.

1 But in terms of the four-story buildings, there's
2 321 5th Street and 315 5th Street.

3 CHAIRPERSON GARCIA: And according to the
4 current condition of the three-family houses that is
5 there now versus the proposal, what opinion -- what
6 is your opinion between both?

7 MR. BAILER: Well, in my opinion, I think
8 this is a better option because it's a better visual
9 improvement. But also the key component is that it
10 provides on-site parking, the four parking spaces.
11 There are several three-families in the area that
12 don't provide parking. This is a consistent
13 character with several, you know, units. They don't
14 provide on-site parking. But this property will
15 provide four parking spaces for the residents of the
16 building. So, in my opinion, I think this is an
17 improvement what's already existing as you can tell
18 by the rendering but also providing on-site parking
19 spaces.

20 CHAIRPERSON GARCIA: Thank you.

21 Any other questions?

22 (No response.)

23 CHAIRPERSON GARCIA: I'm going to have a
24 question for Mr. Pereiras.

25 Mr. Pereiras, what is the size of the

1 family room? You got it here, family room. Is it a
2 possibility, like, you reduce it a little bit, a
3 little bit more space for the parking, to move it?

4 MR. PEREIRAS: Absolutely, Mr. Chairman.
5 We have that possibility. Not much because the
6 stairs are there.

7 CHAIRPERSON GARCIA: Yes. But at least if
8 you could give at least one --

9 MR. PEREIRAS: I could give a little more.

10 MR. SPATZ: Mr. Chairman, if I could,
11 along the same line, just as a thought? I know your
12 concern is with the narrowness of the garage?

13 CHAIRPERSON GARCIA: And the way that
14 they're going to maneuver.

15 MR. SPATZ: Right. Just something for the
16 board to consider is having it as just a three-car
17 garage, that would still be one per unit, you know,
18 rather than that extra space. It would give -- there
19 would be less jockeying around the cars backing up.
20 It's a little narrower. Because the issue is around
21 the elevator getting there. And then if it were
22 possible to sort of, you know, perhaps move the trash
23 room. Instead of having an extra door into the
24 family room from the garage, they'd be moving the
25 trash room over. Maybe reorienting the stairs a

1 little bit, and that would give you the extra room.

2 CHAIRPERSON GARCIA: Yeah. That's right.
3 You can have two up front and one in the rear, and
4 one on the other side.

5 MR. SPATZ: Right. Two in the front.
6 That way only one car has to back out to get the
7 other two out. You're not really losing with that.
8 One apartment would have one extra parking space
9 otherwise, but I think that helps deal with some of
10 the narrowness of it, because you're not moving two
11 cars to get those two back cars out. And then if you
12 rearrange the stairs and the trash room, that might
13 even give you a little bit extra room to pull the
14 cars up a little bit more to get them away from the
15 elevator bump-out.

16 MR. PEREIRAS: We can definitely do that,
17 Mr. Chairman and Mr. Spatz. Thank you for the
18 recommendation.

19 And I also want to remind the board that
20 we're reducing the parking variance that is
21 preexisting. And now that we know it's a commercial
22 building, we're also making the entire building more
23 in conformance by going residential from a previous
24 commercial aspect as well. And we could definitely
25 take that into account, and we can accommodate three

1 cars a lot more comfortably than the four that we
2 show.

3 CHAIRPERSON GARCIA: Also, I'm going to be
4 concerned about the balcony in the back. Can we do
5 something similar to the Juliet balcony in the master
6 bedroom?

7 MR. PEREIRAS: Sure. Can we limit it to
8 18 inches?

9 CHAIRPERSON GARCIA: Yeah.

10 MR. PEREIRAS: Okay. Any other questions?

11 VICE CHAIRPERSON GRULLON: On Z-02, that
12 photograph that you have, it shows a light pole
13 there. How would that interfere with the building
14 parking?

15 MR. PEREIRAS: So if you go between our
16 floor plans and the site plan, you notice that the
17 door, pedestrian door to our building is on the
18 right-hand side and the parking garage is to the left
19 so that the light pole that's there is in front of
20 the pedestrian door and not the garage. And we
21 actually are proposing a new tree between the light
22 pole and the curb cut as well. So there's a lot of
23 room between the driveway and the pole.

24 CHAIRPERSON GARCIA: Mr. Spatz, let me ask
25 you a question.

1 MR. SPATZ: Yes.

2 CHAIRPERSON GARCIA: Going back to the
3 garage --

4 MR. SPATZ: Yes.

5 CHAIRPERSON GARCIA: -- eliminating
6 moving, this is by the trash?

7 MR. SPATZ: Yes. Or just reorient it a
8 little bit, maybe get rid of that door and shift
9 everything over and maybe the stairs, not have the
10 bend but just be --

11 CHAIRPERSON GARCIA: Right. Because this
12 curb goes all the way to the end.

13 MR. SPATZ: Right. Right.

14 CHAIRPERSON GARCIA: And if you could move
15 this all the way to the end, then they're going to
16 have more space.

17 MR. SPATZ: Correct.

18 MR. PEREIRAS. Yes.

19 CHAIRPERSON GARCIA: I would prefer to
20 keep it with four no matter what, but then the
21 parking they only use three. Seeing this -- I had
22 the same lot size at 203 Palisade Avenue, where I
23 used to live. And they approved the four, but the
24 parking we have three. And what they did is -- what
25 we used to do is we parked in the driveway if it's

1 enough space to -- you know, leave enough space to be
2 able to -- but I prefer to leave the four but move it
3 a little bit, that exit.

4 MR. PEREIRAS: We can do that.

5 CHAIRPERSON GARCIA: That would be my
6 recommendation.

7 VICE CHAIRPERSON GRULLON: It would be
8 good to see the dimension.

9 CHAIRPERSON GARCIA: Definitely.
10 Definitely. Yes.

11 MR. PEREIRAS: Yes. We'll update that and
12 give it to Mr. Spatz for his review.

13 VICE CHAIRPERSON GRULLON: Can you
14 describe the roof deck?

15 MR. PEREIRAS: Yes. So our roof deck,
16 it's actually very carefully split up. It's two
17 separate roof decks, so that we never have a lot of
18 people up there. So that's one way that we're
19 controlling the amount of people on the roof deck so
20 that there's not one big party. So, if you could
21 see, the stairwell actually splits the two spaces
22 into two separate areas.

23 The roof deck itself is set back 3 feet
24 all around the entire perimeter and actually 4 feet
25 at it -- what we thought wasn't very space because

1 it's right by the stairs. So there is a 3-foot
2 setback all across the entire perimeter and there is
3 the 4-foot guardrail throughout the whole thing as
4 well.

5 VICE CHAIRPERSON GRULLON: I don't know if
6 the chairman would agree, but I noticed in some of
7 the other applications you have beautiful planting
8 around the roof deck. Would you consider doing that?

9 MR. PEREIRAS: Absolutely. We would be
10 happy to provide that.

11 CHAIRPERSON GARCIA: And also, I'm going
12 to recommend, like, the roof deck to be assigned by
13 units because, let me tell you the first floor
14 already has the family room on the ground floor and
15 going to have some access to the rear yard.

16 MR. PEREIRAS: That's exactly the idea.
17 The first floor will have the rear yard. The second
18 floor will have this back unit, and the third floor
19 will have the front unit.

20 CHAIRPERSON GARCIA: Is there a way you
21 could like -- okay, you have the door there. I'm
22 also going to recommend can you present the plans and
23 we vote the next meeting?

24 MR. PEREIRAS: Sure.

25 CHAIRPERSON GARCIA: So you're going to go

1 with reducing the balcony, make sure of the
2 dimensions of the parking, also with the change of
3 the garage. You're going to show the dimensions of
4 the setback at the roof deck with the plants and
5 everything. And we don't need the planner. Just
6 you, okay?

7 VICE CHAIRPERSON GRULLON: Dimension of
8 the Juliet balcony also.

9 MR. PEREIRAS: Yes. I'll have fully the
10 dimensions.

11 MS. PEREZ: And the garage.

12 CHAIRPERSON GARCIA: And the garage.

13 VICE CHAIRPERSON GRULLON: And the
14 planting around the deck.

15 CHAIRPERSON GARCIA: Let me ask you this,
16 are you planning to plant any tree?

17 MR. PEREIRAS: Yes. We have one proposed
18 between the light pole and the curb cut.

19 CHAIRPERSON GARCIA: Okay. Mr. Pereiras,
20 also, and this is just -- driving on the block
21 between -- 39th Street between Palisade Avenue and
22 Hudson --

23 MR. PEREIRAS: Yes.

24 CHAIRPERSON GARCIA: -- there is
25 construction there. Can you design the driveway on a

1 45-degree angle, not 90? Because I'm still trying to
2 find out when they finish that building how they're
3 going to get in and going to get out from that.
4 Because it's a 90-degree angle. I don't know how
5 they're going to turn at all.

6 MR. PEREIRAS: As an architect, we always
7 prefer that. The problem with that is once we have
8 45 degrees, that increases the size of our curb cut,
9 where different municipalities are comfortable with
10 different dimensions of curb cuts. And it's usually
11 in proportion to the width of the street. So a place
12 like 39th Street, it makes sense to have a curb cut
13 that's at least 16 feet wide. This particular block
14 is also a little bit narrow, and I would recommend
15 16-foot wide as well. So if the board would permit
16 us to go from a 12-foot wide, which our ordinance
17 actually mentions, to a 16-foot wide, we'd be happy
18 to do that.

19 CHAIRPERSON GARCIA: Mr. Spatz, can you
20 give your opinion, please, to this?

21 MR. SPATZ: Yeah, I don't think that's a
22 particular problem.

23 CHAIRPERSON GARCIA: Because I don't know
24 if you -- if you drive through 39th Street, at any
25 time that you're driving in the city, basically, pass

1 by 39th Street between Hudson and Palisade Avenue.

2 MR. SPATZ: Right.

3 CHAIRPERSON GARCIA: And it's -- I don't
4 know how they're going to handle that, how to get out
5 or get in. You pass by there, Carlos, every day.

6 MR. SPATZ: Yeah. A little wider curb cut
7 would give it a little bit more flexibility for the
8 cars backing out.

9 MR. PEREIRAS: We appreciate that.

10 CHAIRPERSON GARCIA: Can we recommend that
11 in the resolution?

12 MR. SPATZ: Sure.

13 MR. PEREIRAS: And looking forward, when
14 we have tighter streets, I'll already have a 16-foot
15 curb cut.

16 CHAIRPERSON GARCIA: Off the record.

17 (Discussion was held off the record.)

18 CHAIRPERSON GARCIA: One of the points for
19 the record is that we're going to go for a vote
20 today; however, we're going to do it with the
21 condition to the plan.

22 MR. PEREIRAS: Yes.

23 CHAIRPERSON GARCIA: And also Mr. Spatz's
24 memo. Okay. Because we have all those.

25 MS. PEREIRAS: We appreciate that

1 courtesy, Mr. Chairman.

2 CHAIRPERSON GARCIA: But you have to
3 present the plans 10 days before July 10th.

4 MS. PEREIRAS: We will do so.

5 CHAIRPERSON GARCIA: With all the
6 conditions, with all the comments, with all the
7 recommendations.

8 MR. T. PANEQUE: Just so that we're clear
9 on the conditions, I have number one, the rear
10 balcony is going to be reduced to 18 inches in width.
11 The garage length will be increased as much as
12 possible. Planters will be set around the perimeter
13 of the roof deck. The roof deck will be assigned to
14 the two upper units.

15 Now, Mr. Pereiras, you said the rear is
16 Number 2 and the front is Number 3 or vice versa?

17 MR. PEREIRAS: Correct.

18 CHAIRPERSON GARCIA: So the rear deck is
19 for Unit 2?

20 MR. PEREIRAS: Uh-huh.

21 MR. T. PANEQUE: And the front deck will
22 be Unit 3.

23 MR. PEREIRAS: And the rear yard will be
24 Unit 1.

25 MR. T. PANEQUE: And the rear yard Unit 1.

1 Okay. And then we also have the increased curb cut
2 will be allowed to 16 feet in width. Anything else?
3 And you will provide dimensions.

4 CHAIRPERSON GARCIA: Everywhere.
5 Dimension of the garage, dimension of the roof deck,
6 dimension of the Juliet balcony, forever in every
7 single plan.

8 MR. SPATZ: If I could ask that a cover
9 letter go along with that which outlines the changes?

10 MS. PEREIRAS: Happy to provide that.

11 MR. SPATZ: Yeah. It would be easier to
12 pick them out.

13 CHAIRPERSON GARCIA: Any member of the
14 public want to step forward?

15 (No response.)

16 CHAIRPERSON GARCIA: Seeing none, closed
17 to the public.

18 I'm going to make my motion to grant this
19 application with the stated conditions and also
20 subject to the revised plans, and also we need to see
21 Mr. Spatz's memo. I make my motion to grant this
22 application.

23 MR. VALLEJO: Motion to grant this
24 application by Mr. Garcia.

25 VICE CHAIRPERSON GRULLON: Second.

1 MR. VALLEJO: Seconded by Mr. Grullon.

2 Roll call on the motion.

3 Mr. Garcia yes.

4 MR. VALLEJO: Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes.

10 MR. VALLEJO: Ms. O'Dell.

11 MS. O'DELL: Yes.

12 MR. VALLEJO: Ms. Pena.

13 MS. PENA: Yes.

14 MR. VALLEJO: Ms. San Martino.

15 MS. SAN MARTINO: Yes.

16 MR. VALLEJO: Seven in favor. Motion
17 carried. Revised plans required.

18 MS. PEREIRAS: Thank you all very much.

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1 **411 10TH STREET UC, LLC**

2 **411 10TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda 411 10th Street UC, LLC.

6 Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of 411 10th Street Union City LLC. We are requesting
9 adjournment of this application. The architect is
10 working on this.

11 CHAIRPERSON GARCIA: Which one?

12 MS. PEREIRAS: 411 10th Street.

13 CHAIRPERSON GARCIA: Oh, 411 10th?

14 MS. PEREIRAS: Yes.

15 MR. VALLEJO: Go ahead. Do that one.

16 MR. T. PANEQUE: We're jumping to
17 Number 7.

18 MS. PEREIRAS: Respectfully, the architect
19 is working on this project, is working on revised
20 drawings to be submitted to the board, so I am
21 requesting an adjournment for the July meeting.

22 CHAIRPERSON GARCIA: 411 10th Street?

23 MS. PEREIRAS: Correct.

24 CHAIRPERSON GARCIA: Do you waive the
25 statutory requirement?

1 MS. PEREIRAS: Yes, I do.

2 CHAIRPERSON GARCIA: Motion to adjourn
3 this application to July 10th.

4 MR. VALLEJO: Motion on the table to
5 adjourn the application for July 10, 2025 by
6 Mr. Garcia. Any second?

7 VICE CHAIRPERSON GRULLON: Second.

8 MR. VALLEJO: Seconded by Mr. Grullon.
9 Roll call on the motion.

10 Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Mr. Grullon.

13 VICE CHAIRPERSON GARCIA: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. Watley.

17 MS. WATLEY: Yes.

18 MR. VALLEJO: Ms. O'Dell.

19 MS. O'DELL: Yes.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: Yes.

22 MR. VALLEJO: Ms. San Martino.

23 MS. SAN MARTINO: Yes.

24 MR. VALLEJO: Seven in favor. Motion
25 carried.

* * *

1 **1601 PALISADE AVENUE, LLC -**
2 **1601-1607 PALISADE AVENUE:**

3 MR. VALLEJO: Bianca Pereiras on behalf of
4 1601 Palisade Avenue. As the board may recall, we
5 had previously appeared before the board on an
6 application for a mixed-use building consisting of
7 two residential units plus one commercial component
8 which was a cafe. After hearing the comments and
9 suggestions from the board we went back to the
10 drawing board with our client, revised the drawings
11 that are before you this evening and have eliminated
12 completely our D variance and the commercial
13 component. We are seeking approval for a two-family
14 home. We have one expert to testify, and that is our
15 architect, Mr. Manny Pereiras.

16 MR. PEREIRAS: Manny Pereiras. I
17 recognize that I am still under oath.

18 * * *

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

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property in question?

23 MR. PEREIRAS: I am.

24 MS. PEREIRAS: And could you kindly
25 describe the proposed changes to the board?

1 MR. PEREIRAS: I'd be very, very happy to.

2 We have a great opportunity here. It's a
3 vacant piece of property that has always felt like a
4 missing tooth ever since I was a little boy walking
5 past that. We have the opportunity to finally fill
6 that and fill that in a clever way that is
7 sustainable and appropriate and with good smart
8 growth. And the building that we're proposing here
9 today will fit into this with very reasonable
10 setbacks that are a little bit unique to our area.
11 And the concept and the design is a little unique as
12 well.

13 We have a lot that is 2,375 square feet.
14 So we're slightly shy from a normal conforming lot
15 but that's because of its configuration. It's very
16 different. It is 50 feet wide and 48 feet in depth
17 on the corner. So it is a square shape instead of a
18 typical Union City rectangular shape.

19 And the way we treated it is as follows:
20 We are set back a little bit more than the adjoining
21 structure. So we make sure that the building is set
22 back on the corner to really create a transition into
23 the block and in both directions so that both towards
24 16th Street and towards -- going north on Palisade
25 Avenue we're further set back than the two adjoining

1 houses. I know we have the ability to go as of
2 right, right on the property line because we have a
3 prevailing setback, but we thought it was important
4 to create that transition on that block and really
5 create great visibility coming around, especially for
6 pedestrian traffic with the ambulance headquarters so
7 close by and the firemen that are pretty close by as
8 well, and as well as the schools that are nearby.

9 So we're setting back the building proper
10 7 feet at this corner, setting back from Palisade
11 Avenue, if you're facing the building, on the north,
12 3-foot-1. And on its worst case scenario, we're at
13 5-foot setback at the corner and 5-foot setback in
14 both directions so that we're creating this, like,
15 nook where the building is set back, and that allows
16 us a lot of opportunity to play with the landscaping
17 as well. So the sidewalk doesn't end at the property
18 line, but the sidewalk continues to the building on
19 that setback, and it's met with landscaping in
20 between. So we're creating this semipublic private
21 area where we're able to beautify it with landscaping
22 where we're normally aren't able to do that in
23 typical settings.

24 And we have also a transition as you're
25 going to that corner. The cornermost section is only

1 one story in height, and then the building steps up
2 to its three story to be in line with the adjacent
3 structures as well. So there is a stepping of height
4 and density with the building.

5 We didn't want to create and lose more
6 parking along 16th Street, and we also didn't want to
7 create too much density of parking along Palisade
8 Avenue, so we split our driveway entrances to both
9 corners. So that we have two cars parked for one of
10 the units along 16th Street and we have two cars
11 parked for one of the units along Palisade Avenue.

12 The vertical circulation of the building
13 fits right here in this spot to get you to the second
14 floor apartment. But when you're on 16th Street, you
15 have now access to two separate doors. So it feels
16 very, very private. Every unit is going to have
17 their own private door on the outside.

18 Second floor is through this door, and the
19 first floor is through this door. So you enter into
20 Apartment No. 1, and the entire floor is their living
21 room, dining room, and kitchen area, and it's a large
22 open format so that they have their kitchen with an
23 island, a small half bathroom at the corner nook, and
24 then the kitchen, living room, dining room areas
25 along here open.

1 From that apartment within the apartment,
2 you have steps that lead you to the second floor, and
3 here we have a four-bedroom apartment. We have a
4 master suite with a nice walk-in closet and master
5 bath, and then we have three smaller bedrooms that
6 share two bathrooms, one of those bathrooms acting
7 with two sinks for the two primary bedrooms. And in
8 today's world where a lot of people work from home, I
9 imagine that the other bedroom will probably become a
10 home office, but we have the flexibility here that it
11 is a bedroom if we have a large family moving in
12 here.

13 That same stairwell that we mentioned
14 before from the outside will lead you past the second
15 floor to the third floor and you enter into the third
16 floor apartment. This corner on the corner of
17 Palisade and 16th Street has the living room, dining
18 room, kitchen area. And then we have the three
19 bedrooms across the back, one of them being a master
20 suite with its own walk-in closet and bathroom.

21 If you take that stair all the way up, you
22 have a small roof deck which is significantly set
23 back and with dimensions here in every direction,
24 it's set back from the back of the building 11 feet
25 2 inches to the parapet, plus the 3-foot one on the

1 side yard, plus the thickness of the parapet. It's
2 set back towards the back, 4 foot 10 inches to the
3 parapet. Then you have the 12 inches of the parapet,
4 and 3-foot on the other side. So there's almost
5 8 feet over their setback.

6 In the front towards Palisade Avenue, the
7 roof deck is set back 6-foot-10 to the parapet, plus
8 another 7 feet to the property line. So that's
9 setback almost 14 feet from the property line along
10 there. So it's well set back in every direction.

11 And then as far as the facade of the
12 building, we're looking to do a brick facade both on
13 16th Street and on Palisade Avenue. And what we have
14 here is monolithic size bricks in combination of two
15 different colors and AZEK trim panels to create trims
16 around windows and vertical trim and then a stone
17 parget face brick for the first floor with a cornice,
18 a black cornice that you see there and the metal trim
19 cornice that you see along the top area. And those
20 combinations of bricks creates like a new nice flavor
21 to the neighborhood. And as you can see, I think
22 it's extremely visually appealing. It has a nice
23 scale to it. You could see here how it has one step
24 for the first story, and then you feel the other two
25 steps that make it more in line with the neighborhood

1 and the other buildings.

2 And at the end of the day, we're proposing
3 a two-family house where a two-family house is
4 permitted. We're just slightly shy of the lot
5 dimensions of the site. We have setbacks that make
6 complete sense when you look at this building from
7 side yards because it is a corner building. So we
8 aren't compliant as far as rear yard is concerned,
9 and we're not compliant as far as lot coverage is
10 concerned because of this corner condition. But
11 we're compliant. We're not requesting any parking
12 variances, and it's a building that works really
13 well, and I think it's going to really enhance the
14 neighborhood and provide needed character to that
15 corner.

16 And that concludes my testimony, and I'm
17 happy to answer any questions you may have.

18 CHAIRPERSON GARCIA: Mr. Pereiras, you
19 mentioned in Z-05 you have monolithic block or brick
20 or similar material chosen by owner.

21 MR. PEREIRAS: Yes.

22 CHAIRPERSON GARCIA: So there is -- we
23 don't know in reality.

24 MR. PEREIRAS: Well, we have a Building
25 Department who is being extremely, extremely specific

1 right now. And I have had many opportunities where
2 we've had the ability to do things even more
3 beautiful and nicer. For example, in one particular
4 project, we showed brick, and we are changing it to
5 stone because the applicant was able to get stone.
6 And to me stone is a much more beautiful material.
7 So we were not permitted to do so because we said
8 brick and not stone for the base of the building.

9 Considering that we are trying to make our
10 elevations, to be clear, so that we can -- no one is
11 going to put siding there because we're saying brick,
12 stone, or similar material. That similar material
13 allows us to be able to have a little bit of
14 flexibility, but yet the Building Department can say,
15 hey, if it doesn't match or it doesn't work.

16 And, Mr. Chairman, I'm taking this
17 approach. I hope you think that it's appropriate. I
18 think that, you know, with these facades we're
19 spending a lot of money, and sourcing these materials
20 isn't always easy, particularly stones. They're
21 available for a certain time. If they're not
22 purchased, they have to go back to the quarry. So we
23 have difficulty in our area selecting materials long
24 term. We started this project over a year and a half
25 ago. So it's very hard to select those finite

1 materials. But if you were to limit me and say it
2 has to be brick, we understand that and we'll make
3 brick. But I want the flexibility to say brick or
4 stone or something similar.

5 MR. T. PANEQUE: Mr. Garcia, with your
6 permission.

7 Ms. Pereiras, the application that I have
8 in my packet does not match the presentation. So the
9 original application was two units with a coffee
10 shop.

11 MS. PEREIRAS: Correct.

12 MR. T. PANEQUE: And I still have an
13 application that says two units with a coffee shop.

14 MS. PEREIRAS: We submitted revised
15 drawings. We did not revise the application. But
16 all the dimensions of the building stayed the same.
17 The only thing was the change of the use.

18 MR. T. PANEQUE: Okay. So I got to get to
19 that because it's been carried.

20 MS. PEREIRAS: Correct.

21 MR. T. PANEQUE: And your original notices
22 were for your original application.

23 MS. PEREIRAS: Correct.

24 MR. T. PANEQUE: Did you resubmit notices
25 for a new application?

1 MS. PEREIRAS: We did not renotice. We
2 were eliminating the D variance at the request or
3 suggestion of this board. So because we are
4 eliminating the D variance, I did not believe that
5 there was a need to renotice.

6 MR. T. PANEQUE: But there's a new
7 application.

8 MS. PEREIRAS: It's revised drawings that
9 were submitted based on the suggestions from this
10 board.

11 MR. PEREIRAS: It's the same application.

12 MR. T. PANEQUE: Okay. I need testimony
13 that the dimensions of the buildings have not
14 changed, side yards, any kind of outside dimensions
15 and that the only change has been to remove the
16 coffee shop internally, but everything else is the
17 same. Okay? Otherwise we have an issue with the
18 notice.

19 But if you can elaborate on that aspect of
20 your application, sir?

21 MR. PEREIRAS: I'd be happy to,
22 Counsel.

23 All site conditions of this application
24 and these revised drawings are exactly the same as
25 the original site conditions that we submitted. The

1 side yard setbacks are the same. The lot coverage is
2 the same. The building coverage is the same. The
3 height of the structure is the same. The lot
4 dimensions, of course, haven't changed as well. So
5 this is the same envelope, the same building.

6 What has changed is the interior
7 configuration because the previous application had a
8 cafe on the ground floor. That cafe has now been
9 changed to a commercial -- I'm sorry -- residential
10 component. And that implicates that our doorways are
11 now different, because there were doorways here. Now
12 there's a residential doorway, and there is an
13 internal stair between what used to be the cafe unit
14 to now the residential unit. But these are all
15 internal and do not affect any variances whatsoever.
16 Substantially the same application except we removed
17 the nonconforming use of the cafeteria. So we're
18 actually in an application that we have reduced it in
19 our revisions and we are more conforming.

20 MR. T. PANEQUE: Okay. Thank you,
21 Mr. Pereiras.

22 Mr. Spatz, your memo made reference to the
23 coffee shop and, therefore, said that the applicant
24 needed a (b)1 variance which is point number one of
25 your memo.

1 MR. SPATZ: Correct.

2 MR. T. PANEQUE: Is that point number one
3 now moot?

4 MR. SPATZ: Yes. We only received the
5 plans this evening, so we did not have the ability to
6 update it. We will update our report. If the board
7 is going to act on this, you know, we will have that
8 well in advance of the next meeting. But they no
9 longer need a D variance. All the other variances
10 will remain the same.

11 MR. T. PANEQUE: Okay.

12 MR. SPATZ: My description will be a
13 little bit different based on the project. But in
14 terms of variances, the (d)1 has been eliminated.
15 All the other variances are exactly the same.

16 MR. T. PANEQUE: So all the other
17 variances are basically C variances?

18 MR. SPATZ: That's correct. Yes. The one
19 D variance has been eliminated. And this board has
20 jurisdiction because two families don't require site
21 plan approval. So this board can hear it and grant
22 those C variances.

23 MR. T. PANEQUE: Thank you, Mr. Spatz.

24 Okay. Now that we've clarified that on
25 the record, I thank you, Mr. and Ms. Pereiras.

1 Thank you, Mr. Garcia.

2 (Discussion was held off the record.)

3 MR. T. PANEQUE: Mr. Grullon has a
4 question for our planner. The parking ordinance,
5 that also is Condition No. 11?

6 MR. SPATZ: Yes.

7 MR. T. PANEQUE: How does that now get
8 revised?

9 MR. SPATZ: I'll indicate that only four
10 spaces are required. Four spaces are provided so
11 that variance was eliminated as well.

12 MR. T. PANEQUE: Okay.

13 CHAIRPERSON GARCIA: I don't understand
14 that if the application is granted -- so it's going
15 to be subject to any revised plan and also going to
16 be Mr. Spatz's memo and it would take care of those
17 concerns?

18 MR. SPATZ: Yes. I will just update it
19 for the current application to say they've eliminated
20 two variances. All of the remaining variances stay
21 the same, setbacks, coverage, et cetera, height.

22 CHAIRPERSON GARCIA: Mr. Pereiras,
23 regarding the setback of the roof deck, the setback
24 is related to the property line or it is according to
25 the building structure?

1 MR. PEREIRAS: So all the dimensions on
2 Sheet Z-04 are in reference to the building
3 structure. The setback to the property line is the
4 3 feet that we have plus the thickness of the wall as
5 well. So every dimension plus 4 feet.

6 CHAIRPERSON GARCIA: But the roof deck, it
7 is completely set back from the property line and the
8 setback from the building?

9 MR. PEREIRAS: Yes. By far.

10 MS. PEREZ: Is that 16th Street and
11 Palisade? Is that what I am looking at?

12 MR. PEREIRAS: Palisade is this way. 16th
13 Street is this way.

14 MS. PEREZ: Because I was thinking the
15 other side of Palisade.

16 CHAIRPERSON GARCIA: It's by an empty lot.

17 MS. PEREZ: Yeah. And then, like, the
18 empty lot is not on that side of the street because
19 I'm not looking from Palisade Avenue.

20 MR. PEREIRAS: You have the supermarket
21 across the street.

22 MS. PEREZ: Right. I'm thinking that
23 that's it because it could be Palisade Avenue.

24 CHAIRPERSON GARCIA: And, also, you're
25 going to have a 16-inch driveway.

1 MR. PEREIRAS: 16-foot, yes.

2 CHAIRPERSON GARCIA: 16-foot, I mean.

3 Also, you're going to have -- adjacent to your north
4 side, you have another driveway there?

5 MR. PEREIRAS: That's correct.

6 CHAIRPERSON GARCIA: Correct?

7 MR. PEREIRAS: That is correct. It's a
8 preexisting driveway that we are abutted to.

9 CHAIRPERSON GARCIA: Right.

10 MR. T. PANEQUE: Mr. Garcia, both
11 driveways, the one on Palisade Avenue and
12 16th Street, will be 16 feet wide?

13 MR. PEREIRAS: Correct.

14 CHAIRPERSON GARCIA: Especially that you
15 have at 16th Street you have EMS, if you incorporate
16 to the west of this location. So it's going to be
17 easier --

18 MR. PEREIRAS: Currently our plan shows
19 12 feet. We'll modify that to 16 feet.

20 CHAIRPERSON GARCIA: You have there a
21 light and you have there a post, an electrical post?

22 MR. PEREIRAS: Yes.

23 CHAIRPERSON GARCIA: The light we don't
24 have any issue.

25 MR. PEREIRAS: It's a decorative light.

1 It can be moved pretty easily.

2 CHAIRPERSON GARCIA: Well, the electrical
3 one you don't want to move?

4 MR. PEREIRAS: Yes, sir.

5 CHAIRPERSON GARCIA: And, also, any move
6 from that light is going to be because of the client?

7 MR. PEREIRAS: That's correct.

8 CHAIRPERSON GARCIA: It's not going to
9 be because of us here?

10 MR. PEREIRAS: That's correct. They put
11 up an escrow with the city, and then they're
12 responsible for moving.

13 CHAIRPERSON GARCIA: I need that in the
14 resolution, please, Mr. Paneque.

15 MR. T. PANEQUE: We're talking about the
16 utility pole, light pole?

17 MR. PEREIRAS: The decorative light pole.

18 CHAIRPERSON GARCIA: The utility is there.

19 MS. PEREZ: Where's the decorative light
20 pole?

21 CHAIRPERSON GARCIA: Huh?

22 MS. PEREZ: Where's the decorative light
23 pole?

24 MR. PEREIRAS: It was put in after the
25 photograph.

1 MS. PEREZ: Oh, okay. Because I'm losing
2 it.

3 MR. PEREIRAS: It was with the Palisade
4 renovation project.

5 MS. PEREZ: Got it.

6 MR. T. PANEQUE: So decorative light pole
7 to be moved.

8 CHAIRPERSON GARCIA: Not removed,
9 relocated, relocated. Because "remove" means take
10 them out.

11 MS. O'DELL: No. Move.

12 MR. T. PANEQUE: Move.

13 CHAIRPERSON GARCIA: Oh, move.

14 Any other questions?

15 (No response.)

16 CHAIRPERSON GARCIA: Any member of the
17 public want to step forward?

18 (No response.)

19 CHAIRPERSON GARCIA: Seeing none, closed
20 to the public.

21 I make my motion to grant this application
22 subject to revised memo from the planner and also
23 present the resolution indicating that decorative
24 light is on Palisade Avenue is going to be relocated
25 to accommodate the 16-foot driveway. The cost is for

1 the applicant, not for the city. I make my motion to
2 grant this application.

3 MR. VALLEJO: Two-family house?

4 CHAIRPERSON GARCIA: Yes, two-family
5 house, four parking spaces.

6 MR. VALLEJO: Motion on the table to grant
7 the application by Mr. Garcia.

8 Any second on the motion?

9 VICE CHAIRPERSON GRULLON: Second.

10 MR. VALLEJO: Seconded by Mr. Grullon.
11 Roll call on the motion to grant this
12 application.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Mr. Grullon.

16 VICE CHAIRPERSON GRULLON: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Watley.

20 MS. WATLEY: Yes.

21 MR. VALLEJO: Ms. O'Dell.

22 MS. O'DELL: Yes.

23 MR. VALLEJO: Ms. Pena.

24 MS. PENA: Yes.

25 MR. VALLEJO: Seven in favor. Motion

1 carried.

2 MS. PEREIRAS: Thank you very much.

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1 **655 39TH LLC -**
2 **655 39TH STREET:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 655 39th Street LLC.

6 Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of 655 39th Street. This application we are still
9 working on revising, the application before the
10 board, so we are requesting an adjournment on this.

11 CHAIRPERSON GARCIA: Waive the statutory?

12 MS. PEREIRAS: Of course.

13 CHAIRPERSON GARCIA: I make my motion to
14 adjourn this application to July 10.

15 MS. WATLEY: Second.

16 MR. VALLEJO: Motion on the table to
17 adjourn this application to July 10th by Mr. Garcia.
18 Seconded by Ms. Watley.

19 Roll call on the motion.

20 Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Mr. Grullon.

23 VICE CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Seven in favor. Motion
10 carried.

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1 HECTOR & AMPARO VILLANUEVA -

2 415 23RD STREET:

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4 MR. VALLEJO: Hector and Amparo
5 Villanueva, 415 23rd Street.

6 MR. A. PANEQUE: Let the record reflect
7 I've been provided with an affidavit stating that on
8 May 13, 2025, personal notice of tonight's meeting
9 was given to all property owners within a 200-foot
10 radius of 415 23rd Street, Union City, New Jersey.

11 Legal affidavit from The Record, date of
12 notice was published on May 30, 2025. The notice was
13 given to all property owners. The list of property
14 owners to be served with notice within a 200-foot
15 radius. The certified mail receipt is postmarked
16 June 2, 2025.

17 Based on the documentation provided to
18 this board, this board has jurisdiction to hear this
19 matter.

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

22 Bianca Pereiras on behalf of Hector and
23 Amparo Villanueva for the property on
24 415 23rd Street, also known as Lot 10 in Block 124.
25 The application before the board this evening is to

1 legalize two units, one in an existing front building
2 and one in an existing rear building that are on the
3 lot currently.

4 We have two experts to testify before the
5 board this evening. And we'll begin our presentation
6 with our architect, Mr. Manuel Pereiras.

7 MR. T. PANEQUE: Before we proceed,
8 Ms. Pereiras, we have a memo from the Building
9 Department that indicates that this is a two-unit
10 residential structure.

11 MS. PEREIRAS: That's correct.

12 MR. PEREIRAS: That's correct.

13 MR. T. PANEQUE: And you're saying we have
14 two structures here?

15 MS. PEREIRAS: There are two buildings on
16 this lot. There is one, I believe -- two apartments
17 that are recognized in the front building, but the
18 existing rear building is not recognized legally. So
19 we have two legal units. We are looking to legalize
20 two additional for a total of four.

21 MR. T. PANEQUE: Okay. So you're looking
22 to legalize a basement in the front building?

23 MS. PEREIRAS: Correct.

24 MR. T. PANEQUE: And you're going from two
25 to three in the front building, and you're looking to

1 legalize the rear building?

2 MS. PEREIRAS: Correct.

3 MR. T. PANEQUE: Which is a one-unit?

4 MS. PEREIRAS: Correct.

5 MR. PEREIRAS: Correct.

6 MR. T. PANEQUE: And that's in existence?

7 MR. PEREIRAS: It's an existing unit.

8 MR. T. PANEQUE: Okay. Thank you.

9 CHAIRPERSON GARCIA: Do you have pictures
10 of everything?

11 MR. PEREIRAS: Yes. I have plenty of
12 pictures.

13 * * *

14 **MANUEL PEREIRAS**, after having been previously duly
15 sworn, did testify as follows:

16 MS. PEREIRAS: Mr. Pereiras, are you
17 familiar with the property at 415 23rd Street?

18 MR. PEREIRAS: I am.

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

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: And would you kindly
23 describe the existing conditions as well as the
24 proposal that we have before the board this evening?

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

1 We have a conforming lot that is 25 feet
2 wide by 100 foot deep. What is very typical of this
3 block and not very unusual in Union City is there are
4 two existing structures on this. There is a house in
5 the front that Union City recognizes as a two-family
6 house even though it's been operated and used as a
7 three-family for many, many years. And there is a
8 rear house to the property. It's accessed through
9 the side yard. And that rear house sits on the
10 property line on both sides, and that is an existing
11 one-story building that is not recognized by the city
12 at all.

13 So as counsel mentioned, we are looking to
14 legalize the basement unit in the front house that
15 will change this from being a two-family house to a
16 three-family house. And we're looking to legalize
17 the rear unit which will make that a one-family
18 house. So at the conclusion of this, if this board
19 deems this application favorable, we will have a
20 four-unit lot, one unit and three units.

21 The existing site conditions or envelope
22 of the building is to remain. We are not looking to
23 make any changes throughout. We're actually looking
24 to make as little changes as possible so that we
25 don't displace any tenants and keep and maintain the

1 continuity of these apartments in use.

2 To walk through very quickly through the
3 variances that we're seeking, we have a rear yard
4 variance because that rear structure is only 1 foot
5 5 inches away from that rear property line. That
6 rear structure is also on the property line in both
7 the south and the north. And the existing front
8 building is on the property line to the south. That
9 front building is set back 3 feet on the north side.
10 So we are requesting a variance for side yard, which
11 is an existing nonconformity.

12 We are also requesting a variance for
13 building coverage. For considering two buildings on
14 the structure, we're at 67 percent which is slightly
15 more than the 65 percent that's permitted and a lot
16 coverage -- the full site is covered. There is no
17 landscaping here. A hundred percent of the site is
18 covered whereas 90 percent is permitted.

19 And we are expanding on a preexisting
20 parking variance. We have previous to this
21 application two units recognized. So that's a
22 requirement or a demand of four cars. One is
23 existing provided. We are expanding that variance
24 because we are legalizing two units that would
25 require four additional cars. However, there is no

1 opportunity on this site to provide more parking. We
2 are legalizing an existing structure and salvaging
3 this building and these residences that exist so
4 there's no opportunity to create more parking and,
5 therefore, we ask for a variance considering that
6 hardship.

7 Moving now to Sheet -- and before I turn
8 the sheet, I would like to point out how well-kept
9 these houses are. And it's actually a cute kind of
10 photograph. I don't understand how or why, but the
11 front of the house is very nicely decorated with
12 flowers and all sorts of different filigree across
13 this. And if you look at the house itself, it's
14 extremely well-kept. It's well-painted. The trim
15 work is nice. The siding is nice. It's very clean
16 and a beautiful site. The landlord does a good job
17 of keeping it clean.

18 So here we see the existing conditions the
19 front house. Currently, there is an entrance from
20 the front that takes you a few steps into a small
21 vestibule below the existing stair, and then you
22 enter past the meters. We're looking to change that
23 to make it co-compliant so you're not walking past
24 meters. So we're taking the existing window and
25 we're going to make it into a doorway so that there

1 is a full access and you don't have to go underneath
2 the stairs where there is a low ceiling. And by
3 doing so, we are separating those meters so those
4 meters are now in the public realm of the house, in
5 the common area and not within the apartment so that
6 no one has to go into an apartment to check meters.

7 That existing apartment had a one-bedroom
8 unit along the back and a very long bathroom.
9 Unfortunately, we need to demolish that because of
10 the safety of that bedroom. We cannot have that
11 bedroom without having windows or access to the
12 exterior. So we're demolishing this wall, and we are
13 making it into a studio apartment.

14 That does two things. Number one, it
15 increases safety because it's an open space to the
16 front of the building. And, number two, it actually
17 makes us comply with our density requirements because
18 now as a studio we're 490 square feet and we are
19 compliant in that aspect as well. And then we're
20 separating so that there is no more a door between
21 the mechanical area and the bedrooms. Now the
22 mechanical rooms are only accessed through the rear
23 of the property. Again, a very important step for
24 life safety. We're separating the mechanical uses,
25 the gas-fired appliances from the residential unit

1 and making that very clear distinction.

2 Upstairs we have the existing first and
3 second floor, and the second floor is duplex with the
4 attic. Those are preexisting conditions, and we are
5 not looking to change that in any way.

6 And I'd like to skip right now to our last
7 sheet so that we can understand the photographs and
8 the conditions of what we have there. The second
9 floor is on the top right-hand corner. You could see
10 it's an existing apartment with residents in there.
11 The attic is connected in duplex with that second
12 floor, and they have rooms up there.

13 The first floor apartment is shown here
14 with their kitchen, their bathrooms, and the entire
15 space. And then the basement apartment that we're
16 legalizing is shown here. You could see the living
17 condition that they have. You could see the kitchen.
18 You could see -- which, by the way, they removed the
19 stove in compliance with the Building Department for
20 now. You could see their dining area. You could see
21 the rooms, the bedroom that they had. They removed
22 the stuff from the closet because they had to comply
23 with the Building Department and the existing
24 conditions that they have there. That's the
25 apartment that we are legalizing.

1 Now I am turning to the elevations of the
2 building. Again, this is a beautifully kept
3 building, and we're not looking to make any changes
4 to the building other than we are making replacing
5 that window with a full door so that you have clean,
6 easy access out of that basement here.

7 And turning now to Sheet Z-04 we see the
8 rear apartment -- the rear unit that we are
9 legalizing there. This is a one-story structure.
10 And that one-story structure has an existing tenancy.

11 You could see the photographs of the
12 apartment in here. This is the kitchen and living
13 space. And looking from the other direction, we do
14 not want to displace these tenants. The city is
15 working with us so that we do not have to replace
16 them, so they are remaining there. And we are not
17 looking to make any changes to this apartment. We
18 are considering this what's called a preexisting
19 nonconforming unit. And all we're doing at this
20 time, if this board were to approve it, is to bring
21 it up to safety standards.

22 So we're adding things such as the fire
23 alarm to make sure that if there is a fire, people
24 are notified and correcting things from a code
25 standpoint to make sure it's safe. But we are not

1 demolishing any walls. We're not removing any walls.
2 We're not moving any windows. The windows that are
3 there are preexisting nonconforming windows, which is
4 an existing condition. And we are not looking to
5 change them in any way. So the configuration stays
6 the same there, and in the exterior as well. We have
7 the exterior elevations shown here.

8 And that concludes my testimony.

9 CHAIRPERSON GARCIA: So this is the
10 only -- are you going to do renovation in the
11 basement?

12 MR. PEREIRAS: So the basement, we have to
13 because they have that bedroom that is closed off.
14 So we have to basically demolish that bedroom wall,
15 and we need to do some co-compliant things. Like the
16 sprinkler system, we're adding a domestic line
17 sprinkler system to the basement. We're correcting
18 the fire alarm. And we're creating a two-hour fire
19 separation between that unit and the mechanical areas
20 and the ceiling above.

21 CHAIRPERSON GARCIA: That's going to be a
22 studio not one-bedroom apartment?

23 MR. PEREIRAS: Correct.

24 CHAIRPERSON GARCIA: I don't see the
25 window by the bed. And only one way to get out and

1 get in?

2 MR. PEREIRAS: Yes.

3 CHAIRPERSON GARCIA: You don't need to --

4 MR. PEREIRAS: Well, we only require the
5 single door to get out. It's going to be
6 sprinklered, and people will be able to escape
7 through the window as well.

8 CHAIRPERSON GARCIA: On which window? The
9 back?

10 MR. PEREIRAS: The front. Not the back.
11 All the egress will be through the front.

12 CHAIRPERSON GARCIA: Through the front.
13 And all the variances are preexisting condition?

14 MR. PEREIRAS: Yes.

15 MS. PEREIRAS: And we have a planner to
16 testify as well.

17 Mr. Dougherty.

18 * * *

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

21 MR. DOUGHERTY: Alexander Dougherty. I
22 recognize I'm still under oath.

23 This is a unique site. It's very hard to
24 find things like this. From a planning standpoint,
25 it presents a lot of great opportunities. That rear

1 structure, if we look at the site plan, we look at
2 the way it's laid out, typically in other communities
3 you'll see a detached garage kind of converted into a
4 residential dwelling. You kind of see between the
5 primary structure in the front, the dwelling, and the
6 neighbors. It's about a 3-foot separation. So
7 certainly a car cannot get to the rear of this site.
8 We're not asking to build that rear structure. It
9 exists there today.

10 So to kind of piggyback off of Mr. Spatz's
11 memo, we had this use variance for the units, but
12 also from a planning standpoint we can look at these
13 as two structures on one lot, which from a planning
14 standpoint, it certainly advances more efficient use
15 of land. This is unique.

16 As you heard the architect testify to,
17 we're not asking for any additions. We're asking to
18 enhance it from a safety standpoint. But from a
19 planning standpoint, we would consider that rear unit
20 what we call an accessory dwelling unit.

21 Pretty strong, plenty of movement in the
22 industry right now of how do we find more housing,
23 more efficient housing, more affordable housing? You
24 know, we have large -- typically in suburban
25 neighborhoods, large homes, large detached garage,

1 whether they're internal to the structure, but the
2 wholistic idea is that detached structure, what we
3 call an accessory dwelling unit, a secondary unit,
4 more affordable unit, obtainable unit, more efficient
5 use of land. That is catching a lot of momentum
6 across the country. New Jersey is very progressive
7 in their zoning. But there's parts of this country
8 where single-family zoning is the dominant zoning.

9 So from a planning standpoint, very unique
10 property. There's lots of benefit to this project.
11 But, again, we have to look at everything. So we are
12 asking for that use variance for two principal
13 buildings on the site as identified. And we also
14 have that component here where though it's not
15 technically a three-family, we are asking for that
16 four units or dwellings, if you will, so I think
17 they're kind of married into one.

18 Parking is limited. But when we look at
19 housing and kind of open space and that quality of
20 life component, I would say when we talk about (d)1
21 use variance here, that's site suitability. Right
22 down the street is Ellsworth Park. So when we talk
23 about having enough space, putting these families or
24 residents at the site, where is the open space? How
25 do they move about? So there is a park right down

1 the street, very beautiful park.

2 I will also say parking, big issue. We do
3 have three good mass transit bus routes right here.
4 We have Route 22, 84, and 89. And the way this
5 property is situated for site suitability for Medici,
6 we're nestled right between Bergenline Avenue and New
7 York Avenue. So we do have some relatively good
8 walking distance with some commercial amenities. You
9 know, either you go left out of the house or right
10 out of the house.

11 But I do want to emphasize the separation
12 between this structure and the neighboring structure
13 is 3 feet. You know, not to utilize that structure,
14 I think would be a shortfall from a planning
15 standpoint, from a growing community standpoint, it
16 certainly cannot be used as a garage. A car is not
17 getting back there. So I would argue from a planning
18 standpoint, it's certainly a more efficient use of
19 land.

20 When we talk about the positive criteria,
21 as you see in the layouts for the architectural
22 plans, that basement unit, we get a chance to clean
23 some things up. Keep the meters closed, the utility
24 closet. In fact, they won't have access to open up
25 the floor plan. It's very palatable. It's not a

1 three-bedroom apartment. It's a studio layout. So
2 if we start to have diversified housing choices, we
3 have a studio. We have three bedrooms, two bedrooms.
4 We have the rear detached in the back as well. So we
5 certainly have a variety of housing choices and
6 options here for a growing community. So I certainly
7 think we can look at that. But most importantly, we
8 get to advance purpose A, the public safety and the
9 general welfare and the morals of the community,
10 because we did take some historic prongs and clean up
11 and rectify them.

12 As you've heard Manny testify to, we
13 believe this site, the rear unit as well as the
14 basement unit, existed here for quite some time. The
15 Building Department recognizes it on the books. With
16 that being said, I believe the neighbors absorbed the
17 lack of parking on site. But that parking would
18 otherwise -- again, a (c)2 variance, which would be
19 absorbed in that use variance.

20 From a planning standpoint, though, I will
21 argue advancing purpose A here, safety and general
22 welfare of the community as well as Purpose M for
23 more efficient use of land, really emphasizing that
24 efficient use of land. Again, you very rarely see
25 two structures on one property with the housing

1 choices being provided.

2 From the Medici standpoint, when you look
3 at this application, the site is prominently paved
4 over, though, our building coverage is just a tad bit
5 over. The site is 100 percent paved over. Then we
6 have the Ellsworth Park right down the street,
7 amenities on New York and Bergenline. I would argue
8 that it is not going to erode the intent of the zone
9 plan and the integrity of the zone and master plan.
10 This is site specific. We're not asking to build
11 this. This exists here today. I think the board
12 would confidently agree that if an applicant came
13 before this board and tried to build two structures
14 in a manner like this, we would flag that and have a
15 lot of questions and concerns, possibly even a flat
16 out denial. This exists here today. That structure
17 exists. So I would emphasize from a planning
18 standpoint providing housing choices and options is
19 certainly a positive here.

20 With that, the main standpoint, again, I
21 want to circle back. This existed in this condition
22 for quite some time, that neighborhood, whatever that
23 negative effect would be was absorbed. We're not
24 asking for additions to go up, expand left or out or
25 to the rear. These structures exist here today.

1 This is an opportunity to reprogram the interior of
2 that front unit and modify it and clean it and
3 recognize what has manifested in the back over the
4 years, which how it got there, I cannot testify to.

5 So with that, from a use standpoint, site
6 suitability, I want to emphasize site specific the
7 condition here associated with the site as well as in
8 the context. Having two principal structures
9 independent of each other on one property, the lot
10 being fully covered, the character of the
11 neighborhood, having that park nearby I think really
12 is the benefit for this site and the conditions for
13 whatever units, residents that lived there in those
14 units.

15 So with that, I'll conclude just going
16 through the planner's memo where a 2,500 square foot
17 lot, which is required. Lot width, we conform. The
18 lot depth, we conform of 100. Minimum front yard
19 setback of 7 feet or prevailing is required. The
20 existing structure, the primary structure is 14 and a
21 half feet setback. Minimum rear yard of 20 is
22 required. Given that rear structure, it's location
23 existing here today, we're about a foot and a half,
24 so that a nonconformity. Our minimum side yard of
25 2 feet, 5 feet combined as well as a preexisting

1 condition. Again, we're not touching the structures
2 or the building footprint. Impervious coverage,
3 95 percent is allowed. We're at 100 percent. And
4 that maximum building coverage relating to
5 65 percent, we're at 67. So we're 2 percent over on
6 that, surprisingly. But, nonetheless, the parking, a
7 total of eight spaces will be required.

8 So with that being said, I want to
9 emphasize these units existed here. We believe they
10 existed here. The neighborhood existed here. We
11 have North Bergenline. We have New York Avenue.
12 There's a lot of amenities on both of these
13 corridors. We're wedged right in the middle and we
14 do have mass transit. Again, those bus routes being
15 But Route No. 22, 84, and 89 right at your doorstep.

16 So I'll conclude that we do have the
17 mobility option. We have amenities here, and that
18 neighborhood would otherwise absorb those parking
19 deficiencies. I do not believe this application is
20 going to erode the master plan or the zoning plan.
21 These structures exist here today. And we are asking
22 the board to recognize the rear structure by
23 modernizing and cleaning up and enhancing the studio
24 down in the basement of the primary structure. So
25 with that, I'll conclude. I believe site suitability

1 has been met. The (d)1 use has been met, and
2 approval would be warranted.

3 CHAIRPERSON GARCIA: So you understand
4 that this is -- that those apartments are still there
5 for long?

6 MR. DOUGHERTY: I know Manny testified we
7 cleaned them up and tried to comply. You know, we
8 certainly want to enhance them, bring them back, and
9 keep them modern. But for purposes of a planning
10 standpoint, that rear structure being there I think
11 is a great opportunity to advance Purpose M for more
12 efficient use of land.

13 CHAIRPERSON GARCIA: Ms. Pereiras, do you
14 know how long your client has the property, when they
15 purchased?

16 MS. PEREIRAS: They purchased it in
17 February of 2023.

18 CHAIRPERSON GARCIA: And they purchased it
19 with those --

20 MS. PEREIRAS: Exactly the same
21 conditions.

22 MS. PEREZ: And when did that get built,
23 the rear unit?

24 MS. PEREIRAS: I have no knowledge. I
25 think Mr. Pereiras can provide an estimate as to when

1 that was built.

2 MR. PEREIRAS: So I can't tell you when
3 the interior was built. But the appliances, the
4 cabinets, if you look at them, they look like they're
5 from the '80s, probably late '80s or early '90s. But
6 I don't know if that was a renovation and this was an
7 existing space that was older or if they just
8 renovated in that timeframe.

9 MS. PEREZ: And this is the rear unit, the
10 one in the center?

11 MR. PEREIRAS: Yes.

12 MS. PEREZ: And what is this?

13 MR. PEREIRAS: That's all part of the rear
14 unit. All those photographs are just the rear unit.

15 MS. PEREZ: That's just a different angle?

16 MR. PEREIRAS: Yes.

17 MS. PEREZ: And the only window is this
18 one?

19 MR. PEREIRAS: The front. Oh, no, I'm
20 sorry. The rear unit has plenty of windows. So,
21 each bedroom has a window. The living room has a
22 window and then the kitchen-dining room has a window,
23 and the bathroom has a window too.

24 MS. PEREZ: Back here there's windows?

25 MR. PEREIRAS: Yes.

1 MS. PEREZ: And you can get out in case of
2 emergency?

3 MR. PEREIRAS: Yes.

4 CHAIRPERSON GARCIA: Mr. Pereiras, you
5 mention that -- I know that everything is
6 preexisting. However, you mentioned that the only
7 true way of egress is the window and the door, right?
8 That's the basement.

9 MR. PEREIRAS: That's correct.

10 CHAIRPERSON GARCIA: But you also have a
11 car, the driveway there --

12 MR. PEREIRAS: Yes.

13 CHAIRPERSON GARCIA: -- blocking the
14 window, basically, part of the window, right?

15 MR. PEREIRAS: It's in front of the
16 window, yes. We could put a wheel stop so that the
17 car can't get -- and, by the way, just to make you
18 feel a little bit more comfortable, if you look at
19 our floor plan which is on Sheet Z-02, we have the
20 door. We have a 40-inch landing in front of that
21 door. That is a clear landing that is suppressed. A
22 car can't be there and the wheel will fall into it.
23 So that is a clear space, and there are steps right
24 in front of that, that a car can't be at those steps
25 either. So that opening, that egress is sufficient

1 to get in and out of that space. And these are
2 conditions that the Building Department will flag.
3 And we are permitted due to the travel distance of
4 this apartment and that we are sprinklering it that
5 we have that one means of egress through the front.

6 And, actually, Mr. Chairman, Mr. Dougherty
7 made a good recommendation. From a planning
8 standpoint, I wanted to separate the mechanical from
9 the apartment. So I replaced the door with a wall.
10 However, instead of replacing with a wall, I can
11 replace it with a fire door, a particular fire door
12 that can withstand this, and that gives us in case of
13 an emergency an egress out. And what I'll do is I'll
14 reconfigure the bathroom a little bit differently and
15 that will be a second means of egress through the
16 mechanical room out the back as well just for added
17 safety.

18 CHAIRPERSON GARCIA: Yeah. Because the
19 existing condition, they have access.

20 MR. PEREIRAS: They do.

21 CHAIRPERSON GARCIA: I have no further
22 questions. Any questions?

23 (No response.)

24 CHAIRPERSON GARCIA: Any member of the
25 public want to step forward?

1 (No response.)

2 CHAIRPERSON GARCIA: Seeing none.

3 I'm going to make my motion to grant the
4 application due to the preexisting condition and also
5 bring the basement apartment to code but subject to
6 revised plans.

7 MR. PEREIRAS: Yes, sir.

8 CHAIRPERSON GARCIA: So I make my motion
9 to grant the application.

10 MR. VALLEJO: Motion on the table to grant
11 this application by Mr. Garcia. Any second on the
12 motion?

13 VICE CHAIRPERSON GRULLON: Second.

14 MR. VALLEJO: Seconded by Mr. Grullon.

15 CHAIRPERSON GARCIA: Mr. Paneque, remember
16 they're going to accommodate in order for them to
17 have access all the way to the rear.

18 MR. T. PANEQUE: Second means of egress to
19 the rear.

20 MR. VALLEJO: We have a motion on the
21 table to grant the application by Mr. Garcia,
22 seconded by Mr. Grullon.

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. Perez.

4 MS. PENA: Yes. With the addition of a
5 second means of egress.

6 MR. VALLEJO: Ms. Watley.

7 MS. WATLEY: Yes.

8 MR. VALLEJO: Ms. O'Dell.

9 MS. O'DELL: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Ms. San Martino.

13 MS. SAN MARTINO: Yes.

14 MR. VALLEJO: Seven in favor. Motion
15 carried.

16 MS. PEREIRAS: Thank you all very much.

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1 **RAISING INVESTMENTS LLC -**

2 **3412 HUDSON AVENUE:**

3
4 MR. VALLEJO: Raising Investment LLC,
5 3412 Hudson Avenue.

6 MR. A. PANEQUE: Let the record reflect I
7 have been provided with an affidavit stating that on
8 May 15, 2025, personal notice of tonight's meeting
9 was given to all property owners within a 200-foot
10 radius of 3412 Hudson Avenue in Union City, New
11 Jersey 07087.

12 A legal affidavit from The Record that
13 notice was published on May 30, 2025, of today's
14 hearing. The notice was given to all property owners
15 within a 200-foot radius. The certified mail
16 receipts postmarked May 20, 2025.

17 Based on the documentation that has been
18 provided to this board, this board has jurisdiction
19 to hear this matter.

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

22 Bianca Pereiras on behalf of Raising
23 Investments LLC. This property is located at
24 3412 Hudson Avenue also known as --

25 MR. A. PANEQUE: Actually, one more thing.

1 And also for the record, a list of
2 property owners to be served with notice within a
3 200-foot radius. I left it out.

4 MS. PEREIRAS: The property is located at
5 3412 Hudson Avenue, also known as Lots 27 in
6 Block 208.

7 On site we have an existing three-family
8 home. The application before the board this evening
9 is to have it maintained as a three-family home.
10 However, we are looking to add some bedrooms as well
11 as some parking. We have two experts to testify
12 before the board this evening. And we'll begin our
13 presentation with our architect, Mr. Manuel Pereiras.

14 MR. PEREIRAS: Manny Pereiras. I
15 recognize that I am still under oath.

16 * * *

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

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property at 3412 Hudson Avenue?

21 MR. PEREIRAS: I am.

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

24 MR. PEREIRAS: I have.

25 MS. PEREIRAS: And would you kindly

1 describe the proposal for the Board?

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

3 The property has a new owner. It's a
4 preexisting three-family house and the owner is being
5 a great applicant. And he has already begun. We
6 have obtained permits, and we are fixing the house
7 that hasn't been touched probably for 70 years. So
8 there has been a tremendous amount of work going into
9 this house. And our application today is really
10 something that I love seeing because one of the
11 things we're doing is adding a lot of parking, so it
12 makes this application really make a lot of sense.
13 I'd likes to walk you through it.

14 We have a lot that is 50 feet deep by
15 50 foot wide. Again, a corner property. But here in
16 this one we have a full 50 by 50. So that means we
17 have 2,500 square feet, which is conforming with the
18 minimum lot size. However, we have an issue with lot
19 depth because 100 feet is required, whereas we have
20 50. Again, that's a preexisting nonconformity.

21 The setbacks of the building are all
22 existing, and we are not looking to make any changes
23 to the building itself. Towards the east we have --
24 we're basically on the property line. It says
25 .1 inch. So that's a minimal off the property line.

1 Towards the north we are 1.2 feet away from the
2 north. The porch of the house is on the property
3 line to the west. And there is a nice big setback of
4 18.1 feet to the south of the property. And I think
5 that setback is one of the most important aspects of
6 this application. Right now there is a small fence
7 and enough room to park one car. That means there's
8 a preexisting curb cut there. We're not looking to
9 change that curb cut in any way. And now instead of
10 having one car parked there, we're just looking to
11 remove that fence along the front and pave a little
12 bit further back so that now we have parking for four
13 cars at this location.

14 So each of these parking spaces is 9 by 18
15 showing the full conformance of parking, and the cars
16 are in tandem. So now we have one apartment that has
17 two cars, a second apartment that has two cars. And
18 beautifully, there's an existing garage on the
19 building so there is an existing one-car garage here.
20 So now we have a three-family that one apartment will
21 have one car, and the other apartments will be fully
22 parked, and we have no variance on those other two
23 apartments. So we have a total of five cars whereas
24 six is required when before we only had two cars.
25 And we're keeping this as a two-family.

1 So the first aspect of our application is
2 those parking spaces that we are adding. In order to
3 do that, we are reducing the coverage to this point.
4 We're basically adding concrete, a concrete apron to
5 that point making that existing rear yard a little
6 bit smaller and creating a larger opening on the gate
7 off of Hudson Avenue.

8 The second aspect of our application
9 happens on the basement level which, again, the
10 basement is only three steps below grade. The first
11 floor apartment you go up a few steps to get to the
12 porch. That basement area is split up 50/50 for an
13 apartment on the south side and an apartment on the
14 north side. And they right now have a half bathroom
15 there, and they have two spaces. The same thing on
16 the south side, there are two spaces and a half bath.
17 We're looking to make that into two proper bedrooms
18 on each side with a full bath. So that half bath
19 will now have a shower on both sides. And the
20 spaces, instead of them being open, will have a door.
21 And what we're doing is we're making the existing
22 windows in each of those spaces into egress windows.
23 So we increase the size of those windows to be
24 compliant with egress requirements. This is the
25 existing garage on that space that will remain. And

1 now we have the two bedrooms on each of the units.

2 And just to explain a little bit, the
3 first floor each side will be duplexed with one of
4 the sides of the basement. So the apartment on the
5 ground floor you enter from the porch. You have
6 Apartment No. 1 to your left, Apartment No. 2 to the
7 right. You enter the left apartment, you have the
8 living room, dining room-kitchen. You have a small
9 bedroom along the back. And then the rest of the
10 bedrooms are taken down the steps to the ground
11 floor, the lower level floor which has those two
12 bedrooms. The same thing on the other side.

13 The third apartment for this house remains
14 the same. We've done a complete renovation. What
15 you see here is that final renovation. When you walk
16 into the building, there is another door, a third
17 door that leads you up the stairs to that third
18 apartment. And that shows the existing three
19 bedrooms and the living room, dining room space along
20 the right-hand side. And that occupies the entire
21 floor. So at the end of this application, there were
22 three apartments. There continues to be three
23 apartments. The largest apartment, No. 3, occupies
24 the entire floor. Apartments No. 1 and 2 are
25 duplexed with the lower level. And we are adding

1 three additional parking spaces. Whereas there were
2 two before, now there are a total of five parking
3 spaces.

4 Beyond that there is not much else we're
5 doing. The building is actually really nice and
6 well-kept. The stucco needs a lot of work. The
7 applicant has already started that. If you drive by,
8 there are repairs already happening. The windows are
9 all being replaced. The building is getting a full
10 renovation inside and out. But the shape of the
11 building, the porch of the building, there are nice
12 architectural features there, and now he's taking the
13 opportunity to really clean this up and make it
14 beautiful and safe.

15 And that concludes my testimony, and I am
16 open for questions or for a planner.

17 CHAIRPERSON GARCIA: Mr. Pereiras, are you
18 going to do any -- you don't want to expand --

19 MR. PEREIRAS: Correct.

20 CHAIRPERSON GARCIA: -- the size of the
21 building, the structure?

22 MR. PEREIRAS: The building stays the
23 same. The spaces stay the same. The only thing
24 that's expanding is the pavement for the driveway.
25 It was only good enough for one car. Now it's going

1 to be good for four cars.

2 CHAIRPERSON GARCIA: Okay. And you're
3 adding?

4 MR. PEREIRAS: Two more bedrooms.

5 CHAIRPERSON GARCIA: Four bedrooms.

6 MR. PEREIRAS: Two and two.

7 MS. PEREZ: Are you putting any safety
8 features down there, anything?

9 MR. PEREIRAS: A lot of safety features.
10 So the building is getting completely renovated. Not
11 even as a function of this board. The applicant
12 already started that whole process, already started
13 all the safety aspects to it. So now we have fire
14 separations between all the apartments. So from one
15 apartment to the other, there's a one hour fire
16 safety. Okay?

17 There are no sprinklers necessary in this
18 building because it was a preexisting three-family
19 house. So no sprinklers are required. However, all
20 the alarms are also upgraded. There is a 110-volt
21 alarm system in each of the apartments. And the
22 common area, which is actually very small, the only
23 common area we have is off of the porch, off of the
24 porch right here. This is the only common area.
25 That will have a low voltage alarm system for that

1 common area that's going to have a horn and strobe
2 outside to notify the fire department if there's any
3 problem and sound off to notify all the tenants in
4 the building. But beyond that there's no real
5 additional work because it is a preexisting
6 three-family house.

7 CHAIRPERSON GARCIA: And you currently
8 have two parking spaces, right?

9 MR. PEREIRAS: We have two parking spaces,
10 one in the garage and one on the apron. Now we will
11 maintain the one in the garage and have four on the
12 apron.

13 CHAIRPERSON GARCIA: Okay.

14 MR. PEREIRAS: Therefore, we are reducing
15 the demand on parking.

16 CHAIRPERSON GARCIA: You're going to
17 maintain the same driveway, right, on Hudson Avenue?

18 MR. PEREIRAS: Correct.

19 CHAIRPERSON GARCIA: You're not going to
20 expand it?

21 MR. PEREIRAS: Correct.

22 CHAIRPERSON GARCIA: Because there is a
23 light coming up, decorative light at the south side.

24 MR. PEREIRAS: We're keeping the same
25 existing curb cut. The only thing that we're

1 changing is our gate.

2 MS. PEREZ: That's a lot of storage.

3 VICE CHAIRPERSON GRULLON: And the
4 additional bedrooms, Mr. Pereiras, are they on the
5 first floor?

6 MR. PEREIRAS: We consider it a basement
7 because there's a few steps down. So what used to be
8 the storage is now the bedrooms there. So it's
9 really the first story. And just so that you can
10 understand the comparison, the car drives into the
11 garage on that same level. So it's almost at grade.

12 CHAIRPERSON GARCIA: Yeah. Because when
13 you go to 35th Street, you're going up.

14 MR. PEREIRAS: Exactly.

15 CHAIRPERSON GARCIA: When you're going
16 east to west, you're going up to Palisade Avenue from
17 Park Avenue.

18 MR. PEREIRAS: Exactly. So when you get
19 to the front end of the building, there are steps,
20 but you're, like, this much below grade. But when
21 you're at this back corner, you're at grade. It's
22 one story.

23 VICE CHAIRPERSON GRULLON: Are you doing
24 any renovations on the other floors or just the
25 ground floor?

1 MR. PEREIRAS: Full renovations on all
2 floors. The building is vacant. The applicant
3 purchase it vacant, and he's renovating the entire
4 building.

5 CHAIRPERSON GARCIA: You have another
6 witness?

7 MS. PEREIRAS: We do. We have our planner
8 to testify as well.

9 * * *

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

12 MR. DOUGHERTY: I'll make it real quick.
13 I promise.

14 This is a (d)2 use variance. As you've
15 heard, the three families exist there. So the
16 essence of (d)2 is, you know, expansion. So we have
17 that by necessity of that first floor basement off
18 the first floor, storage units, which for practical
19 sense, the existing basement floor plan.

20 So when you look at your Sheet 03, it has
21 a bathroom down here. It has staircases here. And
22 it has a fairly open floor plan, if you will. I
23 think the practical sense is that whoever is living
24 above that, if you look at the existing floor plan,
25 that one bedroom, I think we all know what's going to

1 happen here.

2 So we have an opportunity to clean that
3 up, enhance it, make it right, modernize it. But,
4 nonetheless, it is as it sits there today a
5 three-family. With that also being mentioned, we
6 have an opportunity to recognize that we do have an
7 undersized lot but it's on a corner, 35th and Hudson.
8 We're going to enhance the outside, enhance the
9 interior and add parking. So by virtue of the (d)2,
10 it's all about site betterment. That's the case law
11 here, *Burbridge v. Mine Hill* for (d), site
12 betterment.

13 So I think certainly from a planning
14 standpoint, a logical standpoint, there's nothing but
15 site betterment here. To keep that existing first
16 floor basement as storage, I think we all know that's
17 going to be an apartment as it is there today.

18 But also I want to recognize, though, we
19 are short on parking by one parking for on-site.
20 But, as you know, we can also park in front of the
21 garage. But, most importantly, what's unique about
22 this site and this location, off of Park I have Bus
23 Route 84, 86, 89, and 156. Off of 31st Street, I
24 have 107, 108, 111, 121, 124. Off of New York
25 Avenue, I have 22, 84, and 159. Ample mass transit

1 within a two-block radius here.

2 So I think from a mobility standpoint, I
3 think we have that additional parking and mobility
4 covered. I also think the reality is we can also
5 have that additional unit park, you know, in front of
6 that curb cut and driveway apron. I do not believe
7 there will be any negative effects here.

8 I see nothing but positives from Purpose
9 A, safety and the general welfare. We get to
10 modernize it. Keep it to a building code, Purpose C,
11 for esthetics -- I'm sorry -- Purpose I for esthetics
12 with enhancements of the exterior, certainly, more
13 efficient use of land, Purpose M, under the Municipal
14 Land Use Law. I do not think this can erode the
15 intent of the zone plan or the master plan.

16 We're on a corner property at a lit
17 intersection. These three-families existed in the
18 public realm for, I'd say, forever, if I could, for
19 many years, lawfully existing. We have an
20 opportunity to enhance that by bringing vehicles off
21 of Hudson, off of 35th and bringing them on-site with
22 the better use of the property and paving a little
23 bit further back.

24 I would like to note, even though the site
25 is undersized by nature, this is an undersized lot,

1 the lot depth needs to be 100, we're at 50 feet. So
2 we have that lot depth deficiency. I do apologize.
3 There's lot depth deficiency. We are making better
4 use of that. But our maximum lot coverage is
5 65 percent for building, we're at 52. So we're
6 compliant with that regards. And the maximum
7 pervious coverage for the zone is 95, so adding
8 additional pavement we're still under that
9 88 percent.

10 So from a planning standpoint, for
11 purposes of the (d)2, this use exists. The (d)2 is
12 about the site enhancement and site betterment. I
13 think we meet that criteria and approval would be
14 warranted.

15 CHAIRPERSON GARCIA: Thank you.

16 Any questions for the planner?

17 (No response.)

18 CHAIRPERSON GARCIA: Any questions for
19 Mr. Pereiras?

20 (No response.)

21 CHAIRPERSON GARCIA: I think that was
22 really, really clear and especially since changing
23 the basement and also the variance or the existing
24 variance.

25 Any member of the public wants to step

1 forward?

2 (No response.)

3 CHAIRPERSON GARCIA: Seeing none, closed
4 to the public.

5 I'm going to make a motion to grant this
6 application. Taking into consideration the light or
7 if no light that going to be there. The light, that
8 they adjust the property to the south. And I think
9 that also that changing the tree in this order. So
10 we'll have a new tree on one side of that driveway on
11 Hudson and have a new light also on the south -- on
12 adjacent to the south.

13 I make my motion to grant this
14 application.

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

17 MS. WATLEY: Second.

18 MR. VALLEJO: Seconded by Ms. Watley.

19 Roll call on the motion.

20 Mr. Garcia.

21 CHAIRPERSON GARCIA: Yes.

22 MR. VALLEJO: Mr. Grullon.

23 VICE CHAIRPERSON GRULLON: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Seven in favor. Motion
10 carried.

11 MS. PEREIRAS: Thank you all very much.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. Oz Holdings, LLC, 506 Lincoln Street,
3 Block: 254, Lot: 45. Construction of a new
4 two-family house in a vacant lot. The approval
5 resolution was adopted on September 14, 2023. The
6 applicant's attorney is requesting an amendment to
7 the approval from September 14, 2023. Approved.

8
9 MR. VALLEJO: We are going now to
10 resolutions. Resolution No. 1, Oz Holdings, LLC,
11 506 Lincoln Street. It was approved at the previous
12 meeting.

13 Can I have a motion to adopt this
14 resolution?

15 CHAIRPERSON GARCIA: Aye.

16 MR. VALLEJO: Motioned by Mr. Garcia.

17 VICE CHAIRPERSON GRULLON: Second.

18 MR. VALLEJO: Seconded by Mr. Grullon.

19 Roll call on the motion.

20 Mr. Grullon.

21 VICE CHAIRPERSON GRULLON: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Five in favor. Motion

6 carried.

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1 **ADOPTION OF RESOLUTIONS:**

2 1. 814-816 11th Avenue Investment, LLC, 814-816 11th
3 Street, Block: 56, Lot: 12 & 13. Construction of
4 two new two-family dwellings in an empty lot.

5 Approved.

6
7 MR. VALLEJO: Resolution No. 2,
8 814-816 11th Avenue Investment. It was approved at
9 the previous meeting. We received revised plans on
10 these approvals on May 20, 2025.

11 Can I have a motion to memorialize this
12 resolution?

13 CHAIRPERSON GARCIA: Aye.

14 VICE CHAIRPERSON GRULLON: Second.

15 MR. VALLEJO: Mr. Garcia. Seconded by
16 Mr. Grullon.

17 Roll call on the motion.

18 Mr. Grullon.

19 VICE CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Perez.

21 MS. PEREZ: Yes.

22 MR. VALLEJO: Mr. Garcia.

23 CHAIRPERSON GARCIA: Yes.

24 MR. VALLEJO: Ms. Pena.

25 MS. PENA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 1. Patrick J. Franco, 208 New York Avenue, Block: 7,
3 Lot: 21. The applicant proposes to construct a rear
4 addition and a third floor on an existing two-family
5 dwelling. Approved.

6
7 MR. VALLEJO: Resolution No. 3, Patrick J
8 Franco, 208 New York Avenue. This application was
9 approved at the previous meeting. The revised plan
10 was received on May 29, 2025.

11 Can I have a motion?

12 CHAIRPERSON GARCIA: I want to make a
13 comment on this one. I need legal advice from our
14 attorney.

15 If we have the right to recall the voting
16 and if we have the right to make an amendment in the
17 previous approval?

18 MR. T. PANEQUE: At the last meeting,
19 which took place on May 8th, this board took a vote
20 and made an approval of the application with certain
21 conditions. Once that vote is taken, which was an
22 affirmative vote, for all intents and purposes, that
23 application has been approved. And legally I don't
24 see that this board has the legal grounds to modify
25 that application or make any changes to it at this

1 point without the applicant's consent.

2 VICE CHAIRPERSON GRULLON: I --

3 CHAIRPERSON GARCIA: Okay. But I want
4 to --

5 Excuse me, Mr. Grullon.

6 I want to ask also a question, a legal
7 question. How come we as a member of the board don't
8 have the right to go back to an application; however,
9 the applicant has the right to come to amend a
10 resolution? They have the legal right; however, we
11 don't have the legal right after we revisit the place
12 and we find out something that was not captured in
13 the moment of vote.

14 Also, also, one of the conditions is to
15 present pictures -- and it was our mistake we didn't
16 see the picture. The situation that we have here --
17 and I'm going to present it if it's legal to present
18 it, I don't know if it's legal to present it to the
19 members of the board and also to present it to
20 applicant's attorney -- is there is a decorative
21 light and also utility poles with a transformer that
22 needs to be removed in order to have the driveway.
23 And that's the situation.

24 I think -- I don't know if I can pass and
25 show it. I'm asking if it's legal.

1 MR. T. PANEQUE: You can pass it and show
2 it, Mr. Garcia. You are the chairman and you can.
3 At your discretion, you can show that. However, the
4 moving of that utility pole and transformer as well
5 as the decorative light would be something for the
6 Building Department to address whether they issue the
7 permits or not for that. Once this board makes its
8 approval of the application, the logistics of whether
9 this project gets built or not based on the fact that
10 there is a utility pole with a transformer which is,
11 for all intents and purposes, blocking the location
12 where the driveway would be located is for the
13 Building Department to address.

14 CHAIRPERSON GARCIA: Okay. If that's the
15 point, then I'm going to make my motion to not adopt
16 it based on two, that it is going to create a
17 situation to the adjacent property south -- I mean,
18 south or north. And also we create that precedent
19 because everybody is going to have the issue what are
20 we going to do with this post if the adjacent
21 property requests another permit. But that's not the
22 case because that's potentially. It's not sure.
23 However, since the post is there, the utility one --
24 I'm not concerned about the light. The light could
25 be moved with no issue.

1 But based on that, I make my motion to say
2 no to the adoption.

3 MS. PEREIRAS: I don't know what the
4 protocol is. This is the first time that I've
5 seen --

6 CHAIRPERSON GARCIA: My protocol right now
7 is if I don't have the right to make a suggestion, I
8 don't have any other protocol to deny or approve,
9 adopted or not.

10 MS. PEREIRAS: Mr. Chairman, what I'm
11 asking is to see if I can address the board as to the
12 motion that was made by yourself.

13 MR. T. PANEQUE: This is unprecedented in
14 that the memorialization of a resolution is basically
15 a formality, not a revisiting of the application.

16 Mr. Chairman, you have the right to vote
17 no on the memorialization of the resolution. The
18 other board members can vote as they see fit. And
19 the application, for all intents and purposes, has
20 been approved. If this resolution is not
21 memorialized at tonight's meeting, then the applicant
22 can bring this on an appeal to the Superior Court for
23 the Superior Court to intervene and approve the
24 memorialization of the resolution. But from a legal
25 perspective, what you're trying to do today should

1 have been something that should have been addressed
2 before the resolution vote was taken at the last
3 meeting and the application approved.

4 The question that you asked before,
5 whether or not this board has the right is the same
6 as the applicant to file a request for a modification
7 after the fact is not really a question. Because
8 it's not the board who brings the application, it's
9 the applicant. And then the board can either approve
10 or deny this application. But to have this board now
11 take a position that after the approval was granted
12 they're going to modify it or deny it because for all
13 intents and purposes you will be modifying the
14 applicant's application after it's been approved is
15 heading us down a slippery slope in that in the
16 future any application after it's been approved can
17 be modified by the board, which I don't think there's
18 any precedent for that.

19 CHAIRPERSON GARCIA: The reason that I'm
20 denying is because we didn't capture that utility
21 post. It's nothing that because I want to do it.
22 It's something that I don't see rational, and that's
23 why I make my motion to not adopt the resolution.

24 MR. VALLEJO: Motion on the table to don't
25 adopt the resolution --

1 VICE CHAIRPERSON GRULLON: To add to that,
2 this is another side lot. There is no opportunity to
3 move that pole within the same property. You will
4 have to move it to another property. That's the
5 biggest issue. In order to accommodate parking --
6 that's on the side lot. And now that we didn't
7 capture that when the application was presented --
8 but now looking at this, that pole would have to be
9 moved to another property and we'll have another, you
10 know -- we're going to set a precedent to the
11 neighbors that that other owner is going to complain:
12 Why did you put a pole there? And we're going to
13 have to get rid of that pole. Because it was -- I
14 understand we missed the opportunity to look at the
15 pictures and see that we only have -- I think it's a
16 18-foot lot, something like that. It's very narrow.
17 There's no opportunity to move to within the same
18 space, you know.

19 I'm with the chairman. I would vote no on
20 that if we had to vote on the resolution.

21 MR. VALLEJO: Motion to don't adopt the
22 resolution by Chairman Garcia and seconded by
23 Mr. Grullon.

24 MS. PEREIRAS: For purposes of the record,
25 I would like to voice my objection to this motion.

1 MR. VALLEJO: I'm going to roll call this
2 motion to don't adopt this resolution.

3 Roll call on the motion.

4 Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Not to adopt,
6 yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: I'm abstaining because I
9 recused myself on that.

10 MR. VALLEJO: Abstain.

11 CHAIRPERSON GARCIA: The person that
12 wasn't that -- that's what I was trying to tell you.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: I abstain. I wasn't here.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: I abstain. I wasn't here.

17 MR. VALLEJO: Mr. Garcia.

18 CHAIRPERSON GARCIA: Yes to not adopt the
19 resolution.

20 MR. VALLEJO: Ms. Pena.

21 MS. PENA: To not adopt the resolution.

22 MR. VALLEJO: Ms. San Martino.

23 MS. SAN MARTINO: Yes. I don't want to be
24 the follow, but it's like they said with these, the
25 poles, and now we're going to create some problem

1 with the neighborhood. And I'm agreeing.

2 MR. VALLEJO: You abstain?

3 MS. SAN MARTINO: Uh-uh.

4 MR. VALLEJO: Yes, to don't adopt?

5 MS. SAN MARTINO: Yes.

6 MR. VALLEJO: That means we have four in
7 favor to don't adopt the resolution and three
8 abstaining.

9 Majority, motion carries.

10 MR. T. PANEQUE: Motion carries.
11 Resolution is not adopted.

12 MS. PEREIRAS: Again, just to voice my
13 objection, the board isn't even allowing me to speak
14 on why this motion should not have been carried, and
15 I find that offensive as well.

16 CHAIRPERSON GARCIA: One second, okay. I
17 didn't have the right to vote to the application. I
18 only have the right to vote to the motion. So now
19 they have the right to vote to the motion.

20 I'm asking for legal advice.

21 MR. T. PANEQUE: Well, on a motion --

22 CHAIRPERSON GARCIA: So right now is you
23 have to adopt it according to the law. I mean it's
24 -- so they have the right, but I don't have my right
25 as the board. I don't get it legally.

1 MR. T. PANEQUE: The applicant's right is
2 to file an appeal.

3 MR. VALLEJO: Next, Resolution No. 4 --

4 MR. FRANCO: This is a hardship for my
5 family. Thank you.

6 (Mr. Franco leaves the room.)

7 * * *

1 **ADOPTION OF RESOLUTIONS:**

2 1. Crest Point Development Union City, LLC, 2000
3 Kennedy Blvd, Block: 105, Lot: 17-19. The applicant
4 proposes to demolish the existing Leber Funeral Home,
5 and construct a new four-story, 54-unit multifamily
6 building of a four-story multifamily building. A lot
7 on the southern side of 0th Street will contain
8 additional parking. A total of 113 parking spaces.

9 Approved.

10
11 MR. VALLEJO: Crest Point Development
12 Union City, LLC, 2000 Kennedy Blvd. This application
13 was approved at the previous meeting.

14 Can I have a motion to adopt the
15 resolution?

16 CHAIRPERSON GARCIA: Yes to adopt.

17 MR. VALLEJO: Mr. Garcia, motion.

18 Any second of the motion?

19 CHAIRPERSON GARCIA: Did they present the
20 revised plan?

21 MR. VALLEJO: Yes. The revised plan
22 received 5/29/25.

23 MR. SPATZ: We reviewed those plans also
24 amending the conditions.

25 MR. VALLEJO: Okay.

1 VICE CHAIRPERSON GRULLON: Second.

2 MR. VALLEJO: Seconded by Mr. Grullon.

3 Roll call on the motion.

4 Mr. Grullon.

5 VICE CHAIRPERSON GRULLON: Yes.

6 MR. VALLEJO: Ms. Perez.

7 MS. PEREZ: Yes.

8 MR. VALLEJO: Ms. Watley.

9 MS. WATLEY: Yes. I abstain. I wasn't
10 here.

11 MR. VALLEJO: You abstain.

12 MS. WATLEY: Sorry.

13 MR. VALLEJO: Ms. O'Dell, you abstain too,
14 right?

15 MS. O'DELL: Yes, abstain.

16 MR. VALLEJO: Mr. Garcia.

17 CHAIRPERSON GARCIA: Yes.

18 MR. VALLEJO: Ms. Pena.

19 MS. PENA: Yes.

20 MR. VALLEJO: Ms. San Martino.

21 MS. SAN MARTINO: Yes.

22 MR. VALLEJO: Five in favor to abstain.

23 Motion carries.

24 * * *

25

1 **ADJOURNMENT:**

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

6 CHAIRPERSON GARCIA: Aye.

7 MR. VALLEJO: Motion by Mr. Garcia.

8 MS. WATLEY: Second.

9 MR. VALLEJO: Seconded by Ms. Watley.

10 All in favor.

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

13 MR. VALLEJO: The ayes have it.

14 Let the record show that the meeting has
15 ended. Thank you and good night everyone.

16 (Whereupon, the meeting concluded at
17 10:06 p.m.)

18 * * * *

CERTIFICATE

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

LILIANA THOMAS, CCR, RPR
LICENSE NO. 30XI00238800