

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

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

Union City High School Academy for
Enrichment and Advancement
2210 Kerrigan Avenue
Union City, New Jersey

Thursday, July 10, 2025
Commencing at 6:16 p.m.

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

ANDRES GARCIA, Chairperson
MARGARITA GUTIERREZ
GERALDINE PEREZ
ALTAGRACIA SAN MARTINO
MINDRY WATLEY
VIVIAN O'DELL

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

VICTOR M. GRULLON, Vice Chairperson
MIGUEL ORTIZ
ROSIO PENA

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

TOMAS PANEQUE, ESQ., Board Counsel
CARLOS VALLEJO, Board Secretary
JENNIFER GORINI, PP, Consulting City Planner

STENOGRAPHICALLY REPORTED BY:
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BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Lilian Leon

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Hung Fat Inc.

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Mohammed Abu Ali

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 603 Central Avenue, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 411 10th Street UC, LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 655 39th LLC

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, 722 11th Street

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Mountain UC, LLC

NOT PRESENT:

ALVARO ALONSO, ESQ.
Attorney for Applicant, Daniel Cardenas

I N D E X

	<u>PAGE</u>
CALL TO ORDER	14
SALUTE TO FLAG	14
ROLL CALL	15
ADOPTION OF MINUTES	16
HEARINGS	
Joseph Gaudio	17
Daniel Cardenas	45
Lilian Leon	46
Hung Fat Inc.	63
Mohammed Abu Ali	68
603 Central Avenue, LLC	72
411 10th Street UC, LLC	73
655 39th LLC	88
722 11th Street, LLC	90
Mountain UC, LLC	113
ADOPTION OF RESOLUTIONS	
Patrick J. Franco	146
Margarita Onofre	148
Miguel A. Calderon	150
Allison Williams	152
1601 Palisade Avenue, LLC	154
Hector & Amparo Villanueva	156
Raising Investments LLC	158
ADJOURNMENT	160

I N D E X

JOSEPH GAUDIO
509-511 18th Street

WITNESSPAGE

JOSEPH GAUDIO

23

JOSE IZQUIERDO

28

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

DANIEL CARDENAS
509-511 18th Street

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

LILIAN LEON
1608-1610 New York Avenue

WITNESSPAGE

MANUEL PEREIRAS

48

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

HUNG FAT INC.
1212-1214 Summit Avenue

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

MOHAMMED ABU ALI
133 19th Street

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

603 CENTRAL AVENUE, LLC
603-607 Central Avenue

WITNESSPAGE

(None)

E X H I B I T SNO.DOCUMENTPAGE

(None)

I N D E X

411 10TH ST UC, LLC
411 10th Street

WITNESS

PAGE

DANIEL ANGEL ROMA

73

E X H I B I T S

NO.

DOCUMENT

PAGE

(None)

I N D E X

655 39TH LLC
655 39th Street

WITNESS

PAGE

(None)

E X H I B I T S

NO.

DOCUMENT

PAGE

(None)

1
2
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6
7
8
9
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12
13
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15
16
17
18
19
20
21
22
23
24
25

I N D E X

722 11TH STREET, LLC
722 11th Street

WITNESS

PAGE

MANUEL PEREIRAS

91

ALEXANDER DOUGHERTY

101

E X H I B I T S

NO.

DOCUMENT

PAGE

A-1

Photograph of rear of property

93

I N D E X

MOUNTAIN UC, LLC
292 Mountain Road

WITNESS

PAGE

MANUEL PEREIRAS

115

ALEXANDER DOUGHERTY

125

E X H I B I T S

NO.

DOCUMENT

PAGE

(None)

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, July 10, 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 Academy for Enrichment and Advancement located at
8 2210 Kerrigan Avenue, Union 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: Present.

7 MR. VALLEJO: Mr. Grullon is absent.

8 Ms. Gutierrez.

9 MS. GUTIERREZ: Present.

10 MR. VALLEJO: Mr. Ortiz is absent.

11 Ms. Perez.

12 MS. PEREZ: Here.

13 MR. VALLEJO: Ms. Watley is absent.

14 MS. O'DELL: She's running late.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Here.

17 MR. VALLEJO: Ms. Pena is absent.

18 Ms. San Martino.

19 MS. SAN MARTINO: Here.

20 MR. VALLEJO: Five present.

21 * * *

22

23

24

25

1 **ADOPTION OF MINUTES:**

2
3 MR. VALLEJO: We're going to approve the
4 previous meeting minutes from June 12, 2025. Can I
5 have motion?

6 CHAIRPERSON GARCIA: Motion.

7 MR. VALLEJO: Motion by Mr. Garcia.

8 Second motion.

9 MS. PEREZ: Second.

10 MR. VALLEJO: Second motion by Ms. Perez.

11 Roll call on the motion.

12 Mr. Garcia.

13 CHAIRPERSON GARCIA: Yes.

14 MR. VALLEJO: Ms. Perez.

15 MS. PEREZ: Yes.

16 MR. VALLEJO: Ms. O'Dell.

17 MS. O'DELL: Yes.

18 MR. VALLEJO: Ms. San Martino.

19 MS. SAN MARTINO: Yes.

20 MR. VALLEJO: Four in favor. Motion
21 carries.

22 Let the record reflect that Ms. Pena
23 joined the meeting. We have six members now.

24 * * *

25

1 **PUBLIC HEARING:**

2 **JOSEPH GAUDIO -**
3 **703 30TH STREET:**

4 MR. T. PANEQUE: Let the record show as
5 follows: I have been provided by Attorney Christine
6 Vergara with the following documentation:

7 An affidavit as proof of notice indicating
8 that notice of tonight's meeting with respect to the
9 property located at 509-511 18th Street was given to
10 all property owners within a 200-foot radius
11 indicating that the application will be heard
12 tonight, July 10, 2025. There's a copy of the notice
13 that was published in the newspaper setting the
14 application date being June 20, 2025. The
15 publication indicates that notice of tonight's
16 hearing with respect to the property at 509-511 18th
17 Street was published giving notice of the hearing at
18 the Union City High School. Let the record show that
19 the venue for the hearing was moved to this location
20 due to the fact that there was a malfunction with the
21 AC in the high school. Notices were posted at the
22 Union City High School giving notice that tonight's
23 hearing was transferred to this location.

24 I have the affidavit of publication
25 indicating that the notice was published in the

1 newspaper. A notice was published in the newspaper
2 and was sent to all property owners within a 200-foot
3 radius. A list listing all property owners within a
4 200-foot radius was issued by the Union City Tax
5 Assessor's Office with a date of June 11, 2025.

6 And, finally, I've been provided with
7 certified mail slips. According to the
8 certification, these notices were sent on June 27,
9 2025. I note for the record that the certified mail
10 slips are not stamped; however, the attorney's
11 certification is that they were mailed on June 27th.
12 And then I have the return slips that have come back.
13 Some of them have stamps as early as June 30th.

14 Based on the documentation I have been
15 provided, the board has jurisdiction to proceed in
16 this matter.

17 MS. VERGARA: Thank you.

18 Good afternoon, Chair and members of the
19 board. We're here today --

20 (Discussion was held off the record.)

21 CHAIRPERSON GARCIA: I'm showing to
22 Mr. Paneque the memo. The applicant is converting to
23 six units and Building Department is showing the memo
24 that is the two-unit.

25 MR. T. PANEQUE: Ms. Vergara, have you had

1 an opportunity to look at the memo?

2 MS. VERGARA: I did review that. And I
3 think the issue -- and that would have been the
4 application that there is a -- the preexisting two
5 buildings on 509, there is a building that's two
6 stories, and that I believe is what that line is
7 addressing. We're looking to erect on top
8 essentially in front of that building, that's where
9 the two proposing should be.

10 CHAIRPERSON GARCIA: That's 511?

11 MS. VERGARA: It's actually still in 509.
12 So it would kind of be 509-1, 509-2, or 509A, 509B.

13 MR. T. PANEQUE: So there's two separate
14 structures on this property? Is that what it is?

15 MS. VERGARA: 511 has one, 509 has
16 another, yes.

17 MR. T. PANEQUE: Okay. We have
18 photographs.

19 So in looking at this photograph, you have
20 509?

21 MS. VERGARA: Do you mind if I show you?

22 MR. T. PANEQUE: No. Here.

23 MS. VERGARA: (Pointing) Yes. So the one,
24 that building is 511, and the one in the back here is
25 a two-family, and this is where it is being proposed

1 right here (indicating).

2 MR. T. PANEQUE: So 509 is the one in the
3 rear?

4 MS. VERGARA: Correct. Yes.

5 MR. T. PANEQUE: Okay. And 509 is a
6 two-unit?

7 MS. VERGARA: Correct.

8 MR. T. PANEQUE: And you're proposing
9 what, two?

10 MS. VERGARA: So technically it will be
11 four. But the other building, it's going to be two
12 stories, a two-unit building erected -- propose to
13 erect here (indicating), which right now is kind of
14 separate right there.

15 MR. VALLEJO: Let the record reflect that
16 Ms. Watley joined the meeting. We now have seven
17 members. Thank you.

18 MR. T. PANEQUE: If 511 is the one next
19 door?

20 MS. VERGARA: Yes. And that's that
21 building (indicating). And that is not going to be
22 touched. That remains the same.

23 CHAIRPERSON GARCIA: But you are going
24 from two to four in...

25 MS. VERGARA: 509.

1 CHAIRPERSON GARCIA: 509.

2 MS. VERGARA: 509. Yes.

3 CHAIRPERSON GARCIA: And you don't want to
4 touch 511.

5 MS. VERGARA: Correct. But the property
6 taken together, it would be six.

7 MR. T. PANEQUE: You're not asking for a
8 subdivision, correct?

9 MS. VERGARA: Correct. But the way the
10 address is at the Tax Office, it's 509-511 which is
11 why we show you the whole picture today for the
12 application.

13 CHAIRPERSON GARCIA: But for the Building
14 Department you are two properties, right, 509, 511?

15 MS. VERGARA: Yes.

16 CHAIRPERSON GARCIA: Yes. Because they
17 are showing only two in the memo. They are showing
18 509 -- 509 and --

19 MS. VERGARA: 511, yeah.

20 CHAIRPERSON GARCIA: 509, 511?

21 MS. VERGARA: Yeah. The Tax Office has it
22 as 509-511.

23 MR. T. PANEQUE: 509 but they are cutting
24 these two properties.

25 (Discussion held off the record.)

1 CHAIRPERSON GARCIA: My question is: Can
2 we proceed with just one memo, because I know that
3 for tax records they probably have the four units?
4 They're combined. We don't have -- in the Building
5 Department, we don't have what they have in 509 -- in
6 511. We only have 509.

7 MR. T. PANEQUE: I may go out here and
8 have an educated guess as to what has transpired.
9 When the assessment was done in the 1970s, the
10 assessment shows two units, first floor, second
11 floor. And they're only assessing the front
12 building. There is no indication of the rear
13 building which is now your position it has two units.
14 But those two units are not being recognized by the
15 Building Department.

16 MS. VERGARA: And so just for the record,
17 though, 511 has two units and an office, so this has
18 to be for 509 because --

19 MR. T. PANEQUE: Well, it may have an
20 office today, but back in the '70s --

21 MS. VERGARA: Understood.

22 MR. T. PANEQUE: -- it was only one unit.
23 Now, I can tell you that I know this is 511 because
24 it looks like 509 only has one story, and this has
25 two stories. So the Building Department doesn't

1 recognize anything existing in the rear.

2 Before we proceed with your application,
3 let's try to get some clarification. Do you want to
4 call your applicant and we'll have him sworn in?

5 MS. VERGARA: Yes. Joseph Gaudio, the
6 applicant, and he will be testifying today on behalf
7 of what we were just discussing with regards to the
8 Building Department.

9 * * *

10 **JOSEPH GAUDIO**, after having been duly sworn, did
11 testify as follows:

12 MR. T. PANEQUE: State your name, sir.

13 MR. GAUDIO: Joseph Gaudio.

14 MR. T. PANEQUE: Mr. Gaudio, what is it
15 you'd like to bring to the attention of the board?

16 MR. GAUDIO: Okay. The original property
17 was a two-family in the front with a factory that
18 manufactured patches, okay. When I bought the
19 property, I had a change of use done through Union
20 City, filed, went through all the proper channels,
21 got my permits, and I was granted to put a two-family
22 in the back side by side.

23 MR. T. PANEQUE: Okay. If that's the
24 case, if you went through a change of use, I'm
25 assuming you came before one of the boards.

1 MR. GAUDIO: Absolutely.

2 MR. T. PANEQUE: Do you have that
3 resolution with you?

4 MR. GAUDIO: I don't have it now, but I do
5 have it.

6 MR. T. PANEQUE: Okay. And when was that
7 done?

8 MS. VERGARA: Was that 2018?

9 MR. GAUDIO: No. Probably 2015 because
10 '18 was that area that we dug out.

11 MR. T. PANEQUE: Okay. So it's your
12 testimony that in 2015, you came before the board?

13 MR. GAUDIO: Around that time.

14 MR. T. PANEQUE: Around that time. And
15 you converted the existing rear property from a
16 factory into two units.

17 MR. GAUDIO: Right.

18 MR. T. PANEQUE: Okay.

19 MR. GAUDIO: And when we say "factory," it
20 was sewing machines -- it wasn't...

21 CHAIRPERSON GARCIA: Mr. Gaudio, the only
22 reason that we're bringing this to the table now is
23 because we just want to try to verify the units that
24 you have, if the application is granted and then the
25 Building Department doesn't read it the same way that

1 we have granted, then you have to come back to us, so
2 that's why --

3 MR. GAUDIO: Right.

4 CHAIRPERSON GARCIA: -- we want to verify
5 it now.

6 MR. GAUDIO: And the reason why I wanted
7 to jump in was because this was addressed when I did
8 the apartments in the back. So the Building
9 Department is in on every step of the way of this
10 project.

11 CHAIRPERSON GARCIA: What do you
12 recommend, Mr. Paneque?

13 MR. T. PANEQUE: I will recommend the
14 following: We can proceed with this application with
15 the condition on you providing your attorney,
16 Ms. Vergara, with a copy of that have resolution.

17 MR. GAUDIO: If I can provide the
18 resolution tonight, would that possible? My office
19 is --

20 MR. T. PANEQUE: We're still going to
21 proceed.

22 MS. VERGARA: Yes.

23 MR. T. PANEQUE: So there's no rush to get
24 it in tonight, but under the condition that if
25 anything that happens on confirmation that you do

1 have that resolution.

2 MS. VERGARA: They're saying that they'll
3 hear it tonight. But no matter what, let's say it's
4 approved --

5 Correct me if I'm wrong.

6 -- it will be approved conditioned upon my
7 providing --

8 MR. GAUDIO: The resolution. Right.

9 MS. VERGARA: -- the 2015 resolution.

10 MR. GAUDIO: Perfect.

11 MR. T. PANEQUE: Now, you were present
12 when that resolution --

13 MR. GAUDIO: Absolutely.

14 MR. T. PANEQUE: Okay. When those
15 apartments were approved, were they approved with
16 parking?

17 MR. GAUDIO: No.

18 MR. T. PANEQUE: Okay. So that frontal
19 area doesn't --

20 MR. GAUDIO: It was grass.

21 MR. T. PANEQUE: It was grass? So you got
22 two apartments with no parking?

23 MR. GAUDIO: Right. And I went in 2018 in
24 front of the board again, and that's when I excavated
25 that area and put in that foundation. And that was

1 all done through the Building Department.

2 MR. T. PANEQUE: And what was in that
3 area?

4 MR. GAUDIO: Just a patch of grass.

5 MR. T. PANEQUE: It was a front yard?

6 MR. GAUDIO: Kind of. But it was fenced
7 in. They never used it and I guess the previous
8 owner didn't want anybody to touch the property, so
9 just kept a patch of grass there.

10 MR. T. PANEQUE: Okay. So the foundation
11 we see in this picture, that was put in by you?

12 MR. GAUDIO: Yes.

13 MR. T. PANEQUE: Okay.

14 MR. GAUDIO: Engineers, reports, everybody
15 has all the documentation in City Hall.

16 MR. T. PANEQUE: We will proceed with this
17 application.

18 MS. VERGARA: Thank you.

19 MR. T. PANEQUE: Even though we have a
20 memo that says it's a two-family, but I can see where
21 the mixup is. That memo goes back on the information
22 that it relates back to the '70s. If you did it in
23 2015, that wouldn't show up there. Okay? So as long
24 as you provide Ms. Vergara with that resolution and
25 she gets it to me, then based on what happens here --

1 MR. GAUDIO: Perfect. Thank you.

2 MS. VERGARA: Thank you.

3 MR. T. PANEQUE: Okay. Would you like to
4 call your second witness?

5 MS. VERGARA: Yes. Yes. I call Jose
6 Izquierdo as an expert. He has testified before this
7 board several times, so I am asking if we can admit
8 him as an expert.

9 * * *

10 **JOSE IZQUIERDO**, after having been duly sworn, did
11 testify as follows:

12 MR. T. PANEQUE: Mr. Izquierdo is admitted
13 as an expert.

14 MR. IZQUIERDO: Thank you.

15 MS. VERGARA: Thank you. I appreciate
16 that.

17 MR. IZQUIERDO: I heard the discussion as
18 to the history of 509 as in the memo and the position
19 by the Building Department pertaining only to 509.
20 The existing condition of this property right now,
21 it's known as 509-511 18th Street. And on that
22 property, there are two buildings, one on 509 in the
23 rear, and that's a one-story building over a cellar.
24 That 509 has two units. They're shown in the
25 drawings that we submitted.

1 In 511, you have a three-story structure.
2 And right now there are two apartments, one on the
3 third floor, one on the second floor, and the
4 basement of 511 faces at street level 18th Street.
5 Part of this application is to take that basement
6 level and convert it to an office, a private office
7 for the owner's use. The owners and developer, he
8 owns several properties in Union City, 2500 New York
9 Avenue, 2502 New York Avenue, 509-511, and he wishes
10 to have an office there which he presently has at
11 41st Street and Bergenline, and he wants to move here
12 so that he has his computer, his records, some
13 building materials. So part of the application is to
14 convert an existing four-unit building in two
15 separate structures into a six-unit plus office.
16 That makes it a mixed-use building being six units
17 and one office, which is not an allowed use in the
18 R Zone. This is a R low-density zone. So as such
19 the applicant is seeking a (d)1 use variance to add
20 two new units. And those units are going to be
21 one-bedroom units, conforming to size at 678 square
22 feet where 550 square feet is required. And those
23 two new units, those two new one-bedrooms are going
24 to have four parking spaces underneath in the
25 excavated area that he already built the foundation

1 for.

2 I have the drawing for the foundation that
3 was issued by Azzolina & Feury Engineering and it was
4 approved by the Building Department. And that
5 drawing, which is this drawing, shows the foundation
6 wall. And on top of this is what we're going to be
7 building, the two units in a two-story frame
8 structure. This drawing you should have in your file
9 as well. There were two submissions that were issued
10 to the Union City Zoning Board. The first submission
11 for the large 30 by 40 drawings that we submitted and
12 then lately we submitted 11 by 17 drawings which may
13 be easier to comprehend.

14 The first Sheet of the 11 by 17 drawings
15 is PC-01 and shows pictures of the site. The board
16 members also have color copies of those photographs.
17 It also shows SP-02 which is the second sheet of the
18 11 by 17. And that shows the site plan. It shows
19 the rear building, the one that the Building
20 Department issued a memo and back in 2015 was changed
21 from a factory industrial to the two units, and
22 that's 509A and 509B. If the board approves this
23 application, the two new units over the four new
24 parking spaces is going to be 509C on the second
25 floor and 509-3 -- 509D on the third floor.

1 The way this property was developed is it
2 sits above a plateau. The rear building is higher
3 than 18th Street. So no parking is available to go
4 to 509, and that may have been one of the special
5 reasons that the board established when it granted
6 those two units without parking spaces that I heard
7 the Chairman mention that. So what happens is the
8 center of the building is accessed by some steps,
9 like seven or eight steps. And when you go from
10 18th Street, you go up to the center of the property,
11 the center of the 5500. And in that center there's a
12 center patio. And that patio has a stair that leads
13 a few steps up to 509A and 509B that are existing
14 units. Also, if you turn to the right, you gain
15 access to 511K which sits at that level. And then
16 you go up a few steps, a full set of stairs to 511B.
17 The office is not accessed from that patio. The
18 office is at street level directly from 18th Street.
19 That is shown in drawings SP02. And when you see
20 A01, you see all the sizes of the units. You see the
21 office space, which is going to be for the owner's
22 use. You see the existing one-bedroom, and then,
23 which is 511A, that's 1,110 square feet. That's an
24 existing one-bedroom unit. The other one is a
25 two-bedroom, and then that's 1,182.6. That's Unit

1 511B. 509A is 813.34 square feet, which is a
2 two-bedroom where 750 is required, so it complies and
3 exceeds. And 509B is 846.76 square feet. That's a
4 two-bedroom, 750 required so it complies and exceeds.

5 The two new units, which are 509C is a
6 one-bedroom, and that's going to be 678 square feet.
7 And 509D is 678.3 square feet. As a point of
8 clarification, the planner mentioned there's a typo
9 on the -- for the building coverage calculations
10 whereas we have the building coverage at 16 at
11 72 percent and proposed at 72 percent. That
12 72 percent is incorrect. That's only for the two
13 existing buildings. For the three buildings --
14 actually, it's less than 85 percent. Because what
15 happens is one of the buildings is 1678 1149. So the
16 existing building coverage is about 60 percent, and
17 the proposed is 72 percent. When you see the list
18 here on the existing, you have 1678 for Building 511.
19 You have 1194 for building 509, and you have 720 for
20 the new building on 509 being for the two units, 509C
21 and 509D.

22 The applicant is seeking a side yard
23 variance as well. When the board members see the
24 engineering drawing for the retaining wall, the
25 easternmost wall of the retaining wall is right on

1 the property line. So what the applicant is
2 proposing is to take that wall and extend it up as a
3 fire-rated wall with the rest of the structure being
4 in frame. So the applicant is seeking a side yard
5 variance in addition to the other variances. The
6 rear yard is an existing condition because of
7 Building 509. And that's a (c)2 variance. The side
8 yard is also a (c)2 variance, and the lot coverage
9 exists as 100 percent at the present moment. If
10 approved, the applicant is going to convert a
11 four-unit building being three two-bedrooms and one
12 one-bedroom into a total of four units. We'll
13 convert it to six units. There's one office space
14 where the four new parking spaces are dedicated for
15 the two new units.

16 A question also arose as to this building
17 being right on the front yard. And what happens is
18 because all this area on the southern side of
19 18th Street lies higher, all these properties are set
20 back to allow the stoop to reach the first level. If
21 granted, the applicant is also seeking a front yard
22 variance and is going to align with the property at
23 the corner of Bergenline and 18th Street.

24 MR. T. PANEQUE: Mr. Izquierdo, you gave
25 testimony as in your professional capacity and

1 knowledge, correct?

2 MR. IZQUIERDO: Yes.

3 MR. T. PANEQUE: Does this variance
4 require a (d)1?

5 MR. IZQUIERDO: (D)1.

6 MR. T. PANEQUE: Are you going to testify
7 as a professional planner?

8 MR. IZQUIERDO: Yes, I am.

9 MR. T. PANEQUE: Can we please have that
10 testimony at this time?

11 MR. IZQUIERDO: Yes. In order to grant
12 the (d)1 of variance, applicant is subject to the
13 Medici standard, which is in this particular case and
14 particular reasons. This is an opportunity -- and
15 applicant also has to meet the positive criteria and
16 the negative criteria. This is an opportunity for
17 the City to have two code-conforming one-bedroom
18 units with parking space into an area of the property
19 that is not going to be developed in any other way.
20 It does not take out any parking spaces from the
21 street. Because when that retaining wall was
22 approved, the City also granted a 16-foot curb cut.
23 So the net parking spaces is four. There is no
24 parking spaces lost on the street. So the positive
25 criteria is met by creating two code-conforming, two

1 new one-bedroom units with four parking spaces. The
2 negative criteria is that the building lies on the
3 side yard; however, the property on that side lies on
4 Bergenline Avenue -- that's a multi-zone
5 commercial -- commercial neighborhood -- and also the
6 front yard. But it's a condition that already
7 exists. That retaining wall is already there. So I
8 think the applicant that the positive criteria
9 outweighs the negative criteria. It's an opportunity
10 for them. All these towns, Union City and the
11 surrounding cities, have to build from within. We
12 don't have any vacant land. So in order to provide
13 more units and more residential units that are code
14 conforming and whatnot, we have to build from within.
15 This is a part of the site that is undeveloped and
16 it's an opportunity to do so.

17 MR. T. PANEQUE: That's it?

18 MR. IZQUIERDO: I think so.

19 MR. T. PANEQUE: Thank you.

20 CHAIRPERSON GARCIA: Mr. Izquierdo, what
21 is the dimension of the parking spaces that you are
22 proposing to develop?

23 MR. IZQUIERDO: The parking spaces are 16
24 by 36. Each one of the parking spaces is going to be
25 8 by 18.

1 CHAIRPERSON GARCIA: No. No. The size of
2 that piece of lot?

3 MR. IZQUIERDO: 16 by 36. The interior
4 space surrounded by the retaining walls is 16 by 36.

5 CHAIRPERSON GARCIA: How high is the
6 proposal?

7 MR. IZQUIERDO: The building's height is
8 going to be three stories, 32 feet 6 inches.

9 CHAIRPERSON GARCIA: 32?

10 MR. IZQUIERDO: 32 feet 6 inches. It
11 doesn't have to be that high. Because what happens
12 is we're going to have the parking spaces at eight,
13 because one for the structure is nine, we're going to
14 have another nine, and we're going to have another
15 nine, that comes up to 27. But we're going to spill
16 all the water for the roof into the existing
17 property. When you stand on 18th Street, you're
18 going to see your retaining wall which comprises in
19 the properties of the CN commercial zone. And the
20 roof is not going to be a two water. It's going to
21 be a single water coming into the center of the
22 property so that no water came close to the neighbor.
23 That also has to be a fire-rated wall. So there has
24 to be a pattern, and that's where the 32 feet comes.
25 Actually, the structure is only going to be like

1 27 feet, 9, 9, and 9, that's 27. But because of the
2 roof, it slopes to one part there.

3 CHAIRPERSON GARCIA: How high is the
4 adjacent property to the east side?

5 MR. IZQUIERDO: There's nothing there.

6 CHAIRPERSON GARCIA: On the east side?

7 MR. IZQUIERDO: On Bergenline Avenue, no.
8 It's a one-story -- on the east side, going to
9 Bergenline Avenue --

10 CHAIRPERSON GARCIA: Right.

11 MR. IZQUIERDO: -- that's probably about
12 18, 20 feet.

13 CHAIRPERSON GARCIA: And how high is the
14 retaining wall in the parking lot that you have right
15 now?

16 MR. IZQUIERDO: 5 feet. The existing wall
17 is 5 feet high.

18 CHAIRPERSON GARCIA: Yours, 5 feet?

19 MR. IZQUIERDO: Yeah. It was approved as
20 a 5-foot high retaining wall. They proposed that
21 concrete wall 5 feet high max with a 3-foot aluminum
22 fence up on top. That's what was approved by as
23 Azzolina & Feury's application. And that date from
24 2017 -- that drawing you have there with yourselves.
25 If not, I can give you this one -- and it sits as a

1 5-foot wall. It's right here (indicating).

2 CHAIRPERSON GARCIA: That's the same
3 approval that --

4 MR. IZQUIERDO: No. As with the
5 factory -- as to the factory changing to the two, no,
6 I do not believe so.

7 MR. T. PANEQUE: They're two separate?

8 MR. IZQUIERDO: Two separate applications,
9 yeah.

10 CHAIRPERSON GARCIA: Mr. Izquierdo, also,
11 in your chart you indicate that four parking
12 existing, four proposed --

13 MR. IZQUIERDO: Those are not parking
14 spaces right now. That's a paved area that just has
15 like a screen concrete floor slab. It has a curb
16 cut, but it has never been used as parking spaces.
17 So that table should be revised where existing
18 there's zero spaces. The four residential units
19 right now have no parking spaces. We're providing
20 four. That is not used for parking right now.

21 MR. T. PANEQUE: Mr. Izquierdo, the
22 arguments that you're making is that that space is
23 not being used for parking currently.

24 MR. IZQUIERDO: No, it's not.

25 MR. T. PANEQUE: However, at some point a

1 curb cut was approved.

2 MR. IZQUIERDO: Yes.

3 MR. T. PANEQUE: So you took two spaces
4 from off the street parking.

5 MR. IZQUIERDO: That was in 2017, only one
6 space. It's a 16-foot curb.

7 MR. T. PANEQUE: 16-foot. So you removed
8 one space from the street for what purpose?

9 MR. IZQUIERDO: I was not present. That
10 was in 2017.

11 MR. T. PANEQUE: But you see where I'm
12 leading?

13 MR. IZQUIERDO: I understand. So maybe
14 the applicant can give you that resolution, and the
15 transcript from the meeting so that the board is
16 refreshed with that argument.

17 MR. T. PANEQUE: It seems that logic
18 dictates that they gave you a curb cut for the
19 express purpose of bringing cars inside that area.

20 MR. IZQUIERDO: I understand what you're
21 saying. But I was not present at that hearing. And
22 only the transcript would indicate what transpired
23 and what the conversations were.

24 CHAIRPERSON GARCIA: Mr. Izquierdo, how
25 come you think that if you take the four cars, how do

1 you think that you're going to fit four cars -- let's
2 say two cars in a 16-foot wide. A 16-foot garage
3 space is an accepted size for a garage. I have the
4 approval of that for an application. It could be
5 acceptable. But like I mentioned to you or mentioned
6 to the public, we are so proud to have you here.
7 It's a pleasure to have you here. You've been here
8 probably for more than 20 years.

9 MR. IZQUIERDO: More than that.

10 CHAIRPERSON GARCIA: More than that. When
11 I came back in 2001, 2002, you already were here
12 presenting. And you know that we request that this
13 nine is required. I mean, it's going to be kind of
14 too tight for you to park two parallel parked
15 vehicles. It is something like -- I mean, also, one
16 of my concerns is that it's like you have a lot size
17 16 by 36 trying to build the two units. Okay? And
18 to me it is kind of too tight to come with those two
19 units in that plan.

20 But continue. Any other questions? No
21 other questions?

22 (No response.)

23 CHAIRPERSON GARCIA: Okay. Any member of
24 the public want to step forward for this application,
25 509-511 18th Street? Any comment?

1 (No response.)

2 CHAIRPERSON GARCIA: Okay.

3 Mr. Izquierdo, since you have -- I don't
4 know if you're going to review this design, and since
5 we still need the prior approval for the two
6 apartments in the rear, I don't know if you want to
7 try to accommodate the area and you come back in
8 September.

9 MS. VERGARA: We were going to interject
10 and request that. At this point I think it would
11 benefit all parties here if we can come back and
12 revise a little bit.

13 CHAIRPERSON GARCIA: It is kind of a
14 recent application. However, you know, our concern
15 is an attempt to bring a better quality of life and
16 better units for the residents. And it's my concern
17 this is too tight, the parking. For two units in 16
18 by 36, I think it's too tight.

19 And, also, kind of concerned about the
20 height, you know -- I know that you have an
21 existing -- preexisting setback, zero setback. But
22 you're going to come with like 12, 14 feet over the
23 other property. So, just those suggestions. And,
24 yes, I really appreciate to carry this application.
25 We don't have one in August.

1 MR. IZQUIERDO: Yes. I understand.

2 CHAIRPERSON GARCIA: So we'll carry for
3 September, and we ask her to waive the exception.

4 MR. IZQUIERDO: September. I'm not
5 available for that date. In September I have a
6 matter in Elizabeth that very same day. You said
7 September the 11th?

8 CHAIRPERSON GARCIA: Do you waive the
9 statutory limitations?

10 MS. VERGARA: Yes. We'll waive.

11 MR. IZQUIERDO: It would have to be
12 October. I'm not available in September.

13 MR. T. PANEQUE: Off the record.

14 (Discussion was held off the record.)

15 MR. T. PANEQUE: Back on the record.

16 Ms. Vergara, are you requesting to have
17 this matter carried?

18 MS. VERGARA: To September 11th.

19 MR. T. PANEQUE: September 11th.

20 MS. VERGARA: Yeah.

21 MR. T. PANEQUE: Are you waiving the
22 statutory requirements?

23 MS. VERGARA: I am waiving, yes.

24 CHAIRPERSON GARCIA: I make my motion to
25 carry this application to the next meeting,

1 September 11th. As you stated, you waive the
2 statutory limitations.

3 MS. VERGARA: Yes.

4 CHAIRPERSON GARCIA: I make my motion to
5 carry to the next meeting, September 11th.

6 MS. GUTIERREZ: Second.

7 MR. VALLEJO: Motion to carry to the
8 September 11th meeting by Mr. Garcia. Seconded by
9 Ms. Gutierrez.

10 Roll call on the motion.

11 Mr. Garcia.

12 CHAIRPERSON GARCIA: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 MS. GUTIERREZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. San Martino.

24 MS. SAN MARTINO: Yes.

25 MR. VALLEJO: Seven in favor. Motion

1 carries.

2 MS. VERGARA: Thank you.

3 MR. T. PANEQUE: Thank you.

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

3 MR. VALLEJO: Moving now to Application
4 No. 2, Daniel Cardenas, 703 30th Street.

5 MR. T. PANEQUE: Let the record reflect as
6 follows: I've been provided with a letter dated
7 July 7, 2025, from Attorney Alonso. The letter is
8 with respect to the property at 703 30th Street. And
9 the application is to be heard by the board this
10 evening.

11 Mr. Alonso writes as follows:

12 Dear Mr. Vallejo, this letter is
13 respectfully submitted as a formal request to
14 withdraw the above-referenced application without
15 prejudice.

16 Please feel free to contact this office
17 should there be any problems.

18 Sincerely, J. Alvaro Alonso.

19 CHAIRPERSON GARCIA: Do we make a motion
20 to withdraw or --

21 MR. T. PANEQUE: He's withdrawing.

22 CHAIRPERSON GARCIA: We don't have to vote?

23 MR. T. PANEQUE: No vote required now that
24 the withdrawal is accepted on the record.

25 * * *

1 **LILIAN LEON -**
2 **1608-1610 NEW YORK AVENUE:**

3 MR. VALLEJO: We move to the next
4 application on tonight's agenda. Lilian Leon,
5 1608-1610 New York Avenue.

6 Ms. Pereiras, please.

7 MS. PEREIRAS: Good evening, Counsel,
8 Chairman, Members of the Board. May it please the
9 board, Bianca Pereiras on behalf of Lilian Leon.

10 As the board may recall, we appeared
11 before you some time ago. Resolution was approved
12 February 2024 for property located at 1608-1610 New
13 York Avenue. The board approved an application to
14 construct a multifamily building with parking. When
15 we presented our original drawings we had proposed
16 four stories plus a rooftop deck at the suggestion of
17 the board.

18 MR. T. PANEQUE: Did we establish
19 jurisdiction?

20 MS. PEREIRAS: This is not -- I didn't
21 renotice. This is an amendment really to address and
22 preserve what we currently have.

23 CHAIRPERSON GARCIA: Do we have a memo
24 from the Building Department?

25 MR. T. PANEQUE: Whatever the concern

1 is --

2 MS. PEREIRAS: That's what I'm going to
3 do. So we had originally had a rooftop deck, four
4 stories plus a rooftop deck. At the suggestion of
5 the board, that rooftop deck was changed into a
6 lounge, a vestibule. The resolution still says four
7 stories. So the Building Department wants us to
8 clarify because technically that lounge is what
9 constitutes a fifth story. So the amendment is to
10 revise that. So we are not changing the application
11 in any way.

12 CHAIRPERSON GARCIA: Can you hold on a
13 second?

14 Excuse me. We have an echo in the room.
15 Can you please help us? If you need to talk, can you
16 go outside? Thank you.

17 MS. PEREIRAS: So we're not changing the
18 construction in any way or the drawings in any way.
19 These are the same drawings that were approved by the
20 board, and I can actually have our expert architect
21 just clarify that even further for the board.

22 Also, to specify, the Building Department
23 when we submitted the permits asked for the garage
24 area to be enclosed so as a means of precaution.
25 I've also included that as a request.

1 MR. T. PANEQUE: So to recapitulate, you
2 got an approval for four stories with a roof deck?

3 MS. PEREIRAS: We got an approval for four
4 stories plus a lounge on approval. The Building
5 Department is including that lounge and enclosed
6 vestibule as a fifth story. So they want the
7 resolution to clearly specify five stories. We can
8 point out on the drawings just to make it even
9 clearer, if that makes sense.

10 MR. T. PANEQUE: Is it an enclosed lounge?

11 * * *

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

14 MR. PEREIRAS: It is enclosed. May I
15 remind the board, when we presented the project, we
16 originally had a roof deck completely open. It was
17 suggested let's not have it open, and we had a
18 dialogue and you said: How can we enclose it? And,
19 therefore, we enclosed it. And the drawings that
20 were presented to the board subsequently at the next
21 month and that were approved and signed showed the
22 enclosed the way we have it today. However, the
23 resolution still represents the four-story instead of
24 a fifth story because when it's enclosed it becomes a
25 fifth story from a Building Department standpoint.

1 So we're not changing anything. There's
2 nothing new there. It's just semantics of the
3 wording. Instead of it being the roof level, it's
4 the fifth floor.

5 MR. T. PANEQUE: If we go to a fifth
6 floor, the height changes.

7 MR. PEREIRAS: The height stays the same.
8 We always presented the same height for the building.

9 CHAIRPERSON GARCIA: 48-foot height?

10 MR. PEREIRAS: No. 12.

11 CHAIRPERSON GARCIA: That's what the
12 resolution says, right?

13 MR. PEREIRAS: That's right. The
14 resolution --

15 CHAIRPERSON GARCIA: That's what the
16 transcript said, and that's what it was approved for,
17 48 foot.

18 MR. PEREIRAS: Correct.

19 CHAIRPERSON GARCIA: And you presented for
20 51 in the revised plan.

21 MR. PEREIRAS: Correct. Because we had
22 the dialog with the board, and the board said to
23 enclose that, and that's why it's different. We
24 don't measure it as a bulkhead. We measure it as a
25 floor. So we followed exactly what the board

1 recommended and what the board signed. It was just
2 not reflected on the resolution.

3 CHAIRPERSON GARCIA: Yeah, but we asked to
4 be approved as a 48-foot. Okay? And this is not
5 just a simple amendment because we are going from 48
6 to, as you presented, to 42-10, almost 5 feet more.

7 MR. PEREIRAS: So we're not altering the
8 height from what was approved at the board.

9 CHAIRPERSON GARCIA: There is the
10 transcript, and there's the resolution. It clearly
11 says 48-foot. So we need to change it, the
12 resolution, and we need to change the approval in
13 order to please this application.

14 MR. T. PANEQUE: I saw that that's your --

15 MR. PEREIRAS: We have a height variance
16 that was approved by the board. It's at a different
17 height. So the variances stay the same. Everything
18 stays the same.

19 CHAIRPERSON GARCIA: Yes, Mr. Pereiras.
20 But it's not the same to approve you 4 foot less -- I
21 mean, you know what I mean? It's not -- and,
22 remember, that application, one of the points that we
23 brought to the table was that it's an application
24 that is adjacent to the firehouse and is next
25 basically to -- is this a middle school,

1 Mr. Pereiras?

2 Emerson and Colin Powell?

3 MS. PEREIRAS: And Colin Powell.

4 CHAIRPERSON GARCIA: Colin Powell. I
5 recall that.

6 MR. PEREIRAS: Mr. Chairman, I hear you
7 loud and clear. And I'm looking at the plans and we
8 can modify it so that it meets the same height that
9 we got approved at.

10 One of the things I kind of want to point
11 out is that our height measured on this site plan
12 that we submitted today is measured to the top of the
13 parapet. The ordinance for Union City is actually to
14 the top of the roof, not to the top of the parapet.
15 The parapet doesn't count. That actually brings us
16 down 3 and a half feet. So we are fully in
17 compliance with the height. What I ask of this board
18 today, keep the same exact height as what was
19 approved by the board, just the semantics of the word
20 of instead of roof level, it is a fifth floor. And
21 the height we will be completely in compliance with,
22 with exactly what was presented at the board, the
23 same height.

24 MS. PEREZ: Can I ask a question?

25 MR. PEREIRAS: Yes.

1 MS. PEREZ: If we do that and then
2 somebody wants to then put on the fifth floor more
3 apartments --

4 MR. PEREIRAS: They can't do that.

5 MS. PEREZ: They can't do it.

6 MR. PEREIRAS: They have to come to this
7 board and get that approved. That will be a not
8 permitted use, and they would have to come to this
9 board to make that into apartments.

10 CHAIRPERSON GARCIA: Yeah. I had an
11 opportunity to read the transcript. Yes, we talked
12 about the safety issue and also just for the school
13 reason. The board preferred to enclose the area and
14 not have roof terrace and create it as a community
15 room. I had an opportunity to read it. Yes, that's
16 what we agreed to.

17 MR. PEREIRAS: And a community room makes
18 a lot of sense for this building. It gives people a
19 place to go, a place to commune. It's kind of really
20 necessary for this type of building. We did it in a
21 very subtle way. It's not the entire roof. It just
22 spans between the two stairs. It's not even the full
23 width of the building. It's only a partial part of
24 the building, and it's done very subtly. And we can
25 comply fully with the height of the building, and

1 it's just the semantics of a fifth story instead of
2 four stories.

3 CHAIRPERSON GARCIA: Can we state it three
4 residential floors? I mean you have first floor is
5 parking?

6 MR. PEREIRAS: Yes.

7 CHAIRPERSON GARCIA: Three residential
8 floors and the part of the -- and the fifth floor for
9 the community room?

10 MR. PEREIRAS: Yes. That would be
11 appropriate.

12 CHAIRPERSON GARCIA: With 48-foot high?

13 MR. PEREIRAS: Yes. I think that's
14 appropriate.

15 And I'd like to clarify something else --
16 which I don't believe it is a zoning issue, but since
17 we have this opportunity before you, I'd like to just
18 clarify that so that there's not a problem later on
19 down the road, which is that on our parking level the
20 Building Department has some concern with safety, and
21 they asked us to cage around the parking level so
22 that nobody can walk in there. So we are proposing a
23 cage along the parking level so that no one can go in
24 there to add a level of safety. It was something
25 that they thought was very important, and we agreed

1 with them. So we've modified the drawings to show
2 that cage, and we reflected that in this drawing.
3 They have not raised it as a zoning issue, but since
4 we're here before this board, we did that and updated
5 as well to be nice and clear.

6 MR. T. PANEQUE: That cage would be open?

7 MR. PEREIRAS: It is an open cage. It is a
8 welded wire fabric. It's like a chain link fence.
9 It's painted black. We've done a similar thing with
10 other properties. We did one that you might
11 recognize on 32nd Street. We enclosed the entire
12 rear yard of that building, the multifamily that went
13 there. The Building Department recommended that this
14 be similar to that so that it protects the parking
15 garage. There have been situations where people
16 climb over and go into the parking garages, and they
17 want to eliminate that.

18 MR. T. PANEQUE: So it would be like a
19 cyclone fence. It allows for air to circulate.

20 MR. PEREIRAS: Correct.

21 CHAIRPERSON GARCIA: I need your legal
22 opinion regarding this particular case. The first
23 time that you had -- they submitted an application
24 for an amendment to the resolution regarding the
25 fifth floor, and now they come with this. Can we add

1 a bullet point to this application or -- legally?

2 MR. T. PANEQUE: Well, I do recall when
3 the application was presented and the discussions
4 that took place at the time with respect to having an
5 open roof deck as opposed to the lounge and the
6 suggestions that were made to build it as a lounge so
7 that the residents of the building can have a place
8 to congregate. What I wasn't aware of is that by
9 building it as a lounge and enclosing it, you're in
10 fact creating a fifth level, which was not the
11 intention that it would be approved as a fifth level.
12 But that's in fact what we did create by making the
13 suggestion that it be a lounge area and approving it
14 as that.

15 If Mr. Pereira's testimony is that he can
16 keep the height at 48 feet, which is the height
17 that's indicated throughout the transcript, and leave
18 it at that height as opposed to what's being shown in
19 the revised plans, then the lounge was approved, so
20 it would be a matter of just modifying the resolution
21 to read that it's a five-story approval, including
22 the lounge area with the understanding that that
23 lounge area would not be used for residential
24 purposes. It's recreational purposes. So we're not
25 creating any additional residential area use. We're

1 just creating recreational area and enclosing it as a
2 lounge for -- basically, for the benefit of the
3 residents of the property.

4 CHAIRPERSON GARCIA: And regarding to the
5 other request that was not identified with the
6 application of the amended resolution.

7 MR. T. PANEQUE: The enclosed parking
8 area --

9 CHAIRPERSON GARCIA: Yes.

10 MR. T. PANEQUE: -- with the fencing?
11 That's not really something that falls within the
12 purview of this board. Okay? In fact, I don't even
13 know if it falls within the purview of the Building
14 Department, because they really can't obligate
15 somebody to enclose their property in that fashion.
16 I understand their logic. They're doing it for a
17 safety issue. This board really doesn't get involved
18 with that. I can put it into the resolution.
19 Personally, I think it's a good idea if you're going
20 to enclose it with that mesh cyclone style fence
21 because it is going to protect the vehicles that are
22 parked there at the property. You won't have any
23 individuals trespassing into that area, and you still
24 have the air circulating through that.

25 So that being said, I don't think it's

1 within this board's jurisdiction to say yes or no to
2 that. I'll throw it into the resolution so that the
3 Building Department doesn't give you trouble about
4 it. And you indicated that your client is willing to
5 do it?

6 MR. PEREIRAS: Yes. And I'd like to amend
7 my statement. The Building Department recommended
8 and suggested and we voluntarily did that. It wasn't
9 a demand of the Building Department. They
10 recommended it, and we felt it was a good idea as
11 well, and that's why we're doing it.

12 CHAIRPERSON GARCIA: And if you enclose it
13 in concrete, then you're going to have -- you only
14 eliminate the setback, right?

15 MR. PEREIRAS: Correct. Yes.

16 MR. T. PANEQUE: Not only do you eliminate
17 the setback, but it creates a whole different
18 scenario for fire rating and so forth. Because then
19 you have -- I forgot how many cars we had in there.

20 CHAIRPERSON GARCIA: Thirty.

21 MR. T. PANEQUE: Thirty cars?

22 CHAIRPERSON GARCIA: Thirty.

23 MR. T. PANEQUE: So you have 30 cars in an
24 enclosed area which could potentially lead to a whole
25 different fire scenario.

1 MR. PEREIRAS: Correct.

2 CHAIRPERSON GARCIA: Can you go through
3 the size of the community room?

4 MR. PEREIRAS: Yes.

5 CHAIRPERSON GARCIA: Or at least the
6 percentage of the roof that they're going to take to
7 occupy that room.

8 MR. PEREIRAS: So what we did is we have
9 the two stairwells. We have to have two means of
10 egress, so we basically connected the two stairwells.
11 We thought that that made a lot of sense. We're at
12 about 50 percent of the building to the second
13 stairwell. And then the width of it is 23-4 because
14 it just made sense. We divided the lots in pretty
15 much half. So it just makes sense that this would be
16 the space. So the entire size is 54 and 5 inches by
17 20 feet and 4 inches.

18 CHAIRPERSON GARCIA: Does it equal only to
19 what? To one-fourth of the roof?

20 MR. PEREIRAS: It's so hard to hear you.
21 I'm sorry.

22 CHAIRPERSON GARCIA: That's equivalent to
23 what, to one-fourth, one-third of the roof?

24 MR. PEREIRAS: It's about a quarter.

25 CHAIRPERSON GARCIA: A quarter. Okay.

1 Okay.

2 MR. T. PANEQUE: Mr. Pereiras, what
3 amenities are provided in that lounge? Is there a
4 bathroom facility?

5 MR. PEREIRAS: So we have one toilet,
6 toilet and sink that's located in the lobby -- off
7 the lobby area. And then the owner thought it was
8 very important to have an industrial larger laundry
9 machine up there, so he added in a washer and dryer
10 that's industrial so people can do their sheets.
11 Because doing this, they have very small washer and
12 dryers. And then rest is going to be an open lounge
13 area, probably going to put a pool table or put a few
14 couches, a TV, something very simple.

15 MR. T. PANEQUE: No cooking facility?

16 MR. PEREIRAS: We have a wet bar. So we
17 have a small refrigerator and a sink but no cooking.

18 CHAIRPERSON GARCIA: Do you have any
19 questions?

20 (No response.)

21 CHAIRPERSON GARCIA: Any members of the
22 public want to step forward?

23 (No response.)

24 CHAIRPERSON GARCIA: Seeing none, closed
25 to the public.

1 Okay. I'm going to make the motion to
2 grant the amendment. It's going to be 48-foot high,
3 the entire building. The first floor is going to be
4 parking. Second, third, and fourth are going to be
5 residential. And the community room is going to be
6 on the fifth floor with the dimension stated by the
7 testimony of Mr. Pereiras. And only going to be the
8 kitchen, right?

9 MR. PEREIRAS: Wet bar.

10 CHAIRPERSON GARCIA: Wet bar and a kitchen
11 and I make motion -- oh, also, the fence that you
12 mentioned, like Mr. Paneque mentioned.

13 MR. T. PANEQUE: Yes. I lost my count
14 here somewhere. So the first floor is parking.

15 CHAIRPERSON GARCIA: Parking. Second,
16 third, and fourth are residential. And the fifth
17 floor is the community room.

18 MR. T. PANEQUE: The lounge, community
19 lounge. And the enclosed parking area?

20 CHAIRPERSON GARCIA: And what is the
21 terminology that you used about the enclosed, the
22 parking?

23 MR. PEREIRAS: So there's different parts
24 of the facade. What I was concerned with was the
25 chain link fence, because the chain link fence goes

1 over the setbacks required. So there will be a chain
2 link fence cage over the setbacks.

3 MR. T. PANEQUE: Enclosed parking with a
4 chain link height material.

5 MR. PEREIRAS: Yes.

6 CHAIRPERSON GARCIA: I make my motion to
7 grant this amendment.

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

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 CHAIRPERSON GARCIA: Need a revised plan,
13 Carlos.

14 MR. VALLEJO: Need a revised plan.

15 Roll call on the motion.

16 Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Mr. Garcia.

25 MS. 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: Seven in favor. Motion
6 carries. Revised plans required.

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1 **HUNG FAT INC. -**
2 **1212-1214 SUMMIT AVENUE:**

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4 MR. VALLEJO: Moving onto Application
5 No. 4 is an amendment, Hung Fat Inc.,
6 1212-1214 Summit Avenue.

7 Ms. Pereiras.

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

9 Bianca Pereiras on behalf of the applicant
10 for 1212-1214 Summit Avenue. The board may recall
11 that in December of 2024, this board approved an
12 application for a mixed-use building consisting of 10
13 residential units and 2 commercial units. This would
14 have taken up a four-story building, so the applicant
15 is proposing an addition.

16 We are coming before the board this
17 evening to reduce the height of the building. So
18 instead of building four stories, we will be building
19 three stories keeping the same unit count and
20 commercial spaces. That is the gist of our amendment
21 request. And our architect, Mr. Pereiras, is here to
22 address the board.

23 MR. PEREIRAS: As counsel said, it's
24 exactly the opposite.

25 MR. T. PANEQUE: Before we proceed,

1 jurisdiction?

2 MS. PEREIRAS: I did not prepare drawings.
3 I did not prepare notices because we are not
4 triggering any variances. We're just coming down in
5 height. The use remains the same. We're just coming
6 from four stories, Counsel, to three.

7 MR. T. PANEQUE: So you're reducing -- are
8 you reducing just the height?

9 MS. PEREIRAS: Just the height. One
10 story.

11 MR. T. PANEQUE: How many apartments?

12 MS. PEREIRAS: Pardon?

13 MR. T. PANEQUE: The number of apartments
14 are staying the same?

15 MS. PEREIRAS: The number of apartments
16 stays the same, 10 residential units plus the two
17 commercial.

18 MR. T. PANEQUE: So on the one floor
19 that's being eliminated, how many apartments were
20 there?

21 MS. PEREIRAS: Mr. Pereira, the four
22 stories, how many apartments?

23 MR. PEREIRAS: So the bedroom distribution
24 has changed. Before they were all two-bedroom
25 apartments. Now we have a mix of two bedrooms and

1 one bedroom. So we were able to fit five apartments
2 per floor so that we have ten apartments in total. I
3 can walk you through the plans.

4 MR. T. PANEQUE: That's fine. Before we
5 proceed, it's a different application. Okay?

6 Ms. Pereiras, with all due respect, in the
7 previous one we didn't change anything really because
8 the lounge had been approved. The chain link is
9 really a moot point. But here we're going from
10 oranges to tangerines instead of apples to pears. We
11 need to notify the public. We need to comply with
12 the notice requirements because just the fact that
13 we're getting rid of X number of apartments and
14 squeezing them into the different scenario. It's not
15 what this board approved. It's not what this board
16 heard, and it's not what the public is expecting. So
17 we need to notify the public of what it is in case
18 they want to show up. And I don't believe anybody
19 showed up last time.

20 MS. PEREIRAS: No one showed. And the use
21 remains the same. The variances remain the same.
22 It's just the configuration.

23 MR. T. PANEQUE: Unless you have any case
24 law that says that in this situation notice is not a
25 requirement, I'm not aware of any.

1 MS. PEREIRAS: If the board feels that we
2 can come back without giving notices, then it's not a
3 problem.

4 MR. T. PANEQUE: Do you want to come back
5 September 11th?

6 MR. VALLEJO: We're packed.

7 MR. T. PANEQUE: We're packed.

8 MR. PEREIRAS: It will be very quick.
9 Just so the board knows, we're just waiting on this
10 for permits. The plans have been reviewed.
11 Everything is complete. The City is holding back
12 issuing permits just for this resolution.

13 MR. VALLEJO: I have a lot of
14 applications.

15 CHAIRPERSON GARCIA: Can we notice for
16 September, and if we don't have time, we carry for
17 October?

18 MR. PEREIRAS: Appreciate that.

19 CHAIRPERSON GARCIA: All right? Because
20 what about for the one you have in September doesn't
21 come in time? So let's do it for September. But if
22 we can't hear it, then we carry to October. Okay?

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

24 MR. VALLEJO: Pending to notice.

25 CHAIRPERSON GARCIA: Pending to notice.

1 Pending to notice, yes. I make my motion to adjourn
2 this application for September.

3 MR. T. PANEQUE: Well, actually, this
4 board doesn't have jurisdiction.

5 MS. PEREIRAS: What are you saying?

6 MR. T. PANEQUE: This board does not have
7 jurisdiction because jurisdiction wasn't established
8 by noticing, so we're just going to carry it.

9 MR. VALLEJO: I will send an email for
10 September 11th.

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1 **MOHAMMED ABU ALI -**
2 **133 19TH STREET:**

3 MR. VALLEJO: Mohammed Abu Ali, 133 19th
4 Street.

5 Ms. Pereiras, please.

6 MS. PEREIRAS: Thank you very much.

7 Bianca Pereiras on behalf of the applicant
8 for the property at 133 19th Street. This was a
9 legalization that was previously approved by the
10 board. The applicants had obtained construction
11 documents, had submitted to the Building Department,
12 and, unfortunately, by the time they went and
13 reviewed it this application had expired. These
14 approvals expired in March, so we're coming before
15 the board this evening just for a one-year extension.
16 Everything is ready to go. It's just a matter of
17 Building Department reviewing and issue the permits
18 on this matter. So we are respectfully requesting a
19 one-year adjournment -- extension. I apologize.

20 MR. T. PANEQUE: Ms. Pereiras.

21 MS. PEREIRAS: Yes.

22 MR. T. PANEQUE: It's ready for permits?

23 MS. PEREIRAS: Yes, it's ready.

24 MR. T. PANEQUE: The reason I ask is the
25 resolution was valid through March of 2025. I use my

1 fingers because I have them, April, May, June, July,
2 four months have passed. So, technically, if the
3 one-year extension was approved, it's retroactive to
4 the date that the last one expired. So you're
5 basically looking at an eight-month window. That
6 would be sufficient.

7 MS. PEREIRAS: Yes.

8 CHAIRPERSON GARCIA: What was the reason
9 that you applied after it expired?

10 MS. PEREIRAS: Getting the construction
11 documents ready, getting the remainder --

12 CHAIRPERSON GARCIA: No. No. No. But
13 you knew it was expired. That's what I mean. You
14 know that -- not you but your client knew that it
15 expired. My registration, they send me by mail, it's
16 going to be expiring in two months. You know what I
17 mean? It's, like, the applicant knew that it was
18 going to expire.

19 MS. PEREIRAS: I sent the notice out with
20 a copy of my resolution. Unfortunately, he didn't
21 realize that it had expired, he submitted it.

22 MR. PEREIRAS: And the client is a
23 homeowner. He has no experience in development. I
24 can understand how it could have easily slipped by
25 him that he didn't see the expiration date.

1 CHAIRPERSON GARCIA: The reasoning -- and
2 I'm going to state on the record, and also, Carlos --
3 the same way that this board is to approve -- to
4 grant the first extension, we also expect the same
5 courtesy, like, come before it expires.

6 I make my motion to grant this extension.
7 And it takes effect in March, right, 2025?

8 MR. T. PANEQUE: Yes. It would be good
9 through March of 2026.

10 MS. GUTIERREZ: Second.

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

13 Roll call on the motion.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Ms. Gutierrez.

17 MS. GUTIERREZ: Yes.

18 MR. VALLEJO: Ms. Perez.

19 MS. PEREZ: Yes.

20 MR. VALLEJO: Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Ms. Pena.

25 MS. PENA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

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

3 MR. VALLEJO: Next application on
4 tonight's agenda, 603 Central Avenue, LLC,
5 603-607 Central Avenue.

6 Ms. Pereiras, please.

7 MS. PEREIRAS: Good evening. Bianca
8 Pereiras on behalf of the applicant, 603 Central
9 Avenue LLC.

10 Mr. Chairman, Counsel, we are asking for
11 this matter to be carried. We have a separate matter
12 pending before the Union City Planning Board, and I
13 believe most of the issues that are presented this
14 evening can be addressed by the Planning Board. So I
15 ask for this matter to be carried in case the --
16 actually, Counsel, I don't need this to be carried.
17 I just need this to be --

18 MR. T. PANEQUE: Withdrawn.

19 MS. PEREIRAS: -- withdrawn this evening.

20 MR. T. PANEQUE: All right. The request
21 for withdrawal is accepted.

22 MS. PEREIRAS: Thank you.

23 MR. VALLEJO: Withdrawn.

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1 **411 10TH STREET UC, LLC -**
2 **411 10TH STREET:**

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

5 Ms. Pereiras, please.

6 MS. PEREIRAS: Bianca Pereiras on behalf
7 of the applicant, 411 10th Street, Lot 9, Block 39.
8 The board previously acquired jurisdiction on this
9 matter. Existing on site we have a two-family home.
10 We are going to maintain this as a two-family home.
11 We are seeking some additions to improve the quality
12 and space of the interior of this building, but we
13 will maintain this as a two-family.

14 We have one expert to testify before the
15 board.

16 * * *

17 **DANIEL ANGEL ROMA**, after having been duly sworn, did
18 testify as follows:

19 MR. ROMA: My name is Daniel Angel Roma.
20 I am a licensed architect for Artek Studio LLC. I
21 have a bachelor's degree in architecture from the
22 University of Buenos Aires, Argentina. Since 2005, I
23 became a licensed architect in the State of
24 New Jersey.

25 I've been in front of many municipalities

1 in the past like Newark, Belleville. And I think I
2 was here once also.

3 MR. T. PANEQUE: Mr. Roma, your license is
4 still in good standing? My license is in good
5 standing.

6 CHAIRPERSON GARCIA: We accept Mr. Roma.

7 MR. ROMA: Thank you.

8 MS. PEREIRAS: Thank you.

9 Mr. Roma, are you familiar with the
10 property in question at 411 10th Street?

11 MR. ROMA: Yes, I am.

12 MS. PEREIRAS: And have you had an
13 opportunity to review the drawings that were prepared
14 by the architect?

15 MR. ROMA: Yes.

16 MS. PEREIRAS: And would you kindly
17 describe the property for the board?

18 MR. ROMA: Yes.

19 Well, as you see, the property is 411 10th
20 Street Union, Lot 9, Block 39.02. What we have, as
21 you can see, on the upper left side the existing
22 house. The existing house is a two-and-a-half story
23 building with one apartment on the first floor and
24 another apartment on the second floor.

25 If we go here to the existing site plan,

1 what we're proposing is reducing the width of the
2 existing house. The existing house is 22 feet
3 10 inches. We're going to remove 1 foot 4 inches to
4 have a house that will have a width of 21.5. That
5 will give us the possibility to propose on the right
6 side a sidewalk that will be able to go way back to
7 the back of the property and also to having a
8 3.2 feet with the windows on the right side of the
9 property. Our addition is going to be 29 feet to the
10 back for a total of 26 feet 9 inches.

11 Let me go now to show you what we're doing
12 in the basement. We'll start from the bottom. We
13 have an existing basement that is going to be
14 reduced, as I said before, from 22-10 we're going to
15 21 and 6 inches. On the new basement, we have
16 mechanical room, the meters. We're going to keep a
17 bathroom on the existing. They have a shower. We're
18 going to remove the shower. We're going to have only
19 half a bathroom in the basement and a space for
20 storage. The basement is going to be used for the
21 apartment that is located on the first floor and part
22 of the second floor as you're going to see.

23 If we go to the existing first floor, on
24 the existing first floor we have an entrance to the
25 right going up to the second floor and going to the

1 apartment to the kitchen and one family room, living
2 room, one bedroom apartment. We're going to remove
3 everything and build our new first floor.

4 When you come in from the front, you're
5 going to have a small vestibule, and then we have a
6 door to get into the building. To the left we have
7 an entrance to the apartment, one bedroom on the
8 first floor. And to the right we have stairs going
9 up to the second floor.

10 On the first floor, we are going to have
11 an addition of 29 feet. We have 37 and 10, plus 29.
12 The total feet will be 66 feet 10 inches. On the
13 first floor, as soon as we come in we have a living
14 room, a dining, and kitchen. We go back to the
15 corridor, and we're going to have a one-bedroom, an
16 office or den space to use that will have a sliding
17 door in the back that will let us go to the rear
18 yard.

19 Also on this floor we have a bedroom with
20 a private bathroom and walk-in closet. The bedroom
21 is 10-10 by 17-3, nice size with walk-in closet.
22 This apartment will have stairs going up and will
23 have stairs going down. The stairs going down, as I
24 said before, goes to the basement, and will be using
25 the basement.

1 The stairs going up is -- when we go to
2 the second floor and we're going up to the first
3 floor, we have another two bedrooms. The two
4 bedrooms both we have one that is 12 by 9, 10, and 11
5 and a half, 12 by 10. And the other one in the back
6 has a walk-in closet and a full bathroom. The
7 bedroom is 14 by 17-6. It means that the apartment
8 on the first floor with the second floor area will
9 have a total of three bedrooms -- three bedrooms and
10 two -- and three and a half -- well, three and a half
11 bathrooms. It will be three full bathrooms and two
12 more bathrooms, one on the second floor and one in
13 the basement. Now, this was the layout of the first
14 apartment.

15 The second apartment we come on the first
16 floor and going up the steps, and we're going to get
17 to here. We have a door, we come in, and we have the
18 kitchen in the back, L-shape with an island, dining
19 and living room and a half bathroom. This is facing
20 the street. And in this apartment we have stairs on
21 the right going up to the third floor. And the third
22 floor will have three bigger bedrooms. All the way
23 to the back we have a master bedroom with a walk-in
24 closet, two sinks, a toilet, and a shower.

25 In the corridor we have another bedroom to

1 the front. The bedroom is 14 by 12-10 with a full
2 bathroom and a walk-in closet. And in the middle we
3 have another bedroom 13-6 by 12-6, full bathroom, and
4 a walk-in closet.

5 The nice thing for this second floor --
6 second and third floor apartment is that on the
7 apartment that is on the first floor it's going to be
8 used as rear yard. The rear yard is going to be used
9 by that apartment. But the apartment on the second
10 and third floor will go up to the roof, and we have a
11 rooftop, and we're going to have a parapet 4 feet all
12 around the perimeter of the building, and we're going
13 to be separate by 5 feet in the front and 5 feet in
14 the back and 3 feet 6 inches on the sides for
15 security. And that will be an area that the families
16 will be able to use, 11 feet 3 inches by 53 and
17 2 inches.

18 Now, I'm going to show you more or less I
19 marked in yellow that way you can see what we are
20 doing here. This is the front elevation. On the
21 yellow is the addition that we are proposing on the
22 third floor. And this is the side elevation, and you
23 will see this is the existing building and this is
24 the area that is going to be the addition.

25 In the back at 29 feet will be three

1 stories, and in the front will be only one story
2 addition.

3 This is the rear elevation. And here you
4 can see the sliding door for the apartment on the
5 first floor that's going to be used for the rear
6 yard. And here you can see on the top, the rooftop
7 deck that's going to be used for the second
8 apartment. This is our property. It's a two-family,
9 will remain as a two-family with an addition of an
10 extra story.

11 MS. PEREIRAS: Would you kindly just walk
12 us through the zoning charts so we know exactly what
13 areas that we are seeking here.

14 MR. ROMA: Okay. All right. The property
15 is located in R, residential. It's permitted use.
16 We're doing a new two-family -- an addition to an
17 existing two-family. It's a permitted use. The
18 original area requires the 2,500 area, and we have
19 2,500 square feet. The minimum width is 25. We have
20 the 25. The lot depth is 100 feet. We have
21 100 feet. The front yard setback for variance we are
22 remaining the same, the variance. And here is where
23 we have a total of three variances.

24 The first variance is one side, a side
25 yard and it has to be 2 feet. The building, the

1 existing building sit at right now is .3 feet on the
2 left side instead of 2 feet. And on the right side
3 is 1.7 existing. What we're doing is we are removing
4 a portion of the building that way we can comply with
5 the minimum of 3 feet 1 inch that we need to have
6 windows on that right side wall. It means that we
7 are improving the existing conditions removing a
8 portion of the existing building.

9 The rear yard required is 20 feet,
10 20 feet, and we have 24 existing. We don't need
11 variance. The height of the building is still
12 three-story and less than 45 feet. And the building
13 requires 65 percent, and we are proposing 62 percent,
14 no variance. And the last one, impervious variance
15 maximum at 5 percent. We are 74 percent. And the
16 last variance that we require is variance for
17 parking. We have six apartments -- bedrooms, six
18 bedrooms require a total of four parking spaces. And
19 the existing house do not have parking, do not have
20 parking, and we don't have parking.

21 CHAIRPERSON GARCIA: Are you touching the
22 footprint of the house? The footprint of the house?

23 MR. ROMA: Yes.

24 CHAIRPERSON GARCIA: Are you removing it?

25 MR. ROMA: We are removing a portion to

1 the left -- to the right side to create a corridor
2 that way we can have windows on that wall and reduce
3 it. Right now the building is 22 and 10 inches and
4 we're going to reduce to 21 and 6 inches that way it
5 will let us have a corridor 3 feet and 2 inches
6 corridor to the back. And we are extending the house
7 to the back. We are adding 29 feet to the existing
8 37-9.

9 CHAIRPERSON GARCIA: And still you're
10 going to comply with the rear setback?

11 MR. ROMA: Yes. We comply in the front,
12 in the rear, and we are improving one side yard.

13 CHAIRPERSON GARCIA: And right now you
14 have -- how many bedrooms do you have right now?

15 MR. ROMA: Now? Existing? As I showed
16 you before, it's a one-bedroom apartment.

17 CHAIRPERSON GARCIA: Both are one-bedroom
18 apartments?

19 MR. ROMA: Yes. But really it's more like
20 two bedrooms. But, for example, as you can see here
21 on the existing first floor, we have entrance and
22 they have a living room that can be used as a
23 bedroom. Then there's another bedroom. There's a
24 kitchen and a family room. That's this first floor.

25 If you go to the second floor, it's a

1 similar situation. On the second floor, you have
2 stairs, and then you have a living room and full
3 bathroom. This can be used as a bedroom also. It
4 can be a two-bedroom based on the layout. But what I
5 show on the drawings is a one-bedroom. It's a
6 dining, living room full bathroom, kitchen.

7 CHAIRPERSON GARCIA: And if you go to the
8 Z2.0, the roof deck.

9 MR. ROMA: The roof deck.

10 CHAIRPERSON GARCIA: It's not this one. I
11 think it's the old one. It's on the first page, Z --
12 T1.0. You show here, you propose a bulkhead here.
13 What is the intention of that?

14 MR. ROMA: The intention, you can see
15 this.

16 CHAIRPERSON GARCIA: Oh, that's the
17 stairs?

18 MR. ROMA: That's the entrance from the
19 third floor to the rooftop.

20 CHAIRPERSON GARCIA: Okay. And what is
21 this here? That's chairs, tables or what?

22 MR. ROMA: They are tables, furniture.

23 CHAIRPERSON GARCIA: And you don't have
24 any equipment on the top?

25 MR. ROMA: No.

1 CHAIRPERSON GARCIA: AC equipment? AC
2 equipment? You don't have like air conditioner or
3 nothing?

4 MR. ROMA: Well, air conditioning --

5 CHAIRPERSON GARCIA: In the mechanical
6 room.

7 MS. O'DELL: It's in the back, not on the
8 roof. It goes through the top right up here. First
9 towards the top where it says: Grass and papers.

10 CHAIRPERSON GARCIA: Okay. I got it.
11 Thanks. So the three variances that you are
12 requesting, they are preexisting variance?

13 MR. ROMA: Yes. Exactly the same, yes.
14 The parking is a two-family, required parking
15 variance. Existing house don't have parking.

16 CHAIRPERSON GARCIA: And you're going
17 from, like, basically a two-bedroom to nine-bedroom,
18 right?

19 MR. ROMA: No. That will be three
20 bedrooms and three bedrooms.

21 CHAIRPERSON GARCIA: Actually, you have --
22 proposed first floor you have three bedrooms, right?
23 No. An office/den and a bedroom, right?

24 MR. ROMA: And then upstairs --

25 CHAIRPERSON GARCIA: Upstairs you propose

1 two more bedrooms. Proposed for the second floor --

2 MR. ROMA: It's a little confusing.

3 CHAIRPERSON GARCIA: You have first and
4 second floor in one apartment?

5 MR. ROMA: Yes.

6 CHAIRPERSON GARCIA: First and second is
7 one apartment?

8 MR. ROMA: Yes.

9 CHAIRPERSON GARCIA: And the third
10 floor --

11 MR. ROMA: No. Let me show you. Let me
12 show you here. You see here yellow in the middle?
13 That's the division of the apartments. The first
14 floor apartment have stairs that connect to the back
15 of the second floor. On the back of the second
16 floor, you have one bedroom, bathroom in the
17 corridor, and a master bedroom and walk-in closet and
18 master bathroom.

19 CHAIRPERSON GARCIA: Oh, so they're two
20 duplex, basically?

21 MR. ROMA: Yes.

22 CHAIRPERSON GARCIA: Like two, like that.

23 MR. ROMA: Yes.

24 CHAIRPERSON GARCIA: I got it. I used to
25 want something like that back in 1995. Okay.

1 MR. ROMA: And you can see here on the
2 second floor the kitchen and living area for the
3 third floor apartments -- bedrooms.

4 CHAIRPERSON GARCIA: Are you doing
5 anything on the facade? Are you changing the facade?

6 MR. ROMA: Basically, just will be, of
7 course, new siding and we have a...

8 CHAIRPERSON GARCIA: Why -- just a
9 question.

10 MR. ROMA: Yes.

11 CHAIRPERSON GARCIA: Just a second
12 question. Why is your client -- he has to do the
13 whole house? Why does he come with a two-family
14 house and parking space? Just a question. It's a
15 nice design, duplex, pretty good. But also it comes
16 with, like, two-family house.

17 MS. PEREIRAS: He wasn't going to demolish
18 this building. He was trying to work with what he
19 had on site.

20 CHAIRPERSON GARCIA: Okay. Any questions?
21 (No response.)

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

24 (No response.)

25 CHAIRPERSON GARCIA: Seeing none.

1 Understanding that basically most of
2 the -- on the three variance requested, preexisting
3 variance, and also understanding that the owner wants
4 you to improve the quality of the units and, like I
5 stated before, there's no variance, same situation.
6 So I think no reason why to deny it, so I make a
7 motion to grant this application.

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

10 MS. GUTIERREZ: Second.

11 MR. VALLEJO: Seconded by Ms. Gutierrez.

12 Roll call on the motion.

13 Mr. Garcia.

14 CHAIRPERSON GARCIA: Yes.

15 MR. VALLEJO: Ms. Gutierrez.

16 MS. GUTIERREZ: 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.

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MS. SAN MARTINO: Yes.

MR. VALLEJO: Seven in favor. Motion
carries.

MS. PEREIRAS: Thank you.

MR. ROMA: Thank you very much.

* * *

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

3 MR. VALLEJO: Move to Application No. 8,
4 655 39th Street.

5 Ms. Pereiras, please.

6 MS. PEREIRAS: Mr. Vallejo, no need to
7 take out the files.

8 Bianca Pereiras on behalf of the
9 applicant. This is an application that we submitted
10 for a three-family. We are diligently working with
11 the applicant to see if this application changes
12 possibly from a three to a two. So we're in the
13 process of making those modifications, so we ask for
14 some additional time to decide the next step.

15 MR. T. PANEQUE: You are asking that the
16 matter be carried?

17 MS. PEREIRAS: Please.

18 MR. T. PANEQUE: Do you waive the
19 statutory --

20 MS. PEREIRAS: Of course.

21 MR. T. PANEQUE: Mr. Vallejo, Mr. Garcia,
22 if we carry this matter, we're going to be really
23 heavy September 11th. Do you want to carry it to the
24 11th or October?

25 CHAIRPERSON GARCIA: October.

1 MS. PEREIRAS: No objection. That's fine.

2 MR. VALLEJO: October will be the 9th.

3 Motion to adjourn this application to October 9.

4 CHAIRPERSON GARCIA: Motion.

5 MS. GUTIERREZ: Second.

6 MR. VALLEJO: Motion by Mr. Garcia.

7 MS. GUTIERREZ: Second.

8 MR. VALLEJO: Seconded by Ms. Gutierrez.

9 Roll call on the motion.

10 Mr. Garcia.

11 CHAIRPERSON GARCIA: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 MS. GUTIERREZ: 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 carries.

* * *

1 **722 11TH STREET, LLC -**
2 **722 11TH STREET:**

3 MR. VALLEJO: Now we move to number 9,
4 722 11th Street.

5 Ms. Pereiras, please.

6 MS. PEREIRAS: Thank you very much.

7 MR. T. PANEQUE: Let the record reflect as
8 follows, I've been provided by Ms. Pereiras with a
9 certification as to publication and service
10 indicating that notice of tonight's hearing with
11 respect to the property at 722 11th Street was
12 provided to all property owners within a 200-foot
13 radius to the property known as 722 11th Street,
14 Block 55, Lot 16.

15 I've also been provided with an affidavit
16 of publication indicating that notice for tonight's
17 hearing at this location was published on June 26,
18 2025, in The Record and the Herald News. A copy of
19 the newspaper ad was provided as well. Said
20 application of tonight's hearing at the Union City
21 High School which venue has been changed to this
22 location now was provided, given on June 26, 2025.

23 I've also been provided with a list of all
24 property owners within a 200-foot radius of Block 55,
25 Lot 16 dated June 24, 2025, from the Union City Tax

1 Assessor.

2 And, finally, I have the certified mail
3 receipts with postmark date of June 30, 2025. Based
4 on the information provided, this board has
5 jurisdiction to proceed and hear this matter.

6 MS. PEREIRAS: Thank you very much,
7 Counsel.

8 Bianca Pereiras on behalf of the applicant
9 for the property at 722 11th Street also known as
10 Lot 16 and Block 55.

11 What we have here is an existing
12 six-family building that has been dilapidated and
13 definitely needs some loving care. What the
14 applicant is looking to do this evening is to
15 maintain it as a six-unit building, however, to
16 provide an addition so that each of the units has
17 three bedrooms.

18 We have two experts to testify before the
19 board this evening. And we'll begin tonight's
20 presentation with our architect, Mr. Manny Pereiras.

21 * * *

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

24 MR. PEREIRAS: Manny Pereiras,
25 P-e-r-e-i-r-a-s with Pereiras Architects Ubiquitous

1 located at 1116 Summit Avenue Union City, New Jersey.

2 MS. PEREIRAS: Mr. Pereira, are you
3 familiar with the property at 722 11th Street?

4 MR. PEREIRAS: I am.

5 CHAIRPERSON GARCIA: I am too.

6 MS. PEREIRAS: We are very happy to have
7 this project before the board.

8 CHAIRPERSON GARCIA: Going back to 1990.

9 MS. PEREIRAS: Did you prepare the
10 drawings before the board this evening?

11 MR. PEREIRAS: I have.

12 MS. PEREIRAS: Would you kindly describe
13 the project for the board?

14 MR. PEREIRAS: This is a personal kind of
15 plague on Union City, what this property is. And I
16 don't even know if I can begin to explain how
17 horrible it is. If you walk in front of it, you can
18 smell how bad it is, okay. I'm not exaggerating.
19 This is a photograph of the rear.

20 Counsel, should I mark this as part of the
21 record?

22 MR. T. PANEQUE: Yes, Mr. Pereira. We'll
23 have that marked.

24 MR. PEREIRAS: I'm marking this as A-1 on
25 the top corner with today's date.

1 (Exhibit was marked A-1 for identification.)

2 MR. PEREIRAS: And this building is close
3 to falling down. What you don't see in this
4 photograph is that the previous owner dug holes in
5 the back yard. And by "holes" I mean like 10-foot
6 wide by 8-foot deep holes. The interior of the
7 building completely dilapidated. There was no water
8 in this building for about 15 years. People
9 continued to live inside this building with no water
10 from the water company.

11 So the new owners who have obtained this
12 property are doing a tremendous amount of diligence
13 to clean this up and make this into a good property.
14 I think the neighbors are ecstatic about it. I'm a
15 neighbor. I'm ecstatic about it. And I'd like to
16 present to you what we're doing.

17 Just so that the board knows, we've
18 already taken out demolition and clean up permits at
19 the Building Department. We took out the emergency
20 permit to maintain it and keep it safe so it doesn't
21 fall down on anybody. And here we are before this
22 board in order to salvage this and make this into a
23 good project, and we're not triggering any new
24 variances by doing so.

25 I'd like to walk you through that. First

1 and foremost, we have an oversized lot. 2,500 is
2 permitted. We're at 3,307 square feet. We have that
3 because we have an extra wide lot. Instead of 25
4 it's at 32.34 feet wide, and it is 100 feet deep in
5 compliance.

6 The front yard, where 7 is required, we're
7 at 8.1. We're not changing that front yard setback;
8 however, we are taking away 4 inches. Why? Because
9 we're going to really clean up that facade and make
10 it beautiful. And I'll explain that as I move
11 forward in the documents.

12 The rear yard previously, it was at 34.6.
13 In order to make this comfortable housing, we are
14 proposing a rear addition, and we're going to have it
15 at 21 feet 10 inches. So we're still within the
16 ordinance and still complying. We are actually
17 2 feet more than what the ordinance requires. We are
18 at 21 and 10 inches.

19 The side yards are preexisting. We have
20 3 feet on one side, 6 feet total, so we are compliant
21 there. 3-foot-7 on one side and 3-foot-2 on the
22 other.

23 Our stories remain the same. It's an
24 existing three-story building, and it will remain a
25 three-story building. I'd like to point out that the

1 first door is a few steps above grade. The height of
2 the building is actually preexisting. It's at
3 37 feet 5 inches. So we are compliant there as well.

4 The building coverage, 65 percent
5 permitted. Our new addition brings it up to
6 56 percent. So we're still compliant there as well.
7 The lot coverage is permitted to be 90 percent. It
8 was at 58. Our new addition makes it 76 percent. So
9 we're compliant there as well.

10 And, finally, parking, this is an existing
11 6-unit building. 12 parking spaces are required.
12 It's still a 6-unit building. We still need the same
13 12 parking spaces; however, there's a hardship. This
14 is preexisting. We're not making any changes to that
15 impact parking, and there's no way of growing this
16 site or making parking on this site, so we're
17 requesting a variance for a preexisting nonconforming
18 for parking.

19 Turning now to the existing and proposed
20 site plans. We see exactly the proposal that we have
21 before you. The addition is 22 feet 11 inches. And
22 we're leaving that 21 and 10 inches in the rear yard.
23 We're keeping the footprint of the building extending
24 it back so we're maintaining the same side yards
25 across the back.

1 On the following sheet, which is Z03, we
2 see the existing condition. We see that these were
3 awkward spaces. You have one bedroom along the front
4 of the house, and you had two bedrooms along the
5 back. One of the bedrooms was extremely undersized.
6 It's actually less than 5 feet wide in the rear.
7 These are the existing elevations.

8 And now the proposed floor plans. This
9 line here is the difference from the old to the new.
10 What we're doing is we're creating good size
11 bedrooms, comfortable living space, and bringing the
12 entire building up to code.

13 So starting with the ground floor, we are
14 creating two ADA apartments. The apartment to the
15 right is a three-bedroom apartment. The apartment is
16 755 square feet. The apartment to the left, which is
17 the west, is a three-bedroom apartment. That's
18 770 square feet. The ceiling heights are just shy of
19 9 feet. Existing, it's at 8-foot-11. And what you
20 have is we're creating ADA compliant apartments. So,
21 yes, there are steps. Someone in a wheelchair can
22 get to that first floor; however, there are lots of
23 other disabilities. There's people with crutches.
24 There's people with movement disability and,
25 therefore, these are two units. The ground floor is

1 dedicated for ADA compliance, so it meets all the
2 requirements of ADA compliance which, for example, is
3 a special kitchen. It has special areas for ADA
4 compliance. There's a turning radius so someone can
5 move in there, and the bathrooms are also a certain
6 size as well as access to the bedrooms. It complies
7 with ADA requirements with simple things such as
8 pulling a door open and pushing it, they leave enough
9 room next to the door so that if you're in crutches
10 you can push that door through. So we're creating
11 where there wasn't before two ADA apartments on that
12 ground floor.

13 And then above the split, exactly the same
14 way. We're restoring that existing stair in the
15 center, and then we have a three-bedroom apartment on
16 the side, 755 square feet on the right. And the left
17 side, the west side becomes a little bit bigger.
18 It's at 818 square feet. And it's the same concept.
19 You walk in. You have a bedroom along the front.
20 You have the living room, dining room. You have the
21 whole bathroom, and then you have two bedrooms for
22 the back. The sizes of the bedrooms are very
23 comfortable. The last one in the back is 12-foot-5
24 by 9-foot-1. The second bedroom is 9 feet by 10-7.
25 And the one along the front to the house is in

1 preexisting condition and dimension is 8-foot-6 by
2 10 feet.

3 And then, finally, the third floor is
4 exactly the same layout as the second floor with the
5 same apartment distribution.

6 Going to the facades we are fixing and
7 cleaning this building up. So we are going to
8 attempt to restore the existing brick. I have a
9 feeling that's not going to happen, and we will
10 provide a new brick face along the building. We are
11 separating it with a decorative panel in between.

12 We're putting a nice canopy to protect the
13 steps. Because right now those steps have snow that
14 lands on them, rain that lands on them, so we're
15 creating a nice little canopy so that when you're
16 coming home with your groceries and fumbling for a
17 key at least you're not getting wet, and they don't
18 have to plow the snow off the steps. And they are
19 the same steps that were there before. We're making
20 it safe. We're providing railings. We're making
21 everything fully compliant.

22 The building is going to require a
23 sprinkler system because of the addition that we're
24 doing and it's multifamily and an alteration. It's
25 going to require a new alarm system, and it's going

1 to require all the fire separations that are
2 necessary for a compliant building up to date because
3 it's a significant alteration. So that means that
4 every apartment is going to have a total of one hour
5 fire separation between apartments and between the
6 apartment and the hallway.

7 So it's going from probably the worst
8 building in Union City to a safe, good, and compliant
9 building after our application if this board deems it
10 approved.

11 And that concludes my testimony. Yeah,
12 I'm open to questions.

13 CHAIRPERSON GARCIA: Mr. Pereiras, how
14 many -- all of them are going to be three bedrooms?

15 MR. PEREIRAS: Yes.

16 CHAIRPERSON GARCIA: I need to talk to
17 whoever does your drawings.

18 MR. PEREIRAS: I know. I saw that typo
19 too. But the first floor on the left-hand side it
20 says two-bedroom, but the plan is clearly a
21 three-bedroom.

22 CHAIRPERSON GARCIA: So you're applying
23 for 18 bedrooms?

24 MR. PEREIRAS: Yes.

25 CHAIRPERSON GARCIA: And the size of

1 Unit 1 and 2 is?

2 MR. PEREIRAS: So the ground floor one is
3 the smallest one because it doesn't have the foyer
4 area. That's 770 square feet. All of the ones above
5 have a bathroom in that corner and makes it
6 818 square feet. And then on the east side we have
7 755 square feet, and that's all the floors.

8 And I understand, Mr. Chairman, we have a
9 parking variance. It is preexisting, and I think
10 this is one of the -- you know, planning is a little
11 bit of a negotiation. The owners are coming in here.
12 They're going to spend a lot of money and work hard
13 to make this into a beautiful building. I welcome
14 that. They're compliant in their rear yard. They're
15 compliant in their side yard. They're compliant in
16 coverage. So, yes, we are adding more -- actually,
17 technically, if you count the 4-foot-5 room, we're
18 not adding too many bedrooms. We are adding square
19 footage simply to make it into a livable building.

20 CHAIRPERSON GARCIA: And you mentioned
21 that you're still going to comply with the rear
22 setback, right?

23 MR. PEREIRAS: We are. We're more than
24 compliant. We're at 21 feet and 10 inches, where as
25 20-20 feet is required.

1 CHAIRPERSON GARCIA: So we could say that
2 the plans they're all their preexisting condition.

3 MR. PEREIRAS: Correct. We have a
4 preexisting use variance. We have a preexisting
5 parking variance, and that is it.

6 CHAIRPERSON GARCIA: Any other questions?

7 (No response.)

8 CHAIRPERSON GARCIA: You have a planner?

9 MS. PEREIRAS: Yes. We have our planner.

10 * * *

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

13 MR. DOUGHERTY: Alex Dougherty,
14 D-o-u-g-h-e-r-t-y, Professional Planner. My licenses
15 he are good and current.

16 MS. PEREIRAS: Mr. Dougherty has been
17 accepted as an expert by this board.

18 CHAIRPERSON GARCIA: Yes. It's a pleasure
19 Mr. Dougherty.

20 MR. DOUGHERTY: Thanks for having me.
21 Good to see everybody.

22 I visited the site, prepared the packet.
23 I'm sure everyone is very familiar with this site.
24 I'll pass it around for the board. I do apologize
25 for the printing.

1 I'll just get a little closer. This room
2 muffles.

3 Slide 1 is your standard zoning map and
4 kind of indicate where we're at with respect to Union
5 City. Off to the left, basically, is a parcel one
6 and a half lots away from Summit Avenue. We're on
7 that fringe zone, if you will. We are in the R zone
8 right on the border of that C-N, neighborhood
9 commercial.

10 Slide 2 is a map from NJDEP's GeoWeb kind
11 of outlining the parcel in red. As you can see,
12 we're just right off of Summit Avenue here. What's
13 important to note here is the proximity to that C-N
14 Zone. And the ample bus indicators here, you'll see
15 that. This property for purposes of the application,
16 as Manny outlined, doesn't have any parking. 12
17 spots are required. There's none there today, and
18 the building is being proposed to remain.

19 On Summit Avenue we have the 83, 85, and
20 87 bus line. And an additional block over we have
21 the 88 and 125. We have those commercial amenities
22 at your doorstep, mass transit at your doorstep to
23 kind of help offset the lack of parking that this
24 site has historically faced.

25 Slide 3 is the existing condition of the

1 structure. It's pretty weathered to say it nicely.
2 This photo was taken on the 6th of July by myself. I
3 took the drone out to give you some aerial
4 perspectives of what we're looking at as it further
5 moves position off to the rear.

6 Slide 4 we bring the drone up. Not only
7 is the facade in the front and the side pretty
8 tattered, you can also see the roof as well is
9 virtually caving in.

10 Slide 5 is that top down aerial
11 perspective of the property and give it a good sense
12 of the existing condition. You see that yard in the
13 back where the proposed addition is. One of the
14 things I want to point out, if you look at the
15 neighboring lots here, many of the properties extend
16 to the rear lot lines. We're not proposing to go
17 that far back. But as far as ample space and a
18 buildout of the neighborhood, we're not out of
19 character by extending this to the rear. We're not
20 asking for a rear yard setback variance. But there
21 are many properties that are certainly extending off
22 to the rear and making more use of their site, our
23 neighbor adjacent as well as out to the rear.

24 Slide 6 -- I'm sorry -- 7, we kind of
25 bring the drone out a little bit to show you where we

1 are in the streetscape of things. You kind of see
2 off to the rear some of the properties have
3 additional structures to the rear off to the
4 right-hand side abutting us on a catty-corner of our
5 property. And to the left we have the structure with
6 the red facade as well as another structure behind
7 that as well.

8 Many of the properties on 11th Street do
9 extend further to the rear. It's not uncommon on
10 this block. Again, we are not asking for a rear yard
11 setback. But for continuity purposes and buildout,
12 the lot being kind of really put into perspective of,
13 you know, what's happening here on the immediate
14 block.

15 What's important to note as well is just
16 where we're at in proximity to that commercial
17 corridor. You'll start to see some of that up on the
18 left, left-hand side. And that last slide which
19 shows a little bit more of Summit Avenue. You can
20 see we have that bus line coming right down Summit
21 Avenue right there. So we have a great amenity at
22 the doorstep, walkability, and transit access there
23 for mobility purposes.

24 For variances we are asking for a (d)2.
25 It's an expansion identification through all the

1 preexisting nonconforming use. We have six units
2 where this is a two-family zone. Where six units
3 exist there today and will hopefully exist there
4 tomorrow. The essence of a (d)2 is site betterment.
5 When we see a (d)(2), we typically think of really
6 extreme situations where say you have a commercial
7 property in a residential zone. How we get site
8 betterment here is bringing a positive investment to
9 the site, bringing that building up to fire code,
10 building code, providing that house with choices and
11 options, beautify the streetscape, bring that old
12 tattered facade back to a more historic conditions,
13 respectable conditions, if you will. We're not
14 looking at anything to be obnoxious or intrusive.
15 Again, we're asking for a rear yard. There's not a
16 rear yard setback.

17 Site betterment as well, we're trying to
18 accommodate members of our community that are
19 typically forgotten by way of handicap. So we are
20 trying to acquire handicap-accessible units there,
21 give the property a little bit more breathing room by
22 habitability.

23 As Manny testified, the existing
24 conditions layout, there are some smaller rooms that
25 we may not have them as bedrooms or habitable space.

1 But, nonetheless, there is some additional room
2 there. We'd like to add a little bit of breathing
3 room for comfort. We are asking for that third
4 bedroom.

5 That site really does need a lot of
6 investment into it, which is an investment to the
7 neighborhood. So when we talk about the (d)2 site
8 betterment, we have the mobility here. We do not
9 have parking. We were able to bring an eyesore to
10 the community to the neighborhood, reinvest in there,
11 add the beautification, add the safety elements by
12 way of fire and building codes as well as the ADA
13 accessibility.

14 As far as the parking goes, that's kind of
15 to be subsumed within the use variance here. Again,
16 whether there's an addition put on or not, this is a
17 six-unit building -- we're proposing six units -- it
18 has zero parking. So from that standpoint, there is
19 kind of that hardship component to it.

20 The building is being proposed to remain.
21 What makes this site unique is it is oversized. As
22 Manny testified to, we're at 3,300 square feet,
23 approximately, where 2,500 is required. So we have a
24 little bit of breathing room. When we talk about
25 that rear yard, 20 feet is required. We are doing

1 that rear yard addition. We'll have 44 feet, a
2 little over 44 feet as well so that addition is not
3 going to be too invasive. When we talk about the
4 overall maximum impervious coverage of 95 percent
5 being allowed, we're well under that 76. So the
6 addition really is not that intrusive by way of the
7 bulk standards for the zone. Maximum lot coverage by
8 the building is 65. We're well under that at 56.

9 So when we talk about the negative
10 effects, I don't see a whole lot of negative effects.
11 I see a lot of benefits here, not just the site, but
12 the surrounding neighborhood. The parking I know in
13 Union City is a big hot topic issue, but I want to
14 remind the board there's no parking here today that
15 are six units here today. Whether we expand it or we
16 do an addition, there's still no parking. That
17 parking requirement is going to be the same here.

18 From a positive standpoint, I think we
19 have an opportunity again to provide housing choices
20 and options for a growing community. I think we
21 advance Purpose A of the Municipal Land Use Law which
22 is the general welfare and safety and morals of the
23 community. You know, as Manny testified, people are
24 occupying this structure as it stands. I know it's
25 more of an enforcement issue.

1 We're going to advance Purpose C,
2 adequate, light, air and open space. We are not
3 asking for any relief by clearing side yard setbacks.
4 I think it's an appropriate population, appropriate
5 location on that commercial corridor fringe zone.
6 Right across the street to the bank, this could be
7 the home for the bank teller right there or anyone
8 else in the neighborhood that's working on Summit
9 Avenue or even JFK.

10 I think Purpose I, a desirable visual
11 environment, as you see in the exhibit, the property
12 is really weathered and tethered -- tattered. I'm
13 sorry. So we have an opportunity to enhance that and
14 enhance the neighborhood.

15 Certainly Purpose N for more efficient use
16 of land with the view of lessening cost of such a
17 development, the structure exists here today. It had
18 six units. We want to preserve that six units and
19 make the habitability here more efficient and modern
20 for consumer expectation, a little bit more breathing
21 room. I do not see any negatives. Again, the site
22 never had parking. We're not proposing parking. I
23 don't see a positive here.

24 So, with that, I'll conclude for any open
25 comments, questions, or concerns.

1 CHAIRPERSON GARCIA: I never agreed more
2 with you with one of your testimony than this one.

3 MR. DOUGHERTY: Thank you.

4 CHAIRPERSON GARCIA: It really is, knowing
5 the history of that building.

6 MR. DOUGHERTY: Yeah.

7 CHAIRPERSON GARCIA: Where is the
8 architect?

9 Mr. Pereiras.

10 MR. PEREIRAS: Yes.

11 CHAIRPERSON GARCIA: You didn't hear what
12 I said to Mr. Dougherty, so thank you.

13 Knowing the concern always of this board,
14 is there any way that we could sacrifice like 3 feet
15 of the rear setback and move the building 3 feet more
16 just to give more space to the living area? Here,
17 let me show you here.

18 MR. PEREIRAS: Oh, okay. Yes. I love
19 that idea. I love that idea.

20 CHAIRPERSON GARCIA: I'm just thinking,
21 like, two kids with the parents there watching TV,
22 whatever, it's like -- and I know that we have to go
23 with the variance for rear setback. But instead to
24 21 you go to 18 and you want those 3 to the living
25 area, you maintain the same size of the room.

1 MR. PEREIRAS: I think that's a great
2 suggestion. I think it's a great suggestion. And
3 the reality is it's expensive to do that. But in the
4 percentage of what this client is putting into this
5 project, it makes perfect sense. I'm sure he's not
6 going to have an objection. I'd be happy to do that,
7 18 foot rear yard setback, every inch of that goes to
8 living room.

9 CHAIRPERSON GARCIA: Living room.

10 MR. PEREIRAS: Exactly.

11 CHAIRPERSON GARCIA: Also, the front
12 setback, I would prefer to recommend, in the middle
13 where you recommend like metal panel.

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GARCIA: Can you combine, do
16 everything brick and you combine the color?

17 MR. PEREIRAS: Yes.

18 MS. O'DELL: I'm sorry. What did you just
19 say?

20 CHAIRPERSON GARCIA: Eliminate the panels
21 and do everything in brick, and you could combine the
22 colors with everything brick.

23 MR. PEREIRAS: Did you see the building we
24 just did on 39th Street where we have two red and
25 then black in the middle? It came out gorgeous.

1 CHAIRPERSON GARCIA: Any member of the
2 public want to step forward?

3 (No response.)

4 CHAIRPERSON GARCIA: Seeing none, closed
5 to the public.

6 You don't have any questions?

7 (No response.)

8 CHAIRPERSON GARCIA: Knowing the history
9 of that building, it's a family -- I met the prior
10 owner going back in the '80s. I think this is going
11 to be a great, great improvement for the neighborhood
12 and also respecting the characteristic of the
13 neighborhood. So I really, really -- thanks to your
14 client for the presentation of this application. I'm
15 going to make my motion to grant this application
16 with adding the -- with the rear setback of 18 feet,
17 includes every inches to the living room and also the
18 front facade is going to be brick with combined
19 color. Everything have to be brick.

20 I make my motion to grant this
21 application.

22 MR. T. PANEQUE: Revised plans.

23 CHAIRPERSON GARCIA: Revised plans.

24 MS. GUTIERREZ: Second.

25 MR. VALLEJO: Motion to grant application

1 by Mr. Garcia. Seconded by Ms. Gutierrez.

2 Roll call on the motion.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Gutierrez.

6 MS. GUTIERREZ: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Watley.

10 MS. WATLEY: Yes.

11 MR. VALLEJO: Ms. O'Dell.

12 MS. O'DELL: Yes.

13 MR. VALLEJO: Ms. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Ms. San Martino?

16 MS. SAN MARTINO: I approve the
17 application with the recommendation.

18 MR. VALLEJO: Seven in favor. Motion
19 passed.

20 Revised plan required.

21 * * *

22

23

24

25

1 **MOUNTAIN UC, LLC -**
2 **292 MOUNTAIN ROAD:**

3 MR. VALLEJO: Next application on
4 tonight's agenda, Mountain UC, LLC, 292 Mountain
5 Road.

6 Ms. Pereiras, please.

7 MR. T. PANEQUE: Let the record reflect as
8 follows: I have been provided by Ms. Pereiras with a
9 certification as to publication of service indicating
10 that notice of tonight's hearing with respect to the
11 property located at 292 Mountain Road, Union City,
12 New Jersey was given to all property owners within a
13 200-foot radius indicating that the application will
14 be heard tonight, July 10, 2025.

15 I've also been provided with an affidavit
16 from The Record and Herald News indicating that the
17 notice was published on June 26th. I've also been
18 provided with a copy of the notice which indicates
19 that at the Union City High School this application
20 will be heard on July 10th at 6 p.m., and that notice
21 was published on June 26, 2025.

22 I've been provided with a list of all
23 property owners within a 200-foot radius of
24 Block 185, Lot 41, also known as 292 Mountain Road
25 listing all property owners. Said list was dated

1 June 24, 2025.

2 And, finally, I've been provided with the
3 certified mail receipt with a postmark date of
4 June 30, 2025.

5 Based on the documentation I've been
6 provided by Ms. Pereiras, this board has jurisdiction
7 to proceed and hear this matter.

8 MS. PEREIRAS: Thank you very much,
9 Counsel.

10 Bianca Pereiras on behalf of the applicant
11 for property at 292 Mountain Road, also known as
12 Lot 41, Block 185. This property is located in the R
13 low-density residential zone as well as the Palisades
14 Preservation Overlay District.

15 What we are looking to build or construct
16 here with this board's approval is a nine-unit
17 residential building. We have a (d)1 use variance as
18 well as two site variances regarding parking and
19 height.

20 We have two experts to testify before the
21 board this evening. I will begin our presentation
22 with our architect, Mr. Manny Pereiras.

23 * * *

24
25 (Continued on following page.)

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

3 MR. PEREIRAS: Manny Pereiras. I
4 recognize that I am still under oath.

5 MS. PEREIRAS: Mr. Pereiras, are you
6 familiar with the property at 292 Mountain Road?

7 MR. PEREIRAS: I am.

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

10 MR. PEREIRAS: I have.

11 MS. PEREIRAS: Will you kindly describe
12 the proposal to the board?

13 MR. PEREIRAS: I'd be very happy to.
14 292 Mountain Road is I'd say not only one of the most
15 beautiful properties in the State of New Jersey, I
16 would probably say it's one of the most beautiful
17 properties in the world. We have right on the cliff
18 in Union City -- so I love it more, because it's
19 Union City -- with an amazing, extraordinary view,
20 probably the best view in the world, at least in my
21 opinion it is.

22 The site that we have, we know that a
23 typical site in Union City is 2,500 square feet. We
24 are actually at 20,978 square feet. So it's a
25 massively larger site than a typical lot in Union

1 City. And we're proposing to tear down the
2 structures that are there that have been in this
3 condition for too many years, and we're proposing
4 this multifamily building that counsel described. In
5 our proposal we're looking to create a building that
6 is compliant in almost every aspect. And I'll walk
7 you through all these things.

8 First and foremost, the lot is 62 feet
9 wide whereas 25 is required. At its most narrow
10 point, it's 38.5 feet. The lot is 334.13 feet long
11 whereas 100 feet is required. The front yard that
12 we're proposing 7-foot is required. We're pushing
13 this house back to make it feel like it fits into the
14 neighborhood very well and matches the adjacent
15 structures at 15 feet 4 inches. So we're giving a
16 significant front yard setback.

17 The rear yard is proposed to be 199 -- I'm
18 sorry. Let me rephrase that. The front yard setback
19 is 7 feet in compliance with the ordinance and lining
20 up with the fencing. The rear yard we have proposed
21 at 199 feet. So we have a huge rear yard. The side
22 yard setback is 3-foot-1 at its smallest point and
23 6 feet 2 inches for both. And I'll walk you through
24 that because that's larger in a few spots.

25 We are composed of a four-story building

1 whereas three is permitted. We're proposing 40 feet
2 whereas 38 is permitted. So we're very close in size
3 to the permitted height. The building coverage,
4 we're permitted up to 65 percent. We're less than
5 half of that. We're at 30 percent. The lot coverage
6 is permitted to be 90 percent. We're at 39.5. So,
7 again, half of the lot that was permitted. And the
8 parking, 18 spaces are required. We are not seeking
9 a parking variance. We are compliant and no parking
10 variance there.

11 I'm going to turn now to Sheet 02.
12 Because the site is so large, we are cutting off the
13 rest of the site further back. But here we can see
14 the existing and the post-revisions. Here we can see
15 that we have 7-foot front yard setback. We have
16 3 foot 9 inches along the southern side of the
17 building, and that varies slightly. And we have
18 3-foot-1 at the smallest point along the northern
19 side of the building.

20 Turning now to the plans, we are proposing
21 a small basement just along the front of the
22 building, and that houses the mechanical. So we're
23 going to have the sprinkler system going in there,
24 the gas meters, and the water meters going into that
25 space.

1 And then we have our ground floor. So
2 we're proposing one curb cut along the middle of the
3 lot. That curb cut gives you access to all the
4 parking spaces. The very first parking space which
5 is closest to the elevator is an ADA compliant van
6 space. So that means the space is 18 by 18 overall.
7 It's enough for a 10-foot parking space plus the side
8 lot. And then you have the additional spaces across
9 here. Every single space along the right-hand side
10 and along the top is 9 by 18 clear. And the spaces
11 along the other side of the building, because you are
12 parallel parking, are larger. They're 9 by 20 to
13 make it very comfortable for cars to parallel park.

14 We have a small lobby with the mailboxes
15 along the front. We created a room along the north
16 corner of the building to hold the trash and the
17 recycling. We have two stairwells in the building,
18 one along the front and one in the back. And that
19 was done on purpose and we dissect the building on
20 the floors above to create a clear path of
21 circulation throughout the building where we have
22 units on the north side and units on the south side.

23 Still on the ground floor, if you go to
24 the rear yard, we're proposing a small pool in the
25 backyard with umbrellas so that you could actually --

1 and chairs so that you can take advantage of the
2 amazing New York City views.

3 If you go one floor up with either of the
4 two stairs or the elevator, you open into an elevator
5 vestibule and that corridor that connects the two
6 stairs, and you have apartments on either side. I'll
7 start by describing the smallest of all the
8 apartments that we have, which is apartment 201.
9 That is a one-bed, two-bath apartment. You walk into
10 a large open dining room, living room, kitchen space,
11 and then the private area which has the master suite.
12 The master suite has its own bathroom with double
13 vanities and a walk-in closet. The master bedroom is
14 13-3 by 11-8. The living room, dining room, kitchen
15 space is 14-6 at its smallest dimension by 25 feet 7.
16 And this one-bedroom apartment is 1,259 square feet.

17 On the south side, across from that first
18 apartment on the first floor, we have a gym area for
19 the building. That gym is 586 square feet, and
20 that's for access of all the tenants of the building.

21 Going further back to Apartment 202. We
22 have a two-bedroom, two-bathroom unit which is
23 1,526 square feet. You enter into this apartment and
24 it's a large living room/family room/kitchen space
25 with an entire glass rear facade that you can look

1 out and see New York City with their terrace that
2 sits over the parking garage below.

3 The apartment has two bedrooms, the last
4 of which being a master bedroom, master suite, it's
5 11-8 by 13-3 with a walk-in closet and master
6 bathroom. Apartment 203 is the mirror image of that.
7 It is 1,577 square feet and the same overall concept.

8 If you turn to the third floor, on the
9 third floor we have a den, Apartment 301, is a
10 one-bedroom -- no. It is a two-bedroom, two-bath
11 apartment, and that is 1,352 square feet with the
12 same concept layout.

13 Across from that is Apartment 303, which
14 is now our larger unit. Apartment 303 is 1,692
15 square feet with 468 square feet of exterior space.
16 So we're cutting the building back even more so that
17 there's more exterior space. The building becomes
18 smaller and we have one beautiful large apartment.
19 And, again, the same concept living room/dining
20 room/kitchen space with amazing views of New York
21 City along the back.

22 And Apartment 302, which is slightly
23 smaller, at 1,462 square feet is a two-bedroom and
24 has the same concept of living room space facing out
25 the terrace.

1 We go up an entire floor more to the
2 fourth level, and we have a similar layout. We have
3 a two bed, two bath at Apartment 401 at 1,352 square
4 feet. Apartment 403 becomes 1,692 square feet with
5 468 square feet of terrace exactly like the one
6 below. And then, finally, Apartment 402 is 1,462
7 square feet, exactly like apartment below.

8 And then on the roof of this we have a
9 roof deck. The roof deck right now shows covering
10 almost the entire building. We understand we need to
11 set that back a little bit; however, we have a 3-foot
12 setback all along the perimeter of the building. We
13 isolated the generator and the condensing units near
14 the elevator stack.

15 And that brings us to elevations. For
16 purposes of presentation, we created a
17 three-dimensional rendering of what we propose this
18 building to look like. As you can see, this building
19 fits very much into the neighborhood. We have a lot
20 of large multifamily buildings in this area. We are
21 the same height as the building next door. The
22 building next door is four stories with huge added
23 parapet space next to it, and it's off the ground a
24 little bit, so it's really like four and a half
25 stories. We are the same size of it next door.

1 Across the street from this we have a six-story
2 building. So it really fits in as far as the scale
3 and the height. So we are asking for a story more in
4 height; however, it clearly fits in with the
5 neighborhood, and we're almost at the right height
6 for feet. 38 feet is permitted. We are at 40 feet
7 at the top of our roof.

8 The building facade is a little bit
9 different and unique for this different and unique
10 location. We have a combination of materials. We
11 have a lot of wood siding, wood panels. We have a
12 building that's going to remain with metal panels to
13 create the balconies and that balconyish look and the
14 facade that is clean. So that we have elements that
15 basically make this not look massive at all. It
16 breaks down the scale. It makes it fit into the
17 neighborhood in a beautiful way.

18 Looking at the side of the building, we
19 wanted to make sure that we didn't create one big
20 overwhelming kind of building with siding. So we're
21 presenting different materials and breaking it down
22 also on the side. So if you look at this building
23 from the north corner -- which currently is not
24 developed but it will be developed soon; there will
25 be an application for that as well -- you still see a

1 beautiful facade. So from anywhere that you're
2 looking at this building, there is a beautiful
3 facade, a beautiful look to the building.

4 And we have some views also from different
5 perspectives from the rear, different views from the
6 top. But this is the front facade. This is what
7 would be visible from the street.

8 CHAIRPERSON GARCIA: Can I see the rear
9 picture?

10 MR. PEREIRAS: And right here we're
11 basically at the edge of the cliff. It starts going
12 down right after the pool. If you look at the
13 rendering, the outside elevations, this is the pool
14 area. So we're taking advantage of the cliff by
15 building the pool along that edge, and that fits over
16 here. So there's no excavating for the pool. It
17 fits perfectly into the cliff and respects the
18 topography of the cliff at that edge of the building.

19 CHAIRPERSON GARCIA: Which number is that
20 one?

21 MR. PEREIRAS: On my sheet, Z05.

22 CHAIRPERSON GARCIA: Which one is the
23 material that you're using for the front facade?

24 MR. PEREIRAS: It's Alucobond panels.
25 They are metal panels. And then the ribbing is all a

1 synthetic wood ribbing and synthetic wood siding.

2 CHAIRPERSON GARCIA: Can you bring me
3 those pictures? Can you bring it closer?

4 MR. PEREIRAS: Yeah.

5 CHAIRPERSON GARCIA: You don't have a
6 small picture, a small one, right?

7 MR. PEREIRAS: I don't, Mr. Chairman.

8 CHAIRPERSON GARCIA: I want to see the
9 next one.

10 MS. PEREZ: Can you show us?

11 MR. PEREIRAS: This is the back of the
12 building. This is the front of the building.

13 MS. PEREZ: I was just looking at the pool
14 area. Like, you can't fall off the cliff in from
15 that pool, right, for protection?

16 MR. PEREIRAS: So pool requirements are
17 extremely stringent. We're going to require a
18 42-inch railing. It's going to be a glass railing,
19 and that's going to be a long -- we've done a few
20 pools like that in Weehawken over the bluffs at the
21 edge, and we do a glass railing right at the edge of
22 the pool.

23 MS. O'DELL: Also, the garage is
24 opening -- the first floor is the garage?

25 MR. PEREIRAS: The garage is the first

1 floor.

2 CHAIRPERSON GARCIA: Mr. Pereiras, are you
3 complying with -- of the way of the district's
4 requirements.

5 MR. PEREIRAS: Yes, we are. So we are in
6 the PPOD, and our planner is going to speak more
7 about that, but we are compliant.

8 CHAIRPERSON GARCIA: Okay. You can go
9 with the planner.

10 * * *

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

13 MR. DOUGHERTY: I recognize I'm still
14 under oath. Alex Dougherty.

15 The exhibit packet, again, I apologize.
16 They printed backwards. It consists of 10 sheets,
17 standard layout, zoning map on the front and drone
18 photos. So, again, outlined in red on the zoning map
19 on Slide 1 is where the property is approximately in
20 question. As indicated just a moment ago, this is
21 kind of different, it's in that green striped area,
22 that's your PPOD, Palisades Preservation Overlay
23 District. This overlay is because hence the name
24 "Mountain Road," we have steep slopes.

25 As you heard the architect testify, this

1 lot is absolutely massive. It's unique in a sense,
2 though, because we can't actually use a vast majority
3 of that lot because of these steep slopes. So by way
4 of the overlay zone, you have this overlay zone in
5 place to preserve the steep slopes. And as you kind
6 of go through the exhibit packet here, there's an
7 existing structure on site there today. It's pretty
8 much, as the architect kind of testified to. And
9 you'll see there's some retaining wall already in
10 place here. Where the property is today, that small
11 buildable envelope, it's pretty much where this
12 project is being proposed in the same general
13 location, really preserving those steep slopes and
14 cliffs which were virtually undevelopable by the
15 steep slopes ordinance requirement. But this year
16 the vertical cliff, that's there.

17 Slide 2 is a NJDEP's GeoWeb map outlining
18 the property in red. As you could see, it really
19 does extend off to the rear. And those dimensions,
20 again, just for the lot depth, 100 feet is required.
21 This is 334 feet, so three times the normal length of
22 the standard lot in the R zone. It's a weird kind of
23 tranquil neighborhood over here. It's quiet. It's
24 different. You kind of have this four-way
25 intersection with Manhattan and the mountains,

1 16th and -- it's very nice. It's got this charming
2 little setting here. But, nonetheless, on Palisade
3 Avenue, you do have mass transit. We do have the
4 elementary school here nearby as well as Hudson
5 Elementary School.

6 If you go to Slide 3, the property in
7 question, for many years this has been hidden behind
8 this large tree. But, nonetheless, it has seen
9 better days. As well there's another property off
10 to -- so the site of the neighborhood hasn't really
11 seen a lot of action by way of family occupation.
12 The structures are fairly old, and you can see the
13 red stickers being condemned here.

14 Slide 4, you get a better understanding of
15 the existing conditions. It's a detached structure.
16 And then off to the right as part of that property on
17 Slide 5 you get a better view. It's a garage. What
18 I'd like to note is, if you could, please, on page 5,
19 recall that pink little flier that's on the gate.
20 I'll reference that in just a moment.

21 On Slide 6, we got the drone out to get a
22 better perspective of what's going on. It's a fairly
23 small structure in the midst of that intersection
24 here as Manny testified, the architect, our neighbor
25 is four stories. Across the street over here on the

1 left of the frame is a six-story. Behind that is a
2 fairly new four-story. And across the street is a
3 very large mixed use three-story. It's got a nice --
4 you'll see the red umbrellas, a nice kind of boutique
5 little dining spot there, a little cafe. Like I
6 said, a very different neighborhood than your
7 standard smack dab, let's say, in the middle of Union
8 City. It's different here. And I think part of it
9 is because of these cliffs, it's a little quieter
10 over here outside of Union City. And plus we have
11 this dormant vacant box.

12 Slide 7 from the drone to the rear of the
13 property, you can kind of see where we're talking
14 about with that retaining wall. There are retaining
15 walls there today. The site has been developed. As
16 you can see, it has been developed. But in the
17 context of the neighborhood, it kind of fits this
18 nice little pocket of these little bit larger
19 buildings. So our immediate neighbors are four
20 stories and six stories, and we have some scale and
21 size throughout the neighborhood. When we talk about
22 the size of this building, I do want to -- you know,
23 though we are asking for a use variance, the size of
24 this building I think is very appropriate. 30 --
25 38 feet is required. We're at 40. It's really

1 imperceivable to the public eye walking down the
2 street that it's at 40 when it's 38. They're not
3 going to notice that difference at the pedestrian
4 level. I think it's going to blend. It's not going
5 to be out of character. It's not going to be too
6 overpowering. So but nonetheless, the size of this
7 neighborhood, this tranquil little intersection I
8 think will blend in very well here.

9 When we talk about the next couple of
10 slides, we spin the drone around to give you some
11 perspective of where we're at with the scale and size
12 of this immediate intersection. On Slide 8, again,
13 you can see the six-story building. You can see a
14 brand new development across the street here, another
15 four-story across the street, and then you have a
16 four-story adjacent to the right.

17 Slide 9 is a four-photo collage. Again,
18 that pink right in the top left, there it is again
19 right in front of that curb cut. This site has
20 always had a curb cut. We're not adding a new one.
21 Today we're going to hopefully propose to move it on
22 the betterment of the proposed concept. But this
23 site has always had curb cuts. With this top right
24 is an adjacent a neighbor, another vacant red sticker
25 building. So, again, it is a little quiet here. We

1 do have some vacant underutilized properties. Then
2 the bottom left are some of the other homes further
3 up the street on Mountain and as you see off to the
4 rear. They are a little bit larger. They are built
5 into that hillside. And they are taking advantage,
6 as you can see, with the big open windows and the
7 decks above the views. The bottom right is a newer
8 development right across the street, the gray and
9 black building there is, again, four stories.

10 And then the last slide, Slide 10. I spin
11 the drone around above the site and these are the
12 views on Slide 10 that would essentially be at that
13 pool and at those large open balconies off the rear.
14 Unobstructed views you're out there pretty high up
15 above the Manhattan skyline and the Hudson River.

16 So we are here for a use variance. We are
17 in that residential zone. The overlay zone is really
18 at the preservation of steep slopes. As you saw in
19 the exhibits, there's retaining walls there that are
20 staying within that little envelope there. There's
21 really minimal disturbance that the architect
22 testified to. The pool, it's almost like an
23 above-ground pool kind of enclosed here taking
24 advantage of that drop point.

25 But for purposes of the use variance, use

1 variance in the Medici test, there's four prongs,
2 site suitability. What makes this site suitable for
3 the four-story structure and the nine units being
4 proposed? I think the sheer size of this property,
5 this location as well. 2,500 square feet is
6 required. We're at 20,978 square feet. Again, most
7 of that property is open space steep slopes off to
8 the rear. We don't have any neighbors there. But
9 given the sheer size of this property, you can't
10 develop it, you can't subdivide it. We can take
11 those units, build it up, make it habitable in scale,
12 size, and mass above what otherwise is going to be
13 required in that 38, we're at 40, and take advantage
14 and have some other options and choices. The choices
15 are arguably the best use in the state, which that
16 drone shot was right over the property.

17 When we talk about the overall, again, the
18 lot coverage given the sheer size, we're at 30
19 percent where 65 would otherwise be required. The
20 impervious coverage, 95 percent is allowed. We're at
21 39 and a half percent. So given the sheer size of
22 this with that product being up front, there's really
23 no immediate effects other than the use itself, these
24 nine units in a two-family zone.

25 The compatibility here, to give it

1 context, site suitability, the site is large. The
2 condition here as well of the neighborhood, we have a
3 six-story multifamily, a four-story, another
4 four-story, and we have a nice little corner boutique
5 cafe right there in walking distance. I believe when
6 you talk about this site suitability, a beautiful
7 site, certainly suitable to take advantage of this
8 view as well as the context of the neighborhood, the
9 scale and size and the mass.

10 When we talk about prong number two, we
11 talk about the positives and the negative. We talk
12 about the master plan. Why were these nine units
13 admitted in your zoning? When we covered the
14 positives -- you saw the site and why they use the
15 red sticker -- we have an opportunity to bring a
16 positive investment, a premium housing opportunity to
17 a very distinctive neighborhood in Union City taking
18 advantage of the topography here. When we see the
19 positives here, you have housing choices, housing
20 options. Though we do have a big lot, we can't
21 utilize most of it. I think this site brings with it
22 ample opportunity to enjoy the outdoors and take
23 advantage of the decks and the pools and the lounge
24 opportunities here.

25 What's nice about this product, even

1 though we are asking for a height variance, the front
2 facade does break in, which is not common. So we
3 have those depth perceptions, a lot of light
4 materials. I think the advantage of Purpose I is a
5 desirable visual environment. I don't think this
6 project is too overpowering on that street corner.
7 Again, this is very different, very quiet over here.
8 I think it's going to blend very well. I think it's
9 a positive investment in the overall neighborhood
10 here.

11 When you talk about appropriate
12 locations -- appropriate populations, appropriate
13 locations, this site can accommodate the nine units.
14 I don't think it's going to be an impact here. We
15 can accommodate the nine units. We have walkability.
16 We have mass transit. We have mixed-use products
17 right at the doorstep here. When we talk about
18 appropriate location, we have also advanced side yard
19 setbacks, rear yard setbacks, adequate light, air,
20 and open space, Purpose C.

21 It's certainly a more efficient use of
22 land and would lessen the cost, which would be
23 Purpose M. The site is here. The lot is here.
24 There's a structure that's been sitting here today.
25 We're going to clean that whole tattered structure

1 out and put a new product here. And, again, that
2 positive investment of the site is to this overall
3 neighborhood right here on Mountain and Manhattan.

4 And then when we talk about the negative
5 effects, I do not believe there's going to be any
6 negative effects. Again, we are substantially
7 oversized for lot requirements, nearly 21,000 square
8 feet where 2,500 is required. So when you talk about
9 the negative effects, given the sheer space, no one
10 behind us, the views there, with our neighbor being
11 four stories, six stories across the street, another
12 four-story, the cafe on the corner, I think this
13 works really well from a planning standpoint and the
14 buildout.

15 From a negative standpoint, given the
16 property across the street is six stories, I don't
17 think that they're taking away too much of their
18 view. And, again, even though we're asking for nine
19 units, the size and scale of this building at 40
20 where 38 is required, a 38-story building here as
21 well seems to have the same affect as the buildings
22 across the street. We're 2 feet higher than what we
23 need to be. I think that's more of a design element.
24 We're here to give it the desirable visual
25 environment and good architectural designs. But this

1 product here works. We're talking about the nine
2 units. Given the sheer size of this property, I
3 think nine units works well here.

4 And when you talk about parking, we're
5 proposing 15 physical stalls, 18 is required. With
6 brand new multifamily product, we have that
7 electrical vehicle parking, so we are by MLUL allowed
8 two additional ones. We're going to be deficient, I
9 think, by one. With a physical count would be would
10 otherwise be three. I think there might be some
11 opportunity to balance that. But, nonetheless, we do
12 have mass transit here. We do have walkability here.
13 We have good housing choice and options with Mountain
14 and The Heights.

15 When we talk about the last prong of the
16 Medici test, why was nine units or multiple family
17 not allowed in the master plan in the zone here? I
18 do not think it's going to ruin the intent and the
19 integrity of the zone. This neighborhood is unique.
20 It's distinct. It's on Mountain Road where we're at
21 a higher elevation, having a little bit more of a
22 vertical element, providing the optimal choices to
23 take advantage of what are otherwise limited
24 opportunities of the skyline views, I think it's
25 appropriate here. I don't think it's going to ruin

1 that integrity of the zone. This is a very unique
2 site. It's site specific. This site is nearly
3 21,000 square feet. So wherever they're going to put
4 nine units, it would be a site like this, a
5 substantially oversized one.

6 So with that, I'll conclude. I do not see
7 a lot of negative effects. I see nothing but
8 positive. I see a premium product for a premium site
9 in a view beautiful neighborhood taking advantage of
10 arguably the best views across the country, which is
11 those New York City skyline views on Slide 10. You
12 put a two-family here, it's my professional opinion
13 it would almost be criminal. I would much rather
14 have nine potential families looking at those views
15 rather than two or one. That's a view that becomes
16 hard to see. And to have it be like that with all
17 that open space around you, behind you in a very
18 quiet neighborhood, I think this is a really good
19 product. And from a planning standpoint, I think the
20 City can be proud of nine units here on Mountain
21 Road. This is an appropriate location for these nine
22 units. So with that, I'll conclude.

23 CHAIRPERSON GARCIA: Mr. Dougherty, I have
24 a question for you. You said that, yes, the
25 application complied with the -- with the

1 Preservation --

2 MR. DOUGHERTY: Yeah, PPOD?

3 CHAIRPERSON GARCIA: Where is the building
4 going to go all the way to here?

5 MR. DOUGHERTY: So the building is going
6 back essentially in the practical sense, on Slide 7
7 you'll see two retaining walls right here, and you'll
8 notice in Manny's application, he talked about where
9 it starts to drop off where he'll put that pool. So
10 this product is essentially stopping at this
11 retaining wall that sits here today.

12 CHAIRPERSON GARCIA: The last one --

13 MR. DOUGHERTY: Then it starts to drop.
14 It starts to drop to the point where you can't
15 develop. So your overlay zone is the preservation of
16 those steep slopes, so we're right within that
17 retaining wall right here.

18 CHAIRPERSON GARCIA: If we use Number 6 --

19 MR. DOUGHERTY: Number six.

20 CHAIRPERSON GARCIA: -- so it's better to
21 compare with the adjacent -- with the building
22 adjacent to the west side. So it's going to be all
23 the way down here?

24 MR. DOUGHERTY: Yeah, right there.

25 CHAIRPERSON GARCIA: The swimming pool is

1 going to be here?

2 MR. DOUGHERTY: Basically, right there,
3 yeah. Taking advantage of that drop.

4 CHAIRPERSON GARCIA: And the building is
5 going to be up to here?

6 MR. DOUGHERTY: Yeah, the building --

7 CHAIRPERSON GARCIA: Is going to be up to
8 the first retaining walls?

9 MR. DOUGHERTY: Yeah, well, I think it
10 will be a little before that.

11 Manny, do you have the measurements on
12 that rear deck pool, how many feet that is?

13 But the building is within that first
14 retaining wall.

15 CHAIRPERSON GARCIA: And No. 2, show me.
16 Just go to Number 2 here. Just to see all the way up
17 to where the building is going --

18 MR. DOUGHERTY: So for purposes -- I'm
19 sorry, Chairman, the building footprint itself is
20 going to go in 125 feet into the site, and stops at
21 our neighbor's retaining wall. So the building
22 footprint is within that first set of retaining
23 walls.

24 CHAIRPERSON GARCIA: The first?

25 MR. DOUGHERTY: Yes. And the pool kind of

1 takes advantage of that drop point.

2 CHAIRPERSON GARCIA: If we're going to
3 indicate it here in that Picture No. 2. Does Picture
4 No. 2 show the green line?

5 MR. DOUGHERTY: Slide No. 2?

6 CHAIRPERSON GARCIA: Yeah, Slide No. 2.
7 Okay.

8 MR. PEREIRAS: So from a proportion
9 standpoint, it's pretty clear that green area is
10 right over here and the building is over here. So I
11 don't have a measurement for you, but we're well
12 behind it.

13 MR. DOUGHERTY: Do you have the
14 measurement on the adjacent building for comparison?

15 MR. PEREIRAS: No.

16 MR. DOUGHERTY: But if you look on
17 Slide 8, you'll see the length of our adjacent
18 neighbor to the right. On Slide 8 we were pretty
19 much going to be, in my opinion, on or 25 feet into
20 the site. And I think it would be proportional to
21 what that product looks like.

22 MR. PEREIRAS: It's a 7-foot front yard
23 setback, 125 feet for the building. So it's 132 and
24 10 inches total from the front edge to the back.

25 MR. DOUGHERTY: The existing structure on

1 the four slides, the four photos, the yellow one, our
2 adjacent neighbor, let me get the slide number for
3 you. Slide 9, if you're looking at our site, the top
4 right photo here, this yellow structure up on the
5 right-hand side is this property right here. And as
6 you can see, the existing building footprint that's
7 there today, it goes back to our deck. So we're very
8 much in line with that whole, you know, rear property
9 stopping on the cliff base of what exists out there
10 today. And historically what exists, our building
11 and our neighbor to the left, that yellow building
12 had been condemned with the red sticker. And that
13 building is this one.

14 CHAIRPERSON GARCIA: Mr. Pereiras, on the
15 chart of plans, you show that you have made two
16 parking spaces. And Z03 I'm only seeing 15 spaces.

17 MR. PEREIRAS: Yes, Mr. Chairman. We had
18 15 actual physical spaces. The three additional
19 spaces are EV bonuses to make us compliant with the
20 variance. Mr. Chairman, I see you nodding your head.

21 CHAIRPERSON GARCIA: I mean, like we
22 stated before, to be at state level, at one point
23 when we prepare that for the state or we prefer the
24 city -- you know what I mean? It's, like, we didn't
25 create the precedent of EV, and I will never

1 recommend the board to create that precedent.

2 MR. PEREIRAS: Understood, Mr. Chairman.
3 I have a solution for that. Right now we have these
4 head-on spaces in the back. What I can do is we have
5 this, like, bar and kitchen area. What we can do is
6 eliminate that and create these two spaces tandem.
7 So we're eliminating the pool, and we have two more
8 spaces over here, and then we create two spaces over
9 here and we lose this one space. So we'll have a net
10 gain of three spaces, and we'll have 18 total spaces.

11 MS. O'DELL: Are you giving away the pool?

12 MR. PEREIRAS: And we would be giving away
13 the pool in order to add three additional parking
14 spaces.

15 CHAIRPERSON GARCIA: And you eliminate the
16 swimming pool?

17 MR. PEREIRAS: We would have to eliminate
18 the swimming pool.

19 MS. O'DELL: I would hate to see that.

20 CHAIRPERSON GARCIA: Mr. Pereiras, just a
21 quick question. Why the intention to eliminate the
22 swimming pool?

23 Okay. Let me put it this way, one of my
24 recommendations will be, like, bring the
25 topographical survey to see where the building is

1 fitting and how far it is for the protected area.
2 Okay? I don't know what you think. That's what
3 would be my recommendation. I don't know what you
4 think. And you probably would know -- you probably
5 could eliminate this one. I don't know why -- well,
6 it's up to you. It's up to the client if they want
7 to eliminate the swimming pool. But if they're going
8 to sacrifice the swimming pool for three -- for two
9 parking spaces -- or not for two parking spaces. If
10 the swimming pool is too close to the protected area,
11 I would say, yes, sacrifice the swimming pool and
12 maintain the terrace. So I think the smartest step
13 to be, like, come with a survey, the topographical
14 survey, and can you put another sheet showing the
15 building on top of that survey, and we could go from
16 there. I don't know what you think.

17 MR. PEREIRAS: Mr. Chairman, it makes
18 sense. We'll overlay our plan in a topographical.
19 We'll overlay the PPOD district. And then what we'll
20 do is we'll go as close to the PPOD district as we
21 can without damaging. Hopefully, we can keep the
22 pool and we can keep the parking. We might be able
23 to do both.

24 CHAIRPERSON GARCIA: And, also, I know the
25 area pretty well. And don't get me wrong, I like the

1 design, the facade; however, I think that that facade
2 breaks the visual of the area. You have brick. You
3 know, driving over there you will see that that
4 building is going to be completely out of character,
5 the facade. If you can add a little more brick,
6 whatever.

7 MR. PEREIRAS: We can add something.

8 MR. T. PANEQUE: Take a look at Number 11.
9 Can you put a tandem spot there?

10 MS. PEREZ: What did you say? "Tandem."

11 MR. T. PANEQUE: Number 11. So you
12 actually get two spots. And if you have a family
13 that has two cars, that would solve that issue. They
14 just have to jockey in and out.

15 MR. PEREIRAS: That's a space right there.

16 CHAIRPERSON GARCIA: Two-minute break.

17 (Brief recess was taken.)

18 CHAIRPERSON GARCIA: Back on the record.

19 MS. PEREIRAS: Mr. Chairman, if this
20 matter can be carried to the next meeting, the
21 applicant will be tweaking the design just a little
22 bit to address all the concerns raised by the board
23 today.

24 CHAIRPERSON GARCIA: And also they're
25 going to come with the topographical survey and also

1 with, like, a picture or plans to put the building on
2 top of the survey just to see.

3 MR. PEREIRAS: For clarity of the record,
4 I'm going to take the architectural plans, overlay
5 the topographical survey and overlay them with the
6 PPOD district.

7 MR. T. PANEQUE: Thank you very much.

8 CHAIRPERSON GARCIA: So a rendering with
9 the brick?

10 MR. PEREIRAS: Well, update the facade,
11 add brick, and following the suggestions of the
12 board.

13 CHAIRPERSON GARCIA: Thank you very much.
14 So I make my motion to carry this application to
15 September 11th.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Motion to carry to
18 September 11th by Mr. Garcia. Seconded by
19 Ms. Gutierrez.

20 Roll call on the motion.

21 Mr. Garcia.

22 CHAIRPERSON GARCIA: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. VALLEJO: Ms. Perez.

1 MS. PEREZ: Yes.

2 MR. VALLEJO: Ms. Watley.

3 MS. WATLEY: Yes.

4 MR. VALLEJO: Ms. O'Dell.

5 MS. O'DELL: Yes.

6 MR. VALLEJO: Ms. Pena.

7 MS. PENA: Yes.

8 MR. VALLEJO: Ms. San Martino.

9 MS. SAN MARTINO: Yes.

10 MR. VALLEJO: Seven in favor. Motion
11 carries.

12 MR. PEREIRAS: Thank you all very much.
13 Hope you enjoy the rest of your summer.

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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.

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7 MR. VALLEJO: Now going to resolutions.
8 We have seven resolutions on tonight's agenda.
9 Resolution No. 1, Patrick J. Franco, 208 New York
10 Avenue.

11 Can I have a motion to adopt the
12 resolution?

13 CHAIRPERSON GARCIA: Yes. I'm going to
14 make a motion and make some comment. The resolution
15 was adopted. And the comment is the drawing was
16 approved, but the electrical pole has to be -- I mean
17 the driveway is approved pending the approval of the
18 PSE&G removal approval. Also the codes of the
19 relocation is by the applicant, and also the
20 decorative lights is also under financial
21 responsibility of the applicant.

22 I make my motion to adopt this resolution.

23 MR. VALLEJO: Motion on the table by
24 Mr. Garcia. Any second on the motion?

25 MS. PENA: Me.

1 MR. VALLEJO: Seconded by Ms. Pena.

2 Roll call on the motion.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

7 MR. VALLEJO: Ms. San Martino.

8 MS. SAN MARTINO: Yes.

9 MR. VALLEJO: Three in favor. Motion
10 carries.

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ADOPTION OF RESOLUTIONS:

1. Margarita Onofre, 136 37th Street, Block: 223, Lot: 21. Convert a single-family home to a three-family home with an addition. No parking spaces are provided. Approved.

MR. VALLEJO: Resolution No. 2, Margarita Onofre, 136 37th Street.

Can I have a motion?

CHAIRPERSON GARCIA: Motion.

MR. VALLEJO: Motion by Mr. Garcia.
Second on the motion?

MS. PENA: Second.

MR. VALLEJO: Seconded by Ms. Pena.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

1. Miguel A. Calderon, 210 46th Street, Block: 272, Lot: 11. The applicant proposes to legalize an existing one-bedroom apartment in the basement of two-family building. There will be a total of three units. No parking spaces are provided. Approved.

MR. VALLEJO: Resolution No. 3, Miguel Calderon, 210 46th Street.

May I have a motion?

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

Roll call on the motion -- I'm sorry. Any second on the motion?

MS. O'DELL: Second.

MR. VALLEJO: Roll call on the motion.

Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Five in favor. Motion

3 carries.

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ADOPTION OF RESOLUTIONS:

1. Allison Williams, 319 5th Street, Block: 14, Lot: 14. The applicant proposes to demolish an existing three-family dwelling and construct a new three-family dwelling. Four parking spaces are provided. Approved.

MR. VALLEJO: Resolution No. 4, Allison Williams, 319 5th Street.

Can I have a motion?

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

MS. WATLEY: Second.

MR. VALLEJO: Seconded by Ms. Watley.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

1 MR. VALLEJO: Ms. San Martino.

2 MS. SAN MARTINO: Yes.

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

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ADOPTION OF RESOLUTIONS:

1. 1601 Palisade Avenue, LLC, 1601-1607 Palisade Avenue, Block: 84 Lots: 1.01 & 2.01. The applicant proposes to construct a new two-family dwelling.

Approved.

MR. VALLEJO: Resolution No. 5,
1601 Palisade Avenue, LLC.

Can I have a motion?

CHAIRPERSON GARCIA: Motion.

MR. VALLEJO: Motion by Mr. Garcia.

MS. PENA: Second.

MR. VALLEJO: Seconded by Ms. Pena.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. San Martino.

1 MS. SAN MARTINO: Yes.

2 MR. VALLEJO: Six in favor. Motion

3 carries.

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ADOPTION OF RESOLUTIONS:

1. Hector & Amparo Villanueva, 415 23rd Street, Block: 124, Lots: 10. The applicant proposes to legalize an apartment in the basement of an existing building, as well as an apartment in a second building on the property; there will be a total of 4 units on the site. Approved.

MR. VALLEJO: Resolution No. 6, Hector and Amparo Villanueva, 415 23rd Street.

May I have a motion?

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

Any second on the motion?

CHAIRPERSON GARCIA: Second.

MR. VALLEJO: Seconded by Mr. Garcia.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Ms. San Martino.

4 MS. SAN MARTINO: Yes.

5 MR. VALLEJO: Six in favor. Motion

6 carries.

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ADOPTION OF RESOLUTIONS:

1. Raising Investments LLC, 3412 Hudson Avenue, Block: 208, Lot: 27. The applicant proposes to convert storage space in the basement of an existing three-family dwelling to add two bedrooms each to the two ground-floor units. Approved.

MR. VALLEJO: Raising Investments LLC, 3412 Hudson Avenue.

Can I have a motion?

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

Seconded by?

MS. O'DELL: Second.

MR. VALLEJO: Seconded by Ms. O'Dell.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Yes.

MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Ms. San Martino.

3 MS. SAN MARTINO: Yes.

4 MR. VALLEJO: Six in favor. Motion
5 carries.

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1 **ADJOURNMENT:**

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

6 MS. GUTIERREZ: Motion.

7 MR. VALLEJO: Motion by Ms. Gutierrez.

8 MS. WATLEY: Second.

9 MR. VALLEJO: Seconded by Ms. Watley.

10 All in favor?

11 * * *

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

14 * * *

15 MR. VALLEJO: The ayes have it.

16 Let the record show the meeting has ended.

17 * * *

18 (Whereupon, the meeting concluded at
19 9:27 p.m.)

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CERTIFICATE

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

LILIANA THOMAS, CCR, RPR
LICENSE NO. 30XI00238800