

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

REGULAR MEETING

TRANSCRIPT OF
PROCEEDINGS

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

Thursday, October 9, 2025
Commencing at 6:08 p.m.

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

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

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

ALTAGRACIA SAN MARTINO
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

MIKA APTE, PP, Consulting City Planner

SUSAN BISCHOFF CCR CO.
201-390-0583 SBischoffccr@yahoo.com

A P P E A R A N C E S:

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Ruth Velazquez

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Chenyi Shi

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

BIANCA PEREIRAS, ESQ.
Attorney for Applicant, Tighthead, LLC

ALVARO ALONSO, ESQ.
Attorney for Applicant, Gerardo A. Rojas

ALVARO ALONSO, ESQ.
Attorney for Applicant, Mamdouh Mecheal

ALVARO ALONSO, ESQ.
Attorney for Applicant, CSF Holding
Realty, LLC

I N D E XPAGE

CALL TO ORDER	10
SALUTE TO FLAG	10
ROLL CALL	11
ADOPTION OF MINUTES	12
HEARINGS	
GSF Holdings Realty, LLC	13
Gerardo A. Rojas	17
655 39th, LLC	18
Ruth E. Velazquez	30
Chenyi Shi	61
Mountain UC, LLC	83
Tighthead, LLC	101
Mamdouh Mecheal	124
ADOPTION OF RESOLUTIONS	235
ADJOURNMENT	237

I N D E X

655 39TH, LLC
655 39th Street

WITNESSPAGE

MANUEL PEREIRAS

18

E X H I B I T SNO.DOCUMENTPAGE

None

I N D E X

RUTH E. VELAZQUEZ
1205 Central Avenue

WITNESSPAGE

MANUEL PEREIRAS

31

ALEXANDER DOUGHERTY

43

E X H I B I T SNO.DOCUMENTPAGE

None

I N D E X

CHENYI SHI
508 40th Street

WITNESSPAGE

MANUEL PEREIRAS

62

E X H I B I T SNO.DOCUMENTPAGE

None

I N D E X

MOUNTAIN UC, LLC
292 Mountain Road

WITNESSPAGE

MANUEL PEREIRAS

83

E X H I B I T SNO.DOCUMENTPAGE

None

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

TIGHTHEAD, LLC
521 10th Street

WITNESS

PAGE

MANUEL PEREIRAS

103

E X H I B I T S

NO.

DOCUMENT

PAGE

None

I N D E X

MAMDOUH MECHEAL
3125 Summit Avenue

<u>WITNESS</u>	<u>PAGE</u>
JOSE CARBALLO	128
JOHN CORAK	141
THOMAS RICCI	166

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	aerial exhibit	168

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

3 Please take notice that on Thursday,
4 October 9, 2025, at 6:00 p.m., a regular meeting
5 is scheduled for the City of Union City Zoning
6 Board of Adjustment, to be held in Union City High
7 School, located at 2500 John F. Kennedy Boulevard,
8 Union City, New Jersey.

9 Adequate notice of this meeting has been
10 provided as follows:

11 Notice of this meeting setting forth the
12 time, date, location, to the agenda to the extent
13 known, was forwarded to The Record, The Star
14 Ledger, has been posted on the bulletin board in
15 City Hall, and has been made available to the
16 public in the Office of the Municipal Clerk, has
17 also been posted on the website of the City.

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

21
22 (Whereupon the Pledge of Allegiance was
23 recited.)

24
25 MR. VALLEJO: Thank you.

ROLL CALL:

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

CHAIRPERSON GARCIA: Present.

MR. VALLEJO: Mr. Grullon is absent.

Ms. Gutierrez.

MS. GUTIERREZ: Present.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Present.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Here.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Here.

MR. VALLEJO: Ms. O'Dell.

MS. O'DELL: Here.

MR. VALLEJO: Ms. Pena.

MS. PENA: Here.

MR. VALLEJO: Ms. San Martino is absent.

Let the record reflect that we have a full quorum for tonight's meeting, seven members.

ADOPTION OF MINUTES:

MR. VALLEJO: Approval of previous meeting minutes from September 11, 2025. Can I have a motion?

CHAIRPERSON GARCIA: Motion.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion.

Mr. Garcia.

CHAIRPERSON GARCIA: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: 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: Six in favor, motion passes.

1 **GSF HOLDING REALTY, LLC -**
2 **3710 KENNEDY BOULEVARD:**

3
4 MR. VALLEJO: We're going to change a
5 little bit the order of tonight's agenda. We're
6 going to number eight, GSF Holding Realty, LLC,
7 3710 Kennedy Boulevard. Mr. Alonso, please.

8 MR. ALONSO: Yes, good evening, Mr.
9 Chairman, Members of the Board. For the record,
10 Alvaro Alonso on behalf of applicant.

11 MR. PANEQUE: Let the record reflect
12 I've been provided by Mr. Alonso with an affidavit
13 as to publication and service with respect to the
14 property located at 3710 Kennedy Boulevard, Block
15 219, Lot 58. The affidavit indicates that notice
16 of tonight's hearing at this location, the Union
17 City High School, was provided to all property
18 owners within the 200-foot radius of said property
19 on September 26, 2025.

20 I've also been provided with an
21 affidavit of publication from The Record and The
22 Herald News indicating that notice of tonight's
23 hearing was advertised on September 26, 2025.
24 Along with that affidavit is a copy of the
25 publication. The publication indicates that on

1 today's date, Thursday, October 9th, at this
2 location, the Union City High School, at
3 6:00 p.m., the application with respect to 3710
4 Kennedy Boulevard will be heard by the Board.

5 I've also been provided with a copy of
6 the notice that went out to all property owners
7 within the 200-foot radius, as well as the list of
8 property owners provided by the Union City tax
9 assessor's office, noting all property owners
10 within the 200-foot radius of 3710 Kennedy
11 Boulevard, with a date of September 16, 2025.

12 And, finally, I have the certified mail
13 receipts, also with a postmark date of
14 September 26, 2025.

15 Based on the documentation that has been
16 provided by Mr. Alonso, this Board has
17 jurisdiction to proceed and here this matter.

18 MR. ALONSO: Thank you, Mr. Chairman. I
19 am going to make a request to adjourn this matter,
20 unfortunately, my architect, Mr. Arencibia, is
21 traveling out the country and unavailable today.

22 CHAIRPERSON GARCIA: Okay. Carlos, how
23 is the agenda for the November 13th?

24 MR. VALLEJO: We have six already, this
25 would be number seven, that's November 13th.

1 MR. PANEQUE: Mr. Alonso, on behalf of
2 your client, do you waive the statutory time
3 limits in which this Board can hear this matter?

4 MR. ALONSO: Yes, I do.

5 MR. PANEQUE: Thank you.

6 CHAIRPERSON GARCIA: You're available,
7 Mr. Alonso, for the 13th?

8 MR. ALONSO: That's what I'm checking
9 now. I should be available.

10 CHAIRPERSON GARCIA: Okay. I'll make my
11 motion to adjourn this application to the November
12 13th meeting.

13 MS. GUTIERREZ: I'll second.

14 MR. VALLEJO: Motion by Mr. Garcia,
15 seconded by Ms. Gutierrez to adjourn this
16 application to November 13, 2025, no new notice
17 required. Roll call on the motion.

18 Mr. Garcia.

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

5 MR. VALLEJO: Ms. Pena.

6 MS. PENA: Yes.

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

9 MR. ALONSO: Thank you.

10 MR. PANEQUE: All right.

11 * * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 GERARDO A. ROJAS - NOHEMI MANDIL -
2 407 43RD STREET:

3
4 CHAIRPERSON GARCIA: Carlos, I think
5 it's better also to - the withdraw, to bring it
6 up, just in case any member of the public is here
7 for this application.

8 MR. PANEQUE: Number six.

9 CHAIRPERSON GARCIA: 43rd Street.

10 MR. VALLEJO: We are moving now to item
11 number six, Gerardo A. Rojas Nohemi Mandil, 407
12 43rd Street. Mr. Alonso, please.

13 MR. ALONSO: Yes. Mr. Chairman, if you
14 recall, we were here before you for a three-family
15 house. I reviewed it with my client, we are
16 withdrawing the application.

17 CHAIRPERSON GARCIA: Okay. We don't
18 have to vote.

19 MR. ALONSO: Thank you.

20 CHAIRPERSON GARCIA: If any member of
21 the public is here 407 43rd Street or for 3710
22 Kennedy Boulevard, the 407 43rd was withdrawn and
23 3710 is going to be heard November 13th. Thank
24 you.

25 * * * *

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

3
4 MR. VALLEJO: All right. We're moving
5 now to number one, 655 39th Street, LLC. Ms.
6 Pereiras, please.

7 Let the record show that Mr. Grullon
8 joined the meeting, we have eight members now.

9 MS. PEREIRAS: Good evening, Mr.
10 Chairman, Board Members, may it please the Board,
11 Bianca Pereiras on behalf of the applicant for 655
12 39th Street. The Board may recall that we were in
13 front of you in the summer, I believe in June.
14 Since it has been some time, I would like to call
15 up our architect, Mr. Manuel Pereiras, to go over
16 the application. This is to construct a new
17 three-family building.

18
19 M A N U E L P E R E I R A S, after having been
20 duly sworn or affirmed, did testify as follows:

21
22 MR. PEREIRAS: Manny Pereiras,
23 P-E-R-E-I-R-A-S with Pereiras Architects
24 Ubiquitous, located at 1116 Summit Avenue, here in
25 Union City.

1 MS. PEREIRAS: Mr. Pereira, if you can
2 briefly recap the project for the Board.

3 MR. PEREIRAS: I'd be very happy to.
4 Just to recap a little bit, this project was
5 previously approved under the previous ordinance.
6 It was a three-family house that was approved. We
7 came back -- due to Covid and a bunch of other
8 reasons, they weren't able to ever construct it.
9 The ordinance since then has changed. The
10 applicant understands that the ordinance has
11 changed and therefore, at this time we'd like to
12 change our application from being a three-family
13 to being a two-family house. And what we'd like
14 to do is keep the footprint of the building as is
15 and simply remove that top floor, which is the
16 fourth floor, which means we're going to be more
17 in conformance with the ordinance. So we are
18 maintaining the two foot side yard setback to the
19 east, three foot side yard setback to the west, 10
20 feet in the front. The same footprint that was
21 previously approved will be now 9 foot 4 from the
22 rear of the property, which is a variance under
23 today's ordinance. And what we're doing is we're
24 removing that top floor, so that we could have
25 parking for four vehicles on the ground floor.

1 These are comfortable parking spaces, 9-by-18,
2 comfortably inside, in tandem, so each unit will
3 have two spaces in tandem.

4 And then we have apartment number one on
5 the second floor and apartment number two on the
6 third floor. Apartment number one has a rear yard
7 to the back, and apartment number two has a roof
8 deck that is set back from the rear significantly,
9 about 25 feet from the rear, and more than 30 feet
10 from the front and set back from both sides three
11 feet with landscaping.

12 MR. PANEQUE: Mr. Pereiras, one second.

13 MS. PEREZ: I think --

14 MR. PEREIRAS: We do. This is just an
15 exhibit, the plans that were submitted were for a
16 three-family four-story. I'm asking if the Board
17 would consider, since there's no real changes,
18 just dropping off a story. That's what we're
19 proposing to do, with the potential of revised
20 plans for the next meeting.

21 CHAIRPERSON GARCIA: What you're here
22 for is exactly the same thing, except one floor?

23 MR. PEREIRAS: That's correct, Mr.
24 Chairman, we're just chopping off the top floor.

25 CHAIRPERSON GARCIA: So, Mika, can we

1 accept that? It's going to be the same plans, I
2 mean the same thing except the fourth floor.

3 MR. PEREIRAS: The fourth floor,
4 correct.

5 MS. APTE: It is, but I would like the
6 expert to put on the record, just so we go one by
7 one, what the variances are no longer there? So
8 I'm assuming there's no more use variance you're
9 requesting, now this is a permitted use?

10 MR. PEREIRAS: That's correct. It would
11 be a permitted use, two-family house.

12 MS. APTE: Then the second part is you
13 still are seeking the rear yard setback variance?

14 MR. PEREIRAS: That's correct.

15 MS. APTE: However -- and then the --

16 CHAIRPERSON GARCIA: The height, no.

17 MR. PEREIRAS: No more, no other
18 variances.

19 MS. APTE: What is your proposed height
20 now?

21 MR. PEREIRAS: The proposed height will
22 be three stories. And in feet, we will have a
23 total of 35 feet in height.

24 MS. APTE: 35?

25 MR. PEREIRAS: And 38 is permitted.

1 MS. APTE: Okay. And how much did you
2 say are the parking spaces now per unit?

3 MR. PEREIRAS: We have four parking
4 spaces in total, two per unit, in tandem. And the
5 spaces comply with the Union City ordinance, which
6 is 9-by-18.

7 MS. APTE: And do they comply with the
8 RSIS standards also?

9 MR. PEREIRAS: It does.

10 MS. APTE: Okay. So, Mr. Chairman,
11 given that, I would be okay with that being taken
12 as the testimony and that the changes are made.
13 Of course, the condition is that during resolution
14 compliance, if then planner notices something that
15 would lead to a potential variance, the applicant
16 would have to come before the Board.

17 CHAIRPERSON GARCIA: Okay, thank you.

18 MR. PEREIRAS: Thank you, Mr. Chairman.
19 Thank you, planner.

20 MR. PANEQUE: Mr. Pereiras, the only
21 variance that you're seeking is the rear yard at
22 this point?

23 MR. PEREIRAS: Rear yard variance.

24 CHAIRPERSON GARCIA: Just the rear?

25 MR. PEREIRAS: Rear yard and the --

1 CHAIRPERSON GARCIA: And the setback.

2 MR. PEREIRAS: And the clarification
3 that we have a roof deck. I know the Union City
4 ordinance is a little bit iffy on that, so if we
5 could have that as part of the resolution as well.

6 MR. PANEQUE: Was a roof deck proposed
7 in the previous application?

8 MR. PEREIRAS: No, because that would
9 have been four stories and so --

10 MR. PANEQUE: No, it's not that it's no
11 roof deck. But this Board doesn't have any plans
12 at this point. You know, you're asking this Board
13 to go out on a limb without plans before it. So
14 we have no dimensions for the roof deck. I would
15 suggest based on the -- and, Mr. Chairman, I'll
16 defer to you, but without the actual -- what we're
17 looking at is a three-family home here, where what
18 you're coming in with is a two with the roof deck.

19 CHAIRPERSON GARCIA: This plan has the
20 roof deck. These plans have the roof deck.

21 MR. PEREIRAS: Thank you so much, Mr.
22 Chairman. It does have the roof deck, so
23 everything stays the same except one floor less.

24 MR. PANEQUE: Same roof deck?

25 MR. PEREIRAS: It is actually the same

1 exact dimensions, it looks exactly the same.

2 MR. PANEQUE: Then I would withdraw my
3 objection at this time, if you have a roof deck on
4 the previous plans.

5 MR. PEREIRAS: Thank you, Counsel.

6 MR. PANEQUE: Mr. Chairman.

7 CHAIRPERSON GARCIA: Just to recap, we
8 understand that it's the same thing except with
9 revised plans, those are going to be with the
10 third floor?

11 MR. PEREIRAS: That's correct.

12 CHAIRPERSON GARCIA: Okay. I mean the
13 fourth floor that is a third unit?

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GARCIA: Okay. You can
16 proceed.

17 MR. PEREIRAS: That concludes my
18 testimony.

19 CHAIRPERSON GARCIA: Okay. You don't
20 have another witness?

21 MS. PEREIRAS: We don't.

22 CHAIRPERSON GARCIA: Because you don't
23 need the use variance.

24 MR. PEREIRAS: Correct.

25 CHAIRPERSON GARCIA: And how many foot

1 setback, rear setback you're proposing?

2 MR. PEREIRAS: A little bit over 9 feet,
3 it is 9-foot 4.

4 CHAIRPERSON GARCIA: 9-foot 4. And the
5 dimension of the units? 1,400, okay.

6 MR. PEREIRAS: Yeah, that sounds right.

7 CHAIRPERSON GARCIA: Mr. Pereiras, I
8 have to again ask you please why you don't -- the
9 garage, I don't know the size of the garage.

10 MR. PEREIRAS: In the revised drawings,
11 you'll have that. Those drawings were prepared
12 about eight years, so we'll get that for you, Mr.
13 Chairman.

14 CHAIRMAN GARCIA: Please.

15 MR. PEREIRAS: But it's 9-by-18, full
16 spaces.

17 CHAIRPERSON GARCIA: Okay, perfect.

18 MS. PEREZ: And the parking is going to
19 be four instead of six?

20 MR. PEREIRAS: Correct.

21 CHAIRPERSON GARCIA: And also do me a
22 favor, the driveway, I mean the gate, how wide is
23 going to be 20, 24?

24 MR. PEREIRAS: The curb, the curb cut?

25 CHAIRPERSON GARCIA: Yes.

1 MR. PEREIRAS: We have it shown right
2 now as 16 feet. On that block, it actually makes
3 sense to make it a little bit wider because it is
4 a narrow block, so maybe 18 feet would be
5 appropriate.

6 CHAIRPERSON GARCIA: Yes, please,
7 because, you know, remember bringing back the 39th
8 Street case --

9 MR. PEREIRAS: Yeah, we'll make the curb
10 cut 18 feet.

11 CHAIRPERSON GARCIA: Please. And show
12 it in the revised plans.

13 MR. PEREIRAS: Yes.

14 MS. APTE: Would be removing the grass
15 paver that you proposed in between?

16 MR. PEREIRAS: No, we will still keep
17 it. It will just be on the two extremes, not in
18 the middle.

19 MS. APTE: Not the center one, okay.
20 Does that change your impervious coverage
21 calculation?

22 MR. PEREIRAS: We're still well below
23 because we have impervious coverage is up to 90
24 percent and we're well below that.

25 MS. APTE: Do you have that?

1 MR. PEREIRAS: We're at 87 percent,
2 that's not going to affect 3 percent. We'll make
3 sure that we don't trigger another variance.

4 MS. APTE: Okay.

5 MR. GRULLON: Mr. Pereiras, the ground
6 floor that you're showing four parking spaces, the
7 previous application, you had six parking spaces?

8 MR. PEREIRAS: That's correct.

9 MR. GRULLON: What are you going to have
10 there?

11 MR. PEREIRAS: Just four, we're not
12 proposing anything else.

13 MR. PANEQUE: Do you have it in that
14 one?

15 MR. PEREIRAS: I do. We're showing four
16 parking spaces, open garage and then --

17 MR. GRULLON: Is that open space?

18 MR. PEREIRAS: That's all open space.

19 CHAIRPERSON GARCIA: Any other
20 questions? Any member of the public want to step
21 forward? Seeing none, close to the public.

22 Understanding that the applicant is
23 coming with two apartments only, this is just one
24 variance, I'm going to make my motion to grant
25 this application with the condition to present the

1 revised plans. That's my motion.

2 MS. GUTIERREZ: Second.

3 MR. VALLEJO: Motion to grant the
4 application by Mr. Garcia, seconded by Ms.
5 Gutierrez. Roll call on the motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Mr. Grullon.

9 VICE CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 MS. GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: 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: Seven in favor, motion
21 carries.

22 MR. PEREIRAS: Thank you, everyone.

23 MS. PEREIRAS: Thank you very much.

24 MR. VALLEJO: Revised plans required at
25 least ten days before the next hearing date in

1 order to memorialize the resolution.

2 MR. PEREIRAS: Yes.

3 * * * *

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RUTH E. VELAZQUEZ -**
2 **1205 CENTRAL AVENUE:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda is Ruth E. Velazquez, 1205
6 Central Avenue. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service,
11 noting that all properties owner within the
12 200-foot radius of 1205 Central Avenue were
13 provided with notice of tonight's hearing on or
14 about September 29, 2025.

15 I've also been provided with an
16 affidavit of publication from The Record and The
17 Herald News indicating that notice of tonight's
18 hearing for the subject property was published on
19 September 26, 2025. And a copy of the publication
20 that came out of the paper. The publication
21 indicates that tonight, October 9th, at 6:00 p.m.
22 at the Union City High School, an application will
23 be heard with respect to 1205 Central Avenue.

24 I've also been provided with a copy of
25 the list of all property owners within the

1 200-foot radius of the subject property. Said
2 list was provided by the Union City tax assessor's
3 office and has a date of September 29, 2025.

4 And, finally, I have a bunch of
5 certified mail receipts with a postmark date of
6 September 29, 2025.

7 Based on the documentation that has been
8 provided by Ms. Pereiras, this Board has
9 jurisdiction to proceed and hear this matter.

10 MS. PEREIRAS: Thank you, Counsel.
11 Bianca Pereiras on behalf of the applicant, Ruth
12 Velazquez for property at 1205 Central Avenue.
13 The application before the Board this evening is
14 to legalize an existing one-bedroom apartment in a
15 legal two-family home for a total of three units.
16 We are also proposing a modest rear addition to
17 the existing building. We have two experts to
18 testify before the Board this evening. And we'll
19 begin our presentation with our architect, Mr.
20 Manuel Pereiras.

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

23
24 MR. PEREIRAS: Manny Pereiras, I
25 recognize that I am still under oath.

1 MS. PEREIRAS: Mr. Pereira, are you
2 familiar with the property at 1205 Central Avenue?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 drawings that are before the Board this evening?

6 MR. PEREIRAS: I have.

7 MS. PEREIRAS: Would you kindly describe
8 the existing conditions as well as the proposal
9 we're seeking this evening?

10 MR. PEREIRAS: I'd be very happy to. We
11 have a lot that is conforming, we are at 2,585
12 square feet, which is more than the 2,500 square
13 feet that is required for the zone. We are at
14 25.01, slightly more than the 25-foot width and
15 100.45, slightly more than the 100-foot depth that
16 we have.

17 We have a preexisting two-family house
18 on this site. This house has been used as a
19 three-family for many, many years. And we're
20 looking to legalize that, and also meet the needs
21 of this family. This family has lived there for a
22 few years and they're growing and they need an
23 additional bedroom for their kids. So they're
24 looking to expand towards the back on their ground
25 floor and taking advantage of that time to

1 legalize and bring things up to code in the
2 basement as well.

3 We are not proposing any changes to the
4 front of the house. If you see from the
5 photograph, they keep the house immaculately well.
6 It's well-trimmed, the landscape is really nice,
7 it's painted well. They've been upkeeping the
8 house throughout the years very, very nicely. And
9 it is owner occupied by them.

10 The preexisting house has several
11 preexisting nonconformities, side yard is one of
12 them. There's 1.14-foot on one side and 1.89 feet
13 on the other. So that's a preexisting
14 nonconformity that we're requesting. Lot
15 coverage, we're at 100 percent lot coverage on the
16 site. That's, again, a preexisting nonconformity.
17 And parking, we have parking on the site,
18 preexisting two spaces. Four are required
19 currently and six would be required in the
20 proposal. We have no way of expanding or
21 accommodating those cars, it's a preexisting
22 hardship. And we are expanding on that variance
23 and we are asking for a parking variance on this
24 location.

25 Turning now to the site plans. We see

1 the existing and the proposed conditions. In the
2 proposed conditions, you can see that what we're
3 doing is only on the ground floor, we're going
4 back 10 feet, with the exact same width of the
5 house. That means we are expanding on those side
6 yard setbacks that we have the preexisting
7 variance for. We're expanding on that and we're
8 requesting those variances, it maintains 0 feet
9 along the north end. And we have the 1.14 on the
10 south end of the building, extending it back. And
11 our addition is 667 square feet that we're
12 proposing towards the back of the house.

13 The rear yard setback is still 26 feet
14 5 inches, so we are not requesting a rear yard
15 variance, they still have a really beautiful,
16 ample rear yard that they use for their family all
17 the time.

18 Turning now to the basement. We see the
19 existing condition on the left-hand side and the
20 proposed condition on the right-hand side. As you
21 can see, they had a kitchen, they had a dining
22 room table, all the fixings and the bed and toilet
23 and the full bathroom was there. They're looking
24 to really make it and bring it up to code. We are
25 going to move the utilities of the house into each

1 of the apartments. So each of the apartments has
2 their own utilities right now. There's a dining
3 room in the rear with the addition that we're
4 proposing, the kitchen is going to be
5 reconstructed and we're going to have a beautiful
6 bathroom that we're going to create. And the
7 bedroom is going to be shifted to the front of the
8 building, so that there will be an egress window,
9 so they can escape through the front of the
10 building as well.

11 On the proposed ground floor, which is
12 the first apartment where they currently live, you
13 have the existing condition on the left-hand side
14 and you have the proposed condition here in the
15 middle of my page, where you could see the
16 proposed new bedroom. They're going to use that
17 as a master bedroom, we're creating a master suite
18 for them. It's a very modest addition, only 10
19 feet, small bedroom. It's going to be interior
20 dimension 9-foot 2 by 15-foot 5, with a walk-in
21 closet and a bathroom. And then the rest of the
22 house, we're creating a small laundry for their
23 convenience. And the rest of the house remains
24 the same. And the second floor remains the same
25 as well -- actually, I'm sorry. The second floor

1 has a small addition to add a bathroom to it. So
2 there will be a 11-foot 5 by 10 foot addition on
3 that second floor to add a bathroom, a much needed
4 bathroom to that second floor.

5 These are photographs of the house
6 interiors and elevations of the rear. These are
7 the existing elevations and the proposed
8 elevations here, we could actually understand what
9 the addition is. This portion right here, that 10
10 foot addition is the addition on the rear on the
11 east side of the house. And on the west side of
12 the house, you could see that it is only a single
13 story addition, and you see the other portion
14 towards the back. And if you're looking at the
15 house facing east from the north side, you'll see
16 that opening right there that we're creating, our
17 addition that's going to be like an L-shape. And
18 that concludes my testimony.

19 CHAIRPERSON GARCIA: Mr. Pereiras,
20 you're legalizing the first one, I mean the
21 basement, right?

22 MR. PEREIRAS: Correct.

23 CHAIRPERSON GARCIA: Actually doesn't
24 have any bedroom?

25 MR. PEREIRAS: It's one big open space,

1 they actually have right now a curtain separating
2 the bedroom. And it's been like that for awhile.

3 CHAIRPERSON GARCIA: Okay. In the
4 proposal of the first floor, you have two bedroom
5 and a den. And you are proposing to convert a
6 three bedroom?

7 MR. PEREIRAS: That's correct.

8 CHAIRPERSON GARCIA: And then the second
9 floor, third apartment, you have two bedroom and
10 you're proposing three bedroom?

11 MR. PEREIRAS: No. The second floor
12 apartment was a three bedroom, it's still a three
13 bedroom. But we're adding a bathroom to one of
14 the bedrooms.

15 CHAIRPERSON GARCIA: So you are going
16 from five bedroom --

17 MR. PEREIRAS: We're going from --

18 CHAIRPERSON GARCIA: -- to seven?

19 MR. PEREIRAS: One, two, three, four,
20 five, six. We're going from -- we are adding one
21 bedroom on the primary residence, no bedrooms on
22 the secondary residence. And the basement that
23 we're legalizing, which used to have a curtain for
24 the bedroom, we're making it a legal bedroom with
25 a wall. So in theory, we're adding two bedrooms

1 to this --

2 CHAIRPERSON GARCIA: To the --

3 MS. PEREZ: Five to seven.

4 CHAIRPERSON GARCIA: Five to seven
5 bedrooms. Are you just expanding to the rear, so
6 you're not doing anything on the front, not doing
7 anything on the sides?

8 MR. PEREIRAS: Correct, it's just the
9 rear. And it's with the same footprint of the
10 house, just 10 feet further back. It's a modest
11 addition, just what they need to move forward.
12 And the applicant would like to have been here,
13 they're actually in the Dominican Republic
14 visiting family. They weren't able to be here
15 tonight.

16 CHAIRPERSON GARCIA: When did Mrs.
17 Velazquez purchase the house?

18 MS. PEREIRAS: In May of 2011.

19 CHAIRPERSON GARCIA: Okay. Do you have
20 another witness?

21 MS. PEREIRAS: We do. We have a planner
22 to testify before the Board as well.

23 MS. APTE: Mr. Chairman, if I may? I do
24 have a couple questions.

25 Could you clarify for me for the

1 basement apartment, is there an outside exit or
2 how do you --

3 MR. PEREIRAS: Yeah.

4 MS. APTE: -- get out of the house?

5 MR. PEREIRAS: So there are two entry
6 points into the apartment. The first entry point
7 is through the existing stairs from the main
8 hallway. There's also a stair existing in the
9 back. From a code perspective, we're not required
10 to have the second stair, we have an emergency
11 egress window. In case there's a fire, someone
12 from that bedroom could escape through the
13 emergency egress window. And this is going to
14 meet all of today's building codes. So it will
15 actually be suppressed with a fire suppression
16 system, a domestic line fire suppression system.
17 And the entire house will be upgraded with a low
18 voltage alarm system for all the common areas and
19 an electric alarm system, 110-volt electric alarm
20 system within each of the apartments. So it's
21 going to bring the entire house to all today's
22 current codes and safety standards.

23 MS. APTE: Thank you. But the main
24 entrance would be from the front because you can't
25 access --

1 MR. PEREIRAS: It would be the front,
2 yes.

3 MS. APTE: -- the property from the
4 rear.

5 MR. PEREIRAS: Correct. There's no way
6 of accessing the house from around the property.

7 MS. APTE: Okay. Now for the ground
8 floor apartment, if you look at the proposed,
9 where you're adding the other bedroom, the one
10 bedroom which existed, which is a small
11 rectangular on the northern portion of the flat,
12 that doesn't have an actual window?

13 MR. PEREIRAS: It doesn't, it's actually
14 a preexisting nonconformity.

15 MS. APTE: In the existing one, there is
16 a window.

17 MR. PEREIRAS: Oh, correct. And if you
18 look at the size of that room, it's not conforming
19 in any way, it's six feet deep. And, Mr.
20 Chairman, this actually helps the application a
21 lot also, because for purposes of the building
22 department, that is no longer a bedroom, it is a
23 den. So that room is actually a den, it's only
24 six-foot wide and they actually use it as a home
25 office.

1 MS. APTE: But there's a closet and it's
2 clearly going to be used as a bedroom.

3 MR. PEREIRAS: They're permitted to have
4 a closet and they would not be able to use it as a
5 bedroom without the window.

6 MS. APTE: Well, then is the applicant
7 ready to remove the door and use it actually --

8 MR. PEREIRAS: Yes.

9 MS. APTE: -- as a den? Make it wide
10 open so that it doesn't become a door itself?

11 MR. PEREIRAS: I think that's a great
12 idea. We can remove the door and cut the opening
13 a little larger, so that it is more used as an
14 office, which is the solution and the reason why
15 they want to have that addition.

16 MS. APTE: And, again, if the Board
17 wishes to and the Board Members wish to negate the
18 use of that room as a bedroom, they might ask to
19 remove the closet from there. Is that something
20 the applicant would be --

21 MR. PEREIRAS: I think everyone needs
22 closets, even in an office, it's good to put
23 storage in there. It wouldn't make sense to
24 remove it, if the Board thinks that's necessary,
25 I'm sure the applicant would be happy to do it.

1 But I feel it's unnecessary.

2 MS. APTE: It's not unnecessary, I mean
3 you're asking to legalize a bedroom, a ground
4 floor studio that was being used as an apartment.
5 So the chances the concern of the Board Members
6 that this is going to be --

7 MR. PEREIRAS: If the Board Members have
8 that concern, we'll be happy to do it.

9 MS. APTE: Okay.

10 CHAIRPERSON GARCIA: I have a few
11 concerns also on the basement level with the wall.

12 MS. APTE: Then the third -- now, we're
13 removing the quote/unquote bedroom that is now
14 going to be known as a den, with the RSIS
15 standards, how many parking spaces do you need?

16 MR. PEREIRAS: It's the Union City
17 ordinance overrides, Union City ordinance is two
18 parking spaces per unit. We tend not to look at
19 RSIS when we're looking at one- and two-family and
20 three-family houses in Union City.

21 MS. APTE: Okay. So you still need six.

22 MR. PEREIRAS: We'll still need six.

23 MS. APTE: And you're only providing
24 two?

25 MR. PEREIRAS: Yes.

1 MS. APTE: Okay. Thank you, Mr.
2 Chairman.

3 CHAIRPERSON GARCIA: Thank you, Mika.
4

5 A L E X A N D E R D O U G H E R T Y, after
6 having been duly sworn or affirmed, did testify as
7 follows:
8

9 MR. DOUGHERTY: Alex Dougherty,
10 D-O-U-G-H-E-R-T-Y. My licenses are still current
11 and in good standing.

12 CHAIRMAN GARCIA: Still?

13 MR. DOUGHERTY: Yeah.

14 CHAIRPERSON GARCIA: Our pleasure to
15 have you here.

16 MR. DOUGHERTY: Good to be back. So I'm
17 a little embarrassed, I went to the site, drove
18 all the way out here, my drone was on when I got
19 to the car, the drone battery was dead. That
20 battery is only 15 minutes, max. So I don't have
21 any good shots for you, but I can tell you I
22 visited the site, we're going to talk the about
23 existing conditions and the neighborhood
24 conditions.

25 The property to my left is a

1 three-family. Property to my right is also
2 three-family, three mailboxes are out there. We
3 are one block removed from Summit. As you've
4 heard, this basement apartment exists in some
5 capacity today. I know we're talking we have five
6 to seven, whether it's legal or not, somebody is
7 living down there now. So I would say it's six to
8 seven, but nonetheless, we're asking to legalize
9 the apartment. I think, as the architect has
10 testified to, there's many benefits that would
11 otherwise advance the MLUL, particularly purpose
12 A, get the structure up to code, fire safety
13 regulations. As the planner indicated to review
14 this make sure there's appropriate egresses and
15 the likes of that, safety is paramount here.
16 Right now, we're living in a basement where the
17 wall is a curtain, substandard conditions, if you
18 will. So a chance to bring modern living
19 arrangements to this house.

20 But nonetheless, we are asking for the
21 use variance, and with that comes no parking.
22 With this property on Central, we are one block
23 away from Summit and two blocks from JFK, with its
24 ample bus lines that Summit Avenue is that CN
25 zone, we're putting populations next to the

1 appropriate zones for amenities at your door
2 steps, lessening that need for the vehicle demand.

3 We do have a parking variance here,
4 there's no way to generate more parking on-site
5 here in those physical conditions. I did see the
6 property, looks good. I think it's one of the
7 stronger houses in the neighborhood as far as curb
8 appeal. For that reason, I don't think there's a
9 need to necessarily demolish the house and start
10 over to accommodate that vehicle demand, when we
11 do have access to mass transit. JFK, we have bus
12 line 88, 125. And on Summit, we have the bus line
13 route 83, 85, and 87.

14 So with that being said, for the use
15 variance, we have to reconcile site suitability
16 and special reasons. I think when we talk about
17 the overall Union City, site suitability here, we
18 are close to that bus route, CN commercial zone,
19 having those amenities at the door step. And the
20 context of the neighborhood, there are other
21 three-family houses out here.

22 When we talk about this addition to the
23 rear, it's to the rear, it's not to the front.
24 We've got strong curb appeal, the massing and
25 scale are right on par with the neighborhood built

1 environment.

2 I think when we talk about positives, we
3 are providing the diversified housing choices for
4 a growing community. This is a fairly large one
5 bedroom apartment. Not everybody needs the two or
6 three bedroom apartments. We got to get our kids
7 out of the basement somehow, they got to go
8 somewhere. This is an opportunity to provide that
9 missing middle, if you will. You go from
10 one-family homes across to the large building
11 apartments, those twos, threes, and fours are kind
12 of hard to find.

13 I would argue it's a more efficient use
14 of land, appropriate populations in appropriate
15 locations. And certainly purpose I, for desirable
16 visual environment. The house and the curb appeal
17 is not changing.

18 When we talk about the negative effects,
19 again, I want to emphasize the local knowledge
20 that unit exists there today. That parking demand
21 or that additional vehicle, if you will, would
22 otherwise have been absorbed in the neighborhood
23 fabric, in the context here.

24 You know, when we talk about the overall
25 negative, I feel there's a lot of benefit here to

1 bring that substandard unit into code and
2 compliance and safety regulations.

3 Housing is important for any community.
4 I would argue from a planning standpoint housing
5 is little bit more important than the vehicle
6 especially when you have five major bus lines at
7 walking distance, as well as a commercial district
8 right behind you, one block over.

9 With that, I don't believe it's going to
10 erode the intent and integrity of the master plan
11 and the zone plan here. We're asking for one
12 bedroom, the zone allows for two-family. If there
13 was a way to connect the interior staircase to add
14 that unit into the second, this would still be a
15 two-family and be in compliance. The physical
16 bodies otherwise that would reside would not
17 change. We're again adding for that diversified
18 housing choices and putting that one bedroom where
19 currently somebody is there or historically
20 somebody has been there with a curtain room.

21 So with that, I'll conclude. I think
22 it's a lot of positive with this application.
23 Again, I think the location to the CN zone and the
24 bus routes really undermines the -- supports the
25 need for walkability and mass transit and doesn't

1 put too much stress on the demand for the vehicle.
2 And, again, that bedroom has been there. I think
3 the neighborhood's absorbed that demand for
4 parking. I think everyone knows Union City has a
5 parking issue. These one bedrooms really don't
6 come with the parking availability. So with that,
7 I'll conclude for any openings or cross.

8 CHAIRPERSON GARCIA: Okay. How do you
9 identify the neighborhood in the 1200 block of
10 Central Avenue?

11 MR. DOUGHERTY: Central Avenue is a nice
12 street, you have the median there, it's different.
13 I like Central Avenue, but Summit is right there,
14 you have some commercial there. But you're kind
15 of midblock, 1203 and 1207 were three-families. I
16 think -- I don't want to say it's a cut through or
17 through street, Central, but it's fairly busy,
18 Central. A little bit wide of a street.

19 CHAIRPERSON GARCIA: But can we concur
20 with that block specifically is more identified
21 for two, three-family houses, right?

22 MR. DOUGHERTY: Yeah, it's -- for the
23 most part, it's residential.

24 CHAIRPERSON GARCIA: Except the 1200 and
25 1202 that is the two buildings. But after that,

1 most of them are like two, three-family houses?

2 MR. DOUGHERTY: Yeah, so we're kind of
3 right in the middle of two three-families, yeah.

4 CHAIRPERSON GARCIA: Okay. Any other
5 questions? Mika, do you have any questions?

6 MS. APTE: Just one question. In terms
7 of, again, the basement apartment. If we are to
8 reconcile the amount of variances that is being
9 exacerbated by this application, wouldn't it be
10 better if that basement apartment would still be
11 proposed as a studio apartment, rather than one
12 bedroom? Wouldn't that justify more of, you know,
13 trying to meet the -- like reduce the burden on
14 the parking requirement, at least per the RSIS, as
15 well as, you know, making it more of a studio
16 apartment rather than a one bedroom, maybe more
17 acceptable for a young professional, just similar
18 to what you testified about affordability and it
19 being available for younger?

20 MR. DOUGHERTY: I look at it one bedroom
21 or studio, the building structure is there. I
22 think it's more efficient use of the building
23 footprint itself. But to the point you're saying,
24 I guess, make the unit smaller, in theory?
25 Unfortunately, I'm going to defer that to the

1 architect and the applicant on design features.
2 But nonetheless, you know, making the unit smaller
3 or larger, I think it doesn't necessarily change
4 the undertone of it still being an additional unit
5 and the parking there. But, you know, it's worth
6 commenting from the architect if there's a need to
7 make it a smaller.

8 MS. PEREIRAS: We have a preexisting
9 footprint, the walls of the space aren't going get
10 smaller or bigger in any way. So whether it's a
11 studio or a one bedroom apartment, it's going to
12 be the same size. It's going to occupy the same
13 demographic and the same number of people, no
14 matter what, whether we have a wall there or not.
15 The wall is a comfort and an appeal that's going
16 to make it a little more attractive. And we
17 request that this Board consider that. But you're
18 not going to squeeze more people or less people
19 just because we removed the wall.

20 MS. APTE: I beg to disagree, just
21 because from the standard, you know, a studio will
22 be more attractive to a single empty nester or
23 a --

24 MR. PEREIRAS: Because it's small and
25 affordable, and studios in Union City are 450

1 square feet, we are at a square footage of
2 933 square feet. So 933 square feet is actually
3 the standard for Union City. I could put a three
4 bedroom apartment in that area. So we're not
5 doing that, we're asking for a one bedroom because
6 we didn't think it was appropriate to do that.
7 But to make a 933-square foot apartment into a
8 studio, then it become like a loft, it becomes a
9 different type of environment. The Union City
10 market is looking for one bedrooms that's really
11 necessary. And there's a huge demand for that
12 right now, a lot more than a studio apartment.
13 And that's why we presented this, just knowing the
14 Union City market, knowing the need that we have
15 right now. And because we're fitting into that
16 933 square foot spaces, it doesn't make sense to
17 have a studio that's 933 square feet.

18 MS. APTE: Okay. But, again, I would
19 let the Board Members decide. But just in terms
20 of if we are trying to justify and reduce the
21 amount of substantial impact on the variances,
22 something like that is more justifiable.

23 MR. PEREIRAS: It doesn't affect the
24 variance though. Whether it's a studio or one
25 bedroom it doesn't affect the variances in any

1 way.

2 MS. APTE: Okay.

3 CHAIRPERSON GARCIA: Mr. Pereiras, I
4 have -- going through the same line in the
5 basement, probably could agree with both of you
6 with the one bedroom and the studio. However,
7 something that I want to bring to your attention
8 is why the wall dividing dining room and pantry?

9 MR. PEREIRAS: Because that is the
10 existing wall for the building, we're doing a --
11 the between the dining room and the pantry?

12 CHAIRPERSON GARCIA: Yes.

13 MR. PEREIRAS: This wall, between the --

14 CHAIRPERSON GARCIA: Because you're not
15 expanding the basement, you're using --

16 MR. PEREIRAS: We're expanding -- the
17 dining room is the 10 additional feet in the rear
18 with the addition.

19 CHAIRPERSON GARCIA: I mean if we
20 compare proposed with existing basement, it's --

21 MR. PEREIRAS: Mr. Chairman, I'm batting
22 100 today, you're catching me on everything.
23 You're 100 percent right. It's the -- they're the
24 same size.

25 CHAIRPERSON GARCIA: Yes.

1 MR. PEREIRAS: I don't know why we would
2 have a wall there, I really don't. We could take
3 that wall out. That makes perfect sense.

4 CHAIRPERSON GARCIA: And eliminate the
5 pantry --

6 MR. PEREIRAS: That makes perfect sense.

7 CHAIRPERSON GARCIA: You could do open
8 layout.

9 MR. PEREIRAS: Yes, that makes perfect
10 sense.

11 MR. DOUGHERTY: Which wall --

12 CHAIRPERSON GARCIA: Open layout, take
13 out the pantry.

14 MR. PEREIRAS: We could make that
15 happen.

16 CHAIRPERSON GARCIA: You eliminate the
17 pantry wall, I mean -- I'm coming here.

18 MR. PEREIRAS: You're right.

19 CHAIRPERSON GARCIA: You have two
20 bedrooms.

21 MR. PEREIRAS: You're right, that wall
22 should be --

23 CHAIRPERSON GARCIA: If it's there, you
24 put a baby crib, and you put a baby there and
25 another here. Especially that you're proposing

1 two bathroom.

2 MS. PEREZ: You're just taking out the
3 wall --

4 MR. PEREIRAS: We're taking out two
5 walls. We're taking out the wall that makes into
6 a pantry and we're taking out the wall between the
7 dining room and the kitchen.

8 MS. PEREZ: That makes sense.

9 CHAIRPERSON GARCIA: Also, Mr. Pereiras,
10 so you're eliminating the egress door from the
11 rear?

12 MR. PEREIRAS: Yes.

13 CHAIRPERSON GARCIA: From the basement?

14 MR. PEREIRAS: The back door.

15 CHAIRPERSON GARCIA: The back door and
16 you don't have any front door, everything has to
17 be from the stairs?

18 MR. PEREIRAS: From the stair and then
19 the egress window.

20 CHAIRPERSON GARCIA: He's not required
21 to have -- oh, because you're going to have the
22 egress window?

23 MR. PEREIRAS: Correct.

24 MS. APTE: That was the testimony.

25 CHAIRPERSON GARCIA: Okay.

1 MS. PEREZ: There's no window in the
2 back?

3 CHAIRPERSON GARCIA: Now that we're
4 going to have open layout, then they're going to
5 have a window -- what about here, by the kitchen,
6 that one going to be not egress window, right?

7 MR. PEREIRAS: That is not.

8 CHAIRPERSON GARCIA: Only one, the front
9 one. And you don't require -- that's going to be
10 the bedroom, right?

11 MR. PEREIRAS: The egress window is in
12 the bedroom, it's required to be in the bedroom.

13 CHAIRPERSON GARCIA: Okay. In the
14 proposal of the -- you propose this one as a
15 bedroom, not as a den. You stated that it's a
16 den.

17 MR. PEREIRAS: It should be a den. The
18 window is being closed and the dimensions of the
19 room are too small, that is a den. And I am
20 perfectly -- I would actually feel much better if
21 we removed that door and opened up that wall, I
22 would feel a lot more comfortable with that.

23 CHAIRPERSON GARCIA: And you eliminate
24 the den?

25 MR. PEREIRAS: Yes.

1 CHAIRPERSON GARCIA: On the second
2 floor -- I mean on the ground floor.

3 MR. PEREIRAS: Proposed ground floor.

4 CHAIRPERSON GARCIA: That you have a
5 bedroom that is 6 by 14.

6 MR. PEREIRAS: Yeah.

7 CHAIRPERSON GARCIA: Going to be great
8 if you open that space.

9 MR. PEREIRAS: It's going to make it
10 really nice.

11 CHAIRPERSON GARCIA: Okay.

12 MS. PEREZ: This one, just going to be
13 open.

14 CHAIRPERSON GARCIA: So the variance
15 that you are is the parking that already existing
16 so basically --

17 MR. PEREIRAS: We're expanding.

18 CHAIRPERSON GARCIA: A three-family, but
19 it's basically an existing one because you're
20 legalizing the unit?

21 MR. PEREIRAS: Yes.

22 CHAIRPERSON GARCIA: You're not touching
23 the footprint of the front and side setback, just
24 the rear setback?

25 MR. PEREIRAS: We're expanding the side

1 yard because we're doing the addition to the rear.

2 CHAIRPERSON GARCIA: The side yard?

3 MR. PEREIRAS: Because we're --

4 CHAIRPERSON GARCIA: Because going all
5 the way to the back, okay. Perfect.

6 MR. PEREIRAS: Yeah.

7 CHAIRPERSON GARCIA: I have no further
8 questions, any further questions? Any member of
9 the public want to step forward? Seeing none,
10 close to the public.

11 I'm going to make my motion to grant
12 this application, but we're going back -- for the
13 recap, we're going to eliminate the -- going to be
14 open layout, going to eliminate the wall dividing
15 the dining room from the kitchen and the dining
16 room from the pantry, right. That's the basement
17 level.

18 And then the first floor ground level,
19 we're going to eliminate the -- can we call second
20 bedroom, the small bedroom?

21 MR. PEREIRAS: The 6 foot by 14 foot
22 bedroom.

23 CHAIRPERSON GARCIA: Right, going to be
24 an open space, like a living area?

25 MR. PEREIRAS: I'm going to create a

1 6-foot opening into there, so that I could still
2 have the structure and it's not going to cost
3 the --

4 MR. PANEQUE: That's going to be labeled
5 den?

6 MR. PEREIRAS: It's going to be labeled
7 den.

8 CHAIRPERSON GARCIA: It's not going to
9 be --

10 MR. PEREIRAS: It's not, it's going to
11 be open.

12 CHAIRPERSON GARCIA: Like --

13 MR. PANEQUE: Are you removing the
14 entire wall?

15 MR. PEREIRAS: I'm going to remove
16 six feet. So where the door is, I'm going to make
17 it six-foot wide, so I could keep that --

18 CHAIRPERSON GARCIA: Why are you
19 remove -- what are you going to remove?

20 MR. PEREIRAS: I was going to remove
21 from the closet to -- I could do six feet, I could
22 do seven feet, reasonable distance that way.

23 MS. PEREZ: What would you --

24 CHAIRPERSON GARCIA: Why do you have to
25 keep this part?

1 MR. PEREIRAS: We could remove the whole
2 thing, I'm just looking to --

3 CHAIRPERSON GARCIA: Keep the closet
4 because you're going to need a closet. But open,
5 you know, you remove the entire wall, you don't
6 need it.

7 MR. PEREIRAS: Okay.

8 CHAIRPERSON GARCIA: So I make my motion
9 to grant this application with the stated
10 condition and we're going to need the revised
11 plans.

12 MS. GUTIERREZ: Second.

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

16 Mr. Garcia.

17 CHAIRPERSON GARCIA: Yes.

18 MR. VALLEJO: Mr. Grullon.

19 VICE CHAIRPERSON GRULLON: Yes.

20 MR. VALLEJO: Ms. Gutierrez.

21 MS. GUTIERREZ: Yes.

22 MR. VALLEJO: Mr. Ortiz.

23 MR. ORTIZ: Yes.

24 MR. VALLEJO: Ms. Perez.

25 MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Watley.

2 MS. WATLEY: Yes.

3 MR. VALLEJO: Ms. O'Dell.

4 MS. O'DELL: Yes.

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

7 MS. PEREIRAS: Thank you all.

8 MR. VALLEJO: Revised plans required ten
9 days before the next hearing date.

10 * * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **CHENYI SHI -**
2 **508 40TH STREET:**

3
4 MR. VALLEJO: Application number three,
5 Chenyi Shi, 508 40th Street. Ms. Pereiras,
6 please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service
11 indicating that notice of tonight's hearing with
12 respect to the property at 508 40th Street was
13 provided to all property owners within the
14 200-foot radius on September 29, 2025.

15 I've also been provided with the
16 affidavit of publication from The Record and
17 Herald News with a date of September 26th and a
18 copy of the notice that was published in the
19 paper. That notice indicates that on October 9th,
20 at 6:00 p.m., at this location the Union City High
21 School, an application will be presented to the
22 Board with respect to the subject property. That
23 notice was published on September 26, 2025.

24 I've also been provided with a list of
25 all property owners within the 200-foot radius,

1 listing all the property owners within a 200-foot
2 radius of 508 40th Street, Block 234, Lot 27.
3 That list has a date of September 29, 2025.

4 And, finally, I have the certified mail
5 receipts with a postmark date of September 29,
6 2025.

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

10 MS. PEREIRAS: Thank you very much,
11 Counsel. Bianca Pereiras on behalf of the
12 applicant for property at 508 40th Street. The
13 application before the Board this evening is for
14 the construction of a new two-family home. We are
15 slightly undersized on this property and that's
16 what triggers some of our variances. But we're
17 simply seeking approval for a two-family home.

18 We have one expert to testify, and that
19 is our architect Mr. Manuel Pereiras.

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

22

23 MR. PEREIRAS: Manny Pereiras, I
24 recognize I am still under oath.

25 MS. PEREIRAS: Mr. Pereiras, are you

1 familiar with the property at 508 40th Street?

2 MR. PEREIRAS: I am.

3 MS. PEREIRAS: Did you prepare the
4 drawings that are before the Board this evening?

5 MR. PEREIRAS: I have.

6 MS. PEREIRAS: Would you kindly describe
7 the proposal for the Board.

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

9 Right now, there is a very small, very
10 dilapidated house on the site. The demolition
11 permits have been already issued and I'm not sure,
12 but I have a feeling it's already demolished. If
13 it's not, it's going to be demolished this week or
14 very soon. I haven't passed by the site this
15 week.

16 The site is slightly undersized. We
17 have a site that is 2,491.93 square feet, whereas
18 2,500 is required. And the width is 24.92 feet
19 wide, whereas 25 is required. And we are
20 compliant as far as lot depth. So we have a
21 preexisting nonconformity when it comes to lot
22 area and it comes to lot width.

23 That said, I'd like to turn to page Z02
24 of the documents. For the record, these are the
25 same documents that were submitted to the Board.

1 In Z02, we see the existing site plan along the
2 top of the sheet and the proposed site plan below.
3 This is the existing house that is to be
4 demolished and we have the proposed house here.

5 We are proposing a 7-foot front yard
6 setback in compliance with the ordinance.
7 However, the front stairs, what is typical in
8 Union City, is starting at the property line to
9 get inside the house. We are proposing a 3 foot 1
10 setback along the east of the house. And on the
11 west of the house, we're proposing a zero foot
12 setback. However, there is a window along the
13 adjacent house, so where the window is occurring,
14 we are stepping back the 2 feet that's required
15 from the zoning standpoint. And that is a 26-foot
16 area where we are stepping back the building 2
17 feet of that portion of the building. So we have
18 3 foot 1 on one side, we're requesting a variance
19 at zero feet along the other side, the west side,
20 but stepping it back where it's important for the
21 neighbors.

22 And then the rear yard is compliant to
23 the building, it is at 20 feet to the building.
24 And we are proposing a balcony in the rear. That
25 balcony is a 5-foot balcony and so that would be a

1 15-foot rear yard setback to the balcony, 20 feet
2 to the building itself.

3 As far as impervious, the building
4 coverage is 65 percent permitted. We're at 63.8,
5 so we're compliant. The building coverage is at
6 90 percent permitted. We are 81.6 percent, and so
7 we're compliant in lot coverage and building
8 coverage.

9 Turning now to sheet Z03, we see the
10 proposed layouts. On the ground floor, we see
11 that we have a nice large garage. The interior
12 footprint because we have a little bit of a wider
13 footprint for our building, we're able to make
14 very comfortable parking for a two-family house.
15 And that's the primary reason that we're
16 requesting the side yard setback variance. We're
17 creating 10-by-18 spaces for each of the four
18 spaces that we're providing. So each apartment
19 will have two spaces in tandem and that creates a
20 compliant zero parking variance for this
21 application.

22 And then the left over space in the back
23 is a family room. And that family room is linked
24 as a duplex to the upstairs. So the only entrance
25 to that family room is through the upstairs or

1 through sliding doors into the rear yard.

2 The apartments work in this manner. You
3 have the front stairs that takes you up to a
4 landing. And you have two doors, one to the right
5 and one in front of you. The door to the right
6 enters you into apartment A, which is a
7 1,745-square foot apartment. It is a nice open
8 layout for the front, living room, dining room,
9 kitchen. And then you have three bedrooms in the
10 back, the back one being a master with a walk-in
11 closet and master bath. And the two other
12 bedrooms share a bathroom in the hall.

13 Bedroom sizes, just so we understand
14 what we're working with, the master is 12 by 15-5,
15 and then both of the other two bedrooms are 10 by
16 13. And we have the stairwell that takes you down
17 to the family room, all open, no doors, open from
18 the space. So that it couldn't be used for a
19 different use other than within that unit.

20 The 3rd floor is apartment B and it's
21 the same exact concept, the same exact way. That
22 is an open layout, three bedrooms with similar
23 dimensions. And instead of having stairs going
24 down to the family room, they have stairs that
25 take you up to a roof deck. And the roof deck is

1 in compliance with the way we work in Union City.
2 It is set back from the rear of the house 20 feet,
3 that means that it is 40 feet from the rear
4 property line. And it's set back from the front
5 of the house 20 feet, which means it's 27 feet
6 away from the front property line. And it is set
7 back two feet on one side and two feet on the
8 other, so that we have the added safety, that if
9 someone were to fall over the railing of the roof
10 deck, they would fall on to the roof and not
11 below. We do have two condensers that are located
12 on the roof. And there's a small storage room for
13 the roof deck supplies on that roof bulkhead.

14 As far as the elevations, we have a
15 fully bricked facade. We have a large scale brick
16 along the first floor, smaller scale normal size
17 running bond brick on the second and third floor.
18 We have a panel system over the door for added
19 interest, a beautiful simple cornice. And our
20 building is fully compliant with building heights.
21 To the roof structure we have 34 feet. The sides
22 of the buildings have vinyl siding and stucco on
23 the ground floor. Same thing on the other side,
24 where the building is touching the adjacent
25 building, that is going to be block wall. And

1 it's going to be a watertight block wall with
2 waterproofing mixed into it. And then where it's
3 stepped back, it will be vinyl siding. The rear
4 of the property shows the balconies with its
5 columns. The sliding door on the ground floor and
6 on each floor, and vinyl siding there. And you
7 could see the roof deck beyond with the roof
8 bulkhead there.

9 And that concludes my testimony. It's a
10 very typical Union City two-family house and
11 appropriate and fits into the neighborhood.

12 CHAIRPERSON GARCIA: You don't have
13 another witness?

14 MS. PEREIRAS: We do not.

15 MR. ROSARO: I have a question.

16 CHAIRPERSON GARCIA: Do you have a
17 question related to the house?

18 MR. ROSARO: My house is behind.

19 CHAIRPERSON GARCIA: We're going to open
20 to the public later.

21 MR. ROSARO: I thought you were, I'm
22 sorry.

23 CHAIRPERSON GARCIA: No problem. Mr.
24 Pereira, let's go a few numbers, 101 math. It is
25 100 feet long?

1 MR. PEREIRAS: It is 100 feet long, yes.

2 CHAIRPERSON GARCIA: You have 20 feet
3 setback to the rear, right?

4 MR. PEREIRAS: Yes, to the building, 15
5 to the balcony.

6 CHAIRPERSON GARCIA: Yes, to the
7 building. And you also have seven up front?

8 MR. PEREIRAS: That's correct.

9 CHAIRPERSON GARCIA: So you're working
10 with 73-foot?

11 MR. PEREIRAS: What was that?

12 CHAIRPERSON GARCIA: 73, if you subtract
13 100 minus 27, going to be 73.

14 MR. PEREIRAS: Yes, you're right.

15 CHAIRPERSON GARCIA: And you have
16 20-foot in the family room deep because you have
17 20-foot 6 inches by 19-5?

18 MR. PEREIRAS: Yes.

19 CHAIRPERSON GARCIA: Correct. So 20, so
20 you are talking about 73 minus 20, you have 53,
21 right?

22 MR. PEREIRAS: Yes.

23 CHAIRPERSON GARCIA: How come I have 56
24 in the garage?

25 MR. PEREIRAS: Because they probably

1 measured it from the front face of the door --

2 CHAIRPERSON GARCIA: I'm using your
3 math, Mr. Pereiras. I'm using 20 rear setback and
4 I'm using 20 family room, and I'm using seven
5 front setback, so it's like math 101, doesn't
6 match it up to me. I don't know if I am --

7 MR. PEREIRAS: Let's do the math slowly
8 then because I followed your numbers very quickly.
9 Hopefully, I'm not mistaken. You're saying that
10 this width --

11 CHAIRPERSON GARCIA: You have 20
12 setback, you have seven front setback, you have 73
13 in the house?

14 MR. PEREIRAS: Um-hum.

15 CHAIRPERSON GARCIA: But in the family
16 room, you have 20-foot 6 inches by 19-foot
17 5 inches.

18 MR. PEREIRAS: My guess, Mr. Chairman,
19 and I'm not taking a ruler to this right now, but
20 my guess is they measured from the garage door to
21 this wall because that's all open. And then the
22 family room is probably measured from this to this
23 wall. I'm guessing that's where the discrepancy
24 is.

25 CHAIRPERSON GARCIA: The reason is

1 because -- it's just to bring something with
2 quality to the residents. The reason is that -- I
3 mean not with you, Mr. Pereiras, don't take
4 personal -- it's like we have ton of application
5 coming here with four parking garage. And then
6 when you go there, no way for you to move your
7 car. I mean it's going to be too narrow. So
8 sounds perfect 10-by-18, I could park an Escalade
9 there, you know what I mean? However, when you go
10 to the reality, then you don't have 10-by-18
11 because you don't have there 56-foot 8 inches deep
12 at all.

13 MR. PEREIRAS: So there are dimensions
14 that are critical and there are dimensions that
15 aren't critical. So the critical dimensions I
16 look at very closely. We have drafted -- I'm not
17 sure if you can tell -- in very light lines the
18 10-by-18 parking spaces, because that's a critical
19 dimension for our parking. And we have that laid
20 out and that's a very precise dimension. When we
21 do dimension lines, like holding the edges, those
22 are very precise dimensions.

23 When I look at overall room spaces that
24 are 56 feet long, whereas all I need for the
25 garage is 36 feet, it's very possible I am off a

1 little bit, depending on how my draftsman measured
2 it. But, Mr. Chairman, I'm going to do something
3 much better. When we -- these line dimensions,
4 which is a lot more accurate, you're going to see
5 that from now on all my drawings and all my
6 applications and that's going to be a lot more
7 precise, so there's no questions on little things
8 like that.

9 CHAIRPERSON GARCIA: Thank you. What is
10 this, Mr. Pereiras, like the -- I mean this
11 setback, the building turn there?

12 MR. PEREIRAS: So the adjacent building
13 has windows along this area, so we're setting back
14 our building so that they have -- so we're not
15 affecting their windows.

16 CHAIRPERSON GARCIA: Above the garage?

17 MR. PEREIRAS: Correct. They have no
18 windows below the garage. Their windows are
19 higher.

20 CHAIRPERSON GARCIA: Okay. You're
21 proposing brick facade with the siding?

22 MR. PEREIRAS: Brick facade, full on the
23 front. The sides have siding and then there's --
24 over the doors, there's a panel system.

25 CHAIRPERSON GARCIA: Which one is the

1 size of the curb cut, 16?

2 MR. PEREIRAS: The curb cut, let's see
3 what we put. We have it at 12, but we can
4 increase that to 16.

5 CHAIRPERSON GARCIA: Just 16, not 18?

6 MR. PEREIRAS: 40th Street is --

7 CHAIRPERSON GARCIA: Narrow.

8 MR. PEREIRAS: Yeah.

9 CHAIRPERSON GARCIA: It's narrow.

10 MR. PEREIRAS: I think 18 would be
11 appropriate.

12 CHAIRPERSON GARCIA: If you could do 18,
13 it's narrow, I mean it's good.

14 MR. PEREIRAS: We'll do it. There's
15 nothing stopping us on this site.

16 CHAIRPERSON GARCIA: What do you have
17 adjacent in the rear back? What is the adjacent
18 property in the north side of the -- that's the
19 north side, right? Yes.

20 MR. PEREIRAS: So there is -- to the
21 back, there's --

22 CHAIRPERSON GARCIA: To the back.

23 MR. PEREIRAS: There's nothing, it's a
24 rear yard.

25 CHAIRPERSON GARCIA: Of the other house?

1 MR. PEREIRAS: Yeah, I don't think we're
2 close to anything there.

3 CHAIRPERSON GARCIA: Okay. Any other
4 questions? He did he's providing on one side, not
5 the other. Why do you have --

6 VICE CHAIRPERSON GRULLON: The side
7 yards?

8 CHAIRPERSON GARCIA: What do you have in
9 the south side, what is adjacent property?

10 MR. PEREIRAS: The adjacent property on
11 the south side, it is a one-story warehouse.

12 CHAIRPERSON GARCIA: That's not the -- I
13 mean not the south side, the west side?

14 MR. PEREIRAS: The west side, we have a
15 three and a half story building.

16 CHAIRPERSON GARCIA: And it's on the
17 property line?

18 MR. PEREIRAS: And the other property
19 line, we have a one-story building.

20 CHAIRPERSON GARCIA: Are they both on
21 the property line? So they're going to be almost
22 touching?

23 MR. PEREIRAS: They're both at the
24 property line, so we chose -- yeah, we chose
25 having the morning sun on our windows.

1 CHAIRPERSON GARCIA: Okay. Any member
2 of the public wants to come forward? Your name
3 is?

4 MR. ROSARO: Michael Rosaro, 509 41st
5 Street. May I approach the bench?

6 My question is so --

7 MR. PEREIRAS: What is your address?

8 MR. ROSARO: 509 41st Street, I'm behind
9 the proposed home. I just have a simple question
10 that on your property and the lot line is a big
11 tree. And I would like to know if you're going to
12 demolish the tree?

13 MR. PEREIRAS: That tree isn't healthy,
14 so we have to demolish it.

15 MR. ROSARO: That's why I just want to
16 make sure that that tree is going to be
17 demolished. Because if you want to put a fence on
18 it, so the tree is in the middle of your property
19 and my property. So make note that the tree has
20 to come out.

21 CHAIRPERSON GARCIA: Okay. So you agree
22 that they take out the tree, are you agreeing with
23 that?

24 MR. ROSARO: Are you talking to me?
25 Yes, I do.

1 CHAIRPERSON GARCIA: Okay. And your
2 client is planning to remove the tree?

3 MR. PEREIRAS: We had to anyway, it's in
4 really bad shape. The client is very willing to
5 do so. Thank you.

6 MR. ROSARO: Thank you for your time.

7 CHAIRPERSON GARCIA: Thank you.

8 MS. GUTIERREZ: Thank you.

9 CHAIRPERSON GARCIA: Anybody from the
10 public? Anybody else? Seeing none, close to the
11 public.

12 Mr. Pereiras, is the house -- are both
13 adjacent property in the property line, both?

14 MR. PEREIRAS: Both adjacent properties
15 are on the property line.

16 CHAIRPERSON GARCIA: On the property
17 line. Mr. Pereiras, is there anything that you
18 could do with the setback, side setback? Narrow
19 the building, move it back a little bit?

20 MR. PEREIRAS: So we can and we'll do
21 whatever this Board feels is appropriate. In this
22 situation, on this block, we try to, when it's
23 appropriate, make it as wide as possible so that
24 parking is comfortable because parking is such a
25 critical thing in Union City. So in order to have

1 room to put the two cars side by side and open
2 your door, where appropriate, we thought we should
3 do it. I thought this was an appropriate site to
4 do it since the adjacent properties are on the
5 property line. But as always, Mr. Chairman, we
6 defer to the Board and, you know, we follow what
7 you feel is appropriate. We thought this was a
8 better planning solution.

9 CHAIRMAN GARCIA: But if your 10-by-18
10 is correct, then you could do 9-by-18?

11 MR. PEREIRAS: Yeah, we could do
12 9-by-18. But 9-by-18 is tight to open the door.

13 CHAIRPERSON GARCIA: But I think -- I
14 don't know what the other Member of the Board
15 think about it, but I prefer -- and I'm going to
16 feel more safe -- if you have at least two feet on
17 the side, just in case of an emergency. I mean a
18 fire.

19 VICE CHAIRPERSON GRULLON: For safety.

20 CHAIRPERSON GARCIA: For safety reason.
21 I understand that it's better because you're going
22 to be parking in the garage.

23 MR. PEREIRAS: Agreed completely, Mr.
24 Chairman. And so that I could bring something to
25 my client, would it be appropriate if we lose that

1 square footage on the side that we could gain a
2 couple feet in the rear yard and have a rear yard
3 variance?

4 CHAIRPERSON GARCIA: Definitely,
5 definitely.

6 MR. PEREIRAS: Okay. Can we say --

7 CHAIRPERSON GARCIA: Safety is first.

8 MR. PANEQUE: You have a rear yard
9 variance already.

10 MR. PEREIRAS: Right, but we're 20 foot
11 to the building. I would say push back another
12 five feet.

13 CHAIRPERSON GARCIA: Five feet, so you
14 already have 20?

15 MR. PEREIRAS: We have 20 to the
16 building, 15 to the balcony. So we'll make it 15
17 to the building, 10 to the balcony.

18 CHAIRPERSON GARCIA: But you're
19 requesting roof terrace, why we don't approve the
20 roof terrace and eliminate the balcony?

21 MR. PEREIRAS: Okay.

22 CHAIRPERSON GARCIA: I think it's
23 better.

24 MR. PEREIRAS: Okay.

25 CHAIRPERSON GARCIA: Okay.

1 MR. PEREIRAS: Just to bring everything
2 on the table, we're doing a 15-foot rear yard
3 setback. We're eliminating the rear yard
4 balconies. We are creating a side yard setback 3
5 feet on one side and two feet on the other.

6 CHAIRPERSON GARCIA: Correct. And where
7 the curb cut going to be 16 or 18?

8 MR. PEREIRAS: The curb cut we can make
9 18.

10 CHAIRPERSON GARCIA: Perfect.

11 MR. PANEQUE: The additional 5 feet that
12 you're adding to the house, where are those 5 feet
13 going to be incorporated?

14 MR. PEREIRAS: They're going to be
15 spread throughout the house, each bedroom a few
16 inches bigger and the living space is foot and a
17 half.

18 MR. PANEQUE: So your house has a
19 footprint about 78 feet, front to back?

20 MR. PEREIRAS: So it's going to make
21 that 56-foot that the Chairman said true. Look at
22 that, how the world works.

23 CHAIRPERSON GARCIA: Mika, what is your
24 opinion regarding our concern to give the 5-foot
25 to the rear and to give us the 2-foot side

1 setback?

2 MS. APTE: It makes more sense, again,
3 if that's the concern of the Board in terms of
4 having the side yard setback for safety, for fire,
5 for emergency, it makes more sense. Removing the
6 balcony because they do have an upper deck is also
7 a good suggestion. And then the 5-foot addition,
8 my own concern is can the applicant show the
9 drawings before this plan is finalized because on
10 the fly deciding how the dimensions work is a
11 little --

12 MR. PEREIRAS: Prior to resolution,
13 we'll submit the plans for review by the planner.

14 MS. APTE: Okay. It's something I would
15 suggest.

16 MR. PANEQUE: Normal process, Mika, is
17 for the plans to be submitted at least ten days
18 prior to the meeting.

19 MS. APTE: Okay.

20 MR. PANEQUE: If they do not, then we do
21 not memorialize the resolution.

22 MS. APTE: Okay. That was my concern.
23 Thank you.

24 MR. PANEQUE: Just to recap on the
25 conditions. We're going to increase the curb cut

1 to 18 feet, remove the tree in the rear yard, the
2 rear yard is going to be reduced to 15 feet, so
3 you'll have a variance there. And remove the
4 balcony in the rear. And the side yards are going
5 to be 2 and 3?

6 MR. PEREIRAS: That's correct.

7 MR. PANEQUE: Now, the 2 foot side yard
8 is going to be on the side where you had that cut?

9 MR. PEREIRAS: The west side.

10 MR. PANEQUE: The west side, okay.

11 CHAIRPERSON GARCIA: Can you get a tree
12 in front of the house?

13 MR. PEREIRAS: There's a tree right next
14 to it, so there's no room to put another tree. So
15 the neighbor's tree is right there.

16 CHAIRPERSON GARCIA: Okay, okay.
17 Anymore questions or suggestions? Conditions?
18 Okay.

19 I make my motion to grant this
20 application with the stated condition and also
21 revised plans are required.

22 MR. VALLEJO: Motion to grant
23 application by Mr. Garcia, seconded by?

24 MS. GUTIERREZ: I'll second with all the
25 conditions.

1 MR. VALLEJO: By Ms. Gutierrez. Roll
2 call on the motion.

3 Mr. Garcia.

4 CHAIRPERSON GARCIA: Yes.

5 MR. VALLEJO: Mr. Grullon.

6 VICE CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 MS. GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Ortiz.

10 MR. ORTIZ: Yes.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Yes.

13 MR. VALLEJO: Ms. Watley.

14 MS. WATLEY: Yes.

15 MR. VALLEJO: Ms. O'Dell.

16 MS. O'DELL: Yes.

17 MR. VALLEJO: Seven in favor, motion
18 passes. Revised plans required at least six,
19 please send PDF to the planner and CC me with the
20 revised plans.

21 MS. PEREIRAS: Absolutely.

22 MR. VALLEJO: Thank you.

23 * * * *

24

25

1 MOUNTAIN UC, LLC -
2 292 MOUNTAIN ROAD:

3
4 MR. VALLEJO: We're moving to the
5 Mountain UC, LLC, 292 Mountain Road. Ms.
6 Pereiras, please.

7 MS. PEREIRAS: Thank you very much, Mr.
8 Vallejo. Board Members, you may recall that we
9 were in front of you in June and July, at which
10 time the Board asked for some additional
11 information. In particular, you asked for a few
12 calculations regarding topography. We have since
13 provided a more defined topographical survey to
14 the Board. And you also asked us for a few
15 revisions to the property, so I'll have our
16 architect speak to those revisions.

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

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

22 CHAIRPERSON GARCIA: Before you
23 continue, Mr. Pereiras, you submit the
24 topographical?

25 MS. PEREIRAS: We did.

1 MR. VALLEJO: I got it here, some place
2 here.

3 MR. PEREIRAS: We did a little better,
4 we created some presentation graphics, so we see
5 and understand site.

6 CHAIRPERSON GARCIA: Mika, did you have?
7 Okay.

8 MR. PEREIRAS: Just to recap a little
9 bit, we have the existing site on the left here
10 and the proposed site on the right. The existing
11 site has two structures on it, those are being
12 demolished. The site is overall pretty flat,
13 okay. The topographical information is on here.
14 We have just to discuss a little bit, along here,
15 the front, we have 98.5 and along here in the
16 back, we have 98.0, so there's only a six inch
17 difference really from here all the way to here.

18 And then there is a drop down, retaining
19 wall that drops down and goes from that 98 all the
20 way down to 93. So then we have another five-foot
21 area with another retaining wall and then it
22 slowly drops and then it's a severe drop after
23 that.

24 And if you look, you compare, our
25 building is behind that retaining wall that

1 already exists there on that point. So we're
2 keeping the exist -- the building footprint behind
3 the retaining wall and well before the drop
4 occurs. When we presented previously to the
5 Board, we were faced with the challenge or given
6 the challenge to create more parking spaces. And
7 we discussed, we dialogued on how to make that
8 happen, and we did that in several ways. Number
9 one, we brought the building towards the front
10 property line and reduced the front yard setback a
11 little bit. That allows us to have another car to
12 fit within this bay of cars and we put two cars in
13 tandem here. So now we have one apartment will
14 have these two cars and another apartment will
15 have these two cars. And we created that tandem
16 situation that brings to us a total of 18 parking
17 space, so we have 18 physical parking spaces, plus
18 the bonus that we get RSIS for EV stations, we're
19 at 21. But we have 18 parking spaces for nine
20 apartments that we're proposing. So each of the
21 apartments gets two parking spaces.

22 We had to create some modifications, we
23 didn't want to go -- since we played with the
24 parking and pushed it back, we pulled the pool
25 closer and under the building. But the rest stays

1 the same. The building footprint stays the same,
2 just modified to fit that additional parking space
3 and extended it a little bit on that end. But we
4 have the 18 parking spaces for the nine
5 apartments.

6 The other significant change that we did
7 is the facade. So we replaced -- all the material
8 in this section is now brick. So as you can see,
9 this whole area and this whole area is all brick
10 and then we have a rain screen in front of it to
11 create attractiveness to it. And then we have our
12 balconies and our glass railings as shown.

13 So we increased the amount of brick
14 significantly on the facade. And we have that
15 brick wrapping the sides, too, so it wraps the
16 sides back 18 feet -- actually 20 feet along there
17 and on the other side as well. And then we have
18 vinyl siding along the ends of the sides of the
19 building.

20 And I could expand, I could talk more
21 about the project, but I think we did that at the
22 last meeting. So I'll leave my testimony there.

23 CHAIRPERSON GARCIA: Can you go back
24 again through the front setback and the side
25 setback?

1 MR. PEREIRAS: Sure.

2 CHAIRPERSON GARCIA: I'm assuming that
3 the setback are from bottom to top, right? Top to
4 bottom, so you have the same setback on top that
5 you have on the garage?

6 MR. PEREIRAS: Yes. There's no changes.
7 The only thing that changes is the where the two
8 cars park, that does extend beyond the building,
9 the two tandem spaces. So side yard setback to
10 the north is 3 foot 1, side yard setback to the
11 south is 3 foot 9. The front yard setback has
12 been reduced to basically 12 -- let me be precise
13 here, front yard setback is reduced to 1 foot 10
14 inches. And then the rear yard setback is
15 208 feet.

16 CHAIRPERSON GARCIA: Okay. Going to the
17 topographical survey, you indicate that the
18 building -- and 99.0 --

19 MR. PEREIRAS: So this --

20 CHAIRPERSON GARCIA: It's almost flat.

21 MR. PEREIRAS: This is the way -- this
22 is the site.

23 CHAIRPERSON GARCIA: Which one, 107?

24 MR. PEREIRAS: This is the site. This
25 is -- all of this is the natural topography of the

1 site, this hard line that we have here. So you
2 could see the existing conditions. The building
3 stops where that flat area was below, at five foot
4 less. So our building is in line with that flat
5 area here. And the only thing that does extend
6 beyond it is the two parking spaces we created,
7 this way --

8 CHAIRPERSON GARCIA: So where exactly
9 the building is 93.0 or 97.8?

10 MR. PEREIRAS: No, the building, the
11 height of the preexisting ground is at elevation
12 marked 92.4.

13 CHAIRPERSON GARCIA: 92.4.

14 Mika, are you familiar with the -- what
15 you call here, that was -- what they call this,
16 the PPO?

17 MS. APTE: The steep slope district?
18 That was going to be my question because I believe
19 planner did ask that testimony be provided as to
20 whether you're meeting the steep slope disturbance
21 requirements, as stated in the Palisades
22 Preservation Overlay district.

23 MR. PEREIRAS: Right. So we're not
24 touching the steep slope part of the site. The
25 building is stopped at the flat portions of the

1 site. The steep slope starts further away.

2 CHAIRPERSON GARCIA: Where? At which
3 point of the Z07 start the slope?

4 MR. PEREIRAS: At what point does it
5 become a steep slope?

6 CHAIRPERSON GARCIA: Yes.

7 MR. PEREIRAS: Relatively right where
8 the parking spaces are. This area forward is
9 considered steep slope.

10 MS. APTE: So would the parking be
11 proposed on top of the --

12 MR. PEREIRAS: The two parking spaces
13 are protruding into the steep slope area, just the
14 two parking spaces, not the building.

15 CHAIRPERSON GARCIA: So you are not --
16 I'm going to jump to another question and then go
17 back to the parking. So you're not proposing the
18 swimming pool anymore?

19 MR. PEREIRAS: We are, but we stepped it
20 in underneath the building. So let me go back to
21 the ground floor plan. The swimming pool fits
22 right here, which is at the edge of the stairs and
23 the building, so that we wouldn't go into the
24 steep slope.

25 MS. PEREZ: Is that underneath?

1 MR. PEREIRAS: It's partial. It's
2 covered, but it's going to be open.

3 MS. PEREZ: It's covered.

4 CHAIRPERSON GARCIA: Which one is that,
5 Z04?

6 MR. PEREIRAS: Z04.

7 MS. PEREZ: Just not going to get sun.

8 MR. PEREIRAS: Correct.

9 CHAIRPERSON GARCIA: Okay.

10 MR. PANEQUE: Mr. Pereiras, by the
11 adding of the additional parking spots, you're
12 eliminating the parking variance?

13 MR. PEREIRAS: That's correct.

14 MR. PANEQUE: So the parking variance is
15 being eliminated.

16 MS. APTE: Mr. Pereiras --

17 MR. PEREIRAS: The parking variance is
18 eliminated, even if we don't have the two spaces.

19 MR. PANEQUE: You had a parking variance
20 at the last presentation?

21 MR. PEREIRAS: Correct.

22 MR. PANEQUE: Because you were providing
23 15 spaces and 18 were required and now you've
24 maneuvered to get an additional three spaces?

25 MR. PEREIRAS: That's correct.

1 MS. APTE: Mr. Pereira, to confirm, the
2 front yard setback is a new variance though?

3 MR. PEREIRAS: Correct. And that was
4 part of the dialogue we had at the Board.

5 MS. APTE: Okay. The bedroom
6 distribution is still remaining the same?

7 MR. PEREIRAS: Yes.

8 MS. APTE: Which is, could you just
9 repeat that?

10 MR. PEREIRAS: I'll walk you through the
11 bedrooms.

12 MS. APTE: You can just tell me the
13 numbers.

14 MR. PEREIRAS: And the apartment count.
15 So we have one one-bedroom, two two-bedrooms --
16 I'm sorry. One one-bedroom, six two-bedrooms, and
17 two three-bedrooms.

18 MS. APTE: I would just suggest, and if
19 the Board Members would agree, especially because
20 the tandem parking are being proposed, that they
21 be, you know, either through lease agreement or
22 what, they be recommended only for two bedroom
23 apartment or three bedroom apartment, this way --

24 MR. PEREIRAS: We agree.

25 MS. APTE: -- using it is not an issue.

1 Going back to Chairman's question regarding the
2 setback and the steep slope disturbance, is it
3 your testimony that with those two parking spaces,
4 you are not disturbing the steep slope? And
5 you're meeting the Union City steep slope
6 disturbance ordinance?

7 MR. PEREIRAS: So the building itself
8 meets the requirements of the steep slope
9 completely. The way the steep slope ordinance is
10 written, I believe that those two parking spaces
11 trigger and violate the steep slope ordinance,
12 just the parking spaces.

13 MS. APTE: And is it, in your opinion,
14 that even the way it's being designed, in terms of
15 structure stability, that existing retaining wall
16 is enough and you don't need to propose anything
17 more to stabilize the parking?

18 MR. PEREIRAS: So there will be
19 structural engineers that are going to do full
20 analysis, they're going to -- there might be
21 reenforcing on that retaining wall. I expect
22 reenforcing on the retaining wall. We won't be
23 relying on it. Piles will probably be driven at
24 that edge, but that is not into the steep slope
25 area. That's where the site is currently flat.

1 MS. APTE: Okay.

2 MR. PEREIRAS: And the pool works
3 perfectly with the flat site because where the
4 site drops off five feet, that's where we put the
5 pool. So we're at grade on top and where the pool
6 is right now located, the site is naturally
7 five feet lower.

8 MS. APTE: Okay.

9 CHAIRPERSON GARCIA: Mr. Pereiras, as
10 per your statement, so, yes, those two parking
11 spaces are violating the steep slope?

12 MR. PEREIRAS: Yes.

13 CHAIRPERSON GARCIA: And not only that,
14 you as an architect also, I don't know if you
15 agree with me, it's kind of forcing those two
16 parking spaces there, right? Because it's
17 going -- I mean it's like the building is
18 beautiful, right. But this is just like let me
19 push -- let me open there, let me force those two
20 parking spaces because it's required.

21 MR. PEREIRAS: Yes.

22 CHAIRPERSON GARCIA: Okay.

23 MR. PEREIRAS: And, Mr. Chairman, just
24 to expand, I know your opinions on the EV parking
25 spaces, but even if we remove those two spaces,

1 even if we removed them, we still would not
2 require a parking variance. We'd still be in
3 compliance. So on paper, black and white, there
4 is no parking variance on this project.

5 CHAIRPERSON GARCIA: Okay. So if we go
6 back, so if you going to apply the EV, let's go
7 back --

8 MR. PEREIRAS: And I know your opinions,
9 Mr. Chairman. I know completely your opinion, but
10 I'm --

11 CHAIRPERSON GARCIA: We apply the RSIS
12 or we apply the state regulation with the credit
13 of the EV. And then we apply the other one and we
14 don't approve the variance that you're requiring.

15 MR. PEREIRAS: I totally understand.

16 CHAIRPERSON GARCIA: It's a check and
17 balance.

18 MR. PEREIRAS: Agree completely.

19 CHAIRPERSON GARCIA: I don't know if you
20 have another question, guys? I have my opinion
21 later.

22 MS. PEREZ: What are the ramifications
23 of violating the steep slope?

24 MR. PEREIRAS: It's a variance.

25 CHAIRPERSON GARCIA: Because they --

1 according to the --

2 MS. PEREZ: What are the --

3 CHAIRPERSON GARCIA: The PPOD that was
4 an ordinance, that I think was in 2012, that the
5 City ordinance prohibited to go further down to
6 protect the Palisades. All the way from the 2nd,
7 all the way to 20th Street, all the cover Union
8 City. You have a --

9 MR. PANEQUE: Mr. Pereiras, how many
10 feet are protruding into the steep slope?

11 MR. PEREIRAS: It's a great question,
12 Counsel. We have 9 feet.

13 MR. PANEQUE: So 9 feet. From an
14 architectural perspective, do you have to anchor
15 that parking space into the steep slope or can you
16 anchor it in a cantilever from the building --

17 MR. PEREIRAS: I could do a cantilever.

18 MR. PANEQUE: -- and do a floating?

19 MR. PEREIRAS: Counsel, I love the way
20 you think. I don't have to touch the steep slope.
21 We can cantilever 9 feet very successfully with
22 the building. The building itself will be an
23 anchor.

24 MR. PANEQUE: Mr. Chairman, it would be
25 to cantilever, so it would be like a floating deck

1 coming down.

2 CHAIRPERSON GARCIA: I'm going to give
3 my recommendation, okay. It's easy. You don't
4 touch the steep slope, whatever it is, the
5 Palisade? And you eliminate one apartment and you
6 come with 16 parking spaces that's it, eight units
7 and 16 parking spaces. Because you don't force
8 the application, you don't force the building, and
9 you don't violate the ordinance.

10 MR. PEREIRAS: Mr. Chairman --

11 CHAIRPERSON GARCIA: That's my opinion.
12 I don't know what the other Members of the Board,
13 if they have another opinion or another
14 suggestion.

15 MR. PEREIRAS: Mr. Chairman, if you
16 allow me two minutes.

17 CHAIRPERSON GARCIA: Take a two minute
18 break.

19 MS. PEREZ: Five minutes.

20 MR. VALLEJO: Five minute break.

21

22 (Whereupon a short recess was taken.)

23

24 MR. VALLEJO: Mr. Chairman, back on the
25 record. Ms. Pereiras, please.

1 MR. PEREIRAS: Mr. Chairman, Board
2 Members, we had an opportunity to discuss this
3 with our client and we had a little bit of a
4 brainstorming session and we have what we believe
5 to be an amazing solution to everything that will
6 correct things.

7 So we have the existing retaining wall
8 that's here. I'm just going to draw it
9 continuously here. And, for the record, I am
10 extending the end drawing, the retaining wall on
11 the drawings. So as you could see, we have about
12 8 and a half to 9 feet of our cars are protruding
13 that steep slope. What I'm proposing to do is
14 park the cars at that edge and instead of having a
15 9-by-18 parking space, we'll have a compact
16 parking space. So we'll compact number one,
17 compact number two. And now we have ample room to
18 park two cars in tandem, but we just saved
19 four feet. We need to save another four feet,
20 four and a half feet. And we could do that very
21 easily along here. What I did is I aligned the
22 structure of the building to make things very
23 comfortable from a structural standpoint. And we
24 could build it without any structural gymnastics.
25 However, in order to conserve space, we can make

1 these parking spaces a little bit tighter and
2 instead of having the 20 feet or plus that we
3 have, we could make them 18 feet wide, which is
4 going to meet the ordinance. And those are going
5 to be compliant spaces. And by doing that, we're
6 going to gain the additional space that we need
7 back here.

8 I know I'm saying a lot Mr. Chairman, I
9 hope that you allow me the opportunity to go back
10 to the drawing board, submit plans with ample
11 time, so that we could discuss this further at the
12 next meeting. And we have a solution what we
13 could fit all 18 parking spaces for the 9 units
14 and we could have a great plan that we could all
15 live with.

16 CHAIRPERSON GARCIA: Okay. Mr.
17 Pereiras, I'm going to tell you in public, that's
18 why, that's why I always tell you please, please,
19 can you put the dimension in the plan because
20 right now, we're going to need that you come back.
21 But if we could do the math here, you probably
22 don't have to come back. Because now we don't
23 know the space between 14 and 12, there's an empty
24 space there, right?

25 MR. PEREIRAS: Yeah.

1 CHAIRPERSON GARCIA: So it's easy for
2 everybody.

3 MR. PEREIRAS: I agree 100 percent, Mr.
4 Chairman. I'm taking my medicine, I understand.

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

7 MS. GUTIERREZ: I second.

8 MS. PEREZ: There's no one from the
9 public for this?

10 CHAIRPERSON GARCIA: Any member of the
11 public wants to step forward? Seeing none, close
12 to the public. Going to be reopening again at the
13 next meeting. So I make my motion to adjourn this
14 application for November the 13th. Carlos, I
15 think because we're only going to go through the
16 parking spaces.

17 MR. VALLEJO: All right. Motion on the
18 table to adjourn this application for November 13,
19 2025.

20 MR. PANEQUE: Before we vote --

21 MR. VALLEJO: Revised plans.

22 MR. PANEQUE: Ms. Pereiras, statutory
23 time limits are waived?

24 MS. PEREIRAS: Of course, counsel.

25 MR. PANEQUE: Thank you.

1 MR. VALLEJO: All right. Motion --

2 MS. GUTIERREZ: Seconded.

3 MR. VALLEJO: Motion by Mr. Garcia,
4 seconded by Ms. Gutierrez. Roll call on the
5 motion.

6 Mr. Garcia.

7 CHAIRPERSON GARCIA: Yes.

8 MR. VALLEJO: Mr. Grullon.

9 VICE CHAIRPERSON GRULLON: Yes.

10 MR. VALLEJO: Ms. Gutierrez.

11 MS. GUTIERREZ: Yes.

12 MR. VALLEJO: Mr. Ortiz.

13 MR. ORTIZ: 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: Seven in favor, motion
21 carries. Revised plans required, and PDF to the
22 planner, please.

23 * * * *

24

25

1 **TIGHTHEAD, LLC -**
2 **521 10TH STREET:**

3
4 MR. VALLEJO: Next application on
5 tonight's agenda is Tighthead, LLC, 521 10th
6 Street. Ms. Pereiras, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Ms. Pereiras with
10 a certification as to publication and service,
11 indicating that notice of tonight's hearing with
12 respect to the application at 521 10th Street was
13 provided to all property owners within the
14 200-foot radius on or about September 29, 2025.

15 I also have an affidavit of publication
16 from The Record and Herald News indicating that
17 notice of this hearing was published on
18 September 28, 2025. The notice is also provided
19 and that notice indicates that at this location,
20 the Union City High School, on October 9th, at
21 6:00 p.m., an application with respect to 521 10th
22 Street will be presented to the Board.

23 Also, a list from the tax assessor's
24 office listing all property owners within the
25 200-foot radius of 521 10th Street with a date of

1 September 29, 2025, as well as the certified mail
2 receipts, all with a postmark date of
3 September 29, 2025.

4 Based on the documentation provided by
5 Ms. Pereiras, this Board has jurisdiction to
6 proceed and hear this matter.

7 MS. PEREIRAS: Thank you, Counsel.
8 Bianca Pereiras on behalf of the applicant,
9 Tighthead, LLC, for property at 521 10th Street.
10 This application is really seeking an amendment to
11 the original resolution, which was approved in
12 September of 2014. In fact, this building has
13 already been constructed for a 9-unit residential
14 building. We are seeking some corrections to the
15 resolution, as well as some amendments for the
16 building materials on the exterior.

17 I do want to clarify that I was given a
18 copy of the resolution. The resolution
19 erroneously says this was my application in 2014,
20 I can guarantee I was not. I looked at the
21 agenda, the attorney of record was an M. Kates.
22 This also lists Manny as the architect of record,
23 he was not the original architect on this
24 application. So we're hoping to clarify that also
25 with the amended resolution.

1 But we are seeking just modifications to
2 materials and the exterior facade of this
3 building. I'll call Mr. Pereiras now so he can
4 explain the modifications that we're seeking.

5 CHAIRPERSON GARCIA: I concur with you,
6 Ms. Pereiras, it was Kates, I recall, I was the
7 chairperson at that time. And I went to the
8 records as well.

9 MS. PEREIRAS: Thank you very much, Mr.
10 Chairman.

11

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

13

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

16 MS. PEREIRAS: Mr. Pereiras, are you
17 familiar with the property at 521 10th Street?

18 MR. PEREIRAS: I am.

19 MS. PEREIRAS: Can you kindly describe
20 the modifications that the applicant is seeking?

21 MR. PEREIRAS: I'd be happy to. The
22 applicant is my client in many other projects, I
23 wasn't the original architect, I wasn't the
24 architect of record during construction. I came
25 in afterward to correct a few issues and to

1 correct issues, such as what we have here today.
2 I think the easiest thing is to really explain
3 what was there previously approved, and what we
4 have now and what we're proposing.

5 The originally approved plans are what
6 you see here on this document, we created a sheet
7 Z01 and what we did is we copied and pasted the
8 existing approved plans onto this sheet. In this
9 sheet, you can see that they've called out the
10 stone base, they have a panel system on both ends
11 here. And they had stucco on one side CMU below
12 and then stucco in the rear. What was built is in
13 many ways what I consider to be an improvement.
14 They did brick the entire facade, so instead of
15 having the panel systems in the facade, it is all
16 brick throughout everywhere. Instead of having a
17 stone facade on the base, they created a brick
18 facade. And the space that was just an overhang,
19 they put a metal railing and made that into a
20 balcony along the edge of the house that goes the
21 extreme -- the full extent of the house. So they
22 have a CMU base, which is not covered with stucco.
23 The base of the building on the side is now a
24 stucco base, the rear is vinyl. The base again on
25 this elevation is stucco. And then the entire

1 facade becomes brick.

2 So these are changes I wish the
3 applicant would have come to the Board prior to.
4 Union City history has historically been very
5 lenient on facades. We are taking a much more
6 aggressive and strict approach to matching what
7 was approved at the Board, that I'm very happy
8 that Union City is finally catching up and doing
9 that. And we're being very cautious of that in
10 the future. That's why we're here today because
11 the process wasn't followed perfectly, but we're
12 here to correct that. And, hopefully, have this
13 facade, which is I believe an improvement on what
14 was approved. And that concludes my testimony.
15 And the applicant is here also today, too.

16 CHAIRPERSON GARCIA: I'm going to have a
17 legal question to Mr. Paneque. Mr. Paneque, what
18 happened if we don't grant this application?

19 MR. PANEQUE: Is the project finished?

20 MR. PEREIRAS: It is. They don't have a
21 CO yet, but the facade is completely finished.

22 MR. PANEQUE: And the facade was not in
23 compliance with what was approved in the
24 original --

25 MR. PEREIRAS: That's correct.

1 MR. PANEQUE: -- resolution?

2 MR. PEREIRAS: The facade matches what
3 is here on sheet Z02 and not what was approved in
4 the resolution on Z01. Z01 shows a stucco panel
5 system, it was done with brick.

6 MR. PANEQUE: To answer the Chairman's
7 question, if this Board were to deny the
8 application for the change in the facade, that
9 facade would have to come down and be put in the
10 form that it was approved.

11 CHAIRPERSON GARCIA: Okay. I mean
12 another question, Mr. Paneque, does it make sense
13 to bring it back, if they already build it?

14 MR. PANEQUE: It's not a question of it
15 does it make sense, it's a question of that they
16 cannot move forward unless this Board's approves
17 it.

18 CHAIRPERSON GARCIA: Okay. Ms.
19 Pereiras, why your client didn't have the respect
20 to the Board and decide to do whatever he wants to
21 do at that point?

22 MS. PEREIRAS: Mr. Chairman, we're
23 trying to do the correct thing now. And he's here
24 and he's very apologetic for the work that was
25 done. He really looked at this as making an

1 improvement to the building. And that's why he
2 went ahead and did that work. But, hopefully, we
3 can address this, correct this. And this is a
4 developer in town --

5 CHAIRPERSON GARCIA: I don't take it
6 as -- I don't think he regret. Because in your
7 application, you didn't submit any requests for
8 forgiveness. I'm feeling because I was the
9 chairperson at that time, okay. And we have here
10 a few Members of the Board that were there at that
11 time. And I think this is really, really
12 disrespectful to do whatever that could be done,
13 no matter what was stated in the resolution.

14 MS. PEREIRAS: I understand, Mr.
15 Chairman.

16 CHAIRPERSON GARCIA: And at this point,
17 okay, what we going to do? We have to accept it,
18 right? So why does it make sense to have the
19 zoning board, I mean why? I mean it's like --

20 MS. PEREIRAS: Mr. Chairman, I
21 completely understand your concern. We're only
22 trying to do the correct thing now.

23 CHAIRPERSON GARCIA: And this precedent,
24 what's going to happen is, I'm going to ask
25 another legal question to Mr. Paneque. Mr.

1 Paneque, can we adopt a resolution we're not going
2 to accept anymore amendment after the fact? Can
3 we do that? Or we need to continue -- start the
4 precedent to deny the next one?

5 MR. PANEQUE: We wouldn't need a
6 resolution because it's within the powers of this
7 Board to either approve or deny any application
8 that comes before it. I think the notice that has
9 been put on the record this evening will not fall
10 on deaf ears. And going forward, the public is
11 now aware that any deviation from the approved
12 plans will not be tolerated by this Board.

13 CHAIRPERSON GARCIA: Okay. Any Members
14 of the Board have any questions or any comments?

15 VICE CHAIRPERSON GRULLON: Just this is
16 the material that you're using now, could you
17 compare that to what was proposed? Is it better
18 or was that done for to useless expensive
19 material, was that the case?

20 MR. PEREIRAS: So it's actually not less
21 expensive, it's actually a more expensive
22 material. They did brick on the entire facade.
23 That is more expensive than the system that was
24 proposed there. It does better from a fire rating
25 standpoint. The brick itself has what's called a

1 UL rating for that assembly that upgrades and it's
2 better than what was shown there. So it is not an
3 inferior product that they're producing. It is a
4 better product.

5 VICE CHAIRPERSON GRULLON: Thank you,
6 Mr. Pereiras.

7 CHAIRPERSON GARCIA: Any member of the
8 public wants to step forward? Seeing none, close
9 to the public. I'm going to make my motion to
10 grant this amendment, but not without first saying
11 that I feel really, really disrespected. And that
12 I don't expect for you, Ms. Pereiras, from you,
13 Mr. Pereiras, that you come back with another
14 client because it's really like -- it's like
15 taking away authorization from the Board. It's
16 like I'm taking personal and I think that we
17 Members of the Board dedicate a lot of time, we
18 dedicate time from the family for them, any client
19 come here to do whatever they want to do, no
20 matter if it's for better or for worse, no. I
21 think that what -- we dedicate a lot of time. Not
22 only that, we give a lot of consideration in the
23 application. So I make my motion to grant --

24 MR. PANEQUE: Before the motion is
25 placed on the record, I just want to clear up the

1 points that have been modified, okay.

2 So, Mr. Pereiras, I have a letter from
3 your office with a date of July 1st of this year,
4 and the letter indicates that number one, the
5 ceramic cornice is being replaced with a metal
6 coping?

7 MR. PEREIRAS: Yes.

8 MR. PANEQUE: And even though it says
9 it's being replaced, it's a fait accompli, it's
10 already done?

11 MR. PEREIRAS: Yes.

12 MR. PANEQUE: Number two, the stone
13 veneer and stucco finish will be substituted with
14 brick. That's done as well?

15 MR. PEREIRAS: That's done, correct.

16 MR. PANEQUE: Number three, the garage
17 door will be revised to a partially open gate,
18 that's also been done?

19 MR. PEREIRAS: That's correct. That was
20 something I insisted -- that has not been done.
21 That is an open space, but I insisted that it had
22 to be an open gate because Union City has an
23 ordinance that has a requirement for open gate, so
24 that's what we're doing.

25 MR. PANEQUE: Okay. So on that point,

1 you're proposing a partially open gate to be in
2 compliance with the most recent ordinance?

3 MR. PEREIRAS: Yes.

4 MR. PANEQUE: Okay. Was that ordinance
5 in effect in 2014?

6 MR. PEREIRAS: I believe not.

7 MR. PANEQUE: Okay. Number four, a
8 metal railing is being added on the east elevation
9 to provide access to a balcony?

10 MR. PEREIRAS: That's correct.

11 MR. PANEQUE: And that's done as well?

12 MR. PEREIRAS: That is completed, yes.

13 CHAIRPERSON GARCIA: Was the balcony
14 approved?

15 MR. PEREIRAS: No.

16 CHAIRPERSON GARCIA: So they put that
17 balcony?

18 MR. PEREIRAS: They added balconies,
19 yes.

20 MR. PANEQUE: There's no mention here
21 that a balcony was added.

22 MR. PEREIRAS: It's the railing for a
23 balcony, that's the only facade change, yeah.

24 CHAIRPERSON GARCIA: It's not a facade
25 change, you created balconies.

1 MR. PEREIRAS: Yeah. That's true,
2 that's true.

3 MS. PEREZ: That's more than brick.

4 MR. PEREIRAS: There's two doors to the
5 balcony.

6 MR. PANEQUE: And the balcony was not
7 part of the original application?

8 MR. PEREIRAS: No.

9 MR. PANEQUE: All right. I'm going
10 to -- we'll go back to that. And the last one is
11 the rear elevation and side elevations originally
12 approved as CMU and EIFS stucco will be revised to
13 a combination of stucco and vinyl siding?

14 MR. PEREIRAS: Correct. That's also
15 more in compliance with the current ordinances,
16 EIFS is no longer permitted in Union City.

17 CHAIRPERSON GARCIA: But it's already
18 done.

19 MR. PANEQUE: That's already done?

20 MR. PEREIRAS: That's completed.

21 MR. PANEQUE: So the only one that
22 hasn't been done is the garage door?

23 MR. PEREIRAS: Correct.

24 MR. PANEQUE: Which, with the partially
25 open gate, will be in compliance with the most

1 recent ordinance?

2 MR. PEREIRAS: Correct.

3 MS. PEREIRAS: Correct.

4 MR. PANEQUE: And the issue that's come
5 up now with respect to the addition of a balcony,
6 which was not part of the original approval?

7 MR. PEREIRAS: Correct.

8 MR. PANEQUE: Can you elaborate on that
9 balcony?

10 MR. PEREIRAS: I'd be very happy to. As
11 you can see, the ground floor extends beyond the
12 second floor and it creates this awkward space
13 here and roof. And what they did is they used
14 that and put a railing there, so that along this
15 entire edge of that roof, there's now a railing.
16 And now the apartments along that side have access
17 to that space with a door instead of just windows.
18 And that's on the side yard.

19 MR. PANEQUE: So that's a balcony across
20 the first level of residences?

21 MR. PEREIRAS: Correct.

22 MR. PANEQUE: Not a roof balcony?

23 MR. PEREIRAS: It is -- the floor of the
24 balcony is the roof of the parking level.

25 MR. PANEQUE: I see.

1 MR. PEREIRAS: So they're not creating
2 anything, it was just putting a railing to the
3 roof that's there and making it accessible. They
4 weren't --

5 CHAIRPERSON GARCIA: But they had to
6 change the design because the door was not -- I
7 don't have the original plans --

8 MR. PEREIRAS: They added doors.

9 CHAIRPERSON GARCIA: They added doors
10 and they --

11 MS. PEREZ: I don't know that we would
12 have approved that.

13 MR. PANEQUE: So that balcony is, to go
14 off your diagram there, it's the one on the
15 left-hand corner?

16 MR. PEREIRAS: So look at the front
17 facade --

18 MR. PANEQUE: Go to the bottom one, is
19 it that one that you see on the right-hand side?

20 MR. PEREIRAS: This is the back of the
21 building, it's on the right. And the front of the
22 building, it's on the left. It goes across the
23 entire length of the building. And previously
24 that was just a roof and that was just a roof and
25 now it has a railing.

1 MR. PANEQUE: From a safety perspective,
2 how many apartments are online there?

3 MR. PEREIRAS: Two.

4 MR. PANEQUE: Two. And this balcony
5 will allow access as a corridor between the two
6 apartments?

7 MR. PEREIRAS: Correct.

8 MS. O'DELL: How high is the railing?

9 MR. PEREIRAS: It is 42 inches.

10 MR. PANEQUE: And it's already built?

11 MR. PEREIRAS: Yes.

12 MR. PANEQUE: Does the building
13 department have an issue with it?

14 MR. PEREIRAS: Not that I know of.
15 That's kind of the next step. So the first step
16 is approval by this Board. Next step after this
17 is me creating detailed drawings for the building
18 department to review and approve.

19 MR. PANEQUE: Kind of putting the cart
20 in front of the horse.

21 MR. PEREIRAS: They absolutely did. And
22 we're here to try to fix it.

23 CHAIRPERSON GARCIA: Please don't change
24 this, okay, don't enclose the corridor.

25 MR. PEREIRAS: The --

1 CHAIRPERSON GARCIA: Going to be an
2 entire corridor, not balcony per unit, you got it?

3 MR. PEREIRAS: Got it.

4 CHAIRPERSON GARCIA: The client is here,
5 right?

6 MR. PEREIRAS: Don't cover it.

7 CHAIRPERSON GARCIA: No, no. It is --
8 don't separate one balcony from the other because
9 at least --

10 MR. PEREIRAS: It's fire access set.

11 CHAIRPERSON GARCIA: For safety purpose,
12 going to be probably better because if there's a
13 fire they could come out from the apartment
14 through that corridor.

15 MR. PEREIRAS: That makes perfect sense.

16 CHAIRPERSON GARCIA: Don't divide.

17 MR. PEREIRAS: Understood.

18 CHAIRPERSON GARCIA: Okay.

19 MR. PEREIRAS: Understood. And I think
20 it adds a level of safety.

21 CHAIRPERSON GARCIA: Tomorrow, your
22 client going to come and going to do whatever he
23 want to do because he already did.

24 MS. PEREZ: Can I ask a question? What
25 if I'm okay with -- there's seven items on there.

1 If I think six of them I was okay with, but not
2 one, how does that work in terms of approval or
3 recommending?

4 MR. PANEQUE: There would have to be a
5 motion of the Board to approve. And then if you
6 don't agree with the motion, you would vote
7 against it and then make your own motion to
8 approve whatever items you deem fit.

9 MS. PEREZ: Okay.

10 CHAIRPERSON GARCIA: At this point, I
11 understand that the balcony -- what you call
12 balcony, I eliminate what is balcony is -- what
13 you could put is the rail for the corridor, that's
14 it. I know that you have the door there and I
15 know that it's -- how many foot is like three
16 foot?

17 MR. PEREIRAS: It's less because it's
18 three foot from the edge of the building to the
19 outside edge of the wall. And that wall has an
20 8-inch thickness plus some finishes. So it's like
21 two foot two.

22 CHAIRPERSON GARCIA: So don't divide,
23 leave it as a corridor, going to be like egress.

24 MR. PEREIRAS: That makes perfect sense.
25 It's safer and more attractive, it's a safety

1 condition, too, because if someone were to try to
2 climb in there, it's a lot easier to climb that
3 one-story. It's a lot harder to climb into the
4 railing, which will protect that ground floor as
5 well. So I think it's an important safety feature
6 for these apartments.

7 MR. PANEQUE: So we're going to --

8 MR. PEREIRAS: Maintain the railing.

9 MR. PANEQUE: -- clarify that the
10 railing is going to be maintained, but it's going
11 to be called a corridor --

12 MR. PEREIRAS: Yes.

13 MR. PANEQUE: -- instead of a balcony?

14 MR. PEREIRAS: Correct.

15 MR. PANEQUE: Which is more in keeping
16 if it's only two point something feet --

17 MR. PEREIRAS: Yes.

18 MR. PANEQUE: -- in width.

19 MR. PEREIRAS: It's not much of a
20 balcony.

21 MR. PANEQUE: Just corridor or safety
22 corridor.

23 CHAIRPERSON GARCIA: Safety corridor.

24 MR. PEREIRAS: Safety easeway.

25 CHAIRPERSON GARCIA: Egress.

1 MR. PEREIRAS: Easeway, it's not an
2 egress, it's an easeway because it's not wide
3 enough to be a corridor.

4 MR. PANEQUE: Okay. So it's a safety
5 easeway, metal railing, has been added on the east
6 elevation only at that second level.

7 MR. PEREIRAS: Yes.

8 MR. PANEQUE: Okay.

9 CHAIRPERSON GARCIA: You could indicate
10 no balcony.

11 MR. PANEQUE: You need a certain
12 dimension for it to be a balcony, otherwise it's
13 what they call one of those French balconies.

14 MR. PEREIRAS: Juliette.

15 MR. PANEQUE: A Juliette. So safety
16 easeway.

17 MR. PEREIRAS: Safety easeway.

18 CHAIRPERSON GARCIA: That's it.

19 MR. PANEQUE: Now, if we can resume
20 going to the motion.

21 CHAIRPERSON GARCIA: Do you have --

22 MS. PEREZ: I'm not comfortable with the
23 whole concept without it being approved. So I'm
24 okay with the other elements of what you described
25 though, the change in the material, I think if it

1 was --

2 CHAIRPERSON GARCIA: Geri, let me -- can
3 we --

4 MR. PEREIRAS: What we could do to make
5 it very comfortable for everyone is that in order
6 to be used as a balcony, you need to have a floor
7 that's walkable. We could not have that floor, so
8 it's just a roof, it's just for emergency
9 situations but with keeping the rail really has --

10 MS. PEREZ: That made me more scared if
11 there was no floor.

12 MR. PANEQUE: When you mean no floor, it
13 would be like whatever compositions the roof is
14 made out of, tar or whatever?

15 MR. PEREIRAS: Correct, it would be a
16 roof.

17 MR. PANEQUE: A rubber roof, no walkable
18 area. The doors are already in?

19 MR. PEREIRAS: The doors are in. And
20 they're a great safety feature. It's a great form
21 of egress.

22 MS. O'DELL: Do they know they can't put
23 stuff outside?

24 MR. PEREIRAS: There's no tenants right
25 now, so we can make that part of the lease.

1 MS. PEREZ: Where does the door lead if
2 it's on the roof? It's like where are you going?

3 MR. PEREIRAS: You're not going
4 anywhere, it's --

5 MS. PEREZ: That's what I mean, how is
6 it safe?

7 MR. PEREIRAS: It's safe because it's a
8 means for people to get out in case of a fire.
9 They could walk out there, come to the edge, and
10 be rescued, just like egress windows do the same
11 thing. Instead of climbing out of a window,
12 you're walking out a door, a little more
13 convenient.

14 MR. PANEQUE: Yeah.

15 CHAIRPERSON GARCIA: Okay. I make my
16 motion to accept all the changes, also with the
17 stated condition regarding the no balcony, going
18 to be a safety easeway. And I hope that I don't
19 want to see -- I don't know probably, when I said
20 hope I'm not going to see, probably going to be
21 here, but for the time I'm going to be here, I
22 don't want to see an amendment like this, and
23 especially 19 years after the fact.

24 MR. PEREIRAS: Yeah.

25 CHAIRPERSON GARCIA: I make my motion to

1 grant this.

2 MR. VALLEJO: Motion on the table to
3 grant the amendment by Mr. Garcia.

4 MS. GUTIERREZ: Second.

5 MR. VALLEJO: Seconded by Ms. Gutierrez.

6 Roll call on the motion.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes, with all the stated
15 condition.

16 MR. VALLEJO: Ms. Perez.

17 MS. PEREZ: No, just because of the
18 balcony. But I'm okay with the other elements,
19 but I guess no because I can't separate.

20 MR. VALLEJO: Okay. Ms. Watley.

21 MS. WATLEY: Yes.

22 MR. VALLEJO: Ms. O'Dell.

23 MS. O'DELL: Yes.

24 MR. VALLEJO: Six in favor, one against,
25 motion carries.

1 MS. PEREIRAS: Thank you all very much.
2 Have a good night.

3 MR. PEREIRAS: Thank you, everyone.
4 Good night.

5 * * * *

1 MAMDOUH MECHEAL -
2 3125 SUMMIT AVENUE:
3

4 MR. VALLEJO: All right. We're going to
5 the last application on tonight's agenda, Mamdouh
6 Mecheal, 3125 Summit Avenue. Mr. Alonso, please.

7 MR. PANEQUE: Let the record reflect as
8 follows:

9 I've been provided by Mr. Alonso with an
10 affidavit of publication and service indicating
11 that notice of tonight's hearing with respect to
12 the property at 3125 Summit Avenue was provided to
13 all property owners within the 200-foot radius of
14 said property on or about September 26, 2025.

15 I also have an affidavit of publication
16 from The Record and Herald News with a publication
17 date of September 26, 2025, as well as the actual
18 copy of the notice that was published in the
19 paper. Said notice indicates that at this
20 location, the Union City High School, on today's
21 date, Thursday, October 9th, 6:00 p.m., the Board
22 will be presented with an application with respect
23 to the subject property.

24 Also, I've been provided with a copy of
25 the notice that was sent to all property owners.

1 Said notice indicates that at this location, on
2 this evening, the Board will hear the application
3 seeking the variances that are being requested.

4 And I have also been provided with a
5 list of all property owners within the 200-foot
6 radius of 3125 Summit Avenue. Said list has a
7 date of the tax assessor's office of September 16,
8 2025.

9 And, finally, I have the certified mail
10 receipts with a postmark date of September 26,
11 2025.

12 Based on the documentation that has been
13 provide, this Board has jurisdiction to proceed
14 and hear this matter.

15 MR. ALONSO: Thank you, Mr. Paneque.
16 Good evening, Members of the Board. For the
17 record, Alvaro Alonso on behalf of the applicant.
18 This property has a bit of a history, I'd say.
19 This was originally approved back in 2006 by this
20 Board, I attached a copy of the original
21 resolution. My client was not the original
22 applicant, ultimately, he purchased the property.
23 He started construction around 2018, obtained all
24 the necessary permits. And as you go by the
25 property, you could see that the parking deck

1 portion of it pretty much has been completed.
2 Unfortunately, we get into Covid, construction
3 stopped. Then as a result of Covid, we had a lot
4 of financial situations, interest rates went up,
5 the supply chain was affected, the materials were
6 not available, so he basically was stopped.

7 As a result of that, the permits
8 expired. We're now in the position to reengage
9 the project. So we have to come in for
10 essentially a new application, it's not an
11 amendment to a prior application. Because of the
12 economics that goes into these types of projects
13 and the financing constraints that we have, we
14 have to make some modifications to the building.
15 That's what we're really for, to reengage the
16 project. And I have three witnesses this evening,
17 the main witness really is going to be Mr.
18 Carballo, who is going to review the proposed
19 changes and why those changes are necessary. I
20 had asked him also to include on the plan, on the
21 first sheet, the table which shows the prior
22 approval and the new approval. So you could make
23 a side by side comparison. It should be noted
24 that the ordinance has also changed since when it
25 was originally approved. So we have a totally

1 different ordinance at this time. So that said, I
2 would call Mr. Carballo --

3 CHAIRPERSON GARCIA: And also we have
4 double the cars in the City that we had back in
5 2006.

6 MR. ALONSO: Correct. And that was
7 definitely a consideration and we're -- the
8 traffic engineer will testify as to how to
9 accommodate that.

10 MR. PANEQUE: Mr. Alonso, just as a
11 point of clarification, am I to understand that
12 the original project that was approved in 2006 is
13 no longer on the table?

14 MR. ALONSO: That is correct. And the
15 reason why it's no longer on the table is because
16 the time expired. Everything was done timely,
17 permits were issued, substantial amount of
18 investment went into the project. And because of
19 unfortunate situations, the project was stopped.
20 Too much time has passed, the building department
21 no longer recognizes those permits to be valid,
22 they've expired; as the approvals have also
23 expired.

24 So originally I tried to -- I applied as
25 an amended application and I was informed that

1 those permits had expired, so I changed it to a
2 new application.

3 MR. PANEQUE: So the partial structure
4 that's there now, in effect, cannot go forward as
5 it was originally approved?

6 MR. ALONSO: Correct.

7 MR. PANEQUE: Okay. Because there is a
8 substantial structure in place now.

9 MR. ALONSO: Correct. Mr. Carballo can
10 testify as to the extent of the work that has been
11 performed.

12 MR. PANEQUE: Okay, thank you. We just
13 needed you to clarify that.

14 MR. ALONSO: Absolutely.

15

16 J O S E C A R B A L L O, after having been duly
17 sworn or affirmed, did testify as follows:

18

19 MR. ALONSO: Thank you. Mr. Chairman, I
20 believe the Board recognizes --

21 CHAIRPERSON GARCIA: Yes, many, many
22 times. My pleasure, Mr. Carballo.

23 MR. CARBALLO: Thank you, Chairman,
24 Members of the Board, good evening. Let me just
25 open up with a series of photos that shows the

1 existing condition of the site. We've all seen
2 that building, we know that building. We probably
3 pass by there a few times a week. We're very
4 aware of what was built and how it remains. And
5 basically this is it, these photos probably within
6 the last six, seven months, nothing has really
7 changed. This is the structure that Mr. Alonso
8 was talking about that is existing. This is the
9 parking structure and that is all of the parking
10 that is proposed for this property. In other
11 words, from there up, what we're going to do is a
12 residential component to this building.

13 This view is this is Summit, this is Sip
14 over here, this is Henry, Henry is a short street
15 going from Sip to, I guess, the Kennedy Center,
16 which is right behind our property. This is the
17 rear of our property. As you can see, it was all
18 built, it's a big brick building. And in
19 expectations of just construction you see the
20 rebars have been installed for the continuation of
21 the project.

22 So this is the key map. This is the
23 property in question. This is this is, this is
24 Summit, this is Henry. As you can see Summit is
25 pretty wide in front of it and right behind, you

1 have the Kennedy Center. So this occupies the
2 corner of Sip and Summit. This is a rendering of
3 the proposed building. And one of things that I'm
4 going to get into a little bit later is what we're
5 doing to this building to make it as aesthetic and
6 pleasing as possible.

7 In the front, the cover sheet, you have
8 the zoning as it was approved several years ago
9 and the zoning as it is today, and the comparison.
10 Yes, we do have some variances, but the building,
11 the existing building, the footprint will remain
12 as is. We're not going to expand it horizontally,
13 we have the setbacks that were approved back then.
14 So this building will only grow vertically. In
15 other words, no expansion of the footprint, just
16 the height of the building that's going to change
17 in order to be able to build the units that we
18 have in front of you tonight.

19 These are several renderings of the
20 building that we have. This is -- you've all seen
21 the elevation on Summit, it's just a half arch
22 that wasn't even completed as per the original
23 plans. One of the things that we're doing is
24 removing a lot of the brick on Summit, so that we
25 can create a more inviting and welcoming entrance.

1 So that has been -- so the brick will be removed.
2 This is a nighttime view, so you can see it's
3 going to be lit, we're going to have a lot of
4 built in lights, so that the entrance on Sip
5 Street, that used to be a small entrance, now the
6 brick is going to be removed on most of the
7 elevation so we can make it more welcoming and
8 just create an entrance to the building, which
9 really doesn't have now.

10 One of the things, one of the other
11 presentations you were talking about a rooftop
12 deck. We do have a rooftop deck on this one, too,
13 which has incredible views of New York City, the
14 Meadowlands, Union City. So I'll get into that
15 further in a while.

16 So the parking deck is built. This is a
17 cast-in-place concrete building, so the columns
18 are all in place, all the beams are in place. The
19 entire structure for what's going to be this
20 building is already in place. The parking spaces
21 have as you see and we have 142 parking spaces, so
22 we're going to have 142 units. So the traffic
23 consultant will get into that a little later, but
24 we do comply with RSIS standards as far as the
25 number of parking spaces. But the columns, you

1 see these darker rectangle, that's all --

2 CHAIRPERSON GARCIA: You're in
3 compliance with the parking?

4 MR. CARBALLO: I'm sorry?

5 CHAIRPERSON GARCIA: You stated that
6 you're in compliance, you're not requesting a
7 parking space variance?

8 MR. CARBALLO: Parking variance, no,
9 we're not requesting a parking variance tonight.

10 CHAIRPERSON GARCIA: Okay.

11 MR. CARBALLO: And the traffic
12 consultant will get into that later.

13 CHAIRPERSON GARCIA: Okay.

14 MR. CARBALLO: So what we have is
15 basically the parking layout that was originally
16 approved, there were a couple of changes that were
17 made because of building components that were
18 missing and we put those in. This is the lower
19 level of the basement, back here is Henry Street.
20 And being the lowest part of the site, because the
21 site slopes down Sip Street from Summit all the
22 way back to Henry, there's a car doors, an
23 overhead vehicular door back here. So from this
24 point down, we're sloping down towards Henry, and
25 we're sloping down even further at this point. So

1 this is the basement, this is the lowest level of
2 parking.

3 Some of the other spaces that we have,
4 we now have a management office, which we didn't
5 have before. And we have some -- what's called
6 back-of-house or utility areas on that floor.

7 This is the main floor or that's where
8 the entrance is. This is Summit, this is the
9 lobby. We have the stairs, the elevators, they
10 remain in place as are right now. One of the
11 things that was missing -- it wasn't even a
12 high-rise by definition with the previous
13 application. One of the things that was actually
14 missing was a park center, we have that now and
15 that's something that's needed for firefighting
16 personnel, when they go into a building. So
17 that's already in place. All the parking spaces,
18 again, this doesn't change from what was
19 originally approved. So we have 142 parking
20 spaces, dimensions of the parking spaces, we have
21 two compact parking spaces, 7-and-a-half-by-16, we
22 have twenty-four 8-by-16 parking spaces, we have
23 thirty 8-by-17-and-a-half parking spaces. We have
24 twelve 9-by-17 parking spaces, we have sixty-seven
25 9-by-18 parking spaces. We have two parallel

1 parking spaces, 9-by-18, and we have five
2 accessible parking spaces as well. So that's the
3 count, that's 142 parking spaces that we're
4 presenting tonight. Again, no parking variance
5 requested for this.

6 We keep going up -- I don't mean to get
7 redundant on parking, but I want to show that's
8 all that's existing. I just want to make sure we
9 understand that that parking structure actually
10 fits all the parking that is required. So this is
11 the last floor of parking, the last full floor of
12 parking. And then we have a mezzanine, so we
13 actually have two and a half levels of parking.
14 The basement doesn't count as a store, so we have
15 two and a half, actually we have three and a half
16 levels, but it's only two stories by code.

17 Stairs, elevators, again, it all remains
18 in the same place. And you can see the columns as
19 they currently exist and will exist, and they will
20 be expanded to all floors. So, again, we're not
21 expanding the building horizontally. So the
22 building is not going sideways. We have the same
23 setbacks, we have the same exterior perimeter of
24 the building, that does not change, okay, that we
25 have to live with.

1 So what we have is nine levels of units.
2 This is the first level of units and the only
3 difference from this level to the rest of the
4 levels is that we have two amenity spaces. We
5 eliminated two units to make amenity spaces, that
6 is something that the initial or the original
7 approvals did not have. So now we have amenity
8 spaces for the residents. So as a unit count, we
9 have 124 one-bedroom units and we have 18
10 two-bedroom units. And that's all on the front
11 page.

12 CHAIRPERSON GARCIA: 124 and 18?

13 MR. CARBALLO: It's 124 and 18, correct.
14 The 18 are the two-bedroom units. All the units
15 are basically organized around the central
16 corridor that leads to the elevator. And the
17 elevator firefighting lobby they didn't have
18 before, now we have that included as well. And
19 this is the typical floor from 4 to 11.

20 One thing I have to say this is building
21 because, it's elevator, is fully adaptable. So
22 every unit here, at some point, can be adapted to
23 a fully accessible unit, in other words, grab
24 bars, special kitchen, you know, bathrooms and
25 things like that. But all the dimensions for

1 approaches to all the doors and the kitchens and
2 travel within the bathrooms and that, that's all
3 part of this project, okay. And has all been
4 designed into the project, so we don't have to
5 change anything later. Minor changes, but
6 basically nothing later.

7 Also it's 100 percent fully fire
8 suppressed. Again, we have to have that. So it's
9 a very safe building. The entire construction is
10 cast-in-place concrete. And if you remember, I
11 was talking about the columns in the basement of
12 the parking spaces and all. The columns again
13 exist here now. So we're extending those columns
14 and we're actually designing the units around the
15 columns. That's why you see so many zigzags.
16 We're trying to work with the columns, so the
17 columns are buried within walls and not in the
18 middle of spaces.

19 So talking about a rooftop deck here,
20 the rooftop deck, it faces eastward. The deck is
21 rather nice, it's about 4,500, 4,600 square feet.
22 We separated it at least three feet from each one
23 of the perimeters of the project, again for
24 safety. We want to make sure people stay as far
25 back from the edge of the building as possible.

1 We do have emergency generator and we
2 have a rooftop unit for the common areas.
3 Emergency generator is necessary for the elevator
4 function in case of fire, so that has to be part
5 of the project as well.

6 So the owner likes brick. He wanted us
7 to use brick. And, honestly, there's already
8 about 20 or 30 pallets of brick in the parking
9 area, so we wanted to use brick as part of this.
10 But the other thing we wanted to do is make sure
11 that the brick did not overwhelm the design of the
12 project. So we do have a lot of glass, the top
13 two floors are metal panels, just to cut down on
14 the brick. And, again, you know, taking brick
15 away from this portion here just so that the brick
16 wasn't the -- you know, the leading material in
17 this new design, all right, and this is with the
18 first couple floors, except leaving brick. And we
19 have metal banding to break up the massing of that
20 existing building. But as you can see the rest of
21 the building, it's mostly glass and metal panels.
22 And, you know, just trying to make it as
23 aesthetically pleasing as possible.

24 Building height is 116 feet. The
25 original one was 101, so we exceeded that by

1 15 feet. We also exceeded the original design by
2 two stories. You know, it's just how we got the
3 number of units that are necessary. And I think
4 Mr. Alonso explained why it is necessary to get
5 that extra density on this project.

6 One of the things that I think the
7 planner's going to be talking about is we have a
8 lot less bedrooms now than we had back then. The
9 original design had mostly two-bedroom units, this
10 one is mostly one-bedroom units.

11 Again, this is the building, this is the
12 side facing Kennedy Center. Again, you can see
13 there's a lot of panels, there's a lot of glass.
14 I think it will be a really nice looking building.
15 This is Henry Street and, again, the same thing,
16 lots of glass, you know, a lot of metal panels and
17 brick, banding, and vehicular door.

18 This is a view from Sip. Again, it's
19 basically the building is designed on four sides,
20 we're not cutting back on any one of the sides.
21 So whatever you look at this building and you can
22 see this building from all four sides, you do have
23 an aesthetically pleasing building, something
24 that's been thought out, and something that I
25 think is going to be, you know, a real plus for

1 the neighborhood. I don't have anything else.

2 MR. ALONSO: The only question I would
3 ask in terms of parking garage, since you
4 indicated that it has been constructed, have you
5 been able to form an opinion as to the structural
6 integrity of the garage?

7 MR. CARBALLO: Yeah, we walked through
8 the building several times. And we looked at the
9 structure. This is building was built, in my
10 opinion, I think it was overbuilt. But there's a
11 lot of concrete in the building, all the sidewall,
12 the existing sidewalls in the garage, they're all
13 poured concrete, with brick on top of it. So this
14 is the proverbial house, it is a real brick house.
15 And it's very strong, I don't think this building
16 is going anywhere.

17 MR. ALONSO: Okay, thank you. Mr.
18 Chairman, I have no further questions of the
19 architect.

20 CHAIRPERSON GARCIA: Mr. Carballo, can
21 you go through the size of the units, you're going
22 to have 18 per floor?

23 MR. CARBALLO: We're going to have,
24 yeah, just about 18 units per floor. The size of
25 the units, for example -- and just looking at the

1 chart in the front, right, so we have some
2 one-bedroom units that are 804 square feet, some
3 are 697, so they're really not small units, we
4 have some that are 1,051. So those are -- the
5 building is deep, so the units are kind of deep.
6 So the smallest one-bedroom units is 658 square
7 feet, the largest is 1,051. For the two-bedroom
8 units, we have 1,000 and we have about 1,300
9 square feet.

10 CHAIRPERSON GARCIA: And are you going
11 to have two elevators?

12 MR. CARBALLO: We're going to have two
13 elevators and the required two stairwells as well.

14 CHAIRPERSON GARCIA: Where are you going
15 to have -- do you have a water meter room? Do you
16 have an electrical room? Do you have a mechanical
17 room? How going to be the -- how are you going to
18 handle the garbage and everything?

19 MR. CARBALLO: So we have -- if you see
20 by the stairwell --

21 CHAIRPERSON GARCIA: Right.

22 MR. CARBALLO: -- there's a little
23 circle.

24 CHAIRPERSON GARCIA: Right.

25 MR. CARBALLO: Then it says refuse

1 compact room. And this happens on --

2 CHAIRPERSON GARCIA: Like a chute?

3 MR. CARBALLO: A chute, we're going to
4 have a chute and a compactor in the -- that's the
5 lowest section of the lowest level.

6 CHAIRPERSON GARCIA: I see it here,
7 okay. And you said -- you mentioned that you're
8 going to have 124 one-bedroom and 18 two-bedrooms?

9 MR. CARBALLO: Yes.

10 CHAIRPERSON GARCIA: Okay. All right.
11 Going to bring another witness?

12 MR. ALONSO: Yes. My next witness is
13 John Corak, our traffic engineer.

14 CHAIRPERSON GARCIA: Okay.

15

16 J O H N C O R A K, after having been duly sworn
17 or affirmed, did testify as follows:

18

19 CHAIRPERSON GARCIA: Okay.

20 MR. ALONSO: Mr. Corak, you haven't been
21 before this Board?

22 MR. CORAK: That's correct.

23 MR. ALONSO: I'm going to ask you just
24 to review your professional qualifications in the
25 field of engineering.

1 MR. CORAK: Of course. So I'm a senior
2 project manager with Stonefield Engineering and
3 Design, office at 92 Park Avenue in Rutherford,
4 New Jersey. I'm a licensed professional engineer
5 in the State of New Jersey. I have a bachelor of
6 science in civil engineering from the College of
7 New Jersey. I'm an expert in the field of traffic
8 and transportation engineering. I have presented
9 in front of more than 100 land use boards
10 throughout the state. I've prepared over 250
11 traffic studies for land development applications.
12 I also serve as board expert for a handful of
13 planning and zoning boards in the state. And my
14 license is current and in good standing.

15 CHAIRPERSON GARCIA: Okay, we accept
16 your qualifications, Mr. Corak.

17 MR. CORAK: Thank you.

18 MR. ALONSO: Thank you, Mr. Chairman.

19 Mr. Corak, have you had an opportunity
20 to review this application?

21 MR. CORAK: Yes, I have.

22 MR. ALONSO: Okay. And you've also had
23 an opportunity to review the prior approval; is
24 that correct?

25 MR. CORAK: Yes.

1 MR. ALONSO: I'm just going to ask you
2 to provide your analysis to the Board and any
3 opinions you may have.

4 MR. CORAK: Of course. So when we look
5 at this project, right, it's the existing parking
6 structure is what we have to work with, okay. So
7 we have the site itself fronting on Sip Street,
8 Henry Street, Summit Avenue. And the existing
9 access points are going to remain as is, your
10 ingress and egress, the two driveways along Summit
11 Avenue, and then the one driveway along Henry
12 Street. Those stay in their place as is, they
13 connect into that internal parking garage. Really
14 the change from this application from its prior
15 approval which was expired to this approval is the
16 unit count change. But what comes with that is
17 the bedroom change. And as important as the
18 increase in unit count is from a parking
19 perspective, so is the decrease in the bedroom
20 count from the original application. You know, as
21 two-bedroom units as a whole generate more parking
22 demand than one-bedroom units. You know, you just
23 encounter more situations with those types of
24 units where you have multiple people owning cars
25 and looking to park them.

1 You know, the ITE, that's the Institute
2 of Transportation Engineers, they publish parking
3 demand rates based on number of bedrooms within a
4 facility, in a development. On the previous
5 approval, which was largely a two-bedroom
6 application, there were 181 bedrooms proposed.
7 With that, we would forecast, an average site, 141
8 parked vehicles, which that fits in with the 142
9 provided here. Our lower bedroom count, 160
10 bedrooms, that brings us to down to an anticipated
11 vehicle count of 125 parked vehicles at the site.
12 Of course, we're keeping the 142 parking spaces,
13 so those numbers work out, those numbers are
14 appropriate for the site.

15 We're well connected with transit, this
16 is the type of site, especially with the high
17 rates of one beds and one beds with dens that's
18 going to attract the empty nester, it's going to
19 attract the young professional. The proximity to
20 New York City is very important here. And the
21 transit connections via the bus. And, you know,
22 what many people are looking for is that
23 one-bedroom apartment where they can park one car
24 and go into the city two times a week and work
25 from home the other three days. And so with that,

1 you know, the parking supply for the site itself,
2 it will mesh well with the revised unit count, if
3 you will.

4 And then as a fallback, we also did some
5 parking counts over at the 35th-36th Street
6 garage. We counted that garage at the 5:00 hour
7 and we also counted it at midnight, when parking
8 demand is at its highest for residential
9 developments. At that 5:00 hour, there were 110
10 available parking spaces within the garage. Now,
11 that's excluding areas that were, you know, say
12 dedicated to police officer parking, that while
13 that space was open, it's not a place where you
14 could park. So excluding that, at that 5:00
15 period, there were 110 additional parking spaces
16 available at that garage. Overnight, that
17 increased to 132 spaces during our counts. So
18 this is a little bit of a fallback protection.
19 Think about, you know, visitors coming to the
20 site. You know, if you do need a second vehicle,
21 this lot does provide the monthly passes for that.
22 And it's within walking distance to the building
23 to support, not just this project, of course, but
24 to support the neighbors within the vicinity, and
25 the greater neighborhood area.

1 With that, for development of this size,
2 this unit count, providing a one-to-one ratio
3 on-site, I think it's appropriate. You know, in
4 this context, environment, and transit
5 connectivity, I think it's an application that
6 will work well and be a strong addition in this
7 area, where we just have the parking structure and
8 no use today.

9 MR. ALONSO: Now, applying the RSIS
10 requirements, how many parking spaces are
11 required?

12 MR. CORAK: So on the RSIS requirements,
13 this building being 11 stories tall fits in the
14 high-rise category. When we apply those
15 requirements, the total number of parking spaces
16 required is 123, coincidentally, that's the same
17 number that was required on the prior approval for
18 the high-rise development.

19 MR. ALONSO: And the difference is the
20 reduction in the bedroom count is what brings down
21 the demand?

22 MR. CORAK: Correct.

23 MR. ALONSO: So the requirement is 123
24 and we're providing 142?

25 MR. CORAK: Correct.

1 MR. ALONSO: And that's without taking
2 any credits for EV credits for anything else?

3 MR. CORAK: Haven't applied EV credits.
4 We of course need to provide EV make-ready parking
5 spaces, per the New Jersey statewide model
6 ordinance. But this is all without applying any
7 of the credits, the two for one credits that you
8 get with those make-ready spaces.

9 MR. ALONSO: Thank you very much, I have
10 no further questions.

11 CHAIRPERSON GARCIA: Mr. Corak, when did
12 you do the count?

13 MR. CORAK: So those counts were
14 conducted it was April -- I personally did them,
15 April 25th of this year. And then as it turned
16 midnight to April 26th.

17 CHAIRPERSON GARCIA: Did you take in
18 consideration the Esther Salas Academy that just
19 opened in 36th Street, where we have probably
20 around how many teachers?

21 MS. PEREZ: Let's say 100 staff members.

22 CHAIRPERSON GARCIA: Right? Did you
23 take that into consideration that they also have
24 two level of those parking -- the two levels of
25 the parking deck are assigned to the school?

1 MR. CORAK: So the spaces that I counted
2 as, you know, the open available spaces, were
3 spaces that are not reserved. So there's lots of
4 different users in that --

5 CHAIRPERSON GARCIA: But you didn't do
6 the due diligence because you saw we were building
7 the school. Because the school was building for
8 two years, it's right there, it's a building, it's
9 a six-story building. You didn't figure out that
10 parking.

11 MR. CORAK: What I'm saying is the
12 counts we conducted -- there's a lot of different
13 users in that garage. The counts that we
14 conducted were for the, you know, areas within the
15 garage that are not designated assigned areas to
16 the different tenants.

17 CHAIRPERSON GARCIA: Okay. That I mean
18 if you go to -- if you go, like you mentioned in
19 your statement, you have monthly passes, that's
20 the first few level. Then you have two levels
21 that was assigned to the school, and then you have
22 the top level that's assigned to parking for the
23 officers. My question is that you didn't take in
24 consideration that those spaces are reserved for
25 the school because the school was not built that

1 time, it was not done, they just opened in
2 September. However, the construction was there,
3 so I think -- that was my question. So you
4 didn't --

5 MR. CORAK: You know, the counts are
6 done in April, so if it wasn't reserved then, then
7 no, it's not considered.

8 CHAIRPERSON GARCIA: Okay. Did you, if
9 you came in April, you probably figured out we now
10 have another traffic light in 35th Street and
11 Kennedy Boulevard, where the people come westbound
12 on 35th Street could make a left, and then we have
13 a different traffic pattern at 32nd and Kennedy
14 Boulevard. You didn't take that in consideration
15 because that wasn't there.

16 MR. CORAK: This is largely related to
17 the parking aspects of it. That level of, I'll
18 call it traffic analysis detail, wasn't part of
19 it. You know but that's --

20 MS. PEREZ: Was there any analysis of
21 the impact on traffic itself, like in morning and
22 afternoon in terms of with all the parking for
23 that building, how it would impact the morning
24 traffic?

25 MR. CORAK: Like a direct capacity

1 analysis? No, it was not part of our analysis.
2 Very narrowed toward the parking impacts because,
3 you know, traffic through Union City, it's tough
4 at many, many, many times a day. But the parking
5 is a big driver of a lot of that traffic, where
6 you're looking for those parking spaces. So I
7 wanted to make sure we're accommodating that on
8 our site and not needing to hunt around on the
9 street.

10 CHAIRPERSON GARCIA: How many number of
11 cars do you expect or project in peak hours to get
12 out from the building at rush hours, in peak hours
13 in the morning and also coming back in the
14 afternoon? You're talking about you're presenting
15 a high-rise, like you mentioned. So I think that
16 we probably need to know, I mean, what is expected
17 going out in the morning and coming in in the
18 afternoon.

19 MR. CORAK: I think a typical
20 multifamily development at this size is in the
21 range of about 50 to 60 vehicles that are entering
22 or exiting the site in that hour window, so about
23 one a minute or maybe a little bit less. And that
24 could be further reduced through some transit use,
25 through work from home, but that's typical

1 multifamily building, that's what I would expect.

2 CHAIRPERSON GARCIA: Okay. Did you take
3 in consideration the traffic that we have in 30th
4 Street, when they go to take the ramp to 495,
5 let's say, between 7:00 in the morning and 9:00 in
6 the morning?

7 MR. CORAK: In terms of the additional
8 traffic? We didn't conduct those very detailed
9 capacity analyses.

10 CHAIRPERSON GARCIA: If I tell you that
11 I -- that it takes me, because I take that road
12 every day, it takes me, from Palisade Avenue
13 across the street of the post office, Palisade
14 Avenue and 30th Street to make the right on
15 Kennedy Boulevard, takes me 20, 25 minutes.

16 MR. CORAK: Wouldn't surprise me.

17 CHAIRPERSON GARCIA: Okay. So do you
18 think that, I mean, adding 50 more cars going to
19 be kind of -- going mitigate or going to be worse?

20 MR. CORAK: Well, it's --

21 CHAIRPERSON GARCIA: I think you have to
22 come with like a count of trips that's going to
23 generate that building, that going to put that --
24 specific like, let's say, Summit and 30th Street
25 going to be -- I think you have -- I don't know

1 why you didn't take that into consideration when
2 you come with a study.

3 I have a question for you, Mika. Per
4 RSIS, according to the memo of Mr. Spatz,
5 apartment of one bedroom requests 1.8 parking
6 spaces?

7 MS. APTE: So I believe as the applicant
8 testified, these RSIS standards are for the garden
9 apartments. For the multi -- for the high-rise,
10 they're a little different. I would ask you to
11 just clarify how much is it for one bedroom and
12 how much is it for two bedroom?

13 MR. CORAK: On the high-rise, the one
14 bedroom is 0.8 and a two-bedroom is 1.3.

15 CHAIRPERSON GARCIA: Okay, okay.

16 MS. APTE: That's why he comes with the
17 calculation that required is 123 spaces.

18 CHAIRPERSON GARCIA: Okay.

19 MS. APTE: But, Mr. Chairman, if I may
20 ask one follow-up question to that same. The
21 other testimony that was provided was regarding
22 the parking space stall size. I believe some of
23 those are compact spaces?

24 MR. CORAK: Um-hum.

25 MS. APTE: Is it your opinion -- I don't

1 think RSIS has standard for compact spaces or do
2 they?

3 MR. CORAK: No, they do not.

4 MS. APTE: So would that be -- you're
5 not meeting the standard size?

6 MR. CORAK: It would require a
7 deviation.

8 CHAIRPERSON GARCIA: Okay.

9 MR. CORAK: A waiver from RSIS to do
10 compact spaces, but as long as the proportion of
11 them is reasonable, that's something that I find
12 reasonable from a traffic engineering perspective.

13 MS. APTE: I believe the Union City
14 ordinance also doesn't have stall sizes for
15 parking, you know, for compact spaces. So they
16 also require only 9-by-18 and that would lead to a
17 variance over here. Speaking of how much is it,
18 could you -- I know there were a lot of number.
19 So for Board's benefit, just give us how many are
20 meeting the 9-by-18 and how many are not, if we
21 can get that number?

22 MR. CORAK: I'm going to have to
23 probably do a count.

24 MS. APTE: Okay.

25 MR. ALONSO: I think there's a chart on

1 the first page.

2 MS. APTE: But I don't want them
3 separated, I think, for Board Members because
4 someone are 9-by-17, some are 8 by something, if
5 you can just get how many --

6 MR. CORAK: You want me to read the
7 chart for each different --

8 MS. APTE: No, no, we just want to know
9 how many are meeting the 9-by-18 and how many are
10 not.

11 MR. CORAK: So 67 meet the 9-by-18, five
12 more are the ADA accessible.

13 MS. APTE: They meet that dimensions?

14 MR. CORAK: They meet the ADA
15 requirements, so that brings you to 72.

16 CHAIRPERSON GARCIA: If you say ADA,
17 it's the same size, the regular size, it's not
18 11-by-18?

19 MS. APTE: They need to be. And that's
20 what he's saying, they meet the requirement.

21 CHAIRPERSON GARCIA: Because the size
22 here showing in the chart is 9-by-18, not
23 11-by-18.

24 MS. APTE: Is it not shown on the --

25 CHAIRPERSON GARCIA: That's the chart.

1 MS. PEREZ: Van accessible.

2 MS. O'DELL: 9-by-18.

3 MR. CORAK: So looking at the plan, so
4 the 11-foot wide parking spaces is a van
5 accessible parking space requirement. And the
6 requirement on those van accessible spaces is 16
7 total feet between the parking space and the
8 access aisle. And that can be broken up into 11
9 and 5, all the way to 8 and 8. So we provide --
10 those access aisles are about the same width as
11 the parking space. So these ADA spaces, they do
12 comply in that regard.

13 MS. APTE: So there is the striped area
14 to make it --

15 MR. CORAK: The striped area provides
16 enough space for it to be considered van
17 accessible.

18 CHAIRPERSON GARCIA: What do you meet
19 for parallel parking tandem?

20 MR. CORAK: I'm sorry?

21 CHAIRPERSON GARCIA: When you read here,
22 19 -- 18-by-9 parallel parking, two, what does
23 that mean, tandem parking?

24 MR. CORAK: They're not in tandem, they
25 are -- they're parallel to the travel path of the

1 drive aisles, kind of like on-street parking is.

2 CHAIRPERSON GARCIA: Can you show me?

3 MR. CORAK: Yeah. So, for example, this
4 space -- I'm on floor plan level two, sheet A3,
5 toward the bottom right corner of the building
6 area. There's a parallel parking space that
7 measures 9-by-18.

8 MS. APTE: Typically because you're a
9 traffic engineer expert, typically parallel
10 parking spaces do require a larger length, right?

11 MR. CORAK: Typically 22 to 23 feet.

12 MS. APTE: So in your opinion, the
13 9-by-18 parallel space is not really ideal?

14 MR. CORAK: It's not ideal, I think that
15 it being a standalone space in the garage, it is
16 maneuverable. It would be preferential, in most
17 cases, to have extra dimension. But we're working
18 with the constraints of the already constructed
19 garage.

20 MS. APTE: So following up my original
21 question, so how many of these are not meeting the
22 typical 9-by-18 standard?

23 MR. CORAK: I'll call it -- including
24 the noncompliant parallels, I would call it 70.

25 MS. APTE: Or --

1 CHAIRPERSON GARCIA: Or 75?

2 MR. CORAK: Sorry?

3 MR. PANEQUE: 70.

4 MR. CORAK: The ADA spaces are
5 sufficient.

6 MS. PEREZ: 142 minus 74 --

7 MR. CORAK: Minus 72.

8 MS. APTE: So 70 of those are not
9 complying, the stall size, out of the 142?

10 CHAIRPERSON GARCIA: There's 75.

11 MS. PEREZ: About half.

12 CHAIRPERSON GARCIA: This is the
13 sizes -- okay. It's 9-by-18, however -- okay,
14 okay.

15 MS. APTE: So, Chairman, 70 of them are
16 not meeting the standard stall size that you ask
17 for, the 9-by-18.

18 MS. PEREZ: Can you show how do the cars
19 go in and out? What street do they come out of?
20 Are they all coming out the same direction from
21 the same exit?

22 MR. CORAK: So I'm going to start with
23 the lowest level. There is the gate access point
24 or garage door access point to Henry Street. And
25 then up to the first level, there are two overhead

1 garage door access points out to Summit Street.

2 MS. PEREZ: And entering is through
3 Henry and exit is through --

4 MR. CORAK: You can enter or exit from
5 either, they're wide enough to support two-way
6 traffic.

7 MS. APTE: Mr. Chairman, may I ask one
8 more follow-up? In total, how many EV spaces are
9 being proposed?

10 MR. CORAK: You said EV spaces? The
11 requirement -- the 15 percent of the supply makes
12 the requirement 22.

13 MS. APTE: And they are being proposed?

14 MR. CORAK: We have to provide them,
15 yes.

16 MS. APTE: If the Board was looking at
17 this, because this is a garage, I would really
18 recommend that that be -- the location of those
19 spaces be approved by the Union City Fire
20 Department just because of it being a garage
21 space.

22 MR. CORAK: I would agree.

23 CHAIRPERSON GARCIA: Any other
24 questions?

25 MR. ALONSO: I just have a couple

1 follow-up questions, if the Board is done.

2 Mr. Corak, the Chairman was asking you
3 questions about the municipal parking lot on 35th.
4 Now, your testimony was that we provide more
5 parking than is required, so we don't even need to
6 look at that parking deck?

7 CHAIRPERSON GARCIA: It is -- Mr.
8 Alonso, it is if we accept the deviation because
9 you're not providing 142 parking spaces compliant
10 with the RSIS, are you? Because they don't comply
11 with the size of the parking spaces.

12 MR. ALONSO: Well, my --

13 CHAIRPERSON GARCIA: Just --

14 MR. ALONSO: I'm trying to answer.

15 CHAIRPERSON GARCIA: Just a
16 clarification.

17 MR. ALONSO: My understanding of the
18 RSIS is that there are no dimensions in a covered
19 structured parking deck.

20 MR. CORAK: That is also correct.

21 MR. ALONSO: So there is --

22 MR. CORAK: I can provide correspondence
23 from the DCA confirming same.

24 MR. ALONSO: So there's no deviation
25 from the parking size. So we do provide 10042

1 compliant parking spaces. And it's more than the
2 requirement, so I believe his intention was just
3 to say, you know, there is another available
4 spaces. We can, you know, discuss how many based
5 on the actual use by the teachers, so that's one
6 point.

7 In terms of the trips, that's basically
8 determined by the ITE?

9 MR. CORAK: Correct.

10 MR. ALONSO: And based on your
11 experience, you believe it should be around 50
12 trips?

13 MR. CORAK: Yeah, 50 to 60.

14 MR. ALONSO: One of the concerns the
15 Chairman has is obviously the impacts on the
16 existing traffic particularly in the morning?

17 MR. CORAK: Um-hum.

18 MR. ALONSO: Now, those vehicles would
19 be queuing up in the garage, so there is no impact
20 to the traffic until they actually leave the
21 garage?

22 MR. CORAK: Correct.

23 MR. ALONSO: Right. So they're not
24 going out at one time and how many different
25 garage doors are there?

1 MR. CORAK: There's three different.

2 MR. ALONSO: Is it fair to say that the
3 50 vehicles, one roughly every minute or less than
4 a minute, will be disbursed through three
5 different garage doors on three different areas?

6 MR. CORAK: That's fair to say. I don't
7 want to downplay the Chairman's experiences --

8 MR. ALONSO: No, no.

9 MR. CORAK: -- in traffic.

10 MR. ALONSO: And we're not, but --

11 CHAIRPERSON GARCIA: But all the three
12 ways going to go to the same point, Summit and
13 Sip.

14 MR. ALONSO: But they're queuing -- they
15 queue up inside the garage before they leave.

16 MR. CORAK: And that is disbursed over
17 that peak hour period and the other time periods
18 are lesser.

19 MR. ALONSO: Right. And one of the
20 things that a traffic engineer does is they take
21 into account the existing conditions, we have no
22 control over the existing traffic volumes?

23 MR. CORAK: Correct.

24 MR. ALONSO: And for you to form an
25 opinion, you have to make a determination as to

1 whether or not it is a substantial degradation in
2 level of service. Can you form an opinion -- we
3 haven't done a traffic study, but based on your
4 experience, can you form an opinion as to what the
5 impact would be in terms of degradation in the
6 traffic given one vehicle every minute
7 approximately?

8 MR. CORAK: You know, that's typically
9 not a volume that rises to the level of
10 significant degradation. You know, I understand
11 the -- sort of this request for traffic counts and
12 full analysis. But in my experience, this level
13 of traffic volume added is not something that
14 typically deteriorates roadway networks in any
15 substantial way.

16 MR. ALONSO: And I believe that we've
17 established that there are no dimensional
18 requirements under the RSIS, but the spaces that
19 are on the plans, they're not -- well, they are
20 proposed because it's a new application, but
21 they're not proposed because they're actually
22 constructed?

23 MR. CORAK: Correct.

24 MR. ALONSO: And they're constructed
25 based on the approvals granted by this Board back

1 when it was originally approved?

2 MR. CORAK: That's correct.

3 MR. ALONSO: So we're looking to confirm
4 that everything is there and everything works.
5 Did you form an opinion as a traffic engineer that
6 those spaces, given the drive aisles, vehicle
7 circulation, do they work?

8 MR. CORAK: Functionally, they will
9 work.

10 MR. ALONSO: Okay.

11 CHAIRPERSON GARCIA: Mr. Alonso, with
12 all due respect, completely agree with you that
13 this Board granted back in 2006. So probably I
14 was the Chairman at that time, so I signed that
15 resolution. However, like you said, that
16 resolution was back in 2006, your office is close
17 by. And you could see the difference of traffic
18 of volume on Kennedy Boulevard since 2006 to 2025.
19 And that's our concern, when you drive through
20 Union City, that you -- thanks God, I don't
21 have -- my daughter is already 30, I don't have
22 any strollers to walk cross the street at 8:00 in
23 the morning, when the car block the crosswalk.

24 Also on Henry Street, as per my
25 knowledge, I would love to confirm with Parking

1 Authority, I don't live in that area, I'm not
2 allowed to park in there, I need a sticker red and
3 white. Because I don't have red and white, if I
4 park there, I get my ticket. Why this red and
5 one, it's a zone that is extremely, extremely --
6 it's terrible for the parking spaces. So that's
7 why we're here so concerned about that.

8 MR. ALONSO: Understood.

9 CHAIRPERSON GARCIA: It's like -- and I
10 take, believe me, I take 30th Street and Kennedy
11 Boulevard every single day and it's chaos. That's
12 my only concern. And I understand this was
13 approved in 2006, we're here almost 20 years
14 later. 2006, I only have one car in my house.
15 Now, my wife, myself, and my daughter, so it's
16 three cars. So this is why. Let me tell you, I
17 would love to see something built there because
18 the place is dilapidated there, the creating like
19 homeless coming there, people probably using
20 drugs. I understand that, but that doesn't mean
21 like we have to do whatever, because we have to --
22 you know what I mean? That's our concern, Mr.
23 Alonso.

24 MR. ALONSO: I agree with you
25 100 percent and I anticipated that that would be

1 your concern. And you could ask the team, when we
2 had our initial meetings when I first came on
3 board, I said parking is going to be a major
4 consideration. So we looked at it and we see that
5 we do, not only comply with parking, but we exceed
6 the parking that's required. So parking -- and
7 again because of Henry Street and you need the
8 parking stickers from the Parking Authority, we're
9 not going to impact that at all. We actually have
10 additional parking spaces. And I know I don't
11 know how Union City treats this, I know some
12 towns --

13 CHAIRPERSON GARCIA: According to RSIS,
14 okay, but not according to Union City ordinance,
15 right?

16 MS. APTE: Union City, there's only
17 9-by-18, there's no other stall size.

18 CHAIRPERSON GARCIA: If we go by RSIS,
19 we're going to take everything by RSIS. Or we --
20 and also, Mr. Alonso, you know, if you go to our
21 record, we probably have -- I don't know how can I
22 say, I think the last building that was granted
23 with 1.25 per unit was, I think, 17th Street and
24 New York, back in -- over ten years ago. You know
25 that with the concern that we have here, we at

1 least two parking spaces per unit on this, but
2 that's -- we're going to continue the application.
3 You have another witness?

4 MR. ALONSO: I do. If the Board has no
5 further questions of Mr. Corak, I'll call Thomas
6 Ricci, who is our planner.

7
8 T H O M A S R I C C I, after having been duly
9 sworn or affirmed, did testify as follows:

10

11 MR. ALONSO: Okay. You have not
12 appeared before this Board; is that correct?

13 MR. RICCI: That's correct.

14 MR. ALONSO: I'm going to ask you to
15 review your professional qualifications in the
16 field of planning.

17 MR. RICCI: Sure. Senior planner at
18 Stonefield Engineering and Design, our business
19 address is 92 Park Avenue in Rutherford, New
20 Jersey. I have a bachelor of arts as well as
21 master's degree in city and regional planning,
22 both from Rutgers University. I'm a licensed
23 professional planner in the State of New Jersey.
24 I'm also nationally certified by the American
25 Institute of Certified Planners. I have been

1 accepted as an expert witness in the field of
2 professional planning by well over 100 land use
3 boards throughout the State of New Jersey and New
4 York. And I regularly testify in front of boards
5 in Hudson County, Bergen County, and Passaic
6 County.

7 MR. ALONSO: And your license is
8 current?

9 MR. RICCI: Yes.

10 CHAIRPERSON GARCIA: Our pleasure, Mr.
11 Ricci, to have you here.

12 MR. ALONSO: Thank you, Mr. Chairman.

13 So I'll just turn it over to you, Mr.
14 Ricci, and allow you to provide your planning
15 analysis and form your opinions.

16 MR. RICCI: Great. In doing so, I want
17 to enter an exhibit into the record. It's an
18 aerial exhibit, it's dated October 9, 2025, and it
19 was prepared by our office, Stonefield Engineering
20 and Design. It is an image of the site, an
21 overview from a program called Near Map Imagery.

22 MR. PANEQUE: Mr. Ricci, one second
23 please, we have to take a break.

24 CHAIRPERSON GARCIA: Sorry for the
25 inconvenience.

1 MR. PANEQUE: We have a situation.

2 CHAIRPERSON GARCIA: Thank you.

3

4 (Whereupon a short recess was taken.)

5

6 MR. VALLEJO: Back on the record, Mr.

7 Chairman?

8 CHAIRPERSON GARCIA: Back on the record.

9 Your planner.

10 MR. ALONSO: Before we before, we're
11 going to mark this exhibit as A-1.

12

13 (Aerial exhibit marked A-1.)

14

15 MR. RICCI: I don't know what made it on
16 the record before we stopped, but A-1 is an aerial
17 exhibit of the property. So you see the property
18 line, it's outlined in magenta here. It's
19 approximately 19,197 square feet in area, so
20 almost half an acre. And the reason that I bring
21 that up is because I want to emphasize this is a
22 very large property, which is going to be useful
23 further in my testimony, when I talk about the use
24 variance.

25 So this is a property that's located in

1 the R low density residential zone. As you've
2 heard, the property had previously received
3 approval for a pretty similar building and,
4 unfortunately, the building started, but then
5 construction had stopped. So currently, on the
6 building right now is a -- on the property is an
7 unfinished building, particularly the parking
8 garage component of the previously approved
9 building. And the intention is to continue that
10 building and construct 142 apartment units and
11 then utilize that already built parking garage
12 underneath. So the goal essentially is to revive
13 the project, if you will, with this approval and
14 receive a somewhat similar approval that was
15 received last time.

16 Because the multifamily building is not
17 permitted in the R zone, we're here tonight
18 seeking a (d)(1) use variance. Pursuant to the
19 Municipal Land Use Law, the Board has the power to
20 grant (d)(1) use variances in particular cases and
21 for special reasons, so that involves the
22 demonstration of two things for a use variance.
23 Number one that the site is particularly suited
24 for the proposed use. And in our case a
25 multifamily apartment building. And second that

1 special reasons exist because the project advances
2 one or more purposes of the Municipal Land Use
3 Law. So that's the burden of proof for (d)(1) use
4 variances.

5 So I want to start by talking about the
6 particular suitability criteria. As I mentioned,
7 this is a large lot for the zone it's in. The lot
8 area requirements for the R zone is 2,500 square
9 feet and this is 19,197 square feet. So this
10 subject property is more than seven times the
11 minimum required lot size. So that's why, in my
12 opinion, it's more geared towards or more suitable
13 for an apartment building than the permitted uses
14 of a single or a two-family dwelling, which are
15 the permitted uses in the R zone.

16 Next, I want to talk the surrounding
17 lane use context. While we technically are in the
18 residential or low density residential zone, as I
19 mentioned, which permits single and two-family
20 dwellings, that not what I see as the prevailing
21 use in the immediate area. There are single
22 family and two-family dwellings in this area, but
23 there's also a wide variety of uses in the area.

24 This is a very densely developed part of
25 the City with a wide range of uses. We see banks,

1 we see restaurants, pharmacies, retail uses, just
2 a variety of commercial uses in this immediate
3 vicinity. We also see office uses in this area,
4 both professional office and medical office
5 buildings in this area.

6 And then lastly, when I'm looking at the
7 actual lot itself, it's kind of positioned on this
8 lower right corner of this larger commercial
9 block, it's within this -- it has its own access
10 lot area, but it appears within this commercial
11 plaza. So the point that I'm trying to make, as
12 we talk about particular suitability for an
13 apartment, this isn't what you would typically
14 think of as a single or two-family residential
15 neighborhood. And the lot area surely doesn't
16 reflect that either. So that's why I believe it's
17 more suitable for an apartment building.

18 Now, I want to talk about the height
19 variance. I would say that the (d)(6) height
20 variance is largely what we call subsumed within
21 the use variance. Because as I mentioned, we're
22 being held to single family and two-family height
23 standards. Now that we've established this is
24 more suitable for an apartment use, it's very
25 likely that you end up naturally triggering that

1 height requirement. So 38 feet and three stories
2 is what's permitted for single and two-families,
3 and 116 feet, twelve stories is what's being
4 proposed. Height variances are typically treated
5 like "C" variances unless you exceed by 10 feet or
6 10 percent, then they get elevated to the (d)(6)
7 height variance. That's what we're here seeking
8 relief for tonight.

9 The appropriate standard is what we know
10 as the Coventry standard, that the site can
11 accommodate the proposed height, despite it
12 exceeding the ordinance. I think, once again, I
13 focused on the uniqueness of the lot. I already
14 talked about the size of it being appropriate for
15 the use, but now I want to point our attention to
16 the frontages of the property. This is a unique
17 property because it's technically a corner lot,
18 because it has frontage on at least two streets,
19 but there's actually a third street that it has
20 frontage on. So it's wrapped on three sides with
21 public right-of-ways. So what that does and
22 especially when dealing with a height variance, it
23 creates these natural separation or natural gaps
24 between the proposed building and any other
25 building that could possibly be built because it's

1 right along those three streets.

2 And then to the back of it is commercial
3 properties. And I think that's important to
4 discuss when we're talking about height is because
5 the three frontages, plus it backing up to
6 commercial, it doesn't abut any single or
7 two-family dwellings, despite being in a single or
8 two-family district. So I think once again, the
9 uniqueness of this property helps mitigate the
10 variance for the height.

11 I'd like to offer, too, a practical
12 argument about the height. Some of that the
13 height is going to be driven by the fact that you
14 need parking. And you have to put parking inside
15 of the building so you're already handicapped by a
16 couple levels of the building and a couple stories
17 because you want to be able to provide for the
18 units. We're kind of constrained in a way -- I'm
19 not arguing a hardship, but this building is
20 already built. You already have the parking
21 spaces, so building the residential units on top
22 of it are naturally going to increase that height.
23 But once again, the height threshold is can the
24 site accommodate it despite the building going
25 bigger. The ironic thing is the parking, which is

1 pushing it higher is the one thing that's
2 alleviating the parking issues with the bigger
3 building.

4 So to sum up on the "D" variances, it's
5 my opinion that we have a very unique lot here.
6 It's oversized by six or seven times, it has three
7 frontages, it's located at the corner and it
8 doesn't abut any single or two-family dwellings,
9 which I think help mitigate both "D" variances and
10 make it particularly suitable.

11 Now, moving on to the "C" variances.
12 They're reviewed with a different standard than
13 the "D". There's two ways to look at "C"
14 variances. The first way is the (c)(1) hardship
15 criteria and the second way is the (c)(2) benefits
16 versus detriments criteria. I think that all of
17 these can be granted under the (c)(2), benefits
18 versus detriment criteria, with the benefits of
19 the project as a whole substantially outweighing
20 the detriments. And I'll get into why I believe
21 that.

22 I'll start with the "C" variances that
23 all relate to the building because they're all
24 pretty much tied to one another. And those
25 variances that I'm mentioning are for the front

1 setback, the side setback, the rear setback, and
2 the building coverage. The front setback on
3 Summit Avenue is required to be 2 feet and it's
4 proposed, but also existing, at zero feet. The
5 side setback that's on Sip Street is required to
6 be 2 feet and it's 1.5 feet, existing and
7 proposed. And then the rear setback requirement
8 for Henry Street is 5 feet and 3 feet is existing
9 and proposed. And then the building coverage, the
10 maximum allowed is 65 percent and 88.8 percent,
11 once again proposed, but also a function of the
12 existing site.

13 But the lot does actually comply with
14 impervious coverage. But all of these building
15 related variances, once again, I argue that they
16 are subsumed within the greater use variance of
17 what we have here. Because those setback and
18 coverage standards, they were intended to apply to
19 single family and two-family dwellings. So when
20 you have a use coming in that's different, like an
21 apartment building, especially one that's already
22 built, you have setback standards that are going
23 to be more difficult to meet.

24 Regardless, I think this is typical for
25 an apartment building use. And it's pretty inline

1 with the surrounding building setbacks of what we
2 see out there now.

3 I briefly want to talk about the City's
4 master plan goals. And I think it was touched on
5 before about this location and its proximity to
6 Manhattan. The master plan actually does talk
7 about that and it specifically mentions to
8 capitalize on the City's proximity to Manhattan
9 and its ideal location within one of the largest
10 financial, industrial and cultural metropolises in
11 the world.

12 We are very close to 495, there's a bus
13 line that goes directly into Manhattan, as it was
14 mentioned. There's a lot of one bedroom and den
15 apartments. I think the vision for this building
16 is the empty nesters and the young professional
17 that would be commuting, hopping on 495 and going
18 directly into Manhattan.

19 Couple other master plan goals talk
20 about promoting economic growth and development.
21 I think that's what we're doing here is
22 reinvesting in an already developed area. Being
23 able to provide actual value to the site, which
24 right now, there's no value either to the City or
25 its residents because it's sitting vacant. And

1 then the master plan also talks about encouraging
2 in-fill development that efficiently utilizes the
3 City's land. I think that's important that
4 there's no need always to build something new when
5 you have, in our case, a half finished project. I
6 think this would revive the project, finish a
7 partially constructed building, and actually
8 provide value to residents, to the City, and
9 improve the aesthetics.

10 So to sum up, I don't believe that this
11 project substantially impairs the intent of the R
12 district regulation, particularly because it's
13 such a unique property. I don't think that it
14 goes against master plan goals, I think it
15 actually aligns with them, particularly providing
16 investment and growth in already developed areas
17 and providing an in-fill development project.

18 Regarding the lot itself, as I
19 mentioned, a lot of unique characteristics here
20 apply. We're oversized, it's got multiple
21 frontages and I think those are the things most
22 importantly that help mitigate the "D" variances.

23 Regarding the site condition itself, we
24 as planners, it's good planning practice to clean
25 up sites. We don't like to leave sites vacant.

1 We try to eliminate vacant and underutilized
2 properties as much as possible to improve the
3 perception of investment, approve the perception
4 of safety, improve aesthetics, improve all these
5 things that make our cities beautiful. So this is
6 one those projects that, in my opinion, when
7 finished, is going to have a more positive aspect
8 on the look of the neighborhood than what's
9 currently existing now.

10 And that goes aligned with fundamental
11 purposes of the Municipal Land Use Law.
12 Particularly purpose I, which is to promote or
13 create a desirable visual environment, which I
14 think will be achieved once this building -- if it
15 is approved -- would achieve and built. And then
16 purpose M, which is the efficient use of land. I
17 think that's, you know, this in-fill development
18 project, finishing a half built building, we align
19 with that goal substantially.

20 And then lastly, it's always been my
21 opinion that the construction of new high quality
22 housing units, something that the State of New
23 Jersey is in desperate need for, always promotes
24 the general welfare, always promotes the residents
25 and potential future residents. That aligns with

1 purpose A of the Municipal Land Use Law, which is
2 more housing and better quality housing.

3 So after my review of the subject
4 property, the surrounding area, and the applicable
5 zoning requirements, it is my professional opinion
6 that the application's benefits substantially
7 outweigh the detriments. And that the application
8 can be approved without substantial detriment to
9 the public good or substantially impairing the
10 intent of the purposes of the zone plan or the
11 zoning ordinance. Thank you.

12 MR. ALONSO: I have no further
13 questions.

14 CHAIRPERSON GARCIA: Mr. Ricci, did you
15 have the opportunity to visit the facility, the
16 place, did you visit it or no?

17 MR. RICCI: Yes, I do that with all my
18 sites. I visit the neighborhood, I didn't go in.

19 CHAIRPERSON GARCIA: Okay. And the
20 neighborhood, so the neighborhood is similar to
21 your application? What do we have around there?
22 What do we have on Summit Avenue and what do we
23 have on Sip Street?

24 MR. RICCI: We have a wide variety of
25 uses. Directly across the street is another

1 multifamily apartment building. Behind our
2 property, there is a restaurant. And then you
3 have a parking area and then you have a large --
4 what appears to be a medical center or medical
5 office building. To the left of our property,
6 across Henry Street, this is a multi-tenant
7 commercial building. Across Summit Ave., you have
8 a variety of what I would consider
9 neighborhood-scale businesses on the ground floor
10 and then apartment units, probably two to four
11 stories of residential units above them. And then
12 along Sip Street, you have -- these appear to be
13 attached single family or two-family dwellings
14 along Sip that are to the left of that apartment
15 building. So you kind of have a wide variety, as
16 I mentioned, of uses in this area.

17 CHAIRPERSON GARCIA: And the building
18 that you mentioned that is there in the southwest
19 corner of Summit Avenue and Sip, it is how many --
20 how high is it? How many stories?

21 MR. RICCI: The building across Sip
22 Street, I think it's probably five or six.

23 CHAIRPERSON GARCIA: And you're
24 proposing?

25 MR. RICCI: What's that?

1 CHAIRPERSON GARCIA: How many stories
2 are you proposing?

3 MR. RICCI: Twelve.

4 MR. ALONSO: Eleven.

5 MR. RICCI: Eleven.

6 CHAIRPERSON GARCIA: And how many
7 stories is the Kennedy Center?

8 MR. ALONSO: That's the medical
9 building.

10 MR. RICCI: I'm trying to think because
11 it appears as a tall building, but I don't know
12 how large the floor to ceilings are.

13 CHAIRPERSON GARCIA: But you could --

14 AUDIENCE MEMBER: Four.

15 MS. PEREZ: Third floor --

16 CHAIRPERSON GARCIA: That was my next
17 question. How old do you think that building is
18 there?

19 MR. RICCI: This medical building? I'm
20 going to take a guess, 50, 60.

21 MS. GUTIERREZ: More.

22 MR. RICCI: I'm being told more.

23 CHAIRPERSON GARCIA: And also you don't
24 think, like, if you're allowed 38 feet high, going
25 to 116, you don't think it will be -- like you're

1 tripling, you're three times what is allowed. You
2 don't think it's going to impact that area?

3 MR. RICCI: No. Like I mentioned the
4 benefit of this site is that you have roads on the
5 three sides and then you back up to this
6 commercial parking lot. So nobody is directly up
7 against the building. You know, it's going to be
8 a taller building than the surrounding area, but I
9 think the benefit of this lot is it kind of sits
10 in the corner of this block, kind of by itself.
11 So nobody is directly abutting it or being
12 directly affected by it.

13 CHAIRPERSON GARCIA: Okay. Mr.
14 Carballo, how do you -- the breakdown of the
15 apartment per floor because my math -- I mean, you
16 have four, two, eleven, so you have eight story,
17 16, right? Can you give me the breakdown by
18 floor?

19 MR. CARBALLO: This is your typical
20 floor. I'm just going to count the units, so you
21 can see, right. So starting with this one, two,
22 three, four, five, six, seven, eight, nine, 10,
23 11, 12, 13, 14, 15, 16.

24 CHAIRPERSON GARCIA: Okay. So if you
25 say 16 by 11.

1 MR. CARBALLO: 11 includes the parking.

2 CHAIRPERSON GARCIA: How many parking
3 level?

4 MR. CARBALLO: We'll take --

5 MR. ALONSO: How many residential
6 floors?

7 MR. CARBALLO: Nine residential floors.

8 CHAIRPERSON GARCIA: Nine, okay. So you
9 have two floors that have different, that don't
10 have 16, okay.

11 MR. CARBALLO: You have one floor that
12 we eliminated two units, so we have some amenity
13 space.

14 CHAIRPERSON GARCIA: Okay. Did you have
15 any other questions, Mika?

16 MS. APTE: I do have a couple of
17 follow-up to clarify. The zoning detail chart on
18 the plans say 12 stories are proposed, we just
19 heard 11. Could you please clarify?

20 MR. CARBALLO: So what we have is we
21 actually have, by code definition, we have two
22 levels of parking.

23 MS. APTE: Okay.

24 MR. CARBALLO: Because we have a
25 basement that doesn't count and we have a

1 mezzanine that doesn't count as a story. So we
2 have those, plus the nine, it's 11.

3 MS. APTE: By code, you mean the
4 building code, right?

5 MR. CARBALLO: By definition, yes.

6 MS. APTE: By zoning ordinance, how many
7 stories do you have? Because there's always a
8 difference --

9 MR. CARBALLO: Let me --

10 MS. APTE: And I want to be sure.

11 MR. CARBALLO: I don't know that there's
12 a definition for mezzanine as opposed to a story.

13 MS. APTE: So it's 11 stories, so your
14 zoning chart has to be changed on your plan?

15 MR. CARBALLO: Okay, yeah, if we did
16 that -- yeah, it's nine plus two.

17 MS. APTE: Okay, 11 stories. Now, I
18 believe part of the testimony was this site -- and
19 please forgive me for asking the questions
20 again --

21 MR. CARBALLO: It's a question for me?

22 MS. APTE: Yeah, these are continuing
23 but I'm somebody new here, so please forgive me
24 for asking the questions again and I apologize.

25 CHAIRPERSON GARCIA: Not a problem.

1 MS. APTE: Because I'm trying to
2 understand the math. When it was approved in
3 2006, it was approved for how many units?

4 MR. CARBALLO: It's 108 units.

5 MS. APTE: 108, okay. And now you're
6 proposing 142 with just adding two more stories?

7 MR. CARBALLO: That is correct.

8 MS. APTE: So essentially what would the
9 definition -- so when it was approved in 2006, was
10 it a high-rise or was it a mid-rise?

11 MR. CARBALLO: It's still a high-rise by
12 definition.

13 MS. APTE: Okay. When it was ten
14 stories?

15 MR. CARBALLO: When it was --

16 MS. APTE: Eight.

17 MR. CARBALLO: Yes.

18 MS. APTE: Now, going back to the layout
19 of the units. I believe the testimony was that
20 during the last approval, there were more two
21 bedrooms and now you reduced that by proposing one
22 bedrooms. But we also heard there's one bedroom
23 plus den. I believe you were around here when the
24 Board's hesitation when looking at dens. Is there
25 some design changes being made how that den is not

1 going to be used as another bedroom?

2 MR. CARBALLO: So none of the dens
3 actually have windows, right, so they're all
4 interior spaces. So from a unit point of view,
5 that's not a two-bedroom or could never be a
6 two-bedroom. We could always remove walls, just
7 to make it an open space. And I would have no
8 problem with doing that. If that qualms your
9 concern.

10 MS. APTE: Well, I mean that's up to the
11 Board's decision, but that is one of the concerns
12 we heard today, when the den gets converted into
13 the bedroom. Mr. Chairman, if I may continue to
14 ask questions?

15 CHAIRPERSON GARCIA: Of course, of
16 course.

17 MS. APTE: Now, I do have questions for
18 Mr. Ricci, a couple of them. So part of the
19 testimony we heard which said the practical matter
20 is that the building height is driven by the
21 parking that is already built, is that --

22 MR. RICCI: It's partially driven by it.

23 MS. APTE: So but then there was also
24 testimony given that the parking already exists,
25 so how is that justified with the increase in the

1 number of stories?

2 MR. RICCI: I'm sorry, can you repeat?

3 MS. APTE: So the way -- the testimony
4 that was given tonight said that the height of the
5 building is also part of the reason driven by the
6 parking garage that is essentially built. So, but
7 that parking garage was approved and built for
8 108 units and ten stories, as we heard earlier.
9 The increase of 142, how is that the parking
10 garage lending to that height? Because the
11 parking garage hasn't changed, right? You still
12 are able to fill it in, so why couldn't the ten
13 stories -- I'm not understanding the connection
14 there.

15 MR. RICCI: Right, right. Well, I think
16 as it was mentioned before, I think there were
17 changes in residential behaviors in office and
18 commuting behaviors in the desire for the
19 one-bedroom plus den, the market changes. And I
20 think that was largely driven, by as I mentioned,
21 you know, changes coming out of Covid, and the
22 decision to change the unit types. But also try
23 to keep the parking ratio a one-to-one, as our
24 traffic engineer had mentioned it being a
25 sufficient supply. I think that's essentially

1 where that decision had come from.

2 MS. APTE: Now, putting your planning
3 hat on, we understand as engineers testify to the
4 RSIS standards and what have you. I'm sure you've
5 looked at the Union City parking standards and
6 they're pretty straightforward. They say two
7 parking spaces per unit, just -- and that has been
8 done, you know, we recently had the ordinance
9 change in 2025. And that seemed to still have
10 been carried on, it's two parking spaces per unit,
11 9-by-18 stall parking spaces. So I understand the
12 whole RSIS, but how do you marry the intent or the
13 purpose of the master plan and zoning ordinance
14 which outright said this is what we want in our
15 City and now we bring in state standards and
16 justify --

17 MR. ALONSO: The ordinance is superseded
18 by the RSIS.

19 MS. APTE: I'm asking from a planning
20 point of view.

21 MR. ALONSO: I understand.

22 MS. APTE: We all understand that. But,
23 you know, again, if part of the testimony is that
24 the master plan and zoning ordinance is not
25 substantially detriment -- thank you, Chairman --

1 then how do we rectify that? Given the fact that
2 the zoning ordinance was just changed?

3 MR. RICCI: And that's a great question.
4 I before I answer that, I want to clarify one
5 thing. Is that ordinance one or two spaces per
6 unit for any type of unit?

7 MS. APTE: I believe so.

8 CHAIRPERSON GARCIA: Yes.

9 MS. APTE: I would have to check that.

10 CHAIRPERSON GARCIA: One bedroom,
11 whether it's one bedroom, two bedroom.

12 MS. APTE: This is my first time in
13 Union City.

14 MR. RICCI: Me, too. So it's for any
15 unit across the board, from single family up to
16 high-rise apartment?

17 CHAIRPERSON GARCIA: If it is two-family
18 house, we request four parking spaces.

19 MR. RICCI: Understood. So I think as
20 we mentioned, you would appropriately be able to
21 apply a more relaxed standard or parking demand
22 reductions because of this type of use. Because,
23 as I mentioned, we're close to mass transit, you
24 might have young professionals commuting into the
25 city. We're in a commercial district, so you have

1 more walkability. You have better access to goods
2 and services. You have apartment-style living, so
3 these aren't -- those requirements, I would agree
4 with you, are probably more appropriately applied
5 to the permitted uses of a single and two-family
6 dwelling, where you would have your driveway and
7 you anticipate parking your single occupancy
8 vehicle here. But I just think the use itself,
9 its proximity to mass transit, proximity to
10 commercial, that's why I think it could
11 accommodate a more relaxed parking standard. It's
12 typically what we see for --

13 CHAIRPERSON GARCIA: How do you know
14 Union City? How well do you know Union City?

15 MR. RICCI: In the context of?

16 CHAIRPERSON GARCIA: I'm telling you,
17 because anywhere that you stand up in Union City,
18 you're going to be a block away or two blocks away
19 from mass transit, 49, 32, 13, 2, Palisade, West,
20 Bergenline, whatever, you're going to be next --
21 you know what's the farthest away that you could
22 be? If you live in Troy Tower, you have to go all
23 the way to Palisade Avenue, I think that's one
24 that's four blocks away. Otherwise, you have mass
25 transit a block away.

1 MR. ALONSO: I think that supports our
2 position. Based on the RSIS, there are four
3 factors that can be considered because the RSIS
4 is, as you know, a statewide standard. I think
5 Mr. Ricci just went through --

6 CHAIRPERSON GARCIA: That's a
7 good point.

8 MR. ALONSO: Mr. Ricci went through the
9 four factors which allows us to deviate from the
10 zoning ordinance.

11 CHAIRPERSON GARCIA: Without any
12 substantial detriment, of course. Because if you
13 take, like you said, RSIS is New Jersey wide,
14 right?

15 MR. ALONSO: Right.

16 CHAIRPERSON GARCIA: But I don't have
17 the same situation in Union City that I have in
18 Kearny, that I have in Tenafly. And I have to
19 apply the same RSIS.

20 MR. ALONSO: Correct, but the RSIS is
21 four factors --

22 CHAIRPERSON GARCIA: We have, in the
23 last census, over 70,000 people in Union City, in
24 less than two square miles.

25 MR. ALONSO: But the census is also

1 going to tell you that not every person has a
2 vehicle.

3 CHAIRPERSON GARCIA: But I invite you to
4 go around, like I said, I mean --

5 MR. ALONSO: No, I know. But not every
6 person is going to have a vehicle. And what you
7 need to do is compare it also to Hunterdon County.
8 If you have a multi-acre parcel of land and you
9 want to develop it into homes, just one- and
10 two-family homes, okay, they don't have bodegas in
11 Hunterdon County, they don't have stores down the
12 block where you can walk to. Here, you could
13 basically walk anywhere or take mass transit and
14 get everything you need. In Hunterdon County, you
15 need to have a vehicle.

16 CHAIRPERSON GARCIA: Good point.

17 MR. ALONSO: You need to have --

18 CHAIRPERSON GARCIA: I have the bodega,
19 but I don't have a TJ Maxx, I don't have Walmart,
20 I don't have Home Depot. I have to go away, I
21 have to drive --

22 MR. ALONSO: Right.

23 CHAIRPERSON GARCIA: -- to go there, you
24 know what I mean. The bodega is there for
25 something that you need right there.

1 MR. ALONSO: The bodegas is there. You
2 have restaurants, you have all kinds of stores,
3 you have everything around here. So those are the
4 facts. I could bring back the traffic engineer to
5 testify as to those four specific factors, that's
6 written right into the RSIS.

7 CHAIRPERSON GARCIA: We already have
8 that, we live here. We're the ones that suffer,
9 the ones that we know 24/7 which one is the
10 situation in Union City. But it's okay, we'll
11 continue on.

12 MR. ALONSO: Understood.

13 CHAIRPERSON GARCIA: Do you have more
14 questions?

15 MS. APTE: I just had one other
16 question, if you can bring out your aerial, Mr.
17 Ricci.

18 MR. ALONSO: A-1.

19 MS. APTE: Mr. Ricci, when it was
20 described of the building right opposite, which is
21 a multifamily and I think you said it's four to
22 five-story, was there any, you know, view shed
23 details or anything of that study done to see if
24 there's any impact on those apartments?

25 MR. RICCI: I mean that's more --

1 MR. CARBALLO: That would be more for
2 me. No, we're not required to do that. The
3 ordinance doesn't call for that. And for those
4 units, those buildings, you're always going to
5 have another building in front of it. So if
6 everybody is at the same height, there is no view
7 shed. Basically you're going to be looking at
8 somebody else's house across the street or next to
9 you.

10 MS. APTE: Understood. But the
11 ordinance is not going to ask for a requirement to
12 do a view shed study, it's --

13 MR. ALONSO: Some do.

14 MS. APTE: -- usually done when there's
15 a height variance involved, which is what the case
16 is right now, before the Board. By ordinance, in
17 this zone, you're allowed 38 feet, right? So if
18 that comes in front of this building, yes, that is
19 of course, not going to be a view shed discussion.
20 But specifically for this building, because it's a
21 height variance, this was a question, if there was
22 any kind of study done.

23 MR. ALONSO: But --

24 MR. CARBALLO: So what's the criteria --

25 MR. ALONSO: Hold on, hold on. I'm

1 going disagree with the premise of your question.
2 For example, North Bergen has a view shed
3 ordinance and that's down on -- down by River
4 Road. So that any of the buildings up on
5 Boulevard East, and you don't need a height
6 variance, okay, you have to have an orientation
7 east to west so that you can see down towards the
8 City and towards the water. And that's without a
9 height variance.

10 MS. APTE: Okay.

11 MR. ALONSO: So a view shed study is not
12 only because of a height variance.

13 MS. APTE: Okay. But in this case,
14 because it's a height variance --

15 MR. ALONSO: But there's no ordinance in
16 Union City that requires a view shed, whether
17 there's a height variance or not. The question is
18 whether or not, what's the impact to the views.
19 And under the law, there's no right to a view. So
20 the view is not an issue from a zoning
21 perspective.

22 MS. APTE: Well, the question is the
23 height is an issue over here, right, and the
24 testimony was that the height -- there's not much
25 impact on any of the surrounding properties. So

1 the question is was there a study done to see the
2 impact on these apartments that's right opposite
3 this proposed building?

4 MR. CARBALLO: So you know there was a
5 previously approval for this building, right, that
6 was one story less? So we're really not adding to
7 it by adding one more story. So if there was no
8 problem then, there should not be a problem now.

9 MS. APTE: I don't know if there was a
10 problem then --

11 MR. ALONSO: It was approved.

12 MR. CARBALLO: It got approved and
13 started building, so there was no problem.

14 MS. APTE: Okay, all right. But, again,
15 the Board is, as Chairman has said, it's 2006 to
16 2025, there can be new discussion.

17 MS. GUTIERREZ: Also, it was 108, not
18 142.

19 MR. CARBALLO: Absolutely, but you had
20 so many more two bedroom units. I think the
21 testimony is that we lost like 40 bedrooms, which
22 creates parking, creates traffic, creates
23 problems. And that's why when we're doing this,
24 we decided that the majority -- the vast majority
25 should be one-bedroom units. And that's why we

1 come back to the Board with just one bedrooms.

2 MS. PEREZ: When was the parking
3 structure built? And how long has it been vacant?

4 MR. CARBALLO: I think it was stopped
5 about seven years ago.

6 MS. PEREZ: So it's ongoing construction
7 from 2006 to seven years ago, it was an ongoing
8 construction project? Or did it stop and start?

9 MR. ALONSO: I believe it started -- my
10 client's here, so we can get those dates a little
11 more firm. I believe it started in 2018, I
12 believe. And then it started and then he was
13 delayed because of Covid. And then when he
14 started again, there was an issue with PSE&G. And
15 PSE&G put a stop work order on it. And then
16 ultimately, that's what stopped because there was
17 conflicting issues as to whether or not certain --

18 MS. PEREZ: What happened from 2006 to
19 2018 with the property? There was nothing there?

20 MR. ALONSO: The original owner of the
21 property was Carlos Crespo, he's the one who
22 obtained the approvals. He got into financial
23 difficulties, he never started the project.
24 Ultimately, my client purchased the property, the
25 approvals were still valid.

1 MS. PEREZ: In 2018?

2 MR. ALONSO: 2018 is when construction
3 started, I believe he purchased it in 2014.

4 MS. PEREZ: And nothing had expired?

5 MR. ALONSO: Nothing had expired,
6 permits were issued. And then it's a series of
7 unfortunate circumstances that were out the
8 control of my client, which is ultimately why he
9 was stopped, otherwise he would have continued.

10 MS. PEREZ: It's been vacant, you said,
11 for the last seven years?

12 AUDIENCE MEMBER: We stopped with Covid,
13 sir. We stopped with Covid.

14 CHAIRPERSON GARCIA: You have to swear
15 him in.

16 AUDIENCE MEMBER: I'm sorry, sir.

17 MR. ALONSO: Just tell me what year did
18 you stop?

19 AUDIENCE MEMBER: With Covid.

20 MR. ALONSO: 2021, it was stopped since
21 '21. And then as I indicated in my opening
22 statement, the financial environment changed
23 substantially in terms of the financing. So he
24 was no longer able to continue with the financing
25 that he had in place. And this is where we're at

1 now.

2 VICE CHAIRPERSON GRULLON: Mr. Carballo,
3 I know the approved parking garage is already
4 built, I don't see clearly here in the picture,
5 are the residential area, are those set back from
6 the parking garage?

7 MR. CARBALLO: No, they're not.

8 VICE CHAIRPERSON GRULLON: Just a
9 square box?

10 MR. CARBALLO: It's already built. My
11 testimony was the structure is there, there's
12 nothing much you can do with the structure. It's
13 just going to continue, so we have to follow that
14 footprint.

15 VICE CHAIRPERSON GRULLON: For the
16 entire building?

17 MR. CARBALLO: Yeah, we're married to
18 that.

19 MR. ALONSO: And if I could just address
20 your planner's question, it was a finding on
21 paragraph number seven of the resolution where the
22 Board found that the project will not have a
23 detrimental impact as to light, air, open space on
24 the surrounding properties due to the fact that
25 the shadows of the building will be cast onto the

1 parking lot and onto the existing residential --
2 and not on to the existing residential properties.
3 So there was already a finding made --

4 MS. APTE: So there was a study done.

5 MR. ALONSO: Essentially the same size
6 building.

7 MS. APTE: Okay.

8 MS. PEREZ: That was from 2006?

9 MR. ALONSO: Correct. And nothing has
10 changed.

11 CHAIRPERSON GARCIA: Open to the public.
12 Any member of the public wants to step forward?

13 MS. MARKEY: Absolutely. Maria Markey,
14 827 Sip Street.

15 CHAIRPERSON GARCIA: Just for the
16 record -- you'll have to read the transcript.
17 Carlos, for the record, she's --

18 MR. VALLEJO: The record will show that
19 Ms. Pena left the meeting.

20 MS. MARKEY: Good evening, Board. My
21 name is Maria Markey, I reside at 827 Sip Street.
22 So some of what I'm going to say has already been
23 said, but I'm going to say it again just because
24 none of you want to go home to bed, I know it. So
25 back in 2006 multiple variances were granted to

1 build the 108-unit building at 3125-3129 Summit
2 Avenue. The master plan at the time had not been
3 updated for the new vision of Union City --

4 MR. ALONSO: Excuse me, Mr. Chair, are
5 these questions or comments?

6 MS. MARKEY: Comments.

7 MR. ALONSO: No, no, I know, but
8 procedurally, normally, you have questions of the
9 public.

10 CHAIRPERSON GARCIA: But you're going to
11 come with something after that statement, no?

12 MS. MARKEY: Well, yeah.

13 MR. ALONSO: And typically comments are
14 reserved for the end. I'm just trying to find out
15 for the record if we're doing public questions at
16 this point.

17 MS. MARKEY: Can I continue?

18 CHAIRPERSON GARCIA: Yeah.

19 MS. MARKEY: Or do you want me to come
20 up later?

21 CHAIRPERSON GARCIA: You can continue.

22 MS. MARKEY: Okay. Since then, a new
23 master plan has been adopted and revised twice.
24 The latest revision was in 2021, I know you all
25 know this, but I'm going to read lines to you.

1 I'd like to read a few lines from the current
2 master plan that are relevant to this meeting. On
3 page 10 of the 2019 goals and objectives,
4 reexamined in 2021, items one and two. Item one,
5 preserve the established residential character of
6 Union City, while simultaneously taking into
7 consideration the mechanisms that promote
8 economics growth and development. Two, advocate
9 for smart growth and planning principals that
10 maintain the established neighborhood scale
11 without exacerbating burdens on the
12 infrastructure.

13 Then on page 15, changes to goals and
14 objectives, items one through three and also
15 master plan recommendations, prepared amended land
16 use elements. So the goals and objectives
17 identified in the 2019 re-examination report
18 continue to remain valid and are carried forward.
19 The following additional goals are recommend to
20 further Union City's vision for its future.
21 Maintain the established historical residential
22 densities and encourage the preservation of the
23 City's older housing stock. Two, provide for
24 appropriate bulk standards and densities that do
25 not overburden the City's smaller residential

lots. Three, ensure that future development can meet parking demands and requirements on-site, so that future development does not result in parking overflow onto the City's streets, thereby further compounding the City's parking problems. Also the City's infrastructure is limited in its ability to handle the continued intensification of its small residential lots. Not only does the increased redevelopment of these smaller lots create issues with massing, resulting loss of existing one- and two-family dwellings is a cause for concern for Union City. The loss of these older structures is changing the neighborhoods that the residents consider part of the fabric and history of Union City. There is a desire to maintain these architecturally detailed buildings as they encapsulate the historic neighborhood character that has consistently remained an important feature for the City and its residents -- sorry it's late at night.

And, finally, page 17, land development ordinance recommendations, changes to height. The maximum height should be reduced from four stories and 45 feet to three stories and 38 feet to mitigate the towering feeling of the building at

1 the right-of-way, as well as in relation to
2 neighboring properties. Changes to coverage,
3 building coverage and lot coverage should be
4 reduced to 65 percent and 90 percent respectively
5 to help reduce the massing of structures.

6 The proposed increased setbacks continue
7 to allow for a fairly large building footprint
8 while simultaneously mitigating the negative
9 effects of oversized buildings on smaller lots.

10 I also have, from the OPRA website, a
11 list of violations that the owner has been cited
12 with, some of which are listed as not closed.
13 This is quite troubling. They are as follows:

14 January 2015, notice and order of
15 penalty, failed to obtain building permitted,
16 change of contractor for footing and foundation.

17 September 2019, notice and order of
18 penalty, abandoned structure must be boarded up
19 and secured immediately.

20 August of 2023, notice of imminent
21 hazard. Must immediately repair exterior brick
22 facade, must obtain required permits and
23 inspections.

24 September, 2023, notice of imminent
25 hazard. Must obtain and submit sealed

1 certification from New Jersey licensed
2 engineer/architect certifying the structural
3 integrity, including exterior work.

4 It's quite amazing that after 20 years,
5 this building has never been completed. And now
6 the owner is looking for more variances to add two
7 stories, in addition to the ten stories that were
8 originally granted. I'm not sure that you know
9 Sip Street, but it has a total of 16 two-story
10 homes and Vista Commons, which is four stories and
11 has 20 families. In total, less than the number
12 of families that will occupy this one building.

13 I know you on the Board all know that
14 you have a fiduciary responsibility to us, the
15 residents, not the builders who do not live here.
16 Maintaining our neighborhoods, our parking, and
17 our quality of life needs to be considered before
18 granting any variances. A building that needs as
19 many variances as this one should be a big red
20 flag that it doesn't belong where it is being
21 built. Based on this, please do not approve these
22 new variances that would overburden our area. And
23 please review what has already been issued and
24 modify it to a smaller building that would be more
25 in line with the area. Thank you very much for

1 your time and attention.

2 CHAIRPERSON GARCIA: Thank you.

3 VICE CHAIRPERSON GRULLON: Thank you.

4 MS. GUTIERREZ: Thank you.

5 CHAIRPERSON GARCIA: Any other member of
6 the public that wants to step forward. You can
7 raise your hands. One second.

8 MR. ALONSO: He's the applicant.

9 CHAIRPERSON GARCIA: He raised -- he
10 said timeout, he's asking for timeout. I say he
11 only has to raise his hand and he can come in
12 front. But she raise her hands first and then he
13 come next.

14 MR. ALONSO: He's my client.

15 CHAIRPERSON GARCIA: I know, but he's
16 raising his hand.

17 MR. ALONSO: I'm not going to have him
18 testify.

19 CHAIRPERSON GARCIA: Go talk to him.

20 MS. SCARAFI: Hi, Soraya Scarafie,
21 S-C-A-R-A-F-I-L-E, S-O-R-A-Y-A. I live at 817 Sip
22 Street for the last 63 years. So you guys did
23 cover -- you were wonderful and covered a lot and
24 it was great. But since that building was built,
25 we have lost -- because of the sidewalk that they

1 needed to add, the upper part of Sip Street lost
2 four spots. We lost the spot for Vista Commons,
3 there were two spots there. And we lost -- and
4 Brian has given us all these great parking spots,
5 but when they do the parking garage, we're going
6 to lose two spots for the entrance coming out of
7 Henry Street and going into Henry Street, because
8 you're going to need to be able to make a turn.
9 So we're up to, what, ten spots that are already
10 out.

11 So with the building that you're -- all
12 the parking that you're putting there, is that
13 part of the homeowner or the renter's
14 responsibility to pay for it? So that they have
15 it, part of their, you know, whatever? Mortgage
16 or whatever it is. Is it rental? So the
17 apartment -- are the apartments going to be for
18 renting or for owning?

19 MR. ALONSO: It's going to be a rental.
20 And the Board sometimes makes it a condition that
21 the spaces have to be leased, as part of the
22 lease, including the lease.

23 MS. SCARAFILE: So they have to use the
24 parking spaces or they get money off for not using
25 the spaces?

1 MR. ALONSO: If it's included in your
2 lease, it's part of your lease, you're paying for
3 it.

4 MS. SCARAFILE: Because Vista Commons
5 has the same thing and there are at least five
6 residents of Vista Commons, for sure, that I know
7 for sure that park on Sip Street and don't use
8 their parking spots because -- for whatever
9 reason, money or whatever reason, they get out of
10 it somehow. That was --

11 MR. ALONSO: That happens in one
12 families and two families, too, where people
13 convert the garages into apartments or --

14 MS. SCARAFILE: We don't have garages on
15 Sip Street.

16 MR. ALONSO: I'm just --

17 MS. SCARAFILE: And we don't have
18 driveways on Sip Street.

19 MR. ALONSO: It's not just a multifamily
20 building --

21 MS. SCARAFILE: And we can't park in the
22 parking lot. And no one in their right mind is
23 walking three blocks to the overflow on 35th that
24 you so graciously put up. My children aren't
25 going to walk three blocks to come visit me

1 because there's no parking. So that's a big
2 concern of mine.

3 Secondly, we just had a -- we've been
4 having an issue because Union City sewer lines
5 haven't been changed in quite some time. And
6 because of all the rain, there's been flooding
7 that's backing up into our basement. So the last
8 big rainfall, we had water come in. And we called
9 the sewer authority and they came to blow out the
10 lines and told us because of the rain and so
11 much -- so many people and the congestion, the
12 pipes aren't big enough. You put all these new
13 buildings and I'm going to drown in somebody's
14 toilet flush.

15 MR. ALONSO: No, that's not true. It
16 should not happen that way. What would happen is,
17 assuming approval, as part of the permitting
18 process, we will to go get approvals from the
19 North Hudson Sewage Authority.

20 MS. SCARAFIL: They're the ones that
21 told me the pipes were small.

22 MR. ALONSO: I understand that. They
23 have to look at the capacity and make sure that
24 the lines can handle the flow. And if not, then
25 improvements have to be made.

1 MS. SCARAFIELD: So they're going to
2 change those lines?

3 MR. ALONSO: Typically, it's the
4 developer who has to contribute towards it.
5 Either they do all of it or depends the extent of
6 it and there's a contribution. But they will not
7 allow a new building to tie into existing sewer
8 lines that cannot handle the capacity. They won't
9 get the permits.

10 MS. SCARAFIELD: And who decides that,
11 the Board?

12 MR. ALONSO: North Hudson Sewage
13 Authority.

14 MS. SCARAFIELD: Okay.

15 CHAIRPERSON GARCIA: I'm part of the
16 board, I'm a commissioner of that board, and, yes,
17 they have to be inspected by the North Hudson
18 Sewer Authority in order for them to have all
19 the -- to see how is the volume of water that
20 going to come out and everything.

21 MS. SCARAFIELD: Okay.

22 CHAIRPERSON GARCIA: That doesn't mean
23 that going to improve the issue in the street.
24 However, if it's going to impact, then they're
25 going to request to the developer to improve at

1 least the volume of water that's going to come out
2 from the building. Because I know cases in
3 another municipality that are part of the board
4 that North Hudson Sewer Authority requested some
5 kind of equipment for the water that was produced.

6 MS. SCARAFIELD: Thank you. And as far
7 as the garbage is concerned, you have a 141 units,
8 where will it be? Is it going to be put on Henry
9 Street for pick up, is it going to be put on Sip
10 Street for pick up? Is that going, I mean,
11 because --

12 MR. ALONSO: Sure.

13 MS. SCARAFIELD: -- that's a lot of
14 trash.

15 MR. ALONSO: That's a good question. I
16 believe the architect testified there's a
17 compactor, so it will be a container. So it will
18 be a private collection, so it will be something
19 that would be coordinated through the management
20 of the building and a private hauler.

21 MS. SCARAFIELD: And the container, on
22 Henry Street, on Sip Street, or on Summit?

23 MR. ALONSO: Typically, in these types
24 of buildings, what happens is there's a
25 superintendent or some type of attendant at the

1 property, they'll wheel it out when the truck is
2 there. The truck dumps the garbage, then they
3 wheel it back in.

4 MS. SCARAFILE: So Union City's garbage
5 people --

6 CHAIRPERSON GARCIA: Mr. Carballo, can
7 you explain to them how the chute works because
8 that goes to the compactor?

9 MS. SCARAFILE: I know how that works,
10 you open the chute, it goes down. It goes into
11 the compactor --

12 CHAIRPERSON GARCIA: No, no, I mean the
13 process to pick it up. Can you explain?

14 MR. CARBALLO: I think Mr. Alonso
15 explained it. Basically, there's a compactor at
16 the end of the chute, it compacts it into smaller
17 packages. And that gets put into a dumpster, that
18 gets wheeled out by the super or, you know,
19 maintenance person. The truck is going to be
20 there at a certain time, ten minute, 15 minutes
21 before that.

22 MS. SCARAFILE: So the one person is
23 going to bring out 140 garbage packages?

24 MR. CARBALLO: No, there's not 140 --
25 they go in a dumpster. Let's use common sense a

1 little.

2 MS. SCARAFILE: Well, the terms you're
3 using, I'm going to split the hair, because the
4 dumpster is a large thing. I come out of my
5 house, I already see an albatross that's horrific.
6 I see the homeless that go into that building and
7 the animals that go into that building and the
8 animals that come out of that building, which
9 hasn't been taken care of. Although, Union City
10 police department was very nice to make them board
11 it up. So that was taken care of, but that didn't
12 stop what's happening. So I get to see that. So
13 now on top of that and the extra people that are
14 going to be there and the no parking that we're
15 going to have, I'm now going to look at a smelly
16 garbage --

17 MR. ALONSO: No, you're not.

18 MS. SCARAFILE: -- dumpster?

19 MR. CARBALLO: Actually, no. By the
20 time it's compacted, it gets sanitized, it's not
21 going to smell bad. When I say maintenance man, I
22 don't mean one person is going to be taking out
23 140 packages, that's not the way it works.
24 There's probably two or three of them, whatever
25 the crew is, that will wheel it out, goes to the

1 truck. The truck picks it up. Then they bring it
2 back in. Now, dumpsters are -- they're not 30
3 foot dumpsters, they're smaller dumpsters being
4 wheeled out.

5 MS. SCARAFILE: Okay. So now my next
6 question is you said this is a rental?

7 MR. ALONSO: Yes.

8 MS. SCARAFILE: All the units are
9 rental?

10 MR. ALONSO: Yes.

11 MS. SCARAFILE: There's no option to
12 buy?

13 MR. ALONSO: At this point, it's a
14 rental.

15 MS. SCARAFILE: Okay. And when you --
16 what happens to the building if you can't rent it
17 all? So like if you don't get 140 people that
18 want to live in this wonderful new building that's
19 so close to New York, that has the great
20 transportation?

21 MR. ALONSO: Then you have vacancies.

22 MS. SCARAFILE: And what happens to
23 that? What happens to him? How does he make his
24 money?

25 MR. CARBALLO: That's not your concern.

1 MS. SCARAFIELD: Oh, it's my concern
2 because I live across the street from it. So if
3 it becomes empty and he can't do it and it becomes
4 a low income -- I no longer have those great
5 yuppies that are going coming, thanks to the
6 traffic guy to come live in my neighborhood. Now,
7 I have low income people that live in my
8 neighborhood.

9 MR. ALONSO: We don't discriminate
10 against low --

11 MS. SCARAFIELD: I don't want to
12 discriminate either, but the reality is it could
13 become -- the building can very well become, you
14 know --

15 MR. ALONSO: There's an anticipated
16 vacancy rate, when banks finance these things. I
17 mean it has nothing to do with zoning, okay, but
18 we're going to try to answer your questions for
19 you. There's certain vacancy rates that are
20 applied, so the bank doesn't anticipate
21 100 percent occupancy at all times. There's
22 turnover, there's vacant units for periods of
23 time. And the building is going to sustain
24 itself. This is not going to go into foreclosure,
25 it's not going to turn into, you know, a hotel

1 overnight with people coming in and out, none of
2 that. This is going to operate, otherwise we're
3 not going to invest the amount of money that's
4 required to build this. But, again, that's above
5 and beyond the zoning parameters.

6 MS. SCARAFIELD: So you mentioned
7 something about we're not -- the shade or the
8 light?

9 MR. ALONSO: Correct.

10 MS. SCARAFIELD: You're going to put 11
11 stories across the street from my house and I will
12 never see the sun on my block again.

13 MR. ALONSO: Evidently, there was a
14 shadow study presented because the Board made a
15 finding as a matter of fact that the shadows are
16 not going to impact the residences -- the
17 residential properties. It's going to be cast
18 onto the parking lot. That's in the resolution,
19 so there was testimony at the time, the Board
20 accepted it and made a finding.

21 MS. SCARAFIELD: For the new height?

22 MR. ALONSO: For the ten story building
23 and --

24 MS. SCARAFIELD: The old height?

25 MR. ALONSO: -- now this is an eleven

1 story building.

2 MR. CARBALLO: It's one more story. The
3 shadow's not going to change, the sun is still
4 doing the same thing it was doing five years ago,
5 five million years ago, so it's not going to
6 change.

7 MS. SCARAFILE: All right. Am I missing
8 anything?

9 MR. ALONSO: You done good.

10 MS. SCARAFILE: I know I'm doing good.
11 You don't live there, you guys don't know. You
12 don't live there --

13 AUDIENCE MEMBER: Sir, can you give me
14 half a minute --

15 MR. ALONSO: We're going to --

16 MS. SCARAFILE: -- the traffic. He said
17 25 minutes to go from Palisade. I live on Sip
18 Street. To get around the corner and to get down
19 495 is 15 minutes by itself now, between 7:00 and
20 10:00, it takes 10 to 15 minutes to go around the
21 corner and down 495.

22 MR. ALONSO: Understood.

23 MS. SCARAFILE: I'm retired, I can do it
24 at any time, so I --

25 MR. ALONSO: Understood. That's why the

1 zoning criteria is whether or not we are impacting
2 it -- the substantial degradation in the levels of
3 the service, okay. And if there's not, then
4 there's no substantial negative impact. And
5 therefore from a zoning perspective, which is what
6 we're here for, it's not an issue.

7 MS. SCARAFILE: How do we make it an
8 issue? It's a issue. How do you put it on the
9 zoning or whatever to make it an issue? And she
10 had a great point, I have to admire all the
11 questions you said tonight.

12 CHAIRPERSON GARCIA: But also --

13 MS. SCARAFILE: The den is going to be a
14 second bedroom. I don't know care what anybody
15 says, it may not be now because in writing it's a
16 den, but it will be an extra bedroom. And there
17 will be more people and more cars.

18 MR. ALONSO: As the architect indicated,
19 there are ways to get around that. All the towns
20 in Hudson County that we appear before have the
21 same issue, you know, it is a legitimate issue.
22 So what happens is you start -- you take walls out
23 and you eliminate them, you make it open spaces,
24 so they can't be converted. By code, you have to
25 have a window, as Mr. Carballo has indicated.

1 There's other things, other factors that will not
2 be present in order to create a bedroom.

3 Now, reality is, since before when these
4 things used to get converted to now, since Covid,
5 everything has changed. Everybody works from home
6 at one point or another. I'm starting to work
7 from home a lot more now, too, everybody does. So
8 you need that space that's away from the
9 residential unit, so that you can have it. So
10 when you have people come and visit, you don't
11 have work laid out all over the table, you put it
12 to the side, you cover it up and have your
13 visitor.

14 MR. CARBALLO: And as a multifamily
15 building, you have state do inspections every so
16 often. So if the state sees something that wasn't
17 approved, that's going to be a problem.

18 MS. SCARAFIL: Okay. So another
19 question. The parking, you get two free parking
20 for two hours in Union City and \$50 to pay for a
21 red parking pass, so that you could actually park
22 on Sip Street and Henry Street because their
23 residential parking. So they all the residents in
24 this building are going to get their two free
25 parking spots for visitors and whomever, so you

1 have how many people in that place? 140 units,
2 you're going to do one bedroom, so let's say two
3 people per place.

4 MR. ALONSO: The parking requirements
5 includes visitor parking, it's all calculated and
6 baked into the number.

7 MS. SCARAFILE: But they're not going to
8 be parking in the parking garage, your visitor
9 does not park in the parking garage. The visitor
10 is parking in front of my house.

11 MR. ALONSO: That's not true. What
12 happens with a lot of these buildings, okay --

13 MS. SCARAFILE: Wait, I taught special
14 ed for 35 years, trust me, I'm good at this.

15 MR. ALONSO: I can tell you, even though
16 you --

17 MR. CARBALLO: You have --

18 MS. SCARAFILE: I'm really good at this.
19 I buy a place in that spot, I get a parking place,
20 my car. My husband lives with me, he gets a car,
21 we pay for that. Now, my family comes over for
22 Thanksgiving, 25 of them, there's not a parking
23 spot in my garage for the 25 people in that spot.
24 They have to park on Sip Street and on Henry
25 Street, which are already missing ten extra spots.

1 MR. CARBALLO: It's already happening.

2 MR. ALONSO: Let me just address this
3 because those are valid points. I've been doing
4 this for 30 years, okay, so I've heard it all. I
5 also grew up in this area, I lived in North Bergen
6 since 1967. So I know, I used to park in front of
7 fire hydrant --

8 CHAIRPERSON GARCIA: Back in 1967?

9 MS. SCARAFILE: '67, nobody had cars.

10 MR. ALONSO: It was the late '70s,
11 early '80s. So what happens is these spaces that
12 are required to be built, okay, you're never going
13 to have 100 percent occupancy. In doing this for
14 as long as I've been doing this, Mr. Carballo has
15 been doing this, if you look at a lot of the
16 buildings that were built, okay, they're all over
17 parked, which means you have more parking spaces
18 in the building than you have the demand for. So
19 you have a lot of vacant spaces. I'm telling you
20 because I have clients, a lot of clients who owns
21 these buildings, and have a lot of vacant parking
22 spaces. So what happens, okay, it becomes an
23 operational or management issue. So you have so
24 many number of spaces, you know, that are being
25 actually used by the tenants, the rest of them are

1 all vacant. So you mark them as visitor parking
2 spaces, okay. And as tenants move in and you need
3 them, you start taking --

4 MS. SCARAFIELD: Roughly how many? What
5 are you talking -- give me a number, how many,
6 hypothetically?

7 MR. ALONSO: I'll give you the exact
8 number, not hypothetical, this is physical data
9 based on the census is .7 parking vehicles per
10 household is what Hudson County has.

11 MS. SCARAFIELD: So --

12 MR. ALONSO: That's based --

13 MS. SCARAFIELD: In the parking lot that
14 you have now?

15 CHAIRPERSON GARCIA: But we don't want
16 to convert it like Jersey City that just approved
17 200 units --

18 MR. ALONSO: She asked me a question and
19 right now the average household has .7 vehicles
20 per household. That's what it is because not
21 everybody has a car nowadays, people want to Uber
22 or Lyft or whatever.

23 MS. SCARAFIELD: So you're telling me how
24 many free parking spots are in this place?

25 MR. ALONSO: I don't know about the free

1 parking spots. We provide more parking than is
2 required, so we --

3 MS. SCARAFILE: For the tenants that
4 live there.

5 MR. ALONSO: Correct.

6 MS. SCARAFILE: Okay. But there will be
7 overflow of people, whether it's visitor or family
8 or whoever, business associates, whatever. And
9 they're not going to be able to park in that --

10 MR. ALONSO: You didn't listen to me.
11 The RSIS factors that in. In the parking demand
12 the parking requirement, already factors in
13 visitor parking.

14 MS. SCARAFILE: Okay.

15 MR. ALONSO: Because not everybody has a
16 vehicle.

17 MS. SCARAFILE: Okay.

18 MR. ALONSO: So we're covered.

19 MS. SCARAFILE: Where's your office?

20 MR. ALONSO: 6121 Kennedy Boulevard.

21 MS. SCARAFILE: Because I'll be there
22 whether there's no parking on my block because
23 those people are --

24 MR. ALONSO: Absolutely, always welcome
25 to come by.

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

3 AUDIENCE MEMBER: One more.

4 CHAIRPERSON GARCIA: Mr. Alonso, your
5 client is still raising his hand, so I have to
6 bring him up.

7 MR. ALONSO: No, you don't. We're going
8 to be coming back.

9 CHAIRPERSON GARCIA: I'm facing him.

10 MR. ALONSO: I understand.

11 CHAIRPERSON GARCIA: I have to give him
12 the courtesy because he's raising his hands.

13 MR. ALONSO: I anticipate we'll be back.

14 CHAIRPERSON GARCIA: Okay.

15 AUDIENCE MEMBER: Just want to say --

16 MR. ALONSO: No, please, Doctor.

17 AUDIENCE MEMBER: How this building,
18 you're going to --

19 CHAIRPERSON GARCIA: You have to
20 swear --

21 MR. ALONSO: No, no, please sit down.

22 MR. SCARAFILE: Frank Scarafile,
23 S-C-A-R-A-F-I-L-E, 817 Sip Street, lifelong Union
24 City resident, 30-year resident of Sip Street. I
25 can speak from experience of walking my dog for

1 15 years, three times a day, around the property
2 area. I respect your time, you'll get the Readers
3 Digest version. I respect the job you do because
4 some of this is like watching paint dry, I
5 understand. I'm going to try not to do that to
6 you. I just want to give you some facts that you
7 may not know.

8 So Sip Street from -- as Mrs. Markey had
9 said, coming from Kennedy up to Summit consists of
10 16 two- or three-family houses, there's row house,
11 two or three legal. So it depends on which --
12 some of them don't even have that -- there's a
13 total of 74 units, in my estimate, of living space
14 there for people. So we're going to put 140 units
15 in, we have more -- we have doubled the population
16 of the street, just in one building, that's one.

17 That is a cross street, a cross through,
18 like 24th Street, one of the worst streets in
19 Union City from Kennedy to Palisade, because it's
20 a cut through because there's no 25th Street
21 because of the school. There's 26th Street goes
22 one way, 23rd Street goes the other way, 24th is a
23 natural cut through. Sip Street is a shortcut to
24 avoid 32nd Street. You have an enormous amount,
25 since Union City High School has been built we're

1 a walking school district, we have many students
2 that walk from uptown have to pass by that area,
3 so that's one thing.

4 Henry Street in itself -- I want you to
5 look this up tomorrow and you'll know I'm right --
6 that is not a designated street in Union City,
7 that's still designated a driveway that used to
8 come out of Sears and Roebuck, it's not a street.
9 So with that -- and it's a very narrow driveway,
10 which means that you're going to end up taking
11 some parking away in order to make the swings in
12 and out off Henry Street. And you're going have
13 to think about, if you pass this, coming out of
14 the building on Summit, you're going to have force
15 them to go right. If they go left and try to cut
16 across, you're going to have bigger problems.
17 It's just a traffic nightmare as it is.

18 And I can tell you, I've walked it all
19 times of the day, the shadow study it was done how
20 many years ago? Go there now, it's only four
21 stories. There's no sun on my house, there's no
22 sun. There's going to be definitely no sun if you
23 go eleven stories up. I mean I live there, so
24 they can tell you all they want, I don't know who
25 did the study, they don't live there either.

1 Traditionally, when you build nice
2 apartments like you're building, New Yorkers move
3 in. Do you know why New Yorkers come to New
4 Jersey? So they can own a car because you can't
5 own one in New York City and you have to go
6 shopping in other places -- listen, it's
7 convenient where we are. When I go to New York, I
8 jump on the bus, I don't drive, but I don't always
9 go to New York. And in my house, there's two of
10 us, there's two cars. I'm going to tell you, if
11 there's one bedroom apartment, two people, there
12 will be two cars, okay. There will be parking
13 problems. Victoria Commons, we want on Sip
14 Street, we want something done with that property
15 in the worst way. We're not complaining. When
16 they proposed Victoria Commons, it sounded like a
17 lot. We almost, you know, a big population boost
18 for our block, you're talking about 20 units,
19 two-bedroom, parking underneath, 24 spaces were
20 allotted them. What we weren't told, you had to
21 purchase the spot in order to own it. So the
22 people might have bought one, it's \$10,000 a spot.
23 You own two cars, you bought one. The other ones
24 are on the streets, okay.

25 You guys know, you live here. You know

1 the parking issue, you know the traffic issue. I
2 will tell you this, if you approve this building,
3 I ask you this: Go to Sip and Summit tomorrow
4 afternoon at 4:30, hold on, stay on the sidewalk,
5 don't go in the street because you know that when
6 you're traveling north on Summit, you run into
7 Papa John's Pizza, you got a right or left.
8 Making a left is very difficult at that time. If
9 you go and make a right and go south toward 495
10 getaway and that -- I call that the getaway
11 because between 3:00 and 4:30, most of our
12 teachers don't live in town, that's the getaway,
13 that's the only way out, when you think about it.
14 So you're causing a lot of havoc in a short area.

15 Believe me, we want something done with
16 the property. We're leaving it up to your
17 expertise, your knowledge of the City, your caring
18 for the City, to say you got to put the right
19 thing there. I want the guy to make money, too,
20 but to just double my population in one spot, I'm
21 talking double, you're talking -- we're going
22 from, even if it was one -- you're talking about
23 215 units as opposed to 74 now. It's insanity, in
24 one little block like that? So if you really
25 listen to the master plan, you guys know it better

1 than me, this doesn't fit. My opinion. Thank you
2 for listening. I know you got a tough decision to
3 make. I know I want ratables and revenues in
4 Union City, but I want the right ratables and
5 revenues. Thanks for your time, enjoy your night.

6 CHAIRPERSON GARCIA: Thank you.

7 MS. SCARAFIELD: One more question.
8 Right now, that property is abandoned, it's
9 boarded up. The alleyway between the building and
10 the restaurant has an opening where the people are
11 getting in and there's animals and stuff in there.
12 Who takes care of that while or before it gets
13 zoned or taken care of or built?

14 MR. ALONSO: You mean to go into the
15 building?

16 MS. SCARAFIELD: There's a window on
17 Summit -- yeah, right -- I mean on Sip Street.
18 And then where you were supposed to do the
19 driveways for the parking to go in on Henry
20 Street, there's a board there. And then in the
21 alleyway between the restaurant is more boarding
22 and then on Summit, there's boarding. But the
23 boarding is off, people are getting in there,
24 there are animals in there, there's skunks in
25 there, rats are in there. So who takes care of

1 that?

2 MR. ALONSO: It's ultimately our
3 responsibility and I'll make sure --

4 MS. SCARAFILE: Get on it.

5 MR. ALONSO: I'll make sure it's taken
6 care of.

7 CHAIRPERSON GARCIA: Any other member of
8 the public?

9 MS. SCARAFILE: I'm done, thank you.

10 CHAIRPERSON GARCIA: Any other member of
11 public? No. I'm going to close to the public.

12 Any questions, any comments?

13 Mr. Alonso, I mean this is a big
14 application. I think that we have to -- you know
15 better than us, I mean I understand that we have
16 to go through variance. By the same token, we
17 have to care about Union City, so there's a check
18 and balance. This is too much, too many
19 apartments. And it's like one and one parking
20 spaces, you know better than your client, our
21 Board. And we have been for many, many years with
22 two parking per unit. If you want to reconsider,
23 if you want to break it down or if you want to,
24 you could talk to your client. We could adjourn
25 it and you decide if you could like fix something,

1 the application, we'll bring it up in November.
2 Because at this point, to us, it's insane to
3 approve one on one.

4 And also like I mention before, also
5 like Mrs. Scarafile said, we want to see something
6 there, okay. The situation that is right now, it
7 is getting worse and worse over there. I
8 understand that. But that doesn't mean that we're
9 going to come here with -- to increase the
10 critical situation that we have with parking
11 spaces, okay. And it's like Mrs. Scarafile said,
12 you have 142 units that they have the right -- I'm
13 not telling you that they're going to do it, but
14 they have the right to go to the parking authority
15 and they're going to have two residential permits,
16 okay. I repeat I'm not telling you that they're
17 going to do it, I don't have mine in my house, I
18 paid the parking space in bill because you have to
19 pay when you have visitors. But they have the
20 right to do it.

21 And you can -- you as an attorney or
22 your client cannot eliminate that right that the
23 don't is going to have to have to parking spaces.
24 So at this point, I don't know what the
25 recommendation -- my recommendation is two, one --

1 VICE CHAIRPERSON GRULLON: I agree with
2 the Chairman, just too many apartments. And I
3 understand the ordinance or the RSIS, but we have
4 an ordinance in Union City. We have problems in
5 Union City that we have to follow as residents.
6 And I think there's way too many apartments. As
7 the Chairman suggests, speak to your client, try
8 to bring that down, maybe half the amount of
9 apartments. Just do -- if you want --

10 MR. ALONSO: So at this time, obviously,
11 not a decision we can make quickly. So I would
12 ask that the matter be carried, so that I can
13 review with my client.

14 CHAIRPERSON GARCIA: Yes. But you
15 understand we -- and I also seen the residents of
16 the area, they also want to work. They don't want
17 to see it dilapidated there. So it's like --

18 VICE CHAIRPERSON GRULLON: What was
19 approved was 20 years ago, our situation is way
20 different now than 20 years ago.

21 MR. PANEQUE: Mr. Alonso, you waive the
22 statutory time requirements?

23 MR. ALONSO: Yes.

24 MR. PANEQUE: The statutory time
25 requirements have been waived.

1 CHAIRPERSON GARCIA: I make my notion to
2 carry this application for November 13th.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Motion on the table to
5 carry this for November 13 by Mr. Garcia, seconded
6 by Ms. Gutierrez. Roll call on the motion.

7 Mr. Garcia.

8 CHAIRPERSON GARCIA: Yes.

9 MR. VALLEJO: Mr. Grullon.

10 VICE CHAIRPERSON GRULLON: Yes.

11 MR. VALLEJO: Ms. Gutierrez.

12 MS. GUTIERREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Perez.

16 MS. PEREZ: Yes.

17 MR. VALLEJO: Ms. Watley.

18 MS. WATLEY: Yes.

19 MR. VALLEJO: Ms. O'Dell.

20 MS. O'DELL: Yes.

21 MR. VALLEJO: Seven in favor, motion
22 carries. No new notice required, right?

23 CHAIRPERSON GARCIA: No new notice.
24 November 13th.

25 MR. ALONSO: Thank you very much for

1 your time.

2 MR. VALLEJO: They need revised plans?

3 CHAIRPERSON GARCIA: They're going to
4 come with something.

5 MS. SCARAFIELD: They'll be back here
6 without notice?

7 CHAIRPERSON GARCIA: Yes, because it's a
8 continuation.

9 MS. SCARAFIELD: Okay.

10 CHAIRPERSON GARCIA: So November 13th,
11 Mr. Scarafield.

12 MR. SCARAFIELD: Thank you.

13 * * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF RESOLUTIONS:**

2 1. 3100 Central, LLC - 3100 Central Avenue.
3 Block: 170 Lot: 1. The applicant proposes to
4 construct an addition to the rear of an existing
5 five-unit building and legalize a 6th unit. Five
6 parking spaces are provided. **Approved.**

7
8 MR. VALLEJO: We're moving to
9 resolutions. We have one resolution on tonight's
10 agenda. 3100 Central Avenue, revised plans were
11 received on September 29, 2025. Can I have a
12 motion?

13 MS. GUTIERREZ: Motion.

14 MR. VALLEJO: Motion by Ms. Gutierrez.

15 MS. WATLEY: Second.

16 MR. VALLEJO: Second by Ms. Watley.

17 Roll call on the motion.

18 Mr. Garcia.

19 CHAIRPERSON GARCIA: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Ms. Watley.

25 MS. WATLEY: Yes.

1 MR. VALLEJO: Ms. O'Dell.

2 MS. O'DELL: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Six in favor, motion
6 carries.

7 * * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT:**

2
3 MR. VALLEJO: Can I have a motion to
4 close tonight's meeting.

5 MS. GUTIERREZ: Motion.

6 MR. ORTIZ: Second.

7 MR. VALLEJO: Motion by Ms. Gutierrez,
8 seconded by Mr. Ortiz.

9 All in favor?

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

13
14 (Whereupon the meeting was adjourned at
15 10:42 p.m.)

16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

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

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700