

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, November 13, 2025
Commencing at 6:03 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

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

ALTAGRACIA SAN MARTINO
MINDRY WATLEY
VIVIAN O'DELL
RAYMOND CETINICH

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

TOMAS PANEQUE, ESQ.
Board Counsel

CARLOS VALLEJO, Board Secretary

DAVID SPATZ, PP, Consulting City Planner

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Cindy Nathalie

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

ALVARO ALONSO, ESQ.
Attorney for Applicant, Mamdouh Mecheal

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SAKIRI UC REALTY MANAGEMENT, LLC
134 37th Street

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292 Mountain Road

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EXHIBITS

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

3 Please take notice that on Thursday,
4 November 13, 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, the agenda to the extent
13 known, was forwarded to The Record and 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, and
17 on the website of the City of Union City, ucnj.com.

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.

VICE CHAIRPERSON GRULLON: Here.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Present.

MR. GRULLON: Mr. Ortiz.

MR. ORTIZ: Present.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Present.

MR. VALLEJO: Ms. Watley is absent.

Ms. O'Dell is absent.

Ms. Pena at this time is absent.

Ms. San Martino is absent.

All right. We have five members for tonight's meeting.

* * * *

ADOPTION OF MINUTES:

MR. VALLEJO: All right. We're going to approve the previous meeting minutes from October 10, 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: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Five in favor, motion carries.

* * * *

1 **JOSEPH GAUDIO -**
2 **509-511 18TH STREET:**

3

4 MR. VALLEJO: We're moving to item
5 number one, Jose Gaudio, 509-511 18th Street. Mr.
6 Paneque, please?

7 MR. PANEQUE: On this application, we
8 received a letter from the attorney, Ms. Christina
9 Vergara, requesting that the matter be carried to
10 either December's meeting or January's meeting due
11 to the fact that she had come down with the flu
12 and also her experts were unavailable.

13 So at the discretion of the Chairman, it
14 could be adjourned to either December's or
15 January's meeting.

16 CHAIRPERSON GARCIA: Did they mention
17 the waiver?

18 MR. PANEQUE: You have the letter,
19 Carlos?

20 MR. VALLEJO: It's in the folder.

21 MR. PANEQUE: The statutory deadlines
22 are hereby waived.

23 CHAIRPERSON GARCIA: Okay. I make my
24 motion to adjourn this application to the first
25 meeting of the year, January 8th.

1 MR. VALLEJO: January 8, 2026. Motion
2 by Mr. Garcia.

3 MS. GUTIERREZ: Second.

4 MR. VALLEJO: Seconded by Ms. Gutierrez.
5 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: Five in favor, motion
17 carries.

18 CHAIRPERSON GARCIA: If any member of
19 the public is here for the application 509-511
20 18th Street, this application was adjourned for
21 the meeting of January 8th, 2026.

22 * * * *

23

24

25

1 MAMDOUH MECHEAL -
2 3125 SUMMIT AVENUE:

3
4 MR. VALLEJO: Item number two, Brisas,
5 LLC, 205 48th Street.

6 CHAIRPERSON GARCIA: Excuse me, Carlos,
7 can we jump to the last one that's going to be
8 adjourned also? 3125, just in case any member of
9 the public is here for that.

10 MR. VALLEJO: Okay. All right. We
11 change a little bit the order of tonight's agenda
12 we're moving to Mamdouh Mecheal, 3125 Summit
13 Avenue. Mr. Alonso, please?

14 MR. ALONSO: Good evening, Mr. Chairman,
15 Members of the Board. For the record, Alvaro
16 Alonso on behalf of the applicant. The matter was
17 carried to today, the Board had requested we
18 provide a traffic study. Unfortunately, the
19 traffic study and the report has not been
20 generated. So at this point, we're not ready to
21 proceed. So I had sent a letter to the Board
22 secretary requesting this matter be carried.

23 CHAIRPERSON GARCIA: Okay. And you
24 understand that for the next meeting,
25 December 11th, the traffic expert is going to be

1 able to provide us with --

2 MR. ALONSO: Yes.

3 CHAIRPERSON GARCIA: And your client
4 waives the statutory limit?

5 MR. ALONSO: Yes, Mr. Chairman.

6 CHAIRPERSON GARCIA: Okay. I make my,
7 motion to adjourn this application for next
8 meeting, December 11th.

9 MR. VALLEJO: Motion on the table by Mr.
10 Garcia to adjourn this application.

11 MS. GUTIERREZ: Second.

12 MR. VALLEJO: Seconded by Ms. Gutierrez.
13 Roll call on the motion.

14 Mr. Garcia.

15 CHAIRPERSON GARCIA: Yes.

16 MR. VALLEJO: Mr. Grullon.

17 VICE CHAIRPERSON GRULLON: Yes.

18 MR. VALLEJO: Ms. Gutierrez.

19 MS. GUTIERREZ: Yes.

20 MR. VALLEJO: Mr. Ortiz.

21 MR. ORTIZ: Yes.

22 MR. VALLEJO: Ms. Perez.

23 MS. PEREZ: Yes.

24 MR. VALLEJO: Five in favor, motion
25 carries. Let the record reflect that Ms. Pena has

1 joined the meeting. We have six members at this
2 time.

3 MR. ALONSO: Thank you very much.

4 CHAIRPERSON GARCIA: Thank you, Mr.
5 Alonso. Happy thanksgiving. If any member of the
6 public is hearing for application 3125 Summit
7 Avenue, we carried this application and scheduled
8 it for next month's meeting, December 11, 2025.

9 MR. VALLEJO: Thank you, Mr. Chairman.

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1 **BRISAS, LLC -**
2 **205 48TH STREET:**

3

4 MR. VALLEJO: All right. We're moving
5 now to Brisas, LLC, 205 48th Street. Mr. Lopez.

6 MR. LOPEZ: Good evening, Mr. Chairman,
7 Members of the Board, Adolfo Lopez appearing on
8 behalf of the applicant, Brisas, LLC.

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

10 MR. LOPEZ: For the record, I had
11 previously emailed all the jurisdictional
12 documents to the Board Attorney with the exception
13 of the affidavit of publication. We had proof of
14 publication, we did not have the actual affidavit,
15 which we managed to receive via email. And it is
16 now included in the package, Mr. Paneque.

17 MR. PANEQUE: Thank you, Mr. Lopez.

18 Let the record reflect as follows. I've
19 been provided by Mr. Lopez with the following
20 documentation: I have an affidavit of service
21 signed by Mr. Lopez, notarized by Anna Noris, an
22 attorney at his office, indicating that notice of
23 tonight's hearing with respect to the property
24 located at 205 48th Street in Union City, Lot 34,
25 Block 277, was provided to all property owners

1 within the 200 foot radius.

2 I've also been provided with a copy of
3 the notice of the hearing. Said notice indicates
4 that on today's date, at 6:00, at this location,
5 the Union City High School, the Board will be
6 presented with an application regarding 205 48th
7 Street.

8 Furthermore, I've been provided with an
9 affidavit from the Gannett Record and Herald News.
10 This affidavit indicates that on October 24, 2025,
11 the notice was published. The notice indicates
12 that at this location, the Board will be presented
13 with the application for 205 48th Street.

14 I have a copy of the notice that was
15 also published in the newspaper, as well as the
16 certified mail receipts. All certified mail
17 receipts seem to indicate they were postmarked on
18 10/24/2025.

19 And, finally, I've been provided by Mr.
20 Lopez with a list of all property owners within
21 the 200 foot radius of the property at 205 48th
22 Street, Block 277, Lot 34. This list was done by
23 the Union City tax assessor's office with a date
24 of July 2, 2025.

25 Based on the documentation that has been

1 provided by Mr. Lopez, this Board has jurisdiction
2 to proceed and hear this matter.

3 MR. LOPEZ: Thank you, Mr. Paneque. Mr.
4 Chairman, may I proceed?

5 CHAIRPERSON GARCIA: Yes.

6 MR. LOPEZ: By way of introduction, this
7 is the legalization of two existing apartments,
8 which are occupied and have been occupied probably
9 for over 25 years by the same families. The
10 apartments were recently damaged by a sewer
11 backup. These apartments are not full basement
12 apartments, they are several steps down, they're
13 about three quarters above ground, but there was
14 damage. And that resulted in inspections by the
15 building department and the realization that they
16 were not legal units.

17 So we're seeking to legalize, make the
18 required minimal repairs and renovation that will
19 be described by my expert witness, who is Mr.
20 Izquierdo.

21
22 J O S E I Z Q U I E R D O, after having been
23 duly sworn or affirmed, did testify as follows:

24
25 MR. IZQUIERDO: Jose Izquierdo,

1 architect New Jersey 09143, New Jersey planner
2 03385.

3 MR. LOPEZ: Mr. Chairman, is it safe to
4 assume that the Board will accept Mr. Izquierdo's
5 qualifications?

6 CHAIRPERSON GARCIA: Could be. Our
7 pleasure, Mr. Izquierdo, to have you. Mr.
8 Izquierdo, you're going to testify as architect
9 and as planner?

10 MR. IZQUIERDO: Yes.

11 MR. LOPEZ: Mr. Izquierdo, good evening.
12 Are you familiar with the plans that have been
13 presented to the Board this evening?

14 MR. IZQUIERDO: Yes, I am.

15 MR. LOPEZ: Were these plans prepared by
16 your office, under your supervision?

17 MR. IZQUIERDO: Yes, they were.

18 MR. LOPEZ: Can you give a general
19 description of the proposed work that is being
20 suggested for this project?

21 MR. IZQUIERDO: Yes. Good evening,
22 Members of the Board. This Board gains
23 jurisdiction of this application because this is
24 an application for site plan approval and a (d)5
25 dwelling unit density variance. The existing

1 building is located in the CN, neighborhood
2 commercial zone, multifamily buildings are allowed
3 in that zone. So what the applicant is proposing
4 to take the six-unit multifamily building that
5 exists there on the 25 by 97.50 lot and legalize
6 the two apartments in the basement.

7 Those apartments were more than damaged,
8 they were destroyed. There was a sewer backup and
9 the whole thing had to be demolished. So there
10 are four drawings submitted in conjunction with
11 the application. We show the existing site plan
12 and the proposed site plan. We're improving the
13 front of the building by incorporating some
14 landscaping, organizing the garbage, and having an
15 additional entrance into the basement level from
16 the front, from 48th Street.

17 And there are two stairs that have --
18 they would be the rear access from the basement
19 apartments. There's one existing and there's
20 going to be an additional one. So these basement
21 apartments that were previously occupied before
22 the sewer backup to have two independent fire
23 stairs.

24 Variances are required for existing
25 nonconforming conditions pertaining to the lot

1 depth and the lot area. Again, for parking and as
2 I indicated a (d)5 for the dwelling unit density.

3 Sheet 01 shows the zoning table and
4 shows the zoning map, shows the existing site plan
5 and the proposed site plan. Sheet 2 shows a
6 number of pictures of the exterior of the building
7 and the area. And then sheet 3, which would be
8 A01 shows the basement apartment on the left-hand
9 side in its existing condition, as it was, when we
10 went to measure the space.

11 MR. LOPEZ: Mr. Izquierdo, let me stop
12 you there for a second because you made a comment
13 earlier. On what is shown for these apartments
14 with the existing bathrooms and walls, your plans
15 don't show any existing kitchens at these
16 locations; is that correct?

17 MR. IZQUIERDO: Yes. They had been
18 removed at the time we went to --

19 MR. LOPEZ: The kitchens had been
20 removed because of the sewer damage?

21 MR. IZQUIERDO: Yeah.

22 MR. LOPEZ: And they have temporary
23 microwaves and something electric for cooking at
24 this time; is that correct?

25 MR. IZQUIERDO: No. At this time, the

1 whole thing has been demolished. There's nothing.

2 MR. LOPEZ: So there's no kitchen at
3 all?

4 MR. IZQUIERDO: There's no kitchen at
5 all.

6 MR. LOPEZ: All right. Continue,
7 please.

8 MR. IZQUIERDO: Yeah. And then on the
9 right-hand side, we show what the basement
10 apartments would look like. We are taking the
11 opportunity -- and this is a reconstruction job --
12 to improve those two one-bedroom apartments that
13 were existing there by making more comfortable
14 bathrooms, more comfortable kitchens, improving
15 the size of the mechanical room because there's a
16 lot of wasted space there, and also reducing the
17 size of the meter rooms.

18 The fourth sheet shows the existing
19 apartments on the upper floors, on floors one,
20 two, and three, there's not going to be any change
21 to those units. These apartments were illegal
22 basement apartments, but they were occupied at the
23 time of the sewer backup. And now it's an
24 opportunity to bring them up to code, to legalize
25 them by turning this six-family into an

1 eight-family building, sprinklering the building,
2 and all the good things associated with code.

3 48th Street is directly within walking
4 distance, I would say less than a block away or so
5 from the Light Rail on 49th -- is it 49th? Yes,
6 49th. And there's a parking variance required.
7 That would be an extension of -- there's no
8 parking available to the building. The building
9 right now has rear yard party walls with the
10 buildings on both sides. And it's in a heavily
11 built area of 48th Street.

12 MR. LOPEZ: Could you go into the
13 positive and negative criteria associated with
14 this use variance that we are requesting of this
15 Board?

16 MR. IZQUIERDO: Yeah. Well, there's not
17 a use variance because we have a conforming use, a
18 multifamily development of six or eight families
19 is allowed in the CN zone.

20 MR. SPATZ: Mr. Chairman, it's not.

21 MR. IZQUIERDO: Oh, it's not?

22 MR. SPATZ: Multifamily is only
23 permitted -- apartments are only permitted in a
24 mixed-use building when there's commercial on the
25 ground floor. So the apartments are also limited

1 to the upper floors and only a maximum of three.

2 MR. IZQUIERDO: So we would need --

3 MR. SPATZ: This is expanding a
4 nonconforming use.

5 MR. IZQUIERDO: We would be a (d)2,
6 expansion of a nonconforming use variance, I stand
7 corrected. Thank you.

8 CHAIRPERSON GARCIA: Thank you, Mr.
9 Spatz.

10 MR. IZQUIERDO: It's within an area of
11 the City that is completely built. The positive
12 criteria is the two families that were living
13 there and call that their residence for such a
14 long time, they can come back to an improved
15 apartment. The negative criteria is that, again,
16 there's no parking. But I don't know if these
17 units would exacerbate the parking situation
18 because it's so close to all the public
19 transportation both by rail, by bus, and by
20 transit.

21 MR. LOPEZ: Regarding the occupancy of
22 the apartments, I would just point out to this
23 Board that these -- this is not being done in
24 essence for additional income by the owner. These
25 properties are registered with the rent control

1 office. There's nothing that you can do to raise
2 these rents, there's nothing available under the
3 current ordinance. So these tenants are simply
4 moving back to an apartment at the rents they were
5 paying previously. So I would ask the Board to
6 take that into consideration.

7 CHAIRPERSON GARCIA: Okay, thank you.

8 MR. LOPEZ: Anything else, Mr.
9 Izquierdo.

10 MR. IZQUIERDO: No. Each one of these
11 units on the basement level, the two units in
12 question are going to have access to the rear
13 yard, to the backyard, which is a grass area. So
14 they're going to be comfortable units in that
15 sense, both with their own new stair going back to
16 the rear yard.

17 CHAIRPERSON GARCIA: I have a question
18 for Mr. Spatz. Mr. Spatz, so the (d)2 variance is
19 preexisting?

20 MR. SPATZ: That's right, it's a
21 preexisting condition, it's already been a
22 multifamily building. So they're expanding a
23 nonconforming use, technically, although they've
24 testified that those two units in the basement
25 have been there for many years.

1 CHAIRPERSON GARCIA: Okay. Mr.
2 Izquierdo, is there any way you could -- I mean
3 I'm seeing the plans; however, I need your
4 response as an expert. Is there any way that you
5 could create one parking space?

6 MR. IZQUIERDO: It's actually physically
7 impossible. Making a curb cut on 48th Street,
8 it's a very difficult proposition. You would lose
9 a space on the street, you would lose off-street
10 parking spaces. Additionally, the entrance to the
11 building is located right in the entrance, right
12 in the center of the building, to go up to the
13 first floor and on to the third. There's an
14 access to the basement on the left-hand side that
15 it's just like a little short access, we're making
16 a new access, more comfortable, code conforming,
17 with all the head rooms and everything to go into
18 the basement. So it's physically impossible.

19 CHAIRPERSON GARCIA: And I also
20 basically ask the same question I asked about the
21 (d)2, so the parking variance is a preexisting
22 variance?

23 MR. IZQUIERDO: Yes.

24 MR. LOPEZ: Mr. Chairman, there's
25 nothing more that my client would love than to

1 create a parking space in front of the building.
2 But realistically, in order to create one
3 off-street parking space, we would be taking away
4 a street parking from the street.

5 MR. IZQUIERDO: We also don't have the
6 front yard. Our building is located only 11 feet
7 from the curb, from the front property line. So
8 it would be extremely undersized, that parking
9 space.

10 CHAIRPERSON GARCIA: Mr. Izquierdo, I
11 also have a question for you regarding the windows
12 in the bedroom. Those windows are the egress
13 windows? How are the size of those windows?
14 Because that's the only way to get out -- oh, no,
15 you have a door, okay.

16 MR. IZQUIERDO: Yeah.

17 CHAIRPERSON GARCIA: You have the door
18 there.

19 MR. IZQUIERDO: An egress window is not
20 required when you have access directly to the
21 outside from the bedroom.

22 CHAIRPERSON GARCIA: Okay.

23 MR. IZQUIERDO: But those windows are
24 going to be increased in size because it's
25 required for ventilation requirements. Right now,

1 those windows are too small.

2 CHAIRPERSON GARCIA: And also you also
3 adding windows there, right, in the --

4 MR. IZQUIERDO: I'm adding windows on
5 the side with the bathroom because there's a
6 court. It's just for ventilation, not for view.

7 CHAIRPERSON GARCIA: Are they attached,
8 the adjacent property to the east and the west?

9 MR. IZQUIERDO: No, but the building
10 next door is right on the property line. These
11 are not party walls, they're just buildings
12 abutting right to the property line, I misspoke in
13 terms of the party wall.

14 CHAIRPERSON GARCIA: Any questions from
15 the Members of the Board.

16 MR. GRULLON: I know you're going to be
17 testifying as a planner, but you got an
18 opportunity to visit the area?

19 MR. IZQUIERDO: Yes, I'm well familiar
20 with the area. I visited the building.

21 MR. GRULLON: And the other buildings
22 around the area?

23 MR. IZQUIERDO: I'm familiar with the
24 whole 48th Street, yeah. It's very close to
25 Bergenline Avenue.

1 MR. LOPEZ: The statements that you made
2 relating to the proximity to the transportation
3 station relate to your view and knowledge of the
4 area?

5 MR. IZQUIERDO: Yes, as well. Yes, as
6 well.

7 MR. GRULLON: Like that eight-family
8 building, that will be consistent with the area?

9 MR. IZQUIERDO: Yeah, there are a number
10 of older buildings. In fact, this is actually one
11 of the smaller buildings in the area.

12 MR. LOPEZ: Mr. Grullon, even in the
13 photograph that we show on the front page, the two
14 adjoining buildings, you can see, are very large
15 buildings.

16 MR. IZQUIERDO: Are one-story higher
17 than ours.

18 VICE CHAIRPERSON GRULLON: There are
19 probably more than eight units in those buildings?

20 MR. IZQUIERDO: Yeah, I would think so.
21 A lot of those buildings have 12, 16 units, but
22 they're smaller units. Our units are large in
23 this building because the units are like railroad,
24 so they have a window to the rear. They also have
25 a window to the front. Most of those other

1 buildings, they're split in half. And the units
2 only have either views to the front or to the
3 rear, which is a problem for fire department
4 access. This building doesn't have that
5 situation, all the units face the front.

6 MR. LOPEZ: Also for the Board's
7 information, the second page of our plans show a
8 complete street view.

9 MR. IZQUIERDO: The surrounding area.

10 MR. LOPEZ: The surrounding area, which
11 is clearly many, many multiple dwellings, as you
12 can see from the top photographs.

13 MR. IZQUIERDO: So a curb cut on 48th
14 Street, I don't think, it's a doable proposition.

15 CHAIRPERSON GARCIA: Any other
16 questions? Any member of the public want to step
17 forward on this application? Seeing none, I'm
18 going to make my motion to grant this application
19 taking in consideration they're going to improve
20 the quality of life in those two units. Also the
21 variance are preexisting variance and it's an
22 opportunity for the applicant to improve those two
23 units and also bring it to code, there's no reason
24 to deny it. So I make my motion to grant this
25 application.

1 MS. GUTIERREZ: I second it.

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

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. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Six in favor, motion
19 carries.

20 MR. IZQUIERDO: Thank you.

21 MR. LOPEZ: Thank you.

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1 **SAKIRI UC REALTY MANAGEMENT, LLC -**
2 **134 37TH STREET:**

3
4 MR. VALLEJO: Sakiri UC Realty
5 Management, LLC, 134 37th Street. Mr. Lopez,
6 please.

7 MR. LOPEZ: Once again, Mr. Chairman,
8 Members of the Board, Adolfo Lopez appearing on
9 behalf of the applicant, Sakiri Realty. And this
10 is for the legalization of an existing small
11 existing apartment on the ground floor of this
12 property.

13 MR. PANEQUE: Let the record reflect as
14 follows:

15 I've been provided by Mr. Lopez with an
16 affidavit of service, indicating that notice of
17 tonight's hearing with respect to the property at
18 134 37th Street, Union City, New Jersey, Lot 9,
19 Block 223, was served on all properties owners
20 within a 200 foot radius on October 16, 2025.
21 Said affidavit is signed by Mr. Lopez and
22 notarized by Anna Noris, an attorney in his
23 office.

24 I've also been provided with a copy of
25 the notice of hearing. Reviewing the notice, it

1 indicates that at this location on tonight's
2 night, the application with respect to 134 37th
3 Street will be heard by the Board.

4 I've been further provided with the
5 affidavit of publication from The Record and
6 Herald News indicating that the notice was
7 published in the newspaper on October 16, 2025.
8 Copy of the notice that was published in the
9 newspaper indicates that at this location, the
10 Union City High School, the application on this
11 subject property will be heard by the Board.

12 I've further been provided with a list
13 from the tax assessor's office, indicating all
14 property owners within the 200 foot radius of 134
15 37th Street, Block 223, Lot 9. Said list from the
16 tax assessor's office has a date of July 2, 2025.

17 And, finally, I've been provided with
18 the certified mail receipts with stamps from the
19 post office dated October 24, 2025.

20 Based on the documentation provided by
21 Mr. Lopez, this Board has jurisdiction to proceed
22 and hear this matter.

23 MR. LOPEZ: Thank you, Counsel. Mr.
24 Vallejo, did you provide them with photographs of
25 the --

1 MR. VALLEJO: Yes, sir.

2 MR. LOPEZ: Thank you. Once again, I'm
3 going to call Mr. Izquierdo as the expert witness.

4

5 J O S E I Z Q U I E R D O, previously sworn:

6

7 MR. LOPEZ: May I proceed?

8 CHAIRPERSON GARCIA: Of course, sorry.

9

10 MR. LOPEZ: Mr. Izquierdo, are you
11 familiar with the plans that have been presented
12 to the Board this evening?

13 MR. IZQUIERDO: Still under oath?

14 MR. LOPEZ: Yes, you're still under
15 oath. You're familiar with the plans that have
16 been presented to the Board this evening?

17 MR. IZQUIERDO: Yes, I am.

18 MR. LOPEZ: Did you supervise the
19 preparation and review of these plans?

20 MR. IZQUIERDO: Yes. I'm well familiar
21 with the application.

22 MR. LOPEZ: Can you describe what is
23 being proposed by this application?

24 MR. IZQUIERDO: Yes. Good evening,
25 Members of the Board. This is an application to
change the use of an existing building from a

1 two-family house to a three-family house, changing
2 that from an R3 to an R2 in order to legalize the
3 basement apartment, which is a one-bedroom
4 apartment, about 600 square feet, so exceeds the
5 minimum requirements of the City of Union City.

6 MR. LOPEZ: When you say basement, would
7 it be fair to say it's a ground level apartment?

8 MR. IZQUIERDO: Ground floor apartment,
9 yes, ground floor apartment, that would be of a
10 three story structure. There are a number of
11 variances that are all existing. The use is a new
12 use, it's a new variance that would be a (d)1 use
13 variance, a three-family house is not allowed in
14 the R zone.

15 The property is conforming in terms of
16 having 25 feet by 100 feet, so the lot area, lot
17 depth and lot width conform. The minimum side
18 yard doesn't conform, that's a preexisting
19 nonconforming situation. The rear yard and the
20 building coverage conform. The maximum building
21 height also conforms. The lot coverage of the
22 existing building does not conform, but we're not
23 changing anything in the footprint of the
24 building.

25 There's an existing one-bedroom

1 apartment that appears on the ground floor behind
2 the garages of a three story house located on 37th
3 Street, very close to Hudson Avenue, between
4 Hudson and that would be Park. And that apartment
5 was occupied by the owner's brother until building
6 department noted that it was not a legal
7 occupancy, and then that brother has now moved
8 away.

9 In order to approve this application,
10 we're seeking site plan approval and (d)1 use
11 variance. The positive criteria in the building
12 is that this is a location that we would have to
13 sprinkler the basement. We're actually creating
14 an entrance directly from 37th Street into the
15 apartment by eliminating the stair that would
16 connect the first floor with the second floor of
17 the structure. And then creating a walkway to
18 lead to the door leading to the apartment. There
19 are no changes contemplated for the apartment,
20 only sprinklering, and also providing a third
21 parking space, which we're showing on the upper
22 left-hand corner of the first sheet.

23 MR. LOPEZ: Mr. Izquierdo, let me stop
24 you there because I want you to explain that
25 photograph that appears on that front sheet. Why

1 was that vehicle -- that vehicle is actually the
2 owner's vehicle that was placed there for a
3 purpose. Can you explain to this Board why that
4 vehicle was placed there for the taking of the
5 photograph?

6 MR. IZQUIERDO: That vehicle was placed
7 there to illustrate to the Board even if the two
8 cars are inside the garage, the two cars on the
9 parking space, we can have a third space on the
10 apron of the driveway of the building and still
11 the two cars on the inside will be able to
12 maneuver their way in and out of the garage.

13 MR. LOPEZ: Is this garage somewhat
14 deeper than what you would find as a normal
15 garage?

16 MR. IZQUIERDO: It's extra deep, it's
17 extra deep. It's not the 18 feet that's normally
18 associated with those applications, it's 21 feet.

19 MR. LOPEZ: Besides that, is there any
20 type of work at all required?

21 MR. IZQUIERDO: No.

22 MR. LOPEZ: We have photographs that
23 have been presented to the Board. Those
24 photographs reflect the actual condition of this
25 apartment?

1 MR. IZQUIERDO: Yes.

2 MR. LOPEZ: So is any work at all
3 required other than the creation of the walkway as
4 you described and the removal of the steps leading
5 to the second floor?

6 MR. IZQUIERDO: Not in terms of zoning.
7 In terms of building department, because we're
8 having a change of use, 5:23-6.31 change of use
9 application, we would need to sprinkler the ground
10 floor and have a number of other things that are
11 required with changing the building from
12 two-family to three-family dwelling.

13 MR. LOPEZ: But other than that, the
14 existing apartment as appears on those
15 photographs --

16 MR. IZQUIERDO: It has a window -- the
17 apartment is fine. It has a window, the bedroom
18 has a window on the side. It has a dining room,
19 has a large kitchen, has a nice bathroom.

20 MR. LOPEZ: Does it have sliding doors
21 leading to the backyard?

22 MR. IZQUIERDO: Yes, it does, from the
23 kitchen, the breakfast areas.

24 MR. LOPEZ: And, again, that apartment
25 is really not to be touched other than the

1 sprinklers, everything else is to the common
2 areas?

3 MR. IZQUIERDO: Yes, yes, correct. And
4 then that apartment, as well has exclusive use of
5 the rear yard, which is rather large. That rear
6 yard is 35 feet long.

7 MR. LOPEZ: Can you describe -- from a
8 planning perspective, can you describe what is in
9 the neighborhood; and if this building fits into
10 the overall existing use in the area?

11 MR. IZQUIERDO: Well, 37th Street is
12 between Hudson and Park has a mix of residential
13 uses, it has some commercial as well. This house
14 was built maybe 40, 50, 60 years ago or so,
15 probably around 1980, 1990. And it was built with
16 a space behind the garage. It's typical of the
17 apartment of the buildings in the area, but it's a
18 very mixed area.

19 MR. LOPEZ: Could you describe what is
20 shown on the second page of your plans?

21 MR. IZQUIERDO: Out of the variety of
22 residential types that are there, you see some
23 multifamily buildings that are like five stories
24 in height, on view A. On view B, you see another
25 multifamily building. You see a number of the

1 smaller houses also in view B. And then view C
2 shows you the mix of buildings. There are a
3 number of them that are on the smaller types, this
4 is one of the smaller types of structures on this
5 street, being only three stories high and being
6 three families, if allowed, otherwise, it's a
7 two-family, and the rest are multifamily
8 buildings.

9 MR. LOPEZ: In terms of transportation,
10 can you tell us if any of the nearby streets have
11 public transportation available?

12 MR. IZQUIERDO: Yes. Park Avenue has a
13 number of bus lines that go in and out of New York
14 and going into Jersey City. Palisade Avenue as
15 well, Hudson Avenue, of course, goes in the other
16 direction. But this apartment was occupied by the
17 owner's brother. It wasn't occupied to any
18 tenant, he's not there any more. But if any
19 person would come here and live in this apartment,
20 has a number of access to bus lines and also has
21 access to Bergenline Avenue, not too far, and then
22 walk to all the places of public transportation
23 around.

24 MR. LOPEZ: I have nothing else of Mr.
25 Izquierdo, if the Board or the public has any

1 questions.

2 CHAIRPERSON GARCIA: Mr. Izquierdo, so
3 you don't have any basically major renovation
4 inside of the unit, except the sprinkler?

5 MR. IZQUIERDO: Correct, because the
6 height of the building was built with 1980 or 1975
7 standards, so it's not a small basement that you
8 would have to underpin and do all those things.
9 The apartment is completely conforming, other than
10 by code, by present code, it would have to be
11 sprinklered. And in terms of zoning, we need
12 relief from this Board. But other than that,
13 there's nothing wrong with the apartment, it's a
14 nice apartment.

15 CHAIRPERSON GARCIA: Okay.

16 MR. IZQUIERDO: Very conveniently
17 located.

18 CHAIRPERSON GARCIA: Mr. Izquierdo, you
19 are providing three parking spaces, so you are
20 adding one?

21 MR. IZQUIERDO: One, yeah.

22 CHAIRPERSON GARCIA: So it's the one in
23 the driveway, but you have enough space to
24 maneuver the other one?

25 MR. IZQUIERDO: Yes.

1 CHAIRPERSON GARCIA: Okay. Question I
2 have is regarding the front facade, the fire
3 escape, just a question. Why you don't -- can you
4 provide it in the rear? This way you don't have
5 that in the front and you change the facade?

6 MR. IZQUIERDO: Yeah, well --

7 CHAIRPERSON GARCIA: I mean just
8 aesthetic things, you know what I mean?

9 MR. IZQUIERDO: Yeah, I understand that.
10 The problem is that if I get approval to have the
11 fire escape in the rear of the building, Mr.
12 Furlese is not going to accept that because he has
13 established -- and maybe rightfully so -- that
14 when you have a rear yard that doesn't have direct
15 access to the front, building -- the fire
16 department personnel cannot access the rear yard.

17 So in this specific case, he would want
18 to have some sort of a second means of egress for
19 the unit on the third floor. For the unit on the
20 third floor. Once this becomes a three-story
21 three-family house, a second means of egress is
22 required for the third floor. And we're just
23 providing as minimal as possible, just a basket.

24 MR. LOPEZ: Mr. Izquierdo, could you
25 go -- there is a side alleyway between this house

1 and the buildings on the left, is it your
2 testimony it's not wide enough to allow for access
3 to the rear yard?

4 MR. IZQUIERDO: It's 21 inches.

5 MR. LOPEZ: Okay.

6 MR. IZQUIERDO: It's 21 inches, so Mr.
7 Furlse would never allow that to happen in the
8 back. That would be at a loss with this Board to
9 have to come back and say that because he would
10 require me to come back.

11 MR. LOPEZ: So that's the reason why the
12 fire escape is the not being placed in the rear?

13 MR. IZQUIERDO: It's not a fire escape,
14 it's a basket. We're not putting a fire escape,
15 it's just a basket with a ladder that's what is
16 required.

17 CHAIRPERSON GARCIA: But it's time -- so
18 the only reason is because it's like sometimes,
19 with the time, after ten years, it start to rust.

20 MR. IZQUIERDO: Corrode.

21 CHAIRPERSON GARCIA: Corrode and
22 everything. So the owner have to be on top of
23 that.

24 MR. IZQUIERDO: The only alternate to
25 that is to sprinkler the whole building. But to

1 sprinkler the whole building, I would have to rip
2 out the street from Hudson to Park Avenue and
3 that's not an easy proposition. And it wouldn't
4 be -- it wouldn't increase the life safety of the
5 occupants there.

6 CHAIRPERSON GARCIA: Okay. I have no
7 further questions. Any Members of the Board have
8 a question? Any member of the public wants to
9 step forward for this application? Seeing none, I
10 close to the public.

11 So taking in consideration that this is
12 just preexisting variance and also, like I
13 mentioned before, it's bringing to code that
14 ground floor. Basically like you said, it's not a
15 basement, it's a ground floor, and also providing
16 a second way out of the apartment number three,
17 then I'm going to make my motion to grant this
18 application.

19 MR. IZQUIERDO: Thank you.

20 MS. GUTIERREZ: Second it.

21 MR. VALLEJO: Motion on the table to
22 approve the application by Mr. Garcia, seconded by
23 Ms. Gutierrez. Roll call on the motion.

24 Mr. Garcia.

25 CHAIRPERSON GARCIA: Yes.

1 MR. VALLEJO: Mr. Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Mr. Ortiz.

6 MR. ORTIZ: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Six in favor, motion

12 carries.

13 MR. IZQUIERDO: Thank you.

14 MR. LOPEZ: Thank you, all, have a happy

15 Thanksgiving.

16 CHAIRPERSON GARCIA: Thank you. You,

17 too.

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

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

7 MS. PEREIRAS: Thank you, Mr. Vallejo.
8 Good evening, Board Members, Bianca Pereiras on
9 behalf of the applicant for property at 292
10 Mountain Road. As the Board may recall, we've
11 already presented this application, you've heard
12 from our architect as well as our planner. When
13 we were here at the last meeting, the Board
14 Members asked us to take particular care with not
15 encroaching on the cliff and respecting the cliff,
16 while maintaining the parking that we had on-site.

17 We've done those revisions. We've
18 submitted those to the Board and now I'd like to
19 call our architect, Mr. Manuel Pereiras, to just
20 confirm those modifications to the Board.

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

23 MS. PEREIRAS: Mr. Pereiras, would you
24 kindly describe the changes that you made for the
25 Board?

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

2 MR. PANEQUE: You're sworn from the last
3 meeting, you haven't taken an oath today.

4

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

7

8 MR. PEREIRAS: Manny Pereiras,
9 P-E-R-E-I-R-A-S, with Pereiras Architects
10 Ubiquitous, located at 1116 Summit Avenue, Union
11 City, New Jersey. My license is in good standing.

12 MR. PANEQUE: Thank you, Mr. Pereiras.

13 MR. PEREIRAS: As counsel said, we
14 basically took all the comments that we discussed
15 at the last meeting and put them down to paper.
16 We were able to respect the existing retaining
17 wall on the cliffs, so everything, including
18 parking, is behind that existing retaining wall
19 along the cliff.

20 We created the last four spaces as
21 compact car spaces, so we have sufficient room to
22 maneuver in and out. And by doing so, we have two
23 parking spaces for each of the units. And we are
24 in compliance with no parking variance and in
25 compliance with the cliff edge.

1 Beyond that, there have been no
2 additional changes. And the drawings have been
3 submitted with adequate time to Mr. Spatz and the
4 Board secretary and have been under review.

5 CHAIRPERSON GARCIA: Mr. Pereiras,
6 parking for 1 to 14, all of them are 9-by-18?

7 MR. PEREIRAS: Yes. All the parking
8 spaces are 9-by-18, except for the handicapped
9 space, of course, which is 16-by-18 and the four
10 compact spaces at the end, which are 9-by-16.

11 CHAIRPERSON GARCIA: So number 1 is
12 11-by-18 and the 10, 11, 12, 13 are 9-by-16.

13 MR. PEREIRAS: So number 10, 12, 11, 13
14 are 9-by-16. Everything else is full in
15 compliance.

16 CHAIRPERSON GARCIA: And it's all
17 enclosed?

18 MR. PEREIRAS: Yes. And we have the
19 comfort of knowing that when we design spaces that
20 are 9-by-18, it's for a single car, when you have
21 them in tandem, we have the opportunity that the
22 cars can touch bumper to bumper, nothing stops
23 them from doing that and it's not inconvenient.
24 So by making those spaces 16 and 16, it actually
25 makes sense. It still fits the same amount of

1 vehicles, it doesn't create any difficulty there.

2 CHAIRPERSON GARCIA: Okay. Mr.
3 Pereiras, going to Z04, we don't have roof
4 terrace?

5 MR. PEREIRAS: Yes, we do. The
6 entire -- we do have a roof terrace. That's what
7 we're proposing.

8 CHAIRPERSON GARCIA: But I don't recall
9 that we discussed that. Let me tell you why we
10 don't discuss that because the Board never ever
11 jump on it to grant a roof terrace for the
12 complete floor.

13 MR. PEREIRAS: I agree.

14 CHAIRPERSON GARCIA: That was a red
15 flag.

16 MR. PEREIRAS: That is a red flag.

17 CHAIRPERSON GARCIA: I don't know if I
18 probably -- but I don't recall that we discussed a
19 roof terrace for this application. I have no
20 problem with the roof terrace, but I have problem
21 with the size and also the division. I think we
22 have to be less greedy, let's say, like use
23 70 percent of this space as a roof terrace with
24 enough space from the border of building. And
25 also divide it at least three section, because

1 this way -- the problem is you know better than
2 me. You know what happen if you have a group of
3 people, like you have 20 whatever, they go all the
4 way to one place, then there's too much weight or
5 whatever for this. So it's kind of the issue with
6 the weight and also to avoid the concentration of
7 people just in one zone.

8 MR. PEREIRAS: Mr. Chairman, you make
9 absolute perfect sense. I propose that we do --
10 it's a very deep building. I propose we do, since
11 you said 70 percent, a 30-foot rear yard setback
12 to the deck and we'll divide it into three
13 sections.

14 CHAIRPERSON GARCIA: Okay.

15 MR. PEREIRAS: We would be very happy to
16 comply with that. I think it's a great
17 suggestion.

18 CHAIRPERSON GARCIA: I don't know if any
19 other Member of the Board? Okay. Any member of
20 the public, for this application, want to step
21 forward? Seeing none, close to the public.

22 MR. PANEQUE: Before we proceed, Mr.
23 Pereiras, just a clarification on the conditions
24 for the roof terrace. You're doing a 30-foot
25 setback from the rear?

1 MR. PEREIRAS: I'm glad you asked for
2 that clarification. It would be -- this property
3 goes very deep. So it would be a 30-foot setback
4 from the eastern most edge of the building.

5 CHAIRPERSON GARCIA: Can you mark it?

6 MR. PEREIRAS: I'll mark this. We will
7 have revised plans, but here to wherever 30 feet
8 is, that's going to be the edge of our roof. So
9 30 feet.

10 MR. PANEQUE: He's got a nice back, but
11 I can't see what he's drawing.

12 MR. PEREIRAS: And just for purposes of
13 the record, to keep it clean, I'm going to mark
14 the bottom right hand corner under the Z04 as I
15 exhibit A-2, I think it's our second exhibit. Mr.
16 Vallejo, is that correct? I'm going to mark it as
17 A-2 and I'm going put today's date on it.

18
19 (Marked up sheet Z04 marked
20 A-2.)

21
22 MR. VALLEJO: You can give it to me,
23 please?

24 MR. PEREIRAS: Absolutely, sir.

25 CHAIRPERSON GARCIA: So the terrace

1 going to be in the back?

2 MR. PEREIRAS: No, I'm going to set back
3 30 feet from the back, so the terrace is the
4 front. And, Mr. Chairman, just so that we have --
5 the reason I have to do that, I have to do that
6 because the elevator is in the front. And I need
7 to have access for the elevator, so I can't put
8 the terrace in the back and not have access to the
9 elevator. I also need a catwalk to get to the
10 second means of the egress as an emergency. So
11 the roof terrace is going to be here, but there
12 will be a catwalk.

13 CHAIRPERSON GARCIA: Can you put more on
14 the side, two, three foot more on the side to
15 separate?

16 MR. PEREIRAS: We can.

17 CHAIRPERSON GARCIA: Separate.

18 MR. PEREIRAS: We have a three-foot
19 setback --

20 CHAIRPERSON GARCIA: Put five.

21 MR. PEREIRAS: Put five. So I'm calling
22 out five-foot setback on both sides.

23 CHAIRPERSON GARCIA: This is only
24 terrace, not like whole kitchen, nothing like
25 that?

1 MR. PEREIRAS: No.

2 CHAIRPERSON GARCIA: Just open spaces?

3 MR. PEREIRAS: Yes.

4 CHAIRPERSON GARCIA: Available for the
5 residents?

6 MR. PEREIRAS: That's correct.

7 MR. PANEQUE: And your three partitions
8 will be within that space that's in the front?

9 MR. PEREIRAS: Yeah. I'm not sure how I
10 will make that happen, but we will divide the
11 spaces for three partitions. I think they'll be
12 triangles, I need to have access for all three
13 separations to get a second means of egress, so
14 it's a little complicated. Two would make a lot
15 more sense because I could do one on this side of
16 the building and one on that side of the building.

17 CHAIRPERSON GARCIA: That's okay with
18 me, I don't know about the other members.

19 MR. PEREIRAS: Great. I'm going divide
20 down the middle. Let's draw right on here, so we
21 have it as part of the exhibit. We'll have the
22 catwalk and then we'll have side one and side two.

23 CHAIRPERSON GARCIA: Okay. No more
24 questions? Okay. I'm going to make my motion to
25 approve this application with the stated

1 conditions regarding the roof terrace. Thank you
2 for taking in consideration all our conditions.
3 So I make my motion and you need to do revised
4 plans before we adopt the resolution.

5 MS. GUTIERREZ: Second.

6 MR. VALLEJO: Motion on the table to
7 grant this application by Mr. Garcia, seconded by
8 Ms. Gutierrez. Roll call on the motion.

9 Mr. Garcia.

10 CHAIRPERSON GARCIA: Yes.

11 MR. VALLEJO: Mr. Grullon.

12 VICE CHAIRPERSON GRULLON: Yes.

13 MR. VALLEJO: Ms. Gutierrez.

14 MS. GUTIERREZ: Yes.

15 MR. VALLEJO: Mr. Ortiz.

16 MR. ORTIZ: Yes.

17 MR. VALLEJO: Ms. Perez.

18 MS. PEREZ: Yes.

19 MR. VALLEJO: Ms. Pena.

20 MS. PENA: Yes.

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

23 MS. PEREIRAS: Thank you very much.

24 MR. PEREIRAS: Thank you, everyone.

25 * * * *

1 **NAZARIA GUZMAN -**
2 **308 24TH STREET:**

3

4 MR. VALLEJO: We're moving now to number
5 five, Nazaria Guzman, 308 21st Street.

6 MS. PEREIRAS: Carlos, we're going to be
7 requesting an adjournment on that one, so you
8 don't need to bring it up.

9 Bianca Pereiras on behalf of Nazaria
10 Guzman. We had already submitted for jurisdiction
11 back at the September meeting and it was adjourned
12 until today. Unfortunately, my client's planner
13 is unavailable this evening, so we are requesting
14 a brief adjournment on this matter if the matter
15 would be so kind as to carry this to the next
16 matter meeting, that would be greatly appreciated.

17 CHAIRPERSON GARCIA: Okay. Do you waive
18 the statutory limits?

19 MS. PEREIRAS: Yes, Mr. Chairman.

20 CHAIRPERSON GARCIA: How is December?

21 MR. VALLEJO: December 11th.

22 CHAIRPERSON GARCIA: I make my motion to
23 adjourn this application to December 11th, next
24 meeting.

25 MS. GUTIERREZ: Second it.

1 MR. VALLEJO: Motion on the table to
2 adjourn this application by Mr. Garcia, seconded
3 by Ms. Gutierrez for December 11, 2025. Roll call
4 on the motion.

5 Mr. Garcia.

6 CHAIRPERSON GARCIA: Yes.

7 MR. VALLEJO: Mr. Grullon.

8 VICE CHAIRPERSON GRULLON: Yes.

9 MR. VALLEJO: Ms. Gutierrez.

10 MS. GUTIERREZ: Yes.

11 MR. VALLEJO: Ms. Perez.

12 MS. PEREZ: Yes.

13 MR. VALLEJO: Mr. Ortiz.

14 MR. ORTIZ: Yes.

15 MR. VALLEJO: Ms. Pena.

16 MS. PENA: Yes.

17 MR. VALLEJO: Six in favor, motion
18 carries.

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

3

4 MR. VALLEJO: We're moving to the next,
5 Anthony Jose Santos and Cindy Nathalie, 318 13th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Board Members, on that
8 application, our planner is on his way, he's not
9 here yet. And we do need planning testimony on
10 this matter. So I don't know if the matter wants
11 to jump ahead to another application and we'll
12 just wait until he arrives.

13 CHAIRPERSON GARCIA: Okay.

14 MR. VALLEJO: We're moving then to GSF
15 Holding Realty, 3710 Kennedy Boulevard. Mr.
16 Alonso, please.

17 MR. ALONSO: Good evening, Mr. Chairman,
18 Members of the Board. For the record, Alvaro
19 Alonso on behalf of the applicant. Notices were
20 previously provided to the Board and the Board
21 took jurisdiction and the matter was carried to
22 today. Mr. Arencibia, who is my architect, is on
23 his feet, but I do have the privilege of having
24 Marta Rodriguez testify on his behalf. So I'm
25 going call Marta up here real quick. And I'll

1 just give you a little bit of background. I
2 attached a resolution to the application. This
3 project was actually approved back in 2017 by this
4 Board. Mr. Arencibia was the architect at the
5 time and I was the attorney. We essentially are
6 doing exactly the same thing that was approved by
7 the Board. There's a bit of a tortured history.

8 My client is also here, he testified at
9 the last hearing back in 2017. After it was
10 approved, the building department issued
11 violations because there was a retaining wall
12 between two properties that was an imminent hazard
13 of collapsing. So he had to address that before
14 he got his permits. Unfortunately, our neighbor
15 would not allow us access to the property.
16 Litigation ensued, the neighbor was represented by
17 Mr. Lopez, who just left. And my client was
18 represented by a different attorney. Ultimately,
19 they reached an agreement and the neighbor
20 provided access so they can work on the retaining
21 wall, which had nothing to do with the approvals
22 from the Board.

23 Then we get Covid, what happened during
24 Covid, as you know, the building department shut
25 down, all the work stopped. Unfortunately,

1 because there was no work, my client was
2 self-financing this project, he winded up using
3 the money for his other expenses. Ultimately, all
4 that got cleared up.

5 Because of the change in the law which
6 permitted an extension because of the Covid, the
7 approvals never expired. My client ultimately did
8 get a permit. And to this day, he's currently
9 under construction. If you go by the property,
10 you'll see that the windows are boarded up and
11 work is going on, most of it is done. Inspections
12 for the first floor have passed and he's ready
13 basically to move back in, except he needs to
14 finish the addition. The problem with the
15 addition, which this Board approved, is on those
16 plans, we did not include a section that was
17 preexisting, prior to us coming here, it was
18 already there.

19 As the building department was doing
20 their inspections, they realized that section was
21 not recognized by the building department, even
22 though it was preexisting and even though we had
23 the approvals. So essentially what we're doing is
24 to come in to legalize that section in the
25 building. And then we can go and continue with

1 construction.

2 So I hope that's not confusing, that's
3 why I was hoping Mr. Arencibia would be here
4 because he has the full history of it. But I'm
5 sure Marta could fill in, she has the plans and
6 she had an opportunity to review it. So I'll have
7 you sworn in first.

8
9 M A R T A R O D R I G U E Z, after having been
10 duly sworn or affirmed, did testify as follows:

11
12 MR. ALONSO: Mr. Chairman, I know I
13 worked with Ms. Rodriguez here many, many years
14 ago. Have you been here in awhile?

15 MS. RODRIGUEZ: In awhile, no, but I
16 have been here many times.

17 CHAIRPERSON GARCIA: Yeah, sure, she's
18 been accepted here. I was seeing her face, and I
19 know -- now I recall --

20 MS. RODRIGUEZ: You didn't recognize me.

21 CHAIRPERSON GARCIA: It's our pleasure
22 to have you here.

23 MR. ALONSO: Thank you, Mr. Chairman.
24 Now, Ms. Rodriguez, have you had an opportunity to
25 review the plans --

1 MS. RODRIGUEZ: Yes, I went to the site
2 also.

3 MR. ALONSO: You're familiar with the
4 plans?

5 MS. RODRIGUEZ: Yes.

6 MR. ALONSO: Okay. So I'm going to ask
7 you just to present to the Board exactly what it
8 is that we're looking to legalize.

9 MS. RODRIGUEZ: So as he said, we have
10 to legalize like the rear portion that was built
11 without being recognized by the building
12 department. So it's proposing to build a second
13 and third addition to the front and to the side
14 for the second and third floor. The third floor
15 is like complete, that was legal. So the front,
16 they have several variances, so --

17 MR. ALONSO: Now, all the variances are
18 preexisting?

19 MS. RODRIGUEZ: Preexisting condition.

20 MR. ALONSO: And they were --

21 MS. RODRIGUEZ: Except for the addition
22 that is going to be at the front of the side and
23 then it doesn't have the front yard.

24 MR. ALONSO: Right, but they are within
25 the footprint of the building?

1 MS. RODRIGUEZ: Footprint of the
2 building.

3 MR. ALONSO: Okay. And that was already
4 reviewed by the Board and approved back in 2017.

5 MS. RODRIGUEZ: Back in -- yes, it was.
6 Basically, the revision of the approval of the
7 plan.

8 MR. ALONSO: So we're basically looking
9 to amend those prior approvals to include this
10 portion that although it existed at the time, it
11 was constructed --

12 MS. RODRIGUEZ: It was existing at the
13 time, but it never build, so the permits --

14 MR. ALONSO: No, no. What happened was
15 it was constructed --

16 MS. RODRIGUEZ: The rear apartment, it
17 was constructed.

18 MR. ALONSO: Without permits.

19 MS. RODRIGUEZ: Not approved by the
20 City.

21 MR. ALONSO: It was not part of the
22 application to legalize it at that time --

23 MS. RODRIGUEZ: Exactly. The addition
24 to the front and the side.

25 MR. ALONSO: We're here just to legalize

1 it today.

2 CHAIRPERSON GARCIA: Give me one second,
3 let me ask a question to Mr. Spatz. I don't know
4 if she's done -- I jumped --

5 MR. ALONSO: Is there anything else you
6 need to add?

7 MS. RODRIGUEZ: No, I don't think so.
8 Unless you have a question.

9 CHAIRPERSON GARCIA: But an extension is
10 already done, everything is there?

11 MS. RODRIGUEZ: Well, no, the addition
12 at the front and the side is still not built.

13 MR. ALONSO: Correct. It's part of the
14 approvals that --

15 MS. RODRIGUEZ: It was, yes.

16 MR. ALONSO: The addition to the second
17 and third floor was part of the original
18 approvals.

19 MS. RODRIGUEZ: Original approval.

20 MR. ALONSO: That were granted and are
21 still valid. There's a portion of it --

22 CHAIRPERSON GARCIA: Like an expansion.

23 MR. ALONSO: An extension that was
24 previously added, but not included in our 2017
25 application because we didn't know that it was

1 done illegally at the time.

2 CHAIRPERSON GARCIA: Okay.

3 MR. ALONSO: So the building
4 department --

5 CHAIRPERSON GARCIA: So it's basically a
6 legalization of that existing expansion?

7 MR. ALONSO: Correct.

8 MS. RODRIGUEZ: Exactly, that is
9 existing.

10 MR. ALONSO: If we had known in 2017, it
11 would have been part of the plans.

12 CHAIRPERSON GARCIA: Okay. Mr. Spatz,
13 in your comment in your finding number one, you
14 said be corrected to indicate that the property is
15 in CN zone. And they show here this one, the
16 zoning plan.

17 MR. SPATZ: Yes. The original approval
18 was before the current zoning ordinance. So it
19 was approved and variances were granted based on
20 the original -- the ordinance that was in place at
21 that time, which I didn't have that information
22 that's why I made the comment that was incorrect.
23 But they don't need to make changes because
24 they're validating an approval that was from
25 before, from a prior ordinance, when that zone was

1 correct.

2 CHAIRPERSON GARCIA: Okay. Are you
3 changing any like side, I mean side --

4 MS. RODRIGUEZ: No, no additional
5 coverage.

6 CHAIRPERSON GARCIA: The coverage going
7 to --

8 MS. RODRIGUEZ: It's on top of the first
9 floor, so we're not adding --

10 CHAIRPERSON GARCIA: Expansion?

11 MS. RODRIGUEZ: Any expansion beyond
12 what is building on the first floor.

13 CHAIRPERSON GARCIA: So the same --

14 MS. RODRIGUEZ: The same footprint.

15 CHAIRPERSON GARCIA: From the first
16 floor.

17 MR. ALONSO: The building is kind of
18 like, as my client told me, it's going to be a
19 wedding cake. It goes like this, so basically
20 we're just going to square it off.

21 CHAIRPERSON GARCIA: Okay. And it's
22 Kennedy Boulevard -- any question?

23 MR. T. PANEQUE: I have a question for
24 Mr. Spatz.

25 MR. SPATZ: Yes.

1 MR. T. PANEQUE: On your memo, is it
2 your position now that paragraph one of your
3 findings is no longer applicable?

4 MR. SPATZ: That's correct. I think
5 they don't need to make the changes because it
6 was -- really it's just sort of reapproving
7 something from before that was done under a prior
8 ordinance. So I don't think they need to make
9 that change.

10 MR. T. PANEQUE: The rest of the
11 items --

12 MR. SPATZ: I reviewed it against the
13 standards of the CN zone, you know, this to me is
14 almost like, you know, granting an extension of a
15 prior approval that was done on the other Board.
16 So the variances -- there are no additional
17 variances. I think the Board can really just take
18 notice of the fact that the addition -- that the
19 portion of the addition was there prior to the
20 approval and there are no additional variances
21 needed.

22 MR. T. PANEQUE: Thank you, Mr. Spatz,
23 for the clarification.

24 CHAIRPERSON GARCIA: And everything --
25 the complete use is going to be commercial?

1 MR. ALONSO: That's correct.

2 MR. GRULLON: It's no apartments
3 proposed here?

4 MR. ALONSO: No. As a matter of fact,
5 in 2017, when we came, there were apartments
6 upstairs, it was a mixed-use building and we
7 converted it all to offices, yes.

8 CHAIRPERSON GARCIA: The expansion isn't
9 rear yard? You're not going to have any expansion
10 of the first floor, going to be on top of the
11 first floor?

12 MS. RODRIGUEZ: The expansion wouldn't
13 be in the rear yard. It won't be any, we give the
14 same rear yard that have before, that is existing
15 there.

16 CHAIRPERSON GARCIA: Any member of the
17 public want to step forward? Okay, closed to the
18 public. Any other Member of the Board? I'm going
19 to make my motion to grant the application with no
20 condition.

21 MS. GUTIERREZ: I'll second.

22 MR. VALLEJO: Motion on the table to
23 grant this application by Mr. Garcia, seconded by
24 Ms. Gutierrez. Roll call on the motion.

25 Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.

2 MR. VALLEJO: Mr. Grullon.

3 VICE CHAIRPERSON GRULLON: Yes.

4 MR. VALLEJO: Ms. Gutierrez.

5 MS. GUTIERREZ: Yes.

6 MR. VALLEJO: Mr. Ortiz.

7 MR. ORTIZ: Yes.

8 MR. VALLEJO: Ms. Perez.

9 MS. PEREZ: Yes.

10 MR. VALLEJO: Ms. Pena.

11 MS. PENA: Yes.

12 MR. VALLEJO: Six in favor, motion
13 carries.

14 MR. ALONSO: Thank you very much. Have
15 a happy Thanksgiving.

16 MR. VALLEJO: Can we get a five minute
17 break, please?

18 CHAIRPERSON GARCIA: Five minute break.

19

20 (Whereupon a short recess was taken.)

21

22 * * * *

23

24

25

1 **ANTHONY JOSE SANTOS & CINDY NATHALIE -**
2 **318 13TH STREET:**

3
4 MR. VALLEJO: May I have your attention,
5 please? Next application on tonight's agenda,
6 Anthony Jose Santos and Cindy Nathalie, 318 13th
7 Street. Ms. Pereiras, please.

8 MS. PEREIRAS: Thank you very much.
9 Good evening, Board Members, Bianca Pereiras on
10 behalf of Anthony Santos for the property at 318
11 13th Street. The application before the Board
12 this evening is to legalize a basement apartment.
13 Our clients purchased the property in December of
14 2023 believing and understanding this to be a
15 legal three-family home. It was registered with
16 the Department of Community Affairs as a multiple
17 dwelling, as three units. In fact, the memorandum
18 that we received from the tax department
19 references three units. If you would all like to
20 take a look at the property record and appraisal
21 card, on the left hand corner where it specifies a
22 schedule of rentals, it shows an apartment in the
23 basement and actually references the rent that was
24 paid many, many years ago.

25 The clients tried to pull permits for

1 renovations and at that point is when they
2 discovered that this apartment was not legally
3 recognized by the Union City building department.
4 Hence, we're here before the Board this evening
5 legalize that one unit. We have two experts to
6 testify before the Board this evening. And I'd
7 like to begin our presentation with our architect,
8 Mr. Manuel Pereiras.

9 CHAIRPERSON GARCIA: Just for
10 clarification, it's a typo, I'm assuming, it said
11 to construct an apartment?

12 MS. PEREIRAS: That is not the case, Mr.
13 Chairman. On our application as well as on the
14 drawings, it says to legalize a unit.

15 CHAIRPERSON GARCIA: Thank you very
16 much.

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

19
20 MR. PEREIRAS: This time, I do recognize
21 I am still under oath.

22 MS. PEREIRAS: Mr. Pereiras, are you
23 familiar with the property at 318 13th Street?

24 MR. PEREIRAS: Yes, I am.

25 MS. PEREIRAS: Did you prepare the

1 drawings that are before the Board this evening?

2 MR. PEREIRAS: I did.

3 MS. PEREIRAS: Would you kindly describe
4 the project for the Board?

5 MR. PEREIRAS: It's a pleasure to come
6 before the Board when we have a really beautiful,
7 well kept property, that the new owners have been
8 renovating and cleaning up in a very beautiful,
9 respectful way.

10 We have an undersized lot which triggers
11 our first two nonconformities. We have a 75-foot
12 depth where 100 feet is required. And we have a
13 total lot area of 2,025 square feet. However, the
14 lot is a little bit wider than usual, it's 27 feet
15 wide, which allows for a few beautiful things.
16 First and foremost, a nice big side yard setback,
17 which we're taking advantage of here. We have
18 5.9 feet side yard setback, zero setback on the
19 other side. So that's another nonconformity for
20 side yard setback.

21 In addition to that, we have a
22 nonconformity for lot coverage, 94 percent of the
23 lot is covered, whereas only 90 percent is
24 permitted. Those are the only existing variances
25 in addition to parking. We have two parking

1 spaces already at the front of the building.
2 There's no opportunity to increase those parking
3 spaces in any way. Four parking spaces were
4 required prior to this application, two additional
5 ones would be required. We can't place them
6 anywhere, so we're seeking an expansion on that
7 nonconformity. So an expansion on that variance
8 for parking.

9 The building itself is beautifully kept,
10 as I said. It is a three story structure. The
11 apartment that we have in question, the top two
12 floors are two bedroom apartments. The apartment
13 in question is this ground floor apartment. We're
14 proposing to create an entrance through the side
15 of the building, which has four steps to get into
16 the apartment from the side. So it creates an
17 independent entrance for that because right now
18 the existing entrance to that apartment is through
19 a narrow stair inside the building. So we're
20 creating a lot better safety through that.

21 The existing condition had three
22 bedrooms, we're proposing to make this into a
23 two-bedroom apartment. We're putting the master
24 bedroom in the back of the property and the
25 secondary bedroom towards the front of the

1 property. The master bedroom is 13 by 12-7 and
2 has an in-suite bathroom and closet. And then the
3 secondary bedroom is 10-7 by 9-1. And then the
4 inside space, which is where you enter, has a
5 living room and kitchen area, that's all open with
6 a whole bathroom. So the secondary bathroom has a
7 bathroom there as well. It has its washer and
8 dryer, hallway closet. And we separated the
9 mechanical rooms from the back to the front of the
10 building. So that there's access from the front
11 to the mechanical room and they don't have to go
12 through the apartment, which before they had to go
13 through the apartment as well.

14 Here's the layout of the existing floors
15 above. You could see the two units above were
16 two-bedroom, living room, dining room, kitchen.
17 And again the top floor is a two-bedroom. You can
18 see from the photographs, they have been working
19 very hard to renovate and make this into a
20 beautiful building.

21 And finally our facade, no change to the
22 exterior of the building, except for the steps
23 that we're creating on the side. So if you look
24 at the side, in the 5 foot 9 setback, we're
25 creating steps to enter through that new door on

1 the side.

2 And that concludes my testimony.

3 Actually let me expand on that a little bit, just
4 because to talk about life safety issues. We're
5 going from a legality of a two to a three, so
6 we're changing the requirements. And, therefore,
7 we're able to provide a domestic line sprinkler
8 system to this unit. Sprinkler systems create
9 buildings that are very, very safe. So this
10 apartment will have a sprinkler system. It will
11 also have a two-hour fire separation between this
12 apartment and the apartments above. And the
13 building will have an alarm system as well. Now I
14 conclude my testimony.

15 CHAIRPERSON GARCIA: Mr. Pereiras, are
16 you going to have two access to the apartment or
17 just one?

18 MR. PEREIRAS: So just one access. And
19 then both windows for each -- so the windows in
20 the bedrooms have emergency escape, they're going
21 to be large enough for emergency escape.

22 CHAIRPERSON GARCIA: Are you going to
23 enlarge the one up front?

24 MR. PEREIRAS: The windows don't have
25 to, they meet emergency escape requirements.

1 CHAIRPERSON GARCIA: Okay. Also it's
2 okay for now. You have another witness?

3 MS. PEREIRAS: We do.

4 CHAIRPERSON GARCIA: Okay.

5 MS. PEREIRAS: I'd like to call our
6 planner.

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

11
12 MR. DOUGHERTY: Alexander Dougherty,
13 D-O-U-G-H-E-R-T-Y, promotional planner. My
14 license is current.

15 MS. PEREIRAS: Mr. Dougherty has
16 appeared before the Board in the past, I ask that
17 he be accepted as an expert in the field of
18 planning.

19 CHAIRPERSON GARCIA: Our pleasure to
20 have you here, Mr. Dougherty.

21 MR. DOUGHERTY: I want to apologize for
22 the tardiness, and I appreciate your patience.

23 CHAIRPERSON GARCIA: You gave us a
24 break.

25 MR. DOUGHERTY: For this evening, as

1 usual, I passed out an exhibit -- made an exhibit
2 packet that consists of maps, photographs, five
3 slides. If it pleases the Board, I'll pass it
4 out, for the orientation of where the property is.

5

6 (Planning packet marked A-1.)

7

8 MR. DOUGHERTY: So slide one in red
9 really is the -- red arrow circles the property in
10 question. What's important to note is we are in
11 that fringe, if you will, of the CN neighborhood
12 commercial, in the red there, on New York. And as
13 well as the yellow which is your low density
14 residential, which is right where we're at. We're
15 kind of right there on the fringe on the border of
16 the two.

17 Next page is from NJDEP's GeoWeb,
18 outlined in red is the property in question.
19 As you can see, we're midblock, but again we are
20 in that border between the zones. What's
21 important to note here is where we are within New
22 York Avenue, Bergenline, Palisades. As you can
23 see, we do have a lot of amenities and bus stops
24 right here, you know, within walking distance from
25 the site.

1 Page three is what the property looks
2 like as of September 7th, when I visited the site
3 with the drone. I will say when I visit the
4 sites, I typically like to put it into Google so I
5 get an idea where I'm going. And I was pleasantly
6 surprised when I went out there because it looks
7 nothing like what it did in Google. I think
8 there's been some extensive upkeep on the property
9 from what was online.

10 But as you can see, there's that door
11 off to the right below the stairs, which is that
12 unit in question, as Manny kind of testified to,
13 and you could see the windows there are fairly
14 large. And in the front, we did have that setback
15 that's fairly large on the side yard with the gate
16 there, and, again, the windows. So from a
17 planning standpoint, I'd like to concur that these
18 are larger, adequate and, you know, accommodating
19 for egress purposes.

20 We take the drone out, zoom out a little
21 bit to give a little context of what's around us
22 on the neighborhood here. As you can see, the
23 building now has a red star on the roof for
24 location. But, you know, it's an interesting make
25 out, we have some older homes there. And then it

1 looks like we have some newer in-fill projects
2 come online and some larger ones on the end caps,
3 if you will, along Palisade. But for purposes of
4 the conversation, I think when we look at the
5 project itself, it blends in perfect with the
6 neighborhood context. And we're certainly not the
7 largest, we're more by way of scale size and
8 massing.

9 Take the drone out over Palisade on
10 page 5, so we can see again some of that newer
11 housing that went online, just off to the right on
12 the corner, same side as our property again with
13 the red star at the top. And we have some of the
14 larger end cap, you know, good urban planning to
15 put the density and larger massing on the corners
16 and accentuate the corners.

17 But this is, again, for orientation
18 purposes, as the architect testified to, we do
19 have some existing variances, some nonconformities
20 here. Particularly, our lot depth at 75, where
21 100 is required for the R low density residential
22 zone, which gives us a slight undersized lot by
23 way of area 2,500 square feet is required, we're
24 at 2,025. But as you can see the way it's
25 positioned on the property, I think it fills the

1 property nicely.

2 But I'd like to point out though, we
3 talk about that front yard setback, 7 feet where
4 prevailing is required. I think we're more
5 prevailing with the middle of the block there,
6 which allowed us to have about 13.9 from a
7 setback, which gives us the two parking in the
8 front. And then in good Union City fashion,
9 parking in front of your driveway as well.

10 For purposes of the rear yard, it's not
11 compliant by 5 feet, it's existing that way, more
12 of a (c)1 existing condition hardship, as well as
13 the rest of the variances, lot area, lot depth,
14 the side yard, 2 feet and 5 feet as you saw on
15 that side yard, we have 5.7, where the gate was,
16 again, existing condition.

17 The maximum lot coverage, existing,
18 we're substantially under that, 65 percent is
19 what's permitted in the zone, we're at 48 percent.
20 Maximum impervious coverage, 95, we're at 94. And
21 again the building height complies, three stories,
22 38 feet, we're at 31, three stories. And then we
23 have that parking situation, pretty much standard
24 parking issue. We're under parked, but I want to
25 emphasize again, shown on exhibit 2, there is mass

1 transit. We are on that fringe zone, if you will,
2 one lot away from the commercial neighborhood
3 retail with the amenities at the door step. You
4 see on page two, there's a grocery store right
5 there on the corner as well.

6 I think when we talk about this project,
7 that unit's existed there for some time. These
8 are large egress windows, standard windows, that
9 door has been here. We're here to legalize that
10 apartment. Any negative affects felt by parking,
11 naturally, I think would be absorbed with the
12 longstanding condition of the property within the
13 neighborhood.

14 I think what we have here is an
15 opportunity from a planning perspective, recognize
16 that third unit. As you heard the architect, you
17 know, to put that fire and sprinkler system in
18 there, provides for that proper inspection and
19 building codes, so we have a safe habitable space.
20 And what you see here before you is a positive
21 investment into a longstanding property, and those
22 uses in that property for that third unit.

23 So we are here for that (d)1 use
24 variance. I do think the site is particularly
25 suited for this, it's existed there for some time.

1 We're a great walking distance of that commercial
2 corridor on New York. And again, we're another
3 block away from Bergenline. You have mass transit
4 at the doorstep. I think the site is particularly
5 suited for that, it blends in naturally with the
6 property. And by virtue of -- you know, from a
7 planning standpoint, this site holistically -- we
8 actually have some parking, which is a little bit
9 of a rarity, you know, I know we're still
10 deficient on parking.

11 But again, I think we're in the right
12 direction to provide for diversified housing
13 choices and options. This application I would say
14 advances purpose A, general welfare, safety,
15 morals, for advancing, you know, codes and fire
16 safety. I would say purpose I for desirable
17 visual environment. I would say purpose E for
18 appropriate densities in appropriate locations,
19 again, we're on that fringe zone here. And
20 certainly purpose M for more efficient use of land
21 to provide for that diversified housing choices.

22 So with that, I'll conclude. I do not
23 see a negative, I don't think this is going to
24 undermine the intent of the zone plan. The
25 structure itself, I think, is compatible with the

1 intent of the zone. And, you know, for
2 purposes -- it's an existing structure, it's
3 modern. I think it's right on scale where it
4 needs to be. I don't think it's overdeveloped by
5 way of bedroom counts and makeup for the internal
6 program.

7 I do not believe it's going to
8 constitute a rezone for this neighborhood or be a
9 substantial detriment to the neighborhood.

10 CHAIRPERSON GARCIA: You stated you had
11 the opportunity to visit there, right?

12 MR. DOUGHERTY: I try to visit all the
13 sites.

14 CHAIRPERSON GARCIA: You could say that,
15 and also I hear your statement, that basically
16 this application is basically -- comply with the
17 neighborhood?

18 MR. DOUGHERTY: I think from a structure
19 standpoint, whether it's a two-family or
20 three-family, the structure is there, it's existed
21 there. We have an opportunity to make it safe and
22 habitable. It's been there as far as the
23 structure. I think when I look at page four of my
24 exhibit, two doors down, that larger structure
25 right in the middle of the block, that

1 side-by-side two-family, that I think is kind of
2 out of character. I wouldn't say this building
3 is, it's existed there. We just gave it a fresh
4 paint job and cleaned it up. But I think our
5 property is more in line with the scale, size, and
6 massing and makeup of the neighborhood. It's not
7 going to be too intrusive.

8 CHAIRPERSON GARCIA: Okay. I don't have
9 any further questions for Mr. Dougherty. Can you
10 bring Mr. Pereiras? Thank you, Mr. Dougherty.

11 Mr. Pereiras, going back to your design
12 in the living room and the kitchen, why do you
13 give so much space to the kitchen and sacrifice a
14 little bit of the living room? Taking in
15 consideration that I know it's not really, really
16 small, but it's not too big, too large apartment,
17 669 for two bedroom.

18 MR. PEREIRAS: Because when we have in a
19 kitchen that also serves as a dining room, we need
20 to create a comfortable space. It's very
21 uncomfortable to have a small kitchen and then a
22 small table. Whereas if I create a peninsula the
23 way I have it there, now, four people could sit at
24 that peninsula. That's a good dining experience.
25 It raises the living standards for the apartment,

1 it's a better efficient use of space. We'll be
2 happy to change that a different way, make the
3 kitchen smaller. But I think having the peninsula
4 basically substitutes for having a dining room and
5 it works really well with small apartments.

6 CHAIRPERSON GARCIA: My suggestion
7 probably -- okay, the peninsula is great, but can
8 you like create the bay a little bit narrow? You
9 have like 9 foot?

10 MR. PEREIRAS: Yeah, we can. We can
11 make it.

12 CHAIRPERSON GARCIA: Provide -- let's
13 say another four to the living room and keep it at
14 five or six the bay, you know, the kitchen area,
15 where whoever going to be cooking? Because I mean
16 the kitchen is integrated to the entire living
17 room area, you know what I mean? So --

18 MR. PEREIRAS: I have the center aisle,
19 I have it at four and a half feet. I could make
20 that center aisle three feet.

21 CHAIRPERSON GARCIA: But you have here,
22 let's say, nine --

23 MR. PEREIRAS: That's the entire.

24 CHAIRPERSON GARCIA: That's what I'm
25 saying, the bay, inside.

1 MR. PEREIRAS: The bay I could reduce to
2 three feet.

3 CHAIRPERSON GARCIA: You can reduce and
4 add to the living room area and you're going to
5 have more space for the living room.

6 MR. PEREIRAS: I will do that.

7 CHAIRPERSON GARCIA: I don't know, it's
8 like --

9 MR. PEREIRAS: I think that's a great
10 suggestion. We'll make the space inside the bay,
11 inside the kitchen as three feet.

12 CHAIRPERSON GARCIA: And that's going to
13 be the new entrance through the side?

14 MR. PEREIRAS: Yes.

15 CHAIRPERSON GARCIA: Through the east
16 side?

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON GARCIA: Okay. And no --
19 any extension, any --

20 MR. PEREIRAS: No, the exterior of
21 building stays the same except for that entry that
22 we're creating those steps and door.

23 CHAIRPERSON GARCIA: No way for you to
24 create a third driveway, like you don't have
25 enough space?

1 MR. PEREIRAS: We don't have room to
2 create another parking space. And this is a block
3 that's coming along really beautifully. We just
4 finished two different buildings on that block, we
5 have this one, we have another renovation on the
6 same block. So the entire block is becoming very
7 beautiful.

8 CHAIRPERSON GARCIA: Okay. Do you have
9 any questions? I mean any Member of the Board,
10 any question? Any member of the public want to
11 step forward? Okay. Seeing none, close to the
12 public. Understanding that they're going to bring
13 better quality of life to that unit, they're going
14 to better residence for the community and
15 understanding also it's preexisting condition, I'm
16 going to make my notion to grant the application.

17 MS. GUTIERREZ: I'll second.

18 MR. VALLEJO: Motion on the table by Mr.
19 Garcia, seconded by Ms. Gutierrez. Roll call on
20 the motion.

21 Mr. Garcia.

22 CHAIRPERSON GARCIA: Yes, with revised
23 plans.

24 MR. VALLEJO: Revised plans required at
25 least ten days.

1 Mr. Grullon.

2 VICE CHAIRPERSON GRULLON: Yes.

3 MR. VALLEJO: Ms. Gutierrez.

4 MS. GUTIERREZ: Yes.

5 MR. VALLEJO: Mr. Ortiz.

6 MR. ORTIZ: Yes.

7 MR. VALLEJO: Ms. Perez.

8 MS. PEREZ: Yes.

9 MR. VALLEJO: Ms. Pena.

10 MS. PENA: Yes.

11 MR. VALLEJO: Six in favor, motion
12 carries. Thank you, Ms. Pereiras.

13 MS. PEREIRAS: Thank you all very much.

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ADOPTION OF RESOLUTIONS:

1. 655 39th LLC, 655 39th Street Block: 261 Lot: 36. The applicant proposes to demolish an existing one-story commercial structure and construct a new two-family dwelling. Approved revised plans recv on 11-05-2025

MR. VALLEJO: All right. Now we don't have any other application, we're moving to resolutions. Resolution number one, 655 39th, LLC, 655 39th Street. This application was approved at the previous meeting, revised plans was received on 10/29/2025. Can I have a motion?

CHAIRPERSON GARCIA: Motion.

MR. SPATZ: Yes. This item, as well as number two and three, revised plans were submitted, I reviewed them and they do meet the conditions of the Board's approval. So the resolutions can be adopted.

CHAIRPERSON GARCIA: Thank you.

MR. VALLEJO: Motion by Mr. Garcia.

MS. GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion.

Mr. Garcia.

1 CHAIRPERSON GARCIA: Yes.
2 MR. VALLEJO: Mr. Grullon.
3 VICE CHAIRPERSON GRULLON: Yes.
4 MR. VALLEJO: Ms. Gutierrez.
5 VICE CHAIRPERSON GUTIERREZ: Yes.
6 MR. VALLEJO: Mr. Ortiz.
7 MR. ORTIZ: Yes.
8 MR. VALLEJO: Ms. Perez.
9 MS. PEREZ: Yes.
10 MR. VALLEJO: Ms. Pena.
11 MS. PENA: Yes.
12 MR. VALLEJO: Six in favor, motion
13 carries.

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1 **ADOPTION OF RESOLUTIONS:**

2 2. Ruth E. Velazquez 1205 Central Avenue Lot: 10
3 Block 58. The applicant proposes to legalize a
4 one-bedroom apartment in the basement of an
5 existing two-family dwelling and construct a rear
6 addition; there will be a total of three units.

7 **Approved revised plans - received on 11-03-2025.**

8
9 MR. VALLEJO: Resolution number two,
10 Ruth E. Velazquez 1205 Central Avenue. Revised
11 plans also was received, as Mr. Spatz mentioned
12 before. Can I have a motion to adopt this
13 resolution?

14 CHAIRPERSON GARCIA: Motion.

15 MR. VALLEJO: Motion by Mr. Garcia.

16 MS. GUTIERREZ: Second.

17 MR. VALLEJO: Seconded by Ms. Gutierrez.

18 Roll call on the motion.

19 Mr. Garcia.

20 CHAIRPERSON GARCIA: Yes.

21 MR. VALLEJO: Mr. Grullon.

22 VICE CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 MS. GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Ortiz.

1 MR. ORTIZ: Yes.

2 MR. VALLEJO: Ms. Perez.

3 MS. PEREZ: Yes.

4 MR. VALLEJO: Ms. Pena.

5 MS. PENA: Yes.

6 MR. VALLEJO: Six in favor, motion
7 carries.

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ADOPTION OF RESOLUTIONS:

3. Chenyi Shi - 508 40th Street. Block: 234 Lot 27. Applicant proposes to construct a new two-family dwelling in a current vacant lot.

Approved revised plans - received on 11-03-2025.

MR. VALLEJO: Resolution number three, Chenyi Shi, 508 40th Street. Can I have a motion to adopt this resolution?

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: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Six in favor, motion
3 carries.

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ADOPTION OF RESOLUTIONS:

4. Tighthead, LLC - 521 10th Street - construct a 3 story - 4-unit multi-family dwelling. **Approved on July 10, 2014. The resolution was memorialized on September 11, 2014. The applicant's attorney is requesting an amendment. Approved**

MR. VALLEJO: Resolution number four, Tighthead, LLC, 521 10th Street. 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: Mr. Grullon.

VICE CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

MS. GUTIERREZ: Yes.

MR. VALLEJO: Mr. Ortiz.

MR. ORTIZ: Yes.

MR. VALLEJO: Ms. Perez.

MS. PEREZ: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

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

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1 **ADOPTION OF RESOLUTIONS:**

2 5. Gerardo A. Rojas - Nohemi Mandil. 407 43rd
3 Street. Block: 245 Lot: 23. The applicants
4 propose the construction of a new three family
5 house.

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7 MR. VALLEJO: We have number five now.
8 Gerardo Rojas, this application was withdrawn at
9 the previous meeting. Can I have a motion?

10 MS. PENA: Motion.

11 MR. VALLEJO: Motion by Ms. Pena.

12 MS. GUTIERREZ: Second.

13 MR. VALLEJO: Seconded by Ms. Gutierrez.

14 Roll call on the motion.

15 Mr. Garcia.

16 CHAIRPERSON GARCIA: Yes.

17 MR. VALLEJO: Mr. Grullon.

18 VICE CHAIRPERSON GRULLON: Yes.

19 MR. VALLEJO: Ms. Gutierrez.

20 MS. GUTIERREZ: Yes.

21 MR. VALLEJO: Mr. Ortiz.

22 MR. ORTIZ: Yes.

23 MR. VALLEJO: Ms. Perez.

24 MS. PEREZ: Yes.

25 MR. VALLEJO: Ms. Pena.

1 MS. PENA: Yes.

2 MR. VALLEJO: Six in favor, motion

3 carries.

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ADJOURNMENT:

MR. VALLEJO: There being no further applications on the tonight's agenda, CAN I have a motion to close tonight's meeting?

MS. PEREZ: Motion.

MS. PENA: Motion.

MR. VALLEJO: Motion by Ms. Pena.

MR. ORTIZ: Second.

MR. VALLEJO: Seconded by Mr. Ortiz.

All in favor?

(All Board Members indicate in the affirmative.)

MR. VALLEJO: The ayes have it. Let the record indicate that the meeting has ended. Thank you and good night, everyone. Have a merry Christmas, happy Thanksgiving.

(Whereupon, the meeting was adjourned at 7:51 p.m.)

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