

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

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

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

THURSDAY, JANUARY 13, 2022
Commencing at 6:00 p.m.

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

VICTOR M. GRULLON, Chairperson
MARGARITA GUTIERREZ, Vice Chairperson
MIGUEL ORTIZ (Arrived at 6:31 p.m.)
GEORGE GARCIA
JOHN MEDINA
ROSIO PENA, Alternate #1
MINDRY WATLEY, Alternate #4

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

LIBERO MAROTTA
GERALDINE PEREZ
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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A P P E A R A N C E S:

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9799 Ventures I, LLC

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant,
613 39th Street, LLC

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I N D E X

9799 Ventures I, LLC
1219 Bergenline Avenue

WITNESSPAGE

Manny Pereiras

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Michael Kauker

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1 MR. VALLEJO: May I have your attention,
2 please. Please take notice that on January 13,
3 2022, at 6:00 p.m. a regular meeting is scheduled
4 for the Union City Zoning Board of Adjustment, to
5 be held in the Union City High School, located at
6 2500 John F. Kennedy Boulevard, Union City, New
7 Jersey.

8 Will everybody kindly rise to salute the
9 flag, please.

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11 (The Pledge of Allegiance was recited.)
12

13 MR. VALLEJO: Adequate notice of this
14 meeting has been provided as follows:

15 Notice of this meeting setting forth the
16 time, date, location, and the agenda, to the
17 extent known, was forwarded to The Jersey Journal,
18 The Record, and The Hudson Reporter, has been
19 posted on the bulletin board in City Hall, has
20 been made available to the public in the Office of
21 Municipal Clerk.

22
23 **ROLL CALL:**

24 MR. VALLEJO: Roll call for tonight's
25 meeting. Mr. Grullon.

1 CHAIRPERSON GRULLON: Here.
2 MR. VALLEJO: Mr. Marotta is absent.
3 Ms. Gutierrez.
4 MS. GUTIERREZ: Here.
5 MR. VALLEJO: Mr. Ortiz is absent.
6 Mr. Medina.
7 MR. MEDINA: Here.
8 MR. VALLEJO: Ms. Pena.
9 MS. PENA: Here.
10 MR. VALLEJO: Ms. Perez is absent. Mr.
11 Cetinich is absent. Ms. Watley.
12 MS. WATLEY: Here.
13 MR. VALLEJO: Let the record indicate
14 there are five present.
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1 **REORGANIZATION MEETING:**

2 MR. VALLEJO: We are going to the
3 reorganization meeting held every January. May I
4 have a motion to elect a chairperson.

5 VICE CHAIRPERSON GUTIERREZ: I make a
6 motion for Mr. Grullon.

7 MR. VALLEJO: Motion for Mr. Grullon to
8 be the chairperson, motion by Commissioner
9 Gutierrez. Any second to the motion?

10 MS. WATLEY: Second.

11 MR. VALLEJO: Second by Ms. Watley.

12 MR. GARCIA: There you go, she beat me
13 to it.

14 MR. VALLEJO: Roll call on the motion.
15 Mr. Grullon.

16 CHAIRPERSON GRULLON: Yes, I accept.

17 MR. VALLEJO: Ms. Gutierrez.

18 VICE CHAIRPERSON GUTIERREZ: Yes.

19 MR. VALLEJO: Mr. Garcia.

20 MR. GARCIA: Yes.

21 MR. VALLEJO: Ms. Pena.

22 MS. PENA: Yes.

23 MR. VALLEJO: Ms. Watley.

24 MS. WATLEY: Yes.

25 MR. VALLEJO: Five in favor, motion

1 carries. Congratulations, Mr. Grullon.

2 Is there any other nomination? There's
3 no other nomination.

4 MR. PANEQUE: There were no other
5 nominations.

6 MR. VALLEJO: Thank you, Mr. Paneque.
7 Do we have a motion to nominate a vice
8 chairperson?

9 CHAIRPERSON GRULLON: Motion to nominate
10 Margarita Gutierrez.

11 MR. VALLEJO: Motion by Mr. Grullon to
12 nominate Ms. Gutierrez. Can I have a second?

13 MS. WATLEY: Second.

14 MR. VALLEJO: Second by Ms. Watley.

15 Any other nomination? I see none.

16 We have a motion by Mr. Grullon to
17 nominate Ms. Gutierrez as vice chairperson,
18 seconded by Ms. Watley.

19 Roll call on the motion. Mr. Grullon.

20 CHAIRPERSON GRULLON: Yes.

21 MR. VALLEJO: Ms. Gutierrez.

22 VICE CHAIRPERSON GUTIERREZ: Yes, I
23 accept the nomination.

24 MR. VALLEJO: Mr. Garcia.

25 MR. GARCIA: Yes.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes.

5 MR. VALLEJO: Five in favor, motion
6 carries. Congratulations, Ms. Gutierrez, as the
7 vice chairperson.

8 VICE CHAIRPERSON GUTIERREZ: Thank you.

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ADOPTION OF MINUTES:

MR. VALLEJO: Moving to the agenda now.

Approval of previous meeting minutes of
December 9, 2021. Can I have a motion?

CHAIRPERSON GRULLON: Motion.

MR. VALLEJO: Motion by Mr. Grullon.

VICE CHAIRPERSON GUTIERREZ: Second.

MR. VALLEJO: Seconded by Ms. Gutierrez.

Roll call on the motion. Mr. Grullon.

CHAIRPERSON GRULLON: Yes.

MR. VALLEJO: Ms. Gutierrez.

VICE CHAIRPERSON GUTIERREZ: Yes.

MR. VALLEJO: Ms. Pena.

MS. PENA: Yes.

MR. VALLEJO: Ms. Watley.

MS. WATLEY: Yes.

MR. VALLEJO: All in favor, motion
carries. You were absent, Mr. Garcia, for the
meeting, right?

MR. GARCIA: Yes, I was absent.

1 **SSA Development II, LLC -**
2 **202 Bergenline Avenue:**

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4 MR. VALLEJO: First application for
5 tonight's hearing, SSA Development II, LLC, 202
6 Bergenline Avenue. Mr. Paneque, please.

7 MR. PANEQUE: Mr. Vallejo, members of
8 the board, yesterday, January 12th, I received a
9 letter from the office of Alvaro Alonso requesting
10 that this matter be carried to the next meeting.
11 The statutory time periods were waived in the
12 letter on behalf of the applicant and he is
13 requesting that the matter be carried without a
14 need to re-notice.

15 The reason for the request for the
16 adjournment was that they needed to submit revised
17 plans prior to ten days from tonight's hearing and
18 those plans were submitted, but not -- did not
19 meet the required ten day period.

20 MR. VALLEJO: Thank you, Mr. Paneque.

21 MR. PANEQUE: So the request is to
22 adjourn to February 10th with no notice
23 requirement.

24 MR. VALLEJO: Thank you. May I have a
25 motion to carry this application?

1 CHAIRPERSON GRULLON: Motion.
2 MR. VALLEJO: Motion by Mr. Grullon.
3 VICE CHAIRPERSON GUTIERREZ: Second.
4 MR. VALLEJO: Second by Ms. Gutierrez.
5 Roll call on the motion. Mr. Grullon.
6 CHAIRPERSON GRULLON: Yes.
7 MR. VALLEJO: Ms. Gutierrez.
8 VICE CHAIRPERSON GUTIERREZ: Yes.
9 MR. VALLEJO: Mr. Garcia.
10 MR. GARCIA: Yes.
11 MR. VALLEJO: Ms. Pena.
12 MS. PENA: Yes.
13 MR. VALLEJO: Ms. Watley.
14 MS. WATLEY: Yes.
15 MR. VALLEJO: Five in favor, motion
16 carries.
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1 **BB 6th Holdings, LLC -**
2 **733-35 6th Street:**

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4 MR. VALLEJO: Move to number two, BB 6th
5 Holdings, LLC, 733-35 6th Street. Ms. Pereiras,
6 please.

7 MS. PEREIRAS: Good evening, counsel,
8 members of the board. May it please the board,
9 Bianca Pereiras on behalf of BB 6th Holdings, LLC.
10 I'd like to bring to the board's attention that
11 this matter is currently under litigation between
12 counsel for the city and the applicant through his
13 attorney. As such, I think it's best if we
14 adjourn this matter until that matter is resolved
15 in court and we have an okay to proceed at that
16 point.

17 MR. PANEQUE: Based on the fact, Ms.
18 Pereiras, that the matter is under litigation and
19 we do not have a time frame as to when that
20 litigation will be concluded, I'm going to suggest
21 that this board accept the request for adjournment
22 with the condition that if you decide to bring
23 this matter back, that notices be given to all
24 property owners within the 200-foot radius and the
25 notice be published in the paper as required by

1 statute. A new list from the tax assessor's
2 office will be required also.

3 MS. PEREIRAS: Absolutely.

4 CHAIRPERSON GRULLON: Are you asking for
5 a specific date to carry?

6 MS. PEREIRAS: I'm not. I do not have a
7 date at this moment. I don't know how long it
8 will take the matter to be resolved in court.

9 CHAIRPERSON GRULLON: So can we carry
10 the matter without a date?

11 MR. PANEQUE: We can carry it for a
12 couple of cycles. So the board can put a time
13 frame on this and then if the time period expires,
14 then we can have the matter administratively
15 dismissed, a new application would have to be
16 submitted, that's one choice. The other choice is
17 for you to just withdraw your application at this
18 point, but it's your call.

19 MS. PEREIRAS: I'd rather carry it for
20 the time being, maybe something can be resolved to
21 prior to then. And that would allow me to
22 proceed. I'd rather do that than withdraw.

23 MR. PANEQUE: Then it would be up to the
24 chairperson to set a time limit, how many cycles
25 you would want to have the applicant remain the

1 application.

2 CHAIRPERSON GRULLON: Normally, what we
3 do when we carry an application, we have a date.
4 We normally carry it to the next board meeting.
5 But for this particular case, it's in litigation
6 for a long time now. I would say that our board
7 will be okay carrying this for three cycle. If at
8 the three cycles, it's not resolved, then it would
9 be dismissed.

10 MR. PANEQUE: So that would be the April
11 meeting, okay. So we have the date, that would be
12 April 14th. If this matter is going to be heard
13 on April 14th, Ms. Pereiras, you're going to have
14 to send out new notices. If on April 14th, you're
15 not ready to proceed, the matter will be
16 dismissed.

17 MS. PEREIRAS: Understood, counsel.

18 MR. PANEQUE: Okay.

19 MR. VALLEJO: May I have a motion?

20 CHAIRPERSON GRULLON: Motion to carry
21 this matter to April 14th.

22 MR. VALLEJO: Motion to carry the matter
23 to April 14th by Mr. Grullon.

24 VICE CHAIRPERSON GUTIERREZ: Second.

25 MR. VALLEJO: Second by Ms. Gutierrez.

1 MR. PANEQUE: Ms. Pereiras, are you
2 waiving on behalf of your applicant, the statutory
3 time limits in which this board can hear this
4 application?

5 MS. PEREIRAS: Yes, counsel.

6 MR. PANEQUE: Thank you.

7 MR. VALLEJO: Thank you, Mr. Paneque.

8 Motion to adjourn this application until
9 April 14, 2022, by Mr. Grullon, seconded by Ms.
10 Gutierrez. Roll call on the motion. Mr. Grullon.

11 CHAIRPERSON GRULLON: Yes.

12 MR. VALLEJO: Ms. Gutierrez.

13 VICE CHAIRPERSON GUTIERREZ: Yes.

14 MR. VALLEJO: Mr. Garcia.

15 MR. GARCIA: Yes.

16 MR. VALLEJO: Ms. Pena.

17 MS. PENA: Yes.

18 MR. VALLEJO: Ms. Watley.

19 MS. WATLEY: Yes.

20 MR. VALLEJO: Five in favor, motion
21 carries. New notice required.

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1 **1210 Bergenline Avenue, LLC -**

2 **1210 Bergenline Avenue**

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4 MR. VALLEJO: Move now to number three,
5 1210 Bergenline Avenue, LLC, 1210 Bergenline
6 Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras, on
8 behalf of the 1210 Bergenline Avenue, LLC. As the
9 board may recall, at the last meeting, we received
10 notice from the building department that
11 recognized this building as six units rather than
12 seven, which is what we understood.

13 After extensive due diligence and going
14 back and forth with the building department, we
15 have not found any evidence at the building
16 department level that it was seven units. As
17 such, we are revising our drawings and revising
18 our application to legalize two units.

19 As such, I would respectfully request
20 that this matter carried until the next board
21 meeting, at which time we will provide a new
22 notice and publication.

23 CHAIRPERSON GRULLON: You request that
24 we carry this to the February meeting?

25 MS. PEREIRAS: That's correct.

1 CHAIRPERSON GRULLON: Are these revised
2 plans?

3 MS. PEREIRAS: They are not revised,
4 they're in the process of revising them.

5 CHAIRPERSON GRULLON: Make a motion to
6 adjourn this to the next board meeting,
7 February 10th.

8 MR. VALLEJO: Motion to adjourn to next
9 meeting by Mr. Grullon.

10 VICE CHAIRPERSON GUTIERREZ: Second.

11 MR. VALLEJO: To February 10, seconded
12 by Ms. Gutierrez.

13 CHAIRPERSON GRULLON: One more thing,
14 Carlos. You will have to re-notice for this.

15 MS. PEREIRAS: We will. We understand,
16 yes.

17 MR. VALLEJO: Motion on the table to
18 adjourn this application to February 10, 2022, by
19 Mr. Grullon, with a new notice required, seconded
20 by Ms. Gutierrez.

21 Roll call on the motion. Mr. Grullon.

22 CHAIRPERSON GRULLON: Yes.

23 MR. VALLEJO: Ms. Gutierrez.

24 VICE CHAIRPERSON GUTIERREZ: Yes.

25 MR. VALLEJO: Mr. Garcia.

1 MR. GARCIA: Yes.

2 MR. VALLEJO: Ms. Pena.

3 MS. PENA: Yes.

4 MR. VALLEJO: Ms. Watley.

5 MS. WATLEY: Yes.

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

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1 **9799 Ventures I, LLC -**
2 **1219 Bergenline Avenue:**

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4 MR. VALLEJO: We are moving to number
5 four. 9799 Ventures I, LLC, 1219 Bergenline
6 Avenue. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras on behalf
8 of the 9799 Ventures, LLC, for the property
9 located at 1219 Bergenline Avenue. The
10 application is a continuation. We had previously
11 presented at the last meeting with the testimony
12 of our architect, but our understanding that there
13 are members here that were not present at the last
14 meeting, we'd like to present from the beginning.

15 For the board's information, the
16 application is to construction a new building
17 consisting of four residential units and
18 commercial. We previously had gone before the
19 board for approvals to construct three floors of
20 residential over one floor of commercial.

21 However, in getting to the point where
22 we would be ready to submit the construction
23 documents, the applicant realized that having a
24 commercial space on the ground floor of this size
25 didn't really fit into the neighborhood. So the

1 revised application is to construct a small
2 commercial space on the ground floor in the front
3 and a residential unit in the back.

4 MR. VALLEJO: Allow me one second,
5 please.

6 Let the record indicate that Mr. Ortiz
7 joined the meeting at 6:31 p.m. Thank you, Ms.
8 Pereiras.

9 MS. PEREIRAS: I'd like to begin the
10 presentation with our architect, Mr. Manny
11 Pereiras.

12 MR. PEREIRAS: Counsel.

13 MR. VALLEJO: Let the record indicate
14 that six members --

15 MR. PANEQUE: Ms. Pereiras, you
16 understand that you do not have the full board
17 here tonight, there's only now six members with
18 Mr. Ortiz joining us and you do require a use
19 variance for this, so you need super majority
20 vote. So you're still willing to proceed?

21 MS. PEREIRAS: We are.

22 MR. PANEQUE: Thank you.

23 Mr. Pereiras, please raise your right
24 hand. Do you swear to tell the truth and nothing
25 more than the truth with respect to the testimony

1 you're giving this board this evening?

2 MR. PEREIRAS: I do.

3 MR. PANEQUE: Thank you. State your
4 name for the record.

5 MR. PEREIRAS: Yes, Counsel. Manny
6 Pereiras, P-E-R-E-I-R-A-S, with Pereiras
7 Architects Ubiquitous, 1116 Summit Avenue, Union
8 City.

9 MR. PANEQUE: Thank you.

10 MS. PEREIRAS: Mr. Pereiras, did you
11 prepare the drawings for 1219 Bergenline Avenue?

12 MR. PEREIRAS: Yes.

13 MS. PEREIRAS: Would you please describe
14 the property for the board?

15 Mr. Pereiras has testified before this
16 board in the past, and I ask that he be accepted
17 as an expert in the field of architecture?

18 CHAIRPERSON GRULLON: We accept.

19 MR. PEREIRAS: Thank you. Happy new
20 year, everyone, glad to see you all.

21 I'm going to recap from the beginning,
22 since not all of us were present there. Carlos, I
23 think this is loud enough, I hope.

24 MR. VALLEJO: Yes.

25 MR. PEREIRAS: Thank you, excellent. We

1 have a typical 25-by-100 lot. What's there right
2 now is a dilapidated residential building that has
3 been in that condition for quite some time. As
4 counsel stated, we already got approvals here for
5 ground floor commercial and three apartments
6 above, which is exactly what's permitted in the
7 zone.

8 However, when this new ownership
9 purchased it, they wanted to make the building
10 even better and there were several things that
11 they were concerned with. Number one, the
12 neighbors to the south had a window right about
13 here that we did not want to cover, even though it
14 was within our rights to cover. So we redesigned
15 our entire building in order to push the building
16 back so that that window is still open. So we did
17 our residential entrance through the side on an
18 open staircase that you can rise up. And so our
19 entire building has an L shape so that we're not
20 covering the neighbor's window.

21 In addition to that, we wanted to create
22 this building significantly more safe or a safer
23 building. And one of the ways we're doing that
24 and creating it better in the neighborhood is
25 creating a side yard setback on the north of three

1 foot one. That creates several things. Number
2 one, now we have a clear path of egress. So if
3 someone were to escape from this building, they
4 could get out to the property line on the front.
5 Since on Bergenline Avenue, the buildings are
6 touching each other and that wouldn't have been
7 possible otherwise. And the other thing that that
8 does is it opens up so that we can create windows
9 along the side of the building so that we can have
10 more light within the building.

11 The reason we're before you and not
12 before the planning board is because of the ground
13 floor. And this was actually something that I
14 suggested to the applicant and I think it makes
15 for a better planning argument here before this
16 board, is that this neighborhood really doesn't
17 support large commercial. This is my
18 neighborhood, I literally grew up on this block,
19 around the corner from it. And there so many
20 vacancies on downtown Bergenline Avenue. And
21 that's simply because people can't afford to rent
22 this large space and there's no real businesses to
23 have.

24 So what we propose to do is to breakdown
25 that ground floor basically in half. And what we

1 do is we create a 685-square foot commercial
2 space, so that is definitely a mom-and-pop could
3 go in there and we could -- that could be rented.
4 It makes a lot of sense in the space to rent a
5 small commercial space like that. And then we
6 created a unit in the back that's residential,
7 that's a two-bedroom unit that's accessed on the
8 ground floor. That's extremely important, too,
9 because as this board knows -- if you notice
10 what's happening in the planning board, all the
11 structures that we have have parking below or
12 commercial. So there are no apartments in -- new
13 apartments in Union City for somebody in a
14 wheelchair, someone that has crutches, someone
15 that has any type of an -- elderly -- that can't
16 go upstairs.

17 So it is extremely critical that we
18 start creating the housing stock that provides for
19 these people in our community. And this apartment
20 is able to do that. So instead of making the
21 whole thing commercial, we're simply putting a
22 residential unit back there, a modest small
23 residential unit in order to really meet the needs
24 of the community, which I think it would meet the
25 needs a lot better as residential than a larger

1 commercial space on that ground floor. That's why
2 we're here before you and we have a planner to
3 testify on that D variance there.

4 The rest of the building is pretty
5 typical. We have three-bedroom apartments above,
6 we have two stairs, one in the front, one in the
7 rear, so it's an extremely safe building. We have
8 living room, dining room, kitchen area in the
9 front of the building. And then we have the three
10 bedrooms further back in the privacy part of the
11 apartment. It's the same layout, three times.
12 And then you see our roof there at the end.

13 Our facade is a very simple brick facade
14 with accents of metal siding in the portion that's
15 setback, nice large windows, metal coping along
16 the top. It's a simple elegant building. And I
17 think that concludes my testimony.

18 CHAIRPERSON GRULLON: Thank you, Mr.
19 Pereiras. Ms. Pereiras, do you want to bring your
20 next witness. Do you have another witness?

21 MS. PEREIRAS: We do, we have a planner
22 to testify. Mr. Kauker.

23 MR. KAUKER: Good evening.

24 MR. PANEQUE: Mr. Kauker, please raise
25 your right hand. Do you solemnly swear to tell

1 the truth and nothing but the truth, so help you
2 God, with respect to this application?

3 MR. KAUKER: I do.

4 MR. PANEQUE: Thank you.

5 MS. PEREIRAS: Mr. Kauker has also
6 testified before this board on numerous occasions
7 and I ask that he be accepted as an expert in the
8 field of planning.

9 CHAIRMAN GRULLON: Yes, we accept his
10 qualifications.

11 MR. KAUKER: Thank you, Mr. Chairman.
12 Happy new year, good to see you all again. Time
13 flies.

14 MS. PEREIRAS: Mr. Kauker, are you
15 familiar with the property at 1219 Bergenline
16 Avenue?

17 MR. KAUKER: Yes, I am.

18 MS. PEREIRAS: And have you had an
19 opportunity to review the drawings prepared by
20 Pereiras Architects?

21 MR. KAUKER: I have.

22 MS. PEREIRAS: Can you please describe
23 the project from a planning perspective?

24 MR. KAUKER: From a planning
25 perspective, the principal reason we're here is

1 for a use variance for only a small portion of the
2 site, as it's proposed. And that small portion
3 consists of a two-bedroom, 685-square foot
4 apartment unit located on the first floor. And as
5 Mr. Pereiras appropriately testified, this kind of
6 a housing unit would be ideal for access for
7 people with limited abilities.

8 Essentially, out of the total square
9 footage of building proposed on the site, which
10 approximates 6,052 square feet, only 10 percent,
11 10.3 percent of that total building area
12 necessitates the D1 use variance because the
13 residence is not permitted on the first floor.

14 So, effectively, this application is
15 substantially compliant with the purpose and
16 intent of the zone plan, and more particularly the
17 most recent master plan -- land use plan update,
18 which is dated April 22, 2021.

19 The application still maintains a
20 proposal for a commercial frontage on this
21 roadway, which is an integral part of the zone --
22 purpose and intent of the zone regulations. For
23 an example, the land-use mix between 12th and 11th
24 Street is effectively -- consists of 16 separate
25 lots. Of those lots, they're all developed by the

1 way, six are commercial in nature. In accordance
2 with the updated land use map contained within the
3 most recent master plan and ten of the lots are
4 utilized solely for residential purpose. So it's
5 a self-contained small neighborhood with the six
6 commercial properties occupied by small scale
7 commercial activities. This proposed 685-square
8 foot commercial space would effectively be
9 consistent with that pattern.

10 All of these facts, I think, culminate
11 and adhere together to create a situation whereby
12 I think we can responsibly observe that the
13 proposed residential unit on the first floor is
14 particularly suited to accommodate -- be
15 accommodated on the site because it effectively
16 fits like a glove within the framework of the uses
17 proposed on the site, while still maintaining a
18 substantial, 90 percent, consistency with the
19 purpose and intent of the current master plan.

20 The redevelopment of this site
21 essentially would remove a two-story somewhat
22 antiquated structure, residential structure on the
23 site and bring it into context with the
24 three-story character of the buildings immediately
25 to the right and left of the subject site as well

1 the surrounding neighborhood.

2 I believe that this minor use variance
3 could be granted -- can certainly be granted by
4 the board because it serves the general welfare.
5 And it is certainly not going to impede the
6 purpose and intent of your zone plan. That
7 concludes my comments. I have a new year's
8 resolution to try to be brief in my testimony.
9 Thank you.

10 CHAIRPERSON GRULLON: Could you
11 elaborate more on the parking requirement?

12 MR. KAUKER: There are two other
13 variances that are requested for your
14 consideration, the one is a rear yard deviation of
15 five feet, 20 feet is required and 15 feet are
16 proposed. I would view that as somewhat de
17 minimus. And I think that in an urban context,
18 that the 15 feet is sufficient to accommodate the
19 spacing and create a useable rear yard.

20 The other particular aspect of the
21 variances, out of the three total that are
22 proposed is the fact that there's no parking on
23 the site. And I'd observe that that's kind of
24 consistent with the situation that prevails on
25 virtually all the other surrounding properties on

1 this block. Mainly, because the foundation of
2 this onus is a 2,500-square foot lot with a 25
3 foot frontage. And it is extremely difficult to
4 accommodate a reasonably scaled development while
5 at the same time providing parking, unless you go
6 up. Then we might be confronted with a height
7 variance. And I believe that that height --
8 lesser height, as proposed with the parking
9 variance, is certainly more appropriate for this
10 neighborhood.

11 CHAIRPERSON GRULLON: Mr. Spatz, for
12 parking guidance on the commercial zone, do we
13 consider that as a requirement or that's something
14 that --

15 MR. SPATZ: The commercial doesn't
16 require any parking at all in two different ways.
17 Non-residential that front on either Summit or
18 Bergenline doesn't require parking, plus lots that
19 are 25-foot wide or less don't require parking.

20 The residential would require parking,
21 based on the Residential Site Improvement
22 Standards, you know, but I would say that the
23 intent of the zoning ordinance is not to require
24 parking on Bergenline Avenue for any of the uses
25 because they don't want curb cuts that would

1 interrupt. You know, if you had a larger building
2 that's purely residential, they might require
3 parking. But a mixed use like this, I think
4 wouldn't require parking. So you would need to
5 grant a de minimus exception of the Residential
6 Site Improvement Standards for the residential
7 uses.

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

10 MR. KAUKER: Thank you, Mr. Chairman.

11 CHAIRPERSON GRULLON: Mr. Pereiras, can
12 you elaborate a little bit more about the rear
13 yard, what's behind the building, is that another
14 structure there?

15 MR. PEREIRAS: Yeah. There's more
16 residential houses on the back, we're providing a
17 15-foot rear yard there. So we're tearing down
18 everything that we had in the rear yard and we're
19 providing a 15-foot rear yard. And what's facing
20 the other side are residential properties that
21 have a rear yard as well. So it fits in very well
22 with the neighborhood.

23 And I just want to make a couple
24 corrections. The apartment that we have in the
25 rear, it's 828 square feet, so it's an 828-square

1 foot two-bedroom, so it complies with all the
2 density requirements of the board, too. And
3 technically, we have a variance for side yard
4 because the way the ordinance is written, you're
5 only a required to have zero-foot required side
6 yard setback. But if you provide one, it's
7 supposed to be five feet, we're providing three
8 foot, one. So technically we have a variance
9 there, too.

10 CHAIRPERSON GRULLON: Okay. I don't
11 have any other. Any member of the board has any
12 questions?

13 MS. WATLEY: I have a question. There's
14 going to be four apartments in the building?

15 MR. PEREIRAS: Yes.

16 CHAIRPERSON GRULLON: Anyone else?
17 Thank you, Mr. Pereiras. I'm going to open to the
18 public, any member of the public want to step
19 forward on this application?

20 Seeing none for the public.

21 In consideration, this application is
22 going to bring an opportunity to provide housing
23 and is going to be something that is conforming
24 with the area. I make a motion to approve.

25 MR. VALLEJO: Motion on the table to

1 grant this application by Mr. Gullon.

2 VICE CHAIRPERSON GUTIERREZ: I'll second
3 it.

4 MR. VALLEJO: Second by Ms. Gutierrez.
5 Roll call on the motion. Mr. Gullon.

6 CHAIRPERSON GRULLON: Yes.

7 MR. VALLEJO: Ms. Gutierrez.

8 VICE CHAIRPERSON GUTIERREZ: Yes.

9 MR. VALLEJO: Mr. Garcia.

10 MR. GARCIA: Yes.

11 MR. VALLEJO: Mr. Ortiz.

12 MR. ORTIZ: Yes.

13 MR. VALLEJO: Ms. Pena.

14 MS. PENA: Yes.

15 MR. VALLEJO: Ms. Watley.

16 MS. WATLEY: Yes.

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

19 MS. PEREIRAS: Thank you very much.

20 MR. PEREIRAS: Thank you, everyone.

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1 **613 39th Street, LLC -**

2 **611 39th Street:**

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4 MR. VALLEJO: Next application on
5 tonight's agenda, 613 39th Street, LLC, 611 39th
6 Street. Ms. Pereiras, please.

7 MS. PEREIRAS: Bianca Pereiras, on
8 behalf of 613 39th Street, LLC. This is a request
9 for an extension. This board heard this matter a
10 few months before this COVID-19 outbreak. At that
11 time, we were able to get an approval for a
12 three-family. And while typically a three-family
13 was permitted, we were in front of this board
14 because our lots actually fell in two different
15 lots, the RN zone and the commercial zone, and
16 therefore this board had jurisdiction of that
17 matter. This is not your typical lot, this is not
18 a 25-by-100 square feet lot. We have
19 approximately 3,100 square feet. And the board at
20 that time agreed to approve this application.

21 Besides the issue that we all know, that
22 COVID has delayed everything, the topography on
23 this site is very complicated. And there was a
24 lot of involvement with engineers and architects
25 to complete the construction documents in order to

1 be able to submit for a permit. The client is
2 just finalizing those drawings now and expects to
3 submit within the next few months. However, we
4 come in front of this board respectfully
5 requesting an extension so that he has sufficient
6 time to submit those drawings and request a permit
7 for the use that he will comply with.

8 CHAIRPERSON GRULLON: Ms. Pereiras, this
9 application was approved two years ago. Now that
10 we have an ordinance, we at the board, we have an
11 obligation now not to extend any application that
12 is not conforming to the existing zoning
13 ordinance.

14 MS. PEREIRAS: I think this area in
15 particular, and the fact that we were in between
16 two zones and the topography of the site,
17 considering this is 39th Street, which really
18 needs to be revitalized, and the fact that we
19 don't have your typical 25-by-100 lot, we have --
20 and I'll defer to our architect as far as the
21 exact dimensions, but this is larger than the
22 typical Union City lot.

23 Mr. Pereiras, would you clarify the
24 dimensions.

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

1 understand the board's position, but this is not a
2 typical three-family that Union City no longer
3 wants. First and foremost, the most important
4 aspect of this is that we have a frontage of
5 50 feet, whereas normal lots are 25 feet wide,
6 this is 50 feet wide. What that creates for us is
7 the opportunity to have an excellent form of
8 parking. Each of the apartments has head-on
9 parking, one apartment, two apartment, third
10 apartment. So there is sufficient -- more than
11 sufficient parking to support this site as opposed
12 to a typical three-family house that we normally
13 know.

14 In addition, the location of this is a
15 very -- kind of difficult location. And it's
16 adjacent to a very at all retaining wall. If you
17 go down 39th Street, this is right before the big
18 concrete retaining wall on the left. These houses
19 are right next to that. So it doesn't fit out of
20 scale at all. It actually is small within the
21 scale of the retaining wall next to you and the
22 apartment building next to that on the west side.
23 So it's -- from a scale standpoint, it's a very
24 small project. And from a parking standpoint, it
25 works very well. It's not a typical three-family

1 house.

2 CHAIRPERSON GRULLON: I'm sure you will
3 agree that it would also be a great opportunity if
4 your client didn't complete the construction, to
5 come back with a two-family to that area and give
6 the -- you know, bring the application to be
7 conforming to the existing zoning ordinance.

8 I mean with that -- anybody on the board
9 has any questions for this? Hearing none, my
10 decision is to deny the extension. We're not
11 extending any application that's not going to be
12 conforming with the new zoning ordinance.

13 MR. VALLEJO: Motion on the table to
14 deny this the extension by Mr. Grullon.

15 VICE CHAIRPERSON GUTIERREZ: Second.

16 MR. VALLEJO: Seconded by Ms. Gutierrez.
17 Roll call on the motion. Mr. Grullon.

18 CHAIRPERSON GRULLON: Yes to deny.

19 MR. VALLEJO: Ms. Gutierrez.

20 VICE CHAIRPERSON GUTIERREZ: Yes to
21 deny.

22 MR. VALLEJO: Mr. Garcia.

23 MR. GARCIA: Yes to deny.

24 MR. VALLEJO: Mr. Ortiz.

25 MR. ORTIZ: Yes to deny.

1 MR. VALLEJO: Ms. Pena.

2 MS. PENA: Yes.

3 MR. VALLEJO: Ms. Watley.

4 MS. WATLEY: Yes to deny.

5 MR. VALLEJO: Six in favor, motion
6 carried. The extension has been denied.

7 MS. PEREIRAS: Have a good night,
8 everybody, see you next month.

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10 (End of recording.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing transcript of the AUDIO RECORDED proceedings in their entirety, as taken stenographically by me, is a true and accurate transcript of the proceedings as recorded, and to the best of my ability.

SUSAN BISCHOFF, CCR, RPR
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