

CITY OF UNION CITY
 HUDSON COUNTY, NEW JERSEY
 PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 :

City Hall
 3715 Palisade Avenue
 Union City, New Jersey

Tuesday, October 24, 2017
 Commencing at 6:05 p.m.

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

YDALIA GENAO, Mayor's Designee
 CAROLINA FERNANDEZ
 RUDY RIVERO
 FRANKLIN MEDINA
 ALEJANDRO VELAZQUEZ, Alternate No. 1,
 (Arrived at 6:18 p.m.)
 JOSE GUARENO, Alternate No. 2
 JEANNE KOEHLER, Vice Chairperson
 DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
 CELIN VALDIVIA, Commissioner
 ALICIA MOREJON

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

CARLOS VALLEJO, Secretary to the Board

WILFREDO J. ORTIZ, II, ESQ.
 Attorney for the Board

DAVID SPATZ, Consultant
 Community Housing & Planning Associates, Inc.

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Luis and Reina Yanqui

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
3510-3520 Bergenline Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Zohastan, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Hudson Yards West, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	7
SALUTE TO FLAG	7
ADOPTION OF MINUTES	9
 RESOLUTIONS	 12/63
 HEARINGS/APPLICATIONS	
 Luis and Reina Yanqui	 15
3510-3520 Bergenline Avenue, LLC	18
Zohastan, LLC	66
Hudson Yards West, LLC	91
 ADJOURNMENT	 140

I N D E X

3510-3520 Bergenline Avenue, LLC
3510-3520 Bergenline Avenue

WITNESS

PAGE

Manuel Pereiras

19

Michael D. Kauker

38

I N D E X

Zohastan, LLC - 646 38th Street

WITNESS

PAGE

Manuel Pereiras

67

I N D E X

Hudson Yards West, LLC
3309 Hudson Avenue & 3308-3310 Palisade Avenue

<u>PUBLIC</u>	<u>PAGE</u>
Frank Zimmerman	129
Larry Price	133

1 THE SECRETARY: Please take notice that on
2 Tuesday, October 24, 2017, at six p.m., a Regular
3 Meeting is scheduled for the City of Union City
4 Planning Board, to be held in the Municipal
5 Chambers of the City Hall, 3715 Palisade Avenue,
6 Union City, New Jersey.

7 Opening statement.

8 This is a meeting called in compliance with
9 Chapter 231, Public Law 1975, of the Open Public
10 Meeting Act.

11 Notice of this meeting has been faxed as
12 follow, to The Jersey Journal, The Record, and
13 The Hudson Reporter.

14 Notice of this meeting, setting forth the
15 time, date, location and the agenda to the extent
16 known was faxed, as I mentioned before, and has
17 been posted on the bulletin board in City Hall,
18 and has been made available to the public in the
19 Office of Municipal Clerk.

20 Before we call roll for this evening, will
21 everybody kindly rise to salute the flag?

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23 (Whereupon, the Pledge of Allegiance was
24 said by all.)

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THE SECRETARY: Thank you.

We have seven -- seven members present in tonight's meeting.

We have a full quorum.

* * *

1 **ADOPTION OF MINUTES:**

2

3 (1) Special Meeting held on September 18, 2017
4 and Regular Meeting held on September 26, 2017

5

6 THE SECRETARY: Adopt -- adoption of the
7 previous minutes.

8 A Special Meeting held on September 18,
9 2017 and Regular Meeting held on September 26,
10 2017.

11 Can I have a motion to adopt the -- the
12 minutes?

13 CHAIRPERSON CAPIZZI: I'll make --

14 THE SECRETARY: Motion by Mrs. Capizzi.

15 Second by?

16 Ms. Koehler.

17 Vote on the motion.

18 Ms. Koehler?

19 CHAIRPERSON CAPIZZI: That's on the motion.

20 THE SECRETARY: Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Here.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9 (Whereupon, there was a pause in the
10 proceedings.)

11 THE SECRETARY: For -- for the record, for
12 clarification of the record --

13 MR. ORTIZ: Excuse me.

14 THE SECRETARY: -- the person who was
15 present -- member was present on September 18
16 meeting was Ms. Koehler, Ms. Capizzi, Ms.
17 Fernandez, Ms. Genao, Mr. Medina, Mrs. Morejon --
18 she's absent tonight -- Mr. Rivero and Mr.
19 Guareno.

20 On the Special -- on Regular Meeting, on
21 the 26th of September, 2017, Mrs. Koehler was
22 present, Ms. Capizzi present, Mrs. Fernandez was
23 absent.

24 I think you have to abstain on -- on the
25 minutes of September 26, Ms. Fernandez.

1 MS. FERNANDEZ: I here.

2 THE SECRETARY: Oh the 26th?

3 MS. FERNANDEZ: Yeah.

4 THE SECRETARY: Or the 18?

5 CHAIRPERSON CAPIZZI: We had a Special
6 Meeting.

7 MS. FERNANDEZ: On 26th.

8 MR. ORTIZ: The eight -- the 18th was --
9 just to remind you, was the Fair Share Plan
10 presentation. That was the 18th. The 26th was
11 our Regular Meeting.

12 MS. FERNANDEZ: Oh, no. No. I was here.

13 MR. ORTIZ: Okay.

14 CHAIRPERSON CAPIZZI: She was here.

15 THE SECRETARY: All right.

16 Ydalia -- Ydalia Genao was present; Mr.
17 Medina, present; Ms. Morejon, present; Alejandro
18 Velazquez was present; Mr. Guareno was present.

19 Seven in favor.

20 Motion carries.

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1 **RESOLUTIONS:**

2

3 (1) Maria Lopez, 222 Roosevelt Street, Block
4 271, Lot 4. Proposes to legalize existing
5 apartment to create a three family house.

6 **Approved on September 26, 2017**

7 (2) Emily Caceres, 2501 Bergenline Avenue,
8 Block 142, Lot 23. Requesting a variance to
9 legalize one commercial space and two residential
10 apartments that currently exist. Thus,
11 legalizing the building that currently consists
12 of four residential units and two commercial
13 stores. **Approved on September 26, 2017**

14 (3) Michael Hern, 425 5th Street, Block 15, Lot
15 16. Legalization of an existing apartment to
16 create three residential units. **Approved on**
17 **September 26, 2017**

18 (4) City of Union City, Planning Board
19 Resolution Endorsing the Draft 2017 Housing
20 Element and Fair Share Plan

21

22 THE SECRETARY: We have four Resolution on
23 tonight's agenda.

24 First Resolution.

25 City of Union City Planning Board

1 Resolution endorsing the draft 2017 Housing
2 Element and Fair Share Plan, approved at the
3 Special Meeting on September 18, 2017.

4 Second Resolution.

5 Maria Lopez, 222 Roosevelt Street, Block
6 271, Lot 4.

7 Third Resolution.

8 Emily Caceres, 2501 Bergenline Avenue,
9 Block 142, Lot 23.

10 Resolution number 4.

11 Michael Hern, 425 5th Street, Block 15, Lot
12 16.

13 Can I have a motion to adopt these
14 Resolution?

15 CHAIRPERSON CAPIZZI: I'll make a motion.

16 THE SECRETARY: Motion by Mrs. Capizzi.

17 VICE CHAIRPERSON KOEHLER: Second.

18 THE SECRETARY: Second, Ms. Koehler.

19 Roll call on the motion.

20 Ms. Koehler?

21 VICE CHAIRPERSON KOEHLER: Yes, second.

22 THE SECRETARY: Thank you.

23 Ms. Capizzi?

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: Ms. Fernandez?

1 MS. FERNANDEZ: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Mr. Rivero?

7 MR. RIVERO: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Seven in favor.

11 Motion carries.

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1 **Luis and Reina Yanqui, 408 New York Avenue:**

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3 THE SECRETARY: The first item on tonight's
4 agenda is -- is extension.

5 Luis and Reina Yanqui, Block 139, Lot 52,
6 408 New York Avenue.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Good evening, members of the Board.

10 May it please the Board, Bianca Pereiras,
11 on behalf of Luis and Reina Yanqui.

12 We actually appeared before this Board back
13 in October of 2015, to legalize a basement
14 apartment. And this Board granted that
15 application. And the applicants, unfortunately,
16 has had a few delays in getting funding and
17 getting drawings from an engineer. He's
18 finalized those drawings, so now the only step
19 that he has to do now is go before the Building
20 Department and actually take out permits.

21 But because this approval is set to expire
22 next month, we are before this Board this evening
23 to hopefully obtain an extension of that approval
24 so that Mr. Yanqui has time to do the work that's
25 necessary.

1 MR. ORTIZ: There's been no other
2 extensions.

3 Correct?

4 MS. PEREIRAS: This would be the first one.
5 That's correct.

6 CHAIRPERSON CAPIZZI: Okay.

7 I'll approve the extension, the request for
8 extension.

9 THE SECRETARY: Motion to accept extension
10 by Ms. Capizzi.

11 VICE CHAIRPERSON KOEHLER: Second.

12 THE SECRETARY: Second by Mrs. Koehler.

13 Roll call on the motion.

14 Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Mr. Rivero?

19 MR. RIVERO: Yes.

20 THE SECRETARY: Ms. Fernandez?

21 MS. FERNANDEZ: Yes.

22 THE SECRETARY: Ms. Koehler?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Seven in favor.

4 Motion carries.

5 MS. PEREIRAS: Thank you all very much.

6 CHAIRPERSON CAPIZZI: You're welcome.

7 (Whereupon, there was a pause in the
8 proceedings.)

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1 **3510-3520 Bergenline Avenue, LLC -**

2 **3510-3520 Bergenline Avenue:**

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4 THE SECRETARY: Item number two on the
5 agenda, 3510-3520 Bergenline Avenue.

6 Mrs. Pereiras, please?

7 (Whereupon, there was a pause in the
8 proceedings.)

9 MR. ORTIZ: Thank you.

10 (Whereupon, there was a pause in the
11 proceedings.)

12 MR. ORTIZ: Madam Chairwoman, I've reviewed
13 the submission by counsel. Everything --
14 everything seems to be in order, giving
15 jurisdiction to the Board.

16 CHAIRPERSON CAPIZZI: Okay.

17 MS. PEREIRAS: Thank you.

18 CHAIRPERSON CAPIZZI: You're welcome.

19 MR. ORTIZ: Bless you.

20 MS. PEREIRAS: Again, Bianca Pereiras on
21 behalf of the applicant. This is in regards to
22 property at 3510-3520 Bergenline Avenue, also
23 known as Block 209, Lots 23, 24 through 28.

24 This property is located in the CN
25 neighborhood commercial zone, right on Bergenline

1 Avenue. Many of you may recall, this site, it's
2 got the Payless Shoe Store on the ground floor,
3 and existing right now is office space on the
4 second floor. Unfortunately, that office space
5 hasn't been rented out in many years, so the
6 application before the Board this evening is to
7 convert that office space on the second floor to
8 residential units, while maintaining the
9 commercial space on the ground floor.

10 We have our first expert to testify before
11 the Board, and that is our architect, Mr. Manuel
12 Pereiras.

13 MR. DILLON: Please raise your right hand.

14 Do you swear the testimony that you're
15 about to give this Board is the whole truth?

16 MR. PEREIRAS: I do.

17 MR. DILLON: State your name and spell it
18 for the record.

19 MR. PEREIRAS: Manny Pereiras,
20 P-E-R-E-I-R-A-S, with Pereiras Architects
21 Ubiquitous, 1116 Summit Avenue, Union City, New
22 Jersey.

23 MR. DILLON: Thank you.

24 MS. PEREIRAS: And for purposes of the
25 record, Mr. Pereiras has testified --

1 CHAIRPERSON CAPIZZI: Yes.

2 MS. PEREIRAS: -- before --

3 Thank you very much.

4 CHAIRPERSON CAPIZZI: Of course.

5 MS. PEREIRAS: Mr. Pereiras, --

6 MR. PEREIRAS: Thank you.

7 MS. PEREIRAS: -- are you familiar with the
8 project --

9 CHAIRPERSON CAPIZZI: You're welcome.

10 MR. PEREIRAS: It's good to be here.

11 MS. PEREIRAS: -- before the Board?

12 MR. PEREIRAS: I am.

13 MS. PEREIRAS: And did you prepare the
14 drawings that are before them?

15 MR. PEREIRAS: I have.

16 MS. PEREIRAS: And would you kindly walk us
17 through the application?

18 MS. PEREIRAS: Be very, very happy to.

19 This is -- I know this as the Payless
20 building, it's right on the corner. It's been
21 Payless for many years.

22 The building occupies a hundred feet along
23 Bergenline Avenue. And along 36th Street, it's
24 124.78 feet; on the southern end, it's 125.04
25 feet.

1 It occupies the full lot. Zero setbacks on
2 all sides, but that's in conformance with the
3 district, except for the rear yard setback.
4 There's an existing nonconformity because we're
5 required 20 feet, which we don't have. That's an
6 existing nonconformity. That translates also to
7 lot coverage. We're required 80 percent. We
8 also don't have that. Those are existing
9 nonconformities. And there's a nonconformity for
10 parking.

11 Right now, because of that office space on
12 the second floor, and I'm going to change now to
13 Sheet Z02.

14 In Z02, you could see the existing
15 conditions. It's all commercial space on the
16 ground floor, and this office space on the top.

17 As you could see, every square inch of that
18 second floor is being used for office space,
19 which triggers actually a requirement of 77
20 parking spaces. What we're proposing to do is
21 actually change that from office space to
22 residential. So, what we're actually doing is
23 reducing the requirement of parking down from 77
24 down to 64.

25 So, we're reducing that nonconformity, and

1 we're keeping the other two existing
2 nonconformities.

3 What we're looking to do is this portion
4 along the back of Payless, which is at the back
5 end, we're taking that space for the residential,
6 and we're introducing a proper lobby there. So,
7 that's going to be the residential entrance to
8 our building along 36th Street, creating a lobby,
9 an elevator, and an emergency stairwell out.

10 When you go upstairs, we're connecting that
11 stairwell and that elevator in the hallway, all
12 the way down to the existing stairwell that leads
13 to the front of Bergenline Avenue, so that we
14 have two means of egress for our building. And
15 then, we're dividing the interior space into nice
16 size apartments.

17 And let me just go over the -- the sizes of
18 these apartments very briefly.

19 We have a two bedroom that's 993 square
20 feet; another two bedroom that's 992; two
21 bedroom, 826; two bedroom, 809; one bedroom, 665;
22 one bedroom, 729; one bedroom, 581; one bedroom,
23 730; one bedroom, 693; one bedroom, 696; two
24 bedroom, 796; two bedroom, 1,058 square feet; and
25 then, finally, one studio that's 420 square feet.

1 All of them in conformance with the
2 requirements in the -- in the City.

3 We feel that this proposal, introducing
4 residential to the top floor, is much more in
5 conformance with the Master Plan. Our Master
6 Plan wants that mix of residential over
7 commercial. It -- it creates a lively
8 neighborhood, where they feed off each other.
9 The -- the residents get to purchase and use the
10 commercial space.

11 And our planner is going to talk more about
12 that. He just walked in.

13 And then, the layouts for the -- the units
14 are very simple. You walk into an open layout.
15 You want to --

16
17 (Whereupon, Alejandro Velazquez arrived at
18 6:18 p.m.)

19

20 THE SECRETARY: One second --

21 MR. PEREIRAS: For the record.

22 THE SECRETARY: -- Mr. Pereiras.

23 Let the record indicate that Mr. Velazquez
24 joined the meeting. Now we have eight members.

25 Thank you.

1 Thank you, Mr. Pereiras.

2 MR. PEREIRAS: Thank you.

3 When you open into each of these
4 apartments, you're opening into a living
5 room/dining room/kitchen area, that's open floor
6 plan. And then, the bedrooms are further down.
7 All the bedrooms are good sizes.

8 For example, this one's ten foot wide by 12
9 foot four in depth, plus a full closet in
10 addition to that. And they're all roughly the
11 same, depending on where you pick in the floor
12 plan. The dimensional sizes are the same. And
13 one of the reasons they're equal is because we're
14 using the grid of the windows along the
15 perimeter. They're very beautiful exterior
16 façade. We're keeping that façade. We don't
17 want to damage that. So, our floor plan design
18 matches that existing façade.

19 I think that concludes my testimony.

20 CHAIRPERSON CAPIZZI: What's on the --
21 what's on the top end?

22 MR. PEREIRAS: That's --

23 CHAIRPERSON CAPIZZI: On the top?

24 MR. PEREIRAS: That?

25 CHAIRPERSON CAPIZZI: Or where the lobby

1 is.

2 MR. PEREIRAS: This lobby here?

3 CHAIRPERSON CAPIZZI: Right. So, if you go
4 to the top of that drawing what's --

5 MR. PEREIRAS: This is a dental office.

6 CHAIRPERSON CAPIZZI: What's next to the
7 lot?

8 MR. PEREIRAS: This is still part of the
9 same property.

10 CHAIRPERSON CAPIZZI: Yes. And what's next
11 to it?

12 MR. PEREIRAS: This is a dental office.

13 CHAIRPERSON CAPIZZI: A what?

14 MR. PEREIRAS: It's a dental. A dentist.

15 CHAIRPERSON CAPIZZI: And beyond it?

16 MR. PEREIRAS: Beyond it?

17 CHAIRPERSON CAPIZZI: Do you know?

18 MR. PEREIRAS: I'm trying to recall right
19 now.

20 CHAIRPERSON CAPIZZI: Is it near the
21 parking lot?

22 MR. PEREIRAS: It's -- no.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. PEREIRAS: I'll tell you in a second.
25 I want to look at it on Google Map.

1 I think it's a residential building, but --
2 (Whereupon, there was a pause in the
3 proceedings.)

4 CHAIRPERSON CAPIZZI: Well, will these
5 apartments be over other stores other than
6 Payless?

7 MR. PEREIRAS: Yes. So right now, if --
8 it's all commercial on the ground floor. There's
9 a Payless, there's a T-Mobile store, and there's
10 a Rent-A-Center, all on the front on Bergenline
11 Avenue.

12 CHAIRPERSON CAPIZZI: Right.

13 MR. PEREIRAS: And along the side, is the
14 dental office.

15 MR. ORTIZ: On 36th Street.

16 MR. PEREIRAS: Right on 36th and
17 Bergenline.

18 CHAIRPERSON CAPIZZI: Right.

19 MR. PEREIRAS: And I'll tell you what's
20 behind this in a second.

21 Oh, yeah. Actually, that's another one of
22 my clients and we've come before this Board.
23 There's a daycare center, and -- on the ground
24 floor, and apartments above.

25 It's Palisade Children's Center. So, they

1 have apartments above and it's a daycare center
2 below.

3 VICE CHAIRPERSON KOEHLER: And how many
4 apartments total?

5 MR. PEREIRAS: Thirteen in total.

6 VICE CHAIRPERSON KOEHLER: Thirteen?
7 How many two bedroom? How many one
8 bedroom?

9 MR. PEREIRAS: So, we have two bedrooms.
10 We have one, two, three, four -- six two
11 bedrooms. One, two, three, four -- six one
12 bedrooms and one studio.

13 Which is the mix that we want for like a
14 good -- a good rental building. You want to have
15 the least number of studios and a good mix of one
16 and two bedrooms to satisfy the public demand.

17 (Whereupon, there was a pause in the
18 proceedings.)

19 MR. PEREIRAS: As you know, my buildings
20 always extremely safe. We pushed those two
21 stairs to the two extremes. We create a
22 residential core. I like taking it off of
23 Bergenline, brought it off to 36th Street, so that
24 you enter from a more residential side of the
25 neighborhood, even though there's still

1 commercial properties along there, as well.

2 CHAIRPERSON CAPIZZI: And what happens to
3 the exterior?

4 MR. PEREIRAS: The exterior is a gorgeous
5 exterior, it remains the same. It's just going
6 to get cleaned up so --

7 CHAIRPERSON CAPIZZI: What is it?

8 MR. PEREIRAS: It's a brick --

9 CHAIRPERSON CAPIZZI: Is there a picture of
10 it?

11 MR. PEREIRAS: It's -- yeah. There's a
12 picture on the front -- on the front page. It's
13 a combination of brick, and then there's cast
14 stone on the second floor. It's actually
15 gorgeous cast stone. It's -- the windows are
16 framed in cast stone. And then, there are cast
17 iron window frames.

18 It's a really beautiful building.

19 MR. VELAZQUEZ: And the stores are going to
20 stay the same?

21 MR. PEREIRAS: The stores stay the same,
22 with the exception of that piece that we're
23 carving out of the rear of Payless, in order to
24 create the residential lobby.

25 MR. VELAZQUEZ: Mr. Board Secretary, you

1 have me marked in, right?

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. VELAZQUEZ: Does he have me marked in?

4 MR. PEREIRAS: Yes.

5 MR. ORTIZ: Um hum.

6 CHAIRPERSON CAPIZZI: So, you have to --
7 you're doing some --

8 THE SECRETARY: Sorry, I can't hear you.

9 CHAIRPERSON CAPIZZI: -- renovations --

10 MR. PEREIRAS: Yes. Yes.

11 CHAIRPERSON CAPIZZI: -- or -- to Payless
12 store?

13 MR. PEREIRAS: So --

14 CHAIRPERSON CAPIZZI: Is that -- do you own
15 this -- is this property the whole -- the whole
16 building is owned by these people?

17 MS. PEREIRAS: By the applicant.

18 CHAIRPERSON CAPIZZI: Okay.

19 MS. PEREIRAS: Yes. That's correct.

20 CHAIRPERSON CAPIZZI: The stores, as well?

21 MR. PEREIRAS: Yes.

22 MS. PEREIRAS: The stores are rented out,
23 yes.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. PEREIRAS: Yes. So -- and so, Payless,

1 when they came in here, their lease was worked on
2 in a way so that this portion was able to be
3 taken over by the applicant.

4 And that's -- this little piece right here
5 is what we're taking over in order to provide for
6 the lobby.

7 VICE CHAIRPERSON KOEHLER: Oh, that little
8 part --

9 MR. PEREIRAS: Yup.

10 VICE CHAIRPERSON KOEHLER: -- is the lobby.
11 Oh. What's this area here?

12 MR. ORTIZ: That's a dental office.

13 MR. PEREIRAS: That's the back of the
14 dental --

15 VICE CHAIRPERSON KOEHLER: Oh, I thought --

16 MR. PEREIRAS: -- office.

17 VICE CHAIRPERSON KOEHLER: -- this was the
18 dental office.

19 MR. PEREIRAS: No, that opens up to that
20 whole thing.

21 VICE CHAIRPERSON KOEHLER: Okay. That's a
22 small dental office. Okay. Pretty small. Okay.
23 Very good.

24 That's --

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. VELAZQUEZ: And no parking at all,
3 right?

4 MR. PEREIRAS: No, but the interesting
5 thing about this is that the office space had a
6 parking requirement of 77 spaces. And we have a
7 parking requirement of 64 spaces. So, by
8 presenting this application, we're actually
9 reducing the demand of parking at this property.

10 MR. VELAZQUEZ: And at one time, the Board
11 did approve the full 77?

12 MR. PEREIRAS: There -- yeah. There's
13 history to this project. I mean, we -- we asked
14 that this presentation be -- you know,
15 standalone, but there -- there were formal --
16 former approvals on this site for a larger thing.

17 MR. VELAZQUEZ: Madam Chair, I'm just going
18 to just -- the whole -- and you know, to be frank
19 -- you know, we -- we talk about traffic and all
20 that. Bergenline Avenue, no matter what time,
21 unless it's at 12 midnight, is at a standstill.
22 We're becoming too densely populated for a lot of
23 these things.

24 VICE CHAIRPERSON KOEHLER: Um hum.

25 MR. ORTIZ: I think the planner could

1 | probably answer some questions, because I have
2 | some and I think they're more for the planner
3 | than they would be --

4 | MS. PEREIRAS: That's fine.

5 | MR. ORTIZ: -- for the architect.

6 | MS. PEREIRAS: Okay. Sure.

7 | MR. ORTIZ: And I think along the lines of
8 | what Mr. Velazquez is saying, I think that's
9 | probably more --

10 | CHAIRPERSON CAPIZZI: Yup.

11 | MR. ORTIZ: -- appropriate for the planner.

12 | MS. PEREIRAS: That's fine.

13 | Mr. Kauker?

14 | VICE CHAIRPERSON KOEHLER: And -- and would
15 | there even be trash accommodations for this --

16 | MR. PEREIRAS: There is.

17 | VICE CHAIRPERSON KOEHLER: -- number of --

18 | MR. PEREIRAS: So, in the location of the
19 | lobby --

20 | VICE CHAIRPERSON KOEHLER: -- residents?

21 | MR. PEREIRAS: -- there -- there will be a
22 | room set aside, part of the commercial space,
23 | that will be for trash.

24 | VICE CHAIRPERSON KOEHLER: This small
25 | lobby?

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON CAPIZZI: No.

3 MR. PEREIRAS: It's not small. It's ten by
4 -- it's ten by 14.

5 CHAIRPERSON CAPIZZI: So --

6 VICE CHAIRPERSON KOEHLER: Ten by 14 would
7 accommodate --

8 CHAIRPERSON CAPIZZI: Would accommodate for
9 trash?

10 MR. PEREIRAS: No. This entire area.

11 VICE CHAIRPERSON KOEHLER: Thirteen
12 apartments.

13 CHAIRPERSON CAPIZZI: They have 13
14 apartments.

15 MR. PEREIRAS: This entire area, back here,
16 is all --

17 Do you see where the columns are?

18 VICE CHAIRPERSON KOEHLER: The Payless
19 storage?

20 MR. PEREIRAS: Yeah. Where the Payless
21 storage. Our -- this application has up to where
22 the columns are, all this space, in order to
23 accommodate garbage and our utilities in that
24 space.

25 VICE CHAIRPERSON KOEHLER: But that belongs

1 to the Payless storage license.

2 MR. PEREIRAS: No. It belongs to the owner
3 of the building, and that's all the area for the
4 --

5 VICE CHAIRPERSON KOEHLER: If I -- if I am
6 paying the owner, and I'm Payless, licensor --

7 MR. PEREIRAS: That --

8 MS. PEREIRAS: They've worked it --

9 VICE CHAIRPERSON KOEHLER: Right?

10 MS. PEREIRAS: -- out with their tenant.

11 MR. PEREIRAS: They're -- they're the
12 tenants.

13 MS. PEREIRAS: I believe that was storage
14 area for them before --

15 VICE CHAIRPERSON KOEHLER: And I'm --

16 MS. PEREIRAS: -- that they've agreed to.

17 VICE CHAIRPERSON KOEHLER: And I've got
18 shoes, in -- and I'm -- I'm -- I've got shoes
19 next to blueberries and coffee grinds -- you know
20 --

21 CHAIRPERSON CAPIZZI: So what are the
22 dimensions of the space?

23 VICE CHAIRPERSON KOEHLER: I don't think
24 that's going to work out very well.

25 MR. PEREIRAS: I could give you the

1 dimensions.

2 CHAIRPERSON CAPIZZI: Could you give us
3 like dimensions?

4 MR. PEREIRAS: Sure. I could do that.

5 VICE CHAIRPERSON KOEHLER: Do -- do you
6 follow?

7 CHAIRPERSON CAPIZZI: Yeah, 13 apartments.

8 MR. VELAZQUEZ: Leather smells like crap.

9 CHAIRPERSON CAPIZZI: Lots of trash.

10 VICE CHAIRPERSON KOEHLER: Well, not -- not
11 just that, but you've got trash bags and then,
12 they're trying --

13 MR. VELAZQUEZ: You can't keep garbage
14 clean.

15 VICE CHAIRPERSON KOEHLER: -- to sell
16 shoes.

17 MR. VELAZQUEZ: There's no such thing.

18 VICE CHAIRPERSON KOEHLER: That's their
19 storage, that they're trying to sell, and it's
20 next to trash bags.

21 MR. VELAZQUEZ: Yeah. But I'm trying to
22 say, you can't keep garbage clean.

23 MR. PEREIRAS: No. It's -- it's a separate
24 space.

25 MR. GUARENO: Is that area going to be used

1 --

2 MR. PEREIRAS: It's not going to be in
3 Payless storage.

4 VICE CHAIRPERSON KOEHLER: But you just
5 said that their trash will be in the Payless
6 storage, and they made an agreement with them.

7 MS. PEREIRAS: Mr. Pereiras, your drawings
8 say Payless storage on that area, and I think
9 that's where the confusion lies.

10 MR. PEREIRAS: That -- understood. And --
11 and let me clarify that.

12 The -- that entire space is being taken
13 over by the applicant.

14 VICE CHAIRPERSON KOEHLER: Okay. So, it's
15 not Payless storage.

16 MS. PEREIRAS: Correct. It used to be
17 Payless storage, it will no longer be.

18 VICE CHAIRPERSON KOEHLER: It's no longer
19 for storage.

20 MS. PEREIRAS: Correct.

21 VICE CHAIRPERSON KOEHLER: Okay.

22 CHAIRPERSON CAPIZZI: So, what is -- what
23 are the dimensions of that area?

24 MR. PEREIRAS: That is -- that is over --

25 MR. DILLON: I need you to put the mic back

1 on for me.

2 MR. PEREIRAS: Sure.

3 That is -- that has a depth of over 30
4 feet, and it's over 20 feet wide. We have over
5 600 square feet there. More than enough for all
6 our utilities, for all the garbage, for
7 everything.

8 VICE CHAIRPERSON KOEHLER: Okay. That's --
9 that's a different story.

10 Okay.

11 CHAIRPERSON CAPIZZI: Where are -- where is
12 the utility room?

13 MR. PEREIRAS: There is -- there is an
14 existing utility room in the basement. There's a
15 small basement to this property. But that's all
16 the -- the separate meters and the garbage will
17 be in that space.

18 MR. ORTIZ: What's going to be in the
19 basement as in relation to the change; to the
20 apartments?

21 MR. PEREIRAS: Nothing in relation to the
22 apartments.

23 MR. ORTIZ: So, we're talking about -- just
24 so it's clear --

25 MR. PEREIRAS: Um hum.

1 MR. ORTIZ: It's all that -- it's just that
2 -- what says Payless storage area --

3 MR. PEREIRAS: Yes. Yes.

4 MR. ORTIZ: -- is what will be used to
5 facilitate whatever services need to be provided
6 to the apartments.

7 MR. PEREIRAS: Correct.

8 (Whereupon, there was a pause in the
9 proceedings.)

10 MR. VELAZQUEZ: Is this is our traffic
11 planner?

12 MR. ORTIZ: No.

13 MS. PEREIRAS: We do not have a traffic
14 planner.

15 MR. ORTIZ: This is just the planner,
16 generally.

17 MR. DILLON: Please raise your right hand.
18 Do you swear the testimony you're about to
19 give this Board is the whole truth?

20 MR. KAUKER: I do.

21 MR. DILLON: State your name and spell it
22 for the record.

23 MR. KAUKER: My name is Michael D. Kauker,
24 last name is spelled K-A-U-K-E-R.

25 MR. DILLON: Thank you.

1 MR. ORTIZ: Madam Chairwoman, he's appeared

2 --

3 CHAIRPERSON CAPIZZI: Yes.

4 MR. ORTIZ: -- before the Board on several
5 occasions.

6 CHAIRPERSON CAPIZZI: Yup.

7 MS. PEREIRAS: Thank you very much.

8 MR. KAUKER: Thank you.

9 MS. PEREIRAS: Mr. Kauker, are you familiar
10 with the site in question?

11 MR. KAUKER: I am. Yes. I had an
12 opportunity to review the plans prepared by Mr.
13 Pereiras, visited the subject property as well.

14 MS. PEREIRAS: And in light of some of the
15 comments that you've heard from the Board, can
16 you please describe this from a planning
17 perspective?

18 MR. KAUKER: Certainly. Just, I won't go
19 into great detail. Mr. Pereiras described in
20 depth what the proposed use of the property is
21 going to be.

22 Obviously, it's a corner lot. There's an
23 existing building located on the property.
24 Currently, there four -- or actually, three
25 commercial components on the ground floor, and a

1 dental office, as you've heard.

2 The second floor currently is occupied and
3 used for office type uses.

4 The property itself is located in the CN,
5 which is the neighborhood commercial district.
6 And it has a total lot area of 2500 square feet.

7 As I said, it's completely fully developed,
8 as it stands now, with the building. There's no
9 parking onsite currently.

10 With respect to this area, on Bergenline
11 Avenue and 36th Street, it's comprised of a
12 variety of uses. There are commercial retail
13 type uses, residential uses, among other types of
14 -- different types of uses.

15 So, there's a -- the area itself, in terms
16 of the character is -- is comprised of a number
17 of different uses, with a number of different
18 types of buildings of different heights and what
19 have you, different architectural styles.

20 As mentioned by Mr. Pereiras, the applicant
21 proposes to convert the second floor and a
22 portion of the first floor -- well, the second
23 floor is, obviously, going to be converted into
24 13 apartment units as described previously. Six
25 one bedroom, six two bedroom, and one studio

1 apartment.

2 There is a portion, which was just
3 described by Mr. Pereiras, on the ground floor,
4 that is also going to be utilized by the
5 residential apartments upstairs.

6 Other than that, there will be no other
7 changes on the first floor.

8 With respect to the proposal, obviously,
9 there are no parking spaces that exist onsite
10 currently. There are none that are proposed on
11 the property. This is an existing condition of
12 the site.

13 Just briefly, with respect to the Master
14 Plan, your last Master Plan was adopted in 2009.
15 I reviewed that document and this proposal meets
16 a number of the goals and objectives of that
17 plan.

18 It's located in -- in an area which
19 encourages mixed use development, with commercial
20 use on the ground floor, and either residential
21 or office use on the upper floor.

22 So, what -- what is proposed is thoroughly
23 consistent with the Master Plan, as well as the
24 Zoning Ordinance.

25 There are no new variances that are created

1 as a result of the application. There are some
2 preexisting nonconforming conditions of the
3 property.

4 There's a preexisting minimum rear yard
5 condition on the property; 20 feet's required,
6 zero feet exists. That's not changing.

7 Maximum building coverage, where 80 -- 80
8 percent is permitted. The build -- and it's a
9 hundred percent. That is not changing.

10 And as Mr. Pereiras mentioned briefly,
11 there's an existing variance -- or not variance,
12 but an existing nonconforming condition with
13 respect to parking.

14 Currently, with the current mix of uses,
15 with office on the second floor, there are 77
16 parking spaces that would be required for this
17 use.

18 By converting the second floor from
19 residential -- I'm sorry -- from office to
20 residential, it reduces the parking demand and
21 the parking requirement to 64 spaces.

22 So, there's a reduction in the number of
23 parking spaces that are required, that results
24 from the conversion of the office space to the
25 residential space.

1 Obviously, with respect to the -- the
2 existing nonconforming conditions, this is a
3 fully developed piece of property and it -- it
4 would be a difficulty for the applicant to try to
5 modify it, to try to conform with any of those
6 preexisting conditions.

7 With respect to the use itself, one of the
8 things that Mr. Pereiras touched on briefly was
9 really the relationship between the two uses.
10 Obviously, residential use and a commercial use
11 has somewhat of a symbiotic relationship. The
12 two uses don't necessarily run concurrently.

13 Obviously, if you have an office use and a
14 commercial use, those two uses occur
15 simultaneously. Pretty much, you have an office,
16 it's probably open from nine to five. Retail use
17 may be open from nine to five, maybe a little bit
18 later, maybe ten o'clock it might open and it
19 also could be open a little bit later.

20 So, what you're doing is you're kind of
21 balancing out the use of the property by
22 converting that office to residential, because
23 residential, typically, you have individuals that
24 would go to work in the morning, and they would
25 return in -- in the evening, when, typically, the

1 retail uses are closed.

2 The other nice thing is they somewhat
3 support each other, in terms of the residential
4 use can utilize the retail use.

5 And it's something, from a planning
6 standpoint, when you're trying to develop -- you
7 know, a -- a vital neighborhood or a vital
8 downtown type area, to -- to have a mix of uses.
9 It's something that's consistent with something
10 that we call Smart Growth principles in terms of
11 providing a mix of uses at higher density, so
12 those uses can support one another.

13 I heard somebody mention traffic before.
14 I'm not sure what the exact question was, but as
15 I mentioned before, you know there's an
16 assumption that, obviously, there will be lesser
17 traffic that's generated from this site as a
18 result of the conversion from office to the
19 residential use.

20 And as I said before also, typically, the
21 residential users, if they're utilizing their
22 vehicles and not mass transit, they'd be leaving
23 at the point in time where the commercial type
24 users, or the commercial use would be the
25 heaviest.

1 One of the benefits to the conversion is,
2 from a parking and traffic standpoint, you'd have
3 a demand for parking and traffic. If you had an
4 office and commercial use, those demands would
5 coincide.

6 With the residential use, those demands
7 wouldn't necessarily coincide as much, on the
8 weekdays. And on the weekends, it depends upon
9 the hours of operation of the retail operation.

10 As I said before, there are no specific
11 variances that are specifically requested, but
12 this proposal itself, in terms of the conversion,
13 I think would be a good thing for the building
14 and a good thing for the area.

15 I don't think there would be -- would be
16 any substantial negative impacts resulting from
17 the conversion. You know, I -- I mentioned
18 traffic briefly, and obviously, 13 units, they're
19 not going to generate a significant amount of
20 traffic anyway.

21 You know, in terms of school children, that
22 type of analysis, the number of school children
23 generated from this type of project would be very
24 negligible.

25 You know, for those reasons, I -- I think

1 | that the Board could confidently grant this
2 | application.

3 | And I have nothing further, unless you have
4 | any questions.

5 | VICE CHAIRPERSON KOEHLER: I have a couple
6 | things.

7 | MR. KAUKER: Yup.

8 | VICE CHAIRPERSON KOEHLER: A question, I
9 | don't know who to address it to, but how long has
10 | this space been open when it was offered as
11 | office space? How long has it been vacant for?

12 | MS. PEREIRAS: I don't know the exact time.
13 | I know it's been vacant for awhile, but I
14 | couldn't tell you.

15 | MR. VELAZQUEZ: Ten years.

16 | VICE CHAIRPERSON KOEHLER: And have they
17 | been actively seeking --

18 | MS. PEREIRAS: I believe --

19 | VICE CHAIRPERSON KOEHLER: -- office
20 | tenants?

21 | MS. PEREIRAS: -- they've tried to find
22 | attorneys, accountants, anybody that would be on
23 | the second floor, but --

24 | MR. VELAZQUEZ: There's just a newspaper --

25 | MS. PEREIRAS: -- they haven't found

1 anybody.

2 MR. VELAZQUEZ: -- used to occupy it.

3 VICE CHAIRPERSON KOEHLER: Come again?

4 MR. VELAZQUEZ: The Spanish newspaper used
5 to occupy it.

6 VICE CHAIRPERSON KOEHLER: And they --

7 MR. VELAZQUEZ: They moved.

8 VICE CHAIRPERSON KOEHLER: How long --

9 MR. VELAZQUEZ: Ten years.

10 VICE CHAIRPERSON KOEHLER: -- ago?

11 No, how long ago did they leave?

12 MR. VELAZQUEZ: Ten years ago.

13 VICE CHAIRPERSON KOEHLER: And they've been
14 vacant for ten years? The second floor?

15 MR. PEREIRAS: It's not ten, but it's
16 close.

17 MS. PEREIRAS: Yeah.

18 MR. VELAZQUEZ: Close.

19 MS. PEREIRAS: We don't think it's as long
20 as that. But I don't --

21 MR. VELAZQUEZ: Seven.

22 MS. PEREIRAS: I couldn't tell you for
23 certain how long.

24 VICE CHAIRPERSON KOEHLER: Seven years?
25 Okay.

1 I -- I agree with Pereiras. It is a pretty
2 building. I mean, Payless is not probably the
3 most desirable first floor retail tenant. But
4 the conversion to residential, those windows
5 above are really pretty. I probably wouldn't
6 want to live at that location, but it's -- it's
7 very pretty, Alex. I know you're like, oh, God,
8 residential.

9 But maybe, in answer to your concern,
10 convert some of the one bedrooms and studio to
11 two bedrooms, to minimize the number of units.

12 CHAIRPERSON CAPIZZI: Um hum.

13 VICE CHAIRPERSON KOEHLER: Would that
14 alleviate some of your concerns?

15 MR. VELAZQUEZ: No.

16 VICE CHAIRPERSON KOEHLER: No? Okay.

17 MS. PEREIRAS: Is the concern, then, just
18 having residential?

19 MR. VELAZQUEZ: I guess I -- I can't say.
20 Like in my opinion, it was always just commercial
21 to me. I know it's -- you know, switching over
22 -- you know, we're residential, but we're just so
23 populated with -- it's just going down Bergenline
24 Avenue.

25 I -- I drive a car, and I actually park the

1 car, and I leave it there for a whole weekend,
2 and just mobilize on foot. Even to go to Rite
3 Aid, from 45th Street on there.

4 VICE CHAIRPERSON KOEHLER: Well --

5 MR. VELAZQUEZ: People tell me to get on a
6 -- on a car, let me take you -- let me drive you.
7 And I say, no, no. I'll get there faster
8 walking.

9 CHAIRPERSON CAPIZZI: Um hum.

10 VICE CHAIRPERSON KOEHLER: Absolutely.

11 MR. VELAZQUEZ: And I'm just looking at the
12 whole concept, that down the road, I know -- we
13 -- we deal with this traffic stuff that it's in
14 the morning, everything is beautiful and hunky-
15 dory, nobody's on the road in -- except if you're
16 being blocked by a -- by a crossing guard, that's
17 on every block.

18 But this -- any kind of -- any kind of
19 stuff that's going on in Bergenline Avenue -- I
20 mean, it's -- it's just -- I could just picture.
21 You're not putting little machines over here to
22 stop that. Road closures.

23 We're dealing with it right now with the
24 whole Suez project, which is a complete
25 nightmare, which should have been over already.

1 VICE CHAIRPERSON KOEHLER: Um hum.

2 MR. VELAZQUEZ: And that just showed to us
3 to go around here, to go around there, it just
4 became -- you know, and that was just a water
5 project underneath. Just imagine a building
6 project.

7 VICE CHAIRPERSON KOEHLER: Well, Alex,
8 theoretically, if -- if offices were in here, we
9 would have a parking issue.

10 I -- I think that --

11 MR. VELAZQUEZ: But they would be --

12 VICE CHAIRPERSON KOEHLER: -- this project
13 is --

14 MR. VELAZQUEZ: -- existing office --

15 VICE CHAIRPERSON KOEHLER: -- too dense. I
16 think that this is too dense.

17 MR. VELAZQUEZ: You would have had offices
18 preexisting, which they would not have to be in
19 front of us then.

20 MR. ORTIZ: Here --

21 VICE CHAIRPERSON KOEHLER: Right. But
22 then, let's say they -- they lease it. Right?
23 Whether they're --

24 MR. VELAZQUEZ: Am I right?

25 VICE CHAIRPERSON KOEHLER: -- in front of

1 us or not, they -- they get --

2 MR. VELAZQUEZ: Lease it as commercial.

3 VICE CHAIRPERSON KOEHLER: It's -- let's
4 say they get commercial tenants --

5 MR. VELAZQUEZ: That's like let's --

6 VICE CHAIRPERSON KOEHLER: -- in there.

7 MR. VELAZQUEZ: -- say, an attorney gets
8 the office space.

9 MR. ORTIZ: Well, look.

10 MR. VELAZQUEZ: They don't have to go
11 between us, because they already have the
12 commercial --

13 MR. ORTIZ: The planner said something that
14 made sense, as far as offset use.

15 Here's the problem, the way I see it, and
16 this is not as much legal as it is just practical
17 commonsense.

18 What you're -- what this project could
19 amount to is taking away from the residential
20 tenants, residential members of that
21 neighborhood, that overnight parking. And
22 parking is a premium in Union City. I don't have
23 to say that. So, that -- I see that overnight
24 parking and that clutter of overnight parking, --

25 VICE CHAIRPERSON KOEHLER: Um hum.

1 MR. ORTIZ: -- the parking issue being
2 probably the largest problem here.

3 MR. VELAZQUEZ: It's not only the parking
4 issue, as being an inspector also, I've been to a
5 lot of these buildings that are above commercial
6 establishments, it's not the best kept, going
7 down the road. They may be all hunky-dory for
8 one or two years, they dilapidate and turn into a
9 bad.

10 MR. ORTIZ: Well, now, you -- that I can't
11 speak to.

12 MR. VELAZQUEZ: I've seen it already.

13 VICE CHAIRPERSON KOEHLER: The --

14 MR. VELAZQUEZ: And then you got people who
15 start complaining about the noise. You got T-
16 Mobile who's still down there, decide on a
17 Saturday, to go play their music and everything.
18 And then they forget that they moved under T-
19 Mobile and then, you got a thousand complaints.

20 And you're not going to -- and you -- let's
21 -- let's just face it. You're not going to get
22 the Union City crowd who's going to come in here
23 to move. It's convenience, just like the planner
24 said. It's convenience for the -- to get from
25 transit to transit.

1 Am I right?

2 MR. ORTIZ: Um hum.

3 MR. VELAZQUEZ: So, that's the whole thing.
4 It's mostly dealing with people who's only going
5 to be here Monday through Friday, come home at
6 seven, eight o'clock, go to bed, cook their
7 dinner. If they have kids, send them to school.
8 Then do their whole day again. Spend some time
9 on the weekend. Maybe watch some football on
10 Sunday, and then you'll have T-Mobile blasting
11 something and then the whole block.

12 It's not only them, because you have also
13 another radio, electronic store on that block.
14 Then you have, sometimes, when Rent-A-Center
15 wants to get into the action, wants to sell some
16 of their stuff.

17 MR. ORTIZ: The bottom line is, folks, from
18 a -- this is a legal perspective, although they
19 are preexisting conditions, there are variance
20 that need to be granted to approve this.

21 And from a purely legal perspective, you
22 need to be aware of that, and make a decision as
23 to whether you want to grant those variances.

24 And --

25 MS. PEREIRAS: And I just remind you that

1 the variances that we are seeking are minimum
2 rear yard, and maximum building coverage. That's
3 it.

4 And the other variances to parking -- there
5 is a parking variance, but it is being reduced.

6 And a comment, not to -- you know, not
7 giving my expert testimony, obviously, but
8 Bergenline is one of our most important avenues.
9 And I think it's disappointing to see some of the
10 second stories as empty, as I see many of them.
11 And unfortunately, we -- they're not rented as
12 often as we'd like.

13 So, I think to finally see some -- some
14 living space there, I think would behoove this
15 town to -- to --

16 CHAIRPERSON CAPIZZI: So, maybe a
17 compromise then is to go back to the drawing
18 board and make it less dense, because I'm not
19 comfortable with this area, with trash, for this
20 amount of apartments. I'm not.

21 MS. PEREIRAS: You think this space is too
22 small.

23 MR. ORTIZ: It very --

24 CHAIRPERSON CAPIZZI: I think there's too
25 many apartments, first of all.

1 MS. PEREIRAS: Um hum.

2 CHAIRPERSON CAPIZZI: And that doesn't
3 address the issue of all these people --

4 MR. VELAZQUEZ: You'll have one trash can
5 and --

6 CHAIRPERSON CAPIZZI: -- with all that
7 trash. I just passed --

8 MR. VELAZQUEZ: -- one recycling per --

9 CHAIRPERSON CAPIZZI: -- one building. And
10 my thought was, as I passed it, this is one
11 building on one day, on one block, the amount of
12 trash was immense. So, it's -- it's a problem.
13 And I see it as a problem visually, as I'm
14 driving down the block, all that trash out there,
15 lots of people, lots of trash.

16 So, I think -- you know, you need to
17 rethink this project.

18 VICE CHAIRPERSON KOEHLER: And the smaller
19 apartment, the more transient the --

20 MR. VELAZQUEZ: And the problem is, --

21 VICE CHAIRPERSON KOEHLER: -- the
22 apartment.

23 CHAIRPERSON CAPIZZI: Right.

24 MR. VELAZQUEZ: -- like I said, and it's
25 with all due respect, you're not getting the

1 regular Union City -- you're not getting --

2 VICE CHAIRPERSON KOEHLER: Right.

3 MR. VELAZQUEZ: -- the Union City folks.

4 The person who comes out of that house, wearing
5 their flip flops, who really doesn't care about
6 the DPW schedule, and just throws something out,
7 and then leaves, and goes to New York kayaking.

8 I've already seen it, personally.

9 VICE CHAIRPERSON KOEHLER: What's wrong
10 with kayaking?

11 MR. ORTIZ: And I think -- I think the
12 Board would actually be a little more
13 comfortable, I keep hearing about the facilities
14 and the services.

15 If you could just give --

16 VICE CHAIRPERSON KOEHLER: And the density
17 --

18 MR. ORTIZ: -- them a little more --

19 VICE CHAIRPERSON KOEHLER: -- of the
20 apartments.

21 MR. ORTIZ: The density, obviously, and I
22 think they're all simply related, to some extent.

23 But more detail on the facilities would
24 probably help the Board along -- you know?

25 MR. VELAZQUEZ: This is -- this is the same

1 one from Purchase, New York, that had 3501
2 Kennedy, TD Bank, 426 32nd Street. Yes.

3 MS. PEREIRAS: Don't know.

4 MR. PEREIRAS: Yes.

5 MR. VELAZQUEZ: Yeah. All right.

6 MR. ORTIZ: So, would you -- and your call?

7 MS. PEREIRAS: Absolutely. If there are no
8 further --

9 MR. ORTIZ: I mean --

10 MS. PEREIRAS: -- comments, then --

11 MR. ORTIZ: -- would you like a chance to
12 --

13 MS. PEREIRAS: We'd absolutely love a
14 chance to be able to go back to the drawing
15 board. We're here --

16 MR. ORTIZ: So --

17 MS. PEREIRAS: -- to make this Board happy,
18 as well, so --

19 MR. ORTIZ: So, this is an adjournment to
20 relook at the project? Is that --

21 MS. PEREIRAS: Yes, please.

22 MR. ORTIZ: Anybody would like to make
23 motion to grant --

24 CHAIRPERSON CAPIZZI: I'll make a motion to
25 --

1 MR. ORTIZ: Adjourn it.

2 THE SECRETARY: Motion to --

3 CHAIRPERSON CAPIZZI: -- adjourn. To
4 adjourn the application.

5 THE SECRETARY: Adjourn the application to
6 --

7 CHAIRPERSON CAPIZZI: To --

8 MR. ORTIZ: To the next available date.

9 THE SECRETARY: Did you mentioned before,
10 you're going to the Zoning Board?

11 MR. SPATZ: No, not on this one. You're
12 going to adjourn --

13 THE SECRETARY: Not on this one?

14 MR. SPATZ: You're going to adjourn this to
15 the November meeting.

16 THE SECRETARY: The November meeting.

17 MR. ORTIZ: Well, that's -- that's only --

18 CHAIRPERSON CAPIZZI: Look at the --

19 THE SECRETARY: November meeting is full.

20 CHAIRPERSON CAPIZZI: Look at the calendar.

21 MR. ORTIZ: To the next available date.

22 THE SECRETARY: Next available date will be
23 next year.

24 Okay?

25 MR. ORTIZ: You --

1 THE SECRETARY: We working the -- I am
2 working the schedule.

3 MR. ORTIZ: Are we still on the same page?

4 MS. PEREIRAS: If there's nothing sooner?

5 MR. VELAZQUEZ: Manny can take his time,
6 then, and --

7 MR. SPATZ: Yeah. There's no December
8 meeting.

9 Right?

10 THE SECRETARY: No.

11 CHAIRPERSON CAPIZZI: There you go.

12 MR. SPATZ: Right.

13 MR. VELAZQUEZ: And give us a happy
14 drawing.

15 THE SECRETARY: Motion to adjourn this
16 application for the next available date on 2018.

17 MR. SPATZ: I'll get it for you.

18 MR. VELAZQUEZ: Right, Manny?

19 THE SECRETARY: Any second on the motion?

20 MS. PEREIRAS: On what date?

21 I'm sorry?

22 MR. SPATZ: It'd be --

23 THE SECRETARY: I am working the schedule.
24 I am working the schedule for the year 2018.

25 Second by Mrs. Koehler.

1 MR. VELAZQUEZ: So, you got time now to --

2 MS. PEREIRAS: Counsel, my -- my concern
3 would be --

4 THE SECRETARY: Roll call on the motion.

5 MS. PEREIRAS: -- not giving an exact date
6 for purposes --

7 MR. ORTIZ: Well, I mean I think -- I think
8 the Board Clerk needs to look at --

9 THE SECRETARY: I don't have the --

10 MR. ORTIZ: -- the applications that are
11 in.

12 THE SECRETARY: -- the schedule already.

13 MS. PEREIRAS: As long as the Board --

14 THE SECRETARY: I am working on it.

15 MS. PEREIRAS: -- has no issue with
16 renoticing and republishing, because that's what
17 I'd like to --

18 MR. ORTIZ: No. No, we --

19 MS. PEREIRAS: -- to avoid.

20 MR. ORTIZ: Look, we've already accepted
21 jurisdiction.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. ORTIZ: I don't have an issue as -- as
24 to --

25 CHAIRPERSON CAPIZZI: Right.

1 MR. ORTIZ: -- legal requirements of that.

2 MS. PEREIRAS: Okay.

3 THE SECRETARY: That will be in January,
4 2018, because we -- our agenda for November is
5 already full.

6 MS. PEREIRAS: I understand. I just --

7 MR. ORTIZ: I understand. No.

8 MS. PEREIRAS: I don't want to have an
9 issue with notices and publishing.

10 CHAIRPERSON CAPIZZI: Oh, totally.

11 MR. ORTIZ: I don't have a problem with it.
12 I mean, we -- we still have to put a date on it.
13 Let's say, tentatively, January's meeting.

14 If that doesn't happen, then -- you know,
15 we'll deal with it as it comes about.

16 Excuse me.

17 MS. PEREIRAS: So, carry it to January,
18 2018, without the need for renoticing and
19 republishing.

20 MR. ORTIZ: Yeah. I don't --

21 THE SECRETARY: Okay.

22 Motion to adjourn this application by Ms.
23 Capizzi.

24 Second by Ms. Koehler.

25 Roll call on the motion.

1 Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Ms. Capizzi?

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Mr. Rivero?

6 MR. RIVERO: Yes.

7 THE SECRETARY: Mrs. Fernandez?

8 MS. FERNANDEZ: Yes.

9 THE SECRETARY: Ms. Koehler?

10 VICE CHAIRPERSON KOEHLER: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Mr. Velazquez?

14 MR. VELAZQUEZ: Yes.

15 THE SECRETARY: Mr. Guareno?

16 MR. GUARENO: Yes.

17 THE SECRETARY: Five in favor.

18 Motion carries. No new notice required.

19 Right?

20 (Whereupon, there was a pause in the
21 proceedings.)

22 * * *

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1 **RESOLUTIONS:**

2

3 (1) Maria Lopez, 222 Roosevelt Street, Block
4 271, Lot 4. Proposes to legalize existing
5 apartment to create a three family house.

6 **Approved on September 26, 2017**

7 (2) Emily Caceres, 2501 Bergenline Avenue,
8 Block 142, Lot 23. Requesting a variance to
9 legalize one commercial space and two residential
10 apartments that currently exist. Thus,
11 legalizing the building that currently consists
12 of four residential units and two commercial
13 stores. **Approved on September 26, 2017**

14 (3) Michael Hern, 425 5th Street, Block 15, Lot
15 16. Legalization of an existing apartment to
16 create three residential units. **Approved on**
17 **September 26, 2017**

18 (4) City of Union City, Planning Board
19 Resolution Endorsing the Draft 2017 Housing
20 Element and Fair Share Plan

21

22 THE SECRETARY: Next item on tonight's
23 agenda, Zohastan, LLC, 646 38th Street.

24 Mrs. Pereiras, please?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. VELAZQUEZ: For the Resolutions, I
3 can't vote?

4 CHAIRPERSON CAPIZZI: Carlos, you want
5 these?

6 MR. VELAZQUEZ: I can't vote for the
7 Resolutions over here?

8 THE SECRETARY: Yeah, you can. We can --
9 we can amend.

10 Right.

11 MR. VELAZQUEZ: Well, I can't vote for the
12 Resolutions for being late?

13 MR. ORTIZ: If you want to -- if you want
14 to vote on them, yeah.

15 THE SECRETARY: Resolutions.

16 MR. ORTIZ: Well, it could be noted, Mr.
17 Velazquez, on the Resolutions that are on the
18 agenda, how would -- do you vote in the
19 affirmative as to all four of them, just so it's
20 noted for the record?

21 MR. VELAZQUEZ: I agreed.

22 MR. ORTIZ: Yes. Okay.

23 So, then, for the record, Mr. Velazquez,
24 who was present for all the -- all the
25 presentations, votes in the affirmative as to all

1 of them. That's not a problem.

2 THE SECRETARY: He's voting for every
3 single Resolution.

4 Thank you, Mr. Velazquez.

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1 **Zohastan, LLC - 646 38th Street:**

2

3 VICE CHAIRPERSON KOEHLER: Is this a new
4 one?

5 CHAIRPERSON CAPIZZI: Yes, it is. Yup.

6 VICE CHAIRPERSON KOEHLER: Nice.

7 MR. ORTIZ: Madam Chairwoman, I've had a
8 chance to review the submissions by counsel.
9 Everything seems to be in order, giving
10 jurisdiction to the Board.

11 CHAIRPERSON CAPIZZI: Okay. Good.

12 MS. PEREIRAS: Again, Bianca Pereiras, on
13 behalf of the applicant.

14 This is for property, 646 38th Street, in
15 Union City. This is located in the RM medium
16 density residential district.

17 We currently have a three family onsite.
18 What the applicant is looking to do is to
19 demolish that building and create a low rise
20 apartment building consisting of eight
21 residential units.

22 We have one expert to testify before the
23 Board this evening, and that is our architect,
24 Mr. Manuel Pereiras.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. PEREIRAS: Manuel Pereiras.

3 I recognize I am still under oath.

4 MS. PEREIRAS: Mr. Pereiras, are you
5 familiar with the site in question?

6 MR. PEREIRAS: I am.

7 MS. PEREIRAS: And did you prepare the
8 drawings that are before this Board?

9 MR. PEREIRAS: I have.

10 MS. PEREIRAS: And would you kindly
11 describe the application to the Board?

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

13 We have a 50 by 100 lot. What's extremely
14 peculiar of this lot is, first of all, 38th
15 Street, there is a steep slope to it in and of
16 itself. It goes -- as you go east, it's -- it's
17 traveling -- it's going higher in topography.

18 But what's even more interesting is that
19 when you go into the site, it drops off as you go
20 north, too. So, from this point further forward,
21 it drops off a lot.

22 So, what we did is we -- we're proposing a
23 building and what we're doing is making it fit
24 well into the neighborhood. And we're making it
25 fit within the lot. So, and fit the

1 characteristics of the -- the adjoining
2 properties.

3 You have a lot of smaller buildings there.
4 We have three stories across the street, two
5 stories, mix. So, we didn't want to go into a
6 four story structure. So, what we did is we
7 created a three story structure off the street,
8 and dug the -- the other story down below the
9 grade, which makes into a very attractive, very
10 nice small scale building.

11 So, as you go up 38th Street, the building
12 basically hides underneath the grade, and it's a
13 small scale three story building.

14 And like I always do in my designs, I break
15 up the scale a lot so that we have two scales
16 that kind of match the buildings across the
17 street, and the typical developments, are typical
18 like three families, around here, in size, but we
19 have all the advantages of pulling it together
20 and making it into one solid building.

21 So, what we're looking to do is have a four
22 -- a three foot eight setback -- let me verify --
23 actually, no. We made it bigger. We have a four
24 foot one setback on one side, a three foot one
25 setback on the other.

1 We're having the front yard setback that's
2 actually only two feet, because we have a small
3 one story structure that sticks out at this
4 point. And then, the rest of the building steps
5 back even further, eight feet and 12 -- and ten
6 feet along this side.

7 So, what we're doing is creating different
8 levels and heights of the building, to introduce
9 a different scale moving backwards.

10 And what we're planning to do is propose an
11 eight unit building in this structure. The
12 ground level, being this level right here, we're
13 creating this driveway entrance.

14 You enter into the building, and we have
15 parking for eight cars, good maneuverability to
16 the cars. We have a 23 foot wide aisle space.
17 And the handicap space being the first one,
18 that's ten feet wide. And then, all the other
19 spaces are eight foot six by 18 in depth.

20 So, we have parking for eight cars, for the
21 eight apartments that we have proposed.

22 And then, we have apartments below and
23 above that parking level. Two floors above, and
24 one floor below.

25 We had a three bedroom apartment along the

1 -- along the west side of the building. You walk
2 into the apartment; big living, dining room,
3 kitchen space. And then, bedrooms.

4 The bedrooms, the master is 12 foot nine by
5 12, and the additional -- additional bedrooms are
6 13.2 by 11 feet each.

7 On the other side, we have a gymnasium and
8 other amenity spaces, and then, a smaller two
9 bedroom unit, which is 1,123 square feet. And
10 the bedroom sizes are 12.9 by 12, and 13.2 by 11.

11 CHAIRPERSON CAPIZZI: The gymnasium is in
12 the house? What is this?

13 MR. PEREIRAS: The gymnasium is in the
14 common area. It's accessed by everyone. And
15 it's just a small room. It's 400 square feet,
16 basically, where we could have one bike, some
17 exercise equipment for the residents of the
18 building.

19 Ms. Capizzi, if you point -- if you see
20 where I'm pointing --

21 CHAIRPERSON CAPIZZI: Right.

22 MR. PEREIRAS: -- to right here. This is
23 the hallway.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. PEREIRAS: Right here. And that's the

1 | entrance to the gym.

2 | CHAIRPERSON CAPIZZI: Is it, oh, it's like
3 | an exercise room?

4 | MR. PEREIRAS: Like an exercise room.
5 | Yeah.

6 | CHAIRPERSON CAPIZZI: I see. Okay.

7 | MR. PEREIRAS: And just for the -- for the
8 | building. It's a treadmill, a bicycle and some
9 | weights.

10 | And if you go to the floors above, it's the
11 | same layout, except that that entire front area,
12 | which is dedicated to garbage in the base --
13 | lower level, garbage, meters, electric and the --
14 | and the fitness area, that becomes an apartment.

15 | So, we have, on the two subsequent floors,
16 | a three bedroom, which is 1,434 square feet; a
17 | studio, which is 446 square feet; and a two
18 | bedroom, which is 1,091 square feet.

19 | And that's the -- the way the apartments
20 | are laid out.

21 | CHAIRPERSON CAPIZZI: So, each floor has
22 | two apartments.

23 | Is that right?

24 | MR. PEREIRAS: So, the lower level has two
25 | apartments.

1 CHAIRPERSON CAPIZZI: The basement?

2 MR. PEREIRAS: The -- the --

3 Right. The basement.

4 CHAIRPERSON CAPIZZI: The basement has two
5 apartments.

6 MR. PEREIRAS: And then, the other two
7 floors have three apartments each, for a total of
8 eight apartments.

9 CHAIRPERSON CAPIZZI: The second floor and
10 the third floor?

11 MR. PEREIRAS: Correct.

12 CHAIRPERSON CAPIZZI: The ground floor has
13 what?

14 MR. ORTIZ: Two.

15 CHAIRPERSON CAPIZZI: The parking?

16 MR. PEREIRAS: Two. The ground floor is
17 just parking.

18 CHAIRPERSON CAPIZZI: Parking.

19 MR. PEREIRAS: Lobby and parking.

20 MR. VELAZQUEZ: That's where he parks all
21 the minivans.

22 CHAIRPERSON CAPIZZI: And the second floor
23 and the third floor have --

24 MR. PEREIRAS: Three apartments each. And
25 the -- the makeup of the apartments are a three

1 | bedroom, a two bedroom, and a studio.

2 | CHAIRPERSON CAPIZZI: Okay.

3 | MR. ORTIZ: Is there going to be -- is that
4 | an elevator? That signify an elevator?

5 | MR. PEREIRAS: There's -- this is an
6 | elevator building. It's fully ADA compliant,
7 | fully suppressed for sprinkler systems, meeting
8 | all the requirements.

9 | And -- and I'd like to make the comparison
10 | very quickly to what would be approved as of
11 | right on this site. You would have two three
12 | family houses. And I think this is an important
13 | distinction to make.

14 | Typically, we have two three family houses,
15 | side-by-side. Each of those three families --
16 | typically, we have three bedroom, three bedroom,
17 | and either a two or a one bedroom on the lower
18 | level.

19 | The parking for them is typically two cars,
20 | side-by-side, that are very tight. Maybe another
21 | two cars in depth, so that you have tandem cars.
22 | You never have -- so, basically, you only have
23 | access to two cars per site, a total of two side-
24 | by-side, that's four cars that you have to park.

25 | This is a site where we have eight parking

1 spaces. So, by joining two lots next to each
2 other, we're reducing kind of the impact and the
3 density of the -- of the parking situation, by
4 providing a larger lot and creating more real
5 parking that's accessible for eight cars driving
6 in, including a handicap vehicle.

7 And we're creating a much safer, much
8 better building, in the sense that you have an
9 elevator building, so it's accessible for
10 everyone. Even if you're in a wheelchair, you
11 could use this building. And the parking is
12 maintained within the building. Instead of
13 having that really double wide door, four --
14 four, basically, driveways, two big doors that
15 takes away all the parking from the street. If
16 you have two, three family houses, we're reducing
17 that to one curb cut and one door.

18 So, if this was two, three family houses,
19 you would have two driveways. You'd lose all
20 that parking on the street.

21 This creates one driveway entrance, with
22 one -- so, we're saving more cars off the street
23 also.

24 VICE CHAIRPERSON KOEHLER: The door, the
25 entrance.

1 MR. PEREIRAS: Yes.

2 VICE CHAIRPERSON KOEHLER: Is there a
3 little step there?

4 MR. PEREIRAS: No. There's no step. It's
5 at grade. And literally, we have to be at grade.

6 So, the site is going to pitch up, it gets
7 flat, it goes up a little bit more. Then it's
8 flat for the driveway entrance and then it
9 continues going up.

10 And there's lots of play in here, within
11 the structure. I have -- the -- the lobby is
12 actually a different height slightly than from
13 the parking level. There's like a four inch
14 difference. That all happens because of the
15 topography of the site. We had to play with
16 that. But we're making it work.

17 VICE CHAIRPERSON KOEHLER: When you say
18 making it work, what do you mean?

19 MR. PEREIRAS: Meaning there is -- there --
20 we have to work with the topography within the
21 building. So, when you walk into our lobby, the
22 elevator meets you at that height and it brings
23 you down to a lower level. It matches the
24 finished floors.

25 CHAIRPERSON CAPIZZI: Is the height of this

1 building the same as the height of the existing
2 building?

3 MR. PEREIRAS: No. The existing building
4 is slightly lower. The height of this building
5 is 37 feet two inches, basically. And there's a
6 photograph of the existing building on the cover.

7 CHAIRPERSON CAPIZZI: So, what's the
8 difference in height?

9 MR. PEREIRAS: I don't know. The -- the
10 existing building is a two story structure that's
11 slightly elevated off the ground. It's about
12 four feet off the ground.

13 I would guesstimate that it's about 25 feet
14 in height. This is 37. But we're looking to
15 demolish that existing structure.

16 CHAIRPERSON CAPIZZI: No, I know that, but
17 I'm wondering how much higher this is going to
18 be. What's on either side of the building?

19 MR. PEREIRAS: This building will probably
20 be about ten feet taller than what is there now.

21 VICE CHAIRPERSON KOEHLER: Ten feet taller?

22 MR. PEREIRAS: Yeah. And -- and we're not
23 asking for a height variance. We're totally in
24 compliance. It fits into what the -- the
25 neighborhood is.

1 CHAIRPERSON CAPIZZI: Why did you choose to
2 put those -- those studio apartments there? Like
3 why didn't you just have two apartments on either
4 floor?

5 MR. PEREIRAS: Because the -- the applicant
6 is doing this as an investment, and he needs to
7 be able to reach certain numbers. And that's why
8 we have that number of units.

9 Otherwise, he would just do two, three
10 family houses.

11 CHAIRPERSON CAPIZZI: Right. Because it
12 looks kind of small.

13 No?

14 MR. PEREIRAS: No. It meets the
15 requirements of the City.

16 MR. VELAZQUEZ: Used to be owned by Luis
17 and Mary Guwagwa (phonetic), his little dog. I
18 remember this house.

19 CHAIRPERSON CAPIZZI: You do?

20 VICE CHAIRPERSON KOEHLER: So, it's a three
21 family turning --

22 MR. VELAZQUEZ: It's -- you actually go
23 down. He was actually parking -- renting out
24 parking spaces for commercial minivans, right
25 next to the park.

1 VICE CHAIRPERSON KOEHLER: Can I go back to
2 the slope in the lobby?

3 MR. PEREIRAS: Sure. So, the lobby -- and
4 -- and just to be clear, there is absolutely no
5 slope in the lobby. This lobby is at grade with
6 the exterior.

7 So, this lobby is perfectly at grade with
8 the exterior. One of the ways I accomplish that
9 is by pushing the -- the lobby closer to the
10 front of the site. That gives me the rear in
11 order to slope from here to here, for the cars to
12 come in at the lower grade.

13 VICE CHAIRPERSON KOEHLER: Okay.

14 MR. PEREIRAS: You know what I'm saying?

15 VICE CHAIRPERSON KOEHLER: So you have --
16 you have -- I'm assuming you had an ADA
17 consultant --

18 MR. PEREIRAS: Everything's ADA compliant.

19 VICE CHAIRPERSON KOEHLER: Okay.

20 CHAIRPERSON CAPIZZI: And what's the
21 exterior of the house?

22 MR. PEREIRAS: It's all brick. So, we're
23 proposing that the whole front of the house is
24 brick. And then, in order to create some
25 architectural characteristics, we're introducing

1 metal siding that looks like wood.

2 If you want to change that to brick, we
3 could change that to brick. I have no objection
4 to that. We just want it to look beautiful, and
5 we thought that would be a beautiful look to it.

6 The sides of the house are vinyl siding.

7 MR. VELAZQUEZ: What happens if this co-
8 exists with that 651 property, 30 -- on Bergen
9 Turnpike, at the same time?

10 VICE CHAIRPERSON KOEHLER: The Cubanize --

11 MR. VELAZQUEZ: The ones that were
12 approved.

13 VICE CHAIRPERSON KOEHLER: Um hum. I don't
14 -- they weren't approved.

15 MR. VELAZQUEZ: They were approved. They
16 were approved.

17 Right, Mr. Secretary?

18 THE SECRETARY: Yes. Liberty. Yes. That
19 was approved.

20 MR. VELAZQUEZ: What happens if this all
21 happens at the same time?

22 MR. ORTIZ: Well, from a construction point
23 of view, for a period of time, the streets are
24 going to be shut down.

25 THE SECRETARY: Nothing happen so far.

1 MR. SPATZ: Yeah.

2 MR. VELAZQUEZ: Because I remember the --
3 you know --

4 MR. ORTIZ: You're talking about Liberty
5 Park at Union City.

6 Right? I think that was the name of the
7 project.

8 MR. VELAZQUEZ: Larry Price was bringing up
9 about the directories and all that, from the
10 '80s.

11 MR. ORTIZ: Um hum.

12 VICE CHAIRPERSON KOEHLER: Yeah, the 1980s.

13 MR. PEREIRAS: It's a drastically different
14 project. Drastically different scale. And I
15 think it's unfair to --

16 MR. VELAZQUEZ: It's on the same block.

17 MR. PEREIRAS: Yeah. But it's a --

18 MR. VELAZQUEZ: Traffic nightmare.

19 MS. PEREIRAS: Your concerned if the
20 construction's at the same time.

21 MR. VELAZQUEZ: And I'm -- the thing is, is
22 that this would be bigger than the most --
23 besides 620, the townhouses, which I'll be honest
24 with you, is a -- I was not a fan of, but this
25 would be the second biggest one, then, on the

1 block.

2 Right?

3 MR. PEREIRAS: Well, no. It depends on how
4 you're judging this.

5 So, right now, we just finished --

6 MR. VELAZQUEZ: You're going into the
7 parking lot area where the vans are parked.

8 MR. PEREIRAS: Yes. Absolutely. It's a 50
9 by 100 site.

10 But if you compare it, just very simply, to
11 that project that you just mentioned, you can't
12 even -- it's --

13 MR. VELAZQUEZ: I know. It's night and
14 day.

15 MR. PEREIRAS: How many units was that
16 approved?

17 MR. VELAZQUEZ: I know they're night and
18 day.

19 MR. PEREIRAS: So, it -- so, on the same
20 block, there's something that's ten --

21 MR. VELAZQUEZ: Right.

22 MR. PEREIRAS: -- times the size.

23 MR. VELAZQUEZ: Yeah. On -- on the --

24 MR. PEREIRAS: Okay?

25 So, it's unfair to say that it's not --

1 they -- you know, it's ten times the size on the
2 same block.

3 And then, if you compare it to the density
4 within the same block, it matches kind -- roughly
5 the density within the same block.

6 Even if you go across the street, there's a
7 three story, three family that we just built. We
8 designed it; this Board approved it.

9 And the size of the building, if you double
10 it, because it's two lots put together, would be
11 roughly the same size as this.

12 It's really the same number of bedrooms,
13 because we have -- no, ours -- we're proposing
14 the studios more, but it's the same size
15 building, just two combined, which there's a lot
16 of planning benefits to that, because now,
17 instead of losing the parking along the sidewalk
18 for both driveways, we're losing only one. And
19 we have more parking within the building, other
20 than having two three families.

21 My -- my big argument is that I'd much
22 rather see this small building than having two,
23 three families next to each other, which is bad
24 planning for the City.

25 MR. VELAZQUEZ: But you'll lose eight

1 parking --

2 MR. PEREIRAS: This is a much better --

3 MR. VELAZQUEZ: -- spaces.

4 Right?

5 MR. PEREIRAS: -- planning alternative.

6 MR. VELAZQUEZ: You'll lose -- you'll lose
7 eight parking spaces.

8 MR. PEREIRAS: I'm sorry?

9 MS. PEREIRAS: We're providing eight
10 parking spaces.

11 MR. VELAZQUEZ: It said 16 spaces. Then it
12 says existing four parking, required 16, four.
13 So, you're gaining two spaces on it.

14 Right?

15 Or you're taking away?

16 MR. PEREIRAS: As composed (sic) -- as
17 compared to the three bed --

18 MR. VELAZQUEZ: Parking.

19 MR. PEREIRAS: Parking, we have a parking
20 variance request for -- we have a parking
21 variance request for eight parking spaces.

22 MR. ORTIZ: How many are required?

23 MR. PEREIRAS: Sixteen. We have eight. We
24 have a one to one ratio.

25 MR. VELAZQUEZ: Yeah.

1 No.

2 CHAIRPERSON CAPIZZI: You need to reduce
3 it. I mean, that's -- I think that's what you're
4 hearing from us, over and over again, that we're
5 aware of the congestion that's evident in the
6 City.

7 MR. VELAZQUEZ: I'm going to give you an
8 example.

9 CHAIRPERSON CAPIZZI: And we're all driving
10 around in it.

11 MR. VELAZQUEZ: I'm going to give you an
12 example.

13 CHAIRPERSON CAPIZZI: And we're walking
14 around in it.

15 MR. VELAZQUEZ: And it's not even -- I know
16 somebody who lives on the block and I -- you
17 know, too. The mother is going through
18 alzheimer's, is going through -- if she couldn't
19 get a handicap spot, she would have never found
20 parking because she was parking almost all the
21 way down the hill to get all the way up the hill.

22 MR. PEREIRAS: And if this project --

23 CHAIRPERSON CAPIZZI: So, we're just not
24 inclined. We're not going -- we are not inclined
25 to keep --

1 MR. ORTIZ: Madam Chairwoman?

2 MR. PEREIRAS: But -- and --

3 CHAIRPERSON CAPIZZI: Yes.

4 MR. PEREIRAS: May I speak just one thing?

5 If this project were not approved, we would
6 have two three family houses, which would make
7 that situation worse.

8 CHAIRPERSON CAPIZZI: If that were
9 approved. Who said that would be approved?

10 MR. PEREIRAS: Well, you're not going to
11 approve three family houses?

12 CHAIRPERSON CAPIZZI: I'm not saying that.
13 But you're -- you can't assume that we --

14 MR. PEREIRAS: I'm not assuming.

15 CHAIRPERSON CAPIZZI: -- are going to
16 approve something --

17 MR. ORTIZ: Can I --

18 CHAIRPERSON CAPIZZI: -- that this doesn't
19 go through.

20 MR. ORTIZ: Can I --

21 CHAIRPERSON CAPIZZI: Everything's up for
22 discussion.

23 MR. ORTIZ: There's variances that you're
24 asking this Board to approve. It's that simple.
25 You --

1 MR. PEREIRAS: Yeah, and we understand.

2 MR. ORTIZ: I think -- I think that it's
3 loud and clear what they're saying.

4 MS. PEREIRAS: Um hum.

5 MR. ORTIZ: You're both very -- very smart
6 people.

7 Do you want the Board to open it to the
8 public, then vote, or would you like to --

9 MS. PEREIRAS: If we could take a minute to
10 discuss with our client, because he is here.

11 MR. ORTIZ: Can we take a break --

12 CHAIRPERSON CAPIZZI: Sure.

13 MR. ORTIZ: -- for two minutes?
14

15 (Whereupon, the Board recessed from 7:06
16 p.m. to 7:14 p.m.)
17

18 THE SECRETARY: May I have your attention,
19 please?

20 Mrs. Pereiras, please?

21 MR. PEREIRAS: We -- we heard your
22 suggestions. We're going to take this back to
23 the drawing board.

24 We -- we'd love it if we could have a
25 little bit of dialogue from you. The applicant

1 | would like to know if -- there's a studio
2 | apartment there, if we remove that studio
3 | apartment, is that enough?

4 | CHAIRPERSON CAPIZZI: No.

5 | MR. PEREIRAS: Does that --

6 | No.

7 | CHAIRPERSON CAPIZZI: No. That's not
8 | enough. No.

9 | It's -- it's -- so, here -- you know, you
10 | heard all of our comments. So, I'm not going to
11 | repeat them. So that's -- the short answer is
12 | no, that's not enough.

13 | MR. PEREIRAS: Yes, ma'am.

14 | CHAIRPERSON CAPIZZI: Okay.

15 | MR. ORTIZ: Would you like to --

16 | MS. PEREIRAS: Counsel, hearing that, if we
17 | could have this matter adjourned, so that we can
18 | continue discussing with our client?

19 | MR. ORTIZ: I think that's fair, assuming
20 | that the Board is willing to grant the
21 | adjournment, which I don't see why not, but
22 | that's up to the Board.

23 | So, you hear the request of counsel, it's
24 | at their request, so --

25 | CHAIRPERSON CAPIZZI: Make a motion to

1 approve an adjournment.

2 MR. ORTIZ: Yes.

3 CHAIRPERSON CAPIZZI: Of the -- of the
4 application.

5 MR. ORTIZ: Approve an adjournment. An
6 adjournment.

7 THE SECRETARY: Motion to --

8 CHAIRPERSON CAPIZZI: Adjournment.

9 THE SECRETARY: -- adjourn the --

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: -- the application for
12 January, 2018.

13 MR. VELAZQUEZ: You said approve and
14 adjourn.

15 MR. ORTIZ: No. No. Approve an
16 adjournment.

17 CHAIRPERSON CAPIZZI: To approve the
18 adjournment of it.

19 MR. ORTIZ: So it's clear.

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Motion on the table to
22 adjourn this application for January, 2018.

23 VICE CHAIRPERSON KOEHLER: Yes.

24 MR. VELAZQUEZ: Second.

25 THE SECRETARY: By Mrs. Capizzi.

1 Second by --

2 VICE CHAIRPERSON KOEHLER: Second.

3 THE SECRETARY: -- Ms. Koehler.

4 VICE CHAIRPERSON KOEHLER: Yeah.

5 THE SECRETARY: Roll -- roll call on the
6 motion.

7 Ms. Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Mr. Rivero?

12 MR. RIVERO: Yes.

13 THE SECRETARY: Ms. Fernandez?

14 MS. FERNANDEZ: Yes.

15 THE SECRETARY: Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Mr. Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Mr. Guareno?

22 MR. GUARENO: Yes.

23 THE SECRETARY: Eight in favor, motion
24 carries.

25 No new notice required.

1 MR. VELAZQUEZ: What do you say we go
2 around and buy the ugly, ugly buildings?

3 MS. PEREIRAS: I'm sorry?

4 VICE CHAIRPERSON KOEHLER: You know, right?

5 MR. VELAZQUEZ: Let's say we go around and
6 buy the ugly, ugly buildings.

7 The only thing ugly about that house was
8 the old man who lived in it.

9 VICE CHAIRPERSON KOEHLER: Awww, that's not
10 nice. That's not nice.

11 * * *

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1 **Hudson Yards West, LLC -**
2 **3309 Hudson Avenue and 3308-3310 Palisade Avenue:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda is a continuation, Hudson Yards
6 West, LLC, 3309 Hudson Avenue and 3308-3310
7 Palisade Avenue.

8 Mrs. Pereiras, please?

9 MS. PEREIRAS: Again, Bianca Pereiras, on
10 behalf of the applicant. This --

11 MR. ORTIZ: We acquired jurisdiction on
12 this matter.

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. ORTIZ: Just so the applicant's aware,
15 right from the beginning, and it's your
16 presentation, it's your case, but I don't think
17 the Board is going to be inclined to vote on this
18 tonight without having Mr. Spatz who had,
19 unfortunately, had to leave.

20 So, if you want to make your presentation,
21 he said he will review the transcripts. You'll
22 have to bring your experts back.

23 So, I'm just letting you know that. How do
24 you want to present your case? It's your call.

25 MS. PEREIRAS: And if this matter is

1 | adjourned, are we talking about 2018, or would
2 | this Board accommodate us, considering this
3 | application was filed back in December of last
4 | year, and we've been --

5 | THE SECRETARY: We aren't going to be here
6 | in December.

7 | MS. PEREIRAS: -- pushed along,
8 | unfortunately, and -- and haven't been able to
9 | finalize this.

10 | MR. ORTIZ: Are we meeting in December?

11 | THE SECRETARY: No. No meeting in
12 | December. January, 2018.

13 | CHAIRPERSON CAPIZZI: There was nothing
14 | else on January, because now we have two.

15 | THE SECRETARY: We have three.

16 | MR. VELAZQUEZ: Yeah. You can't put -- you
17 | can't put it in December?

18 | THE SECRETARY: (Indiscernible).

19 | MR. VELAZQUEZ: You can't put it on
20 | December?

21 | THE SECRETARY: Huh?

22 | MR. VELAZQUEZ: We can't put it on
23 | December?

24 | THE SECRETARY: We don't have a meeting in
25 | December.

1 CHAIRPERSON CAPIZZI: Right.

2 VICE CHAIRPERSON KOEHLER: We usually do.
3 We do? No?

4 THE SECRETARY: No.

5 MR. ORTIZ: I mean, it's -- it's entirely
6 how you want -- want to present your case. I'm
7 going to leave it to you, counsel. You know, I
8 mean --

9 MR. PEREIRAS: The Board understands,
10 December of 2016, we went through entire 2017.
11 Now, we're going to be pushed to 2018.

12 MR. ORTIZ: The Board understands.

13 CHAIRPERSON CAPIZZI: Yup, we do.

14 MR. ORTIZ: But they feel that their --
15 their planner's a integral part of making
16 decision here.

17 MR. PEREIRAS: Oh, we do, too.

18 CHAIRPERSON CAPIZZI: Definitely.

19 MR. VELAZQUEZ: And this is a major, major
20 project.

21 CHAIRPERSON CAPIZZI: Yeah.

22 MS. PEREIRAS: Right. And we had --

23 MR. VELAZQUEZ: And --

24 MR. PEREIRAS: Oh, we understand.

25 MS. PEREIRAS: We had --

1 MR. VELAZQUEZ: This is now -- this is not
2 --

3 MS. PEREIRAS: Right.

4 And no, --

5 MR. VELAZQUEZ: -- 38th Street.

6 MS. PEREIRAS: -- we took a lot of care.

7 When we were here last, this Board had quite a
8 few comments for us, and we took a lot of care to
9 go back to the drawing board and try to make this
10 as great an application as we can possibly make
11 it. So, you can imagine, it's a little
12 disappointing to not be able to -- to proceed on
13 this.

14 Again, we've been --

15 MR. ORTIZ: No, no, no. You -- you can --

16 MS. PEREIRAS: This is going to be a year.

17 MR. ORTIZ: You can -- you can proceed.

18 I'm not -- I'm not -- I'm -- I'm leaving it in
19 your --

20 MS. PEREIRAS: Right. But no decision's
21 going to be rendered. You're telling me that
22 from the get-go, then.

23 MR. ORTIZ: Yes, I am.

24 MS. PEREIRAS: No decision's going to be
25 rendered.

1 MR. PEREIRAS: Yeah. No matter what,
2 you're telling me that this year we cannot get a
3 decision on this project.

4 MR. ORTIZ: I don't -- I don't see it. The
5 Clerk does the scheduling. And I've said this in
6 the past. I don't do the scheduling.

7 MR. VELAZQUEZ: And we didn't even know we
8 had anything --

9 MS. PEREIRAS: We understand and we've been
10 --

11 MR. VELAZQUEZ: -- in December.

12 MS. PEREIRAS: I mean, normally this --

13 MR. ORTIZ: We don't have a meeting in
14 December. That's my point. We only have one
15 more meeting this year.

16 THE SECRETARY: For November, we already
17 have seven applications for the Planning Board.

18 CHAIRPERSON CAPIZZI: Please.

19 MR. PEREIRAS: Right. But this application
20 has --

21 MS. PEREIRAS: Of course, but this
22 application should take --

23 MR. PEREIRAS: -- been in since December.

24 MS. PEREIRAS: -- a little bit of priority,
25 considering it's been submitted so long ago. And

1 the Board is -- the applicant is here with his
2 experts. We're ready to proceed. It's -- it's
3 also cost --

4 CHAIRPERSON CAPIZZI: We can't move the
5 other applications, though, off of November.

6 MS. PEREIRAS: I'm sorry?

7 CHAIRPERSON CAPIZZI: We cannot move the
8 other applications off of November.

9 MR. VELAZQUEZ: They've been notified
10 already.

11 Right?

12 MS. PEREIRAS: No. They -- they would not
13 have notified --

14 CHAIRPERSON CAPIZZI: We're not moving
15 them.

16 MS. PEREIRAS: -- as far as publishing or
17 -- or noticing.

18 MR. PEREIRAS: And by the way, most towns,
19 and we do work all across the state, and multiple
20 states, most towns, when you have an application
21 before the Board, and it gets adjourned, you're
22 up first at that next board meeting.

23 MR. ORTIZ: Mr. Pereiras, --

24 MR. PEREIRAS: And they run through.

25 MR. ORTIZ: -- I'm going to --

1 MR. PEREIRAS: That's -- and you have --

2 MR. ORTIZ: Mr. Pereiras?

3 MR. PEREIRAS: -- your jurisdiction --

4 MR. ORTIZ: Mr. Pereiras?

5 MR. PEREIRAS: -- to do however you wanted
6 to do it.

7 MR. ORTIZ: Mr. -- Mr. Pereiras, first of
8 all, I respect your expertise, but could you
9 leave it to counsel to make the arguments?
10 Please. Please.

11 MR. PEREIRAS: I have the right to speak.

12 MR. ORTIZ: No, you don't.

13 MS. PEREIRAS: And --

14 MR. ORTIZ: You have the right to testify
15 to architecture.

16 MR. PEREIRAS: And I'm the applicant. I
17 have the right to speak, as well.

18 MR. ORTIZ: Okay. So then --

19 MS. PEREIRAS: It's exactly what I just
20 mentioned. We would hope that an application
21 that was submitted back in December would take a
22 little priority to applications that have not
23 been noticed or published for. And I would
24 expect that -- that courtesy.

25 MR. ORTIZ: I don't make that --

1 MS. PEREIRAS: And again, we were very --

2 MR. ORTIZ: I don't -- I don't --

3 MS. PEREIRAS: We didn't -- we didn't push
4 the issue back in December.

5 MR. ORTIZ: I get it.

6 MS. PEREIRAS: We didn't push it in
7 January, not in February.

8 MR. ORTIZ: But I don't --

9 Look. Look.

10 MS. PEREIRAS: Not in March.

11 MR. ORTIZ: You -- you hear the Chairwoman
12 and what her decision is.

13 I'm in the same position as you are --

14 MS. PEREIRAS: I know.

15 MR. ORTIZ: -- with most applicants.
16 You're the counsel.

17 MS. PEREIRAS: Um hum.

18 MR. ORTIZ: You don't make those decisions.
19 Just like you need to take those two minutes to
20 talk to your -- your client.

21 MS. PEREIRAS: Um hum.

22 MR. ORTIZ: I don't necessarily need --
23 need to do that, nor should I in the role that I
24 play as attorney for this Board. I should put
25 everything on the record for the most part -- you

1 know, unless someone has an individual question
2 that is not really pertinent to the presentation.

3 But you hear our Chairwoman. Our
4 Chairwoman is saying that it's not going to
5 happen.

6 I mean, I -- I don't mean to be harsh. I
7 don't mean to be harsh, but I need to -- you
8 know, follow through with the boss', so to speak,
9 orders and she's the Chairwoman. And that's --
10 it's that simple.

11 MS. PEREIRAS: Sure. And I -- and I was
12 simply making my request.

13 Again, I just wanted to bring it to the
14 Board's attention that this was filed back in
15 December.

16 We would have hoped this application to
17 have been resolved already.

18 And like I said, we were adjourned, I
19 think, from July. It is now end of October. We
20 went back to that drawing board. We took your
21 comments to heart and tried to --

22 MR. VELAZQUEZ: This has been a whole year?

23 MS. PEREIRAS: -- revamp these drawings.

24 MR. PEREIRAS: Over, yeah.

25 MS. PEREIRAS: We submitted in December of

1 2016. I was given -- the Board may recall, you
2 thought there was an ordinance that may have
3 effected this application.

4 MR. ORTIZ: No, that was -- it -- no, it
5 was the Fair Share Plan.

6 MS. PEREIRAS: Fair Share Plan that still
7 hasn't been adopted, but again --

8 MR. ORTIZ: Yes, it has.

9 MS. PEREIRAS: -- that was --
10 Has it?

11 THE SECRETARY: Yes.

12 MS. PEREIRAS: Okay. That's good to know.

13 And we've just been adjourned month after
14 month after month. So, it's -- it gets a little
15 difficult for the applicant --

16 MR. ORTIZ: No, the orig --

17 MS. PEREIRAS: -- to proceed on this.

18 MR. ORTIZ: And -- and the original
19 submission was a long time ago. I agree with
20 you. But the revised plans were only submitted a
21 month ago.

22 MR. VELAZQUEZ: And how many times has it
23 been adjourned?

24 MS. PEREIRAS: So, we were -- I think we
25 finally --

1 MR. ORTIZ: It's probably been adjourned
2 twice.

3 MS. PEREIRAS: -- noticed for --

4 MR. ORTIZ: No, you only noticed once.

5 MS. PEREIRAS: May or June.

6 Correct, but we noticed, and it was
7 adjourned --

8 MR. VELAZQUEZ: You had one notice, and
9 then two --

10 MS. PEREIRAS: -- and then we presented.

11 MR. VELAZQUEZ: -- adjournments?

12 MR. ORTIZ: And -- and the new plans, just
13 so the record is clear, were only submitted in
14 September.

15 THE SECRETARY: September 12, --

16 MR. ORTIZ: If I'm correct.

17 MS. PEREIRAS: Correct.

18 THE SECRETARY: -- 2017.

19 MS. PEREIRAS: Well in advance of the --
20 the ten days this Board --

21 THE SECRETARY: Do we have the report from
22 the --

23 MS. PEREIRAS: -- normally asks us for.

24 MR. ORTIZ: No, no, no, no, no.

25 MS. PEREIRAS: Well in advance.

1 MR. ORTIZ: That I -- that I agree.

2 MR. PEREIRAS: Yeah.

3 MR. ORTIZ: But let's --

4 MR. PEREIRAS: Yeah.

5 MR. ORTIZ: Let's take -- if we're going to
6 lay out the -- the history of the project --

7 MS. PEREIRAS: Um hum.

8 MR. ORTIZ: -- let's just lay it all out
9 there.

10 MS. PEREIRAS: Right. And again, that's in
11 response to the comments that this Board had.

12 MR. ORTIZ: No, I understand.

13 MS. PEREIRAS: So, we're trying to --

14 MR. ORTIZ: And -- and that's fair, and
15 that -- that I appreciate. But unfortunately,
16 the Board does not feel comfortable, and I can't
17 advise them on architecture or planning, I don't
18 have that expertise, and I never profess to.

19 Mr. Spatz, unfortunately, had to leave.

20 MS. PEREIRAS: Okay.

21 MR. ORTIZ: We -- we've heard three
22 presentations already. We have. And you know,
23 bottom line is, if the Board wants to hear from
24 their expert on such a large project, I
25 understand the delay, --

1 MR. PEREIRAS: Right.

2 MR. ORTIZ: -- but you can't really argue
3 with that.

4 MR. PEREIRAS: And the Board understands
5 the agenda that we had before us. Mr. Spatz knew
6 the agenda we had before us. It could have been
7 accommodated very easily that we saw this one
8 first, or moved it in the agenda, and seen it
9 with Mr. Spatz.

10 It could have been --

11 MR. ORTIZ: Well --

12 MR. PEREIRAS: -- taken care of in many
13 different ways.

14 MR. ORTIZ: But keep in -- keep in mind
15 that if you look at the agenda, the agenda was --
16 every presentation, respectfully, was by you
17 folks.

18 MR. PEREIRAS: Yes. And if you --

19 MR. ORTIZ: So -- so, I mean --

20 MS. PEREIRAS: That's --

21 MR. ORTIZ: The order that we took which
22 presentation, it was all you.

23 MS. PEREIRAS: Understood. But I think had
24 we known that --

25 MR. PEREIRAS: No.

1 MS. PEREIRAS: -- an integral part of your
2 decision making would be gone, we maybe would
3 have asked this Board --

4 MR. ORTIZ: No, but Mr. Spatz just -- if
5 you -- if you notice, Mr. Spatz just left on the
6 third presentation.

7 MS. PEREIRAS: Sure.

8 MR. ORTIZ: That's -- so he was here for 75
9 percent of --

10 MS. PEREIRAS: Exactly.

11 MR. PEREIRAS: Exactly.

12 MS. PEREIRAS: That's what I'm saying.

13 MR. PEREIRAS: Why then we got heard --

14 MS. PEREIRAS: So if the -- if I was told,
15 look, Ms. Pereiras, our planner is leaving early,
16 I would have asked this Board if you don't mind,
17 if we could hear this application first. And I
18 think this Board would have granted me that --

19 MR. ORTIZ: That I --

20 MS. PEREIRAS: -- that minor courtesy.

21 MR. ORTIZ: That I don't disagree with.

22 MS. PEREIRAS: And I wasn't given that
23 opportunity. So, it's just a --

24 MR. ORTIZ: I -- I don't disagree with you
25 on that. But like I said, the whole --

1 CHAIRPERSON CAPIZZI: But your agenda was

2 --

3 MR. ORTIZ: -- the whole evening has been
4 your presentation.

5 CHAIRPERSON CAPIZZI: Okay.

6 MS. PEREIRAS: Yes.

7 MR. ORTIZ: So, it's not like we're -- we
8 were --

9 MS. PEREIRAS: Right.

10 MR. ORTIZ: -- putting someone in front of
11 you.

12 MS. PEREIRAS: I know but I didn't have to
13 ask another --

14 MR. PEREIRAS: No, you -- you are.

15 MR. ORTIZ: We were putting you in front of
16 you.

17 MR. PEREIRAS: You're -- no, no, no.

18 MS. PEREIRAS: I didn't have to ask --

19 MR. PEREIRAS: It's different applicants.

20 MS. PEREIRAS: -- another attorney if I
21 could go in front of him. It was -- I could --

22 MR. PEREIRAS: We could have done it.

23 MS. PEREIRAS: -- play with these
24 applications a little bit, because maybe you

25 wouldn't have needed his testimony on the other

1 two, because I don't believe the Board had any
2 questions for him on the first two applications.

3 MR. PEREIRAS: And I know you're all
4 volunteers --

5 MR. ORTIZ: Well, we're not complete on the
6 -- two out of the three.

7 MR. PEREIRAS: -- and I appreciate what you
8 do.

9 MR. ORTIZ: You know, I mean, so --

10 MR. PEREIRAS: I -- I appreciate what you
11 all do as volunteers; Ms. Capizzi as Chairman,
12 and all of you. I really appreciate it, but you
13 have to understand the impact this has on a
14 person and their entire livelihood.

15 Just so you understand, if you bear with me
16 for two seconds.

17 This property is a \$3 million purchase
18 price. In order to carry that, there's a
19 mortgage on that. That mortgage, close to
20 \$20,000.00 that has to be paid every single
21 month.

22 By pushing this project from December all
23 the way to next year, those are 12 months, times
24 \$20,000.00, that gets added to the cost.

25 The applicants -- it's me and a couple

1 other guys that are my buddies from Union City.

2 Okay? We can't afford that.

3 So, basically, what you've done by deny --
4 by pushing this away is that we've lost this
5 property, we've lost it. We lost every penny
6 that we put into it. We're not big guys.

7 And now, someone else is going to take this
8 -- some developer, and you kicked out three guys
9 from Union City that have worked their butts off
10 for years in order to do this project.

11 And by doing this to us, and not even
12 hearing us, and pushing us back --

13 CHAIRPERSON CAPIZZI: Can we hear it?

14 MR. PEREIRAS: -- that's what happened.

15 MR. ORTIZ: No. I -- I --

16 CHAIRPERSON CAPIZZI: Are they -- are they
17 --

18 MR. ORTIZ: I didn't say -- I didn't say --

19 CHAIRPERSON CAPIZZI: Yeah.

20 MR. ORTIZ: I never said that we wouldn't
21 hear it.

22 MR. PEREIRAS: You can't make a --

23 CHAIRPERSON CAPIZZI: You said we can hear
24 it.

25 MS. PEREIRAS: Correct.

1 MR. PEREIRAS: -- decision today.

2 MS. PEREIRAS: A decision can't be
3 rendered, so for us -- and I don't -- I don't
4 want to bore you guys with the presentation when
5 you're not going to make a decision until --

6 MR. PEREIRAS: Yeah.

7 MS. PEREIRAS: -- two months from now.

8 MR. VELAZQUEZ: Yeah. They want to --

9 MS. PEREIRAS: I forget things over the
10 holidays.

11 MR. VELAZQUEZ: They want to leave with a
12 -- with a yes or a no.

13 MR. ORTIZ: I mean, that -- that you can
14 do, but --

15 MR. PEREIRAS: No, no. We want to leave
16 with a yes. You're telling us that you can't
17 make an X or --

18 MR. ORTIZ: No, no. Look, --

19 MR. PEREIRAS: -- with that today.

20 MR. ORTIZ: -- the Board can definitely
21 vote -- you know, but I don't know how
22 comfortable they are going to be voting if they
23 don't hear from their own expert.

24 So, that's why I'm saying, it's up to you.
25 You want to make the presentation, you want the

1 Board to vote, they will.

2 MR. PEREIRAS: You financially ruined three
3 guys from Union City that work their butts off.

4 MS. PEREIRAS: If I could just have a -- a
5 minute --

6 MR. ORTIZ: Absolutely.

7 MS. PEREIRAS: -- to discuss with my
8 clients?

9

10 (Whereupon, the Board recessed from 7:27
11 p.m. to 7:38 p.m.)

12

13 MS. PEREIRAS: Mr. Vallejo, Counsel, if we
14 could proceed with --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MS. PEREIRAS: -- the application, if the
17 -- the Board will bear with us --

18 CHAIRPERSON CAPIZZI: Sure.

19 MS. PEREIRAS: -- we'd like to present our
20 modifications.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MS. PEREIRAS: Mr. Pereira?

23 MR. ORTIZ: Now, we're doing that, so that
24 the record's clear, let's go back on the record,
25 that your experts will have to come back, in case

1 | there's some questions that Mr. Spatz has, once
2 | he reviews the transcript. I'm just --

3 | MS. PEREIRAS: If this Board feels, at the
4 | end of our presentation, that they do not want to
5 | render a decision and want Mr. Spatz --

6 | MR. ORTIZ: Well, no.

7 | MS. PEREIRAS: -- to hear it --

8 | MR. ORTIZ: Well, here's what I'm -- I'm
9 | just saying, and I'm not trying to discourage
10 | you. I'm leaving it to you to choose.

11 | MS. PEREIRAS: Right.

12 | MR. ORTIZ: The Board is -- the
13 | Chairwoman's expressed to me, and I don't think
14 | there's disagreement on this, and if there is,
15 | please let me know, that they prefer to have Mr.
16 | Spatz review the transcript and address anything
17 | that he might have as a question in the way of a
18 | plan, after the presentation's made.

19 | However, I think the Board would
20 | accommodate you, to the extent that they will
21 | vote tonight, with -- without that expertise, if
22 | that's what you wish.

23 | So, that's why I'm trying to say, is your
24 | experts will have to come back --

25 | MS. PEREIRAS: If that is the case, but I

1 | also --

2 | MR. ORTIZ: But -- but that's what I'm --
3 | I'm asking you, are you going to want the Board
4 | to vote tonight?

5 | MS. PEREIRAS: I'd like to see how this
6 | presentation goes. I know --

7 | MR. ORTIZ: Okay.

8 | MS. PEREIRAS: -- this Board is also -- has
9 | in their hands a memorandum from their planner,
10 | and I think that's also very beneficial.

11 | And this Board may not have any additional
12 | questions for the planner. It may be sufficient
13 | to read this memorandum and hear our
14 | presentation, based on the changes that we made.

15 | So, I don't want to assume that this Board
16 | is --

17 | MR. ORTIZ: I think it's a --

18 | MS. PEREIRAS: -- not capable of reaching a
19 | decision --

20 | MR. ORTIZ: But I --

21 | MS. PEREIRAS: -- if they hear the
22 | presentation.

23 | MR. ORTIZ: Not to be presumptuous, but I
24 | -- I'm pretty sure that they're going to want to
25 | hear from their planner, even if they -- even if

1 he says, look, great, it was a great
2 presentation.

3 But again, I will leave it to you to make
4 the decision if you -- if you'd rather -- because
5 you're going to have to bring your experts back.

6 MS. PEREIRAS: My expert's here today.

7 MR. VELAZQUEZ: And Carlos, if you have to,
8 just say hypothetically speaking, if you can't --
9 if they had to go back in January, they can't be
10 the first ones on the agenda?

11 MR. ORTIZ: Yeah, they can. That they can.

12 MR. VELAZQUEZ: Then you have David Spatz
13 here, just in case --

14 MR. ORTIZ: Yeah.

15 MR. VELAZQUEZ: This is not a little
16 project.

17 MR. ORTIZ: That -- that's an easy request.
18 That --

19 MR. VELAZQUEZ: Okay. They should be first
20 then.

21 MR. ORTIZ: And I don't see that -- why
22 that's a problem.

23 MR. VELAZQUEZ: They should be first,
24 because this is not an easy project.

25 MR. ORTIZ: And it's an old --

1 MR. VELAZQUEZ: Just sitting here reading
2 this.

3 MR. ORTIZ: The oldest project, so that
4 makes sense. You know --

5 MS. PEREIRAS: It's the oldest I've seen
6 here.

7 MR. VELAZQUEZ: This is one of the biggest
8 projects that's going to be in Union City.

9 MR. ORTIZ: No, it makes sense. No, that
10 much makes sense.

11 MR. VELAZQUEZ: But it shouldn't be -- and
12 I listened to what they're saying, too. It's
13 like --

14 THE SECRETARY: You guys deciding the order
15 of the agenda, the name of the --

16 MR. ORTIZ: No, as far as putting them
17 first, that's an accommodation that -- to make
18 sure that David's here --

19 MS. PEREIRAS: Right.

20 MR. ORTIZ: -- that we --

21 MR. VELAZQUEZ: Yeah. If they're here --

22 MR. ORTIZ: -- that --

23 MR. VELAZQUEZ: -- I think, then, you know,
24 you have to put them --

25 MR. ORTIZ: That's not -- I don't -- I

1 don't think that's unreasonable at all. I think
2 it's --

3 MR. VELAZQUEZ: Then having David Spatz --

4 MR. ORTIZ: -- a good idea.

5 MR. VELAZQUEZ: -- there's no reason for
6 him to leave during one of the things, and if we
7 have to ask him and all that --

8 MR. ORTIZ: Well, look, the other -- the
9 other projects that would be -- that have been
10 adjourned to January are a lot smaller projects,
11 where David's expertise wouldn't be held in such
12 high esteem, as far as something as large as
13 project that Hudson --

14 MR. VELAZQUEZ: But it could be pushed
15 down.

16 MR. ORTIZ: Oh, yeah. Yeah. I mean, the
17 order that --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: -- for that evening, that's --
20 that's easy. That's easy.

21 MR. VELAZQUEZ: Because that could be taken
22 depending on how we all sit there --

23 MR. ORTIZ: One --

24 MR. VELAZQUEZ: -- and really pay attention
25 to the whole revisions, could take hours.

1 MR. ORTIZ: Yeah. I mean, that's -- I mean
2 --

3 MR. VELAZQUEZ: And then let's knock off
4 everybody who's in January definitely.

5 MR. ORTIZ: No, no.

6 MR. VELAZQUEZ: And let them have to be
7 pushed off to February.

8 MR. ORTIZ: Alex, you're absolutely right.
9 You're -- I don't disagree with you. There's no
10 reason why they can't be first on the January
11 agenda. Absolutely. I don't see any reason why
12 not.

13 MS. PEREIRAS: It's very beneficial for us
14 to hear your comments. Again, we were here
15 before. We presented. This Board made comments.
16 We tried to address them.

17 And that's the reason we'd like to -- so --

18 MR. VELAZQUEZ: Just the issue though, Ms.
19 Pereiras, is also having David Spatz here, just
20 -- just not looking at the memo. It's just
21 asking him questions, if we go off track.

22 MS. PEREIRAS: In case -- in case you have
23 questions.

24 MR. VELAZQUEZ: Because we're not -- you
25 know, all laymen terms, as Mr. Pereiras said,

1 too, we're just volunteers.

2 MS. PEREIRAS: Um hum. Understood.

3 MR. VELAZQUEZ: You have to have the
4 expert.

5 CHAIRPERSON CAPIZZI: We want his --

6 MR. VELAZQUEZ: And the expert's --

7 CHAIRPERSON CAPIZZI: -- decision.

8 MR. VELAZQUEZ: -- not sitting at that
9 table.

10 CHAIRPERSON CAPIZZI: I'm going to tell you
11 right now.

12 MR. VELAZQUEZ: You know?

13 CHAIRPERSON CAPIZZI: I want to know what
14 he thinks about --

15 MR. ORTIZ: I mean, I think -- I think what
16 --

17 MR. VELAZQUEZ: Your experts are sitting
18 here.

19 MS. PEREIRAS: They are.

20 MR. ORTIZ: I --

21 MR. VELAZQUEZ: We're here.

22 MR. ORTIZ: I think some of the things that
23 -- what -- what's trying to be said, and please,
24 I don't mean to cut off any of my Board members,
25 and if you want to cut me off, you can, but I

1 think they would prefer for David to be here
2 during the testimony.

3 MR. VELAZQUEZ: If it was something simple,
4 like -- like you know --

5 MS. PEREIRAS: So, this Board would --

6 MR. ORTIZ: Even -- even like the eight
7 unit situation, I think they could handle without
8 David.

9 MR. VELAZQUEZ: Yeah. We didn't need like
10 him, but --

11 MR. PEREIRAS: Are you asking us to
12 adjourn?

13 MR. ORTIZ: I'm telling you that I think it
14 -- I think that the Board would prefer to have
15 David here. Now, he's not. And it's just --
16 that's just the reality of it.

17 But I can't force -- I don't feel
18 comfortable forcing you folks to -- to
19 accommodate what the Board would feel most
20 comfortable with. That's what I'm saying.

21 But as far as going first, to make sure
22 David's here in January, that's an easy request.

23 MR. VELAZQUEZ: And they're the first ones
24 heard.

25 MR. ORTIZ: Yeah. I mean --

1 MR. PEREIRAS: So --

2 MR. ORTIZ: The other two will probably be
3 you guys, anyway, so it will be all of us
4 together again, so --

5 MR. VELAZQUEZ: I want to take my time with
6 this.

7 MR. ORTIZ: Okay.

8 MR. VELAZQUEZ: I want to take my time with
9 this.

10 VICE CHAIRPERSON KOEHLER: Is there any way
11 --

12 MR. VELAZQUEZ: I want to digest it and I
13 want to take my time.

14 VICE CHAIRPERSON KOEHLER: -- that they can
15 stay in contact with Carlos, regarding the
16 November calendar, in case something gets --

17 MR. ORTIZ: Well, I mean --

18 MR. VELAZQUEZ: They do keep in contact.

19 VICE CHAIRPERSON KOEHLER: -- taken off the
20 calendar?

21 MR. VELAZQUEZ: Just in case, if anything
22 opens up.

23 Right?

24 MS. PEREIRAS: I call Mr. Vallejo way too
25 often, but --

1 VICE CHAIRPERSON KOEHLER: All right.

2 Never mind.

3 THE SECRETARY: Also, I show you the
4 agenda.

5 VICE CHAIRPERSON KOEHLER: No, no.

6 MS. PEREIRAS: This agenda I got -- I got
7 today. Yes.

8 THE SECRETARY: Well, I'm talking about the
9 agenda for next month, too --

10 MR. PEREIRAS: Yeah.

11 THE SECRETARY: -- is -- whatever, you
12 know?

13 MR. PEREIRAS: And --

14 MR. ORTIZ: I mean, so --

15 VICE CHAIRPERSON KOEHLER: I mean, if it --
16 if it's too crowded, obviously, it's too crowded.

17 MS. PEREIRAS: And again, and Mr. Pereiras
18 referenced it in the beginning, this is -- this
19 application is not your typical developer coming
20 into Union City.

21 And that's why --

22 VICE CHAIRPERSON KOEHLER: No, we
23 understand.

24 MS. PEREIRAS: -- we are --

25 VICE CHAIRPERSON KOEHLER: But to his

1 point, this is a very serious project that we --
2 shouldn't --

3 MR. VELAZQUEZ: This is going to change the
4 --

5 VICE CHAIRPERSON KOEHLER: -- be taken
6 lightly.

7 MR. VELAZQUEZ: -- landscape, if approved,
8 of --

9 VICE CHAIRPERSON KOEHLER: Right.

10 MR. VELAZQUEZ: -- Union City. That's what
11 I'm saying. This is not a -- you know --

12 MS. PEREIRAS: I understand, and it's also
13 --

14 MR. VELAZQUEZ: It should -- you know, it's
15 a complicated but it's a beautiful --

16 MS. PEREIRAS: It's -- it's a --

17 THE SECRETARY: If the Board -- if the
18 Board wants me to put it in November, I could put
19 it in November.

20 MR. PEREIRAS: Yes.

21 THE SECRETARY: But it's over packed.

22 MR. ORTIZ: But -- but here's the problem
23 with that, and I'm not against it, and I'll leave
24 it up to the Board, but the problem with that is
25 that there are already seven applicants on.

1 MR. VELAZQUEZ: You got seven applications.

2 VICE CHAIRPERSON KOEHLER: Yeah.

3 MR. VELAZQUEZ: And I don't want --

4 MR. ORTIZ: This is -- this is a large
5 project. Quite frankly, what January should look
6 like is January should probably look like --

7 MR. VELAZQUEZ: A little empty.

8 MR. ORTIZ: This and your two other that
9 were adjourned tonight. And that's what this --
10 that's what January should look like, from a
11 calendar point of view, because it's going to be
12 --

13 MR. VELAZQUEZ: And you would have
14 precedent over them.

15 MR. ORTIZ: -- a substantial amount of --
16 block of time that you're going to need to
17 present this. And trust me, the Board's going to
18 have questions.

19 So, that's where we're at.

20 MR. PEREIRAS: Just because I do it so
21 often, in so many other towns, very often a town
22 will place something on their agenda, if there's
23 no time for it, they'll carry it over to the next
24 meeting.

25 MS. PEREIRAS: And we've done that before.

1 | And you know, we would never push the issue. If
2 | this was placed on November, and then, Mr. Ortiz,
3 | you call me --

4 | MR. ORTIZ: But --

5 | MS. PEREIRAS: -- and say, Bianca, there's
6 | no way we can get to it --

7 | MR. ORTIZ: But here -- here's the problem.
8 | There's seven already there. That's why I'm
9 | saying Jan -- this -- this should be a light
10 | agenda, outside of your project.

11 | MS. PEREIRAS: Understood.

12 | Mr. Vallejo, are any of the seven that you
13 | have, are any of them mine?

14 | THE SECRETARY: I have to -- probably --
15 | probably, but I have to check it.

16 | MR. PEREIRAS: Probably.

17 | MS. PEREIRAS: Because again if there's
18 | some of mine, I wouldn't -- if I'm able to, and I
19 | can accommodate it, if the Board can say, look, I
20 | can't hear all of yours that day, maybe I can
21 | move some of mine around.

22 | And I -- and I don't mean to be difficult,
23 | it's just this is, obviously, Mr. Pereiras
24 | mentioned before, as to who the applicant is.

25 | MR. VELAZQUEZ: No, I --

1 MS. PEREIRAS: And this is --

2 MR. VELAZQUEZ: I understand that.

3 MS. PEREIRAS: -- very close to our hearts
4 and it's been financially draining on us. So,
5 every day that passes is almost unbearable, so --

6 MR. VELAZQUEZ: I complain when I --

7 MS. PEREIRAS: Again, I apologize for my --

8 MR. VELAZQUEZ: I complain when I lose
9 \$20.00, and not 20,000.

10 VICE CHAIRPERSON KOEHLER: Five dollars.

11 MR. PEREIRAS: And that's just the
12 mortgage. In addition to that is the taxes we
13 pay, the maintenance of the property, all those
14 other things.

15 The City called us, and Mr. Velazquez you
16 know that, please fix the sidewalk. We were
17 there right away, we fixed it.

18 Mr. -- Manny, please pull some weeds on
19 certain -- boom, we were there right away, pull
20 the weeds.

21 We've done absolu -- we jump through hoops
22 every time the City has called for anything,
23 regarding anything on that property.

24 MR. ORTIZ: Look, we -- you can stay in
25 touch with the Board Clerk. I don't know -- like

1 all I'm hearing is seven presentations. I don't
2 know who's the attorneys on them, who's the
3 clients on them.

4 MS. PEREIRAS: Yeah, that's why I was
5 asking.

6 MR. ORTIZ: I don't know. I don't even
7 know if Carlos knows off the top of his head.

8 But you want to stay in contact with
9 Carlos? Of course; I mean with the Board Clerk.
10 Maybe it could be played with, but as of right
11 now, it would be going with the intention of
12 January. And then, maybe there's something that
13 we can move around for November.

14 There's no notice required here, so that's
15 the good news.

16 MS. PEREIRAS: Would this -- would this
17 Board -- and I know it's difficult because of the
18 holidays, would they accommodate a special
19 meeting? We've tried to -- I know this Board, in
20 the beginning, told me it might be too big of an
21 application to hear at a meeting. We were
22 willing to do a special meeting.

23 I know it's another day that you guys have
24 to come in.

25 CHAIRPERSON CAPIZZI: Right.

1 MS. PEREIRAS: We hate that. But it is
2 something --

3 CHAIRPERSON CAPIZZI: Not really.

4 MS. PEREIRAS: -- that we're willing to do.

5 CHAIRPERSON CAPIZZI: We can't do that. I
6 can't do that. Not in December.

7 But if the Board, other members can.

8 MR. VELAZQUEZ: The problem is, is like
9 some of us is on different boards, also.

10 CHAIRPERSON CAPIZZI: Multiple boards.

11 MS. PEREIRAS: Oh, sure.

12 CHAIRPERSON CAPIZZI: Correct.

13 MS. PEREIRAS: And you have lives outside
14 of here. I understand.

15 MR. VELAZQUEZ: Not me.

16 MR. ORTIZ: So, I mean, that's --

17 MR. VELAZQUEZ: I love staying here.

18 MR. ORTIZ: I mean, that's what we can do.
19 But I -- you know, if six of them are yours, in
20 November, well then who knows?

21 MR. VELAZQUEZ: This project needs --

22 MR. ORTIZ: You know what I'm trying to
23 say?

24 MS. PEREIRAS: Right.

25 MR. VELAZQUEZ: This -- this project --

1 MS. PEREIRAS: The only thing I'm trying to
2 avoid is --

3 MR. ORTIZ: But if -- if four of them or
4 five of them are other attorneys and -- you know
5 --

6 MS. PEREIRAS: I know. I know. But things
7 sometimes --

8 MR. VELAZQUEZ: This project needs undefy
9 (sic) -- undivided attention. It's not like the
10 other ones, and all that. This is -- needs
11 undivided attention.

12 And I sound like Terry Bradshaw, because
13 some syllables coming out wrong right now, but we
14 need -- we need to really focus and pay attention
15 on this project and listen and -- you know?

16 MR. ORTIZ: I think the Board wants to have
17 all their -- their facilities, including Mr.
18 Spatz being one of the facilities in place, to
19 hear this presentation.

20 MR. PEREIRAS: Well, we came ready to
21 present, and we wanted to, and we came with all
22 our professionals, but we understand that the
23 Board wants their professionals there, and he
24 can't do that. So --

25 MS. PEREIRAS: We don't really have much of

1 a choice.

2 MR. PEREIRAS: Yeah. Exactly.

3 MS. PEREIRAS: So --

4 MR. ORTIZ: So, with that being said, with
5 the caveat of -- you know, the applicants, the
6 applicant's attorney, or however you want to
7 phrase it, staying in touch with --

8 MS. PEREIRAS: Right. But that also --

9 MR. ORTIZ: -- Board Clerk, as far as
10 November, I'm saying.

11 Right?

12 MS. PEREIRAS: Right. But you would have
13 to carry it now to that November meeting, in
14 order for me not to have to renote and
15 republish.

16 So, would you carry it to that November
17 meeting?

18 MR. ORTIZ: No, not really. I don't think
19 we -- because if there's no notice required.

20 MS. PEREIRAS: There's no notice required,
21 if -- but right now, you're saying it's being
22 pushed --

23 MR. ORTIZ: If it -- but if it goes to --

24 MS. PEREIRAS: -- to January.

25 MR. ORTIZ: If it goes to January --

1 MS. PEREIRAS: If it gets pushed to --

2 MR. ORTIZ: As long as it's on -- as long
3 as it's on the public notice, I mean, as far as
4 the agenda goes, I don't see why, because it's --
5 we already have jurisdiction.

6 MS. PEREIRAS: But if there was anybody --

7 MR. ORTIZ: We're past that point.

8 MS. PEREIRAS: If there was anybody here
9 present, this evening, it would have to -- they
10 would have to know when they would come back.

11 MR. ORTIZ: Let's check that.

12 MS. PEREIRAS: Okay.

13 MR. ORTIZ: We could do that.

14 Is there anybody present here today to hear
15 this that cannot -- that would want to be present
16 going forward?

17 Okay. Okay. So, with that being said,
18 then I mean, I guess we've got to go to January,
19 because we can't -- we don't know what November
20 looks like.

21 MR. PEREIRAS: Why can't you do November?

22 MR. ORTIZ: Because -- because it would be
23 just equally as --

24 MS. PEREIRAS: But the only thing --

25 MR. ORTIZ: No, but it would be equally

1 unfair to this gentleman that's sitting here, for
2 him to come in in November -- let's say we
3 adjourn it to November. And we can't. And it's
4 just a phone call between Carlos and you.

5 How is this gentleman going to know, then?
6 It's kind of the same thing, it's just in
7 reverse.

8 MS. PEREIRAS: Right. He would have to --
9 he would have to come and be noticed.

10 MR. PEREIRAS: It's not equally unfair
11 because --

12 MS. PEREIRAS: But --

13 MR. PEREIRAS: -- it's a \$60,000.00 burden
14 to us, plus. And for him, it's his time for
15 today and --

16 MR. ZIMMERMAN: But for me it's --

17 MR. PEREIRAS: -- I apologize, I
18 understand.

19 MR. ZIMMERMAN: That monster building is
20 across from my house.

21 MR. PEREIRAS: Yes.

22 MR. ZIMMERMAN: So, it has a lot of impact
23 in my life.

24 MR. PEREIRAS: Of course.

25 MR. ZIMMERMAN: And the neighborhood.

1 MR. ORTIZ: So, --

2 MR. ZIMMERMAN: So --

3 MR. ORTIZ: -- the proposal, if I'm
4 correct, is to adjourn it to January, because
5 that's the only -- otherwise, if we adjourn it to
6 November and he comes in on -- in November --

7 MS. PEREIRAS: He would have to come back.
8 Um hum.

9 MR. ORTIZ: He's going to be upset. And
10 you know, I understand the -- the financial
11 burden, but we're doing the best we can to
12 balance everything out on something that's very
13 serious. As far as this Board is taking this
14 very serious, this project.

15 So, you know I mean that's -- and this can
16 have a large impact on -- I don't know your name,
17 sir. If you want --

18 MR. ZIMMERMAN: Frank Zimmerman.

19 MR. ORTIZ: Frank Zimmerman?

20 MR. ZIMMERMAN: Yes. This is a huge
21 project.

22 MR. DILLON: Can you step forward?

23 MR. ORTIZ: Mr. Zimmerman --

24 MS. PEREIRAS: I don't believe it's --

25 MR. ORTIZ: No, but I just want your name

1 on the record just so --

2 MR. ZIMMERMAN: Frank Zimmerman --

3 MR. ORTIZ: That --

4 MR. ZIMMERMAN: -- 3308 Hudson.

5 MR. ORTIZ: We don't --

6 Yeah, I don't think it's fair to the
7 applicants to -- that's not how the general
8 process works.

9 You're allow -- you are absolutely allowed
10 to comment, but --

11 MS. PEREIRAS: After.

12 MR. ORTIZ: Typically, after the
13 presentation of -- of their project.

14 So, I mean, it's -- it's the Board's
15 purview, but I mean, again, now that Mr.
16 Zimmerman is here, and I asked that question at
17 the request of counsel, if there was anybody here
18 to hear it and there is.

19 So, with that being said, he sat here all
20 night, as well, which is not -- doesn't make this
21 Board happy either, but that anybody had to sit
22 here -- you know --

23 So, we're going to go to January then.

24 I mean, that's -- it would -- I think
25 that's the most accommodating thing for all sides

1 involved.

2 MR. VELAZQUEZ: And put it on one.

3 MR. ORTIZ: Yeah. It will be the first
4 one.

5 So, Mr. Zimmerman, please be on -- it's
6 going to be adjourned to Jan -- the January
7 meeting.

8 MR. ZIMMERMAN: When?

9 MR. ORTIZ: You won't -- what's the January
10 meeting? Do we have the schedule yet?

11 THE SECRETARY: I am working on the
12 schedule, Mr. Ortiz.

13 MR. ORTIZ: Mr. Zimmerman, if I could ask
14 you to call up Mr. Vallejo, which is our Board
15 Clerk sitting right there, the number -- if you
16 want to write the number down, I can give you his
17 number, his office number now.

18 It's 201-348-5731.

19 THE SECRETARY: Also, it will be posted on
20 the website of the City of Union City.

21 MR. VELAZQUEZ: ucnj.com.

22 MR. ZIMMERMAN: Two -- I'm sorry -- 201 --

23 MR. ORTIZ: 348-5731.

24 MR. VELAZQUEZ: And if you look on the
25 internet, it's ucnj.com.

1 THE SECRETARY: All right.

2 MR. ORTIZ: Now that -- it will be the
3 first one, Mr. Zimmerman. You -- you heard the
4 discussion. I'm -- you know --

5 THE SECRETARY: January.

6 MR. ORTIZ: We start at six. So -- and
7 we're pretty prompt about starting on time, for
8 the most part. So this way you're aware of it.

9 MR. PRICE: I -- I have one comment.

10 The requirement --

11 MR. ORTIZ: Well, it's not time --

12 MR. PRICE: No.

13 MR. ORTIZ: The same -- for the same reason
14 -- no, Mr. Price.

15 CHAIRPERSON CAPIZZI: No, no.

16 MR. ORTIZ: No. No.

17 MR. PRICE: No.

18 MR. ORTIZ: Mr. Price, for the same reason
19 that Mr. Zimmerman wasn't --

20 CHAIRPERSON CAPIZZI: Right.

21 MR. ORTIZ: -- allowed to comment, that --
22 you're not --

23 MR. PRICE: I'm talking about your --

24 MR. ORTIZ: You're not any different than

25 --

1 MR. PRICE: -- procedures.

2 MR. ORTIZ: Mr. --

3 MR. PRICE: In order to avoid the notice
4 requirement --

5 MR. ORTIZ: Mr. --

6 MR. PRICE: -- you have to adjourn to a
7 date certain.

8 MR. ORTIZ: Mr. Price --

9 MR. PRICE: You haven't adopted the --

10 MR. ORTIZ: Mr. Price --

11 MR. PRICE: -- for 2018.

12 MR. ORTIZ: Mr. Price --

13 MR. PRICE: You can't adopt --

14 MR. ORTIZ: Mr. Price, thank you.

15 MR. PRICE: You can't --

16 MR. ORTIZ: Mr. Price, thank you.

17 MR. PRICE: -- adjourn to a date certain.

18 MR. ORTIZ: Mr. Price, thank you. Thank
19 you.

20 MR. PRICE: I'm sure you'll agree with me,
21 right, counselor?

22 MR. ORTIZ: Mr. Price, thank you.

23 MR. PRICE: Okay.

24 MR. ORTIZ: Mr. Price --

25 MR. PRICE: Chairman?

1 MR. ORTIZ: Respectfully, thank you.

2 MR. PRICE: Madam Chair, do you understand
3 what I said?

4 CHAIRPERSON CAPIZZI: I understand what
5 you're saying.

6 MR. PRICE: Okay.

7 Very good.

8 That's a problem because you're going from
9 one year to another. You want to adjourn --

10 MR. ORTIZ: All right.

11 What's -- what's the third --

12 Let's do this real --

13 THE SECRETARY: All right.

14 CHAIRPERSON CAPIZZI: The four --

15 VICE CHAIRPERSON KOEHLER: Fourth.

16 THE SECRETARY: All right.

17 CHAIRPERSON CAPIZZI: Is it the --

18 VICE CHAIRPERSON KOEHLER: Fourth.

19 CHAIRPERSON CAPIZZI: -- third or the
20 fourth?

21 THE SECRETARY: Let me get my phone.

22 CHAIRPERSON CAPIZZI: January 23rd?

23 THE SECRETARY: I have to give you a day,
24 Mr. Price.

25 CHAIRPERSON CAPIZZI: That's the fourth

1 Tuesday.

2 MR. ORTIZ: Thank you, Mr. Price.

3 THE SECRETARY: It's very simple.

4 Calendar.

5 CHAIRPERSON CAPIZZI: That's the way we're
6 going. January's a long month. Let's see.

7 (Whereupon, there was a pause in the
8 proceedings.)

9 THE SECRETARY: It will be January --

10 MR. DILLON: I've got it right here,
11 Carlos.

12 CHAIRPERSON CAPIZZI: Is this January?

13 THE SECRETARY: The 23rd?

14 CHAIRPERSON CAPIZZI: That's -- if that's
15 the fourth Tuesday -- 2nd, 9th --

16 MR. ORTIZ: It would be the 23rd.

17 THE SECRETARY: The one, two --

18 CHAIRPERSON CAPIZZI: -- 16, 23rd.

19 THE SECRETARY: Fourth Tuesday.

20 MR. DILLON: Yeah, 23rd.

21 THE SECRETARY: January 23rd, --

22 MR. ORTIZ: There you go --

23 THE SECRETARY: -- 2018.

24 MR. ORTIZ: -- Mr. Zimmerman. Okay? Now

25 --

1 THE SECRETARY: All the previous
2 application, also, Ms. -- Ms. Pereiras --

3 MS. PEREIRAS: I'm sorry?

4 THE SECRETARY: Also the previous
5 adjournments, too, same date.

6 MS. PEREIRAS: For January 23rd.

7 THE SECRETARY: For clarification of the
8 record --

9 MS. PEREIRAS: My other two applications,
10 yes.

11 MR. ORTIZ: Now, Mr. Zimmerman, you have
12 the date now. Okay.

13 THE SECRETARY: Okay.

14 MR. VELAZQUEZ: Unless it snows.

15 CHAIRPERSON CAPIZZI: Dear God.

16 MR. ZIMMERMAN: Can I go now?

17 MR. ORTIZ: Yeah. Nothing's going to
18 happen. We're going to vote to adjourn it, Mr.
19 Zimmerman.

20 THE SECRETARY: All right. Then --

21 MR. VELAZQUEZ: I already want some of
22 that.

23 MR. ORTIZ: All right. So, can I have a
24 motion to adjourn --

25 VICE CHAIRPERSON KOEHLER: Yes.

1 MR. ORTIZ: -- this matter to January 23rd,
2 2018?

3 MR. VELAZQUEZ: I make a motion.

4 THE SECRETARY: Motion by Mr. Alejandro
5 Velazquez.

6 VICE CHAIRPERSON KOEHLER: Second.

7 THE SECRETARY: Second by Mrs. Koehler.

8 Roll call on the motion to adjourn this
9 application for January 23rd, 2018.

10 Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Mr. Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Eight in favor, motion
2 carries.

3 MS. PEREIRAS: Good night.

4 THE SECRETARY: No new notice required.

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1 **ADJOURNMENT:**

2

3 MR. ORTIZ: We need a motion to adjourn.

4 CHAIRPERSON CAPIZZI: I'll make a motion.

5 THE SECRETARY: Motion to adjourn the
6 applicat -- tonight's meeting by Ms. Capizzi.

7 Second by?

8 VICE CHAIRPERSON KOEHLER: Jeanne Koehler.

9 THE SECRETARY: All in favor?

10

11 (Whereupon, there was a chorus of ayes.)

12

13 THE SECRETARY: The -- the ayes have it.

14 Thank you.

15 Have a good night.

16 VICE CHAIRPERSON KOEHLER: Good night.

17 THE SECRETARY: Let the record show --

18 VICE CHAIRPERSON KOEHLER: Good night.

19 THE SECRETARY: -- the meeting has ended.

20 Thank you.

21 VICE CHAIRPERSON KOEHLER: Good night,

22 everybody.

23

24 (Whereupon, the proceedings were concluded
25 at 7:57 p.m.)

1 STATE OF NEW JERSEY :
2 :
3 COUNTY OF ESSEX :

4
5
6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, October 24, 2017 and digitally recorded.

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25 Proofread by: Deborah Dillon