

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, April 24, 2018
Commencing at 6:11 p.m.

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

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
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

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

CARLOS VALLEJO, Secretary to the Board

BRIAN E. EYERMAN, ESQ., Attorney for the Board

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

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

SCARINCI HOLLENBECK

BY: PATRICK J. McNAMARA, ESQ.,
Corporation Counsel

HEYER, GRUEL & ASSOCIATES

BY: M. McKINLEY MERTZ, PP, AICP
Consultant for the City of Union City

JOHN RIZZO, ESQ.,

Attorney for Applicant, Hoboken Heights, LLC

THOMAS J. WALL, ESQ.,

Attorney for Applicant,
Elizabeth Balbuena & Christian T. Burbano

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant,
3510-3520 Bergenline Ave., LLC

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant, Hudson Living, LLC

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant,
32nd & 33rd Street, Union City, LLC

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant, 315 5th Street, LLC

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1 THE SECRETARY: Ready?

2 Please take notice that on Tuesday, April
3 24, 2018, at six p.m., a Regular Meeting is
4 scheduled for the City of Union City Planning
5 Board, to be held in the Municipal Chambers of
6 the City Hall, 3715 Palisade Avenue, Union City,
7 New Jersey.

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

10

11 (Whereupon, the Pledge of Allegiance was
12 said by all.)

13

14 THE SECRETARY: Thank you.

15 This meeting is called in compliance with
16 Chapter 231, Public Law 1975, of the Open Public
17 Meetings Act.

18 Notice of this meeting has been provided as
19 follow:

20 Notice of this meeting, setting forth the
21 time, date, location and the agenda, to the
22 extent known, was forwarded to The Jersey
23 Journal, The Record, and The Hudson Reporter, has
24 been posted on the bulletin board in City Hall,
25 and has been available to the public in the

1 Office of the Municipal Clerk.

2

3 **ROLL CALL:**

4

5 THE SECRETARY: Roll call for tonight's
6 meeting.

7 Mayor Brian P. Stack? Absent.

8 Ydalia Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Commissioner Celin
11 Valdivia? Absent.

12 Alicia Morejon?

13 MS. MOREJON: Yes.

14 THE SECRETARY: Diane Capizzi?

15 CHAIRPERSON CAPIZZI: Here.

16 THE SECRETARY: Carolina Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Rudy Rivero?

19 MR. RIVERO: Yes.

20 THE SECRETARY: Franklin Medina?

21 MR. MEDINA: Here.

22 THE SECRETARY: Jeanne Koehler?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 THE SECRETARY: Alejandro Velazquez?

25 MR. VELAZQUEZ: Here.

1 THE SECRETARY: Jose Guareno?

2 MR. GUARENO: Here.

3 THE SECRETARY: Let the record indicate
4 there is nine present.

5 We have a full quorum for tonight's
6 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Special Meeting held on March 13, 2018 and
4 Regular Meeting held on March 27, 2018

5

6 THE SECRETARY: Adoption of Minutes.

7 A Special Meeting held on March 13, 2018
8 and Regular Meeting held on March 27, 2018.

9 Can I have a motion to -- to approve the
10 previous meeting minutes?

11 MR. VELAZQUEZ: I make a motion.

12 THE SECRETARY: Motion by Mr. Velazquez.

13 Second by Ms. Capizzi.

14 Roll call on the motion.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Ms. Morejon?

1 MS. MOREJON: Yes.

2 THE SECRETARY: Mr. Rivero?

3 MR. RIVERO: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Nine in favor.

9 Motion carries.

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1 **RESOLUTIONS:**

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3 (1) 214 45th Street, LLC, 214 45th Street, Block
4 270, Lot 6. Applicant seeks to legalize a ground
5 floor apartment.

6 (2) 924 17th Street, LLC, 924 17th Street, Block
7 95, Lot 37. Applicant seeks to legalize the
8 basement apartment.

9

10 THE SECRETARY: Adoption of Resolutions.

11 We have two Resolution on tonight's agenda.

12 First Resolution, 214 45th Street, LLC, 214
13 45th Street.

14 Second Resolution, 914 (sic) 17th Street,
15 LLC, 914 (sic) 17th Street.

16 Can I have a motion to adopt these
17 Resolution?

18 CHAIRPERSON CAPIZZI: 924 or 914, Carlos?

19 THE SECRETARY: Excuse me?

20 MR. EYERMAN: Just a correction. It's 924
21 17th --

22 CHAIRPERSON CAPIZZI: 924.

23 MR. EYERMAN: -- Street.

24 THE SECRETARY: Yes. 924 17th Street. The
25 second one.

1 CHAIRPERSON CAPIZZI: Right.

2 THE SECRETARY: Can I have a motion to
3 adopt these Resolutions?

4 MR. VELAZQUEZ: I make a motion.

5 THE SECRETARY: Motion by Ms. Capizzi.

6 CHAIRPERSON CAPIZZI: You didn't get in
7 fast enough.

8 THE SECRETARY: Second by Mr. Velazquez.

9 Roll call on the motion to adopt these
10 Resolutions.

11 Ms. Koehler?

12 VICE CHAIRPERSON KOEHLER: Yes.

13 THE SECRETARY: Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Mr. Rivero?

24 MR. RIVERO: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Nine in favor.

5 Motion carries.

6 Thank you.

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1 **CORRECTIVE RESOLUTIONS:**

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3 (1) Magaly Barrezueta, 410 12th Street, Block
4 61.01, Lot 6. Legalize basement apartment, to go
5 from a two family house to three family house.
6 Resolution was memorialized on September 26,
7 2017.

8 (2) Benjamin Solof, 512 4th Street, Block 16,
9 Lot 26. Proposing to demolish two existing
10 houses and build a new three family house.
11 Resolution was memorialized on November 22, 2016.

12

13 THE SECRETARY: Okay.

14 On tonight's agenda, we have two Corrective
15 Resolutions.

16 First one, Magaly Barrezueta, 410 12th
17 Street.

18 And the second Corrective Resolution,
19 Benjamin Solof, 512 4th Street.

20 Can I have a motion to adopt the Corrective
21 Resolutions?

22 MR. VELAZQUEZ: I make a motion.

23 THE SECRETARY: Motion by Mr. Velazquez.

24 Second by Ms. Morejon.

25 Roll call on the motion.

1 Ms. Koehler?

2 VICE CHAIRPERSON KOEHLER: Yes.

3 THE SECRETARY: Ms. Capizzi?

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Ms. Fernandez?

6 MS. FERNANDEZ: Yes.

7 THE SECRETARY: Ms. Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Ms. Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Mr. Rivero?

14 MR. RIVERO: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Nine in favor.

20 Motion carries.

21 Thank you.

22 * * *

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1 **The Union City Planning Board will be considering**
2 **a Zoning Ordinance introduced by the Union City**
3 **Board of Commissioners. An Ordinance Amending**
4 **Chapter 223 "Land Development" of the Code of the**
5 **City of Union City:**

6

7 THE SECRETARY: Hearings.

8 We have one hearing tonight.

9 The first one, Union City Planning Board
10 will be considering a Zoning Ordinance introduced
11 by the Union City Board of Commissioners. An
12 Ordinance Amending Chapter 223, Land Development,
13 of the Code of the City of Union City.

14 Mr. McNamara, please?

15 MR. McNAMARA: Good evening, members of the
16 Board.

17 Patrick McNamara from --

18 MR. DILLON: Can you step to the mic?

19 MR. McNAMARA: Patrick McNamara.

20 Law firm of Scarinci Hollenbeck, city
21 attorneys, here this evening with regard to the
22 Ordinance that is before you.

23 McKinley Mertz is here from Heyer Gruel,
24 our special planners.

25 This comes to you as a result of the

1 recommended changes embodied in the recent Master
2 Plan Reexamination Report and hearings that
3 you're all familiar with.

4 So, I'll turn the floor over to you and --
5 for a brief review of the Ordinance.

6 MS. MERTZ: Hello.

7 CHAIRPERSON CAPIZZI: Hi.

8 MS. MERTZ: As you all remember, we were
9 here a little over a month ago, when you adopted
10 the Master Plan Reexamination Report for the
11 City.

12 Within that, included several zoning
13 recommendations and changes for the City. This
14 Ordinance before you effectuates every single one
15 of those zoning recommendations that was in the
16 approved Master Plan.

17 It is a hundred percent consistent with
18 those recommendations. That is the only thing
19 this does, in addition to clearing up a few
20 inconsistencies that were in there.

21 I'm happy to answer any specific questions
22 you have about this, but that is -- that is all
23 that this is doing, effectuating that Master Plan
24 that you approved about a month and a half ago.
25 So --

1 CHAIRPERSON CAPIZZI: So, then, after
2 tonight, going forward, everything must comply
3 with what's in this.

4 MR. McNAMARA: Well, it has to go back to
5 the City Board of Commissioners --

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. McNAMARA: -- for a second reading,
8 public hearing, final adoption, publication.

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. McNAMARA: Once those are all done,
11 then the Ordinance will take effect. Until that
12 happens, all applications currently pending or
13 filed are still governed under the --

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. McNAMARA: -- existing Ordinance --

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. McNAMARA: -- by State law.

18 CHAIRPERSON CAPIZZI: Thank you.

19 MR. EYERMAN: Any questions of the Board?

20 CHAIRPERSON CAPIZZI: No.

21 MR. EYERMAN: Any questions from the --
22 from the audience?

23 MR. PRICE: Questions or comments?

24 MR. EYERMAN: Comments, questions.

25 Come -- speak -- come forward. Give your

1 name.

2 MR. DILLON: Please raise your right hand.

3 Do you swear the testimony you're about to
4 give this Board is the whole truth?

5 MR. PRICE: I do.

6 MR. DILLON: State your name, spell it for
7 the record.

8 MR. PRICE: Larry Price, 1006 Palisade
9 Avenue.

10 MR. DILLON: Thank you.

11 MR. PRICE: Okay. Mr. McNamara, did you
12 draft the --

13 MR. DILLON: Mr. McNamara?

14 MR. McNAMARA: Yes.

15 MR. DILLON: Can you wear this? Can you
16 stand over there?

17 MR. McNAMARA: Okay.

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

20 MR. McNAMARA: You had a question?

21 MR. PRICE: Did you draft the amendment to
22 -- Ordinance amendment?

23 MR. McNAMARA: I worked on it, in
24 collaboration with the Planner's Office.

25 MR. PRICE: Okay.

1 Well, I'll proceed from the mundane to the
2 more significant.

3 Your proposed change --

4 MR. McNAMARA: Do you have a copy? Okay.

5 MR. PRICE: -- 44. I think it must be a
6 typo or something because I can't --

7 MR. McNAMARA: Forty, 41.

8 MR. PRICE: It refers to --

9 MR. McNAMARA: Forty-two --

10 MR. PRICE: -- Section 46A.

11 MR. McNAMARA: -- 222-46AE is hereby
12 amended.

13 MR. PRICE: Yes. Well, the reference, 46AE
14 makes no sense. A has got four sections; one,
15 two, three, and four. And I think they all have
16 an E section. So, what are we amending?

17 MR. McNAMARA: Okay. We'll have to go back
18 and pull out the master to -- to check. If
19 there's a typo, we can certainly correct that
20 before we go to final reading.

21 46AE.

22 (Whereupon, there was a pause in the
23 proceedings.)

24 MR. McNAMARA: A, B, C, D.

25 No off-street parking shall be required for

1 the first six dwelling units.

2 Is that said here?

3 MS. MERTZ: Yeah.

4 MR. McNAMARA: (Indiscernible).

5 Yeah. It changes -- it's on page 123 of
6 the Ordinance. It corresponds to off-street
7 parking required over first six dwelling units in
8 a building located on Bergenline Avenue, between
9 --

10 MR. PRICE: Wait. Wait. I'm sorry. One
11 -- page 123.

12 MR. McNAMARA: Yeah. It's at the top,
13 subparagraph E, I believe this is what it's
14 referring to. Under Parking Schedule 2.

15 You think that's what it would --

16 Well, that's not it.

17 MS. MERTZ: No. I think it's 2. It looks
18 like we're getting 2.

19 MR. McNAMARA: Should be A2E.

20 MS. MERTZ: Yes.

21 MR. PRICE: Okay.

22 MR. McNAMARA: Okay. So --

23 MR. PRICE: Okay.

24 MR. McNAMARA: We'll -- we stand corrected
25 on that one.

1 MR. PRICE: Okay. So, if we would agree,
2 then that would be 46A --

3 MR. McNAMARA: Two.

4 MR. PRICE: No.

5 MR. McNAMARA: E.

6 MR. PRICE: No, it should be three.

7 MR. McNAMARA: Three?

8 MS. MERTZ: No, three is the --

9 MR. PRICE: Sorry. Sorry. Two.

10 MR. McNAMARA: Two, because three is
11 commercial vehicles.

12 MR. PRICE: Yes, okay.

13 MR. McNAMARA: Okay.

14 MR. PRICE: 2E. Okay. This is --

15 MR. McNAMARA: Okay. All right.

16 MR. PRICE: Okay. And let me see if I
17 understand the intent of that.

18 You're now saying that there will be no
19 off-street parking spaces be required for
20 nonresidential uses on Bergenline or Summit
21 Avenue.

22 MR. McNAMARA: Correct.

23 MR. PRICE: Okay.

24 Now, you realize that noncommercial units
25 exist on that street as nonconforming uses.

1 Summit Avenue, for example, I don't -- I
2 can't see -- can't read the new map. It goes now
3 to --

4 MR. McNAMARA: Um hum.

5 MR. PRICE: -- 18th Street or 15th Street
6 and stops as a commercial zone. But we have many
7 commercial in what is currently a residential.
8 And this would exempt them from any kind of --

9 MR. McNAMARA: That's correct.

10 Right?

11 MR. PRICE: -- of --

12 MS. MERTZ: That's correct.

13 MR. PRICE: -- parking --

14 MR. McNAMARA: Yeah.

15 MR. PRICE: -- requirement.

16 MS. MERTZ: Yeah.

17 MR. McNAMARA: Um hum.

18 MR. PRICE: Is that the intent?

19 MR. McNAMARA: Yes.

20 MS. MERTZ: Um hum.

21 MR. PRICE: Okay. Okay. The -- okay.

22 Okay.

23 Okay, one other question.

24 This is on page -- my page 18. This would
25 be part of Section 15. This goes down to access.

1 And in Section C under that, it says access
2 drives for newly constructed single, two and
3 three family dwellings shall not be less than ten
4 feet wide, with a curb cut not more than 16 feet
5 wide.

6 It goes on to say, for existing single, two
7 and three family homes, curb cut shall not --
8 shall be not greater than nine feet in width.

9 MS. MERTZ: Yes.

10 MR. PRICE: There are a lot of problems
11 with that statement.

12 First one would be that if the -- we have
13 an existing three family house, it was
14 constructed five years ago, it's got a 20 foot or
15 18 foot wide curb cut in front, which was
16 dispensed by variance. Variances run with the
17 land. Once it's given, it's given.

18 MR. McNAMARA: Correct.

19 MR. PRICE: You -- you can't take it away.

20 MR. McNAMARA: Right.

21 MR. PRICE: This attempts to take it away.

22 MR. McNAMARA: Well, it makes it pre -- it
23 would make it non -- preexisting nonconforming.
24 So, it doesn't take it away. It doesn't take
25 away the vested rights of the property owner. It

1 | just says, should there be renovations or other
2 | changes made to the property, in the future, that
3 | would alter the parking configuration, then they
4 | would have to conform to this part of the
5 | Ordinance, or else seek variance relief.

6 | MR. PRICE: Okay. You have -- in other
7 | words, what you're saying is --

8 | By the way, if you demolish the building,
9 | began anew, then it would be new construction --

10 | MR. McNAMARA: Correct.

11 | MR. PRICE: -- not -- so, if they did a
12 | modification to the building, you would say, as a
13 | result of this, they would also be required to
14 | reduce their curb cut to nine feet?

15 | MR. McNAMARA: It would depend on the
16 | nature and the type of the modification. I mean,
17 | if you -- say, you removed a unit or you added a
18 | unit, then it might, potentially, trigger this --
19 | this provision.

20 | MR. PRICE: Okay. I will come --

21 | Okay. Thank you.

22 | I now have comments to make, which I will
23 | make as briefly as possible.

24 | I have a handout. I have only four. One
25 | will go to Mr. McNamara, who will have to share

1 | it with Kevin, Mr. Dillon.

2 | Oh, sorry. That's the original.

3 | MR. McNAMARA: I don't want to keep your
4 | original.

5 | Thank you.

6 | MR. PRICE: Oh, no. I take that back.
7 | Okay. Keep it.

8 | MR. McNAMARA: Okay.

9 | MR. PRICE: And three copies to the Board
10 | and I need an exhibit number.

11 | MR. EYERMAN: Let's mark this as Resident-
12 | 1.

13 | MR. PRICE: R-1?

14 | MR. EYERMAN: R-1.

15 |

16 | (Whereupon, Exhibit Prepared by Larry
17 | Price, was received and marked as Exhibit R-1.)

18 |

19 | MR. PRICE: Okay. Okay.

20 | The -- not to keep anybody in suspense, but
21 | I think this is a very deeply flawed document.

22 | Okay.

23 | My reasons and I'll skip around a little
24 | bit and -- to what Mr. McNamara said about the
25 | changes here.

1 The problem with this amendment is that it
2 probably creates nonconforming uses, structures,
3 or lots of all the buildings -- at least in the
4 residential zone in Union City.

5 That leads to the hazard that Mr. McNamara
6 referred to. You have an existing three family
7 house. It's got an 18 foot curb. Okay. It was
8 given to you by -- it was given to them by you on
9 the variance. Variances run with the land.
10 They're in perpetuity. Okay.

11 What they're now saying is nine feet that
12 what was legal house now becomes an illegal
13 house, and everything that they want to do in the
14 future must come before this Board, or the Zoning
15 Board.

16 This is to put an undue burden on it. It
17 is also not permitted. There is case law, this
18 involved Bayonne many years ago. Bayonne passed
19 a zoning ordinance amendment which said you can't
20 have more than a two family house; 3500 buildings
21 in -- and 3,000 of them became -- courts threw it
22 out, saying this is not the purpose of zoning to
23 turn conforming uses into nonconforming uses.

24 Cities love to do that because it gives
25 them control over -- whatever. But the courts

1 will probably not permit it.

2 Okay. Okay.

3 Now, the handout.

4 As a result of these changes, what are we
5 going to get? There's a picture of what you're
6 going to get. This happens to be located at 135-
7 137, the two buildings, at 135-137 20th Street,
8 right across from the reservoir, which is why you
9 have such a panoramic picture. I can take it
10 from the reservoir.

11 This is what you're going -- this is a four
12 story building. It's a three family. The ground
13 floor is devoted entirely to parking, and also to
14 -- you know, the usual, utility, trash room, that
15 kind of thing.

16 This is what you're going to get because
17 this is the inevitable outcome of these changes.

18 Now, this happens to be a very nice
19 building to live in. It is not such a nice
20 building, I think, to look at. And I would ask
21 you to try and envision what all of Union City
22 would look like with these buildings. This is
23 not truly a three family house, it's really a
24 mini-apartment building. But that's what we're
25 going to fill up Union City with in the future.

1 Okay. Okay.

2 That's what it will do. I can tell you
3 what this Zoning Ordinance amendment will not do.

4 The one thing it will not do is it will not
5 decrease density. And you could say, well, gee
6 -- you know, if we're only building three family
7 houses, how can we not decrease density, because
8 whatever.

9 Well, that's the second page that I handed
10 out and it shows that approximately 300 acres of
11 the land in Union City is devoted to residential
12 purposes. If you start building these houses,
13 and if one makes the assumption that three people
14 will live in each apartment, which is pretty
15 reasonable because these are going to be three
16 bedroom apartments, that's probably a
17 conservative assumption, and we turn over the
18 entire housing stock, there will be 45,000 people
19 living there. When you add in the people who
20 live in the commercial district, upstairs from
21 the building, and when you add the people who
22 live in public places, public housing. That's
23 not a -- that's a public use. And that's some
24 3,000 people.

25 Okay. You add all those in, you're up to

1 about 65,000. And according to the 2010 census,
2 the population in Union City is 66,000.

3 Now, one could argue, perhaps, that, well,
4 at least the population won't be increasing and
5 you -- I think probably be correct, but it will
6 -- you know, I hear comments, still, people say
7 we're the most densely populated city in the
8 country, which we are. There are too many
9 people. It makes life too uncomfortable. There
10 are too many sharp elbows. We need fewer people,
11 lower density.

12 You will not get it with this amendment.
13 Okay.

14 Next comment I would make. Next thing that
15 this thing will not do is it will not improve
16 parking.

17 Now, we could turn to my third sheet. This
18 is actually a reprint from the copy which was in
19 the newspaper. And it -- it says here. I'll
20 read, for those of you who --

21 Okay. Oop.

22 Parking must allow -- this is under three
23 family dwellings -- parking must allow for the
24 efficient movement of six vehicles. See figure
25 below, the figure we're talking about, for an

1 | example of a way in which parking may be
2 | configured to comply with this section.

3 | Now, I don't know who drew this up. At
4 | best, it's misleading; at worst, it's fraudulent.
5 | Okay.

6 | What do I mean by that?

7 | Okay. We have what is supposed to be the
8 | parking area for a typical house constructed on a
9 | 25 by hundred lot. House is required to have a
10 | ten foot front yard setback, a five year (sic)
11 | rear setback, and five feet total on both sides,
12 | which means that the maximum footprint is -- for
13 | the building itself is 20 feet by 85 feet. But
14 | the 85 feet is really not real because -- and the
15 | various architects in the audience can I think
16 | confirm this, there has to be a stairwell at the
17 | back. That will require at least five feet,
18 | which means that the real building is only 20
19 | feet by 80, 1600 square feet.

20 | The -- okay. So, the parking -- the
21 | fraudulent part of this is that, first of all,
22 | this -- this diagram doesn't show you all the
23 | other things that have to go in a basement.
24 | Like, where are we going to put the trash in this
25 | house? Where are we going to put the utility

1 meters? Where are we going to do all the other
2 things that go in a basement? It's like parking
3 is the only thing.

4 Okay. But the second thing is, the cars,
5 on scale, are much smaller than they should be.
6 The fact of the matter is that the building --
7 the parking space itself is only 18 feet wide.
8 In other words, the building's 20 feet wide, but
9 the wall on this side takes a foot, the wall on
10 that takes a -- so, you got an 18 foot space.

11 The wall in the front takes a foot and the
12 wall in the back takes a foot. So, you really
13 got a space 18 feet 78.

14 Okay. Parking spaces have to be nine feet
15 wide, 18 feet long. In a space 78 feet long, you
16 barely have room for a four series. Okay.

17 So, they use small scale so it looks like
18 it -- small car, so it looks like everybody's got
19 a lot of room there. You don't have a lot of
20 room. You've got the cars squeezed in,
21 maneuvering is minimal. Okay.

22 The second thing about this that is
23 misleading is we have buildings like this in
24 Union City. I just showed you two of them.
25 Okay.

1 How do they park their cars?

2 The answer is, stroll by these buildings at
3 night. Look in the garage. There'll be three
4 cars. Why are there three cars? The answer is,
5 if you put three cars in there and you have three
6 -- whatever -- you can get access without having
7 anybody to move. No.

8 So, the -- the fact of the matter is that
9 although you could theoretically park six cars in
10 this garage, maybe, the fact is, nobody will
11 because it's too awkward. If you look at that
12 diagram, if you're the guy in against the wall on
13 the left hand side, how do you get out? You have
14 to move a minimum of three cars to get your own
15 car out. People will not do that. Okay.

16 So, this alleged six car garage will, in
17 fact, provide room for three. Okay.

18 How many cars will a three family house
19 with three bedrooms each -- you know, generate?
20 And the answer is probably six to seven. Three
21 will go in this garage, three will go out to the
22 street. You will not correct the parking problem
23 in Union City -- you know, with this amendment.

24 The last comment I would make is about what
25 it will not do is that one of the whereas' in

1 | this thing says that it will accurately reflect
2 | the development pattern of Union City. Okay.

3 | So, if you would turn to the last page.
4 | This is the -- from the 2016 census numbers, and
5 | it shows that in 2016, slightly more than half of
6 | the housing units in Union City were in buildings
7 | with five units or more. More than half the
8 | units in this city are five -- are in buildings
9 | that large.

10 | I would like to tell you how many were in
11 | four units or more, but unfortunately, the
12 | numbers don't lend itself that way.

13 | That's the development pattern of Union
14 | City. And, in effect, all of those buildings are
15 | now being prohibited. So, something like 60
16 | percent of the housing units in this city cannot
17 | be reproduced. You can't do it after this thing
18 | is adopted.

19 | That's -- the purpose is to perpetuate our
20 | development patterns, and the reality is, we
21 | can't. Not with this. Okay.

22 | Last comment. This is sort of the baby out
23 | with the bath water stuff.

24 | There's a lot of stuff now being
25 | prohibited, which is kind of useful.

1 Okay. One, greyfields. Greyfields are now
2 condemned. Okay. But greyfields, in reality,
3 exist all over this city. We've got a heritage
4 of industry and commerce in this town, and we've
5 got the leftovers sitting in our residential
6 streets. Grey -- the idea behind greyfields
7 would -- would provide an incentive to a
8 developer to come in and buy one of these
9 buildings and --

10 Now, the problem was -- and to give an
11 example for those who live downtown, down the
12 street, from me, 801 Palisade Avenue, we have a
13 greyfield development; four story building, 18
14 apartments, 28 parking spots. A very nice
15 building. That's a greyfield because there was a
16 commercial store there before. I think it worked
17 very well in that.

18 We have one on 38th Street, where we have a
19 developer trying to game the system, who
20 basically wants to build 48 units because more
21 than 25 years ago, there was a small industrial
22 shop. And you permitted that one, too.

23 So, the -- the fact is that the reason for
24 the greyfields still exist. There are all those
25 properties around.

1 What are we going to do about them? The
2 idea behind a greyfield was to provide incentive
3 to get rid of them. There's no more incentive.
4 That, I think, is a mistake.

5 Second one is townhouses. We've never done
6 much with townhouses, but that would be -- they
7 were permitted in the RM zone, which we are now
8 doing away with. They work well in urban
9 environments. They're gone.

10 The last thing we're doing is because we're
11 emphasizing small ball gains, we're -- we're
12 losing one of the things which is true about --
13 and maybe McKinley will even confirm that -- land
14 is scalable. That's the one thing I've learned
15 in the last 12 years. What you can't do on 2500
16 square feet, maybe you can do on 5,000, or
17 10,000, or 20,000. There are more possibilities
18 as you get a -- as you assemble more square
19 footage.

20 We're going to lose that because you can
21 have a 20,000 square foot site and all that means
22 is you got eight 2500 square foot sites, so that
23 there's never any possibility to take advantage
24 of the economies and the methods of scale.

25 Thank you.

1 CHAIRPERSON CAPIZZI: Thank you.

2 MR. EYERMAN: Thank you.

3 MR. PRICE: You're entitled to cross exam

4 -- I guess Mr. McNamara is entitled to cross --

5 MR. McNAMARA: I'll decline the invitation,
6 sir.

7 CHAIRPERSON CAPIZZI: Right.

8 MR. McNAMARA: Thank you.

9 MR. EYERMAN: Any other comment -- any
10 comments from the public?

11 Why don't you make a motion to accept it?

12 CHAIRPERSON CAPIZZI: I'll make a motion to
13 accept the --

14 MR. EYERMAN: Ordinance.

15 CHAIRPERSON CAPIZZI: -- the Ordinance, the
16 Zoning Ordinance.

17 THE SECRETARY: Motion on the table to
18 accept by Chairperson Capizzi.

19 MR. EYERMAN: Get a second.

20 MR. VELAZQUEZ: Second.

21 THE SECRETARY: Second by Mrs. Morejon.

22 I'm sorry, Mr. Velazquez.

23 Roll call on the -- roll call on the motion
24 to accept.

25 MR. VELAZQUEZ: Mr. Price, may I keep this?

1 THE SECRETARY: Ms. Koehler?
2 MR. PRICE: What?
3 MR. VELAZQUEZ: May I keep this?
4 THE SECRETARY: Ms. Koehler?
5 VICE CHAIRPERSON KOEHLER: Yes.
6 THE SECRETARY: Thank you.
7 Ms. Capizzi?
8 MR. PRICE: Key thing is to get it --
9 CHAIRPERSON CAPIZZI: Yes.
10 MR. PRICE: -- in the record so --
11 THE SECRETARY: Ms. Fernandez?
12 MS. FERNANDEZ: Yes.
13 THE SECRETARY: Ms. Genao?
14 MS. GENAO: Yes.
15 THE SECRETARY: Mr. Medina?
16 MR. MEDINA: Yes.
17 THE SECRETARY: Ms. Morejon?
18 MS. MOREJON: Yes.
19 THE SECRETARY: Mr. Rivero?
20 MR. RIVERO: Yes.
21 THE SECRETARY: Mr. Velazquez?
22 MR. VELAZQUEZ: Yes.
23 THE SECRETARY: Mr. Guareno?
24 MR. GUARENO: Yes.
25 THE SECRETARY: Nine in favor.

1 Motion carries.

2 Thank you.

3 (Whereupon, there was a pause in the
4 proceedings.)

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1 **Hoboken Heights, LLC - 1300 Manhattan Avenue:**

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3 THE SECRETARY: Item number 2 on tonight's
4 agenda, Hoboken Heights, LLC, 1300 Manhattan
5 Avenue.

6 Mr. Rizzo, please?

7 MR. RIZZO: Good evening, Chairperson
8 Capizzi, and ladies and gentlemen of the Board.

9 John Rizzo, on behalf of Hoboken Heights,
10 LLC.

11 We come before you this evening on the
12 developer's request for a second one year
13 extension of a site plan approval for 1300
14 Manhattan Avenue.

15 The approval for this project had been set
16 to expire on June 30th, 2017, but both Municipal
17 Land Use Law, Section 52, and the City's Land
18 Development Ordinance, Section 22B6, authorized
19 the Board to grant three one year extensions of a
20 major development approval.

21 Last June, the Board granted the
22 developer's first one year extension and we are
23 now respectfully requesting our second extension.

24 Since last June, the developer has moved
25 the project forward in several ways.

1 Certification for the site was obtained from the
2 Hudson Essex Passaic Soil Conservation District.
3 The City Engineer and Mayor endorsed the sewer
4 extension application in January. And the
5 developer submitted his treatment works
6 application to the North Hudson Sewage Authority
7 in February.

8 Most -- most significantly, last -- since
9 last year, the developer has been actively
10 engaged with the Hudson County Planning Board,
11 which has authority over this project because
12 Manhattan Avenue is a County road.

13 There have been extensive exchanges of
14 information, ideas, and plans, between our
15 project engineers, Costa Engineering, and the
16 County and its consultants.

17 Moreover, this past January, the developer
18 submitted to the County a detailed traffic impact
19 study, concerning the effects of the proposed
20 development on the County road and any safety
21 concerns.

22 The developer is returning to the County
23 Board for an informal meeting on May 2nd, and a
24 formal meeting on May 17th. And it is possible
25 that both the County and sewer approvals could be

1 received by June 30th.

2 However, since we cannot control the
3 response time of these review agencies, it is
4 necessary for the developer to have this one year
5 extension to preserve its rights in the project.

6 As the developer pursues its remaining
7 approvals, therefore, we would respectfully
8 request that the Board grant the second
9 extension, to ensure that there is adequate time
10 to finalize the remaining approvals.

11 Chairperson Capizzi, I have a small
12 collection of correspondence and reports
13 regarding the ancillary applications for soil
14 conservation, County Planning Board approval and
15 Sewer Authority.

16 I don't know if it would be appropriate to
17 submit. We're not asking it to be considered in
18 connection with this request, but just to show
19 that what I'm saying is true. I'm not making
20 things up.

21 MR. EYERMAN: I think you can keep it. I
22 mean, you're an attorney. You've testified to
23 this Board. You told us what -- what's going on.

24 Let's open it up to the public, see if
25 there are any comments or questions on this

1 application.

2 Not seeing any.

3 MR. VELAZQUEZ: I --

4 MR. EYERMAN: Oop.

5 MR. VELAZQUEZ: I just have --

6 MR. EYERMAN: I'm sorry. Comments from the
7 Board.

8 MR. VELAZQUEZ: The fence. The fence
9 that's located there, I think it's -- I don't
10 know if it's damaged or it's come down a little
11 bit.

12 MR. RIZZO: I'm afraid I couldn't answer to
13 that, but -- would you know about this? The
14 fence, how the quality of the fence is at the
15 site?

16 MR. VENETSANOS: The fence is --

17 Hi. My name is Ricky Venetsanos. I am the
18 owner of the site and developer.

19 The fence on the site is there for years.
20 We are attending to --

21 MR. DILLON: Do you want him sworn?

22 MR. VELAZQUEZ: I spoke to you before, I
23 think.

24 MR. EYERMAN: Yeah.

25 MR. VENETSANOS: We fixed it.

1 MR. DILLON: Excuse me?

2 MR. VENETSANOS: There's people that
3 constantly go in and out.

4 MR. DILLON: Sir? Excuse me?

5 MR. EYERMAN: Could you raise your right
6 hand?

7 MR. VENETSANOS: Yes.

8 MR. EYERMAN: Swear the testimony you give
9 this Board is the whole truth --

10 I'm sorry, you usually do it.

11 In my other Board, I do it. Go ahead.

12 MR. DILLON: You were doing a good job.

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

15 MR. VENETSANOS: Yes, I do.

16 MR. DILLON: State your name and spell it
17 for the record, your last name.

18 MR. VENETSANOS: My name is Ricky
19 Venetsanos, V as in Victor, E-N-E-T-S-A-N-O-S.

20 MR. DILLON: Thanks.

21 MR. VENETSANOS: Okay.

22 We did speak in the past. We repaired what
23 you requested. We always cooperated with you.

24 But we do have people kind of breaking in
25 there, dumping in there. We constantly cleaning

1 | it up and we are planning to, hopefully, make
2 | that a beautiful piece, so it's more visual for
3 | everybody when they enter into Union City, you'll
4 | have that issue gone.

5 | MR. VELAZQUEZ: Yeah. Okay.

6 | I was just -- I'm just concerned with the
7 | fence, because I know it's back down again, or a
8 | little bit.

9 | MR. VENETSANOS: Yeah. If you -- if you
10 | need, call me. We'll address it and we'll do
11 | what we need to do.

12 | MR. VELAZQUEZ: Yeah. If you can.

13 | MR. VENETSANOS: Okay.

14 | MR. EYERMAN: Just take a look at it,
15 | first. That'll be great.

16 | MR. VENETSANOS: Sure.

17 | MR. EYERMAN: Any other questions from the
18 | Board?

19 | VICE CHAIRPERSON KOEHLER: Yeah. You were
20 | first granted a variance for this site in 2005?

21 | MR. VENETSANOS: I believe so. That's what
22 | you have in front of you.

23 | VICE CHAIRPERSON KOEHLER: And it's 2018.

24 | MR. VENETSANOS: Correct.

25 | VICE CHAIRPERSON KOEHLER: What -- how --

1 | how many extensions did you apply for?

2 | MR. VENETSANOS: One.

3 | MR. RIZZO: Yeah, under the terms of the
4 | Permit Extension Act, the approval was
5 | automatically tolled. The running of the
6 | approval was tolled until December 31st, 2016.

7 | The 2016 version of the Permit Extension
8 | Act also tacked on six months of our remaining
9 | unexpired term. So, that's why it would have
10 | expired June 30th of 2017. We came to the Board
11 | last year for our first one year extension.

12 | MR. EYERMAN: The variance you received --
13 | the first variance --

14 | I'm sorry.

15 | The variance that you received and the
16 | approvals that you received got you to about
17 | 2016, half of 2016. You made your first
18 | application that gets you now to about today.
19 | And now, you're asking for your second.

20 | Correct?

21 | MS. MOREJON: Oh, the second.

22 | MR. RIZZO: The first -- first one got us
23 | to -- to June 30th, 2018, yes.

24 | MR. EYERMAN: Okay.

25 | MR. VENETSANOS: I -- I believe we

1 addressed this at the first meeting and it was
2 granted by you, thank you, for the first
3 extension.

4 And therefore, we're coming back to secure
5 that we can continue our road with the government
6 bodies, their requests.

7 VICE CHAIRPERSON KOEHLER: If I may, what's
8 been the holdup between -- since 2005 to even the
9 2016?

10 MR. VENETSANOS: We can go into a lot of
11 details with that.

12 MR. VELAZQUEZ: It's a lot.

13 MR. VENETSANOS: But it's --

14 MR. VELAZQUEZ: It's a lot.

15 MR. VENETSANOS: It's been a long road.

16 VICE CHAIRPERSON KOEHLER: Financial or --

17 MR. VENETSANOS: Well, economy turning,
18 planning, in front of the board members in and
19 out.

20 MR. VELAZQUEZ: It's a lot.

21 MR. VENETSANOS: You know, we had reviews,
22 we had Pals in the Palisades that made a line
23 that we can't -- a non-disturbance line. We had
24 to come back to the Board.

25 So, it's been back and forth periodically.

1 MR. RIZZO: I'd also ask you to keep in
2 mind that the whole purpose behind the Permit
3 Extension Act was because of the downturn in the
4 real estate economy. And there was just no real
5 interest in development for that duration of
6 time.

7 MR. VELAZQUEZ: And then, I think you also
8 had some legislation with the Palisade.

9 MS. MOREJON: With the Palisade.

10 VICE CHAIRPERSON KOEHLER: Um hum. When
11 was that?

12 MR. VELAZQUEZ: It was just enacted about a
13 year. A year ago, two years ago?

14 All the Palisades are protected.

15 MS. MOREJON: Yeah.

16 MR. EYERMAN: Any other questions from the
17 Board?

18 MS. MOREJON: No.

19 MR. EYERMAN: Any questions or comments
20 from the public?

21 Not seeing any.

22 CHAIRPERSON CAPIZZI: So, I will make a
23 motion to approve the request for an extension?

24 MR. EYERMAN: That's correct.

25 CHAIRPERSON CAPIZZI: Okay.

1 THE SECRETARY: Motion --

2 CHAIRPERSON CAPIZZI: One year extension.

3 THE SECRETARY: Motion to approve for one
4 year extension by Ms. Capizzi.

5 Second by Ms. Morejon.

6 Roll call on the motion.

7 Ms. Koehler?

8 VICE CHAIRPERSON KOEHLER: No.

9 THE SECRETARY: Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Sorry, didn't hear you.

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Thank you.

14 Ms. Fernandez?

15 MS. FERNANDEZ: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Velazquez?

25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Yes?

4 MR. GUARENO: Yes.

5 Sorry.

6 THE SECRETARY: Eight -- eight in favor,
7 one against.

8 Motion carries.

9 MR. RIZZO: Thank you. Thank you very
10 much.

11 CHAIRPERSON CAPIZZI: You're welcome.

12 MR. VENETSANOS: Thank you.

13 Thank you for your time.

14 (Whereupon, there was a pause in the
15 proceedings.)

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1 **Elizabeth Balbuena & Christian T. Burbano -**
2 **814 18th Street:**

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4 THE SECRETARY: May I have your attention,
5 please?

6 MR. VENETSANOS: Sorry.

7 Thank you.

8 THE SECRETARY: Item number 3.

9 Elizabeth Balbuena and Christian T.
10 Burbano, 814 18th Street.

11 Mr. Wall, please?

12 MR. WALL: Good -- good evening.

13 This is an application to build a --
14 convert a two family house into a three family
15 home.

16 And my first witness will be the architect
17 and I'd ask that he be --

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

20 MR. DILLON: Please raise your right hand.

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

23 MR. MATOS: I do.

24 MR. DILLON: State your name and spell it
25 for the record.

1 MR. MATOS: Sure.

2 Allende Matos, A-L-L-E-N-D as in David, E.
3 Matos, M-A-T-O-S.

4 MR. DILLON: Thank you.

5 MR. WALL: Mr. Matos, would you tell us
6 what is your business address?

7 MR. MATOS: 545 Lexington Avenue, Clifton,
8 New Jersey.

9 MR. WALL: And would you give us the
10 benefit of your educational background?

11 MR. MATOS: Sure.

12 I am an alumnus of NJIT. I graduated in
13 1996. I have a Bachelor of Architecture.

14 I am also a professional planner. I'm a
15 licensed architect in the State of New Jersey,
16 New York and Pennsylvania.

17 I'm a member of the American Institute of
18 Architects and NCARB. I'm also a LEED accredited
19 professional.

20 MR. EYERMAN: Sir, have you testified
21 before this Board before?

22 MR. MATOS: I have, awhile ago.

23 MR. EYERMAN: Okay.

24 Have you testified before other boards in
25 the State of New Jersey?

1 MR. MATOS: I have testified over 50
2 municipalities.

3 MR. EYERMAN: Chair, I don't see -- I don't
4 see a problem seeing him as an expert in the
5 State of New Jersey.

6 CHAIRPERSON CAPIZZI: Yes.

7 MR. EYERMAN: To testify before the Board.

8 MR. MATOS: Sure.

9 MR. WALL: Thank you.

10 MR. EYERMAN: And qualify you as same.

11 MR. WALL: Thank you.

12 MR. MATOS: Thank you.

13 MR. WALL: Do you want the plans marked or
14 can we just refer to them as part of the
15 application?

16 MR. EYERMAN: We'll just mark the -- we're
17 probably just going to use the big plans, yeah?

18 MR. WALL: Yeah.

19 MR. EYERMAN: So, we'll mark these as P-1,
20 or Applicant 1. I'm sorry. A-1.

21

22 (Whereupon, Plans were received and marked
23 as Exhibit A-1.)

24

25 MR. WALL: Okay.

1 Mr. Matos, would you please explain to us
2 what this application is all about?

3 MR. MATOS: Sure.

4 Thank you, Commissioners.

5 What we have here, we're here today
6 requesting a variance for parking. And we are
7 asking to convert an existing basement into a two
8 bedroom apartment.

9 The -- I'll describe briefly. The -- the
10 basement space will consist of two bedrooms, a
11 kitchen, a living/dining area. This space has
12 two means of egress. We are planning to meet the
13 requirements of -- of the Building Department and
14 the UCC, the Uniform Construction Code.

15 We are providing sprinklers and fire alarm
16 to the -- to the premises.

17 And we are here -- it is a -- an R zone
18 that allows three family. We're here to request
19 a variance for parking. We have an existing lot
20 that is 25 by -- by a hundred, and the building
21 itself is 25 feet wide, in some portion of the
22 building. And it's about 70 feet deep.

23 And we have a hardship providing the
24 parking for this proposed dwelling unit. And --

25 MR. EYERMAN: The Code requires how many

1 parking spots?

2 MR. MATOS: The Code requires two parking
3 spaces.

4 MR. EYERMAN: And how many you have?

5 MR. MATOS: Zero.

6 MR. EYERMAN: Okay.

7 MR. MATOS: There is a -- as I just
8 mentioned, the -- the size of the lot is 25 feet
9 and -- and we have absolutely no space to provide
10 parking, as much as we would like to do that.

11 MR. EYERMAN: Okay.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. MATOS: And so, that's essentially why
14 we're here today is to request a variance for
15 that.

16 The -- the lot otherwise is conforming, in
17 terms of size and the setbacks. We have a -- one
18 side yard that is nonconforming, it's existing
19 nonconforming. But essentially, the rest of --
20 of the building, it's in pretty good shape. We
21 don't exceed the height. The existing height
22 meets the requirements, but parking is a -- a
23 tremendous hardship for us.

24 CHAIRPERSON CAPIZZI: So, all of the work
25 is going to be interior.

1 MR. MATOS: Correct.

2 CHAIRPERSON CAPIZZI: You're not doing
3 anything to the exterior --

4 MR. MATOS: Correct.

5 CHAIRPERSON CAPIZZI: -- of the building.

6 MR. MATOS: The exterior --

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. MATOS: -- would be minimal. For
9 instance, we will be providing egress windows.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. MATOS: So, we will be creating wells
12 where the windows are right now that don't meet
13 the requirement.

14 This is a Building Department issue, but it
15 does effect the side of the building a little
16 bit. But it's not visible from the street.

17 And the apartments are towards the back.
18 If you look at A100, detail 4, proposed basement
19 floor plan, you will see, in one of the bedrooms,
20 that we are providing a -- a new casement window
21 with a light well because that require to be able
22 to egress from the bedroom, in case of emergency.

23 The other bedroom, fortunately, has enough
24 height where we can -- where that window allows
25 for -- for exiting.

1 But the apartment itself has three means of
2 egress. It has one through the common corridor
3 to the first floor. It has one directly to the
4 street. And another one to the rear yard.

5 So, it is a -- you know, a perfect
6 scenario, in terms of egress of --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. MATOS: -- of the building.

9 CHAIRPERSON CAPIZZI: And what -- what are
10 you planning or how are you planning on, I guess,
11 sealing off, or whatever you need to do, the
12 boiler area?

13 MR. MATOS: Sure.

14 CHAIRPERSON CAPIZZI: And the electrical
15 boxes, I guess, are down there, as well.

16 MR. MATOS: So, if we focus towards the
17 rear of the building on the same plan, you will
18 see that we have a -- a mechanical room, which
19 will house the three water heater for each of the
20 units. There's two -- it's a two apartment house
21 right now --

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. MATOS: -- building. And -- and this
24 will be the third. And we will be putting the
25 boilers in there, as well.

1 So, it's a separate fire rated boiler room.
2 There is a -- a standard three piece bathroom, a
3 kitchen. And if you look at the front of -- of
4 the apartment, there is a washer and dryer closet
5 that will be utilized by the first floor, as well
6 as the apartment below.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. MATOS: So, that -- the whole
9 mechanical room is a separate --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. MATOS: -- room altogether. It will
12 meet the requirements of -- of the UCC fire rated
13 walls and fire rated doors. And the -- the
14 entire basement will be sprinkled, as well. It's
15 one of those --

16 CHAIRPERSON CAPIZZI: Where do --

17 MR. MATOS: -- the requirements.

18 CHAIRPERSON CAPIZZI: -- they put the
19 garbage now?

20 MR. MATOS: I'm not sure where they put the
21 garbage now. But there is --

22 CHAIRPERSON CAPIZZI: Okay. Where are they
23 going to put the garbage then?

24 MR. MATOS: Maybe we can have the -- the
25 owner testify.

1 We have an area. I mean, I don't know, but
2 we have an area in -- in front, about ten feet
3 deep, if you look at T001. But --

4 MS. BALBUENA: The garbage is put here.
5 Right out front. The garbage is put --

6 MR. MATOS: Actually, you can see in the
7 picture where the pails are.

8 VICE CHAIRPERSON KOEHLER: Oh, outside.

9 MR. MATOS: And that -- that's about ten
10 feet from the property line. If you look at the
11 -- at the site plan, there's a ten foot dimension
12 there. So, it's pretty far back from the
13 sidewalk. And that -- you can see there, also,
14 the stairs from the basement that would --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. MATOS: -- come up and -- you know,
17 they -- they can put the garbage. That's where
18 it is now.

19 Right?

20 MS. BALBUENA: Yeah. Right out here.
21 Right in front.

22 CHAIRPERSON CAPIZZI: No. It's a nice
23 looking building, so I just want to keep it
24 looking nice, because it's really a beautiful
25 building.

1 MR. MATOS: Yeah. The whole street is
2 really nice, actually.

3 MR. EYERMAN: -- some kind of a little
4 enclosure?

5 CHAIRPERSON CAPIZZI: Some kind of an
6 enclosure or -- because you're going to have
7 additional garbage now.

8 MR. VELAZQUEZ: You have -- you have those
9 kind of containers --

10 CHAIRPERSON CAPIZZI: I know. They look
11 nice.

12 MR. VELAZQUEZ: -- that you could use in
13 residential homes. If you really see like on 22nd
14 Street, in the 700 block, you can actually --
15 they have no basement, so when they bring it out,
16 and you could actually have it covered. You
17 could put the barrels inside and then it has the
18 lids.

19 MR. MATOS: Right.

20 MR. VELAZQUEZ: Sometimes it has the wooden
21 -- it really looks nice.

22 MR. MATOS: I am familiar with those. This
23 is something that the clients would --

24 MR. EYERMAN: I think that's what they
25 probably want -- want to see, is some sort of

1 decorative -- I'm going to call it a decorative
2 container.

3 MR. MATOS: Right. And -- and --

4 MR. EYERMAN: But it's a little bit more
5 than that.

6 MR. MATOS: They have garbage and
7 recycling, I believe. So --

8 MR. VELAZQUEZ: Because --

9 CHAIRPERSON CAPIZZI: Right.

10 MR. MATOS: And they're covered.

11 MR. VELAZQUEZ: Does she -- do you plan to
12 -- does she plan to live there?

13 MR. MATOS: Yes.

14 MS. BALBUENA: I currently live there.
15 Yes.

16 MR. WALL: Do you want to have --

17 MR. EYERMAN: Yeah. If you're going to
18 testify.

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

22 MS. BALBUENA: I do.

23 MR. DILLON: State your name and spell it
24 for the record.

25 MS. BALBUENA: Elizabeth Balbuena. I spell

1 my full name or just the last name?

2 MR. DILLON: Actually, I don't need that.
3 Don't worry about it.

4 MS. BALBUENA: Yes, I currently live there
5 with my parents, my three children, my husband.
6 And it's a two family, but currently, being used
7 as a one family. My parents live with my
8 daughter on the first floor.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MS. BALBUENA: And I live with my husband
11 and the two kids upstairs.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. VELAZQUEZ: So you won't have to worry
14 about the tenants -- like making a mess with the
15 garbage, because you're going to be there.

16 MS. BALBUENA: Yes.

17 CHAIRPERSON CAPIZZI: Okay.

18 VICE CHAIRPERSON KOEHLER: And one quick
19 question.

20 In the picture, there's a bricked up -- a
21 window that is closed off with bricks, at the
22 basement level.

23 I couldn't match it up with the plan. Is
24 that getting opened up or is it going to stay?

25 MR. MATOS: That is under the porch. And

1 -- and that is unexcavated.

2 VICE CHAIRPERSON KOEHLER: Oh. I see.

3 MR. MATOS: It's just a -- almost like a
4 crawl space. It's unexcavated.

5 VICE CHAIRPERSON KOEHLER: Yup. Um hum.

6 MR. MATOS: So, I didn't put that in as --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. MATOS: -- part of the basement plan.

9 MS. MOREJON: Beautiful.

10 MR. MATOS: But -- but good catch,
11 impressive.

12 MR. VELAZQUEZ: Back in the day, you could
13 have used that for your garbage.

14 VICE CHAIRPERSON KOEHLER: Yes. You open
15 it up, you could put lattice and then put garbage
16 cans under there.

17 MR. MATOS: There's positive and negatives
18 about that.

19 VICE CHAIRPERSON KOEHLER: I know.

20 MR. MATOS: You can get critters in there,
21 too.

22 MR. VELAZQUEZ: Yeah. In there.

23 CHAIRPERSON CAPIZZI: Right.

24 VICE CHAIRPERSON KOEHLER: You're right.

25 MR. MATOS: That can live and make it a

1 | home.

2 | VICE CHAIRPERSON KOEHLER: Yup.

3 | MR. MATOS: But the suggestion is -- the
4 | point is well taken. I think a cover --

5 | CHAIRPERSON CAPIZZI: Um hum. Fine.

6 | MR. MATOS: -- a pail would be a good
7 | solution.

8 | So, you're -- you're open --

9 | MR. EYERMAN: Something a little bit more
10 | permanent that's there that --

11 | MS. BALBUENA: Yeah.

12 | MR. EYERMAN: -- stuff will go in.

13 | MR. MATOS: Yeah.

14 | MS. BALBUENA: Um hum.

15 | MS. MOREJON: It's a beautiful building.

16 | MR. EYERMAN: Any other questions from the
17 | Board?

18 | MS. MOREJON: No.

19 | MR. EYERMAN: None?

20 | Any -- any questions or comments from the
21 | public?

22 | Not seeing any, Madam Chairman, I put it to
23 | you.

24 | CHAIRPERSON CAPIZZI: I'll make a motion to
25 | approve the application.

1 THE SECRETARY: Motion to approve the
2 application by Ms. Capizzi.

3 MR. VELAZQUEZ: Second.

4 CHAIRPERSON CAPIZZI: Nice.

5 THE SECRETARY: Second by Mr. Velazquez.

6 Roll call on the motion to approve this
7 application.

8 Ms. Koehler?

9 VICE CHAIRPERSON KOEHLER: Yes.

10 THE SECRETARY: Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Fernandez?

13 MS. FERNANDEZ: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Ms. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Nine -- nine in favor.

2 Motion carries.

3 MR. WALL: Okay.

4 THE SECRETARY: Thank you.

5 CHAIRPERSON CAPIZZI: You're welcome.

6 MS. BALBUENA: Thank you.

7 MR. MATOS: Thank you.

8 Thank you very much.

9 CHAIRPERSON CAPIZZI: You're welcome.

10

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

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1 3510-3520 Bergenline Ave., LLC -

2 3510-3520 Bergenline Ave.:

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4 THE SECRETARY: Next application on
5 tonight's agenda, 3510-3520 Bergenline Avenue,
6 LLC.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Good evening, counsel, Madam Chair, members
10 of the Board.

11 May it please the Board, Bianca Pereiras on
12 behalf of the applicant.

13 As per my discussion earlier with your
14 counsel, we are not proceeding on this
15 application. It's been adjourned so many times,
16 that I actually don't feel comfortable proceeding
17 without renoticing.

18 So, I'll work with your Board Secretary to
19 reschedule that for some time in the future.

20 MR. EYERMAN: Oh, okay.

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. EYERMAN: That was the only -- notice
23 --

24 MS. PEREIRAS: Easy enough, right?

25 MR. EYERMAN: -- was the only issue we had,

1 | so that was great.

2 | CHAIRPERSON CAPIZZI: Okay.

3 | (Whereupon, there was a pause in the
4 | proceedings.)

5 | THE SECRETARY: That will be like -- like a
6 | new application?

7 | MS. PEREIRAS: It's -- it's not a --

8 | THE SECRETARY: With a --

9 | MS. PEREIRAS: Well, we're -- we're
10 | modifying it. It wouldn't be a new application,
11 | but I would be re-noticing and republishing.

12 | THE SECRETARY: That -- that will be entire
13 | new application, then. That -- that's -- you --

14 | MS. PEREIRAS: No. I'm still keeping the
15 | -- the application alive. It's just a matter --
16 | because it was adjourned so many times, I don't
17 | feel comfortable that notices is proper.

18 | THE SECRETARY: All right.

19 | MS. PEREIRAS: Okay? So, I'll work with
20 | you, Carlos, later on --

21 | THE SECRETARY: For the -- for the next
22 | meeting?

23 | MS. PEREIRAS: -- and we'll try to schedule
24 | it.

25 | I'll work with you. We're not looking to

1 -- to push this. We just -- as soon as the Board
2 is -- is ready to hear it, we'll be happy to re-
3 notice and republish.

4 THE SECRETARY: I will need to --

5 MR. EYERMAN: Need a motion to adjourn it?

6 Okay. So --

7 THE SECRETARY: Make a motion to adjourn
8 it.

9 CHAIRPERSON CAPIZZI: Then I'll make a
10 motion to adjourn.

11 MR. EYERMAN: Perfect.

12 MR. VELAZQUEZ: Second.

13 THE SECRETARY: Motion to adjourn it by Ms.
14 Capizzi.

15 MR. VELAZQUEZ: Second.

16 THE SECRETARY: Second by Mr. Velazquez.

17 Roll call on the motion to adjourn this
18 application, pending new communication of the
19 attorney's applicant for the new date, for
20 clarification of the record.

21 MS. PEREIRAS: Yes. That's fine.

22 THE SECRETARY: Thank you.

23 MS. PEREIRAS: I'll work with you on that.

24 Thank you.

25 THE SECRETARY: Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 MR. PRICE: What's this being adjourned to?

5 THE SECRETARY: Ms. Fernandez?

6 MS. FERNANDEZ: Yes.

7 MS. PEREIRAS: I'm re-noticing with Carlos.

8 So, it's not being adjourned.

9 THE SECRETARY: Ms. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. PRICE: If you adjourn --

13 MR. MEDINA: Yes.

14 MR. PRICE: -- you have to --

15 Wait a minute.

16 THE SECRETARY: Ms. Morejon?

17 MS. MOREJON: Yes.

18 MR. PRICE: You have to adjourn to a date

19 certain.

20 MR. EYERMAN: No, you don't.

21 THE SECRETARY: Mr. -- Mr. Price, please, I

22 am on roll call. Let me finish and then you can

23 --

24 MR. PRICE: Well, wait a minute.

25 THE SECRETARY: -- give your comments.

1 MR. PRICE: The motion is improper --

2 MR. EYERMAN: It's --

3 MR. PRICE: -- is what --

4 MR. EYERMAN: It's --

5 MR. PRICE: -- I'm saying.

6 MR. EYERMAN: If she's -- if she's re-
7 noticing, with notice, it doesn't have to be a
8 date certain.

9 MR. PRICE: Then, what are you adjourning?

10 MR. EYERMAN: You're adjourning the
11 application. The application is -- she'll notice
12 for the new date and she'll get a new date. And
13 then, notice will be done.

14 When it's a date certain, if we -- if I
15 didn't require to notice, then you'd have to give
16 us a date certain. It's not for a date certain.

17 MR. PRICE: Okay.

18 MR. EYERMAN: She'll be doing full notice.

19 You understand you're doing full notice,
20 right?

21 MS. PEREIRAS: Absolutely.

22 MR. EYERMAN: There you go.

23 THE SECRETARY: Okay. Let's -- let the
24 record reflect that -- is a motion on the table
25 to --

1 MR. EYERMAN: The motion on the table is an
2 adjournment motion to a date to be specified,
3 with full notice.

4 THE SECRETARY: Right.

5 Roll call on the motion by Ms. Capizzi.

6 Second by Mr. Velazquez.

7 Ms. Koehler?

8 VICE CHAIRPERSON KOEHLER: Yes.

9 THE SECRETARY: Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Ms. Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Ms. Genao?

14 MS. GENAO: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Ms. Morejon?

18 MS. MOREJON: Yes.

19 THE SECRETARY: Mr. Rivero?

20 MR. RIVERO: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 MR. VELAZQUEZ: Yes.

23 THE SECRETARY: Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Nine in favor.

1 Motion carries.

2 MS. PEREIRAS: Thank you.

3 THE SECRETARY: Stay with me.

4 (Whereupon, there was a pause in the
5 proceedings.)

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1 **Hudson Living, LLC - 228 46th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Hudson Living, LLC, 228 46th
5 Street.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Again, Bianca Pereiras, on
8 behalf of the applicants.

9 I've submitted my jurisdictional
10 submissions to counsel.

11 MR. EYERMAN: Let the record reflect I've
12 received those certificants -- those submissions.
13 I've also notice -- the notice contained within
14 same. It looks good as we sit here.

15 CHAIRPERSON CAPIZZI: Okay.

16 Let's proceed.

17 MR. EYERMAN: You may proceed.

18 MS. PEREIRAS: Thank you very much.

19 MR. EYERMAN: Thank you.

20 MS. PEREIRAS: Our property is located at
21 228 46th Street, also known as Block 272, Lot 2.
22 Currently, onsite, we have a two family home. We
23 are seeking to legalize the basement.

24 We're actually only triggering two
25 variances. One that we're actually reducing.

1 We have one expert to testify before the
2 Board this evening, and that is our architect,
3 Mr. Manuel Pereiras.

4 MR. DILLON: Please raise your right hand.

5 Do you swear the testimony you're about to
6 give this Board is the whole truth?

7 MR. PEREIRAS: I do.

8 MR. DILLON: State your name and spell it
9 for the record.

10 MR. PEREIRAS: Manny Pereiras,
11 P-E-R-E-I-R-A-S, with Pereiras Architects
12 Ubiquitous, 1116 Summit Avenue, Union City, New
13 Jersey.

14 MR. DILLON: Thank you.

15 MS. PEREIRAS: For purposes of the record,
16 Mr. Pereiras has testified in the past.

17 MR. EYERMAN: I don't remember that.

18 CHAIRPERSON CAPIZZI: Yes.

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with the property located at 228 46th
21 Street?

22 MR. PEREIRAS: I am.

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

25 MR. PEREIRAS: I have. And for purposes of

1 the presentation, I took the same drawings that
2 were presented before you, I put them on an
3 easel, so I could demonstrate to the audience and
4 the Board.

5 We have a very simple project.

6 MR. EYERMAN: Allow the record to reflect
7 I'm going to mark these as A-1, applicant's 1.

8
9 (Whereupon, Drawings were received and
10 marked as Exhibit A-1.)

11

12 MR. EYERMAN: You also have a small sheet?

13 VICE CHAIRPERSON KOEHLER: Yeah.

14 MR. EYERMAN: You're going to use it?

15 MR. PEREIRAS: That's correct. Yes.

16 MR. EYERMAN: Mark that as A-2.

17 VICE CHAIRPERSON KOEHLER: Oh, the survey.
18 Okay. Sorry.

19

20 (Whereupon, Small Sheet was received and
21 marked as Exhibit A-2.)

22

23 MR. PEREIRAS: Thank you.

24 So, just for purposes of the record, the
25 same drawings that were marked as A-1 is the same

1 drawings that I have before you. No differences
2 there.

3 We have a very typical lot. It's a 25 by
4 100. It's a preexisting basement that we are
5 legalizing. It's a beautiful little two family
6 house on 46th Street.

7 We're making no changes to the exterior of
8 this. There's one preexisting nonconformity that
9 it comes to side yard setback. The building is
10 on the zero side yard there and two feet there.
11 That's preexisting. We're not making any changes
12 to that.

13 But we do have a preexisting nonconformance
14 for parking. However, in order to reduce the --
15 the impact of that, we're providing one car on
16 the apron. And what we'd like to do is, in
17 conformance with the future, what -- what we just
18 heard earlier today, nine foot curb cut to match
19 what we're -- what the City wants to do.

20 So, it would be a nine foot curb cut that
21 we're proposing, the apron car.

22 And then, just to talk a little bit about
23 the apartment. You know, this -- this is always
24 a great opportunity to take something that's
25 illegal and make it conforming, and making it

1 safe. We're ripping out everything that was
2 there and we're redoing it.

3 We're moving all the mechanicals to a
4 corner in the back, so that there's access to it
5 from the exterior, creating a two hour fire wall
6 there.

7 And what we're proposing is a one bedroom
8 apartment. There were multiple bedrooms there.
9 We're making it just a one bedroom apartment, 614
10 square feet. It's a typical open layout along
11 the front. It's almost 24 feet in length by 16
12 feet wide, which is the house. And then a
13 bedroom that is 13 feet by 12.11. So, almost a
14 13 by 13 room. Nice little bathroom, and -- and
15 a simple kitchen.

16 There will be compliance with all Codes.
17 We're doing a fire -- two hour fire separation
18 between this floor and the floors above, an alarm
19 system, egress windows, and everything that you
20 need in order to make this compliance. And
21 again, no other exchange -- changes to the
22 exterior of the building.

23 MR. EYERMAN: Are you required to have a
24 sprinkler?

25 MR. PEREIRAS: We're required to have --

1 the Code is a little complicated on that. What
2 we're required to do is a domestic line sprinkler
3 system, so we're providing a sprinkler system in
4 that unit alone.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. VELAZQUEZ: This is an abandoned,
7 right? That abandoned house?

8 MR. PEREIRAS: It's abandoned. The
9 applicants actually came to me. We did
10 construction documents for the floors above. So,
11 they are working on it, or they're getting
12 permits, and they're getting -- doing work on the
13 floors above. This is going to be a beautiful
14 house by the time we're done with it.

15 We're renovating what's there, which is a
16 two bedroom on the first floor, and then a three
17 bedroom on the floor above. All new kitchens,
18 all new bathrooms, everything's going to be
19 really beautiful. And this is the last component
20 of that. We're taking that basement apartment,
21 legalizing, bringing everything up to Code.

22 So, this is -- we're taking a very
23 distressed property into something very
24 beautiful.

25 CHAIRPERSON CAPIZZI: Sounds good to me.

1 MR. VELAZQUEZ: Take that building off and
2 clean it.

3 MR. EYERMAN: Exterior work getting redone,
4 everything?

5 MR. PEREIRAS: Just cosmetic stuff, nothing
6 that's -- that's significant.

7 MR. GUARENO: There's only one means of
8 egress in the basement?

9 MR. PEREIRAS: There are only -- no. So,
10 there's one exit out, which is all that's
11 required. And now, the bedrooms have an
12 emergency escape, which is the window. That's an
13 egress window. So, if there's any danger, they
14 go right out of that bedroom.

15 So, we're -- remember, we're only talking
16 about 600 square feet. So, if there's a problem,
17 you go right out the door, or you go -- or you go
18 out the window.

19 It's very simple, small space.

20 MR. GUARENO: But that -- that stairwell
21 that's in the back --

22 MR. PEREIRAS: That's isolated.

23 MR. GUARENO: That's isolated. Okay.

24 MR. PEREIRAS: And we do that on purpose,
25 because we want to separate the fire rated

1 mechanical room from the apartment. There should
2 be no connection there. You don't want a door
3 into a mechanical room from an apartment.

4 CHAIRPERSON CAPIZZI: Fine.

5 MR. EYERMAN: Questions from the Board?

6 MR. VELAZQUEZ: All I ask is, if this does
7 get approved, that they -- they -- the owner go
8 on top of it, especially the cutting of the
9 weeds, that grows and all that, the backyard.
10 Make sure it's all cleaned.

11 MR. PEREIRAS: These are very proactive
12 owners. They've called me, emailed me. Every
13 little issue, I think I had like 20 emails. So,
14 yes, I have a feeling they're going to be very
15 proactive and -- and get on the site.

16 MR. GUARENO: One more question.

17 MR. PEREIRAS: Yes, sir.

18 CHAIRPERSON CAPIZZI: Sure.

19 MR. GUARENO: Storage for the garbage?

20 MR. PEREIRAS: Garbage is currently in the
21 same place where it's been. It's the side yard
22 of the house. So, there's two feet on that side
23 yard. They'll be putting it in -- in garbage
24 containers there.

25 And I'll just point it out for you. It's

1 basically this area right here.

2 So, we're fixing the concrete along there,
3 so it's nice and safe and clean, and they go
4 right there.

5 MR. EYERMAN: Concrete on both sides?

6 MR. PEREIRAS: The other side it's zero
7 side yard. So, it's -- actually, yes. It's
8 concrete on both sides, preexisting. And then,
9 this side, up to this point, it will be concrete.

10 MR. EYERMAN: And what variances do you
11 need exactly? Parking --

12 MR. PEREIRAS: So --

13 MR. EYERMAN: -- and --

14 MR. PEREIRAS: It's a preexisting
15 nonconformance for side yard.

16 MR. EYERMAN: Okay.

17 MR. PEREIRAS: And then, parking, we're
18 technically expanding on it, because 1.8 parking
19 spaces are required. We're providing one. So,
20 we're missing .8 of a car.

21 MR. EYERMAN: Okay.

22 MR. VELAZQUEZ: You want, also, just in
23 case -- it's right by a school, and if there's
24 any entrances at all, I don't know if they're
25 going to put a gate there, because of the

1 garbage. Maybe they should use some sensor
2 lights, just in case?

3 MR. PEREIRAS: Yeah, the -- it's behind so,
4 the property line's here. So, the sidewalk's all
5 the way over here. The garbage is going back
6 here. So, it's well removed from the --

7 MR. VELAZQUEZ: But there's no way to get
8 -- no way order to get to the backyard?

9 MR. PEREIRAS: No. No one -- well, yeah.

10 MR. EYERMAN: Yeah, from the inside.

11 MR. PEREIRAS: You could -- yeah, you could
12 walk through the side yard.

13 MR. VELAZQUEZ: Yeah.

14 MR. PEREIRAS: To get to the backyard.
15 That's possible.

16 You want to provide a gate there?

17 MS. MOREJON: A gate? I'm not --

18 MR. PEREIRAS: We could probably -- we
19 could do a gate. That's not a problem.

20 MR. EYERMAN: A gate.

21 MS. MOREJON: A gate.

22 MR. EYERMAN: A gate and a motion light?

23 MR. PEREIRAS: We'll add a gate --

24 MR. VELAZQUEZ: Well, I would put a motion
25 light, yeah.

1 MR. PEREIRAS: -- with the motion sensor
2 light.

3 MS. MOREJON: A gate and a motion light.

4 MR. EYERMAN: Perfect.

5 MR. PEREIRAS: Sounds like a great idea.

6 MR. VELAZQUEZ: Yeah.

7 MR. EYERMAN: Any other comments, questions
8 from the Board?

9 Open up to the public.

10 Any questions from the public?

11 Comments from the public?

12 Madam Chair, leave it to you.

13 CHAIRPERSON CAPIZZI: I'll make a motion to
14 approve the application.

15 THE SECRETARY: Motion on the table to
16 approve the application --

17 CHAIRPERSON CAPIZZI: With the stipulations
18 stated.

19 THE SECRETARY: -- by Chairperson Capizzi.

20 MR. VELAZQUEZ: I second.

21 THE SECRETARY: Second by Mr. Velazquez.

22 Roll call to approve this application.

23 Ms. Koehler?

24 VICE CHAIRPERSON KOEHLER: Yes.

25 THE SECRETARY: Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Fernandez?

3 MS. FERNANDEZ: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Mr. Rivero?

11 MR. RIVERO: Yes.

12 THE SECRETARY: Mr. Velazquez?

13 MR. VELAZQUEZ: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Nine in favor.

17 Motion carries.

18 MS. PEREIRAS: Thank you all very much.

19 CHAIRPERSON CAPIZZI: You're welcome.

20 VICE CHAIRPERSON KOEHLER: Thank you.

21 (Whereupon, there was a pause in the

22 proceedings.)

23 * * *

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1 **32nd & 33rd Street, Union City, LLC -**

2 **412-418 32nd Street and 407-413 33rd Street:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, 32nd & 33rd Street, Union City,
6 LLC, 412-418 32nd Street and 407-413 33rd Street.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Again, Bianca Pereiras, for
9 the applicants.

10 This Board knows we've actually gone
11 through many adjournments on this matter, as
12 well.

13 The client has been modifying, but at this
14 point in time, does not want to proceed with the
15 application, so we are withdrawing it.

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. EYERMAN: It'll be marked withdrawn.

18 MS. PEREIRAS: Thank you.

19 MR. EYERMAN: Mark withdrawn, with no
20 decision. Make it clear that it's being
21 withdrawn with no decision.

22 THE SECRETARY: This application has been
23 withdrawn.

24 Right?

25 MR. EYERMAN: Yup.

1 MS. PEREIRAS: Yes.

2 THE SECRETARY: Thank you.

3 (Whereupon, there was a pause in the
4 proceedings.)

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1 **315 5th Street, LLC - 315 5th Street:**

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3 THE SECRETARY: Okay.

4 Let's move now to --

5 (Whereupon, there was a pause in the
6 proceedings.)

7 THE SECRETARY: Right. Next application on
8 tonight's agenda, 315 5th Street, LLC, 315 5th
9 Street.

10 Ms. Pereiras, please?

11 MS. PEREIRAS: Thank you.

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

14 We had established jurisdiction at last
15 month's meeting. We are now ready to proceed on
16 the application.

17 I'll wait for Mr. Vallejo to give you those
18 drawings so we can begin.

19 MR. EYERMAN: Okay.

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

22 THE SECRETARY: These are revised
23 blueprints.

24 MR. EYERMAN: Thank you.

25 VICE CHAIRPERSON KOEHLER: Thank you.

1 CHAIRPERSON CAPIZZI: Yup.

2 MR. EYERMAN: Counsel, what am I marking
3 these as? Is this a continuation from the last
4 one? Last meeting?

5 MS. PEREIRAS: It's -- it's revisions that
6 were submitted in time for today's meeting. So,
7 I don't know if you have to mark them, it's part
8 of the application.

9 MR. EYERMAN: Let's call it Applicant's
10 Revised Drawing.

11 MS. PEREIRAS: That's fine.

12 MR. EYERMAN: AR-1.

13 MS. PEREIRAS: That's fine.

14

15 (Whereupon, Applicant's Revised Drawing was
16 received and marked as Exhibit AR-1.)

17

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

20 MS. PEREIRAS: Okay.

21 Before the Board this evening is an
22 application to construct a new three family home.

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

25 MR. PEREIRAS: I recognize I am still under

1 oath, still Manuel Pereiras.

2 MS. PEREIRAS: Mr. Pereiras, did you
3 provide or prepare the drawings for -- before the
4 Board this evening?

5 MR. PEREIRAS: I have.

6 MS. PEREIRAS: And would you kindly
7 describe the project for the Board?

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

9 So, we've heard a lot about this Master
10 Plan. We heard the presentation, the first
11 presentation of the night.

12 This is a project that is exactly what the
13 City's asking for. So, there are some variances
14 that we're asking for, simply because the
15 Ordinance hasn't gone into effect. But this is
16 to the T, exactly what the City is asking for in
17 the future Master Plan.

18 What we have is a lot that is 25 by 100,
19 full sized lot, perfectly conforming. And what
20 we have in the front yard is a prevailing
21 setback. Along the side yard, we have a two foot
22 setback. Along the other side yard, we have a
23 three foot setback. And on the rear, we have a
24 five foot setback.

25 That creates a variance for the rear yard,

1 | because the new Ordinance doesn't -- is asking
2 | for a greater rear yard. But the proposed plan,
3 | the Master Plan, is exactly five feet, and that's
4 | what we're providing.

5 | So, everything that we're doing is towards
6 | the existing -- the future, as well.

7 | We have additional variances for the
8 | building coverage, which the current Zoning
9 | Ordinance says 60 percent. But we are at 75.5
10 | percent, which would be in compliance with the
11 | Master Plan, which would be at 80 percent.

12 | And then, of course, parking. We're
13 | providing six parking spaces.

14 | We have a variance also when it comes to
15 | the height of the building because the current
16 | Ordinance stops us at 40 feet, whereas the new
17 | Ordinance allows us to be at 45 feet. So, in
18 | order to stay within this Board, we made the
19 | building at 43 feet six inches, which is in
20 | compliance -- which is a -- a height variance,
21 | and four stories, which is a variance there, as
22 | well.

23 | But then, again, I'm going to just
24 | emphasize this. This is exactly what the new
25 | Master Plan requires.

1 We have a ground floor that we show parking
2 for six vehicles. We have the added advantage
3 that we have prevailing setback along the front,
4 so we have a little bit more width to play with.

5 We have an egress area along the back. We
6 have the primary stair along the front. And we
7 have six vehicles, tandem, four back, and then
8 two along the side, along here, so that cars can
9 maneuver out of the building.

10 And then, if you go upstairs, you have a
11 pancake of the same apartment three times, where
12 you have -- come out of the stairs, you have
13 dining, living, kitchen area, all open, beautiful
14 floor plan. And then, you have three bedrooms
15 along the back that share one bathroom, and then
16 the master has a -- a suite, which has a -- a two
17 sink master bathroom and a big walk-in closet.
18 And both stairs lead up to the roof.

19 The façade is very simple, very beautiful
20 façade. We're doing a brick -- all brick façade,
21 with nice big large windows. The sides of the
22 building will be vinyl siding and will be in
23 complete, a hundred percent compliance with the
24 future Ordinance of the City, and what we
25 basically asking the applicants to do with the

1 Master Plan.

2 I'm open for your questions.

3 I could talk a lot more about this
4 building, but I think that --

5 VICE CHAIRPERSON KOEHLER: Is -- the garage
6 looks completely closed in when the door is shut.

7 Is that correct?

8 MR. PEREIRAS: That is correct. It's
9 actually a requirement.

10 So, lately, I've been taking buildings to
11 the Building Department. They don't want it to
12 be open in any way whatsoever.

13 The -- the Union City Building Department
14 is requiring -- to the point where this Board
15 approved a project on 32nd Street, less than a
16 year ago, that now I had to make the rear wall
17 into garage doors just because the Building
18 Department and the City doesn't want open
19 anything. They want to make it completely
20 enclosed.

21 So, that is the direction that we have to
22 take with the City.

23 CHAIRPERSON CAPIZZI: What kind of door is
24 it?

25 MR. PEREIRAS: The garage door?

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. PEREIRAS: It's a typical garage door.

3 CHAIRPERSON CAPIZZI: Material?

4 MR. PEREIRAS: Material hasn't been
5 selected yet. If the Board has a preference,
6 we'll be happy to do so.

7 CHAIRPERSON CAPIZZI: What are the options?

8 MR. PEREIRAS: So, there's metal doors --
9 there's really -- almost everything is a metal
10 door or fiberglass door.

11 They have the -- you could make it look
12 like anything you want.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. EYERMAN: I would imagine --

15 MR. PEREIRAS: But those are really the two
16 options.

17 MR. EYERMAN: -- what you don't want to
18 see is a -- is a steel roll door that I can --

19 CHAIRPERSON CAPIZZI: Right.

20 MR. PEREIRAS: Yeah. It definitely --

21 CHAIRPERSON CAPIZZI: Because --

22 MR. PEREIRAS: -- I mean --

23 CHAIRPERSON CAPIZZI: -- if you're going to
24 go through the -- the expense to make it
25 beautiful with brick --

1 MR. PEREIRAS: These are going to be --

2 CHAIRPERSON CAPIZZI: -- then that will
3 kind of detract.

4 MR. PEREIRAS: -- beautiful apartments.

5 CHAIRPERSON CAPIZZI: Right.

6 MR. PEREIRAS: The applicant wants this to
7 look as gorgeous as possible.

8 CHAIRPERSON CAPIZZI: Right.

9 MR. EYERMAN: For a residential building.

10 MR. PEREIRAS: Yeah. Absolutely.

11 MR. EYERMAN: Okay.

12 MR. PEREIRAS: It will have a -- a
13 beautiful residential door.

14 CHAIRPERSON CAPIZZI: Good.

15 MR. VELAZQUEZ: You got rock out there.

16 CHAIRPERSON CAPIZZI: Huh?

17 MR. VELAZQUEZ: Rock. That's what's there
18 right now, right? A nice rock.

19 MR. PEREIRAS: Yeah.

20 MR. VELAZQUEZ: Yeah.

21 MR. EYERMAN: What color vinyl on the side?

22 MR. PEREIRAS: We haven't selected the
23 color. I would prefer a grayish, a light gray.

24 VICE CHAIRPERSON KOEHLER: And what color
25 brick?

1 MR. PEREIRAS: We haven't selected it here.

2 VICE CHAIRPERSON KOEHLER: Okay. I know.

3 MR. PEREIRAS: If this Board were to say
4 something, I have no objections to any color. If
5 you want to say red brick, we're perfectly fine
6 with that.

7 VICE CHAIRPERSON KOEHLER: Okay. I've been
8 seeing a lot of development with a dark gray,
9 almost black brick. And I -- I think --

10 MR. PEREIRAS: It's popular.

11 VICE CHAIRPERSON KOEHLER: -- that's a
12 little gloomy.

13 MR. PEREIRAS: It's very popular right now.

14 VICE CHAIRPERSON KOEHLER: Yeah. So, I was
15 hoping you wouldn't say that.

16 MS. PEREIRAS: Stray away from the gray.

17 VICE CHAIRPERSON KOEHLER: Yeah.

18 MR. VELAZQUEZ: No more.

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

21 MR. VELAZQUEZ: I remember that house was a
22 house of horrors before it was knocked down.

23 MR. PEREIRAS: But this Board will start
24 seeing a lot of these.

25 CHAIRPERSON CAPIZZI: Right.

1 MR. PEREIRAS: This is the direction that
2 the City wants us to take, so we're moving in
3 that direction, full speed. So --

4 CHAIRPERSON CAPIZZI: Lighting, I guess, in
5 the back and the front just --

6 MR. PEREIRAS: There's egress points, where
7 we --

8 CHAIRPERSON CAPIZZI: Right.

9 MR. PEREIRAS: -- have lighting --

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. PEREIRAS: -- over the doors. So,
12 those are the two lighting points. We don't want
13 any light pollution, so we're not --

14 CHAIRPERSON CAPIZZI: Right.

15 MR. PEREIRAS: -- increasing any additional
16 light.

17 MR. EYERMAN: Access to the backyard
18 through the front yard?

19 MR. PEREIRAS: There's access --

20 MR. EYERMAN: Is there a walkway --

21 MR. PEREIRAS: -- through the three foot
22 side yard. And then, there's access also from
23 each of the units. You could take the stair down
24 to the rear yard.

25 MR. EYERMAN: And I would -- I would

1 | imagine, we're looking at the same thing on the
2 | side yards, a gate and --

3 | MR. PEREIRAS: Yeah, we'll be happy to put
4 | a gate.

5 | CHAIRPERSON CAPIZZI: Anything in the -- is
6 | it concrete in the backyard or what is it?

7 | MR. PEREIRAS: Well, it's -- it's grass,
8 | but --

9 | CHAIRPERSON CAPIZZI: Okay.

10 | MR. PEREIRAS: It's only five feet. So,
11 | it's not really --

12 | CHAIRPERSON CAPIZZI: That's okay.

13 | MR. PEREIRAS: -- manageable --

14 | CHAIRPERSON CAPIZZI: Got you.

15 | MR. PEREIRAS: -- for a garden.

16 | CHAIRPERSON CAPIZZI: I understand.

17 | MR. VELAZQUEZ: I make a motion.

18 | CHAIRPERSON CAPIZZI: Public --

19 | MR. VELAZQUEZ: Sorry.

20 | CHAIRPERSON CAPIZZI: That's all right.

21 | Any public?

22 | MR. EYERMAN: Understand. So, are we --
23 | are we talking about the color of the brick,
24 | looking for a little more natural colors,
25 | reddish, I guess?

1 VICE CHAIRPERSON KOEHLER: Natural, yeah.

2 MR. PEREIRAS: A natural color?

3 VICE CHAIRPERSON KOEHLER: Yeah.

4 MR. PEREIRAS: Absolutely.

5 MR. VELAZQUEZ: Yeah. Because right on the
6 corner, you have the corner where the barbershop
7 is. Is that gray and all that?

8 CHAIRPERSON CAPIZZI: Um hum.

9 MR. VELAZQUEZ: Blends in.

10 MR. PEREIRAS: Okay.

11 MR. EYERMAN: Any issues on the side vinyl?
12 You want it to be more -- just make it work.

13 And the fence, the lighting on the sides,
14 and the -- the garage door being that of a
15 residential looking garage door.

16 MR. PEREIRAS: Absolutely.

17 MR. EYERMAN: Any other questions from the
18 Board?

19 CHAIRPERSON CAPIZZI: No.

20 MR. EYERMAN: Any other questions, further
21 comment?

22 Any questions or comments from the public?
23 Sorry.

24 CHAIRPERSON CAPIZZI: No.

25 MR. EYERMAN: Not seeing any.

1 CHAIRPERSON CAPIZZI: Want to make a
2 motion?

3 MR. VELAZQUEZ: I make a motion.

4 THE SECRETARY: Motion to?

5 MR. VELAZQUEZ: Approve.

6 CHAIRPERSON CAPIZZI: Approve.

7 THE SECRETARY: Motion to approve by Mr.
8 Velazquez.

9 Any second the motion?

10 CHAIRPERSON CAPIZZI: I'll second.

11 THE SECRETARY: Second by Ms. Capizzi.

12 Roll call on the motion to approve this
13 application.

14 Ms. Koehler?

15 VICE CHAIRPERSON KOEHLER: Yes.

16 THE SECRETARY: Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Fernandez?

19 MS. FERNANDEZ: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Ms. Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Mr. Rivero?

2 MR. RIVERO: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 MR. VELAZQUEZ: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Nine in favor.

8 Motion carries.

9 MS. PEREIRAS: Thank you all very much.

10 CHAIRPERSON CAPIZZI: You're welcome.

11 MR. EYERMAN: Thank you.

12 MS. PEREIRAS: Have a good night.

13 CHAIRPERSON CAPIZZI: You, too.

14 MR. EYERMAN: Good night.

15 CHAIRPERSON CAPIZZI: Okay.

16 Brian, thank you.

17 MR. EYERMAN: Are we done?

18 THE SECRETARY: Just give me two more
19 seconds, sir.

20 MR. SPATZ: I'm going to run before you
21 adjourn.

22 Take care.

23 * * *

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1 **ADJOURNMENT :**

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3 THE SECRETARY: There being no other
4 application tonight's agenda, can I have a motion
5 to close tonight's meeting?

6 Motion by Ms. Capizzi.

7 Second by Mr. Velazquez.

8 CHAIRPERSON CAPIZZI: All in favor?

9 THE SECRETARY: All in favor?

10

11 (Whereupon, there was a chorus of ayes.)

12

13 THE SECRETARY: The ayes have it.

14 Let the record show the meeting has ended.

15 Thank you and good night everyone.

16 CHAIRPERSON CAPIZZI: Thank you.

17

18 (Whereupon, the proceedings were concluded
19 at 7:32 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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6

7 I, DEBRA A. KASZNIAK, assigned transcriber,
8 do hereby affirm that the foregoing is a true and
9 accurate transcript in the matter of the REGULAR
10 MEETING of the UNION CITY PLANNING BOARD heard on
11 Tuesday, April 24, 2018 and digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon