

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF
: PROCEEDINGS
: _____:

City Hall
3715 Palisade Avenue
Union City, New Jersey
Tuesday, January 26, 2016
Commencing at 6:28 p.m.

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

CELIN VALDIVIA, Commissioner
YDALIA GENAO, Mayor's Designee
RUDY RIVERO
JAY SHAH
CAROLINA FERNANDEZ
JEANNE KOEHLER
ALEJANDRO VELAZQUEZ
JOSE GUARENO
PETER C. DOUMAS, Zoning Board Member
DIANE CAPIZZI, Vice Chairperson

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

BRIAN P. STACK, Mayor, Chairman
ALICIA MOREJON
FRANKLIN MEDINA

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:

J. ALVARO ALONSO, ESQ.
Attorney for Applicants, Tati's Small
World and Anthony D. Katsaras

BIANCA P. PEREIRAS, ESQ.
Attorney for the Applicants,
Claudia Tavares and Robert Hazaga

MICHAEL T. HALKIAS, ESQ.
Attorney for the Applicant,
Shriji 218, LLC

I N D E X

	PAGE
CALL TO ORDER	10
SALUTE TO FLAG	11
ROLL CALL	11
RESOLUTIONS	12
HEARINGS	
Tati's Small World	15, 20, 26
PBG Realty Associates LLC	16, 22
Anthony D. Katsaras	40
Claudia Tavares	50
Robert Hazaga	58
Shriji 218, LLC	76
AJOURNMENT	98

I N D E X

Tati's Small World - 130-140 32nd Street

WITNESS	PAGE
ALAN FELD	29
CYNTHIA POGGI	32

I N D E X

PBG Realty Associates LLC - 2207 Summit Avenue

MEMBER OF PUBLIC

MR. GUZMAN

22

I N D E X

Anthony D. Katsaras - 311 18th Street

WITNESS	PAGE
ORESTES VALELLA	42

E X H I B I T S

NUMBER	DESCRIPTION	PAGE
A-1	Tax Bill for Katsaras Application	41

I N D E X

Claudia Tavares - 808 23rd Street

WITNESS	PAGE
MANUEL PEREIRAS	51

I N D E X

Robert Hazaga - 514 2nd Street

WITNESS

PAGE

ANTHONY D'ANGELO

59

I N D E X

Shriji 218, LLC - 2107 Bergenline Avenue

WITNESS	PAGE
JAY SANKPAL	81
GHANSHYAN PATEL	87

1 THE SECRETARY: May I have your
2 attention, please?

3 Please take notice that on Tuesday,
4 January 26, 2016, at 6:00 p.m., a regular
5 meeting is scheduled for the City of Union
6 City Planning Board to be held at the
7 Municipal Chambers of the City Hall, 3715
8 Palisade Avenue, Union City, New Jersey.

9 This is a meeting called in
10 compliance with Chapter 231, Public Law
11 1975 of the Open Public Meetings Act.
12 Adequate notice of this meeting has been
13 provided as follows:

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

22 Before we roll call for this
23 evening, will everyone kindly raise so
24 that we can salute the flag, please.
25

1 (Whereupon, the Pledge of
2 Allegiance was said by all.)

3
4 **ROLL CALL:**

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

8 Mayor Brian P. Stack? Absent.
9 Ydalia Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Commissioner
12 Valdivia?

13 MR. VALDIVIA: Here.

14 THE SECRETARY: Alicia Morejon?
15 Absent.

16 Diane Capizzi?

17 MS. CAPIZZI: Here.

18 THE SECRETARY: Carolina Fernandez?

19 MS. FERNANDEZ: Here.

20 THE SECRETARY: Rudy Rivero?

21 MR. RIVERO: Here.

22 THE SECRETARY: Jay Shah?

23 MR. SHAH: Yes.

24 THE SECRETARY: Franklin Medina?
25 Absent.

1 Jeanne Koehler?

2 MS. KOEHLER: Here.

3 THE SECRETARY: Alejandro

4 Velazquez?

5 MR. VELAZQUEZ: Here.

6 THE SECRETARY: Jose Guareno?

7 MR. GUARENO: Here.

8 THE SECRETARY: Let the record
9 indicate there are nine present, so we
10 have a board made up of nine members.

11

12 **RESOLUTIONS:**

13

14 (1) Ronmar Realty, LLC. 116-120 Peter
15 Street & 121 34th Street. Block: 203,
16 Lots: 10-11 & 28-36. Proposed 72 Units
17 Residential Building and Commercial Space.
18 111 Parkings Spaces.

19

20 THE SECRETARY: We have in
21 tonight's agenda one resolution; Ronmar
22 Realty, LLC, 116-120 Peter Street. Can I
23 have a motion to adopt this resolution?

24 MS. CAPIZZI: Motion.

25 THE SECRETARY: Motion by Ms. Diane

1 Capizzi.

2 MR. VELAZQUEZ: Second.

3 THE SECRETARY: Second by?

4 MR. VELAZQUEZ: Alex.

5 THE SECRETARY: Alejandro

6 Velazquez.

7 Roll call on the motion.

8 Ydalia Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Celin Valdivia?

11 MR. VALDIVIA: I abstain. I wasn't
12 here.

13 THE SECRETARY: Diane Capizzi, Ms.
14 Capizzi?

15 MS. CAPIZZI: Yes.

16 THE SECRETARY: Carolina Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Rudy Rivero?

19 MR. RIVERO: I abstain.

20 THE SECRETARY: Jay Shah?

21 MR. SHAH: Yes.

22 THE SECRETARY: Jeanne Koehler?

23 MS. KOEHLER: Yes.

24 THE SECRETARY: Alejandro

25 Velazquez?

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

MR. VELAZQUEZ: Yes.

THE SECRETARY: Jose Guareno?

MR. GUARENO: Yes.

THE SECRETARY: Motion carries
seven in favor, two abstain.

* * *

1 **Tati's Small World - 130-140 32nd Street:**

2
3 THE SECRETARY: Hearings and
4 applications in tonight's agenda, we have
5 Tati's Small World, 130-140 32nd Street.
6 Mr. Ortiz, please.

7 MR. ORTIZ: Okay. I have a few
8 announcements to make.

9 The first announcement is,
10 obviously, anybody that is an employee of
11 the board of ed or a trustee on the board
12 of ed is in potential conflict and I
13 recommend that, as we have in the past,
14 you recuse yourself in light of the
15 likelihood and possibility that Tati's
16 Small World may, in fact, be a contractor
17 with the board of ed.

18
19
20
21
22
23
24
25

PBG Realty Associates LLC - 2207 Summit Avenue

.

MR. ORTIZ: So with that being said, I'd also like to make one additional announcement on Presentation Number 6. I've been in touch all day with the attorney, Mr. Rhatican. He is requesting an adjournment. He will be overnighting to the clerk and e-mailing me at any moment the submissions for notification, what I advised him, and he's requesting that this matter be put on for the next meeting. Also, there is a potential conflict for board members on that matter as well, and that's why I bring it up together. This property is within 200 feet of the high school, which is board of ed property, so those of us that are involved again with the board of ed, either as an employee or as a trustee, potentially are in conflict there. The board of ed attorney, Lisa Dinardo, is going to be looking at the submissions and at that point the board will, the board of ed when I say the board, will be taking a

1 position in the negative or in the
2 positive, I don't know at this point, but
3 nevertheless, we're going to accept
4 jurisdiction on Number 6 conditioned on
5 the submissions and this way there will be
6 no new notification on Presentation Number
7 6, but this is conditional on my review of
8 those submissions.

9 So with that being said, are there
10 any questions from the board members?
11 Also on that matter we're going to need
12 substitutes as well from the zoning board
13 because of that potential conflict with
14 the board of education. So, Mr. Clerk,
15 I'm just letting you know for the next
16 meeting we're going to need, as with
17 Tati's --

18 THE SECRETARY: Next meeting will
19 be on February 23rd.

20 MR. ORTIZ: Correct, but we will
21 need substitute, nonconflicted members of
22 the board of adjustment as in the case of
23 Tati's.

24 THE SECRETARY: We need a motion to
25 adjourn this application.

1 MS. CAPIZZI: I'll make a motion to
2 adjourn Number 6.

3 THE SECRETARY: Number 6, PBG,
4 motion by Ms. Capizzi.

5 MR. ORTIZ: We are conditionally
6 taking jurisdiction based on the
7 submissions that will be overnighted to
8 the clerk and e-mailed to me at any
9 moment. I spoke to him recently, about 15
10 minutes while on my way here.

11 We need a second on the motion to
12 adjourn.

13 MS. KOEHLER: Second.

14 THE SECRETARY: Seconded by Mrs.
15 Koehler. Roll call on the motion. Ydalia
16 Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Commissioner
19 Valdivia?

20 MR. VALDIVIA: Yes.

21 THE SECRETARY: Diane Capizzi?

22 MS. CAPIZZI: Yes.

23 THE SECRETARY: Carolina Fernandez?

24 MS. FERNANDEZ: Yes.

25 THE SECRETARY: Rudy Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Jay Shah?

3 MR. SHAH: Yes.

4 THE SECRETARY: Jeanne Koehler?

5 MS. KOEHLER: Yes.

6 THE SECRETARY: Alejandro

7 Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: Jose Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Motion carried nine
12 in favor.

13

14

* * *

15

16

17

18

19

20

21

22

23

24

25

1 **Tati's Small World - 130-140 32nd Street:**

2

3 THE SECRETARY: We are going back
4 now to Tati's Small World.

5 MR. ORTIZ: Yes. I would ask that
6 anybody that fits the qualifications that
7 I described, that is, an employee or
8 trustee of the board of ed, please recuse
9 yourself and step down from the board as
10 per the case law.

11 Just so the record is clear, as a
12 trustee, our board clerk is also recusing
13 himself. I'll be acting in both the
14 attorney's position and the clerk's
15 position for this presentation only.

16 THE SECRETARY: I have to excuse
17 myself, conflict of interest.

18 MR. ORTIZ: Potentially, so we
19 would like to be careful.

20

21 (Whereupon, Peter C. Doumas, Zoning
22 Board Member, joined the meeting.)

23

24 (Whereupon, the following board
25 members have recused themselves and left

the room: Jose Guareno, Alejandro
Velazquez, Carolina Fernandez, Diane
Capizzi, Celin Valdivia, and Board
Secretary, Carlos Vallejo.)

1 **PBG Realty Associates LLC - 2207 Summit Avenue**

2 .

3 (Whereupon, a member of the public
4 is before the board.)

5

6 MR. ORTIZ: How can I help you,
7 sir?

8 MR. GUZMAN: I own the property on
9 2212 Summit Avenue, that block is 120.

10 MR. ORTIZ: Are you referencing
11 which presentation, Number 6?

12 MR. GUZMAN: No, I represent
13 myself.

14 MR. ORTIZ: No, no, but your
15 comments, is that in reference to
16 Presentation Number 6 because your address
17 is close to.

18 MR. SPATZ: It's the same block.

19 MR. GUZMAN: I got the letter here.

20 MR. ORTIZ: I understand, but right
21 now we're on Tati's, that's why I'm asking
22 you is it in reference to Number 6.

23 MR. GUZMAN: I don't know Number 6.

24 MR. ORTIZ: PBG Realty Associates,
25 let me see your notice, sir. Maybe that's

1 easier.

2 MR. GUZMAN: Yes, yes, I receive
3 this letter.

4 MR. ORTIZ: Yes, it's as to Number
5 6.

6 MR. GUZMAN: I got the deed here.
7 My house is on the Block 121 and this is
8 my question. This construction is for a
9 monument, it's for any park, any historic
10 building or for a business? I read here
11 is for business, for apartments and
12 everything.

13 MR. ORTIZ: You know, I'm not in a
14 position to really comment, sir, it's not
15 my case, I'm the board attorney. I think
16 this matter should be on for
17 February 23rd, when it will be fully
18 presented. I think that's a question that
19 really the applicant or his attorney needs
20 to answer. I don't want to answer
21 anything other than what is of public
22 record, I don't know anything more.

23 MR. GUZMAN: I understand, but here
24 they say this is Block 120. My house is
25 121. I think my house is not on the same

1 place because my address is 2212.

2 MR. ORTIZ: Probably not, it's a
3 different block.

4 MR. GUZMAN: Before I continue, I'm
5 going to say this. I pay a lot of money
6 for that house. I paid a lot of years --

7 MR. ORTIZ: Sir, I don't mean to
8 cut you off, but honestly, the best time
9 to do this is February 23rd because
10 there's no one here to really --

11 MR. GUZMAN: Okay. I understand.
12 February 23rd, at the same time?

13 MR. ORTIZ: Six o'clock, and
14 hopefully I'll be on time this time.

15 MR. GUZMAN: I hope.

16 MR. ORTIZ: With that being said,
17 there's housekeeping that we need to -- I
18 didn't mean to cut you off.

19 MR. GUZMAN: You send me a letter,
20 the company?

21 MR. ORTIZ: No, you're not going to
22 get any further notice. We're accepting
23 conditional jurisdiction on this, so
24 February 23rd, write it down. You can
25 borrow my pen, if you'd like, 6 o'clock,

same place.

(Whereupon, Mr. Guzman writes down
the information.)

* * *

Tati's Small World - 130-140 32nd Street:

MR. ORTIZ: At this point, I need to take a motion, I'm seeking a motion to nominate a temporary chairperson for this presentation.

Is there any nomination?

MR. RIVERO: The lady there, I don't know her --

MR. ORTIZ: Ms. Koehler?

MR. RIVERO: Yeah.

MR. ORTIZ: There's a nomination for Ms. Koehler.

Is there a second?

MR. DOUMAS: Yes, second.

MR. ORTIZ: On the motion, Ms. Koehler?

MS. KOEHLER: Yes.

MR. ORTIZ: Mr. Rivero?

MR. RIVERO: Yes.

MR. ORTIZ: Ydalia?

MS. GENAO: Yes.

MR. ORTIZ: Mr. Shah?

MR. SHAH: Yes.

MR. ORTIZ: Mr. Doumas?

1 MR. DOUMAS: Yes.

2 MR. ORTIZ: Mr. Javier (sic)? Oh,
3 no, he's not here, sorry.

4 Motion carries.

5 I apologize about that, it's been
6 one of those days.

7 Okay. I'm all yours.

8 MR. ALONSO: Thank you, Mr. Ortiz,
9 Madam Chair, Members of the Board. For
10 the record, Albert Alonso, from the firm
11 Alonso & Navarrette, on behalf of Tati's
12 Small World.

13 Bit of a history with this
14 application; this application was
15 originally approved back in 2012 when we
16 presented to this board. The resolution
17 was adopted on January 23rd, 2013, three
18 years ago. Once we had the approvals, my
19 client went ahead and she obtained the
20 building permits because she had her
21 daycare across the street in Weehawken, an
22 existing daycare, and she just wanted to
23 move it to Union City, so she did that.
24 While she was on the construction, an
25 appeal was filed and we litigated and then

1 by court order of January 23rd, 2014, two
2 years ago, it was remanded back. The
3 approvals were vacated and we're here to
4 rehear this application.

5 Essentially, this day care has been
6 in operation for the last three years,
7 which is a good thing because where
8 normally you have a lot of speculation as
9 to what the negative impacts are going to
10 be, how many kids they're going to have,
11 how many employees they're going to have,
12 where is everybody going to park? Well,
13 those things we know because they've been
14 operating for three years. So I have two
15 witnesses, I have Alan Feld, our
16 architect, and we have Cynthia from Tati's
17 Small World, who will be testifying this
18 evening, so with that said I'm going to
19 have Mr. Feld sworn in.

20 MR. ORTIZ: Madam Chairwoman,
21 Mr. Feld has appeared before this board on
22 several occasions and assuming council
23 would like him recognized as an expert in
24 the field of architecture.

25 MS. KOEHLER: Yes.

1 A L A N F E L D ,
2 called as a witness, having been duly sworn
3 according to law, testifies as follows:

4

5 DIRECT EXAMINATION

6 BY MR. ALONSO:

7

8 Q. Mr. Feld, you were the architect
9 that presented the application originally.

10 A. That's correct.

11 Q. We have the plans before us. Was
12 there any proposed changes to the footprint of
13 the building?

14 A. No.

15 Q. Were all the renovations interior
16 renovations?

17 A. That's correct.

18 Q. Can you please review for the
19 board the existing conditions that they
20 constructed pursuant to the permits and the
21 inspections.

22 A. As described, this is a children's
23 day care center, we converted the existing, it
24 was like a warehouse, open space warehouse
25 building and to use it for the day care, and as

1 part of that, we have two large classrooms for
2 children and there's a playroom, there's an
3 office. We constructed a handicap accessible
4 bathroom for the staff. We converted the other
5 bathrooms for the children's use. We
6 constructed a ramp into the space for
7 wheelchairs and for strollers and then,
8 basically, you know, improved the whole interior
9 of the space.

10 Q. Now, to your knowledge, was the
11 construction performed pursuant to permits
12 issued by the building department?

13 A. Correct. We provided construction
14 drawings and permits were applied for and
15 approved for the work that was undertaken.

16 Q. Now, this is located in the CN
17 Zone where the day care center is a permitted
18 use, but there are some pre-existing
19 requirements with respect to the bulk variances.
20 Can you please review what variances will be
21 requested as matter of technicality?

22 A. Yes. This is a permitted use, a
23 day care center is a permitted use. However,
24 this lot is only about 75 feet deep, whereas 100
25 feet deep lot is required. This zone requires a

1 20-foot rear yard. The existing rear yard is
2 only about 1 foot and 10 inches, and the
3 building itself covers, basically, 100 percent
4 of the lot, whereas the zone requires 80 percent
5 building coverages. So these are all existing
6 conditions based on the existing lot size and
7 the existing building.

8 MS. KOEHLER: So all of the
9 nonconformities are because of existing
10 conditions?

11 MR. FELD: Preexisting conditions,
12 that's correct.

13 Q. In terms of parking. Any parking
14 required?

15 A. Yes. So the parking required is
16 one space for every employee. At that time we
17 had calculated ten spaces be required. There is
18 no parking on this property and, therefore, none
19 is able to be provided.

20 Q. And there is a loading zone in the
21 front?

22 A. Yes.

23 MR. ALONSO: Madam Chair, I have no
24 further questions with respect to the
25 architecture. I believe most of the

1 testimony will come in through my client
2 in terms of the operation.

3 MS. KOEHLER: Any questions from
4 the board? No. Public? None. Okay.

5 MR. ALONSO: I call Cynthia Poggi.

6

7 C Y N T H I A P O G G I,
8 called as a witness, having been duly sworn
9 according to law, testifies as follows:

10

11 DIRECT EXAMINATION

12 BY MR. ALONSO:

13

14 Q. Ms. Poggi, what's your
15 relationship to this day care center?

16 A. I'm the owner.

17 Q. And were you also the owner when
18 you were operating across the street?

19 A. Correct.

20 Q. Your intention was just to
21 relocate?

22 A. Just to relocate.

23 Q. Now, from the legal requirements
24 when we were first approved and while the
25 approvals were still valid, you obtained

1 permits --

2 A. Yes, I did.

3 Q. You did a little work according to
4 the permits?

5 A. Yes.

6 Q. And you received the approvals on
7 all the inspections?

8 A. Yes.

9 Q. You have a certificate of
10 occupancy?

11 A. Yes.

12 Q. Subject to the final clearance
13 from the zoning?

14 A. Yes.

15 Q. With respect to the state
16 inspections did you obtain all the necessary
17 state inspections?

18 A. Yes.

19 Q. Everything is approved?

20 A. Everything has been approved.

21 Q. You've been operating for,
22 approximately, two to three years at that
23 location?

24 A. Yes.

25 Q. How many students do you currently

1 have?

2 A. Sixty-six enrolled.

3 Q. And according to the state, how
4 many are you permitted?

5 A. Eighty-eight.

6 Q. Of the 66 that are enrolled, give
7 us a breakdown in terms of the ages.

8 A. From six months to thirteen years
9 old.

10 Q. I'm assuming they don't come all
11 day long?

12 A. No.

13 Q. Thirteen year-olds come in after
14 school.

15 A. Exactly, yes.

16 Q. So 66 children are not there all
17 day long.

18 A. So full time there's about 50.

19 Q. And the rest of them after school?

20 A. Yes.

21 Q. How many employees do you
22 currently have?

23 A. Thirteen.

24 Q. Do you feed the children?

25 A. They bring their own lunch.

1 Q. Do you have any cooking facilities
2 on the property?

3 A. No.

4 Q. Do you have any parking on the
5 property?

6 A. No.

7 Q. You have the loading zone?

8 A. Yes.

9 Q. Now, from a day-to-day
10 operation --

11 MR. ORTIZ: Wait, when you're
12 talking about a loading zone, I just want
13 to be clear and so the record is clear,
14 you mean where a drop-off/pick-up is --

15 Q. It's painted yellow.

16 A. Yes.

17 MR. ORTIZ: All right. Because a
18 loading zone sounds like for paper
19 delivery or something like that, so I just
20 want the record to be clear.

21 MS. KOEHLER: It's not an
22 industrial.

23 Q. The loading zone is right at the
24 curb?

25 A. Yes, yes.

1 Q. It's painted yellow and that's
2 used by parents to drop off the children?

3 A. Yes, um-hum.

4 Q. Can you tell us, approximately,
5 how many walk and how many get trips to school?

6 A. I'm going to say 90 percent of my
7 clients walk and 10 percent get dropped off in
8 vehicles.

9 Q. When they drop off, is there
10 always available space in the drop-off area?

11 A. Yes.

12 Q. Has there ever been a problem in
13 terms of double-parking?

14 A. No.

15 Q. Has there ever been a problem in
16 terms of a drop-off with any potential danger to
17 the children in terms of crossing the street?

18 A. No.

19 Q. Everything is right in front when
20 you walk out?

21 A. Yes.

22 MR. ORTIZ: Have there ever been
23 any child hurt in front of the building?

24 MS. POGGI: No.

25 Q. What are your current hours of

1 operation?

2 A. 6:30 a.m. to 6:00 p.m.

3 Q. How many days a week?

4 A. Five days a week.

5 Q. And you close on the weekends?

6 A. Yes.

7 MR. ALONSO: Madam Chair, I have no
8 further questions with respect to the
9 operation. If the Board has any
10 questions, we'll entertain them.

11 MS. KOEHLER: Any questions? No.
12 I have one little question. They bring
13 their own food?

14 MS. POGGI: Yes.

15 MS. KOEHLER: There's a
16 refrigerator, I imagine, and a microwave.

17 MS. POGGI: Yes.

18 MS. KOEHLER: A little mini
19 kitchen.

20 MS. POGGI: Yes.

21 MS. KOEHLER: From the public,
22 anyone?

23 Thank you.

24 MR. ORTIZ: Seeing none, at this
25 point, is there a motion either in the

1 affirmative or in the negative?

2 MS. KOEHLER: I say motion to
3 approve.

4 MR. ORTIZ: Is there a second on
5 the motion to approve?

6 MR. RIVERO: Rudy.

7 MR. ORTIZ: Give me a second. I'm
8 not as good at this as Carlos.

9 On roll call, Ydalia?

10 MS. GENAO: Yes.

11 MR. ORTIZ: Mr. Rivero?

12 MR. RIVERO: Yes.

13 MR. ORTIZ: Mr. Shah?

14 MR. SHAH: Yes.

15 MR. ORTIZ: Ms. Koehler?

16 MS. KOEHLER: Yes.

17 MR. ORTIZ: Is it Doumas?

18 MR. DOUMAS: Perfect. Yes.

19 MR. ORTIZ: Mr. Javier (sic)? He's
20 not here, I did that again.

21 Motion passes.

22 MR. ALONSO: Thank you very much.

23 MR. ORTIZ: You can tell everybody
24 they can come back in. I don't want to be
25 the clerk anymore.

1
2 (Whereupon, board members re-enter
3 the room.)
4

5 MR. ORTIZ: Just for the record,
6 the Board of Adjustment members are
7 leaving and our regular members are now
8 back in the room for the next
9 presentation.

10 THE SECRETARY: Yes, with the
11 exception Mr. Rudy Rivero is leaving the
12 building. May I have your attention,
13 please, let's go back to business.
14

15 * * *
16
17
18
19
20
21
22
23
24
25

1 **Anthony D. Katsaras - 311 18th Street:**

2

3 THE SECRETARY: Mr. Alonso, right?

4 Anthony D. Katsaras, 311 18th Street.

5 Mr. Alonso.

6 MR. ORTIZ: And, for the record,
7 the Vice Chair is back in the room. Ms.
8 Koehler, you are relieved from your
9 temporary duties.

10 MR. ALONSO: Good evening, Madam
11 Chair, Members of the Board. For the
12 record, Alvaro Alonso, Alonso &
13 Navarrette, on behalf of the applicant, I
14 provided counsel with my proof of
15 notification notices, which you can review
16 for jurisdictional purposes.

17 MR. ORTIZ: Madam Chair, everything
18 seems to be in order from my review.
19 You're in jurisdiction for this order.

20 MR. ALONSO: This is an application
21 to legalize an existing basement
22 apartment. My client purchased the
23 property in 2010. At that time he
24 believed he was purchasing a three-family
25 house. I have here, and I'm going to

1 provide to counsel a copy of the recent
2 tax bill, which indicates that it is taxed
3 as three units currently.

4 MR. ORTIZ: Would you like this
5 marked as an exhibit, Counsel?

6 MR. ALONSO: Please.

7 MR. ORTIZ: We'll mark this A-1.

8
9 (Whereupon, Tax Bill for
10 Application Number 2 is received and
11 marked as Exhibit A-1 for Identification.)
12

13 MR. ALONSO: What happened is when
14 he purchased the property it was
15 fully-occupied. He took it to court and
16 at that time he was revealed that it may
17 be an illegal apartment, so we went to the
18 building department and they indicated
19 they have no records of it. He did some
20 due diligence in speaking to the prior
21 owners. They believe that definitely into
22 the 90's it existed and they believe that
23 as far back as the 1970's that was a
24 three-family house.

25 So what we did was normally I would

1 go to the zoning board, but, generally, I
2 would have a lot more documentation.
3 Here, we don't have documentation, we just
4 have a lot of commentary by the prior
5 owners. The only document we really have
6 is the tax bill, so we thought it would be
7 a more conservative approach to come to
8 this board because a three-family is a
9 permitted use to just have it legalized.
10 My client is here if the board has any
11 questions; it's not my intent to call him
12 as a witness. I have Mr. Valella, who is
13 the architect.

14
15 O R E S T E S V A L E L L A,
16 called as a witness, having been duly sworn
17 according to law, testifies as follows:

18
19 DIRECT EXAMINATION

20 BY MR. ALONSO:

21
22 MR. ORTIZ: Madam Chairwoman,
23 obviously, Mr. Valella has been before
24 this board several times, recognizing him
25 as an expert in the area.

1 Q. Mr. Valella, have you had an
2 opportunity to visit the site?

3 A. Yes.

4 Q. In one of the representations that
5 I was making to the board was that this is a
6 preexisting apartment that appears to be based
7 on representation made by other people to have
8 existed at least into the 1970's.

9 Based on your investigation and
10 inspection is there anything you can add to
11 that?

12 A. Yes. It's been there for a while.
13 It's not a current construction. Usually the
14 bathroom or the kitchen is a 70's kitchen, 80's,
15 it's somewhere 70's, 80's that kind of, but this
16 is not a scientific thing; it's been there for a
17 while.

18 Q. So I'm going to ask you to review
19 what's in the plans for the board.

20 A. Good evening. This property is
21 located on Block 89, Lot 10 on 18th Street
22 between New York Avenue and Palisade Avenue.
23 The property itself is a prototypical nice
24 block, two-family structures, originally
25 two-family structures on 25 by 100, 2 stories

1 with a basement. The apartment in question is
2 at the basement location, nice block, Emerson is
3 across the street, everything looks nice and
4 tidy.

5 The apartment itself is 787 square
6 foot, one bedroom with a kitchen, living room
7 and bathroom. The bedroom has a window that
8 leads out to the side. Should you grant an
9 approval, one of the things I will need to do is
10 make the window bigger so that in case of an
11 emergency, that's one of the requirements, that
12 a fireman's access window be installed. Also, I
13 would most likely have to redo the electrical
14 wiring and the raising of the ceiling because
15 it's not a current apartment as counsel
16 mentioned, as we've given testimony, it's been
17 there for a while, it needs to be updated. But
18 that's one of the things that I find positive
19 about bringing these kinds of applications,
20 something like this that's been there in the
21 50's, 60's, 70's, 80's, they're not up to code
22 and it's an opportunity for me to leave
23 something behind that is safe and, you know, a
24 proper living environment.

25 The ceiling height is 7 feet, and,

1 you know, everything is fine. Upstairs there's
2 two apartments. The apartment is not original
3 to the house. It was obviously added at some
4 point as we mentioned. Upstairs are the
5 original dwelling units. Number 1 is a 1,068
6 square foot three-bedroom, and on the second
7 floor is an 1,091 four-bedroom, and they all
8 have kitchens and bathrooms and things like
9 that. It's a building type that I like very
10 much, in brick, and we're not expanding it.

11 Access to the apartment is from
12 three different parts. Typically, from the
13 ground floor the stair leads down and there's a
14 hallway that leads to the apartment. On the side
15 alley there's also an opportunity for a window
16 that leads -- second door, and that door leads
17 into the living room as well. And then there is
18 an access hatch that leads to the rear yard, but
19 the primary entry access is from the ground
20 floor. You walk up into the house and come down
21 to the apartment itself.

22 Q. In terms of the square footage for
23 the basement apartment, that exceeds what is
24 required for a one-bedroom apartment, correct?

25 A. Correct.

1 Q. In terms of the bulk variances,
2 with the uses permitted in the zone, in terms of
3 the bulk variances, they're all existing, is
4 there any proposed addition, expansion to the
5 existing footprint of the building?

6 A. No, no. As I mentioned, I would
7 be doing a tidying up, but it's repairs, life
8 safety issues. We're not making this house
9 bigger, smaller from the outside and from the
10 inside. Everything remains intact except for
11 fire safety items, things that wear out or out
12 of date, electricity, plumbing.

13 Q. You have a zoning analysis
14 attached to your plans. I'm going to ask you to
15 review where we are efficient in terms of the
16 existing conditions.

17 A. Well, all the statistics that I'm
18 going to talk to you, the result is no change.
19 The lot area is 2500, where 2500 is required.
20 Lot width is 25, 25. Lot depth is 100, 100.
21 The front yard will be 10 feet if it's
22 prevailed, we are at 0. Side yard is 2 and 5,
23 and we're at 0 and 0. Rear yard is 25 percent
24 of lot depth, we're at 31.2 feet, which is
25 actually greater than required, but there's no

1 change to that either. Building coverage is
2 60 percent, we're at 52 percent. Again, we're
3 better than required, but there's no change.
4 Three stories, we're at two and a half stories.
5 Permitted height will be 40, we're,
6 approximately, 35. Lot coverage is permitted to
7 be 85 percent, we're at 100. And 6 parking
8 spaces would be required, there are none, there
9 have never been any, these are walk-up houses
10 from when they were built and 0 is provided, and
11 that's a no change as well.

12 Q. In terms of the site plan itself
13 there is no available space for parking?

14 A. No, I think that would -- there is
15 no room, you'd have to tear the house down and
16 rebuild the entire thing.

17 Q. Any drainage conditions, they're
18 all contained within the house with typical
19 gutters, meters and nothing proposed with that?

20 A. This whole block works very well.
21 You can tell a block that works, so nothing
22 wrong is going on in this block.

23 Q. Now, in terms of any negative
24 impact on neighborhoods with the conditions as
25 existing since, roughly, the 1970's, by

1 legalizing the apartment we're not introducing
2 any additional occupants, they already exist?

3 A. No, there's no change in the
4 density that's been there for a significant
5 amount of time, and the good thing, as I
6 mentioned, it's an opportunity to go in and make
7 safe.

8 MR. ALONSO: Madam Chair, I have no
9 further questions.

10 MR. ORTIZ: I have nothing.

11 MS. CAPIZZI: Any board member have
12 any questions or comments? Anyone from
13 the public have any questions or comments?
14 Seeing none, I'll make a motion to
15 approve.

16 MS. KOEHLER: Second the motion.

17 THE SECRETARY: Motion to approve
18 this application by Diane Capizzi, second
19 by Jeanne Koehler.

20 Roll call on the motion to approve
21 this application.

22 Ydalia Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Commissioner Celin
25 Valdivia?

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

MR. VALDIVIA: Yes.

THE SECRETARY: Diane Capizzi?

MS. CAPIZZI: Yes.

THE SECRETARY: Carolina Fernandez?

MS. FERNANDEZ: Yes.

THE SECRETARY: Jay Shah?

MR. SHAH: Yes.

THE SECRETARY: Jeanne Koehler?

MS. KOEHLER: Yes.

THE SECRETARY: Alejandro
Velazquez?

MR. VELAZQUEZ: Yes.

THE SECRETARY: Jose Guareno?

MR. GUARENO: Yes.

THE SECRETARY: Motion carries,
eight in favor. Thank you.

MR. ALONSO: Thank you. Have a
good night.

* * *

1 **Claudia Tavares - 808 23rd Street:**

2
3 THE SECRETARY: Next application on
4 the agenda, Claudia Tavares, 808 23rd
5 Street.

6 Ms. Pereiras, please.

7 MR. ORTIZ: Madam Chairwoman, upon
8 review of the submissions by counsel,
9 everything seems to be in order, thus
10 giving jurisdiction to the board.

11 MS. PEREIRAS: Good evening,
12 Members of the Board, may it please the
13 board, Bianca Pereiras on behalf of
14 Claudia Tavares in regards to her property
15 at 808 23rd Street, also located on Block
16 131, Lot 33. This is the legalization of
17 the ground floor apartment. My client
18 purchased this property middle of last
19 year, and during her due diligence
20 discovered that the apartment in the
21 basement is illegal. She's now coming
22 before this board to legalize it and,
23 obviously, bring this apartment up to
24 code.

25 We have one expert to testify

1 before the board this evening; that is our
2 architect, Mr. Manuel Pereiras.

3

4 M A N U E L P E R E I R A S,
5 called as a witness, having been duly sworn
6 according to law, testifies as follows:

7

8 DIRECT EXAMINATION

9 BY MS. PEREIRAS:

10

11 MS. PEREIRAS: Just for purposes of
12 the record, I would like Mr. Pereiras, on
13 the record, be qualified as an expert.

14 MS. CAPIZZI: Yes.

15 MS. PEREIRAS: Thank you very much.

16 Q. Mr. Pereiras, are you familiar
17 with the property at 808 23rd Street?

18 A. I am.

19 Q. Did you prepare the drawings
20 before the board?

21 A. I have.

22 Q. Can you please describe what you
23 propose with the application.

24 A. I'll be happy to. For purposes of
25 the demonstration, the same drawings that were

1 handed to the board are here on an easel next to
2 me. As you can see, there's a photograph of the
3 site showing the actual property. We also have
4 photographs of the adjoining buildings. We are
5 talking about 23rd Street, on the north side of
6 23rd Street. It's a series of row houses, kind
7 of like townhouses. This property is very
8 typical with all of the other ones. They were
9 all built as two-family houses, throughout the
10 years I believe almost all of them have now
11 become three-families, whether legal or illegal.
12 What we're looking to do right now is to
13 legalize one of the units that was built behind
14 the garage.

15 Let me show you a little bit
16 starting with the site. We have a slightly
17 undersized lot. We have a 24-foot wide lot,
18 whereas 25 feet is required, so that triggers
19 our first existing non-conformity and that
20 triggers also lot area. Where we are at 2,080
21 square feet, whereas 2,500 is required, and our
22 lot is actually deeper than typical. We are
23 104 feet in depth.

24 Our front yard is large, we are at
25 over 19 feet. We have a huge back yard, that's

1 over 42 feet, and we have existing
2 nonconformities for the side yards. Both sides
3 are on the property line because they're sharing
4 property walls.

5 I'm going to turn now to Page 2.

6 On this page we can see the existing two
7 apartments above that are currently legal. We
8 have two bedroom, two bedroom, and then I'll
9 direct your attention to the ground floor. This
10 is the front of the building, 23rd Street, you
11 walk in, there's a garage for an existing car
12 there. As you can see, there's parking within
13 the garage and then there's two apron spots that
14 are existing to the building. We're not making
15 any changes to that. We're actually not making
16 any changes to the building or to the apartment
17 itself. You walk through a hallway, a common
18 hallway, and when you enter the apartment, you
19 enter into a large living space, you walk
20 through a kitchen area. Then you have your
21 dining room and living room and then you have
22 nice size bedroom to your right. That bedroom
23 has a closet and bathroom, a 5-10 by 4-10
24 bathroom with a shower.

25 We are taking this opportunity to

1 bring this building up to code, so there's a lot
2 of -- even though we're not making any changes
3 to the exterior of the building, we're actually
4 bringing a lot of things up to code; such as a
5 limited area sprinkler system for this one unit,
6 we're creating a fire separation from this unit
7 to the units above by adding layers of
8 Sheetrock, we're adding layers of Sheetrock and
9 creating a fire appreciation between this unit
10 and the garage, we're adding an alarm system and
11 emergency lighting, so this building is going to
12 be brought up to code and improve the life
13 safety of both the inhabitants of this building
14 and the adjoining properties.

15 So it's been a wonderful
16 opportunity to take this to make this a better
17 building for the entire neighborhood. We're
18 expanding our nonconformity for parking. We
19 have three cars in total, one being in tandem
20 within the driveway, so we're expanding on that,
21 and then that concludes our requirement for
22 variances. There's no real changes or proposals
23 for the rest of the building and I'm open for
24 your commentary.

25 MS. CAPIZZI: Any board member?

MR. VELAZQUEZ: Just real quick, and I know this is just going to throw it out of the box, is this the only property that's actually legalizing?

MR. PEREIRAS: I don't know. I believe there are legal ones and there are illegal ones all within that same block. I'm not sure which one is which, but there are legal ones and there are illegal ones.

Our client just purchased the building, they did their due diligence, they're doing the right thing here, and they found out that this is illegal, and they're coming before the board today.

MR. ORTIZ: But they only own this particular townhouse.

MS. PEREIRAS: This one, correct.

MR. VELAZQUEZ: I'm just saying because maybe down the road, if they're doing due diligence, maybe the rest will come, and we'll see them.

MS. CAPIZZI: Any member of the public?

(Whereupon, a member of the public

1 is before the board.)

2

3 THE PUBLIC: 1006 Palisade.

4 Question, it's a one-bedroom apartment.

5 How big is it?

6 MR. PEREIRAS: It's small, it's

7 undersized for the Union City

8 requirements. It's 390 square feet, but

9 we all have an opportunity to grow in any

10 way, so it's well-maintained there.

11 THE PUBLIC: Do you know what your
12 problem is?

13 MR. PEREIRAS: I do.

14 THE PUBLIC: I'll forget it.

15 MR. PEREIRAS: Thank you.

16 MS. CAPIZZI: Any other questions
17 or comments?

18 Seeing none, I'll make a motion to
19 accept the application.

20 MS. KOEHLER: Second the motion.

21 THE SECRETARY: Motion to approve
22 this application by Diane Capizzi, second
23 by Jeanne Koehler.

24 Roll call on the motion to approve
25 this application. Ydalia Genao?

1 MS. GENAO: Yes.

2 THE SECRETARY: Commissioner
3 Valdivia?

4 MR. VALDIVIA: Yes.

5 THE SECRETARY: Diane Capizzi?

6 MS. CAPIZZI: Yes.

7 THE SECRETARY: Carolina Fernandez?

8 MS. FERNANDEZ: Yes.

9 THE SECRETARY: Jay Shah?

10 MR. SHAH: Yes.

11 THE SECRETARY: Jeanne Koehler?

12 MS. KOEHLER: Yes.

13 THE SECRETARY: Alejandro

14 Velazquez?

15 MR. VELAZQUEZ: Yes.

16 THE SECRETARY: Jose Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Motion carries,
19 eight in favor.

20 Thank you.

21

22 * * *

23

24

25

1 **Robert Hazaga - 514 2nd Street:**

2
3 THE SECRETARY: Next application in
4 tonight's agenda, Robert Hazaga, 514 2nd
5 Street.

6 Ms. Pereiras, please.

7 MR. ORTIZ: Madam Chairwoman, I've
8 had an opportunity to review the
9 submissions supplied by counsel.
10 Everything seems to be in order, getting
11 jurisdiction from the board.

12 MS. PEREIRAS: Thank you very much.

13 Again, Bianca Pereiras, on behalf
14 of the applicant, Robert Hazaga, for
15 property located at 514 2nd Street, Block
16 9, Lot 42. This is an application before
17 the board to remove a nonconforming
18 structure that was in the rear of this
19 property and we'll be looking to make an
20 addition in adding units, so we're making
21 a two-family to a three-family.

22 The applicant is here in case the
23 board has any questions of him, but we
24 have one expert to testify before the
25 board this evening, and that is our

1 architect, Mr. Anthony D'Angelo.

2

3 A N T H O N Y D ' A N G E L O ,

4 called as a witness, having been duly sworn

5 according to law, testifies as follows:

6

7 MS. PEREIRAS: Mr. D'Angelo I don't

8 think has testified before this board in

9 the past, may I ask him to put his

10 qualifications on the record.

11 MR. D'ANGELO: Anthony D'Angelo,

12 That's D-'-A-n-g-e-l-o, Studio One

13 Architects, located at 500 Paterson Plank

14 Road, Union City. I'm a licensed

15 architect.

16 MR. ORTIZ: And you've never been

17 here before?

18 MR. D'ANGELO: Oddly enough. I'm a

19 licensed architect in New Jersey, New

20 York, Pennsylvania, Massachusetts and

21 Florida, and I've been licensed in New

22 Jersey since 1994, and in front of many

23 boards in Hudson County; Weehawken, Jersey

24 City, Hoboken to mention a few.

25 MS. CAPIZZI: That's fine.

1 MS. PEREIRAS: Thank you very much.

2

3 DIRECT EXAMINATION

4 BY MS. PEREIRAS:

5

6 Q. Mr. D'Angelo, you're familiar with
7 the property located at 514 2nd Street?

8 A. Yes, I am.

9 Q. You've prepared the drawings that
10 are before this board this evening?

11 A. Yes, I did.

12 Q. Can you please describe the
13 proposed application.

14 A. Yes. Well, as we mentioned, the
15 property is in Block 9, Lot 42, located at 514
16 2nd Street, right across from the park. The
17 park is south of us, and just to go through the
18 zoning chart, some of the items, we're looking
19 to propose a three family, which is allowed and
20 permitted in this zone. We are non in
21 compliance existing with the 2300 square foot
22 property where 2500 is required, that's because
23 the lot width is 23 feet where 25 feet is
24 required, so that's also nonconforming, the lot
25 width. We meet the requirement for lot depth

1 because we're at 100 and the requirement is 100.
2 We are within the requirements for the front
3 setback and there is no change with that.

4 The side yards, we are complying
5 with the minimum side yard at two feet for the
6 addition, the existing structure is
7 nonconforming at 1.45, but we're not changing
8 that, but our addition is going to maintain the
9 two foot for the minimum one side yard, and the
10 total combined we are going to be at 5.08 feet
11 at the addition, where 5 feet is required, so we
12 are meeting that.

13 The minimum rear yard we're asking
14 for a variance for 20 feet, which is 20 percent
15 of the lot depth at the addition, where 25 feet
16 is required.

17 Our building height is two
18 stories, and the addition is proposed at
19 20.33 feet. The existing is two stories at,
20 approximately, 25 feet tall, so we're within
21 what's permitted. We are meeting the maximum
22 building coverage, we're proposing 60 percent,
23 60 percent is required. And the maximum lot
24 coverage we're proposing 72.3 percent where
25 85 percent is required, currently, it's

1 100 percent, so we are going to alleviate the
2 impervious coverage with our proposal.

3 Off-street parking, we currently
4 do not have any off-street parking so we are
5 looking to also maintain that and that's
6 existing not in compliance.

7 These are some of the existing
8 site photographs, which show the property, which
9 is a two-story, you can see that in Photograph
10 Number 4. To the west of us are the adjacent
11 two neighbors, three-story structures. To the
12 east of us is a multi-family, four-story
13 structure. This is just showing a picture
14 looking down east, which shows the park to the
15 south of us on Second Street.

16 Next drawing, Z 3, shows the
17 existing rear of the two-family house with an
18 existing entry and enclosed entry and staircase,
19 which we're proposing to remove. And it shows
20 the existing nonconforming detached one-story
21 structure at the rear of the property, which was
22 a nonconforming studio unit.

23 MS. CAPIZZI: There's somebody in
24 there now?

25 MR. D'ANGELO: No. My client

1 bought it, everything was vacant, and
2 there's nobody in there, the structure is
3 nonconforming and it's structurally not
4 sound, so that's why --

5 MR. ORTIZ: So that's coming down,
6 that rear studio?

7 MR. D'ANGELO: Yes, I'll show you
8 that, so we're looking at removing that
9 and putting an addition at the rear of the
10 existing two-family. Currently, the
11 two-family is being renovated, those two
12 units are being renovated.

13 MS. CAPIZZI: So that structure, is
14 it catercorner to the house?

15 MR. D'ANGELO: I'll show you on the
16 site plan. It's actually in the rear of
17 the property.

18 MR. ORTIZ: It's detached, right?

19 MS. PEREIRAS: Yes.

20 MR. D'ANGELO: It's detached. So
21 this is the existing two-family here, as
22 you can see, this is the structure which
23 is behind right the back of the property,
24 basically, zero lot line, for the most, on
25 all three property lines there.

1 MS. CAPIZZI: Okay.

2 MR. ORTIZ: I'm probably jumping
3 ahead of you, but I'm sorry, I apologize.
4 So what you're planning to do is to remove
5 that detached property then add an
6 addition actually attached to the house?

7 MS. PEREIRAS: Yes.

8 MR. ORTIZ: And that addition will
9 house one more unit?

10 MS. PEREIRAS: One unit, that's a
11 two-story addition.

12 MS. CAPIZZI: One unit that's two
13 floors?

14 MS. PEREIRAS: Yes.

15 MS. CAPIZZI: One unit that's
16 floors or two units?

17 MR. D'ANGELO: One unit, two
18 floors. I'll walk you through it. Like I
19 said, the existing two-family is two
20 story, the detached one-story structure
21 that we're talking about removing. And
22 the 100 impervious is because this whole
23 back yard and all the side yards were all
24 concrete pavement, so we're going to
25 remove a lot of that as well. So the

1 proposal is to remove the one-story,
2 remove all the concrete back here, remove
3 the existing entry to the first story unit
4 and stairs and to create this addition,
5 which is two stories, which will house one
6 unit, so it would become a three-family.
7 We're notching out the addition to still
8 maintain the existing exterior access to
9 the basement and also in the existing
10 units, this is the kitchen in this corner,
11 so we want to maintain the existing
12 windows so there's light and air into the
13 kitchen, so that's also part of why the
14 addition is getting pushed into the rear
15 yard.

16 So we'll have, the entrance into
17 this unit will have its own separate
18 entrance off of the side yard and
19 landscaped area around the rear yard
20 property line with a privacy fence. On
21 two sides there's an existing, masonry
22 wall that will remain on the western side
23 of the property and then have a permeable
24 paver system so that the water drains
25 through.

1 So let me go through the proposed
2 addition in this new unit. On the ground
3 level you come in the side entrance,
4 there's an open kitchen-living room with a
5 powder room and utility room.

6 MR. ORTIZ: The entrance into this
7 new proposed unit would be through the
8 alleyway?

9 MR. D'ANGELO: Yes. It has it's
10 own private entrance.

11 MR. ORTIZ: How wide is that
12 alleyway?

13 MR. D'ANGELO: At our addition it's
14 going to be -- from the property line,
15 it's 3 feet, 1 inch, but to the adjacent
16 building that's next door, it's like
17 4 feet, 1 and-a-half inches.

18 So as part of this addition we're
19 going to create where the addition meets
20 the existing, there'll be a two-hour
21 separation wall, so there will be a
22 fire-rated separation wall for this one
23 unit from the two-family, plus a limited
24 area sprinkler system for this new unit
25 back here, so that it's protected from

1 fire from the existing structure.

2 Then you go up a set of stairs and
3 on the second floor there's a common hall
4 bathroom and a smaller bedroom and then a
5 larger bedroom, obviously, with closets.

6 Q. Is there any way for them to get
7 into that apartment through the house?

8 A. No, the house is for the
9 two-family because they have a staircase there,
10 and that's the entrance that those two units
11 will have. This is going to have its own
12 entrance, so that this way we won't have to have
13 two means of egress.

14 Q. How would they get furniture
15 through there?

16 MR. ORTIZ: And more importantly,
17 if a fire.

18 MR. D'ANGELO: Well, the purpose
19 for the fire is the limited area sprinkler
20 system. We did review this with the
21 construction official and went through
22 this with him and the separation wall to
23 keep them two separate, you know, sort of
24 structures attached --

25 MR. ORTIZ: Yeah, but some firemen

1 are big guys, they're bigger than 3 feet
2 wide and they're going to be carrying
3 equipment.

4 MR. D'ANGELO: But this is a side
5 yard setback requirement for all these
6 houses.

7 MR. ORTIZ: But there's not that
8 many entranceways to a 3-foot alley.
9 She's right, furniture, even if you're
10 carrying two shopping bags when you go
11 shopping you're not going to fit through
12 there.

13 MR. D'ANGELO: It's 3 feet --
14 currently, where it exists to the property
15 line is 2.5 feet then to the adjacent
16 structure is like another foot, so it's 3
17 and-a-half feet where it's existing and
18 then where we are in the back here it's
19 4 feet and like 1 and-a-half inches, like
20 I said, so it gets larger as we get back
21 to the property in the back here.

22 MR. VELAZQUEZ: I don't want to
23 sound like a Debbie Downer, but a lot of
24 fires have happened in this area, a lot of
25 fires. That condo on the corner, the 400

1 block, the houses on Second Street.

2 MR. D'ANGELO: When we met with the
3 construction code official we discussed
4 that and that's why we're treating this
5 building, we're fire-rating this addition
6 and also providing that two-hour
7 separation between the front structure and
8 this rear structure.

9 MR. VELAZQUEZ: How about, also,
10 since it's really unoccupied, the front,
11 was there ever a discussion maybe any kind
12 of system, fire-rated walls inside the
13 existing structure?

14 A. It wasn't a requirement that the
15 two-family be fire-rated.

16 MR. VELAZQUEZ: We want to try to
17 make it as safe as possible and since
18 nobody is actually living there -- I've
19 been to this property before the applicant
20 owned this property and it was one of the
21 most eye-sore properties on that block,
22 that's the thing.

23 MS. PEREIRAS: Just so you know,
24 the applicant is actually moving into this
25 proposed structure if the board is to

1 approve it, so it is going to be
2 owner-occupied. He also has a business in
3 town, he owns other properties, so that
4 was a main goal, for him to be in this
5 property. We are not seeking a side yard
6 variance. But we're looking for
7 suggestions from the board as far as
8 making this safer.

9 MR. ORTIZ: There's no way of --
10 since it's empty, there's no way of
11 renovating this thing to have like a
12 hallway through the front of the building?

13 MR. D'ANGELO: No, and that would
14 trigger two means of egress as well, so
15 that would take up more of the floorspace,
16 it's a very narrow lot, sort of to begin
17 with, with the setbacks, so it's not
18 really conducive. That was the whole
19 reason why we were using the alleyway as a
20 separate entrance, so that the front
21 building could be, you know, just the
22 two-family with their own entrance, and
23 this could have its own entrance in the
24 back, that was the most efficient way, and
25 also to separate them with fire-ratings

1 and also the limited area sprinkler.

2 MR. ORTIZ: With that alleyway
3 being the only exit, let me give you a
4 proposal. The front building is on fire,
5 based on what Alex says, and it's blasting
6 out the side. How is the owner getting
7 out?

8 MR. D'ANGELO: How is, excuse me?

9 MR. ORTIZ: The fire is blasting
10 out the sides of the front building, which
11 is not going to have any additional fire
12 suppression from what I'm hearing, or
13 fire-rated, it's blasting out the side. A
14 fire can reach 4 feet like that. How is
15 someone going to get out of the building
16 from the back?

17 MR. D'ANGELO: There's a sprinkler
18 system here.

19 MR. ORTIZ: Right, but I'm saying
20 the front is burning.

21 MR. D'ANGELO: Okay.

22 MR. ORTIZ: And it's flaring across
23 that 3 and-a-half-foot walkway. How is
24 someone getting out?

25 MR. D'ANGELO: No different from in

1 any of the other areas if you're in a
2 bedroom or something and have to get out,
3 you're egressing out of a window into a
4 side yard.

5 MR. ORTIZ: Right, but usually
6 there's a back or a front and some room to
7 run; that's not what you're proposing.
8 You're talking about trapping someone into
9 that building.

10 MR. D'ANGELO: We're not really
11 trapping because this is a side yard.

12 MR. ORTIZ: Not really?

13 MR. D'ANGELO: This is a side yard
14 that conforms, it meets the fire codes for
15 fire-ratings, you can have windows from a
16 bedroom into that side yard and that's how
17 people may be getting out of the those
18 bedrooms going into the side yard.

19 MR. ORTIZ: I'm going to explain
20 it. The front building, you're not doing
21 additional fire suppression.

22 MR. D'ANGELO: Well, it's not
23 required.

24 MS. PEREIRAS: Counsel, can I just
25 have a minute to discuss with my client

1 and maybe just come right back, if you
2 don't mind.

3 Thank you very much.

4
5 (Whereupon, a brief recess is
6 taken.)

7
8 THE SECRETARY: May I have your
9 attention, please. We are going back in
10 business. Thank you.

11 Ms. Pereiras, please.

12 MS. PEREIRAS: Thank you.

13 Board Counsel, we'd like to address
14 your concerns about safety, we don't want
15 to do it just in a five-minute rush in the
16 hallway, so we'd like it, if you don't
17 mind, if we can adjourn this matter and
18 maybe we can come back with other options.

19 MS. CAPIZZI: I make a motion.

20 THE SECRETARY: Motion to --

21 MR. VELAZQUEZ: I second.

22 THE SECRETARY: -- to adjourn the
23 application.

24 MS. CAPIZZI: Um-hum.

25 MR. VELAZQUEZ: I second.

1 THE SECRETARY: Second by Alex
2 Velazquez.

3 Roll call on the motion.

4 Ydalia Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Commissioner
7 Valdivia?

8 MR. VALDIVIA: Yes.

9 THE SECRETARY: Diane Capizzi?

10 MS. CAPIZZI: Yes.

11 THE SECRETARY: Carolina Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Jay Shah?

14 MR. SHAH: Yes.

15 THE SECRETARY: Jeanne Koehler?

16 MS. KOEHLER: Yes.

17 THE SECRETARY: Alejandro
18 Velazquez?

19 MR. VELAZQUEZ: Yes.

20 THE SECRETARY: Jose Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Motion carries,
23 eight in favor.

24 MS. PEREIRAS: Thank you very much.

25 THE SECRETARY: No future notice is

1 required and the next meeting will be
2 on --

3 MR. ORTIZ: February 23rd, but it
4 may not be on February 23rd's meeting and
5 I'm letting you know why, because on that
6 meeting we have a requirement to go into
7 closed session with corporate counsel on
8 the color requirements, so it's unlikely
9 it's going to be on the 23rd. We're
10 probably going to address the one that was
11 adjourned today, the larger project and
12 the closed session, so it's more likely
13 going to be in March, so you got a little
14 more time to think about it, that's all.

15 MS. PEREIRAS: Will it be carried
16 into the February meeting and then we
17 might --

18 MR. ORTIZ: No, I doubt it because
19 we gotta go into closed session. It's
20 going to be carried to March, it's
21 March 22nd.

22 THE SECRETARY: Continuation will
23 be on March 22nd, same place, same time.

24
25

* * *

1 **Shriji 218, LLC - 2107 Bergenline Avenue:**

2

3 THE SECRETARY: Next application in
4 tonight's agenda, Shriji, 218, LLC, 2107
5 Bergenline Avenue.

6 Mr. Halkias, please.

7 MR. ORTIZ: Mr. Halkias, do you
8 have an affidavit of service?

9 MR. HALKIAS: Affidavit of service?

10 MR. ORTIZ: Yeah, I have just for
11 the Jersey Journal.

12 MR. HALKIAS: I did not prepare it
13 today, sir. Can I prepare one right now?

14 MR. ORTIZ: How are you going to do
15 that?

16 MR. HALKIAS: Actually, my client
17 is the one who went to the post office.
18 We can go ahead and prepare it and I can
19 notarize the signature on it. When I
20 prepared all the cards, he's the one that
21 actually went to the post office. I have
22 a receipt from the post office as well, we
23 have all the white slips stamped as well.

24 MR. ORTIZ: We're going to try to
25 accommodate you.

1 MR. HALKIAS: I understand. I can
2 attach too the receipt from the postal
3 service, the actual tape from the register
4 for each one, it serves a date of
5 January 11th.

6 MR. ORTIZ: No issues, no issues,
7 as far as the publication, I have no issue
8 with that. I'm not going to make you rush
9 through it, I have everything here. I
10 guess we can move forward on this
11 condition --

12 MR. HALKIAS: And supply it.

13 MR. ORTIZ: Tomorrow first thing.

14 MR. HALKIAS: Absolutely.

15 MR. ORTIZ: Madam Chairwoman,
16 conditionally, we're going to take
17 jurisdiction. The only document that is
18 not supplied is the affidavit of service.
19 Counsel represents that he is the one that
20 prepared them, we just don't have it in
21 writing.

22 MR. HALKIAS: I prepared them, I
23 stuffed the envelopes, my client is the
24 one who actually paid at the post office.

25 MR. ORTIZ: If you can just get it

1 to our board clerk.

2 MR. HALKIAS: Yes, to Mr. Vallejo;
3 is that correct?

4 THE SECRETARY: Yes.

5 MS. CAPIZZI: Sure.

6 MR. ORTIZ: Whenever you're ready.

7 MR. HALKIAS: Good evening, Madam
8 Chairman, commissioners, my name is
9 Michael Halkias. My office is at 1300 Van
10 Houten Avenue, Clifton, New Jersey. I
11 represent the applicant Shriji 218, LLC.
12 My client is the owner as of November,
13 December, the exact date escapes me, but
14 is now the owner of the vacant lot that is
15 in question. They have submitted plans
16 and we have our architect, Mr. Sankpal
17 here to go through the zoning
18 requirements, what deficiencies, the
19 deficiency is only parking they need site
20 plan approval.

21 Just for matter of background,
22 while under contract last year, we
23 actually brought an application before the
24 zoning board. At that point it was the
25 zoning board that had jurisdiction, but

1 stepping back from some of the requests
2 being made by my client, it was the town
3 engineer and zoning officer that found
4 that then the planning board is the right
5 venue, so we actually were before the
6 zoning board, we're ready to go back for a
7 final approval after some corrections and
8 modifications to the drawings and now
9 that's when they realized that board no
10 longer had jurisdiction.

11 So in the meantime my client has
12 purchased the property, is now the owner,
13 one of the principals is here today,
14 Mr. Patel. He is a local businessman and
15 owns a property only about a block away.
16 He operates Universal Liquors, if you're
17 familiar with it, he's been there since I
18 think 1998 or '99.

19 MR. PATEL: '98.

20 MR. HALKIAS: Thank you. This is
21 Mr. Patel. So he's been in town for a
22 very, very long time; property owner here,
23 business owner there. Have the
24 opportunity now where this property was
25 formally a building structure on it, I'm

1 sure many of you are aware it was raised
2 because of a fire, and it's been a vacant
3 lot for some time, so we're here now.

4 The agenda, I believe has a
5 typographical error. It says for a first
6 floor commercial storefront and five
7 apartments; that's not the application.
8 The application that was submitted was for
9 four apartments; that's our drawings,
10 that's our specifications, so it's for one
11 storefront first floor and two apartments
12 on the second and third floors.

13 I would like to introduce Mr.
14 Sankpal, if you want to have him sworn in,
15 and he has not appeared before this board.
16 He has appeared before many, as you'll
17 hear and before this municipality's zoning
18 board of adjustment, not just for our
19 application, but for others before that
20 too.

21 MR. ORTIZ: Based on that
22 representation, if he's appeared before
23 the zoning board of adjustment --

24 MR. HALKIAS: He has, and he was
25 qualified there.

1 MS. CAPIZZI: That's okay. Thank
2 you.

3

4 J A Y S A N K P A L,
5 called as a witness, having been duly sworn
6 according to law, testifies as follows:

7

8 MR. SANKPAL: My name is Jay
9 Sankpal, S-a-n-k-p-a-l. I'm a registered
10 architect. Address is 7 Michael Court,
11 Old Bridge, New Jersey 08857.

12

13 DIRECT EXAMINATION

14 BY MR. HALKIAS:

15

16 Q. Mr. Sankpal, as part of the
17 application for our mutual client, Shriji 218,
18 LLC, did you prepare a site plan as well as
19 other architectural drawings regarding the
20 construction of a new building on the property
21 located at 2107 Bergenline Avenue, Union City,
22 New Jersey?

23 A. Yes, I did.

24 Q. That is Block 114, Lot 4; is that
25 correct?

1 A. Correct.

2 Q. Okay. Before going into the
3 specifics of your drawings, perhaps you can
4 advise and state for the board what relief our
5 client will require in order to get his
6 application accepted for the construction of
7 this three-story building.

8 A. This building, as what was
9 designed, we don't need any variance for it,
10 like construction of the building, like front
11 yard, height, back yard, percentage coverage,
12 everything will conform to zoning board --
13 planning, CN Zone.

14 Q. Zoning ordinances?

15 A. CN zone. So first floor we got
16 the store here. This is the property on
17 Bergenline Avenue on CN zone and this is the
18 zoning board comparison chart showing that we
19 conform to all the requirements except parking,
20 otherwise, that's the only thing there.

21 This is the first floor of the
22 building. First floor is all commercial, about
23 1550 square feet. Second floor has two
24 two-bedroom apartments. They're each 800 square
25 feet apartment, the second is also 805, the

1 other is 805, 805 square feet also. We have got
2 this basement over here.

3 Actually, I should go back to the
4 history of this project. Seven years ago there
5 was brand new building that was constructed on
6 this lot, which was damaged by the fire and was
7 destroyed. So what we're going to build is on
8 the same basis; that building had commercial on
9 the first floor, two two-bedroom apartments on
10 second and third floor, so four apartments and
11 one commercial that was there but it was
12 destroyed. So what we're going to do, we are
13 going to request the same type of occupancy to
14 be approved for this project. And as such, as
15 per the planning board CN zone requirements, we
16 conform to all the requirements except parking,
17 and that's why we are here.

18 I'll show you what the building
19 is, how it is going to look. This is going to
20 be the front of the building, this is going to
21 be all brick, red brick for the elevation. This
22 is going to be a store, independent entrance.
23 This entrance is for the apartment upstairs.
24 This is the back yard, the elevation. The side
25 yard is going to be on the lot line, so we are

1 not going to finish that except whatever is
2 exposed is going to have prefinished concrete
3 blocks for the exposed portion of the building.

4 This building is going to be
5 completely a masonry building. Because I
6 believe there was a fire, and that old building,
7 because it was a frame building it was destroyed
8 because of that, so we're going to have a
9 sprinkler system, a whole sprinkler system in
10 the building for the whole thing, so it will be
11 protected from that fire.

12 Anything else?

13 Q. Mr. Sankpal, discuss a little bit
14 about the particulars about the apartments. Do
15 all the apartments conform; if you will go over
16 the required square footage for the apartments
17 and if they comply with the current zoning
18 requirements.

19 A. Zoning requirements, I think
20 require minimum 750 square feet of each
21 apartment, and here we got 805 square feet, 805
22 square feet on all of them, so we conform with
23 that requirement. Two bedrooms, same-sized
24 bedroom, it is 14.8 by 11.4. The living room is
25 also 18 feet by 15 feet, same is similar for all

1 them, so it's very comfortable apartments, very
2 big apartments, and that's what we have done
3 here.

4 MR. ORTIZ: So you have four
5 apartments, one commercial level.

6 MR. HALKIAS: That's correct. The
7 first floor, street level will be commercial.
8 The second floor and third floor will have two
9 apartments each. Again, the square footage of
10 the larger apartment is --

11 A. 805 square feet.

12 Q. And the smaller apartment?

13 A. No, no, they are all --

14 Q. Oh, all are 805, all of them.

15 MR. ORTIZ: And it's your position
16 that the only variances you really need,
17 which I'm not necessarily disagreeing with
18 is the parking variance?

19 MR. HALKIAS: Yes. On the front
20 page of our drawings, there is a zoning
21 key map and as the board can see, we
22 complied with every one of the
23 requirements; whether it be lot coverage,
24 side yard, front yard, et cetera, there is
25 no other variances required for any of the

1 other categories; it's only the parking,
2 and as Mr. Sankpal has said, about seven
3 years ago when the building was built,
4 which, unfortunately, was destroyed by
5 fire, my client is going to the expense
6 completely sprinklering the entire
7 building, which the other building was
8 not.

9 MS. CAPIZZI: Is there a basement?

10 MR. SANKPAL: There was already a
11 basement before, so when the building was
12 destroyed, probably those walls are still
13 there, you know, because those walls are
14 masonry walls, so we are probably going to
15 take advantage of that, and all the
16 utilities are going to be in here.

17 MS. CAPIZZI: And the garbage?

18 MR. SANKPAL: You need a sprinkler
19 system, which will require piping and all
20 of that, so that we put in the basement.

21 MR. ORTIZ: Is that going to be
22 leased as part of the commercial space as
23 well?

24 MR. HALKIAS: May I have my client
25 come up, Mr. Patel.

1 MR. ORTIZ: Of course.

2

3 G H A N S H Y A N P A T E L,
4 Shriji 218, LLC, called as a witness, having
5 been duly sworn according to law, testifies
6 as follows:

7

8 MR. ORTIZ: I'll just ask you
9 briefly, Mr. Patel, the first space is
10 going to be, in the proposed project, is
11 going to be commercial space. Are you
12 going to be leasing part of that basement
13 to the commercial space as well?

14 MR. PATEL: No.

15 MR. ORTIZ: No. That's going to be
16 entirely vacant. If you have commercial,
17 it makes sense to have storage down there
18 of merchandise.

19 MR. HALKIAS: However, the first
20 floor is going to be very large, it's
21 going to be very large, one commercial
22 unit.

23 MR. ORTIZ: I'm just, you know,
24 just asking, I don't have a particular
25 problem with it. I have a bigger concern,

1 actually, this being turned into an
2 apartment more than I do have a concern
3 about it being leased as commercial space.

4 MR. HALKIAS: Again, Mr. Sankpal,
5 the mechanical units.

6 MR. SANKPAL: They'll be on the
7 roof.

8 MR. HALKIAS: But the furnaces and
9 things like that; furnaces, hot water
10 tanks?

11 MR. SANKPAL: In the basement.

12 MR. HALKIAS: So the basement is
13 going to be used for the mechanicals for
14 the four apartments and for the storage.
15 So while it may look very large, it's not
16 going to be when you have all the
17 mechanicals there.

18 MR. ORTIZ: Yeah, that's exactly my
19 point, it looks extremely large.

20 MR. VALDIVIA: It's probably going
21 to be a long, big basement too.

22 MR. SANKPAL: No.

23 MR. HALKIAS: It's not a full size.

24 MR. VALDIVIA: The reason I mention
25 that is that next door at 2105, my late

1 uncle owned that property and he sold it
2 over 20 years ago, he owned it for over 30
3 years, it had a commercial floor in the
4 first floor, it had a large apartment in
5 the back of it, you had commercial, four
6 apartments and his basement was very big.
7 They didn't use it to live, but it was a
8 very big basement, which is the only
9 reason, 2105 Bergenline Avenue.

10 MR. HALKIAS: I'd like to bring to
11 the attention of the board, on the second
12 page of the drawings, you'll see this
13 picture. The entire basement is not
14 excavated.

15 MR. SANKPAL: Not the entire
16 basement.

17 MR. HALKIAS: It is not the same
18 size as the store. As you can see here,
19 this entire portion here --

20 MR. SANKPAL: Unexcavated.

21 MR. HALKIAS: Almost 50 percent,
22 not quite, it's not even excavated.

23 MR. VALDIVIA: It was an
24 old-fashioned building. As a matter of
25 fact, it had divisions in the basement for

1 each apartment where they could store, you
2 know, like the old days, the older
3 apartments they can store.

4 MR. HALKIAS: I can tell you, I do
5 a lot of Mr. Patel's other work, some
6 landlord-tenant. I would always recommend
7 against providing storage for tenants
8 because that gets to be abused, and it's
9 always a contention in landlord-tenant
10 court, when notices go out to remove
11 things.

12 MR. ORTIZ: So you wouldn't have a
13 problem if I was to put a condition in the
14 resolution that the basement area is not
15 to be leased for any purpose whatsoever.

16 MR. HALKIAS: Used only for
17 mechanicals.

18 MR. ORTIZ: I'm saying leased
19 because that leaves off the mechanicals.
20 Leased or rented, something like that.

21 MR. HALKIAS: My client has no
22 objection to that.

23 MR. GUARENO: What is the size of
24 that basement?

25 MR. HALKIAS: Mr. Sankpal, can you

1 tell us the dimensions of the basement?

2 MR. SANKPAL: Total, including the
3 masonry wall is 44 feet.

4 MR. HALKIAS: In depth will be the
5 excavated part?

6 MR. SANKPAL: It is not excavated,
7 actually, the walls are still there, I
8 believe so because those are masonry walls
9 and they're not destroyed in the fire.

10 MR. HALKIAS: Okay. So the area
11 that will be used for the mechanicals, et
12 cetera, will be 44 feet in depth and the
13 front dimension?

14 MR. SANKPAL: 25 feet.

15 MR. HALKIAS: 25 feet by 40 feet.
16 With a stairway going down, so there could
17 be access for reading of meters,
18 maintenance, et cetera, for those
19 mechanicals.

20 MR. VALDIVIA: For the future,
21 whoever builds next to you is going to be
22 an attached building also, right, the
23 walls are going to be fire-rated?

24 MR. VELAZQUEZ: I know you're using
25 a sprinkler system, but on the side of the

1 wall, that's all going to be fire-rated
2 too, right?

3 MR. HALKIAS: We have to comply
4 with building code, when we applied for
5 our building permit, I'm sure the building
6 apartment is not going to let us do
7 anything that we can't do. So if it has
8 to be fire-rated walls, it has to be, of
9 course.

10 MR. ORTIZ: Al, what I put in all
11 the resolutions, it's the obvious, but it
12 must comply with all local and state
13 regulations.

14 There is one other question that
15 the board has; where are you going to
16 store garbage for both the apartments and
17 the commercial?

18 MR. HALKIAS: Have you given any
19 thought to that, Mr. Patel, where would
20 you put the garbage for the tenants. Is
21 there going to be access to the rear yard
22 of the building, there is a small area of
23 rear yard. Is there access from the
24 building to the rear yard where refuse
25 containers, recycle containers can be

1 placed?

2 MR. PATEL: Probably I can store in
3 the basement also, in here, you know, give
4 the tenant spaces, and a chain link fence
5 around it with a gate for each apartment,
6 so they can store their things.

7 MR. HALKIAS: Recyclables and
8 refuse.

9 MR. VELAZQUEZ: I rather it going
10 in the basement. This is where you
11 trigger in your certain issue and applies
12 to your yearly contract, and all the
13 commercial establishments are going to
14 have a complete separate private haul,
15 it's not going to be mixed in.

16 MR. HALKIAS: Right. They cannot
17 use the public pick-up, as my client knows
18 from his business a block away. Again,
19 we'll comply with all requirements of the
20 municipality, that they be for refuse,
21 building, et cetera. But it seems like
22 the easiest for the tenants will be to
23 have it in the basement and then be able
24 to just walk one flight to bring it
25 outside to the street because that hallway

1 that has access for the apartments will
2 have the same stairway going into the
3 basement for them to use and put their
4 refuse there for pick-up.

5 MR. ORTIZ: Okay. So another
6 condition is that applicant to install a
7 garbage room in the basement.

8 MR. HALKIAS: Refuse, recycle area
9 room, absolutely.

10 MS. KOEHLER: Rodent-proof bins.

11 MR. ORTIZ: Al, I have a question
12 for you. Are those kind of bins required
13 as a matter of health code or no? So it
14 has to be put in the resolution, separate
15 and apart, okay.

16 MR. HALKIAS: We'll be sure that
17 the landlord provides those, they'll be
18 provided for the tenant.

19 MR. ORTIZ: All right.

20 MR. HALKIAS: It makes sense
21 because in the long run that will help my
22 client.

23 MS. CAPIZZI: Absolutely. Anyone
24 else have any questions or comments?

25 MS. KOEHLER: One more question,

1 since you own and you have a business a
2 block away, do you know what you plan on
3 leasing the retail space out as, what kind
4 of retail?

5 MR. PATEL: We didn't decide so far
6 what we're going to put in, but usually,
7 my friend owns a beauty salon, and he
8 wants to put a beauty salon.

9 MR. HALKIAS: That's the other
10 partner of the two members of Shriji. He
11 has a couple of establishments. He did
12 mention that last summer, I didn't know it
13 was still a possibility, maybe he can put
14 his own beauty salon there. He doesn't
15 have one in this general area.

16 MR. PATEL: 32nd in West New York
17 Area.

18 MR. HALKIAS: Okay, one in West New
19 York, one in Passaic, New Jersey, Nutley
20 and Union City, so he might take advantage
21 of it himself.

22 MS. CAPIZZI: Any other question?

23 MR. VELAZQUEZ: Well, I'm not going
24 to another salon.

25 MS. CAPIZZI: Anyone from the

1 public like to comment or question?
2 Seeing none, I'll make a motion to approve
3 the application with the conditions.

4 MR. ORTIZ: The conditions, so the
5 record is clear, that the applicant shall
6 not lease or rent the basement under any
7 circumstances and to install a garbage
8 room in the basement with rodent-proof
9 containers.

10 THE SECRETARY: Motion to approve
11 this application by Diane Capizzi.

12 MR. VALDIVIA: Second.

13 THE SECRETARY: Second by
14 Commissioner Valdivia.

15 Roll call on the motion to approve
16 this application.

17 Ydalia Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Commissioner
20 Valdivia?

21 MR. VALDIVIA: Yes.

22 THE SECRETARY: Diane Capizzi?

23 MS. CAPIZZI: Yes.

24 THE SECRETARY: Carolina Fernandez?

25 MS. FERNANDEZ: Yes.

1 THE SECRETARY: Jay Shah?

2 MR. SHAH: Yes.

3 THE SECRETARY: Jeanne Koehler?

4 MS. KOEHLER: Yes.

5 THE SECRETARY: Alejandro

6 Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Jose Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Motion carried,
11 eight in favor.

12 MR. HALKIAS: Thank you.

13 MS. CAPIZZI: You're welcome.

14

15

* * *

16

17

18

19

20

21

22

23

24

25

ADJOURNMENT:

THE SECRETARY: There being no other applications in tonight's agenda, can I have a motion to end tonight's meeting?

MR. VALDIVIA: Motion.

MS. CAPIZZI: Aye.

THE SECRETARY: Motion by Commissioner Valdivia, seconded by Diane Capizzi. All in favor?

(Whereupon, there was a chorus of ayes.)

(Whereupon, the proceeding is concluded at 8:00 p.m.)

C E R T I F I C A T E

I, LUCILA CARABALLO, a Certified Court Reporter and Notary Public of the State of New Jersey, certify that the foregoing is a true and accurate transcript of the stenographic notes of the above-captioned proceedings taken by me on the date and place hereinbefore set forth.

LUCILA CARABALLO
LICENSE 30XI00224300