

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Robert Hazaga

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Jacobo and Maria Meis

MICHAEL T. HALKIAS, ESQ.,
Attorney for Applicant, G.H.G. Patel, Inc.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Pollos Mario Restaurant, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, 1901 Summit Avenue, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	9
SALUTE TO FLAG	9
ROLL CALL	10
RESOLUTIONS	12
HEARINGS	
Robert Hazaga	53
Jacobo and Maria Meis	14
G.H.G. Patel, Inc.	71
Pollos Mario Restaurant, LLC	138
1901 Summit Avenue, LLC	149
ADJOURNMENT	197

I N D E XJacobo and Maria Meis - 211 34th Street

<u>WITNESS</u>	<u>PAGE</u>
Jose Izquierdo	18
 <u>SWORN PUBLIC</u>	
Larry Price	26
Sophie Delshad	35

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Picture of Property	15
A-2	Survey	15
A-3	Zoning Schedule	16
A-4	200 Foot Radius and Site Plan	17

I N D E XRobert Hazaga - 514 2nd StreetWITNESSPAGE

Anthony D'Angelo

55

I N D E XG.H.G. Patel, Inc. - 2117 Bergenline Avenue

<u>WITNESS</u>	<u>PAGE</u>
Ghanshyam Patel	73/106
Jay Sankpal	98
Jose Lopez	113

SWORN PUBLIC

Larry Price	112/122
-------------	---------

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	<u>Jersey Journal</u> Article, dated 2/7/2000	77
A-2	Drawings Dated 6/9/2000	81
A-3	Construction Permit Issuance by Union City, dated 9/22/2000	81
	(LAST PAGE REDACTED)	94
A-4	Letter from Code Enforcement Officer, James Hernandez, dated 5/4/15, Penalty Notices (4) pages	87

I N D E X

Pollos Mario Restaurant, LLC -
4215 Bergenline Avenue

WITNESSPAGE

Manuel Pereiras

139

I N D E X1901 Summit Avenue, LLC - 1901 Summit Avenue

<u>WITNESS</u>	<u>PAGE</u>
Christiano Pereira	150
Steve DeMattheis	176
Michael D. Kauker	182
 <u>SWORN PUBLIC</u>	
Larry Price	194

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Artistic Rendering of the Building	157

1 MR. DILLON: All right. Yup.

2 THE SECRETARY: Please take notice that on
3 Tuesday, March 22nd, 2016, at six p.m., a Regular
4 Meeting is scheduled for the City of Union City
5 Planning Board -- of the Planning Board held in
6 the Municipal Chambers of the City Hall, 3715
7 Palisade Avenue, Union City, New Jersey.

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

11 Notice of this meeting has been provide as
12 follows:

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

20 Before we roll call for tonight's meeting
21 can everybody kindly rise to salute the flag,
22 please?

23

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

1

2 THE SECRETARY: Thank you.

3

4 **ROLL CALL:**

5

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

8 Mayor Brian P. Stack? Absent.

9 Ydalia Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Commissioner Celin
12 Valdivia? Absent.

13 Alicia Morejon?

14 MS. MOREJON: Yes.

15 THE SECRETARY: Diane Capizzi?

16 CHAIRPERSON CAPIZZI: Here.

17 THE SECRETARY: Carolina Fernandez?
18 Absent.

19 Rudy Rivero? Absent.

20 Jay Shah? Absent.

21 Franklin Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Jeanne Koehler?

24 VICE CHAIRPERSON KOEHLER: Yes.

25 THE SECRETARY: Alejandro Velazquez?

1 MR. VELAZQUEZ: Here.

2 THE SECRETARY: Let the record indicate
3 there are six present. Those absent tonight:
4 Mayor Brian P. Stack, Commissioner Celin
5 Valdivia, Carolina Fernandez, Rudy Rivero, Jay
6 Shah, and Jose Guareno.

7 Thank you.

8 * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) PBG Realty Associates, LLC - 2207 Summit
4 Avenue, Block 120 - Lots 12-20 & 33. Proposed 18
5 story mixed use building, 260 residential units
6 and two commercial units, 307 parking spaces.
7 Applicant's application approved at previous
8 meeting.

9

10 THE SECRETARY: On the agenda, we have one
11 Resolution, PBG Realty Associated (sic), LLC,
12 2207 Summit Avenue.

13 This application was approved at the
14 previous meeting.

15 Can I -- can I have a motion to adopt the
16 Resolution?

17 CHAIRPERSON CAPIZZI: I make a motion.

18 THE SECRETARY: Motion by Diane Capizzi.

19 VICE CHAIRPERSON KOEHLER: Second.

20 THE SECRETARY: Second by Mrs. Koehler.

21 Roll call on the motion.

22 Ydalia Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Diane Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Franklin Medina?

2 MR. MEDINA: Abstain.

3 THE SECRETARY: Alicia Morejon?

4 MS. MOREJON: Yes.

5 THE SECRETARY: I -- I think you was not
6 here at the previous meeting.

7 MS. MOREJON: I was at the previous
8 meeting.

9 THE SECRETARY: You was here? Okay.
10 Jeanne Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Alejandro Velazquez?

13 MR. VELAZQUEZ: Abstain.

14 THE SECRETARY: Motion carries. Four in
15 favor, two abstain.

16 Thank you.

17 * * *

18

19

20

21

22

23

24

25

1 **Jacobo and Maria Meis - 211 34th Street:**

2

3 THE SECRETARY: We are going to change a
4 little bit the order of the -- tonight's agenda.

5 We are going to move first to Jacob (sic)
6 and Maria Meis, 211 34th Street.

7 Mr. Diaz, please?

8 MR. DIAZ: Good evening, Board members.

9 Luis Diaz for the applicant, Jacobo and
10 Maria Meis.

11 I'm going to provide counsel with the
12 documents to obtain jurisdiction.

13 MR. EYERMAN: Thank you.

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

16 MR. EYERMAN: It looks good and I reserve
17 the right to review it just in case, more in
18 full, later on. Looks good.

19 MR. DIAZ: Very good.

20 Thank you.

21 Again, the applicant is Jacobo, Maria Meis,
22 211 34th Street, Lot 29 in Block 200.

23 I'm going to provide the Board with four
24 different documents.

25 Set of pictures of the property, which I

1 believe were previously given, but just to make
2 sure; a survey, and there's like six, seven
3 copies; schedule of the zoning, and a 200 foot
4 radius analysis of the -- of the property.

5 If you can mark them A-1 through A-4, and
6 then the -- the Board can -- can be distributed
7 to the Board.

8 MR. DILLON: What do you want the exhibits
9 to be exactly?

10 MR. DIAZ: A-1, the picture from end of the
11 -- the property.

12 MR. DILLON: So, you said A-1 is a picture
13 of the property.

14 MR. DIAZ: Correct.

15

16 (Whereupon, Picture of the Property was
17 received and marked as Exhibit A-1.)

18

19 MR. DIAZ: A-2 is the survey, which is also
20 in the application, but just to make it easier
21 for the -- for the Board members.

22 MR. DILLON: Survey.

23

24 (Whereupon, Survey was received and marked
25 as Exhibit A-2.)

1

2

MR. DILLON: Exhibit A-3?

3

4

MR. DIAZ: A-3 is the Schedule, Zoning
Schedule.

5

MR. DILLON: Zoning schedule.

6

7

8

(Whereupon, Zoning Schedule was received
and marked as Exhibit A-3.)

9

10

11

MR. DIAZ: And A-4 is the 200 Foot Radius
and Site Plan of the subject application.

12

13

(Whereupon, Jay Shah arrived at 6:27 p.m.)

14

15

16

THE SECRETARY: Mr. Diaz, if you allow me
one second?

17

MR. DILLON: Sorry, --

18

19

THE SECRETARY: Let the record indicate
that Mr. Jay Shah joined the meeting.

20

MR. DILLON: -- 200 Foot Zoning Plan.

21

THE SECRETARY: Thank you.

22

MR. DIAZ: Yes.

23

And Site Plan.

24

MR. DILLON: Okay.

25

1 (Whereupon, 200 Foot Radius and Site Plan
2 was received and marked as Exhibit A-4.)

3

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

6 MR. EYERMAN: Are you ready?

7 MR. DIAZ: I'll provide counsel with the
8 list of the -- the documents.

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

11 MR. EYERMAN: Are you ready to roll? Let's
12 roll.

13 Just refer to them so we know what you're
14 looking at.

15 MR. DIAZ: Okay. You want to distribute
16 them?

17 MR. EYERMAN: Well, you can distribute.

18 MR. DIAZ: Okay.

19 MR. EYERMAN: However you want.

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

22 MR. DIAZ: Survey, which would be in your
23 -- in your package, but just to make sure, and a
24 picture of the -- the property. Frontage of the
25 property.

1 The application before you is proposed rear
2 extension of this existing two family dwelling.

3 I would like to have Mr. Izquierdo, the
4 architect, to be approved as an expert, and to be
5 sworn in.

6 MR. EYERMAN: Sir, have you testified
7 before this Board before?

8 MR. IZQUIERDO: Yes, I have.

9 MR. EYERMAN: How many times? Numerous?

10 MR. IZQUIERDO: Three hundred.

11 MR. EYERMAN: Okay. I'll recognize him as
12 a --

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. EYERMAN: -- as an expert before the
15 Board.

16 I recommend to the Chair that you recognize
17 him as an expert before the Board.

18 CHAIRPERSON CAPIZZI: Absolutely.

19 MR. EYERMAN: Yes. Please swear him in.
20 Swear him in.

21 MR. DILLON: Please raise your right hand.

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

24 MR. IZQUIERDO: Yes, I do.

25 MR. DILLON: State your name and spell it

1 for the record.

2 MR. IZQUIERDO: My name is Jose Izquierdo.
3 I'm an architect at 207 60th Street, West New
4 York, New Jersey. License number 09143, New
5 Jersey planner 03385.

6 MR. DILLON: Thank you.

7 MR. DIAZ: Mr. Izquierdo, are you familiar
8 with the location?

9 MR. IZQUIERDO: Yes, I am.

10 MR. DIAZ: And the plans that are being
11 submitted?

12 MR. IZQUIERDO: Yes, I am.

13 MR. DIAZ: Could you explain to the Board,
14 and first, could you address the jurisdiction --
15 jurisdictional issue?

16 MR. IZQUIERDO: Yes.

17 MR. DIAZ: And then address what it is
18 that's being proposed, the addition, and so
19 forth.

20 MR. IZQUIERDO: Yes.

21 MR. DIAZ: With regard to jurisdiction, go
22 ahead.

23 MR. IZQUIERDO: Yes.

24 The Planning Board of the City of Union
25 City gains jurisdiction of this application

1 | because even though this is a two family house,
2 | and in the Ordinance of Union City, site plan
3 | approval is not required for a two family house,
4 | whereas jurisdiction would be proper at the
5 | Zoning Board. According to the Ordinance of
6 | Union City, because we have an application that
7 | involves additional building area, and additional
8 | parking, we require to have site plan approval.

9 | Site plan approval then is -- this --
10 | jurisdiction is proper then in the Planning Board
11 | of Union City, and not in the Zoning Board.

12 | And I'm actually referring to the
13 | definition of site plan, on page 25 of our
14 | Ordinance.

15 | The applicants, Jacobo and Maria Rahena
16 | (phonetic) Meis, live presently at 117 35th
17 | Street. And they have purchased the property at
18 | 211 34th Street. They live in a two family.
19 | They're buying -- they bought a two family.

20 | However, the two family that they bought is
21 | a small two and a half story that is shown in
22 | your survey. And what the application entails,
23 | it's a rear yard addition. And actually the
24 | exact project description is proposed three
25 | story, 20 feet ten and a half by 43 feet one and

1 a half addition to existing two family house.

2 The reconstructed two family house will be
3 owner occupied, and adds a two car garage in the
4 ground floor condition, which is a basement which
5 is being filled in.

6 There are two drawings that were submitted
7 in conjunction with the application; drawing SP1
8 and drawing A1, reduced copies of which counsel
9 has provided you.

10 On drawing SP1, we see -- we the site plan
11 and we see that the house has -- is going to have
12 an entrance here with the stair, and then there
13 are two duplex apartments.

14 The ground floor and the second floor are
15 connected by an interior stair. And that's unit
16 number one. That will be occupied by the owners.

17 The other apartment is unit number two,
18 which is also -- it's a smaller duplex, but it
19 has three bedrooms on the -- on the third level,
20 and it has a master bedroom up on -- like an
21 attic sort of condition that you see here on 34th
22 Street, front elevation, on drawing A1.

23 MR. DIAZ: And behind the attic, Mr.
24 Izquierdo, the remaining of the extension --

25 MR. IZQUIERDO: It's just a roof.

1 MR. DIAZ: Just a roof?

2 MR. IZQUIERDO: It's just a roof. But --
3 but we don't want to have a pitched roof. We
4 want to have a flat roof.

5 And the reason that they want to have a
6 flat roof is they are from Spain. And the
7 pitched roof is not something that they -- they
8 -- not maintain the house, they want to have a
9 flat roof.

10 And actually, in order to grant this
11 application, the use is permitted. A two family
12 house is a permitted use in the R zone. This is
13 located in the R zone.

14 Twenty-five hundred square feet is
15 required. We have existing 2500 and we have
16 proposed 2500, so no relief is required.

17 We comply with the lot width, with the lot
18 depth, with the front yard, and with the side
19 yard.

20 The front yard requires to have ten feet or
21 prevailing setback, and we're actually complying
22 with the prevailing because what we're doing is
23 saving the existing house, reconstructing
24 everything on the inside, and just having an
25 addition in the back.

1 The addition in the back has side yards of
2 three feet one and two feet one, which comply.
3 But we're requiring a side yard variance for the
4 existing construction.

5 The rear yard, we're required to have 25
6 percent of the lot depth, or 25 feet. Right now,
7 the rear yard is 49 feet and we're going to have
8 22 feet six inches of rear yard. We're short two
9 feet six inches, and that's actually because we
10 wanted to have a bigger closet in the master
11 bedroom.

12 The building height allowed is three
13 stories or 40 feet. The existing house is two
14 and a half stories, or 33 feet eight and a half
15 inches.

16 I'm going to have a house -- they're going
17 to have a house that is three and a half stories,
18 or 37 feet, which falls within the height
19 limitation of the building height. So, my
20 opinion as a planner is that we do not require
21 even a C-2 variance for the building height.

22 The building coverage allowed is 60
23 percent, and we have existing 36.8 percent. And
24 our second and third floor is 65 percent. So,
25 we're -- we're actually about a hundred square

1 feet bigger than we're supposed to be.

2 In terms of the parking, there are existing
3 no parking spaces in this house. And what we're
4 providing, we're providing two spaces in a garage
5 condition. No spaces in the front because I
6 don't have enough distance in the apron. And
7 that is a C-2 variance.

8 The air conditioning system and everything,
9 we have the condensers up on the roof that are
10 screened, and the building is going to have vinyl
11 siding on the sides, and it's going to have brick
12 in the front, the real brick which is what the --
13 the municipality enjoys seeing in the new
14 construction.

15 There's a lot of -- of good positive
16 criteria to this application. We have a two
17 family house without any parking. And now we're
18 going to have the same two family house, but it's
19 going to have two parking spaces.

20 It's something that they really want to
21 have. Living at 117 35th Street, they presently
22 don't have any parking, so they bought this house
23 -- you know, looking forward to having the -- the
24 -- a two car parking garage. One for themselves,
25 and hopefully, one for the tenant.

1 I believe that the tenant might be their
2 son, but that depends with -- you know, how it
3 goes.

4 MR. DIAZ: Mr. and Mrs. Meis are here. If
5 that question wants to be put to them, they are
6 present, sitting to my left on the second row.

7 Mr. Izquierdo, with regard to the adjoining
8 properties, are there any vacant lots that may be
9 available in order to -- to be incorporated into
10 this property and lessen the side yards and all
11 the variances that are now being requested?

12 MR. IZQUIERDO: No. The only -- the only
13 side -- the only variance that I -- that I have
14 would be the building coverage or the rear yard.

15 But no, the answer to that question is no.
16 And actually, the area, there are a number of two
17 and three family homes. Actually, my office
18 built about two of them, maybe about ten years
19 ago, just east of them.

20 So, the whole area is one, two family,
21 mostly two families. And it's a -- it's a very
22 stable area. It's a very nice area, actually.

23 I have nothing further.

24 MR. DIAZ: I have no more questions of this
25 witness at this time.

1 CHAIRPERSON CAPIZZI: Does anyone on the
2 Board have any questions of this witness?

3 You want to go to public questions?

4 MR. EYERMAN: I usually do it a little bit
5 different than Willie.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. EYERMAN: I let the expert be
8 questioned. Instead of doing it all at once,
9 we'll do it expert by expert. This is the only
10 expert, though.

11 Right?

12 MR. DIAZ: That's correct.

13 MR. EYERMAN: Yeah. All right.

14 If the public has any questions for this
15 expert, I ask you to come forward now.

16 MR. PRICE: Larry Price, 1006 Palisade
17 Avenue.

18 MR. DILLON: Please raise your right hand.

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

21 MR. PRICE: I do.

22 MR. DILLON: State -- you already stated
23 your name.

24 MR. PRICE: Yeah. I did.

25 Question.

1 MR. IZQUIERDO: Yes.

2 MR. PRICE: The current house that they're
3 buying is two and a half stories high.

4 Correct?

5 MR. IZQUIERDO: Yes. That -- yeah.

6 MR. PRICE: And how -- how high is it?

7 MR. IZQUIERDO: Thirty-three -- 33 feet
8 eight and a half inches.

9 MR. PRICE: Okay. Then, you're going to
10 add something because there are going to be four
11 floors --

12 MR. IZQUIERDO: Yeah. Well, actually, I
13 have a diagram for you. Yes. I have a diagram
14 for you.

15 On page A1, if the Board of -- this is the
16 new house. And this is the existing house.

17 In order to have the parking, I need to
18 fill in this basement level. So, then, this
19 becomes my ground level. So, my ground level
20 goes down. My second floor goes down. My third
21 floor goes down. And then, the half story up on
22 top just go up.

23 So, at the end of this whole little powwow,
24 we have a height of three -- we are three feet,
25 three and a half inches taller than we are now.

1 MR. DIAZ: And --

2 MR. IZQUIERDO: In -- in doing the whole --

3 MR. PRICE: So, you're 33, you're going to

4 --

5 MR. IZQUIERDO: Thirty-seven.

6 MR. PRICE: -- 37. Thirty-seven.

7 MR. IZQUIERDO: Less than 40 --

8 MR. PRICE: Okay.

9 MR. IZQUIERDO: -- which is what --

10 MR. PRICE: And you're going from two and a
11 half stories to --

12 MR. IZQUIERDO: Three and a half.

13 MR. PRICE: Three and a half stories.

14 MR. IZQUIERDO: Three and a half, and I'm
15 actually basing myself on the definition of attic
16 half story, that you and I have discussed on
17 several times. And that's on page 25. But this
18 is how my attic goes. This is my -- that's the
19 master bedroom.

20 MR. PRICE: Okay.

21 MR. IZQUIERDO: It just has a -- the master
22 bedroom has a lovely view of New York. But if I
23 don't have that, I can't see New York.

24 MR. PRICE: I guess I would ask a question
25 of Mr. Spatz.

1 I mean, the -- this is the R zone -- the
2 limit is --

3 MR. IZQUIERDO: Three stories.

4 MR. PRICE: -- 40 feet which they clearly
5 meet the -- whatever. But the limit is also
6 three stories and they're at three and a half
7 stories.

8 MR. SPATZ: Well, yes, that's correct.

9 MR. EYERMAN: If you want to refer you --

10 MR. SPATZ: It does -- it requires a C
11 variance, because it doesn't meet the story
12 limitation.

13 MR. IZQUIERDO: So then I stand corrected.
14 Then -- then we would -- would require a C -- a C
15 variance.

16 Just so that the Board understands, the
17 half story is only that front that gives the
18 attic to the master bedroom, and it lies within
19 the roof members that are slanted so. And it's
20 just a master bedroom, with some privacy from the
21 kids and the -- from the other level. That's
22 what you see there.

23 That's my existing and that's my proposed.
24 I'm 40 inches higher. The -- the new building is
25 going to be this much higher.

1 MR. EYERMAN: There's no independent access
2 to that fourth floor, other than --

3 MR. IZQUIERDO: Only --

4 MR. EYERMAN: -- going through the
5 apartment.

6 MR. IZQUIERDO: Only from unit number 2.
7 Only from unit number 2.

8 MR. DIAZ: And Mr. Izquierdo, just to
9 clarify that issue, that will be only on the
10 front of the structure.

11 MR. IZQUIERDO: Yeah.

12 MR. DIAZ: The rear of the structure would
13 have --

14 MR. IZQUIERDO: Oh, no. The rear -- the
15 rear of the structure is actually like 27 feet
16 high, or something like that. It's nine, nine --
17 yeah, 27, 28.

18 MR. PRICE: Okay.

19 MR. IZQUIERDO: It's only the front that is
20 37.

21 MR. PRICE: Okay. But it is three and a
22 half stories --

23 MR. IZQUIERDO: Yes, --

24 MR. PRICE: -- in the front.

25 MR. IZQUIERDO: -- it is.

1 MR. PRICE: And then, three stories in the
2 rest of the --

3 MR. IZQUIERDO: It's three stories. Yeah,
4 in the back. It doesn't --

5 MR. PRICE: In the back.

6 MR. IZQUIERDO: Yeah.

7 MR. PRICE: Yeah.

8 MR. IZQUIERDO: Yeah.

9 MR. PRICE: Okay.

10 Thank you.

11 MR. VELAZQUEZ: Just a quick question.

12 On the -- on any of the property, on the
13 rear side of both sides, east and west, you're
14 not going to have no windows.

15 Right?

16 MR. IZQUIERDO: No. I'm going to have
17 windows on every side. That's why I'm -- I'm
18 setting back three feet and two feet.

19 MR. VELAZQUEZ: What I'm trying to say, if
20 I'm looking at the building, at 3322, or 3312, on
21 Palisade Avenue.

22 MR. IZQUIERDO: Um hum.

23 MR. VELAZQUEZ: You're going to have
24 windows actually looking right into that wall.

25 MR. IZQUIERDO: No, no, no, no, no. The --

1 the existing walls of the building are right on
2 the property line. I'm leaving those walls. I'm
3 not touching those walls.

4 The addition that I'm doing, I'm setting
5 back as much required to have windows.

6 MR. VELAZQUEZ: Okay.

7 MR. IZQUIERDO: And I do have windows.
8 They are three feet one inch away from the
9 property line. It's just that my closets -- the
10 -- the floor plan is a little funky. So --

11 MR. VELAZQUEZ: Okay.

12 MR. IZQUIERDO: -- there's some closets
13 that overhang.

14 MR. DIAZ: Could you define funky for --

15 MR. IZQUIERDO: Funky is a term of art, to
16 say out of the ordinary.

17 MR. VELAZQUEZ: And I have to add to the
18 Board, too, is that this is one of the most --
19 right now, an eyesore on that block, right across
20 the street from the school.

21 MR. IZQUIERDO: I agree.

22 MS. MOREJON: I agree with you.

23 MR. VELAZQUEZ: It's an eyesore. With all
24 these properties --

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. VELAZQUEZ: -- you have The Thread a
2 couple of blocks down, you have Jefferson School.
3 It's just a real, real eyesore.

4 MR. IZQUIERDO: Actually, the front
5 elevation of the house, you see that we're going
6 to have, in -- in that porch extension that they
7 have, we're going to finish that in stone, real
8 stone.

9 CHAIRPERSON CAPIZZI: Yeah.

10 MR. IZQUIERDO: And then, everything is
11 going to be brick with --

12 CHAIRPERSON CAPIZZI: Pretty.

13 MS. MOREJON: Beautiful. I love the front.

14 MR. IZQUIERDO: It's -- it has a nice
15 architecture.

16 CHAIRPERSON CAPIZZI: Very pretty.

17 MS. MOREJON: I love the front.

18 MR. EYERMAN: When was the original
19 building built?

20 MR. DIAZ: We really don't know. I would
21 say --

22 MR. IZQUIERDO: 30.

23 MR. DIAZ: -- '50s. Something like that.
24 If I can bring some history. I did the closing
25 for the Meis.

1 This property was a foreclosed property,
2 was abandoned. And it was purchased from the
3 lending institution. It was a foreclosed
4 property.

5 MR. IZQUIERDO: The whole thing is full of
6 mold. The humidity inside, it's all --

7 MR. VELAZQUEZ: I've been in there. It's
8 horrible.

9 MR. IZQUIERDO: It's really, really bad
10 inside.

11 MR. VELAZQUEZ: Do you think it's possible,
12 maybe in the front façade, just to put some
13 lights, like shining, and small central lights,
14 if you could actually have shining down.

15 MR. IZQUIERDO: Yeah. Underneath the
16 driveway.

17 MR. VELAZQUEZ: Yeah.

18 MR. IZQUIERDO: Underneath the driveway
19 door, they're are going to be there. Yeah. And
20 the porch, as well. Yeah.

21 MR. VELAZQUEZ: The side street, we love
22 lights in Union City.

23 MS. MOREJON: And on the side.

24 MR. IZQUIERDO: Okay.

25 MS. MOREJON: Side to the rear.

1 MR. VELAZQUEZ: Central lights and all
2 that, especially because you have the school
3 across the street. It gets dark a little bit,
4 especially during the winter time and all that.

5 MR. IZQUIERDO: Okay.

6 MR. DIAZ: Make that notation, Mr.
7 Izquierdo, please.

8 MS. MOREJON: I love the door. It's
9 beautiful.

10 MR. IZQUIERDO: Central operated lights in
11 the front of the building.

12 Right?

13 MR. VELAZQUEZ: Yes.

14 CHAIRPERSON CAPIZZI: Anyone else?

15 MS. DELSHAD: I have a question.

16 May I?

17 CHAIRPERSON CAPIZZI: Sure.

18 MR. DILLON: Hold on.

19 MS. DELSHAD: I have the property on 33 --

20 MR. DILLON: Excuse me?

21 We need you to identify yourself.

22 MS. DELSHAD: Oh, Sophie Delshad.

23 MR. DILLON: Please raise your right hand.

24 Can you raise your right hand?

25 MS. DELSHAD: Oh, sure.

1 MR. DILLON: Do you swear the testimony
2 you're about to give this Board is the whole
3 truth?

4 MS. DELSHAD: Yes.

5 MR. DILLON: State your name and spell it
6 for the record.

7 MS. DELSHAD: Sophie Delshad.

8 MR. DILLON: Can you spell your last name?

9 MS. DELSHAD: D-E-L-S-H-A-D.

10 MR. DILLON: Okay.

11 Thank you.

12 MS. DELSHAD: Property 3326, on Palisade
13 Avenue, I want to know how it will be affected by
14 this because --

15 MR. IZQUIERDO: Not at all.

16 MS. DELSHAD: How is it, because you're
17 raising it up, and you said you want a flat roof.

18 MR. IZQUIERDO: In the back.

19 MS. DELSHAD: In the back.

20 So, what happens with the windows? Is that
21 -- I -- I don't really know how that could affect
22 it because you're raise -- elevating it.

23 Right?

24 I want to know if it's covering any of the
25 windows on that property.

1 MR. IZQUIERDO: No, no, no, no, no, no.

2 No.

3 MS. DELSHAD: Or the sun --

4 MR. IZQUIERDO: Okay. The --

5 MS. DELSHAD: -- coming through, because you
6 are elevating it, and you said it's a flat roof,
7 so it's no longer --

8 MR. IZQUIERDO: No, no, no, no, no.

9 MS. DELSHAD: -- going to be a --

10 MR. IZQUIERDO: The front is not a flat
11 roof. The back is a flat roof and that's 27
12 feet.

13 The front is the -- it's the pitched roof,
14 and it --

15 MS. DELSHAD: Can I see what you're --

16 MR. IZQUIERDO: It's like this. This is
17 the existing --

18 MR. DIAZ: Hand me --

19 MS. DELSHAD: This is the front.

20 MR. DIAZ: And I'm --

21 MS. DELSHAD: Right?

22 MR. DIAZ: -- showing you a picture with a
23 gable.

24 MS. DELSHAD: Yeah. The front, I don't
25 have a problem.

1 I just want to know, once your -- oh, so,
2 the elevation is this. So, I just want to know
3 if you're elevating it, I guess up to here.

4 MR. IZQUIERDO: Yeah.

5 MS. DELSHAD: Higher?

6 MR. IZQUIERDO: Exactly. Yes.

7 MS. DELSHAD: So, how is that going to
8 affect the back of this property?

9 MR. IZQUIERDO: Nothing.

10 MS. DELSHAD: It's the back that I'm
11 concerned --

12 MR. IZQUIERDO: No.

13 MR. EYERMAN: The -- the front little suite
14 --

15 MS. DELSHAD: -- that will be facing my
16 building.

17 MR. EYERMAN: -- that you made.

18 MR. IZQUIERDO: The what?

19 MR. EYERMAN: The front little suite that
20 you made for the apartment -- for the bed --
21 master bedroom.

22 MR. IZQUIERDO: Yeah.

23 MR. EYERMAN: When does it end? How many
24 feet in from the beginning of the facade does it
25 end?

1 MR. IZQUIERDO: It ends at -- I think it's
2 -- it's only 18 feet.

3 MR. EYERMAN: Okay. So, 18 --

4 MR. IZQUIERDO: My --

5 MR. EYERMAN: -- feet in them from the
6 facade. It drops down?

7 MR. IZQUIERDO: Yeah.

8 MR. EYERMAN: Okay. To what?

9 MR. IZQUIERDO: To like 27.

10 MR. EYERMAN: Okay.

11 MR. IZQUIERDO: It drops down a full floor.
12 This only occurs in the front, which is the
13 existing building.

14 All of this extension in the back is -- is
15 just three stories and 27 feet.

16 MS. DELSHAD: I'm not understanding.

17 MR. IZQUIERDO: Where are you? You're in
18 the back?

19 MS. DELSHAD: I'm on Palisade Avenue. You
20 see, I think this would be my property.

21 So, it's the whole back. I'm worried about
22 the lights coming through -- to those windows.
23 The light --

24 MR. IZQUIERDO: Yeah. This is a --

25 MS. DELSHAD: -- or partially covering --

1 MR. IZQUIERDO: Yeah. This is your -- this
2 is your building here. And this is -- this is
3 the -- this is the existing. This is your
4 building.

5 MS. DELSHAD: Correct. Okay. I'll take
6 your word for it.

7 MR. IZQUIERDO: No. This is your -- this
8 is the --

9 MS. DELSHAD: Okay.

10 MR. IZQUIERDO: -- building. You see it in
11 --

12 MS. DELSHAD: All right.

13 MR. IZQUIERDO: -- the survey.

14 MS. DELSHAD: Okay. So, this is Palisade
15 Avenue, you're saying.

16 So, how will this affect the light coming
17 into these --

18 MR. VELAZQUEZ: That's a corner building.

19 MR. IZQUIERDO: Not at all. Not at all.

20 MS. MOREJON: It won't affect it.

21 MR. VELAZQUEZ: No.

22 MS. DELSHAD: How is it, if you're going to
23 have flat roof, that means you're raising it.

24 Are you not raising -- I'm going to --

25 MR. IZQUIERDO: I have -- I have a three

1 story extension in the back, yeah. But this is
2 conforming to the Ordinance. This is allowed.
3 The three stories is what I'm -- I'm adding.

4 That's existing. This is what I'm adding.

5 MS. DELSHAD: This -- and where are you
6 adding this, then?

7 I'm -- I'm just trying to understand.

8 MR. IZQUIERDO: In the back.

9 MS. DELSHAD: I'm not here to --

10 MR. IZQUIERDO: No. I understand. I
11 understand. And you're entitled to --

12 MS. DELSHAD: Yeah.

13 MR. IZQUIERDO: -- to a reasonable answer.
14 This is the back. This is what I'm adding.

15 MS. DELSHAD: And --

16 MR. IZQUIERDO: This is --

17 MS. DELSHAD: -- how high is this that
18 you're adding -- you're --

19 MR. IZQUIERDO: Twenty-seven feet.

20 MS. DELSHAD: Twenty-seven feet? And I
21 guess this is --

22 MR. IZQUIERDO: This is 33 feet three
23 inches. So the back is going to be, like, to
24 here.

25 MS. DELSHAD: It's up to -- oh. And this

1 is allowed. So you don't -- I don't even -- I
2 can't even -- so I -- and I don't have any
3 grounds to --

4 MR. IZQUIERDO: I -- no, no, no, no.

5 MS. DELSHAD: I have no idea --

6 MR. IZQUIERDO: I -- no, I'm not saying
7 that.

8 MS. DELSHAD: I just want to know how it's
9 going to affect the windows --

10 MR. EYERMAN: With the windows in the back
11 of your house.

12 MS. DELSHAD: And the light. I -- if it's
13 not affecting it, I have no problem. I just want
14 to make sure it's not going to affect the people
15 who are living --

16 CHAIRPERSON CAPIZZI: She's afraid you'll
17 have diminished light.

18 MS. DELSHAD: What's that?

19 CHAIRPERSON CAPIZZI: You'll -- you're
20 afraid you'll have diminished light?

21 MS. DELSHAD: Absolutely. Or blocked view.
22 I have no idea exactly how this is working.

23 MR. IZQUIERDO: In the -- in the winter,
24 the sun is lower. We're three feet one inch away
25 from the property line, which is what is

1 required. And my building in the back is 27
2 feet. I'm allowed to go three stories, 40 feet.
3 So, I mean, I can't make it any smaller.

4 But I mean, you will have sunlight in
5 summer and everything, because the -- the sun's
6 angle is going to hit you.

7 MS. DELSHAD: Is it going to block any of
8 those windows that are --

9 MR. IZQUIERDO: No.

10 MS. DELSHAD: -- existing there?

11 MR. IZQUIERDO: No. No. No. I --

12 MS. DELSHAD: There are no --

13 MR. IZQUIERDO: I don't block -- I don't
14 block any windows.

15 MS. DELSHAD: You're not blocking any
16 windows?

17 MR. IZQUIERDO: No. Your windows are on
18 the property line. The windows of that building
19 are right on the property line.

20 MS. DELSHAD: No, no. I'm not -- I
21 understand there's few feet between the two.
22 When I say blocking, that means, at some point
23 now, they may be opening the window, they have a
24 -- they can look into something. They'll be
25 looking at a brick wall. That's what I'm asking.

1 Will there be a brick wall three feet from
2 those windows?

3 MR. IZQUIERDO: Yes. There will be. But
4 it's not going to be a brick wall, it's going to
5 be a siding wall. But that's what everybody
6 sees.

7 MS. DELSHAD: But it will open --

8 MR. IZQUIERDO: It's your neighbor. Yes.

9 MS. DELSHAD: Then I guess I would have a
10 problem, because those people will have
11 diminished light. And it's -- I -- I guess
12 that's why I'm here.

13 CHAIRPERSON CAPIZZI: Okay.

14 MS. DELSHAD: I -- I don't think it's fair
15 to people who are living there at the moment,
16 they should have that, to go through that.

17 CHAIRPERSON CAPIZZI: I think people have a
18 right to build on the property.

19 MS. DELSHAD: No, no. Of course.

20 CHAIRPERSON CAPIZZI: If they're within --

21 MS. DELSHAD: I'm just --

22 CHAIRPERSON CAPIZZI: If they're within the
23 parameters of the -- of the Code.

24 MS. DELSHAD: If -- if it's -- if it's --

25 CHAIRPERSON CAPIZZI: I understand how you

1 feel.

2 MS. DELSHAD: -- by law allowed, I have no
3 way of objecting, but at this point, that's why
4 I'm here. I was trying to --

5 CHAIRPERSON CAPIZZI: Okay.

6 MS. DELSHAD: -- figure it out.

7 MR. IZQUIERDO: As I indicated, I mean, the
8 rear yard required is 25 feet and I have 22 feet
9 six inches. And that's the only thing that --
10 that it's two feet six inches bigger than it --
11 longer than it's supposed to be.

12 But in terms of the height of the addition,
13 is three stories, is eight plus one, eight plus
14 one, eight plus one, 27 feet. And I'm allowed to
15 do --

16 MS. DELSHAD: And what do you mean when you
17 say you have two or three inches?

18 MR. IZQUIERDO: I didn't say two and three
19 inches.

20 MS. DELSHAD: Oh, I'm sorry.

21 MR. IZQUIERDO: I said three feet.

22 MS. DELSHAD: Three feet. I'm sorry. What
23 -- where is that three feet?

24 MR. IZQUIERDO: On the sides. So, when you
25 see that side yard, there's three feet that I

1 cannot build here. There's three feet that I
2 cannot build here. And there's 22 feet six
3 inches in the back that I cannot build there.

4 MR. EYERMAN: The -- the extension that
5 you're putting on, you accounted --

6 MR. IZQUIERDO: The extension --

7 MR. EYERMAN: -- you accounted for the set
8 -- the side yards.

9 Right?

10 MR. IZQUIERDO: Yes. The extension that
11 I'm putting on is 20 feet ten and a half inches
12 by 43 one and a half, which is three stores; 27
13 feet high to the roof.

14 MR. EYERMAN: If you knock -- if you
15 knocked down the building and built a new
16 building, you can build to that anyway.

17 MR. IZQUIERDO: It's going to be the same.

18 MR. DIAZ: That's correct.

19 MR. IZQUIERDO: It will be the same.

20 MR. DIAZ: That's correct.

21 And again, I'm just pointing out --

22 MR. EYERMAN: And without any -- without --
23 without approval.

24 Right?

25 MR. IZQUIERDO: Yeah.

1 MR. DIAZ: And I'm just pointing out, it's
2 part of living in this urban area. I wish we
3 were in Sussex County, where we would have an
4 acre per house, but -- you know, we don't have
5 that luxury, obviously.

6 MR. IZQUIERDO: But -- but in answer to her
7 question, I mean, those -- those rooms are still
8 going to have light. They're -- they're not
9 going to be blocked with -- with light.

10 I mean, but if you open the view and you
11 want to see an unobstructed --

12 MS. DELSHAD: I'm not --

13 MR. IZQUIERDO: -- view of the --

14 MS. DELSHAD: I'm not --

15 MR. IZQUIERDO: -- Empire State Building,
16 --

17 MS. DELSHAD: I'm not -- no.

18 MR. IZQUIERDO: -- you know.

19 MS. DELSHAD: I don't -- honest -- I think
20 if you have -- if you're going to have a brick
21 wall or a siding wall, whatever you want to call
22 it, three feet away, yes. It's going to block
23 the light, especially wintertime, where there --
24 yes. I think it's going to effect the people who
25 live in those properties -- apartments. It will

1 definitely effect them.

2 MR. DIAZ: Your observation is taken. Well
3 taken.

4 MS. DELSHAD: Thank you.

5 MR. IZQUIERDO: Thank you.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MR. EYERMAN: Does anybody have any -- any
8 questions for this expert?

9 CHAIRPERSON CAPIZZI: Is that it?

10 MR. EYERMAN: Are we -- are we done with
11 this expert?

12 MR. DIAZ: Yes. Yes.

13 MR. EYERMAN: We'll open -- you don't mind
14 if I --

15 CHAIRPERSON CAPIZZI: Sure, open.

16 MR. EYERMAN: Go ahead?

17 I will now open for general comments from
18 the public. This is comments, not questions.

19 Anyone?

20 Last chance. Closing to the public.

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. EYERMAN: Give it to you.

23 CHAIRPERSON CAPIZZI: All right.

24 Seeing none, then, I'll make a motion to
25 approve the application.

1 THE SECRETARY: Motion to approve the
2 application by --

3 MR. IZQUIERDO: Thank you, Ms. Capizzi.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 THE SECRETARY: -- Chairwoman Diane
6 Capizzi.

7 CHAIRPERSON CAPIZZI: You're a good
8 neighbor.

9 MR. EYERMAN: Can we qualify what we're
10 actually approving, because -- can we qualify
11 exactly --

12 MR. DIAZ: I think there's a condition of
13 lighting in the front.

14 MS. MOREJON: The lighting on the side --

15 CHAIRPERSON CAPIZZI: Correct.

16 MS. MOREJON: -- and in the front.

17 MR. IZQUIERDO: Yeah.

18 THE SECRETARY: Any second to the motion?

19 Motion by -- second the motion by Alicia
20 Morejon.

21 Roll call on the motion.

22 Ydalia Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Alicia Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Chairwoman Diane Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Jay Shah?

4 MR. SHAH: Yes.

5 THE SECRETARY: Franklin Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Vice Chairwoman Jeanne
8 Koehler?

9 VICE CHAIRPERSON KOEHLER: Yes.

10 THE SECRETARY: Alejandro Velazquez?

11 MR. VELAZQUEZ: Yes.

12 THE SECRETARY: Motion carries. Seven in
13 favor.

14 MR. EYERMAN: And just to qualify that it's
15 height --

16 THE SECRETARY: Thank you.

17 MR. EYERMAN: -- backyard, and side yards.
18 Right?

19 THE SECRETARY: Thank you, Mr. Diaz.

20 MR. EYERMAN: Height, backyard, side yards.
21 Right?

22 MR. IZQUIERDO: Yes.

23 MR. EYERMAN: Would -- I know we -- we had
24 --

25 MR. IZQUIERDO: Oh, the C variances.

1 MR. EYERMAN: Yeah.

2 MR. IZQUIERDO: C. Yeah.

3 MR. EYERMAN: So we -- just, maybe just
4 qualify them for the record. What are we --

5 MR. IZQUIERDO: Yes.

6 MR. EYERMAN: What are we getting?

7 MR. IZQUIERDO: The approval was for a
8 three story, 20 feet ten and a half, by 43 feet
9 one and a half addition to an existing two family
10 house, whereas C variances are sought for a rear
11 yard; 22 feet six inches, whereas 25 feet was
12 required; building coverage of 60 percent --
13 actually, 65.7 percent, or a hundred square feet
14 more; and -- and height, being for the half
15 story, even though the 33 feet seven -- the 37
16 feet complies with the 40 feet requirement.

17 MR. EYERMAN: That's height, but for
18 stories, also.

19 MR. IZQUIERDO: For stories only.

20 MR. EYERMAN: Oh, okay.

21 MR. IZQUIERDO: Not for feet.

22 MR. EYERMAN: Not for feet, just for
23 stories.

24 Okay. That was the question I had.

25 MR. IZQUIERDO: Thank you.

1 MR. EYERMAN: Thank you.

2 MR. DIAZ: Thank you very much. Have a
3 good night.

4 MR. EYERMAN: Thank you.

5 CHAIRPERSON CAPIZZI: Thank you. Good
6 night.

7 THE SECRETARY: Thank you, Mr. Diaz.

8 MR. DIAZ: Thank you.

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

11 * * *

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

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

6 Mrs. Pereiras, please?

7 MS. PEREIRAS: Good evening.

8 May it please the Board, Bianca Pereiras,
9 on behalf of Robert Hazaga, in regards to his
10 property at 514 2nd Street.

11 The Board may recall this is a
12 continuation. We actually presented our
13 application at the January meeting.

14 This is a very typical Union City lot.
15 What we have is a two family in the front, and
16 then we had a rear nonconforming structure at the
17 back of the property.

18 My client, instead of legalizing that
19 nonconforming structure in the rear, has decided
20 to tear it down and add a two story addition to
21 the back of the property, which would be our
22 third family. Again, three families are a
23 permitted use in this zone.

24 When we were here last, the Board had two
25 concerns. We had mentioned to the Board that one

1 of the reasons we were not legalizing this rear
2 nonconforming structure and doing this two story
3 new third family was because it was a safer
4 project.

5 By doing so, now, we have to sprinkler this
6 building, which we would not have to do if we
7 were legalizing that nonconforming unit in the
8 back.

9 However, the Board said to us, make it
10 safe. So, we went back to the drawing board, met
11 with the Building Code Official, and did
12 additional things that even though they're not
13 required by Code, just make this project all the
14 more safer.

15 We have the expert, our architect, to
16 discuss just those changes.

17 I don't know if the Board wants us to go
18 through the application again, or do you want us
19 just to focus on the changes that we're
20 addressing?

21 MS. MOREJON: Just the changes.

22 CHAIRPERSON CAPIZZI: I think just the
23 changes.

24 MR. VELAZQUEZ: Just the changes.

25 MS. PEREIRAS: Okay.

1 CHAIRPERSON CAPIZZI: Right?

2 Just the changes. Yeah.

3 MS. PEREIRAS: Fantastic.

4 CHAIRPERSON CAPIZZI: Thank you.

5 MS. PEREIRAS: And then, the other concern
6 that the Board also mentioned to us was that it
7 was a bit of an eyesore.

8 So, we've actually done a few changes --

9 CHAIRPERSON CAPIZZI: Um hum.

10 MS. PEREIRAS: -- and propose changes to
11 the façade of the building to really make it fit
12 into that neighborhood a lot better.

13 So, at this point, I'd like to ask our
14 architect, Mr. Anthony D'Angelo.

15 MR. DILLON: Please raise your right hand.

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

18 MR. D'ANGELO: I do.

19 MR. DILLON: State your name and spell it
20 for the record.

21 MR. D'ANGELO: Anthony D'Angelo, D
22 apostrophe A-N-G-E-L-O.

23 MR. DILLON: Thank you.

24 MS. PEREIRAS: Mr. D'Angelo, --

25 MR. D'ANGELO: Yes.

1 MS. PEREIRAS: -- since this is a
2 continuation of our presentation, --

3 MR. D'ANGELO: Um hum.

4 MS. PEREIRAS: -- if you could just focus
5 on the few items that we've done to make this
6 structure as safe as possible?

7 MR. D'ANGELO: Okay. Well, one of the
8 concerns was about getting access to the -- the
9 new addition at the rear of the existing
10 building, which will be the third unit.

11 And the concern was that the egress court
12 that exists was on our property line -- from our
13 property line to the building, is 2.45 feet. For
14 argument's sake, let's say two and a half feet.

15 And so, the concern mentioned by some of
16 the people on the Board was that it's very
17 narrow, how are people going to get back there?
18 Fire fighters, move furniture? Okay.

19 Well, what we did is, we wanted to clarify
20 the existing condition of the adjacent neighbor
21 that's right next to that egress court, for
22 starters. And then, also talk about what
23 upgrades we're doing to the existing structure
24 and the addition to address that, as well.

25 So, adjacent to us, right next to the -- to

1 the east of our property and along the egress
2 court, the building is set back from the property
3 line one foot.

4 So, really, from our building to the other
5 building is -- is like three and a half feet.

6 Now, by Code, we're supposed to have three
7 foot minimum. So, again, really from our -- if
8 you took it from our property line to our
9 building, it's -- it's two and a half feet.

10 And a good portion here -- approximately 38
11 feet back from the front of the adjacent building
12 is all an open parking area. So, we show that on
13 the site plan so that you can see the extent of
14 that opening, and you could see these piers that
15 are shaded slightly darker.

16 There's a picture of the adjacent building
17 and also, the existing egress court of our -- on
18 our property, on drawing Z7.

19 This was a drawing that we added, showing
20 these photographs of the egress court in the
21 adjacent property, which shows, in view number 3,
22 shows that on the corner of that building,
23 there's actually the Fire Department sprinkler
24 connection hookup right there on the corner of --
25 between our egress court and the adjacent

1 property.

2 So, the Fire Department has a hookup right
3 adjacent to that egress court, which makes this
4 --

5 CHAIRPERSON CAPIZZI: That's next to your
6 --

7 MR. D'ANGELO: That's -- yeah.

8 CHAIRPERSON CAPIZZI: -- your property?
9 Okay.

10 MR. D'ANGELO: Our -- our property is here.
11 Right where the --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. D'ANGELO: -- arrow is. And this is
14 the adjacent building.

15 So, this is our egress court that we're
16 talking about, right in between the two.

17 So, there's a fire connection right at the
18 front there.

19 Also, as you can see here, the whole area
20 is open on these other views, four, five and six.
21 You can see the whole parking area is open, with
22 a sidewalk and a curb to our egress court.

23 So, again, getting furniture in or -- or
24 people out or fire -- fires -- fighters in,
25 there's really obviously a lot of open space.

1 CHAIRPERSON CAPIZZI: But is --

2 MR. D'ANGELO: Plus --

3 CHAIRPERSON CAPIZZI: -- that your
4 property?

5 MR. D'ANGELO: It's -- it's not on our
6 property, but it's directly adjacent, and it's
7 open.

8 And also, the adjacent property, where the
9 covered garage is, has a sprinkler system, has
10 illumination, recessed lighting, and also has
11 heat -- and also has fire detection in the open
12 parking garage.

13 So, that's -- that's the start where --
14 where I wanted to explain to you the adjacent
15 neighbor and the open parking.

16 Now, back to the site plan -- oops.

17 So, back to the site plan, on Z4, after we
18 met with the building officials, and we discussed
19 with them the issue and the concerns of the -- of
20 the Board about -- you know, using this egress
21 court and getting access to the -- to the rear
22 unit, we -- we proposed adding exterior
23 illumination, which you can see these symbols
24 represent the different light fixtures, plus
25 there's a cut sheet of that light fixture on this

1 drawing, as well.

2 So, we added exterior illumination to
3 really light up that whole egress court, to make
4 it easy to see, to -- to access the front to the
5 back.

6 We also are upgrading -- we're also
7 upgrading the existing exterior wall of the front
8 building to become a one hour rated wall, both
9 inside and outside.

10 And -- and also, replacing the vinyl siding
11 with a -- a HardiePlank siding, which is fire
12 resistant, as well.

13 So, we're -- we're upgrading the fire --
14 fire resistance rating of the existing structure
15 and adding exterior illumination.

16 As counsel mentioned, the -- the new
17 proposed rear unit will have, entirely throughout
18 that unit, will have a limited area sprinkler
19 system. And it also will be -- it will also be
20 separated from the front building with a two hour
21 fire rated wall.

22 So, we have fire protection between those
23 units and we also have a fire sprinkler system in
24 the -- in the rear unit.

25 And also, those -- those -- the side walls

1 of the addition, on the first and second floor,
2 which is recessed three foot one inches from the
3 property line. Those walls will also be fire
4 rated. And those windows in the openings that
5 are on that wall will also have a sprinkler head
6 right at the ceiling in front of them, so to fire
7 rate those -- those openings.

8 And as -- again, you can see on the
9 elevations, on drawing Z6 -- you know, we show
10 the exterior lighting, as well, that we're
11 proposing adding along -- along that egress
12 court.

13 So, and -- oh, on Z -- and the -- and the
14 other thing that counsel mentioned, on Z7, we are
15 proposing some upgrades to the front façade --
16 you know, to improve the street -- the curb
17 appeal, adding some roofing material on the -- on
18 the parapet, the slanted parapet portion,
19 replacing the siding, adding some shutters,
20 repainting the -- the existing foundation wall,
21 the steps, and the -- and the metal rail -- the
22 metal fencing in the front, and replacing the
23 front door with a new front door, and then a
24 decorative molding piece at the second floor,
25 above the -- the entrance door.

1 CHAIRPERSON CAPIZZI: Is this side wall
2 your wall? The white wall?

3 MR. D'ANGELO: Which view --

4 CHAIRPERSON CAPIZZI: Here.

5 MR. D'ANGELO: -- are you looking at?

6 CHAIRPERSON CAPIZZI: It's next --

7 MS. PEREIRAS: This one?

8 CHAIRPERSON CAPIZZI: I guess it's number
9 4.

10 MS. PEREIRAS: This one right here.

11 MR. D'ANGELO: Yeah. That's the -- the one
12 that had the peeling paint on it there?

13 CHAIRPERSON CAPIZZI: Right.

14 MR. D'ANGELO: That -- that is the -- the
15 side wall of this step here. That's what you're
16 seeing. So, you're seeing that --

17 CHAIRPERSON CAPIZZI: And they're redoing
18 that?

19 MR. D'ANGELO: -- that step. Yeah. Yeah.
20 That's getting cleaned up and painted. The
21 bottom foundation wall.

22 CHAIRPERSON CAPIZZI: So, the only question
23 I have is, the pictures that you show, really
24 show no cars in this carport. So, it's easy for
25 furniture delivery and, I guess, safety, vehicles

1 to get in.

2 But what if it were filled with cars?

3 MR. D'ANGELO: Well, again, like I said, if
4 you look at this draw -- if you look at view
5 number 5 -- so, from our building to that pier --
6 you know, because our -- our property line is
7 actually somewhere in -- in -- not perfectly in
8 the middle, but within that sidewalk that's there
9 with that curb --

10 CHAIRPERSON CAPIZZI: Right.

11 MR. D'ANGELO: So, from our building to
12 that pier is three and a half feet.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. D'ANGELO: So, and -- and then,
15 obviously, these piers are substantially thick.

16 So, even with the car in that first spot,
17 where you see here, there's still the thickness
18 of the pier even beyond that three -- three and a
19 half feet.

20 VICE CHAIRPERSON KOEHLER: You would hope
21 the neighbors are all friendly with each other.

22 MS. PEREIRAS: You always hope for that.

23 MR. D'ANGELO: Yeah, wherever you live.

24 Right?

25 CHAIRPERSON CAPIZZI: Well, but you're

1 | referencing that property, that's why we're
2 | making that comment.

3 | MR. D'ANGELO: Well, it's open. I mean,
4 | the concern the last time was we didn't have
5 | these visuals -- the visuals.

6 | CHAIRPERSON CAPIZZI: Okay.

7 | MR. D'ANGELO: And -- and you thought it
8 | was just an alleyway, but it's really not an
9 | alleyway.

10 | CHAIRPERSON CAPIZZI: Okay.

11 | MR. D'ANGELO: It's very open. It's very
12 | protected. It's very illuminated. There's fire
13 | detection.

14 | And obviously, like I said, there's a Fire
15 | Department sprinkler connection right -- right
16 | there, as well.

17 | So, we just wanted to clarify and -- and
18 | let you guys feel more comfortable about the
19 | existing situation and that it's -- it's safe.

20 | MR. VELAZQUEZ: That's a condo. I think
21 | they have an association. What you always have
22 | to worry about, too, is just, say, unforeseeable
23 | events. If the condo association doesn't pay
24 | their water bill, usually they call us up anyway.
25 | They call the Health Department up. They let us

1 know ten days in advance, thank God. And we tell
2 them, once that sprinkler line is going to go,
3 that's what you always have to worry about. Even
4 though that sprinkler line is there, it's also
5 just for that building. It's -- if that was to
6 shut off, that -- that's not going to be existing
7 anymore.

8 MR. D'ANGELO: Right. And that's why the
9 rear unit that we're -- the new addition that
10 we're putting on is separated from our front
11 building with the rated -- separated -- two hour
12 rated separation wall.

13 And it has -- it's a limited area sprinkler
14 system itself.

15 So, those tenants in the -- in the back
16 would have that.

17 VICE CHAIRPERSON KOEHLER: What did you
18 call it?

19 MR. D'ANGELO: The fire rating and also the
20 sprinklers.

21 VICE CHAIRPERSON KOEHLER: A limited area?

22 MR. D'ANGELO: Yeah. Limited -- it's
23 called limited area, because it's just for that
24 --

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. D'ANGELO: -- unit.

2 VICE CHAIRPERSON KOEHLER: Okay. Not the
3 front unit, the back.

4 MR. D'ANGELO: Right. Because the front
5 unit is --

6 CHAIRPERSON CAPIZZI: Right.

7 MR. D'ANGELO: -- existing two --

8 CHAIRPERSON CAPIZZI: Right.

9 MR. D'ANGELO: -- family. It doesn't --

10 VICE CHAIRPERSON KOEHLER: Right.

11 MR. D'ANGELO: It's not required.

12 VICE CHAIRPERSON KOEHLER: Gotcha.

13 CHAIRPERSON CAPIZZI: Okay. Does anyone
14 have any questions?

15 Anyone on the Board?

16 Open to the public.

17 MR. EYERMAN: We can open to the public.

18 Anybody for questions for this expert?

19 Any general questions to the public?

20 Comments or questions from the public?

21 MR. VELAZQUEZ: It's always, going forward,
22 we just want to make sure that everything is
23 built, and especially with safety hazards -- you
24 know, with fires, especially the rash of fires,
25 even in the past, in Union City, especially in

1 | that area, like we've worked before.

2 | That's why we bring up these things. And
3 | I'm glad that the applicant showed due diligence
4 | by --

5 | CHAIRPERSON CAPIZZI: Yes.

6 | MR. VELAZQUEZ: -- with these safety
7 | issues, even though they're not required by law.

8 | CHAIRPERSON CAPIZZI: Yup. Definitely.
9 | Anyone else?

10 | Okay.

11 | MR. EYERMAN: If you're going to propose
12 | this for a vote, it's got to be those members
13 | that were here from the original application.

14 | CHAIRPERSON CAPIZZI: Application. Okay.
15 | Carlos --

16 | MR. EYERMAN: I have -- I have their names
17 | but --

18 | CHAIRPERSON CAPIZZI: Okay.

19 | MR. EYERMAN: -- forgive me, I'm just going
20 | down quick, and I don't know everybody's name.

21 | CHAIRPERSON CAPIZZI: Okay.

22 | MR. EYERMAN: Yourself, Madam Capizzi, Mr.
23 | Velazquez -- Mrs. -- Mr. or Mrs. Velazquez?

24 | CHAIRPERSON CAPIZZI: Mr. Velazquez.

25 | MR. EYERMAN: Velazquez, and --

1 CHAIRPERSON CAPIZZI: Jeanne Koehler.

2 MR. EYERMAN: -- Koehler.

3 MR. VELAZQUEZ: Yes.

4 MR. EYERMAN: Thank you very much.

5 MR. VELAZQUEZ: No Mrs. I'm a little
6 smart. No Mrs.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. VELAZQUEZ: You said Mrs.

9 CHAIRPERSON CAPIZZI: So, I would make a
10 motion to approve this application.

11 MR. EYERMAN: Sorry.

12 MR. VELAZQUEZ: No Mrs.

13 THE SECRETARY: Motion to -- to approve
14 this application by --

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: -- Chairwoman Diane
17 Capizzi.

18 CHAIRPERSON CAPIZZI: You want to just call
19 those names.

20 MR. EYERMAN: Ah, I'll do it with this.

21 CHAIRPERSON CAPIZZI: Okay.

22 THE SECRETARY: Any second the motion?

23 MS. MOREJON: Second, second the motion.

24 MR. VELAZQUEZ: Second.

25 THE SECRETARY: Second by --

1 MR. EYERMAN: Mrs. Koehler.

2 MS. MOREJON: Alejandro.

3 THE SECRETARY: -- Alejandro Velazquez.

4 I am going to call on the motion, only the
5 member who was present at the previous meeting.

6 CHAIRPERSON CAPIZZI: Um hum.

7 THE SECRETARY: Ydalia Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Diane Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Jay Shah?

12 MR. SHAH: Yes.

13 THE SECRETARY: Jeanne Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes.

15 THE SECRETARY: Alejandro Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Motion carries. Five in
18 favor.

19 MR. D'ANGELO: Thank you --

20 MS. PEREIRAS: Thank you all very much.

21 MR. D'ANGELO: -- very much.

22 CHAIRPERSON CAPIZZI: Thank you.

23 MR. EYERMAN: Good luck.

24 MR. D'ANGELO: Thank you.

25

1 (Whereupon, there was a pause in the
2 proceedings.)

3 * * *

1 **G.H.G. Patel, Inc. - 2117 Bergenline Avenue:**

2

3 THE SECRETARY: Are you ready, Ms. -- Mrs.
4 Chairwoman?

5 CHAIRPERSON CAPIZZI: Yes.

6 THE SECRETARY: Thank you.

7 Next application on tonight's agenda,
8 G.H.G. Patel, I-N-C, 2117 Bergenline Avenue.

9 Mr. Halkias, please?

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

12 MR. HALKIAS: May we proceed?

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. HALKIAS: Oh, thank you.

15 Good evening, Madam Chairperson and
16 Commissioners.

17 My name is Michael Halkias. I'm located --
18 my office is located at 1300 Van Houten Avenue,
19 in Clifton, New Jersey.

20 I'm representing the applicant, G.H.G.
21 Patel, Incorporated. They are the owners of 2117
22 Bergenline Avenue in Union City.

23 I have with me, Mr. Ghanshyam Patel, Jimmy
24 Patel, who many of you probably recognize. He's
25 a local businessman for about over 20 years.

1 We're going to -- our application is sort
2 of -- a little bit unique. We're not looking to
3 build. We're not looking to expand. We're not
4 looking to create. We're looking to confirm, I
5 guess is the best way to put it, and that's the
6 way we have it in our notice.

7 Looking to confirm this building that, for
8 all intents and purposes, was always one floor --
9 first floor commercial, and two floors, with two
10 apartments each.

11 It was that way from the time my client
12 purchased, as you'll hear; it was that way after
13 a fire that occurred a year and a half after he
14 bought.

15 We have with us the architect that prepared
16 the plans, in 2000, when the fire occurred, who
17 was at the building, who measured the building,
18 who prepared the construction plans, and which,
19 from that, the town issued permits for the
20 restoration of one story commercial, first floor
21 commercial, and two additional stories, for four
22 apartments, exactly what was there.

23 And so, we're really here to confirm,
24 because of various things you'll hear my client
25 received from the town, and the decision of the

1 Zoning Office.

2 Okay. So, first witness will be Mr. Patel,
3 one of the principals, the president of the
4 applicant.

5 MR. DILLON: Please raise your right hand.

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

8 MR. PATEL: Do.

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

11 MR. PATEL: Ghanshyam, G-H-A-N-S-H-Y-A-M.

12 MR. DILLON: Sorry. Can you slow down?

13 G-H-A-N --

14 MR. PATEL: G-H -- G-H-A-N-Y-A-M.

15 G-H-A-N-S-H-Y-A-M.

16 MR. DILLON: Okay.

17 Last name?

18 MR. PATEL: Patel --

19 MR. DILLON: Okay.

20 MR. PATEL: P-A-T-E-L.

21 MR. DILLON: Gotcha. All right. Thank
22 you.

23 MR. PATEL: Okay.

24 MR. HALKIAS: Mr. Patel, are you one of the
25 principals of G.H.G. Patel, Inc.?

1 MR. PATEL: Yes.

2 MR. HALKIAS: And does that entity own the
3 building that's at 2117 Bergenline Avenue in
4 Union City?

5 MR. PATEL: Yes, sir.

6 MR. HALKIAS: That's also known as Block 4
7 -- 114, Lot 8.

8 MR. PATEL: Yes.

9 MR. HALKIAS: Is that correct?

10 Okay. The -- the property was purchased by
11 G.H.G. Patel when?

12 MR. PATEL: 1998, in October.

13 MR. HALKIAS: Okay.

14 And you formed the entity, you and your
15 partner, for this purpose, to buy the building.

16 MR. PATEL: Right, sir.

17 MR. HALKIAS: And to buy, also, the
18 existing first floor business.

19 MR. PATEL: Yes, sir.

20 MR. HALKIAS: It was a liquor store when
21 you bought it.

22 MR. PATEL: Yes, sir.

23 MR. HALKIAS: Okay.

24 You operated the liquor store from the time
25 you purchased it, in October of 1998.

1 MR. PATEL: Yes, sir.

2 MR. HALKIAS: All right.

3 At some time after that, was there a hazard
4 that occurred? A fire?

5 MR. PATEL: Right, sir.

6 MR. HALKIAS: When did that occur?

7 MR. PATEL: That's happening February,
8 2000.

9 MR. HALKIAS: Okay. The fire was in your
10 building.

11 MR. PATEL: No, sir.

12 MR. HALKIAS: Where did the fire begin?

13 MR. PATEL: Fire is third -- third building
14 from mine.

15 MR. HALKIAS: Third building from yours.
16 Okay.

17 Your building sustained damage.

18 MR. PATEL: Yes. Damage.

19 MR. HALKIAS: Okay.

20 At the time when you bought the building,
21 describe the building for the Board. What did it
22 consist of?

23 MR. PATEL: When I bought it, there's a
24 ground floor -- first floor is liquor store,
25 basement. And second floor and third floor is

1 two, three apartments. When I purchase is four
2 apart -- four apartment building and liquor
3 store, commercial.

4 MR. HALKIAS: Okay.

5 When you bought it, was it occupied, the
6 apartments?

7 MR. PATEL: Yes.

8 MR. HALKIAS: At the time of the fire,
9 February, 2000, was it also still occupied fully?

10 MR. PATEL: Yes, sir.

11 MR. HALKIAS: Okay.

12 The tenants -- you mentioned that the fire
13 did not start in your building.

14 What kind of damage did the building
15 sustain?

16 MR. PATEL: My damage is -- my roof is --
17 well, had -- pouring all water into my building.

18 MR. HALKIAS: Because of the --

19 MR. PATEL: So, all water damage.

20 MR. HALKIAS: Because of the nearby fire.

21 MR. PATEL: Nearby fire.

22 MR. HALKIAS: And did the ceiling collapse?

23 MR. PATEL: Ceiling collapse.

24 MR. HALKIAS: And the water trickled down.

25 MR. PATEL: All the way down in basement.

1 MR. HALKIAS: Okay.

2 Do you have something that -- the newspaper
3 article?

4 This is very interesting, I know when my
5 client gave it to me --

6 Okay. This -- this is a copy of The Jersey
7 Journal.

8 Is that correct?

9 MR. EYERMAN: Let's mark it.

10 MR. PATEL: Yes, sir.

11 MR. EYERMAN: Let's mark it.

12 MR. HALKIAS: Okay.

13 MR. DILLON: A-1?

14 MR. EYERMAN: A-1.

15

16 (Whereupon, Article from The Jersey
17 Journal, dated 2/7/2000, was received and marked
18 as Exhibit A-1.)

19

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

22 MR. HALKIAS: Mr. -- Mr. Patel, what --
23 what is this that's been marked A-1? Can you
24 describe what this is?

25 It's a newspaper article?

1 MR. PATEL: That's a newspaper article.

2 MR. HALKIAS: Okay. What is the date on
3 it?

4 MR. PATEL: That's February 7, 2000.

5 MR. HALKIAS: The fire occurred when?

6 MR. PATEL: Probably February 6.

7 MR. HALKIAS: The day before.

8 MR. PATEL: Day before.

9 MR. HALKIAS: That's a picture of you?

10 MR. PATEL: Yes, sir.

11 MR. HALKIAS: It's a good picture. I
12 mentioned that to him before. He was a lot
13 younger then. I probably knew him a few years
14 after that.

15 Okay. And -- and it describes here, an
16 article describes a fire which, at the same time,
17 happened to be in Jersey City, another very large
18 fire.

19 Is that correct?

20 MR. PATEL: (Indiscernible).

21 MR. HALKIAS: And many families, between
22 the two fires, were displaced.

23 MR. PATEL: Right, sir.

24 MR. HALKIAS: Okay.

25 After the fire occurred, all the tenants

1 needed to be displaced. Is that --

2 MR. PATEL: Yes, sir.

3 MR. HALKIAS: Okay. And -- and what
4 happened after that?

5 What did you do after that?

6 MR. PATEL: I called my insurance company.

7 MR. HALKIAS: Okay.

8 MR. PATEL: And then, they come and look
9 for that. Then I have to negotiate with my
10 insurance company, and then had to hire from
11 architect, the architect that's doing for drawing
12 for -- as it is drawing, because we not just --
13 water damage everything.

14 MR. HALKIAS: Let me slow you down.

15 At some point, you had mentioned that the
16 first floor was able to be restored much -- much
17 quicker than the upstairs two floors.

18 You were able to get back in and operate
19 your store, approximately how long after the
20 fire?

21 MR. PATEL: Roughly, like three and a half
22 week, four weeks.

23 MR. HALKIAS: Okay.

24 MR. PATEL: After that.

25 MR. HALKIAS: Okay.

1 We'll jump ahead a little bit, just to give
2 a perspective.

3 How long before you were able to have
4 tenants move back in, though?

5 MR. PATEL: Almost year.

6 MR. HALKIAS: A year. February of 2001.

7 MR. PATEL: One.

8 MR. HALKIAS: Okay.

9 Now, after you got together with your
10 insurance company, what did you do first? Hire a
11 builder or an architect?

12 MR. PATEL: Hire a builder.

13 MR. HALKIAS: And -- and how did you find
14 the architect?

15 MR. PATEL: Our builder find our architect.

16 MR. HALKIAS: Okay. The architect is Mr.
17 Sankpal?

18 MR. PATEL: Yes, sir.

19 MR. HALKIAS: Who's going to testify today.

20 MR. PATEL: Yes, sir.

21 MR. HALKIAS: Okay.

22 What did Mr. -- what -- what did you then
23 do?

24 Did you have drawings done by Mr. Sankpal?

25 MR. PATEL: Yes, sir.

1 MR. HALKIAS: Did you apply for permits?

2 MR. PATEL: Yes, sir.

3 MR. HALKIAS: Okay.

4 Maybe we can mark this A-2? And this A-3.

5 MR. DILLON: What's A-2?

6 MR. HALKIAS: A-2 is a set of drawings
7 dated June 9, 2000.

8

9 (Whereupon, Drawings dated 6/9/2000, were
10 received and marked as Exhibit A-2.)

11

12 MR. DILLON: Okay.

13 And A-3?

14 MR. HALKIAS: A-3 is the construction
15 permit issuance by Union City, dated September
16 22, 2000.

17 MR. DILLON: September 22?

18 MR. HALKIAS: Correct.

19

20 (Whereupon, Construction Permit Issuance by
21 Union City, dated 9/22/2000, was received and
22 marked as Exhibit A-3.)

23

24 MR. EYERMAN: Counselor, just to clarify
25 for the Board.

1 The -- the drawings that are in front of
2 us, are these the 2000 drawings?

3 MR. HALKIAS: They are. They are exactly
4 what -- and -- and we'll have a little testimony
5 from the architect, and I won't go into them in
6 detail, obviously, with my -- with my client.

7 MR. EYERMAN: But these are the ones that
8 were submitted for --

9 MR. HALKIAS: Exactly.

10 MR. EYERMAN: -- for permits back then.

11 MR. HALKIAS: With the stamp from the --
12 from the municipality.

13 MR. EYERMAN: Okay.

14 MR. HALKIAS: And -- and signatures from
15 the inspectors.

16 Okay. Okay. I'm going to show you, Jimmy,
17 what's been marked A-2, and ask, are these the
18 drawings that you just testified that you had
19 prepared by Mr. Sankpal, after the fire occurred?

20 MR. PATEL: Right, sir.

21 MR. HALKIAS: Okay.

22 And they were done on June 9th. Are they
23 dated June 9th?

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: Fire, again, was in February.

1 MR. PATEL: February.

2 MR. HALKIAS: So, it took you quite awhile

3 --

4 MR. PATEL: Six --

5 MR. HALKIAS: Yeah. To get to this point.

6 MR. PATEL: (Indiscernible) insurance.

7 MR. HALKIAS: Okay. The insurance and
8 other issues.

9 MR. PATEL: Okay.

10 MR. HALKIAS: Okay.

11 Based on these drawings, you applied then
12 for permits.

13 MR. PATEL: Yes.

14 MR. HALKIAS: Did you?

15 MR. PATEL: The architect applied -- Mr. --
16 my contractor applied for permits.

17 MR. HALKIAS: Contractor applied. Okay.

18 And did the municipality issue what's been
19 marked A-3?

20 MR. PATEL: Yes, sir.

21 MR. HALKIAS: Okay.

22 All right. And -- and the description of
23 the work in the document from the City of Union
24 City, A-3, says -- what was the purpose of the --
25 of the permits?

1 MR. PATEL: City -- that's --

2 MR. HALKIAS: Just if you could read this,
3 description of work?

4 Okay. May I read it?

5 CHAIRPERSON CAPIZZI: Sure.

6 MR. HALKIAS: Okay. Rehabilitation of
7 existing four apartments, damaged due to fire, as
8 per plans.

9 Okay. So, you didn't have to take out any
10 permits at this point for your store, because you
11 were already operating within three to four
12 weeks.

13 MR. PATEL: Right, sir.

14 MR. HALKIAS: Okay. So this was just for
15 the apartments.

16 MR. PATEL: Just apartment.

17 MR. HALKIAS: Right. At some point, the
18 construction began after the permits were issued
19 in September.

20 MR. PATEL: Right, sir.

21 MR. HALKIAS: Of 2000.

22 MR. PATEL: 2000.

23 MR. HALKIAS: When did your tenants move
24 back in?

25 MR. PATEL: Like February.

1 MR. HALKIAS: About a year --

2 MR. PATEL: 2000.

3 MR. HALKIAS: -- after.

4 MR. PATEL: After a year.

5 MR. HALKIAS: Okay. You had four tenants
6 when the fire occurred.

7 MR. PATEL: Right, sir.

8 MR. HALKIAS: Did any of the tenants move
9 back in, in February, a year later?

10 MR. PATEL: Yes, sir.

11 MR. HALKIAS: Which -- how many?

12 MR. PATEL: All four, same.

13 MR. HALKIAS: All four waited one year and
14 came back.

15 MR. PATEL: Came back.

16 MR. HALKIAS: Same apartments.

17 MR. PATEL: Same apartments.

18 MR. HALKIAS: Where they were in before,
19 they came in?

20 MR. PATEL: Right.

21 MR. HALKIAS: Okay. All right.

22 Now, the permits were pulled by your -- or
23 obtained by your contractor.

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: Okay.

1 And -- and work was done by your contractor
2 pursuant to the drawings, as far as you know?

3 MR. PATEL: Right.

4 MR. HALKIAS: And inspections were handled
5 by the --

6 MR. PATEL: Union City.

7 MR. HALKIAS: Union City and -- and the
8 contractor.

9 MR. PATEL: Contractor.

10 MR. HALKIAS: And at some point, then,
11 February, the tenants moved back in.

12 MR. PATEL: Yes, sir.

13 MR. HALKIAS: Okay.

14 And you went on, from 2001, until some time
15 last year.

16 MR. PATEL: Right.

17 MR. HALKIAS: Is that correct?

18 MR. PATEL: Right, sir.

19 MR. HALKIAS: What happened that caused
20 this application to come forward?

21 What -- what did you receive, if anything,
22 last year?

23 MR. PATEL: I receive, last year, for our
24 City Hall letter for -- we have -- used to have a
25 four family, we have three family.

1 MR. HALKIAS: You -- you received a letter
2 from the town --

3 MR. PATEL: Township.

4 MR. HALKIAS: Okay. Hold on one minute.
5 If I can mark this. I guess we're up to
6 A-4.

7 MR. DILLON: What is this?

8 MR. HALKIAS: A -- this is a letter from
9 Code Enforcement Officer James Hernandez, dated
10 May 4, 2015, and penalty notices that followed.
11 Total of four pages.

12

13 (Whereupon, Letter from Code Enforcement
14 Officer James Hernandez, dated 5/4/15, and
15 Penalty Notices (4) pages, was received and
16 marked as Exhibit A-4.)

17

18 MR. DILLON: There you go.

19 MR. HALKIAS: Thank you.

20 Mr. Patel, is this what you received -- you
21 testified you received?

22 MR. PATEL: Yes, sir.

23 MR. HALKIAS: A-4.

24 MR. PATEL: A-4. Right.

25 MR. HALKIAS: And it's dated May 6 of 2015?

1 MR. PATEL: Right, sir.

2 MR. HALKIAS: And it's from which officer,
3 or which titled officer in the town?

4 MR. PATEL: (Indiscernible).

5 MR. HALKIAS: You can't read it.

6 James Hernandez --

7 MR. PATEL: James --

8 MR. HALKIAS: -- Code Enforcement Officer.
9 Okay.

10 This document, which the Board will look
11 at, it talks about the fact that you had two
12 nonconforming apartments on the second floor.

13 MR. PATEL: Second floor.

14 MR. HALKIAS: Mentioned nothing about the
15 third floor.

16 MR. PATEL: No.

17 MR. HALKIAS: And when you received this,
18 what did you do?

19 MR. PATEL: I come in township first.

20 MR. HALKIAS: Who did you speak to? Did
21 you speak to Mr. Hernandez or someone --

22 MR. PATEL: Yes, sir.

23 MR. HALKIAS: Mr. Hernandez.

24 MR. PATEL: Yes. He told me it is a three
25 family apartment. I said, I tell him, when I

1 purchase, it is a four family apartment. And
2 that (indiscernible) no, we have a boarder and
3 the three families.

4 MR. HALKIAS: And did you show him what's
5 been marked A-2 and A-3?

6 MR. PATEL: Yes, sir.

7 MR. HALKIAS: And what did he say when you
8 showed him these drawings for the four --
9 restoration of the four apartments?

10 MR. PATEL: He told me I have to go
11 variance.

12 MR. HALKIAS: Okay.

13 VICE CHAIRPERSON KOEHLER: I'm sorry. He
14 said what?

15 MR. EYERMAN: He had to get a variance.

16 VICE CHAIRPERSON KOEHLER: Oh, okay.

17 MR. HALKIAS: Go -- go for a variance. And
18 that -- and that's why you're here.

19 MR. PATEL: Right.

20 MR. HALKIAS: Okay.

21 And right now, there is actually a matter
22 pending, in the Union City Municipal Court.

23 Isn't that correct?

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: You and I have been in this

1 room about four or five times.

2 MR. PATEL: Yes, sir.

3 MR. HALKIAS: Every -- every 60 days,
4 Inspector Hernandez, or Officer Hernandez keeps
5 adjourning it, adjourning it, waiting for this
6 day.

7 MR. PATEL: Right, sir.

8 MR. HALKIAS: And our next day is?

9 MR. PATEL: April 6th.

10 MR. HALKIAS: April 6th. That's correct.
11 Okay. Okay.

12 I don't think I have any more questions for
13 this witness right now, if there's any questions
14 from the Board?

15 MR. VELAZQUEZ: This may just be for
16 counsel.

17 In early 2000, who's the Construction Code
18 Official signing on these?

19 MR. HALKIAS: Okay. There -- I will -- I
20 will pass this around to you right now.

21 There is a stamp in the corner where there
22 is building, plumbing, electrical and fire signed
23 off on and dated September of 2000 -- September
24 21, that coincides with A-3, which was issued the
25 next day.

1 So, I -- I don't know who the -- well, I
2 could tell you, Martin Martinetti.

3 MR. VELAZQUEZ: Okay.

4 MR. HALKIAS: Martin Martinetti,
5 Construction Official, on A-3.

6 If I may -- may I pass these?

7 CHAIRPERSON CAPIZZI: Sure.

8 MR. HALKIAS: Okay. A-4, this is just a
9 newspaper article, if you'd like to see this, as
10 well.

11 Okay. So, this is A-1 through 4.

12 VICE CHAIRPERSON KOEHLER: And I'm sorry,
13 what was your question again?

14 MR. VELAZQUEZ: Who was the construction --

15 MR. HALKIAS: Who was the Construction Off
16 -- it appears to be Mr. Martinetti.

17 VICE CHAIRPERSON KOEHLER: He signed off on
18 that.

19 MR. HALKIAS: He's the one who signed the
20 permit for him.

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

23 MR. EYERMAN: Did the layouts -- sir, did
24 the layouts of the apartments change?

25 MR. HALKIAS: Was there any change to the

1 footprint of the apartments?

2 MR. PATEL: No.

3 MR. HALKIAS: There was water damage you
4 said.

5 MR. PATEL: Right.

6 MR. HALKIAS: There was no fire damage to
7 your building.

8 MR. PATEL: No. We have fire damage in
9 roof.

10 MR. HALKIAS: On the roof.

11 MR. PATEL: Roof.

12 MR. HALKIAS: That's why the fire was put
13 out there. Okay.

14 MR. PATEL: Right.

15 MR. HALKIAS: All right.

16 So, there was no fire damage inside, but
17 did you take down walls?

18 MR. PATEL: All walls.

19 MR. HALKIAS: The -- the plaster, the sheet
20 rock, and -- and that's why you had brand new
21 electric.

22 MR. PATEL: Right.

23 MR. HALKIAS: New plumbing.

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: New -- new two by fours went

1 up.

2 MR. PATEL: Right, sir.

3 MR. HALKIAS: And -- and walls.

4 Were there any changes, though, to the
5 footprint of any of the rooms in any apartment --
6 in any of the apartments?

7 MR. PATEL: No, sir.

8 MR. HALKIAS: Okay.

9 And I think the architect will probably
10 verify what he saw when he went to see these
11 apartments, as well.

12 MR. EYERMAN: Does anybody have any -- are
13 we -- I'm sorry, counsel. Didn't mean to cut you
14 off.

15 We're good?

16 MR. HALKIAS: Good with this witness?

17 MR. EYERMAN: Yup.

18 MR. VELAZQUEZ: Just with -- you probably
19 want to take away one of the plumbing sub-codes,
20 because this has nothing to do with his property.
21 This is 508 45th Street here.

22 MR. HALKIAS: The last page there?

23 MR. VELAZQUEZ: Yeah. It says 15 unit
24 residential structure. I don't think he wants
25 that.

1 MR. HALKIAS: The whole page is wrong?

2 MR. VELAZQUEZ: The whole page is wrong.

3 MR. HALKIAS: Yeah. Because that's the
4 letter that we received.

5 Okay.

6 MR. VELAZQUEZ: No. It doesn't belong to
7 him.

8 MR. HALKIAS: Okay.

9 MR. VELAZQUEZ: This is for 508 45th
10 Street.

11 MR. HALKIAS: Okay.

12 MR. VELAZQUEZ: You want to take that out.

13 MR. HALKIAS: We'll -- and that's A-4, sir,
14 or A-3? And the front page?

15 MR. VELAZQUEZ: A-3.

16 MR. HALKIAS: A-3. So, I guess it's really
17 --

18 MR. EYERMAN: Let the record reflect that
19 the last page of A-3 is going to be redacted from
20 the exhibit.

21 MR. HALKIAS: Thank you.

22 I'll next call, then --

23 MR. EYERMAN: Well, we do it a little bit
24 differently here.

25 MR. HALKIAS: Okay.

1 MR. EYERMAN: Does anybody have any
2 questions for this witness?

3 Okay.

4 Go ahead.

5 MR. HALKIAS: Okay. I'll call then, Mr.
6 Sankpal, Jay Sankpal.

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

9 MR. EYERMAN: We're going to keep the
10 newspaper.

11 MR. HALKIAS: Are you really?

12 MR. EYERMAN: Yeah.

13 MR. HALKIAS: No.

14 MR. EYERMAN: I'm not kidding.

15 MR. HALKIAS: Oh, he's going to be very
16 upset.

17 They want to keep the newspaper.

18 MR. EYERMAN: I think we got to keep --

19 MR. HALKIAS: Really? Is it because of
20 evidentiary, or because of --

21 MR. EYERMAN: It's an -- it's an exhibit.
22 You referred to it. We got to keep it.

23 MR. HALKIAS: Okay. It will never come
24 back?

25 MR. EYERMAN: I don't know. Probably not.

1 I don't think we --

2 MR. HALKIAS: I'm sorry.

3 MR. PATEL: (Indiscernible).

4 MR. EYERMAN: You know what? You can take
5 it back. He can -- you will provide -- you will
6 mail us a copy of the newspaper?

7 MR. HALKIAS: I'll make a full picture of
8 the article -- of page 1 and page 10, the full
9 article.

10 MR. EYERMAN: All right. We'll do that.

11 MR. HALKIAS: Okay? So we can -- okay.

12 MR. PATEL: Thank you.

13 MR. HALKIAS: Okay.

14 MR. EYERMAN: He wants to keep the
15 newspaper.

16 CHAIRPERSON CAPIZZI: Yes.

17 MR. EYERMAN: He'll send us a copy.

18 MR. HALKIAS: Yeah.

19 THE SECRETARY: I keep in record. You can
20 make a copy. I got to keep in record, please.

21 MR. HALKIAS: Okay.

22 THE SECRETARY: As exhibit.

23 MR. HALKIAS: I can -- I have to get the
24 copy? You have to keep the original?

25 THE SECRETARY: Yes.

1 MR. HALKIAS: Okay. Sorry, Jimmy.

2 THE SECRETARY: Right, Mr. Price?

3 No?

4 MR. PRICE: Certified copy.

5 MR. EYERMAN: Yeah, he can certify a copy.

6 MR. HALKIAS: Oh. All right? Okay. Okay.

7 Okay. Mr. --

8 MR. EYERMAN: He wants the copy of the
9 picture of him. He looks good.

10 THE SECRETARY: All right. No problem.

11 CHAIRPERSON CAPIZZI: Thank you, Carlos.

12 THE SECRETARY: I will give it to you. No
13 problem.

14 MR. EYERMAN: Here you go.

15 MR. HALKIAS: Mr. -- Mr. Sankpal --

16 CHAIRPERSON CAPIZZI: Yes.

17 MR. HALKIAS: -- is going to get sworn in.
18 Okay.

19 MR. DILLON: All right.

20 Please raise your right hand.

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

23 MR. SANKPAL: I do. I do.

24 Thank you.

25 MR. DILLON: State your name and spell it

1 for the record.

2 MR. SANKPAL: Yeah.

3 My name is Jay Sankpal, architect.

4 Registered architect. 7 Michael Court, Old
5 Bridge, New Jersey 08857.

6 MR. HALKIAS: I'll spell that for you.

7 S-A-N-K-P --

8 MR. DILLON: I have his card.

9 MR. SANKPAL: S-A-N-K-P-A-L.

10 MR. DILLON: All right. Thank you.

11 MR. HALKIAS: Okay.

12 MR. EYERMAN: Sir, have you ever testified
13 before this Board before?

14 MR. SANKPAL: Pardon me?

15 MR. EYERMAN: Have you ever testified
16 before this Board before?

17 MR. SANKPAL: I couldn't get -- get that.
18 I'm sorry.

19 VICE CHAIRPERSON KOEHLER: He has. He has.

20 MR. EYERMAN: He has?

21 CHAIRPERSON CAPIZZI: I remember.

22 MR. EYERMAN: All right.

23 MR. HALKIAS: Yeah.

24 MR. SANKPAL: I'm sorry.

25 MR. HALKIAS: He -- he was here a couple

1 months ago with me.

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. EYERMAN: Oh --

4 MR. SANKPAL: Yeah. Couple of month --
5 Yeah, a couple of months ago I was here.

6 MR. EYERMAN: Fantastic.

7 MR. SANKPAL: Yeah. Three months ago.

8 About --

9 MR. HALKIAS: Do we need to qualify him?

10 MR. EYERMAN: I would recommend -- I'd
11 recommend that the --

12 MR. SANKPAL: Yes. Yes.

13 MR. EYERMAN: -- Chair --

14 MR. SANKPAL: Yes.

15 MR. EYERMAN: -- to affirm --

16 MR. SANKPAL: I was here.

17 CHAIRPERSON CAPIZZI: Absolutely. I
18 affirm.

19 MR. EYERMAN: -- this gentleman as an
20 architect.

21 MR. SANKPAL: Yes.

22 CHAIRPERSON CAPIZZI: Yes, I do.

23 MR. SANKPAL: Yes. In year 2000 --

24 MR. HALKIAS: Mr. Sankpal --

25 MR. SANKPAL: -- had no computer, so I'm

1 | sorry, the drawings are handmade.

2 | MR. HALKIAS: Okay.

3 | MR. SANKPAL: At that time.

4 | MR. HALKIAS: Yeah. They're a little more
5 | cryptic.

6 | MR. SANKPAL: So I need more -- you know,
7 | they are not distinct.

8 | MR. HALKIAS: I'll keep my voice up as loud
9 | as possible.

10 | MR. SANKPAL: Yeah. Yeah. Sure. Yeah.

11 | MR. HALKIAS: All right. Mr. Sankpal, in
12 | the year 2000 --

13 | MR. SANKPAL: Yes.

14 | MR. HALKIAS: -- were you contacted by the
15 | property owner and/or the contractor that was
16 | used for reconstruction, to go to 2117 Bergenline
17 | Avenue in Union City?

18 | MR. SANKPAL: Yes. I was contacted by the
19 | contractor, actually. I did not know the owner.

20 | MR. HALKIAS: Okay.

21 | MR. SANKPAL: So, at that time -- you know,
22 | contractor hired me.

23 | I went to the building. I took the
24 | measurements of the building, and prepared the
25 | plans.

1 MR. HALKIAS: When you went there --

2 MR. SANKPAL: I went there.

3 MR. HALKIAS: -- can you describe what you
4 found?

5 MR. SANKPAL: There were fire damage, not
6 that extensive. But you know, and then,
7 bathrooms were bad. So, new bathrooms had to be
8 constructed. I mean, whole thing.

9 So, it was actually, touchup job or
10 something like that you can see.

11 MR. HALKIAS: Okay.

12 MR. SANKPAL: And also, some of the fire
13 rated wall -- you know, we -- we prepare I think
14 -- made fire rated walls, all those inside --
15 inside walls.

16 MR. HALKIAS: So, in -- in fact, then --

17 MR. SANKPAL: Yes.

18 MR. HALKIAS: -- the building was a little
19 safer and better --

20 MR. SANKPAL: Yes.

21 MR. HALKIAS: -- than it was before.

22 MR. SANKPAL: Correct.

23 MR. HALKIAS: Okay.

24 MR. SANKPAL: Correct. Because they show
25 it on the second page here.

1 I'm sorry.

2 These are notes, so that the fire rated
3 sheet rock should be installed on the walls and
4 --

5 MR. HALKIAS: Okay.

6 MR. SANKPAL: -- ceilings and all that.

7 MR. HALKIAS: Which it --

8 MR. SANKPAL: All over.

9 MR. HALKIAS: -- did not have before.

10 MR. SANKPAL: Did not have before.

11 MR. HALKIAS: Okay.

12 When you went to the building, can you
13 describe what was on each floor?

14 MR. SANKPAL: First floor was a store,
15 completely. That was already there.

16 MR. HALKIAS: Okay.

17 MR. SANKPAL: And second floor were two
18 apartments and third floor, there were two
19 apartments.

20 MR. HALKIAS: You took the measurements for
21 your drawings yourself.

22 MR. SANKPAL: Yes.

23 MR. HALKIAS: The drawings were prepared by
24 you for construction purposes.

25 MR. SANKPAL: Oh, sure.

1 MR. HALKIAS: Was there any changes made
2 from what you found there? Walls, room sizes, to
3 what is reflected in your drawings?

4 MR. SANKPAL: No. Exactly the same
5 footprint was followed --

6 MR. HALKIAS: Bathrooms --

7 MR. SANKPAL: -- for the construction.

8 MR. HALKIAS: -- kitchens, et cetera.

9 MR. SANKPAL: Correct.

10 MR. HALKIAS: Except for, as you say,
11 improvements --

12 MR. SANKPAL: New -- new appliances, new
13 kitchen --

14 MR. HALKIAS: New -- right.

15 MR. SANKPAL: -- kitchen cabinets, new
16 bathroom --

17 MR. HALKIAS: Fixtures?

18 MR. SANKPAL: -- fixtures, --

19 MR. HALKIAS: Okay.

20 MR. SANKPAL: -- and all that. Yes.

21 MR. EYERMAN: No bedrooms added, no
22 bathrooms added?

23 MR. HALKIAS: Were there any bedrooms added
24 --

25 MR. SANKPAL: No, no. No.

1 MR. HALKIAS: -- to any of the apartments?

2 MR. SANKPAL: No. No. No additional
3 bedrooms were added. Just a touchup job. That's
4 it.

5 MR. HALKIAS: These drawings that you have
6 here, and which were submitted --

7 MR. SANKPAL: Yes.

8 MR. HALKIAS: -- to the Board, they --
9 they, as far as you know were submitted --

10 MR. SANKPAL: Yes.

11 MR. HALKIAS: -- to the municipality.

12 MR. SANKPAL: Yes.

13 MR. HALKIAS: And this stamp in the corner
14 --

15 MR. SANKPAL: Yeah.

16 MR. HALKIAS: -- reflects the signatures of
17 four different inspectors.

18 MR. SANKPAL: Yes.

19 MR. HALKIAS: Is that correct?

20 MR. SANKPAL: Yes. Correct.

21 MR. HALKIAS: Building, plumbing,
22 electrical and fire.

23 MR. SANKPAL: Correct.

24 MR. HALKIAS: I don't really think I have
25 too much more for this witness, if there's any

1 questions?

2 MR. VELAZQUEZ: Yeah. The question that I
3 have is, they have a process in the Building
4 Department, if you have all four signatures done
5 by all four sub-code officials, why weren't the
6 permits ever closed out properly?

7 MR. HALKIAS: And again, my -- my client
8 alluded to the fact that he only found that out
9 when he presented these to Officer Hernandez.
10 And we can only -- unfortunately, we don't want
11 to -- we have to blame the contractor.

12 My client knew the contractor. He turned
13 us on to the architect, who my client has used in
14 the past, and even was here few months ago for a
15 different project, so they've had a relationship
16 since then.

17 But we were advised he can move in in a
18 month, and the tenants moved in a year later,
19 after the construction was finished. And several
20 -- several were signed off on. It was not every
21 department.

22 That's what we found out after that letter
23 came in May, A-4.

24 MR. VELAZQUEZ: So, what you really have is
25 a tenant who made a complaint, and this is what

1 open --

2 MR. HALKIAS: In fact, my client might
3 testify to that, I did not ask him those
4 questions, but he did tell me, what happened was
5 -- may I bring Mr. Patel back?

6 MR. EYERMAN: Yeah. Yeah.

7 MR. HALKIAS: All right.

8 MR. EYERMAN: It's a question.

9 MR. HALKIAS: Okay. Mr. Patel, you have
10 four tenants in that building last May.

11 Correct?

12 MR. PATEL: Right, sir.

13 MR. HALKIAS: All right. Did one of the
14 tenants -- did you approach one of the tenants,
15 asking them to vacate?

16 MR. PATEL: Right, sir.

17 MR. HALKIAS: All right. You need the
18 apartment for yourself and your family?

19 MR. PATEL: My family.

20 MR. HALKIAS: All right.

21 MR. PATEL: Yes, sir.

22 MR. HALKIAS: And after that, when you saw
23 Officer Hernandez --

24 MR. PATEL: Right, sir.

25 MR. HALKIAS: -- when you got this letter

1 --

2 MR. PATEL: Right, sir.

3 MR. HALKIAS: -- what -- what -- how did he
4 tell you he became aware of this situation?

5 MR. PATEL: I think, sir, the tenant come
6 in City Hall, and I think must be -- have some
7 friends, they listen. That part, I have no clue.

8 MR. HALKIAS: Okay.

9 MR. PATEL: When Mr. Hernandez -- they give
10 letter for me, and I came personally, see Mr.
11 Hernandez, and they tell me, yeah, building is
12 three family, not four family.

13 MR. HALKIAS: Yeah. So, that's what
14 triggered it.

15 MR. PATEL: Yes.

16 MR. HALKIAS: You're right -- you're right,
17 Commissioner. Yes, Commissioner.

18 It's -- it was triggered by someone coming
19 here when -- and again, it's a four family. He
20 only had to ask, he couldn't really remove the
21 tenant, but when he did, apparently it upset her
22 so much that he came -- that she came to Town
23 Hall, and maybe they opened up the file, and saw
24 that there was something still open.

25 MR. VELAZQUEZ: Are they right now being

1 subject, and the reason why you're in court for
2 relocation expenses for these tenants?

3 MR. HALKIAS: No. No. The old tenants are
4 still --

5 MR. VELAZQUEZ: If it's in --

6 MR. HALKIAS: Old tenants are still there.

7 MR. VELAZQUEZ: They're still there.

8 MR. HALKIAS: Subject to -- or pending, I
9 should say, the Municipal Court matter and this
10 hearing, those tenants are still there.

11 MR. VELAZQUEZ: And they're paying rent to
12 you still.

13 MR. HALKIAS: And they're paying rent. And
14 they're paying rent.

15 And -- and if -- if there's an adverse --
16 you know, decision, we then have to remove that
17 tenant, I guess, but we're hoping that that won't
18 be the case.

19 MR. VELAZQUEZ: What -- what I -- a point
20 that I'm trying to make, and to the Board, also,
21 is that I -- I started here in 1998, and they
22 must have went through about nine Construction
23 Code Officials, up to the point where Mr.
24 Martinetti is now in charge.

25 You can see the difference there, with the

1 front page of the permits. That's the change of
2 the application.

3 It was really paper, written down and all
4 that. And I asked why -- who the Construction
5 Code Official was because it makes a significant
6 point to myself at the time.

7 But at this time, the Building Department
8 has evolved to what it is now, going through
9 extensive records and all that. This is the
10 reason why we're here right now because --

11 MR. HALKIAS: And Commissioner, it may
12 require, if the Board approves our application,
13 that we may have to have certain inspections done
14 to close those 15, 16 year old permits.

15 We understand that now. It wasn't -- and
16 we tried that, and it wasn't as simple as that.
17 They said we have records showing three family.

18 I have one more witness, who's been -- who
19 was in that building when he was seven years old,
20 33 years ago. He will testify as to what that
21 building was 33 years ago. He moved out only a
22 few years ago.

23 He was there during the fire. He was there
24 after the fire. He was there well before my
25 client bought. It was always four apartments.

1 MR. EYERMAN: Did you have C of Os, for all
2 -- did you have a C of O, for -- let everybody
3 move in?

4 MR. HALKIAS: We -- apparently, we're
5 finding out that they may never been issued,
6 although they -- the tenants were allowed to go
7 back in. They were in temporary quarters for a
8 year. And every one of the existing tenants came
9 back.

10 MR. VELAZQUEZ: The issue that you have is
11 that once it was closed out, then the Building
12 Department would have issued the Certificate of
13 Occupancies. They would have closed out the
14 permits in 2000, if the contractor --

15 MS. MOREJON: Maybe they did.

16 MR. VELAZQUEZ: -- finish it off, they
17 would got the Certificate of Compliance for each
18 permit that was closed out for these fire units.

19 MR. HALKIAS: And -- and again, several --

20 MR. VELAZQUEZ: And then they would have
21 got the CO.

22 MR. HALKIAS: Several departments did sign
23 off. There might only be one electrical or
24 something that might not have.

25 MR. VELAZQUEZ: Yeah. I think one of --

1 | you don't have no fire. I think --

2 | MR. HALKIAS: Fire.

3 | MR. VELAZQUEZ: -- everything is
4 | electrical, plumbing --

5 | MR. HALKIAS: Electrical, plumbing and
6 | building were all done. And the fire was not.
7 | And that might have been why --

8 | MR. VELAZQUEZ: He did the process, but it
9 | stops --

10 | MR. HALKIAS: -- the final was --

11 | MR. VELAZQUEZ: -- at some point, which you
12 | -- you have to ask yourself why did it stop. The
13 | contractor did everything right on paper, and
14 | then it just stops, and they don't close out the
15 | permits.

16 | So you have open permits from -- for almost
17 | 16 years now.

18 | MR. HALKIAS: Any additional questions then
19 | for Mr. Sankpal?

20 | Okay.

21 | MR. DILLON: I need the --

22 | Mr. Sankpal?

23 | The microphone.

24 | MR. SANKPAL: Oh, I'm sorry.

25 | MR. EYERMAN: I'm sorry.

1 Just open to the public.

2 Does the public have any questions for Mr.
3 Sankpal, the architect?

4 MR. DILLON: Oh, wait. No. Leave it on.
5 Leave it on.

6 MR. EYERMAN: I'm sorry.

7 MR. HALKIAS: Mr. Sankpal, there's a
8 question for you.

9 MR. SANKPAL: Yes, sir.

10 MR. PRICE: You know, I'm starting to --
11 well, still Larry Price.

12 Question.

13 In 2000, when you prepared these plans --

14 MR. SANKPAL: Yes.

15 MR. PRICE: -- you talked to the
16 contractor. Was there any Board action? Zoning
17 Board of Adjustment or Planning Board action at
18 that time?

19 MR. SANKPAL: I didn't have to do that. I
20 don't know. I just prepared the plans.

21 MR. HALKIAS: My client --

22 MR. SANKPAL: I gave it to the contractor
23 and -- yeah.

24 MR. HALKIAS: Mr. -- Mr. Patel, back in
25 2000, when the fire occurred, when you submitted

1 | these plans, and in order to have the permits
2 | issued, were -- was it necessary for you to go
3 | before either the Planning or Zoning Board of
4 | Union City?

5 | MR. PATEL: No, sir.

6 | MR. HALKIAS: Okay. The permit -- the
7 | permits were issued to you by all four
8 | departments.

9 | MR. PATEL: All four department.

10 | MR. HALKIAS: Okay.

11 | MR. PRICE: Okay. I have a comment at the
12 | --

13 | MR. EYERMAN: Let's wait till we finish the
14 | questions.

15 | MR. PRICE: I'll wait until the completion.

16 | MR. EYERMAN: Yeah. Until --

17 | CHAIRPERSON CAPIZZI: Um hum. Okay.

18 | MR. PRICE: Then I'll make a comment.

19 | MR. HALKIAS: Mr. Jose Lopez, I call.

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

22 | MR. DILLON: Please raise your right hand.

23 | Do you swear the testimony you're about to
24 | give this Board is the whole truth?

25 | MR. LOPEZ: I swear.

1 MR. DILLON: State your name and spell it
2 for the record.

3 MR. LOPEZ: Jose Lopez.

4 MR. DILLON: Jose Lopez.

5 Thank you.

6 MR. HALKIAS: Okay. Mr. Lopez, where do
7 you currently reside?

8 MR. LOPEZ: At 819 18th Street.

9 MR. HALKIAS: In Union City?

10 MR. LOPEZ: Yes.

11 MR. HALKIAS: Okay.

12 At any time, did you ever live at 2117
13 Bergenline Avenue?

14 MR. LOPEZ: Yes.

15 MR. HALKIAS: Okay.

16 How old are you now, if I may ask?

17 MR. LOPEZ: Forty.

18 MR. HALKIAS: Okay.

19 What age was it when you first lived in
20 2117 Bergenline Avenue?

21 MR. LOPEZ: I was like seven or eight years
22 old.

23 MR. HALKIAS: You were there with your
24 parents?

25 MR. LOPEZ: Yes.

1 MR. HALKIAS: Okay.

2 Any other siblings? Brothers and sisters?

3 Any other brothers and sisters with you or --

4 MR. LOPEZ: Yes.

5 MR. HALKIAS: Okay.

6 What apartment, or what floor did you live
7 on?

8 MR. LOPEZ: Apartment 3.

9 MR. HALKIAS: Apartment 3, which is on the
10 second floor.

11 MR. LOPEZ: On the second floor.

12 MR. HALKIAS: The same floor that is in
13 question here.

14 MR. LOPEZ: Yes.

15 MR. HALKIAS: According to the town. Okay.

16 So that would have been 33 years ago,
17 approximately, that you moved in.

18 MR. LOPEZ: Yes.

19 MR. HALKIAS: All right.

20 You were there in 2000, February, when the
21 fire occurred in the adjoining buildings and the
22 problems with this --

23 MR. LOPEZ: In apartment 3. Yes.

24 MR. HALKIAS: -- this building. Okay.

25 After the fire occurred, and the

1 construction was completed, did you move back in?

2 MR. LOPEZ: Yes.

3 MR. HALKIAS: Okay. So, your occupancy
4 goes back -- trying I do the math here -- 1982.
5 Would that be --

6 MR. LOPEZ: '82 --

7 MR. HALKIAS: Would you be seven years old?

8 MR. LOPEZ: -- and 1983. Yes.

9 MR. HALKIAS: Yeah. Okay.

10 And at that point, what did the building
11 consist of when you moved in, if you recall?

12 MR. LOPEZ: Liquor store and four
13 apartments.

14 MR. HALKIAS: How many apartments on each
15 floor?

16 MR. LOPEZ: Two.

17 MR. HALKIAS: Since 1982 or '83.

18 MR. LOPEZ: Yes.

19 MR. HALKIAS: All right.

20 You continued to reside there until when?
21 About how many years ago, would you think, that
22 you may have moved out?

23 MR. LOPEZ: Well, it was 2000 -- maybe
24 2003, 2004.

25 MR. HALKIAS: Okay. It was well after the

1 fire, though.

2 MR. LOPEZ: Yes.

3 MR. HALKIAS: You moved back in and
4 continued to reside there.

5 MR. LOPEZ: Yes.

6 MR. HALKIAS: When you moved back in, did
7 you live by yourself or with your parents, or any
8 other family members?

9 MR. LOPEZ: No. I got --

10 MR. HALKIAS: When you moved back in.

11 MR. LOPEZ: I got married. Yes.

12 MR. HALKIAS: And you moved back in --

13 MR. LOPEZ: Yes.

14 MR. HALKIAS: -- with your wife --

15 MR. LOPEZ: Yes.

16 MR. HALKIAS: -- at that point.

17 Okay. Questions?

18 MR. EYERMAN: Real quick.

19 You were 24 when -- before the fire.

20 Correct?

21 MR. LOPEZ: Excuse me?

22 MR. EYERMAN: You were about 24 before the
23 fire?

24 MR. LOPEZ: Yes.

25 MR. HALKIAS: In -- in the year 2000.

1 MR. EYERMAN: Year 2000.

2 Just look at the plans. Was that -- is
3 that what your apartment looked like before the
4 fire?

5 Which apartment is yours? Why don't you
6 see if you first point to it?

7 So that's you.

8 MR. LOPEZ: That -- well, it says 1, 3.
9 No. Which apartment here?

10 MR. HALKIAS: This is the third floor.

11 MR. LOPEZ: Okay.

12 MR. HALKIAS: This is the second floor.

13 MR. LOPEZ: No. Third floor.

14 MR. HALKIAS: Third floor.

15 MR. LOPEZ: Last one. Yup.

16 MR. HALKIAS: Okay.

17 MR. EYERMAN: And you were in the front
18 apartment there. Or the back.

19 MR. LOPEZ: When you go upstairs, in the
20 back. Yes.

21 MR. EYERMAN: Okay.

22 MR. LOPEZ: Should be right here.

23 MR. EYERMAN: So that's the back apartment.
24 Look at the layout for me.

25 MR. LOPEZ: Okay.

1 MR. EYERMAN: Is that layout the exact same
2 way it was before the fire and after the fire?

3 MR. LOPEZ: Yes.

4 MR. EYERMAN: Anything change?

5 MR. LOPEZ: No.

6 MR. EYERMAN: Do you remember any change?

7 MR. LOPEZ: No.

8 MR. EYERMAN: Okay.

9 MR. LOPEZ: Everything's the same.

10 MR. EYERMAN: The only questions I have.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. HALKIAS: Nothing further?

13 CHAIRPERSON CAPIZZI: Anybody?

14 MR. EYERMAN: Any questions -- I'm sorry.

15 Any questions from the Board?

16 MS. MOREJON: No.

17 VICE CHAIRPERSON KOEHLER: Is he -- is he
18 -- if all of these inspectors signed off and we
19 approve the --

20 MR. HALKIAS: Commissioner, if I may?

21 Those -- those were the signoffs -- that
22 was approving the plans, if you look at the
23 dates.

24 VICE CHAIRPERSON KOEHLER: 2000.

25 MR. HALKIAS: So, all -- all four approved

1 the plans for the four family -- four apartment
2 restoration.

3 MR. VELAZQUEZ: Plan review.

4 MR. HALKIAS: That was September of 2000.

5 MS. MOREJON: It was plan review.

6 MR. VELAZQUEZ: That's a plan review.

7 MR. HALKIAS: It was completed in February.

8 Yes.

9 MR. VELAZQUEZ: Plan review.

10 MR. HALKIAS: Yeah. So, they -- they
11 reviewed plans for --

12 VICE CHAIRPERSON KOEHLER: The four.

13 MR. HALKIAS: -- four apartments --

14 VICE CHAIRPERSON KOEHLER: Okay, that was
15 after.

16 MR. HALKIAS: -- exactly. And everybody
17 signed off.

18 MR. VELAZQUEZ: And then the permits are
19 issued. The issue that you have is the permits
20 were never closed.

21 VICE CHAIRPERSON KOEHLER: Okay.

22 MR. HALKIAS: Well, the permits were never
23 closed, and that the town is -- is stating that
24 it's three apartments only, when --

25 MR. VELAZQUEZ: Well, the permit --

1 MR. HALKIAS: We're trying to establish
2 that it's been four apartments at least since
3 1982 or '83, well before my client bought, and
4 then -- and after. And at the time we applied
5 for permits, with these drawings, they were
6 approved, the drawings, to restore four
7 apartments.

8 MR. EYERMAN: Technically, you're asking
9 for a use variance for a four bedroom -- for a
10 four -- four apartment building.

11 MR. HALKIAS: Four apartments. And -- and
12 in a sense, also, counsel, no parking, a parking
13 waiver or variance, as well.

14 MR. EYERMAN: Right.

15 MR. HALKIAS: Which it had -- didn't have
16 before, no parking, didn't have -- doesn't have
17 any parking now. Yes.

18 MR. EYERMAN: Okay.

19 MR. HALKIAS: So, it's not just -- but --
20 but again, I'm -- I'm anticipating a condition
21 will be, we must go through the Building
22 Department and close all permits. Absolutely.

23 MR. EYERMAN: I agree.

24 MR. HALKIAS: And we're prepared to do
25 that.

1 MR. EYERMAN: Any questions -- sir, I don't
2 think anybody had a question.

3 Do you --

4 MR. PRICE: I do.

5 MR. EYERMAN: Mr. Price, do you have --

6 MR. PRICE: Yeah.

7 MR. EYERMAN: -- a question for this
8 gentleman?

9 MR. PRICE: Yeah.

10 Mr. --

11 Larry Price.

12 Mr. Lopez, you moved into the building in
13 1983.

14 MR. LOPEZ: Yes.

15 MR. PRICE: When you were seven years old.

16 MR. LOPEZ: Yes.

17 MR. PRICE: Okay. I know that's a long
18 time ago, and you were young, but when you moved
19 into the apartment, in a bath -- did the
20 apartment appear new? Was it older? How about
21 --

22 MR. LOPEZ: 1982?

23 MR. PRICE: 1983, when you moved in.

24 MR. LOPEZ: It was okay. Yes.

25 MR. PRICE: Well, I mean, okay. The --

1 let's say, the appliances in the kitchen.

2 MR. LOPEZ: Okay.

3 MR. PRICE: Were they new? Had they --
4 were they older?

5 MR. LOPEZ: They were kind of old. Yes.

6 MR. PRICE: They were kind of old.

7 MR. LOPEZ: Yeah. But --

8 MR. PRICE: Okay. How about in the
9 bathroom?

10 MR. LOPEZ: It --

11 MR. PRICE: The sink, the toilet, the
12 bathtub?

13 MR. LOPEZ: Well, the bathtubs were the old
14 ones -- you know, the round --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. PRICE: They were old. Okay.

17 MR. LOPEZ: Yeah.

18 MR. HALKIAS: Did they have legs? The ones
19 with the claw --

20 MR. LOPEZ: Yes.

21 MR. HALKIAS: The claw's foot?

22 MR. LOPEZ: Yes.

23 CHAIRPERSON CAPIZZI: Claw foot.

24 MR. PRICE: You had --

25 MR. LOPEZ: Yes.

1 MR. PRICE: With legs.

2 MR. LOPEZ: I was --

3 MR. PRICE: They were old.

4 MR. LOPEZ: Yes.

5 MR. PRICE: Okay. We've established that.
6 Okay.

7 Thank you, Mr. Lopez.

8 MR. VELAZQUEZ: Some apartments I still go
9 to still have the leg.

10 MS. MOREJON: The claw foot.

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

13 MR. PRICE: Mr. Lopez --

14 MR. LOPEZ: Yes.

15 MR. PRICE: -- you have to give back the --

16 MR. EYERMAN: Any question -- any questions
17 from the public, or comments from the public?

18 MR. PRICE: Here's the problem that I have
19 with this application.

20 I -- you know, this is a very funny kind of
21 thing. I mean, the truth is that, under our
22 current Ordinance, a store on the ground floor
23 and two apartments on each floor upstairs is an
24 absolutely perfectly -- it's a permitted use.
25 They could come in with a new application this

1 way, and would be no problem with it.

2 The problem is that they're -- they're
3 essentially saying that you -- they -- they want
4 -- they've been tagged by the Building Department
5 that only three of the apartments that exist
6 there are legal, not four. Okay.

7 And I think Mr. Lopez makes a pretty
8 convincing case that, in fact, those apartments
9 were there for awhile.

10 So, they existed in 1974, when we adopted,
11 for the first time, zoning in Union City.

12 The problem is that that kind of function
13 is -- really belongs to the Zoning Board of
14 Adjustment, not to the Planning Board.

15 They should be saying -- you know, those
16 four apartments are preexisting nonconforming
17 uses.

18 Planning Board can't make that kind of
19 decision. That's -- that's the problem here.

20 On the other hand, you're talking about if
21 you made a -- that -- and that's the nature of
22 the application here. They could come in with an
23 absolutely new application, say we want one store
24 and four apartments. By the way, and they would
25 be okay, assuming --

1 I have one question -- additional question
2 for the architect, which is --

3 MR. HALKIAS: Let me get him up.

4 MR. PRICE: Yeah.

5 MR. HALKIAS: Mr. Sankpal?

6 MR. DILLON: He needs to stand by the
7 microphone.

8 MR. HALKIAS: Okay.

9 MR. PRICE: Yeah.

10 MR. HALKIAS: Stand by this microphone.
11 Okay?

12 There's a question by this gentleman.

13 MR. SANKPAL: Oh, sure.

14 MR. PRICE: Okay.

15 MR. HALKIAS: Okay?

16 MR. PRICE: There are two apart -- I assume
17 the floor plans --

18 MR. SANKPAL: Yes.

19 MR. PRICE: -- on the second floor and the
20 third floor are the same.

21 Correct?

22 MR. SANKPAL: They are. Yes.

23 No, no. They're not same.

24 MR. PRICE: They're not the same?

25 MR. SANKPAL: They're different. Yes.

1 | Because there's a boiler room on the second
2 | floor, and there's no boiler room on the third
3 | floor. Boiler room. Yes.

4 | MR. PRICE: Boiler room on the second --

5 | MR. SANKPAL: Yes.

6 | MR. PRICE: -- floor. Okay.

7 | MR. SANKPAL: Yeah.

8 | MR. PRICE: My question is, how big are the
9 | apartments?

10 | And what -- what kind of apart -- are they
11 | two bedroom apartments?

12 | MR. SANKPAL: Two bed -- there are two two
13 | -- three two bedroom apartments, and one three
14 | bedroom apartment.

15 | MR. PRICE: And one --

16 | MR. SANKPAL: Three bedroom.

17 | MR. PRICE: How big are they?

18 | MR. SANKPAL: They are -- well, I'll give
19 | it to you right here.

20 | Yeah. The first floor is 2700 square feet.
21 | That is store.

22 | MR. PRICE: Yeah.

23 | MR. SANKPAL: Okay. Second floor, front
24 | apartment, two bedroom apartment, is 500 square
25 | feet.

1 I'm sorry, 580 square feet.

2 MR. PRICE: Five hundred eighty. That
3 makes a big difference.

4 MR. SANKPAL: Right. Right.

5 Second floor, rear apartment is 512 square
6 feet. Rear, because there is -- there's a boiler
7 room on the second floor, which took up the place
8 there.

9 MR. PRICE: Yeah.

10 MR. SANKPAL: Yeah. And third floor, front
11 apartment is two bedroom, which is 580 square
12 feet. Same. Same apartment as -- as second
13 floor.

14 Third floor, rear apartment is three
15 bedroom apartment. The area is 772 square feet.

16 MR. PRICE: How many?

17 MR. SANKPAL: Seven hundred and seventy-two
18 square feet.

19 MR. PRICE: Okay.

20 Okay. The reason I ask for the sizes is
21 that there's a size requirement -- the fact is
22 they couldn't get permission from you to build
23 those apartments because a two bedroom apartment
24 must be 750 square feet. A three bedroom has to
25 be 900 square feet. None of those apartments

1 meet the minimum size. A density variance is
2 required, which means you're back to the Zoning
3 Board.

4 So, I think the -- well, so he couldn't
5 come before this Board and say, I want a store
6 and four apartments upstairs, because you -- you
7 don't have that -- you -- you don't have
8 jurisdiction to grant a density variance.

9 So, the -- then the other problem is,
10 basically, what they're saying is, they need a
11 certification that these were preexisting,
12 nonconforming uses.

13 And as I say, I think the evidence is
14 pretty good from Mr. Lopez. He's -- in 1982,
15 he's saying there are old appliances in these
16 apartments. That's a pretty good conviction that
17 in 1974, these apartments existed.

18 But that's not a decision that this Board,
19 again, can make. That really belong -- that's a
20 power that belongs to the Zoning Board of
21 Adjustment. It's the wrong Board.

22 MR. VELAZQUEZ: But to add, too, I don't --
23 Mr. Price, you didn't see the -- the permits. I
24 don't think --

25 MR. PRICE: Permits don't matter.

1 MR. VELAZQUEZ: No, not permits --

2 MR. PRICE: Permits don't matter. That's
3 why I ask --

4 MR. VELAZQUEZ: Yeah. I understand. I'm
5 talking about the permits that were filed in
6 2000, where the Building Department, in those
7 permits, recognized four units. If, technically,
8 they closed out the permits in 2000, we wouldn't
9 have them and this wouldn't -- this case wouldn't
10 be before us.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. VELAZQUEZ: It's because the contractor
13 didn't close out the --

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. VELAZQUEZ: -- 2000 permits is the
16 reason why they're before us. That's what I'm
17 trying to say.

18 The Building Department, in these
19 applications, in 2000, looks at this as a four
20 unit. It was just never closed out by the
21 contractor. If the contractor --

22 MR. PRICE: That's -- that's not by -- by
23 no means a sure thing.

24 In other words, four -- clearly, four
25 apartments existed. They were water damaged.

1 They were -- permits were pulled to repair them.

2 The question is, were they legal
3 apartments? And Mr. Hernandez is now looking
4 backward at the records and saying, only three of
5 them are legal.

6 So -- and that -- and that's why I asked
7 very carefully about was there any Board action
8 in 2000? And the answer was there was not.
9 Nobody came before the Planning Board or the
10 Zoning Board to -- whatever.

11 They -- they just repaired what was there.
12 So they pulled permits to do that.

13 That didn't legalize the apartment, if --
14 if there were only three legal apartments.

15 MR. HALKIAS: We only came here because we
16 were told to.

17 CHAIRPERSON CAPIZZI: Hmm.

18 MR. HALKIAS: Last application that came
19 here, was started at the Zoning, came to the
20 Planning.

21 They're paying for applications twice.

22 MR. EYERMAN: I can waive the fees.

23 CHAIRPERSON CAPIZZI: They already brought
24 this to Zoning?

25 MR. EYERMAN: No. He didn't --

1 Have you brought this to the Zoning Board
2 at all?

3 MR. HALKIAS: No, no. But I'm saying --

4 MR. EYERMAN: Oh, it was last time.

5 MR. HALKIAS: -- last time I was here for
6 this client and this architect, we started at
7 Zoning and then, after three meetings --

8 MR. EYERMAN: Get sent to there.

9 MR. HALKIAS: -- come to Planning. Now, we
10 -- at the -- at the Town's --

11 MS. MOREJON: They already went to Zoning.

12 MR. HALKIAS: -- instruction, come to
13 Planning.

14 And now we're going to spend the money to
15 go to Zoning, and tell the judge, again, we need
16 another couple of 60-day extensions.

17 We've been extending since August.
18 October, I've been -- August, October, January,
19 March, and now I'm going to be before the
20 Municipal Court judge five times, April 6th.

21 MR. PRICE: Oh, wait a minute.

22 You came before the Zoning Board for --

23 MR. HALKIAS: No, not for this. For -- I'm
24 just saying, it -- same thing happened to the
25 same applicant, on a vacant piece of land.

1 MR. PRICE: Oh --

2 MR. HALKIAS: You might remember a few
3 months ago.

4 MR. PRICE: I was going to say.

5 MR. HALKIAS: Yeah.

6 MR. PRICE: I don't remember --

7 MR. EYERMAN: I mean we could waive the
8 fees, and I don't know if you're going to need an
9 expert to prove a nonconforming -- preexisting
10 nonconforming use. I don't know if you're going
11 to need your expert.

12 MR. PRICE: Just get Mr. Lopez again.

13 MR. EYERMAN: Yeah. And just say, listen,
14 it's been a four bedroom --

15 MR. PRICE: It's pretty --

16 MR. EYERMAN: -- and just have your client
17 testify.

18 MR. PRICE: It's just -- it's just --

19 MR. EYERMAN: And we don't --

20 MR. PRICE: The fees are normally -- if
21 it's transferred from one Board to another, the
22 fees are normally waived.

23 MR. HALKIAS: Okay.

24 MR. PRICE: So, I don't --

25 MR. HALKIAS: It's -- yeah. But then --

1 | what about the -- the notices? It will have to
2 | be re-noticed? That was --

3 | MR. PRICE: Yeah.

4 | MR. HALKIAS: -- 500 -- \$500.00 in
5 | certified mailings.

6 | MR. EYERMAN: Yeah. But I don't want to
7 | give you an approval --

8 | MR. HALKIAS: Okay.

9 | MR. EYERMAN: -- that's not going to --

10 | MR. HALKIAS: I understand. Okay. All
11 | right.

12 | Again, we're here only because that's the
13 | zoning letter that came to us. Appear before the
14 | Planning Board.

15 | It was a dry run and we'll --

16 | MR. PRICE: Well --

17 | MR. HALKIAS: Yeah.

18 | MR. PRICE: I mean, maybe we want to hear
19 | from Mr. Spatz?

20 | MR. EYERMAN: We're looking for -- I guess
21 | I'm looking for you for an opinion on -- on what
22 | you think.

23 | MR. SPATZ: If -- they are seeking an
24 | appeal of the Construction Official's
25 | determination, is really the action that -- that

1 they need because -- and that is really only a
2 Board of Adjustment function.

3 The apartments themselves, even though
4 they're 40 plus years old, they -- you know, they
5 -- they are undersized, according to today's
6 standards.

7 So, the Board -- if this were a fresh
8 application before the Board, it would need
9 density variances, because the -- the apartments
10 are undersized.

11 MR. EYERMAN: Right. I can't give --

12 MR. SPATZ: Although as four units --

13 MR. EYERMAN: I can't give you a
14 retroactive decision.

15 MR. SPATZ: Four units, they are permitted.
16 The problem started at some point, probably, the
17 Building Department records, where they lost one
18 unit somewhere along the way. But I think their
19 only action is an appeal to -- an appeal of the
20 Construction Official's decision.

21 MR. PRICE: Or just a declaration that the
22 apartments existed --

23 MR. SPATZ: Yeah.

24 MR. PRICE: -- in 1974, as a preexisting --

25 MR. SPATZ: Yeah.

1 MR. PRICE: -- nonconforming uses.

2 MR. SPATZ: Right.

3 MR. PRICE: Which is a Zoning --

4 MR. SPATZ: They served --

5 Right. They serve to the same function and
6 it's the same Board.

7 MR. EYERMAN: Sorry about that.

8 MR. HALKIAS: We'll take our exhibits back,
9 I guess.

10 CHAIRPERSON CAPIZZI: Um hum.

11 So, do we need to vote on anything?

12 MR. HALKIAS: May I have the exhibits?

13 MR. EYERMAN: No. We'll -- we'll mark this
14 as withdrawn, not decided. If you come back then
15 --

16 MR. HALKIAS: Yeah. Okay.

17 MR. EYERMAN: You know --

18 MR. HALKIAS: Yeah.

19 MR. EYERMAN: So it's non-prejudicial to
20 you in any way.

21 MR. HALKIAS: I appreciate that. Thank
22 you.

23 ACTING CHAIRPERSON CAPIZZI: Yeah, right.

24 MR. HALKIAS: Okay. Thank you.

25 Thank you, everyone.

1 CHAIRPERSON CAPIZZI: Sorry.

2 Good luck.

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

5 THE SECRETARY: Five minute break. Mr.
6 Velazquez stepped out.

7 Okay?

8 MR. EYERMAN: Five minute break.

9

10 (Whereupon, the Board recessed from 7:53
11 p.m. to 8:00 p.m.)

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Pollos Mario Restaurant, LLC - 4215 Bergenline**
2 **Avenue:**

3

4 THE SECRETARY: Next application tonight's
5 agenda, Pollos Mario Restaurant, LLC.

6 Mrs. Pereiras, please?

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

9 MR. EYERMAN: Counselor, acknowledge
10 receipt of your notices. We do have the right to
11 take objection if I find any problem.

12 MS. PEREIRAS: Thank you.

13 That's all right.

14 Again, good evening.

15 May it please the Board, Bianca Pereiras,
16 on behalf of Pollos Mario Restaurant, for their
17 property located at 4215 Bergenline Avenue. This
18 is also known as Block 244, Lot 51. We are
19 located on the corner of Bergenline and 43rd
20 Street.

21 Pollos restaurant was an existing
22 restaurant here in the city. It's actually been
23 a staple here in Union City. They've been in
24 operation for the past 20 years. It is a family
25 run business. That's why I have the entire

1 family here, in case the Board has any questions
2 of them.

3 We have one expert to testify before the
4 Board this evening, because what we're looking,
5 and really, what your application is, is to
6 create a new mezzanine area in the restaurant.
7 Because we're having this mezzanine area, that
8 allows for additional occupancy, we do have -- we
9 are expanding on our parking variance.

10 I'd like to call our architect, Mr. Manuel
11 Pereiras.

12 MR. DILLON: Please raise your right hand.

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

15 MR. PEREIRAS: I do.

16 Manny Pereiras, P-E-R-E-I-R-A-S, Pereiras
17 Architects Ubiquitous, 1116 Summit Avenue, Union
18 City.

19 MR. DILLON: Thank you.

20 MR. EYERMAN: Sir, you've testified before
21 this Board.

22 Correct?

23 MR. PEREIRAS: Yes, I have.

24 MR. EYERMAN: How many times, would you
25 say, in the last week?

1 MR. PEREIRAS: In the last week?

2 MR. EYERMAN: It's a joke. How many times
3 in the last --

4 MR. PEREIRAS: Every --

5 MR. EYERMAN: -- year?

6 MR. PEREIRAS: Every month.

7 MR. EYERMAN: Okay. Chair, I'd recommend
8 that you --

9 CHAIRPERSON CAPIZZI: Yes.

10 MR. EYERMAN: -- qualify him as an expert.

11 CHAIRPERSON CAPIZZI: Qualified.

12 MR. EYERMAN: Thank you.

13 MS. PEREIRAS: Mr. Pereira, are you
14 familiar with the property located at 4215
15 Bergenline Avenue?

16 MR. PEREIRAS: I am very familiar with it.

17 MS. PEREIRAS: And did you prepare the
18 drawings before the Board this evening?

19 MR. PEREIRAS: I have.

20 MS. PEREIRAS: And can you please describe
21 the proposed project for the Board?

22 MR. PEREIRAS: I'm very happy to. I'm sure
23 you're all familiar with this building.

24 First, we're all probably familiar with the
25 restaurant, Pollos Mario. It's been there

1 | forever. I eat there regularly, or at least
2 | until the fire. It's also actually an extremely
3 | beautiful building. It has a lot of gorgeous
4 | architectural features. You can see some of them
5 | on the photograph that I have here on the
6 | presentation.

7 | When there was a fire, we discovered that
8 | there was a lot of space that was just simply not
9 | being used. They had these low ceilings, when it
10 | was really a two story space.

11 | So, the space from the sidewalk all the way
12 | to this point over here that I'm pointing to, was
13 | actually part of that one commercial space. And
14 | as we started exploring the building and doing
15 | renovations, we saw these amazing, beautiful
16 | details.

17 | There was plaster, moldings on the walls.
18 | There are some areas that the molding broke off
19 | and we're left over with some nice brick work.

20 | It's just like a gorgeous gem of Union
21 | City. And we wanted to exploit this in a good
22 | way, and use this space, and make -- and expand
23 | this restaurant.

24 | So, what we're doing is, we removed all
25 | those ceilings that they have there, we opened up

1 to a big, large space. And what we're looking to
2 do is take advantage of that and make a
3 mezzanine.

4 So, we're adding, basically, 561 square
5 feet of sitting area. So, on this floor plate,
6 we're completely gutting and renovating the
7 restaurant. We're doing a new service area along
8 the side. We're creating a stairwell. We're
9 keeping the existing kitchen the way it is.

10 The stairwell, you lead upstairs. We're
11 creating new bathrooms, very nice new bathrooms,
12 an office area, and then a seating area that's
13 open to an atrium.

14 So, this area down here is going to be a
15 very grandiose, two story space, and then you sit
16 along here and it's beautiful. As you could see,
17 and if you've passed by recently, we've changed
18 the storefront of the store so you have a two
19 story glass storefront. So, now, you could sit
20 along this area and look out to Bergenline
21 Avenue. People could see two levels of people
22 sitting on the side. It's going to be a
23 beautiful wonderful restaurant.

24 And we're looking for relief from one
25 particular variance today, which is parking.

1 Since we have more seating, we're having an
2 additional increase of -- of requirement for
3 parking. There's 12 cars that we're required to
4 have. And so, we -- obviously, we're on
5 Bergenline Avenue. The site is existing, and we
6 cannot comply -- we cannot provide that. It's a
7 hardship to our client. We cannot provide that
8 parking, and we're looking for relief from that
9 variance from you.

10 We have a couple of existing
11 nonconformities. Nothing that we're changing.
12 The site is only 99 feet deep, so we don't comply
13 with the hundred foot depth. And obviously, that
14 also triggers to the lot area, where like 24 --
15 the lot area is 2475, which does not meet the
16 entire building lot area that's required of 2500.

17 And then, we have the nonconformance for
18 height and coverage. We're at a hundred percent
19 coverage and that's no change. And our building
20 height, because of the number of stories in
21 height, we're surpassed that. But again, it's an
22 existing building and we're not making any
23 changes for that.

24 It concludes my testimony. It's just going
25 to be a beautiful new place that we could all

1 eat, if you approve this.

2 And -- and I'm open for questions.

3 MR. VELAZQUEZ: With this, I have to add,
4 you have two municipal parking lots. You have --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. VELAZQUEZ: -- 41st and 42nd.

7 CHAIRPERSON CAPIZZI: Right.

8 MR. VELAZQUEZ: You got 45th; 45th and 44th.
9 I live right in the area.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. VELAZQUEZ: It's under-utilized.

12 CHAIRPERSON CAPIZZI: Sure.

13 MR. VELAZQUEZ: And you can really get the
14 parking --

15 CHAIRPERSON CAPIZZI: Correct.

16 MR. VELAZQUEZ: -- over there, too.

17 MS. MOREJON: We have the deck on 38th
18 Street.

19 MR. PEREIRAS: So true. And the on-street
20 parking on --

21 MS. MOREJON: You have the deck.

22 MR. PEREIRAS: -- Bergenline and on the
23 side streets --

24 CHAIRPERSON CAPIZZI: And public
25 transportation.

1 MR. PEREIRAS: -- as well.

2 CHAIRPERSON CAPIZZI: Right.

3 MR. EYERMAN: You're not knocking through
4 to any of the floors.

5 Right?

6 MR. PEREIRAS: No. We're not.

7 MR. EYERMAN: Not taking any apartments
8 away from the building?

9 MR. PEREIRAS: Nope. Nothing's changing,
10 there are no apartments above. It's just an
11 industrial --

12 MR. EYERMAN: What's the height on the
13 mezzanine?

14 MR. PEREIRAS: The height of the mezzanine.
15 We have eight foot clear underneath, so the
16 actual floor is at about nine foot six. And
17 then, the height above that, we have a good eight
18 feet above that.

19 It's nice and -- it's a nice open space.
20 It's not going to feel crowded at all.

21 MR. VELAZQUEZ: Where would the -- where
22 would the rotisserie chickens be?

23 MR. PEREIRAS: Yeah.

24 MR. VELAZQUEZ: You can't see them no more,
25 on Bergenline?

1 MR. PEREIRAS: No, no.

2 We're actually going to -- it's going to be
3 a lot classier.

4 CHAIRPERSON CAPIZZI: Great. Right.

5 MR. PEREIRAS: Very nice. Yeah.

6 MS. MOREJON: All right.

7 MR. VELAZQUEZ: That was a subliminal
8 message.

9 VICE CHAIRPERSON KOEHLER: We're hungry.

10 MR. PEREIRAS: I'm hungry. But I am always
11 hungry.

12 MR. VELAZQUEZ: I make a motion.

13 THE SECRETARY: Motion to --

14 MR. EYERMAN: Any comments from this Board?

15 MR. VELAZQUEZ: I'm sorry.

16 MS. MOREJON: No.

17 MR. EYERMAN: Does anybody have any
18 questions for this expert?

19 CHAIRPERSON CAPIZZI: No?

20 MR. EYERMAN: No?

21 Any comments in general on this project?

22 Taking a motion from the Board. I'm sorry.

23 CHAIRPERSON CAPIZZI: I'll make a motion.

24 THE SECRETARY: Motion to --

25 CHAIRPERSON CAPIZZI: To approve.

1 MR. VELAZQUEZ: I second.

2 THE SECRETARY: Motion to approve the
3 application by Chairwoman Diane Capizzi.

4 Second by Alejandro Velazquez.

5 Roll call on the motion.

6 Ydalia Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Alicia Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Diane Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Jay Shah?

13 MR. SHAH: Yes.

14 THE SECRETARY: Franklin Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Jeanne Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Alejandro Velazquez?

19 MR. VELAZQUEZ: Yes.

20 THE SECRETARY: Motion carries. Seven in
21 favor.

22 MS. PEREIRAS: Thank you all very much.

23 THE SECRETARY: Thank you --

24 CHAIRPERSON CAPIZZI: Thank you.

25 MS. PEREIRAS: Have a happy holiday.

1 MR. EYERMAN: You, too. You, too.

2 MR. PEREIRAS: See you next time.

3 THE SECRETARY: -- Mrs. Pereiras.

4 MR. VELAZQUEZ: And I just want to add real
5 quick.

6 VICE CHAIRPERSON KOEHLER: Yes. Happy
7 holiday.

8 MR. VELAZQUEZ: Manny -- Manny used color
9 photos, which I didn't open up.

10 CHAIRPERSON CAPIZZI: Absolutely.
11 Beautiful. Very nice.

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

14 * * *

15

16

17

18

19

20

21

22

23

24

25

1 **1901 Summit Avenue, LLC - 1901 Summit Avenue:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 1901 Summit Avenue, LLC.

5 Mr. Alonso, please.

6 MR. ALONSO: Thank you.

7 Good evening, Madam Chair, members of the
8 Board.

9 For the record, Alvaro Alonso from the firm
10 Alonso Navarette, and on behalf of the applicant
11 I provided counsel with my proof of publication,
12 and notices for jurisdictional purposes.

13 MR. EYERMAN: I receipt -- I acknowledge
14 receipt of your application, your notices. I
15 reserve the right to object in case anything
16 doesn't work out.

17 MR. ALONSO: Thank you.

18 MR. EYERMAN: If you don't mind?

19 CHAIRPERSON CAPIZZI: Okay.

20 Proceed.

21 MR. ALONSO: Madam Chair, this is an
22 application to construct a multi-family building
23 in the R zone.

24 This is what's considered a greyfield
25 development, pursuant to the definitions in your

1 Ordinance.

2 And the greyfield development is a
3 conditionally permitted use, provided that we
4 comply with all the conditions.

5 As indicated in the application, as well as
6 the -- the zoning analysis on the plans, we
7 believe that we do comply with all the
8 conditions, and therefore, this Board has
9 jurisdiction to hear this application.

10 We are seeking site plan approval,
11 preliminary and final site plan approval.

12 We've noticed for a parking variance,
13 although technically it's a de minimis exception
14 from the RSIS, but we have a planner who will
15 testify as to what relief we actually need to be
16 requesting.

17 I have two witnesses this evening. The
18 first is Mr. Pereira, who is all wired up and
19 ready to be sworn in.

20 MR. DILLON: Please raise your right hand.

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

23 MR. PEREIRA: Yes, I do.

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

1 MR. PEREIRA: Sure.

2 Christiano Pereira. That's Christian with
3 an O at the end, so you just -- P-E-R-E-I-R-A is
4 the last name.

5 MR. DILLON: P-E-R --

6 MR. PEREIRA: P-E-R-E-I-R-A.

7 MR. DILLON: Got you.

8 Thank you.

9 MR. EYERMAN: Sir, have you testified
10 before this Board before?

11 MR. PEREIRA: I have not.

12 MR. EYERMAN: Qualify him.

13 MR. ALONSO: Yes. Absolutely.

14 Mr. Pereira, can you please review your
15 qualifications and educational background in the
16 area of architecture?

17 MR. PEREIRA: Absolutely.

18 I have a bachelors in architecture from
19 NJIT. I've -- in 2004. I've owned my own firm
20 with a partner, Mr. Arencibia, that has testified
21 on this Board many times.

22 And I just recently received my license, so
23 I'm here for the first time in front of you. So
24 --

25 MR. EYERMAN: Your license number, sir?

1 MR. PEREIRA: Yes, I do.

2 MR. ALONSO: You've got to memorize that.

3 MR. PEREIRA: I'll give you that. It's not
4 on those plans. Don't know it by heart.

5 CHAIRPERSON CAPIZZI: Put it on.

6 MR. EYERMAN: Good for him.

7 MR. PEREIRA: I know.

8 MR. EYERMAN: I don't know my bar number so
9 --

10 MR. PEREIRA: All right. It's 2009200.

11 MR. ALONSO: Mr. Pereira, your -- your firm
12 prepared the plan that's before the Board.

13 MR. PEREIRA: Yes.

14 MR. ALONSO: Okay.

15 I'm going to ask you to please review the
16 proposed application with the Board.

17 MR. PEREIRA: Sure. Absolutely.

18 So, this is a site on Summit Avenue and
19 19th Street. It's right across the street from
20 the high school.

21 It's a -- the site has four lots facing
22 Summit Avenue, so that's roughly a hundred by a
23 hundred there. And we have a 25 by a hundred
24 foot lot in the back.

25 So that makes it a 125 by a hundred foot

1 lot. Nineteenth Street pitches quite a bit back
2 in terms of slope. So, we have a grade, Summit
3 Avenue, that is about seven, eight feet higher
4 than at the back of the street.

5 So, the way we were able to design the
6 building is we have an entrance to an upper level
7 parking lot, which we're calling grade floor
8 plan, so I'll go to that soon.

9 And then, as you -- as the site slopes down
10 on 19th Street, we have additional parking as --
11 into a partial basement.

12 So, we have a total of 21 parking spaces on
13 the upper floor, and then we have 15 parking
14 spaces on the lower floor. So, we have a total
15 of 36 parking spaces.

16 We have -- we're presenting to you tonight
17 21 buildings -- 21 units. They're all two
18 bedroom units. And let me just go quickly
19 through the floor plans.

20 So, on our -- you know, what we're calling
21 a basement, because that's really what it is, so
22 this lower floor qualifies as a basement. So, we
23 did the analysis for the Zoning Board -- for the
24 Planning Board. And we qualified this lower
25 parking as a basement.

1 So, as I said, you -- you drive down 19th
2 Street, you come down and then we have 15 parking
3 spaces here.

4 So, these work as tandem spaces, much like
5 you have on the two family house. Right? So, we
6 have parking space in front of the other, and
7 then you have garage door.

8 So, here, we're able to accomplish 15
9 parking spaces, seven of which are tandem spaces.

10 Down here, we have -- you know, exit
11 stairs, we have some mechanical rooms, for some
12 bike storage. So, we have a few extra things
13 down here.

14 On the ground floor plan -- if this thing
15 doesn't fall on me -- on the ground floor plan,
16 we have an entrance, and we have more of a
17 typical garage. So, you drive in and you have an
18 aisle, and you have parking on either side.

19 Like I said, over here, we have 21 parking
20 spaces, six of which are tandem spaces.

21 So, pretty simple. We have a main lobby,
22 garbage compactor room, corridors, elevators, set
23 of stairs.

24 As you go up to the residential --

25 MR. ALONSO: Mr. Pereira, before you leave

1 | that sheet --

2 | MR. PEREIRA: Yeah.

3 | MR. ALONSO: -- I see some landscaping. Is
4 | there any proposed landscaping on the site?

5 | MR. PEREIRA: Oh, yes.

6 | Yeah. Thank you, Al.

7 | We have -- so we have a generous setback.
8 | So, you know, our planner is going to go through
9 | -- you know, the setbacks and everything else.
10 | But just to clarify, we have about eight foot
11 | setback at the corner here, on 19th Street and
12 | Summit. And that's all to be landscaped, except
13 | for the driveway entrances to -- to the site, to
14 | the parking.

15 | We have areas of the building that drop in
16 | and out in the front. So, we have areas where we
17 | have a zero setback. And we have areas that we
18 | have a two foot setback.

19 | And those are also going to be discussed by
20 | our planner, as we comply with the prevailing
21 | setback on -- on Summit Avenue.

22 | And on the other side here, we have a side
23 | yard that's around 11 feet or -- 11 feet and a
24 | half, at the back, and roughly ten feet in the
25 | front.

1 So, we comply with those side yards as
2 well.

3 MR. ALONSO: And is that --

4 MR. PEREIRA: And --

5 MR. ALONSO: Is that also going to be
6 proposed landscaping?

7 MR. PEREIRA: That's all to be landscaped,
8 except for a couple of exit -- exit stairs and a
9 pad for an exit from the garage in the lower
10 floor.

11 MR. ALONSO: And that also --

12 MR. PEREIRA: So, that's all landscaped.

13 MR. ALONSO: And that will also serve as a
14 buffer with our neighbor.

15 MR. PEREIRA: Yes. Absolutely.

16 As we go up to the upper floor, it's a
17 typical floor plan. So, it's essentially the
18 same floor plan on every floor. These are very
19 nice two bedroom units. We average anywhere from
20 the smallest one being 900, to around a thousand
21 and fifty square feet or so.

22 So, these are, like I said, all two
23 bedrooms. And you know, it's a state-of-the-art
24 building. We're not having PTACs. We're having
25 central air units. We have laundry rooms in

1 every unit.

2 I mean, what do you expect from a -- from a
3 building -- a new building?

4 In terms of the façade, I think it will be
5 easier -- I can show you -- and you have this in
6 black and white, but let me just pull this out,
7 so we have a rendering here.

8 So that's essentially what we're proposing
9 on the corner. So --

10 MR. ALONSO: And I'm just going to mark
11 this as A-1.

12 MR. PEREIRA: Sure.

13 MR. ALONSO: And just please explain what
14 A-1 is.

15
16 (Whereupon, Artistic Rendering of the
17 Building was received and marked as Exhibit A-1.)

18
19 MR. PEREIRA: So, A-1 is an Artistic
20 Rendering of the Building, showing materials,
21 showing scale -- you know, true scale.

22 So, that's basically your elevations put in
23 a three dimensional form.

24 And -- and this is -- you know, we've been
25 discussing materials with the client already.

1 This is pretty much what we intend to use.

2 So, you can see, we have a vast amount of
3 brick. So, we have a red tone brick that it's
4 for the most -- for the most part of the
5 building, that's what we're using.

6 We have a lighter tone, gray brick, or tan
7 brick that -- that -- you know, works with the
8 red brick, in some of these other areas that you
9 see here, in gray.

10 And then, we have, just as an accent, just
11 to break up the volumes, as you can see in the
12 façade, we have these proposed as a hard stucco.

13 I know how the Board feels about -- feels
14 about stucco. This is not an EIFS. This is not
15 a synthetic stucco. It's a hard stucco.

16 And you know, as you can see here, it's
17 just so we can break up those volumes a little
18 bit.

19 So, we break up the volume of the corner,
20 and these two top volumes here.

21 And -- and that's -- you know, pretty much
22 a realistic presentation of this building.

23 MR. ALONSO: And Mr. Pereira, those -- all
24 those finishes will comply with the Municipal
25 Ordinance, with respect to the finishes?

1 MR. PEREIRA: Yes.

2 MR. ALONSO: Okay.

3 MR. PEREIRA: Absolutely.

4 And on our other facades, we have, again,
5 hard material. So, we have brick turning the
6 corners. We have -- you know, an exposed
7 finished CMU in the back of the garage. And
8 then, we have just a little bit of siding in the
9 back, two facades -- you know, the two facades
10 don't -- don't face the street.

11 And that's pretty much what we have in
12 front of you.

13 I'll be happy to take any --

14 MR. ALONSO: Now, I'm going to ask you to
15 --

16 MR. PEREIRA: -- questions or comments.

17 MR. ALONSO: -- if you could just flip to
18 --

19 MR. PEREIRA: Sure.

20 MR. ALONSO: -- to the front sheet.

21 I had indicated to the Board that we are
22 presenting a greyfield development.

23 MR. PEREIRA: Yes.

24 MR. ALONSO: The current -- the lot is
25 currently vacant.

1 Correct?

2 MR. PEREIRA: That's correct.

3 MR. ALONSO: Okay.

4 And there used to be a building there.

5 Can you tell us what type of building was
6 there?

7 MR. PEREIRA: Yeah.

8 There were two large -- well, I guess,
9 they were combined, but there was two large
10 warehouse buildings. So, they were there and
11 they were demolished just recently. You
12 probably, when you've driven by --

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. PEREIRA: -- you probably saw it, that
15 they came down.

16 They were doing some work on the street, so
17 they were able to -- you know, coordinate that
18 with the town. So, buildings are down.

19 MR. ALONSO: Madam Chair, I have no further
20 questions from the architect.

21 CHAIRPERSON CAPIZZI: Okay.

22 Anyone?

23 MR. EYERMAN: Any questions from the Board?

24 MS. MOREJON: No.

25 MR. EYERMAN: Any questions from the

1 public?

2 MR. VELAZQUEZ: I do. Well I --

3 MR. EYERMAN: Yeah.

4 MR. VELAZQUEZ: Because you know, we're
5 doing the streetscaping, the façades --

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. VELAZQUEZ: -- and all that.

8 MR. PEREIRA: Sure.

9 MR. VELAZQUEZ: I don't think they -- did
10 they do the sidewalks?

11 MR. PEREIRA: No. I don't --

12 MR. VELAZQUEZ: No.

13 Right?

14 MR. PEREIRA: They started doing -- they
15 had some trees there, but I think they did it
16 past the property.

17 Right?

18 MR. DeMATTHEIS: No. There were trees.

19 MR. PEREIRA: Right. I'm sorry I'm asking
20 the --

21 MR. DeMATTHEIS: And the front is -- they
22 did not do, because they knew we were going to be
23 developing.

24 MR. PEREIRA: Right.

25 MR. VELAZQUEZ: All right. And the connect

1 --

2 MR. PEREIRA: So --

3 MR. EYERMAN: Are trees -- are trees
4 proposed in your -- in your façades?

5 MR. PEREIRA: Yeah.

6 MR. EYERMAN: Can we talk about that,
7 please?

8 MR. PEREIRA: So pretty much, what we have
9 in the rendering here is what we propose. So, we
10 do have three trees on -- on Summit.

11 And we have two trees that we're showing on
12 -- on 19th Street.

13 Of course, here, we can't put anymore
14 because of the driveways, but you know it's --

15 MR. ALONSO: And if this application --

16 MR. PEREIRA: -- landscape.

17 MR. ALONSO: -- is approved, we will --
18 would work with the City Planners to make sure
19 that the trees that we're proposing are
20 consistent with the other trees that are being
21 planted.

22 MR. PEREIRA: Oh, yes. Absolutely. We'll
23 do that.

24 MR. VELAZQUEZ: Yeah. Because I think a
25 proposal, too, is they're going to have the

1 decorative lights. They're going to continue on
2 Summit Avenue also, on the property there.

3 MR. PEREIRA: The what?

4 I'm sorry, I didn't --

5 CHAIRPERSON CAPIZZI: Decorative lights.

6 MR. VELAZQUEZ: The decorative lights, the
7 black lights --

8 MR. PEREIRA: The decorative lights.

9 MR. VELAZQUEZ: -- are going to be on that
10 side also.

11 MR. PEREIRA: Oh.

12 MR. VELAZQUEZ: On Summit Avenue.

13 MR. PEREIRA: Okay. So --

14 MR. VELAZQUEZ: You're going to get trees.
15 If it goes up there, there's trees and decorative
16 lights are going to be continuing.

17 MR. PEREIRA: Okay.

18 MR. VELAZQUEZ: The plan is to go from 18th
19 Street all the way down to --

20 MR. PEREIRA: Um hum.

21 MR. VELAZQUEZ: -- to 32nd Street.

22 I know they did some on the opposite side
23 of --

24 MR. PEREIRA: Right.

25 MR. VELAZQUEZ: -- the school.

1 MR. PEREIRA: Okay. So we can --

2 MR. EYERMAN: And your client will meet
3 those, they're going to continue with the
4 decorative lights --

5 MR. PEREIRA: Yeah.

6 MR. EYERMAN: -- decorative trees to meet
7 with the requirements of the City.

8 MR. PEREIRA: Sure.

9 MR. EYERMAN: Or the suggestions of the
10 City --

11 MR. VELAZQUEZ: And maybe it's some
12 possible --

13 MR. EYERMAN: -- in keeping those going?

14 MR. VELAZQUEZ: -- possibility, too, on
15 some of the -- the outside, maybe some -- some
16 lights, too?

17 MR. PEREIRA: Yeah. So, we are proposing
18 some wall sconces. So, you -- as you can see on
19 this rendering, we're proposing some wall sconces
20 on every -- every element that is -- that has the
21 red brick, basically, forms a column in the
22 ground floor. So, we're proposing to do wall
23 sconces there.

24 So, that would illuminate the entire
25 sidewalk along this street, and as well as 19th

1 Street.

2 So, along Summit and 19th Street.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. VELAZQUEZ: And around the whole
5 perimeter -- I'm just saying --

6 MR. PEREIRA: Um hum.

7 MR. VELAZQUEZ: Because we do got (sic) --
8 that's the Freshman Academy across the street.

9 MR. PEREIRA: That's right.

10 MR. VELAZQUEZ: And I'll give you an
11 example.

12 We have a building, like on 26th Street,
13 right across -- they're garden apartments --

14 MR. PEREIRA: Um hum.

15 MR. VELAZQUEZ: -- that's right across the
16 street from the high school.

17 MR. PEREIRA: Right.

18 MR. VELAZQUEZ: There's not going to be no
19 open areas where the kids could go out, hide
20 anywhere around there.

21 MR. PEREIRA: Well, you know, we do have --
22 you know, a large area in the back that's
23 landscaped. I mean, I'm pretty sure we can
24 discuss with the client --

25 MS. MOREJON: There should be fences.

1 MR. PEREIRA: -- if the town requires us to

2 --

3 MS. MOREJON: Put some fences.

4 MR. PEREIRA: -- to put a fence and secure
5 that. I mean, we can put that in but --

6 MR. VELAZQUEZ: I don't want it to go down
7 the road that they're -- the kids are hiding back
8 there.

9 MR. PEREIRA: The kids are hiding there. I
10 mean --

11 MR. DeMATTHEIS: We'll make it so it will
12 be safe for the kids --

13 MR. PEREIRA: Yeah.

14 MR. DeMATTHEIS: -- for sure.

15 MR. PEREIRA: Yeah.

16 MR. VELAZQUEZ: It's -- like I said, it's
17 just going forward, I don't want to say what the
18 kids are going to do, but I've seen it --

19 MR. PEREIRA: Right.

20 MR. VELAZQUEZ: -- already happen. A
21 beautiful building, a nice neighborhood, they
22 don't have nowhere to really go.

23 MR. PEREIRA: Right.

24 MR. VELAZQUEZ: They go behind here --

25 MR. EYERMAN: You're open to the idea of

1 fencing?

2 MR. VELAZQUEZ: -- saying that it's safe.

3 MR. PEREIRA: Yeah.

4 MS. MOREJON: Because it's too close to the
5 high school. That's why.

6 MR. VELAZQUEZ: It's like literally across
7 the street.

8 MR. PEREIRA: Right. Well, you know, we
9 will leave it up to you. If you want to make a
10 condition where -- you know, we need to provide a
11 fence or something, I'm pretty sure -- you know,
12 my client would be willing to listen. I mean,
13 you --

14 MR. VELAZQUEZ: Or usually -- you know,
15 what I -- I've noticed, I think -- and I don't
16 want to say it, because some of the neighbors
17 will get annoyed, if there's -- is there like an
18 alarming like sensor, like sometimes, when you
19 step on the grass?

20 MR. EYERMAN: Could get a sensor light,
21 that puts the lights on.

22 MR. PEREIRA: Yeah.

23 MR. VELAZQUEZ: Not the lights, it's like a
24 noise. If you step in the grass.

25 MR. PEREIRA: Oh.

1 VICE CHAIRPERSON KOEHLER: Oh, that's a
2 terrible noise.

3 MS. MOREJON: What about the neighbors?

4 MR. PEREIRA: Oh.

5 MS. MOREJON: The neighbors?

6 VICE CHAIRPERSON KOEHLER: Oh, don't do --
7 don't make them do that.

8 MR. VELAZQUEZ: You're not going to have
9 the animals going in there because it's going to
10 be sensor.

11 VICE CHAIRPERSON KOEHLER: But what about
12 --

13 MR. VELAZQUEZ: Because that --

14 VICE CHAIRPERSON KOEHLER: But then when
15 the stray cats come, then everybody goes --

16 MS. MOREJON: Oh.

17 MR. VELAZQUEZ: I'm just saying, it's like
18 a --

19 MR. EYERMAN: It sounds like a fence, it
20 sounds like it's a great idea.

21 MS. MOREJON: A fence.

22 VICE CHAIRPERSON KOEHLER: A fence is a
23 nice idea.

24 MS. MOREJON: A fence would be perfect.

25 MR. EYERMAN: If they're going to have --

1 | where -- where is the side -- just -- I'm trying
2 | -- I think I know what you're getting at.

3 | Where is the side --

4 | MR. PEREIRA: So --

5 | MR. EYERMAN: So right there.

6 | MR. PEREIRA: Let me actually go to the
7 | upper floor, because these are just --

8 | MS. MOREJON: A fence -- a fence will be
9 | nice.

10 | MR. PEREIRA: So, you see, we have about a
11 | ten foot side yard, with the neighboring
12 | property.

13 | MR. EYERMAN: Okay.

14 | MR. PEREIRA: So you know, this is all
15 | landscaped.

16 | We do have two emergency egress doors
17 | coming out into the side yard.

18 | So, whatever we put in, it needs to be
19 | something that somebody can be able to access
20 | from inside. So, that's a hard problem --

21 | CHAIRPERSON CAPIZZI: Hmmm.

22 | MR. PEREIRA: You know, it's a hard problem
23 | to have with fences, because if you --

24 | CHAIRPERSON CAPIZZI: Um hum.

25 | MR. PEREIRA: -- do something where it

1 needs to open in emergency --

2 VICE CHAIRPERSON KOEHLER: Oh.

3 MR. PEREIRA: -- you know, people can put
4 their hands and pull it open. So --

5 MS. MOREJON: Yeah. But not a fence like
6 in a regular house. We're talking about fence
7 like the one we have in the high school.

8 MR. PEREIRA: Um hum.

9 MS. MOREJON: We have the sanctuary there.
10 There is a beautiful park. You just want to take
11 a look at those fence.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MS. MOREJON: The gates and the fence,
14 they're beautiful.

15 CHAIRPERSON CAPIZZI: They're decorative.

16 MR. VELAZQUEZ: I only say that because --

17 MS. MOREJON: Something like for that
18 building.

19 MR. VELAZQUEZ: -- believe me, you don't
20 know who the neighbor in the --

21 MR. PEREIRA: Yeah.

22 MR. VELAZQUEZ: -- house is.

23 MS. MOREJON: They need to -- yeah. They
24 need to --

25 MR. PEREIRA: What about -- what about some

1 -- maybe some tall landscaping? You know,
2 something that -- you know --

3 MS. MOREJON: Uh huh.

4 MR. PEREIRA: -- bushes in the sense that
5 would --

6 MS. MOREJON: We don't want that. We don't
7 want that.

8 MR. PEREIRA: No?

9 MR. VELAZQUEZ: Maybe -- yeah. Well, we
10 could have --

11 MR. PEREIRA: You know, like --

12 MR. ALONSO: Those --

13 MR. PEREIRA: -- like a -- like an
14 evergreen tree row.

15 MR. ALONSO: How about those black -- the
16 black metal -- black metal fencing that has about
17 a --

18 MS. MOREJON: Alex? The neighbors.

19 MR. ALONSO: -- four inch spacing, so you
20 can see in?

21 MS. MOREJON: Again, the people --

22 MR. PEREIRA: Right.

23 MS. MOREJON: They're going to sell it as a
24 condominium --

25 MR. PEREIRA: Well --

1 MR. ALONSO: Well --

2 MR. DeMATTHEIS: I would prefer to stay
3 away from bushes.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. DeMATTHEIS: Bushes are where people
6 can hide.

7 CHAIRPERSON CAPIZZI: Right.

8 MR. PEREIRA: Okay.

9 CHAIRPERSON CAPIZZI: I agree.

10 MR. DeMATTHEIS: We'll have fencing.

11 CHAIRPERSON CAPIZZI: Yeah.

12 MS. MOREJON: I agree with you.

13 CHAIRPERSON CAPIZZI: Yeah.

14 MR. PEREIRA: So -- so, we'll work out a --

15 MR. EYERMAN: You can have an alarm. Do
16 they make exterior alarm fences?

17 MR. DeMATTHEIS: Soon as we move our light
18 posts out, we'll be able to --

19 MS. MOREJON: I agree with you.

20 MR. DeMATTHEIS: -- hide the fence.

21 MR. PEREIRA: Oh.

22 MR. EYERMAN: That sounds like more --
23 that's kind of a little hybrid from what you just
24 said. Just put a fence in --

25 VICE CHAIRPERSON KOEHLER: With lights.

1 MR. EYERMAN: Put a fence --

2 MR. PEREIRA: Yes.

3 MR. EYERMAN: -- with an alarm.

4 MR. PEREIRA: We can do that.

5 MS. MOREJON: Like the one we have at the
6 high -- they're beautiful. Like the decorative
7 --

8 MR. VELAZQUEZ: You're just going to want
9 to scare them off. They're high -- they're --
10 they're --

11 MR. PEREIRA: Yeah. Make it hard.

12 MR. VELAZQUEZ: You know, they're the
13 Freshman Academy. They're going to -- they're
14 not going to -- once they get scared, they're
15 going to be out. Then their tell their friends,
16 we can't go back there.

17 MR. PEREIRA: Yeah.

18 MR. VELAZQUEZ: It's just a deterrent for
19 now, because the next door neighbor --

20 MS. MOREJON: You make it more private.

21 MR. VELAZQUEZ: -- I don't know if you've
22 met her. I've gone after raccoons, skunks, and
23 everything. I can imagine the kids -- trust me.
24 I know this.

25 MR. PEREIRA: Yeah. If you don't have a --

1 MR. DeMATTHEIS: And -- and it will also be
2 -- the building will also be under video
3 surveillance.

4 MR. VELAZQUEZ: Oh, perfect.

5 VICE CHAIRPERSON KOEHLER: Excellent.

6 MR. PEREIRA: Right.

7 MR. DeMATTHEIS: The motion sensor lights
8 in the rear, and the video surveillancing.

9 CHAIRPERSON CAPIZZI: Um hum.

10 VICE CHAIRPERSON KOEHLER: Perfect.

11 MR. DeMATTHEIS: We'll post signs,
12 typically --

13 CHAIRPERSON CAPIZZI: Great.

14 MR. EYERMAN: Is it a doorman building?

15 MR. DeMATTHEIS: -- this property under
16 surveillance.

17 MR. PEREIRA: No.

18 MS. MOREJON: Beautiful. Beautiful
19 building.

20 MR. VELAZQUEZ: And just --- just
21 hypothetically, how long have -- those tapes
22 going to be saved, God forbid?

23 MR. PEREIRA: Oh, --

24 MR. ALONSO: Well, you know I think --

25 MR. VELAZQUEZ: Because sometimes --

1 MR. ALONSO: I think at this point --

2 MR. PEREIRA: The tapes.

3 MR. ALONSO: -- we should --

4 MR. PEREIRA: Yeah.

5 MR. ALONSO: -- just have Mr. DeMattheis --

6 MR. PEREIRA: Absolutely.

7 MR. ALONSO: -- sworn in.

8 MR. PEREIRA: Yeah. He should come up.

9 MR. EYERMAN: Just hold up.

10 Are you -- we're done with him? We're done
11 with the architect?

12 MR. ALONSO: I'm done with -- with Mr.
13 Pereira, unless the Board has any further
14 questions.

15 MR. EYERMAN: Any further questions?

16 Any questions for the architect from the
17 public?

18 Thank you, sir?

19 MR. PEREIRA: Thank you.

20 MR. DILLON: Give the mic to the next
21 witness.

22 MR. PEREIRA: Oh.

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

25 MR. DeMATTHEIS: Hi.

1 MR. ALONSO: Raise your right hand.

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. DeMATTHEIS: Yes, sir.

6 MR. DILLON: State your name and spell it
7 from the record.

8 MR. DeMATTHEIS: Steve DeMattheis,
9 D-E-M-A-T-T-H-E-I-S.

10 MR. ALONSO: Mr. DeMattheis, you're the
11 principal owner of this project.

12 Is that correct?

13 MR. DeMATTHEIS: Yes, sir.

14 MR. ALONSO: And when you were in the back
15 and you weren't sworn in yet, you had -- you were
16 making a couple statements. So we just want to
17 put that on the record.

18 MR. DeMATTHEIS: Yes.

19 MR. ALONSO: You were talking about
20 providing fencing.

21 MR. DeMATTHEIS: Yes.

22 MR. ALONSO: Possible fencing, and you
23 would agree to the -- the trees in accordance
24 with the types of trees and species that the --
25 the City's planting.

1 And you're also aware that there -- there
2 may be some decorative lighting that's going to
3 be installed along the sidewalk.

4 MR. DeMATTHEIS: Yes.

5 MR. ALONSO: Okay.

6 In addition, you were talking about video
7 taping, and alarms, and lights.

8 MR. DeMATTHEIS: The -- the building will
9 have surveillance and will have, at the Board's
10 request, which we will probably have anyway,
11 we'll have motion sensors in the rear, because in
12 the rear, we have the parking, the lower level of
13 parking, so if you're coming in, we're going to
14 have lighting there, that's sensitive to not
15 disrupt the neighbors, but we'll have extra
16 protective lighting so if people are moving where
17 they typically would not move during the day,
18 another light will come on.

19 And then we have signage, now, we put on
20 these buildings that says the building will be
21 monitored or under surveillance.

22 MR. ALONSO: One of the Board members had a
23 question in terms of the storage of those video
24 tapes.

25 How long would you plan to store them?

1 MR. DeMATTHEIS: Typically, a video
2 surveillance is stored for 90 to 120 days.
3 Depends on the size of your hard drive. That's
4 customary.

5 So, if there's an incident, I have up to 90
6 days to recall it.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. VELAZQUEZ: I only say that because
9 like I said, the school's there. And sometimes
10 --

11 MR. DeMATTHEIS: Yeah.

12 MR. VELAZQUEZ: -- we get incidents that
13 we're going to need to pull.

14 And I don't know if the Police Department
15 is ready to put any of the -- down the road,
16 they're going to put cameras in the streetlights,
17 like they have on Bergenline Avenue.

18 MR. DeMATTHEIS: Right.

19 MR. VELAZQUEZ: But right now, that's a
20 good deterrent. If, God forbid, if anything
21 happens, it's -- it's there.

22 MR. DeMATTHEIS: Good.

23 VICE CHAIRPERSON KOEHLER: I -- I have a
24 quick question.

25 There are no three family (sic) units in

1 your building?

2 MR. DeMATTHEIS: No, ma'am.

3 VICE CHAIRPERSON KOEHLER: And you know,
4 the demographic of Union City, families --

5 MR. DeMATTHEIS: Yes.

6 VICE CHAIRPERSON KOEHLER: -- with kids.
7 Do you -- would you be open to putting in any
8 three family (sic) units in there?

9 MR. EYERMAN: Three bedroom.

10 VICE CHAIRPERSON KOEHLER: Three -- I'm
11 sorry -- three bedroom units. I'm exhausted.

12 MR. DeMATTHEIS: We -- we understand the
13 demographic of Union City, which is why we went
14 with the 21 two families (sic), with two full
15 baths.

16 VICE CHAIRPERSON KOEHLER: Um hum.

17 MR. DeMATTHEIS: We probably may have been
18 able to get more units by combining two bedrooms
19 and one bedrooms.

20 So, we went --

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. DeMATTHEIS: -- to the direction of
23 trying to balance everything --

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. DeMATTHEIS: -- with the Ordinance and

1 | come up with an appropriate project.

2 | MR. EYERMAN: They're all two -- they're
3 | all two --

4 | VICE CHAIRPERSON KOEHLER: They're all two
5 | bedrooms.

6 | MR. DeMATTHEIS: All two bedroom, --

7 | VICE CHAIRPERSON KOEHLER: And -- and a
8 | couple --

9 | MR. DeMATTHEIS: -- and two baths.

10 | VICE CHAIRPERSON KOEHLER: -- one bedrooms.

11 | CHAIRPERSON CAPIZZI: Um hum.

12 | VICE CHAIRPERSON KOEHLER: You had a -- did
13 | -- was -- were there --

14 | MR. DeMATTHEIS: No.

15 | VICE CHAIRPERSON KOEHLER: -- any one --
16 | okay.

17 | MR. DeMATTHEIS: No one bedrooms at all.

18 | VICE CHAIRPERSON KOEHLER: And no three
19 | bedroom.

20 | MR. DeMATTHEIS: And no threes.

21 | VICE CHAIRPERSON KOEHLER: Okay.

22 | CHAIRPERSON CAPIZZI: Okay.

23 | VICE CHAIRPERSON KOEHLER: And you wouldn't
24 | be open to changing them to three bedrooms.

25 | MR. DeMATTHEIS: Given the constraints of

1 | what the project has endured and gone through to
2 | this point, we don't have that flexibility.

3 | VICE CHAIRPERSON KOEHLER: Okay.

4 | MR. VELAZQUEZ: And two bedrooms is like
5 | some -- is like finding a little half diamond in
6 | the rough. It's --

7 | CHAIRPERSON CAPIZZI: Hmm.

8 | VICE CHAIRPERSON KOEHLER: Is that right?

9 | MR. VELAZQUEZ: Yeah.

10 | MR. EYERMAN: Two park -- does every --
11 | does every unit get a parking spot?

12 | MS. MOREJON: Yeah, some get --

13 | VICE CHAIRPERSON KOEHLER: Yeah. There's
14 | more than enough parking.

15 | MR. EYERMAN: There's more than enough.

16 | MS. MOREJON: More than enough.

17 | MR. VELAZQUEZ: Yeah.

18 | MR. EYERMAN: And some get tandems.

19 | MS. MOREJON: He's going to have 36.

20 | MR. DeMATTHEIS: Some get tandems. We have
21 | 1.714 spaces per unit, which is a very good
22 | ratio. And -- and my job isn't to build the
23 | biggest possible project, it's to build the most
24 | marketable product that is in demand.

25 | That's a substantially high parking ratio,

1 | which -- that I typically -- higher than what
2 | I've typically seen in other towns that we
3 | operate in.

4 | MR. EYERMAN: Questions?

5 | No?

6 | Questions for this -- this witness from the
7 | public?

8 | MR. DeMATTHEIS: Thank you.

9 | MR. EYERMAN: Thank you, sir.

10 | MR. ALONSO: Call Mr. Kauker.

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

13 | MR. KAUKER: I'll figure it out.

14 | MR. ALONSO: Just need to raise your right
15 | hand.

16 | MR. DILLON: Please raise your right hand.

17 | Do you swear the testimony you're about to
18 | give this Board is the whole truth?

19 | MR. KAUKER: I do.

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

22 | MR. KAUKER: Michael D. Kauker, last name's
23 | K-A-U-K-E-R.

24 | I'm a professional planner.

25 | MR. DILLON: Thank you.

1 MR. ALONSO: Mr. Kauker, you've testified
2 before this Board in the past.

3 MR. KAUKER: I have. Yes. That's correct.
4 About three or four times. More -- more so in
5 front of the Zoning Board, but I have been in
6 front of the Planning Board, as well.

7 MR. ALONSO: Thank you.

8 Mr. Kauker, did you prepare a planning
9 analysis in connection with this application?

10 MR. KAUKER: I did. In -- in order to
11 prepare for my testimony this evening, I had an
12 opportunity to review the plans prepared by the
13 architect, visit the subject property, and also
14 look at the Master Plan and Zoning Ordinance of
15 Union City.

16 MR. ALONSO: And can you please review your
17 analysis with the Board?

18 MR. KAUKER: Sure.

19 Just briefly, I'll go over the existing
20 conditions. I know the Board is familiar with
21 the conditions of the site.

22 But the subject property is a corner lot.
23 It's located on the northwest corner of Summit
24 Avenue and 19th Street. It's identified as Block
25 104. Actually consists of five tax lots: Lots

1 1, 2, 3, and 4, and then Lot 33.

2 The property has a combined lot area of
3 12,500 square feet. And all of the lots are
4 located in the R low density residential
5 district.

6 As of today, the site is currently vacant.
7 Formerly, it was occupied by a two story
8 building, which occupied a majority of the site,
9 and also a detached garage in the rear. And it
10 was formerly used as an embroidery facility, and
11 also warehousing, as well; a light industrial to
12 industrial use.

13 With respect to the surrounding conditions,
14 Summit Avenue is comprised, on the side of the
15 street where the subject property is located, of
16 one and two family structures on the immediate
17 block.

18 On the opposite side of the street, there's
19 a school, a library and also athletic fields.

20 Nineteenth Street is comprised primarily of
21 one and two and three family homes. So, there's
22 a varied mix of uses within the area.

23 With respect to the proposed development,
24 the applicant is going to construct a four story
25 building. It's a mid-rise apartment building, as

1 defined in your Ordinance. And there will be 21
2 two bedroom apartment units that will be
3 constructed within the building.

4 There are going to be a total of 36 parking
5 spaces, where 42 parking spaces are required per
6 RSIS.

7 And as Mr. DeMattheis had mentioned, that's
8 a ratio of 1.7 parking spaces per unit. My
9 experience in Union City is that's a relatively
10 high ratio. A lot of other projects that I've
11 worked on in the past fall somewhere in about
12 1.3, 1.4 to 1.5 per unit.

13 So, I think that there's going to be
14 sufficient parking provided on the site.

15 As mentioned, the deviation in parking
16 requires what's called a de minimis exception
17 from the RSIS, which I'll go through in a minute.

18 One thing I just did want to point out real
19 quickly is the conditions that existed
20 previously, with the former building. And then,
21 the conditions that are going to exist with the
22 proposed building.

23 The point that I'm trying to make is that
24 the building that's proposed is more conforming
25 with the Zoning Ordinance than what previously

1 | existed.

2 | With respect to the front yard setback
3 | along Summit Avenue, the setback was zero feet on
4 | the old building, and we're proposing to maintain
5 | the zero foot setback.

6 | Minimum side yard along 19th Street, the
7 | way your Ordinance defines the side yard, it's
8 | define -- on a corner lot, the front yard is
9 | defined as the area on the shorter side of the
10 | street. And the opposite side is defined as a
11 | side yard.

12 | The side yard that previously existed on
13 | the old building is one foot. And we're
14 | proposing or increasing that to five feet.

15 | Also increasing the minimum side yard,
16 | which was one foot. There was no side yard on
17 | the opposite side yard previously. And now,
18 | we're proposing a conforming side yard setback
19 | for both side yards of 15 feet.

20 | The minimum rear yard setback. Previously,
21 | there was a detached garage. It wasn't really
22 | detached, it was attached to the building. But
23 | that went up to the property line. It didn't run
24 | the entire property line, but it did go up to the
25 | rear property line.

1 We're going to maintain a 25 foot setback
2 between the building and the rear property line,
3 again meeting the requirements of -- of the
4 Ordinance.

5 With respect to maximum building height,
6 four stories and 50 feet are permitted. And we
7 are proposing a four story building, so we meet
8 the building height requirement.

9 Finally, with respect to coverages, the
10 former maximum building coverage was 76.9
11 percent. And the proposed building coverage is
12 65.3 percent. That is below the 70 percent that
13 is permitted, if parking is provided within the
14 building, which we are providing parking.

15 And finally, maximum lot coverage; 90.12
16 percent existed with the previous building, where
17 we have 84.65 percent.

18 So, as you can see, we're -- we're in --
19 we're making the situation better than what it
20 previously was, which obviously helps this site
21 become more conforming with the Zoning Ordinance.

22 With respect to the use of the property,
23 the mid-rise apartment building is permitted in
24 the R zone as a conditional use, and it's
25 classified as a greyfield redevelopment.

1 A greyfield redevelopment, as I mention, is
2 permitted as a conditional use, with the
3 requirements that I went over before. The
4 applicant does meet all of the requirements.

5 The parking requirement, which we deviate
6 from, is not one of the specific criteria of the
7 conditional use.

8 With respect to the parking, as I mentioned
9 before, it's a de minimis exception from the
10 Residential Site Improvement Standards; 42 spaces
11 are required. They require two parking spaces
12 for each two bedroom unit.

13 We're providing 36 spaces, as I mentioned.
14 That's a ration of 1.7 parking spaces per unit.

15 One of the interesting things, with respect
16 to the RSIS. It was developed with the entire
17 State of New Jersey in mind. It doesn't really
18 distinguish between suburban areas, urban areas,
19 or rural areas.

20 Now, there are some minor exceptions. For
21 example, in some communities in the State, the
22 closest one I can think of to here is Hoboken.
23 They have a special area standard where they're
24 only required, per RSIS, to provide one parking
25 space per unit.

1 They also provide alternative standards.
2 If -- and basically, if you can show that there
3 are certain factors associated with a community,
4 that would require less parking, then you could
5 grant a de minimis exception per that.

6 A couple of things that we have in our
7 favor here. We're located in an urban area.
8 Typically, parking requirements are lower in
9 urban areas than they are in suburban areas.

10 There is -- we're in close proximity to
11 mass transit. In fact, there is a bus stop right
12 in front of this property on 19th Street and
13 Summit Avenue, as well.

14 So you know, for those reasons, and also
15 given the fact that I think we have a -- really a
16 good ratio of parking with respect to this
17 project, I think that the Board could grant the
18 de minimis exception.

19 Finally, I think it's -- just to go over
20 briefly a couple things with respect to the
21 purposes of zoning.

22 I believe that this does -- does further
23 purpose of zoning as contained in the Municipal
24 Land Use Law.

25 Obviously, we're eliminating a use which

1 | was nonconforming, the warehouse/industrial type
2 | use. And we're proposing a use that is
3 | conforming in the zone, the greyfield
4 | redevelopment which permits mid-rise apartment
5 | buildings.

6 | Also, we're going to promote a desirable
7 | visual environment through constructing a brand
8 | new, more visually pleasing building, which will
9 | have a positive impact on the area.

10 | You know, for those reasons, I feel that
11 | the Board could grant the de minimis exception in
12 | addition to granting the site plan that is
13 | requested by the applicant.

14 | I'd be happy to answer any questions, if
15 | you have any.

16 | MR. EYERMAN: Questions from the body?

17 | Questions from the public of this expert?

18 | MS. MOREJON: No.

19 | MR. EYERMAN: Okay.

20 | Counsel, does that --

21 | MR. ALONSO: That -- that conclude the
22 | presentation.

23 | MR. EYERMAN: -- conclude your
24 | presentation?

25 | Any --

1 CHAIRPERSON CAPIZZI: I just --

2 MR. EYERMAN: I'm sorry. Go ahead.

3 CHAIRPERSON CAPIZZI: I do have a quick
4 question.

5 MR. EYERMAN: Go ahead.

6 CHAIRPERSON CAPIZZI: Just -- just because
7 it's located across the street from a school,
8 during the construction period -- you know, can
9 we be assured that safety factors would be
10 considered, and put into place because we're
11 going to have many students crossing the street,
12 crossing the site?

13 MR. ALONSO: Absolutely. Obviously --

14 CHAIRPERSON CAPIZZI: And I don't know if
15 the street would have to be closed down or so
16 forth? And --

17 MR. ALONSO: Obviously, we want to protect
18 the --

19 CHAIRPERSON CAPIZZI: That's a little bit
20 of a concern.

21 MR. ALONSO: -- the students. And we
22 obviously would have the selfish reason, because
23 we don't want to be sued either.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. ALONSO: And I'm sure that Mr.

1 DeMattheis, who's built other projects, will take
2 every effort to -- to make sure that safety --

3 MR. EYERMAN: Plus you have a 20 -- you
4 have a 25 yard side yard that you can use for
5 your major construction storage --

6 MR. DeMATTHEIS: Yeah.

7 MR. ALONSO: -- and that kind of stuff.

8 MR. DeMATTHEIS: We're -- we're very
9 careful. If any -- I mean, the -- a lot of
10 people at the municipality know me. They have
11 access to my cell phone, which I answer all the
12 time.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. DeMATTHEIS: We demolished a building
15 and we had police supervision, to make sure that
16 all the dangerous component of it was fine, down
17 and contained. And we'll do the same as we move
18 forward. So whatever's --

19 CHAIRPERSON CAPIZZI: Great.

20 MR. DeMATTHEIS: -- necessary, we'll do.
21 But I watch the site. I'm there everyday. I'm
22 talking to my job supers.

23 The fence in front of the site is actually
24 doweled into the concrete, and then slid onto
25 three foot rebar dowels.

1 So, it's -- we have to do that to keep it
2 secure, so as you walk down Summit Ave, kids
3 aren't going to be prying the fence open or
4 lifting --

5 CHAIRPERSON CAPIZZI: Right.

6 MR. DeMATTHEIS: -- a sandbag to get in.

7 MR. EYERMAN: It's not just sandbag --

8 CHAIRPERSON CAPIZZI: Yeah.

9 MR. DeMATTHEIS: You know? On the side --

10 CHAIRPERSON CAPIZZI: Perfect.

11 MR. DeMATTHEIS: -- we did use sand bags.

12 It's less of a -- of an --

13 CHAIRPERSON CAPIZZI: Yup.

14 MR. DeMATTHEIS: -- issue or a situation.

15 And then, we tie it off every day. So, we don't
16 want anybody hurt on the site --

17 CHAIRPERSON CAPIZZI: Right.

18 MR. DeMATTHEIS: -- more so than --

19 CHAIRPERSON CAPIZZI: Okay. Good.

20 MR. DeMATTHEIS: -- than yourselves.

21 CHAIRPERSON CAPIZZI: Appreciate that.

22 Anybody else?

23 MS. MOREJON: No.

24 MR. EYERMAN: General comments from the
25 public?

1 MR. PRICE: Larry Price.

2 I usually speak against projects. This
3 one, I would like to speak for it.

4 (Applause.)

5 MR. PRICE: This won't happen too often, so
6 --

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. PRICE: First, it's -- it's an
9 attractive --

10 CHAIRPERSON CAPIZZI: It is.

11 MR. PRICE: -- building, number one.

12 Number two, in contrast to many of the
13 applications this Board sees, and the other Board
14 sees -- you know, which are festooned with
15 various need for variances -- I mean,
16 essentially, there's only one variance here,
17 which is parking. And the parking shortfall is
18 very small.

19 They were very ingenious about using the
20 high -- or the -- whatever you -- the slope of
21 19th Street to get the two levels of parking.

22 So, you got 36 parking spots for 21 units,
23 which is a very good ratio.

24 And other than that -- so you know, I think
25 it's a -- should be a welcome addition --

1 CHAIRPERSON CAPIZZI: I think so, too.

2 MS. MOREJON: Thank you.

3 MR. PRICE: -- to -- to Union City.

4 MS. MOREJON: Thank you.

5 CHAIRPERSON CAPIZZI: Thank you.

6 MR. EYERMAN: Thank you.

7 MR. PRICE: Last time this year.

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. EYERMAN: Mr. Secretary, call for a
10 vote.

11 THE SECRETARY: Motion by --

12 Motion to?

13 Mrs. Morejon, motion to what?

14 CHAIRPERSON CAPIZZI: Approve.

15 MS. MOREJON: To approve.

16 THE SECRETARY: Motion to approve --

17 VICE CHAIRPERSON KOEHLER: Second it.

18 THE SECRETARY: -- the application, Alicia
19 Morejon.

20 MS. MOREJON: Yes.

21 THE SECRETARY: Second by Diane Capizzi.

22 CHAIRPERSON CAPIZZI: Jeanne.

23 VICE CHAIRPERSON KOEHLER: Oh, I thought
24 you --

25 CHAIRPERSON CAPIZZI: No. No. I'm fine.

1 I'm fine with it. Yeah.

2 THE SECRETARY: Roll call on the motion to
3 approve this application.

4 Ydalia Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Alicia Morejon?

7 MS. MOREJON: Yes.

8 THE SECRETARY: Diane Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Jay Shah?

11 MR. SHAH: Yes.

12 THE SECRETARY: Franklin Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Jeanne Koehler?

15 VICE CHAIRPERSON KOEHLER: Yes.

16 THE SECRETARY: Alejandro Velazquez?

17 MR. VELAZQUEZ: Yes.

18 THE SECRETARY: Seven in favor. Motion
19 carries.

20 Congratulations.

21 MR. ALONSO: Thank you very much. Have a
22 good evening.

23 CHAIRPERSON CAPIZZI: Thank you.

24 VICE CHAIRPERSON KOEHLER: Thank you.

25 MS. MOREJON: Good night.

1 **ADJOURNMENT:**

2

3 MR. EYERMAN: Madam Chairman, can you get a
4 motion to --

5 THE SECRETARY: There being no other
6 application on tonight's agenda, can I have a
7 motion to end tonight's meeting?

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

10 THE SECRETARY: Motion by --

11 MS. MOREJON: Second. Second.

12 THE SECRETARY: -- Diane Capizzi.

13 Second by Alicia Morejon.

14 All in favor?

15

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

17

18 THE SECRETARY: The ayes have it.

19 Thank you.

20 CHAIRPERSON CAPIZZI: Okay.

21

22 (Whereupon, the proceedings were concluded
23 at 8:42 p.m.)

24

* * *

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, March 22, 2016 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon