

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: :
: PROCEEDINGS
: _____

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, April 26, 2016
Commencing at 6:16 p.m.

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

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
JAY SHAH
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor, Chairman
CELIN VALDIVIA, Commissioner
CAROLINA FERNANDEZ
JEANNE KOEHLER, Vice Chairperson
RUDY RIVERO
FRANKLIN MEDINA

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

CARLOS VALLEJO, Secretary to the Board

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

DAVID SPATZ, Consultant, (Left at 8:03 p.m.)
Community Housing & Planning Associates, Inc.

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 808-810 21st Street, LLC

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Manuel Henriquez

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 3100 Bergenline LLC

MICHAEL R. FINK, ESQ.,
Attorney for Applicant,
Liberty Park at Union City, LLC

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I N D E XManuel Henriquez - 217 46th StreetWITNESSPAGE

Manuel Pereiras

130

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

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

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

12 Notice of this meeting has been provided as
13 follows:

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

21 Before we call roll for tonight's meeting
22 kindly everybody rise to salute the flag.

23

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

1

2 **ROLL CALL:**

3

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

6

Mayor Brian P. Stack? Absent.

7

Ydalia Genao?

8

MS. GENAO: Yes.

9

THE SECRETARY: Commissioner Valdivia?

10 Absent.

11

Alicia Morejon?

12

MS. MOREJON: Yes.

13

THE SECRETARY: Diane Capizzi?

14

CHAIRPERSON CAPIZZI: Here.

15

THE SECRETARY: Carolina Fernandez?

16 Absent.

17

Rudy Rivero? Absent.

18

Jay Shah?

19

MR. SHAH: Yes.

20

THE SECRETARY: Franklin Medina? Absent.

21

Mrs. Koehler? Absent.

22

Alejandro Velazquez?

23

MR. VELAZQUEZ: Here.

24

THE SECRETARY: Jose Guareno?

25

MR. GUARENO: Here.

1 THE SECRETARY: Let the record indicate
2 that there are six present.

3 Those absent tonight are Mayor Brian P.
4 Stack, Commissioner Celin Valdivia, Carolina
5 Fernandez, Rudy Rivero, Franklin Medina, and
6 Jeanne Koehler.

7 So, we have a Board made up of six members,
8 which constitutes a full quorum to establish any
9 decision.

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1 **RESOLUTIONS:**

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3 (1) Robert Hazaga, 514 2nd Street, Block 9, Lot
4 42. Addition to and conversion of an existing
5 two family to a three family residence.

6

7 THE SECRETARY: We have four Resolution on
8 tonight's agenda. We are going to do two parts.

9 First Resolution Robert Hazaga, 514 2nd
10 Street.

11 This application was approved at a previous
12 meeting.

13 Can I have a motion?

14 MR. VELAZQUEZ: I make a motion.

15 THE SECRETARY: Motion by Alejandro
16 Velazquez.

17 Second by?

18 Diane Capizzi.

19 Roll call on the motion.

20 Ydalia Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Diane Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Jay Shah?

25 MR. SHAH: Yes.

1 THE SECRETARY: Alejandro Velazquez?

2 MR. VELAZQUEZ: Yes.

3 THE SECRETARY: Motion carries. Four in
4 favor.

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1 **RESOLUTIONS:**

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3 (2) Jacobo and Maria Meis, 211 34th Street, Block
4 200, Lot 29. Construction of a three (3) story
5 20' 10 1/2" x 43' 1 1/2" addition in the rear
6 portion of an existing two (2) family house.
7 Approved.

8 (3) Pollos Mario Restaurant, LLC, 4215
9 Bergenline Avenue. Block 244, Lot 51. New
10 mezzanine at existing restaurant.

11 (4) 1901 Summit Avenue, LLC, 1901 Summit
12 Avenue, Block 104, Lots 1-4, 33. Proposed four
13 (4) story, 21 unit multi-family dwelling. Ground
14 floor parking level (21 cars). Basement parking
15 level (15 cars). Total 36 parking spaces.
16 Approved.

17

18 THE SECRETARY: The next three Resolutions,
19 Jacobo and Maria Meis, 211 34th Street.

20 Pollos Mario Restaurant, LLC, 4215
21 Bergenline Avenue.

22 1901 Summit Avenue, LLC, 1901 Summit
23 Avenue.

24 Can I have a motion to adopt these three
25 Resolutions?

1 MR. VELAZQUEZ: I make a motion.

2 THE SECRETARY: Motion by Alejandro
3 Velazquez.

4 Second by?

5 Alicia Morejon.

6 Roll call on the motion.

7 Ydalia Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Alicia Morejon?

10 MS. MOREJON: Yes.

11 THE SECRETARY: Diane Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Jay Shah?

14 MR. SHAH: Yes.

15 THE SECRETARY: Alejandro Velazquez?

16 MR. VELAZQUEZ: Yes.

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

19 * * *

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1 808-810 21st Street, LLC - 917 21st Street and
2 808-810 21st Street:

3

4 THE SECRETARY: Okay.

5 We have the next on the agenda is 808-810
6 21st Street, LLC, 917 21st Street and 808-810 21st
7 Street.

8 The applicant is seeking for one year
9 extension. Resolution was memorialized on March
10 26, 2013.

11 Mrs. Pereiras, please?

12 MS. PEREIRAS: Thank you very much.

13 Good evening members of the Board.

14 May it please the Board, Bianca Pereiras,
15 on behalf of the applicant.

16 This is our request before this Board for a
17 one year extension. This was an application that
18 came before you back in 2013, specifically
19 January and February of that year, and the
20 Resolution was memorialized in March.

21 The application was to convert a warehouse
22 into residential units.

23 Because of a few delays, my client, some
24 health setbacks, as well as finances, my client
25 hasn't gotten this project off the ground, but is

1 | looking to pull permits as quickly as he can this
2 | year.

3 | That's why we're before this Board,
4 | requesting an extension. As you know, pursuant
5 | to the Permit Extension Act, these permits are
6 | still valid until June of this year. And we're
7 | coming before you for that one year extension.

8 | MR. ORTIZ: Counsel has represented it
9 | well. It's at the purview of the Board.

10 | CHAIRPERSON CAPIZZI: So, that's something
11 | that we just need to -- one year.

12 | MR. ORTIZ: Just a vote to grant an
13 | extension for one year. That's the request.

14 | MS. PEREIRAS: That is the request.

15 | CHAIRPERSON CAPIZZI: Does any Board member
16 | have any questions?

17 | Do we have to open to the public?

18 | MS. DILLON: Can you speak up, Mrs.
19 | Capizzi?

20 | MR. ORTIZ: Yeah. You should, just in
21 | case.

22 | CHAIRPERSON CAPIZZI: Does any Board member
23 | have any questions?

24 | MS. MOREJON: No.

25 | CHAIRPERSON CAPIZZI: About the request?

1 MS. MOREJON: I don't have any questions.

2 CHAIRPERSON CAPIZZI: Does any member of
3 the public?

4 No? Seeing none, I'll make a motion to
5 grant.

6 THE SECRETARY: Motion by Diane Capizzi.

7 MR. VELAZQUEZ: Second.

8 THE SECRETARY: Second by Alejandro
9 Velazquez, move the one year extension.

10 Roll call on the motion.

11 Ydalia Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Alicia Morejon?

14 MS. MOREJON: Yes.

15 THE SECRETARY: Diane Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Jay Shah?

18 MR. SHAH: Yes.

19 THE SECRETARY: Alejandro Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Jose Guareno?

22 MR. GUARENO: Yes.

23 THE SECRETARY: Motion carries. Six in
24 favor.

25 MS. PEREIRAS: Thank you very much.

1 MR. ORTIZ: Just stand there.

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1 **Lorgia, LLC - 2023 Kerrigan Avenue:**

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3 THE SECRETARY: Okay.

4 Next item on tonight's agenda is Lorgia,
5 LLC, 2023 Kerrigan Avenue. Applicant seeking one
6 year extension. Resolution was memorialized on
7 July 24, 2012.

8 MS. PEREIRAS: Again, Bianca Pereiras on
9 behalf of the applicant.

10 This is the same applicant. He had the
11 same setbacks. Obviously, it was in regards to
12 health and finances, and again is looking to move
13 forward on this application.

14 This was an adaptive reuse of an existing
15 warehouse, to turn into residential.

16 He is looking forward to getting this
17 project started in this coming year, so we are
18 asking for an extension that will be valid until
19 June of next year.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: Same thing.

22 CHAIRPERSON CAPIZZI: Any Board member with
23 any questions?

24 Comments?

25 MS. MOREJON: No.

1 CHAIRPERSON CAPIZZI: Any member of the
2 public?

3 Seeing none, I'll make a motion to approve.

4 THE SECRETARY: Motion to grant the one
5 year extension by Diane Capizzi.

6 MR. VELAZQUEZ: Second.

7 THE SECRETARY: Second by Mr. Velazquez.

8 Roll call on the motion.

9 Ydalia Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Alicia Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Diane Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Jay Shah?

16 MR. SHAH: Yes.

17 THE SECRETARY: Alejandro Velazquez?

18 MR. VELAZQUEZ: Yes.

19 THE SECRETARY: Jose Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Motion carries. Six in
22 favor.

23 Thank you.

24 MS. PEREIRAS: Thank you very much.

25 MS. MOREJON: Thank you.

1 Good night.

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

4 MR. ORTIZ: Why don't we just go to number
5 5?

6 CHAIRPERSON CAPIZZI: Right.

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

9 MR. ORTIZ: I'm keeping, just in case. Can
10 I keep --

11 THE SECRETARY: Can we go to -- to the next
12 one?

13 MR. ORTIZ: Yeah. Sure.

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

16 MR. ORTIZ: Is Mr. Fink here?

17 MR. SPATZ: Yeah. They're all here.

18 MR. ORTIZ: Okay.

19 THE SECRETARY: You have the Resolution on
20 the -- on the --

21 MR. ORTIZ: Are you going to need the
22 Resolution for these?

23 THE SECRETARY: Yeah. For the next
24 meeting.

25 MR. ORTIZ: You are going to need them?

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

3
4 * * *

1 **Liberty Park at Union City, LLC - 629-651 38th**

2 **Street:**

3

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

6 We are going to change a little bit the
7 order of the agenda.

8 We are going to go to Liberty Park at Union
9 City, LLC, 629-651 38th Street.

10 Mr. Fink, please?

11 MS. DILLON: Thank you.

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

14 MR. FINK: Chairwoman, attorney, I'm
15 Michael Fink.

16 I'm the attorney for the applicant, Liberty
17 Park at Union City, LLC.

18 Although the notices my client previously
19 provided by email, I was told -- they were told
20 to bring the originals here today, and we have
21 all the originals and the original Affidavit.

22 MR. ORTIZ: No. Please, please.

23 MR. FINK: Sure.

24 (Whereupon, there was a pause in the
25 proceedings.)

1 MR. ORTIZ: Upon reviewing the submissions,
2 Madam Chairwoman, everything seems to be in
3 order, giving jurisdiction to the Board.

4 CHAIRPERSON CAPIZZI: Okay. Great.
5 Proceed.

6 MR. FINK: Thank you.

7 CHAIRPERSON CAPIZZI: You're welcome.

8 MR. FINK: Chairwoman, members of the
9 Board, as I said, my name is Michael Fink. I'm
10 the attorney for the applicant.

11 This is an application for site plan
12 approval of a conditional greyfield use on the
13 subject property.

14 I'd like to call as a first witness, Dean
15 Mon.

16 MS. DILLON: Hello.

17 MR. MON: Hi.

18 MS. DILLON: I'm just going to put this on
19 you for the purpose of recording for the record.

20 MR. MON: Okay.

21 MS. DILLON: All right?

22 And this can go in your pocket, or you can
23 hold it in your hand.

24 MR. MON: Okay.

25 MS. DILLON: Whatever you prefer. Okay?

1 Sir, please raise your right hand.

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

4 MR. MON: Yes.

5 MS. DILLON: Would you please state your
6 name and spell it for the record?

7 MR. MON: My name is Dean Mon, M-O-N.

8 MS. DILLON: M-O --

9 MR. MON: N.

10 MS. DILLON: As in Nancy.

11 MR. MON: Correct.

12 MS. DILLON: Okay.

13 Thank you.

14 MR. MON: You're welcome.

15 MR. FINK: Mr. Mon, you're the co-managing
16 member of Liberty Park of Union City, LLC.

17 MR. MON: Yes, I am.

18 MR. FINK: And would you please give this
19 Board your background as a developer and
20 redeveloper?

21 MR. MON: I started building in 1985, and I
22 have done central and northern New Jersey
23 communities. We're just finishing up 155 units
24 in West New York; to doing a 70-unit project
25 there. So, we are -- we are very comfortable in

1 building, in particular podium, where we do four
2 over parking.

3 MR. FINK: So, when did you first begin
4 development in West New York?

5 MR. MON: Probably about six, seven years
6 ago.

7 MR. FINK: And the first building you did
8 was the 70 unit for sale condominium building.

9 MR. MON: Correct.

10 MR. FINK: And that was four over parking.

11 MR. MON: No. That was four stories over
12 garage.

13 MR. FINK: Over garage.

14 And the other hundred and fifty-five units
15 that you're completing the last building, 40 at
16 this time.

17 MR. MON: Right.

18 MR. FINK: So, how many buildings were
19 there?

20 MR. MON: There were five buildings total,
21 with the old Jaclyn factory.

22 MR. FINK: And give the Board an idea of
23 the size of these buildings and the number of
24 units in each.

25 MR. MON: There were two for sale as an

1 | affordable housing project, through the HMFA.

2 | And they consisted of a 50 unit building and a 40
3 | unit building.

4 | And then, the last three buildings are a 32
5 | unit, a 28 unit. They're all finished and
6 | rented. And we're now finishing the 40 unit
7 | building.

8 | MR. FINK: And -- and these buildings, the
9 | hundred and fifty-five units are all rentals.

10 | MR. MON: No. There were 55 for sale, and
11 | a hundred rentals.

12 | MR. FINK: And these were all four over
13 | parking?

14 | MR. MON: Correct.

15 | MR. ORTIZ: Counselor, with all due
16 | respect, that's West New York. We could just --
17 | if we could -- I understand what you're doing
18 | about background, but --

19 | CHAIRPERSON CAPIZZI: Right.

20 | MR. ORTIZ: -- if we could just move on to
21 | this project.

22 | MR. FINK: I just want to establish him as
23 | a develop -- an expert developer. That's all I'm
24 | trying to do here.

25 | MR. ORTIZ: I don't know that there is such

1 a thing as an expert developer.

2 MR. FINK: Okay. Then I'm trying to
3 establish him as a developer, with a great deal
4 of experience --

5 MR. ORTIZ: And we --

6 MR. FINK: -- so that his --

7 MR. ORTIZ: We'll accept that.

8 MR. FINK: To give context to his -- to his
9 testimony.

10 MR. ORTIZ: I -- it's your case, I'm just
11 saying I think this -- this Board is much more
12 interested in hearing about Union City than West
13 New York.

14 MR. FINK: No, no. I understand that. And
15 we -- we're -- I'm done with that. That part of
16 it. Okay.

17 So, Mr. Mon, let's talk to the application.

18 So, the Liberty Park building is how many
19 units?

20 MR. MON: Is 48 units that we're proposing.

21 MR. FINK: Okay.

22 Is the building targeted to be affordable
23 to any particular demographic?

24 MR. MON: We tend to build to the
25 workforce. We're not luxury, we're not an

1 affordable, at this point in time. So, we're in
2 the workforce area.

3 MR. FINK: And that is people who typically
4 make between 80 and 120 percent of median --

5 MR. MON: Of the median income. Correct.

6 MR. FINK: And this would be typically what
7 types of work would they do?

8 MR. MON: We rent a lot to teachers,
9 policemen in particular, professional, singles,
10 and young couples.

11 MR. FINK: Okay.

12 Based upon your market research is there a
13 substantial need for new construction, rentals
14 for this demographic, in Union City?

15 MR. MON: We think so. In particular, when
16 we do a lot of efficiency, most of our buildings
17 are LEED Gold certified.

18 MR. FINK: So, they meet certain energy
19 efficiency standards.

20 MR. MON: Correct.

21 MR. FINK: And this particular building
22 will be built to LEED Gold standard?

23 MR. MON: Correct.

24 MR. FINK: Now, I'm going to just let the
25 Board know, the engineer will go into much more

1 detail, and the architect much more detail
2 concerning the site plan and concerning the
3 building itself.

4 Now, Mr. Mon, the proposed parking ratio
5 for Liberty Park comes out to 1.54 spaces per
6 unit. In other words, 74 total spaces for 48
7 units.

8 Now, in similar sized buildings in West New
9 York, is it your experience that this ratio is
10 similar?

11 MR. ORTIZ: Again, this is Union City. We
12 don't need to hear about West New York. Really.
13 I'm serious about that.

14 I can see my Board members face. Please.

15 MS. MOREJON: This is Union City.

16 MR. FINK: Well --

17 MR. ORTIZ: Let's not talk about West New
18 York. Let's talk about Union City and this
19 project. Please.

20 MR. FINK: Okay.

21 Based upon your experience, would you -- as
22 a rental developer, would you say that the
23 parking spaces provided are sufficient for the
24 units being proposed?

25 MR. MON: They are adequate. Yes.

1 MR. FINK: Okay.

2 Now, Mr. Mon, you made an OPRA request to
3 the City of Union City.

4 Correct?

5 MR. MON: Yes, I did.

6 MR. FINK: And that was for a Resolution
7 concerning -- from the Board of Adjustment
8 concerning the Cuban Eyes Auto Body Shop here in
9 Union City.

10 Correct?

11 MR. MON: Correct.

12 MR. FINK: And I'm going to show you the --
13 your request and the Resolution, and ask you if
14 that's what was provided by Union City?

15 MR. MON: Yes, it was.

16 MR. FINK: Thank you.

17 I'd like to offer this as exhibit.

18 You want to mark it? Or you want me to?

19 MR. ORTIZ: She could.

20 MR. FINK: Okay. So that would be --

21 MS. DILLON: A-1.

22 MR. FINK: -- A-1?

23 MS. DILLON: Um hum.

24

25 (Whereupon, OPRA Request was received and

1 marked as Exhibit A-1.)

2

3 MR. FINK: That's all the questions I have
4 for Mr. Mon.

5 MR. ORTIZ: Thank you.

6 MR. MON: Am I done?

7 MR. FINK: Unless the members of the Board
8 have any questions, you're done.

9 MR. ORTIZ: Does anybody on the Board have
10 any questions?

11 CHAIRPERSON CAPIZZI: No.

12 MR. ORTIZ: Does anybody in the public have
13 any questions of Mr. Mon?

14 Thank you, sir.

15 MR. MON: You're welcome.

16 MR. FINK: I'd now like to call Sean
17 Savage, who is the engineer for my client.

18 MS. DILLON: Hi. Do you have a card?

19 You can give it to me when you're finished.

20 MR. SAVAGE: Okay.

21 MS. DILLON: Again, this is just for the
22 record. It doesn't amplify in any way. If you
23 could put that in to a pocket?

24 Okay.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MS. DILLON: Sir, please raise your right
3 hand.

4 Do you affirm that the testimony you're
5 about to give this Board is the whole truth?

6 MR. SAVAGE: I do.

7 MS. DILLON: Would you please state your
8 name and spell it for the record?

9 MR. SAVAGE: Sean Savage, S-E-A-N,
10 S-A-V-A-G-E.

11 MS. DILLON: Thank you.

12 MR. ORTIZ: Carlos, do you -- do you have
13 A-1? Do you have that exhibit?

14 Do you have that exhibit, A-1?

15 THE SECRETARY: Yes.

16 MR. FINK: Mr. Savage, would you please --
17 you're a professional engineer, licensed
18 professional engineer in the State of New Jersey?

19 MR. SAVAGE: Correct.

20 MR. FINK: And how many years have you been
21 a professional engineer?

22 MR. SAVAGE: Fourteen, in that range.

23 MR. FINK: In New Jersey?

24 MR. SAVAGE: Yes.

25 MR. FINK: And --

1 MS. DILLON: You have to answer verbally.

2 MR. SAVAGE: Yes.

3 MS. DILLON: Thank you.

4 MR. SAVAGE: I just said it quiet.

5 MS. DILLON: Pardon me?

6 MR. SAVAGE: I was very quiet.

7 MS. DILLON: Okay.

8 MR. FINK: You're associated with Matrix
9 New World Engineering?

10 MR. SAVAGE: That's correct.

11 MR. FINK: And what is your position there?

12 MR. SAVAGE: Director of Engineering.

13 MR. FINK: Now, have you testified before
14 other boards in connection with site plans?

15 MR. SAVAGE: I have.

16 MR. FINK: And about how many -- in New
17 Jersey?

18 MR. SAVAGE: Yes.

19 MR. FINK: And about how many would you say
20 that is?

21 MR. SAVAGE: Dozens. Been over a number of
22 years. Been dozens.

23 MR. FINK: Okay.

24 MR. SAVAGE: All through Paterson, Rahway.
25 I have not testified in Union City, but Paterson,

1 Rahway.

2 MR. ORTIZ: Urban centers, though?

3 MR. SAVAGE: Excuse me?

4 MR. ORTIZ: Urban centers.

5 MR. SAVAGE: Yeah. Well, like Rah -- yeah.

6 Downtown Rahway, did two developments down there;

7 Paterson is --

8 MR. ORTIZ: Okay.

9 MR. SAVAGE: -- you know, redevelopment.

10 MR. FINK: Okay.

11 MR. SAVAGE: Jersey City.

12 MR. FINK: And your work has been centered

13 upon, amongst many other things, preparation of

14 site plans.

15 MR. SAVAGE: Correct.

16 MR. FINK: Including in the urban areas.

17 MR. SAVAGE: Correct.

18 MR. FINK: So, I'd like to present Mr.

19 Savage as a professional engineer expert.

20 CHAIRPERSON CAPIZZI: Sure.

21 Accepted.

22 MR. FINK: Thank you.

23 CHAIRPERSON CAPIZZI: You're welcome.

24 MR. FINK: Okay.

25 So, you -- your firm and you were engaged

1 to prepare a site plan for Liberty Park at Union
2 City site, which is the subject of the
3 application tonight.

4 Is that correct?

5 MR. SAVAGE: Correct.

6 MR. FINK: And you were engaged, were you
7 not, to prepare that plan in order to conform
8 with the conditional greyfields use requirements
9 of the Union City Ordinance.

10 Is that correct?

11 MR. SAVAGE: Correct.

12 MR. FINK: And the plan that has been
13 prepared to Union -- has been submitted as this
14 application, does it conform with all of the
15 requirements of the Greyfields Ordinance?

16 MR. SAVAGE: Yes, it does.

17 MR. FINK: I'm sorry?

18 MR. SAVAGE: Yes.

19 MR. FINK: Okay.

20 So, now, would you please take the Board
21 through the site plan proposed?

22 MR. SAVAGE: Okay. As kind of previously
23 discussed, this site --

24 MR. FINK: I think we should mark this
25 first.

1 MR. SAVAGE: Yeah.

2 MR. ORTIZ: A-2.

3 MR. FINK: So, this is the site plan.

4 MR. SAVAGE: It is -- yeah. It's a site
5 plan layout. So, this is a -- just a mounted
6 version of what was submitted as part of the site
7 plan.

8 MS. DILLON: You want me to mark -- Mr.
9 Ortiz, do you want for me to mark a set that
10 Carlos can --

11 MR. ORTIZ: Yeah, better off set --
12 Yeah.

13 MS. DILLON: Okay.

14 MR. ORTIZ: Yeah, with Carlos. Makes
15 sense.

16 Thank you very much.

17 MS. DILLON: There were no changes to it.
18 Right?

19 MR. FINK: There were no changes.
20 Correct?

21 MR. SAVAGE: No changes. Yeah.

22

23 (Whereupon, Site Plan, Sheet 3 of 10, dated
24 3/30/16 was received and marked as Exhibit A-2.)
25

1 MR. ORTIZ: Counselor, one question while

2 --

3 MR. FINK: Yes.

4 MR. ORTIZ: -- we're in the middle of that.

5 Your A-1?

6 MR. FINK: Yes.

7 MR. ORTIZ: If I could just have a proffer
8 as to what it was offered for?

9 MR. FINK: Yes.

10 It was offered to show that the particular
11 property was designated to be utilized for a
12 commercial purpose, i.e., the parking for Cuban
13 Eyes.

14 In fact, we will also present specific
15 testimony that it was used for that purpose.

16 MR. ORTIZ: Okay. And -- and one of these
17 plots is this property. Is that --

18 MR. FINK: It's that property. Yes.

19 MR. ORTIZ: Okay. Okay.

20 MR. FINK: Yeah. The -- that -- the Cuban
21 Eyes is adjacent to this, and as a condition for
22 the approval -- that's what the Resolution says
23 -- they had to use my client's property, which is
24 the subject of this, for parking.

25 MR. ORTIZ: Okay.

1 MR. SAVAGE: All right?

2 MR. FINK: Continue, please.

3 MR. SAVAGE: Okay. So, just to kind of
4 orientate you.

5 The site is located at the intersection of
6 Hackensack-Plank Road and 38th Street.

7 The property is just under a half acre.
8 It's about .4 acres. And as mentioned before,
9 we're proposing 48 units; 16 one bedroom, 32 two
10 bedroom units.

11 The parking for the site is located in two
12 levels of garages. Based upon the topography of
13 38th Street, the slope there, you're actually
14 entering at two different levels from 38th Street,
15 with no internal connection between those two
16 garages.

17 And again, also based on the slope of 38th
18 Street, and then meeting the -- you know, level
19 entrances to the garages, the entrance -- both
20 entrance drives, entranceways have varying slopes
21 across them. They're also in direction of the
22 building, just based upon -- you know, trying to
23 make up -- there's a pretty significant grade
24 change coming down 38th Street.

25 But again -- you know, the entrances have

1 | been designed -- you know, in accordance with
2 | standard engineering practices.

3 | So, with the building -- as you can see,
4 | the building takes up the majority of the site.
5 | We are going to be collecting the roof runoff
6 | from that building and placing it into an
7 | underground system, storage system, which will be
8 | underneath the lowest level of the parking
9 | garage.

10 | That underground system will then discharge
11 | into an existing storm system, basically, at the
12 | intersection here to the north -- north side of
13 | the site.

14 | In existing conditions -- you know,
15 | drainage is flowing same direction, from south to
16 | north towards the intersection.

17 | All utilities, sanitary sewer, gas, water,
18 | are all connecting into existing utilities within
19 | 38th Street.

20 | The building, as I think we kind of got
21 | into that architecture, we'll get it into it,
22 | five stories over the parking. And the 48 units,
23 | as mentioned.

24 | We are providing -- proposing to have the
25 | streetscape, in terms of the -- you know, we're

1 replacing the sidewalks, curbing along the
2 frontages, which will be to the -- to the city
3 standards, in terms of the streetscape.

4 I don't have the landscape right here, but
5 we're also proposing street trees in accordance
6 with that, and then some small building
7 foundation plantings in certain spots around the
8 building.

9 In terms of -- one thing I do want to
10 mention, in terms of handicap accessibility,
11 there -- there are handicap spaces within the
12 garages located right next to or as close as
13 possible to the elevator locations.

14 And then -- you know, given the slope of
15 38th Street -- you know, you can't create a
16 sidewalk that's accessible in that sense.

17 What we did provide is a -- you know, a
18 spot up here on 38th Street, which someone could
19 travel from 38th Street directly into the entrance
20 of the building, ultimately getting to the
21 elevators, which would be an accessible route.

22 MR. FINK: And what you're pointing to is
23 from the curb, pretty much straight through --

24 MR. SAVAGE: In --

25 MR. FINK: -- into the lot.

1 MR. SAVAGE: From the curb, into the lobby.
2 And that's in addition to the -- to the
3 accessibility within the garages.

4 And that's kind of --

5 MR. FINK: All right. So, the setbacks of
6 --

7 MR. SAVAGE: Yeah.

8 MR. FINK: -- the building, would you
9 please address that?

10 MR. SAVAGE: Okay. And then, this also
11 will be addressed by our planner in a little bit,
12 but in terms of the requirements for the
13 greyfield zone side yard setbacks. You can have
14 a minimum of five, combination of 15. We're in
15 compliance.

16 The rear setback, 25 foot, which would be
17 rear would be here to the south side. So, the --
18 sorry.

19 Sorry. I actually mixed it up.

20 The side yard, actually, in this case, is
21 actually the southern property line here, which
22 we're at ten foot.

23 And then, the other -- the rear yard
24 actually is actually located based upon the
25 Ordinance, down 38th Street. It's on the east

1 side of the property. And that meets the 25
2 feet.

3 And then -- you know, in terms of the other
4 -- again, the planner will go through them, but
5 we meet all the other conditions of the Greyfield
6 Ordinance, including building coverage, lot
7 coverage, et cetera.

8 I do want to speak briefly with the
9 parking.

10 The building, with 48 units, when you're
11 looking at typical RSIS requirements, we're
12 required 93 parking spaces, we're proposing 74
13 within the -- within the garages. And there will
14 be a few spaces on 38th Street, as well.

15 MR. FINK: And our traffic expert will
16 address --

17 MR. SAVAGE: Yeah.

18 MR. FINK: -- that --

19 MR. SAVAGE: Yeah. I just want to --

20 MR. FINK: -- in detail.

21 MR. SAVAGE: Yeah.

22 MR. FINK: Along with the planner.

23 MR. SAVAGE: Yup.

24 MR. FINK: Okay.

25 So, these plans were prepared in accordance

1 with standard engineering standards.

2 MR. SAVAGE: Correct.

3 MR. FINK: And that's for sanitary, storm
4 and water and other --

5 MR. SAVAGE: Water and -- you know, there's
6 gas for generator over -- it's going to be on the
7 east side of the building.

8 And there's going to be a -- actually, I
9 should probably mention, it's like a little menu
10 for the -- for the site. There's going to be a
11 little -- I guess, a dog run, let's call it on
12 the east side of the building back in here.

13 MR. ORTIZ: What is that square? Yeah.

14 MR. SAVAGE: This is -- and the architect
15 will get into this, as -- this is a -- a
16 cantilever portion of the building.

17 So, basically, this smaller square is a
18 pile, or a pier.

19 MR. ORTIZ: Okay.

20 MR. SAVAGE: So, that's just lifted off the
21 ground.

22 MR. ORTIZ: Yeah. I wasn't sure if that
23 was carved out for some other reason.

24 MR. SAVAGE: No. No. It's just above
25 ground.

1 MR. FINK: No further questions of this
2 witness.

3 Thank you.

4 CHAIRPERSON CAPIZZI: Board?

5 The public?

6 MS. DILLON: Mr. Savage?

7 MR. SAVAGE: I don't get to keep it.

8 MR. ORTIZ: Mr. Price, do you have a
9 question?

10 CHAIRPERSON CAPIZZI: You have a question?

11 MR. PRICE: Are we going to do --

12 MR. ORTIZ: We're going to do one witness
13 at a time, Mr. --

14 MR. PRICE: One witness -- so, this is --
15 this is my shot at Mr. Savage.

16 MR. ORTIZ: Yes.

17 CHAIRPERSON CAPIZZI: Sure. Come on up.

18 MR. PRICE: In other words, it won't be all
19 the witnesses at the end.

20 MR. ORTIZ: No.

21 MR. PRICE: Okay. Then I have a question.

22 MR. ORTIZ: Which is why we -- we asked
23 you.

24 MS. DILLON: Just keep that on.

25 Right here.

1 Mr. Price, please raise your right hand.

2 Do you affirm the testimony you're about to
3 give this Board --

4 MR. PRICE: That's --

5 MS. DILLON: -- is the whole truth?

6 MR. PRICE: -- kind of a change and --

7 MS. DILLON: Pardon me?

8 MR. PRICE: I said that's kind of a change
9 in procedure. I'm used to all the witnesses to
10 be --

11 MS. DILLON: Talk to Mr. Ortiz.

12 MR. PRICE: Yeah. You're going to change
13 the ground rules.

14 MR. ORTIZ: Mr. Price, I'm just giving you
15 an opportunity to question the witness. That's
16 all.

17 MR. PRICE: What's that?

18 MR. ORTIZ: I'm just giving you an
19 opportunity to question the witness, Mr. Price.
20 That's it.

21 MR. PRICE: But in the past, my opportunity
22 came at the end.

23 MR. ORTIZ: Mr. Price, let's not have an
24 argument. Just if you have a question, for him,
25 ask him. Please.

1 MR. PRICE: Okay.

2 MS. DILLON: Mr. Ortiz, does he get the
3 oath now or he doesn't?

4 MR. ORTIZ: You can give him the oath now.
5 We'll just remind him --

6 MS. DILLON: Okay.

7 MR. ORTIZ: -- he's under oath.

8 MS. DILLON: He needs to accept the oath.

9 MR. PRICE: Yes. Yes.

10 By the way, it's Larry Price, 1006 Palisade
11 Avenue.

12 MS. DILLON: And you accept --

13 MR. PRICE: Yeah.

14 MS. DILLON: -- the oath.

15 MR. PRICE: Yes. Yes.

16 MS. DILLON: Thank you.

17 MR. PRICE: Thank you.

18 I would like to ask a question or two of
19 Mr. Mons (sic) -- of Mr. Mon, but --

20 MR. ORTIZ: Okay.

21 MR. PRICE: Okay.

22 MR. ORTIZ: Although just for the record,
23 just so the record's clear, and I don't have a
24 problem with you doing that, but just --

25 CHAIRPERSON CAPIZZI: We did ask.

1 MR. ORTIZ: -- the Chairwoman did ask if
2 anyone in the public had a question.

3 I'm not going to say that you can't
4 question him, but she did, so --

5 MR. PRICE: First --

6 MR. SAVAGE: Me or Dean -- Mr. Mon or --

7 MR. PRICE: No.

8 MR. SAVAGE: Okay.

9 MR. PRICE: No.

10 You said four tenths of an acre. How much
11 is that in square feet?

12 MR. SAVAGE: It's 18,400, somewhere in that
13 range. It is 18,433.

14 MR. PRICE: Four thirty --

15 MR. SAVAGE: Three.

16 MR. PRICE: Thirty-three square feet.
17 Okay.

18 Is there going to be testimony about the
19 parking separately from your testimony?

20 MR. SAVAGE: Yeah. There -- there's a
21 traffic engineer, and planner will address the --
22 the variance request.

23 MR. PRICE: Okay.

24 Is that -- you had -- you testified a
25 little bit about greyfield. Is that going to be

1 the total testimony about the --

2 MR. SAVAGE: No. Again, the planner --
3 it's -- it's mainly a planning comment. So,
4 anything --

5 MR. PRICE: Correct.

6 MR. SAVAGE: -- related to a variance to
7 that -- so it will be brought up.

8 Which aspect of greyfield?

9 MR. FINK: Maybe I can answer this, since
10 it's not --

11 MR. PRICE: Well, you're an attorney.
12 Attorneys aren't allowed to --

13 MR. FINK: But you --

14 MR. PRICE: -- testify.

15 MR. FINK: -- want to know -- I'm not
16 testifying. You want to know -- he doesn't know.
17 That's not his job.

18 I know what -- who's going to be here, and
19 I can just tell you if that will help.

20 MR. PRICE: Okay. Yeah. Yes. I'm
21 interested in greyfield, the support for it.

22 Mr. Savage is saying he's not going to be
23 -- you have another witness who's going to
24 testify.

25 MR. FINK: Okay. There -- Mr. Mon has

1 | already -- we've already put into the record a
2 | Resolution from the Zoning Board, concerning the
3 | use of the property.

4 | There will be additional evidence that the
5 | property was used commercially, it will be
6 | provided by at least two witness -- two other
7 | witnesses.

8 | And there will be some documentary evidence
9 | showing how the property is being used, which
10 | will --

11 | MR. PRICE: Okay.

12 | MR. FINK: -- be submitted by some other --
13 | other people.

14 | MR. PRICE: Okay. Then I'll wait for that
15 | evidence.

16 | MR. FINK: Okay.

17 | ACTING CHAIRPERSON CAPIZZI: Okay.

18 | Thank you.

19 | MS. DILLON: Okay. Mr. Savage, now I need
20 | --

21 | MR. ORTIZ: So that means you have no --

22 | MS. DILLON: -- the microphone.

23 | MR. ORTIZ: -- questions for Mr. Savage,
24 | Mr. Price.

25 | MR. PRICE: No.

1 MR. ORTIZ: Okay.

2 MR. PRICE: I'm -- I'm relying on that,
3 there's going to be --

4 MR. ORTIZ: I understand.

5 MR. PRICE: -- two more witnesses
6 testifying as to greyfield.

7 MR. ORTIZ: Do you have a question?

8 CHAIRPERSON CAPIZZI: There's a question?
9 Sir?

10 MR. ORTIZ: Sir, you have a question?

11 Is this as two -- one of the two witnesses?

12 MR. AVELLA: No, this is about --

13 MR. ORTIZ: No, no. We'll -- we'll open up
14 to public --

15 MS. DILLON: How are you tonight?

16 MR. PEREIRA: Good.

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

19 MS. DILLON: Please raise your right hand.

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

22 MR. PEREIRA: Yes.

23 MS. DILLON: If you could please state your
24 name and spell it for the record?

25 MR. PEREIRA: Christiano Pereira,

1 C-H-R-I-S-T-I-A-N-O, Pereira, P-E-R-E-I-R-A.

2 MS. DILLON: Thank you.

3 MR. FINK: Madam Chairwoman, Mr. Ortiz, Mr.
4 Pereira, within the last month, I think has
5 previously been --

6 CHAIRPERSON CAPIZZI: He did.

7 MR. FINK: -- qualified as --

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. FINK: -- an architect expert witness.

10 CHAIRPERSON CAPIZZI: He was. Yes.

11 MR. FINK: Okay.

12 MR. PEREIRA: Thank you.

13 MR. FINK: So, good.

14 Thank you.

15 MR. PEREIRA: Thank you.

16 MR. FINK: Okay. So, Chris, you were --

17 MR. PEREIRA: Um hum.

18 MR. FINK: -- engaged to prepare the
19 architectural plans for a 48 unit building, which
20 is the subject of this application for this site.

21 Correct?

22 MR. PEREIRA: That's correct.

23 MR. FINK: Okay.

24 So, we have here a board, which shows the
25 exterior elevations that he's going to refer to.

1 Are those the same listed, shown not in
2 color on the plan?

3 MR. PEREIRA: That's correct. Those are
4 the same, and the cover page, but they're in
5 black and white.

6 MR. FINK: So, perhaps, then, the way you
7 did it the last time we should list as an
8 exhibit, mark as an exhibit, a set of the
9 architecture -- tectural plans as opposed to the
10 Board.

11 MS. DILLON: Carlos?

12 MR. ORTIZ: If you'd like to, counsel.

13 MR. FINK: Yeah.

14 MS. DILLON: You're going to mark the whole
15 set?

16 Okay.

17 MR. PEREIRA: Okay.

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

20 MR. PEREIRA: It's not me. Somebody's
21 ringing. It's not me.

22 MR. ORTIZ: Excuse me?

23 MR. PEREIRA: Somebody's ringing. It's not
24 me.

25 MS. DILLON: Okay. So, I'll mark this as

1 A-3.

2 MR. PEREIRA: Okay. So, you're going to
3 mark it there.

4

5 (Whereupon, Architectural Plans, dated
6 4/4/16 (5 sheets) was received and marked as
7 Exhibit A-3.)

8

9 MR. FINK: So, A-3.

10 CHAIRPERSON CAPIZZI: What is it?

11 MR. ORTIZ: You're going to --

12 CHAIRPERSON CAPIZZI: Three?

13 MR. ORTIZ: Page 3?

14 MR. PEREIRA: Well, we --

15 MR. FINK: A -- A-3 is the --

16 MR. PEREIRA: We're marking this as A-3.

17 MR. FINK: -- is the full set of --

18 MR. ORTIZ: Right. No, --

19 MR. FINK: -- architectural plans.

20 MR. ORTIZ: -- but which -- which page are
21 you --

22 MR. FINK: And which page are you -- will
23 you be referring to?

24 MR. PEREIRA: So, I'll be referring to the
25 full architectural set, which is page T-100, A-

1 100, A-101, and A-102. Oh, one more. A-104 --
2 103.

3 MR. FINK: Okay. But the -- this colored
4 board is really separate. Even though --

5 MR. PEREIRA: This color board is separate.

6 MR. FINK: Okay. So --

7 MR. PEREIRA: So, the color board is --

8 MR. FINK: Since -- since -- hold on,
9 Chris.

10 Since the color board is separate, I'd like
11 to mark it as a separate exhibit --

12 MS. DILLON: Sure.

13 MR. FINK: -- since the Board is actually
14 seeing it. So, that would be, I guess, A-4.

15 MS. DILLON: Can I just have it?

16 MR. PEREIRA: Sure.

17 MR. ORTIZ: That means you got to give it
18 to us.

19 Is that okay?

20 MR. FINK: Yeah.

21 MR. PEREIRA: That's --

22 MR. ORTIZ: Oh, okay.

23

24 (Whereupon, Colored Rendering was received
25 and marked as Exhibit A-4.)

1

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

4 MR. FINK: Okay. So, Chris, would you
5 please show the Board --

6 MR. PEREIRA: Um hum.

7 MR. FINK: -- through the use of A-4 --

8 MR. PEREIRA: Um hum.

9 MR. FINK: -- the proposed building and
10 please, also discuss it's -- the elevations, the
11 materials --

12 MR. PEREIRA: Um hum.

13 MR. FINK: -- that are being proposed,
14 relationship to the site, and similar sorts of
15 things?

16 MR. PEREIRA: Certainly.

17 First of all, good evening. Thanks for
18 having us.

19 So, A-4, as we discussed, is -- we have
20 three renderings shown on T-100. So, that's
21 basically a color presentation of what you have.

22 I will start with the -- the façade,
23 because I think it's -- it's a nice picture. We
24 start with that, and then we go into the floor
25 plans. And that would kind of guide us through

1 the -- the floor plan, as well.

2 So, as you can see, this is a corner
3 property at the corner Hackensack-Plank and 38.

4 So, you're very familiar with that. It's a
5 very steep street, both of them. Both Hackensack
6 and 38th Street; 38th Street slopes about 60 feet
7 from one end to the other. So, it's quite --
8 quite a slope. On Hackensack, we slope about
9 eight feet.

10 So, when our client reached out to us, and
11 we designed this property under the greyfield
12 guidelines, as previously discussed, we have a
13 building that's setback along 38th Street five
14 feet. So, that gives us an opportunity to do a
15 nice -- you know, landscape planting and -- and
16 streetscape on -- along that street.

17 We also have some recessed areas on 38 --
18 on Hackensack-Plank, that would allow us to do
19 some planting, as well, at the base of the
20 building.

21 So, we have -- you know, we have a building
22 that has a corner presence, it has some
23 landscaping around it.

24 As previously discussed, we have 25 foot
25 setback in the back of the building, on the east

1 property line, and a ten foot on the southern
2 side of the property.

3 The building is a five story building. As
4 you can see here, we have a very tall, what seems
5 to be a very tall first floor. But what we have
6 in reality is we have a basement. And again,
7 because of the streetscape, right, and the street
8 slope, we have a basement floor of parking, we
9 have a first floor of parking, and then we have
10 four stories on top of that.

11 So, it's, in essence, a five story building
12 with a basement parking.

13 The entrances to both garages, as
14 previously mentioned by our civil engineer, are
15 both accessed from 38th Street.

16 So, we have what we call in the basement of
17 the lower floor parking, is this entrance here,
18 that you see on the rendering, close to the
19 corner.

20 So, you drive in and you're basically at
21 grade at this point and underground. And as the
22 streetscape slopes up, as I discussed, about 18
23 feet, by the time we get to -- almost to the end
24 of the building, on the eastern side, we have the
25 entrance to the other level parking.

1 So, what we done with that is in order to
2 eliminate an internal ramping to the parking,
3 which allows us not to lose any parking spaces,
4 because that's what happen in ramp -- you know,
5 ramping inside parking structures. So, we use
6 the street -- you know, that you gain access to
7 the two levels.

8 So that allows you maximize the parking
9 within the parking levels.

10 And then, right in the middle of the
11 building, as you can see in the center image,
12 which is the same one you have on T-100, the
13 center rendering, we have a central lobby. Now,
14 I want you -- as we're discussing the renderings
15 here, I also want to start discussing the floor
16 plans, if that's okay with you, because it's easy
17 for me to refer to that and refer to the floor
18 plans so you better understand that.

19 So, the first plan, on A-100, is our lower
20 level parking. So, as I was discussing, you
21 enter right -- it's about a 40 foot distance from
22 the corner. And you come in, and this is a
23 parking level with 38 parking spaces.

24 In this level, we have a mechanical room,
25 we have two sets of elevators, and then, we have

1 -- what you see here is a central lobby.

2 As we go up 38th Street, we gain access to
3 the second level of parking. And that's on
4 A-101, as I'm referring to, upper level parking.

5 So, in here, we have 36 parking spaces. We
6 have, in the back here, we have a fitness center
7 for the building residents, and then, again, you
8 see the lobby.

9 And I don't want to spend too much time on
10 the lobby, but I just want the Board to
11 understand that the lobby, as you see in this
12 rendering here, is really in the mid-level,
13 between the two parking levels, because of the
14 street slope.

15 So, what we end up with is -- which is very
16 nice, we have a lobby that's about 14 feet high.
17 So, you know, it's a grandiose lobby. You know,
18 we have all the -- it will be, you know, all
19 glass.

20 So, you walk in, and it has a nice height
21 -- you know, to it. So, it's a nice -- it's a
22 nice way to design this building.

23 That lobby has one elevator that gives you
24 access -- you know, half a level up, or half a
25 level down to the two parking levels. And then,

1 of course, to all the residential floors above.

2 In terms of materials, what we discussed
3 with my client is we are using -- first, we
4 wanted to use a lot of glazing. You know,
5 there's going to be a beautiful view out of these
6 units, into the meadowlands. You know, this is
7 -- you know, there's very little in front of
8 this, especially because of the slope, you know.
9 So, a major point of the design, we should
10 provide as large windows as we could.

11 So, we have -- you know, as you can see, on
12 every floor, we have very generous windows.
13 They're wide, they're tall.

14 And then, in terms of all the building
15 materials, we use brick. So, we have a lot of
16 brick cladding, as you can see here in all this
17 brownish, reddish color. This is all brick.

18 The base of the building is all cast stone.
19 So, that's what we're proposing for the base of
20 the building.

21 And -- and then --

22 MR. ORTIZ: None -- none of the facades
23 going to have any kind of stucco.

24 Right?

25 MR. PEREIRA: No stucco, no siding. What

1 we're proposing is some metal cladding, brick,
2 and stone, and glazing.

3 So, it's -- it's a nice -- you know, high
4 end finishes that will -- you know, really set
5 this building and set this --

6 So, as you can see on all the three
7 renderings -- you know, they're mostly taken from
8 the corner because -- you know, I wanted the
9 Board to understand especially the slope and how
10 we're setting this building and how we're setting
11 the parking.

12 In term of units, as discussed previously,
13 we have 32 two bedroom units. I average them
14 out. They're all about the same square footage,
15 but they all range at around a thousand and
16 twenty-five square feet.

17 So, these -- these are nice two bedrooms
18 units. They're not -- you know, they're not
19 small units. They've very nice.

20 All two bedrooms have two bathrooms -- you
21 know, a kitchen, a dining space. So, they're
22 very nice sized units.

23 The 16 one bedrooms we have average at
24 around a hundred -- 852 square feet. So, also --
25 you know, very nice sized apartments.

1 The one bedrooms only have one bathroom and
2 a master bedroom. But you can see -- I mean,
3 those are centrally located in the -- I mean,
4 they flank the center units, which are also two
5 bedrooms.

6 So, we have two bedrooms on the south and
7 on the east and western sides. And then, we have
8 two bedrooms right in the center. And then, we
9 have one bedrooms flanking the center.

10 So, it's a pretty standard -- it's a
11 typical floor plan all the way up, so no changes
12 there.

13 Our Sheet A-200 shows you the elevation.
14 So, these are not in color, but you know, we do
15 the call outs of the materials here. So you can
16 see we didn't call out for any stucco. We didn't
17 call out for any siding. We didn't call out for
18 any of that.

19 It's metal cladding, brick, and -- and cast
20 stone. So, those are the building finishes.

21 MR. ORTIZ: Are there going to be gates on
22 the parking wells?

23 MR. PEREIRA: There will be gates on the
24 parking -- on the parking deck.

25 So, on the rendering here, you can see it

1 on -- on the elevation. I know it's blank.

2 There was no hatching there, but yes. These are
3 -- these are gated, secured facilities are -- you
4 know, as -- as my client mentioned, his buildings
5 are built to Energy Star standards. They're also
6 built to LEED Gold standard.

7 So, these are very energy efficient
8 buildings.

9 MR. ORTIZ: How are the parking lots,
10 particularly --

11 MR. PEREIRA: Um hum.

12 MR. ORTIZ: -- going to be policed,
13 security-wise?

14 MR. PEREIRA: So, the garages -- you would
15 have a fob or a --

16 I'm sorry.

17 Are these fobs or remote controls for the
18 garages?

19 MR. MON: They use fobs.

20 MR. PEREIRA: They use fobs.

21 MR. MON: Remote control. And we have
22 about --

23 MS. DILLON: Mr. Mon, you -- I can't get
24 you from --

25 MR. PEREIRA: I'm sorry.

1 MS. DILLON: -- there, please.

2 MR. PEREIRA: I'm sorry. Come up.

3 MR. MON: Normally, our buildings --

4 MS. DILLON: Just come -- come forward to
5 the microphone and then you're fine.

6 MR. PEREIRA: Close to me here.

7 MS. DILLON: No, no, no, no.

8 MR. PEREIRA: Over there.

9 MS. DILLON: He can go right there.

10 MR. PEREIRA: Oh.

11 MR. MON: Yeah. Normally, in our
12 buildings, we are over camera. So, we have 32 to
13 40 cameras. We have a display and we maintain
14 pretty --

15 MR. ORTIZ: In the parking area alone?

16 MR. MON: Well, and the -- the rest of the
17 building.

18 MR. ORTIZ: Okay. Okay.

19 MR. MON: Yeah. As needed, because we know
20 that the worst thing is to have an incident.
21 Somebody gets mugged or breaks in, and that's the
22 -- the kiss of death for a rental building. So,
23 we're very cognizant of that and we make sure
24 we're extra safe and -- you know, we -- we
25 monitor them. We have the 28 day recording so we

1 | can -- you know, go back and see something. So,
2 | we're very careful with that.

3 | MR. ORTIZ: And every tenant is going to
4 | have a garage opener. Is that essentially it?

5 | MR. PEREIRA: That's right.

6 | MR. MON: Yes.

7 | MR. PEREIRA: Yup.

8 | So, I think I covered the parking spaces,
9 | or I discussed, where we have --

10 | MR. ORTIZ: While we're on that, I have a
11 | question. This may not be your area of
12 | expertise.

13 | MR. PEREIRA: Sure.

14 | MR. ORTIZ: Our planner, through his report
15 | --

16 | MR. PEREIRA: Um hum.

17 | MR. ORTIZ: -- has pointed out something
18 | that I think is -- becomes very relevant as to
19 | really what the number of parking spots you're
20 | really offering.

21 | And again, it may not be your expertise. I
22 | mean, if not, just tell me.

23 | MR. PEREIRA: Right.

24 | MR. ORTIZ: Now, it's my understanding that
25 | your typical parking spots are nine by 18 feet.

1 MR. PEREIRA: Um hum.

2 MR. ORTIZ: Most of these are not.

3 MR. PEREIRA: So, we have a -- you know,
4 it's always the fight --

5 MR. ORTIZ: There's only 18 of them that
6 are nine by 18.

7 MR. FINK: Yeah. That's going to be --

8 MR. PEREIRA: Right.

9 MR. FINK: -- be --

10 MR. PEREIRA: He will --

11 MR. FINK: It will be addressed by the
12 traffic expert.

13 MR. ORTIZ: Okay.

14 MR. FINK: And the planner.

15 MR. ORTIZ: It's not in his expertise, --

16 MR. FINK: Yeah.

17 MR. ORTIZ: -- that's fine.

18 MR. FINK: Yes.

19 MR. PEREIRA: Um hum.

20 Okay. So --

21 MR. VELAZQUEZ: Hold on.

22 MR. ORTIZ: You have a question?

23 MR. VELAZQUEZ: I know it's in the plans,

24 --

25 MR. PEREIRA: Um hum.

1 MR. VELAZQUEZ: -- it's a large scale
2 building and there's no compact or garbage room
3 anywhere on the plans.

4 MR. PEREIRA: Oh, no. Okay. Let me go --

5 So, unfortunately, you're right. We didn't
6 label it, but it's -- so, if you go to A-101,
7 right adjacent to space number 31, we show a --
8 we show a room there that has a garage door.

9 So, what we usually have is we have a trash
10 chute, and that comes down to a compactor. And
11 you know, that -- that is the compactor room.

12 And we placed it there because it's the
13 closest location to the garage door, so it can be
14 pushed out.

15 But you're right, we didn't label it, and
16 that's why you didn't see it, but it's there.
17 It's next to space number 31.

18 MR. VELAZQUEZ: And with the size of this
19 building, too, it's going to more for sale or
20 renting?

21 MR. FINK: It's all rental.

22 MR. VELAZQUEZ: Rentals. So as you know,
23 we have a very strict Ordinance about having a
24 super on-site location.

25 Right?

1 MR. PEREIRA: Yes. So, there's a minimum
2 amount of units.

3 Correct? That's when it gets triggered for
4 an on-site super?

5 MR. VELAZQUEZ: Six or more.

6 MR. PEREIRA: Six or more?

7 MR. VELAZQUEZ: I mean, what I'm noticing,
8 too, in my other hat, as the Director of the
9 Health Department --

10 MR. PEREIRA: Um hum.

11 MR. VELAZQUEZ: -- is a lot of these
12 buildings, especially these newer buildings that
13 have -- went for rentals --

14 MR. PEREIRA: Right.

15 MR. VELAZQUEZ: -- and came to the Board as
16 projects of condos and all that --

17 MR. PEREIRA: Right.

18 MR. VELAZQUEZ: -- now we're dealing with
19 managements, LLCs --

20 MR. PEREIRA: Um hum.

21 MR. VELAZQUEZ: -- that are in Paramus and
22 that.

23 MR. PEREIRA: Right.

24 MR. VELAZQUEZ: And they're trying to use
25 the security guard as a -- let's say, the

1 monitoring system. That's -- that's not a super.
2 We need to have people in the building and all
3 that.

4 I don't know if that could be part down the
5 road as -- you know, you need somebody to living
6 there and all.

7 MR. ORTIZ: Well, every ordinance (sic)
8 that we do, says that all local and state --

9 MR. PEREIRA: Um hum.

10 MR. ORTIZ: -- regulations must be adhered
11 to. I would consider our Ordinance fall under
12 that umbrella, clause.

13 MR. FINK: Yeah. And my client will
14 comply.

15 MR. VELAZQUEZ: And the reason why I bring
16 that up, too, and this goes for the property
17 owner, so there hasn't been a really great
18 relationship. I'm not going to lie to you.

19 I've dealt with them. Snow removal. Right
20 now, the fence is actually half partial down,
21 right now.

22 I know they're probably using the -- I saw
23 cars parked. Now it come to my attention that's
24 coming from the auto body place. That's what
25 they're using, the commercial work there.

1 | Because I know Florian Glass used to use that.

2 | MR. FINK: Yes.

3 | MR. VELAZQUEZ: With some parking and all
4 | that. And the, down the road, we're going to
5 | see, the summer coming, the weeds are going to
6 | start growing and all that and -- you know.

7 | I just need -- I want to have more open
8 | dialogue with everything that -- that's going on.
9 | If we didn't have the basic necessities in the
10 | beginning, I don't want it to be a problem down
11 | the road for the future.

12 | MR. FINK: Yeah. I don't -- I don't -- my
13 | client is in the area. I mean, he -- I
14 | understand, he's in West New York at the moment,
15 | and not Union City. But he takes care of his
16 | buildings, because they're his buildings and he's
17 | relatively local.

18 | And there's relatively little maintenance
19 | on the outside of these buildings, compared to
20 | others.

21 | And I would just point out that right now,
22 | you have, basically, an attractive nuisance lot
23 | there. And when the building's built, that's
24 | done. There won't be cars parked in there that
25 | don't belong there. There won't be garbage

1 | thrown there. There won't be any of that going
2 | on.

3 | So, and -- and my client has -- has a long
4 | history of complying with the Ordinances in the
5 | towns in which he builds buildings that he owns,
6 | and will continue to own.

7 | MR. VELAZQUEZ: Now, the builder, is he the
8 | owner, or is there a separate entity?

9 | MR. FINK: No. The LLC -- well, the LLC,
10 | Liberty Park at Union City, LLC, my client is a
11 | managing member. There is one other co-managing
12 | member. They will continue to own it.

13 | My client's separate company, D.R. Mon
14 | Group, Inc. will do the actual construction. And
15 | that's only owned by Dean Mon, who is a managing
16 | member of the LLC that actually owns the property
17 | and will own the building when the construction's
18 | complete.

19 | So, he's there all the way. Okay.

20 | MR. PEREIRA: Okay.

21 | MR. FINK: I -- I want to go into these
22 | now.

23 | MR. PEREIRA: Okay. Do you want me to
24 | distribute?

25 | CHAIRPERSON CAPIZZI: Does anyone have any

1 questions?

2 MR. FINK: I just have one other thing, --

3 CHAIRPERSON CAPIZZI: Oh, I'm sorry.

4 MR. FINK: -- if I may?

5 CHAIRPERSON CAPIZZI: Is he finished?

6 MR. FINK: Yes, for him. He thinks he's
7 done. He's not quite done.

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. FINK: Okay. So -- so, what I'd like
10 to do is mark in as an exhibit a series of four
11 photographs -- I'm sorry. Four Google Earth Pro
12 Images on one page.

13 MR. PEREIRA: I'll distribute those around,
14 so you can refer to.

15 MR. FINK: And that would be --

16 MR. PEREIRA: And we can mark that.

17 MR. FINK: -- A --

18 MS. DILLON: This is A-5.

19 MR. FINK: -- five.

20

21 (Whereupon, Google Earth Photographs (4)
22 were received and marked as Exhibit A-5.)

23

24 MR. PEREIRA: Give Carlos one. Give you
25 that as one.

1 I have one left.

2 Okay.

3 MR. FINK: Okay. So, Chris, you went on
4 Google Earth --

5 MR. PEREIRA: Um hum.

6 MR. FINK: -- to look at the recent history
7 of the project, through actual Google maps.

8 Correct?

9 MR. PEREIRA: Um hum. That's correct.

10 MR. FINK: And images.

11 Right?

12 MR. PEREIRA: That's correct.

13 MR. FINK: So, on this particular page,
14 we're looking at, first, from the year 2009.

15 MR. PEREIRA: Correct.

16 MR. FINK: And if we look at the property,
17 which is on the first three is all to the right
18 of that yellow line, we see, basically, an open
19 lot with what looks like a couple of cars on it.

20 Correct?

21 MR. PEREIRA: That's correct.

22 MR. FINK: Then, when we go to 2010, June
23 2010, we see, on the same lot, a parking lot.

24 MR. PEREIRA: Um hum.

25 MR. FINK: And it looks like about three

1 cars parked next to the parking lot, but not on
2 it.

3 Correct?

4 MR. PEREIRA: Correct.

5 MR. FINK: And then, if we go to 2014, we
6 see the same parking lot, with more cars on --
7 and vehicles parked on it, and some others parked
8 on -- adjacent to it, on the lot.

9 Correct?

10 MR. PEREIRA: That's correct.

11 MR. FINK: And then, the last image, which
12 says at the bottom is 2016, and, again, there's
13 the lot and there's cars parked on it and around
14 it.

15 Correct?

16 MR. PEREIRA: That's correct.

17 MR. FINK: Okay.

18 Thank you.

19 MR. PEREIRA: All right.

20 MR. FINK: I -- I have no further questions
21 of this witness.

22 CHAIRPERSON CAPIZZI: Okay. Does anyone on
23 the Board have any questions or comments, this
24 witness?

25 Anyone in the public?

1 Sure. Come on up.

2 MR. ORTIZ: Just reminding, you are still
3 under oath, Mr. Price.

4 MR. PRICE: Mr. Pereira, first -- well, I
5 have to stay here. You have --

6 MR. PEREIRA: It's Okay.

7 MR. PRICE: In -- in the rendering, on the
8 top rendering --

9 MR. PEREIRA: Yes.

10 MR. PRICE: Okay. Along Hackensack Road,
11 --

12 MR. PEREIRA: Um hum.

13 MR. PRICE: -- what's the setback there?

14 MR. PEREIRA: We have -- the lot is not
15 parallel or perpendicular to 38th Street. So,
16 it's -- it's an angular lot line.

17 We have anywhere from, right at the corner
18 here, zero, to about four feet, depending on the
19 location of the building.

20 So, it's easier on the site plan. So, at
21 that point here, and only at that point, we have
22 zero. And then, as you go back, the building is
23 perpendicular, right to 38th Street.

24 So, we increase our setbacks. And then, we
25 step it out again, so that we could gain enough

1 room for the fitness center. So, we go back
2 again to maybe three feet. And then, again, it
3 becomes parallel, or perpendicular to 38th Street.
4 And we end up with about seven feet or so on that
5 corner.

6 MR. PRICE: At the back of the property.
7 So the --

8 MR. PEREIRA: Right.

9 MR. PRICE: The setback is zero --

10 MR. PEREIRA: Zero.

11 MR. PRICE: -- at the shortest point and
12 seven feet at the longest point.

13 MR. PEREIRA: Right.

14 MR. PRICE: Okay.

15 Are you considering that the front of the
16 building?

17 MR. PEREIRA: We're considering that the
18 front of the building. We are considering these
19 two sections the side of the building. So, this
20 is a five and this is a --

21 MR. PRICE: Along 38th --

22 MR. PEREIRA: Along 38th Street.

23 MR. PRICE: Sorry. Is 38th Street at the
24 bottom or the top?

25 MR. PEREIRA: Thirty-Eighth Street's here.

1 MR. PRICE: Okay. Is there.

2 MR. PEREIRA: So, along 38th Street, a five
3 foot side yard, a ten foot on the southern
4 property line, and a 25 foot on the back property
5 line.

6 MR. PRICE: You are not considering 38th
7 Street also a front.

8 MR. PEREIRA: We're not.

9 MR. PRICE: Okay.

10 So, if you consider those side -- then,
11 side yard and the rear yard comply. The -- the
12 front yard is required to be ten feet. You do
13 not comply.

14 Correct?

15 MR. PEREIRA: Well, it's either ten feet or
16 the prevailing setback.

17 MR. PRICE: What --

18 MR. PEREIRA: We have --

19 MR. PRICE: What is the prevailing setback?
20 You're the only one on the block.

21 MR. PEREIRA: Well, no. There's -- there's
22 a structure right adjacent to us. And that's at
23 zero.

24 I believe we have the -- do we have that on
25 your plans, Sean?

1 MR. SAVAGE: We can show it on the layout
2 plan.

3 MR. PEREIRA: Okay. On the layout plan.

4 So, we have -- we can put some testimony
5 in.

6 So, there is a building here that is at
7 zero property line. And because there's only two
8 properties, we also looked at the property across
9 the street. That's also at zero.

10 So, that's --

11 MR. PRICE: Florian Glass.

12 MR. PEREIRA: Florian Glass. Right.

13 MR. PRICE: Okay. Okay. You say -- okay.
14 Got it. Okay.

15 MR. PEREIRA: Um hum.

16 MR. PRICE: Okay. Next -- next question.

17 Because the site is more than 15,000 square
18 feet, you're entitled to be five stories.

19 MR. PEREIRA: Right.

20 MR. PRICE: Or 60 feet.

21 MR. PEREIRA: Correct.

22 MR. PRICE: Okay. In the corner down there
23 --

24 MR. PEREIRA: Five stories, and 60 feet.
25 Right.

1 MR. PRICE: -- how -- the corner of
2 Hackensack and 38th Street --

3 MR. PEREIRA: Um hum.

4 MR. PRICE: -- how far is it from the
5 sidewalk level to the roof beam?

6 MR. PEREIRA: Well, that's not how we
7 calculate the height. But if --

8 MR. PRICE: No, no.

9 MR. PEREIRA: I --

10 MR. PRICE: I know. I know. It's -- but
11 that's --

12 MR. PEREIRA: I know. I know. I'll answer
13 --

14 MR. PRICE: That's my question. How -- how
15 far -- how far is it?

16 MR. PEREIRA: Mr. Price, I don't have that
17 dimension, because we don't -- you know, we
18 dimension to established reference level. But I
19 can tell you, roughly, the -- about 62 feet or so
20 to -- to the top of the roof structure.

21 And then, we have maybe another four feet
22 at the top, for that cornice detail.

23 MR. PRICE: Worry about the --

24 MR. PEREIRA: Right.

25 MR. PRICE: Okay. You're limited to five

1 floors.

2 MR. PEREIRA: Five floors.

3 MR. PRICE: You have six.

4 MR. PEREIRA: No, we have --

5 MR. PRICE: One is a basement.

6 MR. PEREIRA: One's a basement. Right.

7 MR. PRICE: What is the justification for
8 excluding the basement?

9 MR. PEREIRA: So, as -- so, if the Board
10 can refer to my T-100 sheet, we have an analysis,
11 and I put the definition here as per your
12 Ordinance, just to make it clear.

13 So, a basement is a story partly
14 underground, but having at least of its clear
15 height above the average level of the adjoining
16 finished grade.

17 So, our analysis of the adjoining finished
18 grade, which is a little bit of a conflict with
19 the reference level that's -- you know, our
20 reference point for the building height. So,
21 it's -- it's not the same grade.

22 But our average grade around the property,
23 or around the building footprint is a hundred and
24 eighteen point nine feet.

25 So, for this floor to be considered a

1 | basement, the ceiling of that basement cannot be
2 | more than four feet above that reference -- above
3 | that average grade.

4 | So, the floor of our second parking level
5 | is 117. So, my average grade is at 118. So, I'm
6 | actually not even below three feet, or four feet,
7 | or five feet, that would not classify that as a
8 | basement. I'm above that, such as the grade
9 | difference on both streets.

10 | MR. ORTIZ: Mr. Spatz, do you agree with
11 | that analysis?

12 | MR. SPATZ: Yes, I do.

13 | MR. PRICE: Okay.

14 | It's a base -- what you're really saying is
15 | the basement is underground, so that's -- it's
16 | not a floor. Okay.

17 | MR. PEREIRA: Correct. Yeah.

18 | MR. PRICE: Last one.

19 | You got 38 parking spots on the basement
20 | level.

21 | MR. PEREIRA: Correct.

22 | MR. PRICE: And 36 -- whatever.

23 | MR. PEREIRA: And 36 on the upper floor.

24 | MR. PRICE: The Board's already talked
25 | about the size of --

1 MR. PEREIRA: Um hum.

2 MR. PRICE: -- the spaces.

3 MR. PEREIRA: Right.

4 MR. PRICE: Are there any tandem spaces in
5 there?

6 MR. PEREIRA: No tandems.

7 MR. PRICE: Okay.

8 MR. PEREIRA: That was the great thing --
9 I'm sorry -- to expand on that. That is the
10 great thing being able to use the grade as -- you
11 know, as our access to the two levels.

12 What happens a lot of times, we end up
13 being forced to design tandem spaces, because
14 when we put rents inside -- you know, a parking
15 -- a parking lot, we end up -- you know, not
16 being able to layout the spaces correctly.

17 This is -- I mean, if you -- if you looked
18 at our -- our parking plans, it's a pretty simple
19 U shaped design, so you're parking along this U,
20 which is a 24 foot, for the most part, aisle.
21 So, no tandems.

22 MR. PRICE: How -- how big is the aisle?

23 MR. PEREIRA: We have 24 foot aisles on
24 both sides. This is actually a little over 24
25 feet. And there is a section here with three

1 parking spaces, where we are under the 24. We're
2 at 22 feet something.

3 MR. PRICE: Okay.

4 MR. PEREIRA: Okay.

5 MR. PRICE: Thank you.

6 MR. PEREIRA: Thank you.

7 CHAIRPERSON CAPIZZI: Anyone else?

8 MR. ORTIZ: Have questions of this witness?

9 CHAIRPERSON CAPIZZI: Come on up.

10 MR. AVELLA: This is -- they're finished
11 now.

12 General questions. Right?

13 MR. ORTIZ: No. No, we're not finished
14 yet.

15 MR. AVELLA: Oh.

16 MR. ORTIZ: I don't think we are.

17 Counselor?

18 MR. FINK: No. No.

19 Thank you.

20 Just to clarify a point that was raised by
21 Mr. Price, I'd like to put the engineer back to
22 talk -- show exactly what the setbacks are in the
23 surrounding properties, make it totally clear.

24 So, you're going to refer now to page three
25 of ten of the --

1 MR. SAVAGE: Exhibit A-2.

2 MS. DILLON: Wait a minute, --

3 MR. FINK: The engineering plans.

4 MS. DILLON: -- Mr. Savage, let me connect
5 you for the record, please.

6 In your pocket.

7 MR. FINK: So, Exhibit A-2 is the full set
8 of plans. And he's going to be -- the board is
9 just identical --

10 MR. SAVAGE: Sheet --

11 MR. FINK: -- to sheet 3 of 10.

12 Right?

13 MR. SAVAGE: Correct.

14 MS. DILLON: Can I clarify? Because you
15 just had me mark the one sheet. You want the
16 full set?

17 MR. FINK: Oh, I thought we marked the
18 whole set of plans.

19 MS. DILLON: I took -- I marked the sheet
20 from the set.

21 MR. FINK: Oh.

22 MS. DILLON: You want the full set marked?

23 MR. SAVAGE: I don't -- I don't think we
24 need to.

25 MS. DILLON: That's up to you. I'll just

1 adjust my record.

2 MR. FINK: No. You can -- you can leave it
3 the way it is, I think.

4 MS. DILLON: Okay.

5 MR. FINK: I think.

6 Actually, what I'd like to do is I'd like
7 to mark the whole set.

8 MS. DILLON: Okay.

9 MR. FINK: I think that's -- that way, the
10 whole set --

11 MS. DILLON: Give me back --

12 MR. FINK: -- is there.

13 MS. DILLON: Okay. So, it's the full set?

14 MR. FINK: Yes. That's what I thought, but
15 I got confused.

16 MR. ORTIZ: It's your case.

17

18 (Whereupon, Site Plan (full set), was
19 received and marked as Exhibit A-2.)

20

21 MR. FINK: Okay.

22 So, I'd like you to explain the setbacks of
23 the surrounding properties, please.

24 MR. SAVAGE: Okay.

25 So, if -- first thing is to look on

1 Hackensack-Plank Road, the -- the building to the
2 south of the proposed building, as you can see on
3 this exhibit down here, the property line is
4 basically running on the building face line.

5 This line with some diagonal lines, that's
6 the building. This dashed line here is the
7 property line -- the right-of-way line.

8 So, you can see they're right on.

9 When you go to the north of the site -- you
10 know, you can, again, see the property line and
11 the building delineated here.

12 Here -- here, the building is setback,
13 might be, I think like .2, somewhere in that
14 range, foot off of the setback.

15 Now, going on to 38th Street, as you can
16 see, across the street, on the north side of 38th
17 Street, the actual right-of-way line is actually
18 -- the building's actually within the right-of-
19 way line by about .2 feet.

20 The building on 38th Street to the -- to
21 the east of the proposed building, again, is
22 right on the property line, zero foot setback.

23 MR. FINK: Thank you.

24 (Whereupon, there was a pause in the
25 proceedings.)

1 MR. FINK: I'd like now to call Randy
2 Whitt, please.

3 MR. ORTIZ: Is this your last witness?

4 MR. FINK: No. I have Mr. Whitt, who will
5 be very short. I have Mr. -- the planner. And
6 then, I will have the traffic expert.

7 MR. ORTIZ: So, you have three more
8 witnesses.

9 MR. FINK: Right. One's short, two longer.

10 MR. WHITT: Hopefully, I'm the short one.

11 MR. FINK: You're the short one. If you're
12 not, we have a problem.

13 MS. DILLON: You can just put that into a
14 pocket. This is just to record for the record.

15 Sir, please raise your right hand.

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

18 MR. WHITT: I do.

19 MS. DILLON: If you could please state your
20 name and spell it for the record?

21 MR. WHITT: My name is Randy Whitt,
22 R-A-N-D-Y, W-H-I-T-T.

23 MS. DILLON: Thank you.

24 MR. FINK: So, Mr. Whitt, you work for the
25 other co-managing member of Liberty Park at Union

1 City, LLC, in connection with a variety of
2 matters, including some involved in Liberty Park.

3 Correct?

4 MR. WHITT: Yes.

5 MR. FINK: And how long have you worked for
6 the other managing member?

7 MR. WHITT: Nine years.

8 MR. FINK: Now, you are involved in
9 connection -- well, let me do this.

10 Let me mark as Exhibit A-6, a lease
11 agreement between Liberty Park at Union City, LLC
12 and Cuban Eyes Auto Body Shop.

13 MR. ORTIZ: The tenant being whom?

14 MR. FINK: The tenant is Cuban Eyes Auto
15 Body.

16 MR. ORTIZ: Can I have a proffer as to the
17 relevance of this testimony?

18 MR. FINK: Yes.

19 This lease shows that the property -- that
20 the property was leased for commercial purposes,
21 which were the exact same requirement in the
22 Resolution passed by the Zoning Board permitting
23 the variance for Cuban Eyes.

24 And this witness will also testify that the
25 property was used consistent with this lease, as

1 a parking lot.

2 MR. ORTIZ: Again, but what's the relevance
3 to what we're talking about here?

4 MR. FINK: It just goes to one of the
5 criteria of the greyfield, that the property is
6 either a building or a vacant property used for,
7 amongst other things, commercial purposes.

8 MR. ORTIZ: I think we can take notice of
9 that. I don't think that's necessary. I mean,
10 especially with -- especially with the
11 Resolution.

12 MR. FINK: It -- it's very short, and if
13 you would just let me do it, I'd appreciate it.

14

15 (Whereupon, Lease Agreement Liberty Park at
16 Union City, LLC and Cuban Eyes Auto Body Shop was
17 received and marked as Exhibit A-6.)

18

19 MR. FINK: Okay. So -- that's A-6?

20 MS. DILLON: Yes.

21

22 (Whereupon, Ydalia Genao stepped out of the
23 proceedings at 7:27 p.m.)

24

25 MR. FINK: So, Mr. Whitt, I show you what's

1 | been marked A-6, and ask you to simply identify
2 | what it is, and how it applies to this property
3 | that's the subject of the application.

4 | THE SECRETARY: Can I have a second,
5 | please?

6 | MR. ORTIZ: Yeah. I think -- I think we
7 | have to take a --

8 | THE SECRETARY: I think we need a break.

9 | MR. FINK: Oh, okay.

10 | MR. ORTIZ: Okay. We'll take a break.

11 | THE SECRETARY: Five minute break. Just
12 | Ydalia went to the ladies room.

13 | MR. FINK: Okay.

14 | THE SECRETARY: Five minute break.

15 | Thank you.

16 | MR. ORTIZ: Ydalia had to go, so everybody
17 | take advantage.

18 |

19 | (Whereupon, the Board recessed from 7:28
20 | p.m. to 7:39 p.m.)

21 |

22 | MS. DILLON: Okay, Carlos.

23 | On the record.

24 | THE SECRETARY: May I have your attention,
25 | please?

1 We'll go back in back in business.

2 Mr. Fink, please?

3 MR. ORTIZ: I'd like --

4 MR. FINK: Yes.

5 MR. ORTIZ: I'd like to put on the record
6 one thing quickly.

7 We are -- and we were on notice of this, we
8 are going to lose our planner at eight o'clock.
9 The -- I've spoke to counsel both on this current
10 project and another project that's on the agenda,
11 without Mr. Spatz here, although we will hear the
12 other one, without Mr. Spatz here, we are not
13 going to continue the presentations, and we're
14 going to continue them next month.

15 I just want everybody to know that. We
16 could like our planner here --

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. ORTIZ: -- before we do anything with
19 -- with any of the projects any further.

20 With that being said, you do have 20
21 minutes.

22 MR. FINK: Okay.

23 Thank you very much.

24 All right, Mr. Whitt, we're back on the
25 record.

1 So, A-6, okay. That's -- we've identified
2 A-6.

3 Right?

4 MR. WHITT: Yes.

5 MR. FINK: So, now, from your knowledge,
6 Cuban Eyes Auto Body utilized the property and
7 the parking lot to park its vehicles during what
8 period of time?

9 MR. WHITT: November 2013 to March 2015.

10 MR. FINK: Thank you. That's it for this
11 witness.

12 MR. ORTIZ: Good use of time.

13 CHAIRPERSON CAPIZZI: Any questions?

14 MR. FINK: Wait a minute.

15 CHAIRPERSON CAPIZZI: Any questions of this
16 witness?

17 MR. ORTIZ: Mr. Price, do you have any
18 questions of this particular witness?

19 MS. DILLON: Hold on. Don't take it off.
20 Don't take it off. Go over there.

21 Name for the record.

22 MR. PRICE: Larry Price.

23 MR. ORTIZ: Who's been previously sworn,
24 just so I --

25 MR. PRICE: Yes.

1 MR. ORTIZ: -- want the record clear.

2 MR. PRICE: Okay. I -- the dates were from
3 November of 2013 to March of 2015?

4 MR. WHITT: Correct.

5 MR. PRICE: Okay.

6 How much of that space -- it's an 18,400
7 square foot lot. They were leasing it for the
8 purposes of parking.

9 MR. WHITT: Correct.

10 MR. PRICE: Okay. How much of the space
11 were they leasing?

12 MR. WHITT: The whole lot.

13 MR. PRICE: Including the stuff that goes
14 up at a hundred fifteen --

15 MR. WHITT: They leased the lot. They
16 parked where they could park.

17 MR. PRICE: Okay. Fine. One last
18 question.

19 You're the representative of the co-
20 managing partner of Liberty Park at Union City,
21 LLC.

22 Correct?

23 MR. WHITT: Correct.

24 MR. PRICE: Okay.

25 Is Liberty Park at Union City, LLC

1 registered with the State of New Jersey, to do
2 business in the State of New Jersey?

3 MR. WHITT: Yes.

4 MR. PRICE: It is? Okay.

5 Thank you.

6 MR. FINK: Thank you.

7 CHAIRPERSON CAPIZZI: Thank you.

8 MR. FINK: Okay. I'm on a fast track here.
9 I'm going to try.

10 All right. I'd like to call Peter Van den
11 Kooy, please.

12 MS. DILLON: That's all right. This can go
13 into a pocket, please.

14 I'm sorry. I have a bum clip here. I
15 apologize.

16 Do you have a card by any chance?

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

19 MS. DILLON: Thank you.

20 MR. VAN DEN KOOY: You're welcome.

21 MS. DILLON: Sir, please raise your right
22 hand.

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

25 MR. VAN DEN KOOY: I do.

1 MS. DILLON: If you would please state your
2 name and spell it for the record?

3 MR. VAN DEN KOOY: Peter Van den Kooy.
4 That's V as in Victor, A-N, D as in David, E-N,
5 K-O-O-Y.

6 MS. DILLON: Thank you.

7 MR. FINK: Okay. Mr. Van den Kooy, you are
8 a licensed professional planner in the State of
9 New Jersey.

10 Is that correct?

11 MR. VAN DEN KOOY: That's correct.

12 MR. FINK: And how long have you been a
13 licensed professional planner?

14 MR. VAN DEN KOOY: Approximately 11 years.

15 MR. FINK: Okay. And you are with Matrix
16 New World Engineering.

17 Correct?

18 MR. VAN DEN KOOY: Correct.

19 MR. FINK: And what is your position with
20 them?

21 MR. VAN DEN KOOY: I'm the Planning
22 Department Manager.

23 MR. FINK: And in terms of your
24 professional experience, you have testified as a
25 professional planner in -- before planning boards

1 and boards of adjustment throughout the State of
2 New Jersey.

3 Is that correct?

4 MR. VAN DEN KOOY: That's correct.

5 MR. FINK: And about how many times did you
6 say you've done that?

7 MR. VAN DEN KOOY: Probably, I would say,
8 approximately 50 times.

9 MR. FINK: Okay.

10 And that has been in connection with site
11 plans?

12 MR. VAN DEN KOOY: Yes.

13 MR. FINK: Okay.

14 MR. ORTIZ: In urban settings?

15 MR. VAN DEN KOOY: Yes.

16 MR. FINK: So, I would like to offer this
17 witness as an expert professional planner.

18 CHAIRPERSON CAPIZZI: Sure. Accept.

19 MR. VAN DEN KOOY: Thank you.

20 CHAIRPERSON CAPIZZI: You're welcome.

21 MR. FINK: Thank you.

22 So, Peter, in connection with this matter,
23 you reviewed a number of things, including the --
24 the site plans that have been previously
25 introduced into evidence, and which your firm

1 prepared.

2 Correct?

3 MR. VAN DEN KOOY: Correct.

4 MR. FINK: And the -- you've reviewed the
5 Union City -- City Zoning Ordinance.

6 Correct?

7 MR. VAN DEN KOOY: Correct.

8 MR. FINK: 2009 Master Plan.

9 MR. VAN DEN KOOY: Correct.

10 MR. FINK: Zoning map.

11 MR. VAN DEN KOOY: Right.

12 MR. FINK: The traffic report prepared by
13 McDonough and Rea Associates, dated April 4,
14 2016.

15 Correct?

16 MR. VAN DEN KOOY: Correct.

17 MR. FINK: You have also made a site visit.

18 MR. VAN DEN KOOY: Correct.

19 MR. FINK: And you've also reviewed a
20 couple of other things, which I want to go
21 through right now.

22 So, I'd like to have --

23 MS. DILLON: Just wait until you stand up,
24 sir.

25 MR. FINK: Yes.

1 MS. DILLON: Thank you.

2 MR. FINK: I'm sorry.

3 MS. DILLON: That's all right.

4 MR. FINK: I apologize. I'm trying to
5 rush.

6 I'd like to mark into evidence a document
7 which shows the chain of title and shows the
8 consolidation of these lots into one property
9 ownership over time.

10 MS. DILLON: This will be A-7.

11 MR. FINK: Correct.

12

13 (Whereupon, Chain of Title Document, Title
14 Masters, LLC, dated 3/21/16, was received and
15 marked as A-7.)

16

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

19 MR. FINK: So, when you reviewed this
20 title, it showed, did it not, the properties, the
21 deeds attached, that the property has been in
22 common ownership since at least January 4, 1988
23 to the present.

24 MR. VAN DEN KOOT: Correct.

25 MR. FINK: And by common ownership, I mean,

1 all of the lots are owned by one owner.

2 Correct?

3 MR. VAN DEN KOOT: Correct.

4 MR. ORTIZ: Just so I'm clear. Not
5 particularly this owner, but common owner.

6 MR. FINK: That's correct. It was several
7 different owners, but it was always one owner.

8 I would like to now show you -- you also
9 reviewed, did you not, Sanborn Maps for the
10 property?

11 MR. VAN DEN KOOT: Correct.

12 MR. FINK: I'd like to mark into evidence a
13 -- a one page Sanborn Map, and attached to it are
14 two blow-ups of a section of that map, so it's
15 clear.

16
17 (Whereupon, Sanborn Map (3 sheets), 1985,
18 was received and marked as Exhibit A-8.)

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

22 MR. FINK: So -- boy, I'm doing real well
23 here. I'm sorry.

24 Too much stuff. I should have brought a
25 table. I know, I'm losing time. I know.

1 MR. ORTIZ: Calm -- calm down.

2 CHAIRPERSON CAPIZZI: Table.

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

5 MR. FINK: Okay.

6 MR. ORTIZ: My comments, counselor, weren't
7 to get you upset, I just --

8 MR. FINK: No. I'm not. I'm not. I'm
9 just -- I'm really not. I'm not.

10 I do this all the time, even when I'm not
11 --

12 MR. ORTIZ: Dropping things?

13 MR. FINK: Yes. Especially when I've got
14 them perched on top of something.

15 Next -- next time I come back, I'm going to
16 bring a little table for myself.

17 Okay. So, looking at what's been marked as
18 A-8, so this is the -- the Sanborn Maps are maps
19 that are prepared by the Sanborn Company of
20 properties showing as of the date of the map,
21 what buildings and, in some cases, uses were
22 being made of those buildings.

23 Correct?

24 MR. VAN DEN KOOY: Correct.

25 MR. FINK: So, looking at A-8, now, this is

1 the Sanborn Map, and in particular, at the blowup
2 attached.

3 Now, you've reviewed these maps previously.
4 Correct?

5 MR. VAN DEN KOOY: Correct.

6 MR. FINK: And you've reviewed them in --
7 in a clear computer environment.

8 Correct?

9 MR. VAN DEN KOOY: Correct.

10 MR. FINK: So, if we look at A-8 and we
11 look at the blowup, it shows several uses on
12 there. But I want to draw your attention two in
13 particular.

14 One which is around the middle of the
15 property, and is -- and is shown in black. And
16 what is that use?

17 MR. VAN DEN KOOY: The text says stalls.

18 MR. FINK: Okay.

19 And in the back, there is an even larger
20 building that is partially outlined in black on
21 three sides. And that is -- what is that
22 building identified as?

23 MR. VAN DEN KOOY: Yeah. That's along the
24 southern boundary of the site, and it says repair
25 shop.

1 MR. FINK: Okay.

2 In your opinion, is repair shop a
3 commercial use?

4 MR. VAN DEN KOORY: Yes.

5 MR. FINK: In your opinion, would stalls be
6 likely a commercial use?

7 MR. VAN DEN KOORY: Yes.

8 MR. FINK: I want to show you the Sanborn
9 -- I want to mark, first, as A-9, the Sanborn Map
10 from 1991.

11

12 (Whereupon, Sanborn Map (1 sheet), 1991,
13 was received and marked as Exhibit A-8.)

14

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

17 MR. FINK: Okay. So, and we don't have a
18 blowup with A-9, but it's correct, is it not,
19 that it is the year 1991 showing the exact same
20 buildings and uses as in the 1985 map, which was
21 A-8?

22 MR. VAN DEN KOORY: Correct.

23 MR. ORTIZ: No, thank you.

24 Thank you.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. FINK: Okay.

3 So, now, I would like you to -- you've
4 heard all of the other testimony of all of the
5 other witnesses in this application this evening.

6 Correct?

7 MR. VAN DEN KOOT: Correct.

8 MR. FINK: Now, I'd like to draw your
9 attention to the provision of the Zoning
10 Ordinance that allows a conditional use for
11 greyfields in the zone in which this property is
12 located.

13 And you've already testified that you've
14 reviewed that, and you've already testified as to
15 some of your other knowledge.

16 And I would like to ask you if, in your
17 professional opinion, this property qualifies as
18 a greyfield, under the Ordinance standards?

19 MR. VAN DEN KOOT: It does.

20 MR. FINK: And would you just give the
21 Board the basis of your opinion?

22 MR. VAN DEN KOOT: Yeah. Absolutely.

23 So, per Section 220 -- 223-5, Definitions,
24 a greyfield is defined as a vacant building
25 and/or property formerly used for industrial

1 | purposes or commercial purposes.

2 | As further defined at 223-43d, and then it
3 | goes on to say, in addition to that, it cites the
4 | conditional use standards.

5 | And then, at Section 223-43d2 --

6 | MR. ORTIZ: Mr. Price, if you can't, it --
7 | feel free to come stand next to him, if it will
8 | be better for --

9 | MR. PRICE: I'm --

10 | MR. VAN DEN KOOY: Can you hear me okay?

11 | MR. PRICE: Yeah. Could you speak up a
12 | little?

13 | MR. VAN DEN KOOY: I'll try.

14 | MR. PRICE: Yeah.

15 | MR. FINK: You can stand here. That's
16 | okay. I don't mind.

17 | MR. PRICE: I can't take notes, though.

18 | MR. VAN DEN KOOY: So -- so, with regard to
19 | the status of the site being a formerly
20 | commercial use, as -- as we've heard and seen,
21 | the Sanborn Maps show that it was a commercial
22 | use as far back as 1905.

23 | In addition up through at least 1991,
24 | buildings existed on the site. They were the
25 | commercial buildings; the repair shop and the

1 stalls.

2 Then, those buildings were subsequently
3 demolished. And subsequent to that, there was a
4 parking lot established on the site.

5 I don't know if you want me to jump into
6 the timeline?

7 MR. FINK: No. I think we already talked
8 about the timeline of the --

9 MR. VAN DEN KOOY: Okay.

10 MR. FINK: -- of the parking lot.

11 So, in terms of -- you mean, the Google
12 Maps show that so --

13 MR. VAN DEN KOOY: Correct.

14 MR. ORTIZ: Mr. Fink, just so if -- if
15 there's a particular issue you want to get out at
16 this point, because I think we have to at least
17 preserve five minutes for Mr. Price, or anybody
18 else in the public that may have questions for
19 the testimony up to that point.

20 So, I'm just trying to give you a --

21 MR. FINK: Sure.

22 So, the greyfield, Section 223-43d provides
23 certain criteria that the -- the site plan must
24 conform to.

25 Correct?

1 MR. VAN DEN KOOY: Correct.

2 MR. FINK: And you're familiar with those
3 criteria.

4 MR. VAN DEN KOOY: Correct.

5 MR. FINK: And you've reviewed the plans.
6 Correct?

7 MR. VAN DEN KOOY: Yes.

8 MR. FINK: And do these plans conform 100
9 percent with those criteria?

10 MR. VAN DEN KOOY: They do.

11 MR. FINK: Okay.

12 MR. ORTIZ: Mr. Fink, would you like to end
13 that there?

14 MR. FINK: Yeah. I can't --

15 MR. ORTIZ: I don't want to -- I don't want
16 to --

17 MR. FINK: I can't get into the C-2
18 variance.

19 MR. ORTIZ: No.

20 MR. FINK: I mean, it's --

21 MR. ORTIZ: I -- I agree with you. That's
22 why --

23 MR. FINK: -- not a complicated variance,
24 but I can't get into it in two minutes.

25 MR. ORTIZ: I think it's -- I think it's

1 best.

2 Do any members of the Board -- I'm sorry,
3 Madam Chairwoman --

4 CHAIRPERSON CAPIZZI: Go ahead.

5 MR. ORTIZ: -- have any questions --

6 MS. MOREJON: No.

7 MR. ORTIZ: -- for this expert witness, up
8 to this point?

9 Any members of the public?

10 MR. PRICE: He's going to testify --

11 MS. DILLON: Just step forward, Mr. Price.

12 MR. PRICE: Yeah, sorry.

13 MR. ORTIZ: Yes. He's going to come back.

14 MR. PRICE: He's going to testify as to
15 variances. So, he hasn't completed his --

16 MR. ORTIZ: No.

17 MR. PRICE: -- testimony.

18 MR. ORTIZ: His testimony is not going to
19 be complete tonight, Mr. Price.

20 MR. PRICE: Okay. So, I should
21 nevertheless ask questions --

22 MR. ORTIZ: If you'd like.

23 MR. PRICE: -- on the test --

24 MR. ORTIZ: I'm giving you that
25 opportunity.

1 MR. PRICE: Okay. Yes.

2 A-7 was a Sanborn Map. What was the date
3 of that Sanborn Map?

4 MR. FINK: Hold on. I can help you.

5 That would be -- no, the Sanborn Map is
6 A-8, not A-7.

7 The A-8 Sanborn Map is 1985.

8 MR. PRICE: 1985. Okay.

9 MR. FINK: The A-9 Sanborn Map is 19 -- for
10 the year 1991.

11 MR. PRICE: Yeah. Could I see the A-8?

12 MR. FINK: Yeah. Sure.

13 There's a copy of it.

14 MR. PRICE: Okay. That, I guess is -- this
15 was -- you defined or -- or identified two uses.

16 What were the uses on this map?

17 MR. VAN DEN KOOY: Well, there's two
18 structures. Repair shop and the structure
19 labeled stalls, which is located more toward the
20 center of the site.

21 MR. PRICE: Okay. Here and here.

22 MR. VAN DEN KOOY: Yes.

23 MR. PRICE: Okay. This is the entire site,
24 the block out colors.

25 MR. VAN DEN KOOY: Correct.

1 MS. DILLON: Answer verbally.

2 MR. PRICE: Okay. How much space --

3 MS. DILLON: I'm sorry. He did.

4 MR. PRICE: How much space does this
5 occupy?

6 MR. VAN DEN KOOY: I'd have to measure it
7 to give a precise measurement, but it's -- it's a
8 structure on a portion of the site, near the
9 southern boundary. You know, between ten and 15
10 percent of the site, maybe, if -- if that.

11 MR. PRICE: If that. Okay.

12 And this?

13 MR. VAN DEN KOOY: Even a smaller
14 percentage. Maybe five percent.

15 MR. PRICE: Five percent. So, this -- this
16 is a machine shop and this is --

17 MR. VAN DEN KOOY: It says stalls. So,
18 presumably --

19 MR. PRICE: Stalls. What is -- what is a
20 stall?

21 MR. VAN DEN KOOY: That's -- I'm not a
22 hundred percent sure, based on the terminology
23 used back then, but since it's on the same site,
24 and there's no other structures that appear to be
25 residential, it seems to be an ancillary use to

1 the repair shop, although I'm not a hundred
2 percent certain.

3 MR. PRICE: Okay.

4 What's on the rest of the site, at that
5 point?

6 MR. VAN DEN KOOY: The majority of the rest
7 of the site appears to be open area. However, in
8 looking at the other properties, there's no
9 clearly defined driveway, so it may be parking
10 area, drive aisles and, presumably, vegetated
11 area, although -- I don't know. You can't really
12 tell from this map.

13 MR. PRICE: Are you saying that these were
14 the only two buildings on that lot, in 1985?

15 MR. FINK: If you know.

16 MR. PRICE: Is that --

17 MR. VAN DEN KOOY: I mean, according to
18 this map, I -- you know, those are the only two
19 structures I see outlined. That's -- that's
20 really all I have to go on.

21 MR. PRICE: Okay.

22 Okay. This was the -- this property in
23 total only came under common ownership in 1988.
24 So, this map annodates (sic) the common
25 ownership.

1 MR. VAN DEN KOOY: Right.

2 MR. PRICE: Okay.

3 MR. VAN DEN KOOY: It precedes it.

4 MR. PRICE: Do you know where these two
5 uses were -- you know, what -- what owner they
6 were -- they went to at the time?

7 MR. VAN DEN KOOY: I do not.

8 MR. PRICE: Okay. Okay.

9 That's the --

10 MR. FINK: It's A-9. That's the 19 --

11 MR. PRICE: Okay.

12 MR. FINK: -- '91 Sanborn.

13 MR. PRICE: Okay.

14 In 1991 -- this is the 1991 Sanborn. Were
15 those two structures still on the lot, or on the
16 site in 1991?

17 MR. VAN DEN KOOY: Based upon Exhibit A-9,
18 those -- those same two structures are shown on
19 this map in 1991.

20 MR. PRICE: The one here, and the one
21 there.

22 What's this doohickey in the front? Do you
23 know?

24 I'm referring to a --

25 MR. ORTIZ: A doohickey.

1 MR. PRICE: A doohickey. It's -- it's a
2 line -- it's a broken line.

3 Do you know what that is?

4 MR. VAN DEN KOOY: It appears to have the
5 letters R-O-P or R-O-D. I'm not a hundred
6 percent sure what -- what that means.

7 MR. PRICE: Okay.

8 One last question.

9 Demolition. These properties, today, it's
10 a vacant lot.

11 MR. VAN DEN KOOY: Correct.

12 MR. PRICE: You -- when would a -- when
13 were these two structures demolished?

14 MR. VAN DEN KOOY: According to aerial
15 photography I reviewed, it was between 1991 and
16 1994.

17 MR. PRICE: Okay.

18 MR. ORTIZ: Are you done, Mr. Price?

19 MR. PRICE: I'm done.

20 MR. ORTIZ: Does any other members of the
21 public have any questions for this witness?

22 With that being said --

23 MS. MOREJON: The gentleman in the back.

24 MR. VELAZQUEZ: Hold on. I know that
25 gentleman --

1 MS. MOREJON: In the back.

2 MR. VELAZQUEZ: He's been trying.

3 MS. MOREJON: He's been trying to say
4 something.

5 MR. ORTIZ: The only thing is, doesn't he
6 want to hear the whole presentation?

7 MS. MOREJON: Let's just find out.

8 MR. ORTIZ: Sir? Come forward, please.

9 MR. AVELLA: General questions, right?

10 MR. ORTIZ: Well, here's -- here -- let me
11 explain what's going on so you understand.

12 MS. DILLON: Mr. Ortiz, could I get his
13 name for the record?

14 MR. ORTIZ: Yes, please.

15 MS. DILLON: Because this is the third time
16 he's spoken.

17 MR. ORTIZ: Okay. Okay.

18 MS. DILLON: Come forward, sir.

19 CHAIRPERSON CAPIZZI: Come forward, please.

20 MR. AVELLA: Thank you.

21 MS. DILLON: Sir, just come up to that
22 microphone, and could you state your name and
23 spell it for me?

24 MR. AVELLA: Angelo Avella, A-V-E-L-L-A.

25 MS. DILLON: A-V --

1 MR. AVELLA: V-E-L-L-A.

2 MR. ORTIZ: Mr. Avella, let me explain what
3 -- what's going on. And then, if you have a
4 question, or a comment, you're more than welcome
5 --

6 This matter's going to be adjourned until
7 our next meeting, next month.

8 MR. AVELLA: Next month.

9 MR. ORTIZ: The presentation is not
10 complete. We surely would give you an
11 opportunity, if you want to say something
12 tonight, you can, or did you -- or you can --

13 MR. AVELLA: For a few minutes. I may as
14 well, you know.

15 MR. ORTIZ: Okay.

16 MR. AVELLA: Now, first of all --

17 MS. DILLON: Would you like him sworn?

18 MR. AVELLA: Oh.

19 MR. ORTIZ: Yes, please.

20 MS. DILLON: Okay.

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

23 MR. AVELLA: Yes.

24 MS. DILLON: Just state your name and --
25 and --

1 MR. AVELLA: Okay.

2 MS. DILLON: If you could state your
3 address, also.

4 MR. AVELLA: Okay. Angelo Avella,
5 A-V-E-L-L-A, 644 36th Street.

6 MS. DILLON: Thank you.

7 MR. AVELLA: Okay. I'm not -- this
8 technical stuff, I don't know understand. The
9 greyfield and Cuban Eyes.

10 I know this is a paint garage there, but I
11 don't know what this has to do with the lot.

12 Now, parking in that -- that place, I mean,
13 if -- if I'm on the property, I want a parking
14 lot, I have to come to you to get a permit.

15 Is that right?

16 MR. ORTIZ: To park?

17 MR. AVELLA: I want to build a parking lot.

18 MR. ORTIZ: Just a parking lot.

19 MR. AVELLA: A parking lot.

20 MR. ORTIZ: Well, likely, yes, but --

21 MR. AVELLA: Okay.

22 Well, this area is not a parking lot.

23 There's weeds. Whatever -- there was a little
24 space there. People from the -- across the
25 street, they used to park there.

1 Did the owner receive rent?

2 MR. FINK: From Cuban Eyes, he did. Yes.
3 He just testified that. There's a lease.

4 MR. AVELLA: Did they get a permit for the
5 parking lot?

6 MR. ORTIZ: I can't speak to that, Mr. --

7 MR. AVELLA: Okay. Well, I'm just -- just
8 curious.

9 Second.

10 At the same meeting, I forgot how long ago,
11 I was there, too. I asked a question. Before,
12 in the area, there was a problem with some hazard
13 material. Some State agencies came in. They run
14 around, they ask questions, they went into your
15 basement.

16 I asked a question. I don't think it was
17 this gentleman, but some other --

18 MR. ORTIZ: Well --

19 MR. AVELLA: -- attorney said I will look
20 into it, and then I'll report next meeting.

21 Now, did this gentleman report next
22 meeting?

23 MR. ORTIZ: You know, I'm not quite sure
24 what you're referring to. That's the problem.

25 MR. AVELLA: Well --

1 MR. ORTIZ: The answer -- the answer is,
2 this attorney wasn't here. And I'm talking as to
3 myself.

4 MR. AVELLA: Yeah. I talk about the
5 properties. We talk about the same property.
6 Yeah.

7 MR. ORTIZ: We're talking about this same
8 property?

9 MR. AVELLA: Yeah. Yeah.

10 MR. ORTIZ: Okay. Mr. Avella, I -- I don't
11 know about anybody stating that -- this is the
12 first time I'm seeing --

13 MR. AVELLA: Well, if we go -- I mean --

14 MR. ORTIZ: -- a project on this property.

15 MR. AVELLA: This is the reason we tape
16 this. If you go back to the record --

17 MR. ORTIZ: No. But Mr. Avella, -- what
18 I'm trying to say is this --

19 MR. AVELLA: Yeah. I understand. Yeah.

20 MR. ORTIZ: -- on this particular property,
21 and this particular project, this is the first
22 time -- and I've been here for a long time at
23 this point, but this is the first time I've seen
24 a -- a proposal for this piece of property.

25 MR. AVELLA: There was a proposal for

1 sixty-something --

2 MR. ORTIZ: Oh, it was the Zoning Board?

3 Oh.

4 MR. AVELLA: Yeah. Yeah. Yeah.

5 MR. FINK: Board of Adjustment.

6 MR. ORTIZ: It's a different --

7 MR. AVELLA: Yeah.

8 MR. ORTIZ: That's not --

9 MR. AVELLA: Yeah.

10 MR. ORTIZ: -- this Board Mr. Avella.

11 MR. AVELLA: Okay. Well, you know. I
12 mean, there could be a problem with hazardous
13 material there.

14 MR. ORTIZ: Mr. Avella --

15 MR. AVELLA: Okay. I'm just let him know
16 --

17 MR. ORTIZ: No, no, no. No, no, no.

18 MR. AVELLA: So --

19 MR. ORTIZ: I -- I --

20 MR. AVELLA: -- if ten years from now,
21 children get sick, they know.

22 MR. ORTIZ: If there is a problem with this
23 property, Mr. Avella, you can --

24 MR. AVELLA: Okay.

25 MR. ORTIZ: -- bet that the City, State

1 agencies would address that issue. And --

2 MR. AVELLA: Okay.

3 MR. ORTIZ: Any digging up of this
4 property, say if there's oil there or something
5 like that, would be stopped and would have -- and
6 would have to be addressed accordingly.

7 MR. AVELLA: Okay.

8 Second, I'm talking now geology there.
9 Okay. I'm sure the engineer has tested the
10 bedrock.

11 Pretty strong, solid there.

12 Right?

13 MR. VAN DEN KOOY: I can't, I'm a planner.

14 MR. AVELLA: Oh, who was the engineer?

15 MR. VAN DEN KOOY: I can't talk to that.

16 MR. AVELLA: I'm sorry.

17 Right? It's bedrock in that area.

18 MR. SAVAGE: There is -- there is bedrock.

19 MR. AVELLA: There is bedrock.

20 MS. DILLON: Come forward, Mr. Savage,
21 please.

22 MR. AVELLA: So, eventually, you have to
23 dynamite.

24 Right?

25 MR. SAVAGE: We have -- just to be on the

1 | record, we have not done the structural testing
2 | of the bedrock at this stage. But -- so, I
3 | can't, at this stage, tell you how they're going
4 | to remove that rock. But I mean, obviously, some
5 | rock --

6 | MR. AVELLA: But your experience --

7 | MR. SAVAGE: I'm not a structural engineer.
8 | Not a geo-technical engineer.

9 | MR. AVELLA: Geo --

10 | So, next time you're going to bring a geo-
11 | technical engineer.

12 | MR. FINK: No.

13 | MR. AVELLA: No?

14 | MR. FINK: Not necessarily.

15 | MR. ORTIZ: Mr. Avella, when it come --

16 | MR. AVELLA: My question is -- my question
17 | is --

18 |

19 | (Whereupon, David Spatz left the meeting at
20 | 8:03 p.m.)

21 |

22 | CHAIRPERSON CAPIZZI: Um hum.

23 | MR. AVELLA: -- I know the area. Okay.
24 | Solid bedrock.

25 | Now, if they're going to drill, okay, the

1 | houses going to shake. There's going to be a
2 | bond there if they damage the property, next
3 | block or next block?

4 | MR. ORTIZ: Well, I could -- well,
5 | counselor, you want to answer that?

6 | MR. AVELLA: Yeah. You going to have a
7 | bond?

8 | MR. FINK: Well, I don't know whether
9 | they're going to have a bond because that's not
10 | really what would come before the Board,
11 | normally.

12 | But I can -- I can assure you that they
13 | will have to get a permit in order to be able to
14 | do this work.

15 | And I have no doubt that the town will
16 | apply the proper standards to do it. And I have
17 | no doubt that my client will do that.

18 | MR. AVELLA: I understand that. Okay.

19 | All right. Following this, if there --
20 | assuming this -- they have to blast, when they
21 | going to do it? They're going to close --

22 | MR. ORTIZ: Mr. Avella, all these --

23 | MR. AVELLA: -- Plank Road. Now, there --
24 | there are people there. One lady told me --

25 | MR. ORTIZ: All these questions though, Mr.

1 Avella --

2 MR. AVELLA: Yeah.

3 MR. ORTIZ: I could -- I could answer your
4 question, because I -- and I understand where
5 you're going with this, because I grew up in the
6 area so I do know --

7 MR. AVELLA: Good.

8 MR. ORTIZ: -- the bluestone and I know --

9 MR. AVELLA: Yeah. No. Okay.

10 MR. ORTIZ: I know what you're referring
11 to, but these are all questions, really, that
12 this Board can't address. These are Buildings
13 Department questions.

14 These are the experts that are -- that's
15 why we have a Buildings Department, because
16 there's experts in that department that address
17 these kind of issues.

18 We -- this Board has no specific control
19 over construction, because we're not specialists
20 in --

21 MR. AVELLA: In this particular area.

22 MR. ORTIZ: -- in this area. That's why we
23 have a whole Buildings Department, where people
24 that have licenses in these particular areas.
25 Whether it's -- you know, housing or -- or

1 construction, that -- we've got to leave that to
2 the experts.

3 MR. AVELLA: Okay. The reason why I'm
4 saying, just to let people know that there are a
5 lot of working people going to Secaucus, work in
6 the hotels there, so forth.

7 I was just talking to a young lady, a
8 single mother on my block, says, I work in a
9 hotel there. If they going to close the road, I
10 might -- won't be able to work, the 85, lala.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. AVELLA: That's the only place that
13 goes.

14 CHAIRPERSON CAPIZZI: -- down there.

15 MR. AVELLA: There's no other way of
16 getting to Secaucus if you close that road.

17 MR. ORTIZ: I think --

18 MR. AVELLA: I'm not you. No, no, no, no.

19 MR. ORTIZ: I can assure you this much. I
20 can assure you that the City of Union City is not
21 going to do anything to obstruct people's current
22 lifestyle and their ability to get to work,
23 regardless of what the developer wants to do.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. AVELLA: Okay. The -- these are my

1 only concerns.

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. AVELLA: And structure -- damage that
4 could happen.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. AVELLA: And inconvenience to people.
7 Lot of inconvenience to people, because that road
8 is used.

9 MR. ORTIZ: I understand.

10 MR. AVELLA: Okay.

11 MR. ORTIZ: I understand, Mr. Avella.

12 MR. AVELLA: Okay.

13 Thank you.

14 CHAIRPERSON CAPIZZI: Thank you.

15 MR. ORTIZ: You're more than welcome, sir.

16 CHAIRPERSON CAPIZZI: Thank you for your
17 comments.

18 MR. ORTIZ: At this point, we -- we will be
19 adjourning this presentation until our next
20 meeting in May.

21 CHAIRPERSON CAPIZZI: May, which is --

22 MR. ORTIZ: Wow, this year went fast.

23 CHAIRPERSON CAPIZZI: Right.

24 MR. ORTIZ: Can I have a motion to adjourn
25 this matter?

1 THE SECRETARY: Motion to adjourn this
2 application for May 21 -- 24 -- I'm sorry --

3 MS. DILLON: Thank you.

4 THE SECRETARY: -- 2016. No new notice
5 required, by Diane Capizzi.

6 Second by Alicia Morejon.

7 Roll call on the motion to adjourn this
8 application.

9 Ydalia Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Alicia Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Diane Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Jay Shah?

16 MR. SHAH: Yes.

17 THE SECRETARY: Alejandro Velazquez?

18 MR. VELAZQUEZ: Yes.

19 THE SECRETARY: Jose Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: The motion carries. Six in
22 favor.

23 MR. ORTIZ: There will be no new notice for
24 the 24th.

25 MR. FINK: Of May.

1 MR. ORTIZ: Right.

2 MR. FINK: Okay.

3 Thank you.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 A VOICE: Thank you.

6 Good night.

7 MR. ORTIZ: Good night.

8 CHAIRPERSON CAPIZZI: Good night.

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1 **3100 Bergenline LLC - 3100 Bergenline Avenue:**

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3 MR. ORTIZ: Bianca, would you like to just
4 put your notice in on that other one?

5 THE SECRETARY: Next application,
6 tonight's agenda, Manuel Henriquez, 217 46th
7 Street.

8 MR. ORTIZ: No, it's -- it's the other one.
9 We're going to just take her notice, Bianca's
10 notices, because that one's going to be
11 adjourned, as well.

12 THE SECRETARY: Which one?

13 MS. PEREIRAS: 3100.

14 MR. ORTIZ: 3100.

15 Sorry.

16 THE SECRETARY: Let me refresh, please.

17 Again, please, next application on
18 tonight's agenda, 3100 Bergenline --

19 MS. MOREJON: Good night.

20 CHAIRPERSON CAPIZZI: Good night.

21 THE SECRETARY: -- Avenue, LLC, 3100
22 Bergenline Avenue.

23 Mrs. Pereiras, please?

24 MS. PEREIRAS: Thank you.

25 Bianca Pereiras, on behalf of the

1 applicant.

2 MR. ORTIZ: Madam Chairwoman, I've reviewed
3 the submissions by counsel. And everything seems
4 to be in order, giving jurisdiction to the Board.

5 I've spoken to counsel, as well, and
6 explained to her that a project of this volume
7 and size, the Board would prefer to move forward
8 with the presence of our planner.

9 I believe she's consented to that --

10 MS. PEREIRAS: Yes. Absolutely.

11 MR. ORTIZ: -- based on our conversation.

12 So with that being said, I would need a
13 motion to adjourn this. No new notices will be
14 provided for this application.

15 CHAIRPERSON CAPIZZI: I'll make a motion.

16 THE SECRETARY: Motion by Diane Capizzi.

17 MR. VELAZQUEZ: I second.

18 THE SECRETARY: Second by Mr. Alejandro
19 Velazquez.

20 Roll call on the motion.

21 Ydalia Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Alicia Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Diane Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Jay Shah?

3 MR. SHAH: Yes.

4 THE SECRETARY: Alejandro Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Jose Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Six in favor. Motion
9 carries. No new notice required. Next meeting
10 would be May 24, 2016.

11 Thank you.

12 MS. PEREIRAS: Thank you.

13 MR. ORTIZ: This is the other one. I'm
14 giving you that back and here's the notices for
15 3100.

16 Okay.

17 Thank you.

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1 **Manuel Henriquez - 217 46th Street:**

2

3 THE SECRETARY: Next application, tonight's
4 agenda, Manuel Henriquez, 217 46th Street.

5 Mrs. Pereiras, please?

6 MS. PEREIRAS: Thank you.

7 Bianca Pereiras on behalf of Manuel
8 Henriquez.

9 MR. ORTIZ: Madam Chairwoman, I've had an
10 opportunity to review the submissions by counsel.
11 Everything seems to be in order, giving
12 jurisdiction to this Board.

13 CHAIRPERSON CAPIZZI: Okay.

14 MS. PEREIRAS: Thank you.

15 THE SECRETARY: Thank you, sir.

16 MR. ORTIZ: Thank you, sir.

17 MS. PEREIRAS: This is for property located
18 at 217 46th Street, also known as Block 271, Lot
19 24.

20 Our application before the Board this
21 evening is to legalize a basement apartment, and
22 we're converting from a two family to a three.

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

1 MS. DILLON: Please raise your right hand.

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

4 MR. PEREIRAS: I do.

5 MS. DILLON: Please state your name for the
6 record.

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

10 MS. DILLON: Thank you.

11 MR. ORTIZ: I believe that Mr. Pereiras has
12 testified --

13 CHAIRPERSON CAPIZZI: Yup.

14 MR. ORTIZ: -- before this Board one or --

15 CHAIRPERSON CAPIZZI: Yes.

16 MR. ORTIZ: -- two times.

17 CHAIRPERSON CAPIZZI: Proceed.

18 MS. PEREIRAS: Thank you.

19 Mr. Pereiras, are you familiar with 217
20 46th Street?

21 MR. PEREIRAS: I am.

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

24 MR. PEREIRAS: I have.

25 MS. PEREIRAS: And can you please describe

1 the proposed project for the Board?

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

3 It's a very simple project. It's a -- it's
4 a conforming lot. It's a 25 by a hundred. It's
5 on the south side of 46th Street, right off of
6 Roosevelt School. It's a preexisting building,
7 and we're not making any changes to the exterior
8 of it. It's actually a nice brick building.

9 There's a photograph on -- on the front of
10 -- of the page. I'm referring to the same
11 drawings that were submitted before this Board.

12 Right now, I'm looking at Sheet Z01. In
13 Sheet Z01, we can see the site plan. We could
14 see that our first existing nonconformity is the
15 front yard setback. The existing porch is
16 actually built up and it's right on the property
17 line.

18 We also have existing nonconformities for
19 our side yards, because the building is touching
20 the side yard on both sides.

21 However, it has this very nice indenture,
22 where it's the entrance to the -- to the basement
23 apartment that we're legalizing today.

24 So, it's very nice that this apartment has
25 its own independent entrance, right from the

1 street.

2 We're modifying that entrance and
3 excavating it a little bit further. There were
4 two steps along here. We're eliminating those
5 steps along the side and putting them along --
6 and -- and changing the pitch of the -- of the
7 sidewalk here, or the -- the path, in order to
8 create an egress window for the bedroom, so it's
9 going to be a much larger window. And it's going
10 to be a direct entrance into the apartment, which
11 enters right into the living room.

12 So, you bypass the front of the building,
13 you walk along the side, and you enter into the
14 living room space. It's open layout, where it's
15 living room, dining room, kitchen, nice size.
16 There's a small dent to the back or the corner of
17 the apartment.

18 And then there's a nice size bedroom that
19 we're creating new along the front of the
20 building, which is an eight foot ten inch, by
21 nine foot six, plus a walk-in closet that's
22 provided there, as well.

23 Everything -- like I've said before, this
24 new apartment that we're legalizing is an
25 opportunity to make this into a Code compliant

1 structure. So, everything that the Building
2 Department requires will be done. There will --
3 it will have a limited area sprinkler system.
4 There will be a two hour fire separation between
5 this unit and everything else within this
6 structure. And it will have a low voltage alarm
7 system and everything else that's required by
8 both the State and local municipality Codes.

9 There is something else to point out. The
10 -- the front of this floor plate is also duplex
11 with the apartment above. So, if you're in the
12 first floor apartment, you could come down the
13 steps and they currently use it like a home
14 office. They keep their -- they keep their desk
15 there and the -- and the gentleman who lives
16 there works at that home office.

17 MR. ORTIZ: And that's going to remain that
18 way?

19 MR. PEREIRAS: And that's going to remain.
20 No changes are -- are proposed to that. So --

21 MR. ORTIZ: And this unit was already here
22 or --

23 MR. PEREIRAS: It was. It's already there.
24 It looks like it's been there for a very long
25 time. No work has been done to it in a long

1 time.

2 MR. ORTIZ: Not the duplex part. I'm
3 talking about the --

4 MR. PEREIRAS: Both parts.

5 MR. ORTIZ: -- basement.

6 MR. PEREIRAS: Yeah. Both parts have been
7 there. It's definitely been lived in for a long
8 time.

9 MR. VELAZQUEZ: I wouldn't be -- I wouldn't
10 be able to use the bathroom in the first floor,
11 or the second floor.

12 MR. PEREIRAS: So, there's two bathrooms.
13 Yeah. The person from the first floor can come
14 down. They have their home office, and they have
15 the bathroom, and then the other -- the other
16 people have the bathroom on the other side.

17 MR. VELAZQUEZ: I only say that because I'm
18 six one.

19 MR. PEREIRAS: Yeah. The entire apartment
20 the ceiling height is actually only seven four,
21 but it's Code compliant.

22 MR. ORTIZ: And again, I'll remind the
23 Board that every one of our Resolutions has a
24 boilerplate clause that says that the applicant
25 must comply with all local and State regulations,

1 and --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. ORTIZ: -- and Ordinances, laws, so and
4 so forth.

5 So, it's covered in -- in our standard
6 Resolution, in any case.

7 MR. PEREIRAS: And so the Board knows,
8 bathroom sizes are predicated on how many units
9 you have. So, once you have four units or more,
10 it triggers different ADA laws. When you have
11 three units or less, the bathroom could be small.
12 And that's what we have here. It's a preexisting
13 condition.

14 MR. ORTIZ: You're not renting that
15 apartment.

16 MR. PEREIRAS: Yeah.

17 CHAIRPERSON CAPIZZI: No.

18 MR. PEREIRAS: Not for you.

19 CHAIRPERSON CAPIZZI: Does any Board member
20 -- any other Board member have any questions or
21 comments?

22 MR. ORTIZ: Member of the public?

23 CHAIRPERSON CAPIZZI: No?

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

1 MR. ORTIZ: No conditions extraordinary.

2 THE SECRETARY: Motion to approve the
3 application by Diane Capizzi.

4 Second by?

5 MR. VELAZQUEZ: Second.

6 THE SECRETARY: Thank you, Mr. Velazquez.
7 Roll call on the motion.

8 Ydalia Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Alicia Morejon?

11 MS. MOREJON: Yes.

12 THE SECRETARY: Alicia?

13 MS. MOREJON: Yes. Yes.

14 THE SECRETARY: Diane Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 MS. MOREJON: Oh, Diane Capizzi --

17 MR. ORTIZ: That was three yes's by the
18 way.

19 THE SECRETARY: Jay Shah?

20 MR. SHAH: Yes.

21 THE SECRETARY: Alejandro Velazquez?

22 MR. VELAZQUEZ: Yes.

23 THE SECRETARY: Jose Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Six in favor. Motion

1 carries.

2 MS. PEREIRAS: Thank you all very much.

3 I'll see you next month.

4 MR. PEREIRAS: Thank you.

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1 **ADJOURNMENT:**

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

6 CHAIRPERSON CAPIZZI: I'll make a motion.

7 THE SECRETARY: Motion by Diane Capizzi.

8 MR. VELAZQUEZ: Second.

9 MR. ORTIZ: All in favor?

10 THE SECRETARY: Second by --

11 MS. MOREJON: Aye.

12 THE SECRETARY: -- Alejandro Velazquez.

13 All in favor say aye?

14

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

16

17 MR. ORTIZ: Ayes have it.

18 CHAIRPERSON CAPIZZI: Ayes have it.

19

20 (Whereupon, the proceedings were concluded
21 at 8:16 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

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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, April 26, 2016 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon