

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, May 24, 2016
Commencing at 6:10 p.m.

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

YDALIA GENAO, Mayor's Designee
CAROLINA FERNANDEZ
JEANNE KOEHLER, Vice Chairperson
RUDY RIVERO
FRANKLIN MEDINA
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
ALICIA MOREJON
JAY SHAH

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

CARLOS VALLEJO, Secretary to the Board

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

DAVID SPATZ, Consultant,
Community Housing & Planning Associates, Inc.
(Left at 7:08 p.m.)

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

MESSRS. CHIESA, SHAHINIAN & GIANTOMASI

BY: THOMAS J. TRAUTNER, JR., ESQ.,

Attorney for Applicant, PBG Realty Associates, LLC

MICHAEL R. FINK, ESQ.,

Attorney for Applicant,

Liberty Park at Union City, LLC

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant, 3100 Bergenline LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	7
SALUTE TO FLAG	8
ROLL CALL	8
RESOLUTIONS	10
RE-MEMORIALIZED RESOLUTION	12
HEARINGS	
Liberty Park at Union City, LLC	18
3100 Bergenline, LLC	94
ADJOURNMENT	135

I N D E X

PBG Realty Associates, LLC -
2207 Summit Avenue

PUBLICPAGE

Larry Price

14

I N D E XLiberty Park at Union City, LLC
649-651 38th Street

<u>WITNESS</u>	<u>PAGE</u>
Peter Van den Kooy	20
Jay Troutman	67
 <u>SWORN PUBLIC</u>	
Larry Price	47/83

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-10	Zoning Board of Adjustment Resolutions	19
A-11	Sanborn Map, 1994	21
A-12	EDR-City Directory Image Report	23
A-13	Trip Generation Report	71
 O-1	Handout by Larry Price	84

I N D E X

3100 Bergenline, LLC
3100 Bergenline Avenue

WITNESSPAGE

John Montoro
Craig Peregoy

96
123

SWORN PUBLIC

Larry Price

121

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

3 MR. EYERMAN: We'll do it on the record.
4 We'll do it on the record.

5 THE SECRETARY: Please take notice that on
6 Tuesday, May 24, 2016, at six p.m., a Regular
7 Meeting is scheduled for the City of Union City
8 Planning Board to be held in the Municipal
9 Chamber of the City Hall, 3715 Palisade Avenue,
10 Union City, New Jersey.

11 Opening statement.

12 This is a meeting called in compliance with
13 Chapter 231, Public Law 1975 of the Open Public
14 Meetings Act.

15 Notice of this meeting has been provided as
16 follows:

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

24 Before we call roll for this evening,
25 everybody kindly raise to salute the flag,

1 please.

2

3 (Whereupon, the Pledge of Allegiance was
4 said by all.)

5

6 **ROLL CALL:**

7

8 THE SECRETARY: Roll call for tonight's
9 meeting.

10 Mayor Brian P. Stack? Absent.

11 Ydalia Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Commissioner Valdivia?
14 Absent.

15 Alicia Morejon? Absent.

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Diane Capizzi?

18 CHAIRPERSON CAPIZZI: Here.

19 THE SECRETARY: Carolina Fernandez?

20 MS. FERNANDEZ: Here.

21 THE SECRETARY: Rudy Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Jay Shah? He's absent.

24 Franklin Medina?

25 MR. MEDINA: Here.

1 THE SECRETARY: Mrs. Koehler?

2 VICE CHAIRPERSON KOEHLER: Here.

3 THE SECRETARY: Alejandro Velazquez?

4 MR. VELAZQUEZ: Here.

5 THE SECRETARY: Jose Guareno?

6 MR. GUARENO: Here.

7 THE SECRETARY: Let the record indicate
8 that eight present.

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) 808-810 21st Street, LLC - 917 21st Street
4 and 808-810 21st Street, Block: 117 & 106, Lots:
5 13, 20 & 21. Resolution was memorialized March
6 26, 2013. Applicants seeking one (1) year
7 extension. Approved.

8 (2) Lorgia, LLC - 2023 Kerrigan Avenue, Block:
9 106, Lots: 22-24 and 61. Resolution was
10 memorialized July 24, 2012. Applicants seeking
11 one (1) year extension. Approved.

12 (3) Manuel Henriquez - 217 46th Street, Block:
13 271, Lot: 24. Legalization of basement apartment
14 unit in an existing two family house. Conversion
15 from two to three units. Approved.

16

17 THE SECRETARY: We have three Resolution on
18 tonight's agenda.

19 First Resolution, 808-810 21st Street, LLC,
20 917 21st Street.

21 Second Resolution, Lorgia, LLC, 2023
22 Kerrigan Avenue.

23 Third Resolution, Manuel Henriquez, 217
24 46th Street.

25 Can I have a motion to adopt these

1 Resolutions?

2 MR. VELAZQUEZ: I make a motion.

3 THE SECRETARY: Motion by Alejandro
4 Velazquez.

5 Second by?

6 MR. GUARENO: Second.

7 THE SECRETARY: Yeah. Jose Guareno.

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

10 Ydalia Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Diane Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Alejandro Velazquez?

15 MR. VELAZQUEZ: Yes.

16 THE SECRETARY: Jose Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Four in favor, and two
19 absents.

20 Motion carries.

21 Thank you.

22 * * *

23

24

25

1 **RE-MEMORIALIZED RESOLUTION:**

2

3 (1) PBG Realty Associates, LLC - 2207 Summit
4 Avenue, Block: 120, Lots: 12-20 & 33. Proposed
5 18 story mixed use building, 260 residential
6 units and two commercial units, 307 parking
7 spaces. Applicant's application was approved at
8 March 22, 2016 meeting.

9

10 THE SECRETARY: The next item on -- on this
11 agenda is re-memorialize a Resolution for PBG
12 Realty, LLC, 2207 Summit Avenue.

13 This applicant's application was approved
14 on March 22nd, 2016.

15 Can I have a motion to re-memorialize this
16 Resolution?

17 VICE CHAIRPERSON KOEHLER: Motion.

18 THE SECRETARY: Motion by Mrs. Koehler.

19 Second by?

20 The only persons to vote on this is Ydalia
21 Genao, Mrs. Jeanne Koehler, Rudy Rivero and Jay
22 Shah.

23 Can I have a second on the motion, please?

24 Second by Ydalia Genao.

25 MR. EYERMAN: Just -- just for -- just for

1 the record, this is the same Resolution that was
2 passed before, it's just being re-memorialized.

3 Correct?

4 THE SECRETARY: Yeah, only a typo was
5 corrected on the Resolution.

6 MR. EYERMAN: And the typo was that --
7 instead of passing, counsel, you want to tell me
8 exactly what the typo was?

9 MR. TRAUTNER: Certainly.

10 In the fifth whereas clause --

11 MR. DILLON: Excuse me?

12 I need you to come forward.

13 THE SECRETARY: Let me --

14 MR. TRAUTNER: I apologize.

15 THE SECRETARY: Let me --

16 Okay. Go ahead. Go ahead.

17 I'm sorry.

18 MR. DILLON: I just need you to stand at
19 the mic.

20 MR. TRAUTNER: Certainly.

21 My name is Thomas Trautner. I'm the
22 attorney for PBG Associates, from Chiesa,
23 Shahinian and Giantomasi.

24 In the fifth whereas clause of Resolution,
25 there was a typographical error that indicate

1 | that the application was for a variance, pursuant
2 | to N.J.S.A. 40:55D-70D.

3 | In fact, this was an application for site
4 | plan approval.

5 | Similarly, in the sixth whereas clause,
6 | Exhibit A-1 is marked as an application for
7 | variance. It was, in fact, an application for
8 | site plan.

9 | So, the -- my understanding is the amended
10 | Resolution, which you're considering tonight,
11 | clarifies and corrects that typographical error.

12 | MR. EYERMAN: Okay.

13 | Thank you.

14 | MR. PRICE: Okay.

15 | Larry Price, 1006 Pal --

16 | THE SECRETARY: Mr. Price, allow me to just
17 | --

18 | MR. PRICE: What?

19 | THE SECRETARY: Go ahead. Go ahead.

20 | MR. PRICE: Okay.

21 | I'm going to object to this re-
22 | memorialization, because what Mr. Trautner is --
23 | I have filed a prerogative writ action in
24 | Superior Court against that Resolution.

25 | And one of the things cited in my compliant

1 was the fact that the Resolution was improperly
2 drafted.

3 Okay.

4 And this is an after the fact attempt to
5 try and ameliorate that complaint.

6 This is entirely improper. I think it is
7 improper of this Board to even consider this
8 Resolution.

9 I object to it.

10 THE SECRETARY: On the typo --
11 typographical error -- you know, corrected --

12 MR. PRICE: It's not a typographical error.

13 THE SECRETARY: Allow me to speak, Mr.
14 Price, please.

15 -- was corrected by Mr. Ortiz.

16 MR. PRICE: It was not --

17 THE SECRETARY: Right.

18 MR. PRICE: -- a typographical error. It's
19 his standard Resolution. And I pointed out that
20 it had -- you know, no relevance here.

21 THE SECRETARY: Right.

22 MR. PRICE: Okay. I'm attacking that
23 Resolution.

24 And what you're trying to do is after the
25 fact, pretty it up so that -- as to take away the

1 venom in my complaint.

2 And that is improper. You are a defendant.
3 This Board is a defendant in Superior Court. And
4 to attempt to try and pretty up -- you know, is
5 -- is improper.

6 I object to it. This Board cannot consider
7 that Resolution.

8 THE SECRETARY: For the record --

9 MR. EYERMAN: Wait a minute.

10 Yeah, I'm going to -- we're going to note
11 your objection.

12 I think that the issue here is that it goes
13 in front of the Superior Court, and the Superior
14 Court can make the decision based on that.

15 We're going to -- we're going to fix the
16 Resolution. We'll let the court decide.

17 MR. PRICE: But the approval was the
18 original approval. That approval is not
19 changing.

20 MR. EYERMAN: The approval's not changing,
21 but we're clarifying what we're considering a
22 typographical error, instead of -- instead of a D
23 variance, we're giving a site plan approval.

24 To me, that's a typographical error --
25 error that was in the Resolution. Doesn't really

1 change anything. It doesn't change anything
2 substantively inside the Resolution.

3 If you say it does, then it's up for --
4 it's up for the Superior Court, then, to decide.

5 MR. PRICE: Okay. My objection is noted on
6 the record.

7 MR. EYERMAN: It's noted and -- and we'll
8 deal with it then.

9 MR. PRICE: Okay.

10 MR. EYERMAN: Thank you, sir.

11 THE SECRETARY: All right.

12 Motion to adopt this Resolution was by Mrs.
13 Koehler.

14 Second by Ydalia Genao.

15 Roll call on the motion.

16 Ydalia Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Rudy Rivero?

19 MR. RIVERO: Yes.

20 THE SECRETARY: Mrs. Koehler?

21 VICE CHAIRPERSON KOEHLER: Yes.

22 THE SECRETARY: Three -- three in favor.

23 Motion carries. Two absent.

24 Thank you.

25 * * *

1 **Liberty Park at Union City, LLC -**
2 **649-651 38th Street:**

3

4 THE SECRETARY: We are going to move to the
5 first application, Liberty -- Liberty Park at
6 Union City, LLC, 649-651 38th Street.

7 Mr. Fink, please?

8 MR. FINK: Thank you.

9 Michael R. Fink, continuing to appear for
10 the applicant.

11 You're welcome.

12 Madam Chairwoman and members of the Board,
13 this is the continuation of the application for
14 site plan --

15 CHAIRPERSON CAPIZZI: Yes.

16 MR. FINK: -- approval.

17 So, at the last hearing, a resident, I
18 guess, of the town came and raised the issue that
19 there had been prior applications in connection
20 with the same piece of property. And there was
21 some confusion there. And I have since
22 determined what that was about, and I would like
23 to make sure the record is clear, and the Board
24 will know what this is about.

25 So, the applicant had previously, in 2006

1 or '07, I was not the attorney, but had made
2 application to the Zoning Board of Adjustment for
3 a ten story, 93 unit building on this parcel of
4 property.

5 The Zoning Board of Adjustment passed a
6 Resolution approving it, and then they also
7 passed a subsequent Resolution, readopting that
8 Resolution.

9 I have those here. I'd like to mark them
10 and introduce them.

11 This would be, I think, A-10.

12 They're -- they're stapled together for
13 convenience.

14
15 (Whereupon, Zoning Board of Adjustment
16 Resolutions were received and marked as Exhibit
17 A-10.)

18
19 MR. FINK: So, when we left off, we were in
20 the testimony that had begun by our professional
21 planner, Mr. Van den Kooy.

22 I'd like to now ask him to come up and
23 we'll resume his testimony.

24 MR. EYERMAN: Counsel, maybe you want to
25 give us a brief summation of what he's already

1 testified to. We can pick it up right from
2 there.

3 MR. FINK: Sure.

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

6 MR. VAN DEN KOOY: Sorry.

7 MR. FINK: Okay. So, during his prior
8 testimony, which we had really just begun, he had
9 testified as to what he had reviewed, in terms of
10 preparing his testimony for today.

11 He had been qualified as an expert as a
12 professional planner.

13 He had begun to introduce certain
14 documents, and we have a couple more documents
15 we'd like him to introduce, and then we'll be
16 getting more deeply into his testimony.

17 So, one of the documents that you --

18 MR. DILLON: Excuse me?

19 Do you want me to swear him again?

20 MR. FINK: Oh.

21 MR. DILLON: Please raise your right hand.

22 MR. VAN DEN KOOY: Sure.

23 MR. DILLON: Do you swear the testimony
24 you're about to give this Board is the whole
25 truth?

1 MR. VAN DEN KOOY: I do.

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

4 MR. VAN DEN KOOY: Peter Van den Kooy. V
5 as in Victor, A-N as in Nancy, D-E-N as in Nancy,
6 K-O-O-Y.

7 MR. DILLON: Thank you.

8 MR. VAN DEN KOOY: Thank you.

9 MR. FINK: So, Mr. Van den Kooy, one of the
10 documents which you reviewed in connection with
11 this application was a 1994 Sanborn map, which
12 included the subject property.

13 Correct?

14 MR. VAN DEN KOOY: Correct.

15 MR. FINK: And this is what you reviewed.
16 Is that correct?

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

18 MR. FINK: So, I would like to introduce
19 this, please, as A-11.

20

21 (Whereupon, Sanborn Map, 1994, was received
22 and marked as Exhibit A-11.)

23

24 MR. FINK: Okay.

25 And just by way of further introduction,

1 | you're introducing the prior documents, which
2 | were some other Sanborns, and so forth, he -- he
3 | had explained the uses of the property that were
4 | shown by those documents as having occurred over
5 | the years, the commercial uses.

6 | So, I now want to ask you, as to that 1994
7 | Sanborn, the part outlined in green is the
8 | subject property.

9 | Correct?

10 | MR. VAN DEN KOOY: Correct.

11 | MR. FINK: Okay. And what does this show
12 | as of 1994?

13 | MR. VAN DEN KOOY: As of 1994, it shows
14 | that the property does not contain any delineated
15 | structures.

16 | MR. FINK: So, that all of the structures
17 | that were previously shown on the Sanborn were
18 | now gone.

19 | Correct?

20 | MR. VAN DEN KOOY: Correct.

21 | MR. FINK: And the Sanborns show nothing on
22 | the property at all.

23 | Correct?

24 | MR. VAN DEN KOOY: Correct.

25 | MR. FINK: So, I'd now like -- one of the

1 other documents that you reviewed and referred to
2 was the city directories for this property.

3 Correct?

4 MR. VAN DEN KOOT: Correct.

5 MR. FINK: I'm going to show you this
6 document.

7 Is that the city directory that you
8 reviewed?

9 MR. VAN DEN KOOT: Yes.

10 MR. FINK: I'd like to introduce this,
11 please, now.

12 This would be A-12, I guess.

13

14 (Whereupon, EDR-City Directory Image Report
15 was received and marked as Exhibit A-12.)

16

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

19 MR. FINK: Okay.

20 MR. VELAZQUEZ: Mr. Medina, can you pass
21 that down?

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

24 MR. FINK: So, I would like to now draw
25 your attention to each of the Sanborns referenced

1 -- I mean, each of the city directories for
2 different years.

3 So now, we're now looking at the page for
4 1972. And on the bottom, for number 651 38th
5 Street, which was one of the addresses of the
6 property, it shows Jersey Janitorial Systems,
7 Incorporated and Tra-Mar Radio Communications.

8 Correct?

9 MR. VAN DEN KOOT: Correct.

10 MR. FINK: Commercial uses.

11 MR. VAN DEN KOOT: Yes.

12 MR. FINK: And for 1977, on the city
13 directory, again, for 651 38th Street, part of the
14 subject property, we see three entries. Tra-Mar
15 Communications, Tra-Mar Electronic, Tra-Mar
16 Electronics, Inc., for Connection with Mobile
17 Units.

18 Correct?

19 MR. VAN DEN KOOT: Correct.

20 MR. FINK: In 1982, the city directory for
21 651 38th Street shows again, Tra-Mar
22 Communications, Tra-Mar Electronics, Inc., for
23 Connection with Mobile Units, and Tra-Mar
24 Electric.

25 Correct?

1 MR. VAN DEN KOOY: Correct.

2 MR. FINK: And for 1987, for -- again, for
3 651 38th Street, part of the subject property, it
4 shows entries for Associated Connections of New
5 York and Associated Connection of New York Mobile
6 Units.

7 Correct?

8 MR. VAN DEN KOOY: Correct.

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

11 MR. FINK: I'm making an effort not to drop
12 my stuff, like I did the last time. I'm trying
13 to be more organized.

14 So, based upon your review of the Sanborns,
15 the city directories, the other materials -- and
16 by the way, you were here during the first
17 hearing for all of the testimony from everybody.

18 Correct?

19 MR. VAN DEN KOOY: Correct.

20 MR. FINK: So, based upon your review, you
21 heard in that testimony from -- about a Google
22 Map that showed a parking lot in 2010 had
23 appeared on the property.

24 Correct?

25 MR. VAN DEN KOOY: Correct.

1 MR. FINK: And you heard in that -- during
2 the testimony and a lease was introduced for the
3 use of the property a parking lot for Cuban Eyes
4 Auto Body around the corner.

5 Correct?

6 MR. VAN DEN KOORY: Correct.

7 MR. FINK: And you were here when, during
8 that testimony -- or that -- when a Resolution
9 was introduced from the Board of Adjustment,
10 conditioning the variance for the Cuban Eyes
11 property on entering into a lease for a parking
12 lot on this property.

13 Correct?

14 MR. VAN DEN KOORY: Correct.

15 MR. FINK: And you were here when -- for
16 the testimony from Randy Whitt, who is affiliated
17 with the developer, the applicant rather, that in
18 addition, that Cuban Eyes actually utilized that
19 property as a parking lot for a year.

20 MR. VAN DEN KOORY: Correct.

21 MR. FINK: So, taking all of this together,
22 everything you've reviewed, testimony, do you
23 have an opinion as to whether the property, the
24 subject of this application satisfies all of the
25 criteria for a greyfields conditional use.

1 MR. VAN DEN KOOY: Based upon the findings
2 of my analysis, it does.

3 MR. FINK: So, on what is your opinion
4 based?

5 MR. VAN DEN KOOY: My opinion's based on
6 all the -- all the Sanborns, city directories and
7 related documentation we just reviewed, as well
8 as a review of the city's criteria, which is set
9 forth at Section 223-43D.

10 MR. FINK: And that criteria --

11 MR. VAN DEN KOOY: I -- I have it here, if
12 you'd like.

13 MR. FINK: Yeah. Just -- just read it,
14 please.

15 MR. VAN DEN KOOY: Section 223-5C of the
16 Union City Zoning Ordinance provides that in the
17 zone in which the property is located, a
18 greyfields is defined as a vacant building and/or
19 property formerly used for industrial or
20 commercial purposes.

21 MR. FINK: So, in the Ordinance that
22 defines what can be built without a variance on
23 this property, and the conditional greyfields
24 use, is there any -- any definition of the word
25 property that you -- other than what you just

1 read?

2 MR. VAN DEN KOOY: No. This -- I mean,
3 this pertains specifically to greyfields. This
4 is the definition that's --

5 MR. FINK: Okay.

6 MR. VAN DEN KOOY: -- appropriate.

7 MR. FINK: So, is your understanding that
8 property -- as a -- as a planner --

9 MR. VAN DEN KOOY: Um hum.

10 MR. FINK: -- reading this Ordinance, and
11 all the experience you have, the property defines
12 the parcel of land that's the subject of the
13 application.

14 MR. VAN DEN KOOY: Yes.

15 MR. FINK: Okay.

16 So, in connection with this application, in
17 -- in connection with this application, other
18 than for the C-2 variance and the RSIS waivers
19 for parking related, does the application, in
20 your opinion as a planner, otherwise conform to
21 the requirements of the conditional use for
22 greyfields?

23 MR. VAN DEN KOOY: Yes.

24 MR. FINK: Now, I'd like to draw your
25 attention to the request for a C-2 variance for

1 parking, where under RSIS, 93 parking spaces are
2 required for the number of units involved, but 74
3 are provided.

4 Do you have an opinion as to whether that
5 is an appropriate number of parking spaces for
6 this building, in this location, as a planner?

7 MR. VAN DEN KOOT: Yes, I do.

8 MR. FINK: And what is that opinion?

9 MR. VAN DEN KOOT: The proposed number of
10 parking spaces actually meets or exceeds 1.5
11 spaces per unit, which is generally considered
12 acceptable in an urban environment, especially
13 one such as Union City. It's a very common
14 parking ratio.

15 And one of the important considerations is
16 the Residential Site Improvement Standards are
17 typically geared toward outdoor parking areas.
18 They're broadly applicable throughout the State.
19 And this being one of the densest municipalities
20 in the state, versus a more suburban or rural
21 municipality, that there is some flexibility
22 inherent in the Residential Site -- Site
23 Improvement Standards, to help try to adjust for
24 those differences.

25 And one is that proximity to mass transit,

1 in this case bus service, allows you a little bit
2 of flexibility in terms of the parking ratio.

3 MR. FINK: So, Peter, what I'd like to do
4 is draw your attention --

5 MR. VAN DEN KOOT: Um hum.

6 MR. FINK: -- more closely to the word
7 criteria required to be shown to grant a C-2
8 variance.

9 MR. VAN DEN KOOT: Yes.

10 MR. FINK: And ask you to address each of
11 those criteria for the Board and how this
12 application supports each of those criteria.

13 MR. VAN DEN KOOT: Absolutely.

14 The criteria are that the request relates
15 to a specific piece of property; that the
16 purposes of the Municipal Land Use Law would be
17 advanced by deviation from the Zoning Ordinance
18 requirement; that the variance can be granted
19 without substantial detriment to the public good;
20 that the benefits of deviation would
21 substantially outweigh any detriment; and that
22 the variance will not substantially impair the
23 intent or purpose of the zone plan or zone
24 Ordinance.

25 With regard to how the request relates to a

1 specific piece of property. Subject property, as
2 I mentioned previously, has access to mass
3 transit, in the form of bus service, which
4 reduces the need for parking.

5 The traffic report determined that the site
6 has sufficient access to adjacent roadways and
7 mass transit, to support the approval and
8 development of the project as proposed.

9 Therefore, the attributes of the site
10 indicate that it is particularly suited for the
11 proposed use, and support the granting of the
12 requested variance as it pertains to the -- to
13 the specific piece of property.

14 MR. FINK: And -- and this variance would
15 only relate to the specific property.

16 MR. VAN DEN KOOT: Correct.

17 MR. FINK: Okay.

18 Next?

19 MR. VAN DEN KOOT: Next criteria is that
20 the purposes -- purposes of the Municipal Land
21 Use Law would be advanced by a deviation.

22 With regard to that, I believe there's a
23 total of six purposes of the Municipal Land Use
24 Law that are promoted.

25 They include purpose to encourage municipal

1 action to guide appropriate use or development of
2 all lands within the state in a manner that
3 promotes the health, safety and general welfare.

4 The purpose to provide adequate light, air
5 and open space.

6 Purpose to ensure that the development of
7 individual municipalities does not conflict with
8 the development --

9 MR. FINK: Excuse me?

10 Before you go on to the second one, on the
11 first one --

12 MR. VAN DEN KOOT: Yes. Um hum.

13 MR. FINK: How does this application
14 fulfill that criteria?

15 MR. VAN DEN KOOT: Sure.

16 With regard to the general welfare
17 criteria, Purpose A, as the proposed project will
18 provide a sufficient number of parking spaces to
19 promote a safe and efficient operation of the
20 proposed use, the project will -- and in
21 addition, the project will redevelop a greyfield
22 site.

23 This project will revitalize an
24 underutilized vacant site that's currently being
25 used illegally for car parking, and which is an

1 attractive nuisance, with new housing units which
2 will provide a wider variety of housing options
3 within the community.

4 MR. FINK: Okay. Continue to the next
5 point, please.

6 MR. VAN DEN KOOY: Okay. And provide the
7 --

8 MR. FINK: Adequate light, air and open
9 space.

10 MR. VAN DEN KOOY: Absolutely.

11 So, in further supporting the providing
12 adequate light, air and open space, the inclusion
13 in a pedestal design, underlying the residential
14 units of the reduced number of parking spaces,
15 reduces the overall massing of the building,
16 which enables adequate light, air and open space
17 to be provided, and to maintain the building in
18 proportionate scale for this corner of the lot
19 and the surrounding area.

20 MR. FINK: Next?

21 MR. VAN DEN KOOY: Next.

22 Municipal Land Use Law purpose is to ensure
23 that the development of individual municipalities
24 does not conflict with the development and
25 general welfare of neighboring municipalities, as

1 the traffic and parking for the proposed project
2 is not anticipated to create any adverse off-site
3 impacts to the community in Union City, or North
4 Bergen, which is located directly to the west of
5 the subject property.

6 MR. FINK: And let me ask you this.

7 This particular property is a corner
8 property.

9 Correct?

10 MR. VAN DEN KOOY: Correct.

11 MR. FINK: And it has around it, both
12 commercial and some residential uses.

13 Correct?

14 MR. VAN DEN KOOY: Correct.

15 MR. FINK: And it -- on one end, it borders
16 Paterson-Plank Road.

17 Correct?

18 MR. VAN DEN KOOY: Correct.

19 MR. FINK: Which is a fairly busy road.

20 So, would you say that the design and
21 massing and location of this building provides a
22 good transition from some of those uses towards
23 other residential uses?

24 MR. VAN DEN KOOY: I -- I would. Yes.

25 MR. FINK: Okay.

1 Thank you.

2 Continue, please. Next one.

3 MR. VAN DEN KOOY: MLUL -- Municipal Land
4 Use Law, or MLUL Purpose E, to provide sufficient
5 space in appropriate locations for a variety of
6 uses, in order to meet the needs of all New
7 Jersey citizens, is also promoted, as the
8 proposed project is comprised of multi-family
9 residential units, which will provide a variety
10 of housing choices in the community.

11 MR. FINK: And does the fact that, as the
12 developer testified, that the price points
13 projected for this particular proper -- project
14 will be attractive to people in the workforce,
15 enhance the -- you know, the value, under the
16 MLUL?

17 MR. VAN DEN KOOY: Yes.

18 MR. FINK: Okay.

19 Please continue.

20 MR. VAN DEN KOOY: MLUL Purpose I, to
21 promote the desirable visual -- a desirable
22 visual environment through creative development
23 techniques and good design and arrangement.

24 The inclusion of parking in a pedestal
25 design, underlying the residential units and the

1 reduced number of parking spaces enables the
2 structure to maintain an optimal massing, as I
3 stated previously, to the size of the subject
4 property.

5 And as it pertains to its -- its
6 relationship with the surrounding land uses,
7 these design attributes, in conjunction with
8 aesthetic appealing architectural design, will
9 create a desirable visual environment, through
10 the implementation of the proposed projects, and
11 remove an unsightly vacant lot, which is an
12 attractive nuisance.

13 MR. FINK: Okay.

14 Are there any more criteria under the MLUL?

15 MR. VAN DEN KOOY: There is one more.

16 Purpose M, to encourage the efficient --
17 the more efficient use of land, as the proposed
18 project would redevelop a greyfield that is
19 comprised of previously disturbed lands and put
20 it back into productive reuse, thereby serving as
21 an alternative to the development of the proposed
22 project on a greenfield.

23 And in addition, the proposed project is in
24 accordance with the purposes, goals and object --
25 I'm sorry. I skipped that.

1 The compact nature of the proposed
2 projects, including the garage parking design and
3 the number of parking spaces proposed, promotes
4 the efficient use of land.

5 MR. FINK: And where is this project
6 located, in connection with the State Development
7 and Redevelopment Plan?

8 MR. VAN DEN KOOY: It's located in Planning
9 Area 1, which is the Metropolitan Planning Area.

10 MR. FINK: So, this is an appropriate use,
11 under the State Development and Redevelopment
12 Plan.

13 MR. VAN DEN KOOY: It is.

14 MR. FINK: Okay.

15 So, can the variance be granted without
16 substantial detriment to the public good?

17 MR. VAN DEN KOOY: Yes.

18 MR. FINK: Okay.

19 Explain that.

20 MR. VAN DEN KOOY: I don't see any
21 significant detriment that would result from the
22 implementation of the proposed projects. Its
23 size and location on the corner, which is an
24 extremely busy thoroughfare. Hackensack-Plank
25 Road actually provides a buffer to the zone; it's

1 across the street from a commercial use, as was
2 mentioned previously. And that, in my opinion,
3 represents a good transition, which is sound
4 planning for that location.

5 MR. FINK: Okay.

6 Anything else?

7 MR. VAN DEN KOOT: The traffic report
8 determined that the proposed project will operate
9 in a manner that is compatible with existing and
10 projected future traffic and parking conditions
11 for the project area.

12 MR. FINK: So, therefore, it would not have
13 a detriment in regards to traffic.

14 MR. VAN DEN KOOT: Correct.

15 MR. FINK: Okay.

16 And do you see any significant adverse
17 impacts to occur to the surrounding properties,
18 if this project is approved and goes forward?

19 MR. VAN DEN KOOT: No. No significant
20 impacts. No significant adverse impacts.

21 MR. FINK: By the way, would a ten story,
22 93 unit project have a significant impact?

23 MR. VAN DEN KOOT: It would.

24 MR. FINK: Okay.

25 So, let's go on to -- would the benefits of

1 C-2 variance substantially outweigh any
2 detriment?

3 MR. VAN DEN KOOY: Yes.

4 MR. FINK: Try not to repeat anything
5 you've already said.

6 MR. VAN DEN KOOY: Okay. I'm going to try
7 to keep it as brief as I can.

8 As I stated previously, I don't see any
9 significant detriment that would result from
10 project implementation.

11 The benefits requested for parking would
12 promote the six purposes of the MLUA -- MLUL that
13 I stated previously.

14 Provide an adequate number of parking
15 spaces for the proposed project to operate safe
16 -- safely and efficiently.

17 The building would be implemented with
18 reduced massing, which facilitates compliance
19 with other bulk standards, which enables
20 additional light, air and open space.

21 The design is a pedestrian friendly design,
22 as it pertains to parking and the building as a
23 whole.

24 It's aesthetically appealing, and the
25 ingress and egress widths are appropriately

1 | located and sized, and the visibility of parking
2 | is minimized by locating it under the proposed
3 | building.

4 | The redevelopment of the greyfield site
5 | will provide significant benefits to the
6 | community by redeveloping an under -- an
7 | underutilized vacant commercial property, and
8 | putting it back into produce reuse.

9 | The project is of substantially lower
10 | intensity than a previously approved project, as
11 | was stated previously.

12 | The proposed project is not anticipated to
13 | cause any significant adverse impact -- impacts
14 | to surrounding properties.

15 | In accordance with the purpose of the R
16 | zone, as set forth within Section 223-42A1 of the
17 | City's Code, the development of the subject
18 | property, with the proposed conditionally
19 | permitted residential use will preserve the
20 | integrity of existing residential areas, by
21 | preventing the intrusion of non-residential uses
22 | into residential neighborhoods, which is a
23 | benefit to the community.

24 | MR. FINK: You were quoting the Ordinance.

25 | Correct?

1 MR. VAN DEN KOOY: Correct.

2 MR. FINK: Continue, please.

3 MR. VAN DEN KOOY: And in conclusion, for
4 this portion of the -- the proofs, considering
5 the significant benefits to the community that
6 would be provided through the granting of the
7 requested variance and the redevelopment of this
8 greyfield site, it's my professional opinion that
9 the benefits of granting the requested variance
10 substantially outweigh any detriment.

11 MR. FINK: Okay.

12 So, would the C-2 variance requested
13 substantially impair, or not, the intent and
14 purpose of the zone plan and Zoning Ordinance?

15 MR. VAN DEN KOOY: It would not.

16 MR. FINK: And why is that?

17 Just very -- very briefly. And again, try
18 not to state the same things that you stated
19 before. They apply to all -- all the criteria --

20 MR. VAN DEN KOOY: Sure.

21 MR. FINK: -- that they apply to.

22 MR. VAN DEN KOOY: The 74 proposed parking
23 spaces will provide sufficient parking for the
24 project, and enable it to operate in a safe
25 manner, will not cause any significant adverse

1 off-site impacts.

2 The proposed project meets the vast
3 majority of applicable bulk standards, with the
4 exception of -- of the parking variance and the
5 few waivers requested.

6 It's in accordance with the goals and
7 objectives of the Master Plan and the six
8 purposes of the Municipal Land Use Law.

9 In addition, with regard to the Master
10 Plan, it's in accordance with the goal to provide
11 a balance of land uses and balanced development
12 patterns, in appropriate locations in order to
13 provide a broad range of housing choices. That's
14 on page 3 of the Master Plan.

15 MR. FINK: Okay.

16 MR. VAN DEN KOOY: And the development has
17 been designed so that the rents are affordable to
18 the workforce, which is a demographic in Union
19 City, as well as other urban areas that -- that
20 creates a lot of demand for new rental units.

21 This variance serves to support both a
22 wider range of housing choices, and to make those
23 rents more affordable for the residents of Union
24 City.

25 MR. FINK: Okay.

1 Thank you.

2 So, now, let's go on to the waivers of RSIS
3 that have been requested as part of the
4 application.

5 MR. VAN DEN KOOY: Sure.

6 MR. FINK: So, the first waiver is -- and I
7 want you to address this as a planner. We have
8 our --

9 MR. VAN DEN KOOY: Um hum.

10 MR. FINK: -- our next and final witness is
11 a traffic expert, who will go into depth about
12 that.

13 You are permitted to render an opinion,
14 based upon what you know is -- he's going to
15 testify to.

16 So, as a planner, do you have an opinion as
17 to whether the parking stalls were a total of --
18 20 percent of the parking stalls are compact size
19 and 50 of the 71 non-handicap accessible spaces
20 are smaller than the standard nine by 18 size,
21 required by the Ordinance, do you have an opinion
22 as a -- as a planner, whether that is acceptable
23 and reasonable in this building, in this
24 location, in this municipality?

25 MR. VAN DEN KOOY: I believe it is

1 reasonable.

2 MR. FINK: Okay.

3 A waiver is being requested as the minimum
4 stall size for compact spaces is 8.5 feet by 16
5 feet, and some eight by 15 spaces are proposing.

6 And I ask you, as a planner, do you have an
7 opinion as to whether that is appropriate for a
8 building of this type, in this -- on this
9 property, in this municipality?

10 MR. VAN DEN KOORY: I believe it's also
11 reasonable.

12 MR. FINK: Okay.

13 The waiver for parking is requested, again,
14 from the RSIS, Section 5:21-4.14, that the number
15 of spaces being provided is 74, where 93 parking
16 spaces are required and 74 are being provided.

17 Do you have an opinion, from your
18 experience as a planner, whether that is
19 appropriate number of parking spaces for this
20 building, on this property, in this municipality?

21 MR. VAN DEN KOORY: I believe it is.

22 MR. FINK: Thank you.

23 So, there's also a minimal reduction in a
24 part of the drive lane, from 24 feet to 22.9 feet
25 in the inside garage that's being requested.

1 Do you have an opinion as to whether in an
2 indoor parking lot, in a residential building of
3 this type, on this property, in this
4 municipality, and based on your experience as a
5 planner --

6 MR. VAN DEN KOOY: Um hum.

7 MR. FINK: -- is appropriate?

8 MR. VAN DEN KOOY: I believe that's
9 appropriate, as well.

10 MR. FINK: So, the final waiver from RSIS
11 standards is for a reduction to 20 feet for the
12 garage entry doorway.

13 Again, is your -- in your opinion as a
14 planner, from your experience, do you have an
15 opinion as to whether this is an appropriate
16 waiver for this building, on this piece of
17 property, in this municipality?

18 MR. VAN DEN KOOY: I believe that waiver is
19 reasonable, as well.

20 MR. FINK: Okay.

21 So, in your opinion as a planner, will
22 granting any of these RSIS waivers have any
23 detrimental effect on the project or on the use
24 by the residents and owners of this project?

25 MR. VAN DEN KOOY: I believe it will not.

1 MR. FINK: Or for that matter, on the
2 surrounding area?

3 MR. VAN DEN KOOT: Same answer. I don't
4 think it will have any significant adverse impact
5 or detriment.

6 MR. FINK: And is it your opinion that
7 granting the C-2 variance, which you've already
8 testified to, and the waivers taken together,
9 substantially outweigh -- the benefits
10 substantially outweigh any possible detriment,
11 although you've testified you don't see any.

12 MR. VAN DEN KOOT: I do.

13 MR. FINK: And that opinion is?

14 MR. VAN DEN KOOT: That I -- I believe the
15 benefits of granting the requested relief
16 substantially outweigh the detriment.

17 MR. FINK: Okay.

18 Thank you.

19 MR. VAN DEN KOOT: Thank you.

20 MR. EYERMAN: Counsel, we have two ways.
21 If you want to open it up for questions to the
22 public, we can either do it at the end, or we can
23 do it one by one. Whatever -- whatever you're
24 more comfortable with.

25 MR. FINK: My witnesses are going to be

1 here, but if it's just as easy to do it now, ties
2 it together --

3 MR. EYERMAN: No, let's just --

4 MR. FINK: -- pieces it together. We're
5 fine with that, if - if the Board is -

6 MR. EYERMAN: All right, so the Board,
7 we'll open -- through the Chair --

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. EYERMAN: -- if you don't mind?

10 CHAIRPERSON CAPIZZI: Absolutely.

11 MR. EYERMAN: We'll open it up to questions
12 or comments for this expert only from the public
13 -- wants to step forward.

14 MR. DILLON: Please raise your right hand.

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

17 MR. PRICE: I do.

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

20 MR. PRICE: Larry Price, 1006 Palisade.

21 MR. DILLON: Thank you.

22 MR. PRICE: You testified as to city
23 directories for 650 -- I'm sorry -- 651 38th
24 Street, for the years 1972, '77, '82, and '87.

25 Correct?

1 MR. VAN DEN KOOY: Correct.

2 MR. PRICE: Okay. For '82, there was a
3 business listed, Tra-Mar Electric.

4 MR. VAN DEN KOOY: Um hum.

5 MR. PRICE: That's a question.

6 MR. VAN DEN KOOY: Yes. I believe so. I
7 don't --

8 MR. FINK: If you want --

9 MR. VAN DEN KOOY: -- have it in front of
10 me.

11 MR. FINK: -- him to refer to it --

12 MR. VAN DEN KOOY: Yeah.

13 MR. FINK: -- so --

14 MR. PRICE: And 1987.

15 MR. FINK: '82 is the year, you were
16 looking for?

17 MR. VAN DEN KOOY: Yeah. That was the
18 first question. Okay.

19 Thank you.

20 MR. EYERMAN: Counselor, you're referring
21 to exhibit --

22 MR. VAN DEN KOOY: I believe it's --

23 MR. FINK: He's referring to --

24 MR. VAN DEN KOOY: -- A-12, I think.

25 MR. FINK: -- A --

1 MR. PRICE: Twelve.

2 MR. FINK: -- 12.

3 MR. EYERMAN: Thank you.

4 MR. VAN DEN KOOY: So, in the city
5 directory from 1982, it reads Tra-Mar -- it's
6 actually three different businesses, starting
7 with that term, T-R-A dash M-A-R. It's Tra-Mar
8 Communications, Tra-Mar Electronics, Incorporated
9 for Connections with Mobile Units, and Tra-Mar
10 Electric, all listed at 651 38th Street.

11 MR. PRICE: Okay.

12 And then, in 1987.

13 MR. VAN DEN KOOY: 1987, there are two
14 entries for 651 38th Street. The first is
15 Associated Connections of New York. And the
16 second is Associated Connections of New York
17 Mobile Units.

18 MR. PRICE: Okay.

19 Okay. Now, in your earlier testimony, you
20 introduced Sanborn maps from 1985.

21 Correct?

22 MR. VAN DEN KOOY: I'd have to check the
23 exhibits to confirm.

24 MR. PRICE: And my question -- the follow
25 on question will be, what is the 1985 Sanborn map

1 show for 651 38th Street?

2 MR. FINK: Well, I think we should look at
3 that, rather than ask him to try to remember
4 again.

5 So, let me see if I can find my copy; '85?
6 Is that the year you're referring?

7 MR. PRICE: 1985. Correct.

8 MR. FINK: Okay.

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

11 MR. FINK: Exhibit A-8.

12 MR. VAN DEN KOOT: Thank you.

13 So, I have Exhibit A-8, Sanborn map from
14 1985.

15 And I'm sorry. Can you please repeat the
16 question?

17 MR. PRICE: Okay. What does that map show
18 for 651 38th Street?

19 MR. VAN DEN KOOT: Let's see, 650 -- there
20 are several what appear to be structures
21 delineated. However --

22 MR. PRICE: By the way, so unfortunately,
23 the Board can't -- what lot is 651 38th?

24 MR. FINK: No. It does -- it doesn't tell
25 you on this, but we know from the tax map that

1 651 is -- 38th Street is the lot at the end,
2 farthest away from Paterson-Plank Road, --

3 MR. PRICE: Okay.

4 MR. FINK: -- 649 is the next one, and the
5 other lots front -- that street address is --

6 MR. PRICE: Wait. Wait. Wait.

7 MR. FINK: -- on Paterson-Plank Road.

8 MR. PRICE: Well, it's -- stop for a
9 second.

10 That explanation doesn't make any sense,
11 because first of all, by the way, it's not
12 Paterson-Plank Road, it's --

13 MR. VAN DEN KOOY: Hackensack.

14 MR. FINK: Oh, Hackensack. I'm sorry. I
15 was thinking of --

16 MR. PRICE: But the other thing is, the
17 numbers rise as you go to the west.

18 So, 651 is here, the number next to it's
19 going to be 653. And you're saying the next
20 number is 649.

21 That can't be. The numbers go up, not down
22 --

23 MR. FINK: So then --

24 MR. PRICE: -- as you go up.

25 MR. FINK: Okay. I'll go check the -- but

1 | so then it's reversed. So, it's 649 and then
2 | 651, based on your understanding.

3 | MR. PRICE: Well, all I'm saying is the
4 | number's go up, when you go west.

5 | MR. FINK: Okay.

6 | MR. PRICE: All I'm trying to do is --

7 | MR. FINK: So, then that --

8 | MR. PRICE: -- determine where is 651 38th
9 | Street on this map, and what does it show in
10 | terms of buildings, on -- in 1985?

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

13 | MR. EYERMAN: Mr. Price, are you disputing
14 | what's on the map? I mean, can we just -- can we
15 | just agree that that shaded out area is the
16 | subject property?

17 | MR. PRICE: No, no. Wait a minute. Wait a
18 | minute.

19 | I think -- I think this map may show a big
20 | -- all I'm trying to determine is if there's a
21 | consistency between their earlier testimony and
22 | tonight.

23 | Tonight's testimony was on 651 38th Street,
24 | there were a series of businesses and have been
25 | since 1972.

1 MR. EYERMAN: Okay.

2 MR. PRICE: Well, those businesses, if they
3 have any reality, have to have structures
4 associated with them that should show on this
5 map.

6 MR. EYERMAN: What if they were used as --

7 MR. PRICE: I'm just saying, show them --
8 show them to me on the map.

9 MR. EYERMAN: But what if they were used as
10 storage for cars?

11 I mean --

12 MR. PRICE: Well --

13 MR. EYERMAN: We know it wasn't residential
14 --

15 MR. PRICE: Tra-Mar Electric?

16 MR. EYERMAN: -- is my point.

17 Hmm?

18 MR. PRICE: Tra-Mar Electric, Electronics,
19 Associated Electronics of New York?

20 MR. EYERMAN: If there were -- if there
21 were -- this is -- again, my whole point is, is
22 that -- you know, they could -- if they were a
23 cellular tower -- cellular -- cellular tower
24 installation companies, it could have been cars.
25 It doesn't matter.

1 My point being is it wasn't residential.

2 MR. FINK: Yeah.

3 MR. EYERMAN: We'll all agree with that.

4 Right? It wasn't residential use there.

5 Right?

6 MR. PRICE: Well, that's what we're trying
7 to determine is they say there was a business
8 operated out of that location.

9 Well, what was on that particular location?
10 That's -- that's all my question --

11 MR. EYERMAN: Okay.

12 MR. PRICE: And --

13 MR. FINK: But I want to clarify something.

14 The witness testified, that's what the city
15 directory said. He wasn't there, but that's what
16 the city directories, which are official
17 documents show. Just like they show in other
18 places -- other names.

19 MR. EYERMAN: But the Sanborn map doesn't
20 show any residential property.

21 Right?

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

24 MR. FINK: So, we've determined, just to
25 keep the record straight, that Mr. Price is

1 correct.

2 The first lot is 649, the next lot towards
3 -- towards 32nd Street is 651. He's correct. My
4 apologies. I got it wrong.

5 MR. EYERMAN: That's fine. We'll -- we'll
6 agree that the shaded in area is the subject
7 property.

8 Right?

9 And all we're just trying to --

10 MR. PRICE: Well --

11 MR. EYERMAN: What you're trying to figure
12 out is what's on it.

13 MR. PRICE: Well, wait a minute. But wait
14 a minute.

15 The proposed site consists of seven
16 different -- it's 18,000 square feet; 651 has got
17 to be 2500 square feet. Okay.

18 So, it's only part of the overall proposed
19 site.

20 MR. EYERMAN: I got it.

21 MR. PRICE: So, I'm saying this shows the
22 overall proposed site. There's been testimony
23 that one part of it had businesses associated.

24 But I'm just saying, okay. Where is 651
25 38th Street? It would be right here.

1 Correct?

2 MR. VAN DEN KOOY: Correct.

3 MR. PRICE: Okay. What does this -- this
4 looks vacant to me.

5 MR. VAN DEN KOOY: Well, there's no lot
6 lines delineated, so it's -- it's tough to tell
7 for sure where 651 begins and ends.

8 MR. PRICE: Well, we have 649 here. So,
9 651 is next to it. Next to it, see, this is a
10 vacant -- vacant -- vacant area.

11 Correct?

12 MR. FINK: No. It's not. And we went
13 through this the first day.

14 There is the radio repair shop, which
15 covers what appears to be two lots, which would
16 be not 649, but 651, and whatever the next lot
17 is.

18 MR. PRICE: 653.

19 MR. FINK: Okay.

20 That's that whole building that covers
21 those two lots, and it's in the back. That --
22 the testimony the last time was -- from this
23 witness was that it was the radio repair,
24 whatever.

25 MR. PRICE: Okay.

1 So, then it would actually be six --
2 although the address in the directory is 651,
3 this business was actually conducted out of this
4 radio shack, or whatever it's called, in the
5 back.

6 MR. FINK: We don't --

7 MR. PRICE: 651 and 653.

8 MR. FINK: We don't know that. All we know
9 is what the city directory say, and what the
10 Sanborns show, and what the -- that that's what
11 we know.

12 None of us were there.

13 MR. PRICE: Okay. So, there was a small
14 structure at the back of lot 651. The front of
15 the lot is vacant. The back of the lot, there
16 was these businesses.

17 MR. FINK: Listen, whether it was a small
18 structure, a medium structure, or a large
19 structure is a matter of interpretation.

20 The Sanborns show what they show.

21 MR. VAN DEN KOOY: Um hum.

22 MR. FINK: There is a structure there that
23 appears, in anybody's eye, to span from one lot
24 line to the other, and it's commercial structure.

25 How you want to characterize it, you can

1 do, but you can't just say it's small, large, or
2 in between, in my opinion.

3 MR. PRICE: Well, okay.

4 MR. EYERMAN: But to qualify as a greyfield
5 -- just to move this along, to qualify as a
6 greyfield, and I'd just ask the planner, as --
7 just to confirm, as long as it's a commercial
8 property. But there's no residential involved in
9 this.

10 We'll all agree that this was all either a
11 commercial or an industrial property. None of
12 this was residential.

13 So, I don't understand -- I don't
14 understand the purpose of the questioning, I
15 guess.

16 I mean, you can feel free to question. I'm
17 just trying to move this along.

18 MR. PRICE: Okay. Question. Okay.

19 The next question is, for those four years,
20 you show a city directory with businesses being
21 operated out of 651 38th Street.

22 Okay. My question is, as you know, the
23 site -- 651 38th Street is one lot of, I think
24 it's seven or eight lots that make up the
25 proposed site.

1 MR. VAN DEN KOOY: Correct.

2 MR. PRICE: Okay.

3 Do you have businesses being operated out
4 of any other lot in the proposed site, other than
5 651?

6 MR. FINK: He just testified to that. The
7 next two lots.

8 MR. PRICE: First of all, sir -- you know,
9 attorneys don't testify. So --

10 MR. FINK: I'm not testifying.

11 MR. PRICE: You --

12 MR. EYERMAN: Guys. Guys. Guys.

13 MR. FINK: I'm objecting to your question
14 because you're trying to change his testimony of
15 what he just said.

16 MR. VAN DEN KOOY: I have a fact that might
17 help resolve this.

18 As of 1988, the property -- subsequent --
19 as of 1988 and subsequent to that date,
20 continuing to today, the property's remained
21 under single entity ownership.

22 So, any use on that site would correspond
23 to all the lots involved on that entire tract.

24 MR. PRICE: Okay.

25 By the way, the testimony -- you know, with

1 his -- he speaks softly, his back is turned, I
2 can't hear him.

3 MR. FINK: Okay.

4 MR. PRICE: Nobody in the audience can hear
5 him.

6 So -- so, okay. So, your argument, then,
7 basically is any commercial or industrial use, on
8 any part of this property, since it's a single
9 ownership since 1988, would qualify it as a
10 greyfield, no matter how large or small. It's
11 one property. It got used.

12 That's your argument?

13 MR. VAN DEN KOOY: Well, I think the -- I
14 was trying to answer your question as to whether
15 or not it was multiple lots and -- and how the
16 uses existed on -- on the property.

17 So, I just wanted to offer that fact to
18 help clarify.

19 MR. PRICE: Okay. So, there is no
20 testimony that businesses were operated on any
21 lot, other than 651. But you're saying it does
22 not matter, because it was a single ownership,
23 and one use would qualify the entire site.

24 MR. FINK: But again, I have to object.
25 That wasn't what his testimony is. What his --

1 MR. PRICE: Well, then I -- tell me what
2 his testimony is then, please.

3 MR. FINK: You don't need to --

4 MR. EYERMAN: Mr. Price?

5 MR. FINK: -- yell at me.

6 MR. EYERMAN: Mr. Price?

7 MR. FINK: I'm not yelling at you.

8 MR. PRICE: You're interrupting my
9 questioning.

10 MR. EYERMAN: Mr. -- Mr. Price?

11 MR. FINK: I can object.

12 MR. PRICE: Okay.

13 MR. EYERMAN: Mr. Price?

14 Take it easy.

15 MR. PRICE: I'm sorry. Sir, why don't you
16 sit down? At the end, you can --

17 MR. FINK: Why are you yelling at me?

18 MR. PRICE: Because you're interrupting me.
19 That's impro -- you know --

20 MR. FINK: You're threatening me now,
21 physically.

22 MR. PRICE: Well, good. Okay.

23 CHAIRPERSON CAPIZZI: No.

24 MR. EYERMAN: No. It's not good.

25 VICE CHAIRPERSON KOEHLER: Larry, this is

1 --

2 MR. EYERMAN: Mr. Price, it's not good.

3 VICE CHAIRPERSON KOEHLER: -- unacceptable.

4 MR. EYERMAN: And it's not acceptable and I
5 can't have you -- I can't have you doing that.

6 MR. PRICE: Fine. I am just trying to
7 determine what the argument is. Okay.

8 There was testimony 651 contained
9 businesses. Okay. All right. My question was,
10 do you have any testimony on any other lot in
11 this site?

12 The answer is?

13 It's yes or no.

14 MR. VAN DEN KOOY: The testimony was
15 focused on -- on 651.

16 MR. PRICE: The answer is yes or no. Any
17 other lot in this site? Do you have testimony as
18 to business being conducted on?

19 Do you --

20 MR. VAN DEN KOOY: When the property was
21 under single ownership, I don't know if we have
22 any --

23 MR. FINK: You -- you have to refer to the
24 Sanborns and refresh -- and explain it, because
25 you weren't there.

1 So, you can go back to all the Sanborns,
2 and you can look to answer his question. But --
3 but --

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

6 MR. PRICE: Okay.

7 MR. FINK: So --

8 MR. PRICE: Let me -- let me ask you a
9 simpler question, then.

10 Have you introduced any testimony from city
11 directories that businesses were listed on any
12 other lot on this site, other than 651 38th
13 Street?

14 MR. VAN DEN KOOY: No.

15 MR. PRICE: No. You have not. Okay.
16 Okay.

17 Then -- but you're saying that the whole
18 site qualifies as a greyfield, by reason of
19 common ownership.

20 MR. VAN DEN KOOY: Yeah I mean, that's
21 essentially -- it's -- my understanding is that
22 the site has been operating as one tract, under
23 one entity since 1988. That's been how it's --
24 it's functioning.

25 MR. PRICE: Okay. And it's been vacant

1 since 1994.

2 MR. VAN DEN KOOY: With the exception of in
3 -- in 2010, there was a parking lot.

4 MR. PRICE: Well, but there were no -- all
5 structures were eliminated by 1994.

6 Correct?

7 MR. VAN DEN KOOY: Correct.

8 MR. PRICE: Okay. So, common ownership,
9 1988, 1990 --

10 Okay. Do you have any testimony about
11 periods, other than the city directories, before
12 -- before 1985, showing structures on the site?

13 MR. VAN DEN KOOY: The oldest city
14 directory I believe is 1972.

15 MR. PRICE: Okay.

16 MR. VAN DEN KOOY: But -- but no mapping.
17 I think the earliest Sanborn, I'd have to -- I'd
18 have to check the exhibit to confirm what the
19 earliest Sanborn is, but it's -- they date at
20 least back to 1985.

21 MR. PRICE: 1980 -- 1985, so nothing before
22 that.

23 MR. VAN DEN KOOY: Um hum.

24 MR. PRICE: Okay.

25 Thank you.

1 MR. FINK: May I, a little redirect, just
2 very quickly.

3 MR. EYERMAN: If you'd like to.

4 MR. FINK: Very, very quickly.

5 Okay. So, in 1985, we're looking at a
6 Sanborn, you see the structures that were on it,
7 including the structure at 649, which the city
8 directory show is a commercial use.

9 And then on the next two lots, the --
10 whatever it is, the radio repair shop in the
11 back.

12 MR. VAN DEN KOOY: Right.

13 MR. FINK: That's in 1985.

14 Right?

15 MR. VAN DEN KOOY: Correct.

16 MR. FINK: So, let's look at the same, and
17 that's A-8 -- A-9, which is the Sanborn for 1991.
18 I want you to look at it.

19 Same structures, still there.

20 Correct?

21 MR. VAN DEN KOOY: Correct.

22 MR. FINK: Okay.

23 Thank you.

24 No further questions.

25 MR. EYERMAN: Thank you.

1 CHAIRPERSON CAPIZZI: Thank you.

2 MR. EYERMAN: None of those were
3 residential structures.

4 Right?

5 MR. VAN DEN KOOY: Correct.

6 MR. PRICE: Question.

7 Was the 1990 -- 1991 Sanborn introduced in
8 evidence?

9 MR. FINK: Yes, it was.

10 MR. PRICE: It was?

11 Thank you.

12 MR. FINK: Okay. Thank you, Peter.

13 MR. VAN DEN KOOY: Thank you.

14 MR. EYERMAN: Thank you.

15 CHAIRPERSON CAPIZZI: Thank you.

16 MR. VAN DEN KOOY: Thank you.

17 MR. EYERMAN: Counsel, your next witness?

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

20

21 (Whereupon, David Spatz left the meeting at
22 7:08 p.m.)

23

24 MR. FINK: Call Jay Troutman, traffic
25 engineer.

1 MR. DILLON: Please raise your right hand.

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

4 MR. TROUTMAN: Yes, I do.

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

7 MR. TROUTMAN: Jay Troutman,
8 T-R-O-U-T-M-A-N.

9 MR. DILLON: Thank you.

10 MR. EYERMAN: Sir, have you ever testified
11 before this Board before?

12 MR. TROUTMAN: Not before this Board.

13 MR. EYERMAN: All right.

14 Counselor, can you qualify your expert,
15 please?

16 MR. FINK: Yes, I will.

17 So, you are a professional engineer,
18 licensed in the State of New Jersey?

19 MR. TROUTMAN: Yes.

20 MR. FINK: For how many years?

21 MR. TROUTMAN: Twenty-nine years.

22 MR. FINK: And you have experience as a
23 traffic engineer, in that sub-specialty?

24 MR. TROUTMAN: I do. Yes.

25 MR. FINK: For how many years?

1 MR. TROUTMAN: Twenty-nine years.

2 MR. FINK: Have you been qualified by
3 boards in -- sorry.

4 Have you testified as an expert traffic
5 engineer in other planning boards and boards of
6 adjustment in the state of New Jersey, on site
7 plan applications?

8 MR. TROUTMAN: Yes.

9 I've been qualified as a traffic expert in
10 over 100 planning and zoning boards in the state
11 of New Jersey, conducting traffic studies for
12 various types of developments, as well as
13 reviewing traffic studies on behalf of planning
14 and zoning boards.

15 MR. FINK: And any of those -- were any of
16 those urban municipalities?

17 MR. TROUTMAN: Hudson County, just looking
18 at my experience, Jersey City, North Bergen, City
19 of Elizabeth, City of New Brunswick, City of
20 Rahway, that's some of the urban locations I've
21 done work in.

22 MR. FINK: Irvington?

23 MR. TROUTMAN: Yes.

24 MR. FINK: East Brunswick?

25 MR. TROUTMAN: City of Irvington. Yes.

1 MR. FINK: Edison?

2 MR. TROUTMAN: Yes.

3 MR. FINK: Newark?

4 MR. TROUTMAN: Yes.

5 MR. FINK: Perth Amboy?

6 MR. TROUTMAN: Yes.

7 MR. FINK: Hopefully, this witness is a
8 traffic expert.

9 MR. EYERMAN: We accept him.

10 Just give your engineering number, if you
11 know it off the top of your head. You have it?

12 No, don't worry about it. We'll get it
13 later, but --

14 MR. FINK: Okay. Let me make a note, so we
15 make sure.

16 Okay. So, Mr. Troutman, you were engaged
17 to do a traffic study in connection with this
18 application.

19 Correct?

20 MR. TROUTMAN: Yes.

21 MR. FINK: Okay.

22 Do you have an opinion as to the impact of
23 this development on the roadway traffic in the
24 area around this property, and where this
25 development, if approved, will be built?

1 MR. TROUTMAN: I do.

2 The impact is almost negligible. The
3 reason behind that is we did do a traffic study
4 part of that, just to calculate the site traffic
5 impact of the 48 residential units.

6 These type of units generate about a half a
7 trip a unit during the peak hour. And then, when
8 you break that down into inbound and outbound
9 trips, as you know, a residential use is
10 primarily outbound, during a weekday morning peak
11 hour. So, that's about 20 cars coming out of the
12 site in an hour.

13 The way this site's configured, 38th Street
14 is a one way street, headed eastbound. So, all
15 20 of those cars turn right and head east on 38th
16 Street. That's about one additional car every
17 three minutes on 38th Street, a negligible impact.

18 The converse is true in the afternoon. At
19 the western boundary of the site is Bergen
20 Turnpike, or Hackensack-Plank -- Hackensack-Plank
21 Road.

22 So, all -- those 20 cars coming back in on
23 a weekday afternoon have to make a turning
24 movement into 38th Street to enter the garage,
25 which is on 38th Street. Again, one car every

1 three minutes, turning into 38th Street, during
2 the weekday afternoon peak hour. Also, a
3 negligible impact.

4 MR. FINK: Okay.

5 So, I want to show you what I will then be
6 asked to be marked as A-13.

7 This is the summary of your trip generation
8 study?

9 MR. TROUTMAN: Yes. Included in my report
10 is a table showing the calculations that I just
11 reviewed.

12 MR. FINK: So, I offer this as A-13.

13

14 (Whereupon, Trip Generation Report was
15 received and marked as Exhibit A-13.)

16

17 MR. FINK: So, as part of your review, in
18 your engagement, did you also review the parking
19 provided, the garage configuration, the size of
20 the spaces, and so on?

21 MR. TROUTMAN: Yes, we did.

22 In terms of the -- the parking, it's
23 already been testified to that under the
24 Residential Site Improvement Standards, 16 of all
25 units need to be parked at 1.8 spaces per unit,

1 and 32 of our units need to be parked at two
2 spaces unit.

3 Those parking rates for this area, in my
4 opinion, are excessive. I believe that the RSIS
5 even states that itself, and I'll get into that
6 in a moment.

7 So, those ratios are high for this setting.
8 The actual ratio --

9 MR. FINK: Excuse me?

10 By this setting, you mean this building, on
11 this property, in this municipality, and that
12 location.

13 MR. TROUTMAN: Yes.

14 MR. FINK: Thank you.

15 MR. TROUTMAN: And the actual ratio that's
16 provided at this property is 74 spaces. That's a
17 ratio of 1.54 spaces per unit.

18 That, to me, based on my experience looking
19 at urban settings is actually on the high end.
20 I've seen it as low as one parking space for
21 every unit. We have one and a half for every
22 unit.

23 If you look into RSIS, it has a paragraph
24 that says that this Board can accept an
25 alternative parking standard, if the applicant

1 | can demonstrate that there are local conditions
2 | that would effect the parking demand. Those
3 | being availability of mass transit in urban
4 | versus a suburban location, and other -- other
5 | factors. Off-site parking, which we don't have,
6 | but those first two we do.

7 | Specifically, if you look at -- if you look
8 | at the City of Union City, I would define it as
9 | an urban environment. The planner testified as
10 | to what planning area it's in.

11 | It's not a suburban environment, which is
12 | why those RSIS ratios are excessive.

13 | The second thing is --

14 | MR. FINK: Excuse me?

15 | RSIS ratios were designed for suburban
16 | locations, principally.

17 | Correct?

18 | MR. TROUTMAN: Yes.

19 | MR. FINK: And so, they're, effectively,
20 | overkill in the urban area, just to --

21 | Correct?

22 | MR. TROUTMAN: Exactly.

23 | MR. FINK: Okay.

24 | MR. TROUTMAN: Exactly.

25 | MR. FINK: Please continue.

1 MR. TROUTMAN: And then second --
2 secondarily is -- is the mass transit. The city
3 is easily accessible by -- by public
4 transportation. New Jersey Transit, and other
5 services and commuter vans traverse the study --
6 traverse the city almost 24 hours a day, seven
7 days a week.

8 So, the mass transit aspect is -- is
9 plentiful, which is a driving factor in people
10 choosing -- you know, to live here, and deciding
11 how many vehicles they're going to own. They can
12 take advantage of that and they can reduce their
13 vehicle ownership.

14 MR. FINK: Sir, you heard testimony,
15 because you were here during all of the testimony
16 on the first day, and all of the testimony today.

17 Correct?

18 MR. TROUTMAN: Yes.

19 MR. FINK: So, you've heard abundant
20 testimony that this building is intended to be --
21 the rents are intended to -- to be affordable to
22 the workforce.

23 MR. TROUTMAN: Yes.

24 MR. FINK: So, does that at all effect what
25 you, as an experienced traffic planner, would

1 | expect the number of cars needed to be?

2 | MR. TROUTMAN: Yes. Because again, this
3 | type of housing makes it easier to reduce that
4 | vehicle ownership and that's what you would
5 | expect in that type of housing.

6 | MR. FINK: So, I'd like you to now zero in,
7 | if you would, on -- you've already talked about
8 | reducing the number of parking spaces to 74, with
9 | three ADA spaces.

10 | MR. TROUTMAN: Um hum.

11 | MR. FINK: Now, in your opinion, as a
12 | traffic engineer, just to wrap this up, is it
13 | your opinion that that is sufficient for this
14 | building, in this -- on this property, in this
15 | location, in this municipality?

16 | MR. TROUTMAN: Yes. It is sufficient.

17 | MR. FINK: So, by the way, would this be
18 | considered a de minimis waiver under RSIS?

19 | MR. TROUTMAN: Yes.

20 | MR. FINK: So, now, let's go to the mix of
21 | spaces. Address that waiver request.

22 | MR. TROUTMAN: Yes. We've reviewed the
23 | plans. The plans show the dimensioning of every
24 | parking space in the two parking levels that were
25 | reviewed in the testimony last week.

1 We find that the -- the sizes of those
2 spaces are adequate for the mix of vehicles and
3 today's vehicle population.

4 In a small, low turnover, private parking
5 setting, it's actually normal to have stalls that
6 are this size, aisle widths that are this size
7 because --

8 MR. FINK: Wait. When you say this size,
9 you mean the size proposed by the applicant on
10 the plans.

11 MR. TROUTMAN: Yes.

12 MR. FINK: Thank you.

13 MR. TROUTMAN: And the reason for that is,
14 is that the conflicts within the garage are very
15 minimal when you have such a small number of
16 vehicles, and such a small number of trips being
17 made, maneuvering is not an issue in and out of
18 these spaces, given this setting.

19 MR. FINK: So, as to both the size of
20 spaces, and the mix of spaces, for which RSIS
21 waiver is requested, is it your opinion that that
22 is appropriate, safe and sound for this building,
23 on this property, in this location, in this
24 municipality?

25 MR. TROUTMAN: Yes, it is.

1 MR. FINK: Okay.

2 Let's just address -- you alluded to it,
3 but I just want to address the drive aisle width,
4 which what is proposed, at 22.9 feet drive aisle,
5 I mean, interior in the parking area of the
6 building, which would be a reduction from 24
7 feet.

8 So, did you review that?

9 MR. TROUTMAN: I did review that. Yes.

10 MR. FINK: And do you have an opinion as to
11 whether that is safe, sufficient and appropriate
12 for this particular building, on this property,
13 in this location, in this municipality?

14 MR. TROUTMAN: It is safe, it is adequate,
15 again, for the vehicles to maneuver in and out of
16 the parking spots. It's a -- it's a very small
17 deviation from a larger standard that you would
18 find in a public shopping center, for a much
19 larger traffic setting. That aisle width --

20 MR. FINK: So --

21 MR. TROUTMAN: -- has been known to
22 function acceptably.

23 MR. FINK: So, would that be considered de
24 minimis waiver from RSIS?

25 MR. TROUTMAN: Yes.

1 MR. FINK: And again, the mix of spaces and
2 size of spaces, would that be considered a de
3 minimis waiver from RSIS?

4 MR. TROUTMAN: Yes.

5 MR. FINK: So, last item has to do with the
6 garage door width, which is on the plans shown as
7 20 feet versus 24 under RSIS.

8 So, you reviewed that?

9 MR. TROUTMAN: I have, yes.

10 MR. FINK: And do you have an opinion as to
11 whether that -- the width of that garage door, in
12 connection with the use that's going to be made,
13 the cars that are coming in and out, the parking
14 lot, and so on, whether that is appropriate and
15 sufficient and safe for this building, on this
16 property, in this location, in this municipality?

17 MR. TROUTMAN: It is appropriate and safe.
18 It's plenty of room for two cars to pass each
19 other. There's 20 feet. That's ten feet in each
20 direction, and that's adequate room for two cars
21 to pass each other.

22 MR. FINK: And again, would this be
23 considered a de minimis RSIS waiver?

24 MR. TROUTMAN: Yes.

25 MR. EYERMAN: What's the width of an

1 average car?

2 MR. TROUTMAN: Around seven feet.

3 MR. FINK: So, I have no further questions
4 of this witness.

5 MR. EYERMAN: Okay. Any questions for this
6 witness?

7 It's open up for the public.

8 Closing this witness to the public.

9 Counsel, you can call your next -- next
10 witness.

11 MR. FINK: So -- one moment. Despite my
12 claiming that I wouldn't drop my papers, I
13 dropped a stack here.

14 So, that's our last witness, and I've not
15 appeared before this Board before, so I don't
16 know what your -- your typical approach, at this
17 point is, but whenever you're ready, I assume
18 that you don't want me to review all the detail
19 of all of the evidence that you've all heard.

20 But if it is in accordance, I would like to
21 do a very brief summation of -- of the
22 application.

23 MR. EYERMAN: I think that'd be
24 appropriate.

25 Do you have a picture of the building? I

1 | just -- wasn't there a big color picture of the
2 | building?

3 | MR. FINK: Yeah. This would be --

4 | MR. PRICE: By the way, I have comments to
5 | make.

6 | MR. EYERMAN: You can make comments.

7 | MR. PRICE: Do it after Mr. Fink?

8 | CHAIRPERSON CAPIZZI: Um-hum.

9 | MR. FINK: So this is -- this --

10 | MR. EYERMAN: Why -- why don't we do this
11 | as a summation and wrap it up?

12 | MR. FINK: This is A-8. This is the
13 | building.

14 | CHAIRPERSON CAPIZZI: Um hum.

15 | MR. EYERMAN: Okay.

16 | MR. FINK: If anybody needs me to hold --
17 | oh, good. Chris is -- very good, Chris. You've
18 | done this before.

19 | Bring it right over here. Right next to
20 | me.

21 | Okay.

22 | MR. VELAZQUEZ: For some reason, I'll never
23 | forget this project.

24 | MR. FINK: You'll never forget it?

25 | VICE CHAIRPERSON KOEHLER: Ever.

1 MR. FINK: I'm speechless, and for me
2 that's never happened.

3 Okay. There we go.

4 MR. EYERMAN: It doesn't have to be
5 perfect.

6 MR. FINK: Here we go.

7 VICE CHAIRPERSON KOEHLER: It's off to the
8 --

9 I'm kidding.

10 MR. PEREIRA: It's off to the right.

11 MR. EYERMAN: The building's crooked.

12 MR. FINK: Yeah. I --

13 MR. EYERMAN: If you're going to build it
14 that way --

15 MR. FINK: -- was just about to say. I
16 mean, I'm getting a little vertigo from looking
17 at it.

18 Okay. So, I'll try to be brief and just
19 pull it all together.

20 This is an application, as you know, for
21 site plan approval, as a greyfields conditional
22 use. Per the plain language of the statute, and
23 testimony, opinion of Peter Van den Kooy, a very
24 experienced professional planner, this property
25 is a greyfields, under the express terms of the

1 Ordinance.

2 So, you've heard all the evidence. I'm not
3 going to repeat it again.

4 So, since it is a greyfields, we're
5 entitled to proceed as a conditional use,
6 provided that we meet the criteria of the
7 conditional use.

8 All the testimony has made it very clear
9 that with the exception of the parking related
10 items, for which we seek either a C-2 variance on
11 one, or de minimis waivers from RSIS, the
12 property is fully -- the proposed application is
13 fully conforming with the zoning criteria for a
14 -- for this conditional use.

15 MR. EYERMAN: Five stories?

16 MR. FINK: Yes.

17 MR. EYERMAN: And under 60 feet.
18 Right?

19 MR. FINK: Yes.

20 MR. EYERMAN: Sixty feet or under.

21 MR. FINK: Yes.

22 Since we have just heard extensively the
23 testimony of our traffic expert, and from the
24 traffic point of view, and the planner
25 buttressing that from the planning point of view,

1 I am not going to restate it here.

2 I will simply say that, to me, it seems
3 abundantly clear that these are appropriate,
4 they're beneficial, and they will allow this
5 property to be built, which will then take back a
6 vacant lot, which is an attractive nuisance, and
7 turn it into a, as the planner testified, a
8 completed use that will be beneficial to, an
9 important component of renters in Union City who
10 are -- who struggle to find quality, good
11 housing, as the testimony has shown; the
12 workforce.

13 So, I therefore -- told you I'd be brief --
14 request that the Board approve this application
15 with the C-2 variance for the number of parking
16 spaces, and the waivers for R -- de minimis
17 waivers for RSIS that are related to the parking.

18 Thank you.

19 MR. EYERMAN: Comments from the public?

20 MR. PRICE: By the way, I have a handout.
21 Mr. Fink.

22 MR. FINK: Good.

23 Thank you.

24 MR. PRICE: And I need a O number. I
25 assume it will be O-1?

1 MR. EYERMAN: You assume correctly.

2 Thank you.

3 Can you mark this?

4

5 (Whereupon, Handout by Larry Price was
6 received and marked as Exhibit O-1.)

7

8 MR. PRICE: The handout is simply a
9 reproduction from the old Zoning Ordinance
10 showing the map and the site. And under the old
11 Zoning Ordinance, which was in effect from 1974
12 --

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

15 MR. PRICE: I think -- I think we have a
16 sound problem.

17 MR. DILLON: Excuse me?

18 MR. EYERMAN: You have a problem?

19 MR. PRICE: We're good to go?

20 MR. DILLON: Oh, I'm just marking
21 something.

22 MR. PRICE: Oh. Oh. Sorry.

23 MR. DILLON: Sorry.

24 MR. PRICE: The old Ordinance was in effect
25 from 1974 through 2012, when we adopted the Land

1 Development Ordinance, shows the map, the
2 location of this site, which was -- by the way,
3 classified, surprisingly enough, as R-1, which
4 was the most restrictive of our -- whatever --
5 allowing only one and two family houses.

6 In any case, the schedule shows what an R-1
7 district that's permitted.

8 The reason I hand this out is that there
9 was testimony that in 1985 there were certain
10 industrial buildings on this site. And that they
11 were in place in 1985.

12 Well, when were they put there? Were they
13 put there in 1980? Were they put there -- if
14 they were, they were illegal structures, because
15 the Zoning Ordinance did not permit them.

16 So, is a requirement for a preexisting,
17 nonconforming use that it only exists if it was
18 legal at the time of the zoning change.

19 So, a question becomes were these -- there
20 was -- the only testimony that you have that
21 there were any commercial uses on this property
22 was the fact that the city directory, in 1972,
23 had two businesses listed at 651 38th Street, but
24 there is no Sanborn maps of 1974.

25 You don't know when those buildings, you

1 don't know whether -- there's no testimony that
2 these buildings, those structures were, in fact,
3 legal.

4 So, that's why I introduce this. Okay.

5 The -- the second thing.

6 There was -- Mr. Fink made the statement
7 this is clearly a greyfield development. Okay.

8 That relies entirely on the definition
9 that's included -- you know, in the -- the new
10 Land Development Ordinance, which -- which
11 defines a greyfield as a vacant building and/or
12 property formerly used for industrial purposes or
13 commercial purposes, as further defined later.
14 Okay.

15 There was testimony that this has been a
16 vacant site since 1994. That's 22 years. So,
17 they're saying that commercial or industrial uses
18 that -- from -- which haven't even existed in 22
19 years, still somehow qualify it as a greyfield
20 development site.

21 That goes entirely contrary --

22 MR. EYERMAN: Well, used as a parking lot,
23 though. Wasn't it? Was used as an industrial
24 parking lot.

25 MR. FINK: Commercial.

1 MR. EYERMAN: And that would be a
2 commercial parking lot.

3 Right?

4 MR. PRICE: Well --

5 MR. EYERMAN: A commercial parking lot.

6 MR. PRICE: -- but that's -- that's a
7 separate --

8 But to say that it was used prior to 1990
9 -- that it had an industrial building on it,
10 prior to 1990, that's 22 years ago. And that
11 still qualifies it as -- there you --

12 MR. EYERMAN: But being a parking lot would
13 qualify it.

14 MR. PRICE: Well --

15 MR. EYERMAN: Agree?

16 MR. PRICE: That they --

17 Do I agree? No. Absolutely not, but that
18 was a separate justification.

19 MR. EYERMAN: Okay.

20 MR. PRICE: That for one year, they use it
21 as a -- as a parking lot. They used part of --
22 of the site as a parking lot.

23 Any case, the -- the key here is -- you
24 know, the definition refers to the latter part,
25 and that latter part says, in part, the City has

1 determined that greyfields, as defined by this
2 Ordinance, threaten the health, safety, and
3 general welfare of the residents of Union City.

4 Now, there was no testimony that there's
5 any threat -- you know, from this site.

6 And clearly, the intent of the governing
7 body, when they adopted the Land Development
8 Ordinance, was basically -- it was to provide an
9 incentive to people with two things.

10 We have a lot of industrial buildings. I
11 had one down the street from me. The old -- 801
12 Palisade Avenue, which was the old Weider
13 building, one story, commercial building, which
14 sat there empty for years, as an eyesore. And
15 that has since been developed as a greyfield
16 development, and properly so.

17 But the -- the Board of Commissioners
18 wanted to provide an incentive for situations
19 like that. Not for an incentive for vacant lots.

20 The only time that -- since I sat through
21 the -- the adoption -- the only time that vacant
22 lots got mentioned were if they were
23 contaminated, and it was felt that they had to
24 provide an incentive.

25 And there are, unfortunately, such lots in

1 Union City. But this is not one of them.

2 So, it -- it is not a greyfield site.

3 As to the parking lot, that is not the
4 intent of the governing body either. And if
5 renting out part of your lot, your vacant lot for
6 a year for -- for parking is enough to qualify it
7 as a greyfield development, everybody with a
8 vacant lot will do it. And that means every
9 vacant lot in Union City becomes a greyfield
10 development.

11 And that was also not the intent of the
12 governing body.

13 Thank you.

14 CHAIRPERSON CAPIZZI: Okay

15 VICE CHAIRPERSON KOEHLER: Thank you.

16 MR. EYERMAN: Any other questions? Further
17 comment?

18 Any -- are there questions or comments from
19 the public?

20 MR. VELAZQUEZ: I just want to add just --

21 MR. EYERMAN: I was going to open up to the
22 -- for the panel.

23 But let me close it to the public first?

24 Good?

25 Anybody?

1 Nope. Close it to the public.

2 Open up to --

3 MR. VELAZQUEZ: Just --

4 MR. EYERMAN: -- the panel.

5 MR. VELAZQUEZ: Just -- just for research,
6 just with two matters.

7 I always thought, too, that Florian Glass
8 had something to do with that property. My other
9 hat, working for the City, I used to send letters
10 out about cleaning the lot and all that. Florian
11 Glass used that as for their -- for parking for
12 many years. I used to send letters out to them.
13 They used to respond, we're going to take care of
14 it.

15 And they used to always respond back to me,
16 why don't you pay attention to the other lots in
17 Union City, just stop picking on us.

18 That was one.

19 And two, I was on -- in the Building
20 Department when there was an oil tank that
21 actually contaminated some of that soil. And it
22 was a big cleanup, because a woman, I think, at
23 643 38th Street, from the DEP, got a \$50,000.00,
24 somewhat, fine to cleanup that -- that mess.

25 So you know, there's -- there's other

1 factors, a lot of research that -- you know, like
2 I said, I know about that property. So --

3 MR. EYERMAN: You're renewing it as a
4 residential property?

5 MR. VELAZQUEZ: No. That's -- I know,
6 that's your own --

7 MR. EYERMAN: Hmm?

8 MR. VELAZQUEZ: That's your own -- your
9 thing for the night. No residential.

10 MR. EYERMAN: No residential.

11 Call a vote?

12 Or any other questions or comments from the
13 Board?

14 CHAIRPERSON CAPIZZI: No.

15 MR. EYERMAN: You want to call a vote?

16 CHAIRPERSON CAPIZZI: Sure.

17 MR. EYERMAN: It's your -- it's your --

18 CHAIRPERSON CAPIZZI: I'll make a motion to
19 approve the application.

20 THE SECRETARY: Motion to approve the
21 application by Chairwoman Diane Capizzi.

22 MR. VELAZQUEZ: I second.

23 THE SECRETARY: Who second?

24 MR. VELAZQUEZ: I do.

25 THE SECRETARY: Mr. Guareno?

1 MR. VELAZQUEZ: No. Alex Velazquez.

2 THE SECRETARY: Alex? I'm sorry, Mr.
3 Velazquez.

4 Second by Mr. Alejandro Velazquez.

5 Roll call on the motion.

6 Ydalia Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Diane Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Carolina Fernandez?

11 MS. FERNANDEZ: Yes.

12 THE SECRETARY: Rudy Rivero?

13 MR. RIVERO: Yes.

14 THE SECRETARY: Franklin Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Jeanne Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 CHAIRPERSON CAPIZZI: Um hum.

19 THE SECRETARY: Alejandro Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Jose Guareno?

22 MR. GUARENO: Yes.

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

25 MR. FINK: Thank you very much.

1 CHAIRPERSON CAPIZZI: Thank you.

2 VICE CHAIRPERSON KOEHLER: Thank you.

3 MR. FINK: Appreciate it.

4 MR. EYERMAN: No. I think we keep that.

5 MR. FINK: You want to keep the big stuff.

6 MR. EYERMAN: Yup.

7 MR. FINK: Some towns say, no you take the
8 big stuff.

9 CHAIRPERSON CAPIZZI: Nice looking
10 building.

11 VICE CHAIRPERSON KOEHLER: Um hum.

12 A VOICE: Thank you, guys.

13 VICE CHAIRPERSON KOEHLER: You're welcome.

14 MR. EYERMAN: Thank you.

15 CHAIRPERSON CAPIZZI: Thank you.

16 * * *

17

18

19

20

21

22

23

24

25

1 **3100 Bergenline, LLC - 3100 Bergenline Avenue:**

2

3 MR. EYERMAN: Madam Chair, if I -- if I
4 may, can we call the --

5 CHAIRPERSON CAPIZZI: Sure.

6 MR. EYERMAN: -- next --

7 CHAIRPERSON CAPIZZI: Yes.

8 MR. EYERMAN: -- application?

9 CHAIRPERSON CAPIZZI: Absolutely.

10 MR. EYERMAN: 3100 Bergenline Avenue, LLC,
11 Block 168.02, Lot 1.

12 THE SECRETARY: All right. May I have your
13 attention, please?

14 Next application on tonight's agenda, 3100
15 Bergenline Avenue, LLC, 3100 Bergenline Avenue.

16 Mrs. Pereiras, please?

17 MS. PEREIRAS: Thank you.

18 Good evening, Madam Chair, counsel, members
19 of the Board.

20 May it please the Board, Bianca Pereiras on
21 behalf of the applicant, 3100 Bergenline Avenue,
22 LLC.

23 Just for purposes of the record, we were
24 here last month, at which point we submitted our
25 proofs for jurisdiction.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MS. PEREIRAS: I am thrilled to be a part
3 of this project. This is one of those buildings
4 that has really been iconic in Union City.

5 I'm talking about that corner building
6 that's on the triangular piece of land, on the
7 corner of 31st Street and Bergenline Avenue. It's
8 the Hudson Trust Company Bank.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MS. PEREIRAS: And that extends from
11 Bergenline Avenue back to New York Avenue. And
12 this is located right in our center city core.

13 This building has been used for commercial
14 purposes in the past, and what our applicant is
15 looking to do is to make it a mixed use building,
16 which is acceptable in the -- this district, by
17 maintaining the commercial uses on the ground
18 floor, and proposing 27 residential units above.

19 This Board may remember that not too long
20 ago this project appeared before the Board, to
21 construct, or to outfit a Rite Aid on the ground
22 floor. That was approved by this Board in the
23 past.

24 So, we are looking to expand on our
25 commercial use on that ground floor, and do those

1 27 residential units above.

2 We have two experts to testify before the
3 Board this evening. I'd like to begin the
4 presentation with our architect, Mr. John
5 Montoro.

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

8 MR. DILLON: Please raise your right hand.

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

11 MR. MONTORO: I do.

12 MR. DILLON: State your name and spell it
13 for the record.

14 MR. MONTORO: John Montoro, M-O-N-T-O-R-O.

15 MR. DILLON: Thank you.

16 MS. PEREIRAS: Mr. Montoro, is this the
17 first time you're appearing before the Union City
18 Board?

19 MR. MONTORO: Before Union City, yes.

20 MS. PEREIRAS: And would you kindly give
21 your credentials for the Board?

22 MR. MONTORO: Yes.

23 I'm a licensed architect in both New Jersey
24 and New York. I've appeared before Weehawken,
25 West New York, Paramus and probably 30 other

1 boards throughout the state.

2 MS. PEREIRAS: I ask that Mr. Montoro be
3 accepted as an expert in the field of
4 architecture.

5 CHAIRPERSON CAPIZZI: Do you need his
6 number?

7 MR. EYERMAN: I'd prefer your -- do you
8 know your architect's number, off the top of your
9 head?

10 MR. MONTORO: I don't know my number off
11 the top --

12 MR. EYERMAN: Just submit it when you can.
13 Thank you.

14 CHAIRPERSON CAPIZZI: Okay. Accepted.

15 MS. PEREIRAS: Mr. Montoro, are you
16 familiar with the property located at 3100
17 Bergenline Avenue?

18 MR. MONTORO: Yes, I am.

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

21 MR. MONTORO: Yes, I did. In my office.
22 Yes.

23 MS. PEREIRAS: And can you kindly describe
24 the proposed modifications and application to the
25 Board?

1 MR. MONTORO: Okay. The building is the
2 old Hudson Trust Company building between 31st and
3 32nd Street.

4 The building itself is approximately 43,000
5 square feet, and it's kind of a unique building
6 because not only is it an old building, but also
7 it has four floors within it, which has a
8 mezzanine inside. So, the -- the building that's
9 facing Bergenline Avenue is really a two story
10 structure, which is -- was a trust company, and
11 now is going to be a retail use there.

12 The building itself is -- was -- when I
13 went through it, is basically a -- was converted
14 into becoming offices on the upper floors. And
15 some of the offices, right now, are -- that exist
16 are vacant, and other offices, which were going
17 to be doctors offices are under construction.
18 We'll say about 75 percent complete.

19 What's being proposed is, is to take those
20 floors, namely the mezzanine, second and third
21 floor, and to turn them into apartment units.

22 And what we've done, and the plan I'll be
23 showing you is to show you how we're doing that,
24 and also, that we're not changing anything on the
25 exterior of this building, other than possibly

1 adding a window where we need a window for a --
2 you know, a living room area or a bedroom area.

3 But the building itself will stay intact.
4 The stairs and elevators -- the elevators will be
5 probably replaced for the apartment building.
6 But the building itself is not increasing in
7 square footage as it exists, other than taking
8 the -- there's two drive throughs.

9 One drive through that goes underneath the
10 building will stay, which will be to service the
11 retail -- the large retail space on -- where the
12 Hudson Trust Company was, or the bank was.

13 And the other drive through area will --
14 will become retail space of approximately 3,000
15 feet.

16 So, anything south of the drive through
17 area will become retail, which is about 3,000
18 square feet.

19 Other than that, we're not planning on
20 doing any exterior modifications. And basically,
21 the building will be brought up to Code on the
22 inside, with all the proposed renovations.

23 MS. PEREIRAS: And can you kind of just
24 walk us through the actual --

25 MR. MONTORO: Yeah.

1 MS. PEREIRAS: -- apartments that we're
2 proposing?

3 MR. MONTORO: Unfortunately, my easel left
4 with the last application, so -- so, I think this
5 looks like a good easel.

6 MS. PEREIRAS: Will that work?

7 MR. MONTORO: Well --

8 MR. EYERMAN: Can we all see it or -- can
9 you bring it a little bit closer? We hate to do
10 that to you.

11 MR. MONTORO: Okay. Let me --

12

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

15

16 MR. MONTORO: Okay. Good.

17 Okay. So, basically, with -- without going
18 into further ado, I'll get back to the -- all the
19 zoning criteria, but I'd just like to bring you
20 through the building, so you'll understand what's
21 going on.

22 Okay?

23 The best -- these -- is existing first
24 floor and proposed first floor. In essence, the
25 area that I was talking about that will become

1 retail is, here's the drive through right here.
2 This drive through will stay and this area here
3 that presently exists. It was -- it was just
4 another drive through and a small area of stairs
5 that lead up to the office -- office space above
6 will become retail space.

7 The -- the basement.

8 We're not proposing to do anything. That's
9 drawing PB1.0 -- oh, by the way, do you want to
10 put these into evidence? I'm sorry.

11 MR. EYERMAN: We can move them at the end.

12 MS. PEREIRAS: This is already in.

13 MR. MONTORO: Move it there? Okay.

14 So, the basement is -- is staying exactly
15 as is. It's kind of chopped up. There's a lot
16 of rooms down there, but nothing is going to
17 change.

18 MR. EYERMAN: No residential in the
19 basement?

20 MR. MONTORO: No residential in the
21 basement, no.

22 PB1.1 is showing a blowup of the present
23 first floor plan.

24 This area here, which is off of Bergenline
25 Avenue and 32nd Street on one side, and 31st

1 Street on the other side. This is the drive
2 through. That will stay to service the retail
3 that's going in on that large open two story
4 space.

5 This is actually pretty -- really neat if
6 you haven't been in there. It has a huge dome
7 and it's -- that's the reason why there's a
8 mezzanine level.

9 This -- this plan is showing this being
10 retail. And that will -- that will -- is what
11 the first floor will be different than what
12 exists now.

13 On the mezzanine level, as you can see,
14 this area with the circles, that's the area of
15 the dome. And the present building, which is
16 presently offices, wrap around on two sides of
17 it.

18 We've designed -- redesigned the -- the
19 present spaces that exist that are offices, and
20 have turned them into apartments.

21 On this floor, we have 11 apartments.
22 There are six two bedrooms; two one bedrooms; one
23 one bedroom with a den; and two studios for 11
24 apartments total.

25 I might as well give you the whole

1 breakdown, so I don't have to go on each plan.

2 The second floor has seven two bedrooms;
3 one one bedroom; no -- no dens; and no studios.

4 The third floor is the same. Seven two
5 bedrooms; one one bedroom; and no dens or no
6 studios.

7 So, it's 11 on the mezzanine, eight and
8 eight, for a total of 27 apartment units. And
9 that is 20 two bedrooms, four one bedrooms, one
10 one bedroom with den, and two studios.

11 So, the basic layout here is, is that you
12 have your elevator core and we build a corridor
13 connecting into the other elevator core.

14 So, you really don't have a lot of options
15 with what you're doing here, because you've got
16 to connect point A with point B.

17 But also, all the apartments need to have
18 light and air.

19 So, the corridor connects the two lobbies,
20 and the apartments wrap around.

21 All the apartments are at least 750 square
22 feet, which meets your Ordinance.

23 And pretty much, the mezzanine is a little
24 different than the second and third floor, but
25 the same basic concept.

1 Drawing number PB2.1 is the second floor
2 plan.

3 And here, you can see where the skylight,
4 the dome comes through. And what happens is, the
5 corridor then circles around the dome on the --
6 on the perimeter, and the apartments are on the
7 exterior of that.

8 So, what we're doing here is we're turning
9 this -- this floor that is presently studded out
10 and is -- there's ductwork, there's walls,
11 there's electric all in there, all going away to
12 turn this into new apartments.

13 And you know, the -- the goal here is, is
14 to create -- you know, fairly nice apartments,
15 not just to create -- you know, just little
16 boxes.

17 So you know, the -- some of the apartments
18 are 1,058 square feet, 1113 square feet, 1096
19 square feet. So, they're not like -- you know,
20 little -- little, small, little units.

21 The next floor, which is the third floor is
22 basically the same layout. Has a little bit
23 different, because it has a little notch there.
24 But in essence, it's the -- it's the same floor
25 plan that you see.

1 The only other modifications, as I said, to
2 the exterior are the -- where we would have to
3 punch a window in for a bedroom, or a living
4 room.

5 The zoning information is on sheet PBO.1,
6 and what we have shown here and what is
7 highlighted on this plan is, we did an analysis
8 of what office -- presently, it's all office.
9 How many parking spaces would be required by your
10 Ordinance -- required by your Ordinance, if it
11 was office, which is what it is, versus how many
12 parking spaces would be required under the
13 present apartment plan, using RSIS, two -- two
14 cars for every unit. So -- and 1.8 for the one
15 bedroom units.

16 So, if it's -- if it was -- as it is now
17 with office, it would require 147 cars. And as
18 we propose, with apartments, it's 107 cars.

19 So, there is basically a 40 car decrease in
20 the requirement, which is 30 percent decrease
21 total.

22 So, the fact that we're changing it from
23 office to residential decreases the requirement
24 by about 30 cars, relative to apartments versus
25 office.

1 The -- the building is in a CC district.
2 And in that district, you're allowed 75 percent
3 existing building coverage. There's no change,
4 but we have 80 percent. There's no change in the
5 coverage.

6 The lot coverage is 95 percent existing.
7 We have 95 percent as present.

8 The height is -- allowable is three
9 stories, or 48 feet high. It's a present
10 existing building of four stories and 50 feet.
11 So, it is -- it is allowed.

12 So, there's no change in this, and what we
13 look at here is did we make this building better?
14 That's the -- the bottom line here.

15 And I think when you look at the
16 application, how yes, it's deficient in parking.
17 It's -- it's presently deficient in parking. I
18 think the apartments are a good use for this --
19 for this building.

20 MS. PEREIRAS: Mr. Montoro, really that is
21 our only variance that we're seeking. We don't
22 meet rear yard, but we're -- we have an existing
23 building that we're dealing with.

24 MR. MONTORO: Yeah. There -- there are --
25 there are some existing bulk variances that

1 exist.

2 The fact that the building is at zero lot
3 line and I believe five -- five feet is required,
4 I think.

5 Minimum rear yard is 20 feet is required.
6 The lot is bounded on streets on four sides, so
7 there's no rear yard. I mean, that's an existing
8 condition.

9 And a minimum side yard of five -- five
10 feet, ten feet in total are required. We're at
11 zero lot line. It's -- it's an older building.

12 MS. PEREIRAS: Thank you.

13 Any more questions of Mr. Montoro?

14 CHAIRPERSON CAPIZZI: Do you have, let's
15 say, a laundry room, or where are they putting
16 their garbage? How are they getting it there?

17 MR. MONTORO: The -- the -- each unit will
18 have its own laundry inside the unit.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. MONTORO: Okay. Garbage will be
21 brought down to the street. There is no -- there
22 is no trash room on the first floor. I mean, it
23 will have to be brought down.

24 CHAIRPERSON CAPIZZI: Down to where?

25 To the dumpster?

1 MR. MONTORO: To a dumpster that will be --

2 CHAIRPERSON CAPIZZI: That the --

3 MR. MONTORO: The --

4 CHAIRPERSON CAPIZZI: That the retail
5 stores are using?

6 MR. MONTORO: That the retail stores will
7 be using. Yes.

8 CHAIRPERSON CAPIZZI: No.

9 MR. MONTORO: Or what we can do is we can
10 provide for a notch -- a notch in -- in the
11 building itself, to provide for a trash room on
12 the first floor somewhere. We'll figure out a
13 place.

14 We'll have to bring --

15 CHAIRPERSON CAPIZZI: I don't know what
16 that means.

17 MR. MONTORO: We'll have to actually create
18 a room on the first floor, out of the retail
19 space, for tenants to bring down to the trash.
20 And then, there will be doors to pickup trash
21 from the service.

22 MR. VELAZQUEZ: Yeah. Because whatever is
23 going to be retail space there is going to have
24 get their own private owned --

25 MR. MONTORO: Yeah.

1 CHAIRPERSON CAPIZZI: Right.

2 MR. VELAZQUEZ: -- pickup.

3 CHAIRPERSON CAPIZZI: Right.

4 MR. MONTORO: What you're asking is, should
5 -- are we going to separate the retail from -- I
6 mean, the retail from the apartments? And we
7 will do that. We'll create a separate trash room
8 for the apartments.

9 MR. VELAZQUEZ: Because the issue you're
10 going to get -- this is all going to be rentals.
11 Right?

12 MR. MONTORO: Yes.

13 MR. VELAZQUEZ: What you'll get, down the
14 road, is -- and I can see that coming, is the
15 garbage that will be --

16 MR. MONTORO: Yeah. I -- I get it.

17 MR. VELAZQUEZ: -- coming to me, to
18 complain. And that being such a -- a
19 thoroughfare back -- I mean, you know how it is.

20 MS. PEREIRAS: Absolutely.

21 MR. MONTORO: Yeah. I agree.

22 MR. VELAZQUEZ: I can't see that. Also,
23 like I said, as the Director of the Health
24 Department, seeing that just as a dumpster and
25 everybody in the town is going to use that.

1 That's what it's going to be.

2 MR. MONTORO: We'll create a -- a
3 legitimate trash room, within the retail corner
4 of the space.

5 MR. VELAZQUEZ: And now, also, that all
6 being rentals -- you know, we have a -- an
7 Ordinance with the superintendent, especially
8 that size of the building have to be -- has to
9 live within the --

10 MS. PEREIRAS: A super has to live in the
11 building.

12 MR. VELAZQUEZ: -- in the building.

13 MS. PEREIRAS: Correct.

14 VICE CHAIRPERSON KOEHLER: Is there no
15 space in the basement for --

16 CHAIRPERSON CAPIZZI: Hmm, I was thinking.

17 MR. MONTORO: Well, I don't think you'd
18 want to bring the trash down into --

19 MR. VELAZQUEZ: No.

20 VICE CHAIRPERSON KOEHER: No?

21 MR. MONTORO: -- the basement.

22 We'll find someplace on the first floor to
23 bring the trash.

24 VICE CHAIRPERSON KOEHER: Okay.

25 MR. VELAZQUEZ: Down by --

1 VICE CHAIRPERSON KOEHLER: Okay.

2 MS. GUARENO: What's going to be in the
3 basement?

4 MR. MONTORO: We'll probably have some
5 tenant storage down there. I mean, it's a --
6 it's a full basement. It's -- right now, it's
7 just vacant. So, we'll create like some -- you
8 know, tenant storage in the basement, and that's
9 about it. The rest will be just vacant.

10 VICE CHAIRPERSON KOEHLER: And you're
11 bringing all the electricity up to Code, et
12 cetera?

13 MR. MONTORO: Yeah. The -- all the
14 apartments will be totally -- everything will be
15 ripped out and redone. Yes.

16 MR. VELAZQUEZ: Also, just one last thing.
17 With the retail space being there, I -- I
18 can't picture like a club going on and Rite Aid,
19 but the noise with the units, is that going to --
20 that's not going to effect the units?

21 VICE CHAIRPERSON KOEHLER: What do you
22 mean?

23 MR. MONTORO: You mean the -- the rooftop
24 units?

25 MR. VELAZQUEZ: The units around the

1 corridor area.

2 Right?

3 You're going to have the --

4 MS. PEREIRAS: You think the noise going
5 from the commercial --

6 MR. VELAZQUEZ: -- the studio apartments
7 and all --

8 MS. PEREIRAS: -- unit is going to affect
9 the residences?

10 MR. VELAZQUEZ: -- any kind of noises and
11 all that, especially I know --

12 MR. MONTORO: Well --

13 MR. VELAZQUEZ: -- they're trying to
14 propose to be open a large amount of hours
15 they're trying to propose, would that -- that's
16 not going to effect --

17 MR. MONTORO: You're talking about the
18 rooftop units for like the Rite Aid?

19 MR. VELAZQUEZ: Well, mostly, the most --
20 the most commercial -- Rite Aid is going to be
21 the main size --

22 VICE CHAIRPERSON KOEHLER: It's a 24 hour
23 Rite Aid?

24 Is that right?

25 What is it?

1 MR. MONTORO: Is it a 24 hour Rite Aid?

2 VICE CHAIRPERSON KOEHLER: What -- what's
3 the --

4 MS. PEREIRAS: How many hours?

5 A VOICE: I think they're planning on being
6 24 hours.

7 VICE CHAIRPERSON KOEHLER: Yeah. With the
8 -- with the drive through.

9 MR. MONTORO: Yeah, I mean --

10 VICE CHAIRPERSON KOEHLER: Now, the
11 parking, is that just for residential, or will --

12 MS. PEREIRAS: Will the parking be limited
13 --

14 VICE CHAIRPERSON KOEHLER: -- the retail?

15 MS. PEREIRAS: -- to the commercial or to
16 the --

17 VICE CHAIRPERSON KOEHLER: To the
18 residential?

19 MS. PEREIRAS: -- to the residential?
20 We're going to have a traffic consultant --

21 VICE CHAIRPERSON KOEHLER: Oh, I'm sorry.

22 MS. PEREIRAS: -- to discuss.

23 That's okay.

24 VICE CHAIRPERSON KOEHLER: Okay.

25 MR. MONTORO: Well, the first answer to

1 your question about the noise, the actual -- the
2 corridor itself is going to break the -- the
3 separation from the noise.

4 So, you'll have to -- the noise would have
5 to go through the corridor to get into the units.
6 Okay?

7 So, the -- as far as the -- the parking.
8 There's -- there's existing parking spaces
9 on-site. There's only nine of them. So that's
10 -- that's why I -- I was stating the requirement
11 before, as it is now, versus -- because we're not
12 providing any more parking.

13 MR. VELAZQUEZ: I would just feel sorry for
14 the resident who has to hear that elevator music
15 24 hours a day. That's why. Okay.

16 MR. GUARENO: That elevator goes all the
17 way down to the basement?

18 MR. MONTORO: One -- one does, I believe.
19 Right? I think one does.

20 A VOICE: The new elevator.

21 MR. MONTORO: Yeah. Yeah.

22 MR. GUARENO: And why can't we store -- the
23 garbage be stored in the basement?

24 MR. MONTORO: Well, we could do that, but I
25 don't think you really want to bring garbage down

1 | into the basement. I don't think that's a -- I
2 | don't think that's really a sanitary thing.

3 | I would rather -- I don't think you'd want
4 | to do that. Obviously, we have lots of room to
5 | do that, but then -- then you're going to be
6 | bringing up garbage out of that elevator, down in
7 | the elevator, into a basement that is -- you
8 | know, could cause health -- health issues,
9 | meaning vermin --

10 | MR. VELAZQUEZ: Yeah, there's no
11 | ventilation down there.

12 | MR. MONTORO: Yeah.

13 | MR. VELAZQUEZ: That's the issue --

14 | VICE CHAIRPERSON KOEHLER: Okay.

15 | MR. VELAZQUEZ: -- that you have.

16 | MR. GUARENO: And where was he going to
17 | store the --

18 | MR. VELAZQUEZ: They're going to build a
19 | room.

20 | MR. MONTORO: We're going to build a room.

21 | MR. GUARENO: Is there going to be
22 | ventilation in that room?

23 | MR. MONTORO: Yes. We'll have to ventilate
24 | that room. Yes.

25 | VICE CHAIRPERSON KOEHLER: Sounds good.

1 MR. GUARENO: And what's going to happen
2 with these bathrooms that are also in the
3 basement?

4 MR. MONTORO: They will -- they're there.
5 We're not touching anything in the basement.
6 There's no need to. We're not putting anything
7 down there other than some tenant lockers.

8 Got to remember, this building was -- those
9 were all bank offices way back when, you know?
10 It's -- it's seen it's day.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. VELAZQUEZ: It's like a bunker down
13 there.

14 MR. GUARENO: That's what -- I'm looking at
15 illegal one room apartments right now.

16 MR. VELAZQUEZ: I'm not going to get --

17 MR. GUARENO: I mean, that's what -- that's
18 what I'm seeing right now.

19 MR. VELAZQUEZ: I could -- I could see like
20 -- I know that point is why I -- down in the
21 middle of the city, you're going to have illegal
22 basement apartments, I mean --

23 VICE CHAIRPERSON KOEHLER: I got that.

24 MR. VELAZQUEZ: -- a hundred year old bank.

25 MS. PEREIRAS: I understand the concern

1 | when we do like a three family and we have a --

2 | MR. VELAZQUEZ: Yeah.

3 | MS. PEREIRAS: -- bathroom in the basement,
4 | but --

5 | MR. VELAZQUEZ: I went there.

6 | MS. PEREIRAS: -- in this case --

7 | VICE CHAIRPERSON KOEHLER: No.

8 | MS. PEREIRAS: -- where we have a large
9 | structure that's existing, I don't -- I don't see
10 | that really being divided out or -- and rented
11 | out.

12 | CHAIRPERSON CAPIZZI: Does the bathroom
13 | work?

14 | MR. MONTORO: I don't know.

15 | CHAIRPERSON CAPIZZI: Okay. Okay.

16 | MR. EYERMAN: Would you be amenable to
17 | taking them out?

18 | MR. MONTORO: Yeah. I don't see why --
19 | take out the bathrooms in the basement?

20 | A VOICE: I'm sorry?

21 | MR. MONTORO: They're -- they're asking,
22 | can we take out the bathrooms in the basement,
23 | because they're afraid that somebody would just
24 | go down there and live, because they got
25 | bathrooms and they have water and --

1 MR. EYERMAN: Not the plumbing. Just you
2 know, pull out the fixtures, that kind of thing.

3 MR. MONTORO: Yeah. Just pull the
4 fixtures. Yeah. Okay.

5 MS. PEREIRAS: Just the -- what do we have?
6 A full shower in there? Full bath? Or is it
7 just --

8 MR. MONTORO: There's a -- there's a whole
9 -- there's a whole toilet room in there. So, we
10 could -- yeah.

11 I get it. So, we'll just pull the fixtures
12 out.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. EYERMAN: Counselor, you done?

15 MS. PEREIRAS: With this witness, yes, I
16 am.

17 MR. EYERMAN: Any questions for this
18 witness from the public?

19 Any questions from the Board?

20 VICE CHAIRPERSON KOEHLER: Just -- just
21 sort of piggyback to what he was saying, about
22 the noise in the apartments.

23 Also, it's a -- it's a busy area, probably
24 like ahh, ahh, ahh.

25 MR. MONTORO: Yes.

1 VICE CHAIRPERSON KOEHLER: If there's
2 additional soundproofing they could do with the
3 apartments?

4 MR. MONTORO: Well, when -- when we redo
5 the building, okay, remember, the walls are --
6 are masonry.

7 VICE CHAIRPERSON KOEHLER: Um-hum.

8 MR. MONTORO: So that's your best
9 soundproofing right there.

10 VICE CHAIRPERSON KOEHLER: Um hum.

11 MR. MONTORO: You know, how I say, it's a -
12 - it's a -- it is what it is. It's a city.
13 Okay? So, we'll -- we'll probably put furring in
14 the walls, it will also help -- you know,
15 insulate a little bit better. But I think your
16 best insulation is the block and the brick that's
17 on the outside.

18 MR. EYERMAN: Are you replacing the
19 windows?

20 MR. MONTORO: I don't think we're replacing
21 the windows, except where we have to create new
22 windows for the -- yeah.

23 Because they -- they're -- they're in not
24 bad shape. They're actually okay.

25 MR. GUARENO: There's no additional floors

1 being built on top of --

2 MR. MONTORO: No additional --

3 MR. GUARENO: -- the existing?

4 MR. MONTORO: -- floors being built. No.

5 And we're not increasing the volume of the
6 building at all.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. VELAZQUEZ: This building's not on the
9 historic register -- registry.

10 Right?

11 MS. PEREIRAS: I don't believe it is.

12 MR. MONTORO: I don't know.

13 MS. PEREIRAS: I don't believe it is. I can
14 look into that.

15 VICE CHAIRPERSON KOEHLER: Do you know when
16 it was built?

17 MR. MONTORO: No, I don't.

18 MR. VELAZQUEZ: 1888.

19 VICE CHAIRPERSON KOEHLER: 1888?

20 MS. PEREIRAS: It's a beautiful, gorgeous
21 building.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. EYERMAN: It is.

24 Is the vault still there?

25 MR. MONTORO: Is what?

1 MR. EYERMAN: Is the vault still there?

2 MR. MONTORO: Yeah. I think so.

3 CHAIRPERSON CAPIZZI: Hmm.

4 MR. EYERMAN: Oh, geez.

5 A VOICE: No, they've been taken out.

6 MR. MONTORO: The vault -- the vault was
7 taken out?

8 A VOICE: Two vaults.

9 MR. MONTORO: Really?

10 CHAIRPERSON CAPIZZI: Hmm.

11 MR. PRICE: With the money still in them?

12 MR. EYERMAN: Mr. Price, do you have a
13 question?

14 MR. PRICE: Yes. I do.

15 Larry Price, still under oath.

16 Question. About a year, year and a half
17 ago, Rite Aid came before this Board with an
18 application for a store on the ground floor.

19 MR. MONTORO: Um hum.

20 MR. PRICE: I remember, the contentious
21 item was the sign that they wanted to put
22 outside. Whatever.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. PRICE: Okay. That appli -- and it was
25 approved.

1 Now, that application and that approval
2 stand -- isn't affected by your application
3 tonight.

4 Correct?

5 MR. MONTORO: That's correct. As far as I
6 know.

7 MR. PRICE: So, you're not going into their
8 space and they're not going into yours.

9 MR. MONTORO: Correct.

10 MR. PRICE: Okay.

11 Thank you.

12 MR. EYERMAN: Sign placement is not
13 changing or anything like that? Nothing with the
14 sign?

15 MR. MONTORO: Not that -- not that I know
16 of, no.

17 MR. EYERMAN: Your next witness?

18 MS. PEREIRAS: Because we do have a parking
19 variance, we thought it was very important to
20 consult a traffic engineer. As such, I'd like to
21 welcome Mr. Craig Peregoy.

22 CHAIRPERSON CAPIZZI: Um hum.

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

25 MR. DILLON: Please raise your right hand.

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

3 MR. PEREGOY: Yes, I do.

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

6 MR. PEREGOY: Sure.

7 My name is Craig Peregoy, P-E-R-E-G-O-Y.

8 MR. DILLON: Please try that again?

9 MR. PEREGOY: P-E-R-E-G-O-Y.

10 MS. PEREIRAS: And Mr. Peregoy has
11 testified before this --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MS. PEREIRAS: -- Board on numerous
14 occasions.

15 CHAIRPERSON CAPIZZI: Yes.

16 MR. EYERMAN: And we'll --

17 MS. PEREIRAS: Thank you very much.

18 MR. EYERMAN: -- accept him as an expert.

19 CHAIRPERSON CAPIZZI: Yup.

20 MS. PEREIRAS: Mr. Peregoy, are you
21 familiar with 3100 Bergenline Avenue?

22 MR. PEREGOY: I am.

23 MS. PEREIRAS: And have you had an
24 opportunity to review the drawings prepared by
25 John Montoro?

1 MR. PEREGOY: I have.

2 MS. PEREIRAS: And can you please describe
3 this project from a traffic perspective?

4 MR. PEREGOY: Sure.

5 Just to touch on a few things. Obviously,
6 this is a pretty active part of town, really
7 busy, pedestrians, lots of traffic.

8 One of the big benefits, I think, of what
9 we're proposing to do here is eliminate a
10 driveway on both 31st and 32nd Street, by getting
11 rid of that second drive through. So, you're
12 eliminating two access points, giving, basically,
13 another on-street parking space on both sides.

14 So, I think that's -- that's pretty
15 important in terms of traffic impact.

16 And then, essentially, what we're doing is
17 replacing office space with apartments, adding a
18 little bit of retail. But that's really the
19 difference. That's the difference in traffic.

20 And if I look at the ITE's numbers, the
21 trip generation numbers of what the -- what the
22 office space would generate versus what this
23 generates, the residential use that we're
24 proposing is lower, in the order of about 50
25 trips in the peak hour. So, pretty substantially

1 lower.

2 Obviously, that's more theoretical because
3 you're going to have a lot of pedestrian traffic
4 associated with all of this, really, just based
5 on the location.

6 But you're reducing the traffic generation
7 potential, I'll say, of the property, by what
8 we're proposing.

9 So, improving access, adding two on-street
10 spaces, and reducing the number of trips that
11 could potentially be generated.

12 In terms of the parking, you heard we're
13 also reducing that requirement, as well, by 40
14 vehicles. There's 147 spaces required, if we
15 don't do anything. With what we're proposing,
16 it's 107.

17 Obviously, there's only nine spaces
18 available on the site, but we're reducing the --
19 reducing the parking requirement.

20 And I think at a little bit more of a
21 practical perspective, if you think about it,
22 residential parking demand peaks at nighttime,
23 whereas retail parking is going to peak in the
24 daytime.

25 Where you had office and retail, they both

1 kind of had their peak at the same time.

2 So, really, that difference is even more
3 than 40 cars, because you got the offsetting
4 peaks. As -- as the residential starts to
5 decrease, you see the retail increase.

6 So, in terms of just the raw numbers, and
7 then just practically looking at it, I think it's
8 a big improvement in terms of parking.

9 It reduces the traffic generation
10 potential, and the access is improved.

11 So, really, from a traffic perspective,
12 what we're proposing here is a -- is a win on
13 three fronts.

14 And I think it's -- I think it's going to
15 help, in terms of, like I said, adding the
16 parking spaces to the street and reducing the
17 traffic generation potential.

18 And the parking spaces that you're
19 requesting -- you asked me about the parking
20 spaces on-site. They would be for the retail,
21 for the Rite Aid.

22 MR. VELAZQUEZ: That parking -- the parking
23 -- is the parking lot across the street related
24 to anything with the bank?

25 No.

1 MR. PEREGOY: No.

2 MS. PEREIRAS: No. It's not.

3 MR. PEREGOY: No. This is -- you have --
4 there's over 30 --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. PEREGOY: -- bus lines within a block
7 of this area. It is -- it is a transit hub, so
8 if I'm a tenant looking to rent here, that is
9 going to be the -- the feature, is the fact that
10 the transit's available.

11 So, to --

12 VICE CHAIRPERSON KOEHLER: Any bus --

13 MR. PEREGOY: To pick --

14 VICE CHAIRPERSON KOEHLER: -- going in and
15 out of New Jersey stops right there.

16 MR. PEREGOY: Yeah.

17 VICE CHAIRPERSON KOEHLER: In and out.

18 MR. PEREGOY: Really. I mean, it is --

19 VICE CHAIRPERSON KOEHLER: Right there.

20 MR. PEREGOY: It -- it's an ideal location
21 for a commuter. It really is.

22 VICE CHAIRPERSON KOEHLER: So all -- all of
23 the parking spaces available to this property
24 belong to retail?

25 MR. PEREGOY: Yes.

1 VICE CHAIRPERSON KOEHLER: Is that right?

2 Never for residential?

3 MS. PEREIRAS: I'm sorry?

4 MR. PEREGOY: Right. The -- the idea is
5 that they'll be for --

6 MS. PEREIRAS: Only eight of them --

7 MR. PEREGOY: Well, there's eight -- eight
8 of the spaces are designated to the -- to the
9 Rite Aid. And then, there's one extra space.
10 But --

11 CHAIRPERSON CAPIZZI: Everybody dukes it
12 out.

13 MR. PEREGOY: We give them -- yeah. Have
14 the residents have a -- a steel cage --

15 CHAIRPERSON CAPIZZI: Probably row.

16 MR. PEREGOY: -- match to see who gets it.

17 I think it's -- it's better served for the
18 retail. And -- and the idea is this is a
19 building for commuters who --

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. PEREGOY: -- use mass transit.

22 CHAIRPERSON CAPIZZI: Absolutely.

23 VICE CHAIRPERSON KOEHLER: New York does
24 it.

25 CHAIRPERSON CAPIZZI: Yup.

1 You want to ask if he has any questions?

2 MR. EYERMAN: Any more questions from the
3 Board?

4 CHAIRPERSON CAPIZZI: Public?

5 MR. EYERMAN: Any questions from the
6 public?

7 Really? Wow.

8 Closing it to the public and to the Board.
9 Counselor, do you have any more witnesses?

10 MS. PEREIRAS: No. That would conclude our
11 presentation.

12 MR. EYERMAN: Would you like to do
13 summation?

14 MS. PEREIRAS: Sure. Briefly.

15 CHAIRPERSON CAPIZZI: Just I have a quick
16 question.

17 MS. PEREIRAS: Absolutely.

18 CHAIRPERSON CAPIZZI: Is there a mechanical
19 room?

20 MS. PEREIRAS: Mr. Montoro?

21 MR. EYERMAN: Basement.

22 CHAIRPERSON CAPIZZI: That would be in the
23 basement?

24 MR. MONTORO: That would be in the
25 basement.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. VELAZQUEZ: The mechanical.

3 MR. EYERMAN: The elevators, too? The
4 elevator mechanicals in the basement?

5 MR. MONTORO: I believe so, yes.

6 CHAIRPERSON CAPIZZI: Okay.

7 VICE CHAIRPERSON KOEHLER: Another
8 question. I'm sorry.

9 Is there a freight elevator? And then, a
10 residential elevator? Or is --

11 MR. MONTORO: No. They're -- they're both
12 -- they're both for people.

13 VICE CHAIRPERSON KOEHLER: So -- so there's
14 one elevator serving --

15 MR. MONTORO: There's two elevators.

16 VICE CHAIRPERSON KOEHLER: Two.

17 MR. MONTORO: There's two elevators in the
18 building. Yes.

19 VICE CHAIRPERSON KOEHLER: Okay.

20 MR. MONTORO: One's an older -- older one
21 that will need to be replaced.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. MONTORO: The other one is in that new
24 section that faces Route 3. Okay. The block
25 that sticks out, that's in the middle, that's --

1 VICE CHAIRPERSON KOEHLER: Right.

2 MR. MONTORO: -- in the middle, that --
3 that is a newer elevator.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. MONTORO: Which is larger than the old
6 -- the new -- the one in part of the existing
7 building.

8 MR. VELAZQUEZ: It still has that cage?
9 That elevator?

10 MR. MONTORO: Trying to think. No. It
11 doesn't have -- no. It's not the cage one, but
12 it's an old one.

13 MR. VELAZQUEZ: My grandmother used to --
14 my great-grandmother used to have a bank. I used
15 to just like running around the bank. I remember
16 that. I used to love that.

17 I remember the carpet smell, too.

18 MS. PEREIRAS: Just briefly, if I may?

19 Again, Board, I thank you for letting us
20 present this application.

21 As I mentioned in the beginning, this was a
22 project that we are very excited about, and happy
23 to be a part of, especially someone who grew up
24 in Union City, these are one -- this is one of
25 the buildings that I've loved my whole life.

1 The fact that we're now bringing a
2 presentation that actually utilizes the space, I
3 think we're finally bringing life back to a
4 building that -- that has deserved it for a very
5 long time.

6 I think, as you -- as you heard from the
7 testimony, we're actually reducing our parking
8 impact, even though we do have a parking
9 variance, as we do on many projects here in Union
10 City.

11 We believe that the benefit of this project
12 to the community greatly outweighs any detriment
13 or negative to the community.

14 So, we thank you again for the opportunity,
15 and we hope the Board will grant us an approval.

16 MR. EYERMAN: Thank you.

17 CHAIRPERSON CAPIZZI: Thank you.

18 That's it? That's it?

19 MR. EYERMAN: Is there a motion?

20 CHAIRPERSON CAPIZZI: I'll make a motion to
21 approve the application.

22 THE SECRETARY: Motion to approve the
23 application by --

24 MR. VELAZQUEZ: I second.

25 THE SECRETARY: -- Chairwoman Diane

1 Capizzi.

2 Any second?

3 MR. VELAZQUEZ: Second.

4 THE SECRETARY: Second by Mr. Alejandro

5 Velazquez.

6 CHAIRPERSON CAPIZZI: Nice.

7 THE SECRETARY: Roll call on the motion.

8 Ydalia Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Diane Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Carolina Fernandez?

13 MS. FERNANDEZ: Yes.

14 THE SECRETARY: Rudy Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Franklin Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Jeanne Koehler?

19 Mrs. Koehler?

20 VICE CHAIRPERSON KOEHLER: Yes.

21 THE SECRETARY: Thank you.

22 Sorry.

23 Alejandro Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Jose Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Eight in favor, motion
3 carries.

4 Thank you.

5 MS. PEREIRAS: Thank you all very much.

6 VICE CHAIRPERSON KOEHLER: Thank you. Good
7 luck with it.

8 MS. PEREIRAS: Thank you.

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

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

6 CHAIRPERSON CAPIZZI: I'll make a motion.

7 THE SECRETARY: Motion by Mrs. Capizzi.

8 Second by?

9 MR. GUARENO: Second.

10 THE SECRETARY: Jose Guareno.

11 All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Let the record show that the meeting has
18 ended.

19 Thank you.

20

21 (Whereupon, the proceedings were concluded
22 at 8:08 p.m.)

23

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, May 24, 2016 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24 Monitored by: Kevin Dillon, Jr.

25 Monitored and Proofread by: Deborah Dillon