

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, October 25, 2016
Commencing at 6:04 p.m.

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

YDALIA GENAO, Mayor's Designee
CAROLINA FERNANDEZ, (Arrived at 6:14 p.m.)
RUDY RIVERO, (Arrived at 6:11 p.m.)
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
ALICIA MOREJON

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

CARLOS VALLEJO, Secretary to the Board
REGINA I. RODRIGUEZ, ESQ., Attorney for the Board
DAVID SPATZ, Consultant, (Left at 7:06 p.m.)
Community Housing & Planning Associates, Inc.

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Benjamin Solof

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 133 Madison Street, LLC

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Jolanta Zielinska

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, N.I.U. Trust

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Manuel Pereiras

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WITNESSPAGE

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Abbas Shah

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1 MS. DILLON: Okay.

2 On the record.

3 THE SECRETARY: Please take notice that on
4 Tuesday, October 25th, 2016, at six p.m., a
5 Regular Meeting is scheduled for the City of
6 Union City Planning Board to be held in the
7 Municipal Chambers of City Hall, 3715 Palisade
8 Avenue, Union City, New Jersey.

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

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

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

21 Before we call roll for this evening,
22 everybody kindly rise to salute the flag.

23

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

1

2 THE SECRETARY: Thank you.

3

4 **ROLL CALL:**

5

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

8 Mayor Brian P. Stack? Absent.

9 Ydalia Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Commissioner Valdivia?
12 Absent.

13 Alicia Morejon? Absent.

14 Diane Capizzi?

15 CHAIRPERSON CAPIZZI: Here.

16 THE SECRETARY: Carolina Fernandez?
17 Absent.

18 Rudy Rivero? Absent.

19 Franklin Medina?

20 MR. MEDINA: Here.

21 THE SECRETARY: Jeanne Koehler?

22 MS. KOEHLER: Here.

23 THE SECRETARY: Alejandro Velazquez?

24 MS. DILLON: He stepped out.

25 THE SECRETARY: He step out?

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. GUARENO: Yeah. He'll be right back.

3 THE SECRETARY: But he's -- he's here.

4 CHAIRPERSON CAPIZZI: But he's here.

5 MR. SPATZ: He's here. He just had to step
6 out for a minute.

7 THE SECRETARY: Let the record indicate
8 there are six present.

9 Those absent tonight are Mayor Brian P.
10 Stack, --

11 MR. GUARENO: Carlos?

12 THE SECRETARY: -- Commissioner Valdivia --

13 MR. GUARENO: You didn't mention my name.

14 THE SECRETARY: I didn't call you?

15 MR. GUARENO: No.

16 THE SECRETARY: Oh, I'm sorry. I
17 apologize.

18 Mr. Jose Guareno?

19 MR. GUARENO: Correct. Here.

20 THE SECRETARY: Thank you.

21 Six members present.

22 Absent tonight; Mayor Brian P. Stack,
23 Commissioner Celin Valdivia, Alicia Morejon,
24 Carolina Fernandez and Rudy Rivero.

25 We have six members present.

1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2

3 (1) Approval of previous meeting minutes from
4 September 20, 2016.

5

6 THE SECRETARY: Okay.

7 Can I have a motion to approve the previous
8 meeting minutes from September 20, 2016?

9 CHAIRPERSON CAPIZZI: I'll make --

10 MR. GUARENO: Motion.

11 CHAIRPERSON CAPIZZI: -- a motion.

12 THE SECRETARY: Motion by Mrs. Capizzi.

13 Second by Jose Guareno.

14 Roll call on the motion.

15 Ydalia Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mrs. Koehler?

22 VICE CHAIRPERSON KOEHLER: Yes.

23 THE SECRETARY: Mr. Velazquez? He's absent
24 at this time.

25 Oh, he's coming.

1 CHAIRPERSON CAPIZZI: He's right here.

2 THE SECRETARY: Mr. Velazquez, we're doing
3 a roll call on the --

4 CHAIRPERSON CAPIZZI: Approving the
5 minutes.

6 THE SECRETARY: -- to approve the previous
7 meeting minutes.

8 Mr. Velazquez, to approve the previous
9 minutes?

10 MR. VELAZQUEZ: I have to abstain. I think
11 I wasn't here for the last one.

12 Right?

13 THE SECRETARY: Abstain.

14 Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Five in favor.

17 MR. VELAZQUEZ: I wasn't here last time.

18 THE SECRETARY: One abstain. Motion
19 carries.

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1 **RESOLUTIONS:**

2

3 (1) Crest Point Development Union City, LLC -
4 511-519 32nd Street, Block 170; Lots 21-25, 43,
5 48-50. Construct a new 32 units (sic)
6 residential building, which consists of four
7 residential floors combined with commercial
8 spaces (4) and 35 parking spaces.

9 (2) Kuenzle Realty, LLC - 3804 32nd Street,
10 Block 261, Lot 3. A new three family dwelling to
11 replace a one story masonry building.

12 (3) Ana Luca - 527 35th Street, Block 204.01,
13 Lot 33. Legalization of an existing basement
14 apartment, to go from a two family to a three
15 family.

16

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

19 First Resolution, Crest Point Development,
20 Union City, LLC.

21 Second Resolution, Kuenzle Realty, LLC,
22 3804 dash -- 3804 32nd Street.

23 Third Resolution, Ana Luca, 527 35th
24 Street.

25 Can I have a motion to adopt these

1 Resolutions?

2 CHAIRPERSON CAPIZZI: I'll make a motion.

3 THE SECRETARY: Motion -- Diane Capizzi.

4 Second by?

5 VICE CHAIRPERSON KOEHLER: I'll second.

6 THE SECRETARY: Mrs. Koehler.

7 Roll call on the motion to adopt these

8 Resolutions.

9 Mrs. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mrs. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Mr. Velazquez?

18 MR. VELAZQUEZ: Abstain.

19 THE SECRETARY: Mr. Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Five in favor, one abstain,

22 motion carries.

23 * * *

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1 **CORRECTIVE RESOLUTION:**

2

3 (1) Shriji 218, LLC - 2107 Bergenline Avenue,
4 Block 114, Lot 4. Propose of a three story
5 structure, first floor retail space and four
6 residential apartments. **Resolution was adopted**
7 **on February 23, 2016.**

8

9 THE SECRETARY: We have one Corrective
10 Resolution, Shriji 218, LLC, 2107 Bergenline
11 Avenue.

12 This Resolution was adopted on February
13 23rd, 2016.

14 Can I have a motion to adopt this --

15 MR. VELAZQUEZ: I make a motion.

16 THE SECRETARY: -- Corrective Resolution?

17 MR. VELAZQUEZ: I make a motion.

18 THE SECRETARY: Motion by?

19 MR. VELAZQUEZ: Mr. Velazquez.

20 THE SECRETARY: Mr. Velazquez.

21 Second by?

22 Mrs. Capizzi.

23 Roll call on the motion.

24 Mrs. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mrs. Koehler?

6 VICE CHAIRPERSON KOEHLER: Yes.

7 THE SECRETARY: Mr. Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Six in favor, motion
12 carries.

13 CHAIRPERSON CAPIZZI: Okay.

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1 **Benjamin Solof - 512 4th Street:**

2

3 THE SECRETARY: We have four application
4 tonight's agenda.

5 First application, Benjamin Solof, 512 4th
6 Street.

7 Mrs. Pereiras, please.

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

10 MS. PEREIRAS: Good evening, Madam Chair,
11 members of the Board.

12 May it please the Board, Bianca Pereiras,
13 on behalf of Benjamin Solof, for property located
14 at 512 4th Street, also known as Block 228, Lot
15 41.

16 I have submitted my jurisdictional proofs
17 to counsel.

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

20 MS. PEREIRAS: We'd just like to confirm
21 for the record that my jurisdictional proofs are
22 --

23 MS. RODRIGUEZ: Yes.

24 MS. PEREIRAS: -- adequate.

25 MS. RODRIGUEZ: I've had an opportunity to

1 review the submissions by the counsel, and it
2 seems that everything is in order to give
3 jurisdiction to the Board in this matter.

4 CHAIRPERSON CAPIZZI: Okay.

5 MS. PEREIRAS: Thank you very much.

6 Currently, on-site, we have two homes. We
7 are looking to demolish those two properties to
8 create a brand new three family home on-site.

9 We're located in the R low density --

10

11 (Whereupon, Rudy Rivero arrived at 6:11
12 p.m.)

13

14 MS. PEREIRAS: -- residential zone. We
15 have three variances for you regarding rear yard,
16 maximum impervious coverage and parking.

17 We have one expert witness to testify
18 before the Board this evening and that is our
19 architect, Mr. Manuel Pereiras.

20 MS. DILLON: Do you affirm the testimony
21 you're about to give this Board is the whole
22 truth?

23 MR. PEREIRAS: I do.

24 MS. DILLON: Please state your name for the
25 record.

1 MR. PEREIRAS: Manny Pereiras,
2 P-E-R-E-I-R-A-S, with Pereiras Architects
3 Ubiquitous, 1116 Summit Avenue, Union City.

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

6 Let the record show up that Mr. Rivero
7 joined the meeting. We have seven members now.

8 Thank you.

9 MR. PEREIRAS: Madam Chairman, members of
10 the Board, it's a pleasure to be here.

11 MS. PEREIRAS: For purposes of the record,
12 I'd just like to confirm that Mr. Pereiras is
13 qualified as an expert in the field of
14 architecture.

15 CHAIRPERSON CAPIZZI: He is.

16 MS. PEREIRAS: Thank you very much.

17 Mr. Pereiras, are you familiar with 512 4th
18 Street?

19 MR. PEREIRAS: I am.

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

22 MR. PEREIRAS: I have.

23 MS. PEREIRAS: And would you kindly walk us
24 through the application?

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

1 We're on the north side of 4th Street.
2 Let's talk a little bit about what's there
3 existing right now.

4 We have a house that is basically occupying
5 the majority of this lot. It's a hundred percent
6 impervious coverage.

7 The house sits on the front yard, on the
8 front property line. It sits on the west
9 property line. It's set back a little bit, in
10 order to have a driveway across it, and then
11 there's a structure in the back of the property
12 that sits on the rear property line, -- the --
13 the west and the east.

14 So, what we're proposing is significantly
15 better. We're going to actually improve all
16 those setbacks.

17 And what we're doing is, we're going to
18 tear that house down, tear down the garage in the
19 back, and we're proposing what we've presented
20 before this Board dozens of times before, it's a
21 simple three family house, is as much in
22 conformance to the Ordinance as it possibly can
23 be.

24 What we're proposing to do is to create
25 this house that we're presenting here. And just

1 for purposes of the record, the drawings I'm
2 pointing to on this easel are the same drawings
3 that were submitted before the Board, simply on
4 the easel for presentation.

5 We have three feet that we're proposing on
6 the -- on the east side of the property, two feet
7 on the west side, for a total of five feet. The
8 west side being the blind side.

9 The front yard setback is a total of 17
10 five inches to the building, and we do have a
11 balcony in front of that that sticks out four
12 feet. So, we have 13 feet. Still in compliance
13 with the front yard setback.

14 That's very important, because what we're
15 doing is we're creating an apron in the front,
16 where we can park two cars in the driveway, side
17 by side.

18 So, we have our front stairs leading from
19 the property line, up to the ground floor. And
20 we have two parking -- enough parking for two
21 spaces there.

22 The rear of the building has the emergency
23 exit stair from the back --

24

25 (Whereupon, Carolina Fernandez arrived at

1 6:14 p.m.)

2

3 MR. PEREIRAS: -- of the -- that second
4 floor apartment. And it has a rear yard setback
5 of three foot four, if you measure it to the
6 stairs. It's an --

7 THE SECRETARY: Mr. Pereiras?

8 MR. PEREIRAS: -- open stair, however.

9 THE SECRETARY: Allow me a second, please.

10 MR. PEREIRAS: Yes.

11 THE SECRETARY: Let the record show that --

12 CHAIRPERSON CAPIZZI: Carolina.

13 MR. SPATZ: Carolina. Carolina.

14 THE SECRETARY: -- Carolina Fernandez
15 joined the meeting.

16 Thank you.

17 Go ahead, Mr. Pereiras.

18 MR. PEREIRAS: So, our rear yard setback is
19 actually 9.79 feet, measured to the building.
20 And that's the -- the first variance that we're
21 triggering tonight. It's that rear yard for
22 that. And that's a function of that second means
23 of egress that we have to provide and the depth
24 of the building, and since we're allowing so much
25 of a front yard setback.

1 In addition to that, we have a parking
2 variance, of course, for parking.

3 What we're providing is four spaces, two of
4 which are tandem. And I'll go through with that
5 -- through that more clearly in the floor plan on
6 the next page.

7 On this page, you can see our floor plans.
8 We have ground, second and third floors.

9 On the ground floor, you can see that we've
10 provided two parking spaces for cars inside, side
11 by side, plus the two on the apron.

12 The entrance to the ground floor apartment
13 is through that three foot side yard. You walk
14 towards the back of the property, and we have the
15 entrance into a nice living room, dining room,
16 kitchen, open floor plan area, and then the two
17 bedrooms along the side, with a shared bathroom
18 that they have.

19 If you go up to the second floor; you reach
20 the second floor through the front -- through a
21 front staircase that's located on the property
22 line.

23 You get upstairs; you walk in and you have
24 a typical three bedroom apartment. You have a
25 living area that's 14 foot three, the width of

1 the building, times 22.6 feet in length, open to
2 the kitchen, dining area to the side of that, and
3 then the three bedrooms.

4 And the three bedrooms, you have two
5 smaller ones, nine foot two by 11.10; and then,
6 one large master bedroom which is 12 by 16, with
7 double closets in there.

8 If you go to the floor above, it's
9 basically a reflection of the bottom floor,
10 except we gain a little bit more square footage
11 because we have the space over the stairwell.
12 Very typical floor plan.

13 And now, turning now to page Z03. We have
14 a simple, yet beautiful design. Primarily brick
15 on the front facade. The overall height of the
16 building all the way to the parapet is 35 feet
17 nine inches, less the parapet, the four foot
18 parapet that we have, we're at 31 feet, in
19 compliance with the Ordinance.

20 And that's pretty much it.

21 I'm open for questions.

22 CHAIRPERSON CAPIZZI: What's on the side?

23 MR. PEREIRAS: The side is vinyl siding.

24 CHAIRPERSON CAPIZZI: Okay. Is there --

25 MR. PEREIRAS: So, we're wrapping the brick

1 --

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. PEREIRAS: -- back four feet, like we
4 always do in all of our houses, --

5 CHAIRPERSON CAPIZZI: Right.

6 MR. PEREIRAS: -- so that when you look at
7 it from the corner, you still see the beautiful
8 brick along the side, so it looks attractive.

9 But then, further back, we try to do it a
10 little bit more economical. We have regular
11 stucco, Roman stucco, the hard stucco on the
12 ground level, and siding above, higher.

13 CHAIRPERSON CAPIZZI: And the back?

14 MR. PEREIRAS: The same thing. The siding
15 wraps the building.

16 CHAIRPERSON CAPIZZI: Lighting by the
17 doorway?

18 MR. PEREIRAS: We have lighting --

19 CHAIRPERSON CAPIZZI: Stairs?

20 MR. PEREIRAS: -- across the entire aisle
21 path, and by the doorway. We have two sconces,
22 one on each side of the primary entrance. We
23 have lights underneath the -- over the garage.
24 And we have lighting across the back, and on that
25 little side entrance.

1 And that's a matter of Code, and we will be
2 providing that.

3 VICE CHAIRPERSON KOEHLER: Roman stucco?

4 MR. PEREIRAS: Roman stucco.

5 So, our city does not allow synthetic
6 stucco.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. PEREIRAS: So that's why we put the
9 Roman stucco in there, just to make it clear that
10 this is the hard stucco, the stucco that goes on
11 with a mesh. That's what the city wants and
12 that's what we're providing.

13 MR. VELAZQUEZ: You don't think underneath,
14 maybe the staircase, it's like with the garbage
15 receptacles and all that, make it a little easier
16 for them?

17 MR. PEREIRAS: That's exactly what we do.

18 MR. VELAZQUEZ: Instead of putting it on
19 the side.

20 MR. PEREIRAS: So, underneath the staircase
21 --

22 Thanks, Alex, Mr. Velazquez.

23 If you see that staircase, it's actually
24 enclosed with a door. And we provide that for
25 trash specifically, like we always do.

1 VICE CHAIRPERSON KOEHLER: Nothing's
2 happening to the adjacent building over here.

3 MR. PEREIRAS: We're --

4 VICE CHAIRPERSON KOEHLER: Nothing.

5 MR. PEREIRAS: We don't touch anything on
6 the adjacent buildings. We show it --

7 VICE CHAIRPERSON KOEHLER: You're just
8 showing it --

9 MR. PEREIRAS: Yeah.

10 VICE CHAIRPERSON KOEHLER: -- for --

11 CHAIRPERSON CAPIZZI: Do they own it?

12 MR. PEREIRAS: No.

13 CHAIRPERSON CAPIZZI: Is that part of --

14 MR. PEREIRAS: It has nothing to do with
15 our property.

16 CHAIRPERSON CAPIZZI: Oh, it's not part of
17 your application.

18 MR. PEREIRAS: No.

19 CHAIRPERSON CAPIZZI: Okay.

20 VICE CHAIRPERSON KOEHLER: And what's the
21 height of the building next to it?

22 MR. PEREIRAS: It's -- so, if you look at
23 the photograph, it's a great way of comparing it.

24 We're going to be approximately the same
25 height as the building to the west. And we'll be

1 a little bit taller than the building to the
2 east.

3 Both of them are -- are two and a half
4 story structures. We're going to be at a full
5 three stories.

6 So, we're going to be close to the height
7 of that parapet, and taller. Like, I'd say eight
8 feet taller than the one to the east.

9 VICE CHAIRPERSON KOEHLER: To the west,
10 what -- do you know the height of the building to
11 the west?

12 MR. PEREIRAS: I don't know, I haven't
13 measured it. But I could see from the
14 photograph, that it's two and a half stories, and
15 we're going to be at a full three stories.

16 So -- and -- and I see that they have a
17 really tall parapet. So, we're going to be
18 roughly about the same height, maybe a little bit
19 taller.

20 MR. VELAZQUEZ: This was the structure that
21 had the fire.

22 Right? It's unoccupied right now?

23 A VOICE: Correct.

24 MS. PEREIRAS: That is correct.

25 MR. PEREIRAS: Yeah. Had a fire.

1 CHAIRPERSON CAPIZZI: Is there a back yard?

2 I'm sorry. I didn't get that. Is there?

3 MR. VELAZQUEZ: Yeah, there --

4 MR. PEREIRAS: Nine foot seven nine -- 9.79
5 backyard.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. PEREIRAS: That's also occupying the
8 egress stair. So that clear --

9 CHAIRPERSON CAPIZZI: And what's in the
10 backyard? What are you going to have in the
11 backyard?

12 MR. VELAZQUEZ: Towards the rear. Another
13 rear house.

14 CHAIRPERSON CAPIZZI: Oh, there's a --

15 MR. PEREIRAS: Oh, yeah.

16 CHAIRPERSON CAPIZZI: So, there's no back
17 -- there's no area back there.

18 MR. PEREIRAS: No. And right now, there's
19 absolutely no area. There's like a garage back
20 there that's on the property line on all sides.

21 So, we're going to make it significantly
22 better.

23 VICE CHAIRPERSON KOEHLER: But did you say
24 you were demolishing that little --

25 MR. PEREIRAS: We're demolishing --

1 VICE CHAIRPERSON KOEHLER: Rear --

2 MR. PEREIRAS: We're demolishing the house,
3 and we're demolishing -- demolishing that rear
4 structure, in order to provide for this new
5 structure --

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. PEREIRAS: -- and give the setbacks so
8 that we're in conformance with the Ordinance, as
9 more in conformance with the Ordinance.

10 CHAIRPERSON CAPIZZI: Any trees or plants?

11 MR. PEREIRAS: We don't have in our
12 drawing, but we'll be happy to do that. We could
13 plant one tree on the sidewalk. It would fit
14 well in front of the stairs. That's a good idea.

15 MR. VELAZQUEZ: A pear tree.

16 MR. PEREIRAS: We'll put that. That's
17 right.

18 CHAIRPERSON CAPIZZI: Any questions or
19 comments from the Board?

20 Any questions or comments from the public?

21 Anybody have any concerns?

22 MR. VELAZQUEZ: No.

23 CHAIRPERSON CAPIZZI: No?

24 Okay.

25 Seeing none, then I'll make a motion to

1 approve the application.

2 THE SECRETARY: Motion to approve the
3 application, Diane Capizzi.

4 MR. VELAZQUEZ: I second.

5 THE SECRETARY: Second by?

6 MR. VELAZQUEZ: I second.

7 THE SECRETARY: Mr. Velazquez.

8 Roll call on the motion to approve this
9 application.

10 Ydalia Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Mr. Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Mrs. Fernandez?

17 MS. FERNANDEZ: Abstain.

18 THE SECRETARY: Abstain.

19 Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mrs. Koehler?

22 VICE CHAIRPERSON KOEHLER: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Seven in favor, one
3 abstain.

4 Motion carries.

5 MS. PEREIRAS: Thank you all very much.

6 CHAIRPERSON CAPIZZI: You're welcome.

7 VICE CHAIRPERSON KOEHLER: Thank you.

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1 **133 Madison Street, LLC - 3600-3612 Kennedy**
2 **Boulevard:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 133 Madison Street, LLC, 3600-
6 3612 Kennedy Boulevard.

7 Mrs. Pereiras, please?

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

10 MS. PEREIRAS: Again, Bianca Pereiras on
11 behalf of the applicant, for property located at
12 3600-3612 Kennedy Boulevard.

13 I have my -- I have presented my
14 jurisdictional proofs to counsel.

15 MS. RODRIGUEZ: Yes, Madam Chairwoman.

16 I've had an opportunity to review the
17 submissions by counsel, and everything seems to
18 be in order, giving jurisdiction to the Board in
19 this matter.

20 MS. PEREIRAS: Thank you.

21 CHAIRPERSON CAPIZZI: You're welcome.

22 MS. PEREIRAS: We are looking at that
23 vacant piece of land that's on Kennedy Boulevard,
24 right at the corner, between 36th and 37th Street.

25 We are located in the CN neighborhood

1 commercial zone, and we're also within the JFK
2 Overlay Design District.

3 What we are proposing is a one story retail
4 commercial space.

5 We have one expert witness to testify
6 before the Board this evening, and that is our
7 architect, Mr. Manuel Pereiras.

8 MR. PEREIRAS: Manny Pereiras, still under
9 oath.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with the property in question?

12 MR. PEREIRAS: Yes, I am.

13 MS. PEREIRAS: And did you prepare the
14 drawings before the Board this evening?

15 MR. PEREIRAS: I have.

16 MS. PEREIRAS: And can you please describe
17 the proposed application to the Board?

18 MR. PEREIRAS: Sure. Be happy to.

19 This is a project I'm very proud of. I
20 think it's going to make a big difference to this
21 section of the city. It's going to really
22 complete what we call the fourth corner, that
23 area, into a beautiful development.

24 We have a lot that is well oversized.
25 We're at 7,819 square feet. And the application

1 we have before this Board is actually a very
2 modest one.

3 We're proposing a simple single story
4 retail building. And for once, I could stand up
5 here and say that we're providing every single
6 parking space that's required. Twelve parking
7 spaces are required, and we're providing 12
8 parking spaces, including the handicap.

9 So, usually, our biggest issue is taken
10 care of. We're providing it on-site, and I'll
11 walk you through that right now.

12 If you're -- and for purposes of
13 presentation, these are the same drawings that
14 were submitted before the Board, simply on an
15 easel.

16 Along the top of this drawing is Kennedy
17 Boulevard. Along the right hand side is 37th
18 Street. We're hugging that western corner of
19 Kennedy Boulevard, that northwestern corner of
20 that intersection.

21 We separated the building along that
22 corner. I think it makes a beautiful presence.
23 I -- and particularly, as an architect, I hate
24 the way, like the Walgreen's is set back. It
25 looks like a void in the city. You see cars in

1 front of it. I think it -- it's a distraction.
2 It's a -- it's a nuisance.

3 What we're proposing is to have the
4 building along and creating that corner, and
5 dominating that corner, so it has a beautiful
6 view, and we maintain it very modest. It's --
7 it's low, so it doesn't impede any traffic
8 vision. It doesn't hinder anything that's within
9 scale of the city.

10 So, we maintain that building in the
11 corner, and we created the parking along 37th
12 Street, so that there's an entrance from Kennedy
13 Boulevard, just entrance. And on 37th Street,
14 there's in and out.

15 We created a nice wide -- 24 foot wide
16 aisle space to get into the parking spaces. And
17 we created 12 parking spaces in total.

18 On all sides of the parking, it's set back,
19 so that we have the opportunity for landscaping.
20 And we created landscaping along that entire
21 corner, along this -- the western part, and along
22 the north part at the -- at the northwest point.

23 Our building itself is touching the
24 property line along the -- the east side, but we
25 set it back at the corners in order to provide

1 | some additional landscaping as well. And you
2 | could see that a little bit better in the -- in
3 | the next pages.

4 | As you could see from this elevation, we
5 | have a building that is 14 feet to the roofline,
6 | with the parapet. We are at -- and basically, 18
7 | feet six inches in height.

8 | So, our building is very modest in height.
9 | It's not intrusive in any way. And you could see
10 | that it has a mostly brick façade, with some
11 | Roman stucco, and modest signage over it.

12 | We also have some canopies that accentuate
13 | the entry points to the building. So, we have a
14 | primary entrance along the middle of the
15 | building. Very symmetrical, very clean in
16 | design, right at the center point. And then, a
17 | secondary entrance along the side from the
18 | parking area.

19 | So, if you park your car, you can walk into
20 | the entrance here.

21 | The retail space within the building is
22 | wide and open. It's a total of 1,823 square
23 | feet. That includes the -- the bathroom and the
24 | -- and mechanical equipment, and everything else
25 | that's needed there.

1 But as you could see, this is towards the
2 parking area. It's our primary entrance,
3 secondary entrance along here from Kennedy
4 Boulevard. And it creates a good -- a good
5 anchor for the corner.

6 Turning back to the cover sheet, we did a
7 rendering of the -- the aesthetics of the
8 building. It's shown here in this three
9 dimensional sketch.

10 What we did is we create a lot of depth.
11 We create a lot of layers, so that it brings this
12 building into scale. It doesn't feel -- read
13 like a large mass.

14 Bianca, do you want to go over --

15 MS. PEREIRAS: Absolutely.

16 Mr. Pereira, if we could just discuss the
17 lot depth.

18 MR. PEREIRAS: Yes.

19 So, we are asking for a variance on lot
20 depth, and that's because we have an irregular
21 lot.

22 Even though we have a size of 7,819 square
23 feet, the depth along here, for example, is 37
24 feet -- 37.2 feet. Whereas, on this side, it's
25 71 feet. And even though the overall length of

1 the -- of the lot is 145 feet.

2 So, technically, we have a variance for lot
3 depth.

4 MS. PEREIRAS: Mr. Pereiras, can you also
5 please discuss the rear yard?

6 MR. PEREIRAS: Yes.

7 So, since our building sits on a -- on a
8 37.2 portion of the lot, our rear yard, if you
9 count the rear yard towards the west, is only
10 1.79 feet. And that's simply from the edge of
11 the building to the property line, if we read it
12 in that -- in that way.

13 MS. PEREIRAS: Also, pursuant to the JFK
14 Overlay District, normally we're not permitted to
15 have parking in the front yard.

16 Mr. Pereiras, you touched on that briefly,
17 but can you please go into that a little further?

18 MR. PEREIRAS: I'd be happy.

19 We're being safe. From a matter of
20 interpretation, parking is not permitted in the
21 front yard.

22 Technically, this isn't the front yard.
23 It's the side yard. If you look at the building,
24 and you look at it from 37th Street, it would be
25 the front yard. So, we're asking for a variance

1 for -- from that Ordinance.

2 Parking is not permitted in the front yard.
3 And if you're looking at it from 37th Street, that
4 would be our front yard.

5 CHAIRPERSON CAPIZZI: Where is the front of
6 the building? On Kennedy Boulevard?

7 MR. PEREIRAS: The building is located on
8 the corner of 36 and Kennedy, right here.

9 CHAIRPERSON CAPIZZI: Is that the front?

10 MR. PEREIRAS: So, this is Kennedy
11 Boulevard. This is 36th Street.

12 CHAIRPERSON CAPIZZI: Right.

13 VICE CHAIRPERSON KOEHLER: Where will the
14 front --

15 CHAIRPERSON CAPIZZI: Where's the front?

16 MR. PEREIRAS: Depends on how you look at
17 it.

18 CHAIRPERSON CAPIZZI: Well, where does the
19 -- okay.

20 Let me ask you this, then.

21 Where does it -- when it says here, this.

22 This. This how you consider the front?

23 MR. PEREIRAS: That's on Kennedy Boulevard.
24 That's --

25 CHAIRPERSON CAPIZZI: Okay.

1 MR. PEREIRAS: -- Kennedy Boulevard. I
2 would consider that the front.

3 CHAIRPERSON CAPIZZI: So, why -- what's --
4 why are you not saying that's the front?

5 MR. PEREIRAS: Because the Planner for the
6 city recommended that we get a variance for that,
7 and we're simply complying with that.

8 CHAIRPERSON CAPIZZI: What else can you put
9 besides stucco?

10 MR. PEREIRAS: Brick.

11 CHAIRPERSON CAPIZZI: Okay. That's a lot
12 of stucco on there.

13 MR. PEREIRAS: We'll be happy to make it
14 brick.

15 CHAIRPERSON CAPIZZI: Okay.

16 And where are the plants on this plan? You
17 said there was room for --

18 MR. PEREIRAS: Yes.

19 If you look at our site plan, everything
20 that's called out is proposed landscaping.
21 That's all area for plants.

22 CHAIRPERSON CAPIZZI: Where do you see
23 that?

24 VICE CHAIRPERSON KOEHLER: Right here.
25 Proposed landscaping.

1 MR. PEREIRAS: It has a little hatch mark.

2 CHAIRPERSON CAPIZZI: So, you're not
3 obligated, or we don't have to know what kind of
4 business is going to --

5 MR. PEREIRAS: And we don't know what --

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. PEREIRAS: -- type of business it is.
8 We're creating a shell for a potential future
9 tenant.

10 CHAIRPERSON CAPIZZI: What about lighting?

11 MR. PEREIRAS: Site lighting? Absolutely.

12 CHAIRPERSON CAPIZZI: What kind of
13 lighting?

14 MR. PEREIRAS: We have site lighting.

15 CHAIRPERSON CAPIZZI: What kind of lighting
16 is there?

17 MR. PEREIRAS: We have site bollards
18 proposed. They're located -- and they're
19 actually not shown on -- are they shown on the
20 drawing?

21 They're not shown on our drawing.

22 We have -- the proposal is light bollards,
23 and they'll simply be spaced along the perimeter
24 of the parking lot in order to -- to cast light
25 on the -- on the parking area.

1 MR. VELAZQUEZ: You know, because what
2 would be good with that, especially with the
3 enhancements and the improvements on Kennedy
4 Boulevard, especially what's -- you know, been
5 transpiring, the past couple of years, the more
6 lighting, especially in that area, we're
7 upgrading some of the lighting. If you notice,
8 the cobra head lights and the flood lights.

9 If there's more lights that could be added
10 within the interior, like a flood light inside,
11 with visors, that are not going to affect the --

12 MR. PEREIRAS: I --

13 MR. VELAZQUEZ: -- neighborhood.

14 MR. PEREIRAS: I think that's a great idea.
15 I think we could put a flood light on -- on the
16 building façade, shining towards the -- the
17 parking area, with a visor, so it doesn't hit the
18 neighbors.

19 MR. VELAZQUEZ: Um hum.

20 MR. PEREIRAS: I think that's a great idea.

21 VICE CHAIRPERSON KOEHLER: I never mind if
22 the light hits my building. FYI.

23 MR. VELAZQUEZ: Lot of people do, though.

24 MR. PEREIRAS: A lot of people do.

25 MR. VELAZQUEZ: Always one.

1 MR. GUARENO: Will be any lights on the
2 exterior of the building?

3 MR. PEREIRAS: Only for the signage. And
4 the light that we just mentioned.

5 CHAIRPERSON CAPIZZI: What about the
6 parking -- parking lot?

7 MR. PEREIRAS: That parking -- there will
8 be a flood light --

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. PEREIRAS: -- and the bollards.

11 MR. VELAZQUEZ: Yeah.

12 VICE CHAIRPERSON KOEHLER: Are the bollards
13 -- are they identified in the plans?

14 MR. PEREIRAS: They're not identified on
15 the plan. They're -- they're simply spaced -- we
16 could do every -- every three spaces, we could
17 have a bollard.

18 CHAIRPERSON CAPIZZI: So, about how many
19 would there be?

20 MR. PEREIRAS: I could tell you exactly.
21 Let's see.

22 One -- I think seven would be appropriate
23 for the site.

24 MR. VELAZQUEZ: And you're looking at those
25 kind of bollards that are most likely -- have

1 | them around, like on Summit Avenue, with the
2 | lights already inside like that?

3 | MR. PEREIRAS: Um hum.

4 | VICE CHAIRPERSON KOEHLER: Where is the
5 | residential --

6 | MR. PEREIRAS: There is no --

7 | VICE CHAIRPERSON KOEHLER: -- unit?

8 | MR. PEREIRAS: -- residential component.

9 | VICE CHAIRPERSON KOEHLER: No. Not part of
10 | this plan.

11 | MR. PEREIRAS: Oh.

12 | VICE CHAIRPERSON KOEHLER: But is there a
13 | residential unit that abuts this property?

14 | MR. PEREIRAS: Yes.

15 | VICE CHAIRPERSON KOEHLER: And where is
16 | that?

17 | MR. PEREIRAS: On -- on 36th Street.

18 | MR. GUARENO: Thirty-sixth Street.

19 | VICE CHAIRPERSON KOEHLER: Um hum.

20 | MR. PEREIRAS: Well, both 36th and 37th
21 | Street, there's residences. So, if you go from
22 | here over, you have a lot of two and three family
23 | houses.

24 | VICE CHAIRPERSON KOEHLER: Um hum.

25 | MR. PEREIRAS: And I think there's a multi-

1 family a little bit further down the block.

2 VICE CHAIRPERSON KOEHLER: Um hum.

3 MR. PEREIRAS: And then, the same thing on
4 37th Street, when you go from this point over.

5 And that's typical all along Kennedy Boulevard.

6 You'll have the commercial -- the strip
7 right on Kennedy Boulevard. And once you get one
8 property in, it becomes residential.

9 VICE CHAIRPERSON KOEHLER: And they were
10 notified.

11 Right?

12 MR. PEREIRAS: They were notified.
13 Everyone within 200 feet were notified.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. PEREIRAS: And as well as being
16 published in the newspaper.

17 MR. VELAZQUEZ: Yeah. Because I think one
18 of the -- the one person who owned the house used
19 to use it like for his -- he used to rent out
20 just his friends, for personal -- you know.

21 CHAIRPERSON CAPIZZI: Any questions from
22 the Board?

23 Questions or comments?

24 VICE CHAIRPERSON KOEHLER: I think you
25 mentioned the stucco, and that you agreed to --

1 MR. PEREIRAS: I agreed to it.

2 VICE CHAIRPERSON KOEHLER: -- instead use
3 brick.

4 CHAIRPERSON CAPIZZI: Brick.

5 MR. PEREIRAS: Yes.

6 So, we're adding the light bollards. We're
7 adding the flood light at the entrance, at the --
8 on the building.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. PEREIRAS: And we're adding the --
11 we're removing the stucco and we're providing
12 brick.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. VELAZQUEZ: And just make sure that we
15 go with the flood lights, the visors. Because I
16 know a lot of people do complain.

17 CHAIRPERSON CAPIZZI: Any questions from
18 the public?

19 Comments?

20 Anybody else?

21 So, with those stipulations and conditions,
22 I'll make a motion to approve the application.

23 THE SECRETARY: Motion to approve the
24 application by Mrs. Capizzi.

25 MR. VELAZQUEZ: Second.

1 THE SECRETARY: Any second to the motion?
2 Second by Mr. Velazquez.
3 Roll call on the motion.
4 Mrs. Genao?
5 MS. GENAO: Yes.
6 THE SECRETARY: Ms. Capizzi?
7 CHAIRPERSON CAPIZZI: Yes.
8 THE SECRETARY: Mrs. Fernandez?
9 MS. FERNANDEZ: Yes.
10 THE SECRETARY: Mr. Medina?
11 MR. MEDINA: Yes.
12 THE SECRETARY: Mrs. Koehler?
13 VICE CHAIRPERSON KOEHLER: Yes.
14 THE SECRETARY: Mr. Velazquez?
15 MR. VELAZQUEZ: Yes.
16 THE SECRETARY: Mr. Guareno?
17 MR. GUARENO: Yes.
18 THE SECRETARY: Mr. Rivero?
19 MR. RIVERO: Yes.
20 THE SECRETARY: Eight in favor. Motion
21 carries.
22 MS. PEREIRAS: Thank you all very much.
23 CHAIRPERSON CAPIZZI: You're welcome.
24 VICE CHAIRPERSON KOEHLER: Thank you.
25 MS. PEREIRAS: Good night. I'll see you

1 next month.

2 CHAIRPERSON CAPIZZI: Good night.

3 MS. PEREIRAS: Bye-bye.

4 MR. PEREIRAS: Bye.

5

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

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1 Jolanta Zielinska - 633 38th Street:

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3 THE SECRETARY: Next application tonight's
4 agenda, Jolanta Zielinska, 633 38th Street.

5 Mr. Diaz, please?

6 MR. DIAZ: Good evening, Board members.

7 Luis Diaz for the applicant.

8 I'm going to provide counsel with the
9 documents in order to obtain jurisdiction.

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

12 MS. RODRIGUEZ: I've had an opportunity to
13 review the submissions by counsel, and everything
14 seems to be in order, giving jurisdiction to the
15 Board in this matter.

16 MR. DIAZ: Thank you.

17 I'm going to have one witness in this
18 application. It's Mr. Valella.

19 Mr. Valella has testified before this Board
20 --

21 CHAIRPERSON CAPIZZI: Yes.

22 MR. DIAZ: -- on numerous occasion. I
23 would like to have him qualified.

24 CHAIRPERSON CAPIZZI: He is. Yes.

25 MR. VALELLA: Thank you.

1 CHAIRPERSON CAPIZZI: You're welcome.

2 MS. DILLON: Please raise your right hand.

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

5 MR. VALELLA: Yes, I do.

6 MS. DILLON: Please state your name and
7 spell it for the record.

8 MR. VALELLA: My name is Orestes Valella,
9 V-A-L-E-L-L-A.

10 MS. DILLON: Thank you.

11 MR. DIAZ: The application before you is
12 that of Jolanta Zielinska. She's here in -- in
13 -- sitting in the back.

14 The address, 633 38th Street, street that
15 goes up from -- from Hackensack Turnpike, Block
16 260, Lot 44.

17 Mr. Valella, are you familiar with the
18 location?

19 MR. VALELLA: Yes.

20 MR. DIAZ: And the plans that have been
21 submitted?

22 MR. VALELLA: Yes.

23 MR. DIAZ: Could you explain to the Board
24 what it is that's being proposed?

25 MR. VALELLA: Sure.

1 Good evening, first of all.

2 This application is for the construction of
3 a new three family home on a 25 by 100 foot lot,
4 on the south side of 38th Street, Block 260 and
5 Lot number 44.

6 The lot has an existing one family home,
7 and it's a 25 by 100 interior lot. What we are
8 proposing to do is a new three family structure
9 in -- on the property, that would provide for
10 parking and for three, up to the -- up to current
11 standard dwelling units.

12 The structure itself is four stories. It's
13 -- the ground floor has parking, and then, the
14 upper three floors are three dwelling units.

15 The dwelling units are one hundred and --
16 1,371 square feet in floor area. They are three
17 bedrooms and two bathrooms, kitchen, living room,
18 and two access stairs.

19 The ground floor is dedicated to the garage
20 and a mechanical plant.

21 Basically, when we took the commission,
22 there really are only two possible ways to do a
23 three family on a 25 by 100. You either do the
24 garage on the ground, and the three dwelling
25 units above -- and I have done that on many

1 occasion here in Union City, and in other
2 municipalities.

3 And the second way to do it is to do the
4 garage in the front, an apartment in the back,
5 and then two dwelling units above, which creates
6 one less story.

7 So, I -- I weighed the options -- and I've
8 done that, as well, on many occasion.

9 So, I -- I'm proud to say I have a history
10 of feedback. Designing it, getting it built. In
11 fact, I've spoken to owners -- second generation
12 owners of some of these homes.

13 And so, I weighed that very seriously. I
14 came to the conclusion that I -- that I prefer
15 the three over one, which is commonly referred
16 to, for the simple reason that it gives me a
17 bigger garage on the ground floor that permits
18 more vehicle storage.

19 Now, if you do the -- you know, the
20 guidelines of the nine by 18 with the 24 foot
21 aisles and so on, that are prescribed throughout
22 the State, it -- it doesn't work.

23 But in -- and I've seen it over the last
24 ten, 15 years of use, it works and it works very
25 well. The clients that have owned them, who

1 | owned them, who I've spoken with, are very happy
2 | with this dwelling type.

3 | The thing they like -- they enjoy about it
4 | is, on special occasions, on holidays -- these
5 | are usually owner occupied homes -- they can get
6 | their relatives inside out of the street very
7 | well.

8 | So, I opted for that, under this scenario.

9 | The second thing I did is I walked the
10 | neighborhood and -- you know, there are a
11 | considerable number of the four story, multi-
12 | family dwelling unit type in this area.

13 | A couple of blocks to the east of us, on
14 | the same side of the street, there is a four
15 | story, three family.

16 | Across the street, there's three or four --
17 | it's a development that has some on 38th and some
18 | on 39th, of the same type. You can see that on
19 | some of the pictures that we provided for you
20 | across the street.

21 | If you walk a little bit east, there's a
22 | couple of additional ones that are four stories.

23 | So, it is not an alien type to the area.
24 | It's very consistent with the way that the area
25 | is being developed.

1 So -- so, I opted for that. I think it's
2 the proper solution, in my humble opinion, for
3 this dwelling unit type.

4 The specifics of it are the -- the lot area
5 is -- it's an existing single family. We're
6 proposing a three family, which is a permitted
7 use. It's in the R low density residential zone.

8 MR. DIAZ: And Mr. Valella, the height of
9 the structure, what would it be?

10 MR. VALELLA: The proposed height is 38
11 feet. The permitted is 40.

12 MR. DIAZ: So, even though it has four
13 stories, it's still below the allowable height.

14 MR. VALELLA: Yes. Yeah.

15 So, the lot area that would be required is
16 2500, which we have. The lot width that is
17 required would be 25, which we have. And the lot
18 depth is 100, and we do have 100.

19 The front yard would be ten feet or the
20 prevailing setback. The existing is 5.6 and
21 we're proposing zero.

22 The reason we're proposing zero is because
23 I want to get this building type to line the
24 street much the same way the other three family
25 was done, and across the street, and other -- it

1 just gives it a more formal look, in my opinion.

2 At the ground floor, I recess it 18 feet,
3 to provide for a driveway that can be used for
4 parking.

5 The side yards required are two feet for
6 one, and a combination of two and three, or five
7 for both.

8 We're proposing one foot on one side and
9 three foot eight on the other.

10 The rear yard would be 25 percent of the
11 lot depth, which, in our case, would be 25 feet.
12 We are proposing 15.

13 The building coverage is 60 percent. We
14 are at 72.4.

15 The lot coverage would be 85 percent.
16 We're 85.4 percent. So, for all intents and
17 purposes, the lot coverage is covered.

18 The maximum number of stories is three.
19 And you know, I really do want to -- I know I've
20 hammered this point, but I want to go back to
21 this point.

22 I could seriously consider -- this is not
23 an arbitrary proposal on my part -- I think, as a
24 four story, the three family is a better urban,
25 better piece of architecture, better use, better

1 utility for -- for the neighbor. So, I opted for
2 the four story.

3 The maximum height permitted is 40. We're
4 at 38.

5 And the parking that would be required for
6 this three family is seven parking spaces. We
7 can park six in real life, and that's what I -- I
8 knotted -- noted.

9 The front of the building would be brick
10 and glass. I've opted to provide the maximum
11 amount of window space facing the street. You
12 can see that on the elevations.

13 There would, of course, be safety lighting
14 on the side yard, and in the front driveway, as
15 well.

16 And that's about it. I can go into more
17 specifics. I don't want to -- you know, all the
18 life safety issues would be covered at the
19 Building Department. So, I don't want to take
20 your time up with that. But --

21 MR. DIAZ: Would you -- would you -- Mr.
22 Valella, would you go into the positive and the
23 negative criteria?

24 In your opinion, aesthetically -- could you
25 give us your opinion, the -- the lighting that

1 | this house would have?

2 | MR. VALELLA: Well, the positive criteria,
3 | as I see it, is that this would provide better
4 | housing, better quality of housing, better
5 | distributions, better apartment size.

6 | The actual building type is a more urban,
7 | more formal type that the city seems to be going
8 | forward in a -- in a -- it's a more urban look,
9 | new dwelling units. There's still a need for
10 | residential unit in Union City. So --

11 | MR. DIAZ: And the first floor --

12 | Allow me to interrupt you -- you for one
13 | second.

14 | The first floor, in terms of size, versus
15 | the three story with the open parking in the
16 | front, would that first floor be larger than the
17 | typical --

18 | MR. VALELLA: Yeah.

19 | Typically, if we had gone to the option B,
20 | which would be the apartment in the rear, two --
21 | in my opinion, two negative things occur.

22 | The apartment in the back always becomes
23 | the -- the hidden, less desirable apartment.
24 | It's -- you have to walk through the side yard to
25 | get to it. Safety-wise, it's just not as good.

1 Second thing is the garage itself would
2 only be about 20 to 25 feet deep. Our garage is
3 56 feet deep. Thirty-eighth Street is a -- is a
4 thoroughfare. There's traffic there. This gets
5 more cars out of the street than had we opted for
6 the classic three family.

7 I just don't like the apartment in the
8 back. It's -- it looks to me like they are not
9 the first class tenants.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. VALELLA: They -- they are the ones
12 that -- this way, all three dwelling units are
13 the same. They have the same lighting. They
14 have the same social status, if I can say it that
15 way.

16 They're just better apartments. So, that's
17 why I opted for that.

18 MR. DIAZ: And Mr. Valella, I think you
19 testified before that there are a number of four
20 story structures around the -- the proposed site.

21 Would that, in your opinion, be -- the four
22 story consistent with the character of the
23 neighborhood?

24 MR. VALELLA: Yeah. All the new structures
25 that are within eyesight of the project are all

1 four stories.

2 If you go across the street from Kennedy,
3 on the east, on 38th, there's a nice recently
4 completed four story. Across the street, to the
5 side of it -- so, yes. There's quite a lot of
6 the four story type --

7 MR. DIAZ: So --

8 MR. VALELLA: -- constructed.

9 MR. DIAZ: In your opinion, that -- if this
10 application is approved, in your opinion, would
11 it be -- would there be any detrimental effect to
12 the -- to the area, to the neighborhood?

13 MR. VALELLA: If there would be any
14 detrimental, I would not be before the Board.
15 No, I do not believe there is.

16 MR. DIAZ: And as Mr. Valella testified,
17 there is probably a mirror image structure two --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. DIAZ: -- doors east --

20 CHAIRPERSON CAPIZZI: Right.

21 MR. DIAZ: -- going towards Kennedy
22 Boulevard.

23 That -- that structure I brought before the
24 Board a number of years ago.

25 CHAIRPERSON CAPIZZI: Right.

1 MR. DIAZ: It was approved. It's a
2 beautiful structure. I've been in it. They did
3 a wonderful job inside. Very pretty. Very
4 pretty house.

5 CHAIRPERSON CAPIZZI: It is.

6 MR. DIAZ: And as Mr. Valella has stated,
7 it is a desirable design.

8 MR. VALELLA: I -- you know, to be honest
9 with you, I've had clients who have -- I've built
10 this building type many times.

11 Just recently, a client of mine, who owns
12 one on 38th, says -- you know, complimenting. He
13 said, you know I love that house. It's got a lot
14 of parking. Good apartments. There's nobody --
15 you know, nobody has to walk down the alleyway to
16 get to the apartment in the back.

17 And they like it.

18 CHAIRPERSON CAPIZZI: Yeah, that's a plus.

19 MR. VALELLA: They rent it. They're very
20 desirable. I have never had any negative
21 feedback.

22 CHAIRPERSON CAPIZZI: Could I ask, in the
23 front, rather than the aluminum, could you do a
24 different color brick?

25 MR. VALELLA: Sure.

1 CHAIRPERSON CAPIZZI: To offset it?

2 MR. VALELLA: Sure.

3 CHAIRPERSON CAPIZZI: Because since you
4 mention --

5 MR. VALELLA: Decorative brick pattern.

6 CHAIRPERSON CAPIZZI: Just since you
7 mentioned this other building, this seems a
8 little dressier --

9 MR. VALELLA: Yeah.

10 CHAIRPERSON CAPIZZI: -- than this
11 building. This is plainer, and if that's their
12 choice, that's okay.

13 That's a wooden door?

14 MR. VALELLA: We have a rollup door as the
15 garage. But the --

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. VALELLA: -- where I call out for the
18 anodized aluminum panels, I can do a decorative
19 brick pattern there.

20 CHAIRPERSON CAPIZZI: Like if you want to
21 make it a different color, just to --

22 MR. VALELLA: Yeah.

23 CHAIRPERSON CAPIZZI: -- offset the other
24 brick.

25 MR. VALELLA: I'd like to have the

1 | contrast. But I can have -- let's just call it
2 | decorative brick pattern. Brick -- decorative
3 | brick.

4 | CHAIRPERSON CAPIZZI: And then, the front
5 | door? Is that wood?

6 | MR. VALELLA: The front door would be wood.
7 | Yes.

8 | CHAIRPERSON CAPIZZI: That's wood. Okay.
9 | And then, this is metal, I guess? The --

10 | MR. VALELLA: The rollup door.

11 | CHAIRPERSON CAPIZZI: -- garage --

12 | MR. VALELLA: Yeah.

13 | CHAIRPERSON CAPIZZI: Okay.

14 | MR. VALELLA: The garage door is metal.

15 | MR. VELAZQUEZ: That garage door, what is
16 | -- it's going to be on a timer?

17 | MR. VALELLA: I don't know -- you know,
18 | that's really beyond my control, at this point.

19 | Typically, they're on a remote control and
20 | they have lights outside in the -- in the
21 | driveway, in the ceiling. They're always lit.

22 | CHAIRPERSON CAPIZZI: And there's a light
23 | over the door?

24 | MR. VALELLA: There's a light over the
25 | door. There's also a light on the side yard.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. VALELLA: That's usually motion
3 sensed.

4 CHAIRPERSON CAPIZZI: Right.

5 MR. VALELLA: Or dawn to dusk type sensors.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. VALELLA: Either one. But there will
8 be safety lighting, and -- but usually, the doors
9 are remote controlled.

10 MR. VELAZQUEZ: Sometimes I get nervous
11 when I see a car pull out, and then takes --
12 well, a couple minutes for it to act -- the
13 garage door to actually go down. You don't want
14 to get the element of people trying to hide --

15 MR. VALELLA: Inside?

16 MR. VELAZQUEZ: -- inside.

17 MR. VALELLA: What do you recommend?

18 MR. VELAZQUEZ: Especially if you have --
19 you're right by the park, almost there --

20 MR. VALELLA: Yeah. We're next to it, in
21 front of the park.

22 What do you --

23 MR. DIAZ: The park is a little bit further
24 west. I think this is more in front of the --
25 the complex. The one that has like seven or

1 | eight different three and four --

2 | MR. VALELLA: Yeah. Well, I'm curious.

3 | I mean, is there a recommendation on the
4 | operable?

5 | MR. VELAZQUEZ: I -- I -- well, I recently
6 | seen one -- we had the same issue at 722 Sip
7 | Street --

8 | MR. VALELLA: Uh huh.

9 | MR. VELAZQUEZ: -- where we were having a
10 | lot of issues where the doors -- I mean, the
11 | tenants would leave, and they were just thinking
12 | that it was closing, it wasn't closing properly.
13 | It just happened to be the timer was really off.

14 | MR. VALELLA: So, put it on a --

15 | MR. VELAZQUEZ: Yeah.

16 | MR. VALELLA: -- check the time.

17 | MR. VELAZQUEZ: It was like -- I would have
18 | it -- really like -- you know, knowing that I'm
19 | actually leaving, and by the time I'm really out
20 | onto the street, I know the door is almost
21 | halfway closed, and it's more a safety issue,
22 | too. You know?

23 | MR. VALELLA: Okay.

24 | MR. VELAZQUEZ: Anybody --

25 | MR. VALELLA: Good to know.

1 MR. DIAZ: Very well.

2 MR. VALELLA: I mean --

3 MR. DIAZ: Good idea. Safety-wise.

4 MR. VALELLA: -- it's beyond my control.

5 But I will -- it's good to know, and you know,

6 I'll bring it up with --

7 MR. VELAZQUEZ: Yeah.

8 MR. VALELLA: If -- if you -- you know,
9 however you decide.

10 CHAIRPERSON CAPIZZI: Okay.

11 Any other questions or comments from the
12 Board?

13 VICE CHAIRPERSON KOEHLER: You have a
14 mechanical room?

15 MR. VALELLA: Yes.

16 VICE CHAIRPERSON KOEHLER: Do you --
17 where's the garbage?

18 MR. VALELLA: The garbage would be in the
19 mechanical room in the rear.

20 We have a big mechanical room. And there's
21 plenty of room there. That door leads out to the
22 yard, and then, they can walk it out.

23 MR. DIAZ: One of the health reasons, I
24 believe you don't want the garbage to be in the
25 front of the house. You want it to be as far

1 back.

2 MR. VALELLA: Well, I have it in an
3 enclosed room. And we usually put a duct that --

4 CHAIRPERSON CAPIZZI: Right.

5 MR. VALELLA: -- goes to the roof for fresh
6 air, as well. It gets a little --

7 CHAIRPERSON CAPIZZI: Dicey.

8 MR. VELAZQUEZ: I know with some of the --
9 I know, I think United Water just did some re-
10 paving of that. I don't think anything would
11 require any -- any water going into the street or
12 the sidewalk. So --

13 MR. VALELLA: Well, no. This -- this
14 project, if you approve it, would require a
15 sprinkler system. Full sprinkler system. So,
16 they would have to break out to connect to the
17 sprinkler line. Yes.

18 MR. VELAZQUEZ: You would have to go for
19 the bottom for the curb to curb almost for --

20 MR. VALELLA: Yeah.

21 Also, now, not only United Water, but North
22 Hudson Sewer, this will require water -- storm
23 water retention tank.

24 MR. VELAZQUEZ: Um hum.

25 MR. VALELLA: -- under the building. We --

1 | you know, they just don't want the water -- we
2 | can't handle all the water --

3 | CHAIRPERSON CAPIZZI: Um hum.

4 | MR. VALELLA: -- anymore.

5 | So, basically, it's -- each project
6 | addresses it by holding the water in its own
7 | property, and then --

8 | CHAIRPERSON CAPIZZI: Um hum.

9 | MR. VALELLA: -- slowly releasing it to --

10 | CHAIRPERSON CAPIZZI: Um hum.

11 | MR. VALELLA: -- to alleviate the -- the
12 | overload on the treatment plants.

13 | Yeah. So, yes. There would be curb cuts
14 | here.

15 | MR. VELAZQUEZ: I have the honor of sitting
16 | on that Board, also.

17 | VICE CHAIRPERSON KOEHLER: Do we know if
18 | it's going to be owner occupied?

19 | MR. VALELLA: Yes. It will be.

20 | VICE CHAIRPERSON KOEHLER: Okay.

21 | MR. DIAZ: The --

22 | MR. VALELLA: The clients are here.

23 | MR. DIAZ: The applicant is here.

24 | CHAIRPERSON CAPIZZI: Oh, great.

25 | MR. DIAZ: Sitting to --

1 CHAIRPERSON CAPIZZI: Good.

2 MR. DIAZ: -- to my left.

3 MR. PRICE: Your left.

4 CHAIRPERSON CAPIZZI: Left.

5 Any comments or questions --

6 MR. GUARENO: Just --

7 CHAIRPERSON CAPIZZI: -- from the public?

8 MR. GUARENO: I just have a --

9 CHAIRPERSON CAPIZZI: Yes. Oh, I'm sorry.

10 MR. GUARENO: There's going to be no

11 basement?

12 MR. VALELLA: No. There is no cellar.

13 MR. GUARENO: Okay.

14 MR. VALELLA: There is no cellar.

15 MR. GUARENO: Also, I notice that on the

16 application it says -- one area says -- as far as

17 the parking; it says four, but yet I know there's

18 six on the -- on the blueprint.

19 MR. VALELLA: Six. The -- the zoning table

20 says six.

21 MR. GUARENO: Yeah. On this here, it says

22 four.

23 MR. VALELLA: Oh, it might be --

24 MR. GUARENO: Total number of parking

25 spaces to be provided, four.

1 MR. VALELLA: No, no. Six.

2 MR. DIAZ: I think the plans do show six.

3 It might be on the -- on the table.

4 CHAIRPERSON CAPIZZI: They do. Plan shows
5 six.

6 VICE CHAIRPERSON KOEHLER: Um hum.

7 MR. GUARENO: Okay.

8 Nothing else from me.

9 MR. VALELLA: Yeah.

10 CHAIRPERSON CAPIZZI: Okay.

11 MS. DILLON: Mr. Price, please raise your
12 right hand.

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

15 MR. PRICE: I do.

16 MS. DILLON: Name and address for the
17 record.

18 MR. PRICE: Larry Price, 1006 Palisade.

19 MS. DILLON: Thank you very much.

20 MR. PRICE: Okay.

21 Mr. Valella, you say you can get six cars
22 in this garage. This is the placement of the
23 cars?

24 MR. VALELLA: Yes.

25 MR. PRICE: Okay.

1 Okay. I'll just make a comment about
2 parking.

3 A lot of houses like this were built, and
4 the promise always was that there would be five
5 cars parked there.

6 Well, walk around the city at night, as I
7 do, and look in the garage, and there are always
8 three cars there. And the reason there are three
9 cars there is that you have -- if you have only
10 three cars in there, then each tenant can have
11 access to his car without moving anybody else.
12 And that's why it always turns out to be three
13 cars.

14 VICE CHAIRPERSON KOEHLER: Come -- come
15 again. I don't --

16 Say this again.

17 MR. PRICE: If you have three cars in this
18 --

19 VICE CHAIRPERSON KOEHLER: Um hum.

20 MR. PRICE: -- take his diagram and X out
21 one, two, three.

22 VICE CHAIRPERSON KOEHLER: Um hum.

23 MR. PRICE: Okay. And take that car, put
24 it back against the wall. Every car can now get
25 out without moving another car.

1 VICE CHAIRPERSON KOEHLER: Um hum.

2 MR. PRICE: So that's why there's always
3 three cars in these four story buildings. It's
4 not six cars and it's not five.

5 VICE CHAIRPERSON KOEHLER: Um hum.

6 MR. PRICE: Okay.

7 So, the argument that there will be more
8 parking, that's why a four story -- simply is not
9 a valid argument.

10 Okay.

11 The reason you get four story buildings is
12 the first floor is now a three bedroom apartment,
13 it's attractive. It rents for more than that two
14 bedroom behind the garage. And that's why you
15 get it.

16 Okay. The difference between the three
17 story and the four story is that the four story
18 requires a variance, and the three story does
19 not. And a very good rule is buildings which --
20 you know, if there's no difference than the
21 building without the variance should be given
22 preference.

23 Quite frankly -- you know, I think it's a
24 tossup on parking. You're going to have three
25 cars parked in that -- yeah. As Mr. Valella

1 | says, on an -- you know, it's Thanksgiving, and
2 | everybody's coming over. Okay. We can stick six
3 | cars in the garage.

4 | But just look at that diagram. You're --
5 | you own this car in the far end, on the right
6 | hand side, do you know how many -- you have to
7 | move four cars to get your car out.

8 | I mean, it's a valet operation.

9 | MR. DIAZ: But Mr. Price, I -- I agree with
10 | you.

11 | MS. DILLON: Just to the microphone, Mr.
12 | Diaz.

13 | MR. DIAZ: Three is the ideal. But it's
14 | nice to have the room in order to be able to
15 | address certain situations like you just so
16 | mentioned. Thanksgiving, you have a family
17 | member coming over and staying for a few days.
18 | You're able to put that car inside, rather to
19 | have it outside.

20 | Yes, it's not the ideal. I understand
21 | that, and I agree with you 100 percent. But it's
22 | good to have that room in the event that it's
23 | needed, it's there.

24 | MR. PRICE: Okay.

25 | But the comparison was made between the

1 standard three family, which is two in the
2 garage, two on the apron outside, which means if
3 you've got a car inside, you've got to move one
4 car. But you have -- you have four cars. Two to
5 be tandem positions.

6 Here, in an everyday case, you're going to
7 have three cars, but they all have direct access.

8 Now, which is the better situation?

9 Yes, and here, you have a surge capability
10 on Thanksgiving when every -- I hope they do this
11 before they have too many drinks at Thanksgiving
12 dinner, but -- but anyway.

13 But in any case, yeah. You have a surge
14 capability here.

15 MR. VALELLA: We also have a better --

16 MR. PRICE: But this requires a variance.

17 VICE CHAIRPERSON KOEHLER: Yes, we --

18 MR. PRICE: And the standard --

19 VICE CHAIRPERSON KOEHLER: -- understand.

20 MR. PRICE: -- three family does not.

21 MR. VALELLA: But -- but there's also the
22 addition -- and I agree with everything you've
23 said. I have -- I do not disagree. I just think
24 giving -- given the option of allowing additional
25 parking space or not, I'd go for that.

1 But the second option -- you know, weighing
2 it, the apartment in the back is not as good as
3 upstairs.

4 MR. PRICE: I agree. I agree. But that --
5 but look --

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. PRICE: -- the governing body of this
8 city said three family houses should be three
9 stories high.

10 MR. VALELLA: I -- I understand.

11 MR. PRICE: Okay. They made that choice.

12 You know, yes.

13 MR. VALELLA: Okay.

14 MR. PRICE: And so, the result is that when
15 you have the garage -- the -- the apartment in
16 the back becomes -- yeah, second rate.

17 MR. VALELLA: And -- and I'm saying --

18 MR. PRICE: It's dark. It's smaller.

19 MR. VALELLA: You have to walk --

20 MR. PRICE: It's got a garage in front of
21 it.

22 MR. VALELLA: You have to walk through the
23 alleyway.

24 MR. PRICE: All of the above.

25 MR. VALELLA: Yes.

1 MR. PRICE: But --

2 MR. DIAZ: Mr. Price, that's why we're
3 before the Board. So -- so things can be
4 adjusted as -- as they see fit.

5 You know, if it was just black and white,
6 or red and -- and yellow --

7 MR. VELAZQUEZ: And you know --

8 MR. DIAZ: -- then you know, this Board
9 wouldn't be necessary.

10 MR. PRICE: Well, but -- but what's the --

11 MR. DIAZ: We're human.

12 MR. PRICE: You know, again, I say -- you
13 know, these are considerations that the governing
14 body thought about when they adopted a Land
15 Development Ordinance, which said, three family
16 houses should be three stories high.

17 MR. VELAZQUEZ: It did. And --

18 MR. PRICE: And the -- the only thing I'm
19 trying to counter here is the argument was made,
20 this is better parking. This justifies the extra
21 story. And the answer is, depending on how you
22 -- whatever, it really --

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. PRICE: -- it's -- it's the same
25 parking. It's different, but it's --

1 CHAIRPERSON CAPIZZI: Um hum.

2 VICE CHAIRPERSON KOEHLER: Got it.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. VELAZQUEZ: And I -- I could --

5 MR. PRICE: -- you know. That's the only

6 --

7 MR. VELAZQUEZ: -- I could see because I
8 live on 44th Street. When I park my car, whatever
9 great founding fathers back then decided the
10 municipal lot, that you could park -- you have to
11 pray. Man, I'm literally say, I had to pray
12 yesterday that I could get into an angle.

13 Like whoever thought that you could
14 actually fit ten cars, especially a truck, and
15 make that kind of --

16 CHAIRPERSON CAPIZZI: Hmm.

17 MR. VELAZQUEZ: -- turn there, and that was
18 permissible. I don't know how in the world that
19 ever happened.

20 I have to pray over and over again, just
21 for that one spot to open up. Somebody else from
22 the other side.

23 So, I know what it is to -- to say
24 something like that, especially with a car,
25 because I don't know where that came from. Like

1 the municipal lot, when some of them is the
2 hardest thing to get into.

3 MR. PRICE: Well, at least you can get into
4 them. On 10th Street, we can't even get in. But
5 --

6 MR. VELAZQUEZ: I have to pray to get into
7 it. I understand, though.

8 MR. PRICE: Yeah. No. Good. Yeah.

9 And all I'm -- as I say, all I'm trying to
10 do is counter the argument that better parking
11 justifies a four story building.

12 CHAIRPERSON CAPIZZI: All right.

13 MR. PRICE: It's not --

14 CHAIRPERSON CAPIZZI: Thank you.

15 MR. PRICE: Thank you.

16 VICE CHAIRPERSON KOEHLER: Thank you.

17 CHAIRPERSON CAPIZZI: Thank you.

18 Anyone else?

19 Any other comments or questions?

20 Okay.

21 Seeing then -- seeing none, with the
22 stipulations that we noted before, brick not
23 aluminum, I'll make a motion to approve the
24 application.

25 THE SECRETARY: Motion to approve the

1 application by Mrs. Capizzi.

2 Second by Mrs. Koehler.

3 MR. DIAZ: Before you take the vote, could
4 you go through the conditions, so we can write
5 them down?

6 CHAIRPERSON CAPIZZI: We had asked that the
7 aluminum be replaced with brick.

8 MR. DIAZ: Um hum.

9 MR. VALELLA: And exterior lighting.

10 MR. VELAZQUEZ: And also take into account
11 is that you got sidewalks and --

12 MR. DIAZ: Okay.

13 MR. VELAZQUEZ: -- the trees, too.

14 MR. VALELLA: New sidewalks. Yeah. New
15 sidewalks.

16 MR. VELAZQUEZ: There's different
17 specifications with those sidewalks than regular
18 ones.

19 MR. VALELLA: Yes. We have to meet the
20 standard.

21 CHAIRPERSON CAPIZZI: I made a motion.

22 THE SECRETARY: Motion by -- to approve
23 this application, Mrs. Capizzi.

24 Second by Mrs. Koehler.

25 Roll call on the motion.

1 Mrs. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Ms. Capizzi?

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Mrs. Fernandez?

6 MS. FERNANDEZ: Yes.

7 THE SECRETARY: Mr. Rivero?

8 MR. RIVERO: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Mrs. Koehler?

12 VICE CHAIRPERSON KOEHLER: Yes.

13 THE SECRETARY: Mr. Velazquez?

14 MR. VELAZQUEZ: Yes.

15 THE SECRETARY: Mr. -- Mr. Guareno?

16 MR. GUARENO: Yes.

17 THE SECRETARY: Eight in favor, motion
18 carries.

19 MR. VALELLA: Thank you. Have a good
20 night.

21 MR. DIAZ: Thank you very much.

22 VICE CHAIRPERSON KOEHLER: Good night.

23 CHAIRPERSON CAPIZZI: Good night.

24 MR. DIAZ: And have a good night.

25 CHAIRPERSON CAPIZZI: Thank you.

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(Whereupon, David Spatz left at 7:06 p.m.)

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

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1 **N.I.U. Trust - 1713 Bergenline Avenue:**

2

3 THE SECRETARY: Mr. Adolfo, are you ready?

4 Next application tonight's agenda, N.I.U.

5 Trust, 1713 Bergenline Avenue.

6 Mr. Adolfo Lopez, please.

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

9 MR. LOPEZ: Good evening, --

10 CHAIRPERSON CAPIZZI: Hi.

11 MR. LOPEZ: -- Madam Chairwoman, ladies and
12 gentlemen of the jury (sic).

13 Adolfo Lopez appearing on behalf of the
14 applicant.

15 And I'm giving counsel the jurisdictional
16 documents.

17 Thank you.

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

20 THE SECRETARY: Go ahead, Mr. Lopez.

21 MR. LOPEZ: Thank you so much.

22 MS. RODRIGUEZ: Just --

23 MR. LOPEZ: Ladies and gentlemen --

24 MS. RODRIGUEZ: I'm sorry.

25 MR. LOPEZ: I'm so sorry.

1 MS. RODRIGUEZ: That's okay.

2 I've had an opportunity to review the
3 submissions by counsel, and everything seems to
4 be in order, giving jurisdiction to the Board in
5 this matter.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. LOPEZ: Thank you.

8 Ladies and gentlemen, good evening.

9 This is a property at 1713 Bergenline
10 Avenue. It is on the western side of Bergenline
11 Avenue, between 17th and 18th Street. And it is
12 the former Melanca Brothers garbage warehouse --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. LOPEZ: -- which has sat unused for
15 many, many years.

16 I have before me today Abbas Shah. He is
17 an architect, an engineer, and he is the
18 principal involved in the project. So, he's
19 serving a dual purpose.

20 He has never testified before this Board,
21 counsel, so I'd like to qualify him, if I may?

22 MS. DILLON: Let me swear him in first.

23 MR. LOPEZ: Yes.

24 MS. DILLON: Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. SHAH: I do.

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

5 MR. SHAH: Abbas Shah, A-B-B-A-S, last name
6 S-H-A-H.

7 MS. DILLON: Thank you very much.

8 MR. LOPEZ: Mr. Shah, can you briefly tell
9 us -- give us your educational background.

10 MR. SHAH: I have a bachelors degree, and
11 I'm a licensed engineer, and a licensed
12 architect. I've been a licensed architect for
13 about 20 years, and a licensed engineer for 30
14 years.

15 MR. LOPEZ: Mr. Shah, when you say a
16 licensed architect, are you a licensed architect
17 of the State of New Jersey?

18 MR. SHAH: Yes, I am.

19 MR. LOPEZ: And you're a licensed engineer
20 of the State of New Jersey?

21 MR. SHAH: Yes, I am.

22 MR. LOPEZ: And can you tell us, you have
23 previously testified before other Boards as an
24 engineer, and as an architect.

25 MR. SHAH: Yes, I have.

1 MR. LOPEZ: Is that correct?

2 MR. SHAH: Yes.

3 MR. LOPEZ: You have just never testified
4 before this Board.

5 MR. SHAH: Not in the last ten years. I
6 think I recall I may have once.

7 MR. LOPEZ: Okay.

8 MR. SHAH: About ten years ago.

9 MR. LOPEZ: So, I would move Mr. Shah as an
10 expert witness in engineering and architecture.

11 CHAIRPERSON CAPIZZI: Yes.

12 MR. LOPEZ: Okay?

13 Thank you.

14 Mr. Shah, are you -- you own this property.

15 Is that --

16 MR. SHAH: Yes.

17 MR. LOPEZ: -- correct?

18 And you are familiar with the property and
19 the neighborhood.

20 Is that correct?

21 MR. SHAH: Yes. I live there in the top
22 apartment and been there for 16 years.

23 MR. LOPEZ: And you were also responsible
24 for the preparation of these drawings.

25 Is that correct?

1 MR. SHAH: Yes.

2 MR. LOPEZ: Can you please describe what
3 the proposed -- what the property is used for
4 now, and what you are proposing?

5 MR. SHAH: Okay.

6 MR. PEREZ: Of the billboard side.

7 MR. SHAH: As you can see that the --

8 MS. DILLON: Excuse me, Mr. Lopez.

9 Do you want this marked as an exhibit? And
10 then it stays with --

11 MR. LOPEZ: It --

12 MS. DILLON: -- the Board.

13 MR. LOPEZ: That is fine. It's the same
14 drawings that were -- that are submitted. These
15 are just color renderings of the exact same
16 drawings.

17 So, I don't -- I don't see any need to mark
18 them. There's nothing --

19 MR. SHAH: Exactly --

20 MR. LOPEZ: Is there anything --

21 MR. SHAH: No.

22 Exactly the same as the drawings.

23 MR. LOPEZ: Okay.

24 MS. DILLON: I just wanted to point that
25 out.

1 MR. LOPEZ: Thank you.

2 MS. DILLON: Thank you.

3 MR. LOPEZ: Thank you.

4 MR. SHAH: As you can see, this is the
5 existing property. And the -- the way it looks
6 right now, on the south side, there's a three
7 story building. And on the south side, which
8 Luis' Ice Cream, is another two story building.

9 If you get to the -- and right now, it's --
10 it's a warehouse. Melanca Brothers used to own
11 it and they used to park garbage trucks in there.
12 And so, it has an industrial -- current
13 industrial use, inside.

14 MR. LOPEZ: If you could -- if I might just
15 interrupt you for a moment.

16 Since you're describing the other
17 properties, can you also describe what's across
18 the street, --

19 MR. SHAH: Okay.

20 MR. LOPEZ: -- Mr. Shah?

21 MR. SHAH: This is a view looking from the
22 back of the building. This is the roof. And in
23 the front of the building, this apartment is only
24 about 20 feet deep. So, the two story structure
25 is only 20 feet deep here, and this is the single

1 story main roof here.

2 If you stand on the roof, you can see
3 across the street. Right across the street,
4 diagonally across the street, you probably know
5 this building, it's a fairly high six story
6 building with a -- like a basement, where you can
7 -- so it's fairly high.

8 What we are proposing is in conformance
9 with the Ordinance, and the Master Plan. So, on
10 the -- this -- this is the 17th Street side. And
11 right across from there, you can see just a
12 little bit of that. This is on the southeast
13 corner. So, actually, the -- the street, 17th
14 Street, right there. You have that building, and
15 right across is another building, which I believe
16 is a five story, if you count the basement as --
17 high basement as another story.

18 If you go --

19 MR. LOPEZ: And these that are shown just
20 to the right of -- of the large --

21 MR. SHAH: Right.

22 MR. LOPEZ: -- building, those are four
23 story buildings, also.

24 Isn't that correct?

25 MR. SHAH: I believe they're high three

1 story, though.

2 MR. LOPEZ: Okay.

3 MR. SHAH: Yeah. And so, but if you go one
4 block south, to 16th Street --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. SHAH: -- there's also this old
7 people's home, which is six stories. And then,
8 another block on 15th Street, there is this --
9 this school that's also five stories high.

10 So, in the neighborhood, if you go to 18th
11 Street and 19th Street, you will see that most of
12 these structures are three family homes, mixed
13 use, stores in the -- in the bottom.

14 So, it -- and the proposal will also --
15 like I said, conform with the -- with the Master
16 Plan that's -- that the City has instituted.

17 So, this is a -- basically, the existing
18 conditions.

19 Right now, this, as you know, these are
20 like two lots, combined together. And what we
21 are proposing is a four story building. The
22 ground floor being primarily used for parking.

23 So, parking has been the overriding factor
24 in -- in the design of this building. Okay.

25 As you can see, the proposed is going to be

1 | like this. Okay. But currently, the building
2 | goes from lot to lot, it's built to the lot lines
3 | everywhere. But we are providing a three foot
4 | one setback all around.

5 | The requirements are that the side yards
6 | have to be either five feet or zero feet. So, we
7 | could have continued the existing noncompliance,
8 | but there's a reason -- very good reason for
9 | doing this, and that is that the Fire Department
10 | can go around the building, from anywhere. From
11 | this side, that side, the back, heaven forbid --
12 | heaven forbid should there be a need for that.

13 | CHAIRPERSON CAPIZZI: Um hum.

14 | MR. SHAH: Okay?

15 | MR. LOPEZ: So, Mr. Shah, that's one of the
16 | variances that you are requesting --

17 | MR. SHAH: Yes. That's --

18 | MR. LOPEZ: -- before this Board.

19 | MR. SHAH: That's --

20 | MR. LOPEZ: Correct?

21 | MR. SHAH: Yeah. It's either zero feet or
22 | five feet, but we are providing three foot one on
23 | -- on --

24 | MR. LOPEZ: Three foot one.

25 | MR. SHAH: Three foot one. Yeah.

1 And -- and the second variance is the rear
2 yard variance, which is, again, we're providing
3 three foot one.

4 Let's see.

5 So, as you can see that the --this -- at
6 this location, there's going to be the elevator.
7 You have the lobby entrance. And of course, the
8 requirements are that there -- on Bergenline
9 Avenue, there should be some kind of commercial
10 store, or whatever.

11 What we do is, in order to maximize the
12 parking, we provide -- do provide a small store
13 that -- that would be the entrance of the store
14 here. And the three floors would have like
15 cookie cutter apartments.

16 On each floor, you have two -- I'm sorry.
17 Three two bedroom apartments, and one one bedroom
18 apartment.

19 MR. LOPEZ: Mr. Shah, could you go into the
20 square footage of the apartments, please?

21 MR. SHAH: Yes. The square footage is more
22 than what's required.

23 So, as you can see, there's the elevator,
24 and there's the lobby downstairs, and now this is
25 the lobby upstairs on the second floor.

1 This is the one bedroom apartment. Very
2 generous size. And these are the two bedroom
3 apartments.

4 MR. LOPEZ: Give the -- the specific sizes,
5 please.

6 MR. SHAH: Okay.

7 The apartment number one, which is single
8 bedroom apartment, it is 580 square feet.

9 Apartment number two is 757 square feet.

10 Apartment number three is 903 square feet.

11 And apartment number four is 852 square
12 feet.

13 So, in each case, we are way above the
14 minimum required.

15 Like I said, this -- four apartments per
16 floor, three floors above. That would be 12
17 apartments.

18 Okay.

19 MR. LOPEZ: One other issue, if I may, one
20 of the other variances that you are requiring is
21 the maximum of building coverage.

22 Can you address that issue?

23 MR. SHAH: Yes.

24 Currently, as I said, it's fully built, so
25 it's got a hundred percent coverage. But when we

1 go up, by virtue of having three foot one side
2 yards and rear yards, we're actually reducing
3 that condition somewhat, even though, as far as
4 the -- the storm drainage and things like that
5 are concerned, it has no impact because it -- it
6 is -- the first floor is existing.

7 The one thing that I want to mention here
8 is that the first floor because it was a
9 warehouse, it's actually 16 foot high. What it
10 does is that it -- and we plan on keeping the
11 first floor and building above.

12 By virtue of keeping the first floor, it --
13 it enables us to use, or be able to provide
14 additional parking by -- and I was going to come
15 to that later, but now I -- but providing, as you
16 can see on one of the drawings, that we are going
17 to have a -- what's called a stacking parking
18 arrangement.

19 Okay. This kind of -- and there will be
20 testimony here from the experts here that -- that
21 sell this sort of product, this is very easy to
22 use. Just a key and a switch. And it only
23 requires 11 foot -- you know, height. And very
24 generous of the first car, sort of head room
25 here. And we have 16 feet between the beams. So

1 --

2 MR. LOPEZ: Mr. Shah?

3 MR. SHAH: Um hum.

4 MR. LOPEZ: Is it fair to say that in
5 preparing this -- this layout, of the parking
6 area, you took into consideration the
7 requirements of the Ordinance. And -- and this,
8 would you describe it as a balance between the
9 requirements of the Ordinance all around, parking
10 and --

11 MR. SHAH: Yes.

12 MR. LOPEZ: -- the commercial requirement
13 on the first floor?

14 MR. SHAH: Correct.

15 If we weren't able to utilize this
16 arrangement, we would only have ten parking
17 spaces. One handicap van, and nine other spaces.

18 But by utilizing this, we are able to
19 double up the nine spaces, which is 18, plus 19,
20 the handicap van space. So --

21 MR. LOPEZ: And next to the -- just
22 briefly, you're providing an area for garbage.

23 MR. SHAH: Garbage. Yes.

24 MR. LOPEZ: Immediately next to that.

25 Is that correct?

1 And that is --

2 MR. SHAH: Yes, we are.

3 MR. LOPEZ: -- fully inside.

4 MR. SHAH: It is.

5 MR. LOPEZ: Okay.

6 MR. SHAH: Also, we are currently -- there
7 is a basement, utility basement, which is about
8 this big.

9 And we are -- we are enlarging this
10 somewhat, and obviously, we need the -- the front
11 for the elevator machine room, and the elevator,
12 whatever.

13 But we're also providing a bathroom and
14 some kind of storage area here.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. SHAH: So, the bathroom will serve as
17 the required bathroom for the store upstairs,
18 because the store is small, so instead of -- we
19 have an option, if a tenant wants to have the
20 bathroom within the store, they're fine.

21 Otherwise, they can come down to a dedicated
22 bathroom for themselves here.

23 So, and rest are functional spaces in the
24 cellar.

25 MR. LOPEZ: And if I may just point out, a

1 --

2 MR. SHAH: Um hum.

3 MR. LOPEZ: -- a bit of dichotomy with the
4 positioning of -- of this lot, other portions of
5 Bergenline Avenue, and other portions of Summit
6 Avenue provide for commercial on the ground
7 floor, residential above, and you get a credit,
8 the first six apartments do not require any type
9 of parking.

10 CHAIRPERSON CAPIZZI: Hmm.

11 MR. LOPEZ: This particular area of
12 Bergenline does not have that. Yet, the
13 requirement is that you both provide parking and
14 provide a commercial space.

15 So, that's the reason why Mr. Shah designed
16 this type of system, believing it is the best
17 balance for the area, given the requirements of
18 the Ordinance.

19 MR. SHAH: There are some stores that are
20 only as big as what we are providing when they're
21 in the -- mostly, they are in a 25 wide lot, and
22 they don't go all the way deep. And so, our
23 store is going to be as -- just as big as some of
24 those other stores in the area.

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. SHAH: And yet, it's not as big as it
2 could be, because we're taking a lot more space
3 to provide as much parking as we can.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. LOPEZ: Mr. Shah?

6 MR. SHAH: Yeah.

7 MR. LOPEZ: About the parking system that
8 you indicated --

9 MR. SHAH: Um hum.

10 MR. LOPEZ: -- most of us see this elevator
11 system, and we have, in our minds, the systems in
12 New York City where a parking attendant does it.

13 Could you describe the differences between
14 this type of system and what we all have in mind
15 with the elevator systems?

16 MR. SHAH: Correct.

17 This system is designed to be used by the
18 consumer. Very simple -- when you take this car
19 out of here, and bring this down, you drive up
20 here, raise the car, and put the other car in.

21 The beauty of this is there's only two
22 switches that's required. You go up, down.

23 And the other thing that we even though,
24 this is like -- if I may use that humorous,
25 whatever, it's idiot proof.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. SHAH: But you never know, as they say,
3 you make something idiot proof, and they start
4 better -- breeding better idiots. So --

5 MR. LOPEZ: And we have the distributor of
6 the system here, if the Board has any questions
7 of him.

8 MR. SHAH: So, this is a very simple system
9 to operate. From what I hear, it is very
10 reliable, requires very little maintenance. And
11 this should serve the purpose. I think we -- we
12 can provide 19 spots as opposed to ten.

13 MR. LOPEZ: Mr. Shah, could you please go
14 into the -- that is one of the variances.

15 MR. SHAH: Yes.

16 MR. LOPEZ: Can you please go into the
17 specific calculations, as to the -- as to the
18 number of spaces that you're providing, and what
19 is required by the Ordinance?

20 MR. SHAH: Right.

21 Required by the Ordinance is one bedroom,
22 is 1.8 parking spots, effectively two. And the
23 two bedrooms, two parking spot.

24 So, we got 12 apartments, that gives us 20
25 -- 24 parking spots requirement.

1 For the store, we require two.

2 So, a total of 26 would be required by the
3 Ordinance, but we are doing our best to come up
4 with as many as we can --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. SHAH: -- and we are providing 19.

7 And that's one of the --

8 MR. LOPEZ: The calculation for the
9 commercial is one parking space for every 300
10 square feet.

11 MR. SHAH: Correct.

12 MR. LOPEZ: Is that correct?

13 MR. SHAH: Yes.

14 MR. LOPEZ: And your park -- and your
15 commercial space is 392.

16 MR. SHAH: Correct.

17 MR. LOPEZ: So, you are allotting two
18 spaces.

19 MR. SHAH: Two spaces for that. Yeah.

20 Like I said, parking sort of drives the --
21 the whole design.

22 Currently, it does have a roller gate,
23 which has been used for years and years.

24 What we'll probably do is make the
25 situation a little better. We don't need it as

1 high and as wide. So, we'll probably cut it down
2 to -- I think this is the first -- okay. Yeah.
3 Okay. We'll probably -- the existing ones are
4 slightly larger than what's shown here. So,
5 we'll make this a little more aesthetics and --
6 and whatever.

7 The next point I'd like to address is
8 lighting.

9 There's plenty of lighting that's provided,
10 in order to light up the whole sidewalk here, as
11 well as there's -- we will provide some
12 additional warning signs, flashing this and that
13 when the cars are coming in and out. So that
14 would be an additional benefit.

15 MR. LOPEZ: And Mr. Shah, Mr. Spatz's plan
16 review called for the planting of a tree, also.
17 You do not show it on here, but you understand --

18 MR. SHAH: Yes.

19 MR. LOPEZ: -- that as a condition, if it
20 is approved, that would be a requirement.

21 MR. SHAH: Yeah. After Mr. Spatz gave the
22 review, I revised the first sheet. And as you
23 can see that I do show a tree.

24 Unfortunately, this rendering was done
25 before that.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. SHAH: So, but the tree would be like
3 around here somewhere.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. SHAH: And yes, we do provide one tree.
6 Yeah.

7 MR. LOPEZ: Does that complete your
8 presentation, or you have other items you'd like
9 to cover?

10 MR. SHAH: Unless the Board has any
11 questions, I'd like to say that this is -- this
12 will enhance the block.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. SHAH: Very much so. And it will -- it
15 is a very needed sort of -- you know,
16 residential, even more so in this area because we
17 have schools everywhere.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. SHAH: And this will provide walking
20 distance accommodation to families and --

21 MR. LOPEZ: There is also public
22 transportation --

23 CHAIRPERSON CAPIZZI: Yes.

24 MR. LOPEZ: -- available on Bergenline
25 Avenue.

1 MR. SHAH: Yes.

2 MR. LOPEZ: Isn't that correct?

3 MR. SHAH: As we all know, Bergenline's
4 like -- yes. Ample transportation.

5 VICE CHAIRPERSON KOEHLER: A couple of
6 questions.

7 MR. SHAH: Sure.

8 VICE CHAIRPERSON KOEHLER: As you know,
9 there -- I think there's a school directly down
10 the street, on Bergenline. And then, there's one
11 on New York and 16th.

12 MR. SHAH: Right.

13 VICE CHAIRPERSON KOEHLER: And I think
14 there's an ice cream store next door.

15 MR. SHAH: Yes. Right next to us is the
16 ice cream store. Yeah.

17 VICE CHAIRPERSON KOEHLER: So, you have a
18 lot of kids walking nearby, and this parking lot,
19 with 19 cars coming in and out of.

20 Will there -- what safety features will you
21 have to alert kids?

22 MR. SHAH: Okay. First point I'd like to
23 make is that usually --

24 VICE CHAIRPERSON KOEHLER: Who run very
25 quickly, by the way.

1 MR. SHAH: Yeah. I -- I live there. I
2 know how many kids.

3 VICE CHAIRPERSON KOEHLER: Yeah.

4 MR. SHAH: It's like three o'clock, it's
5 like -- you know, festival.

6 Two things I'd like to point out. When
7 cars are going to be coming in and out of this,
8 it's going to be in the morning, people are going
9 to work around eight, nine, whatever. And the --

10 VICE CHAIRPERSON KOEHLER: School.

11 MR. SHAH: And the school is usually, I see
12 them going at seven o'clock. So, the people
13 traffic -- the school kids' traffic's died down.
14 They definitely have to be in the school, I
15 think, I don't see much noise outside after 7:30.

16 VICE CHAIRPERSON KOEHLER: Eight o'clock,
17 still.

18 MR. SHAH: Right. Eight o'clock. And --
19 and I think -- and there's going to be only 12
20 people, sort of going in and out, maximum 19.
21 And it's -- it's -- not everybody's going to be
22 --

23 And secondly, what I -- as I mentioned
24 before, we will put warning signs and lights, and
25 all that. So, if a vehicle is trying to come out

1 --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. SHAH: -- additional lights and signs
4 will come on, so that the pedestrians can also
5 see that, be warned.

6 MR. LOPEZ: Mr. Shah, is it fair to say
7 that all vehicles entering and exiting will
8 always do so from the front of the vehicle?
9 There will be requirement of backing onto
10 Bergenline Avenue.

11 Is that --

12 MR. SHAH: No.

13 MR. LOPEZ: -- correct?

14 MR. SHAH: There will not be any such
15 requirement because --

16 MR. LOPEZ: So, it's large enough where
17 they can turn around inside.

18 MR. SHAH: Yes.

19 MR. LOPEZ: And they will always come out
20 front first.

21 Is that correct?

22 MR. SHAH: Right.

23 We have provided the -- the required -- you
24 know, turning spaces, and all that sort of stuff.

25 If we were to ask for variances where we

1 might want to cut down the aisle width to maybe
2 eight foot six or something, theoretically, we
3 could squeeze more cars. We could ask for -- you
4 know, variance on this turning space, and all
5 that.

6 But I think that just -- you know --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. VELAZQUEZ: There -- there's been
9 signals where -- like sirens, but without --

10 MR. SHAH: Right.

11 VICE CHAIRPERSON KOEHLER: A little --

12 MR. VELAZQUEZ: -- going off.

13 VICE CHAIRPERSON KOEHLER: A temporary
14 sound that goes off --

15 MR. LOPEZ: Yes.

16 MR. SHAH: Oh, yes.

17 VICE CHAIRPERSON KOEHLER: -- until the car
18 --

19 MR. SHAH: Yes. The sensor would --

20 VICE CHAIRPERSON KOEHLER: -- that, and
21 then --

22 MR. SHAH: -- turn on the light.

23 VICE CHAIRPERSON KOEHLER: And/or a mirror.
24 The round reflective mirror --

25 MR. SHAH: Correct.

1 VICE CHAIRPERSON KOEHLER: -- that --

2 MR. SHAH: Yeah.

3 VICE CHAIRPERSON KOEHLER: -- alerts the
4 driver and the kid --

5 MR. SHAH: Absolutely.

6 VICE CHAIRPERSON KOEHLER: -- that a car is
7 -- you know, on its way out.

8 MR. SHAH: Yes. This will be taken care of
9 to the nth degree when we submit the detail
10 plans.

11 VICE CHAIRPERSON KOEHLER: You know what
12 I'm referring to?

13 MR. RIVERO: Yeah.

14 MR. LOPEZ: It's a warning light that
15 activates when the door opens.

16 MR. VELAZQUEZ: Yeah. Right.

17 MR. LOPEZ: Correct?

18 MR. RIVERO: Um hum.

19 VICE CHAIRPERSON KOEHLER: And then, one
20 other issue. You said this elevated parking
21 system -- I like it. It's a great idea for Union
22 City.

23 You said it's for use by the consumer. So,
24 if I'm the guy parked on top, the guy below is
25 sleeping. How do I get -- and I have to go to

1 work.

2 MR. SHAH: Right.

3 VICE CHAIRPERSON KOEHLER: How do I get my
4 car? I press a button, or do I have to get in
5 his car, move it --

6 MR. SHAH: This --

7 VICE CHAIRPERSON KOEHLER: -- and then --

8 MR. SHAH: The way it's planned, that each
9 bay --

10 VICE CHAIRPERSON KOEHLER: We have to
11 communicate.

12 MR. SHAH: No. No. Each bay would be
13 given to just one apartment.

14 So, it's between the families, if you like.

15 CHAIRPERSON CAPIZZI: Um hum.

16 VICE CHAIRPERSON KOEHLER: I see.

17 MR. SHAH: Right.

18 CHAIRPERSON CAPIZZI: Um hum.

19 VICE CHAIRPERSON KOEHLER: Okay.

20 MR. SHAH: And should there be an odd
21 occasion where this needs to be two different --

22 CHAIRPERSON CAPIZZI: Um hum. Right.

23 MR. SHAH: -- tenants, then what one can do
24 is they can have them have an agreement, among
25 themselves, where they -- you know, indemnify

1 each other, for whatever, --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. SHAH: -- and they exchange the keys.

4 You know, they --

5 VICE CHAIRPERSON KOEHLER: Right. Right.

6 Right.

7 MR. SHAH: So, they have each other's keys.

8 VICE CHAIRPERSON KOEHLER: But each bay per
9 unit.

10 MR. SHAH: Yes.

11 VICE CHAIRPERSON KOEHLER: That makes
12 sense.

13 MR. SHAH: I think simpler, easier. Just
14 two spots --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. SHAH: -- per -- per apartment.

17 VICE CHAIRPERSON KOEHLER: There are nine
18 bays.

19 Correct?

20 MR. SHAH: Correct.

21 And this one is a larger --

22 VICE CHAIRPERSON KOEHLER: How do you --

23 MR. SHAH: -- handicapped --

24 CHAIRPERSON CAPIZZI: For handicapped.

25 MR. SHAH: Handicapped van size bay.

1 VICE CHAIRPERSON KOEHLER: So there -- if
2 there are nine bays --

3 MR. SHAH: Right.

4 VICE CHAIRPERSON KOEHLER: -- you can't
5 conceivably --

6 MR. SHAH: So that would give us 18.

7 MR. LOPEZ: That's -- we need a variance.
8 We can't provide --

9 VICE CHAIRPERSON KOEHLER: Yeah.

10 MR. LOPEZ: -- the 26 that are required.

11 VICE CHAIRPERSON KOEHLER: Yeah.

12 MR. SHAH: And one day, when they bring
13 that law forward to the -- from 30th Street onward
14 to, or downwards to maybe 15, 17 Street then --

15 VICE CHAIRPERSON KOEHLER: Get a valet.

16 MR. SHAH: -- this would be a --

17 MR. LOPEZ: Yeah. If the same Ordinance --

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. LOPEZ: -- that applies to the other --

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. LOPEZ: -- sections of Bergenline were
22 to apply here, he would be fully compliant with
23 parking.

24 VICE CHAIRPERSON KOEHLER: Right. Yeah.
25 You wouldn't even need this.

1 MR. SHAH: We wouldn't need it.

2 MR. LOPEZ: Correct.

3 MR. SHAH: Yeah.

4 MR. VELAZQUEZ: I've been alive for 37
5 years, I haven't had ice cream over there.

6 VICE CHAIRPERSON KOEHLER: Oh, my God, I
7 get ice cream from there every Friday.

8 MR. SHAH: You should come over. I'll tell
9 Luis to give you a complimentary one.

10 Any more questions?

11 CHAIRPERSON CAPIZZI: No.

12 MR. SHAH: So, I think it's going to look
13 -- it's going to bring up the neighborhood, look
14 beautiful, and does provide ample parking.

15 MR. LOPEZ: I mean, it's shown on there,
16 but could -- what is the material all around, on
17 this building?

18 MR. SHAH: Okay.

19 The -- it's in the -- on the front façade,
20 it is definitely going to be real brick.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. SHAH: And we may choose to provide
23 some stucco type brick effect, whatever's
24 approved by the city. I know they have different
25 -- they only accept certain kinds of stucco

1 types.

2 CHAIRPERSON CAPIZZI: Where would you put
3 that?

4 MR. SHAH: On the side and in the back.

5 VICE CHAIRPERSON KOEHLER: The back is
6 highly visible. It looks --

7 MR. SHAH: It's --

8 VICE CHAIRPERSON KOEHLER: Because it
9 sticks out from --

10 MR. SHAH: Yeah. This --

11 VICE CHAIRPERSON KOEHLER: -- that's the
12 Bergenline.

13 MR. SHAH: -- is actually the roof of the
14 neighbor. And so, you got that angle where it's
15 -- you know --

16 VICE CHAIRPERSON KOEHLER: Right.

17 You understand, the side -- a lot of times,
18 in Union City, we -- we allow the side for other
19 materials. The side and the back, because it's
20 almost completely obstructed.

21 MR. SHAH: Right.

22 VICE CHAIRPERSON KOEHLER: But here, until
23 further development, it's very visible. So, it
24 would be preferable to stick with brick all
25 around.

1 MR. SHAH: Okay. I don't think --

2 MR. VELAZQUEZ: Especially during -- and I
3 agree, because of the wind, it allows for the --

4 VICE CHAIRPERSON KOEHLER: Um hum.

5 MR. VELAZQUEZ: -- the wind changes.

6 MR. SHAH: I -- I agree and I would -- I
7 would make that specific -- that brick all
8 around. As you can see the building is -- this
9 side is going to be exposed, and so it'd probably
10 be good to have brick looking structure. You can
11 see, even though that's --

12 MR. VELAZQUEZ: We're anti-stucco.

13 MR. SHAH: Okay. So, we'll just stick to
14 brick all around.

15 CHAIRPERSON CAPIZZI: It looks nice.

16 MR. PEREZ: Just brick the whole thing.

17 MR. SHAH: Yeah.

18 CHAIRPERSON CAPIZZI: Okay.

19 VICE CHAIRPERSON KOEHLER: And I probably
20 missed this part of the presentation.

21 CHAIRPERSON CAPIZZI: Um hum.

22 VICE CHAIRPERSON KOEHLER: I'm sorry.
23 Everybody wants to go home.

24 Why does it stick up over there?

25 MR. LOPEZ: Oh.

1 VICE CHAIRPERSON KOEHLER: Is that the
2 elevator?

3 MR. SHAH: Yeah. That's the elevator --

4 VICE CHAIRPERSON KOEHLER: Okay.

5 MR. SHAH: -- and the --

6 VICE CHAIRPERSON KOEHLER: So it needs --

7 MR. SHAH: Yes. Yeah. Yeah.

8 VICE CHAIRPERSON KOEHLER: Got it.

9 MR. SHAH: Do you want to have the --

10 MR. LOPEZ: Unless they require it.

11 MR. SHAH: Okay. All right.

12 CHAIRPERSON CAPIZZI: Does anyone have any
13 other questions or comments for the application?
14 Anyone?

15 Anyone from the public have any questions
16 or comments?

17 No?

18 Everyone's okay? Yes?

19 Okay.

20 Seeing none, with the stipulation that we
21 noted, brick all around, I'll make a motion to
22 approve the application.

23 THE SECRETARY: Motion to approve the
24 application with the stipulation, by Mrs.
25 Capizzi.

1 MR. VELAZQUEZ: An old piece of history.
2 THE SECRETARY: Second the motion?
3 Any second?
4 CHAIRPERSON CAPIZZI: Second?
5 MR. VELAZQUEZ: Second.
6 THE SECRETARY: Second by Mrs. Koehler.
7 CHAIRPERSON CAPIZZI: It's true.
8 MR. VELAZQUEZ: You remember that.
9 Right?
10 THE SECRETARY: Roll call on the motion to
11 approve this application.
12 Mrs. Genao?
13 MS. GENAO: Yes.
14 THE SECRETARY: Ms. Capizzi?
15 CHAIRPERSON CAPIZZI: Yes.
16 THE SECRETARY: Mrs. Fernandez?
17 MS. FERNANDEZ: Yes.
18 THE SECRETARY: Mr. Rivero?
19 MR. RIVERO: Yes.
20 THE SECRETARY: Mr. Medina?
21 MR. MEDINA: Yes.
22 THE SECRETARY: Mrs. Koehler?
23 VICE CHAIRPERSON KOEHLER: Yes.
24 THE SECRETARY: Mr. Velazquez?
25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

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

5 MR. LOPEZ: Thank you very much.

6 CHAIRPERSON CAPIZZI: You're welcome.
7 Thank you.

8 MR. PEREZ: I was the billboard guy.

9 CHAIRPERSON CAPIZZI: Good.

10 MR. PEREZ: Did I do a good job?

11 CHAIRPERSON CAPIZZI: Good job.

12 VICE CHAIRPERSON KOEHLER: Loved it.

13 MR. PEREZ: Thank you.

14 I get no credit.

15 MS. DILLON: Now I need your name.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion --

6 MR. SHAH: They're going to hire you full
7 time.

8 MR. PEREZ: Thank you.

9 THE SECRETARY: -- to close tonight's
10 meeting?

11 MR. PEREZ: Thanks a lot. I appreciate
12 your help.

13 CHAIRPERSON CAPIZZI: Make a motion.

14 MR. PEREZ: Thank you.

15 THE SECRETARY: Motion by Mrs. Capizzi.

16 Second by Mr. Guareno.

17 All in favor?

18

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

20

21 THE SECRETARY: The ayes have it.

22 Thank you.

23 Have a good night.

24 Let the record show up that the meeting has
25 ended.

1 Thank you, and good night, everyone.

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3 (Whereupon, the proceedings were concluded

4 at 7:35 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,

7 do hereby affirm that the foregoing is a true and

8 accurate transcript in the matter of the REGULAR

9 MEETING of the UNION CITY PLANNING BOARD heard on

10 Tuesday, October 25, 2016 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon