

City Hall
3715 Palisade Avenue
Union City, New Jersey

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2,
(Arrived at 6:22 p.m.)
JEANNE KOEHLER, Vice Chairperson,
(Arrived at 6:03 p.m.)
DIANE CAPIZZI, Chairperson

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner

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

CARLOS VALLEJO, Secretary to the Board

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

DAVID SPATZ, Consultant
Community Housing & Planning Associates, Inc.

KRYSTLE NOVA, ESQ., Corporation Counsel,
(Left at 6:36 p.m.)

PATRICK J. McNAMARA, ESQ., Corporation Counsel,
(Left at 6:36 p.m.)

SUSAN GRUEL, Planning Consultant,
(Left at 6:36 p.m.)

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Fumeng Li

ROBERT M. MAYEROVIC, ESQ.,
Attorney for Applicant, Simy Kramarsky

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1 MS. DILLON: Okay.

2 On the record.

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

5 Take notice that on Tuesday, January 24,
6 2017, at six p.m., a Regular Meeting is scheduled
7 to the City of Union City Planning Board to be
8 held in the Municipal Chamber of the City Hall,
9 3715 Palisade Avenue, Union City, New Jersey.

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

13 Notice of this meeting has been said and
14 provide as follow:

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

22 Before we call roll for tonight's evening
23 meeting, can everybody kindly rise to salute the
24 flag?

25

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

3

4 THE SECRETARY: Thank you.

5

6 **ROLL CALL:**

7

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

10 Mayor Brian P. Stack? Absent.

11 Ydalia Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Commissioner Celin
14 Valdivia? Absent.

15 Alicia Morejon?

16 MS. MOREJON: Yes.

17 THE SECRETARY: Diane Capizzi?

18 CHAIRPERSON CAPIZZI: Here.

19 THE SECRETARY: Carolina Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Rudy Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Franklin Medina?

24 MR. MEDINA: Here.

25 THE SECRETARY: Jeanne Koehler? Absent.

1 Alejandro Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Jose Guareno is absent.

4 Let the record indicate there are seven
5 present.

6

7 (Whereupon, Vice Chairperson Jeanne Koehler
8 arrived at 6:03 p.m.)

9

10 MR. ORTIZ: Ms. Koehler is present.

11 THE SECRETARY: Oh, one second, please.

12 Mrs. Koehler just arrived to the -- to the
13 meeting.

14 We have eight members present.

15 Those absent tonight, Commissioner Celin
16 Valdivia, Mayor Brian P. Stack and Jose Guareno.

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1 **RESOLUTION:**

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3 (1) Resolution Appointing the Planning Board
4 Secretary for the year 2017.

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6 THE SECRETARY: Okay.

7 In tonight's agenda, we have the first
8 Resolution.

9 Resolution to appoint the Planning Board
10 Secretary for the year 2017.

11 Can I have a motion to adopt this
12 Resolution?

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: Motion by Mrs. Capizzi.

15 MS. MOREJON: Second.

16 THE SECRETARY: Second by Mrs. Morejon.

17 Roll call on the motion.

18 Ydalia Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Alicia Morejon?

21 MS. MOREJON: Yes.

22 THE SECRETARY: Diane Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Carolina Fernandez?

25 MS. FERNANDEZ: Yes.

1 THE SECRETARY: Rudy Rivero?

2 MR. RIVERO: Yes.

3 THE SECRETARY: Franklin Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Jeanne Koehler?

6 Mrs. Koehler?

7 VICE CHAIRPERSON KOEHLER: Yes.

8 THE SECRETARY: Thank you. Sorry.

9 Alejandro Velazquez?

10 MR. VELAZQUEZ: Yes.

11 THE SECRETARY: Eight in favor. Motion
12 carries.

13 Thank you.

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1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

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3 (1) Approval of previous meeting minutes from
4 November 22, 2016.

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6 THE SECRETARY: Approval of previous
7 meeting minutes from November 22, 2016.

8 Can I have a motion to adopt, to approve
9 this meeting?

10 MS. MOREJON: Motion.

11 THE SECRETARY: By Mrs. Morejon.

12 Second by?

13 MR. VELAZQUEZ: I second.

14 THE SECRETARY: Mr. Velazquez.

15 Roll call on the motion.

16 Mrs. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mrs. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mrs. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Mrs. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mrs. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Eight in favor. Motion
8 carries.

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1 **CORRECTIVE RESOLUTIONS:**

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3 (1) Jacobo and Maria Meis, 211 34th Street,
4 Block 200, Lot 29. Construction of a three (3)
5 story 20' 10 1/2" x 43' 1 1/2" addition in the
6 rear portion of an existing two (2) family house.
7 Resolution was memorialized on April 26, 2016.

8 (2) Segundo Tapia, 2412 Bergenline Avenue.
9 Two (2) commercial spaces and three (3)
10 residential to four (4) residential units and two
11 (2) commercial spaces. Resolution was
12 memorialized on April 22, 2014.

13 THE SECRETARY: On tonight's agenda, we
14 have two Corrective Resolutions.

15 First Corrected Resolution, Jacobo and
16 Maria Meis, 211 34th Street.

17 Second Resolution --

18 Sorry. Give me two seconds.

19 Segundo Tapia, 2412 Bergenline Avenue.

20 Can I have a motion to adopt these
21 Corrective Resolutions?

22 CHAIRPERSON CAPIZZI: I make a motion.

23 THE SECRETARY: Motion by Mrs. Capizzi.

24 Second by?

25 VICE CHAIRPERSON KOEHLER: Second.

1 THE SECRETARY: Mrs. Koehler.
2 Roll call on the motion.
3 Mrs. Genao?
4 MS. GENAO: Yes.
5 THE SECRETARY: Mrs. Morejon?
6 MS. MOREJON: Yes.
7 THE SECRETARY: Mrs. Capizzi?
8 CHAIRPERSON CAPIZZI: Yes.
9 THE SECRETARY: Mrs. Fernandez?
10 MS. FERNANDEZ: Yes.
11 THE SECRETARY: Mr. Rivero?
12 MR. RIVERO: Yes.
13 THE SECRETARY: Mr. Medina?
14 MR. MEDINA: Yes.
15 THE SECRETARY: Mrs. Koehler?
16 VICE CHAIRPERSON KOEHLER: Yes.
17 THE SECRETARY: Mr. Fernandez -- Velazquez?
18 I'm sorry.
19 MR. VELAZQUEZ: Mr. Secretary, I don't know
20 -- I wasn't for number 2, yet, on there.
21 MR. ORTIZ: You should abstain.
22 MR. VELAZQUEZ: Abstain.
23 THE SECRETARY: Mr. Velazquez abstain on
24 the second Resolution.
25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: First Resolution, eight in
2 favor.

3 VICE CHAIRPERSON KOEHLER: Actually, I'm
4 not sure I was on that, as well, the 2412
5 Bergenline Avenue.

6 MR. ORTIZ: If you're in doubt, I -- I
7 would recommend that you abstain.

8 VICE CHAIRPERSON KOEHLER: I abstain.

9 THE SECRETARY: In which Resolution, number
10 1 or 2?

11 VICE CHAIRPERSON KOEHLER: Number 2.

12 CHAIRPERSON CAPIZZI: Second one.

13 VICE CHAIRPERSON KOEHLER: Segundo Tapia.

14 THE SECRETARY: Number what?

15 MR. SPATZ: Number 2.

16 THE SECRETARY: Number 2.

17 VICE CHAIRPERSON KOEHLER: Yeah.

18 MR. SPATZ: Segundo Tapia.

19 THE SECRETARY: Okay. First Resolution,
20 eight in favor. Motion carries.

21 MR. ORTIZ: Seven -- no, seven and one
22 abstention.

23 THE SECRETARY: Which one is abstention?
24 Number one?

25 MR. ORTIZ: On the first one, right?

1 THE SECRETARY: No, number two he say.

2 MR. SPATZ: The second one.

3 MR. VELAZQUEZ: No. I'm on the first one.
4 We're on the second one.

5 THE SECRETARY: Second.

6 MR. VELAZQUEZ: So, it's two abstentions on
7 the second one.

8 MR. SPATZ: Right.

9 MR. ORTIZ: Oh, okay.

10 THE SECRETARY: Yeah.

11 MR. SPATZ: Right.

12 THE SECRETARY: That mean eight in favor in
13 number one.

14 And number two, six in favor, two
15 abstention. Motion carries.

16 Thank you.

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1 **EXECUTIVE SESSION:**

2

3 (1) Presentation of the Union City Housing
4 Element and Fair Share Housing Plan.

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6 MR. ORTIZ: At this point, folks, I would
7 need a motion to go into Closed Session for
8 purposes of a presentation by Corporate Counsel
9 as to Union City's Housing Element and Fair Share
10 Housing Plan.

11 MR. VELAZQUEZ: I make a motion.

12 CHAIRPERSON CAPIZZI: Make a motion.

13 THE SECRETARY: Motion by Mrs. Capizzi.

14 MR. VELAZQUEZ: Second.

15 THE SECRETARY: Second by Mrs. Morejon.

16 Roll call on the motion to go to Executive
17 Session.

18 Ydalia Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mrs. Morejon?

21 MS. MOREJON: Yes.

22 THE SECRETARY: Ms. Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Mrs. Fernandez?

25 MS. FERNANDEZ: Yes.

1 THE SECRETARY: Mr. Rivero?
2 MR. RIVERO: 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: Eight in favor. Motion
10 carries.
11 MS. DILLON: Carlos --
12 THE SECRETARY: Is everybody --
13 MR. ORTIZ: We are in Closed Session.
14 MS. DILLON: On or off, Carlos. On or off?
15 MS. NOVA: And for the record, this is for
16 --
17 MR. SPATZ: On or off?
18 THE SECRETARY: On the record now.
19 MS. NOVA: -- purposes of litigation.
20 MR. ORTIZ: I was -- I was about --
21 THE SECRETARY: What time is it? Seven --
22 7:10?
23 MR. ORTIZ: We're -- we're going to have to
24 ask everybody --
25 THE SECRETARY: Six ten.

1 MR. ORTIZ: -- to leave the room. We are
2 in Closed Session for the purposes, as Corporate
3 Counsel stated, for litigation.

4 THE SECRETARY: Okay.

5 MR. ORTIZ: We will announce as soon as
6 we're out of Closed Session.

7
8 (Whereupon, the Board move to Executive
9 Session at 6:08 p.m.)

10
11 (Whereupon, Jose Guareno arrived at 6:22
12 p.m.)

13
14 (Whereupon, the Board returned to Open
15 Session at 6:36 p.m.)

16
17 (Whereupon, Krystle Nova, Esq. left the
18 meeting at 6:36 p.m.)

19 (Whereupon, Patrick J. McNamara, Esq. left
20 the meeting at 6:36 p.m.)

21 (Whereupon, Susan Gruel, Planner, left the
22 meeting at 6:36 p.m.)

23

24 THE SECRETARY: Let me know, Debbie.

25 MS. DILLON: Whenever you're ready, Carlos.

1 THE SECRETARY: The Board voted to go to
2 Executive Session to consult --

3 MS. DILLON: Wait, wait. Get their
4 attention first.

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

7 Let's go back into the regular meeting.

8 The Board voted to go in Executive Session
9 to consult with the attorney about the Union City
10 Housing Element Fair Share Housing Plan.

11 The Executive Session begin at 6:10 (sic)
12 and ended at 6:35 (sic) p.m.

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

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4 THE SECRETARY: Okay.

5 We have the next hearing, Liberty Park at
6 Union City, LLC, 649-651 38th Street, Block 260,
7 Lots 30-36.

8 Is an order to the court remanded the
9 matter back to the Planning Board, to deliberate
10 and vote on the existing record, after a
11 sufficient -- Board members who did not hear one
12 or the other testimony have read the transcript
13 or listened to the tapes and certified the same.

14 MR. ORTIZ: Without expanding too much on
15 this, essentially, this case was presented in --
16 in two parts, on two different dates, --

17 CHAIRPERSON CAPIZZI: Um hum. I remember
18 that.

19 MR. ORTIZ: -- with the -- with the
20 unfortunate loss of Mr. Shah, as well as not
21 everybody being at both meetings, it resulted in
22 a vote that was actually short of people being at
23 both meetings.

24 That's why you were asked to read the
25 transcripts if you weren't present.

1 It's my understanding, from my information,
2 that everybody here has either read the
3 transcripts or was present at one or two of the
4 meetings.

5 With that being said, I'll turn it over to
6 Mr. Fink, briefly, if you want to add anything,
7 Mr. Fink?

8 THE SECRETARY: And let me put in the
9 record that we have the certification from Mrs.
10 Morejon. Also, certification from Mr. Rivero.
11 Certification from Mrs. Fernandez. Certification
12 from Mrs. Koehler, and certification from Mr.
13 Medina.

14 MR. ORTIZ: On -- on various -- on various
15 dates, most of which were on 4/26, but they're --
16 Ms. Morejon's certification is -- represent the
17 date of 5/24.

18 With that being said, everybody here has
19 either -- was either present to both meetings, or
20 signed the certification as to the meeting that
21 they read the transcripts, as to the dates they
22 weren't here.

23 Mr. Fink, if you have any desire to --

24 MR. FINK: No.

25 Thank you.

1 The only thing I want to do is, in
2 accordance with the Municipal Land Use Law, we
3 noticed this hearing, which we're required to do,
4 and I wanted to present --

5 Okay. So, I have an Affidavit and I also
6 have the original Notice of Publication, and the
7 original receipts from the post office for the
8 mailing of the notice, in accordance with the
9 certified list, as set forth in the Affidavit.

10 MR. ORTIZ: Madam Chairwoman, I've had an
11 opportunity to review the notices provided by
12 counsel, with his nice yellow paper.

13 CHAIRPERSON CAPIZZI: Um hum. I like that.

14 MR. ORTIZ: And everything seems to be in
15 order, so the Board does have jurisdiction --

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. ORTIZ: -- on this matter.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. ORTIZ: All that's left, essentially,
20 is take a vote.

21 I will tell you that I have drafted a
22 Resolution, in anticipation of this vote,
23 assuming that the Board approves it.

24 If not, I'll have to draft another one, if
25 the Board does not. But -- so, we will be

1 | executing that Resolution this evening.

2 | CHAIRPERSON CAPIZZI: As well. Um hum.

3 | THE SECRETARY: Can I have a motion to
4 | approve the hearing?

5 | CHAIRPERSON CAPIZZI: I'll make a motion.

6 | THE SECRETARY: Motion by Mrs. Capizzi.

7 | Second by Mrs. Morejon.

8 | MR. ORTIZ: Let me -- let me just --

9 | MR. FINK: Excuse me?

10 | Just in accordance with the judge's order,
11 | there may, based upon my experience with the
12 | Board in the past, you often have no specific
13 | deliberation, but I just think the opportunity
14 | should be provided, if there is any deliberation
15 | before they vote.

16 | MR. ORTIZ: Well --

17 | MR. FINK: Just -- just to meet the terms
18 | of the order.

19 | MR. ORTIZ: I understand, but -- yeah. And
20 | that's not a problem.

21 | And if the -- if the Board would like to
22 | comment -- any member of the Board would like to
23 | comment, of course, I would never -- you know,
24 | obstruct you from doing that.

25 | But there is no new evidence being

1 presented. Therefore, I don't think there's a
2 need for additional public comment.

3 MR. FINK: No.

4 MR. ORTIZ: So, there will be no public
5 comment on this, is essentially just to
6 memorialize the --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. ORTIZ: -- the presentation and the
9 action of the Board previously.

10 CHAIRPERSON CAPIZZI: Um hum.

11 THE SECRETARY: Motion by -- to approve by
12 Mrs. Capizzi.

13 Second by Mrs. Morejon.

14 Roll call on the motion.

15 Mrs. Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Mrs. Morejon?

18 MS. MOREJON: Yes.

19 THE SECRETARY: Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Mrs. Fernandez?

22 MS. FERNANDEZ: Yes.

23 THE SECRETARY: Mr. Rivero?

24 MR. RIVERO: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mrs. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Nine in favor. Motion
9 carries.

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1 **RESOLUTION:**

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3 Liberty Park at Union City, LLC - 649-651 38th
4 Street, Block 260, Lot 30-60. Parking at
5 basement and ground floor, 48 dwelling units at
6 four floors above.

7

8 THE SECRETARY: We have a Resolution.

9 Liberty Park, Union City, LLC, 649-651 38th
10 Street.

11 Can I have a motion to adopt this
12 Resolution?

13 CHAIRPERSON CAPIZZI: I make a motion.

14 THE SECRETARY: Motion by Mrs. Capizzi.

15 Second by Mrs. Morejon.

16 Roll call on the motion.

17 Mrs. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mrs. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Ms. Capizzi?

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: Mrs. Fernandez?

24 MS. FERNANDEZ: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mrs. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Mr. Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Nine in favor. Motion
11 carries.

12 MR. FINK: Thank you very much.

13 VICE CHAIRPERSON KOEHLER: Thank you.

14 CHAIRPERSON CAPIZZI: You're welcome.

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1 **Fumeng Li - 1408-1410 Central Avenue:**

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3 THE SECRETARY: Okay.

4 Next hearing on tonight's agenda is Fumeng
5 Li, 1408-1410 Central Avenue.

6 Mrs. Pereiras, please?

7 MS. PEREIRAS: Counsel, my expert is
8 parking his vehicle. He's not up here yet, so I
9 don't know if you want to --

10 MR. ORTIZ: All right. Why don't we go to
11 the next one? Yeah.

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1 **Simy Kramarsky - 127 35th Street:**

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3 THE SECRETARY: All right.

4 We're going to change a little bit the
5 order of the -- tonight's agenda.

6 We are going to go to -- stay with me --
7 Simy Kramarsky, 127 35th Street.

8 Mr. Mayerovic, please?

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

11 MR. MAYEROVIC: Previously hand delivered
12 the certified mailings. This is another copy of
13 it. This is the publication, and the green
14 cards.

15 Thank you.

16 MR. ORTIZ: Mr. Mayerovic, do you have an
17 Affidavit of Service?

18 MR. MAYEROVIC: In terms --

19 MR. ORTIZ: We can't move forward with --
20 without an Affidavit of Service.

21 MR. MAYEROVIC: It terms of?

22 MR. ORTIZ: Whoever mailed these out.

23 MR. MAYEROVIC: From my office. I mailed
24 them out.

25 MR. ORTIZ: I -- I know, but we need an

1 Affidavit stating that they were mailed out.

2 MR. MAYEROVIC: I'll submit the Affidavit.
3 I mean, I -- it's not attached. I'll get that to
4 the Board. I mean -- I mean, they were -- they
5 were mailed out of my office, and I can --

6 MR. ORTIZ: No. Mr. -- I don't doubt you
7 for a second.

8 MR. MAYEROVIC: I -- I personally took them
9 to the post office and -- and I'll give the
10 Affidavit afterwards on that.

11 MR. ORTIZ: Mr. Mayerovic --

12 MR. MAYEROVIC: Do you want to carry it?
13 That's fine.

14 MR. ORTIZ: Yeah. I mean --

15 MR. MAYEROVIC: That's fine. If you want
16 to carry it, that's fine.

17 MR. ORTIZ: I think what we could do here,
18 just to accommodate both the applicant, as well
19 as comply with the law is, we'll accept
20 jurisdiction, pending the Affidavit, --

21 CHAIRPERSON CAPIZZI: Right.

22 MR. ORTIZ: -- but carry it, not hear the
23 case tonight.

24 I'd feel more comfortable --

25 MR. MAYEROVIC: Okay. That's not a

1 problem.

2 MR. ORTIZ: -- like that because it's a
3 juris -- it's a jurisdictional question.

4 MR. MAYEROVIC: That's not a problem. You
5 want to carry it, that's fine.

6 MR. ORTIZ: Is the Board okay with that?

7 MS. MOREJON: Yes.

8 MR. ORTIZ: That we accept jurisdiction
9 pending the Affidavit of Service?

10 MR. MAYEROVIC: So, you'll carry it till
11 the February hearing?

12 MR. ORTIZ: Correct.

13 MR. MAYEROVIC: That's fine.

14 MR. ORTIZ: Thank you, Mr. Mayerovic.

15 MR. MAYEROVIC: That's okay.

16 Thank you.

17 CHAIRPERSON CAPIZZI: So, he doesn't have
18 to re-notice.

19 Correct?

20 MR. ORTIZ: Yes. He doesn't have to re-
21 notice, as long as he gets the Affidavit in to
22 us, but we're not going to hear any testimony
23 until --

24 MR. MAYEROVIC: I'll get the Affidavit in.
25 That's okay. That's fine.

1 THE SECRETARY: Can I have a motion to
2 carry over to the next meeting?

3 CHAIRPERSON CAPIZZI: I make a motion.

4 MR. SPATZ: The 28th of February.

5 MR. MAYEROVIC: And we don't have to re-
6 notify.

7 THE SECRETARY: Twenty-eight --

8 MR. ORTIZ: No, you don't. That's --
9 that's why we're trying to do that.

10 MR. MAYEROVIC: Thank you.

11 THE SECRETARY: -- of February.

12 MR. ORTIZ: We're trying to make --

13 MS. DILLON: State it again, Carlos.

14 MR. SPATZ: Yeah.

15 MR. MEIS: Excuse me?

16 Is this person finished for the night?

17 THE SECRETARY: Motion by Mrs. Capizzi.

18 MR. ORTIZ: For the -- for the evening,
19 yes. But he's not going to re-notice.

20 Our next meeting is when, Carlos?

21 THE SECRETARY: The 28th. February the
22 28th.

23 MR. ORTIZ: February 28th, we'll be back
24 here.

25 MR. MEIS: They're going to send any

1 letters?

2 MR. ORTIZ: No.

3 CHAIRPERSON CAPIZZI: No.

4 MR. ORTIZ: No, they're not. That's why
5 I'm letting you know.

6 We're accepting jurisdiction of the case,
7 pending the submission of a document that Mr.
8 Mayerovic mistakenly, and I'm sure not
9 intentionally --

10 MR. MEIS: I don't know about that.

11 MR. ORTIZ: Well, I know Mr. Mayerovic for
12 a long time, been practicing law in the area.

13 MR. MEIS: Because I mean --

14 MS. DILLON: Sir, you can't speak from
15 there, please.

16 MR. MEIS: Oh, I'm sorry. I'm sorry.

17 I'm not that familiar with --

18 MS. DILLON: Sir, come forward.

19 Can I have your name for the record?

20 MR. MEIS: My name is Jacob Meis. I live
21 on 35th Street in Union City.

22 MS. DILLON: Spell your last name.

23 MR. MEIS: Meis, M-E-I-S.

24 MS. DILLON: M --

25 MR. MEIS: E-I-S.

1 MS. DILLON: And your first name is Jacob?

2 MR. MEIS: Yes.

3 MS. DILLON: And your address again?

4 MR. MEIS: 117 35th Street, Union City.

5 MR. ORTIZ: Mr. Meis, so -- so I could
6 explain what happened to you, if I didn't explain
7 it -- you know, clearly enough. And that's my
8 fault. I apologize.

9 But what -- what happened today is,
10 everything was done in accordance with the law,
11 but there's an actual literal document that
12 needed to be submitted.

13 Mr. Mayerovic mistakenly did not submit
14 that document. It wouldn't be in his interest,
15 as I can see -- as I can see it, for him not to
16 submit that document. In fact, it inconveniences
17 his client.

18 Bob, don't say anything.

19 MR. MEIS: So, you don't want to hear my
20 objection to what he was supposed to do?

21 MR. ORTIZ: Well, the objection comes after
22 the presentation. He isn't presenting anything
23 tonight.

24 MR. MEIS: Thank you.

25 MR. ORTIZ: Thank you, sir.

1 MR. MEIS: Thank you very much.

2 THE SECRETARY: Motion to carry this
3 application for next meeting, February the 28, by
4 Mrs. Capizzi.

5 Second by Mrs. Morejon.

6 Roll call on the motion.

7 Mrs. Genao?

8 MS. MOREJON: Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Mrs. Morejon?

11 MS. MOREJON: Yes.

12 THE SECRETARY: Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Mrs. Fernandez?

15 MS. FERNANDEZ: Yes.

16 THE SECRETARY: Mr. Rivero?

17 MR. RIVERO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mrs. Koehler?

21 VICE CHAIRPERSON KOEHLER: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Nine in favor. Motion
2 carries.

3 Thank you.

4 MS. DILLON: Carlos, no new notice.

5 THE SECRETARY: No new notice required for
6 next meeting on February the 28th.

7 Oops.

8 Okay. All right.

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. ORTIZ: We're good?

11 CHAIRPERSON CAPIZZI: Next one up.

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1 **Fumeng Li - 1408-1410 Central Avenue:**

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3 THE SECRETARY: Next application, Fumeng
4 Li, 1408-1410 Central Avenue.

5 Mrs. Pereiras, please?

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

8 MR. ORTIZ: Thank you.

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

11 MR. ORTIZ: Madam Chairwoman, I've reviewed
12 the documents submitted by counsel. Everything
13 seems to be in order, giving jurisdiction to the
14 Board.

15 CHAIRPERSON CAPIZZI: Okay, proceed.

16 Thank you.

17 MS. PEREIRAS: Thank you.

18 MR. ORTIZ: Here, you want to take this,
19 too?

20 MS. PEREIRAS: Counsel, if I could just
21 have a minute?

22 I want to confirm that the drawings that
23 the Board has in front of them are the final
24 revised drawings that we submitted.

25 MR. ORTIZ: Okay.

1 What's very, very, very important, if
2 that's not the case, before you even do it, is
3 because we've had a few problems with
4 applications not matching plans --

5 MS. PEREIRAS: Um hum.

6 MR. ORTIZ: -- what needs to be done, so
7 that you don't think it's anybody getting picked
8 on here, or anything like that --

9 MS. PEREIRAS: No, no.

10 MR. ORTIZ: -- is then an amended
11 application needs to be --

12 MS. PEREIRAS: We did submit that, as well,
13 with revised drawings. I just want to make sure
14 --

15 MR. ORTIZ: Okay.

16 MS. PEREIRAS: -- that those are the ones
17 that you have in front of you.

18 MR. ORTIZ: Okay. Fair enough.

19 THE SECRETARY: I think that's page number
20 4, I think.

21 MS. PEREIRAS: Are those the revised ones?

22 THE SECRETARY: I think it was.

23 MR. ORTIZ: These are dated -- when are
24 these --

25 (Whereupon, there was a pause in the

1 proceedings.)

2 VICE CHAIRPERSON KOEHLER: December 15.

3 MS. MOREJON: December 14.

4 VICE CHAIRPERSON KOEHLER: Mine says
5 December 15.

6 MR. ORTIZ: That's when it was filed,
7 right? That's filed December 15?

8 THE SECRETARY: That's the date they drop
9 it off and check the second page.

10 MR. PEREIRAS: Yeah, they have the date of
11 the revision, but these are the old drawings.
12 (Indiscernible) -- the old drawings.

13 MR. ORTIZ: What's the problem, Manny?

14 MR. PEREIRAS: There was a subsequent
15 revision to this, and I'm not sure why you don't
16 have it.

17 THE SECRETARY: Because we never receive
18 it.

19 MS. PEREIRAS: It was submitted.

20 MR. PEREIRAS: I have a feeling we --

21 MS. PEREIRAS: My paralegal came in
22 personally.

23 THE SECRETARY: Oh, yes. She -- she stamp
24 it --

25 (Whereupon, there was an interruption in

1 the recording.)

2 THE SECRETARY: Can I have a five minute
3 break, please?

4 MR. ORTIZ: Could we make --

5 Well, yeah, we -- we don't need to make a
6 motion for a five minute break. Let's just take
7 a five minute break.

8

9 (Whereupon, the Board recessed from 6:52
10 p.m. to 7:01 p.m.)

11

12 THE SECRETARY: Back in record, please.

13 May I have your attention?

14 MR. ORTIZ: Okay, folks.

15 So no one's confused --

16 MS. DILLON: All right. Wait, wait, wait.
17 Go ahead.

18 THE SECRETARY: Back on record.

19 Mrs. Pereiras, please?

20 MR. ORTIZ: I'll fill the Board in to
21 what's -- what's occurred.

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. ORTIZ: Essentially, it's the position
24 of the applicant that the amended plan and
25 amended application was filed.

1 We can't seem to find that in the Clerk's
2 Office. I'm not disputing that it wasn't filed,
3 nor am I saying that anything as to our Clerk,
4 who's excellent.

5 What I am saying is, without the amended
6 plans on file, it's a problem.

7 So, we've already taken jurisdiction, so
8 there will be no re-noticing on this.

9 However, this -- this is going to have to
10 be carried as well to our February meeting, which
11 is February 28th, you said.

12 Right?

13 THE SECRETARY: Yes, sir.

14 MR. ORTIZ: In light of the fact that --
15 you know, the plans are just not accurate as to
16 what the presentation is going to be that you
17 have in front of you.

18 So, with that being said, I'd ask for a
19 motion to carry this to our --

20 CHAIRPERSON CAPIZZI: I'll make a motion.

21 THE SECRETARY: Motion to carry by Mrs.
22 Capizzi.

23 Second by?

24 VICE CHAIRPERSON KOEHLER: Second.

25 THE SECRETARY: Mrs. Koehler.

1 CHAIRPERSON CAPIZZI: I wonder what
2 happened to them.

3 THE SECRETARY: Okay. Roll call on the
4 motion.

5 Mrs. Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: Mrs. Morejon?

8 MS. MOREJON: Yes.

9 THE SECRETARY: Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Mrs. Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Mr. Rivero?

14 MR. RIVERO: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Mrs. Koehler?

18 VICE CHAIRPERSON KOEHLER: Yes.

19 THE SECRETARY: Mr. Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Mr. Guareno?

22 MR. GUARENO: Yes.

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

25 MS. PEREIRAS: Thank you all very much.

1 THE SECRETARY: Next meeting, February 28,

2 --

3 MS. PEREIRAS: See you next month.

4 CHAIRPERSON CAPIZZI: Okay.

5 THE SECRETARY: -- 2017.

6 MS. PEREIRAS: Thank you.

7 THE SECRETARY: No new notice required.

8 MR. ORTIZ: Why don't we say -- Carlos, why
9 don't you say -- I know it's going to be hard to
10 transcript, but say it in Spanish just in case
11 there's --

12 MS. DILLON: I can't transcribe it.

13 MR. ORTIZ: I know. But it's more for the
14 edification --

15 MS. DILLON: Okay.

16 MR. ORTIZ: -- of the people that are in
17 the audience.

18 I don't know if they're in favor, against,
19 or have no opinion as to this.

20 THE SECRETARY: Okay.

21

22 (Whereupon, Board Secretary, Carlos
23 Vallejo, addressed the audience in Spanish.)

24

25 THE SECRETARY: No. No one.

1 **ADJOURNMENT :**

2

3 THE SECRETARY: All right. There being no
4 other application tonight's agenda, can I have a
5 motion to close tonight's meeting?

6 CHAIRPERSON CAPIZZI: Make a motion.

7 THE SECRETARY: Motion by Mrs. Capizzi.

8 Second by?

9 Mrs. Koehler.

10 All in favor?

11

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

13

14 THE SECRETARY: The ayes have it.

15 Let the record show the meeting has ended.

16 Thank you.

17 Good night, everyone.

18

19 (Whereupon, the proceedings were concluded
20 at 7:04 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, January 24, 2017 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon