

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, March 28, 2017
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
ALICIA MOREJON, (Arrived at 6:16 p.m.)
CAROLINA FERNANDEZ
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
RUDY RIVERO
FRANKLIN MEDINA

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

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

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

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

SCARINCI HOLLENBECK

BY: PATRICK J. McNAMARA, ESQ.,

BY: KRYSTLE NOVA, ESQ.,

Corporation Counsels

Appearing for Presentation of the

Union City Housing Element and Fair Share

Housing Plan

ADOLFO L. LOPEZ, ESQ.,

Attorney for Applicant, Jacqueline Villalobos

ADOLFO L. LOPEZ, ESQ.,

Attorney for Applicant, Jasen Bellamy

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant, 1810 Kennedy LLC

BIANCA P. PEREIRAS, ESQ.,

Attorney for Applicant, Isaac Rosenberg

ANTHONY SARSANO, ESQ.,

Attorney for App, Leighton Louie

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SWORN PUBLIC

Larry Price

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1 MR. ORTIZ: Good evening, everybody.

2 This is a meeting called in compliance with
3 Chapter 231, Public Law 1975, of the public --
4 Open Public Meetings Act.

5 Adequate notice of this meeting has been
6 provided as follow:

7 Notice of this meeting, setting forth the
8 time, date, location and -- and the agenda, to
9 the extent known, was forwarded to The Jersey
10 Journal, The Record, and The Hudson Reporter, has
11 been posted on the bulletin board in City Hall,
12 and has been made available to the public in the
13 Office of the Municipal Clerk.

14 Before we start tonight's evening, can
15 everybody rise to salute the flag?

16

17 (Whereupon, the Pledge of Allegiance was
18 said by all.)

19

20 **ROLL CALL:**

21

22 MR. ORTIZ: Roll call for tonight's
23 meeting.

24 Mayor Stack?

25 Ms. Genao?

1 MS. GENAO: Yes.

2 MR. ORTIZ: Commissioner Valdivia?

3 Ms. Morejon?

4 Ms. Capizzi?

5 CHAIRPERSON CAPIZZI: Here.

6 MR. ORTIZ: Ms. Fernandez?

7 MS. FERNANDEZ: Here.

8 MR. ORTIZ: Mr. Rivero?

9 Mr. Medina?

10 Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes. Here.

12 MR. ORTIZ: Mr. Velazquez?

13 MR. VELAZQUEZ: Here.

14 MR. ORTIZ: Mr. Guareno?

15 MR. GUARENO: Here.

16 MR. ORTIZ: We have a quorum.

17 Let the record indicate there are five --
18 five member -- six members present.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: Those absent tonight are Mayor
21 Stack, Commissioner Valdivia, Ms. Morejon, Mr.
22 Rivero, Mr. Medina.

23 CHAIRPERSON CAPIZZI: Um hum.

24 * * *

25

1 **APPROVAL OF PREVIOUS MEETING MINUTES:**

2
3 (1) Approval of previous meeting minutes from
4 February 28, 2017.

5
6 MR. ORTIZ: May I have a motion to approve
7 the -- the previous meeting minutes of February
8 28, 2017?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 MR. VELAZQUEZ: Second.

11 MR. ORTIZ: Bear with me, folks. I'm doing
12 everything all at --

13 CHAIRPERSON CAPIZZI: Um hum.

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

16 MR. ORTIZ: Okay.

17 Roll call.

18 Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. ORTIZ: Ms. Fernandez?

21 MS. FERNANDEZ: Yes.

22 MR. ORTIZ: Ms. Koehler?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 MR. ORTIZ: Mr. Velazquez?

25 MR. VELAZQUEZ: Yes.

1 MR. ORTIZ: Mr. Guareno?

2 MR. GUARENO: Yes.

3 MR. ORTIZ: Six ayes. Motion carries.

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1 **RESOLUTIONS:**

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3 (1) Fumeng Li - 1408-1410 Central Avenue, Block
4 71, Lot 17. Legalize basement apartment and a
5 curb cut for a two car driveway. Approved

6 (2) 514 39th Street, LLC - 514 39th Street,
7 Block 229, Lot 24. New three family dwelling.
8 Propose to demolish existing two and a half story
9 dwelling. Approved

10 (3) ADR RE, LLC - 525-531 32nd Street, Block
11 170, Lots 15-18 and 46. Resolution was
12 memorialized April 28, 2015. Applicants are
13 seeking for one year extension. Approved

14

15 MR. ORTIZ: First matter -- oh,
16 Resolutions.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. ORTIZ: May I have a motion -- we can
19 approve all these Resolutions all at once.

20 CHAIRPERSON CAPIZZI: I make a motion.

21 MR. ORTIZ: To approve all three
22 Resolutions before the Board?

23 CHAIRPERSON CAPIZZI: Yes. Make a motion.

24 MR. GUARENO: Second.

25 VICE CHAIRPERSON KOEHLER: Second.

1 Seconded.

2 MR. ORTIZ: He already second.

3 Thank you.

4 I'm sorry I'm moving so slow, folks.

5 VICE CHAIRPERSON KOEHLER: That's okay.

6 CHAIRPERSON CAPIZZI: That's all right.

7 MR. ORTIZ: Ms. Capizzi?

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. ORTIZ: Ms. Fernandez?

10 MS. FERNANDEZ: Yes.

11 MR. ORTIZ: Ms. Koehler?

12 VICE CHAIRPERSON KOEHLER: Yes.

13 MR. ORTIZ: Ms. -- Mr. Velazquez?

14 MR. VELAZQUEZ: Yes.

15 MR. ORTIZ: Mr. Guareno?

16 MR. GUARENO: Yes.

17 MR. ORTIZ: Motion carries.

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1 **Presentation of the Union City Element and Fair**
2 **Share Housing Plan:**

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4 MR. ORTIZ: First matter before the -- the
5 Board is the Presentation of the Union City
6 Housing Element and Fair Share Housing Plan by
7 Corporate Counsel.

8 MR. McNAMARA: Good evening members of the
9 Board, counsel.

10 My name is Patrick McNamara.

11 I'm with the City Attorney's Office,
12 Scarinci Hollenbeck.

13 We're here to give you an update tonight on
14 the work that has been done on the Housing
15 Element and Fair Share Plan to be developed in
16 the city.

17 As you're aware, the City filed this action
18 as one of over 350 municipalities across the
19 state who brought these actions so that they
20 could receive interim immunity from any builders
21 coming in threatening what are called builder's
22 remedy lawsuits.

23 With me is Susan Gruel and --

24 Sorry.

25 MS. GRUEL: Good evening, everybody.

1 MR. McNAMARA: And has been working on this
2 plan --

3 CHAIRPERSON CAPIZZI: Thank you.

4 MR. McNAMARA: -- with the City.

5 We've also had some ongoing discussions
6 with Fair Share Housing Center.

7 You may recall that that is the
8 organization that has sued successfully this
9 Administration, nine or ten times over various
10 deficiencies, over trying to abolish COAH, over
11 the various rules that have been invalidated by
12 the Supreme Court.

13 And what Susan will highlight, just beyond
14 giving you a little bit of background, is where
15 we have made some changes as a -- in course of
16 those discussions, which will be framed out in
17 further detail when we are in front of the court
18 in late April.

19 We just published notice of that. Notice
20 will be made available.

21 The updated drafts of these reports will be
22 made available to the public.

23 And what our hope is, that after the
24 hearing in late April, we'll be coming back to
25 you and the City to do a number of things.

1 One will be to ratify this Housing Element
2 and Fair Share Plan as part of your overall
3 Master Plan.

4 Part of that will also involve doing a
5 reexamination of the Master Plan. While it is
6 not ten years since the last time you did it, I
7 believe last time was 2009, we feel it is
8 important to do that, to reflect not only what's
9 in this report, but we have selected various
10 properties in the city which have already been
11 developed, or are hoped to be developed in the
12 future for affordable housing that will be to the
13 benefit of residents in this area.

14 So, this will not be the last step in the
15 process.

16 We've also had engagement with the court
17 appointed, Special Master, Ms. Christine Cofone.
18 Unfortunately, she had a conflict tonight and was
19 unable to be here. We did extend her the
20 invitation.

21 She has been intimately involved in these
22 discussions and has been generally quite
23 supportive of the City's approach, unlike
24 numerous other urban municipalities that did not
25 file these actions or decided to pursue

1 alternative routes.

2 Here, as Ms. Gruel will highlight for you,
3 one of the things that is being proposed is that,
4 in the future, as other development comes in,
5 there will be a requirement that regardless of
6 their size, they will have to include some type
7 of affordable housing component. And it's on a
8 sliding scale. The larger the project, the
9 larger the component that will be required.

10 So, with that, I'll turn the floor over to
11 Ms. Gruel and let her give you some brief
12 highlights, and cover the items of concern for
13 you this evening.

14 MS. GRUEL: Hello, everybody.

15 CHAIRPERSON CAPIZZI: Hi, Susan.

16 MS. GRUEL: It's been a couple of months
17 since I've been here before, so good to see you
18 all.

19 MR. McNAMARA: Why don't you step over so
20 you can use the mic?

21 MS. GRUEL: I will -- I will just briefly
22 go through, again, for purposes of a view, and
23 then just go through the changes, couple of
24 changes.

25 As you well know, the City has a number of

1 existing affordable sites that have been
2 developed, and you have this in your draft. It's
3 Appendix A, this map, as you recall from the --
4 from the last version. But we have put this on a
5 board for any member of the public that would
6 like to see, as well.

7 You can tell that the yellow are Housing
8 Authority sites. And the pink are other
9 affordable housing sites.

10 Most of these have already been developed.
11 There are several that are proposed.

12 Those obviously go to what you have already
13 done, the City has already done with affordable
14 housing.

15 As you recall from previous times, the City
16 does not have any prospective need obligation,
17 because it's an urban aid community. However, as
18 the City has been very proactive in developing
19 affordable housing.

20 And -- so, what we have is we have a
21 present need, which is mostly rehabilitation of
22 approximately 14 -- actually, it's exactly 1442
23 units. We have hundreds of units that are
24 applied to the present need obligation. Again,
25 most of those -- in fact, all of those sites.

1 And then, as a result of discussions with
2 Fair Share Housing, as Pat has said, there was
3 another request that additional affirmative
4 measures be considered, which essentially means
5 that if an application comes in front of you, the
6 Zoning Board, for site plan, subdivision,
7 rezoning, variance applications, redevelopment,
8 or rehab, with a proposed density which provides
9 for a density bonus, that there would be a
10 sliding scale overlay, where the -- there would
11 be a five percent set-aside for affordable
12 housing, for any multi-family development of 20
13 to 49 units; a ten percent set-aside for any
14 multi-family development of 50 to 199 units; and
15 a 15 percent set-aside for anything, multi-family
16 development 200 units or over.

17 And, basically, what that means is you can
18 accommodate -- as the development gets larger,
19 you can accommodate more affordable housing
20 within the development.

21 So, that was the additional affirmative
22 measure that has been added since we were last
23 here, just to capture, again, as many affordable
24 units as possible. And it provides for, again,
25 consistent with your policy as a city, to provide

1 for as many affordable units as possible.

2 So, that's the change. And there is an
3 opportunity -- there is a provision, as well,
4 that if for projects that are in lieu of
5 constructing the affordable, you can pay a -- a
6 developer can pay a certain sum of \$175,000.00 a
7 unit, into your Affordable Housing Trust Fund.
8 Okay? Up to 50 percent. They still have to
9 provide for some on-site.

10 But that gives an opportunity for the city
11 to have their --

12

13 (Whereupon, Alicia Morejon arrived at 6:16
14 p.m.)

15

16 MS. GRUEL: -- Affordable Housing Trust
17 Fund account and provide funding for other types
18 of developments that would be for affordable
19 housing. That is only earmarked for affordable
20 housing.

21 That discussion --

22 MR. McNAMARA: Can I jump in for a second?

23 MS. GRUEL: Hmm?

24 MR. McNAMARA: Can I jump in for a second?

25 MS. GRUEL: Yeah.

1 MR. McNAMARA: Couple of points to
2 highlight, what Susan's testified to.

3 The percentages were set in the ongoing
4 discussions we've had. You normally don't set --
5 the highest the courts have ever allowed is 20
6 percent set-aside.

7 We thought, and in consultation with City
8 Planner, with Special Master, and with Fair
9 Share, that a sliding scale made more sense,
10 because it still preserved the economic viability
11 of projects. It's a balancing act that you have,
12 this kind of work between wanting to make sure
13 you have units that are constructed and
14 contributed to the community, versus setting such
15 a high number that you're discouraging people who
16 are potential developers, and we don't want to do
17 that, either.

18 The same is true with the \$175,000.00 fee.
19 It may sound kind of high, but at the same time,
20 when you think about the cost of construction,
21 the cost of materials, cost of time involved,
22 it's set at the higher end, in part, also,
23 because we would rather, as a matter of public
24 policy here in the City, encourage the
25 development of the housing rather than a

1 developer making the contribution.

2 And if they do choose to make the
3 contribution, it goes directly into this trust
4 fund. There is a draft of the spending plan,
5 which is included in these materials, that the
6 court will also approve. And that targets,
7 again, rehab, veteran's housing, and other items
8 in the city that are outlined in the plan Susan's
9 been describing.

10 MS. GRUEL: And for those, it is -- the
11 payment in lieu option is for any project of 50
12 units or more. They can only do half. They have
13 to do the remaining on-site.

14 It's the ones -- it's the smaller projects,
15 under 50, where they can just contribute, adjust.
16 That's quite a bit.

17 VICE CHAIRPERSON KOEHLER: Fifty units or
18 more?

19 MS. GRUEL: Fifty units or more, --

20 VICE CHAIRPERSON KOEHLER: Okay.

21 MS. GRUEL: -- they can contribute half of
22 the units that they require.

23 VICE CHAIRPERSON KOEHLER: Of the
24 allocated.

25 MS. GRUEL: But they have to -- so, in

1 | other words, it could be 50 percent on-site, they
2 | have to. And, potentially, 50 percent in
3 | contribution.

4 | MR. McNAMARA: And -- and the trust fund
5 | money can only be spent here in Union City. You
6 | can't turn around and say, well, gee, Weehawken
7 | would like us to build -- another town -- town
8 | comes to you and said, well, would you like to
9 | spend some of your money here to -- to deal with
10 | your affordable housing obligation? You're not
11 | allowed to do that.

12 | So, all the funds that are collected and
13 | are raised have to stay here. We're required to
14 | do an annual accounting of them. Any money that
15 | is spent out of them will probably require court
16 | approval, and sign-off by the Special Master in
17 | the future, so that there's clear accountability
18 | that these funds are only being used for the
19 | purposes that are set forth in the plan that's
20 | being developed.

21 | MS. GRUEL: Yeah. There's annual
22 | monitoring that occurs with the funding, with the
23 | source.

24 | And there's also, within the ten year
25 | timeframe that this is, there's certain

1 monitoring and auditing as such, to make sure
2 that things are moving forward.

3 MR. ORTIZ: Just want to make a record
4 timely.

5 Ms. Morejon is present.

6 MR. McNAMARA: Oh, okay.

7 Thank you.

8 MR. ORTIZ: That's all I wanted to do.

9 MS. GRUEL: So, most of what you see in
10 this draft, you've already seen before.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MS. GRUEL: But we did want to make sure
13 that we came back and discussed, in public, the
14 -- the key aspects of the draft, as well as the
15 changes from when we were last here.

16 Any questions you may have, we'll try to
17 answer them.

18 You will, obviously, be -- at some point,
19 we will be back for a public hearing --

20 CHAIRPERSON CAPIZZI: Um hum.

21 MS. GRUEL: -- for this plan.

22 MR. McNAMARA: Understand what we'll be
23 doing in late April before the court, and notice
24 has been published in The Jersey Journal, it's
25 being mailed out, it's being posted here in City

1 Hall, we get a pre-approved service list of the
2 various lawyers who were of interest from the
3 builders, and activist groups, and the like that
4 we have to notify, is that, again, we'll be
5 coming back. We'll have to do this as part of
6 your Master Plan process. We'll do a Master Plan
7 reexam as part of that, to make sure if there are
8 any other open issues, we get them all resolved
9 at the same time.

10 We then may come back to you with changes
11 to a few ordinances to rezone a few of the
12 properties that are here, so that they're
13 specifically identified as being zoned for
14 affordable housing, consistent with the -- the
15 plan that's in front of you.

16 All the property owners, if any of these
17 properties are privately owned, do get notice, so
18 that no one's being -- nothing's being done
19 behind somebody's back. If their property is on
20 this list, they were notified in this. They'll
21 continue to get noticed as we go along so that
22 they understand.

23 Some of the properties that are in the
24 pipeline are ones where there's potential
25 redevelopment going on, or ongoing discussions

1 with the City, which are still private at this
2 point, where we're hoping that these sites can be
3 identified and ultimately acquired or redeveloped
4 in some manner, for affordable housing.

5 CHAIRPERSON CAPIZZI: Okay. Good.

6 MR. ORTIZ: Any members of the Board have
7 any questions?

8 CHAIRPERSON CAPIZZI: No.

9 MR. ORTIZ: Thank you.

10 CHAIRPERSON CAPIZZI: Thank you.

11 MS. GRUEL: Thank you.

12 MR. McNAMARA: Thank you very much.

13 VICE CHAIRPERSON KOEHLER: Thank you.

14 MS. GRUEL: We'll see you soon.

15 CHAIRPERSON CAPIZZI: Okay.

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1 **1810 Kennedy LLC - 1810 Kennedy Boulevard:**

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3 MR. ORTIZ: The next application is
4 Jacqueline Villalobos, 813 16th Street. It's a
5 legalization of an existing apartment to create
6 three residential units.

7 MS. PEREIRAS: Counsel? Mr. Lopez was kind
8 enough to --

9 MR. ORTIZ: Okay.

10 MS. PEREIRAS: -- allow us to go before
11 him. Our expert has another matter to present.

12 MR. LOPEZ: Yeah, Mr. Ortiz.

13 MS. PEREIRAS: Thank you very much.

14 MR. LOPEZ: They have to be somewhere else.
15 I have no problem.

16 MR. ORTIZ: And that's -- that's perfectly
17 fine.

18 Just for the record --

19 MR. DILLON: Wait. What are we doing now?

20 MR. ORTIZ: We're going to go out of order
21 on the -- on the agenda.

22 We're going to go number -- first, we're
23 going to address number four, and then we are
24 going to present number five.

25 As to number four, I have had an

1 opportunity to review the notice and the plans
2 that were filed with the Board.

3 Unfortunately, it's minor, but I think it's
4 potentially confusing to the public, the notice
5 seems to be correct, but again, inconsistent with
6 the plans. The notice says that it's a two,
7 converting essentially to a three family.

8 The plans say legal -- legalization of
9 three family.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. ORTIZ: I've advised counsel of this.
12 I think she wants to make a record, which I have
13 no problem with whatsoever.

14 But in light of that, the matter needs to
15 be adjourned. And it is my opinion it needs to
16 be re-noticed, as well.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MS. PEREIRAS: Counsel, I understand your
19 issues with the notice and with the site plan
20 drawings. However, the drawings do mention, in
21 the charts, that we have a legal two family, and
22 we are adding one unit, which is also reflected
23 in the notice.

24 So, even though there is some verbiage that
25 says legalize three units, again, we are not

1 asking for anything different.

2 This is a three family that we're asking to
3 get approved by the Board.

4 I think the drawings are consistent, and I
5 don't see this being an issue with jurisdiction.
6 If the Board would like us to revise the
7 drawings, we're happy to do that. But at the end
8 of the day, what we're asking for is a three
9 family, and that's what is suggested, as well, in
10 our drawings. And it's very clearly drawn in our
11 drawings.

12 MR. ORTIZ: Well, we would prob -- it would
13 probably be on the next meeting in which we're
14 hearing presentations, which would be May.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: So, there's noth -- there's no
17 action this Board needs to take because it's not
18 a matter of adjourning it. We don't have
19 jurisdiction, as far as I'm concerned.

20 CHAIRPERSON CAPIZZI: Okay.

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1 **Isaac Rosenberg - 145 35th Street:**

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3 MR. ORTIZ: So, we're going to move on to
4 number five, which is Isaac Rosenberg, 145 35th
5 Street, proposed rear addition and legalization
6 of an apartment.

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

9 MR. ORTIZ: This is -- this is technically
10 number five.

11 CHAIRPERSON CAPIZZI: Okay. Right.

12 MR. ORTIZ: Madam Chairwoman, I've had an
13 opportunity to review the notices submitted by
14 counsel. Everything seems to be in order, giving
15 jurisdiction to this Board.

16 CHAIRPERSON CAPIZZI: All right. Proceed.

17 MS. PEREIRAS: Thank you.

18 Bianca Pereiras, on behalf of the
19 applicants.

20 This is an application for property located
21 at 143 (sic) 35th Street here in Union City, Block
22 208, Lot 28.

23 We have a legal two family home. Our
24 applicant is proposing legalization of one
25 additional unit, as well as a rear addition.

1 We have one expert to testify before the
2 Board this evening, that is our architect, Mr.
3 Manuel Pereiras.

4 MR. DILLON: Please raise your right hand.

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

7 MR. PEREIRAS: I do.

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

10 MR. PEREIRAS: Manny Pereiras,
11 P-E-R-E-I-R-A-S, with Pereiras Architects
12 Ubiquitous, 1116 Summit Avenue, Union City, New
13 Jersey.

14 MR. DILLON: Thank you.

15 MR. PEREIRAS: Thank you.

16 MS. PEREIRAS: And Mr. Pereiras, for
17 purposes of the record, has testified before this
18 Board before --

19 CHAIRPERSON CAPIZZI: Yes.

20 MS. PEREIRAS: -- and I ask --

21 MR. ORTIZ: Just a few --

22 MS. PEREIRAS: Thank you very much --

23 MR. ORTIZ: Just a few times.

24 MS. PEREIRAS: -- that he be accepted as an
25 expert.

1 Mr. --

2 MR. PEREIRAS: Thank you, all. It's good
3 to be here.

4 MS. PEREIRAS: Mr. Pereira, are you
5 familiar with the property at 143 (sic) 35th
6 Street?

7 MR. PEREIRAS: I am.

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

10 MR. PEREIRAS: I have, and I put those same
11 drawings on the easel. It's the same drawings
12 that were submitted before the Board.

13 We have a typical Union City lot of 25 by
14 100. And on it, is a typical Union City house of
15 two story frame house, and there's a basement
16 level that's -- the first floor is elevated above
17 grade, as you can see in the elevation here. You
18 take steps up to the first level, and then a
19 second floor.

20 There is a family that has been living in
21 this house. They've lived there for many years.
22 I think they've had it in their family for over
23 30 years, and it's a large family. They have
24 lots of children. The -- the eldest member has
25 been living on the first floor and has one child

1 on the floor above. And their family is
2 expanding. They don't fit in the house, and
3 we're simply coming before this Board to ask for
4 a rear addition, and to legalize a basement,
5 which a family member has been living in there.
6 They want to make it into a full kitchen, and a
7 full bathroom, and bring it up to all Code
8 standards.

9 So, that's what we're proposing to do
10 today.

11 If you see our site plan, we're taking the
12 same house -- the same -- original setbacks that
13 the house has and we're extending it back a total
14 of 31 feet eight inches, for a rear addition. It
15 allows us to maintain a rear yard setback of 14
16 feet. And we're maintaining the side yard
17 setback of three foot five.

18 On the other side, we have a zero foot
19 setback.

20 Going through the -- the variances that
21 we're required. We do require a rear yard
22 variance. We're only at 14 feet, shy of the 25
23 feet that is required in the -- in the district.
24 However, this is typical of the neighborhood and
25 the adjoining lots.

1 Maximum coverage.

2 Sixty percent is required, we're at 68.76
3 percent. That's a function of having this rear
4 addition to accommodate these large families.
5 Each of these families has over six kids on each
6 of the -- of the units.

7 The maximum coverage, lot coverage. We're
8 at 85 percent, which is what is required in the
9 district. We have that open space in the rear
10 yard.

11 And then off-street parking.

12 Of course, our existing building has --
13 it's technically infeasible to add any parking to
14 it. And since we're adding the apartment, we're
15 expanding on that nonconformance. We would need
16 a total of six spaces, which we cannot comply
17 with, because it's a typical Union City lot.

18 Turning to the floor plans.

19 There are some very particular requirements
20 of the site that -- that create the hardship for
21 the expansion and the need for the variances.

22 We have kosher kitchens, which means that
23 they need basically almost twice as much kitchen
24 in this space. So, that's why the living space
25 and the kitchen spaces are actually a little bit

1 larger than usual.

2 And then, the number of bedrooms that we
3 have. And as you could see, the proposed
4 addition provides three bedrooms and a bathroom
5 in order to accommodate these larger families.

6 It maintains the -- the width of the house,
7 and goes -- as shown here.

8 The floor above, we have two bedrooms. We
9 expanded the kitchen in order to have the kosher
10 kitchen. And a small den in the back, with a
11 small deck, walk-out deck for Shabbat.

12 The floor -- and that's equal on both
13 floors. The addition is the same on both sides.

14 There are a number of things that this
15 building is going to go through in order to meet
16 Code compliance. We went from being a two family
17 to being a legal three family. So, we're going
18 to upgrade everything as far as Code compliance.

19 We have a low voltage alarm system that's
20 going to be introduced. We're introducing a
21 domestic line sprinkler system to the basement.
22 We're changing the fire ratings throughout. That
23 basement apartment is going to be separated by a
24 two hour separation, between that level and the
25 floors above.

1 And everything is going to come into
2 compliance. So, it's a great opportunity to take
3 a building that's been dilapidated over the
4 years, and -- and bring it up to Code, and make
5 it into a safe building that could bring three
6 families into Union City, and to live
7 comfortably.

8 CHAIRPERSON CAPIZZI: So, they have to dig
9 out the basement, like the back?

10 MR. PEREIRAS: We're not expanding the
11 basement itself. So --

12 CHAIRPERSON CAPIZZI: So, the basement of
13 this proposal?

14 MR. PEREIRAS: Yes, we are. We actually
15 are digging out the basement.

16 So, the basement is going to go back. The
17 addition is going to be, basically, three levels.

18 CHAIRPERSON CAPIZZI: Three.

19 MR. PEREIRAS: The basement, the first
20 floor and the second floor.

21 MR. ORTIZ: I have one question. It's more
22 of a construction question, and it may not even
23 really be that pertinent.

24 How are you going to -- out the backyard --
25 how you going to get the equipment back there?

1 MR. PEREIRAS: By hand.

2 MR. ORTIZ: You're going to dig it by hand?

3 MR. PEREIRAS: Yup.

4 MR. ORTIZ: Okay.

5 VICE CHAIRPERSON KOEHLER: Like -- yeah.

6 Wheelbarrow.

7 MR. PEREIRAS: Yeah. There's going --

8 yeah.

9 VICE CHAIRPERSON KOEHLER: Yeah.

10 MR. PEREIRAS: Wheelbarrow and manpower.

11 And we have plenty of that here in town. It will
12 employ a lot of local labor force.

13 MR. ORTIZ: Okay.

14 MR. PEREIRAS: And we've done it plenty of
15 times. We often, in a lot of the projects we
16 come before this Board, the -- the ceiling height
17 isn't sufficient, and we -- by manpower, we break
18 the grounds and -- and drop the buildings,
19 underpin them.

20 So, it's a very common thing we do.

21 CHAIRPERSON CAPIZZI: So, once they build
22 these -- the additions, what's the outside?

23 MR. PEREIRAS: We propose vinyl siding.

24 CHAIRPERSON CAPIZZI: Are they going to
25 continue that on the -- the entire house?

1 MR. PEREIRAS: We -- we would be happy to
2 do so, and wrap that entire house so that it
3 looks brand new.

4 MR. ORTIZ: So, let me get that --

5 CHAIRPERSON CAPIZZI: I'm just throwing it
6 out there. I'm not saying we need to have that.

7 MR. PEREIRAS: I don't think it needs it,
8 but we're happy to do that.

9 CHAIRPERSON CAPIZZI: That's up to the
10 Board.

11 MR. PEREIRAS: They're going to be --

12 CHAIRPERSON CAPIZZI: Okay. Just a
13 question.

14 MR. PEREIRAS: Proportionally, they'll be
15 -- it's -- it's an expense they'll be happy to
16 take.

17 MR. ORTIZ: So, that would be new siding,
18 if it was to be part of the approval.

19 CHAIRPERSON CAPIZZI: No. I'm not saying
20 that they have to do the whole house. I was just
21 asking if they were.

22 It's whatever the Board decides, I'm fine
23 with.

24 MR. ORTIZ: Okay.

25 CHAIRPERSON CAPIZZI: I just wanted to ask.

1 That's all.

2 Do they need to do anything to the front?

3 Are they doing anything to the front?

4 MR. PEREIRAS: No changes to the front.

5 CHAIRPERSON CAPIZZI: Okay.

6 Anybody have any questions?

7 Comments?

8 MR. VELAZQUEZ: You answered everything.

9 CHAIRPERSON CAPIZZI: Okay.

10 Anyone from the public have any questions
11 or comments?

12 Do you see any issues with it?

13 MR. ORTIZ: No. I was just curious how
14 they were going to get the equipment. That makes
15 sense.

16 CHAIRPERSON CAPIZZI: Okay.

17 Okay. Seeing none, does anyone have -- do
18 you guys want the entire house sided, or that's
19 not an issue?

20 MR. VELAZQUEZ: That's not an issue.

21 CHAIRPERSON CAPIZZI: That's not an issue.

22 Okay. Then we'll just --

23 MR. ORTIZ: Just in a motion, to approve no
24 conditions.

25 CHAIRPERSON CAPIZZI: Correct. I'll make a

1 motion to approve.

2 MR. VELAZQUEZ: Just -- just so you know,
3 when they -- if any kind of work, and all that --
4 you know, you have all residential there.

5 MR. PEREIRAS: Absolutely. We'll notify
6 all --

7 MR. VELAZQUEZ: With the noise and all
8 that.

9 MR. PEREIRAS: -- the neighbors. We'll go
10 through all the parameters that we always do.

11 MR. ORTIZ: Who's making the motion?

12 CHAIRPERSON CAPIZZI: I'll make the motion.

13 MR. ORTIZ: Is there a second?

14 MR. GUARENO: Second.

15 MR. ORTIZ: On the motion to approve, Ms.
16 Morejon?

17 VICE CHAIRPERSON KOEHLER: Second it.

18 MR. ORTIZ: No, it's already -- it's on the
19 -- it's on the motion.

20 CHAIRPERSON CAPIZZI: We're voting on it
21 now.

22 MR. ORTIZ: Ms. Morejon?

23 MS. MOREJON: Yes.

24 MR. ORTIZ: Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 MR. ORTIZ: Ms. Fernandez?

2 MS. FERNANDEZ: Yes.

3 MR. ORTIZ: Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 MR. ORTIZ: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 MR. ORTIZ: Mr. Guareno?

8 MR. GUARENO: Yes.

9 MR. ORTIZ: That's seven ayes, motion
10 carries.

11 MS. PEREIRAS: Thank you, all.

12 MR. PEREIRAS: Thank you.

13 CHAIRPERSON CAPIZZI: You're welcome.

14 MR. PEREIRAS: See you all next -- two
15 months from now.

16 CHAIRPERSON CAPIZZI: Two months. Right.

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1 **Jacqueline Villalobos - 813 16th Street:**

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3 MR. ORTIZ: The next matter before the
4 Board is what I started saying to you --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. ORTIZ: -- a few moments ago, which
7 would be Jacqueline Villalobos, 813 16th Street,
8 Block 80, Lot 25. Legalization of an existing
9 apartment to create three residential units.

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

12 MR. LOPEZ: For the record, Adolfo Lopez,
13 appearing on behalf of applicant.

14 Good evening --

15 CHAIRPERSON CAPIZZI: Good evening.

16 MR. LOPEZ: -- Madam Chairwoman, ladies and
17 gentlemen of the Board.

18 Counsel, if I may?

19 MR. ORTIZ: Please.

20 MR. LOPEZ: Jurisdictional documents for
21 your review.

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

24 MR. ORTIZ: Oh, I'm sorry. I apologize. I
25 missed Ydalia.

1 Ydalia, on the last one, just so the
2 record's clear, I'm sorry, I'm just trying to
3 call now everybody that's absent, as well, --

4 MS. GENAO: Okay.

5 MR. ORTIZ: -- cast your vote.

6 Okay. I'm sorry. I apologize.

7 CHAIRPERSON CAPIZZI: That's all right.

8 MR. ORTIZ: I'm trying to do everything at
9 once.

10 CHAIRPERSON CAPIZZI: No. You're doing a
11 great job.

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

14 MR. ORTIZ: Okay. Madam Chairwoman, I did
15 have an opportunity to --

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. ORTIZ: -- review counsel's
18 submissions. Everything seems to be in order,
19 giving jurisdiction to the Board.

20 CHAIRPERSON CAPIZZI: Okay.

21 Proceed.

22 Thank you.

23 MR. LOPEZ: Thank you.

24 The application before you is for a
25 legalization of a ground level unit. It does not

1 require any type of expansion, so it's merely a
2 legalization of property where the owner was
3 advised that the unit is illegal.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. LOPEZ: I have, as an expert witness
6 today, Alexander Ovejas, who is our architect.

7 I think he's been previously qualified
8 before this Board. If the Board will accept him
9 as a witness, I'll begin my examination.

10 CHAIRPERSON CAPIZZI: Do you recognize?

11 MR. ORTIZ: No.

12 MR. LOPEZ: No?

13 CHAIRPERSON CAPIZZI: I'm sorry. I don't
14 recognize.

15 MR. OVEJAS: Okay.

16 CHAIRPERSON CAPIZZI: Could you --

17 MR. ORTIZ: Maybe it was the Zoning Board,
18 potentially?

19 CHAIRPERSON CAPIZZI: I think so.

20 MR. OVEJAS: No. Actually -- it was
21 actually here.

22 MR. LOPEZ: That's fine.

23 MR. OVEJAS: But just a few months ago.

24 MR. ORTIZ: Just briefly.

25 MR. OVEJAS: Yeah.

1 CHAIRPERSON CAPIZZI: Just give us your
2 number.

3 MR. LOPEZ: Mr. Ovejas --

4 MR. OVEJAS: Yeah.

5 MR. LOPEZ: -- please.

6 MR. OVEJAS: Alexander Ovejas.

7 CHAIRPERSON CAPIZZI: And your state, your
8 education.

9 MR. OVEJAS: I'm an architect of New Jersey
10 for --

11 Oh, --

12 MR. DILLON: I'll swear you in after.

13 MR. OVEJAS: Okay. Architect of New Jersey
14 for seven years. And I've been practicing
15 architecture for the past 15 years.

16 MR. LOPEZ: And have you previously
17 testified before boards in this and other
18 municipalities?

19 MR. OVEJAS: Yes, I did.

20 MR. LOPEZ: How long have you been doing
21 so? How long -- how many times have you
22 testified, approximately?

23 MR. OVEJAS: I'd say five.

24 MR. LOPEZ: And you say you've been
25 qualified previously before this Board?

1 MR. OVEJAS: Yes.

2 MR. LOPEZ: Do you remember what project it
3 was?

4 MR. OVEJAS: I don't recall.

5 MR. LOPEZ: No? Okay. How long ago was
6 it?

7 MR. OVEJAS: That's probably like six,
8 seven months ago.

9 MR. LOPEZ: Okay.

10 MR. OVEJAS: It's been awhile.

11 MR. LOPEZ: And you are an architect with
12 the office of Marta Rodriguez.

13 MR. OVEJAS: Correct.

14 MR. LOPEZ: Right?

15 MR. OVEJAS: Yes.

16 MR. LOPEZ: Were you involved in the
17 preparation of these plans?

18 MR. OVEJAS: Yes.

19 MR. LOPEZ: Okay.

20 Are you a licensed architect in the State
21 of New Jersey?

22 MR. OVEJAS: Yes, I am.

23 MR. LOPEZ: Okay.

24 MR. OVEJAS: Yes.

25 MR. LOPEZ: I would offer him as an expert

1 witness in architecture.

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. LOPEZ: Thank you.

4 CHAIRPERSON CAPIZZI: Thank you.

5 MR. DILLON: Swear him in.

6 MR. ORTIZ: Yes, please.

7 MR. DILLON: Please raise your right hand.

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

10 MR. OVEJAS: Yes.

11 MR. DILLON: Please state your name and
12 spell it for the record.

13 MR. OVEJAS: Alexander Ovejas,
14 A-L-E-X-A-N-D-E-R, O-V-E-J-A-S.

15 MR. DILLON: Okay.

16 MR. LOPEZ: Mr. Ovejas, are you familiar
17 with the property at 813 16th Street in Union
18 City?

19 MR. OVEJAS: Yes.

20 MR. LOPEZ: Can you describe for the Board
21 what this property consists of?

22 MR. OVEJAS: Yes. The property is an
23 existing two family house, where it sits on the
24 -- that property of 2500 square feet, with a
25 minimum lot of 25 width and 100 feet depth.

1 MR. LOPEZ: And does the -- does the
2 proposed plan -- does it require any type of
3 expansion of the footprint of the property?

4 MR. OVEJAS: No. The -- the existing house
5 is going to remain as is, with no addition to it.
6 As -- as mentioned, it's an existing two family
7 house and we're applying to legalize the existing
8 basement, which with minimal renovation, only for
9 improvements.

10 MR. LOPEZ: And does it provide for more
11 than one -- once the project is completed, will
12 it provide for more than one means of egress?

13 MR. OVEJAS: Yes.

14 MR. LOPEZ: Could you describe for the
15 Board where the --

16 MR. OVEJAS: So --

17 MR. LOPEZ: -- where the means of egress
18 will come to the property?

19 MR. OVEJAS: So, for the basement, there's
20 already an existing house through the rear. And
21 then, we're planning to add a -- an egress
22 window, where the bedroom is going to be located.

23 MR. LOPEZ: Besides the egress window
24 there, there is also -- is there also access to
25 an interior staircase?

1 MR. OVEJAS: Correct.

2 Yeah, coming from the first floor, there's
3 actually a -- what you call, like -- kind of like
4 a lobby area, like where the stairs is located,
5 which goes down to the basement.

6 MR. LOPEZ: And in addition to this, will
7 it have access to the rear yard?

8 MR. OVEJAS: Yes. There is.

9 MR. LOPEZ: Now, the bottom -- the bottom
10 photograph, where it says rear view --

11 MR. OVEJAS: Um hum.

12 MR. LOPEZ: -- is that an access door to
13 the -- to the apartment?

14 MR. OVEJAS: Yes.

15 MR. LOPEZ: And will someone living in the
16 apartment further have access to the street,
17 through a side yard?

18 MR. OVEJAS: Yes.

19 MR. LOPEZ: So, this property would
20 actually, with the egress window, it would have a
21 total of three exits.

22 MR. OVEJAS: Correct.

23 MR. LOPEZ: So, from a fire perspective, or
24 a safety perspective, this is an ideal situation.
25 Is that --

1 MR. OVEJAS: Yes, it is.

2 MR. LOPEZ: All right.

3 And generally, describe the floor plan on
4 the proposed apartment.

5 MR. OVEJAS: Well, for the proposed
6 apartment, coming from the first floor, you go
7 down to the basement, it will be directed to the
8 bedroom.

9 And then, off that bedroom, there's a door
10 accessing the living room, all the way down to
11 the kitchen. And we have this bathroom, which is
12 already exist, as well as the furnace room.

13 MR. LOPEZ: What about the kitchen? Is the
14 kitchen an existing kitchen now?

15 MR. OVEJAS: Yeah.

16 Everything here, shown in the basement, is
17 actually all existing.

18 MR. LOPEZ: Okay.

19 Could you describe for the record, and this
20 Board, how many variances are required as part of
21 this application?

22 MR. OVEJAS: Yeah. We're applying for
23 three variances.

24 The first one would be the front yard. The
25 -- the required front yard would be ten feet, and

1 we only have an existing condition, which is 3.85
2 feet.

3 Another variance application we are
4 applying for is the side yard, which the required
5 has a two feet on one side and five on the other
6 side. They only have two and two, which again is
7 an existing condition.

8 And the other one would be the parking
9 where we suppose to have six spaces, but there's
10 no spot to put one.

11 MR. LOPEZ: Right. Based on the layout of
12 the property, it's impossible to create any type
13 of parking.

14 MR. OVEJAS: Correct.

15 MR. LOPEZ: Is that correct?

16 MR. OVEJAS: Correct.

17 MR. LOPEZ: And these variances are all
18 existing, or passive variances. They're not
19 being created now, but they are strictly by the
20 existing footprint of the property.

21 MR. OVEJAS: Correct.

22 MR. LOPEZ: Does -- once -- if approved,
23 does the project change the type of structure
24 that this is?

25 In other words, it's going from a two to a

1 three --

2 MR. OVEJAS: Yes.

3 MR. LOPEZ: -- family.

4 Is that --

5 MR. OVEJAS: It will be.

6 MR. LOPEZ: -- correct?

7 MR. OVEJAS: Yeah.

8 MR. LOPEZ: Is that a different standard
9 that is required, in terms of code and
10 construction?

11 MR. OVEJAS: Yes.

12 MR. LOPEZ: Could you describe that for the
13 Board?

14 MR. OVEJAS: Yes.

15 As mentioned, right now, it's a two family
16 house, so we're going to convert into two --
17 three family house, but we're definitely going to
18 upgrade the building to -- to apply with the Code
19 requirements.

20 MR. LOPEZ: When you go from a two to a
21 three family, you're creating a multiple
22 dwelling.

23 Is that correct?

24 MR. OVEJAS: Correct.

25 MR. LOPEZ: And that is subject to much

1 more stringent standards?

2 MR. OVEJAS: Correct.

3 MR. LOPEZ: And obviously, this house would
4 be brought to those standards as part of the
5 process.

6 MR. OVEJAS: Yes.

7 MR. ORTIZ: Mr. Lopez, just so you know,
8 and I think that will address this portion, all
9 of the resolutions that come from this Board all
10 say that it's going to comply with all local and
11 state zoning regulations. So --

12 MR. OVEJAS: Correct.

13 MR. LOPEZ: Mr. Ovejas, do you have
14 anything else to add to this project?

15 MR. OVEJAS: Yeah, that's all I have.

16 MR. LOPEZ: That's it?

17 Nothing further.

18 CHAIRPERSON CAPIZZI: Does anyone on the
19 Board have any questions?

20 MS. MOREJON: No.

21 CHAIRPERSON CAPIZZI: Any comments, or
22 concerns?

23 Anyone from the public have any comments,
24 questions, or concerns?

25 Seeing no questions.

1 Mr. Ortiz?

2 MR. ORTIZ: No.

3 CHAIRPERSON CAPIZZI: Okay.

4 Seeing none, I'll make a motion to approve
5 the application.

6 MS. MOREJON: Second.

7 MR. ORTIZ: On the motion to approve, Ms.
8 Genao, and I'm never going to forget you ever
9 again.

10 MS. GENAO: Yes.

11 MR. ORTIZ: Ms. Morejon?

12 MS. MOREJON: Yes.

13 MR. ORTIZ: Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 MR. ORTIZ: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 MR. ORTIZ: Ms. Koehler?

18 VICE CHAIRPERSON KOEHLER: Yes.

19 MR. ORTIZ: Mr. Velazquez?

20 MR. VELAZQUEZ: Yes.

21 MR. ORTIZ: Mr. Guareno?

22 MR. GUARENO: Yes.

23 MR. ORTIZ: Motion passes. Seven.

24 MR. VELAZQUEZ: Hold on for a minute,
25 before we --

1 MR. DILLON: Couldn't hear the motion and
2 the second.

3 MR. ORTIZ: The motion was Ms. Capizzi, and
4 seconded by Ms. Morejon.

5 MR. DILLON: Okay.

6 Thank you.

7 MR. LOPEZ: Thank you.

8 MR. ORTIZ: Thank you.

9 VICE CHAIRPERSON KOEHLER: You're welcome.

10 MR. ORTIZ: You're not going anywhere, are
11 you?

12 MR. LOPEZ: I have one more.

13 MR. ORTIZ: Okay.

14 MR. LOPEZ: Getting my phone.

15 MR. ORTIZ: Give me one second.

16

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

19

20 MR. McNAMARA: Madam Chair, if I could, one
21 second?

22 Does anyone own a four door black Jeep
23 Compass? You got me blocked in, in the parking
24 lot downstairs.

25 MR. ORTIZ: What's the matter, Pat? You

1 don't want to stay with us?

2 MR. McNAMARA: I'm more than happy to.

3 This is only my fifth meeting of the day.

4 CHAIRPERSON CAPIZZI: Oh, boy.

5 MR. McNAMARA: I got an hour's ride home,

6 so --

7 CHAIRPERSON CAPIZZI: Oh, no.

8 MR. ORTIZ: Also, while we're -- while

9 we're getting ourselves together, Board members

10 --

11 CHAIRPERSON CAPIZZI: Let me have this.

12 MR. ORTIZ: -- remind everybody that --

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. ORTIZ: -- in case you're not aware, but

15 I think most people are aware that our next

16 meeting there will be no presentations. It will

17 be a seminar held by Corporate Counsel,

18 explaining any changes in our local Ordinance

19 that's going to affect our function here in Union

20 City.

21 MS. NOVA: Ordinances that have already

22 passed.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MS. NOVA: You know, that -- that you might

25 not be aware of, for whatever reason, or

1 something.

2 Thank you everybody.

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

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1 **Jasen Bellamy - 819 21st Street:**

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3 CHAIRPERSON CAPIZZI: All righty.

4 MR. ORTIZ: The next matter that's before
5 the Board is Jasen Bellamy, 819 21st Street, Block
6 107, Lot 14. Legalization of an existing
7 apartment to create three residential units.

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

10 MR. ORTIZ: Yeah.

11 MR. LOPEZ: Adolfo Lopez, appearing on
12 behalf of the applicant.

13 And counsel, if I may give you the
14 jurisdictional documents for your review?

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

17 MR. ORTIZ: Madam Chairwoman, I've had an
18 opportunity to review the submissions by counsel.
19 Everything seems to be in order, --

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: -- giving jurisdiction to the
22 Board.

23 CHAIRPERSON CAPIZZI: Good. Proceed.

24 MR. LOPEZ: Thank you.

25 Once again --

1 CHAIRPERSON CAPIZZI: You're welcome.

2 MR. LOPEZ: -- ladies and gentlemen of the
3 Board, I have as my expert witness, Mr. Carballo,
4 who I know you do know.

5 CHAIRPERSON CAPIZZI: Yes, we do.

6 MR. LOPEZ: Previously qualified.

7 CHAIRPERSON CAPIZZI: Yes.

8 MR. LOPEZ: Thank you.

9 MR. ORTIZ: Proceed.

10 CHAIRPERSON CAPIZZI: You're welcome.

11 MR. LOPEZ: Mr. Carballo, can you -- are
12 you familiar with the property at 819 21st Street
13 in Union City?

14 MR. CARBALLO: Yes, I am.

15 And first of all, let me state, the
16 architect is Orestes Valella. He couldn't be
17 here tonight, so he asked me to stand in for him,
18 so here I am.

19 MR. LOPEZ: You have reviewed the
20 application and the -- and the drawings and are
21 familiar with them.

22 MR. CARBALLO: Yes.

23 MR. LOPEZ: Is that correct?

24 MR. CARBALLO: Yes, I have, and I am. Yes.

25 MR. LOPEZ: Could you describe the proposed

1 project to the Board?

2 MR. CARBALLO: Certainly.

3 It's an existing two story building, with a
4 basement. It's a small building. It sits on a
5 small lot. The lot is 27 foot ten wide and is 30
6 -- what is it? Thirty-seven. And it's 44.67
7 foot deep.

8 So, in other words, instead of a hundred
9 foot depth of a regular lot, this is a little
10 less than half the lot. But that is the -- the
11 existing lot. There's an existing building.

12 What we're proposing here today is the
13 legalization of an existing unit in the basement.

14 There is no new construction proposed under
15 this application, expansion and otherwise, except
16 for whatever is needed for code compliance, once
17 we go to a third unit.

18 The third unit, as existing, has two -- two
19 bedrooms, living room, dining room. It's 580
20 square feet. It has two means of egress, and by
21 code, all the windows have to meet the emergency
22 egress size windows, and it will have that.
23 Height of the -- the ceiling is eight feet.

24 So, this apartment actually complies by all
25 Code standards.

1 That apartment will have to be sprinklered,
2 as per Code. So, yes, it will be a safe
3 apartment to live in. Just because it's in a
4 basement, doesn't mean that it's substandard.

5 So, the variances that we have -- that
6 we're asking relief from tonight is, as I
7 explained here, well, the lot area because of the
8 small lot. It's -- instead of 2500, it's 1236
9 square feet.

10 The lot depth, instead of a hundred feet is
11 44.67.

12 The rear yard, as an existing building, 25
13 --

14 MR. DILLON: (Indiscernible).

15 MR. CARBALLO: -- percent of the depth, we
16 only have seven percent.

17 Coverage, building coverage is 62 versus 60
18 percent required.

19 MR. ORTIZ: I don't think we did.

20 MR. DILLON: No.

21 MR. CARBALLO: Lot coverage is --

22 MR. ORTIZ: Mr. Carballo?

23 MR. CARBALLO: -- is a hundred percent
24 versus 85.

25 MR. ORTIZ: Mr. Carballo --

1 MR. CARBALLO: And --

2 MR. ORTIZ: Mr. Carballo, I don't think we
3 swore you in.

4 MR. CARBALLO: Oh.

5 MR. ORTIZ: Which --

6 MR. CARBALLO: That is right.

7 CHAIRPERSON CAPIZZI: Which doesn't mean
8 you have to say everything again that you already
9 said, so don't worry.

10 MS. DILLON: Please raise your right hand.

11 MR. CARBALLO: You don't want to hear it.

12 MR. DILLON: Do you swear the testimony
13 you're about to give this Board is the whole
14 truth?

15 MR. CARBALLO: Yes. The one that I'm about
16 to give, as well as the one that I gave.

17 CHAIRPERSON CAPIZZI: Right.

18 MR. CARBALLO: Yes.

19 CHAIRPERSON CAPIZZI: Right.

20 MR. DILLON: So, state your name and spell
21 it for the record, again.

22 MR. CARBALLO: Sure.

23 Jose Carballo, C-A-R-B-A-L-L-O.

24 And I do apologize. I should have brought
25 it out, too. I've done this enough.

1 MR. DILLON: That's okay.

2 MR. CARBALLO: And -- and the last variance
3 that we need is parking.

4 Mr. Valella shows four and a half parking
5 spaces, and shows a variance with five. Because
6 of the RSI says that after .5 you go to a lower
7 number. It's actually a -- a three car variance
8 as opposed to -- or three parking space variance
9 as opposed to a four parking space variance.

10 But nevertheless, we only have one parking
11 space that we can actually fit on this property.

12 MR. LOPEZ: And Mr. Carballo, many of these
13 variances are caused by the -- the smaller lot
14 that we have in existence.

15 Correct?

16 MR. CARBALLO: That is correct. Most of
17 them are preexisting variances.

18 MR. LOPEZ: And the -- when we refer to it
19 as a basement unit, it's not fully submerged. It
20 will have egress windows. It's only a few steps
21 down. Is that --

22 MR. CARBALLO: That -- that is correct.
23 There's only four steps down, which would make it
24 about, what, 28, 30 -- 30 inches mostly -- so,
25 it's about two and a half feet below grade.

1 MR. LOPEZ: Anything else that you feel the
2 Board needs to know about this application?

3 MR. CARBALLO: Well, the only thing I just
4 want to reiterate is it is a safe apartment.
5 It's not substandard. So, I -- I don't think
6 this would be a stretch to get approved, if the
7 Board so decides.

8 MR. LOPEZ: And again, any -- as counsel
9 has indicated before, any construction has to be
10 fully Code compliant, in what will now be a
11 multi-family dwelling.

12 Is that correct?

13 MR. CARBALLO: Definitely. It has to go
14 through Union City Building Department. So,
15 yeah. All the Codes will have to be complied
16 with.

17 MR. LOPEZ: I have nothing else to the
18 Board.

19 MS. MOREJON: Okay.

20 MR. VELAZQUEZ: I have to add, I've been
21 inside that unit. The applicant had a horror
22 tenant living down there.

23 MR. CARBALLO: Um hum.

24 MR. VELAZQUEZ: So, I felt sorry for him
25 with this whole thing, to get this legalized, and

1 all that.

2 The apartment is -- is a good apartment and
3 all that. And my first eye, when I first did my
4 initial inspection, when I was there, I thought
5 it was legal.

6 MR. LOPEZ: And for the Board's knowledge,
7 the owner is -- is a police officer in town.

8 MR. VELAZQUEZ: And he lives there.

9 MR. LOPEZ: And yes.

10 MS. MOREJON: That's good.

11 CHAIRPERSON CAPIZZI: Any other comments or
12 concerns, questions --

13 MS. MOREJON: No.

14 CHAIRPERSON CAPIZZI: -- from the Board?

15 From the public?

16 Yes?

17 MR. DILLON: Please raise your right hand.

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

20 MR. PRICE: I do.

21 MR. DILLON: State your name and spell it
22 for the record.

23 MR. PRICE: Larry Price, 1006 Palisade Ave.

24 MR. DILLON: Thank you.

25 MR. PRICE: Oh, spell it? P-R-I-C-E.

1 The lot is 1260 square feet?

2 MR. CARBALLO: It's 1236 square feet.

3 MR. PRICE: Twelve thirty-six. Okay.

4 The apartment in the basement that you're
5 legalizing --

6 MR. CARBALLO: Um hum.

7 MR. PRICE: -- it's a two bedroom
8 apartment.

9 MR. CARBALLO: It is a two bedroom
10 apartment.

11 MR. PRICE: How large is it?

12 MR. CARBALLO: It's 580 square feet.

13 MR. PRICE: Five hundred eighty square
14 feet.

15 Okay. I think they have a problem. The
16 Land Development Ordinance of Union City requires
17 that a two bedroom apartment be 750 square feet.

18 So, this is 200 -- almost 200 square feet
19 less than that. That calls for a D-5 density
20 variance, which can only be granted by a Zoning
21 Board of Adjustment, not by Planning Board. So,
22 it's the wrong Board.

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

25 MR. SPATZ: Well, the -- the unit is

1 undersized. Certainly, for new construction it
2 would have to meet those standards.

3 I don't know what the -- this Board or the
4 Board of Adjustment has ruled regarding the --
5 the preexisting legalization.

6 If the applicant would consider making it a
7 one bedroom apartment, then it would meet the
8 standards for one bedrooms, which are 550 square
9 feet.

10 MR. LOPEZ: And it is precisely the
11 question that I just --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. LOPEZ: -- consulted with my client.
14 It is -- he had planned to legalize what's there,
15 not to do any type of work.

16 In order to comply with Mr. Price's
17 suggestion, we would gladly convert this to a one
18 -- a one bedroom apartment, rather than a two
19 bedroom apartment.

20 CHAIRPERSON CAPIZZI: One bedroom.

21 MR. PRICE: Thank you.

22 MR. ORTIZ: Mr. --

23 MR. LOPEZ: Thank you.

24 CHAIRPERSON CAPIZZI: Okay.

25 You're welcome.

1 MR. ORTIZ: Mr. Lopez, I'm going to need,
2 then, from you, as my hat as the Board Attorney,
3 I guess as well as the Clerk, amended plans --

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. ORTIZ: -- as well as a matching
6 amended application.

7 MR. LOPEZ: I don't know that the
8 application mentions the type of bedroom, the
9 number of bedrooms. It just -- if I may, just
10 take a look at -- at it for a moment.

11 MR. ORTIZ: And I will, as well.

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

14 MR. LOPEZ: The application does not make
15 mention of the number of bedrooms.

16 CHAIRPERSON CAPIZZI: It does not.

17 MR. LOPEZ: It -- it simply references the
18 plans.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. LOPEZ: We'd certainly, obviously,
21 modify the plans to reflect the one bedroom
22 apartment.

23 MR. ORTIZ: Okay. I would -- we definitely
24 --

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. ORTIZ: -- need that. And I -- I tend
2 to agree. The application doesn't mention it.

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

5 MR. LOPEZ: Can it be --

6 MR. ORTIZ: It's got to -- got to be held
7 over, though. That's the problem, to give us the
8 plans.

9 That's the only problem. And that's what
10 this Board has generally done with amended plans.

11 MR. LOPEZ: Fair enough.

12 Counsel, do you -- once the amended plans
13 are submitted, we would simply introduce them.

14 Do you require testimony -- will you
15 require testimony at that meeting, or will the
16 Board take notice of the existing revisions?

17 MR. ORTIZ: That's -- that's a difficult --

18 MR. LOPEZ: I'll bring them in.

19 CHAIRPERSON CAPIZZI: What about notice?
20 Does he have to re-notice?

21 MR. ORTIZ: No, he doesn't have to re-
22 notice. No. This is just an amendment to the
23 plan.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. LOPEZ: Right.

1 MR. ORTIZ: We're not going to vote tonight
2 at all on it.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: And -- but here's the
5 problematic portion of timing. I think --

6 MR. LOPEZ: It's May. Understood.

7 MR. ORTIZ: So, with that being said, this
8 matter is going to be --

9 MR. LOPEZ: So, we would ask for an
10 adjournment, then.

11 MR. ORTIZ: Motion to approve the request
12 for an adjournment for the purposes that are on
13 the record.

14 MS. MOREJON: Motion.

15 CHAIRPERSON CAPIZZI: I'll make a motion.

16 MR. ORTIZ: Motion by Ms. Morejon.

17 Seconded by Miss Capizzi.

18 Is that okay?

19 CHAIRPERSON CAPIZZI: Sure. That's fine.
20 Yup.

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

23 MR. ORTIZ: To adjourn to our --

24 CHAIRPERSON CAPIZZI: May.

25 MR. ORTIZ: -- May meeting.

1 On the motion to adjourn to our May
2 meeting, Ms. Genao, which I will never forget,
3 like I said.

4 MS. GENAO: Yes.

5 MR. ORTIZ: Ms. Morejon?

6 MS. MOREJON: Yes.

7 MR. ORTIZ: Ms. Capizzi?

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. ORTIZ: Ms. Fernandez?

10 MS. FERNANDEZ: Yes.

11 MR. ORTIZ: Ms. Koehler?

12 VICE CHAIRPERSON KOEHLER: Yes.

13 MR. ORTIZ: Ms. (sic) Velazquez?

14 MR. VELAZQUEZ: Yes.

15 MR. ORTIZ: Mr. Velazquez?

16 Mr. Guareno?

17 MR. GUARENO: Yes.

18 MR. ORTIZ: This matter will be carried to
19 our May meeting.

20 MR. LOPEZ: Thank you.

21 MR. ORTIZ: Thank you.

22 MR. LOPEZ: Thank you.

23 CHAIRPERSON CAPIZZI: Thank you.

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

1 MR. ORTIZ: All right. Why don't -- could
2 you just grab Adolfo before he leaves?

3 Because I'm going to -- I want Mr. -- Mr.
4 Lopez to be here for --

5 MR. SPATZ: No. He's not the attorney for
6 that one. Not for the last one.

7 MR. ORTIZ: Oh, oh. For the last --

8 MR. SPATZ: The -- the last one.

9 MR. ORTIZ: Oh, for the last one.

10 MR. SPATZ: The next one. Sorry.

11 MR. ORTIZ: Okay. Forget -- forget about
12 it sweetie --

13 MR. SPATZ: Sorry. Sorry.

14 MR. ORTIZ: -- it's the next one.

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1 **Leighton Louie - 134 40th Street:**

2

3 MR. ORTIZ: Mr. Sarsano, I was advised by
4 our Planner that you have a similar issue.

5 Before we even get there, I could accept
6 your notices today and since --

7 MR. SARSANO: Um hum.

8 MR. ORTIZ: -- we could accept notice, and
9 then you could file the amended plans --

10 MR. SARSANO: Um hum. I --

11 MR. ORTIZ: -- and present it all at once.
12 Take jurisdiction.

13 MR. SARSANO: I understand your position.
14 Can I proffer my --

15 MR. ORTIZ: Sure, please.

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

18 MR. ORTIZ: Madam Chairwoman, I have had an
19 opportunity to review the notices submitted by
20 counsel. Everything seems to be in order, giving
21 jurisdiction to the Board.

22 As I stated earlier, the same issue seems
23 to be present in this matter. And let me put it
24 on the record which one we're talking about, by
25 the way. I didn't do that.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ORTIZ: This is Leighton Louie, 134
3 40th Street, Block 238, Lot 2. Legalize an
4 existing apartment, to go from a two family to a
5 three family.

6 That's the matter that we've just taken
7 jurisdiction of, so that the record is clear.

8 Mr. Sarsano, the other thing is it's my
9 understanding that generally the Board requested
10 before and after.

11 I don't believe the plans have a before and
12 after. Am I --

13 MR. SPATZ: Usually, what the Board would
14 like to see is to see all of the units in the
15 building, not just the one being --

16 MR. ORTIZ: Right. Correct. Excuse me.

17 MR. SARSANO: Okay.

18 MR. SPATZ: -- renovated or legalized.
19 They want to -- so that they can just see what
20 those --

21 MR. SARSANO: I understand, Mr. Spatz.

22 MR. SPATZ: -- look like.

23 So, if you're going to be revising the
24 plans --

25 MR. SARSANO: Okay. I'll make --

1 MR. SPATZ: -- to make that a one bedroom
2 unit -- you know, you can have the rest as --
3 include the other two units on a separate sheet,
4 and bring that in.

5 MR. SARSANO: We'll certainly comply.

6 And just for the record, my name is Anthony
7 Sarsano. I represent the applicant in this
8 matter.

9 We're cognizant of the Board's concern. As
10 a result of that, we'd like an opportunity to
11 amend our plans to reflect a one bedroom, as
12 opposed to a two.

13 Predicated on that, I'd ask that this
14 matter be adjourned.

15 MR. ORTIZ: Is there a motion to adjourn
16 it?

17 MS. MOREJON: Motion.

18 MR. ORTIZ: Motion was by --

19 CHAIRPERSON CAPIZZI: Alicia.

20 MR. ORTIZ: -- Ms. Morejon.

21 MS. MOREJON: Morejon.

22 MR. ORTIZ: Second by Mr. Guareno.

23 MR. GUARENO: Um hum.

24 MR. ORTIZ: On the motion -- excuse me.

25 Ms. Morejon?

1 MS. MOREJON: Yes.

2 MR. ORTIZ: Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 MR. ORTIZ: Ms. Fernandez?

5 MS. FERNANDEZ: Yes.

6 MR. ORTIZ: Ms. Koehler?

7 VICE CHAIRPERSON KOEHLER: Yes.

8 MR. ORTIZ: Ms. Genao?

9 MS. GENAO: Yes.

10 MR. ORTIZ: I almost did.

11 Alejandro -- Mr. Velazquez?

12 MR. VELAZQUEZ: Yes.

13 MR. ORTIZ: Mr. Guareno?

14 MR. GUARENO: Yes.

15 MR. ORTIZ: Matter is adjourned to our May
16 meeting.

17 I almost did it again.

18 MR. CARBALLO: Have a good evening
19 everyone.

20 CHAIRPERSON CAPIZZI: Thank you.

21 MR. SARSANO: Okay.

22 Thanks a lot.

23 MR. ORTIZ: Thank you.

24 * * *

25

1 **1810 Kennedy LLC - 1810 Kennedy Boulevard:**

2

3 MR. ORTIZ: Did you --

4 MS. PEREIRAS: Counsel, before you break,
5 if I can either have a chance to speak to you or
6 I'll address the Board?

7 I just have a -- a concern on that 1810
8 Kennedy Boulevard.

9 MR. ORTIZ: If you want to speak to me --
10 however you want to handle it. It's up to you.

11 MS. PEREIRAS: If that's okay?

12 MR. ORTIZ: This -- as counsel has stated,
13 she wanted to address something on 1810 Kennedy
14 Boulevard, LLC, 1810 Kennedy Boulevard, Block 96,
15 Lot 5.

16 And it was a proposed legalization of a
17 three apartment, making it a three family.

18 That's the one there -- it was determined
19 by myself that it's going to require re-noticing
20 and adjournment to our May meeting.

21 MS. PEREIRAS: I apologize. I was caught
22 off guard before. I had to do a little research
23 myself, just to make sure I was addressing the
24 Board correctly.

25 The issue for a Board to obtain

1 jurisdiction is to focus on the narrative of the
2 notice, and whether the notice gives a lay person
3 adequate information as to what we are seeking in
4 the application. It does not focus on legal
5 terminology or architectural, technical terms.

6 And I think our notice is sufficient, as
7 far as showing what the proposed application is
8 or what the property is intended to be.

9 So, clearly, our notice says what we are
10 intending to propose is a legal three family
11 home.

12 I've just looked at the drawings again.
13 The drawings again reference that this is a three
14 family home.

15 The description -- and I'm focusing --
16 there's one case in particular that I'm trying to
17 cite, which is a two -- 2011 Appellate Division
18 course (sic), which is Shakoor Supermarkets
19 versus Old Bridge Planning Board, where the court
20 made the determination that as long as a notice
21 provided a lay person with a commonsense
22 understanding of what the application was
23 proposing, this Board had jurisdiction, and could
24 obtain jurisdiction.

25 So, I understand counsel is focusing on a

1 description, on a narrative that is in the
2 drawings. That narrative is not required. And
3 again, if we look at the actual site plan that is
4 included in the drawings, which should be the
5 focus of this Board, it says we have a two
6 family, and we are legalizing one unit.

7 So, again, I'm going to -- and -- and I
8 don't mean to come back here and try to argue the
9 case again, but you have to understand that for
10 my client to re-notice, it is a very significant
11 financial burden, and I do not see the
12 inconsistencies between the drawings and the
13 notice.

14 Again, the court case tells the Board that
15 you have to look at the commonsense
16 interpretation.

17 And I think the notice is extremely clear
18 as to what the end-all application is that we're
19 making before this Board.

20 So, I again request that the Board -- if
21 the Board wants us to redo our drawings for that
22 small caption on the -- on the top of the
23 drawings, we'll redo our drawings.

24 But as far as accepting jurisdiction, I
25 don't see any reason whatsoever why this Board

1 cannot accept jurisdiction on this matter.

2 MR. ORTIZ: If I -- not that I plan to
3 debate it, but just so I can make a record, I am
4 concerned because there actually was confusion in
5 this particular case as to exactly -- and that's
6 how it came to my attention, that the public
7 would be confused as to exactly what the contents
8 of the application was.

9 I don't think the -- the court case cited
10 by counsel had the opportunity to address actual
11 confusion, and that was the case here.

12 So there was actual confusion by a member
13 of the public.

14 With that being said --

15 MS. PEREIRAS: And counsel, I think the --
16 the overall goal of obtaining jurisdiction is
17 what is the final product, or what is -- what are
18 we proposing on the site?

19 And it's very clear throughout both the
20 drawings and the notice that we are proposing a
21 three family.

22 VICE CHAIRPERSON KOEHLER: Right. But the
23 -- the lay person would say, oh, two -- two --

24 MS. PEREIRAS: Two to a three.

25 VICE CHAIRPERSON KOEHLER: Two apartment

1 units.

2 And so, I mean, we are lay persons, so --
3 and the public, being lay person.

4 So, this is not -- this part here is not
5 legal.

6 MR. ORTIZ: And just for the record --

7 MS. PEREIRAS: What --

8 MR. ORTIZ: -- the actual confusion was not
9 a member of this Board.

10 VICE CHAIRPERSON KOEHLER: Okay.

11 MR. ORTIZ: It was an actual member of the
12 public.

13 VICE CHAIRPERSON KOEHLER: So --

14 MS. PEREIRAS: I'm sorry. What was the --
15 the confusing part?

16 VICE CHAIRPERSON KOEHLER: The --

17 MR. ORTIZ: There was -- quite frankly,
18 could I --

19 VICE CHAIRPERSON KOEHLER: Please. Yeah.

20 MR. ORTIZ: You have no problem?

21 CHAIRPERSON CAPIZZI: Sure. Yeah.

22 MR. ORTIZ: This was brought up to our Vice
23 Chair.

24 MS. PEREIRAS: Okay.

25 MR. ORTIZ: This -- this actual confusion,

1 | who then brought it to my attention previous to
2 | this meeting. And someone that notice was served
3 | upon.

4 | So, with that being said, again, that case,
5 | as you -- using commonsense, I understand that.
6 | But this is more than even commonsense. This
7 | actually happened, this confusion.

8 | So, with that being said, I think for the
9 | purpose of the application, for the purpose of
10 | the integrity of this Board, and for the -- for
11 | the purpose of the public, most importantly, I
12 | think in this particular case, respectfully, to
13 | counsel, re-noticing is the appropriate thing to
14 | do.

15 | MS. PEREIRAS: And -- and counsel,
16 | sometimes I get phone calls from people, why did
17 | you send me a certified letter? And I have to
18 | explain the whole process.

19 | Someone was confused. They didn't
20 | understand why they got a notice.

21 | MR. ORTIZ: They were confused --

22 | MS. PEREIRAS: I don't think that is a
23 | basis to --

24 | CHAIRPERSON CAPIZZI: They didn't
25 | understand -- no, they understood why they got a

1 notice.

2 MS. PEREIRAS: Oh, no.

3 CHAIRPERSON CAPIZZI: They didn't
4 understand why the notice --

5 MR. ORTIZ: And the file --

6 CHAIRPERSON CAPIZZI: -- they didn't feel
7 matched that.

8 MR. ORTIZ: And the file was inconsistent.

9 CHAIRPERSON CAPIZZI: They understood why
10 they got a notice, but their -- their complaint
11 to me was this doesn't match this. That's why I
12 brought it to Mr. Ortiz's attention.

13 MS. PEREIRAS: I understand. And I --

14 CHAIRPERSON CAPIZZI: Okay.

15 MS. PEREIRAS: You know --

16 CHAIRPERSON CAPIZZI: I mean, I'm not --

17 MS. PEREIRAS: I thought --

18 CHAIRPERSON CAPIZZI: I'm not an attorney.

19 MS. PEREIRAS: Right.

20 CHAIRPERSON CAPIZZI: You guys know more
21 than I do, but if someone brings something to my
22 attention, I'm obligated to bring it to the Board
23 Attorney's attention.

24 MR. ORTIZ: And --

25 MS. PEREIRAS: I understand.

1 MR. ORTIZ: And I understand the expense,
2 and I do apologize to -- to that extent, although
3 it had nothing to do with me --

4 MS. PEREIRAS: Oh, of course not.

5 MR. ORTIZ: -- per se.

6 MS. PEREIRAS: And I'm not -- I'm not
7 putting blame on --

8 MR. ORTIZ: But --

9 MS. PEREIRAS: -- anybody.

10 MR. ORTIZ: But I think the right thing to
11 do, in this case, and if the Board member -- if
12 any Board member doesn't agree with me, please, I
13 -- feel free to voice that, but because there was
14 actual confusion in this case, I think re-
15 noticing is necessary.

16 So, with that being said, I'm sorry.

17 CHAIRPERSON CAPIZZI: You want to say it?

18 Sure.

19 MS. PEREIRAS: Yeah. The notice says we
20 have two units and we are legalizing a third
21 unit. The drawings say we are legalizing three
22 units.

23 MR. ORTIZ: To make it --

24 MS. PEREIRAS: So, at the end, the site
25 plan and the notice both say that we have a three

1 family on-site.

2 And again, the drawings also have the
3 chart, which shows the variances --

4 MR. ORTIZ: Would you like to see the
5 drawings?

6 MS. PEREIRAS: -- that we are requesting.

7 And the drawings have -- specify, again, a
8 legal two family adding one unit for a three.

9 MR. VELAZQUEZ: Okay. But I can see it
10 here, too.

11 MS. PEREIRAS: You're confused, too?

12 MR. VELAZQUEZ: The legalization of two
13 apartment units. And then, it's just a
14 residential. So, we're doing two or one?

15 MR. ORTIZ: Well, I mean, quite -- quite
16 frankly, and I'm not trying to cut this off, but
17 we don't have jurisdiction --

18 MS. MOREJON: That's right.

19 MR. ORTIZ: -- so we're just --

20 MR. VELAZQUEZ: I know.

21 MR. ORTIZ: -- discussing --

22 MR. VELAZQUEZ: But I'm just saying like a
23 --

24 MR. ORTIZ: No. The drawing -- the
25 drawings say the legalization of a three family

1 to a three family.

2 MS. MOREJON: Three family house.

3 MS. PEREIRAS: And when the -- when the
4 units are there, sometimes it's hard to figure
5 out which one was the correct legal one. So at
6 the end of the day -- you know, when we say --

7 MR. ORTIZ: And that's --

8 MS. PEREIRAS: -- three --

9 MR. ORTIZ: That's exact -- I agree with
10 you.

11 MS. PEREIRAS: A three family --

12 MR. ORTIZ: I --

13 MS. PEREIRAS: Three family.

14 MR. VELAZQUEZ: But over here --

15 MR. ORTIZ: Exactly. I do agree with you.

16 MR. VELAZQUEZ: -- it says two apartments.

17 MR. ORTIZ: Yeah. It says --

18 MS. PEREIRAS: Um hum.

19 CHAIRPERSON CAPIZZI: Right.

20 MR. ORTIZ: It's inconsistent.

21 MR. VELAZQUEZ: So, would it be two apart
22 -- that's what I'm trying to say, too, like are
23 we -- are we -- let's say everything was all
24 right. Were we looking at for a two -- two
25 units, legalizing one?

1 MR. ORTIZ: I mean, after --

2 MS. PEREIRAS: I guess we'd have to --

3 MR. ORTIZ: After discussion with counsel,
4 she clarified it verbally to me that it was,
5 essentially, legalizing one apartment.

6 Am I correct?

7 MS. PEREIRAS: And I think this Board
8 always defers to the legal memorandum that is
9 provided by the Building Department as to exactly
10 how many units are legally on-site, and how many
11 we're proposing.

12 What I know is that there are three units,
13 and --

14 MR. ORTIZ: But -- but --

15 MS. PEREIRAS: -- we are legalizing --

16 MR. ORTIZ: But -- but --

17 MS. PEREIRAS: -- those three units.

18 MR. ORTIZ: The notice -- purpose of the
19 notice is not only just jurisdictional, which
20 obviously is the most pertinent legal part of it
21 --

22 MS. PEREIRAS: Um hum.

23 MR. ORTIZ: -- but also to provide an
24 explanation of what this Board is being asked to
25 act on.

1 MS. PEREIRAS: Right.

2 MR. ORTIZ: And if there was actual
3 confusion brought to our Vice Chair, and there --
4 and there's reason for it. It's not just that
5 the person didn't know what they were talking
6 about, there's actual reason for it in the
7 documentation.

8 That's why --

9 MR. VELAZQUEZ: When you read it, I'm
10 looking at it, this would be a one family,
11 legalizing two.

12 MR. ORTIZ: It's confusing.

13 MS. MOREJON: It's a three family house.

14 MR. ORTIZ: It is.

15 MS. MOREJON: It's confusing.

16 CHAIRPERSON CAPIZZI: I think it is.

17 And now, you just confused me by saying
18 you're legalizing three.

19 MS. PEREIRAS: You're confusing me.

20 CHAIRPERSON CAPIZZI: Okay. You're
21 legalizing three?

22 See how it's confusing.

23 MS. PEREIRAS: No, no, no. I -- I
24 understand.

25 And my understanding of -- of zoning law,

1 and the way the courts have interpreted it in the
2 past is, what is the final --

3 CHAIRPERSON CAPIZZI: Yeah, but to get to
4 the final.

5 MS. PEREIRAS: -- product that we're
6 proposing.

7 CHAIRPERSON CAPIZZI: I understand you're
8 looking at the final goal line.

9 MS. PEREIRAS: Um hum.

10 CHAIRPERSON CAPIZZI: But we're saying, us,
11 to begin the process, there's confusion.

12 MS. PEREIRAS: Oh, I get that.

13 CHAIRPERSON CAPIZZI: So --

14 MS. PEREIRAS: I'm just -- I'm just looking
15 at what the commonsense interpretation of the
16 notice is.

17 And if a notice is saying we are proposing
18 a three family on-site, that is sufficient, in my
19 opinion, and based on the court interpretations
20 in the past, to put a lay person on notice of
21 what we're seeking.

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. VELAZQUEZ: Is it a one family?

24 CHAIRPERSON CAPIZZI: I don't know.

25 MS. MOREJON: We don't know.

1 MR. VELAZQUEZ: Is it a one family?

2 MS. PEREIRAS: I would look at the legal
3 memorandum from the Building Department. That's
4 what we always rely on.

5 Sometimes we have a notice for one, and you
6 say, well, Bianca, my legal memorandum says it's
7 only two legal. So, we say, okay. Well, then,
8 let's address two. And we've done that in the
9 past in front of this Board.

10 MS. MOREJON: I, myself, I feel very
11 comfortable with what the attorney said. And I
12 would like to go home.

13 MS. PEREIRAS: I understand. I have to
14 make the argument. My client --

15 MR. ORTIZ: I understand.

16 MS. PEREIRAS: Like I said, it's a -- it's
17 a very --

18 MR. ORTIZ: It's a costly process.

19 MS. PEREIRAS: -- expensive --

20 MS. MOREJON: Um hum.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MS. PEREIRAS: -- time consuming.

23 MS. MOREJON: Oh, yes.

24 MS. PEREIRAS: And I would hate to have to
25 re-notice for a descriptive caption in the

1 drawings, that's not even necessary.

2 MR. ORTIZ: It's one of the first things --

3 MS. PEREIRAS: Again, we focus on the
4 chart.

5 MR. ORTIZ: But it is one of the first
6 things that a -- when you take a look at the
7 drawings, it's the first thing that you see.
8 It's one of the first things.

9 MS. PEREIRAS: It's on the top.

10 MR. ORTIZ: It's a large -- it's a large
11 box. It's one of the first things you see.

12 MS. PEREIRAS: Um hum.

13 MR. ORTIZ: And look, you and I are
14 confused, and we're lawyers.

15 MS. PEREIRAS: I defer to the Board.
16 Okay.

17 Thank you for your time.

18 MR. ORTIZ: Thank you.

19 MS. MOREJON: Thank you.

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1 **ADJOURNMENT:**

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3 MR. ORTIZ: We have no further business --

4 MS. MOREJON: Motion.

5 MR. ORTIZ: -- ladies and gentlemen of the
6 Board.

7 May I have a motion to adjourn?

8 CHAIRPERSON CAPIZZI: Motion.

9 MR. ORTIZ: Second on the motion?

10 MS. MOREJON: Second. Yeah.

11 MR. ORTIZ: All in favor?

12

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

14

15 MR. ORTIZ: We are adjourned.

16

17 (Whereupon, the proceedings were concluded
18 at 7:13 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, March 28, 2017, and digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon