

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
:

: PROCEEDINGS
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, May 23, 2017
Commencing at 6:03 p.m.

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

CELIN VALDIVIA, Commissioner,
(Arrived at 6:23 p.m.)
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson,
(Arrived at 6:07 p.m.)
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
ALEJANDRO VELAZQUEZ, Alternate No. 1

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

CARLOS VALLEJO, Secretary to the Board

WILFREDO J. ORTIZ, II, ESQ., (Arrived at 6:56 p.m.)
REGINA I. RODRIGUEZ, ESQ., (Left at 6:56 p.m.)
Attorneys for the Board

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

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Jasen Bellamy

ANTHONY F. SARSANO, ESQ.,
Attorney for Applicant, Leighton Louie

ALEXI B. CALVO, ESQ.,
Attorney for Applicant, Daniel Hernandez

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

JOHN RIZZO, ESQ.,
Attorney for Applicant, Hoboken Heights, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1810 Kennedy LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Hudson Yards West, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	9
SALUTE TO FLAG	9
ROLL CALL	10
ADOPTION OF MINUTES	12
HEARINGS/APPLICATIONS	
Jasen Bellamy	14
Leighton Louie	27
Daniel Hernandez	36
Simy Kramarsky	39
Hoboken Heights, LLC	47
1810 Kennedy LLC	59
Hudson Yards West, LLC	71/161
ADOPTION OF RESOLUTIONS	156
ADJOURNMENT	179

I N D E XJasen Bellamy - 819 21st StreetWITNESSPAGE

Orestes Valella

16

I N D E XLeighton Louie - 134 40th StreetWITNESSPAGE

Orestes Valella

28

I N D E X

Hoboken Heights, LLC
1300 Manhattan Avenue

SWORN PUBLIC

PAGE

Larry Price

55

I N D E X1810 Kennedy, LLC - 1810 Kennedy BoulevardWITNESSPAGE

Manuel Pereiras

60

I N D E X

Hudson Yards West, LLC
3309 Hudson Avenue & 3308-3310 Palisade Avenue

WITNESSPAGE

Manuel Pereiras	72/153
Michael D. Kauker	129
Joseph Staigar	161

SWORN PUBLIC

Larry Price	112/122/168
-------------	-------------

1 THE SECRETARY: On Tuesday, May 23rd, 2017,
2 at six p.m., a Regular Meeting is scheduled for
3 the City of Union City Planning Board, to be held
4 in the Municipal Chamber of the City Hall, 3715
5 Palisade Avenue, Union City, New Jersey.

6 Opening statement.

7 This is a meeting in compliance with
8 Chapter 231, Public Law 1975, of the Open Public
9 Meeting Act.

10 Notice of this meeting has been provided as
11 follow:

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

19 Before we call roll for tonight's meeting,
20 can everybody kindly rise to salute the flag?

21

22 (Whereupon, the Pledge of Allegiance was
23 said by all.)

24

25 THE SECRETARY: Thank you.

1

2 **ROLL CALL:**

3

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

6

Mayor Brian P. Stack? Absent.

7

Ydalia Genao?

8

MS. GENAO: Yes.

9

10 THE SECRETARY: Commissioner Celin
Valdivia? Absent.

11

Alicia Morejon?

12

MS. MOREJON: Yes.

13

THE SECRETARY: Diane Capizzi?

14

CHAIRPERSON CAPIZZI: Here.

15

THE SECRETARY: Carolina Fernandez?

16

MS. FERNANDEZ: Yes.

17

THE SECRETARY: Rudy Rivero?

18

MR. RIVERO: Yes.

19

THE SECRETARY: Franklin Medina?

20

MR. MEDINA: Here.

21

THE SECRETARY: Jeanne Koehler is absent.

22

Alejandro Velazquez is absent.

23

Jose Guareno?

24

MR. GUARENO: Here.

25

THE SECRETARY: Let the record indicate we

1 have seven present.

2 Those absent tonight are Mayor Brian P.
3 Stack, Commissioner Celin Valdivia, Mrs. Jeanne
4 Koehler, and Alejandro Velazquez.

5 So, we have a full -- full quorum, seven
6 members present.

7 * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular meeting held on April 25, 2017.

4

5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held in April 25th, 2017.

7 Motion to approve the previous meeting

8 minutes?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 THE SECRETARY: Motion by Ms. Capizzi.

11 Any second?

12 Mr. Rivero.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Ms. Morejon?

23 MS. MOREJON: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

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

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: First application on
4 tonight's agenda, Jasen Bellamy, 819 21st Street.

5 Mr. Adolfo Lopez, please?

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

8 THE SECRETARY: This application was
9 adjourned on March 28, 2017.

10 MR. LOPEZ: Good afternoon, Madam
11 Chairwoman, ladies and gentlemen of the Board.

12 I will -- if I may refresh --

13

14 (Whereupon, Vice Chairperson Jeanne Koehler
15 arrived at 6:07 p.m.)

16

17 THE SECRETARY: Mr. Lopez, may I have a
18 second, please?

19 MR. LOPEZ: Yes.

20 THE SECRETARY: Let the record indicate
21 that Ms. Koehler is here. We have eight members
22 right now, 6:09 (sic).

23 MR. LOPEZ: Thank you.

24 THE SECRETARY: Thank you.

25 MR. LOPEZ: If I may refresh your

1 recollection as to what happened?

2 This was a legalization of an existing
3 unit, at the property, converting the property
4 from a two to a three family dwelling.

5 The Board had heard the testimony of the
6 architect, who was present last time.

7 The Board was ready to approve it, and
8 then, Mr. Price was nice enough to point out to
9 us that the proposed unit does not comply with
10 the square footage. It was a proposed two
11 bedroom unit, and the square footage was 553 --
12 the square footage was 580 square feet, and it
13 would not qualify under the Union City Code for a
14 two bedroom unit.

15 Accordingly, we asked for an adjournment to
16 today for revised plans to be presented, showing
17 that the property will be used as a one bedroom
18 unit, plus an office.

19 And I have Mr. Valella here today. He did
20 not testify last time. He prepared the plans.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. LOPEZ: But a -- another architect
23 testified on his behalf, so I would offer him as
24 an expert witness --

25 CHAIRPERSON CAPIZZI: Yes.

1 MR. LOPEZ: -- on this date.

2 CHAIRPERSON CAPIZZI: Yes. He is.

3 MR. VALELLA: Thank you.

4 MR. LOPEZ: Mr. Valella, can you please
5 explain what revisions you made to the plans --

6 MR. DILLON: Mr. Valella?

7 MR. LOPEZ: -- since it was last presented
8 to this Board?

9 MR. DILLON: Wait.

10 Can I swear him in?

11 MR. LOPEZ: Yes. I'm sorry.

12 MR. DILLON: Please raise your right hand.

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

15 MR. VALELLA: I do.

16 MR. DILLON: State your name and spell it
17 for the record.

18 MR. VALELLA: Yes. Of course.

19 Good evening.

20 My name is Orestes Valella, V-A-L-E-L-L-A.

21 And my professional offices are at 5809

22 Madison Street in West New York, New Jersey.

23 MR. VALELLA: I don't know if you have it.

24 May I proceed?

25 MR. LOPEZ: Yes.

1 MR. DILLON: Yup.

2 Thank you.

3 MR. VALELLA: Okay.

4 Yes, as counsel mentioned, Jose Carballo,
5 my -- my good friend, filled in for me. I was
6 not able to attend. I had a personal matter, so
7 I understand he -- he presented the project.

8 The apartment in question was presented to
9 you as a two bedroom. However, at 580 square
10 feet, it is not large enough to meet zoning --
11 the zoning requirements for a two bedroom unit.

12 So, we have eliminated one bedroom. The
13 size of the apartment stays at 580, but now it
14 would be a one bedroom and the existing bedroom
15 that was there will be turned into a study.

16 And that's about it. All the other data
17 that Mr. Carballo spoke to you about holds in
18 place.

19 MR. LOPEZ: Ms. Rodriguez, the only thing
20 that I would point out is that not all members
21 that are here on this evening's meeting were here
22 last time.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. LOPEZ: So, I would ask for a
25 representation that the current members had a

1 chance to review the transcripts and are now
2 eligible to vote.

3 CHAIRPERSON CAPIZZI: Okay.

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

6 THE SECRETARY: From the -- from March --

7 MR. LOPEZ: Present in March --

8 THE SECRETARY: Was --

9 MR. LOPEZ: Mr. Price was nice enough to --

10 THE SECRETARY: -- Ydalia Genao, Alicia
11 Morejon, Diane Capizzi, Carolina Fernandez, Mrs.
12 Koehler, Alejandro Velazquez, and Jose Guareno.

13 I have a -- have six.

14 Right?

15 MR. LOPEZ: Mr. Velazquez is not here.

16 THE SECRETARY: Okay.

17 MR. LOPEZ: We would have five that were
18 here last time who are eligible to vote, if the
19 others will recuse.

20 CHAIRPERSON CAPIZZI: Does everyone
21 remember this application? Is there anything
22 that you need to be reviewed --

23 MS. MOREJON: No.

24 CHAIRPERSON CAPIZZI: -- in order to
25 consider the application?

1 MS. MOREJON: No, no. Everything is okay.

2 MR. LOPEZ: So, if only those members vote

3 --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. LOPEZ: -- we would have no objection.

6 We can proceed.

7 CHAIRPERSON CAPIZZI: Okay.

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

10 CHAIRPERSON CAPIZZI: Does anybody have any
11 questions?

12 (Whereupon, there was a pause in the
13 proceedings to determine voting eligibility.)

14 MR. LOPEZ: One, two, three -- one, two,
15 three, four, five.

16 Alicia Morejon was here, also. Alicia
17 Morejon was here also.

18 THE SECRETARY: Yeah.

19 MR. LOPEZ: Alicia Morejon was here.

20 MR. PRICE: Oh.

21 MR. LOPEZ: Yes. You were here last time.

22 Yes.

23 MR. PRICE: She left at --

24 MR. LOPEZ: No.

25 MR. PRICE: She either left --

1 MS. MOREJON: No.

2 MR. PRICE: -- or arrived --

3 MR. LOPEZ: No, no, no.

4 MS. MOREJON: No.

5 MR. PRICE: -- 6:15. One or the other.

6 MS. MOREJON: No.

7 MR. LOPEZ: She was here for the full
8 presentation.

9 THE SECRETARY: Right. Let's go back to
10 the meeting, please.

11 MR. PRICE: Okay, then you got six.

12 MR. LOPEZ: Yes. We have six. Correct.

13 CHAIRPERSON CAPIZZI: Okay. Refresh --

14 MR. LOPEZ: Yes.

15 CHAIRPERSON CAPIZZI: -- some of the major
16 points, maybe. A few. Just --

17 MR. LOPEZ: Yes.

18 CHAIRPERSON CAPIZZI: -- major points.

19 MR. LOPEZ: This was --

20 MR. DILLON: Here you go.

21 MR. VALELLA: Okay.

22 MR. DILLON: In the pocket.

23 MR. LOPEZ: Please explain.

24 MR. VALELLA: Okay.

25 Basically, this was a project that was

1 constructed quite a few years ago, and the ground
2 floor, which is the base -- the apartment in
3 question, this was approved as a two family.

4 And the apartment downstairs was converted
5 to an apartment, the space. And that's the
6 apartment number three that's before you.

7 It is a 580 square foot ground floor
8 apartment, with two means of entrance. One from
9 the street and one from the side yard.

10 It has an existing bedroom that we're
11 proposing at 13 foot nine by eight foot seven, a
12 living room that's 9.11 by 11.9, and a kitchen
13 that's eight foot eight by 11 foot nine, with the
14 bathroom.

15 The second existing bedroom is being
16 converted to a study, to meet -- 550 is the
17 maximum -- is the minimum -- I'm sorry -- square
18 footage for a one bedroom apartment.

19 But no -- no yards. The house is not
20 getting bigger. It's not -- nothing is being
21 altered. It's really an existing condition. The
22 only modification would be to turn a bedroom into
23 a study.

24 MR. LOPEZ: And Mr. Valella, you had
25 inspected this property prior to --

1 MR. VALELLA: Yes.

2 MR. LOPEZ: -- preparation of the plans.

3 MR. VALELLA: Yes.

4 MR. LOPEZ: This was a fully renovated
5 apartment.

6 Isn't that correct?

7 MR. VALELLA: The -- the entire building
8 was fully renovated, originally, and so, it all
9 meets life safety, it's all brand new.

10 MR. LOPEZ: And the property has -- in its
11 existing condition, it has two means of egress.

12 MR. VALELLA: Yes.

13 MR. LOPEZ: Is that correct?

14 MR. VALELLA: Yes.

15 MR. LOPEZ: Okay.

16 And it is not a basement apartment --

17 MR. VALELLA: No. It's a ground level.

18 MR. LOPEZ: Right.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. LOPEZ: It's a ground level.

21 MR. VALELLA: Yes.

22 MR. LOPEZ: And I would remind --

23 CHAIRPERSON CAPIZZI: Good.

24 MR. LOPEZ: A statement placed on the
25 record by Mr. Velazquez, who had inspected the

1 property and had indicated that it was a
2 beautiful property, and you were pretty much
3 ready to -- everyone indicated their approval, we
4 just had to make the revision for the indicated
5 reasons.

6 CHAIRPERSON CAPIZZI: Does any Board member
7 have any questions or comment?

8 Any -- any member of the public have any
9 questions or comments?

10 Okay.

11 Seeing none, I'll make a motion to approve
12 the application.

13 THE SECRETARY: Motion to approve the
14 application by Mrs. Capizzi.

15 Second by Mrs. Morejon.

16 MR. LOPEZ: Mr. Secretary, if you could
17 please point out the members that are eligible to
18 vote, for the record?

19 CHAIRPERSON CAPIZZI: Right.

20 THE SECRETARY: Yes, Mr. Lopez.

21 Motion to approve by Mrs. Capizzi.

22 Second by Mrs. Morejon.

23 Roll call on the motion to approve this
24 application.

25 Mrs. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Fernandez?

5 MS. FERNANDEZ: Yes.

6 MR. LOPEZ: Ms. Fernandez --

7 THE SECRETARY: One second.

8 MR. LOPEZ: -- is not eligible to vote on
9 the application.

10 THE SECRETARY: All right.

11 MR. LOPEZ: She would have to --

12 THE SECRETARY: The members eligible to
13 vote is Mrs. Genao, Mrs. Morejon, Mrs. Capizzi,
14 Mrs. Fernandez, Mrs. Koehler, Mrs. -- Mr.
15 Velazquez is absent, and Mr. Guareno. Six
16 members can vote.

17 All right. Motion on the table by Mrs.
18 Capizzi, to approve this application.

19 Second by Mrs. Morejon.

20 Mrs. Koehler say yes.

21 Mrs. Capizzi also yes.

22 Mrs. Fernandez, she's going to abstain.

23 Mrs. Fernandez?

24 MS. MOREJON: She was here.

25 MR. PRICE: She can -- she can --

1 MR. LOPEZ: She could vote; she was here.

2 CHAIRPERSON CAPIZZI: Carolina was here.

3 MS. MOREJON: She can vote. She was here.

4 THE SECRETARY: She was here, then --

5 CHAIRPERSON CAPIZZI: She --

6 MR. LOPEZ: Yes.

7 CHAIRPERSON CAPIZZI: She voted yes. She
8 can vote.

9 MR. SPATZ: She voted yes.

10 THE SECRETARY: Oh, she voted yes?

11 CHAIRPERSON CAPIZZI: Yes, she did.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: You was absent.

17 MR. MEDINA: Okay.

18 A VOICE: Abstain.

19 THE SECRETARY: That mean you --

20 MR. MEDINA: Abstain.

21 THE SECRETARY: -- you abstain, Mr. Medina.

22 MR. MEDINA: Yes. Okay.

23 THE SECRETARY: Mrs. Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Six in favor, one
3 abstained. Motion carries.

4 Thank you.

5 MR. LOPEZ: Thank you.

6 MR. VALELLA: Thank you.

7 CHAIRPERSON CAPIZZI: Thank you.

8 MR. LOPEZ: Have a good night.

9 CHAIRPERSON CAPIZZI: Okay.

10 Good night.

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

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

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

2

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

5 Next application tonight's on agenda,
6 Leighton Louie -- I'm sorry -- 134 40th Street.

7 Mr. Sarsano, please?

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

10 MR. SARSANO: Good afternoon, Madam
11 Chairman, members of the Board, counsel.

12 My name is Anthony Sarsano. I represent
13 the applicant in this matter.

14 Essentially, it's a project in which we'd
15 like to convert a two family to a three family
16 located at 134 40th Street.

17 Just procedurally, I had appeared at the
18 previous hearing. However, unlike prior hearing,
19 no testimony was taken, so we would like to
20 present --

21 CHAIRPERSON CAPIZZI: Right.

22 MR. SARSANO: -- the entire matter at this
23 time.

24 I intend to call one witness, Orestes, as
25 well as my expert. I'd like him sworn in and

1 then acknowledge that he's qualified.

2 CHAIRPERSON CAPIZZI: He is qualified.

3 MR. SARSANO: Okay.

4 Thank you.

5 May I proceed?

6 MR. DILLON: Do you need to swear him?

7 CHAIRPERSON CAPIZZI: No. He needs to be
8 sworn.

9 MR. DILLON: Okay.

10 Please raise your right hand.

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

13 MR. VALELLA: I do.

14 MR. DILLON: State your name for the record
15 again.

16 MR. VALELLA: Okay.

17 Orestes Valella, V-A-L-E-L-L-A, two-oh --
18 5809 Madison Street, in West New York, New
19 Jersey.

20 MR. DILLON: Changing up your answer?

21 MR. SARSANO: Okay.

22 MR. DILLON: Thank you.

23 MR. SARSANO: So, Mr. Valella, were you
24 asked to draw plans which are the subject of this
25 application?

1 MR. VALELLA: Yes.

2 MR. SARSANO: Could you give the Board an
3 overview of exactly what that entails?

4 MR. VALELLA: Sure. Absolutely.

5 This is an existing two family home. It's
6 actually a three family home, but the -- we are
7 here to -- you -- for you to consider the ground
8 floor apartment as a third unit.

9 The property is located at 134 40th Street,
10 on Block 238, and it's Lot 2. It's a 25 by one
11 hun -- close to 100. It's actually 99.61 feet in
12 depth, on 40th Street, just 25 feet from the
13 corner of Hudson.

14 The property is 25 by 100, as I mentioned.

15 The -- the building itself is the very
16 typical contemporary two and three family, where
17 you have the garage on the ground floor, the
18 driveway in front, and then you have two dwelling
19 units on top. One on the second, and one on the
20 third floor.

21 The ground floor, in the rear, has
22 apartment number one that is the apartment that
23 we are discussing.

24 Presently -- it's an existing apartment.
25 This is not something that we are proposing.

1 MR. SARSANO: Excuse me?

2 To the best of your knowledge, has that
3 apartment been renovated?

4 MR. VALELLA: That apartment is original.
5 Yes.

6 The units upstairs are 1,067 square feet of
7 -- square feet apiece. They are three --

8
9 (Whereupon, Commissioner Celin Valdivia
10 arrived at 6:23 p.m.)

11
12 THE SECRETARY: Mr. Valella, may I have one
13 second, please?

14 Let the record indicate Commissioner
15 Valdivia shows up to the meeting at 6:25. We
16 have now eight members.

17 CHAIRPERSON CAPIZZI: Um hum.

18 (Whereupon, there was a pause in the
19 proceedings while Commissioner Valdivia was
20 seated.)

21 THE SECRETARY: Let the record show up that
22 nine members present.

23 Thank you.

24 MR. VALELLA: So, as I was saying, the
25 apartments upstairs are three bedroom apartments,

1 and they're 1,067 square foot apiece. The one at
2 the ground level, behind the garage, is an
3 existing two bedroom apartment. It is 594 square
4 feet. It has two means of entering, one from the
5 side and one from the rear; kitchen, bathroom and
6 the living area.

7 The one thing that we are proposing to do
8 here is to eliminate one of the bedrooms. So,
9 the apartment number one would become a one
10 bedroom apartment, at 594 square feet. It has an
11 eight foot ceiling, it has windows on two sides.
12 The windows are adequate, in case of an
13 emergency, as a fireman's egress. The kitchen,
14 it's in good condition.

15 The garage is a two car garage in front.
16 And that's all to remain.

17 This is an existing apartment that's there.
18 We're not making this house any bigger, any
19 smaller. What we are doing, should you give a
20 positive decision, is to eliminate one of the
21 bedrooms from the apartment, so that it meets
22 your regulation about no more than one bedroom in
23 a 550 square foot apartment.

24 The zone that it's in is in the R, low
25 density residential zone.

1 The lot is 2,490 square feet. As I
2 mentioned, it's just inches off of 100 feet in
3 depth.

4 There is a driveway in the front that can
5 accommodate two vehicles. There is also an
6 existing garage that can accommodate an
7 additional two inside the -- the home.

8 So, that's about it. I mean, you can see
9 from the picture, it's one of the contemporary
10 three family, two family types, depending on
11 whether the rear of the garage was built as a
12 playroom or as an apartment. But it's a very
13 typical building type that we have in -- in all
14 of Hudson County, frankly.

15 And that's about it. It's -- it's an
16 existing unit. It's in good condition. It's --
17 you know, it's a contemporary home. It's -- it's
18 safe; it's well done.

19 CHAIRPERSON CAPIZZI: Is that a light
20 underneath in here?

21 MR. VALELLA: Yes. There's a light --

22 CHAIRPERSON CAPIZZI: It's a light.

23 MR. VALELLA: -- underneath the -- the
24 porch.

25 CHAIRPERSON CAPIZZI: But in the back is

1 | there a light?

2 | MR. VALELLA: I don't know if there's a
3 | light in the back. One of the things that I
4 | always --

5 | CHAIRPERSON CAPIZZI: Where's the light?

6 | MR. VALELLA: -- do is to have motion
7 | sensors --

8 | CHAIRPERSON CAPIZZI: Right.

9 | MR. VALELLA: -- around so that on the side
10 | yards, and on the rear, if a person walks -- but
11 | that is something that I normally leave for
12 | Building Department purposes, such as -- you
13 | know, checking on the -- on the outlets and fire
14 | ratings.

15 | Although I suspect here we would have very,
16 | very little to do, since it is already one that
17 | has gone through the Building Department
18 | previously.

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

21 | MS. MOREJON: No.

22 | CHAIRPERSON CAPIZZI: Anyone?

23 | Any questions or comments from the -- from
24 | the public?

25 | It's pretty straightforward.

1 Okay.

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

4 THE SECRETARY: Motion on the table by Mrs.
5 Capizzi to approve this application.

6 Any second on the motion?

7 Second by Mrs. Morejon.

8 Roll call on the motion.

9 Mrs. Koehler?

10 VICE CHAIRPERSON KOEHLER: Yes.

11 THE SECRETARY: Mrs. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Mrs. Fernandez?

14 MS. FERNANDEZ: Yes.

15 THE SECRETARY: Mrs. Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Ms. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Mr. Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Mr. Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

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

4 MR. VALELLA: Thank you.

5 THE SECRETARY: Thank you.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MR. SARSANO: Thank you very much.

8 CHAIRPERSON CAPIZZI: Thank you.

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Daniel Hernandez - 823 18th Street:**

2

3 THE SECRETARY: Excuse me.

4 Mrs. Calvo's here?

5 Next application on tonight's agenda,
6 Daniel Hernandez, 823 18th Street.

7 Ms. Calvo?

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

10 THE SECRETARY: Go ahead, Mrs. Calvo. Ms.
11 Calvo.

12 MS. CALVO: Okay.

13 THE SECRETARY: I'm sorry.

14 MS. CALVO: Good evening, ladies and
15 gentlemen of the Board.

16 My name is Alexi Calvo. I'm representing
17 the applicant, Daniel Hernandez, on behalf of his
18 application for 823 18th Street in Union City,
19 Block 94, Lot 18.

20 We are looking to legalize a basement
21 apartment, to convert an existing two family into
22 a three family unit.

23 I have documents that I would like to
24 submit for jurisdiction, if you would allow me?

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MS. RODRIGUEZ: This needed to be published
3 ten days before, and this was published on the
4 15th.

5 MS. CALVO: Okay. All right.

6 MS. RODRIGUEZ: I think it might have to be
7 carried --

8 CHAIRPERSON CAPIZZI: Okay.

9 MS. RODRIGUEZ: -- to the next.

10 MS. CALVO: Okay.

11 CHAIRPERSON CAPIZZI: So, she has to re-
12 notice? Does she have to re-notice?

13 Carlos?

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

16 CHAIRPERSON CAPIZZI: So, should I make a
17 motion to move it to -- to adjourn the --

18 THE SECRETARY: (Indiscernible).

19 CHAIRPERSON CAPIZZI: Oh, okay.

20 MS. RODRIGUEZ: She has to re-notice.

21 I'm sorry. You have to re-notice.

22 MS. CALVO: Okay. I understand.

23 MS. RODRIGUEZ: All right.

24 MS. CALVO: All right.

25 Thank you.

1 CHAIRPERSON CAPIZZI: Thank you.

2 MS. RODRIGUEZ: Thank you.

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

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Simy Kramarsky, 127 35th Street.

5 Mr. Mayerovic?

6 This was adjourned on February 28. This is
7 a continuation.

8 MR. MAYEROVIC: Good evening, members of
9 the Board, and members of the Board.

10 This is an application which I believe you
11 heard the testimony from the property owner, you
12 heard the testimony from the architect.

13 An issue was raised, and that had to do
14 with the location of the garbage pails and
15 whether it would interfere with the means of
16 egress and ingress.

17 So, just by summary -- you know, the -- the
18 unit apartment that we're proposing would not
19 involve any structural changes. There are two --
20 there are two forms of egress -- ingress and
21 egress.

22 What I did was, we presented, last time,
23 and I want to show the members of the Board two
24 things.

25 This is a photograph of the property as it

1 | now is situated, and also, where the -- the
2 | garbage pails are located.

3 | And what we would do is we would install --
4 | we would install at -- at that site -- we would
5 | install at that site, this type of a structure,
6 | and it would be installed in such a way as not to
7 | interfere -- you know, in any way, or obstruct --

8 | CHAIRPERSON CAPIZZI: This building?

9 | MR. MAYEROVIC: -- the -- the pathway.

10 | Just if I may? Just if I have an extra
11 | copy.

12 | MS. RODRIGUEZ: I just need the Affidavit
13 | of Service.

14 | MR. MAYEROVIC: It's all there. We had
15 | jurisdiction last time. I gave the Affidavit of
16 | Service and everything.

17 | Originally -- the meeting was originally in
18 | January. We came back in -- in February because
19 | we were missing the Affidavit of Service, and
20 | then we gave it in at that time.

21 | THE SECRETARY: Yeah, it's here.

22 | MS. RODRIGUEZ: Okay.

23 | MR. MAYEROVIC: We had jurisdiction. We
24 | were here in January. There was an issue about
25 | the Affidavit of Service. We carried it until

1 February.

2 MS. RODRIGUEZ: Okay.

3 MR. MAYEROVIC: We gave the Affidavit of
4 Service.

5 So, as I said, my recollection is there was
6 a lot of question, a lot of examination about
7 fears of obstructing the -- the form of entry and
8 exit from the basement apartment.

9 And I'm giving you a photograph of what
10 there is now. And what we would do is, in that
11 position, we would install this type of a
12 canister, and it would be installed in such a way
13 as to not interfere or block the entranceway.

14 And as you can see, at that section of the
15 property -- at that section of the property, the
16 house is actually at an angle, at that section.
17 So, it doesn't interfere with the -- with the
18 passageway.

19 CHAIRPERSON CAPIZZI: So, it -- it fits on
20 the angle.

21 Is that what you're saying?

22 MR. MAYEROVIC: It's going to -- it's --
23 it's an angle there. You could see --

24 CHAIRPERSON CAPIZZI: Right.

25 MR. MAYEROVIC: -- and that's going to be

1 put on the angle.

2 CHAIRPERSON CAPIZZI: Right.

3 MR. MAYEROVIC: And when it's put on the
4 angle, it doesn't interfere with the passageway.

5 CHAIRPERSON CAPIZZI: How far out does it
6 come?

7 MR. MAYEROVIC: I'm sorry?

8 CHAIRPERSON CAPIZZI: How far out --

9 MR. MAYEROVIC: I have the --

10 CHAIRPERSON CAPIZZI: -- does the --
11 I don't see dimension.

12 VICE CHAIRPERSON KOEHLER: No, it' doesn't
13 have dimension.

14 MR. MAYEROVIC: The -- the -- we're going
15 to do it in such a way that if it comes out, it
16 comes out towards the stair, not towards the
17 alleyway.

18 The -- the architect believes it will fit,
19 but if it comes out, it will come out towards the
20 staircase area, which is in the other direction.

21 CHAIRPERSON CAPIZZI: Right there.

22 Do you have dimensions of this?

23 MR. MAYEROVIC: They come in all sizes. I
24 don't have the specific dimensions.

25 CHAIRPERSON CAPIZZI: Okay.

1 MR. MAYEROVIC: The -- the architect says
2 they do come in all different sizes, but there
3 will be nothing, nothing whatsoever obstructing
4 it.

5 CHAIRPERSON CAPIZZI: Do we remember that?
6 That was -- that was the issue.

7 Does anyone need any other information, or
8 --

9 MS. MOREJON: No.

10 CHAIRPERSON CAPIZZI: -- information or any
11 questions?

12 MR. MAYEROVIC: The unit in the basement
13 fully --

14 CHAIRPERSON CAPIZZI: I remember that.

15 MR. MAYEROVIC: -- complied. Enough height
16 in the ceiling, enough windows, and everything --
17 you know, would be done up to Code, whatever is
18 required by the Building Department.

19 CHAIRPERSON CAPIZZI: So, this was the only
20 --

21 MR. MAYEROVIC: That was the only issue.

22 CHAIRPERSON CAPIZZI: Anybody have a
23 question?

24 MR. GUARENO: Can I see the photograph?

25 CHAIRPERSON CAPIZZI: Sure.

1 MR. MAYEROVIC: I have another one.

2 CHAIRPERSON CAPIZZI: That's okay. We
3 share.

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

6 MR. MAYEROVIC: And you could see, also, in
7 the photograph, that at the angle, there's a lip
8 that protects from the -- the unit entering into
9 the alleyway.

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

12 CHAIRPERSON CAPIZZI: What do you think?
13 Jose?

14 No?

15 You have a question, or comment, or
16 concern?

17 MR. GUARENO: I'm good.

18 Thank you.

19 CHAIRPERSON CAPIZZI: You're good?

20 Anyone in the public have a question,
21 comment?

22 No?

23 Everybody's good?

24 Okay.

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

1 the application.

2 THE SECRETARY: Motion to approve the
3 application by Mrs. Capizzi.

4 MS. GENAO: I second.

5 THE SECRETARY: Second by Mrs. Genao.

6 CHAIRPERSON CAPIZZI: Everybody good?

7 THE SECRETARY: The -- the only member can
8 vote on this application is Ms. Genao, Ms.
9 Capizzi, Ms. Fernandez, Ms. Koehler, Ms. -- Mr.
10 Medina and Mr. Guareno.

11 Roll call on the motion.

12 Mrs. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Ms. Morejon?

23 MS. MOREJON: We abstain.

24 THE SECRETARY: You abstain.

25 Mr. Rivero?

1 MR. RIVERO: Abstain.

2 THE SECRETARY: Mr. Valdivia?

3 COMMISSIONER VALDIVIA: Abstain.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Six in favor, three
7 abstained. Motion carries.

8 MR. MAYEROVIC: Thank you very much.

9 THE SECRETARY: Thank you.

10 CHAIRPERSON CAPIZZI: You're welcome.
11 Thank you.

12 MR. MAYEROVIC: Everybody have a nice
13 night.

14 Thank you very much.

15 Thank you, Larry.

16 Guess the Resolution next meeting or --

17 CHAIRPERSON CAPIZZI: Don't know. Carlos
18 would know.

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

21 * * *

22

23

24

25

1 **Hoboken Heights, LLC - 1300 Manhattan Avenue:**

2

3 THE SECRETARY: Next hearing is Hoboken
4 Heights, LLC, 1300 Manhattan Avenue. Seeking one
5 year extension.

6 The Resolution was memorialized on February
7 28, 2006.

8 Applicants are seeking for one year
9 extension.

10 MR. RIZZO: Good evening, Madam Chairwoman,
11 and members of the Board.

12 My name is John Rizzo. I'm appearing
13 tonight on behalf of Hoboken Heights, LLC,
14 standing in for Ed Rosen, who could not be here
15 tonight.

16 We are before you tonight on applicant's
17 request for a one year extension of the site plan
18 approval that you previously granted, in
19 connection with the property at 1300 Manhattan
20 Avenue.

21 Just to give a quick recap of the history
22 of the project, the developer came to the Board
23 in 2005 with a proposal to put two 40 foot tall
24 buildings on the site, which was approved, but
25 because of sensitivity to the view of neighbors

1 to the west, the plan was revised, at the City's
2 request, to comprise five mid-rise buildings
3 instead.

4 Subsequently, an amended application was
5 brought to the Board, reducing the number of
6 buildings from five to four, and the Board
7 adopted a Resolution approving that plan on
8 February 28, 2006.

9 Under the Municipal Land Use Law, that
10 approval carried a life of two years, which
11 protected the developer from zoning amendments
12 and other changes concerning the property.

13 However, ten months later, the Permit
14 Extension Act went into effect on January 1st,
15 2007, which tolled the running of the approval
16 period until the most recent Permit Extension
17 Act, which ended the tolling on December 31st of
18 2016.

19 There's language in the Permit Extension
20 Act that says that any approvals that benefited
21 from that Act, including our site plan approval,
22 will expire not later than June 30th, 2017.

23 However, the Permit Extension Act also
24 specifically provides that it does not prohibit
25 the granting of extensions of time, if otherwise

1 provided by law.

2 Thus, we come before you tonight pursuant
3 to Section 52 of the Municipal Land Use Law, and
4 Section 223-22B6 of the Union City Land
5 Development Ordinance, seeking a one year
6 extension of our approval as permitted by the
7 Land Use Law.

8 The reasoning for our request is twofold.

9 First, from an equitable perspective,
10 during the ten years that the Permit Extension
11 Act was in effect, our approval did not elapse at
12 all. So, essentially, we had a two year, or 24
13 month approval, which ran for ten months from
14 March 1st to December 31st, 2006, and then began
15 running again January 1st, 2017.

16 If it expires -- if the approval expires on
17 June 30th, 2017, then we will have had a total of
18 16 months of our total of 24 months of approval
19 time.

20 However, if you look at another approval --
21 another site plan approval that was approved on
22 July 1st of 2005, and had run for a full year and
23 a half before the Permit Extension Act went into
24 effect, that approval would also expire on June
25 30th, 2017, under the terms of the Permit

1 Extension Act.

2 We feel it is inequitable and fundamentally
3 unfair that an approval granted eight months
4 earlier would expire the same time as our
5 approval, which was granted eight months later.

6 From a practical standpoint, the developer
7 and municipality have worked cooperatively on the
8 development plan for the site over the years, as
9 is indicated by the revisions that the developer
10 made at the City's request, to the original
11 approved plan.

12 The requested extension will allow the
13 parties to continue to work together
14 cooperatively, concerning the site, and the
15 developer will be able to proceed in a
16 circumspect fashion, soliciting input from the
17 Board and the City concerning the project.

18 For these reasons, I respectfully submit to
19 you that granting the requested one year
20 extension is the appropriate action for the Board
21 to take at this time.

22 I admit it would be fair to the Board to
23 ask why we have waited until now to come before
24 you for this extension. And the basic reason is
25 that, over the years, the developer had been

1 | approached by various parties who were interested
2 | in possibly buying the site.

3 | For example, just last year, a prospective
4 | purchaser went before the City Zoning Board with
5 | a different application, for a different plan for
6 | the site. That application was denied last
7 | September, but the point is, that it was not
8 | clear until fairly recently that an extension of
9 | the previously approved plan would be needed.

10 | I would also like to point out, perhaps
11 | belaboring the obvious, but the economic climate
12 | for real estate in the area for the past ten
13 | years, has not been ideal for proceeding with our
14 | project.

15 | A member of the development company, Mr.
16 | Venetsanos (phonetic), is here tonight if the
17 | Board has any questions or requests further input
18 | concerning the application, or our request for an
19 | extension.

20 | Otherwise, I would ask that you consider a
21 | motion to approve our request for one year
22 | extension to June 30th, 2018.

23 | Thank you.

24 | VICE CHAIRPERSON KOEHLER: Excuse me?

25 | Sorry.

1 Remind me the date you first applied for
2 the extension. The first extension date.

3 THE SECRETARY: This -- this is the first
4 one.

5 MR. RIZZO: The first -- I'm sorry. The
6 first --

7 VICE CHAIRPERSON KOEHLER: The first
8 extension you applied for. What year was that?

9 MR. RIZZO: I believe there was an
10 extension applied for last year.

11 VICE CHAIRPERSON KOEHLER: Before that?

12 MR. RIZZO: Before that? I'm not sure.

13 THE SECRETARY: They didn't show up that
14 day of the hearing.

15 VICE CHAIRPERSON KOEHLER: Hmm?

16 I'm sorry?

17 THE SECRETARY: That's when the Board --
18 you guys dismissed it.

19 VICE CHAIRPERSON KOEHLER: So, my point is,
20 this -- you -- the developer has been sitting on
21 the land for over ten years?

22 Is that right?

23 MR. RIZZO: Yes.

24 VICE CHAIRPERSON KOEHLER: Okay.

25 Waiting for a better offer? Or is it in

1 development?

2 MR. RIZZO: Well, there had been some
3 initial stages in the development process. But
4 then, in 2007, the real estate economy in the
5 area did a pretty bad nosedive, so it became
6 rather, I think, difficult time for developing
7 the property.

8 VICE CHAIRPERSON KOEHLER: So, 1300
9 Manhattan Avenue is sitting, waiting for -- for
10 the developer to either get a better offer or
11 better finances?

12 I don't understand.

13 Why are we granting the continuation of the
14 --

15 MR. RIZZO: Well, I --

16 VICE CHAIRPERSON KOEHLER: -- application?

17 MR. RIZZO: I think it -- it goes back to
18 the very philosophy of the Permit Extension Act,
19 which was passed by the State because of the
20 economic downturn in real estate in -- in New
21 Jersey. It's been difficult for any developer to
22 -- to make a go of their projects during that
23 time.

24 So, effectively, the -- the timeframe for
25 the approval did not run at all during that ten

1 year period.

2 And I think our -- our -- we're in a
3 similar position with a lot of other developers
4 who had difficulty finding financing for projects
5 during that time.

6 But the developer is standing ready to --
7 to move forward at this time.

8 CHAIRPERSON CAPIZZI: Is this -- would this
9 be the second extension, or the -- or the first?

10 THE SECRETARY: First.

11 CHAIRPERSON CAPIZZI: And how many are
12 allowed?

13 MR. RIZZO: There is --

14 CHAIRPERSON CAPIZZI: How many extensions
15 are allowed?

16 THE SECRETARY: Two.

17 Right?

18 CHAIRPERSON CAPIZZI: Two?

19 MR. RIZZO: Yeah, the Land Use Law allows
20 for two one year extensions. Yeah.

21 There was, I believe, a previous request,
22 but then what happened is the Permit Extension
23 Act was extended again, so that request became
24 moot.

25 CHAIRPERSON CAPIZZI: Board?

1 Of course.

2 Yeah. First, does anyone on the -- on the
3 Board have any questions, comments?

4 Okay.

5 Mr. Price? Public?

6 MR. DILLON: Please raise your right hand.

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

9 MR. PRICE: I do.

10 MR. DILLON: State your name, spell it for
11 the record.

12 MR. PRICE: Larry Price, 1006 Palisade.

13 Oh, Mr. Rizzo, just to clarify a few
14 things.

15 You're saying, basically, that the
16 Extension Act was through December 31st of 2016.

17 MR. RIZZO: Right.

18 MR. PRICE: Then -- which said you have --
19 if you've got any -- you got to take care of it
20 by June 30th of 2017.

21 MR. RIZZO: That's correct.

22 MR. PRICE: Which is next month.

23 MR. RIZZO: Right.

24 MR. PRICE: Okay.

25 So, you're now asking for one year

1 extension from June 30th of 2017 to June 30th of
2 2018.

3 MR. RIZZO: That is correct.

4 MR. PRICE: Okay.

5 And it is for the approval that you
6 received in 2006, which was, basically, the four
7 buildings, 55 units.

8 MR. RIZZO: That is correct. Yes.

9 MR. PRICE: So, if there are any changes,
10 that would be a new application, that would be
11 irrelevant to what you're doing tonight.

12 MR. RIZZO: That is correct. Yes.

13 MR. PRICE: Okay.

14 Thank you.

15 CHAIRPERSON CAPIZZI: Any other questions?

16 So, I guess my question to you or David is,
17 is this correct, what he's saying?

18 A VOICE: (Indiscernible).

19 CHAIRPERSON CAPIZZI: Can you ask David,
20 please?

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

23 CHAIRPERSON CAPIZZI: Any other questions
24 or comments?

25 MS. MOREJON: No.

1 CHAIRPERSON CAPIZZI: Okay.

2 Then, seeing none, I'll make a motion to
3 grant the extension.

4 THE SECRETARY: Motion to grant the
5 extension by Ms. Capizzi.

6 Any second?

7 Second by Ms. Morejon.

8 Roll call on the motion.

9 Mrs. Koehler?

10 VICE CHAIRPERSON KOEHLER: Yes.

11 THE SECRETARY: Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Ms. Fernandez?

14 MS. FERNANDEZ: Yes.

15 THE SECRETARY: Ms. Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Ms. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Mr. Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Mr. Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

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

4 MR. RIZZO: Thank you very much.

5 Thank you for your time.

6 CHAIRPERSON CAPIZZI: Thank you.

7 Hope he builds something nice.

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

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, 1810 Kennedy Boulevard, LLC,
5 1810 Kennedy Boulevard.

6 This was adjourned on March 28, 2017. This
7 is a continuation.

8 Mrs. Pereiras, please?

9 MS. PEREIRAS: Thank you very much.

10 Good evening, counsel, Madam Chair, members
11 of the Board.

12 May it please the Board, Bianca Pereiras,
13 on behalf of 1810 JFK Boulevard, LLC, in regards
14 to their application before the Board this
15 evening.

16 I did submit my jurisdictional proofs to
17 counsel.

18 MS. RODRIGUEZ: Yeah, and I've had an
19 opportunity to review the submissions by counsel.
20 Everything seems to be in order, giving
21 jurisdiction to the Board in this matter.

22 MS. PEREIRAS: Thank you very much.

23 The property in question is located at 1810
24 JFK Boulevard, also known as Block 96, Lot 5.

25 The application before the Board this

1 evening is to construct a basement apartment.

2 Currently, we have a legal two family home. We
3 are looking to add one unit. Therefore, if this
4 Board chooses to approve this application, we
5 will have a three family.

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

9 MR. DILLON: Please raise your right hand.

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

12 MR. PEREIRAS: I do.

13 MR. DILLON: State your name --

14 MR. PEREIRAS: Manny --

15 MR. DILLON: -- and spell it for the
16 record.

17 MR. PEREIRAS: Manny Pereiras,
18 P-E-R-E-I-R-A-S, with Pereiras Architects
19 Ubiquitous, 1116 Summit Avenue, Union City.

20 MR. DILLON: Thank you.

21 MS. PEREIRAS: And for purposes of the
22 record, I ask that Mr. Pereiras be accepted --

23 CHAIRPERSON CAPIZZI: Sure.

24 MS. PEREIRAS: -- as an expert.

25 CHAIRPERSON CAPIZZI: Yes.

1 MS. PEREIRAS: Thank you very much.

2 CHAIRPERSON CAPIZZI: Of course.

3 MR. PEREIRAS: Thank you.

4 Good to be here.

5 MS. PEREIRAS: Mr. Pereira, are you
6 familiar with 1810 JFK Boulevard?

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.

11 MS. PEREIRAS: And would you kindly
12 describe the proposed application to the Board?

13 MR. PEREIRAS: Be very happy to.

14 We have an existing two family house, on a
15 typical lot, that's 25 by -- actually, a little
16 bit more than a hundred. It's 115 feet and two
17 inches, which means we're a little bit oversized.
18 It's -- it's nice to have an application like
19 this, 2,897 square feet total lot size.

20 We have two existing variances, or
21 nonconformities to the site. One is our side
22 yard.

23 The existing side yard is two foot ten and
24 a half inches on the south side. And on the
25 north side, it's about nine inches -- nine and a

1 half inches, actually. Those are the existing
2 nonconformities we have, as well as parking.
3 However, this house does have parking in the
4 front for two cars, which will continue to be the
5 case.

6 (Whereupon, Wilfredo J. Ortiz, II, Esq.,
7 Board Attorney, arrived at 6:56 p.m.)

8
9 (Whereupon, Regina I. Rodriguez, Esq.,
10 Board Attorney, left at 6:56 p.m.)

11
12 MR. PEREIRAS: What we're looking to do is
13 legalize the basement for -- to make this into a
14 three family. Currently, on the ground floor --

15 MR. ORTIZ: Excuse me.

16 MR. PEREIRAS: Should I continue, or wait
17 for Mr. Ortiz?

18 MR. ORTIZ: Just give me one second.

19 MR. PEREIRAS: Okay.

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

22 MR. ORTIZ: Just give me one second, Manny,
23 please.

24 MS. PEREIRAS: Sure.

25 MR. PEREIRAS: No problem.

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

3 MR. ORTIZ: Go ahead, Manny. I'm sorry.

4 MR. PEREIRAS: Thanks.

5 Mr. Ortiz, just to catch you up, we have an
6 existing two family house that we're converting
7 to a three family. Two existing nonconformities.
8 One being side yard, the other being parking.

9 However, we do have parking for two cars on
10 the site, and we have an oversized lot.

11 The existing house, the first floor is five
12 steps up, and we have a one bedroom apartment.
13 If you go up to the next floor, the second floor,
14 there is an existing two bedroom apartment there,
15 plus an attic space, which has a den and some
16 additional living space.

17 What we're looking to legalize is the
18 basement, or I would say even ground floor,
19 because it's only -- it's only a couple steps
20 down.

21 The current basement is totally open,
22 except for a small room in the back, and
23 mechanical systems. What we're looking to do is
24 enclose those mechanical systems, create a
25 bedroom along the back of the house, create a

1 bedroom along the front of the house, and the
2 entire living space in the center, with the
3 kitchen.

4 We are fully compliant with all Code
5 requirements. These bedrooms have emergency
6 egress, so that if there's any type of emergency
7 situation, someone could escape out of the window
8 of the bedroom, along the rear, also along the
9 window of the bedroom in the front. These are
10 egress walls that we're creating.

11 We're creating safety, with fire
12 separations in the building. This unit would be
13 separated from the units above with a two hour
14 fire separation. It's going to have a domestic
15 line sprinkler system on this unit, in order to
16 comply with Fire Code.

17 It's going to -- the entire building is
18 going to be applied with a fire alarm, a low
19 voltage fire alarm that's going to be monitored
20 for safety purposes, as well.

21 Beyond that, there are no changes to the
22 exterior of this building, other than the walls
23 that I spoke about.

24 The building is in compliance with square
25 footage. We have a two bedroom. We have eight

1 | hundred and eighty-something square feet for this
2 | two bedroom, so we're in compliance with the
3 | density requirements there.

4 | So, it meets all the Ordinance requirements
5 | as long as that, except for those two minor
6 | nonconformities that are existing.

7 | So, I ask you to take this into
8 | consideration, and with your -- your judgement.

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

11 | CHAIRPERSON CAPIZZI: So, the changes are?
12 | What are the changes?

13 | MR. PEREIRAS: So, the basement.

14 | If you turn to the next page --

15 | CHAIRPERSON CAPIZZI: Okay.

16 | MR. PEREIRAS: -- Sheet Z03, which I have
17 | right here, you have an existing basement, that's
18 | primarily a big open space --

19 | CHAIRPERSON CAPIZZI: Right.

20 | MR. PEREIRAS: -- with one room in the
21 | back. We're doing these changes.

22 | We're making a bedroom along the front.

23 | CHAIRPERSON CAPIZZI: Okay.

24 | MR. PEREIRAS: A bedroom along the back,
25 | adding a kitchen, adding a full bathroom, and

1 enclosing those mechanical systems --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. PEREIRAS: -- with --

4 CHAIRPERSON CAPIZZI: I see.

5 MR. PEREIRAS: -- and that's pretty much
6 it.

7 CHAIRPERSON CAPIZZI: Okay. Nice.

8 Any questions or comments from the Board?
9 Comment?

10 MR. GUARENO: I have a question.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. GUARENO: Currently, there seems to be
13 an exit door in the back.

14 MR. PEREIRAS: We're proposing to remove
15 that exit door. It's -- it wasn't a real exit
16 door. It was one of those Bilco doors. It's in
17 really bad condition. So, we're looking to close
18 that.

19 But remember, we have all the safety
20 requirements necessary. We have egress through
21 the window in the bedrooms, both the rear window,
22 the front window. We have a stair from within
23 the building that takes you up, as well.

24 So, we have three means -- three ways of
25 getting out of this building, in case of an

1 emergency.

2 CHAIRPERSON CAPIZZI: So, out of the
3 window, out of the window --

4 MR. PEREIRAS: And up the stairs.

5 CHAIRPERSON CAPIZZI: -- and up the stair.
6 Okay.

7 You okay with that? Or you have a problem
8 with that?

9 MR. PEREIRAS: If you want us to keep it,
10 we'll keep it.

11 CHAIRPERSON CAPIZZI: Do you want to keep
12 the door -- you want them to keep the door?

13 MR. GUARENO: I think it will be better, as
14 far from a safety point of view.

15 CHAIRPERSON CAPIZZI: Can they replace the
16 door and maybe -- you know? I mean, if it's in
17 --

18 MR. PEREIRAS: We'll put a door in.

19 CHAIRPERSON CAPIZZI: -- rough shape.

20 MR. PEREIRAS: We'll be happy to.

21 CHAIRPERSON CAPIZZI: Okay. So, keep the
22 door.

23 Okay. Is that good?

24 MR. GUARENO: Yeah.

25 CHAIRPERSON CAPIZZI: Anybody else have any

1 questions or comment?

2 Anyone from the public have any questions
3 or comment?

4 You don't want to rush. Look at it.

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

7 CHAIRPERSON CAPIZZI: It's nice. Good.

8 Is there something else?

9 MR. GUARENO: No, I'm good.

10 CHAIRPERSON CAPIZZI: No?

11 Okay.

12 Seeing none, I'll make a motion to approve
13 the application.

14 THE SECRETARY: Motion --

15 CHAIRPERSON CAPIZZI: With --

16 THE SECRETARY: -- to approve the
17 application --

18 CHAIRPERSON CAPIZZI: -- the condition that
19 we keep the door.

20 THE SECRETARY: -- by Mrs. Capizzi.

21 CHAIRPERSON CAPIZZI: Or replace the door.

22 THE SECRETARY: Any second on the motion?

23 Motion -- second by Mr. Rivero.

24 Roll call on the motion.

25 Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Fernandez?

5 MS. FERNANDEZ: Yes.

6 THE SECRETARY: Ms. Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mrs. Morejon?

11 MS. MOREJON: Yes.

12 THE SECRETARY: Mr. Rivero?

13 MR. RIVERO: Yes.

14 THE SECRETARY: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 THE SECRETARY: Mr. Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Nine in favor. Motion

19 carries.

20 MS. PEREIRAS: Thank you all very much.

21 CHAIRPERSON CAPIZZI: Thank you.

22 MR. ORTIZ: So, there were no conditions on
23 that one?

24 Were there conditions on anything that I
25 missed?

1 CHAIRPERSON CAPIZZI: Yes, to keep the back
2 door. They wanted to take that out, we said yes.

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

5 MR. ORTIZ: We are removing the back door?

6 CHAIRPERSON CAPIZZI: We are. They are
7 going to keep it, and I guess repair it, because
8 it's in rough shape.

9 MR. ORTIZ: Um hum.

10 CHAIRPERSON CAPIZZI: Correct?

11 MS. PEREIRAS: We'll keep the door.

12 CHAIRPERSON CAPIZZI: Keep the door, but I
13 guess -- right.

14 MS. PEREIRAS: It needs -- it needs
15 replacement.

16 MR. ORTIZ: Versus a window.

17 Right?

18 MS. PEREIRAS: Correct.

19 CHAIRPERSON CAPIZZI: Well, they just
20 wanted to close it up, but we said keep it.

21 MR. ORTIZ: Okay. Back door. Excuse me.

22 I'm sorry --

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

25 * * *

1 **Hudson Yards West, LLC -**

2 **3309 Hudson Avenue & 3308-3310 Palisade Avenue:**

3

4 THE SECRETARY: Next application on
5 tonight's agenda, Hudson Yards West, LLC, 3309
6 Hudson Avenue and 3308-3310 Palisade Avenue.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 Again, Bianca Pereiras, on behalf of the
10 applicants, Hudson Yards West, LLC.

11 What I have?

12 MR. ORTIZ: I've got to just --

13 MS. PEREIRAS: Oh, no problem.

14 MR. ORTIZ: Madam Chairwoman, I've had a
15 chance to review the counsel's submissions.
16 Everything seems to be in order, --

17 MS. PEREIRAS: Is that my stuff?

18 MR. ORTIZ: -- giving jurisdiction to the
19 Board.

20 CHAIRPERSON CAPIZZI: Okay.

21 That looks nice.

22 MS. PEREIRAS: We are thrilled and very
23 proud to present this application to the Board
24 this evening.

25 Property in question is located at 3309

1 Hudson Avenue, also 3308-3310 Palisade Avenue,
2 known as Block 200, Lots 5, 6, 24 through 28, and
3 40.

4 We have a few experts to testify before the
5 Board this evening. I'd like to begin with our
6 architect.

7 And just briefly, we're located in the
8 Center City Core, and we are proposing a mixed
9 use building, with residential, commercial on the
10 ground floor, and parking.

11 Mr. Pereiras?

12 MR. PEREIRAS: For the record, I recognize
13 I am still under oath.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MS. PEREIRAS: Mr. Pereiras, are you
16 familiar with the property located at 3309 Hudson
17 and 3308-3310 Palisade Avenue?

18 MR. PEREIRAS: I am very familiar.

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

21 MR. PEREIRAS: I did.

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

24 MR. PEREIRAS: Be very happy to.

25 As this Board knows, I was born and raised

1 in Union City. This is my home. And the house I
2 grew up on, on 12th and New York Avenue, my mother
3 still lives there, my aunt still lives there, my
4 grandmother still lives there.

5 And as time goes by, we are realizing how
6 difficult it has become for them to maintain a
7 house. If it snows, I've got to run there to
8 shovel their sidewalk. Taking out the trash
9 isn't easy. And things are always going wrong.

10 The problem is that in Union City, we have
11 very, very few alternatives for someone in that
12 situation.

13 If you try to find a three bedroom
14 apartment, it's almost impossible to find. And
15 when you find them, they are ridiculously priced.

16 This project is one of my solutions to that
17 problem. This is a project that is really, as
18 Union City, as you could imagine, it's kind of
19 cater to Union City, for Union City, by Union
20 City residents. It's apartment -- a building,
21 and what we're proposing here are 74 units, but
22 32 of those units are three bedroom apartments.

23 And we're not talking about high end,
24 luxury apartments. These are regular apartments
25 for residents of Union City.

1 In addition to the -- to the 32 three
2 bedrooms, we have a good healthy mix of two
3 bedrooms, where we have 12, one bedrooms of 22,
4 and eight studios.

5 So, let's -- let's orient ourselves with
6 this project.

7 We have a through lot. It goes all the way
8 from Hudson Avenue to Palisade Avenue. That's
9 about 250 feet from one end to the other. We're
10 reaching almost at 31st Street, this is 33rd
11 Street, that cuts down into that strange little
12 triangle. Here's the -- the monument over here,
13 and we're offset, three properties in, and this
14 is our entire site.

15 Okay?

16 The width, at this end, is 139 feet. The
17 width, at this end, is 65.5 feet, which is a
18 total area of 27,495 square feet.

19 When you have a lot this massive, it allows
20 you to be -- to really create some good
21 architecture, something that works really well
22 within the scale of this building.

23 And we took our time, very carefully, to
24 cater and to really address this building.

25 And I'm going to walk you through it from

1 -- let's start with the site plan.

2 We are in the Center City Core. That's
3 critically important. This is really the center
4 of Union City. What happens here starts
5 affecting -- affecting the rest of Union City and
6 trickles down. So, what we do here, we have to
7 do very carefully.

8 We are permitted, first and foremost, a
9 zero foot front yard setback. I could have
10 pushed my building right up to front line. I
11 thought it was very important not to do that.

12 The first thing I'm doing is I'm stepping
13 my building back. On one corner, I'm at 11 feet
14 three inches. On the other corner, I'm at three
15 feet. And -- actually, five feet, at this
16 corner.

17 And then, what I did is, I created some
18 architectural interest by tapering the building
19 back and forth.

20 As you could see in this rendering, the
21 building has a little bit of depth to it. So,
22 even though we didn't want to be greedy, but we
23 didn't want to go to a zero lot line, what we did
24 is we created some architectural interest, by
25 doing this varying depth with the front yard.

1 We're -- we really have two front yards.
2 We have one on Hudson Ave., and we have another
3 one on Palisade Avenue.

4 So, we did the same thing on Palisade
5 Avenue. We stepped it back and forth, and we
6 gave it some different heights and depths. And
7 I'll explain that in the elevations when I get to
8 it.

9 But we're eight feet on one end, we're a
10 little bit over 12 -- 14 inches on the other end,
11 to give it that depth, back and forth, even
12 though we were allowed to go to a zero lot line.

13 We -- we created a -- for safety purposes
14 only, and I really thought this was very
15 important, even though our Ordinance allowed me
16 to get away with a lot less, what we did is we
17 created a five foot setback on the side, along
18 this street, and then three feet along here, so
19 that we have the ability to attack a fire, if
20 that ever happened and firefighters could get in
21 there. So, we created that space in order to
22 allow that.

23 Where we have a residential component, we
24 actually retracted our building further, so that
25 we had a 20 foot rear yard along them, so that

1 | they don't have a building right up against their
2 | rear yard.

3 | So, we took a lot of consideration to the
4 | neighbor -- to the surroundings, in order to make
5 | a building that really fits.

6 | And we didn't stop there. When we started
7 | designing the parking for this building, we were
8 | just as careful. We didn't want a massive amount
9 | of cars coming out of one spot, and -- and
10 | creating a congestion on one of the sides of the
11 | street, whether Hudson or Palisade Avenue.

12 | So, one of the first things I did is I
13 | broke this up into two different garages. One
14 | enters from Hudson, so then you have two separate
15 | doors that enter from Hudson, to have parking
16 | from here over.

17 | And the other one enters from Palisade
18 | Avenue, where you enter through here, and it goes
19 | down, so that you start parking on this side, and
20 | then when you come across to this point, we're
21 | underneath, and you're parking from that end.

22 | That way, we split the parking to the two
23 | streets, eliminate all sense of congestion. And
24 | what we were able to do is we created 90 parking
25 | spots, which is almost unheard of here in this

1 area.

2 So, we have much -- we have almost a 1.2
3 ratio of parking per apartment. So, every
4 apartment has 1.2 parking spaces. So, there's
5 plenty of parking to go around, even though
6 that's technically a variance.

7 So, to go over it a little bit even more in
8 detail, we are also creating a parking lot.
9 Somewhat unusual for Union City, as well, it's a
10 very wide and open and easily movable parking
11 lot.

12 Standards for recommendations, which are
13 generous, are 24 foot wide widths. We have that.
14 We're providing 24 foot wide widths. So, it's
15 plenty of room for a car to navigate in and out
16 of these spaces.

17 We made sure that our structure was
18 accounted for. So, often, you'll see designs
19 where they say there's eight feet between parking
20 spaces, but then there's structural columns in
21 between.

22 No. We took that into account. We design
23 our structural columns right from the beginning.
24 So, now, we have full -- and what we're doing is
25 nine foot parking spaces.

1 So, we have full stalls, completely
2 compliant, no variances required for the size of
3 our parking stalls. So, we have nine by 18 foot
4 parking stalls throughout the space. We already
5 took into account our handicap parking spaces,
6 located right by the elevator core, so that we
7 have 90 parking spaces, two of those being
8 handicap, and they are all fully, fully
9 compliant. No compact spaces, no tight spaces
10 that we can't maneuver into. These are all
11 fully, working 90 parking spaces, all with two
12 different access points; one from Hudson, and one
13 from Palisade Avenue.

14 And they will all be numbered, so every
15 resident has their own parking spot. They're not
16 hunting through the parking lot to look for a
17 parking space. They have their parking there.

18 Since we're in the City Center, it's very
19 important to have a commercial component to this.
20 We want the -- in accordance with our Master
21 Plan, and our planner is going to talk more about
22 this, we want that diversity of mixed uses.

23 So, we provided two commercial spaces. One
24 along one corner of Hudson Ave., and the other
25 along the other corner of Hudson Ave.; 1,047

1 square feet and 854 square feet.

2 So, that provides our commercial component
3 for the City Center, which is a vital and
4 important part of -- of our Master Plan.

5 The residential --

6 Oh, and so, talk about it a little more.
7 We did a lot of little green components to this
8 building.

9 For example, we have bicycle parking. We
10 created and separated areas for tenants to have
11 their bicycles parked there in the parking
12 garage, which I think is very important, looking
13 forward and being green.

14 We have a barbecue area along the back. We
15 -- there's a little bit of separate area for dog
16 run, so tenants that have their dogs aren't going
17 on the sidewalk, they're going in a designated
18 area within the building. All very important
19 pieces of this project.

20 We created, as -- for points of egress and
21 travel, we created two stairs that are basically
22 at extreme. So, the circulation in this building
23 is this kind of C pattern, and we created the
24 stairs at the two extremes, and then elevator
25 core in the center of that, and elevator along

1 here as well, so that the vertical circulation
2 goes through there.

3 So, you enter into a nice lounge, mail
4 room, and then you enter into elevators that take
5 you upstairs.

6 MR. ORTIZ: Could I just -- since -- since
7 we're on the parking, kind of -- it's kind of
8 related.

9 Are -- are we going to have a traffic
10 expert testify in this?

11 MS. PEREIRAS: We have a traffic engineer
12 on this way. Yes.

13 MR. ORTIZ: On his way. Okay. All right.

14 CHAIRPERSON CAPIZZI: What's on the site
15 now?

16 MR. PEREIRAS: It's an empty lot, and
17 currently, there are commercial vehicles parked
18 there.

19 COMMISSIONER VALDIVIA: Let me ask a
20 question.

21 That's part of the Italian Community
22 Center.

23 MR. PEREIRAS: That's what used to be the
24 Italian Community Center.

25 COMMISSIONER VALDIVIA: The white building

1 -- it's not part of that white building?

2 VICE CHAIRPERSON KOEHLER: Oh.

3 MR. PEREIRAS: That's -- that's not part of
4 it.

5 VICE CHAIRPERSON KOEHLER: Oh.

6 MR. PEREIRAS: And we're going to --

7 COMMISSIONER VALDIVIA: That's why it's the
8 -- the way it is.

9 CHAIRPERSON CAPIZZI: Okay. I --

10 COMMISSIONER VALDIVIA: Yeah.

11 MR. PEREIRAS: Yeah. Exactly.

12 CHAIRPERSON CAPIZZI: I couldn't figure out

13 --

14 COMMISSIONER VALDIVIA: Unfortunately --

15 CHAIRPERSON CAPIZZI: -- where this was.

16 MR. PEREIRAS: And I'm going to talk a lot
17 more about that white building in a second.

18 CHAIRPERSON CAPIZZI: So, where the Italian

19 --

20 COMMISSIONER VALDIVIA: Did you do any
21 historical --

22 CHAIRPERSON CAPIZZI: -- Community Center
23 used to be.

24 COMMISSIONER VALDIVIA: -- studies of that?
25 On that?

1 CHAIRPERSON CAPIZZI: That's where this is?

2 COMMISSIONER VALDIVIA: There was like a
3 road there, right by the -- by the white
4 building?

5 MR. PEREIRAS: That's exactly what I'm
6 going to start talking about.

7 COMMISSIONER VALDIVIA: I was -- I was
8 taking pictures and all that, the other day, and
9 the Mayor -- you know, sent me there.

10 MR. PEREIRAS: I'm going to expand on that
11 in a second.

12 COMMISSIONER VALDIVIA: Okay.

13 MR. PEREIRAS: I'm so glad, Commissioner,
14 you spoke about that.

15 COMMISSIONER VALDIVIA: Because I'm -- I'm
16 a lifelong resident of Union City, too. Born
17 here, too.

18 MS. PEREIRAS: Right.

19 MR. PEREIRAS: I know that. Yes.

20 COMMISSIONER VALDIVIA: And -- and longer
21 than you, because I'm older.

22 MR. PEREIRAS: That's right. That's right.
23 Okay.

24 So, moving up to the residential levels.

25 The -- there are two different floor

1 plates. The first one is the first residential
2 floor plate, where we created a fitness center,
3 and created a community room. So, it's very
4 popular now to have a small room, with arcade
5 games and different things for the community,
6 people to -- to retreat there.

7 So, we have that here, and a fitness center
8 here. And then, the rest of it is our
9 residential apartments. The circulation is very
10 clean, very safe, very efficient.

11 You have a hallway that starts at one
12 stairwell, dissects the building, comes across,
13 and comes out to the other stair right there.
14 And we mixed the areas where there's the three
15 bedrooms, the two bedrooms, the one bedrooms and
16 a studio, but they're all very similar in design,
17 and -- and the way they are -- they're designed.

18 So, let's talk -- let's -- I'm going to
19 walk you through to a couple of the units, so we
20 understand the kind of design concept behind it.

21 You walk into a unit, and I'm starting with
22 this top corner. You're entered into a large
23 living, dining, kitchen area. It's a very
24 modern, open floor plan design.

25 You enter, and as soon as you walk in, you

1 | could see the windows at the end of the
2 | apartment. It brings the light into the
3 | apartment, very nice and open.

4 | Then there's a privacy corridor that leads
5 | you to the three bedrooms, with the doors in
6 | close proximity.

7 | One being a master, where you have the
8 | master bedroom, bathroom, closet. And then, the
9 | other ones, each with their own individual
10 | closets, and they share an outdoor bathroom, a
11 | second bathroom.

12 | These are all, and it's important to say,
13 | since we have an elevator building, we're meeting
14 | all today's standards. These are fully compliant
15 | ADA units.

16 | So, anybody in a wheelchair could access
17 | any one of these units. They could live in any
18 | one of these units. They can -- and that's
19 | something that's actually very much needed in the
20 | housing stock of Union City, to have a fully
21 | accessible building. And every one of these
22 | units have that.

23 | To walk you into a different layout of a
24 | typical other three bedroom. In this hallway, we
25 | have a different type of design. It's a more

1 narrow design, which actually creates even more
2 windows for the unit.

3 You walk in, you have a large living room,
4 dining room area. You walk over, there's a
5 kitchen area along here, and then there's three
6 bedrooms. One to the right, with a bathroom on
7 the side, and then one -- two to the left. One
8 being a master with a bathroom that's shared with
9 the other bedroom.

10 So, you have an open layout, that's open
11 and contemporary. And then, these privacy
12 corridors that lead you to the smaller bedrooms.

13 They range -- and I'm just going to read
14 out a few of the -- the numbers, so that you
15 understand, get a good feeling for this building.

16 Apartment A is a three bedroom, 1,213
17 square feet.

18 Apartment B is a one bedroom, 660 square
19 feet.

20 Apartment C, three bedroom, 1,072 square
21 feet.

22 D, one bedroom, 669.

23 E, three bedroom, 1,421 square feet.

24 Apartment F is a studio, is 411 square
25 feet.

1 G, one bedroom, 660 square feet.

2 H, one bedroom, 618 square feet.

3 And I hope you don't mind, I'm going to
4 read right through it, because it's important to
5 understand the square footages on this.

6 Apartment I, three bedroom, 1,204 square
7 feet.

8 J, one bedroom, 654.

9 K, two bedroom, 780.

10 L, three bedroom, 1,336.

11 M, two bedroom, 780.

12 N, one bedroom, 704.

13 O, two bedroom, 750.

14 P, three bedroom, 916.

15 Q, three bedroom, 1,335.

16 R, three bedroom, 1,190.

17 S is a studio, 440 square feet.

18 So, as you could see, these are all well
19 sized, good apartments. There's no really extra
20 small ones, there's none that are below our
21 density requirements, or requirements of the
22 City. Everything is compliant, and everything's
23 nice and comfortable.

24 CHAIRPERSON CAPIZZI: Are there -- is there
25 a laundry room in that building, or --

1 MR. PEREIRAS: So, each of the apartments
2 have laundry within it.

3 CHAIRPERSON CAPIZZI: Oh, they do.

4 MR. PEREIRAS: And then, in addition to
5 that, we have an amenities room on the first
6 floor, where they're going to -- there's going to
7 be a laundry as well there, for larger linens.

8 In this layout, it's simply the -- the
9 fitness room and the -- and the exercise room, or
10 the fitness and the lounge area, where switch
11 with apartments.

12 To talk a little bit about the façade.

13 You know my style already. I like breaking
14 things down, so that they relate to the scale of
15 the human, so that they relate to the scale of
16 Union City.

17 Union City's 25 by 100 lots. So, when we
18 have a large mass, it doesn't fit well, and it
19 doesn't feel well with the City.

20 So, what we do is we break these down
21 vertically so that now you have the scale of the
22 City come through, even in a larger massed
23 building.

24 We also play with the height of the
25 building, and we make it -- give it importance to

1 | what's -- what we think is important.

2 | For example, I want to emphasize the
3 | entrance of this building. So our canopy and our
4 | entrance isn't here, it's pulled up to the
5 | building, to create the illusion of a two story
6 | kind of grandeurness (sic) to it, and it creates
7 | an emphasis here to the center portion, which
8 | leads the eye there, leads pedestrians there, and
9 | creates a beautiful lobby to enter, so you could
10 | feel like this is really your home and you could
11 | be proud of it.

12 | The stores are -- are minimized a little
13 | bit, and blocked out to the corner, so that they
14 | -- so that they blend into the overall look of
15 | the building.

16 | And we use brick. Very human, very -- very
17 | nice touch to it. The coldness of it. The --
18 | the strength of it, and it really speaks to Union
19 | City and says -- you know, what Union City is
20 | about.

21 | So, that's what's very important there.

22 | Now, I want to talk about the side of the
23 | building. That's important to talk what Mr. --
24 | Commissioner Valdivia mentioned.

25 | This city, and when I say the city I'm

1 | saying Union City officials are always looking to
2 | see how to make the City better. I'm proud to
3 | say that. We have -- we have one of the hardest
4 | working mayors, we have hardest working
5 | commissioners, and they're always looking to --
6 | how to make Union City better.

7 | And one of the ways I think they found to
8 | make this area, in particular, better, is that
9 | they recognize this building that was here, that
10 | Mr. Valdivia just mentioned a little while ago,
11 | that it looks like, historically, Peter Street
12 | used to continue through, all the way to 33rd
13 | Street, in which case, and it makes circulation
14 | -- vehicular circulation much, much better in
15 | this entire area.

16 | And in so, the City is researching and
17 | looking to move forward to actually go into
18 | eminent domain --

19 | COMMISSIONER VALDIVIA: Yeah.

20 | MR. PEREIRAS: -- and capture back that
21 | building. Okay?

22 | CHAIRPERSON CAPIZZI: Um hum. Right.

23 | MR. PEREIRAS: That will effect our
24 | building and the presentation that I have before
25 | you today tremendously.

1 First and foremost, the façade of our
2 building, on what used to be the side is now no
3 longer the side of the building. But really, it
4 becomes the dominant façade, because it's 250
5 feet.

6 Okay?

7 So, those 250 feet become critically
8 important to the rest of the -- of Union City,
9 and how it's effected.

10 So, by continuing Peter Street, I've
11 actually redesigned the building, and we have an
12 alternate version of this building that I'm
13 presenting to you today.

14 So, this alternate version is actually
15 slightly smaller than what I just presented to
16 you. What I presented to you before was 74
17 units. This is actually 72 units. We lost two
18 units, but we thought that it's important to
19 match the future of Union City, match what the
20 City -- what the officials are trying to do,
21 we're trying to match it and we're trying to be
22 compliant with that.

23 So, we're taking that sacrifice of those
24 two units and we moved things around a little
25 bit.

1 Instead of having eight studios, we
2 actually reduced the number of studios down to
3 four. We took and we increased the number of two
4 bedrooms to two more. And we lost two units.

5 So, we have a total of 72 units. But what
6 we did is, we reoriented our building to Peter
7 Street, and we created -- instead of having the
8 commercial here, what we did is we stretched the
9 commercial completely across Peter Street. And
10 instead of having our building entrance on -- on
11 Hudson, we created the building entrance in the
12 middle of our building, right on Peter Street, so
13 that the -- the address would basically be from
14 Peter Street. And you enter into a lobby, with
15 an elevator core here, and we're flanked by two
16 commercial spaces, each being 1,717 square feet.

17 And I was able to do this in a way where
18 we're still keeping the same parking concept.
19 You're entering from Hudson, for this area.
20 We're still keeping the 24 foot wide widths.
21 You're entering from Palisade Avenue, on this
22 side, and getting underneath the building.

23 Okay?

24 And we maintain the same 90 spaces, the
25 same stall width of nine feet by 18 feet, and the

1 same drive entrance.

2 So, we were able to maintain all 90 spaces,
3 so our count is actually even better, because now
4 we had -- we had 90 -- 74 -- 74 apartments with
5 90 spaces, now we have 72 apartments with 90
6 spaces.

7 But we're adding more commercial space
8 along Peter Street. We're keeping the commercial
9 space in that corner, and keeping all the other
10 amenities.

11 And what changes upstairs is that we
12 changed the location of our elevator core. So,
13 instead of the elevator core being over here, we
14 simply have apartments there. And the elevator
15 core is now here.

16 And instead of having our amenities there
17 on one floor, we created a room that's slightly
18 shy of 300 square feet, that's on actually every
19 single room (sic), so that we're going to split
20 up two levels of fitness center, one level of
21 laundry, and -- and a small like yoga room, so
22 that every level has an amenity component to it.
23 And it actually gives us -- affords us the
24 opportunity to have a nice, large lobby there, as
25 well.

1 And the layout remains the same. For
2 emergency escapes and for safety, we still have
3 the two fire stairs at the two extremes of the
4 corridor, so it's still a very safe, very clean
5 building, and remains exactly the same.

6 So, what I'm doing with this design --

7 Oh, and let's talk about the elevation.

8 What we're proposing is now, of course,
9 beautiful brick, from one end to the other, on
10 Peter Street, with that same concept of breaking
11 it down vertically, so you have the same look of
12 different color bricks, breaking down the façade,
13 creating a nice level of scale, a nice level of
14 repetition, and the storefronts all along Peter
15 Street, with the lobby of the building in the
16 middle.

17 So, it's the same concept, but turning
18 along Peter Street, which I think works really
19 well for the community, works really well for us
20 as a building, and it's -- and it makes it a
21 really solid and great project.

22 So, what I'm asking this Board of -- I'm
23 asking for you to do is that when you write the
24 Resolution on this project, you give us an
25 approval for -- or if you deem it suitable, an

1 approval as is, without Peter Street, with the
2 condition that if the City were able to go
3 through and be able to obtain that piece on Peter
4 Street, with eminent domain, we have this
5 alternate skew, already presented, already
6 approved, as well.

7 So, you're really approving the same
8 project. It's whether it's 74 or 72 units,
9 whether the façade is on Peter Street or not, so
10 that the City is going to write a resolution with
11 a potential alternate plan.

12 CHAIRPERSON CAPIZZI: What's on the other
13 side? You said brick on one side. What's on the
14 other side?

15 MR. PEREIRAS: It will be siding.

16 CHAIRPERSON CAPIZZI: So, why -- why?

17 MR. PEREIRAS: Because it's a lot cheaper.

18 CHAIRPERSON CAPIZZI: I know.

19 MR. PEREIRAS: That's still quite --

20 CHAIRPERSON CAPIZZI: But you're putting so
21 much money and effort into this --

22 MR. PEREIRAS: It's such a long façade.

23 CHAIRPERSON CAPIZZI: -- don't you think
24 it's going to make it look cheap?

25 MR. PEREIRAS: And -- and let me -- it's

1 | not just siding. It's a mix of -- of materials.

2 | So, you have, along the other side, you
3 | have a combination of siding, you have
4 | combination of block along the bottom, you have
5 | the brick that wraps around the two sides. So,
6 | both sides of the building are wrapped with
7 | brick.

8 | So, the only areas that don't have brick
9 | are simply areas that you don't see. There's no
10 | reason to -- to have it.

11 | So, going to the site plan, this is all
12 | brick. This is all brick. This would be all
13 | brick.

14 | The only area that will not be brick is
15 | this portion here, and this portion here, which
16 | is up against buildings that you would not see
17 | from any angle in Union City.

18 | MR. ORTIZ: Mr. Pereiras?

19 | I don't know if you're aware of this, but
20 | the City has just entered into a -- a COAH
21 | agreement.

22 | How is this building addressing that?

23 | MR. PEREIRAS: There -- there's several
24 | COAH agreements in place --

25 | MR. ORTIZ: No, there's one --

1 MR. PEREIRAS: -- in the City.

2 MR. ORTIZ: -- that was just entered into
3 with -- with DeMassa (phonetic). And that's a
4 problem because I don't see how this addresses
5 any of the affordable housing agreement.

6 CHAIRPERSON CAPIZZI: That was a question I
7 had, too.

8 MR. PEREIRAS: So, if I understand
9 correctly, and -- and please correct me if I'm
10 wrong, I thought that there was a proposal of a
11 COAH agreement. It hasn't been finalized.

12 But that said, we could be in complete
13 compliance. The components are simply saying
14 that a percentage of our building has to be in
15 compliance with COAH.

16 It doesn't necessarily happen before the
17 Board here. Whatever we go forward to do, those
18 apartments, whatever percentage is required,
19 would be designated as COAH, in a healthy mix.

20 For example, and I believe the agreement --

21 MR. ORTIZ: But -- but no, that has to be
22 addressed here. That's --

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. ORTIZ: I -- and I got to tell you,
25 Corporate Counsel has made it very clear, in

1 | emails to me, that -- and I think -- I don't know
2 | if it was shared with anybody else here?

3 | Was the COAH agreement shared with you? I
4 | don't know if it was.

5 | But in any case, that it has to be
6 | addressed here.

7 | And I don't -- I don't -- I was just
8 | waiting for the apartments, as you were going
9 | through the apartments, to hear if you were going
10 | to address that.

11 | It has to be addressed here and now. And
12 | this agreement is brand new, so it's not your
13 | fault.

14 | MS. PEREIRAS: And you don't --

15 | MR. PEREIRAS: I --

16 | MS. PEREIRAS: -- have a copy of the --

17 | MR. PEREIRAS: I had --

18 | MR. ORTIZ: I don't have it. I don't --

19 | MR. PEREIRAS: I didn't know it was made.

20 | MR. ORTIZ: I -- I have it. That's what I
21 | was just searching.

22 | MR. PEREIRAS: As of yesterday --

23 | MR. ORTIZ: If you saw me --

24 | MR. PEREIRAS: -- there was none.

25 | MR. ORTIZ: -- I'm searching my emails.

1 That's what I was searching for.

2 MS. PEREIRAS: Okay.

3 And I'm not sure when that was adopted. I
4 haven't had an opportunity to review it, to make
5 sure that we can --

6 MR. ORTIZ: Let me explain. I didn't
7 negotiate it, Eugene (phonetic).

8 A VOICE: Oh, can you just --

9 MR. ORTIZ: I didn't -- it's -- it's -- I
10 read it once. This is something that probably is
11 best to speak to Mr. McNamara, who actually
12 negotiated this agreement, from Scarinci and
13 Hollenbeck.

14 MR. PEREIRAS: Mr. Ortiz, --

15 MS. PEREIRAS: Right.

16 MR. PEREIRAS: -- I'm almost a hundred
17 percent positive that it has not been adopted
18 yet.

19 MR. ORTIZ: Well, that's why I'm trying to
20 find the email.

21 MR. PEREIRAS: I -- I'm almost positive,
22 because yesterday, we checked and it wasn't
23 adopted. So, unless they adopted it last night
24 --

25 MR. ORTIZ: Well, I doubt that.

1 COMMISSIONER VALDIVIA: No. We haven't
2 voted on that.

3 CHAIRPERSON CAPIZZI: So --

4 MR. PEREIRAS: You haven't voted on it,
5 right, Mr. -- Commissioner?

6 MR. ORTIZ: But it's --

7 MR. PEREIRAS: Okay.

8 MR. ORTIZ: -- already been presented to
9 the court.

10 MR. PEREIRAS: It has been presented, but
11 it doesn't have any standing here.

12 CHAIRPERSON CAPIZZI: So, let me ask you.
13 In your opening, you said there's a lack of
14 affordable housing. You know, your mother can't
15 find --

16 So, how does this address that?

17 MR. PEREIRAS: Absolutely.

18 These are -- and affordable's not a word I
19 would use because it has --

20 CHAIRPERSON CAPIZZI: You used it --

21 MR. PEREIRAS: -- a lot of meaning to it.

22 CHAIRPERSON CAPIZZI: -- before. That's
23 why I'm using it.

24 MR. PEREIRAS: The -- the -- there --

25 This isn't a --

1 Affordable is not the word. But the --
2 these are affordable units. They're something
3 that the residents could -- it's marketed to
4 Union City residents. These aren't luxury big
5 apartments. We're not talking about big views.
6 We're not talking about tiny apartments with --
7 with large -- with views. That's what this is.

8 And if there was an Ordinance, we would be
9 in compliance with it. We would have to be.

10 But the reality, and the fact is, there is
11 no Ordinance right now.

12 MR. ORTIZ: It's an agreement that's been
13 negotiated before the court. That much, at the
14 very least.

15 I'm trying to find the email right now.
16 That's what I was trying to do.

17 MS. PEREIRAS: Sure.

18 CHAIRPERSON CAPIZZI: So, while he tries to
19 find that, if it's 74 units, what's the
20 breakdown? Like three, two, one, studio? What's
21 that breakdown?

22 And then, could I have the breakdown for
23 72?

24 MR. PEREIRAS: Studios. There -- there --
25 okay. So, there's two different versions.

1 CHAIRPERSON CAPIZZI: Right. So --

2 MR. PEREIRAS: One --

3 CHAIRPERSON CAPIZZI: -- 74. The 74
4 version.

5 MR. PEREIRAS: So, let's start with the 74.

6 CHAIRPERSON CAPIZZI: Right.

7 MR. PRICE: Eight studios, 22 one bedrooms.

8 CHAIRPERSON CAPIZZI: I have eight studios.
9 Right. Thirty-two three bedroom.

10 MR. PRICE: Thirty-two three bedrooms, and
11 12 two bedrooms. Totaling --

12 CHAIRPERSON CAPIZZI: And one bedroom?

13 MR. PRICE: -- 74.

14 MR. PEREIRAS: Correct.

15 CHAIRPERSON CAPIZZI: How many one?

16 One bedroom? How many?

17 MR. PEREIRAS: Twenty-two.

18 MR. PRICE: Twenty-two.

19 CHAIRPERSON CAPIZZI: Okay. So, with the
20 72 version?

21 MR. PEREIRAS: With the 72 version, we have
22 four studios, 24 one bedrooms, 12 two bedrooms,
23 and 32 three bedrooms.

24 CHAIRPERSON CAPIZZI: Okay.

25 So, in that interior, on that other -- on

1 the other sheet --

2 MR. PEREIRAS: Which one?

3 CHAIRPERSON CAPIZZI: The one I think you
4 were just on. When we were talking about the
5 siding.

6 MR. PEREIRAS: Um hum.

7 CHAIRPERSON CAPIZZI: So, is that a
8 walkway? What is that in there?

9 MR. PEREIRAS: This is the --

10 CHAIRPERSON CAPIZZI: What -- what kind of
11 --

12 MR. PEREIRAS: -- neighboring property.
13 This is a -- a side yard. And then, this is
14 where we have our dog walk, and our barbecue,
15 back here.

16 CHAIRPERSON CAPIZZI: So, what kind of
17 siding?

18 MR. PEREIRAS: Vinyl siding. That's the
19 only thing that the City approves.

20 CHAIRPERSON CAPIZZI: What color?

21 MR. PEREIRAS: It will be in the same tones
22 as the rest of the building.

23 VICE CHAIRPERSON KOEHLER: And I have a
24 question.

25 Your alternate plan. I couldn't tell

1 | because it was a black and white rendering, it --
2 | you said storefronts on the first floor.

3 | MR. PEREIRAS: Yes.

4 | VICE CHAIRPERSON KOEHLER: It looked -- I
5 | couldn't tell. I don't -- if it was -- if this
6 | -- if those were storefronts or garage doors, or
7 | alternate.

8 | MR. PEREIRAS: They're all storefronts,
9 | from one end to the other.

10 | VICE CHAIRPERSON KOEHLER: So, the garage
11 | doors will -- will be on the 31st Street side?
12 | The Hudson Street --

13 | MR. PEREIRAS: So --

14 | VICE CHAIRPERSON KOEHLER: -- side?

15 | MR. PEREIRAS: -- the garage doors remain
16 | the same in both schemes, on Hudson and on
17 | Palisade.

18 | COMMISSIONER VALDIVIA: The difference will
19 | be, the front will be on Peter Street.

20 | MR. PEREIRAS: Right.

21 | VICE CHAIRPERSON KOEHLER: And Peter
22 | Street, being the longest side of the building,
23 | will just be storefronts.

24 | MR. PEREIRAS: Correct, which is in
25 | conformance with the -- the Master Plan of the

1 City.

2 VICE CHAIRPERSON KOEHLER: And it will look
3 somewhat like this, with alternating red brick
4 and --

5 MR. PEREIRAS: The same color bricks.

6 VICE CHAIRPERSON KOEHLER: -- tan brick?

7 MR. PEREIRAS: Yes.

8 VICE CHAIRPERSON KOEHLER: Okay.

9 CHAIRPERSON CAPIZZI: So, do you have any
10 trees, or plants, or anything in there?

11 MR. PEREIRAS: Absolutely. We have -- and
12 you could see them on the -- on the site plan.
13 We have trees designated along Hudson and along
14 Palisade.

15 And quite frankly, I didn't put anything
16 along Peter Street, because we don't know what
17 the City wants to do with that. We -- we are
18 talking to the City. It might be a wider
19 sidewalk. It might be a landscaped portion.

20 We don't know yet, but we are proposing
21 trees. Absolutely.

22 CHAIRPERSON CAPIZZI: And on the interior?
23 Because like -- do people walk on the interior?

24 MR. PEREIRAS: No.

25 CHAIRPERSON CAPIZZI: I'm not sure.

1 MR. PEREIRAS: There is no walking there.

2 CHAIRPERSON CAPIZZI: There's no walking
3 there?

4 Okay.

5 What is it? But is it paved? I don't
6 know.

7 MR. PEREIRAS: It --

8 CHAIRPERSON CAPIZZI: Is it a street? Like
9 --

10 MR. PEREIRAS: This area?

11 CHAIRPERSON CAPIZZI: Yeah. Like right in
12 there. Yeah.

13 MR. PEREIRAS: So, this is the dog walk.
14 So, it's going to be --

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. PEREIRAS: -- a grass area for the dogs
17 to walk.

18 CHAIRPERSON CAPIZZI: Oh, I didn't --

19 MR. PEREIRAS: And then back --

20 CHAIRPERSON CAPIZZI: Plants and grass?

21 MR. PEREIRAS: -- here, it's pavers.

22 CHAIRPERSON CAPIZZI: Like what -- what
23 will that look like? Plants? Grass? Walkway?

24 MR. PEREIRAS: It's a grass area for a dog
25 walk. I'll show you exactly.

1 CHAIRPERSON CAPIZZI: Okay.

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

4 MR. PEREIRAS: So, this portion, which is
5 19 foot six wide by 40 feet in depth, is all
6 grass area, for a dog run.

7 And then this area, which is 16 by 31 is a
8 paved area. And this is sidewalk, from this
9 point to this point, to access the trash rooms,
10 to access the electrical closets, and to access
11 the bicycle parking.

12 CHAIRPERSON CAPIZZI: Lighting? Where's
13 all the lighting in this whole project?

14 MR. PEREIRAS: There's lighting throughout
15 the project. Of course, every room, every
16 interior has lighting.

17 CHAIRPERSON CAPIZZI: I mean, outside.

18 MR. PEREIRAS: On the outside --

19 CHAIRPERSON CAPIZZI: Outside.

20 MR. PEREIRAS: -- of the building, we have
21 lighting, as you could see, along the canopies,
22 along each canopy.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. PEREIRAS: Over each --

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. PEREIRAS: -- front of the building.
2 And this is important because it's down lighting.
3 It's not lighting up on the -- on the face of the
4 building. It's not creating a light pollution.
5 It's simply lighting the sidewalk and the -- the
6 lower façade --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. PEREIRAS: -- of the building.

9 CHAIRPERSON CAPIZZI: And what about the
10 interior?

11 MR. PEREIRAS: What interior?

12 CHAIRPERSON CAPIZZI: The dog walk and so
13 forth.

14 MR. PEREIRAS: The dog walk and so forth
15 has lights on each of the doorways, to illuminate
16 the egress paths. And there's a small light at
17 the -- at the edge of the dog run.

18 So -- and we could add more lighting if you
19 like, but right now, it's just small lights, down
20 lights.

21 VICE CHAIRPERSON KOEHLER: One more
22 question, and this is aesthetics only.

23 The garage doors, because they're so
24 prominent --

25 MR. PEREIRAS: Um hum.

1 VICE CHAIRPERSON KOEHLER: -- it -- it -- I
2 thought at first -- I thought, oh, how pretty,
3 some sort of gray acid glass, with metal casing.
4 But instead, I saw in your plan that it's all
5 aluminum or metal, and I was disappointed.

6 It -- am I living in an imaginary world,
7 where frosted glass, with metal casing garage
8 doors --

9 MR. PEREIRAS: It's not going to --

10 VICE CHAIRPERSON KOEHLER: -- can be done
11 in Union City?

12 MR. PEREIRAS: We can't do frosted glass.
13 But they do have a resin product out there that
14 we could definitely do. So it will be a
15 combination of --

16 VICE CHAIRPERSON KOEHLER: You -- you know
17 my --

18 MR. PEREIRAS: -- metal and resin. And
19 we'd be happy to do --

20 VICE CHAIRPERSON KOEHLER: -- vision.
21 Right?

22 MR. PEREIRAS: Yeah. I do. And I love it.
23 And --

24 VICE CHAIRPERSON KOEHLER: It's beautiful.

25 MR. PEREIRAS: That's good. We'll be happy

1 to comply with that.

2 COMMISSIONER VALDIVIA: Don't they have a
3 space to put bikes in?

4 VICE CHAIRPERSON KOEHLER: Yeah, they do.

5 MR. GUARENO: I have a question.

6 Going back to drawing Z02. Might be able
7 to see it right on that one, as well.

8 There's a section in here that says single
9 story.

10 MR. PEREIRAS: Yes. So, --

11 MR. GUARENO: What is that?

12 MR. PEREIRAS: -- the building -- actually,
13 let me go into different portions to explain it.

14 So, our building is wrapping around like
15 this. This portion is open, and we're creating,
16 basically, a garden there.

17 So, it's above the parking. There's a
18 whole garden area, and then that -- so that if
19 you're looking from your window, you're looking
20 at a nice garden there. That's a one story
21 garden.

22 CHAIRPERSON CAPIZZI: And is there like a
23 fence or something by the bike -- the bike, the
24 dog run and the bike? The area for the bike?

25 MR. PEREIRAS: There -- there's going --

1 | there's going to be a fence along the perimeter
2 | of the property.

3 | CHAIRPERSON CAPIZZI: Like what kind of a
4 | fence?

5 | MR. PEREIRAS: We called out a fence. And
6 | the bike area is actually walls. There -- it's
7 | -- it's an enclosed bike area.

8 | CHAIRPERSON CAPIZZI: Like cinderblock
9 | walls or what kind of walls?

10 | MR. PEREIRAS: It's -- well, it --

11 | MS. PEREIRAS: It's within the garage
12 | structure.

13 | MR. PEREIRAS: It's within the garage.

14 | CHAIRPERSON CAPIZZI: Oh, it's in the
15 | garage.

16 | MS. PEREIRAS: Yes.

17 | MR. PEREIRAS: It's -- it's block. It's
18 | block wall.

19 | CHAIRPERSON CAPIZZI: Anybody else?

20 | I think Willie is trying to get some
21 | clarification. Carlos? Willie's trying to get
22 | some clarification --

23 | THE SECRETARY: Yes, ma'am.

24 | CHAIRPERSON CAPIZZI: -- on an issue.

25 | So, I don't know if anybody has any

1 questions, in the meantime? Or anyone from the
2 public, at this time, while we're waiting for
3 Willie?

4 MR. PRICE: Larry Price, still 1006, still
5 under oath.

6 How tall is this building?

7 MR. PEREIRAS: Oh. Let's go there.

8 It's a five story building, and I'll give
9 you the exact height.

10 It's to the top of the general -- to the
11 top of the roof, it's 56 feet six inches.

12 MR. PRICE: Fifty-six feet. Okay. Okay.

13 Now, question. In a CC zone, you're
14 allowed zero on the front.

15 MR. PEREIRAS: Um hum.

16 MR. PRICE: What's the front of this
17 building?

18 MR. PEREIRAS: That's a good question, and
19 our planner is going to talk at length about
20 that.

21 However, I believe that we have two
22 frontages to our building; one on Hudson, one on
23 Palisade. And if the City goes through and gets
24 Peter Street, that's a frontage, too.

25 And then it becomes very interesting,

1 | because the way Union City defines frontage, it
2 | actually says along the shortest façade.

3 | So, even though you would generally, I
4 | think -- and -- in kind of logic, you would think
5 | that Peter -- Peter Street being the -- the
6 | frontage, it wouldn't. It would be either Hudson
7 | or -- or Palisade, meaning this would be a side
8 | yard, this would still be a front yard, this
9 | would be a front yard, and this will be a front
10 | yard, which all requires zero foot setbacks.

11 | MR. PRICE: Okay.

12 | Let's keep the 74 configuration.

13 | Okay, we have a front on Hudson. We have a
14 | front on Palisade. We don't have a rear,
15 | obviously.

16 | MR. PEREIRAS: Um hum.

17 | MR. PRICE: We have two side yards.

18 | MR. PEREIRAS: Yes.

19 | MR. PRICE: What are the side yard
20 | dimensions?

21 | MR. PEREIRAS: Five feet along this side
22 | yard here. This one tapers, so at the shortest
23 | point, it's three feet.

24 | And then, on this side yard, it would be
25 | zero on the ground floor, but five feet further

1 up.

2 MR. PRICE: It's required to be 15 feet.

3 MR. PEREIRAS: Yes, that's a variance.

4 MR. PRICE: It's a variance. Okay.

5 Last question.

6 And this is not a proper question, in the
7 sense that this is CC zone. The -- the square
8 footage of this site is 27,495 square feet.

9 MR. PEREIRAS: Correct.

10 MR. PRICE: Over 20,000 square feet, you're
11 allowed to build six stories, up to 70 feet.

12 MR. PEREIRAS: Um hum.

13 MR. PRICE: So, you could build a six story
14 building. So, you could go another story and
15 another 14 feet, but you're not.

16 MR. PEREIRAS: We're not. We think that
17 this fits the neighborhood well.

18 We could grow -- we could build a lot
19 bigger, almost as of right. We're doing a
20 project that we think is appropriate, that could
21 support the number of parking. Even with this
22 parking -- if we had a one to one ratio, this
23 Board might even be inclined to approve another
24 story.

25 We're not getting greedy. We're doing the

1 right project for the City. I'm not going back
2 and forth. I don't want you guys to kick me back
3 for less units, more units. We're presenting the
4 right project. We're here before you today not
5 playing games, presenting the project that we
6 think is correct for the City, and that we think
7 should be approved.

8 MR. PRICE: Okay.

9 MR. PEREIRAS: Thank you, Mr. Price.

10 MR. PRICE: Thank you.

11 CHAIRPERSON CAPIZZI: Anyone else have any
12 questions or comment?

13 We have to wait for Willie so --

14 THE SECRETARY: We're waiting for Willie?

15 CHAIRPERSON CAPIZZI: We're waiting for
16 Willie.

17 THE SECRETARY: We're going to go to five
18 minutes break, please.

19

20 (Whereupon, the Board recessed from 7:43
21 p.m. to 8:03 p.m.)

22

23 THE SECRETARY: Attention, please.

24 We're going back in business.

25 Mr. Ortiz, please?

1 MR. ORTIZ: Yes, as counsel's aware, we
2 just had a conversation outside with Mr.
3 McNamara, from Scarinci and Hollenbeck.

4 And essentially, this is his
5 recommendation.

6 He is -- he believes -- well, he's not
7 sure, but he believes that we are probably bound
8 by the terms of that settlement agreement across
9 the board. But he's not sure of that.

10 His recommendation was this. His
11 recommendation was to go forward with the
12 presentation, complete that presentation, while
13 he, essentially, resolves this issue.

14 We're not going to be voting tonight
15 because this is an out -- very important, which
16 effects the entire City, outstanding issue.

17 Now, ultimately, that is in your purview.
18 If you folks want to hear the whole presentation
19 tonight, with that understanding that that
20 issue's outstanding, that's fine.

21 If that's not what the Board wants, we --
22 we could adjourn it now. But they do have their
23 experts here that cost money.

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. ORTIZ: So I --

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ORTIZ: And I just throw that out there
3 to you so you're -- you realize that issue.

4 So, ultimately, it's up to the Board. I
5 can't make a decision for you, except for advise
6 you that there is a very, very, very serious
7 issue that effects the entire city out there, and
8 this may or may not effect that -- that
9 settlement agreement on a statewide issue, which
10 is the state -- this is every city, in every
11 town, in every borough.

12 CHAIRPERSON CAPIZZI: So, let me ask you.
13 If we hear all the experts, I understand it does
14 cost a lot of money to bring these people in. We
15 don't vote, because we're not clear on it. When
16 it comes back up, do we -- do they represent
17 every expert?

18 MR. ORTIZ: Well, what -- what I did tell
19 Mr. --

20 CHAIRPERSON CAPIZZI: They have to --

21 MR. ORTIZ: Not necessarily, but what I did
22 tell Ms. Pereiras is that there's the issue of --
23 if you have further questions come June, which
24 could very well happen as you sit here and think
25 about it for a month --

1 CHAIRPERSON CAPIZZI: Then maybe they
2 should have --

3 MR. ORTIZ: That's -- you know, that --
4 ultimately, it's your decision. They'd like to
5 go forward.

6 Am I clear, counsel?

7 MS. PEREIRAS: We do.

8 CHAIRPERSON CAPIZZI: Okay.

9 MS. PEREIRAS: We would like to.

10 MR. ORTIZ: But if we come June, and
11 there's issues that you feel need to be addressed
12 by their experts, that could ultimately just be
13 another delay.

14 CHAIRPERSON CAPIZZI: Right.

15 MS. PEREIRAS: And if I may, just because I
16 did have a conversation --

17 MR. ORTIZ: No, and I want you to make a
18 record.

19 Please?

20 MS. PEREIRAS: Please.

21 I mean, I had a conversation with counsel
22 outside. And I -- and I think it's important for
23 the Board to at least also know our position.

24 This is an application that was submitted
25 several, several months ago. And I think the

1 Municipal Land Use Law is very clear that the law
2 that applies, or the law that this Board has to
3 apply when hearing a case, is a law that is in
4 existence at the time a complete application is
5 submitted to this Board.

6 Therefore, the -- the negotiations behind
7 the scenes, as recent as two weeks ago, it does
8 not apply to this application.

9 And that's my request why we'd like to
10 proceed tonight, and conclude our presentation
11 this evening.

12 MR. ORTIZ: And it's not -- just so the
13 record's clear, it's not a negotiation. It's
14 already a settlement agreement.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: Signed off by a judge.

17 MS. PEREIRAS: Regardless of it being --

18 MR. ORTIZ: No, no.

19 MS. PEREIRAS: -- a settlement agreement --

20 MR. ORTIZ: And I'm not arguing with the
21 status of the law.

22 MS. PEREIRAS: Right.

23 MR. ORTIZ: But I'm saying, but it's not --
24 to say it's a negotiation is not exactly
25 accurate.

1 MS. PEREIRAS: Let it be a settlement
2 agreement. Regardless, if it was entered into,
3 and I'm not even sure what date it was entered
4 into --

5 MR. ORTIZ: About two weeks ago.

6 MS. PEREIRAS: -- I have no information in
7 front of me. But if it was entered into two
8 weeks ago, regardless, this application was
9 submitted back in December, and we were deemed a
10 complete application. And the Board should apply
11 the law relevant at that time of submission to
12 our matter. And that's Municipal Land Use Law.

13 MR. ORTIZ: Again, I don't disagree --

14 MS. PEREIRAS: Um hum.

15 MR. ORTIZ: -- with a lot of what counsel
16 said.

17 The only problem is that COAH, in and of
18 itself, is a moving target, and it changes every
19 day, and there's no one that knows everything
20 about COAH, because again, it changes from day to
21 day to day.

22 COMMISSIONER VALDIVIA: Could I ask you
23 something?

24 MR. ORTIZ: Sure.

25 COMMISSIONER VALDIVIA: Will we have an

1 answer by June?

2 MR. ORTIZ: I believe we should, but is
3 there a guarantee, Commissioner? No.

4 COMMISSIONER VALDIVIA: Yeah. But it could
5 be within the next two, three months, we should
6 have an answer.

7 Right?

8 MR. ORTIZ: Oh, yeah. Yeah. Yeah. Yeah.

9 A VOICE: Maybe by tomorrow.

10 MR. ORTIZ: At least with -- with our city
11 -- with our city, we'll have an answer, because
12 we're entering into a settlement agreement.

13 Will we have the whole -- will the State
14 know the answer to this in two or three months?
15 Probably not.

16 MS. PEREIRAS: COAH's been ongoing for --
17 for way too --

18 MR. ORTIZ: Since what? The late '80s?

19 MS. PEREIRAS: -- long now and it's been --
20 it's been very confusing.

21 Our position also was that it -- it
22 shouldn't -- it shouldn't effect the approval by
23 this Board.

24 If it's been determined by a court later on
25 that we have to abide by COAH requirements, it's

1 standard. They give you a number. They tell you
2 this is how many units have to be applicable or
3 affordable, and we could always do so then.

4 So, it really shouldn't effect this Board's
5 decision.

6 MR. ORTIZ: I don't agree with that,
7 necessarily, because I'm not sure.

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. ORTIZ: And I don't know that anybody
10 is sure, at this point. I mean, Mr. McNamara --

11 MR. PRICE: Can I make a comment?

12 MR. ORTIZ: No. Please, let -- please let
13 us address this issue with counsel, please.

14 MR. PRICE: Well, that's what I'm trying to
15 address.

16 MR. ORTIZ: No, no, but -- but --

17 MR. PRICE: I'm the only one who attended
18 the hearing before Judge Costello. And I have a
19 few --

20 MR. ORTIZ: All right. Please --

21 MR. PRICE: -- comments to make.

22 MR. ORTIZ: Could you please let me just --

23 MR. PRICE: Okay.

24 MR. ORTIZ: Please. Please, you're not a
25 member of this Board. I'm discussing this with

1 my Board, and the applicant's counsel.

2 MR. PRICE: This is an open hearing.

3 MR. ORTIZ: Not -- not right now, it's not.
4 It's not open to the --

5 MR. PRICE: It most certainly is.

6 MR. ORTIZ: It's not open for public
7 comment right now. I'm not asking you to leave,
8 I'm just letting -- asking you to let me discuss
9 this with my Board.

10 MR. PRICE: I'm saying I attended --

11 MR. ORTIZ: Anyway --

12 MR. PRICE: -- the hearing --

13 CHAIRPERSON CAPIZZI: Go.

14 MR. PRICE: -- before Judge --

15 MR. ORTIZ: All right.

16 MR. PRICE: -- Costello.

17 MR. ORTIZ: I -- I believe that. But --
18 but please, let -- could you let me just address
19 my Board members' questions?

20 We're going to wait for Mr. McNamara's
21 advice. We have to.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. ORTIZ: In my opinion.

24 CHAIRPERSON CAPIZZI: Um hum. And we're
25 going to follow your advice.

1 MR. PRICE: The only comment I make is to
2 the timing. You said next month.

3 Presentation that Mr. McNamara made before
4 Judge Costello was that they would reach a
5 settlement in court, but all that provided was
6 that the City would then adopt changes to the
7 Land Development Ordinance, which would come to
8 the Planning Board. The usual thing.

9 MR. ORTIZ: So, then --

10 MR. PRICE: That could be --

11 MR. ORTIZ: -- you're making a --

12 MR. PRICE: -- four, five months.

13 MR. ORTIZ: -- bigger argument that it
14 would -- you're making a bigger argument that we
15 are bound by it, then.

16 MR. PRICE: No. Not at all.

17 MR. ORTIZ: Again, I'm not going to --

18 MR. PRICE: I'm saying --

19 MR. ORTIZ: -- have this discussion --

20 CHAIRPERSON CAPIZZI: Right.

21 MR. ORTIZ: -- with you. I'm really --

22 Please, --

23 MR. PRICE: You think you're going to do
24 this in a month.

25 MR. ORTIZ: -- respectfully --

1 MR. PRICE: It will take six months,
2 probably.

3 MR. ORTIZ: Respectfully --

4 MR. PRICE: You should be --

5 MR. ORTIZ: Respectfully sir.

6 MR. PRICE: -- aware of that.

7 MR. ORTIZ: Okay.

8 Thank you.

9 But respectfully, I am trying to address
10 this as cautiously, for all the parties involved.

11 I appreciate it, but please, let me advise
12 -- you're not a witness, and if you want to make
13 a public comment, we are --

14 MR. PRICE: I'm under oath. Why can't I
15 testify?

16 MR. ORTIZ: You're under oath --

17 MR. PRICE: I'm just saying, you said it
18 could be done in a month.

19 MR. ORTIZ: I didn't -- that's not what I
20 said.

21 MR. PRICE: And what I'm saying is the
22 process --

23 MR. ORTIZ: That's not what I said.

24 MR. PRICE: -- that was agreed to --

25 MR. ORTIZ: What I said, I don't know --

1 MR. PRICE: -- in court --

2 MR. ORTIZ: -- the answer to that.

3 MR. PRICE: -- is a time consuming process.

4 MS. PEREIRAS: Counsel, if I may?

5 And -- and I understand the Board's
6 position. Counsel is giving you a recommendation
7 and I understand that you have to at least go by
8 his -- his decision.

9 The only thing I'd ask --

10 MR. ORTIZ: Well, no, no, no, no, no.

11 CHAIRPERSON CAPIZZI: We -- we only
12 consider his recommendation.

13 MS. PEREIRAS: I understand that.

14 CHAIRPERSON CAPIZZI: We're not bound by
15 his recommendation.

16 MS. PEREIRAS: I understand.

17 So, then, the only thing I'm going to ask
18 this Board, if possible, again, I'm hoping it
19 doesn't apply. If it does, we'll comply. We
20 have no issue with that.

21 My only thing is, there has been a delay.
22 This has been an application that was submitted
23 several months ago, and it's taken a long time to
24 get before the Board this evening.

25 So, if we could complete our presentation,

1 open up a dialogue in case there are any
2 questions from the Board, so that we can address
3 at the next meeting.

4 But if this Board is inclined to grant this
5 application, we ask, at least, counsel, that we
6 could have maybe a Resolution prepared for the
7 next meeting? That way, we don't lose additional
8 time, and then we can address any concerns that
9 the Board have, regarding that COAH issue.

10 MR. ORTIZ: How about this? I can't make
11 that promise to you. What I can tell you is, we
12 can -- you and I can discuss where we're going
13 with this, once you speak to the City's counsel
14 on this specific -- specific issue.

15 That's -- because that's so pertinent here,
16 which is why we're not taking a vote. So --

17 MS. PEREIRAS: So, the possibility is there
18 that if we're able to --

19 MR. ORTIZ: My mind's -- my mind's open to
20 it. It's just I don't know --

21 MS. PEREIRAS: I'm not putting you on the
22 spot; promise.

23 MR. ORTIZ: Yeah, you are.

24 MS. PEREIRAS: But if --

25 MR. ORTIZ: But it's okay. I understand.

1 MS. PEREIRAS: But if it's something that
2 we'd --

3 MR. ORTIZ: I do understand.

4 MS. PEREIRAS: -- we'd make that decision.
5 Again, this has been just --

6 MR. ORTIZ: No, I understand.

7 MS. PEREIRAS: -- a very time consuming --

8 MR. ORTIZ: I understand, but --

9 MS. PEREIRAS: -- project.

10 MR. ORTIZ: But this is bigger than this
11 project, bigger than this Board, this issue.

12 So, that's my concern. But if you want to
13 move forward and the Board has no objection to
14 moving forward on it --

15 And what -- I mean, what -- what is the --

16 COMMISSIONER VALDIVIA: I have no objection
17 to hearing it.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. GUARENO: Moving forward how?

20 MS. PEREIRAS: As far as presenting.

21 MR. ORTIZ: Moving forward with letting her
22 present it.

23 CHAIRPERSON CAPIZZI: Presenting.

24 MR. ORTIZ: We're not -- because of --

25 MR. GUARENO: Present it, but not vote.

1 MR. ORTIZ: But not vote.

2 CHAIRPERSON CAPIZZI: Hearing the experts
3 that they have brought here tonight.

4 MR. GUARENO: That's doable. I think
5 that's doable.

6 CHAIRPERSON CAPIZZI: That's fair.

7 MR. ORTIZ: I don't have -- you know, any
8 -- any problem with that, just so you know my --
9 from my perspective.

10 CHAIRPERSON CAPIZZI: Okay.

11 MS. PEREIRAS: Are there any more questions
12 for our architect?

13 Then, I'd like to proceed with our planner,
14 Mr. Michael Kauker.

15 MR. ORTIZ: Unless, of course, Mr. Price,
16 do you have any questions of Manny?

17 MR. PRICE: I already did.

18 MR. ORTIZ: Mr. Pereiras? No? Just --
19 okay.

20 MR. DILLON: Please raise your right hand.

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

23 MR. KAUKER: I do.

24 MR. DILLON: State your name, spell it for
25 the record.

1 MR. KAUKER: Michael D. Kauker, K-A-U-K-E-R.
2 My business address is 356 Franklin Avenue in
3 Wyckoff, New Jersey.

4 MR. DILLON: Thank you.

5 MS. PEREIRAS: And Mr. Kauker has testified
6 before this Board in the past, and I'd like to
7 have him accepted as an expert in --

8 CHAIRPERSON CAPIZZI: Yes.

9 MS. PEREIRAS: -- the field of planning.
10 Thank you.

11 Mr. Kauker, are you familiar with the
12 property located at 3309 Hudson Avenue, 3308-3310
13 Palisade Avenue?

14 MR. KAUKER: I am. Yes.

15 MS. PEREIRAS: And have you had an
16 opportunity to review the drawings prepared by
17 Pereiras Architects?

18 MR. KAUKER: I have had an opportunity to
19 review the drawings, prepared by Pereiras
20 Architects. Also, to go out and visit the
21 subject property, also review the Master Plan and
22 Zoning Ordinance of Union City, as well.

23 MS. PEREIRAS: And you -- could you please
24 kindly walk us through this application, from a
25 planning perspective?

1 MR. KAUKER: Certainly.

2 Mr. Pereiras went over a lot of the
3 existing conditions of the site, so I won't go
4 over that in great detail.

5 But as he did mention, it's important to
6 note that this is a through lot. It has frontage
7 on Hudson, as well as Palisade Avenue.

8 The subject property, which was mentioned
9 before, has a lot area of 27,495 square feet,
10 which is much larger than what the minimum
11 requirement is in the Zoning Ordinance.

12 The property itself is located in the CC,
13 Center City District, and currently, the lot is
14 unimproved. It does -- when I drove by, it does
15 appear that there are some vehicles that are
16 parked on it, but there are no buildings.

17 With respect to the surrounding area, it's
18 comprised primarily of a mix of residential type
19 uses. There are multiple family. It's in close
20 proximity to The Thread building.

21 There are some commercial uses further to
22 the north, but primarily residential uses in --
23 in the vicinity of the subject property.

24 Along -- or opposite Peter Street, which
25 was discussed before, there is a very old vacant,

1 looks like somewhat dilapidated building that's
2 located on that portion, as well, which is
3 immediately adjacent to the subject property. To
4 the north.

5 As mentioned by Mr. Pereiras, the applicant
6 proposes to construct a five story, 74 unit
7 building, with 90 parking spaces.

8 There will also be two commercial units on
9 the ground floor. The bedroom distribution are
10 eight studio units, 22 one bedroom units, 12 two
11 bedroom units, and 32 three bedroom units.

12 As I mentioned, I -- I had an opportunity
13 to take a look at the Master Plan of Union City,
14 as well as the Zoning Ordinance, and just wanted
15 to point out a couple things.

16 Obviously, this use is permitted in the
17 zone. Hence, that's why we're here before the
18 Planning Board.

19 But in reviewing the Master Plan, this
20 project is thoroughly consistent with a number of
21 the goals and objectives.

22 I'll just mention a few.

23 To help provide a balanced mix of land uses
24 in appropriate locations; to provide a broad
25 range of housing choices.

1 And one thing I just want to touch on, that
2 Mr. Pereiras mentioned is, we do have a large
3 number of three bedrooms that are proposed. And
4 a lot of applications, at least the ones that
5 I've testified on, which have been quite a few,
6 and I just know, do not have a lot of three
7 bedroom units. So, this is something that's
8 going to add balance to the existing housing
9 stock of the community.

10 The Zoning Ordinance -- as I mentioned, the
11 property is located in the CC, Center City
12 District. As I mentioned, it is a permitted use.

13 A couple things I just wanted to point out.
14 The purpose of and the intent of the CC district,
15 they talked about things such as providing iconic
16 architecture.

17 I think if you look at the design of this
18 building, it's something that fits in well with
19 -- with that recommendation.

20 To try to provide pedestrian friendly
21 active streetscapes.

22 Obviously, what we're doing here is we're
23 completing the streetscape as there's just a hole
24 on both sides of the street now. There will be,
25 obviously, sidewalks.

1 One of the other things that Mr. Pereiras
2 mentioned, they're providing places for the
3 tenants to park bikes, as well. So, that also
4 promotes pedestrian, and also bicycle. Kind of
5 veering away from the automobile as much as
6 possible.

7 Also, high density housing, which we have.
8 And they also encourage, in the CC district,
9 retail uses.

10 We're provide -- proposing a mixed use, so
11 in my opinion, we're thoroughly consistent with
12 the provisions of the CC, Center District, and
13 the purpose and intent of that Ordinance.

14 With respect to the application. The
15 applicant does require four variances. The
16 variances are all classified as C or bulk
17 variances, under the Municipal Land Use Law.

18 The applicant requires a variance for a
19 front yard setback, for a side yard setback, for
20 building coverage, and for parking.

21 Now, in order for the Board to grant a
22 variance, the applicant must make an affirmative
23 showing of the positive and the negative
24 criteria.

25 With a C variance, the applicant -- there

1 are essentially two reasons that the Board can
2 consider granting a C variance.

3 There's one that's called the hardship
4 variance, which if there is some sort of
5 practical difficulty or hardship that relates to
6 that specific piece of property.

7 Or also, a planning variance. Basically,
8 it's known as the C-2 variance, where the
9 benefits of granting that variance outweigh any
10 detriments that are associated with it.

11 Now, with respect to the front yard.
12 Basically, the front yard variance doesn't relate
13 to the ground floors in this instance, because
14 there are zero foot setback that are required.
15 But as you go to the fourth story and above,
16 well, actually above the fourth story, so the
17 fifth story, you're required to have a ten foot
18 step back.

19 So, our building is essentially vertically
20 the same from the ground floor to the top floor.
21 So, it doesn't provide -- on the fifth story, it
22 doesn't provide that ten foot step back. Thus,
23 we require a variance from that provision of the
24 Ordinance.

25 Now, Mr. Pereiras described, basically, the

1 building façade before. But really, the intent
2 of that type of provision is to control the
3 massing of the building, and the visual impact.

4 Now, first, I would submit to the Board --
5 you know, that with a five story building, we're
6 only one story above the four stories. We're
7 actually permitted to go six. But I think it
8 would look somewhat unusual if just the last
9 story of the building were set back ten feet from
10 the rest of the building.

11 The other thing, really, from an aesthetic
12 standpoint, although we're not providing that
13 horizontal offset or recess, he's providing
14 vertical offsets, or recesses into the building,
15 which essentially does the same thing.

16 So, we're providing that aesthetic or
17 visual -- visual interest in the building, that
18 basically helps achieve the same aesthetic result
19 as having the horizontal step -- step back,
20 through the provision of those vertical recesses
21 in -- in the building façade.

22 So for my -- in my opinion, I think that
23 the deviation from that front yard, and I'll call
24 it step back requirement, is something that's a
25 benefit to the application as it results in a

1 very aesthetically pleasing building. And -- and
2 it's something that really doesn't result in a --
3 in a building that's too massive, that's
4 something in violation of the intent of the
5 Zoning Ordinance.

6 Moving on to the side yard variance. The
7 Ordinance requires a side yard setback for a
8 building that's greater than 50 feet, which we
9 are, I believe we're 58 feet, of 15 feet for one
10 side yard, and 30 feet for both side yards.

11 With this particular application, there is
12 a setback that's zero to five feet that's
13 proposed. In some instances, there's about a 20
14 foot, and actually, one particular location,
15 there's a 20 foot setback.

16 But in any event, we do require a variance
17 for the side yard deviation.

18 Basically, what this does is it allows us
19 to maximize the building footprint. The benefit
20 to that is it allows us to provide the proper
21 amount of parking in the building, to maximize
22 parking. And really, also, to provide proper
23 circulation for the vehicles.

24 As Mr. Pereiras mentioned, we have nine by
25 18 foot parking spaces, and also 24 foot wide

1 aisles, which is substantial enough to really
2 accommodate circulation of vehicles inside the
3 building.

4 So, I think that that's something that's
5 warranted and justified.

6 One other thing I did want to point out in
7 the Master Plan, they talk about design
8 considerations in the Center City District.

9 And basically, one of the recommendations
10 was to provide zero lot lines. So, essentially,
11 they -- in -- they recommend and envision, in the
12 Master Plan, although it wasn't translated over
13 to the Zoning Ordinance, but zero lot lines for
14 all property lines of the building.

15 With respect to building coverage, a
16 maximum coverage of 80 percent is permitted. We
17 propose a maximum coverage of 86 percent.

18 And -- and basically, the same line of
19 thinking really applies here, with trying to
20 accommodate parking.

21 Again, maximizing the building footprint,
22 which allows the parking, which allows the
23 appropriate circulation for vehicles inside the
24 building.

25 So -- so, basically, the same, as I said,

1 the same theory applies for the building coverage
2 as does to the side yard setback variance that
3 was required.

4 With respect to parking, pursuant to RSIS,
5 138 parking spaces are required, 90 parking
6 spaces are proposed. As Mr. Pereiras mentioned,
7 that's 1.2 parking spaces per unit.

8 Now, with respect to the RSIS and -- and
9 I've mentioned this before, the RSIS applies to
10 the State of New Jersey as a whole. It doesn't
11 -- except for a few minor exceptions, it doesn't
12 distinguish between -- you know, places in
13 northwestern New Jersey that are very rural, and
14 then urban areas like Union City.

15 With the exception of Hoboken, I know for a
16 fact has special standards that they only require
17 one parking space per unit there. Some other, I
18 think, urban areas have that, too.

19 But really, with that line of thinking, it
20 -- it makes sense to provide less parking in --
21 high -- higher density urban areas, because
22 there's really the provision of mass transit
23 here.

24 Obviously, you have bus lines. You're in
25 close proximity to New York City. So, a lot of

1 people rely on mass transit.

2 You know, one of the other things, there's
3 actually trends right now in planning to actually
4 provide fewer parking spaces than more, because
5 they found, historically, that places were over-
6 parked, and they'd -- you know, rather preserve
7 open space, or whatever it might be. But just to
8 basically try not to provide as many parking
9 spaces, to try to provide the right amount.

10 In my opinion, I think 1.2 per unit is
11 sufficient in this instance, especially given the
12 location in -- in Union City, in an urban area,
13 with proximity to mass transit.

14 Basically -- so, that basically sums up the
15 positive criteria, as to why the variances can be
16 granted.

17 Now, just briefly touching on the negative
18 criteria.

19 It's my opinion, there would be no
20 substantial impact to the surrounding area, due
21 to the grant of the variances.

22 As I mentioned before, the variances will
23 actually help provide an aesthetic improvement to
24 the building. It will -- it's something that
25 will aesthetically and architecturally appear

1 much nicer with the vertical recesses in the
2 building.

3 In my opinion, the deviation in side yard
4 and coverage, basically, is going to allow us to
5 maximize the building footprint, which provides
6 additional parking, proper on-site circulation.

7 And with respect to any impairment to the
8 intent and purpose of the Master Plan or Zoning
9 Ordinance, as I mentioned before, it meets a
10 number of goals and objectives. It is actually
11 thoroughly consistent with the recommendations in
12 the Master Plan for the Center City District, and
13 again, does also further the purpose of the
14 intent of the CC district, as -- as delineated in
15 the Zoning Ordinance.

16 For those reasons, it's my opinion that the
17 Board can feel confident in granting the
18 requested variances.

19 Thank you.

20 MR. ORTIZ: Ms. Pereiras?

21 VICE CHAIRPERSON KOEHLER: I have a
22 question.

23 MR. ORTIZ: Go ahead. Go ahead.

24 VICE CHAIRPERSON KOEHLER: Sorry.

25 Your -- your list of nonconformities, are

1 | they identical on the alternate plan? He -- he
2 | had --

3 | MR. KAUKER: The --

4 | VICE CHAIRPERSON KOEHLER: -- an alternate
5 | plan.

6 | MR. KAUKER: Well, the -- the alternate
7 | plan that was presented, I -- I didn't look at --
8 | I didn't have a plan -- an opportunity to review
9 | it prior to today, but I did speak with Mr.
10 | Pereiras beforehand.

11 | Now, if Peter Street was to become a public
12 | street, you would essentially have three
13 | frontages. So, essentially, you would have three
14 | front yards.

15 | I'm not exactly sure how the property line
16 | to the south would be treated. I did look in the
17 | Ordinance, and it's not clear. They don't have
18 | any provision.

19 | But I would typically, in this -- I mean,
20 | since it's a side yard now, I would maybe think
21 | it would be considered a side yard, but there's
22 | no clear distinction.

23 | But in any event, if Peter Street were a
24 | front yard, it would eliminate that side yard
25 | setback variance, as you would be then, instead

1 of having a 15 foot setback to Peter Street, you
2 would be allowed to have a zero foot setback to
3 Peter Street.

4 So, it would somewhat eliminate the side
5 yard setback variance.

6 VICE CHAIRPERSON KOEHLER: And the front
7 yard setback, nonconformity would then --

8 MR. KAUKER: They wouldn't -- well, it --
9 there theoretically wouldn't be a front yard
10 setback.

11 Are you talking along Peter Street?

12 VICE CHAIRPERSON KOEHLER: No. The -- this
13 one has a front yard setback nonconformity.
14 That's the Hudson Street.

15 MR. KAUKER: Well, are you reading Mr.
16 Spatz's --

17 VICE CHAIRPERSON KOEHLER: Yeah.

18 MR. KAUKER: -- report?

19 Okay.

20 It's somewhat confusing, because what it
21 really is, it's -- it's not really a setback,
22 it's a build -- what they call a building step
23 back.

24 So, if you review the Ordinance, and I'll
25 -- I'll read you the exact language, because I do

1 have it here.

2 VICE CHAIRPERSON KOEHLER: Oh, it's for the
3 fifth floor. Okay.

4 MR. KAUKER: Right. It's for the --

5 VICE CHAIRPERSON KOEHLER: Okay.

6 MR. KAUKER: It's for the fifth floor.

7 VICE CHAIRPERSON KOEHLER: And that's not
8 required --

9 MR. KAUKER: So that's a little confusing.

10 VICE CHAIRPERSON KOEHLER: -- in the
11 alternate plan.

12 MR. KAUKER: It would be required, but we
13 already --

14 VICE CHAIRPERSON KOEHLER: Okay.

15 MR. KAUKER: It would be the same variance.

16 VICE CHAIRPERSON KOEHLER: Right. Right.

17 MR. KAUKER: So, it could potentially
18 eliminate a side -- one of the side yard setback
19 variances.

20 VICE CHAIRPERSON KOEHLER: Okay.

21 MR. ORTIZ: Had -- this is a highly,
22 highly, highly problem in this area is traffic.

23 MR. KAUKER: Okay.

24 MR. ORTIZ: We all know that. I grew up in
25 West New York, which isn't that far away, and

1 | trying to get onto 495 is impossible.

2 | You said you do have a traffic --

3 | MS. PEREIRAS: We do have a traffic
4 | engineer.

5 | MR. ORTIZ: Did you have a chance to review
6 | any -- as a planner, as a requirement --

7 | MS. PEREIRAS: Um hum.

8 | MR. ORTIZ: -- did you have a chance to
9 | review any kind of report from the traffic
10 | engineer?

11 | MR. KAUKER: I -- I did not from a traffic
12 | engineer. But what I can tell you, from my
13 | review of the Master Plan -- you know, obviously,
14 | higher density development is encouraged in this
15 | area.

16 | What -- and I'm sure Union City, obviously,
17 | when they did that, recognized the fact. That's
18 | why they tried to, basically, concentrate the
19 | higher density development in the Center City
20 | Core area, and other strategic locations in Union
21 | City.

22 | And -- and I think that that's one way --
23 | and lessening the burden -- burden on other
24 | areas.

25 | So, that's one way, really, to kind of

1 regulate the traffic, and try to improve the
2 situation. So, you regulate -- or you -- you
3 kind of concentrate the higher density
4 development in the Center City Core, which is
5 kind of close for 495, and has a little bit
6 easier means of --

7 MR. ORTIZ: See, the problem --

8 MR. KAUKER: -- moving around the City.

9 MR. ORTIZ: The problem -- the problem that
10 I have there, and this is just as a layman.

11 MR. KAUKER: Um hum.

12 MR. ORTIZ: And I'm by no means a traffic
13 engineer, nor am I a planner.

14 But at 5:30, six o'clock, that area's
15 gridlocked. It's locked down.

16 And as a planner, I would -- I would be
17 concerned about addressing that issue when you're
18 balance -- when you're using the balancing test.

19 I mean, I -- I think, from a planning point
20 of view, the Board needs to hear how the
21 additional traffic is going to be effecting your
22 opinion on -- you know, on your balancing -- on
23 the balancing.

24 MR. KAUKER: Right. Well, we haven't
25 really had the -- the testimony of the traffic

1 engineer, yet.

2 I mean, as a planner, I can tell you -- you
3 know, that if they were to condemn Peter Street,
4 and turn it into a public street, that would
5 probably help.

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. KAUKER: You know, but -- you know,
8 unfortunately, these are, basically, one of those
9 things -- you know, sometimes -- you know,
10 obviously, Union City's a desire -- desirable
11 location to live, and people want to move here.
12 And a lot of times -- I mean, you go to New York
13 City, and things kind of evolve.

14 I mean, the higher -- the more higher
15 density you get, the more people rely on mass
16 transit. You know, fewer people come that have
17 cars. So, it kind of goes to that type of thing.

18 But you know, in terms of -- you know, I
19 don't -- and I don't know if the -- the City's
20 done any studies in terms of trying to improve
21 traffic flow. You know, that could be one thing,
22 too.

23 But as I said before, I think if you're
24 doing it in appropriate locations, this clearly
25 is. I mean, obviously, there's no -- no use

1 | variances required. And we're actually providing
2 | fewer units than really could be developed
3 | on-site. We could develop a six story building
4 | on the property, as well, with -- with additional
5 | units. And, obviously, with -- with more
6 | traffic.

7 | So, I think that -- that kind of -- you
8 | know, the applicant did think about those things
9 | when they developed it, because they didn't want
10 | to overdevelop the site.

11 | And again, they're under-developing the
12 | site in relationship to your Zoning Ordinance.

13 | MR. ORTIZ: But you did not take into
14 | consideration the additional traffic flow in --

15 | MR. KAUKER: I didn't --

16 | MR. ORTIZ: -- in -- in --

17 | MR. KAUKER: I -- no, I -- I did not do it
18 | --

19 | MR. ORTIZ: -- in your review of -- of this
20 | --

21 | MR. KAUKER: I --

22 | MR. ORTIZ: -- site plan?

23 | MR. KAUKER: No. I did not do a -- do a
24 | traffic study. I mean, if it were a use variance
25 | --

1 MR. ORTIZ: No, no, no, no. But I'm
2 saying, you didn't even take that into
3 consideration.

4 MR. KAUKER: No. That's correct, because I
5 don't really think it affects the variances that
6 are being requested.

7 I mean, obviously, traffic has no impact on
8 the front yard setback, the side yard setback,
9 the coverage. And -- and really on --

10 MR. ORTIZ: But it would have --

11 MR. KAUKER: -- on parking, either.

12 MR. ORTIZ: -- an effect on the balancing
13 test. On -- on the balancing test that you --

14 MR. KAUKER: Well, the balancing --

15 MR. ORTIZ: -- you just --

16 MR. KAUKER: The balancing test, you have
17 to look at the deviations that are being
18 requested. So --

19 MR. ORTIZ: Right. But what I'm saying is
20 that definitely would be something to evaluate
21 negative and positive criteria.

22 MR. KAUKER: Not necessarily, because it's
23 not --

24 MR. ORTIZ: You don't --

25 MR. KAUKER: We're not requesting a use

1 variance.

2 MR. ORTIZ: Okay.

3 MR. KAUKER: So, when you look at the
4 negative and -- and positive criteria, you look
5 at the deviations that are being granted, or the
6 deviations that are being requested.

7 And if there is a clear relationship
8 between traffic and one of the -- you know, for
9 example, if we were requesting a density
10 variance, that's something that could result in
11 an increase in traffic. So, that's something
12 that you would definitely have to weigh in.

13 I mean, obviously, I think it's important,
14 and that's why they did hire a traffic engineer
15 to kind of take a look at that issue.

16 But I don't think that it -- it
17 particularly is tied to the negative criteria in
18 this respect, because it's not really related to
19 the variances that we're requesting.

20 MR. ORTIZ: Okay. You're the expert.

21 CHAIRPERSON CAPIZZI: Any questions of
22 this?

23 MR. ORTIZ: Does anybody have any
24 questions?

25 CHAIRPERSON CAPIZZI: Questions of this?

1 Do they have a traffic expert?

2 VICE CHAIRPERSON KOEHLER: That's it?

3 MS. PEREIRAS: We do have a traffic expert.
4 He's on his way up from Hoboken.

5 If the Board could just give me a small
6 recess so I can give him a call and -- and
7 confirm his -- his arrival time.

8 MR. ORTIZ: It's your call. It's your
9 call.

10 CHAIRPERSON CAPIZZI: Up to the Board.
11 That's what you said an hour ago.

12 MR. ORTIZ: This is entirely at the --
13 purview of the Board.

14 CHAIRPERSON CAPIZZI: Right.

15 MR. KAUKER: Any more questions of me?

16 CHAIRPERSON CAPIZZI: I don't have any.

17 MR. ORTIZ: Thank you.

18 Mr. Price, do you have any questions of
19 this expert?

20 It's -- that is entirely up to you folks,
21 as a -- as a Board collectively. We -- we -- the
22 one side is, he's on his way from Hoboken.

23 MS. MOREJON: Yeah, but --

24 MR. ORTIZ: The other -- the other -- no,
25 I'm just -- I'm just trying to --

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. ORTIZ: The other side of it is, we are
3 going to be back on this --

4 MS. MOREJON: We are going to be back.
5 Right?

6 MR. ORTIZ: -- in June. So, it's up to --

7 MS. MOREJON: So they come back in June.

8 MS. PEREIRAS: And --

9 MR. ORTIZ: I mean --

10 MS. PEREIRAS: And just so I -- I -- you
11 have a few other larger applications on --

12 MR. ORTIZ: No.

13 MS. PEREIRAS: -- next month.

14 MR. ORTIZ: Oh. Oh, next month. Yeah.

15 MS. PEREIRAS: You do. So, I'm just trying
16 to also not bombard you with testimony --

17 MR. ORTIZ: It's --

18 MS. PEREIRAS: -- that day.

19 MR. ORTIZ: I mean --

20 MS. PEREIRAS: He's on his way. He's near.

21 MR. PEREIRAS: I want to clarify something
22 in my testimony, too, that it wasn't clear.

23 Mr. Price was asking me about the height of
24 the building, and I quoted 56 feet height. But I
25 want to be clear with the Board, and let the

1 Board understand all the different nuances of
2 that.

3 The height of the building to the rooftop,
4 which is what's considered in our Ordinance, is
5 56 feet six inches. That's to the top of the
6 roof.

7 In addition to that, there's going to be a
8 parapet above that. And in addition to that,
9 there's going to be a bulk head.

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

12 MR. ORTIZ: Maybe I could just make it
13 easy.

14 Ms. Koehler, are -- are you clear as to --
15 as to the height, because it was your question
16 that he's probably addressing.

17 Are you clear with how the height versus --

18 VICE CHAIRPERSON KOEHLER: Was it my --

19 MR. ORTIZ: -- the floors?

20 VICE CHAIRPERSON KOEHLER: I don't recall.

21 MR. ORTIZ: Well, was that -- is that what
22 you're trying to address, Mr. Pereiras?

23 VICE CHAIRPERSON KOEHLER: I thought it was
24 Mr. Price's.

25 MR. PEREIRAS: It was Mr. Price's --

1 MR. ORTIZ: Oh, Mr. Price.

2 MR. PEREIRAS: -- question.

3 MR. ORTIZ: Okay.

4 MR. PEREIRAS: And I answered, a very
5 simple 56 feet, but that's not a fair thing. And
6 I want the Board to understand --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. PEREIRAS: -- when they're making their
9 decision.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. PEREIRAS: And I think it's important
12 to have it on the record, the height of the --
13 the bulkhead.

14 So, it's 56 feet to the top of the roof.
15 And on top of that, there's the parapet of the
16 building. But the stairs and the -- and the
17 elevators have mechanical systems on top, and the
18 -- the work.

19 That actually is the height of -- and I
20 just call it on my -- on my drawings as exempt
21 from -- from height restrictions, where that's at
22 62 feet at the highest point.

23 So, the height of the bulkhead of the
24 elevator, and the stairs, is at 62 feet.

25 Okay?

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. ORTIZ: It's up to the Board. It is
3 entirely up to the Board, like I said. You know,
4 if the Board would like to wait, we can take a
5 brief adjournment.

6 If the Board would like to hear the -- the
7 rest of the presentation in June, --

8 MS. MOREJON: In June.

9 MR. ORTIZ: -- then it's a motion to table
10 at this point --

11 MS. MOREJON: Want to hear it in June?

12 MR. ORTIZ: -- if that's what you want to
13 do. I'm not -- and --

14 COMMISSIONER VALDIVIA: Whatever you want
15 to do.

16 MS. MOREJON: You want to hear it in June?

17 MR. PEREIRAS: He's looking for parking.
18 Somebody could just grab his car. I'm sorry.

19 CHAIRPERSON CAPIZZI: So, somebody take his
20 car.

21 MR. ORTIZ: All right. Why don't we just
22 take a brief adjournment, then if that -- if he's
23 parking his car?

24 MS. PEREIRAS: Thank you.

25 * * *

1 **ADOPTION OF RESOLUTIONS:**

2

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

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

12

13 MR. DILLON: Can you do these Resolutions?

14 MR. ORTIZ: Huh?

15 CHAIRPERSON CAPIZZI: We could.

16 MR. ORTIZ: Yeah, we could do the -- yeah,
17 we could do the --

18 CHAIRPERSON CAPIZZI: Let's do the
19 Resolutions, Carlos. Let's do the Resolutions,
20 while we wait for this guy to park his car.

21 Right?

22 MR. ORTIZ: That's --

23 CHAIRPERSON CAPIZZI: Let's do that.

24 MR. ORTIZ: That's actually a good idea.

25 CHAIRPERSON CAPIZZI: Yeah. Right.

1 MS. MOREJON: What we going to do? What we
2 going to do?

3 THE SECRETARY: We are going to change a
4 little bit --

5 CHAIRPERSON CAPIZZI: We have to do the
6 Resolutions. We never did them.

7 THE SECRETARY: -- the order of the agenda.

8 CHAIRPERSON CAPIZZI: So, we might as well
9 do them now, while we wait, because we have to do
10 them anyway.

11 THE SECRETARY: Adoption of Resolutions.

12 MS. MOREJON: Yes.

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Eight-oh-eight 810 21st
15 Street, LLC, 917 21st Street. This application
16 was approved at the previous meeting.

17 Also, number 2. Lorgia, LLC, 2023 Kerrigan
18 Avenue. This was approved at the previous
19 meeting.

20 Can I have a motion to adopt these --

21 MS. MOREJON: Motion.

22 THE SECRETARY: -- Resolutions?

23 MS. MOREJON: Motion.

24 THE SECRETARY: Motion by Mrs. Capizzi
25 (sic).

1 CHAIRPERSON CAPIZZI: Second by me.

2 THE SECRETARY: Second by?

3 CHAIRPERSON CAPIZZI: Me.

4 Alicia made the motion. I'll second it.

5 THE SECRETARY: Mrs. Morejon made the
6 motion.

7 CHAIRPERSON CAPIZZI: Um hum.

8 THE SECRETARY: Second by --
9 Allow me one second.

10 CHAIRPERSON CAPIZZI: Right. You know
11 what? He probably had another meeting.

12 MS. MOREJON: I think you should --

13 CHAIRPERSON CAPIZZI: I'm sure. They're
14 parking his car now.

15 COMMISSIONER VALDIVIA: I would --

16 CHAIRPERSON CAPIZZI: I mean, he's --

17 COMMISSIONER VALDIVIA: I would just give
18 him five minutes.

19 CHAIRPERSON CAPIZZI: Right. I think
20 that's fair.

21 COMMISSIONER VALDIVIA: Because if they
22 come -- that's fast anyway.

23 THE SECRETARY: All right.

24 COMMISSIONER VALDIVIA: The only thing they
25 talk about --

1 THE SECRETARY: We have a motion on the
2 table --

3 COMMISSIONER VALDIVIA: Oh, I'm sorry.

4 THE SECRETARY: -- to adopt the
5 Resolutions.

6 CHAIRPERSON CAPIZZI: Yes.

7 MS. MOREJON: Yes.

8 THE SECRETARY: Motion by Mrs. Morejon.

9 MS. MOREJON: Yes.

10 THE SECRETARY: Second by Mrs. Capizzi.
11 Roll call.

12 Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Abstain.
16 I wasn't here.

17 THE SECRETARY: Ms. Morejon?

18 MS. MOREJON: Yes.

19 THE SECRETARY: Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. 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: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Eight in favor, one -- one
7 abstained. Motion carries.

8 Thank you.

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

11 THE SECRETARY: Five minute break.

12

13 (Whereupon, the Board recessed from 8:39
14 p.m. to 8:46 p.m.)

15 * * *

16

17

18

19

20

21

22

23

24

25

1 **Hudson Yards West, LLC -**

2 **3309 Hudson Avenue & 3308-3310 Palisade Avenue:**

3

4 THE SECRETARY: We are in record.

5 Mrs. Pereiras, please?

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

8 CHAIRPERSON CAPIZZI: Okay, Carlos. We're
9 back.

10 THE SECRETARY: Mrs. Pereiras?

11 MS. PEREIRAS: Thank you.

12 I'd like to proceed with our traffic
13 engineer, Mr. Joseph Staigar.

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

16 MR. ORTIZ: You want to put him under oath?

17 THE SECRETARY: Kevin?

18 MR. DILLON: Oh, I'm sorry.

19 Please raise your right hand.

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

22 MR. STAIGAR: Yes, I do.

23 MR. DILLON: State your name and spell it
24 for the record.

25 MR. STAIGAR: Yes.

1 My name is Joseph Staigar, S-T-A-I-G-A-R.

2 MR. DILLON: Thank you.

3 MS. PEREIRAS: And Mr. Staigar has also --

4 CHAIRPERSON CAPIZZI: Yes.

5 MS. PEREIRAS: -- testified before the
6 Board.

7 Thank you very much.

8 CHAIRPERSON CAPIZZI: Yes.

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

11 MR. STAIGAR: Yes, I am.

12 MS. PEREIRAS: And you've had a chance to
13 review the drawings prepared by Pereiras
14 Architects?

15 MR. STAIGAR: Yes.

16 MS. PEREIRAS: And can you please describe
17 the project, from a traffic impact perspective?

18 MR. STAIGAR: Yes. I -- I have been -- I
19 have prepared traffic studies in and around this
20 area, particularly Cantello Street project,
21 that's what I call it, but I am familiar with the
22 local area.

23 This site has frontage on two, I'll call
24 them collector roads, in terms of the amount of
25 traffic that they handle.

1 On Hudson and Palisade, we have about 500
2 vehicles per hour that utilize that -- those
3 roadways.

4 This site will generate 22 trips in the
5 morning peak hour and in the evening peak hour.
6 Most of that traffic, obviously, is exiting in
7 the -- in the morning, and -- and then, returning
8 in the evening.

9 We have good dispersion of traffic because
10 we have, actually, three driveways. One driveway
11 on Hudson and the other driveway -- if I may
12 refer to the site plan -- on Palisade Avenue.
13 Two driveways on Palisade Avenue. So, we do have
14 a split, a good dispersion of traffic.

15 So, if you take those volumes, 22 trips,
16 and basically split them almost in half, 11 will
17 -- will be on -- on Hudson, 11 will be on
18 Palisades. That's one car every five, six
19 minutes, on average.

20 So, the implications of what the impact
21 will be in -- in the surrounding area is very
22 negligible in terms of what that impact will be.
23 This is not going to create any perceivable
24 worsening of traffic conditions in the area. We
25 all know the area, at times, it does get

1 congested, and -- and certainly, this project is
2 not going to have any significant impact on the
3 operations of the site, of the --

4 MR. ORTIZ: Will those five --

5 MR. STAIGAR: -- of the area.

6 MR. ORTIZ: Those five trips you're talking
7 about, at what time? I might have missed --

8 MR. STAIGAR: Oh, those are the peak hours
9 between -- an hourly -- an hour during the rush
10 hour is seven to nine a.m. and four to six p.m.
11 on weekdays.

12 So, it's when -- it's when the -- it's when
13 the roadway peaks at its maximum. And during
14 that time, those are the critical peak hours that
15 we study, as traffic engineers.

16 What does the site generate in terms,
17 coincidentally, with the peak hours of the
18 roadway? Twenty-two trips in and out, morning
19 and evening peak hour. Eleven and 11 if you
20 split them up on the two frontage roads.

21 The -- there's good bus service in the
22 area. Excellent bus service, I must say, in the
23 area that many of the residents will utilize, as
24 well. It will depress trip generation, traffic
25 generation, as well.

1 This site is consistent with your Zoning
2 Ordinance of what the permitted uses are. There
3 are many other permitted uses in this zone that
4 would generate more traffic than -- than this
5 site; office building, retail, restaurants, and
6 so forth.

7 So, it's one of the -- residential use is
8 one of the lower intensive trip generators of
9 traffic in the area.

10 So, in terms of consistency with your
11 Master Plan, and in accordance with the
12 Ordinance, this is, again, it is consistent, and
13 it will not be one of the higher trip generators
14 of -- of other permitted uses in this zone.

15 Number of parking spaces are sufficient.
16 We have 74 units, with 90 parking spaces. That's
17 a ratio of 1.2 spaces per unit. And these are
18 rental units, and in the -- in the City of Union
19 City, the parking ratio for rental units in the
20 City, on average, is .64. So, we are about
21 double of what the typical expectation could be
22 in the City of Union City.

23 So, 1.2 is a sufficient number, in terms of
24 the amount of parking.

25 I've analyzed the site plan, worked with

1 the architect, in terms of determining
2 sufficiency of access, internal circulation of
3 the site.

4 All the parking spaces are nine by 12
5 (sic), 24 foot aisles. So, you'll have good
6 circulation on the site, as well.

7 MR. ORTIZ: In your evaluation, did -- you
8 mentioned commercial space here. So obviously,
9 there's going to be a mixed use building.

10 MR. STAIGAR: Yes.

11 MR. ORTIZ: And you said commercial is
12 worse than residential. There is going to be
13 commercial here. What effect would --

14 MR. STAIGAR: Yeah. That -- the type of
15 commercial, these are small stores.

16 When I looked at the -- you know, if we
17 looked at the area, you have 1700 square feet,
18 about 1700 square feet both. Those are -- those
19 are neighborhood retail. This is not going to be
20 drawing people from out of the neighborhood, or
21 from other towns to go -- doing their shopping
22 spree at this location.

23 So, it's going to serve the residents of
24 the building. It's going to serve the immediate
25 neighborhood. It may be a coffee shop, it may be

1 -- you know, that type of service that's going to
2 be immediate neighborhood.

3 So, again, that -- that is not expected to
4 generate any significant traffic to the area.
5 It's either going to be traffic already in the
6 area, or foot traffic from the neighborhood.

7 MR. ORTIZ: So, there -- there is no
8 additional traffic that's going to be created.

9 Is that your opinion?

10 MR. STAIGAR: That's -- that's my opinion.

11 And if this, as I said, if this was fully
12 developed, this site was fully developed as
13 retail, where you did bring a, sort of a big box,
14 another Walgreen's or a CVS, or -- or that type
15 of retail, that's going to draw more traffic to
16 the area.

17 I've never seen a Walgreen's or a CVS -- I
18 can't say never, but typically, they always have
19 parking spaces. And parking spaces, because they
20 need it for the customers to be drawn to the
21 site.

22 We don't have that type of use. And that's
23 the type of use that could be -- that would be
24 permitted on the site, that would generate more
25 traffic to the area.

1 MR. ORTIZ: Does anybody have any
2 questions?

3 CHAIRPERSON CAPIZZI: Any question?

4 No?

5 Any questions from the public?

6 MR. Price?

7 MR. PRICE: Larry Price.

8 Mr. Staigar, you said 22 trip generations

9 --

10 MR. STAIGAR: Per hour.

11 MR. PRICE: Per hour. And the traffic flow
12 was 500 --

13 MR. STAIGAR: On the street, currently.

14 MR. PRICE: Okay. There are two streets
15 involved.

16 MR. STAIGAR: Yes.

17 MR. PRICE: One is Hudson and one is
18 Palisade.

19 MR. STAIGAR: They both have in the order
20 of about four and 500 trips -- vehicles per hour.
21 That's the ambient volumes --

22 MR. PRICE: Oh, okay.

23 MR. STAIGAR: -- on those streets.

24 MR. PRICE: So, when you said 500, you
25 referred to Hudson only.

1 MR. STAIGAR: No. Both.

2 MR. PRICE: Oh.

3 MR. STAIGAR: On both streets. They're
4 about the same. Five hundred on both, during the
5 peak hours.

6 MR. PRICE: Oh, okay. Okay.

7 Then, you divided the trip generation,
8 since the traffic goes both ways, 11 and 11.

9 MR. STAIGAR: Yeah.

10 MR. PRICE: But they -- but they -- but the
11 parking is not balanced.

12 MR. STAIGAR: Correct. Not exactly
13 balanced. You make a good point. And -- and
14 that's why I said it will be approximately -- I
15 said approximately in half. But it would be to
16 the rate -- to a similar ratio of the amount of
17 parking that's provided.

18 Out of the 90 spaces, 33 of them are --
19 have access out to Palisade. And the remainder,
20 which would be 50 -- 57 -- 57.

21 MR. PRICE: Fifty-seven. Yeah. Forty-
22 seven.

23 MR. STAIGAR: Yeah.

24 MR. PRICE: No. Fifty-seven.

25 MR. STAIGAR: Fifty-seven would go.

1 So, it'd be -- it'd be about two-thirds,
2 one-third, or 40 percent, 60 percent ratio.

3 MR. PRICE: Would go -- the 60 percent
4 would be Palisade, 40 -- 40 percent would be --

5 MR. STAIGAR: No. Would be Hudson. Let me
6 -- let me get a map here.

7 MR. DILLON: Excuse me?

8 Mr. Staigar, you're going to stand by
9 there.

10 MR. STAIGAR: Yeah. I'll -- I'll come back
11 over. I just want to get a site plan of the --

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

14 MR. STAIGAR: One-third -- one-third goes
15 to Hudson; two-thirds will go to Palisade Avenue.

16 MR. PRICE: Okay.

17 So, basically, we're talking 22, so seven
18 would go to Hudson, and it took 500 traffic --
19 the other --

20 MR. STAIGAR: Yeah.

21 MR. PRICE: Fifteen --

22 MR. STAIGAR: Fifteen --

23 MR. PRICE: -- would go to Palisade, and go
24 into that 500 trip. Okay.

25 MR. STAIGAR: Right.

1 MR. PRICE: Thank you.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. ORTIZ: Any member of the Board have
4 any --

5 CHAIRPERSON CAPIZZI: No.

6 MR. ORTIZ: -- questions?

7 MR. GUARENO: I just have a remark, because
8 I'm not quite sure as far as how the math was
9 done for you to come up with those numbers.

10 But I do live in town. I live about 14
11 blocks away. Rush hour, takes me half an hour to
12 get here.

13 MR. STAIGAR: Sure. Yeah. I know. I
14 know. And it's taken me more than a half hour to
15 get here, too.

16 But -- and the point being is that you
17 already have a congestive situation on some of
18 the intersections and roadways in the area,
19 depending upon the time of day, or the day even.
20 Sometimes, I go through this area and you can
21 just go right through. Other times, for whatever
22 reason, somebody gets a flat tire or -- or maybe
23 an accident, it does get congested.

24 The point being is that the amount of
25 traffic that this site will generate is

1 insignificant, in terms of the volumes, and the
2 potential impact it will have on the area.

3 And we are -- it is a permitted use, and
4 the density -- more -- more units could have
5 been, based on the density, could have been built
6 here, and you could have another permitted use
7 that would generate far more traffic than 22
8 trips an hour.

9 So, in terms of what the impact will be,
10 one additional vehicle is, theoretically, going
11 to have an impact on the area. Twenty-two is
12 going to have a little bit more than one. But
13 certainly, in the -- in the context of what -- of
14 what you have in the area, and the good
15 dispersion of at least two roadways, to -- to
16 disburse that traffic, will not be a perceptible
17 or a significant impact.

18 So, that's what I'm -- that's what I'm
19 saying. I don't disagree with you that it gets
20 congested in the area, but again, this is a land
21 use that will be -- that will be such that it
22 won't be so intensive, that it will --

23 You'll -- you'll know the difference
24 driving down Palisade or Hudson or any of -- of
25 the streets, that, oh my God -- you know, we put

1 | these 74 units here, and it used to be fine. You
2 | used to be able to drive right through here, but
3 | now, I can't. You're not going to see the
4 | difference between the before and after effects
5 | of this develop -- development.

6 | CHAIRPERSON CAPIZZI: Is that it?

7 | MS. PEREIRAS: That would conclude our
8 | presentation.

9 | CHAIRPERSON CAPIZZI: Okay.

10 | MS. PEREIRAS: Unless the Board has any
11 | questions of our experts?

12 | CHAIRPERSON CAPIZZI: Any question?
13 | Anyone?

14 | MR. ORTIZ: I have nothing at the moment.

15 | MS. PEREIRAS: And counsel, I'll be in
16 | touch with you regarding the COAH issue.
17 | Hopefully --

18 | MR. ORTIZ: I would --

19 | MS. PEREIRAS: -- it can be addressed
20 | before --

21 | MR. ORTIZ: What I would -- what I would do
22 | is I would event -- give -- give Mr. McNamara a
23 | chance to look at the issue, because I -- I'm
24 | going to give him that time.

25 | MS. PEREIRAS: Sure.

1 MR. ORTIZ: And then, maybe we'll have a
2 conference call of sorts or something to figure
3 out what effect, if any.

4 MS. PEREIRAS: I'd appreciate that.

5 Thank you, counsel.

6 CHAIRPERSON CAPIZZI: So, do we have to
7 make a motion?

8 MR. ORTIZ: Well, the motion, if we're
9 deciding not to vote on this tonight --

10 CHAIRPERSON CAPIZZI: We are deciding not
11 to vote on it.

12 MR. ORTIZ: Okay. Then, the motion would
13 be to table this matter until the June meeting.

14 CHAIRPERSON CAPIZZI: So, I'll make a
15 motion to table.

16 THE SECRETARY: Motion to table the
17 application by Ms. Capizzi.

18 VICE CHAIRPERSON KOEHLER: Second.

19 THE SECRETARY: Any second?

20 Mr. Rivero, you going to --

21 Roll call on the motion to adjourn this
22 application for June 23rd (sic). No, no. Twenty
23 --

24 MR. PEREIRAS: Twenty-seventh. I think the
25 27th.

1 THE SECRETARY: One second, please.

2 Apologize for that.

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

5 THE SECRETARY: Twenty-seven. June 27.

6 MS. PEREIRAS: Without the need of further

7 --

8 THE SECRETARY: No new --

9 MS. PEREIRAS: -- notices.

10 THE SECRETARY: -- notice required.

11 MR. ORTIZ: Yeah, no, no. We -- obviously,
12 we have jurisdiction.

13 THE SECRETARY: Roll call on the motion to
14 adjourn this application for June 27.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Ms. Morejon?

1 MS. MOREJON: Yes.

2 THE SECRETARY: Mr. Rivero?

3 MR. RIVERO: Yes.

4 THE SECRETARY: Mr. Valdivia?

5 COMMISSIONER VALDIVIA: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

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

10 MR. ORTIZ: Just give me one second, and
11 then I'll let you go home.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ORTIZ: I promise, everybody.

14 In the case that my Board members had some
15 questions of, obviously, not Manny, because I
16 know Manny will probably be here, but of the
17 other experts, how were you going to -- are you
18 going to have them on call in case that happens?

19 MS. PEREIRAS: Right. We were originally
20 hoping not to have to bring them back. It is an
21 added expense to my client --

22 MR. ORTIZ: And I'm not saying -- I'm not
23 saying --

24 MS. PEREIRAS: -- not to bring them.

25 MR. ORTIZ: -- they will, but I just -- I

1 want to be able to give them the advantage of
2 having addition -- if they have additional
3 questions --

4 MS. PEREIRAS: If the --

5 MR. ORTIZ: -- getting them answered.

6 MS. PEREIRAS: -- Board thinks they'll have
7 questions, we'll -- we'll --

8 MR. ORTIZ: I don't -- I don't want to see
9 -- I don't want to see you do that right now. I
10 -- I just don't know the answer to that, and I
11 don't know if the Board members even know that,
12 right now. You know --

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. ORTIZ: So that's the problem.

15 But you know, if the Board members -- if
16 any Board members -- I think all of you know how
17 to reach me, but if -- if you need to, if you
18 could give me an answer, so I could let the
19 applicant's attorney know that, yeah, you got to
20 bring in the planner, the -- the --

21 I'm not going to hold you to that, because
22 it might pop up the night of, or something like
23 that.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. ORTIZ: But if you think about it a

1 week before --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. ORTIZ: -- so I could let her know to
4 have them here.

5 CHAIRPERSON CAPIZZI: Sure.

6 MR. ORTIZ: Okay?

7 MS. PEREIRAS: Thank you all very much.

8 CHAIRPERSON CAPIZZI: Thank you.

9 VICE CHAIRPERSON KOEHLER: Thank you.

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT:**

2

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

6 Motion by Mrs. Capizzi.

7 VICE CHAIRPERSON KOEHLER: Second.

8 THE SECRETARY: Second by?

9 MR. ORTIZ: Let me just take this one.

10 THE SECRETARY: Mrs. Koehler?

11 MR. ORTIZ: Yeah. Manny will --

12 THE SECRETARY: All in favor --

13 MR. ORTIZ: Manny, you're going to --
14 you're going to be here next meeting.

15 THE SECRETARY: -- say aye.

16

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

18

19 THE SECRETARY: The ayes have it.

20 MR. ORTIZ: You're going to be here, no
21 matter what.

22 THE SECRETARY: Thank you.

23 Have a good night. Let the record indicate
24 the meeting has ended.

25

1 (Whereupon, the proceedings were concluded
2 at 9:02 p.m.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY PLANNING BOARD heard on
9 Tuesday, May 23, 2017 and digitally recorded.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon