

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, June 27, 2017
Commencing at 6:11 p.m.

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

CELIN VALDIVIA, Commissioner,
(Arrived at 6:28 p.m.)
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
CAROLINA FERNANDEZ, (Left at 8:04 p.m.)
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
DIANE CAPIZZI, Chairperson

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

RUDY RIVERO
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
BRIAN P. STACK, Mayor

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

CARLOS VALLEJO, Secretary to the Board

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

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

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

ARISTIDES F. HERNANDEZ, ESQ.,
Attorney for Applicants, Rita Jarquin,
Silvia Elena Prado, Ana Patricia Prado and
Jose Santos

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Robert Mauriz

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
32nd & 33rd Street, Union City, LLC

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1 THE SECRETARY: Please take notice that on
2 Tuesday, June 27, 2017, at six p.m., a Regular
3 Meeting is scheduled for the City of Union City
4 Planning Board, to be held in the Municipal
5 Chambers of the City Hall, 3715 Palisade Avenue,
6 Union City, New Jersey.

7 This is a meeting called in compliance with
8 Chapter 231, Public Law -- Law 1975, of the Open
9 Public Meetings 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 sent to The Jersey Journal, The
15 Record, The Hudson Reporter, has been posted on
16 the bulletin board in City Hall, and has been
17 made available to the public in the Office of the
18 Municipal Clerk.

19 Before we call roll for this evening
20 meeting, can everybody kindly salute -- stand up
21 to salute the flag?

22

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

25

1 THE SECRETARY: Thank you.

2

3 **ROLL CALL:**

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

6 Mayor Brian P. Stack? Absent.

7 Ydalia Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Commissioner Celin
10 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 is absent.

18 Franklin Medina?

19 MR. MEDINA: Here.

20 THE SECRETARY: Jeanne Koehler is absent.

21 Alejandro Velazquez?

22 MR. VELAZQUEZ: Here.

23 THE SECRETARY: Jose Guareno? Absent.

24 Let the record indicate that there are six
25 present.

1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on May 23, 2017.

4

5 THE SECRETARY: Adoption of Minutes,
6 Regular Meeting held on May 23rd, 2017.

7 Motion to approve the -- the previous
8 meeting minutes?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 THE SECRETARY: Motion by Mrs. Capizzi --
11 Miss Capizzi.

12 Any second on the motion?

13 There's a motion on the -- on the table to
14 -- to adopt the previous meeting minutes.

15 Second by?

16 MS. GENAO: I second.

17 THE SECRETARY: Second by -- by Mrs. Genao.
18 Roll call on the motion.

19 Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. Fernandez?

22 MS. FERNANDEZ: Yes.

23 THE SECRETARY: Ms. Genao?

24 MS. GENAO: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Ms. Morejon?

3 MS. MOREJON: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Abstain.

6 THE SECRETARY: Five in favor, one abstain,
7 motion carries.

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1 **BHD Investments, LLC - 538 42nd Street:**

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3 THE SECRETARY: First application,
4 tonight's agenda, BHD Investment, LLC, 538 --

5 MR. ORTIZ: Do we --

6 THE SECRETARY: -- 42nd Street.

7 MR. ORTIZ: Do we -- do we want to do the
8 Resolution?

9 CHAIRPERSON CAPIZZI: Resolutions?

10 MR. ORTIZ: Okay.

11 CHAIRPERSON CAPIZZI: Yeah. Okay.

12 THE SECRETARY: First application, BHD
13 Investment, LLC, 538 42nd Street.

14 MR. ORTIZ: Madam Chairwoman, through
15 correspondence from Mr. Al Alonso, he's
16 requesting that these -- this matter be carried
17 to our next regular meeting.

18 He has waived any time -- statutory time
19 periods, so I don't see a problem with --

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: -- granting that request.

22 THE SECRETARY: Next meeting would be on
23 July 25th.

24 Can I have a motion?

25 MR. VELAZQUEZ: I make a motion.

1 THE SECRETARY: Motion by Mr. Velazquez.
2 Any second on the motion?
3 CHAIRPERSON CAPIZZI: I'll make a second.
4 THE SECRETARY: Mrs. Capizzi.
5 Roll call on the motion.
6 Ms. Capizzi?
7 CHAIRPERSON CAPIZZI: Yes.
8 THE SECRETARY: Ms. Fernandez?
9 MS. FERNANDEZ: Yes.
10 THE SECRETARY: Ms. Genao?
11 MS. GENAO: Yes.
12 THE SECRETARY: Mr. Medina?
13 MR. MEDINA: Yes.
14 THE SECRETARY: Ms. Morejon?
15 MS. MOREJON: Yes.
16 THE SECRETARY: Mr. Velazquez?
17 MR. VELAZQUEZ: Yes.
18 THE SECRETARY: Six in favor, motion
19 carries.

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1 Rita Jarquin, Silvia Elena Prado, Ana Patricia
2 Prado and Jose Santos -
3 1112-1114 Central Avenue:
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5 THE SECRETARY: Next application on
6 tonight's agenda, Rita Jarquin, Silvia Elena
7 Prado, Ana Patricia Prado and Jose Santos, 1112-
8 1114 Central Avenue.

9 Mr. Hernandez, please?

10 MR. HERNANDEZ: Aristides Hernandez,
11 attorney for the applicant.

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

14 MR. ORTIZ: Madam Chairwoman, in reviewing
15 submissions by counsel, everything seems to be in
16 order, giving jurisdiction to this Board.

17 CHAIRPERSON CAPIZZI: Okay.

18 Proceed.

19 MR. HERNANDEZ: Good afternoon.

20 CHAIRPERSON CAPIZZI: Good afternoon, first
21 of all.

22 MR. HERNANDEZ: This is my client's
23 application to legalize a basement apartment.

24 It's -- it's a -- most of the conditions
25 are already preexisting, meaning that we're

1 making no changes to the outside of the building.
2 It's just whatever work is necessary to make the
3 unit Code compliant, is what we're looking to do.

4 The one good thing, which is very rare here
5 in Union City, is that we have parking. And --
6 which I -- I trust is not going to be an issue.

7 It's apparently -- we have, I believe,
8 nine spots.

9 Is that what we have?

10 MR. IZQUIERDO: Yes.

11 MR. HERNANDEZ: Sir? Yeah. I believe we
12 have nine -- nine spots, at present.

13 And my -- it's -- since no work is going to
14 be done to the outside, there was -- there are a
15 couple of preexisting nonconforming aspects to
16 the -- the way the structure was -- was initially
17 constructed.

18 So, we believe that these preexisting
19 nonconforming conditions do not require a
20 variance, but rather will be explained more fully
21 by the architect, who we have here to testify.

22 MR. DILLON: Please raise your right hand.

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

25 MR. IZQUIERDO: I do.

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

3 MR. IZQUIERDO: My name is Jose Izquierdo,
4 J-O-S-E. Last name I-Z like zebra Q-U-I-E-R-D
5 like David O.

6 MR. DILLON: Thank you.

7 MR. ORTIZ: Madam Chairman, Mr. Izquierdo,
8 although we haven't seen him in awhile --

9 CHAIRPERSON CAPIZZI: Yes.

10 MR. ORTIZ: -- has testified numerous times
11 before this Board.

12 CHAIRPERSON CAPIZZI: Yes.

13 MR. IZQUIERDO: Thank you. Very kind of
14 you.

15 Mr. Ortiz, Madam Chairman, good evening,
16 members of the Board.

17 As counsel indicated, this is an
18 application to convert an existing two family
19 house into a three family house. The three
20 family house is an allowed use in the R zone, but
21 site plan approval is required.

22 The site plan approval component gives
23 jurisdiction of this Board for this application.

24 As counsel indicated --

25 MR. ORTIZ: Hold -- hold on for one second.

1 We --

2 MR. IZQUIERDO: -- there are --

3 MR. ORTIZ: We need five for a quorum.
4 Right?

5 THE SECRETARY: I'm sorry. We have --

6 MR. ORTIZ: We need five for a quorum.

7 THE SECRETARY: That's all right.

8 MR. DILLON: You still have five.

9 MR. ORTIZ: Oh, okay. Good.

10 Thanks.

11 All right.

12 THE SECRETARY: Yes.

13 MR. ORTIZ: I just --

14 THE SECRETARY: Yes, --

15 CHAIRPERSON CAPIZZI: Um hum.

16 THE SECRETARY: -- we have six.

17 MR. ORTIZ: Yeah. No. That's -- but I
18 just --

19 CHAIRPERSON CAPIZZI: Yes. Just wanted to
20 make sure.

21 MR. IZQUIERDO: There are three items in
22 the zoning that are preexisting, nonconforming,
23 and those are the front yard that there's a ten
24 foot requirement. And we have 14 feet on Central
25 Avenue, but we have zero feet on 12th Street.

1 But so -- because we have a corner lot, we
2 have two front yards. So, there's a variance for
3 a preexisting nonconforming condition.

4 The lot coverage allowed is 75 percent and
5 our existing building covers 77.6 percent, so
6 that is a de minimis. It's only two percent over
7 that which is allowed.

8 And in terms of the side yard, again
9 because we're a corner lot, we either have two
10 front yards -- or we have two front yards. So,
11 the two -- the side yard required is two plus
12 three feet, and we have, on the right, one foot,
13 and 1.9, and on the other side, we have more than
14 12 feet.

15 The way the house is situated is that it
16 lies on the southwestern corner of the
17 intersection of 12th Street and Central Avenue.
18 And it lies closer to Central Avenue than to the
19 rear.

20 So, there is a large paved area, in the
21 rear of the building, that has eight parking
22 spaces.

23 MR. ORTIZ: Is it currently parking?

24 MR. IZQUIERDO: They're tandem parking
25 spaces. So those --

1 MR. ORTIZ: No. They're currently --

2 MR. HERNANDEZ: They're being currently
3 used. Yes.

4 MR. ORTIZ: So, there's no additional curb
5 cut or anything like that required.

6 MR. HERNANDEZ: Not -- not required, as far
7 as I understand.

8 MR. IZQUIERDO: There's no curb cut, as
9 such, that you would think that it's delineated.
10 It's just been used like this for time
11 immemorial. It's paved, and I see it as part of
12 site plan approval to -- to grant the approval of
13 those parking spaces that are there.

14 I had discussed that -- this with Mr.
15 Hernandez, and we didn't find anything in the
16 record as those parking spaces being approved.
17 But evidently, a parking area that has eight
18 parking spaces would require site plan review by
19 this body.

20 So, we have eight parking spaces there in
21 the back. And in addition to that, we have a
22 garage, which gives us the ninth parking space.

23 That garage does not have the ability to
24 have a car parked in the front because municipal
25 -- the Residential Site Improvement Standards

1 allow the Board to consider that garage to be two
2 spaces, if I have at least 18 feet from the face
3 of the door to the property line, to the
4 right-of-way, and I don't.

5 So, in reality, I have a total of nine
6 parking spaces; four in a tandem condition, which
7 actually exceeds the requirement for a three
8 family house.

9 The apartment on the -- on the third floor
10 and on the second floor are all two bedrooms.
11 And they're going to remain as such.

12 The whole house is rented. The owner does
13 not live in the house.

14 And the apartment that we're legalizing,
15 which is a basement apartment, is actually a few
16 steps down from the street, on 12th Street, and
17 also in the front, it's also a few steps down
18 from Central Avenue.

19 It has a living/dining room area. I'm
20 referring to all the -- all the information is in
21 drawing A-1, which was the exhibit submitted in
22 conjunction with the application.

23 The living room is 18 feet by 15.9. And
24 there are two bedrooms. One 9.6 by 13.9 and the
25 other one 9.4 by 6.9.

1 The apartment has to be sprinklered. It
2 has to be separated by the rest of the building,
3 by a two hour rated construction.

4 If the building is considered to be a three
5 story building, the Building Department would
6 require either to have a fire escape from the
7 third floor, or to fully sprinkler the building.

8 I don't know which option the owner would
9 take, but if a fire escape is installed, it would
10 be installed in the -- in the rear, the side of
11 the building so it wouldn't be obtrusive to --

12 MR. ORTIZ: And the -- and the --

13 MR. IZQUIERDO: -- to the front of the
14 building, which actually, it's a nice building.
15 Has nice landscaping. It's nicely kept.

16 MR. ORTIZ: The owner -- the owner would
17 have the option, or would that be the Building
18 Department's decision?

19 MS. MOREJON: No, it would be the Building.

20 MR. ORTIZ: That would be the Building --

21 MR. IZQUIERDO: The owner would have the
22 option.

23 The Building -- the Building Department, as
24 strict as it is, actually, the Code allows you to
25 have the option.

1 MR. ORTIZ: Okay.

2 MR. IZQUIERDO: But pretty much, it would
3 be the fire escape, because it's less obtrusive
4 and -- and you know --

5 MR. ORTIZ: All right.

6 So -- so that -- so that I'm clear what's
7 being requested here because I'm not -- is,
8 obviously, the approval of the basement
9 apartment.

10 Correct?

11 MR. IZQUIERDO: Third apartment. Yes.
12 Converts it from a two to a three.

13 MR. ORTIZ: And then, the other thing would
14 be approving these parking spots.

15 MR. IZQUIERDO: The site -- site -- the
16 component of site plan approval --

17 MR. ORTIZ: Right.

18 MR. IZQUIERDO: -- for the three family,
19 because we're professing that we have actually
20 eight parking -- nine parking spaces with the
21 application. So, we're not seeking a parking
22 variance.

23 MR. ORTIZ: Right. I got that.

24 Does everybody understand what's being
25 sought?

1 MS. MOREJON: I know the -- I know the
2 house.

3 MR. ORTIZ: Oh, you know the house?

4 MS. MOREJON: Sold real estate many years.
5 So, I know.

6 CHAIRPERSON CAPIZZI: They don't have to
7 put that there then, they're not --

8 MR. ORTIZ: Well, it's part of the site
9 plan --

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. ORTIZ: -- so the fact that it's --

12 CHAIRPERSON CAPIZZI: Okay.

13 MR. ORTIZ: -- on the application, that's
14 fine.

15 CHAIRPERSON CAPIZZI: Fine.

16 MR. IZQUIERDO: I have nothing further.

17 MR. HERNANDEZ: I just want to just comment
18 to the Board on this.

19 The -- the reason we're before the Board is
20 there was no -- no neighbor complaints about
21 this. This is my client -- there's four owners.
22 One of my clients, Silvia Elena Prado is here.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. HERNANDEZ: The other three are not,
25 but the -- Jose Santos was talking to Public

1 Service, and they suggested that they get an
2 extra meter.

3 So, he comes in to the Building Department
4 and says, I'd like to have another meter for the
5 house, because there's three meters there now.
6 And they said, you need a fourth meter for the
7 common areas. And he said, fine.

8 And you know, he -- he came in to get the
9 -- the meter, and that way, he found out that the
10 third unit was not legal. That's how this whole
11 thing precipitated.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. HERNANDEZ: So, it's not a neighbor
14 complaint that brought it upon --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. HERNANDEZ: -- my client. It's not
17 that there was noise, or there were any kind of
18 disorderly situations that might -- you know,
19 impact the community or anything of the sort.

20 It was just my client came to realize, by
21 coming to the -- to the Building Department, that
22 it was not a three family. And he was issued
23 summonses, which are before the municipal --
24 municipal court, --

25 CHAIRPERSON CAPIZZI: Right.

1 MR. HERNANDEZ: -- which I've been coming
2 to address, and which will be addressed.

3 And we're looking to comply. We're
4 looking, in good faith, come before this Board to
5 -- to do the right thing.

6 And I trust you understand that. It's --
7 it's -- my client comes in good faith, and --

8 CHAIRPERSON CAPIZZI: Sure.

9 MR. HERNANDEZ: -- we lay the case before
10 the Board.

11 I don't believe it's unreasonable.

12 CHAIRPERSON CAPIZZI: Sure.

13 These are the means of egress? This one?

14 MR. IZQUIERDO: Yeah.

15 CHAIRPERSON CAPIZZI: That one?

16 MR. IZQUIERDO: The apartment has two means
17 of egress. One through the front.

18 CHAIRPERSON CAPIZZI: Right.

19 MR. IZQUIERDO: And one through the back.

20 CHAIRPERSON CAPIZZI: And what's this over
21 here? In the front? In the corner.

22 MR. IZQUIERDO: Yeah. In the corner. What
23 happens is that bedroom --

24 MR. ORTIZ: This goes up.

25 MR. IZQUIERDO: -- opens up --

1 CHAIRPERSON CAPIZZI: Oh.

2 MR. IZQUIERDO: -- through that storage --

3 CHAIRPERSON CAPIZZI: Okay. This goes up.

4 MR. IZQUIERDO: -- and goes --

5 CHAIRPERSON CAPIZZI: I understand.

6 MR. IZQUIERDO: -- out through the --

7 CHAIRPERSON CAPIZZI: So these two.

8 MR. IZQUIERDO: -- mechanical room.

9 CHAIRPERSON CAPIZZI: It's these two.

10 MR. ORTIZ: Um hum.

11 MR. IZQUIERDO: Yeah.

12 CHAIRPERSON CAPIZZI: Perfect.

13 Okay.

14 MR. IZQUIERDO: Yeah. So, that's going to

15 be heavily sprinklered, I am certain of that.

16 CHAIRPERSON CAPIZZI: I understand.

17 MR. IZQUIERDO: Yes.

18 CHAIRPERSON CAPIZZI: Okay.

19 Does anyone have any questions on the

20 Board?

21 Anyone with questions?

22 Any member of the public?

23 Sure. Come forward.

24 MR. DILLON: Please raise your right hand.

25 Do you swear the testimony you're about to

1 give this Board is the whole truth?

2 MR. PRICE: I do.

3 Larry Price, 1006 Palisade.

4 Question?

5 There was a doctor's office in this space
6 for years. I take it that's history now?

7 MR. IZQUIERDO: He's not there.

8 MR. PRICE: He's not.

9 MR. IZQUIERDO: I have no --

10 MR. PRICE: Yeah. I think it was she, but
11 --

12 MR. IZQUIERDO: Oh, no, no, no. I -- I
13 don't know.

14 MS. S. PRADO: That used to be a doctor's
15 --

16 MR. IZQUIERDO: Yeah. No, no, no.

17 MS. S. PRADO: -- office.

18 MR. IZQUIERDO: No, no, no.

19 MR. PRICE: You have to come up.

20 MR. DILLON: Excuse me? You have to come
21 up.

22 MS. S. PRADO: Good evening.

23 MR. DILLON: Please raise your --

24 Just real fast.

25 Please raise your right hand.

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

3 State your name and spell it for the
4 record.

5 MS. S. PRADO: Yes.

6 Silvia --

7 MR. ORTIZ: I might be able to address
8 this.

9 This was purchased by --

10 MR. DILLON: Sorry. I just -- I need the
11 name, though.

12 MR. ORTIZ: Oh, I'm sorry.

13 MS. S. PRADO: Silvia Prado, S-I-L-V-I-A,
14 Prado, P-R-A-D-O.

15

16 (Whereupon, Commissioner Celin Valdivia
17 arrived at 6:28 p.m.)

18

19 MR. DILLON: Okay.

20 Thank you.

21 MS. S. PRADO: Thank you.

22 MR. ORTIZ: This was --

23 THE SECRETARY: May I have one second,
24 please?

25 Let the record indicate that Commissioner

1 Valdivia has joined the meeting. We have seven
2 members now, at 6:30 p.m.

3 MR. ORTIZ: This was purchased in 2005.

4 MS. S. PRADO: Yes.

5 MR. ORTIZ: Was it vacant at the time that
6 you -- or vacated by the doctor, at that point?

7 MS. S. PRADO: No. The -- the owner still
8 lived there, and he used to use the basement as
9 his office, to see his patients.

10 MR. IZQUIERDO: The owner was the doctor.

11 MS. S. PRADO: It was the doctor.

12 MR. PRICE: Correct.

13 MS. S. PRADO: And he was -- he was Indian.

14 MR. PRICE: But doctor -- he's no longer
15 practicing?

16 MS. S. PRADO: No. He sold it to us and
17 so, we've -- you know, cleaned it out and rented
18 it as an apartment.

19 MR. IZQUIERDO: Yeah. There are three --
20 there are three families there that are living.
21 I met the family in the -- in the -- that lives
22 in the basement. Very clean house. Very clean
23 house.

24 MR. PRICE: All right. Okay. But -- okay.

25 But when -- when -- when you purchased it,

1 | was the doctor's office still there, or he had
2 | closed it at this point?

3 | MS. S. PRADO: I'm not sure what happened
4 | after my mother purchased it, but he has never
5 | been there. He must have moved as soon as he
6 | sold --

7 | MR. PRICE: Okay.

8 | MS. S. PRADO: -- the house.

9 | MR. PRICE: Okay.

10 | Thank you.

11 | CHAIRPERSON CAPIZZI: Any other questions?

12 | MR. ORTIZ: Your purview.

13 | CHAIRPERSON CAPIZZI: Okay.

14 | Seeing none, I'll make a motion to approve
15 | the application.

16 | THE SECRETARY: Motion to approve the
17 | application by Chairwoman Capizzi.

18 | MR. VELAZQUEZ: Second.

19 | THE SECRETARY: Second by Mr. Velazquez.

20 | Roll call on the motion to approve this
21 | application.

22 | Ms. Capizzi?

23 | CHAIRPERSON CAPIZZI: Yes.

24 | THE SECRETARY: Ms. Fernandez?

25 | MS. FERNANDEZ: Yes.

1 THE SECRETARY: Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Ms. Morejon?

6 MS. MOREJON: Yes.

7 THE SECRETARY: Mr. Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: He said yes?

10 MR. SPATZ: Yes.

11 THE SECRETARY: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: I abstain.

13 THE SECRETARY: Abstain.

14 Six in favor, one abstained, motion
15 carries.

16 Thank you.

17 MR. IZQUIERDO: Thank you so much.

18 MR. HERNANDEZ: Thank you so much to the
19 Board.

20 Thank you for your consideration.

21 MS. S. PRADO: Thank you.

22 Have a good night.

23 * * *

24

25

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

2

3 MR. ORTIZ: Mr. Clerk, has anybody called
4 you as to Mr. Calvo's appearance?

5 THE SECRETARY: Yes.

6 MR. ORTIZ: Is -- is Mr. Calvo present?

7 Oh, Mrs. Calvo.

8 THE SECRETARY: Let me --

9 MR. ORTIZ: Sorry. I apologize.

10 THE SECRETARY: All right. Let me --

11 Next application on tonight's agenda,
12 Daniel Hernandez, 823 18th Street.

13 Ms. Calvo, please?

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

16 MS. CALVO: Good evening, ladies and
17 gentlemen of the Board, Madam Chairwoman.

18 I'm Alexi Calvo. I am representing Daniel
19 Hernandez for 823 18th Street, Union City, New
20 Jersey.

21 If I may approach, I have some documents.

22 MR. ORTIZ: Please.

23 I need that.

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

1 MR. ORTIZ: Ms. Calvo --

2 MS. CALVO: You're looking for The Jersey
3 Journal Affidavit?

4 MR. ORTIZ: You got all that folded up
5 again.

6 MS. CALVO: Yes.

7 MR. ORTIZ: And is there an Affidavit of
8 Service from your office or yourself?

9 MS. CALVO: I believe this is the
10 Affidavit.

11 MR. ORTIZ: Oh, this is? No. This is for
12 the -- this is for the advertisement. Then these
13 are the green cards. There's usually an
14 Affidavit of Service from whomever may have
15 mailed them out. I don't know who physically
16 mailed them out but --

17 MS. CALVO: I don't --

18 MR. ORTIZ: Do you know who physically
19 mailed them out?

20 MS. CALVO: Yes, I did, but I don't have a
21 --

22 MR. ORTIZ: Okay. If -- if you personally
23 did, and -- you know, as an officer of the court,
24 you're saying that -- could you just get us an
25 Affidavit of Service saying they were mailed out,

1 and on what date?

2 MS. CALVO: Yes. I can.

3 MR. ORTIZ: Conditioned on whatever happens
4 here, if you could do that?

5 MS. CALVO: Okay.

6 MR. ORTIZ: Okay?

7 Just so the Board understands what -- what
8 just happened is, everything seemed to be in
9 order as to what was submitted. However, an
10 Affidavit of Service was not submitted. But
11 counsel's stated that she, in fact, mailed them
12 out herself.

13 I still asked for an Affidavit of Service,
14 but I think we can move forward with her
15 representation.

16 CHAIRPERSON CAPIZZI: Sure. Yes.

17 MS. CALVO: Okay.

18 Thank you.

19 So, this is an application to legalize an
20 already existing basement apartment, to make a
21 two family house into that of a three family.

22 I have Mr. Manuel Pereiras as our expert.

23 I believe Mr. Pereiras has already been
24 accepted as an expert by the Board.

25 MR. ORTIZ: I think he's appeared here

1 enough.

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. DILLON: Please raise your right hand.

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

6 MR. PEREIRAS: I do.

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

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

12 MR. DILLON: Thank you.

13 MR. PEREIRAS: Thank you.

14 MS. CALVO: Okay.

15 Mr. Pereiras, can you just tell us about
16 the -- the unit?

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

18 We have a very typical Union City lot
19 that's 25 by 100.

20 Pardon the presentation today. Running a
21 little bit late.

22 And we have a preexisting house that sits
23 on the site. Typical to all Union City houses.

24 This site, however, has a zero setback on
25 the side yards. It has a front yard setback of

1 -- of nine foot four. It has a rear yard setback
2 of 78 foot two.

3 So, it's a huge rear yard, and we have only
4 a building coverage of 53.65 percent. So, we're
5 under the required 60 percent.

6 And we have a maximum lot coverage of 83.75
7 percent. So, we're under the 85 percent.

8 So, we have preexisting nonconformities for
9 the side yard -- side yard. We have, actually,
10 our width -- I'm sorry -- I misspoke earlier.
11 It's actually 22.42 feet.

12 So, we have an existing nonconformity for
13 the minimum width of a lot from 25 feet to 22.42
14 feet, which explains why we have a zero setback
15 on the two sides.

16 We have an existing two family house. What
17 we're looking to do is legalize the basement unit
18 on this house.

19 And I'm going to turn now to Sheet Z02. On
20 Sheet Z02, we can see the floor plans of this
21 house. We have the existing basement, the first
22 floor and the second floor.

23 The first floor is an independent
24 apartment. The second floor is an independent
25 apartment.

1 What we propose to do is legalize the
2 apartment on the ground floor. Right now, we
3 show it as a two bedroom. Obviously, we cannot
4 have a two bedroom, because we have 594 square
5 feet. So, we're going to propose to make it as a
6 -- into a one bedroom unit.

7 What we propose to do is knock out the
8 storage closet and that one wall, so that we have
9 a one bedroom unit that complies with the 550
10 square feet minimum requirement.

11 We have, in this condition where we're
12 legalizing this third unit, we're bringing
13 everything up to Code. It's an opportunity to
14 bring everything to legal condition.

15 So, what we're doing is we're going to have
16 a two hour fire separation between that basement
17 unit and the units upstairs. We're going to put
18 a fire suppression system on that ground floor
19 unit. We're going to install a low voltage fire
20 alarm system throughout the building, as far as
21 make sure that the -- the 110 inter-connected
22 fire alarms within the existing units are there.

23 So, we're going to bring the building to
24 Code, make everything compliant, safe, better for
25 the neighborhood, better for the inhabitants

1 upstairs, and the adjacent neighbors.

2 I'm open for your questions.

3 CHAIRPERSON CAPIZZI: Is anyone in the
4 basement now?

5 MS. CALVO: No. No one is. It's vacant.

6 CHAIRPERSON CAPIZZI: Any work to be done
7 in the back or --

8 MR. PEREIRAS: No. There's --

9 CHAIRPERSON CAPIZZI: No.

10 MR. PEREIRAS: -- minimum work --

11 CHAIRPERSON CAPIZZI: Just inside.

12 MR. PEREIRAS: -- demolition work and then,
13 the -- the ratings and the fire alarms and the
14 egress window has to be currently fixed up.

15 CHAIRPERSON CAPIZZI: Oh, nice.

16 MR. PEREIRAS: Everything in the rear of
17 the property is existing to remain.

18 CHAIRPERSON CAPIZZI: Yeah.

19 MR. PEREIRAS: Very nice property,
20 actually.

21 CHAIRPERSON CAPIZZI: Yeah.

22 MR. PEREIRAS: Beautiful house, beautiful
23 property.

24 CHAIRPERSON CAPIZZI: Good.

25 MR. PEREIRAS: And very well kept

1 apartments above.

2 CHAIRPERSON CAPIZZI: Good.

3 Any member of the Board have any questions?
4 Comments?

5 Any member of the public have any questions
6 or comments?

7 Okay.

8 That's it.

9 Seeing none, I'll make a motion to approve
10 the application.

11 MR. VELAZQUEZ: Second.

12 THE SECRETARY: Motion on the table to
13 approve the application by Mrs. Capizzi.

14 Any second on the motion?

15 MR. VELAZQUEZ: Second.

16 THE SECRETARY: Second by Mr. Velazquez.

17 MR. ORTIZ: Get the Affidavit in.

18 MS. CALVO: I will.

19 THE SECRETARY: Roll call on the motion.

20 Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Ms. Morejon?

4 MS. MOREJON: Yes.

5 THE SECRETARY: Say yes?

6 I'm sorry. I didn't hear you.

7 MS. MOREJON: Yes.

8 THE SECRETARY: Thank you.

9 Commissioner Valdivia?

10 COMMISSIONER VALDIVIA: Yes.

11 THE SECRETARY: Mr. Velazquez?

12 MR. VELAZQUEZ: Yes.

13 THE SECRETARY: Motion carries. Seven in
14 favor.

15 MS. CALVO: Thank you.

16 MR. ORTIZ: You're welcome.

17 CHAIRPERSON CAPIZZI: Thank you.

18 THE SECRETARY: Thank you.

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

21 * * *

22

23

24

25

1 **Robert Mauriz - 115 38th Street:**

2

3 THE SECRETARY: Next application on
4 tonight's agenda, Robert Mauriz, 115 38th Street.

5 Ms. Pereiras, please?

6 MS. PEREIRAS: Thank you.

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

9 MR. ORTIZ: Madam Chairman, I've had an
10 opportunity to review the submissions by counsel.
11 Everything seems to be in order --

12 CHAIRPERSON CAPIZZI: Okay.

13 Thank you.

14 MR. ORTIZ: -- giving jurisdiction to the
15 Board, Carlos.

16 MS. PEREIRAS: Good evening, counsel, Madam
17 Chair.

18 May it please the Board, Bianca Pereiras,
19 on behalf of the applicant, Robert Mauriz, in
20 regards to his application for 115 38th Street,
21 also known as Block 223, Lot 42.

22 The application before the Board this
23 evening is to legalize one unit.

24 This is an owner occupied building. Mr.
25 Mauriz operates the first floor building. He

1 recently decided to market this property for
2 sale, and when he was putting all his documents
3 together, he realized, when he checked with the
4 Building Department, that there is an apartment
5 on the second floor that was never legally
6 recognized before the Building Department.

7 That's why we are here before this Board to
8 get that approved.

9 We have one expert to testify before the
10 Board, and that is our architect, Mr. Manuel
11 Pereiras.

12 MR. PEREIRAS: Slight technical
13 difficulties. One second.

14 MR. ORTIZ: The second floor?

15 MR. PEREIRAS: Thank you.

16 Let me get --

17 MS. PEREIRAS: I'm sorry?

18 MR. ORTIZ: The second floor?

19 MS. PEREIRAS: The second floor.

20 No, it's not a basement apartment, which is
21 what you normally see.

22 CHAIRPERSON CAPIZZI: So, are we legalizing
23 two second floor apartments or one?

24 MS. PEREIRAS: So, the Building Department
25 recognizes the second floor as one large unit.

1 At some point in the past, it was divided into
2 two.

3 MR. ORTIZ: So, how many will the entire
4 building be?

5 MS. PEREIRAS: So, the legal -- legally
6 they recognize two. We are proposing three.

7 MR. ORTIZ: So, there's no basement
8 apartment.

9 MS. PEREIRAS: There is no basement
10 apartment. This is just the second floor, and
11 the second floor is divided into two units.

12 MS. MOREJON: So, the second floor is going
13 to be one apartment?

14 MS. PEREIRAS: The first floor continues to
15 --

16 MS. MOREJON: One kitchen, one bathroom.

17 MS. PEREIRAS: -- be one apartment.

18 One kitchen, one bathroom on the first
19 floor.

20 COMMISSIONER VALDIVIA: This is unusual.

21 MR. ORTIZ: That's why I asked.

22 MS. PEREIRAS: It is.

23 MR. ORTIZ: That's why it's the second
24 floor.

25 MS. PEREIRAS: It's different.

1 MR. PEREIRAS: All right.

2 Still Manny Pereiras, still under oath.

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

5 MR. PEREIRAS: I am.

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

8 MR. PEREIRAS: I have.

9 MS. PEREIRAS: And would you kindly walk us
10 through the application?

11 MR. PEREIRAS: Here, we have a slightly
12 oversized lot. It's 25 wide, but it's actually
13 103 point -- 103 feet on one side, 103.1 on the
14 other side. So, it's a slightly oversized lot at
15 200 -- at 2,575 square feet.

16 We have existing side yards of 6.4 feet in
17 total, of -- of 1.6 feet on one side and 3.96
18 feet on the other side.

19 The house does step back a little bit
20 further to allow another -- a greater side yard
21 near the rear of 2.36.

22 And as counsel was explaining, this is an
23 existing two family home. It looks like, at some
24 point throughout the history, the second floor
25 was a huge second floor. And at some point

1 throughout the history, it was subdivided and
2 made into two apartments.

3 So, we're coming before this Board to
4 legalize that condition. We're legalizing both
5 those units, recognizing them as individual one
6 bedroom units. And the existing one floor, first
7 floor, stays the same.

8 I'm turning now to page Z02. Sheet Z02
9 describes the conditions.

10 The basement, as you can see, is just a
11 crawl space to the back of the house. And the
12 front of the house, it's a mechanical room,
13 boiler room. There's no kitchen, no bathroom, no
14 additional spaces, just storage there.

15 The first floor is a -- is one unit. It
16 has a master bath in the back, a master bedroom
17 in the back, and two additional bedrooms. And
18 it's a simple one unit -- one unit there.

19 And then, the second floor, as you could
20 see, the gray line indicates the tenant
21 separations between one apartment and the other.

22 As you come up the stairs, you enter either
23 one apartment here, which has one bedroom, a
24 master bedroom that's 600 square feet. Or the
25 other apartment, apartment three, that's 665

1 square feet; living area, and then the bedrooms
2 in the back.

3 Open for your questions, if there are any.

4 MR. ORTIZ: Ms. Pereiras, I guess either
5 one of you could address, but --

6 MS. PEREIRAS: Sure.

7 MR. ORTIZ: -- it's probably more
8 appropriate for Manny to.

9 What we call a den is really a bedroom,
10 isn't it?

11 MR. PEREIRAS: Yeah. Absolutely. It's
12 another space in there. He can't market it as a
13 bedroom, he can't use it as a bedroom, but it's
14 an existing space. The Building Department
15 accepts it as -- if we call it a den.

16 If the -- if the Zoning Board may have a
17 different definition of that, and if you'd like
18 us to demolish the closet, for instance, or have
19 something --

20 MR. ORTIZ: Yeah, well --

21 MR. PEREIRAS: -- along the -- down that --
22 along that line, --

23 MR. ORTIZ: As I understand it --

24 MR. PEREIRAS: -- it's fine.

25 MR. ORTIZ: -- with real estate, at least,

1 from not an architectural, but --

2 MR. PEREIRAS: Um hum.

3 MR. ORTIZ: -- from a real estate point of
4 view, you have a closet, it's a bedroom.

5 MS. PEREIRAS: From a real estate
6 perspective, yeah. Absolutely.

7 CHAIRPERSON CAPIZZI: And a sitting room?
8 Is that the same standard?

9 MR. PEREIRAS: Same standard.

10 MR. ORTIZ: So, what we're really looking
11 at, in all -- in all honesty, at very least, is
12 two two bedrooms, arguably, a two bedroom and a
13 three bedroom.

14 MR. PEREIRAS: I -- actually, the sitting
15 room, actually, is undersized. It doesn't fit
16 for the requirements of a bedroom. It really is
17 a sitting room. It's a nursery, as part of the
18 bedroom.

19 I would call these both as a -- as a two,
20 two bedroom rooms. That's what they're
21 configured as. That's the existing condition.

22 MS. PEREIRAS: And that front is -- that's
23 part of the master bedroom, because the closet is
24 --

25 MR. PEREIRAS: Correct.

1 MS. PEREIRAS: -- also in that side area.

2 MR. PEREIRAS: Correct. So, that's the
3 closet for the master, with the sitting area to
4 the side of it. That's actually extremely common
5 in this area.

6 CHAIRPERSON CAPIZZI: And what's that
7 closet for?

8 MS. PEREIRAS: It's in --

9 CHAIRPERSON CAPIZZI: There's two closets
10 here.

11 MS. PEREIRAS: Master bedroom, his and
12 hers.

13 MR. PEREIRAS: It's their closet. It's the
14 master bedroom.

15 CHAIRPERSON CAPIZZI: It's not --

16 MR. ORTIZ: It's three bedrooms.

17 CHAIRPERSON CAPIZZI: Right.

18 MR. ORTIZ: It's the Board's purview, but
19 essentially, what we're looking at is, in
20 realistic -- in realistic terms is, we're
21 probably looking at a two and a three bedroom,
22 apartments.

23 MR. PEREIRAS: That's true.

24 And I think it's important to clarify that
25 there isn't even a door between the master -- let

1 -- let's just -- this is really considered a
2 master suite. So, this, over here, doesn't even
3 have a door. It's wider than normal.

4 You can't get into this room from any
5 independent door. You have to go through the
6 bedroom to get to that room. It's a condition
7 that we see very often in our area, that that
8 basically becomes like a larger closet, a sitting
9 room, a reading area, from the master bedroom.

10 And that's the condition that it is right
11 now.

12 The other two rooms, I have no -- no
13 argument with you there. None.

14 COMMISSIONER VALDIVIA: They're the ones
15 over here. Right? We're talking about the
16 other.

17 MR. ORTIZ: These are -- these are both
18 bedrooms.

19 COMMISSIONER VALDIVIA: Yeah. Yeah.

20 MR. ORTIZ: This is arguably a bedroom,
21 although it doesn't have a closet in it. And the
22 issue is, is it really --

23 COMMISSIONER VALDIVIA: Yeah. The one over
24 here.

25 MR. ORTIZ: -- is this a bedroom, too, even

1 | though you got to walk through -- you can go --
2 | you can argue it either way.

3 | MR. PEREIRAS: This is kind of a new
4 | condition for this Board. We're -- we want to be
5 | strict about the density and what the minimum
6 | requirements for bedrooms are.

7 | However, this is a preexisting condition.
8 | It's been in existence like this for many years.
9 | And how the Board wants to address this moving
10 | forward, I'd be happy and would know how you
11 | would want to address it, and I'd be happy to
12 | encourage and direct my clients in that
13 | direction.

14 | But I think this is the first opportunity
15 | to really have a dialogue about this.

16 | MR. VELAZQUEZ: He didn't sell the property
17 | anyway, right?

18 | MR. PEREIRAS: Um hum.

19 | CHAIRPERSON CAPIZZI: Right.

20 | Is there a problem to labeling it this way?

21 | MR. ORTIZ: No. I mean, it's not a
22 | problem. I mean, to the extent that it's -- it's
23 | acceptable to the Board, it's not a problem.
24 | It's just a matter of let's just call it what it
25 | is.

1 CHAIRPERSON CAPIZZI: I was going to say,
2 why didn't you just label it because it is; for
3 what it is?

4 MR. PEREIRAS: Quite honestly, I don't
5 know why my draftsman did that, and I -- I
6 apologize for that. I would have called it a
7 bedroom.

8 CHAIRPERSON CAPIZZI: Well, but that's not
9 -- you know --

10 MR. PEREIRAS: And -- and right here, I'm
11 --

12 CHAIRPERSON CAPIZZI: That's a big
13 difference.

14 MR. PEREIRAS: -- standing before you, and
15 I'm calling it a bedroom.

16 CHAIRPERSON CAPIZZI: Well, then, should we
17 redo the -- the drawings?

18 MR. ORTIZ: Yeah.

19 CHAIRPERSON CAPIZZI: Why don't -- I think
20 so.

21 What are we approving? If you're telling
22 me it's a bedroom, it should be labeled a
23 bedroom.

24 No?

25 Let's not lay it on the draftsman.

1 MR. ORTIZ: I'm not laying it on anybody,
2 but I -- I tend to agree that it's got -- the
3 plans got to be changed. I mean, because --
4 here's the reason. This is the logic.

5 It's the Building Department. When they
6 get it, they're going to be confused.

7 MR. PEREIRAS: Okay.

8 MR. ORTIZ: And I'm either going to get a
9 phone call, six months from now, when I don't
10 remember this terribly well --

11 MR. PEREIRAS: What --

12 MR. ORTIZ: -- and I'm not going to -- I'm
13 going to have to read the transcripts of the
14 presentation.

15 MR. PEREIRAS: Madam Chairman, what I
16 propose to you, and -- and I understand your
17 position completely, what I propose to you is
18 simply an understanding that this is a label
19 issue, a two bedroom, and we will revise the
20 drawings and give it to our -- your planner, for
21 his final review.

22 And then, you -- you sign and approve those
23 drawings, when the time comes.

24 But the decision of whether we can move
25 forward, the understanding of what we could do,

1 we could take care of that right here, today.

2 CHAIRPERSON CAPIZZI: Okay. So, Willie,
3 what do we need to have?

4 MR. VELAZQUEZ: Because we always have to
5 --

6 CHAIRPERSON CAPIZZI: That's fine.
7 That's fair.

8 MR. VELAZQUEZ: If I just could add?

9 Because we always have to realize,
10 especially in the Building Department, once this
11 goes into the holy grail of that file, that
12 becomes like law.

13 MR. PEREIRAS: Right.

14 But the Building Department doesn't really
15 care whether it's a bedroom, or den, they'll
16 approve it as a den. It's not really a question
17 on their side.

18 And that's why we drew it like that,
19 because at the Building Department, that's
20 normally how we would draw it and how we address
21 those issues at the Building Department.

22 MR. VELAZQUEZ: Because when I wear my
23 other hat --

24 CHAIRPERSON CAPIZZI: Right.

25 MR. VELAZQUEZ: -- you know what that

1 becomes.

2 MR. PEREIRAS: I understand.

3 CHAIRPERSON CAPIZZI: So, let me ask, does
4 anyone on the Board have any question or
5 clarification or comment on this, because we're
6 going to make some changes?

7 MR. ORTIZ: I mean, really, if I don't --
8 if you don't mind?

9 CHAIRPERSON CAPIZZI: Go ahead.

10 MR. ORTIZ: Really, the question is, are
11 you willing to vote on this tonight and accept
12 the plans as drafted, or do we want them to
13 redraft them and then, take a vote the next
14 meeting?

15 That's really the two decisions we have
16 here.

17 MR. VELAZQUEZ: You have the recommendation
18 of, what, having the planner sign it after?

19 CHAIRPERSON CAPIZZI: Say that again.

20 MR. VELAZQUEZ: Having the planner sign it?

21 MS. PEREIRAS: Right. If there's a
22 favorable vote tonight, we can have revised
23 drawings in your hands by that date of
24 memorialization, so that when you sign off, you
25 can actually see that those --

1 CHAIRPERSON CAPIZZI: Okay.

2 MS. PEREIRAS: -- areas are labeled
3 bedroom.

4 CHAIRPERSON CAPIZZI: Is that okay? That's
5 okay?

6 MR. ORTIZ: It's -- it's, essentially, a
7 condition --

8 MR. SPATZ: Yeah.

9 MR. ORTIZ: -- of approval.

10 MR. SPATZ: I have --

11 MR. ORTIZ: I'm okay with that.

12 MR. SPATZ: I have no problem that if the
13 Board were to approve this --

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. SPATZ: -- and make it as a condition
16 that they have to amend the plans, I'll review
17 them prior to the Resolution.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. SPATZ: If they haven't done the plans,
20 or gotten them in on time, then you just will
21 hold off on the Reso --

22 MS. MOREJON: That sounds good.

23 MR. SPATZ: You know, on -- on
24 memorializing it.

25 MR. VELAZQUEZ: I would have an issue with

1 --

2 MR. SPATZ: I have no problem doing that.

3 MR. VELAZQUEZ: -- vice-versa, being a
4 basement, not a second floor. That's the thing.

5 CHAIRPERSON CAPIZZI: Okay. Okay.

6 Does anyone in the public have --

7 MR. PRICE: Larry Price.

8 I lost something there in translation.

9 Are you going to approve a one bedroom
10 apartment, or a two bedroom apartment?

11 MS. MOREJON: A two bedroom.

12 MR. ORTIZ: A two bedroom apartment.

13 MR. PRICE: I don't think you can, because
14 the testimony I heard was that one apartment is
15 600 square feet, and the other is 650.

16 A two bedroom apartment, under the Land
17 Development Ordinance, requires 750 square feet.
18 Failure to meet that is a density variance.

19 MR. SPATZ: Actually, that -- that's not
20 true, because the unit sizes are only triggered
21 for multi-family buildings, which are four units
22 or above.

23 So, there are no minimum apartment sizes
24 for three or less.

25 MR. PRICE: Okay.

1 MR. SPATZ: So --

2 MR. PRICE: Mr. Spatz is correct.

3 MR. SPATZ: Yes. So --

4 MR. PRICE: As always.

5 MR. SPATZ: So, this size --

6 Well, at least this time.

7 So -- so, the apartment size is okay.

8 There's no standard for that.

9 MR. PRICE: Okay.

10 So, it's going to be two bedrooms, both
11 front and back.

12 MR. ORTIZ: That's essentially -- is that
13 how you're going to --

14 MR. PEREIRAS: That's exactly what it is.

15 MR. PRICE: Thank you.

16 CHAIRPERSON CAPIZZI: So, do we have to
17 mark what we need changed here?

18 MR. ORTIZ: Well, I mean, David, you
19 understand what has to be changed.

20 Right?

21 MR. SPATZ: Yes. I know which unit --

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. SPATZ: -- which rooms have to be
24 changed from den to bedroom, and we'll take a
25 look at the plans.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. SPATZ: Sign off on it prior to your
3 adopting a Resolution.

4 CHAIRPERSON CAPIZZI: Okay. Fine.

5 So, making that change, I'll make a motion
6 to approve the application, with those changes
7 that are going to be made.

8 THE SECRETARY: Motion to approve the
9 application with the conditions by Ms. Capizzi.

10 MR. VELAZQUEZ: I second.

11 THE SECRETARY: Second by Mr. Velazquez.

12 Roll call on the motion.

13 Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Seven in favor, motion
3 carries.

4 MS. PEREIRAS: Thank you all very much.

5 CHAIRPERSON CAPIZZI: You're welcome.

6 MR. PEREIRAS: Thank you, everyone. Thank
7 you for that.

8 THE SECRETARY: Need to provide revised
9 plans.

10 MR. ORTIZ: Do we want to take a break
11 before we get into the larger project?

12 CHAIRPERSON CAPIZZI: Sure.

13 MR. ORTIZ: We're going to take a five
14 minute break just before we engage in the two big
15 boys.

16 MS. PEREIRAS: No problem.

17

18 (Whereupon, the Board recessed from 6:53
19 p.m. to 7:00 p.m.)

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1 **Hudson Yards West, LLC -**

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

3

4 THE SECRETARY: Your attention, please.

5 Ready, Kevin?

6 MR. DILLON: We're good.

7 THE SECRETARY: Next application on
8 tonight's agenda, this is a continuation, Hudson
9 Yards West, LLC, 3309 Hudson Avenue and 3308-3310
10 Palisade Avenue.

11 This application was adjourned on May 23rd.

12 Mrs. Pereiras, please?

13 MS. PEREIRAS: Thank you.

14 Again, Bianca Pereiras, on behalf of the
15 applicants.

16 This is for the project that we call Hudson
17 Yards West.

18 We had presented our application at the
19 last meeting. I guess just for a little bit of
20 making sure that we are all on the record, I
21 think Mr. Velazquez was the only one who was not
22 present at that meeting.

23 MR. ORTIZ: Correct.

24 MS. PEREIRAS: I believe everybody else was
25 here.

1 I don't know if Mr. Velazquez listened or
2 read the transcript from that meeting?

3 Mr. Velazquez, did you?

4 MR. VELAZQUEZ: They sent it to me, but I'm
5 being honest with you, I didn't read it.

6 MS. PEREIRAS: Okay. I don't know if the
7 Board would like us to do a brief recap of the
8 project?

9 MR. ORTIZ: Well, let me bring him -- let
10 me bring him up to speed.

11 MS. PEREIRAS: Sure. Absolutely.

12 MR. ORTIZ: If you remember on the last
13 date, the concern was the effect that this would
14 have on the fair share settlement --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: -- that Mr. McNamara had
17 entered into and was in -- is in the process of
18 moving through.

19 Since that time, I've had the opportunity
20 to speak to Mr. McNamara, and he is of the
21 opinion that it does not effect the fair share
22 agreement, because it's not an Ordinance yet.

23 So, with that being said, this could move
24 forward.

25 CHAIRPERSON CAPIZZI: Okay.

1 MS. PEREIRAS: Thank you, counsel.

2 I don't know if this Board would like a
3 recap of the project, if you would like to hear
4 from any of the experts? They all are here --

5 COMMISSIONER VALDIVIA: I would --

6 MS. PEREIRAS: -- in case there are
7 questions of them.

8 Go ahead.

9 COMMISSIONER VALDIVIA: I would like a
10 recap.

11 MS. PEREIRAS: Absolutely.

12 COMMISSIONER VALDIVIA: I was here, but
13 Alex wasn't here and I --

14 CHAIRPERSON CAPIZZI: Right.

15 MS. PEREIRAS: I'm happy to do that.

16 COMMISSIONER VALDIVIA: We would want his
17 vote if --

18 MS. PEREIRAS: I'm happy to do that.

19 This is -- what we are proposing is a mixed
20 use building, 74 units with commercial on the
21 ground floor.

22 We also provided a alternate schematic.
23 There was talk that one of the streets, or Peter
24 Street, is going to be converted into an actual
25 street, and we provided an alternate streetscape,

1 if that is the case in the -- in the future.

2 If that is the case, we are removing two of
3 our units. We'll have 72, but that's really the
4 gist of our application.

5 I'd like to hear from our architect, Mr.
6 Pereiras. He can give you a better breakdown of
7 the apartments, and exactly what we're proposing.

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

10 MS. PEREIRAS: Mr. Pereiras, if you would
11 kindly walk us through a brief description of
12 this application?

13 MR. PEREIRAS: I'd be very, very happy to.

14 We've taken so much care and time to get
15 this project to be the right -- the right project
16 for the neighborhood, for Union City, for the
17 developers, for everyone involved.

18 We are in the site of what used to be the
19 old Italian Community Center, that big vacant
20 parking lot. It goes all the way from Palisade
21 to Hudson Avenue.

22 This, over here, is Peter Street, right
23 here. This is The Thread building, along here.

24 So, what we're looking to do, we sited this
25 very carefully on the site. We created a five

1 foot setback along the side, so the firemen could
2 have access to this building.

3 The building fronts on both Hudson Ave. and
4 Palisade Ave. And we have the alternate scheme,
5 where, if Peter Street were to continue, it would
6 have frontage on this side, too. And that would
7 be a brick façade, also. And we're moving the
8 retail over to that side, as well, so that we
9 could have a beautiful building, no matter which
10 way the city kind of decides to do.

11 The unit breakdown on this building is
12 somewhat unique.

13 First and foremost, I'd like to say we have
14 90 parking spaces. So, we have an abundant
15 amount of parking spaces for the number of units
16 that we have.

17 It's two levels of parking. One that
18 enters from -- from Hudson, and the other that
19 enters from Palisade. So, they overlap each
20 other, giving us 90 parking spaces, including the
21 handicap parking spaces that are required, and
22 plenty of aisle -- aisle width that's spaced to
23 -- to circulate.

24 We have 24 foot aisle widths and nice size
25 parking spaces throughout the whole thing, and as

1 well as bicycle rooms, trash rooms, and
2 everything else that a building of this size and
3 this -- and -- would require, as far as
4 amenities, fitness room and everything else
5 that's necessary.

6 The unit breakdown. We added a lot of
7 three bedroom units on this building. We have
8 eight per floor, for a total of 32 three bedroom
9 units. It's something that there's a huge need
10 in Union City for. We just don't have enough of
11 it. Families have no place to really go if they
12 -- they're in a renting situation.

13 So, we created a building where there is a
14 place for families to go and able to rent, Union
15 City homegrown families.

16 We have a total of 12 two bedrooms, 22 one
17 bedrooms and eight studios, for a total of those
18 74 units that we propose.

19 The outside and the exterior of the
20 building, we're trying to maintain a new
21 aesthetic for this whole area, the City Center.

22 So, this is so critical for Union City.
23 We're trying to create an aesthetic that's very
24 similar. We've gone before this Board and the
25 Zoning Board to get approvals on other very, very

1 similar buildings. And we're all trying to keep
2 the same aesthetic, which is very important that
3 Union City has a rhythm.

4 We have 25 by 100 lots. So, we're used to
5 like this 25 foot footprint that matches the rest
6 of the neighborhood. So, we break this building
7 down to that same scale, so that you have these
8 banding colors of that scale, plus the nice
9 industrial brick that's very Union City, very --
10 looks like it lasts forever.

11 So, we have those colors breaking down. We
12 play with the two story volumes. We took the
13 fitness area and the lounge area, and we made it
14 into a two story volume to really accentuate the
15 entrance to the building, make it really
16 beautiful, introduce some lighting along the
17 outside of the building to light up the -- the
18 building, and the sidewalks. And it simply works
19 very well.

20 I'm walking very quickly through this,
21 because I've done this already. I don't want to
22 bore anybody, but I'm open for any questions,
23 anything I could clarify on this.

24 MR. ORTIZ: The only question is, the
25 additional traffic.

1 Do you have your traffic expert, in case
2 anybody has additional questions?

3 MS. PEREIRAS: Our traffic engineer is
4 here.

5 CHAIRPERSON CAPIZZI: Yeah.

6 MR. ORTIZ: Does anybody have any questions
7 as to the traffic?

8 MS. MOREJON: I don't have any question.

9 MR. VELAZQUEZ: All of this would be all
10 residential, renting?

11 MR. PEREIRAS: It's a hundred percent
12 residential, except for the retail on the ground
13 floor.

14 And we did a lot of things to mitigate
15 traffic. So, let's talk about them a little bit.

16 This is our parking level. We basically
17 have two parking levels.

18 Both entry points are shown in this plan,
19 from Hudson and from Palisade.

20 As you could see, we have three separate
21 garage entrances. And what we did is -- and the
22 importance of that is that we diverted traffic in
23 and out from -- instead of just one spot, where
24 you could potentially have cars backing up, or --
25 you know, or back -- or backed up on that spot,

1 we diverted it to three separate areas.

2 And this is all assigned parking, so people
3 aren't looping around a parking lot looking for
4 their parking spots. They have their parking
5 spot. They go to their garage door. It opens.
6 They come in, they park in their spot. When they
7 want to leave, they come out.

8 We even divided the entries and exits of
9 each of the parking areas into two separate
10 garage doors.

11 So, we took the care of loosing the -- our
12 real estate and making it wide enough so that we
13 have two separate independent doors.

14 So, when you're entering and out, you're
15 not having these big wide doors open, where
16 there's danger of cars criss-crossing. It's
17 isolated so that you have cars exiting, cars
18 entering, they have their own aisle -- aisle way,
19 and it cleans up the -- the traffic, both at
20 entering and exiting the building, and isolating
21 it to three separate spots.

22 And we have our traffic consultant, who can
23 talk a lot more about that, if you --

24 CHAIRPERSON CAPIZZI: Sure.

25 MR. PEREIRAS: -- if you need.

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

3 MR. VELAZQUEZ: Another thing you would
4 have to say, too, is a lot of with the -- when
5 you're renting, especially I'm dealing with this
6 with a lot of buildings, with no supers, and
7 having all apartment really just ready for a
8 super, live-in superintendent on these sites and
9 all that.

10 MR. PEREIRAS: Absolutely. It's a
11 requirement and we plan to do it completely.

12 I -- my mom, grandmother and aunt are
13 probably going to live here. So, I'm definitely
14 going to make sure that they're going to be well
15 taken care of, and there's going to be an
16 apartment there -- a super there.

17 CHAIRPERSON CAPIZZI: Can they do the
18 traffic expert and talk a little bit about the
19 traffic?

20 MR. ORTIZ: Yeah.

21 MS. PEREIRAS: Sure.

22 Mr. Staigar, please?

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

25 MR. VELAZQUEZ: We have to -- the

1 termination of the street.

2 CHAIRPERSON CAPIZZI: Huh?

3 MR. VELAZQUEZ: Peter Street.

4 MR. DILLON: Please raise your right hand.

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

7 MR. ORTIZ: I don't know anything about
8 Peter Street --

9 MR. STAIGAR: Yes, I do.

10 MR. ORTIZ: -- coming.

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

13 MR. STAIGAR: Yes.

14 Joseph Staigar, --

15 MR. ORTIZ: Anything different than it is.

16 MR. STAIGAR: -- S-T-A-I-G-A-R.

17 MR. ORTIZ: I don't know --

18 MR. DILLON: Thank you.

19 MR. STAIGAR: You're welcome.

20 Was there a specific question, because I --
21 I testified here --

22 MR. ORTIZ: No. And --

23 MR. STAIGAR: -- last month.

24 MR. ORTIZ: -- and you absolutely did.

25 Quite frankly, I mean, I'm -- and I'm just

1 | trying to feel out my Board, like I always do,
2 | but the one thing that's from what I remember
3 | from the last session that we had is the area
4 | itself, as congested as it is, could you just
5 | quickly go over what your opinion is, as to the
6 | additional trips, I guess it would be called? Or
7 | I didn't --

8 | MR. STAIGAR: Yeah. Trips.

9 | The number of trips is going to be about .3
10 | per hour, .3 per unit, per hour.

11 | And we -- we do have a total of, if I
12 | recall, 74 units --

13 | MR. PEREIRAS: Seventy-four units, 90
14 | spaces.

15 | MR. STAIGAR: Yeah. So, we're talking in
16 | the order of 20 to 25 trips per hour that are
17 | being generated.

18 | We have three means of access, so that you
19 | come out onto Hudson and/or Palisade, so that
20 | traffic, those 20 trips -- 25 trips will be
21 | disbursed in -- in the two directions, as Mr.
22 | Pereiras had mentioned.

23 | So, where -- whereas, I know there's areas
24 | of the -- of the -- in the roadway network that
25 | are -- become congested at times, the amount of

1 volume that being generated, if essentially one
2 -- one half goes one way and the other half goes
3 the other way, we're talking ten to 12 vehicles,
4 trips per hour. That's one every five, six
5 minutes on average.

6 So, it's a relatively low volume. And
7 again, we didn't take -- that doesn't take into
8 account the mass transit use that's in the area,
9 as well.

10 So, we do expect substantial amount of --
11 significant amount of mass transit use, as well.
12 So, that's going to depress the traffic volumes.

13 So, this is not a heavy traffic -- or
14 intense traffic generator, because residential
15 uses -- specifically, some people go to work six
16 o'clock, 5:30 in the morning. Some people don't
17 leave until nine or 9:30.

18 So, you have a -- a three -- at least a
19 three hour window in the morning, and a three
20 hour window in the evening.

21 So, when we talk about 20 trips per hour,
22 that may be over a two and a half or -- or three
23 hour period. But it's spread out, it's not
24 everybody coming at the same time.

25 I always use the example as a comparison of

1 an office use, when people come in specifically
2 like within an hour.

3 And then they leave within an hour; 8:30,
4 people -- most people would start, everybody's
5 there almost at the same time. About 4:30, five
6 o'clock comes, they're all leaving at the same
7 time.

8 This is going to be much more spread out,
9 in terms of intensity.

10 MR. VELAZQUEZ: The problem that you get
11 is, is I'm -- I'm a lifelong resident of New York
12 Avenue, Palisade Avenue, when school's not in
13 session, that's when everything is light. By the
14 time I get to City Hall, it's still light.

15 We get complaints about the garbage trucks.
16 That's normal.

17 By nine, ten o'clock, you're already
18 hearing the beeping of the horns.

19 It's not the congestion of that building,
20 per se, it's the rest of the town. That's the
21 problem that you're going to have. And then, you
22 can -- you have to take into account that people
23 don't realize the Helix, the Lincoln Tunnel
24 traffic. That's going to be -- there's a lot of
25 work.

1 There's actually a meeting this Thursday
2 about the Helix taking --

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. VELAZQUEZ: -- place. And 495, I get
5 -- I have to -- I get the memos when they're
6 closing lanes, why the traffic builds up.

7 CHAIRPERSON CAPIZZI: Right.

8 MR. STAIGAR: Yeah.

9 MR. VELAZQUEZ: There has been times where
10 it's getting to the point where, down by Pleasant
11 Avenue, where we've tried even threading by using
12 garbage trucks to offset sometimes the traffic
13 amount that comes in.

14 That's what's the scary part about the
15 whole thing is.

16 MR. STAIGAR: Well --

17 MR. VELAZQUEZ: It's not the building
18 causing it, it's the rest of the town that's
19 going to cause it. And then, blame the three or
20 four cars that come out of there as the cause,
21 because everybody has to point their finger at
22 something.

23 Understand what I'm saying about --

24 MR. STAIGAR: Yeah. And that -- that
25 typically always happens. The last person trying

1 to get into the door, is the one that gets
2 pointed at.

3 But as I said before -- you know, I believe
4 that -- and I -- and I agree with you. There is
5 congestion in Union City, particularly this area
6 of Union City.

7 Sometimes, it's amazing. You think you're
8 going to hit it and -- and the roads are fairly
9 clear.

10 Other times, it just takes somebody with a
11 flat tire or just something that -- that happened
12 that causes the -- the congestion, or a lane gets
13 closed that one day, or -- or whatever.

14 And -- and that's the nature of living in
15 the city. I mean, you never know when -- when
16 those types of situations are going to happen.

17 And the point being is that I -- there will
18 be another drop in the bucket. You know, this --
19 this will generate more traffic, by -- by all
20 means, and we'll add an incremental amount of
21 additional congestion.

22 But that -- that incremental amount is
23 going to be immeasurable, in terms of the volume
24 of traffic that's already out there.

25 So, in terms of it actually have an

1 appreciable or a significant or a measurable
2 impact, these 74 units won't generate that.

3 If there was one entrance and exit, if it
4 was -- wasn't spread out onto two roadways, maybe
5 my -- my testimony will be a little bit
6 different.

7 But with the good dispersion, and the type
8 of units that these are, these are not big units,
9 won't generate the amount of traffic that -- that
10 would have a -- a significant impact.

11 MR. VELAZQUEZ: I mean, I'm just -- I'm
12 just playing in my head, the whole thing --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. VELAZQUEZ: -- this being built at the
15 same time as the major projects on Lincoln Tunnel
16 --

17 CHAIRPERSON CAPIZZI: Right.

18 MR. VELAZQUEZ: -- and like I said, the
19 Helix.

20 There's actually a meeting tomorrow in --
21 no, sorry, Thursday about like major --

22 CHAIRPERSON CAPIZZI: I just have concerns
23 about the size of the project, to be honest with
24 you. I don't know if you could address any of
25 that.

1 There's a lot of -- you have -- circled
2 one, two, three, four, five items that don't
3 conform. And now -- now that you brought up
4 garbage removal, how would you address all that,
5 and when did that happen with this -- this
6 building?

7 MS. PEREIRAS: Garbage removal?

8 CHAIRPERSON CAPIZZI: Um hum.

9 MS. PEREIRAS: Okay.

10 MR. VELAZQUEZ: That would -- that would
11 automatically --

12 CHAIRPERSON CAPIZZI: I don't think that's
13 for you.

14 MR. STAIGAR: Yeah.

15 CHAIRPERSON CAPIZZI: Thank you.

16 MS. PEREIRAS: Right.

17 MR. STAIGAR: Thank you.

18 CHAIRPERSON CAPIZZI: Thank you.

19 MS. PEREIRAS: Would you like to address
20 garbage or Mike?

21 MR. PEREIRAS: Talk to Mike for a second.

22 And so, what we're doing for garbage, this
23 is -- and I'll show you on the plan --

24 CHAIRPERSON CAPIZZI: Does anyone else have
25 any issues with the size of the project?

1 MS. MOREJON: You know what I would like to
2 see there?

3 CHAIRPERSON CAPIZZI: What?

4 MS. MOREJON: Townhouses.

5 CHAIRPERSON CAPIZZI: What?

6 MS. MOREJON: Townhouses.

7 CHAIRPERSON CAPIZZI: Townhouses?

8 So, maybe they could scale this back a
9 little.

10 MS. MOREJON: That would be nice.
11 Townhouse.

12 MR. PEREIRAS: So, this building has a
13 trash chute at the end of the hallway.

14 CHAIRPERSON CAPIZZI: Right.

15 MR. PEREIRAS: And that trash chute will
16 send everything into a trash room. It's 22 by 29
17 feet.

18 CHAIRPERSON CAPIZZI: Right.

19 MR. PEREIRAS: It has a trash compactor.
20 And then, that gets picked up by a service that
21 will come --

22 CHAIRPERSON CAPIZZI: When?

23 MR. PEREIRAS: -- and pick it up.

24 CHAIRPERSON CAPIZZI: Do you know when?

25 MR. PEREIRAS: They -- they, obviously,

1 don't do it at peak hours. They'll organize it
2 and they'll find out when the best time is to do
3 that.

4 I -- I think it's also very important,
5 particularly with traffic conditions, you should
6 recognize that we're not going as big as we can
7 go. We could put another floor on this thing
8 within our rights to --

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. PEREIRAS: -- go a lot larger.

11 CHAIRPERSON CAPIZZI: But my comment is
12 that I think it's a little too large. I know
13 that you could go bigger, and I'm saying I think
14 it's a little too large. I don't know how the
15 rest of the Board feels.

16 I also have an issue and a question about
17 the parking.

18 MR. ORTIZ: How many parking spots are
19 required, and how many are you supplying?

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

22 MR. PEREIRAS: Parking -- total parking
23 required off-street is 138 spaces. We're
24 providing 90.

25 MR. ORTIZ: How many?

1 CHAIRPERSON CAPIZZI: It says 151 spaces
2 are required.

3 MR. PEREIRAS: Based on Mr. Spatz report,
4 if he's considering the studios require a space,
5 then it would be 151.

6 CHAIRPERSON CAPIZZI: I don't know. I'm
7 reading this memorandum.

8 MR. SPATZ: Yeah. The --

9 CHAIRPERSON CAPIZZI: I don't know what's
10 correct.

11 MR. SPATZ: -- studios --

12 CHAIRPERSON CAPIZZI: And what's not
13 correct.

14 MR. SPATZ: Studios and one bedrooms have
15 the same requirement. So --

16 MR. PEREIRAS: So, it would be 151
17 required, --

18 MR. SPATZ: Right.

19 MR. PEREIRAS: -- and 90 provided.
20 Seventy-four apartments proposed.

21 CHAIRPERSON CAPIZZI: Then we're 61 short.

22 MR. PEREIRAS: Yes. And by every single
23 standard in Union City, what this Board and the
24 Zoning Board approves on a regular basis, we have
25 more than what's normally used.

1 We have more than one per one ratio. We
2 have 90 for 74, which is a lot more than what
3 this Board regularly approves.

4 MR. ORTIZ: But not on such large volume.
5 The ratio, yes, I agree.

6 MR. PEREIRAS: Um hum.

7 MR. ORTIZ: But not volume. That's --
8 there's a -- there is -- that's something to be
9 considered there. That's all.

10 I mean, the Chairwoman, you heard her -- do
11 you want to consider reexamining, before --
12 before the Board goes forward, do you want to
13 consider reexamining the size, for lack of a
14 better term?

15 I mean, it's up to you.

16 MR. PEREIRAS: Allow us five minutes.

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. ORTIZ: Sure. Sure. Absolutely.

19

20 (Whereupon, the Board recessed from 7:19
21 p.m. to 7:23 p.m.)

22

23 MS. PEREIRAS: Madam Chair, we were
24 conferring.

25 CHAIRPERSON CAPIZZI: Okay.

1 MS. PEREIRAS: But --

2 CHAIRPERSON CAPIZZI: Okay.

3 MS. PEREIRAS: I think we have maybe a few
4 more questions for you.

5 I think you mentioned the bulk. Now, when
6 you say bulk, are you mostly concerned with the
7 parking that we're providing, based on the number
8 of units, or what exactly --

9 CHAIRPERSON CAPIZZI: I think --

10 MS. PEREIRAS: -- is the concern --

11 CHAIRPERSON CAPIZZI: -- I'm concerned with
12 --

13 MS. PEREIRAS: -- so we could address it
14 the best?

15 CHAIRPERSON CAPIZZI: -- the number of
16 parking it has.

17 MR. ORTIZ: And let's not use the -- let's
18 not use the word bulk, because --

19 CHAIRPERSON CAPIZZI: Right.

20 MR. ORTIZ: -- that's kind of a --

21 CHAIRPERSON CAPIZZI: Yeah. I don't know
22 what --

23 MR. ORTIZ: -- land use --

24 CHAIRPERSON CAPIZZI: -- that means.

25 MR. ORTIZ: -- term, so --

1 MS. PEREIRAS: Right.

2 MR. ORTIZ: And she's a lay -- lay person.

3 MS. PEREIRAS: Okay.

4 CHAIRPERSON CAPIZZI: Correct.

5 Looking at the number of items that don't
6 conform --

7 MS. PEREIRAS: Mr. Spatz's report? Is that
8 where you're focusing?

9 MR. ORTIZ: Yes.

10 MS. PEREIRAS: Okay.

11 MR. ORTIZ: That's what she --

12 CHAIRPERSON CAPIZZI: The memorandum.

13 MS. PEREIRAS: Okay.

14 CHAIRPERSON CAPIZZI: And I think the size
15 of the building.

16 And then -- and then, I'm listening to the
17 comments from Alex that there's a meeting this
18 week, with the Port Authority, about the Helix,
19 and about potential, I guess, building issues,
20 tunnels, and so forth.

21 And then, there's a -- to me, this is a big
22 project, and I'm not comfortable with it, at this
23 point, based on that other information.

24 I don't know how the Board feels -- you
25 know, but --

1 MR. VELAZQUEZ: And --

2 CHAIRPERSON CAPIZZI: That's my feeling.

3 MR. VELAZQUEZ: Before -- before you --
4 before -- and I don't mean to sound like that,
5 the Port Authority, last year, said don't worry,
6 nothing's going to happen, blah, blah, blah.

7 Then, all of a sudden, they're showing up
8 begging us to use the facilities to say, we're
9 going to do this, and do this.

10 The problem is, they didn't invite the
11 whole community.

12 MS. PEREIRAS: Um hum.

13 MR. VELAZQUEZ: And this is the -- the
14 meeting like we had on Friday, we forgot to leave
15 out the whole community, when everything was
16 being effected.

17 And I think you should even be part of it,
18 because it would eventually effect you.

19 This is -- it's a pretty --

20 MS. PEREIRAS: Well, I wasn't -- I wasn't
21 aware of this meeting.

22 MR. VELAZQUEZ: Yeah. Just so you know.

23 MS. PEREIRAS: And it's very difficult to
24 -- to analyze something, with something that's
25 coming down the pipeline, but not really in

1 effect yet.

2 MR. VELAZQUEZ: And I -- and I deal with
3 it, because I -- it's not only that, like my
4 other hat, like I said, I have -- I hear one
5 minute they're closing the 495 ramp, then DOT
6 decides tomorrow they're not going to do it.

7 And these are the emails that you're
8 getting constantly on a different basis, where
9 they're changing their mind.

10 I hear about the -- I got the Helix memo on
11 Monday. Then, saying that are you going to be
12 here, are you going to do this? You have to --
13 not meaning you, like you have to --

14 MS. PEREIRAS: Um hum.

15 MR. VELAZQUEZ: -- change your whole
16 schedule, because now the Port Authority just
17 opened up and decided they want to wake up and
18 take down houses.

19 That was another thing that was brought up.
20 Taking down houses on the Helix. You would
21 actually start taking down in Weehawken. Can you
22 imagine?

23 And this came out of left field, after they
24 just said everything was dead.

25 MS. PEREIRAS: Right.

1 MR. VELAZQUEZ: Our tunnel was dead. This
2 was dead. Now, all of a sudden, everything's
3 back alive.

4 MS. PEREIRAS: Right. And we still don't
5 even know where that's going to go.

6 MR. VELAZQUEZ: And that's what I'm saying.

7 MS. PEREIRAS: Again, so that's why --

8 MR. VELAZQUEZ: It's not fair --

9 MS. PEREIRAS: -- it's very difficult to --

10 MR. VELAZQUEZ: -- too.

11 Yeah. And this is what I'm trying to say
12 because --

13 MS. PEREIRAS: Um hum.

14 MR. VELAZQUEZ: -- they could go and say,
15 nothing's going to happen, then I feel
16 comfortable, like oh, go ahead and build.

17 And all of a sudden, they say, guess what?
18 We're starting in 2018 -- (indiscernible).

19 MS. PEREIRAS: Right.

20 CHAIRPERSON CAPIZZI: Right.

21 MR. VELAZQUEZ: And it's scary what they do
22 over there. They're their own entity. They're
23 on their own.

24 That's just my opinion with it.

25 MR. ORTIZ: I mean, I think that you know,

1 | you -- it's not unfair, and that's why you're
2 | appointed to this Board, and I hate to talk
3 | theory and philosophy, but that's kind of what
4 | I'm going to -- about to do -- is for you to take
5 | into consideration, when considering any project,
6 | not this one, but any project, to take in your
7 | knowledge of the community.

8 | MS. PEREIRAS: Um hum.

9 | MR. ORTIZ: In fact, I think that's your
10 | mandate to do that.

11 | MR. VELAZQUEZ: And I would. I mean, in my
12 | -- in my personal opinion, I -- do you think I
13 | want to see weeds and cars there? I don't.
14 | That's the whole thing.

15 | CHAIRPERSON CAPIZZI: No.

16 | MR. VELAZQUEZ: It's tiring (sic).

17 | I -- I was not privileged --

18 | CHAIRPERSON CAPIZZI: Um hum.

19 | MR. VELAZQUEZ: -- to see the Italian
20 | Community Center there. Just pictures and
21 | stories.

22 | But I want to see something there. It's an
23 | unsightly site to see car after car parked there.

24 | But at the same time, I'm -- as -- as a
25 | resident, you have to see the point. And, then,

1 working as a city official, you see the whole --
2 every -- all the components all start coming
3 together, and it becomes like a headache, a
4 little bit. That's what I'm trying to say.

5 MR. ORTIZ: I mean, I -- I can't say what
6 this Board's going to do --

7 MS. PEREIRAS: Um hum.

8 MR. ORTIZ: -- Ms. Pereiras.

9 It's kind of more in your court than ours,
10 at this point.

11 They'll -- they'll vote tonight, and I
12 don't know how they'll vote.

13 MS. PEREIRAS: Um hum.

14 MR. ORTIZ: Or you could reevaluate, and I
15 don't want to use the term bulk, but the size of
16 the project, in laymen's terms.

17 It's up to you. It's really -- because you
18 -- you have -- you can call for a vote or you can
19 -- you know, I -- that's kind of -- just tell the
20 Board what you want them to do.

21 I, for one, don't think they're very
22 comfortable right now.

23 MS. PEREIRAS: I understand. And my -- my
24 difficulty with it is that I think there are
25 variables that are beyond this Board and beyond

1 | our applicant, if there are things that are
2 | coming down the pipeline to be --

3 | CHAIRPERSON CAPIZZI: I agree with you.
4 | So, let's take that out.

5 | MS. PEREIRAS: Um hum.

6 | CHAIRPERSON CAPIZZI: Would you consider
7 | scaling this back?

8 | MS. PEREIRAS: And when you mean -- when
9 | you say scaling it back --

10 | CHAIRPERSON CAPIZZI: Making it smaller, so
11 | that more items conform.

12 | MS. PEREIRAS: Let me look at the -- Mr.
13 | Spatz's memorandum, and let's see if there's
14 | something there can -- we can reach a middle
15 | ground.

16 | Bear with me just one moment.

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

19 | MR. PEREIRAS: Just to go over our -- our
20 | bulk requirements.

21 | Permitted uses.

22 | We are a permitted use.

23 | Minimum lot area.

24 | The minimum lot size is 10,000 square feet.

25 | We are at 27,495, almost three times the lot

1 size.

2 Minimum lot width.

3 It varies on our lot, but we are -- we seek
4 no variance on that.

5 Minimum lot depth.

6 It varies on our lot, but we seek no
7 variance on that, either.

8 Minimum front yard.

9 It's zero feet or ten feet above the fourth
10 floor.

11 We are providing a front yard on both
12 Palisade Avenue and on Hudson Avenue, where we're
13 not required to. So, we actually are setting our
14 building back purposefully, in order to provide
15 landscaping, in order to provide the necessity.

16 We are seeking a variance on that on the
17 fifth floor, because we didn't think it was
18 necessary to step the building back, because
19 we're already stepping back. It didn't think
20 that it was aesthetically pleasing.

21 So, that's one thing that we're seeking a
22 variance for. If you'd like us to step the
23 building back, we'll step the building back in
24 the second, on the fifth floor. I don't think it
25 makes a difference to anything.

1 It doesn't change anything in the
2 landscaping; it doesn't change anything in the
3 perspective of the building; it doesn't change
4 anything the view.

5 That's simply -- but if you want us to
6 change that, we'll be happy to change that.

7 Minimum rear yard.

8 It's not applicable because we have a
9 through lot. So, we are not asking for a
10 variance on that either.

11 Minimum side yard.

12 It's at -- up to -- again it's up to 50
13 feet. We have up to 50 feet in height, we're
14 required to have five feet. And then, over 50
15 feet, it's 15 feet.

16 And the total -- so, what we're doing is
17 we're providing the five feet requirement on this
18 side. We didn't provide it on that side
19 specifically, because we are expecting that to be
20 Peter Street and be continued.

21 So, we're at the -- what that's going to be
22 a frontage there. We're making that assumption.
23 It's a variable that we don't know, but that's
24 the reason we made that variable. That's the
25 only reason for that variance that we're seeking

1 | there.

2 | And then, above, the same reason. It
3 | didn't make sense to set it back, because we're
4 | already setback on all sides of the building
5 | there.

6 | Maximum building height.

7 | We're permitted to go six stories. So,
8 | when we're talking about being too big, it's hard
9 | for me to understand that because we're allowed
10 | to be six stories. We're doing five stories.
11 | We're presenting the right project for you. We
12 | don't want to play games. We didn't want to go
13 | back and forth.

14 | We're allowed to go six stories. We're
15 | providing a project that's five stories. So,
16 | again, no variance there either.

17 | So, maximum building coverage.

18 | It's -- 80 percent is the maximum. We are
19 | at 86 percent. But there's a very clear and
20 | simple reason for that.

21 | We don't have a rear yard, because the
22 | building goes from Palisade to Hudson. So, when
23 | you eliminate that rear yard, that percentage,
24 | which is normally 20 percent of your lot, is now
25 | gone because now it's part of our building. It's

1 a variance that makes sense as part of the
2 variances that -- because of the site. Because
3 it's a through lot.

4 Despite that, even though we are a through
5 lot, we're only at 86 percent lot coverage.
6 Meaning we're setting the building back in the
7 front yard, side yards, ways that our Ordinance
8 didn't even expect of us, but we're doing that as
9 -- because we feel that it's good zoning, good
10 practices, and we're doing that.

11 So, that's the -- one of the variances that
12 we are seeking. And that's the reason we're
13 seeking it.

14 Going on, maximum lot coverage.

15 We're not asking for a variance on that.
16 Despite being a through lot, despite having this
17 coverage, that's not a variance either.

18 And then, off-street parking.

19 Yes, we have a variance for that. But
20 that's typical of Union City. It's approved
21 typically. It's normal and it's something that
22 we're asking this Board of.

23 So, when you say the many requests that
24 we're making, I fail to see that, and I fail to
25 see, with all due respect, I don't know how we

1 | can improve this building, as far as the bulk,
2 | because the bulk is there.

3 | If there is something specific that you
4 | want to see, something that I don't understand,
5 | do you want that front yard setback on the top
6 | floor?

7 | MR. ORTIZ: David?

8 | MR. SPATZ: Yes.

9 | MR. ORTIZ: The term through lot has been
10 | used a lot by Mr. Pereiras.

11 | MR. SPATZ: Right.

12 | MR. ORTIZ: Could you explain to the Board
13 | exactly what that means, from our expert's point
14 | of view, not -- no --

15 | MR. PEREIRAS: I'd be happy to.

16 | MR. SPATZ: If the -- the lot has frontage
17 | on two streets. So, if -- so, you wouldn't have
18 | a rear yard, because -- you know, if the
19 | frontages is on -- is actually on two streets, so
20 | there's no rear yard. You have two front yards,
21 | and then two side yards, but there's no rear
22 | yard.

23 | MS. MOREJON: I have a --

24 | MR. SPATZ: Because the rear yard is -- is
25 | --

1 MS. MOREJON: I have a question.

2 MR. SPATZ: -- that part of the property
3 from the building to the rear property line, but
4 there isn't one in this case.

5 MR. ORTIZ: I think it was important that
6 -- that definition --

7 MS. PEREIRAS: I understand.

8 MR. PEREIRAS: Yes.

9 MS. MOREJON: Okay. I just have a
10 question.

11 Don't you think with the stores, you're
12 going to have more traffic? Why don't you make
13 this all apartments?

14 MR. PEREIRAS: I'd be happy to. The reason
15 we have stores is because --

16 MS. MOREJON: It's going to be --

17 MR. PEREIRAS: -- it's required.

18 MS. MOREJON: -- more traffic.

19 MR. PEREIRAS: Because this Board, our
20 Ordinance, is telling us we have to have the
21 stores.

22 Do you want me to take the stores out? I'd
23 be thrilled, happy to do so.

24 MS. MOREJON: Will be much better.

25 MR. PEREIRAS: It's --

1 MS. MOREJON: Beautiful building apartment,
2 like we see through Union City now. The one on
3 8th and Palisade is a beautiful building.

4 Why do you need the stores?

5 MR. PEREIRAS: Please understand, I want to
6 have a building here that you're happy with. I
7 want to have a building that everyone's happy
8 with.

9 But right now, the feedback that I'm
10 getting from the Board, it's a little confusing
11 because it's not large, in the sense of what the
12 Ordinance is asking of us.

13 MS. MOREJON: Make apartments.

14 MR. PEREIRAS: It's compliance. And -- and
15 I'll make them apartments. I'll be happy to.

16 MR. ORTIZ: Here -- here --

17 MR. PEREIRAS: But there -- the problem
18 with that is --

19 MS. MOREJON: These are going to bring more
20 traffic.

21 MR. PEREIRAS: -- if I make them
22 apartments, then I -- I'm not even before you. I
23 go before the Zoning Board. I -- I have a new
24 variance.

25 MR. ORTIZ: Here's -- let me -- this much I

1 | can -- I -- essentially, the reason they need
2 | stores, it's a mixed use zone. So, if they don't
3 | have the retail, residential component --

4 | MR. VELAZQUEZ: There is commercial over --

5 | MR. ORTIZ: -- then it's a use variance.

6 | MS. PEREIRAS: Correct.

7 | MS. MOREJON: Well, how many stores they
8 | going to make?

9 | MR. ORTIZ: And we don't have jurisdiction.

10 | MS. PEREIRAS: Correct.

11 | MR. VELAZQUEZ: There's a whole commercial.

12 | MR. ORTIZ: You know, I mean, I can't --
13 | I'm just listening to what you're listening to.
14 | And --

15 | MS. PEREIRAS: Um hum.

16 | MR. PEREIRAS: Right.

17 | MR. ORTIZ: Granted, the use may, as you
18 | say, and probably -- obviously, you don't need a
19 | use variance. So, that's pretty --

20 | MR. PEREIRAS: We don't. And I went
21 | through the list of everything that we have, and
22 | the only few things that we're asking for are --
23 | there are strong reasons behind them. They are
24 | reasons that make complete sense, and I hope you
25 | feel the same way.

1 I'm trying to have a dialogue with you.

2 I'm trying to explain to you.

3 To me, I -- I fail to see how I can make
4 this better or different, in a way that will make
5 everyone happy. And I want to make everyone
6 happy here.

7 MR. ORTIZ: I think the answer is smaller.

8 MR. PEREIRAS: What does that mean, though?
9 Less units?

10 MR. ORTIZ: Less -- less units.

11 Probably --

12 MS. MOREJON: Okay, he makes less --

13 MR. ORTIZ: -- proportionately more
14 parking.

15 MS. MOREJON: Okay.

16 Excuse me?

17 Can you --

18 MR. ORTIZ: I mean, I'm just -- and I'm
19 guessing.

20 MS. MOREJON: I just have --

21 MR. ORTIZ: Because obviously, I'm not a
22 member.

23 MS. MOREJON: This is just a question,
24 please.

25 Can you make less store and more

1 apartments?

2 MR. ORTIZ: There's a footage requirement.

3 Correct?

4 MS. MOREJON: What's different?

5 MR. ORTIZ: As far as on the --

6 MR. PEREIRAS: Not really. No.

7 MR. SPATZ: No. They can --

8 MS. MOREJON: No?

9 MR. SPATZ: You know, meet a -- something
10 that would be a store size, but they could limit,
11 instead of the 1900, they could have 500 square
12 foot store, and the rest apartments, or -- or
13 parking, additional parking on the ground floor.

14 MR. PEREIRAS: But understand, this is
15 mixed messages, because the Master Plan is
16 specifically asking for that. It's specifically
17 asking for us to do that mixed use.

18 But I would definitely -- Ms. Morejon, I
19 would love to do that.

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

22 MR. ORTIZ: I mean, can this work from a
23 developer's point of view, if you just sized it
24 down?

25 And I under -- believe me, I understand

1 | that there's a certain volume that you need in
2 | order to make a profit. I understand that.

3 | MR. PEREIRAS: I want to understand what
4 | sizing down means.

5 | Does it mean that I'm going from 74 units
6 | to 72 units?

7 | MR. ORTIZ: No, that's not sizing down.
8 | That -- that's a drop in the --

9 | MR. PEREIRAS: That's my question.

10 | MR. ORTIZ: I'm talk -- I'm talk --

11 | MR. PEREIRAS: That's my question.

12 | MR. ORTIZ: What I'm talking --

13 | CHAIRPERSON CAPIZZI: But you're the
14 | architect, so you would have to figure that out.
15 | We're -- I'm saying --

16 | MR. PEREIRAS: But I did figure it out.

17 | CHAIRPERSON CAPIZZI: My comment is --

18 | MR. PEREIRAS: And --

19 | CHAIRPERSON CAPIZZI: -- I feel it's a big
20 | project. Can you scale it back?

21 | I would ask you to go and figure that out.

22 | MR. PEREIRAS: But I did figure it out.

23 | CHAIRPERSON CAPIZZI: I'm not the
24 | architect.

25 | MR. PEREIRAS: So, I -- I figured it out,

1 and instead of going with another floor, and
2 having 98 units, I came in --

3 CHAIRPERSON CAPIZZI: Well, bigger?

4 MR. PEREIRAS: -- for 74 units.

5 CHAIRPERSON CAPIZZI: That's not the way
6 we're going here.

7 MR. PEREIRAS: Exactly. But that's --

8 CHAIRPERSON CAPIZZI: Right.

9 MR. PEREIRAS: -- why I'm presenting a 74
10 unit apartment.

11 CHAIRPERSON CAPIZZI: Okay. Well --

12 MR. ORTIZ: I mean, it's your -- it's your
13 call. If you want to -- if you want to consider
14 it, it's your -- it's entirely your call, before
15 the Board votes.

16 I mean, look, you have the right to be
17 heard. And -- and we recognize that.

18 I hear and you hear, you've both been
19 before this Board long enough to know when --
20 when you hear trepidation on the part of the
21 Board members. And that's what I'm hearing.

22 I could be wrong.

23 MR. PEREIRAS: And I understand. But there
24 is -- too big means very specific things.

25 Too big can mean it's too big because the

1 building's too big and it's creating all these
2 variances. And therefore, hey, developer, you
3 should size it down.

4 But I'm looking at the variances and we
5 don't have a lot of variances. So, it doesn't
6 mean that, if I understand correctly, and I
7 understand this Board.

8 That's not what it means.

9 So, too big, to me, the only other logical
10 thing that I could think of is you're telling me
11 it's producing too much traffic.

12 CHAIRPERSON CAPIZZI: No, it does mean size
13 it down. So, that the effect --

14 MR. ORTIZ: And -- and --

15 CHAIRPERSON CAPIZZI: -- is less traffic,
16 less construction, less garbage. That's what we
17 are asking --

18 MR. PEREIRAS: But --

19 CHAIRPERSON CAPIZZI: -- you to do. To
20 size it down. Yes.

21 MS. MOREJON: Because it's a big --

22 CHAIRPERSON CAPIZZI: I think that's --

23 MS. MOREJON: -- tall --

24 CHAIRPERSON CAPIZZI: -- what smaller
25 means.

1 MR. PEREIRAS: It's a very big lot. It's
2 almost three times --

3 MS. MOREJON: I know.

4 MR. PEREIRAS: -- the size, so --

5 MS. MOREJON: I know the lot.

6 MR. PEREIRAS: -- there -- there's --

7 MS. MOREJON: I remember the Italian
8 Community Center.

9 MR. ORTIZ: Yeah.

10 MS. MOREJON: Remember. Remember?

11 MR. ORTIZ: Used to go to dances there.

12 MS. MOREJON: They used to have a lot of
13 parties there. It's a big lot.

14 MR. ORTIZ: It's a big lot, but there's --
15 you know, look, it's your call. Entirely your
16 call.

17 I mean, you got to decide if this needs to
18 be scaled down, in your opinion.

19 MR. PEREIRAS: I think it's important to
20 understand, also --

21 MS. PEREIRAS: You know, and because we --
22 Mr. Pereiras discussed some of the variances,
23 which, again, are only four variances, I'd like
24 to call up our planner, because I think he could
25 elaborate even best on -- on those variances, and

1 | why we're asking for them.

2 | Mr. Kauker?

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

5 | MR. DILLON: Please raise your right hand.

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

8 | MR. KAUKER: I do.

9 | MR. DILLON: State your name and spell it
10 | for the record.

11 | MR. KAUKER: Excuse me. Michael D. Kauker,
12 | K-A-U-K-E-R.

13 | MR. DILLON: Sorry.

14 | Manny, can you give him the mic?

15 | MS. PEREIRAS: Mic.

16 | MR. KAUKER: Manny's going to walk away
17 | with it.

18 | MR. DILLON: Yeah.

19 | MS. PEREIRAS: He wants to keep going.

20 | MR. ORTIZ: As much as he's here, he might
21 | as well and just bring it back every month.

22 | MR. KAUKER: The first time I testified
23 | here, I actually almost walked out with this
24 | thing.

25 | MR. DILLON: It happens, unfortunately.

1 MR. KAUKER: This is going back quite some
2 time.

3 I just wanted to address a couple of
4 things, and try to get a little clarity on what
5 -- what the Board's asking for.

6 As I'm sitting in the audience, and I'm
7 listening to some of your concerns -- you know,
8 from -- from a planning standpoint -- you know,
9 one of the things that you're properly looking at
10 are devia -- or you know, deviations from the
11 Zoning Ordinance, and specific impacts that --
12 that they generate.

13 And I -- and I'm trying to get a handle on
14 exactly what those impacts are, because really,
15 what you have to look at, when assessing the
16 variances, are the -- the degree of those
17 impacts, and how they effect the surrounding
18 area.

19 And obviously, as we went through our
20 testimony, and Mr. Pereiras just mentioned -- you
21 know, the variances that are being generated from
22 the proposal are ones that aren't very
23 significant, at least in my opinion.

24 You talked about -- and he talked about --
25 you know, you talked about the size of the

1 project.

2 One of the things I think you spoke about
3 was traffic generated from the project.

4 What I'll tell the Board that is the
5 Planning Board actually has no authority to
6 consider off-site traffic impacts when assessing
7 a site plan application for a permitted use.

8 If you like, there's actually case law in
9 Cox that speaks to that issue, which really --
10 that's really a -- the governing body's authority
11 to consider off-site traffic impact.

12 So, that -- if traffic -- off-site traffic
13 impacts are your concern, it's really not under
14 your purview to consider that, with respect to
15 the project.

16 CHAIRPERSON CAPIZZI: So, when we look at a
17 project, we shouldn't worry about traffic.

18 MR. KAUKER: You --

19 CHAIRPERSON CAPIZZI: Is that what you're
20 saying?

21 MR. KAUKER: Not that you shouldn't worry
22 about it, but you can't. You -- it --

23 CHAIRPERSON CAPIZZI: So why --

24 MR. KAUKER: -- specifically --

25 CHAIRPERSON CAPIZZI: -- do you have a

1 traffic expert here?

2 MR. KAUKER: Well, he was here to talk
3 about the parking. And then, obviously --

4 CHAIRPERSON CAPIZZI: Not the traffic?

5 MR. KAUKER: No. I mean, if you like, you
6 can have your attorney --

7 CHAIRPERSON CAPIZZI: He only talked about
8 the --

9 MR. KAUKER: -- review it.

10 CHAIRPERSON CAPIZZI: -- traffic.

11 MR. KAUKER: He did talk about it, but
12 that's -- obviously, it's something that -- you
13 know, they talk about.

14 But what I'm saying is the Board can't deny
15 an application based upon traffic --

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. KAUKER: -- impacts.

18 MR. ORTIZ: But they can, based on a
19 parking variance.

20 MR. KAUKER: On a parking variance. That's
21 correct.

22 And that's what the traffic engineer
23 testified to was with respect to the parking
24 variance.

25 You know, some of the other things -- and

1 obviously, the size of the building, I'm trying
2 to understand, as Mr. Pereiras is trying to
3 understand -- you know, really, exactly what the
4 issues are that you have with the -- you know, if
5 we decrease the size of the building, then,
6 obviously, you can address some of those
7 variances, in terms of setbacks.

8 If you're concerned about the number of
9 units, the number of units can be reduced, but
10 that doesn't necessarily decrease the size of the
11 building.

12 And don't forget, the size of the building
13 is really intended -- and -- and the coverage,
14 it's -- it's really a product of providing the --
15 the ground floor parking in the structure itself.

16 Some of the other things that I did touch
17 on in my testimony, that I just want to just
18 mention again, briefly, is that your Master Plan
19 does have certain recommendations, such as zero
20 lot line setbacks.

21 So, they -- and they actually recommend
22 that increased coverage is permitted where
23 parking is provided within the building.

24 So, those are some recommendations that are
25 provided for in your Master Plan, and actually

1 recommended.

2 You know, so I -- I think what Mr. Pereiras
3 was saying is if there's specific identifiable
4 impacts -- you know, that are generated from this
5 project, and from the size of the project, he'd
6 be pleased to address them.

7 But I think he's asking for, and we're
8 asking for just a little bit more clarity in
9 terms of what they actually are.

10 MR. ORTIZ: Well, let's -- and please,
11 members of the Board --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ORTIZ: -- I'm just trying to read the
14 tea leaves, as well, so understand that.

15 The volume of parking, and as it effects
16 the traffic, because you can't -- you can't
17 entirely separate the two. That's why you have a
18 traffic engineer. So, I mean, one effects the
19 other, to some extent.

20 But putting that as -- putting the traffic
21 aside.

22 The volume of the lack of parking, is that
23 a -- that seems to be somewhat of a problem for
24 -- for you folks?

25 Am I correct when I say that?

1 CHAIRPERSON CAPIZZI: Yes.

2 MR. ORTIZ: I mean, so it -- I guess,
3 essentially, what we're looking -- scale the
4 number of units down, increase the number of
5 parking. If you can do that, that would probably
6 help.

7 So, I mean, that's as clear as I can
8 possibly get from what I'm read -- reading from
9 my Board.

10 MS. PEREIRAS: Okay.

11 Then, I'll just say, look, this is a
12 project that we've taken a lot of care with. And
13 obviously, we want this to be something that's
14 embraced by this Board.

15 And noting Madam Chair's hesitation with
16 this project, the only thing we can do is really
17 try to look at this again, and see if there is
18 any kind of movement --

19 MR. ORTIZ: Look, Ms. Pereiras, --

20 MS. PEREIRAS: Um hum.

21 MR. ORTIZ: -- you know this Board is
22 pretty, pretty pro-development overall. And --

23 MS. PEREIRAS: Um hum. It's a pleasure
24 appearing in front of this Board every month.

25 MR. ORTIZ: I mean, believe me because --

1 MS. PEREIRAS: I'm the first to say that.

2 MR. ORTIZ: Yeah. You appear before half
3 the other boards, --

4 MS. PEREIRAS: Um hum.

5 MR. ORTIZ: -- not only in Hudson County,
6 but then go to suburbia and try --

7 MS. PEREIRAS: I know. I know.

8 MR. ORTIZ: -- when you need a variance for
9 a six foot fence.

10 MS. PEREIRAS: Um hum.

11 MR. ORTIZ: So, when this Board has
12 reservations, it's not without thought being put
13 into it.

14 MR. VELAZQUEZ: And none of the residents
15 ever contacted you around the surrounding areas?

16 MS. PEREIRAS: No.

17 MR. VELAZQUEZ: They complain about
18 everything.

19 MS. PEREIRAS: They contacted us for
20 parking. If they could park there.

21 MR. ORTIZ: Well, they're losing parking,
22 because currently, it's being rented.

23 Right?

24 MR. VELAZQUEZ: Yeah.

25 MS. PEREIRAS: Right.

1 MR. ORTIZ: That's what they're more
2 concerned about.

3 MS. PEREIRAS: Right.

4 MS. MOREJON: But I don't think nobody
5 wants to see an empty lot.

6 MR. VELAZQUEZ: No.

7 MS. PEREIRAS: No. It's been there --

8 CHAIRPERSON CAPIZZI: Of course not.

9 MS. MOREJON: But it's been like that for
10 many years.

11 MS. PEREIRAS: -- for a long time. We --

12 MS. MOREJON: Nobody wants to see that
13 empty lot.

14 CHAIRPERSON CAPIZZI: Right.

15 MS. MOREJON: You see -- I pass through
16 there every day and ewww --

17 MS. PEREIRAS: And like I said --

18 MR. ORTIZ: No, something has to go there.

19 MS. PEREIRAS: -- this is a project --

20 MR. ORTIZ: It's an urban --

21 MS. PEREIRAS: Right.

22 MR. ORTIZ: It's just a matter of does just
23 anything have to go there?

24 And please, I'm not knocking your project
25 in particular, I'm just saying, as a general

1 matter.

2 You know this Board doesn't --

3 MS. PEREIRAS: Understood.

4 MR. ORTIZ: -- is not a hard Board to deal
5 with normally.

6 MS. PEREIRAS: Like I said, it's a project
7 we've taken a lot of care with, and obviously, we
8 don't want to see it shot down.

9 We thought our variances were reasonable.
10 They're -- we thought they were insignificant, in
11 the grand scheme of things.

12 But if the Board wants us to try to
13 reevaluate, we'll continue doing our homework and
14 trying to figure out if there's something else
15 that --

16 MR. ORTIZ: This way --

17 MS. PEREIRAS: -- works. We don't know if
18 there is a way to do it.

19 MR. ORTIZ: But this way, the door is still
20 open versus --

21 CHAIRPERSON CAPIZZI: Right.

22 MS. PEREIRAS: Absolutely.

23 MR. ORTIZ: You know, I -- I think that's
24 the prudent thing to do, just hearing the Board,
25 not knowing what they would vote for, but -- or

1 | vote again.

2 | But you -- you probably have as much
3 | experience with this Board as I do.

4 | MS. PEREIRAS: And the only thing I'm going
5 | to request, counsel, is if this matter is carried
6 | -- this application -- we submitted this
7 | application back in January. We were delayed
8 | last month, unfortunately.

9 | But we'd like to resolve this as quickly as
10 | possible.

11 | MR. ORTIZ: That's understandable.

12 | MS. PEREIRAS: I know you have a Special
13 | Meeting come up on July 11th, we hope to have some
14 | amendment done quickly and in time, and we'll
15 | rush to do that because again, this is something
16 | that's very, very important to us, and we're very
17 | passionate about.

18 | So, if we can have that addressed at that
19 | meeting --

20 | MR. ORTIZ: He has the schedule.

21 | MS. PEREIRAS: -- that would be great.

22 | MR. ORTIZ: I don't -- I don't control
23 | that.

24 | CHAIRPERSON CAPIZZI: July 11th is full, he
25 | said.

1 MR. ORTIZ: He's saying that -- what he
2 just told me is July 11th is full.

3 We are having a meeting on, what, the 27th?

4 CHAIRPERSON CAPIZZI: Twenty --

5 MR. VELAZQUEZ: Twenty-fifth.

6 MR. ORTIZ: Twenty-fifth?

7 MS. MOREJON: Twenty-fifth.

8 MR. ORTIZ: And it might take you that long
9 to -- to take a look at this, anyway. So, that's
10 what -- I guess, and the Clerk schedules it, I
11 don't.

12 MS. PEREIRAS: I understand.

13 MR. ORTIZ: As you know, I don't have --
14 I'm only the lowly attorney.

15 So -- so, we're looking at -- at the 25th,
16 then.

17 Just so you -- you're aware. I mean --

18 MR. PEREIRAS: Okay.

19 And I look forward to the opportunity to
20 try to make this project even better. I --

21 MR. VELAZQUEZ: I could even -- like I
22 said, even just hearing now what I have to hear,
23 I would like to send it to the Port Authority,
24 whatever -- you know, what's going on.

25 I think the -- everything there is -- is

1 great, in my opinion. But it's just issues right
2 now.

3 I don't want to see it die, but it's just
4 -- we just -- I just have to -- in my heart,
5 right now, I have to explore different, right
6 now. I'm not ready for it. Today.

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

9 MR. ORTIZ: Okay. So, you're saying that
10 you -- if you -- if you could be back to us --

11 I mean, I'll -- I'll -- at this point, if
12 you want to just get back to Carlos in the next
13 day or two -- I mean, obviously, the 11th will
14 come like that.

15 MS. PEREIRAS: Okay.

16 MR. PEREIRAS: I'll start drafting as soon
17 as we --

18 MR. ORTIZ: No, but what I'm saying is
19 which date.

20 MS. PEREIRAS: If you could put us on for
21 the 11th, God forbid --

22 MR. ORTIZ: Carlos --

23 MS. PEREIRAS: -- if we're not prepared, I
24 can always ask this Board to adjourn me to the
25 25th, if you were --

1 MR. ORTIZ: That's what Carlos just said.

2 MS. PEREIRAS: -- to be so kind.

3 CHAIRPERSON CAPIZZI: Okay.

4 MS. PEREIRAS: Okay.

5 MR. ORTIZ: I mean --

6 MS. PEREIRAS: Thank you, Carlos.

7 MR. PEREIRAS: Thank you.

8 THE SECRETARY: July 11, then?

9 CHAIRPERSON CAPIZZI: Yes.

10 MS. PEREIRAS: Please.

11 Thank you.

12 MR. ORTIZ: I need to make a phone call.

13 I'm sorry. I don't want to keep you here longer
14 than I have to, but --

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. ORTIZ: We'll take a five minute break
17 again?

18 THE SECRETARY: Yeah.

19 MS. PEREIRAS: To carry it?

20 MR. ORTIZ: I feel like we're --

21 MS. PEREIRAS: Was it -- was it carried?

22 MR. ORTIZ: Why don't we carry --

23 MS. PEREIRAS: Then I'll be in trouble.

24 MR. ORTIZ: Thank you. Thank you. Thank
25 you.

1 CHAIRPERSON CAPIZZI: Carlos, what are --

2 THE SECRETARY: Yes, ma'am.

3 MR. ORTIZ: Motion to carry.

4 THE SECRETARY: Motion to adjourn the
5 application for the Special Meeting on July 11.

6 CHAIRPERSON CAPIZZI: Okay. I'll make that
7 motion.

8 THE SECRETARY: By Mrs. Capizzi.

9 MR. VELAZQUEZ: I second it.

10 THE SECRETARY: Second by Ms. Morejon.

11 Roll call on the motion to carry this
12 application to the Special Meeting on July 11.

13 Mrs. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Seven in favor, motion
3 carries. Next meeting for this application will
4 be July 11. Same time.

5 Thank you.

6 MR. ORTIZ: Two minutes?

7

8 (Whereupon, the Board recessed from 7:51
9 p.m. to 8:03 p.m.)

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11 (Whereupon, Carolina Fernandez left the
12 meeting at 8:04 p.m.)

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1 **32nd & 33rd Street, Union City, LLC -**

2 **412-418 32nd Street & 407-413 33rd Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 32nd and 33rd Street Union City,
6 LLC, 412-418 32nd Street and 407-413 33rd Street.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Thank you.

9 MR. ORTIZ: Well, first, I've -- Madam
10 Chairwoman, I've reviewed the submissions by
11 counsel. Everything seems to be in order, giving
12 jurisdiction to this Board.

13 They're -- based on what I believe Ms.
14 Pereiras is going to say, which means we're
15 taking jurisdiction.

16 MS. PEREIRAS: Yes, please.

17 THE SECRETARY: Thank you, sir.

18 Let the record indicate that Mrs. Fernandez
19 has leave (sic) the meeting; Mrs. Fernandez.

20 We have six Board members.

21 Thank you, Ms. Pereiras.

22 MS. PEREIRAS: Madam Chair, counsel, we're
23 asking for this matter to be carried to your next
24 Regular Meeting so that we can look at the
25 drawings again, but mostly I think there is a

1 meeting that the Board would like to have before
2 then, that might help our application somewhat,
3 and I'd like that to happen before we present.

4 MR. VELAZQUEZ: This is more --

5 MS. PEREIRAS: We should have put that one
6 on first, and then the other one.

7 MR. ORTIZ: So, with that being said, we'll
8 -- I don't know if this can be carried,
9 unfortunately, to the 11th. That's the only
10 thing.

11 MS. PEREIRAS: That's fine.

12 MR. ORTIZ: You know, and July -- you know,
13 is packed, and I was just already on the phone
14 with Mr. McNamara for -- even he's getting push
15 back.

16 So, it's probably likely to be the
17 September meeting, at this point.

18 You realize that?

19 MS. PEREIRAS: Would you be able to carry
20 us to the 25th? And then, depending on how the --
21 the agenda goes, I'm happy to --

22 MR. ORTIZ: Well --

23 THE SECRETARY: The 25th is very, very --
24 is full.

25 MR. ORTIZ: I mean, that's -- I think

1 | that's unreal -- we're trying to squeeze in the
2 | other one for the 11th for you.

3 | MS. PEREIRAS: Right.

4 | MR. ORTIZ: But, realistically, I mean, do
5 | you want to come in, and for us to tell you we're
6 | -- or not -- not come -- you know. I mean it's
7 | going to probably be too packed. I mean, that's
8 | just my opinion.

9 | MS. PEREIRAS: Again, and it's just I'm
10 | hoping to address this sooner rather than later.
11 | This is also an application --

12 | MR. ORTIZ: If we --

13 | MS. PEREIRAS: -- we submitted back in
14 | January, and I guess the Board first told us we
15 | need a special meeting, because it's large. And
16 | --

17 | MR. ORTIZ: I -- I understand.

18 | MS. PEREIRAS: Unfortunately, it was
19 | delayed.

20 | THE SECRETARY: Because we have another
21 | application --

22 | MR. ORTIZ: I mean, realistically though,
23 | and you -- and you tell me, realistically, the
24 | September is the realistic date for this to be
25 | adjourned to?

1 Carlos, I mean, you schedule -- you
2 schedule it.

3 I mean --

4 MS. PEREIRAS: And my only issue is, I just
5 spoke to my client over the phone. I said, I'm
6 going to adjourn it, and I assumed it was the
7 July meeting.

8 I don't want to now get his permission
9 again --

10 MR. ORTIZ: But blame us.

11 MS. PEREIRAS: -- to adjourn it.

12 MR. ORTIZ: Blame --

13 MS. PEREIRAS: And tell him now --

14 MR. ORTIZ: Blame --

15 MS. PEREIRAS: -- it's September.

16 MR. ORTIZ: Blame us. I mean -- you know
17 --

18 MS. PEREIRAS: And again, an application --

19 MR. ORTIZ: If -- if -- and I doubt that
20 it's going to happen, but if by chance we wound
21 up having a Special Meeting in August, that we
22 could do.

23 I don't think it's going to happen.

24 MS. PEREIRAS: Understood. And the only
25 thing I'm asking, if the Board tells me, then,

1 closer to the July 25th meeting, Bianca, we're
2 packed. I'm sorry, we can't hear you. Then I'll
3 even send in a letter and ask for it to be
4 carried to the next meeting.

5 But at least having that opportunity, or
6 that potential of having it heard on the 25th, I
7 would appreciate that.

8 MR. ORTIZ: Well, I mean, there's only so
9 much we can do in each meeting.

10 MR. VELAZQUEZ: Yeah. Is there anything --
11 (indiscernible) -- here?

12 THE SECRETARY: No, the other meeting we
13 have set up.

14 MR. VELAZQUEZ: (Indiscernible).

15 Putting everything on the 11th now.

16 MR. ORTIZ: We'll put you on for the 25th,
17 with the condition that --

18 MR. VELAZQUEZ: Yeah.

19 MR. ORTIZ: -- you just put on the record.
20 That's the best bet.

21 It may not happen. So everybody's fully
22 aware that it may not happen on -- on July 25th.
23 But we'll adjourn to that and then if we can't --

24 MS. MOREJON: And it's time to make an
25 effort because they've been here two times.

1 MS. PEREIRAS: I appreciate it.

2 MR. ORTIZ: -- you'll be accommodating.

3 MR. VELAZQUEZ: They are. They're going to
4 do that.

5 MS. PEREIRAS: I'll confer with you prior
6 to that, and if you tell me you're packed --

7 MS. MOREJON: Let's try to make an effort
8 because they've been here two times.

9 MR. VELAZQUEZ: They are. We are. The
10 25th.

11 MS. PEREIRAS: Okay. I'll speak to Carlos.

12 MR. VELAZQUEZ: And if he changes his mind,
13 he'll send us a magical email.

14 CHAIRPERSON CAPIZZI: Okay.

15 Do we have to make a motion?

16 THE SECRETARY: Motion to -- to adjourn the
17 application?

18 CHAIRPERSON CAPIZZI: Do we have to say a
19 date?

20 MR. ORTIZ: To --

21 THE SECRETARY: I --

22 MR. ORTIZ: To -- I -- I --

23 THE SECRETARY: July 25th.

24 MR. ORTIZ: No. Here's the motion, if you
25 don't mind?

1 CHAIRPERSON CAPIZZI: Go ahead. No, no.

2 MR. ORTIZ: We're adjourning it to July
3 25th, conditioned on the ability for the Board to
4 hear it.

5 If not, it will be the September meeting.
6 Is that fair?

7 MS. PEREIRAS: That's fine.

8 CHAIRPERSON CAPIZZI: Okay. I'll make that
9 motion.

10 THE SECRETARY: Motion on the table by Mrs.
11 Capizzi.

12 MR. VELAZQUEZ: Second.

13 THE SECRETARY: Second by Mr. Velazquez.
14 Roll call on the motion.

15 Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mrs. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Six in favor, motion
3 carries. Next meeting is on July 25th, or
4 September.

5 MS. PEREIRAS: Good night, everybody.

6 CHAIRPERSON CAPIZZI: Good night.

7 MS. MOREJON: Good night.

8 Thank you.

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

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RESOLUTIONS:

(1) Jasen Bellamy, 819 21st Street, Block 107, Lot 14. Legalization of an existing apartment to create three residential units. **Approved ***

(2) Leighton Louie, 134 40th Street, Block 238, Lot 2. Legalize an existing apartment, to go from a two family to a three family. **Approved ***

(3) Simy Kramarsky, 127 35th Street, Block 208, Lot 37. Convert an existing two family unit to a three family. **Approved ***

(4) Hoboken Heights, LLC, 1300 Manhattan Avenue, Block 187, Lots 1.01, 1.02, 3, 4 and Block 185, Lots 1, 2, 18-27. Resolution was memorialized on February 28, 2006. Applicants are seeking for one year extension. **Approved ***

(5) 1810 Kennedy LLC, 1810 Kennedy Boulevard, Block 96, Lot 5. Propose the legalization of three apartments making it a three family.

Approved *

***(at previous meeting.)**

CHAIRPERSON CAPIZZI: Resolutions, Carlos.

THE SECRETARY: Next on the agenda,

Resolutions.

1 We have five Resolution on tonight's
2 agenda.

3 Jasen Bellamy, 819 21st Street.

4 Leighton Louie, that's the second
5 Resolution, 134 40th Street.

6 Third Resolution --

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

9 THE SECRETARY: I'm sorry.

10 One more time.

11 Resolutions.

12 First Resolution, Jasen Bellamy, 819 21st
13 Street.

14 Second Resolution, Leighton Louie, 134 40th
15 Street.

16 Third Resolution, Simy Kramarsky, 127 35th
17 Street.

18 Four Resolution, Hoboken Heights, LLC, 1300
19 Manhattan Avenue.

20 And number fifth (sic) Resolution, 1810
21 Kennedy Boulevard, LLC, 1810 Kennedy Boulevard.

22 Can I have a motion to adopt these
23 Resolutions?

24 CHAIRPERSON CAPIZZI: Make a motion.

25 THE SECRETARY: Motion by Mrs. Capizzi.

1 MR. VELAZQUEZ: Hold on, Willie.

2 MR. ORTIZ: Yes, sir?

3 MR. VELAZQUEZ: These are familiar to me,
4 but I wasn't here for the second one.

5 MR. ORTIZ: I would --

6 MS. MOREJON: So you have to abstain.

7 MR. ORTIZ: I would abstain.

8 MR. VELAZQUEZ: I -- I was here --

9 MR. ORTIZ: If -- if you're not
10 comfortable.

11 MR. VELAZQUEZ: -- when they started it,
12 but I -- yeah.

13 MR. ORTIZ: I would abstain. If you're not
14 comfortable that you sat through the entire
15 presentations, I would --

16 MR. VELAZQUEZ: Only one, four.

17 THE SECRETARY: Motion -- a motion on the
18 table by Mrs. Capizzi.

19 Any second?

20 MR. ORTIZ: Wait, wait.

21 MS. MOREJON: Second.

22 Second.

23 THE SECRETARY: Second by Ms. Morejon.

24 MS. MOREJON: You abstain; say that.

25 MR. ORTIZ: If you -- the ones that -- the

1 | ones that you're not sure, or you know you didn't
2 | sit through the entire presentation, then abstain
3 | as to those.

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

6 | THE SECRETARY: Roll call on the motion to
7 | adopt the Resolutions.

8 | Ms. Capizzi?

9 | CHAIRPERSON CAPIZZI: Yes.

10 | THE SECRETARY: Ms. Genao?

11 | MS. GENAO: Yes.

12 | THE SECRETARY: Mr. Medina?

13 | MR. MEDINA: Yes.

14 | THE SECRETARY: Mrs. Morejon?

15 | MS. MOREJON: Yes.

16 | THE SECRETARY: Mr. Velazquez?

17 | MR. VELAZQUEZ: Yes to four.

18 | Abstain one, two, three, and five.

19 | THE SECRETARY: Abstain one, two, three,
20 | and five.

21 | On number four, yes.

22 | Commissioner Valdivia?

23 | COMMISSIONER VALDIVIA: Yes.

24 | THE SECRETARY: Motion carries.

25 | Let the record indicate all the Resolution

1 have been adopted.

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1 **ADJOURNMENT:**

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

6 MS. MOREJON: Motion.

7 THE SECRETARY: Motion by Mrs. Morejon.
8 Second by?

9 CHAIRPERSON CAPIZZI: Me.

10 THE SECRETARY: Second by Mrs. Capizzi.
11 All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

16 Thank you.

17 Good night, everyone.

18 Let the record show up the meeting has
19 ended.

20

21 (Whereupon, the proceedings were concluded
22 at 8:12 p.m.)

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24

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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, June 27, 2017 and digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon