

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

SPECIAL MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, July 11, 2017
Commencing at 6:06 p.m.

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

CAROLINA FERNANDEZ
RUDY RIVERO, (Arrived at 6:08 p.m.)
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON

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:

ALAIN MULKAY, ESQ.,
Attorney for Applicant, Edward Briosio

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Evelyn Vidal

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
3229 Bergenline Ave. Realty, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
Laconte Family Charitable Found.

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

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1 THE SECRETARY: Attention, please.

2 Please take notice that on Tuesday, July
3 11, 2017, at six p.m., a Special Meeting is
4 called -- is scheduled for the City of Union City
5 Planning Board, to be held in the Municipal
6 Chamber, City Hall, 3715 Palisade Avenue, Union
7 City, New Jersey.

8 Can everybody kindly rise to salute the
9 flag, please?

10

11 (Whereupon, the Pledge of Allegiance was
12 said by all.)

13

14 THE SECRETARY: Thank you.

15 This meeting called in compliance with
16 Chapter 231, Public Law 1975, of the Open Public
17 Meetings Act.

18 Notice of this meeting has been provided as
19 follow:

20 Notice of this meeting, setting forth the
21 time, day, and location, and the agenda, to the
22 extent known, was forward to The Jersey Journal,
23 to The Record, and to The Hudson Reporter, has
24 been posted on the bulletin board in the City
25 Hall, and has been made available to the public

1 in the City -- of the Municipal Clerk's Office.

2

3 **ROLL CALL:**

4

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

7 Mayor Brian P. Stack? Absent.

8 Ydalia Genao? Absent.

9 Commissioner Celin Valdivia? Absent.

10 Alicia Morejon? Absent.

11 Diane Capizzi?

12 CHAIRPERSON CAPIZZI: Here.

13 THE SECRETARY: Carolina Fernandez?

14 MS. FERNANDEZ: Here.

15 THE SECRETARY: Rudy Rivero? Absent.

16 Franklin Medina?

17

18 (Whereupon, Rudy Rivero arrived at 6:08

19 p.m.)

20

21 MR. MEDINA: Here.

22 MR. ORTIZ: Mr. Rivero --

23 THE SECRETARY: Jeanne Koehler?

24 MR. ORTIZ: Mr. Rivero's present.

25 THE SECRETARY: Mrs. Koehler?

1 VICE CHAIRPERSON KOEHLER: Here.

2 THE SECRETARY: Alejandro Velazquez?

3 MR. VELAZQUEZ: Here.

4 THE SECRETARY: Jose Guareno?

5 MR. GUARENO: Here.

6 THE SECRETARY: Rudy Rivero?

7 Mr. Rivero is present.

8 Let the record indicate there are seven
9 members present.

10 No Resolution tonight's agenda.

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1 **Evelly Vidal - 308 7th Street:**

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3 THE SECRETARY: We are going to change a
4 little bit the order of tonight agenda.

5 We are going to go to item number 2. Evelly
6 Vidal, 308 7th Street.

7 Mr. Diaz, please?

8 MR. DIAZ: Good evening, Board members.

9 Luis Diaz for the applicant, Ms. Vidal,
10 who's sitting behind me in the -- on the second
11 row.

12 I'm going to provide counsel with the
13 documents for jurisdiction.

14 CHAIRPERSON CAPIZZI: We're doing the
15 second one first. This one. The top one, 308
16 7th.

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

19 MR. ORTIZ: Madam Chairwoman, I've reviewed
20 the submissions by counsel. Everything seems to
21 be in order, giving jurisdiction to the Board.

22 MR. DIAZ: May I proceed?

23 CHAIRPERSON CAPIZZI: Yes, please.

24 MR. DIAZ: Okay.

25 I'm just going to give you a little recap.

1 I only have one expert in this application.

2 This is the application of Evelyn Vidal,
3 who's sitting to my right on the first bench, 308
4 7th Street, Block 37, Lot 26, is the legalization
5 of a ground floor apartment. And it's really a
6 ground floor. There's some pictures there that
7 will show that -- that it's not a basement
8 apartment, and going from a two family to a three
9 family.

10 My expert in this matter is the architect,
11 Mr. Fernandez.

12 If I could have Mr. Fernandez qualified.
13 He has testified before this Board on a number of
14 occasions.

15 CHAIRPERSON CAPIZZI: Yes.

16 MR. DIAZ: And if I could have him
17 qualified?

18 Yes?

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. DIAZ: Mr. Fernandez is putting the
21 equipment on.

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

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. FERNANDEZ: I do.

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

5 MR. FERNANDEZ: Fernando Fernandez.

6 MR. DILLON: Thank you.

7 MR. FERNANDEZ: The address?

8 MR. DIAZ: No, no.

9 Mr. Fernandez, are you familiar with the
10 location of this application?

11 MR. FERNANDEZ: Yes.

12 MR. DIAZ: And are you familiar with the
13 plans that have been submitted --

14 MR. FERNANDEZ: Yes.

15 MR. DIAZ: -- with regard to the
16 application?

17 Could you explain to the Board what it is
18 that's being proposed?

19 MR. FERNANDEZ: We -- I had visited the
20 site twice. The plans were prepared by my staff.

21 Basically, the -- the plans indicate the
22 floor plans for an existing structure. The first
23 two floors are two bedroom units, each one. And
24 the apartment in question is the one at grade,
25 which is basically a one bedroom apartment, which

1 it's accessed from the street.

2 It's right at grade. It's not a basement
3 apartment. We're not proposing any addition, no
4 new land coverage. We're not proposing anything.

5 MR. DIAZ: The shell of the building will
6 stay the same?

7 MR. FERNANDEZ: The shell will stay as is.

8 From -- from my conversations with the
9 owner, the apartment was preexisting when they
10 purchased -- when she purchased the property in
11 1997.

12 MR. DIAZ: And I have Mrs. Vidal here,
13 who's the occupant of that apartment, and who
14 would like to have it legalized. Obviously, she
15 occupies it.

16 And also, for the reason that as you see in
17 the pictures, there is no stairs. And that is a
18 problem that -- that she has going upstairs, so
19 she would like to, obviously, continue habitating
20 that apartment in a legal manner.

21 She's here if you have to ask her any
22 questions.

23 Other than going through the variances, Mr.
24 Fernandez, there's a number of variances that are
25 --

1 MR. FERNANDEZ: Yeah. There are a number
2 of variances that are required. They're all
3 preexisting. Basically, it has to do with the
4 setbacks, the side setbacks, and of course, the
5 parking for a three family. There's only one
6 parking space available. And the land coverage.

7 Basically, there is one, two, three
8 variances that we're requesting, and these are
9 preexisting conditions, except, of course, for
10 the parking.

11 The parking -- there's a requirement of, by
12 the City, of six spaces, by the State of seven.
13 And we're only providing one, that's existing.

14 MR. DIAZ: And Mr. Fernandez, as you have
15 visited the site, the adjacent lots, are they
16 occupied? Are they built?

17 MR. FERNANDEZ: Yeah. The -- pretty much
18 that street is all built out. It's new --
19 different types of structures.

20 To her east, there's a structure similar to
21 hers. To the west, there's a church on the north
22 side of that street. To the south of her, in the
23 same street, there's a multi-family building. It
24 looks fairly new.

25 And so, that's -- that's mixed together

1 with other older structures that are two, three
2 stories high, and the uses, I can't say what they
3 are, but I would think they're multi-families in
4 -- in that street.

5 Again, we're not expanding the -- the
6 volume of the building. It's staying as is.
7 We're not increasing the coverage. We're not --
8 we're not doing anything.

9 The apartment itself inside is -- we're not
10 doing any work, unless it's required by the
11 Building Department, which we haven't addressed
12 that until this, of course, gets approved.

13 If it gets --

14 MR. DIAZ: If it gets approved.

15 MR. FERNANDEZ: If it gets approved.

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. FERNANDEZ: But the Building
18 Department, once -- if it does get approved, we
19 would have to, basically, make the building
20 compliant with -- with the latest Codes, the
21 Rehab Codes.

22 MR. DIAZ: Now, Mr. Fernandez, as you have
23 testified, all the surrounding lots are all
24 constructed. They're all occupied. So, there is
25 no vacant area, adjacent to this property, that

1 | could be acquired in order to be able to comply.

2 | MR. FERNANDEZ: Well, I don't recall any
3 | vacant properties adjacent to this -- to this
4 | house, to this building.

5 | MR. DIAZ: And that -- in your opinion,
6 | would that constitute a hardship for which the
7 | variance is being requested?

8 | MR. FERNANDEZ: I would say yes. There's
9 | no way for the parking to be provided at the
10 | site, within this property. And there's nothing
11 | within that street that is --

12 | CHAIRPERSON CAPIZZI: Right.

13 | MS. FERNANDEZ: I didn't see any parking
14 | lots anywhere in that street.

15 | MR. DIAZ: I have no more questions of this
16 | witness.

17 | CHAIRPERSON CAPIZZI: Anybody on the Board
18 | have any questions, or comments?

19 | So, you're basically asking us to legalize
20 | what's already preexisting.

21 | MR. DIAZ: What's already there, yes. And
22 | she has provided me with a -- when she purchased,
23 | she had construction permits.

24 | CHAIRPERSON CAPIZZI: Um hum.

25 | MR. DIAZ: And she also had the Fire

1 Department go in there and they all gave their
2 blessing.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. DIAZ: And that's how she bought it.
5 And --

6 CHAIRPERSON CAPIZZI: Right.

7 MR. DIAZ: -- for some reason, now, it's
8 coming up as -- as a problem, and that's why
9 we're before the Board.

10 CHAIRPERSON CAPIZZI: She has to correct
11 it.

12 Does anyone in the public have any
13 questions or comments on this application?

14 There's no issues --

15 MR. ORTIZ: I don't see anything.

16 CHAIRPERSON CAPIZZI: No?

17 Okay.

18 Seeing none.

19 I'll make a motion to approve the
20 application.

21 THE SECRETARY: Motion on the table to
22 approve the application by Ms. Capizzi.

23 MR. VELAZQUEZ: I second.

24 THE SECRETARY: Second by Mr. Rivero.

25 MR. VELAZQUEZ: Velazquez.

1 THE SECRETARY: Who?

2 MR. VELAZQUEZ: Velazquez.

3 THE SECRETARY: Sorry, sir.

4 Second by Mr. Velazquez.

5 Roll call on the motion.

6 Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Mr. Rivero?

9 MR. RIVERO: Yes.

10 THE SECRETARY: Ms. Fernandez?

11 MS. FERNANDEZ: Yes.

12 THE SECRETARY: Ms. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Velazquez?

17 MR. VELAZQUEZ: Yes.

18 THE SECRETARY: Mr. Guareno?

19 MR. GUARENO: Yes.

20 THE SECRETARY: Seven in favor, motion

21 carries.

22 MR. DIAZ: Thank you very much and have a

23 good night.

24 Thank you.

25 CHAIRPERSON CAPIZZI: Thank you.

1 You, too.

2 MR. FERNANDEZ: Thank you, Board. Thank
3 you very much.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 A VOICE: Thank you.

6 CHAIRPERSON CAPIZZI: You're welcome.

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

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1 **Edward Briosso - 1304-06 Kennedy Boulevard:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Edward Briosso, 1304-06 Kennedy
5 Boulevard.

6 Mr. Mulkay, please?

7 MR. ORTIZ: You're adjourning?

8 MR. MULKAY: Yeah. We're in the wrong
9 Board. So, we're going to re --

10 MR. ORTIZ: Okay,
11 Yours is number one.

12 Right?

13 MR. MULKAY: Yeah. We were number one,
14 yeah.

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. MULKAY: It -- it appears that after we
17 reviewed it with our experts, we've determined
18 that we're in the wrong Board.

19 We're going to republish to go before the
20 Zoning Board, once we get a date from the Clerk.

21 So, we're withdrawing the application from
22 this Board.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. MULKAY: All right?

25 CHAIRPERSON CAPIZZI: Yes.

1 Thank you.

2 MR. MULKAY: Thank you.

3 MR. ORTIZ: Okay, that was easy.

4 THE SECRETARY: Thank you.

5 CHAIRPERSON CAPIZZI: Okay.

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

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1 **3229 Bergenline Avenue Realty, LLC -**

2 **3229-31 Bergenline Avenue:**

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4 THE SECRETARY: Okay.

5 Next application on tonight's agenda, 3229
6 Bergenline Avenue Realty, LLC, 3229-31 Bergenline
7 Avenue.

8 Mrs. Pereiras, please?

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

11 MR. ORTIZ: Thank you, sir.

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

14 MR. ORTIZ: Madam Chairwoman, I see -- I've
15 reviewed the submissions by counsel. Everything
16 seems to be in order, giving jurisdiction to the
17 Board.

18 CHAIRPERSON CAPIZZI: Okay.

19 MS. PEREIRAS: Good evening, Madam Chair,
20 counsel, members of the Board.

21 May it please the Board, Bianca Pereiras on
22 behalf of the applicant, 3229 Bergenline Avenue
23 Realty, LLC, in regard to their property at 3229-
24 31 Bergenline Avenue, also known as Block 193,
25 Lots 28 through 30.

1 Are we proceeding on this?

2 MR. ORTIZ: No.

3 MS. PEREIRAS: Okay. My understanding is
4 from the planner, that they would like us to
5 reconfigure some of the units in the --

6 MR. ORTIZ: I think --

7 MS. PEREIRAS: -- apartment.

8 MR. ORTIZ: I think your architect did -
9 Manny, you did submit them, but just like
10 two days ago.

11 Right?

12 Is that what -- on this one?

13 MR. PEREIRAS: We prepared the revision
14 that was requested and --

15 MR. DILLON: Manny, can you just -- can you
16 come --

17 MR. ORTIZ: But it was never filed.

18 If we could just file the amended
19 application and the plans, because they're not
20 with the clerk, they're with the planner.

21 MS. PEREIRAS: Okay. That's fine. So,
22 we'll submit that to you.

23 MR. ORTIZ: Yeah.

24 MS. PEREIRAS: That's not a problem.

25 MR. ORTIZ: So, that one's going to be

1 adjourned.

2 THE SECRETARY: For the next meeting?

3 MR. SPATZ: Yeah.

4 THE SECRETARY: All right. Could it be
5 September 26 or October 24?

6 We don't have any available space on the
7 next regular meeting.

8 MR. SPATZ: Twenty-sixth. We have on the
9 26th, or we don't?

10 MR. ORTIZ: Manny, if you don't mind me
11 asking you --

12 THE SECRETARY: September 26 is available.

13 MR. ORTIZ: -- the changes were minor,
14 right or --

15 THE SECRETARY: Maybe one space on October
16 24.

17 MR. PEREIRAS: They were extremely minor.

18 MS. PEREIRAS: They were very minor.

19 MR. PEREIRAS: One apartment unit was 533
20 square feet, where we had to make it at 550
21 square feet. So, we literally shifted the wall
22 six inches.

23 MR. ORTIZ: All right. So, there -- there
24 shouldn't be any reason to re-notice. Right?
25 Unless there --

1 MS. PEREIRAS: Oh, no.

2 MR. PEREIRAS: No. No. No --

3 MS. PEREIRAS: No changes.

4 MR. PEREIRAS: -- real change.

5 MS. PEREIRAS: No changes to the
6 application itself, either.

7 MR. ORTIZ: Okay. All right. It is what
8 it is.

9 Okay. The next one?

10 MS. PEREIRAS: Is --

11 THE SECRETARY: September -- September 26
12 --

13 MS. PEREIRAS: Is there any space on your
14 --

15 THE SECRETARY: -- and October 24.

16 MS. PEREIRAS: Is there any space on your
17 July meeting?

18 THE SECRETARY: No.

19 MR. ORTIZ: No.

20 THE SECRETARY: There's no space.
21 September 20 -- October?

22 MS. PEREIRAS: September?

23 MR. ORTIZ: Is that -- is that rock solid,
24 or we're not sure, September?

25 THE SECRETARY: We have a bunch of

1 application on line.

2 MS. PEREIRAS: Okay.

3 MR. ORTIZ: So --

4 THE SECRETARY: And --

5 MR. ORTIZ: I think basically --

6 THE SECRETARY: I think they would be
7 better October 24, Mr. Ortiz.

8 MR. ORTIZ: You -- as far as controlling
9 the calendar, that's essentially yours --

10 THE SECRETARY: Yeah.

11 MR. ORTIZ: -- and you know what it is.

12 THE SECRETARY: Yeah.

13 MR. ORTIZ: Okay.

14 MS. PEREIRAS: And again --

15 THE SECRETARY: October 24.

16 MS. PEREIRAS: Considering it's -- I'm
17 going to ask, if possible, that it could be on
18 the September agenda.

19 Again, I know sometimes some applications
20 fall through, they don't go forward.

21 MR. ORTIZ: Well, that -- we can play that
22 by ear.

23 MS. PEREIRAS: Okay.

24 MR. ORTIZ: That we -- that we can
25 definitely --

1 CHAIRPERSON CAPIZZI: Right.

2 MS. PEREIRAS: But then, the issue then, it
3 will be carried for the September meeting. If at
4 that point, the Board is unable to hear me, then
5 I'll obviously entertain --

6 MR. ORTIZ: Well, why don't we --

7 MS. PEREIRAS: -- carrying it then.

8 MR. ORTIZ: Why don't we talk in -- in
9 early September.

10 MS. PEREIRAS: Right. The only issue is
11 for purpose of this meeting --

12 MR. ORTIZ: Because we'll know better than.

13 MS. PEREIRAS: -- is to have it carried to
14 that September meeting, to avoid the need to re-
15 notice.

16 THE SECRETARY: Let's --

17 MR. ORTIZ: Okay.

18 THE SECRETARY: I didn't hear.

19 MR. ORTIZ: I understand. That's logical.

20 MR. SPATZ: You can schedule for September.

21 MR. ORTIZ: Although with -- with the
22 caveat that --

23 MR. SPATZ: If we can't hear them --

24 MR. ORTIZ: -- it may not --

25 MR. SPATZ: -- they'll need to go to the

1 October.

2 MR. ORTIZ: -- be heard that night.

3 MR. SPATZ: But at least this way, you --

4 MS. PEREIRAS: Understood.

5 MR. SPATZ: You have to give notice --

6 THE SECRETARY: Okay.

7 MS. PEREIRAS: But if it could be carried
8 formally --

9 MR. SPATZ: -- to a particular date.

10 MS. PEREIRAS: -- to September, then if
11 we're able to --

12 THE SECRETARY: Then --

13 MR. ORTIZ: Okay.

14 MS. PEREIRAS: -- proceed, I'd like to --

15 THE SECRETARY: Then you say September 26.

16 MR. ORTIZ: And you -- and you consent,
17 obviously, if, for some reason, it can't be
18 heard, it be carried to the October. If it can't
19 be heard.

20 I mean, again, he controls the calendar. I
21 just kind of sign off.

22 MS. PEREIRAS: No problem.

23 THE SECRETARY: That's mean September 26,
24 or October 24.

25 That's correct?

1 MS. PEREIRAS: I'm just nervous about
2 adjourning it with that language on the record.
3 If we could be adjourned to September, obviously,
4 I'm always courteous to the Board.

5 THE SECRETARY: We already --

6 MS. PEREIRAS: If the Board cannot hear me,
7 I'm happy to do it at that meeting.

8 THE SECRETARY: We already have a few
9 application, just --

10 MS. PEREIRAS: Carry it at that meeting.

11 MR. ORTIZ: I -- I don't have a problem
12 with it, but it --

13 MS. PEREIRAS: Um hum.

14 MR. ORTIZ: Again, it need -- it's kind of
15 got to be with that language because we don't
16 know for sure. We're trying to carry it. And if
17 -- like if other applications fall through, of
18 course.

19 MS. PEREIRAS: I understand. I'm just
20 saying if -- if, let's say, there is -- or you,
21 the Board, cannot hear me that day, I'd adjourn
22 it at that September meeting.

23 MR. ORTIZ: And we prob --

24 MS. PEREIRAS: I have no problem coming in
25 formally --

1 MR. ORTIZ: We --

2 MS. PEREIRAS: -- just to do that --

3 MR. ORTIZ: We could --

4 MS. PEREIRAS: -- even if that's the only
5 application.

6 MR. ORTIZ: And we could probably let you
7 know, and you could probably do it --

8 MS. PEREIRAS: I appreciate that.

9 MR. ORTIZ: -- through email, so that you
10 don't have to --

11 MS. PEREIRAS: Beautiful.

12 MR. ORTIZ: -- even come in.

13 MS. PEREIRAS: I appreciate that.

14 MR. ORTIZ: You know? So, that's fine.

15 Okay.

16 THE SECRETARY: Can I have a motion?

17 CHAIRPERSON CAPIZZI: I'll make the motion.

18 THE SECRETARY: That will be on --

19 MS. PEREIRAS: Carried to the September
20 meeting?

21 THE SECRETARY: September twenty -- 26, or

22 --

23 CHAIRPERSON CAPIZZI: If other --

24 THE SECRETARY: -- October 24.

25 CHAIRPERSON CAPIZZI: -- applications are

1 not -- because we're not going to overload one
2 meeting.

3 MR. PRICE: It has to be one or the other.

4 MS. PEREIRAS: Right.

5 MR. SPATZ: Yeah.

6 CHAIRPERSON CAPIZZI: Correct.

7 MS. PEREIRAS: Right.

8 MR. SPATZ: You got to pick a meeting.

9 CHAIRPERSON CAPIZZI: It does. Yes. I
10 agree.

11 So, I don't have the list of applications
12 for September.

13 MS. PEREIRAS: Um hum.

14 CHAIRPERSON CAPIZZI: And what I'm saying
15 is, we have to make a decision.

16 We're not going to overload one meeting and
17 then, say that it gets pushed to October.

18 What if, when -- by the time that comes,
19 what if there's five more applications for
20 October?

21 MR. ORTIZ: Well, there's five already for
22 September.

23 CHAIRPERSON CAPIZZI: September.

24 MS. PEREIRAS: Um hum.

25 MR. ORTIZ: I mean --

1 CHAIRPERSON CAPIZZI: So, it's going to
2 keep --

3 MR. ORTIZ: Unless they fall through, it's
4 not going to be heard in September.

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. ORTIZ: I mean, that's why -

7 CHAIRPERSON CAPIZZI: That's why I say
8 that.

9 MR. ORTIZ: -- that's why I want -- so that
10 the record's clear, so --

11 MR. SPATZ: No, you have to say a specific
12 date.

13 MR. ORTIZ: I'm just agreeing with counsel,
14 because if some of the applications that are on
15 the September meeting --

16 CHAIRPERSON CAPIZZI: We'll definitely hear
17 it.

18 MR. ORTIZ: But you got to understand,
19 there's a good -- I mean, you got to really --

20 MS. PEREIRAS: Right. I just -- I -- I
21 don't want there to be a confusion on the record,
22 where we're giving two potential dates.

23 So, what I'm asking the Board is if you
24 carry it to September, if, for any reason, the
25 Board tells me beforehand, Bianca, look, we

1 cannot hear you on that date, then I'm happy to
2 send you --

3 MR. ORTIZ: Sure. All right.

4 MS. PEREIRAS: -- a letter.

5 MR. ORTIZ: So -- so --

6 MS. PEREIRAS: And adjourn it to that
7 October meeting.

8 MR. ORTIZ: Okay.

9 MS. PEREIRAS: But at least I'd like to
10 give my client the opportunity to be heard at the
11 early -- earliest possible date, if possible.

12 MR. ORTIZ: Okay. I mean, again, it's
13 unlikely to be heard unless other applications
14 are withdrawn or not sufficient.

15 MS. PEREIRAS: Um hum.

16 MR. ORTIZ: As long as -- but we'll put it
17 on the September -- September calendar, with that
18 being understood.

19 MS. PEREIRAS: I appreciate that, counsel.

20 THE SECRETARY: Motion on the table by Mrs.
21 Capizzi --

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: -- to adjourn for September
24 26.

25 Any second on the motion?

1 MR. VELAZQUEZ: I second it.

2 THE SECRETARY: By Mr. Velazquez.

3 Roll call on the motion.

4 Ms. Capizzi?

5 CHAIRPERSON CAPIZZI: Yes.

6 THE SECRETARY: Mr. Rivero?

7 Rudy? Adjourn this application for

8 September 26.

9 MR. RIVERO: Yeah, no problem.

10 THE SECRETARY: Yes.

11 Ms. Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Mr. Velazquez?

18 MR. VELAZQUEZ: Yes.

19 THE SECRETARY: Mr. Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Seven in favor, motion

22 carries.

23 (Whereupon, there was a pause in the

24 proceedings.)

25 THE SECRETARY: Give me two second.

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

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1 **Laconte Family Charitable Found. -**

2 **3401-09 Bergenline Avenue:**

3

4 MR. ORTIZ: Madam Chairman, I reviewed the
5 submissions by counsel. Seem -- seems like
6 everything is in order, giving jurisdiction --

7 THE SECRETARY: Mr. Ortiz, if you allow me?

8 MR. ORTIZ: -- to the Board.

9 Yes, sir.

10 THE SECRETARY: Next hearing, Laconte
11 Family Charitable Fund, 3401-09 Bergenline
12 Avenue.

13 Mrs. Pereiras, please?

14 MR. ORTIZ: Again, let me repeat it.

15 I've reviewed submissions by counsel.
16 Everything seems to be in order, giving
17 jurisdiction to the Board, Madam Chairwoman.

18 MS. PEREIRAS: Thank you very much.

19 Again, may it please the Board, Bianca
20 Pereiras, on behalf of the applicants, Laconte
21 Family Charitable Fund, for property located at
22 3401-09 Bergenline Avenue, also known as Block
23 204.01, Lots 13, 14, 15, 16, and 17.

24 We're located right on the corner of
25 Bergenline and 34th Street. What we're looking to

1 do is to replace the existing structure that's
2 there with a new mixed use building, consisting
3 of commercial space on the ground floor,
4 residential units above, and even providing some
5 parking.

6 We have several experts to testify before
7 the Board this evening, and I'd like to begin
8 tonight's presentation with our architect, Mr.
9 Manuel Pereiras.

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

12 MR. DILLON: Oh, sorry.

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

15 MR. PEREIRAS: I do.

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

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

21 MR. DILLON: Thank you.

22 MS. PEREIRAS: And for purposes of the
23 record, Mr. Pereiras has testified before the
24 Board in the past.

25 CHAIRPERSON CAPIZZI: Yes.

1 MS. PEREIRAS: Thank you very much.

2 Mr. Pereiras, are you familiar with the
3 property in question?

4 MR. PEREIRAS: I am.

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

7 MR. PEREIRAS: I have.

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

10 MR. PEREIRAS: I'd be very happy to. I'm
11 proud of this project.

12 As you know, I've been coming before this
13 Board in the past several months with a lot of
14 projects in the City Center core. It's part of
15 the revitalization of this -- of Union City, and
16 this is one of the first projects that actually
17 turns the corner onto Bergenline Avenue.

18 And we're talking about 34th and Bergenline
19 Avenue, on the northwest corner. That's -- right
20 now, it's the -- it's a small Colombian
21 restaurant right on the corner. Used to be the
22 Blimpy's. That's the corner we're talking about.

23 That building that's there right now,
24 occupies the entire site. We're proposing to do
25 the same, except we're creating a small grass

1 area in the rear.

2 I have a few tools here, in order for -- to
3 -- for the presentation. One is a rendering of
4 the building. I'm going to bring this out soon.

5 And the other, the same drawings that were
6 submitted to you, on the easel for ease of
7 presentation.

8 I am going to turn now to Sheet Z02. And
9 Z02 describes the site.

10 Here, we have 34th Street, and here, we
11 have Bergenline Avenue. As you could see, it's a
12 very large site.

13 Normally, I'd go before the Zoning Board of
14 Adjustments here in Union City, for very typical
15 lots in Union City that are 25 wide by a hundred
16 deep.

17 The project that we propose there,
18 typically, is five residential units and one
19 commercial space.

20 So, we have, on a 25 by 100, five
21 residential and one commercial space, and that is
22 generally granted by the Zoning Board of
23 Adjustments as approved.

24 In this -- conceptually, in this lot that
25 we have here, we have 105 feet in width, plus a

1 depth -- and a depth. We could, theoretically,
2 split this site up into four separate slices that
3 are conforming lots for 25 by 100, to fit
4 projects that are similar, where we would have
5 five residential and commercial on each one.

6 Extrapolate that times the four that we
7 have. We have 20 residential units, typically,
8 on Bergenline Avenue, without parking and
9 commercial spaces below.

10 This is something that is typically and
11 normally approved in Union City.

12 Here, we have a much better opportunity.
13 We have the opportunity to do something even
14 better, because we've amassed a large site.

15 We have a total of 10,674 square feet. And
16 what that creates, it first and foremost allows
17 us to create a building that has two means of
18 egress, very safe. It allows us to create a
19 building that has a elevator core. So, now it's
20 an accessible building, and every apartment is
21 accessible. And it has -- gives us a lot of
22 opportunities that we can't do on a 25 by 100.

23 So, what we're proposing to do, and as I
24 turn the page, we can see this. We're proposing
25 to maintain Bergenline Avenue as a commercial

1 district, and remove all residential components
2 away from Bergenline Avenue. I think that's an
3 important thing.

4 We have to keep that commercial sense on
5 Bergenline Avenue, to continue the continuity of
6 the stores.

7 So, the first 4,664 square feet of this
8 project is commercial space on Bergenline Avenue.
9 Then, we take the rear of the property, and along
10 34th Street, we created a curb cut in order to
11 bring into a driveway and create parking for
12 eight spaces, including the handicap accessible
13 space.

14 So, the rear of the property, on the ground
15 floor, is a handicap accessible space.

16 Also, on 34th Street, we're creating an
17 entrance for the residential component. You walk
18 in, there's a small lobby with a fire stair, and
19 -- and an elevator. That elevator takes you up
20 to the floors, and we have a typical floor plan
21 on every floor.

22 We have one, two, three, four, five, six
23 one bedroom apartments, and one two bedroom
24 apartment per floor.

25 The apartments square feet vary; 658, 621,

1 584, 584, 642, and then the two bedroom is 1,015
2 square feet.

3 They all have a typical design, which is
4 the modern floor plan that -- that I present to
5 you very often. You walk in to a kitchen, dining
6 room space. It's open to a living room space, so
7 when you open your front door, you see the light
8 coming in straight -- straight through. Looks
9 like a large apartment. And then, the bedroom
10 off to the side.

11 Typical bedroom sizes are 11 by 12.
12 They're all roughly the same size, and they're
13 all roughly the same layout.

14 That repeats itself on every floor. And
15 then, I'd like to move towards the elevations.

16 So, maintaining the continuity along
17 Bergenline Avenue, we created this very rich
18 façade, with the module of 20 -- 20 to 25 feet
19 that you see me do very often, in order to repeat
20 that sense that Union City has, where we're lot
21 -- our lots are broken up at 25s.

22 And it has a very beautiful storefront, a
23 lot of glass, glass from -- straight to the
24 floor. And then, brick. The rich brick that we
25 see in Union City very often.

1 That's a single story.

2 Then, our building gets set back from that,
3 so that on Bergenline Avenue, you don't really
4 see any height. So, the building above that is
5 set back 20 feet. And in the rear, it's set back
6 another 16 feet.

7 So, everything above the first floor is set
8 back significantly from the residential in the
9 rear, and from the commercial in the front, so
10 that we have a small tower that's 70 feet wide,
11 going up the additional four stories.

12 We have a series of existing
13 nonconformities. We have a nonconformity on side
14 yard. The building was and continues to be on
15 the zero lot line.

16 We have an existing nonconformity on rear
17 yard.

18 We have a nonconformity on building
19 coverage, even though we're reducing the building
20 coverage of what it was. And we're reducing the
21 maximum lot coverage, as well.

22 Very important to note --

23 MR. ORTIZ: Manny --

24 MR. PEREIRAS: -- it was a hundred percent,
25 and we actually removed and opened this grass

1 area to bring it down to 93 percent, removing an

2 --

3 MR. ORTIZ: That's --

4 MR. PEREIRAS: -- existing nonconformity.

5 MR. ORTIZ: Question I have is --

6 MR. PEREIRAS: Yes.

7 MR. ORTIZ: So, maybe I'm not understanding
8 and it could be me.

9 There -- the building that's there now,
10 you're going to replace, or you're going to just
11 build on top?

12 MR. PEREIRAS: We're tearing it down, and
13 we're going to rebuild it.

14 MR. ORTIZ: So, there's no existing
15 nonconformities, really.

16 What I'm saying, they would be
17 nonconformities with -- created nonconformities,
18 wouldn't it, with this building?

19 MR. PEREIRAS: There's --

20 MR. ORTIZ: I know they're -- it's
21 nonconforming, the building that's there now.
22 But if you tore down that building --

23 MR. PEREIRAS: But that building exists
24 right now.

25 MR. ORTIZ: Right. Understood.

1 This would be a brand new building, though.

2 MR. PEREIRAS: Yes.

3 MR. ORTIZ: So, it would be new
4 nonconformities, with this building.

5 Do you understand what I'm -- what I'm
6 trying to ask?

7 Or am I not being clear?

8 MR. PEREIRAS: Yes, you are. But it's
9 fair, in a Zoning Board, to compare existing
10 conditions to proposed conditions. And --

11 MR. ORTIZ: But I just -- I -- to say it's
12 non -- it's existing nonconformities is kind of
13 -- you know, I understand what you're doing, but
14 I just wanted it clear that it's not like you're
15 building onto this building --

16 MR. PEREIRAS: Correct.

17 MR. ORTIZ: -- that's there.

18 Okay.

19 I just -- I was confused.

20 CHAIRPERSON CAPIZZI: I don't know why you
21 don't just say that then?

22 MR. PEREIRAS: Why not say what?

23 CHAIRPERSON CAPIZZI: What he just
24 explained.

25 MR. PEREIRAS: That's fine.

1 CHAIRPERSON CAPIZZI: It's a new structure.

2 MR. PEREIRAS: It's a new structure. I'm
3 not hiding out anywhere.

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. ORTIZ: Is -- is everybody clear on
6 what that -- that issue was, just --

7 VICE CHAIRPERSON KOEHLER: Yeah.

8 CHAIRPERSON CAPIZZI: Understood.

9 MS. PEREIRAS: Right. I -- I just think
10 it's important to point out what we have there
11 now, and to see what it's going to be replaced
12 with.

13 MR. ORTIZ: No. No, and I --

14 MS. PEREIRAS: Um hum.

15 MR. ORTIZ: -- understand that -- that's
16 what he was doing.

17 MS. PEREIRAS: Um hum.

18 MR. ORTIZ: It's just a matter of that it's
19 actually not an existing nonconformity.

20 CHAIRPERSON CAPIZZI: Right.

21 MS. PEREIRAS: Because you're having a new
22 building.

23 Got you.

24 CHAIRPERSON CAPIZZI: Right.

25 MS. PEREIRAS: Um hum. Sure.

1 CHAIRPERSON CAPIZZI: It's a new structure.

2 MS. PEREIRAS: Sure.

3 CHAIRPERSON CAPIZZI: Okay. We don't call
4 it that.

5 MS. PEREIRAS: I'm sorry?

6 CHAIRPERSON CAPIZZI: But we're not calling
7 it that. We're not explaining it that way.

8 MS. PEREIRAS: Okay.

9 CHAIRPERSON CAPIZZI: Okay.
10 Continue.

11 MR. PEREIRAS: That -- that concludes my
12 presentation.

13 I'm open for your questions.

14 MR. VELAZQUEZ: The retails on the bottom.
15 Will they be restaurants, again, or just retail?

16 MR. PEREIRAS: Not determined at this
17 point. It's open for whatever.

18 MR. VELAZQUEZ: And the -- and the parking
19 spaces, they would be in the rear, 34th Street
20 side.

21 Right?

22 MR. PEREIRAS: Yes.

23 MR. VELAZQUEZ: Because you know that in
24 the back there's a -- it's a Hasidic community.

25 MR. PEREIRAS: Um hum.

1 MR. VELAZQUEZ: In the whole building right
2 there.

3 MR. PEREIRAS: And we're maintaining the
4 parking within our structure, and -- and so, it's
5 completely contained within the building.

6 MR. VELAZQUEZ: Because sometimes, when
7 you're driving down 34th Street, if you ever
8 notice, with their big wheels and everything,
9 that's always been a concern of mine, too. Tell
10 that to Rabbi Turner.

11 That's separate from that, but --

12 MR. PEREIRAS: Um hum.

13 MR. VELAZQUEZ: It's open like that; kids.

14 CHAIRPERSON CAPIZZI: So, could you explain
15 how many parking spaces there are for this whole
16 project?

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

18 We're proposing 28 units, and we're
19 proposing eight parking spaces. And the
20 justification of that is how I explained before.
21 We typically allow and permit five residential
22 units over commercial, on Bergenline Avenue,
23 without parking.

24 Those are five units. We have the ability
25 to fit four units on the same site, that's 20

1 units.

2 So, we're providing the excess of that is
3 eight units that we have, residential units, with
4 one parking space for each of those units.

5 So, if this applicant were to choose not to
6 come before this Board as one big project, and he
7 went before the Zoning Board, and we subdivided
8 this and made these into individual lots, he
9 would typically get 20 units approved here, with
10 zero parking.

11 And that is normal, customary. It's
12 happened at least four times in the past year
13 that the Zoning Board approves that.

14 So, rather than coming before this Board in
15 piecemeal, and do four small projects, and get 20
16 pieces approved, we're creating a good project
17 that's much better for the community, that has an
18 elevator building, has two stairs, and we're
19 providing the entire thing, and providing
20 additional parking for the eight units that we're
21 asking for, in order to provide a much better
22 building for our community.

23 MR. ORTIZ: According to Mr. Spatz's
24 report, a total of 56 spaces are required.

25 MR. PEREIRAS: That's absolutely correct.

1 CHAIRPERSON CAPIZZI: So, that's a
2 significant deficit.

3 MR. PEREIRAS: Absolutely. And --

4 CHAIRPERSON CAPIZZI: And we're not
5 comfortable -- I'm not comfortable with that.

6 I don't know how the Board feels.

7 MR. PEREIRAS: I feel that if the Board's
8 not comfortable with that, it forces my applicant
9 to come back and split this up into four separate
10 pieces.

11 MR. VELAZQUEZ: Yeah, and another issue you
12 got, too, is that they're going to be building
13 the parking lot in the school, so that parking
14 lot's going to be totally not available anymore
15 so --

16 For the new middle school.

17 VICE CHAIRPERSON KOEHLER: Come again?

18 MR. VELAZQUEZ: And --

19 The parking lot, on 35th Street. You would
20 have the municipal parking lots.

21 MR. ORTIZ: So they're -- yeah, they're --
22 they're gone.

23 MR. PEREIRAS: No, they're not done --
24 gone. We have 476 spaces coming to Union City,
25 and those spaces are available for the public.

1 MR. ORTIZ: But you're talk --

2 MR. PEREIRAS: So, we actually have a lot
3 more spaces coming because of that.

4 MR. ORTIZ: I'm unclear. We're losing the
5 spots nearby, though. Is that what --

6 MR. VELAZQUEZ: No.

7 MR. PEREIRAS: No.

8 MR. VELAZQUEZ: For now.

9 MR. PEREIRAS: We're not losing the spots
10 nearby.

11 MR. VELAZQUEZ: You're losing them now --
12 for now.

13 MR. PEREIRAS: During construction.

14 You're losing spots temporarily during
15 construction, but we're gaining a significant
16 amount of spots, right around the corner.

17 VICE CHAIRPERSON KOEHLER: Is there any
18 reason, because I -- I've seen some of -- I think
19 even some of your proposals, where they -- you
20 had buildings where the garage entrance was on
21 the ground floor, and then parking -- you had
22 parking on the subbasement, and the ground. So,
23 you had parking -- some parking on the ground
24 level, and then parking in the subbasement.

25 Is that my imagination?

1 MR. PEREIRAS: No. We've done that plenty
2 of times, in different -- in different buildings.

3 VICE CHAIRPERSON KOEHLER: Is the ground
4 not --

5 MR. PEREIRAS: The problem is that in order
6 to ramp cars, you need distance, you need length.
7 That length is not available on this site.

8 VICE CHAIRPERSON KOEHLER: Length is --
9 what kind of length do you need? I see --

10 MR. PEREIRAS: Well, we --

11 VICE CHAIRPERSON KOEHLER: -- a significant
12 --

13 MR. PEREIRAS: And -- and --

14 VICE CHAIRPERSON KOEHLER: -- lot here.

15 MR. PEREIRAS: So, it typically works --
16 for example, the last project I presented to you,
17 there was already a topographical change on the
18 site, where there was a five foot difference.

19 So, all I had to do was pitch the -- the
20 cars three feet, in order to compensate for that.

21 In this site, for example, we don't have
22 any change like that. It's perfectly flat; 34th
23 Street is relatively flat.

24 So, in order to get down, I need to go down
25 a minimum of seven feet, and I have to have a

1 clearance of eight foot two and the cars.

2 So, there's no way I could pitch a car to
3 go straight down, unless I had like an elevator
4 in the building to -- to move a car.

5 VICE CHAIRPERSON KOEHLER: A car elevator.

6 MR. PEREIRAS: And -- and we can't do that.

7 VICE CHAIRPERSON KOEHLER: Right.

8 MR. PEREIRAS: Yeah.

9 VICE CHAIRPERSON KOEHLER: Um hum.

10 Which I've also seen, I think. There's
11 another building on Bergenline, I think in the
12 20s, 19 or 20s, that came before us.

13 MR. PEREIRAS: Came before the Board.

14 VICE CHAIRPERSON KOEHLER: Yes.

15 MR. PEREIRAS: And it hasn't been built and
16 --

17 VICE CHAIRPERSON KOEHLER: Um hum.

18 MR. PEREIRAS: -- no one can build it, and
19 it's been -- and the guy's been selling it
20 forever, because it's just not logical, it
21 doesn't make sense.

22 VICE CHAIRPERSON KOEHLER: Yeah.

23 MR. PEREIRAS: And no one's going to buy
24 it, do an elevator there.

25 VICE CHAIRPERSON KOEHLER: Yeah.

1 MR. PEREIRAS: So, that's why that building
2 has -- it's done by another architect, and it's
3 an impossible building to do. So that's why it
4 hasn't been built.

5 This can be built. This makes sense, from
6 a planning standpoint, compared to what Union
7 City typically approves, compared to what we do
8 normally on Bergenline Avenue. It's -- it's a
9 better alternative, a much better planning
10 alternative than coming back before this -- the
11 Zoning Board with four different projects, in
12 order to make this happen.

13 I'd rather see an elevator building, a good
14 building for the community, good size units, two
15 fire stairs, all safe. That's what this
16 building's providing, that we can't provide going
17 the other way.

18 CHAIRPERSON CAPIZZI: Can you rework it so
19 that there's not a significant shortfall of
20 parking?

21 MR. PEREIRAS: The -- the numbers are going
22 to be there. There's no way we could get that
23 many parking spaces on to this --

24 CHAIRPERSON CAPIZZI: Who made the site
25 plan --

1 MR. PEREIRAS: -- small site.

2 CHAIRPERSON CAPIZZI: -- review?

3 MR. ORTIZ: This -- this is David. Our
4 planner.

5 MS. PEREIRAS: And considering that we are
6 hearing some feedback as to parking, if there are
7 no more questions for Mr. Pereiras at this time,
8 if I can call up our traffic engineer? Maybe he
9 can --

10 CHAIRPERSON CAPIZZI: Sure.

11 MS. PEREIRAS: -- address those concerns --

12 VICE CHAIRPERSON KOEHLER: Yeah.

13 MS. PEREIRAS: -- a little better.

14 VICE CHAIRPERSON KOEHLER: It's a good
15 time I think.

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

18 MR. DILLON: Please raise your right hand.

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

21 MR. PEREGOY: Yes, I do.

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

24 MR. PEREGOY: Craig Peregoy, P-E-R-E-G-O-Y.

25 MS. PEREIRAS: And Mr. Peregoy has also

1 testified before this --

2 CHAIRPERSON CAPIZZI: Yup.

3 MS. PEREIRAS: -- Board in the past.

4 Thank you very much.

5 Mr. Perego, you were -- you're familiar
6 with the site in question.

7 Correct?

8 MR. PEREGOY: I am.

9 MS. PEREIRAS: And you've had an
10 opportunity to review the drawings prepared by
11 the architect.

12 MR. PEREGOY: I have.

13 MS. PEREIRAS: And would you kindly walk us
14 through this application, from a traffic
15 engineering perspective, in light of the
16 questions posed by the Board?

17 MR. PEREGOY: Sure.

18 Normally, I would go through and give you
19 the ITE numbers, and all that stuff, but I think
20 we're -- we're on parking here.

21 The number of parking spaces that are
22 required does include parking spaces for the
23 commercial space, which clearly Bergenline
24 Avenue, people aren't driving and parking. It's
25 a pedestrian oriented type of area.

1 So, you can certainly discard those parking
2 spaces. And then, you're left with what the RSIS
3 requires, which would be 51 parking spaces. And
4 that's the same number of parking spaces that 28
5 apartments would be required to have in the
6 middle of the woods someplace. Doesn't really
7 make sense here.

8 Obviously, you have a lot less vehicle
9 ownership. In fact, in this particular census
10 block, the vehicle ownership for rental units is
11 .56 vehicles per unit. So, that's what's going
12 on now. So, less, --

13 VICE CHAIRPERSON KOEHLER: What was that
14 number?

15 MR. PEREGOY: -- almost half.

16 VICE CHAIRPERSON KOEHLER: I missed it.

17 MR. PEREGOY: Point five-six per unit. So
18 about half --

19 VICE CHAIRPERSON KOEHLER: Um hum. Um hum.

20 MR. PEREGOY: -- per -- you know, half a
21 vehicle per unit.

22 So, if you look at that, then you're
23 talking about 14 spaces. We're -- we're six
24 short.

25 If you look at the high rise numbers for

1 RSIS, which make more sense for an area like
2 this, then its 24 spaces required.

3 So, that delta from the eight that we're
4 proposing to -- to what's required, being, I
5 think, 67, if you take the commercial and the
6 suburban, it's really not that much of a
7 difference.

8 And not withstanding Manny's argument,
9 which I think makes a lot of sense, you could
10 have 20 units here with zero parking spaces.
11 Here, we're going to have 28 with eight parking
12 spaces. So, we really wind up in a similar
13 situation.

14 In fact, better if you think about that
15 half of a vehicle per unit.

16 But this area, this part of town,
17 Bergenline Avenue in particular, in the southern
18 end of it, is the most congested part of Union
19 City. I mean, traffic-wise, it is dense and it
20 is tough to move around.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. PEREGOY: So, if you build parking and
23 provide it, you're going to bring in tenants who
24 have cars. They're going to -- that's who's
25 going to move in.

1 If you have people who don't drive, don't
2 have a car, this is going to be ideal for them.
3 It's a great location to not have a vehicle. You
4 have mass transit -- ample mass transit around.

5 But if you do provide one parking space per
6 unit, you're probably going to get people who
7 want to rent, but have a car, and they're going
8 to have one car, and you're going to have 28 --

9 MR. ORTIZ: Respectfully, that's backwards
10 --

11 MR. PEREGOY: -- vehicles.

12 MR. ORTIZ: -- thinking.

13 CHAIRPERSON CAPIZZI: Right.

14 MR. ORTIZ: Respect - respectfully, --

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. ORTIZ: -- that's backward thinking.

17 MR. PEREGOY: It is. But it's --

18 MR. ORTIZ: I mean, that --

19 CHAIRPERSON CAPIZZI: Right.

20 MR. ORTIZ: -- that is -- that is entirely
21 illogical. I -- I mean, I can't believe you're
22 even saying that.

23 MR. PEREGOY: That's the entire --

24 MR. ORTIZ: That -- that people -- that
25 providing parking --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. ORTIZ: -- is going to cause more
3 traffic?

4 MR. PEREGOY: Absolutely. Providing
5 residential parking brings in the vehicles.

6 MR. ORTIZ: I'm not --

7 MR. PEREGOY: Look at what Jersey City's
8 doing.

9 MR. ORTIZ: I'm not -- I'm not a traffic
10 engineer, by any stretch of the imagination, but
11 to me, that just makes no kind of sense.

12 MR. PEREGOY: Look at -- Jersey City's
13 parking requirement is a maximum of a half a
14 space per unit. You cannot go more than that,
15 they won't allow you to provide more parking
16 because --

17 MR. ORTIZ: I -- I know.

18 MR. PEREGOY: -- it brings in the vehicles.

19 MR. ORTIZ: But I mean, that -- but that's
20 --

21 MR. PEREGOY: And that -- and I agree, for
22 most of Union City, that doesn't make sense.

23 For this particular location, right
24 downtown, the most congested area, it is a -- it
25 is a justifiable reason. You don't want people

1 bringing in vehicles --

2 MR. ORTIZ: People --

3 MR. PEREGOY: -- and bringing traffic
4 there.

5 MR. ORTIZ: People -- I don't need to be a
6 traffic engineer to know just people. Okay? And
7 you either own a car or you don't.

8 I -- I've never rented an apartment, or
9 bought a home, whether there's parking provided
10 or not, based -- I don't own a car based on what
11 building I'm renting.

12 I either own a car or I don't. I mean --

13 MR. PEREGOY: But you don't rent -- if you
14 own a car, you don't rent in a building where you
15 can't get a parking space. Especially there.

16 MR. ORTIZ: Okay.

17 MR. PEREGOY: Because you're not going to
18 be able to find one.

19 MR. ORTIZ: Right. But that -- if you have
20 a car, you're going to rent there if you want to
21 anyway.

22 I mean, I don't -- to me, that makes no
23 common -- that has no common sense to it
24 whatsoever.

25 MR. PEREGOY: When -- when you're moving

1 | into an apartment, you -- you know if there's a
2 | parking space available. There are going to be
3 | eight, so some people may.

4 | But if -- if I have a car, and I commute to
5 | work everyday, and I come to this building, oh,
6 | this looks great, I -- I don't have any more
7 | parking spaces. Well, then, I'm going to go find
8 | the next one. I'm going to find someplace that
9 | does have a parking space. I'm not going to take
10 | my chances trying to park on the street, or pay
11 | for the -- maybe I would pay for the municipal
12 | parking. That's another alternative, but you're
13 | not just going to -- you're not just going to
14 | park on the street, or -- or take your chances,
15 | especially in this area.

16 | Some other parts of town, maybe you --
17 | maybe you might. And it is important, I think,
18 | to provide parking.

19 | But right here, Bergenline Avenue, most of
20 | the residential along Bergenline Avenue has no
21 | parking at all. It's not unusual, and in this
22 | location, I would say that you don't want to
23 | provide parking because you're going to bring the
24 | cars if you do.

25 | MR. ORTIZ: On Bergenline Avenue, there's

1 not that much residential, in comparison to other
2 parts of town either.

3 MR. PEREGOY: No. Not as dense.

4 MR. ORTIZ: That's a -- that's -- that's 28
5 units you're talking about adding.

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. ORTIZ: On Bergenline.

8 CHAIRPERSON CAPIZZI: Um hum.

9 MR. PEREGOY: But on -- on a hundred foot
10 frontage, just like this, same amount of space,
11 you might have 20 -- frequently, you could have
12 20 units on the second floor.

13 So, the overage, we're eight -- we're eight
14 units beyond that, we're providing eight spaces.

15 CHAIRPERSON CAPIZZI: I don't think so, --

16 MR. ORTIZ: I'm not going to argue.

17 CHAIRPERSON CAPIZZI: -- Craig.

18 MR. PEREGOY: It's -- it's a different
19 philosophy, I'll give you that.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. PEREGOY: And Hoboken's starting to do
22 it, too. They're coming at me.

23 CHAIRPERSON CAPIZZI: Agree.

24 MR. PEREGOY: Why do you provide -- why are
25 you giving so many parking spaces? Can you take

1 | some of these parking spaces away?

2 | I'm getting it more and more often now, so

3 | --

4 | MR. ORTIZ: I mean --

5 | MR. PEREGOY: I think it makes sense in
6 | some locations and not others. In this
7 | particular location, I think that logic does make
8 | sense.

9 | CHAIRPERSON CAPIZZI: Okay.

10 | MS. PEREIRAS: Any more questions of --

11 | CHAIRPERSON CAPIZZI: No.

12 | MS. PEREIRAS: -- our traffic engineer?

13 | I'd like to proceed with our planner, Mr.
14 | Michael Kauker.

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

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

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

20 | MR. KAUKER: I do.

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

23 | MR. KAUKER: Michael D. Kauker. Last name
24 | is K-A-U-K-E-R.

25 | MR. DILLON: Thank you.

1 MS. PEREIRAS: And Mr. Kauker has also
2 testified before --

3 CHAIRPERSON CAPIZZI: Yes.

4 MR. PEREGOY: -- the Board in the past.
5 Thank you very much.

6 Mr. Kauker, are you familiar with the
7 property in question?

8 MR. KAUKER: I am. Yes.

9 I had an opportunity to review the plans,
10 prepared by -- prepared by Mr. Pereiras.

11 In addition, I reviewed the Master Plan of
12 Union City, the Zoning Ordinance, and had an
13 opportunity to visit the property and the
14 surrounding area.

15 MS. PEREIRAS: And would you kindly
16 describe this project, from a planning
17 perspective?

18 MR. KAUKER: Certainly.

19 As Mr. Pereiras had mentioned, it's -- it's
20 -- what we're proposing here is a mixed use
21 development. It contains a commercial component
22 on the first floor, along with eight parking
23 spaces. And then, it contains four stories of
24 residential above it.

25 The proposed mix of uses is a permitted

1 use, in the -- in the underlying zoning district,
2 which is the CC, Center City Core District.

3 With respect to the application itself, I
4 know there's been a lot of discussion on a number
5 of the issues so far.

6 But -- but just stepping back and -- and
7 looking at those -- those issues there, what
8 we're dealing with here, we have a property with
9 an existing building. The structure that's
10 located on the property is about three stories in
11 height. Probably the height of the actual
12 building is a little bit taller than a typical
13 three story building, given the different makeup
14 of the proposed building -- or the existing
15 building.

16 The building itself does cover the entire
17 area of the site. It -- it covers, with respect
18 to the building coverage, 94.2 percent, and with
19 respect to the maximum lot coverage, 100 percent.

20 MR. ORTIZ: As to height --

21 MR. KAUKER: Yes?

22 MR. ORTIZ: -- there is a variance required
23 for height.

24 MR. KAUKER: There is a variance required
25 for height. That is correct. There's a variance

1 for the number of stories, and then there's also
2 a variance because -- I'll get to the specifics,
3 but we exceed the permitted height by about a
4 foot.

5 It's not a D variance, though, it's
6 classified as a C variance.

7 With respect to the other new variance
8 that's created, it's the parking, which we
9 discussed, and I'll talk about a little bit more.

10 As the attorney mentioned before, we are
11 demolishing the building, so there are other
12 preexist -- there are existing nonconforming
13 conditions.

14 We're not going to increase those
15 conditions. And in some cases, we're going to
16 decrease those conditions that exist currently.
17 But we are demolishing the building and
18 constructing a new building on the property.

19 With respect to the area, Bergenline --
20 Bergenline Avenue is somewhat of a unique area.
21 It's probably, as Mr. Peregoy mentioned, one of
22 the busiest areas and most heavily congested, in
23 terms of traffic.

24 As a matter of fact, just driving down
25 there, coming to the meeting and looking at the

1 | site, I noticed -- you know, a lot of traffic in
2 | the area.

3 | So, with respect to that, I mean,
4 | obviously, it's a very unique part of the city,
5 | as was described before by Mr. Peregoy.

6 | But -- but also, in addition to that, your
7 | Master Plan recognizes that fact, and -- and
8 | obviously, your Master Plan has a plan for that
9 | area.

10 | And I know it was mentioned before that
11 | there isn't a lot of residential along Bergenline
12 | Avenue currently, and just driving up and down,
13 | you're correct in -- in that statement. There --
14 | there's some probably, but there's not a lot of
15 | residential.

16 | But the Master Plan actually wants to
17 | change that. The Master Plan calls for higher
18 | density residential development in that area,
19 | where it's above first floor commercial type use.

20 | So, the Master Plan, essentially,
21 | encourages that.

22 | You know, when you prepare a Master Plan,
23 | obviously, you go through a lot of different
24 | tasks, you do a lot of different studies, you do
25 | a lot of different analysis.

1 The conclusion, which this Board obviously
2 is intimately involved in the preparation of the
3 Master Plan document, so I'm assuming if you were
4 on the Board back in 2009, that you should be
5 familiar with the document.

6 But that document, which came from this
7 Board, obviously, had the intention to redevelop
8 this area for higher density residential use.

9 Now, when you're dealing with an area like
10 Bergenline Avenue, it -- it's difficult to do
11 that in a manner where you can achieve maximum
12 parking on the site.

13 And some of the things that the traffic
14 engineer was talking about are correct. I mean,
15 if you look at a lot of the things with respect
16 to planning, and a lot of the trends on -- I
17 don't know if you've heard of the term Smart
18 Growth, and those types of terms, but in --
19 especially in -- in -- you know, more heavily
20 developed urban areas, a lot of times, what they
21 look for is they try to make it more pedestrian
22 friendly, and try to discourage people relying on
23 automobile as the principal form of -- of travel.

24 And I think that's one of the things that
25 your Master Plan is -- is trying to do.

1 So you know, there are a number of goals
2 and objectives in the Master Plan, and a number
3 of things that they talk about, I think that is
4 supportive of this project.

5 They -- they talk about, first of all,
6 encouraging, as I mentioned before, talked about
7 pedestrians, but a pedestrian first approach.
8 Obviously, to -- and that makes sense from a
9 planning standpoint, because when you're trying
10 to redevelop in an area, and develop an mixed use
11 commercial residential area, you wanted something
12 that's going to be vital.

13 So, if you have people getting in their
14 cars and driving around, they're not going to
15 shop at those stores. But if they get out and
16 they walk the streets -- you know, there --
17 there's basically a symbiotic relationship
18 between the residential and the commercial uses.
19 So, those individuals are going to utilize that
20 commercial -- the commercial use in the area.

21 You know, another thing -- you know, Mr.
22 Peregoy talked about before, some other areas
23 that -- that actually have maximum parking
24 requirements.

25 There's a lot of literature and a lot of

1 analysis and -- and studies that have been done
2 about the over -- you know, the over-supply of
3 parking in downtown areas, and how that's
4 actually detrimental -- you know, to those areas
5 being successful.

6 You know, so again, it's -- you're trying
7 to take a balanced approach with respect to
8 trying to provide parking in this area, and also
9 trying to provide a certain number of units
10 that's going to make it the -- that area work.

11 Obviously, one of the reasons why they
12 encourage higher density housing is because when
13 you have higher density housing, it's -- it's
14 more supportive of that commercial area and the
15 mixed use and the downtown concept that's being
16 proposed in -- in -- or that's being encouraged
17 in your Master Plan document.

18 You know, with respect to the parking,
19 obviously, you've heard the testimony of the
20 traffic engineer, in -- in terms of the supply of
21 parking that's provided here, and the adequacy of
22 the parking.

23 And some of the important things I just
24 want to just go over again are the fact that
25 obviously there's a lot of mass transit, so

1 people have other options.

2 In -- in addition to the mass transit
3 that's provided, I mean, the world that we're
4 living in now is changing. I mean, obviously,
5 there -- there are other mechanisms and other
6 modes of travel now that didn't exist -- you
7 know, five, ten years ago.

8 You have people who -- I'm sure you've
9 heard of Uber and Lyft, and those types of
10 services.

11 You know, you see more and more people
12 using those. So, people will rely upon those as
13 opposed to getting a car. There's also Zipcar.

14 A lot of people who live in heavily
15 developed urban areas utilize those types of
16 modes of transportation.

17 You know, and it's something, again, trying
18 to rely less on the automobile, in terms of day-
19 to-day transportation, and more on public
20 transportation.

21 You know, you look at other cities in the
22 United States, and around the world, they rely
23 heavily on -- upon biking. A lot of people take
24 bikes to work.

25 You know, so that -- those are just some

1 | things -- you know, that really justify the
2 | deviation in parking, with respect to heavily
3 | developed urban areas, and -- and really,
4 | something that you're trying -- your Master Plan
5 | is trying to accomplish, specifically in the
6 | Center City Core area.

7 | Again, we talked about the uniqueness of
8 | the site. Mr. Pereiras talked about how this
9 | site could be developed.

10 | And I would agree that I -- I do feel that
11 | this is a better planning and zoning alternative,
12 | to develop this property in this fashion. It's
13 | an opportunity to -- to develop the property in
14 | accordance, and consistent with the Master Plan
15 | of Union City.

16 | With respect to the height, that variance
17 | was mentioned, as well. There is a new height
18 | variance that's being created. The Ordinance
19 | permits four stories and 50 feet.

20 | And that's basically -- the way that the
21 | Ordinance is written with respect to height, it's
22 | -- it's a tiered approach, based upon the size of
23 | the lot.

24 | So, if you have a lot that's between 10,000
25 | and 15,000 square feet, you're permitted to have

1 four stories and 50 feet.

2 If you go above 15,000 square feet, I'm not
3 sure exactly what it is, I think it's 15 to 20,
4 you're allowed to have 60 feet and five stories,
5 and there's another tier above that.

6 You know, so taller buildings are
7 contemplated. Again, we are five stories, but
8 we're 50 feet -- I'm sorry -- we're 51 feet ten
9 inches. So, we're only slightly above the
10 numerical requirement in feet, and we're one
11 story above the number of stories.

12 And as I mentioned before, greater building
13 heights are contemplated.

14 One of the other things that's unique to
15 this building, and -- and I thought that it was
16 done very well Mr. Pereiras, and it really
17 mitigates any height variance that's being
18 requested, is the fact that the building steps
19 back, at the second floor, along Bergenline
20 Avenue.

21 So, that visually breaks up the continuity
22 of the building and the massing of the building,
23 and really mitigates the deviation and the
24 height.

25 In addition, there -- you know, obviously,

1 | this area encourages taller buildings. So,
2 | eventually, if you do get a lot of development in
3 | this area, consistent with the Master Plan,
4 | you'll have buildings of varying heights.

5 | You know, obviously, that creates a lot of
6 | visual interest in the area, and something that
7 | will be very aesthetically and visually pleasing,
8 | as well.

9 | You know, so I -- I do think that variances
10 | for both the building height and the parking can
11 | be justified as a C variance. Specifically, the
12 | C-2, where the benefits derived out of the
13 | deviations would outweigh any detriment.

14 | And again, I do believe that what we're
15 | proposing here, and the deviations, are
16 | consistent with your Master Plan and -- and the
17 | vision that it has for this area.

18 | With respect to the negative criteria, I
19 | just touched upon the second component briefly,
20 | which is that there -- there shall not be a
21 | significant impairment to the intent and purpose
22 | of the Master Plan, or Zoning Ordinance.

23 | As I mentioned, it's consistent with the
24 | Master Plan.

25 | And then, with respect to any detriment to

1 the public good, it's my opinion that the new
2 building developed in this manner, as opposed to
3 the other alternative manner that Mr. Pereiras
4 mentioned, would obviously have -- would be a
5 benefit to the area and be a better development
6 than what could potentially be built on this
7 particular site.

8 For those reasons, I think that the Board
9 can feel confident in granting the requested
10 variances for this project and the site plan
11 application, as well.

12 MR. ORTIZ: David, you were very involved
13 with the Master Plan.

14 MR. SPATZ: Yes.

15 MR. ORTIZ: And the intent of the Master
16 Plan was what, as to parking in this area? To
17 encourage it or -- or did it have the other
18 philosophy that was mentioned by --

19 MR. SPATZ: Well, the way the Zoning
20 Ordinance is drafted is -- is that for commercial
21 areas on Bergenline, and some on Summit, the
22 first six units are not included -- do not
23 require to provide parking.

24 So, anything beyond six has to require
25 parking.

1 There was nothing in the Ordinance which
2 specifically indicated beyond that, that
3 Bergenline Avenue would require less parking.

4 The statement as far as that you could
5 build -- you could subdivide this into four lots
6 and build commer -- mixed use buildings that
7 provide no parking, the Ordinance is if the lot
8 is 2500 square feet or less, then no parking is
9 required.

10 So, to subdivide this property, because
11 it's about 10,600, it actually -- I guess,
12 theoretically, you could have four lot -- three
13 lots of 25 by a hundred, and then that fourth lot
14 would be larger than that. So, it would be
15 required to provide parking.

16 So, some of that does -- is taken into
17 account, but there still would be parking
18 required on -- on this property. It was really
19 only for the small storefronts, not to require
20 parking.

21 You know, now, in this area, you certainly
22 have a significant amount of mass transit, both
23 along Bergenline Avenue, as well as buses into
24 the city, getting to the light rail. There are
25 municipal parking lots, but there has to be some

1 sort of a balance between the number of units and
2 the amount of parking that's provided.

3 You know, I think you can accept that the
4 commercial might not generate the need for
5 additional parking, because the people who use
6 the shops, they're there. They shop in multiple
7 stores. Each store doesn't have to provide its
8 full amount of parking.

9 But for the residential, I think you need
10 to come close to what the parking is required.
11 If you subtract those six, that's still 22 units
12 that are required to provide parking.

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

15 MR. DILLON: If you're going to take --

16 MR. PEREIRAS: Okay.

17 I mean, I, as all of you, shop Bergenline
18 Avenue. I walk the streets.

19 We're faced with an infrastructure that's
20 falling apart. The buildings are old. They need
21 help and maintenance.

22 And what I want to see on Bergenline Avenue
23 is something beautiful, something that the clerks
24 are proud of, something that the citizens are
25 proud of, and have clerks that are talking up to

1 | their clientele, not the way business is
2 | typically run.

3 | I want to walk down a Bergenline Avenue
4 | that looks like this. I'm dying to see something
5 | like that, and get a building, a development like
6 | that.

7 | I feel that the building is very respectful
8 | of setbacks and it fits. But I understand your
9 | big concern of parking. And I'd like to -- and I
10 | compare it significantly to the alternative.

11 | As Mr. Spatz explained, three of those
12 | lots, definitely not need -- require parking.
13 | Those are 15 units right there.

14 | The last lot that's larger would require
15 | parking. Six removed from that.

16 | The alternative between that and this, I
17 | would prefer this scheme.

18 | We have the municipal parking lot that's
19 | coming around the corner. It has, I believe, 479
20 | spaces available. That's an abundant amount of
21 | parking.

22 | Our applicant is completely willing to
23 | lease space from -- from the Parking Authority in
24 | order to make this Board feel at ease with the
25 | number of parking with this project moving

1 forward.

2 He's willing to work with the Board however
3 feels it's appropriate, in order to have a better
4 planning solution.

5 It is in my professional opinion, this is a
6 much better solution than splitting this up into
7 five separate piece -- than four separate pieces.

8 I think that this Board, hopefully, agrees
9 with that concept, and we could work together to
10 find out how to make that happen.

11 CHAIRPERSON CAPIZZI: I think we need to
12 address the parking, and then come back with a
13 different application that addresses the parking
14 issue.

15 That's what I would like.

16 I don't know how the other Board members
17 feel.

18 MR. VELAZQUEZ: Right now I'm not in favor
19 of it.

20 CHAIRPERSON CAPIZZI: Okay. So --

21 MR. PEREIRAS: And if we came with a
22 solution for additional parking spaces, you're
23 comfortable with everything else on this project?

24 CHAIRPERSON CAPIZZI: No. I think it's too
25 dense and too high, if you really -- those are

1 the three issues I have. The parking, it's too
2 dense, and it's too high.

3 MR. PEREIRAS: Okay.

4 CHAIRPERSON CAPIZZI: That's how I feel.

5 I don't know how the Board feels.

6 VICE CHAIRPERSON KOEHLER: It is a bit
7 high.

8 MR. PEREIRAS: Okay.

9 We can meet the height requirement easily.
10 The number of stories is the other question.

11 And we mitigate that by setting the
12 building back. We're 20 feet back in the front
13 on Bergenline Avenue.

14 You don't see other buildings that do that.
15 So, it doesn't read as a tall building.

16 And we have 16 feet setback along the rear.
17 So, it really feels like a shorter building. I
18 think that's important to note.

19 And we comply with the height -- we'll
20 comply with the height requirement. We're over
21 by a foot right now. We can actually squeeze
22 every floor a few inches to be in compliance with
23 the height requirement.

24 VICE CHAIRPERSON KOEHLER: I'm surprised.
25 I know you met the notice requirement. I'm

1 surprised -

2 Have we asked the public any --

3 CHAIRPERSON CAPIZZI: No. We haven't.

4 We will.

5 VICE CHAIRPERSON KOEHLER: I'm surprised
6 there aren't more people here.

7 CHAIRPERSON CAPIZZI: Public?

8 Sure.

9 Comment, questions?

10 MR. DILLON: Please raise your right hand.

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

13 MR. PRICE: I do.

14 MR. DILLON: State your name and spell it
15 for the record.

16 MR. PRICE: Larry Price, P-R-I-C-E.

17 MR. DILLON: Thank you.

18 MR. PRICE: Okay.

19 Mr. Pereiras, would you confirm one thing?

20 The building is fifty -- is five stories;
21 one commercial, four residential high.

22 Correct?

23 MR. PEREIRAS: Yes.

24 MR. PRICE: And it's 51 feet tall, or high.

25 MR. PEREIRAS: Correct.

1 MR. PRICE: Okay.

2 First, just a couple of questions to try
3 and -- okay.

4 Okay -- to try and reconcile the
5 presentation with the legal ad.

6 Okay. The legal ad said -- okay. The
7 applicant seeks bulk variances regarding, but not
8 limited to minimum lot area.

9 It's a CC zone.

10 Correct?

11 MR. PEREIRAS: We have -- we comply with
12 the minimum lot area.

13 MR. PRICE: Well, that's -- yeah. That's
14 why -- you got 10,674 square feet.

15 MR. PEREIRAS: We comply easily. Yes.

16 MR. PRICE: And the minimum is 10,000.

17 MR. PEREIRAS: Um hum.

18 MR. PRICE: You comply.

19 Okay.

20 Minimum lot width.

21 MR. PEREIRAS: We comply.

22 MR. PRICE: You comply. Okay.

23 Minimum lot depth.

24 MR. PEREIRAS: We comply.

25 MR. PRICE: You comply. Okay.

1 Now, minimum side yard.

2 MR. PEREIRAS: Correct. We do not comply.

3 MR. PRICE: We do not comply. Okay.

4 Now, if the building is -- the CC zone, if
5 the building is over 50 feet tall, which this
6 building is, you're required to have 15 feet on
7 each side, a total of 30 feet for side yard
8 setbacks.

9 MR. PEREIRAS: Correct.

10 MR. PRICE: And you do -- you have zero.

11 MR. PEREIRAS: We have zero.

12 MR. PRICE: Okay.

13 Okay. That's the part I need. Okay.

14 Okay. Minimum rear yard is required to be
15 20 feet.

16 MR. PEREIRAS: We have zero on the ground
17 level, 16 feet above.

18 MR. PRICE: Okay, but zero on the ground
19 level.

20 MR. PEREIRAS: Um hum.

21 MR. PRICE: Okay.

22 Okay. This one gets a -- I've heard two
23 numbers here tonight.

24 Maximum building coverage.

25 You said 93.7 percent, and I think Mr.

1 Kauker said 94.3, in terms of building coverage.

2 MR. PEREIRAS: I'll tell you exactly. I
3 believe it's 93.7. Let's see.

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

6 MR. PEREIRAS: I have 93 exactly.

7 MR. PRICE: Say again, please.

8 MR. PEREIRAS: Building coverage is 93
9 percent, 93 percent.

10 MR. PRICE: Ninety-three percent. Okay.
11 The lot coverage is a hundred percent.

12 MR. PEREIRAS: No. It's 93 percent.

13 MR. PRICE: Wait a minute. Wait a minute.
14 Building coverage is what?

15 MR. PEREIRAS: Ninety-three percent, and
16 the lot coverage is 93 percent.

17 MR. PRICE: Same number. You got seven
18 percent free space?

19 MR. PEREIRAS: Correct.

20 MR. PRICE: Where is it?

21 MR. PEREIRAS: It's this corner right here.
22 We created a grass area.

23 MR. PRICE: Is there any access to that
24 space?

25 MR. PEREIRAS: Through the parking level.

1 MR. PRICE: Okay.

2 MR. ORTIZ: Mr. Price, if I --

3 MR. PRICE: Sure.

4 MR. ORTIZ: Regardless of where we go with
5 this, this evening, is that going to be fenced
6 in, that grass area?

7 MR. PEREIRAS: Yes.

8 MR. ORTIZ: Okay.

9 CHAIRPERSON CAPIZZI: And what was it for?

10 MR. PEREIRAS: It's for the residents.
11 They could go down there, barbecue, walk the dog.
12 It's their backyard.

13 MR. PRICE: Okay.

14 Okay. Parking. Okay.

15 Now, there are a couple of additional items
16 here. Okay.

17 In terms of the setbacks in the front, it's
18 zero for the first four floors. On the fifth
19 floor, you've got a step back ten feet.

20 MR. PEREIRAS: Um hum. We're in --

21 MR. PRICE: Do you --

22 MR. PEREIRAS: -- compliance. We are in
23 compliance.

24 MR. PRICE: You -- you step back ten feet
25 in the front?

1 MR. PEREIRAS: You step back 20 feet.

2 MR. PRICE: In the front?

3 MR. PEREIRAS: Yes. And you can see in the
4 rendering. Let me show you on the site -

5 The first floor is step back 20 feet.

6 This is Bergenline. This is the
7 storefront. We're stepped back 20 feet. In the
8 front and in the rear.

9 This is Bergenline Avenue. The building
10 steps back and then goes up.

11 MR. PRICE: Oh, I see.

12 MR. PEREIRAS: Steps down, goes forward.

13 MR. PRICE: Okay.

14 MR. PEREIRAS: The rendering shows it, as
15 well.

16 MR. PRICE: So, really, the whole building,
17 with the exception of the ground floor, is set
18 back 20 feet.

19 MR. PEREIRAS: Correct.

20 MR. PRICE: Okay. Okay.

21 MR. PEREIRAS: And I thought all of this
22 was very important.

23 Bergenline Avenue, and there's very
24 specific reasons why we're asking for these
25 variances. We could easily step the building

1 back. That doesn't make sense on Bergenline
2 Avenue.

3 You don't want a missing tooth on
4 Bergenline Avenue. You -- it's important to have
5 the continuity.

6 And our CN district, which is most of
7 Bergenline Avenue, coming up to this point,
8 requires a zero foot setback on there. Either
9 zero feet or five feet.

10 So, this is a -- in a little bit -- if
11 there's -- there's a conflict there in the
12 Ordinance.

13 So, I thought it was very important to
14 maintain the continuity on Bergenline Avenue, and
15 not have that missing tooth.

16 And yet, we comply with everything else.
17 Our front yard setback is set back. Our rear
18 yard, we're not in the full 20 feet, but we're
19 setting back 16 feet on -- on that top floor, so
20 that we're really squeezing our building in.

21 MR. PRICE: But there's -- but there's a
22 difference between those, in a sense in the
23 front, in the first floor, the setback
24 requirement is zero, in the front.

25 MR. PEREIRAS: Yes.

1 MR. PRICE: But it's 20 feet in the back.

2 MR. PEREIRAS: Correct.

3 MR. PRICE: So --

4 MR. PEREIRAS: Correct.

5 MR. PRICE: You know, you meet --

6 MR. PEREIRAS: And what we have on those
7 first 20 feet is our parking. That's what we're
8 providing there.

9 MR. PRICE: Okay. Let's -- a few questions
10 about parking.

11 You're providing eight spaces. Fifty --
12 the number was thrown out, 56 spaces are -- maybe
13 this is Mr. Peregoy, 56 spaces are required.

14 MR. PEREIRAS: Correct. A large number of
15 that is the commercial space, as well. I believe
16 --

17 Let's go over those numbers, just to help
18 us understand it.

19 So, commercial space is 4,664 square feet.
20 At 300 square feet, that's -- that means that
21 15.54 spaces are required, just for the
22 commercial space.

23 As we know, we have all of Bergenline
24 Avenue. No one has parking. And we wouldn't
25 exceed that. We wouldn't request that of -- of

1 anyone, any applicant on Bergenline Avenue.

2 So, I hope that this Board can agree and --
3 and understand that those 15.6 spaces are
4 required, are simply not provided and -- and
5 hopefully, will grant a variance for that aspect
6 of it.

7 That said, we have additional spaces
8 required for apartments. We have two spaces for
9 the two bedrooms, and we have four two bedrooms.
10 That's eight spaces.

11 And then, 1.8 spaces for each of the one
12 bedrooms, times 24 one bedrooms, that's 43.2
13 spaces.

14 So, we have a total of 51.2 spaces required
15 on the residential side of it.

16 MR. PRICE: Eight and 43.2 is 51.2, plus 16
17 commercial, comes up to 67.2.

18 MR. PEREIRAS: Yes.

19 MR. PRICE: Now, how do we fall back to 56?

20 MR. PEREIRAS: I'm not sure. I didn't -- I
21 didn't --

22 MR. PRICE: Okay.

23 MR. PEREIRAS: I didn't quote that number.

24 MR. PRICE: Mr. Peregoy?

25 What?

1 MR. PEREGOY: It's 67. Sixty-seven
2 required.

3 CHAIRPERSON CAPIZZI: Sixty-seven.

4 MR. SPATZ: No. It --

5 MR. PRICE: What happened to --

6 No.

7 MR. SPATZ: It -- it's --

8 MR. PRICE: The -- the -- Mr. --

9 MR. SPATZ: Yeah. It's not because the
10 first six --

11 MR. PEREIRAS: First six.

12 MR. SPATZ: In certain areas, on Bergenline
13 and Summit, the first six dwelling units are
14 subtracted from the calculation. And that's how
15 we got to the 56.

16 MR. PRICE: Perfect.

17 MR. SPATZ: Sort of not clear as to which
18 six you remove --

19 MR. PRICE: Yeah. I was going to say --

20 MR. SPATZ: But --

21 MR. PRICE: Obviously, you picked the four
22 two bedroom apartments because --

23 MR. SPATZ: Yeah. I -- I don't recall how
24 I got to the calculation. We calculate --
25 calculated 56 total parking spaces required.

1 MR. PRICE: Which is eight and two more,
2 which are 3.6, roughly 12 from 67 --

3 MR. SPATZ: It --

4 MR. PRICE: Fifty-six.

5 MR. SPATZ: Yeah.

6 MR. PRICE: Okay. Very good.

7 Thank you.

8 MR. ORTIZ: Any other members from the
9 public?

10 CHAIRPERSON CAPIZZI: Any other questions
11 from the public?

12 I'm not -- I'm not -- (indiscernible) --
13 the application.

14 MR. ORTIZ: It's your purview, Madam
15 Chairwoman.

16 CHAIRPERSON CAPIZZI: I'd like to see the
17 parking -- as I said, the parking issue
18 addressed, and the density, and the height. Me.
19 For this application.

20 MS. PEREIRAS: Parking, density, and
21 height.

22 CHAIRPERSON CAPIZZI: Okay.

23 Any other comments from the Board?

24 Questions? Comments?

25 VICE CHAIRPERSON KOEHLER: No. That's

1 brick I see, not --

2 MR. PEREIRAS: Yes.

3 VICE CHAIRPERSON KOEHLER: -- façade.

4 MS. PEREIRAS: No.

5 MR. PEREIRAS: No, it's brick. Real brick.

6 MS. PEREIRAS: The real stuff.

7 MR. ORTIZ: That will make her happy. I
8 know that.

9 I mean, where we're left, folks, is do you
10 want to do any revisions, or do you want the
11 Board to vote?

12 MS. PEREIRAS: No. Absolutely. We'd like
13 to revisit the drawings, and see if there's
14 anything that we can change to the satisfaction
15 of the Board.

16 And unless there are any other comments,
17 those are the three comments that we'll take back
18 to the drawing board, to see if there's --

19 MR. ORTIZ: I mean, I --

20 MS. PEREIRAS: -- something we can do.

21 MR. ORTIZ: I'm just reading tea leaves, so
22 to speak, and parking is a substantial problem
23 with this -- with the Board.

24 Now, keeping in mind that what we went
25 through with the last two, this is going to be

1 adjourned -- this is going to be adjourned until
2 October.

3 I just want you to be aware, fully aware of
4 it because we're not even sure about your other
5 project being heard in September.

6 MS. PEREIRAS: That's fine.

7 MR. ORTIZ: So, this is definitely going to
8 be pushed to October.

9 MS. PEREIRAS: That's fine.

10 MR. ORTIZ: Still -- we're still on the
11 same page on everything then, --

12 MS. PEREIRAS: We still, obviously, have to
13 --

14 MR. ORTIZ: -- with that being said?

15 MS. PEREIRAS: Give me one second.

16 MR. ORTIZ: Sure. Sure.

17 MS. PEREIRAS: If I can just confer with my
18 client?

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

21 MS. PEREIRAS: Hearing those --

22 Are we on back on? Are we on the record?

23 MR. DILLON: Yeah.

24 THE SECRETARY: Allow me one second.

25 Mr. Medina want to go to the --

1 MR. MEDINA: Yes. I got to go.

2 THE SECRETARY: Give me five minutes.

3 CHAIRPERSON CAPIZZI: Okay.

4 THE SECRETARY: Five minute break.

5 MS. PEREIRAS: Five minutes? No problem.

6 MR. PEREIRAS: Okay.

7 MS. PEREIRAS: Okay.

8 Thank you.

9

10 (Whereupon, the Board recessed from 7:22
11 p.m. to 7:31 p.m.)

12

13 THE SECRETARY: Let's go back on record.

14 Mrs. Pereiras?

15 CHAIRPERSON CAPIZZI: Oh, okay.

16 THE SECRETARY: Madam Chairwoman?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Go ahead.

19 MS. PEREIRAS: Oh, well, actually, we had
20 an opportunity to confer with our client, as well
21 as all the professionals that are here.

22 And, thankfully, based on your feedback, I
23 think we have a modification that we can propose
24 to this Board, and I'd like to have the architect

25 --

1 CHAIRPERSON CAPIZZI: Oh, not now.

2 MS. PEREIRAS: -- propose it.

3 CHAIRPERSON CAPIZZI: Not tonight.

4 Absolutely not. We need you to go back and redo
5 the plan.

6 No. We're not happy with this plan. No.

7 MS. PEREIRAS: I --

8 CHAIRPERSON CAPIZZI: No.

9 MS. PEREIRAS: I think the change that
10 we're proposing --

11 CHAIRPERSON CAPIZZI: I think --

12 MS. PEREIRAS: -- will --

13 CHAIRPERSON CAPIZZI: I'm going to make a
14 motion to deny the application.

15 THE SECRETARY: Motion to --

16 CHAIRPERSON CAPIZZI: Okay?

17 THE SECRETARY: -- deny the application on
18 the table by --

19 MS. PEREIRAS: Madam Chair?

20 THE SECRETARY: -- by Mrs. Capizzi.

21 MR. VELAZQUEZ: Second.

22 THE SECRETARY: Any second on the motion?

23 MR. VELAZQUEZ: I second.

24 THE SECRETARY: Second by Mr. Velazquez.

25 CHAIRPERSON CAPIZZI: That's it.

1 THE SECRETARY: Roll call on the motion.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Yes to deny the
5 application.

6 CHAIRPERSON CAPIZZI: Correct.

7 THE SECRETARY: Mr. Rivero?

8 MR. RIVERO: Yes.

9 THE SECRETARY: Yes to deny the
10 application.

11 Ms. Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Yes to deny the
14 application.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Yes to deny the
18 application.

19 Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Yes to deny the
22 application.

23 Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Yes to deny the

1 application.

2 Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Yes to deny the
5 application.

6 Seven members to deny the application.

7 Motion carries.

8 Thank you.

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

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1 **Hudson Yards West, LLC -**

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

3

4 CHAIRPERSON CAPIZZI: What about the last
5 application?

6 MR. ORTIZ: Well, we have one more.

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

10 This application was adjourned on May 23rd,
11 2017 and June 27, 2017.

12 The notice indicated revised plans and
13 supporting documentation, as a request of the
14 previous meeting.

15 Mrs. Pereiras, please?

16 MS. PEREIRAS: Thank you, Mr. Vallejo.

17 Counsel, Madam Chair, members of the Board.

18 We submitted revised drawings to your
19 planner for his comments. I do have the revised
20 plans with me today. I'm happy to submit those.

21 I understand the Board may want to have a
22 chance to review that, which I have no objection
23 to.

24 The only thing, when we were here last
25 time, I think Mr. Velazquez mentioned a meeting

1 | that was going to happen, that would maybe --

2 | MR. VELAZQUEZ: It doesn't.

3 | MS. PEREIRAS: -- affect your -- doesn't
4 | affect it at all?

5 | MR. VELAZQUEZ: No.

6 | MS. PEREIRAS: Okay. I appreciate that.

7 | CHAIRPERSON CAPIZZI: So, are we hear --
8 | this was not submitted in the time --

9 | MR. ORTIZ: No. There was -- there was no
10 | amendments.

11 | CHAIRPERSON CAPIZZI: Okay. So, then we
12 | can't --

13 | THE SECRETARY: What?

14 | MR. ORTIZ: There was no -- there was no
15 | amendment submitted to the -- the Board Clerk.

16 | CHAIRPERSON CAPIZZI: Okay.

17 | MS. PEREIRAS: Right. We didn't want to --
18 | we don't want to go back and forth.

19 | MR. ORTIZ: No, I understand.

20 | MS. PEREIRAS: So, we submitted --

21 | MR. ORTIZ: That -- that's --

22 | MS. PEREIRAS: -- it to your planner.

23 | CHAIRPERSON CAPIZZI: So --

24 | MR. ORTIZ: That's fine.

25 | CHAIRPERSON CAPIZZI: Are we --

1 MR. ORTIZ: That's --

2 CHAIRPERSON CAPIZZI: -- adjourning this?

3 MR. ORTIZ: Well, essentially, yeah. I
4 mean, I'm assuming you are -- you are going to be
5 filing the new plans?

6 MS. PEREIRAS: I have them with me, and I'd
7 love to give them to Mr. Vallejo tonight.

8 THE SECRETARY: Let the record indicate you
9 have to provide that at least ten days before of
10 the meeting.

11 MR. ORTIZ: And do you have the --

12 Would any changes --

13 THE SECRETARY: You have to comply with --

14 MR. ORTIZ: Hold on.

15 Any other changes, any -- do you also have
16 the amendment to the -- to the application?

17 MS. PEREIRAS: It doesn't change my
18 application. We're reducing --

19 MR. ORTIZ: It doesn't?

20 MS. PEREIRAS: No.

21 MR. ORTIZ: Okay. As long as they're --

22 MS. PEREIRAS: Yeah. It doesn't change --

23 THE SECRETARY: They're going to adjourn?

24 MR. SPATZ: Yeah, they'll be adjourned to

25 --

1 THE SECRETARY: That will be -- that will
2 be October 24.

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

5 MS. PEREIRAS: Need a motion to carry it?

6 CHAIRPERSON CAPIZZI: I'll make a motion to
7 adjourn it to --

8 THE SECRETARY: October --

9 CHAIRPERSON CAPIZZI: -- October.

10 THE SECRETARY: -- 24.

11 MR. VELAZQUEZ: I second.

12 THE SECRETARY: Motion to carry to October
13 24 by Ms. Capizzi.

14 MR. VELAZQUEZ: Second.

15 THE SECRETARY: Second by Mr. Velazquez.

16 Roll call on the motion.

17 Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Mr. Rivero?

20 MR. RIVERO: Yes.

21 THE SECRETARY: Ms. Fernandez?

22 MS. FERNANDEZ: Yes.

23 THE SECRETARY: Ms. Koehler?

24 VICE CHAIRPERSON KOEHLER: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Seven in favor, motion
7 carries for October 24, 2017.

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1 **ADJOURNMENT:**

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

6 MR. GUARENO: Motion.

7 MR. VELAZQUEZ: I make the motion.

8 THE SECRETARY: Motion by Mr. Guareno.

9 VICE CHAIRPERSON KOEHLER: Seconded by
10 everyone.

11 THE SECRETARY: Second by?

12 MR. ORTIZ: Everybody.

13 THE SECRETARY: Ms. Koehler.

14 All in favor, say aye.

15

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

17

18 THE SECRETARY: The ayes have it.

19 Thank you.

20 VICE CHAIRPERSON KOEHLER: Good night.

21 THE SECRETARY: Let the record show up that
22 the meeting has ended.

23

24 (Whereupon, the proceedings were concluded
25 at 7:36 p.m.)

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 SPECIAL
8 MEETING of the UNION CITY PLANNING BOARD heard on
9 Tuesday, July 11, 2017 and digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon