

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, July 25, 2017
Commencing at 6:00 p.m.

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

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
CAROLINA FERNANDEZ
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2,
(Arrived at 6:08 p.m.)
JEANNE KOEHLER, Vice Chairperson
(Arrived at 6:04 p.m.)
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
RUDY RIVERO

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:

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, MAM 1004 Palisade LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, BHD Investments, LLC

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Magaly Barrezueta

I N D E X

	<u>PAGE</u>
CALL TO ORDER	7
SALUTE TO FLAG	7
ROLL CALL	8
MOMENT OF SILENCE	9
REORGANIZATION TO ELECT CHAIR & VICE CHAIR	10
ADOPTION OF MINUTES	13
RESOLUTIONS	16
 HEARINGS/APPLICATIONS	
 MAM 1004 Palisade LLC	19
BHD Investments, LLC	55
Magaly Barrezueta	85
 ADJOURNMENT	95

I N D E XMAM 1004 Palisade, LLC - 1004 Palisade AvenueWITNESSPAGE

Michael Cinkewicz

20

SWORN PUBLIC

Larry Price

34/47

I N D E XBHD Investments, LLC - 538 42nd Street

<u>WITNESS</u>	<u>PAGE</u>
Albert Arencibia	56

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Site Plan Exhibit	59

I N D E XMagaly Barrezueta - 410 12th StreetWITNESSPAGE

Orestes Valella

86

1 MR. DILLON: Okay.

2 THE SECRETARY: Please take notice that on
3 Tuesday, July 25th, 2017, at six p.m., a Regular
4 Meeting is scheduled for the City of Union City
5 Planning Board -- Planning Board, to be held in
6 the Municipal Chamber in the City Hall, 3715
7 Palisade Avenue, Union City, New Jersey.

8 Opening statement.

9 These are made -- called in compliance with
10 Chapter 231, Public Law 1975, of the Open Public
11 Meetings Act.

12 Notice of this meeting has been provided as
13 follow.

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

21 Before we call roll for this evening
22 meeting, will everybody kindly rise to salute the
23 flag?

24

25 (Whereupon, the Pledge of Allegiance was

1 | said by all.)

2 |

3 | **ROLL CALL:**

4 |

5 | MS. CAPIZZI: Carlos?

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

8 | MS. CAPIZZI: We want to hold that moment

9 | --

10 | THE SECRETARY: Let me call --

11 | Mayor Brian P. Stack? Absent.

12 | Ydalia Genao?

13 | MS. GENAO: Yes.

14 | THE SECRETARY: Commissioner Celin
15 | Valdivia? Absent.

16 | Alicia Morejon?

17 | MS. MOREJON: Yes.

18 | THE SECRETARY: Diane Capizzi?

19 | MS. CAPIZZI: Here.

20 | THE SECRETARY: Carolina Fernandez?

21 | MS. FERNANDEZ: Yes.

22 | THE SECRETARY: Rudy Rivero? Absent.

23 | Franklin Medina?

24 | MR. MEDINA: Here.

25 | THE SECRETARY: Jeanne Koehler? Absent.

1 Alejandro Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Jose Guareno? Absent.

4 Let the record indicate that six present.

5 Those absent -- those absent tonight are Mayor
6 Brian P. Stack, Commissioner Celin Valdivia, Rudy
7 Rivero, Jeanne Koehler, and Jose Guareno.

8 We have a full quorum for tonight's
9 meeting.

10 Before we start the meeting, Mrs. Capizzi,
11 please?

12 MS. CAPIZZI: Yes.

13 I would just like to ask everyone to
14 observe a moment of silence for Dominick
15 Cantatore, who was the Acting City Clerk. He
16 served us well and he was a friend.

17

18 (Whereupon, there was a moment of silence
19 in memory of Dominick Cantatore.)

20

21 MS. CAPIZZI: Thank you.

22 THE SECRETARY: Thank you.

23 * * *

24

25

1 **Reorganization to Elect Chair & Vice Chair:**

2

3 THE SECRETARY: Okay.

4 We are going to have the Reorganization
5 Meeting to Elect Chair and Vice Chairperson.

6 Can I have a -- can I have a motion to
7 nominate a Chairperson?

8 MS. MOREJON: Motion.

9 THE SECRETARY: The name?

10 You are going to nominate which person?

11 MS. MOREJON: Chairperson.

12 THE SECRETARY: Chair?

13 MS. MOREJON: Diane Capizzi.

14 THE SECRETARY: Nomination on the table to
15 -- for Chairperson, Mrs. Capizzi.

16 MR. VELAZQUEZ: Second.

17 THE SECRETARY: Second by Mr. Velazquez.

18 MS. MOREJON: Um hum.

19 THE SECRETARY: Any other nominations?

20 No other nominations.

21 Can I have a roll call on the motion?

22 Ydalia Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Alicia Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Diane Capizzi?

2 MS. CAPIZZI: Yes.

3 THE SECRETARY: Carolina Fernandez?

4 MS. FERNANDEZ: Yes.

5 THE SECRETARY: Franklin Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Alejandro Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: Six in favor, motion
10 carries.

11

12 (Whereupon, Jeanne Koehler arrived at 6:04
13 p.m.)

14

15 THE SECRETARY: Can I have a motion --
16 Oh, one second.

17 Let the record indicate that Mrs. Koehler
18 joined the meeting. We have seven -- seven
19 members now.

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

22 THE SECRETARY: Six-oh-six p.m.

23 Can I have a motion -- can I have any
24 nomination for Vice Chairperson?

25 CHAIRPERSON CAPIZZI: Yes. I'll make a

1 motion to nominate Jeanne Koehler, Vice Chair.

2 THE SECRETARY: Nomination by Mrs. Capizzi
3 to Mrs. Koehler, as the Vice Chairperson.

4 MR. VELAZQUEZ: I second.

5 THE SECRETARY: Second by Mr. Velazquez.
6 Roll call on the motion.

7 Ydalia Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Alicia Morejon?

10 MS. MOREJON: Yes.

11 THE SECRETARY: Diane Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Carolina Fernandez?

14 MS. FERNANDEZ: Yes.

15 THE SECRETARY: Franklin Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Jeanne Koehler?

18 MS. KOEHLER: Yes.

19 THE SECRETARY: Alejandro Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Seven in favor, motion
22 carries.

23 Congratulations, Chair -- Chairperson
24 Capizzi and Vice Chairperson Jeanne Koehler.

25 (Applause.)

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on June 27, 2017.

4

5 THE SECRETARY: Next item on the agenda,
6 Regular Meeting -- Adoption of Minutes, Regular
7 Meeting held on June 27, 2017.

8 Can I have a motion to approve the previous
9 meeting minutes?

10 MR. VELAZQUEZ: I make a motion.

11 THE SECRETARY: Motion by Mr. Velazquez.

12 Second by?

13 CHAIRPERSON CAPIZZI: Second.

14 THE SECRETARY: Mrs. Diane Capizzi.

15 Roll call on the motion.

16 Mrs. Koehler? You was absent at the
17 previous meeting.

18 MR. ORTIZ: Partially.

19 VICE CHAIRPERSON KOEHLER: Was I?

20 THE SECRETARY: Abstain? You abstain.

21 MR. ORTIZ: You were --

22 MS. MOREJON: I was absent.

23 MR. ORTIZ: I don't think you were at --
24 you were at the entire meeting. I think she came

25 --

1 THE SECRETARY: All right. The -- the
2 member who was present at the previous meeting
3 was Mrs. Capizzi, Ms. Fernandez --

4 MR. ORTIZ: It's easier to just --

5 CHAIRPERSON CAPIZZI: You're right.

6 THE SECRETARY: -- Ms. Genao, Mr. Medina,
7 Ms. Morejon and Mr. Fernandez (sic) -- Alejandro
8 Velazquez. Excuse me.

9 MS. MOREJON: I wasn't here in the last
10 meeting. I wasn't here.

11 MR. ORTIZ: So, just abstain. That's fine.

12 CHAIRPERSON CAPIZZI: That's right.

13 MS. MOREJON: Okay.

14 THE SECRETARY: You was here?

15 Yeah. She was here.

16 Yeah. You was here, Mrs. -- Ms. --

17 All right.

18 Roll call on the motion to adopt the
19 previous meetings minutes.

20 Mrs. Koehler?

21 VICE CHAIRPERSON KOEHLER: Abstain.

22 MR. ORTIZ: She wasn't here for the June
23 meeting I don't think.

24 THE SECRETARY: Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Fernandez?

2 MS. FERNANDEZ: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Ms. Morejon?

8 MS. MOREJON: Abstain.

9 THE SECRETARY: Mr. Velazquez?

10 MR. VELAZQUEZ: Yes.

11 THE SECRETARY: Six in favor, one
12 abstained, motion carries.

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1 **RESOLUTIONS:**

2
3 (1) Rita Jarquin, Silvia Elena Prado, Ana
4 Patricia Prado, and Jose Santos, 1112-1114
5 Central Avenue, Block 54, Lot 10. The applicants
6 seeks to legalize basement apartment. **Approved**
7 **on June 27, 2017**

8 (2) Daniel Hernandez, 823 18th Street, Block 94,
9 Lot 18. Legalize basement apartment from two to
10 three family. **Approved on June 27, 2017**

11 (3) Robert Mauriz, 115 38th Street, Block 223,
12 Lot 42. Legalization of two second floor
13 apartments changing the use of this house from a
14 two-family dwelling to a three-family dwelling.
15 **Approved on June 27, 2017**

16

17 THE SECRETARY: We have three Resolutions
18 on tonight's agenda.

19 First Resolution, Rita Jarquin, Silvia
20 Elena Prado, Ana Patricia Prado and Jose Santos,
21 1112-1114 Central Avenue.

22 Second Resolution, Daniel Hernandez, 823
23 18th Street.

24 And third Resolution, Robert Mauriz, 115
25 38th Street.

1 Can I have a motion to adopt these
2 Resolutions?

3 MR. VELAZQUEZ: I make a motion.

4 THE SECRETARY: Motion by Mr. Velazquez.

5

6 (Whereupon, Jose Guareno arrived at 6:08
7 p.m.)

8

9 THE SECRETARY: Let the record indicate
10 that Mr. Guareno joined the meeting. We have
11 seven -- eight members now.

12 Second by Mrs. Capizzi.

13 Roll call on the motion to adopt these
14 Resolutions.

15 Mrs. Koehler?

16 VICE CHAIRPERSON KOEHLER: Abstain.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Ms. -- Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Ms. Morejon?

1 MS. MOREJON: Abstain.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno? Abstain?

5 MR. GUARENO: Abstain.

6 THE SECRETARY: He was absent.

7 Six in favor, two (sic) abstained, motion
8 carries.

9 Mr. Velazquez, can you allow Mr. -- to have
10 a seat?

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

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1 **MAM 1004 Palisade LLC - 1004 Palisade Avenue:**

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3 THE SECRETARY: We have three application
4 on tonight's agenda.

5 First application tonight's agenda, MAM
6 1004 Palisade Avenue, LLC, 1004 Palisade Avenue.

7 Mr. Adolfo Lopez, please?

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

10 MR. LOPEZ: May I proceed?

11 Thank you, Mr. Ortiz.

12 Good evening, Madam Chairwoman, ladies and
13 gentlemen of the Board.

14 We come before you tonight on this
15 application. It is not a variance application.
16 There are no variances required. It is merely
17 site plan approval. The architect will go into
18 the specifics.

19 Our Ordinance requires that even though we
20 are fully compliant, three family structures
21 require the Board to review the site plan and
22 approve or reject. And that's what we have
23 before you tonight.

24 There -- there are no notice requirements,
25 so I have not given any notice documents to -- to

1 the attorney for the Board.

2 Mr. Ortiz, given that there are no notice
3 requirements, this Board acquires jurisdiction by
4 the mere application.

5 Is that correct?

6 MR. ORTIZ: I agree.

7 MR. LOPEZ: All right.

8 MR. ORTIZ: I agree.

9 MR. LOPEZ: And I will introduce our
10 expert, Michael Cinkewicz, from Align
11 Architectural Studios, as our expert witness.

12 Mr. Cinkewicz will be --

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

15 MR. DILLON: Please raise your right hand.

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

18 MR. CINKEWICZ: I do.

19 MR. DILLON: State your name and spell it
20 for the record.

21 MR. CINKEWICZ: Michael Cinkewicz, C as in
22 cat, I-N-K-E-W-I-C-Z.

23 MR. DILLON: Okay.

24 MR. LOPEZ: Now, Mr. --

25 MR. ORTIZ: Mr. -- Mr. Lopez, has he ever

1 appeared --

2 MR. LOPEZ: No. I'm going to qualify him
3 now.

4 MR. ORTIZ: Oh, okay.

5 All right.

6 MR. LOPEZ: Mr. Cinkewicz, you've -- you've
7 never testified before this particular Board.

8 Is that correct?

9 MR. CINKEWICZ: No. Not in Union City.

10 MR. LOPEZ: And likewise, you've never
11 testified before even the Board of Adjustment in
12 Union City. This is your first time in Union
13 City.

14 MR. CINKEWICZ: First time --

15 MR. LOPEZ: Is that correct?

16 MR. CINKEWICZ: -- in Union City. Correct.

17 MR. LOPEZ: And you are a licensed
18 architect of the State of New Jersey?

19 MR. CINKEWICZ: Correct.

20 MR. LOPEZ: And where do you maintain your
21 offices?

22 MR. CINKEWICZ: 108 Waldo Avenue, Jersey
23 City.

24 MR. LOPEZ: And even though you have not
25 testified in Union City before, you have

1 testified numerous times before various boards
2 and different municipalities of the State of New
3 Jersey.

4 Is that correct?

5 MR. CINKEWICZ: Correct. Yes. New Jersey
6 and New York.

7 MR. LOPEZ: New Jersey and New York?

8 MR. CINKEWICZ: Correct.

9 MR. LOPEZ: Okay. I would move him as an
10 expert witness --

11 MR. ORTIZ: Just one additional --

12 MR. LOPEZ: -- in architecture.

13 MR. ORTIZ: -- question.

14 In urban -- in urban settings did you
15 testify? Before boards in urban --

16 MR. CINKEWICZ: Yes. Correct. Weehawken
17 is your neighbor. So, yes.

18 MR. ORTIZ: Okay. Okay.

19 CHAIRPERSON CAPIZZI: Fine. Yes.

20 MR. LOPEZ: Okay.

21 MR. CINKEWICZ: Thank you.

22 MR. LOPEZ: Thank you.

23 In preparation for this meeting, was your
24 office involved with the preparation of these
25 plans?

1 MR. CINKEWICZ: Absolutely.

2 MR. LOPEZ: And are you familiar with the
3 plans that are before this Board this evening?

4 MR. CINKEWICZ: Yes, I am.

5 MR. LOPEZ: Are you prepared to describe
6 the -- the overall proposed plan here?

7 MR. CINKEWICZ: Yes, I am.

8 MR. LOPEZ: Could you do that, at this
9 point?

10 MR. CINKEWICZ: Sure.

11 The basic proposal before you is a three
12 story -- three story structure, for a three
13 family, consisting of the ground floor having a
14 studio apartment, and a one bedroom, with a
15 garage space and six parking spots.

16 The second and third floor will consist of
17 a large one family unit, with three bedrooms.

18 MR. LOPEZ: Now, I represented to the Board
19 that your testimony would be that there are no
20 variances attributable to this project.

21 Is that correct?

22 MR. CINKEWICZ: Correct. Yes.

23 MR. LOPEZ: And can we please go over what
24 the bulk requirements are, by the Ordinance, and
25 what is proposed?

1 MR. CINKEWICZ: Sure.

2 MR. LOPEZ: So, to start out with, the
3 Ordinance permits one, two, and three family
4 dwellings in this zone.

5 Is that correct?

6 MR. CINKEWICZ: Correct. Yes.

7 MR. LOPEZ: And --

8 MR. CINKEWICZ: And we're proposing a three
9 family, which complies.

10 MR. LOPEZ: Okay.

11 What is the minimum lot area for this type
12 of structure?

13 MR. CINKEWICZ: Twenty-five hundred square
14 feet, and we propose 4,000 square feet.

15 MR. LOPEZ: What is the size of this lot?

16 MR. CINKEWICZ: It's 25 foot and -- our lot
17 is 25 foot. Requirement is 25 foot and the lot
18 is 25 foot.

19 MR. LOPEZ: And what is the depth of this
20 lot?

21 MR. CINKEWICZ: It's 160 feet total.

22 MR. LOPEZ: And the minimum lot depth is
23 how long?

24 MR. CINKEWICZ: A hundred feet.

25 MR. LOPEZ: We have 160, thus we qualify.

1 Is that correct?

2 MR. CINKEWICZ: Correct. Yes.

3 MR. LOPEZ: All right.

4 In terms of the minimum front yard setback,
5 what is the -- what is the requirement on the
6 setback, on the front yard setback?

7 MR. CINKEWICZ: It's ten feet or prevailing
8 -- prevailing -- (indiscernible) -- surface. So,
9 we -- we meet the prevailing setback.

10 MR. LOPEZ: You're proposing to align the
11 building along --

12 MR. CINKEWICZ: Yes.

13 MR. LOPEZ: -- align with all other --

14 MR. CINKEWICZ: We're going to align with
15 the two adjacent structures.

16 MR. LOPEZ: Okay.

17 What is the minimum required rear yard?

18 MR. CINKEWICZ: It's 25 percent the lot
19 length -- lot depth. So, that'd be 160 times 25,
20 would be 40 feet. And we propose 40 feet, as
21 well.

22 MR. LOPEZ: Okay.

23 MR. CINKEWICZ: So, no variance required.

24 MR. LOPEZ: And relating to side yards.

25 What are the requirements, please?

1 MR. CINKEWICZ: Five foot and two feet, and
2 we're at five foot one and three foot one. We
3 comply.

4 MR. LOPEZ: And in terms of the maximum
5 height in -- in stories, what is the maximum
6 height in number of stories permitted in the
7 zone?

8 MR. CINKEWICZ: We're allowed three
9 stories, and we -- we propose three stories.

10 MR. LOPEZ: In terms of feet, what is the
11 maximum building height in terms of feet? And
12 what are we proposing?

13 MR. CINKEWICZ: Maximum building feet is 40
14 feet. And we propose 40 feet to top of roof.

15 MR. LOPEZ: Okay.

16 In terms of building coverage, please let
17 it -- please tell me what is required, and what
18 we are proposing?

19 MR. CINKEWICZ: The requirement is 60 -- 60
20 percent of the lot, and we cover 51.1 percent of
21 the lot.

22 MR. LOPEZ: And in terms of lot coverage,
23 in terms of the percentages of lot coverage, what
24 is --

25 MR. CINKEWICZ: Yeah.

1 MR. LOPEZ: What is the maximum?

2 MR. CINKEWICZ: The maximum lot coverage is
3 85 percent, and we propose 70.32 percent.

4 MR. LOPEZ: Okay.

5 MR. CINKEWICZ: We comply.

6 MR. LOPEZ: And in terms of parking.

7 How many -- for a three -- for a structure
8 with three bedrooms and then two one bedroom
9 structures, what would be the total required
10 number of parking spaces?

11 MR. CINKEWICZ: The total required was --
12 is -- came out to 5.7 or six total spots, and we
13 meet six spots. Provide six spots for the
14 structure.

15 MR. LOPEZ: Okay.

16 Now, besides these requirements, this
17 property falls within what's called the Palisades
18 Overlay District.

19 Is that correct?

20 MR. CINKEWICZ: Correct. It does.

21 MR. LOPEZ: And are there -- are there
22 additional restrictions within that district?

23 MR. CINKEWICZ: Yes, there are.

24 MR. LOPEZ: So for example, one of the
25 restrictions is that no structure be closer than

1 30 feet from the cliff face.

2 Is that correct?

3 MR. CINKEWICZ: Correct. Yes.

4 MR. LOPEZ: All right.

5 Now, I'm going to show you these plans,
6 which is exactly what the Board has before them,
7 was a -- the top drawing on this first sheet
8 indicates certain lines. Could you describe --

9 MR. ORTIZ: Just -- just hold -- just for
10 the record, so it's clear.

11 MR. LOPEZ: Yeah.

12 MR. ORTIZ: It's premarked SD-1.

13 Is that correct?

14 MR. LOPEZ: It's page one. Correct. This
15 is just --

16 MR. ORTIZ: I just wanted to --

17 MR. LOPEZ: Yeah. Mounted on the board,
18 but for the record, it's what you have before you
19 on the first page, SD-1.

20 Did -- you're showing the layout of the
21 house within the lot on the top drawing.

22 Is that correct?

23 MR. CINKEWICZ: Correct. Yes.

24 MR. LOPEZ: And there are certain elevation
25 lines shown on here. Where did you --

1 MR. CINKEWICZ: Correct. Yes.

2 MR. LOPEZ: Where did you --

3 MR. CINKEWICZ: So --

4 MR. LOPEZ: -- get those?

5 MR. CINKEWICZ: It's our topographical map.

6 It was performed by a licensed surveyor and also
7 submitted to the Board. And it's also transposed
8 onto my plan, as well, showing the structure in
9 relationship to those topographical points.

10 MR. LOPEZ: And at the very -- all the way
11 to the right, there are -- there is a dotted
12 line, right at the end here.

13 MR. CINKEWICZ: Correct.

14 MR. LOPEZ: Could you tell us what that
15 represents?

16 MR. CINKEWICZ: Sure. Absolutely.

17 That represents the cliff edge, as opposed
18 to the licensed surveyor -- surveying.

19 MR. LOPEZ: All right.

20 And according to the Ordinance, the setback
21 from the cliff face is what?

22 MR. CINKEWICZ: It's 30 feet required.

23 MR. LOPEZ: So, the minimum that you can be
24 from that cliff face is 30 feet.

25 MR. CINKEWICZ: Correct. Yes.

1 MR. LOPEZ: Is that correct?

2 How far would -- how far is the -- the
3 structure itself from that cliff face?

4 MR. CINKEWICZ: Well, it's -- it's 40 feet
5 to our property line, plus additional 40 feet.
6 But to the most minimum portion of it, it's a
7 total of 70 feet. Actually, 75 feet.

8 MR. LOPEZ: Okay.

9 And I'm going to point out something that
10 you show in your plan as the rear retaining wall,
11 which is an existing retaining wall on the
12 property.

13 Is that correct?

14 MR. CINKEWICZ: Correct. Yes.

15 MR. LOPEZ: And could you tell us the
16 dimensions from -- or the distances --

17 MR. CINKEWICZ: Sure.

18 MR. LOPEZ: -- from that rear retaining
19 wall to the cliff face?

20 MR. CINKEWICZ: Sure.

21 To the minimum portion of the cliff, it's
22 35 feet. To the maximum side, it's 74 feet.

23 MR. LOPEZ: So, would you say all that
24 complies?

25 MR. CINKEWICZ: Yes.

1 MR. LOPEZ: Where the requirement is --

2 MR. CINKEWICZ: We're --

3 MR. LOPEZ: -- only 30 feet?

4 MR. CINKEWICZ: We're well within all the
5 requirements of the cliff edge in relationship to
6 our structure.

7 MR. LOPEZ: Okay.

8 In terms of -- in -- in terms of soil
9 disturbance, are there limitations by the Overlay
10 District, also, in terms of -- in terms of that?

11 MR. CINKEWICZ: Correct. Yes.

12 So, just be quickly about that, our lot --
13 the structure proposed is on a portion of the lot
14 that is 9.17 -- slope is 9.17. And that falls
15 within to the district of between five and .99.
16 You can disturb a maximum of 78 percent of the
17 lot.

18 MR. LOPEZ: And what -- what is the -- what
19 would you say is the disturbance on the proposed
20 -- do you --

21 MR. CINKEWICZ: Yes. So --

22 MR. LOPEZ: Do we comply with that?

23 MR. CINKEWICZ: We -- we comply with that
24 requirement. We disturb less than 70 percent of
25 the -- of the over lot portion of it that is

1 within the .999 percent of the overall slope
2 requirements.

3 MR. LOPEZ: Now, in -- in the rear portion,
4 there is -- there is no proposed disturbance in
5 the back.

6 Correct?

7 MR. CINKEWICZ: No. Not -- not showing
8 like this.

9 MR. LOPEZ: And what would be -- not where
10 the structure is, but where the backyard is from
11 that retaining wall in, would there be
12 limitations -- similar limitations on that
13 portion?

14 MR. CINKEWICZ: Correct. Yes.

15 So, that had -- from --

16 MR. LOPEZ: From the --

17 MR. CINKEWICZ: -- pretty much from the
18 back --

19 MR. LOPEZ: The rear retaining wall --

20 MR. CINKEWICZ: Yes.

21 MR. LOPEZ: -- to what is the yard, not the
22 structure itself.

23 MR. CINKEWICZ: Yes. Well, that would fall
24 into the portion that's ten to 29.999 percent.
25 So, we can disturb up to ten percent of that

1 area.

2 MR. LOPEZ: Which is approximately --

3 MR. CINKEWICZ: Approximately --

4 MR. LOPEZ: -- ten percent of that area in
5 relation to the whole lot.

6 MR. CINKEWICZ: Yeah. Ten percent. Yes.

7 MR. LOPEZ: So -- so, ten percent of 160 --

8 MR. CINKEWICZ: Sixty times 20. Yeah.

9 MR. LOPEZ: That's what could be disturbed
10 back here.

11 MR. CINKEWICZ: Correct. Yes.

12 MR. LOPEZ: But nothing is being proposed
13 at that point.

14 MR. CINKEWICZ: No.

15 MR. LOPEZ: Is that correct?

16 MR. CINKEWICZ: According to these plans,
17 nothing's being proposed for anything beyond the
18 slope that's greater than ten percent.

19 MR. LOPEZ: Okay.

20 Is there anything else in this Ordinance
21 that we need to comply with, that -- that has not
22 been testified to by you?

23 MR. CINKEWICZ: No. I don't believe so,
24 but always any questions, I'll try the best to
25 answer them.

1 MR. LOPEZ: So, that would conclude your
2 presentation and testimony relating to the
3 project.

4 Is that correct?

5 MR. CINKEWICZ: Correct. Yes.

6 MR. LOPEZ: If there are any questions,
7 certainly we -- we would entertain them.

8 CHAIRPERSON CAPIZZI: Anyone have any
9 questions at this point? Any questions, then, at
10 this point?

11 Comments from the public or wait?

12 MR. ORTIZ: Is that his complete testimony?

13 MR. LOPEZ: That's correct.

14 MR. ORTIZ: Yeah.

15 CHAIRPERSON CAPIZZI: Are there any
16 questions from the public of this --

17 Yes, Mr. Price?

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. PRICE: Yes, I do.

22 MR. DILLON: State your name -- state your
23 name for the record.

24 MR. PRICE: Larry Price, 1006 Palisade
25 Avenue.

1 MR. DILLON: Thank you.

2 MR. PRICE: Needless to say, this
3 application comes as a great surprise, since
4 there was no notice given to either me or any of
5 us.

6 Question.

7 These papers. Were they available in the
8 City Clerk's Office?

9 MR. LOPEZ: Well, that wouldn't be
10 appropriate to this -- to this witness, Mr.
11 Price. I guess you could ask me, or we could
12 ask, certainly, the Secretary to the Board. But
13 he wouldn't know anything about it.

14 MR. PRICE: Okay. You're not under oath.

15 THE SECRETARY: Yeah. It was available,
16 Mr. Price at the City Clerk's Office.

17 MR. PRICE: It was available?

18 THE SECRETARY: Yes, sir. Yup.

19 MR. PRICE: Okay. Very good.

20 For -- when -- when did it become
21 available?

22 THE SECRETARY: Let me see the stamp right
23 here, sir.

24 We sent -- we sent -- let me see. Give me
25 two seconds. Let me see the letter right here.

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

3 THE SECRETARY: I have the -- the
4 Certification of Completeness, 6/22/2013 (sic).
5 I'm sorry. I'm sorry. Wrong -- 6/23/2017, I
6 have the -- the application with the information
7 from the Tax Officer. And also, I have the
8 calculation by Mr. Spatz on June 30th.

9 MR. SPATZ: Of the fees. Right.

10 THE SECRETARY: For the fees. Yup.
11 Memoranda from Mr. Spatz on June 30th. Yes, sir.
12 Was available.

13 MR. PRICE: Okay.

14 Had I been given notice, I would be
15 introducing evidence before this Board. I
16 request the Board post -- adjourn this to the
17 next meeting, so that I have an opportunity to do
18 so.

19 MR. LOPEZ: Well, I have an objection to
20 that.

21 The notice requirements for site plan
22 review are very clear that there is no notice
23 requirement when there are no variances being
24 sought, and it is only site plan approval.

25 If you'd like to look in the -- in your

1 book, it is Section 23-12, Notice Requirements.

2 Whether notice is required to be given for
3 a hearing on a site plan application is
4 controlled generally by the municipal ordinances.

5 N.J.S.A. 40:55D-12A provides the following:

6 Public notice shall be given for an
7 extension, that does not apply, with the
8 exception of the following.

9 So, the following items are exempt from
10 public notice requirements:

11 Conventional site plan review, pursuant to
12 N.J.S.A. 40:55D-46, which is the actual
13 subsection that applies to us, Subsection 1.

14 So, there are no notice requirements for
15 this particular application.

16 The municipality -- our Ordinance does not
17 impose any additional notice requirements, or
18 specific notice requirements.

19 MR. PRICE: This was an application for
20 development. They're going to build a three
21 family house here. And you say there's no notice
22 requirement.

23 MR. LOPEZ: I don't say that.

24 MR. PRICE: I can't -- I can't research
25 this -- you know, on the spur of the moment, but

1 -- you know --

2 MR. LOPEZ: Well, I -- I read into the
3 record the statutory citation, which specifically
4 exempt this from the notice requirement.

5 This falls specifically into that category,
6 Mr. Price.

7 Had notice been required, we certainly
8 would have complied. There is -- makes no sense
9 for us to try to propose something where we are
10 noncompliant, and then what purpose would the
11 approval be?

12 MR. PRICE: That's exactly my point.

13 Okay.

14 Question.

15 The survey that you introduced, what's the
16 average slope of the site?

17 MR. CINKEWICZ: It varies throughout the
18 entire -- entire portion of the property.

19 MR. PRICE: Okay.

20 From the sidewalk at the front of the site,
21 to the rear of the site, what's the drop?

22 MR. CINKEWICZ: From the proposed finished
23 sidewalk at the top it would be 99 feet, and to
24 the retaining wall at the end of the property is
25 71 feet.

1 MR. PRICE: Seventy-one feet from where to
2 where?

3 MR. CINKEWICZ: From the front edge of the
4 proposed structure, it's 99 feet.

5 MR. PRICE: No, no, no. We're on the --
6 I'm talking about the lot.

7 MR. CINKEWICZ: You're saying --

8 MR. PRICE: The beginning of the lot
9 there's a -- there's a sidewalk on Palisade
10 Avenue. My -- my question is, what's the drop in
11 elevation from that sidewalk to the rear --

12 MR. CINKEWICZ: To --

13 MR. PRICE: -- of the property?

14 MR. CINKEWICZ: So, it would be 99
15 subtracting 71, which would be 28 feet.

16 MR. PRICE: Twenty-eight feet is the drop
17 in elevation.

18 MR. CINKEWICZ: Roughly.

19 MR. PRICE: Over the 160 feet.

20 MR. CINKEWICZ: Correct. Yes.

21 MR. PRICE: Or approximately an 18 percent
22 slope.

23 Correct?

24 MR. CINKEWICZ: Yes. But it varies
25 throughout the entire property.

1 MR. PRICE: Okay. Okay.

2 Thank you.

3 MR. LOPEZ: What is the -- what is the
4 slope that you testified to relating to the
5 actual structure on the front --

6 MR. CINKEWICZ: From the actual --

7 MR. LOPEZ: -- of the property?

8 MR. CINKEWICZ: -- built construction, it's
9 a nine -- nine point -- 9.17 percent slope, at
10 the -- where the proposed structure is, lies.

11 MR. LOPEZ: Okay.

12 Thank you.

13 MR. ORTIZ: Is that --

14 MR. LOPEZ: I have nothing further. That's
15 the end of our presentation.

16 MR. ORTIZ: Your purview.

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

19 CHAIRPERSON CAPIZZI: Could you just talk a
20 little bit about the --

21 MR. LOPEZ: I'm sorry.

22 CHAIRPERSON CAPIZZI: -- exterior material
23 on the house?

24 MR. LOPEZ: I'm sorry?

25 CHAIRPERSON CAPIZZI: The exterior

1 material?

2 MR. LOPEZ: Oh, I'm sorry. Yes. We didn't
3 go into that. We have --

4 MR. ORTIZ: A brief des --

5 MR. LOPEZ: We actually have a board here.

6 MR. ORTIZ: And a brief description of --
7 why don't we start with the interior and work our
8 way out, just brief?

9 MR. LOPEZ: Yup.

10 CHAIRPERSON CAPIZZI: Brief.

11 VICE CHAIRPERSON KOEHLER: And could you
12 angle it --

13 MR. LOPEZ: Sorry.

14 VICE CHAIRPERSON KOEHLER: Or may -- maybe
15 have it just --

16 MR. LOPEZ: Yeah.

17 VICE CHAIRPERSON KOEHLER: -- front facing,
18 not angle it?

19 MR. CINKEWICZ: Do I need it back?

20 MR. DILLON: Yeah. Yeah. It's fine.

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

23 MR. CINKEWICZ: I'll just hold it.

24 So, you'd like me to take it from the
25 inside of the building out?

1 MR. ORTIZ: Well --

2 MR. CINKEWICZ: Oh, sure.

3 MR. LOPEZ: Let's -- let's start with the

4 --

5 MR. CINKEWICZ: Okay.

6 MR. LOPEZ: -- with the front of the house.

7 Please describe what the front of the house

8 -- what materials you are proposing.

9 MR. CINKEWICZ: Sure.

10 So, it is a real brick exterior shell, with
11 a precast stone inlay in the center, with full
12 height windows on the third floor, then reduced
13 height windows in the second and third floor,
14 with a stylish barn style garage door fitting
15 with the structure.

16 It has a -- a slate roof on the front
17 facade of the building.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. CINKEWICZ: So the front structure I
20 think would vary in very well with the local
21 community.

22 MR. LOPEZ: And the rear, likewise, is also
23 --

24 MR. CINKEWICZ: Yes. The rear -- like --
25 is almost a mirror of the front -- front façade.

1 MR. LOPEZ: And describe the -- describe
2 the interior layout.

3 You -- you testified before that on the
4 first floor, you had two single bedroom
5 apartments.

6 Is that correct?

7 MR. CINKEWICZ: Yeah. That's correct. So
8 --

9 MR. LOPEZ: And --

10 MR. CINKEWICZ: -- the first floor, we had
11 a studio apartment, which is 454 square feet.
12 And then, we had a single family, which is 556
13 square feet. Both are within the requirements of
14 the square footage.

15 MR. LOPEZ: That's a one bedroom.

16 MR. CINKEWICZ: One bedroom. Correct.
17 Yes.

18 MR. LOPEZ: They both comply with the
19 Ordinance.

20 MR. CINKEWICZ: Correct. Yes. They both
21 egress directly outside.

22 MR. LOPEZ: Now, describe what the main --

23 MR. CINKEWICZ: And just these will be --
24 these -- these will be for family members, is the
25 proposed use for.

1 MR. LOPEZ: Okay. It's -- they're not
2 intended, at this point, for rental.

3 Is that correct?

4 MR. CINKEWICZ: Yeah. That's correct. At
5 this point, they're not intended for --

6 MR. LOPEZ: All right.

7 MR. CINKEWICZ: -- rental.

8 MR. LOPEZ: And please describe, then, what
9 is on the -- what is being proposed on the first
10 floor of the structure.

11 MR. CINKEWICZ: Sure.

12 So, we have a very -- basically, we have a
13 center core that has the utility coming up
14 through it, the staircase with an elevator. And
15 then, flanking both sides of that, on the first
16 floor, is a very large living room, dining room.
17 And in the rear of the structure, with a large
18 deck, we have a grand family room, which is
19 roughly 19 foot by 35 foot. Very spacious space.

20 That continuing up to the same core, up to
21 the third floor, which we have three bedrooms
22 proposed, and three bathrooms.

23 MR. LOPEZ: Could you go over the different
24 sizes, please?

25 MR. CINKEWICZ: Sure.

1 The master bedroom is 20 by 19, with a very
2 large master bath, and his and her walk-in
3 closets.

4 Next to that is a laundry room on the
5 floor, a little sitting area, moving forward.
6 And then, we have a bedroom which is 19 by 15,
7 with its own bathroom. And then, we have a front
8 bedroom, which is 16 by 19, with his own
9 bathroom, as well.

10 It's a very spacious three bedroom unit.

11 MR. ORTIZ: Just -- just because I'm -- I'm
12 slightly unclear, and I think the Board is, and
13 I'm just guessing, is -- the one unit is a
14 duplex. Is that what --

15 MR. CINKEWICZ: No. No. Absolutely not.

16 So, the ground floor has really no -- the
17 ground floor has the two studios and first
18 bedroom -- one bedroom use.

19 MR. ORTIZ: Okay.

20 MR. CINKEWICZ: They have no association
21 with above that. They -- only on the ground
22 floor.

23 MR. ORTIZ: Okay. So, the second then I
24 guess, third floor are one unit.

25 That's what I'm saying.

1 MR. CINKEWICZ: Correct.

2 MR. ORTIZ: That's -- that's kind of a
3 duplex.

4 MR. CINKEWICZ: Correct. Yes.

5 MR. ORTIZ: When I say duplex. I'm not
6 using the right terminology. I apologize.

7 MR. CINKEWICZ: No. That's -- that's --
8 you're right.

9 MR. ORTIZ: All right. So that -- so, the
10 units are all on the -- the ground floor. And
11 then, the rest would be -- I got you.

12 Does everybody understand?

13 MS. MOREJON: Um hum.

14 CHAIRPERSON CAPIZZI: Yes. And on the side
15 of the house, what kind of --

16 MR. LOPEZ: What is the material that's --

17 CHAIRPERSON CAPIZZI: -- side -- what type
18 of material?

19 MR. LOPEZ: -- proposed on the side of the
20 house?

21 MR. CINKEWICZ: I believe on the siding --
22 right now, we propose a vinyl siding.

23 MR. LOPEZ: On the sides?

24 MR. CINKEWICZ: Correct. Yes.

25 MR. LOPEZ: Okay.

1 MR. PRICE: I have a question about that
2 testimony, if I may?

3 MR. LOPEZ: Sure.

4 MR. PRICE: Okay. Still Larry Price.

5 The two apartments on the ground floor, the
6 first one you said was a one bedroom.

7 Correct?

8 MR. CINKEWICZ: Yes.

9 MR. PRICE: How large is it?

10 MR. CINKEWICZ: The one bedroom total
11 square footage is 565 square feet.

12 MR. PRICE: Okay.

13 And the second apartment --

14 MR. CINKEWICZ: Is --

15 MR. PRICE: -- is also --

16 MR. CINKEWICZ: No.

17 MR. PRICE: -- a one bedroom.

18 MR. CINKEWICZ: I apologize. Said it
19 wrong. It's a studio.

20 MR. PRICE: Oh, a studio.

21 MR. CINKEWICZ: Yes.

22 MR. PRICE: The second.

23 MR. CINKEWICZ: And that is 454 square
24 feet.

25 MR. PRICE: Okay. Wouldn't matter anyway,

1 would it?

2 Okay.

3 Thank you.

4 MR. LOPEZ: Now, relating to the sides of
5 the structure, you have -- you have structures on
6 either side of this property.

7 Is that correct?

8 MR. CINKEWICZ: Correct. Yes.

9 MR. LOPEZ: And the sole space on -- well,
10 on one side you have a large building, as you
11 face the property on the left hand side.

12 Is that correct?

13 MR. CINKEWICZ: Correct.

14 MR. LOPEZ: And on the right side, you have
15 another -- another home, which is a two family
16 home, as you face the property on the right hand
17 side.

18 MR. CINKEWICZ: Correct. Yup.

19 MR. LOPEZ: Is that correct?

20 MR. CINKEWICZ: Yes.

21 MR. LOPEZ: So, the space in between them,
22 even though it's fully compliant with the
23 requirements of the Ordinance, is a fairly narrow
24 space.

25 Is that correct?

1 MR. CINKEWICZ: Correct. Yes.

2 MR. LOPEZ: Is that the reason why the
3 owner decided to put siding as opposed to
4 creating a massive brick structure on the side --

5 MR. CINKEWICZ: Of course.

6 MR. LOPEZ: -- of the properties?

7 MR. CINKEWICZ: Of course. The structure
8 is roughly 90 -- 90 plus feet long, so -- and
9 nobody really will be seeing it, we decided to do
10 a vinyl siding.

11 MR. LOPEZ: Okay.

12 CHAIRPERSON CAPIZZI: What type of lighting
13 would you have on this structure? Lighting?

14 MR. LOPEZ: Exterior --

15 CHAIRPERSON CAPIZZI: Exterior lighting.

16 MR. LOPEZ: -- lighting?

17 CHAIRPERSON CAPIZZI: Correct.

18 MR. CINKEWICZ: I believe we would have a
19 simple -- we have -- on the garage and the first
20 floor, we show two basic light fixtures, that
21 will basically just illuminate the walking path
22 area.

23 CHAIRPERSON CAPIZZI: I'm sorry.

24 MR. CINKEWICZ: On the -- on the elevation
25 on the front, we -- we propose two round light

1 fixtures.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. CINKEWICZ: And that would basically be
4 just to illuminate the sidewalk area and the
5 garage area.

6 CHAIRPERSON CAPIZZI: Anything in the back,
7 to walk down the alleyway, let's say.

8 MR. LOPEZ: On the sides?

9 CHAIRPERSON CAPIZZI: Yeah.

10 MR. LOPEZ: As you walk --

11 CHAIRPERSON CAPIZZI: I think --

12 MR. LOPEZ: -- down the sides of the
13 property?

14 CHAIRPERSON CAPIZZI: You know?

15 MR. CINKEWICZ: Well, we haven't -- I don't
16 -- we haven't actually thought that far ahead,
17 but I'm sure the owner would probably appreciate
18 -- would want that, as well. Especially the fact
19 that -- as I said, the two ground floor units
20 exit directly onto that level.

21 CHAIRPERSON CAPIZZI: Right.

22 MR. CINKEWICZ: Yes.

23 CHAIRPERSON CAPIZZI: Probably something.

24 MR. LOPEZ: So probably motion --

25 CHAIRPERSON CAPIZZI: Motion lights.

1 Exactly.

2 MR. LOPEZ: -- lights and so on. It would
3 be more specific on the actual building plans.

4 Isn't that correct?

5 MR. CINKEWICZ: Correct. Yes. That would
6 be something we'd pick up there, but we'd gladly
7 if that's --

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. CINKEWICZ: We'll put that in there.

10 MR. LOPEZ: It's not something that we
11 would normally put just on site plan approval.

12 CHAIRPERSON CAPIZZI: Right.

13 MR. LOPEZ: But certainly, they would go
14 into it, as well as the back, is it fair to say
15 that -- you know, the deck area in the back, it
16 would --

17 MR. CINKEWICZ: Yeah. It will be --

18 MR. LOPEZ: -- in all likelihood be
19 eliminated (sic) for --

20 MR. CINKEWICZ: There would definitely be
21 some illumination on the -- on the rear deck, I
22 mean, obvious, yeah.

23 CHAIRPERSON CAPIZZI: Good. Okay.

24 Does anyone else have any suggestions or --

25 MS. MOREJON: No.

1 CHAIRPERSON CAPIZZI: -- questions,
2 comments?

3 Anyone from --

4 VICE CHAIRPERSON KOEHLER: Do you have an
5 area for the trash?

6 CHAIRPERSON CAPIZZI: Trash.

7 MR. CINKEWICZ: Well, we -- we plan to --
8 we have a three foot one space that we'd put the
9 trash cans in, and also store within the garage.

10 MR. VELAZQUEZ: The garage area.

11 MR. CINKEWICZ: Basically, it would be
12 stored within the garage area.

13 MR. VELAZQUEZ: There won't be no
14 obstruction to the side.

15 MR. LOPEZ: If it's stored within the
16 garage area, it would have a clear path on the
17 sides of the property?

18 MR. CINKEWICZ: Yeah. We would still
19 maintain the three foot on the egress side.

20 MR. VELAZQUEZ: Right in the middle where
21 the carports and the -- the studio one.

22 Right?

23 MR. CINKEWICZ: Correct. Yes.

24 VICE CHAIRPERSON KOEHLER: On this side.

25 MR. VELAZQUEZ: And is this the drawing

1 | that they've got three shrubs there?

2 | MR. CINKEWICZ: Yeah. We propose a little
3 | bit of green -- greenery on the front space, to
4 | kind of make it look nice, because it overhangs.

5 | CHAIRPERSON CAPIZZI: Anyone else have any
6 | --

7 | Anyone from the public have any questions
8 | or comments, concerns?

9 | No?

10 | Okay.

11 | Seeing none.

12 | I'll make a motion to approve the
13 | application.

14 | THE SECRETARY: Motion to approve the
15 | application by Chairwoman Diane Capizzi.

16 | MR. VELAZQUEZ: I second.

17 | THE SECRETARY: Second by Mr. Alejandro
18 | Velazquez.

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

21 | Ms. Genao?

22 | MS. GENAO: Yes.

23 | THE SECRETARY: Ms. Morejon?

24 | MS. MOREJON: Yes.

25 | THE SECRETARY: Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Fernandez?

3 MS. FERNANDEZ: Yes.

4 THE SECRETARY: Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Mr. Velazquez?

9 MR. VELAZQUEZ: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Eight in favor, motion
13 carries.

14 MR. LOPEZ: Thank you.

15 CHAIRPERSON CAPIZZI: Thank you.

16 MR. LOPEZ: Thank you so much.

17 CHAIRPERSON CAPIZZI: Thank you.

18 THE SECRETARY: You're welcome.

19 * * *

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

2

3 THE SECRETARY: Next application on
4 tonight's agenda, BHD Investments, LLC, 538 42nd
5 Street.

6 Mr. Alonso, please?

7 MR. ALONSO: Thank you.

8 Good evening, members of the Board.

9 For the record, Alvaro Alonso, Alonso
10 Navarette, on behalf of the applicant.

11 I am providing counsel with my proof of
12 publication and notices for jurisdictional
13 purposes.

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

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

20 CHAIRPERSON CAPIZZI: Okay.

21 Proceed.

22 MR. ALONSO: Thank you.

23 This is an application to demolish an
24 existing structure and to construct a new three
25 family house at the site. We are seeking

1 | variances and site plan approval.

2 | I have one witness this evening, Albert
3 | Arencibia. I would ask that he be sworn in.

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. ARENCIBIA: I do.

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

10 | MR. ARENCIBIA: Albert Arencibia,
11 | A-R-E-N-C-I-B-I-A.

12 | MR. DILLON: Thank you.

13 | MR. ARENCIBIA: Sure.

14 | MR. ALONSO: Madam Chair, Mr. Arencibia has
15 | been --

16 | CHAIRPERSON CAPIZZI: Yes.

17 | MR. ALONSO: -- before this Board in the
18 | past.

19 | CHAIRPERSON CAPIZZI: Yes.

20 | MR. ALONSO: Thank you.

21 | MR. ARENCIBIA: And license still active,
22 | so just to be clear.

23 | MR. ALONSO: Thank you.

24 | Mr. Arencibia, can you please review with
25 | the Board, what are the existing conditions on

1 the property, and how do we propose to improve
2 it?

3 MR. ARENCIBIA: Yes.

4 There's like a one and a half story
5 structure on the property and we're proposing on
6 demolishing that story -- that -- that structure
7 and we're going to be putting in a new three
8 family, very similar to three families that we do
9 many places.

10 On Sheet T100.B, we basically show two
11 pictures of the neighborhood. On picture A --
12 should be the second page on your --

13 CHAIRPERSON CAPIZZI: I don't have --

14 MR. ARENCIBIA: Second? No?

15 MR. ALONSO: Do you have another sheet?

16 MR. ARENCIBIA: No.

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

19 MR. ARENCIBIA: T100.B. No?

20 MR. ORTIZ: Are -- are we talking about the
21 exterior of the building?

22 MR. ALONSO: No. It's just --

23 MR. ARENCIBIA: No.

24 MR. ALONSO: -- photographs.

25 MR. ARENCIBIA: Just some photographs of

1 the neighborhood, so everybody will be familiar
2 with the -- the neighborhood. That's all so --

3 MR. ORTIZ: We don't have it.

4 MR. ARENCIBIA: Well --

5 MR. ALONSO: Well, maybe you can just pick
6 up the board.

7 MR. ARENCIBIA: Anyway, for the Board -- I
8 apologize. I don't know why you don't have that
9 in your documents, but --

10 This is -- this is the structure that's
11 going to be taken down. As you can see, it's
12 basically like one and a half story above the
13 basement. So, roughly a two story building.

14 So, what we're proposing is taking that
15 structure down, and you get a sense of the
16 feeling for the different structures in the -- in
17 the area.

18 Basically, two, two and a half story
19 structures throughout. There's a building on the
20 corner that's roughly three stories tall. So,
21 there's a couple mixes of uses, but -- you know,
22 it's residential in character, most -- mostly.

23 MR. ORTIZ: Mr. Alonso, just so we have a
24 complete record, if -- with that -- at least
25 copies of that be submitted tomorrow?

1 MR. ALONSO: Right. Actually, Mr.

2 Arencibia, would you mind if we mark this --

3 MR. ORTIZ: Oh, that's a good -- that's a
4 good --

5 MR. ARENCIBIA: Exhibit?

6 MR. ALONSO: -- document --

7 MR. ARENCIBIA: We can do that.

8 MR. ALONSO: -- as Exhibit A-1 and we'll
9 leave it with the Board Secretary.

10 MR. ARENCIBIA: Sure. Absolutely.

11

12 (Whereupon, Site Plan Exhibit was received
13 and marked as Exhibit A-1.)

14

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

16 MR. ARENCIBIA: Thank you.

17 MR. ORTIZ: -- the only thing that is not
18 in our package is just the pictures of the
19 neighborhood.

20 Correct?

21 Nothing as to the individual project or
22 structure.

23 MR. ARENCIBIA: That's correct.

24 That's correct, sir.

25 Thank you, sir.

1 Anyway, so, going beyond that, we'll
2 basically just go to the site plan.

3 On T100 -- I hope everybody has that one.

4 Okay? All right. So basically, yeah, T100
5 has a key map. As you could see, sort of the
6 neighborhood character, smaller structures pretty
7 much consistent with what we're proposing here.
8 You have the Saint Rocco Roman Catholic Church in
9 the area, as well, too.

10 So, it's a mixed neighborhood. There's a
11 big parking lot across the way, and there's also
12 a parking lot, of course, for the church, as
13 well.

14 So, we're proposing on having here is a
15 three story, three family home. Setting back the
16 structure 20 feet from the front, so we'd be able
17 to have cars parking on the apron.

18 The garage will be, of course, front
19 loaded. We'd be able to have two cars on the
20 ground floor in the parking lot.

21 And we have, at the rear of the parking
22 lot, on the ground floor, we're proposing on
23 having a handicap accessible, ADA accessible unit
24 on the ground floor, one bedroom unit on the
25 ground floor.

1 Typical of most of the three story
2 structures that we do, we have stairs off to one
3 side of the property, thereby allowing a larger
4 expanse, so we'll be able to have two cars in
5 front of the -- the garage doors.

6 What we normally do in situations like that
7 is we have a -- underneath the stairs, we tuck
8 away the garbage so nothing is visible from the
9 street, and it's tucked away, and outside of the
10 way.

11 Utilities, we usually put on the right hand
12 side of the -- of the house, so we do not see
13 anything from the front of the house, as far as
14 utilities.

15 In the rear of the -- of the property,
16 we're going to be having a seven foot setback,
17 and on the rear yard, basically you need the
18 three condensers for heating and cooling of the
19 -- each individual of the properties.

20 The access to the ADA unit is going to be
21 via a sidewalk along the right hand side of the
22 -- of the street. On the back side and around
23 the sides of the structure, we're going to have
24 lawn areas, so we'll be able to have access to
25 the condensers that you have to have.

1 On the -- on the short side of the -- of
2 the -- the other -- other side of the -- of the
3 house, the structure, one side is one foot five,
4 and three foot eight on the other side. So, on
5 the one foot five, we're basically going to put
6 mulch on the other side, as -- as soft material,
7 so there will be no impermeable materials on that
8 side. So, mostly the area will be permeable.

9 MR. ORTIZ: The variances that we -- that
10 are -- that are required?

11 MR. ARENCIBIA: Okay. It's -- this is the
12 -- the three family is permitted use. We do not
13 need a variance for that so --

14 The variances we need is the side yard
15 variance. We need one side to be two foot, both
16 sides to be five foot.

17 We have one side at one foot five, which is
18 the one that we need a variance for.

19 The other side is a three foot eight. We
20 do not need a variance for that.

21 And -- and the reason for that is basically
22 because the three foot eight is really your --
23 your path of egress travel. And that is your
24 minimum width that you need in order to
25 accommodate that.

1 I know years ago we used to do homes where
2 you had two foot on side and three foot one on
3 the other side. But the Codes changed and you --
4 you actually really need the three foot eight.
5 So, that's what we do.

6 In essence, you really can't do anything on
7 the two foot side anyway, so it really makes no
8 difference. But at least it creates a legal
9 egress path for the unit on the ground floor.
10 And that's what we do with that.

11 So, we need a variance for one of the side
12 yards.

13 We also need a variance for the lot depth
14 at the rear; 25 is required, we have seven foot.
15 So, we need a variance for that.

16 And the other variance we need, of course,
17 is the parking.

18 So, very minimal variances that we need for
19 this application. It's consistent. It's -- it's
20 what's permitted in the area.

21 Other than the side yard, the rear yard,
22 and the -- the parking, we pretty much complied
23 with all the other bulk variances.

24 MR. ALONSO: And in terms of the parking,
25 right on the same block is the municipal parking

1 lot.

2 MR. ARENCIBIA: That is correct. Yes.
3 That's correct.

4 Anyway, just some housekeeping.

5 We're going to have, of course, some
6 lighting at the entrance of the door for the ADA
7 unit. However, it's going to be shielded
8 lighting, so will not have the spillover effect
9 on -- into the neighbors. So, it will just be
10 down lighting, up lighting, so it's not going to
11 have anything visually obstructive to any of the
12 neighbors at all.

13 MR. ORTIZ: That's going to be on the side
14 of the building, on the walkway?

15 MR. ARENCIBIA: Yes, sir.

16 MR. ORTIZ: How far does that stick out
17 from the building, if you know?

18 MR. ARENCIBIA: The what?

19 MR. ORTIZ: How far will these stick out?
20 If it's going to be on the side way, which is the
21 pathway --

22 MR. ARENCIBIA: What -- I'm sorry. What
23 would stick --

24 MR. ORTIZ: This lighting -- this lighting
25 is going to be --

1 MR. ARENCIBIA: Yeah.

2 MR. ORTIZ: -- on the side.

3 Right?

4 MR. ALONSO: The wall sconce.

5 MR. ARENCIBIA: Yes. That's going to be
6 above -- wall sconce.

7 MR. ALONSO: How does -- how does --

8 MR. ARENCIBIA: Oh.

9 MR. ALONSO: -- this project?

10 MR. ARENCIBIA: Six inches.

11 MR. ORTIZ: Okay.

12 MR. ARENCIBIA: Right.

13 MR. ORTIZ: No -- no, because that goes
14 into the --

15 MR. ARENCIBIA: Yeah. No, no. And it's
16 beyond the door, too, so it's basically just --
17 just to light up the -- the entrance of the
18 building, at that point.

19 In this application, we're also proposing
20 on putting a tree well on the front of the -- the
21 structure, in front of the stairs, so it will
22 have some landscaping in front. At least
23 something on the street and soften it up a little
24 bit.

25 MR. VELAZQUEZ: This block has already been

1 done, though, with sidewalks and trees.

2 Right?

3 MR. ALONSO: I believe so.

4 MR. ARENCIBIA: I believe so.

5 MR. ALONSO: Just --

6 MR. ARENCIBIA: Yeah. I believe recently.

7 MR. ALONSO: This summer, I believe.

8 Right?

9 MS. MOREJON: Yes.

10 MR. ARENCIBIA: Yes.

11 You can't tell anymore. Every block's been
12 -- been done lately.

13 And anyway, so, if you look at A100, that's
14 the floor plans. Again, you see the front loaded
15 parking, the two cars inside the garage, two cars
16 will be outside.

17 Over here, you see the access to the -- to
18 the apartment in the rear. You also see we have
19 a sprinkler water meter room off of that access,
20 as well, too.

21 We have the meter room, the meters,
22 electric meters, and also the gas meters.

23 The garage door, it's going to be 16 foot
24 wide, the overhead garage door. And as you could
25 see, I show sort of the garbage underneath the

1 | stairs there. So at least everybody understands
2 | that it's going to be tucked out of the way.

3 | The tree grate in the front, and we show
4 | that the -- it's a one -- one bedroom, has a
5 | bedroom in the rear, dining area, ADA compliant
6 | bathroom, kitchen, the whole nine yards. Living
7 | room space, closet.

8 | So, it's a nice ample apartment. It's 848
9 | square feet. So, it's a nice size apartment.

10 | If you go upstairs, take the stairs up,
11 | basically both apartments will be three bedrooms,
12 | two bath apartment. Fairly -- fairly similar to
13 | what we've seen before in the past.

14 | Open living room space, with a living room,
15 | dining area, and also a kitchen area.

16 | You have two smaller bedrooms with closets,
17 | back to back. Not -- a wash -- a water heater,
18 | boiler, furnace area. You also have washer and
19 | dryer. And the linen closet off of the main
20 | corridor.

21 | In the master bedroom, you have two closets
22 | in the master bedroom on one side, and of course,
23 | one large bathroom with a shower in the bathroom.

24 | And both bedrooms and both living spaces on
25 | the second floor and the third floor were

1 | basically the same.

2 | MR. ORTIZ: Does the sidewalk -- since
3 | we've done the sidewalks, do they have trees
4 | already on 42nd Street?

5 | MS. MOREJON: On that block, yes.

6 | MR. ORTIZ: They have trees already, so how
7 | -- it's not that I'm sure the Board doesn't
8 | appreciate trees being put in front of the
9 | building, but --

10 | MR. ARENCIBIA: Right.

11 | MR. ORTIZ: If the trees are currently
12 | there, I know one thing that the City generally
13 | likes to see is everything stay -- that's brand
14 | new, stay that way, essentially.

15 | MR. ALONSO: Right.

16 | MR. ORTIZ: So how -- how do you propose
17 | putting the tree in to match what -- the
18 | streetscape that's already there?

19 | MR. ARENCIBIA: Well --

20 | MR. ORTIZ: And brand new.

21 | MR. ARENCIBIA: I'm sure we can comply with
22 | whatever it is that's existing in the
23 | neighborhood. Whatever tree grating you have in
24 | the existing, we could --

25 | MR. ORTIZ: But what I'm --

1 MR. ARENCIBIA: --- actually match it.

2 MR. ORTIZ: What I'm trying to say is that
3 I don't know if the tree is there currently, and
4 it might be -- let's just say there's a tree
5 every 30 feet --

6 MR. ALONSO: Right.

7 MR. ORTIZ: -- 20 feet, a tree there might
8 just be awkward. And believe me, everybody likes
9 trees.

10 MR. ALONSO: Right.

11 MR. ARENCIBIA: Okay.

12 MR. ORTIZ: You know, I mean how -- you got
13 to be consistent with what's --

14 MR. ARENCIBIA: Well --

15 MR. ALONSO: Yeah, I mean, I -- I don't
16 know if they'd be able to do that, and just
17 speaking off the top of my head, knowing that
18 block, because I go to Termini's a lot.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ALONSO: Some of the properties have
21 driveways, some of the properties don't have
22 driveways. So, I can't imagine that it'd be
23 consistent the same -- same distance, in terms of
24 feet, one tree to the next tree.

25 Obviously, we would accommodate, we would

1 work -- would work with Mr. Spatz, or whoever the
2 Board selects, in order to accommodate a tree.

3 MS. MOREJON: The only area that -- excuse
4 me -- that you won't find any tree is what used
5 to be the pharmacy. Remember the pharmacy that's
6 no longer there, in the corner, across the street
7 from the park?

8 MR. ALONSO: Park --

9 MS. MOREJON: Jose Marti Park.

10 MR. ALONSO: Okay.

11 MR. VELAZQUEZ: Yeah.

12 MS. MOREJON: That's why you don't have --
13 that's why you don't have tree. The rest of the
14 block, down to Kennedy --

15 MR. VELAZQUEZ: Yeah. Because they left --
16 they left --

17 MS. MOREJON: -- you have tree.

18 MR. VELAZQUEZ: They left the sidewalk open
19 because there's another project down on 42nd
20 Street.

21 MR. ALONSO: My client is doing that one,
22 also.

23 MR. VELAZQUEZ: I know this house from
24 previous -- they gave me a lot of issues. There
25 was a lateral that collapsed in the middle over

1 | there, and nobody wanted to take responsibility.
2 | A headache.

3 | MR. ARENCIBIA: What we're proposing here
4 | is a new structure, fully sprinklered, fire
5 | alarm, strobes, the whole nine yards so --

6 | MR. VELAZQUEZ: That's basically because of
7 | the size of the width, and on the side, God
8 | forbid a firefighter, with their equipment and
9 | everything.

10 | MS. MOREJON: It's a narrow tree --

11 | MR. ORTIZ: So, how big is --

12 | CHAIRPERSON CAPIZZI: So, the one side is
13 | less than two --

14 | MS. MOREJON: It's one way going down from
15 | Kennedy Boulevard.

16 | MR. ALONSO: Right. That's -- that's the
17 | new standard now. It used to be three --

18 | CHAIRPERSON CAPIZZI: But how do they get
19 | through? On the other side?

20 | MR. ARENCIBIA: That's on the other side,
21 | three foot eight.

22 | VICE CHAIRPERSON KOEHLER: It's 3.8.

23 | CHAIRPERSON CAPIZZI: No, but for the other
24 | house? I know that you don't care, I mean it's
25 | not your application, but if that -- this side is

1 1.8, then their side has to be big, because they
2 have, for that house, somebody has to get down
3 one side or the other.

4 MR. ARENCIBIA: Well, that house is already
5 set back and if you --

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. ARENCIBIA: If you look at T100, I
8 think you can see the actual adjacent structure.
9 You can see the actual shape of the house. And
10 there's only one little on the top, left.

11 CHAIRPERSON CAPIZZI: Say here.

12 MR. ORTIZ: Oh.

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

15 MR. ARENCIBIA: But if -- if you look at
16 the -- at the utility plan there, on -- on the
17 left hand side, that's --

18 MR. VELAZQUEZ: That's a little house.
19 Next door to it?

20 MR. ARENCIBIA: That's a small little
21 house, and that house has got to be set back --

22 MR. VELAZQUEZ: And then, you have -- the
23 porch comes out to the front.

24 MR. ARENCIBIA: That house is set back
25 already. At the -- at the smallest point, looks

1 | like it's set back at least three feet.

2 | And the front part of that house is set
3 | back, it looks like at least like four feet. So,
4 | you have, basically, almost six feet between both
5 | properties, at that point in time.

6 | You can -- you can see it on the left
7 | there. I don't know.

8 | CHAIRPERSON CAPIZZI: Oh.

9 | MR. ARENCIBIA: Maybe I should --

10 | CHAIRPERSON CAPIZZI: Sure.

11 | MR. ARENCIBIA: Sorry.

12 | See, that's the adjacent structure. So,
13 | only at this point, this is one foot five.

14 | CHAIRPERSON CAPIZZI: Um hum.

15 | MR. ARENCIBIA: And you still have more
16 | space here. See, maybe like two and a half feet,
17 | see here? Up to here? This you can see you have
18 | almost like five, six feet here, from there to
19 | there.

20 | So, if anybody, firefighters can go in
21 | there. You can fight any fire right from that
22 | point.

23 | CHAIRPERSON CAPIZZI: Okay. So, this is
24 | the only spot that would be --

25 | MR. ARENCIBIA: Correct.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ARENCIBIA: Just that little corner
3 there.

4 And typically, most firemen, they don't
5 want to fight a fire from right inside the lot.
6 They'll do it from the outside --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. ARENCIBIA: -- because it's --

9 CHAIRPERSON CAPIZZI: Right.

10 MR. ARENCIBIA: -- quite dangerous for them
11 to do that, anyway.

12 MR. ORTIZ: Talking about taking people
13 out. That's the problem.

14 MR. ARENCIBIA: Right.

15 MR. ORTIZ: That, they don't have a choice.

16 MR. ARENCIBIA: Got you.

17 CHAIRPERSON CAPIZZI: What is the material
18 on the exterior of the -- the front, back --

19 MR. ARENCIBIA: Yes.

20 CHAIRPERSON CAPIZZI: -- and side?

21 MR. ARENCIBIA: I was just going to get to
22 that.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. ARENCIBIA: I'm sorry.

25 Yes. The front, we're proposing on having

1 a combination of brick and hard stucco.

2 VICE CHAIRPERSON KOEHLER: What did you
3 call the brick?

4 MR. ARENCIBIA: Brick and hard stucco.

5 VICE CHAIRPERSON KOEHLER: Oh, I thought
6 you said it --

7 MR. ARENCIBIA: Like the cement stucco, not
8 the EIFS stuff.

9 VICE CHAIRPERSON KOEHLER: It says brick --
10 oh, okay. You call it brick veneer, but that's
11 just --

12 MR. ARENCIBIA: Correct. Yes.

13 But so that's going to be brick, so --

14 VICE CHAIRPERSON KOEHLER: But not veneer.
15 Got it.

16 MR. ARENCIBIA: Yes. It's real brick.

17 So that's going to be -- the whole -- most
18 of that front's going to be brick. And then, you
19 have the section where we're actually punching
20 out a little section of the windows in the living
21 room area, roughly about a foot. And that will
22 be finished off with a hard stucco material.

23 We're going to have the -- the pediments,
24 the classic cornice detailing around the windows.
25 Nice clean -- it's like a clean, modern

1 | contemporary kind of look to the -- to the roof.

2 | Sort of like a flatter pitch for -- pitch
3 | for the front section that projects out, and then
4 | the recessed pitch for the roof that goes further
5 | back. Asphalt shingles on both.

6 | The sides of the -- of the homes are going
7 | to be vinyl siding, but we're also going to have
8 | -- returning the brick backing section so we'll
9 | be able to wrap the entire house in the front in
10 | brick on both sides.

11 | The stairs, of course, would also be
12 | covered with a brick veneer. And the -- we have
13 | sort of like a little detailed column in the
14 | corner of the -- of the corner, so to create like
15 | a little classical look to it, as well, too.

16 | The back -- the bottom sections of the --
17 | the ground floor, it's just going to be eight
18 | inch block. That's all going to be finished off
19 | in cement stucco along both sides of the -- the
20 | building itself.

21 | MR. VELAZQUEZ: How thick is the cement
22 | stucco?

23 | MR. ARENCIBIA: Well, it will probably be
24 | like half an inch or so. You know, the scratch
25 | coat lasts --

1 MR. VELAZQUEZ: Not after two years, it's
2 like falling to pieces.

3 Right?

4 MR. ARENCIBIA: No. That -- that's --
5 you're talking about the EIFS stuff. That's what
6 you're looking. This is different.

7 VICE CHAIRPERSON KOEHLER: I actually have
8 a question about the first floor unit.

9 You said it's ADA -- it's an ADA unit?

10 MR. ARENCIBIA: It's ADA compliant.

11 VICE CHAIRPERSON KOEHLER: Compliant.

12 MR. ARENCIBIA: Yes. So --

13 VICE CHAIRPERSON KOEHLER: What is the --
14 the requirement, the ADA requirement for the
15 door? And then, for the side yard? What would
16 that -- what requirement is -- I -- I -- it looks
17 like it would be a five foot requirement for ADA.

18 MR. ARENCIBIA: No. It's depends. There's
19 different -- there's certain things you have to
20 have turnarounds. Like as you could see in the
21 bathroom we have there has that five foot
22 turnaround.

23 VICE CHAIRPERSON KOEHLER: Um hum.

24 MR. ARENCIBIA: But you know --

25 VICE CHAIRPERSON KOEHLER: You don't need a

1 five foot turnaround for ingress and egress?

2 MR. ARENCIBIA: No. No.

3 Depends on -- there's also -- they allow T
4 turns, and so forth, so those -- there are
5 different ways to figure out the accessibility of
6 it all.

7 VICE CHAIRPERSON KOEHLER: And what's --
8 and the door -- what is the requirement for a
9 door for ADA?

10 MR. ARENCIBIA: Well, typically, it's a 32
11 inch minimum width that the door has to have
12 clear. That's -- that's the ADA requirement for
13 the -- for the access for a wheel -- for somebody
14 in a wheelchair.

15 VICE CHAIRPERSON KOEHLER: Okay.

16 So that's 32 inch.

17 MR. ARENCIBIA: Yes.

18 VICE CHAIRPERSON KOEHLER: And you -- did I
19 hear you correctly? You said that's mulch?

20 MR. ARENCIBIA: Mulch. Yes. On the one
21 foot five side.

22 VICE CHAIRPERSON KOEHLER: On the who?

23 MR. ARENCIBIA: On the one foot -- on the
24 narrow side of the side yard.

25 VICE CHAIRPERSON KOEHLER: Okay.

1 But --

2 MR. ARENCIBIA: Only on that side, not in
3 the rear.

4 VICE CHAIRPERSON KOEHLER: Not in the --

5 MR. ARENCIBIA: The rear and on -- on the
6 other -- behind the walkway, that's all going to
7 be lawn area.

8 VICE CHAIRPERSON KOEHLER: Okay.

9 But where the ADA unit -- you're billing it
10 as a ADA unit. It's not mulch.

11 Am I correct?

12 MR. ARENCIBIA: That's correct.

13 Yes.

14 VICE CHAIRPERSON KOEHLER: Okay.

15 MR. ARENCIBIA: Yes.

16 VICE CHAIRPERSON KOEHLER: Then it makes
17 sense.

18 MR. ORTIZ: It's going to be a concrete
19 walkway, though?

20 MR. ARENCIBIA: It's going to be concrete
21 to the door, and then beyond the concrete,
22 there's going to be yard and grass on there.

23 MR. ORTIZ: Oh, okay.

24 The wheelchair, I don't see how it could
25 get through mulch.

1 VICE CHAIRPERSON KOEHLER: Yeah.

2 MR. ARENCIBIA: It's hard grass.

3 VICE CHAIRPERSON KOEHLER: I mean, it's
4 still -- I -- if I had a wheelchair, I would want
5 a bigger accessibility.

6 MR. ARENCIBIA: Um hum.

7 VICE CHAIRPERSON KOEHLER: You know, you're
8 -- you're doing the T turn is not so pleasant.
9 It's cumbersome. But if that's the requirement
10 --

11 MR. ARENCIBIA: Well, it has --

12 VICE CHAIRPERSON KOEHLER: -- that's the
13 minimum requirement.

14 MR. ARENCIBIA: Well, yes.

15 VICE CHAIRPERSON KOEHLER: A T turn.

16 MR. ARENCIBIA: Correct. Yes.

17 CHAIRPERSON CAPIZZI: Do you think it
18 should be wider?

19 VICE CHAIRPERSON KOEHLER: If that's the
20 minimum requirement, that's fine.

21 MR. ARENCIBIA: It has to comply, so no
22 matter what, when we go to the Building
23 Department, it's got to comply, no matter what.

24 CHAIRPERSON CAPIZZI: Anyone --

25 MR. VELAZQUEZ: And the setbacks --

1 CHAIRPERSON CAPIZZI: Yes.

2 MR. VELAZQUEZ: -- they're all identical to
3 what's the makeup of the whole block.

4 Right?

5 MR. ARENCIBIA: No. The -- the street's a
6 little different. Some houses are a little
7 closer to the front. A lot of the homes don't
8 have any parking at all, so this is probably
9 going to be one of the first homes in the area
10 that's going to have some parking. So, that
11 helps, a little bit alleviate whoever was living
12 here before.

13 But most of the homes are kind of more in
14 the front, little scoops -- you know, stairs in
15 the front, coming into the -- they're small,
16 little structures, in general.

17 MR. VELAZQUEZ: Yeah. I know. I know
18 because a lot of -- a lot of the houses that with
19 the -- the staircases. I mean, that's their
20 signature.

21 MR. ARENCIBIA: Right.

22 MR. VELAZQUEZ: Staircase. I know.

23 CHAIRPERSON CAPIZZI: Anybody on the Board
24 have any questions or comments?

25 MS. MOREJON: No.

1 CHAIRPERSON CAPIZZI: Anyone from the
2 public have any questions or comments?

3 No?

4 Okay.

5 Seeing none.

6 I'll make a motion to approve the
7 application.

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

10 Any second on the motion to approve this
11 application?

12 MS. MOREJON: Second.

13 CHAIRPERSON CAPIZZI: Second by Ms.
14 Morejon.

15 Roll call on the motion to approve this
16 application.

17 Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Ms. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Ms. Capizzi?

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: Ms. Fernandez?

24 MS. FERNANDEZ: Yes.

25 THE SECRETARY: Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Eight in favor, motion
9 carries.

10 MR. ALONSO: Thank you very much.

11 THE SECRETARY: Thank you.

12 MR. ARENCIBIA: Thank you very much,
13 everybody.

14 CHAIRPERSON CAPIZZI: Thank you.

15 MS. MOREJON: Good night.

16 MR. ARENCIBIA: Would you like me to leave
17 the pictures?

18 MR. ORTIZ: I think you should --

19 MR. ALONSO: Yes. Yeah. Leave it --

20 MR. ORTIZ: -- so that the record's
21 complete.

22 MR. ARENCIBIA: Should I give it to --

23 MR. ALONSO: Mr. Vallejo.

24 MR. ARENCIBIA: -- Carlos?

25 MR. DILLON: Want me to mark it?

1 MR. ALONSO: I think he already marked it.

2 MR. ARENCIBIA: Yeah. I marked it already.

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

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1 **Magaly Barrezueta - 410 12th Street?**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Magaly Barrezueta --

5 MR. ARENCIBIA: Thank you, everybody.

6 CHAIRPERSON CAPIZZI: You're welcome.

7 Thank you.

8 THE SECRETARY: -- 410 12th Street.

9 Mr. Alonso, please?

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

12 MR. ALONSO: Again, Madam Chair, members of
13 the -- of the Board, for the record, Alvaro
14 Alonso, Alonso Navarette, on behalf of the
15 applicant.

16 I'm providing counsel with proof of
17 publication and notices for jurisdictional
18 purposes.

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

23 CHAIRPERSON CAPIZZI: Okay.

24 Proceed.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. ALONSO: I'd just have -- need Mr.
3 Valella to be sworn in.

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. VALELLA: I do.

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

10 MR. VALELLA: Yes, of course.

11 My name is Orestes Valella, V-A-L-E-L-L-A.
12 And my professional offices are at 5809 Madison
13 Street, West New York, New Jersey.

14 MR. DILLON: Thank you.

15 MR. ALONSO: Madam Chair, Mr. Valella has
16 --

17 CHAIRPERSON CAPIZZI: Absolutely.

18 MR. ALONSO: Thank you very much.

19 MR. VALELLA: Thank you.

20 I'm still licensed, by the way, so it's
21 okay.

22 MR. ALONSO: For now.

23 MR. VALELLA: For now.

24 MR. ALONSO: Mr. Valella, the application
25 is to convert an existing legal two family house

1 to a three family house, by legalizing the
2 basement apartment.

3 Is that correct?

4 MR. VALELLA: Yes.

5 MR. ALONSO: Okay.

6 I'm going to ask you to go -- review the
7 plans with the Board, and indicate the existing
8 conditions, and -- and what we need to do in
9 order to legalize the -- the apartment.

10 MR. VALELLA: Sure.

11 The property is located, as -- 410 12th
12 Street, which is between Bergenline and New York
13 Avenue. It's Lot 6 on Block 61B.

14 It is basically, roughly, 2500 square feet.
15 It's a little bigger than the lot. It's really
16 not 25 by a hundred, but it adds up to 2,523.
17 And there's an existing two family home on it, in
18 good condition. Brick faced. It's a nice home.

19 And then, it has two apartments upstairs,
20 and on the ground level, there is an existing
21 garage. And in the rear, is an existing
22 apartment. That is the apartment in question
23 here.

24 Above, we have two homes, a five bedroom
25 existing apartment number one, which is 996

1 square feet. And on the third floor is apartment
2 number two, again 996. But in this case, it's a
3 three bedroom apartment.

4 Those are all existing. No work is
5 proposed.

6 At the ground level is where we have our
7 dwelling unit. There is an existing one car
8 garage that leads out directly to the street, and
9 the apartment in the back.

10 Now, my documents are in error. It's
11 called out as a studio, it's really a one bedroom
12 apartment that is existing. And that's what we
13 are representing.

14 It is a one bedroom, kitchen, bathroom
15 apartment. It is 673 square feet, with a ceiling
16 height of seven foot eight. It has its own
17 entrance to the apartment, and windows on both
18 the bedroom and the living room to the outside.
19 So it all meets life safety. And it's also --
20 the apartment that we're legalizing is bigger
21 than the 550 square foot that would be required
22 for a one bedroom.

23 The existing dwelling units are also bigger
24 than the required. The five bedroom would be 900
25 square feet, and we have 996. And the second,

1 the three bedroom, is 996 again, where 900 would
2 be required.

3 So, two existing apartments and a third one
4 bedroom at the ground level that is being
5 proposed.

6 MR. ALONSO: Now, when you visited the --
7 the site, can you indicate to us approximately
8 how old you believe that apartment may be?

9 MR. VALELLA: It's hard to tell. It's not
10 recent vintage.

11 MR. ORTIZ: Well --

12 MR. VALELLA: I would say --

13 I'm sorry?

14 MR. ORTIZ: I could be crazy but where's
15 the bedroom?

16 MR. VALELLA: It's where it says existing
17 office.

18 MR. ORTIZ: Oh.

19 MR. VALELLA: That's okay.

20 MR. ORTIZ: Oh, okay. All right. Yeah.

21 MR. VALELLA: I don't know why my office
22 did that. I apologize. It's -- it's a one
23 bedroom apartment.

24 I -- I -- with regards to the age of the
25 dwelling unit, it's hard to tell. It could be

1 from the '70s or the '80s. It is not five years
2 old. The paint isn't wet. Okay.

3 MR. ALONSO: Now, there are certain
4 conditions with respect to the bulk requirements
5 that we do not meet.

6 Can you please indicate where we're
7 deficient, and what are the variances that are
8 being requested?

9 MR. VALELLA: Sure.

10 The property is an existing two bedroom
11 (sic), and we're proposing a three. It's in the
12 R Low Density Residential District, where 2500
13 square feet would be required. We have 2523.
14 Little bit over.

15 The lot width, minimum, would be 25. We're
16 at 24.92.

17 And the lot depth is a hundred. We're at
18 101.29. So, it -- it washes out.

19 The front yard requirement would be ten
20 feet, or the prevailing setback. The home is at
21 7.4. And again, please keep in mind, we're not
22 proposing any alterations to this property. It's
23 in good condition. It's been there for decades
24 and decades. Probably from the 40s.

25 So, the side yard requirement would be two

1 feet. The existing is 1.7.

2 A combined side yard of five. Our combined
3 side yard is 4.5.

4 The rear yard would be 25 percent of the
5 lot depth. We would be -- we're at 21 percent,
6 which is 21.3 as the existing.

7 The permitted building coverage is not to
8 exceed 60 percent. We're actually at 58.3.

9 The maximum lot coverage is 85 percent. It
10 is existing at a hundred.

11 The maximum number of stories would be
12 three. The home is two stories.

13 Forty-five feet would be permitted. I'm
14 sorry. Forty. Did I say 45? Forty. I'm
15 rushing. Thirty is approximate height of the
16 existing condition.

17 With the bedroom counts, we would have a
18 six parking space requirement. We are at one.
19 And again, there is no opportunity for additional
20 parking on the property. Everything is in good
21 condition.

22 The ceiling height is a little higher than
23 you normally encounter. Seven six which is what
24 the Code re -- seven foot eight, the Code
25 requires seven foot six.

1 So, the windows are nice and big. It's
2 sunny. The kitchen has a window. The bathroom
3 has a window. The living room is large.

4 The apartment, for a one bedroom, is much
5 greater than is required as a minimum. Not that
6 we want to strive for the minimum, but we want to
7 at least meet the minimum. This exceeds it.

8 So, that's about it. There's really
9 nothing --

10 Should you approve, there's some things
11 that would be required. Sprinkler systems, fire
12 rating of the ceilings, upgrading the electrical
13 system. I'm sure it's not up to what we're going
14 to require.

15 But those are secondary things -- you know,
16 that's a second step, if -- if you make a
17 positive motion.

18 And that's about it.

19 CHAIRPERSON CAPIZZI: Any questions?
20 Comments from the Board?

21 MS. MOREJON: No questions.

22 CHAIRPERSON CAPIZZI: From the public? Any
23 questions or comments?

24 No?

25 Okay.

1 Seeing none.

2 I make a motion to approve the application.

3 THE SECRETARY: Motion to approve the
4 application by Ms. Capizzi.

5 MR. VELAZQUEZ: Second.

6 THE SECRETARY: Second by Mr. Velazquez.

7 Roll call on the motion to approve this
8 application.

9 Ms. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Ms. Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 THE SECRETARY: Ms. Koehler?

18 VICE CHAIRPERSON KOEHLER: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 MR. VELAZQUEZ: Yes.

23 THE SECRETARY: Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Eight in favor, motion

1 carries.

2 MR. VALELLA: Thank you and have a good
3 night.

4 THE SECRETARY: Thank you, Mr. Alonso.

5 MR. ALONSO: Thank you very much.

6 CHAIRPERSON CAPIZZI: You, too.

7 VICE CHAIRPERSON KOEHLER: Thank you.

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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 CHAIRPERSON CAPIZZI: I'll make a motion.

7 THE SECRETARY: Motion by Mrs. Morejon.

8 Second by Mrs. Capizzi.

9 THE SECRETARY: All in favor?

10

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

12

13 THE SECRETARY: The ayes have it.

14 MS. MOREJON: Good night.

15 THE SECRETARY: Thank you. Have a good
16 night.

17 Let the record show up --

18 CHAIRPERSON CAPIZZI: Happy August.

19 THE SECRETARY: -- that the meeting has
20 ended.

21 MR. ORTIZ: I was going to say, have a good
22 remaining summer.

23 CHAIRPERSON CAPIZZI: That's right.

24 (Whereupon, the proceedings were concluded
25 at 7:10 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, July 25, 2017 and digitally recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon