

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, September 26, 2017
Commencing at 6:09 p.m.

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

YDALIA GENAO, Mayor's Designee,
(Arrived at 6:10 p.m.)
ALICIA MOREJON
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
CAROLINA FERNANDEZ
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:

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Maria Lopez

MARLENE CARIDE, ESQ.,
Attorney for Applicant, Emily Caceres

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Michael Hern

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

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

I N D E X

	<u>PAGE</u>
CALL TO ORDER	7
SALUTE TO FLAG	8
ROLL CALL	8
ADOPTION OF MINUTES	10
RESOLUTIONS	12/14/17
HEARINGS/APPLICATIONS	
Maria Lopez	26
Emily Caceres	43
Michael Hern	67
32 nd & 33 rd Street, Union City, LLC	23
3229 Bergenline Avenue Realty, LLC	21
OTHER BUSINESS	62
ADJOURNMENT	90

I N D E XMaria Lopez - 222 Roosevelt StreetWITNESSPAGE

Orestes Valella

27

Jesse Lopez

37

I N D E XEmily Caceres - 2501 Bergenline Avenue

<u>WITNESS</u>	<u>PAGE</u>
Manuel Pereiras	44
Michael D. Kauker	54
 <u>SWORN PUBLIC</u>	
Larry Price	52

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Plans	47

I N D E XMichael Hern - 425 5th StreetWITNESSPAGE

Jose Izquierdo

69

1 THE SECRETARY: May I have your attention,
2 please?

3 Please take notice that on Tuesday,
4 September 26, 2017, at six p.m., a Regular
5 Meeting is scheduled for the City of Union City
6 Planning Board, to be held in the Municipal
7 Chambers of the City Hall, 3715 Palisade Avenue,
8 Union City, New Jersey.

9 Opening statement.

10 This is a meeting called in compliance with
11 Chapter 231, Public Law 1975, of the Open Public
12 Meetings Act.

13 Notice of this meeting has been provided as
14 follow:

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

22 Before we call roll for this evening
23 meeting, can everybody please rise --

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: -- to salute the flag,

1 please?

2

3 (Whereupon, the Pledge of Allegiance was
4 said by all.)

5

6 THE SECRETARY: Thank you.

7

8 **ROLL CALL:**

9

10 THE SECRETARY: Roll call for tonight's
11 meeting.

12 Mayor Brian P. Stack? Absent.

13 Ydalia Genao?

14 She's coming a little late. She's absent
15 at this time.

16 Commissioner Celin Valdivia? Absent.

17 Alicia Morejon?

18

19 (Whereupon, Ydalia Genao arrived at 6:10
20 p.m.)

21

22 MS. MOREJON: Yes.

23 Ydalia's here.

24 MR. ORTIZ: Ms. Genao is here.

25 THE SECRETARY: Present.

1 Let the record indicate that Ydalia Genao
2 is present.

3 Diane Capizzi?

4 CHAIRPERSON CAPIZZI: Here.

5 THE SECRETARY: Carolina Fernandez?
6 Absent.

7 Rudy Rivero? Absent.

8 Franklin Medina?

9 MR. MEDINA: Here.

10 THE SECRETARY: Jeanne Koehler?

11 VICE CHAIRPERSON KOEHLER: Here.

12 THE SECRETARY: Alejandro Velazquez?

13 MR. VELAZQUEZ: Here.

14 THE SECRETARY: Jose Guareno?

15 MR. GUARENO: Here.

16 THE SECRETARY: Let the record indicate
17 there are seven present.

18 Those absent tonight are Mayor Brian P.
19 Stack, Commissioner Celin Valdivia, Carolina
20 Fernandez, and Rudy Rivero.

21 So, we've got -- we've got a full quorum
22 for tonight's meeting. Seven present.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular meeting held on July 11, 2017 and
4 Special meeting held on July 25, 2017

5

6 THE SECRETARY: Adoption of Minutes.

7 Regular Meeting held on July 11, 2017 and
8 Special Meeting held on July 25th, 2017.

9 Can I have a motion to adopt these minutes?

10 CHAIRPERSON CAPIZZI: I'll make --

11 MR. VELAZQUEZ: I make a motion.

12 CHAIRPERSON CAPIZZI: Alex.

13 THE SECRETARY: Motion by Mr. Guareno.

14 MR. VELAZQUEZ: Mr. Velazquez.

15 THE SECRETARY: Second by Mrs. Capizzi.

16 Roll call on the motion.

17 Mrs. Koehler?

18 VICE CHAIRPERSON KOEHLER: Yes.

19 THE SECRETARY: Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Ms. Morejon?

24 MS. MOREJON: Abstain.

25 THE SECRETARY: Alejandro Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Ydalia Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Jose Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Six in favor, one

7 abstained, motion carries.

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1 **RESOLUTIONS:**

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3 (1) Evelyn Vidal, 308 7th Street, Block 37, Lot
4 26. Conversion of existing two family houses
5 (sic) into a three family house. Approved at
6 Special Meeting on July 11, 2017

7

8 THE SECRETARY: We have five Resolutions on
9 tonight's agenda.

10 Resolution number 1.

11 Evelyn Vidal, 308 7th Street.

12 Can I have a --

13 The members present at this hearing was
14 Mrs. Koehler, Ms. Capizzi, Ms. Fernandez, Mr.
15 Medina, Mr. Rivero, Mr. Velazquez, Mr. Guareno.

16 Can I have a motion to adopt this
17 Resolution?

18 MR. VELAZQUEZ: I am. Alex, will make a
19 motion.

20 THE SECRETARY: Motion by Mr. Velazquez.

21 MR. VELAZQUEZ: I just want to make sure
22 you got it right, Mr. Secretary.

23 THE SECRETARY: Sir, thank you.

24 Any second on the motion?

25 CHAIRPERSON CAPIZZI: I'll make a second.

1 THE SECRETARY: Mrs. Capizzi.

2 Roll call on the motion.

3 Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: I don't think I
5 was in on the 11th.

6 MR. VELAZQUEZ: You weren't.

7 THE SECRETARY: No, absent?

8 Okay. You abstain. Right?

9 VICE CHAIRPERSON KOEHLER: Um hum.

10 THE SECRETARY: Okay.

11 Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Four in favor, one
20 abstained, motion carries.

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1 **RESOLUTIONS:**

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3 (2) Laconte Family Charitable Found. 3401-09
4 Bergenline Avenue, Block 204.01, Lots 13, 14, 15,
5 16, 17. Replace an existing commercial building
6 with a new mixed use building comprising of 28
7 residential units. **Denied at the Special meeting**
8 **on July 11, 2017**

9 .

10 THE SECRETARY: Adoption of Resolution
11 number 2.

12 Laconte Family Charitable Found., 3401-09.

13 MR. VELAZQUEZ: I make --

14 THE SECRETARY: This application was denied
15 on the Special Meeting on July 11, 2017.

16 Can I have a motion to adopt the --

17 MR. VELAZQUEZ: I make a motion.

18 THE SECRETARY: -- deny Resolution?

19 MR. VELAZQUEZ: I make it.

20 THE SECRETARY: Motion by?

21 MR. VELAZQUEZ: Alex Velazquez.

22 THE SECRETARY: Thank you, sir.

23 Motion by Mr. Velazquez.

24 Any second the motion?

25 CHAIRPERSON CAPIZZI: I'll second.

1 THE SECRETARY: Mrs. Capizzi.

2 Roll call on the motion to deny -- to
3 approve the denial application.

4 Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 MR. SPATZ: I think she needs to abstain.

7 THE SECRETARY: I think you abstain. You
8 -- you was absent on the --

9 VICE CHAIRPERSON KOEHLER: On the --

10 THE SECRETARY: -- on the 11th.

11 VICE CHAIRPERSON KOEHLER: -- 25th?

12 MR. ORTIZ: No, we're on the --

13 VICE CHAIRPERSON KOEHLER: Okay.

14 MR. ORTIZ: We're on the 11th, still.

15 VICE CHAIRPERSON KOEHLER: Sorry.

16 THE SECRETARY: You abstain.

17 VICE CHAIRPERSON KOEHLER: Abstain.

18 THE SECRETARY: Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Four in favor, one
2 abstained, motion carries.

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1 **RESOLUTIONS:**

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3 (1) MAM 1004 Palisade LLC, 1004 Palisade
4 Avenue, Block 186, Lot 38. Propose the
5 construction of a new three family residence.

6 **Approved on 07/25/2017**

7 (2) BHD Investments, LLC, 538 42nd Street, Block
8 244, Lot 8. Construct a new three family house.

9 **Approved on 07/25/2017**

10 (3) Magaly Barrezueta, 410 12th Street, Block
11 61.01, Lot 6. Legalize basement apartment to go
12 from a two family to a three family house.

13 **Approved on 07/25/2017**

14

15 THE SECRETARY: Adoption of Resolution 3,
16 4, and 5.

17 This application was approved at the
18 Regular Meeting on July 25th, 2017.

19 MR. VELAZQUEZ: I make a motion.

20 THE SECRETARY: Let me read the
21 application, sir, or the Resolutions.

22 Thank you.

23 AMA (sic) 1004 Palisade Avenue, LLC, 1004
24 Palisade Avenue.

25 That's number 3.

1 Number 4.

2 BHD Investment (sic), LLC, 538 42nd Street.

3 Number 5.

4 Magaly Barrezueta, 410 12th Street.

5 Can I have a motion to adopt these

6 Resolutions?

7 CHAIRPERSON CAPIZZI: I make the motion.

8 THE SECRETARY: Motion by Mrs. Capizzi.

9 Second the motion?

10 MR. VELAZQUEZ: I second.

11 THE SECRETARY: Thank you, Mr. Velazquez.

12 Roll call on the motion.

13 Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes.

15 THE SECRETARY: Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Ms. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 MR. VELAZQUEZ: Yes.

23 THE SECRETARY: Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Ms. Genao?

1 MS. GENAO: Yes.

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

4 Hearings and application.

5 We are going to change a little bit the
6 order of tonight agenda. We are going to number
7 -- we are going to --

8 MR. ORTIZ: Hold on.

9 Just because there's not a -- we're not
10 quite sure -- in fact, I'm pretty sure, but we're
11 confused on the date, so let's -- since we had so
12 many meetings, I think Ms. Koehler wants to
13 abstain on both dates, just in -- just to be
14 safe.

15 VICE CHAIRPERSON KOEHLER: Yes.

16 MR. ORTIZ: So, she's withdrawing her
17 affirmative vote and abstaining on the 25th, as
18 well.

19 VICE CHAIRPERSON KOEHLER: Both, yes.

20 THE SECRETARY: You're withdrawing?

21 VICE CHAIRPERSON KOEHLER: Um hum.

22 THE SECRETARY: Okay. Changing the record.
23 Abstain.

24 That will be six in favor, one abstained,
25 motion carries.

1 MR. ORTIZ: It's better to be safe than
2 sorry.

3 CHAIRPERSON CAPIZZI: Um hum.

4 THE SECRETARY: Let the record indicate
5 that the adoption of Resolution 3, 4, and 5, six
6 in favor, one abstained, motion carries.

7 Thank you, sir.

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

2 **3229-31 Bergenline Avenue:**

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4 THE SECRETARY: Now, we're going to
5 application number 3 (sic), 3229 Bergenline
6 Avenue Realty, LLC.

7 Mrs. Pereiras, please?

8 MS. PEREIRAS: Good evening.

9 Bianca Pereiras, on behalf of 3229 Bergen
10 -- Bergenline Avenue Realty, LLC.

11 This application -- my client is not
12 prepared to proceed on this application at this
13 time, so we'd like to have that matter withdrawn.

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. ORTIZ: Notice was already given.

16 However, I don't know that we could -- when
17 was it -- the soonest we could hear this is
18 November, is -- at this point? Are we already
19 booked for October? I just want --

20 MS. PEREIRAS: Well, this is the last one.
21 This is the one we're withdrawing.

22 MR. ORTIZ: Oh, this is a withdrawal.

23 MS. PEREIRAS: Correct.

24 MR. ORTIZ: I apologize.

25 THE SECRETARY: Withdrawn.

1 MS. PEREIRAS: No problem.

2 MR. ORTIZ: There's -- they're withdrawing
3 it, there's nothing that needs --

4 CHAIRPERSON CAPIZZI: Right.

5 MR. ORTIZ: -- to be voted on.

6 MS. PEREIRAS: Exactly.

7 CHAIRPERSON CAPIZZI: All right.

8 MR. ORTIZ: It's withdrawn.

9 CHAIRPERSON CAPIZZI: Um hum.

10 THE SECRETARY: All right. That's
11 application number 5.

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1 **32nd & 33rd Street, Union City, LLC -**

2 **412-418 32nd Street & 407-413 33rd Street:**

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4 THE SECRETARY: Let's go now to number 4,
5 the next one.

6 32nd and 33rd Street, Union City, LLC, 412-
7 418 32nd Street.

8 Mrs. Pereiras, please?

9 MS. PEREIRAS: Again, Bianca Pereiras, on
10 behalf of the applicant.

11 We are asking this Board to have this
12 matter adjourned until the next available
13 meeting.

14 MR. ORTIZ: Again, or I should have been
15 saying that, we're not -- we're not going to be
16 equipped to hear that matter until November, the
17 earliest.

18 Am I correct?

19 THE SECRETARY: If you allow me one second,
20 sir?

21 Yeah, October is full.

22 Yeah. We have November the 2nd.

23 MR. ORTIZ: November 2nd?

24 THE SECRETARY: Yeah.

25 I'm sorry. Checking Planning Board.

1 Sorry.

2 Planning Board, the 28th. November the
3 28th. Yes.

4 MS. PEREIRAS: That's fine. Just to
5 confirm, no need for re-noticing --

6 MR. ORTIZ: Absolutely not.

7 MS. PEREIRAS: -- or re-publishing.

8 MR. ORTIZ: What was stated during the
9 previous one is applicable here. There's no
10 further notice. This will be heard on November
11 28th's agenda.

12 MS. MOREJON: Isn't that Thanksgiving?

13 MR. VELAZQUEZ: So the 32nd -- I mean, the
14 32nd Street project is being adjourned, and then
15 --

16 MR. ORTIZ: The 29th is withdrawn.

17 MR. VELAZQUEZ: The 29th is withdrawn.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MS. PEREIRAS: That's correct.

20 THE SECRETARY: Can I have a motion to
21 adjourn this application?

22 CHAIRPERSON CAPIZZI: Make a motion.

23 MR. VELAZQUEZ: I make a motion.

24 THE SECRETARY: Ms. Capizzi.

25 MR. VELAZQUEZ: Second.

1 THE SECRETARY: Second by Mr. Velazquez.

2 Roll call on the motion to adjourn this
3 application for November 28, 2017. No further
4 notice required.

5 Mrs. Koehler?

6 VICE CHAIRPERSON KOEHLER: Yes.

7 THE SECRETARY: Ms. Capizzi?

8 CHAIRPERSON CAPIZZI: Yes.

9 THE SECRETARY: Ms. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Ms. Morejon?

14 MS. MOREJON: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Seven in favor, motion
20 carries.

21 MS. PEREIRAS: Thank you, all. Good night.

22 See you next month.

23 ACTING CHAIRPERSON CAPIZZI: Good night.

24 MR. ORTIZ: Good night.

25 MS. PEREIRAS: Bye-bye.

1 **Maria Lopez - 222 Roosevelt Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Maria Lopez, 222 Roosevelt
5 Street.

6 Mr. Alonso, please?

7 MR. ALONSO: Good evening, members of the
8 Board.

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

11 This is an application to legalize an
12 existing unit, to convert a two family to a three
13 family which is a permitted use in the zone.

14 I've provided counsel with proof of
15 publication and notices, which he is reviewing
16 for jurisdictional purposes.

17 MR. ORTIZ: Madam Chairwoman, it seems that
18 everything is in order, giving jurisdiction to
19 this Board.

20 CHAIRPERSON CAPIZZI: Okay. Proceed.

21 MR. ALONSO: Just need Mr. Valella to be
22 sworn in.

23 MR. DILLON: Please raise your right hand.

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

1 MR. VALELLA: I do.

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

4 MR. VALELLA: Yes. Of course.

5 My name is Orestes Valella, V-A-L-E-L-L-A,
6 registered architect in the States of New York
7 and New Jersey, professional office at 5809
8 Madison Street in West New York.

9 MR. DILLON: Thank you.

10 MR. ORTIZ: Madam Chairwoman, --

11 CHAIRPERSON CAPIZZI: Yes.

12 MR. ORTIZ: -- Mr. Valella has been --

13 CHAIRPERSON CAPIZZI: He's been here many
14 times.

15 MR. VALELLA: Thank you.

16 CHAIRPERSON CAPIZZI: Yup.

17 MR. ALONSO: Thank you.

18 Mr. Valella, did you prepare the plan
19 that's before the Board this evening?

20 MR. VALELLA: Yes.

21 MR. ALONSO: And as I indicated to the
22 Board, this is an application to legalize an
23 existing attic apartment.

24 MR. VALELLA: Yes.

25 MR. ALONSO: And we're going to convert it

1 from a two family to a three family.

2 Correct?

3 MR. VALELLA: Right.

4 MR. ALONSO: So, I'm going to ask you to
5 review the proposal with the Board, and indicate
6 what variances are being requested.

7 MR. VALELLA: Sure.

8 This project is on Roosevelt Street. It's
9 Block 271. This happens to be Lot 4. But as you
10 may be familiar, a lot of these were built at the
11 same time, and I've been before this Board on
12 quite a few, three or four, to basically do the
13 same thing, is legalize one of the units.

14 In this case -- these are all row houses.
15 There -- the ground floor consists of an existing
16 two car garage, and in the rear is a bedroom and
17 a bathroom that's a duplex that shares space with
18 the ground floor apartment. So, the totality of
19 the ground floor apartment is three bedrooms.

20 On the second floor is the second
21 apartment. It is an 844 square foot, two
22 bedroom.

23 And then, the apartment in question is an
24 existing apartment. It is on the attic, which
25 would be the third floor.

1 This is presently a one bedroom apartment.
2 I recommended that we remove the bedroom and just
3 retain it as a studio. The reason is for square
4 footage, to comply with your zoning laws.

5 The first floor apartment, the requirement
6 would be -- it's an existing three bedroom. The
7 requirement would be 900 square feet, we have
8 1,307.

9 The second floor apartment is a two
10 bedroom, which would have a requirement of 750,
11 we have 844.

12 And the proposed studio, i.e., the present
13 one bedroom, the studio would have a requirement
14 of 400 square feet, we are at 470.70 -- point
15 seven, so 470, 471, as you wish.

16 As counsel mentioned, this is a two to a
17 three. One of the requirements -- we've done
18 quite a few of these. We're going to be required
19 to do a fire escape in the rear yard, and we've
20 given you that information in advance. We're
21 proposing not only to eliminate the bedroom, but
22 to provide for a stair -- a fire escape in the
23 rear, to provide a means of egress from that
24 unit, and take the opportunity also to provide
25 egress from the second floor.

1 That has been what we have been asked to do
2 on other of these Roosevelt houses, in addition
3 to sprinkler systems. They also require that.
4 So, this is an opportunity to make it safer,
5 eliminate a bedroom, eliminate a little bit of
6 the density.

7 And this would be in-kind with what we have
8 done throughout the years, to these houses on
9 Roosevelt.

10 As counsel mentioned, this is in the R
11 zone. For a three family would be -- the lot
12 area required would be 2500. This is 2,323.

13 Lot width would be 25. The lot width is
14 23.23.

15 The lot depth is a hundred required.
16 We're, on average, 101.

17 The minimum front yard is ten feet, or the
18 prevailing setback. We have approximately 30
19 feet.

20 The minimum side yard would be two feet on
21 one, five feet total. These are row houses, side
22 by side. These are zero side yards.

23 The rear yard minimum is 25, we're at 25
24 feet three inches, on average.

25 The maximum building height is 40 feet or

1 three stories, approximately 40 feet. I haven't
2 measured, but it is three stories. That's the
3 important thing.

4 Maximum building coverage is 60 percent,
5 we're at 44 percent.

6 The lot coverage would be -- impervious
7 would be 85, we're at a hundred.

8 If you do the calculations on the parking,
9 seven parking spaces would be required. We have
10 a two car garage that functions as a two car
11 garage, presently, at the site.

12 There's also a very ample driveway to these
13 houses and easy two, perhaps even four more --

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. VALELLA: I had that friend visit me
16 before -- can park there, but I haven't taken
17 that into account in my calculations.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. VALELLA: But the Board should be aware
20 that we have about 30 feet of driveway that
21 people do make use of.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. ORTIZ: There's no change in the
24 footprint.

25 MR. VALELLA: That's about it.

1 MR. ORTIZ: Right?

2 MR. VALELLA: There is no change in
3 footprint. There is no change --

4 MR. ORTIZ: Except for maybe the --

5 MR. VALELLA: -- in appearance.

6 MR. ORTIZ: -- the legs of the fire --

7 MR. VALELLA: Yeah. If you look in the
8 backyard, we would be introducing a rear fire
9 escape. But actually, that would then match with
10 all the others that I've legalized in the past,
11 but that's about it.

12 MR. ALONSO: So, to the extent that there's
13 deviation from the zoning requirements, they're
14 all preexisting and we're not doing anything to
15 exacerbate those conditions.

16 MR. VALELLA: No. We are reducing one
17 bedroom.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. VALELLA: Helpful.

20 MR. VELAZQUEZ: You don't have the
21 applicant here with you, right, by any chance?

22 MR. ALONSO: Yes.

23 MR. VELAZQUEZ: He is?

24 MR. ALONSO: She's here.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 MR. ALONSO: She doesn't speak English.

3 MR. VALELLA: You want me to translate? Am
4 I able?

5 MR. VELAZQUEZ: The only reason why I'm
6 bringing it up, and I'm going to -- you know, I'm
7 just -- you know, you got the new sidewalks that
8 was just installed recently, and I -- I really
9 feel bad for her because she has a -- an owner
10 from hell that lives next door to her. I think
11 she knows this. And there's some issues with the
12 plumbing.

13 And I don't want her to be -- you know, I'm
14 aware that there's going to be work that's going
15 to be done and I don't want that -- you know,
16 it's going to be effecting her. I think she even
17 helped out --

18 MR. ALONSO: Okay.

19 MR. VELAZQUEZ: -- by helping with some
20 water for the tenants next door.

21 MR. ALONSO: Okay.

22 MR. VELAZQUEZ: Does she know that, though.
23 Right?

24 She's --

25 MR. ALONSO: I --

1 MR. VELAZQUEZ: -- aware of that.

2 Right?

3 MR. ALONSO: I don't know. I haven't --

4 MR. VELAZQUEZ: There was a flood in the
5 basement in that, that was --

6 MR. ALONSO: In her -- in her house or the
7 house next door?

8 MR. VELAZQUEZ: The house next door, but I
9 think it was flooding her basement also. I just
10 need to know. I just want to know.

11 MR. ORTIZ: Could I just ask one question?
12 How -- when someone's going to speak in Spanish
13 --

14 MR. DILLON: Usually, we have a -- want me
15 -- Orestes is always sworn as a witness, --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. DILLON: -- otherwise I would swear a
18 translator, but if he'd like to translate, that's
19 --

20 CHAIRPERSON CAPIZZI: He said he can
21 translate.

22 MR. ORTIZ: Okay.

23 I -- I just don't know how it's actually
24 logistically done.

25 MR. ALONSO: Okay.

1 Can you just ask Ms. Lopez if she's aware
2 -- she's obviously aware that her basement
3 flooded from a condition that existed in her
4 neighbor's property?

5 (Whereupon, Orestes Valella translated
6 English to Spanish for Ms. Lopez.)

7 MR. ALONSO: No, no. In her house.

8 MR. VALELLA: No, in the neighbor's house.

9 MR. VELAZQUEZ: In the house next door.

10 MS. MOREJON: No, no, no. In the neighbor.

11 MR. VELAZQUEZ: The neighbor.

12 MR. VALELLA: Yes, she's aware.

13 MS. MOREJON: The one to her house.

14 MR. VALELLA: She's aware.

15 MR. VELAZQUEZ: Because you know, I don't
16 want her to undertake and everything -- you know,
17 she's doing -- you know, going through the whole
18 proper -- for legalizing everything, then has to
19 go through the nightmare that she's going to go
20 through because this land -- this person next
21 door is a nightmare.

22 MR. VALELLA: Do we want to put that on the
23 --

24 MR. VELAZQUEZ: I just want her to be safe.

25 MR. ORTIZ: It's already on the record.

1 MR. DILLON: It's already on.

2 MR. VELAZQUEZ: Just -- what I'm trying to
3 make --

4 MR. VALELLA: Okay. All right. I'll
5 translate it.

6 MR. VELAZQUEZ: What I'm trying to put over
7 here -- I'm just -- what I'm just trying to say
8 is, to the Board, is that down the road --

9 CHAIRPERSON CAPIZZI: Before --

10 MR. ORTIZ: No, no. I know --

11 MR. VELAZQUEZ: -- she's going to deal with
12 --

13 CHAIRPERSON CAPIZZI: Before she puts
14 additional money into this house --

15 MR. VALELLA: Okay.

16 CHAIRPERSON CAPIZZI: -- he just wants to
17 make sure --

18 MR. VALELLA: Okay.

19 CHAIRPERSON CAPIZZI: -- that she's aware
20 that there's --

21 MR. VELAZQUEZ: That she's going to be --
22 to put it on the record --

23 MR. VALELLA: All right.

24 MR. VELAZQUEZ: -- to -- to protect her.

25 MR. VALELLA: Okay. Look at --

1 MR. VELAZQUEZ: Because this man is --

2 MR. VALELLA: Okay.

3 MR. VELAZQUEZ: -- is a horror.

4 CHAIRPERSON CAPIZZI: Okay. I got it.

5 (Whereupon, Orestes Valella translated
6 English to Spanish to Ms. Lopez.)

7 MR. VALELLA: I think I translated it.

8 (Whereupon, Orestes Valella translated
9 English to Spanish for Ms. Lopez.)

10 CHAIRPERSON CAPIZZI: So, she's -- she
11 knows. She's aware.

12 MR. ORTIZ: You are, sir?

13 MR. J. LOPEZ: Yeah, I'm -- my mother.

14 MR. ORTIZ: Oh, okay. Would you -- would
15 like to respond --

16 MR. J. LOPEZ: Yeah.

17 MR. ORTIZ: -- in English?

18 MR. DILLON: Excuse me?

19 I need his name.

20 CHAIRPERSON CAPIZZI: Yes.

21 MR. ORTIZ: Swear him in.

22 CHAIRPERSON CAPIZZI: Swear him.

23 MR. ORTIZ: No, I'm just --

24 MR. DILLON: Sure. Please step forward.

25 Please raise your right hand.

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

3 MR. J. LOPEZ: Yes.

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

6 MR. J. LOPEZ: Jesse Lopez, J-E-S-S-E,
7 L-O-P-E-Z.

8 MR. ORTIZ: You understand the conversation
9 --

10 MR. J. LOPEZ: Yes.

11 MR. ORTIZ: -- that's been going on?

12 Would you like to address it on your
13 mother's behalf?

14 MR. J. LOPEZ: Yes.

15 MR. ORTIZ: Okay.

16 MR. J. LOPEZ: It never flooded our house.
17 It went from his house to the other neighbor's
18 house.

19 MR. VELAZQUEZ: To the -- okay.

20 CHAIRPERSON CAPIZZI: Hmm.

21 MR. J. LOPEZ: Yeah. So, we're -- we still
22 are helping them --

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. J. LOPEZ: -- with the water.

25 MR. VELAZQUEZ: Yeah. I know. You know,

1 and --

2 MR. J. LOPEZ: And it's been over --

3 MR. VELAZQUEZ: It's nice that -- you know,
4 you're doing that, because like I said, you have
5 the new sidewalks, and everything being
6 installed.

7 MR. J. LOPEZ: Yeah.

8 MR. VELAZQUEZ: But you know, down the
9 road, I don't -- you know, I don't ever want your
10 mother have to be facing this -- this gentleman
11 down the -- you know, he's --

12 MR. J. LOPEZ: Yeah. Yeah.

13 MR. VELAZQUEZ: Things he said to me I
14 can't even repeat.

15 MR. J. LOPEZ: Yeah.

16 MR. VELAZQUEZ: But I'm just --

17 MR. J. LOPEZ: Yeah. She's aware of it.
18 We just want to get this done.

19 CHAIRPERSON CAPIZZI: Sure.

20 MR. VELAZQUEZ: Yeah.

21 MR. J. LOPEZ: You know, legalize as
22 quickly as possible.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. VELAZQUEZ: You know, because if the
25 Board sees that and -- and if it's in that kind

1 of favor, this is the type of person, who's a
2 homeowner, who will blame the attic for all his
3 problems. This is -- this is what I'm trying to
4 make a point.

5 CHAIRPERSON CAPIZZI: All right.

6 MR. VELAZQUEZ: Okay?

7 CHAIRPERSON CAPIZZI: Yes.

8 MS. MOREJON: Okay.

9 MR. VALELLA: Thank you.

10 CHAIRPERSON CAPIZZI: Does any other Board
11 member have any questions --

12 MS. MOREJON: No.

13 CHAIRPERSON CAPIZZI: -- or comments?

14 MS. MOREJON: No.

15 CHAIRPERSON CAPIZZI: Anyone from the
16 public have any questions or comments?

17 Did you have anything additional, or --

18 MR. ALONSO: Nothing further, Madam Chair.

19 CHAIRPERSON CAPIZZI: Okay.

20 Seeing that, I'll make a motion to approve
21 the application.

22 THE SECRETARY: Motion to approve the
23 application by Ms. Capizzi.

24 VICE CHAIRPERSON KOEHLER: I'll second.

25 THE SECRETARY: Second by Alicia Morejon,

1 first.

2 Roll call on the motion to approve this
3 application.

4 Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Ms. Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Ms. Morejon?

13 MS. MOREJON: Yes.

14 THE SECRETARY: Mr. Velazquez?

15 MR. VELAZQUEZ: Yes.

16 THE SECRETARY: Mr. Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Seven in favor, motion
19 carries.

20 MR. ALONSO: Thank you very much.

21 Have a good evening.

22 MR. ORTIZ: Have a good evening.

23 VICE CHAIRPERSON KOEHLER: Thank you. Good
24 night.

25 CHAIRPERSON CAPIZZI: Good night.

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

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1 **Emily Caceres, 2501 Bergenline Avenue:**

2

3 THE SECRETARY: Next application, tonight's
4 agenda, Emily Caceres, 2501 Bergenline Avenue.

5 Ms. Caride please?

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

8 MR. ORTIZ: I just want to put on the
9 record --

10 MS. CARIDE: Yeah. Yeah. Absolutely.

11 That's why I brought it to your attention.

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

15 The only issue, which, if the Board was to
16 vote in favor of this application, unfortunately,
17 The -- The Jersey Journal, being what it is --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: -- was not able to get her the
20 original publication Affidavit --

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. ORTIZ: -- which she and I discussed,
23 and I'll put on the record now that a condition
24 of the potential approval would be the submission
25 of that, when she receives it from The Jersey

1 Journal.

2 MS. CARIDE: Of the original.

3 CHAIRPERSON CAPIZZI: Okay. Sure.

4 MS. CARIDE: Yeah.

5 Good evening, everyone.

6 Marlene --

7 MR. ORTIZ: Thank you.

8 MS. CARIDE: -- Caride, of Gonzalez and
9 Caride, on behalf of Emily Caceres, who's the
10 owner of 2501 Bergenline Avenue.

11 That property currently is four apartments,
12 since 1985, and two commercial stores.

13 My client became aware -- and she is
14 present here -- she became aware that two of the
15 apartments were not considered legal, and one of
16 the commercial stores, so we're here to make sure
17 that we legalize it so that it continues as it
18 has for the last 40 years as a four family, two
19 commercial stores.

20 With me this evening, I have Mr. Pereiras,
21 our architect.

22 MR. DILLON: Please raise your right hand.

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

25 MR. PEREIRAS: I do.

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

3 MR. PEREIRAS: Manny Pereira,
4 P-E-R-E-I-R-A-S, with Pereira Architects
5 Ubiquitous, 1116 Summit Avenue, Union City.

6 MR. DILLON: Thank you.

7 MR. PEREIRAS: Thank you.

8 MR. ORTIZ: Madam Chairwoman, --

9 CHAIRPERSON CAPIZZI: Yes.

10 MR. ORTIZ: -- Mr. Pereira has been here a
11 few times.

12 CHAIRPERSON CAPIZZI: Absolutely.

13 MR. PEREIRAS: Thank you.

14 MS. CARIDE: Mr. Pereira, you're familiar
15 with the location?

16 MR. PEREIRAS: I am.

17 MS. CARIDE: And you went out there?

18 MR. PEREIRAS: I have.

19 MS. CARIDE: And could you please tell the
20 Board -- go through the zoning table on your
21 plans and tell the Board about the property
22 please?

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

24 Madam Chairwoman, counsel, Board members,
25 pleasure to be here.

1 For purposes of the record, the same
2 drawings that were submitted to you are the
3 Board's -- the drawings I have on this easel now.

4 Our property is on the corner of 25th and
5 Bergenline Avenue. It's the northwest corner.
6 It's a typical 25 by 100 lot. And what is very
7 typical of this neighborhood -- also, the
8 building occupies the entire surface of the lot.
9 So, there's a zero setback on all sides that is
10 in compliance with the Ordinance along the front,
11 along the side yards. It's not in the rear yard.

12 So, our Ordinance requires 20 feet in the
13 rear yard, so we have an existing nonconformity
14 there.

15 It's in compliance with the lot size, the
16 25 by 100. And we have an existing
17 nonconformance for building coverage, since our
18 Ordinance suggests a 20 foot rear yard, it also
19 provides for 80 percent coverage. We're at a
20 hundred percent coverage.

21 However, these conditions are all existing
22 to remain, nothing has changed in this building
23 at least way before 1985, I would say. And we're
24 looking to simply legalize the conditions that it
25 has.

1 The ground floor -- I'm turning now to the
2 second page --

3 MS. CARIDE: And counsel, if we can mark
4 that A-1?

5 MR. ORTIZ: If you'd like. I mean, if he's
6 -- quite frankly, if he's going to -- for the
7 record, we could state that the plans that were
8 submitted would be Exhibit A-1. He's going to
9 probably take that with, but we have --

10 MS. CARIDE: Absolutely. That's -- that's
11 for the record.

12

13 (Whereupon, Plans were received and marked
14 as Exhibit A-1.)

15

16 MR. PEREIRAS: So, I turn now to Sheet Z02.
17 Z02 shows every floor on this building.

18 The first, all the way to the left, is the
19 basement. No changes there.

20 The next floor is the ground floor
21 commercial. Now, this was always commercial.
22 The -- what is in question right now is that it
23 was split into two separate spaces.

24 One is 1,183 square feet. The other one is
25 1,271 square feet. From a zoning perspective,

1 | that really doesn't change anything, and our
2 | planner is going to talk more about that.

3 | But it doesn't change any setbacks. The
4 | only thing that changes, potentially, is parking,
5 | but the square footage is the same, so therefore,
6 | there's no additional parking required.

7 | So, there's nothing that really changes
8 | from a zoning perspective, having that split into
9 | two units. We have the same amount of commercial
10 | space as we did prior. We're simply putting a
11 | wall between the two.

12 | When you go upstairs, you have two
13 | apartments on every floor. There's a core that's
14 | the vertical circulation.

15 | You walk through into each apartment
16 | through the points where I'm pointing to right
17 | here, and each of the apartments is a one bedroom
18 | apartment. The one towards the east is 825
19 | square feet. The one towards the west is 757
20 | square feet.

21 | So, they're in compliance with the density
22 | requirements of the City. And they're in full
23 | compliance of every other aspect of -- of our
24 | Ordinance.

25 | You go up another story, it's the exact

1 same apartment, as a pancake, another floor of
2 it.

3 Now, this creates a great opportunity for
4 us to make the building better. We're going to
5 be putting this in full compliance with Building
6 Code standards of today. So, no matter how they
7 built it back in 1985, it has to comply with the
8 standards of today. And we're going to make sure
9 it meets all those Code requirements.

10 There is fire regulations that it meets,
11 alarm systems that have to go in, everything
12 that's necessary in order to make this a safe
13 structure, not only for the patrons of that
14 building, the tenants there, but also the
15 neighboring structures, with your favorable
16 approval on this.

17 MR. ORTIZ: There's not going to be --

18 MR. PEREIRAS: We'd like the Resolution to
19 reflect, and -- and what is important for this,
20 because of our Building Department, that -- that
21 this is an existing condition that we're using --
22 we're proposing to legalize.

23 MR. ORTIZ: So, there's no internal changes
24 whatsoever.

25 MS. CARIDE: No.

1 MR. PEREIRAS: Zero.

2 MS. CARIDE: Zero.

3 MR. ORTIZ: Okay.

4 MR. VELAZQUEZ: I just wish you could
5 change that ugly façade.

6 VICE CHAIRPERSON KOEHLER: Oh, it's
7 horrific.

8 MR. VELAZQUEZ: It looks like an amusement
9 park.

10 MR. PEREIRAS: It's different; I'll tell
11 you that.

12 MR. VELAZQUEZ: I don't even want to park
13 my car there.

14 I was concerned, because I saw the fire
15 escape there, but that's -- that was -- that's
16 fine there.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. VELAZQUEZ: Now, where -- and the
19 commercial space, it's -- it's split in two, but
20 it's used for the same -- the same store.

21 Right?

22 I think one is the Saint Michael's,
23 whatever they're doing there.

24 MR. PEREIRAS: I don't know what --

25 MR. VELAZQUEZ: And electronics.

1 MR. PEREIRAS: -- it's the current use is,
2 but we're proposing to legalize that it's two
3 separate spaces.

4 The reality, it doesn't matter, we could
5 split this up into three or four. We're just
6 looking as a confirmation that this is all
7 commercial on the ground floor, just so that it's
8 clear on paper for our Building Department to
9 see.

10 MR. VELAZQUEZ: It's going to -- they're
11 going to stay there.

12 Right?

13 Whose ever there?

14 MR. PEREIRAS: Yes.

15 MR. VELAZQUEZ: Okay.

16 CHAIRPERSON CAPIZZI: We're good?

17 MR. ORTIZ: Any other Board members.

18 CHAIRPERSON CAPIZZI: Any -- any Board
19 members have any questions or comments, concerns?

20 MS. MOREJON: No.

21 CHAIRPERSON CAPIZZI: People -- anyone from
22 the public would like to comment or have a
23 concern?

24 Sure. Come on up.

25 MR. VELAZQUEZ: Just remember, there's a

1 daycare there, too.

2 VICE CHAIRPERSON KOEHLER: On this side.

3 MR. DILLON: Please raise your right hand.

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

6 MR. PRICE: Yes, I do.

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

9 MR. PRICE: Larry Price, 1006 Palisade
10 Avenue.

11 I had just one question. What was the
12 problem with the notice?

13 MS. CARIDE: Oh, oh.

14 MR. PRICE: There was something about The
15 Jersey Journal.

16 MS. CARIDE: No. The Jersey Journal
17 emailed me a copy of the notice --

18 MR. ORTIZ: The Affidavit of a notice.

19 MS. CARIDE: -- that was published. But
20 the --

21 MR. ORTIZ: Publication.

22 MS. CARIDE: -- Affidavit, the original
23 Affidavit --

24 MR. PRICE: Hasn't --

25 MS. CARIDE: -- they won't -- they won't

1 send it to me because they started a new mailing
2 system, so they said anywhere between a week to
3 three weeks I will get the original Affidavit.
4 So, they sent me a copy of the Affidavit, which I
5 gave to the Board.

6 MR. PRICE: Okay.

7 MR. ORTIZ: Mr. Price, which we have a copy
8 of, and we also have a copy of the email that was
9 --

10 MR. PRICE: Yeah.

11 MS. CARIDE: Correct.

12 MR. PRICE: And it was done on September
13 14th, which is --

14 MS. CARIDE: Yes. Plenty of time.

15 MR. PRICE: Plenty of time. So --

16 MS. CARIDE: Yes.

17 MR. PRICE: Okay. Okay. So, the -- no
18 problem, except the paperwork hasn't caught up.

19 MS. CARIDE: Right.

20 MR. PRICE: Okay.

21 Thank you.

22 MS. CARIDE: The original hasn't caught up.

23 CHAIRPERSON CAPIZZI: Any other questions?
24 Comments?

25 Okay. Seeing none, I'll make a motion to

1 approve.

2 MS. CARIDE: Oh, I do have a planner. I'm
3 sorry.

4 CHAIRPERSON CAPIZZI: I'm sorry. I'm
5 sorry.

6 MS. CARIDE: I do have the planner, just
7 real --

8 CHAIRPERSON CAPIZZI: Yup. No.

9 MS. CARIDE: Real quick.

10 CHAIRPERSON CAPIZZI: That's fine. Didn't
11 realize that. I'm sorry.

12 MR. VELAZQUEZ: I hope he plans to take --

13 CHAIRPERSON CAPIZZI: That's fine.

14 MR. VELAZQUEZ: -- away the façade.

15 MR. KAUKER: The façade?

16 MR. ORTIZ: Don't feel neglected.

17 MS. CARIDE: Don't feel neglected. We
18 wanted you to join the party.

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

21 MR. DILLON: Please raise your right hand.

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

24 MR. KAUKER: I do.

25 MR. DILLON: State your name and spell it

1 for the record.

2 MR. KAUKER: Michael D. Kauker,
3 K-A-U-K-E-R. My business address is 356 Franklin
4 Avenue in Wyckoff, New Jersey.

5 MR. DILLON: Thank you.

6 CHAIRPERSON CAPIZZI: He's been before the
7 Board.

8 MS. CARIDE: Thank you.

9 CHAIRPERSON CAPIZZI: Yes, thank you.

10 MS. CARIDE: Mr. Kauker, you've had an
11 opportunity to review the paperwork that Mr.
12 Pereiras has provided and I have provided.

13 MR. KAUKER: I have. Yes.

14 MS. CARIDE: And can you talk to us about
15 the zoning and this particular property?

16 MR. KAUKER: Certainly.

17 Just briefly, the property is located along
18 Bergenline Avenue. It's actually a corner lot.
19 It's located on the northwest corner of
20 Bergenline Avenue and 25th Street. It's
21 identified as Block 142, Lot 23 in the city's tax
22 records.

23 The property, from a zoning standpoint, is
24 located in the CN, which is the commercial --
25 neighborhood commercial district.

1 The CN district permits a variety of uses,
2 but included in that they permit retail uses,
3 commercial type uses, which is proposed. They
4 also permit mixed used with respect to apartment
5 units, but only on the upper floor. So, and only
6 if there's a commercial component on the ground
7 floor.

8 So, the -- this proposed mixed use building
9 is -- is consistent with the Zoning Ordinance of
10 the City of Union City.

11 With respect to the existing conditions,
12 Mr. Pereiras had gone over those, but essentially
13 it's a three story building. As I mentioned, the
14 ground floor is commercial and there are four
15 apartment units. Two on the second floor, and
16 two on the third floor.

17 The site is -- is fully developed. There
18 is no parking currently on-site, and there has
19 not been any parking.

20 The -- as Mrs. Caride mentioned, the
21 existing use of the building has existed for over
22 40 years.

23 So, technically, we're here because they
24 identified two of the units as being -- were not
25 permitted or -- or they weren't on the records,

1 with respect to the City, so technically, we're
2 requiring the Board's approval for the two units
3 to make for a total of four residential units and
4 two commercial units on the ground floor.

5 With respect to the variances that exist
6 for the property, those are existing and are not
7 changing.

8 With respect to any of the variances that
9 are proposed, those exist and are not changing.

10 The one variance, technically, we would
11 require would be a parking variance. As I
12 believe there's 16 -- I'm sorry -- 14 parking
13 spaces are required, and obviously, there are
14 zero parking spaces that exist on the property.

15 This is identified and classified as a C or
16 bulk variance, under the Municipal Land Use Law.
17 In order for the Board to grant a bulk variance,
18 the applicant must make a showing of the positive
19 and the negative criteria.

20 With respect to the positive criteria for a
21 C variance, there are two. There's the C-1
22 variance, where the applicant must show that
23 there's a hardship or practical difficulty with
24 respect to this particular piece of property, or
25 a C-2, where the benefits would outweigh the

1 | detriments.

2 | It's my opinion that there's a hardship
3 | related to this property because of the existing
4 | developed condition of the property. There's an
5 | existing building on the property. There's no
6 | additional room for the applicant to provide the
7 | parking. I think it would be a hardship for the
8 | developer. In order to do it, they'd have to
9 | knock the building down.

10 | So, I think that the applicant meets the
11 | hardship criteria with respect to the C-1
12 | variance.

13 | One of the other things I just did want to
14 | point out, the benefits of this application, Mr.
15 | Pereiras mentioned that the building would be
16 | upgraded to modern day building standards, which
17 | I think is a benefit.

18 | With respect to the negative criteria, it's
19 | my opinion there would not be a substantial
20 | detriment to the neighborhood. Actually, there'd
21 | be a benefit, as I had mentioned before, with the
22 | resulting improvements that are going to be made
23 | to the building.

24 | And -- and in addition to that, the
25 | building has existed in its current condition for

1 at least 40 years.

2 With respect to the zone plan or Zoning
3 Ordinance, as I mentioned before, the use that
4 exists on the property with the mixed use,
5 commercial and residential, is consistent with
6 the Zoning Ordinance. So, it's my opinion there
7 will be no impairment to the intent and purpose
8 of the zone plan or Zoning Ordinance.

9 And finally, it's my opinion that the -- I
10 feel confident the Board could grant the
11 requested variances and -- and the relief sought
12 by the applicant, as the positive criteria would
13 outweigh the negative criteria with respect to
14 this application.

15 Thank you.

16 CHAIRPERSON CAPIZZI: You're welcome.

17 Questions or comments from the Board?

18 Any from the public?

19 MR. VELAZQUEZ: With the ugly façade.

20 CHAIRPERSON CAPIZZI: Okay?

21 MS. CARIDE: We're done.

22 CHAIRPERSON CAPIZZI: We're done? Okay.

23 MS. CARIDE: Thank you.

24 CHAIRPERSON CAPIZZI: You're welcome.

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

1 the application.

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

4 MR. VELAZQUEZ: I second.

5 THE SECRETARY: Second by Ms. Alicia
6 Morejon.

7 CHAIRPERSON CAPIZZI: Alicia Morejon.

8 MS. MOREJON: I second. I'm sorry.

9 MS. CARIDE: Forget you this time?

10 THE SECRETARY: Roll call on the motion to
11 approve this application.

12 MR. VELAZQUEZ: No, Alicia now.

13 THE SECRETARY: Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes. Yes.

15 THE SECRETARY: Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Thank you, Mr. Velazquez.

1 Mr. Guareno?

2 MR. VELAZQUEZ: Call me Alicia before.

3 A VOICE: Thank you, everyone.

4 THE SECRETARY: Mr. -- Mr. Guareno?

5 MS. CARIDE: Thank you so much.

6 CHAIRPERSON CAPIZZI: You're welcome. You
7 too.

8 MS. CARIDE: Have a great evening.

9 MR. GUARENO: Yes.

10 THE SECRETARY: Thank you.

11 Seven in favor, motion carries.

12 Thank you.

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1 **OTHER BUSINESS:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Michael Hern, 425 5th Street.

5 Mr. Adolfo Lopez?

6 MR. ORTIZ: Here's the Resolutions.

7 THE SECRETARY: Madam Chair.

8 MR. ORTIZ: Thank you, sir.

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

11 MR. ORTIZ: Give me one second.

12 Is there anybody in the audience for --
13 here for any matter other than this one?

14 This is the last one. The -- the other two
15 --

16 A VOICE: 425.

17 MR. ORTIZ: -- no, no. Yeah. This --

18 CHAIRPERSON CAPIZZI: They came in after we
19 adjourned.

20 MR. ORTIZ: That's why I'm just -- I'm just
21 double checking.

22 CHAIRPERSON CAPIZZI: Right.

23 MR. ORTIZ: If you're here for 32nd and 33
24 Street, Union City, LLC, that --

25 A CITIZEN: 3229.

1 A CITIZEN: 3209.

2 A CITIZEN: Hudson --

3 MR. ORTIZ: Well --

4 CHAIRPERSON CAPIZZI: 3229?

5 A CITIZEN: 3209.

6 CHAIRPERSON CAPIZZI: 3309?

7 MR. DILLON: That might be where they live.

8 MR. ORTIZ: No, no, no. Ma'am, what I'm
9 asking is, if you're -- which matter you're here
10 for because one was adjourned and one was
11 withdrawn. So, I don't want you to waste your
12 time, that's all.

13 A CITIZEN: Which one was adjourn? The
14 paper --

15 MR. ORTIZ: Okay, 32 and 33 Street -- 33rd
16 Street Union City, LLC, that was adjourned until
17 November. November 28.

18 And then, 3229 Bergenline Avenue Realty,
19 LLC, that was withdrawn.

20 A CITIZEN: Isn't that Hudson Yards?

21 MR. ORTIZ: Hudson Yards is --

22 MR. VELAZQUEZ: That was --

23 MR. ORTIZ: That's not this month.

24 MR. VELAZQUEZ: That's not this month.

25 MR. PRICE: But there was a notice

1 published that it was tonight.

2 MR. ORTIZ: Okay.

3 MR. PRICE: That's what she's --

4 A CITIZEN: I have -- I got here.

5 MR. ORTIZ: No, ma'am -- ma'am, I -- I
6 don't doubt you, but we don't do the publication,
7 which is even more important that you don't waste
8 your --

9 A CITIZEN: Yeah. Thank you for telling
10 me. So, when is this -- adjourned until when?

11 MR. ORTIZ: It's -- it's currently
12 adjourned for our -- our October meeting, which
13 is I don't know exactly what --

14 What day is our October meeting?

15 THE SECRETARY: October meeting?

16 MR. SPATZ: Fourteenth I think.

17 MR. ORTIZ: Which you'll probably receive a
18 new notice on. You will receive another notice
19 on.

20 THE SECRETARY: Which Board?

21 MR. SPATZ: The Hudson Yards West?

22 THE SECRETARY: That going to be adjourned
23 tonight?

24 MR. SPATZ: No. No. This one was --

25 MR. ORTIZ: No, that's -- Hudson -- Hudson

1 Yards is --

2 MR. SPATZ: It wasn't even scheduled for
3 tonight.

4 MR. ORTIZ: -- the one that's on for
5 October.

6 THE SECRETARY: That's -- that's on October
7 --

8 MR. SPATZ: Fourteenth is --

9 A VOICE: October 24.

10 VICE CHAIRPERSON CAPIZZI: Yeah.

11 MR. ORTIZ: October 24.

12 MR. SPATZ: It's a special meeting?

13 THE SECRETARY: Twenty-six?

14 A CITIZEN: Twenty-four?

15 MR. ORTIZ: Yes, ma'am.

16 THE SECRETARY: Twenty-four?

17 A CITIZEN: Thank you. Thank you for
18 telling me.

19 MR. ORTIZ: You're welcome.

20 CHAIRPERSON CAPIZZI: You're welcome.

21 MR. PRICE: It should --

22 A CITIZEN: Thank you, all of you.

23 CHAIRPERSON CAPIZZI: Thank you.

24 MR. PRICE: It should be pointed out, she's
25 responding to a letter --

1 MR. LOPEZ: She has to give you notice.

2 MR. PRICE: -- and also there was a --

3 MR. ORTIZ: I just --

4 MR. PRICE: There was a notice in the
5 paper.

6 MR. ORTIZ: Mr. Price, I said that.

7 MR. PRICE: All right.

8 MR. ORTIZ: You've got to listen to me.

9 THE SECRETARY: October 24.

10 MR. PRICE: They will -- she should be told
11 --

12 MR. ORTIZ: I said that, Mr. Price. I --

13 MR. PRICE: -- that it will have to be
14 noticed again.

15 MR. ORTIZ: I did -- Mr. Price, just -- Mr.
16 Price, I said that. Please.

17 Thank you.

18 MR. PRICE: Very good. Sorry. I didn't
19 hear that. My hearing being what it is --

20 They're going to have to send you another
21 letter.

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. ORTIZ: Hold on.

24 CHAIRPERSON CAPIZZI: Yeah. Regroup.

25 * * *

1 **Michael Hern, 425 5th Street:**

2

3 MR. LOPEZ: This is not Hudson Yards, Mr.
4 Ortiz.

5 MR. ORTIZ: Thank you.

6 Madam Chairwoman, I've had an opportunity
7 to review the submissions by counsel. Everything
8 seems to be in order, giving jurisdiction to the
9 Board.

10 CHAIRPERSON CAPIZZI: Thank you. You may
11 proceed.

12 MR. ORTIZ: For -- just so the record is
13 clear --

14 CHAIRPERSON CAPIZZI: Yes.

15 MR. ORTIZ: -- for Michael Hern, 425 -- I'm
16 sorry --

17 MR. LOPEZ: 5th Street.

18 THE SECRETARY: Thank you.

19 CHAIRPERSON CAPIZZI: No. I'm glad you
20 said that, because they were waiting.

21 MR. ORTIZ: It actually wasn't -- I think
22 it was your idea.

23 Right?

24 Someone whispered to me. It wasn't even my
25 idea. Can't take credit for it.

1 MR. LOPEZ: May I proceed?

2 MR. ORTIZ: Yes you may.

3 CHAIRPERSON CAPIZZI: Yes, please.

4 MR. LOPEZ: Thank you.

5 Madam Chairwoman, --

6 CHAIRPERSON CAPIZZI: Yes.

7 MR. LOPEZ: -- ladies and gentlemen of the
8 -- of the Board, good evening.

9 I'm Adolfo Lopez. I'm here on behalf of
10 the applicant, Michael Hern.

11 And I have Mr. Izquierdo, who has
12 previously --

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. LOPEZ: -- testified numerous times --

15 CHAIRPERSON CAPIZZI: Yes, he has.

16 MR. LOPEZ: -- to the Board, as an expert
17 witness, so --

18 CHAIRPERSON CAPIZZI: Yes, he has.

19 MR. LOPEZ: I don't think I need to qualify
20 him.

21 Is that correct, Mr. Ortiz?

22 CHAIRPERSON CAPIZZI: Correct.

23 MR. ORTIZ: I don't -- it's Madam
24 Chairwoman --

25 CHAIRPERSON CAPIZZI: Correct.

1 MR. ORTIZ: -- but I doubt there's a
2 problem with that.

3 MR. LOPEZ: Okay.

4 MR. DILLON: I do need to swear him in.

5 MR. LOPEZ: Yes. Yes.

6 MR. DILLON: Please raise your right hand.

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

9 MR. IZQUIERDO: I do.

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

12 MR. IZQUIERDO: My name is Jose Izquierdo;
13 New Jersey architect 09143, New Jersey planner
14 03385.

15 MR. DILLON: Thank you very much.

16 MR. LOPEZ: And just very briefly, this is
17 a legalization of an existing ground floor
18 apartment on 5th Street.

19 My architect, obviously, will go into all
20 of the specifics.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. LOPEZ: The additional benefit, which
23 I'd like to bring to this Board, unusual in
24 legalizations, here we are creating an additional
25 parking space. So, I think it will be very

1 favorable.

2 But Mr. Izquierdo, are you familiar with
3 the drawings that are before you that have been
4 also presented to the Board?

5 MR. IZQUIERDO: Yes, I am.

6 MR. LOPEZ: Did you prepare these in
7 anticipation of this evening?

8 MR. IZQUIERDO: Yes, I did.

9 MR. LOPEZ: And did you also visit the site
10 in order to facilitate the preparation of the
11 drawings?

12 MR. IZQUIERDO: Yes, I did.

13 MR. LOPEZ: Can you please describe the
14 project that we are proposing?

15 MR. IZQUIERDO: Good evening, members of
16 the Board.

17 This Board gains jurisdiction of this
18 application because applicant is seeking to
19 change a two family into a three family house, in
20 the R zone.

21 A three family house became a legal use as
22 -- with the revised Ordinance of March 20th of
23 2012.

24 What applicant is seeking to do is the
25 second floor of the house will remain the same.

1 That's the first unit. The third floor of the
2 house will remain the same. That's the second
3 unit. And then, the ground floor was originally
4 built as a three family, and it is identical to
5 the house next door, which is 427; 427 converted
6 from a two family to a three family by having a
7 fire escape in the back, and also by shaving off
8 a section of the front stoop to allow two cars to
9 be side-by-side in the driveway.

10 Additionally, this house on the ground
11 floor has a very, very long inside garage.
12 Actually, that garage is 12 feet four inches
13 wide, by 27 feet long. So, rather than having
14 such a big garage and using it for God knows
15 what, at -- at some point, this was used as a
16 dental office. So, basically, I don't have a
17 kitchen inside that. So, applicant will do a new
18 kitchen. Wherever there was a kitchen, it was
19 ripped out. And the -- and the bathroom was also
20 ripped out.

21 So, we're going to have a new bathroom and
22 a new kitchen. The ground floor's all going to
23 be very nice and it's going to have the whole
24 ground floor. Rear yard, it's for the ground
25 unit use only.

1 So, right now, we have an application that
2 is a two family, with a vacant ground floor, with
3 two parking spaces, and we're going to convert
4 that to a three family, an allowed use, with
5 three parking spaces, albeit in a tandem fashion.

6 The lot area, 2500 square feet, we comply.

7 The lot width of 25 feet, we comply.

8 The lot depth of a hundred feet, we comply.

9 The front yard, it's ten feet or the
10 prevailing setback. Actually, we have zero feet
11 front yard at 423, and we have 23 feet six --
12 seven inches on 427, which is exactly the same we
13 have.

14 So, we have actually -- yeah. Our front
15 yard is 20 feet. Identical to the one next door.

16 The rear yard is the one that is 23 feet
17 seven inches. So, not to bore -- bore the Board,
18 we comply in lot area, lot width, lot depth,
19 front yard, rear yard, building height.

20 Building coverage is very low. We're
21 allowed 60 percent, we have 46 percent.

22 And the lot coverage, we're allowed 85
23 percent, and we have 83.72 percent.

24 MR. LOPEZ: And the height is how many
25 stories?

1 MR. IZQUIERDO: The height is existing and
2 it is three stories, less than 30 feet.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. IZQUIERDO: So, the side yard is the
5 problem that this house, 425 has, as well as 427
6 have, because we need to have -- by zoning, we
7 need to have three feet on the one side, two feet
8 on the other side. Right now, we have 1.7 on one
9 side, and 2.2 on the other side.

10 Okay. So, in terms of zoning, it's a
11 preexisting condition and the Board understands.
12 But when we go to the Building Department, the
13 Building Department is not going to understand.
14 So, I have to have the fire escape in the front
15 of the building.

16 If I have the fire escape in the back, it
17 will exit into an area of refuge that is not able
18 to handle the density occupation of 200 people
19 per square foot upstairs. So, it requires me to
20 exit to the front.

21 CHAIRPERSON CAPIZZI: Hmm.

22 MR. IZQUIERDO: And for that, I need a
23 minimum of 37 inches. If I sprinkler it, 44
24 inches. I don't require to sprinkler it, but I
25 cannot do it with 24 inches or 20 inches.

1 So, we're putting the fire escape in the
2 front, with sprinklering the whole ground floor.
3 And we need a variance for the parking space.

4 MR. LOPEZ: Could you go over the
5 calculations for parking, Mr. Izquierdo?

6 MR. IZQUIERDO: Correct.

7 The RSIS, which our town fathers adopted,
8 the existing conditions, we need 4.2 parking
9 spaces, which are 2.1 parking spaces for every
10 three bedroom. And we have two of those
11 upstairs.

12 The proposed condition, since we have the
13 4.2, but we're adding the one bedroom, 1.8, that
14 leaves us that we need to have six parking
15 spaces, and we're providing three, one per unit.

16 MR. LOPEZ: Currently, we have --

17 MR. IZQUIERDO: Two.

18 MR. LOPEZ: And we're adding one on --

19 MR. IZQUIERDO: We're adding one by shaving
20 off here, by doing here, the things that you have
21 to do in a -- in an urban situation to -- to,
22 first of all, give a legal use to that ground
23 floor, making it sprinkler and making it a nice
24 unit and everything like that. Giving it a
25 parking space, because otherwise, if I leave it

1 | vacant, then it -- then we go back to the same
2 | illegality.

3 | In terms of the density, our three bedrooms
4 | are required to be 950 square feet, and we have
5 | 973 square feet. And the one bedroom is required
6 | to be 550 square feet, and we have 585 square
7 | feet.

8 | Additionally to that, the owner is
9 | providing a storage area, common to all the --
10 | all the units and everything.

11 | And I have nothing further.

12 | MR. LOPEZ: Mr. Izquierdo, the -- the
13 | materials on the front of the house are currently
14 | what, please?

15 | MR. IZQUIERDO: It's brick.

16 | MR. LOPEZ: Right. And there are no
17 | changes to the exterior -- to the exterior of the
18 | structure in any way, other than adding the fire
19 | escape.

20 | Is that correct?

21 | MR. IZQUIERDO: Adding the fire escape and
22 | of course -- no. Not to the exterior of the
23 | building, no.

24 | MR. LOPEZ: Okay.

25 | And the footprint of the building --

1 MR. IZQUIERDO: Identical.

2 MR. LOPEZ: -- likewise stays the same.

3 MR. IZQUIERDO: Identical. Actually, I
4 want to take off a piece of concrete, to put a
5 little bit of a tree there. But eh, that's me,
6 you know?

7 CHAIRPERSON CAPIZZI: So what -- what color
8 is the brick on the front of the house?

9 MR. IZQUIERDO: It's like that -- it's like
10 that mustard.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. LOPEZ: Yes.

13 MR. IZQUIERDO: Reddish --

14 CHAIRPERSON CAPIZZI: What color -- and --
15 and the fire escape will be black, brown?

16 MR. IZQUIERDO: The same red color, if you
17 want.

18 MS. MOREJON: Yeah, red color.

19 MR. IZQUIERDO: It will match better.

20 CHAIRPERSON CAPIZZI: I'm thinking maybe --
21 yeah.

22 MR. LOPEZ: Yeah. Whatever -- whatever the
23 --

24 CHAIRPERSON CAPIZZI: Right. I think --

25 MR. LOPEZ: -- Board deems appropriate as

1 far as color.

2 CHAIRPERSON CAPIZZI: -- try and make it
3 blend in.

4 MR. IZQUIERDO: Yeah. Yeah.

5 VICE CHAIRPERSON KOEHLER: I have --

6 MR. ORTIZ: You want to --

7 Go ahead ladies.

8 MS. MOREJON: -- the same color with the --

9 CHAIRPERSON CAPIZZI: Yes.

10 MS. MOREJON: -- for the fire escape.

11 VICE CHAIRPERSON KOEHLER: This application
12 here says that the exterior finish, it is
13 shingled, ASB, asbestos? Is that what that is?

14 MR. IZQUIERDO: No.

15 VICE CHAIRPERSON KOEHLER: Is this a
16 different application?

17 MR. IZQUIERDO: Shingle asbestos?

18 VICE CHAIRPERSON KOEHLER: 425 5th Street
19 and it's the paperwork on it.

20 MR. ORTIZ: No, that's --

21 A VOICE: The City wants that.

22 MR. LOPEZ: Yes, but it's not asbestos.

23 A VOICE: No.

24 MR. LOPEZ: No. This was -- this was built
25 in the '70s. There's no way.

1 MR. IZQUIERDO: Asbestos shingle -- I don't
2 know if it's this application, but just for the
3 Board's edification, asbestos shingle is used
4 throughout the United States as an exterior
5 building material, and it doesn't cause cancer,
6 because it's not airborne and it's --

7 VICE CHAIRPERSON KOEHLER: Right.

8 MR. IZQUIERDO: -- encapsulated.

9 MR. VELAZQUEZ: Yeah. No.

10 MR. IZQUIERDO: You know.

11 VICE CHAIRPERSON KOEHLER: So, you're --
12 I'm just confirming that it's not in the front,
13 because if you're going to put -- if you have to
14 drill in there to put in your fire escape, then
15 there's some asbestos remediation --

16 MR. IZQUIERDO: Yes.

17 VICE CHAIRPERSON KOEHLER: -- involved.

18 MR. IZQUIERDO: Yes. Yes.

19 VICE CHAIRPERSON KOEHLER: But you're
20 saying --

21 MR. IZQUIERDO: No, it's brick.

22 VICE CHAIRPERSON KOEHLER: -- that this is
23 -- this is for the side, this section here;
24 shingle asbestos?

25 MR. LOPEZ: What -- if I may?

1 What year is that -- that -- I see you're
2 looking at the assessment.

3 VICE CHAIRPERSON KOEHLER: 1966.

4 MR. IZQUIERDO: Oh, the cutting card.

5 MR. LOPEZ: Ah, that might be the prior --
6 prior structure because this is --

7 MR. VELAZQUEZ: Yeah, that's --

8 CHAIRPERSON CAPIZZI: Um hum.

9 VICE CHAIRPERSON KOEHLER: So, you're not
10 going to go through that.

11 MR. LOPEZ: Oh, no, no.

12 VICE CHAIRPERSON KOEHLER: The brick is on
13 top --

14 MR. LOPEZ: This is -- this is --

15 VICE CHAIRPERSON KOEHLER: -- of the
16 asbestos.

17 MR. LOPEZ: From -- if you -- if I -- if
18 you take a look at the picture, this is --

19 MR. VELAZQUEZ: It's real modern.

20 MR. LOPEZ: This is a newer structure.
21 Probably from the 1970s --

22 MR. VELAZQUEZ: Yeah.

23 MR. LOPEZ: -- sometime.

24 VICE CHAIRPERSON KOEHLER: It's not on top
25 of the --

1 MR. LOPEZ: No, no. This is a brand new
2 structure.

3 VICE CHAIRPERSON KOEHLER: -- 1966 --

4 MR. IZQUIERDO: No.

5 MR. VELAZQUEZ: Yeah.

6 MR. LOPEZ: You're looking at --

7 MR. IZQUIERDO: The previous cutting card.
8 Yes.

9 MR. LOPEZ: The previous cutting card, back
10 from the '60s or '70s, but --

11 MR. IZQUIERDO: These units -- these units
12 were replaced and both houses, the one at 425 and
13 427 were apparently knocked down, that building
14 that you're seeing, and they built whatever we
15 see now, and that has a brick front, and that
16 brick front is the -- looks like the color of
17 that door. It's like a walnut color. It's like
18 -- you know. Yeah. It's a wood chip color.

19 VICE CHAIRPERSON KOEHLER: Okay.

20 MR. VELAZQUEZ: Is that the applicant?

21 MR. LOPEZ: It is. The applicant is here.

22 MR. VELAZQUEZ: God bless you with that
23 one, too.

24 A VOICE: I'll take it.

25 MR. LOPEZ: You have a lot of blessings

1 | tonight, Mr. --

2 | MR. VELAZQUEZ: Oh, there is. Mrs.
3 | Rodriguez (phonetic), next door, you should build
4 | a wall.

5 | MR. LOPEZ: So, with that, I want to
6 | conclude my application.

7 | MR. ORTIZ: I have one question --

8 | MS. MOREJON: Oh, my gosh.

9 | MR. ORTIZ: -- that's unrelated to any of
10 | that.

11 | Do they make any kind of decorative type
12 | fire escape?

13 | MR. IZQUIERDO: Yes, they do. And I saw
14 | one that was -- I discussed with the fire
15 | official here, with Louie Miranda, the fire
16 | official, and actually I have the cuts and I was
17 | going to show it to Michael.

18 | I didn't see the price tag on that, so we
19 | might be --

20 | CHAIRPERSON CAPIZZI: Um hum.

21 | MR. IZQUIERDO: -- you know, get a little
22 | bit of sticker shock, but it was actually a
23 | foldable. It was made in Scotland or someplace
24 | up there, so they -- it was a foldable fire
25 | escape that would fold and would hide in the --

1 | that's never going to be approved in New Jersey.
2 | I can guarantee you that. That's never going to
3 | pass DCA. Never.

4 | MR. ORTIZ: No, no. I was -- I had
5 | something more in mind, like -- and the
6 | Chairwoman --

7 | MR. IZQUIERDO: Oh, like a wood balcony or
8 | something like that?

9 | MR. ORTIZ: Yeah, yeah.

10 | MR. IZQUIERDO: Something beautiful?

11 | MR. LOPEZ: The -- the only problem, Mr. --

12 | CHAIRPERSON CAPIZZI: Not a balcony but
13 | something --

14 | MS. MOREJON: No. Like a railing.

15 | CHAIRPERSON CAPIZZI: -- decorative, like
16 | you can see like --

17 | MS. MOREJON: Decorative railing.
18 | Something --

19 | MR. IZQUIERDO: Yeah.

20 | MR. ORTIZ: Something like New Orleans
21 | type.

22 | CHAIRPERSON CAPIZZI: Yeah.

23 | MR. IZQUIERDO: We can do something nice.
24 | Yeah.

25 | CHAIRPERSON CAPIZZI: Something that --

1 MR. IZQUIERDO: Yeah.

2 CHAIRPERSON CAPIZZI: Since you have to put
3 on front of the house --

4 MR. IZQUIERDO: Yeah.

5 CHAIRPERSON CAPIZZI: -- we want it to look
6 nice. It's your house.

7 MR. IZQUIERDO: Yeah. We'll do something
8 -- we'll do something nice with the --

9 MR. ORTIZ: So --

10 MR. IZQUIERDO: -- railing. Yeah.

11 MR. ORTIZ: If the -- if the --

12 CHAIRPERSON CAPIZZI: That's fine.

13 MR. ORTIZ: If the Board was to approve
14 this, you wouldn't have a problem with the
15 condition of a decorative fire escape, since it's
16 the front -- front of the building?

17 MR. IZQUIERDO: No.

18 MR. LOPEZ: We have no problem, it just --
19 the description then becomes a bit of a problem.

20 MR. ORTIZ: No. It's a decorat --

21 CHAIRPERSON CAPIZZI: Right.

22 MR. IZQUIERDO: No.

23 MR. ORTIZ: I'll give you --

24 MR. LOPEZ: Yes.

25 MR. ORTIZ: I'll give you --

1 CHAIRPERSON CAPIZZI: Yes.

2 MR. ORTIZ: I'll give you, but --

3 MR. IZQUIERDO: A tasteful.

4 MR. LOPEZ: We'll try to do something a bit
5 more upscale.

6 MR. ORTIZ: Basically it's not a -- but it
7 also --

8 MR. IZQUIERDO: A tasteful, --

9 MR. ORTIZ: -- clarifies that it's not the
10 --

11 MR. IZQUIERDO: -- but site appropriate.

12 MR. ORTIZ: It also clarifies that it's not
13 just that wrought iron kind of --

14 MR. LOPEZ: Understood.

15 MR. ORTIZ: -- brown --

16 MR. IZQUIERDO: Yeah. No. We're not going
17 to put flowers on the --

18 MR. ORTIZ: -- fire escape -- you know.

19 MR. IZQUIERDO: -- on the pattern. We're
20 not going to put flowers, or appliques. No.
21 Absolutely not.

22 MR. VELAZQUEZ: And if it --

23 MR. IZQUIERDO: You know, but you see like
24 a thicker type of railing or something, so that
25 it looks more -- more of a balcony without being

1 a balcony.

2 MR. VELAZQUEZ: And if it was like approved
3 also, I know on -- in the alleyway, I know it's
4 adjoining, it would need a really, really,
5 really, really good power wash.

6 MR. IZQUIERDO: Oh, the brick?

7 MR. VELAZQUEZ: The brick, the siding.

8 MR. LOPEZ: The --

9 MR. VELAZQUEZ: I think you seen that,
10 right?

11 MR. IZQUIERDO: Oh, yeah. Yeah.

12 A VOICE: Yeah.

13 MR. VELAZQUEZ: Yeah.

14 MR. IZQUIERDO: Yeah. Yeah. The house is
15 a little -- it was a little unkept when I -- when
16 Michael first bought it. It needed -- you know
17 --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: So --

20 MR. IZQUIERDO: Need a cleaning.

21 VICE CHAIRPERSON KOEHLER: What year was
22 this redone?

23 MR. ORTIZ: Do you want to somehow
24 condition that that --

25 MR. VELAZQUEZ: Had the power washing?

1 VICE CHAIRPERSON KOEHLER: No. The -- this
2 brick --

3 MR. IZQUIERDO: Well, no, no.

4 MR. LOPEZ: It's not just the brick, the
5 entire house --

6 VICE CHAIRPERSON KOEHLER: So the new
7 structure, when was that --

8 MR. LOPEZ: We think it's --

9 VICE CHAIRPERSON KOEHLER: -- built?

10 MR. LOPEZ: -- some time in the '70s, as
11 best we can tell. Obviously, it precedes his
12 ownership of the house, but from the style of the
13 house, probably late '70s sometime.

14 VICE CHAIRPERSON KOEHLER: Okay.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: So -- so, just so I get it, if
17 it was to be approved, the entire structure to be
18 power washed.

19 MR. VELAZQUEZ: Especially the side and all
20 that, because you know what it is, when you're
21 looking down the road, that property is probably
22 the one that's going to probably keep the other
23 one looking good.

24 MR. LOPEZ: That's fine.

25 MR. IZQUIERDO: That would be us or that

1 would be them?

2 MR. VELAZQUEZ: That would be --

3 MR. IZQUIERDO: Oh that would be us. Thank
4 you.

5 MR. VELAZQUEZ: Oh, yes.

6 CHAIRPERSON CAPIZZI: Okay?

7 MR. LOPEZ: Thank you.

8 CHAIRPERSON CAPIZZI: Any other questions
9 or comments from the Board?

10 MR. LOPEZ: Can I please have the survey
11 back?

12 VICE CHAIRPERSON KOEHLER: Yeah.

13 MR. LOPEZ: Sorry.

14 CHAIRPERSON CAPIZZI: Any questions or
15 comments from the public?

16 None?

17 Okay. Seeing none --

18 (Whereupon, there were multiple speakers.)

19 MR. VELAZQUEZ: I make a motion.

20 I make a motion.

21 THE SECRETARY: Motion by Mr. Velazquez to
22 approve the application.

23 CHAIRPERSON CAPIZZI: I'll second it.

24 THE SECRETARY: Second by Mrs. Capizzi.

25 Roll call on the motion to approve this

1 application.

2 Ms. Koehler?

3 MR. ORTIZ: Motion is pending -

4 Hello?

5 THE SECRETARY: Ms. Koehler, to -- to
6 approve this application?

7 VICE CHAIRPERSON KOEHLER: Yes. Yes.

8 MR. VELAZQUEZ: She owns a couple of other
9 properties, but very --

10 THE SECRETARY: Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Genao?

13 MR. VELAZQUEZ: I had to have DPW clean --

14 MS. GENAO: Yes.

15 MR. VELAZQUEZ: -- everything out.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Ms. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Velazquez?

21 MR. VELAZQUEZ: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 MR. VELAZQUEZ: That's what I'm saying,
25 because of the side --

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

3 MR. VELAZQUEZ: Adolfo, I was saying --

4 MR. ORTIZ: And just so the record's clear,
5 it was David that told me to before. Give credit
6 where credit is due.

7 MR. SPATZ: Right. I helped him out.

8 CHAIRPERSON CAPIZZI: Yeah. No, that was a
9 good call. That was a good call.

10 MR. SPATZ: All right. See you in a couple
11 weeks.

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1 **ADJOURNMENT :**

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3 THE SECRETARY: One second, please. One
4 second.

5 Let's close the meeting.

6 May I have your attention, please?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Can I have a motion to end
9 tonight's meeting?

10 MR. VELAZQUEZ: Yes.

11 CHAIRPERSON CAPIZZI: I'll make a motion.

12 THE SECRETARY: Motion by Ms. Capizzi.

13 MS. MOREJON: Yes.

14 Second.

15 THE SECRETARY: Second by Mr. Velazquez.

16 All in favor say aye.

17

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

19

20 THE SECRETARY: The ayes have it.

21 Thank you.

22 Have a good night, everybody.

23 Let the record show that the meeting has
24 ended.

25 Thank you.

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(Whereupon, the proceedings were concluded
at 7:06 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

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, September 26, 2017 and digitally
11 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon