

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, January 23, 2018
Commencing at 6:10 p.m.

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

YDALIA GENAO, Mayor's Designee
CAROLINA FERNANDEZ
FRANKLIN MEDINA, (Left at 7:35 p.m.)
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
ALICIA MOREJON
RUDY RIVERO

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

CARLOS VALLEJO, Secretary to the Board

WILFREDO J. ORTIZ, II, ESQ., (Arrived at 6:33 p.m.)
BRIAN E. EYERMAN, ESQ., (Left at 6:34 p.m.)
Attorneys for the Board

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

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

RICHARD S. SCHKOLNICK, ESQ.,
Attorney for Applicant, Hudson Yards West, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, ADR RE, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant,
3510-3520 Bergenline Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Zohastan, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1507 West St., LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 914 16th Street, LLC

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I N D E X

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

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Manuel Pereiras

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Manuel Pereiras

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1 THE SECRETARY: Please take notice that on
2 Tuesday, January 23rd, 2017 (sic), at six p.m., a
3 Regular Meeting is scheduled for the City of
4 Union City Planning Board, to be held in the
5 Municipal Chambers of the City Hall, 3715
6 Palisade Avenue, Union City, New Jersey.

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

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

12 Notice of the meeting has been faxed to The
13 Jersey Journal, to The Record, and The Hudson
14 Reporter, has been posted on the bulletin board
15 in City Hall, and has been made available to the
16 public in the Office of Municipal Clerk.

17 Before we call roll for tonight's evening
18 (sic), everybody to rise, Pledge of Allegiance.

19

20 (Whereupon, the Pledge of Allegiance was
21 said by all.)

22

23 THE SECRETARY: Thank you.

24

25 **ROLL CALL:**

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THE SECRETARY: Roll call for tonight's
meeting.

4

Mayor Brian P. Stack?

5

Absent.

6

Ydalia Genao?

7

MS. GENAO: Yes.

8

9

THE SECRETARY: Commissioner Celin
Valdivia?

10

Absent.

11

Alicia Morejon?

12

Absent.

13

Diane Capizzi?

14

CHAIRPERSON CAPIZZI: Here.

15

THE SECRETARY: Carolina Fernandez?

16

MS. FERNANDEZ: Here.

17

THE SECRETARY: Rudy Rivero?

18

Absent.

19

Franklin Medina?

20

MR. MEDINA: Here.

21

THE SECRETARY: Jeanne Koehler?

22

VICE CHAIRPERSON KOEHLER: Here.

23

THE SECRETARY: Alejandro Velazquez?

24

MR. VELAZQUEZ: Here.

25

THE SECRETARY: Jose Guareno?

1 MR. GUARENO: Here.

2 THE SECRETARY: Let the record indicate
3 there are seven present.

4 We have a full quorum for tonight's
5 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on November 28, 2017

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5 THE SECRETARY: Adoption of Minutes;
6 Regular Meeting held on November 28, 2017.

7 Can I have a motion to adopt these previous
8 meeting minutes?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 THE SECRETARY: Motion by Ms. Capizzi.

11 MR. VELAZQUEZ: Second.

12 THE SECRETARY: Any second?

13 MR. VELAZQUEZ: Second.

14 THE SECRETARY: By Mr. Velazquez.

15 Roll call on the motion.

16 Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 THE SECRETARY: Ms. Fernandez?

21 MS. FERNANDEZ: Yes.

22 THE SECRETARY: Ms. Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Seven in favor.

6 Motion carries.

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1 **RESOLUTIONS:**

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3 (1) Resolution to Appoint the Attorney for the
4 Planning Board, Retroactive from July 1, 2017
5 through June 30, 2018

6

7 THE SECRETARY: We have five Resolution on
8 tonight's agenda.

9 First Resolution to Appoint the Attorney
10 for the Planning Board, Retroactive from July --
11 July 1st, 2017 through June 30, 2018.

12 Can I have a motion?

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: Motion by Ms. Capizzi.

15 MR. VELAZQUEZ: Second.

16 THE SECRETARY: Second by Mr. Velazquez.

17 Roll call on the motion.

18 Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 MR. VELAZQUEZ: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

9 MR. EYERMAN: Thank you.

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1 **RESOLUTIONS:**

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3 (2) 410 36th Street Realty, LLC, 410 36th Street,
4 Block 214, Lot 8. Legalize the existing
5 residential units to create a three family house.

6 **Approved**

7 (3) 802 Palisade Avenue Owner, LLC, 802
8 Palisade Avenue, Block 186, Lot 17. Conversion
9 of three story, two family dwelling into a three
10 family building and interior renovation of
11 basement unit. **Approved**

12 (4) 584 Assoc. Corp. 415 19th Street, Block 99,
13 Lot 13. Propose a new three family house.

14 **Approved**

15

16 THE SECRETARY: Adoption, Resolution number
17 2, 3, and 4.

18 Number 2, 410 36th Street.

19 Number 3, 802 Palisade Avenue.

20 And number 4, 415 19th Street.

21 Can I have a motion to adopt these

22 Resolutions?

23 CHAIRPERSON CAPIZZI: I make a motion.

24 THE SECRETARY: Motion by Ms. Capizzi.

25 MR. VELAZQUEZ: Second.

1 THE SECRETARY: Second by Mr. Velazquez.

2 Roll call on the motion to adopt these
3 Resolutions.

4 Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Ms. Fernandez?

9 MS. FERNANDEZ: Yes.

10 THE SECRETARY: Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Velazquez?

15 MR. VELAZQUEZ: Yes.

16 THE SECRETARY: Mr. Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Seven in favor.

19 Motion carries.

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1 **CORRECTIVE RESOLUTION:**

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3 (5) Daniel Hernandez, 823 18th Street, Block 94,
4 Lot 18. Legalize basement apartment from two to
5 three family. Resolution was memorialized on
6 July 25, 2017.

7

8 THE SECRETARY: Number 5 is a Corrective
9 Resolution.

10 Daniel Hernandez 823 18th Street.

11 Can I have a motion?

12 CHAIRPERSON CAPIZZI: I'll make a motion.

13 THE SECRETARY: Motion by Ms. Capizzi.

14 Any second?

15 MR. VELAZQUEZ: Second.

16 THE SECRETARY: Mr. Velazquez.

17 Roll call on the motion.

18 Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 MR. VELAZQUEZ: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Seven in favor.

8 Motion carries.

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1 **Hudson Yards West, LLC -**

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

3

4 THE SECRETARY: Okay.

5 First hearing on tonight's agenda is Hudson
6 Yards West, LLC, 3309 Hudson Avenue and 3308-3310
7 Palisade Avenue.

8 Mr. Schkolnick?

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

11 MR. SCHKOLNICK: Co-counsel.

12 MR. EYERMAN: Okay.

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

15 MR. SCHKOLNICK: Set?

16 Chairwoman, members of the Board, my name's
17 Richard Schkolnick. Thank you for your time this
18 evening. I'm representing Hudson Yards West,
19 LLC.

20 As the Board is aware, this is an
21 application for preliminary and final site plan
22 approval.

23 The address is 3309 Hudson Avenue and 3308
24 Palisade Avenue. It's Block 200, Lots 5 and 6,
25 24 through 28, and 50.

1 The parcel is located in the City's CC
2 zone. What I'll call our base proposal, the base
3 proposal, that's the one you've heard previously,
4 is a 71 unit project, with approximately 2500
5 square feet of commercial space.

6 We're here at the Planning Board, so of
7 course, the residential use is permitted in the
8 zone, as is the commercial use.

9 As the Board may recall, there have been
10 three previous hearings on this site, May 23rd,
11 June 27th, and October 24th.

12 You may recall that the application was
13 carried at the October 24th meeting, because the
14 Board's Planner was not available.

15 Revised plans were submitted on December
16 8th; those plans are dated December 4th. This is
17 an alternate plan for the Board's consideration.
18 It's a 90 unit plan. The units are smaller, but
19 there are more of them; 68 studios, 68 -- excuse
20 me -- 18 studios, 68 one bedrooms and four two
21 bedrooms.

22 All variance relief has been eliminated
23 from the plans on December 4th.

24 Let me repeat that.

25 We've eliminated all variance relief on the

1 December 4 plans.

2 Parking, in terms of the number of spaces,
3 is compliant in the 90 unit plan; 163 required,
4 167 proposed -- 163 required, 167 proposed.

5 The December 4 plans do have two de minimis
6 RSIS exceptions. That's the Residential Site
7 Improvement Standards. The size of the parking
8 stall; nine feet required, on some of the spaces,
9 we proposed 8.5. And on the width of the drive
10 aisle, 24 feet required, and there's a certain
11 stretch on each floor that has only 17 feet.

12 VICE CHAIRPERSON KOEHLER: Repeat that
13 drive requirement again.

14 MR. SCHKOLNICK: The drive aisle. This is
15 on the December 4 plan.

16 VICE CHAIRPERSON KOEHLER: Oh.

17 MR. SCHKOLNICK: The December 4 plan, drive
18 aisle, a section of our drive aisle, 17 feet
19 proposed, 24 feet required.

20 However, on January 11th, we submitted
21 another tweak. It's attached to a letter that
22 you have from us, some smaller size plans, and we
23 took a harder look at the parking configuration.
24 And you have in front of you sheets X1, X2 and
25 X3.

1 What that does is it increases the size of
2 the drive aisle to 21 feet and it eliminates the
3 deviation for the width of the parking spaces,
4 except for three spaces total that are eight
5 feet, not nine feet.

6 So, we submitted the revised plan with 90
7 units that eliminates all variances. No variance
8 relief.

9 We have some RSIS exceptions. We took a
10 further look and tweaked again.

11 The alternate plan, with the 21 foot drive
12 aisle width, essentially eliminates the RSIS
13 exception for the width of the spaces, by making
14 the spaces either nine feet or larger. That plan
15 proposes 66 compact spaces, and compact spaces
16 are recognized by your Ordinance.

17 In addition, in my January 11 letter, we
18 submitted a transcript of some proceedings from
19 the City's Board of Commissioners concerning
20 Peter Street and an authorization for funds to
21 acquire property. And the stated purpose is to
22 extend Peter Street.

23 The City authorized \$1.3 million for that
24 purpose; took place just this past November.

25 We'll have some testimony on the impact of

1 an extension of Peter Street on the proposal,
2 because if Peter Street is, in fact, extended, we
3 can make the building five feet larger and
4 eliminate the deviation for the drive aisle
5 width.

6 We'd have five more feet to play with, and
7 as I said, the RSIS exception, we got it to 21
8 feet; 24 feet required. If we get five more
9 feet, with the Peter Street matter, we can make
10 it 24 feet. We'll be comply. And we can make
11 those compact spaces 17 feet instead of 18 feet.
12 Excuse me; 17 instead of 16.

13 We think the compact spaces are fine. Your
14 Ordinance recognizes that, but assuming Peter
15 Street goes through, we have some more ability to
16 come into even greater compliance.

17 Again, no variances, just the de minimis
18 exceptions to the RSIS.

19 I have three witnesses for you this
20 evening, our architect, Manny Pereiras; traffic
21 expert, Craig Peregoy; and our planner, Michael
22 Kauker.

23 We are going to run through the testimony
24 comprehensively. I appreciate you've heard this
25 application before. I have taken a close look at

1 the transcript. There was a lot of back and
2 forth, a lot of discussion, some negotiation.
3 So, we are more or less going to take it from the
4 start, and go through, step-by-step, to explain
5 where we are now, which is a fully conforming
6 plan, in terms of site plan approval, no
7 variances, with very minor deviations on the
8 RSIS.

9 But even more importantly -- even more
10 importantly, we can eliminate all of this relief
11 by using stacked parking.

12 Your Master Plan recognizes stacked
13 parking. The Board has, in the past, approved
14 stacked parking. And if the Board has a
15 significant concern about the remaining RSIS
16 deviations, if Peter Street doesn't go through
17 for some reason, if you have a concern about
18 those drive aisles and the compact spaces, which
19 we think should be fine, you have a concern about
20 that, we're ready, willing and able to add
21 stacked parking, which your own Master Plan
22 authorizes.

23 And then, if we do that, we could eliminate
24 all relief whatsoever. The Municipal Land Use
25 Law says shall approve.

1 So, we think we've taken the Board's
2 concerns into consideration. We heard your
3 concerns about the variances, and we ultimately
4 have a plan that eliminates all relief, as we
5 understand it.

6 To reiterate, the proposed use is permitted
7 in the zone. The density is permitted. The
8 height's permitted. With the 90 unit plan, no
9 variances. We are suggesting some RSIS
10 exceptions. They're very, very minor and we
11 could eliminate them, if that's the Board's
12 inclination.

13 So, our collective goal is to produce a
14 plan that works for the community and works for
15 the applicant. We're here at the Planning Board.
16 We hope that we're able to do that for you this
17 evening.

18 With that, Chairwoman, we're prepared to go
19 forward.

20 MR. EYERMAN: Through the Chair --

21 CHAIRPERSON CAPIZZI: Okay. Proceed.

22 MR. EYERMAN: Through the Chair, if I could
23 just put on the record, I received notice and
24 publication, that looks compliant with the --
25 with the Land Use Law.

1 We can move forward.

2 CHAIRPERSON CAPIZZI: Thank you.

3 MR. SCHKOLNICK: Chairwoman, you also have
4 my letter. We would -- we are intending to be as
5 comprehensive, but concise at the same time.

6 CHAIRPERSON CAPIZZI: Sure.

7 MR. SCHKOLNICK: We very much want to
8 finish tonight.

9 We have some serious concerns that this
10 matter has dragged on, and it is our intent to
11 complete the application this evening.

12 So, I just wanted to put that on the
13 record.

14 With that, if I may, I'll call Manny as our
15 first witness.

16 MR. DILLON: Please raise your right hand.

17 MR. SCHKOLNICK: If I can have him sworn?

18 MR. DILLON: Do you swear the testimony
19 you're about to give this Board is the whole
20 truth?

21 MR. PEREIRAS: I do.

22 Manny Pereira, P-E-R-E-I-R-A-S, with
23 Pereira Architects Ubiquitous, 1116 Summit
24 Avenue, Union City, New Jersey.

25 MR. DILLON: Thank you.

1 MR. PEREIRAS: Thank you.

2 MR. SCHKOLNICK: And, sir I appreciate the
3 fact that you've been recognized --

4 CHAIRPERSON CAPIZZI: Yes. Absolutely.

5 MR. SCHKOLNICK: Okay.

6 Thank you.

7 MR. PEREIRAS: Thank you.

8 MR. SCHKOLNICK: We appreciate that, just
9 for the record.

10 Okay. All right.

11 Manny, I started by saying that we
12 submitted revised plans, dated December 4th. So,
13 hopefully, everybody has those. The December 4th
14 full set, we submitted on December 8th.

15 Can you just walk the Board through that,
16 talk about the changes that were made, and how we
17 got to this point?

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

19 And just for purposes of the record, the
20 same drawings that were submitted to you are on
21 the easel to my right. And we have a color
22 rendition of the first page on the left.

23 So, it's the same -- same presentation,
24 just on the board.

25 MR. SCHKOLNICK: Okay.

1 Counselor, do I have to remark? It's in
2 the record, I can mark --

3 MR. EYERMAN: They're in the -- in the
4 record. Just refer to them as they were in the
5 old record.

6 MR. SCHKOLNICK: Okay. So, Manny, when you
7 refer to the sheets --

8 MR. EYERMAN: Anything that's changed,
9 though, let us know.

10 MR. SCHKOLNICK: -- call out the last
11 revision. The sheet number and the last revision
12 date.

13 MR. PEREIRAS: Absolutely.

14 MR. SCHKOLNICK: And I'm going to mark -- I
15 -- I didn't know what number it was, so just call
16 it today's date of January 23rd.

17 I'm going to call this A-1, with tonight's
18 date of January 23rd.

19

20 (Whereupon, Colored Rendering was received
21 and marked as Exhibit A-1.)

22

23 MR. SCHKOLNICK: Okay. So, I got that?

24 MR. PEREIRAS: Okay.

25 And just to clarify, A-1 is the colored

1 rendering that was included also on Sheet Z01 of
2 the record documents.

3 And what I have in my hand right now, is
4 Sheet Z01 through Sheet Z11, with the submission
5 date of December 4th, December -- 2017.

6 I'm turning, right now, to Sheet Z02. In
7 Z02, we see our site plan. The -- first and
8 foremost, the area that's required in this
9 district is 10,000 square feet. We have a total
10 of 27,495 square feet on our lot.

11 So, we have a much larger lot than is the
12 minimum requirement.

13 And then, working within this, we created
14 an application that is variance-free.

15 The front yard requirement is zero feet at
16 the ground level. And when we get higher, above
17 the fourth story, it is stepped back another ten
18 feet. It's ten foot three at the shortest point.

19 Our side yard, at the ground level, we set
20 back five feet. This is both on the south and
21 the north sides. So, our building is set back on
22 the south side along here, five feet, along the
23 north side, along here, from the neighboring
24 properties five feet, and then, along here, which
25 is off of Hudson Street, on the north side, it's

1 set back a total of 12 feet three inches.

2 When you go up above the fourth story, that
3 setback is increased to 15 feet along the north
4 side, across, both there and here. And it's
5 increased to 15 feet along the south side.

6 The front yard of the building, along
7 Palisade Avenue, is zero front yard setback, as
8 required in the Ordinance. And as you step up,
9 above the fourth story, it's over ten feet and we
10 have it at ten foot five.

11 So, we were -- we listened to what the
12 Board said. You wanted something smaller. We
13 made it smaller in every direction. And we have
14 a variance-free application.

15 Furthermore, to talk about the building
16 coverage. Eighty percent is required, we're at
17 80 percent of building coverage. That's a total
18 of 21,911 square feet.

19 The maximum lot coverage is 95 percent --
20 well, maximum permitted. And we're actually well
21 under that. We're at 86 percent and what we're
22 doing is we're introducing a little bit of
23 landscaping and introducing some street trees
24 along the sidewalk, too.

25 So, we're well in compliance of that, as

1 well.

2 And then, the building height. We're in
3 full compliance of that, as well. You're
4 permitted to go six stories. We're at six
5 stories. And the maximum building height is 70
6 feet and we're at 70 feet for our building
7 height. So, we have no variances there either.

8 And then, finally, the parking requirement.
9 There are a total of 167 spaces required.
10 Actually 163 spaces required, and we're providing
11 167 spaces on this building.

12 MR. SCHKOLNICK: Okay.

13 Now, in the original set, we had some RSIS
14 relief.

15 Correct?

16 MR. PEREIRAS: That is correct.

17 MR. SCHKOLNICK: Okay.

18 MR. PEREIRAS: And actually, I missed one
19 -- one thing to talk about.

20 As an extra precaution, even though this is
21 a through lot and we don't have a rear yard, this
22 portion over here may potentially be considered a
23 rear yard because it's facing neighboring
24 properties here.

25 So, the -- there's a requirement of 20 foot

1 on a rear yard and we're providing that 20 foot
2 there, as well. So, we're in full compliance any
3 way you look at it, and we took a very
4 conservative approach on that, as well. So,
5 we're in -- we have the rear yard setback there,
6 as well.

7 I'm sorry, Mr. Schkolnick.

8 MR. SCHKOLNICK: Okay.

9 The parking. Can you just run through
10 that?

11 On the original relief that we were looking
12 for, and then, talk about how we tweaked it a
13 little further.

14 MR. PEREIRAS: I'd be happy to.

15 So, we're providing three levels of parking
16 in order to get the 167 parking spaces.

17 As you could see, we have full nine foot
18 wide by 18 foot wide parking spaces throughout
19 the majority of the structure.

20 As you get to this portion of the
21 structure, where you -- the site narrows and
22 there's specific characteristics to the site, in
23 this narrow site that our parking aisle has been
24 shortened to 17 feet one inches.

25 Now, I felt very comfortable submitting the

1 17 foot one drive aisle, because we've done that
2 very -- many times in the past and I've
3 constructed several buildings in Union City with
4 that drive aisle.

5 So, we submitted that application, showing
6 full size parking spaces and a drive aisle of 17
7 foot one inches along this portion.

8 MR. SCHKOLNICK: The width there is 8.5.
9 Right?

10 We do have some 8.5 --

11 MR. PEREIRAS: That's correct.

12 MR. SCHKOLNICK: -- there.

13 MR. PEREIRAS: There's several of them that
14 are eight foot six inches wide, whereas nine foot
15 is -- is required under RSIS standards.

16 So, this portion here is eight foot --
17 eight and a half feet, and then a drive aisle --

18 MR. SCHKOLNICK: Okay.

19 MR. PEREIRAS: -- of 17 foot one.

20 MR. SCHKOLNICK: Okay. So that --

21 MR. PEREIRAS: In this version.

22 MR. SCHKOLNICK: -- would have required
23 some relief, under the RSIS.

24 MR. PEREIRAS: That is correct.

25 MR. SCHKOLNICK: Okay. We took another

1 crack at that.

2 MR. PEREIRAS: So, despite being
3 comfortable with those numbers, and -- and those
4 turning aisles, because it's been done many times
5 in the city before, and we've been comfortable
6 presenting that, we looked at -- we took another
7 look and we looked at this as a compact car. And
8 what -- how would this effect the space as a
9 compact car?

10 MR. SCHKOLNICK: Okay. Now, just call out
11 the sheets and the last revision dates, so our
12 record is clear, if you would.

13 MR. PEREIRAS: So -- so, it's January 11th,
14 2018, Alternate -- Alternate -- Alternative for
15 Parking Stripe Painting. And the sheet numbers
16 are X1, X2 and X3, for the three levels of
17 parking that we have.

18

19 (Whereupon, Wilfredo J. Ortiz II, Esquire
20 arrived at 6:33 p.m.)

21

22 MR. PEREIRAS: The parking remains the same
23 in this portion of the building. And in this
24 portion of the building, what we did is we
25 increased the aisle width to 21 feet and we

1 increased the parking aisles -- the parking
2 spaces themselves width-wise to seven foot six
3 inches, allowing -- and our -- our traffic
4 consultant is going to clarify that -- clarify
5 this a lot further.

6 THE SECRETARY: Mr. Pereiras, allow me one
7 second, please.

8 Let the record indicate that Mr. Ortiz
9 arrived to the meeting, the attorney of the
10 Planning Board.

11 Thank you, Mr. Pereiras.

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

14 MR. SCHKOLNICK: Fine job, counselor.

15 MR. EYERMAN: Thank you.

16 MR. SCHKOLNICK: Fine job.

17 MR. EYERMAN: Thank you very much.

18

19 (Whereupon, Brian Eyeran, Esquire left at
20 6:34 p.m.)

21

22 MR. SCHKOLNICK: Okay.

23 We're on sheet X1. I just wanted to
24 correct. I think you misspoke on the width of
25 the spaces. The width.

1 MR. PEREIRAS: The width of the space is
2 nine feet six inches wide. So, they're wider
3 than what the Ordinance requires.

4 MR. SCHKOLNICK: And wider than the RSIS.

5 MR. PEREIRAS: And wider than the RSIS.

6 MR. SCHKOLNICK: Okay.

7 MR. PEREIRAS: And the depth of them are
8 for compact spaces, which is 16 foot in depth.
9 And what we're doing is we're providing a drive
10 aisle that's 21 feet.

11 MR. SCHKOLNICK: Okay.

12 So, RSIS has the full spaces, nine by 18.
13 We're proposing compacts.

14 Those are recognized by Union City.

15 Correct?

16 MR. PEREIRAS: That is correct. It's
17 recognized in the Union City Ordinance.

18 MR. SCHKOLNICK: And the RSIS just -- is
19 silent on compact spaces.

20 MR. PEREIRAS: Correct.

21 MR. SCHKOLNICK: Okay.

22 And we'll have more testimony, but from an
23 architectural standpoint, are you comfortable
24 with the compact spaces?

25 MR. PEREIRAS: I am absolutely comfortable

1 and it's something that we've done before.

2 MR. SCHKOLNICK: Okay.

3 And there are 66 of those all together that
4 are proposed.

5 MR. PEREIRAS: That is correct.

6 MR. SCHKOLNICK: Okay.

7 Now, does the applicant propose a parking
8 management plan to deal with the compact spaces?

9 MR. PEREIRAS: Absolutely.

10 MR. SCHKOLNICK: And how would that work,
11 sir?

12 MR. PEREIRAS: Well, every space is
13 labeled. So, people with compact cars could have
14 a compact space. People that don't -- that have
15 larger, would require other cars, could -- could
16 have different spaces. Since it's labeled
17 parking spaces within the building, everyone has
18 an assigned parking that works very well.

19 MR. SCHKOLNICK: So, the applicant would be
20 agreeable to a condition of approval requiring a
21 parking management plan, to assign people with
22 smaller cars to the compact spaces.

23 MR. PEREIRAS: Absolutely. And part of the
24 design is that we didn't spread these compact
25 spaces out all over. They're confined to this

1 single portion of the building.

2 So, unless you have -- there's -- a compact
3 car, there's on reason to come to this portion of
4 the building.

5 MR. SCHKOLNICK: Okay. And the 21 foot
6 aisle, 24 required, just point out where --

7 MR. PEREIRAS: It's --

8 MR. SCHKOLNICK: -- because it's not
9 everywhere.

10 MR. PEREIRAS: It's not everywhere. These
11 are all compliant. The area where it's not
12 compliant is from here to here, in this little
13 section across here.

14 MR. SCHKOLNICK: Okay.

15 So, that's 21.

16 MR. PEREIRAS: That's 21 feet.

17 MR. SCHKOLNICK: Twenty-four required and
18 there, you have the compact spaces; only two feet
19 short --

20 MR. PEREIRAS: That's correct.

21 MR. SCHKOLNICK: -- of the RSIS, but we
22 could assign drivers who have compact spaces to
23 that area.

24 Correct?

25 MR. PEREIRAS: That is correct.

1 MR. SCHKOLNICK: Now, would the applicant
2 also be willing to develop some sort of shared
3 parking, like Zipcars or something --

4 MR. PEREIRAS: Absolutely.

5 MR. SCHKOLNICK: -- similar to that, in
6 order to further reduce parking demand and avoid
7 use of those spaces?

8 MR. PEREIRAS: Absolutely. The applicant
9 expects to have Zipcars and other shared parking
10 systems in here, so that it would reduce the
11 parking demand overall.

12 MR. SCHKOLNICK: Okay.

13 Now, I mentioned in my opening the Peter
14 Street acquisition of property.

15 MR. PEREIRAS: Absolutely. That is --

16 MR. SCHKOLNICK: Can you talk about that?

17 That is in your package. I provided the
18 transcript so everybody has it. You can get a
19 very good idea of what the purpose of it is, as
20 the Mayor explained.

21 Can you tell us your understanding, and how
22 that impacts the design of the building, and this
23 parking aisle issue?

24 MR. PEREIRAS: I'd be happy to.

25 North is down, diagonally, on this site.

1 I'm going to Sheet Z02 again.

2 We have Hudson Ave., we have Palisade Ave.
3 And this is Peter Street, right here, which
4 currently ends at Hudson Ave.

5 The -- the City Council has proposed to
6 purchase the property that is adjacent to us on
7 the north, in order to extend Peter Street across
8 to Palisade Avenue.

9 The impact that has on our project is
10 significant because it changes this northern side
11 yard from a side yard to a front yard. And the
12 way the Ordinance is written, we are required a
13 smaller setback on a front yard than we would on
14 a side yard.

15 So, it changes from being five feet on the
16 ground floor level, to being zero feet. Our
17 building would be extended to that property line.

18 MR. SCHKOLNICK: So, if Peter Street goes
19 through, and there's been a bond authorization,
20 we could grab another five feet, so to speak.

21 MR. PEREIRAS: Correct.

22 MR. SCHKOLNICK: Okay. And -- and --

23 MR. PEREIRAS: So, this entire wall --

24 MR. SCHKOLNICK: Call -- call out the
25 sheet, please, with the last revision date, so

1 everybody's clear, if you would.

2 MR. PEREIRAS: I turn to page X01, with the
3 last revision date of 1/11/2018.

4 This entire wall, our northern wall --

5 VICE CHAIRPERSON KOEHLER: I'm sorry.

6 MR. PEREIRAS: -- for the project --

7 VICE CHAIRPERSON KOEHLER: What page?

8 I'm sorry.

9 MR. PEREIRAS: I -- the last date on here
10 is for January 11th, 2018.

11 VICE CHAIRPERSON KOEHLER: And what page?

12 CHAIRPERSON CAPIZZI: What page?

13 MR. PEREIRAS: X1.

14 VICE CHAIRPERSON KOEHLER: Okay.

15 MR. VELAZQUEZ: It's the smaller page.

16 MR. SCHKOLNICK: Does everybody have that?
17 Let us know if we're going too quickly.

18 MR. VELAZQUEZ: Because you have two dates
19 here. You have one for December stamped, and
20 there's another one stamped for January. January
21 12.

22 THE SECRETARY: January 12.

23 MR. SCHKOLNICK: January 12.

24 THE SECRETARY: The last one.

25 MR. PEREIRAS: With the stamp.

1 MR. VELAZQUEZ: January. Stamp.

2 MR. PEREIRAS: Yeah. I'm referencing, just
3 for the record -- I don't have -- I'm not privy
4 to the stamp that the -- the Board Secretary
5 stamps in there. So, I'm going off the revision
6 date on my drawing, which is located here.

7 VICE CHAIRPERSON KOEHLER: Down here.

8 MR. PEREIRAS: Bottom right hand corner.

9 MR. VELAZQUEZ: Right here.

10 THE SECRETARY: Yeah. I just -- I did the
11 stamp.

12 VICE CHAIRPERSON KOEHLER: Right here.

13 MR. PEREIRAS: Okay.

14 So, the wall I'm call -- I'm calling out is
15 the northern wall, across here. And that changes
16 from being five foot back to being zero feet
17 back.

18 MR. SCHKOLNICK: Okay, and we're on Sheet
19 X1 here.

20 MR. PEREIRAS: On Sheet X1.

21 MR. SCHKOLNICK: X1.

22 MR. PEREIRAS: Which means this drive aisle
23 gets increased all those five feet.

24 MR. SCHKOLNICK: Or we could make it --

25 MR. PEREIRAS: Or --

1 MR. SCHKOLNICK: -- comply. Right? It's

2 21 --

3 MR. PEREIRAS: Correct.

4 MR. SCHKOLNICK: We could --

5 MR. PEREIRAS: Correct.

6 MR. SCHKOLNICK: We have five feet.

7 MR. PEREIRAS: We could make it compliant
8 to 24 feet and give the leftover spaces to the
9 parking spaces, so that we would be fully
10 compliant.

11 MR. SCHKOLNICK: Except for one foot --

12 MR. PEREIRAS: Off the --

13 MR. SCHKOLNICK: -- on the length.
14 Right?

15 MR. PEREIRAS: On the --

16 MR. SCHKOLNICK: Because you'd have --
17 you'd have -- we could make it --

18 MR. PEREIRAS: For a full size car, but we
19 would have for compact car. It would be fully
20 compliant.

21 MR. SCHKOLNICK: Okay. So, let -- let's
22 just -- let's just slow down.

23 We get five more feet because we're -- we
24 have frontage now on Peter.

25 MR. PEREIRAS: Um hum.

1 MR. SCHKOLNICK: If that goes through, and
2 this governing body authorized 1.3 million for
3 that acquisition, if that goes through, we have
4 five more feet to play with.

5 Correct?

6 MR. PEREIRAS: That's correct.

7 MR. SCHKOLNICK: Okay.

8 And we could make the 21 foot aisle 24
9 feet.

10 MR. PEREIRAS: Correct.

11 MR. SCHKOLNICK: And we could make all of
12 those compact spaces one foot longer.

13 MR. PEREIRAS: That is correct.

14 MR. SCHKOLNICK: So, they'd be 17, 18
15 required.

16 MR. PEREIRAS: That's correct.

17 MR. SCHKOLNICK: And we could still use the
18 Zipcar plan. We could still have a parking
19 management plan, if the Board wanted. But this
20 is very minor relief.

21 MR. PEREIRAS: This is.

22 MR. SCHKOLNICK: We're talking about a foot
23 on the parking spaces, a very small --

24 MR. PEREIRAS: This is.

25 MR. SCHKOLNICK: -- stretch of the drive

1 aisles.

2 Correct?

3 MR. PEREIRAS: As it stands without that
4 change, I feel it's appropriate, architecturally.

5 MR. SCHKOLNICK: Okay.

6 And this is if Peter Street goes through.

7 MR. PEREIRAS: That is correct.

8 MR. SCHKOLNICK: Even without it, you feel
9 that the 21 foot aisles, with the subcompact
10 spaces, which are recognized in the Ordinance.

11 MR. PEREIRAS: Correct.

12 MR. SCHKOLNICK: Okay.

13 Now, two items. We have a lot of parking
14 on our ratio.

15 MR. PEREIRAS: Yes, we do.

16 MR. SCHKOLNICK: Correct?

17 MR. PEREIRAS: Yes, we do.

18 MR. SCHKOLNICK: We're -- we're fully --
19 even the studios get 1.8 --

20 MR. PEREIRAS: That's correct.

21 MR. SCHKOLNICK: -- spaces per unit.

22 Does every -- I hope everybody appreciates
23 that. The studios have 1.8 spaces.

24 So, if the Board was very concerned about
25 the width of the spaces, we could eliminate some

1 spaces.

2 Right?

3 MR. PEREIRAS: Absolutely.

4 MR. SCHKOLNICK: We -- we would have a
5 parking deficit, if the Board had a very serious
6 concern.

7 MR. PEREIRAS: Right.

8 MR. SCHKOLNICK: We don't think it should,
9 but if the Board had the concern about the aisle
10 width, we could eliminate and still be way over
11 par compared to every other project.

12 MR. PEREIRAS: Yes, we would be.

13 MR. SCHKOLNICK: Okay.

14 And where would you -- you know, to just
15 get the concept in front of the Board, what could
16 we do to make the -- the spaces compliant, in
17 terms of the length and aisle width?

18 MR. PEREIRAS: So, in a very simple way, we
19 could eliminate the parking spaces that are shown
20 here. And that way, our aisle is increased and
21 that would be fully compliant with RSIS
22 standards, no waivers necessary, as well.

23 MR. SCHKOLNICK: Okay.

24 And we'll talk more about this with the --

25 MR. PEREIRAS: Um hum.

1 MR. SCHKOLNICK: -- parking, but we want
2 to, hopefully, have the Board understand that
3 these items could be played with. If the Board
4 is concerned about the aisle width, most likely
5 it's going to be taken care of by Peter Street,
6 but if not, we could eliminate some spaces, and
7 still have a very high parking ratio.

8 What about stacked parking? That's
9 specifically called out in the Master Plan as
10 allowable.

11 How could that help out on our --

12 MR. PEREIRAS: That is correct.

13 MR. SCHKOLNICK: -- program?

14 MR. PEREIRAS: Stacked parking really
15 increases the number of parking spaces we provide
16 easily. And the applicant is a hundred percent
17 willing to provide that.

18 Every single parking space, in theory,
19 could become two parking spaces. It would be a
20 mechanical scaffold. You'd park one car, it
21 lifts up, and you have another car below it.

22 If the Board had any concerns with the
23 drive aisle over here, we could simply eliminate
24 that portion of the building and have this
25 portion as stackable cars, as well, and as

1 stackable parking. And that could easily be done
2 to accommodate any concerns that the Board would
3 have potentially.

4 MR. SCHKOLNICK: So, in this 90 unit plan,
5 your understanding or belief, no variances.

6 MR. PEREIRAS: Um hum.

7 MR. SCHKOLNICK: Right?

8 There are some very small RSIS de minimis
9 exceptions, and they're called de minimis for a
10 reason.

11 Correct?

12 MR. PEREIRAS: Correct.

13 MR. SCHKOLNICK: But if Peter Street goes
14 through, or the -- a parking plan is produced, or
15 stacked parking is added, these can essentially
16 be eliminated or dealt with.

17 MR. PEREIRAS: We stand behind the plan
18 that we submitted. We think it's safe. We think
19 it's great. It works well.

20 However, if there were any concerns, we
21 have multiple outlets in order to satisfy any
22 concern that you have. I'm willing to work with
23 you in order to do so.

24 MR. SCHKOLNICK: Okay.

25 Before we get to the 71 unit plan, to sort

1 of finish up, Mr. Spatz raised a couple of
2 issues.

3 Refuse and recycling. How are we handling
4 that?

5 MR. PEREIRAS: There's a refuse and
6 recycling room and it's located at -- since I
7 have the X2 sheets open, it's on Sheet X2. It's
8 on the southern east corner of the building.
9 It's behind the commercial space.

10 What I designed into this building is a
11 trash chute. Every single floor has a trash
12 chute on that corner.

13 The two chutes are actually shown there,
14 and the circles in that room. And that drops
15 down, and we purposefully set the building back
16 12 foot three inches from that south side so that
17 we could actually pull the garbage out into the
18 street, and not have any issues, and -- and no
19 problems doing so.

20 MR. SCHKOLNICK: He asked about street
21 trees.

22 MR. PEREIRAS: We have street trees. I'm
23 turning back to Sheet Z01.

24 MR. SCHKOLNICK: It's hard for me to
25 pronounce that. Street trees. Street trees.

1 Okay.

2 MR. PEREIRAS: We turn back to Sheet Z02;
3 the documents.

4 We have, along Hudson Ave., we have one,
5 two, three, four, five trees proposed. And along
6 Palisade Ave., we have two trees proposed,
7 because it is a shorter side. There's only 65.5
8 feet along Palisade Avenue. We think that's
9 adequate.

10 If the Board wants more trees, we'd be
11 happy to add more trees.

12 MR. SCHKOLNICK: Okay.

13 Site lighting was mentioned.

14 MR. PEREIRAS: We have -- there really is
15 very little site to the building, since the --
16 so, what we have proposed, and actually, it's
17 best demonstrated in the renderings, there are
18 sconces on the building.

19 MR. SCHKOLNICK: Okay.

20 And that's -- we're going to go to what we
21 marked tonight as Exhibit A-1.

22 MR. PEREIRAS: A-1.

23 MR. SCHKOLNICK: But it might not be the
24 first exhibit for this hearing overall, but at
25 least for tonight, it's A-1.

1 Correct?

2 MR. PEREIRAS: Correct.

3 So, at each of these vertical elements,
4 these pilasters that we have, we have sconces
5 that are lighting up the building, and lighting
6 the sidewalk below; very modest lighting. We
7 don't want to have any light pollution towards
8 the neighborhood.

9 MR. SCHKOLNICK: Okay.

10 Could you just talk about the façade
11 materials a little bit?

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

13 As a lifelong, I guess, resident, part of
14 the community, I -- I take great pride and
15 concern into the aesthetics of my buildings and
16 what they look like. And very familiar with the
17 aesthetic of Union City.

18 And what we did is we provided -- first and
19 foremost, it's a brick building. It's a series
20 of brick colors. We have -- we introduced four
21 different brick colors in here to great -- create
22 a nice architectural interest.

23 We broke down the façade into vertical
24 bands. This vertical bands mimic what typically
25 is of Union City, 25 by 100 lots that's that

1 repetitive thing, that repetitive system.

2 So, we break down our building so it mimics
3 the City in that -- in that sense. It's -- since
4 it steps back, and it has these contrasting
5 colors at different levels, it also breaks down
6 the scale of the building, so that it really fits
7 with the neighborhood and -- and the
8 characteristics, as you go down the street, and
9 typical around Union City.

10 We created nice beautiful glass
11 storefronts, for the commercial space on the
12 ground floor.

13 And very nice big windows, double -- double
14 hung, three foot wide, very tall, six foot and a
15 half glass windows along the building, to bring a
16 lot of light into the structure.

17 MR. SCHKOLNICK: Now, we have the setbacks,
18 or the step back above the fourth floor, to
19 comply with the Ordinance.

20 MR. PEREIRAS: That's correct.

21 MR. SCHKOLNICK: Correct?

22 Now, would there be a possibility, if the
23 Board granted a variance, to have more space?

24 MR. PEREIRAS: Absolutely.

25 MR. SCHKOLNICK: Okay.

1 So, and is the applicant willing to add
2 affordable units?

3 MR. PEREIRAS: Absolutely. If there was a
4 dialogue with --

5 MR. SCHKOLNICK: So, could you show us
6 where those would be?

7 MR. PEREIRAS: If there was a dialogue with
8 the Board, if that level that steps back didn't
9 step back, and brought it forward, that would
10 increase the square footage of the space, which
11 would give us additional square footage that we
12 would be happy to provide additional affordable
13 housing.

14 MR. SCHKOLNICK: Okay.

15 And that's a conversation that the
16 applicant is willing to have.

17 MR. PEREIRAS: Absolutely.

18 MR. SCHKOLNICK: Okay.

19 Chairwoman, that basically concludes on the
20 90 unit plan. We're going to try to recap on the
21 71 unit plan, to make sure that the Board has all
22 the information that it needs to decide on the
23 application.

24 But I thought it might be a good time to
25 sort of take a break and see if the Board has any

1 questions.

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

4 MR. SCHKOLNICK: No questions?

5 Zero.

6 VICE CHAIRPERSON KOEHLER: So, we're going
7 to also see your alternate plan, as well?

8 MR. SCHKOLNICK: I'm going to -- we're
9 going to see the original plan, and we're going
10 to sort of recap that, as well, because at the
11 end, the Board can decide --

12 VICE CHAIRPERSON KOEHLER: Um hum.

13 MR. SCHKOLNICK: -- what makes sense.

14 We have a conforming plan. We have one
15 with variances.

16 So, we're -- we're looking for feedback
17 here.

18 VICE CHAIRPERSON KOEHLER: Um hum.

19 MR. SCHKOLNICK: Right. You're a Planning
20 Board. The cases all say, please give us
21 feedback. We would appreciate it. But
22 obviously, I can't make you do so.

23 So, we're going to put the testimony on,
24 because it was really chopped up. We know you
25 had the 71 unit plan before, but we never really

1 clearly went through each of the steps.

2 So, we want to make sure, again, the Board
3 has all the information that it needs to decide
4 this application.

5 VICE CHAIRPERSON KOEHLER: I have a couple
6 questions.

7 Now, if the Saint (sic) Peter Street goes
8 through and you get that additional -- so, if it
9 goes all the way through Hudson.

10 Right? Is that the stage that --

11 MR. PEREIRAS: Right. Hudson to Palisade.

12 VICE CHAIRPERSON KOEHLER: Right. So, will
13 you be buying additional land?

14 MR. PEREIRAS: No.

15 VICE CHAIRPERSON KOEHLER: Is that --

16 MR. PEREIRAS: No. We -- so, right now,
17 the way the Union City Ordinance is written, a
18 side yard requires five foot setback.

19 VICE CHAIRPERSON KOEHLER: Um hum.

20 MR. PEREIRAS: A front yard requires zero
21 feet setback.

22 VICE CHAIRPERSON KOEHLER: Um hum.

23 MR. PEREIRAS: So, if Peter Street -- that
24 northern border that we have --

25 MR. SCHKOLNICK: Sure. Why don't you just

1 point that out? Where it goes.

2 MR. PEREIRAS: So, this line -- this
3 property lines changes from being a side yard to
4 being a front yard.

5 So, now, the requirements that are placed
6 upon us are zero feet, in which case, instead of
7 the building stopping there, stops five feet
8 further down.

9 VICE CHAIRPERSON KOEHLER: Okay. Got it.

10 MR. SCHKOLNICK: Okay? And --

11 MR. PEREIRAS: However, we --

12 VICE CHAIRPERSON KOEHLER: I get it.

13 MR. SCHKOLNICK: And -- and when you have
14 the time, it's -- it's quite clear, from how
15 Mayor Stack described it, --

16 VICE CHAIRPERSON KOEHLER: Um hum.

17 MR. SCHKOLNICK: -- that they want to bring
18 Peter Street through to help the traffic
19 situation.

20 VICE CHAIRPERSON KOEHLER: Um hum.

21 MR. SCHKOLNICK: So, we would have a street
22 there and a zero setback. And we don't think
23 those issues are material at all, but this is a
24 likely way, it seems, that they could be
25 resolved, assuming that goes through and the

1 appropriation of 1.3 million has already been
2 made.

3 VICE CHAIRPERSON KOEHLER: Right.

4 MR. SCHKOLNICK: And you have a very clear
5 statement, which this Board can, I believe, take
6 note of, of what the purpose is. And I provided
7 the transcript --

8 VICE CHAIRPERSON KOEHLER: I saw it. Yeah.

9 MR. SCHKOLNICK: -- in the letter.

10 VICE CHAIRPERSON KOEHLER: Okay.

11 MR. SCHKOLNICK: Okay.

12 VICE CHAIRPERSON KOEHLER: And then, really
13 quickly, even though I didn't see the 71
14 presentation --

15 MR. PEREIRAS: Um hum.

16 VICE CHAIRPERSON KOEHLER: -- I live here.
17 We all do.

18 What -- I get a lot of feedback from
19 neighbors and friends about looking -- people
20 looking for three family units. And I almost
21 never see developers constructing three family
22 units. And I'm kind of surprised, you, as a
23 resident, aren't doing that, as well.

24 And I'm wondering, is it -- and I know
25 that's not like a Planning Board requirement, or

1 a thing that we have to do. I'm sort of throwing
2 it out there.

3 Is that something you're going to be
4 addressing in the 71 unit?

5 MR. PEREIRAS: Do you mean three bedroom?

6 VICE CHAIRPERSON KOEHLER: I'm sorry.

7 Three bedroom.

8 Thank you.

9 MR. PEREIRAS: Okay.

10 So, the application that we presented to
11 the Board that was 71 units --

12 VICE CHAIRPERSON KOEHLER: Yes.

13 MR. PEREIRAS: -- was mostly three bedroom
14 units.

15 MR. SCHKOLNICK: Twenty-eight, I believe.

16 MR. PEREIRAS: Yeah.

17 VICE CHAIRPERSON KOEHLER: Twenty-eight
18 three bedroom units.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. PEREIRAS: Yes.

21 VICE CHAIRPERSON KOEHLER: Okay.

22 MR. PEREIRAS: So, it's exactly -- my
23 testimony at the Planning Board I presented was
24 that, as a resident, saw the need and that's
25 exactly what we were providing.

1 CHAIRPERSON CAPIZZI: Um hum.

2 VICE CHAIRPERSON KOEHLER: And so -- and
3 that's why this one has more units because it's
4 less -- because it -- you cut back on the three
5 family unit.

6 MR. PEREIRAS: Yes. The Board did not like
7 the -- the size of it. They wanted us to comply,
8 so we're complying.

9 VICE CHAIRPERSON KOEHLER: All right. So
10 we'll see the -- all right. We're going to --

11 MR. SCHKOLNICK: We're almost there.

12 VICE CHAIRPERSON KOEHLER: Yeah. All
13 right. I knew we would be addressing that in the
14 next one. Okay.

15 The night is young.

16 MR. SCHKOLNICK: We appreciate your
17 patience and your time on this application. We
18 do appreciate it. We know you spent some good
19 time on it already.

20 MR. GUARENO: What is the height for the
21 parking lot right now on each level?

22 MR. PEREIRAS: Each level? So, it varies
23 depending on the floors. The -- let me be very
24 clear about this, so we keep it on the record.

25 So, I turn to Sheet Z10, with the date of

1 December 4th, 2017, the last submission of
2 elevations that we had.

3 The ground floor has a -- off of Hudson,
4 has a floor to floor of ten foot six. The ground
5 floor off of -- off of Palisade Avenue has a --
6 actually, we maintain the floor to floor at ten
7 foot six, because we maintain a slope to the
8 site.

9 And then, depending on the other floors,
10 the lower level parking has a height of eight
11 foot six and the third floor parking level, or
12 the second floor -- the -- the second floor,
13 which is the third level of parking, is nine foot
14 six in height.

15 MR. GUARENO: And if you were to have
16 stackable parking, would that remain the same?
17 Or you're going to need to change that?

18 MR. PEREIRAS: So, if we were to have
19 stackable parking, if the Board thought that that
20 was a solution that was required, the building
21 footprint, the -- the bulk of the building will
22 not change at all.

23 What we have right now, we have a very
24 generous 11 foot six foot -- 11 foot six inches
25 between floor to floor, for each of the

1 residential units. That will simply be decreased
2 slightly, in order to have an additional foot of
3 height, in order to have the stackable parking
4 below.

5 MR. GUARENO: So, the height of the parking
6 lot, each level will change.

7 MR. PEREIRAS: Not each level. All we
8 would need to do is have one of those levels be
9 high enough, and we will be in compliance with
10 the -- with the Ordinance fully, doubling the
11 parking spaces on just one of those levels.

12 So, that -- one of those levels would be,
13 basically, increased a foot, and these would be
14 increased a few inches. The overall building
15 height will stay exactly the same. There's no
16 changes, as far as the Planning Board's concern.
17 The bulk stays exactly the same. My floor
18 heights vary slightly, and we would be able to
19 provide the stackable parking.

20 MR. GUARENO: So, stackable parking will --

21 CHAIRPERSON CAPIZZI: Do you have plans for
22 that? Did you provide plans for that plan?

23 MR. PEREIRAS: There -- there, in essence,
24 will be no changes to the -- to the floor plans
25 of it. If I go back to --

1 CHAIRPERSON CAPIZZI: But did -- did you
2 provide plans for that? In other words, a plan
3 that we can look at?

4 MR. PEREIRAS: Yes. Let's take a look at
5 it.

6 CHAIRPERSON CAPIZZI: With that change?

7 MR. PEREIRAS: There's --

8 MR. ORTIZ: I think she's referring to the
9 stackable parking.

10 CHAIRPERSON CAPIZZI: The stackable
11 parking.

12 MR. PEREIRAS: There's no change proposed.
13 What we're proposing is this. We're opening a
14 dialogue with the Board, saying that we can do
15 that. So, the only difference, stackable parking
16 doesn't change the floor plan at all.

17 So, all of these units, all these parking
18 spaces, in the floor plan, I'm changing -- I'm on
19 Sheet X1, parking spaces one through 13; 36
20 through 43; 49 to 44; and 50 to 56, instead of
21 housing one parking spot, would house two parking
22 spots.

23 CHAIRPERSON CAPIZZI: Oh, I know. But you
24 just said you were going to change the height.

25 Correct?

1 The space in between to --

2 MR. PEREIRAS: Yes.

3 CHAIRPERSON CAPIZZI: -- to provide for
4 that? Do you have a plan for that?

5 MR. PEREIRAS: No.

6 CHAIRPERSON CAPIZZI: Okay.

7 Thank you.

8 MR. GUARENO: So, the stackable -- if -- if
9 you were to -- if it was required to have the
10 stackable parking, that would be on one level
11 only or three?

12 MR. PEREIRAS: Only one level would be
13 compliant for that.

14 Actually, you know what? Let me be very --
15 let's go back.

16 Let's -- let's discuss this a little bit
17 further, Ms. Capizzi, so that you feel
18 comfortable with this, because I could see from
19 your face that you're not comfortable with --

20 CHAIRPERSON CAPIZZI: No, I just asked if
21 you had a plan. That's all.

22 MR. PEREIRAS: I understand, but there must
23 be a reason behind your question so --

24 CHAIRPERSON CAPIZZI: No.

25 MR. PEREIRAS: -- let me understand --

1 CHAIRPERSON CAPIZZI: A plan is something
2 that is a plan. Correct? An alternate plan that
3 --

4 MR. PEREIRAS: Okay.

5 CHAIRPERSON CAPIZZI: -- you're saying that
6 you could provide.

7 MR. PEREIRAS: There are parking --

8 CHAIRPERSON CAPIZZI: Is there a plan?

9 MR. PEREIRAS: Right now, we have a --

10 CHAIRPERSON CAPIZZI: You said no.

11 MR. PEREIRAS: -- ten foot six height at
12 the -- at the main level of parking. There are
13 parking -- stackable parking that actually fit
14 within ten foot four ceiling height.

15 So, I could present to this Board,
16 confidently, that we could -- without altering
17 this plan at all, as far as height, of floor to
18 floor, have the stackable parking, in which case,
19 I could tell you, Ms. Capizzi, with confidence,
20 that the floor plan remains the same as far as
21 there are no changes for the stackable.

22 MR. SCHKOLNICK: If the Board --

23 MR. ORTIZ: I would --

24 MR. SCHKOLNICK: -- indicates --

25 CHAIRPERSON CAPIZZI: Willie?

1 MR. SCHKOLNICK: -- that it's interested --

2 MR. ORTIZ: I think -- let me -- let me try
3 to --

4 Counselor, please.

5 MR. SCHKOLNICK: Sure.

6 MR. ORTIZ: Give me one second because I'm
7 -- I'm trying to get a good grip on it a little
8 bit, too, so I'm -- I'm with the --

9 I think the concern that the Chairwoman --
10 and cut me off, Madam Chairwoman, if I'm wrong,
11 is there was discussion about losing a foot of
12 height here or there, that kind of thing.

13 Am I correct, so far?

14 So, explain the difference in where the --
15 where the footage is being lost or gained.

16 MR. PEREIRAS: I'd be happy to.

17 So, there is no difference to the height of
18 the building. So, anything that this Planning
19 Board would be concerned remains exactly the
20 same.

21 With the -- the proposed -- this is one of
22 our potential -- we tried to open a dialogue, one
23 of the potential solutions that we have is to
24 introduce stackable parking.

25 Okay?

1 Remember, we have 167 parking spaces in
2 this design, which we're fully compliant with the
3 Ordinance in that aspect.

4 If we were to have stackable parking, there
5 are several different stackable systems out
6 there.

7 Okay?

8 The typical cheapest system out there, it
9 actually requires a 14 foot ceiling clearance.
10 Okay. That would require me to make one of the
11 parking levels taller and make the other floors
12 above this shorter.

13 MR. ORTIZ: All right.

14 MR. PEREIRAS: We have room for that.
15 That's not what I'm saying.

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

17 All right.

18 Let -- because I think we're getting to the
19 point, so the other levels -- the apartment
20 levels, the residential levels --

21 MR. PEREIRAS: Um hum.

22 MR. ORTIZ: -- as well as the commercial
23 level, would -- would -- the height of those
24 floors, would decrease.

25 Correct?

1 MR. PEREIRAS: That would decrease,
2 potentially, if we were to use a 14 floor clear
3 parking structure.

4 If this Board thought that it was
5 uncomfortable making a decision tonight, based on
6 the lack of plans of a stackable unit, I could
7 present to this Board the applicant be willing --
8 fully willing to provide more expensive stackable
9 parking to have a lower floor to floor height
10 that fits within a ten foot six clearance, that
11 we could present.

12 In which case, I don't need any different
13 plans. The plans are the same, and if -- if that
14 were to make the Board more comfortable.

15 So, we are totally willing and able to move
16 forward tonight with the plans as are, with the
17 tackable (sic) -- stackable option.

18 MR. ORTIZ: Here's -- and please, anybody
19 on the Board that disagrees with what I'm saying
20 or feels after -- I think the fact that you're
21 proposing something that there aren't plans for
22 is what the Chairwoman is --

23 MR. PEREIRAS: Okay.

24 MR. ORTIZ: -- concerned with.

25 MR. PEREIRAS: So, for the record, I'm

1 going to make my statement perfectly clear.

2 What I'm proposing, the stackable units,
3 does not change the plan. It is submitted. It's
4 just a matter of putting a mechanical system on
5 the parking spot that will make it high enough
6 for two cars. That's the only difference.

7 MR. SCHKOLNICK: Counselor, let me ask
8 this.

9 This is to deal with the aisle width. We
10 have enough spaces. I have not heard a Board
11 member tell me that they are concerned about
12 aisle width.

13 MR. ORTIZ: We haven't gotten there, yet,
14 counselor.

15 MR. SCHKOLNICK: Okay.

16 MR. ORTIZ: So, getting back to what I was
17 saying, I think that's the concern, is -- the
18 concern is -- I'm getting confused, and by no
19 means am I an architect, so that's why it's
20 probably easier for you to understand, but where
21 are we losing height? On every floor --

22 MR. PEREIRAS: So, what I'm proposing is
23 we're losing zero height. Everything stays
24 exactly the same. What we're doing is, we're
25 going to purchase a lift and put it on a parking

1 space. Doesn't change my plans in any way
2 whatsoever.

3 MR. ORTIZ: It doesn't change the height of
4 any --

5 MR. PEREIRAS: No.

6 MR. ORTIZ: -- of the floors?

7 MR. PEREIRAS: We can make that work
8 within the height that we have.

9 MR. ORTIZ: Okay.

10 MR. SCHKOLNICK: Is everybody clear on
11 that?

12 MR. PEREIRAS: If the Board thought that
13 was necessary.

14 MR. SCHKOLNICK: If the Board thought it
15 was necessary, we can produce a stackable unit
16 that doesn't change --

17 MR. ORTIZ: Doesn't have to change the
18 heights of the --

19 MR. SCHKOLNICK: -- the plans.

20 MR. ORTIZ: -- the floors.

21 MR. PEREIRAS: No.

22 MR. SCHKOLNICK: Correct.

23 MR. ORTIZ: Okay.

24 MR. SCHKOLNICK: If the Board has a real
25 concern about the compact spaces or the 21 foot

1 aisle width, and that's only if Peter Street
2 doesn't go through, because if Peter Street goes
3 through, we get the aisle width and we get a 17
4 foot long space and be hard pressed for us to see
5 how the Board could be concerned about one foot
6 in length, but that's --

7 MR. ORTIZ: I think the Board just wants to
8 know what they're getting. That's all.

9 MR. SCHKOLNICK: That's fair enough.
10 That's fair enough.

11 But we have to also be appreciative of
12 bringing this matter to a conclusion, counselor,
13 and we intend to finish and seek a vote tonight.

14 MR. ORTIZ: And that's not a problem. But
15 again, it's going to be accurate and we're --
16 this Board's going to know what they're voting
17 on.

18 MR. SCHKOLNICK: You heard the testimony
19 that he doesn't have to change the -- he can
20 produce a unit that --

21 MR. ORTIZ: That's not what was --

22 MR. SCHKOLNICK: -- doesn't change.

23 MR. ORTIZ: That was not --

24 MR. SCHKOLNICK: Is everybody clear on
25 that? If there's any --

1 MR. ORTIZ: There was -- that was not the
2 previous testimony.

3 MR. SCHKOLNICK: Yes, he did modify and
4 say, hey, there's another unit out there. So, we
5 appreciate your patience.

6 But I want to stop, at this moment, to make
7 sure everybody's clear, because what we do not
8 want to have is a situation where there's some
9 unclarity, and we can do our best.

10 We're going to do our best to get you the
11 information that you need tonight, and be as
12 clear as we possibly can.

13 I -- I think we're okay on this.

14 So, Chairwoman, we're --

15 CHAIRPERSON CAPIZZI: Yup.

16 MR. SCHKOLNICK: If I may ask, are there
17 any other questions dealing with the 90 unit?
18 Because we're going to move on to the base plan
19 of 71 units, and just talk about that, just for a
20 few minutes, and to go over the relief there.

21 I've asked if the Board has any further
22 questions.

23 CHAIRPERSON CAPIZZI: No. I don't. Ask
24 for them.

25 MR. ORTIZ: Not at the moment.

1 MR. SCHKOLNICK: Apparently not.

2 MR. GUARENO: I do have one.

3 MR. ORTIZ: Okay. There you go.

4 MR. GUARENO: If I may?

5 Now that you mentioned regarding the aisle
6 the -- the width of the aisle for the vehicles.

7 MR. SCHKOLNICK: Yes, sir.

8 MR. GUARENO: For the compact vehicles,
9 that will be 17 feet wide.

10 MR. PEREIRAS: No.

11 MR. SCHKOLNICK: They're proposed at 16.
12 Proposed at 16. The RSIS -- everybody's familiar
13 with that, the Resident Site Improvement
14 Standards, they -- they --

15 MR. PEREIRAS: So, on Sheet X1 and X2 and
16 X3, with a date of January 11, 2018, we show the
17 compact spaces for a 21 foot aisle space.

18 So, that's 21 foot aisle space and nine
19 foot six inches wide spaces, so that any car --
20 any compact car has enough room.

21 So, the Ordinance requires nine feet wide,
22 we're doing nine foot six, just to compensate for
23 that -- that 21 feet, instead of 23 -- 24 feet.
24 And that 24 feet would be eliminated if Peter
25 Street were to be created, but we have a 21 foot

1 | in a compact area.

2 | And just so that you feel comfortable with
3 | it, too, all over Union City, you could go into
4 | almost any new construction building, you'll find
5 | smaller aisle widths than that.

6 | MR. SCHKOLNICK: And those are the spaces
7 | that we would have a parking management plan, so
8 | that only people with smaller cars would be able
9 | to park there, because the entity that operates
10 | the building can dictate where people park.

11 | So, for those spaces, we could say, look,
12 | you got to have a compact car to park over there.

13 | MR. ORTIZ: What do we do in a situation --
14 | I'm --

15 | Go ahead.

16 | MR. GUARENO: No, no. Go ahead.

17 | MR. ORTIZ: What do we do in a situation,
18 | you bring up the parking plan, someone starts out
19 | with a Smart car, so they could use a compact
20 | spot. But then, they decide they're going to buy
21 | an Accolade (sic).

22 | How do we deal with that?

23 | MR. PEREIRAS: Well, we luckily have a lot
24 | of parking. We have 167 parking spaces. That's
25 | more than enough to satisfy this building.

1 Remind -- a studio -- we're providing 1.8
2 parking spaces for a studio. How many people who
3 have studios actually have cars in Union City?
4 They don't. Generally, they don't.

5 So, we have crazy amount of parking. We're
6 going to have extra spaces left over for the
7 community, for anyone else.

8 There -- if someone had a Smart car, and
9 they changed to a Tahoe, we could swap out a
10 space with another one.

11 There is plenty of spaces. We have a
12 surplus of spaces of what is legitimately
13 required.

14 MR. ORTIZ: Go ahead.

15 MR. GUARENO: Now, going back to the
16 stackable parking.

17 MR. PEREIRAS: Yes.

18 MR. GUARENO: I would imagine also you have
19 some kind of management plan regarding that, as
20 well, if that was the case.

21 MR. PEREIRAS: If that was necessary. If
22 the Board thought that was necessary, and I -- I
23 honestly don't think it's necessary at all. I
24 think the parking layout, as you have it in those
25 X1, X2 and X3 sheets, are -- are very comfortable

1 | for any -- especially compared to standards that
2 | we're used to in Union City. They're extremely
3 | comfortable.

4 | If the Board said, well, we want more
5 | parking, we want different parking, there -- they
6 | would be assigned to the same unit, typically.

7 | So, the person who has their -- they would
8 | have two cars within the same parking, on the
9 | same lift.

10 | CHAIRPERSON CAPIZZI: But if you're
11 | initially giving someone a spot, when they get an
12 | apartment there, how would you expect them to
13 | switch out if they got a larger car?

14 | MR. PEREIRAS: We're not.

15 | CHAIRPERSON CAPIZZI: Who would they switch
16 | with?

17 | MR. PEREIRAS: We're not expecting them at
18 | all. If they get a -- if they get a larger car?

19 | CHAIRPERSON CAPIZZI: Um hum.

20 | MR. PEREIRAS: Then I think they would want
21 | to switch, they would want a different --

22 | CHAIRPERSON CAPIZZI: But they would have
23 | to --

24 | MR. PEREIRAS: -- larger spot.

25 | CHAIRPERSON CAPIZZI: -- switch with

1 | someone else, that's what I'm saying.

2 | MR. PEREIRAS: No. That's what I'm not --

3 | CHAIRPERSON CAPIZZI: Oh.

4 | MR. PEREIRAS: I'm not saying that.

5 | CHAIRPERSON CAPIZZI: So everyone would
6 | have enough --

7 | MR. PEREIRAS: There's 167 parking spaces.

8 | CHAIRPERSON CAPIZZI: So, there's enough
9 | space for everybody to get --

10 | MR. PEREIRAS: There's much more --

11 | CHAIRPERSON CAPIZZI: -- their own space.

12 | MR. PEREIRAS: -- than enough for everyone.

13 | CHAIRPERSON CAPIZZI: Which --

14 | MR. PEREIRAS: And our parking consultant
15 | can speak about that.

16 | CHAIRPERSON CAPIZZI: Okay.

17 | MR. PEREIRAS: He's the expert in that.
18 | But we have surplus amounts of parking.

19 | CHAIRPERSON CAPIZZI: Okay.

20 | MR. SCHKOLNICK: Remember our ratio. So,
21 | we'll have our parking expert, but our ratio is
22 | -- is very high.

23 | MR. PEREIRAS: A hundred sixty-seven --

24 | MR. SCHKOLNICK: Right.

25 | MR. PEREIRAS: -- spaces is a lot.

1 MR. SCHKOLNICK: We -- we meet the standard
2 for a suburban garden apartment. That's the way
3 -- the RSIS classifies us as a mid-rise. As a
4 mid-rise. And the mid-rise standard gets you
5 garden apartment.

6 So, we're like a garden apartment in the
7 suburbs, and we need it. We have enough spaces
8 for that.

9 If we were classified as a high rise, which
10 is 11 stories and up, we would only need 74
11 parking spaces, I believe, is the number. If we
12 were classified as a high rise, per RSIS, we're
13 going to need 74 spaces and we're providing 167.

14 MR. PEREIRAS: Yeah, and under RSIS, the
15 parking requirement in Sussex County or South
16 Jersey is the same parking requirement here in
17 Union City, whereas here in Union City, we have
18 the ability to have public transportation, access
19 to all our buses. We have one of the best
20 transportation systems possible.

21 MR. SCHKOLNICK: So --

22 MR. PEREIRAS: And everything within --

23 MR. ORTIZ: The government --

24 MR. PEREIRAS: -- walking distance.

25 MR. ORTIZ: -- would disagree with you.

1 MR. SCHKOLNICK: Again, --

2 MR. GUARENO: And -- and those parking
3 spaces will be strictly for the residents of the
4 -- of the building, not necessarily for customers
5 --

6 MR. PEREIRAS: Not necessarily.

7 MR. GUARENO: -- of the stores.

8 MR. SCHKOLNICK: You know, --

9 MR. PEREIRAS: No.

10 MR. SCHKOLNICK: -- look, we -- you know,
11 that's the dialogue. We think there's going to
12 be leftover spaces, ultimately -- you know, that
13 the community can take advantage of, if it wants.

14 MR. GUARENO: But I meant as far as being
15 available for the customers of the stores.
16 That's not necessarily the case.

17 MR. PEREIRAS: The --

18 MR. SCHKOLNICK: We -- we have an
19 allocation for that.

20 MR. PEREIRAS: We provided for that, so
21 there is parking for it.

22 MR. SCHKOLNICK: That's in -- that's in the
23 calculation.

24 MR. PEREIRAS: Yes. So, the stores require
25 four park -- 4.2 parking spaces, I believe.

1 We're providing those parking spaces and -- and
2 they're -- they're available for the stores.

3 MR. ORTIZ: How would they get into the
4 parking lot?

5 MR. PEREIRAS: So, our traffic consultant's
6 going to talk a lot more about this, --

7 MR. ORTIZ: Okay.

8 MR. PEREIRAS: -- but one of the garages --
9 garage doors is going to be open for -- for the
10 commercial space, and for visitor parking spaces.

11 The rest of them will be controlled with a
12 key fob for -- you know, everything will be open
13 with 24 hours, by -- manageable by a key fob.
14 The garage door for the commercial spaces and
15 visitors will be open to -- during the hours of
16 visitation, through -- business hours.

17 MR. ORTIZ: Is your parking expert going to
18 be able to talk about security for that area?

19 MR. PEREIRAS: Absolutely. He's going to
20 speak about that.

21 MR. ORTIZ: Okay.

22 Great.

23 MR. SCHKOLNICK: Chairwoman, it turns out
24 there were some questions.

25 CHAIRPERSON CAPIZZI: Yup.

1 MR. SCHKOLNICK: You were surprised, but
2 here we go.

3 CHAIRPERSON CAPIZZI: Not really.

4 MR. SCHKOLNICK: You never know.

5 CHAIRPERSON CAPIZZI: That's right.

6 MR. SCHKOLNICK: Okay.

7 We're shifting slightly, just for a of
8 couple minutes, to finish up with Manny.

9 We have the original 71 unit plan that has
10 some variances.

11 Manny, there's -- there's some variances
12 for front yard setback above the fourth floor and
13 our side yards and our building coverage.

14 Chairwoman, on this, we -- we had a little
15 typo in the notice. On -- on the 71 unit plan,
16 we're also compliant on parking, just so the
17 record's clear.

18 We -- we noticed -- over-noticed for a
19 parking variance, but here, we have 165 proposed
20 and 148 required.

21 MR. ORTIZ: And this is the 71 unit --

22 MR. SCHKOLNICK: Yes.

23 MR. ORTIZ: -- project.

24 MR. SCHKOLNICK: Thank you, counselor.

25 MR. ORTIZ: Okay.

1 MR. SCHKOLNICK: Yes. So, we sort of over-
2 noticed on -- on our -- on our notice. Little
3 production error.

4 So we have -- we're going to have some
5 testimony on this from the planner, but we have
6 these -- a front yard, a side yard. This was the
7 plan that the Board had heard a couple of times.

8 I just wanted, from an architectural
9 standpoint, how do you justify this, given the
10 C-2 criteria, the C-2. The benefits to the
11 community criteria on that.

12 Can you just talk about that, from an
13 architectural standpoint?

14 MR. PEREIRAS: I -- I'd be happy to, and
15 just for purposes of the record, I'm showing now
16 on the easel drawings dated September 12th, 2017.
17 And it's from Sheet Z01 to Z11, as well. And
18 they're the same drawings that were submitted on
19 that day to the Board.

20 MR. ORTIZ: Can I just take a second to
21 explain to the Board?

22 The 71 unit plan requires variances versus
23 the 90 unit plan does not. That's just a site
24 plan approval, in essence.

25 So, I just want everybody to understand why

1 we're talking about variances in one, but we're
2 not -- we don't talk about variances with the
3 other.

4 VICE CHAIRPERSON KOEHLER: I don't remember
5 what variances for the --

6 MR. ORTIZ: For the 90 unit one --

7 VICE CHAIRPERSON KOEHLER: No variances.

8 MR. ORTIZ: -- no variance.

9 VICE CHAIRPERSON KOEHLER: On the 71 unit
10 one, I don't remember the variances.

11 MR. ORTIZ: Okay. Well, that's exactly --

12 MR. SCHKOLNICK: We're going to be talking
13 about that.

14 MR. PEREIRAS: We're going to talk about
15 that.

16 MR. ORTIZ: That's why -- that's --

17 VICE CHAIRPERSON KOEHLER: All right.
18 Okay.

19 MR. SCHKOLNICK: I sort of summarized it.

20 VICE CHAIRPERSON KOEHLER: Okay.

21 MR. SCHKOLNICK: I figured you were sick of
22 Manny by this point.

23 He's going to talk about them briefly. The
24 planner is going to sort of go in more depth.

25 MR. ORTIZ: That's why I just wanted

1 | because -- no, no. You don't apologize. I just
2 | wanted to be clear what the two plans required.

3 | MR. SCHKOLNICK: Let me just step back,
4 | folks.

5 | It is a little bit tricky. I'm -- I'm not
6 | going to -- you know, the way -- hopefully,
7 | tonight, we're going to clarify everything the
8 | way it was presented, with the changes, and then
9 | a further change, it's -- you know, it's a little
10 | nuanced. But -- but hopefully, we'll get there.

11 | Again, so you have the information that you
12 | need to decide this application. Hopefully, by
13 | the end of the night, you'll fully understand
14 | everything that's going on.

15 | So, we -- we appreciate there's -- there's
16 | some quirks and it's not a -- a regular sort of
17 | application.

18 | Okay. Back to Manny.

19 | Architectural benefits from the lot
20 | coverage and setback variances.

21 | MR. PEREIRAS: Right. So -- so we have
22 | really three variances. The first is that front
23 | yard.

24 | So, architecturally, I thought it was an
25 | advantage to keep that front façade straight up,

1 not creating any of the step backs and that's why
2 the aesthetic of that front, not stepping the
3 building back on the top two levels was the
4 original design that we presented.

5 MR. SCHKOLNICK: So, it's the fifth and
6 sixth floors have to be pulled back.

7 MR. PEREIRAS: Correct.

8 MR. SCHKOLNICK: Right.

9 MR. PEREIRAS: On the fifth and sixth.

10 MR. SCHKOLNICK: That's the area over here,
11 if you see, can you contrast it?

12 MR. PEREIRAS: Correct.

13 MR. SCHKOLNICK: Right? Just so --

14 MR. PEREIRAS: And contrasting it to the 90
15 unit building that is variance-free, that top
16 portion was recessed back.

17 Okay?

18 MR. SCHKOLNICK: Okay.

19 Now on this one, if -- if we got to look
20 like that, that's where we could produce the
21 affordables, if you attach that look onto this
22 plan.

23 MR. PEREIRAS: Correct.

24 And let me just contrast it. We have a
25 colored rendering, so that we're comparing apples

1 to apples.

2 These are the differences between the two
3 designs. The variance of not setting back the
4 top floor and then, on the north side, we have
5 made the assumption that Peter Street was going
6 to -- going to happen. So, we were treating that
7 as a front yard, so we have a variance there.
8 And then, that building does step back on the top
9 level, as well.

10 MR. SCHKOLNICK: So that's A --

11 MR. PEREIRAS: So that was our side yard.

12 MR. SCHKOLNICK: Could you just call out
13 that sheet that I marked?

14 MR. PEREIRAS: So, this is Sheet A02, which
15 is a color rendition of the 71 unit building
16 proposal.

17 Okay. And I'm going to lay this down in
18 front of the easel, so that we could -- so we can
19 contrast the two.

20 MR. SCHKOLNICK: Which two are we
21 contrasting now?

22 MR. PEREIRAS: We're contrasting the -- the
23 90 unit and the 71 unit.

24 MR. SCHKOLNICK: So lift it up, if you can.

25 MR. PEREIRAS: So -- I'll be happy to.

1 MR. SCHKOLNICK: Or I will.

2 MR. PEREIRAS: I'll be happy to.

3 So, it's that front yard setback, the side
4 yard setback, and then because of that, the
5 setbacks change, it increases the coverage of the
6 building because we have more building on the
7 ground level. So, the coverage increases, so it
8 triggers that -- those variances.

9 MR. SCHKOLNICK: So, what benefits do we
10 have to the community, would you say, for the 71
11 unit plan, without the affordables, what -- what
12 benefits would you say could accrue to the
13 community that could justify the granting of the
14 C-2 variance; the planning variance?

15 MR. PEREIRAS: The aesthetic difference
16 between the plan not having any setbacks with
17 balconies, potentially balconies; anyone that
18 could walk out onto there, so that -- that's
19 provided for in this plan.

20 MR. SCHKOLNICK: Okay.

21 From an architectural standpoint, do you
22 see any detriments to the community resulting
23 from the setback variances and the lot coverage,
24 that are associated with the 71 unit plan?

25 MR. PEREIRAS: So --

1 MR. SCHKOLNICK: Any detriments to the
2 community?

3 MR. PEREIRAS: So, there's no detriment to
4 the north side. There's no waivers there, and --
5 and Peter Street is eventually going to go there,
6 so I don't see any detriment there.

7 And then, the setbacks above, it really
8 doesn't increase the setback of the building.
9 It's just that continuation of the fourth and
10 fifth floors.

11 MR. SCHKOLNICK: So --

12 MR. PEREIRAS: So, there's no detriment to
13 the neighbors.

14 MR. SCHKOLNICK: Okay.

15 From an architectural standpoint, could you
16 just conclude by saying the steps you've really
17 taken to mitigate any -- I said, I guess you
18 testified there's really no detriment.

19 MR. PEREIRAS: Right.

20 MR. SCHKOLNICK: But how do you look at it
21 from an architectural standpoint, overall?

22 MR. PEREIRAS: So, the -- the building, I
23 think, is aesthetically pleasing. It fits with
24 the neighborhood. And -- and the variances that
25 we seek, our planner's going to justify those

1 | variances. But it fits with -- and also, I think
2 | it's important to say that architecturally
3 | speaking, the site conditions, where the site
4 | narrows on this portion, triggering the side yard
5 | variance is a specific condition to the site,
6 | that -- that makes us seek relief for that
7 | variance.

8 | MR. SCHKOLNICK: Okay.

9 | Chairwoman, we appreciate your patience,
10 | but we want to at least give you a little brief
11 | testimony. Our planner is going to be addressing
12 | that a little bit more.

13 | CHAIRPERSON CAPIZZI: Finished?

14 | MR. SCHKOLNICK: We're -- we're done --

15 | CHAIRPERSON CAPIZZI: Does anyone on the
16 | Board --

17 | MR. SCHKOLNICK: -- with this witness.

18 | CHAIRPERSON CAPIZZI: -- have questions of
19 | Manny?

20 | I think we should open it up to the public
21 | for this part.

22 | Does anyone have any questions at this
23 | point of this witness?

24 | Okay.

25 | MR. ZIMMERMAN: I think --

1 MR. DILLON: Excuse me?

2 CHAIRPERSON CAPIZZI: Wait, wait, wait.

3 MR. DILLON: Excuse me?

4 CHAIRPERSON CAPIZZI: Sir? Sir, you have
5 to step forward, please.

6 MR. DILLON: Sir, you got to come forward.

7 MR. ZIMMERMAN: Frank Zimmerman.

8 MR. DILLON: Excuse me?

9 CHAIRPERSON CAPIZZI: Please.

10 MR. ZIMMERMAN: I live across the street.

11 MR. DILLON: You got to --

12 CHAIRPERSON CAPIZZI: Come forward.

13 MR. ORTIZ: Please, sir. Sir?

14 CHAIRPERSON CAPIZZI: Come forward.

15 MR. ORTIZ: Please. Please, sir.

16 MR. DILLON: Geez.

17 CHAIRPERSON CAPIZZI: Come forward.

18 MR. ORTIZ: Please.

19 MR. ZIMMERMAN: 3308 Hudson Avenue. Frank
20 Zimmerman.

21 MR. DILLON: Hold on. Excuse me?

22 MR. ZIMMERMAN: Okay.

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 State your name and spell it for the
2 record.

3 MR. ZIMMERMAN: Frank Zimmerman.

4 MR. DILLON: Zimmerman?

5 MR. ZIMMERMAN: 3308 Hudson Avenue.

6 MR. DILLON: Zimmerman is the last name?

7 MR. ZIMMERMAN: Yes.

8 CHAIRPERSON CAPIZZI: Zimmerman.

9 MR. DILLON: Thank you.

10 MR. ORTIZ: Now Mr. Zimmerman, just so you
11 understand, this portion, what we're doing is
12 we're opening it up if you have questions of the
13 architect.

14 There's going to be an opportunity for
15 anybody that would like to speak to make a
16 statement.

17 So, I just want it clear so that --

18 MR. ZIMMERMAN: Yeah.

19 MR. ORTIZ: -- the record's clear on what
20 we're doing here.

21 So, if you have questions of the architect,
22 this is the opportunity.

23 MR. ZIMMERMAN: Well, I have a few
24 concerns.

25 Garbage is one of them, and I -- in the

1 plans, I see the garbage is on the side, on the
2 south side of the street.

3 MR. PEREIRAS: Correct.

4 MR. ZIMMERMAN: Of the building.

5 MR. PEREIRAS: We don't want the garbage to
6 be on Palisade. We don't want the garbage to be
7 on Hudson, so we put it on the side street,
8 within our own property, we're setting it back in
9 order to provide garbage disposal.

10 MR. ZIMMERMAN: I already have like 500
11 bags of garbage on Hudson from The Thread
12 building.

13 CHAIRPERSON CAPIZZI: Mmm.

14 MR. ZIMMERMAN: So, now, if you're putting
15 another 400 from your building, if they approve
16 the Peter Street thing, maybe you should redo the
17 plan and then face it on that side, because I
18 mean, that's detrimental.

19 MR. PEREIRAS: Um hum.

20 MR. ZIMMERMAN: And they also live next to
21 that property, facing -- that side faces their
22 house, as well.

23 Anyway, I have a few concerns. That's one
24 of them, that I take -- from what I saw. For
25 now.

1 MR. ORTIZ: Thank you.

2 It doesn't matter. Whoever --

3 MR. DILLON: Please raise your right hand.

4 MR. TARIFA: Good evening.

5 MR. DILLON: Excuse me?

6 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. TARIFA: My name is Lionel Tarifa --

10 MR. DILLON: What was your name?

11 MR. TARIFA: Lionel Tarifa.

12 MR. DILLON: Can you spell that?

13 MR. TARIFA: L-I-O-N-E-L, and my last name
14 is T-A-R-I-F-A.

15 MR. DILLON: T-A-R --

16 MR. TARIFA: I-F-A.

17 MR. DILLON: Thank you.

18 MR. TARIFA: Got it? Okay.

19 They are showing that the front -- front of
20 the building, that -- that is on Palisade Avenue.
21 We live on Hudson Avenue. We didn't see that
22 picture from the back, because we are part of the
23 community, too. I would like to see that -- that
24 -- how the building will look in the -- in the
25 back of that building.

1 And also, I saw there is -- there -- there
2 will be 163 parking spaces. And that building's
3 for 71. And if they double, that will be 140 or
4 142, but what are you planning to do with the
5 rest of the parking space? Are you planning to
6 -- to rent that spaces?

7 MR. PEREIRAS: So, let me answer your
8 questions one-by-one.

9 So, we submitted documents to the City that
10 were on file in the Clerk's Office, and they're
11 the same documents I have before you here.

12 We took the same concern that we took to
13 the front -- the front façade on -- on Hudson to
14 Palisade Avenue, as well. It's just that
15 Palisade is a significantly smaller façade. So,
16 that's not the -- the larger color rendition that
17 we presented. But the same care and the same
18 style is designed for the rear.

19 And if you could see it from where you are,
20 if you can stand up a step closer, we had the
21 same design concept. The building is actually a
22 lot more modest because it's smaller in scale
23 width-wise, but it's happening, the same thing.
24 You have the same bricks, the same colors, the
25 same façade treatment along the rear of the

1 | property, as well.

2 | So, it's -- the same concern was given to
3 | you, on your side.

4 | To talk about parking, the applicant has
5 | options. He has a huge surplus of spaces. He
6 | could definitely rent them out to the community,
7 | if necessary.

8 | MR. TARIFA: Also, about the security.

9 | Sometimes, they -- they forget about the
10 | back of the buildings. So, we'd like lights and
11 | --

12 | MR. PEREIRAS: Absolutely. We're not
13 | considering this the back of the building. We
14 | have two entryways. There's stairwells and
15 | elevators on both ends of the building.

16 | We did this in our testimony when we
17 | presented originally. We talked a lot about the
18 | -- the building floor plan, and how it's laid
19 | out.

20 | But if you look at this building --

21 | So, we have both stairwells and elevators
22 | located near the front and the back of the
23 | building. So, if somebody wants to come in
24 | through the back, or come in through the parking
25 | -- parking area further back, it's separated, so

1 | there's vertical circulation through both sides.

2 | MR. TARIFA: Well, what about the pollution
3 | with -- with 160 cars --

4 | MR. PEREIRAS: Okay. That's a --

5 | MR. TARIFA: -- from inside?

6 | MR. PEREIRAS: I -- I understand your
7 | concern with that.

8 | So, pollution is mitigated by several
9 | things. First and foremost, the Building Codes
10 | in not only this city, but across the state and
11 | across the country, are extremely good at
12 | protecting the health and safety of people. And
13 | we have to comply with all those Building Codes.

14 | There will be mechanical systems that --
15 | that re-circulate air, in order to have fresh air
16 | in the spot.

17 | In addition to that, there are carbon
18 | monoxide detectors that would be located in the
19 | space, that do two things.

20 | Number one, they alert and -- and sound if
21 | there was ever a carbon monoxide issue. And
22 | number two, fans are triggered that exhaust air
23 | from the building through the top, so that there
24 | will be no other issue of carbon monoxide within
25 | the structure, or the -- or the perimeter of the

1 structure.

2 The parking deck itself is an enclosed
3 parking deck. So, you'll never have to worry
4 about somebody leaving their car on and their
5 exhaust going towards your property. That just
6 doesn't happen because it's an enclosed deck,
7 with a ventilation system that handles whatever's
8 going on within and internal to the building.

9 So, you're perfectly safe.

10 MR. TARIFA: What about the noise, because
11 you said 24 hours?

12 MR. PEREIRAS: Yeah. So -- so --

13 MR. TARIFA: And we are close by.

14 MR. PEREIRAS: Noise is a very good thing,
15 also, that's addressed with our Building Code.
16 So, the Building Code actually, very recently, in
17 2015, they issued the IBC, 2015, and New Jersey
18 adopted it shortly after. And that's the Code
19 that we work with.

20 And there are very specific criteria for
21 noise decibels. So, right now, there's what's
22 called STC, which is the sound transmission
23 coefficient.

24 So, there's a criteria, a formula that we
25 have to comply with that old houses, and

1 everything that used to be constructed, didn't
2 have to comply with the same Code, which means
3 our exterior walls, our floor slabs, everything
4 has to be constructed in a way that stops sound
5 within the building to an STC level of 40.

6 So, if you're used to older construction or
7 different construction, this contains noise
8 significantly within the building.

9 MR. TARIFA: One more question, the last
10 one.

11 The garbage.

12 MR. PEREIRAS: Yes.

13 MR. TARIFA: Will be collected inside that
14 building or -- or they are going to put outside
15 on the sidewalk?

16 MR. PEREIRAS: So, we designed for garbage
17 within our building, and we provided for enough
18 storage to contain the garbage inside the
19 building.

20 MR. TARIFA: Oh.

21 MR. PEREIRAS: We have a trash chute on
22 every floor.

23 So, I'm just picking one of the floors
24 here. This is --

25 MR. SCHKOLNICK: Just call out the sheet

1 number, please.

2 MR. PEREIRAS: So, I -- I randomly went to
3 Sheet Z08, it's one of the typical floor plans.
4 We have a hallway tying the building together.
5 In this corner that I'm pointing to right now, is
6 a trash room. There are two separate trash
7 chutes there; one for recycling, one for trash.
8 People go out of their apartment, dump it through
9 a chute, and it goes down to a garbage room
10 located on the ground level, which is right here.

11 So, at the ground level, with the street,
12 everything lands there.

13 MR. TARIFA: Yeah. That's a -- because on
14 the other building, at the corner --

15 MR. PEREIRAS: Yeah.

16 MR. TARIFA: -- of Peter and -- and Hudson,
17 there's a --

18 MR. PEREIRAS: Yeah.

19 MR. TARIFA: -- big building.

20 MR. PEREIRAS: Yeah.

21 MR. TARIFA: And the garbage -- they put
22 the garbage outside.

23 MR. PEREIRAS: Yeah.

24 MR. TARIFA: So, you know, that will be
25 really --

1 MR. PEREIRAS: Yeah. So, we took a lot of
2 concern.

3 MR. TARIFA: -- big problem for us.

4 MR. PEREIRAS: And another thing that we
5 did, just because I understand that's the garbage
6 area, we didn't want to put that right up against
7 the neighbor.

8 So, what we did is, we set our building
9 back significantly. Our -- the Ordinance only
10 required five feet. We went 12 foot -- 12 foot
11 three, I believe.

12 So, we're more than double what the
13 Ordinance requires of us, because we wanted to
14 take concern for the neighbors there and we set
15 it back. And -- and we're willing to consider
16 any other location for garbage, as well.

17 MR. TARIFA: Thank you.

18 Thank you.

19 MR. ORTIZ: Well, I think Mr. Price -- Mr.
20 Price, do you --

21 Are you deferring?

22 A VOICE: No, no. I'm retired so --

23 MR. ORTIZ: So is he.

24 MR. PRICE: So am I.

25 MR. DILLON: 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. PRICE: I do.

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

6 MR. PRICE: Larry Price, 1006 Palisade.

7 MR. DILLON: Thank you.

8 MR. PRICE: Two questions?

9 You have parking on three levels.

10 MR. PEREIRAS: That's correct.

11 MR. PRICE: What are the levels?

12 MR. PEREIRAS: Okay. There's a lower
13 level, there's a ground level, and there's a
14 second floor.

15 MR. PRICE: Okay. So, second -- that's the
16 ground floor level.

17 Correct?

18 MR. PEREIRAS: This is the ground floor
19 level. Correct.

20 MR. PRICE: Okay.

21 MR. SCHKOLNICK: What sheet are you
22 referring to?

23 I'm sorry, Mr. Price, I just want to get
24 that.

25 MR. PEREIRAS: Sheet Z04.

1 MR. PRICE: Okay. I don't see a ramp up to
2 the second floor.

3 MR. PEREIRAS: So, this is the ramp up to
4 the second floor. I have no parking on either
5 side. And it's a 24 foot wide ramp that ramps up
6 to the second floor right here.

7 MR. PRICE: Okay.

8 Okay. Second question?

9 I'm looking at a rendering of the 71 unit
10 building.

11 MR. PEREIRAS: Yes.

12 MR. PRICE: There's six floors. We started
13 out, it was five floors.

14 MR. PEREIRAS: So, there was a revision and
15 that went to -- because we added a level of
16 parking.

17 The original presentation had less parking.
18 And then, the Board said, you know, they were
19 concerned with parking, so we added parking. We
20 added another level of parking to the building.

21 And that was what was presented in the
22 September -- in the September Board.

23 MR. PRICE: Okay, which got by me. Okay.
24 Very good.

25 MR. PEREIRAS: Yeah.

1 MR. PRICE: So, basically, it's lower
2 level, ground level, second floor.

3 MR. PEREIRAS: Correct.

4 MR. PRICE: And then, there's, basically,
5 residential only on the upper four floors.

6 MR. PEREIRAS: That's correct.

7 MR. PRICE: Okay.

8 Thank you.

9 MR. ORTIZ: A follow up to that.

10 The second -- the second floor parking, for
11 lack of better terms, is that where the -- the
12 commercial parking would be provided?

13 MR. PEREIRAS: It would be on the ground
14 level, on level with the commercial spaces.

15 MR. ORTIZ: All right. So, there's --
16 there's two ground level.

17 Right? And then, there's a ramp.

18 Right?

19 MR. PEREIRAS: No. There's one ground
20 level, really.

21 So, yeah. You're right. So, it would be
22 on the second -- let me do it in section, which
23 makes it easier to --

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

1 MR. PEREIRAS: So, there's --

2 Yeah. So, the parking -- correct. You
3 would ramp up, and these would be the parking
4 spaces allocated for the commercial space, which
5 would be the ones closest to the commercial unit.

6 CHAIRPERSON CAPIZZI: What level is that?

7 MR. PEREIRAS: That is the second -- the
8 level two, Sheet Z05.

9 MR. ORTIZ: And then, there is the other
10 levels would -- for the residential, would be
11 below those.

12 MR. PEREIRAS: Correct.

13 MR. ORTIZ: Okay.

14 MR. DILLON: Please raise your right hand.

15 Do you swear the testimony --

16 MR. GIACOMA: (Indiscernible).

17 MR. DILLON: Yeah, that one.

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

20 MR. GIACOMA: Yes, I do.

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

23 Your name.

24 MR. GIACOMA: Alberto Giacoma,
25 G-I-A-C-O-M-A.

1 MR. DILLON: Thank you.

2 MR. GIACOMA: Okay. I have couple
3 questions.

4 I -- I don't oppose progress, number one.
5 But I'm right next to that on Palisade.

6 Now, the existing wall is not clear on the
7 -- the existing wall on Palisade -- I mean, let
8 me -- can --

9 MR. PEREIRAS: Okay. So --

10 MR. GIACOMA: No, no.

11 MR. PEREIRAS: This is Palisade Avenue.

12 MR. GIACOMA: Give me the -- the big
13 picture.

14 This one here, this is Palisade.

15 Right?

16 MR. PEREIRAS: No.

17 MR. GIACOMA: Give me Palisade view,
18 please. Because I be breathing that air.

19 MR. PEREIRAS: Um hum.

20 MR. GIACOMA: Palisade.

21 MR. PEREIRAS: This is Palisade. It's this
22 portion.

23 MR. GIACOMA: Palisade. This wall here
24 it's not clear. Do you -- do you -- I heard that
25 they want to -- they plan to maintain the

1 existing wall that is there right now.

2 MR. PEREIRAS: No. Well, there -- there is
3 no wall there.

4 MR. GIACOMA: No, there is wall.

5 MR. PEREIRAS: It's an empty lot.

6 MR. GIACOMA: My property is next to --

7 MR. PEREIRAS: I think you're next to the
8 property adjacent to us, north of us.

9 So, there's -- between us -- and I'm going
10 to change to the -- to the site plan, to make it
11 clear.

12 MR. GIACOMA: Exactly. I would like to
13 clarify that.

14 MR. PEREIRAS: So -- so, this is our lot
15 here.

16 MR. GIACOMA: Uh huh.

17 MR. PEREIRAS: Okay? Your -- I believe
18 this is your house. This is the lot next to us.

19 MR. GIACOMA: Yeah. This is mine.

20 MR. PEREIRAS: Yeah. That's your house.

21 So, this is someone else's property, which
22 the City is looking to take over under eminent
23 domain and make Peter Street go through it.

24 So, you're actually one property away from
25 us.

1 MR. GIACOMA: So, this is the existing --

2 MR. PEREIRAS: That's a different building

3 --

4 MR. GIACOMA: -- building that --

5 MR. PEREIRAS: Yeah.

6 MR. GIACOMA: -- that go from Palisade to

7 --

8 MR. PEREIRAS: Yes.

9 MR. GIACOMA: -- Hudson.

10 MR. PEREIRAS: And that doesn't belong to
11 us. That's not our property.

12 MR. GIACOMA: That doesn't belong to you.
13 What is going to happen here? You don't know
14 yet. It's not your concern.

15 MR. PEREIRAS: It -- the City has, at the
16 last Commissioner's meeting, designated money to
17 purchase that and to make that into Peter Street.
18 So, Peter Street that's here, is --

19 MR. GIACOMA: They're going to continue --

20 MR. PEREIRAS: -- supposed to continue.

21 MR. GIACOMA: -- Peter Street.

22 MR. PEREIRAS: Yeah. So, that building's
23 going to be gone.

24 MR. GIACOMA: To be on a side of Peter
25 Street.

1 MR. PEREIRAS: In theory, that building
2 will be gone and that -- you will be -- your
3 house will now face Peter Street.

4 MR. GIACOMA: I'm fine with that.
5 Thank you.

6 CHAIRPERSON CAPIZZI: Sure. Come on up.

7 MR. ZIMMERMAN: Okay. Again?

8 MR. DILLON: No, no. You're still sworn,
9 Mr. Zimmerman.

10 MR. ZIMMERMAN: Okay. I just have a
11 question about parking.

12 MR. DILLON: Can you just stand by the mic?
13 That's all.

14 MR. ZIMMERMAN: Okay. Question about
15 parking.

16 If the building has two sides, why 160 cars
17 heading on one side?

18 MR. PEREIRAS: They don't.

19 MR. ZIMMERMAN: They -- okay. Tell me.

20 MR. PEREIRAS: Our parking consultant is
21 going to go through this a lot more.

22 MR. ZIMMERMAN: Okay.

23 MR. PEREIRAS: But we have two garage doors
24 on one side, and then, we also have a --

25 MR. ZIMMERMAN: On Palisades?

1 MR. PEREIRAS: Right. So, on Palisade
2 Avenue, you have two garage doors. One going
3 down, and -- one going down on this side, one
4 going up on this side. And then, on -- sorry.
5 On Hudson.

6 MR. ZIMMERMAN: That's Hudson.

7 MR. PEREIRAS: And on Palisade, on this
8 side, there's one at the ground level, going
9 across this way.

10 So, we split up the parking for the two
11 main avenues.

12 MR. ZIMMERMAN: Okay.

13 And would you consider, if you -- if the
14 City goes ahead and does the Peter extension, to
15 kind of divert traffic to there? Because I mean,
16 hundred and some cars hitting on Hudson --

17 MR. PEREIRAS: So --

18 MR. ZIMMERMAN: I mean, it's --

19 MR. PEREIRAS: The traffic consultant's
20 going to talk more about that, but it doesn't
21 really make a -- a change --

22 MR. ZIMMERMAN: That's my -- one of my main
23 concerns. Yeah.

24 MR. PEREIRAS: Yeah. It doesn't make a
25 change to traffic because Peter Street would go

1 to -- to Palisade.

2 So, it's the same number of cars, it's just
3 -- and then --

4 MR. ZIMMERMAN: And that --

5 MR. PEREIRAS: -- once they get to
6 Palisade, they have to make a left. So, it
7 doesn't really change any --

8 MR. ZIMMERMAN: My door is right in front
9 --

10 MR. PEREIRAS: But the traffic consultant
11 could talk about that.

12 MR. ZIMMERMAN: -- of that door. My door
13 is in front of that door.

14 MR. PEREIRAS: Okay.

15 MR. ZIMMERMAN: So, I have -- am very
16 concerned about that.

17 So, if the traffic had its choice of going
18 out to Palisade, at least that would vent -- I
19 mean --

20 MR. PEREIRAS: Yeah, they do.

21 MR. ZIMMERMAN: -- alleviate the problem.
22 So --

23 MR. PEREIRAS: They have that choice.

24 MR. ZIMMERMAN: Okay. So, I will --

25 CHAIRPERSON CAPIZZI: So, that side, they

1 | can go in or out, on that side?

2 | MR. PEREIRAS: So -- so, parking is divided
3 | into three floors. And each of the three floors
4 | has their own independent entrance and exit.

5 | CHAIRPERSON CAPIZZI: Can they go in and
6 | out of that side?

7 | MR. PEREIRAS: So, they could go in and out
8 | of this floor on that level.

9 | CHAIRPERSON CAPIZZI: On that --

10 | VICE CHAIRPERSON KOEHLER: She's asking --

11 | MR. ORTIZ: But there is -- but there's no
12 | -- on the drawing -- show me -- show me the one
13 | where the Palisade entrance is.

14 | MR. PEREIRAS: So, this is -- this is the
15 | ground floor plan. This is Palisade. You enter
16 | here. You have access to all these parking
17 | spaces and all of these. And then, you come in
18 | and out through Palisade Avenue.

19 | VICE CHAIRPERSON KOEHLER: So, you enter
20 | and exit out of Palisade.

21 | MR. PEREIRAS: Yeah. Wherever you enter,
22 | you exit as well.

23 | So, there's three floors. Each of the
24 | three floors has their own entrance and exit.
25 | One floor doesn't tie to the others.

1 MR. GUARENO: But not all three will have
2 access through, let's say, Palisade Ave.

3 MR. PEREIRAS: Correct. Each -- the only
4 one that has access to Palisade Avenue is this
5 floor, because we did that on purpose, because we
6 don't want traffic going -- we don't want people
7 running through three levels of parking.

8 We have designated spots. You come in to
9 your designated door. You don't want people
10 coming into different areas. You don't want
11 everyone saying, oh, it's much more comfortable
12 on Palisade. Let me move to Palisade. Or it's
13 much more comfortable on Hudson, and create a
14 traffic jam in one area.

15 It's split up into three areas.

16 CHAIRPERSON CAPIZZI: Okay.

17 Any other questions from the public?

18 MR. ORTIZ: No questions of this witness
19 from the public?

20 Counselor, your show again.

21 MR. SCHKOLNICK: Thank you.

22 MR. PEREIRAS: Thank you.

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

25 MR. SCHKOLNICK: Chairwoman, our next

1 witness is Craig Peregoy, an expert in the field
2 of traffic engineering.

3 THE SECRETARY: Allow me one second,
4 please.

5 Let the record indicate that Mr. Medina is
6 leaving the meeting.

7 Thank you.

8
9 (Whereupon, Franklin Medina left the
10 meeting at 7:35 p.m.)
11

12 MR. SCHKOLNICK: If we can have him sworn,
13 please?

14 MR. DILLON: Yeah.

15 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. PEREGOY: Yes, I do.

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

21 MR. PEREGOY: Sure.

22 My name's Craig Peregoy, P-E-R-E-G-O-Y.

23 MR. ORTIZ: Madam Chairwoman, --

24 MR. DILLON: Thank you.

25 MR. ORTIZ: -- this Board has recognized --

1 CHAIRPERSON CAPIZZI: Yes.

2 MR. ORTIZ: -- him as an expert in the
3 past.

4 CHAIRPERSON CAPIZZI: Sure.

5 MR. SCHKOLNICK: Thank you. We --

6 MR. PEREGOY: Nice to see you all again.

7 MR. SCHKOLNICK: We appreciate that.

8 Mr. Peregoy, have you evaluated the issues
9 in terms of parking and the Residential Site
10 Improvement Standards?

11 MR. PEREGOY: Yes, I have.

12 MR. SCHKOLNICK: Okay.

13 And can you provide the Board with the
14 benefit of your analysis, running through the
15 different plans that were submitted to sort of
16 clarify things, or help us get there?

17 MR. PEREGOY: Yeah.

18 I think a lot of it was covered, but I'll
19 go through again the different numbers.

20 For the -- this is for the 90 unit plan,
21 and then I'll talk about the other plan.

22 The 90 unit plan, based on the RSIS
23 requirements for garden apartments, requires 163
24 parking spaces for the residential component of
25 the building.

1 The commercial component of the building
2 requires an additional four spaces, for a total
3 of 167 required. We are providing those 167
4 spaces on the site.

5 You heard the testimony before about the --
6 the aisle width. Really, we're limited by this
7 sort of L shaped part of the property, the width
8 of the property.

9 The initially submitted plan had a 17 foot
10 aisle, with conforming spaces. We took a better
11 look at it and really thought that this is the
12 better option with the 21 foot aisle, and we were
13 able to get nine and a half foot wide spaces
14 because you have less room to swing into the
15 space, so that extra width helps that.

16 We're calling them compact spaces because
17 they're technically two foot -- two feet short in
18 length, deviation from the RSIS.

19 Realistically, most cars on the road are
20 less than 16 feet long, including most SUVs.
21 Only the largest, the big pickup trucks, the Ford
22 F-150s, those types of things, or the real -- the
23 Tahoe, I think you mentioned earlier, the really
24 big older SUVs are going to be longer than 16
25 feet.

1 So, calling it a compact space, you could
2 park a typical modern day SUV in these spaces.
3 So, it's not really a compact or sub-compact,
4 it's just we want to make sure that that vehicle
5 population can fit in there.

6 And as was mentioned before, a parking
7 management plan, which is typical of these
8 buildings, where a resident is assigned a parking
9 space, they're going to be given a space where
10 their vehicle can fit.

11 The guy has an F-150, we're not going to
12 put him in one of the compact spaces. He's going
13 to get one of the full size spaces.

14 So, nevertheless, calling them compact is a
15 little bit conservative. It's just non-pickup
16 truck spaces.

17 MR. SCHKOLNICK: In your experience, have
18 these parking management plans been effective?

19 MR. PEREGOY: Yeah. It's -- it's typical
20 throughout Hudson County, these types of
21 buildings, when you have residential garage
22 buildings, it's assigned spaces and -- and the
23 smaller cars get the smaller spaces. And like I
24 said, these really aren't that small of spaces.
25 These are pretty generous sizes for a residential

1 parking garage.

2 MR. ORTIZ: When you're talking about a
3 parking management plan, is this an actual policy
4 that's written out, or is it just kind of some
5 label that's getting thrown on?

6 MR. SCHKOLNICK: We're -- we're prepared to
7 do whatever the Board wants. We could present a
8 written plan for approval of your staff, of
9 yourself, to give the Board the confidence that
10 we have a safe plan.

11 We think it's safe. But as an additional
12 layer of protection, we're prepared, as a
13 condition of approval, to agree to a written
14 plan, present it, and have it approved by whoever
15 you designate.

16 MR. ORTIZ: The plan presented after a
17 vote?

18 MR. SCHKOLNICK: Well, that's -- it would
19 be a condition of approval. That's how it would
20 -- that's how it's typical.

21 MR. ORTIZ: Not necessarily. It could be
22 part of the presentation, as well.

23 MR. SCHKOLNICK: We -- it could, but I -- I
24 would suggest to the Board that this is of an
25 ministerial nature, where if the Board imposes

1 | that requirement, we'll submit a plan. The Board
2 | can designate somebody to approve it, the Board
3 | Attorney, Board Planner, whoever. If there's any
4 | sort of dispute or disagreement, we'll come back
5 | to the Board to resolve any problem with the
6 | plan.

7 | MR. PEREGOY: That's -- that's the legal
8 | side of it. I mean, these buildings typically
9 | work that way, but if -- you know, the Board
10 | would prefer to see something in writing, it
11 | sounds like that's not a problem.

12 | Anyway back to this -- this L shaped
13 | portion of the building. Again, you heard the
14 | testimony before that if Peter Street is extended
15 | through, we'll be able to gain five more feet.
16 | And at that point, we'd have a conforming aisle
17 | and 17 foot long spaces, which would fit
18 | everything but the -- the very largest of -- of
19 | pickup trucks. They'd only be one foot short; 17
20 | foot spaces.

21 | Now, all of this amounts to what is called
22 | by the RSIS, a de minimis exception. It's not a
23 | variance, it's not a waiver. That's the term
24 | they use is de minimis exception.

25 | And in the RSIS, they specifically list

1 | examples of things that you can grant a de
2 | minimis exception to. And those are minimum size
3 | of the parking stalls, reducing the -- the
4 | cartway width, the aisle width, reducing the
5 | minimum number of parking spaces. Those are
6 | three -- the three examples that they give in --
7 | in the RSIS of -- of de minimis exceptions. And
8 | --

9 | MR. SCHKOLNICK: So, we're one of the
10 | actual examples that the drafters of the RSIS set
11 | forth as possibilities to get this relief.

12 | MR. PEREGOY: Yes.

13 | MR. SCHKOLNICK: Okay.

14 | MR. PEREGOY: Yes. We -- we fit right into
15 | those examples.

16 | And -- and the way it's phrased in the RSIS
17 | is exceptions can be granted because of peculiar
18 | conditions pertaining to the development in
19 | question, resulting in practical difficulties.

20 | Again, the property sizes, the property
21 | size, it's -- we're talking about this one leg of
22 | the building, this one finite leg of the building
23 | that is just not wide enough to -- to fit the --
24 | the fully conforming size parking spaces.

25 | So, I think that fits perfectly in with the

1 reasons for the exceptions.

2 And basically, there are certain criteria
3 that you are to evaluate, according to the RSIS.

4 Are the exceptions proposed consistent with
5 the RSIS? And yes, we believe that they are.

6 Again, I said, we've provided the extra half --
7 half a foot width in the parking spaces to
8 accommodate the narrower drive aisle.

9 So, I think -- that's -- that's six inches
10 wider of a space than the RSIS requires. So,
11 obviously, that -- that compensation, that's the
12 sort of thing that it's speaking about.

13 The next is, are the exceptions reasonable,
14 limited and not unduly burdensome? Clearly, it's
15 limited to just that one -- that one portion of
16 the parking -- of each of the parking levels.
17 Not unduly burdensome, common. These dimensions
18 are generous for what you typically find
19 throughout Hudson County, in a residential
20 parking garage building.

21 So, certainly not unduly burdensome.

22 Does the parking meet the needs of public
23 health and safety? Again, yes. This is a common
24 arrangement.

25 And does the parking take into account the

1 existing infrastructure and possible future
2 development?

3 Obviously, the existing infrastructure
4 around here is an urban area. There's plenty of
5 mass transit. This particular area, there are
6 tons of mass transit options. And that reduces
7 the need for people to -- to use a vehicle. So,
8 it's going to reduce the number of spaces.

9 So, clearly, we're taking that into
10 account, when you either talk about the number of
11 spaces, or you talk about the dimensions of the
12 spaces.

13 MR. SCHKOLNICK: Okay.

14 Let's just talk about the purpose of the
15 drive aisle width, from a traffic and engineering
16 standpoint.

17 MR. PEREGOY: Sure.

18 MR. SCHKOLNICK: How would you describe it?

19 And based on those standards, is the
20 proposal consistent with the goals of the aisle
21 width?

22 MR. PEREGOY: Yes. As I mentioned, the
23 drive aisle, certainly wide enough for two way
24 traffic. The reason that you have a 24 foot
25 aisle, with 90 degree parking, is so the largest

1 of vehicles are able to swing into the parking
2 space.

3 Most vehicles have a turning radius of 20
4 feet. So, a 20 foot aisle can -- can accommodate
5 a typical vehicle turning into a parking space
6 without a problem. Twenty-four feet gives it a
7 little bit of extra room.

8 Since we are shrinking that down a little
9 bit, and taking away some of that
10 maneuverability, we've added that half a foot to
11 the parking space, which makes it easier for,
12 again, the largest vehicles. The typical vehicle
13 would not have an issue pulling into a parking
14 space at a 21 foot aisle.

15 MR. SCHKOLNICK: So, do you have an opinion
16 as to whether what's proposed is consistent with
17 the underlying goals of the Residential Site
18 Improvement Standards?

19 MR. PEREGOY: Yes. I believe it is.

20 MR. SCHKOLNICK: Okay.

21 And you believe it's safe?

22 MR. PEREGOY: Yeah. Oh, it's certain --
23 certainly not -- doesn't rise to the level of
24 safety. This is a parking aisle. It's a drive
25 aisle. It's a parking aisle. It's not --

1 MR. SCHKOLNICK: It's not --

2 MR. PEREGOY: -- two way traffic.

3 MR. SCHKOLNICK: And it's not the entire
4 parking lot.

5 MR. PEREGOY: That's correct. It's just
6 this one portion.

7 MR. SCHKOLNICK: Okay.

8 MR. PEREGOY: And this is -- and -- and the
9 nature of the development is a residential
10 development. You're going to have low turnover
11 parking. People will take their car out in the
12 morning and come -- and come back in the evening.
13 Some people just have a car to use it on the
14 weekends, to run errands, so it sits in the
15 parking lot all day.

16 That nine by 18 dimension, the 24 feet,
17 that's the type of -- that's the size of stall,
18 an aisle that you'd see at a -- at a Walmart, at
19 a shopping center, at a supermarket, with
20 shopping carts going around.

21 This is a much different animal, in terms
22 of turnover and the types of people who are --
23 who are going in and out.

24 These are people that are residents. They
25 know their space. They're parking in it

1 everyday. They're going in and out once per day
2 at most.

3 MR. SCHKOLNICK: You mentioned low
4 turnover. You're obviously going to expect a lot
5 of commuters who are not going to be driving
6 their cars every day.

7 MR. PEREGOY: Yeah. Absolutely.
8 Absolutely. Obviously, one of the attractive
9 features of this building, and moving to Union
10 City, is the availability of mass transit, the
11 availability to walk to go shopping and -- and
12 you don't need a car.

13 MR. SCHKOLNICK: Okay.

14 Now, under this program, we have those 16
15 foot in length spaces.

16 MR. PEREGOY: Yes.

17 MR. SCHKOLNICK: You said they're not
18 really compact, but we've -- we've labeled them.

19 MR. PEREGOY: We've called them compact,
20 yes.

21 MR. SCHKOLNICK: Do you believe that the 16
22 foot in length is consistent with the underlying
23 goals of the Residential Site Improvement
24 Standards?

25 MR. PEREGOY: Yes. Again, 16 feet will

1 | serve almost all of the vehicle population out
2 | there.

3 | MR. SCHKOLNICK: Okay.

4 | And do you believe that the 16 foot in
5 | length spaces are reasonable under this plan, and
6 | limited, and not unduly burdensome?

7 | MR. PEREGOY: Yes.

8 | MR. SCHKOLNICK: And do the 16 foot length
9 | spaces meet the needs of public health and safety
10 | on this site?

11 | MR. PEREGOY: Yes. Absolutely. Not --

12 | MR. SCHKOLNICK: Okay.

13 | MR. PEREGOY: Certainly not a safety
14 | concern.

15 | MR. SCHKOLNICK: Okay.

16 | Now, we talked about Peter Street. Can you
17 | just touch on that, very briefly? I think the
18 | Board understands that if -- what happens if
19 | Peter Street goes through.

20 | MR. PEREGOY: Yes. If Peter -- Peter
21 | Street's widened, we'll be able to gain an extra
22 | five feet and not have a setback variance. So,
23 | we'll have five additional feet to play with.
24 | We're six feet short of that 18, 24, 18. So,
25 | we'd be 17, 24, 17. I'm sorry, 17 short.

1 MR. SCHKOLNICK: So, if Peter Street goes
2 through, as contemplated, we eliminate the --

3 MR. PEREGOY: The aisle width.

4 MR. SCHKOLNICK: -- the aisle width issue
5 --

6 MR. PEREGOY: And the --

7 MR. SCHKOLNICK: Aisle width --

8 MR. PEREGOY: -- spaces are extended to 17
9 feet. Yes.

10 MR. ORTIZ: While we're on the aisle width,
11 can two cars pass each other on the narrow part
12 -- the narrow part of the aisle?

13 MR. PEREGOY: Absolutely. With ease. Yes.

14 Twenty-one feet is more than sufficient for
15 two cars to pass each other. That 24 feet width,
16 again, is for swinging into the parking spaces.
17 Most roads in rural areas are ten foot lanes. So
18 it would be 20 feet wide for two way, high speed
19 traffic. The extra width is the swing into the
20 space.

21 MR. SCHKOLNICK: Okay.

22 So we have this issue. Under your opinion
23 tonight, as a traffic expert, it's -- it's safe
24 and it -- it complies with the goals of the RSIS
25 overall.

1 Correct?

2 MR. PEREGOY: Absolutely. Yes.

3 MR. SCHKOLNICK: And in actuality, the
4 length of space and the width of the drive aisle
5 are exceptions that are specifically listed in
6 the RSIS as amenable for these de minimis
7 exceptions.

8 MR. PEREGOY: Yes.

9 MR. SCHKOLNICK: Correct?

10 MR. PEREGOY: Yes. They're examples that
11 are given.

12 MR. SCHKOLNICK: Okay.

13 And we've talked about how if Peter Street
14 goes through, that's going to resolve most of the
15 issue, because we've had five feet --

16 MR. PEREGOY: Correct.

17 MR. SCHKOLNICK: -- extra.

18 Now, we do have three spaces scattered that
19 -- actually, not scattered, but in one spot, that
20 are eight feet in width.

21 Can you just point those out? These are
22 one foot de minimis exceptions.

23 MR. PEREGOY: I will.

24 MR. SCHKOLNICK: I believe it's spaces 87,
25 88 and 89. Can you just point those out?

1 MR. PEREGOY: It's only -- only on the one
2 level. This is Sheet X2. It's only on -- only
3 on this level do these spaces exist. It's these
4 three spaces, 87, 88, 89.

5 And as you can see, there's no need to
6 swing into those, you pull directly in.

7 MR. SCHKOLNICK: Okay.

8 Now, the Board is concerned about the width
9 of the aisle. And if the Board is concerned
10 about the length of spaces, we have solutions,
11 not including stacked. Let's hold that off for a
12 second. We have solutions.

13 Correct?

14 MR. PEREGOY: Yes.

15 MR. SCHKOLNICK: Okay.

16 We could eliminate some spaces.

17 Correct?

18 Can you --

19 MR. PEREGOY: Correct.

20 MR. SCHKOLNICK: Can you just go through
21 that and -- and how you analyze it, and what you
22 think makes sense here?

23 MR. PEREGOY: On each of the floors on this
24 -- this L shaped portion, if we eliminated the
25 spaces along the 21 foot aisle, along the bottom

1 of the page here, I guess I'll say, then we'd
2 have 18 foot spaces, 24 foot -- over 24 foot
3 aisle we'd be able to provide.

4 If we eliminated one of these spaces, then
5 we could have two nine by 18 spaces.

6 So, the total number would be 40 spaces
7 eliminated, so you'd have 127 provided. That --
8 we're fully conforming, if you went that route.

9 MR. SCHKOLNICK: All right. So, if the
10 Board was very concerned about the impacts of the
11 aisle -- the three feet in aisle width, and the
12 length, and Peter Street doesn't go through for
13 some reason, we could eliminate spaces, we
14 wouldn't be compliant in parking, at that point.

15 MR. PEREGOY: We would not meet the RSIS
16 standard. Yes.

17 MR. SCHKOLNICK: Right. So, we're proposed
18 at how many spaces, 160?

19 MR. PEREGOY: One sixty-seven, that would
20 take us down to 127.

21 MR. SCHKOLNICK: Okay.

22 So, again, if the Board was concerned, we
23 could reduce -- we could get those aisle widths,
24 we could get the length, but we lose some spaces,
25 but we'd be down to 120.

1 Do you have an opinion as to whether 120
2 works here on this site?

3 MR. PEREGOY: Yes.

4 Now, again, the RSIS lists reasons why you
5 can grant an exception for the number of parking
6 spaces. And they give very specific criteria.
7 One of them is household characteristics.

8 If I look at the census data in Union City,
9 for this type of development, for a rental
10 building, the average number of vehicles per
11 household is 0.64. This is based on census data.

12 If you applied it to the number of units
13 here, that's 58 spaces.

14 So, obviously, the household characteristic
15 show less vehicle ownership than throughout the
16 rest of New Jersey, which is where the RSIS is
17 applicable to.

18 CHAIRPERSON CAPIZZI: What year was the
19 census?

20 MR. PEREGOY: It's the 2010 census, but
21 it's projected. It's the 2016 projections. I'm
22 not sure how they make the projections but --

23 The second criteria is the availability of
24 mass transit. Obviously, mass transit is very
25 prevalent around here.

1 Again, looking at the census data, 25
2 percent of Union City residents use a car to
3 drive to work. That compares to 82 percent
4 throughout the rest of New Jersey, again, where
5 the RSIS covers the entire state.

6 CHAIRPERSON CAPIZZI: What, 25 percent?

7 MR. PEREGOY: Twenty-five percent.

8 CHAIRPERSON CAPIZZI: Where did you get
9 that stat from?

10 MR. PEREGOY: Census, Journey to Work Data.

11 CHAIRPERSON CAPIZZI: The 2010 census?

12 MR. PEREGOY: It's based on the -- it's to
13 the 2016 --

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. PEREGOY: -- projections, but it's
16 based on the 2010 census.

17 Next is urban versus suburban location.
18 Obviously, an urban location. That one's easy.

19 And lastly is available offsite parking
20 resources. Now, certainly know that finding a
21 parking space on the street is difficult in Union
22 City. But there is parking available, public
23 parking on the street, paid parking.

24 If I was in a garden apartment complex, out
25 in Sussex County or Hunterdon County, in the

1 middle of the woods, if there were no parking
2 spaces at the apartment building I was going to,
3 there's no option. Here, it may be difficult.
4 You're not going to find one, but there is an
5 option.

6 I think that's what -- I think that's what
7 that is -- the point of that -- that portion of
8 the RSIS is, is the availability of offsite
9 parking. It is possible. You're not going to
10 have to park the car in the woods. You're just
11 going to have to drive around for a little while
12 or park further away.

13 As was mentioned before, as a mid -- we're
14 a mid-rise building. And the RSIS defines a mid-
15 rise building. And you go to the parking
16 standards and it says, use garden apartment.

17 So, the parking standards that we are
18 applying here, that we're talking about tonight,
19 apply to a garden apartment. The number of
20 spaces apply to a garden apartment building,
21 which certainly, this is -- this isn't
22 necessarily.

23 If we did apply the high rise standard, and
24 I know it was mentioned earlier, the RSIS high
25 rise numbers, meaning if we just made the same

1 exact building, and stacked it up, one floor on
2 top of the other, and made it ten stories tall,
3 we would need 78 parking spaces and we would be
4 compliant and meet the RSIS.

5 So, I really think that high rise portion
6 of it is more germane to an urban location, and I
7 don't know that it necessarily relates to the
8 number of stories. But at any rate, if we just
9 redesigned the building and stacked it up, we'd
10 all of a sudden need 78 spaces, for the same unit
11 mix that we're proposing.

12 MR. SCHKOLNICK: No additional units, just
13 made it higher.

14 MR. PEREGOY: Just made it taller. Just
15 stacked them up taller.

16 MR. SCHKOLNICK: We'd go down to 78 spaces.
17 And the point of all this is that, again, if
18 there was a real concern, a legitimate concern,
19 about the aisle width, we could eliminate some
20 spaces and still be way over parked, in
21 accordance with either high rise, or the
22 household characteristics, and the other parking
23 ratios out there.

24 Correct?

25 MR. PEREGOY: Exactly.

1 MR. SCHKOLNICK: Are there other projects
2 in -- in Union City, that you're aware of, that
3 has significantly lower parking ratios?

4 MR. PEREGOY: Yeah. We were -- we were
5 trying to think of some more recent ones, and
6 came up with a couple; three of them that were
7 recently, within the last few years.

8 721 to 725 Sip Street.

9 It was 21 two bedrooms, with a required 42
10 spaces, was approved with 40. So, that's only a
11 two space deficit.

12 But more recently, 525 to 531 32nd Street.

13 That was -- 531 32nd Street was 24
14 apartments, 1800 square feet of commercial space.
15 So, required 45 spaces and 23 were provided.

16 And then 511 to 519 32nd Street was 32
17 units, 2900 square feet of commercial space, 75
18 spaces required, 35 provided.

19 Those are recent -- fairly recent
20 approvals. That last one was from 2016.

21 MR. SCHKOLNICK: So, what do you take away
22 from those approvals?

23 MR. PEREGOY: That based on what's outlined
24 in the RSIS, this Board and the City and
25 throughout Hudson County, has consistently

1 granted these de minimis exceptions because it
2 simply just makes sense for this -- this part of
3 the state.

4 MR. SCHKOLNICK: And do you have a
5 conclusion about whether we are significantly
6 over-parked here, when we comply with the RSIS?

7 MR. PEREGOY: Yes. We have -- we have the
8 number of spaces that would be required, again,
9 for a garden apartment in the middle of the
10 woods, here in Union City, in a garage.

11 So, we certainly are going to be either
12 very well over-parked, with some slight
13 exceptions to the aisle -- the aisle width and
14 the parking space size, or have full size parking
15 spaces, also unusual around here, and still have
16 more than enough parking based on a practical
17 perspective.

18 MR. SCHKOLNICK: We could eliminate the 40
19 spaces and be compliant on the aisle width, to
20 repeat myself.

21 MR. PEREGOY: Exactly.

22 MR. SCHKOLNICK: The Zipcars could also do
23 it, that could lower parking demand, if we had
24 some sort of shared car service.

25 MR. PEREGOY: Yes.

1 MR. SCHKOLNICK: That would -- that might
2 be very attractive here, and environmentally
3 friendly, as well.

4 MR. PEREGOY: Yes.

5 MR. SCHKOLNICK: Right.

6 MR. PEREGOY: And knowing people in the
7 area, a lot of people have a car just to use it
8 on the weekends, just to take it to the grocery
9 store and back. So, if you have the Zipcar, then
10 that eliminates that need. You could have five
11 people share that car on a weekend, as opposed to
12 five people have five separate cars.

13 MR. SCHKOLNICK: And the stacked parking,
14 again permitted, per the Master Plan. This
15 Board's document, this own Board's document says
16 stacked parking.

17 MR. PEREGOY: Yes.

18 MR. SCHKOLNICK: Right?

19 That would -- we could come -- become
20 totally compliant if we go with the stacked
21 parking.

22 Correct?

23 MR. PEREGOY: Could be totally compliant in
24 the stacked parking. Yes.

25 MR. SCHKOLNICK: Okay.

1 Have you reviewed the plans for general
2 traffic safety, circulation, ingress, egress
3 issues?

4 MR. PEREGOY: Yeah. And I think the
5 discussion that you guys were having earlier,
6 about the different entrances and exits, I think
7 that's really a good -- a benefit and Manny sort
8 of pointed that out that you're not going to have
9 all the traffic concentrating to one location.
10 By having these three separate parking levels,
11 and three separate entrances, you're really
12 spreading out the traffic impact from this
13 building.

14 It's a minimal traffic impact, given the
15 number of units and, obviously, the utilization
16 of mass transit. But we're spreading out any of
17 that traffic impact to three different spaces,
18 which is a -- it's an advantage.

19 MR. SCHKOLNICK: Okay.

20 There's a well known case called Dunkin'
21 Donuts; talks about ingress and egress.

22 We're obviously a permitted use here, so
23 general traffic in the area is not relevant to
24 the Board's analysis, but in terms of general
25 safety, do you have any issues with this plan, or

1 do you find it safe and adequate?

2 MR. PEREGOY: No. The access points will
3 certainly function safely and adequately with all
4 the modern warning -- pedestrian warning devices
5 that are necessary and all that. Certainly will
6 work adequately.

7 MR. SCHKOLNICK: Chairwoman, that conclude
8 --

9 CHAIRPERSON CAPIZZI: What are they? What
10 are those devices? What are you talking about,
11 specifically?

12 MR. PEREGOY: There's usually a strobe that
13 -- that spins when a garage door goes up. You
14 see them all over the city. Just to alert a
15 pedestrian that, hey, a car's coming across the
16 sidewalk.

17 MR. SCHKOLNICK: Okay. Chairwoman, we are
18 going to switch to the very minor relief related
19 to the 71 unit plan.

20 CHAIRPERSON CAPIZZI: Okay. Yup.

21 MR. SCHKOLNICK: So, I thought if the Board
22 has questions about this plan, we'd take a moment
23 just to see. Maybe you'll be surprised,
24 Chairwoman. Who knows?

25 CHAIRPERSON CAPIZZI: I don't know.

1 Anybody have questions?

2 Willie?

3 MR. ORTIZ: I do have a question.

4 In reality, it's really just two outlets.

5 I mean, there might be three doors, but on New
6 York Avenue, essentially, it's just -- those
7 doors are going to be pretty close together, and
8 they're, essentially, really just two outlets.

9 Am I correct?

10 MR. PEREGOY: Well, there's -- there's two
11 streets that we front on.

12 MR. ORTIZ: Right. Right.

13 MR. PEREGOY: The wider street has two
14 doors.

15 MR. ORTIZ: No. But I mean, you have the
16 Palisade, because remember, we do have to
17 consider the traffic. That's why Peter Street's
18 even being considered by the City.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: So, with that being said, it's
21 essentially just two outlets. You have two doors
22 on New York Avenue.

23 Correct?

24 MR. PEREGOY: Two doors on New York. Yeah.

25 VICE CHAIRPERSON KOEHLER: That's Hudson.

1 MR. PEREGOY: Thirty-six feet.

2 MR. ORTIZ: On Hudson, rather.

3 MR. PEREGOY: Oh, Hudson.

4 MR. ORTIZ: Excuse me.

5 MR. PEREGOY: Yes. You're correct.

6 MR. ORTIZ: I'm sorry. On Hudson.

7 MR. PEREGOY: Sorry.

8 Thirty-six feet apart. Yes.

9 MR. ORTIZ: Okay. And then, you have the
10 one on Palisade.

11 MR. PEREGOY: And the one on Palisade.

12 MR. ORTIZ: So, they're -- so, the outlets
13 -- how does that -- how do you explain that that
14 outlet will make that much of a difference?

15 I know the ramp part, that you have to do
16 it from an architectural point of view. I get
17 that. But as far as from a traffic point of
18 view, or from a parking point of view, it's
19 really just two outlets.

20 MR. PEREGOY: Well, it's two streets that
21 we have frontage on, but there's --

22 MR. ORTIZ: So there's going to be --

23 MR. PEREGOY: There's three --

24 MR. ORTIZ: -- flow onto both streets. I
25 mean --

1 MR. PEREGOY: Yes.

2 MR. ORTIZ: Just two streets, not -- it's
3 not like a third --

4 MR. PEREGOY: Just two streets. Yes. Good
5 point. Two -- two streets, three access points.

6 MR. ORTIZ: Okay.

7 MR. PEREGOY: Yes.

8 MR. SCHKOLNICK: Okay.

9 Chairwoman, I'm going to move on. There is
10 some quite minor RSIS relief associated with the
11 71 unit plan.

12 And as I mentioned, we had a little
13 production issue. We are compliant on number of
14 spaces on the 71 unit plan. No variance; 148
15 required, 165 proposed.

16 MR. PEREGOY: Proposed.

17 MR. SCHKOLNICK: Can you talk about the
18 relief here?

19 MR. PEREGOY: Sure. And that -- just to be
20 clear, that's 140 residential, eight commercial,
21 for 148 and 165 proposed.

22 On the -- the 71 unit plan, we have a 22
23 foot drive aisle throughout, and eight and a half
24 foot wide by 18 foot parking spaces.

25 That is a very common parking garage

1 dimension, even in a public parking garage,
2 particularly a residential parking garage. And
3 all the reasons that we went through with the
4 RSIS and -- and the reasons for granting de
5 minimis exceptions apply in this case, as well.

6 Twenty-two foot, and eight and a half by
7 18, doesn't have to be compact spaces. It's
8 going to fit the largest vehicles. It's just a
9 little bit tighter, which people are used to in a
10 parking garage environment. And particularly
11 works in a residential garage that's low
12 turnover, with assigned parking spaces.

13 MR. SCHKOLNICK: Okay.

14 So, that's eight and a half feet wide. So,
15 we're off by six inches on the width.

16 MR. PEREGOY: Yeah.

17 MR. SCHKOLNICK: And we have some 22 foot
18 aisles.

19 Do we have the plans up there that show the
20 22 foot aisles? If we could just show where that
21 is?

22 Thank you, Manny.

23 The 71 unit plan, and it's got some areas
24 where it as a 22 foot aisle.

25 MR. PEREGOY: The L shaped portion of the

1 building.

2 MR. SCHKOLNICK: Okay. So, you've
3 testified that 21 feet is adequate.

4 MR. PEREGOY: Yes.

5 MR. SCHKOLNICK: So, same testimony for 22
6 feet.

7 MR. PEREGOY: Same testimony for 22 feet.
8 Twenty-two feet's a foot better than 21 feet.

9 MR. SCHKOLNICK: Okay.

10 If we get -- if Peter Street happens, that
11 resolves this issue?

12 MR. PEREGOY: Yes.

13 MR. SCHKOLNICK: And all the same issues
14 with stacked parking and so on can be eliminated
15 here. But at -- at the end, we're talking really
16 about inches.

17 MR. PEREGOY: Yes.

18 MR. SCHKOLNICK: And --

19 MR. PEREGOY: In this case, we're talking
20 about -- yes, very small deviation.

21 MR. SCHKOLNICK: And on the 71 unit plan,
22 do you have an opinion on -- as to whether the
23 site and circulation is safe?

24 MR. PEREGOY: Yes. It's very -- very
25 similar to the 90 unit plan. Everything

1 externally is the same. The -- the driveway
2 locations and the internal circulation will
3 certainly works safely.

4 MR. SCHKOLNICK: Any issues with 71 units?
5 It's less overall units, with the general
6 circulation and traffic in the area. Any safety
7 issues that you're aware of?

8 MR. PEREGOY: No. The difference between
9 -- in traffic generation between the 71 and 90
10 units is -- would be unnoticeable.

11 MR. SCHKOLNICK: Thank you, Mr. Peregoy.

12 That concludes our testimony with this
13 witness.

14 CHAIRPERSON CAPIZZI: Does anyone on the
15 Board have any questions?

16 Anyone from the public?

17 MR. GUARENO: How many --

18 I'm sorry.

19 CHAIRPERSON CAPIZZI: Oh, I'm sorry. Go
20 ahead.

21 MR. GUARENO: How many parking spaces you
22 will have for the 71 unit?

23 MR. PEREGOY: Hundred and sixty-five, with
24 148 required.

25 MR. GUARENO: And so far nobody has

1 mentioned anything about the variances that you
2 may be seeking for the 71 unit.

3 MR. PEREGOY: No. That's -- the planner's
4 up next and --

5 MR. GUARENO: Okay.

6 And how many -- the 71 is -- what do they
7 consist of? How many bedrooms?

8 MR. PEREGOY: Good question. It's five
9 studio apartments, 19 one bedrooms, 15 two
10 bedrooms, 28 three bedrooms, and four four
11 bedrooms.

12 MR. GUARENO: Thank you.

13 MR. SCHKOLNICK: Mr. Peregoy, are you
14 familiar with any specific buildings that you can
15 recall offhand, that have the parking management
16 plans?

17 You can have that. I don't know if you're
18 --

19 MR. PEREGOY: Yes. I mean, every one of
20 these buildings that I do, the client tells me
21 that that's the way they operate.

22 I do a lot of work for Meridia. They're a
23 developer that do these multi-family buildings.
24 They have one in West New York and several
25 others. And that's the way they operate all

1 | their buildings.

2 | The spaces are assigned to tenants, based
3 | on the vehicle dimensions, and it works well for
4 | them.

5 | VICE CHAIRPERSON KOEHLER: The other gara
6 | -- so, this is on Hudson. These garage entrances
7 | are on Hudson. Remind me, the other garage
8 | egress is on Palisade.

9 | MR. PEREGOY: On Palisade. Yes.

10 | VICE CHAIRPERSON KOEHLER: Okay.

11 | MR. PEREGOY: Basically, it's the two over
12 | here on Hudson and then the one on Palisade that
13 | goes into the -- the small L shaped part.

14 | CHAIRPERSON CAPIZZI: Anyone from the
15 | public?

16 | Sure. Come on up. And then, you're next.
17 | Okay?

18 | MR. ORTIZ: Mr. Price, you're still under
19 | oath.

20 | MR. PRICE: Still under oath.

21 | Larry Price.

22 | How many compact spaces do you have?

23 | By the way, shift to the 90 unit.

24 | MR. PEREGOY: Oh, that's what I was going
25 | to ask you.

1 MR. PRICE: Yeah.

2 MR. PEREGOY: The 90 unit building, it's a
3 total of 66 technically compact spaces. They're
4 nine and a half by 16. And then, we have the
5 three eight foot wide by 18s. So, 69.

6 Ninety-eight --

7 MR. PRICE: Try that one again. Okay.

8 You have how many that are compact?

9 MR. PEREGOY: Sixty-six.

10 MR. PRICE: Sixty-six.

11 MR. PEREGOY: Yeah. Are in that -- that L
12 shaped portion. And then the one floor has the
13 three eight foot wides.

14 MR. PRICE: Okay.

15 MR. PEREGOY: So, 69 total.

16 MR. PRICE: Sixty-nine total. So, you have
17 98 that are regular.

18 MR. PEREGOY: Ninety-eight that are nine by
19 18, 24 foot aisle.

20 MR. PRICE: Okay.

21 Thank you.

22 MR. ZIMMERMAN: I asked about the traffic
23 flow and I was given an explanation about it.

24 But my question is how -- how much will be
25 the impact on Hudson? How many cars will have to

1 go through Hudson to access the place, and how
2 many -- because I understood that the ones that
3 come through Palisade cannot go out to Hudson.
4 So, that means that a portion of the --

5 MR. PEREGOY: Right. So, two-thirds of the
6 traffic would be towards Hudson, one-third
7 towards Palisade.

8 MR. ZIMMERMAN: So, about 160, two-thirds
9 of that would be like -- like a hundred or a
10 hundred and some will be impacted on Hudson.

11 MR. PEREGOY: Yes. No, the -- throughout a
12 long period of time. If you're looking at the
13 building --

14 MR. ZIMMERMAN: Whatever it is.

15 MR. PEREGOY: The peak hour traffic
16 impacts, it's very minimal.

17 MR. ZIMMERMAN: I will consider that
18 strongly. I mean, I would strongly suggest that
19 there -- the flow -- I mean, could go either way
20 because it's that way -- it's two-thirds on
21 Hudson, it's like a huge impact.

22 Okay. That's my concern I have.

23 MR. VELAZQUEZ: And you know, the --

24 CHAIRPERSON CAPIZZI: Huge impact on -- on

25 --

1 MR. ORTIZ: Excuse me?

2 MR. ZIMMERMAN: Huh?

3 CHAIRPERSON CAPIZZI: Huge impact on the --

4 MR. VELAZQUEZ: Hudson.

5 CHAIRPERSON CAPIZZI: -- traffic?

6 MR. ZIMMERMAN: On Hudson Avenue.

7 CHAIRPERSON CAPIZZI: On Hudson Avenue.

8 MR. ZIMMERMAN: Where I live. Across my
9 house, in front of my house.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. VELAZQUEZ: And you know --

12 MR. ZIMMERMAN: Front of my door.

13 MR. VELAZQUEZ: Now, Mr. Zimmerman, if --
14 if you know, if you want to travel the back road,
15 so you don't get caught in New York Avenue, you
16 always use Hudson Avenue. That's what
17 everybody's catching on to, too.

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. VELAZQUEZ: Everybody is catching on
20 not to get caught in New York Avenue, you can do
21 the back roads. If you go up here, you can go to
22 Hudson Avenue.

23 VICE CHAIRPERSON KOEHLER: Don't tell
24 everybody.

25 MR. PEREGOY: I mean, the Peter Street

1 extension might change things.

2 MR. ORTIZ: Madam, we're going to put you
3 under oath.

4 MR. DILLON: Please raise --

5 MS. STEINMETZ: Because I just want to
6 affirm, because I don't swear.

7 MR. DILLON: Please raise your right --

8 MR. ORTIZ: Oh, okay. Affirm.

9 MS. STEINMETZ: Okay.

10 MR. ORTIZ: That's fine.

11 MS. STEINMETZ: Just want to affirm.

12 MR. DILLON: Please raise your right hand.

13 Do you swear the testimony --

14 MS. STEINMETZ: I just want to affirm.

15 MR. DILLON: -- you're about to give --

16 MS. STEINMETZ: I affirm.

17 MR. ORTIZ: Do you affirm?

18 MR. DILLON: Oh, okay.

19 Do you affirm --

20 MS. STEINMETZ: Affirm. Yes.

21 MR. DILLON: -- the testimony you're about
22 to give this Board is the whole truth?

23 MS. STEINMETZ: Yes.

24 MR. DILLON: State your name and spell it
25 for the record.

1 MS. STEINMETZ: Esther Steinmetz,
2 E-S-T-H-E-R, S-T-E-I-N-M-E-T-Z.

3 MR. DILLON: Thank you.

4 MS. STEINMETZ: Okay. My address is 3207
5 Hudson, right next door to the project.

6 And we have three floors, and we have a lot
7 of little kids. I think this is going to be a
8 very big flow of traffic on Hudson Avenue.

9 The entrance is right next to this house,
10 the first garage, and there will be a lot of flow
11 coming and going. That's, like he said, two-
12 thirds is a very big amount. I mean, it's two
13 garage, still the same street, and it's not such
14 a big street. And Hudson Avenue is a pretty busy
15 street altogether. It's an avenue. All the cars
16 coming up from Peter Street, not Peter, the --

17 MR. VELAZQUEZ: Cantello.

18 MS. STEINMETZ: -- Cantello. Cantello
19 Street runs in here. Everything comes straight
20 across and it's -- it's a busy street, as it is.
21 There's a lot of traffic there. And the business
22 hour, the rush hour, we call, the morning and
23 evening. We have a lot of traffic there.

24 So, have two-thirds of this building still
25 coming on this block is a lot.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MS. STEINMETZ: Thank you.

3 CHAIRPERSON CAPIZZI: Thank you.

4 MR. PEREGOY: Just to --

5 MR. SCHKOLNICK: Can you just talk about
6 the numbers?

7 MR. PEREGOY: Yeah.

8 MR. SCHKOLNICK: And then we'll talk about
9 what the law says about traffic.

10 MR. PEREGOY: Yeah. I mean, I haven't got
11 into the traffic generation of this, but a 90
12 unit apartment building, if I use the ITE,
13 Institute of Transportation Engineer's trip
14 generation rates would generate -- and we're
15 talking about the mornings, when people are
16 coming out, I think that's what she's talking
17 about, 24 vehicles exiting this building in the
18 morning. And that's not taking into account that
19 mass transit is available and you're going to
20 reduce that number.

21 But even if you go with that 24, that's 16
22 cars that would go to Hudson, with eight going to
23 Palisade, if it was --

24 CHAIRPERSON CAPIZZI: How do you get 24?

25 MR. SCHKOLNICK: That's per hour.

1 Correct?

2 MR. PEREGOY: Per hour. Sixteen cars in an
3 hour you wouldn't even --

4 CHAIRPERSON CAPIZZI: No. How did you get
5 24?

6 MR. PEREGOY: It's the ITE, Institute of
7 Transportation Engineers publishes trip --

8 CHAIRPERSON CAPIZZI: Okay.

9 And have you been to that --

10 MR. PEREGOY: -- calculation.

11 CHAIRPERSON CAPIZZI: -- site, and that
12 street, and sit there, and watch the traffic?

13 MR. PEREGOY: Yes.

14 CHAIRPERSON CAPIZZI: And what did you
15 find?

16 MR. PEREGOY: It's -- it's certainly a busy
17 area. So, many hundreds of vehicles per hour.

18 CHAIRPERSON CAPIZZI: So, would that
19 number, 24, be accurate --

20 MR. PEREGOY: So, adding 16 does nothing.

21 CHAIRPERSON CAPIZZI: -- with -- with what
22 you actually saw when you visited the site?

23 MR. PEREGOY: Yeah. Yes. That's -- that
24 number is high. When I -- when I look at these
25 buildings, I've done counts after --

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. PEREGOY: -- these buildings have
3 opened, and it's always lower than what the ITE
4 says.

5 MR. SCHKOLNICK: That's because --

6 MR. PEREGOY: Because people are using mass
7 transit.

8 MR. SCHKOLNICK: -- people are taking mass
9 transportation.

10 Right?

11 MR. PEREGOY: Yes.

12 MR. SCHKOLNICK: It's going to be a
13 building for commuters to New York.

14 Correct?

15 MR. PEREGOY: Yes. So, at worst case
16 scenario, if -- if it generated traffic, like a
17 -- like a apartment building in suburbia, you're
18 adding 16 cars an hour, at most, to Hudson in the
19 morning.

20 MR. SCHKOLNICK: Chairwoman, --

21 MR. PEREGOY: That's --

22 MR. SCHKOLNICK: -- the Board is well aware
23 --

24 MR. PEREGOY: -- minimal.

25 MR. SCHKOLNICK: The Board is well aware

1 we're a permitted use. And that considerations
2 of traffic in the general neighborhood are not
3 allowed to be considered, when we're a permitted
4 use.

5 The Board, I'm certain, is well aware of
6 that body of law, that general traffic conditions
7 of the area are not allowed to be considered by a
8 Planning Board.

9 I'm sure, many lawyers have come before you
10 and made that argument.

11 MR. ORTIZ: However, the -- the impact on
12 the area can be considered overall.

13 MR. SCHKOLNICK: I disagree. The case law
14 is very clear. Dunkin' Donuts.

15 MR. ORTIZ: I didn't say specifically
16 traffic. I said the impact of the project
17 overall can be considered.

18 MR. SCHKOLNICK: Well, there has to be an
19 identifiable standard that we don't meet.

20 So, we have testimony, we -- we believe,
21 from our traffic expert, that we have a safe
22 situation and a permitted use. And really, on
23 this site, who's going to be driving in and out
24 in the morning? Not too many people, probably.
25 But that's for the Board to decide.

1 MR. TARIFA: Okay.

2 CHAIRPERSON CAPIZZI: You have to come
3 forward --

4 MR. DILLON: You have to come --

5 CHAIRPERSON CAPIZZI: -- sir.

6 MR. DILLON: -- to the mic.

7 MR. TARIFA: On Hudson Avenue, there's --
8 there is one school, too close to -- to that
9 building, with that building. One at 35 Street
10 and the other one is at 37 Street.

11 And Hudson Avenue is a pathway for kids.
12 And I don't know how that -- that -- it's danger
13 for that kids because every morning, and even the
14 afternoon, going out and up, going down and up.
15 And that will be dangerous for -- for us. You
16 got traffic goes through -- through Hudson
17 Avenue.

18 One entrance could be out on Peter Street
19 and the other one could be -- then we can have
20 less problem with the kids.

21 We have accidents on 32nd Street and going
22 up from Pali -- from Hudson. There is -- if you
23 see the records, they are having a lot of
24 accidents with cars.

25 So, actually, that traffic on Hudson Avenue

1 is heavy, because it goes to New York, during the
2 afternoon and in the morning.

3 MS. STEINMETZ: Just wanted to make note of
4 the new buildings that came out lately, the most
5 high buildings or mid-high rise, however you're
6 calling this, all the entrances and exits were on
7 the side streets. Nothing on the avenues.

8 The Thread, across from my house, have
9 nothing on the avenue; Hudson Avenue. All
10 entrances on the side street, on Peter Street.

11 So, this is -- this makes a very
12 difference, if you have two garages on -- on
13 Hudson Avenue, that's -- I think that's saying a
14 lot. And I don't agree that only 24 cars or 16
15 cars an hour. I don't agree with that, because
16 in the rush hour, people go out in the morning,
17 come back in the evening with the cars. It's --
18 it's more than -- I don't believe it will be such
19 a small amount.

20 MR. ORTIZ: So it's clear, your concern is
21 not necessarily traffic per se, but the impact
22 that it could have on --

23 MS. STEINMETZ: Definitely.

24 MR. ORTIZ: -- the children and --

25 MS. STEINMETZ: Definitely so.

1 MR. ORTIZ: -- and pedestrians in the area.

2 MS. STEINMETZ: They'll be going right in
3 there.

4 I did want to mention something about that
5 goes back before, I can say it now, they said the
6 garbage area, which is right next to my area, and
7 my area's adjacent. And I could go in -- I have
8 an open -- I have a backyard. I have an open for
9 my backyard, which they make their -- they have
10 an alley there, and they saying have the garbage
11 there --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MS. STEINMETZ: -- it's going to be right
14 there. I don't know these people have dogs,
15 there won't be any dog areas. My neighbor across
16 has his -- his house next door that he has the --
17 Mr. Zimmerman, he had the dogs walking right by
18 there. They built a wall, but the smell is bad.

19 These things -- I don't know exactly how
20 they're setting it up, but each we take in
21 consideration. You know, we have a lot of kids
22 there in this building and we -- you know, it's
23 right there.

24 Another question I didn't ask, the -- I
25 know they come from Palisade to Hudson, you can

1 go through from inside, will be people being to
2 come to from Palisade to --

3 MR. ORTIZ: No, no.

4 MS. STEINMETZ: -- the Hudson area.

5 MR. ORTIZ: No. That -- that -- I don't
6 believe.

7 MS. STEINMETZ: From the side, the way the
8 garbage is. I don't know exactly how they set
9 that up, but --

10 MR. ORTIZ: No. They're -- they're -- and
11 I'm not -- I'm not testifying for the -- the
12 architect, but it's my understanding that each
13 level of parking is self-contained with one
14 entrance or exit -- slash exit.

15 Am I correct when I --

16 MS. STEINMETZ: They can't go across inside
17 and go out coming --

18 MR. ORTIZ: No.

19 MS. STEINMETZ: -- on Palisade?

20 MR. ORTIZ: No. You can't use that as a
21 short --

22 MS. STEINMETZ: And go through --
23 (indiscernible).

24 MR. ORTIZ: -- shortcut if that's what you
25 were thinking.

1 MS. STEINMETZ: Right. Well, the only
2 people going back from -- from --

3 MR. PEREGOY: No. You can't -- you can't
4 get -- you can't use our building to cut through
5 between Palisade and Hudson.

6 Now, the City wants that to happen by
7 extending Peter Street, but that's nothing to do
8 with us. You can't use our building to do that.

9 MS. STEINMETZ: Some -- the people that
10 live go, have an entrance on Palisade, won't be
11 able to go out on Hudson Avenue?

12 MR. PEREGOY: Exactly.

13 MS. STEINMETZ: From the inside?

14 MR. PEREGOY: Exactly right.

15 MS. STEINMETZ: It won't be -- there's --
16 it's closed off or what?

17 MR. PEREGOY: There's no inner-connection
18 between the two. So, if your parking space is on
19 Palisade, that's where you're going out.

20 MS. STEINMETZ: What about the people
21 walking? The walk through? The people can walk
22 through or only the cars can go?

23 MR. PEREGOY: No. They can -- they'll take
24 elevators up to the -- to the building. So,
25 yeah, you can walk.

1 MS. STEINMETZ: You say you have commercial
2 parking and have commercial people coming; who's
3 going to take responsibility for people are going
4 to be coming there?

5 I understand you rent the apartments,
6 you'll be taking security checks on the people,
7 lot of people that are just going to come
8 commercial parking. And you're not -- what --
9 what do you have -- know about these people that
10 come with their car, what they do after that?

11 MR. PEREGOY: It's a very -- very small
12 commercial space. It's not going to be something
13 that people typically drive to. Those -- those
14 spaces -- the four spaces that are allocated to
15 it, will likely be for employee parking for that
16 space. It's going to serve the building, the
17 neighborhood.

18 I mean, there's a lot -- there's a captive
19 market there. The Thread building across the
20 street.

21 MS. STEINMETZ: I was going to say, they're
22 making a deli or something there, in -- that's --
23 that's going to be for people coming and going
24 there. And we don't know what kind of people
25 you're going to have coming there.

1 Right?

2 How do we do something about safety that?
3 Talking about safety of children.

4 CHAIRPERSON CAPIZZI: I don't think he can
5 answer that.

6 MR. PEREGOY: Well, it's just like any
7 commercial space. I don't know.

8 MS. STEINMETZ: And the other side of it
9 belongs to him, because he's the parking
10 department. Traffic --

11 CHAIRPERSON CAPIZZI: Right.

12 MS. STEINMETZ: I don't see him. But these
13 things I want to mention, to be aware of, that's
14 what you have to know -- just talking about
15 safety.

16 Thank you.

17 CHAIRPERSON CAPIZZI: Thank you.

18 MR. ORTIZ: Any other members of the public
19 would like to address the parking expert?

20 Okay.

21 Do you want to take a break for five
22 minutes?

23 CHAIRPERSON CAPIZZI: Yeah.

24 Let's take like a --

25 MR. ORTIZ: We're going to be taking a five

1 -- five minute break, give or take. May be eight
2 minutes, so that everybody can just --

3 MR. GUARENO: Stretch their legs.

4 MR. ORTIZ: -- stretch their legs.

5 Thank you.

6 THE SECRETARY: Five minute break.

7

8 (Whereupon, the Board recessed from 8:16
9 p.m. to 8:32 p.m.)

10

11 THE SECRETARY: Can I have your attention,
12 please?

13 We are going to back in business.

14 On record.

15 Go ahead, sir.

16 MR. DILLON: Please raise your right hand.

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

19 MR. KAUKER: I do.

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

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

24 MR. DILLON: Thank you.

25 MR. ORTIZ: Madam Chairwoman, Mr. Kauker

1 has testified --

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. ORTIZ: -- before this Board.

4 CHAIRPERSON CAPIZZI: Yup.

5 MR. SCHKOLNICK: Chairwoman, we call Mr.
6 Kauker as an expert in the field of professional
7 planning.

8 We're going to start, Board members, with
9 the 90 unit plan. The 90 unit plan that's
10 eliminated the variances. We just have the
11 relief from the Residential Site Improvement
12 Standards. And we're going to talk about that
13 from a planning perspective, the standards that
14 are set forth in the actual Residential Site
15 Improvement Standards that Mr. Peregoy talked
16 about.

17 So, Mr. Kauker, if you could address that
18 issue first?

19 The Board will recall, we have the two
20 exceptions. We have the aisle width at 21 feet
21 where 24 is proposed (sic), and we have length of
22 parking space. We have 66 spaces that are 16
23 feet in length, on the 90 unit plan, that
24 requires some relief.

25 From a planning perspective, now, Mr.

1 Kauker, do you have an opinion as to whether
2 what's proposed is consistent with the Site
3 Improvement Act?

4 MR. KAUKER: I do. I had an opportunity to
5 take a look at the standards for the RSIS and
6 also listen to the traffic engineer's testimony
7 with respect to such.

8 And just to reinforce that testimony from a
9 planning standpoint, again, I will go over the
10 criteria. But again, from a planning standpoint.

11 The traffic engineer mentioned the criteria
12 in order for the Board to grant a de minimis
13 exception. And the first component, or the first
14 part was that it is consistent with the intent
15 and -- of the Site Improvement Act.

16 In my opinion, it is. The deviations are
17 consistent with the Act, as the applicant
18 provides the appropriate number of parking
19 spaces. In my opinion, they are appropriately
20 sized for this type of development.

21 The proposed aisle width is also
22 consistent, as it allows for safe and efficient
23 movement of traffic and circulation within the
24 building.

25 One thing that I would just like to point

1 out, with respect to the size of the parking
2 spaces, is that your Ordinance does permit the
3 compact spaces at 16 feet.

4 With respect to the second part of the
5 criteria, we must show that it's reasonable,
6 limited and not unduly burdensome.

7 It's my opinion that the relief requested
8 is reasonable and limited. As was mentioned
9 before, there are only 66 spaces that we propose
10 the shorter depth, the parking stall depth. And
11 again, as testified to by the traffic engineer,
12 those spaces are also wider to accommodate
13 turning movements, both in and out of the parking
14 spaces, as well.

15 The -- in terms of the aisle width, it's
16 limited to a portion of the building. And I'm
17 just going to refer to the plan. It's -- it's
18 mainly limited to the side of the building that's
19 located along Palisade Avenue, which is the
20 narrower portion of the building. So, it is --
21 it is limited.

22 Also, one other thing that I did want to
23 mention, this is a residential use. So, it's
24 essentially a low turnover use. It's not like a
25 shopping center where you have vehicles that come

1 in and come out frequently. You're going to have
2 a low turnover of vehicles.

3 So, that, again, is a mitigating factor
4 with respect to this issue.

5 It's -- one of the other components that
6 was talked about, there's going to be the parking
7 plan. There will be spaces that can be assigned
8 to tenants, as well, which again is another
9 mitigating factor with respect to that deviation.

10 In my opinion, the proposed relief would
11 not result in any impacts or burden the parking,
12 or vehicular circulation onsite.

13 Number three.

14 It meets the needs of public health and
15 safety. In my opinion, there would be no impact
16 on the public health and safety related to the
17 deviation in the size of the parking spaces, and
18 related to the deviation in aisle width, as it is
19 contained within the building, and it still
20 allows for -- at least what we propose, allows
21 for safe and efficient circulation onsite.

22 Number four.

23 It takes into account existing
24 infrastructure and possible surrounding future
25 development.

1 In my opinion, the proposed deviations
2 would not impact existing infrastructure or
3 potential future deviations, as really, as I
4 mentioned before, they are limited to the
5 interior portion of the building.

6 So, given the fact that they are limited to
7 internal building conditions, it's not going to
8 have any impact on what surrounds the project.

9 MR. SCHKOLNICK: Okay.

10 And we've talked, at length, really, about
11 the other mechanisms. If the Board is concerned
12 about the width, we can reduce the number of
13 spaces.

14 MR. KAUKER: That's correct.

15 MR. SCHKOLNICK: Or -- or add the vertical
16 lifts, the stacking.

17 How does that impact your opinion, from a
18 planning perspective?

19 MR. KAUKER: Well, those are really other
20 mechanisms or other alternatives, if the Board is
21 -- is not in favor of -- of what we're proposing
22 at this point.

23 But in my opinion, I think that what we are
24 proposing is something that works, from a
25 planning standpoint, and -- and obviously, you

1 | heard the traffic engineer testify to that. It
2 | works from a traffic standpoint, as well.

3 | But there are all other alternatives that
4 | could be provided here.

5 | MR. SCHKOLNICK: And those would eliminate
6 | the relief that was sought, if we went to the
7 | stacking mechanism.

8 | MR. KAUKER: That -- yes, that's correct.
9 | If we -- if we went to utilize a stacking
10 | mechanism, that would obviously eliminate the
11 | deviations with respect to the aisle width and
12 | the parking stall size.

13 | MR. SCHKOLNICK: Now, the overall standard
14 | in New Jersey Administrative Code 5:21-3.1A,
15 | dealing with the Residential Site Improvement
16 | Standard, says that the exceptions from the
17 | requirements of the Site Improvement Standards,
18 | as may be reasonable, and within the purpose and
19 | intent of the standards, if the literal
20 | enforcement of one or more provisions of the
21 | standards is impractical, or will exact undue
22 | hardship because of peculiar conditions
23 | pertaining to the development in question.

24 | Now, that sounds like a planning sort of
25 | standard. Do you have an opinion as to whether

1 | what's proposed here satisfies that standard?

2 | MR. KAUKER: Yeah. In terms of the
3 | standard, I would -- I would submit to the Board
4 | that we do meet the standard.

5 | You know, that provision of the RSIS
6 | discusses -- you know, basically, I'm going to
7 | break it down.

8 | The first part, the literal enforcement, in
9 | terms of providing an aisle width of 24 feet and
10 | providing the parking stalls of nine by 18 feet.

11 | It's clearly been shown that what we're
12 | proposing does work. You know, in terms of the
13 | reason why we're requesting that, there is
14 | somewhat of a difficulty with respect to this --
15 | this portion of the site. This portion of the
16 | site is narrower, so that's somewhat of a
17 | difficulty relating to the RSIS and complying
18 | with those standards.

19 | MR. SCHKOLNICK: Okay.

20 | Anything else to add about the 90 unit
21 | plan?

22 | MR. KAUKER: I -- I have nothing else to
23 | add, from a planning standpoint -- standpoint.

24 | I mean, there's not really much to be said.
25 | Other than the deviations, there are no other

1 | variances or no other relief that would be
2 | required.

3 | MR. SCHKOLNICK: Okay.

4 | Turning to the 71 unit plan. There are
5 | some variances.

6 | You testified a little bit about this at
7 | some of the other hearings, but could you sort of
8 | recap your testimony concerning the -- the three
9 | variances, front yard, side yard and building
10 | coverage?

11 | MR. KAUKER: Certainly.

12 | With -- with respect to the variances that
13 | we're requesting, there are three variances that
14 | are identified or classified as C, or bulk
15 | variances under the Municipal Land Use Law.

16 | The variances are for front yard, and it's
17 | not a typical front yard. It's actually a front
18 | yard step back requirement on the fifth and the
19 | sixth floors.

20 | The second variance is for side yard.
21 | That's for one and both side yards.

22 | And the third is for building coverage.

23 | Now, I'm going to deal with the front yard
24 | variance first. And then, I'm going to deal with
25 | the side yard, and also the coverage variances at

1 the same time, because they're somewhat similar
2 in terms of the -- the justification for the
3 relief of -- of those variances.

4 Now, with respect to the C variance, I'm
5 sure the Board is -- has heard many times that,
6 obviously, in order to grant a C variance, there
7 -- there are two reasons. One is known as the
8 C-1, the other is a C-2.

9 The C-1 is where there's some sort of
10 practical difficulty relating to the property
11 itself or the condition of the property.

12 And the C-2 is -- is called a planning
13 variance, where the -- the benefits of the
14 deviation outweigh any detriment.

15 With respect to the front yard variance,
16 I'm just going to go over some of the -- the
17 issues related to the -- to the step back
18 variance.

19 And I did talk about this briefly, or not
20 briefly, but we did discuss this at one of the
21 prior hearings, in terms of the justification and
22 the mitigation of that variance.

23 If -- if you take a look at both of the
24 exhibits that are contained, you'll see what --
25 what's proposed in the 71 unit building, which

1 requires a variance, what's proposed in the 90
2 unit building, that does not propose a variance.

3 You'll see the step back does not. The
4 proposal on the bottom does require the variance.

5 And what I talked about was the fact that
6 the vertical offsets in the building also
7 provided visual interest, and also mitigate any
8 visual impact.

9 The -- the intent of the step back
10 requirement is really to kind of reduce the
11 massing of the building and to also provide --
12 mitigate any visual impact associated with it.

13 In my opinion, what is designed in this
14 building does the same thing. Through the
15 different building offsets, you'll see that
16 portions of the building in -- in the middle that
17 are in gray, or light brown, are somewhat
18 setback.

19 So that really provides the same benefit,
20 in terms of the visual mitigation.

21 In my opinion, there really would not be
22 any visual impact that would be related to this
23 because of the architectural and -- and aesthetic
24 design of the structure.

25 And one of the other things I just wanted

1 to point out, I don't know if I did before, but
2 what we're proposing here and what's proposed in
3 that -- in that rendering is thoroughly
4 consistent with the 2009 Master Plan document.

5 Now, the 2009 Master Plan has
6 recommendations in it. And again, this is a
7 document that is prepared by the Planning Board.
8 So, it's essentially your document.

9 In that document, on pages 82 and 83, it
10 actually makes a recommendation for the step
11 back, but that it be applied to -- to buildings
12 that are over six feet (sic), or six stories.
13 So, not apply to the fourth and fifth story, but
14 apply to the sixth story and above.

15 So, I just did want to point that out with
16 respect to the Master Plan, and just indicate
17 that we are substantially consistent with the
18 Master Plan, with what is proposed.

19 MR. SCHKOLNICK: The 71 unit plan --

20 MR. KAUKER: That is correct.

21 MR. SCHKOLNICK: -- is consistent,
22 actually, with the Master Plan. It requires
23 technically a variance, because it doesn't have
24 the setback, but it's consistent with what is set
25 forth in the Master Plan.

1 MR. KAUKER: That -- that is correct.

2 MR. SCHKOLNICK: Okay.

3 And that's Sheet A-2, tonight's date.

4 Correct?

5 MR. KAUKER: That is correct. Yes.

6 Now, talking about the side yard and the
7 building coverage requirements, we do require a
8 side yard variance, and we also require a
9 building coverage variance, as well.

10 We talked about the side yard variance, and
11 we talked about the fact that if Peter Street
12 were extended, obviously, that variance would be
13 eliminated because it would be considered a front
14 yard, and no longer a side yard.

15 The deviation in the side yard and the
16 building coverage, what they really allow the
17 applicant to do is to provide a larger building
18 footprint. And really, what that does is it
19 allows more parking to be provided onsite, and
20 allows better internal circulation.

21 I would submit to the Board that in terms
22 of the benefit of additional parking and better
23 circulation, that's a benefit that would outweigh
24 any deviation. So, I would submit to the Board
25 that that would be cognizable under the C-2

1 proof, as that is a benefit to the public.

2 Again, I wanted to talk about the Master
3 Plan, because it relates to this issue, as well.

4 Again, we're substantially consistent with
5 the 2009 Master Plan, as the Master Plan also
6 recommends build to line setbacks. In other
7 words, it -- it recommends that buildings be
8 built to the property lines.

9 So, essentially, a building front yard,
10 side yard and rear yard, that no yard areas be
11 provided.

12 And the same holds true for the maximum
13 building coverage, as well. The maximum building
14 coverage is a result of providing the additional
15 parking onsite, and also in terms of providing --
16 you know, enhanced circulation.

17 The proposed setbacks are also a result of,
18 as I mentioned before, providing the adequate
19 onsite parking, which is a benefit to the public,
20 which is cognizable under the C-2 proof.

21 Now, I just wanted to address a couple
22 other things related to the Master Plan, if I
23 could.

24 The Master Plan itself has a number of
25 goals and recommendations, specifically related

1 to this area. This area is located in the center
2 city, the center city gateway area specifically.

3 And there are a number of design standards
4 and criteria that relate to this -- to this
5 project and to this area.

6 Number one.

7 The purpose is to promote higher density
8 mixed use buildings, which we accomplish. It
9 also is consistent with the following; I
10 mentioned some of these before, but I just want
11 to reiterate them.

12 Require buildings to be built to the front
13 property line, at the street level, and to step
14 back ten feet after every sixth floor. Again,
15 that's page 82 and 83 of the Master Plan.
16 Establish build to line setbacks, which I just
17 talked about. That's located on page -- or found
18 on page 83. And again, to permit zero lot lines
19 and consider increased lot coverage for buildings
20 that contain parking within -- in them.

21 So, obviously, this is a structure where
22 we're proposing parking inside. So, the coverage
23 in the Master Plan is also contemplated that it
24 can be greater if we provide parking.

25 With respect to the variances themselves.

1 They also promote a number of the purposes of
2 zoning, as contained in the Municipal Land Use
3 Law.

4 They promote purpose A, to encourage
5 municipal action, basically promoting the general
6 welfare.

7 They do this through the provision, as I
8 mentioned before, of -- of parking onsite and
9 adequate circulation.

10 To promote the establishment of appropriate
11 population densities. The proposed development,
12 in my opinion, will allow for appropriate
13 population density. It's something that is
14 permitted. There is no issue with density with
15 respect to this -- this plan.

16 And to promote a desirable visual
17 environment. And this also speaks to the front
18 setback requirement, obviously, above the fourth
19 floor and the fifth and sixth stories. In my
20 opinion, this is something that's going to be
21 aesthetically pleasing and be a benefit to the
22 neighborhood.

23 Just briefly, I wanted to talk about the
24 site characteristics. It was mentioned by the
25 architect that the site was 27,495 square feet in

1 area, almost two and a half times the size of
2 what is required. Ten thousand square feet in
3 the zone, larger building can better accommodate
4 the deviations that are being requested.

5 I went over the benefits of the project,
6 which include the aesthetics. And also, one
7 other thing I did want to talk about is we're
8 providing, and one of the things your Master Plan
9 recognizes is that we're providing additional
10 housing opportunities, and newer housing
11 opportunities.

12 One thing I just wanted to point out real
13 quickly with respect to the Master Plan, and --
14 and this is -- information is taken from the U.S.
15 Census data, it indicates that 33.5 percent of
16 the city's current housing stock was constructed
17 prior to 1939; 77.5 percent, which includes the
18 33, was constructed prior to 1980.

19 So, the majority of the -- the city's
20 housing stock is -- is quite -- it's older
21 housing. So, what we're providing here, and we
22 don't need to show this, but obviously, we're
23 providing something that's needed for the
24 community. It's new housing.

25 Finally, with respect to the variances.

1 The applicant must make a showing of both
2 the negative -- and the negative criterias
3 related to the variances that are being
4 requested.

5 The first part of the negative criteria,
6 the applicant must show that there'll be no
7 substantial detriment to the public good.

8 In my opinion, and hearing the testimony
9 from the architect and the traffic engineer,
10 there will not be any impacts on the surrounding
11 area, from a planning standpoint, and -- and
12 obviously, from the testimony that was given
13 before.

14 MR. SCHKOLNICK: You've looked around and
15 you've observed the area surrounding --

16 MR. KAUKER: Yes. I've looked around, --

17 MR. SCHKOLNICK: -- the site?

18 MR. KAUKER: -- observed the area. I
19 didn't really go over that testimony this
20 evening, but I talked about the surrounding
21 conditions in prior testimony.

22 But what we're proposing -- obviously,
23 number one, it's permitted. You know, so we're
24 talking about the limited deviations that are
25 being proposed and requested with respect to the

1 front yard step back, the side yard and the
2 building coverage really.

3 So, I believe that the Board -- let me step
4 back.

5 I believe that there will be no substantial
6 detriment to the public good for those reasons
7 that I previously mentioned.

8 And then, finally, the applicant must show
9 that there'll be no substantial impairment to the
10 intent and purpose of the Master Plan or Zoning
11 Ordinance.

12 In my testimony, I went over what the
13 intent of the requirements were. And in my
14 opinion, that we do meet -- even though we don't
15 meet the letter of the law, we meet the intent.

16 Furthermore, with respect to the Master
17 Plan, which provides some guidance, we're
18 thoroughly substantial, in my opinion, with the
19 Master Plan. And -- and I mentioned to the Board
20 the goals, the objectives, and also the
21 recommendations of the Master Plan that we do
22 comply with.

23 For those reasons, I -- I do feel confident
24 that the Board could grant the variances that are
25 being requested, that the applicant does meet the

1 positive and the negative criteria, with respect
2 to the application.

3 Thank you.

4 MR. SCHKOLNICK: Thank you for your
5 testimony, sir.

6 Chairwoman, that concludes our testimony on
7 these matters.

8 CHAIRPERSON CAPIZZI: Does any Board member
9 have any question?

10 VICE CHAIRPERSON KOEHLER: I have a
11 question. I'm not sure if it's for you or for
12 you.

13 Does your project, or rather is your
14 project beholden to the requirement, the Council
15 on Affordable Housing requirement?

16 MR. SCHKOLNICK: No. But as we testified,
17 --

18 VICE CHAIRPERSON KOEHLER: Um hum.

19 MR. SCHKOLNICK: -- we are willing to
20 entertain affordable units on the 90 unit plan,
21 especially because we have the -- we have the
22 conforming setbacks. And if we are allowed to go
23 to the property line, and bring it out, we'd have
24 more square footage.

25 So, we're not aware of any requirement, but

1 we are offering to create affordable units, a
2 substantial benefit for the public, obviously, as
3 a sign of good faith.

4 MR. ORTIZ: Well, there was no testimony.
5 It was -- it was part of your questioning, as far
6 as affordable housing. So, that's not testimony.

7 But -- but putting that aside.

8 MR. SCHKOLNICK: Well, I make that proffer
9 of evidence.

10 MR. ORTIZ: Okay. Then I'll accept that.

11 MR. SCHKOLNICK: Okay.

12 Thank you.

13 As an officer of the court, or a Board, as
14 it may be.

15 MR. ORTIZ: But outside of the 90 units, or
16 the allowance -- currently, there -- you talked
17 about housing stock, there is no --

18 MR. KAUKER: Right.

19 MR. ORTIZ: -- under the two plans, no fair
20 share, or excuse me, affordable housing element
21 to this.

22 MR. KAUKER: No. Other than was testified
23 or -- or submitted by Mr. Schkolnick. There --
24 at this point, there is no affordable housing
25 component.

1 MR. SCHKOLNICK: Let me be clear.

2 MR. KAUKER: Nor do I know if one's
3 required for the community.

4 MR. SCHKOLNICK: Right. Let me be --

5 MR. ORTIZ: And I'm not saying that there
6 -- there is a requirement, by the way. That --
7 I'm not -- not for this project. It was
8 submitted previous to any settlement, so I -- I
9 agree with you.

10 MR. SCHKOLNICK: Oh, okay. If there's
11 something on the books, we certainly have to
12 comply.

13 MR. ORTIZ: No. There is -- there is a
14 fair share settlement, but this was filed
15 previous to that settlement, so I don't disagree
16 with you.

17 However, just as far as you talked about
18 the component of housing stock, obviously,
19 housing stock, a big component in an urban area
20 is affordable housing and this is not providing
21 any.

22 Correct?

23 MR. KAUKER: No, it's not. But what it --
24 what it's doing is, I can say this, because I
25 know Union City has a fairly large rehabilitation

1 component, which essentially deals with -- you
2 know, rehabilitating units that are either lack
3 plumbing, kitchen facilities, or whatever it
4 might be, but essentially, what that means is
5 that the housing stock is not up to par that
6 exists.

7 So, what we're doing is we're actually
8 proposing and we're providing new housing that's
9 built in accordance with modern day building
10 design standards.

11 So, that housing really is going to -- even
12 though it might not specifically address it, it
13 is going to provide new housing opportunities
14 within the community.

15 MR. ORTIZ: These are rentals.

16 Correct?

17 MR. KAUKER: I don't know.

18 MR. SCHKOLNICK: That's our -- the current
19 plan.

20 MR. ORTIZ: Okay.

21 So, as rentals, there is no affordable
22 housing component in it. And that's a large part
23 of the housing stock that has aged. Correct? In
24 the City of Union City.

25 As a planner, you would know that.

1 MR. KAUKER: Well, the -- the census data
2 and the Master Plan don't talk about whether or
3 not those were rental units or for sale units, in
4 terms of that aged --

5 MR. ORTIZ: No. But --

6 MR. KAUKER: -- housing stock.

7 MR. ORTIZ: -- if they're condominiums,
8 obviously, they can't be fair -- affordable
9 housing units, even if you wanted to, because
10 you'd be selling them off.

11 MR. KAUKER: I'm -- I'm not sure I'm
12 following you.

13 CHAIRPERSON CAPIZZI: We don't know.

14 MR. KAUKER: What's the specific question?

15 MR. ORTIZ: Well, the specific question is
16 -- I've already asked the specific question. I
17 think this has --

18 MR. KAUKER: Is there --

19 MR. ORTIZ: -- become more of a discussion.

20 MR. KAUKER: Okay. Yeah. I -- I -- there
21 is no affordable housing component, but I think
22 it was brought up for discussion.

23 MR. SCHKOLNICK: And -- and again, just to
24 repeat, if there is an affordable housing fee, or
25 whatever else is the law, applicable, we

1 obviously have to comply.

2 CHAIRPERSON CAPIZZI: But it's not in the
3 plan right now. That's all we're asking.

4 MR. SCHKOLNICK: The additional units are
5 not --

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. SCHKOLNICK: -- in the plan. But we
8 make the -- we made the proffer.

9 MR. ORTIZ: Understood. No, understood.

10 CHAIRPERSON CAPIZZI: Open to the public?

11 MR. ORTIZ: Yeah.

12 MR. PRICE: At some point I want to make a
13 comment.

14 CHAIRPERSON CAPIZZI: Sure.

15 MR. DILLON: Larry, can you just --

16 MR. PRICE: Now or later?

17 MR. ORTIZ: No.

18 CHAIRPERSON CAPIZZI: For this?

19 MR. ORTIZ: Wait. Wait.

20 CHAIRPERSON CAPIZZI: For this?

21 MR. ORTIZ: Why don't -- why don't we just
22 with him and then --

23 Does anybody have -- any members of the
24 public have any questions of the planner?

25 MR. DILLON: You have to come forward, to

1 the mic.

2 MR. ORTIZ: Oh, I couldn't -- I can't see
3 him.

4 MR. GIACOMA: I have a comment when they
5 finish --

6 MR. DILLON: Can you -- can you --

7 MR. ORTIZ: Oh, it's a comment. Okay.

8 MR. GIACOMA: Opinion.

9 MR. DILLON: He can't talk -- he can't talk
10 from back there. That's all.

11 MR. ORTIZ: Yeah. No. I can't -- I
12 couldn't even see him because he's -- that's not
13 your fault. You just happen to be sitting.

14 I don't know who this question would be
15 posed to, but it -- something that just came to
16 mind.

17 Is there any concern, and I don't know
18 which expert this gets addressed to, but any --
19 any concern or any way of addressing any kind of
20 flooding issue or anything in that area?

21 Because I remember there's been
22 presentations by other projects, in the past,
23 that this area has runoff type problems.

24 Has that been addressed in this at all?

25 And I don't know who to ask that. Who's the --

1 MR. SCHKOLNICK: I think Manny is going to
2 take it, since he has the site.

3 MR. PEREIRAS: Absolutely. I'll speak at
4 the mic.

5 So, the City has a -- not the City, the
6 State has, as part of their Building Codes and
7 requirements, a zero percent runoff requirement.
8 So, our application would have to comply with
9 that.

10 So, there would be -- we would actually be
11 reducing the impact on both the sewer systems and
12 the -- and the street, in general, as far as
13 runoff is concerned. It's part of a requirement.

14 CHAIRPERSON CAPIZZI: Is it part of your
15 plan?

16 MR. PEREIRAS: Absolutely.

17 CHAIRPERSON CAPIZZI: It's in the plan?

18 MR. PEREIRAS: It's part of the engineering
19 that goes into construction documents.

20 CHAIRPERSON CAPIZZI: No, is it --

21 MR. PEREIRAS: Just like the light switch
22 --

23 CHAIRPERSON CAPIZZI: -- part of your plan?
24 Is it part of your blueprint application?

25 MR. ORTIZ: I think what she's asking is,

1 have you looked at the topographical, whatever.

2 I'm not an engineer and I never profess to be.

3 MR. PEREIRAS: So, let's say this Board
4 were to approve us, once this Board approves us,
5 theoretically, we would have to produce a great
6 deal of documents; specifications and drawings
7 that go into great deal of detail, showing the
8 mechanical systems, the electrical systems, the
9 civil drawings.

10 That's the component that comes later. We
11 would provide those drawings and submit that to
12 the Building Department, which -- which would
13 review it.

14 Currently, this Board doesn't even have an
15 engineer to review any such plan available at
16 this time. So, those are all components that are
17 done in the construction document phase, and we
18 would be in full compliance of that.

19 MR. ORTIZ: Any other --

20 CHAIRPERSON CAPIZZI: No.

21 MR. ORTIZ: Thank you.

22 MR. KAUKER: Thank you.

23 CHAIRPERSON CAPIZZI: Gentleman from the
24 public?

25 MR. ORTIZ: Well, not as --

1 MR. PRICE: He gets to go next.

2 CHAIRPERSON CAPIZZI: Oh.

3 MR. PRICE: He's much older than I am.

4 MR. VELAZQUEZ: Oh. Oh. Those are
5 fighting words.

6 A VOICE: I'm 76.

7 MR. KAUKER: Are these comments or
8 questions?

9 MR. ORTIZ: These are comments at this
10 point. Unless -- unless, obviously, something
11 comes up in a comment.

12 MR. GIACOMA: I just want -- with due
13 respect, I would like to admit an opinion to you,
14 to the Board.

15 I'm citizen of Union City and I love my
16 city, and I intend to die here. I'm not going to
17 move.

18 MR. ORTIZ: Don't rush that.

19 MR. GIACOMA: But -- but I don't know the
20 technicalities. It's not my field of expertise,
21 but as a citizen, concerned citizen, what we have
22 now in that site is an abandoned parking lot,
23 full of rats, pigeons, full of dog excrement.
24 Next to that a big building, abandoned building
25 in which instead to have decent people, almost

1 every night, people go there to get drunk, to
2 fight.

3 Then I'd rather, as a citizen, and I am not
4 related to any of the builders, nobody is paying
5 me anything here. Okay. I don't need it. But
6 what I would like to have, I'd rather have the
7 noise of the garbage truck coming once or twice a
8 week to a nice building, nice construction,
9 picking up the garbage than the noise that I have
10 now of the rats that we have in that site.

11 Why we go against progress? Why? I
12 remember, when I came here, many years ago, my
13 first job was in Hoboken, -- (indiscernible) --
14 that was very ugly place. Now it's like a
15 paradise.

16 Why don't we make Union City like that?
17 Why not? We have to fight that mentality of the
18 men of the cave. No, we have to leave everything
19 the way it is. Why?

20 As long it's done within the limit that
21 that's your job. But as a citizen, I go for
22 that. That or whatever, improvement.

23 Also it would benefit us, property owner,
24 because more people going to come, more taxes to
25 the city, less taxes for us.

1 We don't lose.

2 That's it.

3 Thank you.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 Thank you.

6 MR. PRICE: Still Larry Price. Still under
7 oath.

8 A quick comment.

9 The Board essentially has two applications
10 before you, both of which for -- as far as I'm
11 concerned, are compliant applications.

12 One requires no variances; one requires a
13 couple of rinky-dink variances.

14 Is there any reason to prefer one over the
15 other? I think there is, and a lot of this goes
16 to what Ms. Koehler said earlier. I mean, the 90
17 unit may be totally compliant, but most of them
18 are studios or whatever.

19 The 72 unit building has, for one thing, it
20 has four four bedroom apartments. I mean, when
21 was the last time we saw a four bedroom
22 application? I don't remember one. So, a lot of
23 three bedroom, a lot of two bedroom, one bedroom.

24 And I would point out that one of the goals
25 of zoning is to provide varying densities in

1 order to meet the needs of all the citizens of
2 New Jersey.

3 I think the 72 unit building does that,
4 because of the varying apartment sizes.

5 The 90 unit building does -- I would -- I
6 would strongly prefer the 72 unit building.

7 Thank you.

8 CHAIRPERSON CAPIZZI: Thank you.

9 MR. ORTIZ: Any other members of the
10 public?

11 Comments?

12 MS. STEINMETZ: Just wanted to comment
13 again about the -- my property to the next
14 building. I have access to come out now. People
15 actually walk -- I have no access to come out
16 from my backyard.

17 My backyard, I have an -- I have an access
18 to come out to my back -- backyard, through this
19 property, to come out to the front.

20 It blocks me off and it blocks off, again,
21 that side of my bedrooms and the -- everything
22 that's -- you know, goes on over there is going
23 to be -- I'll be hearing all the noise and
24 everything else comes from that side.

25 I don't know what he's planning on that

1 side -- side yard, and I need some -- to know
2 what's going on. It should be safe and it should
3 be -- you know, clear.

4 VICE CHAIRPERSON KOEHLER: And what street
5 --

6 MS. STEINMETZ: Safe from the elements.

7 VICE CHAIRPERSON KOEHLER: What street is
8 that that you're concerned about mostly?

9 MS. STEINMETZ: I'm next door. I'm
10 adjacent to them on Hudson Avenue.

11 VICE CHAIRPERSON KOEHLER: On Hudson.

12 MS. STEINMETZ: And always had a -- you
13 know, access to come through my -- from my
14 backyard to come to -- you know, this area.

15 Thank you.

16 CHAIRPERSON CAPIZZI: Anybody else?

17 Is he done?

18 MR. ORTIZ: Counselor, we done?

19 MR. SCHKOLNICK: I -- I don't have a
20 summation. I'll rely upon the comments of the
21 two gentlemen right here, Mr. Price and the other
22 neighbor.

23 VICE CHAIRPERSON KOEHLER: I have a couple
24 things.

25 I think that -- so, I'm getting the sense

1 | that everyone's divided here.

2 | So, the 71 unit has an ugly façade. I
3 | mean, pardon me. I mean, it's not horrific.

4 | MR. ZIMMERMAN: They both are ugly, but --

5 | VICE CHAIRPERSON KOEHLER: I mean, ugly far
6 | away. It's not terrible, but up close.

7 | And then, the -- but agree with -- I agree
8 | with Price, the 71 unit, it takes care of a lot
9 | of Union City issues. It's more family friendly,
10 | and Union City is a family town.

11 | And then, the 90 -- 90 unit façade, I
12 | think, is -- is something a lot more tolerable.
13 | It has the setback. You know, if the concern is
14 | -- is people going on balconies, put trees up
15 | there and close it off. Lots of commercial or
16 | residential buildings do that.

17 | And I think another issue, the trash issue.
18 | I think that's a big deal. The Thread, which is
19 | a nearby building, from far away, it looks
20 | appealing. Close up, it's very cold and
21 | unneighborly. It's looks like apocalyptic. The
22 | garage doors is the size of that wall. It's --
23 | it's cold. It's not friendly. It looks like it
24 | doesn't want to live in Union City. And the --
25 | and on trash day, it takes up the whole block.

1 So, I don't know how this building -- let's
2 say assuming you take the 71 unit, and then with
3 a -- in my fantasy world, the 71 unit, with the
4 90 unit façade, and handle the trash in a better
5 way, I don't know how you would do that with that
6 many units, that many people.

7 These are my concerns. I -- from a
8 planning perspective. So --

9 CHAIRPERSON CAPIZZI: I agree with those
10 concerns.

11 MR. ORTIZ: Anybody -- any -- do any Board
12 members want to make comments?

13 CHAIRPERSON CAPIZZI: Do you want to come
14 forward?

15 MR. ZIMMERMAN: I have a question.

16 I bought my house like 27 years ago and
17 I've lived here for like 40 years.

18 And he bought a house in Hoboken for like
19 250 and I bought mine for 150 here. His house is
20 worth now like 1.4 million and mine may be worth
21 like five or \$600,000.00.

22 This is how we've gone in the last 20 years
23 in this city.

24 By building things like this, even you see
25 in the other rendition, you have a few ethnic

1 looking people walking down the street.

2 VICE CHAIRPERSON KOEHLER: Yeah.

3 MR. ZIMMERMAN: Which is okay. No, no, no.
4 It's -- have a message.

5 My concerns.

6 Traffic flow impact and the amount of cars
7 parking. That's like a huge concern to me.
8 Those two things. Traffic flow within the -- in
9 -- on Hudson, and the impact on my street. And
10 the number of parking spaces.

11 And I agree with you a hundred percent.
12 They both look ugly, but the other -- the 90
13 unit, which I think they made up just to -- to
14 get approved the seventy-some units, I -- I think
15 it looks a lot nicer than the -- the 71.

16 So, those are my comments on the project.

17 MR. ORTIZ: Thank you.

18 CHAIRPERSON CAPIZZI: Any other?

19 Well, I know that we're -- tonight we have
20 to make a decision, so right now, I'm going to
21 make a motion to deny the application, based on
22 the fact that we cannot seem to agree on the
23 building, the configuration and so forth.

24 Few other issues that I have, I believe
25 that there's no topographical survey that was

1 submitted. And without any survey, I don't know
2 how the determination of the lower level being a
3 story can be established.

4 Based on that, the building must be
5 classified a seven story, not a six story as
6 presented.

7 Another issue I have is no affordable
8 housing component to the application.

9 Based on what some of the neighbors say,
10 they have great concerns about the general safety
11 and impact on the area with this project.

12 Specifically on Hudson Avenue and Palisade,
13 as well, because of its proximity to buses that
14 come in from New York City.

15 We've heard from neighbors, as well, that
16 as we see with the other big projects in that
17 area, the refuge, the garbage, the smell, the
18 unsightly -- what we see, not what they say is
19 going to contain it, but what we see on the
20 street, which is not held in the container,
21 people are going to get tired of seeing.

22 From what I -- what I reviewed, two copies
23 of drainage calculations were required. The
24 application is deficient. And no calculations
25 were provided, as were location of utility wires.

1 They should be placed underground. Plans did not
2 specify the location of utilities.

3 And generally speaking, the building does
4 not comply with all aspects of the design, as
5 stipulated for mid-rise apartment buildings.

6 So, taking all of that into account, those
7 are my reasons for denying the application.

8 THE SECRETARY: Motion on the table to deny
9 the application by Chairperson Capizzi.

10 Any second the motion?

11 MR. VELAZQUEZ: Second.

12 THE SECRETARY: Second by Mr. Velazquez.

13 Roll call on the motion to deny this
14 application.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes. Yes.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Carolina Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. -- Mr. Medina --
24 Medina's absent.

25 Mr. Velazquez?

1 MR. VELAZQUEZ: Yes.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Six in favor to deny the
5 application.

6 Thank you.

7 Good night.

8 MR. SCHKOLNICK: Thank you for your time.

9 CHAIRPERSON CAPIZZI: You're welcome.

10 MR. ORTIZ: Good job.

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

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1 **ADR RE, LLC - 525-531 32nd Street:**

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3 THE SECRETARY: All right.

4 We going to -- next meeting is an
5 extension, ADR RE, LLC, 525-531 32nd Street.

6 The applicant is seeking for one year
7 extension, the second -- the second time. The
8 first time was -- was extended on March 28, 2017.
9 The Resolution was memorialized on April 28,
10 2015.

11 Mrs. Pereiras, please?

12 MS. PEREIRAS: Thank you very much, Mr.
13 Vallejo.

14 Good evening, members of the Board.

15 May it please the Board, Bianca Pereiras,
16 on behalf of the applicant, ADR RE, LLC, for
17 property at 525-531 32nd Street.

18 This project had been previously approved
19 by this Board. We're in the process of
20 finalizing our approvals with the County. As
21 such, we require a little more time to get that
22 completed.

23 If this Board would be so kind to give us
24 an extension of one year, we believe we can have
25 everything completed and permits obtained within

1 | that timeframe.

2 | CHAIRPERSON CAPIZZI: Okay.

3 | MR. VELAZQUEZ: I make a motion.

4 | CHAIRPERSON CAPIZZI: I'll second it.

5 | MR. ORTIZ: Board members, in light of
6 | statement by counsel and --

7 | MR. VELAZQUEZ: Hold on. Let's --

8 | MR. ORTIZ: What's the matter?

9 | MR. VELAZQUEZ: We just -- just voted on
10 | this.

11 | MR. GUARENO: The extension.

12 | MR. VELAZQUEZ: For the extension.

13 | THE SECRETARY: Is an extension for the
14 | previous approval in 2015.

15 | MR. VELAZQUEZ: Yeah.

16 | MS. PEREIRAS: Correct.

17 | MR. VELAZQUEZ: I made a motion. The
18 | Chairwoman seconds it.

19 | MR. DILLON: They need to --

20 | MR. ORTIZ: Oh.

21 | MR. DILLON: They need to do a vote.

22 | MR. VELAZQUEZ: Yeah.

23 | THE SECRETARY: Wait. Wait. Wait.

24 | MR. ORTIZ: Oh, okay. All right. I was --
25 | well --

1 THE SECRETARY: I'm sorry.

2 Motion to -- to approve the extension by
3 Mr. Velazquez.

4 MR. VELAZQUEZ: Yes. I make a motion.

5 THE SECRETARY: Any second the motion?

6 I -- I have a motion to approve the
7 extension by --

8 CHAIRPERSON CAPIZZI: Right.

9 I'll second it.

10 THE SECRETARY: Second by Ms. --

11 CHAIRPERSON CAPIZZI: Sure.

12 THE SECRETARY: -- Capizzi.

13 Roll call on the motion to approve the
14 extension.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

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

4 MS. PEREIRAS: Thank you very much.

5 THE SECRETARY: Thank you, Mrs. Pereiras.

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1 3510-3520 Bergenline Avenue, LLC -

2 3510-3520 Bergenline Avenue:

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4 THE SECRETARY: Okay.

5 We are going number three.

6 3510-3520 Bergenline Avenue.

7 This application was adjourned on October
8 24, 2017.

9 Mrs. Pereiras, please?

10 MS. PEREIRAS: Thank you.

11 We are also -- we're going to request a --
12 have this matter adjourned.

13 I know you had just a very long
14 application. This is another long one, so I
15 think it's better if we leave it for another
16 night.

17 So, if the Board would be so kind as to --

18 CHAIRPERSON CAPIZZI: Right.

19 MS. PEREIRAS: -- have this adjourned to
20 the next meeting.

21 CHAIRPERSON CAPIZZI: I'll make a motion.

22 MS. PEREIRAS: Thank you.

23 THE SECRETARY: Motion to adjourn this
24 application by Chairman -- Chairperson Capizzi.

25 Any second the motion?

1 MR. VELAZQUEZ: Second.

2 THE SECRETARY: By Mr. Velazquez.

3 MR. SPATZ: The 27th of February.

4 THE SECRETARY: Right.

5 Roll call on the motion to adjourn this
6 application.

7 Mrs. Koehler?

8 VICE CHAIRPERSON KOEHLER: Yes.

9 THE SECRETARY: Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Ms. Fernandez?

12 MS. FERNANDEZ: Yes.

13 THE SECRETARY: Ms. Genao?

14 MS. GENAO: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Motion carries.

20 Six in favor to adjourn this application

21 for March -- no, February -- I'm sorry --

22 February --

23 MR. SPATZ: Twenty-seven.

24 THE SECRETARY: -- 27.

25 MS. PEREIRAS: Thank you.

1	THE SECRETARY: Sorry.
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1 **Zohastan, LLC - 646 38th Street:**

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3 THE SECRETARY: All right.

4 Let's go to next one, number 4.

5 Zohastan, LLC, 646 38th Street.

6 This application was adjourned on October
7 24, 2017 and revised plans January 12, 2018.

8 Mrs. Pereiras, please?

9 MS. PEREIRAS: Thank you.

10 Again, Bianca Pereiras, on behalf of the
11 applicant.

12 The Board may recall that we had previously
13 presented on this application. At that time,
14 what we were proposing to do was to demolish a
15 home and construct a new eight unit, multi-family
16 structure.

17 At that time, the Board noted some
18 hesitation with an eight unit, so we went back to
19 the drawing board and actually --

20 I apologize.

21 CHAIRPERSON CAPIZZI: No. I didn't know if
22 I should ask you or David.

23 So, the revised plan is also -- you have a
24 revised application?

25 MS. PEREIRAS: No. We only have revised

1 plans, as per the comments of this Board at the
2 last meeting.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: But we had taken notice
5 already.

6 MS. PEREIRAS: You did.

7 MR. ORTIZ: And the -- the revised was --
8 there were --

9 MS. PEREIRAS: We're now reducing the
10 number of units.

11 CHAIRPERSON CAPIZZI: So, I'm going to ask
12 -- I'm going to refer to --

13 MR. SPATZ: Yeah.

14 This is -- this is one I -- when I first
15 looked at it, I received the plans --

16 CHAIRPERSON CAPIZZI: Right.

17 MR. SPATZ: -- actually --

18 CHAIRPERSON CAPIZZI: Right.

19 MR. SPATZ: -- yesterday, in the mail.

20 It appeared to be -- it's a 5,000 square
21 foot lot, and it appeared to be two attached
22 three family homes on one lot, which would be two
23 principal buildings on a lot, which is something
24 that this Board cannot grant approval of.

25 However, speaking with Ms. Pereiras, she

1 indicated that it is actually two separate lots.
2 So that each three family home will be on its own
3 lot.

4 The plans don't reflect that, so I did not
5 do a review of it -- you know, so, I mean, it's
6 up to the Board.

7 It would be -- the Board would have
8 jurisdiction over it.

9 MR. ORTIZ: There was the issue if there's
10 was a --

11 MR. SPATZ: Right. I --

12 MR. ORTIZ: Now -- now, I remember.

13 MR. SPATZ: I thought initially it wouldn't
14 be before this Board, because it appeared to be
15 two buildings on one lot.

16 MS. PEREIRAS: Right.

17 MR. SPATZ: But it is, in fact, two lots,
18 although the site plan doesn't actually reflect
19 that.

20 That's what confused me on it, and that's
21 why I didn't do an additional review. But this
22 Board would have jurisdiction over it.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. SPATZ: I just have not done a review
25 of the current submission.

1 CHAIRPERSON CAPIZZI: And if you have
2 revised plans, do you have to re-notice people of
3 the plan.

4 Notice is consistent with what the plan is
5 being presented tonight?

6 That's my other concern.

7 MR. ORTIZ: It would really matter if it
8 was a substantial change --

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. ORTIZ: -- from the original plan.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. SPATZ: Yeah. I --

13 MR. ORTIZ: A -- a reduction --

14 MR. SPATZ: Well, it's not simply a
15 reduction of --

16 MR. ORTIZ: It's not.

17 MR. SPATZ: -- units. It's --

18 MR. ORTIZ: I haven't --

19 MR. SPATZ: Now, it's -- you know, two lots
20 instead of one lot. It's -- you know, three --
21 the variances are all totally different because
22 it was reviewed under a totally different
23 standard.

24 So, I don't -- you know, it is a -- a less
25 intense use --

1 MS. PEREIRAS: Correct.

2 MR. SPATZ: -- than what was proposed, that
3 -- that is certainly true.

4 But I think -- you know, the variances
5 would be different because it's in the RM, medium
6 density zone, which does permit low rise, medium
7 density development, which is what we reviewed it
8 at --

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. SPATZ: -- the first time.

11 CHAIRPERSON CAPIZZI: Right.

12 MR. SPATZ: It also permits three family
13 homes, but totally different standards. So --

14 MR. VELAZQUEZ: This is where he has that
15 -- he parks the minivans and that, on the empty
16 lot? There's an empty lot there.

17 MS. PEREIRAS: There's -- if you look at
18 our -- there's a picture of the property on our
19 site plan. There's a home and then there's --

20 MR. VELAZQUEZ: There's the lot --

21 MR. ORTIZ: Yes.

22 MR. VELAZQUEZ: -- right there.

23 MS. PEREIRAS: Correct.

24 MR. VELAZQUEZ: Yeah.

25 MS. PEREIRAS: Correct.

1 MR. ORTIZ: I believe that you have to re-
2 notice.

3 MR. SPATZ: Yeah.

4 MS. PEREIRAS: And I -- and just so I -- I
5 didn't re-notice because we were --

6 MR. ORTIZ: No, no. I -- no, no --

7 MS. PEREIRAS: -- referring to comments --
8 we were addressing comments from the Board --

9 MR. ORTIZ: No. And -- and --

10 MS. PEREIRAS: -- and trying to comply with
11 what this Board required.

12 MR. ORTIZ: I understand there was a whole
13 bunch of confusion, I guess, amongst all the
14 professionals involved in this.

15 MR. SPATZ: Mostly on my part, but yes.

16 MR. ORTIZ: No. You know --

17 MR. SPATZ: Right.

18 MR. ORTIZ: Obviously, and I thought a use
19 variance from the request --

20 MR. SPATZ: Right.

21 MR. ORTIZ: -- from the emails from -- I
22 think it was --

23 MR. SPATZ: Right. I -- when I started
24 looking at it this morning, that -- that struck
25 me, because the plans don't have the subdivision

1 line, as --

2 MR. ORTIZ: But if there's a --

3 MS. PEREIRAS: Right.

4 MR. SPATZ: -- as if they were two separate
5 buildings.

6 MS. PEREIRAS: Right. And that's what I
7 was hoping to clarify, because it's not a
8 subdivision application before the Board. We
9 have two separate lots.

10 MR. ORTIZ: Well, I understand that but --

11 MR. SPATZ: Right.

12 MS. PEREIRAS: And it's conforming to those
13 two separate lots.

14 MR. ORTIZ: My concern is -- is there as
15 much as my concerns are that the variance and the
16 standards, as our Planner stated --

17 MR. SPATZ: Yeah.

18 MR. ORTIZ: -- are substantially different
19 from the original plans.

20 MR. SPATZ: Right.

21 MR. ORTIZ: The original notice.

22 MR. SPATZ: Right. I can't say that there
23 will be different variances, but -- you know,
24 well, the -- there are in that, as a 5,000 square
25 foot lot, it was nonconforming, in terms of lot

1 area, for the eight unit building. But if it's
2 two separate 2500 square foot lots, it's actually
3 conforming, in terms of lot area.

4 So, there potentially are less variances.

5 MR. ORTIZ: But different variances.

6 MS. PEREIRAS: There are --

7 MR. SPATZ: But different variances.

8 MS. PEREIRAS: There are significantly less
9 variances with this --

10 MR. SPATZ: Right. It's --

11 MS. PEREIRAS: -- revised application.

12 MR. SPATZ: They're just different
13 variances. So, if that's a notice issue, I'll
14 leave that up, of course, to --

15 MR. ORTIZ: I think then --

16 Yeah. I think it has to be --

17 MR. SPATZ: -- as a legal issue and --

18 MR. ORTIZ: I mean, revised is -- that's
19 not really revised anymore, that's kind of a
20 change in plan.

21 MR. SPATZ: Right.

22 MS. PEREIRAS: And just to clarify, we
23 don't trigger any variance that I did not call
24 for in my original notice and publication.

25 MR. SPATZ: Yeah. I -- there's a --

1 I have not reviewed this plan. I'm not
2 anticipating that there are any particular issues
3 with the revised plan, but I just haven't
4 reviewed it, so I cannot tell you exactly what
5 variances there are or aren't.

6 CHAIRPERSON CAPIZZI: I'm asking.

7 MR. SPATZ: It's really --

8 CHAIRPERSON CAPIZZI: Because I don't know.

9 MR. ORTIZ: My -- my feeling on this is
10 that it does need to be re-noticed, based on the
11 Planner, from the planning perspective.

12 CHAIRPERSON CAPIZZI: Then let's re-notice.
13 Let's just do it.

14 MS. PEREIRAS: If I could just speak to my
15 client for a just a second?

16 MR. ORTIZ: Sure. Sure. Sure.

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

19 MR. ORTIZ: Madam Chairwoman?

20 CHAIRPERSON CAPIZZI: Yes?

21 MR. ORTIZ: I had a chance to consult with
22 our planner, as well as the applicant's attorney.

23 What -- we decided on a course of action,
24 if it's okay with the Board, that gives David a
25 chance to review it. As he said, he hadn't had a

1 chance to really truly --

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. ORTIZ: -- review the application. He
4 said he'd review it by the end of the week --

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. ORTIZ: -- and let the applicant know
7 --

8 CHAIRPERSON CAPIZZI: If they have to re-
9 notice --

10 MR. ORTIZ: -- if they have to --

11 CHAIRPERSON CAPIZZI: -- or not.

12 MR. ORTIZ: -- re-notice before --

13 CHAIRPERSON CAPIZZI: Okay. Fine.

14 MR. ORTIZ: So, it's kind of a -- an
15 adjourn -- a consent adjournment --

16 CHAIRPERSON CAPIZZI: So whatever --

17 MR. ORTIZ: -- for lack of --

18 CHAIRPERSON CAPIZZI: Whatever he says,
19 you're --

20 MR. ORTIZ: Am I correct --

21 CHAIRPERSON CAPIZZI: -- going to do --

22 MR. ORTIZ: -- on this?

23 CHAIRPERSON CAPIZZI: -- one way or the
24 other.

25 MS. PEREIRAS: Absolutely.

1 CHAIRPERSON CAPIZZI: Fine.

2 MR. ORTIZ: Okay.

3 All right. So I guess a motion --

4 CHAIRPERSON CAPIZZI: Yup.

5 MR. ORTIZ: -- to adjourn.

6 CHAIRPERSON CAPIZZI: So, a motion to
7 adjourn.

8 THE SECRETARY: Motion to adjourn this
9 application for February 27th.

10 MR. ORTIZ: Are we filled up on February
11 27?

12 THE SECRETARY: Huh?

13 MR. ORTIZ: I mean, what does February 27th
14 look like already?

15 I just -- I'm just saying, because you --

16 MR. VELAZQUEZ: Don't worry about it.

17 THE SECRETARY: We're okay.

18 MR. ORTIZ: Don't worry about it?

19 THE SECRETARY: Yeah. It's good.

20 CHAIRPERSON CAPIZZI: He's like, eh.

21 MR. SPATZ: Yeah.

22 THE SECRETARY: February 27 is fine.

23 MR. SPATZ: Yeah.

24 THE SECRETARY: Okay.

25 MR. VELAZQUEZ: He fills us -- anyway. Why

1 even ask.

2 THE SECRETARY: All right.

3 Motion on the table to adjourn this
4 application, February 27, 2018.

5 MR. DILLON: Do we have a second?

6 THE SECRETARY: By Chairperson Capizzi.

7 MR. ORTIZ: No.

8 VICE CHAIRPERSON KOEHLER: I'll second it.

9 MR. DILLON: You need a second.

10 THE SECRETARY: Any second?

11 Second Mrs. Koehler.

12 MR. ORTIZ: That answers that question.

13 THE SECRETARY: Roll call on the motion to
14 adjourn this application.

15 Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes, sir.

17 THE SECRETARY: Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Six in favor.

3 Motion carries.

4 Notice required?

5 MR. ORTIZ: Hmm?

6 THE SECRETARY: Is notice required?

7 MR. SPATZ: No. I don't think --

8 THE SECRETARY: Okay.

9 MR. ORTIZ: What?

10 MR. SPATZ: There may be notice will be
11 require.

12 MR. ORTIZ: Yeah, we don't know yet.

13 MR. SPATZ: Right.

14 THE SECRETARY: No new notice required.

15 MR. ORTIZ: But I put it on the record. We
16 were on the record the whole time.

17 MR. SPATZ: Right.

18 MR. ORTIZ: Of what we're doing.

19 MR. SPATZ: Right.

20 THE SECRETARY: All right.

21 MR. SPATZ: Right.

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1 **1507 West Street, LLC - 1507 West Street:**

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3 THE SECRETARY: Let's move on then.

4 Next application on tonight's agenda, 1507
5 West Street, LLC, 1507 West Street.

6 Ms. Pereiras, please?

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

9 MS. PEREIRAS: We'll make it quick. We
10 know you're tired.

11 CHAIRPERSON CAPIZZI: Just a little bit.

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

14 MR. ORTIZ: Madam Chairwoman, I've reviewed
15 the submissions by the applicant as far as
16 notice. Everything seems to be in order, giving
17 jurisdiction to the Board.

18 CHAIRPERSON CAPIZZI: Okay.

19 MS. PEREIRAS: Thank you very much,
20 counsel.

21 Again, Bianca Pereiras, on behalf of the
22 applicant.

23 This is for property located at 1507 West
24 Street. What we have -- what we are proposing is
25 a legalization of a basement apartment, as well

1 as a rear addition, to be completed in phases,
2 which the architect will discuss in his
3 testimony.

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

7 MR. PEREIRAS: Board, I recognize I am
8 still under oath.

9 We --

10 MS. PEREIRAS: Mr. Pereiras --

11 MR. PEREIRAS: Yes.

12 MS. PEREIRAS: -- are you familiar with the
13 property located at 1507 West Street?

14 MR. PEREIRAS: I am.

15 MR. ORTIZ: Let's -- let's make sure the
16 record's clear.

17 Mr. Pereiras has testified before the Board
18 --

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. ORTIZ: -- numerous times.

21 CHAIRPERSON CAPIZZI: They're both
22 qualified.

23 MS. PEREIRAS: Mr. Pereiras, would you
24 kindly describe the project for the Board?

25 MR. PEREIRAS: This is a very simple

1 application.

2 We have an oversized lot. The width of the
3 side is 28.16 feet, which gives us a total lot
4 size that's 2,618 square feet.

5 Right now, it's a two family house legally.
6 There's an existing illegal apartment on the
7 lower level. We're looking to legalize that.
8 And as part of Phase II to this project, is a
9 potential rear addition to make this into a
10 sizable unit.

11 The property is currently very distressed.
12 It looks extremely ugly on the inside. So, the
13 applicant wants to take advantage of this to make
14 the entire building very beautiful and renovate
15 the whole thing, and make an addition that's --
16 that -- that is -- provide -- in order to provide
17 good housing for the neighborhood.

18 The addition goes across the same distance
19 of the house along the back, which technically
20 means that we're expanding on the side yard
21 setback, because the building is currently on the
22 zero foot side yard, along there. But we still
23 have, even after our addition, an additional 26
24 feet eight and a half inches of rear yard
25 available.

1 So, this is a site -- since it's a big lot,
2 and it is a previous -- you have a very small
3 house, the addition has no real impact on the
4 overall site.

5 Another great benefit to this project is
6 that there's already two parking spaces on the
7 apron of this house. So, we provide parking.
8 Technically, that's also an expansion of -- of
9 that variance because additional units require
10 additional parking. We're only providing the two
11 there, but this is an advantage to typical
12 housing, especially along West Street, along
13 there.

14 So, the proposal that we have, just to be
15 clear, on the ground -- the basement unit, which
16 we're legalizing, is going to have two bedrooms
17 after the addition is complete. And then, the
18 upstairs layout is actually going to just be a
19 much better layout, creating three bedroom units
20 on each of the top floors.

21 It's going to be, when you walk up the
22 stairs, nice, open layout, with three bedrooms in
23 the back. So, it's going to create better
24 housing stock that previously wasn't there.
25 Really upgrade this from a Code perspective.

1 | It's going to be a clean, good, safe building to
2 | -- to have.

3 | CHAIRPERSON CAPIZZI: Siding on it,
4 | consistent with --

5 | MR. PEREIRAS: Yeah.

6 | CHAIRPERSON CAPIZZI: -- what you have on
7 | the house, I guess?

8 | MR. PEREIRAS: It's consistent with what's
9 | --

10 | CHAIRPERSON CAPIZZI: The same thing.

11 | MR. PEREIRAS: -- existing there.

12 | CHAIRPERSON CAPIZZI: Just an extension of
13 | what you have?

14 | MR. PEREIRAS: We're not proposing any
15 | changes. The siding is basically -- the siding
16 | that's currently on the house --

17 | CHAIRPERSON CAPIZZI: Um hum.

18 | MR. PEREIRAS: -- will be extended to the
19 | rear. This is the portion that's the addition.

20 | And that's it. Very simple.

21 | CHAIRPERSON CAPIZZI: Okay.

22 | Any questions from the Board?

23 | MR. VELAZQUEZ: Is he going to fix up
24 | anything in the front?

25 | MR. PEREIRAS: Well, we're renovating the

1 whole house. So, anything that's in disrepair,
2 he's fixing up. That porch is in --

3 MR. VELAZQUEZ: That porch is horrible.

4 MR. PEREIRAS: He's really going to clean
5 up that porch, repair what's broken, and repaint
6 the whole thing.

7 I mean, it's going to be a full house
8 renovation.

9 MR. VELAZQUEZ: Okay.

10 CHAIRPERSON CAPIZZI: Comments from the
11 public?

12 I'll make a motion to approve.

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

15 MR. VELAZQUEZ: Second.

16 THE SECRETARY: Second by Mr. Velazquez.

17 Roll call on the motion to approve this
18 application.

19 Ms. Koehler?

20 VICE CHAIRPERSON KOEHLER: Yes, sir. Yes.

21 THE SECRETARY: I'm sorry.

22 Ms. Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Ms. Fernandez?

25 MS. FERNANDEZ: Yes.

1 THE SECRETARY: Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 MR. VELAZQUEZ: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

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1 **914 16th Street, LLC - 914 16th Street:**

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3 CHAIRPERSON CAPIZZI: We have one more;
4 914 16th.

5 MS. PEREIRAS: 914 16th Street is the last
6 one on the --

7 CHAIRPERSON CAPIZZI: Yes.

8 MR. ORTIZ: Oh, oh, oh, oh.

9 CHAIRPERSON CAPIZZI: Yes.

10 MR. ORTIZ: I didn't know. I thought we
11 were done.

12 MS. PEREIRAS: Ready to go?

13 CHAIRPERSON CAPIZZI: No, 914 16th Street.
14 Let's finish it. Get it all done.

15 MS. PEREIRAS: Bear with me just a moment.

16 THE SECRETARY: Next application on
17 tonight's agenda, 914 16th Street.

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

20 MR. ORTIZ: Madam Chairwoman, I've reviewed
21 the submissions by counsel, as to notice,
22 everything seems to be in order, giving
23 jurisdiction to the Board.

24 CHAIRPERSON CAPIZZI: Okay.

25 MS. PEREIRAS: Again, Bianca Pereiras, on

1 behalf of applicant for 914 16th Street, also
2 known as Block 35, Lot 12.

3 This is also the legalization of a basement
4 apartment. We're going from a two family to a
5 three family.

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

9 MR. PEREIRAS: I recognize I am still under
10 oath.

11 MR. ORTIZ: And still --

12 MR. PEREIRAS: Still an expert.

13 MR. ORTIZ: -- an expert.

14 MS. PEREIRAS: Mr. Pereiras, are you
15 familiar with 914 16th Street?

16 MR. PEREIRAS: I am.

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

19 MR. PEREIRAS: I have.

20 MS. PEREIRAS: And would you kindly walk us
21 through the application?

22 MR. PEREIRAS: It's actually very similar
23 to the last one, but instead of having an
24 oversized width, we have an oversized depth.
25 This is 25 by 105, which gives us a total lot

1 area of 2,625.

2 And here, again, we have the same
3 condition. There's a preexisting illegal
4 apartment on the basement level that we're
5 looking to renovate and -- and make into
6 compliance here in this Board.

7 So, if this Board -- we have existing
8 variances, including front yard and side yard.
9 But however, none of our application actually
10 changes that. The building shell remains exactly
11 the same. The only things that we are doing is
12 working within the inside of the building.

13 The floor plan -- the building -- the
14 apartment on the lower level is a 952 square foot
15 apartment. So, it's a nice size unit, and it's a
16 two bedroom unit. And by legalizing this, we're
17 going to bring it up to standards of all Code
18 requirements.

19 So that means that we're going to comply
20 with all fire safety issues. That unit will have
21 a limited area sprinkler system protecting it.
22 There will be a fire separation between that unit
23 and the rest of the unit -- the rest of the
24 building.

25 There will be a alarm system, low voltage

1 alarm system in the common areas, an alarm
2 system, 110 volt, within that unit.

3 So, it's going to be in full compliance
4 with all the requirements and -- and bring the
5 safety up of the building, not just of that unit,
6 but of that building in general. And so doing,
7 also the neighboring buildings, because it
8 protects it from fire safety.

9 CHAIRPERSON CAPIZZI: And the windows, and
10 the egress. You have means of egress?

11 MR. PEREIRAS: So we have two bedrooms --

12 CHAIRPERSON CAPIZZI: Correct size windows
13 in the basement?

14 MR. PEREIRAS: -- with means of egress,
15 that leads up to a public right-of-way. It's
16 fully compliant, after the construction that we
17 -- we propose with your approvals.

18 So, in the situation that it's in --

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. PEREIRAS: -- it's not compliant. With
21 this approval, we'll get construction documents
22 done, and produce and submit it to the Building
23 Department. And those will have that detail into
24 it.

25 MR. ORTIZ: Madam Chairwoman, all of my

1 Resolutions always contain that they agree to
2 comply with all local and State regulations.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. PEREIRAS: Stormwater.

5 MR. ORTIZ: So, I put that condition
6 automatically.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. PEREIRAS: You know, topography, all
9 those things.

10 CHAIRPERSON CAPIZZI: Okay.

11 Any questions from anybody?

12 MR. VELAZQUEZ: It's the size of my
13 apartment.

14 CHAIRPERSON CAPIZZI: Anybody from the
15 public?

16 Make a motion to approve.

17 THE SECRETARY: Motion to approve the
18 application by Chairperson Capizzi.

19 VICE CHAIRPERSON KOEHLER: Second.

20 THE SECRETARY: Second by Mrs. Koehler.

21 Roll call on the motion to approve this
22 application.

23 Ms. Koehler?

24 VICE CHAIRPERSON KOEHLER: Yes.

25 THE SECRETARY: Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Fernandez?

3 MS. FERNANDEZ: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

12 MS. PEREIRAS: Thank you all very much.

13 CHAIRPERSON CAPIZZI: Thank you.

14 MS. PEREIRAS: Have a good night.

15 MR. PEREIRAS: Thank you.

16 CHAIRPERSON CAPIZZI: Thank you.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application --

5 MR. PEREIRAS: Good night, everybody. Long
6 night.

7 THE SECRETARY: -- on tonight's agenda, can
8 I have a motion to close tonight's meeting?

9 CHAIRPERSON CAPIZZI: Motion.

10 THE SECRETARY: Motion by Ms. Capizzi.
11 Second by Mrs. Koehler.

12 MR. ORTIZ: Second on the adjournment?

13 VICE CHAIRPERSON KOEHLER: Second.
14 Third.

15 THE SECRETARY: All in favor?

16

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

18

19 THE SECRETARY: The ayes have it.

20 Thank you.

21 Have a good night.

22 Let the record show the meeting has ended.

23

24 (Whereupon, the proceedings were concluded
25 at 9:34 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, January 23, 2018, and digitally
11 recorded.

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