

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

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3510-3520 Bergenline Ave., LLC

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

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I N D E XDominic Turzy - 315 16th StreetWITNESSPAGE

Manuel Pereiras

29

I N D E XZohastan, LLC - 646 38th StreetWITNESSPAGE

Manuel Pereiras

39

I N D E X1216 Kennedy Blvd., LLC - 1216 Kennedy Blvd.WITNESSPAGE

Manuel Pereiras

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

3 MR. ORTIZ: Thank you, sir.

4 THE SECRETARY: Ready?

5 Please take notice that on Tuesday,
6 February 27, 2017 (sic), at six p.m., a Regular
7 Meeting is scheduled for the City of Union City
8 Planning Board, to be held in the Municipal
9 Chambers of the City Hall, 3715 Palisade Avenue,
10 Union City, New Jersey.

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

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

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

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

25

1 (Whereupon, the Pledge of Allegiance was
2 said by all.)

3

4 THE SECRETARY: Thank you.

5

6 **ROLL CALL:**

7

8 THE SECRETARY: Roll call for tonight's
9 meeting.

10 Mayor Brian P. Stack? Absent.

11 Ydalia Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Commissioner Celin
14 Valdivia? Absent.

15 Alicia Morejon?

16 MS. MOREJON: Yes.

17 THE SECRETARY: Diane Capizzi?

18 CHAIRPERSON CAPIZZI: Here.

19 THE SECRETARY: Carolina Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Rudy Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Franklin Medina?

24 MR. MEDINA: Here.

25 THE SECRETARY: Ms. Koehler is absent.

1 Alejandro Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Jose Guareno?

4 MR. GUARENO: Here.

5 THE SECRETARY: Let the record indicate
6 that eight members present.

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

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on January 23, 2018

4

5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held on January 23rd, 2018.

7 Can I have a motion to adopt this meeting

8 -- transcripts?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 THE SECRETARY: Motion by Ms. Capizzi.

11 MR. VELAZQUEZ: Second.

12 THE SECRETARY: Second by Mr. Velazquez.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Here.

22 THE SECRETARY: Ms. Morejon?

23 MS. MOREJON: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Motion carries.

6 Eight -- eight in favor.

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1 **RESOLUTIONS:**

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3 (1) Hudson Yards West, LLC, 3309 Hudson Ave. &
4 3308-3310 Palisade Ave., Block 200, Lots 5, 6,
5 24-28, 40. A new mixed use building comprising
6 of 71 residential units and one commercial unit
7 and supporting 165 parking spaces. **Application**
8 **was denied at the previous meeting.**

9

10 THE SECRETARY: Adoption of the
11 Resolutions.

12 First Resolution on tonight's agenda,
13 Hudson Yard West, LLC, 3309 Hudson Avenue and
14 3308-3310 Palisade Avenue.

15 The application was denied at the previous
16 meeting.

17 Can I have a motion to adopt the denied
18 Resolution?

19 CHAIRPERSON CAPIZZI: I'll make a motion.

20 THE SECRETARY: Motion by Ms. Capizzi.

21 MR. VELAZQUEZ: I second.

22 THE SECRETARY: Second by?

23 MR. VELAZQUEZ: Alex.

24 CHAIRPERSON CAPIZZI: Alex.

25 MR. SPATZ: Alex.

1 THE SECRETARY: Thank you, Mr. Velazquez.

2 Second by Mr. Velazquez.

3 Roll call on the motion to deny this appli

4 -- to adopt this Resolution.

5 Ms. Capizzi?

6 CHAIRPERSON CAPIZZI: Yes.

7 THE SECRETARY: Ms. Fernandez?

8 MS. FERNANDEZ: Yes.

9 THE SECRETARY: Ms. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Mr. Medina?

12 MR. MEDINA: Yes.

13 THE SECRETARY: Ms. Morejon?

14 MS. MOREJON: Yes.

15 THE SECRETARY: Mr. Rivero?

16 MR. RIVERO: Abstain.

17 THE SECRETARY: Mr. Velazquez?

18 MR. VELAZQUEZ: Yes.

19 THE SECRETARY: Mr. Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Seven in favor, one

22 abstention.

23 Motion carries.

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1 **RESOLUTIONS:**

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3 (2) ADR RE, LLC, 525-531 32nd Street, Block 170,
4 Lots 15-18 and 46. Resolution was memorialized
5 April 28, 2015. Applicants are seeking for one
6 year extension. (First extension was approved on
7 March 28, 2017)

8 (3) 1507 West St. LLC, 1507 West Street, Block
9 78, Lot 5. Basement legalization and new rear
10 addition to the existing two story building.

11 **Approved**

12 (4) 914 16th Street, LLC, 914 16th Street, Block
13 35, Lot 12. Legalization of basement apartment
14 in an existing two family dwelling to become a
15 three family. **Approved**

16

17 THE SECRETARY: Adoption of Resolution 2,
18 3, and 4.

19 Resolution 2.

20 ADR RE, LLC, 525-531 32nd Street.

21 Resolution number 3.

22 1507 West Street, LLC, 1507 West Street.

23 Resolution number 4.

24 914 16 Street, LLC, 914 16 Street.

25 Can I have a motion to adopt these

1 Resolutions?

2 CHAIRPERSON CAPIZZI: I make a motion.

3 THE SECRETARY: Motion by Ms. Capizzi.

4 MR. VELAZQUEZ: Second.

5 THE SECRETARY: Second by Mr. Velazquez.

6 Roll call on the motion to adopt these
7 Resolutions.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Fernandez?

11 MS. FERNANDEZ: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Ms. Morejon?

17 MS. MOREJON: Yes.

18 THE SECRETARY: Mr. Rivero?

19 MR. RIVERO: Abstain. Abstain.

20 THE SECRETARY: Mr. Velazquez?

21 MR. VELAZQUEZ: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Seven in favor, one
25 abstained.

1 Motion carries.

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

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

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4 THE SECRETARY: First application on
5 tonight's agenda, 32nd & 33rd Street, Union City,
6 LLC, 412-418 32nd Street and 407-413 33rd Street.

7 Ms. Pereiras, please?

8 MS. PEREIRAS: Thank you very much.

9 Good evening.

10 Bianca Pereiras, on behalf of the
11 applicants.

12 This is one that's actually been continued,
13 and we're going to ask for one final adjournment
14 on this. My client, unfortunately, is out of the
15 states, and he'd like to be present for this
16 matter to go forward.

17 CHAIRPERSON CAPIZZI: Sure. Okay. Fine.

18 MS. PEREIRAS: Thank you.

19 THE SECRETARY: Motion to adjourn?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Motion to adjourn by Ms.
22 Capizzi.

23 MR. VELAZQUEZ: Second.

24 THE SECRETARY: Second by Ms. -- Ms. --

25 MR. VELAZQUEZ: Mr. Velazquez.

1 THE SECRETARY: -- Mr. Velazquez.

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

4 MR. SPATZ: March 27th.

5 THE SECRETARY: To March 27.

6 Right?

7 MR. SPATZ: Right.

8 MR. ORTIZ: Well, --

9 CHAIRPERSON CAPIZZI: What's the matter?
10 What?

11 THE SECRETARY: Roll call -- roll call on
12 the motion.

13 Mrs. Capizzi?

14 CHAIRPERSON CAPIZZI: Hold on.

15 THE SECRETARY: To adjourn this
16 application.

17 CHAIRPERSON CAPIZZI: Wait a minute.

18 MR. ORTIZ: If -- if I might?

19 The only issue that there is, is there's
20 currently, what, eight presentations on for
21 March?

22 THE SECRETARY: We have already --

23 CHAIRPERSON CAPIZZI: Eight? No.

24 THE SECRETARY: -- eight.

25 CHAIRPERSON CAPIZZI: We can't add another

1 one. No.

2 MR. ORTIZ: I -- I just --

3 MS. PEREIRAS: We have no problem
4 adjourning it --

5 CHAIRPERSON CAPIZZI: No.

6 MS. PEREIRAS: -- to the following month.
7 That's fine.

8 MR. ORTIZ: Okay.

9 CHAIRPERSON CAPIZZI: Okay. Because we
10 can't stay here --

11 THE SECRETARY: Let me see, the next
12 meeting --

13 CHAIRPERSON CAPIZZI: -- until ten o'clock.

14 THE SECRETARY: -- will be on --

15 CHAIRPERSON CAPIZZI: No. No.

16 MR. ORTIZ: I just wanted to point that out
17 to the Board.

18 CHAIRPERSON CAPIZZI: Right.

19 Thank you.

20 MR. VELAZQUEZ: For March?

21 MR. ORTIZ: Yeah.

22 CHAIRPERSON CAPIZZI: How many are on
23 April?

24 MR. SPATZ: Twenty-fourth.

25 THE SECRETARY: The 24th, that's April, I

1 think -- I think is two we have.

2 All right. Let the record indicate that
3 this --

4 MR. SPATZ: Yeah.

5 THE SECRETARY: -- application will be
6 adjourned for April 24, 2018.

7 Motion by Ms. Capizzi.

8 Second by Mr. Velazquez.

9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Fernandez?

13 MS. FERNANDEZ: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Ms. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Eight in favor.

2 Motion carries.

3 MR. SPATZ: Okay. If I --

4 THE SECRETARY: No new notice require.

5 MR. SPATZ: I'm sorry.

6 If I could ask a question?

7 The original review of this had 79 units.

8 MS. PEREIRAS: Yes.

9 MR. SPATZ: Is that what it still is,
10 because the --

11 MS. PEREIRAS: No. That -- that's being
12 reduced drastically.

13 MR. SPATZ: Okay.

14 MS. PEREIRAS: And that's one thing that
15 we've been going back and forth with the
16 applicants.

17 MR. SPATZ: Okay. All right. You'll need
18 to submit the revised plans.

19 MS. PEREIRAS: We will submit revised
20 plans.

21 MR. SPATZ: Okay.

22 MS. PEREIRAS: Yes.

23 MR. SPATZ: Okay.

24 MS. PEREIRAS: Definitely in time.

25 MR. SPATZ: All right.

1 **3510-3520 Bergenline Ave., LLC -**

2 **3510-3520 Bergenline Ave.:**

3

4 MS. PEREIRAS: And counsel, there's another
5 one that's on the agenda. I think it's item 8,
6 hearing number 3, which is the same applicant.

7 If we're able to adjourn that, as well, to
8 the same date, that would be greatly appreciated.

9 MR. ORTIZ: Do we know what's on for --

10 CHAIRPERSON CAPIZZI: What's on for April
11 already? What -- what do we have on --

12 THE SECRETARY: April 24.

13 CHAIRPERSON CAPIZZI: Yeah. How many do we
14 have so far?

15 THE SECRETARY: I -- if I don't mistake,
16 with adjourn -- with the adjournment, we have
17 three.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. VELAZQUEZ: Mr. Secretary, just -- you
20 know, we already got three. Big project's on, so
21 just keep that in mind, please.

22 MR. ORTIZ: I was going -- I was going to
23 ask as a -- for a proffer on the one that you're
24 requesting adjournment.

25 MS. PEREIRAS: Sure.

1 MR. ORTIZ: At least from the title in the
2 agenda.

3 How many units -- is it a large project --

4 MS. PEREIRAS: For the last one?

5 MR. ORTIZ: -- or is it a small one?

6 MS. PEREIRAS: 3510, I think, right now,
7 we're looking at eight residential units.

8 MR. ORTIZ: All right. So, it's not
9 tremendously --

10 MS. PEREIRAS: No.

11 MR. ORTIZ: -- large.

12 MS. PEREIRAS: No.

13 MR. ORTIZ: Okay.

14 THE SECRETARY: Mr. Ortiz, let me -- let's
15 -- let's put on the record.

16 So, we're talking about item number 3,
17 3510-3520 Bergenline Avenue, LLC?

18 MS. PEREIRAS: Yes.

19 THE SECRETARY: Right.

20 This application will be adjourned for
21 April 24.

22 MR. SPATZ: Um hum.

23 MR. VELAZQUEZ: You got to space out the
24 present -- the -- buildings and then the
25 basements, you know?

1 THE SECRETARY: Right. Let me see.

2 MS. PEREIRAS: I'm happy to work with the
3 Board if, for any reason, you have too many on
4 for that day and we have to adjourn this one,
5 we'll be fine doing that.

6 MR. ORTIZ: Thank you.

7 THE SECRETARY: All right.

8 THE SECRETARY: Madam Chairwoman, you make
9 a motion to --

10 CHAIRPERSON CAPIZZI: Sure. I'll make a
11 motion.

12 THE SECRETARY: Motion to adjourn this
13 application.

14 MR. VELAZQUEZ: Second.

15 THE SECRETARY: By Diane Capizzi.

16 Second by Alejandro Velazquez.

17 Roll call on the motion.

18 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: Ms. Morejon?

2 MS. MOREJON: Yes.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Eight in favor.

10 Motion carries.

11 MS. PEREIRAS: Thank you very much.

12 CHAIRPERSON CAPIZZI: You're welcome.

13 I don't know if you're here for those two
14 that were just adjourned? I think you --

15 A CITIZEN: Which one was adjourned?

16 CHAIRPERSON CAPIZZI: Okay, 32nd & 33rd
17 Street, 412-418 and also, 3510-3520, I don't know
18 which one --

19 MR. ORTIZ: Anybody?

20 A CITIZEN: Hudson Yards?

21 MR. ORTIZ: Hudson Yards -- well, Hudson
22 Yards was heard last time. It was voted on
23 today, just to memorialize the Resolution.

24 CHAIRPERSON CAPIZZI: We denied that
25 application.

1 MR. ORTIZ: At this point, at our level,
2 we're done with Hudson Yard.

3 A CITIZEN: They have to resubmit again?

4 MR. ORTIZ: No, no. They -- they haven't
5 -- the decision, quite honestly, to either appeal
6 our decision or not. I mean, I -- and I can't
7 speak for them.

8 A CITIZEN: Fine. I just wanted to make
9 sure I was -- (indiscernible).

10 CHAIRPERSON CAPIZZI: Right. I wasn't sure
11 why you were here, and we did adjourn two. Okay?

12 A CITIZEN: Good.

13 CHAIRPERSON CAPIZZI: All right.

14 A CITIZEN: Thank you.

15 CHAIRPERSON CAPIZZI: You're welcome.
16 Okay.

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1 **Dominic Turzy - 315 16th Street:**

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3 THE SECRETARY: Now, we are going to move
4 to number 2 on the -- on the agenda.

5 Dominic Turzy, Block --

6 Oh, sorry.

7 -- 315 16th Street, Block 75, Lot 15.

8 Ms. Pereiras, please?

9 MR. ORTIZ: Madam Chairwoman, I've had an
10 opportunity to review submissions by counsel.
11 Everything seems to be in order, giving
12 jurisdiction to the Board.

13 This I don't need. This -- this you can
14 take.

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

17 MS. PEREIRAS: Number 2, 315 16th Street.

18 CHAIRPERSON CAPIZZI: Oh, 315 16th.

19 MS. PEREIRAS: Yes.

20 CHAIRPERSON CAPIZZI: Okay. Yup.

21 MS. PEREIRAS: Thank you.

22 Again, Bianca Pereiras, on behalf of the
23 applicant, for 315 16th Street, also known as
24 Block 75, Lot 15.

25 Currently, onsite, we have a two family

1 | home. The applicant is looking to legalize
2 | another unit, so that if approved, this
3 | application would be for a three family.

4 | We have one expert, who unfortunately is
5 | looking for parking at the moment. Traffic was
6 | tough this morning -- this afternoon.

7 | So if the Board would just indulge us just
8 | a few minutes, I'll have him come in and -- and
9 | testify on this application.

10 | CHAIRPERSON CAPIZZI: Is he also --

11 | MS. PEREIRAS: He is. He's for the other
12 | two, as well.

13 | CHAIRPERSON CAPIZZI: Number 5?

14 | MS. PEREIRAS: Yes.

15 | MR. DILLON: Do you want to go -- Carlos,
16 | do you want to go off?

17 | MR. ORTIZ: Yeah. Go off the record.

18 | MS. PEREIRAS: Thank you.

19 | Sorry about that.

20 | (Whereupon, the Board recessed from 6:18
21 | p.m. to 6:21 p.m.)

22 | MR. ORTIZ: You're -- you're ready to go?

23 | MS. PEREIRAS: Yes. We are.

24 | Thank you so much.

25 | Again, Bianca Pereiras on the applicant for

1 315 16th Street.

2 Our expert, Mr. Manuel Pereiras.

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

6 MR. DILLON: Getting ahead of yourself.

7 MR. PEREIRAS: I did.

8 MR. DILLON: Please raise your right hand.

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

11 MR. PEREIRAS: I do.

12 MR. DILLON: Can you just state your name?

13 MR. PEREIRAS: Manny Pereiras.

14 MR. DILLON: I didn't want to stop you; you
15 were already going.

16 MR. PEREIRAS: I'm sorry.

17 MS. PEREIRAS: And for purposes of the
18 record, Mr. Pereiras has been --

19 CHAIRPERSON CAPIZZI: Yes.

20 MS. PEREIRAS: -- accepted?

21 Thank you so much.

22 CHAIRPERSON CAPIZZI: Absolutely.

23 MS. PEREIRAS: Mr. Pereiras, are you
24 familiar with 315 16th Street?

25 MR. PEREIRAS: I am.

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

3 MR. PEREIRAS: I have.

4 MS. PEREIRAS: And would you kindly walk us
5 through the application?

6 MR. PEREIRAS: I will.

7 Thank you, Board members.

8 This is a very simple project in the sense
9 that we have an existing two family house. We're
10 legalizing an existing basement apartment. We
11 are basically taking this opportunity to bring
12 everything up to Code. It's been like that for a
13 long time.

14 So, let me talk to you, first, a little bit
15 about the site.

16 We have a site that's slightly undersized.
17 It's 2,375 square feet. That's because it's
18 slightly shy of the hundred foot requirement.
19 It's 95 feet in depth. It is the full 25 feet.

20 The site is slightly irregular. It's
21 skewed slightly and the house actually has a
22 weird jut into it, where it goes straight and
23 then it steps to the left and goes back, so that
24 it creates a gap between it and the adjacent
25 houses, both of them along the front and along

1 the rear, the houses are butting up against each
2 other.

3 This doesn't effect us in our design very
4 much, because it's all interior within the --
5 within the existing building.

6 There is an existing nonconformity also for
7 side yard, because it has that zero setback along
8 the rear portion of the building and along the
9 front portion, and along the other end.

10 And there's an existing nonconformity for
11 off-street parking, which we're actually
12 expanding because of the new unit that we're
13 proposing.

14 We are -- and the proposed -- the proposed
15 plan is in the middle of the sheet, Sheet Z02,
16 which is -- which are the same documents that
17 were submitted to the Board.

18 We are moving things around from the way
19 they were, to make them a lot safer. We'd like
20 to bring the -- the bedrooms towards the front of
21 the house, in case there's ever an emergency,
22 they could escape through the emergency egress
23 window that we are creating along the front of
24 the house.

25 So that -- it gives direct access to the

1 public right-of-way. So by relaying -- relaying
2 out the apartment, it creates a safety of the
3 sleeping quarters near the back.

4 It would be a one bedroom apartment, and
5 the rest of the apartment is an open floor plan
6 layout. We're creating a new kitchen, living
7 room, dining room area along the front.

8 The ceiling height is currently undersized,
9 and they're going to be excavating and making it
10 up to Code, to meet the requirements of the
11 Building Department.

12 And the entire square footage of this
13 basement apartment is 670 square feet. It's
14 actually a little bit over, 670.6 square feet.

15 We're isolating the boiler room and
16 creating a two hour fire safety separation for
17 that boiler room, so that the apartment from
18 upstairs, you could go down the stairs and access
19 that -- that boiler room, and it doesn't
20 interfere with the apartment itself that we're
21 proposing.

22 The upper floors are no changes proposed to
23 those areas. We show them on the diagram so that
24 the Board has a good understanding of what's
25 existing and what's there.

1 I'm open for your questions.

2 MR. VELAZQUEZ: When they're doing the
3 excavation, it's going to be inside by hand.

4 MR. PEREIRAS: Yes, that's correct.

5 So, the process that we do, and we do this
6 very often, almost every project that we come
7 before you, very often, we have to excavate in
8 order to bring it to height.

9 This is done carefully and by hand, and the
10 Union City Building Department is part of the
11 entire process. We do this in four foot
12 sections, where they actually have to excavate
13 and leave open six feet in between it, and do
14 this piece by piece and call for inspections.

15 I'm always part of the entire process. I
16 verify it first, to make sure it's okay. When
17 it's ready, we call for inspections from the
18 Building Department. And it's done very
19 carefully, and all by hand.

20 MR. VELAZQUEZ: And will you be using a
21 dumpster at all on this project?

22 MR. PEREIRAS: More likely they will
23 require a dumpster. Yes.

24 MR. VELAZQUEZ: Just if they can, because
25 this -- this is a new street and new sidewalk, --

1 MR. PARLAVECCHIO: Um hum.

2 MR. VELAZQUEZ: -- it would be -- the
3 plywood underneath the wheels and that --

4 MR. PEREIRAS: Absolutely.

5 MR. VELAZQUEZ: You know? Okay.

6 MR. PEREIRAS: Yeah.

7 MR. VELAZQUEZ: Because that's a brand new
8 sidewalk, I don't want it to be scratched and all
9 that.

10 MR. PEREIRAS: Absolutely. It's gotten to
11 a point where since we do so much work in Union
12 City, it's part of my specifications in the -- in
13 the Building Department drawings. Just to avoid
14 having a problem, it's actually already in there.
15 So, I know the requirements that Union City has
16 for sidewalks. It's different from every other
17 town.

18 I know the requirements that they have for
19 cleanliness and protecting the streets. So, it's
20 already built into the specifications of my
21 drawings.

22 MR. VELAZQUEZ: Because you know, you're
23 right by Colin Powell.

24 MR. PEREIRAS: Um hum.

25 MR. VELAZQUEZ: So, the main thing, too, is

1 | when they're not working, if that dumpster is
2 | still out there, if you could park it over, like
3 | the weekend, and all that, because you don't want
4 | --

5 | MR. PEREIRAS: Absolutely.

6 | MR. VELAZQUEZ: -- the neighborhood
7 | throwing all their garbage.

8 | MR. PEREIRAS: That's absolutely right.
9 | And that's why we're here today, to take an
10 | illegal condition and make it legal and make it
11 | proper.

12 | I hate to have an illegal unit that's prone
13 | to fires and prone to a lot of problems, right
14 | next to the school. This will alleviate that
15 | problem.

16 | MR. GUARENO: How much excavation is being
17 | done? How far down?

18 | MR. PEREIRAS: So, they're only missing
19 | four inches, but in order to get four inches,
20 | they actually have to over-excavate and go
21 | another 12 inches beyond that. So, they're going
22 | down 16 inches. This is something normal. We do
23 | it all the time.

24 | CHAIRPERSON CAPIZZI: Does anyone on the
25 | Board have any questions or comments?

1 Anyone in the public have any questions or
2 comments?

3 Okay.

4 Seeing none.

5 Then, I'll make a motion to approve the --
6 the application.

7 THE SECRETARY: Motion to approve the
8 application by Diane Capizzi.

9 MR. VELAZQUEZ: I second it.

10 THE SECRETARY: Second by Alejandro
11 Velazquez.

12 Roll call on the motion to approve this
13 application.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Ms. Morejon?

23 MS. MOREJON: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Eight in favor.

6 Motion carries.

7 MS. PEREIRAS: Thank you very much.

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1 **Zohastan, LLC - 646 38th Street:**

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3 THE SECRETARY: Okay. We move to next one.
4 Give me two seconds.

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

7 THE SECRETARY: Next application on
8 tonight's agenda, Zohastan, LLC, 646 38th Street.
9 Ms. Pereiras, please?

10 MR. ORTIZ: I've had an opportunity to
11 review the submissions by counsel. Everything
12 seems to be in order, giving jurisdiction to the
13 Board, Madam Chairwoman.

14 CHAIRPERSON CAPIZZI: Okay.

15 MS. PEREIRAS: Again, Bianca Pereiras, on
16 behalf of the applicant, Zohastan, for property
17 at 646 38th Street, also known as Block 261, Lots
18 7 and 8.

19 Currently, onsite, we have a three family
20 home. The application before the Board this
21 evening is to demolish that three family and
22 create new -- two new three family homes on the
23 site.

24 We have one expert, and that is our
25 architect, Mr. Manuel Pereiras.

1 MR. DILLON: You're still sworn.

2 MR. PEREIRAS: I recognize I am still under
3 oath.

4 MS. PEREIRAS: Mr. Pereira, are you
5 familiar with the property located at 646 38th
6 Street?

7 MR. PEREIRAS: I am.

8 MS. PEREIRAS: And did you prepare the
9 drawings that are before the Board?

10 MR. PEREIRAS: I have.

11 MS. PEREIRAS: Would you kindly describe
12 the application for the Board?

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

14 This is our second attempt at this site.
15 We came before the Board and we presented a
16 project. Since we were in the RN zone, we
17 presented a multi-family eight unit building. We
18 and the applicant heard loud and clear that the
19 Board did not want this multi-family.

20 So, what we did, in turn, is presented the
21 alternative, what I think the Board was inclined
22 to, and I hope we had your -- we got -- we got it
23 right this time.

24 We're basically doing two three family
25 houses. One right next to each other, butted up

1 against the -- the center of them.

2 We chose to butt them up against the -- the
3 center, because it gives us the opportunity to
4 create a greater setback along the sides. It
5 makes it very attractive.

6 We have a site that is 50 wide by a hundred
7 deep, perfectly square. And our building, and
8 I'm just going to turn right now to the proposed
9 layout, the existing building that's there is on
10 -- basically, on the property line, along the
11 side. They have an enclosed deck along the back
12 that shares that -- hugs that property line.

13 So, we're improving on that. We're setting
14 our building back the three foot one along the
15 side on this side, and three foot one along this
16 side.

17 And then, they're basically two three
18 families, side-by-side. Stairs at the two ends,
19 with a driveway down the middle, curb cuts for
20 each one at 14 feet, as proposed.

21 We have a rear yard setback of 15 foot nine
22 inches proposed, which allows for us to have a
23 three bedroom unit inside, comfortably.

24 So, explaining the plans, since there's a
25 very strange topography to the site, we have

1 | parking at the -- at the datum, at the street
2 | level. And then, what we did is we split the
3 | building up so that we won't have a tall
4 | building, and we created apartments below the
5 | parking level, on the lower end, since the site
6 | slopes significantly.

7 | So, we have a three bedroom unit,
8 | basically, on the lower level of this apartment.
9 | We have -- you go down the stairs and you have a
10 | kitchen, dining room, living room along the rear
11 | portion, that opens up to the rear yard very
12 | nicely, and then you have three bedrooms with the
13 | master at the end. And it's basically a master
14 | suite, walk-in closet and master bath.

15 | On the ground level datum, we have parking.
16 | We satisfy the parking requirement by having six
17 | cars on each of the three family houses. They
18 | are tandem, triple layered back, so that we
19 | provide six cars in total and the bonus room
20 | along the rear of the property that's accessed
21 | from the apartment above.

22 | And then, the apartment above is a very
23 | simple layout. You have living room, dining room
24 | area along the back of it, and then the three
25 | bedrooms along the back that access and are

1 connected to that small area behind the
2 apartment.

3 CHAIRPERSON CAPIZZI: Why did you decide to
4 go so far back?

5 MR. PEREIRAS: With the parking?

6 CHAIRPERSON CAPIZZI: With the whole
7 building? The lot? What's -- what's the -- and
8 the -- the rear yard.

9 MR. PEREIRAS: We gave it a 15 foot rear
10 yard. The reason we did that is very simply it's
11 what the -- the Board has historically been okay
12 --

13 CHAIRPERSON CAPIZZI: That's not what I --
14 but why did you do it?

15 MR. PEREIRAS: In order to --

16 CHAIRPERSON CAPIZZI: It's not what we do.

17 MR. PEREIRAS: In order to --

18 CHAIRPERSON CAPIZZI: Why did you do it?

19 MR. PEREIRAS: -- get three bedrooms in
20 each of the apartments.

21 CHAIRPERSON CAPIZZI: Oh. Okay.

22 MR. PEREIRAS: I think that's important,
23 otherwise it becomes a two bedroom apartment, if
24 we don't go to -- if we don't give it that rear
25 yard setback.

1 As it is, the living room area is already
2 pretty small. So, if we don't give it that --
3 that full depth, because remember, we're giving
4 ten feet in the front to comply with the
5 Ordinance.

6 So, if we don't give a little bit more in
7 the back and ask for that rear yard variance,
8 then we lose the three bedrooms. We lose the
9 family opportunity that we want in these units.

10 MR. VELAZQUEZ: So, it will go right to the
11 property line of the sidewalk. Are there fences
12 here?

13 MR. PEREIRAS: So right now, we're going --
14 we're stepping back ten feet, which I think it
15 fits nicely with the -- the neighbor -- the
16 character of neighborhood. I think it's nice to
17 have that stepped back.

18 We did new house -- new houses across the
19 street that are stepped back in the same way.
20 There's another house a little bit further down
21 that's stepped back. It's actually creating a
22 nice pattern to that block that I think is
23 important.

24 So I think it's fair and important to have
25 that ten foot setback in the front. And I think

1 | it makes a lot of sense to give that rear yard
2 | variance in order to get the three bedrooms in
3 | the units.

4 | And if the Board didn't think that that's
5 | acceptable to have that rear yard variance, then
6 | it simply changes the application and it becomes
7 | two bedrooms units, and it gets smaller.

8 | MR. ORTIZ: When you say you stepped back,
9 | Manny, from the existing or --

10 | MR. PEREIRAS: The front yard setback, I
11 | believe, is ten feet. And I'll just go to the
12 | site plan, to make it clear.

13 | So, here's our property line. You go ten
14 | feet back. That's the building line. That's
15 | exactly in compliance with the Ordinance.

16 | The existing house is pretty much on the
17 | property line. Their porch actually overlaps on
18 | the property line. So, we're eliminating that
19 | condition and providing a ten foot setback, as
20 | the Board -- as the Ordinance requires.

21 | MR. ORTIZ: Well, the only reason I'm --
22 | I'm confused, and maybe I'm misreading something
23 | in my old age --

24 | MR. PEREIRAS: Um hum.

25 | MR. ORTIZ: -- is it says existing three

1 point -- three -- three feet nine inches on the
2 front yard. Right? And then, it says proposed
3 two feet.

4 Am I misreading something?

5 MR. PEREIRAS: Let me see.

6 MS. PEREIRAS: Existing, 3.9; proposed ten.

7 MR. ORTIZ: Yeah. I have --

8 MS. PEREIRAS: That's how I have it in the
9 chart.

10 MR. ORTIZ: -- proposed two.

11 Am I reading that wrong?

12 MR. PEREIRAS: I think you have the old
13 drawings for the multi-family building, because
14 that was only two.

15 The -- these drawings and --

16 MR. ORTIZ: All right. Then -- all right.
17 Then --

18 MR. PEREIRAS: My drawings --

19 MR. ORTIZ: That may be.

20 MR. PEREIRAS: -- show ten feet. Yeah.
21 What you're looking at is an eight unit building,
22 which is --

23 MR. VELAZQUEZ: Ten feet.

24 MR. PEREIRAS: -- no longer being
25 presented.

1 MR. ORTIZ: Yeah, no. I'm just saying what
2 I have. That's all.

3 MR. VELAZQUEZ: You gave him the wrong one.

4 CHAIRPERSON CAPIZZI: What do we have?

5 THE SECRETARY: They have a stamp that say
6 revised.

7 MR. VELAZQUEZ: You got revised plans.

8 CHAIRPERSON CAPIZZI: I have revised.

9 THE SECRETARY: Yeah. That's -- that's
10 what they provide me. I stamped it the same day.

11 MR. VELAZQUEZ: No, no. But it says
12 revised? Here's a --

13 THE SECRETARY: Over here.

14 MR. ORTIZ: Where would it say revised?

15 MS. MOREJON: Does it say revised?

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

18 MR. PEREIRAS: No. That one's not revised.
19 That's the old one.

20 MR. ORTIZ: That's why I'm confused.

21 MR. PEREIRAS: I would be confused, too.

22 THE SECRETARY: Revised.

23 MR. ORTIZ: That's right here.

24 THE SECRETARY: Revised one.

25 Thank you.

1 CHAIRPERSON CAPIZZI: That says revised.

2 THE SECRETARY: Yeah.

3 MR. ORTIZ: This one says ten feet.

4 Thank you.

5 That's why I was confused. I apologize.

6 Okay. That makes a lot more sense.

7 THE SECRETARY: Did we have a revised
8 application --

9 MR. VELAZQUEZ: So the front --

10 THE SECRETARY: -- on that?

11 MR. VELAZQUEZ: The front of the house
12 almost has that same feel like on 6th Street.

13 MR. PEREIRAS: Yeah. They're very similar.

14 MR. ORTIZ: What I have --

15 MS. PEREIRAS: We did.

16 MR. VELAZQUEZ: Like greenery and all that
17 in there?

18 MS. PEREIRAS: I'm sorry?

19 MR. PEREIRAS: Well, there's very little
20 opportunity for greenery because we have,
21 basically, driveway. That's why I prefer to have
22 a building.

23 But actually, no. We create an
24 opportunity.

25 So, we have two feet on the left side,

1 | between the stairs, and then we have three feet
2 | on the other side.

3 | So yeah. We actually created a lot of
4 | landscaping there.

5 | MR. ORTIZ: Wait.

6 | MR. PEREIRAS: Nice.

7 | MR. ORTIZ: I have two other --

8 | CHAIRPERSON CAPIZZI: And what's in the
9 | back?

10 | MR. PEREIRAS: In the back, it's grass.

11 | CHAIRPERSON CAPIZZI: I mean, is there a
12 | building behind it?

13 | MR. PEREIRAS: There is the backyard of --
14 | I'll show it. Hopefully, it's described well in
15 | the -- in the site plan.

16 | Alex knows this neighborhood very, very
17 | well.

18 | MR. VELAZQUEZ: Yes.

19 | MR. PEREIRAS: There are --

20 | MR. VELAZQUEZ: Six fifty --

21 | MR. PEREIRAS: Yeah. It looks like --

22 | MR. VELAZQUEZ: -- three.

23 | MR. PEREIRAS: It looks like --

24 | MR. VELAZQUEZ: 653 39th Street.

25 | No, 649.

1 MS. MOREJON: 649 is next to the park.

2 MR. VELAZQUEZ: Um hum.

3 CHAIRPERSON CAPIZZI: So, let's not --

4 MR. VELAZQUEZ: We're at the opposite of
5 648.

6 CHAIRPERSON CAPIZZI: We're not going to
7 rush this because if you're not sure of what
8 you're looking at --

9 MR. PEREIRAS: Well, no. There's nothing
10 that impacts the neighbors. I mean, we have --

11 CHAIRPERSON CAPIZZI: No. I'm talking --

12 MR. PEREIRAS: -- less of a setback --

13 CHAIRPERSON CAPIZZI: -- about the
14 paperwork that he's reviewing.

15 MR. PEREIRAS: Oh.

16 CHAIRPERSON CAPIZZI: So, I want him to
17 have the correct paperwork --

18 MR. PEREIRAS: Of course.

19 CHAIRPERSON CAPIZZI: -- in front of him,
20 reading what he's supposed to read.

21 MR. PEREIRAS: As you should.

22 CHAIRPERSON CAPIZZI: Why --

23 MR. ORTIZ: Is there -- is there -- I'm
24 sorry --

25 CHAIRPERSON CAPIZZI: No.

1 MR. ORTIZ: -- Madam Chairwoman.

2 CHAIRPERSON CAPIZZI: I'm just wondering
3 why --

4 MR. ORTIZ: Is there a revised --

5 CHAIRPERSON CAPIZZI: -- one family, --

6 MR. ORTIZ: -- application?

7 CHAIRPERSON CAPIZZI: -- three family, and
8 we're going to two three family houses.

9 THE SECRETARY: I don't have revised
10 application.

11 CHAIRPERSON CAPIZZI: It seems like we're
12 doubling --

13 THE SECRETARY: Whatever was in the
14 previous plans --

15 CHAIRPERSON CAPIZZI: -- the density again.
16 And that's --

17 MR. PEREIRAS: No.

18 THE SECRETARY: -- I give it to you.

19 CHAIRPERSON CAPIZZI: We are.

20 MS. PEREIRAS: We actually -- we actually
21 have two lots.

22 MR. PEREIRAS: There's 50 --

23 CHAIRPERSON CAPIZZI: I understand that.

24 MR. PEREIRAS: It's 50 wide.

25 MS. PEREIRAS: Um hum.

1 CHAIRPERSON CAPIZZI: I understand that but
2 you have one three family house.

3 MS. PEREIRAS: Correct.

4 CHAIRPERSON CAPIZZI: And now you want two
5 three family houses. So, you're doubling the
6 density --

7 MS. PEREIRAS: We want --

8 CHAIRPERSON CAPIZZI: -- of the people
9 living --

10 MS. PEREIRAS: Correct.

11 CHAIRPERSON CAPIZZI: -- and so forth.

12 MS. PEREIRAS: We want one three family on
13 each lot.

14 MR. PEREIRAS: But --

15 MS. PEREIRAS: That's what we're proposing.

16 MR. PEREIRAS: But we're in compliance a
17 hundred percent with the --

18 CHAIRPERSON CAPIZZI: I understand.

19 MR. PEREIRAS: -- density of Union City.

20 CHAIRPERSON CAPIZZI: I'm not --

21 Did I say that you weren't?

22 MR. PEREIRAS: I'm not saying -- I -- I'm
23 just --

24 MR. ORTIZ: This one is not.

25 CHAIRPERSON CAPIZZI: Did I?

1 MR. PEREIRAS: -- Miss Capizzi.

2 CHAIRPERSON CAPIZZI: But you know, you're
3 twisting what I'm saying. I'm asking the
4 question and you're saying you're in compliance.
5 I never said you weren't. I'm asking a question.

6 MR. PEREIRAS: Yes, ma'am.

7 MR. ORTIZ: Excuse me?

8 Was there a -- was there a revised or
9 updated application submitted with this?

10 MS. PEREIRAS: There was as well, because
11 we submitted this back in January, before --

12 THE SECRETARY: Only --

13 MS. PEREIRAS: -- the last meeting. And
14 then, this Board asked me to re-notice, and
15 that's the reason we were adjourned.

16 MR. SPATZ: I have to look at my file.

17 THE SECRETARY: No, there's no revised
18 application.

19 MR. ORTIZ: Okay. No I just don't have it
20 in front --

21 MS. PEREIRAS: But they were submitted, as
22 well.

23 MR. ORTIZ: I'm -- again, just I don't have
24 it in front of me. And that's important, as you
25 know, that I write my -- the Resolution off of

1 | them.

2 | THE SECRETARY: Did -- did you receive the
3 | -- the revised plans?

4 | MS. PEREIRAS: Not a problem. I know it
5 | was submitted.

6 | MR. SPATZ: I have the revised plans.

7 | THE SECRETARY: Did you receive -- did you
8 | receive the revised application?

9 | MR. SPATZ: I have to look at my file to
10 | see if I have that.

11 | THE SECRETARY: If you don't have it --

12 | MR. SPATZ: Yeah.

13 | THE SECRETARY: -- I don't have it, we
14 | didn't receive it.

15 | MR. SPATZ: Yeah. I can't disagree with
16 | that, I'm just -- I would have to look at my
17 | file.

18 | MS. PEREIRAS: And -- and what we could
19 | have done is submitted this as two separate
20 | applications and looked at one lot individually,
21 | and then looked at the other lot individually.

22 | In this case, I think we're saving some
23 | time and some trouble and providing them both at
24 | the same time.

25 | MR. ORTIZ: My major concern, at the

1 moment, is purely paperwork.

2 MS. PEREIRAS: Okay.

3 MR. ORTIZ: I didn't even get into the
4 substance of the application.

5 I don't have a revised application and that
6 is one of -- administratively, this Board's pet
7 peeves, because that's what I write the
8 Resolution off of.

9 THE SECRETARY: I just look -- I just
10 looked with the number, we have the previous
11 application only.

12 Yes. Everything say with eight units and
13 parking.

14 I have -- I got only revised plans.

15 MS. PEREIRAS: Usually, we submit it
16 together, paperclipped to each drawing.

17 THE SECRETARY: Usually you stop -- you put
18 a staple on the -- on the blueprints.

19 MS. PEREIRAS: We paperclip them. Yeah.

20 THE SECRETARY: Oh.

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

23 THE SECRETARY: I review the entire folder
24 --

25 MR. VELAZQUEZ: I hate that house. I think

1 it's ugly.

2 THE SECRETARY: -- and I didn't see any
3 one. I -- I wish I had one here.

4 MR. VELAZQUEZ: This house.

5 MR. ORTIZ: The existing house.

6 MR. VELAZQUEZ: The existing house is ugly,
7 so's the lot.

8 MR. ORTIZ: I mean, if you -- if you could
9 at least -- I mean, I'm going to leave it to the
10 Board's discretion, but if the Board doesn't have
11 an objection, and if you do, please voice it,
12 that counsel submits kind of a backwards, the
13 revised application, depending on what the Board
14 decides.

15 MS. PEREIRAS: Right.

16 MR. ORTIZ: I mean, I don't need it until I
17 draft the Ordinance anyway.

18 MS. PEREIRAS: Right. It's -- it's a very
19 minor modification.

20 MR. ORTIZ: I mean, the Resolution.

21 MS. PEREIRAS: It's a very minor
22 modification to the application, because we
23 always reference the drawings that are attached.

24 MR. ORTIZ: No, but it -- it does matter,
25 one, for the record --

1 MS. PEREIRAS: Oh, absolutely.

2 MR. ORTIZ: I mean, for the file to be
3 complete.

4 MS. PEREIRAS: And I'll -- I'll be happy to
5 provide one.

6 MR. ORTIZ: And that's --

7 MS. PEREIRAS: I just think for the Board's
8 --

9 MR. ORTIZ: And then --

10 MS. PEREIRAS: Right.

11 MR. ORTIZ: A month from now, when I'm
12 drafting the Resolution.

13 MS. PEREIRAS: I understand. And I'm happy
14 to provide one. I just don't think for the
15 Board's purpose, the minor modification wouldn't
16 -- wouldn't effect --

17 MR. ORTIZ: If the Board's okay with that.

18 MS. PEREIRAS: -- their reasoning.

19 MR. ORTIZ: I --

20 CHAIRPERSON CAPIZZI: You're the attorney.
21 That's -- you know --

22 MR. ORTIZ: I mean --

23 CHAIRPERSON CAPIZZI: If you say --

24 MR. ORTIZ: Techni --

25 CHAIRPERSON CAPIZZI: -- technically --

1 MR. ORTIZ: Technically, it's against our
2 -- technically, it's against our rule.

3 We have set this precedent, at least for
4 the last few years, that the application and the
5 plans have to be revised, otherwise it's not
6 complete.

7 MS. PEREIRAS: And counsel, I'm happy to
8 provide that revised application ---

9 MR. ORTIZ: And --

10 MS. PEREIRAS: -- to you right away.

11 MR. ORTIZ: I guess -- I guess we can go
12 forward on it.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. ORTIZ: I mean --

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. ORTIZ: Just, please, because when I'm
17 drafting the Resolution --

18 MS. PEREIRAS: Of course.

19 Thank you.

20 MR. ORTIZ: Now to the substance of the
21 application.

22 CHAIRPERSON CAPIZZI: Right.

23 MR. ORTIZ: It's a nice design, everything
24 nice and all, and I'm -- I don't have a vote on
25 this Board, as I've said often, but they're going

1 all the way to the -- the back.

2 I agree with the Chairwoman that do we have
3 to go that far back?

4 MR. PEREIRAS: No. We could -- we could
5 bring it back and create a larger setback.

6 MR. ORTIZ: It gives a little open space --

7 MR. PEREIRAS: We could definitely do that.

8 MR. ORTIZ: -- to things. That's all.

9 MR. PEREIRAS: But then we don't have a
10 three bedroom unit, we have a two bedroom unit.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. PEREIRAS: Does the Board --

13 MS. PEREIRAS: And --

14 MR. PEREIRAS: -- think that that's better?
15 Or -- or do you think that -- would you prefer
16 that?

17 CHAIRPERSON CAPIZZI: I'm not living in the
18 house. What I'm looking at, overall, is that
19 application.

20 MR. PEREIRAS: That's --

21 CHAIRPERSON CAPIZZI: And then, also, the
22 density issue that we seem to be having in -- in
23 the City, where people are building on top of
24 each other. And it does impact the neighborhood.

25 MR. PEREIRAS: Absolutely.

1 CHAIRPERSON CAPIZZI: And that's the way I
2 look at it.

3 MR. PEREIRAS: I totally agree with you on
4 that, --

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. PEREIRAS: -- and I think that the City
7 should look at the Ordinance, and maybe make it
8 so that two families are what's permitted on 25
9 by a hundred.

10 But right now, it's a three family that's
11 permitted.

12 MS. PEREIRAS: And one of the reasons we
13 try to include a three family in some of the
14 previous applications that we've been here, there
15 was actually a need expressed by this Board, in
16 particular, saying that they wanted, or that you
17 wanted three bedroom homes to provide for
18 families.

19 So that's one of the reasons that we went
20 to the drawing board on this one and tried to
21 include that. And that was really the only way
22 that we can make sizable units that accommodated
23 a family.

24 MR. ORTIZ: And I agree with you a hundred
25 percent. The only thing is that it doesn't have

1 to be on every piece of property that it goes to
2 the back.

3 MR. PEREIRAS: No, and we agree. And we
4 could -- and we could look at this and we could
5 revise the drawings accordingly, if you give us
6 the opportunity.

7 And -- and just as a comment --

8 MR. ORTIZ: If you're --

9 MR. PEREIRAS: -- I'd like to --

10 MR. ORTIZ: And if you're -- obviously,
11 that would -- I think at least the changes would
12 have to be presented to the Board at the next
13 meeting.

14 MR. VELAZQUEZ: And what would be --

15 MR. PEREIRAS: Sure.

16 MR. VELAZQUEZ: -- the egress -- the egress
17 in between the houses?

18 MR. PEREIRAS: I'm sorry?

19 MR. VELAZQUEZ: The egresses between the
20 houses?

21 MR. PEREIRAS: We have three foot one on
22 the sides on there to egress.

23 MR. ORTIZ: That's not a variance?

24 MR. PEREIRAS: Correct.

25 Well, it technically is a --

1 MS. PEREIRAS: But we do --

2 MR. PEREIRAS: -- variance because we are
3 putting the houses butting up against each other.
4 So, we don't have a total of five foot --

5 MR. ORTIZ: Oh, on the middle.

6 MR. PEREIRAS: -- side yard.

7 MR. ORTIZ: In the middle.

8 MR. PEREIRAS: Right. In the middle.

9 CHAIRPERSON CAPIZZI: Right.

10 MR. PEREIRAS: Does the Board feel
11 comfortable with that?

12 Yeah?

13 I think it's important to -- to talk about
14 this and maybe there's a better place to talk
15 about this.

16 But I understand that we're worried as a --
17 as a city for -- of gentrification. And I think
18 that having a two family house instead of a three
19 family house is not what we want as a city,
20 because you're basically creating two bigger
21 apartments that are going to be higher cost and
22 more expensive for the general public, whereas in
23 a three family house, you have three smaller
24 units.

25 So, if we don't want gentrification, we --

1 CHAIRPERSON CAPIZZI: Well, that's one way
2 to look at it.

3 MR. PEREIRAS: -- we should push --

4 CHAIRPERSON CAPIZZI: You're right. That
5 is --

6 MR. PEREIRAS: Yeah.

7 CHAIRPERSON CAPIZZI: -- one way to look at
8 it.

9 I look at it in a different way. That's --
10 that's one view. Correct.

11 MR. ORTIZ: I -- I mean, I think the -- the
12 bigger concern here is that on -- you don't need
13 a three family on --

14 CHAIRPERSON CAPIZZI: It's a narrow street.

15 MR. ORTIZ: -- every single --

16 CHAIRPERSON CAPIZZI: Correct.

17 MR. ORTIZ: -- plot of land in the city.

18 And again, every now and then, a little open
19 space --

20 CHAIRPERSON CAPIZZI: Right.

21 MR. ORTIZ: -- is not going to hurt the
22 city, as dense as we are already.

23 CHAIRPERSON CAPIZZI: Then also --

24 MR. PEREIRAS: And it should be zoned like
25 that.

1 CHAIRPERSON CAPIZZI: Okay.

2 But also, we're here to like -- to make
3 like -- to make a decision. So, I think that we
4 try and follow the law.

5 Correct? We have an attorney here. And
6 then, we have questions of the application.

7 MR. PEREIRAS: Absolutely.

8 CHAIRPERSON CAPIZZI: So on that narrow
9 street, how do these six cars -- one, two, three,
10 four, five, six here -- six here, get out?

11 MR. PEREIRAS: Each car gets out one a
12 time.

13 CHAIRPERSON CAPIZZI: Okay. That doesn't
14 make sense to me, but --

15 MR. ORTIZ: I -- you know, again, it's up
16 to the Board.

17 MS. MOREJON: It's a narrow street.

18 MR. ORTIZ: But I -- I think we need --

19 MS. MOREJON: It's very narrow. There's a
20 park there.

21 MR. PEREIRAS: It would be equally as
22 narrow --

23 MS. MOREJON: It's very congested.

24 MR. PEREIRAS: -- as a two family. It
25 would be equally as narrow as a one family.

1 I understand. I understand your comments.
2 And I appreciate them, but I don't see, as an
3 architect, how that could change in any way.

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. ORTIZ: I -- I think -- you know, and
6 again, it's -- I don't have a vote on this Board,
7 but that is the biggest problem with the
8 application is, I think, going to the -- to the
9 back of the property. I think that --

10 MS. PEREIRAS: The rear yard is the issue.

11 MR. PEREIRAS: Okay.

12 MR. ORTIZ: I mean, again --

13 CHAIRPERSON CAPIZZI: I also do have an
14 issue with two three family houses. We go from
15 one three family house to two three family
16 houses. And again, it's dense.

17 That's my opinion. There are other Board
18 members who should surely -- you know, share
19 their opinions. I'm one person.

20 MR. ORTIZ: It's up to you if you want to
21 redesign this at all.

22 MR. PEREIRAS: Yeah. Let's --

23 MR. ORTIZ: It's your call.

24 MR. PEREIRAS: Let's redesign.

25 MS. PEREIRAS: So, if this Board wouldn't

1 -- wouldn't mind carrying this application so
2 that we can sit back down with our client, after
3 hearing your comments, and see if there's any way
4 that we can redesign the application.

5 MR. ORTIZ: Madam Chair?

6 MR. VELAZQUEZ: See, what's a little scary
7 what you got to understand, right across on 39th
8 Street, you got a vacant building that's been
9 vacant for ten years.

10 MS. MOREJON: Ten years.

11 MR. VELAZQUEZ: They go, they hang out in
12 the back of 649, which we get numerous
13 complaints.

14 I don't want them trying to get into the
15 area of the new house, or something like that.

16 MR. PEREIRAS: And that's why we should
17 develop and have families living there and make
18 it into a good neighborhood.

19 That's -- that's what I think we all want.
20 That's exactly what we want to avoid.

21 MS. PEREIRAS: I think, currently, as it
22 is, it's unsightly.

23 MR. PEREIRAS: Yeah.

24 MS. PEREIRAS: We'd love to -- to improve
25 it.

1 MR. PEREIRAS: Yeah.

2 MR. ORTIZ: I mean, I think you -- you've
3 heard from one of the -- one of the Commissioners
4 of the Board here, members of the Board clearly
5 say how much he loves the house that's consistent
6 with -- that's currently there.

7 That's a joke.

8 MR. VELAZQUEZ: I can tell you the dog that
9 comes out from there.

10 MR. ORTIZ: But if you -- if you want to
11 redesign and you're requesting an adjournment,
12 Madam Chairwoman, is that okay with you?

13 CHAIRPERSON CAPIZZI: That's fine.

14 MR. ORTIZ: Is there a motion then to grant
15 the --

16 And this is your -- your request.

17 Correct? So the record's clear.

18 MS. PEREIRAS: Yes. I'm -- I'm requesting
19 the adjournment.

20 MR. ORTIZ: Okay.

21 CHAIRPERSON CAPIZZI: I'll make a motion.

22 THE SECRETARY: Motion to --

23 MR. GUARENO: May I -- may I ask a question
24 before --

25 CHAIRPERSON CAPIZZI: Sure.

1 MR. GUARENO: -- we adjourn?

2 CHAIRPERSON CAPIZZI: Yes. Yes. Yes.

3 MR. GUARENO: I'm trying to --

4 MR. PEREIRAS: We're going to make it
5 smaller.

6 MR. GUARENO: No, no. As far as the
7 height.

8 MR. PEREIRAS: Um hum.

9 MR. GUARENO: Because I see the third floor
10 and third floor loft.

11 CHAIRPERSON CAPIZZI: Right.

12 MR. PEREIRAS: We'll --

13 MR. GUARENO: How many --

14 MR. PEREIRAS: We'll redesign that. We'll
15 make it smaller.

16 MR. GUARENO: I'm just trying to figure out
17 how many floors you going to have here. I mean I
18 know you have --

19 MR. ORTIZ: Four. It's going to be --

20 MR. GUARENO: Four?

21 MR. ORTIZ: -- four as of right there.

22 MR. PEREIRAS: I never even finished my
23 presentation.

24 We're redesigning, so --

25 THE SECRETARY: Motion to adjourn the

1 application for April 24.

2 CHAIRPERSON CAPIZZI: Not another one,
3 Carlos. We just put two on. We just put two
4 applications on April 24th.

5 MR. ORTIZ: Let's go to May.

6 CHAIRPERSON CAPIZZI: We cannot do another
7 one.

8 MR. DILLON: Who second that?

9 CHAIRPERSON CAPIZZI: We just put these two
10 on.

11 THE SECRETARY: (Indiscernible).

12 MR. ORTIZ: Hmm?

13 THE SECRETARY: These -- (indiscernible) --
14 two lots together or only separate lots?

15 MR. ORTIZ: Well, the way they're doing it,
16 if it's attached, it's fine that it's separate
17 lots. That's fine.

18 THE SECRETARY: What do you want? What do
19 you want? The next date? Want to go --

20 MR. ORTIZ: Will be May.

21 THE SECRETARY: -- May?

22 MR. ORTIZ: Yeah. Only just -- we're --
23 got some large --

24 THE SECRETARY: May. When is May?

25 MR. SPATZ: The 22nd.

1 MR. DILLON: Carlos, who second it?

2 THE SECRETARY: Huh?

3 MR. DILLON: Who second?

4 THE SECRETARY: Hold on one second, please.

5 Let's check the --

6 MR. SPATZ: It's May 22nd.

7 THE SECRETARY: May 22nd.

8 Right. We have a motion on the table to
9 adjourn this application for May 22nd, --

10 CHAIRPERSON CAPIZZI: I make a motion.

11 THE SECRETARY: -- 2018.

12 Can I have a second on the motion to
13 adjourn this application --

14 MR. VELAZQUEZ: I second.

15 THE SECRETARY: -- for May 22nd?

16 MR. VELAZQUEZ: I second.

17 THE SECRETARY: Second by Mr. Velazquez.

18 Roll call on the motion to adjourn this
19 application.

20 Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Ms. Morejon?

4 MS. MOREJON: Yes.

5 THE SECRETARY: Mr. Rivero?

6 MR. RIVERO: Yes.

7 THE SECRETARY: Mr. Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Eight in favor.

12 Motion carries.

13 MR. ORTIZ: Please submit revised
14 application.

15 THE SECRETARY: Need the revised --

16 MS. PEREIRAS: Absolutely.

17 THE SECRETARY: -- application and revised
18 blueprints.

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

21 MR. ORTIZ: Thank you.

22 There is one other issue I just thought of
23 with the other application.

24 Is it going to be a total redesign, because
25 is -- is --

1 MS. PEREIRAS: No. We're going to sit down
2 with our clients --

3 MR. ORTIZ: No, because it's a matter of
4 notice is really where I'm going with this. If
5 it's a total redesign, notice --

6 I just -- I'm just thinking and I'm trying
7 to ask -- that's the question.

8 MS. PEREIRAS: Regardless it would --

9 MR. PEREIRAS: It will still be a three
10 family.

11 MS. PEREIRAS: -- it would either be the
12 three families or smaller, so I would hope there
13 wouldn't be any need for re-notice.

14 MR. ORTIZ: Okay. Could you just --

15 MS. PEREIRAS: We're not going larger.

16 MR. ORTIZ: Once you decide with your
17 client what you're going to do --

18 MS. PEREIRAS: Um hum. And then I'll
19 confirm with your office.

20 MR. ORTIZ: Please.

21 MS. PEREIRAS: Okay. Absolutely.

22 MR. ORTIZ: Okay?

23 MS. PEREIRAS: Not a problem.

24 MR. ORTIZ: I mean, if it's -- if it's the
25 same thing, just reduced, I agree.

1 MS. PEREIRAS: Sure.

2 MR. ORTIZ: There's probably no need to re-
3 notice.

4 MS. PEREIRAS: Okay.

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1 **1216 Kennedy Blvd., LLC - 1216 Kennedy Blvd.:**

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3 THE SECRETARY: May I have your attention,
4 please?

5 Just follow up the agenda.

6 Next application on tonight's agenda is
7 1216 Kennedy Boulevard, LLC, 1216 Kennedy
8 Boulevard.

9 Ms. Pereiras, please?

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

14 MR. VELAZQUEZ: You're not going to change
15 this part of the restaurant.

16 Right?

17 MS. PEREIRAS: Again, Bianca Pereiras, on
18 behalf of the applicant, for 1216 Kennedy
19 Boulevard, also known as Block 57, Lot 22.

20 Currently onsite, we have a two family
21 home. The application before the Board this
22 evening is to legalize one unit.

23 We have our expert, Mr. Manuel Pereiras.

24 MR. PEREIRAS: I recognize I am still under
25 oath and I'm still Manny Pereiras.

1 MS. PEREIRAS: Mr. Pereira, are you
2 familiar with 1216 Kennedy Boulevard?

3 MR. PEREIRAS: I am.

4 MS. PEREIRAS: And did you prepare the
5 drawings before the Board?

6 MR. PEREIRAS: I have.

7 MS. PEREIRAS: And would you --

8 MR. PEREIRAS: Just to give a brief
9 history.

10 The owner purchased this a little bit over
11 -- well, almost like 18 months ago. It's a
12 series of properties. He's been systematically
13 repairing, and making everything legal and
14 correct and safe.

15 And this is the last piece of that property
16 that requires this type of intervention.

17 Currently, there's an -- well, he vacated
18 it when he purchased it, but there was an illegal
19 unit on that lower level.

20 What we're doing today is legalizing that
21 unit in the existing two family house, to create
22 a three family house on this lot, in accordance
23 with the -- the Ordinance of the City for three
24 family houses.

25 We are slightly undersized, whereas 25,000

1 (sic) square feet is required. We're at 2,362.
2 However, this is a very odd, irregularly shaped
3 lot. It's 74.83 feet in depth on one side, 72.79
4 on the other, and it has a width of 32 feet.

5 Slightly irregular along the front, also.
6 Kennedy Boulevard has a little bit of an angle to
7 it.

8 We're not proposing any changes to the
9 structure except cosmetic, repairing it. They
10 already repaired the one wall facing north. They
11 repainted it.

12 The front steps to get into the property
13 are going to be redone and made to be Code
14 compliant.

15 If I turn now to -- there's a bunch of
16 existing nonconformities. There's an existing
17 nonconformity for lot area. There's an existing
18 nonconformity for lot depth, existing
19 nonconformity for front yard depth. We're at
20 zero feet, whereas ten feet is required.

21 Rear yard, whereas 25 percent of the depth
22 is required, we're only at 14 feet six inches at
23 this application.

24 Where the side yard, you need two feet on
25 one, five feet on both. We have zero on one

1 side, eight foot two on the other.

2 We have existing nonconformities for
3 building coverage. No. Building coverage is
4 good.

5 For lot coverage; 85 percent is the maximum
6 required. We are actually at a hundred percent.

7 Off-street parking.

8 We are required to have 7.4 cars in total.
9 We only have zero.

10 The building is an opportunity to fix and
11 make it comply with all Code requirements of
12 today. We are isolating the mechanical room,
13 creating a fire separation between the common
14 hallways, the mechanical room, and the rest of
15 the apartment. That's going to be accessed from
16 the main stair coming down from the apartment
17 above.

18 We have a kitchen, living room, dining room
19 space, and the one bedroom along the back.

20 Since we have a big side yard, we could
21 keep the bedroom in the back, because it leads to
22 a public right-of-way very comfortably.

23 We're opening the window, creating an
24 emergency egress window there. We are creating
25 -- using the existing door along the front for

1 the main entry of the building.

2 We have a secondary entrance along the back
3 and along the center common hallway.

4 The upstairs apartments remain as is.

5 There were already permits taken out and
6 completely renovated the upstairs floors, where
7 there are existing four bedrooms per each of
8 those units. That's an existing condition that
9 we look to remain.

10 So, to repeat. We have an undersized lot,
11 but we're legalizing the three family on this
12 lot. Four bedrooms on each of the two top units
13 and one bedroom is what we're proposing on the
14 lower level.

15 It's going to be fire suppressed, with a
16 domestic line fire suppression system. It's
17 going to have a two hour fire separation between
18 that unit and the units above. It's going to
19 have an alarm system that complies with all of
20 today's Codes and standards.

21 CHAIRPERSON CAPIZZI: And just one
22 question.

23 You have expand in here. What does that
24 mean? For off-street parking?

25 MR. PEREIRAS: It means that --

1 CHAIRPERSON CAPIZZI: Expanding.

2 MR. PEREIRAS: -- before this application,
3 it was two units. Those two units would have
4 required roughly four and a half parking spaces.

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. PEREIRAS: When we legalize a unit,
7 that unit requires parking, as well.

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. PEREIRAS: So, it goes from having four
10 and a half to having required seven and a half.
11 Therefore, we're expanding the requirement.

12 CHAIRPERSON CAPIZZI: Okay. Got you.

13 Any Board member have any question?

14 MR. VELAZQUEZ: They'll park across the
15 street.

16 CHAIRPERSON CAPIZZI: There you go.

17 MR. PEREIRAS: They can. There's a huge
18 lot there.

19 CHAIRPERSON CAPIZZI: Any Board member?

20 MR. PEREIRAS: Same owners.

21 CHAIRPERSON CAPIZZI: Any -- any member of
22 the public have any questions?

23 Comments?

24 Okay.

25 Seeing none.

1 I'll make a motion to approve the
2 application.

3 THE SECRETARY: Motion on the table to
4 approve the application by Chairwoman Capizzi.

5 MR. VELAZQUEZ: I second.

6 THE SECRETARY: Second by Mr. Velazquez.

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

9 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. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Ms. Morejon?

18 MS. MOREJON: Yes.

19 THE SECRETARY: Mr. Rivero?

20 MR. RIVERO: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 MR. VELAZQUEZ: Yes.

23 THE SECRETARY: Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Eight in favor.

1 Motion carries.

2 Thank you.

3 MS. PEREIRAS: Thank you all very much.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 MS. PEREIRAS: Good night.

6 See you next month.

7 MR. PEREIRAS: Thank you, everyone. Good
8 night.

9 CHAIRPERSON CAPIZZI: Good night.

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1 **ADJOURNMENT:**

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

6 CHAIRPERSON CAPIZZI: I'll make a motion.

7 THE SECRETARY: Motion by Ms. Capizzi.

8 Second by?

9 MR. RIVERO: Aye.

10 Rudy.

11 THE SECRETARY: Mr. Rivero?

12 MR. RIVERO: Yeah.

13 THE SECRETARY: Roll call on the motion.

14 All in favor, say aye.

15

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

17

18 THE SECRETARY: The ayes have it.

19 Thank you have a good night.

20 Let the record show up --

21 MR. RIVERO: Same to you.

22 THE SECRETARY: -- the meeting has ended.

23 Please, next Special Meeting, March 6.

24 (Whereupon, the proceedings were concluded
25 at 6:59 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, February 27, 2018 and digitally
11 recorded.

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