

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, September 25, 2018
Commencing at 6:15 p.m.

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

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
FRANKLIN MEDINA
JOSE GUARENO, Alternate No. 2,
(Arrived at 6:27 p.m.)
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
CAROLINA FERNANDEZ
RUDY RIVERO
ALEJANDRO VELAZQUEZ, Alternate No. 1

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

CARLOS VALLEJO, Secretary to the Board

WILFREDO J. ORTIZ, II, ESQ., Attorney for the Board

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

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, 1713 Bergenline Avenue

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 14th Street Associates, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1012 Palisade Ave.

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Carlos Silveira

PATRICK J. DWYER, ESQ.,
Attorney for Applicant, Hudson Yards West, LLC

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14th Street Associates, LLC
413-417 14th Street

WITNESSPAGE

Manuel Pereiras

38

I N D E X1012 Palisade Ave.WITNESSPAGE

Manuel Pereiras

60

SWORN PUBLIC

Larry Price

68

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

3 Please take notice that on Tuesday,
4 September 25th, 2018, at six p.m., a Regular
5 Meeting is scheduled for the City of Union City
6 Planning Board, to be held in the Municipal
7 Chambers of the City Hall, 3715 Palisade Avenue,
8 Union City, New Jersey.

9 Opening statement.

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

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

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

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

24

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 Valdivia?
14 Absent.

15 Alicia Morejon?

16 MS. MOREJON: Yes.

17 THE SECRETARY: Diane Capizzi?

18 CHAIRPERSON CAPIZZI: Here.

19 THE SECRETARY: Carolina Fernandez?
20 Absent.

21 Rudy Rivero? Absent.

22 Franklin Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Jeanne Koehler?

25 VICE CHAIRPERSON KOEHLER: Here.

1 THE SECRETARY: Alejandro Velazquez?

2 Absent.

3 Let the record indicate there are five
4 present. We have a full quorum for tonight's
5 meeting.

6 CHAIRPERSON CAPIZZI: Mr. Vallejo, can we
7 just --

8 THE SECRETARY: Please, Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: I would just request
10 a moment of silence to --

11 THE SECRETARY: Please.

12 CHAIRPERSON CAPIZZI: -- note the passing of
13 Alex Velazquez's mother.

14 THE SECRETARY: Yes. Yeah. Mr. -- okay.

15

16 (Whereupon, there was a moment of silence.)

17

18 CHAIRPERSON CAPIZZI: Thank you.

19 THE SECRETARY: Thank you.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on July 24, 2018

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5 THE SECRETARY: All right.

6 Adoption meetings held on July 24, 2018.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I make motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 VICE CHAIRPERSON KOEHLER: Second.

11 THE SECRETARY: Second by Ms. Koehler.

12 Roll call on the motion.

13 Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes.

15 THE SECRETARY: Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Mr. Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Five in favor.

24 Motion carries.

25 * * *

1 **RESOLUTIONS:**

2

3 (1) Resolution to Appoint the Attorney for the
4 Planning Board; Commencing on July 1, 2018
5 through June 30, 2019.

6

7 THE SECRETARY: We have two Resolutions on
8 --

9 No, I'm sorry.

10 Three Resolutions on tonight's agenda.
11 Resolution number 1.

12 Resolution to appoint attorney for the
13 Planning Board, commencing on July 1st, 2018 to
14 June 30, 2019.

15 Can I have a motion to adopt the
16 Resolution?

17 CHAIRPERSON CAPIZZI: I make a motion.

18 THE SECRETARY: Motion by Ms. Capizzi.

19 Any second --

20 VICE CHAIRPERSON KOEHLER: Second.

21 THE SECRETARY: -- the motion?

22 Second by Ms. Koehler.

23 Roll call on the motion.

24 Ms. Koehler?

25 VICE CHAIRPERSON KOEHLER: Yes.

1 THE SECRETARY: Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Ms. Morejon?

8 MS. MOREJON: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

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1 **RESOLUTIONS:**

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3 (2) Zohastan, LLC, 646 38th Street, Block 261,
4 Lots 7, 8. Applicant proposes two new three
5 family houses. Approved

6 (3) Christopher Gallo, 206 40th Street, Block
7 237, Lot 7. Applicant seeks to legalize a first
8 floor apartment converting a two family into a
9 three family. Approved

10

11 THE SECRETARY: Resolutions 2 and 3.

12 Number 2.

13 Zohastan, LLC, 646 38th Street.

14 Resolution number 3.

15 Christopher Gallo, 206 40th Street.

16 Can I have a motion to adopt these

17 Resolution?

18 CHAIRPERSON CAPIZZI: Motion.

19 THE SECRETARY: Motion by Ms. Capizzi.

20 Any second?

21 Second by Ms. Koehler.

22 Roll call on the motion.

23 Ms. Koehler?

24 VICE CHAIRPERSON KOEHLER: Yes.

25 THE SECRETARY: Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Ms. Morejon?

7 MS. MOREJON: Yes.

8 THE SECRETARY: Five in favor.

9 Motion carries.

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1 **1713 Bergenline Avenue:**

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3 THE SECRETARY: First hearing on tonight's
4 agenda is 1713 Bergenline Avenue.

5 Applicants are seeking for one year
6 extension. The Resolution was memorialized on
7 November 22, 2016.

8 Mr. Lopez, please?

9 MR. LOPEZ: Thank you.

10 It's actually 1713 Bergenline Avenue.

11 THE SECRETARY: I'm sorry.

12 1713 Bergenline. You are correct.

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. LOPEZ: Thank you.

15 Madam Chairwoman, members of the Board, my
16 client is seeking a one year extension of the
17 project. It was approved by you unanimously back
18 in November of 2016.

19 It is a -- the delay for the project was
20 merely for financing purposes. It's a -- it's a
21 substantial project. It provides ample parking.
22 There are no parking variances involved.

23 It is an all brick building. It is an
24 existing -- an old existing warehouse. It used
25 to house the Malanka Waste Removal Company that

1 used to operate here in the city. And it's fully
2 built out on the property line on the ground
3 floor. That is being retained and the extension
4 is above. It's residential with full parking for
5 every single apartment. No parking variances.

6 And it is a good project, good to
7 revitalize that particular area. The client just
8 needs a one year extension to commence the
9 project. And he's otherwise ready to proceed.

10 So, we would ask you to -- we would ask you
11 to approve the extension. It is the first time
12 that he has sought an extension.

13 What is before you is the original
14 approval.

15 CHAIRPERSON CAPIZZI: What kind of
16 financial problems is he having?

17 MR. LOPEZ: It wasn't financial problems,
18 per se on his part, he was trying to find the
19 right bank to provide him with the proper
20 conditions.

21 The problem that he had was that some of
22 the banks that he was going to -- providing him
23 the money wasn't a problem, it was actually the
24 interest payments during the construction
25 process.

1 He has now found a bank that will structure
2 that into the overall loan and they will provide
3 him sufficient money for an escrow to be
4 established, so he can make just interest
5 payments on the actual loan during the
6 construction process, which he anticipates will
7 take approximately one year.

8 CHAIRPERSON CAPIZZI: Well, I think I would
9 feel more comfortable if he could start now. Is
10 that possible?

11 MR. LOPEZ: With the extension, it's likely
12 that he can start within the next four months.
13 He is -- he is an architect himself, so the plans
14 are ready.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. LOPEZ: He has to get final approval on
17 the construction loan and then submit everything
18 to the Building Department. So realistically,
19 about four months.

20 CHAIRPERSON CAPIZZI: So, then, why would
21 we do a one year extension?

22 MR. LOPEZ: Because the original extension
23 would expire in November.

24 MR. ORTIZ: If he was to --

25 MR. LOPEZ: And it's the statutory

1 extension that he's requesting, which is one year
2 in nature.

3 MR. ORTIZ: If he was to pull the permits
4 now, though, then he wouldn't need the extension.

5 MR. LOPEZ: He's not in a position right
6 now to pull the permit, until he gets all of the
7 financing and closes on that loan. So, he needs
8 -- realistically, he needs about 60 days on that.
9 And then, all submissions, probably at least
10 another 30 days.

11 CHAIRPERSON CAPIZZI: Well, are we required
12 to -- to approve an extension?

13 MR. ORTIZ: You're not required to, no.

14 CHAIRPERSON CAPIZZI: Because I think I
15 would feel more comfortable if we could get
16 things going.

17 You know, the extensions that we've been
18 approving, these lots sit there and they're not
19 developed, becomes a nuisance.

20 MR. LOPEZ: This -- an applicant has a
21 right -- the -- the -- as to an extension, it's
22 as of right for the first one. Thereafter, the
23 Board has a lot more flexibility to reject them.

24 So, I would -- I would urge the Board to
25 grant this first extension and then, I don't -- I

1 | certainly don't believe it will be the case for
2 | this project, but if you see no movement, you
3 | could certainly, if he were ever to try to come
4 | back, you could certainly tell him that that's
5 | not the basis of the representation that was
6 | given to the Board last time, when you made this
7 | application.

8 | So, I -- I would urge you to grant this one
9 | and --

10 | MR. ORTIZ: Can I make a suggestion?

11 | MR. LOPEZ: Absolutely.

12 | MR. ORTIZ: How about adjourning this
13 | matter for next month's meeting, because it will
14 | not have expired by --

15 | MR. LOPEZ: It would not have expired.
16 | Correct.

17 | MR. ORTIZ: And maybe the -- the Board then
18 | can get a better idea on the financing.

19 | CHAIRPERSON CAPIZZI: Okay.

20 | VICE CHAIRPERSON KOEHLER: When does it
21 | expire?

22 | MR. ORTIZ: November.

23 | MR. LOPEZ: November. Well, the -- the --
24 | this Board's approval was November 22nd, 2016.
25 | So, if we do come back in -- if you're going to

1 make me come back in October, it -- it would
2 still be within time. Correct.

3 MR. ORTIZ: Only --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. ORTIZ: -- what I'm hearing is that --

6 MR. LOPEZ: Understood.

7 MR. ORTIZ: -- they're concerned about --
8 and believe me, as a matter of policy, across the
9 board on these older projects, it's becoming a
10 problem in the city.

11 MR. LOPEZ: Well, this --

12 MR. ORTIZ: No, no. Not this one.

13 MR. LOPEZ: As far as extensions are
14 concerned, this is really --

15 CHAIRPERSON CAPIZZI: I understand.

16 MR. LOPEZ: -- not an old project.

17 MR. ORTIZ: No, no, not --

18 VICE CHAIRPERSON KOEHLER: Understood.

19 MR. LOPEZ: Yeah.

20 VICE CHAIRPERSON KOEHLER: And but you
21 said, this is the first extension?

22 MR. LOPEZ: Correct.

23 VICE CHAIRPERSON KOEHLER: So, and that's a
24 technicality.

25 Right?

1 As a -- but it says here, in the second
2 whereas section, that you guys presented before
3 the Board on October 25th, 2015.

4 MR. ORTIZ: It's the memorialization, would
5 be the anniversary, though, which is November.
6 As we always do.

7 VICE CHAIRPERSON KOEHLER: Right. So --

8 MR. LOPEZ: No, but it's -- the date is
9 incorrect.

10 VICE CHAIRPERSON KOEHLER: This date in
11 here is incorrect?

12 MR. ORTIZ: Oh.

13 MR. LOPEZ: Right.

14 MR. ORTIZ: Fifteen. Oh, I see it. Okay.
15 Well that --

16 MR. LOPEZ: Right. It's really --

17 VICE CHAIRPERSON KOEHLER: Ahhh.

18 MR. LOPEZ: It -- it should really say 16.
19 We presented --

20 VICE CHAIRPERSON KOEHLER: Okay.

21 MR. LOPEZ: We presented in October --

22 MR. ORTIZ: And that's correct because --

23 MR. LOPEZ: -- 2016.

24 VICE CHAIRPERSON KOEHLER: Okay.

25 MR. ORTIZ: -- the Chairwoman's signature

1 is dated 16. So that was a typo.

2 VICE CHAIRPERSON KOEHLER: Okay.

3 MR. LOPEZ: November 22nd, 2016.

4 MR. ORTIZ: That's a typo.

5 MR. LOPEZ: Which would have been a month
6 after.

7 VICE CHAIRPERSON KOEHLER: Got it.

8 MR. LOPEZ: Right. So we --

9 VICE CHAIRPERSON KOEHLER: So, two years --

10 MR. LOPEZ: Two years from the November
11 date, if we come back in October --

12 VICE CHAIRPERSON KOEHLER: There's been no
13 movement, two years.

14 MR. LOPEZ: Well, there's no physical
15 movement --

16 VICE CHAIRPERSON KOEHLER: Yeah.

17 MR. LOPEZ: -- in construction.

18 It's a larger project and there is -- a lot
19 goes into it. But he does have the engineering
20 and the architectural ready to go.

21 MR. ORTIZ: It's just a recommendation,
22 because I think, then, Mr. Lopez can come back
23 with maybe more information as to the financing.

24 MR. LOPEZ: Yeah.

25 CHAIRPERSON CAPIZZI: Okay.

1 Let's do that.

2 MR. LOPEZ: Very good.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. LOPEZ: What's the -- what's the
5 October meeting?

6 MR. ORTIZ: When's the October meeting?

7 MR. SPATZ: 23rd.

8 MR. ORTIZ: 23rd?

9 MR. LOPEZ: All right.

10 Thank you very much.

11 I'll --

12 CHAIRPERSON CAPIZZI: Thank you.

13 MR. LOPEZ: I'll advise the client.

14 Thank you.

15 Have a good night.

16 VICE CHAIRPERSON KOEHLER: Thank you.

17 MR. ORTIZ: You, too.

18 CHAIRPERSON CAPIZZI: You, too.

19 THE SECRETARY: Can I have it to adjourn
20 the extension for October 23rd, 2018?

21 CHAIRPERSON CAPIZZI: I'll make a motion.

22 THE SECRETARY: We have to --

23 Motion by Ms. Capizzi.

24 CHAIRPERSON CAPIZZI: Um hum.

25 THE SECRETARY: Any second?

1 By Ms. Koehler.

2 Roll call on the motion.

3 Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 THE SECRETARY: Ms. Capizzi?

6 Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 MR. ORTIZ: Madam Chairwoman?

9 THE SECRETARY: To adjourn?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Ms. Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Ms. Morejon?

16 Ms. Morejon?

17 MS. MOREJON: Yes.

18 THE SECRETARY: Thank you.

19 Five in favor.

20 Motion carries.

21 This application for extension will be

22 heard on October 23rd, 2018.

23 CHAIRPERSON CAPIZZI: Um hum.

24 THE SECRETARY: Thank you.

25

1 (Whereupon, Jose Guareno arrived at 6:27
2 p.m.)

3

4 THE SECRETARY: Let the record indicate
5 that Mr. Guareno joined the meeting at 6:20 --

6 MS. DILLON: Seven.

7 THE SECRETARY: -- six.

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1 **Hudson Yards West, LLC - 3309 Hudson Avenue**
2 **& 3308-3310 Palisade Avenue:**

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4 MR. ORTIZ: Is there anybody here from Mr.
5 Schkolnick's office, by the way, out of
6 curiosity, which is the -- the last one on the
7 agenda, but --

8 MS. DILLON: Mr. Dwyer is.

9 MR. ORTIZ: Mr. Dwyer is?

10 MR. DWYER: Yes.

11 MR. ORTIZ: Madam Chairwoman?

12 CHAIRPERSON CAPIZZI: Yes?

13 MR. ORTIZ: This is on for jurisdiction
14 alone. I don't want Mr. Dwyer --

15 CHAIRPERSON CAPIZZI: Sure.

16 MR. ORTIZ: -- as a courtesy to have to sit
17 here through --

18 CHAIRPERSON CAPIZZI: Yup.

19 MR. ORTIZ: -- all the presentations.

20 If you don't mind, Ms. Pereiras, if we --

21 MS. PEREIRAS: Of course.

22 MR. ORTIZ: -- we just address this one
23 issue and then --

24 CHAIRPERSON CAPIZZI: Yes.

25 MR. DWYER: Thank you so much.

1 MR. ORTIZ: -- the rest is yours.

2 MR. DWYER: Thank you so much.

3 My name is Patrick Dwyer.

4 I'm from the law firm of Nusbaum, Stein.

5 I'm appearing here this evening in

6 substitution for Rick Schkolnick, who was unable
7 to be here at this time.

8 This is an application, as you know, which
9 is pending and we've been told that the Board is
10 -- is under the belief that it cannot exercise
11 jurisdiction at this time because of the prior
12 denial, which is under litigation.

13 And I hope everyone has a copy of Mr.
14 Schkolnick's letter dated September 14th, I think
15 it was, setting forth all the reasons why the
16 applicant believes this Board has every right to
17 hear an application which is different from the
18 first application.

19 And it's interesting because it cites a
20 Price/Martinetti case, which someone here may be
21 familiar with, but if you look at the end of that
22 case, it -- it said something telling.

23 It says, imagine if it was a hospital.
24 Imagine a hospital came to you for a 200 bed
25 facility, and then later found financing for a

1 300 bed facility. We don't want to, the court
2 says, we don't want to interpret the MLUL in such
3 a way that that hospital could not come back to
4 you after already having a 200 bed approval and
5 ask you for a 300 bed approval.

6 Clearly, a different application, but those
7 two different approvals should be granted.

8 Everyone who owns property in New Jersey
9 has the right, all of us who has a -- has
10 property has the right to do so, to -- to make an
11 application to develop that land and, if we
12 change our minds, to make another application to
13 develop that land in a different way.

14 That's basically the applicant's position
15 in this matter. That's why we believe that the
16 case which is pending, this Board has
17 jurisdiction, and should exercise it, and allow
18 the case to go forward.

19 If you have any questions about the letter,
20 I'll try to answer them.

21 MR. ORTIZ: I -- I, too, have been deeply
22 involved with this matter, and have been in
23 communication with Mr. Schkolnick.

24 I wholeheartedly disagree with counsel's
25 opinion of what the case law says.

1 There's a case, Cicchine, which many of you
2 might have saw in my letter --

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. ORTIZ: -- saying that this has
5 jurisdiction, versus the Township of Woodbridge.
6 In that particular case, once there's a writ -- a
7 prerogative writ filed, essentially this Board
8 loses jurisdiction to hear anything involving
9 that property.

10 And I think that's the more consistent case
11 law with our situation.

12 The other cases, for the most part,
13 involved consent orders of settlement. It was
14 almost like a whispering woods, and you've heard
15 that term before, kind of -- well, whispering
16 woods is a hearing when there's a settlement to
17 -- to approve something.

18 And that -- that's an exception to this
19 rule, not the rule.

20 It's my opinion that this Board cannot act,
21 under the Cicchine case, exercise jurisdiction
22 while we are currently in litigation over this
23 property.

24 We did not initiate the litigation. And
25 that's -- you know, Mr. Schkolnick and his client

1 have every right to litigate a decision made by
2 this Board.

3 But the Cicchine case, I feel, prevents us
4 from exercising any jurisdiction over this
5 matter, which is why I asked that it be listed
6 for jurisdictional purposes only, so that the
7 Board can decide are they going to exercise
8 jurisdiction, which I don't think is
9 discretionary, as Mr. Schkolnick and Mr. Dwyer
10 have asserted, or would the Board decline
11 jurisdiction based on the Cicchine case?

12 My advice is that we don't have the ability
13 to exercise jurisdiction.

14 MR. DWYER: I -- I agree with Board
15 counsel, in part.

16 We disagree in -- in part about whether or
17 not there's a pending litigation and if there is
18 a similar application, yes, I agree the Board
19 would not have jurisdiction.

20 But if it's a substantially different
21 application, we submit the Board does and we
22 believe the Board should.

23 CHAIRPERSON CAPIZZI: Okay.

24 Do we have to hear from anyone?

25 MR. ORTIZ: No.

1 CHAIRPERSON CAPIZZI: No?

2 MR. ORTIZ: No.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: That's for -- we --
5 technically, this case is not under --

6 CHAIRPERSON CAPIZZI: Right.

7 MR. ORTIZ: -- our purview, because we have
8 not accepted any service -- any notices or -- or
9 publication.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. ORTIZ: We don't have -- this is purely
12 a decision the Board needs to make --

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. ORTIZ: -- based on the lawyer's
15 advice, and do we have jurisdiction --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. ORTIZ: -- or not, based on that
18 advice.

19 CHAIRPERSON CAPIZZI: So, based on your
20 advice, I would make a motion to decline
21 jurisdiction for this application.

22 THE SECRETARY: Motion to decline
23 jurisdiction on the application of Hudson Yards
24 West, LLC, by Ms. Capizzi.

25 Any second the motion?

1 Second by Ms. Koehler.

2 Roll call on the motion.

3 Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 THE SECRETARY: Ms. Capizzi?

6 CHAIRPERSON CAPIZZI: Yes.

7 THE SECRETARY: Ms. Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Ms. Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Mr. Guareno?

14 MR. GUARENO: Yes.

15 THE SECRETARY: Six in favor.

16 Motion carries.

17 MR. ORTIZ: Mr. Dwyer?

18 THE SECRETARY: Thank you.

19 MR. ORTIZ: Because we never took

20 jurisdiction, there will not be a Resolution

21 reflecting this, so you can order the transcripts

22 so that --

23 MR. DWYER: Okay.

24 MR. ORTIZ: -- for any purposes that you

25 may need.

1 MR. DWYER: I'll tell Mr. Schkolnick.

2 MR. ORTIZ: I don't see, if we never took
3 jurisdiction, how I can write a Resolution. But
4 if Mr. Schkolnick --

5 MR. DWYER: You could.

6 MR. ORTIZ: He --

7 MR. DWYER: Yeah, I guess, you could if you
8 wanted to, but --

9 MR. ORTIZ: He -- he --

10 MR. DWYER: -- if you don't want to --

11 MR. ORTIZ: He can call me.

12 MR. DWYER: Yeah. Okay.

13 MR. ORTIZ: He knows my cell phone, he
14 knows everything at this point.

15 MR. DWYER: All right.

16 Thank you for your time.

17 CHAIRPERSON CAPIZZI: All right.

18 Thank you.

19 Thank you.

20 * * *

21

22

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24

25

1 **14th Street Associates, LLC - 413-417 14th Street:**

2

3 THE SECRETARY: All right.

4 We are going to application number 2.

5 14th Street Associate -- Association, LLC,
6 413-417 14th Street.

7 Ms. Pereiras, please?

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

10 MR. ORTIZ: Counsel?

11 MS. PEREIRAS: Yes.

12 MR. ORTIZ: Everything -- what is -- this
13 is -- has nothing to do with your notices but --

14 MS. PEREIRAS: Um hum.

15 MR. ORTIZ: -- you're the first one that
16 came to me with this --

17 MS. PEREIRAS: Um hum.

18 MR. ORTIZ: -- potential problem. And I'll
19 -- I'll share this with the Board. I think the
20 Board needs to know this.

21 You drafted -- did you put this whole thing
22 together, or they --

23 MS. PEREIRAS: No.

24 MR. ORTIZ: -- they finally do it
25 themselves?

1 MS. PEREIRAS: They finally did it. I had
2 to send an attorney down there to actually
3 notarize and witness them signing that
4 certification.

5 MR. ORTIZ: I don't know if we're going to
6 run across this in the future, but Ms. Pereiras
7 was -- went the extra yard to get this done for
8 her client and for the Board, since we had it on
9 the agenda.

10 But The Jersey Journal, sometime earlier
11 today, took the position that they no longer will
12 give out affidavits of publication.

13 This -- and it's not -- doesn't effect this
14 case now, because of what Ms. Pereiras did, but I
15 just want you to realize going forward --

16 CHAIRPERSON CAPIZZI: Right.

17 MR. ORTIZ: -- that's a requirement that we
18 can't waive, and Ms. Pereiras and I spoke about
19 that this afternoon.

20 But other applicants may have these
21 problems going forward. Just luckily, today, Ms.
22 Pereiras has all three cases that are left on, so
23 with that being said, she was able to get them
24 for all three.

25 But this can become a problem going

1 forward.

2 CHAIRPERSON CAPIZZI: How do you think
3 you're going to resolve it?

4 MS. PEREIRAS: One of my questions, if we
5 -- if I'm able to obtain the actual paper, cut it
6 out the same way that The Jersey Journal does it
7 and certify to it myself that it was published, I
8 think that might be sufficient.

9 MR. ORTIZ: I -- and you know, it may be,
10 as I told Ms. --

11 CHAIRPERSON CAPIZZI: Published where?

12 MR. ORTIZ: In The Jersey Journal.

13 MS. PEREIRAS: In The Jersey Journal. So,
14 it would have been published. So, once we have
15 the actual Jersey Journal, --

16 CHAIRPERSON CAPIZZI: Oh, okay.

17 MS. PEREIRAS: -- actually bring that or
18 bring the cutout. I don't know how else --

19 MR. ORTIZ: I --

20 MS. PEREIRAS: -- to solve it.

21 MR. ORTIZ: I'm going to look at the
22 statute. I'm not quite sure that it requires an
23 affidavit from the publication or -- or not. If
24 it's not specific, I'm not quite sure, off the
25 top of my head.

1 CHAIRPERSON CAPIZZI: Is the date
2 important?

3 MS. PEREIRAS: The date is important --

4 CHAIRPERSON CAPIZZI: So then you'd take
5 the whole page.

6 MS. PEREIRAS: -- of the actual
7 publication.

8 CHAIRPERSON CAPIZZI: Correct.
9 To show the date.

10 MR. ORTIZ: Yeah. Yeah. Yeah.

11 MS. PEREIRAS: Um hum.

12 MR. ORTIZ: But I mean, this is something
13 that essentially can become a big problem for not
14 just our Board --

15 CHAIRPERSON CAPIZZI: Sure.

16 MR. ORTIZ: -- also the Board of
17 Adjustment.

18 MS. PEREIRAS: Um hum.

19 CHAIRPERSON CAPIZZI: Of course.

20 MS. PEREIRAS: Um hum.

21 MR. ORTIZ: And forget about all the other
22 boards throughout --

23 CHAIRPERSON CAPIZZI: Right.

24 MR. ORTIZ: -- the county, for that matter.

25 MS. PEREIRAS: Absolutely.

1 MR. ORTIZ: You know, not that we're --

2 MS. MOREJON: And the Board of Ed.

3 MR. ORTIZ: -- we worry about that but --

4 MS. MOREJON: The Board of Ed.

5 CHAIRPERSON CAPIZZI: Yeah.

6 MR. ORTIZ: Yeah. So --

7 CHAIRPERSON CAPIZZI: Yeah.

8 MR. ORTIZ: -- I just want you to be aware
9 of it. It's not an issue because of what Ms.
10 Pereiras has done, but with that being said,
11 Madam Chairwoman, I've had an opportunity --

12 CHAIRPERSON CAPIZZI: Okay.

13 MR. ORTIZ: -- to review the submissions.
14 Everything seems to be in order, giving
15 jurisdiction to the Board, speaking of
16 jurisdiction.

17 MS. PEREIRAS: Thank you very much,
18 counsel.

19 Madam Chair, members of the Board, may it
20 please the Board, Bianca Pereiras, on behalf of
21 14th Street Associates.

22 This is for property located at 413 through
23 417 14th Street, also known as Block 64, Lots 22,
24 23 and 24.

25 Right now on the property, we have a vacant

1 lot, so three vacant lots. And what we are
2 proposing is something in-line with the Re-
3 Examination Report. We are proposing a three
4 family on each lot.

5 We have one expert to testify before the
6 Board this evening, and that is our architect,
7 Mr. Manuel Pereiras.

8 MS. DILLON: Please raise your right hand.

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

11 MR. PEREIRAS: I do.

12 Manny Pereiras, P-E-R-E-I-R-A-S, with
13 Pereiras Architects Ubiquitous, 1116 Summit
14 Avenue, Union City.

15 MS. DILLON: Thank you.

16 MR. ORTIZ: I love that word, ubiquitous.

17 MR. PEREIRAS: It's -- it's everywhere.

18 MR. ORTIZ: And when you say that every
19 time, I laugh inside.

20 VICE CHAIRPERSON KOEHLER: You are
21 ubiquitous.

22 MR. ORTIZ: Every time you say it, I laugh
23 inside.

24 CHAIRPERSON CAPIZZI: It's never quickly.

25 MS. PEREIRAS: And for purposes of the

1 record, Mr. Pereiras --

2 CHAIRPERSON CAPIZZI: Yes.

3 MS. PEREIRAS: -- has testified in the
4 past.

5 Thank you very much.

6 Mr. Pereiras, are you familiar with the
7 property located at 413 through 417 14th Street?

8 MR. PEREIRAS: I'm very familiar with it.

9 MS. PEREIRAS: And did you prepare the
10 drawings before the Board this evening?

11 MR. PEREIRAS: I am and I'm very happy to
12 do so, because this is -- what we're presenting
13 today is exactly what the City's requesting in
14 their Master Plan.

15 The Ordinance has not been adopted yet,
16 therefore, we have a series of variances, but
17 this is an exact, almost a to the T description
18 of what the Master Plan requests.

19 We have a large lot, it's 75 by a hundred.
20 It's actually three separate lots, each of these
21 being 25 by 100.

22 For purposes of presentation, I have the
23 same drawings that were submitted to the Board
24 here on my right, and we could see the three
25 separate lots on 14th Street, 14th Street heads

1 along this direction. And we propose the three,
2 three families on this.

3 Each of these three families has a two foot
4 setback on one side and a three foot setback on
5 the other. Each of these has a ten foot setback
6 along the front and each of these has a five foot
7 setback along the rear.

8 That is all in conformance with the Master
9 Plan, the recommendations. However, all these
10 things trigger variances, based on the current
11 Ordinance.

12 For example, the rear yard. In -- our
13 current Ordinance requires 25 feet, we're only at
14 five feet. So, that's a variance.

15 We have lot coverage, building coverage,
16 both as -- triggers variances, even though we
17 comply with the requirements of the Master Plan,
18 our Ordinance hasn't caught up, so we're -- we're
19 really designing for the future of Union City
20 here.

21 And then, we have three curb cuts, each of
22 the curb cuts being 12 feet in size, along the
23 front of the building.

24 We did, however, find opportunities to
25 create landscaping and we have three foot by ten

1 feet landscaping berths along the front of the
2 building, and we're proposing shade trees. We're
3 proposing two on one side, and one on the other,
4 so that we have nice shade trees along 14th
5 Street.

6 And in accordance with Union City's
7 proposed Master Plan, we're proposing a four
8 story building. The ground floor is parking,
9 which conforms and -- and there's -- there's a
10 typo. It says five cars. It actually is the
11 same footprint that the Master Plan proposes of
12 six cars, so we propose six cars, whereas the
13 requirement would be six cars. So, there's no
14 variance as far as parking. There's technical
15 variances as far -- currently, under the current
16 Ordinance, because they're in tandem, but we're
17 providing six cars on the ground level.

18 CHAIRPERSON CAPIZZI: When you say six,
19 it's one, two, three, four, five --

20 MR. PEREIRAS: Yeah. So, it would have to
21 comply exactly with the Master Plan.

22 CHAIRPERSON CAPIZZI: No, I know.

23 MR. PEREIRAS: So, in the Master Plan,
24 there's four along the back and then there's two
25 along the side.

1 For some reason, my draftsman didn't show
2 the two cars, he only showed one along there.
3 But it's two cars. And it's -- it's not
4 something that -- you know, it -- it's literally
5 a copy of what the Master --

6 CHAIRPERSON CAPIZZI: Right.

7 MR. PEREIRAS: -- Plan is. So, that's the
8 footprint of what we have.

9 And then, above, we have three floors, each
10 with an apartment and each being a three bedroom.
11 So, if you take the -- both an elevator or a
12 stair, you could choose which way you want to go
13 up, it leads you to a big living room, dining
14 room area, kitchen, all open, very modern, and
15 then three bedrooms along the back; two smaller
16 bedrooms and one master bedroom that has its
17 master bath and -- and master closet.

18 And that's the same thing for three floors.

19 And then, to talk about the façade of the
20 building. We propose a brick façade. It's fully
21 brick. There's a slight accentuation to break
22 down the scale a little bit, a little bit of
23 brick detailing.

24 And then, the top is a stucco cornice with
25 a metal cornice along the top, a metal coping,

1 and a small canopy over the door. That canopy
2 houses a light, so that it lights up that
3 entryway. And it's very beautiful.

4 And I -- I'll answer more questions, but
5 basically, it's perfectly in-line with the
6 requirements of the Master Plan.

7 We have siding along the sides and along
8 the back of the building, which is also a
9 permitted material here in Union City.

10 MR. ORTIZ: One technical thing, and it's
11 not that big of a thing -- big of a deal, because
12 I -- I agree with you, this seems to be
13 consistent with what's coming, at least on the
14 Master Plan.

15 MR. PEREIRAS: Yes.

16 MR. ORTIZ: But can you just -- would you
17 mind filing the first page with the Board? If
18 the Board was to approve this, reflecting --

19 MR. PEREIRAS: The parking?

20 Absolutely.

21 MS. PEREIRAS: Sure.

22 MR. PEREIRAS: I'll -- I would update the
23 page --

24 MR. ORTIZ: And the application --

25 MR. PEREIRAS: -- to show the parking.

1 MR. ORTIZ: -- too, Manuel, so everything's

2 --

3 MS. PEREIRAS: Absolutely.

4 MR. ORTIZ: -- consistent.

5 Just so --

6 MR. PEREIRAS: I think it's a great idea.

7 MS. PEREIRAS: Um hum.

8 MR. ORTIZ: It's more housekeeping than it
9 is --

10 MS. PEREIRAS: We'll take care of that.

11 VICE CHAIRPERSON KOEHLER: And I have a
12 question about the roof. What kind of roof? I
13 don't -- I'm not terribly familiar with the
14 architectural --

15 MR. PEREIRAS: Sure. I'll be happy to
16 explain it.

17 It's a flat roof. Okay? The way the
18 Ordinance is written, we're allowed 45 feet of
19 height in total. In order to stay before the
20 Planning Board, we had to be ten percent of what
21 the maximum is right now.

22 So, the maximum permitted right now is 40
23 feet. So, we're basically -- we did a building
24 that's 43 foot six, which is actually,
25 technically, a C variance, and that's why we're

1 still before this Board.

2 So, that doesn't give us permission to
3 basically go any higher. So, we're stuck
4 basically doing a flat roof. That's what the
5 Ordinance -- the future Ordinance will say.

6 So, because of a flat roof, we show a flat
7 roof, and what we do and what you see there in
8 those center points, those are roof drains. So,
9 there's a primary drain and there's a secondary
10 drain. And then, these lines are pitches to the
11 drains. And the way we do that is we have a
12 rigid insulation that's tapered, so we call it a
13 tapered rigid insulation, which starts out at
14 like six inches, and drops down to two inches.
15 And that way, the water goes to those drains.
16 So, that's why you see those lines there.

17 Usually, before the Board, we don't show
18 that. My draftsman did more. This is usually
19 what we do for construction documents.

20 And then, you have two stairs. Those two
21 stairs are bulkheads. They are not within --
22 zoning, basically, allows you to have the stairs
23 go up to the roof, and that's because you want to
24 be able to service the equipment.

25 MR. ORTIZ: There's no intention of putting

1 anything on that roof, other than the drain. No
2 terrace, no --

3 MR. PEREIRAS: We're not proposing
4 anything.

5 MR. ORTIZ: Okay.

6 CHAIRPERSON CAPIZZI: So, it's a four story
7 building.

8 MR. PEREIRAS: It's a --

9 CHAIRPERSON CAPIZZI: And there are other
10 four story --

11 MR. PEREIRAS: It's a four story --

12 CHAIRPERSON CAPIZZI: -- buildings on that
13 block?

14 MR. PEREIRAS: There's a seven story
15 building literally behind us. So, and -- and
16 there's another four story building, basically,
17 three quarters of a block away.

18 On that block, there are no four stories,
19 but we are complying exactly with what the Master
20 Plan is requesting of us.

21 So, we have a variance for height --

22 CHAIRPERSON CAPIZZI: Yeah, that's fine.

23 MR. PEREIRAS: -- as far as number of
24 stories and as far as building height, but we're
25 in compliance --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. PEREIRAS: -- with the future of Union
3 City.

4 CHAIRPERSON CAPIZZI: Okay.

5 There's a lot of different views on the
6 future of Union City.

7 So, this --

8 MR. PEREIRAS: I understand.

9 CHAIRPERSON CAPIZZI: -- building looks
10 pretty dense, so the -- the three families that
11 are living in each house, they don't need or
12 require a backyard?

13 MR. PEREIRAS: So, what we did, and what we
14 follow is the -- the Master Plan. So, we have --

15 CHAIRPERSON CAPIZZI: But that -- I mean --
16 I know that you keep saying that, but what I'm
17 asking is, if you're thinking about the families
18 that are living there, a backyard?

19 MR. PEREIRAS: All you have is a five foot
20 by 25 feet.

21 MS. PEREIRAS: Normally, a backyard is only
22 used by one of the units. What we're looking to
23 do is --

24 CHAIRPERSON CAPIZZI: I don't that that's
25 true.

1 MS. PEREIRAS: -- provide --

2 Normally, at least when I do leases for
3 residential tenants, it's only one apartment that
4 has use for that backyard. So, we'd like to give
5 larger apartment space, or livable space for --
6 for the tenants.

7 CHAIRPERSON CAPIZZI: So, the other two
8 families don't need a backyard?

9 MS. PEREIRAS: Normally, they don't --

10 CHAIRPERSON CAPIZZI: Really?

11 MS. PEREIRAS: We don't give them access.

12 MR. PEREIRAS: It's wonderful that Union
13 City is a --

14 CHAIRPERSON CAPIZZI: Interesting.

15 MR. PEREIRAS: -- wonderful city.

16 MS. PEREIRAS: Yeah.

17 MR. PEREIRAS: It has a lot of parks, and
18 there's access to parks very close by.

19 CHAIRPERSON CAPIZZI: It's a very dense
20 building.

21 MR. ORTIZ: I'd like to hear -- this sounds
22 like something that we should hear from the
23 planner on. This is right up his specialty.

24 MR. SPATZ: Right. I -- I agree with your
25 concern about the lack of rear yard, but when the

1 Master Plan was put together, which would
2 eventually lead to a Zoning Ordinance amendment,
3 the idea was -- the feeling was that it was more
4 important to have a sufficient amount of parking
5 on the property, rather than the rear yard. So,
6 --

7 CHAIRPERSON CAPIZZI: Sure.

8 MR. SPATZ: -- they allowed a bigger
9 coverage and a less of a rear yard, so that a
10 conforming amount of parking can be provided
11 onsite. And they felt that that was the tradeoff
12 and that the parking outweighed the -- the rear
13 yard, although I agree, in an urban area, some
14 green space would certainly be a good thing to
15 have.

16 However, that was the balance that they --
17 that they used when they came up with that.

18 MR. PEREIRAS: And I have a great idea that
19 might make you feel better.

20 We don't propose anything on the roof.
21 However, if green space is important to you, it
22 could definitely be provided on the roof.

23 CHAIRPERSON CAPIZZI: No.

24 MR. PEREIRAS: Now it's --

25 CHAIRPERSON CAPIZZI: No.

1 MR. PEREIRAS: -- an expense --

2 CHAIRPERSON CAPIZZI: No.

3 MR. PEREIRAS: -- to my client --

4 Okay.

5 CHAIRPERSON CAPIZZI: I don't think that's
6 a safe alternative.

7 What's the material of the garage door?

8 MR. PEREIRAS: The garage door? We haven't
9 specified anything. It's anything off the rack.
10 They could do vinyl, they could do wood, they
11 could do metal doors.

12 Would you like us to specify for the
13 Planning Board?

14 VICE CHAIRPERSON KOEHLER: I -- I think it
15 -- yeah. I mean, it's nice to -- it's nicer to
16 see something warm when it's residential, because
17 a lot -- I'm noticing a lot of development,
18 because of our parking requirement, has metal
19 garage doors and it looks very industrial and
20 unfriendly. So maybe something --

21 MR. PEREIRAS: I don't mind saying non-
22 metal door.

23 VICE CHAIRPERSON KOEHLER: Yeah. You know,
24 board --

25 MR. PEREIRAS: That's fine.

1 VICE CHAIRPERSON KOEHLER: -- with windows
2 on two of the panels or something. You know,
3 something aesthetically --

4 MR. ORTIZ: Would you -- would you -- so
5 you want wood in the Resolution --

6 VICE CHAIRPERSON KOEHLER: I mean --

7 MR. ORTIZ: -- if you were to approve it?

8 VICE CHAIRPERSON KOEHLER: I don't want to
9 limit the --

10 MR. ORTIZ: Well, there's only --

11 VICE CHAIRPERSON KOEHLER: -- his client.

12 MR. ORTIZ: -- vinyl or metal. Outside of
13 that, if I'm correct?

14 VICE CHAIRPERSON KOEHLER: There's wood, I
15 -- I'll --

16 MR. PEREIRAS: There's -- there's --

17 MR. ORTIZ: No, no. Outside -- no, I'm
18 saying the -- I think the only other materials
19 are --

20 MR. PEREIRAS: There's wood look.

21 VICE CHAIRPERSON KOEHLER: Vinyl.

22 CHAIRPERSON CAPIZZI: Right.

23 VICE CHAIRPERSON KOEHLER: Yeah. Yeah.

24 CHAIRPERSON CAPIZZI: Right. Right.

25 MR. PEREIRAS: There's no really --

1 CHAIRPERSON CAPIZZI: That's correct.

2 MR. PEREIRAS: -- wood -- while it exists,
3 it's like way over the price budget --

4 CHAIRPERSON CAPIZZI: Sure.

5 MR. PEREIRAS: -- of anything.

6 CHAIRPERSON CAPIZZI: Sure.

7 MR. PEREIRAS: So, let's have --

8 CHAIRPERSON CAPIZZI: It's like a synthetic
9 wood.

10 MR. PEREIRAS: Let's just pick on -- and
11 let's --

12 CHAIRPERSON CAPIZZI: Right.

13 MR. PEREIRAS: Let's say, on the record,
14 that we'll do a wood looking garage --

15 CHAIRPERSON CAPIZZI: Sure.

16 MR. PEREIRAS: -- door.

17 VICE CHAIRPERSON KOEHLER: You know what I
18 mean. Something less industrial.

19 MR. PEREIRAS: I -- I agree. I love it.
20 Yeah.

21 CHAIRPERSON CAPIZZI: Does any Board member
22 have any other comments or questions?

23 VICE CHAIRPERSON KOEHLER: I mean, I -- in
24 -- in-line with what you were saying about the --
25 sort of the density of the units and the lack of

1 rear yard, but then it's with -- in keeping with
2 what's going to be adopted in the Master Plan,
3 but it does have sort of a -- like a New York
4 City apartment vibe to it, where it's a railroad
5 car kind of apartment.

6 MR. PEREIRAS: Well, we made sure we didn't
7 do it as a railroad.

8 And what we did is we created a corridor
9 along the side of everything, so that you're not
10 going through one bedroom to get to the next.

11 You have access through the side. And that
12 access also leads you to the secondary means of
13 egress, along the back, too.

14 So it's a very safe kind of construction.
15 You're not going through other bedrooms, you're
16 not -- it's not a railroad apartment. It's
17 actually a very nice apartment, very open, very
18 airy, lots of windows.

19 VICE CHAIRPERSON KOEHLER: So, I guess the
20 point made -- what -- when I first saw the first
21 page, with the three skinny lots, I was like oh,
22 God, this is not -- but I see that you have, like
23 you said, stairs in the back.

24 CHAIRPERSON CAPIZZI: Um hum.

25 VICE CHAIRPERSON KOEHLER: And then in the

1 front middle, so it does give it a -- a nicer --

2 MR. PEREIRAS: Um hum.

3 VICE CHAIRPERSON KOEHLER: -- feel to what
4 would normally look like a railroad apartment.

5 So, yeah. That's -- that's a good element
6 to it, I think. And then the brick façade.

7 MR. GUARENO: The -- the stairs on the
8 roof, is that for roof access?

9 MR. PEREIRAS: Yes.

10 MR. GUARENO: So would that bring it above
11 the -- the 45 feet?

12 MR. PEREIRAS: Yeah, it does. It goes
13 beyond it, but stair bulkheads and elevator
14 bulkheads are exempt from zoning.

15 And there -- the problem is, I have to put
16 equipment on the roof. My condensers have to go
17 on the roof, because there is no rear yard and
18 the -- the future Ordinance, basically, says that
19 the five feet that we do have has to be
20 completely unobstructed. So that makes it the
21 only place I could do equipment is up on the
22 roof.

23 MR. GUARENO: Okay.

24 Thank you.

25 CHAIRPERSON CAPIZZI: Where's the garbage?

1 MR. PEREIRAS: There's a garbage room in
2 -- located and this is one of the early ones.
3 What we're doing is these stairs, right back
4 here, there's space underneath those stairs, and
5 it's a room and that's where the garbage is going
6 to be stored.

7 VICE CHAIRPERSON KOEHLER: And there's
8 access through the garage or through the back?

9 MR. PEREIRAS: No, through the side yard.

10 VICE CHAIRPERSON KOEHLER: How do you get
11 to that?

12 MR. PEREIRAS: So, the three foot side yard
13 that you have, that's how you get the garbage
14 out.

15 VICE CHAIRPERSON KOEHLER: There's no way
16 to get there through the garage?

17 MR. PEREIRAS: No.

18 VICE CHAIRPERSON KOEHLER: You have to --

19 MR. PEREIRAS: You got to go around. Yeah.

20 VICE CHAIRPERSON KOEHLER: Got it.

21 CHAIRPERSON CAPIZZI: Okay.

22 Any comments from the public or questions?
23 Board?

24 Anyone?

25 MR. GUARENO: Yeah. I have one more.

1 CHAIRPERSON CAPIZZI: Go ahead.

2 MR. GUARENO: What is the -- the distance
3 between the building on the right and the one in
4 the center?

5 MR. PEREIRAS: So, the future Ordinance --

6 MR. GUARENO: No, I'm sorry.

7 Between the -- the garage doors. This
8 door.

9 MR. PEREIRAS: Between garage doors?

10 MR. GUARENO: Yes.

11 MR. PEREIRAS: So, there -- between these
12 two garage doors, you have six feet. And between
13 these two garage doors, you have 18 feet.

14 So, enough for one car between these two
15 and no cars between those two.

16 MR. GUARENO: That's what I wanted to make
17 sure.

18 MR. PEREIRAS: Yeah.

19 MR. GUARENO: Because that's something that
20 --

21 MR. PEREIRAS: I hate that, too.

22 MR. GUARENO: I always forget, but this --
23 I do like that, because it gives them -- either
24 the tenants or the city an additional parking
25 space.

1 MR. PEREIRAS: Yeah.

2 That's why we flipped the direction of one
3 of them, so that we could provide one additional
4 space on the street.

5 Other -- because if we had the same look on
6 all of them, you'd basically --

7 MR. GUARENO: You would lose it.

8 MR. PEREIRAS: -- lose all the parking
9 spaces. So, we were able to do that with one,
10 flip it over and we save the parking space on the
11 street.

12 MR. GUARENO: That's a good thing to do.

13 Thank you.

14 CHAIRPERSON CAPIZZI: Anyone else?

15 No?

16 Okay.

17 I'll make a motion to approve the
18 application.

19 THE SECRETARY: Motion to approve the
20 application by Ms. Capizzi.

21 VICE CHAIRPERSON KOEHLER: I'll second.

22 THE SECRETARY: Any second on the motion?

23 Motion (sic) by Ms. Koehler.

24 Roll call on the motion.

25 Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Six in favor.

13 Motion carries, with the condition that
14 revised plans required.

15 MS. PEREIRAS: Absolutely.

16 Thank you all very much.

17 THE SECRETARY: Thank you.

18 MR. ORTIZ: And also, just so the record's
19 clear, it's also the -- the garage door is going
20 to be wood-like, I'll --

21 MR. PEREIRAS: And I'll call that out on
22 the plans so you don't have to worry about it in
23 the Resolution. So, my updated plan and I'll put
24 that on there.

25 MR. ORTIZ: Okay.

1 MR. PEREIRAS: Makes things easier.

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1 **1012 Palisade Ave.:**

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3 THE SECRETARY: Application number 3.

4 1012 Palisade Avenue.

5 Ms. Pereiras, please?

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

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

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

14 MS. PEREIRAS: Okay.

15 Thank you.

16 The application is for 1012 Palisade
17 Avenue, Block 186, Lot 42. Currently, onsite, we
18 have a two family home. The application before
19 the Board this evening is to legalize a ground
20 floor apartment.

21 We have one expert to testify before the
22 Board this evening, our architect, Mr. Manuel
23 Pereiras.

24 MR. PEREIRAS: Still Manny Pereiras, still
25 under oath.

1 MS. PEREIRAS: Mr. Pereira, did you -- are
2 you familiar with the property located at 1012
3 Palisade Avenue?

4 MR. PEREIRAS: I am.

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

7 MR. PEREIRAS: I have.

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

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

11 We have a large lot. It is 34 feet wide by
12 130 feet in depth. It's on Palisade Avenue.

13 And we're -- it's -- it's a very simple
14 application in many ways, a little complicated in
15 others.

16 We have a preexisting building. So, we
17 have an existing legal two family that's been
18 used as a three family for many years, and we're
19 simply legalizing that condition.

20 The ground floor apartment somehow was not
21 considered an apartment.

22 Mr. Price can probably give us a lot of
23 history on this property, since it's right next
24 to where he lives.

25 But what you're looking at here is the

1 ground floor apartment that we're looking to
2 legalize.

3 The front of it is a garage, an existing
4 garage for two cars. They have additional
5 parking also in the rear that's accessed through
6 an easement. So they have plenty of parking.
7 They actually have -- they actually have five
8 spaces already. So that's a huge improvement to
9 what we normally see in Union City in preexisting
10 buildings. They have five existing spaces and
11 we're looking to legalize this apartment.

12 The garage is along the front of it. There
13 is access both through the center stairwell,
14 where you walk through the entrance, same as
15 everyone else, and walk into the apartment and
16 you have three bedrooms, then the living room,
17 kitchen, dining room area along here. And the
18 two bathrooms are existing. We're modifying it
19 in order to make it meet all Code standards of
20 today.

21 There is -- as you walk out towards the
22 back, there is an existing deck that we're
23 looking to reconstruct a much nicer, much better
24 way. It's there. It's basically the top of the
25 garages, where they park. We're looking to put

1 | decking in there, put a railing, make it a little
2 | bit more beautiful.

3 | And then, we're looking to fix and correct
4 | -- these are the existing apartments. We're not
5 | looking to make any changes to those. And what
6 | we are looking to do is to correct and fix the
7 | access to the roof, which right now is a little
8 | uncomfortable. So, we're making it more Code
9 | compliant, so that there is a roof deck, so that
10 | they could take advantage of the New York City
11 | views that are right there.

12 | We're not making the building any taller,
13 | we're not making it any different. It's simply
14 | being able to use that roof deck. And there is a
15 | fire escape that is required, as a Code
16 | requirement, to have a secondary means of egress.
17 | And that is going on the side yard.

18 | So, basically, I'll open up to questions,
19 | so I could answer anything.

20 | It's a -- it's an old building. We're
21 | basically looking to legalize and to make the
22 | roof access a lot better and easier.

23 | CHAIRPERSON CAPIZZI: So, proposed roof
24 | deck --

25 | MR. PEREIRAS: Correct.

1 CHAIRPERSON CAPIZZI: You're building a
2 roof deck?

3 MR. PEREIRAS: Correct.

4 CHAIRPERSON CAPIZZI: There wasn't one
5 there before.

6 MR. PEREIRAS: There -- I mean, you could
7 always go up there, but we're making the material
8 nice as a -- to be like a proper roof deck.

9 CHAIRPERSON CAPIZZI: Do the other
10 buildings have a roof deck, too?

11 MR. PEREIRAS: I don't think so.

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

14 CHAIRPERSON CAPIZZI: So that won't change
15 the height of the building?

16 MR. PEREIRAS: The -- the bulkhead that we
17 are creating -- so, the bulkhead that we are
18 creating will be bigger, because now we want
19 people to walk up there with a comfortable
20 height. And that will not extend past the peak
21 of the existing building. So, if you look at the
22 façade of the building, we made sure that we
23 didn't go beyond it, even though the bulkhead
24 doesn't count towards the variance, because it's
25 a stair bulkhead. So, the way the Union City

1 Ordinance is written, it's exempt.

2 But even that, we wanted to be considerate
3 because it's on Palisade Avenue, because you're
4 right there. So, what we did is we made sure
5 that we didn't go beyond the peak of the existing
6 roof.

7 MR. ORTIZ: I -- what's -- what buildings
8 are surrounding that? Are there backyards and
9 that kind of thing around this --

10 MR. PEREIRAS: It's --

11 MR. ORTIZ: -- particular building?

12 MR. PEREIRAS: It's actually a really
13 complicated little area, those -- because there's
14 a lot of -- there's a few easements and there's a
15 few properties that kind of wrap around other
16 properties, because we are on the Palisades, so
17 it's on the cliff.

18 So the back of this property, there's
19 actually garages, which is what you're looking
20 at.

21 MR. ORTIZ: I'm only concerned about
22 peoples' privacy.

23 MR. PEREIRAS: So, if you look at the site
24 plan, this is a garage along here, and then there
25 is asphalt, and then there are more garages along

1 the back that are accessed through an easement
2 with the adjacent neighbor. So, there are
3 basically garages there.

4 Behind the garages, there is another nice
5 area, almost like a backyard, great place for
6 barbecues along there.

7 And you know, not sure if I could -- want
8 me to pull it up on satellite?

9 MR. ORTIZ: I think there's pictures of the
10 -- there's pictures of the back --

11 MS. PEREIRAS: There's a picture here.

12 MR. PEREIRAS: And there's a picture there.
13 Perfect.

14 MS. PEREIRAS: Yes.

15 MR. ORTIZ: The only reason, Board members,
16 that I even brought that up is the only concern,
17 and I'm not sure it is a concern and it's
18 ultimately your decision, is if this roof deck,
19 not so much the apartment itself, but the roof
20 deck creates some kind of intrusion into people
21 surrounding backyard, that's the only -- that's
22 the only concern I have for it.

23 MR. PEREIRAS: I can't see how it would.

24 MR. ORTIZ: Which is why I asked you what's
25 around it.

1 VICE CHAIRPERSON KOEHLER: It's legally a
2 two family?

3 MR. PEREIRAS: It's legally a two.

4 VICE CHAIRPERSON KOEHLER: And there is an
5 existing first floor --

6 MR. PEREIRAS: Yes. So --

7 VICE CHAIRPERSON KOEHLER: -- apartment,
8 and you're just legalizing it and then, adding
9 the rooftop, sort of putting the final touches on
10 it, making it a safe place --

11 MR. PEREIRAS: Right.

12 VICE CHAIRPERSON KOEHLER: -- with a
13 railing and --

14 MR. PEREIRAS: Right. That's correct.

15 VICE CHAIRPERSON KOEHLER: -- some sort of
16 weatherproof --

17 MR. PEREIRAS: Right. So, we'd put --

18 VICE CHAIRPERSON KOEHLER: -- floor.

19 MR. PEREIRAS: -- a deck on top of the roof
20 so that it's a nice decking. We'd put a railing
21 so that it's safe. The stair --

22 MR. ORTIZ: Who's going to have access to
23 it? Everybody in the building or just the third
24 story apartment?

25 MR. PEREIRAS: It's an owner occupied

1 building, so I would assume it's just the owner.

2 MR. ORTIZ: And the owner resides on the
3 third floor?

4 MR. PEREIRAS: The -- I think it's -- she's
5 on the second, her parents are on the third. So,
6 it's -- it's kind --

7 MR. ORTIZ: I got it.

8 MR. PEREIRAS: Yeah. She's present here.

9 CHAIRPERSON CAPIZZI: Does anyone on the
10 Board have any questions?

11 Anyone from the public?

12 Sure.

13 Come on up.

14 MS. DILLON: Please raise your right hand.

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

17 MR. PRICE: I do.

18 MS. DILLON: Name and address for the
19 record, please.

20 MR. PRICE: Larry Price, 1006 Palisade
21 Avenue.

22 MS. DILLON: Thank you.

23 MR. PRICE: By the way, on this picture --

24 MS. DILLON: Don't wander, Mr. Price.

25 MR. PRICE: I know. I know.

1 1006 is here, this is the property. That's
2 the property I own. So, I'm within 200. I'm
3 well acquainted with this property, having
4 probably been in it, over the last 50 years,
5 several hundred times.

6 First couple of questions.

7 This fire escape, where is this going to be
8 located?

9 MR. PEREIRAS: So, the fire escape is on
10 the side yard. It is -- the building itself juts
11 in.

12 So, the building is actually about two foot
13 eight inches along here, and then it juts further
14 in. We're putting the fire escape right there
15 and you could see it in the elevation even
16 better, along the side of the building like this.

17 So, you'll have access from the roof,
18 access from the third floor, access from the
19 second floor, and then a ladder drop down.

20 MR. PRICE: Okay.

21 So, it's not going to block the side yard
22 at the ground level.

23 MR. PEREIRAS: No, not at all. There's
24 nothing -- the -- the basket is 12 feet above
25 grade.

1 MR. PRICE: Okay.

2 By the way, the other -- in terms of the
3 façade in the front of the building, a rather
4 charming -- the building was constructed --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. PRICE: -- in 1924. Charming sort of
7 neo-gothic building. It has a tile roof and the
8 peaks on -- is that going to change at all?

9 MR. PEREIRAS: We're not touching that.

10 MR. PRICE: Okay. Okay.

11 I make two comments.

12 The first is that this is a larger lot than
13 normal, much larger. It's 34 feet wide, 130 feet
14 long. I think it's 4300 square feet. It's much
15 larger than the standard issue building lot. And
16 the house is much larger.

17 By the way, the -- I have to dispute a
18 little of the testimony. Existing apartment -- I
19 mean, what this -- what this really was, the
20 prior owner, who sold two years ago, who bought
21 in 1982, was a son and a family, he was divorced.
22 He had a bachelor apartment on the ground floor.
23 It was hardly an apartment. That's where he
24 slept. You know, he wasn't cooking his own food.
25 He went upstairs to mom for that.

1 So, in terms of an existing apartment,
2 that's -- that's a stretch. Okay.

3 But I think an apartment in this area makes
4 a lot -- this could be a super apartment. First
5 of all, this is not one of those little cramped
6 one bedroom behind the garage numbers. This is a
7 big house. This house, probably 3,000 square
8 feet on each floor. So, whatever.

9 CHAIRPERSON CAPIZZI: Sure.

10 MR. PRICE: And then, you step outside the
11 back and there's a concrete deck, which is
12 probably six feet wide and -- by the width of the
13 house, because it's -- there are porches, there
14 -- whatever you want to call them, porches
15 upstairs and the columns support.

16 And then, beyond that, you have probably 20
17 feet of what could be the loveliest garden --
18 because you know, there's New York, there's the
19 river right there.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. PRICE: You could have a little --
22 there's a peach tree there now, where it's a race
23 in the neighborhood to see who gets the peaches.
24 I lost this year, so I'm a little bitter about
25 that.

1 But, anyway, this could be a super
2 apartment. And the house will accommodate it.
3 You know, it's -- I question -- the part I
4 question is the roof deck. There's no existing
5 roof deck. The only way you get to the roof is
6 through -- you know, one of those pull down, go
7 up a ladder kind of things. Nobody in the
8 neighborhood -- Ms. -- Ms. Morejon will confirm
9 that, nobody has a roof deck. I don't even know
10 why they want a roof deck. But -- but I kind of
11 question whether that part fits here.

12 But as for the apartment -- you know --

13 MS. MOREJON: It's a beautiful house.

14 MR. PRICE: One of -- one of the things
15 that's good about this building, they have the
16 three parking spots in the back.

17 CHAIRPERSON CAPIZZI: Um hum. Right.

18 MR. PRICE: That was very unique in 1924.
19 In 1924, you build a building like this, it was
20 one -- one garage space or two -- you know, two
21 for the owner, and the tenants walked. And
22 today, of course, nobody walks.

23 So -- but they put -- the neighbor, by the
24 way, who gives the easement, that's me.

25 And they have the three garages in the

1 back, which is -- was unique then and is very,
2 very handy today. So, they can -- they can
3 accommodate an extra apartment. It would be a
4 great apartment. And it would make a lot of
5 sense.

6 I hope that --

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. PRICE: Maybe we could make it a
9 condition that the peach tree remains, but --

10 CHAIRPERSON CAPIZZI: Absolutely.

11 Peach tree remain.

12 Absolutely.

13 MR. PRICE: I'm joking.

14 CHAIRPERSON CAPIZZI: I'm not.

15 MR. PRICE: But -- but anyway, it's -- it's
16 a -- you know, it's a lovely building.

17 CHAIRPERSON CAPIZZI: Yes.

18 MR. PRICE: And it was neglected for a lot
19 of years, because the owner was an older lady and
20 whatever.

21 So, I would encourage you to encourage the
22 new owner to -- whatever, but it has a lot of
23 potential.

24 CHAIRPERSON CAPIZZI: Thank you.

25 MR. PRICE: Actually, and a lot of it's

1 | been realized. I mean, they bought the apartment
2 | -- or they bought the building two years ago and
3 | spent a year -- first year and a half -- you
4 | know, basically refurbishing the building. So,
5 | they've done --

6 | CHAIRPERSON CAPIZZI: Good.

7 | MR. PRICE: -- a lot of work already.

8 | MR. PEREIRAS: They're doing a good job --

9 | CHAIRPERSON CAPIZZI: Beautiful.

10 | MR. PEREIRAS: -- fixing it.

11 | CHAIRPERSON CAPIZZI: It is a beautiful --

12 | MR. PRICE: But it's a lovely home.

13 | CHAIRPERSON CAPIZZI: Thank you.

14 | MR. PRICE: You know, if you have a million
15 | dollars, that's what you can --

16 | CHAIRPERSON CAPIZZI: There you go.

17 | MR. PRICE: Okay.

18 | Thank you.

19 | VICE CHAIRPERSON KOEHLER: Thank you.

20 | MS. PEREIRAS: Thank you, Mr. Price.

21 | CHAIRPERSON CAPIZZI: Any other questions
22 | or comments?

23 | MS. MOREJON: No.

24 | CHAIRPERSON CAPIZZI: Okay.

25 | I'll make a motion to approve the

1 application.

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

4 Any second the motion?

5 VICE CHAIRPERSON KOEHLER: Second.

6 THE SECRETARY: Second by?

7 Ms. Koehler.

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

10 Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: 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. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Six in favor.

23 Motion carries.

24 MS. PEREIRAS: Thank you all very much.

25 VICE CHAIRPERSON KOEHLER: Thank you.

1 THE SECRETARY: Thank you, Ms. Pereira.

2 MR. PEREIRAS: Thank you.

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1 **Carlos Silveira - 310 26th Street:**

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3 THE SECRETARY: Ms. Pereiras?

4 MS. PEREIRAS: Yes.

5 THE SECRETARY: Can you please go on Carlos
6 Silveira, 310 26th Street?

7 MS. PEREIRAS: Yes.

8 Carlos Silveira.

9 We actually submitted this application
10 quite awhile ago. Unfortunately, my clients are
11 not in a position to proceed on it at this time.
12 They need to have the finances to make the unit
13 Code compliant, if this Board were to give them a
14 -- an approval. And they don't want to come
15 here, two years from now, requesting an
16 extension.

17 So, they're trying to put all their
18 finances together, make sure they're able to,
19 hopefully, get an approval and be prepared to
20 work right away.

21 So for the time being, we have not
22 submitted for jurisdictional proofs. So, it's
23 not a matter of adjourning. We'd just like it to
24 be not even carried --

25 MR. ORTIZ: I -- I --

1 MS. PEREIRAS: -- or hold on to it.

2 MR. ORTIZ: I think -- I think for the
3 protection of this Board and in light of the
4 litigation that's pending against --

5 MS. PEREIRAS: Yes.

6 MR. ORTIZ: -- the Board, I think the only
7 option then would be to withdraw the application,
8 especially if you're not even sure when that
9 could possibly happen.

10 MS. PEREIRAS: Right. I -- I don't want to
11 withdraw until I have a decision from them as to
12 when. Right now, it has been pending for awhile.
13 I understand that, but they have -- I think,
14 recently, Mr. Vallejo, they submitted finally the
15 application and the escrow fee. So, they're
16 getting a lot closer to where they should be.
17 Unfortunately, finances are a --

18 CHAIRPERSON CAPIZZI: So what do you do?

19 MS. PEREIRAS: -- little difficult for
20 them.

21 CHAIRPERSON CAPIZZI: Adjourn it?

22 MR. ORTIZ: No. Here's -- here's my
23 concern, and I --

24 MS. PEREIRAS: Um hum.

25 MR. ORTIZ: I think you understand what my

1 --

2 MS. PEREIRAS: Um hum.

3 MR. ORTIZ: -- concern is, but my concern
4 here is the timeframe that we are obligated to
5 act in.

6 MS. PEREIRAS: Um hum.

7 MR. ORTIZ: By leaving this on the books,
8 so to speak, that could -- that could hurt us in
9 any kind of litigation that comes down the pike.
10 And I'm not saying there will be, on legalizing
11 an apartment.

12 MS. PEREIRAS: Yes. This is a small
13 application.

14 MR. ORTIZ: But I've become a lot more
15 protective after this litigation that's pending,
16 particularly with Hudson Yards.

17 MS. PEREIRAS: Um hum.

18 MR. ORTIZ: So, I mean, I don't see where
19 we can leave this on the books indefinitely. I
20 -- I think it has to be either withdrawn or
21 dismissed, to protect this Board.

22 MS. PEREIRAS: Then I ask counsel, just so
23 I can speak to my client one more time, advise
24 them that that is a position that the Board is
25 taking, and then maybe they can make either a

1 decision or decide either to proceed or -- or
2 withdraw it at that point.

3 MR. ORTIZ: As long as you're clear, on the
4 record, just for this one -- one time, that it is
5 your request, you are waiving any time mandates.

6 MS. PEREIRAS: Absolutely. I feel
7 perfectly comfortable saying that we waive any --

8 MR. ORTIZ: From your -- from your mouth.

9 MS. PEREIRAS: Correct.

10 MR. ORTIZ: Not mine.

11 MS. PEREIRAS: Not a problem.

12 THE SECRETARY: That would be the next date
13 pending your notification.

14 MS. PEREIRAS: I will speak to my clients,
15 and Mr. Vallejo, I'll get back to you to see if
16 we can, hopefully, reschedule it.

17 THE SECRETARY: Okay.

18 CHAIRPERSON CAPIZZI: So what are we doing?

19 MR. ORTIZ: What she's asking is, she's
20 waiving the time.

21 Am I correct?

22 MS. PEREIRAS: That is correct.

23 MR. ORTIZ: Any time mandates that we may
24 have.

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. ORTIZ: She's going to talk to her
2 client. On the next date, they're either going
3 to go forward, or withdraw, or we're going to
4 dismiss.

5 MS. PEREIRAS: Um hum.

6 CHAIRPERSON CAPIZZI: Okay.

7 MS. PEREIRAS: Thank you very much.

8 CHAIRPERSON CAPIZZI: You're welcome.

9 VICE CHAIRPERSON KOEHLER: Thank you.

10 MR. PRICE: You still have to --

11 MS. PEREIRAS: We didn't submit for
12 jurisdiction.

13 MR. PRICE: Oh.

14 MS. PEREIRAS: We did not submit for
15 jurisdiction.

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1 **ADJOURNMENT:**

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3 THE SECRETARY: There being no other
4 application on tonight's agenda --

5 MR. PRICE: You're not taking jurisdiction
6 tonight.

7 THE SECRETARY: -- can I have a motion to
8 close tonight's meeting?

9 MR. PRICE: Right?

10 CHAIRPERSON CAPIZZI: I'll make a motion.

11 MR. ORTIZ: They didn't submit anything to
12 --

13 THE SECRETARY: Motion by Ms. Capizzi.

14 MR. ORTIZ: -- give us jurisdiction.

15 THE SECRETARY: Second by?
16 Ms. Koehler.

17 MR. PRICE: So it's --

18 VICE CHAIRPERSON KOEHLER: Yes.

19 MR. PRICE: -- basically not submitted.

20 THE SECRETARY: Roll call on the motion.
21 Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Ms. Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. -- Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Six in favor.

9 Motion carries.

10 Let the record show that the meeting has
11 ended.

12 Thank you.

13 Good night, everyone.

14

15 (Whereupon, the proceedings were concluded
16 at 7:12 p.m.)

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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, September 25, 2018 and digitally
11 recorded.

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25 Monitored and proofread by: Deborah Dillon