

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

SPECIAL MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, December 11, 2018
Commencing at 6:04 p.m.

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

YDALIA GENAO, Mayor's Designee,
(Arrived at 6:12 p.m.)
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA, (Left at 6:10 p.m.,
Returned at 6:31 p.m.)
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
ALICIA MOREJON
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.

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1 THE SECRETARY: Please take notice that on
2 Tuesday, December 11, 2018, at six p.m. a Special
3 Meeting is called -- is scheduled of the City of
4 Union City for the Planning Board to be held in
5 the Municipal Chambers of the City Hall, 3715
6 Palisade Avenue, Union City, New Jersey.

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

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

12 Notice of this meeting, setting forth the
13 time, date and location was forwarded and emailed
14 to The Jersey Journal, The Record, and The Hudson
15 Reporter, has been posted on the bulletin board
16 in City Hall, and has been made available to the
17 public in the Office of the Municipal Clerk.

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

20

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

23

24 THE SECRETARY: Thank you.

25

1 **ROLL CALL:**

2

3 **(NOTE: BOARD MEMBER JOSE GUARENO WAS PRESENT AT**
4 **ROLL CALL.)**

5

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

8 Mayor Brian P. Stack? Absent.

9 Ydalia Genao? Absent.

10 MR. ORTIZ: She's coming down. She's
11 definitely coming.

12 THE SECRETARY: She's coming down?

13 All right.

14 Commissioner Celin Valdivia? Absent.

15 Alicia Morejon? Absent.

16 Diane Capizzi?

17 CHAIRPERSON CAPIZZI: Here.

18 THE SECRETARY: Carolina Fernandez?

19 MS. FERNANDEZ: Here.

20 THE SECRETARY: Rudy Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Franklin Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Jeanne Koehler?

25 VICE CHAIRPERSON KOEHLER: Here.

1 THE SECRETARY: Alejandro Velazquez is
2 absent.

3

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

6

7 THE SECRETARY: We have seven -- we have
8 seven member.

9 We have a full quorum.

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

12 THE SECRETARY: Let me -- for clarification
13 of the record, we have only six members present.

14 Thank you.

15 * * *

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1 **Non-Condensation Redevelopment Area Report of 720**
2 **8th Street, Block 42, Lot 9 of the City**
3

4 THE SECRETARY: The first hearing on
5 tonight's agenda, Non-Condensation Redevelopment
6 Area Report of 720 8th Street, Block 42, Lot 9 of
7 the City in Which it was Adopted in 2009.

8 Mr. Spatz, please?

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

11 MR. SPATZ: Good evening.

12 MS. FERNANDEZ: Good evening.

13 CHAIRPERSON CAPIZZI: Hi.

14 MR. ORTIZ: Just so the record's clear,
15 this was, and I believe, was distributed via
16 email to all the members, so they've had a chance
17 to review it.

18 Correct?

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. SPATZ: Okay.

21 On October 2nd, the Board of Commissioners
22 asked this Board to study whether the Lot 9 in
23 Block 42, it's known as 720 8th Street, it's the
24 8th Street parking lot, whether that was -- should
25 be declared a non-condemnation redevelopment

1 area.

2 There's two types of redevelopment areas.
3 There's a regular redevelopment area that would
4 allow a municipality to acquire that property,
5 turn it over to a developer; or non-condemnation,
6 which means they either own it or the developer
7 would have to purchase it.

8 We were specifically asked to look at this
9 as a non-condemnation redevelopment area, so
10 there'll be no municipal funds to purchase the
11 property.

12 I'll go through the report, and then focus
13 on the criteria which is really what this Board
14 needs to look at to make that determination.

15 So, the beginning is the introduction,
16 which discusses the local -- the State's Local
17 Redevelopment and Housing Law, and it has the
18 process for doing the declaration.

19 The next section just defines the study
20 area, basically just gives the block and lot and
21 its location.

22 THE SECRETARY: David -- David, I'm sorry.
23 Allow me for a second.

24 MR. SPATZ: Sure.

25 THE SECRETARY: Just for clarification of

1 the record, just Mr. Jose Guareno is present in
2 the meeting. I didn't call him before.

3 Sorry.

4 MR. ORTIZ: Okay. All right. So, he
5 wasn't counted for the quorum.

6 Right?

7 THE SECRETARY: Yes.

8 MR. SPATZ: Right. But you have --

9 THE SECRETARY: We have six members.

10 MR. ORTIZ: For the quorum. Yes. We have
11 five members --

12 MR. SPATZ: Five now.

13 MR. ORTIZ: -- in the room right now.

14 She's --

15

16 (Whereupon, Franklin Medina stepped out at
17 6:10 p.m.)

18

19 CHAIRPERSON CAPIZZI: Franklin Medina just
20 walked out.

21 MR. SPATZ: He -- Franklin just walked out.
22 So you have five at this moment.

23 THE SECRETARY: At this moment, we have
24 five.

25 MR. ORTIZ: And there's 11 Board members,

1 though.

2 Right?

3 MR. SPATZ: I think --

4 THE SECRETARY: You have two alternates --

5 MR. SPATZ: -- there's nine, with two
6 alternates.

7 THE SECRETARY: -- and nine regular.

8 MR. ORTIZ: All right. So then we still
9 have a quorum.

10 MR. SPATZ: So, five is still a quorum.

11 MR. ORTIZ: Okay. I just wanted --

12 MR. SPATZ: Yeah. Otherwise, I would wait
13 if --

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

16 MR. ORTIZ: No. That was the number --

17 THE SECRETARY: Sorry.

18 MR. ORTIZ: -- of Board members.

19 THE SECRETARY: Sorry, David.

20 MR. ORTIZ: When I saw him walk --

21 MR. SPATZ: That's okay.

22 MR. ORTIZ: -- him walk out, that's all I
23 was concerned about.

24 MR. SPATZ: Okay.

25 The next section, which begins on page

1 four, is the investigation of the study area.

2 Talks about the land uses and it is a municipal
3 parking lot. And then, conditions.

4 I made a physical inspection of the
5 property beginning of November. And my findings
6 are here. There are also photographs at the end
7 of the report, which document what I found at
8 that time.

9 I also reviewed zoning and planning
10 documents, tax records, police and building
11 reports, as well. It is one single piece of
12 property. There is a description of what I found
13 on the property. Basically, there are
14 significant issues with it, both in terms of its
15 character, its location, access to it, and the
16 conditions of the property itself.

17 In addition to the parking lot, there is
18 also a small building which fronts on 8th Street
19 that is used as a post office. It's a drop off
20 station.

21 This section also includes the zoning
22 controls for the area. It is in the City's P
23 Public District, which was recently amended,
24 maybe a year or so ago, to in addition to
25 municipal uses, to add age restricted housing and

1 affordable housing and low or mid-rise apartment
2 buildings as permitted uses.

3 The next section, which begins on page
4 seven, is the State criteria for the
5 establishment of need. And it talks about a
6 number of conditions that if at least one of them
7 is met, --

8
9 (Whereupon, Ydalia Genao arrived at 6:12
10 p.m.)

11
12 MR. SPATZ: -- the Board can declare it --
13 the Board can make the recommendation that it can
14 be --

15 THE SECRETARY: David, I'm sorry to
16 interrupt you --

17 MR. SPATZ: Certainly.

18 THE SECRETARY: -- again.

19 MR. SPATZ: That's okay.

20 Hi, Ydalia.

21 THE SECRETARY: Let the record indicate
22 that Ydalia Genao joined the meeting, please.

23 Thank you.

24 Go ahead, David.

25 MR. SPATZ: Okay.

1 So there are -- are eight separate
2 criteria, and they're listed here. They come
3 right from the State law.

4 The most important and critical section is
5 the evaluation of the study area to see if it
6 meets the criteria. Again, it needs to meet at
7 least one of the criteria. And in my review, I
8 believe that at least three of them are met and
9 -- and we describe them.

10 So, I'll just go through them, because this
11 is the most critical component of the report.

12 Criteria d. says that it can be declared a
13 redevelopment area by reason of dilapidation,
14 faulty arrangement or design, deleterious land
15 uses, or any combination -- any combination of
16 these, or other factors, and whether the
17 improvements in the study area are detrimental to
18 the safety, health, morals and welfare of Union
19 City and the surrounding neighborhoods.

20 And I believe that it meets this criteria.
21 As the earlier section described, the irregular
22 shape of this site, the two access points, lack
23 of direct pedestrian access to Summit. People
24 who park in this parking lot can't just cut
25 through to Summit, they have to walk out along 8th

1 and 10th, and then out onto -- to Summit, to do
2 the shopping. Lack of lighting and landscaping
3 on the site, the surface conditions, drainage
4 difficulties that are on the property.

5 And they're all documented in the
6 photograph.

7 All of these indicate the presence of, I
8 believe, a faulty arrangement of design. That
9 has a negative effect on the safety, health and
10 welfare of the residents of the City. So, I
11 think criteria d. is met.

12 Criteria e. is a growing or a total lack of
13 proper utilization of these areas, caused by a
14 number of factors, including the condition of
15 title, diverse ownership of the rear -- of the
16 property, or other conditions as it relates to
17 the property. And whether these result in a
18 stagnant or not fully productive condition of
19 land, potential useful and valuable for
20 contributing to and serving the public health,
21 safety and welfare.

22 And I believe that it meets this criteria.
23 Those conditions that I've noted above; lack of
24 access, direct access to Summit; lack of light
25 and landscaping; other conditions of the

1 property, I think they indicate limitations of
2 the site.

3 The utilization of the site for the
4 construction of affordable housing, which is a
5 permitted use, would be useful and valuable and
6 contribute to and serve the needs of the
7 community.

8 We recommended that any development should
9 include the replacement of the existing parking
10 on the property, within the building that would
11 be ultimately developed. And this would continue
12 to serve the residents of the neighborhood. So,
13 I think criteria e. is met, as well.

14 The last criteria which I think is met is
15 criteria h. The City is located in Planning Area
16 1 of the State's Development and Redevelopment
17 Plan. We're also located within Hudson County's
18 designation of an urban complex.

19 Smart Growth planning principles are met
20 and this is criteria h. Smart Growth planning
21 principles are met by designating the area as an
22 area in need of redevelopment.

23 And the principles that would be met are
24 the revitalization of the state, cities and
25 towns, by the protection, preservation and

1 development of valuable human and economic
2 assets, and improvement of livability and
3 sustainability by investing public resources in
4 accordance with current plans that are consistent
5 with the provisions of the State plan.

6 This is consistent with the municipality's
7 Master Plan and Zoning Ordinance, and therefore,
8 is consistent with the provisions of the State
9 plan. Builds on the assets of cities and towns,
10 such as labor force, available land and
11 buildings, strategic locations and diverse
12 populations.

13 The provision of affordable housing is one
14 of the goals; the promotion of beneficial and
15 economic growth and development and renewal for
16 residents of the City and New Jersey.

17 Ensuring sound and integrated planning and
18 implementation, urban revitalization through the
19 preparation of plans that promote revitalization,
20 economic development and infrastructure
21 investments.

22 These are the criteria of the State plan
23 that are met by criteria h.

24 So, the last section is on page 12, and
25 that's the conclusions.

1 And again, because three of the criteria
2 are met, when you only need to meet one to meet
3 the standard, I believe that it's appropriate for
4 this Board to recommend that the Board of
5 Commissioners designate the area as a non-
6 condemnation redevelopment area. It does meet
7 the State goals. The property is appropriate for
8 the use and meets a public purpose.

9 So, I think that would be my
10 recommendation.

11 If the Board has any questions, I'd be
12 happy to answer them. And then, of course,
13 questions from the public.

14 CHAIRPERSON CAPIZZI: I don't have any
15 questions.

16 Does anyone have any questions on the
17 Board?

18 From the public?

19 Sure.

20 MR. DILLON: Does he need to be sworn in?
21 Willie?

22 Does he need to be sworn?

23 MR. ORTIZ: Not for questions.

24 MR. DILLON: Okay.

25 MR. PRICE: Okay.

1 MR. ORTIZ: Mr. Price, is it -- are you
2 going to give any testimony, or are you just
3 going to ask questions?

4 MR. PRICE: First going to be questions,
5 and then there will be --

6 MR. ORTIZ: Then, swear him in.

7 MR. PRICE: -- testimony.

8 MR. DILLON: Okay. Please raise your right
9 hand.

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

12 MR. PRICE: I do.

13 MR. DILLON: State your name for the
14 record.

15 MR. PRICE: Larry Price, 1006 Palisade.

16 MR. DILLON: Thank you.

17 MR. PRICE: Mr. Spatz was not put under
18 oath.

19 MR. ORTIZ: This is true. You're
20 absolutely right, Mr. Price.

21 Enjoy this. It's a rare time that we agree
22 on things.

23 MR. PRICE: Okay.

24 MR. ORTIZ: Mr. --

25 Can we put Mr. Spatz under oath?

1 And I'll ask -- I'll voir dire him on what
2 he just testified to.

3 MR. SPATZ: Certainly.

4 MR. DILLON: Sure.

5 Raise your right hand.

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

8 MR. SPATZ: Yes, I do.

9 MR. DILLON: Thank you.

10 MR. ORTIZ: Mr. Spatz, the testimony that
11 you just gave to this Board --

12 MR. SPATZ: Yes.

13 MR. ORTIZ: -- you understand that it was
14 under threat of perjury, in that you should have
15 been sworn in, but we have just sworn you in.

16 MR. SPATZ: Yes.

17 MR. ORTIZ: Is there anything you'd like to
18 change in your testimony --

19 MR. SPATZ: No. I --

20 MR. ORTIZ: -- as a result of that?

21 MR. SPATZ: I recognize that I was not put
22 under oath. I would say exactly the same thing
23 if I was under oath. No changes to my report or
24 my presentation.

25 MR. ORTIZ: Thank you, Mr. Spatz.

1 MR. PRICE: Okay. Fine.

2 On page four of your report, you -- you
3 make -- existing land use. Study area consists
4 of one tax lot, which has an area of 13,524
5 square feet.

6 MR. SPATZ: Um hum.

7 MR. PRICE: Where did you derive that
8 number?

9 MR. SPATZ: It was calculated earlier on --
10 it's on the City's tax records at that property.
11 And then, the development that had been proposed
12 to that site had that -- that number.

13 MR. PRICE: Okay.

14 The number is incorrect.

15 MR. SPATZ: Okay.

16 MR. PRICE: I used your --

17 MR. SPATZ: I have it.

18 MR. PRICE: Well, that is mine.

19 MR. SPATZ: Okay.

20 MR. PRICE: You have to share.

21 I trust you all went to kindergarten. You
22 know how to share.

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

25 MR. PRICE: In order to calculate the

1 square footage, I basically broke --

2 MR. SPATZ: Um hum.

3 MR. PRICE: -- your map into three --

4 MR. SPATZ: Right.

5 MR. PRICE: -- three blocks, so that I
6 could -- they would have square edges.

7 The first is the lower block, which by your
8 description on the side, is 197 --

9 MR. SPATZ: Right.

10 MR. PRICE: -- point two three, whatever --

11 MR. SPATZ: Yeah. I --

12 MR. PRICE: -- and 70 --

13 MR. SPATZ: I see your math here. We can
14 save some time.

15 Yes, there's a typo on the math. I just
16 had part of the -- the property. It's
17 approximately a 30,000 square foot lot. That
18 doesn't change any of the --

19 MR. PRICE: No. No. It does not.

20 MR. SPATZ: But -- but yes.

21 MR. PRICE: But in terms of --

22 MR. SPATZ: We will -- we will make that
23 correction in the report --

24 MR. PRICE: Do we agree on --

25 MR. SPATZ: -- before it's transmitted.

1 MR. PRICE: -- twenty-nine thousand four
2 hundred --

3 MR. SPATZ: I will --

4 MR. PRICE: -- and seven --

5 MR. SPATZ: I will do the math. It is
6 probably something closer to that than what I
7 had. And we will correct that typo and -- but it
8 does not change any of the facts and conditions
9 that I related.

10 MR. PRICE: Okay.

11 But we agree, it's approximately --

12 MR. SPATZ: It's --

13 MR. PRICE: -- 30 --

14 MR. SPATZ: It's larger than what I have,
15 and I will do the math again before finalizing
16 the report. Yes.

17 MR. PRICE: Okay.

18 On page five, the -- okay.

19 The first item, number three.

20 MR. SPATZ: Yes.

21 MR. PRICE: Okay. Although there are
22 sidewalks along the edges of the parking lot,
23 pedestrians are required to walk within the lot
24 to gain access to either 8th Street or 10th
25 Street.

1 MR. SPATZ: Um hum.

2 MR. PRICE: Okay. Okay.

3 Let's -- let's describe the sidewalks with
4 -- you know, contained within the lot.

5 MR. SPATZ: Um hum.

6 MR. PRICE: Okay.

7 Is there a sidewalk all along the west side
8 of the parking lot?

9 MR. SPATZ: A very narrow sidewalk that is
10 broken up and has interruptions, but yes.

11 MR. PRICE: There is -- okay.

12 MR. SPATZ: There is a --

13 MR. PRICE: And on the --

14 MR. SPATZ: -- limited sidewalk. Correct.

15 MR. PRICE: And on the east side, is there
16 a complete sidewalk going from north to south?

17 MR. SPATZ: Again, just broken up by
18 different --

19 MR. PRICE: But the --

20 MR. SPATZ: -- properties. It's -- it's a
21 physical sidewalk, but it does not provide real
22 access for people to walk from one side to the
23 other.

24 MR. PRICE: Well, okay.

25 MR. SPATZ: Because there's a sidewalk,

1 it's --

2 MR. PRICE: We're talking --

3 MR. SPATZ: -- not usable.

4 MR. PRICE: -- here about going to 8th
5 Street or 10th Street.

6 MR. SPATZ: That's correct.

7 MR. PRICE: But they --

8 MR. SPATZ: Yes.

9 MR. PRICE: -- have to walk with -- they're
10 required to walk within the lot.

11 MR. SPATZ: That's correct, because I don't
12 believe that the sidewalks are efficient or
13 sufficient for --

14 MR. PRICE: Well, because of their state or
15 because --

16 MR. SPATZ: Their location, the conditions
17 along that sidewalk, and --

18 MR. PRICE: Okay.

19 MR. SPATZ: -- I think that that --

20 CHAIRPERSON CAPIZZI: Aren't the --

21 MR. SPATZ: -- mitigates --

22 CHAIRPERSON CAPIZZI: -- meters in the way?

23 MR. PRICE: What's that?

24 CHAIRPERSON CAPIZZI: Aren't the meters in
25 the way?

1 MR. SPATZ: They're on --

2 MR. PRICE: Not --

3 CHAIRPERSON CAPIZZI: I park there.

4 MR. SPATZ: They're on --

5 MR. PRICE: We will -- will discuss the
6 conditions --

7 MR. SPATZ: Yeah.

8 MR. PRICE: -- of the sidewalk.

9 MR. SPATZ: I -- I believe --

10 MR. PRICE: There are meters, but they
11 don't block pedestrians.

12 CHAIRPERSON CAPIZZI: Well, I have to
13 disagree with that but --

14 MR. SPATZ: Yeah. My -- my observations --

15 CHAIRPERSON CAPIZZI: I disagree with that.

16 MR. SPATZ: -- of being out there was that
17 pedestrians got out of their cars, they don't go
18 to the front of their cars --

19 CHAIRPERSON CAPIZZI: Correct.

20 MR. SPATZ: -- and walk along the
21 sidewalks.

22 CHAIRPERSON CAPIZZI: They walk in the
23 street.

24 MR. SPATZ: They walk through the parking
25 lot.

1 MR. PRICE: No. But that's --

2 MR. SPATZ: And do that.

3 MR. PRICE: I quite agree with that.

4 MR. SPATZ: Okay.

5 MR. PRICE: Yes. But they do that because
6 it's convenient, not because it is required,
7 which is what the report states.

8 CHAIRPERSON CAPIZZI: No.

9 MR. SPATZ: I think --

10 CHAIRPERSON CAPIZZI: I disagree with that,
11 too.

12 MR. SPATZ: -- we're talking semantics.

13 I think that the -- the condition of the
14 sidewalks requires them -- they're not required
15 as if there was some sort of a law or a
16 regulation, which requires them to use the
17 parking lot, but because the sidewalks are not
18 particularly usable, people use the parking lot
19 --

20 MR. PRICE: Okay.

21 MR. SPATZ: -- and walk through.

22 MR. PRICE: But the sidewalks exist and you
23 say only the conditions of the sidewalk make for
24 a --

25 MR. SPATZ: Yes.

1 MR. PRICE: -- requirement --

2 MR. SPATZ: Yes.

3 MR. PRICE: Okay.

4 MR. SPATZ: Again, doesn't change my
5 thoughts.

6 MR. PRICE: Okay. We will --

7 MR. SPATZ: But, yes.

8 MR. PRICE: Okay.

9 On page five, on item six, there's a
10 limited amount of lighting within the parking lot
11 which consists of two lights mounted on utility
12 poles.

13 MR. SPATZ: That's correct. Yes.

14 MR. PRICE: You determined that or --

15 MR. SPATZ: Yes.

16 MR. PRICE: Okay. Okay.

17 MR. SPATZ: That's what I -- what I found
18 from being out there. You know, there's, again,
19 limited lighting on it. Yes, sir.

20 MR. PRICE: Okay. Now --

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

23 MR. DILLON: You want this to be marked as
24 exhibit?

25 MR. ORTIZ: No. This isn't necessary as

1 exhibits.

2 MR. DILLON: Okay.

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

5 MR. PRICE: I would first invite your
6 attention to the picture in the upper left hand
7 corner.

8 MR. SPATZ: Um hum.

9 MR. PRICE: Okay. This is taken from 10th
10 Street, aimed south.

11 MR. SPATZ: Okay.

12 MR. PRICE: And it's looking at the east
13 side of the parking lot. And you will see one,
14 two, and it's a little obscure, but you can see
15 the pole and you can, if you look carefully, see
16 the lamp.

17 MR. SPATZ: Is --

18 MR. PRICE: There are three --

19 MR. SPATZ: There's one down by the
20 building, yeah.

21 MR. PRICE: There are three lamps --

22 MR. SPATZ: Yeah.

23 MR. PRICE: -- on the east side.

24 MR. SPATZ: They're limited. Um hum.

25 MR. PRICE: Okay.

1 If you now go to the lower right hand
2 corner, this is taken from 8th Street aimed north,
3 you'll see one lamp at the top of the picture,
4 one lamp in the middle of the picture, and again,
5 you can see the pole, you can -- it's obscured by
6 the -- but there -- there are three lamps on the
7 west side of -- so, there are six lights.

8 MR. SPATZ: Okay.

9 MR. PRICE: Which is --

10 MR. SPATZ: I did not observe those, but I
11 see the photographs.

12 MR. PRICE: Okay.

13 MR. SPATZ: Okay.

14 MR. PRICE: Okay.

15 MR. SPATZ: Again, doesn't change my
16 conditions.

17 MR. PRICE: Well, in addition, we could
18 look at the lower left hand corner, there are --
19 these -- these are not within the lot itself.

20 MR. SPATZ: Right.

21 MR. PRICE: But they are on 10th Street, a
22 few feet from the lot. And you'll see two poles.
23 And on the first near pole, you'll see two lamps,
24 a broad light and a regular street light. And
25 then, a second pole with one lamp on it. And

1 | although these are not on the lot, they're close
2 | to the lot and their illumination does light that
3 | northern --

4 | MR. SPATZ: Yeah. I would not consider
5 | those as part of them, but I acknowledge the
6 | other ones that you see there.

7 | MR. PRICE: Okay. Okay.

8 | And the last one is the picture in the
9 | upper right hand corner, which is -- and this,
10 | again, a light pole. And you see a regular lamp,
11 | regular street lamp, plus a flood lamp, which is
12 | -- whatever. And that pole is five feet from the
13 | -- from the lot. So --

14 | MR. SPATZ: Again, I did lamps within the
15 | lot, not outside of the lot. Obviously, the
16 | streets have street lamps --

17 | MR. PRICE: Okay.

18 | MR. SPATZ: -- as well, but I take your
19 | point.

20 | MR. PRICE: Oh --

21 | MR. ORTIZ: Mr. Spatz, excuse me?

22 | Did you observe this area at night any
23 | time?

24 | MR. SPATZ: I was not there during the
25 | evening. I couldn't tell you whether the lights

1 function, but I'm not going to question that,
2 because I don't think it changes my initial
3 conclusions.

4 MR. PRICE: Well, limited amount of
5 lighting --

6 CHAIRPERSON CAPIZZI: That light is part of
7 someone's backyard.

8 MR. PRICE: -- there are, in fact, 11
9 lights -- they're are not two lights that --
10 there are 11 lights that provide illumination to
11 this.

12 MR. SPATZ: I don't -- we -- I disagree
13 with you on the number of lights that are there
14 because I did not consider lights that were off
15 the property. They need to be on -- on the
16 property.

17 There are a couple of additional lights on
18 it. It still doesn't change the fact that it's
19 not appropriately lit, I believe.

20 MR. ORTIZ: Mr. Spatz, as a planner --

21 MR. SPATZ: Yes.

22 MR. ORTIZ: -- and you're professionally
23 trained as a planner.

24 Am I correct?

25 MR. SPATZ: I am, yes.

1 MR. ORTIZ: And it is your opinion,
2 irrespective of what Mr. Price pointed out, that
3 there is insufficient lighting in this area.

4 MR. SPATZ: That -- that is my opinion.
5 Yes.

6 MR. PRICE: Okay.

7 And the first piece of testimony, I did
8 inspect the -- at one o'clock this morning. Most
9 of Union City, this lot is lit up like -- you
10 know, like New York at -- you know, on -- on
11 Times Square on New Year's Eve. It is -- it is
12 well -- you could read a newspaper in this lot.

13 So, okay.

14 Next item, which is still on page five --

15 MR. SPATZ: Um hum.

16 MR. PRICE: -- it states that the parking
17 lot has settled in the vicinity of the catch
18 basin at the central portion of the lot, which
19 creates drainage issues that effect both vehicles
20 and -- and pedestrians.

21 MR. SPATZ: Correct.

22 MR. PRICE: Okay. What kind of drainage
23 issues?

24 MR. SPATZ: Flooding, puddling after
25 rainstorms. The water clearly effects the

1 condition of the lot. There's cracking, pieces
2 of the pavement have come up. They've been
3 re-patched. Potholes in the parking lot, those
4 are indications of drainage issues.

5 MR. PRICE: Okay.

6 Flooding. Flooding where?

7 MR. SPATZ: Ponding, puddling around the
8 drainage areas. Again, in the depressions within
9 the parking lot, the potholes in the parking lot.
10 After significant rains, there -- there are --
11 the conditions are not ideal for both pedestrians
12 as well as vehicles.

13 MR. PRICE: Okay.

14 Question?

15 How many drainage -- how many drains are on
16 the parking lot?

17 MR. SPATZ: I believe there were two. My
18 photograph shows one towards the center of the
19 property.

20 MR. PRICE: There's one in the central --

21

22 (Whereupon, Franklin Medina returned at
23 6:31 p.m.)

24

25 MR. PRICE: -- and there's one at the south

1 end of the property --

2 MR. SPATZ: Right. At the -- at the end.

3 MR. PRICE: -- by the post office, which is
4 a --

5 THE SECRETARY: One second, please.

6 Let the record indicate that Mr. Medina,
7 Franklin Medina, is in the meeting now.
8 Attending the meeting.

9 Thank you.

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

12 MR. ORTIZ: Let me ask this question,
13 Kevin.

14 MR. DILLON: Excuse me?

15 MR. ORTIZ: I'm going to ask.

16 Mr. Price, did you want any of these things
17 marked as exhibits? Would that --

18 MR. PRICE: Just the whole thing, O-1 at
19 the end.

20 MR. ORTIZ: Well, you have different sets
21 of pictures, so we -- we could mark them
22 separately. I'll -- and I'll give this to the
23 Clerk.

24 MR. PRICE: Okay.

25 MR. ORTIZ: It's up to you. I'm --

1 MR. PRICE: I would -- you know, they have
2 to be put in record, so --

3 MR. ORTIZ: I understand that. But what
4 I'm asking is, then, would you like them marked
5 so that there's an indication on the record of
6 what they are?

7 I'm asking you. I -- I have no problem
8 spilling a little ink.

9 No?

10 MR. PRICE: No.

11 MR. DILLON: So, at the end, we'll mark the
12 whole packet of pictures as one exhibit?

13 MR. PRICE: One exhibit.

14 MR. ORTIZ: I guess P-1 --

15 MR. DILLON: Sounds good.

16 MR. ORTIZ: -- public one.

17 MR. DILLON: Huh?

18 MR. ORTIZ: P-1.

19 MR. DILLON: P-1?

20 MR. ORTIZ: P-1, Price one.

21 MR. DILLON: Sure.

22 MR. PRICE: O-1, objector one.

23 MR. DILLON: O-1? Go with O-1.

24 MR. ORTIZ: O-1's good for me.

25

1 (Whereupon, Packet of Photographs was
2 received and marked as Exhibit O-1.)

3

4 MR. PRICE: Okay. Okay.

5 The top picture is the picture of the
6 drain.

7 MR. SPATZ: Correct.

8 MR. PRICE: Okay. Now, you -- you refer to
9 this drain as being -- has settled in the -- the
10 city. How -- has settled.

11 MR. SPATZ: Yes.

12 MR. PRICE: How much has it settled -- this
13 drain settled beyond -- below the horizontal of
14 the parking lot?

15 MR. SPATZ: I didn't do a measurement. My
16 visual inspection indicated that -- that the
17 drain had settled and there were cracks around
18 it, and openings. It was not flush in with the
19 --

20 MR. PRICE: Cracks around the drain?

21 MR. SPATZ: Yes. Your photograph is of a
22 very close up. If you use the photograph that is
23 on my third sheet of photographs, that's a little
24 bit of a wider shot. It shows parking that had
25 been done around that drain. It shows potholes.

1 It shows other cracks. Yes.

2 MR. PRICE: Okay. Okay.

3 There's a slope to this site.

4 Correct?

5 MR. SPATZ: Yes, a slight slope. Yes.

6 MR. PRICE: Okay.

7 And we have a very wide basin -- catch
8 basin at the south end of the -- which is
9 depicted in the second --

10 MR. SPATZ: There is -- yes. On the bottom
11 photograph, there's at the entrance, next to the
12 post office, there is a drain at the entrance to
13 catch runoff at that point. Yes.

14 MR. PRICE: Correct. Correct. And --

15 MR. SPATZ: Right.

16 MR. PRICE: Because of the slope, if
17 there's any accumulation of water, it should end
18 up in this drain.

19 Correct?

20 MR. SPATZ: Some does. But again, the
21 condition of the parking lot indicates that a lot
22 of it does not. That it --

23 MR. PRICE: Were you there during a
24 rainstorm?

25 MR. SPATZ: I was not there during a

1 rainstorm.

2 Were you there during a rainstorm --

3 MR. PRICE: Yes, I have been.

4 MR. SPATZ: -- that you saw that? But it
5 still -- it's not all of -- of the rain, because
6 the parking lot would not be in the condition
7 that it's in.

8 MR. ORTIZ: Mr. Spatz?

9 MR. SPATZ: Yes, sir.

10 MR. ORTIZ: In Mr. Price's picture,
11 particularly the top one --

12 MR. SPATZ: Yes.

13 MR. ORTIZ: -- there seems to be pavement
14 granulars(sic), for lack of a better term. Would
15 that -- and there's cracks around, I just want to
16 point out, that drainage.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. ORTIZ: Would that be an indication of
19 flooding and ponding and the like? Basically,
20 the pavement's coming up.

21 MR. SPATZ: Well, I think the -- on my
22 third page of photographs, the bottom photograph,
23 which is of the same drain, I believe, is the one
24 that is shown in the top photograph, it's a wider
25 shot and it shows that the whole area around the

1 drain has been patched, at least on one occasion.
2 And that there are still cracks and -- and
3 potholes surrounding it, which are, to me,
4 indications of drainage issues.

5 Does the parking lot flood? No, I wouldn't
6 say that, but that wasn't what I said in my
7 comments.

8 MR. PRICE: Okay.

9 Okay. So, we're talking about minor flood
10 -- we're not talking about flooding. We're
11 talking about minor --

12 MR. SPATZ: It --

13 MR. PRICE: -- drainage issues.

14 MR. SPATZ: It's -- I would not
15 characterize them as minor drainage conditions.
16 There are drainage issues. The parking lot is in
17 poor shape. A lot of that from drainage issues,
18 as well as use, but from drainage issues.

19 MR. PRICE: Okay.

20 MR. SPATZ: With one -- you have a drain at
21 one side of the parking lot, at the entrance, and
22 one of them in the center of the parking lot,
23 that's extremely limited drainage for a parking
24 lot.

25 MR. PRICE: Okay.

1 Particularly one that's 30,000 square feet.

2 Okay.

3 Next question I have, I am still on page
4 five, item number eight.

5 MR. SPATZ: Yes.

6 MR. PRICE: Fencing is provided along only
7 a portion of the property --

8 MR. SPATZ: That's correct.

9 MR. PRICE: -- with the rear wall of
10 buildings that abut the side used as screening.

11 MR. SPATZ: Correct.

12 MR. PRICE: Okay. And you show a picture
13 of one building.

14 MR. SPATZ: Well, it's multiple buildings
15 and it's along a significant portion of the -- of
16 the parking lot on the eastern side.

17 MR. PRICE: Okay.

18 Are there any other locations, other than
19 that one, where there's no fence?

20 MR. SPATZ: That was a significant portion
21 of the property. The bottom photograph on that
22 same page, which shows the post office building,
23 there's no fencing to separate that. On the
24 opposite side, there is fencing, but it's in --
25 in quite poor condition, on the opposite side,

1 the western side of the parking lot.

2 MR. PRICE: Okay.

3 But the -- the issue here is where we're
4 using a building in lieu of a fence. Is there --
5 well, the -- the post office is part of the site.

6 MR. SPATZ: Yes.

7 MR. PRICE: So --

8 MR. SPATZ: It is. Correct.

9 MR. PRICE: Okay.

10 So, is there any other site, other than the
11 approximately 125 feet of these -- actually, it's
12 used as one -- one use, but I think they're two
13 separate buildings, any other location whether in
14 the parking lot, other than --

15 MR. SPATZ: I again didn't indicate that --
16 that there was no fencing. I said is only a
17 portion of it. The western side has more fencing
18 than the right hand side, but the fencing on the
19 left hand side is still not a proper screening
20 for the parking lot.

21 MR. PRICE: That -- but it exists. Fencing
22 exists on the -- on the west side of the -- from
23 10th Street to 8th Street.

24 Correct?

25 MR. SPATZ: There is fencing on that side.

1 It is in poor condition and it's not -- doesn't -
2 -

3 MR. PRICE: The condition doesn't --

4 MR. SPATZ: -- provide a proper screening.

5 MR. PRICE: -- matter. It exists.

6 MR. SPATZ: Well, it --

7 CHAIRPERSON CAPIZZI: It does matter.

8 MR. SPATZ: -- does because the same with
9 the sidewalk, that the sidewalk exists --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. SPATZ: -- doesn't mean that it's an
12 appropriate sidewalk --

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. SPATZ: -- that provides --

15 MR. PRICE: Okay.

16 MR. SPATZ: -- appropriate use for the
17 public.

18 MR. PRICE: But --

19 MR. SPATZ: This does not provide
20 screening.

21 MR. PRICE: -- focus --

22 MR. SPATZ: Let -- let me finish.

23 MR. PRICE: I'm sorry.

24 MR. SPATZ: It provides screening. It
25 doesn't screen the properties there, from -- in

1 the backyards there, from the parking lot. It's
2 not typical fencing for a municipal parking lot.

3 MR. PRICE: Oh, I'm not arguing that point.

4 MR. SPATZ: Right.

5 MR. PRICE: But your point here, in your
6 report, was that there was no fencing, that we
7 were using buildings as basically a --

8 MR. SPATZ: That's -- that's not what I
9 said.

10 I say fencing is provided along only a
11 portion of the property, with the rear wall of
12 buildings that abut the site used as screening.
13 So, there's fencing on some portions of it, no
14 fencing on other portions of it.

15 I didn't say that there is --

16 MR. PRICE: But I'm --

17 MR. SPATZ: -- no fencing.

18 MR. PRICE: -- trying to -- to get you to
19 describe exactly what portion. It's only the --
20 the two buildings in your picture.

21 MR. SPATZ: Again, it's -- I think there
22 are three buildings and one building is only
23 partially shown. I don't think that changes my
24 comment.

25 MR. PRICE: Okay. But that's the only

1 place on the --

2 MR. SPATZ: It's --

3 MR. PRICE: -- parking lot which does not
4 have fence.

5 MR. SPATZ: It's a significant portion of
6 the -- of the parking lot. And the comment it
7 relates to the fencing being effective. That
8 there's fences there does not mean that they're
9 effective in any way.

10 They don't even -- they don't even appear
11 to be suitable to keep people from climbing over
12 them and going from backyards into the parking
13 lot.

14 MR. PRICE: Okay.

15 MR. SPATZ: But do they exist? Yes, on a
16 portion of the property.

17 MR. PRICE: Okay.

18 The last item is no landscape is provided
19 to enhance the site.

20 MR. SPATZ: Right.

21 MR. PRICE: Okay. And I turn to your
22 picture on page whatever this would be, the
23 beginning.

24 MR. SPATZ: Okay. That's the -- the aerial
25 photograph.

1 MR. PRICE: Aerial photograph.

2 MR. SPATZ: Right. Which is the first --

3 MR. PRICE: And there in the middle, isn't
4 that a tree?

5 MR. SPATZ: A tree does not make
6 landscaping that's appropriate for a parking lot.
7 Okay? There's -- if you look at the photograph,
8 the final photograph, the top one, it shows some
9 weeds growing up the side of a building, that's
10 not landscaping that's appropriate for a parking
11 lot to both --

12 MR. PRICE: Okay.

13 MR. SPATZ: -- screen it, enhance it. You
14 know, a tree sitting in -- on one side in one
15 spot in the parking lot, I don't believe is
16 considered landscaping.

17 MR. PRICE: Well --

18 MR. SPATZ: But I do concede that there is
19 a tree.

20 MR. PRICE: Okay.

21 The other --

22 MR. ORTIZ: One tree.

23 MR. PRICE: The other --

24 MR. SPATZ: A tree.

25 MR. PRICE: There's a tree.

1 MR. SPATZ: Correct.

2 MR. PRICE: A tree grows in Union City.

3 MR. SPATZ: Something like that, yes.

4 MR. PRICE: Okay.

5 The real point that I would make here is
6 that in point of fact, this parking lot benefits
7 from the landscaping on the adjacent properties,
8 basically, the backyards of --

9 MR. SPATZ: I --

10 MR. PRICE: -- adjacent properties.

11 MR. SPATZ: I wouldn't --

12 No, I would disagree with that. I think,
13 as you can see from the photograph, it's only a
14 small portion of the parking lot that -- that
15 actually has, adjacent to the backyards that are
16 open backyards in these property, they are not in
17 any way landscaped that would enhance the site or
18 -- or their own properties.

19 MR. PRICE: Well --

20 MR. SPATZ: That there's grass in places, I
21 don't think that changes my --

22 MR. PRICE: Well, it's not --

23 MR. SPATZ: -- my point.

24 MR. PRICE: But it's not a barren
25 wasteland, is the point I --

1 MR. SPATZ: I -- I --

2 MR. PRICE: Yes.

3 MR. SPATZ: I didn't say it was a barren
4 waste -- wasteland. I just said there's not
5 appropriate landscaping to screen it and enhance
6 the site.

7 MR. PRICE: Okay.

8 MR. SPATZ: And I think that's still the
9 case, despite the single tree and -- and a couple
10 of backyards.

11 MR. PRICE: Okay.

12 On page six, item number five, you say that
13 age restricted housing, affordable housing and
14 low and mid-rise apartment buildings is a
15 permitted use in the P zone.

16 MR. SPATZ: Correct. Yes.

17 MR. PRICE: No. No.

18 MR. SPATZ: The -- the zone was amended to
19 permit that use.

20 MR. PRICE: No. That's the problem. The
21 Land Development Ordinance was supposed to be
22 amended on May 19th. It was taken off the
23 schedule, it -- and has not been adopted.

24 MR. SPATZ: It was -- I believe that it was
25 amended more than a year ago. Not this year.

1 The zoning was changed about a -- at least a year
2 ago. They amended the Zoning Ordinance to permit
3 public housing. To permit age restricted housing
4 and affordable housing.

5 That's why an application was submitted to
6 the Board that was listed as a permitted use.

7 MR. PRICE: Well, the Master Plan has been
8 -- whatever.

9 This is the -- whatever.

10 By the way, the write-ins are the proposed
11 changes to the Land Development.

12 MR. SPATZ: I -- I --

13 MR. PRICE: And at this point --

14 MR. SPATZ: Yeah.

15 MR. PRICE: It's --

16 MR. SPATZ: I don't -- I don't agree with
17 you. That's your copy of the Ordinance that's --

18 MR. PRICE: But you would --

19 MR. SPATZ: -- that you've add --

20 MR. PRICE: -- agree that this is the
21 official copy and it doesn't list --

22 MR. SPATZ: Again --

23 MR. PRICE: -- in printed form.

24 MR. SPATZ: It was adopted after the
25 printing of the Zoning Ordinance. And they did

1 not reprint the Zoning Ordinance to add the
2 change in it.

3 I can find the Ordinance that -- and
4 provide it to the Board, the Ordinance that was
5 adopted by the Board of Commissioners to change
6 the zoning.

7 I know they didn't reprint the Zoning
8 Ordinance to add it in. But that doesn't mean
9 they didn't do it.

10 MR. PRICE: Well, --

11 MR. SPATZ: It was --

12 MR. PRICE: -- put it this way --

13 MR. SPATZ: It was at least a year ago that
14 they amended the Zoning Ordinance. Probably in
15 2017, at some point, that the Ordinance was
16 amended and -- and I will agree, they did not
17 reprint it.

18 MR. PRICE: Wait a minute.

19 MR. SPATZ: But -- but the Ordinance was
20 amended.

21 MR. PRICE: Now, that -- that can't be
22 correct. You can't amend a zone -- Section 89 of
23 the MLUL says, if you're going to amend a zoning
24 ordinance, you have to, among other things, go to
25 the Planning Board.

1 MR. SPATZ: It was done at the Planning
2 Board, and it was adopted by the Board of
3 Commissioners.

4 Absolutely. It was done well in advance of
5 the development that was actually ultimately
6 submitted. Before the municipality went out to
7 bid on that property, solicited developers, they
8 amended the Zoning Ordinance to permit the type
9 of housing. That's why, when the property came
10 in, it came in as a permitted use. They needed a
11 height variance, but they didn't need any use
12 variances.

13 And I will look up and provide --

14 MR. PRICE: Yeah. And you could --

15 MR. SPATZ: I can provide you with the
16 Ordinance.

17 MR. PRICE: And would you provide --

18 MR. SPATZ: Certainly. I can easily do
19 that.

20 MR. PRICE: -- paperwork.

21 Okay.

22 Okay. Going to page seven.

23 Okay.

24 First in refer -- these are the criteria
25 and in Section d.

1 MR. SPATZ: Yes.

2 MR. PRICE: Okay. Section d begins, areas
3 with buildings or improvements, which by reason
4 of dilapidation, et cetera --

5 MR. SPATZ: Um hum.

6 MR. PRICE: Okay. Now, there is, in fact,
7 one building on this site, which is the post
8 office, 720. Okay. But you never cite to it.

9 Are you saying that the building is not
10 dilapidated, is not obsolescent?

11 MR. SPATZ: I'm not suggesting that that
12 building is. That building exists on the
13 property and the property meets the criteria.
14 I'm not suggesting that the building itself is --
15 is dilapidated, but it is a building not on a
16 separate lot, but located on this lot.

17 MR. PRICE: Correct.

18 MR. SPATZ: And --

19 MR. PRICE: But it --

20 MR. SPATZ: -- the parking lot is an
21 improvement and does --

22 MR. PRICE: But --

23 MR. SPATZ: -- meet the conditions.

24 MR. PRICE: And your report addresses the
25 improvement -- improvement, but not the

1 buildings.

2 MR. SPATZ: I don't discuss that single
3 building there. No.

4 That's correct.

5 MR. PRICE: Okay.

6 MR. SPATZ: But that wasn't --

7 MR. PRICE: Okay.

8 MR. SPATZ: -- a -- a part of my reasoning
9 --

10 MR. PRICE: Okay.

11 MR. SPATZ: -- for why the criteria are
12 met.

13 MR. PRICE: Okay.

14 Criterion c. starts out, land that is owned
15 by the municipality, the county, a local housing
16 authority, so on, and then it gives the --

17 MR. SPATZ: Um hum.

18 MR. PRICE: -- requirements for such land.

19 This happens to be property that is owned
20 by the municipality, well by the Parking
21 Authority.

22 MR. SPATZ: Um hum.

23 MR. PRICE: But you don't cite c. as being
24 a criterion that would justify declaring this an
25 area in need of redevelopment.

1 MR. SPATZ: No, because the section goes
2 on. It starts off, land that is owned by the
3 municipality or has been vacant for a period of
4 ten years, prior to adoption of the resolution.
5 And then, it goes on and says, and that, by
6 reason of its location, remoteness, lack of means
7 of access to developed sections or portions of
8 the municipality, or topography, or nature of
9 soil, is not likely to be developed through the
10 instrumentality of private capital.

11 This property doesn't meet any of those
12 conditions.

13 MR. PRICE: Good.

14 MR. SPATZ: That's why I didn't use --

15 MR. PRICE: Okay.

16 MR. SPATZ: -- condition c.

17 MR. PRICE: Okay. Fine.

18 That's all I'm trying to confirm.

19 Okay. Then on page ten -- okay. And
20 specifically, your comments under -- excuse me --
21 criterion d.

22 MR. SPATZ: Um hum.

23 MR. PRICE: Okay. And I'll skip the first
24 part and say, as noted above, the irregular shape
25 of the site -- okay.

1 MR. SPATZ: Um hum.

2 MR. PRICE: The -- the -- I'll read the
3 whole thing and then --

4 MR. SPATZ: Um hum.

5 MR. PRICE: -- go through these items one
6 by one.

7 The lack of direct pedestrian access to
8 Summit Avenue, lack of lighting and landscaping,
9 the condition of the surface and drainage all
10 indicate the presence of faulty arrangement or
11 design.

12 MR. SPATZ: Yes.

13 MR. PRICE: Okay.

14 Now, let me go through those more slowly.

15 The irregular shape.

16 MR. SPATZ: Um hum.

17 MR. PRICE: There's a jog in the middle,
18 basically. Why -- why does that irregular shape
19 -- you know, indicate -- you know, faulty
20 arrangement --

21 MR. SPATZ: Because I think that that makes
22 it difficult to develop as a parking lot. There
23 are -- you have irregular shaped aisles and that
24 was one of -- one of the components of -- in my
25 determination of the fact that it is irregularly

1 | shaped, which it is.

2 | MR. PRICE: Okay.

3 | Now, question?

4 | What's the RS -- RSIS requirement for a
5 | parking space?

6 | MR. SPATZ: In dimensions, nine by 18.

7 | MR. PRICE: Nine by 18.

8 | MR. SPATZ: Right. But that's a
9 | residential parking space.

10 | MR. PRICE: Correct.

11 | MR. SPATZ: The RSIS does not relate to
12 | commercial.

13 | MR. PRICE: Correct.

14 | MR. SPATZ: So there's no -- it goes back
15 | to the municipal standard.

16 | MR. PRICE: Okay.

17 | Which is the same, nine by 18. Okay.

18 | What is the IRS (sic) requirement for a
19 | drive aisle?

20 | MR. SPATZ: Again in --

21 | MR. PRICE: On -- on 90 -- in 90 --

22 | MR. SPATZ: In a residential setting, 24
23 | feet.

24 | MR. PRICE: Twenty-four feet.

25 | MR. SPATZ: But this is not a residential

1 setting.

2 MR. PRICE: Okay.

3 MR. SPATZ: It is --

4 MR. PRICE: Okay.

5 MR. SPATZ: -- a commercial --

6 MR. PRICE: Fine. But you were just --

7 MR. SPATZ: -- and public parking lot.

8 MR. PRICE: Okay.

9 Did you measure any of the parking lots?

10 MR. SPATZ: I did not measure the spaces,
11 no. And I did not indicate that the spaces
12 themselves were -- that the spaces themselves,
13 because of their size, were somehow related to
14 it. I -- I --

15 MR. PRICE: Okay. They -- they, in fact,
16 conform.

17 MR. SPATZ: The --

18 MR. PRICE: (Indiscernible).

19 MR. SPATZ: They could, but it doesn't -- I
20 didn't refer to that at all, so I didn't --

21 MR. PRICE: Okay.

22 MR. SPATZ: -- consider that in my --

23 MR. PRICE: Okay.

24 MR. SPATZ: -- determination.

25 MR. PRICE: In terms of the aisle, how wide

1 is the aisle in this parking lot?

2 MR. SPATZ: Again, I didn't measure the
3 aisle because the dimensions of the parking
4 spaces and the aisle were not related to my --

5 MR. PRICE: Could we do a --

6 MR. SPATZ: -- opinion.

7 MR. PRICE: -- calculation? The lot is 75
8 feet wide.

9 Correct?

10 MR. SPATZ: Okay.

11 MR. PRICE: Will the --

12 MR. ORTIZ: All right. Mr. Price, I don't
13 -- he just answered the question. He said he did
14 not measure that. So --

15 MR. PRICE: And I --

16 MR. ORTIZ: -- anything else -- anything
17 else would be speculation. So could you please -
18 -

19 MR. PRICE: Well, no. No, no, no. It
20 would not be.

21 MR. ORTIZ: Yes, it would.

22 MR. PRICE: This, it would be -- we're
23 going to do basic math, based on the record.

24 MR. ORTIZ: Mr. Price, he just said he
25 didn't measure it.

1 MR. SPATZ: I didn't measure it. Anything
2 we'd come up with will be speculation.

3 MR. PRICE: Okay.

4 MR. SPATZ: Because I don't know the width
5 of the sidewalk, so -- you know, that is -- that
6 is on --

7 MR. ORTIZ: You're calling for speculation.

8 MR. SPATZ: -- on either side of the
9 parking lot. You know, so I'm not sure how --
10 I'm not sure why the width of the parking aisle
11 has any relationship to any of the criteria that
12 I developed. Even if I accept that it's 24 feet
13 wide --

14 MR. PRICE: Or how about 35 feet wide?

15 MR. SPATZ: It --

16 MR. PRICE: Twenty feet on one side --

17 MR. SPATZ: It could be --

18 MR. PRICE: -- 20 feet on the other.

19 MR. SPATZ: It could be 50 feet --

20 MR. PRICE: And --

21 MR. SPATZ: -- wide, but that still doesn't
22 change anything because I did not refer to the
23 dimensions of the parking spaces or aisles as a
24 deleterious portion of the site.

25 MR. PRICE: Okay.

1 But my point is, would you agree that this
2 parking lot -- you know, conforms to RSIS
3 standards, both as to parking space size and as
4 to aisle width?

5 MR. SPATZ: Again, I wouldn't because the
6 RSIS only relates to residential properties.
7 This is a commercial --

8 MR. PRICE: No. I --

9 MR. SPATZ: -- development.

10 MR. PRICE: I'm not -- I'm not saying that
11 it does. I said does it conform to those
12 requirements?

13 MR. ORTIZ: Mr. -- Mr. --

14 MR. SPATZ: I -- again, it doesn't need to
15 conform to them. A commercial parking lot would
16 have different standards than a residential
17 parking space within a garage. So, it doesn't --

18 MR. ORTIZ: It's apples and oranges.

19 MR. SPATZ: Yeah. I don't -- it doesn't
20 change anything.

21 MR. PRICE: Okay.

22 MR. SPATZ: I'm not sure --

23 MR. PRICE: Okay.

24 Then, we will go to one last thing, which
25 is the reference to -- did -- when you were

1 inspecting, did you notice the sign conspicuously
2 posted, which said, no commercial vehicles?

3 MR. SPATZ: I didn't and I didn't relate to
4 the fact that commercial vehicles park there as
5 an issue. So, I -- that doesn't change anything
6 as far as I'm concerned, because I didn't
7 indicate that that was a condition that was part
8 of its issues.

9 MR. PRICE: Okay.

10 Remaining on page ten, you -- the second
11 item is the lack of direct pedestrian access to
12 Summit Avenue.

13 MR. SPATZ: Yes.

14 MR. PRICE: Okay. You're also the -- the
15 planner for the Zoning Board. You're aware of
16 the fact that the Zoning Board approved an
17 application for development for this site.

18 MR. SPATZ: Um hum. Correct.

19 MR. PRICE: Of a six story building,
20 whatever.

21 MR. SPATZ: Correct.

22 MR. PRICE: Will that building provide
23 access to Summit Avenue?

24 MR. SPATZ: The building itself will cover
25 most of the park -- all of the parking lot.

1 Vehicles will exit directly onto 10th and to 8th.
2 Pedestrians will exit directly onto 10th and to
3 8th and therefore, they will go out onto the
4 public sidewalk, and then directly to Summit.
5 They don't need to -- my -- the -- a issue that I
6 raise was of people having to walk through the
7 parking lot to get out to the street. That will
8 not be present when the building is there. So,
9 there is more direct access to that.

10 I wasn't suggesting that -- that there's
11 necessarily a cut through from the parking lot to
12 Summit, although that probably would be
13 desirable. But I think that with the building on
14 the property, that condition will be improved,
15 because people will not have to walk through the
16 parking lot.

17 MR. PRICE: Okay.

18 You refer to lack of lighting and I think
19 we've addressed that already, so the --

20 Okay.

21 The condition of the surface. Okay. You
22 may -- did you count the potholes that exist on
23 this site?

24 MR. SPATZ: I did not count them. I just
25 visually saw --

1 MR. PRICE: This morning --

2 MR. SPATZ: -- a number of them.

3 MR. PRICE: -- there were 16. Okay. If
4 you got a pothole crew, the kind that go on our
5 streets, hopefully, from -- you know --

6 MR. SPATZ: Um hum.

7 MR. PRICE: -- in the winter months, how
8 long do you think it would take them to repair 16
9 --

10 MR. ORTIZ: Mr. Price --

11 MR. PRICE: -- potholes?

12 MR. ORTIZ: -- it's outside of his
13 expertise.

14 MR. SPATZ: Yeah. I have no idea and --
15 and --

16 MR. ORTIZ: He's not a -- he's not a
17 construction manager.

18 MR. SPATZ: Yeah. Yeah. I have no idea
19 how long it might take them to -- to do or not,
20 or whether just patching the potholes would be an
21 efficient way of -- of doing it.

22 MR. PRICE: Okay.

23 The question is mostly rhetorical, but
24 you're given a choice. We can repair the
25 potholes or we can declare this a -- you know,

1 area in need of redevelopment.

2 MR. SPATZ: If potholes were the only --

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. SPATZ: -- issue, I would agree with
5 you, but there are many and multiple issues, and
6 several criteria that are met by this. So, --

7 MR. PRICE: Okay.

8 MR. SPATZ: -- repairing the potholes, in
9 some fashion, doesn't, again, change the ultimate
10 --

11 MR. PRICE: Okay.

12 MR. SPATZ: -- determination.

13 MR. PRICE: Last but not least, in terms of
14 my questions, if we could turn to page 12.

15 MR. ORTIZ: Twelve or 11?

16 MR. PRICE: No, page 12.

17 MR. ORTIZ: Okay.

18 MR. SPATZ: Okay.

19 MR. PRICE: Okay. The second sentence
20 states, the area -- the study area contains a
21 deteriorated improvement and an underutilized
22 parking area.

23 Underutilized --

24 MR. SPATZ: Right.

25 MR. PRICE: -- parking area. What do you

1 mean by that phrase?

2 MR. SPATZ: A parking area that is
3 underutilized and that it can be used for a
4 higher end better use that benefits the public,
5 namely the affordable housing project that would
6 be --

7 MR. ORTIZ: Mr. Price, that's right in the
8 report you read -- you took it out of context.

9 MR. SPATZ: Right.

10 MR. ORTIZ: As you read the whole sentence
11 together, he goes on to say that potentially
12 could provide valuable and useful development
13 opportunities for affordable housing.

14 MR. SPATZ: Right.

15 MR. ORTIZ: It's right in the sentence.

16 MR. SPATZ: It's --

17 MR. PRICE: No. That -- that does not
18 necessarily follow.

19 MR. SPATZ: It -- it --

20 MR. PRICE: Okay?

21 MR. SPATZ: That is -- that is what I
22 wrote. It says -- I'll read the sentence.

23 The study area contains a deteriorated
24 improvement and an underutilized parking area
25 which could provide -- which could potentially

1 provide valuable and -- valuable and useful
2 development opportunities for affordable housing.

3 MR. PRICE: Okay.

4 MR. SPATZ: It's underutilized, not as a
5 parking lot, because obviously cars are parked
6 there, but underutilized and that is a public
7 space that could provide a valuable --

8 MR. PRICE: That's the distinction --

9 MR. SPATZ: -- use.

10 MR. PRICE: -- I'm trying to draw out.

11 MR. SPATZ: That's --

12 MR. PRICE: I made the inspection, as I
13 said, at one o'clock this morning. I was a
14 little bit shocked there was not a single vacant
15 parking space.

16 MR. SPATZ: Again I --

17 MR. PRICE: Not a single parking --

18 MR. SPATZ: No, that's fine.

19 The underutilized was that the space --
20 that the lot itself is underutilized and that it
21 could provide both parking, as well as a valuable
22 -- valuable public benefit.

23 MR. PRICE: Okay.

24 MR. SPATZ: Right.

25 MR. PRICE: Okay.

1 MR. SPATZ: Not that it's not used as a
2 parking area --

3 MR. PRICE: But it's not --

4 MR. SPATZ: -- because that --

5 MR. PRICE: -- underutilized as a parking
6 area.

7 MR. SPATZ: I wasn't suggest -- I wasn't
8 suggesting that.

9 MR. PRICE: Yeah. Okay. Very good.

10 Okay. Very good.

11 Now, that completes my questions.

12 I have a short presentation.

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

15 MR. PRICE: Do you --

16 MR. ORTIZ: Is this still part of O-1?

17 MR. PRICE: Still part of O-1.

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

20 MR. PRICE: Okay.

21 These are pictures which I took and they're
22 all day/time stamped. The only thing I would
23 make careful about, the day/time stamp is because
24 it's a Canon camera, it's day, month, year. So,
25 10/10/2018 doesn't matter, because that -- that

1 works either way, but you'll get to some of the
2 others and you'll wonder why was he taking
3 pictures in June. I wasn't. It was the 6th of
4 December.

5 Okay. The -- the first -- whatever, just
6 describing the building. I think it's basically
7 decided at this point that the building is
8 actually in excellent shape. But these are
9 pictures, front and back side of the post office.
10 The building is, in fact, in excellent condition.

11 Okay. The second set of pictures is the
12 sidewalks. And these, with -- with exception of
13 the picture in the upper right hand corner, these
14 are all pictures at 8th Street or 10th Street.
15 Sidewalks are in excellent shape.

16 The picture here is the sidewalk running
17 along the east side. And that goes all the way
18 from 10th Street, basically, down to the jog.

19 You ask about parking meters and wouldn't
20 that obstruct people? You know, people can get
21 by there if you look at that.

22 VICE CHAIRPERSON KOEHLER: Yeah.

23 CHAIRPERSON CAPIZZI: Yeah.

24 MR. ORTIZ: And there's a garbage can right
25 there --

1 CHAIRPERSON CAPIZZI: Yeah, I don't think
2 it's --

3 MR. ORTIZ: -- that blocks the entire
4 sidewalk.

5 CHAIRPERSON CAPIZZI: -- easily --

6 MR. PRICE: What?

7 CHAIRPERSON CAPIZZI: I don't think --

8 MR. ORTIZ: There's a garbage can.

9 CHAIRPERSON CAPIZZI: -- you could easily
10 walk through there.

11 MR. ORTIZ: There's telephone poles that
12 block the entire sidewalk.

13 CHAIRPERSON CAPIZZI: Right.

14 MR. PRICE: But --

15 CHAIRPERSON CAPIZZI: And if you have a
16 cane or if you have a walker, you can't walk
17 there.

18 MR. PRICE: Oh, no. No.

19 CHAIRPERSON CAPIZZI: Okay.

20 VICE CHAIRPERSON KOEHLER: Or a stroller.

21 CHAIRPERSON CAPIZZI: So -- or a stroller.

22 MR. PRICE: No.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. PRICE: But as Mr. Spatz properly
25 pointed out, there are no handicap spots in this

1 parking lot.

2 CHAIRPERSON CAPIZZI: But that's not what
3 we're talking about. We're talking about the
4 sidewalks.

5 MR. PRICE: We --

6 CHAIRPERSON CAPIZZI: So --

7 MR. PRICE: But you know, someone with a
8 walker, with a cane?

9 Okay.

10 VICE CHAIRPERSON KOEHLER: Stroller.

11 MR. PRICE: The --

12 CHAIRPERSON CAPIZZI: Right.

13 MR. PRICE: -- third has to do with
14 fencing.

15 MR. ORTIZ: Shopping cart.

16 VICE CHAIRPERSON KOEHLER: Um hum.

17 CHAIRPERSON CAPIZZI: Right.

18 MR. PRICE: There is, in fact, fencing
19 along all of the perimeters, with the exception
20 of, we described it as one building or three on
21 the east side, approximately 125 feet in length.
22 There is no fence between that building and the
23 sidewalk outside for the parking lot. But
24 there's fencing elsewhere.

25 Okay. The second thing I'm illustrating

1 | here is the marking. The marking is not in -- in
2 | -- you know, outstanding condition but, in fact,
3 | it is functional. People know the limits of --
4 | you know, their parking space. It is functional
5 | to that degree.

6 | And the last goes to the pavement. This is
7 | a broader shot of the lot and yes, it could -- it
8 | could use a little work. But --

9 | CHAIRPERSON CAPIZZI: A lot of work.

10 | MR. PRICE: -- the observation that I have
11 | to make is, as I say, at one o'clock this
12 | morning, every space was filled. It's not the
13 | smoothest parking lot in the world, but -- you
14 | know, nobody seems to be discouraged by that
15 | fact. They use the parking lot.

16 | And it's -- it could be better, but it,
17 | again, is functional.

18 | Okay. The -- so, my -- my point is -- you
19 | know, dilapidation is in the eye of the beholder.
20 | This -- this is a working parking lot.

21 | Could it be better? Yes.

22 | Is it deteriorated? No.

23 | Okay.

24 | The last two pictures go to a separate
25 | issue and that is, the state of the -- the area

1 around the parking lot. And the first picture --
2 the first sheet has 8th Street, an east view and a
3 west view. Fine. We have a -- the pictures on
4 the -- on the left hand side has the west side of
5 the parking lot both top and bottom. You know,
6 and there's our landscaping.

7 If we turn to the last picture, again, the
8 pictures on the left hand side show 10th Street,
9 an east view and 10th Street, a west view.

10 On the 10th Street, on the east view, I
11 would point out the building which is sort of in
12 the far distance, but in the very center of the
13 -- happens to be the home of Mr. and Mrs.
14 Martinetti. Mr. Martinetti being, of course, the
15 Construction Code Official. And of course, Mrs.
16 Martinetti being a Commissioner to Union City.
17 And they don't have to live in a blighted
18 neighborhood. And they don't.

19 The -- the two pictures on the left,
20 another picture of the west side of the -- is
21 showing the fencing, which seems to be in pretty
22 good shape.

23 And the point that I would make, the lower
24 right hand corner, the buildings here -- I would
25 make two points about those buildings. The

1 buildings surrounding the parking lot.

2 Number one.

3 They're in reasonable shape. There are no
4 abandoned buildings in that area.

5 And number two.

6 The buildings are well maintained. Now,
7 you look at the -- the picture in the lower right
8 hand corner, this happens to be the building at
9 the extreme north end -- northeast end of the
10 parking lot. You could -- your aesthetic choices
11 might be to next time he changes his shingles, he
12 ought to use shingles that match. But the fact
13 is, when the shingles needed replacing, he
14 replaced them. And that's true of properties in
15 this area. They are -- you know, they are not
16 abandoned. They're occupied and they are
17 maintained.

18 And there is no sign of deterioration in
19 that neighborhood.

20 Thank you.

21 CHAIRPERSON CAPIZZI: Thank you.

22 MR. SPATZ: If I could just respond to one
23 comment from the floor, regarding the zoning. I
24 just --

25 MR. PRICE: I -- yes.

1 MR. SPATZ: I just looked -- I'm sorry, if
2 you were done.

3 I just looked online. It was adopted
4 August 18th, 2015, which added a district in
5 affordable housing to the P zone as a permitted
6 use.

7 MR. PRICE: August --

8 MR. SPATZ: August 18th, 2015 is when that
9 --that Ordinance was adopted.

10 MR. PRICE: Okay.

11 MR. ORTIZ: Do any of the Board members
12 have questions of Mr. Price?

13 CHAIRPERSON CAPIZZI: Does anyone have any
14 questions or comments of presentation?

15 Anyone else in the public have any comments
16 or questions?

17 MR. ORTIZ: Anybody in the public have any
18 comments or questions?

19 CHAIRPERSON CAPIZZI: Okay.

20 MR. ORTIZ: That being what it is --

21 CHAIRPERSON CAPIZZI: Okay. So I would --

22 MR. ORTIZ: Motion to recommend -- to
23 recommend --

24 CHAIRPERSON CAPIZZI: I'll make a motion to
25 recommend --

1 THE SECRETARY: Allow me one second, Ms. --

2 CHAIRPERSON CAPIZZI: I'm sorry.

3 THE SECRETARY: -- Ms. Capizzi.

4 Just the record -- you know --

5 CHAIRPERSON CAPIZZI: Yes.

6 THE SECRETARY: -- should be Non-

7 Condemnation Redevelopment Area Report, 720 8th

8 Street, Block 42, Lot 9 of the City of Union

9 City.

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: On the agenda.

12 CHAIRPERSON CAPIZZI: So, --

13 MR. ORTIZ: The motion would be to

14 recommend to the Board of Commissioners the

15 report.

16 CHAIRPERSON CAPIZZI: I'll recommend the

17 report to the Commissioners.

18 THE SECRETARY: Motion by Ms. --

19 MR. ORTIZ: Correct, David?

20 THE SECRETARY: -- Capizzi.

21 MR. ORTIZ: David, correct?

22 MR. SPATZ: Yes. It would be a

23 recommendation that the Board of Commissioners

24 declare it a Non-Condemnation Redevelopment Area.

25 MR. ORTIZ: In favor of the --

1 CHAIRPERSON CAPIZZI: In favor of the --

2 MR. ORTIZ: -- the results of the report.

3 CHAIRPERSON CAPIZZI: -- the results of the
4 report.

5 THE SECRETARY: Motion by Ms. Capizzi.

6 Any second on the motion?

7 MS. GENAO: I'll --

8 THE SECRETARY: Second by Ms. Genao.

9 Roll call on the motion.

10 Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Ms. Fernandez?

15 MS. FERNANDEZ: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mr. Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Seven in favor.

25 Let the -- let the record indicate that the

1 recommendation has been approved.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on November 27th, 2018

4

5 THE SECRETARY: Let's go to adoption of the
6 previous meeting minutes of November 27, 2018.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I'll make a motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 Any second?

11 MR. GUARENO: Second.

12 THE SECRETARY: Second by Mr. Guareno.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Abstain.

18 THE SECRETARY: Ms. Fernandez?

19 MS. FERNANDEZ: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Six in favor, one
4 abstained.

5 Motion carries.

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1 **ADJOURNMENT:**

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

6 CHAIRPERSON CAPIZZI: Make a motion.

7 THE SECRETARY: Motion by Ms. --

8 VICE CHAIRPERSON KOEHLER: Second.

9 THE SECRETARY: -- Capizzi.

10 Second by --

11 MR. ORTIZ: Ms. Koehler.

12 THE SECRETARY: -- Ms. Koehler.

13 MR. ORTIZ: That could be all in favor.

14 THE SECRETARY: All in favor?

15

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

17

18 THE SECRETARY: The ayes have it.

19 Thank you.

20 Have a good night.

21 Let the record show that the meeting has
22 ended.

23 Thank you.

24 CHAIRPERSON CAPIZZI: Happy holidays,
25 everyone.

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(Whereupon, the proceedings were concluded
at 7:09 p.m.)

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the SPECIAL
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, December 11, 2018 and digitally
11 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon