

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
PLANNING BOARD

SPECIAL MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:  
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City Hall  
3715 Palisade Avenue  
Union City, New Jersey

Tuesday, February 19, 2019  
Commencing at 6:07 p.m.

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

YDALIA GENAO, Mayor's Designee  
CAROLINA FERNANDEZ  
RUDY RIVERO  
ALEJANDRO VELAZQUEZ, Alternate No. 1  
JOSE GUARENO, Alternate No. 2  
ALICIA MOREJON, Acting Chairperson

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

BRIAN P. STACK, Mayor  
CELIN VALDIVIA, Commissioner  
FRANKLIN MEDINA  
JEANNE KOEHLER, Vice Chairperson  
DIANE CAPIZZI, Chairperson

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

CARLOS VALLEJO, SECRETARY TO THE BOARD  
  
MARIAN MIAWAD, ESQ., Attorney for the Board  
  
DAVID SPATZ, Consultant,  
Community Housing & Planning Associates, Inc.

I N D E X

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| ROLL CALL                               | 5           |
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I N D E X

Non-Condernnation Redevelopment Plan  
720 8<sup>th</sup> Street Redevelopment Area  
Lot 9 in Block 42 of the City of Union City,  
New Jersey

WITNESSPAGE

David Spatz

9

SWORN PUBLIC

Larry Price

17

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

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

5 THE SECRETARY: On record?

6 MS. DILLON: Yes.

7 I'm sorry.

8 THE SECRETARY: Please take notice that on  
9 Tuesday, February 19, 2019, at six p.m., a  
10 Special Meeting is scheduled for the City of  
11 Union City Planning Board to be held in the  
12 Municipal Chambers of the City Hall, 3715  
13 Palisade Avenue, Union City, New Jersey.

14 This is a meeting called in compliance with  
15 Chapter 231, Public Law 1975 of the Open Public  
16 Meeting Act.

17 Adequate notice of this meeting has been  
18 provided as follow:

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

1           Before we call roll for this meeting, can  
2 everybody rise, Pledge of Allegiance?

3

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

6

7           THE SECRETARY: Thank you.

8

9   **ROLL CALL:**

10

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

13           Mayor Brian B. Stack? Absent.

14           Diane Capizzi? Absent.

15           Jeanne Koehler? Absent.

16           Ydalia Genao?

17           MS. GENAO: Yes.

18           THE SECRETARY: Commissioner Celin  
19 Valdivia? Absent.

20           Carolina Fernandez?

21           MS. FERNANDEZ: Here.

22           THE SECRETARY: Rudy Rivero?

23           MR. RIVERO: Here.

24           THE SECRETARY: Franklin Medina? Absent.

25           Alicia Morejon?

1 MS. MOREJON: Here.

2 THE SECRETARY: Alejandro Velazquez?

3 MR. VELAZQUEZ: Here.

4 THE SECRETARY: Jose Guareno?

5 MR. GUARENO: Here.

6 THE SECRETARY: We have six present.

7 We have a full quorum.

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1     **ELECTION OF ACTING CHAIRPERSON:**

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3             MR. SPATZ:  Somebody has to nominate  
4 Alicia.

5             THE SECRETARY:  Okay.

6             I need a nomination to -- for a temporary  
7 Chairperson to run the meeting.

8             MR. VELAZQUEZ:  I make a nomination for  
9 Alicia.

10            THE SECRETARY:  Nomination on the table --

11            MR. GUARENO:  Second.

12            THE SECRETARY:  -- to Ms. Morejon, be the  
13 Acting Chairperson for this meeting.

14            Motion by Mr. --

15            MR. SPATZ:  Velazquez.

16            MR. VELAZQUEZ:  Velazquez.

17            THE SECRETARY:  -- Velazquez.

18            Seconded by Mr. Guareno.

19            MR. VELAZQUEZ:  All in favor?

20            THE SECRETARY:  Any other nomination?

21            I see no other nominations.

22            Can -- roll call on the motion.

23            Mr. Velazquez?

24            MR. VELAZQUEZ:  Yes.

25            THE SECRETARY:  Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Ms. Fernandez?

5 MS. FERNANDEZ: Yes.

6 THE SECRETARY: Mr. Rivero?

7 MR. RIVERO: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: Yes. Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

12 Acting Chairperson for the meeting, Miss  
13 Morejon.

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

16 \* \* \*

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1   **Non-Condensation Redevelopment Plan,**  
2   **720 8<sup>th</sup> Street Redevelopment Area**  
3   **Lot 9 in Block 42 of the City of Union City,**  
4   **New Jersey:**

5  
6           MR. SPATZ: Did you send copies of this to  
7 all of them?

8           THE SECRETARY: Yes, I did. Let me just  
9 call -- call for the --

10          MR. SPATZ: Yeah.

11          THE SECRETARY: All right.

12          We -- we have on tonight's special hearing,  
13 Non-Condensation Redevelopment Plan, 720 8<sup>th</sup>  
14 Street Redevelopment Area, Lot 9, Block 42 of the  
15 City of Union City, New Jersey.

16          Mr. David Spatz, please?

17          MR. SPATZ: Okay.

18          MS. DILLON: Mr. Spatz, let me swear you  
19 in.

20          MR. SPATZ: Yes.

21          MS. DILLON: Please raise your right hand.

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

24          MR. SPATZ: Yes, I do.

25          MS. DILLON: Please state your name for the

1 record.

2 MR. SPATZ: David Spatz, S-P-A-T-Z.

3 MS. DILLON: Thank you.

4 MR. SPATZ: I'm the Planner for the Board.

5 We had provided, at the request of this  
6 Board, a Redevelopment Plan for the 8<sup>th</sup> Street  
7 parking lot property.

8 It was sent to all of the Board members and  
9 available to the public, so I'm not going to go  
10 through the entire plan. I just give some sort  
11 of a brief background, and then go into some of  
12 the more critical components of it, and then  
13 answer questions.

14 So, towards the end of last year, the Board  
15 of Commissioners asked this Board to study  
16 whether the 8<sup>th</sup> Street parking lot met the State  
17 criteria to be declared an area in need of  
18 redevelopment, and more importantly, a non-  
19 condemnation redevelopment area, which means that  
20 no city funds are used in order to purchase the  
21 property. This site happens to be city property.

22 So, this Board requested that I prepare a  
23 report, which we did. We had a public hearing on  
24 December 11<sup>th</sup> of last year. And at that meeting,  
25 the Planning Board recommended to the Board of

1 Commissioners that the area be declared an area  
2 in need of redevelopment.

3 And then, on the 20 -- January 22<sup>nd</sup>, of  
4 this year, the Board of Commissioners adopted  
5 that report, declared it an area in need of  
6 rehabilitation. And then, the next step is for  
7 them to request this Board to prepare a plan  
8 which is sort of a mini-zoning ordinance for that  
9 particular site.

10 And that's what we did and it's for review  
11 for the Board.

12 So, the State has set out sort of the  
13 composition of this plan. And a lot of the plan  
14 is -- you know, hits all of the points that they  
15 require. It has a little bit of the statutory  
16 history in it.

17 I would just turn to page 15.

18 The area before that is really a  
19 description of the process and a description of  
20 the plan and what plans do.

21 Page 15 is the section on Urban Design  
22 Objectives and Requirements. And this is not  
23 traditionally the zoning standards for this, but  
24 -- but how they recommend that a plan be  
25 developed and designed.

1           What we included in this are the design  
2 standards that the City has used in their other  
3 redevelopment areas and how they suggest  
4 buildings be designed to fit in with the area.

5           If you turn to page 17, there's some  
6 information as to circulation and parking, which  
7 is particularly critical on this property since  
8 it was a parking lot.

9           And -- and what is included in this is a  
10 requirement that the existing 71 spaces that  
11 currently exist on that parking lot that are  
12 available for the public, any development of this  
13 site has to maintain those 71 spaces, in addition  
14 to the parking that is required for the  
15 development.

16           The standard that we've used since what is  
17 permitted on this site is age restricted housing  
18 for seniors, there's a much lesser standard than  
19 is typical. And we had recommended that .5 -- a  
20 half a parking space per unit is what is required  
21 for that. And so, we have -- you know, some more  
22 of the standards for parking.

23           Page 19 really begins the sort of the  
24 detailed zoning information, which I think this  
25 Board might want to discuss or -- or consider.

1           The property, several years ago, the Board  
2 of Commissioners amended the Zoning Ordinance to  
3 permit age restricted and affordable housing on  
4 public properties that were located in the P  
5 zone, which is the public zone. This property is  
6 within that zone and is recommended to be  
7 developed in accordance with those standards.

8           I'll say that, initially, prior to the  
9 creation of the redevelopment plan, a developer  
10 of that property came before the Board of  
11 Adjustment and sought site plan approval and  
12 variances to allow the development. That  
13 development was approved.

14           And so, the standards that are here,  
15 beginning on page 19, are basically the standards  
16 that were required for mid-rise housing, from the  
17 P zone, from our Zoning Ordinance, and modified  
18 slightly for the development that was proposed.  
19 It does not allow any greater development than  
20 had already been approved by the Board of  
21 Adjustment. So, it's not as the -- the  
22 redevelopment plan can allow that plan to be  
23 amended.

24           The main considerations that differ between  
25 the zoning and what was approved by the Board

1 | were the front yard setbacks. And the front  
2 | yards, in this case, are 8<sup>th</sup> Street and 10<sup>th</sup>  
3 | Street. So, we've allowed a zero lot line  
4 | development, which is actually consistent with  
5 | the neighborhood.

6 |         The coverages are the same.

7 |         The main difference between the zoning and  
8 | what was approved and what was included in this  
9 | is the building height. Your mid-rise allows up  
10 | to a five story in zoning. And what was approved  
11 | by the Board is six stories, or 70 feet, and that  
12 | is what the plan includes. It allows a mix of  
13 | studios, one bedrooms, and two bedrooms. And it  
14 | requires, in addition to -- it allows a zero lot  
15 | line on the ground floor, but requires the  
16 | residential component above the parking to be  
17 | stepped back from the street. So, there is a  
18 | little bit more of a setback around the building  
19 | itself. On the ground level, it goes to the  
20 | property lines. But up, there's a little bit  
21 | more light and air created because the building  
22 | is required to be set back ten feet from above  
23 | the second floor.

24 |         The remainder of the plan is really sort of  
25 | the boilerplate standards on -- on how it meets

1 State and local objectives. It does allow for  
2 the plan itself to be amended. It allows for  
3 variances to be -- within certain criteria, for  
4 variances to be granted.

5 But again, the plan, as proposed, meets  
6 what was already approved by the Board of  
7 Adjustment. So, what was approved will not be  
8 any larger or greater than what is there.

9 So, it's pretty straightforward, I think.  
10 If the Board has any questions, I'll be happy to  
11 answer them. And then, we can open it up to the  
12 public and one --

13 ACTING CHAIRPERSON MOREJON: I have --

14 MR. SPATZ: One at a time, they could ask  
15 me questions.

16 ACTING CHAIRPERSON MOREJON: Mr. Spatz?

17 MR. SPATZ: Yes.

18 ACTING CHAIRPERSON MOREJON: The post  
19 office is going to stay?

20 MR. SPATZ: The post office -- that  
21 building is going to be removed.

22 ACTING CHAIRPERSON MOREJON: Removed.

23 MR. SPATZ: But the requirement is that  
24 within the building, there's -- it allows some  
25 commercial on the ground floor.

1           ACTING CHAIRPERSON MOREJON: Commercial, so  
2 then we have a space.

3           MR. SPATZ: And one of them is the post  
4 office.

5           ACTING CHAIRPERSON MOREJON: Good.

6           MR. SPATZ: So, the post office will remain  
7 to serve the building, as well as the  
8 neighborhood.

9           ACTING CHAIRPERSON MOREJON: Very good.

10          MR. SPATZ: What is there is really -- it's  
11 not your full service post office, it's really a  
12 drop off station. And that will remain as is.

13          ACTING CHAIRPERSON MOREJON: Excellent.

14          MR. SPATZ: So, if there are any other  
15 questions --

16          ACTING CHAIRPERSON MOREJON: Any questions?

17          MR. SPATZ: -- fine.

18          ACTING CHAIRPERSON MOREJON: Any question?

19          MR. SPATZ: If not --

20          ACTING CHAIRPERSON MOREJON: Alex, any  
21 question?

22          MR. SPATZ: I will be happy --

23          ACTING CHAIRPERSON MOREJON: Anybody in the  
24 public?

25          Nobody in the public.



1 MR. SPATZ: -- to answer any public  
2 questions, if there are any.

3 THE SECRETARY: Ms. Morejon, open to the  
4 public.

5 Right?

6 ACTING CHAIRPERSON MOREJON: To the public.  
7 It's open to the public now.

8 THE SECRETARY: Thank you.

9 MS. DILLON: Mr. Price, --

10 ACTING CHAIRPERSON MOREJON: Mr. Price?

11 MS. DILLON: -- please raise your right  
12 hand.

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

15 MR. PRICE: I do.

16 MS. DILLON: Please state your name and  
17 address for the record.

18 MR. PRICE: Larry Price, 1006 Palisade  
19 Avenue.

20 MS. DILLON: Thank you.

21 MR. PRICE: Okay.

22 Mr. Spatz, a question on page 8.

23 MR. SPATZ: Okay.

24 MR. PRICE: Section 8 on that page says:  
25 The limits of the development area shall

1 not preclude the voluntary inclusion of lots or  
2 portions of lots, adjustments to property  
3 boundaries, mergers of lots, or subdivisions of  
4 lands that border and abut the redevelopment area  
5 into the proposed plans for redevelopment.

6 Okay.

7 MR. SPATZ: That is a -- is a standard  
8 clause within redevelopment plans. In this  
9 particular case, there is no additional land  
10 being included within the plan. But that is a  
11 standard clause. That's why we left it in. The  
12 development, as proposed, and as approved, does  
13 not include anything beyond the parking lot.

14 ACTING CHAIRPERSON MOREJON: The parking  
15 lot.

16 MR. PRICE: But you're authorizing that.

17 Correct?

18 MR. SPATZ: It does allow it. I would say  
19 to the Board, if the Board has any concerns about  
20 that, I would -- you know --

21 ACTING CHAIRPERSON MOREJON: Yeah.

22 MR. SPATZ: And the concern that it leaves  
23 an open, I can take that paragraph out. It's not  
24 critical to this plan. It is just typical  
25 redevelopment --

1 MR. PRICE: Here --

2 MR. SPATZ: -- plan language.

3 MR. PRICE: Here is my concern with that.

4 MR. SPATZ: Sure.

5 MR. PRICE: The parking lot is in the P

6 zone.

7 MR. SPATZ: Correct.

8 MR. PRICE: To the west of that is CN zone.

9 MR. SPATZ: Right.

10 MR. PRICE: And all the rest of the space

11 --

12 MR. SPATZ: Right.

13 MR. PRICE: -- around is R zone.

14 MR. SPATZ: Um hum.

15 MR. PRICE: Okay.

16 And only the parking lot has been --

17 MR. SPATZ: Um hum.

18 MR. PRICE: -- declared an area --

19 MR. SPATZ: Correct.

20 MR. PRICE: -- in need of redevelopment.

21 MR. SPATZ: That is correct. Yes.

22 MR. PRICE: So, if you, for example, took

23 something from the adjacent R zone and included

24 it in --

25 MR. SPATZ: Right.

1 MR. PRICE: -- it hasn't been blessed --

2 MR. SPATZ: Right.

3 MR. PRICE: -- as being an area in need --

4 MR. SPATZ: Right.

5 MR. PRICE: -- of redevelopment.

6 MR. SPATZ: Right.

7 MR. PRICE: And on the other hand, the R  
8 zone would be limited to, for example, buildings  
9 of --

10 MR. SPATZ: Right.

11 MR. PRICE: -- three stories and 40 feet.

12 MR. SPATZ: Correct.

13 MR. PRICE: Whereas, if you slide it into  
14 the --

15 MR. SPATZ: Right.

16 MR. PRICE: -- redevelopment --

17 MR. SPATZ: Right.

18 MR. PRICE: -- zone, it suddenly becomes --

19 MR. SPATZ: Right.

20 MR. PRICE: -- blessed with --

21 MR. SPATZ: I hear what you're saying. As  
22 I said, it doesn't -- it will not affect the  
23 proposed development and what was approved. I am  
24 happy to remove this clause to -- you know, and  
25 then, you know, and then, it just --

1           So, I have no problem doing that. It's --  
2 you know, if the Board --

3           ACTING CHAIRPERSON MOREJON: Why -- why  
4 would you want to do --

5           MR. SPATZ: Well, I mean, there was --

6           ACTING CHAIRPERSON MOREJON: We're just  
7 talking -- we're just talking about the parking  
8 lot.

9           MR. SPATZ: Right.

10           But what this would allow is that in a  
11 proposed development, if there was a  
12 determination that there was another piece of  
13 property next to it that might be valuable to  
14 take, in order to -- and this is an irregularly  
15 shaped property, under traditional redevelopment  
16 standards, you could do that. I would say, since  
17 there's already been an approved development for  
18 the site, I have no objection if there's a  
19 question that this may be of rights that might  
20 cause issues.

21           Eliminating it from the plan doesn't harm  
22 the developer, it doesn't harm the City, and if  
23 it clarifies it, I -- I have no problem taking  
24 that out and then -- you know, adjusting the  
25 pages.

1           So, if the Board would -- recommends  
2 removing -- you know, item 8 out of that, I'll be  
3 happy to do that. As I said, it doesn't change  
4 what would be developed. And if it leaves some  
5 open ended question -- you know, I --

6           ACTING CHAIRPERSON MOREJON: Yeah. I would  
7 recommend it.

8           MR. SPATZ: I would be fine doing that.

9           ACTING CHAIRPERSON MOREJON: I would  
10 recommend doing it.

11          MR. SPATZ: So --

12          MS. DILLON: I'm sorry? I didn't hear you.

13          ACTING CHAIRPERSON MOREJON: I feel like  
14 this should stay the way it is. What you have  
15 next to that is a two family house.

16          MR. SPATZ: Right.

17          ACTING CHAIRPERSON MOREJON: I know the  
18 owners.

19          MR. SPATZ: Right.

20          ACTING CHAIRPERSON MOREJON: I know most of  
21 the people in Union City --

22          MR. SPATZ: Right.

23          ACTING CHAIRPERSON MOREJON: -- well.  
24 Garcia's in this side. The other people, there's  
25 a two family house here.

1 But then, on the other side, what you have?

2 The post office, another two family house.

3 MR. SPATZ: Right.

4 MR. VELAZQUEZ: And a parking lot.

5 ACTING CHAIRPERSON MOREJON: We're talking  
6 about the parking lot.

7 MR. SPATZ: Right. Right.

8 Yeah, I mean, what -- what this says, it  
9 says that the redevelopment area, as so  
10 designated, that other properties can be included  
11 --

12 ACTING CHAIRPERSON MOREJON: Could be.  
13 Sure.

14 MR. SPATZ: -- even though if they're not  
15 in the original redevelopment area.

16 As I said, it's -- it's up to the Board --

17 ACTING CHAIRPERSON MOREJON: I won't limit  
18 it to remove this from this proposal, because you  
19 never know, Mr. Price, and maybe the people next  
20 door wants to sell the property.

21 MR. PRICE: Ah, but that's -- but that's  
22 the problem.

23 ACTING CHAIRPERSON MOREJON: And then,  
24 you're holding.

25 MR. PRICE: The problem is that they're in

1 the R zone. And suddenly, they're going to be  
2 included, which has -- is a -- and the R zone is  
3 pretty restrictive. And suddenly, they could be  
4 included in the -- in the P zone, which really  
5 means in the redevelopment zone.

6 MR. SPATZ: Right. I think -- yeah. I  
7 mean, I think that what this does is it allows  
8 the redevelopment area to be expanded. I don't  
9 -- you know, those -- if any properties were to  
10 be included, I think that that puts them within  
11 the zoning standards of -- of this.

12 So, it -- you know, yes, it's a greater  
13 change from R to P, then it is from P to P  
14 standards. You know, as I said, I don't think  
15 it's realistic in this case because there's  
16 already approved development for the property.

17 I -- it's at the pleasure of the Board. If  
18 you want me to leave it in, I'll leave it in. If  
19 you think that you're okay with having it removed  
20 --

21 ACTING CHAIRPERSON MOREJON: How everybody  
22 feel?

23 MR. SPATZ: -- it's -- it's --

24 ACTING CHAIRPERSON MOREJON: Can you  
25 please?



1           MR. SPATZ: You know, as I said, it does  
2 not change the plan and it does not change what  
3 was already approved for the property.

4           If the Board is not concerned that that  
5 creates an issue, totally at the pleasure of the  
6 Board. So --

7           ACTING CHAIRPERSON MOREJON: I feel  
8 comfortable with this.

9           MR. SPATZ: Okay.

10          All right. Then, we won't make the change,  
11 and theoretically, the Board of Commissioners  
12 might be able to make that change.

13          MR. PRICE: Well --

14          ACTING CHAIRPERSON MOREJON: It's going to  
15 be, Mr. Price, it's an empty lot. It's been a  
16 parking lot for many years; that I think I'm been  
17 in Union City many years, it's going to be --  
18 whoever goes through this is going to be a  
19 beautiful building, is going to be an improvement  
20 for the City, is going to be senior low income,  
21 whatever it is, is going to help the community.

22          MR. PRICE: That's not how the issue here.

23          ACTING CHAIRPERSON MOREJON: Is -- I know  
24 what --

25          MR. PRICE: The issue is --

1           ACTING CHAIRPERSON MOREJON:  -- the issue  
2 is.

3           MR. PRICE:  -- the parking lot has been  
4 designated by the -- by Resolution by the  
5 governing body as being an area in need of  
6 redevelopment.  Okay.  You have a two family  
7 house next door, or whatever, whatever it may be.

8           What this says is you can include that two  
9 family house in the --

10          And since this thing will last for 40  
11 years, it's not just what you could do, now you  
12 could, theoretically, do it in 20 years or 30  
13 years, you could add that.  That -- and a change  
14 in zone boundaries is -- is, I think Mr. Spatz  
15 would agree, is a big deal.

16          MR. SPATZ:  Well, it wouldn't be a change  
17 in zone boundaries because the zoning -- the  
18 underlying zoning wouldn't change.  It would  
19 still --

20          Let's just say we use that two family  
21 house.  It would stay in the R zone.  It would  
22 just be included within the redevelopment area,  
23 and therefore, now come under the jurisdiction of  
24 the redevelopment.  So, the underlying --

25          So, even if they did that and never

1 developed it, the two family house would be able  
2 to remain. Somebody could develop it as a two  
3 family house, if they were to tear it down and  
4 build a three family house, let's just say.

5         So, it doesn't take away any rights of that  
6 property. It doesn't -- you know, again, I think  
7 it's more standard language in redevelopment  
8 plans that if when they go out to actually  
9 develop the property, they find that a piece of  
10 property is needed for drainage or the  
11 circulation aisle needs to be a little bit  
12 bigger, they can add property to the  
13 redevelopment area for those purposes -- you  
14 know, and do the development.

15         You know, as I said, it's really the  
16 pleasure of the Board. I mean, if you have --

17         MR. PRICE: Okay.

18         MR. SPATZ: I understand your concern. I  
19 understand the Board's response. You know, let's  
20 keep going.

21         MR. PRICE: Okay. Excuse me.

22         Section 9 there -- I mean, it goes on quite  
23 a lot, but isn't Section 9 essentially saying,  
24 the Board -- the Planning Board can grant C-1 and  
25 C-2 variances?

1 MR. SPATZ: Right.

2 It doesn't give them any greater right than  
3 -- it just -- again, it's just something that has  
4 to be included in a redevelopment plan, just to  
5 explain that -- that Boards can grant variances  
6 from it. They are obviously not permitted to  
7 grant D variances, for height or density or  
8 anything.

9 So you know, yes, it restates what their  
10 powers are --

11 MR. PRICE: Okay.

12 MR. SPATZ: -- anyway. But I think it's  
13 something that is typically included because  
14 theoretically, a redevelopment plan could be  
15 developed that does not permit variances to be  
16 granted.

17 MR. PRICE: Okay.

18 MR. SPATZ: So, this one does.

19 MR. PRICE: Okay.

20 MR. SPATZ: You know, if we --

21 MR. PRICE: Okay. Okay.

22 Page 18, item i, it says:

23 Sidewalks around the structures and parking  
24 area shall be provided for safe and convenient  
25 access to and around the site.

1 MR. SPATZ: Um hum.

2 MR. PRICE: Sidewalks must be properly  
3 sized and so forth --

4 MR. SPATZ: Um hum.

5 MR. PRICE: -- and so on.

6 Okay. We're going to have a building in  
7 the middle. Side yards -- there are no front  
8 yard setbacks either on 10<sup>th</sup> Street or 8<sup>th</sup> Street  
9 --

10 MR. SPATZ: Right.

11 MR. PRICE: -- required.

12 MR. SPATZ: Right.

13 MR. PRICE: There are side yard setbacks  
14 required, four feet on each side.

15 MR. SPATZ: Right.

16 MR. PRICE: Eight feet combined. That's  
17 the only place to put a sidewalk.

18 MR. SPATZ: This --

19 MR. PRICE: But --

20 MR. SPATZ: This again is more boilerplate  
21 language, just indicating that where sidewalks  
22 are appropriate, they have to put sidewalks. And  
23 it's really just the two street frontages.

24 MR. PRICE: Well --

25 MR. SPATZ: It's not requiring sidewalks to

1 go through the property from -- so you can go  
2 between 8<sup>th</sup> and -- and 10<sup>th</sup>.

3 MR. PRICE: Thanks to my legal education in  
4 the last --

5 MR. SPATZ: Right.

6 MR. PRICE: -- 12 years --

7 MR. SPATZ: Right.

8 MR. PRICE: -- I'll -- I'll defer.

9 When it says sidewalks shall be provided,  
10 that has a mandatory element. So sidewalks --

11 MR. SPATZ: It's --

12 MR. PRICE: Sidewalks around the --

13 MR. SPATZ: It's access --

14 MR. PRICE: -- structures --

15 MR. SPATZ: I --

16 MR. PRICE: -- shall be provided.

17 MR. SPATZ: I don't -- I don't read it that  
18 way.

19 ACTING CHAIRPERSON MOREJON: No.

20 MR. SPATZ: You know, I understand --  
21 again, I understand what you're saying. I don't  
22 -- I'm not as literal about it as -- as you are  
23 being, to and around the site.

24 Again, if the Board -- you know, it could  
25 certainly be for convenient access to the site,

1 near the site, on the street frontages.

2 Again, I'm happy to make, again, that  
3 change just to -- if that is --

4 MR. PRICE: Well --

5 MR. SPATZ: If that is a concern, I  
6 understand what you're --

7 MR. PRICE: You might --

8 MR. SPATZ: -- what the Board is saying.

9 No. I'm saying.

10 No, I wasn't asking you to -- to modify it.  
11 If the Board wants me to change that to clarify  
12 that it doesn't actually mean around the  
13 building, around the site is -- you know --

14 ACTING CHAIRPERSON MOREJON: But you have a  
15 sidewalk through 10<sup>th</sup> Street. You have a sidewalk  
16 through 8<sup>th</sup> Street.

17 MR. SPATZ: Right. I think --

18 MR. PRICE: No.

19 MR. SPATZ: -- Mr. Price is concerned --

20 ACTING CHAIRPERSON MOREJON: You want --

21 MR. SPATZ: -- that this is going to allow

22 --

23 ACTING CHAIRPERSON MOREJON: Do you want --

24 MR. SPATZ: -- is -- that this --

25 ACTING CHAIRPERSON MOREJON: -- him -- Mr.

1 Spatz to specify that? What do --

2 MR. PRICE: No. This says sidewalks around  
3 the structures --

4 ACTING CHAIRPERSON MOREJON: The building?  
5 No.

6 MR. PRICE: -- shall be provided.

7 MR. SPATZ: Right.

8 MR. PRICE: We have two, four foot wide --

9 MR. SPATZ: Right.

10 MR. PRICE: -- side yard setbacks. And  
11 what that said, I don't --

12 Are there any access to those side yard --

13 MR. SPATZ: There --

14 MR. PRICE: There's no access.

15 MR. SPATZ: There isn't. It --

16 ACTING CHAIRPERSON MOREJON: No.

17 MR. PRICE: There's --

18 MR. SPATZ: Again, it's -- it's a very  
19 literal reading of what it says. I can clear it  
20 up just a little bit --

21 ACTING CHAIRPERSON MOREJON: Okay.

22 MR. SPATZ: -- so that it doesn't create  
23 any sort of a problem, if that's --

24 ACTING CHAIRPERSON MOREJON: If we approve  
25 it tonight --



1 MR. SPATZ: -- if that's up to the Board.

2 I --

3 ACTING CHAIRPERSON MOREJON: -- it could be  
4 subject to that.

5 MR. SPATZ: Right. I -- that -- if that's  
6 -- if the Board does go to approve this and makes  
7 that recommendation --

8 ACTING CHAIRPERSON MOREJON: We make that.

9 MR. SPATZ: -- I will make that change and  
10 the copy --

11 ACTING CHAIRPERSON MOREJON: That would be  
12 a good recommendation.

13 Right, Alex?

14 MR. SPATZ: -- in the copy that goes to the  
15 Board of Commissioners.

16 So, that's fine.

17 MR. PRICE: Well, I'll -- I'll ask counsel  
18 here.

19 If you had the wording, sidewalks around  
20 the structures shall be provided.

21 Shall has a mandatory aspect in that -- in  
22 that context.

23 Correct?

24 MS. MIAWAD: The word shall does have a  
25 mandatory connotation, but it doesn't necessarily

1 mean that they're obligated to -- to do it.

2 So, it gives them -- it gives them  
3 permission to do it, should they need to do it.

4 MR. PRICE: That -- that would be they may  
5 do that. But when it says shall, because of the  
6 mandatory nature of the -- of the word, they have  
7 to provide for side yard setback, nobody will use  
8 that sidewalk.

9 MR. SPATZ: Yeah.

10 MS. MIAWAD: I personally don't --

11 MR. SPATZ: Yeah. Again --

12 MS. MIAWAD: -- read it in --

13 MR. SPATZ: -- to not --

14 MS. MIAWAD: -- that statutory language.

15 MR. SPATZ: You know, extend the meeting  
16 any longer than it needs to be, I'm happy to make  
17 that change just to clarify it, so --

18 MR. PRICE: Okay.

19 MR. SPATZ: So, I'll do that.

20 ACTING CHAIRPERSON MOREJON: Okay.

21 MR. PRICE: You'll do that.

22 MR. SPATZ: It's -- yes. Exactly.

23 Exactly.

24 MR. PRICE: Okay. Okay.

25 Just to clar -- on page 20, I guess it

1 would be item 2c at the very top.

2 MR. SPATZ: Twenty, okay.

3 MR. PRICE: All buildings shall be stepped  
4 back on the site lot lines minimum of ten feet  
5 above the second floor.

6 MR. SPATZ: Right.

7 MR. PRICE: So, working from the sides, we  
8 have a four foot side yard setback.

9 MR. SPATZ: Right.

10 MR. PRICE: Then we go up two floors, which  
11 are the parking floors.

12 MR. SPATZ: Right. Right.

13 MR. PRICE: And then, on both sides --

14 MR. SPATZ: Yes.

15 MR. PRICE: -- we are required --

16 MR. SPATZ: That's correct. A step --

17 MR. PRICE: Ten feet --

18 MR. SPATZ: A further step back. That's  
19 correct.

20 So, it's four -- it would be 14 feet from  
21 the side property line.

22 MR. PRICE: Four -- 14 feet from --

23 MR. SPATZ: Correct.

24 MR. PRICE: On both sides.

25 MR. SPATZ: That's correct. That's --

1 MR. PRICE: Okay.

2 MR. SPATZ: -- what it requires.

3 MR. PRICE: Okay. Okay.

4 Page 22, the second paragraph there, should  
5 any permanent structure, such as ramps, steps or  
6 canopies be proposed within the right-of-way.

7 MR. SPATZ: Um hum.

8 MR. PRICE: The parking lot isn't really a  
9 right-of-way, is it?

10 MR. SPATZ: No.

11 MR. PRICE: No. There is no right-of-way  
12 here, is it?

13 MR. SPATZ: It would -- it would be if  
14 ramps, steps or canopies, as part of the  
15 building, if they would have to project beyond  
16 the property line on 8<sup>th</sup> and 10<sup>th</sup>, similar to we  
17 have bay windows --

18 MR. PRICE: Oh.

19 MR. SPATZ: -- in places and such, they  
20 need to go to the governing body to get sort of  
21 that air rights approval.

22 MR. PRICE: Okay.

23 ACTING CHAIRPERSON MOREJON: Um hum.

24 MR. SPATZ: Just like we have everywhere  
25 else in the City.

1 MR. PRICE: Very good.

2 MR. VELAZQUEZ: Just like what they did at  
3 the Bella Vista.

4 MR. SPATZ: That's correct.

5 ACTING CHAIRPERSON MOREJON: Um hum.

6 MR. SPATZ: Right. Right.

7 Then we have, sometimes, where the building  
8 is to the property line, they have a bay window,  
9 they had to go to the Board of Commissioners and  
10 get approval to allow the bay window to  
11 technically extend beyond the property line into  
12 the City's right-of-way.

13 MR. PRICE: Okay. Okay.

14 Page 24.

15 MR. SPATZ: Um hum.

16 MR. PRICE: Two questions.

17 MR. SPATZ: Okay.

18 MR. PRICE: Well, actually, the first at  
19 the top. The top paragraph said:

20 The redevelopment area is not contiguous to  
21 any adjoining municipalities, but is proximate to  
22 the City of Jersey City with the closest point  
23 being the intersections of Summit Avenue and  
24 Paterson Plank Road.

25 MR. SPATZ: Um hum.

1           MR. PRICE: That is not true because south  
2 of Paterson Plank Road, to 5<sup>th</sup> Street, is still  
3 Union City. So, the closest point in Jersey City  
4 is Summit Avenue and --

5           ACTING CHAIRPERSON MOREJON: Fifth.

6           MR. PRICE: -- 5<sup>th</sup> Street.

7           ACTING CHAIRPERSON MOREJON: Fifth Street.  
8 Summit and 5<sup>th</sup>.

9           MR. PRICE: Not Paterson Plank --

10          MR. SPATZ: Okay.

11          MR. PRICE: -- Road.

12          MR. SPATZ: I'll --

13          MR. PRICE: The dividing line between --

14          ACTING CHAIRPERSON MOREJON: Summit and  
15 5<sup>th</sup>.

16          MR. SPATZ: I -- I will change that to 5<sup>th</sup>  
17 Street --

18          ACTING CHAIRPERSON MOREJON: Right.

19          MR. SPATZ: -- when we make the  
20 adjustments.

21          MR. PRICE: Fifth Street.

22          MR. SPATZ: That's fine.

23          MR. PRICE: Dividing line between the --

24          MR. SPATZ: Okay.

25          MR. PRICE: -- two cities --

1           ACTING CHAIRPERSON MOREJON:  Another  
2 recommendation.

3           MR. PRICE:  -- is not Paterson Plank.

4           MR. SPATZ:  Not a problem.

5           ACTING CHAIRPERSON MOREJON:  That's right.  
6 Summit and 5<sup>th</sup>.

7           MR. SPATZ:  That's fine.

8           MR. PRICE:  Okay.

9           The second question I have is at the  
10 bottom.

11          MR. SPATZ:  Um hum.

12          MR. PRICE:  No variance from the  
13 requirements herein shall be cognizable by the  
14 Zoning Board of Adjustment.

15          MR. SPATZ:  Right.

16          MR. PRICE:  Is that another way of saying,  
17 no D variances.

18          MR. SPATZ:  That's correct.  You can't go  
19 to the Board -- the Planning Board is the Board  
20 that has the approval, site plan and variance  
21 approval.  And no D variances can be granted.

22          MR. PRICE:  Okay.

23          MR. SPATZ:  Correct.

24          MR. PRICE:  And the -- and it does not  
25 expand the powers of the Planning Board.

1 MR. SPATZ: That's correct.

2 MR. PRICE: They grant --

3 MR. SPATZ: That's right.

4 MR. PRICE: -- C-1 and C-2 variances.

5 MR. SPATZ: As was in the other -- I would  
6 say as part of this development process, the  
7 development would probably have to come back  
8 before this Board for actual site plan approval,  
9 I believe.

10 But I'll leave that up to the attorneys to  
11 decide that.

12 MR. PRICE: Very good.

13 Thank you very much, Mr. Spatz.

14 ACTING CHAIRPERSON MOREJON: Thank you, Mr.  
15 Price.

16 MR. SPATZ: Okay.

17 Thanks.

18 ACTING CHAIRPERSON MOREJON: Okay.

19 Any questions from the Board?

20 Alex?

21 MR. VELAZQUEZ: Any questions?

22 ACTING CHAIRPERSON MOREJON: So, I'm going  
23 to make a motion to approve this with the  
24 recommendations.

25 THE SECRETARY: I have a motion on the



1 table to approve the recommendation --

2 MR. VELAZQUEZ: I second.

3 THE SECRETARY: -- to approve --

4 ACTING CHAIRPERSON MOREJON: Which will be  
5 on page 24.

6 THE SECRETARY: -- by Ms. Morejon.

7 MR. VELAZQUEZ: Second.

8 THE SECRETARY: Seconded by Mr. Velazquez.  
9 Motion on the table to approve, as amended.

10 MR. SPATZ: Right. Those couple of  
11 changes. Right.

12 THE SECRETARY: By Alicia Morejon.

13 MR. SPATZ: Those couple of changes.

14 THE SECRETARY: Seconded by Mr. Velazquez.  
15 Roll call on the motion.

16 Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Ms. Fernandez?

19 MS. FERNANDEZ: Yes.

20 THE SECRETARY: Ms. Morejon?

21 ACTING CHAIRPERSON MOREJON: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Velazquez?

25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Six in favor.

4 Motion pass.

5 Thank you.

6 \* \* \*

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1     **ADJOURNMENT :**

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

6             ACTING CHAIRPERSON MOREJON:   Motion.

7             THE SECRETARY:   Motion by Ms. Morejon.

8             MR. VELAZQUEZ:   Second.

9             THE SECRETARY:   Seconded by Mr. Velazquez.  
10            Roll call on the motion.

11            MR. VELAZQUEZ:   All in favor?

12            THE SECRETARY:   Ms. Genao?

13            MS. GENAO:   Yes.

14            THE SECRETARY:   Ms. Fernandez?

15            MS. FERNANDEZ:   Yes.

16            THE SECRETARY:   Mr. Rivero?

17            MR. RIVERO:   Yes.

18            THE SECRETARY:   Ms. Morejon?

19            ACTING CHAIRPERSON MOREJON:   Yes.

20            THE SECRETARY:   Mr. Velazquez?

21            MR. VELAZQUEZ:   Yes.

22            THE SECRETARY:   Mr. Guareno?

23            MR. GUARENO:   Yes.

24            THE SECRETARY:   Six in favor.

25            Motion pass.

1           Thank you.

2           Let the record show that the meeting has  
3 ended.

4           Thank you and good night, everyone.

5

6           (Whereupon, the proceedings were concluded  
7 at 6:37 p.m.)

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1 STATE OF NEW JERSEY :

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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 SPECIAL  
9 MEETING of the UNION CITY PLANNING BOARD heard on  
10 Tuesday, February 19, 2019 and digitally  
11 recorded.

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25 Monitored and proofread by: Deborah Dillon