

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
:

: PROCEEDINGS
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, February 26, 2019
Commencing at 6:05 p.m.

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

YDALIA GENAO, Mayor's Designee,
(Arrived at 6:22 p.m.)
CAROLINA FERNANDEZ
FRANKLIN MEDINA, (Left at 7:40 p.m.)
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

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

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

CARLOS VALLEJO, SECRETARY TO THE BOARD

WILFREDO J. ORTIZ II, ESQ., (Arrived at 6:19 p.m.)
MARIAN MIAWAD, ESQ., (Left at 6:19 p.m.)
Attorneys for the Board

DAVID SPATZ, Consultant, (Left at 7:40 p.m.)
Community Housing & Planning Associates, Inc.

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Tapia & Sons, LLC

PATRICK A. ASCOLESE, ESQ.,
Attorney for Applicant,
513-515 New York Avenue, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 1219 Bergenline Avenue, LLC

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 912 16th Street, LLC

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

3 Let me know, Debbie.

4 MS. DILLON: Yes.

5 Go ahead.

6 THE SECRETARY: Please take notice that on
7 Tuesday, February 26, 2019, at six p.m., a
8 Regular Meeting is scheduled for the City of
9 Union City Planning Board to be held in the
10 Municipal Chambers of the City Hall, 3715
11 Palisade Avenue, Union City, New Jersey.

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

15 Adequate notice of this meeting has been
16 provided as follow:

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

24 Before we call roll for this meeting, can
25 everybody rise to salute the flag, please?

1

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

4

5 THE SECRETARY: Thank you.

6

7 **ROLL CALL:**

8

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

11 Mayor Brian B. Stack? Absent.

12 Diane Capizzi?

13 CHAIRPERSON CAPIZZI: Here.

14 THE SECRETARY: Jeanne Koehler?

15 VICE CHAIRPERSON KOEHLER: Here.

16 THE SECRETARY: Ydalia Genao? She's on her
17 way, but at this time is absent.

18 Commissioner Celin Valdivia? Absent.

19 Carolina Fernandez?

20 MS. FERNANDEZ: Here.

21 THE SECRETARY: Rudy Rivero is absent.

22 Franklin Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Alicia Morejon is absent.

25 Alejandro Velazquez?

1 MR. VELAZQUEZ: Here.

2 THE SECRETARY: Jose Guareno?

3 MR. GUARENO: Here.

4 THE SECRETARY: Let the record indicate
5 there are six present.

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

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on January 22, 2019

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5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held on January 22nd, 2019

7 and Special Meeting held on February 19, 2019.

8 First we going to January 22nd.

9 Can I have a motion to adopt the minutes?

10 CHAIRPERSON CAPIZZI: I'll make a motion.

11 THE SECRETARY: Motion by Ms. Capizzi.

12 CHAIRPERSON CAPIZZI: Right.

13 MR. VELAZQUEZ: Second.

14 THE SECRETARY: Second by Mr. Velazquez.

15 Roll call on the motion.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

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1 **ADOPTION OF MINUTES:**

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3 (1) Special Meeting held on February 19, 2019

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5 THE SECRETARY: We are going to the
6 adoption of minutes for the Special Meeting held
7 on February 19, 2019.

8 MR. VELAZQUEZ: I make a motion.

9 THE SECRETARY: Motion by Mr. Velazquez.

10 Any second the motion?

11 MR. GUARENO: Second.

12 THE SECRETARY: Second by Mr. Guareno.

13 Roll call on the motion.

14 Mr. -- Ms. Fernandez?

15 MS. FERNANDEZ: Yes.

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

18 THE SECRETARY: Mr. Velazquez?

19 MR. VELAZQUEZ: Yes.

20 THE SECRETARY: Mr. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Three in favor.

23 Motion carries.

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1 **RESOLUTIONS:**

2
3 (2) Adoption of the Resolution of the Master
4 Plan Re-examination Report of the City of Union
5 City. Approved.

6 (3) Gulam Sarwar Ansari, 1614 New York Avenue,
7 Block 88, Lot 20. Convert a two family dwelling
8 to a three family dwelling. Approved.

9 (4) Manhattan Avenue Capital 1300, LLC, 1300
10 Manhattan Avenue, Block 185, Lots 1, 2, 18-27,
11 Block 187, Lots 1.01, 1.02, 3, 4. Applicant
12 seeks amended site plan approval in accordance
13 with the Hudson County Planning Board Resolution
14 adopted on 7/17/18. The applicant seeks to amend
15 the site plan approval to eliminate seven
16 approved curb cuts which shall be replaced with
17 three curb cuts approved by the Hudson County
18 Planning Board to confirm consolidation of the
19 lots and to comply with the conditions of
20 approval. Approved.

21
22 THE SECRETARY: We are going to adoption of
23 Resolutions.

24 We are going to approve Resolution 1, 2 and
25 3.

1 That will be Adoption of Resolution of the
2 Master Plan, Reexamination Report of the City of
3 Union City.

4 Number 2 (sic).

5 Gulam Sarwar Ansari, 1614 New York Avenue.

6 Number 3 (sic).

7 Manhattan Avenue Capital 1300, LLC, 1300
8 Manhattan Avenue.

9 Can I have a motion to adopt these
10 Resolutions?

11 MR. VELAZQUEZ: I make a motion.

12 THE SECRETARY: Motion by Mr. Velazquez.

13 MR. GUARENO: Second.

14 THE SECRETARY: Second by Mr. Guareno.

15 Roll call on the motion.

16 Mr. (sic) Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. -- Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

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1 **RESOLUTIONS:**

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3 (1) Non-Condernnation Redevelopment Plan, 720 8th
4 Street Redevelopment Area, Lot 9 in Block 42 of
5 the City of Union City, New Jersey. Approved.

6

7 THE SECRETARY: We are going to Resolution
8 number 4 on my agenda, on the public agenda is
9 number 1, but is number 4 on my agenda.

10 Non-Condernnation Redevelopment Plan, 720
11 8th Street.

12 Can I have a motion to adopt this
13 Resolution?

14 MR. VELAZQUEZ: I make a motion.

15 THE SECRETARY: Motion by Mr. Guareno.

16 MR. GUARENO: No. That was Mr. Velazquez.

17 CHAIRPERSON CAPIZZI: Mr. Velazquez.

18 THE SECRETARY: I'm sorry. Mr. Velazquez.
19 I apologize. Similar voice.

20 Can I have a second?

21 MR. GUARENO: Second.

22 THE SECRETARY: Second by Mr. Guareno.

23 Roll call on the motion to adopt this
24 Resolution.

25 Ms. Fernandez?

1 MS. FERNANDEZ: Yes.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Three in favor.

7 Motion carries.

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

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1 513-515 New York Avenue, LLC -

2 513-515 New York Avenue:

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4 THE SECRETARY: Okay.

5 We are going to change a little bit the
6 order of tonight's agenda. We are going to go to
7 --

8 Mr. Ascolese is here?

9 We are going to go to application number 3.

10 That will be number one for tonight's
11 hearing, 513-515 New York Avenue, LLC.

12 Mr. Ascolese, please?

13 MR. SPATZ: I think -- I think Manny is his
14 architect. He's not here yet. Actually, Al is
15 here with his case.

16 THE SECRETARY: Allow me --

17 MR. SPATZ: He's waiting for Manny.

18 I think Al's --

19 THE SECRETARY: Can we have two minute
20 break, please?

21 MS. DILLON: Yes.

22 THE SECRETARY: Thank you.

23

24 (Whereupon, the Board recessed from 6:13
25 p.m. to 6:15 p.m.)

1 **Tapia & Sons LLC - 1701 Summit Avenue:**

2

3 THE SECRETARY: One more time, change a
4 little bit the --

5 MS. DILLON: On the record.

6 THE SECRETARY: -- order of the agenda.

7 We are going to go to Tapia and Sons, LLC,
8 1701 Summit Avenue.

9 Mr. Alonso, please?

10 MR. ALONSO: Good evening, Madam Chair,
11 members of the Board.

12 For the record, Alvaro Alonso, Alonso
13 Navarette on behalf of the applicant.

14 As the Board may recall, this is a
15 continuation of this application.

16 The last time we were here, we went through
17 the -- the testimony of the architect. The Board
18 had some concerns with respect to the -- the
19 distribution of the bedrooms and requested that
20 we incorporate some more three bedroom apartments
21 into the building, and also to work on the facade
22 of the building.

23 So, we filed revised drawings, so I'll have
24 the architect come up and testify as to those
25 modifications.

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

3 MS. DILLON: Sir, please raise your right
4 hand.

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

7 MR. ZAWADA: Yes, I do.

8 MS. DILLON: Please state your name and
9 spell it for the record.

10 MR. ZAWADA: It's Harry Zawada, last name
11 Z-A-W-A-D-A.

12 MS. DILLON: Thank you.

13 MR. ALONSO: Mr. Zawada was previously
14 sworn.

15 Do we continue that, or does he need to be
16 resworn in?

17 CHAIRPERSON CAPIZZI: I'm not sure.

18 MR. ALONSO: It's up to the Board.

19 Some -- some Boards like to --

20 CHAIRPERSON CAPIZZI: Before?

21 MR. ALONSO: He testified --

22 CHAIRPERSON CAPIZZI: Well, I guess just
23 swear him. Swear him in. Yes, please.

24 MS. DILLON: I did swear him in.

25 CHAIRPERSON CAPIZZI: Oh, okay.

1 MR. ALONSO: You did?

2 CHAIRPERSON CAPIZZI: So what are you
3 asking me? Oh, okay.

4 MR. ALONSO: I'm not even paying attention.
5 All right.

6 Mr. Zawada, good evening.

7 You presented the application at the last
8 hearing.

9 Is that correct?

10 MR. ZAWADA: Correct.

11 MR. ALONSO: And at that time, the Board
12 had concerns with respect to the distribution of
13 the bedroom counts in the apartments, and also
14 with respect to the façade.

15 MR. ZAWADA: That's correct.

16 MR. ALONSO: As a result of that, we made
17 some modifications to the building and we filed
18 some revised plans.

19 Is that correct?

20 MR. ZAWADA: That is correct.

21 MR. ALONSO: Okay.

22 I see you also have a colored rendering to
23 address the façade issue.

24 MR. ZAWADA: Yes.

25 MR. ALONSO: So, I'm going to ask you, to

1 the extent that we have this rendering, I'm going
2 to mark this as A-1, but I'll let you -- allow
3 you to go through the building first, but when we
4 get to this, this will be A-1.

5

6 (Whereupon, Color Rendering was received
7 and marked as Exhibit A-1.)

8

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

11 MR. ZAWADA: So, it was asked by the Board
12 to include three bedroom apartments in our -- in
13 our floor plans. So -- so we did. We removed,
14 actually, six one bedroom apartments and added
15 three three bedroom apartments.

16 MR. ALONSO: Okay.

17 And what is the -- the bedroom count now,
18 in terms of the apartments?

19 MR. ZAWADA: It was 18 units prior, this --
20 this time around it's 15 units. So, it's three
21 two bedroom, six two bedroom, and six one
22 bedroom.

23 VICE CHAIRPERSON KOEHLER: How many one
24 bedroom?

25 MR. ZAWADA: Six.

1 VICE CHAIRPERSON KOEHLER: Six.

2 MR. ZAWADA: Previously, we had 12.

3

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

6

7 (Whereupon, Marian Miawad, Esquire left at
8 6:19 p.m.)

9

10 MR. ALONSO: Okay.

11 And I'm just going to ask you to go on the
12 full layout and describe the -- the units.

13 MR. ZAWADA: We have two bedroom units, one
14 located at the front corner, on 17th and Summit,
15 one located at the rear corner. Our three
16 bedroom is the other corner directly on Summit
17 Avenue. And we have two one bedroom apartments
18 to fill in the rest of the building.

19 One of the one bedroom apartments is simply
20 a one bedroom. The second one bedroom does have
21 a small spare room, which could either be used as
22 an office or a nursery.

23 MR. ALONSO: Now, in terms of the -- the
24 size of the units, the Ordinance has requirements
25 in terms of the size and square footage. So, I'm

1 going to ask you to identify the square footage
2 for each apartment.

3 MR. ZAWADA: Correct.

4 We have three bedrooms units are
5 approximately 1500 square feet.

6 The two bedroom units are about 1200 square
7 feet.

8 And the one bedroom units vary, since they
9 are a little different from between 900 and a
10 thousand square feet.

11 MR. ALONSO: Okay.

12 So, they all exceed the -- the minimum
13 requirement --

14 MR. ZAWADA: That's correct.

15 MR. ALONSO: -- for the size of the -- the
16 apartments.

17 MR. ZAWADA: Yes.

18 MR. ALONSO: Did you do anything in terms
19 of the -- the parking layout?

20 MR. ZAWADA: We kept the parking layout the
21 same. What we'd like to do is, since we don't
22 need quite the same number of spaces, and there
23 was a little bit of confusion as to how we were
24 going to manage the parking inside the building,
25 three levels and two levels, as far as this

1 racking that we spoke about. We'd like to omit
2 one rack and go from -- from a combination of
3 three and two, to two and two.

4 MR. ALONSO: Okay.

5 Based on the distribution of -- of bedroom
6 counts, what is the requirement in terms of
7 parking?

8 MR. ZAWADA: It's 14 for the residential
9 and four for the commercial.

10 MR. ALONSO: Okay.

11 Is that basically RSIS?

12 MR. ZAWADA: That's correct.

13 MR. ALONSO: Okay.

14 And so, that's a total of 18.

15 MR. ZAWADA: Eighteen.

16 MR. ALONSO: And how many are we proposing?

17 MR. ZAWADA: Twenty-six.

18 MR. ALONSO: Okay.

19 So, and then, if we reduce one of the
20 levels --

21 MR. ZAWADA: Well --

22 MR. ALONSO: -- of the racking system?

23 MR. ZAWADA: Originally, it was 35. We'd
24 like to propose 26.

25 MR. ALONSO: Okay.

1 So we're required to -- we're required to
2 provide 18 and we're proposing 26 --

3 MR. ZAWADA: Correct.

4 MR. ALONSO: -- if the Board were to allow
5 us to eliminate the one level of the racking
6 system.

7 MR. ZAWADA: That's correct.

8 MR. ALONSO: Okay.

9 Is there anything else with respect to the
10 internal modifications?

11 MR. ZAWADA: No.

12 MR. ALONSO: Okay.

13 The Board had also -- had some comments
14 with respect to the façade of the building.

15 MR. ZAWADA: Correct.

16 MR. ALONSO: Okay.

17 And we marked earlier A-1. I'm going to --

18 MR. ZAWADA: Right.

19 MR. ALONSO: -- ask you to review A-1 with
20 the Board, at this time.

21 MR. ZAWADA: So, I believe that the
22 comments last time were that the building
23 appeared a little bit too modern or it had
24 materials they were unfamiliar with.

25 So, in revisiting the site and the

1 | surrounding areas, and looking at the design
2 | standards, we went back and redesigned the
3 | building as a more formal base, middle and top.

4 | So -- so, we have our retail space and a
5 | canopy along with our parking at the lower level.
6 | We have our apartments above that, in brick, at
7 | both the base and the -- and the top, along with
8 | some stucco.

9 | We have some CMU down at the bottom and
10 | around the back, which surrounds our parking
11 | area. And we also added a cornice at the top of
12 | the building to give it some texture and finish
13 | it. And that's also common --

14 |

15 | (Whereupon Ydalia Genao arrived at 6:22
16 | p.m.)

17 |

18 | MR. ZAWADA: -- as to what you find in the
19 | surrounding neighborhood.

20 | MR. ALONSO: Right. And that was one of
21 | the concerns of the Board, that they wanted the
22 | building to more closely reflect the character
23 | and nature of the neighborhood.

24 | THE SECRETARY: Mr. Alonso, I'm sorry.

25 | MR. ALONSO: Yes.

1 THE SECRETARY: Just for -- for the record,
2 let's put on the record that Ms. Genao arrived to
3 the meeting.

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Thank you.

6 MR. ALONSO: Thank you.

7 And -- and in your opinion, does this more
8 closely reflect the character and nature of the
9 neighborhood?

10 MR. ZAWADA: Yes. We looked at the -- the
11 school, the newly built school around the corner
12 of 17th Street, as well as even the public library
13 follow some of these same design principles and
14 elements, as do many of the buildings along both
15 streets.

16 MR. ALONSO: And I believe the only other
17 issue would be in terms of the variance relief
18 that we're requesting, nothing that we've
19 included in these modifications impacts on any of
20 the variances that we requested, other than
21 parking that changed, we had reduced it.

22 MR. ZAWADA: That's --

23 MR. ALONSO: Had not --

24 MR. ZAWADA: That's --

25 MR. ALONSO: -- the requiring in terms of

1 the bulk, it stays the same.

2 MR. ZAWADA: That's correct.

3 MR. ALONSO: Okay.

4 I have no further questions.

5 CHAIRPERSON CAPIZZI: But part of the
6 problem that we had, too, was the bulk of the
7 building, that was part of the issue that we had.
8 So I mean, I'm glad that you made some of those
9 changes, but as we had noted, by a school, it's
10 by a library -- actually, there are two schools
11 by that library and we're trying not to build
12 these huge developments in these neighborhoods.
13 And that area happens to be a very nice little
14 neighborhood.

15 So, as far as I'm concerned, some of the
16 changes you made are fine, but I'm still
17 concerned with the bulk of the building.

18 I don't know if anyone else has any other
19 questions or --

20 MR. ALONSO: The -- the issue with the bulk
21 is that, as indicated at the prior testimony,
22 it's -- it's a preexisting building.

23 Is that correct?

24 MR. ZAWADA: There's an existing building
25 there, yes.

1 MR. ALONSO: Okay.

2 And we're using part of that building and
3 we are constructing above that.

4 MR. ZAWADA: That's correct.

5 MR. ALONSO: Okay. So -- so the bulk --

6 CHAIRPERSON CAPIZZI: I know.

7 MR. ALONSO: -- is already existing.

8 CHAIRPERSON CAPIZZI: But we're also
9 building up and that tends to make you feel
10 closed in.

11 So that's my comment, I don't know if
12 anyone else has any comment?

13 MR. ZAWADA: Well, I think you see -- I
14 mean, right adjacent to this, the existing
15 building that's there now is approximately two
16 and a half stories. And the existing building on
17 the cross corner --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ZAWADA: -- and on this site, we're
20 actually going to meet that height.

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. ZAWADA: So, it's -- it's not out of
23 context for what's actually there.

24 CHAIRPERSON CAPIZZI: It's adding to what's
25 there. That's my point.

1 MR. ZAWADA: It is adding to what's --

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. ZAWADA: -- there, but I'm saying --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. ZAWADA: -- in context of the

6 neighborhood, I don't believe --

7 CHAIRPERSON CAPIZZI: Yes. Some of that.

8 That -- that building, correct.

9 MR. ZAWADA: Correct.

10 CHAIRPERSON CAPIZZI: David, could you go
11 over the -- your findings, the points that don't
12 conform, please.

13 MR. SPATZ: Certainly.

14 The use is permitted.

15 The depth of the site does not conform.

16 The rear yard setback does not conform.

17 Number 8.

18 The lot coverage does not conform and the
19 impervious coverage does not conform.

20 Some of those are preexisting conditions.

21 The parking -- I have a different count in
22 parking, but they still meet the parking
23 standards.

24 And the sizes of the units are conforming,
25 as well.

1 So, a number of the -- of the items are --
2 are preexisting conditions.

3 VICE CHAIRPERSON KOEHLER: When something
4 is preexisting but they're demolishing -- you're
5 demolishing and rebuilding.

6 MR. ALONSO: No.

7 VICE CHAIRPERSON KOEHLER: And you're build
8 -- so, they're building upwards, it's almost a
9 new structure, does that effect the requirement?

10 MR. SPATZ: If -- if they were demolishing
11 the building in total, and starting fresh, they
12 would not take credit, so to speak, for the --
13 what was there before. But by using the existing
14 building, the -- you know, the footprint is the
15 footprint.

16 VICE CHAIRPERSON KOEHLER: Got it.

17 MR. SPATZ: So, those -- those things are
18 not changing. The setbacks, the coverage
19 limitations are not. If they were exceeding the
20 height --

21 VICE CHAIRPERSON KOEHLER: And those are
22 preexisting.

23 MR. SPATZ: Those are preexisting
24 conditions. The variances are -- are really all
25 -- all for existing conditions that -- that are

1 | there. The height is conforming. They could go
2 | four stories and 50 feet, and they're four
3 | stories and 48 feet.

4 | MR. ALONSO: Right.

5 | And what we did, is we're eliminating a
6 | preexisting nonconforming use and introducing a
7 | conforming use. So, what we're proposing is
8 | actually permitted by your Master Plan and by
9 | your Zoning Ordinance.

10 | CHAIRPERSON CAPIZZI: There are many things
11 | in the Master Plan. You're correct. And it's up
12 | to us to evaluate whether or not we like it or
13 | not. You're correct.

14 | MR. ALONSO: No, no. I --

15 | CHAIRPERSON CAPIZZI: It is on the Master
16 | Plan.

17 | MR. ALONSO: Absolutely.

18 | CHAIRPERSON CAPIZZI: Correct.

19 | MR. ALONSO: And -- and really what -- what
20 | we're violating, in terms of the zoning, are all
21 | preexisting conditions. And I understand that
22 | the Chair's concern with respect to the height,
23 | but we're --

24 | CHAIRPERSON CAPIZZI: The bulk --

25 | MR. ALONSO: -- we're actually --

1 CHAIRPERSON CAPIZZI: -- and the height.

2 MR. ALONSO: We're actually lower than the
3 permitted height.

4 CHAIRPERSON CAPIZZI: I understand that.
5 What I'm saying is I'm looking at it, part of
6 what we have to do is look at an application and
7 see -- and decide whether or not it's -- we like
8 it, it's -- it's something that we want for that
9 neighborhood, that part of the city. And
10 according to Mr. Spatz, what conforms and what
11 not conform. That's what we have to look at and
12 evaluate.

13 MR. ORTIZ: Counselor, there are some
14 nonconforming aspects of the existing building.

15 MR. ALONSO: Correct.

16 MR. ORTIZ: And by building on it, why
17 (sic) it doesn't create new variance
18 requirements, it does -- expands that
19 nonconformance, though.

20 MR. ALONSO: Correct.

21 MR. ORTIZ: Okay.

22 VICE CHAIRPERSON KOEHLER: What is the
23 setback of the building adjacent to it?

24 MR. ALONSO: On which side?

25 VICE CHAIRPERSON KOEHLER: I can't tell.

1 Over to the right. Yeah. Um hum.

2 MR. ZAWADA: This side?

3 VICE CHAIRPERSON KOEHLER: Yeah.

4 MR. ZAWADA: We follow that same property
5 line. It's --

6 VICE CHAIRPERSON KOEHLER: It's --

7 MR. ZAWADA: It's right on the line.

8 VICE CHAIRPERSON KOEHLER: It's the same.
9 Okay.

10 MR. ZAWADA: Correct.

11 VICE CHAIRPERSON KOEHLER: And what is
12 that, 17th over there?

13 MR. ZAWADA: Yeah. This is 17th. So,
14 actually, right at the end of this becomes a
15 residential area.

16 VICE CHAIRPERSON KOEHLER: And that --

17 MR. ZAWADA: So that --

18 VICE CHAIRPERSON KOEHLER: -- also meets
19 the same lot line.

20 MR. ZAWADA: That building is set back.

21 VICE CHAIRPERSON KOEHLER: The set back as
22 well.

23 MR. ZAWADA: It has -- it has a driveway
24 and then that building starts.

25 VICE CHAIRPERSON KOEHLER: So, you have

1 | this building at its current setback and then the
2 | residential --

3 | MR. ZAWADA: All from --

4 | VICE CHAIRPERSON KOEHLER: -- back --

5 | MR. ZAWADA: From this point --

6 | VICE CHAIRPERSON KOEHLER: -- further.

7 | MR. ZAWADA: -- forward, from the rest of
8 | the block, they're all set back, because again,
9 | it's residential.

10 | CHAIRPERSON CAPIZZI: Um hum.

11 | MR. ZAWADA: So they have a front yard and
12 | drive.

13 | CHAIRPERSON CAPIZZI: Should we take
14 | comments from the public?

15 | MR. ORTIZ: Yes.

16 | CHAIRPERSON CAPIZZI: Any comments or
17 | questions from the public?

18 | MS. DILLON: Mr. Price, please raise your
19 | right hand.

20 | Do you affirm the testimony you're about to
21 | give this Board is the whole truth?

22 | MR. PRICE: I do.

23 | MS. DILLON: Name and address for the
24 | record, please.

25 | MR. PRICE: Larry Price, 1006 Palisade

1 Avenue.

2 MS. DILLON: Thank you.

3 MR. PRICE: You're welcome.

4 You stated that the parking requirement was
5 18; four commercial and 14 residential.

6 MR. ZAWADA: That's correct.

7 MR. PRICE: How did you calculate the 14
8 residential?

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

11 MR. ZAWADA: You're given -- you're given
12 credit for the first six units. There's no
13 parking required.

14 MR. PRICE: For the first --

15 MR. ZAWADA: Six units.

16 MR. PRICE: -- six units.

17 MR. ZAWADA: Six units.

18 MR. PRICE: Correct.

19 MR. ZAWADA: Right? So after that, your
20 three bedroom units are required 2.1 spaces per.

21 MR. PRICE: Yes.

22 MR. ZAWADA: Your two bedrooms are required
23 two spaces per.

24 MR. PRICE: Yes.

25 MR. ZAWADA: And your one -- one bedrooms

1 require 1.8 spaces per.

2 MR. PRICE: Yes.

3 MR. ZAWADA: So given -- given the 15 units
4 we have, removing six, we're left with nine.

5 MR. PRICE: Okay.

6 MR. ZAWADA: And I took worst case
7 scenario. So, I took two -- I removed one
8 bedroom.

9 MR. PRICE: But you -- you --

10 MR. ZAWADA: One three --

11 MR. PRICE: Well --

12 MR. ZAWADA: I removed one three bedroom.

13 MR. PRICE: Okay.

14 One question.

15 You have three three bedrooms.

16 MR. ZAWADA: Correct.

17 MR. PRICE: Six two bedrooms, six one
18 bedrooms.

19 MR. ZAWADA: That's correct.

20 MR. PRICE: Okay.

21 You get a free ride on the first six units.

22 MR. ZAWADA: Right.

23 MR. PRICE: What six units are you assuming
24 you get a free ride on?

25 MR. ZAWADA: Again, I took away one three

1 bedroom.

2 MR. PRICE: One.

3 MR. ZAWADA: I took away two two bedroom.

4 MR. PRICE: Yes.

5 MR. ZAWADA: And I took away --

6 MR. PRICE: Three three --

7 MR. ZAWADA: Three, two and one. I took

8 away -- I -- I -- no, I included three three bed

9 -- I included the three -- I included the three

10 bedroom, two of them.

11 MR. PRICE: As --

12 MR. ZAWADA: I included --

13 MR. PRICE: As being --

14 MR. ZAWADA: As what my requirement is.

15 MR. PRICE: Oh, okay. Yes.

16 MR. ZAWADA: I included four two bedroom.

17 MR. PRICE: And took credit for two.

18 MR. ZAWADA: And I took one one bedroom.

19 MR. PRICE: You have six.

20 Wait a minute.

21 You're -- I think you're taking too much

22 credit. I -- you said, you start with six one

23 bedroom units, but you only -- for parking

24 purposes, you only count one.

25 Correct?

1 Is that what you're saying?

2 MR. ZAWADA: Fifteen minus six equals nine.

3 Three bedroom, two and four is six, one is
4 seven.

5 That's right. So, I should add another
6 three point -- times two is 3.4. So, if it's 14
7 and 3.4, it's 17.4, which is 18.

8 Yeah, you caught me.

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

11 MR. ZAWADA: That's right. It wasn't -- it
12 wasn't 18 total, it was 18 for the residential
13 and four for the commercial. So, it was a total
14 of 22.

15 MR. PRICE: Okay. Hang on for a second.

16 MR. ALONSO: So, it's 22 --

17 MR. PRICE: So, it's 17.9.

18 Okay. Very good.

19 Thank you.

20 And -- okay. So, you were on the 18 -- 18
21 for the residential --

22 MR. ZAWADA: And four for commercial.

23 MR. PRICE: Four commercial.

24 MR. ZAWADA: That's correct.

25 MR. PRICE: A total of 22.

1 MR. ZAWADA: Correct.

2 MR. PRICE: Oh, and then, I didn't
3 understand, you said, as a result of this, you
4 were going to change the offered parking to
5 something less. What was that all about?

6 MR. ZAWADA: Right now, we have parking
7 racks, where we park cars. We were -- we were --
8 initially, when we had a lot more units, we
9 needed more parking. Now that we reduced the
10 number of units and we get credit for units, we
11 don't need as much parking.

12 MR. PRICE: Correct.

13 MR. ZAWADA: So, rather than having a three
14 tier rack and a two tier rack, we ask that we
15 only allow -- we only want two two tier racks.

16 MR. PRICE: How do you end up with an odd
17 number then? If you've got only --

18 MR. ZAWADA: Because one space stays empty,
19 in order for the cars to jockey around.

20 MR. PRICE: Oh, okay.

21 So since you're providing -- how many
22 spaces are you providing with the new
23 arrangement? Thirty-five, still?

24 MR. ZAWADA: No.

25 MR. PRICE: Okay.

1 MR. ZAWADA: Our last application was 35.

2 MR. PRICE: Yes.

3 MR. ZAWADA: This application is 22, or 26.
4 And we're required to have 22.

5 MR. PRICE: Okay. So, it's -- it's 13
6 racks, plus an empty space for -- for
7 maneuvering.

8 Correct?

9 MR. ZAWADA: I'll show you if you just --

10 MR. PRICE: They won't let me move --

11 MR. ZAWADA: Okay.

12 MR. PRICE: -- from here. Sorry.

13 MR. ZAWADA: Well, you -- you would have
14 three racks here. So, there's always one --
15 there's one space that's left empty in order for
16 them to move around.

17 So, you would have had 26 spaces back here.
18 Okay? We want to remove one tier of parking.
19 So, this is only two. This -- this was three,
20 now we're asking for it to be two. Grand total,
21 last time, we were providing 35 spaces. By
22 removing this third tier, now we would provide 26
23 spaces. This removes nine spaces.

24 MR. PRICE: Five, six, seven, eight, nine,
25 ten, 11, 12, 13.

1 So, you're --

2 MR. ZAWADA: What -- what you don't see
3 here in the math, the layout, it's not as simple
4 as space equals parking. It's one space remains
5 empty, so that the cars can slide around in order
6 to maneuver, to be able to get down and out.

7 MR. PRICE: Correct. You're -- you're
8 showing 13 spaces there, one of which will be
9 empty.

10 Correct?

11 MR. ZAWADA: This is -- this was 26 spaces.
12 Three tiers of nine, minus one.

13 MR. PRICE: Well --

14 MR. ZAWADA: This was -- this was --

15 MR. PRICE: But -- but --

16 MR. ZAWADA: -- nine spaces.

17 MR. PRICE: I'm talking about the new
18 configure --

19 MR. ZAWADA: Two --

20 MR. PRICE: We -- we don't have three tiers
21 anymore.

22 MR. ZAWADA: Yeah. So --

23 MR. PRICE: It's all two tier.

24 MR. ZAWADA: So, we just remove nine.
25 Thirty-five minus nine is 26.

1 MR. PRICE: Okay.

2 MR. ZAWADA: Right. I don't --

3 MR. PRICE: Seven.

4 MR. ZAWADA: One, two, three, four, five,
5 six, seven, eight.

6 MR. PRICE: Well --

7 MR. ZAWADA: Right?

8 MR. PRICE: I thought this was the empty
9 space --

10 MR. ZAWADA: No.

11 MR. PRICE: -- you said?

12 MR. ZAWADA: It's -- no, no. There --
13 there is -- there would be one empty space here.

14 MR. PRICE: Where?

15 MR. ZAWADA: Any -- pick -- wherever, it
16 moves. All these racking systems move.

17 MR. PRICE: Well, all I'm saying is, one,
18 two, three, four, five, six, seven, eight, nine,
19 ten, 11, 12, 13.

20 MR. ZAWADA: Right.

21 MR. PRICE: That's 13, but you can't
22 multiply by two because you say one of these
23 spaces will be empty.

24 MR. ZAWADA: Well, in each one. One in
25 each rack system will be empty.

1 MR. ORTIZ: Could you do that again,
2 because I'm -- I'm getting confused.

3 MR. ZAWADA: Okay.

4 VICE CHAIRPERSON KOEHLER: We're having a
5 hard time --

6 MR. ZAWADA: Here.

7 VICE CHAIRPERSON KOEHLER: -- visualizing
8 this.

9 MR. ZAWADA: Here.

10 MR. PRICE: You know, you're --

11 MR. ZAWADA: These are -- these are tiers
12 of parking, --

13 VICE CHAIRPERSON KOEHLER: Got you.

14 MR. ZAWADA: -- like you see in Manhattan,
15 you drive in. So, if you count one, two, three,
16 four, five.

17 MR. ORTIZ: Um hum.

18 MR. ZAWADA: Okay? Minus one stays empty
19 in order to move around.

20 MR. ORTIZ: And it's two tier.

21 MR. ZAWADA: So --

22 VICE CHAIRPERSON KOEHLER: One of the five.

23 MR. GUARENO: No, one of the ten.

24 MR. ZAWADA: One of the -- one of the ten.
25 Right?

1 VICE CHAIRPERSON KOEHLER: Got it.

2 MR. ORTIZ: Right. So that rack --

3 MR. ZAWADA: So, it's a five -- it's five
4 and five, but one stays empty. So, it's five
5 plus four equals nine.

6 MR. ORTIZ: So, that rack has nine.

7 MR. ZAWADA: That rack has nine.

8 This had -- this would have nine.

9 Right?

10 So, nine, nine and nine is 27 minus one.

11 MR. ORTIZ: That has eight.

12 Am I missing it here?

13 MR. ZAWADA: Yeah. It's not -- it's --
14 it's not drawn --

15 MR. GUARENO: One, two, three, four, five,
16 six, seven, eight.

17 MR. ZAWADA: Well, unfortunately, I don't
18 think --

19 MR. ORTIZ: It has eight --

20 MR. GUARENO: Eight.

21 MR. ORTIZ: -- there.

22 MR. ZAWADA: Right. That's correct.

23 MR. GUARENO: It has eight.

24 MR. ZAWADA: It has eight, but it's -- it's
25 -- it would be nine.

1 MR. PRICE: Okay. But now we go to a
2 double rack. In this side, we have one, two,
3 three, four, five, six, seven, eight --

4 MR. ZAWADA: It's -- it's --

5 MR. GUARENO: Times two is --

6 MR. ZAWADA: It's nine. This is -- this is
7 proportioned incorrectly.

8 MR. GUARENO: It's 15.

9 MR. ZAWADA: It's nine. So, every -- your
10 -- your bottom level has one missing. So, it's
11 your -- it's your static row, which is nine,
12 minus one is eight, your first row. Your next
13 row would have plus one, nine.

14 MR. PRICE: Seventeen. So, 17 and nine is
15 your 26.

16 MR. ZAWADA: Correct.

17 MR. PRICE: Very good.

18 Thank you.

19 VICE CHAIRPERSON KOEHLER: And who operates
20 this system?

21 MR. ZAWADA: It's automatic.

22 VICE CHAIRPERSON KOEHLER: So, I come in,
23 my car is over there --

24 MR. ZAWADA: You have a key fob, and it
25 knows where you left -- it knows where you parked

1 your car.

2 VICE CHAIRPERSON KOEHLER: I'm -- I'm over
3 there, in aisle --

4 MR. ORTIZ: Um hum.

5 VICE CHAIRPERSON KOEHLER: -- seven, this
6 spot, number one, is empty.

7 MR. ZAWADA: Right.

8 VICE CHAIRPERSON KOEHLER: I put my key
9 card in.

10 MR. ZAWADA: Right.

11 VICE CHAIRPERSON KOEHLER: And there's some
12 shifting going on.

13 MR. ZAWADA: It slides over and it would --

14 VICE CHAIRPERSON KOEHLER: Bill's car --

15 MR. ZAWADA: And it would --

16 VICE CHAIRPERSON KOEHLER: -- gets moved.
17 Sally's car and everybody.

18 MR. ZAWADA: That's correct.

19 VICE CHAIRPERSON KOEHLER: And then, when
20 they come, it goes all back to the same spot
21 where they left it.

22 MR. ZAWADA: It -- it knows where you
23 pulled your car into. When you -- when you
24 request the empty space, it moves around so you
25 get the empty space to park in.

1 MR. ORTIZ: Who's going to monitor this
2 thing that a kid doesn't get into the garage and
3 gets crushed?

4 VICE CHAIRPERSON KOEHLER: Insane.

5 MR. ZAWADA: It -- it has -- it has --
6 there's safety mechanisms built into this.
7 There's light curtains, there's bars where you
8 cannot get in this. And if you trip any of those
9 things, it will not operate.

10 These automated systems are used in a lot
11 of urban areas where you don't have room for
12 parking.

13 MR. ORTIZ: I understand that. In New
14 York, you hear about these things crushing people
15 and cars sliding off. You hear about that. It
16 happens.

17 VICE CHAIRPERSON KOEHLER: I remember that.

18 MR. ZAWADA: Well, I would -- okay. I
19 would say --

20 MR. ORTIZ: It may not happen often, but
21 once is too often.

22 MR. ZAWADA: I agree.

23 MR. VELAZQUEZ: And little kids across the
24 street, too.

25 MR. ORTIZ: That's what I'm saying.

1 | There's a school right in -- right in the area.

2 | CHAIRPERSON CAPIZZI: Two schools.

3 | VICE CHAIRPERSON KOEHLER: Two.

4 | CHAIRPERSON CAPIZZI: Two schools. You
5 | have Sara Gilmore and you have Jose Marti.

6 | MR. ZAWADA: Yeah. I mean --

7 | CHAIRPERSON CAPIZZI: And a public library.

8 | MR. ZAWADA: -- this is a closed parking
9 | garage. This is not --

10 | MR. ORTIZ: I know, but --

11 | CHAIRPERSON CAPIZZI: Well --

12 | MR. ORTIZ: I grew up in the area. Okay?

13 | MR. ZAWADA: Oh, I --

14 | MR. ORTIZ: And I know, as a child, I --

15 | MR. ZAWADA: Sure.

16 | MR. ORTIZ: -- could get into places where
17 | I --

18 | CHAIRPERSON CAPIZZI: Right.

19 | MR. ORTIZ: -- probably shouldn't have
20 | been.

21 | MR. ZAWADA: I -- me, as well.

22 | MR. ORTIZ: So you know, and that worries
23 | me with school -- I mean, I don't have a vote on
24 | this Board, I'm the attorney. But quite
25 | honestly, it does worry the heck out of me, this

1 automated system. No one monitoring it. It's
2 just on its own.

3 A door goes up, the kids want to run in.
4 It's cold out, so they want to hang out inside
5 the garage. No one knows they're there. They
6 trigger it and a kid --

7 VICE CHAIRPERSON KOEHLER: Or somebody
8 leaves --

9 MR. ORTIZ: -- gets crushed.

10 VICE CHAIRPERSON KOEHLER: -- it open and
11 this happens in many areas, many buildings in
12 Union City, the garage, for whatever reason, is
13 left open all day or part of the day or several
14 days. And so now, you're -- you can see how kids
15 could --

16 MR. ZAWADA: Yeah, you introduce an
17 environment where someone could get in there and
18 they're not supposed to be. Correct.

19 MR. ORTIZ: Or the kids climb up this
20 thing.

21 MR. ZAWADA: Yeah.

22 MR. ORTIZ: Because it's cool.

23 MR. ZAWADA: I -- I understand.

24 MR. ALONSO: I can -- even though, I -- I
25 don't testify, I can represent that I've had

1 | these types of applications approved in other
2 | towns, specifically just recently in Guttenberg.

3 | We can provide a representation or a -- a
4 | representative from the company, with a video.
5 | There are many safety features that are
6 | incorporated into the parking system.

7 | For example, if these light sensors are
8 | tripped, the -- the mechanisms don't -- don't
9 | operate.

10 | There's all kinds of safety features built
11 | in. There are maintenance contracts that are
12 | constantly being performed.

13 | MR. ORTIZ: Al, you grew up in North
14 | Bergen.

15 | MR. ALONSO: Absolutely.

16 | MR. ORTIZ: You know Hudson County kids.

17 | MR. ALONSO: And I've seen you in some of
18 | these buildings as kids.

19 | MR. ORTIZ: Yeah, I know. That's my point.

20 | MR. ALONSO: Absolutely. But there --
21 | believe me, the -- the owner of the building is
22 | going to want to make sure, for liability
23 | purposes that these things are safe, for
24 | liability purposes and for operational purposes,
25 | you're not going to want to rent a building where

1 the -- where the parking is not working.

2 I can tell you that there -- there is a
3 safety records on these. There's always a
4 danger. I mean, you do a high rise -- you know,
5 kids fall out of windows all the time. So you're
6 not going to approve high rises?

7 MR. ORTIZ: And there's a law against --
8 against having windows without guards on them.

9 MR. ALONSO: Absolutely. So, there --
10 there are --

11 MR. ORTIZ: That --

12 MR. ALONSO: There are safety features --

13 MR. ORTIZ: But there's no -- there's no
14 guards on those.

15 MR. ALONSO: Yes, there are guards in
16 there. That's what I'm saying. And we could
17 provide testimony from a representative from the
18 company who will testify as to all the guards
19 that are in place.

20 MR. GUARENO: Now, the garage door that's
21 going to close automatically, it's not like they
22 all park a vehicle, after they get out, they got
23 to come and out --

24 MR. ZAWADA: No.

25 MR. GUARENO: -- and close the door.

1 MR. ZAWADA: Correct.

2 MR. ALONSO: Correct.

3 MR. ZAWADA: Automatic.

4 VICE CHAIRPERSON KOEHLER: Yeah. But even
5 automatic garages stay open sometimes. I -- I
6 see it all the time.

7 MR. ORTIZ: You couldn't get in -- when you
8 were kid, you couldn't get into an automatic
9 door?

10 MR. ALONSO: No. I think -- I think the
11 Board member's referring to the gates on --

12 MR. ORTIZ: I wasn't.

13 VICE CHAIRPERSON KOEHLER: Oh, the parking
14 --

15 MR. ALONSO: -- on the parking system.

16 VICE CHAIRPERSON KOEHLER: -- tier system.
17 Got it.

18 MR. ALONSO: Correct.

19 CHAIRPERSON CAPIZZI: Any other questions
20 or comments?

21 Anybody?

22 Okay. Well --

23 MR. VELAZQUEZ: I'm just concerned because
24 at 1901 Summit Avenue, right across the street
25 from Jose Marti --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. VELAZQUEZ: -- we already -- the
3 complaints is outrageous.

4 VICE CHAIRPERSON KOEHLER: Such as?

5 MR. ORTIZ: About?

6 MR. VELAZQUEZ: About hiding in the garage
7 area.

8 CHAIRPERSON CAPIZZI: Yeah.

9 MR. VELAZQUEZ: Running around.

10 MR. ALONSO: That's a -- that's a
11 maintenance operational issue on that property.
12 I mean, I don't know if you can --

13 MR. VELAZQUEZ: You know, they just had to
14 start adding -- now, they started adding video
15 cameras, I know they're adding more security,
16 things that were not even proposed at -- when
17 that building was built, the security measures,
18 just so the -- the way the kids come out.
19 Because that's -- that's the high school. That's
20 the Freshmen Academy.

21 CHAIRPERSON CAPIZZI: Right.

22 MR. ALONSO: Right. But don't forget,
23 they're trespassing. They're not -- kids are not
24 doing things that they're permitted to do.

25 MR. ORTIZ: Al? Al?

1 CHAIRPERSON CAPIZZI: I understand that.

2 MR. ORTIZ: That is not an -- that's not an
3 excuse.

4 Look, you're asking this Board to approve
5 this with this contraption in it. And I call it
6 that.

7 MR. ALONSO: It's --

8 MR. ORTIZ: And basically, setting up a
9 hazard for kids, knowing what kids are like, in
10 this neighborhood. Both you and I grew up here.
11 Come on. Now, you know that's what we're like
12 and that's what makes us maybe strong, coming
13 from Hudson County.

14 MR. ALONSO: I understand that. I can
15 appreciate that.

16 MR. VELAZQUEZ: And another thing that I
17 might have an issue, too, is that not to say it
18 is right across the street is Gilmore, where a
19 lot of the kids tend to use technology more than
20 anything.

21 MR. ALONSO: I don't -- I don't think --

22 MR. VELAZQUEZ: They use this as --

23 MR. ALONSO: -- they'll be able to --

24 MR. VELAZQUEZ: -- a science project.

25 MR. ALONSO: -- override the technology on

1 the system.

2 MR. VELAZQUEZ: I don't know about these
3 kids --

4 MR. ALONSO: I don't know if there's an app
5 --

6 MR. VELAZQUEZ: -- nowadays.

7 MR. ALONSO: -- on their phone that they
8 could probably get.

9 But what I would do, then, if the Board has
10 these many concerns, I would ask for an
11 adjournment, so I could bring in a representative
12 from the company.

13 CHAIRPERSON CAPIZZI: No. I think what I'm
14 going to do, I don't want to hear from a
15 representative from the company.

16 I have concerns about that and I know what
17 he would come in and say, or that person would
18 come in and say. I had concerns about other
19 issues with this application, but now this has
20 come forward, with an unmonitored automated
21 parking system, which we have definite concerns
22 about because it is situated between two schools.

23 So, aside from the findings in this report
24 of the nonconformities that are listed here, I'm
25 going to make a motion to deny the application.

1 THE SECRETARY: Motion on the table to deny
2 the application by Ms. Capizzi.

3 MR. VELAZQUEZ: Second.

4 THE SECRETARY: Second by?

5 CHAIRPERSON CAPIZZI: Alex Velazquez.

6 THE SECRETARY: Second by Mr. Velazquez.

7 Roll call on the motion to deny the
8 application.

9 Ms. Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Ms. Koehler?

12 VICE CHAIRPERSON KOEHLER: Yes.

13 THE SECRETARY: Ms. Genao?

14 MS. GENAO: Yes.

15 THE SECRETARY: Ms. Fernandez?

16 MS. FERNANDEZ: Yes.

17 THE SECRETARY: Mr. Medina?

18 MR. MEDINA: Yes.

19 THE SECRETARY: Mr. Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Mr. Guareno?

22 MR. GUARENO: Yes.

23 THE SECRETARY: Seven in favor.

24 Motion carries.

25 MR. ALONSO: Thank you.

1 Have a good evening.

2 MR. ZAWADA: Thank you.

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

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1 **513-515 New York Avenue, LLC -**

2 **513-515 New York Avenue:**

3

4 THE SECRETARY: Next application, 513-515
5 New York Avenue, LLC.

6 Mr. Ascolese, please?

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

9 MR. ORTIZ: I apologize and I came in late,
10 but I know we didn't do number 1. Was there a
11 reason why we skipped over it? Did someone ask
12 for an adjournment?

13 CHAIRPERSON CAPIZZI: I don't know.

14 Carlos, is there a reason why we skipped
15 number 1? We're just wondering.

16 THE SECRETARY: Yeah. Mr. -- the
17 attorney's not here.

18 CHAIRPERSON CAPIZZI: Oh.

19 MR. ORTIZ: Oh, okay.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: That will do it.

22 CHAIRPERSON CAPIZZI: Yup.

23 MR. ASCOLESE: You ready?

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. ASCOLESE: All right.

1 Thank you.

2 Members of the Board, my name is Patrick
3 Ascolese. I am counsel for the applicant, 513
4 NY, LLC, in connection with the application
5 that's before you this evening with respect to
6 the property located at 513-515 New York Avenue,
7 Block 24, Lot 6 and 7.

8 The application before the Board is to
9 construct two three family houses, with a total
10 of 12 parking spaces, six and six, split between
11 the lots.

12 Tonight, we have two experts to testify.
13 I'd like to begin the presentation with our
14 architect, Mr. Manuel Pereiras.

15 And for purposes of the record, Mr.
16 Pereiras has --

17 CHAIRPERSON CAPIZZI: Yes.

18 MR. ASCOLESE: -- obviously testified
19 before --

20 CHAIRPERSON CAPIZZI: Yes, he has.

21 MR. ASCOLESE: -- the Board before. I'd
22 like to offer him as an expert.

23 CHAIRPERSON CAPIZZI: Yes.

24 MR. ASCOLESE: Thank you.

25 MS. DILLON: Do you affirm the testimony

1 | you're about to give this Board is the whole
2 | truth?

3 | MR. PEREIRAS: I do.

4 | MS. DILLON: Name for the record, please.

5 | MR. PEREIRAS: Manny Pereiras,
6 | P-E-R-E-I-R-A-S, with Pereiras Architects
7 | Ubiquitous, 1116 Summit Avenue, Union City.

8 | MS. DILLON: Thank you.

9 | MR. ORTIZ: I can never pronounce that
10 | word, but every time you say it, I love it.

11 | MR. ASCOLESE: And Mr. Pereiras, are you
12 | familiar with the property located at 513-515 New
13 | York Avenue?

14 | MR. PEREIRAS: I am.

15 | MR. ASCOLESE: Have you prepared the
16 | drawings that have been submitted to the Board
17 | this evening?

18 | MR. PEREIRAS: I have.

19 | MR. ASCOLESE: If you wouldn't mind, would
20 | you please take us through the application?

21 | MR. PEREIRAS: I'd be very happy to.

22 | MR. ASCOLESE: Thank you.

23 | MR. PEREIRAS: It's actually the gap, it's
24 | the -- from the photographs, it's hard to see
25 | because there's a tree in front of it. It's this

1 area -- this building right here. It's -- and
2 there's a photograph looking at it flat, right in
3 the front over here. But what we're proposing to
4 do is to tear that down.

5 This Board is actually familiar with this
6 site as well. We've been before this Board
7 before. We were looking to do a bigger building,
8 but we heard the feedback -- it -- actually, it
9 was a different Board. It was before the Zoning
10 Board in Union City, and we heard the feedback
11 and we understand that Union City wants to scale
12 down. We read the Master Plan. We read the --
13 what you are requesting, and what we're doing is,
14 very simply, proposing two small three family
15 houses, on this lot. Okay? There are two
16 individual lots and we're proposing three family
17 houses on it.

18 I'm going to be talking and using this
19 easel next to me. It is the same documents that
20 were submitted to the Board. It is sheet Z01
21 through sheet Z04.

22 And I'm going to start with sheet Z04. I
23 mean, Z02.

24 In Z02, we could see the existing site plan
25 and the proposed. In the existing, we see the

1 structure that's there already. It's actually
2 somewhat massive. It has zero front yard, zero
3 side yard, about seven inches in the rear yard.
4 So, it's covering almost the entire site. And
5 there's no impervious area, it's all concrete.

6 What we're looking to do is to tear that
7 down and do exactly what Union City wants and
8 exactly what we're looking for, which is three
9 family houses. Very simply, in conformance with
10 the Ordinance.

11 We have the ability to go to zero front
12 yard along the front yard of the building,
13 because the prevailing, if you look at the
14 building to the north and to the south, and
15 there's pictures here, showing those pictures,
16 you see that they're mass -- a lot larger
17 buildings, four stories, covers the whole lot.
18 They're sitting on the property line. We could
19 do that. We chose not to do that. The reason we
20 did that is for two.

21 Number one, we wanted to create a better
22 site vision so that when cars come out, they
23 could see the sidewalk and it's pedestrian
24 friendly.

25 And number two, we wanted to be able to

1 introduce landscaping in the front of the
2 building.

3 So, we have two feet of landscaping between
4 the residential door and the car door, that --
5 which makes a very big difference. It really
6 beautifies the neighborhood and adding that
7 landscaping feature.

8 Then the side yards, we're doing exactly
9 what the Ordinance requests; two feet on one side
10 and three feet on the other. Each of these
11 properties both have the two feet and the three
12 feet.

13 The rear yard, we're looking ahead of what
14 Union City wants and the Master Plan is saying to
15 have a five foot rear yard. And so, we're doing
16 that five foot rear yard.

17 However, we're requesting a variance from
18 you today because the current Ordinance, that
19 hasn't caught up to the Master Plan, is asking
20 for 25 percent of the lot. So, we are in -- we
21 are encroaching on that. So, we have a five foot
22 rear yard, in accordance with the Master Plan.

23 The depth of this light -- of the lot is a
24 variance. We have an existing depth of 95 feet
25 on both lots. And that creates two variances,

1 both existing conditions for lot area. Our lot
2 area is at 2,375 square feet and -- on each of
3 them, and the lot depth of 95 square feet. So,
4 those are two existing nonconformities.

5 The rear yard being another variance that
6 we have. And then, with building height, the
7 current Ordinance still says three stories, so
8 we're asking for four stories, which is in line
9 perfectly with the Master Plan.

10 So, it's a four story building and the
11 reason it's a four story building is because we
12 want to liberate that first floor from all
13 apartments, as we -- Union City wants, so that we
14 can have parking on the ground floor.

15 So, I'm going to turn now to sheet Z03.

16 And in sheet Z03, we see each of the levels
17 of the building.

18 First being the ground floor. In the
19 ground floor, we're actually recreated for you
20 exactly what was given to us as a schematic from
21 the city. This is the layout that was given that
22 we were told to recreate. And that's exactly
23 what we're doing.

24 And what we could see there is that we have
25 six cars for the three apartments. So, we're in

1 compliance with the requirements by providing
2 these six cars.

3 In addition to that, you have the driveway
4 entrance to the building, you have an emergency
5 stair along the back that has a room dedicated
6 for garbage. And you have, along the front, a
7 vestibule, an elevator and an additional stair.

8 If you take that elevator, or either of the
9 stairs upstairs, you are led to three floors of
10 exactly the same thing.

11 And what we have are three bedroom
12 apartments. They're comfortable in size. We
13 have a master bedroom that's 15 by 12, with a --
14 which is a full master suite. It's a private
15 bathroom and closet. And we have two smaller
16 bedrooms that are 12 foot by nine foot seven that
17 share a bathroom.

18 And then, we have a modern, contemporary,
19 open floor plan; kitchen, dining room, living
20 room and a small balcony along the front of the
21 building.

22 That balcony adds a lot of architectural
23 interest. It creates forward and back movement
24 in the building that makes -- livens up the --
25 the façade significantly, to make something

1 attractive and comfortable for the neighborhood.

2 Our building height is in conformance with
3 the Ordinance. We understand the Master Plan is
4 looking for -- to do taller buildings, but that
5 Master Plan hasn't gone into Ordinance, so we
6 wanted to comply with the Ordinance. So, we're
7 at 40 feet to the top of the roof. So, we're in
8 compliance with height in that regard.

9 And what we're doing is what I believe to
10 be a very beautiful simple façade. We're
11 introducing brick, which we love in Union City.
12 It's repetitive of what we see. We have stucco,
13 we have glass, we have some little -- light bit
14 of metal panel. And then, we have a glass
15 railing for the -- for the balconies in the
16 space.

17 We're capped with a beautiful coping along
18 the top, and a simple railing to really finish
19 the top of the building off nicely. And then,
20 all the way at the base of the building, we have
21 some stone base, all the way at the bottom, to
22 kind of create a good plenum to -- that the
23 building grows out of.

24 The sides of the building are very simple.
25 They're alumi -- vinyl siding, which is one of

1 the -- the materials that Union City encourages.
2 And that's what we have on the sides.

3 CHAIRPERSON CAPIZZI: So, how many types of
4 material are on the front?

5 MR. PEREIRAS: On the front?

6 We limit it. So, what we want to do is to
7 make it -- you know, aesthetically pleasing. We
8 have brick, with a stone base. We have a little
9 bit of metal, which is the trims with coping and
10 things of that nature. And then, we have some
11 vertical elements, which are these, that we
12 introduce stucco, so that there is a lively
13 difference of materials there.

14 CHAIRPERSON CAPIZZI: And glass?

15 MR. PEREIRAS: Windows. Yeah. There's
16 glass.

17 CHAIRPERSON CAPIZZI: One, two, three,
18 four, five.

19 Is that correct?

20 Would that be five?

21 MR. PEREIRAS: So, I guess we could call it
22 five; the stone base, the brick, the stucco, the
23 glass and the metal. Yeah.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. PEREIRAS: I think that concludes my

1 testimony. I could expand on it, as you have
2 questions, I'll be happy to speak more about the
3 building.

4 MR. VELAZQUEZ: We've had so many issues
5 with that building, with water coming out of it.

6 MR. PEREIRAS: Yeah. And thank God, if
7 this application is approved, that's all gone.
8 All those issues will be --

9 MR. VELAZQUEZ: No. It was --

10 MR. PEREIRAS: -- wiped clean.

11 MR. VELAZQUEZ: It was gone. Contractor
12 found it.

13 MR. PEREIRAS: Oh, yeah?

14 CHAIRPERSON CAPIZZI: So, David, could you
15 go over the -- it seems to me I'm adding up seven
16 out of the 11 findings that don't conform.

17 MR. SPATZ: Sure.

18 Well, the lots -- because the depth of the
19 lot is slightly less than what is required in the
20 zone, but that's a -- again, a preexisting
21 condition. When you subdivide it into two lots,
22 it's slightly less than the lot area. The depth,
23 as I indicated, is a preexisting condition.

24 The rear yard is five feet, where 23.75 is
25 required. But in order to get enough parking

1 | within the building, the building has to be
2 | deeper.

3 | The side yards conform.

4 | The lot coverage is 74 percent where 60 is
5 | permitted.

6 | The impervious is 99.5 where 85 is
7 | permitted.

8 | The -- the plans have been revised since I
9 | initially reviewed them, so the height is 40
10 | feet, which is conforming.

11 | And then, my calculation of -- of parking
12 | is that seven are required. They provide six,
13 | which is all that you could fit within the
14 | building anyway so -- and that's a Residential
15 | Site Improvement Standards.

16 | So, there -- there are a mixture of
17 | preexisting and -- and some new variances that
18 | are created.

19 | CHAIRPERSON CAPIZZI: So, how many of these
20 | did you find did not conform?

21 | MR. SPATZ: The -- the lot area, rear yard
22 | --

23 | CHAIRPERSON CAPIZZI: Maybe I'm adding it
24 | wrong.

25 | MR. SPATZ: Lot coverage and impervious

1 coverage and -- are variances. And then, parking
2 is an exception, not a true variance. But that
3 doesn't -- they're short by one space.

4 MR. PEREIRAS: And to expand a little bit
5 on Mr. Spatz, and hopefully, I can clarify a lot
6 more of these details of these variances and why
7 we have these variances.

8 We have two variances that are triggered a
9 hundred percent, because of the lot size. That's
10 a hardship. And our planner is going to talk a
11 lot more about that and explain the -- the
12 hardship and explain that.

13 But we have a lot depth issue. So, we're
14 shy. There's nothing we could do about that.
15 The lot behind us, we can't buy any more. So,
16 it's something that we have to live with as it's
17 just a condition of what it is.

18 It's very different than the previous
19 application. They were -- they were expanding.

20 CHAIRPERSON CAPIZZI: I'm not -- I'm not
21 comparing --

22 MR. PEREIRAS: And I'm not comparing --

23 CHAIRPERSON CAPIZZI: -- you to the -- I
24 don't --

25 MR. PEREIRAS: I'm not. But I want to be

1 --

2 CHAIRPERSON CAPIZZI: -- want to think
3 about the other application. I just want to take
4 this one --

5 MR. PEREIRAS: I'm not.

6 CHAIRPERSON CAPIZZI: -- for what it is.

7 MR. PEREIRAS: I -- I'm very happy to.

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. PEREIRAS: But there is a difference
10 between expanding an existing nonconformity, to
11 dealing with a nonconformity that we have, that
12 we're not expanding on at all. It's our lot
13 depth. It's a hardship. It's kind of what we
14 have to -- and live with and deal with.

15 So, those are two of the variances.

16 CHAIRPERSON CAPIZZI: But you are building
17 something new.

18 Correct?

19 MR. PEREIRAS: Yes, ma'am.

20 CHAIRPERSON CAPIZZI: Okay.

21 So, don't you make that adjustment?

22 Couldn't you make that --

23 MR. PEREIRAS: I can't make --

24 CHAIRPERSON CAPIZZI: -- adjustment?

25 MR. PEREIRAS: -- an adjustment. I can't

1 make the lot bigger.

2 CHAIRPERSON CAPIZZI: No. Not make the lot
3 bigger, make the building smaller.

4 MR. PEREIRAS: Yes. And that's what I'll
5 get to, but we're talking about the lot size. I
6 can't make the lot bigger.

7 CHAIRPERSON CAPIZZI: Of course not.

8 MR. PEREIRAS: So that's the variance that
9 I'm explaining now.

10 All right?

11 CHAIRPERSON CAPIZZI: Yes.

12 MR. PEREIRAS: Okay.

13 So with regard to the lot depth, I can't
14 make the lot bigger. So, that's variance number
15 one.

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. PEREIRAS: With regard with minimum lot
18 area, I can't make the lot bigger. So, that's
19 variance number two.

20 So, that's my explanation and description
21 of those two variances.

22 The next variance that we could talk about
23 is the rear yard setback.

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. PEREIRAS: The rear yard setback, our

1 Ordinance says 25 percent of the lot. We're in
2 direct conflict with the Union City's Master Plan
3 and the Union City Ordinance that will hopefully
4 soon pass.

5 The new Master Plan --

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. PEREIRAS: -- that is in actuality,
8 it's not a fantasy, it's not something that's
9 going to come in the future, --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. PEREIRAS: -- the Master Plan is
12 suggesting that we have a five foot rear yard
13 setback. So, that's what we're proposing here.

14 And there are very specific reasons why
15 it's suggesting a five foot rear yard setback.
16 It's requesting that because all -- everyone in
17 Union City, we understand how difficult parking
18 is.

19 Parking is a big deal for all of us. All
20 of us know when we get home tonight, unless we
21 have a space in our driveway waiting for us,
22 we're going to spend some time getting parking.

23 The Master Plan recognizes this. The City
24 recognizes this. And that's why they want us,
25 and the City's moving towards, eliminating that

1 bigger rear yard and making it only five feet in
2 order so that we could get more parking in the
3 building.

4 That's why we have a five foot rear yard
5 setback. That's the only reason we have a five
6 foot rear yard setback. And that's the -- the
7 third point or the third variance that you -- we
8 mentioned.

9 Okay?

10 The next variance is lot coverage.

11 This is exactly the same issue. Because in
12 the current Ordinance, there is a 25 foot rear
13 yard setback, that means that there's more space
14 in the -- leftover for openness. The City
15 recognizes that we need that parking. That's why
16 the Master Plan, the formula that was given to
17 us, is saying to go to that five foot rear yard
18 and increase the coverage to actually a hundred
19 percent.

20 So, the Master Plan is saying building
21 coverage at -- I believe it's 90 and -- and then,
22 lot coverage at a hundred percent.

23 So, those are the next two variances. So,
24 those are a hundred percent justifications of
25 what we're presenting to you. We're not making

1 something up. We're not coming here presenting a
2 building that's oversized in any way. What we're
3 presenting to you is exactly what the City is
4 telling us that we could do and that we should
5 do, which is a three family house with -- if this
6 was -- if the future Ordinance potentially was
7 passed, it would have zero variances. If the
8 Ordinance, right now, didn't stand and we had a
9 Master Plan and we were following our Master
10 Plan, this would have zero variances.

11 The reason we have a few variances is
12 because -- and -- and with exception of the lot
13 depth and lot area. Because we have those two
14 conditions, which we can't do anything about, and
15 Miss Chairman, you -- you understand that we
16 can't add more land to it, because of those two
17 things, those are the only variances that we
18 would have.

19 And -- and we have a planner that could
20 talk a lot more in length about that. But we
21 hope that the City recognizes that we're doing
22 exactly what was asked of us in this application.

23 CHAIRPERSON CAPIZZI: And the height?

24 MR. PEREIRAS: And the height.

25 We're a hundred percent in conformance with

1 --

2 CHAIRPERSON CAPIZZI: Why does it say it
3 does not conform?

4 MR. PEREIRAS: Because there's two aspects
5 of -- of height.

6 One is the height in feet. And what we
7 did, even though the Master Plan says you could
8 go 45 feet, since the Ordinance says 40 feet, we
9 wanted to make sure that there was no issues.
10 So, what we did is we reduced this building to 40
11 feet in height.

12 However, the Ordinance right now says three
13 stories. The Master Plan is telling us that
14 we're not allowed to have residences on the
15 ground floor and they want us to be four stories.
16 So, either I'm saying no to your Master Plan or
17 I'm saying no to your Ordinance. It's -- it's a
18 catch-22.

19 So what we're doing is, what we're -- we're
20 liberating the ground floor of residential units,
21 in order to have parking on the ground floor.
22 So, we're creating six parking spots.

23 And it's interesting because the Master
24 Plan is suggesting that we have a requirement of
25 two parking spaces per unit, whereas the current

1 Ordinance has three bedroom apartments, that's
2 2.1 parking spaces per unit. So that's why in
3 the Ordinance, in -- in Mr. Spatz's commentary,
4 it's rounded up to seven parking spaces and we're
5 showing six, because you can't fit seven parking
6 spaces on a 25 by a hundred. It's an
7 impossibility. What we're having is six, which
8 is actually perfectly in line with what the
9 Master Plan is.

10 VICE CHAIRPERSON KOEHLER: I have shallow
11 concerns about this. I -- so, in -- in any other
12 town, this building would be very pretty, because
13 I love all the glass and the glass windows, the
14 glass doors. Love it.

15 But I feel like -- and it only came to my
16 attention when I was looking at all of the
17 neighborhood view pictures, it's -- it would
18 stand out in the neighborhood so much that if --
19 if anyone found out I was on the Planning Board,
20 they'd yell at me for approving it.

21 MR. PEREIRAS: I think beauty tends to
22 stand out. And -- and that's a good thing.

23 VICE CHAIRPERSON KOEHLER: These are cute
24 little houses. They might not be extremely
25 beautiful, but they're cute.

1 MR. PEREIRAS: Um hum.

2 VICE CHAIRPERSON KOEHLER: They're
3 residential. And that's what this whole area is.
4 And obviously, you're demolishing this, which is
5 a bit of an eyesore.

6 MR. PEREIRAS: Um hum.

7 VICE CHAIRPERSON KOEHLER: Agreed. And
8 you're building what looks like a very pretty
9 building.

10 MR. PEREIRAS: Um hum.

11 VICE CHAIRPERSON KOEHLER: It -- you know,
12 checks off a lot of boxes.

13 MR. PEREIRAS: Um hum.

14 VICE CHAIRPERSON KOEHLER: But I feel like
15 for this street and this little enclave, it
16 doesn't match. And -- and then it's --

17 MR. PEREIRAS: Because it's too pretty?

18 VICE CHAIRPERSON KOEHLER: No, not because
19 it's too pretty.

20 CHAIRPERSON CAPIZZI: It's different.

21 VICE CHAIRPERSON KOEHLER: Because --

22 CHAIRPERSON CAPIZZI: I think she's saying
23 it's too different.

24 MR. ORTIZ: I think -- I think the --

25 Are you done?

1 VICE CHAIRPERSON KOEHLER: Yeah.

2 MR. PEREIRAS: It's too different. I mean

3 --

4 VICE CHAIRPERSON KOEHLER: And -- and --

5 MR. PEREIRAS: -- this neighborhood -- I

6 mean, if you go on New York Avenue now, a new

7 building was just constructed --

8 VICE CHAIRPERSON KOEHLER: And I wasn't

9 here --

10 MR. PEREIRAS: -- it's got metal panel --

11 VICE CHAIRPERSON KOEHLER: -- when they

12 approved that. I don't --

13 MR. PEREIRAS: Right. But it -- it goes

14 well with it. I mean, it's not different to that

15 building.

16 But I hear you. What we want is to get

17 this thing approved.

18 VICE CHAIRPERSON KOEHLER: Yeah.

19 MR. PEREIRAS: And we're flexible in every

20 way.

21 One of the things that I did to make this

22 building match the existing neighborhood was to

23 introduce a lot of brick. The -- the majority of

24 this building is brick.

25 Okay?

1 And the second aspect of it is the -- the
2 big glass openings, which is a little bit --

3 VICE CHAIRPERSON KOEHLER: Who doesn't love
4 windows?

5 Right?

6 MR. PEREIRAS: Yeah. Exactly.

7 VICE CHAIRPERSON KOEHLER: Got it.

8 And one more thing, and I know that a lot
9 of people will probably disagree with me, but
10 this is something that I notice you do a lot of
11 and -- you know, because it meets the needs of
12 Union City but it makes me sort of cringe. And
13 that's when the first floor of a multi-unit
14 building is all parking, because what that does
15 is that, to me, that takes away from sort of the
16 walkability of a neighborhood.

17 Right?

18 You have -- there's no one living on that
19 first floor. It's all cars. It -- it sort of
20 depersonalizes the space.

21 MR. PEREIRAS: I hear you and I almost
22 agree with you. The problem is that our Master
23 Plan is specifically telling us not to do that.
24 So, it's specifically telling us --

25 VICE CHAIRPERSON KOEHLER: I'll grant you a

1 variance --

2 MR. PEREIRAS: -- to have parking.

3 VICE CHAIRPERSON KOEHLER: -- on that.

4 MR. PEREIRAS: Yeah.

5 MR. ORTIZ: Counselor?

6 MR. VELAZQUEZ: I wouldn't want six cars --

7 MR. ORTIZ: You want to say something?

8 MR. VELAZQUEZ: -- parked on the street.

9 MR. ORTIZ: Counselor, I mean, you're
10 hearing what the Chair and the Vice Chair are
11 saying, as far as their concerns.

12 The Master Plan, I understand and I -- and
13 I don't even disagree with you, by the way.

14 MR. PEREIRAS: Um hum.

15 MR. ORTIZ: It has not been approved, but
16 it's about to be. It's on -- it's at least under
17 serious, serious, serious --

18 MR. PEREIRAS: Um hum.

19 MR. ORTIZ: -- consideration.

20 Tweaks in it? Who knows? May happen, may
21 not.

22 You heard as far as the design goes. If
23 you wanted to reconsider a design, maybe postpone
24 this a little bit, where you come in with less
25 variances, under an Ordinance that's in

1 existence, I don't know that it will make it
2 better for them, but I'm just --

3 VICE CHAIRPERSON KOEHLER: Do you --

4 MR. ASCOLESE: If I -- if I may?

5 VICE CHAIRPERSON KOEHLER: Yeah.

6 MR. ASCOLESE: If -- if we do --

7 MR. ORTIZ: I can't -- and I don't have a
8 vote --

9 MR. PEREIRAS: Let me speak architecturally
10 first.

11 MR. ORTIZ: -- so I'm not speaking --

12 MR. PEREIRAS: Let me speak
13 architecturally.

14 I can't reduce any variances. I can't -- I
15 can't have parking and -- and make the building
16 --

17 MR. ORTIZ: No, no, no.

18 MR. PEREIRAS: -- any smaller.

19 MR. ORTIZ: No.

20 MR. PEREIRAS: It doesn't work.

21 MR. ORTIZ: The property size, I understand
22 --

23 MR. PEREIRAS: So --

24 MR. ORTIZ: -- the property size.

25 MR. PEREIRAS: So, I can't change

1 | variances. Now, with --

2 | MR. ORTIZ: No, you --

3 | MR. PEREIRAS: -- regards to the --

4 | MR. ORTIZ: Well, you -- well, you could
5 | change variances once the Master Plan is in place
6 | because --

7 | MR. PEREIRAS: Once the Master Plan is in
8 | place, I have nothing.

9 | MR. ASCOLESE: There's -- there's no need
10 | for variances.

11 | MR. PEREIRAS: We're good. We -- we move
12 | forward. Okay? But the problem is --

13 | MR. ASCOLESE: It's -- it's --

14 | MR. PEREIRAS: -- we never know when that's
15 | going to happen.

16 | MR. ASCOLESE: It's a zero variance
17 | application, other than those --

18 | MR. ORTIZ: It --

19 | MR. ASCOLESE: -- the two that we can't
20 | change.

21 | MR. ORTIZ: I can tell --

22 | MR. ASCOLESE: Under the Master Plan.

23 | MR. ORTIZ: I can tell you, the town -- the
24 | town fathers, for lack of better term -- and I
25 | don't mean to make it all male, because it is not

1 an all male, but are seriously considering this.

2 Your -- your ear's to the ground, as to
3 this, as much as anybody's --

4 MR. PEREIRAS: I'm -- I'm --

5 MR. ORTIZ: -- in Union City.

6 MR. PEREIRAS: I understand. And I'm
7 there.

8 MR. ORTIZ: It's a suggestion. I -- I --
9 you'll still need the variances for coverage, I
10 think.

11 Right?

12 MR. PEREIRAS: No.

13 MR. ASCOLESE: No.

14 MR. PEREIRAS: It would be -- you wouldn't.

15 MR. ORTIZ: Even under the Master Plan?

16 MR. ASCOLESE: Yeah.

17 MR. PEREIRAS: Yeah. Under the Master
18 Plan, not required.

19 MR. ORTIZ: Just throwing it out there.

20 MR. PEREIRAS: We would have no variances
21 other than lot coverage.

22 MR. ASCOLESE: There would be none other
23 than --

24 MR. PEREIRAS: Yeah.

25 MR. ASCOLESE: -- than the two that are --

1 MR. PEREIRAS: Yeah.

2 MR. ASCOLESE: -- impossible to change.

3 MR. ORTIZ: That's -- well, then still
4 you'd need variances. But the point is --

5 MR. PEREIRAS: Right.

6 MR. ORTIZ: The point is that it --

7 MR. ASCOLESE: It would be a zero variance
8 application.

9 MR. ORTIZ: And it'd also give you -- you
10 know, an -- an opportunity to consider what may
11 be --

12 MR. PEREIRAS: And now your aesthetics --

13 MR. ORTIZ: I'm just throwing it out there.

14 MR. PEREIRAS: -- question.

15 The aesthetics, we want this to get
16 approved. We'll change this to however. If this
17 Board just had an issue with that aesthetics, we
18 could vote on this, potentially, potentially get
19 it approved, and then work with the City. I'll
20 submit additional schemes. Mr. Spatz could
21 review them. Have the City review them. And --
22 and vote on -- and -- and this is something I do
23 very often in a lot of townships, it's -- you
24 know, addressing aesthetics because it's not
25 really what this Board is here for exactly. It's

1 something that we could coordinate with the Board
2 and -- and please you. But it's not a variance
3 that you -- we need you to grant.

4 MR. ORTIZ: No. And --

5 MR. ASCOLESE: Conceptually --

6 MR. ORTIZ: And I agree with you, by the
7 way.

8 MR. PEREIRAS: Um hum.

9 MR. ORTIZ: I absolutely agree with you,
10 but the point I'm making is, under the Master
11 Plan, it eliminates maybe the need for this
12 Board, potentially -- you know? We don't know
13 until the Master Plan gets passed, and I don't
14 think it's going to be out there indefinitely. I
15 mean, you don't think so and neither do I.

16 MR. PEREIRAS: But we don't know. And --
17 and we're here now because there are carrying
18 costs to a project. There's -- you know, an
19 applicant --

20 MR. ORTIZ: And I do understand that. I --

21 MR. PEREIRAS: -- can only wait so long.
22 This application actually has been going on for
23 over a year, at this point.

24 MR. ASCOLESE: I -- without getting too
25 deep into the history --

1 MR. ORTIZ: I've been on that side of the
2 dais.

3 MR. ASCOLESE: The -- the --

4 MR. ORTIZ: I understand.

5 MR. ASCOLESE: The property owner has made
6 -- has made significant changes to meet the
7 Master Plan requirements, specifically, because
8 that was the direction that we got.

9 Now, it's in compliance with the Master
10 Plan 100 percent.

11 MR. ORTIZ: No, it's not, because -- I
12 mean, it's a two -- we're talking double edged
13 sword here, because if you think about it, on one
14 side, you're saying it's not in compliance with
15 the current Ordinance, which I agree, and that's
16 why --

17 MR. PEREIRAS: And that's why we're here.
18 But we are --

19 MR. ORTIZ: But it's in compliance --

20 MR. PEREIRAS: -- in compliance with the
21 Master Plan.

22 MR. ORTIZ: -- with the Master Plan that is
23 not the Master Plan.

24 MR. PEREIRAS: No, it is the Master Plan.
25 We have a Master Plan. That's -- that's part of

1 the problem. We have a Master Plan.

2 MR. ORTIZ: But it has to be adopted.

3 MR. PEREIRAS: What was that?

4 MR. ORTIZ: It has to be adopted and -- and
5 it has to be voted on by the Commissioners.

6 There was an Ordinance, just today, so --
7 but that's coming. And we all know it's coming.

8 MR. ASCOLESE: We're venturing into an area
9 where I think testimony from our planner would be
10 helpful.

11 MR. ORTIZ: Okay. It's your case.

12 CHAIRPERSON CAPIZZI: Sure.

13 MR. ASCOLESE: So, at this point, I'd like
14 to call Michael Kauker, who --

15 MR. PRICE: Questions of the architect?

16 MR. ASCOLESE: Sure.

17 MR. ORTIZ: Oh, sure.

18 CHAIRPERSON CAPIZZI: Yes.

19 MR. ORTIZ: Sure, Mr. Price.

20 Please.

21 CHAIRPERSON CAPIZZI: Sure.

22 MR. PRICE: Or questions now.

23 MR. ORTIZ: You might -- you might as well
24 do it now because --

25 MR. PRICE: Still Larry Price, still 1006

1 Pal -- still under oath.

2 Question?

3 You have balconies on each of the three
4 apartments.

5 MR. PEREIRAS: Yes.

6 MR. PRICE: How deep are those apart --

7 MR. PEREIRAS: I believe they're five feet.

8 MR. PRICE: -- are those balconies?

9 MR. PEREIRAS: And I'll confirm it, just to
10 be a hundred percent sure.

11 They're four feet. Four by ten.

12 MR. PRICE: Four feet. But your front
13 setback is only two feet.

14 Correct?

15 MR. PEREIRAS: Correct.

16 MR. PRICE: So, you're going to be
17 extending two feet into the public right-of-way.

18 MR. PEREIRAS: No.

19 The balconies are recessed into the
20 building. So, I am actually reducing my
21 footprint and the balconies are cut into the
22 building. So, absolutely not. We're --

23 MR. PRICE: Wait a minute.

24 Do you want to show me the rendering --

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

1 MR. PRICE: -- in the front?

2 MR. PEREIRAS: Well, first, let's look at
3 it in plan --

4 MR. PRICE: Okay.

5 MR. PEREIRAS: -- view.

6 Okay?

7 MR. PRICE: Sure.

8 MR. PEREIRAS: So, this is the front of the
9 building. The balcony is recessed into the
10 building. It doesn't extend back. So, the two
11 foot front yard setback is prowled throughout the
12 entire building, all -- all four floors.

13 MR. PRICE: And it -- okay.

14 MR. PEREIRAS: Okay?

15 MR. PRICE: Okay.

16 MR. PEREIRAS: Yeah. We're not sneaking
17 any additional space. We're being clear and
18 transparent and we're -- and we're -- you know,
19 we're trying to make a very beautiful building.

20 MR. PRICE: Okay. Very good.

21 So, yeah. Okay.

22 Thank you. Thanks, again.

23 CHAIRPERSON CAPIZZI: What's the material
24 -- what are the balconies made of?

25 MR. PEREIRAS: Balconies?

1 CHAIRPERSON CAPIZZI: Yeah.

2 MR. PEREIRAS: So, I could talk about the
3 construction of it.

4 CHAIRPERSON CAPIZZI: No, I just want to
5 know what they're made of. The material. What
6 -- what will it be made of? That's all.

7 MR. PEREIRAS: So, the -- it's a wood frame
8 building. The balconies themselves are wrapped
9 in fiberglass, and then they're finished however
10 the client wants to finish them. They could be
11 wood, they could be tile, they could be pavers,
12 they could be any sort of material.

13 MR. ASCOLESE: And front facing to the
14 street, glass?

15 MR. PEREIRAS: And the front facing to the
16 street is a glass railing, with a metal handrail,
17 or guardrail.

18 MR. ASCOLESE: All right.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ASCOLESE: Any more questions?

21 All right. So, at this time, I'd like to
22 call Mike Kauker.

23 MS. DILLON: Just right in front of the
24 mic.

25 MR. KAUKER: Don't need that?

1 MS. DILLON: No, no. If you stay right
2 there we're good.

3 Please raise your right hand.

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

6 MR. KAUKER: I do.

7 MS. DILLON: Please state your name and
8 spell it for the record.

9 MR. KAUKER: My name is Michael D. Kauker.
10 Last name is K-A-U-K-E-R.

11 I'm a licensed professional planner in the
12 State of New Jersey.

13 MS. DILLON: Thank you.

14 MR. ASCOLESE: Mr. Kauker, have you ever
15 testified before this Board?

16 MR. KAUKER: I have, a number of times.

17 MR. ASCOLESE: I'd like to offer Mr. Kauker
18 as an expert in the area of land use.

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. ASCOLESE: Thank you.

21 MR. KAUKER: Thank you.

22 CHAIRPERSON CAPIZZI: You're welcome.

23 MR. ASCOLESE: Mr. Kauker, you've heard
24 some of the Board's concerns about the
25 application that we're presenting.

1 Would you mind addressing some of those
2 concerns first?

3 MR. KAUKER: Certainly.

4 I think -- I think what I'll do, I mean,
5 the Board's very familiar with the site, the
6 surrounding area. Mr. Pereiras went over all
7 that information and I think the Board is well
8 aware of the existing conditions in the area, so
9 I -- I really won't go over that again.

10 With respect to the proposed development,
11 as Mr. Pereiras mentioned, we're proposing to
12 construct two three family homes. The two three
13 family homes are permitted uses in the R zone,
14 where this property is located.

15 Now, we basically, when we're looking at
16 the Zoning Ordinance, as I mentioned, it's
17 located in the R zone. We're a permitted use in
18 the R zone. There are a number of bulk
19 requirements, which is why we're here before the
20 Board this evening, because we deviate from a
21 number of those requirements.

22 Those deviations require us to get
23 variances that are classified as C, or bulk
24 variances under the Municipal Land Use Law.

25 Now, in order for the Board to grant a C or

1 a bulk variance, the applicant must make a
2 showing of -- of the positive criteria and the
3 negative criteria.

4 With respect to the positive criteria,
5 there are two instances where a Board can grant a
6 variance. Firstly, there's a C-1, where there's
7 a -- if there's a hardship or practical
8 difficulty relating to the property, the Board,
9 in that case, can grant a variance.

10 Or secondly, a C-2, where the purposes of
11 zoning would be advanced and -- and the benefits
12 essentially would outweigh the detriments of the
13 deviation. And I'll go over those all.

14 First, what I just wanted to do, briefly,
15 was go over the zoning chart, and look at where
16 we do comply and where we don't comply.

17 As I mentioned, three family homes are
18 permitted. Three family homes are permitted on
19 lots that are 2500 square feet in area. We are
20 slightly deficient, because the two existing lots
21 are 20 -- or 2,375 square feet, which is just
22 short of the requirement.

23 In addition, we are slightly deficient with
24 respect to the minimum lot depth. The minimum
25 lot depth that's required is a hundred feet, 95

1 feet exists on this property.

2 Those are two existing conditions of the
3 property. And essentially, it's a hardship
4 because the applicant has no land -- there's no
5 land available on either direction to comply with
6 this requirement.

7 This hardship itself also slightly lends
8 itself to making it difficult for the applicant
9 to comply with some of the other requirements.

10 For example, rear yard depth coverage,
11 because it does reduce the size of the building.
12 But primarily, we have a three family dwelling on
13 a lot that is more than sufficient, or more than
14 capable to accommodate that, as it's very close
15 to the 2500 square feet that's permitted.

16 Now, with respect to the variances that are
17 being requested as a result of this application,
18 there are four. There are four variances and
19 they are for minimum rear yard, a minimum rear
20 yard of 25 percent of the lot depth which is 23
21 feet and three quarters inches. We propose five
22 feet.

23 There is a second variance that is required
24 for the maximum height of the building, with
25 respect to the number of stories. Three feet are

1 permitted and four stories are proposed.

2 There's a third variance related to maximum
3 building coverage, where 60 percent is permitted
4 and 74 percent is proposed.

5 And then, there is another coverage
6 variance, with respect to the maximum lot
7 coverage, where 85 percent is permitted and 99.5
8 percent is proposed.

9 Now, as Mr. Pereiras mentioned and -- and
10 there was some discussion on previous by -- by
11 the Board, the Board -- or not the Board, but --
12 but Union City, I believe, they adopted a Master
13 Plan document. One was adopted in March of last
14 year. There's another document that's dated
15 January, 2019, which both documents are very
16 similar.

17 Now, I'm sure the Board, the Planning
18 Board, is familiar with what the Master Plan is,
19 since it's the -- the Board's purview to actually
20 prepare that document and also adopt that
21 document. But essentially, the Master Plan is a
22 blueprint for future development within a
23 community.

24 So, basically, what happens is, the Board
25 sits down and they -- they take a look at all of

1 the existing conditions within Union City, the
2 community, and in -- they draw out their vision
3 for what they want the community to look like in
4 the future. So, that's basically what this plan
5 represents.

6 The Master Plan represents your future
7 vision for the City of Union City. And as Mr.
8 Pereiras explained, and what we had done, we --
9 we looked at the Master Plan, we looked at the
10 existing Ordinances and what we did was we
11 endeavored to come up with a plan that furthered
12 the proposed Master Plan of the City, or the
13 existing Master Plan of the City. So, basically,
14 we want to be consistent with what you think the
15 future development and the -- the future vision
16 of the City is.

17 So, all of those variances that I just
18 described, although they do not comply with the
19 Zoning Ordinance, as it currently exists, it does
20 comply with all of those requirements of the
21 Master Plan.

22 Now, having said that, what we need to show
23 is either that there is some sort of hardship or
24 that the benefits of granting these variances
25 outweigh the detriment.

1 Now, what I would say, that there is a
2 benefit, number one, because we are consistent
3 with the Master Plan.

4 Number two, these -- these variances are
5 mitigated because we are consistent with that
6 document, as well.

7 When I get to the negative criteria, we're
8 going to talk about impacts to the surrounding
9 area and also the Master Plan and Zoning
10 Ordinance of the City.

11 And now, the biggest reason, with respect
12 to the C-2 or the benefits is the primary benefit
13 that is derived out of the grant of all of these
14 variances, one, two, three and four, with respect
15 to rear yard, maximum building height and both
16 building coverages is that it allows us to
17 provide parking onsite, which I think is a
18 critical element. And I think that benefit far
19 outweighs any detriment that's generated from
20 these deviations, especially considering the fact
21 that they are consistent with your future vision
22 of the City.

23 So, I do believe, without a doubt, that we
24 do meet the C-2 criteria with respect to the
25 variance.

1 One other thing, or a couple other things I
2 did want to point out, and with respect to the
3 negative criteria we need to show that there
4 won't be a substantial impact to the surrounding
5 area, there will not be a substantial impact to
6 the zone plan and Zoning Ordinance or Master Plan
7 of the community.

8 I would submit to the Board that, in my
9 opinion, there will not be. I believe that the
10 two proposed three family homes are something
11 that are going to fit in very well with the
12 existing neighborhood.

13 With respect to the Master Plan itself,
14 getting to the second prong of the negative
15 criteria, the Master Plan essentially, when it
16 talks about three family homes, it talks about
17 the demand and the need for three family homes in
18 Union City. And it identifies that on page 19 of
19 the document.

20 One of the reasons is because it's their
21 belief in the Master Plan, or your belief, that
22 three family homes better complement the existing
23 character and the neighborhoods within Union
24 City.

25 So, for those reasons, it's my opinion that

1 with respect to these deviations, that with
2 respect to the nonconforming conditions, which
3 are two, that there is a hardship. With respect
4 to the four conditions that are being created,
5 number one, they do conform with the Master Plan.
6 And number two, there is definitely a C-2 --
7 they're -- they're substantiated by the C-2
8 proof, which is the benefit of providing parking
9 on this site, consistent with the Master Plan
10 outweighs any detriment.

11 So, for those reasons, I firmly believe
12 that the Board can grant the requested relief.

13 CHAIRPERSON CAPIZZI: Anybody?

14 Anybody have any questions or comments?

15 The public?

16 MR. ORTIZ: Mr. Price? No?

17 Okay.

18 MR. ASCOLESE: Mr. Kauker, just clarify one
19 thing.

20 If -- if the building were constructed to
21 not require any variances under the current
22 Ordinance, would it be fully in compliance with
23 the Master Plan?

24 MR. KAUKER: With -- no, it would not.

25 MR. ASCOLESE: It would not.

1 MR. KAUKER: No.

2 MR. ASCOLESE: And one of the driving
3 motivations of the Master Plan is to provide
4 parking off-street.

5 Isn't that correct?

6 MR. KAUKER: That is correct.

7 MR. ASCOLESE: And if this were built as a
8 three family house, three stories, is it possible
9 to have parking in -- in the buildings?

10 MR. KAUKER: No. It would not be.

11 MR. ASCOLESE: I don't have any further
12 questions.

13 MR. KAUKER: Thank you.

14 MR. ASCOLESE: Okay, that concludes our
15 presentation.

16 CHAIRPERSON CAPIZZI: Like listening to the
17 testimony, I'm wondering why if your lot -- and
18 you can't add to the lot, and it doesn't --
19 you're not conforming, you don't have the square
20 footage for a three family use, there isn't a
21 real hardship, why you don't reduce it to two two
22 family buildings.

23 MR. ASCOLESE: It's going to be the same
24 issue.

25 CHAIRPERSON CAPIZZI: It's my suggestion.

1 That's my suggestion. I know you have Ordinances
2 and you're talking about Master Plans and what
3 the vision is, that's my suggestion.

4 MR. ORTIZ: Why don't -- why don't we do
5 this?

6 David?

7 MR. SPATZ: Yes.

8 MR. ORTIZ: If you wouldn't mind addressing
9 that question, the Chairwoman, essentially --
10 just ask our planner, might as well.

11 Would the two variances be eliminated as to
12 a --

13 Bear with me.

14 -- as to lot coverage, as well as -- well,
15 the depth probably wouldn't change, but would the
16 depth and the lot coverage change if these were
17 reduced to a two family house?

18 MR. ASCOLESE: I'm sorry. I don't want to
19 interrupt.

20 I don't think the question was lot
21 coverage, necessarily, is it?

22 MR. ORTIZ: I think that's --

23 MR. ASCOLESE: Minimum --

24 MR. ORTIZ: I think that's what the
25 Chairwoman is -- if I --

1 MR. ASCOLESE: It's depth and minimum lot
2 size, I thought was -- those are the only two --

3 MR. ORTIZ: Well, the two -- the two one --
4 the two, I think, that you were talking about
5 with a hardship, which I -- under the
6 circumstances, I agree with, is it would be --

7 CHAIRPERSON CAPIZZI: Number two.

8 MR. ORTIZ: -- minimum lot coverage.
9 Right?

10 Or no, depth --

11 MR. ASCOLESE: No. Minimum --

12 MR. ORTIZ: No, excuse me. You're right.
13 Minimum lot area and depth.

14 MR. ASCOLESE: And depth. Right.

15 MR. ORTIZ: I'm sorry.

16 MR. SPATZ: Right.

17 MR. ORTIZ: You're absolutely right.

18 MR. SPATZ: Right.

19 Well, the -- potentially, the variances
20 could be reduced. If it was reduced to a two
21 family house, they wouldn't require as much
22 parking, so the garage -- the building would not
23 be -- not need to be as deep as it is to get six
24 cars in, they would need four cars. So,
25 potentially, they -- you know, the variances

1 | would be either eliminated or reduced, according
2 | to the current Ordinance.

3 | So, that is certainly something that --
4 | that could be done in a -- as a way of reducing
5 | the types of variances.

6 | MR. PEREIRAS: And I'd like to expand on
7 | that, if possible.

8 | MR. ORTIZ: Yeah. Absolutely.

9 | MR. PEREIRAS: It's a bit of a double edged
10 | sword, because what we have now is a three
11 | bedroom apartment, which is exactly what the City
12 | kind of wants and needs in our neighborhood.

13 | If we were to make the building smaller,
14 | because we're creating, we need less parking, and
15 | it gets stepped back, then we don't have room to
16 | make a three bedroom apartment, we're looking at
17 | something smaller, like a two bedroom apartment.

18 | So, it impacts by changing this from a --
19 | yes, there's a difference in density, but we
20 | would potentially have all the same variances
21 | because even though we don't need the additional
22 | space for parking, we do need it for living
23 | space, we do need it because that's what the City
24 | wants.

25 | So, Ms. Chairman, I understand completely

1 your -- your suggestion. It makes a lot of sense
2 in --

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. PEREIRAS: -- many ways. However, it
5 doesn't alleviate any variances. We're -- we
6 have --

7 CHAIRPERSON CAPIZZI: What I'm saying is --

8 MR. PEREIRAS: -- the same situation.

9 CHAIRPERSON CAPIZZI: -- I think I would
10 feel more comfortable with that. So, I
11 understand what you're saying, but I'm saying
12 that's my level of comfort with this application.

13 MR. PEREIRAS: And just to expand a little
14 bit on what the lot depth is and the lot area, I
15 think that we might easily lose grasp of what
16 we're exactly talking about.

17 We are -- the requirement is 2,500 square
18 feet. We are 125 square feet shy. It's
19 basically five feet at the rear of the lot, which
20 is normal across. It's a very small de minimis
21 change. I would understand if this was a much
22 more shallow lot, if we had a 70 foot lot,
23 something like that. That's not the case here.
24 We have 95 feet and we have 2,375 square feet for
25 the lot. It's -- it's a very minor percentage,

1 | which is something that we can't change in our
2 | application.

3 | MR. ASCOLESE: And if you were to reduce to
4 | two two families, I think the amount -- the
5 | amount of difference in question is from 23 and
6 | three quarters feet --

7 | MR. PEREIRAS: So --

8 | MR. ASCOLESE: -- from -- from the rear
9 | yard to five. So, it's 18 and change.

10 | MR. PEREIRAS: Right. So, let's go through
11 | it.

12 | We would still have a lot depth variance.
13 | We would still have a lot area variance. We
14 | would potentially reduce the rear yard on the
15 | ground level, but we still need it because we
16 | need those three bedrooms, because that's what
17 | Union City is asking for us. So, we still have
18 | the rear yard variance and we would still have
19 | the lot area variance. And we still -- so, all
20 | the variances are still there, even if we make it
21 | into a two family house. So, it doesn't make any
22 | change to what our application would be.

23 | MR. ASCOLESE: If you were to take 18 feet
24 | off the proposed development that you have here,
25 | does -- is it even a functional two two -- two

1 family, with two bedrooms?

2 MR. PEREIRAS: It would become a two
3 bedroom unit, which is not what the City is --
4 wants or is looking for.

5 I -- I responded what I needed to respond.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. PEREIRAS: I'm open for more questions.

8 MR. ASCOLESE: You're obviously
9 knowledgeable in the area.

10 What's the benefit of -- of a three --
11 three bedroom instead of a two bedroom?

12 MR. PEREIRAS: Well, this -- this Board and
13 Union City, historically, has been encouraging
14 families. We need -- there's a -- there's a
15 deficit in housing stock for families, and that's
16 something that is satisfied by a three bedroom
17 and is not satisfied by a two or one bedroom
18 unit, which is what we would be reduced to. And
19 if we create the rear yard and the lot cover --
20 and if we eliminate the rear yard and the lot
21 coverage issue.

22 MR. ASCOLESE: It would be a detriment to
23 the community.

24 MR. PEREIRAS: It -- it -- I can't speak to
25 whether it's a detriment or not, but it -- it's

1 definitely not in lines with -- with what the
2 Master Plan wants and what the City has
3 historically been requesting.

4 MR. ASCOLESE: Thank you.

5 CHAIRPERSON CAPIZZI: Isn't it just one
6 less level? Two family, three family?

7 Right?

8 MR. PEREIRAS: But that's my point. It
9 doesn't change our setbacks.

10 CHAIRPERSON CAPIZZI: No, but what I'm --
11 but --

12 MR. PEREIRAS: So it doesn't change our
13 variances.

14 CHAIRPERSON CAPIZZI: Well, it does -- but
15 it addresses some of the nonconformity.

16 MR. PEREIRAS: None.

17 MR. ASCOLESE: No.

18 MR. PEREIRAS: Zero.

19 CHAIRPERSON CAPIZZI: And you also --

20 MR. ASCOLESE: Not -- the height's not one
21 of them.

22 CHAIRPERSON CAPIZZI: And you had someone
23 testify that that was a hardship.

24 MR. ASCOLESE: The depth.

25 MR. ORTIZ: No, it's the coverage. It's

1 coverage. That's what he testified to.

2 Bottom line is, it is what it is.

3 Counselor, do you have any more questions
4 of --

5 MR. ASCOLESE: I just want to clarify the
6 last question.

7 CHAIRPERSON CAPIZZI: Go ahead.

8 MR. ASCOLESE: There's actually no --
9 there's no variance required for right now, in
10 terms --

11 MR. PEREIRAS: The building height --

12 MR. ASCOLESE: -- with respect to --

13 MR. PEREIRAS: We're in compliance with
14 building height.

15 MR. ASCOLESE: With respect to the height.
16 Right.

17 MR. ORTIZ: Okay.

18 MR. PEREIRAS: In building height and feet.

19 MR. ASCOLESE: So, reducing it by --

20 MR. PEREIRAS: In number of stories --

21 MR. ORTIZ: I think this is getting
22 jumbled.

23 MR. PEREIRAS: -- it's a variance.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. ORTIZ: Let me --

1 MR. SPATZ: Yeah. The variance is in terms
2 of stories, not feet. So, --

3 MR. PEREIRAS: Right. And --

4 MR. SPATZ: -- if they eliminated one unit,
5 it would be a three story building. So that
6 variance could be eliminated.

7 MR. PEREIRAS: And -- and just so that we
8 understand the neighborhood a little bit, I know
9 we all do, we all know Union City, but even the
10 -- the buildings right next to it is four stories
11 and even taller, too. So, height isn't really
12 something that's effecting this neighborhood in
13 any way. It fits in. It's in compliance with
14 the building height. Whether we make the number
15 of stories three, but we keep it 40 feet and
16 tall, it's still -- it would still be compliant.
17 It would be the same bulk, the same size. It
18 doesn't affect us in a zoning aspect in any other
19 way.

20 MR. ORTIZ: Okay. And the --

21 I'm sorry, Madam Chairwoman.

22 Do any members of the Board have any
23 questions? Any further questions of any of the
24 witnesses?

25 VICE CHAIRPERSON KOEHLER: I voiced my

1 concerns and they -- they don't -- they have
2 nothing to do with any of your variances. So I
3 don't know if that counts for anything.

4 MR. ORTIZ: Aesthetics, in and of itself,
5 is problematic.

6 VICE CHAIRPERSON KOEHLER: In keeping with
7 the neighborhood.

8 MR. ORTIZ: It's -- it's really --

9 VICE CHAIRPERSON KOEHLER: Yeah.

10 MR. ORTIZ: You know, redesigning the
11 building is --

12 MR. PEREIRAS: And I want to be clear and
13 be on the record, we are willing to work with the
14 City a hundred percent with aesthetics.

15 I'd present you three versions, so that you
16 could choose what you like more.

17 MR. ORTIZ: We don't need to go into that.

18 MR. PEREIRAS: I could introduce brick. I
19 just want to --

20 MR. ORTIZ: We've been through that one
21 before.

22 MR. PEREIRAS: -- make sure that -- you
23 know, we -- we are willing to satisfy in every
24 way, every need that the Board -- that the City
25 has. And -- and we have explored all options and

1 we feel like we've done exactly what was
2 requested of us.

3 MR. ORTIZ: Well, folks, I mean, it comes
4 down to, if there's no questions from -- of any
5 other witnesses, nobody from the public has any
6 questions from the witnesses?

7 Is that correct, Mr. Price?

8 MR. PRICE: Could I make a statement to the
9 Board?

10 MR. ORTIZ: Sure.

11 MS. DILLON: If you do it at the
12 microphone.

13 MR. PRICE: What?

14 MS. DILLON: Please come to the microphone.

15 MR. PRICE: Yes.

16 As you all know, I've ventured into court a
17 little -- from time to time. And the courts have
18 changed recently. And two of the -- well, one
19 was an approval and one was a denial, where -- by
20 Boards in this City were reversed.

21 And I would just -- I know where you're
22 coming from, but let me just explain the law a
23 little bit.

24 We have two C-1 variances here. They're
25 hardship variances and they are going to exist

1 | whether you look at the Master Plan or the Land
2 | Development Ordinance. And there's nothing they
3 | can do about them.

4 | Okay.

5 | They have four additional variances and
6 | they're C-2 variances. And the standard of proof
7 | for a C-2 variance is that you grant it when it
8 | represents a better zoning alternative. Comes
9 | right out of the statute.

10 | And if you deny this application because of
11 | those four variances, all they have to do is go
12 | into court and say to the judge, wait a minute,
13 | the -- the Planning Board, in the adoption of the
14 | Master Plan, said that this was a better zoning
15 | alternative. And the defense attorney on that,
16 | defending you, has not got a chance. And that
17 | judge will probably reverse this Board because --
18 | and so, we'll run up a big legal bill, but in the
19 | end of the day, they'll get their approval either
20 | from you or from the court. You -- you know, if
21 | -- if you don't like -- you know, whatever.
22 | You've got to rescind the -- the Reexam -- you
23 | know, we've had two already, but the
24 | Reexamination Report of the Master Plan.

25 | But you adopted that Master Plan.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. PRICE: You've said that it's a better
3 alternative.

4 MR. ORTIZ: Well, we've adopted the --

5 MR. PRICE: And that's --

6 MR. ORTIZ: -- the Reexamination Report
7 tonight.

8 MR. PRICE: Good.

9 MR. ORTIZ: We adopted the Reexamination
10 Plan -- Report.

11 MR. PRICE: The second version.

12 MR. ORTIZ: Yes.

13 MR. PRICE: Yes. Yes.

14 And it has exactly the same thing.

15 And that's their case when they go into
16 court. Planning Board said this is a better
17 zoning alternative. That's the burden of proof
18 we have. Right? Here it is.

19 CHAIRPERSON CAPIZZI: Okay.

20 MR. PRICE: And it -- it would make for a
21 very difficult -- a very easy case for the
22 plaintiff, and a very difficult case for the --
23 for the defendant.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. PRICE: So, I would -- I would urge

1 caution. You know, you -- you're --

2 VICE CHAIRPERSON KOEHLER: I have a
3 question and I'm sure it was already taken care
4 of, I just want to just double check because
5 you're the only one from the public that came
6 forward.

7 All of -- everyone was noticed correctly.

8 Yes?

9 MR. ASCOLESE: Yeah.

10 MR. ORTIZ: Um hum.

11 VICE CHAIRPERSON KOEHLER: It's on record.

12 Okay.

13 MR. PEREIRAS: And -- and just so that the
14 -- the Board actually knows, the applicant went
15 above and beyond. He actually had community
16 meetings. He hosted at Blue Flame Pizzeria. We
17 presented the project to the public. We had
18 overwhelming support of it and -- and he's
19 actually had a lot of community outreach and it's
20 -- it's been a welcome, really, very much so by
21 the neighbors.

22 MR. ORTIZ: Here's a recommendation, and
23 it's just a recommendation to the members of the
24 Board.

25 Amongst the fact that the number of

1 | variances that are required, under the current
2 | Ordinance as it exists, and that seems to be some
3 | of the members' problem, -- there's also the --
4 | not a -- for a legal basis, but the aesthetics
5 | side of it.

6 | Manny, you've talked about re -- looking at
7 | that issue and presenting new plans.

8 | MR. PEREIRAS: We'd be happy to give the
9 | City --

10 | MR. ORTIZ: What --

11 | MR. PEREIRAS: -- multiple versions.

12 | MR. ORTIZ: What I don't think this Board
13 | would be willing to do is vote on something that
14 | might happen or might appear.

15 | So, my suggestion, just simply, and it's,
16 | again, your choice, counselor -- I don't know why
17 | I'm talking to Manny. I realize I should be
18 | talking to you.

19 | MR. ASCOLESE: It's fine.

20 | MR. ORTIZ: And I don't mean it that way,
21 | but if you want to redesign it, maybe make it a
22 | little more homey?

23 | Is that the right word?

24 | VICE CHAIRPERSON KOEHLER: I mean, yeah. I
25 | feel silly for saying this, but it just --

1 MR. ORTIZ: No. It's a legitimate point.

2 VICE CHAIRPERSON KOEHLER: Because it's --

3 MR. ORTIZ: But it's just not --

4 VICE CHAIRPERSON KOEHLER: -- a pretty
5 building. Right? But it's -- it's not in
6 keeping with the neighborhood, that immediate
7 area. And I mean, you say he went -- the
8 architect, the developer went before the
9 community, they like it. I don't know what he
10 showed them or if it was talk, but I -- and
11 that's why I asked about the notice requirement.

12 MR. PEREIRAS: Um hum.

13 VICE CHAIRPERSON KOEHLER: So, I don't know
14 if that --

15 MR. ASCOLESE: And I --

16 MR. ORTIZ: It's really --

17 MR. PEREIRAS: Mr. Ortiz?

18 MR. ASCOLESE: I would say --

19 MR. ORTIZ: It's really -- it's really your
20 decision, not mine. I mean, you could -- this
21 Board will vote one way or the other. And I
22 don't know --

23 MR. ASCOLESE: Understood.

24 MR. ORTIZ: -- how they're going to vote.

25 MR. PEREIRAS: I'm going to speak very

1 bluntly.

2 MR. ASCOLESE: Thank you.

3 MR. PEREIRAS: I don't want to postpone the
4 inevitable. The -- Madam Chairman has been very
5 clear and -- and her comments are not about the
6 aesthetics. So, I don't want to just come back,
7 a month later, or two months later, tie up this
8 Board and -- and get to the same point with --

9 MR. ORTIZ: I'm just taking --

10 MR. PEREIRAS: -- different facades.

11 MR. ORTIZ: I'm just --

12 MR. PEREIRAS: But what --

13 MR. ORTIZ: -- taking you up on what --
14 what you suggested.

15 MR. PEREIRAS: I'd love it and I could do
16 that. So, I was hoping, maybe we could poll the
17 -- the Board. If we come back with --

18 MR. ORTIZ: I'm not --

19 MR. PEREIRAS: -- with facades --

20 We can't?

21 MR. ORTIZ: I'm not -- I'm not polling the
22 Board. No. That -- there's going -- that --
23 that I think is unfair, and really impractical,
24 and not within normal practice of this Board
25 anyway.

1 MR. PEREIRAS: It happens all the time.

2 MR. ASCOLESE: No. Well, it happen -- I --
3 I wouldn't necessarily agree with that.

4 MR. ORTIZ: This Board. I said this Board.

5 MR. ASCOLESE: Okay, this Board.

6 But it would be unfair to -- to cause the
7 applicant to incur additional time and fees and
8 costs to draw three or four or five additional
9 plans, with no idea what the substance of the
10 application is going to be.

11 MR. ORTIZ: Well, again --

12 MR. ASCOLESE: I mean, that -- that's
13 really what we're here for --

14 MR. ORTIZ: I --

15 MR. ASCOLESE: -- is the substance of it --

16 MR. ORTIZ: Counselor?

17 MR. ASCOLESE: -- not the aesthetics.

18 MR. ORTIZ: Counselor, it's your call.

19 It's your case. It's not for me to decide.

20 I mean -- I mean, you might want to consult
21 with your architect, whatever you want to do,
22 it's a suggestion.

23 You hear that there's some disagreement
24 with what's been presented. Just throwing it out
25 there to you.

1 I'm not telling you you have to do one
2 thing or the other.

3 MR. ASCOLESE: And we're listening to the
4 disagreement with respect to these questions on
5 -- on variance relief, but with respect to
6 aesthetics --

7 MR. ORTIZ: Well, you know --

8 MR. ASCOLESE: -- it's a different
9 question.

10 MR. ORTIZ: -- the worst case scenario is
11 that you'll just need the parking exception in
12 the end, and the Master Plan will be adopted and
13 that's -- then that variance is removed.

14 MR. PEREIRAS: Not even a parking
15 exception.

16 MR. ASCOLESE: No --

17 MR. ORTIZ: I think it's -- well --

18 MR. PEREIRAS: No. Parking requires six in
19 the Master Plan.

20 MR. ORTIZ: Okay. So --

21 MR. PEREIRAS: So, we would have no -- and
22 -- and just to be clear, the -- we're in
23 conformance with the current Master Plan. The
24 current -- not just -- not even the Reexamination
25 one, the -- the second version. We're in --

1 MR. ORTIZ: Not the backyard, you're not.
2 The rear yard. No, you're not. You're -- with
3 the future one. Potentially, the future one, but
4 not the current one.

5 MR. ASCOLESE: The -- but that's --

6 MR. ORTIZ: I agree with you on the future.
7 I -- I think you're -- I think you're closer to
8 the future --

9 MR. PEREIRAS: Um hum.

10 MR. ASCOLESE: Um hum.

11 MR. ORTIZ: -- what seems to be the future.

12 MR. ASCOLESE: But that's the one that has
13 been presented to the public.

14 MR. ORTIZ: And I --

15 MR. ASCOLESE: And --

16 MR. ORTIZ: And -- look --

17 MR. ASCOLESE: The directive has been
18 complied with that.

19 MR. ORTIZ: Counsel, it's your case.

20 MR. ASCOLESE: Can we take --

21 MR. ORTIZ: I'm --

22 MR. ASCOLESE: -- a quick break?

23 MR. ORTIZ: Absolutely.

24 MR. ASCOLESE: Thanks.

25 MS. DILLON: Off the record, Mr. Ortiz?

1 MR. ORTIZ: Yes, please.

2

3 (Whereupon, David Spatz left at 7:40 p.m.)

4

5 (Whereupon, Franklin Medina left at 7:40
6 p.m.)

7

8 (Whereupon, the Board recessed from 7:40
9 p.m. to 7:47 p.m.)

10 THE SECRETARY: Are we ready?

11 MR. ASCOLESE: Yes. We're ready.

12 MS. DILLON: Yes.

13 On the record.

14 THE SECRETARY: All right.

15 Back on record.

16 Mr. Ascolese, please?

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

19 THE SECRETARY: Go ahead, sir.

20 MR. ASCOLESE: Okay. I mean, we're missing
21 counsel?

22 CHAIRPERSON CAPIZZI: I don't know if we're
23 back on.

24 MS. DILLON: Yes, you're back on.

25 CHAIRPERSON CAPIZZI: Willie, are we back

1 on?

2 Okay. Go ahead.

3 MR. ASCOLESE: We're back on the record?

4 CHAIRPERSON CAPIZZI: Yes.

5 MR. ASCOLESE: Okay.

6 So, the applicant's presentation is
7 concluded, so we'll leave it to the --

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. ASCOLESE: -- Board.

10 VICE CHAIRPERSON KOEHLER: Yeah.

11 Well, we'd like to make a motion to
12 approve.

13 MR. ORTIZ: Let me just put one thing on
14 the record --

15 VICE CHAIRPERSON KOEHLER: Yeah.

16 MR. ORTIZ: -- just if I may?

17 MS. DILLON: Could you just come to --

18 MR. ORTIZ: I'm sorry.

19 MS. DILLON: -- your place?

20 Yes.

21 MR. ORTIZ: My voice? I guess I'm --

22 MS. DILLON: No, no.

23 MR. ORTIZ: -- losing some of my voice from
24 the surgery?

25 MS. DILLON: Cut Mrs. Dillon a break.

1 MR. ORTIZ: The only thing I want to put on
2 the record before anything's done is the
3 applicant does not have the absolute right to a
4 three family. And I want that to be understood.

5 That's all I wanted to put on the record.
6 That's it.

7 And I will leave the rest --

8 CHAIRPERSON CAPIZZI: Fair enough.

9 MR. ORTIZ: -- to the purview of the Board.

10 VICE CHAIRPERSON KOEHLER: Okay.

11 Motion to --

12 MR. ORTIZ: And I have no opinion one way
13 or the other.

14 VICE CHAIRPERSON KOEHLER: Motion to
15 approve this application.

16 Anybody second?

17 MR. VELAZQUEZ: I second it.

18 THE SECRETARY: I'm sorry. I -- I didn't
19 hear, ma'am.

20 MR. GUARENO: Speak up.

21 THE SECRETARY: Go ahead, ma'am.

22 Make a --

23 VICE CHAIRPERSON KOEHLER: Motion --

24 THE SECRETARY: -- motion to?

25 VICE CHAIRPERSON KOEHLER: -- to approve.

1 MS. DILLON: Ms. Koehler moved to approve
2 and Mr. Velazquez seconded.

3 THE SECRETARY: Move to approve the
4 application, --

5 VICE CHAIRPERSON KOEHLER: Yeah.

6 THE SECRETARY: -- by Ms. Koehler.

7 And second by Mr. Velazquez.

8 MS. DILLON: Yes.

9 THE SECRETARY: Roll call on the motion to
10 approve this application.

11 Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: No.

13 THE SECRETARY: Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Yes.

15 THE SECRETARY: Ms. Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Ms. Fernandez?

18 MS. FERNANDEZ: Yes.

19 THE SECRETARY: Mr. Medina is absent.

20 Mr. Velazquez?

21 MR. VELAZQUEZ: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Five in favor, one against.

25 Motion carries.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ASCOLESE: Thank you.

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

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1 1219 Bergenline Avenue, LLC -

2 1219 Bergenline Avenue:

3

4 THE SECRETARY: Next application on
5 tonight's agenda, 1219 Bergenline Avenue, LLC.

6 Ms. Pereiras, please?

7 CHAIRPERSON CAPIZZI: Which one is this,
8 Carlos?

9 MS. DILLON: 1219 Bergenline Avenue.

10 THE SECRETARY: 1219 Bergenline Avenue.

11 MR. VELAZQUEZ: It's an abandoned house.

12 CHAIRPERSON CAPIZZI: What happened?

13 THE SECRETARY: According to Mr. Spatz,
14 this application should go to the Board of
15 Adjustment.

16 MR. VELAZQUEZ: Yeah, --

17 CHAIRPERSON CAPIZZI: So, who makes that
18 ruling?

19 MR. ORTIZ: Excuse me?

20 Which is --

21 I'm sorry.

22 THE SECRETARY: 1219 Bergenline Avenue,
23 LLC.

24 MR. VELAZQUEZ: You have to knock it down.

25 THE SECRETARY: Ms. Pereiras?

1 CHAIRPERSON CAPIZZI: As per Mr. Spatz,
2 this application should go to the Zoning Board of
3 Adjustment?

4 THE SECRETARY: Yeah, that the
5 recommendation by Mr. Spatz.

6 MR. ORTIZ: I'll address that.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. ORTIZ: Respectfully, I think we rely
9 on Mr. Spatz's opinion on several, several
10 matters throughout his tenure with us.

11 If that is his opinion, which he did state
12 in an email, I believe, to -- at least to the
13 Clerk, myself, Ms. Pereiras, and some other -- I
14 don't know who else was on the email, but quite
15 frankly, if that's his opinion, his opinion that
16 this -- this should really lie in the hands of
17 the Board of Adjustment, my recommendation, as
18 your counsel, would be to follow that advice.

19 Now, if something happens between now and
20 our next meeting --

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. ORTIZ: -- where counsel and Mr. Spatz
23 has a conversation, and somehow her argument
24 prevails, I'll have a different opinion. But my
25 -- my opinion's based purely on Mr. Spatz

1 recommendation.

2 MS. PEREIRAS: And if I may, Madam Chair?

3 CHAIRPERSON CAPIZZI: Sure.

4 MS. PEREIRAS: This is an application that
5 we received a determination letter from the
6 Building Department that brought us properly to
7 this Board.

8 I don't believe we have a use variance.
9 This is some -- an email that I received from Mr.
10 Spatz, I don't know if it was earlier today or --
11 or late yesterday afternoon, thinking that it was
12 the wrong Board.

13 I did notice for this meeting. I did
14 publish for this meeting and I'm only hoping that
15 I have an opportunity to discuss this with Mr.
16 Spatz, on the record, as to whether or not we do
17 have a use variance.

18 So, I would like the Board to take my
19 jurisdictional proofs, and then we can adjourn
20 it.

21 CHAIRPERSON CAPIZZI: I think --

22 MS. PEREIRAS: I don't have --

23 CHAIRPERSON CAPIZZI: -- I'm going to
24 though --

25 MS. PEREIRAS: -- provide any testimony.

1 CHAIRPERSON CAPIZZI: I'm going to listen
2 to our attorney.

3 MR. ORTIZ: As it -- and --

4 CHAIRPERSON CAPIZZI: I mean, as this --

5 MR. ORTIZ: And I -- and I'll make the
6 record --

7 CHAIRPERSON CAPIZZI: You know, that's why
8 we have an attorney.

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

11 MR. ORTIZ: Quite frankly, by taking
12 jurisdiction of this, we accept the matter is in
13 the proper place.

14 I'm not comfortable with that, as your
15 counsel, when our planner advised us --

16 CHAIRPERSON CAPIZZI: We're not doing it.

17 MR. ORTIZ: -- something different.

18 CHAIRPERSON CAPIZZI: Okay. Okay.

19 MS. PEREIRAS: I only hope to address the
20 Board.

21 CHAIRPERSON CAPIZZI: Okay.

22 MS. PEREIRAS: I -- I would like to have
23 that conversation with your planner.

24 Unfortunately, he's not here to have that
25 conversation.

1 3510-3520 Bergenline Ave., LLC -

2 3510-3520 Bergenline Avenue:

3

4 THE SECRETARY: Let's move on.

5 MR. ORTIZ: Which one was that?

6 CHAIRPERSON CAPIZZI: That was number --
7 this one, 1219 Bergenline Avenue.

8 THE SECRETARY: Next application on
9 tonight's agenda, 3510-3520 Bergenline Avenue,
10 LLC.

11 Ms. Pereiras, please?

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

14 CHAIRPERSON CAPIZZI: So we're doing 3510-
15 3520.

16 VICE CHAIRPERSON KOEHLER: Got it. So this
17 is the fifth time before the Board.

18 CHAIRPERSON CAPIZZI: Yeah. Yup.

19 VICE CHAIRPERSON KOEHLER: One, two, three,
20 four, five.

21 CHAIRPERSON CAPIZZI: Yup.

22 VICE CHAIRPERSON KOEHLER: Even six. Oh,
23 on. On.

24 MR. ORTIZ: Madam Chairwoman, I've looked
25 over the submissions by counsel. Everything

1 | seems to be in order, giving jurisdiction to the
2 | Board.

3 | CHAIRPERSON CAPIZZI: Okay.

4 | MS. PEREIRAS: Thank you very much,
5 | counsel.

6 | Good evening, Madam Chair, members of the
7 | Board.

8 | May it please the Board, Bianca Pereiras on
9 | behalf of the applicants, 3510-3520 Bergenline
10 | Avenue, LLC, for property located at 3510-3520
11 | Bergenline Avenue, also known as Block 209, Lots
12 | 23, 24, 25, 26, 27, and 28.

13 | The Board may recall this application. We
14 | had come before you several, several months ago,
15 | with an application to convert the upstairs at
16 | 3510 into -- front offices, into residential.

17 | I don't know if you guys -- just to orient
18 | yourselves -- orient you a little bit, this is
19 | where the Payless and there's a Wireless Mobile
20 | store on the ground floor. If you drive down
21 | Bergenline Avenue, I'm sure you've seen that the
22 | second floor has been vacant for quite some time.
23 | It's been very dark. It hasn't been rented out
24 | for several, several years. And the applicant is
25 | looking to convert that into residential.

1 The Board, at the time we came, wanted us
2 to reduce the number of units that we had and
3 enlarge some of the units, so that's what we have
4 before the Board this evening.

5 I'd like to begin tonight's presentation
6 with our architect, Mr. Manuel Pereiras.

7 MR. PEREIRAS: I recognize I am still under
8 oath.

9 CHAIRPERSON CAPIZZI: Yes.

10 MS. PEREIRAS: Mr. Pereiras, are you
11 familiar with 3510 --

12 MR. PEREIRAS: I am.

13 MS. PEREIRAS: -- 3520 Bergenline?

14 And did you prepare the drawings before the
15 Board?

16 MR. PEREIRAS: I have.

17 MS. PEREIRAS: And would you kindly walk us
18 through the application?

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

20 We're all familiar with the building. It's
21 actually a very beautiful building. It has a lot
22 of like beautiful detail to it.

23 We're proposing to make absolutely no
24 changes to the exterior of this building. We
25 have a lot of good things going for us in this

1 building. In addition to the character of it,
2 and the beauty of it, it's a huge lot. It's 125
3 by a hundred. So, we're dealing with a big piece
4 of property.

5 Just so that this Board gets a little
6 perspective, if we were to divide that, we would
7 have six 2500 square foot lots. In those six
8 lots, you could have a three units above, plus a
9 store underneath, on each of that. That is four
10 times six, that's 24 units in total.

11 What we're looking to propose is almost
12 half of that. It's significantly less. We're
13 just asking for 11 units. And we're asking for
14 11 units, because it's an important thing for the
15 neighborhood. When you have empty spaces, empty
16 -- that have been empty for years, that just --
17 first of all, it's a hazard. It's a life safety
18 hazard. It's a fire hazard. It just -- it
19 welcomes problems to happen.

20 There's a leak in the sprinkler system,
21 people don't know. It creates floods. It
22 creates damage. Hits an electrical cable, it
23 could cause fire.

24 So, we want to try to avoid having empty
25 spaces, particularly in a place like Bergenline

1 | where all the buildings are touching each other.

2 | In addition to that, we want there to be
3 | residential there. Our Master Plan suggests
4 | that.

5 | MR. ORTIZ: I don't want to -- I don't want
6 | to interrupt your testimony, but Carlos, I -- I
7 | don't know if I -- I missed it, but did -- did
8 | Mr. Spatz have a chance to do a report on this?

9 | VICE CHAIRPERSON KOEHLER: I -- I don't
10 | have one.

11 | THE SECRETARY: Mr. Spatz don't do report
12 | on all buildings. Only doing new projects.

13 | MR. ORTIZ: Only -- okay.

14 | All right.

15 | CHAIRPERSON CAPIZZI: But did he ever do a
16 | report?

17 | THE SECRETARY: No, he never did. He
18 | didn't do report. Only for new -- new projects.

19 | CHAIRPERSON CAPIZZI: No, no. But at one
20 | point --

21 | VICE CHAIRPERSON KOEHLER: It was new.

22 | CHAIRPERSON CAPIZZI: -- it was a new
23 | project.

24 | Right?

25 | VICE CHAIRPERSON KOEHLER: October 24,

1 2018?

2 CHAIRPERSON CAPIZZI: Right.

3 MR. PEREIRAS: But it's not new
4 construction.

5 VICE CHAIRPERSON KOEHLER: Got it.

6 THE SECRETARY: That's not new
7 construction.

8 CHAIRPERSON CAPIZZI: Can we ask for a
9 report?

10 MR. PEREIRAS: Right.

11 MR. ORTIZ: Yeah. You could always ask for
12 one.

13 CHAIRPERSON CAPIZZI: I would like a
14 report. Yes. I would like a report.

15 MR. ORTIZ: I -- I just think -- and I only
16 say that because I just kind of know my Board,
17 after being here so long, and that's what I was
18 looking for, we took jurisdiction.

19 MS. PEREIRAS: Um hum.

20 MR. ORTIZ: But --

21 THE SECRETARY: I --

22 MR. ORTIZ: The Chairwoman -- I don't know
23 how the rest of the Board feels, would -- would
24 the rest of the Board would like a report from
25 Mr. Spatz on this, or are you okay with going

1 forward this evening?

2 Folks?

3 What I said is, would you like a --

4 MR. VELAZQUEZ: Yeah. A report.

5 MR. ORTIZ: You want a report?

6 MR. VELAZQUEZ: I'm concerned because of
7 the -- the parking.

8 MR. ORTIZ: All right.

9 So, with that being said, we took
10 jurisdiction, so that at least eliminates the one
11 issue that you might have with the last one.

12 THE SECRETARY: Time limits. Time limits.

13 MR. ORTIZ: I know time limits. I'm good.

14 I mean, we can -- I'm going to, again, go
15 with what you want to do, as I always do. The
16 Board seems to want a report. At least two
17 members do. I don't know -- three members are
18 shaking their head. So --

19 MS. PEREIRAS: We were specifically told
20 that we had to go forward tonight, so -- and I
21 have my professionals here.

22 MR. ORTIZ: Okay.

23 MS. PEREIRAS: But the Board would have
24 been --

25 MR. ORTIZ: That's up to you. Okay.

1 MS. PEREIRAS: -- prepared with that
2 report, as well.

3 MR. ORTIZ: That's up to you. I'm -- I --
4 I cannot control that. So, I'm okay with that.

5 MS. PEREIRAS: Okay.

6 If I could just have a moment to speak to
7 my professionals?

8 MR. ORTIZ: Sure.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. PEREIRAS: And -- and we're not
11 changing the building in any way.

12 MR. ORTIZ: I --

13 MR. PEREIRAS: It's all existing.

14 MR. ORTIZ: I know that, but I just wanted
15 to see if --

16 MR. PEREIRAS: Okay.

17 MS. DILLON: Off the record, Mr. Ortiz?

18 MR. ORTIZ: Yes, please.

19

20 (Whereupon, the Board recessed from 8:00
21 p.m. to 8:01 p.m.)

22

23 MS. DILLON: Okay.

24 On the record.

25 MS. PEREIRAS: We understand that the Board

1 would like to have their professional planner
2 opine on this project, so we'll be fine
3 adjourning this matter for the next hearing date.

4 MR. ORTIZ: Are you agreeing to adjourn it?
5 That means waiving any time constraints.

6 MS. PEREIRAS: I am.

7 MR. ORTIZ: Okay.

8 All right. So, what we can do is --

9 Carlos, we could put it on next month, no
10 problem?

11 THE SECRETARY: We're going to March 26.

12 MS. PEREIRAS: No problem. I'll be here.

13 CHAIRPERSON CAPIZZI: Okay.

14 THE SECRETARY: All right.

15 Can I have a motion to adjourn --

16 CHAIRPERSON CAPIZZI: I'll make a motion.

17 THE SECRETARY: -- this application for
18 March 26, 2019?

19 CHAIRPERSON CAPIZZI: I'll make a motion.

20 THE SECRETARY: No new notice required.

21 Motion by Ms. Capizzi.

22 MR. VELAZQUEZ: Second.

23 THE SECRETARY: Second by Mr. Velazquez.

24 Ms. Capizzi to adjourn this application?

25 To adjourn this application? Yes?

1 CHAIRPERSON CAPIZZI: Yes. Yes.

2 THE SECRETARY: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Ms. Fernandez?

7 MS. FERNANDEZ: Yes.

8 THE SECRETARY: Mr. Velazquez?

9 MR. VELAZQUEZ: Yes.

10 THE SECRETARY: Mr. Guareno?

11 To adjourn this application, Mr. Guareno?

12 MR. GUARENO: Yes.

13 THE SECRETARY: Yes.

14 Six in favor.

15 Motion carries.

16 Okay. You need -- you need Mr. Spatz

17 report.

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Right?

20 MS. PEREIRAS: Carlos, and if I can ask
21 that that be forwarded to me, as well, please?

22 THE SECRETARY: Sure.

23 MS. DILLON: Did you say no new notice?

24 THE SECRETARY: No new notice required.

25 Yes.

1 MS. PEREIRAS: Thank you.

2 THE SECRETARY: That's correct.

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

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3 MR. ORTIZ: Madam Chairwoman, I've had an
4 opportunity to review the submissions by counsel.
5 Everything seems --

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. ORTIZ: -- to be in order, giving
8 jurisdiction to the Board.

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

11 This is for property located at 310 26th
12 Street, Block 150, Lot 26. This is a very simple
13 application.

14 We have an existing two family. We are
15 looking to legalize the ground floor apartment,
16 converting this to a three.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MS. PEREIRAS: We have one expert to
19 testify before the Board this evening, Mr.
20 Pereiras.

21 MR. PEREIRAS: Manny Pereiras. I --

22 MS. PEREIRAS: He hasn't called it?

23 THE SECRETARY: Two seconds, please.

24 MS. PEREIRAS: We're jumping ahead, Carlos.

25 (Whereupon, there was a pause in the

1 proceedings.)

2 THE SECRETARY: Go ahead.

3 Mrs. Pereiras?

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

6 CHAIRPERSON CAPIZZI: Are we good, Carlos?

7 THE SECRETARY: Yes, ma'am.

8 CHAIRPERSON CAPIZZI: We're good?

9 THE SECRETARY: Yes. We're good.

10 CHAIRPERSON CAPIZZI: Okay.

11 THE SECRETARY: Ms. Pereiras, please?

12 CHAIRPERSON CAPIZZI: Yes.

13 MS. PEREIRAS: Okay. Again --

14 THE SECRETARY: Oh, did I call -- I'm
15 sorry. I think I have to call it.

16 Right?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Give me two seconds.

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

21 THE SECRETARY: All right.

22 Next application on tonight's agenda,
23 Carlos Silveira, 320 -- 310 26th Street.

24 Ms. Pereiras, please?

25 MS. PEREIRAS: Again, Bianca Pereiras on

1 | behalf of the applicant for 310 26th Street.

2 | This application is to legalize an
3 | apartment in an existing two family. Hopefully,
4 | with this Board's approval, we will have a three
5 | family onsite.

6 | We have one expert to testify before the
7 | Board, and that is Mr. Manuel Pereiras.

8 | MR. PEREIRAS: Members of the Board, I am
9 | still Manny Pereiras, and I'm still under oath.

10 | MS. PEREIRAS: Mr. Pereiras, are you
11 | familiar with 310 26th Street?

12 | MR. PEREIRAS: I am.

13 | MS. PEREIRAS: And did you prepare the
14 | drawings that are before the Board this evening?

15 | MR. PEREIRAS: I have.

16 | MS. PEREIRAS: And would you kindly
17 | describe the project?

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

19 | On the easel to my right, I have the same
20 | drawings that were submitted to the Board, simply
21 | on the easel for ease of presentation.

22 | As you can see, we have an existing,
23 | basically, two story, frame house on a 25 --
24 | typical 25 by a hundred. It's actually bigger.
25 | It's 25 by 115. So, we have 2,897 square feet

1 on the -- on the site, which helps support our
2 application for a three family. And what we're
3 looking to do is to legalize a basement
4 apartment. All the existing bulk requirements or
5 the conditions of the house remains the same.
6 We're not looking to make any changes.

7 There's an existing nonconformance for the
8 side yard. We're not looking to expand that in
9 any way. So, we have zero on one side and three
10 foot five on the other. Front yard setback, rear
11 yard, all in compliance.

12 And what we're looking at is the third
13 apartment that we're looking to legalize is on
14 the basement, the lower level. It has an
15 independent entrance through the rear. It has a
16 small vestibule and an entrance down, with four
17 steps going down.

18 It's open to an existing living room,
19 dining room, kitchen area. And what we're
20 looking to do is rebuild the -- the bedroom area,
21 so that we can have the proper fire wall
22 separations. We're creating a new window well,
23 so that in case of any emergency, someone could
24 escape through that window well and get out with
25 -- through an emergency escape window.

1 This apartment will be suppressed with a
2 domestic line sprinkler system.

3 It's also going to be separated from the
4 rest of the building, with a two hour fire
5 separation.

6 And we're going to introduce a fire alarm
7 system in this, to make sure that it's safe in
8 every way.

9 We are expanding on our parking variance,
10 because we can't provide additional parking here
11 on the site, a condition that -- you know, we all
12 understand.

13 And -- and that's it.

14 The floors above remain the same. We have
15 two bedrooms in each of the two units above.

16 And that concludes my testimony. I could
17 talk more, if you have any questions.

18 MR. ORTIZ: Just one question.

19 The apartment currently exists.

20 MR. PEREIRAS: Yes.

21 MR. ORTIZ: But you're going to just bring
22 it --

23 MR. PEREIRAS: We're just going --

24 MR. ORTIZ: -- up to Code.

25 MR. PEREIRAS: -- to make it better and

1 bring it to Code.

2 CHAIRPERSON CAPIZZI: Okay.

3 Does anyone have any questions, or
4 comments?

5 Anyone from the public?

6 I'll make a motion to approve the
7 application.

8 THE SECRETARY: Motion to approve the
9 application by Ms. Capizzi.

10 MR. VELAZQUEZ: I second.

11 THE SECRETARY: Seconded by Mr. Velazquez.

12 Roll call to --

13 CHAIRPERSON CAPIZZI: Safety first.

14 THE SECRETARY: Roll call on the motion.
15 Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ms. Koehler?

18 VICE CHAIRPERSON KOEHLER: Yes.

19 THE SECRETARY: Ms. Genao?

20 MS. GENAO: Yes.

21 THE SECRETARY: Ms. Fernandez?

22 MS. FERNANDEZ: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Six in favor.

3 Motion carries.

4 MS. PEREIRAS: Thank you all very much.

5 CHAIRPERSON CAPIZZI: You're welcome.

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

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1 **912 16th Street, LLC - 912 16th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 912 16th Street, LLC.

5 MR. ORTIZ: Madam Chairwoman, I've reviewed
6 the submissions by counsel. Everything seems to
7 be in order, giving jurisdiction to this Board.

8 CHAIRPERSON CAPIZZI: Okay.
9 Great.

10 MS. PEREIRAS: Again, Bianca Pereiras on
11 behalf of the applicant for 912 16th Street.

12 This is a very similar application. We
13 have a basement legalization. Hoping to get this
14 approved to be a legal three family.

15 We have one expert, Mr. Manuel Pereiras.

16 MR. PEREIRAS: I recognize I am still under
17 oath.

18 CHAIRPERSON CAPIZZI: Yes.

19 MS. PEREIRAS: Mr. Pereiras, are you
20 familiar with 912 16th Street?

21 MR. PEREIRAS: I am.

22 MS. PEREIRAS: And would you kindly walk
23 through the application?

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

25 As counsel said, it's almost the same thing

1 as the previous application, except actually,
2 it's a little bit better because the basement is
3 lifted up off the ground and we have
4 opportunities for larger windows.

5 The lot is also an oversized lot. We have
6 105 foot depth by 25. So, we're dealing with
7 2,625 square feet, as well.

8 And again, we have a side yard variance
9 because we have two foot eight on one side, but
10 zero along the east side, where it's sharing a
11 wall with the adjacent building.

12 And it's in conformance with the prevailing
13 setback of the block. It's an established block.
14 Porches in the house.

15 And what I'm going to turn to now is the
16 next page, that shows all the floor plans and the
17 elevation of the building.

18 What we're doing here in the basement,
19 that's where we're legalizing. It's a 720 square
20 foot apartment. It's a two bedroom apartment.
21 We're basically reconstructing the whole thing.
22 So, what was there was in pretty bad condition.
23 We're ripping it all out and making it beautiful
24 and perfectly to fit to all standards.

25 And in so doing, you enter in through the

1 rear, similar to the other one, and you're open
2 in to a kitchen, living room area. We're
3 creating a hallway to get to the bedrooms, the
4 privacy.

5 And each of the bedrooms have a very large
6 oversized window, so that they could escape in
7 case of an emergency out the side.

8 And then, the laundry along the -- the
9 bottom corner for the building, and the
10 mechanical room that's accessed only through a
11 vestibule, so that you don't have to go through
12 an apartment in order to reach the mechanical
13 room. That's one of the reasons we're
14 redesigning the whole floor plan, so in order to
15 have that laundry room and mechanical room
16 separate and isolated, so that it's safe and good
17 for the --

18 CHAIRPERSON CAPIZZI: Good.

19 MR. PEREIRAS: -- the neighborhood.

20 Of course, it meets all the fire standards.
21 We're going to have a suppressed -- domestic line
22 suppressed fire suppression system on the first
23 -- on that basement unit.

24 It's going to have a two hour separation
25 between that floor and the floors above, as well

1 as all those common areas and mechanical rooms.
2 And we're going to have a fire alarm system in
3 the building.

4 So, it's going to meet all the
5 requirements. It's going to be a benefit to the
6 neighborhood and definitely a benefit to all the
7 residents.

8 MR. ORTIZ: Footprint stays the same.

9 CHAIRPERSON CAPIZZI: Beautiful house.

10 MR. PEREIRAS: Footprint stays the same.
11 No changes to the exterior of the building.

12 MR. VELAZQUEZ: But you're going -- you're
13 going to be gutting it out.

14 Right?

15 MR. PEREIRAS: Yeah. Completely.

16 MR. VELAZQUEZ: All right. So, when the
17 dumpster comes out -- you know, that's brand new
18 sidewalk, new street, so plywood --

19 MR. PEREIRAS: Yeah. We --

20 MR. VELAZQUEZ: -- and the tarp on top of
21 it.

22 MR. PEREIRAS: This applicant has a lot of
23 experience with that.

24 MR. ORTIZ: Hose it down.

25 Right?

1 MR. PEREIRAS: We'll do that.

2 MR. ORTIZ: When you --

3 CHAIRPERSON CAPIZZI: It's a beautiful
4 house.

5 MR. VELAZQUEZ: Hose it down, clean it.
6 I don't have to make a call.

7 CHAIRPERSON CAPIZZI: Does anyone on the
8 Board have any questions or comments?

9 MR. VELAZQUEZ: No.

10 CHAIRPERSON CAPIZZI: Anyone from the
11 public?

12 Okay.

13 I'll make a motion to approve the
14 application.

15 MR. VELAZQUEZ: I second.

16 THE SECRETARY: Motion to approve the
17 application by Ms. Capizzi.

18 Seconded by Mr. Velazquez.

19 Roll call on the motion.

20 Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Koehler?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Ms. Fernandez?

2 MS. FERNANDEZ: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 MR. VELAZQUEZ: Yes.

5 THE SECRETARY: Mr. Guareno?

6 MR. GUARENO: Yes.

7 THE SECRETARY: Six in favor.

8 Motion carries.

9 MS. PEREIRAS: Thank you all very much.

10 CHAIRPERSON CAPIZZI: Thank you.

11 MS. PEREIRAS: Have a good night.

12 CHAIRPERSON CAPIZZI: You, too.

13 MS. PEREIRAS: I'll see you next month.

14 MR. PEREIRAS: Thank you.

15 Good night, everyone.

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1 **Osvaldo Toro - 537 27th Street:**

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3 MR. ORTIZ: Carlos?

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

6 MR. ORTIZ: Wait, no, no.

7 Carlos, just one thing, so it's on the
8 record.

9 On the first application, did we get a
10 letter requesting an adjournment --

11 CHAIRPERSON CAPIZZI: Right.

12 MR. ORTIZ: -- or anything like that?

13 THE SECRETARY: No -- no, Mr. Ortiz. We
14 didn't receive any letter. And this application
15 has been here for a little while. Was adjourned
16 in October 23, 2018.

17 MR. ORTIZ: It's under Louie -- Louie
18 Diaz's name.

19 THE SECRETARY: I think --

20 MR. ORTIZ: I haven't seen Louie in awhile.

21 THE SECRETARY: No. I think --

22 MR. ORTIZ: He's not sick, as far as you
23 know?

24 THE SECRETARY: Mr. Lopez.

25 MR. PRICE: No. He's retired to Honduras.

1 THE SECRETARY: Mr. Lopez.

2 MR. ORTIZ: Oh, Mr. Lopez.

3 THE SECRETARY: Is Mr. Lopez.

4 MR. ORTIZ: All right. So, either --
5 either/or it's --

6 Yeah, I mean, I don't think you have any
7 other choice.

8 CHAIRPERSON CAPIZZI: So, they have to
9 renounce?

10 MR. ORTIZ: Yeah. I mean --

11 CHAIRPERSON CAPIZZI: I mean, they just
12 didn't show up. So now, what -- what happens
13 with this application? We just -- do we --

14 MR. ORTIZ: Well, it's in your purview.
15 You can carry it or you can make a motion to
16 dismiss it. I mean, they didn't show up. So
17 it's -- you know, you -- you -- in all -- you'd
18 have every right to dismiss the matter.

19 CHAIRPERSON CAPIZZI: Well, I mean, I --
20 Luis Diaz has always been very --

21 THE SECRETARY: It's Mr. Lopez, attorney.

22 MR. ORTIZ: Even if it's --

23 CHAIRPERSON CAPIZZI: -- professional.

24 MR. ORTIZ: Even if -- even if it's Adolfo
25 Lopez -- you know, no -- no one showed up. I --

1 not even like a client, so I don't know --

2 CHAIRPERSON CAPIZZI: So what do we do?

3 MR. ORTIZ: It's your call. You want --

4 CHAIRPERSON CAPIZZI: But I mean, what
5 should we do? I don't -- I don't know what to do
6 in this situation.

7 MR. ORTIZ: Well, look, I mean, the bottom
8 line is, it -- it -- there's dead wood in the
9 backlog of what we've got already.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. ORTIZ: And no one shows up, I think
12 that's somewhat of a slap in the face to the
13 Board.

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. ORTIZ: And as much as I like -- I -- I
16 like Mr. Lopez and I like Mr. Diaz --

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. ORTIZ: Still, we're here and they're
19 not.

20 CHAIRPERSON CAPIZZI: They're not.

21 Okay. So, I'll make a motion to dismiss
22 it.

23 MR. ORTIZ: Yeah.

24 THE SECRETARY: Motion to dismiss --

25 MR. ORTIZ: Absolutely.

1 MR. VELAZQUEZ: I second.

2 THE SECRETARY: -- the application by Ms.
3 Capizzi.

4 Seconded by Mr. Velazquez.

5 CHAIRPERSON CAPIZZI: Okay. Done.

6 THE SECRETARY: Roll -- roll call on the
7 motion.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Ms. Fernandez?

15 MS. FERNANDEZ: Yes.

16 THE SECRETARY: Mr. Velazquez?

17 MR. VELAZQUEZ: Yes.

18 THE SECRETARY: Mr. Guareno?

19 MR. GUARENO: Yes.

20 THE SECRETARY: Six in favor.

21 Motion carries.

22 * * *

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1 **ADJOURNMENT:**

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3 THE SECRETARY: Can I have a motion to
4 adjourn --

5 CHAIRPERSON CAPIZZI: I'll make a motion.

6 THE SECRETARY: -- tonight's meeting?

7 Motion by Ms. Capizzi.

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. VELAZQUEZ: Second.

10 CHAIRPERSON CAPIZZI: Second by Mr.
11 Velazquez.

12 MR. ORTIZ: All in favor you can do.

13 CHAIRPERSON CAPIZZI: 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 VICE CHAIRPERSON KOEHLER: See you next
20 month.

21 CHAIRPERSON CAPIZZI: Yes.

22 Enjoy.

23 THE SECRETARY: Motion carries.

24 And let the record indicate that the
25 meeting has ended.

1 Thank you.

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3 (Whereupon, the proceedings were concluded
4 at 8:14 p.m.)

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1 STATE OF NEW JERSEY :

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6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, February 26, 2019 and digitally
11 recorded.

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25 Monitored and proofread by: Deborah Dillon