

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:  
:

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City Hall  
3715 Palisade Avenue  
Union City, New Jersey

Tuesday, March 26, 2019  
Commencing at 6:10 p.m.

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

YDALIA GENAO, Mayor's Designee  
ALICIA MOREJON  
RUDY RIVERO  
FRANKLIN MEDINA, (Left at 7:36 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  
CAROLINA FERNANDEZ

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

CARLOS VALLEJO, SECRETARY TO THE BOARD  
  
WILFREDO J. ORTIZ II, ESQ., Attorney for the Board  
  
DAVID SPATZ, Consultant  
Community Housing & Planning Associates, Inc.

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

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, 3100 Bergenline Avenue, LLC

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

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant,  
Forest Wood Investments, LLC

LUIS A. ALUM, ESQ.,  
Attorney for Applicant, Monica Riera  
CHRISTIAN DIAZ, (Presented)  
Law Intern for the Applicant

RAMON M. GONZALEZ, ESQ.,  
Attorney for Applicant,  
905-909 Palisade Holdings, LLC

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3510-3520 Bergenline Ave., LLC  
3510-3520 Bergenline Avenue

WITNESSPAGE

Manuel Pereiras

32

Michael D. Kauker

55

I N D E XForest Wood Investments, LLC - 418 6<sup>th</sup> StreetWITNESSPAGE

Manuel Pereiras

72/83

SWORN PUBLIC

Adel Shabaan

75

Lydia Shabaan

75

Raffaele Persico

98

Larry Price

125

I N D E XMonica Riera - 532 42<sup>nd</sup> StreetWITNESSPAGE

Manuel Pereiras

134

SWORN PUBLIC

Larry Price

141

I N D E X

905-909 Palisade Avenue Holdings, LLC  
905 Palisade Avenue and 907-909 Palisade Avenue

WITNESSPAGE

Albert Arencibia

154

1 MS. DILLON: Okay, Carlos.

2 Whenever you're ready.

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

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

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

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

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

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

25



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

3

4 THE SECRETARY: Thank you.

5

6 **ROLL CALL:**

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

10 Mayor Brian P. Stack? Absent.

11 Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Here.

13 THE SECRETARY: Ms. Koehler?

14 VICE CHAIRPERSON KOEHLER: Here.

15 THE SECRETARY: Ms. Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Commissioner Valdivia is  
18 absent.

19 Ms. Fernandez is absent.

20 Mr. Rivero?

21 MR. RIVERO: Here.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Ms. Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Here.

5 THE SECRETARY: Let the record indicate  
6 there are eight present.

7 So, we have a full quorum for tonight's  
8 meeting.

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1     **ADOPTION OF MINUTES:**

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3       ( 1)   Regular Meeting held on February 26, 2019

4

5             THE SECRETARY:   Adoption of Minutes;

6   Regular Meeting held on February 26, 2019.

7             Can I have a motion?

8             CHAIRPERSON CAPIZZI:   I make a motion.

9             THE SECRETARY:   Motion by Ms. Capizzi.

10            MS. MOREJON:   Second.

11            THE SECRETARY:   Seconded by Ms. Morejon.

12            I'm sorry.

13            Ms. Morejon, you was absent at the previous  
14   meeting.

15            MR. VELAZQUEZ:   I make a -- I second.

16            THE SECRETARY:   Second by Mr. --

17            MS. MOREJON:   Oh, that's right.

18            THE SECRETARY:   -- 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: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Seven in favor.

10 Motion carries.

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1     **RESOLUTIONS:**

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3       ( 1) Tapia & Sons, LLC, 1701 Summit Ave., Block  
4     94, Lot 1, 2, 3. Applicant proposes the mixed  
5     use development with one ground floor (non-  
6     residential) retail space and 15 residential  
7     units with 35 parking spaces in a stacked  
8     arrangement.     **Denied.**

9

10           THE SECRETARY: Adoption of Resolutions.  
11           Number 1.

12           Tapia and Sons, LLC, 1701 Summit Avenue.

13           This application was denied at the previous  
14     meeting.

15           Can I have a motion to adopt the deny  
16     resolution?

17           CHAIRPERSON CAPIZZI: I'll make a motion.

18           MR. VELAZQUEZ: I second it.

19           THE SECRETARY: Motion by Ms. Capizzi.

20           Seconded by Mr. Velazquez.

21           Roll call on the motion.

22           Ms. Capizzi?

23           CHAIRPERSON CAPIZZI: Yes.

24           THE SECRETARY: Ms. Koehler?

25           VICE CHAIRPERSON KOEHLER: Yes.

1 THE SECRETARY: Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Six in favor.

10 Motion carries.

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1     **RESOLUTIONS:**

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3     ( 2) 513-515 New York Avenue, LLC, 513-515 New  
4     York Avenue, Block 24, Lots 6, 7. Two three  
5     family buildings. Approved.

6

7             THE SECRETARY: Resolution number 2.

8             Twenty-five --

9             I'm sorry.

10            513-515 New York Avenue.

11            Can I have a motion to adopt this

12     Resolution?

13            CHAIRPERSON CAPIZZI: I'll make a motion.

14            MR. VELAZQUEZ: I second.

15            THE SECRETARY: I'm sorry.

16            CHAIRPERSON CAPIZZI: I'll make a motion.

17            No?

18            THE SECRETARY: Can I have a motion to

19     adopt this Resolution?

20            MR. VELAZQUEZ: I make a motion.

21            THE SECRETARY: Motion by Mr. Velazquez.

22            VICE CHAIRPERSON KOEHLER: Second.

23            THE SECRETARY: Seconded by?

24            VICE CHAIRPERSON KOEHLER: Koehler.

25            THE SECRETARY: Ms. Koehler.

1 Roll call on the motion.

2 Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Four in favor.

11 Motion carries.

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1     **RESOLUTIONS:**

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3     ( 3) Carlos Silveira, 310 26<sup>th</sup> Street, Block 150,  
4     Lot 26.  Legalization of basement apartment unit  
5     in an existing two family house.   Approved.

6     ( 4) 912 16<sup>th</sup> Street, LLC, 912 16<sup>th</sup> Street, Block  
7     82, Lot 22.  Applicant proposes to legalize a  
8     basement apartment in an existing two family to  
9     become a three family.   Approved.

10

11             THE SECRETARY:  Resolution number 3 and 4.

12             Number 3.

13             Carlos Silveira, 310 26<sup>th</sup> Street.

14             Resolution number 4.

15             912 16<sup>th</sup> Street.

16             Can I have a motion to adopt Resolution 3  
17     and 4?

18             Motion by Ms. Capizzi.

19             MS. GENAO:  I second.

20             THE SECRETARY:  Seconded by Ms. Koehler.

21             MR. VELAZQUEZ:  No, Ms. Genao.

22             THE SECRETARY:  Excuse me?

23             MR. VELAZQUEZ:  Ms. Genao.

24             THE SECRETARY:  I apologize for that.

25             Seconded by Ms. Genao.

1 Roll call on the motion.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Ms. Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Mr. Velazquez?

9 MR. VELAZQUEZ: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Five in favor.

13 Motion carries.

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1     **Hudson Yards West, LLC -**

2     **3309 Hudson Avenue and 3308 Palisade Avenue:**

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4             THE SECRETARY: We are going to the first  
5 hearing on tonight's agenda.

6             MR. ORTIZ: Could -- could we --

7             Could -- don't -- don't worry. There's no  
8 problem.

9             I'd like to go out of order with -- Madam  
10 Chairwoman, with the agenda, and go straight to,  
11 I guess, hearing number 6 -- number 7.

12             Reason being is while submissions were  
13 given to our Clerk, there was also a request  
14 waiving all time up to April 30<sup>th</sup> for this matter  
15 to be heard. It is via court order that this  
16 matter be heard.

17             With that being said, reason I ask to go  
18 out of order is because I -- if there's anybody  
19 here for that project, I don't want them to sit  
20 here all night just for that.

21             THE SECRETARY: All right.

22             That will be Hudson Yards West, LLC, 39 --  
23 3309 Hudson Avenue and 3308 Palisade Avenue.

24             MR. ORTIZ: Madam Chairwoman, I'm looking  
25 at the submissions. Everything seems to be in

1 order, giving jurisdiction to the Board.

2 If I may make the announcement to the  
3 public?

4 If anybody is here for 309 (sic) Hudson  
5 Avenue --

6 MS. MOREJON: 3309.

7 MR. ORTIZ: I mean, 3309.

8 Thank you.

9 Application of Hudson Yards West, LLC, this  
10 matter will be heard, more than likely on the --  
11 in the -- at the next meeting.

12 THE SECRETARY: April 23<sup>rd</sup>.

13 MR. ORTIZ: Which there will be no further  
14 notice. The Board has taken jurisdiction through  
15 the documents I just reviewed, at the request of  
16 their attorney.

17 So, this matter will not be heard tonight,  
18 but will be heard on the next April 23<sup>rd</sup> meeting  
19 of this Board.

20 Okay, I just wanted to make sure --  
21 (indiscernible).

22 CHAIRPERSON CAPIZZI: Okay. Do we need to  
23 do anything?

24 MR. ORTIZ: No. No. You're done.

25 CHAIRPERSON CAPIZZI: Do we have to make a

1 motion?

2 MR. ORTIZ: Oh, well, a motion to --

3 THE SECRETARY: Can I --

4 MR. ORTIZ: Yeah.

5 THE SECRETARY: -- have a motion to adjourn

6 --

7 CHAIRPERSON CAPIZZI: I'll make a motion to  
8 adjourn.

9 THE SECRETARY: -- this resolution for  
10 April 23<sup>rd</sup>, 2019.

11 No new notice required.

12 Motion by Ms. Capizzi.

13 Seconded by Ms. Morejon.

14 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: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Ms. Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Eight in favor.

7 Motion carries.

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1     **3100 Bergenline Avenue, LLC -**

2     **3100 Bergenline Avenue:**

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4             THE SECRETARY: We are going now to hearing  
5     number 1 on the agenda.

6             3100 Bergenline Avenue, LLC.

7             Ms. Pereiras, please?

8             MS. PEREIRAS: Thank you.

9             Good evening, counsel, Madam Chair, members  
10     of the Board.

11             May it please the Board, Bianca Pereiras,  
12     on behalf of 3100 Bergenline Avenue, LLC.

13             I'm sure you recall this application. We  
14     received approval from this Board back in 2016.  
15     This is the corner of Bergenline and 31<sup>st</sup>, where  
16     the Rite-Aid is on the ground floor. And our  
17     application was to convert the existing offices  
18     above into residential. Unfortunately, we have  
19     not been able to secure our building permits yet.

20             The issue with the Building Department is  
21     that the existing elevator that we have is not  
22     large enough to support or to fit a stretcher.  
23     So, the Building Department has asked us to redo  
24     that elevator and extend that elevator all the  
25     way up to the fourth floor.

1           While I do not believe this has any  
2           variances, we're not changing the footprint,  
3           we're not changing the approval that is before  
4           the Board, the Building Department has asked us  
5           to have the Resolution amended to show that that  
6           does not affect the approval by this Board, and  
7           that they can proceed with permits and enlarge  
8           the elevator.

9           That is the only request before the Board  
10          this evening.

11          VICE CHAIRPERSON KOEHLER:  So, the building  
12          footprint doesn't changed.

13          MS. PEREIRAS:  Not at all.

14          MR. ORTIZ:  Quite frankly, I mean, I've got  
15          to be honest with you, and I've discussed this at  
16          length with counsel, --

17          CHAIRPERSON CAPIZZI:  Um hum.

18          MR. ORTIZ:  -- I don't really see the  
19          zoning necessity to come back to the Board, but  
20          for in the sense of expediting this, I told her,  
21          yeah, just come before the Board so that you can  
22          vote, so I can draft the Resolution, changing it,  
23          which I'm not even sure what kind of changes are  
24          going to be in the Resolution.

25          MS. PEREIRAS:  It only would have to state



1 | that the proposed new elevator will not effect  
2 | this approval at all. And almost a catchall  
3 | phrase that anything within the building is not  
4 | effected, from a zoning perspective.

5 | CHAIRPERSON CAPIZZI: And it's all subject  
6 | to Building Department approval?

7 | MS. PEREIRAS: Yes. This is actually a  
8 | response to the --

9 | CHAIRPERSON CAPIZZI: So you want to put  
10 | that in the Resolution?

11 | MS. PEREIRAS: -- Building Department  
12 | inquiry.

13 | CHAIRPERSON CAPIZZI: Or is that just part  
14 | of this?

15 | MR. ORTIZ: I don't -- that's -- I don't  
16 | think it's --

17 | CHAIRPERSON CAPIZZI: Okay.

18 | MR. ORTIZ: -- necessary to do that.

19 | CHAIRPERSON CAPIZZI: Okay.

20 | MR. ORTIZ: But we could just say, yes, it  
21 | was presented to us with the larger size elevator  
22 | and it doesn't effect our prior approval.

23 | CHAIRPERSON CAPIZZI: Okay.

24 | MR. GUARENO: Will this affect the size of  
25 | any apartments, now that you're enlarging it?

1 MS. PEREIRAS: Not at all. We're actually  
2 extending the actual same elevator shaft that we  
3 have, and it's not significant. It does not  
4 effect any other units.

5 CHAIRPERSON CAPIZZI: Okay. So, I'll make  
6 a motion to --

7 MR. VELAZQUEZ: Make a motion to -- for the  
8 amendments.

9 MR. ORTIZ: The amend -- and the amendment,  
10 again, is not, in my opinion, at least, is not a  
11 zoning issue at all. It's much more of a  
12 construction issue, but it's the easiest way for  
13 the applicant and their professionals to move  
14 forward on this.

15 CHAIRPERSON CAPIZZI: With Building  
16 Department approvals.

17 VICE CHAIRPERSON KOEHLER: Approval.

18 MR. ORTIZ: I always -- I always put in  
19 every Resolution that --

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: -- it's a requirement, and it  
22 was in the prior one, that must require -- it  
23 must comply with all build -- local and state  
24 laws and ordinance.

25 MS. MOREJON: Also, if the Building

1 Department need a letter --

2 MS. DILLON: I'm sorry.

3 MS. MOREJON: -- from the Building  
4 Department.

5 MS. DILLON: Can you speak up, Ms. Morejon?  
6 Can you speak up?

7 MS. MOREJON: There's a condition in this  
8 letter from the Building Department.

9 MR. ORTIZ: Um hum.

10 MS. MOREJON: You need a letter also from  
11 the Building Department when it's been approved,  
12 too.

13 Right?

14 You want that on record. No?

15 MR. ORTIZ: No.

16 The only change -- the only change is the  
17 size of the elevator.

18 MS. PEREIRAS: Right.

19 The size of the elevator and the elevator  
20 is extending all the way up to the fourth floor.

21 That's it.

22 MR. ORTIZ: So, there is --

23 MS. PEREIRAS: We're not increasing height.

24 We're not increasing footprint.

25 This is merely a response to a Code issue.

1 MR. ORTIZ: Initially it was attempted to  
2 be resolved within the Building Department, but  
3 that was not able to be achieved, so --

4 CHAIRPERSON CAPIZZI: So, what do I say?

5 MR. ORTIZ: Motion to approve the --

6 CHAIRPERSON CAPIZZI: Motion to approve --

7 MR. ORTIZ: -- the amended, with the larger  
8 elevator, I guess.

9 MR. VELAZQUEZ: I second.

10 CHAIRPERSON CAPIZZI: Okay.

11 THE SECRETARY: Motion to approve --

12 CHAIRPERSON CAPIZZI: Approve.

13 THE SECRETARY: -- the amendment --

14 CHAIRPERSON CAPIZZI: The amendment.

15 THE SECRETARY: -- by Ms. Capizzi.

16 CHAIRPERSON CAPIZZI: Right.

17 MS. PEREIRAS: And just to make -- just  
18 clarify --

19 THE SECRETARY: Seconded by Mr. Velazquez.

20 CHAIRMAN CAPIZZI: Go ahead.

21 MS. PEREIRAS: Just to clarify one issue.

22 It's an elevator, with a corridor. It's  
23 existing. It's being just extended all the way  
24 up to the fourth floor, and that's being  
25 enlarged. And that meets all safety requirements

1 for egress.

2 So, if the Resolution could state elevator  
3 and corridor, so that we don't have any further  
4 issues with the Building Department.

5 CHAIRPERSON CAPIZZI: Um hum.

6 THE SECRETARY: All right.

7 Motion by Ms. Capizzi.

8 Seconded by Mr. Velazquez.

9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Ms. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Eight in favor.

2 Motion carries.

3 MS. PEREIRAS: Thank you all, very much.

4 Thanks.

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

2     **3510-3520 Bergenline Avenue:**

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4             THE SECRETARY: Next application on  
5 tonight's agenda, 3510-3520 Bergenline Avenue.

6             Ms. Pereiras?

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

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

11            This is a continuation. This application  
12 is for 3510 Bergenline Avenue.

13            If the Board may recall, this is where we  
14 have commercial on the ground floor. We had an  
15 existing office space that had remained vacant  
16 for an extremely long period of time.

17            The applicant is looking to convert that  
18 office space to residential units, and finally  
19 bring some life back into that second floor.

20            We have two experts to testify before the  
21 Board this evening. I'd like to begin the  
22 presentation with our architect, Mr. Manuel  
23 Pereiras.

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

1 MS. DILLON: Sir, please raise your right  
2 hand.

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

5 MR. PEREIRAS: I do.

6 Manny Pereiras, P-E-R-E-I-R-A-S, with  
7 Pereiras Architects Ubiquitous, 1116 Summit  
8 Avenue, Union City.

9 MS. DILLON: Thank you.

10 MS. PEREIRAS: And for purposes of the  
11 record, Mr. Pereiras has testified --

12 CHAIRPERSON CAPIZZI: Yes.

13 MS. PEREIRAS: -- before this Board in the  
14 past.

15 Thank you.

16 CHAIRPERSON CAPIZZI: We accept him.

17 MS. PEREIRAS: Mr. Pereiras, are you  
18 familiar with the property at 3510 Bergenline?

19 MR. PEREIRAS: I am. Very familiar.

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

22 MR. PEREIRAS: I have.

23 MS. PEREIRAS: And would you kindly  
24 describe this project, especially focusing on the  
25 changes we have made?



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

2 For purposes of the presentation, I took  
3 the same drawings that were submitted to the  
4 Board and I put them on this board. I also have  
5 photographs that were distributed to the Board,  
6 so that you could get a real feel and a context  
7 of what we're dealing with.

8 We are in a building that, I think we're  
9 all familiar with.

10 MS. MOREJON: Yes.

11 MR. PEREIRAS: I think we know as the  
12 Payless building. It's actually beautiful, old  
13 architecture, brick. It captures a lot of the  
14 character of Union City.

15 One of the sad things about it, though, is  
16 that the second floor is going completely to  
17 waste. It's uninhabited and that leads to  
18 degradation in many aspects, and -- and empty  
19 spaces.

20 What we want to do is fill that void. What  
21 there currently is now, on that second floor, is  
22 a huge, a massive office space. That office  
23 space also leads to some other problems.

24 There is, for one thing, a huge parking  
25 demand for that. There's over 77 spaces that

1 | would be required for that parking space.

2 |         This is the office floor and the top floor.  
3 | You can see how many little offices, how many  
4 | large open areas for bullpen there is.

5 |         One of the problems is, there's not parking  
6 | on Bergenline Avenue to accommodate something  
7 | during business hours and have an office actually  
8 | work.

9 |         So, our -- the applicant is looking to find  
10 | a use that fits. And we looked at the Master  
11 | Plan, and one of the things that the Master Plan  
12 | is encouraging, and we all want to see here in  
13 | Union City, is to -- to have residential above.  
14 | That residential component feeds the commercial  
15 | spaces below. It activates the -- the Bergenline  
16 | Avenue at night. It's something that we want to  
17 | see.

18 |         So, we came before this Board with that  
19 | idea. The Board was very receptive to it.  
20 | However, we had a density that the Board asked us  
21 | to look at and -- and reduce.

22 |         I want to talk a little bit about that,  
23 | because what we did is we listened to the Board  
24 | and we're doing exactly that.

25 |         What we have onsite is a site that's a

1 hundred feet along the front and 125 feet along  
2 the back. That means we basically have five lots  
3 that are 25 by 100.

4           So, if we look at our Master Plan, what we  
5 could split this up is into five different units.  
6 We could have a commercial below with three  
7 residential above in each of these. So, that  
8 would be 15 units in total that we could, in  
9 theory, have on this lot, if we were to tear this  
10 building down.

11           We don't want to tear this building down.  
12 We want to keep this beautiful, historic  
13 building.

14           So, what we're looking to do is very  
15 simple; not the 15 that we would be allowed to  
16 do. We're only asking for 11 units. And this is  
17 the breakdown of the units.

18           We have two bedrooms and one bedrooms. We  
19 have five two bedrooms, and then six one  
20 bedrooms. And they're all nice sizes.

21           The two bedrooms, 1,443, 1,843 square feet,  
22 809 square feet, 796 and 1,034 square feet.

23           And the one bedrooms range from, the  
24 smallest being 581 to -- to 730 square feet.

25           And what we did is we took the rear space

1 of the Payless Shoe store, which is barely being  
2 utilized because it's all storage right now and  
3 it's very empty, and we arranged with their lease  
4 in order to take that space up, and what we did  
5 is we created a residential lobby, so that we  
6 created a new stairwell leading to that second  
7 floor, a lobby and an elevator introduced in the  
8 building so that we could have handicapped  
9 accessibility for all those apartments, too.

10           And then, we modified the existing  
11 stairwell that led to the second floor, off of  
12 Bergenline Avenue, as a secondary means of egress  
13 there.

14           And what we did upstairs, we create a very  
15 simple plan. Egress here, egress here, with a  
16 main entrance through this point, and a hallway  
17 that connects everything with these apartments  
18 along the side.

19           They're all very nice, very spacious  
20 apartments. We have these beautiful huge windows  
21 that are intrinsic to the place, and we want to  
22 keep those windows, which is going to create some  
23 beautiful apartments, with very tall ceilings.  
24 It's going to become a very beautiful space that  
25 -- that the residents of Union City can enjoy and

1 -- and live there.

2 CHAIRPERSON CAPIZZI: How many windows are  
3 on each side?

4 MR. PEREIRAS: There are -- I mean, I could  
5 count them, but it's all windows, basically. All  
6 you see is these columns, and then everything  
7 else is windows.

8 So, it depends on how you kind of break  
9 them down. If you counted the mullions, just  
10 looking at this one living room space, we have  
11 one, two, three, four, four windows just in the  
12 living room, but the entire wall is basically  
13 glass.

14 MS. MOREJON: What's the size of the  
15 window? What size?

16 MR. PEREIRAS: This -- the size of this  
17 window? This one in particular that I just  
18 pointed to is about 20 feet in width.

19 MS. MOREJON: Thank you.

20 MR. PEREIRAS: Broken down into mullions,  
21 of course, and different sections.

22 VICE CHAIRPERSON KOEHLER: What's on the  
23 upper left and upper right corners? I can't  
24 identify what that is.

25 MR. PEREIRAS: So, this is a large --

1 VICE CHAIRPERSON KOEHLER: No, no, no.

2 MR. PEREIRAS: -- living room.

3 VICE CHAIRPERSON KOEHLER: Right at the  
4 corner of each --

5 MR. PEREIRAS: This thing?

6 VICE CHAIRPERSON KOEHLER: Yeah. Um hum.

7 MR. PEREIRAS: That's a carpet on the  
8 ground and a sofa.

9 VICE CHAIRPERSON KOEHLER: That's --

10 MR. PEREIRAS: Yeah. That's --

11 VICE CHAIRPERSON KOEHLER: Oh, okay.

12 MR. PEREIRAS: It's -- it's basically a  
13 very large living room, dining room, kitchen  
14 area. So, we have the kitchen along the corner,  
15 dining room in the front and then living space  
16 along the back. And we drew a carpet and a rug,  
17 so that you kind of -- you know, and the sofa so  
18 you could kind of feel -- get a feel for the  
19 space, how big they are. They're actually  
20 enormous space.

21 This one in particular is 47 feet in length  
22 by 20 feet wide. So, it's a very nice living  
23 room/dining room space.

24 And they're so wide -- you know, we wanted  
25 to have more units, the Board wanted to have

1 less. That's why these apartments are starting  
2 to get really big.

3 CHAIRPERSON CAPIZZI: And on the bottom,  
4 those are five different apartments?

5 MR. PEREIRAS: These are five different  
6 apartments. They're all one bedrooms each.  
7 These are the one bedrooms along the bottom. The  
8 smallest of these is 581. Then you have 729,  
9 730, 693 and 696 square feet.

10 VICE CHAIRPERSON KOEHLER: What you  
11 submitted before, how many apartments total, and  
12 how many one bedroom apartments?

13 MR. PEREIRAS: We had -- I believe there  
14 were 13 originally. So, we dropped down an  
15 additional two.

16 VICE CHAIRPERSON KOEHLER: So you dropped  
17 two?

18 MR. PEREIRAS: Yes.

19 VICE CHAIRPERSON KOEHLER: And how many of  
20 those 13 were one bedroom apartments?

21 MR. PEREIRAS: I'm not sure. Is there a  
22 record there?

23 VICE CHAIRPERSON KOEHLER: If you don't  
24 know, that's fine.

25 MR. PEREIRAS: I'm not sure what they

1     were.

2             I was just going to check.

3             I'm not sure exactly what they were.

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

6             MR. PEREIRAS:   Okay.   So --

7             CHAIRPERSON CAPIZZI:   And this is on what  
8     street?

9             MR. ORTIZ:   Bergenline.

10            CHAIRPERSON CAPIZZI:   This is on Bergenline  
11    Avenue?

12            MS. PEREIRAS:   Right on Bergenline.

13            MS. MOREJON:   Right on Bergenline.

14            MR. PEREIRAS:   3510-3520.

15            CHAIRPERSON CAPIZZI:   So, in terms of  
16    people living there and parking, and so forth,  
17    would you consider, and I'm looking at it,  
18    reconfiguring your apartments?

19            MR. PEREIRAS:   Um hum.

20            CHAIRPERSON CAPIZZI:   To -- to like one,  
21    two, three, four, five, six.

22            MR. PEREIRAS:   Yeah.   Are -- are you --

23            CHAIRPERSON CAPIZZI:   Six -- six  
24    apartments.

25            MR. PEREIRAS:   Only six apartments?



1 CHAIRPERSON CAPIZZI: Bigger apartments.

2 MR. PEREIRAS: Well, they would be  
3 astronomically big. You're talking about 3,000  
4 square foot apartments.

5 CHAIRPERSON CAPIZZI: Yeah. I guess.  
6 Yeah.

7 Would you consider that?

8 MR. PEREIRAS: I don't think it's  
9 appropriate for the area. I don't think it's  
10 appropriate for people that could afford  
11 apartments of that size. I think it would be  
12 extremely inconvenient.

13 And -- and mind you, the -- we're not  
14 asking for more than what the Master Plan  
15 actually dictates and says.

16 CHAIRPERSON CAPIZZI: No, I understand.

17 MR. PEREIRAS: Yeah.

18 CHAIRPERSON CAPIZZI: And there's a lot of  
19 things in the Master Plan. So, you have two  
20 bedrooms, studios, one bedroom. Do you have any  
21 three bedrooms? In other words --

22 MR. PEREIRAS: No and --

23 CHAIRPERSON CAPIZZI: Because it seems to  
24 me, you're cramming a lot of people into that  
25 upper space. Lot of apartments --

1 MS. MOREJON: Parking.

2 CHAIRPERSON CAPIZZI: -- that will increase  
3 the parking need, as well. So, that's why I'm  
4 asking, can you refigure it?

5 MR. PEREIRAS: It's -- it's a matter of --

6 CHAIRPERSON CAPIZZI: Reduce the number of  
7 apartments.

8 MR. PEREIRAS: -- the way the space is -- I  
9 could explain that a little bit and -- and  
10 hopefully --

11 MS. MOREJON: If I'm right -- you know,  
12 there's a construction in the parking lot.

13 MR. PEREIRAS: Yeah. We have the municipal  
14 parking lot right there, with the deck pretty  
15 close by.

16 CHAIRPERSON CAPIZZI: I know. But the deck  
17 is also overused and we're experiencing high  
18 volume traffic.

19 MR. PEREIRAS: Um hum.

20 CHAIRPERSON CAPIZZI: That's why -- you  
21 know, the Board has concerns that increasing the  
22 traffic flow, the number of people --

23 MR. PEREIRAS: Um hum.

24 CHAIRPERSON CAPIZZI: -- and so forth,  
25 that's -- you know, a recurring theme that we

1 have here.

2 MR. PEREIRAS: I think it's a lot more  
3 appropriate to have these 11 units than six  
4 units. And I'll explain --

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. PEREIRAS: -- a little bit why.

7 CHAIRPERSON CAPIZZI: That's -- that's your  
8 opinion.

9 MR. PEREIRAS: No. But I want to --

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. PEREIRAS: -- explain professionally  
12 why that opinion is more important.

13 MR. ORTIZ: David?

14 MR. SPATZ: Yes.

15 MR. ORTIZ: As to the Master Plan, I mean,  
16 you reviewed it over and over again, does the  
17 Master Plan call for three bedroom apartments?  
18 Does it encourage that?

19 MR. SPATZ: In -- in certain areas of the  
20 city, I mean, the idea is to convert the city  
21 into low density residential, but those are three  
22 family houses. And each of those units have  
23 three bedrooms.

24 It doesn't really speak to the number --  
25 the bedroom mix in multi-family in those -- in

1 | those areas. It really is a function of the size  
2 | of the building, the size of the lot, the amount  
3 | of parking.

4 |         You know, I think the Board -- you know,  
5 | should look at what was the parking need for the  
6 | existing office space. And then, what is the  
7 | parking need for the new residential units, to  
8 | sort of see what that --

9 |         MR. ORTIZ: Which would --

10 |         MR. SPATZ: -- impact is in converting it.

11 |         MR. ORTIZ: Which, from the testimony, I  
12 | understand it would be reduced.

13 |         MR. PEREIRAS: We're reducing the parking  
14 | impact. Correct.

15 |         MR. ORTIZ: If I'm correct?

16 |         Right?

17 |         MR. SPATZ: Right.

18 |         MR. VELAZQUEZ: And I -- I get to see it  
19 | firsthand, like with -- with three bedrooms. A  
20 | lot of people come to this -- to -- to City Hall  
21 | looking for three bedrooms. And that's like a  
22 | diamond in the rough.

23 |         I'll even give you an example, because my  
24 | own brother is looking for three bedrooms, and he  
25 | found them uptown and all that. They wanted

1 2400. He was willing to pay that 2400. What got  
2 him, and what stopped everything was the credit  
3 check. That's the only thing that stopped it.

4 MR. PEREIRAS: That's part of the problem.

5 MR. VELAZQUEZ: He was willing to pay 2400.

6 MR. PEREIRAS: Because these larger  
7 apartments have a larger requirement. Pay, and  
8 then people don't have the credit check. They  
9 can't get past the credit check, they can't get  
10 the financing for it.

11 This situation is a little bit different.  
12 As this Board knows, I design and present three  
13 bedroom apartments all the time. There's a  
14 problem with doing that in this site and that's  
15 because we're dealing with a preexisting  
16 building.

17 If -- we basically have a square. So, the  
18 center of the square is very dark. Okay. It's  
19 not -- you can't have bedrooms within this core.  
20 Okay? We need to have bedrooms along the edge of  
21 the space.

22 So, what happens is, if we have bedrooms  
23 along the end, the apartments become enormous.  
24 We're talking over 3,000 square feet, probably a  
25 little bit more than that. It's -- it's going to

1 | be priced out of a typical resident's income.

2 | And then you're -- you're -- what you're doing is  
3 | you're attracting yuppies from New York, someone  
4 | else.

5 |       It's -- I -- I think that this layout is  
6 | really fitting a need in the neighborhood of  
7 | affordable housing, on Bergenline Avenue.

8 |       MR. ORTIZ: Well, I got to -- I got to say  
9 | as --

10 |       MS. MOREJON: On that --

11 |       MR. ORTIZ: -- as --

12 |       MS. MOREJON: -- affordable housing.

13 |       MR. PEREIRAS: That's the wrong term.

14 |       MS. MOREJON: If I may -- if I may say  
15 | something?

16 |       MR. PEREIRAS: Housing that is --

17 |       MS. MOREJON: Okay. If it's affordable  
18 | housing, I'm pretty sure the owner of that  
19 | property is not going to charge \$600.00.

20 |       MR. PEREIRAS: No, no. Housing that is  
21 | cheap housing, that people can afford, rather  
22 | than using the word affordable.

23 |       MR. ORTIZ: Well, I --

24 |       MS. MOREJON: Do you know the market value  
25 | of one bedroom apartment. Right? You know how

1 much is renting in Union City?

2 MR. PEREIRAS: I do.

3 MS. MOREJON: You do?

4 MR. PEREIRAS: I do.

5 MR. ORTIZ: Here's the bottom line. I  
6 mean, I -- I can tell you, and I agree with Mr.  
7 Velazquez, as the Tenant Advocate, which is one  
8 of my other hats in the city, there is a  
9 tremendous amount of families that need that kind  
10 of space. And that most of which that are really  
11 looking for that kind of space can afford it.

12 So, I mean, there is a need for three --  
13 three family homes.

14 MS. MOREJON: Oh, yes.

15 MR. ORTIZ: I mean, not homes. Excuse me.  
16 Three -- three bedroom --

17 MS. MOREJON: Three bedrooms.

18 MR. ORTIZ: -- apartments. But you know,  
19 that's again for the Board's decision as to has  
20 the --

21 CHAIRPERSON CAPIZZI: Well, is there any  
22 other way you can reconfigure it to lower that  
23 number from 11?

24 MR. PEREIRAS: You want less units?

25 CHAIRPERSON CAPIZZI: Yes.

1 MR. ORTIZ: Less units, more bedrooms, I  
2 think --

3 CHAIRPERSON CAPIZZI: Right.

4 MR. ORTIZ: -- is what --

5 MS. MOREJON: How many two bedrooms do you  
6 have?

7 MR. PEREIRAS: Six.

8 CHAIRPERSON CAPIZZI: Yeah. One, two --  
9 one, two, three, four, five. No? Six he says.

10 MR. PEREIRAS: Do I have --

11 CHAIRPERSON CAPIZZI: One, two, three,  
12 four, five?

13 MR. VELAZQUEZ: Yeah, because there's a  
14 studio.

15 CHAIRPERSON CAPIZZI: No?

16 MR. ORTIZ: Five.

17 VICE CHAIRPERSON KOEHLER: Five. Yeah.

18 MR. PEREIRAS: Two, three, four, five.

19 Yes. Five. Five two bedrooms.

20 MS. PEREIRAS: At this juncture, because  
21 we're focusing on parking, I'd like to call up  
22 our planner. Maybe he can clarify a few of these  
23 issues for us.

24 CHAIRPERSON CAPIZZI: No. I'm also talking  
25 about space.



1 MS. PEREIRAS: Sure.

2 CHAIRPERSON CAPIZZI: Parking space,  
3 people, accessibility, tenants, trying to get  
4 people -- you know --

5 MS. MOREJON: There's going to be a deck  
6 there.

7 MS. PEREIRAS: Um hum.

8 MS. MOREJON: But there's going to be also  
9 a school there.

10 MS. PEREIRAS: Um hum. Sure.

11 MS. MOREJON: Are you aware of that?

12 MS. PEREIRAS: Yes, we are aware.

13 MS. MOREJON: So, I'm pretty sure that deck  
14 --

15 MS. PEREIRAS: Um hum.

16 MS. MOREJON: -- is going to be rented to a  
17 lot of the teachers.

18 MR. PEREIRAS: Right. And that's why it's  
19 so --

20 MS. MOREJON: So you not going to have any  
21 parking.

22 MR. PEREIRAS: No. That's the beautiful  
23 thing. The teachers get out of school at 2:30,  
24 three o'clock. The apartments are after hours,  
25 generally. That's -- that's one of the reasons

1 | this works so well and why your own Master Plan  
2 | recommends it.

3 |         MR. ORTIZ: Look, I mean, as David stated,  
4 | their plan does reduce the required number of  
5 | parking spaces. But to the Board's point, at  
6 | least some of the Board members' point, what  
7 | they're looking for is apartments for large  
8 | families.

9 |         MR. PEREIRAS: We could do that. We'll --  
10 | we -- we could reconfigure this and make it three  
11 | bedroom apartments. I'll reconfigure the design  
12 | to have a few three bedroom apartments.

13 |         MR. ORTIZ: So what would, in your mind,  
14 | and I'm not holding it to you until you sit in  
15 | front of your board, but --

16 |         MS. MOREJON: So -- so --

17 |         MR. ORTIZ: You know, how many -- what  
18 | would that break --

19 |         MS. MOREJON: Six apartments?

20 |         MR. ORTIZ: -- down the apartments into?

21 |         MR. PEREIRAS: What I'm going to do is I --  
22 | I need to cater these apartments to the market,  
23 | so they're going to become smaller. So, I'm  
24 | actually not going to reduce the square footage  
25 | of the apartments. I'm just going to make the

1 bedrooms a little bit smaller. I have very  
2 generous bedrooms, very generous living areas  
3 here. I have a 47 by 20 foot living area.

4 So, what I'm going to do is, I'm going to  
5 redesign the -- the apartments to be three  
6 bedrooms.

7 MR. ORTIZ: But I don't -- I don't think  
8 that's exactly what the Board's saying. I think  
9 what they're seeking is to reduce the overall  
10 number of apartments on top of three bedrooms.

11 If I'm wrong, please, correct me.

12 CHAIRPERSON CAPIZZI: Correct.

13 MS. MOREJON: That's -- that's what it is.  
14 Six apartments.

15 MR. PEREIRAS: But now, saying that, and --  
16 and I hope that I'm not -- that I could speak to  
17 the Board and -- and have this dialogue with you.

18 Why would the applicant not tear this  
19 building down and create five structures, as-of-  
20 right --

21 MS. MOREJON: It's a beautiful building.

22 MR. PEREIRAS: -- and have 15 apartments?

23 MS. MOREJON: It's a beautiful building.

24 MR. PEREIRAS: Right.

25 MS. PEREIRAS: It is beautiful.

1 MR. PEREIRAS: But why can't --

2 MS. PEREIRAS: That's what we're --

3 MS. MOREJON: It's a brick building.

4 MR. PEREIRAS: But at the end of the day,  
5 he could have 15 apartments and -- and plus, five  
6 stores. That's 20 units. And you're asking us  
7 to go down less than 11. And he could do this  
8 as-of-right, have 20 units.

9 Why would this Board not grant that, when  
10 he's asking for only 11?

11 CHAIRPERSON CAPIZZI: We see it  
12 differently, I guess. We're looking at it from a  
13 different way.

14 They're looking at it from a money angle.  
15 We're looking at it from a community angle.

16 MR. PEREIRAS: Right. But from a community  
17 angle --

18 CHAIRPERSON CAPIZZI: Yeah.

19 MR. PEREIRAS: -- you prefer --

20 CHAIRPERSON CAPIZZI: We're -- we're here  
21 for the community.

22 MR. PEREIRAS: -- that he tears this down  
23 and --

24 CHAIRPERSON CAPIZZI: We're not here making  
25 money.

1 MR. PEREIRAS: -- makes 20 units?

2 MS. MOREJON: We're not here to make money.

3 CHAIRPERSON CAPIZZI: You know, we're not  
4 here making money.

5 MR. PEREIRAS: But that's what you're --

6 CHAIRPERSON CAPIZZI: We understand.

7 MR. PEREIRAS: -- pushing him to do.

8 CHAIRPERSON CAPIZZI: We're asking. We're  
9 not pushing. We're -- that's our opinion.  
10 That's our view. If it -- if it can be  
11 refigured.

12 MS. MOREJON: Mr. Pereiras, we also see the  
13 need of the community.

14 MR. PEREIRAS: I understand that.

15 MS. MOREJON: We see families here with  
16 three and four children.

17 MR. PEREIRAS: I understand that.

18 MS. MOREJON: Five children.

19 MR. PEREIRAS: And what I could do is, I  
20 could build 20 --

21 MS. MOREJON: And they come --

22 MR. PEREIRAS: -- units here --

23 MS. MOREJON: -- to the Mayor every day.

24 MR. PEREIRAS: -- with three bedrooms.

25 CHAIRPERSON CAPIZZI: If that were to be

1 approved.

2 MS. MOREJON: Looking for an apartment.

3 CHAIRPERSON CAPIZZI: Maybe that wouldn't  
4 be approved.

5 MR. PEREIRAS: You wouldn't be --

6 CHAIRPERSON CAPIZZI: You're saying --

7 MR. PEREIRAS: -- able to deny that.

8 CHAIRPERSON CAPIZZI: -- this -- this could  
9 -- this or that.

10 MS. PEREIRAS: We're trying to work with  
11 the envelope that we have.

12 And as Mr. Pereiras mentioned, it is a very  
13 large space. And what my -- I mentioned in my  
14 opening, we're trying to bring some life into  
15 that second floor. It's been vacant forever.

16 Our demand here, and again, we can hear  
17 from our planner, who will testify, our demand  
18 for parking is much less compared from the office  
19 space to residential.

20 We have to also remember, we're on  
21 Bergenline Avenue. So, we have the best travel  
22 route for buses on that street.

23 So, if you don't mind, I'd like to call --

24 CHAIRPERSON CAPIZZI: Sure.

25 MS. PEREIRAS: -- up our planner, so he can

1 discuss the parking issue.

2 MS. DILLON: Just right in front of the  
3 microphone, Mr. Kauker.

4 MR. KAUKER: Sure.

5 MS. DILLON: Please raise your right hand.

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

8 MR. KAUKER: I do.

9 MS. DILLON: Please state your name for the  
10 record.

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

13 MS. DILLON: Thank you.

14 MS. PEREIRAS: And Mr. Kauker, you've also  
15 testified before the Board in the past.

16 Correct?

17 CHAIRPERSON CAPIZZI: Yes.

18 MS. PEREIRAS: Thank you so much.

19 MR. KAUKER: I have. Yes.

20 MS. PEREIRAS: Mr. Kauker, --

21 MR. KAUKER: Thank you.

22 MS. PEREIRAS: -- are you familiar with the  
23 property in question?

24 MR. KAUKER: I am. Yes.

25 MS. PEREIRAS: And you've had an

1 opportunity to review the drawings, and you're  
2 also familiar with the Master Plan and Ordinance.

3 Correct?

4 MR. KAUKER: I did. Yes.

5 MS. PEREIRAS: And after hearing the  
6 comments of the Board, could you please present  
7 and direct your attention to those comments?

8 MR. KAUKER: Certainly.

9 I think I'll spare the Board my normal  
10 diatribe, and just get right to the heart of the  
11 matter. I'm sure you'll appreciate that.

12 Just -- just a couple things. Sitting in  
13 the audience, listening to the comments, I'm  
14 trying to figure out what the Board's actual  
15 concerns are.

16 Is it parking?

17 Is it the number of people that are  
18 generated from the development?

19 Is it a combination?

20 CHAIRPERSON CAPIZZI: Both.

21 MR. KAUKER: Both? Okay.

22 Because what you're asking them to do,  
23 you're asking for three bedrooms. So --

24 CHAIRPERSON CAPIZZI: Not all -- I didn't  
25 say all three bedrooms.



1 MR. KAUKER: Okay. But I just --

2 CHAIRPERSON CAPIZZI: But I'm asking --

3 MR. KAUKER: Under --

4 CHAIRPERSON CAPIZZI: -- for a lower number  
5 than 11.

6 MR. KAUKER: Right. Understand --

7 CHAIRPERSON CAPIZZI: How about that?

8 MR. KAUKER: -- one thing.

9 If you're going to have more three  
10 bedrooms, that's going to generate additional  
11 parking demand. And it's also going to generate  
12 significant more people.

13 You know, if you look at the RSIS  
14 standards, there are higher parking requirements  
15 associated with a higher parking demand, the  
16 greater the bedroom it gets. The lower the  
17 bedroom, you have fewer people.

18 So like, for example, a one bedroom, you're  
19 not going to have as many people as you are with  
20 a three bedroom. So --

21 MR. ORTIZ: Well, if I may interject?

22 The very nature of Union City, there are  
23 families with large number of children.

24 MR. KAUKER: Understood.

25 MR. ORTIZ: They don't -- last time I

1 | checked, they don't drive.

2 | MS. MOREJON: Um hum.

3 | Thank you.

4 | CHAIRPERSON CAPIZZI: Right.

5 | MR. KAUKER: Okay.

6 | MR. ORTIZ: So --

7 | MR. KAUKER: So --

8 | MR. ORTIZ: So I mean, Mr. Kauker, and I  
9 | know you've testified before this Board and  
10 | probably the Board of Adjustment, several times,  
11 | but you're missing the point. If you know the  
12 | neighborhood, that's -- what we're talking about  
13 | is accommodating large family with children.

14 | MR. KAUKER: I understand what you're --  
15 | So, parking is not an issue, then?

16 | MR. ORTIZ: Not as much as it -- as --

17 | MR. KAUKER: So -- but here, so -- so  
18 | hypothetically, what you could do then is if --  
19 | if you're saying there's a -- there's a strong  
20 | demand for three bedroom units, then you're  
21 | looking -- I mean, a 3,000 -- you don't need to  
22 | do 3,000 square feet. But what you would be  
23 | looking to do, if there is that demand, you'd be  
24 | looking to maximize the number of three bedroom  
25 | units on this site.

1           So, I mean -- you know, so it's either --  
2 but -- but realize, when you have the three  
3 bedrooms, you're going to have additional -- and  
4 obviously, if traffic or parking is not a  
5 concern, then -- you know, that addresses that  
6 issue.

7           But it's -- but I just wanted you to be  
8 aware that typically -- you know, the greater the  
9 number -- you know, the greater the number of  
10 bedrooms, the greater impacts that you have.

11           Now, just as an aside, from a planning  
12 standpoint, obviously, this application that's  
13 before the Board, the use is permitted. It's a  
14 permitted use. It meets pretty much all of the  
15 requirements of the Ordinance, with respect to  
16 three existing nonconforming conditions; minimum  
17 rear yard, max building coverage and the parking  
18 issue.

19           As was stated before, the parking -- the  
20 required number of parking spaces, comparing the  
21 former use to the proposed use, the proposed use  
22 has a much less parking requirement.

23           The parking requirement that was for -- the  
24 required number of parking spaces for the  
25 existing use of the property is 77. The number

1 of parking spaces that would be required,  
2 according to Mr. Pereiras' table, is 60 spaces.  
3 That would actually be a little bit less because  
4 the Ordinance allows the first six dwelling  
5 units, located in a building along Bergenline  
6 Avenue, between 30 and 47<sup>th</sup> Street, to be excluded  
7 from the parking requirement. So that would  
8 actually reduce it to 49.

9 In addition, the Ordinance also recommends  
10 and encourages shared parking between different  
11 uses. So, you have a retail use and -- and a  
12 residential use. And there's somewhat of a  
13 reduction for that, as well.

14 I mean, so with respect to parking, I think  
15 that -- you know, reutilizing the building, or  
16 repurposing it for the residential use, has a  
17 positive effect or a positive impact, from a  
18 parking standpoint.

19 So, from a planning standpoint -- you know,  
20 I think that there is a hardship related to those  
21 variances because you're dealing with an existing  
22 building on the -- on the site.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. KAUKER: They can't move it.

25 As Mr. Pereiras mentioned, I haven't done

1 the analysis, but he did, the applicant could  
2 probably come in with a -- with an as of right  
3 application, with more units to -- you know, if  
4 they demolish the structure, subdivide it into  
5 separate lots, there'd probably be no parking  
6 requirement and it'd be as of right. So the  
7 Board would have to approve that application.

8 So, really, it's a balancing act for the  
9 Board, at this point. You know, what -- what is  
10 -- as I like to call it, what's a better planning  
11 or zoning alternative for the property? And I  
12 think the applicant's willing -- you know, to  
13 work with the Board to try to come --

14 CHAIRPERSON CAPIZZI: Sure.

15 MR. KAUKER: -- to some sort of agreement  
16 with respect to the number of bedrooms.

17 CHAIRPERSON CAPIZZI: Sure.

18 MR. ORTIZ: And you've hit it --

19 MR. KAUKER: So, I'll leave it at that.

20 MR. ORTIZ: You've hit it on the nose.

21 That's exactly what the Board --

22 CHAIRPERSON CAPIZZI: Right.

23 MR. ORTIZ: -- wants. A balancing.

24 MR. KAUKER: Right.

25 MR. ORTIZ: But there's a -- there's two

1 | concerns.

2 |         Parking, obviously, is always a concern in  
3 | Union City. You know, no matter what you do,  
4 | that's going to be a concern. So, let's not say  
5 | it's not a concern. But you got to balance that  
6 | against the housing requirements and the housing  
7 | stock, particularly, the three family. That's  
8 | one.

9 |         And two, the Board has -- what I'm hearing  
10 | and what you're hearing, I don't know have a vote  
11 | here, but the number of units is concerning to  
12 | them.

13 |         I understand that they could come in, as a  
14 | matter of right, on certain -- on certain  
15 | applications, but that's not a reason, from this  
16 | Board's perspective, to approve something that  
17 | they don't feel comfortable with either.

18 |         MR. KAUKER: Well, what I was saying was  
19 | you're looking at something from a practical  
20 | standpoint.

21 |         So, for example, if you know that the  
22 | applicant could come in and demolish the building  
23 | and construct X number of units, which you really  
24 | don't want -- you know, then maybe it's a reason  
25 | to consider something that's a little bit more --

1           MR. ORTIZ: One thing that we all agree on  
2 is --

3           MR. KAUKER: -- in line with what they're  
4 doing.

5           MR. ORTIZ: -- it's a beautiful building.

6           MR. KAUKER: So --

7           MR. ORTIZ: I mean, that -- I think,  
8 everybody --

9           MR. KAUKER: And --

10          MR. ORTIZ: -- agrees on that.

11          MR. KAUKER: But -- but that's just  
12 something that --

13          CHAIRPERSON CAPIZZI: So, I think what  
14 we're asking --

15          MR. KAUKER: -- I think you have to  
16 consider.

17          CHAIRPERSON CAPIZZI: -- you to do is  
18 reduce that number 11 to something smaller,  
19 however you want to reconfigure it. It doesn't  
20 have to be all three --

21          MR. ORTIZ: I mean, look. And if it's not  
22 --

23          MS. PEREIRAS: Right. You just want a few  
24 three bedrooms in the mix.

25          MR. ORTIZ: If you want --

1 MR. KAUKER: You want --

2 MS. MOREJON: Yeah. It could be two  
3 bedroom apartments.

4 MR. KAUKER: -- a mix of one, two and three  
5 bedrooms.

6 MR. ORTIZ: If it's not six -- you know, if  
7 it went down to eight.

8 CHAIRPERSON CAPIZZI: Eight.

9 MS. PEREIRAS: Yeah. We --

10 MR. ORTIZ: You know?

11 MS. PEREIRAS: We have a tough space to  
12 deal with because we're working with that big  
13 square. So, Mr. Pereiras would have to take a  
14 look at it again, --

15 CHAIRPERSON CAPIZZI: Okay.

16 MS. PEREIRAS: -- see how to incorporate  
17 the bedrooms, that you do have windows.

18 CHAIRPERSON CAPIZZI: Right.

19 VICE CHAIRPERSON KOEHLER: The -- the  
20 apartments facing Bergenline, those are all one  
21 bedroom apartments. And those bedrooms would be  
22 facing windows. I remember you said that was a  
23 concern, having bedrooms without windows in the  
24 corridor.

25 So, maybe instead of converting the two



1 | bedroom, the large two bedroom to a three  
2 | bedroom, and then you're increasing the parking  
3 | requirement, just take a couple of the one  
4 | bedrooms and sort of consolidate those spaces.  
5 | Maybe the smaller one bedroom.

6 |           MS. MOREJON: Two three bedrooms. Two two  
7 | bedroom, two one bedroom.

8 |           MS. PEREIRAS: We -- we have a shared goal.  
9 | The shared goal is to --

10 |           CHAIRPERSON CAPIZZI: Okay.

11 |           MS. PEREIRAS: -- maintain this building.

12 |           CHAIRPERSON CAPIZZI: Okay.

13 |           MS. PEREIRAS: And like I said, bring some  
14 | life into it. So, let's give Mr. Pereiras some  
15 | time to see if he can configure.

16 |           CHAIRPERSON CAPIZZI: Okay.

17 |           MS. PEREIRAS: And add some three bedrooms,  
18 | for the Board's satisfaction.

19 |           MR. ORTIZ: So, I guess, we're going to  
20 | come back again.

21 |           MS. PEREIRAS: We will have to.

22 |           MR. ORTIZ: Okay.

23 |           Are you going to be waiving any time, in  
24 | light of that?

25 |           MS. PEREIRAS: Absolutely.

1 MR. ORTIZ: Okay.

2 Not any -- are you going to be waiving all  
3 time limits?

4 MS. PEREIRAS: Yes.

5 MR. ORTIZ: Let me phrase that correctly.

6 MS. PEREIRAS: Yes. I don't have an  
7 objection.

8 MR. ORTIZ: And I guess that's a request  
9 for an adjournment --

10 MS. PEREIRAS: To adjourn it --

11 MR. ORTIZ: -- to reconfigure --

12 MS. PEREIRAS: -- to the next possible  
13 meeting.

14 MR. ORTIZ: Yes.

15 MS. MOREJON: When she come back again.

16 MR. ORTIZ: All right. Well, someone has  
17 to make a motion to --

18 CHAIRPERSON CAPIZZI: I'll make a motion to  
19 adjourn it.

20 MS. MOREJON: Second.

21 THE SECRETARY: Now, you wanted this  
22 application would be adjourned for the next  
23 meeting or May meeting?

24 MS. MOREJON: Next meeting. No, next  
25 meeting.

1 THE SECRETARY: Next meeting?

2 MR. ORTIZ: Well, the next --

3 THE SECRETARY: That will be --

4 MS. MOREJON: No?

5 MR. ORTIZ: No, no, no. The reason is the  
6 next meeting --

7 MS. MOREJON: Will he have time to do that?

8 MR. ORTIZ: No. Well, besides -- besides  
9 that, the next meeting is going to be a very long  
10 meeting because of one particular project. So  
11 keep that in mind.

12 MS. MOREJON: So then have to be May.

13 MS. PEREIRAS: And again, my only -- my --

14 CHAIRPERSON CAPIZZI: May.

15 MS. MOREJON: May.

16 MS. PEREIRAS: My request always is if you  
17 can put it -- you never know if someone else is  
18 going to adjourn or --

19 CHAIRPERSON CAPIZZI: Right.

20 MS. PEREIRAS: -- cannot go forward. And I  
21 have no objection. If the Board tells me,  
22 Bianca, we're packed, I'm happy to adjourn --

23 MR. ORTIZ: I understand.

24 MS. PEREIRAS: -- it at that moment.

25 MR. ORTIZ: And I -- and I appreciate that

1 | you always --

2 |         CHAIRPERSON CAPIZZI: Okay.

3 |         MR. ORTIZ: -- cooperate with us.

4 |         MS. MOREJON: Thank you.

5 |         MR. ORTIZ: But that one matter that was  
6 | adjourned from tonight, I'm anticipating will be  
7 | pretty much the solo star.

8 |         CHAIRPERSON CAPIZZI: Okay.

9 |         MR. ORTIZ: For April.

10 |         MS. MOREJON: Okay. So, May.

11 |         THE SECRETARY: May.

12 |         MS. MOREJON: May.

13 |         THE SECRETARY: That will be for May 28?

14 |         CHAIRPERSON CAPIZZI: Yes.

15 |         Thank you.

16 |         THE SECRETARY: Right.

17 |         Can I have a motion to adjourn this --

18 |         CHAIRPERSON CAPIZZI: I'll make a motion.

19 |         THE SECRETARY: -- application for May 28,  
20 | 2019.

21 |         Motion by Ms. Morejon.

22 |         Second by Ms. Genao.

23 |         Roll call on the motion to adjourn this  
24 | application for May 28, 2019.

25 |         Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Mr. Rivero?

11 MR. RIVERO: Yes.

12 THE SECRETARY: Mr. Velazquez?

13 MR. VELAZQUEZ: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Eight in favor.

17 Motion carries.

18 No new notice required.

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

21 \* \* \*

22

23

24

25

1     **Forest Wood Investments, LLC - 418 6<sup>th</sup> Street:**

2

3             THE SECRETARY: Next application on  
4 tonight's agenda, Forest Wood Investment, LLC,  
5 418 6<sup>th</sup> Street.

6             Ms. Pereiras, please?

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

9             THE SECRETARY: Ms. Pereiras, please?

10            CHAIRPERSON CAPIZZI: We're ready.

11            MS. PEREIRAS: Again, Bianca Pereiras on  
12 behalf of the applicant.

13            I submitted my jurisdictional proofs to  
14 counsel.

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

17            CHAIRPERSON CAPIZZI: I -- I think he has  
18 to look over their -- their proofs. I think  
19 we're --

20            THE SECRETARY: Right.

21            MS. PEREIRAS: To establish jurisdiction.

22            THE SECRETARY: Five minute break. Let's  
23 -- we waiting for --

24            CHAIRPERSON CAPIZZI: Okay.

25            MS. PEREIRAS: Sure.

1 THE SECRETARY: -- for the attorney.

2 CHAIRPERSON CAPIZZI: Okay.

3 THE SECRETARY: Five minute break.

4

5 (Whereupon, the Board recessed from 6:55  
6 p.m. to 6:57 p.m.)

7

8 MS. DILLON: On the record.

9 THE SECRETARY: Ms. Pereiras, please?

10 MR. ORTIZ: Okay. Give me a second,  
11 please.

12 CHAIRPERSON CAPIZZI: Sure.

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

15 MR. ORTIZ: Madam Chairwoman, I've reviewed  
16 the submissions by counsel. Everything seems to  
17 be in order, giving jurisdiction to the Board.

18 MS. PEREIRAS: Thank you.

19 Again, Bianca Pereiras, on behalf of the  
20 applicants.

21 This is a very simple application. We are  
22 looking to propose a three family home on what is  
23 an existing vacant lot.

24 We only have one expert to testify before  
25 the Board this evening, and that is our

1 architect, Mr. Manuel Pereiras.

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

4 CHAIRPERSON CAPIZZI: Yes.

5 MS. MOREJON: Please, can I ask?

6 Is that house -- is the house on the lot?

7 MS. PEREIRAS: Um hum.

8 MS. MOREJON: Parking lot.

9 Right?

10 MS. PEREIRAS: Is it a parking lot?

11 MS. MOREJON: No, no.

12 MS. PEREIRAS: The existing --

13 MS. MOREJON: This -- the owner of the  
14 house --

15 MS. PEREIRAS: Um hum. --

16 MS. MOREJON: -- is the owner of the  
17 parking lot? Because there was a subdivision in  
18 the house. That house was sold.

19 MS. PEREIRAS: Okay.

20 MS. MOREJON: They sold the house?

21 MS. PEREIRAS: My client acquired this  
22 property.

23 MR. PEREIRAS: The lot.

24 MS. MOREJON: How long ago? The lot?

25 MS. PEREIRAS: The lot.



1 MR. PEREIRAS: The client --

2 MR. ORTIZ: So --

3 MR. PEREIRAS: Our applicant acquired the  
4 lot and only the lot.

5 MR. VELAZQUEZ: But it belonged to 416.

6 MS. MOREJON: But it belong to the house.

7 MS. PEREIRAS: I don't know. I wasn't  
8 involved in that. Let me take a --

9 We'll see.

10 MS. MOREJON: We need -- we need to know  
11 that.

12 CHAIRPERSON CAPIZZI: We need to know that.

13 MS. MOREJON: We need to know that.

14 MS. PEREIRAS: Sure. We'll take a look at  
15 it.

16 MS. MOREJON: Before we do anything.

17 MS. PEREIRAS: Not a problem.

18 MS. MOREJON: The question is, is the  
19 applicant the owner of the house, too?

20 MR. PEREIRAS: No.

21 MS. PEREIRAS: No.

22 MS. MOREJON: So there was a sale of the  
23 house and they did a subdivision. Somebody  
24 bought the lot. Somebody bought the --

25 MR. PEREIRAS: The lot was for sale and our

1 applicant purchased the lot.

2 MR. ORTIZ: How big is the lot?

3 MS. PEREIRAS: It's 25 --

4 MR. PEREIRAS: Twenty-five by 100.

5 CHAIRPERSON CAPIZZI: Because it was our  
6 understanding that the lot was built for 416.  
7 But that was together. That was our  
8 understanding. That's why there's questions.

9 MS. PEREIRAS: No. I'm looking at a copy  
10 of the deed. The deed is clearly just 418. I  
11 have no knowledge as to whether this owner also  
12 owns 416. This is specifically to 418, as a 25  
13 by 100 lot.

14 MS. MOREJON: So there's two deeds. You  
15 have two deeds for --

16 MS. PEREIRAS: I have one deed. My client  
17 only owns that vacant lot.

18 MR. ORTIZ: In other words, the --

19 MS. MOREJON: The sub --

20 MR. ORTIZ: -- subdivision happened.

21 MS. MOREJON: Subdivision happened.

22 MR. ORTIZ: And -- and the --

23 MS. MOREJON: Are you aware of that?

24 MR. ORTIZ: And the house is on its own --

25 MR. PEREIRAS: I don't know if there was a

1 subdivision or not. We don't know. We don't  
2 know if it was a separate lot or not.

3 CHAIRPERSON CAPIZZI: Somebody back there.

4 MR. PEREIRAS: Our client purchased the  
5 lot.

6 CHAIRPERSON CAPIZZI: Why doesn't he come  
7 forward?

8 (Whereupon, there were multiple speakers.)

9 MS. PEREIRAS: Correct.

10 MS. MOREJON: Is that the owner?

11 MS. SHABAAN: We're the owner --

12 CHAIRPERSON CAPIZZI: Let's get him up.

13 MS. SHABAAN: -- of 416.

14 MS. MOREJON: Are you the owner?

15 MR. PEREIRAS: They're neighbors.

16 MS. DILLON: Wait. Wait. Wait. Wait.

17 MS. MOREJON: The neighbors?

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. SHABAAN: The owner for 416 --

20 MS. DILLON: Wait. Hold on.

21 CHAIRPERSON CAPIZZI: Okay.

22 MS. DILLON: Hold on.

23 MS. MOREJON: He's the owner of the --

24 CHAIRPERSON CAPIZZI: Wait. Wait. Come on  
25 up, sir, please.

1 MS. MOREJON: (Spanish was spoken).  
2 MS. DILLON: Sir, what is your name?  
3 MR. SHABAAN: My name is Adel Shabaan.  
4 MS. DILLON: Spell.  
5 MR. SHABAAN: A-D-E-L.  
6 Shabaan, S-H-A-B like boy, A-A-N.  
7 MS. DILLON: A-A-N?  
8 MR. SHABAAN: Correct.  
9 MS. DILLON: And what's your address?  
10 MR. SHABAAN: 416 6<sup>th</sup> Street, Union City,  
11 New Jersey.  
12 MS. DILLON: 416?  
13 MS. SHABAAN: 6<sup>th</sup> Street.  
14 CHAIRPERSON CAPIZZI: 6<sup>th</sup> Street.  
15 MS. DILLON: 6<sup>th</sup> Street? Okay.  
16 MS. SHABAAN: Husband/wife.  
17 MS. DILLON: What is your first name?  
18 MS. SHABAAN: L-Y-D-I-A.  
19 MS. DILLON: L-Y --  
20 MS. SHABAAN: D-I-A.  
21 MS. DILLON: Do you want them sworn?  
22 MR. ORTIZ: Yeah.  
23 CHAIRPERSON CAPIZZI: Sure.  
24 MS. DILLON: If you could both please raise  
25 your right hand.

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

3 MS. SHABAAN: Yes.

4 MR. SHABAAN: Yes.

5 MS. DILLON: Okay.

6 And if I could ask you both to take one  
7 step closer to that microphone that's right  
8 there?

9 And you need to speak one at a time,  
10 please.

11 MS. SHABAAN: Okay.

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

14 MR. VELAZQUEZ: Did they --

15 CHAIRPERSON CAPIZZI: So you want to know  
16 if they sold the lot?

17 MR. VELAZQUEZ: And did they collect money?

18 MS. MOREJON: Is the owner English or  
19 Espanol?

20 MS. SHABAAN: English. English.

21 MS. MOREJON: English?

22 Were you the owner of the house?

23 MS. SHABAAN: We're the owners of 416. We  
24 were also the owners of 418.

25 MS. MOREJON: Of 418.

1 MS. SHABAAN: They were both acquired  
2 separately.

3 MS. MOREJON: Separately.

4 MS. SHABAAN: And we sold --

5 MS. MOREJON: Right. Two deeds?

6 MS. SHABAAN: Two deeds. And we just sold  
7 the --

8 MS. MOREJON: So you just --

9 MS. SHABAAN: -- 418.

10 MS. MOREJON: -- sold the parking lot.

11 MS. SHABAAN: Right.

12 MR. ORTIZ: What -- what day -- so there  
13 was no recent subdivision?

14 MS. SHABAAN: No.

15 MR. SHABAAN: No.

16 MR. ORTIZ: Okay.

17 MS. PEREIRAS: I'm looking at a copy of the  
18 deed from 1996.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MS. PEREIRAS: And that references the  
21 purchase, and no reference of an additional lot  
22 or a subdivision --

23 MS. MOREJON: It's my --

24 MS. PEREIRAS: -- of any sort.

25 MS. MOREJON: -- understanding from -- from

1 -- (indiscernible) -- that if you own a house and  
2 you own the lot, you have to do a subdivision.  
3 No?

4 MR. SHABAAN: No. We -- we buying the  
5 house in the beginning. And then later on --

6 MS. DILLON: Speak up, sir. Keep your  
7 voice up.

8 MR. SHABAAN: Okay.

9 We buying the house and then after this we  
10 --

11 MS. SHABAAN: In 1993.

12 MR. SHABAAN: '93. And then we buy the lot  
13 after, separate. A separate deed.

14 MS. MOREJON: Do you have copy of that?

15 MS. PEREIRAS: I have the deed to my  
16 client, which references when they purchased,  
17 which was in 1996. And they're referencing the  
18 purchase of the house in 1993. So, three years  
19 apart, two completely different deeds.

20 MR. VELAZQUEZ: Now, was the residents  
21 living in your -- in your house, using -- renting  
22 that space? It was included while they were  
23 living in it?

24 MS. SHABAAN: No. The --

25 MR. VELAZQUEZ: So, you were renting it

1 separately.

2 MS. SHABAAN: Separately --

3 MR. SHABAAN: Separate.

4 MS. SHABAAN: -- to whoever was interested.

5 MR. ORTIZ: It -- it would seem to me, from  
6 the representations made that there was no recent  
7 subdivision. If counsel is saying that she has a  
8 deed that references --

9 MS. MOREJON: Separately, yeah.

10 MR. ORTIZ: -- in 1996 and based on the  
11 testimony --

12 MR. SHABAAN: 1993.

13 MR. ORTIZ: -- under oath, that they bought  
14 the house in 1993 on a separate deed altogether.  
15 They -- it might have seemed that they were one  
16 big piece of property but that doesn't sound like  
17 it was, from a legal perspective.

18 CHAIRPERSON CAPIZZI: Satisfied?

19 MS. MOREJON: Yes.

20 CHAIRPERSON CAPIZZI: Okay.

21 MS. MOREJON: Is everything seem right or

22 --

23 MR. ORTIZ: It seems like there --

24 THE SECRETARY: The deed was provided.

25 MS. MOREJON: (Indiscernible).



1           Because then you have to provide -- people  
2 here that bought two family houses and then there  
3 were -- you guys here it's a three family house.  
4 Right?

5           How many people -- (indiscernible) -- here  
6 before, at the house?

7           MS. SHABAAN: That whole block was consumed  
8 --

9           MS. MOREJON: -- getting to --

10          MS. SHABAAN: -- by fire, so it was just  
11 like a big lot. And then, the little lot next to  
12 us. So then we just --

13          CHAIRPERSON CAPIZZI: When -- when were  
14 those fires? Do you know?

15          MS. SHABAAN: Oh, God, before we even  
16 bought the house, so --

17          CHAIRPERSON CAPIZZI: Oh, okay.

18          MR. SHABAAN: It was years ago.

19          MR. ORTIZ: Well, according to the deed,  
20 that was just shown to me by our Clerk, the  
21 description or the chain of title, this was  
22 recorded in the last transfer in 1996. So, there  
23 couldn't have been a recent subdivision, based on  
24 this document.

25          So I mean, I'm inclined to believe the

1 | representations made, but it might have seemed  
2 | that way because they might have not -- no fence  
3 | separating them or anything like that. But it  
4 | would seem that the documentation holds true to  
5 | what they're saying.

6 |           CHAIRPERSON CAPIZZI: From 1996. So, we  
7 | don't know before then what it was. Whatever it  
8 | was, it was.

9 |           MR. ORTIZ: It -- you know I mean, we're  
10 | talking -- you're talking about 1996. We're  
11 | talking about what, 23 years ago?

12 |           CHAIRPERSON CAPIZZI: Um hum.

13 |           MS. SHABAAN: Well, in '96, when we bought  
14 | it, that's --

15 |           CHAIRPERSON CAPIZZI: Um hum.

16 |           MS. SHABAAN: -- when it became a parking  
17 | lot. Before that, it was just an empty lot.

18 |           MR. SHABAAN: Empty lot.

19 |           MR. ORTIZ: No, no. No, I understand.

20 |           CHAIRPERSON CAPIZZI: Yes.

21 |           MR. SHABAAN: I mean, look at the --

22 |           MS. SHABAAN: Soil.

23 |           MR. ORTIZ: No, I understand.

24 |           MS. SHABAAN: People would use it for  
25 | trash.

1           MR. ORTIZ: No. It would -- it would --  
2 no, it would seem accurate as to what's being  
3 represented. So --

4           MS. SHABAAN: I mean, that's why we bought  
5 it. To try and keep it clean.

6           MR. ORTIZ: The subdivision happened in  
7 1996 or '93, because I hear that that date is  
8 when you bought your house. That's over -- like  
9 I said --

10          MR. PEREIRAS: Or it never happened. And  
11 maybe it was never connected.

12          MR. ORTIZ: Yeah. It may not have  
13 happened.

14          MR. PEREIRAS: It's very possible --

15          MR. ORTIZ: I mean --

16          MR. PEREIRAS: -- it was an independent  
17 lot.

18          MR. ORTIZ: -- without a title policy --

19          MR. PEREIRAS: There was a house on there  
20 --

21          MR. ORTIZ: -- I couldn't tell you.

22          MR. PEREIRAS: -- when a fire --

23          MS. SHABAAN: There was a house on there  
24 that caught fire.

25          MR. PEREIRAS: Yeah. There was probably a

1 house there before the fire.

2 MR. ORTIZ: No, I --

3 MR. PEREIRAS: There might never have been  
4 a subdivision.

5 MR. ORTIZ: I agree with you. I agree with  
6 you. That's what it seemed to be.

7 MR. SHABAAN: Separate --

8 MR. PEREIRAS: That's what it appears to  
9 be.

10 MR. SHABAAN: -- purchase.

11 MS. PEREIRAS: Absolutely.

12 MR. SHABAAN: Make a separate purchase.

13 CHAIRPERSON CAPIZZI: So they own this lot  
14 now?

15 MR. ORTIZ: No, they sold that.

16 CHAIRPERSON CAPIZZI: They sold it?

17 MR. ORTIZ: They sold off this lot --

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. ORTIZ: -- to some -- their --

20 CHAIRPERSON CAPIZZI: Okay.

21 MS. PEREIRAS: Our client. Correct.

22 MR. ORTIZ: -- their client.

23 CHAIRPERSON CAPIZZI: Okay. Got you.

24 Forest Wood, --

25 MS. PEREIRAS: Can we proceed with Mr.

1     Pereiras now?

2             MR. ORTIZ:  Oh, yeah.  Please.

3             CHAIRPERSON CAPIZZI:  -- LLC, whatever that  
4     is.

5             MS. PEREIRAS:  Thank you.

6             Mr. Pereiras, are you familiar with 418 6<sup>th</sup>  
7     Street?

8             MR. PEREIRAS:  I am.

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

11            MR. PEREIRAS:  I have.

12            MS. PEREIRAS:  Can you kindly describe the  
13    project?

14            MR. PEREIRAS:  I've also had the  
15    opportunity to talk to the neighbors, which  
16    influenced the design a lot.  We made some tweaks  
17    in order to satisfy them, and make them feel  
18    comfortable with the design.

19            What we're presenting here is a three  
20    family house, and it's three three bedrooms.  So,  
21    I hope the Board is happy with the three three  
22    bedroom concept that we're proposing.

23            We have -- we made this as simple as  
24    possible.  We looked at the new Master Plan and  
25    we basically designed to the new Master Plan to a

1 T.

2 We have a 25 by 100 lot. So, we're in  
3 compliance with lot width, we're in compliance  
4 with lot depth, and we're in compliance with lot  
5 area at 2,500 square feet.

6 In looking -- and I'm going to talk about  
7 our variances, and I'm going to list them later,  
8 but what we did is, the first thing we did is we  
9 set the building back ten feet from the front  
10 property line. This is actually specifically  
11 with the discussion with the -- the neighbors.

12 We had it at -- what we considered  
13 prevailing, which was steps along the front.  
14 After talking to the neighbors, they asked us to  
15 push the house back and we did that. We pushed  
16 it back to ten feet from the property line.

17 We also chose the three foot side and the  
18 two foot side, based on the neighbor's  
19 recommendations. We have a three foot side along  
20 the south side of the block, where we have three  
21 foot one opening and two foot on the -- on the  
22 other side. And then, we have -- and the reason  
23 we chose two foot on this one is because this is  
24 a blank wall for the adjoining building. There  
25 are no windows along that side of the -- the

1 property. So, that's where we have our two foot  
2 side. And we have a five foot, completely clear  
3 and unobstructed rear yard.

4 The proposal, we have -- now that we have  
5 the ten feet, we have the opportunity to create a  
6 lot of landscaping along the front. So, we  
7 created three separate sections of planters along  
8 the front of the building.

9 We have our apron, that's 12 foot wide,  
10 that enters the first story of the parking -- the  
11 parking level of the three family house, where we  
12 have a parking configuration, as presented to us  
13 in the Master Plan.

14 There is a secondary stair along the rear  
15 and a garbage room along the back of the  
16 property, as well as the sprinkler manifold room  
17 and a small elevator and lobby that leads you to  
18 the floors above.

19 As you could see, when you get to the  
20 floors above, we have a large living room, dining  
21 room, kitchen space circulation, and then three  
22 bedrooms in the back, with the master bedroom in  
23 the -- in the rear that has its own walk-in  
24 closet and -- and bathroom. It's the same  
25 configuration for all three floors.

1           And then, the façade of the building.  
2 We're proposing, as we like here in Union City so  
3 much, a beautiful brick façade. Very simple,  
4 very clean look. It's something that fits into  
5 the neighborhood well.

6           We have a small canopy over the doorway and  
7 a -- and a simple cornice along the top of the  
8 building. And then, the sides of the building  
9 are siding, as well as the rear. What you see  
10 here is the garbage room, the exit stair from the  
11 side, the exit stair from -- exit stair from the  
12 rear, exit stair from the side.

13          And that -- I could probably talk at length  
14 about it, let me just go over the variances that  
15 we have, based on the current Ordinance.

16          We have a variance for lot coverage and  
17 that is a factor of creating parking along the  
18 building. Since we want to have enough parking  
19 to fit six cars, that means our building becomes  
20 a larger footprint. So, we have a rear yard  
21 variance that we require for that. And we have a  
22 lot coverage and lot area. Not lot coverage.  
23 Lot coverage and -- and impervious coverage  
24 variance, based on those -- for those conditions,  
25 specifically.



1           And that's it. That concludes the  
2 variances that we have.

3           Oh, and building height.

4           The current Ordinance says that a building  
5 can only be three stories. And this is a four  
6 story building. It's four stories specifically,  
7 so we can get parking on the ground floor and  
8 create enough room to have three three bedroom  
9 apartments on the floors above.

10           MR. ORTIZ: If I can, and please, interrupt  
11 me, just so I could explain to the Board.

12           The reason that you see variances none,  
13 yes, none, yes, none, yes, or -- or that, is  
14 because right now, the City is in the process of  
15 adopting the new Zoning Ordinance to match, I  
16 guess for lack of a better term, with the Master  
17 Plan.

18           So, I think that's why it was -- I just  
19 don't want them to get confused with the chart.

20           MS. PEREIRAS: Understood.

21           Yes, we wanted to compare it to the current  
22 Ordinance and of course, to the Master Plan.

23           MR. PEREIRAS: Yeah. So, legality, we have  
24 the current Ordinance, but we were in flux. We  
25 didn't know if it was going to pass or not. And

1 we wanted to have the Board to present all this  
2 information, so that you can make a decision  
3 that's an educated decision, based on what we're  
4 presenting.

5 MR. ORTIZ: So right now, they -- as it  
6 exists right now, they do need these variances.

7 MR. PEREIRAS: That's correct. All the  
8 variances I mentioned.

9 MR. ORTIZ: The -- the likelihood, though,  
10 that once the Master Plan's matching Ordinance is  
11 put in place, it probably won't require a  
12 variance.

13 MR. PEREIRAS: Correct.

14 VICE CHAIRPERSON KOEHLER: Quick question.

15 MR. ORTIZ: And that's speculation. That's  
16 not for sure, but --

17 MS. PEREIRAS: Sure.

18 MR. PEREIRAS: That's right.

19 VICE CHAIRPERSON KOEHLER: Quick question.

20 You said you met with the neighbors. The  
21 rear yard, I see on the satellite image, that  
22 this -- the lot coverage goes all the way back,  
23 minus five, so -- and they all were fine with  
24 that? Because this is the only building on that  
25 block that goes all the way back.

1 MR. PEREIRAS: Well, they're here and they  
2 can speak for themselves, and I'm sure they will.

3 But we -- we met with them and -- and I  
4 think they're understanding of what the new  
5 Ordinance is and -- and what the Master Plan is  
6 required. I think they're -- they understand it  
7 so --

8 But I'll allow them to speak for  
9 themselves.

10 CHAIRPERSON CAPIZZI: But is it possible  
11 not to have that?

12 MR. PEREIRAS: Not --

13 No, we can't have that and still have a  
14 three bedroom apartment, and have parking. Those  
15 are things that we -- that's why the --

16 VICE CHAIRPERSON KOEHLER: Yeah, then it  
17 would trigger the parking variance, is what  
18 you're saying.

19 MS. PEREIRAS: Correct.

20 MR. PEREIRAS: Well, we wouldn't be able to  
21 fit the cars. And we wouldn't have room to have  
22 three bedrooms upstairs because --

23 CHAIRPERSON CAPIZZI: Unless we had --  
24 unless it was two family, rather than a three  
25 family, and not four stories and three. And

1 | let's go down to three. As a proposed option, to  
2 | make it less dense. That's -- to make it less  
3 | dense.

4 | I don't know how anyone else feels?

5 | MS. MOREJON: I feel the same.

6 | MR. PEREIRAS: What we're doing is  
7 | following the Master Plan to a T. And that's  
8 | exactly --

9 | CHAIRPERSON CAPIZZI: And the Master Plan  
10 | --

11 | MR. PEREIRAS: -- what we have to do.

12 | CHAIRPERSON CAPIZZI: Yes. I understand  
13 | that. It is -- that is in the Master Plan.  
14 | Also, what I'm proposing is in the Master Plan  
15 | and what I -- again, what I'm expressing is  
16 | trying to make things less dense, have some  
17 | backyards, have people -- you know, talk with  
18 | people, have a community, have a neighborhood.

19 | Just a suggestion.

20 | MR. VELAZQUEZ: Just not talking to a wall.

21 | MS. MOREJON: What he say?

22 | MR. VELAZQUEZ: Just not talking to a wall.

23 | CHAIRPERSON CAPIZZI: I mean, I applaud the  
24 | three bedroom apartments.

25 | And I'm saying okay, why does it always

1 have to go up another flight, put it down another  
2 flight. Less parking, a little backyard. It  
3 makes it more of a community, more of a  
4 neighborhood.

5 That's my suggestion.

6 MR. PEREIRAS: And -- and by the way, just  
7 so that you understand the neighborhood a little  
8 bit, the house immediately next to it, and the  
9 subsequent houses, are all four story houses.  
10 We're not asking for anything that's actually out  
11 of the ordinary on the block.

12 CHAIRPERSON CAPIZZI: No. I think what  
13 we're trying to do though is --

14 MS. MOREJON: But we don't want to follow  
15 that. We don't want --

16 CHAIRPERSON CAPIZZI: You know?

17 MS. MOREJON: We know the neighborhood.

18 CHAIRPERSON CAPIZZI: Maintain -- maintain  
19 --

20 MR. PEREIRAS: Yeah. It fits perfectly.

21 CHAIRPERSON CAPIZZI: -- and -- and --

22 MS. MOREJON: If I may, Diane, please?

23 CHAIRPERSON CAPIZZI: Yes.

24 MS. MOREJON: You live in Union City. I  
25 live in Union City. I bought my first house in

1 1972.

2 So you know, we know the neighborhood.

3 MR. PEREIRAS: I know. We all do. And --  
4 and I grew up, born and raised.

5 MS. MOREJON: You don't have to follow --

6 MR. PEREIRAS: But I don't know every  
7 single block, and I don't know every single  
8 house.

9 MS. MOREJON: If I may, Pereiras --

10 MR. PEREIRAS: I didn't mean it as an  
11 insult.

12 MS. MOREJON: Okay. Please.

13 MR. PEREIRAS: You don't know every single  
14 house on every single block --

15 MS. MOREJON: If I may?

16 MR. PEREIRAS: -- in Union City.

17 MS. MOREJON: If I may?

18 We don't have to follow what other people  
19 does. We're trying to -- like Diane say, and I'm  
20 pleased that most of the Board members agree --  
21 agree to that.

22 Family, we need a community that's a family  
23 oriented.

24 MR. PEREIRAS: But you do have an  
25 obligation to follow the Union City Master Plan.

1 CHAIRPERSON CAPIZZI: And -- and my -- and  
2 what I'm proposing is not following the plan?

3 MS. PEREIRAS: If I can just interject?  
4 Three families are permitted.

5 CHAIRPERSON CAPIZZI: Is it, Willie?

6 MS. PEREIRAS: We're looking at an area --

7 CHAIRPERSON CAPIZZI: Yes or no?

8 MR. ORTIZ: It falls -- it falls within the  
9 confines of the Master Plan.

10 MR. PEREIRAS: But so am I.

11 MR. ORTIZ: Wait.

12 CHAIRPERSON CAPIZZI: I know.

13 MR. ORTIZ: I'm --

14 CHAIRPERSON CAPIZZI: And so am I.

15 MR. ORTIZ: Manny, please.

16 The only thing that I would state is that  
17 in anticipation of the adoption of the new Zoning  
18 Ordinance, that's what they're constructing. It  
19 is consistent with the Master Plan, so is your  
20 request, by the way. But the point I'm making is  
21 this is their maximum allowance, if you will,  
22 under the Master Plan.

23 MR. PEREIRAS: I could propose a one family  
24 house and it will be in conformance with the  
25 Master Plan. I could propose a three family

1 house and it's in conformance with the Master  
2 Plan. I can't propose a four family house and be  
3 in conformance with the Master Plan.

4 However, this Board, and us as applicants,  
5 we use the Master Plan as a guide, as a guidance  
6 of --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. PEREIRAS: -- what we can do.

9 If the Master Plan told me I could only do  
10 a two family house, then I couldn't do a three  
11 family house.

12 But the Master Plan is specifically telling  
13 me -- recommending, actually, a three family  
14 house. Recommending this parking design.  
15 Recommending the setbacks that we have.  
16 Recommending the heights that we have. Actually,  
17 more is permitted under the Master Plan than what  
18 we're proposing, because we're before the -- the  
19 Planning Board. If we -- the Master Plan  
20 actually allows 45 feet in height, we're at 23  
21 foot six.

22 So, we're actually proposing less than what  
23 the Master Plan does. And -- and fully in  
24 conformance with it.

25 MR. ORTIZ: I don't know about that, so



1 much but --

2 MS. PEREIRAS: And we understand it's  
3 always a balancing act. We mentioned earlier, in  
4 the previous application, the parking was a  
5 concern. Three bedrooms are a concern. This is  
6 the perfect mixture of both.

7 We are able to provide the six parking  
8 spots, as are required. And we're able to  
9 provide three parking spots.

10 And if you look at the neighborhood, of all  
11 particular areas, it fits in perfectly. It  
12 matches the properties immediately to the -- what  
13 is it? To the south?

14 MR. PEREIRAS: It's to the north.

15 MS. PEREIRAS: To the north.

16 CHAIRPERSON CAPIZZI: Not to that side.

17 MR. ORTIZ: Open it to the public.

18 CHAIRPERSON CAPIZZI: Does anyone from the  
19 public have any questions, comments, suggestions?

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

22 MS. DILLON: Sir, right in front of that  
23 microphone there, please.

24 Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. PERSICO: Yeah.

3 MS. DILLON: Okay.

4 Could you state your name and spell it for  
5 the record?

6 MR. PERSICO: Raffaele Persico.

7 R-A-F-F-A-E-L-E, P-E-R-S-I-C-O.

8 MS. DILLON: P-E-R --

9 MR. PERSICO: S-I-C-O.

10 MS. DILLON: And your address?

11 MR. PERSICO: The address of the property I  
12 represent is 414 6<sup>th</sup> Street.

13 MR. ORTIZ: Are --

14 MR. PERSICO: I'm the owner.

15 CHAIRPERSON CAPIZZI: What's that mean?

16 MR. PERSICO: It's my parent's house.

17 MR. ORTIZ: Okay. That's --

18 MR. PERSICO: Good enough.

19 MR. ORTIZ: -- exactly the question.

20 MR. PERSICO: Good.

21 Just a little bit of history. I'm not as  
22 shy as my neighbors are.

23 All right?

24 Full disclosure. I'm a registered  
25 architect in four states, including New Jersey.

1 And I'm also a construction official.

2 Can I look at the plans real quick?

3 MR. PEREIRAS: Gladly.

4 MR. PERSICO: Because you said that we  
5 talked and I know we did and you wanted --

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

8 MR. ORTIZ: Sir, Mr. Persico, I'd just  
9 like, you may be an architect. We don't know  
10 that one --

11 MR. PERSICO: That's okay.

12 MR. ORTIZ: -- way or the other. So, if  
13 you intend to testify as an expert --

14 MR. PERSICO: No. I intend to testify as a  
15 property owner.

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. PERSICO: But I felt that I should tell  
18 you, rather than have you guess.

19 Okay.

20 Where's the site plan?

21 MR. PEREIRAS: Right here.

22 MR. PERSICO: Is this the neighbor's house  
23 right here?

24 MR. PEREIRAS: Yes. The neighbor to the  
25 south.

1 MR. PERSICO: Okay. To the south?

2 Yes. So I -- (indiscernible) -- here.

3 This is going to be the three foot side?

4 MR. PEREIRAS: Yes.

5 MR. PERSICO: Three foot one, plus or  
6 minus. Two foot on this side.

7 MR. PEREIRAS: Correct. Which we had the  
8 opposite --

9 MR. PERSICO: What are you going to put at  
10 the back?

11 MR. PEREIRAS: -- before.

12 Five feet in the back.

13 MR. PERSICO: Five feet in the back.

14 All right.

15 So that's your elevator. (Indiscernible)  
16 -- here. So, you're still going down the  
17 alleyway to get to the stairway.

18 MR. PEREIRAS: No. That's just an  
19 emergency escape from the -- from the stair.

20 MS. DILLON: Mr. Persico, I need you to  
21 take one step --

22 MR. PEREIRAS: Everyone will use the  
23 elevator.

24 MS. DILLON: -- closer to the microphone  
25 for me.

1 MR. PERSICO: Okay.

2 MS. DILLON: And just please keep --

3 MR. PERSICO: Come on over.

4 MS. DILLON: -- your voice up.

5 MR. PERSICO: Yes. I'll do my best.

6 MS. DILLON: Thank you.

7 MR. PEREIRAS: So, the primary circulation  
8 of the building is through the lobby and the  
9 elevator. That stair, if it's used for any type  
10 of emergency, they dump out the -- the stair.

11 MR. PERSICO: Okay. We discussed this  
12 before, didn't we?

13 MR. PEREIRAS: We did.

14 MR. PERSICO: And what did I tell you?

15 MR. PEREIRAS: You preferred that that door  
16 wasn't there.

17 MR. PERSICO: No. That's not what I  
18 preferred. What I preferred was an entrance at  
19 the front of the -- of the building, not down an  
20 alleyway.

21 MR. PEREIRAS: And that's what we did.

22 MR. PERSICO: That's only three foot wide.  
23 Okay? The door itself is three foot. Right?  
24 Isn't the door -- primary door three foot for the  
25 building?

1           MR. PEREIRAS: No. The primary door is  
2 this door.

3           MR. PERSICO: Right.

4           MR. PEREIRAS: And it enters into the  
5 building here, to a lobby and --

6           MR. PERSICO: Okay.

7           MR. PEREIRAS: -- and the elevator.

8           MR. PERSICO: And -- and what's the size of  
9 this door?

10          MR. PEREIRAS: It's a three foot door.

11          MR. PERSICO: Three foot door. And same as  
12 in the back?

13          MR. PEREIRAS: That's --

14          MR. PERSICO: Three foot door?

15          MR. PEREIRAS: They're all three foot doors  
16 for the stairs.

17          MR. PERSICO: Okay. Good.

18          So, I told you that I did not prefer a  
19 building that you had to go down an alleyway to  
20 get into the stairwell, which is the main  
21 circulation.

22          So, the reasons I gave you for that were if  
23 there's ever a fire, all right, people are going  
24 to be coming out and you're going to have the  
25 firemen going down this three foot alleyway,

1 | which is not really good.

2 |       You may agree or not agree, that's fine.

3 | That was the first thing.

4 |       MR. PEREIRAS: So just to correct one thing  
5 | you said.

6 |       The main circulation of the building is the  
7 | elevator and the access to it is through the  
8 | front of the building.

9 |       MR. PERSICO: Okay. That I understand.

10 |       And we have our door here that swings into  
11 | the garage space.

12 |       Right?

13 |       MR. PEREIRAS: Yes.

14 |       MR. PERSICO: And you have tandem parking.

15 |       MR. PEREIRAS: Yes.

16 |       MR. PERSICO: Okay.

17 |       And so, if I want to move this car, I have  
18 | to move the other ones to get out.

19 |       MR. PEREIRAS: That's -- you have to move  
20 | the one car behind it. Correct.

21 |       MR. PERSICO: Right.

22 |       MR. PEREIRAS: And that's basically the  
23 | design that the city has provided for parking.

24 | Not my design.

25 |       MR. PERSICO: Not your design.

1 MR. PEREIRAS: It's exactly what the city  
2 has requested.

3 MR. PERSICO: Okay.

4 For the front yard, you're -- you're  
5 proposing ten feet.

6 MR. PEREIRAS: That's correct.

7 MR. PERSICO: Does it line up with the  
8 existing building on this side?

9 MR. PEREIRAS: It does.

10 MR. PERSICO: It does?

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

13 MR. ORTIZ: Mr. Persico?

14 MR. PERSICO: Yes.

15 MR. ORTIZ: I'm -- I want to be clear. You  
16 -- you said you're the applicant. You're the  
17 owner of the property.

18 MR. PERSICO: Yeah.

19 MR. ORTIZ: Correct?

20 And --

21 MR. PEREIRAS: No.

22 MR. PERSICO: No, no, no, no.

23 MR. PEREIRAS: He's not the owner -- our  
24 applicant.

25 MR. PERSICO: Not the owner.



1 MR. PEREIRAS: Not at all.

2 MR. ORTIZ: Oh, oh, oh, oh.

3 CHAIRPERSON CAPIZZI: He's a neighbor.

4 MR. PEREIRAS: No.

5 MR. PERSICO: I wouldn't be arguing --

6 MR. ORTIZ: Oh, oh, oh.

7 MR. PERSICO: -- with my own architect.

8 CHAIRPERSON CAPIZZI: He's a neighbor.

9 MR. ORTIZ: Oh, okay. That's why I was  
10 confused for a minute there.

11 MR. PEREIRAS: Definitely not.

12 MR. PERSICO: No, no.

13 MR. ORTIZ: That's why I was confused.

14 MR. PERSICO: I -- I have -- I have other  
15 problems with this architect, but if he was my  
16 architect, I would not argue with him. Okay?

17 MR. ORTIZ: Okay. No, I just was -- I was  
18 confused. So I wanted the clarification, that's  
19 why would you argue with --

20 CHAIRPERSON CAPIZZI: So, where are the  
21 means of egress that -- that --

22 MR. PERSICO: The means of egress --

23 CHAIRPERSON CAPIZZI: No. I'm asking you.

24 MR. PERSICO: -- to get to the stairway --

25 MR. PEREIRAS: It's like every single

1 building in Union City that's done.

2 CHAIRPERSON CAPIZZI: I'm just asking you  
3 where they are.

4 MR. PEREIRAS: The means of egress,  
5 everyone exits through the side yard. That's  
6 normal. That's how it's done.

7 CHAIRPERSON CAPIZZI: Which side yard?

8 MR. PERSICO: You have -- you have to check  
9 the plan.

10 MR. PEREIRAS: The three foot side yard.  
11 Not the two foot side yard, the three foot side  
12 yard.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. PEREIRAS: Just like every other  
15 building, every stair exits -- the emergency  
16 stair exits through the side yard. Everywhere  
17 across Union City, every building that you guys  
18 approve.

19 CHAIRPERSON CAPIZZI: Well, I don't know  
20 that it's every building that we approve, but --

21 MR. PEREIRAS: I've done about --

22 CHAIRPERSON CAPIZZI: -- okay.

23 MR. PEREIRAS: -- 20 of these thus far, and  
24 yeah it's every --

25 CHAIRPERSON CAPIZZI: So, --

1 MR. PEREIRAS: -- building.

2 CHAIRPERSON CAPIZZI: -- when they exit  
3 through the alleyway, they can't get out the  
4 back, because there is no back.

5 MR. PERSICO: No. They can go around the  
6 entire building.

7 MR. PEREIRAS: If you -- it's a three foot  
8 -- it's a three foot side yard.

9 CHAIRPERSON CAPIZZI: Can they go out the  
10 back?

11 MR. PEREIRAS: Yes.

12 CHAIRPERSON CAPIZZI: Where? Where are  
13 they going?

14 MS. MOREJON: No. They have to go on the  
15 alleyway.

16 MR. PERSICO: Well, they'll -- they'll go  
17 --

18 MR. PEREIRAS: There's a --

19 MR. PERSICO: -- to essentially an area  
20 refuge --

21 CHAIRPERSON CAPIZZI: No, no. I'm --

22 MR. PERSICO: -- in the back.

23 CHAIRPERSON CAPIZZI: -- not asking you.

24 MS. DILLON: Just one at a time.

25 CHAIRPERSON CAPIZZI: I'm asking you.

1 MS. DILLON: Okay?

2 MR. PEREIRAS: What's the question?

3 CHAIRPERSON CAPIZZI: If I were to run out  
4 on the side, to the back, where would I run? If  
5 there were a fire in the house.

6 MR. PEREIRAS: If there were a fire in the  
7 house, you have two stair --

8 CHAIRPERSON CAPIZZI: If I ran out the side  
9 --

10 MR. PEREIRAS: So, you have two stairwells  
11 to get out of the house. Both those stairwells,  
12 one leads to rear yard, that you come out the  
13 three foot side, and the other one leads to the  
14 three foot side --

15 CHAIRPERSON CAPIZZI: What's the size of  
16 the rear yard?

17 MR. PEREIRAS: Five feet.

18 MS. MOREJON: Three feet.

19 CHAIRPERSON CAPIZZI: Just go over that.  
20 Five feet.

21 MR. PEREIRAS: And the side yard --

22 CHAIRPERSON CAPIZZI: A five foot --

23 MR. PEREIRAS: -- is three feet.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. PEREIRAS: And both those stairwells

1 | lead you from that three foot side yard to get to  
2 | the front of the street; to get to the public  
3 | right-of-way.

4 | MS. MOREJON: On this wall, there's no  
5 | window? You said before, one, no?

6 | MR. PEREIRAS: There is -- there are  
7 | windows.

8 | MS. MOREJON: There's a wall, but there's  
9 | no windows? No?

10 | MR. ORTIZ: On the two foot side.

11 | CHAIRPERSON CAPIZZI: On the two foot side.

12 | MS. MOREJON: You don't have both windows.

13 | MR. PERSICO: On the two foot side.

14 | MR. PEREIRAS: The one wall. Yeah.

15 | CHAIRPERSON CAPIZZI: The two foot side.

16 | MR. PEREIRAS: The -- the north elevation  
17 | of the building has no windows.

18 | MS. MOREJON: No windows.

19 | MR. PEREIRAS: It's two foot.

20 | MR. PERSICO: See, if I may?

21 | MR. PEREIRAS: Which is also typical.

22 | MR. PERSICO: This is where I asked him --  
23 | I asked the architect to look at the design in a  
24 | different way.

25 | Okay?

1           Which was, the two foot side alley, right,  
2 the building next there, that's four stories,  
3 whatever the heck it is, all right, that actually  
4 started out life as a -- I believe a two family  
5 house, that's not really a four, but we won't go  
6 there. That's every house going down the street.

7           If he would just simply move the building  
8 over, have a zero lot line on that side, since  
9 it's a blank wall anyway --

10           MR. PEREIRAS: We'd be happy to do that --

11           MR. PERSICO: -- if they would be three --

12           MR. PEREIRAS: -- if the Board thinks it's  
13 okay.

14           MR. PERSICO: -- feet on the other side,  
15 plus the two, which would be five. Then, you  
16 would have a nice -- you know --

17           MR. ORTIZ: But that would trigger a  
18 variance.

19           MR. PEREIRAS: That's correct.

20           A VOICE: And the windows.

21           MR. PERSICO: A variance, yes. But it's an  
22 acceptable --

23           MR. PEREIRAS: We'd be very happy --

24           MR. PERSICO: -- variance.

25           MR. PEREIRAS: -- to do that. And it's a

1 great --

2 MR. PERSICO: It's an --

3 MR. PEREIRAS: -- idea.

4 MR. PERSICO: -- acceptable variance.

5 MR. PEREIRAS: It's a great idea, but we  
6 have to follow the Code.

7 MR. ORTIZ: The point I'm making, Mr.  
8 Persico --

9 MR. PERSICO: Yeah.

10 MR. ORTIZ: -- it would trigger a variance  
11 and I think the Board needs to know that.

12 MR. PEREIRAS: Yeah, and I love that idea.  
13 I think we could do that. I think it's going to  
14 design better architecture. I think it's going  
15 to be better planning. It's going to free up  
16 space next to their house.

17 I love that idea and I heard them when they  
18 suggested it to me, but I can't present that  
19 because it's another variance.

20 But if this Board were to comply with that,  
21 we'd be happy to.

22 CHAIRPERSON CAPIZZI: And in terms of  
23 safety and fire safety, and so forth?

24 MR. PEREIRAS: It's perfectly safe.

25 MR. PERSICO: Right.

1 CHAIRPERSON CAPIZZI: Three feet. I'm  
2 asking though, three feet?

3 MR. PEREIRAS: So --

4 CHAIRPERSON CAPIZZI: Isn't that what the  
5 standard is right now?

6 MR. GUARENO: Three and two.

7 MR. PERSICO: Yeah.

8 MR. ORTIZ: Um hum. Three and two.

9 MR. PERSICO: Three -- three foot one,  
10 because you need it for the windows. It's a Fire  
11 Code requirement.

12 But a five foot side yard, instead of a --  
13 you take the two that, right now, is wasted.  
14 Okay? I'm a fat person. I can't get down that  
15 two feet. Okay? And I know the firemen can't  
16 get down that two feet. All right?

17 But if you move the building over, make it  
18 a five foot alleyway, then it's better, it's more  
19 spacious.

20 Don't forget, his -- his building is tall,  
21 as well. Okay? So, you'd have more air. It'd  
22 be better.

23 The firemen can pull a ladder up against  
24 the window at five feet. It's very hard to do it  
25 at three. Okay? Not that they would ever



1 | probably use the ladders, because they have two  
2 | sets of stairs.

3 |       So, it's a very nice building. It's  
4 | probably sprinklered, as well.

5 |       MR. PEREIRAS: It is.

6 |       And by the way, this is something that I've  
7 | been discussing with the planners, when they were  
8 | preparing the Master Plan. I made this exact  
9 | suggestion. I think it's a great thing. I  
10 | didn't think five feet, I thought it was 48  
11 | inches would be best. You have a full four feet,  
12 | but I'd be happy to do five feet and put the  
13 | house up against --

14 |       MR. ORTIZ: Here --

15 |       MR. PEREIRAS: It's a great idea.

16 |       MR. ORTIZ: Here's -- and I understand the  
17 | space and --

18 |       MR. PERSICO: Um hum.

19 |       MR. ORTIZ: -- that's all good and well.  
20 | The only thing that concerns me is I'm thinking  
21 | if the -- both buildings on either side of the  
22 | five foot side are on fire, now you have people  
23 | trapped in the back.

24 |       MR. PERSICO: No, because --

25 |       MR. ORTIZ: Yes.

1           MR. PERSICO: You can't get down the two  
2 foot anyway.

3           MR. ORTIZ: Oh, yes, you can.

4           MS. MOREJON: Yeah. You could. Right.

5           MR. ORTIZ: You have a fire chasing you,  
6 you're going to get down the two foot.

7           So, and that is consistent with the Master  
8 Plan. We -- we've heard a lot about being  
9 consistent with the Master Plan.

10          MR. PERSICO: Then, the best way to really  
11 do the design, if you really, really want to do  
12 it, and be completely and totally safe, is to do  
13 a podium building and have the entire first floor  
14 open. Then you can run all over the place.

15          MR. ORTIZ: That's not provided for in the  
16 Master Plan. We'd go over the height and then,  
17 you do another variance.

18          I think -- I think here -- everybody here,  
19 trying to balance what is our new Master Plan --

20          MR. PERSICO: Um hum.

21          MR. ORTIZ: -- and what people feel is  
22 aesthetically pleasing.

23          Put a building on a podium, and it looks  
24 awful.

25          MR. PERSICO: Hmmmm.

1 MR. ORTIZ: And in this urban setting -- it  
2 might not look so bad down the shore, but it  
3 would look awful here.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. PERSICO: Well, that's a matter of  
6 opinion. Now, the only --

7 MR. ORTIZ: This is true.

8 MR. PERSICO: -- the only other thing I  
9 don't like, if I could show you a picture that I  
10 don't want, my -- my neighbors all agree, is this  
11 condition.

12 CHAIRPERSON CAPIZZI: Can you bring that  
13 closer? I'm sorry.

14 MS. PEREIRAS: I can't see it.

15 MR. PERSICO: Those are the houses going  
16 down the street that were approved. They  
17 received variances and everything. And they said  
18 they were going to park their cars underneath the  
19 --

20 CHAIRPERSON CAPIZZI: Right.

21 MS. MOREJON: And they leave their cars --

22 MR. PERSICO: And they don't.

23 MS. MOREJON: -- take the sidewalk.

24 MR. PERSICO: And -- and it's too short, so  
25 the car hangs halfway out.

1 MR. VELAZQUEZ: That's true.

2 MR. PERSICO: Yeah. So, with his ten foot,  
3 I know they're not going to be hanging out the --  
4 I don't -- I don't think anybody will ever park  
5 on that drive -- maybe, maybe not.

6 Somebody comes to drop off pizza, whatever,  
7 maybe. But I don't know, because sometimes, what  
8 happens is, the parking gets overwhelmed. We're  
9 showing six cars here. There's probably enough  
10 room, you could put ten cars in there. You don't  
11 know what people are going to do.

12 So, I would prefer that they move the  
13 building back, at least the size of a car, so  
14 that if somebody comes there and they want to  
15 leave it out there for who knows how long, they  
16 -- you don't have to put up with this.

17 But this is horrible. This particular one  
18 is not that good because there's a fire -- fire  
19 hydrant right there. So, that's --

20 MR. VELAZQUEZ: I -- I think, in my  
21 opinion, I think all those houses are horrible on  
22 that side.

23 (Whereupon, there were multiple speakers.)

24 MR. PERSICO: Well --

25 Right.

1 MR. VELAZQUEZ: I would never, never --

2 A VOICE: Another one.

3 MR. VELAZQUEZ: They all block -- they all  
4 block the -- everybody has to walk --

5 MR. PERSICO: In their defense --

6 MR. VELAZQUEZ: -- in the driveway.

7 MR. PERSICO: -- they didn't start out --

8 MS. DILLON: Mr. Persico?

9 MS. MOREJON: (Indiscernible).

10 MR. PERSICO: -- that way.

11 MS. MOREJON: They can move their car.

12 MR. VELAZQUEZ: Yeah.

13 MS. DILLON: Mr. Persico?

14 MR. PERSICO: They really didn't.

15 MR. VELAZQUEZ: I know they grew to  
16 something else but --

17 MS. DILLON: Mr. Persico?

18 MR. ORTIZ: Mr. Persico, you have to got be  
19 --

20 MS. DILLON: You have to go to the --

21 MR. ORTIZ: -- by the mic.

22 MS. DILLON: -- microphone, please.

23 MR. PERSICO: I'm so sorry.

24 Like I was saying, in their defense, they  
25 didn't really start out life that way.

1           MR. VELAZQUEZ: I know. They started  
2 growing --

3           MR. PERSICO: Yeah.

4           MR. VELAZQUEZ: -- (indiscernible).

5           MR. PERSICO: They morphed into something  
6 else, like a mushroom.

7           MR. VELAZQUEZ: Well, still, like how you  
8 said. You have to walk around the driveways.

9           MR. PERSICO: Right.

10          MR. VELAZQUEZ: And then, you got a daycare  
11 on that block.

12          MR. PERSICO: Three houses down.

13          MR. VELAZQUEZ: Yeah. The daycare.

14          MR. PERSICO: So --

15          MS. MOREJON: If I may?

16          MR. PERSICO: You did a wonderful job.

17          MR. PEREIRAS: Thank you.

18          MR. PERSICO: The five foot, like you said,  
19 you told me way back when, they wouldn't go for  
20 it.

21          MR. PEREIRAS: I did.

22          MR. PERSICO: You did. I --

23          MR. VELAZQUEZ: Daycare.

24          MR. PERSICO: All right.

25          MR. PEREIRAS: I hope they do.

1 MS. MOREJON: Mr. Pereiras, can you come  
2 back with a different design?

3 MR. PERSICO: What's that?

4 MR. VELAZQUEZ: Diane?

5 A VOICE: (Indiscernible) -- for side.

6 MR. PERSICO: Yeah. Yeah. More -- more  
7 room if they go --

8 MR. VELAZQUEZ: You know, there's a  
9 daycare.

10 CHAIRPERSON CAPIZZI: Yes.

11 MR. PERSICO: -- to five feet.

12 MS. DILLON: Wait. Wait. Wait. Wait.

13 MR. PERSICO: Oh, I'm sorry.

14 MS. DILLON: Board member is speaking,  
15 you're --

16 MR. PERSICO: Okay.

17 MS. DILLON: -- over-talking her on the  
18 record --

19 MR. PERSICO: Okay.

20 MS. DILLON: -- please.

21 MR. PERSICO: Go ahead.

22 MR. VELAZQUEZ: You know, there's a daycare  
23 there.

24 CHAIRPERSON CAPIZZI: There's what?

25 MR. VELAZQUEZ: A daycare three houses

1 down.

2 MS. MOREJON: There's a daycare.

3 MS. DILLON: I'm sorry. You have to speak  
4 up.

5 MR. VELAZQUEZ: There is a --

6 MS. DILLON: You guys are whispering.

7 MR. VELAZQUEZ: There's a daycare three  
8 houses down. So, if something was --

9 MR. PERSICO: Seventy-five feet.

10 MR. VELAZQUEZ: -- built like this, and  
11 they use the carports, just like use the other  
12 houses, that car would be obstructing the street.

13 And it's -- and then, it goes into the  
14 whole thing where Alex asks Diane, calls Alicia  
15 --

16 MS. MOREJON: Can you move the car?

17 MR. VELAZQUEZ: -- to move the car.

18 MS. MOREJON: To move the car.

19 MR. VELAZQUEZ: And do this and do that,  
20 when in actuality, we know it stays onto the  
21 sidewalk.

22 MR. PEREIRAS: You're -- but you're saying  
23 that the -- the daycare down -- three houses down  
24 is affecting our driveway?

25 But we would have the same driveway --



1 MR. VELAZQUEZ: No, no. I'm not saying  
2 that.

3 MR. PEREIRAS: -- one family --

4 MR. VELAZQUEZ: I'm saying --

5 MR. PEREIRAS: -- two family, three family.

6 MR. VELAZQUEZ: I'm saying it's obstructing  
7 everybody.

8 MR. PEREIRAS: Right.

9 MR. VELAZQUEZ: Not only just children and  
10 parents.

11 MR. PEREIRAS: But it would be the same  
12 whether we --

13 MR. VELAZQUEZ: -- the same.

14 MR. PEREIRAS: -- had a one family, a two  
15 family or a three family house.

16 CHAIRPERSON CAPIZZI: Fewer cars, no? Fewer  
17 cars?

18 MR. PEREIRAS: No, the impact of the  
19 daycare is the same.

20 CHAIRPERSON CAPIZZI: Fewer cars, though.

21 MR. PEREIRAS: Not in -- in the driveway. I  
22 mean, if that's what we're talking about.

23 CHAIRPERSON CAPIZZI: No, under the house.

24 MS. MOREJON: Don't you think two family  
25 house will be less car.

1 MR. PEREIRAS: In the driveway, at one  
2 time, blocking the path? No.

3 MS. MOREJON: Two family house, two cars,  
4 --

5 MR. PEREIRAS: You could only fit one car  
6 in the driveway at a time.

7 MS. MOREJON: -- three cars maybe. I don't  
8 know what the other --

9 MR. PEREIRAS: It -- it's just -- it's very  
10 confusing to hear this resentment towards a three  
11 family house, when everything that the -- the  
12 Master Plan and everything that we've been  
13 listening to has been a push towards three family  
14 house, three bedrooms, three family houses, when  
15 the Master Plan recommends exactly this  
16 footprint. It's -- it's a very confusing  
17 statement by the Board. Or I shouldn't say the  
18 Board, from the Chairperson and -- and two  
19 members.

20 CHAIRPERSON CAPIZZI: I'm only one vote  
21 here.

22 MR. PEREIRAS: I understand.

23 CHAIRPERSON CAPIZZI: And I'm only one  
24 voice, so certainly, other people can put it  
25 forward, make a motion. That's -- that's their

1 prerogative.

2 MR. PEREIRAS: I understand.

3 MS. PEREIRAS: Um hum.

4 MR. PERSICO: I think we're done.

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. ORTIZ: Is there any --

7 MR. PERSICO: Those are the things, it's  
8 that front yard --

9 MS. SHABAAN: I think -- there's still  
10 somebody that lives there.

11 MR. PERSICO: Yeah.

12 MS. SHABAAN: I call the police at least  
13 twice a week, because somebody's blocking my  
14 driveway.

15 CHAIRPERSON CAPIZZI: Right.

16 MS. SHABAAN: For lack of parking spaces.

17 CHAIRPERSON CAPIZZI: Right.

18 MS. SHABAAN: Ridiculous.

19 MR. PERSICO: We've been there since 1970.  
20 Just a little bit of history for the block.  
21 Okay?

22 This particular lot is 25 by a hundred,  
23 he's absolutely right. The only reason this lot  
24 is -- is apart from all those other buildings, is  
25 because the other ones were 80 by 17, 25,

1 | whatever. And they put them all together to do  
2 | -- to do the subdivision.

3 |         This was always a four family house,  
4 | railroad apartments, two on each floor, plus a  
5 | raised basement.

6 |         So, there was a four family with no parking  
7 | way back when, when we moved there. Then they  
8 | had the fire. It was up -- up against --

9 |         CHAIRPERSON CAPIZZI: Um hum.

10 |         MR. PERSICO: -- Adel's building. Adel's  
11 | building, right now, has a masonry wall. All  
12 | right? Because that wall was burnt. It wasn't  
13 | attached to the other one, but it burnt.

14 |         CHAIRPERSON CAPIZZI: Hmm.

15 |         MR. PERSICO: This house was a four family,  
16 | as well.

17 |         And that's really where it is. It -- the  
18 | lot is 25 by a hundred, has its own taxes and  
19 | everything.

20 |         CHAIRPERSON CAPIZZI: Um hum.

21 |         MR. PERSICO: It's no big deal. And that's  
22 | a basic history of the block.

23 |         So, I don't remember when the fire was, but  
24 | it was a long time ago.

25 |         CHAIRPERSON CAPIZZI: Okay.

1 MR. PERSICO: Okay?

2 CHAIRPERSON CAPIZZI: Are there any --

3 Thank you.

4 Are there any members of the public that  
5 would like to comment on this?

6 MR. PRICE: Could I make --

7 MS. DILLON: Mr. Price, please raise your  
8 right hand.

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

11 MR. PRICE: I do.

12 MS. DILLON: Name and address, please, for  
13 the record.

14 MR. PRICE: Larry Price, 1006 Palisade  
15 Avenue.

16 I am a little concerned about the course of  
17 the conversation here.

18 I mean, was a proposal that -- you know,  
19 instead of having two and three, we have zero and  
20 five. Well, I'm sorry, but the Zoning Ordinance  
21 and the Master Plan, which this Board was  
22 instrumental in what -- has a requirement of two  
23 feet and three feet.

24 And the fact that an outsider thinks that  
25 zero and five is a better arrangement, this Board

1 is charged with enforcing your Master Plan and  
2 your Zoning Ordinance, not listening --

3 If the owner proposed that as being a  
4 better zoning alternative, that's his privilege,  
5 but not for an outsider.

6 Second thing is about two families.

7 The fact is that a three family, which is  
8 proposed, is a permitted use. You might prefer a  
9 two family, but that has nothing -- it's a  
10 permitted use.

11 Again, it's -- you're charged with  
12 enforcing the Master Plan and the Zoning -- and  
13 to lean on an applicant to -- to go from a three  
14 family to a two family, I think is inappropriate.

15 MR. ORTIZ: Are you done, Mr. Price?

16 MR. PRICE: I am done, for now.

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

19 MR. ORTIZ: You want to take a break?

20 CHAIRPERSON CAPIZZI: Sure.

21 MR. ORTIZ: Okay.

22 Make a motion to --

23 CHAIRPERSON CAPIZZI: Just make a motion  
24 for five minute recess.

25 MS. MOREJON: Five minute recess.

1 Second.

2 MR. ORTIZ: You could just do all in favor.  
3 You don't have to do a roll call.

4 MS. MOREJON: Five minute recess.

5 MR. ORTIZ: Five minutes.

6 THE SECRETARY: Break?

7 MR. ORTIZ: Yeah.

8 THE SECRETARY: All right. Five minute  
9 break.

10 MS. MOREJON: She made the motion. I  
11 second.

12

13 (Whereupon, Mr. Medina left the meeting at  
14 7:36 p.m.)

15

16 (Whereupon, the Board recessed from 7:35  
17 p.m. to 7:43 p.m.)

18

19 MS. DILLON: Okay.

20 On the record.

21 MR. SPATZ: You have to just say that  
22 Franklin left.

23 MR. ORTIZ: The Board is back in session.

24 THE SECRETARY: Let the record reflect that  
25 Mr. Medina left the meeting.

1           We have seven Board members.

2           MS. MOREJON:   Ydalia's coming.

3           THE SECRETARY:   Ms. Genao.

4           Thank you.

5           MR. ORTIZ:   Okay.

6           Board members, at this point, the  
7 presentation is complete. The public has spoken.

8           There is not much left but to take action  
9 one way or the other.

10          MS. PEREIRAS:   And just to sum up, briefly.

11          We have an application here that you've  
12 seen many times and you've approved many times.  
13 I think in this particular case, more than any  
14 other, it matches the neighborhood, as per the  
15 testimony of the architect. It matches the  
16 buildings immediately adjacent to it.

17          You have neighbors here who are not  
18 opposing the project. They're actually for the  
19 project. And I think that's rare to even see  
20 neighbors in the audience, but we have them here  
21 today, and they're voting in favor of the  
22 application.

23          So, knowing that, knowing that this is  
24 going to be a safe building, that matches the  
25 Master Plan to a T, we ask for this Board's



1 | consideration, and hopefully, an approval this  
2 | evening.

3 | MS. MOREJON: Thank you.

4 | MR. ORTIZ: Members?

5 | MR. GUARENO: I'd like to make a motion to  
6 | approve.

7 | MS. DILLON: I'm sorry.

8 | THE SECRETARY: Motion on the table to  
9 | approve by Mr. Guareno.

10 | MR. ORTIZ: Is there a second?

11 | THE SECRETARY: Second by Ms. Koehler.

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

14 | Ms. Capizzi?

15 | CHAIRPERSON CAPIZZI: Excuse me.

16 | THE SECRETARY: Roll call on the motion to  
17 | approve this application.

18 | Is any other -- other motion?

19 | CHAIRPERSON CAPIZZI: No.

20 | THE SECRETARY: No? Okay.

21 | Roll call on the motion to approve this  
22 | application.

23 | Ms. Capizzi?

24 | CHAIRPERSON CAPIZZI: Yes.

25 | THE SECRETARY: Say yes, right?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 Ms. Genao?

6 MS. GENAO: I abstain.

7 THE SECRETARY: Say no?

8 MS. DILLON: I'm sorry. Can you speak up?

9 MS. MOREJON: You going to abstain?

10 MS. GENAO: I abstain.

11 MS. MOREJON: She going abstain.

12 MS. DILLON: I'm sorry.

13 THE SECRETARY: Ms. Morejon?

14 MR. ORTIZ: She's abstaining.

15 MS. MOREJON: Yes.

16 THE SECRETARY: Who's abstaining?

17 MS. MOREJON: Ydalia.

18 THE SECRETARY: Are you abstaining, Ms.

19 Genao?

20 MS. GENAO: Yes.

21 THE SECRETARY: Ms. Morejon?

22 MS. MOREJON: Yes.

23 THE SECRETARY: Mr. Rivero?

24 MR. RIVERO: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: No.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Five in favor, one against,  
5 one abstained.

6 Motion carries.

7 MS. PEREIRAS: Thank you all very much.

8 I'll see you in two months.

9 Thank you.

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

12 \* \* \*

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1 **Monica Riera - 532 42<sup>nd</sup> Street:**

2

3 THE SECRETARY: Next application on  
4 tonight's agenda, Monica Riera, 532 42<sup>nd</sup> Street.

5 Mr. Alum, please?

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

8 MR. ORTIZ: Counsel, if you want to give me  
9 your submissions?

10 MR. ALUM: Yes.

11 Good evening, members of the Board.

12 I'm Luis Alum and with the Board's consent,  
13 I would ask that Christian Diaz be allowed to  
14 make the presentation. He's a recent law school  
15 graduate. He worked in my office. Just took the  
16 bar exam. If there's no objection?

17 MR. DIAZ: Good evening, Board.

18 MR. ORTIZ: (Indiscernible) -- salary.

19 MR. DIAZ: Good evening, counsel.

20 Thank you.

21 Pending results, yes.

22 Good evening.

23 MR. ALUM: Pending results.

24 MR. DIAZ: Our client, Monica Riera --

25 MS. DILLON: Excuse me?

1 I'm just going to ask you --

2 MR. DIAZ: Yes.

3 MS. DILLON: -- to spell your name for the  
4 record.

5 MR. DIAZ: Oh, I was going to swear --

6 MS. DILLON: I wasn't going to swear you  
7 in. I just need you to --

8 MR. ORTIZ: Counsel, you need to give me  
9 the notices --

10 MR. DIAZ: Yes.

11 MR. ORTIZ: -- before you have  
12 jurisdiction.

13 MR. DIAZ: Yeah.

14 Certification, as well, and the publication  
15 with The Jersey Journal.

16 Christian, C-H-R-I-S-T-I-A-N, Diaz, D-I-A-  
17 Z.

18 MS. DILLON: Thank you.

19 MR. ORTIZ: Give me a second just to  
20 review.

21 MR. DIAZ: Sure.

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

24 MR. ORTIZ: Madam Chairwoman, everything  
25 seems to be in order, based on the submissions

1 submitted by counsel, giving jurisdiction to the  
2 Board.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. DIAZ: Thank you.

5 CHAIRPERSON CAPIZZI: Proceed.

6 MR. DIAZ: Here representing Monica Riera,  
7 our client, and a legalization of an existing  
8 freestanding structure on her property.

9 We have Mr. Manuel Pereiras, architect. I  
10 would like to call him up as well to testify as  
11 to the plans.

12 MR. PEREIRAS: Still Manny Pereiras. I  
13 recognize I am still under oath.

14 I'll proceed, if that's okay?

15 MR. DIAZ: I was going to ask you if you  
16 were familiar with the property.

17 MR. PEREIRAS: I am.

18 MR. DIAZ: Have you gone to the property?

19 MR. PEREIRAS: I have, several times.

20 MR. DIAZ: And you placed the plans, based  
21 on your familiarity with the property and  
22 visiting the property.

23 Correct?

24 MR. PEREIRAS: That is correct.

25 MR. DIAZ: Thank you.

1           MR. PEREIRAS: We have a very simple  
2 project before you.

3           We're dealing with a preexisting two family  
4 house along the front. And as we've seen many  
5 times here in Union City, there's a rear  
6 structure. That rear structure has an apartment  
7 in it. We're looking to legalize that apartment.

8           The lot itself is 25 by 100. There are a  
9 series of existing nonconformities on the lot.  
10 We have a front yard setback of only two feet.  
11 We have a rear yard of only two feet, as well.  
12 We have side yards of two feet and one foot five.  
13 So, these are all preexisting nonconformities.  
14 We're not looking to make any changes to the  
15 exterior envelope of the building. We're simply  
16 looking to legalize what's there.

17           And by legalizing, we're taking an  
18 opportunity to really make an existing condition  
19 suitable and safe, not only for the inhabitants  
20 of this building, but for the adjoining  
21 structures.

22           By legalizing it, we're going to make sure  
23 that it meets all fire safety egress requirements  
24 and -- and just meet all Code requirements.

25           The following page, sheet Z02, has the

1 floor plan of the existing house along the front.  
2 We have two stories; one apartment in each of the  
3 two floors. As you could see, it's a three  
4 bedroom along one floor and a three bedroom on  
5 the other.

6 And then, the rear structure, we have  
7 existing two bedroom, with living room, kitchen,  
8 dining room area. That's an existing apartment  
9 of 401 square feet. We're looking to legalize  
10 that condition.

11 The entrance is through this door right  
12 here, opens you up to a living room, dining room,  
13 kitchen area. We have a small existing bathroom  
14 and the two bedrooms that are nine feet by ten  
15 feet each of them.

16 We're not looking to grow this footprint in  
17 any way. We're simply looking to legalize that  
18 existing condition.

19 The façade of the building stays the same.  
20 It is a simple building of siding. The roof line  
21 stays the same. The -- the windows stay the same  
22 thing, except for the windows in the bedrooms.  
23 We're enlarging those windows so that you could  
24 have proper safety egress, in case of a fire,  
25 through the existing windows of the -- the



1 bedrooms, which are basically this one and that  
2 one.

3 CHAIRPERSON CAPIZZI: And where is the  
4 picture of the -- the --

5 MR. PEREIRAS: Of the unit itself?

6 CHAIRPERSON CAPIZZI: Yeah.

7 That's the house, isn't it? This is the  
8 house?

9 MS. MOREJON: That's the house.

10 MR. DIAZ: That's the house. Correct.

11 CHAIRPERSON CAPIZZI: Do you have a picture  
12 of the unit?

13 MR. PEREIRAS: Photograph of the unit. We  
14 have just from satellite. It's a little hard to  
15 see. It's that portion right here. It's very  
16 dark. It's hard to tell. But it basically --

17 CHAIRPERSON CAPIZZI: This?

18 MR. PEREIRAS: -- looks exactly like the  
19 elevation --

20 CHAIRPERSON CAPIZZI: This?

21 MR. PEREIRAS: -- that I drew.

22 MR. ORTIZ: Is it two story?

23 MR. PEREIRAS: It's a single story.

24 MR. DIAZ: Single story.

25 MR. PEREIRAS: Single story house.

1 CHAIRPERSON CAPIZZI: So, where is it?

2 MR. DIAZ: It's next to the one that if you  
3 see next to it, where the arrow is? The house  
4 next door, the neighbor has a two story.

5 MR. PEREIRAS: Yeah. That's the front of  
6 the house that --

7 MR. ORTIZ: Oh, okay.

8 MR. PEREIRAS: -- you're pointing to, Ms.  
9 Morejon. That's the existing two story in the  
10 front.

11 MR. ORTIZ: So, it'd be here.

12 MR. PEREIRAS: No. The house that you're  
13 pointing to, that's the existing house, along the  
14 front of the structure.

15 MS. MOREJON: Right. Yeah.

16 MR. PEREIRAS: Behind that is the one  
17 family house.

18 MR. VELAZQUEZ: This one.

19 MR. PEREIRAS: The one -- the one --

20 MS. MOREJON: Oh, yeah.

21 MR. DIAZ: Well, that's the --

22 MR. PEREIRAS: Yeah.

23 MR. DIAZ: -- Neighbors.

24 MR. PEREIRAS: Yeah.

25 MR. DIAZ: That's a two story.

1 MR. PEREIRAS: Yeah.

2 MR. ORTIZ: This is?

3 MR. DIAZ: Yeah.

4 MR. ORTIZ: Okay.

5 MR. DIAZ: So, it's to the right, where the  
6 dot is.

7 MS. MOREJON: This one.

8 MR. VELAZQUEZ: This one.

9 MS. MOREJON: The house --

10 MR. DIAZ: Yup.

11 MS. MOREJON: -- in in the back.

12 MR. PEREIRAS: If you could see the -- this  
13 is a side elevation of the building. This is the  
14 two family house along the front. This is the  
15 structure that we're legalizing behind.

16 So, this is the street, building, space,  
17 rear yard, front yard, depending on how you look  
18 at it. And the small building.

19 MS. MOREJON: So, what is that? A one  
20 bedroom apartment?

21 MR. PEREIRAS: It's a two bedroom.

22 MS. MOREJON: Two bedroom?

23 MR. PEREIRAS: It's an existing two  
24 bedroom.

25 MS. MOREJON: Kitchen, bathroom?

1 MR. PEREIRAS: Yes. Kitchen, bathroom and  
2 two beds. And there's a floor plan --

3 MS. MOREJON: And does it have a boiler  
4 room, a heating room, and all that?

5 MR. PEREIRAS: It has baseboard heaters.  
6 It is located in the -- in the attic, the -- the  
7 furnace.

8 CHAIRPERSON CAPIZZI: Um hum.

9 MS. MOREJON: Very nice.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. VELAZQUEZ: There's nobody living  
12 there.

13 Right?

14 MR. PEREIRAS: I don't know if there's  
15 someone living there right now.

16 CHAIRPERSON CAPIZZI: Is there someone  
17 living there?

18 MR. DIAZ: I think it's just the  
19 grandmother.

20 MR. PEREIRAS: Yeah.

21 MS. MOREJON: The grandmother.

22 MR. DIAZ: The grandmother of the applicant  
23 that's staying there. It's been existing since  
24 they purchased the property --

25 CHAIRPERSON CAPIZZI: Okay.

1 MR. DIAZ: -- in 2012.

2 MS. MOREJON: Okay.

3 MR. DIAZ: It's a matter of legalizing it.

4 CHAIRPERSON CAPIZZI: Okay.

5 MS. MOREJON: Okay.

6 MR. DIAZ: I think it's a little bit easier  
7 than the prior one. So --

8 MS. MOREJON: Carlos?

9 I make a motion to approve --

10 CHAIRPERSON CAPIZZI: Wait.

11 Does anyone in the public have any  
12 questions or comments?

13 MR. PRICE: Larry Price.

14 Still under oath.

15 The rear structure is currently not legal.  
16 Correct?

17 MR. PEREIRAS: That is correct.

18 MR. PRICE: Okay.

19 MR. PEREIRAS: It's not legal as an  
20 apartment. It's -- it's a preexisting structure  
21 that probably predates the Ordinance. So, it  
22 wasn't construct -- it was constructed pre-BOCA  
23 Code, pre-Ordinance.

24 MR. PRICE: Okay.

25 I think they're in front of the wrong

1 Board. One of the provisions in the Land  
2 Development Ordinance is you can't have two  
3 principal uses on the same lot.

4 But right now, they got one legal use,  
5 which is a two story, two family in the front.  
6 The rear is not legal and that is an additional,  
7 whatever, and that needs Board of Adjustment  
8 approval.

9 MR. SPATZ: That's correct.

10 I -- when there's no new construction, we  
11 don't see the plans before the meeting. But if  
12 there -- you're not allowed to have two principal  
13 structures on a lot. And that's what,  
14 technically, this would be. Even though there's  
15 still three units, which is what this Board could  
16 -- but it's the number of structures.

17 MR. ORTIZ: You're saying a use variance.  
18 Is that what you're saying?

19 MR. PRICE: Say again, please.

20 MR. ORTIZ: Mr. Price, are you referring to  
21 a use variance?

22 MR. PRICE: I'm sorry.

23 MR. ORTIZ: Are you referring to a use  
24 variance when you -- when you make this  
25 statement?

1 MR. PRICE: Well, it's sort of.

2 MR. SPATZ: Yeah.

3 MR. PRICE: It's a different var -- but --

4 MR. SPATZ: Right. It's a D variance,

5 because you can't have --

6 MR. PRICE: It's a prohibited --

7 MR. SPATZ: Right.

8 MR. PRICE: Put it this way. A second  
9 principal use is a prohibited use without a --  
10 without -- without a variance from the --

11 MR. ORTIZ: Which would be a use variance.

12 MR. PRICE: -- Zoning Board of Adjustment.

13 MR. ORTIZ: Do you agree with that?

14 MR. SPATZ: Yes, I do.

15 MR. ORTIZ: Okay.

16 CHAIRPERSON CAPIZZI: So what does that  
17 mean?

18 MR. ORTIZ: That means we've got to vote to  
19 send this to the Board of Adjustment.

20 MS. MOREJON: (Indiscernible).

21 MR. ORTIZ: Well, I mean, I -- I'm going to  
22 go with our planner's advice on this.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. ORTIZ: I mean, I -- I don't see how we  
25 could possibly --

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. ORTIZ: -- reject his advice.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: Unfortunately, Mr. Price has  
5 pointed out something and our planner, who he  
6 doesn't always agree with, agrees.

7 So, but in this case, he does. So, I mean,  
8 my recommendation --

9 CHAIRPERSON CAPIZZI: Yeah.

10 MR. ORTIZ: -- would be we have to defer  
11 this to the Board of Adjustment.

12 CHAIRPERSON CAPIZZI: So, I'll make a  
13 motion to refer this to the Board of Adjustment.

14 Is that what we're doing?

15 MR. ORTIZ: Yeah.

16 CHAIRPERSON CAPIZZI: Okay.

17 THE SECRETARY: Motion.

18 MR. ORTIZ: Hmm?

19 THE SECRETARY: You don't need a motion.

20 MR. ORTIZ: Yeah, we should. With the  
21 record, I think we should.

22 Well, she has a motion on -- on the floor.

23 THE SECRETARY: Motion to?

24 MR. ORTIZ: Is it a --

25 CHAIRPERSON CAPIZZI: To defer it to the --



1 MR. ORTIZ: Second?

2 CHAIRPERSON CAPIZZI: -- Board of  
3 Adjustment.

4 MR. ORTIZ: Yeah. Is there a second on  
5 that?

6 MR. VELAZQUEZ: I second.

7 MR. ORTIZ: Second.

8 THE SECRETARY: Motion to send the  
9 application to the Board of Adjustment by Ms.  
10 Capizzi.

11 Seconded by Mr. Velazquez.

12 Roll call on the motion.

13 Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Koehler?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Ms. Morejon?

20 MS. MOREJON: Yes.

21 THE SECRETARY: Mr. Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 MR. VELAZQUEZ: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Seven in favor.

3 Motion carries.

4 This application has been sent to the Board  
5 of Adjustment.

6 Thank you.

7 MR. ORTIZ: Now, keep in mind, and by no  
8 means, counsel, you have -- you know, you have a  
9 learned attorney right behind you. That's your  
10 mentor, it would seem.

11 But any notices you submitted here today  
12 don't hold true there. You're on ground -- you  
13 know, you're on the ground floor again.

14 MR. DIAZ: Okay. Start back -- back to  
15 scratch, huh?

16 MR. ORTIZ: Yeah.

17 MR. DIAZ: Thank you.

18 CHAIRPERSON CAPIZZI: All right. Thank  
19 you.

20 MR. DIAZ: Have a good night.

21 CHAIRPERSON CAPIZZI: Good luck.

22 \* \* \*

23

24

25

1 905-909 Palisade Avenue Holdings, LLC -  
2 905 Palisade Avenue;  
3 905-909 Palisade Avenue Holdings, LLC -  
4 907-909 Palisade Avenue:  
5

6 MR. ORTIZ: Okay.

7 It's my understanding on the next two  
8 presentations, while they're divided into two  
9 different applications, it would -- it would seem  
10 -- it would seem that they are related.

11 I spoke to counsel at the beginning of the  
12 meeting. They are probably -- they are separated  
13 because it's requiring a subdivision, as well, as  
14 applications go.

15 But he's going to present them as one, and  
16 I don't have any objection to that, assuming he  
17 has notice on each application.

18 THE SECRETARY: May I call the application?

19 MR. ORTIZ: Ray, you have -- you have the  
20 notices on each application separately, right?

21 MR. GONZALEZ: Yeah.

22 Good evening, ladies and gentlemen.

23 THE SECRETARY: Allow me, Mr. Gonzalez, to  
24 call for the application.

25 Mr. Gonzalez.

1 MR. SPATZ: They're going to do both of  
2 them.

3 THE SECRETARY: Huh?

4 MR. SPATZ: They're going to do both of  
5 them at the same time.

6 THE SECRETARY: All right.

7 Next application on tonight's agenda, 905-  
8 909 Palisade Avenue Holdings, LLC. That will be  
9 905 Palisade Avenue and 909-90 -- 907-909  
10 Palisade Avenue.

11 Mr. Gonzalez, please?

12 MR. GONZALEZ: Thank you.

13 Good evening, ladies and gentlemen.

14 For the record, my name is Ramon, last name  
15 Gonzalez, G-O-N-Z-A-L-E-Z.

16 What I'd like to do, at this moment, is I'd  
17 like to present the affidavit, copies of all the  
18 notices, and return receipts to the Board  
19 Attorney.

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

22 MR. ORTIZ: Mr. Gonzalez, since it comes to  
23 the Board as separate applications, do you have  
24 -- is there also additional notices?

25 Did you only send the one -- one notice for

1 both --

2 MR. GONZALEZ: If -- if --

3 MR. ORTIZ: -- applications?

4 MR. GONZALEZ: If you look, the notice that  
5 I sent was very specific. It dealt with both  
6 properties.

7 The reason being the list of neighbors in  
8 the area are the same. And what's really being  
9 requested of this Board is essentially maybe a  
10 hybrid. We have two properties that are separate  
11 properties, they're going to be put together and  
12 subdivided equally. So, it's really an  
13 application that encompasses both properties.  
14 So, you wouldn't have one application saying,  
15 well, I'm giving up a portion and then not have  
16 the other application property saying I'm going  
17 to add a portion.

18 So, the notice that was posted and the  
19 notice that was spent (sic) -- was sent was very  
20 specific as to the relief that's being requested  
21 here.

22 MR. ORTIZ: So, it's not truly a -- I just  
23 want to get this clear. It's not truly a  
24 subdivision, it's actually a merger of the  
25 properties.

1           MR. GONZALEZ: It's a merger and then a  
2 subdivision, because it's two separate  
3 properties. And what happens is, so --

4           CHAIRPERSON CAPIZZI: Well, why are we  
5 merging it?

6           MR. GONZALEZ: I'll tell you why, because  
7 --

8           MR. ORTIZ: Because it's probably side by  
9 --

10          MR. GONZALEZ: We're making it --

11          MR. ORTIZ: Connected, right?

12          MR. GONZALEZ: We're making the lots bigger  
13 equally. Instead of having a small lot and a  
14 much bigger lot, we're making it equal so it  
15 looks much better for the town.

16          CHAIRPERSON CAPIZZI: I don't understand  
17 that, though.

18          MR. ORTIZ: Well, what -- what he's --  
19 obviously, one lot is a lot smaller or smaller  
20 than the other one, and they're just basically  
21 divvying it up evenly.

22          MR. GONZALEZ: That's correct.

23          MR. GUARENO: What's the size of the lots  
24 as it is?

25          MR. GONZALEZ: As they exist?

1           MR. GUARENO: Yeah. Saying one is smaller  
2 than the other.

3           MR. GONZALEZ: Yes, it is.

4           MR. GUARENO: So, what are the sizes?

5           MR. GONZALEZ: I have the architect, for a  
6 moment, and --

7           At this time, I'd like to call Mr.  
8 Arencibia.

9           MR. ORTIZ: Well, Mr. Gonzalez, I -- I'm  
10 concerned about the way it was noticed. I got to  
11 be honest with you. These are two separate  
12 applications. I think it should have been  
13 noticed twice.

14           MR. GONZALEZ: You -- you can't notice one  
15 without noticing the other, because what you're  
16 doing is you're merging them together, for the  
17 purpose of the -- the equalization of the two  
18 lots.

19           So, I can't send the notice on one. What  
20 am I going to say? I'm making the lot smaller?  
21 I have to make the application jointly, so they  
22 could be heard jointly.

23           MR. ORTIZ: Had it been done that way, I --  
24 maybe I could -- I could feel a little more --  
25 little more comfortable.

1 MR. GONZALEZ: And it is, but the reason I  
2 did it as two separates because, in the process,  
3 we're seeking to build two separate homes on it.

4 MR. ORTIZ: Understood.

5 MR. GONZALEZ: So, for the real estate, you  
6 have to do it that way. And then, for the  
7 application, it's really two applications that  
8 are separate.

9 VICE CHAIRPERSON KOEHLER: So, you're doing  
10 four things.

11 You're combining the lots; dividing the  
12 lots, number two.

13 Number three, building on one of the lots.

14 And number four, building on the other lot.

15 MR. GONZALEZ: That's correct.

16 VICE CHAIRPERSON KOEHLER: Is that correct?

17 MR. GONZALEZ: That's why you can't do it  
18 separately. You have to do it altogether because  
19 -- because I'm not coming with a 25 by a hundred  
20 lot and seek whatever relief I'm asking.

21 CHAIRPERSON CAPIZZI: Isn't it two  
22 different lots?

23 MR. GONZALEZ: What I'm actually doing is  
24 I'm making it better than a 25, because it would  
25 wind up being about 32 and a half, each lot,



1 versus 25 and then one being much larger.

2 CHAIRPERSON CAPIZZI: But isn't it two  
3 different lots to begin with?

4 MR. GONZALEZ: It is, but the only way I  
5 could subdivide it equally --

6 CHAIRPERSON CAPIZZI: But that's down the  
7 road. That's -- that seems to me to be -- I'm  
8 not an attorney, seems to be jumping ahead.  
9 There's two different lots.

10 MR. ORTIZ: I'll accept the representation  
11 and accept the --

12 CHAIRPERSON CAPIZZI: Okay.

13 MR. ORTIZ: -- the notices, based on the  
14 fact that particularly, the notice was extremely  
15 specific as to that.

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. ORTIZ: And unusually long and et  
18 cetera.

19 So, under those circumstances, I believe  
20 that the Board has jurisdiction, based on the  
21 submissions --

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. ORTIZ: -- of counsel.

24 MR. GONZALEZ: Thank you.

25 What I'd like to do at this time is call

1 Mr. Arencibia.

2 MS. DILLON: Please raise your right hand.

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

5 MR. ARENCIBIA: I do.

6 MS. DILLON: Please state your name for the  
7 record.

8 MR. ARENCIBIA: Albert Arencibia.

9 MR. GONZALEZ: Mr. Arencibia, I want to ask  
10 you about your education.

11 Can you tell me where you went to school  
12 and how you got your degree, please?

13 MR. ARENCIBIA: Sure.

14 I went to --

15 MR. ORTIZ: I think he's been before this  
16 Board.

17 CHAIRPERSON CAPIZZI: He has been before.

18 MR. GONZALEZ: If he's been --

19 CHAIRPERSON CAPIZZI: Yes. He's fine.

20 MR. GONZALEZ: Okay. I don't --

21 CHAIRPERSON CAPIZZI: Yeah. I accept him  
22 as a --

23 MR. GONZALEZ: -- generally come to the  
24 Board, although I live in Union City, grew in  
25 Union City.

1 Mr. Arencibia --

2 MR. ARENCIBIA: Yes, and my -- and my  
3 license is still --

4 MR. GONZALEZ: Is valid.

5 MR. ARENCIBIA: -- currently active. Yes.  
6 So, it's good. So far.

7 MR. GONZALEZ: If he could be accepted as  
8 an expert?

9 CHAIRPERSON CAPIZZI: He is.

10 MR. GONZALEZ: Thank you.

11 MR. ARENCIBIA: Thank you very much.  
12 Appreciate it.

13 MR. GONZALEZ: Mr. Arencibia, are you  
14 familiar with the application that's being put  
15 before this Board today?

16 MR. ARENCIBIA: Yes, I am.

17 MR. GONZALEZ: Are you familiar with the  
18 property?

19 MR. ARENCIBIA: Yes.

20 MR. GONZALEZ: Have you gone to visit the  
21 property?

22 MR. ARENCIBIA: Yes.

23 MR. GONZALEZ: Do you know what exists  
24 there now?

25 MR. ARENCIBIA: Yes.

1 MR. GONZALEZ: And do you know what -- what  
2 we're seeking?

3 MR. ARENCIBIA: Yes.

4 MR. GONZALEZ: Okay.

5 Now, before I get into the particulars of  
6 it, there's two lots there.

7 Is that correct?

8 MR. ARENCIBIA: That is correct.

9 MR. GONZALEZ: Okay.

10 And the two lots, one of them is what  
11 dimensions?

12 MR. ARENCIBIA: Twenty-five by a hundred.

13 MR. GONZALEZ: Okay.

14 MR. ARENCIBIA: And the other one is 42 and  
15 a half by a hundred.

16 MR. GONZALEZ: Okay.

17 And what we're actually seeking here is a  
18 merger of those lots, and then a subdivision to  
19 make it equal.

20 Is that correct?

21 MR. ARENCIBIA: That is correct.

22 MR. GONZALEZ: Okay.

23 So, once you merge the two lots, what's the  
24 total lot size that you would have?

25 MR. ARENCIBIA: Okay. Well, it'd be a

1 | hundred deep, of course. But each lot then would  
2 | be 33.75 foot wide.

3 | MR. GONZALEZ: Okay.

4 | And -- and that would make them both equal  
5 | for the purpose of this application.

6 | Is that --

7 | MR. ARENCIBIA: That is --

8 | MR. GONZALEZ: -- correct?

9 | MR. ARENCIBIA: -- correct. Yes.

10 | MR. GONZALEZ: Okay.

11 | And after you have this equalization of the  
12 | lots, there's an application for building a  
13 | structure on it.

14 | Is that correct?

15 | MR. ARENCIBIA: That's correct.

16 | MR. GONZALEZ: And did you design plans  
17 | that have been presented to the Board?

18 | MR. ARENCIBIA: Yes, we did.

19 | MR. GONZALEZ: Okay. I'd like to go over  
20 | those plans.

21 | Do you have them with you?

22 | MR. ARENCIBIA: Sure. Yes.

23 | MR. GONZALEZ: And -- and just the first  
24 | page, and if the Board has the copy of it, the  
25 | first page that I have in front of me that's

1 | labeled T100, that's an actual survey of the area  
2 | and it shows the lot.

3 |         Is that correct?

4 |         MR. ARENCIBIA: That is correct.

5 |         MR. GONZALEZ: And just for the record,  
6 | right now, on the bottom of, I guess it would be  
7 | Lot 4, or it says Lot 1, Lot 2, and there's one  
8 | that doesn't have a lot number, that's the one  
9 | that's 25 by a hundred.

10 |         Is that correct?

11 |         MR. ARENCIBIA: That's correct.

12 |         That would be Lot 3. On the existing  
13 | survey, which is on T101, you could see,  
14 | basically, the existing conditions of the site  
15 | there. And you could see the -- the size of the  
16 | three story frame dwelling on Lot 3, right now,  
17 | existing, the 25 by a hundred, and you could see  
18 | it clearly says Lot 3. And the larger lot, that  
19 | measures 42 foot 5 -- 50 by --

20 |         MR. GONZALEZ: That would be --

21 |         MR. ARENCIBIA: And that would be Lot 4.

22 |         MR. GONZALEZ: That would be Lot 4.

23 |         MR. ARENCIBIA: So, we're proposing  
24 | subdividing those lots into two equal lots. And  
25 | the Lot 3 will now be called Lot 4 -- Lot 3.01

1 and the Lot 4 will be called now 4.01.

2 MR. GONZALEZ: And just for the Board's  
3 reference, that's -- T100 is the lot subdivided  
4 equally.

5 Is that correct?

6 MR. ARENCIBIA: That is correct.

7 MR. GONZALEZ: And the page that's marked  
8 T101, that's what's existing there now.

9 Is that correct?

10 MR. ARENCIBIA: That is correct. Yes.

11 MR. GONZALEZ: Okay.

12 If -- if this is propose -- if this is  
13 accepted, what is the plans that are proposed  
14 there?

15 CHAIRPERSON CAPIZZI: Is this existing?

16 MR. ARENCIBIA: Okay.

17 MR. ORTIZ: Yeah.

18 CHAIRPERSON CAPIZZI: A three story frame  
19 and a two and a half story frame.

20 MR. ORTIZ: The structure -- just so the  
21 Board's clear, there are structures currently on  
22 the property --

23 MR. GONZALEZ: There --

24 MR. ORTIZ: -- which are going --

25 MR. ARENCIBIA: Yes.

1 MR. ORTIZ: -- to be demolished.

2 MR. GONZALEZ: They are.

3 MR. ARENCIBIA: Correct.

4 MR. GONZALEZ: They are.

5 Right now, there's structures that are  
6 being -- that were used illegally as three family  
7 houses already existing. Didn't have parking,  
8 but I'll get -- I'll get into that now.

9 MR. ARENCIBIA: And you could see that on  
10 T101. You see the existing size of the  
11 structures.

12 MR. ORTIZ: That's --

13 MR. ARENCIBIA: And you'll see --

14 MR. ORTIZ: That's what I believe.

15 MR. VELAZQUEZ: Are they occupied right  
16 now?

17 MR. GONZALEZ: No.

18 CHAIRPERSON CAPIZZI: Are they occupied?

19 VICE CHAIRPERSON KOEHLER: The house --

20 MR. GONZALEZ: No, because it -- some of  
21 the -- some of the dwellings, we believe, were  
22 being used illegally. So, we didn't have those  
23 structures. It's not -- we just didn't think it  
24 was safe for the people in Union City.

25 I -- I see that the Board has black and



1 white photos. I also have color.

2 It might be a little helpful. I have -- I  
3 might have one more or two more.

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

6 MR. GONZALEZ: I know I dropped off earlier  
7 -- ahhh --

8 MR. ORTIZ: That's all right.

9 MR. GONZALEZ: I did bring original color  
10 ones to -- for the Board so --

11 (Whereupon, there was a pause in the  
12 proceedings while photographs were distributed.)

13 MR. GONZALEZ: I thought it would be better  
14 to have color, because you really can see it a  
15 little better and have a better understanding of  
16 what's there.

17 Mr. Arencibia, are you familiar with the  
18 neighborhood of Palisade Avenue?

19 MR. ARENCIBIA: Yes, I am.

20 CHAIRPERSON CAPIZZI: Is that the house?

21 MR. GONZALEZ: And are familiar with the  
22 houses that exist there now?

23 MR. ARENCIBIA: Yes.

24 MR. GONZALEZ: Okay.

25 And do you know what -- what --

1 MS. MOREJON: Have to be this one.

2 MR. GONZALEZ: -- they're not being used  
3 now, but do you know what they were being used  
4 for?

5 MR. ARENCIBIA: I believe one was a two  
6 family that was used illegal as a three family,  
7 another one was a three family.

8 CHAIRPERSON CAPIZZI: So, on this, which  
9 houses are they on this --

10 VICE CHAIRPERSON KOEHLER: On the colored.

11 CHAIRPERSON CAPIZZI: On the colored.

12 MR. ARENCIBIA: On the colored pictures?

13 If you look at T103, I believe that's the  
14 sheet you have there --

15 VICE CHAIRPERSON KOEHLER: Um hum.

16 MR. ARENCIBIA: Okay.

17 You see where the little red dot is there,  
18 that would be the second lot. That would be the  
19 second house. So, it's that house there plus the  
20 house immediately to the left of that.

21 So, both of those structures --

22 MR. GONZALEZ: Which -- which would be --

23 VICE CHAIRPERSON KOEHLER: Which view?

24 Which view?

25 (Whereupon, there were multiple speakers.)

1 MR. ARENCIBIA: On --

2 MR. GONZALEZ: Right here.

3 MR. ARENCIBIA: Aerial view 1.

4 CHAIRPERSON CAPIZZI: I know.

5 VICE CHAIRPERSON KOEHLER: Okay.

6 CHAIRPERSON CAPIZZI: But this doesn't --  
7 we want to see --

8 VICE CHAIRPERSON KOEHLER: In --

9 CHAIRPERSON CAPIZZI: -- what the front  
10 looks like.

11 MR. GONZALEZ: Oh, okay.

12 VICE CHAIRPERSON KOEHLER: Of that view.

13 CHAIRPERSON CAPIZZI: Is that -- are these  
14 the two houses?

15 MR. ARENCIBIA: The front is -- look at 4.  
16 If you look at picture 4 --

17 CHAIRPERSON CAPIZZI: Yes.

18 MR. ARENCIBIA: That -- the house to the  
19 left of it with a peak, --

20 CHAIRPERSON CAPIZZI: Right.

21 MR. ARENCIBIA: -- that one house will be  
22 taken down. That's a three story house, that was  
23 a two fam -- being used as a three family. And  
24 the house behind that beautiful tree that's  
25 there, but you really can't barely see too much.

1           So, those are the two --

2           VICE CHAIRPERSON KOEHLER:   There's a house  
3 behind that tree?

4           MR. ARENCIBIA:   Correct.

5           VICE CHAIRPERSON KOEHLER:   Okay.

6           MR. ARENCIBIA:   Yeah.

7           CHAIRPERSON CAPIZZI:   Okay.   But --

8           MR. ARENCIBIA:   It's a beautiful tree.

9           CHAIRPERSON CAPIZZI:   -- do we have a  
10 picture of that house?

11          MR. GONZALEZ:   This way?

12          VICE CHAIRPERSON KOEHLER:   Is this the  
13 picture?

14          CHAIRPERSON CAPIZZI:   Do we have a picture  
15 --

16          VICE CHAIRPERSON KOEHLER:   Is -- is view --

17          CHAIRPERSON CAPIZZI:   -- of the house?

18          VICE CHAIRPERSON KOEHLER:   -- D the house  
19 behind the trees?

20          MR. ARENCIBIA:   Excuse me?

21          VICE CHAIRPERSON KOEHLER:   View D.   Is that  
22 a picture of the house behind the tree?

23          MR. ARENCIBIA:   Well, no.   That's the  
24 adjacent house.

25          VICE CHAIRPERSON KOEHLER:   Are you sure?

1 MR. ARENCIBIA: View --

2 Yeah, you could see, I guess, on E, you  
3 could possibly see a little --

4 MR. GONZALEZ: I guess E, you might have a  
5 --

6 MR. ARENCIBIA: -- might be able to see a  
7 bit of it.

8 MR. GONZALEZ: You -- you might have a  
9 better look on E.

10 MR. ARENCIBIA: Yeah. I knew you could see  
11 it.

12 CHAIRPERSON CAPIZZI: E? Where is it?

13 VICE CHAIRPERSON KOEHLER: So --

14 MR. ARENCIBIA: Yeah. So, one you see on  
15 D, yes. That would be -- that would be the other  
16 -- the other house. Yes.

17 VICE CHAIRPERSON KOEHLER: With the blue  
18 shutters. That's the house --

19 MR. ARENCIBIA: With the --

20 VICE CHAIRPERSON KOEHLER: -- you're  
21 tearing down.

22 MR. ARENCIBIA: The white -- the white  
23 house with the black shutters. Yes.

24 VICE CHAIRPERSON KOEHLER: Black shutters.

25 MR. ARENCIBIA: Um hum.

1 VICE CHAIRPERSON KOEHLER: Got it.

2 CHAIRPERSON CAPIZZI: So, why are we -- why  
3 are we taking these houses down? They're cute.  
4 And they -- they fit into this neighborhood. So,  
5 why would we -- taking those down?

6 MR. ARENCIBIA: Well, we're proposing on  
7 creating three three bedroom units, on four  
8 floors. This is a very similar scenario of a lot  
9 of the new construction that's in the area, as  
10 well.

11 If you actually take a look at two, on the  
12 same sheet, T103, you could see on 10<sup>th</sup> Street,  
13 right behind here, three homes that are  
14 basically, in essence, sort of what we're  
15 proposing on having here.

16 However, one of the things that we did when  
17 we designed the houses is we -- on those homes  
18 you see on 10<sup>th</sup> Street, that have stairs that  
19 project out onto the front of the property line  
20 there, and what we did, we wanted to kind of  
21 confine the stairs within the confines of our  
22 property. So, we actually set our stairs within  
23 our -- our building itself, so you had more of a  
24 setback.

25 Right now, what you have with your existing

1 homes --

2 CHAIRPERSON CAPIZZI: Right. I mean,  
3 that's across the street from the pool.

4 Correct?

5 MR. ARENCIBIA: That is correct.

6 MR. GONZALEZ: That's correct. Yes.

7 MR. ARENCIBIA: Yes.

8 CHAIRPERSON CAPIZZI: Okay. So --

9 MS. MOREJON: So, the house on the corner,  
10 I don't know if you're familiar with the house,  
11 on 9<sup>th</sup> and Palisade, right here. That -- they  
12 kept the structure of the house and they did  
13 three beautiful apartments.

14 MR. GONZALEZ: No. But -- but the problem  
15 that you would have and -- and what you allow is  
16 you have new stock, you have better apartments.  
17 One of the issues that you have, when you have  
18 these older homes, that you don't have the  
19 ability to have a structure that's really good  
20 for a family. And then what happens --

21 MR. ORTIZ: Could I make a suggestion, Ray?

22 I don't mean to cut you off, but I know  
23 where this is going, and I've represented this  
24 Board for a long time. And I just looked -- and  
25 if everybody will just flip over to what the --

1 the -- I mean, I understand what you're saying as  
2 far as -- you know, those houses just need to  
3 come down. No argument.

4 But I guarantee you if it's not going there  
5 already, it's going to get there is the design of  
6 the build -- of the house itself, couldn't it be  
7 more consistent with the houses on that block?

8 I mean, even if you build new houses. I'm  
9 not saying don't build new houses, but I'm  
10 saying, design-wise, I mean, it -- it's very  
11 modern.

12 MR. ARENCIBIA: Correct. That's what we  
13 wanted.

14 MS. MOREJON: That -- that area is --

15 MR. GONZALEZ: Okay.

16 MR. ARENCIBIA: Well, but --

17 MR. GONZALEZ: I -- I understand the  
18 Board's position.

19 CHAIRPERSON CAPIZZI: Right.

20 MR. GONZALEZ: And you know what? That --  
21 that's something that is not something that can  
22 be changed.

23 But what I -- what I do want to have the  
24 Board understand, the -- the structure that we're  
25 seeking, and the design area is the aesthetics,



1 that could be changed. I agree. But the purpose  
2 of -- of actually going with the new homes is  
3 it's much better for the people that are going to  
4 be renting.

5 And more importantly, and I guess this came  
6 out in earlier in one of the other applications,  
7 and -- and you know, being in Union City my  
8 entire life, I know what happens.

9 If the Board approves, or I've seen Boards  
10 approve applications where they have the two  
11 families and they have this little apartment in  
12 the back. And then what -- what you run into is  
13 -- what you run into so many areas where then  
14 there's no parking.

15 What my client has proposed here, the  
16 additional width allows every single car to be  
17 inside the property, without sticking out,  
18 without it creating a burden on the street. And  
19 it gives it the width that you need so you could  
20 have that.

21 So, that's a very important point.  
22 Aesthetically, I understand what you're saying  
23 and that could be modified.

24 But the reason I say this is the -- the  
25 gist of the application is something that's

1 really good and is really what the future of  
2 Union City should be, which is for families,  
3 which has three units that have three apartments.  
4 You have -- you have the ability to have the cars  
5 off-street parking. You're not putting a little  
6 driveway with ten feet, where you do have half of  
7 the car sticking on the sidewalk. It's Palisade  
8 Avenue. I drive down Palisade Avenue. I see  
9 what's there.

10 MS. MOREJON: I live -- I live on that  
11 block.

12 MR. GONZALEZ: I know. Everybody -- every  
13 parking is halfway into the sidewalk. Everybody  
14 has -- there's no parking anymore on the street.

15 MR. ORTIZ: Again --

16 MR. GONZALEZ: And --

17 MR. ORTIZ: I'm not -- but I'm not getting  
18 a sense from this Board --

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: -- that they're against tearing  
21 down the old buildings and building new homes.  
22 I'm telling you right out, and please --

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. ORTIZ: -- you Board members, please  
25 cut me off.

1 MS. MOREJON: My feeling honestly --

2 MR. ORTIZ: The aesthetics are --

3 MS. MOREJON: He knows --

4 MR. ORTIZ: -- going -- going to play --

5 MR. GONZALEZ: Oh, I understand. And I'm  
6 not saying that we can't change the aesthetics.

7 I just want -- I just don't want to come  
8 back again and start all over again. I want --

9 MR. ORTIZ: No, we --

10 MR. GONZALEZ: I want this Board --

11 MR. ORTIZ: -- we have jurisdiction.

12 MR. GONZALEZ: -- to understand that we're  
13 really doing something that's good for the town.  
14 Okay? We're not here where -- where somebody  
15 bought these two lots and building --

16 MS. MOREJON: Ray, we understand that.

17 MR. GONZALEZ: Yes.

18 MS. MOREJON: But it's the neighborhood.

19 MR. GONZALEZ: Yes.

20 MS. MOREJON: You don't want to change  
21 that. That's -- honestly --

22 MR. GONZALEZ: We could change the design.  
23 That's --

24 MS. MOREJON: Listen to me, Ray.

25 MR. GONZALEZ: Yes.

1 MS. MOREJON: That's the best --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MS. MOREJON: -- part of Union City. The  
4 best. From 2<sup>nd</sup> Street, to 15<sup>th</sup> Street, that's  
5 where you find those old houses, that they look  
6 beautiful and they have the New York view.

7 VICE CHAIRPERSON KOEHLER: May I ask a  
8 couple questions?

9 MR. GONZALEZ: Absolutely.

10 VICE CHAIRPERSON KOEHLER: So, these are  
11 not owner occupied currently, or they're not --

12 MS. MOREJON: No.

13 VICE CHAIRPERSON KOEHLER: -- occupied at  
14 all?

15 MS. MOREJON: Somebody --

16 VICE CHAIRPERSON KOEHLER: Are they?

17 MR. GONZALEZ: They're not occupied at all.

18 VICE CHAIRPERSON KOEHLER: They are not  
19 occupied at all.

20 MR. GONZALEZ: That's correct.

21 VICE CHAIRPERSON KOEHLER: So, the --  
22 whoever bought these two --

23 MR. GONZALEZ: My client.

24 VICE CHAIRPERSON KOEHLER: -- consolidate

25 --

1 MR. GONZALEZ: Mr. Saminski (phonetic).  
2 He's here.

3 VICE CHAIRPERSON KOEHLER: -- subdivide and  
4 then build a total of how many units combined?  
5 Six?

6 Is that right?

7 MR. GONZALEZ: It would be six.

8 VICE CHAIRPERSON KOEHLER: Six.

9 MR. GONZALEZ: Yes.

10 MS. MOREJON: Six units.

11 VICE CHAIRPERSON KOEHLER: So, currently --

12 MR. ORTIZ: Three and three.

13 VICE CHAIRPERSON KOEHLER: -- these are --

14 MR. GONZALEZ: Three and three. Separate.

15 VICE CHAIRPERSON KOEHLER: Got it. Got it.

16 So, the smaller house here, with the black  
17 shutters, is that currently a one family?

18 MR. GONZALEZ: Two.

19 VICE CHAIRPERSON KOEHLER: It's a two  
20 family. And the one next door, it's currently a  
21 three family?

22 MR. GONZALEZ: Three.

23 VICE CHAIRPERSON KOEHLER: Okay.

24 MR. GONZALEZ: And everybody's been using  
25 them --

1 VICE CHAIRPERSON KOEHLER: Got it.

2 MR. GONZALEZ: -- in the past, illegally.

3 We want --

4 MS. MOREJON: We know that.

5 MR. GONZALEZ: -- to get away from that.

6 MS. MOREJON: I know that.

7 MR. GONZALEZ: It's not safe.

8 MS. MOREJON: We know that.

9 VICE CHAIRPERSON KOEHLER: I'm probably to  
10 the extreme of the Board. I -- I would deny it  
11 because I don't want to see these get demolished.  
12 So --

13 CHAIRPERSON CAPIZZI: Um hum. I agree.

14 VICE CHAIRPERSON KOEHLER: I think that if  
15 the own -- I understand you'd make more money if  
16 you have more units. I understand that.

17 However, my feeling is, keep them, but  
18 spend your money gut renovating and rent it out  
19 that way.

20 (Whereupon, there were multiple speakers.)

21 MR. ORTIZ: Would --

22 VICE CHAIRPERSON KOEHLER: That --

23 CHAIRPERSON CAPIZZI: I agree with you.

24 VICE CHAIRPERSON KOEHLER: So, I'm to the  
25 extreme, so --

1 MS. MOREJON: That's going to be --

2 MR. ORTIZ: Would it be more amenable --

3 MR. GONZALEZ: But the zoning --

4 MR. ORTIZ: Would it be more amenable --

5 MR. GONZALEZ: -- allows them to do this.

6 MR. ORTIZ: No, no. I understand that and  
7 that's -- and I -- I agree with you. But would  
8 you be more amenable to the project if the design  
9 came back --

10 MS. MOREJON: Yes.

11 MR. ORTIZ: -- consistent with --

12 MS. MOREJON: Maybe, yes.

13 MR. ORTIZ: -- that more colonial type  
14 site.

15 MS. MOREJON: More --

16 Right. Right.

17 MR. GONZALEZ: I -- I agree with you. I  
18 agree with you on -- on that.

19 MR. ORTIZ: And I -- maybe I'm not using  
20 the right words of the buildings there but --

21 MS. MOREJON: Brick front.

22 MR. GONZALEZ: I -- I like the brick  
23 fronts.

24 MR. ARENCIBIA: Sounds really good.

25 MR. VELAZQUEZ: Like the D --

1 MR. GONZALEZ: I like the design.

2 MR. VELAZQUEZ: Like the D one.

3 VICE CHAIRPERSON KOEHLER: I don't  
4 generally like aluminum or metal siding at all,  
5 but --

6 MR. GONZALEZ: Neither do I.

7 VICE CHAIRPERSON KOEHLER: -- considering  
8 that that -- in -- of all the siding houses I've  
9 seen, that's adorable.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. VELAZQUEZ: D. D is.

12 MR. GONZALEZ: Maybe in the picture.

13 VICE CHAIRPERSON KOEHLER: Okay.

14 MR. GONZALEZ: But unfortunately --

15 VICE CHAIRPERSON KOEHLER: I -- I know the  
16 area.

17 MR. GONZALEZ: Yeah.

18 VICE CHAIRPERSON KOEHLER: I know the area.

19 MR. GONZALEZ: Yeah.

20 VICE CHAIRPERSON KOEHLER: I drive down and  
21 I'm like --

22 CHAIRPERSON CAPIZZI: So do I.

23 VICE CHAIRPERSON KOEHLER: This is -- it's  
24 quaint and I get it -- you know, we -- we want to  
25 increase our tax base, take care -- you know,



1 give more housing stock, et cetera. But I think  
2 it would --

3 MS. MOREJON: (Indiscernible).

4 VICE CHAIRPERSON KOEHLER: -- alter the feel  
5 of the neighborhood.

6 CHAIRPERSON CAPIZZI: I agree with you.

7 MS. MOREJON: It has a terrace in the roof.  
8 Have you a --

9 MR. GONZALEZ: I don't they allow terraces  
10 on the roof, though.

11 MS. MOREJON: (Indiscernible).

12 MR. GONZALEZ: No, I know. I know, but --

13 MR. ARENCIBIA: They're -- they won't let  
14 you do that no more.

15 MS. MOREJON: I know it.

16 MR. GONZALEZ: It -- they -- they won't do  
17 that anymore.

18 MS. MOREJON: But I'm just telling you --

19 MR. GONZALEZ: Yeah.

20 MS. MOREJON: -- they kept the structure --

21 MR. GONZALEZ: I --

22 MS. MOREJON: -- of the house.

23 MR. GONZALEZ: I agree.

24 MS. MOREJON: They have marble. Marble.  
25 It's a beautiful building.

1 MR. GONZALEZ: I -- I think something --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. GONZALEZ: -- that's consistent --

4 CHAIRPERSON CAPIZZI: Right.

5 MR. GONZALEZ: -- design.

6 CHAIRPERSON CAPIZZI: Exactly.

7 MS. MOREJON: And they keep the --

8 MR. GONZALEZ: We could do that.

9 CHAIRPERSON CAPIZZI: I agree with you.

10 MR. GONZALEZ: We could absolutely do that  
11 and I think we could make something that -- that  
12 aesthetically comports with the -- the  
13 neighborhood better. Absolutely.

14 MR. ORTIZ: I mean, I would think, and my  
15 recommendation --

16 MS. MOREJON: I think it's cute.

17 MR. ORTIZ: -- would be --

18 VICE CHAIRPERSON KOEHLER: Gut renovate.

19 MR. ORTIZ: -- that -- we have  
20 jurisdiction. So no new notices, no problems  
21 there. But kind of go back to the drawing board,  
22 excuse the pun, and maybe coming back with  
23 something that is more consistent with the  
24 neighborhood. Maybe even more consistent with  
25 what's there now, but a new -- you know, larger,

1     whatever.

2             MR. GONZALEZ:   The real important thing is  
3     to make this really work well, though, with the  
4     neighborhood and to allow for the off-street  
5     parking.  I think we can make some things  
6     aesthetically look very pleasing.

7             But the 33.2?

8             MR. ARENCIBIA:   Seven five.

9             MR. GONZALEZ:   Seven -- 33.7 -- well, 32.75  
10    is really what's best also, so we can get a  
11    really nice design that will look consistent.

12            And I understand, maybe like the  
13    brownstones that you see in --

14            MS. MOREJON:   With a garden in front.

15            MR. GONZALEZ:   -- Hoboken.

16            MS. MOREJON:   Little garden.

17            MR. GONZALEZ:   Oh, of course.  Well, that's  
18    -- we have that now.

19            MR. ARENCIBIA:   Well, we -- we have  
20    landscaping in front.

21            MS. MOREJON:   Mr. Arencibia --

22            MR. GONZALEZ:   We -- we have that.

23            MR. ARENCIBIA:   What -- what you have right  
24    now in these houses, doesn't have anything.

25            MR. ORTIZ:   But with all due respect --

1 MS. MOREJON: This --

2 MR. ORTIZ: And the -- the --

3 MS. DILLON: Please, one at a time.

4 MR. ORTIZ: With all due respect, I think  
5 what you're hearing is the design of the building  
6 is not --

7 MR. GONZALEZ: We could do that.

8 MR. ORTIZ: -- acceptable right from the  
9 beginning.

10 MR. ARENCIBIA: But the landscaping is  
11 beautiful.

12 MR. ORTIZ: Well, I -- that you can keep.

13 CHAIRPERSON CAPIZZI: But they could also  
14 improve on the landscaping that's -- that's  
15 currently there at that house, is -- I think -- I  
16 think what Jeanne is also saying -- you know,  
17 there's nothing wrong with renovating and  
18 sprucing up what you have already.

19 MR. ARENCIBIA: But the -- the house is  
20 only 11 feet from the property line. And cars  
21 park there and they stick out into the sidewalk.  
22 It's -- it's a dangerous --

23 VICE CHAIRPERSON KOEHLER: Well, they're --

24 MR. ARENCIBIA: -- situation.

25 VICE CHAIRPERSON KOEHLER: -- not supposed

1 to.

2 CHAIRPERSON CAPIZZI: Right.

3 VICE CHAIRPERSON KOEHLER: So if --

4 MR. ARENCIBIA: We -- we all know that.

5 VICE CHAIRPERSON KOEHLER: If you see that,  
6 have someone give them a ticket. We're not  
7 authorizing that.

8 MR. ARENCIBIA: Well, but this is a better  
9 solution because we're internalizing the parking,  
10 which is much safer for the neighborhood. We're  
11 providing an entrance -- one entrance into the  
12 unit of the building, right from the front of the  
13 street.

14 I'm providing additional landscaping on  
15 both areas. We're setting back the house much  
16 more so than any of the other properties in the  
17 area, so you have more relief from the front of  
18 the -- from the house, too, as well.

19 So it's -- we're proposing a safer  
20 building, a sturdier building, a more attractive  
21 building. We can definitely rework the  
22 aesthetics of the façade, in order to make  
23 something with clapboard, something similar to --  
24 to kind of pick up a lot of the traditional  
25 elements of the area. We could definitely do

1 | that.

2 |       But if we look at the layout of the  
3 | apartments, they're very nice apartments. The --  
4 | the bedrooms are nice, have walk-in closets.

5 |       VICE CHAIRPERSON KOEHLER:   Lovely.

6 |       MR. ARENCIBIA:   They have --

7 |       VICE CHAIRPERSON KOEHLER:   They're all  
8 | lovely, in a different context.

9 |       MR. GONZALEZ:   I think if -- if the Board  
10 | would allow me, if we could modify the design  
11 | structure, so it looks somewhat more similar --

12 |       MR. VELAZQUEZ:   Nothing --

13 |       MR. GONZALEZ:   More --

14 |       MR. VELAZQUEZ:   -- like 10<sup>th</sup> Street.

15 |       MR. GONZALEZ:   What's 10<sup>th</sup> Street? I don't  
16 | know.

17 |       Oh, yes.

18 |       MR. VELAZQUEZ:   The houses.

19 |       MR. GONZALEZ:   Yes, yes, yes, yes.

20 | Absolutely.

21 |       MR. VELAZQUEZ:   Those look --

22 |       MR. GONZALEZ:   I understand.

23 |       MR. VELAZQUEZ:   -- like box houses.

24 |       MR. GONZALEZ:   Yeah. I got it. I  
25 | understand. I -- I know what you're talking

1 about. I -- I --

2 CHAIRPERSON CAPIZZI: And then I would also  
3 like point out, when and if, let's say, this were  
4 to happen and we have construction and so forth,  
5 we have to be aware of the seasonal, because it's  
6 across the street from the pool.

7 MR. ORTIZ: Um hum.

8 CHAIRPERSON CAPIZZI: Right? I really  
9 can't see any -- anything happening during that  
10 high season, because --

11 MS. MOREJON: Oh, during the summer.

12 CHAIRPERSON CAPIZZI: -- we had problems  
13 with other applications where there were nails on  
14 the sidewalk, kids stepped on nails. And that's  
15 --

16 MR. VELAZQUEZ: And I -- I --

17 MR. GONZALEZ: No, I -- I understand.

18 CHAIRPERSON CAPIZZI: -- a safety issue.

19 MR. VELAZQUEZ: And I know one --

20 MS. MOREJON: We close the pool after Labor  
21 Day.

22 MR. VELAZQUEZ: And I know one, before they  
23 got their act together, it was a total disaster.  
24 I mean -- I mean, that park -- I was driving, one  
25 day, DPW, and ripping off the roof on a Sunday.

1 And just throwing everything.

2 MR. GONZALEZ: Well, that's not allowed.

3 MR. VELAZQUEZ: Yeah. I --

4 MR. GONZALEZ: It shouldn't be. I know  
5 that's not allowed.

6 MR. VELAZQUEZ: And I don't think it would  
7 happen probably with your client and all that,  
8 but that's what some of us remember, Alicia  
9 remembers because of doing Parks. We had to  
10 clean that up.

11 MS. MOREJON: We had to call the police  
12 constantly.

13 MR. VELAZQUEZ: Power wash the sidewalk,  
14 everything.

15 MS. MOREJON: The police --

16 MR. VELAZQUEZ: Crazy.

17 MS. MOREJON: -- was there every single  
18 day. We have to.

19 CHAIRPERSON CAPIZZI: I would just ask you  
20 --

21 MS. MOREJON: Something more -- more --

22 CHAIRPERSON CAPIZZI: -- to go back to the  
23 -- to the people that you're -- you're working  
24 with -- you know, to also just maybe consider a  
25 refab -- you know, that's an option. I'm not



1 saying that that --

2 VICE CHAIRPERSON KOEHLER: A gut  
3 renovation, if you will.

4 CHAIRPERSON CAPIZZI: Renovation.

5 MR. ARENCIBIA: I mean, I -- I would like  
6 to just state that, basically, what we're  
7 proposing here, we only have four minor variances  
8 that we require.

9 I mean, the new Master Plan, right now,  
10 that just came out in January, we wouldn't -- we  
11 wouldn't have any variances. We could just build  
12 this as-of-right.

13 So, we've scaled down this project in order  
14 to accommodate that. But yet, and the new Master  
15 Plan hasn't been implemented yet.

16 However, the variances that we have are  
17 quite small considering the application.

18 MR. GONZALEZ: I understand the Board's  
19 position as --

20 MR. ORTIZ: I think -- I think --

21 MR. GONZALEZ: -- to the aesthetics.

22 MR. ORTIZ: -- that --

23 MR. GONZALEZ: If they give us that  
24 opportunity, and we can come back with that.

25 MR. ORTIZ: That's what I think --

1 MR. GONZALEZ: I think it's a --

2 MR. ORTIZ: -- the smartest move because  
3 it's --

4 MR. GONZALEZ: I -- I think it's a --

5 MR. ORTIZ: -- kind of a nonstarter at that  
6 point.

7 MR. GONZALEZ: -- what would be best.

8 MR. ORTIZ: The rest would -- would maybe  
9 work out.

10 MR. GONZALEZ: I know. It's all right. I  
11 know.

12 MR. ARENCIBIA: Understood.

13 MS. MOREJON: Not for the --  
14 (indiscernible).

15 MR. GONZALEZ: Okay.

16 MR. ORTIZ: So, are you requesting an  
17 adjournment, Mr. Gonzalez?

18 MR. GONZALEZ: I am.

19 MR. GUARENO: I -- I have a question, if I  
20 may, before we adjourn?

21 MR. ORTIZ: Okay. Go ahead.

22 MR. GUARENO: As far as the property, as it  
23 is right now, is that two separate deeds?

24 MR. GONZALEZ: It is.

25 MR. GUARENO: And what's going to happen

1 after you separate it to make them both the same  
2 size?

3 MR. GONZALEZ: They're just -- they're just  
4 going to change the --

5 MR. ORTIZ: Dimensions.

6 MR. GONZALEZ: -- the dimensions that -- of  
7 the deeds.

8 MR. GUARENO: So, it should be two separate  
9 deeds.

10 MR. GONZALEZ: That's why we have to do  
11 that.

12 MR. GUARENO: And just --

13 MR. GONZALEZ: Yes, sir.

14 MR. ORTIZ: All right. If that's your  
15 request, I'm going to ask you to waive any time  
16 limitations that -- that we have. It's a policy,  
17 as far as the Board taking action.

18 MR. GONZALEZ: No, that's fine.  
19 Absolutely. It's at my request.

20 MR. ORTIZ: Okay.

21 So, with that being said, there's a request  
22 of the applicant's attorney -- by the applicant's  
23 attorney to adjourn this, more -- more likely  
24 than not, it's going to have to be heard until  
25 May. You were here when we have a very large

1 project that is probably --

2 MR. GONZALEZ: Okay.

3 MR. ORTIZ: -- going to take up most of the  
4 night on -- in April.

5 CHAIRPERSON CAPIZZI: So, do I have to make  
6 a motion?

7 MR. GONZALEZ: That's fine.

8 MR. ORTIZ: Someone has to, yeah.

9 CHAIRPERSON CAPIZZI: I'll make a motion to  
10 adjourn the --

11 THE SECRETARY: Motion --

12 CHAIRPERSON CAPIZZI: -- application.

13 THE SECRETARY: Motion to --

14 CHAIRPERSON CAPIZZI: Excuse me.

15 THE SECRETARY: -- adjourn to May 28.

16 MR. ARENCIBIA: May when?

17 THE SECRETARY: May 28.

18 MR. ARENCIBIA: Twenty-eight? Wow.

19 MR. VELAZQUEZ: Yeah. That's Memorial Day?

20 THE SECRETARY: Give me two seconds.

21 MS. MOREJON: Is that Memorial Day? No?

22 THE SECRETARY: For when?

23 MS. MOREJON: I think it's a week before.

24 MR. ORTIZ: No, May --

25 MS. MOREJON: That's the weekend of

1 Memorial Day.

2 VICE CHAIRPERSON KOEHLER: That is, yeah.

3 THE SECRETARY: Go ahead, Mr. --

4 MR. ORTIZ: I'm not sure.

5 CHAIRPERSON CAPIZZI: I don't know. Let me  
6 see if I can --

7 THE SECRETARY: May 28<sup>th</sup> Planning Board.

8 CHAIRPERSON CAPIZZI: -- see the date.

9 MR. SPATZ: Yeah. That's the next meeting.  
10 After April, May 28<sup>th</sup> is the next meeting.

11 MR. ORTIZ: Yeah. No, but they're saying  
12 it's -- is that Memorial Day?

13 MS. MOREJON: Memorial Day?

14 MR. GUARENO: No. This is a Tuesday.

15 MS. DILLON: No. Memorial Day is on a  
16 Monday.

17 MR. SPATZ: Right.

18 THE SECRETARY: Is a Monday, Memorial Day.

19 CHAIRPERSON CAPIZZI: The 27<sup>th</sup> is Memorial  
20 Day.

21 THE SECRETARY: And we have a meeting  
22 already scheduled for --

23 MR. ORTIZ: Okay. So --

24 MR. VELAZQUEZ: We'll just all come back  
25 with sunburns.

1 THE SECRETARY: -- May 28<sup>th</sup>.

2 CHAIRPERSON CAPIZZI: 27<sup>th</sup> is Memorial Day.

3 MR. ORTIZ: So, yeah. It will be the day  
4 after Memorial Day.

5 MS. MOREJON: And they then the pool close  
6 after Labor Day.

7 CHAIRPERSON CAPIZZI: Right.

8 THE SECRETARY: Next meeting.

9 Is a motion on the table to adjourn this  
10 application to --

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: -- May the 28<sup>th</sup>.

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. ORTIZ: And all time is waived, right,  
15 Mr. Gonzalez?

16 MR. GONZALEZ: Yes.

17 THE SECRETARY: Any second on the motion?

18 MR. VELAZQUEZ: Second.

19 THE SECRETARY: Motion by Ms. Capizzi.

20 Second by Mr. Velazquez.

21 Roll call on the motion to adjourn this  
22 application for May 28, 2019.

23 No new notice required.

24 Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Koehler?

2 VICE CHAIRPERSON KOEHLER: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Ms. Morejon?

6 MS. MOREJON: Yes.

7 MR. GONZALEZ: Thank you.

8 CHAIRPERSON CAPIZZI: Thank you.

9 THE SECRETARY: Mr. Velazquez?

10 MR. VELAZQUEZ: Yes.

11 THE SECRETARY: Mr. Rivero?

12 MR. RIVERO: Yes.

13 THE SECRETARY: Mr. Guareno?

14 MR. GUARENO: Yes.

15 THE SECRETARY: Seven in favor.

16 Motion carries.

17 MR. ORTIZ: And here's the Resolutions.

18 THE SECRETARY: They going to be carried.

19 No applications on the subdivision.

20 MR. ORTIZ: I mean, it's actually one

21 project. And it's --

22 MR. ARENCIBIA: Thank you very much.

23 CHAIRPERSON CAPIZZI: Thank you.

24 MS. MOREJON: Thank you.

25 MR. ARENCIBIA: Have a nice Memorial Day

1 weekend.

2 CHAIRPERSON CAPIZZI: Yeah.

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1     **ADJOURNMENT:**

2

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

6             CHAIRPERSON CAPIZZI:   Motion.

7             THE SECRETARY:   -- to close tonight's  
8 meeting?

9             Motion by Ms. Capizzi.

10            MR. VELAZQUEZ:   Second.

11            THE SECRETARY:   Seconded by Mr. Velazquez.  
12 All in favor?

13

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

15

16            THE SECRETARY:   The ayes have it.

17            MS. MOREJON:    Yes.

18            THE SECRETARY:   Thank you.

19            Have a good night, everyone.

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

22

23            (Whereupon, the proceedings were concluded  
24 at 8:29 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,  
7 do hereby affirm that the foregoing is a true and  
8 accurate transcript in the matter of the REGULAR  
9 MEETING of the UNION CITY PLANNING BOARD heard on  
10 Tuesday, March 26, 2019 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon