

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, May 28, 2019
Commencing at 6:02 p.m.

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

YDALIA GENAO, Mayor's Designee, (Left at 6:58 p.m.)
RUDY RIVERO
FRANKLIN MEDINA
JOSE GUARENO, Alternate No. 2,
(Arrived at 6:10 p.m.)
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

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

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

CARLOS VALLEJO, SECRETARY TO THE BOARD

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

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

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant,
Manhattan Avenue Capital 1300, LLC

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

EIKE PANEQUE, ESQ.,
Attorney for Applicant, Mansoor Saleh

RICHARD S. SCHKOLNICK, ESQ.,
Attorney for Applicant, Hudson Yards West, LLC

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I N D E XMansoor Saleh - 409 4th StreetWITNESSPAGE

Orestes Valella

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

3 Please take notice that on Tuesday, May 28,
4 2019, at six p.m., a Regular Meeting is scheduled
5 for the City of Union City Planning Board to be
6 held in the Municipal Chamber of the City Hall,
7 3715 Palisade Avenue, Union City, New Jersey.

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

11 Adequate notice of this meeting has been
12 provided as follow:

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

20 Before we call roll for this meeting, can
21 everybody kindly rise to salute the flag?

22

23 (Whereupon, the Pledge of Allegiance was
24 said by all.)

25

1 THE SECRETARY: Thank you.

2

3 **ROLL CALL:**

4

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

7 Mayor Brian P. Stack? Absent.

8 Diane Capizzi?

9 CHAIRPERSON CAPIZZI: Here.

10 THE SECRETARY: Jeanne Koehler?

11 VICE CHAIRPERSON KOEHLER: Here.

12 THE SECRETARY: Ydalia Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Commissioner Valdivia is
15 absent.

16 Carolina Fernandez is absent.

17 Rudy Rivero? Present.

18 MR. RIVERO: Sorry.

19 THE SECRETARY: Franklin Medina?

20 MR. MEDINA: Here.

21 THE SECRETARY: Alicia Morejon is absent.

22 Alejandro Velazquez is absent.

23 Jose Guareno is absent.

24 Let the record indicate there are five
25 present.

1 We have a Board made up of five members.

2 We have a full --

3 CHAIRPERSON CAPIZZI: Quorum.

4 THE SECRETARY: -- quorum.

5 CHAIRPERSON CAPIZZI: Okay.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on April 23, 2019

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5 THE SECRETARY: Adoption of the Minutes of
6 April 23rd, 2019.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I'll make a motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 Seconded by?

11 VICE CHAIRPERSON KOEHLER: Koehler.

12 THE SECRETARY: Ms. Koehler.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 **RESOLUTIONS:**

2

3 (1) The Planning Board of the City of Union
4 City to consider the proposed Non-Condernation
5 Redevelopment Area Report of 720 8th Street, Lot 9
6 in Block 42 of the City. Approved

7

8 THE SECRETARY: We are going to adopt
9 Resolutions.

10 Resolution number 1.

11 The Planning Board of the City of Union
12 City to consider proposed Non-Condernation
13 Redevelopment Area Report, 720 8th Street, Lot 9,
14 Block 42 of the City.

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

17 CHAIRPERSON CAPIZZI: I'll make a motion.

18 THE SECRETARY: Motion by Ms. Capizzi.

19 Seconded by?

20 VICE CHAIRPERSON KOEHLER: Koehler.

21 THE SECRETARY: Ms. Koehler.

22 Roll call on the motion.

23 Ms. Capizzi?

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Mr. Rivero?

7 MR. RIVERO: Yes.

8 THE SECRETARY: Five in favor.

9 Motion carries.

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

12 THE SECRETARY: Allow me one second,
13 please.

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

16 MR. ORTIZ: Ms. Genao, I believe the last
17 meeting you were not present. So, would you like
18 to switch your vote to an abstention?

19 Ydalia?

20 MS. GENAO: Yeah.

21 THE SECRETARY: I am going to do roll call
22 one more time.

23 MR. ORTIZ: You don't need -- it's not
24 necessary. She --

25 THE SECRETARY: You're going to -- she's

1 going to abstain?

2 MR. ORTIZ: Yes.

3 MS. GENAO: I abstain. Yes.

4 THE SECRETARY: Ms. Genao, you -- you
5 abstain on the Resolution.

6 Right?

7 MS. GENAO: Yes.

8 THE SECRETARY: Thank you.

9 Let the record reflect four in favor, one
10 abstained.

11 Motion carries.

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RESOLUTIONS:

(2) ADR RE, LLC 525-531 32nd Street, Block 170, Lots 15-18 and 46. The Resolution was memorialized April 28, 2015. Applicants are seeking for one year extension. (First extension was memorialized on March 28, 2017 and second extension was memorialized on February 27, 2018)

Approved

(3) Narod Najarian, 323 49th Street. Legalization of an existing basement apartment to go from a two family to a three family. **Approved**

Corrective Resolution:

(1) Gulam Sarwar Ansari, 1614 New York Avenue, Block 88, Lot 20. Convert a two family dwelling to a three family dwelling. The Resolution was memorialized on 02-26-2019.

THE SECRETARY: Adoption of Resolution number 2 and 3.

ADR RE, LLC, 525-531 32nd Street.

Resolution number 3.

Narod Najarian, 323 49th Street.

And we have one Corrective Resolution.

Gulam Sarwar Ansari, six four -- 1614 New

1 York Avenue.

2 Can I have a motion to adopt these
3 Resolutions?

4 CHAIRPERSON CAPIZZI: I'll make a motion.

5 THE SECRETARY: Motion by Ms. Capizzi.

6 VICE CHAIRPERSON KOEHLER: Seconded by
7 Koehler.

8 THE SECRETARY: Second by Ms. Koehler.

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: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Rivero?

17 MR. RIVERO: Yes.

18 THE SECRETARY: Four in favor.

19 Motion carries.

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1 **Hudson Yards West, LLC -**

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

3 **AND**

4 **RESOLUTION:**

5 Hudson Yards West, LLC - 3309 Hudson Avenue
6 and 3308 Palisade Avenue, Block 200, Lots 5, 6,
7 24-28 and 40. Resolution preserving parties
8 rights for purposes of negotiations.

9

10 THE SECRETARY: We are going to change a
11 little bit tonight's order on the agenda.

12 We are going to number 6.

13 Hudson Yard West, LLC.

14 Mr. Ortiz, please?

15 MR. ORTIZ: Well, that would be -- that
16 would be 7 and 8. And we'll take them
17 collectively, if the Board would indulge me.

18 As -- as we're aware, these matters are
19 being litigated with various outcomes in each of
20 the three cases presented, I believe.

21 In any case, the City Attorneys are -- not
22 myself, are in the process of negotiation with
23 the applicant for an amicable resolution.

24 The Resolution that's before you is simply
25 for the purposes of securing everybody's rights

1 while that negotiation is happening.

2 Does anybody have any questions for me?

3 THE SECRETARY: Now, we are going to -- to
4 adopt a Resolution for Hudson Yards West, LLC,
5 3309 Hudson Avenue and 3308 Palisade Avenue.

6 Resolution preserving party rights for
7 purpose of negotiations.

8 Can I have a motion to --

9 CHAIRPERSON CAPIZZI: Yes. I'll make a
10 motion.

11 THE SECRETARY: -- adopt this Resolution?

12 Motion by Ms. Capizzi.

13 Second by?

14 VICE CHAIRPERSON KOEHLER: Koehler.

15 THE SECRETARY: Ms. Koehler.

16 Roll call on the motion.

17 Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Koehler?

20 VICE CHAIRPERSON KOEHLER: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Five in favor.

3 Motion carries.

4 Thank you.

5 MR. ORTIZ: Mr. Schkolnick?

6 MR. SCHKOLNICK: Mr. Ortiz, if I may?

7 MR. ORTIZ: Sure.

8 MR. SCHKOLNICK: Richard Schkolnick --

9 MS. DILLON: Can you come forward to the
10 microphone?

11 MR. SCHKOLNICK: Sure.

12 MS. DILLON: Thank you.

13 MR. SCHKOLNICK: Richard Schkolnick on
14 behalf of Hudson Yards West.

15 We're also going to carry the substantive
16 hearing on --

17 MR. ORTIZ: Yes.

18 MR. SCHKOLNICK: -- on the remand.

19

20 (Whereupon, Jose Guareno arrived at 6:10
21 p.m.)

22

23 MR. ORTIZ: Yeah. I --

24 MR. SCHKOLNICK: Just want to make sure we
25 don't miss that.

1 MR. ORTIZ: Again, we're preserving
2 everybody's rights as to everything. That's the
3 purpose of that Resolution.

4 MR. SCHKOLNICK: Right.

5 But could I ask, tonight we had the remand
6 hearing on the 90 unit project. We're still
7 noticed and we're going to carry that to the
8 Board's next hearing in June.

9 And if you can make that announcement of
10 the date certain?

11 MR. ORTIZ: I think -- I think you just
12 did.

13 MR. SCHKOLNICK: Okay.

14 Could we just have the date of the June
15 meeting, so that the public knows that there
16 won't --

17 THE SECRETARY: June 25th.

18 MR. SCHKOLNICK: June 25th.

19 THE SECRETARY: Yes.

20 MR. SCHKOLNICK: So, the remand hearing
21 from the court on the 90 unit project is now
22 going to be carried to June 25th, --

23 MR. ORTIZ: If necessary.

24 MR. SCHKOLNICK: -- if necessary, with no
25 further public notice.

1 And in addition, there is a possibility
2 that there's going to be a special hearing date.
3 And if there is, we'll provide subsequent notice
4 for that --

5 MR. ORTIZ: I will --

6 MR. SCHKOLNICK: -- as well.

7 MR. ORTIZ: You keep me in the loop, as
8 well as the city attorneys, and I will advise the
9 Board accordingly.

10 MR. SCHKOLNICK: Just want to make sure
11 everybody's all square with the agreements --

12 MR. ORTIZ: Again, --

13 MR. SCHKOLNICK: -- while we --

14 MR. ORTIZ: -- the whole purpose of the
15 Resolution, as I stated, was to preserve
16 everybody's rights as to all -- if you notice, I
17 mentioned all three presentations.

18 MR. SCHKOLNICK: Absolutely. So, we -- we
19 appreciate that. So, as of now, we'll be carried
20 on the agenda for the remand and we'll see what
21 happens in between.

22 Thanks for your time.

23 THE SECRETARY: Mr. -- Mr. Ortiz, should I
24 call roll call to adjourn to June the 25th?

25 MR. ORTIZ: Might as well.

1 THE SECRETARY: Thank you, sir.

2 MS. DILLON: You need a motion.

3 THE SECRETARY: Can I have a motion to
4 adjourn Hudson Yards West, LLC --

5 MR. ORTIZ: If I just may?

6 THE SECRETARY: -- to June 25th, 2019?

7 MR. ORTIZ: Just for the purposes of
8 allowing for time for negotiations, as the
9 Resolution that was just passed.

10 I just want it to be clear.

11 Is that your motion, Madam Chair?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Thank you, Mr. Ortiz.

14 CHAIRPERSON CAPIZZI: I make a motion.

15 THE SECRETARY: Motion by Ms. Capizzi.
16 Seconded by?

17 VICE CHAIRPERSON KOEHLER: Koehler.

18 THE SECRETARY: Second by Ms. Koehler.

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. Fernandez?

25 I'm sorry.

1 Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Rivero?

6 MR. RIVERO: Yes.

7 THE SECRETARY: Also, let the record
8 reflect that Mr. Jose Guareno joined the meeting.
9 We have six members.

10 Mr. Guareno, on -- on the motion?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Thank you.

13 Let the record reflect that six in favor.
14 Motion carries.

15 MR. ORTIZ: So, for the members of the
16 public that are here specifically for the Hudson
17 Yards project, there will be no further notice.
18 So, please understand what happened. I just
19 wanted the public to understand what happened
20 here just now.

21 Okay?

22 Thank you.

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1 **Manhattan Avenue Capital 1300, LLC -**

2 **1300 Manhattan Avenue:**

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4 THE SECRETARY: Now, we are going to -- to
5 the agenda, to business.

6 Number 1.

7 Manhattan Avenue Capital 1300, LLC.

8 Mr. Alonso, please?

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

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

13 This is a request for an extension on the
14 prior approvals. The Board may recall that this
15 project has a very lengthy history to it.
16 Ultimately, it was originally -- it was approved
17 by this Board. We went to the County. We
18 received approvals, which required amendments.
19 We came back to the Board and -- and provided
20 those -- those revisions, and they were approved.

21 Your Resolution also requires that any
22 approval is subject to any other jurisdictional
23 agency, such as the Sewage Authority or DEP
24 approvals. In the past year and a half, my
25 client has been working with the Sewage

1 Authority. We finally, last -- about two weeks
2 ago, received the approvals and the permits from
3 the Sewage Authority. Everything -- we submitted
4 the -- the package for permits. The Building
5 Department reviewed it, said that everything was
6 in order, except we still need a -- an NJDEP
7 approval, which has been submitted and we're just
8 waiting for a return.

9 It's -- the Resolution is scheduled to
10 expire on June 27th. We're just waiting for the
11 DEP to respond. We did expedite it. We hand
12 delivered it to them. It's a 90 day process, but
13 on the expedited process, they could do it within
14 30 days, with no guarantees, which brings us
15 right around the June 27th date.

16 So, we're just asking for an adjournment.
17 We don't need the full year, obviously. We just
18 needed just enough to cover ourselves, so a six
19 month adjournment -- extension will be more than
20 sufficient.

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

23 MR. ORTIZ: I'm sorry.

24 CHAIRPERSON CAPIZZI: That's okay. They're
25 asking for an adjournment.

1 MR. ORTIZ: Are you asking for an
2 adjournment or an extension?

3 MR. ALONSO: Extension. Did I say
4 adjournment?

5 CHAIRPERSON CAPIZZI: You did.

6 MR. ALONSO: I'm sorry. It's extension.
7 Wherever I said adjournment, substitute that for
8 an extension.

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. ORTIZ: It's the Board's purview. I
11 think -- I overheard him, although I was looking
12 over some files and I apologize.

13 CHAIRPERSON CAPIZZI: That's okay.

14 MR. ORTIZ: I think it's -- it's a fair
15 request under --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. ORTIZ: -- in light of it's a --

18 CHAIRPERSON CAPIZZI: Yes.

19 MR. ORTIZ: -- State agency that they're
20 waiting for --

21 CHAIRPERSON CAPIZZI: Yup.

22 MR. ORTIZ: -- approvals on.

23 CHAIRPERSON CAPIZZI: Okay.

24 So, I'll make a motion to approve the
25 extension.

1 THE SECRETARY: Motion by -- to grant the
2 extension by Ms. Capizzi.

3 MR. SPATZ: Six months.

4 VICE CHAIRPERSON KOEHLER: Seconded by
5 Koehler.

6 MR. SPATZ: They only wanted six months.

7 THE SECRETARY: Only want six months?

8 MR. ALONSO: We only need -- we actually
9 need less than that, but I just want to cover
10 myself with a six month extension.

11 THE SECRETARY: All right.

12 Motion on the table to approve the
13 extension by Ms. Capizzi.

14 Second by Ms. Genao.

15 Roll call on the motion.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

5 MR. ALONSO: Thank you very much.

6 CHAIRPERSON CAPIZZI: You're welcome.

7 MR. ALONSO: Have a good evening.

8 THE SECRETARY: You're welcome.

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

2 **3510-3520 Bergenline Avenue:**

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4 THE SECRETARY: Now, next application on
5 tonight's hearing, 3510-3520 Bergenline Avenue,
6 LLC.

7 Mr. Ortiz, please?

8 MR. ORTIZ: Yes.

9 There's correspondence that was sent to
10 Carlos earlier today, as well as an email -- no,
11 excuse me -- a text message sent to me by Ms.
12 Pereiras.

13 Essentially, she's been taken sick, as well
14 as her child I believe is sick.

15 Although this has been adjourned many
16 times, under the circumstances, I can understand,
17 being a father myself --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: -- and many of us being parents
20 on this Board.

21 Now, this probably has to be the last one,
22 but -- and --

23 CHAIRPERSON CAPIZZI: Sure.

24 MR. ORTIZ: -- the Board is not obligated
25 to grant this adjournment, by the way.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. ORTIZ: But under the circumstances,
3 it's --

4 CHAIRPERSON CAPIZZI: Sure.

5 MR. ORTIZ: -- again in your purview.

6 CHAIRPERSON CAPIZZI: I'll make a motion to
7 approve the adjournment.

8 THE SECRETARY: Motion to adjourn this
9 application --

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: -- for June 25th, --

12 MS. GENAO: I second it.

13 THE SECRETARY: -- 2019 by Ms. Capizzi.
14 Seconded by Ms. Genao.

15 Roll call on the motion to adjourn this
16 application for June 25, 2019.

17 Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Yes.

19 THE SECRETARY: Ms. Koehler?

20 VICE CHAIRPERSON KOEHLER: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Six in favor.

5 Motion carries.

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1 **905-909 Palisade Avenue Holdings, LLC -**

2 **905 Palisade Avenue and 907-909 Palisade Avenue:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 905-909 Palisade Avenue
6 Holding, LLC, 905 Palisade Avenue.

7 Mr. Gonzalez, please?

8 MR. GONZALEZ: Good -- good evening, ladies
9 and gentlemen.

10 My name is Ray Gonzalez, G-O-N-Z-A-L-E-Z.
11 I represent the applicant.

12 This is a return date that we had because
13 the Board had certain concerns after we had our
14 architect present the application. One of the
15 concerns that the Board has, they wanted the
16 aesthetics, the outside of the building to match
17 somewhat more of what the area is --

18 CHAIRPERSON CAPIZZI: Right.

19 MR. GONZALEZ: -- made up of.

20 What we've done, during this period of
21 time, is we've presented to the Board a
22 modification of the outside of the structure.
23 And I believe if the Board still accepts -- my
24 architect is still actually accepted as an expert
25 and still sworn, unless you want to swear him

1 again.

2 MS. DILLON: I'll swear him in.

3 Please raise your right hand.

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

6 MR. ARENCIBIA: I do.

7 MS. DILLON: Please just state your name
8 for the record.

9 MR. ARENCIBIA: Albert Arencibia.

10 MS. DILLON: Thank you.

11 MR. GONZALEZ: Mr. Ortiz, he's still
12 qualified, obviously?

13 MR. ORTIZ: It's up to Madam Chairwoman.

14 CHAIRPERSON CAPIZZI: Yes.

15 MR. GONZALEZ: Thank you.

16 CHAIRPERSON CAPIZZI: You're welcome.

17 MR. ARENCIBIA: Thank you very much.

18 MR. GONZALEZ: Mr. Arencibia, last time we
19 were here, you presented the application to the
20 Board and there were certain modifications that
21 they wanted seen.

22 Is that correct?

23 MR. ARENCIBIA: That is correct.

24 MR. GONZALEZ: And what did you take to
25 accommodate the requests of the Board at that

1 time?

2 MR. ARENCIBIA: Okay. I mean, I think the
3 application was okay on it's whole, but I think
4 it was the aesthetics of the actual structure and
5 how the aesthetics, we had a very modern façade
6 on the previous application, with a lot of glass
7 and metal panels.

8 The Board felt that it was a little bit too
9 -- too different, that I believe wasn't blending
10 well with the -- the landscape of the -- the
11 streetscape of the area.

12 So, we've come back and we made a change to
13 the -- basically, the exterior of the building,
14 predominantly the front and the side facades, as
15 well. And we made some minor modifications on
16 the interior of the building, but really, the
17 main thrust of the changes on the application is
18 just basically the exterior and the exterior
19 facades.

20 None of the bulk requirements that we had
21 before, anything, we talked about the height, the
22 width, anything changed on that. Everything was
23 basically -- just basically changing the -- the
24 front look of the unit.

25 The -- the one change that we did in the

1 front of the building is actually we had, in the
2 previous application, the garage entrance was set
3 back a little bit further, but since we went with
4 more of a classical, traditional façade, what we
5 decided to do was kind of push the façade, the
6 door entrance, the garage, flush with the rest of
7 the -- the structure, so this way, it's more in
8 keeping with the actual architectural style.

9 MR. GONZALEZ: I would like to, at this
10 time, if we can, and if the Board Attorney could
11 acknowledge, I have presented the new plans,
12 which I believe everybody's looking at, that has
13 basically had the modifications.

14 And I guess, if we could call this A-200,
15 which is what's labeled on the front.

16 Is this the modifications that were done to
17 the outside of the project?

18 MR. ARENCIBIA: Yes, it is.

19 MR. GONZALEZ: Okay. And -- you want to
20 use yours or mine?

21 MR. ARENCIBIA: That's -- that's fine.
22 Whatever.

23 MR. GONZALEZ: Okay.

24 And up on the top left hand corner, that's
25 what the structure would look like from the

1 front.

2 Is that correct?

3 MR. ARENCIBIA: That's correct.

4 Proposing on having a combination of stone
5 cladding veneer, and also some brick work, with a
6 nice cornice on the -- on above, with some nice
7 dental working on the top.

8 MR. GONZALEZ: And that's consistent with
9 the buildings in the area.

10 MR. ARENCIBIA: Yes. It's very
11 traditional, very classical and basically, what
12 we did, again, we maintain nice large windows in
13 the living room areas, and so forth. We have
14 keystone cladding surrounds for the other windows
15 in the front. Also, very all traditional
16 materials and -- and a look that I believe the
17 Board was more looking for in the application.

18 MR. GONZALEZ: Other than that, the
19 structure, as we presented, doesn't necessarily
20 change.

21 Is that correct?

22 MR. ARENCIBIA: That is correct. Yes.

23 MR. GONZALEZ: What is the zoning in this
24 area?

25 MR. ARENCIBIA: Let me see. I don't think

1 I have it on here, because I have it on Johnny's.

2 CHAIRPERSON CAPIZZI: So, currently, the
3 houses, are they one family --

4 MR. ARENCIBIA: R?

5 MR. GONZALEZ: R.

6 CHAIRPERSON CAPIZZI: -- or two family
7 houses?

8 MR. ARENCIBIA: It's -- it's an R -- R
9 zone.

10 MR. GONZALEZ: R zone.

11 MR. ARENCIBIA: Yes.

12 MR. GONZALEZ: They're actually, they were
13 illegal units that they had split it up to, so my
14 client ended it, because it's a danger to the
15 people that were occupying it. So, it's empty
16 right now.

17 But they were being used as multi-families,
18 where they should have only been used as two and
19 three family units, which is consistent with what
20 the area is. R zones in this area accommodate
21 one, two, and three family. So, we are staying
22 consistent with what's allowed in the area.
23 We're just, basically, modernizing and making the
24 structure fit what the area, not the glass that
25 we presented originally, which I think was one of

1 the concerns that the Board had.

2 CHAIRPERSON CAPIZZI: So, no one's in these
3 houses right now?

4 MR. GONZALEZ: That's correct. It's not
5 safe.

6 CHAIRPERSON CAPIZZI: Okay.

7 MS. DILLON: I'm sorry.

8 Mr. Gonzalez, do you want that marked as an
9 exhibit, the new plan?

10 MR. GONZALEZ: I would just --

11 MS. DILLON: Or --

12 MR. GONZALEZ: I would just --

13 MS. DILLON: -- as part of the --

14 MR. GONZALEZ: -- request that it be
15 acknowledged as --

16 MS. DILLON: Okay.

17 MR. GONZALEZ: -- as an exhibit --

18 MS. DILLON: I just wanted --

19 MR. GONZALEZ: -- to --

20 MS. DILLON: -- to make sure.

21 MR. GONZALEZ: Yes.

22 Thank you.

23 MS. DILLON: All right.

24 Thank you.

25 MR. ARENCIBIA: This is -- it's all on

1 here. They should have everything.

2 MR. GONZALEZ: No, I know. This is the
3 additional -- the page that we added with the
4 outside.

5 MR. ARENCIBIA: Well, we have that on the
6 --

7 MR. GONZALEZ: Yeah.

8 MR. ARENCIBIA: What we submitted. Yeah.
9 Okay. Fine.

10 VICE CHAIRPERSON KOEHLER: Could you tell
11 us, does it include this one, as well?

12 MR. GONZALEZ: It does, because what we're
13 doing is, there's one lot that's smaller than the
14 other one. So, to be consistent with all the
15 lots in the -- in the area, what we're actually
16 doing is we're combining it, and then splitting
17 it, so it's equal, which is proportionate to what
18 everything else has.

19 VICE CHAIRPERSON KOEHLER: So, forgive me.
20 All right.

21 MR. GONZALEZ: Sure.

22 VICE CHAIRPERSON KOEHLER: There are two
23 buildings on lots that will be divided into three
24 lots.

25 MR. GONZALEZ: No. No, no, no.

1 MR. ARENCIBIA: No. No. No, no, no.

2 MR. GONZALEZ: It's two lots. We're going
3 to continue it as two lots, but we're going to
4 make them equal because one is bigger and the
5 other one's smaller.

6 VICE CHAIRPERSON KOEHLER: Got it.

7 MR. GONZALEZ: We're not -- we're not
8 creating three units.

9 VICE CHAIRPERSON KOEHLER: Okay.

10 MR. GONZALEZ: No, no. We're keep -- it's
11 staying with what it is. Maybe if that was a
12 confusion the last time. That's not what we're
13 doing. We're not making more lots. We're
14 actually equalizing the lot so it's consistent
15 with everything that's in the area.

16 VICE CHAIRPERSON KOEHLER: And --

17 MR. GUARENO: What is the size of the lots
18 right now?

19 MR. GONZALEZ: Mr. Arencibia?

20 MR. ARENCIBIA: One lot is 33.10 by a
21 hundred. And the other lot --

22 MR. GONZALEZ: Is 25, 25.2. Okay.

23 MR. ARENCIBIA: Which is -- which is -- it
24 looks like -- it's 25 by a hundred.

25 MR. GONZALEZ: Right.

1 MR. ARENCIBIA: So, we're going to be
2 making both the same size.

3 MR. GONZALEZ: So, the lots will be bigger
4 than 25, each one. So, it's not like we're
5 taking the lots and making them smaller. We're
6 not. We're making them bigger.

7 VICE CHAIRPERSON KOEHLER: And remind me,
8 how many buildings will be demolished?

9 MR. ARENCIBIA: Two.

10 MR. GONZALEZ: Two.

11 CHAIRPERSON CAPIZZI: Two.

12 MR. GONZALEZ: Two being replaced by two,
13 not three.

14 CHAIRPERSON CAPIZZI: But being replaced
15 with bigger.

16 Correct?

17 MR. GONZALEZ: With what's consistent with
18 what's allowed in the area.

19 CHAIRPERSON CAPIZZI: But bigger than
20 what's there.

21 MR. ARENCIBIA: Yes.

22 MR. GONZALEZ: Yes.

23 CHAIRPERSON CAPIZZI: Okay.

24 Was there -- didn't we want it to be scaled
25 back? I thought that was part of what -- we had

1 a couple of concerns that we didn't want big
2 buildings, number one.

3 And number two, we wanted something that
4 looked a little more traditional. Even though
5 these may be worn down, there's a certain kind of
6 charm to them that -- you know, maybe someone
7 could have fixed them up.

8 I mean, that's what we had expressed the
9 last time.

10 MR. GONZALEZ: What my -- my client is
11 applying for is what's permitted in the zone.

12 CHAIRPERSON CAPIZZI: I understand that.

13 MR. GONZALEZ: And what we're doing is --

14 CHAIRPERSON CAPIZZI: I know.

15 MR. GONZALEZ: -- we're actually improving
16 the area because we're not making the lots
17 smaller or creating more, we're actually
18 equalizing it so it's equal as to all the rest of
19 the lots in the neighborhood.

20 The action that we took was that we
21 modernized what was there, so people could have
22 --

23 CHAIRPERSON CAPIZZI: Right.

24 MR. GONZALEZ: -- adequate housing,
25 adequate places to live, and it still meet what

1 the area looked like. That's what we did, and
2 that was my understanding. That's why we made
3 the change to the application, because, and if I
4 recall, I think it was the Board member, Alex,
5 who was here. He said that around the corner,
6 there was a big glass structure that --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. GONZALEZ: -- a lot of people didn't
9 like, but was allowable. My client is going to
10 be living in the unit, him and his --

11 CHAIRPERSON CAPIZZI: Right.

12 MR. GONZALEZ: -- family. So, it's not
13 something that he's going to wind up wanting to
14 have his neighbors say, hey, gee, you built a big
15 glass box. So, that's why we made the
16 modifications as you had requested. Or
17 suggested.

18 CHAIRPERSON CAPIZZI: How far back will the
19 units -- the houses be?

20 MR. ARENCIBIA: I'm sorry?

21 How far?

22 CHAIRPERSON CAPIZZI: See, these seem to be
23 far back. Will they -- will the new houses be
24 far -- pushed back, as well, doesn't this seem to
25 be?

1 VICE CHAIRPERSON KOEHLER: Um hum.

2 MR. GONZALEZ: Well, --

3 MR. ARENCIBIA: Well --

4 MR. GONZALEZ: -- the plans, in fact, show
5 that they're in line with the other houses.

6 MR. ARENCIBIA: Correct.

7 MR. GONZALEZ: Not coming up further.

8 MR. ARENCIBIA: Correct.

9 CHAIRPERSON CAPIZZI: No. But in other
10 words -- so it's not going to be back? It's
11 going -- you're going to push it forward.

12 Correct?

13 That's what --

14 MR. ARENCIBIA: Correct.

15 CHAIRPERSON CAPIZZI: -- I'm asking.

16 MR. ARENCIBIA: It's going to be in line
17 with the adjacent -- pretty much --

18 CHAIRPERSON CAPIZZI: Right.

19 MR. ARENCIBIA: -- in line with the
20 adjacent --

21 CHAIRPERSON CAPIZZI: No.

22 MR. ARENCIBIA: -- properties.

23 CHAIRPERSON CAPIZZI: I know, I understand,
24 but my question is, it's back now. So, you're
25 going to push it forward.

1 MR. ARENCIBIA: Correct. Yes. Yes.

2 CHAIRPERSON CAPIZZI: What kind of a
3 backyard is there?

4 MR. ARENCIBIA: Five foot one.

5 CHAIRPERSON CAPIZZI: Hmm.

6 Anybody have any questions?

7 MR. GUARENO: Five foot one, that's current
8 or after the construction?

9 MR. ARENCIBIA: After new construction.

10 And again, the structure next to it is less
11 than that. So, we're actually better than the
12 adjacent structures.

13 CHAIRPERSON CAPIZZI: Any questions from
14 the public?

15 Sure.

16 MR. PRICE: Comment from the public?

17 CHAIRPERSON CAPIZZI: Sure.

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

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

22 MR. PRICE: I do.

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

25 MR. PRICE: Larry Price, 1006 Palisade

1 Avenue.

2 MS. DILLON: Thank you.

3 MR. PRICE: This site is roughly a block
4 from my home, so I have a somewhat greater than
5 normal interest in it.

6 I would like to endorse, endorse strongly,
7 this project.

8 One of the things I like about it is that
9 the developer here didn't get piggy. He's got --
10 he's got a site that's total 66 feet wide. There
11 are developers in this city who would have tried
12 to jam three houses in there. He's putting two
13 in. And by having that extra size, a lot of the
14 problems that we have to deal with on a day-to-
15 day basis, in a 25 by a hundred lot, disappear.

16 You know, the -- the lot is 28 -- so, the
17 house, instead of being 20 feet wide, is 28 feet
18 wide. And that extra space makes parking so
19 much easier, it makes, whatever. It just makes
20 this -- you know, this is a great site. It's
21 across from the swimming pool.

22 CHAIRPERSON CAPIZZI: Exactly.

23 MR. PRICE: Somebody on the third floor,
24 looking out the window, is going to have a
25 stunning view of New York. This is a -- you

1 know, it's a good project. It's welcome to the
2 neighborhood. It'll be a good addition to the
3 neighborhood. And I would endorse it.

4 Thank you.

5 CHAIRPERSON CAPIZZI: Okay.

6 Thank you.

7 Can you explain the parking? Can you
8 review the parking?

9 MR. GONZALEZ: Sure.

10 MR. ARENCIBIA: Well, the parking is
11 basically, of course, front loaded from the
12 front, and there will be angled parking, --

13 CHAIRPERSON CAPIZZI: Where is that
14 picture?

15 MR. ARENCIBIA: -- and also, some parking
16 at the rear. If you can go to sheet A100, under
17 the one ground floor plan, you could see there's
18 one that will be parked in front and we have an
19 actual, like a -- sort of a paver entrance into
20 the lobby of the building itself. In that lobby
21 --

22 CHAIRPERSON CAPIZZI: Where is --

23 I'm sorry.

24 What --

25 MR. ARENCIBIA: Sure.

1 CHAIRPERSON CAPIZZI: What sheet are you
2 on?

3 VICE CHAIRPERSON KOEHLER: Oh, A100.

4 MR. ARENCIBIA: A100.

5 VICE CHAIRPERSON KOEHLER: Not --

6 CHAIRPERSON CAPIZZI: Oh.

7 VICE CHAIRPERSON KOEHLER: -- T100.

8 CHAIRPERSON CAPIZZI: Oh, okay. Sorry.

9 MR. GONZALEZ: And if I could ask you a
10 question?

11 You say the -- the cars, because of the
12 width of the property, they can be angled.

13 Is that correct?

14 MR. ARENCIBIA: That's correct.

15 MR. GONZALEZ: So, you don't have to have
16 tandem as you would have in a smaller 25 by a
17 hundred structure.

18 Is that right?

19 MR. ARENCIBIA: That is correct. Yes.

20 And right now, we basically have five cars
21 inside and we have one car outside in front of
22 the building. And we have a separate entrance
23 into the lobby itself.

24 MR. GONZALEZ: And that's -- and that's as
25 a result of the --

1 MR. ARENCIBIA: Additional width.

2 MR. GONZALEZ: -- size of the lots, which,
3 as Mr. Price said, they're not jamming many cars
4 into this, if it was three units that were built
5 on it.

6 MR. ARENCIBIA: Yes.

7 MR. GONZALEZ: Is that right?

8 MR. ARENCIBIA: This -- this parking area
9 is very comfortable, as far as getting in and
10 out.

11 CHAIRPERSON CAPIZZI: What's the material
12 of the -- of the garage?

13 MR. ARENCIBIA: Material?

14 MR. GONZALEZ: Which -- which part?

15 MR. ARENCIBIA: What? I'm sorry.

16 CHAIRPERSON CAPIZZI: The door.

17 MR. GONZALEZ: The door?

18 VICE CHAIRPERSON KOEHLER: The garage door.

19 CHAIRPERSON CAPIZZI: Door.

20 MR. GONZALEZ: Oh.

21 VICE CHAIRPERSON KOEHLER: What is the
22 material?

23 MR. ARENCIBIA: Probably some type of
24 insulated metal door. You know, some type of a
25 wood finish to it, something like that.

1 MR. GONZALEZ: I -- I think the --

2 VICE CHAIRPERSON KOEHLER: It looks like --

3 MR. GONZALEZ: -- structure may show a
4 opaque color that would match, but the garage
5 door is something that could really be used to
6 accentuate the house, maybe some barn type doors
7 that come up in -- in appearance, looking like a
8 barn door, but are actually --

9 CHAIRPERSON CAPIZZI: Right.

10 MR. GONZALEZ: -- garage doors. I -- I --
11 that could be --

12 VICE CHAIRPERSON KOEHLER: It look --

13 MR. GONZALEZ: -- something that's --

14 VICE CHAIRPERSON KOEHLER: In the picture,
15 it looks like grid glass.

16 MR. ARENCIBIA: Well, we have -- that's
17 sort of what we show, like a grid glass --

18 MR. GONZALEZ: That's what we show on that,
19 but we could --

20 VICE CHAIRPERSON KOEHLER: But that's --

21 MR. ARENCIBIA: -- with glass, as well,
22 too.

23 VICE CHAIRPERSON KOEHLER: I mean, that's
24 preferable to --

25 CHAIRPERSON CAPIZZI: Metal.

1 VICE CHAIRPERSON KOEHLER: -- metal.

2 MR. GONZALEZ: Oh, metal. No.

3 VICE CHAIRPERSON KOEHLER: Because --

4 MR. GONZALEZ: No. That's not what we show
5 at all.

6 VICE CHAIRPERSON KOEHLER: It's -- it's --

7 MR. GONZALEZ: No. That's not what my
8 client would want.

9 VICE CHAIRPERSON KOEHLER: It's friendlier
10 looking.

11 MR. GONZALEZ: No, no. That's not metal.

12 CHAIRPERSON CAPIZZI: And the front of the
13 building, what's the -- what is the material on
14 the front?

15 MR. ARENCIBIA: We have a stone veneer and
16 we also have brick.

17 MR. GONZALEZ: Brick.

18 VICE CHAIRPERSON KOEHLER: I think there's
19 a -- some Resolution that says there --

20 MR. ARENCIBIA: No. It's not thin brick.

21 VICE CHAIRPERSON KOEHLER: -- should be no
22 veneers.

23 MR. ARENCIBIA: It's not --

24 MR. GONZALEZ: No. It's not thin brick.
25 It's not like --

1 MR. ARENCIBIA: No. It's not thin brick.

2 MR. GONZALEZ: -- the things you apply.

3 MR. ARENCIBIA: It's a four inch. It's --

4 VICE CHAIRPERSON KOEHLER: You said a stone
5 veneer --

6 MR. ARENCIBIA: It's a stone.

7 VICE CHAIRPERSON KOEHLER: -- earlier.

8 MR. ARENCIBIA: Yes. Well, it's called a
9 veneer, but it's basically cladding. But it's --
10 it's a four inch stone. So, it's not a thin, a
11 half inch. Because I know -- I'm well aware of
12 the --

13 VICE CHAIRPERSON KOEHLER: Okay.

14 MR. ARENCIBIA: -- the thin brick
15 controversy.

16 MR. GONZALEZ: Yeah. It's not the thin
17 brick.

18 VICE CHAIRPERSON KOEHLER: I've seen a lot
19 of buildings going up in Union City that are
20 brick, which is, I think, the preferable --

21 MR. ARENCIBIA: Um hum.

22 VICE CHAIRPERSON KOEHLER: -- material.
23 But they're a dark gray, almost black and it's --
24 to me, it looks like a brooding building or that
25 it went through fire.

1 And I -- I know that we probably don't have
2 the right to tell you what color brick to use,
3 but it's -- it's unfriendly and unpleasant to
4 look at, this dark brick.

5 Do you know what I'm talking about? I see
6 it --

7 MR. ARENCIBIA: Absolutely.

8 VICE CHAIRPERSON KOEHLER: -- all over the
9 place. I think it's --

10 MR. ARENCIBIA: Yeah. It's the iron spot
11 --

12 VICE CHAIRPERSON KOEHLER: It's the vogue
13 now.

14 MR. ARENCIBIA: It's like a bluish gray
15 brick. Yeah. I know.

16 VICE CHAIRPERSON KOEHLER: Yes.

17 MR. ARENCIBIA: Yeah, the -- the -- I think
18 our client wanted to do something, it's
19 traditional, it's classic. So, it's going to be
20 a lighter earthy color, material. So, it will be
21 like a -- maybe like a dark, brunt umber brick,
22 --

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. ARENCIBIA: -- something like that.
25 But it's not going to be -- no, it's not going to

1 | be like a cold bluish gray brick. That's not the
2 | -- the intention here. Doesn't go with the
3 | classical architecture proposal.

4 | CHAIRPERSON CAPIZZI: Do you have any --

5 | MR. GUARENO: What is the --

6 | CHAIRPERSON CAPIZZI: I'm sorry.

7 | Go ahead.

8 | MR. GUARENO: No, go ahead.

9 | CHAIRPERSON CAPIZZI: Are there any
10 | balconies?

11 | I don't see any here.

12 | Are there any?

13 | MR. ARENCIBIA: There -- none in the front.

14 | CHAIRPERSON CAPIZZI: Okay.

15 | MR. ARENCIBIA: There is a -- there's a
16 | balcony in the up -- on the upper and second
17 | floor, on -- only on the second floor unit, above
18 | the garage because we have the concrete deck of
19 | the garage itself there.

20 | So, only on the lower section of the second
21 | floor, on the rear. And you can see it on A100
22 | again.

23 | CHAIRPERSON CAPIZZI: And the side of --

24 | MR. ARENCIBIA: You won't see it --

25 | CHAIRPERSON CAPIZZI: -- the building is

1 stucco?

2 MR. ARENCIBIA: I'm sorry?

3 CHAIRPERSON CAPIZZI: Is the side of the
4 building stucco?

5 MR. ARENCIBIA: Yes. I think we had
6 stucco, if I recall correctly, the last time.
7 Yes. We have stucco. Um hum.

8 And it's the hard stucco. It's not a EIFS.

9 MR. GONZALEZ: Well -- well, part of it --
10 part of it is, in fact, brick.

11 CHAIRPERSON CAPIZZI: It's what?

12 MR. ARENCIBIA: Well, it's block; the
13 bottom part.

14 MR. GONZALEZ: It's block.

15 MR. ARENCIBIA: But the rest of it, it's
16 hard stucco.

17 VICE CHAIRPERSON KOEHLER: Okay.

18 MR. GONZALEZ: That's the new one?

19 VICE CHAIRPERSON KOEHLER: Oh, this is the
20 old one. Oh, yeah.

21 MR. GONZALEZ: Yeah.

22 VICE CHAIRPERSON KOEHLER: I think this is
23 --

24 MR. GONZALEZ: That's the old one.

25 CHAIRPERSON CAPIZZI: That was the old

1 plan.

2 VICE CHAIRPERSON KOEHLER: I was
3 intimidated by this one.

4 MR. GONZALEZ: Right.

5 VICE CHAIRPERSON KOEHLER: And then --

6 MR. GONZALEZ: That's why we changed that.

7 VICE CHAIRPERSON KOEHLER: And it still
8 looked dark, so I thought, oh, God -- you know.

9 And I think that our concern, and this is
10 what we mentioned last time, is demolishing --
11 you -- you say these existing structures that you
12 say are unsafe and uninhabitable, but I -- I mean,
13 we -- we see them there. They're -- they're a
14 part of Union City. They don't look unsafe.
15 Obviously, we're not building inspectors.

16 But it -- it hurts to see those buildings
17 being demolished to put up something --

18 And yes, thank you for -- you know, the
19 revised plan.

20 It hurts to see those being demolished and
21 -- and put in place a big box with a friendlier
22 façade.

23 MR. GONZALEZ: I understand.

24 VICE CHAIRPERSON KOEHLER: But that --

25 MR. GONZALEZ: I understand the Board's

1 position. And I guess being a resident also of
2 Union City, for all my life, when you looked at
3 -- at Roosevelt Stadium, you said gee, this is a
4 really nice structure that was built a long time
5 ago, but what it got replaced with was really
6 something that really is much better for the
7 community.

8 VICE CHAIRPERSON KOEHLER: Um hum.

9 MR. GONZALEZ: So, sometimes, you know,
10 what somebody thinks is going to be something
11 that would be a miss in the community, could
12 actually -- what gets put up actually improves
13 the -- the --

14 CHAIRPERSON CAPIZZI: But we put a --

15 MR. GONZALEZ: -- community.

16 CHAIRPERSON CAPIZZI: -- school in place --
17 you know --

18 MR. GONZALEZ: That's great.

19 CHAIRPERSON CAPIZZI: We put a school.
20 Right.

21 MR. GONZALEZ: I know.

22 CHAIRPERSON CAPIZZI: But I don't know that
23 that analogy holds up to the --

24 MR. GONZALEZ: Well --

25 CHAIRPERSON CAPIZZI: -- house with the --

1 MR. GONZALEZ: I -- I think --

2 CHAIRPERSON CAPIZZI: -- box.

3 MR. GONZALEZ: -- anything along the line
4 that improves a community is really something
5 that's an asset to people and to the community.
6 And likewise, my client wants to be an asset to
7 the community and understands the Board's
8 concerns.

9 MR. ORTIZ: Is -- if I may just, you heard
10 some of the Board members --

11 MR. GONZALEZ: Thank you.

12 MR. ORTIZ: -- concerns. And granted that
13 this building is not in a situation that it could
14 be rehabbed. I mean, I think you made that
15 abundantly clear.

16 I don't know if there's anything that the
17 applicant would consider revamping in light of
18 what was said -- you know, and -- and that's the
19 applicant's right to put forth his presentation
20 and what he wants.

21 CHAIRPERSON CAPIZZI: Yup.

22 MR. ORTIZ: It is also, for the right legal
23 reasons, for this Board to decide if this is what
24 they feel is acceptable. That's why they
25 volunteer here.

1 So, if the -- the question is, does the
2 applicant want the opportunity to reconsider some
3 of the -- some of this application, in light of
4 what was said by some of the Board members?

5 MR. GONZALEZ: Well, I -- I understand and
6 I -- I realize, but we have changed the
7 applicant's proposal here, really to take the
8 concerns. And we don't have any problems with
9 any restrictions that this Board may put as to
10 the type of construction that goes onto the
11 building and the appearance, because the
12 aesthetics is always very important. And we
13 understand and -- and if one of the concerns is
14 definitely that there's no metal door, I mean, I
15 could represent there's not going to be no metal
16 doors. But I could tell you, if you put it in a
17 Resolution, there would be no metal doors, it's
18 not my client's intent ever to do something like
19 that.

20 But -- but I think, under the
21 circumstances, it's something that really fits
22 the area, it's allowable in the area. We're
23 improving the area. We have members of the
24 public that, in fact, endorse the project.

25 I think under the circumstances, it's --

1 | it's a very fair reasonable project for the area.
2 | We have accommodated the changes, which are
3 | totally understandable and I agree with. I -- I
4 | can conceded and so did my client.

5 | So, I think under the circumstances, I
6 | think it would be appropriate for the area. So,
7 | it would be difficult to -- to say that we want
8 | to change this to something that may not --
9 | although may be allowable, it doesn't really fit.
10 | I think the way it's been styled is really fair
11 | and -- and it's a good concern that the Board
12 | had, and we're changing it to that, so it
13 | accommodates the Board.

14 | MR. ORTIZ: With that being said, Board
15 | members --

16 | MR. ARENCIBIA: We also have a planner, in
17 | case --

18 | MR. GONZALEZ: We -- we do have a planner.

19 | MR. ORTIZ: Okay. Of course, we wouldn't
20 | stop you from making your presentation.

21 | MR. GONZALEZ: Okay.

22 | CHAIRPERSON CAPIZZI: Okay.

23 | MR. GONZALEZ: If I could just call the
24 | planner? I'll be --

25 | CHAIRPERSON CAPIZZI: Sure.

1 MR. GONZALEZ: I'll be brief.

2 CHAIRPERSON CAPIZZI: Of course.

3 MR. GONZALEZ: Absolutely.

4 Thank you.

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

7 MS. DILLON: Do you affirm the testimony
8 you're about to give this Board is the whole
9 truth?

10 MR. McDONOUGH: Yes, I do.

11 MS. DILLON: Please state your name and
12 spell it for the record.

13 MR. McDONOUGH: Sure.

14 Hi, everyone.

15 John McDonough, M-C-D-O-N-O-U-G-H.

16 MS. DILLON: Thank you.

17 MR. GONZALEZ: Mr. -- Mr. McDonough, I want
18 to go through your educational background
19 somewhat.

20 Mr. -- you've testified here?

21 MR. McDONOUGH: I have. Many times.

22 MR. GONZALEZ: Let me -- let me ask, if I
23 have to?

24 CHAIRPERSON CAPIZZI: Yes.

25 MR. GONZALEZ: Mr. Ortiz, do you want me to

1 go through his credentials, or will he be
2 accepted as --

3 MR. ORTIZ: I think he's appeared --

4 CHAIRPERSON CAPIZZI: He has presented
5 before.

6 MR. ORTIZ: He's appeared before this Board
7 --

8 CHAIRPERSON CAPIZZI: Yes.

9 MR. ORTIZ: -- on several occasions.

10 CHAIRPERSON CAPIZZI: Absolutely.

11 MR. GONZALEZ: Thank you.

12 You're familiar with this application.

13 Is that correct?

14 MR. McDONOUGH: Yes, I am.

15 MR. GONZALEZ: And you reviewed what's been
16 presented to the Board.

17 Is that right?

18 MR. McDONOUGH: Yes, I am (sic).

19 MR. GONZALEZ: And as a result of your
20 review of this application, can you explain to
21 the Board why it would fit for this area?

22 MR. McDONOUGH: Sure. And I -- I think,
23 Madam Chair, with your permission, just a couple
24 of pictures to help --

25 CHAIRPERSON CAPIZZI: Yes. Of course.

1 MR. McDONOUGH: -- walk the Board through.
2 I think you had some good questions and I think
3 these will help --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. McDONOUGH: -- answer some of them.
6 I don't know if we want to mark them?

7 MR. ORTIZ: That's up --

8 MS. DILLON: You want this marked --

9 MR. ORTIZ: -- to counsel.

10 MS. DILLON: -- Mr. --

11 MR. ORTIZ: Do you want them marked?

12 MR. GONZALEZ: We can mark them.

13 MS. DILLON: Okay.

14 MR. ORTIZ: It's like grammar school all
15 over. Take one and pass it along.

16 MR. GONZALEZ: Take one, pass it down.

17 MS. DILLON: I'm going to mark this A-1.

18

19 (Whereupon, Planning Exhibit was received
20 and marked as Exhibit A-1.)

21

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

24 MR. McDONOUGH: So, A-1 shows the subject
25 properties, two properties, outlined in yellow.

1 And you could see, right off the bat, one of the
2 good thing the applicant is doing is balancing
3 the site here. We've got one lot that's extra
4 large and one lot that's more on scale with
5 everything else.

6 One of the problems with having an
7 oversized lot is that you can knock down the
8 building and put an oversized building on it that
9 would be 100 percent conforming with the
10 Ordinance and would be inconsistent with the rest
11 of the neighborhood.

12 I think what the applicant is doing here,
13 by putting together two identical lots, three
14 family buildings, that's more in harmony with the
15 neighborhood than if one were to knock down that
16 building on Lot 4 and totally build out on -- on
17 that particular lot.

18 Second shows the developed condition of the
19 property. And I -- I think there might have been
20 some confusion over what our architect was
21 saying. I -- the line of the building, as
22 proposed, is not going to stick out closer to the
23 street than the line that's already established
24 there. It's not like these buildings are going
25 to stand out like a sore thumb, but they're

1 | actually going to line up with the -- I'll say
2 | the street wall effect that's already been
3 | established there.

4 | So, you can see, the buildings that are
5 | closer to 9th Street than the subject are almost
6 | all the way to the back of the property. They
7 | have no backyard. So, to the extent that we are
8 | extending the back of these buildings here,
9 | that's also on par with what we see on the lots
10 | that are immediately adjacent.

11 | As you've heard, there is a park right
12 | across the street here, so there's sort of a -- a
13 | built in amenity to having the residential
14 | development right across the street. And -- and
15 | I tend to agree that the views here are simply
16 | going to be spectacular.

17 | The third page just shows the surrounding
18 | land use characteristic. You could see a number
19 | of colors on here. The gold color is
20 | residential. What's nice about this application
21 | is, we are moving residential into a residential
22 | use, so there's no -- there's no use variance.
23 | There's actually no D variance that the applicant
24 | is asking for here. Each lot is simply looking
25 | for four C variances. Every one of them are

1 consistent with what's recommended in the new
2 Master Plan.

3 So, as I see this, it's really just a case
4 of the zoning has not yet caught up to the
5 recommendations of the Master Plan. And the
6 actual relief that the applicant needs is not
7 really much different than what the -- the zone
8 plan actually contemplates.

9 For example, the height proposed on one of
10 the lots is 42 feet ten inches; 40 feet is the
11 maximum allowed. The other is 41 feet nine
12 inches, whereas 40 feet is allowed. So, between
13 two feet to three feet above what is allowed in
14 the zone district. Not a substantial departure.
15 Not something that's going to be readily
16 perceivable as sticking out as -- as too tall.

17 And the only reason why these buildings are
18 taller is because they're providing something the
19 other lots don't have, which is parking
20 underneath. No parking variance is needed here.
21 And that's really the trigger for the height
22 variance that the applicant is seeking.

23 The building coverage, the lot coverage and
24 the rear yard setback are all variances as well
25 on both of those lots. But again, both of them

1 or all of them match up with what the Master Plan
2 is recommending.

3 Fourth page just shows the surrounding
4 zoning. We're here in the R district. This is a
5 district where the Master Plan actually
6 encourages three family dwellings, recognizing
7 the demand for three family dwellings in the City
8 of Union City. And in that regard, the applicant
9 is right on point with what the Master Plan is
10 recommending.

11 And then, the last two pages are just
12 ground photographs that show the condition of the
13 property. Frame -- on page number five, you see
14 lot number 3. And then, on page number six, you
15 see lot number 4.

16 These buildings were actually constructed
17 in 1888. They are of --

18 CHAIRPERSON CAPIZZI: Not nice.

19 MR. McDONOUGH: -- older construction. I
20 don't see them as anything as historic, in terms
21 of preserving them. But we do know good planning
22 encourages a diversity of housing types. There
23 are certainly advantages to newer construction
24 over older construction, in terms of the
25 utilities, in terms of the appliances, in terms

1 of the overall living environment being an
2 upgrade over those older structures.

3 So that said, I think this is a good
4 application. All of the variances are
5 justifiable under what we call the C-2 balancing
6 test. The benefits of the application as a whole
7 outweigh the detriments. This application is
8 going to promote Purpose A of the Land Use Law,
9 the promotion of the general welfare, with new
10 housing stock. And Purpose I, the promotion of a
11 desirable visual environment.

12 I think the applicant has responded very
13 well to some very good comments by the Board, to
14 respect sort of the -- the historic fabric of --
15 of the city here. And again, the application has
16 evolved to the extent where I believe the look
17 and the feel, certainly the overall mass is
18 consistent with the surrounding neighborhood.
19 And in that regard, approval is warranted.

20 CHAIRPERSON CAPIZZI: Um hum.

21 VICE CHAIRPERSON KOEHLER: Thank you.

22 CHAIRPERSON CAPIZZI: Thank you.

23 VICE CHAIRPERSON KOEHLER: Any questions?

24 Any more questions from the public?

25 So, the -- the -- I think that since you

1 made those changes, they're a little friendlier.

2 We -- I'd like to make a motion --

3 MR. GUARENO: I still have -- I still have

4 --

5 VICE CHAIRPERSON KOEHLER: Oh.

6 MR. GUARENO: -- a couple of questions.

7 VICE CHAIRPERSON KOEHLER: I'm sorry.

8 Please.

9 MR. GUARENO: It's going to be two separate
10 structures?

11 MR. McDONOUGH: Yes.

12 MR. GUARENO: And I'm going to guess it's
13 going to be space in between?

14 MR. McDONOUGH: Yes.

15 MR. GUARENO: About how much space?

16 MR. McDONOUGH: What do we have on the
17 sides, Albert? Three? Three feet, three feet?
18 I know it complies with Building Code, but we'll
19 -- we'll find out exactly what it is.

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

22 MR. ARENCIBIA: Between the two homes,
23 we're going to have four feet.

24 MR. GUARENO: In between both?

25 MR. ARENCIBIA: Yes. And then, we're going

1 to have three foot eight on the other side.

2 MR. GUARENO: I'm looking at A100.

3 MR. ARENCIBIA: A100. Okay.

4 MR. GUARENO: At the ground floor plan.

5 MR. ARENCIBIA: Um hum.

6 MR. GUARENO: And there seem to be a
7 vehicle on the right hand side, on the bottom
8 there.

9 MR. ARENCIBIA: Say it again. I'm sorry?

10 MR. GUARENO: Is that a car that's parked
11 there on the right hand side?

12 MR. ARENCIBIA: On -- on which drawing are
13 you? I'm sorry?

14 MR. GUARENO: I'm sorry. The ground floor.
15 All the way on the left.

16 MR. ARENCIBIA: Okay. The left. Okay.

17 MR. GUARENO: On the right side of the
18 structure, there's a -- there's a parked -- a
19 vehicle parked there.

20 MR. ARENCIBIA: Which -- well, there --
21 there's two -- there's two plans. The thing is
22 at which -- are you on the nine -- 907 or are you
23 905? Let me ask you that.

24 Nine zero five, right?

25 MR. GUARENO: What am I look --

1 MR. ARENCIBIA: I'm sorry.

2 Nine zero five.

3 MR. GONZALEZ: Yeah.

4 MR. ARENCIBIA: Right. Yes.

5 MR. GUARENO: Okay.

6 MR. ARENCIBIA: Okay. Because mine --
7 since they're -- they're mirrored, so it's the
8 other way around. That's all.

9 So -- so, you're asking me, that car is
10 part of this application.

11 MR. GUARENO: Yeah.

12 MR. ARENCIBIA: Okay.

13 MR. GUARENO: I mean, that looks -- is that
14 going to be a parking space for that vehicle?

15 MR. ARENCIBIA: Yes, it is.

16 MR. GUARENO: And on the left is the
17 entrance to the garage.

18 MR. ARENCIBIA: That is correct. Yes.

19 MR. GUARENO: Now, I'm looking at A200.

20 MR. ARENCIBIA: A200. Okay.

21 MR. GUARENO: And again, the front of the
22 -- the structure, and I don't see how you're
23 going to be able to park that vehicle in the
24 front.

25 MR. ARENCIBIA: You don't see how I'm going

1 to do what? I'm sorry.

2 You could look at --

3 MR. GUARENO: The space for the vehicle to
4 be parked there.

5 MR. ARENCIBIA: Look at -- look at the --
6 look at number two. You see the front elevation?
7 On the front elevation the car is going to be
8 parked here, facing the building, this way here.

9 MR. GUARENO: You're going to have one
10 vehicle parked in there.

11 MR. ARENCIBIA: And this is the car from
12 the side, if you want to see the car from the
13 side.

14 MR. GUARENO: Okay.

15 MR. GONZALEZ: Mr. Arencibia, maybe --
16 maybe I can ask the question a little bit more.

17 MR. ARENCIBIA: Sure.

18 MR. GONZALEZ: This is not your typical
19 house that's on a 25 by a hundred. This is much
20 wider.

21 MR. ARENCIBIA: That's correct. Yes.

22 MR. GONZALEZ: That's why it can
23 accommodate.

24 MR. GUARENO: Correct. Yeah.

25 MR. ARENCIBIA: Yes.

1 MR. GONZALEZ: Okay.

2 MR. GUARENO: So, basically, it's going to
3 have -- pretty much the entire width of the
4 building is going to be a driveway.

5 MR. ARENCIBIA: Well, no.

6 MR. GUARENO: To some extent.

7 MR. ARENCIBIA: We have a landscaping area,
8 if you notice that. And we also have a
9 landscaping area on both sides. So, we have a
10 little landscaping area along the side yard
11 setback on one side, and we have landscaping area
12 in between the driveway access into the garage
13 and the actual pedestrian walkway into the lobby
14 of the building.

15 So, if you look at T100 --

16 MR. GUARENO: And what is the --

17 MR. ARENCIBIA: Right this -- no, back.

18 Yeah. Here. You see this here? This is
19 where the car's parked.

20 MR. GUARENO: Um hum.

21 MR. ARENCIBIA: There's -- there's
22 landscaping here.

23 MR. GUARENO: Correct.

24 MR. ARENCIBIA: The car's parked here.

25 MR. GUARENO: This is all --

1 MR. ARENCIBIA: This is my walkway into the
2 -- into the lobby.

3 MR. GUARENO: And this is seven to --

4 MR. ARENCIBIA: Correct.

5 MR. GUARENO: -- ten inches. Okay.

6 MR. ARENCIBIA: Okay?

7 MR. GUARENO: So, this is --

8 MR. ARENCIBIA: This is the entrance to the
9 driveway, to the garage.

10 MR. GUARENO: And this is the beginning of
11 the building.

12 MR. ARENCIBIA: Correct. Correct.

13 MR. GUARENO: Thank you.

14 MR. ARENCIBIA: Sure.

15 MR. ORTIZ: Ask the public if they have any
16 further questions of anyone.

17 CHAIRPERSON CAPIZZI: Does anyone from the
18 public have any questions or comments of this --

19 No?

20 MR. ORTIZ: So, it's come to this point
21 where the Board needs to make a motion in the
22 affirmative or the negative.

23 I think, Mr. Gonzalez, if it was to be in
24 the affirmative, and I'm not speaking for anybody
25 here, because I don't know the answer to it

1 | anymore than you do sitting here, would you need
2 | two or three Resolutions? In the affirmative.

3 | MR. GONZALEZ: I -- I -- if it's in
4 | affirmative, I think that it needs to be two
5 | Resolutions, because it's -- because what we're
6 | actually doing is we're subdividing and then
7 | granting. So, I guess it would be two
8 | Resolutions, in reality, for what the plans that
9 | we --

10 | MR. ORTIZ: Because it could probably vary
11 | from one to three.

12 | MR. GONZALEZ: No, no. I think it's two
13 | Resolutions. I don't think --

14 | MR. ORTIZ: Okay. I --

15 | MR. GONZALEZ: -- it's three.

16 | MR. ORTIZ: If it's in the affirmative,
17 | obviously.

18 | MR. GONZALEZ: Right.

19 | MR. ORTIZ: That was a legal question so --

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

22 | MR. ORTIZ: All right.

23 | We could take three votes, but I think the
24 | Resolution's in two, if I had to.

25 | So, essentially, what the Board Clerk right

1 -- rightly so has probably pointed out, that if
2 the Board was going to vote in the affirmative,
3 it would probably require three motions. One for
4 each building and the subdivision itself. I
5 could put it into two Resolutions.

6 MR. GONZALEZ: Right. Right. That makes
7 sense.

8 MR. ORTIZ: Because the relief being
9 requested is not only the two homes, but also the
10 subdivision of the --

11 MR. GONZALEZ: The --

12 MR. ORTIZ: -- property.

13 MR. GONZALEZ: Yes. You're right.

14 MR. ORTIZ: So, it's in your hands.

15 VICE CHAIRPERSON KOEHLER: Given that, I
16 make a motion to appeal (sic).

17 MR. ORTIZ: Approve?

18 VICE CHAIRPERSON KOEHLER: Approve the --
19 yeah. Approve this --

20 THE SECRETARY: Motion to approve the
21 application by Ms. Koehler.

22 MS. DILLON: Mr. Vallejo, could you go to
23 your desk?

24 THE SECRETARY: Okay.

25 MR. ORTIZ: Teacher's yelling at you.

1 THE SECRETARY: Motion by Ms. Koehler.

2 Any second?

3 Second by Miss (sis) Jose Guareno.

4 MR. GUARENO: Miss? Okay. If you say so.

5 MS. GENAO: Miss Jose.

6 THE SECRETARY: Now, we are going to call

7 --

8 MR. ORTIZ: Do you want a second --

9 THE SECRETARY: We are going to vote on the
10 subdivision.

11 That's correct?

12 MR. GUARENO: What happened?

13 MR. ORTIZ: Well, we could start with the
14 subdivision and work our way --

15 THE SECRETARY: Right.

16 MR. ORTIZ: -- down the pyramid, so to
17 speak.

18 THE SECRETARY: Motion -- motion to approve
19 the subdivision by Ms. Koehler.

20 Seconded by Miss (sic) Guareno.

21 Roll call on the motion.

22 MR. ORTIZ: By the way -- no.

23 CHAIRPERSON CAPIZZI: So --

24 MR. ORTIZ: Keep going. Keep going. I'm
25 sorry.

1 CHAIRPERSON CAPIZZI: So, wait. By doing
2 this, is this the application or the subdivision?

3 MR. ORTIZ: Right now, we're voting on the
4 --

5 CHAIRPERSON CAPIZZI: Subdivision.

6 MR. ORTIZ: -- subdivision alone.

7 CHAIRPERSON CAPIZZI: Okay. Okay.

8 THE SECRETARY: Right.

9 Roll call on the motion to approve the
10 subdivision.

11 Motion by Ms. Koehler.

12 Seconded by Mr. Guareno.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Six in favor.

2 Motion carries.

3 MR. ORTIZ: All right. So --

4 THE SECRETARY: The subdivision.

5 MR. ORTIZ: That is as to the subdivision
6 only, so it's clear.

7 Now, the -- the next motion would be --

8 CHAIRPERSON CAPIZZI: The application.

9 MR. ORTIZ: -- the application.

10 Now, I did hear the Board say, and I'm just
11 reminding the Board and my memory's not the best
12 in the world, so forgive me, but I -- I
13 understand there was a concern about any kind of
14 metal doors being used on this.

15 And I think the applicant, if it's in the
16 affirmative, has agreed not to use metal.

17 MR. GONZALEZ: Oh, ab -- no metal doors.

18 CHAIRPERSON CAPIZZI: Right.

19 MR. ORTIZ: All right.

20 So, what, wood? Is that what -- if the --
21 so, for purpose of writing the Resolution.

22 MR. GUARENO: Metal doors where?

23 MR. GONZALEZ: No metal doors.

24 MS. GENAO: No metal doors.

25 MR. ORTIZ: Garage doors. No metal.

1 MR. GUARENO: For the garage.

2 MR. GUARENO: Oh, for the garage doors.

3 VICE CHAIRPERSON KOEHLER: For the garage.

4 CHAIRPERSON CAPIZZI: They're not going to
5 have that.

6 MS. GENAO: The garage.

7 VICE CHAIRPERSON KOEHLER: Wood with glass.

8 MR. GONZALEZ: Sure.

9 VICE CHAIRPERSON KOEHLER: Yeah.

10 MR. GONZALEZ: Yeah.

11 VICE CHAIRPERSON KOEHLER: I mean, I
12 understand. Like, so that it looks like what you
13 have presented here.

14 MR. GONZALEZ: Sure.

15 VICE CHAIRPERSON KOEHLER: Yeah.

16 MR. GONZALEZ: Yeah. That -- that's
17 reasonable.

18 I wouldn't want metal doors.

19 MR. ORTIZ: Well, we need to make a motion
20 either in the affirmative or the negative, as to,
21 I guess it would be, 1905 --

22 MR. GONZALEZ: 905. 905.

23 MR. ORTIZ: 905, rather.

24 THE SECRETARY: 905 Palisade Avenue first.

25 VICE CHAIRPERSON KOEHLER: Motion to

1 approve.

2 MR. ORTIZ: With the conditions of the
3 garage door being wood with glass.

4 THE SECRETARY: Is any motion on the table?

5 MR. ORTIZ: There's one --

6 THE SECRETARY: By Ms. Koehler?

7 MR. ORTIZ: Yes.

8 THE SECRETARY: To approve the application.

9 MR. ORTIZ: There's not a second.

10 THE SECRETARY: Motion on the table by Ms.
11 Koehler to approve the application.

12 Any second the motion?

13 MR. GUARENO: Second.

14 THE SECRETARY: Second by Mr. Guareno.

15 Roll call on the motion to approve the
16 application.

17 Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: No.

19 THE SECRETARY: Ms. Capizzi is nay.

20 Ms. Koehler?

21 VICE CHAIRPERSON KOEHLER: Yes.

22 THE SECRETARY: Ms. Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Rivero?

2 MR. RIVERO: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Five in favor, one against.

6 Motion carries.

7 Now, we are going to go to next

8 application.

9 That will be 905-909 Palisade Avenue
10 Holding, LLC, 907-909 Palisade Avenue.

11 Mr. Gonzalez, please?

12 MR. SPATZ: No. I think they're just going
13 to take the vote. I think --

14 THE SECRETARY: Going to be taking --
15 taking a vote only?

16 The same thing?

17 MR. GONZALEZ: Right, because we --

18 MR. ORTIZ: Yeah.

19 MR. SPATZ: Yeah.

20 MR. GONZALEZ: -- made the application --

21 THE SECRETARY: All right.

22 MR. GONZALEZ: -- together.

23 MR. SPATZ: Right. Right.

24 THE SECRETARY: Now, the next --

25 MR. ORTIZ: No, the presentation together.

1 MR. GONZALEZ: The presentation. I'm
2 sorry.

3 MR. SPATZ: Right.

4 So, they're just --

5 CHAIRPERSON CAPIZZI: Well, wasn't there
6 one -- there were two different applications?

7 MR. SPATZ: They're just going to take a
8 vote on that second one.

9 THE SECRETARY: Okay.

10 MR. ORTIZ: Yeah.

11 CHAIRPERSON CAPIZZI: Oh, okay.

12 MS. DILLON: You're just taking a vote.

13 THE SECRETARY: Right.

14 MR. ORTIZ: That's why we need three votes.

15 MR. SPATZ: Yeah.

16 MR. GONZALEZ: Right.

17 MR. SPATZ: Right.

18 CHAIRPERSON CAPIZZI: Okay.

19 Gotcha.

20 THE SECRETARY: Is any motion for 907-909
21 Palisade Avenue?

22 VICE CHAIRPERSON KOEHLER: Motion to
23 approve.

24 THE SECRETARY: Motion to approve by Ms.
25 Koehler.

1 MR. ORTIZ: With the same condition, garage
2 door with wood, with glass.

3 Correct?

4 MR. GONZALEZ: Yes.

5 MR. ORTIZ: Ms. Koehler?

6 VICE CHAIRPERSON KOEHLER: Yes.

7 THE SECRETARY: Any second the motion?

8 MR. GUARENO: Second.

9 THE SECRETARY: Second by Miss (sic)
10 Guareno.

11 Roll call on the motion.

12 Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: No.

14 THE SECRETARY: Ms. Koehler?

15 VICE CHAIRPERSON KOEHLER: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Mr. Rivero?

21 MR. RIVERO: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Five -- five in favor, one
25 against.

1 Motion carries.

2 MR. GONZALEZ: Thank you.

3 CHAIRPERSON CAPIZZI: You're welcome.

4 THE SECRETARY: Thank you.

5 MR. ARENCIBIA: Thank you very much,
6 everyone.

7 CHAIRPERSON CAPIZZI: You're welcome.

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

10

11 (Whereupon, Ydalia Genao left the meeting
12 at 6:58 p.m.)

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1 **Mansoor Saleh - 409 4th Street:**

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3 MR. ORTIZ: Just for the record, Ms. Genao
4 has left the dais.

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

7 THE SECRETARY: May I have your attention,
8 please?

9 Let the record indicate that Ms. Genao left
10 the meeting. We have now have five members.

11 CHAIRPERSON CAPIZZI: Okay.

12 All right.

13 MR. ORTIZ: Yeah.

14 THE SECRETARY: Five.

15 MR. ORTIZ: That's -- we're at the bottom
16 of the barrel.

17 THE SECRETARY: Next application --

18 CHAIRPERSON CAPIZZI: Okay.

19 THE SECRETARY: -- on tonight's agenda --

20 MR. ORTIZ: And I don't mean it towards --

21 THE SECRETARY: -- Mansoor Saleh, --

22 MR. ORTIZ: -- the members. I mean it
23 towards the quorum.

24 THE SECRETARY: -- 409 4th Street.

25 VICE CHAIRPERSON KOEHLER: Me, it's bottom

1 of the barrel.

2 MR. ORTIZ: No, I didn't mean it that way.

3 THE SECRETARY: Ms. Paneque, please?

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

6 MS. PANEQUE: Good evening.

7 Eike Paneque for Mr. Mansoor Saleh, it's
8 West 13, LLC.

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

11 CHAIRPERSON CAPIZZI: 409?

12 MS. PANEQUE: Yes. Yes. 409.

13 THE SECRETARY: 409 4th Street.

14 MS. PANEQUE: Yes. That's correct.

15 If I could to submit to you the --

16 MR. ORTIZ: Please. I'm sorry. Just back
17 here.

18 CHAIRPERSON CAPIZZI: One less thing.

19 MS. PANEQUE: I had sent this over to
20 Carlos, the -- but this is just the originals.

21 THE SECRETARY: I have the originals, Mr.
22 Ortiz.

23 MR. ORTIZ: Yes. Thank you.

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

1 MR. ORTIZ: Madam Chairwoman, I've had an
2 opportunity to examine the submissions by
3 counsel.

4 Everything seems to be in order, giving
5 jurisdiction to the Board.

6 CHAIRPERSON CAPIZZI: Okay.

7 Thank you.

8 Proceed.

9 MS. PANEQUE: Okay.

10 It's a -- currently, a one family property
11 that is going to be demolished and we propose to
12 put a three family with parking there.

13 So, it would be -- and it's in an R
14 residential zone. And I have Mr. Valella who's
15 here to testify, if we could swear him in.

16 MS. DILLON: Certainly.

17 Please raise your right hand.

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

20 MR. VALELLA: I do.

21 MS. DILLON: Please state your name for the
22 record.

23 MR. VALELLA: Sure. Be happy to.

24 It's --

25 Good evening.

1 My name is Orestes Valella, V-A-L-E-L-L-A.

2 And my professional offices are at 5809
3 Madison Street in West New York, New Jersey.

4 CHAIRPERSON CAPIZZI: He's accepted, of
5 course. Yes.

6 MS. PANEQUE: Okay.

7 Can you just run us through the project a
8 little bit? It's, like I said, an R zone. We
9 have a -- a few variances we are looking for,
10 setback and I believe the --

11 MR. VALELLA: Coverage.

12 MS. PANEQUE: -- not the height but the --
13 the stories --

14 MR. VALELLA: Building coverage.

15 MS. PANEQUE: -- and the coverage, also.

16 MR. VALELLA: Right. Okay. Be happy to.

17 This is a property on 4th Street. It's
18 Block 12 and it's Lot 9. It's between New York
19 Avenue and Bergenline. It's an existing 25 by
20 100 and it has a vacant one family home on it.

21 The neighborhood is all residential. There
22 are apartment buildings and houses. You know,
23 it's a nice -- a nice block.

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. VALELLA: We would like to build a new

1 three family on the 25 by 100, where we would
2 have the parking on the ground floor and three
3 dwelling units above.

4 MR. ORTIZ: No, no. Go ahead.

5 MR. VALELLA: Oh, okay.

6 MR. ORTIZ: No, no, no, no. I'm just
7 checking something.

8 Go ahead.

9 MR. VALELLA: Okay.

10 Basically, this is a very traditional
11 housing type that we have, basically, throughout
12 Union City for newer three families.

13 What we have is the garages on the ground
14 floor and it accommodates six vehicles.

15 And then, on the second floor, we have the
16 typical floor where we have a three bedroom
17 apartment. It's 1,471 square feet, with a master
18 bedroom, master bathroom, two children's
19 bedrooms, a second bathroom, a kitchen, a
20 mechanical room with the washer/dryer, heating
21 unit, dining area and the living room. And the
22 living room faces the street.

23 There's two means of egress. There's a
24 stair that goes up to the apartments and there's
25 an emergency exit in the rear.

1 The back of the garage has a garbage room,
2 so that the tenants and owner can store the
3 garbage. And that is given access by the side
4 yard. We have a three foot one side yard on one
5 side, and a three -- a two oh side yard on the
6 other.

7 We have an eight foot front yard. And
8 basically, the way the zone reads, it's the front
9 yard should be either ten feet or the prevailing.
10 The prevailing, I looked, and it's about eight
11 feet. So, we're matching up with the existing
12 homes. The rear yard is five feet.

13 The strategy on doing these kinds of homes
14 is to maximize the footprint so that we can park
15 the vehicles inside and come up to six cars. So
16 --

17 CHAIRPERSON CAPIZZI: How would they move
18 those cars out, though?

19 MR. VALELLA: Well, I've done it in the
20 past. It has to be coordinated, but generally,
21 it's -- it's been done that way before.

22 CHAIRPERSON CAPIZZI: Aren't they supposed
23 to be on an angle?

24 MR. VALELLA: We can put them on an angle.
25 I've done them both ways. If you like, we can

1 put them --

2 CHAIRPERSON CAPIZZI: No, what I'm saying,
3 if you did that, you wouldn't fit six. You --
4 you wouldn't be able to get in, if these -- if
5 these are on an angle.

6 MR. VALELLA: Well, no.

7 CHAIRPERSON CAPIZZI: I thought the new
8 plan was to have parking on an angle, because
9 this is impossible. These people are never
10 getting out. They're never getting out.

11 MR. VALELLA: Okay. That's okay. We can
12 revise that.

13 The apartments are on the second, third and
14 fourth. It's a four story building. And the
15 ceiling heights are eight foot four.

16 The building would be clad in brick.
17 There's going to be a reveal in the façade, so
18 you can see the lighter brick and the darker.

19 The color of the brick would be a red iron
20 spot brick. And the garage door, which is --
21 would be a glass and -- and metal frame door. It
22 is shown as a metal door, but we'd be happy to
23 put in a glass door there.

24 CHAIRPERSON CAPIZZI: What's the height of
25 the other buildings surrounding this building?

1 MR. VALELLA: It runs the gamut. Across
2 the street on the corner is a -- an apartment
3 building. I think that can be seen on --

4 MS. PANEQUE: If you're looking on the
5 photo east --

6 CHAIRPERSON CAPIZZI: This is it?

7 MS. PANEQUE: Actually that one.

8 MR. VALELLA: This picture has a one, two,
9 three -- five stories.

10 MS. PANEQUE: And the -- the last --

11 MR. VALELLA: And this is on the corner.
12 This is the apartment building.

13 CHAIRPERSON CAPIZZI: Okay. Right.

14 MS. PANEQUE: And then the last building is
15 directly across the street. So, when you're
16 facing away from the house, looking across the
17 street --

18 CHAIRPERSON CAPIZZI: Right.

19 MS. PANEQUE: -- that's what I mean by --
20 by north. You see there's two multi-story
21 buildings there.

22 MR. VALELLA: Yeah. Yeah. It's mixed.

23 CHAIRPERSON CAPIZZI: Right.

24 MR. VALELLA: Directly across from us is a
25 two story and I believe a three -- three and a

1 half.

2 So, I think we fit reasonably well within
3 the neighborhood.

4 Now, with regards to the parking, I know
5 what -- the drawing that you're referencing so --

6 CHAIRPERSON CAPIZZI: Right.

7 MR. VALELLA: -- we can modify that to --
8 to satisfy that.

9 CHAIRPERSON CAPIZZI: Are there people
10 living in these houses --

11 MR. VALELLA: No, the house --

12 CHAIRPERSON CAPIZZI: -- now?

13 MR. VALELLA: -- is vacant.

14 MS. PANEQUE: It's vacant.

15 CHAIRPERSON CAPIZZI: So, it's this and
16 this?

17 MS. PANEQUE: No.

18 MR. VALELLA: No, no. It's one house.

19 MS. PANEQUE: The one house.

20 CHAIRPERSON CAPIZZI: It's just one little
21 house.

22 MS. PANEQUE: The one smaller house.

23 CHAIRPERSON CAPIZZI: And this is a
24 different house. Then, this right here is a
25 different house.

1 MR. VALELLA: Okay.

2 CHAIRPERSON CAPIZZI: Is that --

3 MS. PANEQUE: Yes. This is -- this is a
4 separate --

5 CHAIRPERSON CAPIZZI: Separate house.

6 MS. PANEQUE: This is -- it goes from here
7 over to the --

8 CHAIRPERSON CAPIZZI: Okay.

9 MS. PANEQUE: -- side there.

10 VICE CHAIRPERSON KOEHLER: And the house
11 next to it, the one that looks almost identical,
12 is that occupied currently?

13 MS. PANEQUE: I don't know.

14 VICE CHAIRPERSON KOEHLER: And that owner
15 doesn't --

16 MS. PANEQUE: He might know.

17 MR. VALELLA: The next door house is
18 occupied.

19 Right?

20 A VOICE: I think so. Yes.

21 MR. VALELLA: Yes.

22 CHAIRPERSON CAPIZZI: It's what?

23 VICE CHAIRPERSON KOEHLER: Occupied.

24 MR. VALELLA: Ours is vacant.

25 VICE CHAIRPERSON KOEHLER: Um hum.

1 MS. PANEQUE: And I mean, yeah, the
2 opposite adjacent house is significantly bigger.

3 CHAIRPERSON CAPIZZI: It just seems very
4 ambitious for like this little space. It seems
5 like a tiny house.

6 MR. VALELLA: Well, the -- the lot is 25 by
7 100.

8 CHAIRPERSON CAPIZZI: It is?

9 MR. VALELLA: We've done --

10 CHAIRPERSON CAPIZZI: It looks small.

11 MR. VALELLA: -- this three over one, they
12 call, on many different sites along Union City
13 successfully. I mean, they're very desirable.
14 They either sell or they rent readily. I've done
15 them all the way down across from the park, 37th
16 Street, quite a few locations.

17 CHAIRPERSON CAPIZZI: And what's on the
18 front of the house?

19 MR. VALELLA: Brick.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. VALELLA: Yeah. It's all -- all brick
22 on the -- on the front façade.

23 VICE CHAIRPERSON KOEHLER: So, you heard
24 the last hearing.

25 Right?

1 MR. VALELLA: Yes.

2 VICE CHAIRPERSON KOEHLER: Our concerns
3 there, before they modified it, are our concerns
4 here, or rather my concern, I can't speak for
5 everyone else.

6 It doesn't look in keeping with the
7 neighborhood or the neighboring houses --

8 MR. VALELLA: Um hum.

9 VICE CHAIRPERSON KOEHLER: -- and
10 buildings. I understand across the street there
11 are taller buildings, but right next to these
12 two, they're not four stories.

13 MR. VALELLA: Um hum.

14 VICE CHAIRPERSON KOEHLER: So, I -- I would
15 say you need to --

16 CHAIRPERSON CAPIZZI: Scale it back?

17 VICE CHAIRPERSON KOEHLER: -- not -- yeah.
18 Not have four stories and to not look like a
19 modern --

20 MR. VALELLA: Okay.

21 Could I get two minutes with the client?

22 CHAIRPERSON CAPIZZI: Sure.

23 VICE CHAIRPERSON KOEHLER: Sure.

24 MR. VALELLA: Sure.

25

1 (Whereupon, the Board recessed from 7:08
2 p.m. to 7:13 p.m.)

3

4 CHAIRPERSON CAPIZZI: Okay.

5 THE SECRETARY: May I have your attention,
6 please?

7 All right, Debbie?

8 MS. DILLON: Yes.

9 On the record.

10 THE SECRETARY: Ms. Paneque, please?

11 MR. VALELLA: Okay.

12 I'd like to -- this looks to be a work in
13 progress.

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. VALELLA: And I may have to come back,
16 which I suspect, and I'd be happy to do so.

17 There's two fundamental things, as I
18 understand them.

19 One is we've designed a modern building and
20 it seems that the Board wants something more
21 contextual -- contextually friendly with the
22 neighborhood.

23 I would -- I have no issue whatsoever in
24 redesigning the façade of this building to become
25 a better neighbor. Okay. Which probably means

1 more traditional windows, even shutters, more
2 traditional detailing, et cetera, et cetera.

3 So, I have no problem with that whatsoever
4 and I'd be happy to come back with that.

5 The second item was the house type itself.
6 There are -- I mean, you tell me. Am I reading
7 right that a more traditional friendlier
8 contextually building would be more acceptable?

9 VICE CHAIRPERSON KOEHLER: That is my view,
10 yes.

11 And as an example, and I know this was
12 probably done a hundred years ago, but photo
13 five, 4th Street looking north. The buildings on
14 the end of these are multi-family, they're
15 probably -- there are probably many units in
16 these. These are more -- when I -- when I see
17 you guys bring multi-family buildings that are
18 three plus stories, I imagine it should look a
19 little more like this.

20 MR. VALELLA: And I have no --

21 VICE CHAIRPERSON KOEHLER: Not the one in
22 the middle, the one on --

23 MR. VALELLA: No, no. I see.

24 I like the one on the left actually more.

25 VICE CHAIRPERSON KOEHLER: Um hum.

1 MR. VALELLA: There's more detailing on the
2 brick and there's windows.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. VALELLA: All -- real windows, let's
5 call them.

6 VICE CHAIRPERSON KOEHLER: Um hum.

7 MR. VALELLA: I have no issue. It'd be a
8 pleasure to design something like that.

9 Could we then just table it --

10 MR. ORTIZ: Counsel, are you asking --

11 MR. VALELLA: -- and allow me to come back?

12 MR. ORTIZ: -- for an adjournment, so that
13 the architect could go back to the drawing board,
14 so to speak?

15 MS. PANEQUE: If -- if that's what's
16 necessary, then we're going to ask for an
17 adjournment.

18 MR. ORTIZ: Well, it's not necessary, it's
19 not -- let's be very clear. There's two things
20 that need to be done here.

21 MS. PANEQUE: Okay.

22 MR. ORTIZ: First thing is, you need to
23 waive any time periods for the Board to take
24 action, if -- if you wish.

25 MS. PANEQUE: Okay.

1 MR. ORTIZ: And it's not need be, it's your
2 request is really what I'm trying to say. So,
3 it's up to you, your client and your architect.
4 If you want to take two minutes to talk about it.

5 MR. VALELLA: No, we're good.

6 MS. PANEQUE: Yeah. We'll --

7 MR. VALELLA: We'd like to adjourn.

8 MS. PANEQUE: We'll adjourn it.

9 MR. ORTIZ: And you'll be waiving any time
10 periods that this Board is under?

11 MS. PANEQUE: Yes.

12 MR. VALELLA: Yes.

13 MS. PANEQUE: Yes.

14 MR. ORTIZ: Okay.

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. VALELLA: Okay.

17 CHAIRPERSON CAPIZZI: So, fine.

18 I'll make a motion to adjourn.

19 THE SECRETARY: Motion to adjourn --

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: -- the application by June
22 25, 2019, no new notice required.

23 Motion by Ms. Capizzi.

24 VICE CHAIRPERSON KOEHLER: Second.

25 THE SECRETARY: Seconded by Ms. Koehler.

1 Roll on the motion to adjourn this
2 application for June 25th, 2019.

3 Ms. Capizzi?

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Ms. Koehler?

6 VICE CHAIRPERSON KOEHLER: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Mr. Rivero?

10 MR. RIVERO: Yes.

11 THE SECRETARY: Mr. Guareno?

12 MR. GUARENO: Yes.

13 THE SECRETARY: Five in favor.

14 Motion carries.

15 MR. VALELLA: You know what I'm going to
16 bring you is a color rendering of --

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. VALELLA: -- of the building.

19 VICE CHAIRPERSON KOEHLER: That would help.

20 CHAIRPERSON CAPIZZI: Thank you.

21 VICE CHAIRPERSON KOEHLER: That always
22 helps.

23 MR. VALELLA: So that, and also, I'll try
24 to put the houses next to it --

25 CHAIRPERSON CAPIZZI: Thank you.

1 MR. VALELLA: -- so you can see.

2 MR. ORTIZ: And Counselor, we'd ask that
3 they be submitted --

4 MR. VALELLA: Ten days.

5 MR. ORTIZ: -- at least ten days before.

6 MS. PANEQUE: Okay.

7 MR. ORTIZ: Otherwise, we're going to have
8 to adjourn it to -- I don't believe we even have
9 a July meeting scheduled as of right now. Do we?

10 VICE CHAIRPERSON KOEHLER: I think August
11 is the month.

12 MR. ORTIZ: All right. But what -- what
13 I'm trying to say is --

14 MS. PANEQUE: Okay.

15 THE SECRETARY: No meeting in August.

16 MR. ORTIZ: -- there's -- there's a level
17 of, if you're going to get in on June --

18 MR. VALELLA: I'll get it done.

19 Thank you.

20 MR. ORTIZ: No problem.

21 Thank you.

22 CHAIRPERSON CAPIZZI: Thank you.

23 MS. PANEQUE: Thank you.

24 VICE CHAIRPERSON KOEHLER: Thank you so
25 much.

1 Thank you.

2 THE SECRETARY: Thank you.

3 Is notice for the Board Members, there will
4 be a Special Meeting on June 4. That will be
5 only 20 -- 20 -- half an hour. Right? Probably.
6 More or less.

7 MR. ORTIZ: If that long.

8 THE SECRETARY: Huh?

9 MR. ORTIZ: If that long.

10 THE SECRETARY: Yeah. All right?
11 Now, give me two seconds, please.

12 * * *

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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 to close tonight's meeting?

6 CHAIRPERSON CAPIZZI: I'll make a motion.

7 THE SECRETARY: Motion by Ms. Capizzi.

8 MR. GUARENO: Second.

9 THE SECRETARY: Seconded by Mr. Guareno.

10 MR. ORTIZ: It can be all in favor.

11 THE SECRETARY: Roll call in favor.

12 CHAIRPERSON CAPIZZI: Aye.

13 THE SECRETARY: All in favor?

14

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

16

17 THE SECRETARY: The ayes have it.

18 The -- the meeting has ended.

19 Motion carries.

20 Thank you and good night, everybody.

21

22 (Whereupon, the proceedings were concluded
23 at 7:18 p.m.)

24

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, May 28, 2019 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon