

ORIGINAL

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
BOARD OF COMMISSIONERS

REGULAR MEETING :
: TRANSCRIPT OF RECORDED
: PROCEEDINGS
:

Islamic Education Center
4613 Cottage Place
Union City, New Jersey

Tuesday, June 25, 2019
Commencing at 7:01 p.m.

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

LUCIO P. FERNANDEZ, COMMISSIONER,
(Arrived at 8:12 p.m.)
MARYURY A. MARTINETTI, COMMISSIONER
CELIN J. VALDIVIA, COMMISSIONER
WENDY A. GRULLON, COMMISSIONER, (Left at 7:44 p.m.)
BRIAN P. STACK, MAYOR

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

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

ERIN M. KNOEDLER, CITY CLERK

SCARINCI HOLLENBECK
BY: ANGELO AUTERI, ESQ.
BY: PATRICK J. McNAMARA, ESQ.
Corporation Counsels

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

GREGORY T. FARMER, ESQ.
Attorney for the Union City
Alcohol Beverage Control Commission

HEYER, GRUEL & ASSOCIATES
BY: SUSAN S. GRUEL, P.P.
BY: M. MCKINLEY MERTZ, A.I.C.P., P.P.

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

ANTHONY J. BIANCIELLA, ESQ.
Attorney for Henry & Larry, Inc. t/a
Twin City Liquors

I N D E X

	<u>PAGE</u>
CALL TO ORDER	6
SALUTE TO FLAG	6
ROLL CALL	6
 SPECIAL PRESENTATION	 7
 APPROVAL OF PREVIOUS MEETING MINUTES	 13
 CONSENT AGENDA	 14
 ORDINANCES FOR HEARING AND ADOPTION	 26
 OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD	 97
 LIQUOR LICENSE MATTERS	
Henry & Larry, Inc. t/a Twin City Liquors	99
 ADJOURNMENT	 106

I N D E X

Ordinance Amending Chapter 223
"Land Development"
of the Code of the City of Union City

WITNESSPAGE

Susan S. Gruel

2

SWORN PUBLIC

Larry Price

31

1 MS. DILLON: On the record.

2 CITY CLERK: All right.

3 We're going to start now.

4 This is a Regular Public Meeting of the
5 Union City Board of Commissioners being held on
6 Tuesday, June 25th, 2019, at seven p.m., at the
7 Islamic Education Center, 4613 Cottage Place,
8 Union City, New Jersey.

9 Please stand for the Pledge of Allegiance.

10

11 (Whereupon the Pledge of Allegiance was
12 said by all.)

13

14 CITY CLERK: This meeting has been called
15 in accordance with the Open Public Meetings Act.

16 Adequate notice of the meeting has been
17 provided to The Jersey Journal, The Record, The
18 Hudson Reporter, and has been posted on the
19 bulletin board in City Hall and made available to
20 the public in the Office of the Municipal Clerk.

21

22 **ROLL CALL:**

23

24 CITY CLERK: Commissioner Fernandez will be
25 late.

1 Commissioner Grullon?

2 COMMISSIONER GRULLON: Yes. Here.

3 CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Here.

5 CITY CLERK: Commissioner Martinetti?

6 COMMISSIONER MARTINETTI: Here.

7 CITY CLERK: Mayor Stack?

8 MAYOR STACK: Here.

9 CITY CLERK: Thank you.

10

11 **SPECIAL PRESENTATION:**

12 1. New Jersey Special Olympics - Sergeant

13 Chris Scardino

14

15 CITY CLERK: Mayor, we have a Special
16 Presentation for the New Jersey Special Olympics.

17 Sergeant Chris Scardino, if you could come
18 up?

19 MS. DILLON: Right here, sir.

20 Thank you.

21 SERGEANT SCARDINO: Okay.

22 Good afternoon -- good evening.

23 Mayor, how are you, sir?

24 MAYOR STACK: Good evening, Sergeant.

25 SERGEANT SCARDINO: I'll be as quick -- I

1 mean I know you're busy and so forth.

2 But --

3 MAYOR STACK: Sure.

4 SERGEANT SCARDINO: -- every year the Union
5 City Police Department supports the Special
6 Olympics through a torch run. This is my 12th
7 year as a coordinator for the Department; my 25th
8 run.

9 Every year we try to strive to make money
10 for the kids who are unfortunate -- handicap and
11 so forth.

12 This year, as of right now, we raised
13 \$9,500.00 so far for the -- the kids. So it's a
14 pretty big accomplishment so far and I have four
15 months to go to raise more. So I'm trying.

16 Based on that, the agencies who went beyond
17 give me a hand with this -- and this is the first
18 year I was able to have the Police Department,
19 EMS, the Fire Department, and the Board of Ed,
20 became together as one, to make sure this year's
21 run was a success.

22 And our run was this past -- was June 7th.
23 We had almost a hundred kids who were challenged
24 run with us. And a picture inside of the kids
25 who actually made the run. We stay with the kids

1 and make sure they run and most of them made the
2 -- made the run. It's a total -- it's a little
3 more than two mile run.

4 And the majority of the kids ran it. And
5 can I tell you, there's no feeling like it. When
6 we're done, when they come up to you, all of them
7 said thank you -- thank you for running with me
8 and give you a hug; there's nothing like it at
9 the end of it.

10 So I'm privileged to be the coordinator for
11 the last 12 years. Hopefully I do another 12 but
12 we'll see what happens.

13 But, based -- based on that, I need to
14 acknowledge some agencies and people who assisted
15 with this function.

16 The first one is Veterans' School --
17 beyond. Miss O'Connell is the Principal there.
18 One phone call; she assisted the committee to
19 make sure that the Board of Ed was involved in it
20 and all those kids were involved.

21 At this time, Miss O'Connell would you
22 accept the plaque for the Veterans' School?

23 (Applause.)

24 SERGEANT SCARDINO: The next one is the
25 North Hudson Fire and Rescue.

1 Please.

2 (Applause.)

3 SERGEANT SCARDINO: Next one is the Union
4 City EMS.

5 I must say, by far, we had a boot drive,
6 EMS had the most personnel there to support this
7 -- this cause.

8 So, George, Rudy; I appreciate everything
9 you did.

10 (Applause.)

11 SERGEANT SCARDINO: On the Board of
12 Education, I know the -- the Superintendent could
13 not make it tonight. I'm also getting -- a
14 plaque also; I'll make sure they get it tomorrow.
15 Also assisted -- also in this -- this year's run.

16 MAYOR STACK: Thank you, Chris.

17 (Applause.)

18 SERGEANT SCARDINO: Also, the police
19 agency, Union City Police Department. Again,
20 this is our 35th year doing it. My -- my 12th run
21 doing this.

22 On behalf of the Police Department, Mayor
23 B. Stack and Director, please accept the plaque
24 on behalf of Chief Luster.

25 (Applause.)

1 SERGEANT SCARDINO: And then we have one
2 final plaque, I -- I must get to.

3 Again, in order to have all these
4 fundraising events, one person in over 20 years
5 has never told me no having fundraiser.

6 Mayor Stack, on behalf of the -- the
7 committee, I thank you for all your support every
8 year.

9 (Applause.)

10 SERGEANT SCARDINO: And, real quick, I had
11 a -- this year I had a committee. Each member of
12 the -- the Fire Department, the Police Agency,
13 EMS and Board of Ed, came together. We had
14 meetings to do the best for -- for the kids.

15 So as the coordinator of the -- the
16 committee, I make sure --

17 I believe in recognition. I'm a firm
18 believer in that.

19 I need to extend my personal thank you to
20 the committee.

21 So the first one I want to give to is EMT
22 -- EMT Acosta.

23 (Applause.)

24 SERGEANT SCARDINO: The second one is
25 Battalion Chief, Robert Morrison.

1 (Applause.)

2 SERGEANT SCARDINO: And the Principal of
3 Veterans' School, Martha O'Connell.

4 (Applause.)

5 SERGEANT SCARDINO: And, finally, the last
6 person, Detective Steve Molina.

7 He was called, he's working, he was -- he's
8 on a case right now. Unfortunately couldn't make
9 it tonight. But he's my right hand man.

10 I did -- I was busy doing other stuff and I
11 needed Steve, give me a hand please; he was
12 there.

13 Unfortunately, he couldn't make it.

14 But Steve Molina, I thank you.

15 Mayor, I appreciate your time.

16 MAYOR STACK: Thank you very much, Chris.

17 SERGEANT SCARDINO: Be safe.

18 Appreciate it.

19 MAYOR STACK: Thank you. And, Chris, thank
20 you --

21 (Applause.)

22 MAYOR STACK: Thank -- thank you, Chris, --
23 to you and all those involved.

24 And thank you for bringing our community
25 together and always being there.

1 Thank you very much, everyone.

2 Thank you, Chris.

3 (Applause.)

4 CITY CLERK: Thank you, Mayor.

5

6 (Whereupon, the Board discussed and took
7 action on the following item:

8 **APPROVAL OF PREVIOUS MEETING MINUTES - MAY 28,**
9 **2019.)**

10

11 CITY CLERK: The next item is the Approval
12 of the Meeting Minutes of the meeting of May 28th,
13 2019.

14 May I have a motion to approve?

15 COMMISSIONER VALDIVIA: Motion.

16 CITY CLERK: Motion by Commission Valdivia.
17 Second?

18 COMMISSIONER MARTINETTI: Second.

19 MAYOR STACK: Second.

20 CITY CLERK: Second by Mayor Stack.

21 Commissioner Grullon?

22 COMMISSIONER GRULLON: Yes.

23 CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 CITY CLERK: Commissioner Martinetti?

1 COMMISSIONER MARTINETTI: Yes.

2 CITY CLERK: Mayor Stack?

3 MAYOR STACK: Yes.

4 CITY CLERK: Thank you.

5

6 (Whereupon, the Board discussed and took
7 action on the following items in total:

8 **CONSENT AGENDA:**

9 (1) Resolution Approving the Payment of
10 Concurring Claims

11 (2) Resolution Approving the Escrow Refunds

12 (3) Resolution Approving the City Payroll for
13 the Period of June 8, 2019 through June 21, 2019

14 (4) Resolution Approving the Library Payroll
15 for the Period of June 8, 2019 through June 21,
16 2019

17 (5) Resolution for Approval to Submit a Grant
18 Application and Execute a Grant Contract with the
19 New Jersey Department of Transportation for the
20 35th Street - New York Avenue to Bergenline Avenue
21 Project

22 (6) Resolution for Approval to Submit a Grant
23 Application and Execute a Grant Contract with the
24 New Jersey Department of Transportation for the
25 35th Street - Bergenline Avenue to Kennedy

1 Boulevard Project

2 (7) Resolution to Cancel Outstanding Checks

3 (8) Resolution Authorizing the Tax Collector to

4 Prepare, Complete and Mail as soon as Practicable

5 Estimated Tax Bills in Accordance with the

6 Procedures set forth in N.J.S.A. 54:4-66.2 and

7 Authorizing an Estimated Annual Tax Levy Pursuant

8 to N.J.S.A. 54:4-66.2

9 (9) Resolution to Cancel Tax Sale Certificate

10 19-00044 for Block 71, Lot 15 - 1402 Central

11 Avenue

12 (10) Resolution Authorizing Refund of Premium

13 Monies Collected at the Tax Sale

14 (11) Resolution Authorizing Refund of Redemption

15 Monies to Outside Lienholders

16 (12) Resolution Approving Addendum to Contract

17 for Labor Counsel for O'Toole Fernandez for 2018-

18 2019

19 (13) Resolution Approving Addendum to Contract

20 for Special Counsel Services for DeCotiis,

21 Fitzpatrick and Cole

22 (14) Resolution Approving Addendum to Contract

23 for Special Counsel Services for Chasan,

24 Lamparello, Mallon & Capuzzo

25 (15) Resolution Approving Addendum to Contract

1 for Tenant Advocate Attorney for Dario & Yaker,
2 LLC
3 (16) Resolution Approving Addendum to Contract
4 for Municipal Land Use Planner to Heyer Gruel
5 (17) Resolution Establishing a New Petty Cash
6 Fund for the Union City Library
7 (18) Resolution Approving an Interlocal
8 Governmental Agreement with North Bergen for a
9 Health Officer
10 (19) Resolution Awarding a Raffle License to
11 Holy Family Church
12 (20) Resolution Awarding a Raffle License to
13 Holy Family Church (Raffle #2)
14 (21) Resolution Awarding a Raffle License to
15 Fundacion Maria Auxiliadora, Inc.
16 (22) Resolution Awarding a Contract to Main Pool
17 and Chemical, Inc. for Chlorine and Pool Supplies
18 (23) Resolution Rescinding Award to A&J
19 Construction Group for Palisade Avenue Phase 1
20 Project
21 (24) Resolution Awarding a Contract to S.
22 Battata Construction, Inc. for Palisade Avenue
23 Phase 1 Project
24 (25) Resolution Rejecting Bids for Tree Trimming
25 Services and Authorizing the City Clerk to

1 Advertise for New Bids

2 (26) Resolution of Consent to Access Public
3 Rights-of-Way for the Placement of Small Cell
4 Wireless Facilities in the City Rights-of-Way

5 (27) Resolution Authorizing the City Clerk to
6 Advertise for Bids for the 3rd Street & Manhattan
7 Avenue Project

8 (28) Resolution Renaming 33rd Street from
9 Bergenline Avenue to New York Avenue as "Moreiro
10 Way"

11 (29) Resolution Renaming 18th Street from New
12 York Avenue to Palisade Avenue as "A. Acosta Way"

13

14 CITY CLERK: There are 29 items on the
15 Consent Agenda.

16 The first is a Resolution Approving the
17 Payment of Concurring Claims.

18 The second is a Resolution Approving the
19 Escrow Refunds.

20 The third is a Resolution Approving the
21 City Payroll for the Period of June 8th, 2019
22 through June 21st, 2019.

23 The fourth is a Resolution Approving the
24 Library Payroll for the Period of June 8th, 2019
25 through June 21st, 2019.

1 The fifth is a Resolution for the Approval
2 to Submit a Grant Application to Execute a Grant
3 Contract with the New Jersey Department of
4 Transportation for the 35th Street - New York
5 Avenue to Bergenline Avenue Project.

6 The sixth is a Resolution for Approval to
7 Submit a Grant Application and Execute a Grant
8 Contract with the New Jersey Department of
9 Transportation for the 35th Street - Bergenline
10 Avenue to Kennedy Boulevard Project.

11 The seventh is a Resolution to Cancel
12 Outstanding Checks.

13 The eighth is a Resolution Authorizing the
14 Tax Collector to Prepare, Complete, Mail as soon
15 as Practicable Estimated Tax Bills in Accordance
16 with the Procedures set forth in N.J.S.A.
17 54:4-66.2 and Authorizing an Estimated Annual Tax
18 Levy Pursuant to N.J.S.A. 54:4-66.2.

19 The ninth is a Resolution to Cancel Tax
20 Sale -- Tax Sale Certificate 19-00044 for Block
21 71, Lot 15, 1402 Central Avenue.

22 The tenth is a Resolution Authorizing a
23 Refund of Premium Monies Collected at the Tax
24 Sale.

25 The eleventh is a Resolution Authorizing

1 Refund of Redemption Monies to Outside
2 Lienholders.

3 The twelfth is a Resolution Approving an
4 Addendum to a Contract for Labor Counsel for
5 O'Toole Fernandez for 2018-2019.

6 The thirteenth is a Resolution Approving an
7 Addendum to a Contract for Special Counsel
8 Services for DeCotiis, Fitzpatrick and Cole.

9 The fourteenth is a Resolution Approving an
10 Addendum to a Contract for Special Counsel
11 Services for Chasan, Lamparello, Mallon and
12 Capuzzo.

13 The fifteenth is a Resolution Approving an
14 Addendum to a Contract for Tenant Advocate
15 Attorney for Dario, Yaker, LLC.

16 The sixteenth is a Resolution Approving an
17 Addendum to a Contract for Municipal Land Use
18 Planner to Heyer, Gruel.

19 The seventeenth is a Resolution
20 Establishing a New Petty Cash Fund for the Union
21 City Library.

22 The eighteenth is a Resolution Approving an
23 Interlocal Governmental Agreement with North
24 Bergen for a Health Officer.

25 The nineteenth is a Resolution to Award a

1 Raffle License to Holy Family Church.

2 The twentieth is a Resolution Awarding a
3 Raffle License to Holy Family Church for a second
4 raffle.

5 The twenty-first is a Resolution Awarding a
6 Raffle License to Fundacion Maria Auxiliadora,
7 Incorporated.

8 The twenty-second is a Resolution Awarding
9 a Contract to Main Pool and Chemical,
10 Incorporated for Chlorine and Pool Supplies.

11 The twenty-third is a Resolution Rescinding
12 an Award to A and J Contract (sic) Group for
13 Palisade Avenue Phase 1 Project.

14 The twenty-fourth is a Resolution Awarding
15 a Contract to S. Battata Construction,
16 Incorporated for Palisade Avenue Project -- Phase
17 1 Project.

18 The twenty-fifth is a Resolution Rejecting
19 Bids for Tree Trimming Services and Authorizing
20 the City Clerk to Advertise for New Bids.

21 The twenty-sixth is a Resolution of Consent
22 to Access Public Right-of-Way for the Placement
23 of Small Cell Wireless Facilities in -- in the
24 City's Right-of-Way.

25 The twenty-seventh is a Resolution

1 Authorizing the City Clerk to Advertise for Bids
2 for 3rd Street and Manhattan Avenue Project.

3 The twenty-eighth is a Resolution Renaming
4 33rd Street from Bergenline Avenue to New York
5 Avenue as Moreiro -- Moreiro Way.

6 The twenty-ninth is a Resolution Renaming
7 18th Street from New York Avenue to Palisade
8 Avenue as A. Acosta Way.

9 Mayor, at this time would you like to take
10 public comment on the Consent Agenda?

11 MAYOR STACK: Sure.

12 Just before we do, I'd just like to thank
13 those residents that are here this evening that
14 attend the meeting; I appreciate that.

15 Congratulate also those that were active
16 with the Special Olympics that are here this
17 evening.

18 On the Award -- on the Rescinding of Award
19 to A and J Construction, the reason that's being
20 rescinded is they cannot start the -- start the
21 project on time.

22 That's on Palisade Avenue where we're
23 redoing the entire length of Palisade Avenue from
24 the Jersey City border to the West New York
25 border.

1 So the next bidder will be awarded, which
2 is Battata Construction. We need to get that
3 project moving along.

4 For the next one that's on the agenda, the
5 tree trimming services, we're rejecting the bids
6 because of some issues that we had that the City
7 Clerk explained to me.

8 We're looking to get a professional tree
9 pruner that comes into the City and does all the
10 trees throughout the community.

11 We're planting -- literally planting
12 thousands of trees over the last ten years in
13 Union City. We want to maintain them and keep
14 them safe for the residents that are here.

15 In addition to the Small Cell Wireless
16 Facilities in the City's Right-of-Way, we were
17 adamant on getting Verizon and all the different
18 carriers to come in and cleanup all the -- the --
19 for lack of a better term, the spaghetti, that's
20 on the telephone poles in Union City.

21 Many times it puts EMS -- not EMS -- but it
22 puts public safety in harms way with different
23 wires that are hanging, no longer needed on the
24 pole.

25 We're really going after the different

1 individuals, whether it's -- not so much PSE&G --
2 but Verizon and other private carriers to clean
3 that up on the poles. And we were able to get a
4 number of poles done already. So we're putting
5 that on the agenda.

6 In addition to 3rd Street and Manhattan
7 Avenue, what we're doing is we're doing the
8 entire length of Palisade that I just spoke
9 about. We're also doing the dead end on 3rd and
10 Palisade Avenue to tie that in with Palisade
11 Avenue.

12 Being that we're down in that neighborhood
13 and we've done most of those side streets, that's
14 the last piece of a street that we need to get
15 done in -- on 3rd and Manhattan. So we're happy
16 to get that done.

17 We're also putting in -- different --
18 different -- for different projects in the City;
19 we're working on various streets in the City.

20 On the renaming of Bergenline Avenue to New
21 York Avenue for Roberto Moreiro; Roberto's been
22 very active in the community owning restaurants
23 in Union City and a businessman on Bergenline
24 Avenue. We thought it would be nice to name a
25 street after him.

1 He owns a restaurant right on the corner of
2 33rd and Bergenline Avenue.

3 And on renaming 18th Street from Palisade
4 to New York Avenue after Antonio Acosta, I think
5 most people in the community know Mr. Acosta as a
6 teacher and educator in the community.

7 Truly a role model. Somebody I've known my
8 entire life. He was a -- a teacher at Emerson
9 High School -- Emerson Middle School but Emerson
10 High School at the time. A very good family. He
11 passed away some time ago.

12 And we'd just like to recognize those
13 individuals in the community by naming a street
14 in their honor.

15 So, at this point, does anyone have any
16 questions on the Consent Agenda?

17 Please step forward, state your name and
18 address for the record.

19 Seeing none.

20 I'd just like to thank the Commissioners,
21 once again, for moving the meetings throughout
22 the community in the evening hours.

23 And I thank the public that does come out
24 to these meetings.

25 CITY CLERK: Thank you, Mayor.

1 May I have a motion to close public
2 comment?

3 COMMISSIONER VALDIVIA: Motion.

4 COMMISSIONER GRULLON: Motion.

5 COMMISSIONER MARTINETTI: Second.

6 CITY CLERK: Motion by Commissioner
7 Valdivia.

8 Second by Commissioner Martinetti.

9 CITY CLERK: Commissioner Grullon?

10 COMMISSIONER GRULLON: Yes.

11 CITY CLERK: Commissioner Valdivia?

12 COMMISSIONER VALDIVIA: Yes.

13 CITY CLERK: Commissioner Martinetti?

14 COMMISSIONER MARTINETTI: Yes.

15 CITY CLERK: Mayor Stack?

16 MAYOR STACK: Yes.

17 CITY CLERK: Thank you.

18 May I have a motion to approve all items on
19 Consent?

20 MAYOR STACK: Motion.

21 CITY CLERK: Motion by Mayor Stack.

22 Second?

23 COMMISSIONER MARTINETTI: Second.

24 CITY CLERK: Second by Commissioner
25 Martinetti.

1 Commissioner Grullon?

2 COMMISSIONER GRULLON: Yes.

3 CITY CLERK: Commissioner Valdivia?

4 COMMISSIONER VALDIVIA: Yes.

5 CITY CLERK: Commissioner Martinetti?

6 COMMISSIONER MARTINETTI: Yes.

7 CITY CLERK: Mayor Stack?

8 MAYOR STACK: Yes.

9 CITY CLERK: Thank you.

10

11 (Whereupon, the Board discussed and tabled
12 the following item:

13 **ORDINANCES FOR HEARING AND ADOPTION**

14 **CONSIDERATION:**

15 1. ORDINANCE AMENDING CHAPTER 223 "LAND
16 DEVELOPMENT" OF THE CODE OF THE CITY OF UNION
17 CITY.)

18

19 CITY CLERK: There is one Ordinance on for
20 Public Hearing and possible Adoption
21 consideration this evening.

22 It's an Ordinance Amending Chapter 223,
23 Land Development, of the Code of the City of
24 Union City.

25 Mayor, would you like to take public

1 comment at this time?

2 I know there's some representatives from
3 Heyer, Gruel here to give a short presentation.

4 MAYOR STACK: I think that would be good.
5 Let -- to have the -- the Heyer, Gruel
6 professionals that are here this evening --

7 I see Susan here also.

8 -- maybe to give a short presentation.
9 Then we'll open up for any comments or questions
10 anyone may have.

11 MS. GRUEL: Thank you, Mayor.

12 MS. DILLON: Right here.

13 If you could please raise your right hand.

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

16 MS. GRUEL: I do.

17 MS. DILLON: Please state your name for the
18 record.

19 MS. GRUEL: Susan Gruel, G-R-U-E-L.

20 I'm a principal in the planning firm of
21 Heyer, Gruel and Associates. We have been
22 retained by the City to work with them on the
23 Ordinance and the Reexamination Report.

24 MAYOR STACK: Okay.

25 MS. GRUEL: So I'd just like to do, just

1 briefly, --

2 MAYOR STACK: Just an overview, if you can.

3 MS. GRUEL: -- an overview.

4 MAYOR STACK: Sure.

5 MS. GRUEL: What you have tonight are
6 amendments to the Land Development Ordinance that
7 came out of the reexamination master plan from
8 last year -- from -- from actually last year and
9 this year.

10 And this -- the Ordinance implements the
11 recommendations of the master plan.

12 So I'll just briefly go through what the
13 general recommendations are. And if anyone has a
14 question, I'll be happy to respond.

15 The general recommendations in the
16 reexamination report and in the Ordinance --
17 draft Ordinance, are to consolidate the
18 residential districts into one low density
19 residential district that permits that one, two
20 and three dwellings -- family dwellings.

21 The second is to consolidate the commercial
22 districts into a CN district; to adjust the
23 zoning boundaries to better reflect the uses seen
24 on the ground -- what's there now.

25 And all of these zoning changes, again,

1 | were reflected in the Land Development Chapter.

2 | So in that we did -- we fixed it so there
3 | were no inconsistencies between parts of the
4 | Ordinance. We did some changes to definitions.
5 | Deleted some definitions; revised others to
6 | reflect what we were looking at.

7 | We also -- several of the chapters were not
8 | changed at all.

9 | In terms of the zoning, some of the zoning
10 | categories were eliminated because we
11 | consolidated. So we eliminated that so there
12 | wasn't confusion on that.

13 | We changed some of the parking design
14 | standards, as well as some of what is considered
15 | the bulk standards -- the setbacks, the coverage,
16 | height -- to reflect what would be permitted and
17 | what were the recommendations.

18 | So that's the real summary of what this
19 | does.

20 | And I'll be happy to answer any questions
21 | that you may have but that is an overview.
22 | Again, it all goes back to the master plan, which
23 | is -- the Planning Board adopted. It's a policy
24 | document. And the Commissioners implement those
25 | recommendations if you're fine with them.

1 MAYOR STACK: And, Susan, I know that you
2 -- you and your -- and your office do a great job
3 working on this for us and we appreciate that. I
4 have a lot of respect with you have done with
5 helping us in Union City and we appreciate that
6 -- the Commissioners and myself.

7 MS. GRUEL: Thank you, Mayor.

8 MAYOR STACK: If you could stay right --
9 maybe right where you are and if we have any
10 members of the public who would like to ask any
11 questions, you can be right up there.

12 Just keep your voice up so that everyone
13 can hear.

14 MS. GRUEL: Certainly.

15 MAYOR STACK: At this time does anyone have
16 any questions on -- on this Ordinance that we're
17 speaking about right now, which would be
18 Ordinance Amending Chapter 223, Land Development,
19 of the Code of the City of Union City?

20 MR. PRICE: Questions or comments?

21 MAYOR STACK: You could --
22 Please.

23 CITY CLERK: Either, Mr. Price.

24 MAYOR STACK: Either questions or comments
25 anyone may have.

1 MS. GRUEL: I'll share with Mr. Price.

2 MAYOR STACK: Sure.

3 MR. PRICE: But she's taking --

4 CITY CLERK: Sure. Sure.

5 MR. PRICE: -- the larger portion --

6 MS. GRUEL: Oh, well, excuse me while a
7 move over a little bit.

8 MS. DILLON: All right.

9 Mr. Price, please raise your right hand.

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

12 MR. PRICE: I do.

13 MS. DILLON: Please state your name and
14 address for the record.

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

17 MS. DILLON: Thank you.

18 MR. PRICE: Okay.

19 MR. GRUEL: Thank you, Mr. Price.

20 MR. PRICE: The first thing I will do is
21 just make a few comments about what this
22 Ordinance will not do.

23

24 (Whereupon, Mr. Price distributed a
25 document containing color photographs and other

1 data to the Board.)

2

3 MR. PRICE: Okay.

4 The first picture is of -- pictures of two
5 houses that currently exist on 20th Street, across
6 from the reservoir.

7 If this is adopted, that's going to be the
8 new prototype for construction in Union City.

9 Okay.

10 MAYOR STACK: Just tell me what your issue
11 is with that though.

12 So what is your issue with that?

13 Just so I can get a better understanding.

14 MR. PRICE: Okay.

15 Can I come back to that question?

16 MAYOR STACK: Sure.

17 MR. PRICE: Okay.

18 MAYOR STACK: Absolutely.

19 MR. PRICE: We're talking now what this
20 will not do.

21 This will be -- this building is what we're
22 going to be in the future.

23 Okay.

24 The -- one of the things that it will --
25 will not do is the -- what -- what is happening

1 and the reason this will become the prototype and
2 the reason this is a -- a little bit of a
3 problem.

4 We're all acquainted with the three-family
5 house that exists now; three stories, you know,
6 parking, four cars, a one bedroom behind and two
7 bedrooms up.

8 Okay. That house currently today
9 construction cost is about a half million
10 dollars.

11 Okay. You go to this construction, you
12 practically double the size of the house.
13 Because the house currently is 20 feet wide, it's
14 65 feet long, it's 1300 square feet for floor,
15 there are three floors; it's 3900 square feet.

16 You go to this and there -- you know, we're
17 now talking 20 feet -- still 20 feet wide but 85
18 feet long, 1700 square feet per floor, four
19 floors; 6800 square feet.

20 So we go from 3900 square feet to 6800.

21 The result is --

22 MAYOR STACK: You're -- and you're
23 counting, -- just so I understand, so I got this,
24 --

25 I don't want to interrupt your train of

1 | thought.

2 | MR. PRICE: No.

3 | MAYOR STACK: But you're counting where the
4 | people park and then three -- three levels of
5 | living space above?

6 | MR. PRICE: Three levels above that.

7 | MAYOR STACK: I got it.

8 | MR. PRICE: But it's four -- you have to
9 | construct four -- four levels. Because you've
10 | got a floor for parking.

11 | Okay, 6800 square feet. And most of the
12 | developers who've looked at this say you have to
13 | add an elevator because otherwise the fourth
14 | floor becomes unsaleable.

15 | Okay.

16 | And the -- the elevator adds a hundred
17 | thousand dollars.

18 | So the cost of this is about a million
19 | dollars.

20 | Okay.

21 | The -- the developer has got construction
22 | cost of a million bucks. He's got to pay for a
23 | lot, that's 250,000. He's going to have some
24 | soft costs and he wants to make some money. So
25 | he has to sell this for a million and a half

1 | dollars.

2 | There is no market in Union City for a
3 | million and a half dollar three-family house. He
4 | can't -- he can't do it.

5 | What there is a market for is a three
6 | bedroom condo with 1700 square foot that he can
7 | sell for half a million dollars.

8 | So these are -- you're not going to build
9 | three-family houses. That's what they're going
10 | to ostensibly be. But what you're really
11 | building is a three unit condo because that's the
12 | only way that financially it works.

13 | So the first thing I would say that this
14 | will not do is it will not resolve in more real
15 | three-family houses. It will result in a lot
16 | more condos.

17 | MAYOR STACK: Okay, so let me just -- let
18 | me just --

19 | MR. PRICE: Sure.

20 | MAYOR STACK: So, Susan, how do you -- how
21 | do you address that what Mr. Price said?

22 | MS. DILLON: Come by the microphone for me
23 | please.

24 | MAYOR STACK: And you're only leaving -- so
25 | you're leaving a side yard -- not a side yard but

1 a rear yard. You're leaving a rear yard of 15
2 feet, right, on a normal lot that's 25 by a
3 hundred?

4 MS. GRUEL: We have -- yes. We have a rear
5 yard -- actually, we have a rear yard as proposed
6 of five. And we have certain changes to the
7 building and the lot coverage.

8 And in order to provide for the parking on
9 the site, which Mr. Price is correct, what is
10 proposed and what has been constructed, is garage
11 of parking on the first floor.

12 And so there is -- there are three units
13 above. So four stories; the first floor is
14 parking. Because, as we all know, parking is at
15 a premium as well. So there was a need to
16 provide the parking as well.

17 But as part of the master plan reexam, one
18 of the goals -- clearly one of the goals was not
19 only to provide a diversity of housing type but
20 specifically to address the need for three-family
21 units and to address families and to provide for
22 that. Because there was -- there is a need and
23 that was part of the master plan process.

24 As we know in -- and certainly the
25 attorneys can confirm, in the Municipal Land Use

1 | Law you cannot choose tenure.

2 | MAYOR STACK: You cannot choose what?

3 | MS. GRUEL: You cannot determine tenure.

4 | You can't determine whether it's rental or

5 | owner --

6 |

1 MAYOR STACK: Right.

2 MS. GRUEL: -- in your standard zoning.

3 MAYOR STACK: Right.

4 MS. GRUEL: Okay?

5 MAYOR STACK: So let me -- so let me just
6 go back to Mr. Price for a minute.

7 All right?

8 So, Larry, if you had your way, what would
9 you -- what would you recommend about what Susan
10 just mentioned with the parking and -- and stuff
11 like that?

12 What are you recommending?

13 Are you recommending --

14 MR. PRICE: That's -- that's --

15 MAYOR STACK: Let -- let me just finish
16 this.

17 MR. PRICE: Yeah.

18 MAYOR STACK: And maybe I --

19 MR. PRICE: Sure.

20 MAYOR STACK: -- can help along with this.

21 Would you recommend -- something that you
22 and I know a lot about, all right, which is the
23 three houses that were in between your building
24 and where I once lived at 1100-1104, where Mr.
25 Aimone (phonetic) lived.

1 MR. PRICE: Right.

2 MAYOR STACK: Is that where you're
3 recommending more of that type where you have a
4 garage, maybe an apartment behind that, and two
5 stories above and that would be it?

6 When you mention three-family, is that what
7 you're thinking of? Or no?

8 MR. PRICE: Well, one of those -- one of
9 those three houses now is legally a three-family.

10 MAYOR STACK: I know that.

11 MR. PRICE: And the other two are -- well,
12 they're two families.

13 MAYOR STACK: Right.

14 Originally they were all two-family.

15 Right?

16 MR. PRICE: Well, if -- if you want, I can
17 give you my sug--

18 MAYOR STACK: Okay.

19 MR. PRICE: By the way, I will give you my
20 suggestion. Can I hold off on that and --

21 MAYOR STACK: Sure.

22 MR. PRICE: -- to the end?

23 But all I'm -- the only point I'm trying to
24 make right now is the economics dictate there
25 will be, under this plan, there will be no three-

1 family houses built that are strictly three-
2 family houses -- except in rare instances --
3 because econom-- the -- financially it makes no
4 sense for developers to do that.

5 He's got to sell for a million and a half
6 and he can't do that in Union City.

7 So you're going to be building -- you'll be
8 building these houses but they will be -- they'll
9 be -- they'll be condo projects. They have to
10 be. Because that's what will sell.

11 That's the only point that I'm trying to
12 make here right now.

13 MAYOR STACK: I -- I got that point.

14 So what are you recommending?

15 MR. PRICE: Okay.

16 Well, I have a second point. I actually
17 have a couple more.

18 The -- if you turn to the second page,
19 there are a lot of calculations there, but
20 essentially what -- what these calculations say
21 is that if you build only these three-family
22 houses, the density of Union City will not go
23 down. I think it will stay about the same.

24 If you see -- if you build all these houses
25 in the residential areas, it'd be 45,000 people.

1 When you add in the people who live in the
2 commercial areas and in the public areas, you're
3 at 65,000, which is our current population.

4 Now you could say --

5 MAYOR STACK: Plus 20.

6 MR. PRICE: What?

7 MAYOR STACK: Plus 20.

8 CITY CLERK: Yeah.

9 MR. PRICE: Well, --

10 MAYOR STACK: And that's with three zeros.

11 MR. PRICE: Yes. But -- but officially
12 it's 65,000. And that's what this --

13 But you could -- you could argue, very
14 correctly probably, that by build-- going to this
15 we won't have an upward pressure on the density
16 in Union City. But, you know, it won't -- the --
17 building these three-family houses will not
18 reduce the density.

19 But it's something we have to take into
20 account because I -- I guess now Guttenberg has
21 edged us out, so we're the second most densely
22 populated -- whatever -- but -- city in the
23 country but it's a -- it's a real consideration.
24 Okay? And all I'm saying, this won't reduce the
25 density.

1 Okay.

2 The -- the third -- and this is --

3 MAYOR STACK: Can -- can we just go back
4 for a minute though?

5 So -- so --

6 And I'm not looking to lock you in; I'm
7 looking for an idea.

8 What -- what would you recommend?

9 Listen, you -- you got my attention. One
10 thing I don't want to do --

11 And I don't want to see that happen where
12 you would have condominium units. I'd rather
13 keep them where it is, a three-family house and
14 they're renting the apartments out. It would be
15 more helpful to the residents who live in Union
16 City right now, and I want to keep it as
17 affordable as possible, because it's hard for a
18 lot of people right now.

19 So -- I mean you know how important rent
20 control is to us and all the things we've done
21 for that. Not that these units would be under
22 rent --

23 Thank you very much.

24 Not that these units would be under rent
25 control, --

1 COMMISSIONER VALDIVIA: Thank you, sir.

2 MAYOR STACK: -- but all I'm asking is you
3 what idea would you -- what idea would you --
4 would you say we should do?

5 MR. PRICE: Can I still come back to that?

6 MAYOR STACK: Okay.

7 MR. PRICE: Okay.

8 First let me --

9 Go to the third page.

10 MAYOR STACK: Okay.

11 MR. PRICE: And the next comment I have to
12 make is that you implement this, you will not do
13 anything for parking.

14 Now we have this wonderful schematic that
15 every-- shows that six cars get parked. But if
16 you look at that schematic and you say, well gee
17 if my car were the one against the wall on the
18 left hand side how do I get out? And the answer
19 is you got to move two cars to get out.

20 Okay. And are people going to do that?

21 No.

22 Okay. So, in fact, these homes already
23 exist in Union City as we see from the front
24 page. And if you walk around at night, as I do,
25 and you look in garages --

1 I'm the only peeping Tom probably in the
2 world who looks for cars.

3 -- the -- you will see three cars in the
4 garage. Not six; three.

5 By the way, on this particular -- I went
6 by, I must admit it was close to the Memorial Day
7 weekend and both of these houses had two cars
8 parked in the garage.

9 Okay. Why do they do that?

10 Well the answer is if you park only three
11 cars, you don't have to move anything to -- to --
12 you can -- you have access to your car, you can
13 take it out without moving anybody, you can bring
14 it back in and put it in --

15 You've got your own private parking spot.
16 And that's why you only see --

17 So, walk around. Look at these -- these
18 buildings exist already. Look at the garage.
19 It's always three car -- maybe on a rare occasion
20 it's four. But sometimes it's only two. It is
21 never six cars because you're in a valet parking
22 business if you do that.

23 So the -- the promise here is that this
24 will take care of parking. The answer is it will
25 aggravate parking. Because what will happen?

1 You have a building with three three-bedroom
2 apartments. How many cars -- but on average
3 there will be five to eight cars in that
4 building.

5 And, you know, the husband one, wife, maybe
6 the kid has one. Okay, you end up with five
7 cars. Three will go in the garage and the other
8 two will go to the street.

9 And if there are eight cars, three will
10 still go in the garage and five will go to the
11 street.

12 So to -- you know, it will not alleviate
13 parking.

14 Since I'm in the parking business, this
15 doesn't strike me as the worst thing that ever
16 happened but I don't think it would be a good
17 thing for Union City.

18 Okay. The last picture are two -- two
19 buildings.

20 The first is at 801 Palisade Avenue.
21 Recent construction; 18 units, 28 parking spots.
22 The site is 13,000 square feet.

23 They -- under -- under the proposed zoning
24 ordinance, the owner could legally put up five of
25 these buildings. There would practically be no

1 -- there wouldn't be any front setbacks,
2 practically not rear setback.

3 There are, by the way, on 801 there are
4 some very healthy -- it's a very nice building.

5 I would suggest to you that this building
6 -- particularly with 28 parking spots, is far
7 more attractive than five of these four story,
8 three-families, which is what we would have if we
9 didn't have this.

10 MAYOR STACK: Okay, but what about if you
11 only have 25 by a hundred to build on?

12 Or you only have 50 by a hundred to build
13 on?

14 You can't build that type of a building on
15 this.

16 MR. PRICE: Oh absolutely not.

17 MAYOR STACK: Right.

18 MR. PRICE: Absolutely not.

19 Then you -- then you've got to have a, you
20 know, a, you know, a two or three-family house.
21 That'd be -- it -- it -- you know, that's it I
22 mean.

23 MAYOR STACK: What's the size of the
24 property that 801 is on?

25 A hundred by --

1 MR. PRICE: It's a hundred by a hundred and
2 twenty-five.

3 MAYOR STACK: That's what I thought.
4 Right.

5 MR. PRICE: Because there are --

6 MAYOR STACK: Right.

7 MR. PRICE: -- four lots here --

8 MAYOR STACK: Right.

9 MR. PRICE: -- that are a hundred, plus
10 there's one lot --

11 MAYOR STACK: Right.

12 MR. PRICE: -- in the back --

13 MAYOR STACK: In the back.

14 MR. PRICE: -- that goes across.

15 So it turns out it's 13,000 square feet.

16 MAYOR STACK: Right.

17 MR. PRICE: Legally, under the new zoning
18 ordinance, they could put up five three-family
19 houses. And, you know, and they would probably
20 have parking for 15 cars. And here they have
21 parking for 28 cars.

22 The last picture is 1701 Palisade Avenue.
23 And this is where I sort of semi-answer your
24 question.

25 This a lot 25 feet wide -- sorry -- 75 feet

1 wide on Palisade Avenue, a hundred feet deep
2 going along 17th Street.

3 This has got -- this particular site has
4 kind of checkered history. Three years ago the
5 developer came in and got permission from the
6 Zoning Board to build a six-story, 28 unit
7 building, which I challenged and which died
8 shortly thereafter.

9 And then the developer talked to me and
10 said what can I do and I said about a nice 12
11 unit building. And we worked out the details.
12 He applied and was denied by the Zoning Board.

13 It turned out he appealed, went to court,
14 it happened -- it ended up before the same judge
15 that the -- my case ended up before and the judge
16 reversed the Board and said, you know, grant
17 approval.

18 Okay. I think the judge was right. And
19 the reason is this is a site that is particularly
20 suited for multi-family use and is not at all
21 suited for three families. Because I mean what
22 are we talking about? I mean if you put up three
23 families, the people in there have got to back
24 out -- first of all, they've got to back out over
25 a busy sidewalk.

1 That -- you know, Emerson is a block away.
2 Four times a day that sidewalk is littered with
3 kids. And you're going to be backing a car out
4 of it.

5 Then he has to back into Palisade Avenue,
6 which is one of the most, you know, used
7 thoroughfares that we have in the City.

8 If you have a 12 -- 12 unit multi-family,
9 the -- the, you know, the parking is one lot and
10 when you come out you come out nose front. And
11 you see the kids and -- hopefully, and you see
12 the -- the other cars. You -- you have a
13 visibility driving forward that you don't when
14 you're -- when you're backing up.

15 So in terms of safety, in terms of what--
16 this site is particularly suited for multi-family
17 development. Okay. This site is not unique in
18 Union City. There are lots of larger sites, --
19 you know they're not 20,000 square feet but maybe
20 they're ten -- where multi-family works. And a
21 lot of these sites are on places like Bergenline
22 and New York Avenue where it --

23 So the first answer I would give you would
24 be if -- if I were mayor and doing this, I would
25 give a lot more prominence to -- to a multi-

1 family use than we are -- which is, basically,
2 the only multi-family use or -- is going to be in
3 the MU district.

4 And I think -- I think we have too many --
5 I think we have too many other sites.

6 So the -- the answer would be I don't know
7 if you do that via a zoning ordinance. But if
8 you -- if you have a tight zoning ordinance and
9 also, you know, the Boards feel that they're
10 under marching orders to grant no exceptions,
11 then you'll never have multi-family even when
12 it's called for.

13 MAYOR STACK: But, Larry, how -- how do you
14 stop the person from coming in that wants to put
15 in, let's say, more than 12 units at 17th and Pal?

16 I understand what you said about the court
17 and the City was -- or the Board was reversed.
18 But how do you stop that person from going above
19 that number of units?

20 Because let's say you had four --

21 How many units -- how many three-family
22 houses do you feel you get at 17th and Pal?

23 We're just using that as an example. How
24 many could you there --

25 MR. PRICE: You would get three.

1 MAYOR STACK: Three?

2 MR. PRICE: Three.

3 So if you -- and, of course, the -- if the
4 three-families would probably have three -- three
5 bedrooms each. So if you did a bedroom count you
6 would be talking 27 bedrooms.

7 I think the 12 units that the -- the
8 developer and I worked out, the combination of
9 one and two bedrooms, and I think there were 18
10 or 20 unit -- bedrooms, sorry, versus 27. So
11 there was actually less of an impact.

12 Yes, I mean -- well, that's -- that's why
13 boards have discretion.

14 MAYOR STACK: Right.

15 MR. PRICE: I mean if somebody comes in and
16 says I want to build a ten story and --

17 MAYOR STACK: Right.

18 MR. PRICE: -- then you say good luck, why
19 don't you try West New York.

20 MAYOR STACK: Right.

21 MR. PRICE: Don't -- you know, denied.

22 MAYOR STACK: The only thing I would like
23 to see, I mean I -- I understand one and two
24 bedrooms are good but it's good to see people
25 move in and stay for a while in a little bit

1 larger of a unit, which would be either a two or
2 a three bedroom. Because a lot of people don't
3 stay; it becomes very transient where people
4 don't move in and stay in the community.

5 That's why you need some mixture of two and
6 three bedroom units.

7 I've noticed that in the City that seems to
8 work -- you know it works better.

9 And when I talk to families who are looking
10 for an apartment, it's always -- they're never
11 looking for a one bedroom, obviously. They're
12 always looking for a two or a three bedroom --

13 MR. PRICE: Yes.

14 MAYOR STACK: -- because you do have larger
15 -- a lot of larger families in the City. So you
16 need that mixture.

17 MR. PRICE: I --

18 MAYOR STACK: I'm not disagreeing with what
19 you're saying but you need the mixture.

20 MR. PRICE: But you won't get that mixture
21 with this zoning ordinance --

22 MAYOR STACK: I understand.

23 MR. PRICE: -- because everything -- the
24 economics drive everything to a three -- three
25 unit, three bedroom in each unit, whatever,

1 | because that's the way the developer --

2 | MAYOR STACK: So -- so --

3 | MR. PRICE: There'll be a few exceptions
4 | with --

5 | MAYOR STACK: So what do you -- what do you
6 | do on a 25 by a hundred lot?

7 | You go with what? A two family you're
8 | saying? You go with a two family with parking
9 | below?

10 | MR. PRICE: Well, you know, believe it or
11 | not, you know, I wouldn't want to say that
12 | among -- that's probably the best zoning solution
13 | is a two-family. Not a three-family; a two-
14 | family.

15 | We got -- 20 years ago, 30 years ago we
16 | moved to three families on a twenty-- and it just
17 | doesn't work. A three-family on a 25 by a
18 | hundred, the parking doesn't work. You know, you
19 | could look at the -- the, you know, the -- the
20 | examples that we have -- you know, the buildings
21 | that you referred to earlier, which are my
22 | neighbors, they started out as two-family houses.
23 | And --

24 | MAYOR STACK: It was nice, too, because you
25 | had people buy them that -- that lived in them

1 and rented another unit.

2 MR. PRICE: Correct.

3 MAYOR STACK: And you want to -- you want
4 to keep that going and reestablish that with
5 anyone else coming into a community.

6 MR. PRICE: Yes. Although, my experience
7 in -- in the existing two families is, yeah, they
8 got a tenant and that tenant stays forever and
9 becomes part of the family.

10 MAYOR STACK: Yeah.

11 MR. PRICE: So, there's a longevity there
12 that -- whatever.

13 It clearly does not exist in a larger
14 rented building --

15 MAYOR STACK: Right.

16 MR. PRICE: -- where they're in and out and
17 in and out.

18 (Whereupon, Commissioner Grullon left the
19 meeting at 7:44 p.m.)

20 MAYOR STACK: Yeah, I agree.

21 No I like the two-family concept, too.

22 MR. PRICE: Okay.

23 Now, the -- I have some additional comments
24 to make.

25 And, by the way, the -- the part so far,

1 | you know, -- you know, am I going to take you to
2 | court about, you know, that you're building these
3 | kind of houses?

4 | And the answer is no.

5 | As a judge once said, you want to change
6 | the zoning ordinance, run for office.

7 | Okay. It's a prerogative --

8 | Okay.

9 | But so if you -- I -- if I were mayor, I
10 | wouldn't do this but --

11 | MAYOR STACK: You're not running against me
12 | for mayor.

13 | Right?

14 | MR. PRICE: I don't know, I -- I've had a
15 | few offers by the way.

16 | I'll digress for a second. May I digress
17 | for a --

18 | MAYOR STACK: Sure.

19 | MR. PRICE: One of the developers, this is
20 | about six years ago, sort of disgruntled,
21 | departed, whatever, and basically said, you know,
22 | he could never be beat. And I said, well he
23 | could be beat. But whatever.

24 | So we talked about it for a little while
25 | and then he said, well, -- I basically was nice

1 | grassroots organization. Sort of what Brian
2 | Stack did 20 years ago.

3 | Okay.

4 | MAYOR STACK: Still doing it.

5 | MR. PRICE: It worked 20 years ago.

6 | Right?

7 | Anyway. So he said how much will it cost?

8 | And I said, well it won't be free but not a lot
9 | of money, three to 500,000.

10 | He -- he said you want to be mayor? And I
11 | said I don't want to be mayor.

12 | He said if -- if you change your mind I got
13 | a check for 300,000.

14 | This -- this was a big developer. That was
15 | money good.

16 | I had the same conversation six months
17 | later with another -- whatever, who got -- made
18 | me the same offer.

19 | That's when I decided maybe I did want to
20 | run against you, take 300 from him, 300 from him,
21 | spend 300, bank 300, and --

22 | MAYOR STACK: You might have another
23 | problem if you do that though.

24 | MR. PRICE: But I might -- I might win.
25 | You know that would be a problem.

1 Okay.

2 Now, let's --

3 MAYOR STACK: You want to just --

4 I think Susan --

5 MS. GRUEL: If I --

6 MAYOR STACK: -- just wants to respond to
7 something, Larry.

8 MS. GRUEL: -- may respond to a couple
9 of --

10 MAYOR STACK: Go right ahead. Go right
11 ahead.

12 MS. GRUEL: -- Mr. Price's comments?

13 MR. PRICE: Oh.

14 MS. DILLON: Mr. Price, step aside so --

15 MS. GRUEL: And -- oh, --

16 MS. DILLON: -- Ms. Gruel can use the
17 microphone.

18 MR. PRICE: Yes.

19 MS. GRUEL: Okay.

20 MR. PRICE: Sorry.

21 MS. GRUEL: And -- and just -- I know you
22 may have other comments --

23 MR. PRICE: Yeah.

24 MS. GRUEL: -- and questions, which is
25 fine. But I just -- before I forget what you

1 | said.

2 | You know as clearly stated in the Reexam
3 | and as the Mayor has said, there is a need for
4 | housing diversity and three bedrooms are a -- a
5 | rarity.

6 | There is a major need for three bedrooms.
7 | And how does that happen? It happens when you
8 | can permit larger units in the course of
9 | developing.

10 | Right?

11 | That's one thing.

12 | The other thing is I get it when you talk
13 | about the financial aspect of it. That is not
14 | what the purpose of planning and zoning and
15 | master plan is.

16 | Okay?

17 | There has to be reality based but there
18 | also -- you cannot determine your policy by
19 | purely looking at the financial. And I'm sure,
20 | Mr. Price, you would agree with that.

21 | So I understand your comment but at the
22 | same time there are other goals and objectives
23 | that the City is trying to accomplish. And they
24 | are very clear and this is one way that, as a
25 | policy and as an ordinance, that that is intended

1 to do to address that.

2 Now in terms of parking, that's an
3 interesting scenario.

4 Parking is at a premium; we all know that.
5 Maybe people don't park underneath. But the
6 point is, is that what this ordinance tries to
7 accomplish is to permit that. Is to provide that
8 as an option.

9 If somebody doesn't want to park, -- we
10 have this all the time, if somebody want --
11 doesn't want to park under, whether it's this
12 scenario, configuration or another kind where --
13 whatever, that's their choice. But it's an
14 option, it's there, it's available. And that's
15 what the purpose of this -- one of the purposes
16 is to provide that as an option.

17 So that with all that I think that that's
18 certainly --

19 And as you well know, if there is
20 particular suitability for a particular site,
21 then they go to the Zoning Board. And that is
22 the -- that is the planning legal basis if they
23 can prove that their site is particularly well-
24 suited for a variance, whatever that may be, then
25 the Board can take that into consideration.

1 That doesn't mean that the ordinance should
2 permit it across the board.

3 So that's -- those are my comments on that.

4 Sorry, Mr. Price. I didn't mean to cut you
5 off there.

6 MR. PRICE: Okay, no, no.

7 MS. GRUEL: But I just wanted to address
8 those particular issues before you went off and
9 then I'd forget the first one.

10 MR. PRICE: I have that problem, too.

11 Anyway so much --

12 By the way, the -- the problem -- Ms. Gruel
13 is right but wrong in the sense that, you know,
14 blue sky is great but practical reality intrudes
15 and -- particularly on the parking.

16 I mean we know what happens with this
17 parking configuration -- the three cars in the
18 garage. This is -- this is our experience.
19 There are not going to be six cars in there.

20 So, as I say, --

21 MS. GRUEL: Thank you, Mr. Price. You
22 admitted at least I'm right on some.

23 Thank you. I appreciate that.

24 MS. DILLON: One step closer.

25 MS. GRUEL: Oh, I'm sorry.

1 Go ahead. I'll give you --

2 MR. PRICE: Okay.

3 MS. GRUEL: -- the --

4 MR. PRICE: Let me move from the -- the
5 gist of the zoning plan to what I'll call the
6 barnacles hanging on the ship.

7 Okay, there are eight items in this zoning
8 whatever, which I find in some cases to be
9 unacceptable.

10 Okay.

11 I'll just read -- this happens to be from
12 page 102 and this is Section 48 and this will
13 come --

14 Dwelling units, containing units that are
15 exempt from site plan approval, pursuant to
16 section umpty-ump (phonetic), shall also be
17 exempt from all other land development
18 requirements of Chapter 220 -- without the need
19 for additional variance or other approval.

20 Whatever.

21 And if you turn to the section that's
22 referenced, it says site plan approval shall not
23 be required for the conversion, creation, or
24 legalization within pre-existing dwellings
25 provided that the total number --

1 Well, okay, in other words the construction
2 -- the construction code official can approve
3 legalization of illegal apartments.

4 Well we went to court three years ago and
5 both the Law Division and the Appellate Division
6 said that -- that the construction code official
7 can't do that, that that is a Board function and
8 this shouldn't be in here.

9 MAYOR STACK: Sue, can you respond to that?

10 MR. McNAMARA: I can respond to it, Mayor,
11 if you would like?

12 MAYOR STACK: Yes.

13 MR. McNAMARA: Patrick McNamara, --

14 MAYOR STACK: And, Pat, if you want to jump
15 in --

16 MS. DILLON: You need to come to the
17 microphone, --

18 MAYOR STACK: If you want to --

19 MS. DILLON: -- Mr. McNamara.

20 MAYOR STACK: Why don't you -- why don't
21 you stand up here, too, --

22 MR. McNAMARA: Okay.

23 MAYOR STACK: -- with Susan. I -- I didn't
24 realize.

25 MR. McNAMARA: Evening, sir.

1 We did take a look at this issue subsequent
2 to introduction and the statute as it is
3 explicitly allows for up to two families to be
4 exempt from site plan.

5 It's not crystal clear as to whether or not
6 a municipality has the authority to go above and
7 beyond that. Clearly have the right to do it
8 with two families.

9 In discussing this with Susan and McKinley
10 and -- and Erin, we've talked about if there was
11 a need to do some type of adjustment by way of
12 supplemental ordinance, this would be -- that
13 would be the proper mechanism to address this to
14 make it clear that the exemption should match
15 what the State Municipal Land Use Law already
16 dictates. And that would eliminate any question.

17 So it would be my recommendation, authorize
18 it, once you're done here this evening, assuming
19 you move forward with this, and then direct us to
20 a proverbial cleanup ordinance where this can be
21 addressed and resolved --

22 MR. AUTERI: And -- and let's just add --

23 MR. McNAMARA: -- to your satisfaction and
24 to Mr. Price's satisfaction.

25 MR. AUTERI: Let's just add for the record,

1 too, just so we're all on the same page that --
2 that this is one of the items that I'm
3 anticipating that Mr. Price will present to us.
4 It is actually a holdover from the prior
5 ordinance that's already on the books.

6 So when Mr. McNamara mentions the Board of
7 Commissioners examining this particular issue in
8 July and going on to the next fiscal year, it
9 wouldn't be part of this revision. It would just
10 be a general review of all of the pieces of the
11 already existing ordinance.

12 MR. McNAMARA: No, certainly as -- as Mr.
13 Price noted, some of the comments, we could
14 certainly look at that and any other specific
15 items he has we could certainly take the time to
16 address that.

17 We'll get that back in the form of a model
18 ordinance to you probably in mid-August for your
19 consideration and then review by the Planning
20 Board and for public review and comment. So that
21 these items get addressed and resolved in a
22 manner that's consistent and acceptable to all
23 concerned.

24 MR. PRICE: Wait a minute. I -- I don't
25 quite understand that.

1 Okay, the State Statute says that -- that
2 -- that one and two families are exempt --

3 MR. McNAMARA: Correct.

4 MR. PRICE: -- from site plan approval.

5 MR. McNAMARA: Right.

6 MR. PRICE: We're talking about going to
7 three here.

8 MR. McNAMARA: Understood, sir.

9 But what I'm saying is, it's already on the
10 books. I looked at the Land Use Law --

11 MR. PRICE: Well, wait, the court's ordered
12 to take it -- null and void.

13 MR. McNAMARA: Well then we'll prepare the
14 appro-- if, when we complete our review, if we
15 agree with you, then we will prepare the
16 appropriate ordinance to take it out.

17 MR. PRICE: I shouldn't have to go to court
18 a second time for something the courts --

19 MR. McNAMARA: I'm not familiar --

20 MR. PRICE: -- have already ruled --

21 MR. McNAMARA: I'm not familiar --

22 MAYOR STACK: Mr. Price, I --

23 MR. McNAMARA: -- with the case you
24 brought --

25 MAYOR STACK: I don't believe you will.

1 I --

2 MR. McNAMARA: -- several years ago, Mr.
3 Price, so I apologize. I'm not familiar with
4 that.

5 MAYOR STACK: Pat? Pat?

6 Pat, --

7 MR. McNAMARA: I take your word at it.

8 MAYOR STACK: -- let me just say something.

9 MR. McNAMARA: Sure.

10 MAYOR STACK: I -- I don't believe Mr.
11 Price is wrong. If he's wrong, I'll say it. If
12 he's right, I'll say it. He's correct what he's
13 saying.

14 We just need to clean this up.

15 MR. McNAMARA: Right. So --

16 MAYOR STACK: It can't be.

17 MR. McNAMARA: -- we will prepare --

18 MAYOR STACK: He's right what he said
19 because there was an order that was issued by the
20 court. I read the order. Marty abides by that
21 order, as the construction code official, we
22 always do.

23 Let's just put it in there. That's it.

24 MR. McNAMARA: We'll prepare the
25 appropriate --

1 MAYOR STACK: Simple. It's done.

2 MR. McNAMARA: -- ordinance to amend it and
3 take care of it.

4 MAYOR STACK: It's done.

5 MR. McNAMARA: Okay.

6 MR. PRICE: Okay.

7 By the way, there -- unfortunat-- there are
8 eight of these items.

9 Second item has to do with abandonment.

10 And --

11 MAYOR STACK: With what?

12 MS. GRUEL: With what?

13 MR. McNAMARA: Abandonment.

14 MR. PRICE: Abandonment.

15 MAYOR STACK: Okay.

16 MR. PRICE: If you turn to page --

17 MAYOR STACK: So an abandoned home?

18 MR. PRICE: No, a use that -- a non-- a
19 nonconforming use that -- when it's abandoned.

20 MAYOR STACK: Okay. I -- I didn't hear
21 what you said.

22 I'm sorry.

23 MR. PRICE: Okay.

24 And if -- on page 5 --

25 MR. McNAMARA: The existing ordinance

1 provides for 12 or more months.

2 MS. DILLON: Excuse me. I'm sorry.

3 You -- you guys need to be closer.

4 MR. McNAMARA: Okay. Sure.

5 MS. DILLON: It's very high ceilings in
6 here. I apologize --

7 MR. McNAMARA: No, no problem.

8 Irish lawyers usually don't have trouble
9 with being heard. So I'll -- I'll speak up.

10 MS. DILLON: It -- it's the ceiling, Mr.
11 McNamara.

12 MR. McNAMARA: Okay.

13 MS. DILLON: Thank you.

14 MR. McNAMARA: This was brought to our
15 attention. It's in Ms. Gruel's report. The
16 easiest way for us to address this is there's an
17 inconsistency with this ordinance and with the
18 abandoned property statute, which allows you to
19 place properties through a process -- a hearing
20 process, on an abandoned property's list, and one
21 of the criteria is six months.

22 And it's my understanding the City has
23 always adhered, regardless of what the provision
24 is in the ordinance, to the requirement that the
25 case law has established that says not only does

1 it have to be a physical abandonment, there has
2 to be an intent to abandon. And that those two
3 elements have to be in.

4 So our recommendation, Mayor, would be to
5 add this into the same ordinance we just
6 discussed to spell out clearly, A, there has to
7 be intent, as well as the actual abandonment;
8 and, B, to make sure it dovetails with the
9 provisions of the Abandoned Properties Act, so
10 that there's no inconsistency between State law
11 and Municipal Land Use Law and City ordinance.

12 MR. PRICE: The problem is on page 100, it
13 says irrespective of whether an intention to
14 abandon a nonconforming use may exist.

15 Case law is quite clear, there must be an
16 intent --

17 MR. McNAMARA: There --

18 MR. PRICE: -- to abandon.

19 MR. McNAMARA: That has to be corrected.
20 No -- no questions asked, sir. That needs --

21 MR. PRICE: Okay.

22 MR. McNAMARA: -- to be corrected and would
23 be part -- part of a model ordinance to do that.

24 MR. PRICE: Okay.

25 MS. GRUEL: Just to -- just to make this

1 clear because, Mr. Price, I think you're going --
2 I think you're going to bring up other points
3 that you raised at the Planning Board meeting as
4 well.

5 This is -- these provisions and, as your
6 City attorney said, this -- these provisions are
7 not what is within the proposed amendment part.
8 It is within the body of --

9 I know what you're going to say, too.

10 This is in the body of the existing
11 ordinance that has existed for several years now
12 that we were not part of but you raise certain
13 questions that are good that can be clarified and
14 updated.

15 So that this is not a provision in what you
16 have in front of your to implement the master
17 plan. These are other provisions that have been
18 there that need to be updated.

19 Just to clarify that again, Mr. Price.

20 Right?

21 MR. PRICE: Um-hum.

22 MS. GRUEL: You would agree with that.

23 Right?

24 MR. PRICE: Umm --

25 MS. GRUEL: You agree with me. I agree

1 with you.

2 MR. McNAMARA: Okay, sir.

3 MR. PRICE: Okay.

4 Page 28.

5 And this is, again, something -- this is
6 history coming back.

7 We have a definition of story and half-
8 story. And the -- this is when it's an attic.

9 Okay.

10 And it basically says, an attic, having one
11 within the space, possible floor area of seven
12 feet six inches or greater, over 75 percent
13 below.

14 Okay. Then the half-story is five feet,
15 less than 75 -- whatever.

16 Okay. Very clever architects will read
17 this and figure out a way -- remember, five feet
18 -- if it's seven and a half feet greater than 75
19 percent, counts as one story. If it's less than
20 75 percent, less than five feet.

21 But what happens if it's more than 75
22 percent, five feet but less than 75 -- whatever.

23 We've already had this three years ago.
24 And this one also went to court. And in 2016 we
25 changed the ordinance so that they match; so that

1 | there was no -- there was no space in between. I
2 | even have the publication.

3 | And this one -- this is the one I don't
4 | understand. We changed the ordinance so that
5 | they matched. There was no space. And yet it
6 | snuck back in.

7 | At the Planning Board meeting I asked
8 | McKinley where did this come from? We changed
9 | it. And she said it's there. I said who'd you
10 | get it from? She wouldn't tell me.

11 | MR. McNAMARA: Mayor, I'm not familiar with
12 | the history of the ordinance but we can certainly
13 | address this to resolve any inconsistency in the
14 | percentages and how this is calculated. And to
15 | make sure this is being done consistently, also,
16 | with Building Code Requirements.

17 | MS. GRUEL: But let me just -- I have to
18 | respond to that.

19 | Okay?

20 | What she said was -- because I talked to
21 | her about this -- it's in the existing ordinance
22 | now.

23 | MAYOR STACK: Talked to who?

24 | Who'd you talk to?

25 | MS. GRUEL: I'm sorry.

1 MAYOR STACK: You said you spoke to
2 somebody about it.

3 MS. GRUEL: Oh. I spoke with McKinley --

4 MAYOR STACK: Okay.

5 MS. GRUEL: -- who is, as you well know, --

6 MAYOR STACK: No, no, I -- I know, I
7 didn't --

8 MS. GRUEL: -- one of our --

9 MAYOR STACK: -- hear who you spoke to.

10 MS. GRUEL: Right.

11 MAYOR STACK: Okay.

12 MS. GRUEL: And she was at the Planning
13 Board meeting.

14 MAYOR STACK: Yes.

15 MS. GRUEL: And that issue came up. But,
16 again, it's one of those that were in the
17 existing ordinance. We did not change that.

18 So it may be another list that we have to
19 look at again and make sure it's clear.

20 MR. PRICE: Well, in it -- the only thing,
21 there shouldn't be any -- that was the -- the
22 goal in 2016 when we changed the ordinances, just
23 to make sure there's no space in between there so
24 somebody can't get overly clever.

25 Okay.

1 Next -- next item; signs.

2 MAYOR STACK: Which -- which page are we
3 on?

4 MR. PRICE: Oh, I'm on page 90.

5 MAYOR STACK: Okay.

6 MR. PRICE: Okay?

7 Actually, I'm on -- also on page 87, --

8 MAYOR STACK: Eighty-seven?

9 MR. PRICE: -- still on signs.

10 MR. AUTERI: It starts on a hundred.

11 MR. PRICE: On page 87, --

12 CITY CLERK: Mayor, I think a hundred.

13 MR. PRICE: -- we're -- we're -- this is
14 all about signs.

15 MAYOR STACK: Where -- where are we?

16 MR. PRICE: Nothing can --

17 MAYOR STACK: Where are we --

18 CITY CLERK: One hundred.

19 MAYOR STACK: -- at the top of the page?

20 Or --

21 MR. PRICE: No, the --

22 CITY CLERK: His page numbers are not --

23 MR. PRICE: -- middle -- middle of --

24 CITY CLERK: -- consistent with ours.

25 MR. PRICE: -- page 87.

1 CITY CLERK: It's on page a hundred.

2 MR. PRICE: Number 4.

3 Nothing contained herein shall be deemed to
4 permit the erection or installation of any
5 political signs upon any pole or tree located on
6 public property or within the public whatever.

7 And the erection and installation is hereby
8 specifically prohibited.

9 I think -- and this is a little bit above
10 my pay grade but my understanding is political
11 signs are a permitted by order -- that's a
12 constitutional permission.

13 MR. McNAMARA: It -- it is but it's not an
14 unlimited.

15 The Supreme Court, back in 1984, expressly
16 ruled and upheld an ordinance of the City of
17 Los Angeles that prohibited the posting of
18 political signs in public right-of-ways or on
19 public property.

20 The other thing to remember here is my
21 understanding is that the vast majority, if not
22 all of the utility poles you see in our streets
23 in Union City, are owned by the utilities.

24 They have the right, independent of this,
25 to regulate or prohibit the posting of signs of

1 any kind on their poles as a matter of public
2 safety and safety to their employees.

3 Because if someone comes out and doesn't
4 have a bucket truck and he's got to climb the
5 pole the old fashion way, you don't need him
6 trying to climb over three or four signs in order
7 to accomplish his task.

8 I'll double check but I'm pretty sure the
9 City of Los Angeles had that case back in the
10 '80s and said, no, a municipality is within its
11 rights on public property or public right-of-way
12 or on utility poles, to prohibit any signage, not
13 just political signage.

14 MR. PRICE: Okay.

15 MR. McNAMARA: But we'll go back and double
16 check that.

17 MR. PRICE: Okay. I -- I see --

18 As I said it was above my pay grade.

19 MAYOR STACK: We really don't --

20 MR. PRICE: Okay.

21 MAYORS STACK: -- permit them.

22 I mean I know we don't permit them in Union
23 City on poles, no matter who they are.
24 Obviously, on peoples' homes and stuff like that
25 people are free to do whatever they like.

1 MR. PRICE: The great thing about Union
2 City, two days after the election, no signs left.

3 MAYOR STACK: We take them down.

4 MR. PRICE: Yeah.

5 MAYOR STACK: See that?

6 MR. PRICE: Anyway, on page 90, -- and this
7 is more my pay grade, --

8 MAYOR STACK: So what page is that on in
9 my --

10 MR. PRICE: Page --

11 MAYOR STACK: -- on mine?

12 MR. PRICE: What?

13 MAYOR STACK: Your page 90 but I'm on --
14 What -- what -- you said page 90?

15 MR. PRICE: Nine zero.

16 MAYOR STACK: Okay.

17 MR. PRICE: Okay, again, nonconforming
18 signs.

19 Any nonconforming sign, which is associated
20 with a change in occupancy or ownership, shall
21 necessitate an application to the appropriate
22 approving authority and shall be returned to
23 conformity.

24 That conflicts with case law which ways a
25 sign is a use; a pre-existing nonconforming use

1 enjoys the protection of the Municipal Land Use
2 Law. You can't -- you can't require them to
3 apply and you can't -- whatever.

4 They'll -- you know, it's -- it's just
5 contrary -- this is contrary to case law.

6 MR. McNAMARA: We'll -- we'll take a look
7 at this, Mayor. I'm not personally familiar with
8 the ordinance.

9 I know that signs can be regulated and
10 permitted in a manner that's completely separate
11 and apart from the Municipal Land Use Law, so we
12 can take a look at it in this context because
13 there is regulated commercial speech that may or
14 may not be protected. So we can take a look at
15 that.

16 But usually the signs issues, I think, come
17 up where you often have a change of use and is
18 someone grandfathered or they relocate their
19 business but they leave the sign there because
20 they can't get one at their new location. There
21 a variety of factors. And usually this is done
22 through a code official and usually not in front
23 of a planning or zoning board. Usually they hear
24 billboard sign cases. But for other cases of
25 this nature, that usually goes to a code official

1 not to a land use board.

2 But we'll take a look at it and if we think
3 there -- there needs to be a tweak or a change,
4 we'll prepare it.

5 MR. PRICE: Okay.

6 Next item has to do with side yards on
7 corner lots.

8 It's on page 34 and it says corner lots;
9 side yard requirement of a corner lot.

10 The side yard setback line of any corner
11 lot shall not be less than the minimum front yard
12 required on adjoining lot fronting on a side
13 street.

14 In other words what we have here, you have
15 a corner lot, 25 by a hundred we'll assume, and
16 it's on the corner. It fronts the main drag.
17 There's a side street and there are houses --

18 Now you know what they were trying to do;
19 what they're saying is that -- that if -- if the
20 house gets a normal side yard setback then it
21 blocks the -- the view down the street.

22 The problem with that is that the normal
23 setback requirement on that side street is going
24 to be ten feet.

25 The guy in the front on the corner has got

1 a lot that's 25 feet by a hundred. He's got to
2 provide a ten foot setback on the side yard; a
3 two foot side yard setback on the other; and the
4 house can't be larger than 13 feet. You don't
5 build houses that are 13 feet.

6 You're -- you're taking this guy into --
7 you're -- you're zoning him into inutility.
8 Shouldn't do that. It's not permitted.

9 I -- you know, I don't get agitated.

10 MAYOR STACK: Your -- your response to
11 that?

12 MS. DILLON: Go in front of the mic,
13 please.

14 MS. GRUEL: I'm sorry.

15 MAYOR STACK: I mean if -- if what Larry is
16 saying is correct, I mean it makes sense. I mean
17 why would we -- why would we do that?

18 MS. GRUEL: There is a -- it's either ten
19 feet -- it's either ten feet or prevailing. So
20 it could be less than that.

21 But that is -- that is an example of what I
22 would consider to be a hardship and appropriate
23 to go to a board for that.

24 MAYOR STACK: But why would we do that?

25 Why would we make him go to a board if we

1 can clear it up now at our level?

2 Why would we make all the -- the purpose of
3 doing this was not to have these all before the
4 Board and to have everything challenged. Have
5 something that's a clean ordinance, that's --
6 that's easy to read, that the common person could
7 pick up and say, you know what, I can build a
8 home on this property.

9 MS. GRUEL: Yes, and that is true, Mayor.

10 And it is only the instance where the
11 corner lot is only 25 feet; that would be the
12 case.

13 If it's more than that, that's different.

14 MAYOR STACK: But we've had them.

15 MS. GRUEL: So --

16 MAYOR STACK: We've -- we've had that, due
17 to fires and stuff like that, we've had that.

18 Like -- like 13th and Palisade was a fire
19 -- it was a fire that we had on 1301 Palisade
20 Avenue. You may remember that fire. It was a
21 terrible fire. It burned all day.

22 Those lots were individual lots. Whether
23 somebody bought them -- I think something to
24 approved over there, I'm not really sure what was
25 approved but those were individual lots.

1 Had that person looked to rebuild again,
2 that would be problematic.

3 Second and New York Avenue falls right into
4 that where we had the fire. That falls -- those
5 houses are narrow to begin with.

6 MR. PRICE: That's the example that I would
7 give; 201 New York Avenue, which was the end.

8 MAYOR STACK: 201.

9 MR. PRICE: Okay, that happens -- the lots
10 are 16 feet wide; this one is 20 feet wide.

11 MAYOR STACK: Right.

12 MR. PRICE: Okay. But now if this were in
13 effect --

14 By the way, you go down 2nd Street, the
15 setbacks are at least ten feet, probably more
16 like 15, because of older houses.

17 So, if -- if he were -- his -- his lot is
18 only 20 feet wide and 80 feet deep. So if he
19 were to lose ten feet on the street side and two
20 feet on the other side, the house is eight feet
21 wide.

22 MAYOR STACK: Eight feet wide.

23 MS. GRUEL: And --

24 MR. PRICE: It's -- it's a --

25 MS. GRUEL: -- and what we would suggest --

1 MR. McNAMARA: I would think at that
2 point --

3 MS. GRUEL: -- is --

4 MR. McNAMARA: -- you'd have a clear need
5 for various relief --

6 MS. GRUEL: But --

7 MR. McNAMARA: -- because the lot is
8 undersized --

9 MS. GRUEL: But --

10 MAYOR STACK: But why not clear it up
11 now --

12 MS. GRUEL: But what the Mayor is --

13 MAYOR STACK: -- so we don't need --

14 MS. GRUEL: Correct.

15 MAYOR STACK: -- a variance?

16 That's my point.

17 MS. GRUEL: Mayor?

18 Mayor, I would suggest that that be put on
19 the list to look at --

20 MAYOR STACK: Yeah.

21 MS. GRUEL: -- and to revise --

22 MAYOR STACK: All right.

23 MS. GRUEL: -- in this list.

24 MAYOR STACK: I'm just going to -- I'm
25 going to tell you tonight, I want Larry to

1 continue and anyone else who has a comment, but
2 I'm going to -- I'm going to hold this Ordinance
3 tonight so we can clear all this up.

4 And I have some ideas also. I have some
5 ideas also that I'd like to address on the two-
6 family issue and on the issue that Larry brought
7 up with the condominiums.

8 So, we'll -- we'll talk about that. But
9 I'd like to hear the rest of the comments and
10 anyone else who --

11 MR. PRICE: Okay.

12 MAYOR STACK: -- has a comment because
13 it --

14 MR. PRICE: The rest of it's --

15 MAYOR STACK: -- is the hearing part.

16 MR. PRICE: -- going pretty quickly.

17 MAYOR STACK: I don't want to cut the
18 hearing.

19 MR. PRICE: On page 57, -- 57.

20 Okay, dimensions of parking spaces.

21 MAYOR STACK: Page 57?

22 MR. PRICE: Page 57.

23 It -- it -- I'll read it.

24 For single two and three-family dwellings,
25 parking spaces shall measure eight and a half

1 feet in width by 16 feet in length.

2 Okay.

3 The RSIS establishes that parking spaces
4 are supposed to be nine by 18. They do allow
5 liberal whatever, but this conflicts with a State
6 statute that you can't -- you can't from the get-
7 go say, you know, -- you know, eight and a half
8 feet by 16. It's got to be nine --

9 And then -- and then you can go for a
10 variance if you -- or a waiver -- it's actually a
11 waiver. You can go for a waiver at that point if
12 you want but you can't by -- by an ordinance
13 establish a lesser standard than the State has
14 got.

15 (Whereupon, Commissioner Fernandez arrived
16 at 8:12 p.m.)

17 MS. GRUEL: If -- if I may respond to that
18 one?

19 Because that one is clear. And we've done
20 this in many other municipalities.

21 Yes you can establish standards that are
22 different from RSIS. And if -- and the Planning
23 Board, when hearing an application, they can
24 grant on their own -- it doesn't have to go to
25 the State, a de minimis exception.

1 And it happens all the time in urban areas
2 in particular. It is all the time that that
3 happens.

4 And it's -- it's when -- it's just part of
5 a normal application process. It would be part
6 of a resolution. It would say, oh, it's this and
7 we're granting a de minimis exception of X.

8 And that's fine. It's perfectly fine.

9 CITY CLERK: I -- I just want to --

10 Excuse me one second.

11 I just want to let the record reflect that
12 Commissioner Fernandez arrived at 8:12 p.m.

13 MR. PRICE: I'm sorry?

14 MAYOR STACK: Thank you, Commissioner.

15 CITY CLERK: I'm just putting on the record
16 the Commissioner's here.

17 MR. PRICE: Oh. Oh.

18 CITY CLERK: Thank you.

19 MAYOR STACK: Commissioner Fernandez.

20 Thank you, Commissioner.

21 MR. PRICE: Okay. Okay.

22 Okay. There are two last items, which are
23 I'll say the dumb as dirt things -- whatever.

24 One is on page 35. Okay.

25 Okay. And it's section on -- on through

1 lots. In other words, where the lot is on two
2 streets.

3 No accessory structure erected in the rear
4 yard shall be nearer to the rear street line than
5 the minimum front yard setback for the zone in
6 which it is located.

7 In other words that means ten feet.

8 Okay. So you got a through lot, the
9 backyard -- you want to put an accessory
10 structure in, it's got to be ten feet off --

11 What if the accessory structure is a
12 garage? Which is what it's going to be 90
13 percent of the time. You want to have your
14 garage ten feet off the street? No. You want to
15 have it on the property line. That's -- that's
16 what makes sense.

17 So this -- this -- this makes no sense to
18 me. You know, --

19 MR. McNAMARA: We can take a look at that
20 as well, Mayor.

21 MR. PRICE: And the last one is on page 78
22 and this is talking about wireless technology.

23 No WT technology shall be located on any
24 one to three-family residential property, nor on
25 any nonconforming use.

1 MAYOR STACK: This on page 78?

2 MR. PRICE: Page 78.

3 MAYOR STACK: Is that page 78 on mine?

4 I just want to make sure because --

5 CITY CLERK: Mr. Price, can you read the --
6 the heading again please?

7 Our page numbers are different, so we're
8 trying to follow along.

9 MR. PRICE: Oh. This is Section F, setback
10 requirements for the location of WT technology.

11 MAYOR STACK: No, that's definitely not
12 on --

13 COMMISSIONER VALDIVIA: No, it's not on
14 page 78.

15 MAYOR STACK: That's not on page --

16 No, it is on yours but it's not on mine.

17 CITY CLERK: Just allow -- just allow us
18 one minute please.

19 MR. PRICE: Oh.

20 MAYOR STACK: Just -- just tell me what
21 page that's on so I could along.

22 CITY CLERK: Can you repeat that again, Mr.
23 Price, please?

24 MAYOR STACK: Why -- why does he have a
25 different page than we do?

1 CITY CLERK: Because yours is double-sided.
2 MAYOR STACK: Oh I see, okay.
3 Okay.
4 CITY CLERK: Repeat that again please?
5 MR. PRICE: What?
6 Okay.
7 CITY CLERK: The section again please?
8 MAYOR STACK: The section.
9 CITY CLERK: The section again, please?
10 MR. PRICE: Oh, Section F.
11 Setback requirements for the location of WT
12 technology.
13 MS. GRUEL: I think it's 240 -- it's 44F.
14 So it's 223/44F.
15 MR. PRICE: 44F.
16 MS. GRUEL: Correct, Mr. Price?
17 MR. PRICE: Yup.
18 (Whereupon, there was a pause in the
19 proceedings.)
20 CITY CLERK: Ninety-three. Page 93 at the
21 bottom.
22 MAYOR STACK: Okay.
23 MR. PRICE: Okay. Okay.
24 MAYOR STACK: I got it.
25 Thank you.

1 COMMISSIONER MARTINETTI: Right there at
2 the bottom.

3 MR. PRICE: Anyway it says no -- you won't
4 locate the -- the technology on any one to three-
5 family house nor on any nonconforming use.

6 Well, the passes every -- well, in fact,
7 currently, every high apartment building in the
8 City is a nonconforming use. And where do the
9 cell phone companies want to locate their
10 antennas? On top of the highest buildings
11 around, which usually means that apartment
12 building.

13 You know?

14 You know, Troy Towers looks like a --
15 whatever. The Doric; same way. Those are
16 nonconforming uses.

17 And why -- why do we force -- you know, I
18 mean -- the cell phone companies have got great
19 legal representation and they'll -- you know,
20 they'll just plow right through this. But my
21 question is why bother to put it in there?

22 We know where they want to go, which is the
23 tall apartment buildings. Why do we force them
24 to, you know, --

25 They'll -- they'll get around it and --

1 MAYOR STACK: Because I think, Larry, I
2 think on that one, I think it gives you a little
3 more leeway when you want to get them in to
4 cleanup the poles and stuff like that we're
5 doing.

6 You got to have at least somewhat a hammer
7 so-to-speak over them to say, listen we need you
8 to come in and cleanup these poles and get this
9 done. Otherwise, --

10 I mean you look at the bottom of the pole
11 -- I'm not sure on Palisade Avenue but some of
12 them in the City you'll have PSE&G wires at the
13 top. You'll have Verizon. Then you'll have
14 five, six, seven carriers now below that have
15 their small boxes which serves as an antenna.

16 MR. PRICE: Yeah.

17 MAYOR STACK: That's -- yeah.

18 MR. McNAMARA: Mayor, one other thing you
19 need to take into consideration, Mr. Price, also,
20 --

21 MAYOR STACK: I'm not a big fan of --

22 MR. McNAMARA: -- a lot of the -- a lot of
23 the rooftop antennas you see on tall buildings
24 are going to be functional -- functionally
25 obsolete in the next five to ten years.

1 Five G technology -- 5th generation
2 technology will be on all of these utility poles
3 or literally on the wires. Because what's
4 happened is if you put one of those antennas up
5 too high, --

6 MAYOR STACK: Right.

7 MR. McNAMARA: Thank you.

8 -- if you put it up so high it gets such
9 amount of data demand, it overwhelms the system.

10 Twenty years ago your cell phone functioned
11 as a cell phone; now it functions as a personal
12 computer. The data demand is exponentially
13 multiple times over what the systems were ten or
14 20 or 25 years ago.

15 So 5G technology is being designed
16 deliberately to be at low level. Why? Because
17 everyone walking on the street is looking at
18 their cell phone. It's their personal computer.
19 The person on the second floor walkup is using it
20 in a wireless manner or in a Wi-Fi manner.

21 They don't want a tower or even monopoles
22 with 90, a hundred, hundred twenty feet anymore.
23 The way 5G technology's going to be based, it's
24 going to be at street level. It's not going to
25 be with the erector sets that look like they're

1 overgrown erector sets from when we were kids on
2 the roofs of these buildings.

3 Now I know I'm dating myself again.

4 But that whole technology's changing.

5 MAYOR STACK: We just got to make sure
6 everything that they have up out there that they
7 take down when they bring in all the 5G.

8 MR. McNAMARA: Well, one thing we should
9 do, anything you --

10 MAYOR STACK: Because then there'll be 6G,
11 7G, 8G, 9G and no one ever comes back to remove
12 them.

13 MR. McNAMARA: That's a --

14 MAYOR STACK: That's my pet peeve.

15 MR. McNAMARA: That's a chronic problem.

16 I know when municipalities lease out public
17 space for the correction of monopoles or rooftop,
18 they have an end date in the lease or a provision
19 that says if the technology is abandoned and
20 deemed functionally obsolete, then the
21 municipality can petition to have you remove it
22 or the municipality will take it down if you fail
23 to. That you can put in your leases.

24 Whether or not you could put that in an
25 ordinance I don't know but we'll take a look.

1 MAYOR STACK: Okay.

2 MR. PRICE: I'm done.

3 Thank you.

4 MAYOR STACK: Mr. Price, any further
5 comments that you have on the -- on the
6 ordinance, if you can get them to me.

7 We're going to hold off tonight on the
8 ordinance and cleanup some of this. But if you
9 can get me any comments that you have, anything
10 you want to send to me in writing, drop it off or
11 send it to me if you can.

12 I would appreciate it.

13 We're going to review --

14 I'll get Debbie to get me a copy of the
15 transcript.

16 MR. PRICE: I -- I think --

17 MAYOR STACK: How fast can you get it to
18 me, Debbie?

19 MR. PRICE: -- my general --

20 MS. DILLON: I can rush it.

21 MAYOR STACK: Okay.

22 If you can get it to me as soon as
23 possible, I'd appreciate it.

24 MS. DILLON: Absolutely.

25 MR. PRICE: I think my general feeling -- I

1 hate three-family houses. They do not work.

2 COMMISSIONER FERNANDEZ: You hate what?

3 MAYOR STACK: Three-family houses.

4 MR. PRICE: Three-family houses.

5 Okay.

6 And I like low scale, multi-family,
7 particularly for many of the sites that we have.

8 MAYOR STACK: No, I -- and I got that and I
9 don't disagree with you. Maybe we -- we'll work
10 on something with two-family houses similar to
11 what we spoke about.

12 And on the lots that we have -- you know,
13 if you go four stories -- one level of parking,
14 three stories above, I'm not against that.

15 But this gives us something to work with
16 over the next two weeks.

17 But if you have any further comments, if
18 you can get them to me by the end of this week,
19 early next week, I'd appreciate it.

20 All right?

21 And we'll get a copy --

22 If you can get a copy, Debbie, of the -- of
23 Mr. Price's remarks tonight to me, to each of the
24 Commissioners, to Pat McNamara, and also to
25 Susan, I would appreciate that.

1 MS. DILLON: Absolutely.

2 MAYOR STACK: Thank you very much.

3 Thank you, Mr. Price, for your comments.

4 MR. PRICE: Okay.

5 Thank you for the time.

6 MAYOR STACK: Thank you.

7 So we're going to table this for this

8 evening.

9 Okay?

10 CITY CLERK: So, the Mayor made a motion to

11 table.

12 May I have a second?

13 COMMISSIONER VALDIVIA: Second.

14 CITY CLERK: Second by Commissioner

15 Valdivia.

16 Commissioner Fernandez?

17 COMMISSIONER FERNANDEZ: Yes.

18 CITY CLERK: Commissioner Gullon?

19 Commissioner Gullon left.

20 Commissioner Valdivia?

21 COMMISSIONER VALDIVIA: Yes.

22 CITY CLERK: Commissioner Martinetti?

23 COMMISSIONER MARTINETTI: Yes.

24 CITY CLERK: Mayor Stack?

25 MAYOR STACK: Yes.

1 Commissioner Grullon left because she had a
2 Community meeting that she's covering for me on
3 43rd Street. We ran a little bit later tonight.

4 And Commissioner Fernandez was on City
5 business for me. That's why he arrived here late
6 this evening.

7 CITY CLERK: Thank you, Mayor.

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11 **OPPORTUNITY FOR CITIZENS TO ADDRESS THE BOARD:**

12

13 CITY CLERK: Mayor, at this time would you
14 like to take public comment on any item
15 concerning government in the City of Union City?

16 MAYOR STACK: Sure.

17 Anyone wishing to comment on any matter
18 concerning municipal government in the City of
19 Union City please step forward, state your name
20 and address for the record.

21 Seeing none.

22 CITY CLERK: May I have a motion to close
23 public comment?

24 COMMISSIONER VALDIVIA: Motion.

25 COMMISSIONER FERNANDEZ: Second.

1 CITY CLERK: Motion by Commissioner
2 Valdivia.

3 Second by Commissioner Fernandez.

4 Commissioner Fernandez?

5 COMMISSIONER FERNANDEZ: Yes.

6 CITY CLERK: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 CITY CLERK: Commissioner Martinetti?

9 COMMISSIONER MARTINETTI: Yes.

10 CITY CLERK: Mayor Stack?

11 MAYOR STACK: Yes.

12 CITY CLERK: Thank you.

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1 LIQUOR LICENSE MATTERS:

2 1. Henry & Larry, Inc.

3 t/a Twin City Liquors

4 Location: 4818 Bergenline Avenue

5 Liquor License No. 0910-44-003

6

7 CITY CLERK: At this time we have one

8 Liquor License Disciplinary Proceeding.

9 Mr. Farmer?

10 MR. FARMER: Good evening, Commissioners
11 and Mayor.

12 Tonight we have one matter on the calendar,
13 which is a kind of carryover from the last
14 meeting.

15 This was -- this is Harry and Larry, Inc.
16 And counsel representing Harry and Larry, Inc.,
17 located at 4818 Bergenline Avenue Liquor Store
18 can put his appearance on the record.

19 MR. BIANCIELLA: Good evening, Mayor,
20 Commissioners.

21 Anthony Bianciella on behalf of the
22 licensee.

23 MR. FARMER: You -- you may recall, when we
24 were here last time, there was an issue as to --

25 Just a little background.

1 -- there was, in the month of March, an
2 undercover agent of the member -- member of Union
3 City Police Department who was under the age of
4 21. Went into some liquor stores and was able to
5 buy liquor, despite the fact that he couldn't
6 under State law buy liquor because he wasn't 21.

7 There were eight people -- eight liquor
8 stores that were charged. Seven of them pleaded
9 guilty and got a ten day suspension. The one
10 that did not plead guilty was Harry and Larry
11 and, basically, -- Mr. Bianciella will be able to
12 speak for himself -- but, basically, said, hey
13 listen, this is the first offense I've had in 46
14 years, why don't you give me a break.

15 Okay?

16 That then caused another issue to arise and
17 that was, well were any of the other people who
18 pleaded guilty did they have perfect records and
19 why wouldn't, if they did, get the same
20 consideration that Harry and Larry got?

21 Well, at first blush all of them seem to
22 have some prior offense.

23 There was one, Fuerte Liquor, that got into
24 a little confusion because Fuerte Liquor came
25 from Mi Bandera.

1 Apparently, Mi Bandera had two licenses at
2 the site of where their shopping center is. And
3 one of them they sold to Fuerte Liquor and from
4 the records that occurred on --

5 Just bear with me.

6 -- May of 2014.

7 So from May of 2014 it went from Mi Bandera
8 to Fuerte Liquor. Always at the same address,
9 518 32nd Street.

10 Now, it --

11 MAYOR STACK: That was actually in Mi
12 Bandera.

13 Right?

14 MR. FARMER: Yes.

15 Now it appears, when we checked the
16 records, although there was some confusion with
17 the record department concerning the history that
18 initially showed that Fuerte Liquor didn't have
19 anything because they attributed an offense in
20 2016, two years after Fuerte buys it from Mi
21 Bandera, of an offense that occurred and appeared
22 before you and which resulted in a seven day
23 suspension back in 2016.

24 So they weren't blameless. They weren't
25 blemished. Okay? Without blemish I should say.

1 So, therefore, the only one who has had a
2 history in Union City never to have had an
3 offense of the liquor stores that were targeted
4 that day is Harry and Larry and they were there
5 for 46 years and this is the first offense.

6 And when we talked about it, because of
7 that fact, it was a sense that the Board, if it
8 were true that none of the others -- all had a
9 prior violation. If that were true, then some
10 consideration would be given to the record of
11 four and a half decades of no offense by Harry
12 and Larry and it was discussed that it would be
13 -- perhaps the Board would consider five days.

14 I've spoken to Mr. Bianciella about that;
15 they're in agreement to take a five day
16 suspension under the same consideration we do all
17 the time, which is no appeal and can't go to the
18 State to convert it into a fine.

19 They're in agreement with that. And the
20 days they want are August 5th, 6th, 7th, 8th and
21 9th.

22 MAYOR STACK: Yeah, well, if you could just
23 maybe just -- maybe just enter your appearance on
24 the record and just if you want to give us some
25 background we -- we will.

1 MR. BIANCIELLA: Certainly.

2 My name is Anthony Bianciella on behalf of
3 the licensee.

4 Mayor, everything that Mr. Farmer said is
5 correct.

6 Last time we were here I explained to -- to
7 you and to the Commissioners, Maria Wainstein has
8 owned this licensee -- I believe it's 47 years.
9 And her record is completely unblemished.

10 She's never appeared before a board; never
11 been to the court; and this was really a surprise
12 for her.

13 My understanding, after investigating
14 further, is I believe it was a Jersey City Police
15 Officer who's 20 years old. And I've seen a
16 picture of him; he does not look like a minor.

17 So he came into the store. He should have
18 been asked for I.D.; no doubt about it. He does
19 not look like a minor.

20 Further, the fact that he's a police
21 officer, I suspect that he's very well trained;
22 very authoritative. He probably came into the
23 store, gave somebody and order -- give me a six-
24 pack of this, a pack of this. And they just
25 obeyed his order -- he's, you know, authoritative

1 -- and they made the sale.

2 The gentleman that actually made the sale
3 has worked at this store for ten years and
4 another liquor store for ten years before that.
5 And his record, too, was unblemished.

6 This was just a bad oversight, Mayor. I
7 didn't ask Mr. Farmer to -- to bring the police
8 officer here so that everybody can see them. We
9 spoke and -- and I agreed to change the plea
10 after we spoke from not guilty to non vult.

11 MAYOR STACK: I -- I know -- and I said
12 this at the last meeting. I know that your
13 client has always run a good business. I -- I
14 know Mr. Wainstein, Sr., I believe who passed
15 away a number of years ago, always ran a good
16 business in the City. I'm known them forever. I
17 know that they do run a good establishment.

18 Just going forward just proof everybody,
19 please.

20 MR. BIANCIELLA: Agreed, Mayor.

21 MAYOR STACK: Okay.

22 MR. FARMER: Okay, that's it.

23 A five -- five day recommendation; August
24 5th, 6th, 7th, 8th and 9th.

25 MAYOR STACK: Okay.

1 And they haven't had a, you said, a blemish
2 on their record in 46 years?

3 MR. FARMER: That's correct.

4 MAYOR STACK: Okay.

5 CITY CLERK: May I have a motion?

6 MAYOR STACK: I'll make a motion for --

7 CITY CLERK: Motion --

8 MAYOR STACK: I'll make a motion for -- for
9 what -- Mr. Farmer's recommendation.

10 CITY CLERK: Thank you, Mayor.

11 Motion by Mayor Stack.

12 Second?

13 COMMISSIONER FERNANDEZ: Second.

14 COMMISSIONER MARTINETTI: Second.

15 CITY CLERK: Second by Commissioner
16 Fernandez.

17 Commissioner Fernandez?

18 COMMISSIONER FERNANDEZ: Yes.

19 CITY CLERK: Commissioner Valdivia?

20 COMMISSIONER VALDIVIA: Yes.

21 CITY CLERK: Commissioner Martinetti?

22 COMMISSIONER MARTINETTI: Yes.

23 CITY CLERK: Mayor Stack?

24 MAYOR STACK: Yes.

25 CITY CLERK: Thank you.

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ADJOURNMENT:

CITY CLERK: There are no other items on
the agenda.

May I have a motion to adjourn?

COMMISSIONER MARTINETTI: Motion.

MAYOR STACK: Motion.

CITY CLERK: Motion by Mayor Stack.

Second by Commissioner Martinetti.

All in favor?

(Whereupon, there was a chorus of ayes.)

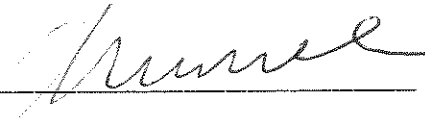
CITY CLERK: Any opposed?

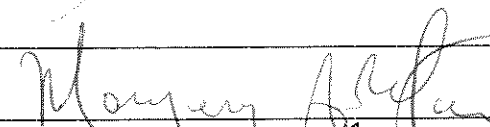
Thank you.

MAYOR STACK: Thank you very much.

(Whereupon, the proceedings were concluded
at 8:29 p.m.)

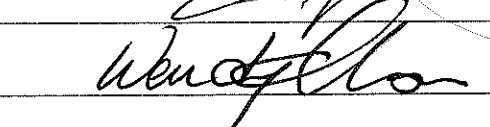
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Brian P. Stack


Lucio P. Fernandez


Maryury A. Martinetti


Celin J. Valdivia


Wendy A. Grullon

Board of Commissioners

Attest: 

Erin M. Knoedler,

City Clerk

1 STATE OF NEW JERSEY:

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY BOARD OF COMMISSIONERS,
9 heard on Tuesday, June 25, 2019 and digitally
10 recorded.

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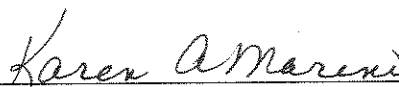
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Karen A. Marino

AOC 493

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