

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
: _____ :

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, June 25, 2019
Commencing at 6:05 p.m.

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

YDALIA GENAO, Mayor's Designee
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA, (Left at 8:03 p.m.)
JOSE GUARENO, Alternate No. 2
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
ALICIA MOREJON
ALEJANDRO VELAZQUEZ, Alternate No. 1
JEANNE KOEHLER, Vice Chairperson

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

CARLOS VALLEJO, SECRETARY TO THE BOARD

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

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

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

ELENA GABLE, PP, AICP
Heyer Gruel & Associates, (Left at 7:06 p.m.)

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

VINCENT J. LA PAGLIA, ESQ.,
Attorney for Applicant, 1507 West Street LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 315 5th Street, LLC

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Mirna Gomez

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

J. ALVARO ALONSO, ESQ.,
Attorney for Applicant, Faraouk Sheikh

ADOLFO L. LOPEZ, ESQ.,
Attorney for Applicant, Mardamer Builders

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

3 Please take notice that on Tuesday, June
4 25th, 2019, at six p.m., a Regular Meeting is
5 scheduled for the City of Union City Planning
6 Board to be held in the Municipal Chambers of the
7 City Hall, 3715 Palisade Avenue, Union City, New
8 Jersey.

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

12 Notice of this meeting has been provided as
13 follow:

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

21 Before we call roll for this evening, will
22 everybody rise to salute the flag, please?

23

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

1

2 THE SECRETARY: Thank you.

3

4 **ROLL CALL:**

5

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

8 Mayor Brian P. Stack? Absent.

9 Diane Capizzi?

10 CHAIRPERSON CAPIZZI: Here.

11 THE SECRETARY: Jeanne Koehler is absent.

12 Ydalia Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Commissioner Celin Valdivia
15 is absent.

16 Carolina Fernandez?

17 MS. FERNANDEZ: Here.

18 THE SECRETARY: Rudy Rivero?

19 MR. RIVERO: Here.

20 THE SECRETARY: Franklin Medina?

21 MR. MEDINA: Here.

22 THE SECRETARY: Alicia Morejon is absent.

23 Alejandro Velazquez is absent.

24 Jose Guareno?

25 MR. GUARENO: Here.

1 THE SECRETARY: Let the record indicate
2 there are six present.

3 We have a full quorum for tonight's
4 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on May 28, 2019

4

5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held on May 28, 2019 and

7 Special Meeting on June 11, 2019.

8 Can I have a motion to approve the previous
9 meeting minutes from May 28, 2019?

10 MR. GUARENO: Motion.

11 THE SECRETARY: Motion by Mr. Guareno.

12 Any second the motion?

13 Second by Ms. Capizzi.

14 Roll call on the motion.

15 Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ydalia Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Franklin Medina?

20 MR. MEDINA: Yes.

21 THE SECRETARY: Rudy Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Jose Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Five in favor.

1 Motion carries.

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1 **ADOPTION OF MINUTES:**

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3 (1) Special Meeting held on June 11, 2019

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5 THE SECRETARY: We are going now to
6 adoption of minutes on the Special Meeting, June
7 11, 2019.

8 Can I have a motion?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 THE SECRETARY: Motion by Ms. Capizzi.

11 MR. GUARENO: Second.

12 THE SECRETARY: Second by Mr. Guareno.

13 Jose, you was absent on the 11. Yes. Of
14 the special hearing.

15 MS. GENAO: I second.

16 THE SECRETARY: Second by --

17 MR. GUARENO: Oh yes. Yes, I was.

18 THE SECRETARY: -- Ms. Genao.

19 Roll -- roll call on the motion.

20 Ms. Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Ms. Genao?

23 MS. GENAO: Yes.

24 THE SECRETARY: Mr. Medina?

25 MR. MEDINA: Yes.

1 THE SECRETARY: Mr. Rivero?

2 MR. RIVERO: Yes.

3 THE SECRETARY: Four in favor.

4 Motion carries.

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1 **Faraouk Sheikh - 912 Palisade Avenue:**

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3 THE SECRETARY: We have three Resolutions
4 on tonight's agenda.

5 First Resolution.

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

8 This -- this application was approved on
9 May 22nd, 2018.

10 I'm sorry.

11 Resolution was memorialized on -- give me
12 two seconds.

13 Sorry.

14 MR. SPATZ: That is the second extension.

15 THE SECRETARY: All right. Is asking for
16 an extension.

17 MR. SPATZ: Right.

18 THE SECRETARY: Right.

19 I'm sorry. I apologize.

20 We are going to change a little bit the
21 order of tonight's agenda.

22 We are going to go to number 7.

23 CHAIRPERSON CAPIZZI: Carlos, do we finish
24 the Resolutions?

25 THE SECRETARY: No. We are going to change

1 a little bit -- we are going to number 7, that
2 will be first.

3 CHAIRPERSON CAPIZZI: Okay.

4

5 (Whereupon, Elena Gable, P.P. A.I.C.P.,
6 continued as Board Planner.)

7

8 (Whereupon, David Spatz, Planner, recused
9 and stepped down from the dais.)

10

11 THE SECRETARY: Faraouk Sheikh, 912
12 Palisade Avenue.

13 Mr. Alonso, please?

14 MR. ALONSO: Good evening, Madam Chair,
15 members of the Board.

16 For the record, Alvaro Alonso, firm of
17 Alonso Navarette, on behalf of the applicant.

18 Just provided counsel with my proof of
19 publication and notices for jurisdictional
20 purposes.

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

23 MR. ORTIZ: Madam Chairwoman, I've had an
24 opportunity to review the submissions by counsel.
25 Everything seems to be in order, giving

1 jurisdiction to this Board.

2 CHAIRPERSON CAPIZZI: Thank you.

3 MR. ALONSO: Thank you.

4 CHAIRPERSON CAPIZZI: Proceed.

5 MR. ALONSO: This is an application for the
6 construction of a new three family house. It is
7 a permitted use in the zone. We are also in the
8 Palisades Preservation Overlay District, so I
9 have a number of witnesses this evening that I'm
10 going to be presenting.

11 First witness is Christiano Pereira.

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

14 MR. DILLON: Please raise your right hand.

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

17 MR. PEREIRA: Yes.

18 MR. DILLON: State your name and spell it
19 for the record.

20 MR. PEREIRA: Christiano Pereira; firm is
21 CPA Architecture. I'll give you a card if it's
22 going to be easier for you. CPA.

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

25 MR. DILLON: Start over again.

1 MR. PEREIRA: Sorry.

2 MR. DILLON: You gave me your name.

3 MR. PEREIRA: Oh, sure.

4 MR. ALONSO: Yeah. Did you swear him in?

5 MR. DILLON: I did.

6 MR. ALONSO: Okay.

7 Mr. Pereira, can you please review your
8 qualifications in the area of architecture?

9 MR. PEREIRA: Sure.

10 Graduated 2004; I have a Bachelor's in
11 architecture from NJIT. I've had my firm since
12 that same year. I've been here in front of this
13 Board a few times.

14 CHAIRPERSON CAPIZZI: Yes, you've been here
15 before. Yes you have.

16 MR. PEREIRA: Thank you.

17 MR. ALONSO: Great.

18 Thank you.

19 MR. PEREIRA: Thank you very much.

20 CHAIRPERSON CAPIZZI: You're welcome.

21 MR. ALONSO: Mr. Pereira, you prepared the
22 architectural plans that are before the Board.

23 Is that correct?

24 MR. PEREIRA: That's correct.

25 MR. ALONSO: And we are proposing a new

1 three family home.

2 Is that correct?

3 MR. PEREIRA: That's correct.

4 MR. ALONSO: Okay.

5 I'm going to ask you to review the proposal
6 with the Board.

7 MR. PEREIRA: Yeah. Sure.

8 Good evening first.

9 Thanks for having us here.

10 We're here tonight, what I think is a very
11 simple application. We have no variances. It's
12 a three family house. The -- the lot in question
13 is a little bit of an oversized lot, so it helped
14 us with -- you know, meeting all the required
15 setbacks and coverage and everything else.

16 So, the lot is 30 by about -- not about,
17 it's --

18 I'm sorry. Oh, sure. You can see it. Is
19 that good?

20 So -- so the lot is 30 by 160, so we are
21 right on Palisade, 912 Palisade. We have an
22 easement on the north side of the property. So,
23 that easement -- you know, allows us or requires
24 us to -- to have an eight foot setback or a side
25 yard from that one property line.

1 So, with that said -- you know, we have a
2 30 foot. We -- we have 22 feet left and we are
3 able to get two foot on the other side, so we can
4 comply with that minimum side yard on that side.
5 So, we have a 20 foot home.

6 I'd like to walk you through -- I have some
7 pictures and -- and site plans and -- and
8 drawings here, but I think I'll leave that for
9 the planner to review with you. I'd like to
10 focus on the -- on the floor plan, so that I can
11 explain to you how this looks.

12 So, I'd like to go to A100, if you don't
13 mind. There are a few civil drawings there, as
14 well.

15 There we go.

16 So, here, I'll start with the lower floor
17 plan. We have, as I mentioned before, we have an
18 eight foot ease -- easement on the north side of
19 the property. The property is 30 feet across.
20 So, we're able to leave a two foot side yard on
21 the south side of the property, eight foot on the
22 north side.

23 Because the property is oversized and
24 because we have that easement, and that alley,
25 we're able to actually correct a few things that

1 are usually problematic in a three family and in
2 a two family, where you have all the cars trying
3 to park in the front of the house, and you have
4 the situation where every car is standing. And
5 sometimes you're not able to park for that third
6 unit.

7 In this case, because we have the -- that
8 easement, we're able to locate two cars on the
9 back of the property. Those two cars can access
10 those spaces on that eight foot easement. That
11 easement also gives access to the property
12 adjacent to us, to a parking lot that they have
13 behind their property. So, we are able to
14 provide those two additional spaces for cars.

15 We also have a garage with two spaces
16 inside and two -- two spaces on the apron. So,
17 we have a total of six parking spaces and they
18 all function. None of them are -- I mean, of
19 course, these two are in a tandem configuration,
20 much like every two family and three family
21 house, but the other two cars in the back are
22 not. They can access the property directly
23 there.

24 The property also slopes, as -- as I'll
25 show in -- in a cross section. The property

1 | slopes quite a bit, so what we're able to do is
2 | we're able to park these two cars underneath that
3 | first floor.

4 | So, actually, I'm going to flip back and
5 | forth, because I think it's helpful for me show
6 | you this -- this cross section. If you don't
7 | mind going to A201. This is where we have the
8 | cross section.

9 | So, this is Palisades. These are the --
10 | the parking garage and the -- the car parked on
11 | the apron. And this is how much the property
12 | slopes towards the back. And that's why we're
13 | able to park underneath the first floor level.
14 | We're able to put those two cars there.

15 | So, you know, that's a great benefit to
16 | this property. So, the easement helped and the
17 | topography helped as well.

18 | Other than that, as you come off Palisade,
19 | again, you have access to that easement for
20 | circulation. You have the two cars on the apron.
21 | And then, what we have is we have a ramp. So, we
22 | -- we brought the first floor up just slightly
23 | from the elevation on Palisades, so that -- you
24 | know, we could do exactly what I described
25 | before, park the two cars underneath that first

1 floor. And essentially, what we have here is one
2 center stair. You have a little ramp on the side
3 of the property, gaining access to almost where
4 you have a lobby. So, this is a three family,
5 almost works like a small building. There's a
6 little lobby here, where you can have the
7 mailboxes and we have the stairs.

8 This first floor has a two bedroom unit, so
9 it's a full two bedroom unit flat with a balcony
10 towards -- you know, this has a beautiful view of
11 Manhattan, so this -- we have a balcony on that
12 first floor and the floors above, as well.

13 So, pedestrians will walk this way, gain
14 access to the -- the small lobby and take the
15 stairs and go up. And then, we have two typical
16 floors which are -- you know, two standard flat
17 three bedroom apartments, where we have a nice
18 master bedroom, facing Palisades, with a nice
19 bathroom, a walk-in. And then, we have the two
20 bedrooms with walk-in closets. Each bedroom has
21 its own bathroom.

22 And then, we have a nice sized kitchen,
23 living room, dining room, with a balcony again
24 facing the city.

25 So, that's our typical second and third

1 floor. So, two bedroom, three bedroom, three
2 bedroom.

3 I'm going to go back to that cross section
4 on 201, just so that -- you know, I make this a
5 little easier.

6 We came in from Palisades, we ramped up
7 slightly so that we have the first floor flat.
8 This is where we're parking the cars underneath.
9 And then, we have two floors above that which are
10 our typical -- you know, three bedroom
11 apartments.

12 CHAIRPERSON CAPIZZI: So, the two bedroom
13 is on the first floor?

14 MR. PEREIRA: The two bedroom is on the
15 first floor. So, it's this first floor here.
16 And as the site slopes, as I mentioned, this is -
17 - the cars are parked underneath that section on
18 the -- on the first floor. So, we elevated that
19 first floor, just slightly, so we had enough
20 headroom to park those two cars under there.

21 MR. ORTIZ: How high is the -- is the
22 parking going to be? What is --

23 MR. PEREIRA: The parking at this -- at the
24 lowest section is seven foot six, which is what
25 Code requires us to do. It -- as it continues

1 the sloping, we probably end up at about eight
2 foot six.

3 MR. ORTIZ: How --

4 I'm sorry.

5 MR. PEREIRA: Yeah.

6 MR. ORTIZ: How do you get -- how's it
7 going -- a car going to get in there?

8 MR. PEREIRA: So, the car --

9 MR. ORTIZ: Maybe I missed it. I was
10 reading the -- the planner's report. I apologize
11 to everybody.

12 MR. PEREIRA: Okay. Yeah.

13 No, the -- so, there's an aisle here. So,
14 this whole aisle is sloped down, and you come in
15 here and you park, so the cars are parked on 45.
16 So, you just park underneath this structure. And
17 that's -- this point here is where we have seven
18 foot six clear. From this point on, it keeps
19 sloping, so we end up at about eight foot six, at
20 this point.

21 CHAIRPERSON CAPIZZI: But what is it --

22 MR. PEREIRA: So, the cars are --

23 CHAIRPERSON CAPIZZI: -- that they're
24 driving down? What is that area right there?

25 MR. PEREIRA: So, it's an easement.

1 Let me show you on the site plan. There is
2 a --

3 MR. ALONSO: It's -- it's a driveway
4 easement. The easement is actually for the
5 benefit of our neighbor to the north.

6 MR. PEREIRA: Right.

7 MR. ALONSO: There's an easement that's
8 been recorded in the County.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. ALONSO: And we've reviewed this matter
11 with our neighbor. As a matter of fact, he
12 entered into an agreement that we're going to
13 preserve that easement, we're going to repair the
14 easement --

15 MR. ORTIZ: So, --

16 MR. ALONSO: -- at the conclusion, and
17 we're not going to --

18 MR. ORTIZ: -- this proposed building is
19 actually behind another building.

20 MR. PEREIRA: No.

21 MR. ORTIZ: No.

22 MR. PEREIRA: No.

23 MR. ORTIZ: Okay. I'm confused.

24 MR. PEREIRA: Okay. So --

25 MR. ALONSO: No, the building to -- the

1 building --

2 MR. PEREIRA: The building -- yeah.

3 MR. ALONSO: -- to the north has an
4 easement over our property to access their
5 parking --

6 MR. ORTIZ: Okay.

7 MR. ALONSO: -- in the rear of their
8 building.

9 MR. PEREIRA: Right.

10 MR. ORTIZ: Okay.

11 MR. ALONSO: So --

12 MR. ORTIZ: Got you so far, I think.

13 MR. ALONSO: Right. So --

14 CHAIRPERSON CAPIZZI: So, where is it here?

15 MR. ALONSO: It's on --

16 MR. PEREIRA: So, this is our property.

17 MR. ORTIZ: Um hum.

18 MR. PEREIRA: This here is the easement.

19 MR. ORTIZ: Okay.

20 MR. PEREIRA: This is the adjacent
21 property.

22 MR. ORTIZ: Okay.

23 MR. PEREIRA: And behind that property,
24 they have this parking lot. So, they use -- they
25 use this easement, this driveway --

1 MR. ORTIZ: Got that.

2 MR. PEREIRA: -- to access their parking.

3 MR. ORTIZ: And our cars -- our proposed
4 cars are going to enter from where?

5 MR. PEREIRA: Our proposed -- our cars are
6 -- four of them are going to enter from our
7 property, right? So, directly into the parking
8 garage. And the two spaces on the apron. And
9 they're going to use the same easement that these
10 folks will use to park, to gain access to these
11 two parking spaces.

12 CHAIRPERSON CAPIZZI: So where is that
13 here?

14 MR. GUARENO: Through Palisade.

15 MR. PEREIRA: So, it's the same -- same
16 driveway, same -- same access.

17 CHAIRPERSON CAPIZZI: How many -- what's
18 their building like?

19 MR. ALONSO: Could I -- could I just
20 approach?

21 CHAIRPERSON CAPIZZI: Yeah, please.

22 MR. ALONSO: Right. So, this plan here.

23 CHAIRPERSON CAPIZZI: Yeah. But what --
24 where is it here?

25 That other building that you're sharing

1 | this with?

2 | MR. PEREIRA: Yes.

3 | CHAIRPERSON CAPIZZI: How many floors and
4 | apartments do they have?

5 | MR. PEREIRA: Let me see if there's a note
6 | here.

7 | MR. ALONSO: On -- on this plan, which is a
8 | different plan, it's not identified but it's
9 | through here.

10 | MR. PEREIRA: Says -- it's --

11 | MR. ALONSO: Right here. It says driveway
12 | easement.

13 | CHAIRPERSON CAPIZZI: But where do you
14 | enter?

15 | MR. ALONSO: On Palisade Avenue. This is
16 | just a driveway. Evidently, years ago, when --

17 | CHAIRPERSON CAPIZZI: Right.

18 | MR. ALONSO: -- this property was
19 | subdivided --

20 | CHAIRPERSON CAPIZZI: Right.

21 | MR. ALONSO: -- they retained the right to
22 | cross over our driveway to enter their parking
23 | spaces.

24 | CHAIRPERSON CAPIZZI: Um hum.

25 | MR. ALONSO: So, this easement is

1 protecting them --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. ALONSO: -- and it's recorded. So,
4 it's a driveway on our property that we'll be
5 using to pull into the back.

6 MR. PEREIRA: There's a picture here and it
7 may help you. I may need to bring this forward
8 but --

9 MR. ORTIZ: I think I get it now. I mean, I
10 don't know if the Chairwoman --

11 CHAIRPERSON CAPIZZI: Yeah. I do. Yup.

12 MR. PEREIRA: Right. So, that's the
13 existing --

14 MR. ALONSO: Yeah. It's an existing --

15 MR. PEREIRA: -- easement.

16 MR. ALONSO: -- condition that we're going
17 to maintain.

18 MR. PEREIRA: Right.

19 MR. GUARENO: How wide is it?

20 MR. PEREIRA: Eight feet. And that's the
21 easement that's recorded and we're maintaining
22 that.

23 CHAIRPERSON CAPIZZI: And the other
24 building? What did you say? How many
25 apartments, --

1 MR. PEREIRA: I -- you know --

2 CHAIRPERSON CAPIZZI: -- how many floors?

3 MR. PEREIRA: I don't know. I don't have a
4 record of how many units are in there. I -- I --
5 it's --

6 MR. ALONSO: It's a condo.

7 MR. PEREIRA: -- three story. It's a condo.

8 MR. ALONSO: It's a condominium. I don't
9 know how many units, though.

10 MR. PEREIRA: They do have one, two, three,
11 four parking spaces.

12 MR. ORTIZ: When we're talking -- let's
13 talk about -- and I don't mean, Al, to --

14 MR. ALONSO: No, go ahead.

15 MR. ORTIZ: But I'm a -- so, your rear yard
16 setback is not going to -- you're going to
17 require a variance for that.

18 Am I correct or not?

19 MR. PEREIRA: We don't.

20 MR. ORTIZ: No?

21 MR. PEREIRA: We don't. We're meeting the
22 setback for the steep slope. We're also meeting
23 the setback required for the variance.

24 MR. ORTIZ: Okay.

25 MR. PEREIRA: We really have no variances

1 in this application.

2 MR. ORTIZ: Except for parking.

3 MR. PEREIRA: Well, I guess, we'll -- we'll
4 have Ms. Hartmann address that on the -- on the
5 testimony.

6 MR. ORTIZ: But you do need a parking
7 variance.

8 MR. PEREIRA: According to RSIS, it's --
9 yeah.

10 MR. ALONSO: No. It's not --

11 MR. PEREIRA: Well --

12 MR. ALONSO: It's not --

13 MR. PEREIRA: Well, we --

14 MR. ALONSO: It's not a variance.

15 CHAIRPERSON CAPIZZI: This one?

16 MR. PEREIRA: It's not a variance. It's a
17 --

18 CHAIRPERSON CAPIZZI: Or this one?

19 MR. ALONSO: It's a -- it's a design
20 waiver.

21 CHAIRPERSON CAPIZZI: (Indiscernible) --
22 what I'm looking at. That one?

23 MR. ORTIZ: I think it's that one.

24 CHAIRPERSON CAPIZZI: This is your
25 building? The green one?

1 MR. PEREIRA: Our build -- the current --
2 the existing building?

3 CHAIRPERSON CAPIZZI: The building that
4 we're talking about.

5 Is it the green one?

6 MR. PEREIRA: Yes. Yes. The light blue,
7 green one, yes.

8 MR. ORTIZ: And this is the driveway that
9 they're --

10 CHAIRPERSON CAPIZZI: Yes. That's the
11 common driveway. Okay.

12 MR. PEREIRA: Right.

13 So, if you don't mind, I guess I would just
14 finish --

15 MR. ORTIZ: I'm sorry.

16 MR. PEREIRA: -- the elevations.

17 MR. ORTIZ: I didn't mean to --

18 MR. PEREIRA: Absolutely.

19 MR. ORTIZ: -- interrupt with a --

20 MR. ALONSO: No, no.

21 Any questions.

22 MR. PEREIRA: Yeah. Any other questions on
23 the plans? I --

24 CHAIRPERSON CAPIZZI: So, currently, that
25 -- that green building is two stories.

1 MR. PEREIRA: The existing green building
2 is two stories.

3 CHAIRPERSON CAPIZZI: Two apartments.

4 MR. PEREIRA: The -- the building adjacent
5 to ours is a three story.

6 MR. ALONSO: How many apartments in the --
7 in --

8 CHAIRPERSON CAPIZZI: No, no. The green
9 building here.

10 MR. ALONSO: -- the existing building?

11 MR. PEREIRA: I believe that's a --

12 MR. ORTIZ: That's the building they're
13 going to tear down.

14 MR. PEREIRA: -- two family.

15 CHAIRPERSON CAPIZZI: The bigger --
16 I know.

17 Right now, what is it? Two family or --

18 MR. PEREIRA: I believe it's -- I don't
19 know. I believe it is a two family. I need to
20 check with my client.

21 MR. GUARENO: Is that the one next to the
22 swimming pool?

23 MR. PEREIRA: No. There's one additional
24 building. The building next to -- if you look at
25 this picture, this is the swimming pool. This is

1 the building that's adjacent to ours. And this
2 is our building. So, we are one lot --

3 CHAIRPERSON CAPIZZI: One lot away --

4 MR. PEREIRA: -- away --

5 CHAIRPERSON CAPIZZI: -- from the swimming
6 pool.

7 MR. PEREIRA: -- from the swimming pool.
8 Yeah.

9 MR. ORTIZ: And on your -- on the parking
10 spaces you're proposing, you're including parking
11 in the apron.

12 Right?

13 MR. PEREIRA: We are including parking on
14 the apron. Right.

15 CHAIRPERSON CAPIZZI: Do they currently
16 park on an apron there now?

17 MR. PEREIRA: I believe they currently have
18 no parking other than -- let me see the site
19 plan.

20 Yeah, they have no parking on the front.
21 They do have a backyard, so they most likely park
22 there. Although you can't really turn, so if
23 they park there, they got to come around and use
24 the adjacent building's lot to be able to turn
25 around. But there is some -- it's not marked,

1 | it's not striped as parking, but I believe they
2 | might use it for parking.

3 | CHAIRPERSON CAPIZZI: Right.

4 | MR. PEREIRA: So, in terms of the front
5 | elevation, what we have is essentially the two
6 | garage doors that you saw on the floor plan, so
7 | the two cars inside, the two cars on the apron
8 | and -- you know, it's a very simple façade. We
9 | have -- you know, it's brick on the entire
10 | background. We're proposing some aluminum siding
11 | where you see this hatched pattern. And
12 | basically, just a lot of glazing. So, it's a
13 | brick, metal and glass.

14 | And on the side façade, whatever you see in
15 | the dark gray is brick. The hatched area that
16 | you see here, is also the metal. A lot of
17 | glazing and we have the recessed areas that you
18 | don't see much, those are vinyl -- it's vinyl
19 | siding for now. We're discussing metal siding,
20 | probably. But you know, right now, it's -- it's
21 | a siding, not concrete siding, because I know the
22 | Board and the town does not like that.

23 | So, it's -- essentially, I mean, you can
24 | see here, in terms of proportion, we have a lot
25 | of metal, a lot of brick and some siding in these

1 | areas that are dark here. This is the façade
2 | that's only two feet away from the adjacent
3 | building. So, you can see there's some brick on
4 | either side of the end, and you know, a majority
5 | of siding here, since we have no windows.

6 | The back elevation, we have the balconies.
7 | We intend to have some glass balconies, because
8 | the view is -- is great view there, as well as a
9 | lot of -- you know, we have brick again, and a
10 | lot of glazing, just big sliding doors.

11 | CHAIRPERSON CAPIZZI: So, are the
12 | surrounding houses, they look like the other
13 | older ones have some kind of a siding on them,
14 | but the newer ones have brick.

15 | MR. PEREIRA: On -- I think I'd like to --

16 | CHAIRPERSON CAPIZZI: If I look at the
17 | picture that you have for us, this -- this white,
18 | this brick.

19 | MR. PEREIRA: Yeah. So, the white home
20 | next to the swimming --

21 | CHAIRPERSON CAPIZZI: The pool.

22 | MR. PEREIRA: -- pool is siding. The
23 | existing home is siding. This house here has a
24 | mix of brick in the front and siding on the side.
25 | That's our --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. PEREIRA: -- adjacent property.

3 And some of the new properties, I think,
4 follow the same. They might have some brick in
5 the front and some siding, a mix of siding.

6 CHAIRPERSON CAPIZZI: And what kind of
7 metal are you talking about?

8 MR. PEREIRA: We -- we would -- our first
9 thought here is some sort of a shingle. Either a
10 copper looking shingle or -- or something like a
11 zinc looking shingle, something that's -- you
12 see, there's a lot of it that's used in Hoboken.
13 So, it's a -- you know, it's a noble material,
14 not -- not a cheap metal siding. That's not the
15 intent.

16 MR. ORTIZ: It's -- your design is not very
17 consistent with the neighborhood, is it?

18 MR. PEREIRA: I -- I don't know --

19 MR. ORTIZ: I think it's ultra-modern, no?

20 MR. PEREIRA: I don't know that I -- I
21 would say that.

22 I mean, the volumes -- maybe the materials
23 we're using are a little more contemporary. But
24 you know, in terms of scale, I mean, the -- the
25 home will be a little lower than this. We do

1 | have a flat roof. And mostly here, because we're
2 | -- we're -- you know, addressing not having a
3 | height variance. We don't have a height
4 | variance. We're required to be at 40, we're at
5 | 37 foot eight.

6 | So, we -- you know, we -- we started
7 | putting a pitched roof, but you know, right now,
8 | we're showing it as a flat roof. If -- if you
9 | believe that that's -- you know, something that
10 | would make this -- you know, look less
11 | contemporary, we could study that.

12 | I mean, it would be cheaper for my client
13 | to do a pitched roof anyhow. But you know, we
14 | thought -- we thought -- you know, this is a
15 | clean -- you know, it's a clean façade. We have
16 | -- you know, the brick and we have some metal and
17 | then we have glass.

18 | So, I -- I touched bases on the elevation
19 | and the height. So, we meet -- we meet the
20 | height requirements. We meet the number of
21 | stories.

22 | I explained the sheet A201 roughly, just
23 | how -- you know, we're pitching back. And I
24 | believe this is my last sheet.

25 | Oh, these are the setbacks.

1 So, we are -- on the steep slope, we're
2 required to be ten feet away from where the grade
3 turns to more than 30 percent slope. So, we're
4 required to be ten feet. We're at 12 foot two.
5 So we're, two and a half -- two foot two extra.

6 MR. ALONSO: And that's a requirement of
7 the -- over the Overlay District.

8 MR. PEREIRA: Of the Overlay District.
9 Right.

10 MR. ALONSO: Okay.

11 MR. PEREIRA: And we also require to be 25
12 percent of the total lot depth, which would put
13 us at 40 -- 40 feet. And that's exactly where we
14 are, without balconies, though.

15 So, our balconies are respecting that
16 setback, but the building itself sets back
17 another, I believe, five -- another seven foot
18 and 11 inches. So, the --

19 CHAIRPERSON CAPIZZI: So, all the balconies
20 are on the back?

21 MR. PEREIRA: All the balconies are on the
22 back.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. PEREIRA: Yeah.

25 And I believe this is --

1 MR. ORTIZ: That's it.

2 MR. PEREIRA: -- what we have.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. GUARENO: When you say metal --

5 MR. PEREIRA: Um hum.

6 MR. GUARENO: You know, I know you
7 explained but it's not the type of metal that's
8 going to end up rusting with time.

9 MR. PEREIRA: No. So, the metal we intend
10 on using here is, I guess, if you go to Hoboken,
11 there's a lot of it that's been used there. Some
12 of the -- the shingle tiles that are used on
13 there, it's a square that's used on a 45 degree.
14 And they install it in -- in a lot of the mansard
15 roofs there.

16 So, the materials that could be used, it's
17 either a copper. So, the copper will age, like
18 copper does. You know, it would be to turn like
19 -- you know, get a patina on it, either turn a
20 little green or -- you know, but it's that nice
21 look of copper, right, as copper ages.

22 The other --

23 MR. GUARENO: So, when you mentioned
24 Hoboken, basically, reminded me that that's --
25 there's a couple structures in Hoboken that have

1 metal.

2 MR. PEREIRA: Um hum.

3 MR. GUARENO: And I've seen the rust --

4 MR. PEREIRA: Um hum.

5 MR. GUARENO: -- on those. That's why --
6 that's why I was asking.

7 MR. PEREIRA: Yeah. No, this is -- this is
8 certainly -- it's either that or -- you know,
9 some sort of a stainless or something that would
10 not rust.

11 I should have brought -- I had a sample
12 board the last time we were in front of the
13 Board. I should have brought it with me, but --

14 MR. ALONSO: If the Board has no more --
15 further questions, I could call my next witness.

16 CHAIRPERSON CAPIZZI: Um hum.

17 THE SECRETARY: Mr. Alonso?

18 MR. ALONSO: Oh, I'm sorry.

19 MS. GABLE: I have one question.

20 MR. PEREIRA: Sure.

21 MS. GABLE: Is that a crawl space
22 underneath the first floor, or is it a basement?

23 MR. PEREIRA: It's not. It's neither one
24 of them.

25 MS. GABLE: Okay.

1 MR. PEREIRA: The -- the space that we're
2 not using that's underneath, we're just going to
3 -- we're just going to block it and it's going to
4 be -- we'll -- we'll have no access to it.

5 MS. GABLE: Okay.

6 MR. PEREIRA: The space that we're using
7 underneath is the -- I guess you can call it a
8 carport, almost. That is just open, we put a
9 roof -- a ceiling on it.

10 MS. GABLE: Okay.

11 MR. PEREIRA: A vinyl ceiling, or
12 something.

13 MR. ORTIZ: So, there's going to be cars
14 parked in that crawl space? Is that what you're
15 saying now?

16 MR. PEREIRA: No. So, back to the section
17 here, on this section of the building --

18 MR. ORTIZ: Right. Right.

19 MR. PEREIRA: -- we'll have cars parked
20 underneath here. This whole section here that
21 you -- I guess you could call that a crawl space,
22 it's going to be that space. We're not -- we're
23 not even going to have access to it.

24 MR. ORTIZ: I am so confused.

25 MR. PEREIRA: The site slopes.

1 MR. ORTIZ: So -- so that -- no, but --
2 okay. So, the six spots that you're proposing
3 are --

4 MR. PEREIRA: Yes.

5 MR. ORTIZ: -- two that go through the
6 driveway and pull in that way.

7 MR. PEREIRA: Points to that way. Right.

8 MR. ORTIZ: Right.

9 Then -- then you got another two inside the
10 front of the house.

11 MR. PEREIRA: That's correct.

12 MR. ORTIZ: And then, two in the apron.

13 MR. PEREIRA: And two in the apron.

14 Correct.

15 So, we have two inside the house, two in
16 the apron. And then the two spots in the back.

17 You know, it's a -- it's -- the site -- the
18 site was challenging, but it was also -- you
19 know, it allowed us to -- to solve some of the
20 issues. You -- you usually end up with a lot of
21 spaces you can't use for parking. This allows us
22 to do six spaces, so it's a good thing.

23 MR. GUARENO: Getting back, I just want to
24 clarify --

25 MR. PEREIRA: Um hum.

1 MR. GUARENO: -- for my own sake.

2 That so called crawl space, it's going to
3 be sealed, no way, no how that somebody could
4 have access to that in any way, shape, or form.

5 MR. PEREIRA: Yeah. Because it's -- it's
6 following the grade of the site. So you know, at
7 this point, you only have about three feet. So,
8 we're not excavating this. The intent is just to
9 follow grade.

10 So, the -- the only reason we raised the
11 house just slightly was so that we could have the
12 seven foot six that's minimum so that we could
13 park underneath, all the way at the end. But
14 we're not using that crawl space for anything.
15 It's going to be block walls, some ventilation
16 that's required for crawl space and that's it.

17 CHAIRPERSON CAPIZZI: What percentage of
18 the front is glass?

19 MR. PEREIRA: See if I can -- so the -- the
20 floor to ceilings here are ten feet. So, our
21 intent was these two windows in the front would
22 be the full ten foot. So, floor to ceiling
23 windows.

24 And they take about, I would say, probably
25 60 to 70 percent of the façade on the upper

1 floors. So, it's mostly glass and that was the
2 whole -- you know, the house is set back a little
3 bit. So we wanted that -- that's the master
4 bedroom, so we wanted some natural light there.

5 CHAIRPERSON CAPIZZI: In the front?

6 MR. PEREIRA: In the front.

7 CHAIRPERSON CAPIZZI: The master bedroom is
8 in front?

9 MR. PEREIRA: The master bedroom is in
10 front because --

11 CHAIRPERSON CAPIZZI: They didn't take it
12 -- they didn't put it in the back?

13 MR. PEREIRA: Well, we have such a great
14 view in the back because it's on the Palisades
15 there. So, we have a beautiful view --

16 CHAIRPERSON CAPIZZI: They wanted --

17 MR. PEREIRA: -- of the skyline.

18 CHAIRPERSON CAPIZZI: -- to have the living
19 room there.

20 MR. PEREIRA: So, the living room and --
21 you know --

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. PEREIRA: -- made more sense. Yeah.

24 MR. ALONSO: Mr. Pereira, I know you
25 touched on the Palisades Preservation Overlay

1 District in your testimony, your -- your
2 submission set includes civil drawings.

3 Is that correct?

4 MR. PEREIRA: That's correct.

5 MR. ALONSO: And you worked with the civil
6 engineer, in terms of confirming that all the
7 requirements in the PPOD have been met.

8 Is that correct?

9 MR. PEREIRA: That's correct.

10 MR. ALONSO: Okay.

11 So, I have no -- oh.

12 MS. GABLE: One last question.

13 Are the garage doors fully glazed?

14 MR. PEREIRA: You know, we -- we show them
15 in our rendering as a fully glazed garage door.
16 But that's something if -- if the Board wants,
17 just to that either they are or not, it's
18 something we -- you know, we're here to listen.
19 If -- if there would be glass doors, they
20 wouldn't be see through. You'll be -- you know,
21 just for the look so that it matches the big --
22 you know, glass windows that we have on top. So
23 it would just -- so it'd look similar to those.
24 But we -- you know, either way if the Board
25 perceives it as -- you know, too modern, we could

1 | turn those into regular garage door. But if it
2 | is glazed --

3 | CHAIRPERSON CAPIZZI: Made out of what?

4 | MR. PEREIRA: Huh?

5 | CHAIRPERSON CAPIZZI: Made out of what
6 | then?

7 | MR. PEREIRA: It could be a regular garage
8 | door. So, a vinyl. Usually they are vinyl
9 | panels. They're insulated. But right now, we
10 | have them as glass and that glass would be a
11 | privacy glass. So you wouldn't be able to see
12 | inside. It's just the look. Right? It would
13 | look like the storefronts, or the glazing.

14 | CHAIRPERSON CAPIZZI: Okay.

15 | MR. ALONSO: Okay.

16 | I have a traffic engineer who's here. I
17 | don't intend to call him. I believe Mr. Pereira
18 | addressed the circulation issues with the
19 | vehicles, but if the Board has more specific
20 | questions, I could call him up.

21 | Otherwise, I'll just call our planner, Jill
22 | Hartmann.

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

25 | MR. DILLON: Please raise your right hand.

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

3 MS. HARTMANN: Yes.

4 MR. DILLON: State your name and spell it
5 for the record.

6 MS. HARTMANN: Jill Hartmann. It's
7 H-A-R-T-M-A-N-N.

8 MR. DILLON: Thank you.

9 MR. ALONSO: Okay.

10 Ms. Hartmann, can you review your
11 qualifications in the field of planning?

12 MS. HARTMANN: Sure.

13 I have a -- a BA in biology and a Masters
14 in urban planning from NYU. I've been practicing
15 for approximately 35 years. I presently
16 represent the Township of Weehawken, the Town of
17 Guttenberg, Jefferson Township, the City of
18 Clifton, Pequannock Township, and I do some
19 private work, when I have a chance, like this. I
20 write master plan, zoning ordinances. I do
21 redevelopment plans. I review site plans,
22 subdivisions, write zoning ordinances.

23 CHAIRPERSON CAPIZZI: Okay. Sounds good.

24 MR. ALONSO: Thank you very much.

25 Ms. Hartmann, did you have an opportunity

1 to work with the team of professions and review
2 the application with respect to the zoning
3 analysis?

4 MS. HARTMANN: Yes.

5 MR. ALONSO: Okay.

6 And what, if any, opinion have you formed
7 with respect to the variances?

8 MS. HARTMANN: We don't have any variances.
9 We meet all the ordinance requirements, including
10 your overlay zone for the -- the Palisades. We
11 are more than ten feet away from the 30 percent
12 slope, which is required.

13 We do require a waiver for the driveway
14 width from the Residential Site Improvement
15 Standards, which requires it to be 12 feet and we
16 have eight feet. That eight feet is -- you know,
17 is -- is what's established.

18 I think that's really it.

19 The other thing is, is that we do provide,
20 in accordance with the Ordinance, in accordance
21 with Residential Site Improvement Standards,
22 we're providing two cars for the -- two parking
23 spaces for the two bedroom unit and 2.1 for each
24 -- well, two for each three bedroom unit. The
25 requirement is 2.1 per three bedroom unit, so the

1 requirement would be 4.2. Residential Site
2 Improvement Standards allows you to average down.
3 So, we're required to have two spaces per each
4 three bedroom unit and two spaces per each two
5 bedroom unit. And we have provided that.

6 In front, we have a garage, a typical
7 garage with a -- a driveway and the car parked
8 behind it. In the rear of the property are two
9 at grade parking spaces that --

10 MR. ALONSO: Okay.

11 So, essentially --

12 MS. HARTMANN: -- which is typical of -- if
13 you look at the -- the plans that -- that have
14 been submitted, and it's typical of -- of what
15 you see. This is the subject site, but I do have
16 some other -- I do have some other pictures with
17 me.

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

20 MS. HARTMANN: Thank you.

21 Excuse me? Okay. Yeah. That'd be great.

22 Thank you.

23 If you look --

24 Have a couple extra here, make it faster.

25 No, I only have one. I'm sorry. Hopefully, I

1 gave you enough.

2 So, just to orient everyone, the first
3 picture is an aerial view of the -- of the park.
4 And then, the house that's next door to the north
5 is not 912 Palisades Avenue. That's the house
6 that's next to us. We are the next house. So,
7 we --

8 CHAIRPERSON CAPIZZI: The orange one?

9 MS. HARTMANN: On the first page, it would
10 be the small house right here. This is --

11 MR. ORTIZ: The building --

12 MS. HARTMANN: The building right adjacent
13 to the park is not ours. It's the one right
14 after that.

15 CHAIRPERSON CAPIZZI: Right.

16 MS. HARTMANN: If you look at the next
17 sheet, that in fact is -- the green house is
18 ours. And then --

19 CHAIRPERSON CAPIZZI: Right.

20 MS. HARTMANN: -- the third sheet simply
21 shows the park, which is a significant aspect of
22 the neighborhood. But the important one is to
23 look across the street. The houses that are
24 directly across the street have driveways. Some
25 of them from 10th down have the driveways that go

1 to the rear of the properties. They're all
2 multi-family, whether they're -- they're either
3 two or three family homes.

4 What we're proposing is very similar to, as
5 far as the parking arrangement, it's very similar
6 to those -- those properties.

7 MR. ALONSO: So, essentially, all we need
8 is site plan approval.

9 MS. HARTMANN: So, yes. As a three family
10 house, you're required to get site plan approval.
11 One and two family homes are exempt, but not
12 three families. So that's why we're here. We
13 meet the -- we're -- we're -- actually --

14 MR. ALONSO: I saw that coming.

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

17 MS. HARTMANN: Actually, we're -- we're
18 significantly oversized, as far as the lot size
19 is concerned. We meet all of the coverage.
20 We're significantly, I believe, under --

21 CHAIRPERSON CAPIZZI: What is the lot size?

22 MS. HARTMANN: The lot size is a little
23 over 4800 square feet and the permitted, or
24 required, rather, is 2500 square feet.

25 MR. ORTIZ: Is it --

1 CHAIRPERSON CAPIZZI: What's --

2 MR. GUARENO: What's the width of the land?

3 MS. HARTMANN: The width is 30 feet.

4 MR. ORTIZ: And the depth?

5 MS. HARTMANN: The depth is -- is 160 feet.

6 So, the required depth is 100 feet, we're
7 at 160 feet. The minimum lot width is 25 feet
8 and we're at 30 feet. The minimum lot area is
9 2500 square feet and we're at 4800 square feet.

10 The other thing that I think is important
11 to note is that the maximum permitted building
12 coverage is 60 percent and we're at 40.7 -- 40.47
13 percent coverage. Maximum lot coverage including
14 both building and impervious surface coverage is
15 allowed to be 85 percent and we're at 73 percent.

16 So, not only do we meet your Ordinance
17 requirements, we actually exceed your Ordinance
18 requirements.

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

21 CHAIRPERSON CAPIZZI: Does anyone have a
22 question?

23 Okay.

24 Are you finished?

25 MS. HARTMANN: Yes.

1 MR. ALONSO: That's it. And that's -- we
2 have no further witnesses to testify at this
3 point.

4 Essentially, it's -- it's a permitted use,
5 but for the fact that we needed site plan
6 approval because it's a three family building, we
7 can just go ahead and apply for permits.

8 CHAIRPERSON CAPIZZI: Any chance you would
9 -- your client would consider making it two
10 family, like many of the other houses on the
11 block?

12 MR. ALONSO: I could -- I could talk to him
13 real quick.

14 CHAIRPERSON CAPIZZI: Okay.

15 Thank you.

16 THE SECRETARY: Five minute break.

17 (Whereupon, the Board recessed from 6:43
18 p.m. to 6:47 p.m.)

19 THE SECRETARY: All right. Go ahead.

20 On record.

21 MR. ALONSO: All right.

22 MS. HARTMANN: You wanted to say something.
23 Right?

24 MR. ORTIZ: Well, all -- all I -- it would
25 take two seconds.

1 All I want to state is that our regular
2 planner had recused himself on this project. He
3 felt there may have been a conflict, although
4 we're not asserting that, but he also did step
5 down from dais. So I just want --

6 MR. ALONSO: That's fine.

7 MR. ORTIZ: -- that on the record.

8 MR. ALONSO: That's a good point.

9 In order to address the -- the Chairwoman's
10 question, I think we need to have a little
11 testimony from Ms. Hartmann.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ALONSO: The question was premised on
14 the belief that the neighborhood contains two
15 family houses.

16 So, I'm going to have our planner testify
17 as to the existing uses and specifically, as they
18 flank our --

19 CHAIRPERSON CAPIZZI: I know what the
20 existing uses are. We're just asking you if your
21 client would reconsider a two?

22 MR. ALONSO: Okay. Only because the
23 premise of the question was because --

24 CHAIRPERSON CAPIZZI: Well, in addition --

25 MR. ALONSO: -- it was two --

1 CHAIRPERSON CAPIZZI: -- to that, I also
2 see that the pictures that you provide have a lot
3 of two family houses. So --

4 MR. ALONSO: Well --

5 MS. HARTMANN: If I may?

6 CHAIRPERSON CAPIZZI: Sure.

7 MS. HARTMANN: The pictures that I have for
8 you are the ones that are just across the street
9 from this particular property.

10 CHAIRPERSON CAPIZZI: Okay.

11 MS. HARTMANN: But to the property that's
12 adjacent to the -- the park and the -- the pool,
13 is a legal four family.

14 CHAIRPERSON CAPIZZI: Do you have that
15 picture?

16 MS. HARTMANN: That is -- I --

17 Yes, I do.

18 CHAIRPERSON CAPIZZI: Okay.

19 MS. HARTMANN: It's --

20 CHAIRPERSON CAPIZZI: May I see it?

21 MS. HARTMANN: -- the third photo, I
22 believe. The second.

23 So, if you look at the second photo --

24 CHAIRPERSON CAPIZZI: Um hum.

25 MS. HARTMANN: -- the one that is -- not

1 the green house, but the beige house is a legal
2 four family. The one to the left of us, or to
3 the north, is a four or five condo unit.

4 CHAIRPERSON CAPIZZI: Where is that?

5 MS. HARTMANN: Right -- right to the left
6 of the --

7 CHAIRPERSON CAPIZZI: This?

8 MS. HARTMANN: -- light green house. This
9 -- this sheet. The second sheet.

10 So, to the north -- to the south of the
11 subject site is a legal four family.

12 And to the north of the subject site and
13 adjacent is a four or five condo building.

14 As you go further up toward 10th Street,
15 there's a small apartment building.

16 CHAIRPERSON CAPIZZI: Okay. Do you have
17 those photos?

18 MS. HARTMANN: No, I don't.

19 CHAIRPERSON CAPIZZI: Okay.

20 MS. HARTMANN: I mean, I just -- I really
21 just wanted to show you what was across the
22 street and what is just adjacent. But --

23 CHAIRPERSON CAPIZZI: Right.

24 MS. HARTMANN: So there's a small apartment
25 building there. You have a park across the

1 street on -- on 10th Street. And then --

2 CHAIRPERSON CAPIZZI: Exactly.

3 MS. HARTMANN: -- you have twos and three
4 family homes.

5 And as you go further south, there's,
6 again, a more of a mixture of some small
7 apartment buildings.

8 So, it is a very mixed building. I'm
9 sorry. Very --

10 CHAIRPERSON CAPIZZI: Neighborhood.

11 MS. HARTMANN: -- mixed neighborhood.
12 Yeah.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. ORTIZ: But as to the Chairwoman's
15 question, would your client go down to a two
16 family?

17 MR. ALONSO: No. We actually have
18 submitted this application as of right. There
19 are no variances that are required for the -- for
20 the three family.

21 MR. ORTIZ: Parking is required.

22 MR. ALONSO: That's not a variance, though.

23 MR. ORTIZ: I believe it is, isn't it?
24 You're required 7.1.

25 MS. HARTMANN: Why are we required 7.1?

1 MR. ORTIZ: That's what --

2 MS. HARTMANN: I don't understand. A -- a
3 one --

4 MR. ORTIZ: I mean, my -- according to the
5 report --

6 MS. GABLE: Yeah. So, we have taken the
7 position that the parking variance -- the parking
8 -- the parking -- number of parking spaces --

9 MS. HARTMANN: Right.

10 MS. GABLE: -- and also the access of the
11 driveway were both variances, because they're
12 located in the zoning section of the Ordinance,
13 not under the design waiver section.

14 MS. HARTMANN: So, the parking is -- is
15 based on the RSIS requirements.

16 MS. GABLE: Correct.

17 MS. HARTMANN: And that's six spaces. So,
18 I don't understand seven spaces.

19 A two bedroom requires two spaces. A -- a
20 three bedroom requires 2.1 space per unit, which
21 would be 4.2 spaces. So total, we'd need 6.2
22 spaces, or six spaces, as I understand it.

23 MS. GABLE: Just give me one second.

24 I do apologize.

25 MS. HARTMANN: Sure.

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

3 MS. GABLE: Yeah. I'm not sure why it's
4 like that. I figured --

5 MS. HARTMANN: That's okay.

6 MR. ORTIZ: I was basing it on the report.

7 MS. GABLE: I apologize.

8 I don't --

9 MS. HARTMANN: No, no. That's fine.

10 And -- and as I understand it, the driveway
11 width, even though it might be in your Zoning
12 Ordinance, it's my understanding that the
13 Residential Site Improvement Standards supercede
14 those requirements and it would be a waiver.
15 While it's necessary, it doesn't rise to a
16 variance. But it does not meet the Residential
17 Site Improvement Standard requirement.

18 MS. GABLE: I think it's because we applied
19 the townhouse, now that I'm looking a little bit
20 closer. Two, four -- yeah.

21 MS. HARTMANN: Okay. I would -- I would
22 argue that the --

23 MR. DILLON: Please step up.

24 MS. HARTMANN: Sorry.

25 MR. DILLON: If you don't want to wear it,

1 | you've got to stand by it.

2 | MS. HARTMANN: No, no. I thought I had it.

3 | MR. ORTIZ: You forgot your jewelry.

4 | MS. GABLE: Yeah. We applied the
5 | townhouse.

6 | MS. HARTMANN: I have never applied the
7 | townhouse to a one, two or three family house.
8 | I've always applied the -- the single family to
9 | the three family house.

10 | MS. GABLE: Requirement --

11 | There's also a note, though, that also says
12 | that .5 spaces per dwelling unit for guest
13 | parking.

14 | MS. HARTMANN: But that's included with the
15 | number. That's always included with the -- the
16 | parking space number.

17 | MR. ORTIZ: Guest parking is included in
18 | the required number?

19 | MS. HARTMANN: Yes.

20 | MR. ALONSO: Right. So, in the two, 1.5 is
21 | allocated to the residents, and .5 is allocated
22 | towards visitor parking.

23 | MS. HARTMANN: Just want to bring .5 car to
24 | your house.

25 | MR. ORTIZ: I was going to say, how do you

1 do that?

2 MS. HARTMANN: I'm not the State. I didn't
3 make these rules.

4 MS. GABLE: Yeah. I would agree that it
5 should probably be 6.1, if you use the garden
6 apartment matrix, which --

7 MS. HARTMANN: So --

8 MS. GABLE: So it appears to be more of --

9 MR. ALONSO: Right. So --

10 MS. GABLE: -- than a townhouse.

11 MR. ALONSO: So --

12 MS. HARTMANN: So, it would be my opinion
13 that --

14 MR. ALONSO: Yeah.

15 MS. HARTMANN: -- we -- we do need the
16 waiver for the driveway width.

17 MR. ORTIZ: And do you agree with that?

18 MS. GABLE: I would agree that -- that
19 these -- these -- both of these standards are
20 located within the zoning section of the
21 Ordinance. So, I would argue that they should be
22 treated as variances, rather than waivers.

23 MS. HARTMANN: And -- and my position is
24 that the Residential Site Improvement Standards
25 for residences only supercedes or takes -- takes

1 over from the Zoning Ordinance. And that those
2 are design waivers, as based on a State statute
3 and not variances.

4 MR. ALONSO: And -- and that's correct.

5 And the only time that -- and the Ordinance
6 would supercede the RSIS is if the town or the
7 city were to take an application to the State,
8 the DCA, and apply a new Ordinance. And then,
9 the State would have to approve the Ordinance as
10 superceding the RSIS. And Union City hasn't done
11 that. So --

12 MR. ORTIZ: I don't think that they have.

13 I just need your final opinion.

14 MS. GABLE: Umm --

15 How does the Board usually treat these
16 asks? Are they usually variances?

17 MR. ORTIZ: We've never really had that
18 distinction before one way or the other, to be
19 honest with you.

20 MS. GABLE: Okay.

21 MR. ORTIZ: Right? I just needed --

22 MS. GABLE: I would agree that if it's
23 based upon RSIS, then it would be a waiver.

24 MR. ORTIZ: So, that's your final -- is
25 that your final opinion, though?

1 I don't -- I don't mean to make it hard on
2 you. I just --

3 MS. GABLE: No, I just --

4 MR. ORTIZ: -- need to know.

5 MS. GABLE: I'm -- I'm a little --

6 MR. ORTIZ: I mean, whatever your opinion
7 is.

8 MS. GABLE: Yeah. I mean --

9 MR. ORTIZ: As our expert --

10 MS. GABLE: -- our report says that --

11 MR. ORTIZ: -- we'll -- we'll accept.

12 MS. GABLE: -- should be treated as
13 variances, because they're within the Zoning
14 Ordinance. But I do agree that because it's RSIS
15 that has the jurisdiction of it, but I still --

16 MR. ORTIZ: Whatever your opinion is. Just
17 give me your opinion. That's all I'm asking.

18 MS. GABLE: I guess that we should treat
19 them as waivers.

20 MR. ORTIZ: Okay.

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. ALONSO: All right.

23 So -- so essentially, what we're proposing
24 is exactly what your Master Plan and your Zoning
25 Ordinance contemplates for the property.

1 MR. ORTIZ: Again, I'm --

2 MR. ALONSO: Yeah. So that's why --

3 MR. ORTIZ: The language that the --

4 MR. ALONSO: That's why we're --

5 MR. ORTIZ: -- planners talk, sometimes --

6 MR. ALONSO: -- we're proceeding with the
7 three --

8 MR. ORTIZ: -- I don't understand. Yeah.

9 MR. ALONSO: -- the three family.

10 MR. ORTIZ: With all due respect, whatever
11 language that is.

12 Okay.

13 Anybody -- any Board members have anything
14 else, requests or discuss?

15 CHAIRPERSON CAPIZZI: No.

16 MR. ORTIZ: Any design issues? Any --
17 anything?

18 Open to the public now.

19 CHAIRPERSON CAPIZZI: Yup.

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

22 CHAIRPERSON CAPIZZI: There's no --

23 MR. ORTIZ: No members of the public?
24 Speak? Sure.

25 CHAIRPERSON CAPIZZI: Okay.

1 MR. DILLON: Please raise your right hand.

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

4 MS. CHOE: Yes.

5 MR. DILLON: State your name and spell it
6 for the record.

7 MS. CHOE: Hi.

8 My name is Sung Ah Choe, S-U-N-G.

9 MR. DILLON: S-U-N-G.

10 MS. CHOE: Second word is A-H, and last
11 name is C-H-O-E.

12 MR. ALONSO: C-H-E?

13 MS. CHOE: O-E.

14 MR. ALONSO: O-E.

15 MR. DILLON: Okay.

16 Thank you.

17 Stay right there. You can talk there.

18 MS. CHOE: I'm representing the 916
19 Palisade Avenue Condo Association.

20 So, we share the easement with this
21 property. And we're -- we're pleased to welcome
22 them and happy to have them do the renovations
23 and what not.

24 But I just wanted to point out something
25 that I'm concerned about for their safety, the

1 building safety, and especially our -- our
2 safety.

3 It looks to be, from the Manhattan Avenue
4 side, when you look up at the property, between
5 910, which is the building down from them, and
6 912, there's like a hollow area in the cliff.
7 And you can't see it right now, because there's a
8 lot of the trees and bushes that are hiding it,
9 but there were pieces of wood that look like they
10 were in an X there.

11 Unfortunately, I didn't take pictures in
12 the fall, but I have kind of an idea of what it
13 could look like on Google Maps, in case you want
14 to see that. But I'm just concerned about that
15 when they're going to put a building on top. Our
16 -- our association is.

17 MR. ORTIZ: Is it a cave? Is that what it
18 is?

19 MS. CHOE: I'm sorry?

20 MR. ORTIZ: Is it a cave?

21 MS. CHOE: I don't -- I don't know. It's
22 weird because there's like this -- it looks like
23 this plank system that -- the -- the last owner
24 was a little off, that he kind of made like
25 switchbacks going down a little bit. And then,

1 | you can see, very clearly, when it's -- there's
2 | no trees, like during the fall and winter, that
3 | that's kind of hollow.

4 | And apparently, in the neighborhood it's
5 | very well known that 910, which is the one down
6 | from them, sits on kind of a hollow area, because
7 | I think he did a lot of illegal things.

8 | So, I'm just concerned for the safety of
9 | this project and for all of us. And certainly,
10 | we don't want to go down -- tumbling down the
11 | hill.

12 | MR. ALONSO: Well, obviously, the approval
13 | that's something our -- our civil engineer is
14 | here, our architect is here. They work with the
15 | Building Department to make sure that whatever
16 | plans are approved for permits will take into
17 | consideration the site conditions.

18 | Obviously, we don't want to build a
19 | building that's not safe.

20 | MR. ORTIZ: No, I can imagine not.

21 | Is it possible that -- are any of your
22 | experts prepared tonight to talk about this? I
23 | mean, I -- I understand the concern. I mean, I
24 | -- in light of her depiction of the prior person,
25 | I don't know if somebody was drilling something

1 out or something.

2 MR. ALONSO: I'm -- I'm going to call my
3 engineer, because that would probably be an
4 engineering question.

5 CHAIRPERSON CAPIZZI: Wasn't that done
6 prior to them?

7 MR. ORTIZ: Huh?

8 CHAIRPERSON CAPIZZI: Wasn't that done
9 prior to?

10 MR. ORTIZ: Yeah. Oh, yeah. She's not
11 saying it was done by them.

12 MS. CHOE: Oh, no, no.

13 CHAIRPERSON CAPIZZI: No, no, no, no.

14 MS. CHOE: It's preexisting.

15 CHAIRPERSON CAPIZZI: I'm saying --

16 MS. CHOE: And for the safety of this
17 project.

18 CHAIRPERSON CAPIZZI: -- engineers --

19 MS. CHOE: And for the fact that we share
20 your easement.

21 CHAIRPERSON CAPIZZI: -- they don't -- look
22 at that?

23 MR. ORTIZ: I don't know.

24 MS. CHOE: We don't want to go down the
25 hill.

1 MR. ORTIZ: I don't know.

2 MS. CHOE: And I think the building down
3 next to them, on the other side, is under
4 foreclosure, because that guy didn't pay so --

5 MR. BLOOM: Yeah.

6 MS. CHOE: Basically --

7 MR. BLOOM: Just to show me --

8 MS. CHOE: Yeah.

9 MR. BLOOM: Yeah. Let me -- let me --

10 MR. DILLON: Please raise your right hand.
11 Do you swear the testimony you're about to
12 give this Board is the whole truth?

13 MR. BLOOM: Yes, I do.

14 MR. DILLON: State your name and spell it
15 for the record.

16 MR. BLOOM: Dawson Bloom, B-L-O-O-M. I'm
17 with McLaren Engineering, 530 Chestnut Ridge
18 Road, in Woodcliff Lake, New Jersey.

19 MR. DILLON: Just put on the wireless.
20 It's right there.

21 MR. BLOOM: Oh.

22 MR. ORTIZ: You get the jewelry now.

23 MR. DILLON: It's easier for the experts.

24 MR. BLOOM: Certainly.

25 MR. DILLON: For the record.

1 Thank you.

2 MR. ALONSO: Do we need to qualify Mr.
3 Bloom in the field of engineering?

4 MR. ORTIZ: Mr. Bloom, how many board --
5 urban boards have you testified?

6 MR. BLOOM: In the State of New Jersey,
7 approximately five or six urban -- urban boards;
8 Newark --

9 MR. ORTIZ: And --

10 MR. BLOOM: -- Trenton, Camden.

11 MR. ORTIZ: And you've been in practice for
12 how long?

13 MR. BLOOM: I've been in practice for 27
14 years. I've been licensed for approximately 22
15 years.

16 MR. ORTIZ: Madam Chairwoman?

17 CHAIRPERSON CAPIZZI: Yes.

18 MR. BLOOM: Thank you.

19 MR. ALONSO: Thank you.

20 MS. CHOE: So, I apologize. I wasn't able
21 to take a clear picture --

22 MR. BLOOM: Oh, no. That's okay. Sure.

23 MS. CHOE: -- because the vegetation is
24 covering it up. But Google Maps.

25 MR. BLOOM: Um hum.

1 MS. CHOE: So, here's 910.

2 MR. BLOOM: Yup.

3 MS. CHOE: Here's 912 and here's -- here we
4 are with the --

5 MR. BLOOM: The property.

6 MS. CHOE: Yeah.

7 MR. BLOOM: Um hum.

8 MS. CHOE: So, it's basically under this
9 area. When you're coming up from Manhattan
10 Avenue. And you can kind of see it's a little
11 bit hollow --

12 MR. BLOOM: Sure.

13 MS. CHOE: -- from the trees.

14 MR. BLOOM: Um hum.

15 MS. CHOE: And then there's like kind of
16 what I was saying, the switchbacks, and he made
17 like this weird, like lookout fort here.

18 MR. BLOOM: Okay.

19 MS. CHOE: And then you can just -- I mean,
20 you can just walk by and you can even kind of see
21 it starting to dip a little bit down there.

22 MR. BLOOM: Okay.

23 MS. CHOE: Like I said, it's clearest in
24 the fall, winter.

25 MR. BLOOM: Sure.

1 MS. CHOE: But that's -- that's where it is
2 and it kind of -- I'm -- I'm 99 percent sure it
3 comes this far over.

4 MR. BLOOM: Okay.

5 Yeah, I mean, what I would say is -- you
6 know, without having gone and looked at it, we
7 are going to have fencing in the rear of the
8 property. So you know, we would look to not make
9 sure there's access to that. Now --

10 MR. ORTIZ: I don't think she's worried
11 about access.

12 MS. CHOE: Yeah. I'm worried about --

13 MR. ORTIZ: I think she's worried about
14 stability.

15 MS. CHOE: -- it caving in.

16 MR. BLOOM: I -- I wouldn't be able to tell
17 here. I mean, I would have to go out and -- and
18 take a look at it from a -- a -- you know,
19 structural perspective, to see what the stability
20 of the slope is.

21 MR. GUARENO: If it is the area that --
22 that I saw over the winter --

23 MR. BLOOM: Um hum.

24 MR. GUARENO: -- it does -- she is right.
25 I mean, it does look like, in my opinion, and I'm

1 not an engineer, but it does look --

2 MR. BLOOM: Sure.

3 MR. GUARENO: -- like it's going to
4 collapse.

5 MR. BLOOM: Okay.

6 I mean, certainly, we can -- you know,
7 we'll talk to the -- to -- to the owner and get
8 out there. We certainly have to take a look at
9 it. Now --

10 MR. ORTIZ: Well, in light -- in light of
11 that, and I'm -- I'm going to make one suggest --
12 I don't mean to cut you off, I'm just --

13 MR. BLOOM: No, no. Sure.

14 MR. ORTIZ: I just been doing this on this
15 Board --

16 CHAIRPERSON CAPIZZI: Right.

17 MR. ORTIZ: I know my Board members. But
18 in light of that, I'd like you to do that and
19 come back to report to the Board --

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. ORTIZ: -- as to the stability of that
22 cave.

23 CHAIRPERSON CAPIZZI: Um hum.

24 MR. ORTIZ: For the safety of the entire
25 neighborhood.

1 CHAIRPERSON CAPIZZI: Yup.

2 MR. BLOOM: We can certainly -- you know

3 --

4 CHAIRPERSON CAPIZZI: That's it.

5 MR. BLOOM: As long as the owner's -- you

6 know --

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

9 CHAIRPERSON CAPIZZI: This should have been
10 done beforehand.

11 MR. ORTIZ: I think it's -- it's a value
12 point. It's for everybody's safety.

13 CHAIRPERSON CAPIZZI: Safety.

14 MR. ORTIZ: You know, and you know,
15 respectfully, we trust your opinion, once you go
16 look at it, but --

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. ORTIZ: -- if you haven't looked at --

19 MR. BLOOM: No, no. Certainly, you know, I
20 can't -- I certainly can't render an opinion on
21 something --

22 CHAIRPERSON CAPIZZI: Right.

23 MR. BLOOM: -- that I haven't looked at.

24 So you know, I --

25 CHAIRPERSON CAPIZZI: You need to look at

1 | it and make a report.

2 | MR. BLOOM: -- I can -- I can tell you how
3 | we would generally --

4 | CHAIRPERSON CAPIZZI: Yup.

5 | MR. BLOOM: -- deal with protecting
6 | anything above it.

7 | But as far as the stability of the actual
8 | slope itself, I can't render an opinion.

9 | MR. ORTIZ: No. And I appreciate the
10 | honesty, to be honest --

11 | MR. BLOOM: Well, thank you.

12 | MR. ORTIZ: -- with you.

13 | MS. CHOE: Yeah. I'm sorry. I didn't mean
14 | to cause trouble, but I just --

15 | MR. BLOOM: No, no. I mean --

16 | MS. CHOE: You know, and Faraouk's done
17 | very well by us, I'm just concerned that he's
18 | going to build here and it's going to hurt his
19 | project and our property.

20 | CHAIRPERSON CAPIZZI: Um hum.

21 | MR. BLOOM: Yeah. I --

22 | MS. CHOE: Plus all this leading up to the
23 | pool.

24 | MR. BLOOM: Yeah. I mean, we -- we would
25 | need to go and take a look at it from --

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ORTIZ: Yeah. And there is -- there's
3 a public park there not too far --

4 MS. CHOE: Yeah.

5 MR. ORTIZ: -- away. I mean --

6 MS. CHOE: It's right next door.

7 MR. ORTIZ: So, would you mind adjourning
8 this?

9 MR. ALONSO: I -- I always defer to the
10 Board. So, if the Board is asking us to adjourn
11 --

12 MR. ORTIZ: For -- for gathering this --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. ORTIZ: -- information.

15 MR. ALONSO: Correct.

16 MR. BLOOM: Okay. And we'll --

17 MR. ORTIZ: Because you are going right to
18 the slope, too. I mean, pretty much.

19 MR. ALONSO: No, no, no. We're -- we're
20 not -- we're not touching the slope at all.
21 We're --

22 MR. ORTIZ: But --

23 MR. ALONSO: -- respecting the --

24 MR. ORTIZ: But we don't know how deep that
25 thing goes --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. ORTIZ: -- in.

3 Right?

4 MS. CHOE: Somebody would have to go down
5 there and --

6 MR. GUARENO: Yes. I mean, we don't know
7 --

8 MR. ORTIZ: Sorry. Sorry giving you a
9 dirty job, but I'm sure --

10 MR. BLOOM: No, no. Listen, these are --
11 these are the things that we have to -- have to
12 take a look at, certainly if there's a -- a
13 concern raised.

14 You know, there's -- there's -- you know,
15 from the actual development project, there's
16 certainly no work being done in the rear there
17 that would -- would potentially disturb that
18 slope. But you know, if -- if there is a
19 proportion of the slope where this is, it's on --
20 that's actually part of the property, that's --
21 that's a different story. If -- if this is
22 another piece of property, and that's -- I mean,
23 I -- I can't tell from the picture here --

24 MR. ORTIZ: Right. Right.

25 CHAIRPERSON CAPIZZI: Right.

1 MR. BLOOM: -- exactly where it is.

2 MR. ORTIZ: And I understand.

3 MR. BLOOM: But this may or may not be an
4 issue related specifically to this property
5 either. So, we would have to determine that.

6 MR. ORTIZ: I just point out, that as a
7 layman, not as an expert --

8 MR. BLOOM: Um hum.

9 MR. ORTIZ: -- but one of our Board member
10 kind of concurs with the possibility of this
11 being a danger, that's why I would like --

12 MR. BLOOM: No, no. I -- yeah. Exactly.
13 I mean, we have to -- we would have to ascertain
14 exactly where the issue is, if there is one. And
15 you know, whether it's apportioned to this
16 property or the adjacent property below.

17 MR. ORTIZ: No one wants to be on channel
18 -- you know --

19 MR. BLOOM: So --

20 MR. ORTIZ: -- 11 news.

21 MR. BLOOM: No. Certainly. Not myself,
22 I'll tell you that.

23 MR. ALONSO: And -- and obviously --

24 MR. ORTIZ: And Hoboken won't appreciate it
25 below either.

1 MR. ALONSO: And obviously, if there is an
2 issue how it will be addressed.

3 MR. BLOOM: You know, exactly.

4 MR. ORTIZ: Yeah, obviously true.

5 MR. BLOOM: We would have to -- you know, I
6 think, generally, there's two things we would
7 have to do, determine -- you know, if there is an
8 issue, what that issue potentially is. And then,
9 what the remedy to that issue would be.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. BLOOM: So --

12 MR. ORTIZ: Before we close --

13 I'm sorry, Madam Chairwoman.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. ORTIZ: Is there anybody else from the
16 public that would like to speak on this project,
17 up to what's been presented so far?

18 No?

19 I believe that counsel has no problem with
20 the adjournment. In fact, waiving any kind of
21 time?

22 MR. ALONSO: Yes.

23 MR. ORTIZ: Okay. So, with that being
24 said, it's in the Board's purview.

25 MR. ALONSO: Can we keep those photos or at

1 | least --

2 | CHAIRPERSON CAPIZZI: I'll make a motion to
3 | adjourn the --

4 | MR. ALONSO: Yes.

5 | MR. BLOOM: This -- yeah. If we can --

6 | MS. CHOE: You can have them too.

7 | MR. ALONSO: Oh, thank you.

8 | CHAIRPERSON CAPIZZI: -- project.

9 | MR. BLOOM: That would be -- that would be
10 | fantastic.

11 | MR. ALONSO: Thank you.

12 | CHAIRPERSON CAPIZZI: I'll make a motion to
13 | adjourn.

14 | THE SECRETARY: Motion to adjourn this
15 | application for July 23, 2019.

16 | No new notice required.

17 | MR. ALONSO: July?

18 | MR. ORTIZ: Are they all the same photo?

19 | MS. CHOE: Yes.

20 | THE SECRETARY: Twenty-third.

21 | MR. ORTIZ: Can the -- can the Board Clerk
22 | have one for the record?

23 | THE SECRETARY: Motion on the table --

24 | MR. BLOOM: July 23rd, I am not here.

25 | THE SECRETARY: -- by Ms. Capizzi.

1 MR. BLOOM: I'm away for that week.

2 CHAIRPERSON CAPIZZI: Yes.

3 What? Is there a second?

4 THE SECRETARY: Any second the motion?

5 MR. BLOOM: Just so you know. I just want
6 to be clear.

7 MR. ALONSO: Hold on.

8 THE SECRETARY: Seconded by Mr. Rivero.

9 MR. BLOOM: I could -- I could have
10 somebody from my office come.

11 MR. ALONSO: All right. We'll have
12 somebody here.

13 MR. BLOOM: Yeah. In all likelihood, I
14 would have my geo-technical engineer.

15 MR. ORTIZ: Yeah. I mean, if he can't make
16 it, as long as he has some -- someone that's
17 qualified as he is and --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: -- you know, knows --

20 MR. BLOOM: It will likely be my geo-
21 technical engineer.

22 MR. ORTIZ: Which is probably --

23 MR. BLOOM: That's probably the most
24 appropriate.

25 MR. ORTIZ: Sounds even more qualified than

1 you.

2 MR. BLOOM: In this case, yes. I would
3 defer.

4 CHAIRPERSON CAPIZZI: Thank you.

5 THE SECRETARY: All right.

6 MR. ALONSO: Okay.

7 Thank you.

8 THE SECRETARY: Motion on the table to
9 adjourn this --

10 MR. BLOOM: Thank you.

11 THE SECRETARY: -- application for July 23,
12 2019 by Ms. Capizzi.

13 Seconded by Mr. Rivero.

14 Roll call on the motion.

15 Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Mr. Medina?

22 MR. MEDINA: Yes.

23 THE SECRETARY: Mr. Rivero?

24 MR. RIVERO: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Six in favor.

3 Motion carries.

4 MR. ALONSO: Thank you very much.

5 Have a good evening.

6 CHAIRPERSON CAPIZZI: Thank you.

7

8 (Whereupon, David Spatz resumed as Board
9 Planner at 7:06 p.m.)

10

11 (Whereupon, Elena Gable, P.P. A.I.C.P.
12 stepped down and left the meeting at 7:06 p.m.)

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1 **RESOLUTIONS:**

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3 (1) Manhattan Avenue Capital 1300, LLC, 1300
4 Manhattan Avenue, Block 185 & 187, Lots 1, 2, 18-
5 27 & 1.01, 1.02, 3, 4. Applicant is requesting
6 for one year extension (third extension).
7 Resolution was memorialized on February 28, 2006.
8 First extension: Resolution was memorialized 06-
9 27-2017. Second extension: Resolution was
10 memorialized on May 22, 2018.

11

12 CHAIRPERSON CAPIZZI: Carlos, let's do the
13 Resolutions.

14 THE SECRETARY: Okay.

15 CHAIRPERSON CAPIZZI: Wait. Wait.

16 THE SECRETARY: We are going to --

17 CHAIRPERSON CAPIZZI: Now I feel better.

18 THE SECRETARY: -- adoption of Resolutions.

19 Three Resolution on tonight's agenda.

20 Resolution number 1.

21 Manhattan Avenue Capital 1300, LLC, 1300

22 Manhattan Avenue.

23 Can I have a motion?

24 CHAIRPERSON CAPIZZI: I'll make a motion.

25 THE SECRETARY: Motion by Ms. Capizzi.

1 MR. GUARENO: Second.

2 THE SECRETARY: Seconded by Mr. Guareno.

3 Roll call on the motion.

4 Ms. Capizzi?

5 CHAIRPERSON CAPIZZI: Yes.

6 THE SECRETARY: Ms. Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Rivero?

11 MR. RIVERO: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Five in favor.

15 Motion carries.

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1 **RESOLUTIONS:**

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3 (2) 905-909 Palisade Avenue Holdings, LLC, 905
4 Palisade Avenue, Block 49, Lot 3. Proposed new
5 subdivision & (1) three family dwelling.

6 (3) 905-909 Palisade Avenue Holdings, LLC, 907-
7 909 Palisade Avenue, Block 49, Lot 4. Proposed
8 new subdivision & (1) three family dwelling.

9

10 THE SECRETARY: Resolution number 2 and 3.
11 Number 9.

12 905-909 Palisade Avenue Holding, LLC, 905
13 Palisade Avenue.

14 Resolution number 3.

15 905-909 Palisade Avenue Holding LLC, 907-
16 909 Palisade Avenue.

17 Can I have a motion to --

18 CHAIRPERSON CAPIZZI: I'll make a motion.

19 THE SECRETARY: -- adopt these Resolution?
20 Motion by Ms. Capizzi.

21 MS. GENAO: I second.

22 THE SECRETARY: Second by Ms. Genao.

23 Roll call on the motion.

24 Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Genao?

2 MS. GENAO: Yes.

3 THE SECRETARY: Mr. Medina?

4 MR. MEDINA: Yes.

5 THE SECRETARY: Mr. Rivero?

6 MR. RIVERO: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

11 Thank you.

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1 **1507 West Street, LLC - 1507 West Street:**

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3 THE SECRETARY: All right.

4 We are going to item number -- number 1
5 will be now.

6 1507 West Street, LLC, 1507 West Street, is
7 amendment.

8 The applicant's requesting amendment
9 Resolution correctly identify the unit to be
10 legalized as a ground floor apartment. This
11 Resolution was memorialized on February 27, 2018.

12 Mr. La Paglia, please?

13 MR. LA PAGLIA: Yes.

14 Vincent La Paglia, 51 Newark Street in
15 Hoboken.

16 I represent the applicants here, Carlos and
17 Nicole Sarrate.

18 My clients have put in the required notices
19 and the proof of publication.

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

22 THE SECRETARY: Just give me two second,
23 Mr. --

24 We need Mr. Ortiz.

25 MR. LA PAGLIA: Um hum. Shall I get him?

1 THE SECRETARY: Give me two seconds.

2 MR. LA PAGLIA: Okay. Sure.

3 THE SECRETARY: Kevin, off the record.

4 Off the record. Okay?

5

6 (Whereupon, the Board recessed from 7:09
7 p.m. to 7:14 p.m.)

8

9 THE SECRETARY: Ready, Willie?

10 All right.

11 On record.

12 CHAIRPERSON CAPIZZI: Notices?

13 THE SECRETARY: 1507 West LLC, 1507 West
14 Street.

15 MR. LA PAGLIA: Yeah. You have the
16 notices.

17 THE SECRETARY: Mr. La Paglia, please?

18 MR. ORTIZ: The notices are here?

19 MR. LA PAGLIA: Yeah.

20 MR. ORTIZ: Where?

21 No, I -- I'm just --

22 THE SECRETARY: Oh, the notices are --

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

25 MR. ORTIZ: You don't have an affidavit of

1 mailing in here. Is it -- is it I here? I
2 flipped through, I can't see it.

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

5 MR. ORTIZ: You don't have an affidavit of
6 mailing.

7 Right? Did you do an affidavit? I don't
8 see it in here.

9 MR. LA PAGLIA: I don't know if she gave it
10 to him. I wasn't representing her at that time.
11 She faxed everything to --

12 MR. ORTIZ: She being?

13 MR. LA PAGLIA: Mrs. Sarrate.

14 MR. ORTIZ: Okay. There's not --

15 MR. LA PAGLIA: I have them here. Oh,
16 excuse me.

17 MR. ORTIZ: No, I know. That's The Jersey
18 Journal. There's no affidavit of mailing.

19 MR. LA PAGLIA: She's got the receipts
20 here, though.

21 MR. ORTIZ: Yeah, no. I do have the
22 receipts. Absolutely.

23 MR. LA PAGLIA: Oh, you want me to --

24 MR. ORTIZ: No argument.

25 MR. LA PAGLIA: -- submit that later?

1 MR. ORTIZ: No argument about that, but we
2 need the affidavit of mailing.

3 CHAIRPERSON CAPIZZI: Who would she have
4 faxed them to?

5 MR. LA PAGLIA: Hmm?

6 MR. ORTIZ: She would have fax --

7 CHAIRPERSON CAPIZZI: To you?

8 MR. ORTIZ: -- faxed them to Carlos.

9 MR. LA PAGLIA: I'm sorry.

10 CHAIRPERSON CAPIZZI: She would have faxed
11 them to you?

12 MR. LA PAGLIA: I didn't hear what she
13 said.

14 MR. ORTIZ: Faxed them to --

15 CHAIRPERSON CAPIZZI: Who would she --

16 MR. ORTIZ: -- Carlos.

17 CHAIRPERSON CAPIZZI: Oh, to Carlos.

18 MR. LA PAGLIA: Carlos. Yes.

19 She might not have done an affidavit of
20 mailing. She might just have done this.

21 MR. ORTIZ: Well, this is what? Number 1
22 we're talking --

23 MR. LA PAGLIA: Number 1, yeah. See --

24 MR. ORTIZ: All right. Here is the
25 situation.

1 MR. LA PAGLIA: Um hum.

2 MR. ORTIZ: And I'm -- Mr. La Paglia has
3 been before this Board --

4 CHAIRPERSON CAPIZZI: Yes.

5 MR. ORTIZ: -- and other Boards in the
6 City, I don't know, a hundred times, at least.

7 MR. LA PAGLIA: I'm the Jersey City Zoning
8 Board Attorney.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. ORTIZ: Yeah. So, no. I -- no, no. I
11 don't mean you as an expert. I mean --

12 MR. LA PAGLIA: Oh.

13 MR. ORTIZ: -- my point is that we could
14 accept jurisdiction conditioned on --

15 MR. LA PAGLIA: I will have her do an
16 affidavit of --

17 MR. ORTIZ: Of mailing.

18 MR. LA PAGLIA: -- mailing, yeah. We'll do
19 that tomorrow.

20 MR. ORTIZ: Okay. On those conditions --

21 MR. LA PAGLIA: And I'll send it to --

22 MR. ORTIZ: To Carlos.

23 MR. LA PAGLIA: -- Carlos.

24 MR. ORTIZ: On those conditions, we could
25 take jurisdiction.

1 MR. LA PAGLIA: Um hum.

2 MR. ORTIZ: Okay.

3 Mr. La Paglia?

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. LA PAGLIA: Okay.

6 So, can I start?

7 CHAIRPERSON CAPIZZI: Proceed.

8 MR. LA PAGLIA: So, let --

9 MR. ORTIZ: Yes.

10 MR. LA PAGLIA: Let me just give you a
11 brief history of this property so we know why
12 we're here tonight.

13 Back in, I guess it was 2016, there was a
14 foreclosure on this property. And Deutsche Bank
15 sold it to two people called Benjamin Lowy and
16 Sam Mandel. And in December 15th of 2016, I guess
17 the City Construction Code Official went into the
18 building and found that there were illegal
19 cubicles on the ground floor.

20 So, they entered -- the owners entered into
21 a settlement agreement with the City, paid a fine
22 and one of the conditions was to come back to the
23 Planning Board --

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. LA PAGLIA: -- and legalize that ground

1 floor apartment.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. LA PAGLIA: In the settlement
4 agreement, it's clearly called a ground floor
5 apartment.

6 CHAIRPERSON CAPIZZI: Right.

7 MR. LA PAGLIA: Mandel and Lowy then made
8 this a LLC. And you could see on your assessor's
9 --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. LA PAGLIA: -- website, it was just --
12 the transaction was just for a dollar. So, I
13 guess somehow they were protecting themselves.

14 I had nothing to do with this --

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. LA PAGLIA: -- obviously.

17 So now, we -- now, we go back and we come
18 into the Planning Board here, and for some
19 reason, whatever's coming before the Planning
20 Board now calls this ground floor a basement
21 apartment.

22 And as a matter of fact, I -- I saw the
23 plans that Mr. Pereiras did at the time, on 2017,
24 and he's calling it a ground floor apartment.
25 But somehow, this language gets to a basement. I

1 don't -- I don't know how.

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. LA PAGLIA: So, now, my clients buy the
4 property. And they go about redoing the plans.
5 Everything says ground floor. And they go to the
6 Construction Code Official, and says -- you know,
7 I want my permits, and they say, we can't give
8 you a permit because your Resolution says
9 basement.

10 CHAIRPERSON CAPIZZI: Gotcha.

11 MR. LA PAGLIA: So, I sent a letter to Mr.
12 Ortiz. I figured this would be pretty simple.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. LA PAGLIA: But then again, after all
15 these years, I should know nothing's simple.

16 So, I sent him a letter saying, listen,
17 here's the settlement agreement and here's the
18 Resolution.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. LA PAGLIA: Obviously, somebody made a
21 mistake. Doesn't really matter. Can we just put
22 it on for an amendment, so ground floor -- I
23 mean, basement is now ground floor.

24 CHAIRPERSON CAPIZZI: Ground floor.

25 MR. LA PAGLIA: Well, okay. Instead, we --

1 we then -- we had to notice, we had to redo the
2 plans, which you see here.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. LA PAGLIA: And my client hired another
5 architect and here we are.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. LA PAGLIA: So, I have that architect
8 here, if you want him to testify that this is,
9 indeed, a ground floor. It's not a basement.

10 It's up --

11 MR. ORTIZ: Extremely briefly, just so the
12 record's --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. ORTIZ: -- clear.

15 MR. LA PAGLIA: So, Mr. Ondar, please.

16 MR. DILLON: Please raise your right hand.

17 Do you swear the testimony that you're
18 about to give this Board is the whole truth?

19 MR. ONDAR: Yes, I do.

20 MR. DILLON: State your name and spell it
21 for the record.

22 MR. ONDAR: Albert Ondar, O-N-D-A-R.

23 A. Ondar Design, 19 Truman Drive, Marlboro,
24 New Jersey.

25 MR. DILLON: Thank you.

1 O-N-D-A-R?

2 MR. ONDAR: O-N-D-A-R.

3 MR. DILLON: Thank you.

4 MR. ORTIZ: How long have you been a
5 licensed architect?

6 MR. ONDAR: I have a Bachelor of
7 Architecture from NJIT. I'm a licensed architect
8 in the State of New Jersey for in excess of 35
9 years or 32 years. It's --

10 MR. ORTIZ: Have --

11 MR. ONDAR: -- getting to be a long time.

12 MR. ORTIZ: Have you testified before
13 boards in --

14 MR. ONDAR: I've testified --

15 MR. ORTIZ: -- urban settings?

16 MR. ONDAR: -- before numerous boards in
17 residential, commercial, industrial factions.

18 MR. ORTIZ: In urban settings, though?

19 MR. ONDAR: Excuse me?

20 MR. ORTIZ: In urban settings?

21 MR. ONDAR: Yes. I've testified in
22 Trenton, New Brunswick.

23 MR. ORTIZ: Madam Chairwoman?

24 CHAIRPERSON CAPIZZI: Fine.

25 Thank you.

1 MR. ONDAR: Very good.

2 Thank you.

3 MR. LA PAGLIA: So, Mr. Ondar, briefly,
4 just before this Board, can you tell us, you drew
5 the plans here now that you submitted to the
6 Board?

7 MR. ONDAR: Yes.

8 MR. LA PAGLIA: And so the record is clear,
9 this first floor level, we're calling that a
10 ground floor.

11 Correct?

12 That is not a basement.

13 MR. ONDAR: Correct.

14 The -- somewhere along the line, the
15 initial plans went back and forth with
16 terminology. When we submitted to the
17 Construction Code Official, he reviewed the plans
18 as one normally would, one of the comments back
19 to me is, match the definition on your plans to
20 the Resolution. And that took a little bit of
21 understanding what he was getting at. But
22 finally, we found out he was saying the
23 Resolution is calling it a basement apartment,
24 when indeed it's a ground floor.

25 And by the definition of the IB -- IRC, the

1 Residential Code and the Rehab Code, which this
2 project falls under, a definition is a story
3 that's at least halfway below grade. A basement
4 is a story that's halfway below grade. This is
5 at grade or -- or maybe four inches higher, four
6 inches lower. But ultimately it is essentially
7 at the ground level. So, he says, from his point
8 of view, he could not review it under the
9 terminology of the Resolution of a basement
10 apartment. So, he said, administratively, it
11 probably just needs to be changed.

12 And ultimately, a few weeks or months down
13 the road, I prepared the plans that reflect --
14 the floor plan is the exact same floor plan of
15 the initial proposal prepared by the other
16 architect. And I just continued that floor plan
17 and did the information to make it a construction
18 document for building purposes. But the
19 footprint, the dimensions, the room layout is
20 exactly what was presented to the Board months
21 ago by the other applicant -- the other
22 architect.

23 MR. ORTIZ: So in your opinion, this is a
24 ground floor apartment.

25 MR. ONDAR: Yes, it is.

1 MR. LA PAGLIA: I don't think I have
2 anything further.

3 MR. ORTIZ: Do any members of --

4 MR. LA PAGLIA: I don't know how it got
5 transposed.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. LA PAGLIA: I don't know how that
8 happened.

9 MR. ORTIZ: I think maybe it may have been
10 the difference between the application and
11 looking at it, I think that's what an application
12 and the plan.

13 MR. LA PAGLIA: Maybe. Yeah.

14 MR. ORTIZ: I think. I'm not sure. Don't
15 hold me to that.

16 Does any members of the public have any
17 comments, questions of this witness?

18 CHAIRPERSON CAPIZZI: No.

19 Okay. So, then, seeing none, I'll make a
20 motion to approve, I guess, the amended
21 Resolution, correcting, identifying the unit to
22 be legalized as a ground floor apartment.

23 THE SECRETARY: Motion on the table to
24 approve.

25 Seconded by Ms. Genao.

1 Roll call on the motion to approve.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Ms. Fernandez?

7 MS. FERNANDEZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Rivero?

11 MR. RIVERO: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Six in favor.

15 Motion carries.

16 Thank you.

17 MR. LA PAGLIA: Thank you.

18 CHAIRPERSON CAPIZZI: Thank you.

19 MR. LA PAGLIA: And I'll submit an

20 affidavit of --

21 MR. ORTIZ: Yes, please. Because I won't

22 draft the Resolution without having that.

23 MR. LA PAGLIA: Oh, you draft the

24 Resolution.

25 Okay.

1 No problem.

2 Thank you.

3 CHAIRPERSON CAPIZZI: Thank you.

4 MR. LA PAGLIA: Take care.

5 Have a good night.

6 CHAIRPERSON CAPIZZI: Thank you.

7 Thank you.

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1 **315 5th Street, LLC - 315 5th Street:**

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3 THE SECRETARY: Next hearing on tonight's
4 agenda, 315 5th Street, LLC, 315 5th Street.

5 CHAIRPERSON CAPIZZI: Got it? You okay
6 there?

7 MR. ORTIZ: Yeah.

8 THE SECRETARY: Applicant propose the
9 construction of new three family dwelling. The
10 applicant proposes minor amendment. The
11 Resolution was memorialized at the May 22, 2018.

12 Ms. Pereiras, please?

13 MS. PEREIRAS: Thank you, Mr. Vallejo.

14 Good evening, counsel, Madam Chair, members
15 of the Board.

16 May it please the Board, Bianca Pereiras on
17 behalf of the applicant.

18 This application was heard by this Board
19 last year, at which time the Board approved a
20 three family home. In the process of preparing
21 for construction, we realized that, based on the
22 topography and the distance between the adjacent
23 properties, it made more sense to -- to almost
24 flip the house.

25 So, this Board approved a two foot side

1 yard and a three foot side yard. We're simply
2 switching those side yards.

3 Normally, I think this is considered just a
4 site change that is normally handled by the
5 Building Department. However, when we dealt with
6 the building official, he asked us to come before
7 the Board just to make sure that this was clear
8 to the Board and that the Resolution could be
9 amended to justify such.

10 CHAIRPERSON CAPIZZI: What else is -- what
11 -- what is changing?

12 MS. PEREIRAS: That's it. It's really --
13 and so, the door is on the left hand side, now
14 the door is going to be on the right hand side.
15 It's almost like a mirror of the building, as it
16 was presented to this Board.

17 MR. ORTIZ: What -- what happened is,
18 originally side one would have been --

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: -- three feet and side two, if
21 you look at the application --

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. ORTIZ: -- and side two would have been
24 two feet.

25 MS. PEREIRAS: Correct. And now we're just

1 flipping them.

2 CHAIRPERSON CAPIZZI: Do you have to change
3 the inside of the house?

4 MS. PEREIRAS: No. Well, it's -- it's
5 mirrored only.

6 If you want, let me ask the architect to
7 verify that information.

8 Mr. Pereiras, please?

9 MR. DILLON: Please raise your right hand.

10 Do you swear your testimony before this
11 Board is the whole truth?

12 MR. PEREIRAS: I do.

13 Manny Pereiras, P-E-R-E-I-R-A-S, with
14 Pereiras Architects Ubiquitous, 1116 Summit
15 Avenue, Union City.

16 MR. ORTIZ: I love that word.

17 MR. DILLON: Thank you.

18 MR. PEREIRAS: So do I.

19 MR. ORTIZ: Every time you say it.

20 MS. PEREIRAS: And just for purposes of the
21 record, Mr. Pereiras has been qualified before as

22 --

23 CHAIRPERSON CAPIZZI: Yes.

24 MR. ORTIZ: Yes.

25 MS. PEREIRAS: -- an expert.

1 Thank you very much.

2 MR. ORTIZ: Just a few times.

3 MR. PEREIRAS: Thank you so much.

4 CHAIRPERSON CAPIZZI: Yes.

5 MR. PEREIRAS: Counsel actually made a
6 perfect explanation.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. PEREIRAS: We literally flipped the
9 house. It's a mirror image.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. PEREIRAS: We had to because of site
12 constraints. We had to put a little retaining
13 wall in the back. We didn't have enough room on
14 the two feet.

15 The other house, on the right hand side,
16 was right on the property line. So it didn't
17 make sense to keep it there. These are things
18 that we didn't see until we started working
19 there. So, we literally did a mirror of the
20 house to make it better.

21 It's the same plans that were there. It's
22 as if you held it up to a mirror. The door from
23 the right went to the left. The windows on the
24 left went to the right. That's all it was.

25 CHAIRPERSON CAPIZZI: So, I'm going to ask

1 a stupid question. Did the neighbors have to be
2 renoticed?

3 MR. ORTIZ: Yeah. Yeah. Yeah. That was
4 going --

5 MR. PEREIRAS: It doesn't change anything.

6 CHAIRPERSON CAPIZZI: That's not what I
7 asked.

8 MR. PEREIRAS: Okay.

9 CHAIRPERSON CAPIZZI: I just want us to be
10 covered. That's my job. Did the neighbors have
11 to be noticed?

12 MR. ORTIZ: Yes. I think you renoticed on
13 this one.

14 MS. PEREIRAS: No, we didn't. I've been in
15 front of this Board before to make minor
16 amendments to Resolutions. Again, this, I
17 thought, was a slight change. It didn't even
18 require me to come in front of this Board. So,
19 for that reason, I didn't send notices to the
20 neighbors.

21 CHAIRPERSON CAPIZZI: I --

22 MR. ORTIZ: The only concern that I think
23 the flipping of it, and it's a small concern, but
24 it's -- could be a big concern if someone gets
25 upset is the placement of the windows, because

1 the windows are now facing --

2 MR. PEREIRAS: It's actually --

3 MR. ORTIZ: -- the other neighbor.

4 MR. PEREIRAS: -- better now because we
5 were closer to the house that had windows. And I
6 don't recall any neighbors --

7 MS. PEREIRAS: There --

8 MR. PEREIRAS: -- showing up at the
9 meeting.

10 MS. PEREIRAS: There weren't any neighbors
11 at that meeting.

12 And again, if you look at my original
13 notice, it only called for the side yards. My
14 notice would have been exactly --

15 MR. PEREIRAS: Yeah.

16 MS. PEREIRAS: -- the same.

17 CHAIRPERSON CAPIZZI: I know, but --

18 MR. PEREIRAS: And there's no variance --

19 CHAIRPERSON CAPIZZI: -- that's why we
20 notice --

21 MR. PEREIRAS: -- on the side --

22 CHAIRPERSON CAPIZZI: -- people, though.
23 Isn't it? I'm not trying to give you a hard
24 time.

25 MS. PEREIRAS: No.

1 CHAIRPERSON CAPIZZI: I'm just trying to
2 follow whatever protocol we usually follow.
3 That's --

4 MS. PEREIRAS: We understand. This is not
5 the --

6 CHAIRPERSON CAPIZZI: Honestly --

7 MS. PEREIRAS: -- the first time I've come
8 in front of the Board for an amendment. And we
9 haven't been asked to notify the neighbors on
10 those other amendments.

11 MR. ORTIZ: There's -- in my opinion,
12 there's legitimate argument from counsel and a
13 legitimate concern from the -- from the
14 Chairwoman.

15 So, with that being said, would you feel
16 more comfortable if -- if they renotice, so that
17 they're aware of this change?

18 I mean, you are moving closer to one side
19 and less to the other. I mean, I don't know -- I
20 don't know if -- you know, if that's going to
21 make a huge difference. But --

22 MR. PEREIRAS: Sometimes a month doesn't
23 make a difference and -- but it just so happens
24 the financing on this project, if he doesn't
25 break ground, his financing like -- like hikes up

1 a lot. So, it makes a time difference for us.

2 Is there language that we could do, subject
3 to the adjoining neighbors having any objection
4 to it?

5 MR. ORTIZ: How many -- how many families
6 are on each side? How many family buildings are
7 on each side?

8 MR. PEREIRAS: It's a small -- I believe
9 they're both three families. One looks like a
10 two family, but I think there's three units in
11 there. And the other one's a big three family
12 house on the other side.

13 MR. ORTIZ: The only compromise I could
14 think of that would probably make the Board a
15 little more comfortable is if you were to get
16 affidavits from all six of those apartments. If
17 you're saying it's --

18 MR. PEREIRAS: Well, it would just be the
19 owner.

20 MS. PEREIRAS: The owners of the building.

21 MR. ORTIZ: No. No.

22 MS. PEREIRAS: Correct? Unless they're --

23 MR. ORTIZ: Yes and no.

24 MS. PEREIRAS: Unless they're condos.

25 MR. ORTIZ: Yes and no.

1 We -- well, I guess the notices would only
2 go to the owners.

3 MS. PEREIRAS: To the -- to the owners.

4 MR. ORTIZ: Would that make you feel a
5 little --

6 CHAIRPERSON CAPIZZI: Sure.

7 MR. ORTIZ: -- bit comfortable?

8 CHAIRPERSON CAPIZZI: Sure.

9 MR. PEREIRAS: And --

10 MS. PEREIRAS: I don't think that's a
11 problem.

12 MR. PEREIRAS: I really appreciate that.
13 That helps the own -- the owner a lot.

14 MS. PEREIRAS: We're happy to get that for
15 you.

16 MR. ORTIZ: All right.

17 So, it will be conditioned any -- any
18 change on the -- in the Resolution would be
19 conditioned on affidavits from both owners of the
20 property saying they have no objection.

21 MS. PEREIRAS: I'll obtain those for you.

22 CHAIRPERSON CAPIZZI: Anyone else have any
23 question?

24 MR. GUARENO: You're -- you're only sliding
25 the structure --

1 MR. PEREIRAS: No, we're not sliding it.
2 We're literally flipping it because windows have
3 to have three feet from the property line. So,
4 by -- it -- we couldn't just slide it because
5 then, the windows will be too close to the
6 property line. So, we have to actually flip it.

7 So, everything that was on the left is now
8 on the right. Everything on the right is now on
9 the left.

10 MR. GUARENO: So, I just want to
11 understand. That sort of would change the -- the
12 drawings.

13 MR. PEREIRAS: It -- it's a mirror image.
14 It's as if you saw the same drawing, in a mirror.

15 MR. ORTIZ: If -- if you want to see the
16 drawings, I mean, if you're not comfortable with
17 it --

18 MR. GUARENO: Because this --

19 CHAIRPERSON CAPIZZI: Why did you
20 originally plan it that way?

21 MR. PEREIRAS: Well, we didn't -- we
22 couldn't foresee what was happening there.

23 CHAIRPERSON CAPIZZI: What do you mean?

24 MR. PEREIRAS: The -- there was a lot of --
25 if you look at the site and if you look at, like

1 Google Maps, there's a lot of rubble and there's
2 an old structure in the back of the site.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. PEREIRAS: There's a big rock up there.
5 And that's why we had to actually -- we
6 originally had a stair going all the way down,
7 and then, coming out. We can't do that because
8 of the rock. So, now the stair is actually about
9 three and a half feet higher, and we can't pull
10 it out in that side -- in that same direction.

11 CHAIRPERSON CAPIZZI: I know, but why
12 didn't you find that out when you originally
13 looked at this?

14 MR. PEREIRAS: Because we couldn't --

15 CHAIRPERSON CAPIZZI: And how -- and how
16 did you find it out now?

17 MR. PEREIRAS: Because they started
18 clearing out the site and excavating it. They
19 don't do that until the City issues permits and
20 demolition moves forward with an approved
21 project.

22 MR. ORTIZ: (Indiscernible).

23 Look, I got to be honest with you. If --
24 if the Board members aren't comfortable without
25 the notice and -- and the revised plans actually

1 | being -- if that's what I'm hearing, and that
2 | sounds like what I'm hearing from at least the
3 | Chairwoman and one member of the Board, then
4 | we'll put it off and --

5 | CHAIRPERSON CAPIZZI: Revised plans.

6 | MR. ORTIZ: -- and require notice, then.
7 | If that's what everybody's concerned with.

8 | MS. PEREIRAS: We did submit --

9 | MR. ORTIZ: It's a -- it's a legitimate
10 | concern.

11 | MS. PEREIRAS: Counsel --

12 | MR. GUARENO: I'm concerned about it. Yes.

13 | MS. PEREIRAS: Counsel, just to clarify.
14 | We did submit revised drawings which --

15 | MR. ORTIZ: No, no. But I mean --

16 | MS. PEREIRAS: -- just show the mirror.

17 | MR. ORTIZ: But the notice gives the
18 | neighbors and the neighborhood a chance to look
19 | at the difference, if it made a difference.

20 | You know, I mean, I don't vote on this
21 | Board and you hear concern from at least two
22 | members.

23 | It's not -- I mean, it might be just easier
24 | to just renotice and put us on next month.

25 | MS. PEREIRAS: Would the -- counsel, would

1 | you be able to have a Resolution ready for that
2 | evening, if there's no objection again
3 | considering this is a --

4 | MR. ORTIZ: I -- I have a policy --

5 | MS. PEREIRAS: -- minor change?

6 | MR. ORTIZ: You know, I -- I generally have
7 | a policy against that.

8 | MS. PEREIRAS: I know. It's just August
9 | the --

10 | MR. ORTIZ: Because I can't --

11 | MS. PEREIRAS: -- Board doesn't meet, so
12 | then we'd be --

13 | MR. ORTIZ: I -- I can't predict what the
14 | Board's going to --

15 | MS. PEREIRAS: -- waiting until September.
16 | So, it's holding --

17 | MR. ORTIZ: I can't predict what the
18 | Board's going to do. And I -- I find that,
19 | especially now -- you know, on the record, that
20 | preparing a Resolution in anticipation of what
21 | this Board's going to do, I'm not comfortable
22 | with that.

23 | You know, you -- we've had that discussion.

24 | MS. PEREIRAS: I -- I understand.

25 | MR. ORTIZ: I've never been comfortable

1 with that.

2 MS. PEREIRAS: This one is only really
3 switching the side yards. That's the only
4 difference going forward.

5 MR. ORTIZ: I understand, but there's
6 concern of the Board. So, there's not even, oh,
7 it's probably going to go through. It's maybe it
8 won't. I don't know, and that's the hard part
9 for me.

10 And preparing a resolution in -- in
11 anticipation of something that may or may not
12 happen, I'm not happy -- I'm not comfortable with
13 that. I never have been.

14 So, would you like to adjourn it for those
15 purposes instead of having it come back here and
16 notice anyway, and it appeal -- you know?

17 You hear -- you hear what they're saying.

18 MR. PEREIRAS: We understand.

19 MS. PEREIRAS: That's fine. We'll adjourn.

20 MR. PEREIRAS: And we'll get you the
21 notices, just to make sure the neighbors are
22 okay.

23 MR. ORTIZ: And the plans are already --

24 MS. PEREIRAS: They're in.

25 MR. ORTIZ: The revised plans they're in.

1 MS. PEREIRAS: They're already --

2 MR. ORTIZ: So, that's all you have to do.

3 MS. PEREIRAS: They're already in. We
4 submitted, like we normally do for an amendment.

5 MR. PEREIRAS: And -- and the Building
6 Department approved everything, except they're
7 waiting for this one issue. So, it complies with
8 all Code. It complies with everything. And we
9 didn't change anything on it, except putting --

10 MS. PEREIRAS: Right. And I -- and I don't
11 think it's something that normally should come
12 before this Board. I only thought it was easier
13 to -- to go through --

14 MR. ORTIZ: Yeah, but if it -- if it comes
15 --

16 MS. PEREIRAS: -- the steps and -- and
17 present it.

18 MR. ORTIZ: -- if it comes down to going
19 before this Board and there's an expression of at
20 least two Board members that aren't happy with
21 the way, the procedural way, it's --

22 MR. PEREIRAS: We understand.

23 MR. ORTIZ: I only work for them.

24 And they have a point. They do have a very
25 valid point. I mean, I understand the window

1 placement and everything else, and the shifting
2 one way or the other. That could have one of the
3 -- you know, neighbors concerned. I mean, I get
4 it.

5 CHAIRPERSON CAPIZZI: So what are we doing
6 here?

7 MR. ORTIZ: So, are we -- are you
8 requesting an adjournment for those purpose?

9 MS. PEREIRAS: Yes, please.

10 MR. ORTIZ: Okay.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. ORTIZ: And waiving any time concerns?

13 MS. PEREIRAS: Of course.

14 MR. ORTIZ: Okay. That's of course?

15 MS. PEREIRAS: Of course.

16 MR. ORTIZ: Okay.

17 MS. PEREIRAS: I'll say it louder. Of
18 course.

19 MR. ORTIZ: No, no. It's the mic.

20 Okay. I guess it's a motion -- if the
21 Board -- it's the Board's privy to do that,
22 motion to adjourn this --

23 CHAIRPERSON CAPIZZI: I'll make a motion.

24 MR. ORTIZ: -- matter and --

25 THE SECRETARY: That means it's going to be

1 carried to July 23rd, 2019. Notice of publication
2 requires.

3 MR. ORTIZ: Publication is required.

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Yeah.

6 Okay.

7 Motion to adjourn -- to carry this
8 application for July 23rd, 2019. Notice of
9 publication required.

10 Motion on the table by Ms. Capizzi.

11 Any second the motion --

12 MS. GENAO: I second.

13 THE SECRETARY: -- to carry this --

14 Second by Ms. Genao.

15 Roll call on the motion.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Ms. Fernandez?

21 MS. FERNANDEZ: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Motion carries.

4 New notice and publication requires.

5 MR. ORTIZ: Okay.

6 Still your show.

7 * * *

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

2 **3510-3520 Bergenline Avenue:**

3

4 THE SECRETARY: We are going to move on
5 3510-3520 Bergenline Avenue, LLC.

6 Ms. Pereiras, please?

7 MS. PEREIRAS: Again, thank you.

8 Bianca Pereiras on behalf of the applicant,
9 3510-3520 Bergenline Avenue.

10 As this Board may recall, the part of the
11 project that we're proposing is the second floor.
12 This is the second floor on Bergenline Avenue
13 that used to be office space. It has remained
14 vacant for quite some time. The application
15 before the Board was to convert that office space
16 to residential.

17 Originally, we had proposed 13 residential
18 units on that second floor. The Board asked us
19 to reduce that number. We'd now like to present
20 a reduction of three units, for a total of ten
21 units on that second floor.

22 Mr. Pereiras?

23 MR. PEREIRAS: Manny Pereiras. I recognize
24 that I am still under oath.

25 CHAIRPERSON CAPIZZI: Eleven or ten?

1 MR. ORTIZ: That could be a typo.

2 CHAIRPERSON CAPIZZI: Oh.

3 MR. ORTIZ: Just so the record's clear, and
4 it could have been somehow a typo, and I'm not
5 making it difficult, but you reduced it to ten.

6 CHAIRPERSON CAPIZZI: Ten or 11?

7 MS. PEREIRAS: Reducing it to ten.

8 MR. ORTIZ: Okay. So, no, because the
9 agenda -- and it could have been our -- typo from
10 our side.

11 MS. PEREIRAS: Okay.

12 MR. ORTIZ: It says 11 that's all.

13 MS. PEREIRAS: We're reducing three --

14 CHAIRPERSON CAPIZZI: Ten.

15 MS. PEREIRAS: -- units. Yes.

16 CHAIRPERSON CAPIZZI: Okay.

17 MR. PEREIRAS: So, I'm sure you recall this
18 project. We've been before the Board several
19 times and I -- I think we have the right formula
20 now. I think we got what you want.

21 MS. PEREIRAS: Hope.

22 MR. PEREIRAS: I hope, I sure hope.

23 Just to remind you, we have an existing
24 building, a beautiful building right on the
25 corner of Bergenline and it's a big lot. It's

1 124.78 feet in length and a hundred feet in
2 width, and it occupies the entire site. You have
3 the Payless Shoes on the bottom corner, you have
4 T-Mobile. We all recognize the building. And
5 then, you have the second floor, which is all
6 office space. And this is what's currently
7 there. Very big office space that takes
8 potentially a lot of people that a lot of people
9 require parking. It doesn't really work well on
10 Bergenline Avenue to have that office space.
11 Where do all these people park that work there;
12 where do people park that visit there? It's a
13 very difficult site for that.

14 We started looking at exploring different
15 options, and we looked at residential. And it --
16 residential really fits with the Master Plan
17 because it activates the area. You have people
18 who live there at night. And then -- you know,
19 they support the stores. So, we thought it was a
20 very good use and it fits with what the Master
21 Plan requires and asks of us.

22 So, what we did is, we did a redesign and
23 we're creating a lobby, based off the side
24 street, with an elevator that we're interjecting
25 into the project. We're creating a new stairwell

1 and we're cleaning up and fixing the existing
2 stairwell that's off of Bergenline Avenue.

3 And what we're doing is, we created, the
4 way the Board wanted, very big, very nice
5 apartments, a few three bedrooms.

6 So, let me just walk you through.

7 Apartment number one, for example, is 1,447
8 square feet. These are big apartments. It's a
9 three bedroom apartment. You walk in, living
10 room, dining room, kitchen area, master bedroom
11 with a master suite, walk-in closet and bathroom.
12 And then, two additional bedrooms.

13 Apartment number two.

14 We have again 1,146 square feet. We have a
15 very big two bedroom apartment.

16 And as -- I don't know if you want me to go
17 through each one.

18 MR. ORTIZ: Why -- why don't you just go
19 through the three -- three bedrooms? Because if
20 I remember correctly, from two months ago, and I
21 don't have a great memory but the big issue was
22 three, three bedroom apartments.

23 MR. PEREIRAS: Well, the big issue was that
24 we had a bunch of studios.

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. PEREIRAS: And we had --

2 MR. ORTIZ: Right.

3 MR. PEREIRAS: -- one bedrooms.

4 CHAIRPERSON CAPIZZI: Right.

5 MR. PEREIRAS: So, we basically took out
6 every single studio.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. PEREIRAS: And I believe we only have
9 one one bedroom now. Yeah. We have one one
10 bedroom at this point. Everything else is twos
11 and threes --

12 CHAIRPERSON CAPIZZI: Okay.

13 MR. PEREIRAS: -- which is exactly what the
14 Board wanted. I think it fits in. The
15 apartments are big. I don't think that --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. PEREIRAS: -- you know, it could get
18 any bigger.

19 And the other suggestion that the Board did
20 is, that the doughnut in the middle, we created a
21 small room for a fitness center, so that we have
22 enough room for a bicycle, a treadmill and some
23 -- and some free weights --

24 CHAIRPERSON CAPIZZI: Good.

25 MR. PEREIRAS: -- for the building, as well.

1 So, we utilized --

2 CHAIRPERSON CAPIZZI: Good.

3 MR. PEREIRAS: -- the extra space for that.
4 I think it's a nice project.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. PEREIRAS: I mean, it's -- you know, as
7 of -- you know --

8 MR. ORTIZ: How many -- how many three
9 units are there?

10 MR. PEREIRAS: Let me count them.

11 MR. ORTIZ: Three -- three bedroom?

12 MR. PEREIRAS: I'm not exactly sure. Well,
13 actually, I think I have them on the cover sheet.

14 MR. ORTIZ: Because I -- I think that was
15 someone's big issue about the large --

16 MS. GENAO: About three -- two bedroom
17 apartments. Yes.

18 MR. ORTIZ: Two and three. You wanted to
19 see two and threes.

20 Right?

21 MS. GENAO: Two and three. Um hum.

22 MR. PEREIRAS: All right.

23 So, three bedrooms, we have one, two, three
24 -- three two (sic) bedrooms.

25 Two bedrooms, we have one, two, three,

1 four.

2 And then the -- then there's three one
3 bedrooms.

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. PEREIRAS: Yeah. So, three one
6 bedrooms, --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. PEREIRAS: -- four two bedrooms and
9 three three bedrooms.

10 MR. ORTIZ: All right.

11 I think that addresses --

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ORTIZ: -- a lot of the --

14 MS. GENAO: Three three bedroom.

15 Right?

16 MR. ORTIZ: Three three bedrooms.

17 CHAIRPERSON CAPIZZI: Um hum. Okay.

18 And those were the changes.

19 Right?

20 MR. PEREIRAS: That's the --

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. PEREIRAS: -- change. That's all it
23 is.

24 CHAIRPERSON CAPIZZI: Okay. Fine.

25 Does anyone on the Board have any

1 questions?

2 Anyone from the public?

3 Okay.

4 Anything else that you want to say?

5 MR. PEREIRAS: No, thank you.

6 CHAIRPERSON CAPIZZI: Seeing, I'll make a
7 motion to approve the application.

8 THE SECRETARY: Motion to approve the
9 application by Ms. Capizzi.

10 MS. GENAO: I second.

11 THE SECRETARY: Seconded by Ms. Genao.

12 Roll call on the motion to approve this
13 application.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Ms. Fernandez?

19 MS. FERNANDEZ: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Six in favor.

2 Motion carries.

3 CHAIRPERSON CAPIZZI: Thank you.

4 MS. PEREIRAS: Thank you all very much.

5 MR. ORTIZ: Also --

6 MS. PEREIRAS: Thank you.

7 MR. ORTIZ: Just make a note that, for the
8 Resolution purposes, it's ten units, it's not 11.

9 CHAIRPERSON CAPIZZI: Right.

10 THE SECRETARY: We need revised plans,
11 then.

12 MR. ORTIZ: I --

13 THE SECRETARY: Because on the plans we
14 have --

15 MR. ORTIZ: Do the plans --

16 THE SECRETARY: -- it reflect 11 units.

17 MR. ORTIZ: Do the plans say ten or --

18 MR. PEREIRAS: I think the plans say ten,
19 the --

20 MR. ORTIZ: I'll take a look right now, so
21 we don't have any problems with the --

22 CHAIRPERSON CAPIZZI: Right.

23 MR. ORTIZ: -- Resolution.

24 Carlos is pretty good about this stuff.

25 MR. PEREIRAS: Yeah.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. PEREIRAS: My plans say ten, and it has
3 a revision date of 6/6/2019.

4 MR. ORTIZ: I just want to make sure;
5 that's all, folks. I don't want have to redraft
6 this Resolution.

7 MR. PEREIRAS: And I actually have a -- a
8 couple extra -- I think I have two extra copies
9 because I was going to give it to the client
10 today.

11 MR. ORTIZ: Where does it say ten, just so
12 --

13 THE SECRETARY: I got revised plans.

14 MR. PEREIRAS: On the front sheet of the
15 top, front left --

16 THE SECRETARY: Dated --

17 MR. PEREIRAS: Right here.

18 THE SECRETARY: Dated February 15.

19 MR. PEREIRAS: Actually, no, that one says
20 11. That's not the right drawing.

21 MR. ORTIZ: That's the only revised, unless
22 -- is there another set of revised?

23 MR. PEREIRAS: We revised twice in the same
24 --

25 THE SECRETARY: The last revised on April?

1 MR. PEREIRAS: The last -- the last one was
2 June 6th.

3 MR. ORTIZ: This one --

4 MS. PEREIRAS: June 6th.

5 MR. PEREIRAS: Six.

6 MR. ORTIZ: This one's dated -- it's a
7 revised --

8 Oh, no. I saw revised plans.

9 CHAIRPERSON CAPIZZI: It says January here,
10 2019. Are these the old ones maybe?

11 MR. ORTIZ: Yeah. It says January. Those
12 are the real old ones.

13 Right?

14 MR. PEREIRAS: That's very old. Yeah.

15 MS. PEREIRAS: Those are the -- yeah,
16 probably the original ones.

17 THE SECRETARY: Give me two seconds.

18 MR. PEREIRAS: They're -- yeah. I -- I
19 think we wound up --

20 THE SECRETARY: Which is the --

21 MR. PEREIRAS: -- having four revisions in
22 total.

23 THE SECRETARY: Which is the last one --

24 MS. PEREIRAS: We've been at this one for
25 awhile.

1 THE SECRETARY: -- you received, David?

2 MR. SPATZ: The last one that I have is --

3 MR. ORTIZ: Yeah, I know.

4 THE SECRETARY: February?

5 MR. SPATZ: I have January.

6 MR. ORTIZ: Yeah, these --

7 THE SECRETARY: January?

8 MR. ORTIZ: The revised plans here are
9 dated 2/11. All right. So that's not it.

10 MR. SPATZ: I'll review the plans before
11 the Resolution to make sure.

12 MR. ORTIZ: No, but I -- okay. But that --
13 I'm not -- that's not even the concern.

14 MR. SPATZ: Yeah.

15 MR. ORTIZ: I just don't want to not
16 remember, when I'm writing the Resolution next
17 month, and --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. ORTIZ: -- draft an 11 unit Resolution.

20 THE SECRETARY: That's -- the revised plans
21 is marked right there on -- the last one was
22 stamped on --

23 MR. ORTIZ: It's more of a concern about
24 the Resolution --

25 THE SECRETARY: -- February 15.

1 MR. ORTIZ: -- from my perspective.

2 THE SECRETARY: I got February 15 stamped.
3 I don't have any other ones.

4 MR. PEREIRAS: And just for the record, so
5 that the Resolution will match, the drawings are
6 June 6th. That's the revision date that I have.

7 THE SECRETARY: Yeah, but I don't have
8 those plans.

9 MR. PEREIRAS: I'll -- I'll print them out
10 again.

11 MR. ORTIZ: When it just was going smooth,
12 huh?

13 MS. PEREIRAS: Those would have been
14 submitted, but again it was earlier this month.
15 But I can give you additional --

16 MR. PEREIRAS: You want me to --

17 MS. PEREIRAS: -- copies tomorrow.

18 THE SECRETARY: Is stamped --

19 MR. PEREIRAS: I could always print it out
20 more sets.

21 MS. PEREIRAS: Yeah.

22 MR. PEREIRAS: I'll print out more sets and
23 bring them --

24 MR. ORTIZ: Yeah. How many --

25 MR. PEREIRAS: -- to Carlos tomorrow.

1 MR. ORTIZ: -- do you need?

2 THE SECRETARY: For the -- for the
3 approval?

4 MR. ORTIZ: Yeah.

5 THE SECRETARY: Like five revised plans. I
6 have to send one -- say six.

7 MR. PEREIRAS: Six. Okay.

8 THE SECRETARY: One to Mr. Spatz.

9 MR. ORTIZ: And one for me.

10 THE SECRETARY: Oh, seven then.

11 MS. PEREIRAS: Okay.

12 THE SECRETARY: Seven.

13 MS. PEREIRAS: Seven.

14 MR. PEREIRAS: Seven. All right.

15 MS. PEREIRAS: We'll do that right away.

16 MR. PEREIRAS: I'll print out seven.

17 MS. PEREIRAS: Okay.

18 MR. PEREIRAS: I'll have them to Carlos
19 tomorrow.

20 MR. ORTIZ: Okay.

21 Thank you.

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

24 THE SECRETARY: Revised plans required.

25 This was approved.

1 CHAIRPERSON CAPIZZI: Okay.

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

4 MR. ORTIZ: Yeah. We -- didn't -- we voted
5 on these.

6 Right? Yeah, we did it.

7 Carlos, we did vote on the Resolution?

8 CHAIRPERSON CAPIZZI: No, no. We did -- I
9 mean, on this application.

10 THE SECRETARY: Yeah, you did.

11 MR. ORTIZ: Oh.

12 THE SECRETARY: You guys --

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: -- vote on the Resolution
15 already.

16 MR. ORTIZ: And we voted on this
17 application.

18 Right?

19 MS. PEREIRAS: Yes.

20 MR. ORTIZ: Okay.

21 THE SECRETARY: Give me two seconds.

22 MR. ORTIZ: All right.

23 MS. PEREIRAS: This is for the next one.

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

1 **Hudson Yards West, LLC -**

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

3

4 THE SECRETARY: Okay.

5 Now, Mr. Ortiz --

6 MR. ORTIZ: Yes, sir.

7 THE SECRETARY: Next will be Hudson Yards
8 West, LLC.

9 MR. ORTIZ: Yes.

10 For the -- I'll just make the public
11 announcement.

12 THE SECRETARY: Yes.

13 MR. ORTIZ: For those of you -- if any of
14 you are here for the Hudson -- Hudson Yards
15 presentation, there was a request by the
16 attorney, who is negotiating with the City on a
17 potential settlement on these -- on these
18 matters. It is in litigation. So, he requested
19 that this be adjourned for July.

20 So, if anybody's here for Hudson Yards
21 West, LLC, 3309 Hudson Avenue and 3308 Palisade
22 Avenue, that matter will be heard next month.
23 So, there will be no presentation on that
24 tonight.

25 CHAIRPERSON CAPIZZI: Okay.

1 MR. ORTIZ: Okay.

2 THE SECRETARY: New notice required for
3 that application.

4 MR. ORTIZ: Yes. He will be renoticing, as
5 well.

6 THE SECRETARY: Notice and publication.

7 MR. ORTIZ: Pursuant to his email.

8 Right?

9 THE SECRETARY: Yes.

10 MR. ORTIZ: Excuse me.

11 THE SECRETARY: Can I have a motion to --

12 CHAIRPERSON CAPIZZI: I'll make a motion.

13 THE SECRETARY: -- adjourn as a petition of
14 the applicant's attorney?

15 CHAIRPERSON CAPIZZI: Um hum.

16 THE SECRETARY: Motion by Ms. Capizzi.

17 MR. GUARENO: Second.

18 THE SECRETARY: Seconded by --

19 MS. FERNANDEZ: Second.

20 THE SECRETARY: -- Mr. Guareno.

21 Roll call on the motion.

22 Ms. Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Ms. Fernandez?

2 MS. FERNANDEZ: Yes.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Six in favor.

10 Motion carries.

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1 **Mirna Gomez - 306 40th Street:**

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3 MR. ORTIZ: And we just went out a little
4 order there, but this next one is --

5 CHAIRPERSON CAPIZZI: 306 40?

6 THE SECRETARY: Mirna Gomez.

7 MR. ORTIZ: Yeah.

8 CHAIRPERSON CAPIZZI: Mirna --

9 MR. ORTIZ: Yeah.

10 CHAIRPERSON CAPIZZI: -- Gomez.

11 MR. ORTIZ: Yeah.

12 THE SECRETARY: 306 40th Street.

13 Ms. Pereiras, please?

14 MS. PEREIRAS: Thank you.

15 Again, Bianca Pereiras, on behalf of the
16 applicant.

17 MR. ORTIZ: I've had an opportunity to
18 review the submissions by counsel. Everything
19 seems to be in order, giving jurisdiction to the
20 Board.

21 CHAIRPERSON CAPIZZI: Okay.

22 MS. PEREIRAS: As mentioned, the property
23 in question is for 306 40th Street. Ms. Gomez
24 purchased the property years ago. When she
25 purchased the property, she did so as a three

1 family. All records from the State showed it as
2 a three family. She actually has been taxed as a
3 three family for all these years.

4 It came to her attention that the ground
5 floor unit was not legally recognized by the
6 Union City Building Department. While no
7 violations have been issued, she is here in front
8 of this Board to correct this matter.

9 We have one expert to testify before the
10 Board, and that is our architect, Mr. Manuel
11 Pereiras.

12 MR. PEREIRAS: Manny Pereiras.

13 I recognize that I am still under oath.

14 MS. PEREIRAS: Mr. Pereiras, are you
15 familiar with 306 40th Street?

16 MR. PEREIRAS: I am.

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

19 MR. PEREIRAS: I have.

20 MS. PEREIRAS: And would you kindly
21 describe the project?

22 MR. PEREIRAS: Counsel made a good
23 description of it.

24 We have a series of houses. They're all
25 very similar, five in a row, very -- you can see

1 from this photograph. It's also a footprint that
2 we're familiar with in front of this Board. I
3 have come before this Board several times on this
4 exact same floor plan --

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. PEREIRAS: -- in other places in Union
7 City. Literally around the corner on New York
8 Avenue, we came before the Board a couple months
9 ago with the same thing.

10 Nothing unusual. We have a garage in the
11 front. There's an apartment in the back, not
12 recognized by the City. We're looking to
13 legalize it.

14 This is a wonderful opportunity to take
15 something and make it Code compliant.

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. PEREIRAS: The applicant's going to
18 have to comply with all Code requirements. It's
19 pretty simple. And we're not looking to make any
20 changes to the exterior of the building.

21 MR. ORTIZ: No change in the footprint?

22 MR. PEREIRAS: We're not changing the
23 footprint. We're not changing the aesthetics.
24 We're not changing the front. We're not changing
25 anything on the building, only Code requirements

1 within the building --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. PEREIRAS: -- like fire separations,
4 sprinkler systems and things of that nature.

5 The building, just to go -- we have a bunch
6 of existing nonconformities. There's side yards,
7 there's rear yard, there's front yard, there's
8 parking. All of these are preexisting
9 nonconformity, as well as lot coverage and
10 building coverage.

11 That's something that we're living with and
12 we deal and it's typical across the buildings on
13 all the sites, but we're not making any changes
14 to that.

15 What we are doing is legalizing this rear
16 apartment. As you could see, there's the garage
17 in the front, there's a doorway that leads to all
18 the apartments. You could take the stair up to
19 two apartments above, or you could take -- walk
20 straight back to the two apartments -- to the
21 single apartment in the rear. That's a one
22 bedroom apartment. That one bedroom apartment --
23 you know, it -- it will comply with everything.
24 It doesn't right now. It will comply with
25 everything from a Code perspective and it will be

1 better for the neighborhood, because it will be a
2 safe building.

3 CHAIRPERSON CAPIZZI: Sure.

4 MR. PEREIRAS: And it's a preexisting
5 condition, so all the negative criteria, all the
6 detriment is already there. We're already living
7 with it. And --

8 MR. ORTIZ: Second exit. Just point that
9 out.

10 MR. PEREIRAS: The second exit is basically
11 an escape through the rear. There's a full door
12 there, straight out of the living space. In
13 addition to that, the windows that are there have
14 to comply with egress requirements. So, we're
15 going to be escaping to the rear yard. And
16 that's something that -- and it's going to have a
17 sprinkler system, dedicated, domestic line
18 sprinkler system on that floor, so that if
19 there's an emergency, they could exit to the
20 front, they can exit through the back.

21 And there's going to be a two hour fire
22 separation between that unit and the building --
23 and the unit above, which basically means that
24 there's going to be two layers of sheet rock on
25 that ceiling so that if there is a fire, it slows

1 | it down significantly so that people can escape.

2 | MR. ORTIZ: Okay.

3 | CHAIRPERSON CAPIZZI: Okay.

4 | MR. ORTIZ: Do any members of the Board
5 | have any questions?

6 | CHAIRPERSON CAPIZZI: No.

7 | MR. ORTIZ: Any members of the public have
8 | any questions?

9 | CHAIRPERSON CAPIZZI: Come forward, sir.

10 | MR. DILLON: Can you --

11 | CHAIRPERSON CAPIZZI: Sir?

12 | MR. DILLON: You have to step forward.

13 | Please raise your right hand.

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

16 | MR. CALLEJAS: Yes.

17 | MR. DILLON: State your name and spell it
18 | for the record.

19 | MR. CALLEJAS: Maurice Callejas,
20 | M-A-U-R-I-C-E, last name is C-A-L-L-E-J-A-S.

21 | MR. DILLON: I'm sorry. The last name?

22 | MR. CALLEJAS: C-A-L-L-E-J-A-S.

23 | I just want to ask something that he maybe
24 | just neglected to -- to comment, that the
25 | building in the back, it's fenced in, the

1 | property. So, I think he didn't not show egress,
2 | points of exit in the future is a fire, God
3 | forbid.

4 | CHAIRPERSON CAPIZZI: Um hum.

5 | MR. CALLEJAS: Through the front or through
6 | some other means.

7 | MR. ORTIZ: No. I think there is an exit,
8 | if you have to go --

9 | MR. PEREIRAS: So, there's an exit to the
10 | rear. Just like every other property in Union
11 | City, there --

12 | MR. CALLEJAS: It's fenced in.

13 | MR. PEREIRAS: -- it only goes a certain
14 | distance back and there's a fence, just like
15 | every other property.

16 | CHAIRPERSON CAPIZZI: What's the distance
17 | between the -- the structure --

18 | MR. CALLEJAS: Ten feet.

19 | MR. ORTIZ: What's the rear yard?

20 | MR. CALLEJAS: Ten feet.

21 | MR. PEREIRAS: The rear yard --

22 | MR. CALLEJAS: Ten by 20.

23 | MR. PEREIRAS: -- is ten -- a little bit
24 | over ten feet.

25 | MR. CALLEJAS: Ten by 20.

1 MR. PEREIRAS: And the concept --

2 CHAIRPERSON CAPIZZI: How high is the
3 fence?

4 MR. CALLEJAS: Excuse me?

5 CHAIRPERSON CAPIZZI: Well, I don't know --
6 maybe you should answer.

7 MR. CALLEJAS: The -- the one on the right,
8 on the left is four feet.

9 CHAIRPERSON CAPIZZI: Um hum.

10 MR. CALLEJAS: And the one in the front is
11 five feet tall.

12 MR. PEREIRAS: So, here's the concept
13 behind that.

14 MR. ORTIZ: When you say --

15 MR. CALLEJAS: Right -- right, left. Yeah.

16 MR. ORTIZ: -- the side yards are four --
17 are four feet?

18 MR. CALLEJAS: Yeah.

19 MR. PEREIRAS: Yeah, so the Code, in
20 general, deals with every situation everywhere.
21 We come across this in Union City very often and
22 it's a very difficult thing to do. We have to
23 negotiate and talk with the Building Inspector
24 how we could fix this, because this is a
25 condition that's prevalent --

1 MR. ORTIZ: It --

2 MR. PEREIRAS: -- throughout Union City.

3 MR. ORTIZ: And it --

4 MR. PEREIRAS: The concept is --

5 MR. ORTIZ: I don't mean to cut you off,
6 but every one of my resolutions, if they -- if
7 the Board was to approve this, always says they
8 have to comply with all state --

9 MR. CALLEJAS: Oh, that's fine.

10 MR. ORTIZ: -- and local law.

11 MR. CALLEJAS: No, that's all I'm saying --
12 you know? But I just --

13 MR. ORTIZ: No, no. I just want -- I just
14 want --

15 MR. CALLEJAS: I just wanted to clarify
16 that --

17 CHAIRPERSON CAPIZZI: Right.

18 MR. CALLEJAS: -- the back is fenced in.

19 CHAIRPERSON CAPIZZI: Right, that there's a
20 fence.

21 MR. ORTIZ: And I appreciate that.

22 MR. CALLEJAS: And I know that --

23 CHAIRPERSON CAPIZZI: Right.

24 MR. CALLEJAS: -- this -- things that we
25 could do to mediate the --

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. CALLEJAS: -- additional emergency
3 exits.

4 CHAIRPERSON CAPIZZI: But it's a good
5 point.

6 MR. ORTIZ: And no, it's a valid point. I
7 just --

8 CHAIRPERSON CAPIZZI: Yup.

9 MR. ORTIZ: -- wanted to reassure you that
10 my Ordinances always say --

11 MR. CALLEJAS: All right.

12 MR. ORTIZ: I mean, my ordinances, my
13 resolutions rather.

14 MR. PEREIRAS: And just so I understand
15 also, you're the property immediately next to.

16 Correct?

17 MR. CALLEJAS: Right. Yes.

18 MR. PEREIRAS: And you have the same
19 condition.

20 Correct?

21 MR. CALLEJAS: I do.

22 MR. ORTIZ: Well --

23 CHAIRPERSON CAPIZZI: Well, we don't have
24 to --

25 MR. ORTIZ: -- we don't need to go there.

1 CHAIRPERSON CAPIZZI: We're not talking
2 about his property.

3 MR. PEREIRAS: Well, I want to understand.

4 MR. ORTIZ: We don't need to go there.

5 CHAIRPERSON CAPIZZI: No, no. But we're
6 not talking about his property.

7 MR. CALLEJAS: That's -- that's not here
8 nor there.

9 MR. ORTIZ: Right. It doesn't matter.

10 CHAIRPERSON CAPIZZI: No.

11 MR. ORTIZ: Okay.

12 Thank you, sir.

13 MR. CALLEJAS: Okay.

14 Thank you.

15 CHAIRPERSON CAPIZZI: We're -- I think
16 we're talking about the property at hand. No?

17 MR. PEREIRAS: Yes.

18 CHAIRPERSON CAPIZZI: You know?

19 MR. PEREIRAS: But I think the Board will
20 feel more comfortable if they see that the same
21 thing is happening throughout the block and the
22 same --

23 CHAIRPERSON CAPIZZI: Maybe I'd --

24 MR. PEREIRAS: -- situation.

25 CHAIRPERSON CAPIZZI: -- be more

1 uncomfortable with this now.

2 MR. PEREIRAS: Well, that's --

3 CHAIRPERSON CAPIZZI: So --

4 MR. PEREIRAS: -- unfortunate.

5 MR. ORTIZ: In any case --

6 CHAIRPERSON CAPIZZI: Could go the other
7 way.

8 Maybe you should have --

9 MR. ORTIZ: Anybody --

10 CHAIRPERSON CAPIZZI: -- mentioned it.

11 MR. GUARENO: That's -- that's the third
12 unit. The third apartment?

13 MR. PEREIRAS: This is the --

14 MS. PEREIRAS: Correct.

15 MR. PEREIRAS: Depends on what side you're
16 measuring from. If you're measuring from the
17 west, it's the second. If you're going from the
18 east, it's the fourth.

19 MR. GUARENO: I don't mean which building,
20 I mean, is that legal or this is --

21 MR. PEREIRAS: This will be the third.
22 It's going from two to three.

23 MR. GUARENO: And it's been, like you said
24 before it's been --

25 MS. PEREIRAS: Correct.

1 MR. GUARENO: -- it's been taxed as a
2 three.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MS. PEREIRAS: It's been taxed as a three
5 family for several years now.

6 MR. PEREIRAS: Since '91.

7 CHAIRPERSON CAPIZZI: Is there a -- is
8 there a gate on the fence?

9 MR. ORTIZ: Yeah. I don't --
10 (indiscernible) -- to be honest with you.

11 MR. PEREIRAS: Where? In the rear? No.

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

14 CHAIRPERSON CAPIZZI: What is it? It's an
15 apartment with a fence around it?

16 MR. ORTIZ: No. It's not --

17 CHAIRPERSON CAPIZZI: I don't understand.

18 MR. ORTIZ: It's in the basement of the
19 central building.

20 MR. PEREIRAS: It's not even a basement.

21 MR. ORTIZ: They're --

22 MR. PEREIRAS: We're on the ground floor.
23 It's a -- it's a ground floor apartment.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. ORTIZ: But it's -- but it's not a

1 separate building. Okay. There seem to -- that
2 was starting to pick up --

3 CHAIRPERSON CAPIZZI: Right.

4 MS. PEREIRAS: Oh, no.

5 CHAIRPERSON CAPIZZI: So, if the --

6 MS. PEREIRAS: What's the question?

7 CHAIRPERSON CAPIZZI: So, the fence is
8 around the whole house.

9 MR. PEREIRAS: No. There --

10 CHAIRPERSON CAPIZZI: Is that what you're
11 --

12 MR. PEREIRAS: No. There --

13 CHAIRPERSON CAPIZZI: I don't understand
14 what the --

15 MR. PEREIRAS: There's a rear yard and
16 there's a fence in the rear yard.

17 MS. PEREIRAS: Right. Yeah.

18 MR. ORTIZ: But it's -- well, it's around
19 the rear -- the entire rear yard, is what I'm
20 saying. There's -- there's --

21 MS. PEREIRAS: Most likely.

22 MR. PEREIRAS: Yeah. It's on the property
23 line.

24 MS. PEREIRAS: Typical fence.

25 MR. GUARENO: It's not a separate building,

1 | that's in the back of the --

2 | MS. PEREIRAS: No.

3 | MR. PEREIRAS: No.

4 | CHAIRPERSON CAPIZZI: Willie? Question
5 | here.

6 | MR. ORTIZ: Yes.

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

9 | MR. ORTIZ: Okay. All right. I got you.

10 | CHAIRPERSON CAPIZZI: Fine. Okay.

11 | Okay.

12 | Any other questions?

13 | Comments?

14 | No?

15 | Okay. Seeing none, I'll make a motion to
16 | approve the application.

17 | THE SECRETARY: Motion to approve this
18 | application by Ms. Capizzi.

19 | MS. GENAO: I'll second.

20 | THE SECRETARY: Second the motion by Ms.
21 | Genao.

22 | Roll call on the motion to approve this
23 | application.

24 | Ms. Capizzi?

25 | CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Genao?
2 MS. GENAO: Yes.
3 THE SECRETARY: Ms. Fernandez?
4 MS. FERNANDEZ: Yes.
5 THE SECRETARY: Mr. Medina?
6 MR. MEDINA: Yes.
7 THE SECRETARY: Mr. Rivero?
8 MR. RIVERO: Yes.
9 THE SECRETARY: Mr. Guareno?
10 MR. GUARENO: Yes.
11 THE SECRETARY: Six in favor.
12 Motion carries.
13 MS. PEREIRAS: Thank you all very much.
14 I'll see you next month.
15 Thank you.
16 CHAIRPERSON CAPIZZI: Thank you.
17 MR. PEREIRAS: Bye, everyone.
18 Thank you.
19 (Whereupon, there was a pause in the
20 proceedings.)
21 MR. ORTIZ: Would everybody like to take a
22 break for five -- a breather, just for five
23 minutes?
24 THE SECRETARY: Five minute break.
25 MR. ORTIZ: Yeah.

1 All right.

2 Off the record.

3

4 (Whereupon, the Board recessed from 7:56
5 p.m. to 8:03 p.m.)

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7 (Whereupon, Franklin Medina left the
8 meeting at 8:03 p.m.)

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

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3 THE SECRETARY: -- records.

4 Next application on tonight's agenda,

5 Mansoor Saleh, 409 4th Street.

6 Ms. Paneque, please?

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

9 THE SECRETARY: 409 4th Street.

10 Ms. Paneque, please?

11 CHAIRPERSON CAPIZZI: Yes.

12 MS. PANEQUE: Good evening.

13 Eike Paneque.

14 I'm actually, like we spoke before, I'm
15 asking for an adjournment because we did submit
16 new plans, which addressed the issues that the
17 Board had prior, in the prior meeting. But Mr.
18 Orestes Vallejo (sic) is not available today --
19 Valella.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MS. PANEQUE: So, we'd like to put it on
22 for July 23rd, I believe.

23 THE SECRETARY: Yeah. The next available
24 date would be July 23rd --

25 CHAIRPERSON CAPIZZI: Okay.

1 THE SECRETARY: -- 2019.

2 MS. PANEQUE: And if we could just let this
3 serve as notice and not --

4 MR. ORTIZ: Yes.

5 MS. PANEQUE: -- renotice?

6 MR. ORTIZ: There's no -- no necessity to
7 renotice.

8 Also, counsel you are waiving any time
9 restraints on this Board.

10 Right?

11 MS. PANEQUE: Yes.

12 MR. ORTIZ: Okay.

13 CHAIRPERSON CAPIZZI: Okay. I'll make a
14 motion to adjourn.

15 THE SECRETARY: Motion to adjourn --

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: -- this application --

18 MS. PANEQUE: Thank you.

19 THE SECRETARY: -- for July 23rd, --

20 CHAIRPERSON CAPIZZI: You're welcome.

21 THE SECRETARY: -- 2019.

22 No new notice required.

23 Motion by Ms. Capizzi.

24 Seconded by Ms. Genao.

25 Roll call on the motion to adjourn this

1 application.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Ms. Fernandez?

7 MS. FERNANDEZ: Yes.

8 THE SECRETARY: Mr. Rivero?

9 MR. RIVERO: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Five in favor.

13 Motion carries.

14 Thank you.

15 MS. PANEQUE: Thank you.

16 CHAIRPERSON CAPIZZI: Thank you.

17 MS. PANEQUE: Have a good night.

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1 **Mardamer Builders, 546-548 35th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Mardamer Builders, 546-548 35th
5 Street.

6 Mr. Lopez, please?

7 MR. LOPEZ: Good evening.

8 MR. ORTIZ: It's the Lopez show.

9 MR. LOPEZ: Madam Chairwoman, members of
10 the Board, I have something a little bit out of
11 the ordinary and I want to bring it up to the
12 Board to see how the Board wants me to handle it.

13 I have three identical applications.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. LOPEZ: All three of them there. They
16 all call for the building of three family
17 structures. It is the identical design for all
18 of them. They're all -- two are on opposite
19 streets, one on 35th, one on 36th. They back up
20 against each other. And the other one's on 41st
21 Street.

22 I will gladly do this same presentation
23 three times. But if the Board suggests any other
24 way, I don't want to keep the Board members here
25 any later than we have to. But I'm just letting

1 | you all know, statutorily, obviously, I have to
2 | present what I have to present. I just -- I
3 | don't want you to think that I'm just being
4 | redundant, but in essence, it is a redundancy.
5 | It's going to be the same thing over and over
6 | again.

7 | MR. ORTIZ: Mr. Lopez and I did briefly
8 | discuss this --

9 | CHAIRPERSON CAPIZZI: Okay.

10 | MR. ORTIZ: -- outside.

11 | While he's absolutely right, it's going to
12 | be redundant, the only concern I got to say is --
13 | is basically if the Board -- if the Board was to
14 | deny these applications for some reason and this
15 | was to go up -- up on appeal, the record would be
16 | unclear. And while I recognize that you're all
17 | volunteers, I do have concerns about a clear
18 | record.

19 | CHAIRPERSON CAPIZZI: Um hum.

20 | MR. LOPEZ: Absolutely. And -- and my sole
21 | purpose is I don't want the Board members to say
22 | --

23 | CHAIRPERSON CAPIZZI: Um hum.

24 | MR. LOPEZ: -- look at this idiot telling
25 | us the same thing three times.

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. LOPEZ: But Mr. Ortiz is absolutely
3 correct. We need to create a record for --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. LOPEZ: -- each of the properties. But
6 it will be the same presentation, obviously.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. LOPEZ: Which one did you call?

9 THE SECRETARY: 546-548 35th Street.

10 MR. LOPEZ: Mr. Ortiz, if I may,
11 jurisdictional documents for your consideration.

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

14 MR. ORTIZ: Madam Chairwoman, I've had an
15 opportunity to review the documents. Everything
16 seems to be in order, giving jurisdiction to the
17 Board.

18 Mr. Lopez, I do have one question and I
19 know --

20 MR. LOPEZ: Yes, sir.

21 MR. ORTIZ: -- you submitted these. I -- I
22 see that two of them are -- are subdivision
23 requests, as well. On -- on the -- and I don't
24 want to confuse the record because it's exactly
25 what I tried not to do but --

1 MR. LOPEZ: No. It --

2 MR. ORTIZ: -- in the -- on the agenda, it
3 says subdivision.

4 MR. LOPEZ: Yeah. It is three lots right
5 now. It may be easier to just shift the
6 dimensions of the lot, and that would only be on
7 36th Street. It would not apply to this one.

8 So, if we're going to go through the whole
9 process, let's address it when that one is
10 called.

11 MR. ORTIZ: Okay. Okay.

12 MR. LOPEZ: This one does not require a
13 subdivision.

14 And I would like to call Mr. Carballo,
15 who's my expert this evening.

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

18 MR. LOPEZ: And Counsel and Madam
19 Chairwoman, Mr. Carballo has testified --

20 CHAIRPERSON CAPIZZI: Yes.

21 MR. LOPEZ: -- many, many times --

22 CHAIRPERSON CAPIZZI: Yes, he has.

23 MR. LOPEZ: -- before this Board.

24 MR. CARBALLO: Thank you.

25 CHAIRPERSON CAPIZZI: Yes.

1 MR. DILLON: Please raise your right hand.

2 MR. CARBALLO: Sure.

3 MR. DILLON: Do you swear the testimony
4 you're about to give this Board is the whole
5 truth?

6 MR. CARBALLO: Yes, it is.

7 MR. DILLON: State your name. Spell it for
8 the record.

9 MR. CARBALLO: Sure.

10 Jose Carballo, C-A-R-B as in boy, A-L-L-O.

11 MR. DILLON: Thank you.

12 MR. CARBALLO: You're welcome.

13 MR. LOPEZ: Mr. Carballo, good evening.

14 Are you -- you are familiar with the plans
15 that are before this Board.

16 Is that correct?

17 MR. CARBALLO: That is correct.

18 MR. LOPEZ: Is it fair to say that your
19 office prepared these plans, at the request of
20 the client?

21 MR. CARBALLO: It is very fair to say that.

22 MR. LOPEZ: And just for the Board's
23 edification, Mardamer Builders is a very well
24 known builder in town. He's done very, very many
25 projects very successfully. And he is the

1 developer on all the three plans.

2 Mr. Carballo, can you generally tell us
3 what the -- what the project proposes?

4 MR. CARBALLO: Certainly.

5 We have two properties. Each one of them
6 is 25 by a hundred. And on each one of them, we
7 want to build a three unit building. It is a
8 four story building, containing the three units
9 on the upper floors and parking on the lower
10 level.

11 MR. LOPEZ: Mr. Carballo, before you go on,
12 and just because the -- the Board may be looking
13 at your plans, can you please tell us what you
14 put in these -- in your development charts, in
15 the zoning data charts, in the Board, so we're
16 clear, please?

17 MR. CARBALLO: Certainly.

18 We're -- we're in the R zone, which allows
19 one, two and three family building. And you're
20 going to see a couple different columns here,
21 showing the current zoning. And also, what we
22 did is, we designed this building in advance of
23 the approval of the redevelopment plan. And
24 therefore, the -- when we looked at the variances
25 and we say no, that is basically going back to

1 the redevelopment plan, which has recently been
2 approved, but we understand that it is not yet an
3 Ordinance.

4 So, with that in mind, the variances that
5 we're seeking today, because of the current
6 zoning is, one is the rear yard. We have five
7 feet, where 25 feet is allowed.

8 Two, we have four stories, where three
9 stories is allowed.

10 We have 43 and a half feet, where 40 feet
11 is allowed, and this is less than the ten percent
12 height. So, excess or -- or that we're
13 exceeding, so basically still a C variance.

14 And then, we have building and lot coverage
15 variances, as well.

16 Again, if we're going back to the
17 redevelopment plan, we don't have any variances.
18 But because we're going to the current zoning, we
19 have variances on those four bulks.

20 MR. LOPEZ: And can you just go over the
21 layout of the units and the parking that is being
22 provided, Mr. Carballo?

23 MR. CARBALLO: Certainly.

24 On the second drawing, you're going to see
25 the floor plans for the building. What you're

1 going to see is on the left hand side, you're
2 going to see the parking, where we have six cars
3 on the first floor, we have a lobby. This --
4 this building happens to have an elevator which
5 will service the top unit.

6 On top of that first level, we have three
7 levels of three bedroom units. As you can see,
8 you -- we have the two means of egress, but you
9 come up the elevator, you come up the stairs, you
10 enter it through an area next to the kitchen.
11 You have the living room, dining room in front of
12 it. And we have three bedrooms in the back.

13 The rear most portion of the building is
14 the stair, which is, in a four story building,
15 you're required two means of egress. So that is
16 your second means of egress.

17 Again, the second, third and fourth floor
18 basically look the same. And then, we have a
19 rooftop deck on the upper level, which is
20 accessed by everybody.

21 Behind the stair that goes to the roof, we
22 have all the mechanical equipment, which is
23 minimal, because it's only three units. But
24 those are hidden from view by the stairwell.

25 If we go to the last drawing, this is where

1 we have the elevations. And one of the things we
2 wanted to do with this building is give it a --
3 some glass. We don't have any balconies or
4 terraces, but we just wanted to make it very
5 light and airy, so you can see that we have
6 somewhat large glass areas. We're thinking of a
7 metal panel around those areas and a brick base
8 to support the -- the look of the building above.

9 As you can see, we have a glass railing on
10 the top floor, or actually that's the rooftop
11 deck.

12 And we have what's called GFRC, which is
13 glass fiber reinforced concrete siding on the
14 other three sides of the building.

15 The setbacks are three feet on the side of
16 the windows and two feet on the other side, which
17 comply with all of the requirements of both the
18 redevelopment plan, as well as the current
19 zoning.

20 Height of the building is 45 (sic) and a
21 half feet, which actually gives us --

22 MR. LOPEZ: Forty-three and a half.

23 MR. CARBALLO: I'm sorry.

24 Forty-three and a half feet, which actually
25 gives us a ten foot floor to floor height, which

1 allows for nine foot ceilings, which is what --
2 you know, we like to have in -- in new buildings.

3 Aside from that, I'm open to questions.

4 CHAIRPERSON CAPIZZI: So, there -- if I'm
5 reading this correctly, is -- on this --

6 MR. ORTIZ: On David Spatz's.

7 CHAIRPERSON CAPIZZI: -- David Spatz's
8 report, are there one, two, three, four, five
9 different items which do not conform?

10 Am I reading it correctly?

11 MR. CARBALLO: You mean for variances?

12 MR. ORTIZ: Um hum.

13 MR. CARBALLO: I was -- I was looking at
14 four. I'm not sure what the fifth one would be.

15 MR. LOPEZ: We'd go back to the issue that
16 was addressed on the first application before
17 this Board. I'm not certain -- well, here, we
18 have three bedroom units. We, according to Mr.
19 Spatz's report, we would need seven parking
20 spaces.

21 Is that correct?

22 MR. SPATZ: That -- that's correct.

23 For a three family house, the townhouse
24 standards apply. And for a three bedroom, it's
25 2.4 spaces per three bedroom unit so --

1 MR. LOPEZ: That being the case, we are
2 providing six parking spaces. We are providing
3 six parking spaces and not the seven that are
4 required, and that would be the fifth variance.

5 Okay?

6 CHAIRPERSON CAPIZZI: Any possibility that
7 they would scale it back to the two family?

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

10 MR. LOPEZ: Two family or a two bedroom,
11 Madam Chairwoman?

12 MR. ORTIZ: She said two family.

13 CHAIRPERSON CAPIZZI: Two family.

14 MR. LOPEZ: Two family?

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

17 MR. ORTIZ: I'll let you answer that
18 question, but then I have one question you, for
19 Mr. Lopez.

20 MR. LOPEZ: Madam Chairwoman, they would
21 consider two bedrooms. Two family really just
22 would not work for them. They would consider
23 making it a two bedroom unit, if the Board --
24 that would eliminate the parking variance,
25 because it would require --

1 CHAIRPERSON CAPIZZI: You mean three levels
2 with two bedrooms in each?

3 MR. LOPEZ: With two bedrooms on each.

4 MR. CARBALLO: Right.

5 MR. ORTIZ: Mr. Lopez, and I'll let Madam
6 Chairwoman guide you, this doesn't require a
7 subdivision, but the plans are confusing the heck
8 out of me, because it looks like two buildings
9 are on this property.

10 Am I understanding that correct?

11 MR. CARBALLO: No.

12 MR. LOPEZ: No.

13 MR. CARBALLO: There's -- there's two
14 different properties. If you look at the
15 different floor plans, you're going to see that
16 there's a line, a property line in between them.

17 MR. ORTIZ: Um hum. I see that.

18 MR. CARBALLO: That's two different
19 properties.

20 MR. LOPEZ: Yeah. This is --

21 MR. ORTIZ: Okay. So that --

22 MR. LOPEZ: -- already two lots.

23 MR. CARBALLO: Yeah.

24 MR. ORTIZ: All right. No, because Mr.
25 Spatz, I believe in this report, stated that --

1 and I could be crazy, but somewhere I thought I
2 saw it requires a -- that the subdivision.

3 MR. LOPEZ: No. That may be for the other
4 one that we were discussing before.

5 MR. SPATZ: Yeah.

6 MR. ORTIZ: Is that --

7 MR. SPATZ: I mean if the properties --

8 MR. ORTIZ: No. The --

9 MR. SPATZ: -- are in the same ownership,
10 then they would have merged and you would need to
11 resubdivide it, just to --

12 MR. ORTIZ: So, yeah.

13 MR. SPATZ: -- put them as --

14 MR. LOPEZ: They would --

15 MR. SPATZ: -- the two separate lots.

16 MR. LOPEZ: -- merge by operation of law,
17 but the City's Tax Department continues to list
18 it as --

19 MR. SPATZ: Yeah. It's --

20 MR. LOPEZ: -- two separate lots.

21 MR. SPATZ: Right. Right.

22 MR. LOPEZ: So I --

23 MR. ORTIZ: Would it --

24 MR. LOPEZ: I mean, yeah.

25 MR. SPATZ: It doesn't change the --

1 MR. LOPEZ: Doesn't change anything.

2 MR. CARBALLO: Right. Right.

3 MR. SPATZ: -- development in any way.

4 It's just one more action that the Board --

5 MR. LOPEZ: Correct.

6 MR. ORTIZ: All right.

7 MR. SPATZ: -- would need to take. But it
8 doesn't change --

9 MR. ORTIZ: But --

10 MR. SPATZ: -- anything else.

11 MR. ORTIZ: -- it does -- my question here
12 is, as a matter of law I understand, was it --
13 were these properties deeded by separate deeds?

14 MR. LOPEZ: No. It's -- it's one deed. So
15 --

16 MR. ORTIZ: So, you need a subdivision,
17 then.

18 MR. LOPEZ: Yes, but for the Board's
19 edification, they are still taxed as two separate
20 lots. The City's Tax Assessor has the rights to
21 combine it into one lot. It has not done so.
22 But yes, we're here, we might as well make sure
23 it's clean.

24 MR. ORTIZ: But -- but then that --

25 MR. LOPEZ: And get a subdivision.

1 MR. ORTIZ: But then that requires an
2 amendment to the plans, though. That's what I'm
3 trying to say.

4 The application doesn't talk of a
5 subdivision, that I can see. And it's going to
6 require that subdivision in the application. So,
7 we -- we're going to need to amend the
8 application to -- to request a subdivision. The
9 notices are wrong and everything then.

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

12 MR. LOPEZ: May I see the -- the published
13 notice, Mr. Ortiz?

14 MR. ORTIZ: Sure. I'll use his favorite
15 word, absolutely.

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

18 MR. LOPEZ: I would say that because it's
19 -- we're not really changing anything and the
20 notice says any other variance or action --

21 MR. ORTIZ: Subdivision --

22 MR. LOPEZ: -- that may be required by the
23 Board.

24 MR. ORTIZ: Mr. Lopez, subdivision is a
25 big, big step. If it was one simple, little

1 waiver that you needed, I get that. I agree with
2 you.

3 MR. LOPEZ: Mr. Ortiz, when you say it's a
4 big, big step, it would be so if we are changing
5 the dimensions of -- of these lots. We are not
6 changing them in the slightest. They're --
7 they're currently two 25 by a hundred lots. And
8 what we're doing is -- is something merely
9 ministerial.

10 MR. ORTIZ: I don't --

11 MR. LOPEZ: To create the same two 25 --

12 MR. ORTIZ: I --

13 MR. LOPEZ: -- by a hundred lots that we
14 have now.

15 MR. ORTIZ: I don't -- I don't agree with
16 you.

17 I think a subdivision is a big step and it
18 needs to be in the notices, because these
19 properties could be sold off separately. One --
20 and how do I write a Resolution that,
21 essentially, separates these properties, when it
22 was never requested?

23 So, I mean, this requires a subdivision and
24 -- and in my opinion, the application and the
25 notice is deficient, respectfully.

1 MR. LOPEZ: If we were looking to subdivide
2 this into lots, other than the ones that we
3 already have, I would agree with you. But we are
4 not doing so.

5 MR. ORTIZ: But someday, down the line, you
6 may look to sell one of the buildings and not the
7 other. When I say you, I don't mean --

8 MR. LOPEZ: I understand.

9 MR. ORTIZ: -- you personally.

10 MR. LOPEZ: But Mr. Ortiz, this is
11 certainly within the contemplation of the notice
12 as to any other action that may be required by --

13 MR. ORTIZ: I don't --

14 MR. LOPEZ: -- the Board.

15 MR. ORTIZ: I don't agree. I think the
16 notice -- without requesting subdivision, which
17 is, I think, a major step, I think the notices
18 are insufficient, defective.

19 MR. LOPEZ: Can we some directive by Mr.
20 Spatz on this?

21 MR. ORTIZ: I would love that.

22 MR. LOPEZ: Yeah.

23 MR. SPATZ: I mean, I -- I hesitate to
24 comment on the propriety of notice. That's
25 really a legal issue.

1 I mean, I think a subdivision is required.
2 Whether the notice is sufficient, I really -- I
3 don't -- I don't really want to weigh in on that.
4 I don't think that's appropriate.

5 MR. LOPEZ: The person that's going to make
6 the decision has already made the decision.
7 There's no sense beating a dead horse.

8 But I mean, we already have two lots. The
9 City could have taken the action of combining it
10 into one lot at any point; it has chosen not to
11 do so. And --

12 MR. ORTIZ: That alone, you're right.

13 MR. LOPEZ: And what --

14 MR. ORTIZ: But the question -- the key
15 question that sealed my -- my advice to this
16 Board is the fact that it was deeded in one deed.
17 That was your answer. I -- I asked the question,
18 was it -- were these properties deeded over in
19 one deed? And the answer was yes.

20 MR. LOPEZ: Yes.

21 MR. ORTIZ: That means it requires -- for
22 chain of -- chain of title -- you know what I'm
23 saying. For the chain --

24 I'm tired.

25 MR. LOPEZ: Technically, Mr. Ortiz, it does

1 not unless further action is required. It's one
2 owner now.

3 MR. ORTIZ: But you're asking us to approve
4 -- how do you subdivide this without our
5 approval?

6 So, you're asking us to subdivide it on the
7 fly.

8 MR. LOPEZ: I -- I'm not asking you to
9 subdivide it on the fly.

10 MR. ORTIZ: And chain of title, by the way.
11 It finally came back to me.

12 MR. LOPEZ: Yeah, but again, chain of title
13 is -- is a legal issue, it's not a zoning issue.

14 MR. ORTIZ: It -- but it -- but it require
15 --

16 MR. LOPEZ: And what we're discussing here
17 today --

18 MR. ORTIZ: It --

19 MR. LOPEZ: -- is a zoning issue.

20 MR. ORTIZ: But it requires an act by this
21 Board.

22 MR. LOPEZ: It requires a ministerial act
23 by the Board.

24 MR. ORTIZ: I think it's more than
25 ministerial. I really do.

1 MR. LOPEZ: What -- what are we doing
2 that's not already there?

3 MR. ORTIZ: I --

4 MR. LOPEZ: Just for the record, Mr. Ortiz
5 --

6 MR. ORTIZ: I --

7 MR. LOPEZ: -- we have two 25 by 100 lots.
8 What is it that we are creating that is different
9 from what's there?

10 MR. ORTIZ: You're asking this Board to
11 subdivide property. You did not notice for a
12 subdivision.

13 MR. LOPEZ: I would -- if that's -- if
14 that's your determination, then I would just gain
15 jurisdiction and request an adjournment for
16 notice.

17 MR. ORTIZ: Absolutely. And to amend --
18 there's no necessity -- please amend the
19 application, too, though.

20 MR. LOPEZ: Yup.

21 MR. ORTIZ: And the notice.

22 Actually, you do have to renotece. That's
23 what I'm saying, I've been saying all along that
24 the notice is deficient. So you would have to
25 renotece for purposes of the subdivision.

1 CHAIRPERSON CAPIZZI: Is that going to
2 apply to these, as well?

3 MR. ORTIZ: I don't know, we haven't gotten
4 there.

5 CHAIRPERSON CAPIZZI: Okay. Okay.

6 MR. ORTIZ: I don't know what the notice
7 says there.

8 CHAIRPERSON CAPIZZI: Do one -- one at a
9 time. Okay.

10 MR. ORTIZ: Which is why I wanted to keep
11 --

12 CHAIRPERSON CAPIZZI: Yup.

13 MR. ORTIZ: -- them separate.

14 CHAIRPERSON CAPIZZI: Yup. Yup.

15 MR. LOPEZ: Can we discuss the other
16 issues? The substantive issues on the case
17 relating to what Madam Chairwoman had suggested
18 as to the number of bedrooms?

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: Sure.

21 MR. LOPEZ: We might as well.

22 MR. ORTIZ: I mean, I -- I do think you
23 need to renote. We do have -- I'm not saying
24 that we don't have jurisdiction, but just
25 renote with the subdivision in it, please.

1 And -- and then, but as far as the
2 substantive issue, go ahead, your conversation
3 with her.

4 MR. LOPEZ: Absolutely.

5 Whatever -- whatever this Board obviously
6 prefers, we would certainly defer --

7 CHAIRPERSON CAPIZZI: So, they -- they
8 would be --

9 MR. LOPEZ: -- the Board to --

10 CHAIRPERSON CAPIZZI: -- agreeable to three
11 levels, two bedrooms each.

12 MR. LOPEZ: Correct.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. LOPEZ: Yes. We'd certainly abide by
15 any guidance this Board would give us.

16 CHAIRPERSON CAPIZZI: Does anyone on the
17 Board have any other like questions or comments
18 on this?

19 MR. GUARENO: I have a question, if I may?

20 CHAIRPERSON CAPIZZI: All right.

21 MR. GUARENO: What is the -- the distance
22 between the garage door and the end of the
23 building? The distance at the entrance, not
24 including the --

25 MR. LOPEZ: On the side?

1 MR. GUARENO: Correct.

2 MR. CARBALLO: What is the distance between
3 the garage door and?

4 MR. GUARENO: And the other end, where the
5 entrance is.

6 MR. CARBALLO: And -- and the other side of
7 it? It's probably about, I would say probably
8 about ten feet.

9 MR. GUARENO: Ten feet. And the space
10 between the two buildings?

11 MR. CARBALLO: It's -- on the first floor,
12 it's five foot eight.

13 MR. GUARENO: What do you mean, on the
14 first floor?

15 MR. CARBALLO: Well, what we did on the
16 first floor is we actually recessed that first
17 floor, because we need three foot eight. And
18 then, upstairs, it's three feet.

19 MR. GUARENO: Now, the reason why I'm
20 asking is, as far as maybe if you were able to
21 change the -- the entrance, so they're both on
22 the same side, sort of.

23 What I'm getting towards is as far as --
24 because if you do that, at least we would create
25 another parking space.

1 MR. CARBALLO: Another park -- how does
2 that happen, because we don't have 18 feet in the
3 front.

4 MR. GUARENO: How many?

5 MR. CARBALLO: We don't have --

6 MR. LOPEZ: We don't.

7 MR. CARBALLO: -- 18 feet.

8 MR. GUARENO: Eighteen feet. That's a
9 total --

10 MR. CARBALLO: We don't. We have the
11 prevalent -- we have the prevalent --

12 MR. ORTIZ: Well, if you were going to go
13 down to four units, wouldn't you require less
14 parking?

15 MR. CARBALLO: Well, what happens is --

16 MR. ORTIZ: I mean, two units, rather. You
17 know?

18 MR. LOPEZ: Right.

19 CHAIRPERSON CAPIZZI: Yes.

20 MR. CARBALLO: No. If -- if we're going to
21 go to two bedrooms?

22 MR. GUARENO: It still helps them --
23 additional parking spaces as possible.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. ORTIZ: Well, the -- if they went down

1 to two units --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. ORTIZ: -- they -- they could put more
4 parking in there, still, but not required to.
5 That's the difference.

6 MR. LOPEZ: No. No. If --

7 MR. ORTIZ: If I'm correct.

8 MR. LOPEZ: Well, if we go to two bedroom
9 units, we require --

10 MR. ORTIZ: Well wait. Is that -- is that
11 acceptable to you? I --

12 MR. LOPEZ: Nothing has been --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. LOPEZ: We're just --

15 CHAIRPERSON CAPIZZI: Correct.

16 MR. LOPEZ: -- going over different --

17 MR. ORTIZ: Right. Right. Right.

18 MR. LOPEZ: -- scenarios to address the
19 question.

20 CHAIRPERSON CAPIZZI: Right. Right.

21 MR. LOPEZ: We can't -- we can't create a
22 space in the front no matter what, --

23 MR. ORTIZ: Okay.

24 MR. LOPEZ: -- because we don't have the 18
25 foot that's required.

1 MR. CARBALLO: But let me tell you
2 something, going back to your idea, it's fine
3 because with the ten feet, plus the space in
4 between, then you create a parking space out on
5 the street. So -- so that does --

6 MR. GUARENO: That's what I --

7 MR. CARBALLO: -- work in creating more --

8 MR. GUARENO: That's what I was talking
9 about.

10 MR. LOPEZ: On the street?

11 MR. GUARENO: If it was possible. Yeah.

12 MR. CARBALLO: On the street. It's
13 parallel parking on-street.

14 MR. GUARENO: Yeah.

15 MR. CARBALLO: Yeah. That does do it.

16 MR. LOPEZ: Yeah.

17 MR. CARBALLO: Yeah, that's not a problem
18 at all.

19 MR. LOPEZ: That's just flipping the house,
20 it creates nothing.

21 MR. ORTIZ: Now, so we're clear as the
22 discussion, just -- (indiscernible).

23 When you said two or three, were you
24 talking bedrooms or units?

25 CHAIRPERSON CAPIZZI: What is -- now is --

1 is it three units? It's three bedroom --

2 MR. LOPEZ: Right now --

3 MR. ORTIZ: It's three three.

4 MR. LOPEZ: -- what's before you, it's
5 three bedroom, three units. What -- what the
6 applicant --

7 CHAIRPERSON CAPIZZI: Right.

8 MR. LOPEZ: -- is willing to do is go down
9 to three two bedroom units.

10 CHAIRPERSON CAPIZZI: Right.

11 MR. LOPEZ: And reduce --

12 CHAIRPERSON CAPIZZI: Right.

13 MR. LOPEZ: -- the one parking --

14 CHAIRPERSON CAPIZZI: Right.

15 MR. LOPEZ: -- variance that would
16 currently be required.

17 CHAIRPERSON CAPIZZI: Because they don't
18 want to scale back to two family.

19 MR. ORTIZ: So they -- I mean --

20 CHAIRPERSON CAPIZZI: Two units.

21 MR. ORTIZ: That's --

22 CHAIRPERSON CAPIZZI: No. No, I'm just
23 trying to see if there's a way we can scale it
24 back a little, since we're talking about it.

25 MR. LOPEZ: I mean, since -- since we have

1 to --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. LOPEZ: -- submit the --

4 CHAIRPERSON CAPIZZI: I mean, they have so
5 many things that don't conform. Does everything
6 have to be so big, it can't -- it can't conform?

7 MR. CARBALLO: Well, it's -- it's mainly
8 parking. It's mainly parking, but --

9 CHAIRPERSON CAPIZZI: No, no, no. I'm --
10 let's leave that alone. Let's look at the other
11 -- other items that do not conform.

12 MR. CARBALLO: So, the other --

13 CHAIRPERSON CAPIZZI: And sometimes I just
14 wonder when people --

15 MR. CARBALLO: Sure.

16 CHAIRPERSON CAPIZZI: -- build, why they
17 just have to go to excess --

18 MR. CARBALLO: Definitely. There's --

19 CHAIRPERSON CAPIZZI: -- and make it a big
20 dense building, when it would be -- may be
21 conforming if it was a smaller tighter -- and I
22 understand the inside, you want more room. But
23 --

24 MR. CARBALLO: Well, it --

25 MR. LOPEZ: It's more than that.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. CARBALLO: -- it's that and -- and the
3 other thing is, as an example, there's three
4 variances, which is rear setback, --

5 CHAIRPERSON CAPIZZI: Right.

6 MR. CARBALLO: -- building coverage and lot
7 coverage.

8 It is a direct result of having to park the
9 six parking spaces inside the building. I mean,
10 it -- it needs to actually grow in order to do
11 that --

12 CHAIRPERSON CAPIZZI: Right.

13 MR. CARBALLO: -- so we can fit the spaces.
14 And the second means of egress, because it's a
15 four story --

16 CHAIRPERSON CAPIZZI: But now we don't need
17 six.

18 MR. CARBALLO: No, we still --

19 CHAIRPERSON CAPIZZI: Do we still need six?

20 MR. CARBALLO: No, no, we still need six.
21 Yeah.

22 MR. LOPEZ: We still need six.

23 MR. ORTIZ: Yeah. It's based on --

24 MR. CARBALLO: We don't need seven anymore,
25 we need six.

1 MR. ORTIZ: Oh, okay.

2 MR. LOPEZ: Right.

3 MR. ORTIZ: So, you wouldn't need a
4 variance --

5 CHAIRPERSON CAPIZZI: And how are they
6 parking the six?

7 MR. ORTIZ: -- on the parking.

8 MR. CARBALLO: If you look at the plan, it
9 shows --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. CARBALLO: -- it shows the parking
12 layout.

13 MR. LOPEZ: Basically, in order to
14 accommodate that many parking spaces --

15 CHAIRPERSON CAPIZZI: Right.

16 MR. LOPEZ: -- we need to stretch this
17 house to these dimensions, or else we can't fit
18 six parking spaces.

19 CHAIRPERSON CAPIZZI: Okay.

20 MR. LOPEZ: So, we're trying to follow the
21 directives --

22 CHAIRPERSON CAPIZZI: Right.

23 MR. LOPEZ: -- of --

24 CHAIRPERSON CAPIZZI: Right.

25 MR. LOPEZ: -- of the Master Plan to get

1 all these parking spaces.

2 CHAIRPERSON CAPIZZI: Right.

3 MR. CARBALLO: Again, that -- that's
4 something that was taken into account during the
5 Master Plan, that's why the Master Plan allows
6 the building to go back within five feet of the
7 property.

8 CHAIRPERSON CAPIZZI: Um hum.

9 MR. CARBALLO: So we could fit parking
10 spaces within the other unit.

11 MR. LOPEZ: If we shorten the building, we
12 can't --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. LOPEZ: -- we can't park that many
15 cars.

16 MR. CARBALLO: Yeah.

17 CHAIRPERSON CAPIZZI: Um hum. I just
18 wonder, when I see these plans, how -- how people
19 get out.

20 MR. CARBALLO: It's -- it's fun. I got to
21 tell you that. It's -- it's fun.

22 And -- and I can't say that an F-150 Ford
23 is going to fit in there, but your typical car --
24 you know, the 14 to 15 foot car will be able to
25 --

1 CHAIRPERSON CAPIZZI: Right.

2 MR. CARBALLO: -- fit there.

3 MR. LOPEZ: And anyone who's lived in Union
4 City, as I have, and know this town, it's
5 preferable to do that than to look for parking on
6 the street late at night.

7 CHAIRPERSON CAPIZZI: It is.

8 MR. LOPEZ: So, it certainly offers some
9 type of alternative, even though it may not be
10 perfect.

11 MR. CARBALLO: Right. It offers parking.
12 It offers covered parking, which is --

13 CHAIRPERSON CAPIZZI: Right.

14 MR. CARBALLO: -- two good things.

15 MR. ORTIZ: Would it be more amenable to
16 the -- to the Board, just proposed --

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. ORTIZ: Obviously, there's no promises.

19 MR. LOPEZ: There's nothing --

20 Correct.

21 MR. ORTIZ: But on -- from either side, for
22 that matter.

23 MR. LOPEZ: Agreed.

24 CHAIRPERSON CAPIZZI: Um hum.

25 MR. ORTIZ: -- that these be reduced to two

1 | bedroom units? Does that -- in light of what was
2 | said, because they're going to still need the six
3 | spots, so the building size, --

4 | MR. CARBALLO: Right. Right.

5 | CHAIRPERSON CAPIZZI: Right.

6 | MR. ORTIZ: -- the footprint of the
7 | building is not going to be reduced.

8 | MR. LOPEZ: Correct.

9 | CHAIRPERSON CAPIZZI: I think -- I don't
10 | know. Less people?

11 | MR. ORTIZ: Okay.

12 | CHAIRPERSON CAPIZZI: I'm trying to --

13 | MR. ORTIZ: I mean --

14 | CHAIRPERSON CAPIZZI: -- make it -- the
15 | thing is just so big and bulky.

16 | Could you describe the front of the
17 | building again? Seems like an amalgam of --

18 | MR. CARBALLO: So -- so the front of the
19 | building, if you look at the -- the last drawing,
20 | basically shows two buildings side by side.

21 | CHAIRPERSON CAPIZZI: Right.

22 | MR. CARBALLO: But one of the things that I
23 | wanted to do in the living room area,
24 | living/dining area --

25 | CHAIRPERSON CAPIZZI: Um hum.

1 MR. CARBALLO: -- which goes to the front,
2 is have enough glass that you get plenty of -- of
3 light. You've got to realize that there's very
4 little light coming in from the sides.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. CARBALLO: The one side doesn't have
7 any -- any windows at all.

8 So -- so we try to -- you know, draw light
9 from the front of the building. So -- so, we do
10 have -- you know, large expanses of glass.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. CARBALLO: Some fixed, some operable.

13 We also have -- the surrounding of the --
14 the windows, it's -- it's metal. It's a metal
15 panel. And -- and then, we have brick
16 downstairs.

17 CHAIRPERSON CAPIZZI: What's the metal?
18 You say metal panel. What's that?

19 MR. CARBALLO: Let me -- let me show you.

20 CHAIRPERSON CAPIZZI: Okay. This metal?

21 MR. CARBALLO: If you could --

22 CHAIRPERSON CAPIZZI: Oh.

23 MR. CARBALLO: That's okay. No, no, no.
24 You're right.

25 This is metal.

1 CHAIRPERSON CAPIZZI: Right.

2 MR. CARBALLO: This -- this is the glass.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. CARBALLO: And then there's a grid of
5 metal surrounding the glass.

6 CHAIRPERSON CAPIZZI: And what color is
7 that?

8 MR. CARBALLO: The -- the color hasn't
9 really been decided yet. But it was going to be
10 like in the beige type --

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. CARBALLO: -- of family. So --

13 CHAIRPERSON CAPIZZI: Is that something
14 that rusts?

15 MR. CARBALLO: No, no. That metal does not
16 rust.

17 CHAIRPERSON CAPIZZI: Oh, okay.

18 MR. CARBALLO: Doesn't rust at all.

19 CHAIRPERSON CAPIZZI: Okay.

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

22 CHAIRPERSON CAPIZZI: So for three levels,
23 two bedroom units for each one of them.

24 Correct?

25 MR. ORTIZ: And on this one, they're going

1 to have to renotece anyway.

2 CHAIRPERSON CAPIZZI: Right. Okay. Okay.

3 MR. ORTIZ: So --

4 CHAIRPERSON CAPIZZI: Let's put this --

5 MR. ORTIZ: I mean, for -- for purposes of
6 moving forward, I -- I guess the Board can take
7 jurisdiction. However, we are going to renotece
8 on this because of the subdivision.

9 MR. LOPEZ: I would -- I would offer the
10 following alternative, Mr. Ortiz:

11 I am -- I am not asking this Board to grant
12 us a subdivision tonight. That way, there's no
13 change whatsoever. The owner is legally and
14 perfectly entitled. Obviously, to whatever
15 structure this Board approves, they are entitled
16 to build, as long as there is one ownership.

17 If, in the future, they wish to sell them
18 separately, it would have to come before this
19 Board for a subdivision.

20 We would ask that with the -- if this Board
21 recommends the changes that are being discussed,
22 that we vote on it tonight and we are not seeking
23 a subdivision on this property.

24 MR. ORTIZ: Well, we can't vote on anything
25 tonight because this Board, in -- in a straw poll

1 type way, is kind of saying that they don't want
2 three bedroom units. So -- so we need to come
3 back anyway.

4 If you're talking about just for the
5 purpose of taking jurisdiction --

6 MR. SPATZ: It's -- if I could --

7 MR. ORTIZ: Yeah.

8 MR. SPATZ: -- interject?

9 I think that that wouldn't work, because
10 then it would be two principal buildings on one
11 lot, which is --

12 MR. ORTIZ: Okay.

13 MR. SPATZ: -- prohibited. And that would
14 actually then need a use variance, and they would
15 have to go to the Board of Adjustment for that.

16 MR. LOPEZ: But Mr. Spatz, it's two lots
17 right now.

18 MR. SPATZ: It -- yeah, I don't think -- I
19 don't think it is. I think it's --

20 MR. LOPEZ: Well --

21 MR. ORTIZ: And I --

22 MR. SPATZ: If it's --

23 MR. ORTIZ: I --

24 MR. SPATZ: If it's two lots in the same
25 ownership, I think -- I don't think it's -- it's

1 based on what the Tax Assessor does that merges
2 it. I think it merges, two -- two lots in the
3 same ownership --

4 MR. LOPEZ: But Mr. Spatz, that's not --

5 MR. ORTIZ: I think more importantly --

6 MR. LOPEZ: -- a consideration for this
7 Board.

8 MR. ORTIZ: But --

9 MR. LOPEZ: This Board is merely --

10 MR. SPATZ: Right.

11 MR. LOPEZ: -- on -- on a --

12 MR. SPATZ: But --

13 MR. LOPEZ: -- zoning and planning --

14 MR. SPATZ: It's --

15 Right.

16 MR. LOPEZ: Well, not planning --

17 MR. SPATZ: But if you build two three
18 family houses on one lot then --

19 MR. LOPEZ: But it is not one lot.

20 MR. SPATZ: Well --

21 MR. LOPEZ: That's -- that's the thing.

22 MR. ORTIZ: But -- but --

23 MR. LOPEZ: And that's --

24 MR. SPATZ: Yeah.

25 MR. LOPEZ: Well, it's -- it's a small

1 difference, but it's an important difference.

2 If we were to do so, if the Tax Assessor
3 had decided, if the City had decided --

4 MR. SPATZ: Right.

5 MR. LOPEZ: -- that this was going to be
6 one lot, we would not be able to do that. I
7 agree with you.

8 MR. SPATZ: Yeah.

9 MR. LOPEZ: Absolutely. But right now, we
10 have two identifiable lots. A -- a --
11 technically, this applicant can come in and
12 request to build one house. And he's -- on -- on
13 the one lot that the City has decided and do
14 nothing with the other.

15 MR. SPATZ: That's correct.

16 MR. LOPEZ: And so --

17 MR. SPATZ: That -- that he could do,
18 because then that would be one dwelling on one
19 lot.

20 MR. ORTIZ: I think.

21 MR. SPATZ: You would have basically a
22 three family house on a 50 by a hundred --

23 MR. LOPEZ: No.

24 MR. SPATZ: -- lot.

25 MR. LOPEZ: No, no.

1 MR. ORTIZ: If I could just say something.

2 I think between the planning concerns that
3 Mr. Spatz has expressed, and the fact that this
4 was deeded over in one deed, I think we need to
5 have renotice and -- and a subdivision requested.

6 Yeah. I understand.

7 MR. LOPEZ: It's two -- it's two lots.

8 MR. ORTIZ: It's one lot, as a matter of
9 law, and it's one as far as chain -- chain of
10 title, it's one lot. I mean, it's one -- one
11 deed.

12 MR. LOPEZ: Well then --

13 MR. ORTIZ: For those -- for those reasons
14 --

15 MR. LOPEZ: Then tell your Assessor, Mr.
16 Ortiz --

17 MR. ORTIZ: I will.

18 MR. LOPEZ: -- that it's one lot.

19 MR. ORTIZ: I will.

20 MR. LOPEZ: But it's not, it's -- it's
21 currently -- we have Lot 17 and Lot 18.

22 MR. ORTIZ: Mr. Lopez, respectfully, based
23 on the advice of our planner, based on what I see
24 --

25 MR. LOPEZ: Well, no, no.

1 MR. ORTIZ: -- from a legal --

2 MR. LOPEZ: Let's -- for the record to be
3 clear, the planner offered no determination on
4 that. He said it was a legal issue. It would be
5 --

6 MR. ORTIZ: No, no. That's as --

7 MR. LOPEZ: -- your determination.

8 MR. ORTIZ: That's as to the notice. But
9 the fact that you're looking to build two,
10 because you need a use variance, so it's changing
11 everything again.

12 So, we need to renotice on this one. It's
13 just -- that-- it's got to be -- it's got to be
14 renoticed.

15 And that will also give you the
16 opportunity, at that point, to consider if you
17 would like to make them two unit -- two bedroom
18 units and submit revised plans all with --

19 CHAIRPERSON CAPIZZI: Right.

20 MR. ORTIZ: -- this in -- in mind.

21 MR. CARBALLO: Okay.

22 Is this the direction I'm getting from --
23 from the Board?

24 CHAIRPERSON CAPIZZI: Yes.

25 MR. ORTIZ: We -- this Board cannot tell

1 | you what to present.

2 | MR. CARBALLO: No. I understand. It's
3 | just preferences.

4 | Okay.

5 | MR. LOPEZ: Correct. The Board cannot tell
6 | an applicant what to do, but --

7 | MR. ORTIZ: Well, I think they gave you a
8 | feel -- a flavor for what they --

9 | MR. LOPEZ: Of course.

10 | MR. ORTIZ: -- have a preference on.

11 | MR. LOPEZ: Yes.

12 | So we have --

13 | MR. ORTIZ: Did you request -- is there a
14 | need for a subdivision on the other properties?

15 | MR. LOPEZ: And I requested on the one --

16 | MR. ORTIZ: Wait, wait. Let's -- let's
17 | motion to adjourn.

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

20 | THE SECRETARY: Motion to adjourn this
21 | application for --

22 | CHAIRPERSON CAPIZZI: Right.

23 | THE SECRETARY: -- July 23rd --

24 | MR. ORTIZ: With renote.

25 | THE SECRETARY: -- by Ms. Capizzi.

1 Roll call on the motion.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Was there a second?

4 THE SECRETARY: To adjourn the application?

5 CHAIRPERSON CAPIZZI: Was there a second?

6 MR. ORTIZ: No.

7 THE SECRETARY: New -- new notice require.

8 MR. ORTIZ: No, second.

9 THE SECRETARY: Any second?

10 MR. DILLON: Was there a second?

11 THE SECRETARY: Any second?

12 By Ms. Genao. Right.

13 Roll call.

14 Motion by Ms. Capizzi.

15 Seconded by Ms. Genao.

16 Roll call on the motion to adjourn this
17 application.

18 Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Ms. Fernandez?

23 MS. FERNANDEZ: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Five in favor.

4 Motion carries.

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1 **Mardamer Builders - 547 36th Street:**

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3 MR. ORTIZ: Chances are, you're properly
4 noticed on the other two, Alolfo, because it's on
5 -- listed on the agenda. I know how he does his
6 agenda.

7 MR. LOPEZ: Um hum.

8 MR. ORTIZ: So, if it says subdivision on
9 the agenda --

10 MR. LOPEZ: Well, 36th Street, we have --

11 THE SECRETARY: And allow me to --

12 MR. LOPEZ: Oh, sorry.

13 THE SECRETARY: -- call the application.

14 Next application, Mardamer Builder, 547
15 36th Street.

16 Mr. Lopez, please?

17 MR. LOPEZ: Adolfo Lopez, appearing on
18 behalf of the applicant.

19 The property on 36th Street --

20 MR. ORTIZ: Which is the one to the --
21 well, I'm trying to --

22 MR. LOPEZ: -- that's currently --

23 MR. ORTIZ: -- before the Board right now.

24 MR. LOPEZ: -- before the Board right now.

25 We also have three --

1 MR. ORTIZ: I'm listening. No, I'm
2 listening.

3 MR. LOPEZ: We also have three lots. The
4 overall dimension of the lot is 82 feet wide.
5 So, the lots --

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. LOPEZ: -- would be restructured into
8 slightly larger than 25 by 100 lots. So, we put
9 in our notice for a subdivision on this one.

10 MR. ORTIZ: So -- so that, if you submit --
11 here's my guess on this, and it'll apply to the
12 next one, too.

13 My guess is if -- we can take jurisdiction
14 without renoticing on this one, but I'm assuming
15 you got a flavor for what the Board is feeling.

16 MR. LOPEZ: Submit revised drawings.

17 MR. ORTIZ: But we can take jurisdiction on
18 --

19 MR. LOPEZ: You can take jurisdiction.

20 All right. So, having said that, Mr.
21 Ortiz, jurisdictional documents.

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

24 MR. ORTIZ: Madam Chairwoman, I've reviewed
25 the submissions on this particular case. It

1 | seems everything is proper, giving jurisdiction
2 | to the Board.

3 | CHAIRPERSON CAPIZZI: Great.

4 | MR. ORTIZ: Mr. Lopez, do you have a
5 | request, in light that we've taken jurisdiction?

6 | MR. LOPEZ: I would ask then for an
7 | adjournment so we could revise the drawings prior
8 | to the next meeting.

9 | MR. ORTIZ: No notice would be required,
10 | Madam Chairwoman.

11 | CHAIRPERSON CAPIZZI: Okay. I'll make a
12 | motion.

13 | THE SECRETARY: Motion to adjourn this
14 | application --

15 | MR. GUARENO: Second.

16 | THE SECRETARY: -- for July 23rd, 2019 by
17 | Ms. Capizzi.

18 | Seconded by Mr. Guareno.

19 | MR. ORTIZ: And you would be waiving any
20 | time.

21 | Right? On this one, as well.

22 | MR. LOPEZ: For the record, we'll --

23 | THE SECRETARY: Roll call on the motion to
24 | adjourn this application.

25 | MR. ORTIZ: Yes?

1 THE SECRETARY: Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Ms. Fernandez?

6 MS. FERNANDEZ: Yes.

7 THE SECRETARY: Mr. Rivero?

8 MR. RIVERO: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Five in favor.

12 Motion carries.

13 New notice required.

14 MR. ORTIZ: Still on the same case, so the

15 record's clear.

16 MR. LOPEZ: No notice required.

17 MR. ORTIZ: No notice required on this one.

18 THE SECRETARY: No notice required.

19 MR. SPATZ: Right.

20 MR. ORTIZ: No, no. There is no notice.

21 THE SECRETARY: I apologize.

22 MR. ORTIZ: However, you are waiving any

23 time constraints.

24 MR. LOPEZ: I am waiving any time

25 jurisdiction, any time limit issues on this

1 Board.

2 THE SECRETARY: Now we are going to --

3 Motion carries.

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1 **Mardamer Builders - 545 41st Street:**

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3 THE SECRETARY: We are going to Mardamer
4 Builders, 545 41st Street.

5 Mr. Lopez, please?

6 MR. LOPEZ: Once again, for the record,
7 Adolfo Lopez, appearing on behalf of the
8 applicant.

9 MR. ORTIZ: Again, Mr. Lopez, I'm guessing,
10 I'm not reading your -- I didn't read your
11 notice, yet, but since it's on the agenda as a
12 subdivision, you probably requested it in this
13 one, as well. So we can take jurisdiction of
14 this, as well.

15 You can just --

16 MR. LOPEZ: For the current application,
17 these are jurisdictional documents for your
18 review.

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

21 MR. ORTIZ: Unfortunately, where -- I'm
22 trying to figure out.

23 I -- I don't read in the notice anything
24 like the last one had subdivision actually
25 listed, this one doesn't.

1 Is there a necessity for a subdivision on
2 this, Mr. Lopez?

3 CHAIRPERSON CAPIZZI: It says subdivision.

4 MR. ORTIZ: It says on the agenda, yeah,
5 but --

6 CHAIRPERSON CAPIZZI: Oh.

7 MR. LOPEZ: This one has a house on one lot
8 and it's a vacant lot and it's a second lot,
9 which is vacant.

10 It is one deed to both, also. So, --

11 MR. ORTIZ: You're killing me.

12 MR. LOPEZ: -- if that's what you're going
13 to make me --

14 MR. ORTIZ: You're killing me.

15 MR. LOPEZ: -- do, all over again.

16 MR. ORTIZ: You're killing me.

17 MR. LOPEZ: Despite --

18 No, you're the one who's killing me.

19 MR. ORTIZ: No, you're killing me.

20 MR. LOPEZ: It had -- it had never been a
21 requirement be -- before this Board, when there
22 were two identifiable lots, Mr. Ortiz.

23 If you want me to do it differently --

24 MR. ORTIZ: I've been --

25 MR. LOPEZ: -- you --

1 MR. ORTIZ: I've been the Board Attorney
2 for probably at least ten, maybe 15 years, I
3 don't remember how -- and any time we've ever
4 granted a subdivision, it's been in the notice.
5 Every time.

6 Maybe not the Zoning Board.

7 MR. LOPEZ: I'm not -- I'm not saying that.
8 What I am saying to you is that this Board's
9 position has always been that when there are
10 identifiable lots, when the City has it as
11 separate lots, there has never been a need for a
12 subdivision because we are not subdividing
13 anything. We are continuing the same lots that
14 we have.

15 You're talking about a different issue.

16 MR. ORTIZ: No, I'm talking the same --

17 MR. LOPEZ: Where a city has a choice as to
18 what to do. City may choose to combine it into
19 one lot. If it decides to leave it as -- as two
20 different lots, it is a lot.

21 MR. ORTIZ: Not in my experience with the
22 Board.

23 MR. LOPEZ: All right.

24 MR. ORTIZ: I know you're -- I know you're
25 --

1 MR. LOPEZ: Why -- why are we arguing --

2 MR. ORTIZ: I know you're --

3 MR. LOPEZ: -- and keeping these people
4 here late?

5 MR. ORTIZ: I know you're a little older
6 than me.

7 MR. LOPEZ: Did we have to bring that up?

8 MR. CARBALLO: It's a good thing you're not
9 talking to me.

10 MR. LOPEZ: I mean, if you're --

11 MR. ORTIZ: I need it.

12 MR. LOPEZ: You make the rules, so --

13 MR. ORTIZ: I -- I need it.

14 MR. LOPEZ: But --

15 MR. ORTIZ: I don't want to require it, but
16 I need it.

17 For the same reasons as to the one --

18 MR. LOPEZ: All right.

19 Very good.

20 CHAIRPERSON CAPIZZI: Okay.

21 So I'll make a motion to adjourn the
22 application.

23 MR. ORTIZ: With renotice.

24 MR. LOPEZ: With renotice.

25 CHAIRPERSON CAPIZZI: With renotice. Okay.

1 THE SECRETARY: Right.

2 Motion to adjourn this application --

3 MS. GENAO: I'll second.

4 THE SECRETARY: -- by Ms. Capizzi.

5 Seconded by Ms. Genao, with the condition
6 of renotice.

7 Roll call on the motion.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Ms. Fernandez?

13 MS. FERNANDEZ: Yes.

14 THE SECRETARY: Mr. Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Mr. Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Five in favor.

19 Motion carries.

20 MR. CARBALLO: Thank you and good evening.

21 CHAIRPERSON CAPIZZI: Good night.

22 MR. ORTIZ: Have a good evening.

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1 **ADJOURNMENT:**

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

6 CHAIRPERSON CAPIZZI: I make a motion.

7 THE SECRETARY: Motion by Ms. Capizzi.

8 Seconded by?

9 Ms. --

10 Mr. Guareno.

11 All in favor?

12

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

14

15 THE SECRETARY: The ayes -- the ayes have
16 it.

17 Motion carries.

18 Let the record show that the meeting has
19 ended.

20 Good night, everyone.

21

22 (Whereupon, the proceedings concluded at
23 8:49 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon