

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, July 23, 2019  
Commencing at 6:02 p.m.

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

YDALIA GENAO, Mayor's Designee  
ALICIA MOREJON  
CAROLINA FERNANDEZ  
FRANKLIN MEDINA  
ALEJANDRO VELAZQUEZ, Alternate No. 1  
JOSE GUARENO, Alternate No. 2  
JEANNE KOEHLER, Vice Chairperson  
DIANE CAPIZZI, Chairperson

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

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

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.,  
(Recused and Left at 6:42 p.m.)

ELENA GABLE, PP, AICP  
Heyer Gruel & Associates

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

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, 315 5<sup>th</sup> Street, LLC

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant,  
La Valentina on Twenty Second, LLC

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

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

ALAIN MULKAY, ESQ.,  
Attorney for Applicant, 208 18<sup>th</sup> Street, LLC

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

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I N D E X

La Valentina on Twenty Second, LLC  
415 22<sup>nd</sup> Street

WITNESSPAGE

Manuel Pereiras

46

I N D E XMansoor Saleh - 409 4<sup>th</sup> StreetWITNESSPAGE

Orestes Valella

56

I N D E XFaraouk Sheikh - 912 Palisade AvenueWITNESSPAGE

Ransford A. Lodge

69

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

3           Please take notice that on Tuesday, July  
4 23<sup>rd</sup>, 2019, at six p.m., a Regular Meeting is  
5 scheduled for the City of Union City Planning  
6 Board to be held in Municipal Chambers at City  
7 Hall, located at 3715 Palisade Avenue, Union  
8 City, New Jersey.

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

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

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

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

24

25

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

3

4 THE SECRETARY: Thank you.

5

6 **ROLL CALL:**

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

10 Mayor Brian P. Stack? Absent.

11 Diane Capizzi?

12 CHAIRPERSON CAPIZZI: Here.

13 THE SECRETARY: Jeanne Koehler?

14 VICE CHAIRPERSON KOEHLER: Here.

15 THE SECRETARY: Ydalia Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Commissioner Celin Valdivia  
18 is absent.

19 Carolina Fernandez?

20 MS. FERNANDEZ: Here.

21 THE SECRETARY: Rudy Rivero is absent.

22 Franklin Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Alicia Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Alejandro Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Jose Guareno?

4 MR. GUARENO: Here.

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

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

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1     **ADOPTION OF MINUTES:**

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3       ( 1)   Regular Meeting held on June 25, 2019

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5             THE SECRETARY:   Adoption of previous  
6 meeting minutes, June 25<sup>th</sup>, 2019.

7             Can I have a motion to adopt the minutes?

8             CHAIRPERSON CAPIZZI:   I'll make a motion.

9             THE SECRETARY:   Motion by Ms. Capizzi.

10            Any second the motion?

11            MR. GUARENO:   Second.

12            THE SECRETARY:   By Ms. -- by Ms. Morejon,  
13 second.

14            MS. DILLON:   She wasn't here.

15            THE SECRETARY:   Huh?

16            MR. SPATZ:   She wasn't here that --

17            THE SECRETARY:   Oh, I'm sorry.   You wasn't  
18 here.

19            Seconded by Mr. Guareno.

20            Motion -- motion on the table by Ms.  
21 Capizzi.

22            Seconded by Miss (sic) Guareno.

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: Ms. Fernandez?

4 MS. FERNANDEZ: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Rivero is absent.

8 Mr. Velazquez was absent.

9 Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Five in favor.

12 Motion carries.

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1     **RESOLUTIONS:**

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3       ( 1)   1507 West St. LLC - 1507 West Street,  
4   Block 78, Lot 5.  Basement legalization and new  
5   rear addition to the existing two story building,  
6   Carlos and Nicole Sarrate.  1507 West Street.

7     **The applicants are requesting an amended**

8     **Resolution correctly identifying the unit to be**

9     **legalized as a "ground floor" apartment.**   The  
10   Resolution was memorialized on February 27, 2018.

11   **Approved**

12

13           THE SECRETARY:  Adoption of the Resolution.

14           Resolution number 1.

15           1507 West Street, LLC.  The -- the members  
16   present at that hearing was Ms. Capizzi, Ms.  
17   Koehler was -- was absent.

18           I think she was absent.

19           MR. SPATZ:  No, I think she was here.

20           THE SECRETARY:  Ms. Genao, Mr. Medina, Mr.  
21   Rivero was at the previous meeting but now he's  
22   absent, and Mr. Guareno.

23           Can I have a motion to adopt this  
24   Resolution?

25           CHAIRPERSON CAPIZZI:  I'll make a motion.

1 THE SECRETARY: Motion by Ms. Capizzi.

2 Seconded --

3 MR. GUARENO: Second.

4 THE SECRETARY: -- by Mr. Guareno.

5 Roll call on the motion.

6 Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Ms. Koehler?

9 VICE CHAIRPERSON KOEHLER: Yes.

10 THE SECRETARY: Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Five in favor.

17 Motion carries.

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1     **RESOLUTIONS:**

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3       ( 2)   Mirna Gomez - 306 40<sup>th</sup> Street, Block 236,  
4   Lots 12.04, 13.04.   Applicant proposes the  
5   legalization of a ground floor apartment to  
6   convert from a two family to three families.

7     **Approved**

8

9           THE SECRETARY:   Adoption of Resolution  
10   number 2.

11           Mirna Gomez, 306 40<sup>th</sup> Street.

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

14           CHAIRPERSON CAPIZZI:   I'll make a motion.

15           THE SECRETARY:   Motion by Ms. Capizzi.

16           Any second the motion?

17           MR. GUARENO:   Second.

18           THE SECRETARY:   Second by Mr. -- Mr.  
19   Guareno.

20           Roll call on the motion.

21           Ms. Capizzi?

22           CHAIRPERSON CAPIZZI:   Yes.

23           THE SECRETARY:   Ms. Koehler?

24           VICE CHAIRPERSON KOEHLER:   Yes.

25           THE SECRETARY:   Ms. Genao?

1 MS. GENAO: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Five in favor.

7 Motion carries.

8 MR. ORTIZ: Madam Chairwoman, I believe we  
9 are done with the Resolutions, if I'm correct?

10 CHAIRPERSON CAPIZZI: Yes.

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1     **208 18<sup>th</sup> Street, LLC - 208 18<sup>th</sup> Street:**

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3             MR. ORTIZ: I'm going to look to go out of  
4 order slightly from the agenda, because there's a  
5 few issues of notice that need to be addressed.

6             CHAIRPERSON CAPIZZI: Okay.

7             MR. ORTIZ: That's particularly number 6,  
8 which is Mr. Mulkey's case, 7, 8, and 9. It's --  
9 Mr. Mulkey, if you could please?

10            Mr. Mulkey, I have a question for you.

11            Did your notice mention any subdivision in  
12 it?

13            MR. MULKAY: No. We're not doing a  
14 subdivision.

15            MR. ORTIZ: Well, you have -- you have a  
16 legalization of a three -- three family that's  
17 currently existing.

18            MR. MULKAY: Correct.

19            MR. ORTIZ: Am I correct?

20            And then, a new dwelling.

21            Right?

22            MR. MULKAY: Right. But no subdivision.  
23 We're not subdividing the lot.

24            MR. ORTIZ: Is it -- was it -- if you sold  
25 it, it wouldn't be on --

1 MR. MULKAY: If we wanted to sell it  
2 separately, we'd have to come back and get a  
3 subdivision. But, yeah.

4 MR. ORTIZ: The reason I say this, Mr.  
5 Mulkay, and I'm not trying --

6 MR. MULKAY: I have the notice here.

7 MR. ORTIZ: Yeah. I'll take a look at it.

8 MR. MULKAY: I have the submitted notice.  
9 Yeah.

10 MR. ORTIZ: Of course. Of course.

11 MR. MULKAY: I can submit it to the Board  
12 if you'd like.

13 MR. ORTIZ: But it's an issue also with Mr.  
14 Lopez's cases, as well.

15 We're -- it's -- we're looking into the  
16 issue right now. And I -- I'm of the belief that  
17 if you're going to build on these -- on this lot,  
18 separate buildings, you need to notice for a  
19 subdivision.

20 MR. MULKAY: But -- but -- okay.

21 MR. ORTIZ: But -- but I'm -- no, I'm just  
22 -- that's why --

23 MR. MULKAY: Only if you want --

24 MR. ORTIZ: -- that's why -- I'm not trying  
25 to waste your time and I'm trying to --

1 MR. MULKAY: Okay.

2 MR. ORTIZ: -- bring it up -- up front.

3 MR. MULKAY: Okay.

4 MR. ORTIZ: I'm going to be looking at that  
5 more closely at the urging of Mr. Lopez, which I  
6 -- I agree with him that it needs to be looked at  
7 closely.

8 But it's the same issue as far as Mr.  
9 Lopez's cases. So, what I would suggest that we  
10 do is conditionally, for me to do the research, I  
11 could accept your notices conditionally.

12 MR. MULKAY: Correct.

13 MR. ORTIZ: But on the -- and we could  
14 communicate over the next --

15 MR. MULKAY: Well --

16 MR. ORTIZ: -- month --

17 MR. MULKAY: Okay.

18 MR. ORTIZ: -- as to what my conclusion is.

19 MR. MULKAY: Okay. Well, I would ask that  
20 the Board, I guess --

21 Just for the record, Alain Mulkay, from  
22 Mulkay and Rendo, on behalf of the applicant.

23 I would submit the Board the notices. The  
24 Board acquires jurisdiction. If there's a relief  
25 that we didn't notice, we obviously would have to

1 renotice or --

2 MR. ORTIZ: Well, that -- that's why -- but  
3 --

4 MR. MULKAY: -- if we were doing a  
5 subdivision, we may end up at a different Board,  
6 but the Board can't accept the notices  
7 conditionally. They would accept them and has  
8 jurisdiction or it doesn't.

9 MR. ORTIZ: That's what I'm --

10 MR. MULKAY: And I submit to the Board that  
11 it has jurisdiction, based on my proper notice --

12 MR. ORTIZ: I'm not -- I'm not --

13 MR. MULKAY: -- and the relief I'm  
14 requesting.

15 MR. ORTIZ: I'm not entirely --

16 MS. DILLON: Gentlemen, one at a time,  
17 please.

18 MR. ORTIZ: Sorry.

19 Mr. Mulkay, respectfully, I'm not entirely  
20 confident that you're correct.

21 MR. MULKAY: Well, that -- that can be  
22 ultimately --

23 MR. ORTIZ: And like I said, what I'm  
24 trying to do is, this evening, since you noticed  
25 for today --

1 MR. MULKAY: Right.

2 MR. ORTIZ: -- conditionally accept the  
3 notices, but with your consent, allowing me to do  
4 the research.

5 MR. MULKAY: An adjournment. Right. So,  
6 you're asking for -- for us to agree to an  
7 adjournment. Obviously, I -- I don't see my  
8 client here, but I would assume my client would  
9 not have a problem with the adjournment, in light  
10 of your request, but the Board still would  
11 acquire jurisdiction, based on proper notice. If  
12 you determine --

13 MR. ORTIZ: Unless it --

14 MR. MULKAY: If you determine that a  
15 subdivision is required, it just means that we  
16 didn't notice for that relief, it doesn't mean  
17 that the Board doesn't have jurisdiction.

18 MR. ORTIZ: May or may not, but --

19 MR. MULKAY: Okay.

20 MR. ORTIZ: But again, I'm not -- I'm not  
21 trying to be difficult --

22 MR. MULKAY: So, may I submit --

23 MR. ORTIZ: -- which is why I put -- yes.  
24 Which is why I put you up front, instead of  
25 having you wait.

1 MR. MULKAY: All right.

2 MR. ORTIZ: Mr. Lopez, the same thing  
3 applies to you.

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

6 MR. ORTIZ: Madam Chairwoman, I've had an  
7 opportunity to review the submissions by counsel.  
8 Everything seems to be in order, with the  
9 exception of what we've just discussed --

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. ORTIZ: -- on the record, as far as was  
12 a subdivision -- notice required.

13 CHAIRPERSON CAPIZZI: okay.

14 MR. ORTIZ: That will be looked up by  
15 myself, over the next -- next few weeks. We  
16 don't have a meeting in August. So, it would be  
17 definitely on for the --

18 CHAIRPERSON CAPIZZI: September.

19 MR. ORTIZ: -- September meeting.

20 MR. MULKAY: September meeting.

21 MR. ORTIZ: And you --

22 MR. MULKAY: When is the September meeting?

23 MR. ORTIZ: And you and I can communicate

24 --

25 MR. MULKAY: Sure.

1 MR. ORTIZ: -- during that time.

2 THE SECRETARY: September 24.

3 MR. ORTIZ: So, in essence, although Mr. --

4 CHAIRPERSON CAPIZZI: Okay.

5 MR. ORTIZ: -- Mulkay won't agree with --  
6 agree with me on this, it's conditionally  
7 accepting the notices.

8 CHAIRPERSON CAPIZZI: Okay.

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

11 MR. ORTIZ: So, I -- I wish you that you'd  
12 consent to -- are you consenting to an  
13 adjournment, in light of --

14 MR. MULKAY: Yeah, let me just call my  
15 client to confirm it, but I assume it won't be a  
16 problem.

17 MR. ORTIZ: Okay.

18 MR. MULKAY: I just want to confirm it with  
19 the client.

20 MR. ORTIZ: Okay, Mr. --

21 MS. DILLON: You want to go off the record?

22 MR. MULLINS: Only if I may be heard.

23 THE SECRETARY: Can I --

24 MR. ORTIZ: About?

25 MR. MULLINS: About the notice issue.

1 MS. DILLON: Just please come forward and

2 --

3 MR. MULLINS: Okay.

4 MS. DILLON: -- put your appearance on the  
5 record.

6 MR. MULLINS: Only because it was raised,  
7 and it might save the Board some time.

8 MS. DILLON: Your appearance.

9 MR. MULLINS: Edward Mullins, M-U-L-L-I-N-S,  
10 1010 Summit Avenue, Union City, New Jersey.

11 I'm an attorney representing Norman  
12 Mayersohn, 212 18<sup>th</sup> Street, Union City.

13 I only step forward because the Board just  
14 raised a notice issue for agenda items number 6,  
15 7, and 8.

16 While same counsel is here, one of my --

17 MR. ORTIZ: No, that's not his -- that's  
18 Mr. Lopez's cases. Seven -- 7, 8 and 9 --

19 No, 6, 7 and 8 is Mr. Lopez's cases.

20 CHAIRPERSON CAPIZZI: Seven, 8, 9.

21 MR. MULLINS: Anyway, I -- what wasn't  
22 mentioned is item number 5, which is why I am  
23 here, and we -- one of the reason -- one of my  
24 reasons for being here was we were going to have  
25 a question about the notice.

1           So, if we could all -- I'm not sure if your  
2 observations or the Board's concerns with the  
3 type of notice --

4           MR. MULKAY: I think --

5           MR. MULLINS: -- and variation was --

6           MR. MULKAY: The matter's going to be  
7 adjourned anyway.

8           I could speak to counsel outside. I think  
9 it's inappropriate to open it to the public at  
10 this stage.

11          MR. MULLINS: No. I don't want to open it  
12 to public. I just --

13          MR. MULKAY: I can speak to him outside.

14          MR. ORTIZ: I don't -- I don't think it's  
15 appropriate to open to the --

16          MR. MULKAY: Yeah.

17          MR. ORTIZ: -- the public.

18          MR. MULKAY: I'll speak to him outside.

19          MR. MULLINS: Yeah.

20          MR. MULKAY: I'll speak to counsel outside.

21          MR. ORTIZ: And Mr. Mulkay, if I could have  
22 your cell phone, because I tried --

23          MR. MULKAY: Oh.

24          MR. ORTIZ: -- to call your partner today.

25          MR. MULKAY: I thought you had it. Yeah.

1 MR. ORTIZ: Yeah, I thought I did, too, I  
2 couldn't --

3 MR. MULKAY: Yeah.

4 MR. ORTIZ: -- find it.

5 MR. MULKAY: I'll give it to you.

6 MR. ORTIZ: Yeah. Yeah. You don't have to  
7 say it on the record, but --

8 MR. MULKAY: Yeah. Be happy to.

9 MR. MULLINS: That's all.

10 Thank you.

11 MR. ORTIZ: Mr. Lopez?

12 THE SECRETARY: Can I have a motion to  
13 adjourn this application for --

14 CHAIRPERSON CAPIZZI: I make a motion.

15 THE SECRETARY: -- September 24?

16 MR. ORTIZ: Well, don't make the motion  
17 yet.

18 CHAIRPERSON CAPIZZI: Oh.

19 MR. ORTIZ: Remember --

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: -- he has to talk to his  
22 client.

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. ORTIZ: All right.

25 But Mr. Lopez, please --

1 THE SECRETARY: Motion by Ms. Capizzi --

2 CHAIRPERSON CAPIZZI: No, no, wait, Carlos.

3 We said wait.

4 THE SECRETARY: Wait one second.

5 MR. SPATZ: He's going to talk to his  
6 client.

7 THE SECRETARY: What do you want to do?

8 MR. ORTIZ: Mr. Mulkey is going to talk to  
9 his client outside, because he had to ask for the  
10 opportunity to --

11 THE SECRETARY: What we do, then?

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1     **Mardamer Builders - 546-548 35<sup>th</sup> Street:**

2     **Mardamer Builders - 547 36<sup>th</sup> Street:**

3     **Mardamer Builders - 545 41<sup>st</sup> Street:**

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5             MR. ORTIZ: I'm going to talk to Mr. Lopez  
6 now.

7             Mr. Lopez --

8             MS. DILLON: Mr. Ortiz, could you please  
9 state exactly what we're -- so that the  
10 transcript follows what you're doing?

11            MR. ORTIZ: I got you. I got you.

12            This is -- this is application number 6, 7,  
13 and 8 on the agenda.

14            Okay.

15            They all have the same issue as the last  
16 case. It's --

17            CHAIRPERSON CAPIZZI: Isn't it 7, 8 --

18            MR. ORTIZ: No, 6, 7 --

19            CHAIRPERSON CAPIZZI: What about --

20            MR. ORTIZ: Those are --

21            CHAIRPERSON CAPIZZI: I'm sorry. I'm  
22 looking at the wrong --

23            MR. ORTIZ: These are --

24            CHAIRPERSON CAPIZZI: I'm sorry.

25            MR. ORTIZ: These are these numbers.

1 CHAIRPERSON CAPIZZI: I'm sorry. I'm  
2 looking at the other one.

3 MR. ORTIZ: No. It's application 6, 7 and  
4 8.

5 CHAIRPERSON CAPIZZI: Yes.

6 MR. ORTIZ: You heard what I told Mr.  
7 Mulkey and you -- you know the exchange that we  
8 had -- and I -- I mean, not the exchange, but the  
9 exchange we had on -- on the last date.

10 I'm going to be doing the same -- giving  
11 myself the opportunity and for the edification of  
12 both the applicant and the Board, to review this  
13 merger issue.

14 I -- I see it as a very big issue on the  
15 notice and it's going to be very difficult to go  
16 forward until I -- it's clear with me that the  
17 notices are proper.

18 Same as what we did with you on the last  
19 time we did, accept them conditional.

20 So, I'm just asking that this -- these  
21 matters be adjourned.

22 Mr. Lopez, you understand the reasoning  
23 behind it.

24 MR. LOPEZ: I understand.

25 And just for -- just for the record, Mr.

1 Ortiz did approach me prior to today's meeting.  
2 He brought up the issue to my attention.

3 I -- I understand he needs to finalize the  
4 research. It's an important issue and I -- I  
5 have no problem consenting to Mr. Ortiz's request  
6 for an adjournment, obviously, with the Board's  
7 consent.

8 The only thing, Mr. Ortiz, you did accept  
9 -- one of them, I gave notice on a -- on a  
10 subdivision. That's fine. It can be carried as  
11 part of all three of them. On 545 41<sup>st</sup> Street,  
12 which is number -- number --

13 MR. ORTIZ: Eight.

14 THE SECRETARY: What the numbers?

15 MR. LOPEZ: No, number 11, actually.

16 MR. ORTIZ: Well, now don't go by the Roman  
17 --

18 THE SECRETARY: No. Look the numbers. Look  
19 the numbers.

20 MR. LOPEZ: Oh, I'm sorry.

21 It's number 5.

22 THE SECRETARY: No.

23 MR. ORTIZ: Number 5? No. No, no. It's  
24 number 8.

25 MR. LOPEZ: It's the last one.

1 MR. ORTIZ: It's number 8. You're looking  
2 at an older --

3 MR. LOPEZ: Oh, I'm sorry.

4 MR. ORTIZ: It's this one.

5 MR. LOPEZ: Okay.

6 MR. ORTIZ: Correct?

7 Number 8?

8 THE SECRETARY: I sent you by email the  
9 update version.

10 MR. LOPEZ: Yes. So, number -- number 8, I  
11 never got to submit the jurisdictional documents.  
12 I'd like to do so conditionally tonight, as you  
13 had suggested, subject to an overall resolution  
14 of the notice issue.

15 MR. ORTIZ: We'll accept those.

16 Okay. So, I then now, as least as -- and  
17 we can do this all in one -- one motion, to  
18 adjourn, with the consent of the applicant, 6, 7,  
19 and 8, for legal research to be completed.

20 CHAIRPERSON CAPIZZI: I'll make a motion.

21 THE SECRETARY: We are go -- we are going  
22 to do application by application, like that, if  
23 we can --

24 MR. ORTIZ: Okay. If you want to do it  
25 that way --

1 THE SECRETARY: -- keep clear the record.

2 MR. ORTIZ: -- if you're more comfortable  
3 for the transcript.

4 THE SECRETARY: No? Everything together?

5 MS. DILLON: Do them together.

6 THE SECRETARY: All right.

7 We're doing everything together. We have  
8 no problem.

9 MR. ORTIZ: As long it's okay if we do.

10 MS. DILLON: It's -- it's -- you handled it  
11 that way, so the motion would be better to keep  
12 it that way.

13 MR. ORTIZ: Okay.

14 THE SECRETARY: Right. That way are going  
15 to say then 546-548 35<sup>th</sup> Street. We are going to  
16 then 547 36<sup>th</sup> Street. Then we go to 545 41<sup>st</sup>  
17 Street. Those are three application.

18 Can I have a motion to adjourn this?

19 CHAIRPERSON CAPIZZI: I'll make a motion.

20 THE SECRETARY: By Ms. Capizzi.

21 MS. MOREJON: Second.

22 THE SECRETARY: Seconded by Ms. Morejon.

23 Roll call on the motion to adjourn these  
24 three applications.

25 Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Ms. Fernandez?

7 MS. FERNANDEZ: Yes.

8 THE SECRETARY: Mr. Medina?

9 MR. MEDINA: Yes.

10 THE SECRETARY: Mr. Velazquez?

11 MR. VELAZQUEZ: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Ms. Morejon?

15 MS. MOREJON: Yes.

16 THE SECRETARY: Five in favor.

17 Motion carries.

18 Next meeting September 24.

19 MR. LOPEZ: And just one more thing.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. LOPEZ: Madam Chairwoman and counsel,

22 we had made revisions to the plan based upon the

23 suggestions of the Board at our last meeting.

24 So, we have totally revised the plans. They were

25 submitted timely to the Board Secretary. And

1 | that's what we were coming forward tonight on,  
2 | what Madam Chairwoman and members of the Board  
3 | had suggested.

4 |         So, we're ready to proceed. We'll do so  
5 | next time, then.

6 |         CHAIRPERSON CAPIZZI: Thank you.

7 |         MR. LOPEZ: Thank you so much.

8 |         CHAIRPERSON CAPIZZI: Thank you.

9 |         MR. ORTIZ: Thank you.

10 |         THE SECRETARY: Thank you, Mr. Lopez.

11 |         MR. ORTIZ: Okay.

12 |         To the members of the public that are here,  
13 | just so everybody understands, it could be  
14 | confusing for some -- some people what we just  
15 | did.

16 |         The matters which is on the agenda, and I  
17 | will read them by address: 546-548 35<sup>th</sup> Street,  
18 | 547 36<sup>th</sup> Street and 545 41<sup>st</sup> Street all have been  
19 | adjourned to the September meeting.

20 |         So, if anybody from the public is here for  
21 | any of those three, this will be heard on  
22 | September 24<sup>th</sup>, our next meeting.

23 |         So, I don't want to see anybody in the  
24 | public sitting here waiting for no reason, but  
25 | you're more than welcome to stay.

1           I'm not throwing anybody out, but it's just  
2 letting everybody know.

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1     **Hudson Yards West, LLC -**

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

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4             MR. ORTIZ: Now, Mulkay.

5             CHAIRPERSON CAPIZZI: Um hum.

6             THE SECRETARY: So, I need to go to number  
7     -- number 9.

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

10            MR. ORTIZ: Okay.

11            CHAIRPERSON CAPIZZI: Okay.

12            Thank you.

13            MR. ORTIZ: Oh, okay. Yeah. While we're  
14     waiting.

15            Good idea.

16            Also, if anybody is here for number 9,  
17     which is Hudson Yards, and I'll read the address,  
18     3309 Hudson Avenue, 3308 Palisade Avenue, that  
19     matter has also been adjourned at the request of  
20     the applicant.

21            This would be on, again, placed back on the  
22     agenda on 9/24, our September meeting.

23            So, if anybody is present for that  
24     application, that is also being adjourned. I  
25     don't want -- and again, we're not throwing

1 anybody out, but if anybody is here on that  
2 application, that, as well, is being adjourned.

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1     **208 18<sup>th</sup> Street, LLC - 208 18<sup>th</sup> Street:**

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3             MR. ORTIZ:   Mr. Mulkey?

4             MR. MULKAY:   I -- my client consents to the  
5 adjournment, as I expected.

6             The September date?

7             MR. ORTIZ:   Yeah, September 24<sup>th</sup>.

8             MR. MULKAY:   Okay.

9             MR. ORTIZ:   And --

10            MR. MULKAY:   No new notices need to be  
11 issued --

12            MR. ORTIZ:   Yeah.

13            MR. MULKAY:   -- unless you determine --

14            MR. ORTIZ:   Yeah.

15            MR. MULKAY:   -- that we do.

16            MR. ORTIZ:   And --

17            MR. MULKAY:   All right.

18            Okay.

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

21            CHAIRPERSON CAPIZZI:   I'll make a motion.

22            THE SECRETARY:   Motion by Ms. Capizzi to  
23 adjourn this application.

24            Seconded by Mr. Guareno.

25            Roll call on the motion to adjourn this

1 application for September 24, 2019.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Ms. Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Ms. Fernandez?

9 MS. FERNANDEZ: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Ms. Morejon?

13 MS. MOREJON: Yes.

14 THE SECRETARY: Mr. Velazquez?

15 MR. VELAZQUEZ: Yes.

16 THE SECRETARY: Mr. Guareno?

17 MR. GUARENO: Yes.

18 THE SECRETARY: Eight in favor.

19 Motion carries.

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1     **315 5<sup>th</sup> Street, LLC - 315 5<sup>th</sup> Street:**

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3             MR. ORTIZ:   Okay.

4             Now, we can get back to the regular order  
5 of the agenda.

6             Ms. Pereiras, I believe you're -- you're  
7 first up at bat, so to speak.

8             THE SECRETARY:  All right.  Let me -- let  
9 me just call --

10            MR. ORTIZ:  Thank you.

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

13            MR. ORTIZ:  Madam Chairwoman, I've had a  
14 chance to --

15            THE SECRETARY:  Mr. Ortiz, let me --

16            MR. ORTIZ:  -- review the submissions by --

17            THE SECRETARY:  -- for the record, let me  
18 just to call Ms. Pereiras' application.

19            315 5<sup>th</sup> Street, LLC, 315 5<sup>th</sup> Street.

20            Ms. Pereiras, please?

21            Thank you.

22            MR. ORTIZ:  As I was saying, I've had an  
23 opportunity to review the submissions by counsel.  
24 Everything seems to be in order, giving  
25 jurisdiction to the Board.

1 CHAIRPERSON CAPIZZI: Okay.

2 MS. PEREIRAS: Thank you very much.

3 CHAIRPERSON CAPIZZI: You're welcome.

4 MS. PEREIRAS: Good evening, Madam Chair,  
5 counsel, members of the Board.

6 May it please the Board, Bianca Pereiras,  
7 on behalf of the applicant, 315 5<sup>th</sup> Street, LLC.

8 The Board may recall, this application came  
9 before you back in April of 2018, at which time,  
10 this Board approved a new three family.

11 During the construction, or trying to do  
12 the construction documents, the applicant and the  
13 architect decided that it would make most sense,  
14 because of the constraints of the property, to  
15 flip the building, or mirror the building.

16 What changes on our approval are the side  
17 yard. So, we still have a five foot side yard --  
18 side yard, I apologize, as the Board approved,  
19 we're only switching it.

20 So, prior, the side one was two feet, it is  
21 now three feet. And side two, which was  
22 originally three feet, is now switching to two.

23 That is the difference. It's still the  
24 same application. We're only mirroring the  
25 building.

1           The -- the attorney -- the architect is  
2 here, in case the Board has any questions of him,  
3 but I think that really concludes what the  
4 changes are.

5           MR. ORTIZ: And this was at the request of  
6 the Building Department.

7           Correct?

8           MS. PEREIRAS: Correct.

9           MR. ORTIZ: Okay.

10          So I don't know that we need -- unless  
11 someone wants to hear from the architect, or has  
12 questions for the architect?

13          I don't know that we need to -- no offense  
14 -- hear from you.

15          MR. PEREIRAS: No offense taken.

16          CHAIRPERSON CAPIZZI: And the public?

17          MR. ORTIZ: Would anybody like, from the  
18 public, like to comment?

19          Any Board members, first?

20          CHAIRPERSON CAPIZZI: No.

21          MR. ORTIZ: Would anybody from the public  
22 like to comment on these changes?

23          This is -- so it's clear, this is an  
24 application that's already been approved, but due  
25 to some -- the reversal of the side yards, the

1 Building Department has required that they came  
2 and amend the Resolution reflecting that.

3 And so, that's all that this --

4 CHAIRPERSON CAPIZZI: Um hum.

5 MR. ORTIZ: -- the change here, as -- as I  
6 understand it.

7 MS. PEREIRAS: That is the only change.  
8 Correct.

9 MR. ORTIZ: Any members of the public like  
10 to speak on this matter?

11 CHAIRPERSON CAPIZZI: Okay.

12 Seeing none.

13 I'll make a motion to approve the  
14 application.

15 THE SECRETARY: Motion to approve the -- to  
16 approve the amendment by --

17 CHAIRPERSON CAPIZZI: Amendment. I'm  
18 sorry.

19 THE SECRETARY: -- Ms. Capizzi.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. VELAZQUEZ: Second.

22 THE SECRETARY: Seconded by Mr. Velazquez.

23 MR. SPATZ: He was absent at the last  
24 meeting.

25 THE SECRETARY: Huh? He was --

1 Oh, you was absent, Alejandro.

2 MR. VELAZQUEZ: Okay then.

3 THE SECRETARY: Can I have a --

4 CHAIRPERSON CAPIZZI: Somebody second.

5 MR. GUARENO: Second.

6 THE SECRETARY: Second by Mr. Guareno.

7 Roll call on the motion.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Ms. Fernandez?

15 MS. FERNANDEZ: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Ms. Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Velazquez?

21 MR. VELAZQUEZ: Abstain.

22 THE SECRETARY: Abstain.

23 Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Seven in favor, one

1 abstained.

2 Motion carries.

3 MS. PEREIRAS: Thank you very much.

4 CHAIRPERSON CAPIZZI: Welcome.

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1   **La Valentina on Twenty Second, LLC -**  
2   **415 22<sup>nd</sup> Street:**

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4           THE SECRETARY: We are going to next  
5 application, La Valentina on Twenty Second, LLC,  
6 415 22<sup>nd</sup> Street.

7           Ms. Pereiras, please?

8           MR. ORTIZ: Madam Chairwoman, I've had an  
9 opportunity to review the submissions by counsel.  
10 Everything seems to be in order, giving  
11 jurisdiction to the Board.

12           MS. PEREIRAS: Thank you very much.

13           Again, Bianca Pereiras, on behalf of the  
14 applicants, La Valentina on Twenty Second, LLC.  
15 This is for property located at 415 22<sup>nd</sup> Street,  
16 also known as Block 113, Lot 11.

17           The application before the Board this  
18 evening is to legalize a basement apartment.

19           We have one expert to testify before the  
20 Board this evening, and that is our architect,  
21 Mr. Manual Pereiras.

22           MS. DILLON: Please raise your right hand.

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

25           MR. PEREIRAS: I do.

1 Manny Pereiras, P-E-R-E-I-R-A-S, with  
2 Pereiras Architects Ubiquitous, 1116 Summit  
3 Avenue, Union City.

4 MS. PEREIRAS: Mr. Pereiras has previously  
5 testified --

6 CHAIRPERSON CAPIZZI: Yes.

7 MS. PEREIRAS: -- in front of this Board.

8 MR. ORTIZ: Yes.

9 CHAIRPERSON CAPIZZI: Of course.

10 MS. PEREIRAS: Thank you very much.

11 MR. PEREIRAS: Thank you, all.

12 MR. ORTIZ: You know what my giggle was  
13 about.

14 MS. PEREIRAS: I do. I do.

15 Mr. Pereiras, are you familiar with 415  
16 22<sup>nd</sup> Street, --

17 MR. PEREIRAS: I am.

18 MS. PEREIRAS: -- Union City?

19 And did you prepare the drawings that are  
20 before the Board?

21 MR. PEREIRAS: I have.

22 MS. PEREIRAS: And would you kindly  
23 describe the proposed application?

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

25 For purposes of the record, the drawings

1 | that are on the easel are the same drawings that  
2 | were submitted before the Board.

3 |         We're dealing with a typical 25 by 100 lot.  
4 | Previously on this site, there was an apartment  
5 | on the second floor. On the first floor, and the  
6 | ground floor was a commercial space. It was done  
7 | so improperly.

8 |         The applicant, who is before this Board  
9 | today, removed that commercial space. He just  
10 | purchased the property, he purchased it like  
11 | that. He removed that commercial space, so we  
12 | renovated and made the apartment on the first  
13 | floor. And we're here before the Board to create  
14 | an apartment on the lower level, the basement  
15 | level.

16 |         That apartment is shown -- actually, before  
17 | we get to the apartment, let me talk a little bit  
18 | about the preexisting building.

19 |         We have a preexisting front yard setback of  
20 | eight foot four. That is the prevailing and in  
21 | conformance. We have a deficiency in side yards.  
22 | There is zero along one side, two feet along the  
23 | other. So, we have a -- a side yard setback  
24 | variance.

25 |         And then, of course, parking. Technically,

1 we're expanding on the parking, because we have  
2 the new unit. However, there is no room and no  
3 accessibility -- no ability on this site to  
4 provide parking.

5 Turning now to the second page, we could  
6 see the apartment that we're creating and the two  
7 other existing apartments.

8 As you could see, the apartment has its own  
9 independent entrance from the front on 22<sup>nd</sup>  
10 Street. It also has a secondary exit through the  
11 rear. And we're creating emergency egress  
12 windows for the two bedrooms, so it has a third  
13 way of escaping from each of the bedrooms, along  
14 the side yard, the preexisting side yard.

15 The -- when you enter, you enter into a  
16 living room/dining room area. We're creating a  
17 kitchen along here.

18 There is -- there are two bathrooms in the  
19 space. One for a master suite and the second  
20 bathroom for the common bathroom and -- and the  
21 second bedroom.

22 There are no other changes that we have to  
23 the exterior of the building. There are no  
24 changes to the upper apartments that are there.  
25 They are preexisting, and we documented that

1 here.

2           There are significant changes we're doing,  
3 for the life safety of the building, and for the  
4 neighboring residents.

5           The building will have a domestic line  
6 sprinkler system on that level. It would also  
7 have a fire alarm system that is low voltage  
8 throughout the building, because we're changing  
9 it to a three family.

10           And it will have all the fire separation  
11 requirements that are necessary by Code.

12           We are providing a light at the exit, both  
13 along the front of the building and the rear of  
14 the building, so that we illuminate the  
15 entrances; it makes it nice and safe.

16           And that pretty much concludes my  
17 testimony.

18           I'm open for your questions.

19           CHAIRPERSON CAPIZZI: Any Board member have  
20 any questions?

21           MS. MOREJON: I don't see any windows.

22           CHAIRPERSON CAPIZZI: Windows? There are  
23 windows?

24           MS. MOREJON: Is any windows?

25           CHAIRPERSON CAPIZZI: Oh, sorry.

1 MR. PEREIRAS: There are preexisting  
2 windows along the side of the property. And  
3 those are the ones that we're making --

4 CHAIRPERSON CAPIZZI: Change --

5 MR. PEREIRAS: -- into egress windows.

6 CHAIRPERSON CAPIZZI: -- to egress windows.

7 MR. PEREIRAS: So, we're creating wells.  
8 We're making --

9 CHAIRPERSON CAPIZZI: Right.

10 MR. PEREIRAS: -- everything -- we're  
11 making them nice and big, so that people could  
12 escape through there.

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. PEREIRAS: And there are preexisting  
15 windows along the front of the property, which  
16 we're cleaning up. We're actually replacing  
17 those windows.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. PEREIRAS: It's going to be nice when  
20 we're done with it.

21 CHAIRPERSON CAPIZZI: Okay.

22 VICE CHAIRPERSON KOEHLER: Quick question?

23 Pardon my ignorance, what is a Bilco?

24 MR. PEREIRAS: Bilco. Okay. So, a Bilco  
25 is a brand name for doors that open like this,

1 from the ground.

2 VICE CHAIRPERSON KOEHLER: So, the entrance  
3 is in the back?

4 MR. PEREIRAS: No. The entrance --

5 VICE CHAIRPERSON KOEHLER: They can't enter  
6 from the front?

7 MR. PEREIRAS: The entrance is from the  
8 front of the building, and strictly from the  
9 front of the building.

10 VICE CHAIRPERSON KOEHLER: And it's those  
11 --

12 MS. DILLON: Can you keep your voice up --

13 MR. PEREIRAS: No. It's a full door.

14 MS. DILLON: -- for me?

15 MR. PEREIRAS: So, let me walk you through.

16 It's -- normally, our floor plan is -- the  
17 entrance is along the bottom. The entrance is  
18 along the top.

19 So, this is 22<sup>nd</sup> Street along the top of  
20 the plan.

21 VICE CHAIRPERSON KOEHLER: Ah.

22 MR. PEREIRAS: Yeah. It's --

23 VICE CHAIRPERSON KOEHLER: Got it.

24 MR. PEREIRAS: My draftman drew north up  
25 and --

1 VICE CHAIRPERSON KOEHLER: I see.

2 MR. PEREIRAS: -- that's the way it worked  
3 out. So, --

4 VICE CHAIRPERSON KOEHLER: Got it.

5 MR. PEREIRAS: -- the entrance is through  
6 this side.

7 VICE CHAIRPERSON KOEHLER: Got it.

8 MS. MOREJON: Okay.

9 Any questions?

10 CHAIRPERSON CAPIZZI: Anyone else on the  
11 Board?

12 Anyone from the public have any questions  
13 or comments?

14 Okay.

15 Seeing none.

16 I'll make a motion to approve the  
17 application.

18 THE SECRETARY: Motion to approve the  
19 application by Ms. Capizzi.

20 MR. VELAZQUEZ: Second.

21 THE SECRETARY: Any second?

22 MR. VELAZQUEZ: Second.

23 THE SECRETARY: Second by Mr. Velazquez.

24 Roll call on the motion to approve this  
25 application.

1 Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 THE SECRETARY: Ms. Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: Ms. Fernandez?

8 MS. FERNANDEZ: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Ms. Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Mr. Velazquez?

14 MR. VELAZQUEZ: Yes.

15 THE SECRETARY: Mr. Guareno?

16 MR. GUARENO: Yes.

17 THE SECRETARY: Eight in favor.

18 Motion carries.

19 MS. PEREIRAS: Thank you all very much.

20 CHAIRPERSON CAPIZZI: Thank you.

21 THE SECRETARY: Thank you.

22 MS. PEREIRAS: Enjoy the rest of your

23 summer.

24 CHAIRPERSON CAPIZZI: Thank you.

25 MS. PEREIRAS: And I'll see you --

1 CHAIRPERSON CAPIZZI: You, too.

2 MS. PEREIRAS: -- in September.

3 Thank you.

4 MR. PEREIRAS: Thank you.

5 CHAIRPERSON CAPIZZI: Thank you.

6 MR. PEREIRAS: See you in September.

7 MR. ORTIZ: Isn't that a song?

8 CHAIRPERSON CAPIZZI: See you in September.

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

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1 **Mansoor Saleh - 409 4<sup>th</sup> Street?**

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3 THE SECRETARY: All right.

4 Next application on tonight's agenda,

5 Mansoor Saleh, 409 4<sup>th</sup> Street.

6 Ms. Paneque, please?

7 MS. PANEQUE: Good evening.

8 Eike Paneque for -- it's actually West 13,

9 LLC is the name of the property owner, but

10 Mansoor Saleh is the owner of the LLC.

11 We were here, I guess, two meetings ago,  
12 and the Board had asked us to revise the plans,  
13 to make it more inline with what Union City is  
14 looking for now.

15 And I have Mr. Orestes Valella --

16 MR. VALELLA: Valella.

17 MS. PANEQUE: Sorry. I was practicing.

18 Here to explain.

19 If we could just swear him in?

20 My first name is Eike. I never get it  
21 right so --

22 MR. VALELLA: Close.

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

25 MS. DILLON: Please raise your right hand.

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

3           MR. VALELLA: I do.

4           MS. DILLON: Could you state your name for  
5 the record?

6           MR. VALELLA: Yes, of course.

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

8           Registered architect in the State of New  
9 York and New Jersey.

10          MR. ORTIZ: I believe he's testified --

11          CHAIRPERSON CAPIZZI: Yes. Absolutely.

12          MR. VALELLA: Thank you.

13          CHAIRPERSON CAPIZZI: You're welcome.

14          MR. ORTIZ: As he just goes on and on.

15          MS. PANEQUE: If you can walk -- I know we  
16 -- last time, the Board had said they didn't like  
17 the exterior look of the --

18          MR. VALELLA: Yes.

19          MS. PANEQUE: -- building.

20          MR. VALELLA: Yes.

21          MS. PANEQUE: So, we -- you --

22          MR. VALELLA: Yes.

23          MS. PANEQUE: -- revised it and brought  
24 some --

25          MR. VALELLA: If I may --

1 MS. PANEQUE: -- rendering.

2 MR. VALELLA: -- direct you to the easel.

3 Or do you want me -- it's small enough.

4 I'll just bring it over.

5 The last time we were here, you recommended  
6 that -- I had a modern building and you  
7 recommended that we go to a more traditional  
8 appearance.

9 As you may recall, across the street, there  
10 are a lot of other apartment buildings, very  
11 similar to this, with brick and so on. So, what  
12 we are proposing is a much more traditional red  
13 brick, windows, shutters, double hung windows, a  
14 carriage house type garage door, more traditional  
15 colors, and stone corner -- corners.

16 So you know, we hope that this is more in  
17 keeping with what you were recommending, which --  
18 you know, going back to the site and going to the  
19 buildings across the street, this -- you were  
20 correct. This is much more in keeping with the  
21 pattern in the -- on the street.

22 So you know, I'm happy to -- to have done  
23 this. I think it improved the appearance of the  
24 building.

25 MR. ORTIZ: Just to remind the Board, I

1 believe that -- and if you'd like the architect  
2 to go through it again, but I believe on the last  
3 date, he went through the internals.

4 MR. VALELLA: Yes.

5 MS. PANEQUE: Yes.

6 CHAIRPERSON CAPIZZI: Um hum.

7 MR. VALELLA: Yes, we went through the  
8 building.

9 MS. PANEQUE: Yes.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. VALELLA: The big concern was the  
12 appearance. It was too modern, too -- too cold.

13 And that's it.

14 MR. VELAZQUEZ: Anybody living there now?

15 MS. PANEQUE: No.

16 MR. VELAZQUEZ: It's empty?

17 MR. VALELLA: Yes.

18 MS. PANEQUE: Yes.

19 CHAIRPERSON CAPIZZI: And just refresh my  
20 memory.

21 How many bedrooms are in --

22 MS. DILLON: I'm sorry. Can you speak up?

23 CHAIRPERSON CAPIZZI: Yes.

24 How many --

25 MR. VALELLA: Why don't I --

1 CHAIRPERSON CAPIZZI: I'm sorry.

2 How many bedrooms?

3 MR. VALELLA: Yes.

4 Why don't I give you a brief, just so it's  
5 a refresher course.

6 We have -- we have a three family, with  
7 three bedrooms per, two bathrooms, kitchen,  
8 family room.

9 MS. MOREJON: How they going to do this?

10 MR. VALELLA: And then the garage has six  
11 parking spaces.

12 CHAIRPERSON CAPIZZI: The parking spaces --

13 MS. MOREJON: The parking spaces, how you  
14 going to fit six cars inside the garage?

15 MR. VALELLA: This is exactly -- you had  
16 originally made a suggestion of how to layout the  
17 parking spaces for three families, three over  
18 ones. And we're following that recommendation.

19 I think David could --

20 MR. SPATZ: Yeah.

21 MR. VALELLA: -- explain.

22 MR. SPATZ: Yes. In the previous  
23 submission, they had the parking, those two other  
24 parking spots lined up. In this submission,  
25 based on conversation at the last meeting, plus

1 | what the new proposed Zoning Ordinance is going  
2 | to show, they show them in an angle, which does  
3 | allow a little bit better maneuvering than --  
4 | than what was submitted before.

5 |         But this is really the only way to get a --  
6 | a reasonable amount of parking indoors.

7 |         MS. MOREJON:   How many bedrooms?

8 |         (Indiscernible) -- garage six.

9 |         How you going to be able to pull those two  
10 | cars out of the garage?

11 |         MR. VALELLA:   Well, we have to coordinate.  
12 | Usually in this kind of building, they leave the  
13 | keys and people back them out and -- and come --  
14 | you know, and put them in.

15 |         MR. VELAZQUEZ:  A lot of those buildings  
16 | that are there are preexisting buildings.  The  
17 | rest are really like one and two family homes.

18 |         MR. VALELLA:   Um hum.

19 |         MR. VELAZQUEZ:  They're just there.

20 |         This -- the parking like, I can just  
21 | imagine the headache.  I'm getting a headache  
22 | just looking at it, just trying to get out of  
23 | there.

24 |         MS. MOREJON:   Three or four cars with six  
25 | -- (indiscernible).

1 MR. VELAZQUEZ: It's like cramming in. How  
2 even you -- you get out?

3 MR. VALELLA: Well, you know, I've done a  
4 few of these three over ones, around the city.  
5 And I haven't gone back everyday to see how it  
6 worked, but the -- the owners and -- and the  
7 occupants are very happy with these building  
8 types. These work -- you know?

9 MS. MOREJON: Well, this is the first time  
10 that we see something like this. I'm sitting on  
11 the Planning Board how many years?

12 MR. ORTIZ: As long as I've been here.

13 MS. MOREJON: Thank you.

14 So, honestly -- you know, it's a beautiful  
15 building. But six cars? I don't see -- I'm not  
16 opposed to the property, it's a beautiful  
17 building. (Indiscernible).

18 MR. VALELLA: Um hum.

19 MS. MOREJON: The brick front, everything  
20 is beautiful. But this?

21 MR. ORTIZ: Well, the only way that they  
22 would reduce that parking requirement, without a  
23 severe variance, would be reducing one floor.

24 CHAIRPERSON CAPIZZI: Right.

25 Is that a possibility?

1 MR. VALELLA: Well, then, you'd make it a  
2 two family.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. ORTIZ: Correct.

5 MR. VALELLA: I don't -- I would have to  
6 check with my client.

7 CHAIRPERSON CAPIZZI: Okay. Okay.

8 MR. ORTIZ: I mean, that's the only way  
9 that you're going to reduce --

10 MR. VALELLA: The parking.

11 MR. ORTIZ: -- parking.

12 MS. MOREJON: (Indiscernible).

13 MR. VALELLA: Or -- or request a parking  
14 variance.

15 MS. MOREJON: What do you think?

16 MR. ORTIZ: Right. Again, that's the only  
17 --

18 MR. VALELLA: Um hum.

19 CHAIRPERSON CAPIZZI: Is that a possibility  
20 that they would consider?

21 MR. VALELLA: Oh, can you give me two  
22 seconds?

23 CHAIRPERSON CAPIZZI: Sure.

24 MS. DILLON: Go off the record?

25 MR. VALELLA: Yeah.

1 MS. DILLON: Mr. Ortiz?

2 MR. ORTIZ: Yes, please.

3 MS. DILLON: Off the record?

4 MR. ORTIZ: Yes, please.

5

6 (Whereupon, the Board recessed from 6:38  
7 p.m. to 6:41 p.m.)

8

9 MS. DILLON: On the record.

10 MS. PANEQUE: Okay.

11 After having a chance to speak with our  
12 client, we request that we adjourn it, so he can  
13 take a look at the different options and -- you  
14 know, what it means to him, I guess, financially.

15 MR. ORTIZ: I think that's fair.

16 MS. PANEQUE: And we just ask that the --  
17 the notice that was served stand as notice for  
18 the next meeting.

19 MR. ORTIZ: Absolutely.

20 CHAIRPERSON CAPIZZI: Okay. Great.

21 MR. VALELLA: Thank you.

22 MR. ORTIZ: Let me just make an  
23 announcement.

24 CHAIRPERSON CAPIZZI: Just have him look at  
25 the houses on the block, too.

1 MS. PANEQUE: Yeah. We'll -- we'll take a  
2 look at everything and --

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: Well, let me make an  
5 announcement to the public.

6 MS. PANEQUE: Thank you.

7 MR. ORTIZ: If anybody is here on 409 4<sup>th</sup>  
8 Street, that matter, at the request of the  
9 applicant, is going to be adjourned. It will be  
10 most likely on at the September meeting.

11 MR. VALELLA: Good night.

12 MR. ORTIZ: Good night.

13 MS. PANEQUE: Good night.

14 CHAIRPERSON CAPIZZI: Good night.

15 I'll make a motion.

16 THE SECRETARY: Can I have a motion to  
17 adjourn --

18 CHAIRPERSON CAPIZZI: I'll make a motion.

19 THE SECRETARY: -- this application for  
20 September 24?

21 CHAIRPERSON CAPIZZI: I'll make a motion.

22 THE SECRETARY: Motion by Ms. Capizzi.

23 CHAIRPERSON CAPIZZI: I got to tell him, no  
24 more on September.

25 Hudson Yards on September?

1 MR. ORTIZ: If they don't settle it, yeah.

2 CHAIRPERSON CAPIZZI: If they don't settle  
3 it?

4 MR. ORTIZ: Yeah, but then we're going to  
5 have to have a special in September for  
6 Whispering Woods (phonetic).

7 THE SECRETARY: Seconded by Ms. Morejon to  
8 adjourn this application for September 24, 2019.

9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1                   THE SECRETARY:   Eight in favor.

2                   Motion carries.

3                                   \*   \*   \*

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

2

3             (Whereupon, David Spatz recused and left  
4 the meeting at 6:42 p.m.)

5

6             (Whereupon, Elena Gable, PP, AICP,  
7 continued as Board Planner.)

8

9             THE SECRETARY: Next and last application  
10 on tonight's agenda, Faraouk Sheikh, 912 Palisade  
11 Avenue.

12             Mr. Alonso, please?

13             MR. ORTIZ: Just to remind the Board, I  
14 don't believe that Mr. Alonso was required to  
15 renotice. I don't think that --

16             MR. ALONSO: That's correct.

17             MR. ORTIZ: So, the Board does have  
18 jurisdiction of this matter.

19             MR. ALONSO: Correct.

20             Good evening, Madam Chair, members of the  
21 Board.

22             Again, for the record, Alvaro Alonso, from  
23 the firm Alonso Navarette, on behalf of the  
24 applicant.

25             The Board may recall that the presentation

1 | was concluded at the last hearing. However, one  
2 | of the neighbors presented some photographs of a  
3 | potential or possible issue regarding the -- the  
4 | cliff face.

5 |       Our position at the time was that it's a  
6 | construction issue, that it would be resolved  
7 | through engineering, with the Building  
8 | Department. However, the Board wanted additional  
9 | information so they can make a determination.

10 |       Again, it's not an issue for the Board, but  
11 | we're going to present the evidence for  
12 | information purposes only.

13 |       So, with that said, I'm going to call our  
14 | engineer, Mr. Lodge.

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

17 |       MS. DILLON: Sir, please raise your right  
18 | hand.

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

21 |       MR. LODGE: I do.

22 |       MS. DILLON: Please state your name and  
23 | spell it for the record.

24 |       MR. LODGE: Yes.

25 |       It's Ransford Lodge. That's

1 R-A-N-S-F-O-R-D, L-O-D-G-E.

2 MS. DILLON: Thank you.

3 MR. LODGE: You're welcome.

4 MR. ALONSO: Thank you.

5 Mr. Lodge, where are you currently  
6 employed?

7 MR. LODGE: At M.G. McLaren Engineers.

8 MR. ALONSO: Okay.

9 And are you a licensed civil engineer?

10 MR. LODGE: Yes, I am.

11 MR. ALONSO: Okay.

12 And can you give us just the benefit of  
13 your educational background?

14 MR. LODGE: Okay.

15 I've got my undergraduate degree at New  
16 Jersey Institute of Technology. Also, received  
17 my Masters from NJIT. I've been a practicing  
18 engineer for 31 years, and a New Jersey licensed  
19 engineer for 27 years.

20 MR. ALONSO: Okay.

21 I'm going to offer him as an expert in --

22 MR. ORTIZ: How many urban boards or urban  
23 settings have you testified before?

24 MR. LODGE: I've testified in front of  
25 numerous boards, primarily in Bergen County and

1 Passaic County, a few in Hudson County, but it's  
2 -- my presentations in front of Hudson County has  
3 been over ten years ago.

4 MR. ORTIZ: Okay, but how many of this --

5 MR. LODGE: All totaled? I'd say --

6 MR. ORTIZ: No. I'm -- specifically as to  
7 the urban setting.

8 MR. LODGE: Specifically, --

9 MR. ORTIZ: Like Passaic City --

10 MR. LODGE: -- I would say, on the order of  
11 75 to a hundred.

12 MR. ORTIZ: Okay, that's -- it's important  
13 to Union City --

14 MR. LODGE: Yes.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: -- that you understand the  
17 difference between a suburban and an urban  
18 setting, oddity.

19 MR. LODGE: Yes, I do.

20 And, in fact, as -- throughout my career,  
21 as I've done testimony for the Township, as the  
22 Township Engineer for towns in Bergen County and  
23 Passaic County.

24 MR. ORTIZ: Okay.

25 Oh, so, just for the record, I don't think

1 David put this on the record, but Mr. Spatz, our  
2 regular engineer (sic), has recused himself --

3 CHAIRPERSON CAPIZZI: Planner.

4 MR. ORTIZ: -- on this matter.

5 MS. GABLE: Elena Gable.

6 MR. ORTIZ: Is taking -- is sitting in as  
7 our planner.

8 Thank you.

9 MR. LODGE: You're welcome.

10 MR. ALONSO: Thank you.

11 Mr. Lodge, you were not the engineer who  
12 testified at the prior hearing.

13 Is that correct?

14 MR. LODGE: That's correct.

15 MR. ALONSO: Okay.

16 And who was the engineer that testified?

17 MR. LODGE: Dawson Bloom, the VP of my  
18 company.

19 MR. ALONSO: Okay.

20 And have you been able to review this  
21 matter, with Mr. Bloom, prior to this evening?

22 MR. LODGE: Yes, I did. He provided with  
23 me his anecdotal information regarding his site  
24 visit to take a look at the rock base and  
25 background information on the project from his

1 point of view.

2 MR. ALONSO: Okay.

3 And I believe that the reason why the Board  
4 was raising the issue is they wanted to  
5 investigate the structural integrity of the  
6 cliff, where we're proposing this new building.

7 MR. LODGE: Yes.

8 MR. ALONSO: So, based on your  
9 investigation and Mr. Bloom's investigation, what  
10 determinations have you been able to make?

11 MR. LODGE: Well, from his investigation --

12 MR. ORTIZ: Can I stop you, and I don't  
13 mean to be rude, but am I understanding this  
14 correctly that you never made a site visit?

15 MR. LODGE: No. Mr. Bloom did and his --

16 MR. ORTIZ: So -- so, you're testifying  
17 based on someone else's information?

18 MR. LODGE: Yes.

19 MR. ALONSO: Right. And -- and we -- but  
20 hold on.

21 We indicated, at the last hearing, that Mr.  
22 Bloom was not available. Mr. Bloom asked whether  
23 or not somebody from his firm could come in and  
24 testify, and the Board said yes.

25 MR. ORTIZ: Yes, but we would have -- we

1 | would have thought it would have been the same  
2 | person that actually visited the site.

3 | I mean, that's --

4 | CHAIRPERSON CAPIZZI: Yes.

5 | MR. ORTIZ: From my perspective, that's  
6 | problematic.

7 | MR. ALONSO: Well, it's like an architect.  
8 | An architect will have a draftsman prepare  
9 | plans. Every architect that presents before this  
10 | Board does not physically draw the plans  
11 | themselves.

12 | MR. ORTIZ: They have the architects visit  
13 | the site.

14 | MR. ALONSO: Somebody else -- but somebody  
15 | else would draw the plans, and they will testify  
16 | --

17 | MR. ORTIZ: But --

18 | MR. ALONSO: -- as to the plans.

19 | MR. ORTIZ: But --

20 | MR. ALONSO: In this case --

21 | MR. ORTIZ: A draftsman -- a  
22 | draftsman -- I don't -- I don't see the  
23 | parallel there at all.

24 | CHAIRPERSON CAPIZZI: Uh huh.

25 | MR. ORTIZ: At all. We're talking about --

1 | remember -- if you remember the issue on this was  
2 | there was a cave there that was boarded up.

3 |       MR. ALONSO: Well, we don't know if there's  
4 | a cave there. There's -- there's a --

5 |       MR. ORTIZ: See, but neither does he.

6 |       CHAIRPERSON CAPIZZI: But neither does he,  
7 | because --

8 |       MR. ALONSO: Well, there was a neighbor who  
9 | --

10 |       CHAIRPERSON CAPIZZI: -- he didn't go.

11 |       MR. ALONSO: -- indicated that there was a  
12 | photograph with some wood.

13 |       MR. ORTIZ: Right. Right. But we don't  
14 | know, but neither does he and that's --

15 |       MR. ALONSO: Okay. But --

16 |       CHAIRPERSON CAPIZZI: Right.

17 |       MR. ORTIZ: -- my problem.

18 |       MR. ALONSO: But we do -- but we do have --

19 |       MS. MOREJON: Mr. Alonso, have you been in  
20 | the property?

21 |       Do you know the area?

22 |       MR. ALONSO: I know the area, yes.

23 |       MS. MOREJON: There's a cave --

24 |       MR. ALONSO: But --

25 |       MS. MOREJON: -- there.

1           MR. ALONSO: I understand that. We have a  
2 geo-technical study that was reviewed.

3           MR. ORTIZ: I -- look, my personal opinion  
4 is, there -- there is too much at risk.

5           CHAIRPERSON CAPIZZI: Um hum.

6           MR. ORTIZ: There's a public pool one --

7           MS. MOREJON: Really, there's a pool, next  
8 door.

9           MR. ORTIZ: -- one lot away from this.

10          CHAIRPERSON CAPIZZI: Um hum.

11          MS. MOREJON: Yes.

12          MR. ORTIZ: There is potentially a cave,  
13 which this gentleman, respectfully, can't testify  
14 as to his own observations. He's working off  
15 hearsay from one of his coworkers, or his vice  
16 president.

17          MR. LODGE: If I could interject?

18                I have a photograph to show the -- the rock  
19 face as --

20          MR. ORTIZ: No, but -- but --

21          MR. LODGE: -- Mr. Bloom saw it.

22          MS. MOREJON: I -- I know --

23          MR. LODGE: And at that point, he wasn't  
24 able to definitively identify where the --

25          MR. ORTIZ: But Mr. Bloom did visit the

1 site.

2 MR. LODGE: Yes, he did.

3 MR. ORTIZ: I'd rather wait for Mr. Bloom  
4 to come testify personally.

5 MR. ALONSO: Okay.

6 At the -- but at the end of the day, this  
7 is not even an issue for the Planning Board.  
8 This is a -- this is a construction issue to be  
9 --

10 MR. ORTIZ: I -- I think --

11 MR. ALONSO: -- addressed during -- during  
12 engineering.

13 MR. ORTIZ: Community -- community --  
14 potentially, we had a very big concern about the  
15 safety.

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. ORTIZ: And that -- that's something  
18 that this Board can address.

19 MR. ALONSO: Well, --

20 MR. ORTIZ: So --

21 MR. ALONSO: -- there -- there is a geo-  
22 technical study that was prepared, and boring  
23 samples that were relied upon by our engineers --

24 MR. ORTIZ: Right.

25 MR. ALONSO: -- which they're competent to

1 | testify about. So, I could ask --

2 | MR. ORTIZ: I -- I would --

3 | MR. ALONSO: -- Mr. Lodge whether or not he

4 | --

5 | MR. ORTIZ: I'll leave it --

6 | MR. ALONSO: -- reviewed --

7 | MR. ORTIZ: -- to the Board.

8 | MR. ALONSO: -- this --

9 | MR. ORTIZ: I leave it to the --

10 | MR. ALONSO: -- geo-technical study, in  
11 | terms of the stability of the -- the cliff --

12 | MR. ORTIZ: I -- I would --

13 | MR. ALONSO: -- in which he's going to  
14 | construct --

15 | MR. ORTIZ: I would feel much more  
16 | comfortable --

17 | MR. ALONSO: -- this building.

18 | MR. ORTIZ: -- if Mr. Bloom --

19 | MR. LODGE: Yes.

20 | MR. ORTIZ: -- was here personally to  
21 | testify about this.

22 | That doesn't mean that we're -- we're going  
23 | to dismiss the case, but what I'm saying is, I  
24 | think that the expert that made the personal  
25 | observance needs to be here to testify about it.

1 CHAIRPERSON CAPIZZI: I agree with that.

2 MR. ALONSO: I understand that. And that's  
3 why --

4 CHAIRPERSON CAPIZZI: I agree with that.

5 MR. ALONSO: -- I raised -- I raised that  
6 issue at the last meeting --

7 MR. ORTIZ: No, but -- but that didn't mean  
8 that Mr. Bloom had to do --

9 CHAIRPERSON CAPIZZI: Right.

10 MR. ORTIZ: -- the site visit. Then he  
11 could have done the site visit.

12 CHAIRPERSON CAPIZZI: Exactly. And he  
13 should have.

14 MR. ALONSO: Okay.

15 Well, under -- and I'm just going to put  
16 this for the record, our Supreme Court in the  
17 Pizzo, P-I-Z-Z-O, Mantin Group versus Township of  
18 Randolph, case 137, N.J. 216 1994 indicated that  
19 the Planning Board's authority reviewing an  
20 application for site plan approval, which is all  
21 that we're asking for, is limited to determining  
22 whether the development plan conforms with the  
23 Zoning Ordinance, which is good, it does, we have  
24 testified through our planner, and confirmed by  
25 your planner that no variances are required. We

1 conform with the Zoning Ordinance.

2 THE SECRETARY: Mr. Alonso?

3 MR. ALONSO: And that the --

4 THE SECRETARY: I'm sorry.

5 MS. GABLE: I actually -- I did look into  
6 that some more, and because the parking -- number  
7 of parking, it is calculated to the townhouse  
8 standards, because in the Zoning Ordinance it  
9 requires that three family buildings provide  
10 parking for townhouse -- using the townhouse  
11 standard that's been adopted by the town in the  
12 Zoning Ordinance.

13 MR. ALONSO: I understand that, but that's  
14 superceded by the RSIS. So, it's not a --

15 MS. GABLE: The --

16 MR. ALONSO: -- variance.

17 MS. GABLE: The Board can grant a de  
18 minimis exception to RSIS, but you still have to  
19 require -- get the variance from the Zoning  
20 Ordinance.

21 MR. ALONSO: No, it's -- it's not a  
22 variance. It's -- it's a de minimis exception  
23 from the RSIS standards, which --

24 MS. GABLE: Oh, but they -- but the --

25 MR. ALONSO: -- which governs.

1 MS. GABLE: But the City has adopted that  
2 as under the Zoning Ordinance.

3 MR. ALONSO: But the City has to adopt it  
4 and it has to be approved by the DCA, which it  
5 has not.

6 MR. ORTIZ: Well, it --

7 MR. ALONSO: So, the -- the only way that  
8 that would work, under -- under what you're  
9 indicating is if that plan was approved by the  
10 DCA, and it wasn't.

11 MR. ORTIZ: Well, look, here's the bottom  
12 line.

13 It's my opinion that -- and I mean this  
14 respectfully, sir, it's nothing towards you, but  
15 I don't think, under the circumstances, he's  
16 qualified to testify about this project.

17 MR. ALONSO: But -- but let me -- let me  
18 just finish.

19 And again, I -- that's why I started the  
20 way I started. That this is for informational  
21 purposes only because you're limited to whether  
22 or not we comply with the Ordinance, which we do,  
23 and the applicable provisions of the Site Plan  
24 Ordinance --

25 MR. ORTIZ: There's also --

1 MR. ALONSO: -- which -- which we do.

2 MR. ORTIZ: There's also issues of the  
3 steep slope that --

4 MR. ALONSO: That's been testified to.

5 MR. ORTIZ: And again, I'm not so sure that  
6 your -- your expert was correct. That's  
7 something I need to look further at and talk to  
8 our planner about.

9 MR. ALONSO: What about the steep slope?

10 MR. ORTIZ: I'm not sure you're complying  
11 with it under these plans.

12 MR. ALONSO: Well, can you specifically  
13 identify how?

14 MR. ORTIZ: That's why I need to talk to  
15 the planner, because Mr. Spatz was also in  
16 conflict so I need --

17 MR. ALONSO: But this planner --

18 MR. ORTIZ: -- I'm going to get her phone  
19 number.

20 MR. ALONSO: -- was here at the last  
21 meeting.

22 MR. ORTIZ: Right.

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

24 MR. ORTIZ: But I have -- I -- I didn't --

25 MR. ALONSO: And we provided the testimony.

1           MR. ORTIZ: I didn't have the phone number  
2 to reach her.

3           MR. ALONSO: What's that?

4           MR. ORTIZ: I didn't have the phone number  
5 to reach her, and I wasn't sure that she was  
6 going to be coming back today. Initially, she  
7 was not. Right? This was a last minute thing  
8 for you.

9           MS. GABLE: I believe so.

10          MR. ORTIZ: Right?

11          So, with that being --

12          MR. ALONSO: Well I don't know why it would  
13 be a last minute thing --

14          MR. ORTIZ: With that being said -- with  
15 that being said --

16          MR. ALONSO: -- because we were adjourned.

17          MR. ORTIZ: I'll leave it to the Board.

18          MS. DILLON: One at a time, gentlemen,  
19 please.

20          MR. ORTIZ: I'll leave it to the Board.

21          CHAIRPERSON CAPIZZI: What do we -- what do  
22 we have to --

23          MR. ORTIZ: Well, here's the issue. The  
24 whole -- the whole issue here is -- is this  
25 gentleman qualified to testify as to Mr. Bloom's

1 observations?

2 My position is that he is not because he  
3 did not do the site plan, by his own admission.  
4 And I -- and I say that with the utmost respect,  
5 but the bottom line is, this is something  
6 serious. And it's something that affects public  
7 property, as well as private property.

8 The concern of a potential cave being there  
9 --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. ORTIZ: -- which we don't know if there  
12 is or there isn't, because Mr. Bloom went to the  
13 site.

14 MR. LODGE: But sir --

15 MR. ORTIZ: No. Please, give me -- give me  
16 a chance to talk to my Board, please, sir.

17 MR. LODGE: Okay.

18 MR. ORTIZ: Respectfully.

19 So, here's the Board's options.

20 The Board's options in this particular case  
21 is to accept him as an expert, not as to his  
22 education, but as to his actual factual  
23 knowledge.

24 I'm not comfortable with it. It's up to --

25 CHAIRPERSON CAPIZZI: And neither am I.

1 | Because I'm not saying that you -- you don't have  
2 | the education or the experience, but you -- you  
3 | did not do the site visit. I feel uncomfortable  
4 | with that, and for that reason, I would not want  
5 | to accept his testimony.

6 | MR. VELAZQUEZ: I feel the same way.

7 | MS. MOREJON: I feel the same way.

8 | MS. GENAO: I feel the same.

9 | MR. LODGE: Could I just --

10 | MR. ORTIZ: So, surely we can adjourn it.  
11 | I think that's the best thing to do in this  
12 | particular case, for everybody involved, the  
13 | City, the Board, your applicant.

14 | Is -- Mr. Bloom will be available in  
15 | September.

16 | Correct?

17 | MR. ALONSO: I believe so.

18 | MR. ORTIZ: Because I mean, you don't want  
19 | this Board to hear the -- to reject his -- his  
20 | testimony and then that's a big problem. Sorry,  
21 | but --

22 | MR. ALONSO: We'll have Mr. Bloom here in  
23 | September.

24 | MR. ORTIZ: Okay.

25 | MR. ALONSO: But --

1 THE SECRETARY: Time limits.

2 MR. ORTIZ: Yes, I know. I know.

3 So, in light of that, I'm going to ask you  
4 to consent to an adjournment so we could have Mr.  
5 Bloom here, who actually did the site visit.

6 MR. ALONSO: Okay.

7 I will, but I'm also going to request that  
8 your planner provide us a report as to where we  
9 are deficient. Specifically, you addressed the  
10 -- the steep slope issue, --

11 CHAIRPERSON CAPIZZI: That's fine.

12 MR. ALONSO: -- as well as the -- the  
13 parking and the basis for --

14 MR. ORTIZ: Yeah. Absolutely. And that's  
15 fair.

16 MR. ALONSO: So that we can -- we can  
17 prepare --

18 MR. ORTIZ: Can you do that for us?

19 MS. GABLE: Sure.

20 MR. ORTIZ: Okay.

21 That's absolutely fair.

22 MR. ALONSO: Because that parking issue was  
23 addressed at the last -- the last meeting.

24 MR. ORTIZ: But you know, people go back to  
25 things and that's -- you know, it happens. So,

1 in these presentations.

2 So, with that being said, with the consent  
3 of the applicant, do we have a motion to adjourn  
4 this matter?

5 CHAIRPERSON CAPIZZI: I'll make a motion to  
6 adjourn.

7 THE SECRETARY: Motion to adjourn this  
8 application by Ms. Capizzi.

9 MR. GUARENO: Second.

10 THE SECRETARY: Second by Mr. Guareno.  
11 Roll call on the motion.

12 Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Ms. Koehler?

15 VICE CHAIRPERSON KOEHLER: Yes.

16 THE SECRETARY: Say yes?

17 Ms. Genao?

18 MS. GENAO: Yes.

19 THE SECRETARY: Ms. Fernandez?

20 MS. FERNANDEZ: Yes.

21 THE SECRETARY: Ms. Koehler, you say yes,  
22 right?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 THE SECRETARY: Thank you.

25 Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Ms. Morejon?

3 MS. MOREJON: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Eight in favor.

9 Motion carries.

10 MR. ALONSO: And that's September 24<sup>th</sup>?

11 THE SECRETARY: September --

12 MR. ORTIZ: Yes.

13 THE SECRETARY: -- 24<sup>th</sup>, 2019.

14 MR. ORTIZ: Folks, it would seem that I'm  
15 -- I'm making a presumption here, but it would  
16 seem that all of you are here, primarily, for  
17 this project and that's why you're here.

18 So, this is going to be -- no?

19 A CITIZEN: No. We've already been  
20 adjourned. We just wanted to see how the Board  
21 functions.

22 MR. ORTIZ: Oh, okay. Okay. I just  
23 assumed --

24 A CITIZEN: It was pretty impressive.

25 MR. ORTIZ: Okay. Well, anybody that is

1 here for this project, it will be heard on  
2 September 24<sup>th</sup>.

3 Okay?

4 MR. ALONSO: Thank you.

5 Have a good evening.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MR. ORTIZ: Thank you.

8 You, too.

9 CHAIRPERSON CAPIZZI: Carlos, no more  
10 applications for September 24<sup>th</sup>. We're done.  
11 Okay? That's it.

12 THE SECRETARY: No problem.

13 CHAIRPERSON CAPIZZI: We basically moved  
14 this whole meeting to September.

15 THE SECRETARY: No problem, Miss Capizzi.  
16 Okay.

17 CHAIRPERSON CAPIZZI: No more.

18 \* \* \*

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1     **ADJOURNMENT:**

2

3             THE SECRETARY:   There being no other  
4 application on tonight's agenda, can I have a  
5 motion to end tonight's meeting?

6             CHAIRPERSON CAPIZZI:   I'll make a motion.

7             THE SECRETARY:   Motion by Ms. Capizzi.

8             Seconded by?

9             CHAIRPERSON CAPIZZI:   Second?   Second,  
10 anybody?

11            MR. VELAZQUEZ:   Second.

12            THE SECRETARY:   Seconded by Ms. -- Ms.  
13 Genao.

14            MS. GENAO:   Yes.

15            THE SECRETARY:   Roll call on the motion.  
16 Everybody -- everybody in favor, say aye.

17

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

19

20            THE SECRETARY:   The ayes have it.

21            Thank you.

22            Have a good night.

23            VICE CHAIRPERSON KOEHLER:   Good night.

24            THE SECRETARY:   Motion carries.

25            Let the record indicate and show the

1 meeting has ended.

2 Thank you.

3

4 (Whereupon, the proceedings were concluded  
5 at 6:58 p.m.)

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1 STATE OF NEW JERSEY :

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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, July 23, 2019 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon