

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, September 24, 2019
Commencing at 6:04 p.m.

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

YDALIA GENAO, Mayor's Designee
RUDY RIVERO
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
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
CAROLINA FERNANDEZ
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...

ELENA GABLE, PP, AICP, Board Planner
Heyer Gruel & Associates

M. McKINLEY MERTZ, PP, AICP
Heyer & Gruel & Associates
Board Planning Consultant

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

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

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 133 Madison Street, LLC

GULAM S. ANSARI, Pro Se, 1614 New York Avenue

I N D E X

	<u>PAGE</u>
CALL TO ORDER	7
SALUTE TO FLAG	8
ROLL CALL	8
ADOPTION OF MINUTES	10
RESOLUTIONS	70/72/74/76/78/80
HEARINGS	
Recommendation by the Board of Commissioner of the City of Union City of the Revised Chapter 223 Land Development Ordinance	12
Faraouk Sheikh	35
Mansoor Saleh	38
Mardamer Builders - 546-548 35 th Street	61
Mardamer Builders - 547 36 th Street	61
Mardamer Builders, 545 41 st Street	61
208 18 th Street, LLC	55
133 Madison Street, LLC	30
Gulam S. Ansari	41
ADJOURNMENT	82

I N D E XRecommendation by the Board of Commissioners
of the City of Union City of the Revised
Chapter 223 Land Development Ordinance

<u>WITNESS</u>	<u>PAGE</u>
M. McKinley Mertz	12
 <u>SWORN PUBLIC</u>	
Larry Price	19
Terry Varicelli	21

I N D E XGulam S. Ansari - 1614 New York Avenue

<u>WITNESS</u>	<u>PAGE</u>
Gulam Sarwar Ansari	41
Ayman Sedra	41/45

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-01	Site Plan and Zoning Analysis, Sheet S-01	46

1 THE SECRETARY: All right.

2 Ready?

3 MS. DILLON: Yes.

4 THE SECRETARY: Let's go.

5 May I have your attention, please?

6 Please take notice that on Tuesday,
7 September 24, 2019, at six p.m., a Regular
8 Meeting is scheduled for the City of Union City
9 Planning Board to be held in the Municipal
10 Chambers of the City Hall, 3715 Palisade Avenue,
11 Union City, New Jersey.

12 This is a meeting called in compliance with
13 Chapter 231, Public Law 1975 of the Open Public
14 Meetings Act.

15 Adequate notice of the meeting has been
16 provided as follow:

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

24 Before we call roll for this evening
25 meeting, can everybody kindly rise to salute the

1 flag?

2

3 (Whereupon, the Pledge of Allegiance was
4 said by all.)

5

6 THE SECRETARY: Thank you.

7

8 **ROLL CALL:**

9

10 THE SECRETARY: Roll call for tonight's
11 meeting.

12 Mayor Brian P. Stack is absent.

13 Diane Capizzi?

14 CHAIRPERSON CAPIZZI: Here.

15 THE SECRETARY: Jeanne Koehler is absent.

16 Ydalia Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Franklin Medina?

19 MR. MEDINA: Here.

20 THE SECRETARY: Commissioner Celin Valdivia
21 is absent.

22 Carolina Fernandez is absent.

23 THE SECRETARY: Rudy Rivero?

24 MR. RIVERO: Here.

25 THE SECRETARY: Alicia Morejon is absent.

1 Alejandro Velazquez?

2 MR. VELAZQUEZ: Here.

3 THE SECRETARY: Jose Guareno?

4 MR. GUARENO: Here.

5 THE SECRETARY: Let the record indicate
6 that six present.

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

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on July 23rd, 2019 and
4 Special Meeting and Closed Session minutes held
5 on September 10, 2019

6

7 THE SECRETARY: Adoption of minutes,
8 Regular Meeting held on July 23rd, 2019 and
9 Special Meeting and Closed Session minutes held
10 on September 10, 2019.

11 Can I have a motion to approve the previous
12 meeting minutes?

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: Motion by Ms. Capizzi.

15 MS. GENAO: I second.

16 THE SECRETARY: Second by Ydalia Genao.

17 Roll call on the motion.

18 Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Yes for the July 23rd,
3 abstain for September 10th.

4 THE SECRETARY: Okay.

5 July 10 (sic) abstain. And yes, on the
6 July 23rd --

7 September 10, abstain. I'm sorry.

8 All right. This is good.

9 And Mr. Guarenno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: All right.

12 Five in favor on September 10, and five in
13 favor and one abstention on July 23rd.

14 Motion carries.

15 * * *

16

17

18

19

20

21

22

23

24

25

1 **Recommendation by the Board of Commissioners of**
2 **the City of Union City of the Revised Chapter 223**
3 **Land Development Ordinance:**

4

5 THE SECRETARY: All right.

6 Let's go to hear -- we are going to first
7 hearing on tonight's agenda, a Zoning Ordinance,
8 Heyer, Gruel Associated, community planning
9 consultants for City of Union City.

10 Can you please?

11 MS. DILLON: Mr. Ortiz, I should swear Miss
12 Mertz?

13 MR. ORTIZ: Yes, you should.

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

16 MS. DILLON: Please raise your right hand.

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

19 MS. MERTZ: I do.

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

22 MS. MERTZ: McKinley Mertz, M-E-R-T-Z, from
23 Heyer, Gruel and Associates.

24 MS. DILLON: Thank you.

25 MS. MERTZ: All right.

1 Hello, everyone. I'm back.

2 CHAIRPERSON CAPIZZI: Welcome back.

3 MS. MERTZ: Thank you.

4 It's good to be here.

5 If you remember the last time I was here,
6 we were going over the new Zoning Ordinance.

7 Since that time, it went to the
8 Commissioners for their second hearing and
9 adoption. However, at that hearing, there was a
10 great length of discussion about some of the
11 provisions that were being proposed in the new
12 Zoning Ordinance. And it was determined, at that
13 meeting, that the City wanted to take a closer
14 look at some of the -- not only the provisions
15 that were being proposed, as part of the
16 amendment, but also, some of the existing
17 provisions that have been in your books, to make
18 sure everything is up-to-date and active with
19 current standards.

20 So, with that, we went back to the drawing
21 board, not completely, but had some more
22 conversations with the City.

23 So, what you have in front of you today was
24 introduced at the Commissioners' meeting on, I
25 believe it was July 23rd. And since the Planning

1 Board was on a break for August, here we are in
2 September.

3 So, what changed from the last time that
4 you saw this document, really --

5 CHAIRPERSON CAPIZZI: It's okay.

6 MS. MERTZ: -- really has nothing to do
7 with the zoning provisions itself. Everything
8 that we had previously proposed in terms of --

9 I'm sorry.

10 MS. DILLON: That's all right.

11 MS. MERTZ: -- in terms of changing the
12 zoning, the boundaries of the zoning, that all is
13 the same that it's been consistently for the last
14 year. And just to remind you with that, we --
15 several of the zones have been removed, including
16 the -- the CC zone, the CG zone, the RM zone, the
17 JFK overlay and the Uptown Transit Oriented
18 District overlay. All of those were previously
19 proposed to be removed, they're still proposed to
20 be removed. And the reasons for that was trying
21 to alter and amend your zoning, so that it better
22 reflected what the uses are already on the
23 ground, as well as the uses that you would like
24 to see moving forward.

25 Again, to refresh your memory, most of the

1 land that was within those zones was taken and
2 put in the CN and the RM zone. The boundaries of
3 the multiple use zone were altered slightly.
4 Again, this is to better reflect what's already
5 seen in Union City.

6 What did change from that was a few items
7 that really didn't -- like I said, didn't have
8 much to do with the actual zoning proposal. But
9 this included amendments to some of your
10 definitions. And that -- part of the purpose of
11 that was to bring those definitions up-to-date.

12 The definitions that were amended since the
13 previous version of this, were the definitions
14 for abandonment, basement, cellar, grade
15 gradient, a definition for habitable space was
16 added, site plan exempt, a definition for site
17 plan minor was added, story and half story.

18 And again, the reason for those changes
19 were because of several comments that were
20 brought about during the public session that drew
21 our attention to the fact that some of these were
22 out of date or just, flat out, didn't make any
23 sense.

24 So, we went in and did a full review of the
25 Ordinance, to make sure items like that were

1 caught and corrected.

2 In addition -- I should say, really, the
3 largest change that happened was the addition of
4 the site plan approval requirements and
5 procedures.

6 And what this Board should know about that,
7 because it directly affects you, is that you are
8 now authorized, the Chairman of the Planning
9 Board, Chairperson, is now authorized to create a
10 subcommittee to review minor site plan
11 applications. And those minor site plan
12 applications have to meet the definition of the
13 new Ordinance.

14 And that will allow those applicants, they
15 -- they do not have to notice and come to a full
16 Board. You could meet with them and
17 theoretically approve them, through your
18 subcommittee, instead of having to do this whole
19 process.

20 And that's permitted in the MLUL. It's
21 something that the Mayor was very interested in,
22 to help streamline the process for some of the
23 smaller development that we see coming through
24 and to help cut some of the red tape that -- that
25 prohibits and restricts that type of development.

1 So, that's the largest amendment that
2 affects this Board.

3 Other items that were changed, we added --
4 in the principal permitted uses for the CN
5 district, we added legal, preexisting multi-
6 family development.

7 And that was to make sure that all of the
8 larger multi-family buildings that are no longer
9 permitted in the CN district, that's to ensure
10 that the existing ones are allowed to continue
11 with -- without being -- without being hurt by
12 the new Ordinance.

13 Additionally, we added a provision for the
14 development of surface parking lots. And that
15 stems from the ever growing issue of parking
16 within the City. The Commissioners were
17 concerned that development of -- of parking lots
18 that are used for residents, or shop owners, or
19 people patronizing the retail spaces, should
20 those be developed, that public parking is taken
21 away. And the provision that we included instead
22 is if -- if a surface lot is developed, the
23 development of that lot has to accommodate the
24 parking that was taken away, as well as whatever
25 is required for the proposed building.

1 Finally, we amended the nonconforming uses,
2 structures and lot section.

3 Specifically, this subsection C, so this is
4 Section 223-47, subsection C, discontinuance of a
5 nonconforming use.

6 And that was another item that was brought
7 to our attention that the City's current
8 paragraph in there was out of date and not
9 applicable by current law. So, we removed that
10 entire section and -- and added, with the help of
11 our attorneys, of your attorneys, a statement
12 that is -- is updated.

13 So, with that, those are the changes that
14 you have in front of you. My recommendation
15 remains the same as it was when I was in front of
16 you, I -- I believe that was in June was the last
17 time I was here, that the proposed is consistent
18 with your Master Plan Reexam, that was adopted
19 this past January, for the same reasons that I --
20 I wrote back then.

21 Would you like me to read them into the
22 record? I -- I did last time, but I certainly
23 don't have to if you don't want me to.

24 CHAIRPERSON CAPIZZI: No. No.

25 MS. MERTZ: I can just -- I mean, I can

1 just say that it is consistent --

2 CHAIRPERSON CAPIZZI: Okay.

3 MS. MERTZ: -- with one, two, three, four,
4 five, six, seven of the objectives from the
5 Reexam. And one, two, three, four, five, six,
6 seven, eight of the recommendations from the
7 Reexam.

8 And with that, I can answer any questions
9 from the Board or the public.

10 CHAIRPERSON CAPIZZI: Any member of the
11 Board have any questions?

12 Any member of the public have any
13 questions?

14 Mr. Price?

15 MS. DILLON: Mr. Price, please raise your
16 right hand.

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

19 MR. PRICE: I do.

20 MS. DILLON: Your name and address for the
21 record, please.

22 MR. PRICE: Larry Price, 1006 Palisade.

23 MS. DILLON: Thank you.

24 MR. PRICE: Question?

25 Does the draft report have a date, at this

1 point?

2 MS. MERTZ: There's not one on it, but it
3 was the one that was introduced on July 23rd,
4 2019. The physical document doesn't have a date
5 on it, though.

6 MR. PRICE: Okay. Okay.

7 MS. MERTZ: Actually, I -- I correct
8 myself.

9 I believe the one in the Clerk's Office
10 says July 2019 on the cover.

11 I'm sorry.

12 MR. PRICE: July --

13 MS. MERTZ: July 2019 is what's on --

14 MR. PRICE: Okay.

15 MS. MERTZ: -- the cover. And it was
16 introduced on the 23rd.

17 MR. PRICE: Okay.

18 And copies are available in the City
19 Clerk's Office.

20 MS. MERTZ: Correct.

21 MR. PRICE: Very good.

22 Thank you.

23 CHAIRPERSON CAPIZZI: Okay?

24 Anyone else?

25 Sure.

1 MR. VARICELLI: Hello.

2 MS. MERTZ: Hi.

3 MS. DILLON: Please raise your right hand.

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

6 MR. VARICELLI: Yes.

7 MS. DILLON: Would you please state your
8 name and spell it for the record?

9 MR. VARICELLI: My name is Terry,
10 Varicelli, T-E-R-R-Y, V as in Victor,
11 A-R-I-C-E-L-L-I.

12 MS. DILLON: And your address?

13 MR. VARICELLI: 419 60th Street, West New
14 York.

15 I'm here representing Manhattan Bar and
16 Grill.

17 MS. MERTZ: Okay.

18 MR. VARICELLI: Our concern is with the
19 parking. It's only going to be permitted for
20 residents?

21 Correct?

22 MS. MERTZ: It depend -- where -- I'm
23 sorry. Where is your establishment?

24 MR. VARICELLI: Eighteenth Street and
25 Manhattan Ave.

1 MS. MERTZ: Is that within the CN zone?

2 MR. VARICELLI: Yes.

3 MS. MERTZ: Okay. Hold on one second and
4 I'll pull that up.

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

7 MS. MERTZ: It's somewhere --

8 You're specifically concerned about
9 parking.

10 Correct?

11 MR. VARICELLI: Yeah. Parking and -- yes,
12 parking for now.

13 MR. VELAZQUEZ: You have a lot, right,
14 behind there on Manhattan Avenue?

15 MR. VARICELLI: No, we do not have a lot.

16 MR. VELAZQUEZ: No?

17 MR. VARICELLI: No.

18 MS. MERTZ: So your parking requirement --

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

21 MS. MERTZ: You're a restaurant?

22 MR. VARICELLI: Yes. Restaurant and bar.

23 MS. MERTZ: Okay. So, your parking
24 requirement for the restaurant component is one
25 per three seats, for the bar, one per 50 square

1 feet.

2 MR. VARICELLI: Can I write --

3 MS. MERTZ: Sure.

4 MR. VARICELLI: Thank you.

5 Sorry.

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

8 MR. VARICELLI: Can you please repeat that?

9 MS. MERTZ: Of course.

10 The restaurant -- a restaurant eating and
11 drinking establishment -- I'm sorry -- so this is
12 -- you only have one standard, because you -- you
13 have a restaurant and a drinking component.

14 MR. VARICELLI: Yeah.

15 MS. MERTZ: Yeah. So, this is the one
16 standard you have. It's -- it's one parking
17 space per every three seats.

18 MR. VARICELLI: Can you explain that to me
19 a little bit?

20 MS. MERTZ: So, that's act -- that's a
21 standard that has been a component of the
22 Ordinance since before this amendment.

23 But what that means is for every three
24 seats you have, for essentially three guests --

25 MR. VARICELLI: Um hum.

1 MS. MERTZ: -- you have to provide one seat
2 of parking for that, for this three seats. So,
3 if you were to have, let's say, a very tiny
4 restaurant, and only six seats, you would be
5 required to provide two parking spaces.

6 MR. VARICELLI: Okay.

7 Would that -- just because I -- I'm going
8 to need to --

9 MS. MERTZ: That's fair. yeah.

10 MR. VARICELLI: Would that help the bar
11 with the -- would we be able to send individuals
12 there? Or that's nothing pertaining to the bar?

13 MS. MERTZ: You mean -- for parking?

14 MR. VARICELLI: So, yeah. Parking. So,
15 like this is just for the residents.

16 Correct?

17 MS. MERTZ: That -- no, that's for your --
18 for your patrons to your restaurant.

19 MR. VARICELLI: Okay.

20 What's patrons?

21 MS. MERTZ: Anybody who's visiting your
22 restaurant to eat or drink at.

23 MR. VARICELLI: So, theoretically, we could
24 say customers?

25 MS. MERTZ: Customers, yeah that's a good

1 word.

2 MR. VARICELLI: And we can -- we can have
3 them park there temporarily?

4 MS. MERTZ: Do you have an existing
5 parking?

6 MR. VARICELLI: No.

7 MS. MERTZ: So --

8 MR. VARICELLI: We -- we --

9 MS. MERTZ: -- this is --

10 MR. VARICELLI: -- park in the -- the
11 viaduct that goes down the hill.

12 MS. MERTZ: Okay. So, these are really, if
13 you were to --

14 CHAIRPERSON CAPIZZI: On the street.

15 MS. MERTZ: Yeah. Okay.

16 CHAIRPERSON CAPIZZI: On the street.

17 MR. VELAZQUEZ: Street parking. Yeah.

18 MS. MERTZ: On the street. Okay.

19 MR. VARICELLI: Yeah. On the street.

20 MS. MERTZ: So, this is really if you were
21 to come in with a new application.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MS. MERTZ: You would have to abide by
24 these parking spaces.

25 MR. VARICELLI: Okay.

1 MS. MERTZ: As you exist right now, it
2 sounds like you have maybe a deficient, or you
3 have not enough parking onsite. But --

4 MR. VARICELLI: Yes.

5 MS. MERTZ: -- you are grandfathered in,
6 essentially, at this point.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. VARICELLI: Um hum.

9 MS. MERTZ: So, you don't have to change
10 anything right now. If you were to come in for a
11 whole new proposal, then you would have to talk
12 to the -- you could get into details with this
13 with the Zoning Officer.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MR. VARICELLI: Can I get a copy of that?
16 Would I -- would I be as a --

17 MS. MERTZ: Absolutely. Absolutely.

18 MR. VARICELLI: Perfect. Okay.

19 MS. MERTZ: It's on file with the City
20 Clerk.

21 MR. VARICELLI: Okay.

22 MS. MERTZ: Which is here in this building.
23 I believe she also put a copy of it on the
24 website.

25 MR. VARICELLI: Union City website?

1 MS. MERTZ: I believe.

2 MR. VELAZQUEZ: ucnj.com.

3 MS. MERTZ: Yeah.

4 MR. VARICELLI: Thank you so much.

5 MS. MERTZ: But this -- yeah. This doesn't
6 effect anything that you're doing currently.

7 MR. VARICELLI: Perfect.

8 All righty.

9 Thank you so much.

10 MS. MERTZ: Yeah.

11 MR. VARICELLI: Thank you, Board.

12 MR. VELAZQUEZ: Take care.

13 CHAIRPERSON CAPIZZI: Can I have my pen
14 back? Took my pen.

15 MR. VARICELLI: Oh, sorry.

16 CHAIRPERSON CAPIZZI: That's okay.

17 MR. VARICELLI: Processing. I thought law
18 school was really hard.

19 CHAIRPERSON CAPIZZI: Anyone else have any
20 comments or questions?

21 So, you need a motion to approve?

22 MS. MERTZ: Yes.

23 CHAIRPERSON CAPIZZI: Okay.

24 Carlos?

25 THE SECRETARY: Yes, ma'am.

1 CHAIRPERSON CAPIZZI: Then, seeing none,
2 I'll make a motion to approve.

3 THE SECRETARY: Motion to approve the
4 recommendation --

5 CHAIRPERSON CAPIZZI: Yes.

6 THE SECRETARY: -- by Ms. Capizzi.

7 MR. VELAZQUEZ: I second.

8 THE SECRETARY: Seconded by Mr. Velazquez.
9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Rivero?

17 MR. RIVERO: Yes.

18 THE SECRETARY: Mr. Velazquez?

19 MR. VELAZQUEZ: Yes.

20 THE SECRETARY: Mr. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Six in favor.

23 Motion carries.

24 Thank you.

25 MS. MERTZ: Thanks, all.

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

3 * * *

1 **133 Madison Street, LLC -**

2 **3600-3612 Kennedy Boulevard:**

3

4 THE SECRETARY: We are going to change a
5 little -- little bit tonight's order --

6 CHAIRPERSON CAPIZZI: Um hum.

7 THE SECRETARY: -- of the agenda.

8 We are going to go to 133 Madison Street,
9 LLC.

10 Ms. Pereiras, please?

11 MS. PEREIRAS: Good evening, Madam Chair,
12 members --

13 THE SECRETARY: Number 8.

14 MS. PEREIRAS: -- of the Board.

15 May it please the Board, Bianca Pereiras,
16 on behalf of the applicants.

17 If the Board may recall, we appeared before
18 you back in 2016, October 25th. This was for the
19 approval of a one story commercial unit at 3600-
20 3612 Kennedy Boulevard. That is that vacant lot
21 adjacent to the Walgreen's, across from the TD
22 Bank.

23 This Board approved us for that one story
24 commercial. Unfortunately, we have not been able
25 to secure permits. As you know, it's a lengthy

1 process to get everything ready to go before the
2 Building Department. In this case, we actually
3 had to go before the County because Kennedy
4 Boulevard is also a county road.

5 We obtained their approval. I've submitted
6 a copy of that to this Board. But we are
7 requesting an extension.

8 And just to be clear, technically, they
9 expired already. We're requesting for it to be
10 extended through next November.

11 CHAIRPERSON CAPIZZI: Um hum.

12 Okay. November 2020?

13 MS. PEREIRAS: Correct.

14 CHAIRPERSON CAPIZZI: Okay.

15 MS. PEREIRAS: Yes.

16 Thank you.

17 MR. ORTIZ: I think that the appropriate
18 thing would be, though, don't -- don't you think
19 --

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: -- it's just a -- don't worry
22 about the expiration. That would --

23 MS. PEREIRAS: Okay.

24 MR. ORTIZ: I don't see that as a major
25 problem, but extending it just a year, till July,

1 | which is when it'd expire, if I'm correct?

2 | MS. PEREIRAS: I have it as expiring -- I
3 | believe the Resolution was issued in November.

4 | MR. ORTIZ: Well, I'll look it up.

5 | MS. PEREIRAS: Okay. So the --

6 | MR. ORTIZ: Whenever --

7 | MS. PEREIRAS: Right. My understanding is
8 | it technically expired last November.

9 | MR. ORTIZ: Oh, okay.

10 | MS. PEREIRAS: So, we're allowed to come in
11 | --

12 | MR. ORTIZ: Okay.

13 | MS. PEREIRAS: -- within this year to
14 | request that extension.

15 | MR. ORTIZ: Okay, then -- then the --

16 | MS. PEREIRAS: And I think we have
17 | everything ready to proceed, but we're cutting it
18 | close because if this Resolution is issued in
19 | October, that only gives me a month --

20 | MR. ORTIZ: No, that's different.

21 | MS. PEREIRAS: That's why I'm hoping to
22 | extend --

23 | MR. ORTIZ: Okay.

24 | MS. PEREIRAS: -- it further.

25 | MR. ORTIZ: Not a problem. Not a problem.

1 MS. PEREIRAS: Thank you.

2 CHAIRPERSON CAPIZZI: Okay.

3 I'll make a motion to approve to the --

4 THE SECRETARY: Motion to approve --

5 CHAIRPERSON CAPIZZI: -- extension.

6 THE SECRETARY: -- the extension --

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: -- by Ms. Capizzi.

9 MR. VELAZQUEZ: I second.

10 THE SECRETARY: Seconded by Mr. Velazquez.

11 Roll call on the motion.

12 Ms. Capizzi?

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Mr. Medina?

17 MR. MEDINA: Yes.

18 THE SECRETARY: Mr. Rivero?

19 MR. RIVERO: Yes.

20 THE SECRETARY: Mr. Velazquez?

21 MR. VELAZQUEZ: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Six in favor.

25 Motion carries.

1 Thank you.

2 MS. PEREIRAS: Thank you all very much.

3 CHAIRPERSON CAPIZZI: You're welcome.

4 MS. PEREIRAS: Thank you.

5 CHAIRPERSON CAPIZZI: Have a good night.

6 * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2

3 THE SECRETARY: Let's go back to -- we are
4 going to the next application on tonight's
5 agenda, Mr. Ortiz?

6 MR. ORTIZ: Yes.

7 THE SECRETARY: Faraouk Sheikh, 912
8 Palisade Avenue.

9 We receive any mail from Mr. Alonso.

10 MR. ORTIZ: Yes. Oh, oh, I'll do it.
11 Yeah, I'll address that.

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

14 MR. ORTIZ: Ladies and gentlemen of the
15 Board, Madam Chairwoman, Mr. Alonso did --

16 MS. DILLON: Mr. Ortiz, can I just ask you
17 to --

18 MR. ORTIZ: I'm sorry.

19 MS. DILLON: -- step forward?

20 Thank you.

21 MR. ORTIZ: Mr. Alonso did contact me, via
22 telephone today, to tell me that he was going to
23 be sending a letter requesting an adjournment.

24 The reason for his adjournment is, besides
25 the fact they are tweaking the plans, which they

1 understand they'll have to renotece, but in
2 addition to that, and considering all of that,
3 they may need to request a variance, which would
4 require the renoticing.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. ORTIZ: So, with that being said, I can
7 recommend that, in fact, the adjournment's in
8 good faith, although we have certain rules about
9 how often things will be adjourned.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. ORTIZ: But this is basically for the
12 benefit of the City and the -- and the Board, for
13 them to do this.

14 So, I would recommend that you grant the
15 adjournment.

16 CHAIRPERSON CAPIZZI: Okay.

17 I'll make a motion to approve the
18 adjournment.

19 THE SECRETARY: Motion to adjourn the
20 application by --

21 CHAIRPERSON CAPIZZI: Um hum.

22 THE SECRETARY: -- Ms. Capizzi.

23 MS. GENAO: I second.

24 THE SECRETARY: Seconded by Ms. Genao.

25 Roll call on the motion.

1 Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Rivero?

8 MR. RIVERO: Yes.

9 Yes.

10 THE SECRETARY: Mr. Velazquez?

11 MR. VELAZQUEZ: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Six in favor.

15 Motion carries.

16 Next meeting will be for this application,
17 October 22nd, 2019.

18 MR. ORTIZ: This --

19 THE SECRETARY: Thank you.

20 MR. ORTIZ: This, more than likely, will be
21 renoticed.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. ORTIZ: For members of the public.

24 THE SECRETARY: Thank you.

25 * * *

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

2

3 THE SECRETARY: We are going -- next
4 application on tonight's agenda, Mansoor Saleh,
5 409 4th Street.

6 Mr. Ortiz, please?

7 MR. ORTIZ: Yes. I was also contacted by
8 the attorney on this matter. Similar to the
9 matter that we just adjourned --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. ORTIZ: -- another adjournment was
12 requested, for the same reason, they're tweaking
13 the plans.

14 Again, I know we have certain -- we've set
15 certain rules down, but in light of the fact that
16 they're tweaking them that -- in such a way that
17 I think would be more consistent with our idea of
18 what the City should look like in the future.

19 CHAIRPERSON CAPIZZI: Um hum.

20 MR. ORTIZ: Again, I would recommend that
21 you grant the adjournment on this matter.

22 CHAIRPERSON CAPIZZI: Are they renoticing?
23 Do they have to?

24 MR. ORTIZ: Well, that -- that would --
25 that I am speaking to the attorney about.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. ORTIZ: Quite honestly --

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. ORTIZ: -- it depends how much of a
5 change it is.

6 CHAIRPERSON CAPIZZI: Right. Okay.

7 I'll make a motion to approve the
8 adjournment.

9 MR. VELAZQUEZ: I second.

10 THE SECRETARY: Motion to approve the
11 adjournment by Ms. Capizzi.

12 Seconded by?

13 CHAIRPERSON CAPIZZI: Alex.

14 THE SECRETARY: By Alex?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Thank you, Mr. Velazquez.

17 MR. ORTIZ: I would suggest, at this point,
18 that we move on to hearing --

19 THE SECRETARY: Give me --

20 MR. ORTIZ: -- number 9.

21 THE SECRETARY: Allow me one second, Mr.
22 Ortiz, please.

23 Let me roll call on the motion --

24 MR. ORTIZ: Oh, I'm sorry.

25 I apologize.

1 THE SECRETARY: -- by Ms. Capizzi.

2 Seconded by Mr. Velazquez.

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. Velazquez?

13 MR. VELAZQUEZ: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Six in favor.

17 Motion carries.

18 Next meeting for this application will be

19 October 22nd, 2019.

20 * * *

21

22

23

24

25

1 **Gulam S. Ansari - 1614 New York Avenue:**

2

3 THE SECRETARY: We are going now to move to
4 number --

5 MR. ORTIZ: Nine.

6 THE SECRETARY: -- 9.

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

9 THE SECRETARY: Mr. Ansari?

10 MR. ANSARI: Yes.

11 THE SECRETARY: All right. He's here.

12 Gulam S. Ansari, 1614 New York Avenue.

13 Please approach the podium, Mr. Ansari, to
14 present your application.

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

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

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

21 MR. SEDRA: Yes, we do.

22 MR. ANSARI: Yes.

23 MS. DILLON: Okay.

24 I need you each to state your name and
25 spell it for the record.

1 MR. ANSARI: Sure. I can go first.

2 Gulam Sarwar Ansari.

3 That would be G-U-L-A-M, S-A-R-W-A-R,
4 A-N-S-A-R-I.

5 MR. SEDRA: First name is Ayman, A-Y-M-A-N.

6 MS. DILLON: A --

7 MR. SEDRA: Y-M-A-N.

8 MS. DILLON: A-Y-M-N?

9 MR. SEDRA: No.

10 CHAIRPERSON CAPIZZI: M-A-N.

11 MR. SEDRA: A-N.

12 MS. DILLON: A-N?

13 MR. SEDRA: Yeah.

14 MS. DILLON: Sorry.

15 MR. SEDRA: That's okay. Last name is
16 Sedra, S -- S-E-D-R-A, D-R-A.

17 MS. DILLON: Thank you.

18 MR. SEDRA: Um hum.

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

21 MR. ANSARI: I can get started.

22 CHAIRPERSON CAPIZZI: Yes.

23 MR. ANSARI: Good evening, honorable
24 Chairman and respected members of the Board.

25 We are presenting an application today

1 | which was approved in January to convert a two
2 | family resident to three family. What we're
3 | presenting today are amendments to the plans we
4 | presented.

5 | None of these amendments require any new --

6 | MR. ORTIZ: Are you -- are you an attorney,
7 | sir?

8 | MR. ANSARI: No. I'm the owner of the
9 | property.

10 | MR. ORTIZ: Okay. I -- there's still a few
11 | procedural things that we have to do.

12 | MR. ANSARI: Sure. Absolutely.

13 | MR. ORTIZ: We haven't accepted
14 | jurisdiction yet, on it, so before you get into
15 | the presentation --

16 | MR. ANSARI: Okay.

17 | MR. ORTIZ: -- I need to review your
18 | notices.

19 | MR. ANSARI: Sure.

20 | MR. ORTIZ: That --

21 | THE SECRETARY: We have the originals.
22 | They have copies.

23 | MR. ORTIZ: Can I have the originals of
24 | your notices?

25 | MR. ANSARI: Yes. Absolutely.

1 THE SECRETARY: You have the copies.

2 MR. ORTIZ: I'll review the copies, but
3 give the Clerk -- Board Clerk --

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

6 MS. DILLON: Carlos?

7 THE SECRETARY: Thank you.

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

10 MR. ORTIZ: Madam Chairwoman, I've had a
11 chance --

12 MS. DILLON: Mr. Ortiz, you've got to turn
13 around for me.

14 MR. ORTIZ: Okay.

15 MS. DILLON: Please.

16 MR. ORTIZ: Why don't you give me a mic?
17 I've always wanted one of those.

18 No. In all seriousness.

19 CHAIRPERSON CAPIZZI: After 15 years.

20 MR. ORTIZ: Madam --

21 Yeah, right?

22 Madam Chairwoman, I've had a chance to
23 review the -- the applicant's submissions.
24 Everything seems to be in order, giving the
25 jurisdiction to this Board.

1 CHAIRPERSON CAPIZZI: Proceed.

2 MR. ANSARI: So, the -- the initial
3 application, which we presented on January 22nd,
4 was approved, to convert the existing two family
5 resident to a three family resident.

6 What we are presenting today are the
7 amendments. We have made changes to the plans
8 and Mr. Sedra, our architect, is going to walk
9 you through the changes.

10 As I mentioned before, for the record, none
11 of these changes require any additional
12 variances.

13 MR. ORTIZ: Sir, have you ever appeared
14 before this Board --

15 MR. SEDRA: Yes.

16 MR. ORTIZ: -- before?

17 You have?

18 MR. SEDRA: Yes, I have.

19 MR. ORTIZ: Okay.

20 All right. All right.

21 And how many times have you appeared before
22 this Board? Just for this application?

23 MR. SEDRA: Just -- just for this one.

24 MR. ORTIZ: Madam Chairwoman, we already
25 approved --

1 CHAIRPERSON CAPIZZI: Yes. That's fine.
2 That's fine. Then he can continue.

3 MR. ORTIZ: Yeah.

4 MR. SEDRA: Okay.

5 Should I mark this exhibit A-1? Or we go
6 with -- is what's on the drawing S-01?

7 MR. ORTIZ: You can go with what's on the
8 -- well, mark it A-1. Mark it A-1, if you don't
9 mind?

10 MR. SEDRA: Okay. Okay.

11 MS. DILLON: Please tell me what it is.

12 MR. SEDRA: It's the Site -- Site --
13 Proposed Site Plan and Zoning Analysis, which is
14 Sheet S-01 is going to get marked A-01.

15

16 (Whereupon, Site Plan and Zoning Analysis
17 Sheet S-01 was received and marked as Exhibit A-
18 01.)

19

20 MR. ORTIZ: Now, sir, not that I want to
21 cut off your presentation by -- by any means, but
22 I just want to be clear.

23 It's my understanding is that this is just
24 an -- some kind of change to what was previously
25 approved.

1 Am I correct --

2 MR. ANSARI: That is correct.

3 MR. SEDRA: Correct.

4 MR. ORTIZ: -- when I say that?

5 MR. ANSARI: That is correct.

6 MR. SEDRA: Correct.

7 MR. ORTIZ: Can we, for the sake of the
8 Board's edification, just go straight to the
9 changes?

10 MR. SEDRA: Yes. I'll -- very quick, I'm
11 going to say the changes.

12 So, in the zoning table, in the zoning
13 analysis, the rear yard changed from 34.75, which
14 was the previous application, to 26.60, which
15 still meets the requirement of the town, which is
16 25 feet.

17 The building coverage calculations also
18 changed from 56.64 in the previous application,
19 to 59.36. And that still meets the requirement
20 of the Code, which is 60 percent. That's the
21 maximum.

22 And the lot coverage calculation changes --
23 changed from 67.8 to 73.04 percent, which still
24 meets the requirement of the Code, 85 percent.

25 The last requirement that we changed is the

1 maximum height. We changed the height of the
2 building from 35.64 to 39.81, which still meets
3 the requirement of the town with the maximum
4 height of 40 feet.

5 MR. ORTIZ: So, there's no additional
6 variance.

7 MR. SEDRA: No additional variances and we
8 still meet the requirement of the Ordinance.

9 MR. ORTIZ: And I'm going to -- I think I'm
10 going to ask the obvious question on behalf of
11 the Board, is -- obviously, the footprint is
12 enlarging.

13 MR. SEDRA: The footprint got increased.
14 Yes.

15 MR. ORTIZ: Why?

16 MR. SEDRA: My client had a concern about
17 the size of the bedroom that I gave him in the
18 first submission, it was a little bit small, as
19 he lives in the house, so he likes to have some
20 -- some --

21 MR. ORTIZ: And you are going to reside in
22 the house?

23 MR. ANSARI: Yes.

24 MR. SEDRA: Yes.

25 MR. ORTIZ: Not that that matters --

1 MR. ANSARI: Me and my --

2 MR. ORTIZ: -- for the purpose of the --

3 MR. ANSARI: My family --

4 MR. ORTIZ: -- presentation.

5 MR. ANSARI: -- is right here.

6 MR. SEDRA: Yes.

7 MR. ORTIZ: Okay.

8 MR. SEDRA: But it was a concern about the
9 size of the bedrooms.

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. SEDRA: If we can make them a little
12 bit bigger.

13 But everything else has stayed the same;
14 the number of bedrooms, the -- the living spaces,
15 everything stays the same, except the -- the size
16 of the bedroom got increased. And obviously, the
17 closet spaces got a little bit increased.

18 MR. ORTIZ: Now, this is -- if I'm correct,
19 there's been some -- well, it hasn't been that
20 long actually since it got approved, but now, if
21 you're improving the size of the bedroom on the
22 first floor, are the bedrooms on the second floor
23 also going to --

24 MR. SEDRA: It will get --

25 MR. ORTIZ: -- increase --

1 MR. SEDRA: -- increased, as well.

2 MR. ORTIZ: -- proportionately?

3 MR. SEDRA: The second and third.

4 MR. ORTIZ: Okay.

5 MR. SEDRA: It will follow the same
6 footprint that we're increasing. Yeah.

7 MR. ORTIZ: Okay.

8 And -- and that's the only change. That's
9 --

10 MR. SEDRA: That's the only change.

11 Again, the height, we -- we raised up the
12 height and he asked for a ten foot ceiling.

13 CHAIRPERSON CAPIZZI: Okay.

14 Um hum.

15 MR. SEDRA: And the second and third --
16 obviously, the first floor exists.

17 CHAIRPERSON CAPIZZI: Um hum.

18 MR. SEDRA: So, we're going to follow the
19 ceiling there. The second and third, we will
20 increase the -- increased the ceiling to ten
21 foot, just to give him some height.

22 MR. ORTIZ: It's going to --

23 CHAIRPERSON CAPIZZI: Right.

24 MR. ORTIZ: -- be harder to change the
25 lights, but okay.

1 MR. SEDRA: Yeah.

2 CHAIRPERSON CAPIZZI: Bigger ladder.

3 MR. ANSARI: Right. But it's nice to have

4 --

5 MR. SEDRA: But --

6 MR. ANSARI: -- much larger spaces.

7 MR. SEDRA: Yeah.

8 And, obviously, we added some more windows
9 at the front of the building.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. SEDRA: Like a transom windows at the
12 top.

13 CHAIRPERSON CAPIZZI: Um hum.

14 Very nice.

15 MR. ORTIZ: What was there in the previous
16 proposal?

17 MR. SEDRA: At the front?

18 CHAIRPERSON CAPIZZI: Yeah.

19 MR. SEDRA: It was just a -- just a lower
20 window, with no transom on top, because of the --
21 we kept the height pretty low --

22 MR. ORTIZ: Okay.

23 MR. SEDRA: -- to eight feet.

24 CHAIRPERSON CAPIZZI: So, those are the
25 only changes.

1 MR. SEDRA: These are the only changes.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. SEDRA: As I said, the plan, nothing
4 changed on the plan except the size of the
5 bedrooms.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. SEDRA: And the closet spaces got
8 increased a little bit.

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. SEDRA: And the first floor used to
11 have a powder room, we turned it into a full
12 bathroom.

13 That's it.

14 CHAIRPERSON CAPIZZI: Okay.

15 Does any Board member have any questions or
16 comments?

17 MR. VELAZQUEZ: You got a very, very big
18 garage. Really big.

19 MR. ORTIZ: You like that stuff.

20 CHAIRPERSON CAPIZZI: Any other comments
21 from the Board?

22 Any comments or questions from the public?

23 No?

24 Alex, you have any?

25 No?

1 Okay.

2 Then, seeing none, I'll make a motion to
3 approve the application.

4 THE SECRETARY: Motion to approve the
5 application --

6 CHAIRPERSON CAPIZZI: Yes.

7 THE SECRETARY: -- by Ms. Capizzi.

8 MS. GENAO: I second.

9 THE SECRETARY: Second by Ms. Genao.

10 Roll call on the motion.

11 Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Ms. Genao?

14 MS. GENAO: Yes.

15 THE SECRETARY: Mr. Medina?

16 MR. MEDINA: Yes.

17 THE SECRETARY: Mr. Rivero?

18 MR. RIVERO: Yes.

19 THE SECRETARY: Mr. Velazquez?

20 MR. VELAZQUEZ: Yes.

21 THE SECRETARY: Mr. Guareno?

22 MR. GUARENO: Yes.

23 THE SECRETARY: Six in favor.

24 Motion carries.

25 Thank you, Mr. Ansari.

1 MR. ANSARI: Thank you so much.

2 CHAIRPERSON CAPIZZI: Thank you.

3 MR. SEDRA: Thank you.

4 MR. ANSARI: Have a nice night.

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **208 18th Street, LLC - 208 18th Street:**

2

3 THE SECRETARY: We are going to number 7.

4 MR. ORTIZ: Seven, 8 and 9.

5 THE SECRETARY: Seven --

6 MR. ORTIZ: I mean, 7.

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

9 THE SECRETARY: All right.

10 Next -- next application on tonight's
11 agenda, we are going to number 7; 208 18th Street,
12 LLC.

13 Mr. Ortiz, please?

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

16 MR. ORTIZ: Madam Chairwoman, this matter,
17 I did not have a chance to speak to the attorney
18 on, but a letter was clearly submitted September
19 18th in reference to this matter.

20 And it was -- it's requested that this be
21 adjourned to the October 22nd, 2019 meeting at six
22 p.m.

23 I don't know if we could accommodate that.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. ORTIZ: I -- I leave that in the -- the

1 Board's Clerk's hands.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. ORTIZ: As far as the adjournment goes,
4 it doesn't specify, quite honestly, why. I don't
5 have an answer for you as to that.

6 And again, I didn't speak to the attorney
7 on this matter, so -- but it -- they are
8 requesting an adjournment. It's in the Board's
9 discretion.

10 MR. VELAZQUEZ: For October?

11 MR. ORTIZ: For October 22nd.

12 CHAIRPERSON CAPIZZI: Maybe.

13 MR. ORTIZ: But we can't --

14 CHAIRPERSON CAPIZZI: Depends.

15 MR. ORTIZ: We can't promise that because I
16 don't know what the agenda is for October 22nd.

17 CHAIRPERSON CAPIZZI: Right. So, maybe it
18 goes to November.

19 MR. ORTIZ: It could possibly, yes.

20 CHAIRPERSON CAPIZZI: Because they should
21 have given you a reason why they wanted it to be
22 adjourned.

23 No?

24 MR. ORTIZ: That's a fair statement.

25 CHAIRPERSON CAPIZZI: I think so.

1 MR. ORTIZ: So, with that being said, I
2 could only put out what's in the letter.

3 CHAIRPERSON CAPIZZI: Right. So, I mean,
4 I'll vote for an adjournment, but I want you to
5 look at October's applications and November, and
6 see where this best fits.

7 THE SECRETARY: We -- we --

8 MR. ORTIZ: And quite honestly --

9 THE SECRETARY: We can put it on the 22nd.

10 MR. ORTIZ: We may -- we may have to -- and
11 I'll look into this further, but we may have to
12 request that they renotece, if we don't get them
13 in October.

14 CHAIRPERSON CAPIZZI: Right.

15 MR. ORTIZ: We can probably carry it to our
16 October, if they fit.

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. ORTIZ: So --

19 CHAIRPERSON CAPIZZI: That's fair.

20 THE SECRETARY: All right.

21 -It's going to be adjourned for the 22nd of
22 October?

23 MR. ORTIZ: No. It's to be adjourned, and
24 the date to be determined, because we don't know
25 -- potentially for October, but until you have a

1 chance to look at the agenda.

2 THE SECRETARY: No. It's okay for -- for
3 October 22nd, you going to put on the agenda.

4 MR. ORTIZ: You're sure?

5 THE SECRETARY: Yes.

6 MR. ORTIZ: Well, we're going to -- but
7 keep in mind, we potentially may have other ones
8 on for October. So, do you want to just wait
9 before we decide that?

10 Okay.

11 Madam Chairwoman, the Clerk seems to
12 believe that we can fit that in on October 22nd.

13 THE SECRETARY: Yes, it's fine --

14 CHAIRPERSON CAPIZZI: Okay.

15 THE SECRETARY: -- Madam Chair --

16 CHAIRPERSON CAPIZZI: Then that's fine.

17 THE SECRETARY: -- person.

18 CHAIRPERSON CAPIZZI: Okay.

19 THE SECRETARY: Now, can I have a --

20 CHAIRPERSON CAPIZZI: I make a motion.

21 THE SECRETARY: -- motion to adjourn --

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: -- this application for
24 October 22nd, 2019?

25 By Ms. Capizzi.

1 CHAIRPERSON CAPIZZI: Do they have to
2 re-notice?

3 MR. ORTIZ: Not If --

4 THE SECRETARY: Second by?

5 MR. ORTIZ: Not if we're going --

6 MR. GUARENO: Second.

7 MR. ORTIZ: -- to October.

8 CHAIRPERSON CAPIZZI: Okay.

9 THE SECRETARY: Mr. Guareno?

10 MR. ORTIZ: I would only say --

11 MR. GUARENO: Yes.

12 MR. ORTIZ: -- in November, if they did.

13 CHAIRPERSON CAPIZZI: Okay.

14 THE SECRETARY: Roll call on the motion to
15 adjourn this application.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Velazquez?

25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

5 Can we have a five minute break?

6 MR. ORTIZ: We don't need one.

7 THE SECRETARY: Yes, we need one.

8 MR. ORTIZ: Okay.

9 THE SECRETARY: Thank you.

10 CHAIRPERSON CAPIZZI: Okay.

11 THE SECRETARY: Five minute break.

12

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

15 * * *

16

17

18

19

20

21

22

23

24

25

1 **Mardamer Builders - 546-548 35th Street;**
2 **Mardamer Builders - 547 36th Street; and**
3 **Mardamer Builders - 545 41st Street:**

4

5 MS. DILLON: On the record.

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

8 Back in business.

9 Next application on tonight's agenda,
10 Mardamer Builder, 546-548 35th Street.

11 That's number 4.

12 Number 5.

13 Mardamer Builders, 547 36th Street.

14 And number 6.

15 Mardamer Builder, 545 41st Street.

16 Mr. --

17 MR. ORTIZ: Board members?

18 THE SECRETARY: -- Lopez, please?

19 MR. ORTIZ: For purpose of the adjournment,
20 they are -- they're being all called at once,
21 simply because the reasoning will be the same, I
22 assume, for each one of them.

23 MR. LOPEZ: Madam Chairwoman, I guess he
24 wants to go home to watch the game or something.

25 MR. ORTIZ: No, it doesn't -- you know, I'm

1 here.

2 MR. LOPEZ: Madam Chairwoman, members of
3 the Board, good evening.

4 Adolfo Lopez appearing on behalf of the
5 applicant.

6 I had discussed this with Mr. Ortiz. Based
7 upon the recommendations that this Board had
8 given us when we had heard the first of these
9 matters, the applicant has decided to downsize
10 the project.

11 So, based upon that, our architect, and we
12 had notified Mr. Vallejo that we might be seeking
13 an adjournment tonight. Mr. Carballo's not here.
14 We wanted to give the 48 hour notice.

15 MR. ORTIZ: And he also did notice me, as
16 well.

17 MR. LOPEZ: And --

18 CHAIRPERSON CAPIZZI: Um hum.

19 MR. LOPEZ: -- and we discussed it.

20 MR. ORTIZ: Verbally committed.

21 MR. LOPEZ: So, in any event, we'd like to
22 submit plans ahead of time. If by any chance,
23 there should be any other meeting between now and
24 then, if you --

25 CHAIRPERSON CAPIZZI: Um hum.

1 MR. LOPEZ: -- could squeeze us in, Mr.
2 Ortiz, we'd greatly appreciate it.

3 MR. ORTIZ: What -- what I propose,
4 potentially, and that -- although it's not
5 scheduled yet, we may have to or likely to have
6 to have a special meeting for the Whispering
7 Woods hearing.

8 CHAIRPERSON CAPIZZI: Right.

9 MR. ORTIZ: So, I figure we could address
10 that at the same time, if we're here anyway.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. ORTIZ: If -- if it's before the
13 October meeting.

14 MR. LOPEZ: Right.

15 MR. ORTIZ: If not, then --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. ORTIZ: -- it will be the October
18 meeting.

19 MR. VELAZQUEZ: We would only put this on
20 so it won't impact --

21 MR. ORTIZ: Yeah, just the -- just this.
22 Yeah. No, no, no, no. We're not making a full
23 fledged meeting.

24 CHAIRPERSON CAPIZZI: Sure.

25 MR. ORTIZ: I'm -- but I -- as I spoke to

1 Mr. Lopez --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. ORTIZ: -- there is a risk of loss of
4 financing if this --

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. ORTIZ: You know, if the Board was to
7 approve this --

8 THE SECRETARY: Can we --

9 MR. ORTIZ: I'm -- I'm trying to explain.

10 THE SECRETARY: -- put it to November 26?

11 MR. LOPEZ: No.

12 THE SECRETARY: No?

13 MR. LOPEZ: No.

14 CHAIRPERSON CAPIZZI: No. He needs it
15 before.

16 MR. LOPEZ: That's a big problem. You
17 know, we would need it --

18 MR. VELAZQUEZ: You wanted to put 208 18th
19 --

20 THE SECRETARY: I am going on vacation --

21 CHAIRPERSON CAPIZZI: You need it sooner.

22 THE SECRETARY: -- after October.

23 MR. VELAZQUEZ: -- Street on the 22nd.

24 THE SECRETARY: After --

25 MR. LOPEZ: Yeah, you're pushing for 18th

1 Street and what did I do to you, Mr. Vallejo?

2 THE SECRETARY: Oh, my God.

3 MR. ORTIZ: Didn't I --

4 MR. VELAZQUEZ: 208 18th Street, you were
5 like this, the 22nd.

6 MR. LOPEZ: So, we'll -- we'll play that by
7 ear, but if --

8 CHAIRPERSON CAPIZZI: Okay.

9 MR. LOPEZ: -- if something opens up, and
10 we can do it, certainly I mean, it's three
11 different projects, --

12 CHAIRPERSON CAPIZZI: Right.

13 MR. LOPEZ: -- but it's basically the same
14 thing as -- as we've discussed previously.

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. LOPEZ: So, we'd really appreciate it.

17 CHAIRPERSON CAPIZZI: Sure.

18 MR. VELAZQUEZ: We will put it on.

19 THE SECRETARY: We'll be forever with these
20 things. You want to do for the 22nd?

21 MR. ORTIZ: You control the agenda.

22 THE SECRETARY: Yes. Okay. Yes, the 22nd.

23 MR. ORTIZ: But -- but what I'm saying is,
24 if we have the Whispering Woods special before
25 that --

1 THE SECRETARY: But that's -- that's very
2 simple. Yeah. Don't worry. Leave that alone.
3 That was quick. Let's do October 22nd.

4 MR. ORTIZ: You control the agenda. I'm
5 only the attorney. You know how that is.

6 MR. LOPEZ: Mr. Vallejo, just don't --
7 don't close your mind to it. Let's --

8 THE SECRETARY: No.

9 MR. LOPEZ: It's on for the 20 --

10 THE SECRETARY: October --

11 MR. LOPEZ: -- for October, but if
12 something should open it, this young lady, who
13 really calls the shots here --

14 CHAIRPERSON CAPIZZI: Not really.

15 THE SECRETARY: Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Are you agreed for October
18 22nd or another day?

19 MR. GUARENO: Go for October.

20 MR. VELAZQUEZ: If we have that special
21 meeting, we could help alleviate the --

22 CHAIRPERSON CAPIZZI: Sure.

23 MR. VELAZQUEZ: -- agenda a little bit.

24 MS. GENAO: Yeah.

25 THE SECRETARY: All right.

1 CHAIRPERSON CAPIZZI: Sure.

2 MR. VELAZQUEZ: On the 22nd.

3 THE SECRETARY: I don't know. We don't
4 know when will be the special meeting.

5 CHAIRPERSON CAPIZZI: Okay.

6 We have to have a special meeting. I know
7 that.

8 MR. VELAZQUEZ: Before the 22nd.

9 CHAIRPERSON CAPIZZI: Because the other one
10 was cancelled.

11 MR. ORTIZ: I think that's understood by
12 the applicant's attorney, that --

13 MR. LOPEZ: Absolutely.

14 CHAIRPERSON CAPIZZI: Okay. So, we're
15 going to try and --

16 MR. ORTIZ: And -- and we are waiving any
17 time, as well.

18 Right?

19 MR. LOPEZ: Absolutely. Yes. I made that
20 clear to you.

21 CHAIRPERSON CAPIZZI: I'll approve the
22 adjournment, and let's leave it open with the
23 date. And we know that you need to have --

24 MR. LOPEZ: Thank you so much.

25 MR. ORTIZ: I mean, it's probably going to

1 require renoticing, no matter what, because it
2 may be a substantial change or -- I don't know
3 what the change exactly.

4 MR. LOPEZ: No. It would be a decrease, if
5 -- if any.

6 MR. ORTIZ: Oh.

7 MR. LOPEZ: It's a substantial decrease in
8 size --

9 MR. ORTIZ: Oh, okay.

10 MR. LOPEZ: -- actually.

11 MR. ORTIZ: All right. Okay.

12 MR. LOPEZ: So, --

13 THE SECRETARY: All right.

14 MR. ORTIZ: All right.

15 MR. LOPEZ: -- yeah.

16 CHAIRPERSON CAPIZZI: Okay.

17 THE SECRETARY: Motion to adjourn the --

18 CHAIRPERSON CAPIZZI: Um hum.

19 THE SECRETARY: -- the three applications
20 by Ms. Capizzi.

21 Second by?

22 MR. VELAZQUEZ: Second.

23 THE SECRETARY: Mr. Velazquez.

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

1 Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Mr. Medina?

6 MR. MEDINA: Yes.

7 THE SECRETARY: Mr. Rivero?

8 MR. RIVERO: Yes.

9 THE SECRETARY: Mr. Velazquez?

10 MR. VELAZQUEZ: Yes.

11 THE SECRETARY: Mr. Guareno?

12 MR. GUARENO: Yes.

13 THE SECRETARY: Six in favor.

14 Motion carries.

15 MR. LOPEZ: Thank you to all.

16 CHAIRPERSON CAPIZZI: Thank you.

17 * * *

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) Resolution to Appoint the Attorney to the
4 Planning Board; Retroactive on July 1, 2019
5 through June 30, 2020.

6

7 THE SECRETARY: All right.

8 We are going to go for Resolution now;
9 Resolutions.

10 All right. We have six Resolution on
11 tonight's agenda.

12 Resolution number 1.

13 To appoint the attorney of the Planning
14 Board, retroactive from July 1st through June 30
15 -- July 1st, 2019 through -- through June 30,
16 2020.

17 Can I have a motion?

18 CHAIRPERSON CAPIZZI: I'll make a motion.

19 THE SECRETARY: Motion by Ms. Capizzi.

20 MR. VELAZQUEZ: Second.

21 THE SECRETARY: Second by Mr. Velazquez.

22 Roll call on the motion to approve.

23 Ms. Capizzi?

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: Ms. Genao?

1 MS. GENAO: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Rivero?

5 MR. RIVERO: Yes.

6 THE SECRETARY: Mr. Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS :**

2

3 (2) Resolution to appoint the Litigation
4 Attorney to the Planning Board.

5

6 THE SECRETARY: Next Resolution on
7 tonight's agenda, to appoint the litigation
8 attorney to the Planning Board.

9 Motion by Ms. Capizzi.

10 CHAIRPERSON CAPIZZI: Absolutely.

11 MR. VELAZQUEZ: Second.

12 THE SECRETARY: Second by?

13 MS. GENAO: Alex.

14 THE SECRETARY: Mr. Velazquez.

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: Mr. Medina?

21 MR. MEDINA: Yes.

22 THE SECRETARY: Mr. Rivero?

23 MR. RIVERO: Yes.

24 THE SECRETARY: Mr. Velazquez?

25 MR. VELAZQUEZ: Yes.

1 THE SECRETARY: Mr. Guareno?

2 MR. GUARENO: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

5 * * *

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (3) 315 5th Street, LLC, 315 5th Street, Block
4 14, Lot 12. Applicant proposes the construction
5 of a new three family dwelling. The applicant
6 proposed minor amendment. The Resolution was
7 memorialized on May 22, 2018. Approved

8

9 THE SECRETARY: We are going to Resolution
10 number 3.

11 315 5th Street, LLC, 315 5th Street.

12 The applicant propose the construction of a
13 new family dwelling. The applicant propose minor
14 amendment. Resolution was memorialized on May
15 22, 2018.

16 Can I have a motion to approve the
17 Resolution?

18 CHAIRPERSON CAPIZZI: I'll make a motion.

19 THE SECRETARY: Motion by Ms. Capizzi.

20 MR. VELAZQUEZ: Second.

21 THE SECRETARY: Seconded by Mr. Velazquez.

22 Roll call on the motion.

23 Ms. Capizzi?

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: Ms. Genao?

1 MS. GENAO: Yes.

2 THE SECRETARY: Mr. Medina?

3 MR. MEDINA: Yes.

4 THE SECRETARY: Mr. Rivero?

5 MR. RIVERO: Yes.

6 THE SECRETARY: Mr. Velazquez?

7 MR. VELAZQUEZ: Yes.

8 THE SECRETARY: Mr. Guareno?

9 MR. GUARENO: Yes.

10 THE SECRETARY: Six in favor.

11 Motion carries.

12 * * *

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS :**

2

3 (4) La Valentina on Twenty Second, LLC, 415 22nd
4 Street, Block 113, Lot 11. Applicant proposes
5 the legalization of a basement apartment.

6 **Approved**

7

8 THE SECRETARY: Resolution number 4.

9 La Valentina on Twenty Second, LLC, 415
10 22nd Street.

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

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: Motion by Ms. Capizzi.

15 Any second the motion?

16 MR. GUARENO: Second.

17 THE SECRETARY: By Mr. Guareno.

18 Roll call on the motion.

19 Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Six in favor.

7 Motion carries.

8 * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS :**

2

3 (5) Resolution Recommendation Adoption by the
4 Board of Commissioners of the City of Union City
5 of the Revised Chapter 223 Land Development
6 Ordinance.

7

8 THE SECRETARY: Resolution number 5.

9 Resolution Recommendation Adoption of the
10 -- by the Board of Commissioner with the City of
11 Union City of the Revised Chapter 223 Land
12 Development Ordinance.

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

15 CHAIRPERSON CAPIZZI: I'll make a motion.

16 THE SECRETARY: Motion by Ms. Capizzi.

17 Seconded by?

18 MS. GENAO: I second.

19 THE SECRETARY: Ms. Genao.

20 Roll call on the motion.

21 Ms. Capizzi?

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: Ms. Genao?

24 MS. GENAO: Yes.

25 THE SECRETARY: Mr. Medina?

1 MR. MEDINA: Yes.

2 THE SECRETARY: Mr. Rivero?

3 MR. RIVERO: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Six in favor.

9 Motion carries.

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **CORRECTIVE RESOLUTION:**

2

3 (6) 3100 Bergenline, LLC, 3100 Bergenline
4 Avenue, Block 168.02, Lot 1. Residential over
5 commercial. Existing commercial, retail and
6 office. Proposed commercial/retail and 27
7 apartments, nine parking spaces.

8

9 THE SECRETARY: All right.

10 Next Resolution, Corrective Resolution.

11 3100 Bergenline Avenue, LLC.

12 Can I have a motion to adopt --

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: -- this Resolution?

15 Motion by Ms. Capizzi.

16 MR. VELAZQUEZ: Second.

17 THE SECRETARY: Seconded by Mr. Velazquez.

18 Roll call on the motion.

19 Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Mr. Rivero?

1 MR. RIVERO: Yes.

2 THE SECRETARY: Mr. Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Six in favor.

7 Motion carries.

8 * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

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

6 CHAIRPERSON CAPIZZI: Make a motion.

7 THE SECRETARY: Motion by Ms. Capizzi.

8 MR. VELAZQUEZ: Second.

9 THE SECRETARY: Seconded by Mr. Velazquez.
10 All in favor?

11

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

13

14 THE SECRETARY: The ayes have it.

15 CHAIRPERSON CAPIZZI: Okay.

16 THE SECRETARY: Thank you.

17 Have a good night.

18 CHAIRPERSON CAPIZZI: See you in October.

19 THE SECRETARY: Motion carries.

20 Let the record show that the meeting has
21 ended.

22

23 (Whereupon, the proceedings were concluded
24 at 6:56 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, September 24, 2019 and digitally
11 recorded.

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon