

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED  
: PROCEEDINGS  
:  
:

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City Hall  
3715 Palisade Avenue  
Union City, New Jersey

Tuesday, October 22, 2019  
Commencing at 6:03 p.m.

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

YDALIA GENAO, Mayor's Designee  
ALICIA MOREJON  
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  
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  
  
DAVID SPATZ, Consultant,  
Community Housing & Planning Associates, Inc.

## 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, 514 39<sup>th</sup> Street, LLC

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, Robert Focht

BIANCA P. PEREIRAS, ESQ.,  
Attorney for Applicant, Madelyn Perez

RAMON M. GONZALEZ, ESQ.,  
Attorney for Applicant, Joseph Gaudio

I N D E X

|                                                     | <u>PAGE</u> |
|-----------------------------------------------------|-------------|
| CALL TO ORDER                                       | 7           |
| SALUTE TO FLAG                                      | 8           |
| ROLL CALL                                           | 8           |
| ADOPTION OF MINUTES                                 | 10          |
| RESOLUTIONS                                         | 106         |
| HEARINGS                                            |             |
| Faraouk Sheikh                                      | 12          |
| Mansoor Saleh                                       | 15          |
| 208 18 <sup>th</sup> Street, LLC                    | 16          |
| Mardamer Builders - 546-548 35 <sup>th</sup> Street | 19          |
| Mardamer Builders - 547 36 <sup>th</sup> Street     | 19          |
| Mardamer Builders, 545 41 <sup>st</sup> Street      | 19          |
| 514 39 <sup>th</sup> Street, LLC                    | 63          |
| Robert Focht                                        | 78          |
| Madelyn Perez                                       | 96          |
| Joseph Gaudio, 2500 New York Avenue                 | 68          |
| Joseph Gaudio, 2502 New York Avenue                 | 75          |
| OTHER BUSINESS                                      |             |
| STATEMENT REGARDING ADJOURNMENTS                    | 73/105      |
| ADJOURNMENT                                         | 110         |

I N D E X

Mardamer Builders - 545-548 35<sup>th</sup> Street  
Mardamer Builders - 547 36<sup>th</sup> Street  
Mardamer Builders - 545 41<sup>st</sup> Street

WITNESSPAGE

Jose Carballo

27

PUBLIC COMMENT

Larry Price

23

I N D E XRobert Focht - 312 21<sup>st</sup> StreetWITNESSPAGE

Manuel Pereiras

79

I N D E XMadelyn Perez - 219 Roosevelt StreetWITNESSPAGE

Manuel Pereiras

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1 MS. DILLON: Yes.

2 On the record.

3 THE SECRETARY: May I have your attention,  
4 please?

5 On record?

6 MS. DILLON: Yes.

7 THE SECRETARY: Please take notice on  
8 Tuesday, October 22<sup>nd</sup>, 2019, at six p.m., Regular  
9 Meeting is scheduled for the City of Union City  
10 Planning Board to be held in the Municipal --  
11 Municipal Chambers of the City Hall, 3715  
12 Palisade Avenue, Union City, New Jersey.

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

16 Notice of this meeting has been provided as  
17 follow:

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

25 Before we call roll for this evening, can

1 everybody kindly rise to salute the flag, please?

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 -- Stack? 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: Commissioner Celin Valdivia  
19 is absent.

20 Carolina Fernandez is absent.

21 Rudy Rivero?

22 MR. RIVERO: Here.

23 THE SECRETARY: Franklin Medina?

24 MR. MEDINA: Here.

25 THE SECRETARY: Alicia Morejon?



1 MS. MOREJON: Yes.

2 THE SECRETARY: Alejandro Velazquez?

3 MR. VELAZQUEZ: Yes.

4 THE SECRETARY: Jose Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Let the record indicate  
7 there are seven present that we have a full  
8 quorum for tonight's agenda.

9 So, we have a Board up to seven members.

10 Those absent tonight are Mayor Brian P.  
11 Stack, Jeanne Koehler, Commissioner Celin  
12 Valdivia and Carolina Fernandez.

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1     **ADOPTION OF MINUTES:**

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3     ( 1)   Regular Meeting held on September 24, 2019

4

5           THE SECRETARY:   Adoption of minutes.

6           Regular meeting held on September 24, 2019.

7           Can I have a motion?

8           MR. VELAZQUEZ:   I make a motion.

9           THE SECRETARY:   Motion by Mr. Velazquez.

10          MR. GUARENO:    Second.

11          THE SECRETARY:   Seconded by Mr. Guareno.

12          Roll call on the motion.

13          Ms. Capizzi?

14          CHAIRPERSON CAPIZZI:   Yes.

15          THE SECRETARY:   Ms. Genao?

16          MS. GENAO:    Yes.

17          THE SECRETARY:   Mr. Medina?

18          MR. MEDINA:    Yes.

19          THE SECRETARY:   Ms. Morejon?

20          MS. MOREJON:   Yes.

21          THE SECRETARY:   Mr. Rivero?

22          MR. RIVERO:    Yes.

23          THE SECRETARY:   Mr. Velazquez?

24          MS. DILLON:    He stepped out.

25          THE SECRETARY:   Oh, he stepped out.

1           Mr. Guareno?

2           MR. GUARENO:   Yes.

3           THE SECRETARY:   Six in favor.

4           Motion carries.

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

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

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3             THE SECRETARY: First application on  
4 tonight's hearing, Faraouk Sheikh, 912 Palisade  
5 Avenue.

6             All right. Let's take a five minute break.  
7             Off the record.

8

9             (Whereupon, the Board recessed from 6:06  
10 p.m. to 6:07 p.m.)

11

12             THE SECRETARY: Back in record.

13             First application on tonight's agenda,  
14 Faraouk Sheik, 912 Palisade Avenue.

15             Mr. Ortiz, please?

16             MR. ORTIZ: Yes.

17             On this matter, Mr. Alonso has asked that  
18 this be adjourned to our November meeting. I  
19 don't see a problem with that. He did submit a  
20 letter October 21<sup>st</sup>, which is yesterday, in this.

21             I will, however, review his submissions for  
22 purposes of jurisdiction.

23             He did advertise for tonight. And just  
24 give me a second.

25             (Whereupon, there was a pause in the

1 proceedings.)

2 MR. ORTIZ: Okay.

3 Madam Chairwoman, it seems that the  
4 submissions are in order, giving jurisdiction to  
5 the Board.

6 I ask that we accept that, so now we have  
7 jurisdiction. So, there will be no further  
8 notice on 912 Palisade Avenue.

9 However, if the Board so see it -- deems it  
10 proper to give -- grant jurisdiction to Mr.  
11 Alonso and his client.

12 CHAIRPERSON CAPIZZI: So, I'll make a  
13 motion to approve the adjournment.

14 MS. MOREJON: Second.

15 THE SECRETARY: Motion to adjourn the  
16 application by Ms. Capizzi.

17 Seconded by Ms. Morejon.

18 CHAIRPERSON CAPIZZI: No further notice,  
19 you said.

20 MR. ORTIZ: Yeah, there will be no further  
21 notices.

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. ORTIZ: We are just assuming  
24 jurisdiction. It would be the same thing as if  
25 they were here to present what they were asking

1 for.

2 THE SECRETARY: Roll call on the motion to  
3 adjourn this application to November 24 (sic),  
4 2019. No new notice required.

5 Ms. Capizzi?

6 CHAIRPERSON CAPIZZI: Yes.

7 THE SECRETARY: Ms. Genao?

8 MS. GENAO: Yes.

9 THE SECRETARY: Mr. Medina?

10 MR. MEDINA: Yes.

11 THE SECRETARY: Ms. Morejon?

12 MS. MOREJON: Yes.

13 THE SECRETARY: Mr. Rivero?

14 MR. RIVERO: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 MR. VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Seven in favor.

20 Motion carries.

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

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3 THE SECRETARY: Next application on  
4 tonight's agenda, Mansoor Saleh, 409 4<sup>th</sup> Street.

5 Mr. Ortiz, please?

6 MR. ORTIZ: Yes.

7 Here again, we received correspondence from  
8 the attorney, Ms. Paneque. Ms. Paneque has  
9 respect -- respectfully requested to withdraw the  
10 variance. I don't think that's going to -- the  
11 application, excuse me.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ORTIZ: I don't believe that's going to  
14 require any kind of vote by this Board.

15 CHAIRPERSON CAPIZZI: Okay.

16 MR. ORTIZ: She's voluntarily --

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. ORTIZ: -- withdrawing.

19 THE SECRETARY: Thank you, Mr. Ortiz.

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

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3             THE SECRETARY: Next application on  
4 tonight's agenda, 208 18<sup>th</sup> Street.

5             Mr. Ortiz, please?

6             MR. ORTIZ: Again, received correspondence  
7 as to this matter on October 16<sup>th</sup>, requesting an  
8 adjournment.

9             My recommendation to this Board is to grant  
10 his this last adjournment. However, if they seek  
11 another adjournment, they will have to renotece  
12 because they've sought more adjournments than our  
13 Board typically allows.

14            CHAIRPERSON CAPIZZI: Okay. So, I'll make  
15 a motion to approve --

16            MS. MOREJON: I'll second.

17            CHAIRPERSON CAPIZZI: -- the adjournment.

18            THE SECRETARY: Motion to adjourn this  
19 application for --

20            CHAIRPERSON CAPIZZI: Um hum.

21            MR. ORTIZ: With the condition.

22            THE SECRETARY: -- November 24 (sic) --

23            CHAIRPERSON CAPIZZI: With the condition  
24 that --

25            THE SECRETARY: -- 2000 --



1 CHAIRPERSON CAPIZZI: -- this is the last  
2 adjournment. If they ask --

3 MR. ORTIZ: Without renotices.

4 CHAIRPERSON CAPIZZI: -- to adjourn again,  
5 they would have to renotice.

6 THE SECRETARY: Yes, ma'am.

7 CHAIRPERSON CAPIZZI: Okay.

8 THE SECRETARY: Motion on the table to  
9 adjourn this application for November 24 (sic),  
10 2019, no new notice required.

11 Motion by Ms. Capizzi.

12 Seconded by Ms. Morejon.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: 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: Seven in favor.

4 Motion carries.

5 For the record, this is the last  
6 adjournment with this notice.

7 CHAIRPERSON CAPIZZI: Um hum.

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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             THE SECRETARY: All right.

6             We are going to application number 4,

7     Mardamer Builders, 546-548 35<sup>th</sup> Street.

8             Mr. Lopez, please?

9             MR. ORTIZ: Mr. Lopez, is it doable to  
10    present 4, 5, and 6 at the same time?

11            MR. LOPEZ: I have no objection. We could  
12    certainly identify each of the locations. The  
13    buildings are the same on all of the properties.

14            MR. ORTIZ: How would the Board like to  
15    hear it?

16            MR. LOPEZ: Or --

17            CHAIRPERSON CAPIZZI: You okay with that?

18            MS. MOREJON: I'm okay with it.

19            MR. ORTIZ: Okay.

20            MR. LOPEZ: And --

21            CHAIRPERSON CAPIZZI: It's exactly the same  
22    plan on all three properties.

23            MR. LOPEZ: Yes.

24            CHAIRPERSON CAPIZZI: Okay.

25            MR. LOPEZ: Yes. The --

1 MR. ORTIZ: If you could -- if you could  
2 differentiate if there is any minor difference,  
3 even, for the record, though?

4 MR. LOPEZ: Yes.

5 The -- the only -- and I was going to do  
6 this, the one minor difference is the project on  
7 36<sup>th</sup> Street is a larger lot and it will require a  
8 subdivision, because of the layout.

9 We are going to subdivide it into three  
10 equal lots. And right now, as they are currently  
11 divided, it is three lots, but they are different  
12 shapes. Different widths, basically.

13 So, the 36<sup>th</sup> Street plan requires a  
14 subdivision into three equal lots. I think  
15 they're 27, so the -- the architect will go into  
16 it. But it's -- in terms of the structures,  
17 they're all the same.

18 MS. MOREJON: They're all the same.

19 MR. LOPEZ: Yeah.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. ORTIZ: And the lots would also be the  
22 same size, once they're done.

23 MR. LOPEZ: 36<sup>th</sup> Street will be a little  
24 larger. They'll be 27 rather than 25.

25 MR. ORTIZ: But not smaller.

1 MR. LOPEZ: But that's it. No, not  
2 smaller.

3 CHAIRPERSON CAPIZZI: Um hum.

4 MR. LOPEZ: They're larger.

5 MR. ORTIZ: Okay.

6 MR. LOPEZ: And we have -- and again, just  
7 for clarification, just so the record is clear,  
8 we had advised the Board that we would be  
9 returning with a two family --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. LOPEZ: -- proposal. The Board is  
12 aware that the City adopted a new Ordinance.  
13 Because it is a two family structure, again just  
14 so the record is clear, if this were to have been  
15 filed originally as a two family, because no site  
16 plan approval is required, it would have been  
17 filed before the Board of Adjustment.

18 But the original application was for a  
19 three family structure, thus requiring site plan.  
20 So, we are properly before this Board. Because  
21 the -- the applicant decided to modify its plans,  
22 we advised the Board and this Board, in essence,  
23 retained jurisdiction so it could hear tonight's  
24 application.

25 CHAIRPERSON CAPIZZI: Um hum. Okay.

1 MR. LOPEZ: Okay?

2 Mr. Carballo?

3 MR. ORTIZ: Could you just announce that  
4 it's -- put the titles of all the -- I just want  
5 --

6 MR. LOPEZ: Announce all of them. Correct.  
7 Yeah.

8 MR. ORTIZ: Announce all three of them,  
9 that are being heard as one collectively,  
10 application.

11 MR. PRICE: Could I ask a question?

12 THE SECRETARY: I -- I going to announce  
13 every single --

14 CHAIRPERSON CAPIZZI: Is he allowed to --

15 THE SECRETARY: -- one again.

16 MR. LOPEZ: Yes.

17 CHAIRPERSON CAPIZZI: He has a question.

18 THE SECRETARY: All right?

19 Ready?

20 CHAIRPERSON CAPIZZI: He should come up  
21 here.

22 MR. LOPEZ: Wait. Hold on. Hold on.

23 CHAIRPERSON CAPIZZI: Hold on.

24 MR. PRICE: Section --

25 CHAIRPERSON CAPIZZI: Can you just --

1           MR. PRICE: Larry Price, 1006 Palisade  
2 Avenue.

3           Section 60 of the MLUL says that the  
4 Planning Board can grant C variances, not D  
5 variance; C variances in conjunction with a  
6 conditional use, a subdivision, or a site plan.  
7 Okay.

8           By State law, and -- and also, by City  
9 Ordinance, you're exempt from site plan approval  
10 on a two family unit.

11          MR. LOPEZ: Correct.

12          MR. PRICE: Okay.

13          Now, on the 36<sup>th</sup> Street, you need a  
14 subdivision, so I would concede that on 36<sup>th</sup>  
15 Street, because it's in conjunction with -- that  
16 application should be heard here.

17          MR. LOPEZ: Yes.

18          MR. PRICE: But why -- the other two don't  
19 require that. Why are you saying they should be  
20 heard here rather than before the Zoning Board?

21          MR. LOPEZ: I --

22          MR. PRICE: This Board had no authority to  
23 grant variances.

24          MR. LOPEZ: Well, I -- I had put in for a  
25 subdivision on all of them, because one of the

1 | issues that came up in the prior hearings is that  
2 | Mr. Ortiz indicated that there is a merger of  
3 | title.

4 |         If you will recall, when one of the times  
5 | that the matter was being put off, Mr. Ortiz  
6 | indicated that I did not request subdivisions,  
7 | because there is one deed into each of the 35<sup>th</sup>  
8 | Street and the 41<sup>st</sup> Street properties.

9 |         So, technically, I'm putting in for a  
10 | subdivision on all of them. It doesn't change  
11 | the lot. It's only to clear up the issue of  
12 | joinder of title because title was conveyed by  
13 | one deed. So, I --

14 |         MR. PRICE: Okay. So --

15 |         MR. LOPEZ: I have subdivisions on all of  
16 | them.

17 |         MR. PRICE: Subdivisions. Okay.

18 |         MR. LOPEZ: The -- the --

19 |         MR. PRICE: So, the Board has -- okay.

20 |         MR. LOPEZ: -- has authority.

21 |         The only one that we have actual physical  
22 | subdivisions where we are rearranging the size of  
23 | the lots is the 36<sup>th</sup> Street lot, because the lots  
24 | are all different sizes.

25 |         MR. PRICE: But -- okay.



1 MR. LOPEZ: Okay?

2 MR. PRICE: That clearly is a subdivision.  
3 But you're saying there are subdivisions also on  
4 35<sup>th</sup> Street and 41<sup>st</sup> Street.

5 MR. LOPEZ: There are. The only  
6 difference, and I should have been clearer to the  
7 Board, the subdivisions that we are doing on 35<sup>th</sup>  
8 Street and 41<sup>st</sup> Street, are existing. The lots  
9 will continue to be 25 by a hundred. But for the  
10 purposes of clearing up the issue of merger of  
11 title, we are subdividing them now.

12 MR. PRICE: There's only one title right  
13 now for all three lots in both locations.

14 MR. LOPEZ: No. There are three deeds.  
15 One deed for 35<sup>th</sup> Street, one deed for 36<sup>th</sup>, and  
16 one deed for --

17 MR. PRICE: Okay.

18 MR. LOPEZ: -- 21<sup>st</sup>.

19 MR. PRICE: Because I'm saying for each  
20 location, there's only one deed.

21 MR. LOPEZ: Only one deed. Correct.

22 MR. PRICE: And you got to produce three  
23 when you said sell them.

24 MR. LOPEZ: Correct.

25 MR. PRICE: Okay.

1           Thank you.

2           THE SECRETARY: Mr. Lopez, allow me one  
3 second.

4           MR. LOPEZ: Yes.

5           THE SECRETARY: For clarification of the  
6 record, application number 4.

7           Mardamer Builders, 546-548 35<sup>th</sup> Street.

8           Application number 5.

9           Mardamer Builders, 547 36<sup>th</sup> Street.

10          Application 6.

11          Mardamer Builders, 545 41<sup>st</sup> -- 41<sup>st</sup> Street.

12          Okay, Mr. Lopez.

13          MR. LOPEZ: Thank you.

14          Madam Chairwoman, members of the Board, as  
15 I indicated to you, Mr. Carballo will make the  
16 presentation. He was -- he designed all of the  
17 structures for all of these lots.

18          Basically, I went into it very generally  
19 and Mr. Carballo will explain the sizes of the  
20 properties and so on.

21          And once again, the only difference in --  
22 in size of the lots are the 36<sup>th</sup> Street lots,  
23 which will be approximately 27 and a half feet.

24          So, let's start with that one, Mr.  
25 Carballo.

1 MR. CARBALLO: All right.

2 MS. DILLON: Please raise your right hand.

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

5 MR. CARBALLO: Yes, I do.

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

8 MR. CARBALLO: Sure.

9 Jose Carballo, C-A-R-B as in boy, A-L-L-O.

10 MS. DILLON: Thank you.

11 MR. CARBALLO: You're welcome.

12 MR. ORTIZ: Carlos?

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

15 MR. ORTIZ: Now, is there a necessity for  
16 the Board members to have all three plans in  
17 front of them, Mr. Carballo?

18 MR. LOPEZ: I mean, Mr. --

19 MR. ORTIZ: I mean, other -- other than  
20 size of the lot, I get that part, is there --

21 MR. CARBALLO: The --

22 MR. ORTIZ: -- any differential in the  
23 houses at all?

24 MR. CARBALLO: Not within the layout of the  
25 houses. Some of them might be a little longer

1 | than others, because of the front setback. But  
2 | by and large, the two families are the same  
3 | throughout; three bedroom units, living room,  
4 | dining room, four parking spaces downstairs.  
5 | They're all the same.

6 | MR. ORTIZ: I --

7 | MR. LOPEZ: Same -- same height?

8 | MR. CARBALLO: Same height and all, yes.

9 | MR. ORTIZ: Mr. Vallejo?

10 | I -- I'd rather have the Board have all  
11 | three packages.

12 | MR. LOPEZ: No problem.

13 | MR. ORTIZ: In case they --

14 | MR. LOPEZ: Yup.

15 | Yes, Ms. Morejon?

16 | MS. MOREJON: Are the front of the houses,  
17 | they all the same?

18 | MR. LOPEZ: Yes.

19 | MR. CARBALLO: The -- the look of the  
20 | house, the elevations? Yes, they're all the  
21 | same. The sides are all the same.

22 | MR. ORTIZ: Carlos?

23 | MR. CARBALLO: It's -- it's a typical look  
24 | for this builder, this particular builder.

25 | CHAIRPERSON CAPIZZI: What does that mean?

1 MR. LOPEZ: Well, we'll --

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. CARBALLO: What --

4 MR. LOPEZ: We'll explain it --

5 MR. CARBALLO: Yeah, yeah, yeah.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. LOPEZ: -- obviously, but --

8 CHAIRPERSON CAPIZZI: Since the question --

9 MR. LOPEZ: The same --

10 CHAIRPERSON CAPIZZI: -- came up --

11 MR. LOPEZ: The same look for all houses.

12 MR. CARBALLO: Right.

13 MR. ORTIZ: Carlos, give the packages out.

14 Three packages for each presentation to the  
15 Board.

16 THE SECRETARY: Yes.

17 MR. ORTIZ: So they have them.

18 THE SECRETARY: You want it?

19 MR. ORTIZ: Yeah. Every -- everybody  
20 should get --

21 CHAIRPERSON CAPIZZI: You might as well  
22 just give us all --

23 Right.

24 THE SECRETARY: I got it. No problemo.

25 CHAIRPERSON CAPIZZI: So, if we want to

1 look at it, we don't have to interrupt them.

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

4 MR. ORTIZ: Well, we could start with the  
5 one that's before us.

6 MR. CARBALLO: Which is 36<sup>th</sup> Street.  
7 Right?

8 MR. ORTIZ: It's -- the one that we have --

9 THE SECRETARY: Yeah, that's number 4 on  
10 the table.

11 MR. ORTIZ: Number 4, yeah.

12 MR. LOPEZ: Is that 36<sup>th</sup> Street?

13 MR. ORTIZ: Yeah. That's 35<sup>th</sup> Street.

14 THE SECRETARY: 35<sup>th</sup>.

15 MR. LOPEZ: 35<sup>th</sup>. Okay.

16 THE SECRETARY: 35<sup>th</sup>. 35<sup>th</sup> then goes 36,  
17 and then 41<sup>st</sup>.

18 MR. LOPEZ: Okay.

19 So, Mr. Carballo, are you familiar with the  
20 plan that is in front of you, which is the one  
21 that the members are looking at now?

22 MR. CARBALLO: Yes, I am.

23 MR. LOPEZ: And did you -- did you and your  
24 office prepare these plans?

25 MR. CARBALLO: Yes, my office did.

1           MR. LOPEZ: And you're familiar with the  
2 location of the plan.

3           Is that correct?

4           MR. CARBALLO: Yes, I am. Definitely.

5           MR. LOPEZ: All right.

6           Can you describe what the applicant is  
7 proposing this evening on the 35<sup>th</sup> Street  
8 property?

9           MR. CARBALLO: Right, 35<sup>th</sup> Street, we have  
10 two lots, 25 by a hundred each. In each of the  
11 one lots, we're going to put a two family  
12 building. It's a three story building with  
13 parking on the first floor, and two three bedroom  
14 units on the second and third floors of it.

15           This particular one, because of the  
16 prevailing setback in the -- in the neighborhood,  
17 we're setting it back 8.3, which is eight feet  
18 and four inches on the front. We have an eight  
19 foot setback in the rear. That makes the  
20 building hundred minus 16 -- 80 -- 83 and eight  
21 inches long.

22           The setbacks on the side are three foot one  
23 on one side, and two foot on the other side.

24           I received the planning report from Mr.  
25 Spatz, and I do agree with all the variances that

1 -- that is shown on his report.

2 Buildings, aside from the two stories, will  
3 have a rooftop deck, which is an amenity for the  
4 two renters or the two owners. Certainly, the  
5 two residences.

6 And if you look at A3 of 4, you're going to  
7 see the elevations that we're talking about  
8 before, where you have brick on the first floor.  
9 This is where you have your entrance to the  
10 garage, as well as the lobby of the building. We  
11 have large expanses of glass, surrounded by metal  
12 panel on the upper levels. And as you can see on  
13 the roof, there's a glass railing that allows us  
14 to go up into that deck safely.

15 And then, you have the -- the bulk of the  
16 stairwell going up to that -- to that roof.

17 The sides are -- it's a composite siding.  
18 It's not vinyl. And that happens on three sides,  
19 the two sides as well as the rear.

20 Height of the building is --

21 CHAIRPERSON CAPIZZI: Is the --

22 I'm sorry.

23 Is the bottom brick or is that cinder  
24 block?

25 MR. CARBALLO: Brick. No, no, it's brick.



1 CHAIRPERSON CAPIZZI: Brick.

2 MR. CARBALLO: It's brick. Yeah.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. CARBALLO: Yeah. I would not do that  
5 to -- anywhere.

6 CHAIRPERSON CAPIZZI: I just wanted to make  
7 sure.

8 MR. CARBALLO: And -- and the height of the  
9 building is just under 33 feet to the rooftop  
10 deck.

11 CHAIRPERSON CAPIZZI: Can you explain the  
12 front of the building?

13 MS. MOREJON: The colors --

14 CHAIRPERSON CAPIZZI: I have some concerns  
15 about it.

16 MR. CARBALLO: Okay.

17 So -- so what we have is -- what we have in  
18 the front of the building is we have a lot of  
19 glass, these units being or these buildings being  
20 close by to the neighbors, we wanted to make sure  
21 that we had plenty of glass in the front, so we  
22 could get -- so we could draw light. So, most of  
23 it is, is glass in the front and then surrounding  
24 that, there's a frame that we did out of metal  
25 panel, just to enclose the -- the glass and to

1 frame the glass in the front.

2 CHAIRPERSON CAPIZZI: What color is the  
3 metal panel?

4 MR. CARBALLO: It's -- it's a buff color.  
5 It's not going to be any color. It's like a  
6 beige --

7 CHAIRPERSON CAPIZZI: Thank you.

8 Okay.

9 MR. CARBALLO: -- kind of color. We don't  
10 want this thing to stick out. We just want it to  
11 be something that is aesthetically pleasing to  
12 look at.

13 MR. LOPEZ: And the brick that you show in  
14 the -- in the front is the same one that will  
15 wrap the entire first floor?

16 MR. CARBALLO: Well, in the -- in the back,  
17 that will be -- we have like a split face in the  
18 back -- in the back, around the other two --  
19 three sides. If the Board chooses to go brick,  
20 we could do that, as well.

21 MS. MOREJON: The brick that you show at  
22 the front is for the garage door?

23 MR. CARBALLO: That is correct.

24 MS. MOREJON: And the front door?

25 MR. CARBALLO: Garage and lobby door. Yes.

1 MS. MOREJON: Can you use that brick with  
2 the metal, can you use that brick?

3 MR. CARBALLO: Oh, definitely. It's --

4 MS. MOREJON: That would be beautiful.

5 MR. CARBALLO: The contrast is really nice.  
6 You got that rough feel on the bottom and then  
7 you have the light building, sitting on top of  
8 it.

9 MS. MOREJON: That would be really nice.

10 MR. CARBALLO: Thank you.

11 MR. VELAZQUEZ: It will almost match the  
12 deck.

13 MS. MOREJON: That's right.

14 CHAIRPERSON CAPIZZI: Um hum.

15 MS. MOREJON: Thank you.

16 MR. ORTIZ: So, was -- is there -- there --

17 MS. MOREJON: That's a beautiful building.

18 MR. ORTIZ: Is there -- was there a  
19 condition that I missed there?

20 MR. CARBALLO: No, it was the --

21 CHAIRPERSON CAPIZZI: To replace the metal  
22 panel with the --

23 MR. VELAZQUEZ: It was just an explanation.

24 CHAIRPERSON CAPIZZI: -- brick.

25 MR. LOPEZ: An explanation. Correct.

1 MS. MOREJON: With brick. Metal and brick.

2 MR. CARBALLO: That's all it was. Yes.

3 MR. ORTIZ: Oh -- oh, so the metal panel --  
4 all right. Well, that's a change so I want to --  
5 I'm going to put that in there.

6 MR. LOPEZ: Okay.

7 MS. MOREJON: And this -- is this the roof,  
8 right here?

9 Right?

10 CHAIRPERSON CAPIZZI: Where it says stucco.

11 MS. MOREJON: What does it say, stucco.

12 CHAIRPERSON CAPIZZI: What is that?

13 MS. MOREJON: Stucco finish. What is that?

14 MR. CARBALLO: Oh, that -- that's the --  
15 the stucco is the -- the bulkhead for the  
16 stairwell that goes to the roof.

17 MS. MOREJON: Hmmmm.

18 MR. CARBALLO: It's not EIFS, which is not  
19 permitted in town. I'm sorry. It's not EIFS,  
20 it's what's called a hard coat stucco, which is  
21 the same thing that my firm used at the -- what  
22 is it called -- the building on -- by the  
23 monastery. When that was redone, we did that,  
24 and that's the same type of material that we  
25 used, --

1 CHAIRPERSON CAPIZZI: Nice. Okay.

2 MR. CARBALLO: -- which is a fantastic  
3 material. You can see, it just looks very nice.  
4 It's -- it's very smooth.

5 MS. MOREJON: We don't have --

6 MR. CARBALLO: So, it is not EIFS.

7 MS. MOREJON: We don't have any landscape  
8 in there, nothing?

9 MR. CARBALLO: Any what?

10 CHAIRPERSON CAPIZZI: Landscaping?

11 MS. MOREJON: Nothing?

12 MR. CARBALLO: There's -- there's --

13 MS. MOREJON: No?

14 MR. CARBALLO: There might be an  
15 opportunity to put some landscaping in the front,  
16 but there really isn't that much. And sometimes,  
17 when you put a little bit of landscaping, it just  
18 doesn't maintain well.

19 CHAIRPERSON CAPIZZI: What's in between the  
20 two doors? What is that?

21 MS. MOREJON: The property line.

22 MR. LOPEZ: I'm sorry?

23 MR. VELAZQUEZ: Property line.

24 MR. CARBALLO: What's in between the two  
25 doors?

1 MR. LOPEZ: Looking at the last page.

2 CHAIRPERSON CAPIZZI: The front doors?

3 MR. ORTIZ: I think one goes to one unit,  
4 one goes to the other unit.

5 MS. MOREJON: That's an alleyway. Right?  
6 It's an alleyway.

7 CHAIRPERSON CAPIZZI: Is there a space?

8 MR. CARBALLO: What's in between the two  
9 doors? May I approach and --

10 CHAIRPERSON CAPIZZI: Sure. Absolutely.  
11 Please.

12 MR. ORTIZ: Oh, between the two buildings  
13 or --

14 CHAIRPERSON CAPIZZI: No, we didn't know if  
15 this was empty space.

16 MS. MOREJON: Is that an alleyway?

17 MR. CARBALLO: Oh, yeah. That's -- that's  
18 the -- that's the alleyway in between the two of  
19 them. And the reason that that is set back from  
20 the top is we have a three foot one setback, but  
21 for fire codes, you need three foot eight at the  
22 lower level. So, it's set back seven inches to  
23 allow for that.

24 MR. VELAZQUEZ: On the side, you think  
25 there's a possibility for sensor lights?

1           MR. CARBALLO: For sensor lights? Yeah.  
2 Definitely. Of course.

3           MS. MOREJON: Definitely.

4           MR. CARBALLO: Yeah.

5           MS. MOREJON: In the back. In the side.

6           MR. CARBALLO: No, no.

7           MR. VELAZQUEZ: To make that --

8           MR. CARBALLO: We want this to be nicely  
9 lit and bright, so that it's safe. Of course.  
10 Of course.

11          MR. VELAZQUEZ: You know, we like to keep  
12 everything really bright in Union City.

13          MS. MOREJON: And where's the garbage going  
14 at?

15          MR. ORTIZ: Sensor lights in the rear and  
16 sides?

17          CHAIRPERSON CAPIZZI: Yes.

18          MS. MOREJON: Where the garbage is going?

19          MR. ORTIZ: Or just the --

20          MS. MOREJON: Where you going to have the  
21 garbage?

22          MR. CARBALLO: Yeah.

23          MR. LOPEZ: Well the --

24          MR. ORTIZ: Do you want -- do you want the  
25 sides, because there's --

1 MR. VELAZQUEZ: No.

2 MR. ORTIZ: If there's going to be windows.

3 CHAIRPERSON CAPIZZI: Oh.

4 MR. VELAZQUEZ: Rear. Yeah, I want to --

5 MR. CARBALLO: We're -- we're going to have  
6 -- we're going to have lights on the side,  
7 especially on --

8 MR. ORTIZ: All right.

9 MR. CARBALLO: -- the side that is three  
10 foot eight.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. CARBALLO: Because that's where, in  
13 case of fire, people are going to be leaving or  
14 exiting the building --

15 MR. ORTIZ: Okay.

16 CHAIRPERSON CAPIZZI: Right.

17 MR. CARBALLO: -- from the rear.

18 MR. LOPEZ: They could be --

19 MR. CARBALLO: So, that's going to be lit  
20 up.

21 MR. ORTIZ: So, I -- I --

22 MR. LOPEZ: They could be put in as sensor  
23 lights, whatever the Board prefers.

24 MS. MOREJON: That will be a sensor light.

25 MR. LOPEZ: Because sometimes --



1 MS. MOREJON: For the neighbors.

2 MR. LOPEZ: -- it effects the neighbors.

3 MR. VELAZQUEZ: Yeah.

4 CHAIRPERSON CAPIZZI: Right.

5 MS. MOREJON: Um hum.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. LOPEZ: So --

8 MR. CARBALLO: And they'll be shielded down  
9 so that the -- the light doesn't spill over to  
10 the other properties. You know, of course.

11 MS. MOREJON: And the garbage, where is  
12 going to go? In the back?

13 MR. CARBALLO: The -- the garbage goes in  
14 the back. Tenants will bring it down, or  
15 resident -- I shouldn't say tenants -- residents  
16 will bring it down, put it in the back, and it  
17 gets taken out.

18 MS. MOREJON: In the backyard?

19 MR. CARBALLO: Excuse me?

20 MS. MOREJON: Inside the building?

21 MR. CARBALLO: No, no. We'll -- we'll  
22 provide an area inside the building in the back.

23 MS. MOREJON: Okay.

24 MR. CARBALLO: Just so that you can take it  
25 out. There will be a doorway, you take it out,

1 bring it out to the front.

2 MS. MOREJON: Good.

3 MR. LOPEZ: Mr. Carballo, the -- the entire  
4 ground floor, in essence, is available because it  
5 will all be an empty space used for parking and  
6 nothing else.

7 MR. CARBALLO: That -- that is correct.  
8 And if you look at the way we did the parking is  
9 now there's no chance for a third unit or an  
10 illegal unit in the back, it's all parked.

11 MS. MOREJON: So, the -- the other unit --

12 CHAIRPERSON CAPIZZI: This is where the  
13 garbage -- this is the garbage would be on either  
14 side of the lobby in the vestibule? On the same  
15 --

16 So, where is it on the plan?

17 MR. CARBALLO: Just make sure.

18 MR. LOPEZ: Mr. Carballo, where would you  
19 suggest --

20 CHAIRPERSON CAPIZZI: The garbage goes?

21 MS. MOREJON: I don't see the garbage.

22 MR. LOPEZ: -- the accommodation of the  
23 garbage?

24 MR. CARBALLO: It will probably be -- if  
25 you look at right behind the stairwell, between

1 the stairwell, and there's a doorway there, on  
2 the lower level, right behind the doorway, we  
3 could stack the garbage there.

4 CHAIRPERSON CAPIZZI: Is that big enough?

5 MR. CARBALLO: Oh, it is big enough, yeah.

6 CHAIRPERSON CAPIZZI: Okay.

7 MR. CARBALLO: Definitely.

8 MS. MOREJON: So, this is the one on --  
9 this is the one on 30 -- 41<sup>st</sup>? On the other  
10 units, it's going to be the same front?

11 MR. CARBALLO: On the other addresses.

12 MS. MOREJON: The other --

13 CHAIRPERSON CAPIZZI: The other address.

14 MS. MOREJON: So, we're going to have brick  
15 on the side. No -- no --

16 MR. CARBALLO: You're going to have the  
17 exact same --

18 CHAIRPERSON CAPIZZI: Exact same.

19 MR. CARBALLO: -- building on all three  
20 sides, all seven buildings are --

21 CHAIRPERSON CAPIZZI: Right.

22 MR. CARBALLO: -- going to be the same.

23 MS. MOREJON: Beautiful.

24 Thank you.

25 MR. CARBALLO: The only difference is that

1 on one of them, 36<sup>th</sup> Street, it's going to be  
2 wider.

3 MS. MOREJON: Nice.

4 Thank you.

5 MR. ORTIZ: And I'm going to draft the  
6 Resolutions identical to each other, except for  
7 change in address. So, whatever conditions we  
8 were discussing.

9 MS. MOREJON: Lights; the sensor lights.

10 MR. ORTIZ: I have the lights, I have the  
11 -- the brick being replaced and the metal plates.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. ORTIZ: And the application, just to  
14 remind myself, it's a two family application.

15 CHAIRPERSON CAPIZZI: Um hum.

16 MR. ORTIZ: Not a three.

17 MR. LOPEZ: Mr. Ortiz, what did you say  
18 about the brick being replaced?

19 MR. ORTIZ: It's my understanding that the  
20 brick --

21 CHAIRPERSON CAPIZZI: Replaces the --

22 MS. MOREJON: The metal.

23 MR. ORTIZ: Metal plates.

24 MS. MOREJON: The metal.

25 CHAIRPERSON CAPIZZI: The metal.

1 MS. MOREJON: The metal.

2 MR. ORTIZ: I thought that was agreed to.

3 MR. CARBALLO: Yeah, I thought the metal  
4 was agreed to.

5 MR. LOPEZ: No.

6 MS. MOREJON: No, no, no.

7 MR. LOPEZ: In the middle. In the middle  
8 they mean.

9 MS. MOREJON: No, no, no.

10 MR. CARBALLO: Oh, in the --

11 MR. LOPEZ: I'm sorry.

12 MR. ORTIZ: No, no, no.

13 MS. MOREJON: No, no.

14 MR. ORTIZ: We're talking about the metal.

15 MS. MOREJON: We're talking about the  
16 metal.

17 MR. ORTIZ: The metal plates.

18 MS. MOREJON: Replace them with brick.

19 MR. LOPEZ: In the front?

20 MS. MOREJON: The same brick that you're  
21 going to use by the front --

22 MR. ORTIZ: That's what I --

23 MS. MOREJON: -- door.

24 MR. ORTIZ: -- that's what I wanted --

25 MR. VELAZQUEZ: The metal panels, right?

1 MR. ORTIZ: Which --

2 MS. MOREJON: The metal panels going to be  
3 replaced by brick.

4 MS. DILLON: Please, speak one at a time.

5 MR. CARBALLO: The metal panels? I thought  
6 we agreed that the metal panel would --

7 MS. MOREJON: No.

8 MR. CARBALLO: -- remain.

9 MS. MOREJON: No.

10 MR. ORTIZ: No. It was the other way  
11 around. That's how I interpreted it.

12 I'm sorry.

13 MR. CARBALLO: Okay.

14 MR. LOPEZ: So, the -- just to be clear,  
15 the entire front of the building, the entire  
16 façade rather --

17 MS. MOREJON: No, just the side. Where you  
18 going to have the metal is going to be brick.

19 MR. LOPEZ: On the bottom?

20 MS. MOREJON: On the side.

21 MR. ORTIZ: No. On the second and third  
22 floor.

23 Right? Am I right?

24 MR. CARBALLO: The one surrounding the  
25 glass.

1 MR. VELAZQUEZ: Yes.

2 CHAIRPERSON CAPIZZI: The glass is at the  
3 top.

4 MS. MOREJON: Right.

5 (Whereupon, there were multiple speakers.)

6 CHAIRPERSON CAPIZZI: Then you have windows  
7 and then on either side of the window, you've got  
8 --

9 MR. LOPEZ: Like the columns on --

10 MR. CARBALLO: Right. Because it --

11 CHAIRPERSON CAPIZZI: But then you had the  
12 brick on the bottom.

13 MR. LOPEZ: Right.

14 MS. MOREJON: The same brick.

15 CHAIRPERSON CAPIZZI: Seemed a little busy.

16 MR. LOPEZ: They mean this part. They mean  
17 this go off with brick.

18 MR. CARBALLO: And then metal here in the  
19 middle?

20 MR. LOPEZ: Metal in the middle.

21 Yes. The two columns, in essence, on the  
22 side.

23 MR. ORTIZ: Just the side?

24 MR. LOPEZ: Yes.

25 MR. ORTIZ: But do you want them -- how

1 about the ones that --

2 MR. LOPEZ: Yes.

3 MR. ORTIZ: -- are in between windows?

4 MS. MOREJON: Is that metal, too?

5 MR. CARBALLO: Yeah. It's --

6 MR. ORTIZ: Yes.

7 MR. CARBALLO: It's all metal.

8 MR. ORTIZ: The tops and the sides of the  
9 windows are metal.

10 MR. CARBALLO: I -- I just --

11 MS. MOREJON: It's a beautiful town.

12 MR. VAZQUEZ: You need to break it up.

13 MS. MOREJON: We love you.

14 MR. VAZQUEZ: It's just a matter of  
15 breaking --

16 MR. CARBALLO: Yeah.

17 MR. VAZQUEZ: -- so it just doesn't look --

18 MR. CARBALLO: Just -- just think about all  
19 the --

20 MR. LOPEZ: Wait, wait, wait.

21 MR. CARBALLO: Just think about all that  
22 brick up there. I think it's going to look a  
23 little heavy but, you know --

24 MR. LOPEZ: I mean --

25 MR. CARBALLO: I -- I defer to the Board.



1 I --

2 MR. LOPEZ: Ms. Morejon, the -- what you  
3 initially drew as a suggestion, continue the  
4 brick all the way up.

5 MS. MOREJON: The brick all the way up.  
6 And leave the one in the middle?

7 MR. LOPEZ: On -- as if -- as if it were  
8 two columns.

9 MS. MOREJON: Okay.

10 MR. LOPEZ: And the one in the middle --

11 MS. MOREJON: Okay.

12 MR. LOPEZ: -- it's glass because it's very  
13 little --

14 MS. MOREJON: (Indiscernible).

15 MR. LOPEZ: -- metal --

16 MS. MOREJON: Right?

17 Does everybody agree?

18 MR. ORTIZ: All right. So, it's only the  
19 sides.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. ORTIZ: Let's be clear.

22 MR. LOPEZ: Right.

23 MR. ORTIZ: So that --

24 MS. MOREJON: Alex?

25 MR. VELAZQUEZ: Yes.

1           MR. ORTIZ:  -- a month from a now when I  
2 have to write this --

3           MR. LOPEZ:  On -- on the sides, in the  
4 front of the house, it will continue all the way  
5 up with the same brick.

6           MR. ORTIZ:  On sides of windows only.

7           MS. MOREJON:  And the metal will be like  
8 the color of the brick.

9           MR. LOPEZ:  Yes.

10          MS. MOREJON:  Could you do that?

11          MR. LOPEZ:  From -- from the description.  
12 Similar --

13          MR. CARBALLO:  I -- I -- listen, I'll --

14          MS. MOREJON:  And similar.

15          MR. CARBALLO:  -- I'll defer to the Board,  
16 but I don't think this choice is the best choice  
17 for the builder.  But I'll defer to the Board.

18          Okay?

19          MS. MOREJON:  What do you think?

20          MR. LOPEZ:  I mean, colors, we have  
21 flexibility --

22          CHAIRPERSON CAPIZZI:  Right.

23          MR. CARBALLO:  Yeah.

24          MR. LOPEZ:  -- certainly.

25          MR. CARBALLO:  You just don't want this

1 building to look too heavy. And --

2 CHAIRPERSON CAPIZZI: Right.

3 MR. CARBALLO: -- with the brick and the  
4 panel the same --

5 CHAIRPERSON CAPIZZI: Okay.

6 MR. LOPEZ: -- color and all that, it's just  
7 going to be really, really heavy. It's going to  
8 be very monotonous. And you're going to look at  
9 this thing and at some point -- you know, even  
10 when you see like three of these things in a row  
11 like that, it's just going to look real heavy.

12 MS. MOREJON: Yes, but when you see a new  
13 building in Union City, and they use the brick,  
14 it looks beautiful. It really does.

15 MR. ORTIZ: So are --

16 MR. CARBALLO: That's fine. We'll -- we'll  
17 --

18 MR. ORTIZ: All right. So if you want the  
19 bricks on the side --

20 MS. MOREJON: If you go -- from Palisade --

21 MR. LOPEZ: Um hum.

22 MR. ORTIZ: That's --

23 MS. MOREJON: -- it look really nice.

24 MR. CARBALLO: We'll go with the brick.

25 MS. MOREJON: You go to -- (indiscernible)

1 --

2 MR. ORTIZ: I'm just trying to be clear for  
3 this Resolution.

4 MS. MOREJON: -- looks really nice.

5 MR. ORTIZ: So, you want the bricks on the  
6 sides of the building, but leave the metal --

7 MR. CARBALLO: On the sides of the --

8 MR. ORTIZ: -- paneling around the windows,  
9 per se.

10 MR. LOPEZ: Yes.

11 MS. MOREJON: Whatever they decide.

12 MR. LOPEZ: Okay.

13 MR. ORTIZ: Okay.

14 MR. CARBALLO: Okay.

15 MR. LOPEZ: Now, Mr. Carballo, please --

16 MR. CARBALLO: Yes?

17 MR. LOPEZ: On the record, please go over  
18 the variances that we need for this project.

19 MR. CARBALLO: All right.

20 So, this is still 36<sup>th</sup> Street -- 35<sup>th</sup>  
21 Street.

22 MR. LOPEZ: Um hum.

23 MR. CARBALLO: All right?

24 And I thought, in looking at the Ordinance,  
25 that the requirement for two families was 5,000

1 square feet, but apparently I -- after reading  
2 Mr. Spatz's report, is 2500. So, we don't have a  
3 variance for lot area. We don't have a variance  
4 for lot width. We don't need a variance for lot  
5 depth. It's 2500 and then it's 25 by a hundred  
6 that we have. So, we don't need any variances  
7 there.

8 Minimum front yard of ten. I had said yes  
9 as a variance, but if it's -- the --

10 MR. LOPEZ: It's prevailing.

11 MR. CARBALLO: -- prevailing setback, we  
12 don't need a variance for that.

13 Rear yard at eight feet, we do need a  
14 variance. Minimum side yard, two feet, we don't  
15 need it. You know, the side yard at five feet.  
16 Both side yards are five feet. We got five foot  
17 one, so we don't need a variance there, as well.

18 Building height at three stories, 40 feet  
19 required. We got three stories and less than 33  
20 feet, so we don't need a variance there.

21 And then, the coverage required is 60, we  
22 have 70. So, we do need a variance for that.

23 Parking, we have a requirement of four  
24 parking spaces. We're providing four parking  
25 spaces, so we don't have a variance for that

1 either.

2 MR. LOPEZ: Okay.

3 Now, just because 36<sup>th</sup> Street is slightly  
4 different, in terms of the dimensions of the lot,  
5 please explain that one in particular.

6 MR. VELAZQUEZ: So, everybody, we're  
7 putting away 35<sup>th</sup> Street.

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

10 MR. CARBALLO: All right.

11 So, given the testimony and the conditions,  
12 and all that, that we've had before, the only  
13 difference in these buildings is that instead of  
14 a 20 foot wide building, this now becomes a 22  
15 foot wide building, because we have a 27 -- we  
16 have a 27.34, which is 27 feet and four inches,  
17 width on the lots and maintaining the -- the two  
18 foot setback, as well as the three foot one  
19 setback, the property -- excuse me -- actually --  
20 the building actually becomes 22 -- just over 22  
21 feet.

22 Again, overall in the building, that's the  
23 only difference. We have the same number of  
24 units. We have the same bedrooms. We have  
25 parking. All of that is the same.

1           Going back to, then, the variances.

2           Again, the minimum lot area, lot width and  
3 lot depth, we're okay with. The minimum front  
4 yard, three feet, that's the prevailing setback  
5 on the -- the adjacent property, so we don't have  
6 a variance there.

7           Minimum rear yard, 25, we have eight. We  
8 have a variance on that. The two side yards, two  
9 and -- two foot one and five foot both. We have  
10 two foot one and five foot one for both, so we  
11 don't need variances there either.

12           The height, at three stories, and 32.10,  
13 less than 33, we don't have any variances there  
14 either.

15           Coverage is 60 required, 78.3 proposed.

16           And then the four parking spaces required  
17 are provided. So we don't have a variance for  
18 that, as well.

19           MR. LOPEZ: So, coverage we do require a  
20 variance.

21           MR. CARBALLO: Coverage we do require a  
22 variance. Coverage and rear yard are the  
23 variances that we're seeking.

24           MR. LOPEZ: And once again, the same  
25 conditions that the Board --

1 CHAIRPERSON CAPIZZI: Um hum.

2 MR. LOPEZ: -- requested be made to the  
3 front of the building --

4 CHAIRPERSON CAPIZZI: Sure.

5 MR. LOPEZ: -- will be applied to all seven  
6 structures.

7 MR. CARBALLO: That -- that is correct.

8 MS. MOREJON: Thank you.

9 MR. LOPEZ: Okay.

10 MR. CARBALLO: You're welcome.

11 MR. LOPEZ: We have nothing else.

12 MR. ORTIZ: I would suggest that we do take  
13 the votes, though, individually, because the --

14 MR. LOPEZ: Yes.

15 MR. ORTIZ: -- Resolutions --

16 MR. LOPEZ: Um hum.

17 CHAIRPERSON CAPIZZI: Does any Board member  
18 have any questions?

19 Anyone from the public have any questions  
20 or comments?

21 Okay?

22 You're good, Alex?

23 MR. VELAZQUEZ: Yeah.

24 CHAIRPERSON CAPIZZI: Okay.

25 MR. VELAZQUEZ: I make a motion.



1 CHAIRPERSON CAPIZZI: I'll second.

2 THE SECRETARY: Motion to?

3 MR. VELAZQUEZ: Approve with conditions.

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

6 MR. VELAZQUEZ: With conditions.

7 Right?

8 THE SECRETARY: -- with condition --

9 CHAIRPERSON CAPIZZI: With conditions,  
10 right.

11 THE SECRETARY: -- by Mr. Velazquez.

12 Seconded by?

13 Seconded by?

14 CHAIRPERSON CAPIZZI: I'll second.

15 THE SECRETARY: By --

16 MS. MOREJON: Diane.

17 THE SECRETARY: -- Ms. Capizzi.

18 All right. I'm going to call every single  
19 application.

20 CHAIRPERSON CAPIZZI: Okay.

21 THE SECRETARY: We are going to roll call  
22 on every single application.

23 Right. Application number 4.

24 Mardamer Builder, 546-548 35<sup>th</sup> Street.

25 I have a motion on the table to approve

1 | this application by Mr. Velazquez.

2 |       Seconded by Ms. Capizzi.

3 |       Roll call on the motion to approve this  
4 | application.

5 |       Ms. Capizzi?

6 |       CHAIRPERSON CAPIZZI: Yes.

7 |       THE SECRETARY: Ms. Genao?

8 |       MS. GENAO: Yes.

9 |       THE SECRETARY: Mr. Medina?

10 |       MR. MEDINA: Yes.

11 |       THE SECRETARY: Ms. Morejon?

12 |       MS. MOREJON: Yes.

13 |       THE SECRETARY: Mr. Rivero?

14 |       MR. RIVERO: Yes.

15 |       THE SECRETARY: Mr. Velazquez?

16 |       MR. VELAZQUEZ: Yes.

17 |       THE SECRETARY: Mr. Guareno?

18 |       MR. GUARENO: Yes.

19 |       THE SECRETARY: Seven in favor.

20 |       Motion carries.

21 |       We are going to number 5.

22 |       That's Mardamer Builders, 547 36<sup>th</sup> Street.

23 |       Can I have a motion?

24 |       Motion by Ms. Morejon to approve this  
25 | application.

1 Right?

2 CHAIRPERSON CAPIZZI: Yes.

3 MS. MOREJON: Right.

4 THE SECRETARY: Can you mention that,  
5 please?

6 MS. MOREJON: Yes, number two, approve.

7 THE SECRETARY: Motion on the table to --

8 MS. MOREJON: Motion.

9 THE SECRETARY: -- approve this application  
10 by Ms. Morejon.

11 MS. GENAO: I second.

12 MR. ORTIZ: With the same conditions --

13 CHAIRPERSON CAPIZZI: With the same  
14 condition.

15 MS. MOREJON: With the same condition.

16 MR. ORTIZ: -- in number 4.

17 MS. MOREJON: By Ydalia.

18 THE SECRETARY: Same conditions.

19 MS. GENAO: Second.

20 THE SECRETARY: Seconded by --

21 CHAIRPERSON CAPIZZI: Ydalia.

22 THE SECRETARY: -- Mr. Guareno.

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

25 Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Mr. Medina?

5 MR. MEDINA: Yes.

6 THE SECRETARY: Ms. Morejon?

7 MS. MOREJON: Yes.

8 THE SECRETARY: Mr. Rivero?

9 MR. RIVERO: Yes.

10 THE SECRETARY: Mr. Velazquez?

11 MR. VELAZQUEZ: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Seven in favor.

15 Motion carries, with the conditions.

16 Application number 6.

17 Mardamer Builder, 545 41<sup>st</sup> Street.

18 MS. MOREJON: Motion.

19 THE SECRETARY: Motion to approve the

20 application by Ms. Morejon.

21 MR. GUARENO: Second.

22 THE SECRETARY: Seconded by Mr. -- Mr.

23 Guareno.

24 MR. ORTIZ: With the same conditions as in

25 4 and 5.

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Roll call on the motion to  
3 approve this application.

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: Seven in favor.

17 Motion carries.

18 Thank you, Mr. Lopez.

19 MR. LOPEZ: Thank you so much.

20 MR. CARBALLO: Thank you.

21 Good night.

22 CHAIRPERSON CAPIZZI: Thank you.

23 MR. ORTIZ: Have a good night.

24 CHAIRPERSON CAPIZZI: Thank you.

25 Have a good night.

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

3           MR. ORTIZ: Could we -- could we go off the  
4 record for a minute?

5           MS. DILLON: Sure.

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7           (Whereupon, the Board recessed from 6:40  
8 p.m. to 6:41 p.m.)

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1     **514 39<sup>th</sup> Street, LLC - 514 39<sup>th</sup> Street:**

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3             THE SECRETARY: Next application on  
4 tonight's agenda, 514 39<sup>th</sup> Street.

5             Ms. Pereiras, please?

6             MS. PEREIRAS: Thank you.

7             Good evening, Madam Chair, counsel, members  
8 of the Board.

9             May it please the Board, Bianca Pereiras on  
10 behalf of the applicants.

11            This is an application that this Board  
12 heard back in February of 2017, at which point  
13 you approved a new three family home. The  
14 Resolution was memorialized the following month.  
15 The client submitted everything to the Building  
16 Department. Unfortunately, he was late by just a  
17 few days. So, everything is ready to go.  
18 Permits are ready to be issued, pending this  
19 Board issuing a Resolution extending the  
20 approvals.

21            And that's the reason we are before the  
22 Board this evening.

23            CHAIRPERSON CAPIZZI: So, you're requesting  
24 a one --

25            MS. MOREJON: One year?

1 CHAIRPERSON CAPIZZI: -- year extension?

2 MS. PEREIRAS: A one year extension. It's  
3 in. Everything's in. We're just waiting now for  
4 the Building Department, but they will not issue  
5 permits until this Resolution --

6 MR. ORTIZ: And Madam Chairwoman, --

7 MS. PEREIRAS: -- is current and valid.

8 MR. ORTIZ: -- so the record's clear --  
9 well, I'm going to let you vote and then I'll  
10 explain.

11 CHAIRPERSON CAPIZZI: Okay.

12 I'll make a motion to approve the request  
13 for a year extension.

14 MR. VELAZQUEZ: I second it.

15 THE SECRETARY: Motion on the table to  
16 approve the one year extension by Ms. Capizzi.

17 Any second the motion?

18 CHAIRPERSON CAPIZZI: Alex.

19 MR. VELAZQUEZ: I second.

20 THE SECRETARY: Seconded by Mr. Velazquez.

21 Roll call on the motion to approve this  
22 request for one year extension.

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: Ms. Morejon?

5 MS. MOREJON: Yes.

6 THE SECRETARY: Mr. Rivero?

7 MR. RIVERO: Yes.

8 THE SECRETARY: Mr. Velazquez?

9 MR. VELAZQUEZ: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Seven in favor.

13 Motion carries.

14 MS. PEREIRAS: Thank you.

15 MR. ORTIZ: Now --

16 MR. VELAZQUEZ: Just let --

17 MR. ORTIZ: Now --

18 MR. VELAZQUEZ: Just let the client know --

19 MS. PEREIRAS: Yes.

20 MR. VELAZQUEZ: -- if it snows, if you have

21 anything --

22 MS. PEREIRAS: Removal.

23 MR. VELAZQUEZ: -- removal right away.

24 MS. PEREIRAS: Maintain any weeds. I

25 understand. He's well aware.

1           Thank you.

2           MR. ORTIZ:   And just so the Board's clear,  
3 I want -- as you've noticed, if you go down to  
4 Resolutions, the last thing on the agenda --

5           CHAIRPERSON CAPIZZI:   Um hum.

6           MR. ORTIZ:   -- as a courtesy to counsel,  
7 due to, I think, financing issues, if I'm  
8 correct?

9           MS. PEREIRAS:   Yes.

10          MR. ORTIZ:   The financing was to expire.

11          I did prepare a Resolution in anticipation  
12 that the Board would grant it.  If it wasn't,  
13 obviously --

14          CHAIRPERSON CAPIZZI:   Okay.

15          MR. ORTIZ:   -- we wouldn't have used that  
16 Resolution and it wouldn't have mattered as much,  
17 but since it's --

18          CHAIRPERSON CAPIZZI:   Gotcha.

19          MR. ORTIZ:   -- granted, it's going to be  
20 voted on tonight.

21          CHAIRPERSON CAPIZZI:   Okay.

22          MR. ORTIZ:   The Resolution.

23          MS. PEREIRAS:   And counsel, thank you very  
24 much for the courtesy.

25          MR. ORTIZ:   Not a problem.

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

3           MR. ORTIZ: All right.

4           Bianca, can we just -- can we just -- can  
5 we just call one case -- two cases, actually,  
6 quick. It's not -- it's for an adjournment  
7 request.

8           MS. PEREIRAS: Not a problem at all.

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1     **Joseph Gaudio - 2500 New York Avenue:**

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3             THE SECRETARY: We are going to change  
4 tonight's order, agenda -- agenda of tonight's  
5 order. We are going to go to number -- number  
6 10.

7             Joseph Gaudio, 2500 New York Avenue.

8             Mr. Gonzalez, please?

9             MR. GONZALEZ: Thank you.

10            For the record, Ramon Gonzalez,  
11 G-O-N-Z-A-L-E-Z, on behalf of Mr. Gaudio,  
12 standing here to my right.

13            This is an application that we're --  
14 they're making to convert the unlegalized  
15 apartment to a legal apartment. When I spoke to  
16 Mr. Vallejo, he explained to me how far down the  
17 list I was, so I told Mr. Izquierdo, our expert,  
18 that we probably wouldn't get to be called by  
19 today.

20            But all the notices -- what I'd like to do  
21 is establish jurisdiction.

22            I actually have 10 and 11, because Joseph  
23 owns both properties that are next to each other.  
24 I have my affidavits, all the --

25            MR. ORTIZ: Just give me --

1 MR. GONZALEZ: -- notices --

2 MR. ORTIZ: -- one at a time. Let's call  
3 them one at a time.

4 All right?

5 Just --

6 MR. GONZALEZ: Yeah. Okay.

7 MR. ORTIZ: -- so the record's clear?

8 MR. GONZALEZ: Sure.

9 MR. ORTIZ: We'll get you out of here --

10 MR. GONZALEZ: Number 10 --

11 MR. ORTIZ: -- quick. I promise.

12 MR. GONZALEZ: -- was 20 -- 25 -- 2500.

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

15 MR. ORTIZ: Twenty-five hundred.

16 MR. GONZALEZ: That's number 10.

17 MR. ORTIZ: Oh, yeah. I'm looking -- I was  
18 looking at Bianca's cases.

19 I apologize. Thank you.

20 MR. GONZALEZ: I get confused with the  
21 roman numerals.

22 MR. ORTIZ: So do I.

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

25 MR. ORTIZ: Madam Chairwoman, the

1 | submissions on this matter seems to be in order,  
2 | giving jurisdiction to the Board.

3 |         CHAIRPERSON CAPIZZI: Okay.

4 |         MR. ORTIZ: With that being said, I believe  
5 | there's a --

6 |         MR. GONZALEZ: A request for the matter be  
7 | carried to the next hearing date.

8 |         MR. ORTIZ: You are waiving any time on  
9 | that?

10 |         Any kind of time requirements?

11 |         MR. GONZALEZ: Oh, of course. Yes.

12 |         MR. ORTIZ: Okay.

13 |         MR. GONZALEZ: Absolutely. Doing a  
14 | courtesy for me, if it's granted.

15 |         CHAIRPERSON CAPIZZI: So to move it to  
16 | November?

17 |         MS. MOREJON: November 24 (sic).

18 |         MR. GONZALEZ: I -- I was told it would be  
19 | November 24<sup>th</sup> (sic).

20 |         MS. MOREJON: Twenty-four.

21 |         MR. GONZALEZ: That's fine.

22 |         CHAIRPERSON CAPIZZI: Okay.

23 |         I'll make a motion to approve the  
24 | adjournment.

25 |         MS. MOREJON: Second.

1 THE SECRETARY: Motion to adjourn this  
2 application --

3 MS. MOREJON: Oh, I have to abstain. I'm  
4 sorry.

5 THE SECRETARY: -- by Ms. Capizzi.

6 MS. GENAO: I second.

7 THE SECRETARY: Seconded by?

8 Ms. Genao.

9 Roll call on the motion to adjourn this  
10 application for November 24 (sic), 2019.

11 No new notice required.

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 CHAIRPERSON CAPIZZI: Wait.

19 Carlos, what's the date of the meeting,  
20 please?

21 MR. ORTIZ: It has to be --

22 THE SECRETARY: The 24<sup>th</sup> (sic).

23 MR. ORTIZ: -- the 26<sup>th</sup>.

24 CHAIRPERSON CAPIZZI: No.

25 MR. ORTIZ: It can't be the 24<sup>th</sup>.

1 CHAIRPERSON CAPIZZI: No. I'm looking at a  
2 calendar for November.

3 MR. ORTIZ: The 24<sup>th</sup> is a Sunday. I -- I  
4 won't --

5 CHAIRPERSON CAPIZZI: So, let's just get  
6 the date.

7 MR. ORTIZ: -- be here.

8 THE SECRETARY: November?

9 CHAIRPERSON CAPIZZI: November.

10 MS. MOREJON: November. November.

11 CHAIRPERSON CAPIZZI: Tuesday would be the  
12 26<sup>th</sup>.

13 MR. SPATZ: Twenty-sixth.

14 THE SECRETARY: Oh, I'm sorry. I  
15 apologize.

16 CHAIRPERSON CAPIZZI: That's okay.

17 THE SECRETARY: The 26<sup>th</sup>.

18 MR. SPATZ: Twenty-sixth.

19 MR. ORTIZ: Okay. No just so the record's  
20 clear.

21 CHAIRPERSON CAPIZZI: So we're all on --  
22 the record is correct.

23 MR. SPATZ: I have that on my --

24 CHAIRPERSON CAPIZZI: It's the 26<sup>th</sup>.

25 MR. SPATZ: I have that on --



1 MR. GONZALEZ: Twenty-sixth works.

2 CHAIRPERSON CAPIZZI: Okay.

3 THE SECRETARY: All right.

4 For -- for clarification of the record,  
5 next meeting will be November 26.

6 CHAIRPERSON CAPIZZI: Okay.

7 THE SECRETARY: Also for the clarification  
8 of the record, all the previous one, too, for  
9 November 26. Previous application for  
10 adjournment.

11 All right.

12 Roll call on the motion to adjourn this  
13 application for November 26, 2019.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: I will abstain on this.

22 THE SECRETARY: She abstained?

23 MS. MOREJON: Abstain.

24 THE SECRETARY: Mr. Rivero?

25 MR. RIVERO: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 MR. VELAZQUEZ: Abstain.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Five in favor, two  
6 abstained.

7 Motion carries.

8 No new notice required.

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1     **Joseph Gaudio - 2502 New York Avenue:**

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3             THE SECRETARY: We are going to go to the  
4 next application.

5             Joseph Gaudio, 2502 New York Avenue.

6             Mr. Gonzalez, please?

7             MR. GONZALEZ: Yes.

8             Thank you.

9             Once again, for the record, Ramon Gonzalez  
10 on behalf of the applicant.

11            I'm presenting to the town -- to the Board  
12 Attorney, the completed notice requirements, with  
13 the affidavit, the original notices that were  
14 received.

15            MR. ORTIZ: Madam Chair --

16            MR. GONZALEZ: And that's for 2502.

17            MR. ORTIZ: Madam Chairwoman, reviewing the  
18 submissions by counsel, everything seems to be in  
19 order, giving jurisdiction to the Board.

20            I believe there's a request here, again.

21            MR. GONZALEZ: There is the same request,  
22 that the matter be carried to the next date,  
23 which we now know is the 26<sup>th</sup> --

24            CHAIRPERSON CAPIZZI: Okay.

25            MR. GONZALEZ: -- of November.

1 MR. ORTIZ: And waiving any time  
2 requirement.

3 MR. GONZALEZ: And if I'm -- absolutely.

4 CHAIRPERSON CAPIZZI: I'll make a motion to  
5 approve the adjournment.

6 THE SECRETARY: Motion to adjourn this  
7 application for November 26, 2019, no new notice  
8 required, by Ms. Capizzi.

9 MR. GUARENO: Second.

10 THE SECRETARY: Seconded by?

11 Mr. Guareno.

12 Roll call on the motion to adjourn this  
13 application.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: I will abstain, too.

22 THE SECRETARY: Abstained.

23 Mr. Rivero?

24 MR. RIVERO: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 MR. VELAZQUEZ: Abstain.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Five in favor, two  
5 abstained.

6 Motion carries.

7 Thank you, Mr. Gonzalez.

8 MR. GONZALEZ: Thank you very much.

9 MR. GAUDIO: Thank you.

10 MR. ORTIZ: Have a good night.

11 MR. GAUDIO: You, too.

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

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1     **Robert Focht - 312 21<sup>st</sup> Street:**

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3             CHAIRPERSON CAPIZZI:   Okay.

4             MR. ORTIZ:   Sorry about that.

5             MS. PEREIRAS:   It's not a problem.

6             THE SECRETARY:   Let me announce it.   All  
7     right.   Give me two seconds.

8             MR. ORTIZ:   We would have done the same  
9     thing if you --

10            MS. PEREIRAS:   Of course.

11            MR. ORTIZ:   -- were adjourning.

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

14            THE SECRETARY:   Okay.   All right.

15            Next application on tonight's agenda,  
16     Robert Focht --

17            MS. PEREIRAS:   Oh, I'm sorry, counsel.

18            THE SECRETARY:   -- 312 21<sup>st</sup> Street.

19            MS. PEREIRAS:   Gave you the wrong one  
20     there.

21            THE SECRETARY:   Ms. Pereiras, please?

22            MR. ORTIZ:   I'll just hold this one.

23            MS. PEREIRAS:   Okay.

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

1           MR. ORTIZ: Madam Chairwoman, I've reviewed  
2 the applications by counsel, not the application,  
3 the submissions by counsel. Everything to be --  
4 seems to be in order, giving jurisdiction to the  
5 Board.

6           CHAIRPERSON CAPIZZI: Okay.

7           MS. PEREIRAS: Thank you very much.

8           CHAIRPERSON CAPIZZI: Proceed.

9           MS. PEREIRAS: Again, Bianca Pereiras on  
10 behalf of the applicant for 312 21<sup>st</sup> Street, also  
11 known as Block 112, Lot 25.

12           The application before the Board this  
13 evening is to legalize an attic apartment. We  
14 have a few preexisting variances, as to front  
15 yard setback, side yard and maximum impervious  
16 coverage.

17           We have one expert to testify before the  
18 Board this evening, and that is our architect,  
19 Mr. Manuel Pereiras.

20           MS. DILLON: Raise your hand and you mess  
21 me up.

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

24           MR. PEREIRAS: I do.

25           Manny Pereiras, P-E-R-E-I-R-A-S, with

1 | Pereiras Architects Ubiquitous, 1116 Summit  
2 | Avenue --

3 | MR. ORTIZ: Never gets old.

4 | MR. PEREIRAS: -- Union City, New Jersey.

5 | MS. PEREIRAS: And for purposes of the  
6 | record, Mr. Pereiras has testified --

7 | CHAIRPERSON CAPIZZI: Yes.

8 | MS. PEREIRAS: -- in the past.

9 | Thank you very much.

10 | Mr. Pereiras, are you familiar with the  
11 | property located at 312 21<sup>st</sup> Street?

12 | MR. PEREIRAS: I am.

13 | MS. PEREIRAS: And did you prepare the  
14 | drawings that are before the Board this evening?

15 | MR. PEREIRAS: I have.

16 | MS. PEREIRAS: Would you kindly describe  
17 | the project for the Board?

18 | MR. PEREIRAS: I'd be very happy to.

19 | We have an existing house. We are  
20 | proposing to have -- to legalize a third unit  
21 | within this existing house. There's a  
22 | preexisting unit. It's currently located in the  
23 | attic floor.

24 | We're not proposing any changes to the  
25 | exterior, except for one, which is a life safety



1 issue, which is proposing a fire escape.

2           If you look at the front elevation, what  
3 we're proposing is to add this fire escape so  
4 that that studio apartment on the top floor could  
5 have a second means of egress.

6           Beyond that, none of the changes -- there  
7 are no other changes to the site. We have  
8 preexisting nonconformities. Well, for side  
9 yard, on one end, front yard setback, of course  
10 although it is prevailing across the  
11 neighborhood, and lot coverage. We're at 95  
12 percent lot coverage, whereas 85 is permitted.  
13 That's another existing nonconformance.

14           And technically, we're expanding on our  
15 nonconformance with parking, since we are adding  
16 that additional unit. However, there is a  
17 hardship that no parking is available on the  
18 site.

19           On our second sheet, we see the existing  
20 and proposed conditions. We have a basement that  
21 is just mechanical space and storage rooms. It's  
22 not habitable. It will maintain being non-  
23 habitable.

24           We have an apartment on the first floor.  
25 It's a two bedroom apartment. It's 800 square

1 feet. We have an apartment on the second floor  
2 that is a three bedroom apartment, it's 835  
3 square feet.

4 And then, what we're proposing to legalize  
5 today is the apartment on the attic level, which  
6 is a 518 square foot apartment. It actually was  
7 a one bedroom. We're demolishing a wall and  
8 removing a door in order to make it a studio  
9 apartment. So, it's conform -- more conforming  
10 with the Code.

11 And what we're -- and we have to do a lot  
12 of changes from a construction standpoint, in  
13 order to make this a safe apartment. We're  
14 making a two hour fire separation between that  
15 unit and the rest of the -- the house. We are  
16 adding to the entire house, a low voltage alarm  
17 system, so that everyone will be notified in case  
18 there's an alarm.

19 There will be a domestic line sprinkler  
20 system added to that apartment, three heads, very  
21 simple. In case there's a fire, it would be  
22 extinguished by that.

23 And any other Code requirements that the  
24 Building Department and the New Jersey Code sees  
25 fit.

1           We propose this to this Board and we hope  
2 you find favorably upon it.

3           MR. ORTIZ: One question I have is the --

4           MR. PEREIRAS: Yes.

5           MR. ORTIZ: -- fire escape that you're  
6 going to be adding to the side of the building  
7 doesn't exist.

8           MR. PEREIRAS: Correct.

9           MR. ORTIZ: How close does that get to the  
10 -- the next building?

11          MR. PEREIRAS: It is -- the fire escape is  
12 added on the three foot seven side. So, we're  
13 still behind the property line of the building.  
14 But the width of the fire escape is actually --  
15 it's actually 40 inches. So, it's -- we are  
16 going to be about 12 inches away from the  
17 property line.

18          MR. ORTIZ: How close is that to the next  
19 building? I --

20          MR. PEREIRAS: To the next building?

21          MR. ORTIZ: I know property line, but I  
22 mean --

23          MR. PEREIRAS: It is -- and just for --  
24 from looking at the pictures, it's pretty close.  
25 I mean, the next building's close there.

1 CHAIRPERSON CAPIZZI: You could not have  
2 put it on the back?

3 MR. PEREIRAS: I don't think so.

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

6 MS. MOREJON: In the back? Is there a  
7 window in the back?

8 CHAIRPERSON CAPIZZI: I don't know.

9 MR. PEREIRAS: No, the --

10 CHAIRPERSON CAPIZZI: There's no window?

11 MR. PEREIRAS: The only way of putting it  
12 in the back would be destroying the apartment,  
13 because we have a kitchen along the back --

14 CHAIRPERSON CAPIZZI: Okay.

15 MR. PEREIRAS: -- and the bathroom there.  
16 So, there's no access in that direction.

17 Yeah.

18 CHAIRPERSON CAPIZZI: Okay.

19 MR. ORTIZ: Is there any way, and I don't  
20 know, but is there any way you could actually  
21 just turn around the whole apartment? Literally,  
22 I mean --

23 MR. PEREIRAS: It would mean demolishing  
24 that apartment and rebuilding it, which is a  
25 significant cost to the applicant. And I think

1 | there's an existing tenant there that we want to  
2 | maintain there as well.

3 |         MS. MOREJON: There's no window at the  
4 | attic?

5 |         MR. PEREIRAS: There's windows in the  
6 | attic, so --

7 |         MR. ORTIZ: In the living room --

8 |         MR. PEREIRAS: There's a window here, at  
9 | the living room.

10 |         MR. VELAZQUEZ: Right here. Look.

11 |         MS. MOREJON: There's a window there?

12 |         MR. PEREIRAS: There's a window here along  
13 | the front.

14 |         MR. VELAZQUEZ: It's here.

15 |         MR. PEREIRAS: We don't want to put the  
16 | fire escape along the front.

17 |         MS. MOREJON: I saw that one. In the back?

18 |         MR. ORTIZ: No.

19 |         MR. PEREIRAS: We want to put it along the  
20 | side of the house. The only window in the back  
21 | is the bathroom, which is a small window.

22 |         CHAIRPERSON CAPIZZI: Right.

23 |         MR. PEREIRAS: And there's nothing in the  
24 | kitchen, because that's where the stove is. So  
25 | we're very limited there.

1           MR. ORTIZ: And this fire escape's going to  
2 eventually lower right to the ground floor.  
3 Right? It doesn't go to another floor.

4           MR. PEREIRAS: Correct. It just drops.  
5 So, the way the fire escape is designed -- fire  
6 escapes, today, are actually a little bit  
7 different than fire escapes just eight years ago.

8           There was a -- what's called a formal  
9 technical opinion that was issued by the State,  
10 which is very specific as to the design of how  
11 fire escapes can be.

12           So what we're doing is we're basically  
13 coming out to a canister, outside the window, and  
14 it has a very specific dimension. We take the  
15 stairs down one floor. And that level, as long  
16 as it's less than 12 feet, from there, it's a  
17 drop ladder down. So, that fire escape doesn't  
18 touch the ground, doesn't effect anything on the  
19 ground level. It's just higher and only in case  
20 of emergencies it slides down.

21           CHAIRPERSON CAPIZZI: Ask.

22           MS. MOREJON: Does -- God forbid, if  
23 there's a fire, how the people in the attic going  
24 to go onto that fire escape?

25           MR. PEREIRAS: So there's two ways of

1 getting out. One is through a main stairs and  
2 the other one is through the window.

3 MS. MOREJON: Through the stairs?

4 MR. PEREIRAS: No. So -- so, if there's a  
5 fire --

6 MS. MOREJON: The stairs are here.

7 MR. PEREIRAS: So, if there's a fire, first  
8 and foremost, they have the opportunity to go  
9 down the stairs, which is a two hour rated  
10 enclosure. So, if there's a fire, that stair is  
11 protected.

12 Code says you need a second means.

13 CHAIRPERSON CAPIZZI: Um hum.

14 MR. PEREIRAS: So, in the second means,  
15 that's why we're building the fire escape. So  
16 that you come out this window and you go down the  
17 fire escape.

18 MS. MOREJON: There's a window there.

19 MR. PEREIRAS: Yes. That's -- that's a  
20 window.

21 MS. MOREJON: How big is that window? How  
22 big is that window?

23 MR. PEREIRAS: The window is very specific  
24 as to the dimensions of the window. We're  
25 actually enlarging it.

1           So, the -- the requirements are that it has  
2 to be 5.7 square feet in area. So, it could have  
3 different dimensions, but it has to be 5.7 square  
4 feet in totality, so that someone could come out  
5 in --

6           CHAIRPERSON CAPIZZI: Um hum.

7           MR. PEREIRAS: -- in case of emergency and  
8 have comfortable room --

9           CHAIRPERSON CAPIZZI: So what is it --

10          MR. PEREIRAS: -- to get out.

11          CHAIRPERSON CAPIZZI: What are the  
12 dimensions of it?

13          MR. PEREIRAS: So, it could three by three.

14          CHAIRPERSON CAPIZZI: But do you know what  
15 it is?

16          MR. ORTIZ: No. I think they're --

17          CHAIRPERSON CAPIZZI: I'm asking what is  
18 it?

19          MR. ORTIZ: -- asking specifically, the  
20 window you plan to put in.

21          MS. MOREJON: We want that part of it.

22          MR. ORTIZ: Do you know that yet?

23          MR. PEREIRAS: We -- let's define that  
24 right now. I could make it three foot wide by  
25 three foot tall. That's nine square feet. It



1 more than exceeds the requirement. We'll be  
2 happy to do that.

3 MR. VELAZQUEZ: And you have an -- there's  
4 an existing tenant already there.

5 Right?

6 MR. PEREIRAS: There is.

7 MR. VELAZQUEZ: So you're going to work  
8 around it?

9 MR. PEREIRAS: We're working around it.

10 MR. ORTIZ: Is that a condition -- do we  
11 want that written into the Resolution?

12 MS. MOREJON: Oh, yes. Yes.

13 MR. ORTIZ: His proposal, three by three?

14 MS. MOREJON: Yes.

15 MR. PEREIRAS: Three by three minimum.

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

18 CHAIRPERSON CAPIZZI: Well, we have to set  
19 a fire escape, if they're going to make -- if  
20 they're going to legalize.

21 MR. VELAZQUEZ: I don't want to see anybody  
22 get displaced.

23 MS. MOREJON: Yeah, because once, you know  
24 --

25 CHAIRPERSON CALIZZI: Am I correct that if

1 | you're going to legalize this, you have to have a  
2 | fire -- you have to have a second means of  
3 | egress.

4 |         MR. VELAZQUEZ: And I have -- I have to  
5 | add, there's some hideous fire escapes that have  
6 | been added to some buildings, where --

7 |         CHAIRPERSON CAPIZZI: What -- so what does  
8 | this look like?

9 |         MR. VELAZQUEZ: No. Not meaning this.

10 |         CHAIRPERSON CAPIZZI: Oh.

11 |         MR. VELAZQUEZ: I'm talking about in  
12 | different neighborhoods, like in the front, it --

13 |         CHAIRPERSON CAPIZZI: Okay.

14 |         MR. VELAZQUEZ: -- turns a building -- a  
15 | nice house --

16 |         CHAIRPERSON CAPIZZI: Right.

17 |         MR. VELAZQUEZ: -- into something hideous.

18 |         MR. PEREIRAS: Yeah.

19 |         CHAIRPERSON CAPIZZI: No, no, no.

20 |         MR. ORTIZ: No. I agree -- I agree with  
21 | that.

22 |         MR. PEREIRAS: Yeah.

23 |         CHAIRPERSON CAPIZZI: I don't want it on  
24 | the front.

25 |         MR. PEREIRAS: That's -- and -- and you

1 | could go look at all my fire escapes.

2 |       CHAIRPERSON CAPIZZI: Are they metal?

3 |       MR. PEREIRAS: They have to be metal.

4 |       CHAIRPERSON CAPIZZI: They have to be  
5 | metal.

6 |       MR. PEREIRAS: Okay. They have to be.

7 |       CHAIRPERSON CAPIZZI: Okay.

8 |       MR. PEREIRAS: Because it has to be --

9 |       CHAIRPERSON CAPIZZI: Right.

10 |       MR. PEREIRAS: -- noncombustible.

11 |       CHAIRPERSON CAPIZZI: Right.

12 |       MR. PEREIRAS: And I mean, you could look  
13 | around Union City. You could tell --

14 |       CHAIRPERSON CAPIZZI: Okay.

15 |       MR. PEREIRAS: -- which fire escapes I've  
16 | designed, which ones I didn't.

17 |       CHAIRPERSON CAPIZZI: Okay.

18 |       MR. PEREIRAS: There -- there's a  
19 | significant difference.

20 |       CHAIRPERSON CAPIZZI: Okay.

21 |       MR. PEREIRAS: But they're still a fire  
22 | escape. I mean --

23 |       CHAIRPERSON CAPIZZI: Right.

24 |       MR. PEREIRAS: -- they still --

25 |       CHAIRPERSON CAPIZZI: Okay.

1 MR. VELAZQUEZ: And I know the Building  
2 Department requires a lot --

3 CHAIRPERSON CAPIZZI: Yup.

4 MR. VELAZQUEZ: -- of the fire escapes.

5 CHAIRPERSON CAPIZZI: Sure.

6 MS. MOREJON: We have a department now.

7 MR. VELAZQUEZ: Even for -- even for a club  
8 house.

9 MS. MOREJON: In the City, in the building,  
10 fire inspectors. We're having a new office in  
11 two weeks.

12 CHAIRPERSON CAPIZZI: And that's the only  
13 change.

14 Correct?

15 MR. PEREIRAS: That's the only change.  
16 Right.

17 CHAIRPERSON CAPIZZI: That's basically.

18 MR. ORTIZ: Is it -- you're not  
19 sprinklering the -- the attic, are you?

20 MR. PEREIRAS: We are. We're sprinklering  
21 the attic.

22 MR. ORTIZ: Oh, you are?

23 MR. PEREIRAS: Yeah.

24 MR. ORTIZ: I didn't know.

25 MR. PEREIRAS: On a domestic line.

1 CHAIRPERSON CAPIZZI: Yeah. I put that  
2 down. Yeah.

3 MR. PEREIRAS: Yeah.

4 CHAIRPERSON CAPIZZI: Sprinkler.

5 MR. ORTIZ: Well, that's -- that's Code  
6 anyway.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. ORTIZ: Right?

9 MR. PEREIRAS: It's a Code issue. Yeah.  
10 It's not a zone.

11 MR. ORTIZ: Remember, I always put that as  
12 --

13 CHAIRPERSON CAPIZZI: Yeah.

14 Does anyone on the Board have any questions  
15 or comments?

16 Anyone from the public?

17 I don't know if there's anybody left.

18 MR. ORTIZ: Just for the record, let's make  
19 the record clear. There -- there is nobody but  
20 the applicant's professionals, the Board members  
21 and staff in the room.

22 CHAIRPERSON CAPIZZI: Right.

23 MR. ORTIZ: Everybody has vacated the room.

24 CHAIRPERSON CAPIZZI: Yes.

25 Okay.

1           Seeing none.

2           I'll make a motion to approve the  
3 application.

4           MS. MOREJON:   Second.

5           THE SECRETARY:  Motion to approve the  
6 application by Ms. Capizzi.

7           Seconded by Ms. Morejon.

8           Roll call on the motion to approve this  
9 application.

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:  Ms. Morejon?

17          MS. MOREJON:  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:  Seven in favor.

25          Motion carries.

1 MS. PEREIRAS: Thank you all very much.

2 CHAIRPERSON CAPIZZI: You're welcome.

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1     **Madelyn Perez - 219 Roosevelt Street:**

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3             MR. ORTIZ:  Read the next one off, because  
4 I already have the submissions, Carlos.

5             THE SECRETARY:  Next application on  
6 tonight's agenda, and last one, Madelyn Perez,  
7 219 Roosevelt Street.

8             Ms. Pereiras, please?

9             MS. PEREIRAS:  Again, Bianca Pereiras on  
10 behalf of the applicant, for property located at  
11 219 Roosevelt Street.

12            The application before the Board this  
13 evening is to legalize a ground floor apartment,  
14 converting an existing two family to a three.

15            Again, our expert, Mr. Manuel Pereiras.

16            MR. ORTIZ:  Madam Chairwoman, I've --

17            MS. PEREIRAS:  I apologize.

18            MR. ORTIZ:  -- reviewed the submissions by  
19 counsel and everything seems to be in order,  
20 giving jurisdiction to the Board.

21            MS. PEREIRAS:  Thank you, counsel.

22            MR. ORTIZ:  You surely want jurisdiction.

23            MS. PEREIRAS:  Thank you.

24            Mr. Pereiras, did you prepare the drawings  
25 for 219 Roosevelt Street?



1           MR. PEREIRAS: And just for the record, I  
2 recognize that I am under oath.

3           Yes, I did prepare the drawings.

4           MS. PEREIRAS: And could you please  
5 describe the proposed project for the Board?

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

7           I think over the past ten or 12 years, I've  
8 been before this Board for at least I think every  
9 other house on this strip, so I think this is the  
10 last of all of them, to legalize the ground floor  
11 unit.

12          MR. ORTIZ: Not good for business, huh?

13          MR. PEREIRAS: Yeah. Yeah.

14          So -- so, what we're looking at is an  
15 existing two family house and it was built in a  
16 very awkward way. The original design of these,  
17 where you had this extra space that was basically  
18 an entire living space behind the garage. You  
19 take the steps from the front up, you walk into a  
20 hallway and then, you have to take steps back  
21 down and you get into this unit.

22          The -- there are actually three points of  
23 access into this unit. There's a door through  
24 the garage, there's a primary entrance through  
25 that hallway, and then there's -- there are

1     sliding doors along the back.

2             We're looking to legalize this unit.  What  
3     that means to us, it's 441 square feet.  It's  
4     going to be the same as all the other neighbors,  
5     but what that means to us is that it's an  
6     opportunity to legalize this and bring this up to  
7     Code, just like everything else on the block.

8             We're going to have a domestic line  
9     sprinkler system in there.  We're going to have  
10    an upgraded low voltage alarm system in there.  
11    We're increasing all the fire ratings between the  
12    floors, between the walls, between the stairs.  
13    So, it's actually going to be safe and better for  
14    the -- the neighborhood, better for all the  
15    inhabitants.

16            This is on the ground floor.  We're not  
17    dealing with any fire escapes or any other issues  
18    like that.

19            MR. ORTIZ:  There is one --

20            MR. PEREIRAS:  Makes it very simple.

21            MR. ORTIZ:  There is one substantial  
22    question I have --

23            MR. PEREIRAS:  Yes.

24            MR. ORTIZ:  -- that pops right into my  
25    mind.

1           The ground floor connected to the garage,  
2       which would be tandem four -- four cars.

3           MR. PEREIRAS: That is correct.

4           MR. ORTIZ: Two of those cars started, and  
5       the door is closed, say it's the winter --

6           MR. PEREIRAS: Um hum.

7           MR. ORTIZ: -- how -- how do we ensure the  
8       safety of the people in that unit?

9           MR. PEREIRAS: Multiple ways. Okay. So,  
10      the first and --

11          MR. ORTIZ: And I'm talking about exhaust.

12          MR. PEREIRAS: Right. And so, the first  
13      and most important aspect of it is that the  
14      garage and the unit itself are at different floor  
15      elevations. So, gases drop and they're not going  
16      to get up the -- the -- they're not going to take  
17      the step, because there is a floor difference  
18      elevation.

19          Second, the way we construct that door, and  
20      the way we construct that wall is different from  
21      a typical door. It is basically weather  
22      stripped, so it's sealed hermetically across.

23          In addition to that, there is a carbon  
24      monoxide detector on both sides of that door. So  
25      -- and it's a low voltage system, so that it's

1 connected to the entire house. So, if there is  
2 ever an amount of exhaust, it triggers that.

3 In addition to that --

4 Do you have a question?

5 MS. MOREJON: I'm sorry to interrupt.

6 MR. PEREIRAS: Sure.

7 MS. MOREJON: Is that connected to the  
8 electricity or is it battery?

9 MR. PEREIRAS: Okay.

10 MS. MOREJON: How does it work?

11 MR. PEREIRAS: It's actually kind of  
12 interesting because the alarm that's on the  
13 garage side is connected to a low voltage system.  
14 So it's electrically, hardwired connected to the  
15 electric -- to a low voltage system that has a  
16 panel.

17 The alarm that's on the apartment side is  
18 actually a totally different system. It's a 110  
19 volt, so it's electrically hardwired within the  
20 apartment. So you actually have two systems, so  
21 it's a redundancy. It's a -- it's an additional  
22 safety measures that you have two separate  
23 systems of alarms sounding that off.

24 In -- in addition --

25 MS. MOREJON: What happen if you lose

1 power?

2 MR. ORTIZ: Well, that's why the nine  
3 voltage, he's saying -- I mean --

4 MR. PEREIRAS: Yeah. Yeah.

5 CHAIRPERSON CAPIZZI: So, if you lose power  
6 the --

7 MR. ORTIZ: I'm not sure --

8 MS. MOREJON: If you lose power --

9 MR. PEREIRAS: It's not a battery. It's  
10 all hardwired electric and it's battery backup  
11 (sic).

12 MR. ORTIZ: Is there a way --

13 MS. MOREJON: A battery backup. Good.

14 MR. PEREIRAS: Yeah. There's a battery  
15 backup on all of them.

16 MR. ORTIZ: Is there a --

17 MS. MOREJON: Okay.

18 MR. ORTIZ: -- way that there is some kind  
19 of system -- I don't know anything about this  
20 stuff -- any kind of system out there that would  
21 automatically turn on and start ventilating?

22 MR. PEREIRAS: Okay. That was my next  
23 step.

24 Okay. So, the Code actually doesn't  
25 require this for these houses, however, our local

1 building inspector is neurotic about this  
2 particular issue and he requires this on every  
3 house.

4           So, whether this Board said anything or  
5 didn't say anything, we actually would have had  
6 this here, which is -- I do a small calculation  
7 that calculates the volume of the garage and it  
8 tells me the size of a panel. For something of  
9 this size, it's probably going to be a 12 by 12  
10 grill and it has a fan on the other side of it.  
11 And that fan is connected to a carbon monoxide  
12 sensor and a motion sensor. So, any time the  
13 door opens to the garage, or there's movement in  
14 there, or there's people, or if the motion -- the  
15 carbon monoxide detector rings, the fan turns on  
16 and blows air out of the garage.

17           So, that's a -- that's actually an  
18 additional measure that's -- whether this Board  
19 said anything or not, it would have been on  
20 there.

21           MR. ORTIZ: You don't have a problem with  
22 that being a condition?

23           MR. PEREIRAS: Not at all.

24           MR. ORTIZ: Especially the ventilator.

25           CHAIRPERSON CAPIZZI: Right.

1 MR. PEREIRAS: Not at all.

2 CHAIRPERSON CAPIZZI: Definitely.

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

5 MR. ORTIZ: Okay. I was just -- as soon as  
6 I saw the vent, I was like --

7 MS. PEREIRAS: I understand.

8 CHAIRPERSON CAPIZZI: Is that it?

9 MR. VELAZQUEZ: I live across the street  
10 from the property, so I know how they all are.

11 CHAIRPERSON CAPIZZI: Um hum.

12 MR. VELAZQUEZ: Some of them -- you know,  
13 may actually have been in the wrong apartments,  
14 but they're -- they're nice houses.

15 CHAIRPERSON CAPIZZI: Okay.

16 Any questions or comments from the Board?

17 Hearing none.

18 There's no public.

19 I'll make a motion to approve the  
20 application.

21 THE SECRETARY: Motion on the table to  
22 approve the application by Ms. Capizzi.

23 MR. VELAZQUEZ: Second.

24 THE SECRETARY: Seconded by Mr. Velazquez.

25 Roll call on the motion to approve this

1 application.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: 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: Seven in favor.

17 Motion carries.

18 MS. PEREIRAS: Thanks, again.

19 CHAIRPERSON CAPIZZI: You're welcome.

20 MR. PEREIRAS: Thank you, everyone.

21 MS. PEREIRAS: Enjoy the night. It's

22 early.

23 MS. MOREJON: Thank you.

24 MS. PEREIRAS: Thank you.

25 \* \* \*



1     **OTHERS BUSINESS -**

2     **STATEMENT REGARDING ADJOURNMENTS:**

3

4             THE SECRETARY: Give me two -- don't leave,  
5 please.

6             Just for clarification of the record, any  
7 application has been adjourned in tonight's  
8 meeting, will be for November 26, 2019 at six  
9 p.m.

10            MS. MOREJON: November 26.

11                             \* \* \*

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1     **RESOLUTIONS:**

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3     ( 1)   Gulam S. Ansari - 1614 New York Avenue,  
4     Block 88, Lot 20. The applicant's proposal to  
5     construct a one story addition to the rear and  
6     convert the two family dwelling for three family.  
7     Use was approved by the Planning Board on January  
8     22, 2019.     Approved

9     ( 2)   133 Madison Street, LLC - 3600-3612 Kennedy  
10    Boulevard, Block 218, Lots 1, 55-57. Propose a  
11    one story retail building. Resolution was  
12    memorialized November 22, 2016. Applicants are  
13    seeking for one year extension.     Approved

14    **Corrective Resolution:**

15    ( 3)   410 36<sup>th</sup> Street Realty, LLC - 410 36<sup>th</sup>  
16    Street, Block 214, Lot 8. Legalize the existing  
17    residential units to create a three family house.  
18    The Resolution was memorialized on January 23,  
19    2018

20    **Extension:**

21    ( 4)   514 39<sup>th</sup> Street, LLC - 514 39<sup>th</sup> Street, Block  
22    229, Lot 24. New three family dwelling. Propose  
23    to demolish existing two and a half story  
24    dwelling. Applicants request a one year  
25    extension. The Resolution was memorialized on

1 March 28, 2017.

2

3 THE SECRETARY: Now, we are going to  
4 adoption of Resolutions. We have four Resolution  
5 tonight's --

6 MS. DILLON: Let the siren go by.

7 THE SECRETARY: Yes, ma'am.

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

10 THE SECRETARY: All right.

11 Adoption of Resolution. We have four  
12 Resolution on tonight's agenda.

13 Resolution number 1.

14 Gulam S. Ansari, 1614 New York Avenue.

15 Resolution number 2.

16 133 Madison Street, LLC, 3600-3612 Kennedy  
17 Boulevard.

18 We have one Corrective Resolution, that is  
19 number 3.

20 410 36<sup>th</sup> Street Realty, LLC, 410 36<sup>th</sup>  
21 Street.

22 And we have one extension.

23 514 39<sup>th</sup> Street, LLC, 514 39<sup>th</sup> Street.

24 Can I have a motion to approve these  
25 Resolutions?

1 MR. VELAZQUEZ: I'll make a motion.

2 THE SECRETARY: Motion by Mr. Velazquez.

3 MS. GENAO: I second.

4 THE SECRETARY: Seconded by Ms. Genao.

5 Roll call on the motion.

6 Ms. Capizzi?

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: Ms. Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Mr. Medina?

11 MR. MEDINA: Yes.

12 THE SECRETARY: Ms. Morejon?

13 MS. MOREJON: I will abstain on 1 and 2.

14 THE SECRETARY: Three and 4. You okay on 1

15 and 2. You can abstain --

16 MS. MOREJON: Oh, on 3 and 4.

17 THE SECRETARY: Three and 4, you can vote

18 yes.

19 MS. DILLON: I'm sorry.

20 What are you abstaining on?

21 MS. MOREJON: Three and 4.

22 THE SECRETARY: All right.

23 Ms. Morejon is abstaining in Resolution

24 number 1 and 2.

25 MS. MOREJON: One and 2?

1 THE SECRETARY: And voting yes on number 3  
2 and 4.

3 MS. MOREJON: Three and 4.

4 THE SECRETARY: Thank you.

5 Mr. Rivero?

6 MR. RIVERO: Yes.

7 THE SECRETARY: Mr. Velazquez?

8 MR. VELAZQUEZ: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Seven in favor.

12 Motion carries on Resolutions 1 and 2.

13 And six in favor, one abstention on

14 Resolutions --

15 I'm sorry. Let me back up with Ms. -- Ms.  
16 Morejon.

17 All right.

18 Resolution number 3 and 4, seven in favor.

19 Resolution number 1 and 2, six in favor and  
20 one abstained.

21 \* \* \*

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1     **ADJOURNMENT:**

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

6             MS. MOREJON:    Motion.

7             THE SECRETARY:   Motion by Ms. Morejon.

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             MR. SPATZ:       Good night.

16             THE SECRETARY:   Let the record show that  
17     the meeting has ended.

18             Good night, everyone.

19             And don't forget next -- Special Meeting  
20     November the 12<sup>th</sup>.

21             Thank you.

22             Good night, everyone.

23

24             (Whereupon the proceedings were concluded  
25     at 7:11 p.m.)

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, October 22, 2019 and digitally recorded.

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25 Monitored and proofread by: Deborah Dillon