

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
_____ :

Union City High School
2500 John F. Kennedy Boulevard
Union City, New Jersey

Tuesday, July 28, 2020
Commencing at 6:10 p.m.

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

YDALIA GENAO, Mayor's Designee
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

ALICIA MOREJON
CAROLINA FERNANDEZ
RUDY RIVERO
FRANKLIN MEDINA
CELIN VALDIVIA, Commissioner
BRIAN P. STACK, Mayor

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

CARLOS VALLEJO, Secretary to the Board

BRIAN M. CHEWCASKIE, ESQ.,
Attorney for the Board

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

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, 2712 NY, LLC

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, 814 15th Street

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

BIANCA P. PEREIRAS, ESQ.
Attorney for Applicant, Paolo Bosco

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I N D E X2712 New York, LLC - 2712 New York AvenueWITNESSPAGE

Manuel Pereiras

16

(Sworn on June 23, 2020)

I N D E XJose Perez - 809 13th StreetWITNESSPAGE

Manuel Pereiras

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SWORN PUBLIC

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A-1 Sheet Z01-Sheet Z03, dated January 2020

53

1 THE SECRETARY: All right.

2 Please take notice that on Tuesday, July
3 28, 2020, at six p.m., Regular Meeting is
4 scheduled for the City of Union City Planning
5 Board to be held in the Union City High School
6 located at 2500 John F. Kennedy Boulevard.

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

10 Adequate notice of this meeting has been
11 provided as follow:

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

19 Before we call roll for this evening, will
20 everybody kindly rise to salute the flag, please?

21

22 (Whereupon, the Pledge of Allegiance was
23 said by all.)

24

25 THE SECRETARY: Thank you.

1 **ROLL CALL:**

2

3 THE SECRETARY: Roll call for tonight's
4 meeting.

5 Mayor Brian P. Stack is absent.

6 Diane Capizzi?

7 CHAIRPERSON CAPIZZI: Here.

8 THE SECRETARY: Jeanne Koehler?

9 MS. KOEHLER: Here.

10 THE SECRETARY: Ydalia Genao?

11 MS. GENAO: Here.

12 THE SECRETARY: Commissioner Celin Valdivia
13 is absent.

14 Carolina Fernandez is absent.

15 Rudy Rivero is absent.

16 Franklin Medina is absent.

17 Alicia Morejon is absent.

18 Alejandro Velazquez?

19 MR. VELAZQUEZ: Here.

20 THE SECRETARY: Jose Guareno?

21 MR. GUARENO: Here.

22 THE SECRETARY: Let the record indicate
23 there are five present, so we have a full quorum
24 for tonight's meeting.

25 * * *

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on June 23, 2020

4

5 THE SECRETARY: We are going first to
6 Adoption of Minutes.

7 Regular Meeting held on June 23rd, 2020.

8 May I have a motion?

9 CHAIRPERSON CAPIZZI: I make a motion.

10 THE SECRETARY: Motion by Ms. Capizzi.

11 MR. VELAZQUEZ: Second. Second.

12 THE SECRETARY: Seconded by Mr. Velazquez.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes.

18 THE SECRETARY: Ms. Genao?

19 MS. GENAO: Yes.

20 THE SECRETARY: Mr. Velazquez?

21 MR. VELAZQUEZ: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Five in favor.

25 Motion carries.

1 **2712 New York Avenue, LLC - 2712 New York Avenue:**

2

3 THE SECRETARY: We are going to the agenda;
4 hearings and applications.

5 2712 New York Avenue, LLC, 2712 New York
6 Avenue.

7 Ms. Pereiras, please?

8 This application was adjourned on June
9 23rd, 2020.

10 MS. PEREIRAS: Good evening, counsel, Madam
11 Chair, members of the Board.

12 May it please the Board, Bianca Pereiras on
13 behalf of the applicant for 2712 New York Avenue.

14 The Board may recall, we presented this
15 application at the last meeting, via Zoom. The
16 matter was carried to address a question from a
17 neighbor.

18 I don't see that neighbor here today, but I
19 will advise the Board that I did have a chance to
20 speak to the neighbor. He was actually
21 interested in conjoining -- joining the two lots
22 and building a massive building, which we
23 explained was not my -- our client's desire to
24 do.

25 If the Board would like to hear again from

1 | our architect, however, we presented his
2 | testimony at the last meeting, so I'll defer to
3 | you.

4 | MR. CHEWCASKIE: My recollection was that
5 | this case, we had a full hearing on the June 23rd.
6 | Mr. Pereiras did testify. We did hear from four
7 | members of the public at that time.

8 | I don't know if there's -- my
9 | understanding, there's been no revision to the
10 | plans. So, unless there's any more testimony
11 | that you wish to present, then the applicant's
12 | portion of the case would be closed, Ms. Capizzi.

13 | CHAIRPERSON CAPIZZI: Does anyone on --
14 | does any member have any questions?

15 | VICE CHAIRPERSON KOEHLER: I do have a
16 | quick question.

17 | CHAIRPERSON CAPIZZI: Sure.

18 | MS. PEREIRAS: Sure.

19 | VICE CHAIRPERSON KOEHLER: You said you
20 | spoke with the neighbor that had --

21 | MS. PEREIRAS: Um hum.

22 | VICE CHAIRPERSON KOEHLER: -- concerns.

23 | When you spoke with them, were they
24 | comforted -- comfortable with what was presented
25 | in June and --

1 MS. PEREIRAS: It's a little interesting.
2 He was an individual who had been offered this
3 lot many years ago, and I think he was just a
4 little upset that he hadn't purchased it at that
5 time. We spoke to him at length. I spoke to
6 him, he spoke to Manny, as well. We went over
7 the Ordinance, what our client is seeking to do.
8 And I think he understands that we're not looking
9 to join our -- our lots.

10 VICE CHAIRPERSON KOEHLER: Okay.

11 And he's okay with everything that was
12 presented?

13 MS. PEREIRAS: I can't speak for him, as
14 far as he's --

15 VICE CHAIRPERSON KOEHLER: Okay. Yeah.

16 MS. PEREIRAS: -- okay with it.

17 VICE CHAIRPERSON KOEHLER: Right.

18 MS. PEREIRAS: But that was what he wanted
19 to do, build a larger building.

20 MR. CHEWCASKIE: And just -- just so that
21 -- you know, the Board members who are here and
22 all -- all of you who were here, were also on
23 Zoom on the 23rd, I reviewed the application
24 again, and Mr. Spatz's report. According to Mr.
25 Spatz, and based upon the drawings that I've

1 reviewed, the project does not require any
2 variance relief. It's solely here for site plan
3 approval. It is consistent with the Ordinance
4 that was adopted by the City in November of 2019.

5 I do see that there is one member of the
6 public. I don't know if he's --

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. CHEWCASKIE: -- interested in this
9 application?

10 MR. SANCHEZ: I'm here for 812 --

11 MR. CHEWCASKIE: Okay.

12 MR. SANCHEZ: -- 814 15th Street.

13 CHAIRPERSON CAPIZZI: Oh, okay.

14 MR. CHEWCASKIE: Okay. I just wanted to
15 make sure, so we don't -- don't skip over you.
16 So --

17 MR. SANCHEZ: Good.

18 Thank you, sir.

19 And you are?

20 MR. CHEWCASKIE: I'm the attorney for the
21 Board, Brian Chewcaskie.

22 MR. SANCHEZ: Chewcaskie --
23 (indiscernible).

24 MS. DILLON: He really can't speak from
25 there.

1 MR. CHEWCASKIE: Right.

2 MR. SANCHEZ: I'm Luis Sanchez.

3 MR. CHEWCASKIE: Okay.

4 Thank you, Mr. Sanchez.

5 CHAIRPERSON CAPIZZI: Can we ask questions,
6 though of --

7 MR. CHEWCASKIE: Sure.

8 Absolutely.

9 CHAIRPERSON CAPIZZI: All right.

10 I was just -- do you want me to ask you or
11 the architect?

12 MR. CHEWCASKIE: Yeah.

13 MS. PEREIRAS: If it's an architectural
14 question, --

15 CHAIRPERSON CAPIZZI: Okay.

16 MS. PEREIRAS: -- Manny.

17 CHAIRPERSON CAPIZZI: Okay.

18 Thank you.

19 MR. CHEWCASKIE: And Mr. Pereiras, you were
20 sworn during the hearing on June 23rd.

21 CHAIRPERSON CAPIZZI: Yup.

22 MR. CHEWCASKIE: So, you're still under
23 oath, unless you would prefer to --

24 MS. DILLON: It's your pleasure.

25 MR. CHEWCASKIE: I'm okay, because he did

1 take --

2 MS. DILLON: Your pleasure.

3 MR. CHEWCASKIE: -- the oath already.

4 That's fine.

5 MS. DILLON: I will note that he was sworn
6 on June 23rd.

7 MR. CHEWCASKIE: Okay.

8 Thank you.

9 MR. PEREIRAS: I recognize that I am still
10 under oath.

11 MR. CHEWCASKIE: Okay.

12 CHAIRPERSON CAPIZZI: Just a quick
13 question.

14 The -- the overhang, is that aligned with
15 the -- the sides, the black line, the setbacks?
16 It looks like it's a little forward?

17 MR. PEREIRAS: It's -- it's an overhang, so
18 it's stepped in on the side yard, so it doesn't
19 overhang on either side yard. It overhangs along
20 the front of the house.

21 CHAIRPERSON CAPIZZI: But is it aligned, or
22 does it come forward?

23 MR. PEREIRAS: It's an -- it's an overhang
24 that comes forward.

25 CHAIRPERSON CAPIZZI: So, should it be,

1 | though, set back to be aligned?

2 | MR. PEREIRAS: We could always eliminate
3 | the overhang --

4 | CHAIRPERSON CAPIZZI: Okay.

5 | MR. PEREIRAS: -- if you wish.

6 | However, this Board has traditionally
7 | permitted overhangs. The -- the measurement is
8 | at the -- at the base of the building.

9 | CHAIRPERSON CAPIZZI: Okay.

10 | I think it should be aligned.

11 | And then, my other question was, is every
12 | floor aligned with the -- with the dimensions
13 | that you have here on this?

14 | MR. PEREIRAS: Yes.

15 | CHAIRPERSON CAPIZZI: So, nothing up above
16 | is over or extends to the side.

17 | MR. PEREIRAS: Correct.

18 | CHAIRPERSON CAPIZZI: Okay.

19 | MR. VELAZQUEZ: Yeah, I mean everything on
20 | the sides, they all look -- (indiscernible) --
21 | five and four, then three and two?

22 | MR. PEREIRAS: Three and two. Yes.

23 | MR. VELAZQUEZ: Yeah. Each floor.

24 | MS. DILLON: Can you speak up, Mr.
25 | Velazquez? The mask.

1 MR. VELAZQUEZ: Oh, I'm just asking, is
2 each side yard, which would be three and two --

3 MR. PEREIRAS: Correct.

4 MR. VELAZQUEZ: -- to conform on each
5 floor?

6 And now, just -- just for he say, the
7 person that knows this -- this project, the
8 sidewalks, the streets.

9 MR. PEREIRAS: Absolutely.

10 MR. VELAZQUEZ: That's all -- considered
11 all brand new, so that's all into that, that
12 configure the sidewalk, everything -- you know,
13 the connection.

14 MR. PEREIRAS: We've explained that to our
15 client. We explained the consequences of that.
16 He is ready to take whatever action the city
17 needs, and you and I both know what those actions
18 are. And he is willing to comply with it.

19 MR. VELAZQUEZ: Because I've seen some --
20 some -- not any kind of your work, but I've seen
21 some people try to use some of the sidewalks
22 that's been, and they -- they try to duplicate it
23 and nothing's duplicated.

24 MR. PEREIRAS: Not my projects, yeah.
25 Yeah.

1 MR. VELAZQUEZ: Want to have it all exactly
2 the same as is.

3 MR. PEREIRAS: Yes.

4 MR. VELAZQUEZ: It's to maintain.

5 CHAIRPERSON CAPIZZI: Any other questions
6 or comments?

7 No?

8 So, I think with that adjustment, that I
9 asked for, I would make the motion to approve the
10 application.

11 THE SECRETARY: Motion to? I'm sorry. I
12 didn't hear you.

13 MR. VELAZQUEZ: There's a motion to --

14 CHAIRPERSON CAPIZZI: Make a motion to
15 approve it, with --

16 THE SECRETARY: Motion to approve the
17 application --

18 CHAIRPERSON CAPIZZI: -- with the --

19 THE SECRETARY: -- by Ms. Capizzi --

20 CHAIRPERSON CAPIZZI: -- overhang
21 adjustment.

22 THE SECRETARY: -- with the conditions.

23 Motion to approve the application by Ms.
24 Capizzi.

25 Second by?

1 MR. VELAZQUEZ: Second.

2 THE SECRETARY: Seconded by Mr. Velazquez.

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

5 Ms. Capizzi?

6 CHAIRPERSON CAPIZZI: Yes.

7 THE SECRETARY: Ms. Koehler?

8 VICE CHAIRPERSON KOEHLER: Yes.

9 THE SECRETARY: Ms. Genao?

10 MS. GENAO: Yes.

11 THE SECRETARY: Mr. Velazquez?

12 MR. VELAZQUEZ: Yes.

13 THE SECRETARY: Mr. Guareno?

14 MR. GUARENO: Yes.

15 THE SECRETARY: Five in favor.

16 Motion carries.

17 MS. PEREIRAS: Thank you all very much.

18 Thank you.

19 MR. CHEWCASKIE: And what I did, Ms.

20 Capizzi, since we did hear this case in June, I
21 took the liberty of preparing a Resolution, so if
22 you wish to act on that Resolution at the end of
23 the meeting, it will be available.

24 CHAIRPERSON CAPIZZI: Okay.

25 MS. PEREIRAS: Thank you for that courtesy.

1 MR. CHEWCASKIE: You're welcome.

2 CHAIRPERSON CAPIZZI: So, the Resolution
3 would include any -- any --

4 MR. CHEWCASKIE: We -- we will add to it.

5 CHAIRPERSON CAPIZZI: Fine.

6 MR. CHEWCASKIE: But I will ask you to pass
7 the Resolution.

8 CHAIRPERSON CAPIZZI: Yup. Yup.

9 MR. CHEWCASKIE: And I'll --

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. CHEWCASKIE: -- amend it, but it has
12 all our standard conditions in it.

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1 **814 15th Street:**

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3 MS. PEREIRAS: And counsel and Mr. Vallejo,
4 I'm hoping we can proceed out of order, just
5 because I have a planner on the next one. He's
6 in the building, but he's having a Zoom meeting
7 in one of the other rooms.

8 MR. CHEWCASKIE: I saw him sitting --

9 MS. PEREIRAS: Yeah.

10 MR. CHEWCASKIE: -- on the floor.

11 MS. PEREIRAS: Manny, can you check --
12 (indiscernible)?

13 CHAIRPERSON CAPIZZI: He's on another
14 meeting?

15 MS. PEREIRAS: He had a Zoom meeting in
16 Jersey City.

17 MR. CHEWCASKIE: He was sitting on the
18 floor outside.

19 THE SECRETARY: All right. Hold on to this
20 one. Which one is that one?

21 MS. PEREIRAS: The next one is 814 15th.

22 THE SECRETARY: Yes. That's --

23 CHAIRPERSON CAPIZZI: So, that one, you
24 want us to wait on?

25 MS. PEREIRAS: Yes, if my planner's not

1 available, yes. I'd like him to hear the
2 presentation.

3 THE SECRETARY: All right.

4 Let me call now --

5 CHAIRPERSON CAPIZZI: Did he know we had a
6 meeting tonight?

7 MR. CHEWCASKIE: He was -- he's here.

8 MS. PEREIRAS: Yes. He's here.

9 MR. CHEWCASKIE: He's out in the hallway.

10 CHAIRPERSON CAPIZZI: Okay.

11 THE SECRETARY: All right.

12 Next application on tonight's agenda, 814
13 15th Street.

14 Ms. Pereiras, please?

15 MS. PEREIRAS: One moment.

16 CHAIRPERSON CAPIZZI: I think she's saying
17 that he's not ready right now. So, if --

18 MR. CHEWCASKIE: I think Manny went out to
19 check.

20 CHAIRPERSON CAPIZZI: Okay.

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

23 MR. PEREIRAS: Can we go out of order?

24 MS. PEREIRAS: Not today --

25 (indiscernible).

1 Is it possible to hear another one first?

2 MR. CHEWCASKIE: It's up to you.

3 CHAIRPERSON CAPIZZI: Well, we're all here,
4 so I don't want to waste our time, to be quite
5 honest with you. So, I will -- let's go to
6 another application.

7 MS. PEREIRAS: Thank you.

8 CHAIRPERSON CAPIZZI: You're welcome.

9 MR. SANCHEZ: Luis Sanchez for the record.

10 Is --

11 MS. DILLON: Sir? Sir?

12 MR. SANCHEZ: -- this is going to be
13 adjourned?

14 MS. DILLON: Sir?

15 CHAIRPERSON CAPIZZI: No. It's not going
16 to be adjourned. They're just asking to put it
17 in a different order.

18 MR. SANCHEZ: Thank you.

19 CHAIRPERSON CAPIZZI: Because the planner
20 is busy right now.

21 MR. SANCHEZ: Thank you.

22 THE SECRETARY: You want to change the
23 order?

24 CHAIRPERSON CAPIZZI: So --

25 THE SECRETARY: You want to --

1 CHAIRPERSON CAPIZZI: Yeah. Yeah. We're
2 here, so let's hear the next one, then.

3 THE SECRETARY: All right.

4 CHAIRPERSON CAPIZZI: The basement.

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1 | **Jose Perez - 809 13th Street:**

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3 | THE SECRETARY: We are going now to change
4 | a little bit the order of tonight's agenda.

5 | We are going -- the one you have on your
6 | table, that's 15th Street --

7 | CHAIRPERSON CAPIZZI: Right.

8 | THE SECRETARY: -- don't use that one.

9 | CHAIRPERSON CAPIZZI: Okay.

10 | THE SECRETARY: Put it on the side, please.
11 | All right.

12 | We moving to the number 3, Jose Perez, 809
13 | 13th Street.

14 | Ms. Pereiras, please?

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

17 | CHAIRPERSON CAPIZZI: Thank you.

18 | MR. CHEWCASKIE: Ms. Capizzi, I had the
19 | opportunity review the Affidavit of Service
20 | provided by Ms. Pereiras. Notice was
21 | appropriately provided, both by certified mail
22 | and published timely. The Board has jurisdiction
23 | to hear the case.

24 | CHAIRPERSON CAPIZZI: Okay.

25 | MS. PEREIRAS: Thank you very much.

1 Again, Bianca Pereiras, on behalf of the
2 applicant, Mr. Jose Perez.

3 This is for property located at 809 13th
4 Street, also known as Block 57, Lot 28.

5 Currently, onsite, we have an existing two
6 family home. The application before the Board
7 this evening is to legalize a basement apartment.

8 We have one witness to testify before the
9 Board, and that is our architect, Mr. Manuel
10 Pereiras.

11 MS. DILLON: Please raise your right hand.

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

14 MR. PEREIRAS: I do.

15 MS. DILLON: Please state your name for the
16 record.

17 MR. PEREIRAS: Manuel Pereiras,
18 P-E-R-E-I-R-A-S, with Pereiras Architects
19 Ubiquitous, 1116 Summit Avenue, Union City.

20 MS. DILLON: Thank you.

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property at 809 13th Street?

23 MR. PEREIRAS: I am.

24 MS. PEREIRAS: And did you prepare the
25 drawings that are before the Board this evening?

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: And would you kindly
3 describe the project for the Board?

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

5 We have an existing small frame structure.
6 It is currently a three family. One of those
7 units is illegal. It has been occupied for well
8 over probably 30 years. And we're here to take
9 this opportunity to legalize this and make sure
10 that everything meets Code and -- and is a nice
11 safe structure for everyone in the building and
12 for the neighborhood.

13 The first thing I'd like to point out is
14 that this lot is actually 25 wide by 133.51 deep.
15 So, we have a very large, oversized lot. We have
16 a total square footage of 3,344 square feet.

17 We have a few existing nonconformities, the
18 first of which is the front yard. The building
19 actually sits on the property line, and it sits
20 on the side yard property line. It is set back
21 on the other side; it's set back another two and
22 a half feet, two feet five inches to be precise.
23 And it's two inches away from the other property.

24 So, we have an existing nonconformity for
25 side yard and we have an existing nonconformity

1 | for -- and our building coverage is full -- we're
2 | -- we're basically expanding the nonconformity
3 | for parking. There is no opportunity in this
4 | structure to provide parking, because we are
5 | dealing with an existing building.

6 | I'd like to walk you through the floor
7 | plans.

8 | On this sheet, which is Sheet Z02, that was
9 | submitted to the Board, we have the existing
10 | basement, the proposed basement, which is almost
11 | identical. There's actually no differences other
12 | than improvements to the -- the fire ratings that
13 | I will go -- I will explain. And then, the two
14 | floors above. We are not proposing any changes
15 | to those floors, either.

16 | What we're basically doing to this
17 | apartment is making it meet Code. So, there will
18 | be a domestic line sprinkler system in this unit.

19 | We're upgrading the fire alarm for the
20 | entire building.

21 | We're separating this floor with the other
22 | floors with a two hour fire rated ceiling. We're
23 | making sure that the windows meet egress
24 | requirements.

25 | So, we're just basically improving it to

1 meet today's standards, as if it was built new
2 today.

3 The exterior of the building is -- it's
4 lovely. It's nice simple house. We're not
5 proposing any changes there.

6 And that concludes my testimony.

7 MR. CHEWCASKIE: And Mr. Pereiras, the
8 drawing you're referring is -- to consists of two
9 sheets dated January of 2020.

10 Correct?

11 MR. PEREIRAS: That is correct.

12 MR. CHEWCASKIE: So, we'll mark that as A-1
13 for the record. And that's -- there's been no
14 change to what you have on the easel and what's
15 been submitted to the Board.

16 Correct?

17 MR. PEREIRAS: That is correct, sir.

18 MS. DILLON: I'll get it from Carlos.

19 Carlos, do you have a set of the plans?

20 CHAIRPERSON CAPIZZI: You want a set?

21 MR. CHEWCASKIE: I have an extra set.

22 CHAIRPERSON CAPIZZI: I was going to say,
23 you can have this.

24

25 (Whereupon, Sheets Z01 and Z02 dated

1 January, 2020 were received and marked as Exhibit
2 A-1.)

3

4 MR. PEREIRAS: For the record, I marked the
5 top right hand corner A-1, with today's date.

6 MS. DILLON: That's Sheet Z01.

7 MR. PEREIRAS: Sheet Z01 and Z02.

8 MS. DILLON: Okay.

9 And you marked it as A-1?

10 MR. PEREIRAS: Correct.

11 MS. DILLON: Okay. We'll mark Carlos'.

12 MR. PEREIRAS: And the date is January of
13 2020.

14 CHAIRPERSON CAPIZZI: Does anyone have any
15 questions?

16 MR. VELAZQUEZ: I would like to add
17 something, and I believe that going forward, when
18 the Board -- usually, we grant, especially
19 basement, well, nonconforming basements to
20 conform because they were already there.

21 You know I am an inspector. I wore another
22 hat. We -- I did an inspection, two days ago,
23 into an apartment that was beautifully done and I
24 got the whole rundown. It's modern, it has
25 sprinkler systems and that. Guess how hot it was

1 in the apartment? Ninety degrees, because the
2 ventilation and everything.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. VELAZQUEZ: Just because we put fire
5 alarm systems and we do this and we do that, it
6 just makes it look nice because we feel
7 everybody's safe because we put fire rated walls
8 and we put sprinkler systems. We still got
9 tenants living there, in basement apartments, and
10 they're frying. There should be ways of finding
11 a way, and especially as an engineer, of cooling
12 these apartments down, especially with the window
13 sizes, they're not going to be touched, they're
14 not being touched because of the fire suppression
15 systems being put in. Some of these windows, to
16 get a portable -- air conditioners aren't
17 installed as part of these plans and all that.

18 MR. PEREIRAS: So --

19 MR. VELAZQUEZ: Because to live in 84
20 degrees, on top of 98 degrees outside, and the
21 mold that you -- it's turns -- put it this way,
22 it was turning plastic that was under the bed
23 mold.

24 MR. PEREIRAS: So, just as a typical thing
25 in my office with, and -- and you know I do a lot

1 of these, not just in Union City. We design and
2 specify what we call mini-split units on each of
3 these units, so that there's cooling in the
4 apartment. That's something typical. It's --
5 it's what we do.

6 I don't know about the legality of this
7 Board demanding it. I would -- I would question
8 -- I would ask Mr. Chewcaskie. But this is in
9 every one of my drawings. It's part of -- it's
10 part of the construction document phase of what I
11 -- of what we do.

12 MR. CHEWCASKIE: I think the Board would be
13 concerned about the quality of life that's being
14 provided --

15 MR. PEREIRAS: Um hum.

16 MR. CHEWCASKIE: -- in a residential unit.
17 You know, and certainly the city -- I'm not
18 totally familiar with their -- with their Rent
19 Ordinance, but you're probably going to have to
20 provide some sort of heating and cooling service
21 -- you know, based upon --

22 MR. PEREIRAS: Um hum.

23 MR. CHEWCASKIE: -- weather conditions.
24 But if it's something you provided -- you know,
25 it may convince Mr. Velazquez. In this case,

1 | you're asking for a legalization. And certainly,
2 | the Board can condition it upon -- you know,
3 | making it suitable for habitability.

4 | MR. PEREIRAS: And we, as the applicant,
5 | have no objection to that.

6 | CHAIRPERSON CAPIZZI: So, what would you
7 | do?

8 | MR. PEREIRAS: We would put what's called a
9 | mini-split system.

10 | CHAIRPERSON CAPIZZI: Okay.

11 | MR. PEREIRAS: It's basically a heat pump.

12 | CHAIRPERSON CAPIZZI: Okay.

13 | MR. PEREIRAS: If you're -- I'm sure you've
14 | seen it in like restaurants, where it's a small
15 | unit that mounts on the wall.

16 | The -- the good thing about that, and the
17 | reason I use that in basements is because we have
18 | very limited space in --

19 | CHAIRPERSON CAPIZZI: Um hum.

20 | MR. PEREIRAS: -- a lot of these basements.
21 | That doesn't occupy much space, and we could run
22 | the condenser -- the condensing line somewhere
23 | else. So, it's a very space efficient way of
24 | doing this.

25 | CHAIRPERSON CAPIZZI: And it cools as well,

1 | so it's a heat and cool or --

2 | MR. PEREIRAS: So, we -- I use it only as
3 | cooling. It -- it does have the capacity of
4 | heat, but I don't specify that on my -- on my
5 | plans. We do heating usually in a different
6 | method.

7 | CHAIRPERSON CAPIZZI: So, how would they
8 | heat the basement?

9 | MR. PEREIRAS: Usually we heat it with
10 | baseboard. That's a typical way, radiators.

11 | CHAIRPERSON CAPIZZI: Is that in your
12 | plans?

13 | MR. PEREIRAS: It's always in my plans.
14 | It's a -- so -- so, part of the process that we
15 | go through, after this Board approves the
16 | drawings --

17 | CHAIRPERSON CAPIZZI: Um hum.

18 | MR. PEREIRAS: -- we go through a
19 | construction document process. So, there are
20 | drawings that are a lot more detailed, that I go
21 | over.

22 | CHAIRPERSON CAPIZZI: Okay.

23 | MR. PEREIRAS: And these are all Code --
24 | not -- not the cooling aspect of it, but
25 | everything else is part of Code that we -- we

1 provide to the Building Department. And we have
2 a very, very thorough Building Department.

3 CHAIRPERSON CAPIZZI: Okay.

4 MR. PEREIRAS: They have a good reputation
5 for that. And -- and they go through everything
6 and checkmark it and -- to get permits.

7 MR. VELAZQUEZ: Yeah, because like I said,
8 we -- we, as a Board, we sit here and we approve
9 or disapprove a project. And we had a fire at
10 one of these properties that we actually approved
11 on 35th Street. And I told everybody in the
12 beginning that this was going to be like an oven,
13 because I know what that basement looked like,
14 because I grew up in that basement. And thank
15 God they got out. The house was not done yet.
16 They were trying to legalize the apartment, but
17 it was like an oven down there, --
18 (indiscernible) -- save some kids. Me, going on
19 that inspection that I went on, two days ago, I
20 was -- I had to go outside three times, just to
21 get some air and all that. And these are four
22 kids living down there. And the heat --

23 MR. PEREIRAS: Yeah. And it was an illegal
24 unit.

25 Right?

1 MR. VELAZQUEZ: It was unbearable. The
2 humidity, the heat was off the walls and all
3 that. And the first thing the owner tells me,
4 it's legal because it has fire suppression
5 system. That's beautiful. They're melting down
6 here right now. The fire suppression is not
7 doing nothing for them. Then they can't put
8 their own air conditioner, they can't buy nothing
9 because they can't afford a \$450.00 unit that has
10 to be portable, because they run so expensive,
11 and they don't know how to run -- and God forbid,
12 put it up and hook it up themselves, they don't
13 know where to put it in the window, where it
14 could go, what damage they could cause, because
15 the landlord wrote in their lease that they could
16 -- if they put a nail in, in -- in the wall the
17 wrong way, they're responsible for a million
18 dollars which is wrong.

19 MR. PEREIRAS: I think you have an
20 excellent suggestion. And I think that it -- it
21 could -- just like sprinkler systems are part of
22 our applications, we'll do cooling as part of our
23 applications, as well.

24 MR. VELAZQUEZ: (Indiscernible).

25 CHAIRPERSON CAPIZZI: It's really like the

1 cooling, but I think more to the flow of air --
2 you know, in the basement.

3 MR. PEREIRAS: Um hum.

4 CHAIRPERSON CAPIZZI: Thank you.

5 Anyone else with any questions or comments?

6 Anyone from the public, question or
7 comments?

8 MR. SANCHEZ: No, ma'am, I'm here for 814
9 15th Street.

10 CHAIRPERSON CAPIZZI: Okay.

11 MR. SANCHEZ: Thank you.

12 CHAIRPERSON CAPIZZI: So, seeing none.

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

15 MR. PEREIRAS: Thank you.

16 THE SECRETARY: Motion to approve the
17 application --

18 CHAIRPERSON CAPIZZI: With of course, that
19 --

20 THE SECRETARY: -- by Ms. Capizzi.

21 CHAIRPERSON CAPIZZI: -- qualification.
22 Yes.

23 VICE CHAIRPERSON KOEHLER: I'll second.

24 THE SECRETARY: Seconded by Ms. Koehler.

25 Roll call on the motion to approve this

1 application.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Koehler?

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Ms. Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Mr. Velazquez?

9 MR. VELAZQUEZ: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Five in favor.

13 Motion carries.

14 MS. PEREIRAS: Thank you all very much.

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

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1 **Paolo Bosco - 418 17th Street:**

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3 THE SECRETARY: All right.

4 We are going to go to next one, will be
5 Paolo Bosco, 418 17th Street.

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

8 MR. CHEWCASKIE: Just a question, Bianca,
9 on this.

10 MS. PEREIRAS: Yes.

11 MR. CHEWCASKIE: I'm looking at this and
12 the stamps are June 17th, but your Affidavit says
13 July 17th.

14 Is that just an error?

15 MS. PEREIRAS: Let me --

16 MR. CHEWCASKIE: Take -- take --

17 MS. PEREIRAS: Do you mind if I look at
18 that --

19 MR. CHEWCASKIE: Yeah. Take --

20 MS. PEREIRAS: -- real quickly?

21 MR. CHEWCASKIE: -- take a look at it. I'm
22 looking at the -- the stamps on -- say, June 17th.
23 This says on July 17th.

24 MS. PEREIRAS: Right.

25 MR. CHEWCASKIE: Now, could the post office

1 have made a mistake? The answer is yes. But I'm
2 just trying to make sure, so we get it clear for
3 the record, because the list is dated July 8th.

4 MS. PEREIRAS: Yes. It would have been
5 July 17th.

6 MR. CHEWCASKIE: Let me just check.

7 MS. PEREIRAS: They were all sent the same
8 day, so I'm going to look at one of the other
9 ones.

10 MR. CHEWCASKIE: So, just so -- just so
11 that I'm clear, Bianca, then I'll just ask you,
12 when we get on the record, that the date that
13 these were mailed was July 17th and they had the
14 wrong date on when the post office stamped it.

15 MS. PEREIRAS: Yes. I took them myself to
16 the post office on July 17th.

17 (Whereupon, there was a pause in the
18 proceedings while plans were distributed.)

19 MS. PEREIRAS: Again, Bianca Pereiras, on
20 behalf of Paolo Bosco, for property located at
21 418 17th Street, also known as Block 90, Lot 23.

22 Currently, onsite, in the residential zone,
23 we have a two family. We are looking to provide
24 an addition to create a new unit. By doing so,
25 we have two variances. One as to existing side

1 yard and one as to parking.

2 We have one expert to testify before the
3 Board this evening, Mr. Manuel Pereiras.

4 MR. CHEWCASKIE: And just for the record,
5 before you begin, Mr. Pereiras, this -- whereas
6 you provided me with an Affidavit of Service. We
7 had a discussion before we went on the record.
8 The stamps on the certified mail say June 17th; it
9 was actually July 17th. Whether it was June or
10 July, the notice is appropriate. But based upon
11 the list that I compared, it looks as though a
12 mistake was made at the post office. In
13 addition, the publication was correct, so the
14 Board has jurisdiction.

15 CHAIRPERSON CAPIZZI: Good. Okay.

16 MS. PEREIRAS: Okay.

17 Thank you, counsel.

18 Mr. Pereiras, are you familiar with the
19 property at 418 17th Street?

20 MS. DILLON: Mr. Pereiras was previously
21 sworn.

22 MR. PEREIRAS: Yes, and I acknowledge that.

23 MS. DILLON: Thank you.

24 MS. PEREIRAS: And Mr. Pereiras, did you
25 prepare the drawings that are before the Board?

1 MR. PEREIRAS: I have.

2 MS. PEREIRAS: And would you kindly
3 describe this project?

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

5 On my left, I have an easel with the same
6 drawings that were provided to the Board. The
7 drawing marker is 19114. The base date, when I
8 began the drawings, was March of '20. And the
9 actual release date on the revision block is
10 March 10th of '20.

11 And as you can see, there were many, many
12 revisions, which is a bit unusual, but that's
13 because this is a very unique project. This is
14 actually an owner occupied project. The -- the
15 applicant wants to live there. So, we really
16 catered this house specifically to his needs.
17 And I'll walk you through that.

18 There's an existing structure. It's a --
19 it's a two story frame building. We're looking
20 to do an addition to the rear of it. And we're
21 looking to do an addition above. There's also a
22 small addition to the front, so that we could
23 accommodate an elevator.

24 So, just talking about the site. We are
25 demolishing existing steps that are very wide.

1 And by creating the stairs inside the building,
2 we loose space inside the building, but it
3 actually makes the building a lot more attractive
4 and creates more space in the front so that we
5 could have two parking spaces.

6 We're also reconstructing the inside of the
7 building so that we have a -- another garage
8 space, as well. So, we basically added this for
9 their house. We are creating three parking
10 spaces.

11 We are creating two apartments that he's
12 going to use as rental units. The first one is
13 on the ground floor. And as you could see, you
14 walk in from the hallway and -- on the side of
15 the building, and you have a living room/dining
16 room area, bedroom and bedroom. So, it's a two
17 bedroom apartment on the -- on the ground floor.

18 You do one floor up, and you have a typical
19 apartment that we see in most of the other plans
20 that we submit. We have a three bedroom, with a
21 large living room/dining room space.

22 And then, when we go to the floors above,
23 we create a duplex apartment that is very
24 particular to his needs. We have a -- he has two
25 children that are adult aged children that stay

1 with him. These are snowbirds. They come here.
2 They -- they spend the summers here and they --
3 and the winters in Florida, or -- or Europe, and
4 they want their apartment here. They don't
5 drive. They -- they take public transportation
6 into the city.

7 They have their adult children that stay on
8 this floor. They created a fitness room for
9 exercising, in case they can't get out during
10 COVID or something similar. And then, the floor
11 above is their master suite. They have a
12 beautiful, large bedroom, a huge master closet,
13 an enormous bathroom, and then their kitchen and
14 dining room area along the front of the house.
15 And then, they have a small roof deck on top for
16 them.

17 As you could see, there's an elevator in
18 the front. We have two means of egress, with two
19 stairs along the ends of the building.

20 Let me -- let me change now to the
21 elevations.

22 And with our elevations, it looks like a
23 typical project that we provide lately. We're
24 creating -- we're taking the beautiful bay
25 windows that we see all over Union City, very

1 often, and we're creating that along the front of
2 the building, all out of brick. You see the
3 garage door and the main entrance for the
4 building.

5 And that -- I could talk more. I think
6 that concludes my testimony.

7 I'm open for questions.

8 CHAIRPERSON CAPIZZI: So what -- on number
9 7, the side lot line on the west does that
10 conform or is there something that you're adding
11 or --

12 MR. PEREIRAS: So, let me turn back to the
13 site plan.

14 It sounds like we're -- we're referencing
15 the side yard.

16 As you could see in this side yard, the
17 building is on the property line. It's actually
18 very typical of that neighborhood. We're
19 continuing that zero lot line. So, we're asking
20 for relief on side yard setback, whereas two feet
21 would be required, we only have zero. And that's
22 an existing condition that we are expanding on to
23 the rear.

24 CHAIRPERSON CAPIZZI: From which floor?

25 MR. PEREIRAS: On every floor. So, this is

1 the building along the front. That line is
2 continued all the way straight through. We're
3 not going to tear down the existing house. We
4 want to keep it and our -- we're doing our
5 addition in line with it.

6 MR. VELAZQUEZ: I would just put it on the
7 record, the building next door has a long -- an
8 open space from the alleyway right next to the
9 house, this is the doctor's house.

10 MR. PEREIRAS: Yeah.

11 CHAIRPERSON CAPIZZI: On the roof, those --
12 those are stairs going up to the roof?

13 MR. PEREIRAS: Yes. So --

14 CHAIRPERSON CAPIZZI: So, the stairs are on
15 the edge of the building? They're on the edge of
16 the building?

17 MR. PEREIRAS: They're -- they're in the
18 building. So, it's the same stairs. They go all
19 the way up to -- to the roof.

20 CHAIRPERSON CAPIZZI: No, I know, but
21 they're at the edge. In other words, when you --
22 when you walk up, at the edge of the building.

23 Correct?

24 MR. PEREIRAS: So, there's two stairs that
25 go up to the roof. The stair along the front has

1 a door that opens into --

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. PEREIRAS: -- the -- the roof deck area.

4 CHAIRPERSON CAPIZZI: Right.

5 MR. PEREIRAS: The stair in the back has a
6 door that opens towards 17th Street. And that --
7 yes. And -- oh, and -- so, for safety, there's a
8 parapet there. So, there's a three foot six
9 parapet. There's no way anybody could fall over
10 or flip over. And this is typical. Almost every
11 single one of our designs has this exact same
12 condition.

13 MR. GUARENO: That stairway is enclosed.

14 Correct?

15 MR. PEREIRAS: Yes. Correct.

16 MR. VELAZQUEZ: And nobody will be
17 displaced over this.

18 Right?

19 Everybody's staying?

20 MR. PEREIRAS: No, this is -- yeah, his
21 house.

22 MR. VELAZQUEZ: Yeah.

23 MR. GUARENO: What is on the first floor
24 now?

25 MR. PEREIRAS: There is an apartment there

1 | now. So, we're destroying the apartment to make
2 | the garage, and then pushing the apartment back.

3 | MR. VELAZQUEZ: The doctor making his
4 | dreams come true.

5 | CHAIRPERSON CAPIZZI: Um hum. Yup.

6 | VICE CHAIRPERSON KOEHLER: So, the roof
7 | access, how -- remind me how high is that railing
8 | there?

9 | MR. PEREIRAS: So, we have a parapet that's
10 | three foot six high. So, it's about this height.
11 | Maybe a little bit less, around there.

12 | VICE CHAIRPERSON KOEHLER: Okay.

13 | And that obviously is for the entire --

14 | MR. PEREIRAS: It goes around the entire
15 | structure, yes.

16 | VICE CHAIRPERSON KOEHLER: Right. Okay.

17 | MR. GUARENO: And the owner is going to
18 | occupy floor, number three and four?

19 | MR. PEREIRAS: Correct.

20 | MR. VELAZQUEZ: (Indiscernible) -- if it
21 | was up to him, he'd occupy the whole block.

22 | CHAIRPERSON CAPIZZI: Any other questions
23 | or comments?

24 | Anyone from the public?

25 | MR. SANCHEZ: No, -- (indiscernible) -- the

1 person.

2 CHAIRPERSON CAPIZZI: Okay.

3 MR. SANCEHZ: I'm here for 810 -- 812 --
4 I'm sorry, 814 15th Street.

5 CHAIRPERSON CAPIZZI: Okay. Got it.

6 Thank you.

7 Okay.

8 Seeing none, I'll make a motion to approve
9 the application.

10 THE SECRETARY: Motion on the table to
11 approve the application by Ms. Capizzi.

12 MR. VELAZQUEZ: Second.

13 THE SECRETARY: Seconded by Mr. Velazquez.

14 Roll call on the motion to approve this
15 application.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

3 MS. PEREIRAS: Again, thank you very much.

4 CHAIRPERSON CAPIZZI: You're welcome.

5 THE SECRETARY: You're welcome.

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

8 THE SECRETARY: Okay. Can we get five
9 minute break?

10 MR. CHEWCASKIE: Might as well.

11 THE SECRETARY: Thank you.

12 MS. PEREIRAS: Thank you.

13 THE SECRETARY: Off the record.

14

15 (Whereupon, there was a recess from 6:51
16 p.m. to 7:04 p.m.)

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1 **814 15th Street:**

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

5 THE SECRETARY: Are you ready?

6 MS. DILLON: Yes.

7 On the record.

8 THE SECRETARY: Go ahead, Ms. Pereiras.

9 27 -- no, I'm sorry. 418 (sic) 15th
10 Street.

11 Ms. Pereiras, please?

12 MS. PEREIRAS: Thank you.

13 Again, Bianca Pereiras, on behalf of the
14 applicant, 814 15th Street, for property located
15 at 814 15th Street, also known as Block 80, Lot
16 10.

17 I had previously submitted my
18 jurisdictional submissions to counsel.

19 MR. CHEWCASKIE: Yes. I've had the
20 opportunity to review the Affidavit of Service.
21 It's in appropriate form, both in terms of the
22 notice to the surrounding property owners and the
23 publication. The Board has jurisdiction.

24 This matter was originally listed for the
25 June 23rd meeting. It was adjourned to this date

1 and renote was required, and that notice has
2 been perfected. So, the Board can proceed.

3 Just before you start, Ms. Pereiras, to
4 save some time, Mr. Pereiras' drawings, which are
5 Z01 to Z03, with a date of January 2020, will be
6 marked as A-1.

7 Hand that over to the reporter.

8 MS. PEREIRAS: Sure.

9
10 (Whereupon, Sheet Z01-Sheet Z03, dated
11 January 2020, was received and marked as Exhibit
12 A-1.)

13
14 MR. CHEWCASKIE: I also note that we have
15 one interested person, Mr. Sanchez is here. I
16 would suggest that perhaps we complete the
17 testimony of both witnesses, and Mr. Sanchez then
18 would be permitted to ask questions and provide
19 comments at the conclusion of all the testimony.
20 I think it would provide for a more efficient
21 hearing.

22 CHAIRPERSON CAPIZZI: Um hum.

23 MR. PEREIRAS: For the record, I marked the
24 top right hand corner of the first sheet --

25 MR. SANCHEZ: Sorry to interrupt you.

1 MR. PEREIRAS: -- as A-1.

2 MR. SANCHEZ: Luis Sanchez.

3 MS. DILLON: He -- he can't speak from
4 there.

5 MR. SANCHEZ: I'm sorry.

6 MS. DILLON: Please.

7 MR. SANCHEZ: Permission, I cannot see the
8 site plan and I cannot make comments. And the
9 copy that I got it's very --

10 CHAIRPERSON CAPIZZI: Um hum.

11 MR. SANCHEZ: -- it's not legible. So, I'd
12 like permission to stand in a place where I can
13 be --

14 CHAIRPERSON CAPIZZI: Or put -- well have a
15 seat.

16 MR. SANCHEZ: -- so I can observe the site
17 plan.

18 THE SECRETARY: I am going to give you one.

19 MR. CHEWCASKIE: Well, here --

20 CHAIRPERSON CAPIZZI: Put a chair there.

21 MR. CHEWCASKIE: -- here is what I will do.
22 I believe I have another copy of the site
23 plan.

24 THE SECRETARY: I do have it.

25 CHAIRPERSON CAPIZZI: But I think he should

1 --

2 THE SECRETARY: Here you go.

3 CHAIRPERSON CAPIZZI: -- see the
4 presentation, as well.

5 MR. CHEWCASKIE: Right. He could come up
6 and see the presentation.

7 CHAIRPERSON CAPIZZI: Okay.

8 MR. CHEWCASKIE: But I -- I think he needs
9 to see the drawing, also.

10 CHAIRPERSON CAPIZZI: Yes. Absolutely.

11 THE SECRETARY: Also was available at the
12 City Clerk's Office.

13 MR. SANCHEZ: No, you --

14 Luis Sanchez, for the record.

15 Mr. Vallejo, you did send me a copy and I
16 responded and I requested in email. You
17 responded in email. And I stated in email, with
18 the letter certified return receipt, that they
19 were not legible.

20 MR. CHEWCASKIE: Right.

21 MR. SANCHEZ: That's the issue. It's very
22 difficult for me to be able to --

23 MR. CHEWCASKIE: Mr. -- Mr. Sanchez, what
24 I'm going to suggest there's a table to the left
25 -- I think I have that correct -- of Ms.

1 | Pereiras. You could sit there.

2 | And Mr. Pereiras, I'm going to ask you to
3 | just push back the site plan slightly.

4 | CHAIRPERSON CAPIZZI: There might be
5 | somebody else here too.

6 | MR. PEREIRAS: Okay. Forward you think
7 | this is better?

8 | MR. CHEWCASKIE: I want everybody to be
9 | able to see it.

10 | MR. PEREIRAS: Chairman want to have a good
11 | line of sight.

12 | Do you want me to put the mic by the -- or
13 | hold it?

14 | MS. DILLON: (Indiscernible).

15 | MR. PEREIRAS: Okay.

16 | MS. PEREIRAS: Okay.

17 | Currently, onsite, we have a two family
18 | home. The application before the Board this
19 | evening is to construct a new three family in
20 | line with the zoning plan of the City of Union
21 | City. We have a few variances, because we are
22 | slightly shy on our depth and our width. Instead
23 | of a typical 25 foot width, we are at 24.77. And
24 | instead of 100 foot deep, we are at 99.97.

25 | I think it's best to start with our

1 architectural presentation, so Mr. Manuel
2 Pereiras, if you could please come up?

3 Mr. Pereiras, are you familiar with the
4 property at 814 15th Street?

5 MR. PEREIRAS: Manny Pereiras.

6 I recognize that I am still under oath.

7 And yes, I am familiar with the property.

8 MS. PEREIRAS: And did you prepare the
9 drawings that are before the Board this evening?

10 MR. PEREIRAS: They were prepared under my
11 direct supervision, yes.

12 MS. PEREIRAS: Would you kindly describe
13 the project for the Board?

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

15 As counsel represented, we have a typical
16 three family house, in accordance with the Master
17 Plan and the City Ordinance. Everything that has
18 to do with this structure is compliant to the
19 Ordinance.

20 What isn't compliant, I'm going to describe
21 now, is the actual site itself.

22 We have a site, and we're speaking about
23 the north side of 15th Street, the house number is
24 814 15th Street. On the north side of the
25 property, we do have perfectly 25 foot wide.

1 | However, because the site tapers slightly, the
2 | front of the site is 24.77. So, .33 of a
3 | difference of what it is to be conforming.

4 | And then, the depth of the site, we're just
5 | shy. We need a hundred feet, we're 99.97. So,
6 | .3 of a foot difference. And that triggers two
7 | variances right there, because we have lot width
8 | and we have lot depth that isn't conforming by
9 | these miniscule numbers, de minimis numbers.

10 | And then, the third, which is lot -- lot
11 | area, because we have, as a consequence of the
12 | two variances, we have 2,490 square foot lot.
13 | So, we are deficient in that and then, again, is
14 | an existing nonconformity.

15 | So, we have lot depth, lot width and lot
16 | area, and those are the only variances that we're
17 | seeking from today.

18 | We have a planner that's going to talk
19 | about the type of variance and -- and how -- and
20 | our justifications for it. And again, it's a
21 | preexisting condition of the site itself.

22 | Now, let's talk about the building. The
23 | building conforms perfectly with everything our
24 | Ordinance has.

25 | Our Ordinance requests a ten foot front

1 yard setback. We are providing a ten foot front
2 yard setback. In that setback, and even though
3 our Ordinance doesn't require it, we created
4 three areas for landscaping, in order to provide
5 landscaping in the front of this building. And
6 those areas are located at the two corners, and
7 then a portion between the -- the driveway path
8 and the entry for the building.

9 The building is set back two feet on one
10 side and three feet on the other. Again,
11 conforming with our Ordinance, that we require a
12 three foot side yard setback and a total of five
13 feet with both sides. We are in full conformance
14 with that.

15 And our rear yard is five feet. So, we're
16 in conformance with that as well. We have a
17 clear and unobstructed rear yard, as defined in
18 our Ordinance. And we're providing exactly that.

19 We're creating a driveway entrance, a curb
20 cut that's 12 feet wide, which is also in
21 conformance with our Ordinance. And that allows
22 vehicular access into the building.

23 I'd like to describe the rest of the
24 building now, and I'm changing to Sheet Z02.

25 In Sheet Z02, we see the existing house

1 | that's there, and we see the proposed conditions
2 | that we have. As you could see, all the
3 | dimensions that we mentioned are here on this
4 | plan and they're enlarged so that we could see
5 | them a little bit better.

6 | We're maintaining the three foot side yard
7 | setback along the front of the building. And
8 | because the site is slightly tapered, it actually
9 | increases in the rear. It's three feet two and a
10 | half inches.

11 | The front of the building, the -- the other
12 | side of the building, because it's not a
13 | perfectly square lot, it's two feet clear, both
14 | sides, and five foot in the rear.

15 | As you could see, the -- the pedestrian
16 | entrance is -- opens into a small lobby, where
17 | you have the elevator and entrance also into the
18 | garage, so that if you park your vehicle, you can
19 | go right into the lobby and head upstairs. We
20 | have parking for six vehicles, which is in
21 | conformance with the -- the Master Plan layout
22 | that was provided by the city.

23 | We have two stairs in the building; one
24 | that's located behind the elevator, and one
25 | that's located at the rear of the building. Both

1 | stairs go from the roof all the way down to the
2 | ground floor.

3 | And then, in the rear of the building, we
4 | have a room for garbage. We also have a room
5 | behind the elevator for our water main, so that
6 | we have our sprinkler -- sprinkler system
7 | accessible at that point.

8 | The next plan that I'd like to show you is
9 | the typical plan for all three floors above.
10 | This is a three bedroom apartment layout. You
11 | come out of the elevator and you're in the living
12 | room/dining room/kitchen area. It is a
13 | contemporary layout of open floor plan, where
14 | it's all -- there are no walls dividing this
15 | area. So, your kitchen is open into the dining
16 | room, which is open into the living room space.
17 | And the living room faces -- faces 15th Street, so
18 | that you have all that glass opening there, and
19 | all the light coming into the living space. It's
20 | very beautiful.

21 | The privacy portion of the apartment is
22 | along the side and it's along the blind side
23 | where we have the two foot setback, so we have no
24 | windows along that side. And that leads you to
25 | the three bedrooms. The master bedroom being in

1 the back, where it has its own bathroom and a
2 small walk-in closet.

3 And then, the other two bedrooms along the
4 side, which have their closets and share a
5 bathroom in the hallway.

6 And then, finally, the roof plans, which
7 just shows access for the mechanical equipment.
8 We have the condensers up on the roof and -- and
9 the two stairs leading -- leading back.

10 As far as our elevations are concerned,
11 we're doing exactly what the Ordinance and the
12 Master Plan recommend. We're doing a brick
13 façade. The building itself, it has a height of
14 45 feet, which is in compliance with the
15 Ordinance. And we're actually -- the Ordinance
16 says to top of structure, meaning the roof, we're
17 actually maintaining the top of our parapet at 45
18 feet, just to be very clear and not have any gray
19 areas. So, the top of our -- our parapet is at
20 45 feet. Each of the apartments has a nice
21 ceiling height of ten feet and the garage level
22 has a nice ceiling height of nine feet.

23 The front façade is fully brick. We have
24 nice cornice along the top. It's a metal coping
25 along the top of the cornice and a small stucco

1 | eve. The side of the building, we wrap the brick
2 | along the back -- the side of the building, so
3 | that when you're looking at it from the front,
4 | you don't see the siding as much. It looks like
5 | a nice front brick building. And then, behind
6 | that is vinyl siding, as allowed in Union City,
7 | and stucco on the ground floor facing the -- on
8 | top of the CMU wall that we have there.

9 | The rear of the building is also siding.
10 | And the other side, the blind side, without
11 | windows, is also siding, except for the front of
12 | the building where it has a wraparound of brick.

13 | This is a -- basically, we followed the
14 | letter of the law perfectly of what's permitted
15 | and what's allowed in the city.

16 | And the only variances we have are those
17 | preexisting conditions of the site itself, and
18 | they are de minimis. As I said, they were .33
19 | and .3.

20 | CHAIRPERSON CAPIZZI: So how many floors
21 | are you adding to the structure?

22 | MR. PEREIRAS: We're not adding any floors
23 | to the structure. This is a brand new structure.

24 | CHAIRPERSON CAPIZZI: Oh, you're knocking
25 | down this house?

1 MR. PEREIRAS: Yes.

2 CHAIRPERSON CAPIZZI: And how many floors
3 will it be?

4 Four?

5 MR. PEREIRAS: It's a four story structure,
6 as permitted.

7 CHAIRPERSON CAPIZZI: What other four story
8 buildings are on the block?

9 MR. PEREIRAS: I don't believe -- I believe
10 there's one on the corner. There's a four story
11 building on the corner.

12 CHAIRPERSON CAPIZZI: So, the other houses
13 are all two family houses.

14 MR. PEREIRAS: Correct.

15 I'm not sure if all of them are two
16 families, but the majority of them are two
17 families.

18 CHAIRPERSON CAPIZZI: Well, the ones in the
19 picture are.

20 MR. PEREIRAS: Yeah.

21 CHAIRPERSON CAPIZZI: Okay.

22 MR. VELAZQUEZ: It's two buildings that are
23 -- one across the street, 825, and then 824 is
24 along, with -- it's a large building.

25 MR. PEREIRAS: And they're very tall for

1 -- both those buildings are taller than what
2 we're proposing.

3 VICE CHAIRPERSON KOEHLER: The current
4 structure there, how high is that?

5 MR. PEREIRAS: It's --

6 VICE CHAIRPERSON KOEHLER: Just to do a
7 comparative --

8 MR. PEREIRAS: It's two and a half -- it's
9 a two story structure. So, it's probably --

10 VICE CHAIRPERSON KOEHLER: Thirty-two.

11 MR. PEREIRAS: And probably less than that.

12 VICE CHAIRPERSON KOEHLER: Okay. And --

13 MR. GUARENO: No, because it's a high --
14 it's higher than the first one. It's got to be
15 more.

16 MR. VELAZQUEZ: It's still two -- it's
17 still a two -- two family, beautiful structure.

18 MR. PEREIRAS: Um hum.

19 CHAIRPERSON CAPIZZI: How many new windows
20 will you put in on either side?

21 MR. PEREIRAS: How many new windows?

22 CHAIRPERSON CAPIZZI: On either side?

23 MR. PEREIRAS: Okay. So, on one side,
24 there are zero windows. And on the opposite
25 side, the one with the three foot setback, which

1 is towards the east, we have one, two, three,
2 four --

3 MR. VELAZQUEZ: Nine.

4 MR. PEREIRAS: -- five, six, seven, eight,
5 nine, ten. Ten windows.

6 CHAIRPERSON CAPIZZI: And somebody's house
7 is next to that?

8 MR. PEREIRAS: I -- I don't understand the
9 question.

10 CHAIRPERSON CAPIZZI: So, the person on the
11 other side now has ten windows looking at them.
12 They will have ten windows.

13 MR. PEREIRAS: Actually, no. You'll have
14 30 windows looking at them.

15 CHAIRPERSON CAPIZZI: Oh, okay.

16 MR. PEREIRAS: But that's normal and
17 typical. Otherwise --

18 CHAIRPERSON CAPIZZI: There are 30 windows?

19 MR. PEREIRAS: There are ten windows per
20 floor. So, there are 30 windows in the house,
21 yes.

22 Do you find that unusual?

23 CHAIRPERSON CAPIZZI: Yes. It's a little
24 excessive, yes. For privacy matters?

25 Absolutely. I wouldn't want to live next door to

1 | that.

2 | MR. VELAZQUEZ: And just my own --

3 | MS. DILLON: Please speak up, Mr.

4 | Velazquez?

5 | MR. VELAZQUEZ: Oh, I'm sorry. This mask.

6 | MS. DILLON: I know.

7 | MR. VELAZQUEZ: This doesn't -- this
8 | changes the footprint of the whole neighborhood.

9 | CHAIRPERSON CAPIZZI: Yes.

10 | MR. VELAZQUEZ: This changes the whole
11 | dynamics.

12 | CHAIRPERSON CAPIZZI: Totally.

13 | MR. VELAZQUEZ: And I don't feel that a
14 | four story --

15 | CHAIRPERSON CAPIZZI: I agree with you.

16 | MR. VELAZQUEZ: Knocking down a beautiful
17 | structure like this to build a four story, I
18 | don't -- I'm not for it. I'm not for this
19 | project.

20 | CHAIRPERSON CAPIZZI: I would have to
21 | agree, based on the -- the findings number 2,
22 | number 3, number 4, that a three family -- it's
23 | not -- what is required, it does not conform.
24 | And therefore, that's why it seems like you're
25 | squeezing a taller, denser building into a space

1 | that wasn't originally planned for that building.

2 | MR. VELAZQUEZ: What happened with the
3 | COVID thing made me start realizing to drive
4 | around, start looking at some of these things.
5 | And when we say we're going to build a three
6 | family house, and then actuality, the garage
7 | turns out to be almost the same size --

8 | CHAIRPERSON CAPIZZI: Um hum.

9 | MR. VELAZQUEZ: -- as what you're making a
10 | four family --

11 | CHAIRPERSON CAPIZZI: Right.

12 | MR. VELAZQUEZ: -- then instead of a three
13 | family, because you need the garage space. And
14 | it looks like, to us --

15 | MR. PEREIRAS: So, in your --

16 | MR. VELAZQUEZ: -- there's no parking.

17 | CHAIRPERSON CAPIZZI: It's also not --

18 | MR. VELAZQUEZ: But then --

19 | CHAIRPERSON CAPIZZI: -- consistent with
20 | the --

21 | MR. VELAZQUEZ: -- it's not only that --

22 | CHAIRPERSON CAPIZZI: -- houses on the
23 | block.

24 | MR. PEREIRAS: So, in your opinion, you
25 | can't put -- you shouldn't put a three family on

1 | this block.

2 | CHAIRPERSON CAPIZZI: What I'm saying is it
3 | doesn't conform, number 2, number 3 and number 4.

4 | MR. PEREIRAS: Actually, it does conform.
5 | I think --

6 | CHAIRPERSON CAPIZZI: Well, --

7 | MR. PEREIRAS: -- I need to make that
8 | clear.

9 | CHAIRPERSON CAPIZZI: -- this says --

10 | MR. PEREIRAS: A three family conforms --

11 | CHAIRPERSON CAPIZZI: -- does not conform.
12 | Am I not reading this correctly?

13 | MR. CHEWCASKIE: I -- I think if I may, Mr.
14 | Pereiras, we understand your testimony.

15 | MR. PEREIRAS: Um hum.

16 | MR. CHEWCASKIE: The structure does
17 | conform. The lot has certain nonconformities,
18 | which you identified, and that's what Ms. Capizzi
19 | was referring to; the lot area, the lot width,
20 | and the lot depth.

21 | MR. PEREIRAS: Um hum. So, Ms. Capizzi --

22 | MR. CHEWCASKIE: I also believe you -- you
23 | have a planner that may be addressing.

24 | CHAIRPERSON CAPIZZI: Yeah.

25 | MR. PEREIRAS: We -- we -- well, we'll move

1 into him.

2 But Ms. Capizzi, I'm just questioning, and
3 I want to understand the Board and what their
4 direction is.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. PEREIRAS: And I -- I -- Mr. Velazquez,
7 and Ms. Capizzi, since you both were vocal on
8 this, if this was a conforming lot, 25 by 100,
9 you think it would be appropriate to have --

10 CHAIRPERSON CAPIZZI: No.

11 MR. PEREIRAS: -- a three family?

12 CHAIRPERSON CAPIZZI: No. I -- I don't
13 like the application. No.

14 MR. PEREIRAS: You don't like the
15 application, even if it was a conforming lot --

16 CHAIRPERSON CAPIZZI: I don't know.

17 MR. PEREIRAS: -- you --

18 CHAIRPERSON CAPIZZI: That I don't know.
19 That -- that's a conjecture I don't know. I
20 won't answer that question.

21 VICE CHAIRPERSON KOEHLER: And --

22 CHAIRPERSON CAPIZZI: So --

23 VICE CHAIRPERSON KOEHLER: It has several
24 points of nonconformity. And -- and in addition
25 to that, in addition to those points, I share

1 | their view that it is -- first of all, it's a
2 | pretty structure, in and of itself. I'm assuming
3 | it's not owner occupied and -- but I don't know.

4 | Is it owner occupied?

5 | MR. PEREIRAS: No.

6 | VICE CHAIRPERSON KOEHLER: So, it's an
7 | investment property that they're building up.
8 | This is -- this looks like a cute residential
9 | area, it -- and you have a couple two story
10 | houses. At the far end of the block, looks like
11 | a tenement style house, building, five story.
12 | But it's at the end of the block. So, it change
13 | -- it would change the entire aesthetic of that
14 | block, especially since it's smack in the middle
15 | of all these surrounding two story homes. I -- I
16 | would -- I wouldn't sleep well at night if I said
17 | yeah, go ahead.

18 | MR. PEREIRAS: Here's the sad truth. I
19 | agree a lot with everything you're saying.

20 | Okay?

21 | But the problem is that it sounds to me
22 | like your -- your objections aren't with this
23 | application. It's not with this house, it's with
24 | the Ordinance.

25 | CHAIRPERSON CAPIZZI: No, not at all.

1 MR. PEREIRAS: No?

2 CHAIRPERSON CAPIZZI: Absolutely not. No.
3 That's not true.

4 MR. VELAZQUEZ: It's a change --

5 CHAIRPERSON CAPIZZI: That's not true.

6 MR. VELAZQUEZ: There's a change in the
7 land --

8 CHAIRPERSON CAPIZZI: We're looking at this
9 application.

10 MR. PEREIRAS: Okay.

11 MR. VELAZQUEZ: -- how it's going to change
12 this whole neighborhood.

13 MR. PEREIRAS: So what's wrong about this
14 application?

15 MR. VELAZQUEZ: It's going to change the
16 dynamics of this whole neighborhood.

17 MS. DILLON: You have to speak one at a
18 time, please.

19 MR. PEREIRAS: So, I'd like to understand.

20 MS. PEREIRAS: Mr. Pereiras?

21 MR. CHEWCASKIE: I think Mr. --

22 MS. PEREIRAS: They have questions about
23 planning, so let's have a planner --

24 CHAIRPERSON CAPIZZI: Sure.

25 MS. PEREIRAS: -- testify.

1 MR. PEREIRAS: Okay.

2 CHAIRPERSON CAPIZZI: And then, I would
3 like to hear from the public, as well, --

4 MR. PEREIRAS: Okay.

5 CHAIRPERSON CAPIZZI: -- after the planner
6 testifies.

7 MS. DILLON: Right there, sir.

8 Please raise your right hand.

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

11 MR. HEYDT: I do.

12 MS. DILLON: Please state your name and
13 spell it for the record.

14 MR. HEYDT: Yes. Charles Heydt. Last
15 name's spelled H-E-Y-D-T.

16 MS. DILLON: Thank you.

17 MS. PEREIRAS: Mr. Heydt, would you kindly
18 give your qualifications for the Board?

19 MR. HEYDT: Hi. Yes. Pleasure.

20 Thank you for having me tonight.

21 It's one of the first in person meetings
22 I've had in awhile, so it's nice to see some
23 people in front of me.

24 My name is Charles Heydt. I am a licensed
25 professional planner in the State of New Jersey.

1 I work extensively -- extensively throughout
2 Hudson County, Bergen County along the
3 waterfront.

4 It's the first time I've been here before
5 this Board, but I am familiar with Union City. I
6 also did review the Master Plan documents that
7 you're referring to, as well as the Zoning
8 Ordinance.

9 I did do a review of the plans that were
10 submitted, as well as the site visit to the
11 property.

12 With respect to qualifications, I am a -- I
13 do hold a Masters in City and Regional Planning
14 from Rutgers University. And I've been
15 practicing for the past ten years.

16 MR. CHEWCASKIE: Mr. Heydt, who do you
17 presently work for?

18 MR. HEYDT: So, the -- the firm I work with
19 is Dresdner Robin.

20 MR. CHEWCASKIE: And where are they
21 located?

22 MR. HEYDT: Jersey City.

23 MR. CHEWCASKIE: All right.

24 Thank you.

25 MS. PEREIRAS: I ask that Mr. Heydt be

1 | accepted as an expert in planning.

2 | CHAIRPERSON CAPIZZI: Yes.

3 | MS. PEREIRAS: Thank you very much.

4 | Mr. Heydt, would you kindly give us your
5 | opinion as to this project and the variances
6 | requested?

7 | MR. HEYDT: Yes.

8 | So, like I said, I did have a chance to
9 | look at all the material. I did review the Board
10 | Planner's review letter, so I am familiar with
11 | what you're referring to.

12 | I did take a look at the survey that was
13 | provided in the plans, as well as some of the tax
14 | data, downloading the tax maps and -- and looking
15 | at the configuration of a block as a whole.

16 | If you will, I think it's helpful to, for
17 | discussion, to understand what's the relief
18 | needed in terms of dimensions of the parcel
19 | versus the design of the building.

20 | So, there are no variances with respect to
21 | the proposed design, setbacks, coverage. That
22 | all conforms. And I know the Board's raised some
23 | issues and we might be able to address some of
24 | them in terms of the design.

25 | But with respect to the parcel, this parcel

1 is not far off from being conforming 2500 -- 2500
2 square foot lot. The -- the deficiencies, in
3 terms of lot depth, are de minimis; .3 -- .3
4 feet, .03 feet, three one hundredths, is not a
5 substantial deviation from what's required, in
6 terms of the 99.97 being provided here to -- to
7 warrant any sort of substantial impairment to
8 whatever would be developed on this site.

9 I say that because in looking at the tax
10 maps and the survey, several other homes along
11 15th Street also have the same condition, and are
12 improved for what the Master Plan calls for and
13 the Zoning Ordinance calls for, low density
14 residential development. So, nothing would
15 prevent that in terms of lot depth.

16 In terms of lot width, at the rear of this
17 property, 25 feet; at the front of the property,
18 24.44. So, the average is approximately 24.7.
19 Again, we're talking fractions of a foot. We're
20 talking inches.

21 In terms of planning, nothing associated
22 with that deficiency would warrant, in my
23 opinion, something to -- for this Board to object
24 the future development of this property as a
25 three family use.

1 Again, setting the design aside, because
2 that could change and we might be able to address
3 some concerns, nothing would warrant, in my
4 opinion, any sort of negative impacts for
5 developing this property as a three family use,
6 because it complies with what the Zoning
7 Ordinance permits in the low density district.

8 I will say, when you take the lot width and
9 lot area, you get to the lot -- the lot width and
10 depth, you times that, you get to the deficiency
11 on lot area. They're all the same. We're
12 deficient in lot area of about approximately ten
13 square feet; nothing substantial to warrant this
14 property not being able to be developed for a low
15 density three family use.

16 That's the relief we need tonight, and what
17 I would offer this Board is that this is more of
18 a test of a hardship. And I say that because the
19 block is established. There are developments on
20 all sides of this property. We can see it from
21 the photos. There's two family homes developed
22 to the east and west and towards the rear.
23 There's really no opportunity to acquire adjacent
24 properties, to make this a conforming lot. And
25 again, where would we be acquiring a lot that's

1 | very narrow. It's almost triangular on one side
2 | to -- to be a conforming lot, and you might set
3 | that property adjacent to be nonconforming. So,
4 | we're dealing with a very small margin here.

5 | So, the -- the exercise to go through
6 | acquiring adjacent parcels to bring this into a
7 | conforming lot wouldn't really be warranted.

8 | So, we're left with this -- this existing
9 | parcel, with these existing conditions. And in
10 | my opinion, any future development of this site
11 | with a three family use would be perfectly
12 | appropriate and consistent with the Zoning
13 | Ordinance.

14 | So, I do find that this application and any
15 | future development would meet that hardship test
16 | in the fact that there's really a limited
17 | availability of adjacent land to purchase or
18 | acquire to bring this property into conformity.
19 | So, we're really working with what's existing
20 | today.

21 | Now, I know there's been some discussion on
22 | the design of the building. I do understand that
23 | the building does go farther back than the
24 | existing properties. But I don't think that's
25 | related to the lot size. It's more related to

1 | what's permitted in the Zoning Ordinance. So,
2 | here, we have an issue of what's permitted in the
3 | Zoning Ordinance not really pairing well with
4 | existing adjacent structures.

5 | I don't have the answer. But I can tell
6 | you any justification on depth, setback, coverage
7 | is really not a basis for denying this
8 | application, because it's permitted. And that's
9 | just -- just basic planning principles.

10 | I did take a look at the ground floor plan.
11 | I do understand that there are proposed six
12 | parking spaces. That meets the requirements.
13 | So, in terms of the proposed structure, the three
14 | families being able to accommodate that parking
15 | is -- is appropriate, in my opinion, being --
16 | having the building footprint.

17 | The coverages all conform is another test
18 | to show that this property, in -- with all the
19 | nonconformities -- the minor nonconformities that
20 | we discussed can still accommodate the proposed
21 | development. And -- and that's what I would
22 | offer to the Board, that this really is a -- a
23 | hardship case.

24 | So, that's part of the positive criteria,
25 | with respect to the bulk -- bulk variances.

1 With respect to the negative criteria, I
2 did take a look at the -- the Master Plan and the
3 Reexaminations. I am familiar with that the City
4 has adopted the new Zoning Ordinance, as well as
5 designated properties in -- in different zones or
6 the nomenclature, and this is a permitted use in
7 that zone.

8 So, again, separating the design of the
9 building, this site is appropriate for a three
10 family use. There is a multi-family use at the
11 corner -- corner of Kerrigan Avenue and 15th
12 Street. There are other multi-family two units
13 in the area, adjacent to this property.

14 So, in my opinion, three -- three family
15 home, which is permitted, is very consistent with
16 two families and other multi-families in the
17 area. That's just use. Again, I'm separating
18 the design of the building with the use. So,
19 there's no sort of substantial impairment of the
20 Master Plan, in my opinion.

21 Given that we conform to all of the
22 requirements, with respect to the Zoning
23 Ordinance, in terms of setback, front, rear,
24 sides and coverages, I don't see any sort of
25 substantial impairment with the Zoning Ordinance.

1 I understand there's conflict between the
2 existing conditions at -- on -- in this block and
3 what the Zoning Ordinance calls for. But that
4 probably is a discussion with a recommendation
5 from this Board to the Planning Board, when they
6 review year end issues, in terms of consistency.
7 But the Zoning Ordinances and the -- the existing
8 development throughout the city, not so much
9 applicants and applications that are really
10 conforming when they -- when they go through and
11 try and -- and evaluate a property to -- to
12 conform with a new development.

13 And that really leaves me with the last
14 prong of the negative criteria, the second prong.
15 No substantial detriment to the public welfare.
16 This kind of gets in terms of, well, what are you
17 proposing? What are we actually looking at, and
18 what are the actual impacts?

19 Here, we're proposing much longer building,
20 complies with zoning, but that longer building,
21 the additional stories, has a greater mass.
22 You're talking about shadow impacts. You're
23 talking about the windows along the side yard.
24 Obviously, those are things that can be flexible.
25 But based on the zoning, that's what's being

1 proposed that it conforms with. And in my
2 opinion, I do agree that the proposed three
3 families accommodates the -- the off-street
4 parking, so there's no impact to spillover
5 parking in -- in the neighborhood. And -- and
6 it's still relatively consistent with the two
7 family uses in -- in this block, as well as the
8 multi-family uses in the -- in the neighborhood.

9 I'm -- I'm sure we might be able to look at
10 the plans to evaluate what windows might be able
11 to be removed. That's -- there's flexibility in
12 that. We might -- you know, have -- if -- if the
13 Board has any other concerns about the depth of
14 the building, or the -- the setbacks, we might be
15 able to take a look at that. But again, based on
16 what the city has issued in its Zoning Ordinance,
17 that's really what we're working off of, in terms
18 of the design with this project.

19 So, I think that it furthers the goals and
20 objections -- goals and objectives of the Zoning
21 Ordinance, as well as the Master Plan.

22 That's really my direct testimony. I'd be
23 happy to answer any questions from you or members
24 of the public.

25 MR. VELAZQUEZ: How do you feel about --

1 with the tandem parking, the egress, with getting
2 out?

3 MR. HEYDT: Yeah. So, again, it's three
4 units, with six spaces. So, the tandem spaces
5 will likely be per unit. So, there will be some
6 coordination internally to that unit as to which
7 vehicle needs to come in and out. It's no
8 different than a single family home with a -- two
9 pull in tandem parking spaces in the driveway.

10 CHAIRPERSON CAPIZZI: Except that there are
11 six now.

12 No? There's a difference.

13 MR. HEYDT: With -- with the tandem spaces,
14 so, in terms of the layout -- just I -- I want to
15 walk through this.

16 In terms of these two spaces, they would be
17 to one unit. These two spaces would likely be to
18 a unit, and then -- and you can change this.

19 I don't know if this has been discussed
20 with the applicant, I'm just suggesting
21 operational recommendations.

22 But wherever there's a blocked vehicle,
23 that would be the second lesser used vehicle.

24 CHAIRPERSON CAPIZZI: Right.

25 MR. HEYDT: More of like a long term tandem

1 space. And then, the three accessible units,
2 space three, five and six, would be the more
3 accessible spaces, one of those spaces per each
4 unit.

5 CHAIRPERSON CAPIZZI: What's the distance
6 between car number five and car number six?

7 MR. HEYDT: I -- I don't have dimensions on
8 the plan so I'd want to refer to the architect --

9 CHAIRPERSON CAPIZZI: Okay.

10 MR. HEYDT: -- to get you an accurate --
11 Do we have dimensions?

12 MR. PEREIRAS: There's -- the cars --

13 MS. DILLON: You have to come forward.

14 MR. PEREIRAS: The cars are a diagram, so
15 it obviously changes depending on the size of the
16 vehicle. There -- there's no -- no real
17 dimension to speak of there.

18 What we did with the parking layout is the
19 layout that was provided to us by the Master
20 Plan, it is literally a copy of that layout.

21 CHAIRPERSON CAPIZZI: But you drew this, so
22 what would -- what are these dimensions? What --
23 what --

24 MR. PEREIRAS: So, I drew --

25 CHAIRPERSON CAPIZZI: Is there a scale?

1 MR. PEREIRAS: -- cars, pictures --

2 CHAIRPERSON CAPIZZI: Yeah, right.

3 MR. PEREIRAS: -- of cars there. But if
4 there was --

5 CHAIRPERSON CAPIZZI: Well, an average size
6 car, what would -- what would the space be,
7 between five and six?

8 MR. PEREIRAS: So, visually, what we have
9 here is about a foot and a half, maybe two feet.

10 CHAIRPERSON CAPIZZI: And what would it be
11 from the wall to the car, five or six?

12 MR. PEREIRAS: It really would depend on
13 how far the car will drive into the parking spot.
14 But it could be as -- as little as zero. The car
15 could go right up --

16 CHAIRPERSON CAPIZZI: So, if there's a --

17 MR. PEREIRAS: -- against the wall.

18 CHAIRPERSON CAPIZZI: -- fire in this area,
19 that's my concern, that's why I'm asking. How do
20 --

21 MR. PEREIRAS: There --

22 CHAIRPERSON CAPIZZI: -- people get around?

23 MR. PEREIRAS: There's plenty of room for
24 car -- people walk around the cars.

25 CHAIRPERSON CAPIZZI: Feels like a tight

1 spot. It seems unsafe.

2 MR. PEREIRAS: Well, let's -- let's go over
3 the dimensions, just to be clear.

4 We have 20 -- almost 20 foot clear. We
5 have 19 foot clear between walls. And we have
6 two cars parked in that 19 foot clear. So, that
7 -- that space is divided between the two cars.
8 So, we have nine foot six for each car.

9 The Union City Ordinance actually only
10 requires nine feet. So, we have six additional
11 inches. So, any circulation, anything that's
12 normally done, and this is very typical of any
13 municipality. Nine feet is a very typical width
14 for a car, so it complies. When you go shopping
15 and you go to a -- to a shopping mall and -- and
16 you park your car, that's nine feet parking
17 spaces. That's the same here as we have it.

18 CHAIRPERSON CAPIZZI: So, the dimensions of
19 the parking spot is -- what is that? Of the
20 actual parking area? What's -- tell me across,
21 what is that, across and down?

22 MR. PEREIRAS: It's 19 by the depth of the
23 building, so it's -- it's probably another 70
24 feet. It's not dimensioned there exactly.

25 CHAIRPERSON CAPIZZI: It's 70 feet --

1 MR. PEREIRAS: And I could get you --

2 CHAIRPERSON CAPIZZI: -- long?

3 MR. PEREIRAS: Very close to it. I'm
4 giving you a rough estimate. This has never been
5 an issue in any of the --

6 CHAIRPERSON CAPIZZI: But shouldn't that --

7 MR. PEREIRAS: -- other three families --

8 CHAIRPERSON CAPIZZI: -- be in the plan?

9 MR. PEREIRAS: -- we presented. So, I'm
10 just --

11 CHAIRPERSON CAPIZZI: Okay. I think it
12 should --

13 MR. PEREIRAS: -- caught off guard.

14 CHAIRPERSON CAPIZZI: -- be in the plan.

15 MR. PEREIRAS: Yeah.

16 CHAIRPERSON CAPIZZI: So we're not sure how
17 long it is.

18 MR. HEYDT: So that comment was the
19 dimensions? Like the dimension just show on the
20 plan?

21 MR. PEREIRAS: The --

22 MS. PEREIRAS: In the parking area.

23 MR. HEYDT: Of the parking.

24 MR. PEREIRAS: So -- so, typical space is
25 nine feet wide. And we're in compliance, nine

1 feet wide.

2 MR. CHEWCASKIE: Just so that I understand
3 your testimony, we have these six vehicles and --
4 and I understand the 19 feet in width. Then,
5 next to car number six, there's a stairwell. Is
6 the distance between the stairwell and the rear
7 approximately 70 feet? Or is that include that
8 stairwell area?

9 MR. PEREIRAS: It would probably include
10 that stairwell area. That stairwell is
11 increasing in height as you -- as the steps go
12 up, so there's -- there's space below the
13 stairwell.

14 MR. CHEWCASKIE: And is -- is it your
15 testimony that car number three could back out,
16 when five and six are in their respective spaces?

17 MR. PEREIRAS: Yes. It is. That is my
18 testimony.

19 MR. CHEWCASKIE: Okay.

20 MR. PEREIRAS: It is not very wide. It is
21 not very comfortable. But it is physically
22 possible, it is. And I take that because I'm
23 reading it straight from the Union City Master
24 Plan.

25 MR. HEYDT: If I could offer, if this was a

1 commercial --

2 MS. DILLON: Just if you can go to the
3 microphone, please?

4 MR. HEYDT: If -- if this was a commercial
5 -- commercial facility, a retail business where
6 you'd have people who don't -- aren't familiar
7 with the parking arrangement coming in and out
8 infrequently, proposing a parking layout that
9 meets these standards, but is just the limit --
10 the most narrowest dimensions, would present some
11 circulation issues.

12 In residential settings, future tenants are
13 going to be very familiar with this parking
14 arrangement. They're going to be familiar with
15 the turning movements. And -- and that's
16 generally what we do find, to accommodate parking
17 off-street, on lots like this, we do have to have
18 a tighter circulation and -- and dimensions.

19 And -- and I'm just tying that back because
20 with respect to the nonconformities in the lot,
21 we're talking less than a foot. And we're still
22 meeting all the general parking circulation
23 elements of the -- of the Zoning Ordinance, in
24 terms of the nine -- nine and a half feet of the
25 parking width.

1 So, just for what it's worth, even if we
2 had the extra inches in lot width, you'd still be
3 presented with this proposed parking layout that
4 complies.

5 MR. GUARENO: I have some questions, if I
6 may?

7 Vehicle number one and two, that back wall,
8 there is no door that leads outside.

9 Correct?

10 MR. PEREIRAS: Correct.

11 But by the way, this Board, if you want
12 another door, we can place a door there. We can
13 place a door there, we can place as many doors as
14 you want. My -- the applicant has no objection
15 to adding more doors. So, if there's any safety
16 concern, we could add three doors to that wall.
17 That's not a problem at all.

18 MR. GUARENO: Well, it's -- it's a concern.

19 MR. PEREIRAS: Um hum.

20 MR. GUARENO: Because also, let's say
21 somebody exits through that stairwell at the end,
22 in an emergency, and it goes down, on the right
23 side of that building, where the doors are, to
24 try to -- to escape.

25 MR. PEREIRAS: Um hum.

1 MR. GUARENO: Obviously the doors need to
2 open out for fire, it's a fire hazard.

3 MR. PEREIRAS: Correct.

4 MR. GUARENO: Instead of being opening in.

5 MR. PEREIRAS: Correct.

6 MR. GUARENO: How do you prevent -- if I'm
7 the one that's trying to get out through that
8 door, and you through the alleyway, that that
9 door's not going to smack you in the face?

10 MR. PEREIRAS: So -- so, two things. All
11 right?

12 The first and -- and most obvious thing
13 that we do is we provide a light, meaning we have
14 a window in the doorway. So, we have -- in the
15 fire rated door, we have a window panel that is
16 five inches wide by 20 inches. So, if you're
17 opening the door, you have visibility of anyone
18 that's on the other side of that door.

19 The second thing is that we are talking
20 statistically something -- this is a three family
21 house. So, the maximum occupancy on -- in this
22 building is very low. We have two stairwells, we
23 have an elevator. And so, the -- the coincidence
24 that someone's escaping in -- in the same --
25 through the rear and opening that door is so

1 minimal, I -- I can't foresee it. But there is
2 -- and by the way, just to make it clear, let's
3 say this happens at night, there is a light, a
4 physical light on top of the door that -- that
5 provides light in that area, as well.

6 MR. GUARENO: Yeah. But even that light or
7 not, and that small window, five inches wide, if
8 you're trying to escape and you open that door,
9 you cannot see somebody that's walking down.

10 That's just a concern. I understand
11 there's a lot of -- a lot of more things
12 involved, but it's just a concern that I have.
13 And there's two doors that do the same thing.

14 Correct?

15 MR. PEREIRAS: Yes. There are two doors.

16 MR. GUARENO: And the other one that I have
17 is this is not owner occupied.

18 MR. PEREIRAS: This is not owner occupied.

19 MR. GUARENO: Okay.

20 So, going back now to the parking, and I
21 understand you're meeting the requirements, but
22 if it's not owner occupied and there is a problem
23 with the tenants, because somebody's not moving
24 their vehicle fast enough because somebody has an
25 emergency, they have to go somewhere, you know

1 the police are going to be called to this
2 constantly.

3 MR. PEREIRAS: Oh. Eventually, this is
4 going to be owner occupied. So, we have --
5 meaning, there's going to be three condos. There
6 will be three owners on this property.

7 MR. GUARENO: But -- but even though you
8 may have three owners, we're still going to have
9 the same problem. If you need to leave, and I'm
10 blocking you --

11 MR. PEREIRAS: So -- so in theory the --

12 MR. GUARENO: It's going to be a problem.

13 MR. PEREIRAS: -- the people from the same
14 apartment would be sharing the tandem spot.

15 MR. VELAZQUEZ: (Indiscernible).

16 CHAIRPERSON CAPIZZI: Hmm?

17 MR. VELAZQUEZ: We're going to have a
18 condominium in a residential zone? These are
19 going to be condos?

20 MR. PEREIRAS: Sure.

21 MR. CHEWCASKIE: They could be condominium
22 or for rental.

23 MR. PEREIRAS: For rental, it could be
24 anything.

25 MR. CHEWCASKIE: It could be either or.

1 CHAIRPERSON CAPIZZI: Hmm.

2 MR. VELAZQUEZ: You want to hear from --

3 CHAIRPERSON CAPIZZI: Yeah. Please.

4 MR. CHEWCASKIE: Yeah. I think we should.

5 Mr. Sanchez, maybe if -- I'll have you --

6 MS. DILLON: He needs to go to a podium, so

7 I can get him --

8 CHAIRPERSON CAPIZZI: Um hum.

9 MR. CHEWCASKIE: Right.

10 MS. DILLON: -- correctly.

11 MR. CHEWCASKIE: But I'll have you sworn so

12 in case you have testimony and questions

13 intermixed but perhaps use the podium where Ms.

14 Pereiras is and everyone --

15 MS. PEREIRAS: That's not a problem.

16 MR. CHEWCASKIE: -- can shift to the --

17 MS. PEREIRAS: I'll move over to the side.

18 MR. CHEWCASKIE: -- right.

19 MS. DILLON: Thank you.

20 MR. SANCHEZ: Let me get a sip of water.

21 (Whereupon, there was a pause in the

22 proceedings.)

23 MS. DILLON: Right here, sir.

24 Please raise your right hand.

25 Do you affirm the testimony you're about to

1 give this Board is the whole truth?

2 MR. SANCHEZ: Yes, I do.

3 MS. DILLON: Please state your name and
4 address for the record, and spell your name for
5 me.

6 MR. SANCHEZ: Luis Roberto Sanchez, L-U-I-S,
7 Roberto, R-O-B-E-R-T-O, Sanchez, S-A-N-C-H-E-Z,
8 owner of 812 15th Street, Union City, New Jersey.

9 MS. DILLON: Thank you so much.

10 MR. SANCHEZ: Oh, I'm ready to speak?

11 MR. CHEWCASKIE: Yes.

12 CHAIRPERSON CAPIZZI: Yes.

13 MR. SANCHEZ: Okay.

14 MR. CHEWCASKIE: Please -- please go ahead.

15 MR. SANCHEZ: You know, I have -- I have
16 various questions for lawyer, the planner and the
17 architect. Specifically -- I want to get my
18 files out -- because I keep hearing over and over
19 again it's in conformity, it's permitted, it's de
20 minimis, and based on the C bulk schedule,
21 nothing is conformity, nothing is de minimis
22 until the Board approves the relief -- the
23 relief.

24 Now, I have --

25 (Indiscernible). Just a small work area.

1 Okay.

2 The issue of the square footage at 814 15th
3 Street, Union City, New Jersey, Block 80, Lot 10.

4 Public record has the lot as square footage
5 2,417 feet -- 17.58. The plan has 2,476.26
6 square feet and that's based on the dimension
7 that is in the plan, 24.77 times 99.97 depth.

8 Now, in the application, the lot area of
9 the building, it says 2,490 square feet. And
10 this is where I come, what is the correct number?
11 And add to that is the client has stated the only
12 difference is ten -- ten square feet. I don't --
13 that's not how I do my math, so you explain
14 what's the actual correct number?

15 MR. PEREIRAS: I'd be happy to.

16 So, the actual correct number is four
17 hundred and -- 2,490 square feet. It's very
18 common to have a number that's not completely
19 accurate in the tax lots, in the tax numbers, in
20 the -- in the tax records.

21 That is because the lots aren't perfectly
22 square. When you take a shape, like a rectangle,
23 and you twist it, and you have portions that are
24 smaller than other portions, the dimensions and
25 the areas change and you can't just calculate it

1 by multiplying length by width, and that's what
2 the -- the tax office does.

3 So, the number that you see in the plans is
4 the correct represented number. I believe the
5 other two are multiples of the length times the
6 width, which is not exactly accurate.

7 MR. SANCHEZ: And who did this -- okay, I
8 can't think of the -- the definition, came up
9 with the number? Usually what's the --

10 MR. PEREIRAS: Well, God did. He created
11 the land.

12 MR. SANCHEZ: The what?

13 MR. PEREIRAS: God created the land and a
14 surveyor defined it with the metes and bounds.
15 And then, me, as the architect, I am providing
16 that number on my documents.

17 MR. SANCHEZ: That's what I was --

18 Thank you for the surveyor. Who was the
19 surveyor that did this? Did you do it or actual
20 survey -- surveyor did it and you have any
21 evidence to support that?

22 MR. PEREIRAS: A surveyor did the work. A
23 licensed surveyor in the State of New Jersey.
24 The Board requires, as one of their requirements
25 and their checklist to receive a survey and a

1 | copy of that. And that was provided to the
2 | Board, and it's part of the evidence that's here
3 | today.

4 | MR. SANCHEZ: Okay. Let's see.

5 | The planner stated about the positive and
6 | negative. Before I get to that, there's an issue
7 | of -- the relief sought is based on the C
8 | variance. I'm seeing, as I read the statute,
9 | there should be relief on D variance, the use.
10 | So, why is that not in the application?

11 | MR. CHEWCASKIE: Mr. Sanchez, perhaps I can
12 | -- can help you.

13 | The use is permitted under the current
14 | Zoning Ordinance as a three family. It's -- it's
15 | permitted.

16 | Did you hear what I said?

17 | MR. SANCHEZ: Part of it.

18 | MR. CHEWCASKIE: Okay.

19 | I said the -- under the current Zoning
20 | Ordinance, which was adopted by the city in
21 | November of last year, the three family use is
22 | permitted in the residential zone. So, it would
23 | not require a use variance.

24 | MR. SANCHEZ: Okay.

25 | So, based on, again, a C bulk schedule,

1 we're looking at here a minimum lot, the 2500
2 square feet. So, based on -- let me see -- based
3 on the D variance, I don't want to read the five
4 -- you know, the -- the five variances here, but
5 for example, D-1, restricted under local use land
6 ordinance. The applicant seeks to place a use or
7 principal structure of their property where such
8 a use or principal structure is prohibited under
9 restrict -- or restricted under the local land
10 use ordinance.

11 So, -- (indiscernible) -- on six, it says,
12 D-6 variance. The applicant seeks a variance to
13 allow a structure on a piece of property that
14 exceeds the maximum height of -- the maximum
15 height limit by ten feet or ten percent. So,
16 this, too, out of the six, fall under the D --
17 the -- under the D variance.

18 MR. CHEWCASKIE: The -- the use is
19 permitted, and the height is permitted under the
20 Ordinance. There's a 45 foot height under the
21 current Ordinance. So, there's no deviation from
22 the height requirement.

23 There is the use is permitted.

24 The three deviations here are width, length
25 and size. Those are the three deviations, based

1 upon what we see in the application. I could
2 only tell you that this is what the Ordinance
3 provides. And as Mr. Pereiras testified, that
4 the structure conforms, the lot doesn't.

5 MR. SANCHEZ: Um hum.

6 MR. CHEWCASKIE: So, there -- there are no
7 use variances here. You know, you -- you were
8 citing D-1 which is use, D-6 is height. Those
9 are not implicated in this application. If they
10 were, it wouldn't be before this Board. This
11 Board only has the authority to grant C variances
12 and conduct -- in connection with site plan
13 approval.

14 MR. SANCHEZ: So, we still go back that
15 this is not in conformity until the Board gives
16 relief to the -- the lot size. So, I keep -- I
17 keep repeating -- I keep hearing both planner and
18 architect saying we're in conformity, we're in
19 conformity, when you're not -- they're not in
20 conformity until the Board --

21 MR. CHEWCASKIE: Until the Board would
22 approve the variances for those nonconformities.
23 You are correct. I think we're saying the same
24 thing.

25 MR. SANCHEZ: Yes, I just want to make

1 sure.

2 MR. CHEWCASKIE: The -- the structure may
3 comply with the Ordinance. The lot that it sits
4 on doesn't.

5 MR. SANCHEZ: I just want to make sure
6 because it's a -- you know, we keep repeating the
7 same thing. And to me, as a common person,
8 that's misleading. And it does affect my -- it
9 does affect my quality of life. So, if we're not
10 going to be addressing the -- we're not going to
11 be addressing the use ordinance and it will not
12 be in compliance until the Board gives relief for
13 the -- the minimum lot size, minimum -- you know,
14 yard, back, front, then I'm going to address the
15 issue of the stuff for under the positive and
16 negative criteria.

17 One, this -- this project does not serve
18 any public good. This is exclusively for
19 financial gain of someone that doesn't even live
20 in Union City, that doesn't have any investment,
21 coming from Old Bridge, making an investment is,
22 I believe the name of the party is Mr. Daniel J.
23 Johnson (phonetic). So, this is just simply --
24 it's nothing illegal, see -- see a place, come
25 in. Hey, I can make anywhere from three quarter

1 of a million dollars to a million dollars, which
2 is what attract -- we're looking at; 340 was the
3 property purchase. Maybe another, let's say,
4 750, million dollars to build. Property is going
5 to for six, based on the -- (indiscernible) --
6 the website, they're going to sell for about 625.
7 So, we're looking about someone just came in --
8 come in and -- come in here to Union City,
9 upsetting the quality of life of me, my
10 neighbors, to make three quarter a million
11 dollars to a million dollars. That's significant
12 issue to me.

13 So, there is no positive, there's no -- you
14 know, there is no --

15 MS. PEREIRAS: I'm sorry to interrupt you.
16 And I appreciate your comments.

17 MS. DILLON: Please step forward.

18 MS. PEREIRAS: Oh, sure.

19 I'm sorry to interrupt you, and I
20 appreciate the comments, however Mr. Sanchez is
21 testifying as to the positive and negative
22 criteria. And I don't believe he has a
23 background in planning, so I don't believe those
24 comments are appropriate.

25 MR. CHEWCASKIE: He, certainly, as an

1 adjoining property owner, can provide his
2 opinion.

3 MS. PEREIRAS: Correct.

4 MR. CHEWCASKIE: We understand that he may
5 not be a planner, or a lawyer, an architect or an
6 engineer, but certainly, the Board can hear what
7 he has to say. He's doing pretty well so far.

8 MR. PEREIRAS: And -- and just to comment
9 on facts that are misleading that he said, the --
10 the figures are extremely off, from what Mr.
11 Sanchez says.

12 Construction costs for a property like this
13 is about \$850,000.00. That's a typical price
14 that is in Union City. The sale price, it would
15 be wonderful if things sold over \$600,000.00;
16 they don't. The -- the profit -- whether this
17 makes a difference or not, I don't believe it
18 should make a difference before the Board, the
19 profit is very tight, from a developer
20 standpoint.

21 Things like delays and adjournments and
22 pushing projects forward have a significant
23 impact on a project, whether --

24 MR. CHEWCASKIE: And I think we have
25 provided wide latitude. If we can allow Mr.

1 Sanchez to finish, we'll certainly allow --

2 MR. PEREIRAS: Be happy to.

3 MR. CHEWCASKIE: -- any additional
4 testimony.

5 But just for the Board's edification, as in
6 the past, the economic considerations really are
7 not for the Board. We're looking at it from the
8 land use perspective. Whether somebody can or
9 can't make money is -- is not really an issue
10 before the Board.

11 You know, but certainly, I understand what
12 Mr. Sanchez is saying. Somebody is going to buy
13 this property, develop it, and look to make a
14 profit. Certainly that's what most of us try to
15 do.

16 MR. SANCHEZ: And there is the issue of how
17 it affects the owners. I'm a senior citizen.
18 I've been in Union City 50 years. I've been in
19 that block 49 years. Now, my neighbors at eight
20 -- I'm at 812, this is 814, 816 -- before I
21 proceed, I sent various emails and letters. Did
22 the Board members receive my -- my emails?

23 MR. CHEWCASKIE: I -- I would say that your
24 -- your emails should not be considered by the
25 Board. We have to consider what your testimony

1 is at a public hearing.

2 So, it would be inappropriate for the Board
3 members to be communicating with the applicant or
4 anyone interested in the application. It has to
5 be dealt with on the record in front of the
6 Board.

7 MR. SANCHEZ: Did you receive my email,
8 Counselor Chewcaskie?

9 MR. CHEWCASKIE: Oh, did I -- I received an
10 email and I received a letter from you.

11 MR. SANCHEZ: Good.

12 Did Counselor Pereiras receive my emails
13 and my -- and my certified return receipt
14 letters?

15 MS. PEREIRAS: I received your letter.

16 MR. SANCHEZ: I -- there were two letters.
17 Which letter?

18 MS. PEREIRAS: I received a letter just
19 yesterday.

20 MR. SANCHEZ: There was another letter.

21 MS. PEREIRAS: I received one letter and
22 that's why I agreed to adjourn the last meeting
23 at the request of the Board, because you asked an
24 opportunity to be present, and I had no objection
25 to that adjournment. And then I received one

1 other letter just yesterday.

2 MR. SANCHEZ: I just want to make sure that
3 -- oh, did you hear her?

4 MS. DILLON: Yeah. I -- I got her.

5 MR. SANCHEZ: You got it?

6 All right.

7 So, going back to height of -- the hardship
8 that it's going to cause on the neighbors,
9 neighbors at 814 -- 816, the Perfectos (sic),
10 he's very ill. It's in wife -- both of them are
11 disabled, wife is 70 years old, she's also
12 disabled. They can't be here. They can't be
13 here to testify. It's impossible for them to
14 come here. One -- in the letters that I -- the
15 letters I email, that I submitted, I clearly
16 stated that this could actually cause the death
17 of the -- the person. And I'm saying this as
18 testimony because in my -- my letters, I have
19 clearly stated the legal position I'm going to
20 take because I have no control what the Board was
21 going to do. So, the Board -- the neighbors,
22 again, could not be here. I know I cannot speak
23 for them. I know it's going to be hearsay, but
24 it does effect when there's going to be
25 demolition and construction, the likelihood is

1 | that this will kill the gentleman, Mr. Perfecto.

2 | As to me, I have -- I'm familiar with
3 | similar projects, the project that -- in the
4 | corner of 15th Street and -- I'm sorry -- on 15th
5 | Street and Summit, which this Board approved five
6 | years ago. The construction lasted for a year
7 | and became a nightmare. I am familiar with
8 | construction of these four story buildings. I --
9 | I know one on 48th Street, I think it's 629 or 629
10 | 20 -- 28th Street. Contractors come at 6:30 in
11 | the morning, work till whatever, and make the
12 | life impossible for the neighbors by blocking the
13 | driveways, excessive noise.

14 | So, this is going to -- this is going to be
15 | a hardship to me to have to bear this for a whole
16 | year on a property that doesn't actually conform
17 | to the neighborhood.

18 | One of the biggest issues I have, I have
19 | balcony and a backyard, I got, I think, about 30
20 | feet backyard; 49 years of my life and I put it
21 | on my -- it put it in my letter, and email, the
22 | afternoon, especially Sundays, sit back, go back,
23 | make a barbecue, sorry, I'm -- I'm being reminded
24 | when I was there with my parents, sitting in the
25 | backyard, do a barbecue, relax, beautiful sunset.

1 Both ways, from the balcony from the house or
2 from the backyard.

3 Now all of a sudden, I'm going to have, as
4 I stated in the letter, 45 foot wall. I'm going
5 to go into my backyard, I see 45 foot wall. I
6 mean, it's not like even -- okay, let's have the
7 setback 30 feet, 25 feet. No, no. Let's go as
8 far as and as the -- the Ordinance allows. This
9 abusive. This is people who just simply come
10 here and disregard the neighborhood, disrespect
11 the people in the neighborhood. And that's --
12 that is not -- that is not fair and I'm -- I
13 don't want to be -- I don't want to be -- I'm
14 trying to be as positive as I can, but looking
15 back, I'm going back years now, and I go back now
16 to the old zoning ordinance, back on the -- you
17 know, Title 18 -- eight -- yeah, Title 18-1, and
18 the responsibility of the Board. The Board is to
19 protect the public. I'm the public. I'm the
20 citizen. Not an outsider to come in and -- and
21 disturb -- disturb the neighborhood.

22 Again, if there was a just reason, if the
23 person says, I'm building a three -- a three
24 story or a four story little mansion and I'm
25 going to live there, okay. That's my neighbor.

1 But just simply for -- I'm going to build
2 something so I can make a buck. That's not
3 acceptable and I'm respectfully requesting that
4 this Board rejects this application as is.

5 MR. CHEWCASKIE: Mr. Sanchez, just so that
6 you're aware, when variances come before the
7 Board, the Board always has to balance the
8 interest of the applicant and those that will
9 affect the neighbors, the surrounding area. So,
10 I mean, I have the notes of your testimony. I
11 appreciate your testimony. I just want you to be
12 aware that's what the Board has to do.

13 So, I mean, you certainly presented
14 yourself very well.

15 MR. SANCHEZ: Thank you.

16 MR. CHEWCASKIE: And I think the Board
17 understands what your -- your testimony --

18 CHAIRPERSON CAPIZZI: Yes.

19 MR. CHEWCASKIE: -- is.

20 And at this point in time, if you're
21 concluded, Ms. Pereiras will have the opportunity
22 to add any additional testimony. If there's
23 anything new, certainly you could ask more
24 questions. You know, just to be fair so that
25 everyone -- or if we can conclude, and then the

1 Board can deliberate and make a determination.

2 MR. SANCHEZ: Thank you, Mr. Chewcaskie.

3 MR. CHEWCASKIE: You're welcome.

4 MR. SANCHEZ: Yeah.

5 CHAIRPERSON CAPIZZI: Thank you.

6 MR. SANCHEZ: I -- I have concluded.

7 MS. PEREIRAS: Madam Chair, counsel, before
8 I conclude, my client is here. I'd like to have
9 an opportunity to just speak to him, based on the
10 testimony -- or the comments that I heard from
11 the Board and the testimony I heard from the
12 neighborhood.

13 MR. CHEWCASKIE: Maybe we should just take
14 a five minute recess.

15 MS. PEREIRAS: Thank you very much,
16 counsel.

17 THE SECRETARY: Five minute break.

18

19 (Whereupon, the Board recessed from 8:04
20 p.m. to 8:10 p.m.)

21

22 THE SECRETARY: Back in record.

23 CHAIRPERSON CAPIZZI: Okay. Yup.

24 THE SECRETARY: Ms. Pereiras?

25 CHAIRPERSON CAPIZZI: Yup.

1 MS. PEREIRAS: Thank you for that
2 opportunity.

3 I would request from this Board an
4 opportunity to carry this matter. I'd like to
5 look at the drawings again, see if there's any
6 way we could revisit the plans, maybe more to the
7 Board's liking. But we'd like this matter
8 carried, please.

9 MR. CHEWCASKIE: And that would be --

10 CHAIRPERSON CAPIZZI: But what does that
11 mean, to carry?

12 MR. CHEWCASKIE: To adjourn it to a future
13 date.

14 MR. SANCHEZ: Can I object?

15 VICE CHAIRPERSON KOEHLER: For the purposes
16 of what, again?

17 MS. PEREIRAS: For the purposes of
18 revisiting the drawings.

19 CHAIRPERSON CAPIZZI: Okay.

20 MS. PEREIRAS: Okay?

21 Maybe there's something, having heard the
22 comments that the Board put on the record, we can
23 look at our drawings again, see if there's
24 something we can modify, the normal -- normal
25 request.

1 CHAIRPERSON CAPIZZI: Okay.

2 I think I'm going to make a motion to deny
3 the application.

4 My reasons are, number 2, number 3, number
5 4, the lot area required for the three family use
6 do not conform, the lot width, the lot depth.

7 This application negatively changes the
8 character of the neighborhood.

9 Parking, safety issues and concerns were
10 raised.

11 This application also does present a
12 hardship to the neighbors. And I believe it is
13 part of our duty to protect the people and the
14 taxpayers of the city.

15 MR. CHEWCASKIE: So, be -- before there's a
16 second on the motion, there should be a motion to
17 deny the request to carry --

18 CHAIRPERSON CAPIZZI: I did.

19 MR. CHEWCASKIE: -- to a future meeting.

20 CHAIRPERSON CAPIZZI: Yes. I will deny
21 that.

22 MR. CHEWCASKIE: So, that's incorporated
23 into your motion.

24 CHAIRPERSON CAPIZZI: Correct, and I will
25 deny that.

1 MS. PEREIRAS: And Madam Chair, just so I
2 can bring this to your attention, my client has
3 had to notice for this application. This is the
4 third time he had to notice.

5 CHAIRPERSON CAPIZZI: I understand.

6 MS. PEREIRAS: We adjourned it because of
7 COVID. We adjourned it again --

8 CHAIRPERSON CAPIZZI: I understand.

9 MS. PEREIRAS: -- for the benefit of the
10 neighbor. And I'm asking for a simple courtesy.

11 CHAIRPERSON CAPIZZI: I'm denying that.

12 MS. PEREIRAS: Okay.

13 VICE CHAIRPERSON KOEHLER: I second the --

14 THE SECRETARY: Motion --

15 VICE CHAIRPERSON KOEHLER: I'm sorry.

16 THE SECRETARY: Oh, go ahead, ma'am.

17 Just we are going to -- on the motion to
18 the request to adjourn the application has been
19 -- motion to deny by Ms. Capizzi.

20 Seconded by Ms. Koehler.

21 Let's roll call on that motion to deny the
22 adjournment.

23 Roll call on the motion.

24 Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Koehler?

2 VICE CHAIRPERSON KOEHLER: Yes.

3 THE SECRETARY: Ms. Genao?

4 MS. GENAO: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Five in favor.

10 Motion carries.

11 MR. CHEWCASKIE: All right.

12 Now it would be appropriate to move on the
13 motion that was made for denial of the
14 application for the reasons stated by Ms.
15 Capizzi.

16 Is that also a second, Ms. Koehler?

17 VICE CHAIRPERSON KOEHLER: Yes, I second
18 it.

19 And I'd like to also agree with all of
20 those points, and I feel as -- even though you
21 guys made a great presentation about the building
22 and that -- the -- and -- and the plan, the
23 Master Plan. However, for that lot size, it --
24 as stated in numbers 2, 3, and 4, I don't feel it
25 fits.

1 So, again, deny.

2 THE SECRETARY: Motion on the table to deny
3 this application by Ms. Capizzi.

4 Seconded by Ms. Koehler.

5 Roll call on the motion to deny the
6 application.

7 MR. VELAZQUEZ: I'll also put on --

8 THE SECRETARY: Ms. --

9 MR. VELAZQUEZ: -- on the record also is
10 that this is detrimental to the neighborhood,
11 it's the makeup, the change, what it would be, it
12 should not change the outlook of the footprint of
13 that whole neighborhood because of that. And
14 that's what I say.

15 THE SECRETARY: Any other comment from any
16 other Board member?

17 All right.

18 Seeing none.

19 Is a motion to deny this application by Ms.
20 Capizzi.

21 Seconded by Ms. Koehler.

22 Roll call on the motion.

23 Ms. Capizzi, to deny the application?

24 CHAIRPERSON CAPIZZI: Yes.

25 THE SECRETARY: Ms. Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Five in favor.

9 Application has been denied.

10 Motion carries.

11 Thank you and good night.

12 CHAIRPERSON CAPIZZI: We have Resolutions.

13 MR. SANCHEZ: Luis Sanchez, for the record.

14 Thank you ladies and gentlemen of the

15 Board.

16 CHAIRPERSON CAPIZZI: Thank you.

17 VICE CHAIRPERSON KOEHLER: Thank you.

18 MR. CHEWCASKIE: Good night, Mr. Sanchez.

19 Good night, all.

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1 **RESOLUTIONS:**

2

3 (1) Leonard J. Altamura, 4000 Bergenline
4 Avenue, Block 235, Lot 1. Legalization of two
5 apartments on the second floor. Approved

6

7 THE SECRETARY: All right.

8 We are going now to adoption of Resolution.

9 We have one Resolution.

10 Leonard Altamura -- I'm sorry -- Leonard J.
11 Altamura, 4000 Bergenline Avenue.

12 CHAIRPERSON CAPIZZI: I'll make a motion.

13 THE SECRETARY: Motion to memorialize this
14 Resolution by Ms. Capizzi.

15 CHAIRPERSON CAPIZZI: Yes.

16 MR. VELAZQUEZ: Second.

17 THE SECRETARY: Seconded by Mr. Velazquez.

18 Roll call on the motion.

19 Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. Koehler?

22 VICE CHAIRPERSON KOEHLER: Yes.

23 THE SECRETARY: Ms. Genao?

24 MS. GENAO: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 Mr. Velazquez?

2 MR. VELAZQUEZ: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Five in favor.

6 Motion carries.

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1 **RESOLUTIONS:**

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3 (2) 2712 NY LLC, 2712 New York Avenue, Block
4 151, Lot 7. Applicant proposes the construction
5 of a new three family house. Approved

6

7 MR. CHEWCASKIE: All right. And we have
8 one add on, Mr. Vallejo.

9 We also -- I prepared a Resolution on 2712
10 New York, it has the standard conditions. We
11 will add the additional conditions for the
12 overhang. And there was one other that I have to
13 find. From what Mr. Velazquez said, with respect
14 to the sidewalk, curbs and streets to be
15 restored, as they were recently redone.

16 THE SECRETARY: All right.

17 MR. CHEWCASKIE: So, with that, I would ask
18 that in order to save time, that we move on that
19 Resolution.

20 It has our standard conditions and we will
21 add those additional conditions and get it to Mr.
22 Vallejo tomorrow or the next day.

23 CHAIRPERSON CAPIZZI: Okay.

24 I'll make a motion to approve --

25 THE SECRETARY: Motion to memorialize --

1 CHAIRPERSON CAPIZZI: -- that Resolution.

2 THE SECRETARY: -- the Resolution --

3 CHAIRPERSON CAPIZZI: Um hum.

4 THE SECRETARY: -- of 2712 New York Avenue
5 by Ms. Capizzi.

6 MR. VELAZQUEZ: Second.

7 VICE CHAIRPERSON KOEHLER: I'll second it.

8 THE SECRETARY: Seconded by Ms. Koehler.

9 Roll call on the motion to memorialize the
10 Resolution of 2712 New York Avenue.

11 Roll call on the motion.

12 MR. CHEWCASKIE: Diane, you could sign that
13 one.

14 THE SECRETARY: Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Thank you.

16 THE SECRETARY: Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Five in favor.

2 Motion carries.

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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 Motion by Ms. Koehler.

7 Seconded by Mr. Guareno.

8 All in favor?

9

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

11

12 THE SECRETARY: The ayes have it.

13 Let the record show that the meeting has
14 ended.

15 Have a good night, everyone.

16 Thank you.

17

18 (Whereupon, the proceedings were concluded
19 at 8:17 p.m.)

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25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DEBRA A. KASZNIAK, assigned transcriber,
6 do hereby affirm that the foregoing is a true and
7 accurate transcript in the matter of the REGULAR
8 MEETING of the UNION CITY PLANNING BOARD heard on
9 Tuesday, July 28, 2020 and digitally recorded.

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25 Monitored by and proofread by: Deborah Dillon