

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
_____ :

Union City High School
Media Center
2500 Kennedy Boulevard
Union City, New Jersey

Tuesday, September 22, 2020
Commencing at 6:07 p.m.

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

CAROLINA FERNANDEZ
RUDY RIVERO, (Arrived at 6:17 p.m.)
FRANKLIN MEDINA
ALEJANDRO VELAZQUEZ, Alternate No. 1
JOSE GUARENO, Alternate No. 2
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
CELIN VALDIVIA, Commissioner
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
JEANNE KOEHLER, Vice Chairperson

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

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

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

RAMON M. GONZALEZ, ESQ.
Attorney for Applicant, 644 38TH Street, LLC

RAMON M. GONZALEZ, ESQ.
Attorney for Applicant, Jose Lozada

I N D E X

	<u>PAGE</u>
CALL TO ORDER	5
SALUTE TO FLAG	6
ROLL CALL	6
ADOPTION OF MINUTES	8
HEARINGS/APPLICATIONS	
644 38 th Street, LLC	9
Denise & Baruch Gadot	22
Jose Lozada	12
RESOLUTIONS	42/45/47/49
ADJOURNMENT	51

I N D E XJose Lozada - 1616 West StreetWITNESSPAGE

Jose Izquierdo

14

1 MS. DILLON: Okay, Carlos.

2 On the record.

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

5 Please take notice that on Tuesday,
6 September 22, 2020, six p.m., a Regular Meeting
7 is scheduled for the City of Union City Planning
8 Board to be held in the Municipal -- in the Union
9 City High School --

10 I'm sorry.

11 -- located at 2500 John F. Kennedy
12 Boulevard, Union City, New Jersey.

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

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

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

25 Before we call roll for this evening, will

1 everybody kindly rise to salute the flag?

2

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

5

6 THE SECRETARY: Thank you.

7

8 **ROLL CALL:**

9

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

12 Mayor Brian P. Stack? Absent.

13 Diane Capizzi?

14 CHAIRPERSON CAPIZZI: Here.

15 THE SECRETARY: Jeanne Koehler? Absent.

16 Ydalia -- Ydalia Genao? Absent.

17 Commissioner Celin Valdivia? Absent.

18 Carolina Fernandez?

19 MS. FERNANDEZ: Here.

20 THE SECRETARY: Okay.

21 Franklin Medina?

22 MR. MEDINA: Here.

23 THE SECRETARY: Alicia Morejon is absent.

24 Alejandro Velazquez?

25 MR. VELAZQUEZ: Here.

1 THE SECRETARY: Jose Guareno?

2 MR. GUARENO: Here.

3 THE SECRETARY: Let the record indicate
4 there are five present.

5 Mr. -- Mr. Rivero is on his way, but he's
6 absent at this time.

7 Those absent tonight are Mayor Brain P.
8 Stack, Jeanne Koehler, Ydalia Genao, Commissioner
9 Celin Valdivia, Alicia Morejon and Rudy Rivero.

10 So, we have a full quorum for tonight's
11 meeting.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting held on July 28, 2020

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5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held on July 28, 2020.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I make motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 MR. GUARENO: Second it.

11 THE SECRETARY: Second the motion by Mr.

12 Guareno.

13 Roll call on the motion.

14 Ms. Capizzi?

15 CHAIRPERSON CAPIZZI: Yes.

16 THE SECRETARY: Ms. Fernandez?

17 MS. FERNANDEZ: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: 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 **644 38th Street, LLC - 644-646 38th Street:**

2

3 THE SECRETARY: Hearings/Application and
4 Extensions.

5 644 38th Street, LLC. Mr. Gonzalez going
6 to represent --

7 MR. GONZALEZ: Yes, sir.

8 Thank you.

9 THE SECRETARY: -- the application. Ms.
10 Pereiras is not here today.

11 MR. GONZALEZ: Good evening, ladies and
12 gentlemen of the Board.

13 My name is Ramon Gonzalez. Last name
14 G-O-N-Z-A-L-E-Z. It's a pleasure to be out and
15 be here before you today.

16 Unfortunately, on this application, I am
17 covering for Bianca Pereiras. She's had a family
18 issue. And as a result, there's going to be some
19 time that she's not going to be available to be
20 out, as a result of COVID.

21 But she did send to me, by email, just a
22 little awhile ago, what the application is. And
23 apparently, the prior owner of this property had
24 applied, had obtained approvals from this Board.
25 And then it was subsequently sold to Bianca's

1 client.

2 Thereafter, they started to get their
3 approvals from the soil conservation and SUEZ,
4 and everything that's required, and from the
5 North Hudson Sewer. That took it's time. And
6 then, unfortunately, COVID hit. So, everything
7 was sort of put on a slow mode.

8 They're in the process, and they are doing
9 everything necessary. What they're respectfully
10 requesting today is just an extension of this
11 application that was approved to September 2021,
12 as a result of the problems that happened with
13 the COVID and the pandemic and how it struck
14 everybody.

15 MR. CHEWCASKIE: Mr. Gonzalez, my
16 understanding this is a request for a one year
17 extension.

18 Correct?

19 MR. GONZALEZ: It is.

20 MR. CHEWCASKIE: I did speak with Ms.
21 Pereiras earlier -- earlier today.

22 So, Board members, I do not see an issue
23 with the request for extension. It's appropriate
24 under the circumstances.

25 CHAIRPERSON CAPIZZI: Sure.

1 I'll make a motion to approve the request
2 for an extension.

3 MR. VELAZQUEZ: I second it.

4 THE SECRETARY: Motion on the table by Ms.
5 Capizzi.

6 Seconded by Mr. --

7 MR. VELAZQUEZ: Velazquez.

8 THE SECRETARY: Mr. Velazquez.

9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Fernandez?

13 MS. FERNANDEZ: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Mr. Velazquez?

17 MR. VELAZQUEZ: Yes.

18 THE SECRETARY: Mr. Guareno?

19 MR. GUARENO: Yes.

20 THE SECRETARY: Five in favor.

21 Motion carries.

22 * * *

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1 **Jose Lozada - 1616 West Street:**

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3 THE SECRETARY: As I mention before, we are
4 going to change the order of tonight's agenda.

5 We are going to move to Jose Lozada, 1616
6 West Street.

7 Mr. Gonzalez, allow me just to give the
8 application.

9 MR. GONZALEZ: Thank you.

10 Once again, for the record, Ramon Gonzalez,
11 G-O-N-Z-A-L-E-Z, on behalf of the applicant, Mr.
12 Lozada.

13 I would like to at this time provide to --
14 (Whereupon, there was a pause in the
15 proceedings.)

16 THE SECRETARY: Sir? Sir? You have to
17 keep six feet away from --

18 MR. GONZALEZ: Oh, he's -- he's Mr. Lozada.
19 That's why I was telling him to put it --

20 THE SECRETARY: All right. Even though.
21 Okay. Right there.

22 Thank you.

23 MS. DILLON: Right in front of that podium.

24 THE SECRETARY: You can have a seat.

25 Thank you.

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

3 MR. CHEWCASKIE: Ms. Capizzi, I had the
4 opportunity to review the form of notice provided
5 by Mr. Gonzalez. It's in appropriate form. The
6 Board has jurisdiction to proceed.

7 CHAIRPERSON CAPIZZI: Okay.

8 Proceed, please.

9 MR. GONZALEZ: Thank you. Yes.

10 As the Board has seen, the plans that were
11 submitted were prepared by my expert, Jose
12 Izquierdo. I'll ask that he be qualified in a
13 moment, but I'd just like to give the Board a
14 little preview of what's going on.

15 Mr. Lozada, who's standing -- seated, six
16 feet away from me, he is the owner. He's been
17 the owner. There's a apartment that apparently
18 in the Building Department there's an issue with
19 it not being registered. Although my client has
20 done -- done everything that's necessary, it's
21 even sprinkled, because that's the way he
22 purchased it, they can't find the proper
23 certification. What we're requesting here is
24 that the Board allow him to acknowledge this as a
25 proper three family home, of course subject to

1 all the Codes.

2 What I'd like to do at this time is if I
3 could qualify my expert, Mr. Izquierdo?

4 MS. DILLON: Yes. Please raise your right
5 hand.

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

8 MR. IZQUIERDO: Yes, I do.

9 MS. DILLON: Please state your name and
10 spell it for the record.

11 MR. IZQUIERDO: My name is Jose Izquierdo,
12 I-Z like zebra, Q-U-I-E-R-D like David, O.

13 MS. DILLON: Thank you.

14 MR. IZQUIERDO: Thank you.

15 MR. GONZALEZ: Mr. Izquierdo, can you
16 provide the Board your background, as your
17 educational background?

18 MR. IZQUIERDO: I'm a registered architect
19 in the State of New Jersey, since July 1985.
20 Registered architect in the State of New York
21 since November 1984. I have been a registered
22 planner in the State of New Jersey since July
23 1985, as well. I'm also an attorney in New York.
24 And I have had -- been practicing in the City of
25 Union City as far back as 1985, so I have been 35

1 years in practice in the city, testifying before
2 this Board, as well.

3 MR. GONZALEZ: And you've been qualified by
4 this Board and other Boards in this city --

5 MR. IZQUIERDO: Yes.

6 MR. GONZALEZ: -- in the past?

7 MR. IZQUIERDO: Yes. Yes, I have.

8 MR. GONZALEZ: I would respectfully request
9 that he be recognized --

10 CHAIRPERSON CAPIZZI: Yes.

11 MR. GONZALEZ: -- as an expert.

12 CHAIRPERSON CAPIZZI: Of course.

13 MR. GONZALEZ: Mr. Izquierdo --

14 Thank you.

15 I want to bring your --

16

17 (Whereupon, Rudy Rivero arrived at 6:17
18 p.m.)

19

20 CHAIRPERSON CAPIZZI: Can I just interrupt
21 one second? Carlos, Rudy Rivero is here, the
22 Board member.

23 THE SECRETARY: Oh.

24 CHAIRPERSON CAPIZZI: Rudy.

25 THE SECRETARY: Let the record reflect that

1 Mr. Rivero joined the meeting.

2 Rudy?

3 MS. DILLON: Right over here.

4 THE SECRETARY: Have a seat over there.

5 Thank you.

6 We are having now six members.

7 CHAIRPERSON CAPIZZI: I'm sorry.

8 MR. GONZALEZ: No, no. That's quite all
9 right.

10 CHAIRPERSON CAPIZZI: You can proceed.

11 Thank you.

12 MR. GONZALEZ: I'm going to bring to your
13 attention to the plans that were presented to the
14 Board.

15 Did you, in fact, prepare these plans?

16 MR. IZQUIERDO: Yes.

17 And there are two exhibits. One is SP-1
18 that shows the site plan and the parking
19 arrangement, zoning schedule and survey, and
20 drawing A-1, which shows the existing
21 configuration of the apartments on the basement
22 level, which is the unit that is in question, the
23 apartment on the ground level, and the apartment
24 on the second story.

25 There are three existing apartments on that

1 building. The -- the basement is sprinklered and
2 there are three kitchens, as well. It has four
3 parking spaces.

4 MR. GONZALEZ: Okay.

5 And you had the opportunity to go to view
6 the structure in the preparation of these plans.

7 Is that correct?

8 MR. IZQUIERDO: Yes.

9 And since -- since you mentioned, actually,
10 that we have to comply with all the regulations,
11 once we have a three family house, even though
12 the use is a permitted use in the new Zoning
13 Ordinance, the zone -- the -- the density
14 regulations still apply and the apartment on the
15 ground level, which is existing as a two bedroom,
16 has to be downsized to a one bedroom, in order
17 not to have a density variance.

18 So, we have a two bedroom on the second
19 floor, which conforms. We have a two bedroom
20 being converted to a one bedroom on the ground
21 level. And we have a one bedroom on the
22 basement.

23 MR. GONZALEZ: So, in fact, one of the
24 units is actually being reduced from a two
25 bedroom to a one bedroom.

1 Is that correct?

2 MR. IZQUIERDO: Yes, it -- yeah, it has to
3 happen. Yeah.

4 MR. GONZALEZ: Okay.

5 And you've had an opportunity to view the
6 area and the location.

7 Is that correct?

8 MR. IZQUIERDO: Yes. It's a lovely area.
9 Yes.

10 MR. GONZALEZ: And would this be consistent
11 with the makeup of the area and the neighborhood?

12 MR. IZQUIERDO: Yes.

13 And it has four parking spaces. It's on
14 the corner -- it's on the corner of 17th and West.
15 It's a brick structure. It's -- it was actually
16 renovated by Ms. Ana Galvan, may she rest in
17 peace. But that was done back then.

18 MR. GONZALEZ: Okay.

19 And there would be no changes to the -- to
20 the exterior, and there was no additions, there
21 was nothing that would be changed in the
22 footprint. Is that fair to say?

23 MR. IZQUIERDO: That is a true statement.
24 Yes.

25 MR. GONZALEZ: Okay.

1 And would you believe that this is
2 consistent with the area where it's located, a
3 three family?

4 MR. IZQUIERDO: Yes.

5 It's a -- it's a three family house that
6 provides adequate parking spaces.

7 And the apartments are all nice size. It's
8 a -- it's a nice, nice building on that corner.
9 Yeah. It -- it meets the -- meets the -- the
10 site plan -- the zoning -- the zoning and the
11 Master Plan.

12 MR. GONZALEZ: Okay.

13 I have nothing further.

14 CHAIRPERSON CAPIZZI: Okay.

15 So, we're basically legalizing this
16 basement apartment.

17 MR. GONZALEZ: That's correct.

18 CHAIRPERSON CAPIZZI: Correct?

19 Does any Board member have any question?

20 Does anyone from the public have any
21 questions on this application?

22 No?

23 Okay.

24 Seeing none, I'll make a motion to approve
25 the application.

1 THE SECRETARY: Motion on the table to
2 approve the application by Ms. Capizzi.

3 MR. VELAZQUEZ: I second.

4 THE SECRETARY: Seconded by Mr. Velazquez.

5 Roll call on the motion to approve this
6 application.

7 Ms. Capizzi?

8 CHAIRPERSON CAPIZZI: Yes.

9 THE SECRETARY: Ms. Fernandez?

10 MS. FERNANDEZ: Yes.

11 THE SECRETARY: Thank you.

12 Mr. Medina?

13 MR. MEDINA: Yes.

14 THE SECRETARY: Mr. Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Mr. Velazquez?

17 MR. VELAZQUEZ: Yes.

18 THE SECRETARY: Mr. Guareno?

19 MR. GUARENO: Yes.

20 THE SECRETARY: Six in favor.

21 Motion carries.

22 MR. GONZALEZ: Thank you.

23 CHAIRPERSON CAPIZZI: Thank you.

24 MR. GONZALEZ: Thank you.

25 It was a pleasure to appear before the

1 Board and be out of the office.

2 Good seeing you, Brian.

3 CHAIRPERSON CAPIZZI: Right. You too.

4 Be well.

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

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1 **Denise & Baruch Gadot - 123 20th Street:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, Denise and Baruch Gadot, 123
5 20th Street.

6 Mr. Gadot, please?

7 MR. GADOT: Good evening.

8 MR. CHEWCASKIE: Mr. Gadot, do you have
9 your affidavit of service for this application?

10 MR. GADOT: Are you referring to the
11 notice?

12 MR. CHEWCASKIE: Well, there should be an
13 affidavit of service, which would have the
14 notice, and also all the attachments.

15 MR. GADOT: Okay.

16 So, I submitted the notice to the Board
17 Secretary. I sent it in. Here, I brought a copy
18 of this here.

19 MR. CHEWCASKIE: I had a notice of
20 publication, but I have not seen an affidavit of
21 service.

22 MR. GADOT: Okay. The Journal had
23 published, because everybody is working from
24 home.

25 MR. CHEWCASKIE: I --

1 MR. GADOT: They had -- they had
2 difficulties to provide this on time.

3 MR. CHEWCASKIE: I --

4 MR. GADOT: So, I have the receipt -- I
5 mean, all the acknowledgement.

6 MR. CHEWCASKIE: All right, I understand
7 that, but what I'm asking for is that you were
8 required to send out all notices by certified
9 mail.

10 MR. GADOT: The --

11 MR. CHEWCASKIE: Do you have a copy of all
12 the receipts and affidavit of service?

13 MR. GADOT: I have all the receipts.

14 MR. CHEWCASKIE: But do you -- I don't have
15 the property owner's list, I don't have an
16 affidavit from you that would indicate that the
17 Board has jurisdiction. Under the Board's rules,
18 we should have an affidavit of service, which
19 would indicate that all individuals in the
20 surrounding area were appropriately served, so I
21 can compare it to the -- to the list. I only saw
22 a notice that was published in The Jersey
23 Journal.

24 MR. GADOT: I had contacted Mr. Carlos
25 asking -- when I submitted everything, and I

1 | said, how do I -- what -- what documents I have
2 | to provide? And I was told that I have to --
3 | that I have to provide him the copy of notice and
4 | the letter, and the receipts I'll bring to the
5 | meeting.

6 | MR. CHEWCASKIE: Right, but there should be
7 | a complete affidavit of service, so that I can
8 | look at who sent them out, when and the like.

9 | MR. GADOT: I'm sorry.

10 | MR. CHEWCASKIE: Just excuse me one minute,
11 | Mr. Gadot.

12 | MR. GADOT: I wasn't aware of that.

13 | MR. CHEWCASKIE: How do you want --

14 | MR. GADOT: I do have all the receipts
15 | here.

16 | MR. CHEWCASKIE: I -- I cannot advise the
17 | Board if everything was done properly without
18 | having an appropriate affidavit, so --

19 | CHAIRPERSON CAPIZZI: I agree with you.
20 | How would --

21 | MR. CHEWCASKIE: You know?

22 | CHAIRPERSON CAPIZZI: -- I know that the
23 | complete --

24 | MR. CHEWCASKIE: Right.

25 | CHAIRPERSON CAPIZZI: -- list of people --

1 MR. CHEWCASKIE: So basically --

2 CHAIRPERSON CAPIZZI: -- was --

3 MR. CHEWCASKIE: -- you should have -- you
4 should have provided an affidavit, which would
5 have include the property owners' list, a copy of
6 the return receipts, those -- those -- not the
7 return receipts, copy of the white cards that
8 were marked by the post office, so that I can
9 compare them. You know, unfortunate --

10 MR. GADOT: I --

11 MR. CHEWCASKIE: Unfortunately, notice is
12 required for the Board to exert its jurisdiction
13 over any application. You know, I am not
14 prepared to say that the Board has jurisdiction
15 without an appropriate affidavit of service.

16 MR. GADOT: I wasn't aware -- I'm sorry, I
17 wasn't aware that I was --

18 MR. CHEWCASKIE: No, I understand that but
19 --

20 MR. GADOT: Yeah. I mean, I didn't know if
21 it was indicated on the documents. I couldn't --
22 I didn't see it. And again, when I was in touch
23 with Mr. Carlos, I wasn't advised that I was
24 supposed to provide that.

25 THE SECRETARY: I advised Mr. Gadot that he

1 -- you know, I recommend he speak with an
2 attorney --

3 MR. CHEWCASKIE: Right.

4 THE SECRETARY: -- to represent his
5 application. And he say he's going to represent
6 himself.

7 MR. CHEWCASKIE: Okay.

8 I mean, in this instance -- you know, I
9 would -- I would suggest that the Board would
10 carry this to the next meeting, you can give me
11 an affidavit of service.

12 I'm not saying you would have to renotice
13 everyone, but I would suggest, with the
14 Chairwoman's permission, that you can provide me
15 with an affidavit of service as soon as possible.
16 If you give me that affidavit of service, as soon
17 as possible, I can review it to determine if
18 notice was appropriate. You would not have to
19 renotice anyone if it is appropriate. The notice
20 that was in the newspaper was sufficient. Mr.
21 Vallejo certainly, I believe, sent that to me
22 towards the end of last week. I did review that.
23 The publication was fine.

24 However, for the Board to have
25 jurisdiction, the notice is a jurisdictional

1 requirement. So that's why I'm advising you of
2 that, because if the Board took an action, that
3 action could be overturned based upon notice.

4 So, what I would suggest to the -- the
5 Chairwoman to do is that we can carry this to our
6 October meeting.

7 CHAIRPERSON CAPIZZI: Um hum.

8 MR. CHEWCASKIE: Unless I advise you to the
9 contrary, no further notice is required.

10 And I will explain what that means to the
11 members of the public that are here. But as I
12 said -- you know, the affidavit would have that.
13 You can certainly provide everything directly to
14 Mr. Vallejo. I do not have my business card with
15 me, because I'm not used to wearing suits
16 anymore. So, Mr. Vallejo can provide you with
17 that information and then I will review the
18 affidavit of service. If you get that to me this
19 week, I will have a response to you within 24
20 hours.

21 MR. GADOT: I understand. And I apologize
22 for not providing it.

23 May I ask though, we are -- this house that
24 we're looking for approval is our primary
25 residence. We sold already our existing house,

1 my wife and I, and due to the Corona, we kind of
2 got stuck. We couldn't -- we couldn't submit
3 application for quite number of months. So, now,
4 we're in a rental unit, kind of in the limbo,
5 waiting the approval. With the Corona situation,
6 everything has been delayed. I mean, have I
7 known that I would have -- again, I apologize
8 that I did -- wasn't aware of it. I mean --

9 MR. CHEWCASKIE: Don't -- don't --

10 MR. GADOT: Can I ask for an exception?

11 MR. CHEWCASKIE: Yeah. I -- I --

12 unfortunately, there is no exception because the
13 notice is jurisdiction.

14 And what that means is, is that the Board
15 cannot hear this unless the notice is
16 appropriate. And we cannot make that
17 determination at this point in time.

18 So, although it may seem like I'm not
19 trying to help you, I am. I want you to be able
20 to present your application and that there are no
21 issues with the application. You know, this will
22 be a carryover case. It would probably be heard
23 first at the next meeting. But that's also
24 subject to the -- to the Chair's discretion, but
25 it will definitely be listed for the next

1 meeting.

2 And what I want to advise you is the
3 quicker you get me an affidavit of service, the
4 quicker I can give you a response. And then, you
5 may or may not have to do anything further. But
6 if you have to renotify people, that has to be
7 ten days in advance of the hearing. And our
8 hearing will be the fourth Monday of October,
9 which I believe --

10 THE SECRETARY: The 27.

11 MR. CHEWCASKIE: -- one, two, three, four,
12 five, would be October 29, Carlos?

13 MR. SPATZ: Twenty-seven.

14 THE SECRETARY: Twenty-seven.

15 MR. SPATZ: Twenty-seven.

16 MR. CHEWCASKIE: Twenty-seventh.

17 THE SECRETARY: All --

18 MR. SPATZ: Tuesday.

19 THE SECRETARY: Also, for the record, in
20 the email we sent to Mr. Gadot, we -- you know,
21 we request he provide the original documents at
22 the day of the hearing.

23 MR. GADOT: So, I have -- I mean, I have
24 the original receipts and everything here.

25 MR. CHEWCASKIE: All right. But I would

1 need to compare them with the list.

2 CHAIRPERSON CAPIZZI: Um hum.

3 MR. CHEWCASKIE: Here's what I will ask
4 Carlos to do. Carlos can certainly give you the
5 form of an affidavit of service that was filed in
6 a case. Even though --

7 THE SECRETARY: Is also -- I'm sorry, Mr.
8 Chewcaskie, it's also on the application --

9 MR. CHEWCASKIE: I know.

10 THE SECRETARY: -- is a template right
11 there and Mr. Gadot is aware.

12 MR. GADOT: Okay. Um hum.

13 MR. CHEWCASKIE: For the affidavit.

14 THE SECRETARY: Yeah.

15 MR. CHEWCASKIE: So, if you would do that
16 and get that to me.

17 MR. GADOT: I will.

18 MR. CHEWCASKIE: All right.

19 I think what the Board can do, subject to
20 the conditions that I just indicated, --

21 CHAIRPERSON CAPIZZI: Um hum.

22 MR. CHEWCASKIE: -- the Board can move to
23 adjourn this to the October 27th date. Further
24 notice may be required. And then, I will advise
25 any members of the public that are here what will

1 -- what will happen. So --

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. CHEWCASKIE: -- is there a motion to
4 that effect?

5 CHAIRPERSON CAPIZZI: I will make a motion.

6 THE SECRETARY: Motion to carry over --

7 CHAIRPERSON CAPIZZI: Yes.

8 THE SECRETARY: -- this application to
9 October 27, 2020 with the conditions.

10 MR. VELAZQUEZ: I second.

11 CHAIRPERSON CAPIZZI: With the conditions
12 stated.

13 MR. GADOT: Okay.

14 Thank you.

15 THE SECRETARY: Motion by Ms. Capizzi.

16 Seconded by Mr. Velazquez.

17 Roll call on the motion to carry over this
18 application for October 27, with the conditions.

19 Ms. Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Ms. Fernandez?

22 MS. FERNANDEZ: Abstain. Yes.

23 THE SECRETARY: Yes? Yes to carry over
24 this application.

25 MS. FERNANDEZ: Okay. Yes.

1 THE SECRETARY: Mr. Medina?

2 MR. MEDINA: Yes.

3 THE SECRETARY: Mr. Rivero?

4 MR. RIVERO: Yes.

5 THE SECRETARY: Mr. Velazquez?

6 MR. VELAZQUEZ: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yes.

9 THE SECRETARY: Six in favor.

10 Motion carries.

11 MR. CHEWCASKIE: All right.

12 So, hopefully, everyone could hear me.

13 The application on Denise and Baruch Gadot,

14 --

15 Am I saying that correctly, sir?

16 MR. GADOT: Yes, you do. Um hum.

17 MR. CHEWCASKIE: -- 123 20th Street will be
18 carried over to October 27th. You may not receive
19 further notice. So, you are receiving your
20 notice this evening. If you are here for that
21 case, it will be scheduled for hearing on October
22 27th.

23 The Board just carried this so that we can
24 review the affidavits to make sure service was
25 appropriate. So that's why I indicated that you

1 may not receive further notice. If the notice
2 for this meeting was appropriate, and I can
3 advise the Board, then there will be no further
4 notice. However, the publication in the
5 newspaper, at a minimum, was acceptable. Mr.
6 Gadot will not have to republish.

7 So, any testimony regarding this case, any
8 public comment will be carried to October 27th.

9 A CITIZEN: Time? Time? What time?

10 CHAIRPERSON CAPIZZI: Same time, six
11 o'clock.

12 MR. CHEWCASKIE: Six. Six o'clock. I'm
13 sorry.

14 MR. RUIZ: Can I address the Board a
15 second, please?

16 MR. CHEWCASKIE: We're not open to the
17 public yet, sir.

18 MR. RUIZ: When will you be?

19 MR. CHEWCASKIE: On October 27th, on this
20 application.

21 MR. RUIZ: So you know, there's a whole
22 bunch of people that have come for one particular
23 house.

24 CHAIRPERSON CAPIZZI: Correct.

25 MR. CHEWCASKIE: We're very well aware of

1 | that, sir. And I --

2 | MR. RUIZ: Can you hear me out, please?

3 | MR. CHEWCASKIE: And I explained the reason

4 | --

5 | MR. RUIZ: Can you hear me out?

6 | MR. CHEWCASKIE: -- I explained the reason

7 | why --

8 | MS. DILLON: I'm not getting him back

9 | there.

10 | MR. RUIZ: Can you hear me out?

11 | CHAIRPERSON CAPIZZI: You're not on the

12 | record, Mr. Ruiz, right now.

13 | MR. RUIZ: No, the thing is --

14 | THE SECRETARY: You have to be on the

15 | record, sir.

16 | MR. RUIZ: (Indiscernible).

17 | THE SECRETARY: You got to approach to the

18 | podium and give us -- just listen to the Board

19 | Attorney first, sir.

20 | MR. RUIZ: No problem.

21 | CHAIRPERSON CAPIZZI: Okay.

22 | Did we take a vote on moving this?

23 | MR. CHEWCASKIE: Yes.

24 | THE SECRETARY: Yes, we did.

25 | CHAIRPERSON CAPIZZI: Okay.

1 Before you speak, does everyone understand
2 why this was moved? Because if we hear this
3 application and make a decision on this, and it
4 was not -- the proper procedure wasn't followed
5 in the beginning; affidavit, notice, then our
6 decision can be overturned. That's why we're not
7 proceeding.

8 We appreciate that you're here. And we
9 understand that you have time and that this --
10 you made the effort to come here. But if we
11 don't this correctly and we go forward, anything
12 we do tonight can be turned over, good or bad, on
13 a technicality, or by not following due process.
14 That's what our attorney has advised us and I
15 agree with him. That's why we're moving it.

16 So, I hope you understand the situation
17 we're in, as well.

18 MR. RUIZ: No. I understand perfectly.

19 CHAIRPERSON CAPIZZI: And we appreciate the
20 fact that you're here. We normally don't get
21 people here and I'm happy to see people are here.

22 THE SECRETARY: Right.

23 Now, this -- this application is, Mr.
24 Gadot, for October 27, 2020, same time, same
25 place, same location.

1 Thank you.

2 MR. GADOT: Thank you.

3 CHAIRPERSON CAPIZZI: Good night.

4 MR. CHEWCASKIE: And again Carlos, just so
5 that we're clear, it will be in the high school,
6 where we are today.

7 THE SECRETARY: Yes. In the high school,
8 2500 John F. Kennedy Boulevard, --

9 CHAIRPERSON CAPIZZI: Right here.

10 THE SECRETARY: -- six p.m., Planning Board
11 Regular Meeting.

12 And for the record, so you know, there --
13 on the application on the website of the City of
14 Union City, ucnj.com, online forms. The
15 application is right there. All the requirements
16 are right there on the application for Mr. Gadot.

17 Thank you.

18 MR. CHEWCASKIE: And then, if there is a
19 concern, Mr. Ruiz, with any -- whether this
20 matter will be on the 27th, or not -- or not, you
21 can certainly reach out to Mr. Vallejo, either by
22 phone or email. But as of now, we scheduled it
23 for the 27th.

24 MR. RUIZ: No, my -- my main concern -- my
25 main --

1 MS. DILLON: Sir, I need you to state your
2 name and spell it for the record.

3 MR. RUIZ: My name is Robert Ruiz, R-U-I-Z.
4 All right?

5 MS. DILLON: Thank you.

6 MR. RUIZ: And I live at 115 20th Street,
7 Union City, New Jersey.

8 So, my main concern is the -- the -- one of
9 our neighbors, which is the reason that we're
10 mainly here, is -- is going through some serious
11 inconvenience and -- and health issues that deal
12 -- that deal with this situation. And basically,
13 as you can see, there's so many people here that
14 those letters basically were received by us.

15 So, that's what I wanted to say. And
16 postponing it, I understand the issue of -- of
17 being that -- that it could be -- affect the
18 decision of the -- of the Board. I understand
19 that.

20 But just -- just take into account that we
21 have a flyer.

22 Right?

23 Did she gave you a flyer, Carlos?

24 THE SECRETARY: They give me bunch of
25 paperwork, but I don't know what it is.

1 MR. RUIZ: Yeah. It's a --

2 THE SECRETARY: It's right there.

3 MR. RUIZ: -- it's a -- it's a petition
4 with all the signatures.

5 THE SECRETARY: All right.

6 MR. RUIZ: All these people here from that
7 -- that area that are opposed to the building of
8 this property.

9 MR. CHEWCASKIE: Mr. -- Mr. Ruiz, and
10 everyone here, you will all have your
11 opportunity. But since --

12 MR. RUIZ: I won't be here.

13 MR. CHEWCASKIE: But since the hearing was
14 adjourned, it would be inappropriate for the
15 Board --

16 CHAIRPERSON CAPIZZI: Um hum.

17 MR. CHEWCASKIE: -- to hear --

18 MR. RUIZ: I understand.

19 MR. CHEWCASKIE: -- from any of you.

20 CHAIRPERSON CAPIZZI: Yes.

21 MR. RUIZ: Can I have the --

22 MR. CHEWCASKIE: But -- but --

23 MR. RUIZ: Can I have the petitions,
24 Carlos?

25 MR. CHEWCASKIE: But I -- but I would also

1 suggest, I will give you some advice. The Board
2 is not permitted to accept petitions. However,
3 anybody who wants to say or have any comment
4 regarding the application will be heard.

5 CHAIRPERSON CAPIZZI: Um hum.

6 MR. CHEWCASKIE: You know, we will listen
7 to every person here, just as you indicated,
8 every Board member, all the professionals came
9 out to this meeting with the expectation that
10 every case on the agenda would be heard. So --

11 MR. RUIZ: I understand.

12 MR. CHEWCASKIE: You know, we look forward
13 to hearing from everybody.

14 And I apologize, but I have to make sure
15 that everything is done correctly.

16 MR. RUIZ: I understand.

17 MR. CHEWCASKIE: You know, the city has a
18 tremendous amount of litigation. We want to
19 avoid any further.

20 CHAIRPERSON CAPIZZI: Um hum.

21 MR. RUIZ: I understand. All right.

22 Thank you very much.

23 CHAIRPERSON CAPIZZI: Thank you.

24 MR. CHEWCASKIE: You're welcome.

25 MR. GRIFFO: May I approach real quickly?

1 My name is Joseph Griffo, 134 19th Street.

2 MS. DILLON: Spell your name for me.

3 MR. GRIFFO: G-R-I-F-F-O, F as in foxtrot.

4 MS. DILLON: I'm sorry. G-R --

5 MR. GRIFFO: G-R-I-F-F-O. Pardon me. I
6 speak kind of fast.

7 MS. DILLON: I know. And your first name?

8 MR. GRIFFO: Joseph, J-O-S-E-P-H.

9 MS. DILLON: Okay. I'm sorry. It's the
10 mask. I -- I can't hear with it on.

11 MR. GRIFFO: It's definitely me. Don't
12 worry.

13 I'm not too familiar with this process, but
14 could I -- could I ask that we get renotified? I
15 feel that a verbal notice here, it's kind of
16 confusing, maybe, to the general public. Maybe
17 some people can hear me, maybe can't. And also,
18 the people that aren't here don't know that it
19 may not -- who might not see The Jersey Journal,
20 might not know that it's being rescheduled for
21 when.

22 Is there a chance we could ask the
23 gentleman to please re-serve us all?

24 MR. CHEWCASKIE: I don't believe that would
25 be appropriate, at this point in time. This

1 Board has adjourned hearings before and carried
2 notices to that effect. That's why we make the
3 announcement so for those people here, just
4 please write down October 27th. You can check the
5 website for the agenda or reach out for Mr.
6 Vallejo to make sure that the case is on.

7 MR. GRIFFO: All right.

8 THE SECRETARY: Go on the front page of the
9 website of the City of Union City, they say
10 meetings, is right there, the day of the meeting.

11 MR. GRIFFO: I'm not so worried about
12 myself, you know a lot of people --
13 (indiscernible) -- misunderstanding.

14 THE SECRETARY: Twenty-seven.

15 All right?

16 Okay. We moving on with agenda.

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1 **RESOLUTIONS:**

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3 (1) Resolution to Appoint the Attorney to the
4 Planning Board, Retroactive on July 1, 2020
5 through June 30, 2021.

6

7 THE SECRETARY: Adoption -- Adoption of
8 Resolutions.

9 Resolution number 1.

10 To appoint the Attorney to the Planning
11 Board Retroactive to July 1st, 2020 through June
12 30, 2021.

13 Can I have a motion?

14 CHAIRPERSON CAPIZZI: Make a motion.

15 THE SECRETARY: Motion to approve this
16 Resolution by Ms. Capizzi.

17 MR. VELAZQUEZ: I second.

18 THE SECRETARY: Seconded by Mr. Velazquez.

19 MS. DILLON: Can you ask the audience to be
20 quiet?

21 THE SECRETARY: Roll call on the motion.

22 MS. DILLON: I'm sorry. Who was the
23 second, Carlos?

24 THE SECRETARY: Mr. Velazquez second.

25 MS. DILLON: Thank you.

1 THE SECRETARY: Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 MR. CHEWCASKIE: Could everyone in the back
4 just quiet down a little bit so we can finish our
5 agenda?

6 THE SECRETARY: All right. Hold on one
7 second. Can we stop for a second?

8 MR. CHEWCASKIE: Yeah.

9 THE SECRETARY: One --

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

12 THE SECRETARY: All right, Debbie. We
13 okay?

14 MS. DILLON: Um hum.

15 THE SECRETARY: Back -- back on record.
16 All right.

17 Let's go back again.

18 Resolution number 1.

19 To Appoint the Attorney for the Planning
20 Board.

21 Motion by Ms. Capizzi.

22 Seconded by Mr. Velazquez.

23 Roll call on the motion.

24 Ms. Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Ms. Fernandez?
2 MS. FERNANDEZ: Yes.
3 THE SECRETARY: Mr. Rivero?
4 MR. RIVERO: Yes.
5 THE SECRETARY: Mr. Medina?
6 MR. MEDINA: Yes.
7 THE SECRETARY: Mr. Velazquez?
8 MR. VELAZQUEZ: Yes.
9 THE SECRETARY: Mr. Guareno?
10 MR. GUARENO: Yes.
11 THE SECRETARY: Six in favor.
12 Motion carries.
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1 **RESOLUTIONS:**

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3 (2) Jose Perez, 809 13th Street, Block 57, Lot
4 28. Applicant proposes to legalize basement
5 apartment. Approved.

6

7 THE SECRETARY: Now, we are going to move
8 to Resolution number 2, 3, and 4.

9 Members can vote on these Resolutions are
10 Mr. -- Ms. Capizzi; Ms. Koehler, she's absent
11 today; Ms. Genao is absent today; sorry, tonight;
12 Mr. Velazquez; and Mr. Guareno.

13 MR. CHEWCASKIE: So, those three members
14 are eligible to vote.

15 This is on the Resolution of Jose Perez,
16 809 13th Street. This was the legalization of a
17 basement apartment heard by the Board on July 28th
18 and approved, subject to the conditions which we
19 have set forth in the Resolution. Particularly
20 the one main condition was to provide the mini-
21 split unit for cooling in the basement.

22 CHAIRPERSON CAPIZZI: Um hum.

23 THE SECRETARY: The number -- the number 4
24 was 814 15th Street.

25 Right?

1 MR. CHEWCASKIE: Correct.

2 THE SECRETARY: All right.

3 Can I have a motion to adopt this
4 Resolution?

5 CHAIRPERSON CAPIZZI: I make a motion.

6 THE SECRETARY: Motion by Ms. Capizzi.

7 MR. VELAZQUEZ: Second.

8 THE SECRETARY: Seconded by Mr. Velazquez.

9 Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Mr. Velazquez?

13 MR. VELAZQUEZ: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Three in favor.

17 Motion carries.

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1 **RESOLUTIONS:**

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3 (3) Paolo Bosco, 418 17th Street, Block 90, Lot
4 23. Applicant proposes new additions for the
5 construction of a three family house. Approved.

6

7 MR. CHEWCASKIE: The next one, Carlos, that
8 I have listed is Bosco, 418 17th Street. This was
9 number 3 on the agenda.

10 Am I correct?

11 THE SECRETARY: Yeah. Number 3. Yeah.
12 That's --

13 MR. CHEWCASKIE: Okay.

14 THE SECRETARY: We vote before on 2 and 3
15 -- on 2 and 4 (sic).

16 MR. CHEWCASKIE: Right.

17 CHAIRPERSON CAPIZZI: Um hum.

18 THE SECRETARY: Two and 4 (sic). Okay.

19 MR. CHEWCASKIE: All right. So, 3 is -- is
20 Bosco, 418 17th Street.

21 Again, this was a hearing on July 28th.

22 Board approved the three family home on the
23 property which was an addition to the rear of the
24 building, and convert the two -- two family to a
25 three family, with the conditions as set forth in

1 the Resolution.

2 And as Mr. Vallejo indicated, the three
3 members that voted on the previous Resolution are
4 eligible to vote on this Resolution.

5 CHAIRPERSON CAPIZZI: I'll make a motion.

6 THE SECRETARY: Motion by Ms. Capizzi.

7 MR. VELAZQUEZ: Second.

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

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Mr. Velazquez?

13 MR. VELAZQUEZ: Yes.

14 THE SECRETARY: Mr. Guareno?

15 MR. GUARENO: Yes.

16 THE SECRETARY: Three in favor.

17 Motion carries.

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1 **RESOLUTIONS:**

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3 (4) 814 15th Street, UC, LLC, 814 15th Street,
4 Blok (sic) 80, Lot 10. Applicant proposes the
5 construction of a new three family house.

6 **Denied.**

7

8 MR. CHEWCASKIE: And then, the last
9 Resolution that we have this evening is 814 15th
10 Street, UC, LA -- LLC. Same thing, 814 15th
11 Street.

12 CHAIRPERSON CAPIZZI: Um hum.

13 MR. CHEWCASKIE: Heard on July 28th. This
14 was seeking to demolish an existing two family
15 dwelling and consists -- and construct a new
16 three family dwelling. The Board denied the
17 requested relief based upon the reasoning set
18 forth in the Resolution; undersized lot and
19 variances that would be required.

20 Again, the three individuals who previously
21 voted are eligible to vote on this Resolution.

22 CHAIRPERSON CAPIZZI: I make a motion.

23 THE SECRETARY: Motion by Ms. Capizzi.

24 MR. VELAZQUEZ: Second.

25 THE SECRETARY: Seconded by Mr. Velazquez.

1 Roll call on the motion.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Three in favor.

9 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 CHAIRPERSON CAPIZZI: I make a motion.

7 THE SECRETARY: Motion by Ms. Capizzi.

8 MR. VELAZQUEZ: Second.

9 THE SECRETARY: Seconded by Mr. Velazquez.

10 Roll call on the motion.

11 All in favor?

12

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

14

15 THE SECRETARY: Aye.

16 The ayes have it.

17 Let the record show that the meeting has
18 ended.

19 Thank you and good night, everyone.

20 CHAIRPERSON CAPIZZI: Thank you.

21 MR. CHEWCASKIE: Thank you, Carlos.

22

23 (Whereupon, the proceedings were concluded
24 at 6:45 p.m.)

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, September 22, 2020 and digitally
10 recorded.

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25 Monitored by and proofread by: Deborah Dillon