

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, February 23, 2021
Commencing at 6:06 p.m.

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

CELIN VALDIVIA, Commissioner
YDALIA GENAO, Mayor's Designee
JOSE GUARENO, Alternate No. 2
ALEJANDRO VELAZQUEZ, 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
JEANNE KOEHLER
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, 411 Jefferson Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 616 16th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 309 10th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 519 15th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Michael Szczesny

ADOLFO L. LOPEZ, ESQ.,
Attorney for 545 41st Street UC Associates, LLC,
543 41st Street

ADOLFO L. LOPEZ, ESQ.,
Attorney for 545 41st Street UC Associates, LLC,
545 41st Street

ADOLFO L. LOPEZ, ESQ.,
Attorney for 3605 Bergenline LLC

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543 41st Street

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Jose Izquierdo

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1 MS. DILLON: All right.

2 Go ahead.

3 THE SECRETARY: May I have your attention?

4 Please take notice that on Tuesday,
5 February 23rd, 2021, at six p.m., a Regular
6 Meeting is scheduled for the City of Union City
7 Planning Board to be held in the Union City High
8 School located at 2500 John F. Kennedy Boulevard,
9 Union City, New Jersey.

10 This meeting is called in compliance with
11 Chapter 231, Public Law 1975 of the Open Public
12 Meeting Act.

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

15 Notice of this meeting, setting forth the
16 time, date, location, --

17 Can you please -- silence, please.

18 Thank you.

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

25 Also, we posted on the front door of the

1 High School, too.

2 Before we call roll for this evening
3 meeting, can everybody kindly rise to salute the
4 flag?

5
6 (Whereupon, the Pledge of Allegiance was
7 said by all.)

8
9 THE SECRETARY: Thank you.

10

11 **ROLL CALL:**

12

13 THE SECRETARY: Roll call for tonight's
14 meeting.

15 Mayor Brian P. Stack?

16 Absent.

17 Ms. Capizzi?

18 CHAIRPERSON CAPIZZI: Here.

19 THE SECRETARY: Ms. Koehler is absent.

20 Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Commissioner Celin
23 Valdivia?

24 COMMISSIONER VALDIVIA: Here.

25 THE SECRETARY: Carolina Fernandez is

1 absent.

2 Rudy Rivero is absent.

3 Franklin Medina is absent.

4 Alicia Morejon is absent.

5 Alejandro Velazquez?

6 VICE CHAIRPERSON VELAZQUEZ: Here.

7 THE SECRETARY: Jose Guareno?

8 MR. GUARENO: Here.

9 THE SECRETARY: Guareno's here.

10 Let the record indicate there are five
11 present.

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1 **ADOPTION OF MINUTES:**

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3 (1) Regular Meeting Held on January 26, 2021

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5 THE SECRETARY: Adoption of Minutes.

6 Regular Meeting held on January 26, 2021.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I'll make a motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 VICE CHAIRPERSON VELAZQUEZ: Second.

11 THE SECRETARY: Seconded by Mr. Velazquez.

12 Roll call on the motion.

13 Ms. Capizzi?

14 CHAIRPERSON CAPIZZI: Yes.

15 THE SECRETARY: Ms. Genao?

16 MS. GENAO: Abstain.

17 THE SECRETARY: Abstain.

18 Commissioner Celin Valdivia?

19 COMMISSIONER VALDIVIA: Abstain.

20 THE SECRETARY: Alejandro Velazquez?

21 VICE CHAIRPERSON VELAZQUEZ: Yes.

22 THE SECRETARY: Jose Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Three in favor.

25 Two abstained.

1 Motion carries.

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1 **411 Jefferson Street, LLC -**

2 **1713 Bergenline Avenue:**

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4 THE SECRETARY: Hearings and Applications
5 and Extensions.

6 411 Jefferson Street, LLC, 1713 Bergenline
7 Avenue.

8 Ms. Pereiras, please?

9 MS. PEREIRAS: Good evening, Counsel, Madam
10 Chair, members of the Board.

11 May it please the Board, Bianca Pereiras,
12 on behalf of the applicant, 411 Jefferson Street,
13 LLC. This is for property located at 1713
14 Bergenline Avenue, also known as Block 91, Lots 6
15 and 7.

16 The Board previously had heard this
17 application to construct an addition to both the
18 rear and the front of the building, which was
19 approved back in November of 2016.

20 Our first extension was granted by this
21 Board on October 23rd, 2018; and a second
22 extension was approved on November 26th, 2019,
23 making the approvals good through November 26 of
24 2020.

25 We are before this Board asking for a final

1 | one year extension, so that the applicants can
2 | obtain permits from the Union City Building
3 | Department.

4 | I -- please note, that the permits are
5 | currently stayed due to the Governor's act,
6 | allowing these to continue being valid during
7 | this COVID pandemic.

8 | So I respectfully request that this Board
9 | grant us a further one year extension, so that my
10 | client can obtain the permits that are necessary.

11 | CHAIRPERSON CAPIZZI: One year from today?

12 | MS. PEREIRAS: Well, I would like the year
13 | to start when the current stay is lifted, which
14 | I'm not sure when that's going to be.

15 | So I would ask that that would be granted
16 | from that period going forward.

17 | MR. CHEWCASKIE: I would suggest that since
18 | this is the third extension --

19 | MS. PEREIRAS: Um-hum.

20 | MR. CHEWCASKIE: -- that perhaps the
21 | extension go to the end of this year. Things
22 | are --

23 | CHAIRPERSON CAPIZZI: I agree.

24 | MR. CHEWCASKIE: -- loosening up.

25 | CHAIRPERSON CAPIZZI: Um-hum.

1 MR. CHEWCASKIE: You know, this -- this is
2 the third extension.

3 CHAIRPERSON CAPIZZI: Yup.

4 MS. PEREIRAS: Um-hum.

5 MR. CHEWCASKIE: I -- I mean technically it
6 should expire November of this year.

7 MS. PEREIRAS: Correct.

8 MR. CHEWCASKIE: I would suggest we go to
9 December 31st.

10 And I would also suggest that if there are
11 other extensions required that are not related to
12 the pandemic, that you alert the Board prior to
13 the -- the expiration of the extension.

14 MS. PEREIRAS: Absolutely, counsel.

15 CHAIRPERSON CAPIZZI: I'll make a motion to
16 approve that extension; that specific extension.

17 THE SECRETARY: Motion to approve by Ms.
18 Capizzi.

19 MR. GUARENO: Second.

20 THE SECRETARY: Seconded by Mr. Guareno.

21 Roll call on the motion.

22 Ms. Capizzi?

23 CHAIRPERSON CAPIZZI: Yes.

24 THE SECRETARY: Ms. Genao?

25 MS. GENAO: Yes.

1 THE SECRETARY: Commissioner Celin
2 Valdivia?

3 COMMISSIONER VALDIVIA: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 VICE CHAIRPERSON VELAZQUEZ: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Five in favor.

9 Motion carries.

10 MS. PEREIRAS: Thank you all very much.

11 CHAIRPERSON CAPIZZI: You're welcome.

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1 **616 16th Street, LLC - 616 16th Street;**
2 **309 10th Street, LLC - 309 10th Street; and**
3 **519 15th Street, LLC - 519 15th Street:**
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5 MR. CHEWCASKIE: All right.

6 Maybe, Carlos, if you -- you want to do the
7 next three together?

8 THE SECRETARY: Okay.

9 MR. CHEWCASKIE: Because they're all --

10 THE SECRETARY: All right.

11 CHAIRPERSON CAPIZZI: Um-hum.

12 MR. CHEWCASKIE: The same result will
13 occur.

14 CHAIRPERSON CAPIZZI: Um-hum.

15 THE SECRETARY: With only one --

16 All right.

17 Okay, next application on tonight's agenda,
18 616 16th Street; that number 2.

19 Number 3.

20 309 10th Street.

21 And number 4.

22 519 15th Street.

23 MR. CHEWCASKIE: I know Ms. Pereiras is
24 here and I believe you've already communicated
25 with Ms. Pereiras regarding these three

1 applications.

2 Revised plans were required. They were not
3 received within the ten days, so it was my
4 suggestion that these three matters be adjourned
5 until the March 23rd, 2021 meeting, without any
6 further notice.

7 And, Ms. Pereiras, if we need an extension
8 of time to act, do we have it?

9 MS. PEREIRAS: Of course.

10 MR. CHEWCASKIE: And, just before there's a
11 vote, anyone in the public that is here on these
12 three cases, they will not be heard this evening.

13 Which is 616 16th Street; 309 10th Street;
14 and 519 15th Street.

15 They will be heard on March 23rd at six
16 p.m. and in this location. And this will be your
17 notice.

18 Is there a motion to adjourn those three
19 cases --

20 CHAIRPERSON CAPIZZI: I'll make a --

21 MR. CHEWCASKIE: -- to the --

22 CHAIRPERSON CAPIZZI: -- motion.

23 THE SECRETARY: Motion by Miss Capizzi.

24 VICE CHAIRPERSON 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: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Commissioner Celin

7 Valdivia?

8 COMMISSIONER VALDIVIA: Yes.

9 THE SECRETARY: Mr. Velazquez?

10 VICE CHAIRPERSON VELAZQUEZ: Yes.

11 THE SECRETARY: Mr. Guareno?

12 MR. GUARENO: Yes.

13 THE SECRETARY: Five in favor.

14 Motion carries.

15 No new notice required.

16 Thank you.

17 MR. CHEWCASKIE: This is with that.

18 Thank you.

19 THE SECRETARY: Thank you.

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1 **Michael Szczesny - 912 Palisade Avenue:**

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3 THE SECRETARY: Application number 5.

4 Michael Szczesny, 912 Palisade Avenue.

5 MS. PEREIRAS: Again, Bianca Pereiras, on
6 behalf of the applicants for property located at
7 912 Palisade Avenue, also known as Block 186, Lot
8 33.

9 MR. CHEWCASKIE: I had the opportunity to
10 review Ms. Pereiras' notice that she gave me just
11 now. Your notice is in appropriate form, so the
12 Board would have jurisdiction to consider the
13 application.

14 I did not get a copy of the drawings on
15 this, Ms. Capizzi, but I do have Mr. Spatz's
16 report. And this is an unusual location because
17 it's in the Palisades Preservation Overlay
18 District.

19 So, --

20 CHAIRPERSON CAPIZZI: Mmm.

21 MR. CHEWCASKIE: The one thing I was
22 concerned about, Miss Pereiras, is that there are
23 certain requirements under the ordinance for
24 submission.

25 MS. PEREIRAS: Um-hum.

1 MR. CHEWCASKIE: And I do not know if those
2 were submitted under the Zoning Ordinance for the
3 District, I guess because of the location.

4 What needs to be submitted --

5 And I don't know if it was done.

6 -- was a topographic map, a landform
7 analysis, a physical description, and site
8 grading and development data.

9 So, I don't know if any of that was
10 submitted with the application.

11 As I said, I did not receive the drawings.
12 So, --

13 MS. PEREIRAS: We did submit a
14 topographical survey to the Board.

15 MR. CHEWCASKIE: But were the other
16 documents submitted?

17 I mean my -- my concern is, is Mr. Spatz is
18 not here this evening.

19 MS. PEREIRAS: Um-hum.

20 MR. CHEWCASKIE: He is -- he is ill to my
21 -- to my knowledge.

22 So those are my concerns with the
23 application.

24 I -- you know, unfortunately, I only became
25 aware this afternoon that he would not be here.

1 So those are my concerns with the
2 application.

3 I don't know what we have, Carlos, on the
4 application.

5 THE SECRETARY: Let me just pull out from
6 there.

7 MR. CHEWCASKIE: This it?

8 It helps if I look.

9 MS. PEREIRAS: As mentioned, counsel, we
10 did sub-- did submit a topographical survey and
11 our expert is here. And he could speak --

12 CHAIRPERSON CAPIZZI: Where --

13 MS. PEREIRAS: -- to those items.

14 CHAIRPERSON CAPIZZI: Who did you submit it
15 to?

16 MS. PEREIRAS: It would have been
17 submitted, along with our application, to Mr.
18 Vallejo.

19 MR. CHEWCASKIE: I -- on the drawing I see
20 an existing survey, which makes it -- which I
21 really can't read because it's all blurred.

22 MS. PEREIRAS: Right. And we always submit
23 an additional copy of our survey in separate
24 form.

25 THE SECRETARY: Right here.

1 MR. CHEWCASKIE: So what we do have, Ms.
2 Pereiras, is a location survey that was prepared
3 by Mr. Rehak; if that's what you're referring to?

4 MS. PEREIRAS: One moment, please.

5 I'm just looking through my submissions
6 myself.

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

9 MS. PEREIRAS: Counsel, I have a copy of
10 the basic survey. I know a topographical was
11 also submitted; the original would have been with
12 the office.

13 THE SECRETARY: Yeah, I give it to you, --
14 It's --

15 MR. CHEWCASKIE: The -- the only survey
16 that we have --

17 THE SECRETARY: That's the one we have.

18 MS. PEREIRAS: Is just the --

19 MR. CHEWCASKIE: -- is the -- is the
20 topographic survey.

21 MS. PEREIRAS: From First Sight Surveying?
22 Is that the one you're referencing?

23 MR. CHEWCASKIE: I have a location survey;
24 First Sight Surveying prepared by Mikki Rehak,
25 dated March 9th, 2020.

1 Is that what you're referring to?

2 MS. PEREIRAS: That's the one I'm seeing in
3 my file.

4 MR. CHEWCASKIE: Right.

5 MS. PEREIRAS: I believe there was a
6 topographic as well.

7 THE SECRETARY: I have all the records in
8 my --

9 MS. PEREIRAS: Bear with me.

10 THE SECRETARY: -- folder, you know,
11 submitted with the application.

12 Just let me check the folder; it's right
13 here.

14 Is there anything?

15 MR. CHEWCASKIE: See if there's anything
16 else.

17 No.

18 The -- the cover letter also makes just
19 reference to the survey, Ms. Pereiras.

20 Let me -- I gave you the survey back, too.
21 So, --

22 MS. PEREIRAS: That's -- I know we -- I
23 know we have a topographical survey. We can
24 always submit it to --

25 MR. CHEWCASKIE: Right. I --

1 MS. PEREIRAS: -- the Board.

2 MR. CHEWCASKIE: I -- I think what it is,
3 -- I think it's important for the Board, --

4 I'll leave it to the Board to decide how
5 they want to handle this --

6 MS. PEREIRAS: Um-hum.

7 MR. CHEWCASKIE: -- but, you know, there's
8 four items that are --

9 MS. PEREIRAS: Um-hum.

10 MR. CHEWCASKIE: -- specifically requested.
11 The first one was the topographic survey.
12 And presently the Board doesn't have it.

13 I apologize for Mr. Spatz not being here.
14 But I'll leave it to the Board if they wish to
15 proceed this evening or wish to carry it to the
16 March 23rd meeting so you will have the
17 opportunity to submit and discuss with Mr. Spatz
18 the submission requirements.

19 CHAIRPERSON CAPIZZI: I would like to -- to
20 move it.

21 MR. CHEWCASKIE: Move it to the 23rd?

22 CHAIRPERSON CAPIZZI: Right.

23 MR. CHEWCASKIE: All right.

24 And just so that you're aware, Ms.
25 Pereiras, --

1 And, of course, I lost my -- my page on the
2 ordinance, so give me one minute here.

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

5 MR. CHEWCASKIE: For the Palisades Park
6 Overlay District, it is in the Zoning Ordinance
7 listed as H for the District Standards. And it
8 has the procedural requirements, which there are
9 four items.

10 So, I think you should discuss that with
11 Mr. Spatz to see what needs to be submitted for
12 the 23rd, so he can update his report.

13 MS. PEREIRAS: I'll confirm with Mr. Spatz.

14 MR. CHEWCASKIE: All right.

15 I'm sorry, I believe there was a motion on
16 the table.

17 CHAIRPERSON CAPIZZI: Well, I would make a
18 motion to move the application to next month
19 maybe.

20 THE SECRETARY: March 23rd?

21 MR. CHEWCASKIE: Yes, carry to March 23rd.

22 CHAIRPERSON CAPIZZI: Carry.

23 THE SECRETARY: All right.

24 CHAIRPERSON CAPIZZI: Um-hum.

25 MS. GENAO: I second.

1 THE SECRETARY: Motion to move this
2 application to March 23rd by Miss Capizzi.

3 MS. GENAO: I --

4 MR. GUARENO: Second.

5 MS. GENAO: -- second.

6 THE SECRETARY: Seconded by Ms. Genao.

7 Roll call on the motion.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Genao?

11 MS. GENAO: Yes.

12 THE SECRETARY: Commissioner Celin

13 Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 THE SECRETARY: Mr. Velazquez?

16 VICE CHAIRPERSON VELAZQUEZ: Yes.

17 THE SECRETARY: Mr. Guareno?

18 MR. GUARENO: Yes.

19 THE SECRETARY: Five in favor.

20 Motion carries.

21 No new notice required.

22 Just for the record, I have all the

23 originals. You send it to me in the --

24 (indiscernible) -- I give it to Mr. -- Board

25 attorney.

1 And I don't have anything else.

2 MS. PEREIRAS: Okay.

3 MR. CHEWCASKIE: All right.

4 So anyone here that was on this case, 912
5 Palisade Avenue, it will be heard on March 23rd.
6 We do expect to get the additional submissions.

7 The notice was in appropriate form. The
8 Board has accepted jurisdiction.

9 So anyone who is interested in this case,
10 this is your notice that it will be heard on
11 March 23rd.

12 MS. PEREIRAS: Thank you.

13 You all have a good night.

14 I'll see you next month.

15 THE SECRETARY: Thank you.

16 MR. CHEWCASKIE: Good night, Bianca.

17

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

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1 **545 41st Street UC Associates LLC -**

2 **543 41st Street:**

3

4 THE SECRETARY: Hearing/Application number
5 6.

6 545 41st Street UC Associated, LLC, 543 41st
7 Street.

8 Mr. Lopez, please?

9 MR. LOPEZ: Mr. Vallejo, this is 543 or
10 545?

11 THE SECRETARY: 543 41st Street.

12 MR. LOPEZ: Okay.

13 MR. CHEWCASKIE: Do you have your -- your
14 proofs, Mr. Lopez?

15 MR. LOPEZ: I -- I do, Mr. Chewcaskie.
16 Good evening.

17 MR. CHEWCASKIE: Good evening.

18 MR. LOPEZ: Adolfo Lopez, --

19 CHAIRPERSON CAPIZZI: Good evening.

20 MR. LOPEZ: -- appearing on behalf of the
21 applicant.

22 I have a couple of house-- that -- that's
23 both and I'll explain why as part of the --

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

1 MR. CHEWCASKIE: The receipts are the same.

2 MR. LOPEZ: Yes.

3 MR. CHEWCASKIE: That's fine.

4 THE SECRETARY: Thank you.

5 MR. CHEWCASKIE: That's fine.

6 Ms. Capizzi, I had the opportunity to
7 review the notice that was provided and the
8 publication; it's in appropriate form.

9 The Board has jurisdiction to proceed this
10 evening.

11 CHAIRPERSON CAPIZZI: Good.

12 Thank you.

13 MR. LOPEZ: Madam Chairwoman, members of
14 the Board.

15 Mr. Chewcaskie, a couple of housekeeping
16 items before we get started please.

17 Just for the record, I gave combined notice
18 because the houses are side by side, even though
19 we have two applications before the Board, and we
20 decided to notify all neighbors of -- even though
21 they're overlapped -- so everyone would have
22 notice.

23 The other item that I'd like to bring to
24 the Board's attention, -- we raised it with David
25 Spatz. The original drawings were based on a 25

1 by a hundred foot lot. We actually have slightly
2 more. The lot is even larger; it's 25 by a
3 hundred and two.

4 MR. IZQUIERDO: Point four.

5 A hundred and two point four.

6 MR. LOPEZ: A hundred and two point four.

7 We -- we have revised plans, just for
8 clarity. But, again, there's no variance
9 involved in either way relating to rear yard
10 setbacks. And they both -- both dimensions would
11 fully comply, obviously.

12 MR. CHEWCASKIE: So just so that I'm clear,
13 Mr. Lopez, it's -- the lot depth is 102.4 instead
14 of a hundred?

15 MR. LOPEZ: Correct.

16 MR. CHEWCASKIE: All right.

17 And then, you know, the -- your drawings
18 that you submitted were based upon a hundred,
19 so --

20 MR. LOPEZ: But they --

21 MR. CHEWCASKIE: -- you have an extra 2.4
22 feet.

23 I don't see the necessity --

24 I mean we could certainly address it this
25 -- this evening through Mr. Izquierdo's

1 testimony.

2 MR. LOPEZ: Okay.

3 Thank you so much.

4 And -- like -- just in case we have those
5 revisions in -- in other plans that I can submit
6 if need be.

7 And, the final thing, --

8 MR. CHEWCASKIE: I -- I think you would be
9 better off --

10 MR. LOPEZ: With the --

11 MR. CHEWCASKIE: -- providing the -- you can
12 testify to these, if whatever the Board does, if
13 the Board approves it, I would suggest to submit
14 a revised plan that shows the exact depth, so
15 there are no issues with the Building Department
16 at the time of resolution compliance.

17 MR. LOPEZ: Thank you.

18 That was the point --

19 The other item, Mr. Chewcaskie, whatever
20 the Board prefers; they're two identical
21 applications. Does the Board want to hear them
22 one at a time? Or do -- do -- does the Board
23 prefer to hear what's going to happen in both
24 lots?

25 Officially, we have two applications before

1 the Board.

2 MR. CHEWCASKIE: I -- I think proceed with
3 the one application.

4 MR. LOPEZ: Okay.

5 MR. CHEWCASKIE: If these are identical
6 with the second application, we'll certainly
7 address it then.

8 But I -- you know, for the clarity of the
9 record, let's do this one. And if the testimony
10 is the same, we could incorporate it, you know,
11 when we get to the next one.

12 MR. LOPEZ: Thank you.

13 CHAIRPERSON CAPIZZI: Um-hum.

14 MR. LOPEZ: Thank you so much.

15 MS. DILLON: Excuse me.

16 Mr. Lopez, can you uncover the microphone?

17 MR. LOPEZ: I'm sorry?

18 MS. DILLON: Can you --

19 MR. LOPEZ: Oh.

20 So sorry. Yup. So sorry.

21 MS. DILLON: That's all right.

22 That podium has something that pulls out,
23 if that helps you in some way.

24 MR. LOPEZ: Okay.

25 Very advanced.

1 MR. IZQUIERDO: No, I don't have one. Mine
2 didn't come with one.

3 MS. DILLON: There's a table next to you.

4 MR. IZQUIERDO: Thank you.

5 MS. DILLON: You're welcome.

6 MR. LOPEZ: You've -- you've done this
7 before I see.

8 And my expert this evening is Jose
9 Izquierdo.

10 MS. DILLON: Please raise --

11 MR. LOPEZ: Mr. Izquierdo has previously
12 testified --

13 CHAIRPERSON CAPIZZI: Yes.

14 MR. LOPEZ: -- before this Board. We'd ask
15 that the Board accept him as an expert witness.

16 CHAIRPERSON CAPIZZI: Yes.

17 MS. DILLON: Do you affirm the testimony
18 you're about to give to this Board is the whole
19 truth?

20 MR. IZQUIERDO: Yes, I do.

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

23 MR. IZQUIERDO: My name is Jose Izquierdo,
24 registered architect, 09143; registered
25 professional planner, 03385 -- State of New

1 Jersey.

2 MR. CHEWCASKIE: And, Mr. Izquierdo, the
3 Board is familiar with your qualifications.

4 Nothing has occurred since the last time
5 you've testified before this Board with respect
6 to any of your licenses.

7 Is that correct?

8 MR. IZQUIERDO: With all my licenses, yes.

9 MR. CHEWCASKIE: Okay.

10 Thank you, Mr. Izquierdo.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. LOPEZ: Mr. Izquierdo, are you familiar
13 with the -- the plans that are -- what -- that
14 have been presented to the Board this evening for
15 consideration?

16 MR. IZQUIERDO: Yes.

17 MR. LOPEZ: Did your office prepare these
18 plans?

19 MR. IZQUIERDO: Yes.

20 MR. LOPEZ: And are you familiar with the
21 site?

22 MR. IZQUIERDO: Yes.

23 MR. LOPEZ: Can you please prescribe what
24 the applicant proposes on this property?

25 Please --

1 Before we -- before that. I'm sorry.

2 Please describe what's on the site now.

3 And this one specifically is 543 41st Street.

4 MR. IZQUIERDO: Exactly.

5 MR. LOPEZ: Yes.

6 MR. IZQUIERDO: Yes.

7 MR. LOPEZ: What -- what exists on this
8 property right now?

9 MR. IZQUIERDO: Good evening, members of
10 the Board.

11 543 41st Street is a vacant lot that exists
12 on the southern side of 41st Street.

13 Forty-first Street is one-way street that
14 connects Bergenline Avenue to Kennedy Boulevard.

15 On -- on -- we're on the left hand side of
16 the street and there's a vacant lot on 543. And
17 then on 545 there is a house that is abandoned
18 and actually has -- is an unsafe structure; I
19 need to get it removed.

20 MR. LOPEZ: Okay. But that --

21 MR. IZQUIERDO: So at 543 we have a vacant
22 lot.

23 MR. LOPEZ: And what --

24 MR. IZQUIERDO: And what the applicant is
25 proposing is three family over one level parking

1 with six parking spaces.

2 MR. LOPEZ: And what --

3 MR. IZQUIERDO: It's the new use that was
4 approved by the Board and -- and actually is part
5 of the new master plan, I believe, of 2019 --
6 July of 2019.

7 I'm sorry, counselor.

8 MR. LOPEZ: And, Mr. Izquierdo, I'm sorry.

9 And please -- because it is an issue, can
10 you please tell us what the dimensions of the lot
11 are?

12 MR. IZQUIERDO: After the drawings had been
13 prepared, --

14 And the drawings were prepared on a 25 by a
15 hundred lot, to assume the worst condition.

16 -- an accurate survey with the -- with the
17 topography and everything was done at the site.
18 At the site at the time those drawings were --
19 were submitted already, so the actual size of the
20 lot is 25 by a hundred and two point four and a
21 hundred and two point 64 on the other side.

22 So the exact dimension of the house on the
23 ground floor, excepting any overhangs or any
24 eaves or any projections from the ground floor,
25 the house is 19 feet 11 inches by 95 feet two

1 inches. That is the exact dimensions of the
2 house.

3 That gives me a front yard of two feet for
4 some planting. It gives me a rear yard of five
5 feet, which is what is required by the ordinance
6 and by the master plans. And we have two feet on
7 one side and three feet one inch on the other
8 side.

9 543 would be the mirror of 545. And since
10 they're both adjacent to each other, when the --
11 the -- the International Building Code, which was
12 adopted by the State of New Jersey, if you have a
13 -- a wall that is two feet away from the property
14 line, you cannot have any windows.

15 And there are a number of buildings being
16 built around here that have no windows and
17 they're quite unsightly.

18 So what happens with 543 is the two foot
19 side is the side facing 545. And 545, the two
20 foot side, is the one facing for 543. So we're
21 only affecting each -- each other.

22 543, with the neighbor, has a three foot
23 one yard -- side yard variance -- a side yard
24 setback. And then the other side has two feet.

25 We're seeking for a small variance for an

1 overhang on the second, third, and fourth floor
2 in order to have closets along the corridor.

3 MR. LOPEZ: And can you explain on your
4 drawings, --

5 MR. IZQUIERDO: Yes.

6 MR. LOPEZ: -- show the Board where that --

7 MR. IZQUIERDO: They have the drawings
8 right there. You don't need me --

9 MR. LOPEZ: Do you need them?

10 MR. IZQUIERDO: No.

11 MR. LOPEZ: Okay.

12 MR. IZQUIERDO: No, I know the house by
13 heart.

14 MR. LOPEZ: Okay.

15 So please -- please explain to the Board
16 where this -- where this overhang would be
17 located --

18 MR. IZQUIERDO: On 543 you enter the house
19 on the right hand side. On 545 you enter the
20 house on the left hand side.

21 So all pedestrian going into the -- to
22 these two buildings, which are two three-family
23 houses, are together and the vehicular parking
24 are separated.

25 Okay.

1 So in 543, when you -- you have all the
2 parking, -- the ground floor is all parking. The
3 two feet also makes my parking space bigger,
4 which is very nice.

5 So once you go upstairs, you have the
6 living room and then you have a kitchen, which is
7 -- which is an L-shape. When you start that
8 corridor, that starts the bank of bedrooms and
9 bathrooms. Here, bedroom, bedroom, bedroom,
10 bathroom. There's nothing in that corridor.

11 They make those corridors three feet two
12 inches wide and they're horrible. There's
13 nothing. You cannot do anything. You're not --
14 cannot put a piece of furniture.

15 So, what we're proposing is to make that
16 corridor wider; three feet eight inches, which --
17 which actually is the required size for a multi-
18 family building in the State of New Jersey as an
19 exit corridor. But then the house will
20 cantilever 11 inches.

21 But just that 11 inches, with the other
22 eight inches that I have from the three feet
23 eight, allows me to have a nice cabinet -- a nice
24 closet.

25 And in the case of 543 it exists on the

1 blank space of the corridors.

2 In the case of 545, it exists in front of
3 the bedrooms.

4 So, by having three additional closets, I
5 can provide one for linen and towels and
6 everything -- because these are nice homes.
7 These three-family houses are very nice homes.
8 Three bedrooms; they're very nice.

9 So one would be a -- a closet just for
10 linen and stuff.

11 The other one would be a utility closet,
12 more for people to have like screwdrivers and all
13 that good stuff.

14 And then the other one would be for bed --
15 bed linen.

16 The building is four stories, 44 feet high
17 to the highest point, which is what is allowed by
18 the ordinance.

19 It has six parking spaces. And other than
20 that variance on the -- on the upper floors just
21 to have those closets, everything else conforms.

22 The apartment on the second floor is a
23 three bedroom/two bathroom and it's 1508 square
24 feet.

25 The apartment on the second -- on the third

1 and on the fourth floor are each 1570 square
2 feet.

3 I have nothing further.

4 MR. LOPEZ: The overhang would not affect
5 the side yards at all.

6 Is that correct?

7 MR. IZQUIERDO: No. Not at all.

8 Because what happens is on the -- on -- on
9 the -- on the bottom between the two homes
10 they're going to have four feet. Because you
11 have two feet from here and two feet from here.

12 So then this closet cantilevers 11 inches
13 here and this other one goes 11 inches here. So
14 they both -- they're -- they're both fine.

15 543 gets two additional closets; 545 gets
16 three additional closets.

17 The last floor has a cathedral ceiling.
18 Has nice roof skylights and it's a -- it's a
19 modern home.

20 MR. LOPEZ: Please describe the materials
21 that are being proposed for --

22 MR. IZQUIERDO: Oh, there --

23 MR. LOPEZ: -- the structure.

24 MR. IZQUIERDO: -- is a rendering.

25 MR. LOPEZ: There was a rendering but

1 please describe it.

2 MR. IZQUIERDO: Oh, dear.

3 CHAIRPERSON CAPIZZI: Can we just go back
4 for a second --

5 MR. LOPEZ: Yes.

6 CHAIRPERSON CAPIZZI: -- to the side -- to
7 the overhang?

8 MR. LOPEZ: Yes.

9 CHAIRPERSON CAPIZZI: So where the overhang
10 is, that -- that space, does that -- does that
11 comply with safety?

12 MR. IZQUIERDO: Yes.

13 What happens is, Ms. Capizzi, --

14 CHAIRPERSON CAPIZZI: In other words, if
15 they -- if firemen and so forth had to get
16 through, --

17 I don't know how high it is until the
18 overhang.

19 MR. LOPEZ: It's one --

20 CHAIRPERSON CAPIZZI: Would -- would they
21 be able to get through safely?

22 MR. LOPEZ: It's one full story above, --

23 CHAIRPERSON CAPIZZI: That's my question.

24 MR. LOPEZ: -- right, Mr. --

25 MR. IZQUIERDO: Yeah, well --

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. IZQUIERDO: -- what happens is the
3 building -- the -- the site in the back is 54
4 inches higher than the front. So on the rear
5 stair that goes out, you only need to go down
6 half a level.

7 Okay?

8 So then the property slopes on both sides.

9 CHAIRPERSON CAPIZZI: Um-hum.

10 MR. IZQUIERDO: On 543 we have the access
11 from the fire department on the left hand side.
12 And everybody that would exit the building in
13 case of an emergency would exit on the left hand
14 side.

15 CHAIRPERSON CAPIZZI: Um-hum.

16 MR. IZQUIERDO: On the right hand side, you
17 have two feet, which is basically at use because
18 it cannot be used for egress; it's just a
19 setback. But that two feet aligns with the two
20 feet from the other house.

21 So in those four feet that there are no
22 windows on either side, -- it's just vinyl siding
23 on either side, that's for like nine or ten feet
24 -- nine or ten feet above grade, I cantilever 11
25 inches just to allow me to have a cabinet.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. LOPEZ: Mr. Izquierdo, to go a little
3 bit more -- because we did not address it, and to
4 Madam Chairwoman's point, please describe the
5 second means of egress from the rear of the
6 property.

7 MR. IZQUIERDO: Okay.

8 MR. LOPEZ: We didn't mention at all -- at
9 all as part of your initial testimony.

10 MR. IZQUIERDO: The State of New Jersey
11 allows you to have a building with one means of
12 egress as long as you have no more than four
13 units per floor and three levels sprinklered.

14 So if I have a building that has four,
15 four, four with one stair and it's sprinklered,
16 I'm fine according to the State of New Jersey.

17 This building, because it's four stories,
18 requires me to have a second means of egress.
19 The second means of egress is a fully fire-rated
20 stair that goes all the way from the ground floor
21 all the way up to the --

22 Not to the roof. I don't have a roof.
23 Because I have a total gable roof.

24 And then once you exit those stairs, you're
25 on the second floor. You actually just -- you

1 | just go through the apartment. The -- the stair
2 | opens directly into the apartment. You can go
3 | straight into the egress. And then you go down
4 | the stairs and then you exit into the three foot
5 | one.

6 | MR. LOPEZ: Right.

7 | MR. IZQUIERDO: And then you come out to
8 | the fence.

9 | MR. LOPEZ: So on 543 you would be coming
10 | out on the --

11 | MR. IZQUIERDO: On the left.

12 | MR. LOPEZ: -- on the left hand side of the
13 | property as you face it.

14 | MR. IZQUIERDO: Yes.

15 | MR. LOPEZ: And your proposed cantilever
16 | would not affect the egress at all?

17 | MR. IZQUIERDO: No. No. That's on the two
18 | foot side up on the top.

19 | CHAIRPERSON CAPIZZI: Right.

20 | MR. IZQUIERDO: On -- on this.

21 | Because it's totally unused space.

22 | CHAIRPERSON CAPIZZI: No, I understand
23 | that.

24 | MR. IZQUIERDO: I have been building in
25 | Union --

1 CHAIRPERSON CAPIZZI: But -- but when --
2 that's okay. But we're just talking about egress
3 now.

4 MR. IZQUIERDO: Okay.

5 MR. LOPEZ: Right.

6 CHAIRPERSON CAPIZZI: The back -- there is
7 a back way out.

8 Correct?

9 MR. LOPEZ: Yes.

10 MR. IZQUIERDO: Yes.

11 CHAIRPERSON CAPIZZI: Okay.

12 MR. LOPEZ: And the cantilever is on the
13 side that's --

14 CHAIRPERSON CAPIZZI: Right.

15 MR. LOPEZ: -- that's not used as an
16 egress.

17 MR. IZQUIERDO: Yes.

18 CHAIRPERSON CAPIZZI: Yes. Okay.

19 MR. LOPEZ: And, in terms of parking, you
20 are providing the six --

21 MR. IZQUIERDO: The six parking --

22 MR. LOPEZ: -- parking spaces --

23 MR. IZQUIERDO: -- spaces.

24 MR. LOPEZ: -- that are required?

25 MR. IZQUIERDO: Yes.

1 They're -- they're two units that are going
2 to have each two spaces and they're going to be
3 in tandem. And then the other unit has the two
4 spaces that are separate.

5 But there are a total of six parking spaces
6 and it's exactly what the Zoning Ordinance calls
7 for.

8 MR. LOPEZ: Mr. Izquierdo, in terms of the
9 neighborhood where these -- where you -- we are
10 proposing this project, can you describe what's
11 in the -- in the area in terms of other
12 structures and the height.

13 We have some photographs.

14 MR. IZQUIERDO: Forty-first, between
15 Kennedy and -- and Bergenline, is like prime
16 Union City. You have all sorts of mixed uses
17 there.

18 You have -- you have doctors' offices; you
19 have residential; you have --

20 This is a three over one. This is a --
21 similar to what we're doing. It's just I feel
22 that as an architect our house is a little nicer
23 than this.

24 MR. CHEWCASKIE: Um-hum.

25 MR. LOPEZ: But --

1 MR. IZQUIERDO: I -- I do.

2 MR. LOPEZ: But this is, basically, one
3 lot --

4 MR. IZQUIERDO: That's the size. Yeah.
5 And that's the house we need to demolish. That's
6 the unsafe structure.

7 MR. LOPEZ: And across the street we also
8 have several --

9 MR. IZQUIERDO: Yes.

10 MR. LOPEZ: -- tall buildings.

11 MR. IZQUIERDO: Yes.

12 MR. LOPEZ: Isn't that correct?

13 MR. IZQUIERDO: Yeah.

14 All of that --

15 MR. LOPEZ: So --

16 MR. IZQUIERDO: -- all of that is really
17 building up.

18 MR. LOPEZ: -- the -- the block is -- is a
19 mixture of --

20 MR. IZQUIERDO: Residential --

21 MR. LOPEZ: -- two --

22 MR. IZQUIERDO: -- and professional.

23 MR. LOPEZ: -- two-family and three-family
24 structures, as well as multiple dwellings?

25 MR. IZQUIERDO: Yeah.

1 MR. LOPEZ: Okay.

2 I have nothing else; unless the Board has
3 questions of -- of our expert.

4 MR. CHEWCASKIE: Just for the record, we'll
5 mark Mr. Izquierdo's drawings, which were dated
6 October 12, 2020, consisting of three sheets, as
7 A-1.

8
9 (Whereupon, Drawings, Dated 10/12/20, (3
10 pages), was received and marked as Exhibit A-1.)
11

12 CHAIRPERSON CAPIZZI: The front of the
13 building, that's brick --

14 MR. LOPEZ: Oh, I'm -- sorry.

15 CHAIRPERSON CAPIZZI: -- I guess.

16 MR. LOPEZ: We didn't go --

17 CHAIRPERSON CAPIZZI: Yeah. That's okay.

18 MR. LOPEZ: -- into that.

19 CHAIRPERSON CAPIZZI: Okay.

20 MR. LOPEZ: We got off-track.

21 CHAIRPERSON CAPIZZI: Yup.

22 MR. LOPEZ: Please --

23 CHAIRPERSON CAPIZZI: Okay.

24 MR. LOPEZ: -- describe what we are
25 proposing in terms of the front of the building

1 for --

2 MR. IZQUIERDO: Yeah. The -- the rendering
3 was so nice. The owner had really done such a
4 nice job on the rendering.

5 It's -- it's -- actually, the whole front
6 of the building is going to be all brick. But
7 you're going to have soldier courses that are
8 going to separate every floor.

9 One of the things that -- in the ordinance
10 in Union City, and I find that to be very
11 creative, at least from the limited standpoint
12 that my opinion may be count, is that Union City
13 requires the buildings to be cutdown in terms of
14 the scale so that everything looks within scale.

15 So that you don't have something like, for
16 instance, the Meridia in West New York, which is
17 the worst building that I have seen in my life
18 because it has no scale. There's no relation to
19 -- to anything.

20 So what happens is we're breaking down the
21 volume. And Union City, when you see it all --
22 it's all beginning to fit very nice.

23 So, basically, we'll soldier courses
24 between brick. It's all brick. And then we have
25 with the two --

1 MS. DILLON: Can you slow down --

2 MR. IZQUIERDO: -- the -- the roof goes --

3 MS. DILLON: -- just for the record, --

4 MR. IZQUIERDO: -- like that, the --

5 MS. DILLON: -- Mr. Izquierdo.

6 MR. LOPEZ: Slow down, Jose.

7 MS. DILLON: Slow down just a bit.

8 Thank you.

9 MR. IZQUIERDO: Yeah, so as the roofs go
10 like that, the -- (indiscernible) -- go together,
11 those two center towers are all going to be a
12 different sort of brick, like more of a stone
13 sort of brick.

14 And it's going to have the soldier courses
15 that it's going to really identify the vehicular
16 level and then the three levels up on top that
17 have the nice French balcony in the front.

18 MR. LOPEZ: And, Mr. Izquierdo, please
19 describe the immediate entrance.

20 You are proposing -- there appears to be a
21 -- a small roof covering -- covering the --

22 MR. IZQUIERDO: Yeah, it's a little --

23 MR. LOPEZ: -- entry doors.

24 MR. IZQUIERDO: Yeah, it's a little
25 portico. Just a little portico that just has two

1 columns.

2 It's totally separated from the structure
3 but it's -- so that when you open to door, you're
4 not right -- right in the middle of the -- of the
5 rain.

6 So there's like a little bit -- just like a
7 two foot -- just like a rain cover.

8 MR. LOPEZ: And -- and this portico is what
9 you took into consideration when you testified as
10 to --

11 MR. IZQUIERDO: No, that's within the two
12 feet.

13 MR. LOPEZ: -- the setback?

14 MR. IZQUIERDO: No, that's within the two
15 feet. That's just -- I just have a portico now.

16 MR. LOPEZ: Okay.

17 All right.

18 Nothing else, Madam Chairwoman.

19 CHAIRPERSON CAPIZZI: And the garbage?
20 Where is the -- the -- where does the garbage go?

21 MR. IZQUIERDO: I think these -- these
22 apartments are all going to be sold as -- as
23 condominium units. Or they may be rentals. I
24 don't know.

25 But every apartment has to store its own

1 | garbage and then take it out into the front of
2 | the building.

3 | We can have a space in the -- in the ground
4 | floor, if you want, for some -- for --

5 | Oh, actually, I have a space in the back
6 | for garbage. You see a closet in the back; next
7 | to the mechanical room, units on the ground floor
8 | we have a closet.

9 | So we can store the -- the -- the garbage
10 | there.

11 | CHAIRPERSON CAPIZZI: Oh, okay. The
12 | mechanical --

13 | I see.

14 | MR. LOPEZ: You do have garbage there.

15 | MR. IZQUIERDO: Here.

16 | CHAIRPERSON CAPIZZI: The garbage. I see.
17 | Garbage --

18 | MR. LOPEZ: Yeah, in the --

19 | CHAIRPERSON CAPIZZI: -- and recycling.

20 | MR. LOPEZ: -- in the very rear of the
21 | property.

22 | CHAIRPERSON CAPIZZI: I see it.

23 | VICE CHAIRPERSON VELAZQUEZ: So these
24 | overhangs is really more for the closets?

25 | MR. LOPEZ: It's just to create some

1 useable space, I believe, Mr. Izquierdo, in an
2 area that would otherwise be lost?

3 And it doesn't really interfere, based on
4 the testimony. It's on the other side of the
5 property from the -- from the egress. It's even
6 one floor up.

7 So it's nothing on the bottom floor. The
8 bottom floor is a -- a straight rectangle to the
9 back. And it's a good way to use the space
10 within the building.

11 MR. IZQUIERDO: Yeah, so the -- so the 11
12 inch cantilevers, what happens is --

13 I have been an architect in Union City for
14 37 years. And every -- every time that there's a
15 project presented, there's always a -- a -- a
16 very extreme need of -- of the use of space
17 because the space in here in Union City's so
18 limited.

19 So in that corridor, if I can just
20 cantilever those 11 inches, -- which I'm also
21 cantilevering on the other side as well to
22 balance it out, those 11 inches, it allows me
23 that corridor to be a usable space. So that
24 people can store all the things that they need
25 because, otherwise, where are they going to store

1 | them?

2 | That's all.

3 | VICE CHAIRPERSON VELAZQUEZ: Because I've
4 | -- I've seen with the Building Department with a
5 | lot of overhangs.

6 | MR. IZQUIERDO: Oh, those are non-
7 | combustibles. Those -- those cantilevers have to
8 | be non-combustible projections.

9 | They have to be built out of steel, steel
10 | studs, and all non-combustible. They cannot be
11 | combustible projections. That's a section of the
12 | Code. I've gone over that with Sal on several
13 | occasions already.

14 | VICE CHAIRPERSON VELAZQUEZ: Yeah, he's --
15 | he's the notorious one that stops everything.

16 | MR. IZQUIERDO: Excuse me?

17 | VICE CHAIRPERSON VELAZQUEZ: He's the
18 | notorious one that stops everything.

19 | MR. IZQUIERDO: Yeah.

20 | He's very good.

21 | MR. GUARENO: Regarding that -- that
22 | overhang --

23 | MR. LOPEZ: That's also why we're
24 | addressing it here because if -- if we don't put
25 | it into -- into the -- into the application, we

1 | would only be coming back after Sal would refuse
2 | to approve the building plan.

3 | So we want to get everything in today and
4 | not have to come back before -- before the Board
5 | again.

6 | VICE CHAIRPERSON VELAZQUEZ: It's a -- it's
7 | a beautiful project.

8 | But can't -- is there anything that could
9 | be done like with the overhangs? Like not have
10 | them?

11 | MR. IZQUIERDO: No, you can -- you -- you
12 | lose the closets. If you don't have the
13 | overhangs, you lose the closets. Because you
14 | really don't want to have small bedrooms.

15 | You want to have each one of those bedrooms
16 | to be adequate for everybody that's going to live
17 | there and then the nice comfortable --

18 | If you don't have those 11 --

19 | The project will continue. I mean there's
20 | -- there's nothing that prevents the building
21 | from being built, so I cannot tell the Board that
22 | I have a hardship.

23 | I just think that if -- if -- if those
24 | residents have that 11 inches, plus the other
25 | eight, you have cabinets that gives use to that

1 | corridor.

2 | Plus also, visually, then you can continue
3 | the cabinetry throughout the kitchen, all
4 | throughout the corridor and with the window --
5 | with the door trim and everything and it's going
6 | to be beautiful.

7 | MR. LOPEZ: One of the things --

8 | MR. IZQUIERDO: Really beautiful.

9 | MR. LOPEZ: -- the client is considering,
10 | it gives the -- it gives the owner of the unit
11 | the possibility of not only creating closet but
12 | creating built-ins in that area at -- at the
13 | owner's option.

14 | It's not a requirement. It's certainly up
15 | to this Board. It's a variance. And by
16 | eliminating it, there would be zero variances.
17 | That is the only minor variance that we are
18 | suggesting for the reasons testified to. But
19 | it's up to the Board.

20 | VICE CHAIRPERSON VELAZQUEZ: I think it's a
21 | beautiful property.

22 | It's just with the overhangs, -- I've --
23 | I've seen it around after -- after approval then
24 | some of them just does not just sit well after-
25 | the-fact when they're built and all that and

1 causes problems.

2 This is, like I said, a beautiful project;
3 with the overhangs eliminated, I -- I think it
4 would be better.

5 MR. IZQUIERDO: If you eliminate the
6 overhangs, the -- the design is -- the -- the
7 design is really going to suffer.

8 You're going to have smaller bedrooms.
9 You're going to have smaller everything. Even --
10 even other architects that have done this -- this
11 building --

12 Because when you end up leaving two feet
13 here and three feet one inch here, it satisfies
14 everything that the ground floor needs to be.

15 But when you go to the upper floors, that
16 you don't need that space, because it's just
17 empty space; it's not affecting anybody. It's
18 not, you know, overhanging to anybody's property.

19 But then when you -- you do lose the 11
20 inches on this side and the 11 inches on that
21 side, --

22 MR. LOPEZ: And -- and, Mr. Velaz--

23 MR. IZQUIERDO: -- it's not such a
24 beautiful project anymore. It loses.

25 MR. LOPEZ: And please consider, Mr.

1 Velazquez, it's -- it's only eight inches and it
2 almost breaks --

3 MR. IZQUIERDO: Eleven.

4 MR. LOPEZ: -- up the --

5 I'm sorry.

6 It's only 11 inches and it also breaks up
7 what would otherwise be just a monotonous side --

8 MR. IZQUIERDO: Oh, it's not -- it's not
9 continuous. It's not --

10 What -- what I don't want to have is just a
11 wall. A 40 foot high wall just straight into the
12 sky with nothing.

13 So then this one on the second floor
14 cantilevers 11 inches. And then when this goes
15 back, this one cantilevers 11 inches.

16 So it's almost like a sawtooth but it allow
17 -- it allows me for the creation of 15 closets.

18 MR. GUARENO: I have a question if I may?

19 You -- you're telling me that this is the
20 -- the overhang is going to be 11 inches?

21 MR. IZQUIERDO: Yeah. Well, I have 11
22 inches on one side; 11 inches on the other side.
23 Yes.

24 MR. GUARENO: I'll look at that one in a
25 minute.

1 But yet on the drawing here it says 16
2 inches. The cabinet for the linen -- the
3 bedrooms and the cabinets for the utility.

4 MR. LOPEZ: That's on the --

5 MR. IZQUIERDO: No.

6 MR. LOPEZ: -- on the inside.

7 MR. IZQUIERDO: No. No.

8 Because you have 11 inches that I'm gaining
9 from the overhang and then five inches that I
10 gain from having the corridor three feet eight
11 and not three feet three.

12 So, in reality, by cantilevering the 11 --

13 I need actually like 18 or 16 for the
14 cabinet. I cannot give you a cabinet like this.
15 I have to give you a cabinet so that you can put
16 towels and bedsheets and everything.

17 So, the 11 inches completes the five inches
18 that I already have from the -- from the overly
19 wide corridor that I have at 44 inches and not at
20 37.

21 MR. GUARENO: My other question is, if I'm
22 looking at 543 from the street and I'm facing it,
23 the cantilever's going to be on the right hand
24 side.

25 MR. IZQUIERDO: On both sides.

1 MR. GUARENO: Okay.

2 And for 545 it's going to be where?

3 MR. IZQUIERDO: On both sides also.

4 But the -- the walls that are blank to each
5 other that have no windows and where these --
6 these things are occurring, are facing each
7 other. Nobody's going to see that.

8 MR. GUARENO: What about the 545, where's
9 the windows going to be?

10 MR. IZQUIERDO: On the right hand side.

11 MR. GUARENO: On the right hand side.

12 MR. IZQUIERDO: The windows on 545 are on
13 the right hand side.

14 MR. GUARENO: An you're going to have --

15 MR. IZQUIERDO: The windows on 543, on the
16 left hand side.

17 MR. GUARENO: And you're going to have a
18 cantilever there as well?

19 MR. IZQUIERDO: Yes.

20 MR. GUARENO: That's going to extend the 11
21 inches.

22 MR. IZQUIERDO: Eleven inches. Eleven
23 inches. In that case --

24 MR. GUARENO: That one I might have a
25 problem with because you have a property next to

1 it.

2 MR. IZQUIERDO: Yeah, but I'm going to be
3 25 inches away from the prop-- I don't need a
4 variance for that.

5 MR. GUARENO: You're going to be 25 inches
6 away from --

7 MR. IZQUIERDO: From the property line.

8 MR. GUARENO: -- to the right side of 545?

9 MR. IZQUIERDO: Exactly.

10 So where I have the --

11 MR. GUARENO: Even -- even after the -- the
12 cantilever?

13 MR. IZQUIERDO: Yes.

14 When I have 37 here and I cantilever 11, I
15 end up with 26, 25. It's -- it's on the other
16 side that I end up with 13. But it's with each
17 other.

18 With the other neighbors it's always going
19 to be no less than 25 inches away or 37 inches on
20 the ground floor.

21 MR. GUARENO: No questions.

22 VICE CHAIRPERSON VELAZQUEZ: I like the
23 project, just without overhang. I -- I
24 understand with the cabinets and --

25 I -- I don't know.

1 CHAIRPERSON CAPIZZI: So is there something
2 you could work out?

3 Is there -- is there a -- something that
4 you could -- some kind of compromise?

5 MR. IZQUIERDO: No. If I -- if -- if I
6 don't have that overhang, we're not going to have
7 those closets.

8 MR. LOPEZ: Right.

9 MR. IZQUIERDO: And then the house is just
10 going to be a square here and a square here.
11 That's all it's going to be.

12 MR. LOPEZ: We would still go forward with
13 it, obviously.

14 MR. IZQUIERDO: Oh, yeah.

15 MR. LOPEZ: But, again, the design would
16 really be affected by it. But, as I said before,
17 it's -- it's at the Board's option.

18 Mr. Izquierdo explained the positive
19 aspects of doing it in this manner but certainly
20 it's up to the Board if -- if the Board doesn't
21 feel that aesthetically if --

22 There's no practical reason not to do it
23 but if aesthetically --

24 MR. IZQUIERDO: You don't see it
25 aesthetically.

1 When you balance the criteria, the positive
2 and the negative criteria, these six residents
3 are going to have a much more comfortable -- in
4 terms they're going to have a lot more storage
5 space.

6 It's not that they're going to have less
7 bedrooms. It's not that it's going to be less
8 spacious, it's going to have less storage space
9 because then those cantilevers are going to be
10 in. Nobody's going to be effected either way.

11 But the -- the design will not be as nice
12 but we do whatever the Board says we have to do.

13 Not a problem.

14 MR. LOPEZ: It would be a long corridor
15 inside the apartment. This breaks it up and --
16 and is much more practical.

17 But, again, it's not going to stop the
18 project.

19 MR. IZQUIERDO: No.

20 MR. LOPEZ: It's the Board's decision.

21 CHAIRPERSON CAPIZZI: You want to take five
22 and then discuss it? Or what?

23 MR. CHEWCASKIE: All right, maybe you want
24 to hear from the public and then --

25 CHAIRPERSON CAPIZZI: Yeah, it's a good

1 idea.

2 MR. CHEWCASKIE: -- I'll have -- have a
3 suggestion.

4 CHAIRPERSON CAPIZZI: Good.

5 Are there any comments from the public;
6 question or comments?

7 No.

8 MR. CHEWCASKIE: Okay.

9 My suggestion is, is that you -- you have
10 the application.

11 It does have the -- the overhang for the
12 cabinets as discussed by Mr. Izquierdo. It's
13 taken in conjunction with the other property, so
14 we know that this overhang is going to face
15 whatever the development is.

16 From looking at the drawings and listening
17 to the presentation from Mr. Lopez and Mr.
18 Izquierdo, I -- I understand what they're saying
19 but there -- there is no in-between. It's either
20 yes or no.

21 So certainly the Board could approve the
22 application as submitted. It can approve it with
23 no variance for the -- for the overhangs, which
24 would require the -- the straight wall in that
25 location.

1 But I didn't hear anything in the testimony
2 that it -- this would impact health or safety
3 reasons, so.

4 And just -- just my suggestion to the
5 Board; the Board can certainly act as it deems
6 necessary.

7 With this I think you have to take it in
8 conjunction that, you know, what's -- what's the
9 impact on the adjoining property -- the adjoining
10 property is being developed by this -- by this
11 applicant.

12 But, again, I'll leave it to the Board to
13 make that determination; it's just the
14 observation based upon the testimony.

15 MR. IZQUIERDO: And that's a very good
16 point.

17 Because in this specific application it
18 gives the opportunity of doing this because one
19 application addresses the problems of the other.
20 And they're both taking care of each other; not
21 affecting the rest of the neighbors.

22 In another application where we would have
23 two neighbors, maybe this doesn't work. I don't
24 know.

25 MR. LOPEZ: And just one final point.

1 As Mr. Chewcaskie indicated, that's why
2 boards as these are here. You know the
3 neighborhoods. You know what the impact would
4 be. We could just explain why we think it's a
5 better design but, ultimately, it's up to you.

6 CHAIRPERSON CAPIZZI: Um-hum.

7 MR. IZQUIERDO: Correct.

8 MR. GUARENO: If I may, one more time?

9 For 545, that cantilever's going to be on
10 the right hand side.

11 MR. LOPEZ: Yes.

12 MR. GUARENO: You're going to have windows
13 there?

14 MR. IZQUIERDO: Yeah, we -- we don't have
15 any windows on the two houses facing each other.
16 We have windows 545, to the right, if I'm facing
17 the houses; and 543, to the left.

18 So on 543, I have three foot one inch where
19 all the windows are. And on -- and on 545, I
20 have three foot one inch where all the windows
21 are.

22 Okay?

23 In between the two houses, I have those
24 projections for the closets. For where I need a
25 variance, because I'm -- I'm cantilevering 11

1 | inches, I'm 13 inches away from the property
2 | line.

3 | So between one house and the other, between
4 | one projection and the other, you're going to
5 | have 13 plus 24, 37 inches. And on the other one
6 | you have 37 inches -- and on the other one you
7 | have 37 inches.

8 | Okay.

9 | Now, addressing the left hand side of 543
10 | where I have the windows, and the right hand side
11 | of 545 where I have the windows, all the windows
12 | are three feet one inch away from the property
13 | line.

14 | But the -- the -- there's -- there's also
15 | an 11 inch projection for the closets and for the
16 | kitchen but that is 25 inches away from the
17 | property line.

18 | VICE CHAIRPERSON VELAZQUEZ: And -- and the
19 | side, you said it's going to come out almost like
20 | a jigsaw all of it?

21 | MR. IZQUIERDO: Like a what?

22 | VICE CHAIRPERSON VELAZQUEZ: Like a jigsaw?

23 | MR. IZQUIERDO: No.

24 | Because what happens is since -- since both
25 | houses are going to be adjacent to each other and

1 | then we have the two feet here and two feet here,
2 | I'm not allowed to have windows there.

3 | MR. LOPEZ: No, no, --

4 | VICE CHAIRPERSON VELAZQUEZ: No, no, no, --

5 | MR. LOPEZ: -- Jose, he's asking --

6 | VICE CHAIRPERSON VELAZQUEZ: -- I'm talking
7 | about the overhang.

8 | MR. LOPEZ: -- if it -- it's going to be
9 | like a jigsaw, as opposed --

10 | VICE CHAIRPERSON VELAZQUEZ: You said.

11 | MR. LOPEZ: -- to straight.

12 | MR. IZQUIERDO: I know exactly -- I know
13 | exactly what he's saying.

14 | So -- so the idea that you have of the
15 | jigsaw, if it -- if I do exact mirror images and
16 | this closet is here and this closet is here,
17 | they're too close to each other in my opinion. I
18 | want them to be at least 37 inches away from each
19 | other.

20 | So when this one comes here, this one stays
21 | the same. And then this one projects out.

22 | So you have two closets here on 543 and you
23 | have three closets on 545.

24 | That's all.

25 | I think you see it on the -- on the --

1 MR. LOPEZ: In other words, Mr. Velazquez,
2 the -- the projections will not butt up against
3 each other; they are offset.

4 MR. IZQUIERDO: No. No.

5 And you can install the siding and you can
6 do maintenance and there's plenty of space around
7 the building. They're -- the -- it's not a
8 matter that I'm encroaching the buildings or
9 anything. I'm not -- no, not at all.

10 MR. CHEWCASKIE: So -- so the testimony is,
11 Mr. Izquierdo, there is similar treatment on the
12 other building but they are not directly across
13 from one another -- these closets?

14 MR. IZQUIERDO: No.

15 MR. CHEWCASKIE: They are offset so they're
16 not directly across?

17 MR. LOPEZ: Yes.

18 Say yes to him.

19 MR. IZQUIERDO: Yes.

20 CHAIRPERSON CAPIZZI: Okay?

21 Jose, are you okay with that?

22 MR. GUARENO: No, --

23 CHAIRPERSON CAPIZZI: No? Yes?

24 MR. GUARENO: No more questions.

25 CHAIRPERSON CAPIZZI: No more questions?

1 No one?

2 Okay.

3 I'll make a motion to approve the
4 application as presented.

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

7 VICE CHAIRPERSON VELAZQUEZ: Second.

8 THE SECRETARY: Seconded by Mr. Velazquez.

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

11 Ms. Capizzi?

12 CHAIRPERSON CAPIZZI: Yes.

13 THE SECRETARY: Ms. Genao?

14 MS. GENAO: Yes.

15 THE SECRETARY: Commissioner Celin
16 Valdivia?

17 COMMISSIONER VALDIVIA: Yes.

18 THE SECRETARY: Mr. Velazquez?

19 VICE CHAIRPERSON VELAZQUEZ: Yes.

20 THE SECRETARY: Mr. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Five in favor.

23 Motion carries.

24 MR. IZQUIERDO: Thank you so much.

25 MR. LOPEZ: Thank you.

1 CHAIRPERSON CAPIZZI: You're welcome.

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1 **545 41st Street UC Associates LLC -**

2 **545 41st Street:**

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4 MR. IZQUIERDO: Are doing 545?

5 THE SECRETARY: Application --

6 MR. IZQUIERDO: Or --

7 MR. CHEWCASKIE: Yes.

8 MR. IZQUIERDO: Okay.

9 MR. CHEWCASKIE: We -- we have to do the
10 next one.

11 And, as Mr. Lopez indicated, the notice was
12 the same for both. It incorporated both
13 properties. So the Board has jurisdiction to
14 hear the case.

15 THE SECRETARY: That's application number
16 7.

17 545 41st Street UC Associated LL-- LLC, 545
18 41st Street.

19 MR. CHEWCASKIE: The Board does have
20 jurisdiction to hear the case.

21 And, I guess, Mr. Izquierdo, we're just
22 going to have you identify the drawings and maybe
23 we can streamline this.

24 MR. IZQUIERDO: Very well.

25 MR. LOPEZ: The only thing I would --

1 Oh, sorry.

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

4 MS. DILLON: Carlos, do you have the next
5 one?

6 MR. CHEWCASKIE: And Mr. Lopez, I guess you
7 could enter your appearance on this one.

8 MR. LOPEZ: Yes, thank you, Mr.
9 Chewcaskie.

10 Adolfo Lopez, appearing on behalf of the
11 applicant for 545 41st Street.

12 Once again, Mr. Izquierdo is our proposed
13 expert.

14 And the one major difference that I would
15 point out to the Board here, this property is not
16 a vacant lot. It has a structure, which has been
17 deemed --

18 MR. IZQUIERDO: Unsafe.

19 MR. LOPEZ: -- an unsafe structure by the
20 Building Department. And it -- it has to be
21 demolished one way or the other.

22 And, other than that, I'd call Mr.
23 Izquierdo.

24 Mr. Izquierdo, please give us -- identify
25 the drawings please and give us an abbreviated

1 presentation, given that this is a -- pretty much
2 a -- a mirror image somewhat of the other house.

3 MS. DILLON: Excuse me.

4 Mr. Izquierdo continues under oath.

5 MR. LOPEZ: Yes. You're on the record
6 still.

7 MR. IZQUIERDO: I'm under -- under oath,
8 yes.

9 MS. DILLON: You -- you --

10 MR. LOPEZ: Under oath.

11 MS. DILLON: You continue under oath.

12 MR. IZQUIERDO: This is an application for
13 545 43rd (sic) Street in the City of Union City.

14 And this house for 545 -- this application
15 is being done cogently with 543 41st Street
16 because these two houses represent a common
17 scheme. They represent a -- a mirror image of
18 each other.

19 545 41st Street is a three-family over one
20 level of parking, allowing to have six parking
21 spaces and three three bedroom units up on top on
22 the second, third, and fourth floors.

23 With unit number one, on the second floor,
24 being 1470 square feet; and units two and three
25 on the third and fourth floor, being 1570 square

1 feet.

2 The house conforms in every sense with the
3 Zoning Ordinance, was newly elected in -- in July
4 of 2019.

5 It's a 25 by 102 foot piece of property.
6 And the building is exactly 19 feet 11 by 95 feet
7 two.

8 There's only one variance that is
9 associated with the project, that is a 13 inch
10 setback on the eastern side of 545, which adjoins
11 543, so that closets can be created.

12 Nine closets will be created in 545 -- nine
13 closets or -- or storage areas on 545; six were
14 created in 543.

15 MR. LOPEZ: And, Mr. Izquierdo, in terms of
16 the square footage of the units and the layout of
17 the units, is it fair to say that these -- these
18 dimensions on -- on 545 are just the same as the
19 ones that you just testified to as being built
20 for 543, the project that was just approved?

21 MR. IZQUIERDO: Yes.

22 MR. LOPEZ: Okay.

23 Any other variations in the structure?

24 MR. IZQUIERDO: No. Other than we have an
25 -- we have an existing house that we have to

1 demolish.

2 MR. LOPEZ: Correct.

3 MR. IZQUIERDO: Other than that we don't
4 have a vacant lot.

5 But it's exactly the same. It's -- it's 54
6 inches in -- in the -- in the back. I have the
7 garbage in the back. And these two houses are
8 going to live with each other.

9 MR. LOPEZ: As well as the secondary means
10 of egress --

11 MR. IZQUIERDO: Yes.

12 MR. LOPEZ: -- from the back?

13 MR. IZQUIERDO: Yes.

14 MR. LOPEZ: And in this case they -- the
15 egress is on the right side of the house as you
16 face it.

17 MR. IZQUIERDO: On the west.

18 MR. LOPEZ: Is that correct?

19 MR. IZQUIERDO: On the -- on the side
20 closest to Kennedy Boulevard, --

21 MR. LOPEZ: Correct.

22 MR. IZQUIERDO: -- yes.

23 MR. LOPEZ: And -- and, as indicated
24 earlier, the project is identical to 543, --

25 MR. IZQUIERDO: Identical.

1 MR. LOPEZ: -- as presented?

2 MR. IZQUIERDO: And we're -- we're leaving
3 the three feet and the -- and the bigger setback
4 with the neighbors at either side.

5 MR. LOPEZ: Okay.

6 Unless there are any questions, as
7 indicated we want to keep it as brief as
8 possible.

9 MR. CHEWCASKIE: Just so that we are clear,
10 the one on the right has three fingers coming
11 out; the one on the left has the two fingers
12 coming out and they are offset for the --

13 And both of them are -- both houses will
14 have 11 inch cantilever?

15 MR. IZQUIERDO: Yes.

16 MR. GUARENO: And what is the space in
17 between both of them again at ground level?

18 MR. IZQUIERDO: The worst condition would
19 be 37 inches.

20 MR. GUARENO: At ground level.

21 MR. IZQUIERDO: No. At ground level you
22 have 48 inches between the two houses.

23 MR. GUARENO: Okay.

24 MR. IZQUIERDO: And then when you project,
25 you either have 48 inches or you have 48 minus

1 the 11, you have 37.

2 So whenever you have a projection, you
3 still have three feet one inch away from the
4 house.

5 So, it's good -- it's good for servicing
6 and all -- all that good stuff.

7 MR. LOPEZ: Mr. Chewcaskie, the only thing
8 I would ask, we would need two Resolutions, I
9 would imagine?

10 MR. CHEWCASKIE: Yes.

11 MR. LOPEZ: Okay.

12 MR. CHEWCASKIE: You -- you will get two
13 Resolutions so that there are no issues with the
14 Building Department.

15 If the Board is going to approve the
16 application, both Resolutions would require --

17 I think you did provide the survey. That
18 was by Caulfield.

19 MR. LOPEZ: We did provide surveys.

20 MR. CHEWCASKIE: So we have that Caulfield
21 survey. I would just request that there be
22 revised plans submitted to Mr. Vallejo --

23 MR. LOPEZ: Um-hum.

24 MR. CHEWCASKIE: -- to reflect the depth of
25 the property accordingly.

1 MR. LOPEZ: We have those tonight, if -- if
2 the Board approves it.

3 MR. CHEWCASKIE: If you -- you can --

4 MR. LOPEZ: Yeah.

5 MR. CHEWCASKIE: -- give them to Mr. --

6 MR. IZQUIERDO: No but you -- but you --
7 you -- how many sets do you want?

8 You want --

9 MR. LOPEZ: You want the full --

10 MR. IZQUIERDO: No, I -- no, don't submit
11 those. I'm going to -- I'm going to take care of
12 everything.

13 THE SECRETARY: Revise? Six is good
14 enough.

15 MR. LOPEZ: Six?

16 MR. CHEWCASKIE: Yeah.

17 MR. IZQUIERDO: Six? No, no, no.

18 MR. LOPEZ: Okay.

19 MR. CHEWCASKIE: Whatever. Whatever.

20 MR. LOPEZ: Okay.

21 CHAIRPERSON CAPIZZI: Anybody have any
22 questions?

23 MR. IZQUIERDO: Six of each.

24 THE SECRETARY: Yeah.

25 MR. CHEWCASKIE: I think we need public.

1 THE SECRETARY: Saving -- saving paper and
2 trees.

3 MR. IZQUIERDO: I know. Paperwork
4 reduction notice.

5 CHAIRPERSON CAPIZZI: Does anyone in the
6 public have any questions or comments?

7 Any Board member?

8 Okay.

9 Seeing none.

10 I'll make a motion to approve the
11 application.

12 THE SECRETARY: Motion on the table to
13 approve the application by Ms. Capizzi.

14 VICE CHAIRPERSON VELAZQUEZ: Second.

15 THE SECRETARY: Seconded by Mr. Velazquez.

16 Roll call on the motion to approve this
17 application.

18 Ms. Capizzi?

19 CHAIRPERSON CAPIZZI: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Commissioner Celin
23 Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 THE SECRETARY: Mr. Velazquez?

1 VICE CHAIRPERSON VELAZQUEZ: Yes.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

6 MR. LOPEZ: Thank you so much.

7 MR. IZQUIERDO: Thank you so much.

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

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1 **3605 Bergenline LLC - 3605 Bergenline Avenue:**

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3 THE SECRETARY: Next application on
4 tonight's agenda, 3605 Bergenline Avenue LLC,
5 3605 Bergenline Avenue.

6 Mr. Lopez, please?

7 MR. LOPEZ: Thank you.

8 Adolfo Lopez, appearing on behalf of the
9 applicant for 3605 Bergenline Avenue.

10 MR. CHEWCASKIE: I had the opportunity to
11 review Mr. Lopez's notice and the publication;
12 same is acceptable.

13 Excuse me.

14 And the Board has jurisdiction to hear the
15 application.

16 CHAIRPERSON CAPIZZI: Thank you.

17 THE SECRETARY: Go ahead, Mr. Lopez.

18 MR. LOPEZ: Go ahead?

19 Thank you.

20 Madam Chairwoman, members of the Board,
21 this is an application to construct two
22 residential units on a second floor on Bergenline
23 Avenue above a commercial premises.

24 It is presently -- the ground floor, the
25 street level, is a store. The second floor has

1 | been vacant for years and years because there's
2 | just no market for second floor office space with
3 | no elevator. It's an older building. And, thus,
4 | our application.

5 | I have Mr. Alan Feld who's our expert this
6 | evening.

7 | And we'd ask that the Board accept him as
8 | an expert. Mr. Feld has testified many, many
9 | times and has been admitted as a -- as an
10 | architect expert previously.

11 | MS. DILLON: Mr. Feld, please raise your
12 | right hand.

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

15 | MR. FELD: I do.

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

18 | MR. FELD: Alan Feld.

19 | MS. DILLON: Thank you so much.

20 | MR. LOPEZ: And just one -- one small item
21 | that we'd like to clarify for the record.

22 | The site data description on the plan
23 | indicates a variance requirement for the two
24 | units on the second floor as a use variance;
25 | that's not correct. Second floor residential

1 units are permitted, obviously, on the second
2 floor in terms of use.

3 There are existing variances that we'll go
4 into as part of the application.

5 Mr. Feld, you're familiar with this site?

6 MR. FELD: Yes.

7 And is it fair to say that you prepared the
8 plans that have been submitted to this Board for
9 consideration?

10 MR. FELD: Yes, I have.

11 MR. LOPEZ: I indicated to the Board that
12 error; do agree that no use variance is required
13 in this case?

14 MR. FELD: That's correct.

15 MR. LOPEZ: All right.

16 Please describe the project that is being
17 proposed.

18 MR. FELD: Yes.

19 As described, this is a two-story building.
20 On the ground floor is an existing commercial
21 use, presently in use. And on the second floor
22 is -- were office spaces.

23 The lot is 20 foot four wide by 91 foot
24 deep.

25 And the second floor is a little smaller

1 | than the first floor. It's 24 foot wide by 65
2 | foot deep.

3 | We're not proposing any additions to the
4 | second floor. The size and the footprint would
5 | stay exactly the same.

6 | And we're taking the -- this unused
7 | commercial office space on the second floor and
8 | renovating and making alterations to convert it
9 | into two two bedroom dwelling units.

10 | There would be one dwelling unit facing
11 | Bergenline Avenue in the front and another
12 | dwelling unit facing the rear. Each would, as I
13 | said, would be a two bedroom, one bath, living
14 | room, kitchen space.

15 | MR. LOPEZ: Mr. Feld, the size of the
16 | proposed units, do they comply with the
17 | ordinance --

18 | MR. FELD: Yes.

19 | MR. LOPEZ: -- for two bedroom units?

20 | MR. FELD: Yes.

21 | MR. LOPEZ: I think your plans indicate
22 | that the front unit is 693 square feet and the
23 | rear unit 630 square feet.

24 | Is that correct?

25 | MR. FELD: That's correct.

1 MR. LOPEZ: And in terms of the -- what
2 are, in essence, the existing variance, -- not
3 being created by this project but which currently
4 exists on the site, can you please go over each
5 one of them?

6 MR. FELD: Yes.

7 MR. LOPEZ: The lot area, for example.

8 MR. FELD: These are -- these are bulk
9 areas having to do with the site itself.

10 The -- the lot area, the minimum required
11 is 2500 square feet. The existing is 2,184
12 square feet.

13 The lot width requires 25 feet. The
14 existing is 24 feet.

15 The lot depth requires a hundred feet.
16 What's provided is 91 feet deep.

17 And then, as far as the building, the rear
18 yard required is 20 feet. There is presently
19 zero rear yard; that's an existing condition.

20 MR. LOPEZ: And that's only on the ground
21 floor.

22 Correct?

23 MR. FELD: That's on the ground floor.
24 That's correct.

25 And the building coverage, the maximum

1 permitted is 80 percent. And the ground floor
2 covers is a hundred percent. And that's a
3 preexisting nonconforming condition.

4 MR. LOPEZ: Are you modifying the exit
5 stairway in any manner?

6 MR. FELD: No, this is the existing
7 staircase that was used for the offices.

8 MR. LOPEZ: Do you have anything additional
9 that you would like to present to this Board, Mr.
10 Feld?

11 MR. FELD: I -- I think that this would be
12 an appropriate use for this unused office space
13 and would be beneficial to the area to provide
14 foot traffic and people occupying the space.

15 MR. LOPEZ: In terms of parking, you are
16 familiar that the -- the ordinance on Bergenline
17 Avenue would exempt the parking requirement for
18 the first six units on -- on the second story.

19 Is that correct?

20 MR. FELD: That is correct.

21 MR. LOPEZ: So there's no parking that can
22 be accommodated by this property but can you
23 describe if there is parking in the area?

24 MR. FELD: There is municipal parking
25 nearby. I would also say that the residential

1 use would have less intensity than perhaps the
2 office spaces, which were there previously.
3 There may have been more employees there than the
4 residential uses, which is -- are proposed.

5 MR. LOPEZ: I have nothing else, Madam
6 Chairwoman.

7 CHAIRPERSON CAPIZZI: I -- I just don't --
8 could you just explain how people living there
9 would have less of an impact than people that
10 work there and maybe take their car home?

11 MR. FELD: No, I just said that it might be
12 -- if there's two dwelling units, there might be
13 two cars. Whereas the employees using the office
14 space, there may be six or seven or eight people
15 going to that office space --

16 CHAIRPERSON CAPIZZI: But leaving at --

17 MR. FELD: -- and, therefore, --

18 CHAIRPERSON CAPIZZI: -- four o'clock or
19 five o'clock.

20 MR. FELD: No but during the day or just --

21 I -- I don't know who was there before.

22 I'm just --

23 MR. LOPEZ: I would remind the Board that a
24 half a block from this location we have a brand
25 new parking deck and expanded parking facilities

1 on 35th and 36th, as well as the previously
2 existing deck on 38th and 39th. So, -- as well as
3 a lot of public transportation given the
4 location.

5 VICE CHAIRPERSON VELAZQUEZ: The minimum
6 size in the -- the two bedrooms, which is 750
7 square feet, that should be under the -- under
8 the ordinance?

9 MR. LOPEZ: Is it?

10 We have to do these as one bedrooms.

11 VICE CHAIRPERSON VELAZQUEZ: They're two
12 bedroom? It doesn't comply?

13 MR. FELD: Is that the requirement? I
14 don't know.

15 MR. LOPEZ: I don't know.

16 MR. PRICE: Seven fifty.

17 MR. LOPEZ: Seven fifty on two bedroom.

18 So, you would -- the option would be a
19 larger one bedroom unit in order to comply.

20 VICE CHAIRPERSON VELAZQUEZ: I'm just --
21 for somebody that -- I -- I probably live on
22 Bergenline Avenue walking up and down. And in
23 this area, just not used to seeing like a
24 residential unit. If we saw like --

25 CHAIRPERSON CAPIZZI: I agree.

1 VICE CHAIRPERSON VELAZQUEZ: You look at
2 Bergenline, you really don't phantom (sic) that
3 for some reason but this project.

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

6 MR. LOPEZ: The applicant would -- the
7 applicant would like to revise it to make them
8 one bedroom apartments, rather than two bedrooms.

9 So, we would -- in order to comply with the
10 density aspect of it, so we would conclude our
11 presentation and -- and submit revised drawings
12 or come back with the revised drawings. Whatever
13 the Board indicates to us.

14 CHAIRPERSON CAPIZZI: Probably better to
15 come back with the revised?

16 MR. CHEWCASKIE: Yeah. I --

17 CHAIRPERSON CAPIZZI: Come back.

18 MR. CHEWCASKIE: -- I think the Board would
19 want to see the -- the revised drawing, Mr.
20 Lopez. You know, --

21 MR. LOPEZ: Okay.

22 MR. CHEWCASKIE: -- I -- I don't want them
23 to assume what it will look like.

24 MR. LOPEZ: Absolutely.

25 MR. CHEWCASKIE: But if my recollection of

1 the drawing was --

2 And I guess, just for the record, we'll
3 mark the one sheet drawing as A-1.

4 -- there was a 693 and a 630 were the sizes
5 of the two units.

6 So those will be converted to one bedroom.

7 We'll -- we can certainly carry this
8 application to March 23rd for the submission of
9 revised drawings and action by the Board.

10

11 (Whereupon, Drawings, (1 page), was
12 received and marked as Exhibit A-1.)

13

14 MR. LOPEZ: Okay. Very good.

15 These -- the square footage is marked on
16 these units. So we can compare it to the revised
17 drawings that will be submitted.

18 MR. CHEWCASKIE: All right, I --

19 CHAIRPERSON CAPIZZI: So --

20 MR. CHEWCASKIE: -- guess it would be
21 appropriate to move to carry the application for
22 the submission of revised drawings as just
23 discussed.

24 CHAIRPERSON CAPIZZI: I'll make a motion.

25 THE SECRETARY: Motion to carry over this

1 application to March 23rd, 2021, no new -- new --
2 no new notice required.

3 And also revised plans required.

4 Motion on the table by Ms. -- Ms. Capizzi.

5 CHAIRPERSON CAPIZZI: Yes.

6 MS. GENAO: I second.

7 THE SECRETARY: Seconded by Ms. Genao.

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

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Commissioner Celin
15 Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 THE SECRETARY: Mr. Velazquez?

18 VICE CHAIRPERSON VELAZQUEZ: Yes.

19 THE SECRETARY: Mr. Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Five in favor.

22 Motion carries.

23 MR. LOPEZ: Thank you.

24 Thank you so much.

25 CHAIRPERSON CAPIZZI: Thank you.

1 MR. CHEWCASKIE: Good night.

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1 **RESOLUTIONS:**

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3 **Ronmar Realty, LLC -**

4 **121 34th Street & 116-120 Peter Street:**

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6 MR. CHEWCASKIE: The Board also has three
7 Resolutions from the January meeting.

8 The first is Ronmar Realty.

9 This is the property located at 121 34th
10 Street and 116 to 120 Peter Street. The
11 applicant came forward for a rooftop deck.

12 The conditions were that comply with
13 previous conditions of the original approval and
14 that the applicant shall impose an operating time
15 for the use of the rooftop deck in order to
16 minimize any noise issues.

17 The applicant will adjust the operating
18 time if requested by the City.

19 So, we would need a motion --

20 CHAIRPERSON CAPIZZI: I make a motion.

21 THE SECRETARY: Motion to adopt the
22 Resolution for Ronmar Realty, LLC, 121 34th Street
23 and 116-120 Peter Street.

24 Motion by Ms. Capizzi.

25 VICE CHAIRPERSON VELAZQUEZ: Second.

1 THE SECRETARY: Seconded by Mr. Velazquez.

2 Roll call on the motion.

3 Ms. Capizzi?

4 CHAIRPERSON CAPIZZI: Yes.

5 THE SECRETARY: Ms. Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: You was -- you -- you have
8 to abstain.

9 She was not present.

10 MR. CHEWCASKIE: Yeah, the --

11 MS. GENAO: Oh.

12 Abstain.

13 MR. CHEWCASKIE: -- the -- the three that
14 are -- Ms. Capizzi, Mr. Velazquez, Mr. Guareno
15 are --

16 THE SECRETARY: Was present --

17 MR. CHEWCASKIE: -- can vote on the
18 Resolutions.

19 THE SECRETARY: -- at the previous meeting.
20 Commissioner Celin Valdivia?

21 COMMISSIONER VALDIVIA: Abstain.

22 THE SECRETARY: Mr. Velazquez?

23 VICE CHAIRPERSON VELAZQUEZ: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Three in favor.
2 Two abstained.
3 Motion carries.

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1 **RESOLUTIONS:**

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3 **321 23rd Street Associates LLC -**

4 **319-321 23rd Street:**

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6 MR. CHEWCASKIE: The next Resolution was
7 321 23rd Street Associates.

8 This was for a subdivision of a property
9 where a single family dwelling would remain and a
10 new lot was proposed with no proposed
11 development.

12 Board determined that based upon the
13 existing conditions of the property, the lack of
14 parking, and the creation or exacerbation of
15 variances, to deny the application.

16 So we would need a motion on that.

17 CHAIRPERSON CAPIZZI: I'll make a motion.

18 THE SECRETARY: Motion by Ms. Capizzi.

19 Seconded by?

20 VICE CHAIRPERSON VELAZQUEZ: Second.

21 THE SECRETARY: Seconded by Mr. Velazquez.

22 MR. CHEWCASKIE: Yes.

23 THE SECRETARY: Roll call on the motion to
24 memorialize this Resolution.

25 Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Genao?

3 MS. GENAO: Abstain.

4 THE SECRETARY: Commissioner Celin
5 Valdivia?

6 COMMISSIONER VALDIVIA: Abstain.

7 THE SECRETARY: Mr. Velazquez?

8 VICE CHAIRPERSON VELAZQUEZ: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Abstain.

11 MR. CHEWCASKIE: All right.

12 THE SECRETARY: Two in favor.

13 MR. CHEWCASKIE: Okay.

14 There -- there's sufficient votes for the
15 motion to carry. We do have a quorum.

16 Mr. Guareno had to abstain because he
17 participated in the hearing as a member of the
18 public.

19 But there are sufficient votes to pass the
20 Resolution.

21 THE SECRETARY: Two in favor.

22 Three abstained.

23 Motion -- motion carries.

24 * * *

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1 **RESOLUTIONS:**

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3 **Way to Win, LLC -**

4 **1802 Kerrigan Avenue:**

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6 MR. CHEWCASKIE: And the last Resolution
7 was Way to Win, LLC, 1802 Kerrigan Avenue.

8 And this was for the legalization, creation
9 of a three bedroom apartment --

10 I'm sorry.

11 -- a two bedroom apartment in the basement.

12 And the conditions were to be the current
13 plans and renderings and the exhibit that we
14 attached for building compliance.

15 Those of you that will remember, when we
16 were going through this, this was the confusion,
17 how you get in and out of the building but we
18 straightened that out.

19 CHAIRPERSON CAPIZZI: Um-hum.

20 I'll make a motion.

21 THE SECRETARY: Motion to memorialize the
22 Resolution by Ms. Capizzi.

23 MR. GUARENO: Second.

24 VICE CHAIRPERSON VELAZQUEZ: Second.

25 THE SECRETARY: Seconded by Mr. Guareno.

1 Roll call on the motion.

2 Ms. Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Abstain.

6 THE SECRETARY: Commissioner Celin
7 Valdivia?

8 COMMISSIONER VALDIVIA: Abstain.

9 THE SECRETARY: Mr. Velazquez?

10 VICE CHAIRPERSON VELAZQUEZ: Yes.

11 THE SECRETARY: Mr. Guareno?

12 MR. GUARENO: Yes.

13 THE SECRETARY: Three in favor.

14 Two abstained.

15 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 VICE CHAIRPERSON VELAZQUEZ: I make a
7 motion.

8 MR. GUARENO: Motion.

9 THE SECRETARY: Motion by Mr. Guareno.
10 Seconded by Ms. Capizzi.
11 All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

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

18 Have a good night, everyone.

19 CHAIRPERSON CAPIZZI: Good night.

20 MR. CHEWCASKIE: Good night.

21 MR. GUARENO: Good night.

22

23 (Whereupon, the proceedings were concluded
24 at 7:26 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, KAREN A. MARINO, 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, February 23, 2021 and digitally
10 recorded.

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25 Monitored by and proofread by: Deborah Dillon