

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
PLANNING BOARD

SPECIAL MEETING : TRANSCRIPT OF RECORDED  
:   
: PROCEEDINGS

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

Monday, May 17, 2021  
Commencing at 6:05 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. 1  
HECTOR OSEGUERA, JR., Alternate No. 2  
ALEJANDRO VELAZQUEZ, Vice Chairperson  
DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor  
CAROLINA FERNANDEZ  
ALICIA MOREJON  
FRANKLIN MEDINA  
JEANNE KOEHLER

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.

I N D E X

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| CALL TO ORDER                                                                                                         | 3           |
| SALUTE TO FLAG                                                                                                        | 3           |
| ROLL CALL                                                                                                             | 4           |
| ADOPTION OF MINUTES                                                                                                   | 6           |
| HEARING                                                                                                               |             |
| 1. To Review the Cannabis Ordinance and<br>Provide Recommendation to the City<br>of Union City Board of Commissioners | 8           |
| ADJOURNMENT                                                                                                           | 18          |

1 THE SECRETARY: May I have your attention  
2 please?

3 MS. DILLON: Oh, wait. Oh, I'm sorry.  
4 Okay.

5 On the record.

6 THE SECRETARY: Please take notice that on  
7 Monday, May 17, 2021, at six p.m., a Special  
8 Meeting is scheduled for the City of Union City  
9 Planning Board to be held in the Union City High  
10 School, 2500 John F. Kennedy Boulevard, Union  
11 City, New Jersey, to Review the Cannabis  
12 Ordinance and Provide Recommendation to the City  
13 of Union City Board of Commissioners.

14 Can everybody kindly rise to salute the  
15 flag please?

16

17 (Whereupon, the Pledge of Allegiance was  
18 said by all.)

19

20 THE SECRETARY: Thank you.

21 Opening statement.

22 This meeting is called in compliance with  
23 Chapter 231, Public Law 1975 of the Open Public  
24 Meeting Act.

25 Adequate notice of this meeting as been

1 provided as follow:

2 Notice of this meeting setting forth the  
3 time, date, location, and the agenda, to the  
4 extent known was forward to The Jersey Journal,  
5 The Record, and The Hudson Reporter, has been  
6 posted on the bulletin board of the City Hall,  
7 and has been made available -- available to the  
8 public in the Office of the Municipal Clerk.

9

10 **ROLL CALL:**

11

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

14 Mayor Brian P. Stack?

15 Absent.

16 THE SECRETARY: Miss Capizzi?

17 CHAIRPERSON CAPIZZI: Here.

18 THE SECRETARY: Mr. Velazquez?

19 VICE CHAIRPERSON VELAZQUEZ: Here.

20 THE SECRETARY: Commissioner Celin  
21 Valdivia?

22 COMMISSIONER VALDIVIA: Here.

23 THE SECRETARY: Miss Koehler is absent.

24 Miss Genao?

25 MS. GENAO: Here.

1 THE SECRETARY: Miss Fernandez is absent.

2 Mr. Medina is absent.

3 Miss Morejon is absent.

4 Mr. Guareno?

5 MR. GUARENO: Here.

6 THE SECRETARY: Mr. Oseguera?

7 MR. OSEGUERA: Here.

8 THE SECRETARY: Let the record indicate  
9 there are six present.

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1     **ADOPTION OF MINUTES:**

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3     ( 1) Special Meeting Held on May 3, 2021

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5             THE SECRETARY:   Adoption of Minutes.

6             A Special Meeting held May 3<sup>rd</sup>, 2021.

7             Can I have a motion?

8             CHAIRPERSON CAPIZZI:   I make a motion.

9             THE SECRETARY:   Motion by Ms. Capizzi.

10            MR. GUARENO:   Second.

11            VICE CHAIRPERSON VELAZQUEZ:   Second.

12            THE SECRETARY:   Seconded by Mr. Guareno.

13            Roll call on the motion.

14            Miss Capizzi?

15            CHAIRPERSON CAPIZZI:   Yes.

16            THE SECRETARY:   Mr. Velazquez?

17            VICE CHAIRPERSON VELAZQUEZ:   Yes.

18            THE SECRETARY:   Commissioner Valdivia?

19            COMMISSIONER VALDIVIA:   Yes.

20            THE SECRETARY:   Miss Genao?

21            MS. GENAO:   Yes.

22            THE SECRETARY:   Mr. Guareno?

23            MS. GUARENO:   Yes.

24            THE SECRETARY:   Mr. Oseguera?

25            MR. OSEGUERA:   Yes.

1 THE SECRETARY: Six in favor.

2 Motion carries.

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1     **HEARING:**

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3     ( 1)   To review the Cannabis Ordinance and  
4   Provide Recommendation to the City of Union City  
5   Board of Commissioners

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7           MR. CHEWCASKIE:   Okay.

8           All right, Board members, what you have in  
9   front of you this evening a referral from the  
10   Board of Commissioners to review what's been  
11   entitled an --

12          MS. DILLON:   Hold on, Mr. Chewcaskie, my  
13   system's frozen.

14          MR. CHEWCASKIE:   Okay.

15          MS. DILLON:   Just bear with me a second.  
16   Okay, we're going.

17          MR. CHEWCASKIE:   Okay.

18          What's in front of you this evening is a  
19   recommendation from the Board of Commissioners  
20   with respect to what's been entitled an Ordinance  
21   Amending Chapter 223 to Prohibit the Operation of  
22   Cannabis Establishments, Distributors, and  
23   Delivery Services Within the City of Union City  
24   and an Amendment to Section 50, Thereof.

25          Pursuant to the Municipal Land Use Law,



1 | there is a review and recommendation requirement  
2 | for any zoning ordinance, which this is, that a  
3 | governing body must refer to the Planning Board.

4 |         This Ordinance was introduced by the Board  
5 | of Commissioners and now it is in front of the  
6 | Planning Board for review and recommendation. It  
7 | is a required step pursuant to law.

8 |         The Planning Board does -- takes two  
9 | actions.

10 |         It reviews the Ordinance and makes a  
11 | recommendation as to whether the Ordinance is  
12 | consistent with the City's Master Plan.

13 |         There is no formal action, except the  
14 | direction to me to advise the Board of  
15 | Commissioners of the result.

16 |         The only participation this evening will be  
17 | by the Planning Board members. There is no  
18 | public participation because there will be a  
19 | public hearing on the Ordinance; and this is only  
20 | an action by the Planning Board.

21 |         So everyone has received a copy of the  
22 | Ordinance and it would be appropriate for that  
23 | review.

24 |         But beforehand, -- before any comments by  
25 | any Board members, I would just ask Mr. Spatz,

1 based upon his review, whether he finds the  
2 Ordinance consistent with the City's Master Plan.

3 MR. SPATZ: Yes.

4 We reviewed the Ordinance and we can state  
5 that -- that it is consistent with the Master  
6 Plan. There's nothing in the City's recently  
7 amended Master Plan and Reexamination Report,  
8 which would require the Board to take any other  
9 action and this Ordinance is consistent.

10 MR. CHEWCASKIE: Okay.

11 So what this Ordinance does, Board members,  
12 is it prohibits, as part of the Zoning Ordinance,  
13 any cannabis establishments within any zone in  
14 the City; except for authorized licensed medical  
15 facilities.

16 Now that does not preclude an operator from  
17 seeking a use variance. It's a statement by the  
18 Board of Commissioners that this will not be  
19 permitted by zoning.

20 Most towns that I have represented across  
21 the State, which would be in Bergen, Hudson,  
22 Essex, and Morris County, have adopted very  
23 similar ordinances to -- basically, to see what  
24 the next steps are and where appropriate  
25 locations would be.

1           The reason that this is in front of you  
2 this evening, that based upon the legislation,  
3 the municipality must take an action by August  
4 21<sup>st</sup> of this year or it is presumed that it would  
5 be permitted in the various zones.

6           So, manufacturing, warehousing would be  
7 permitted from your industrial zones; retail  
8 would be in your retail zones.

9           This Ordinance would preclude that.

10          So, unless there are -- it would be  
11 appropriate, Miss Capizzi, to open it for Board  
12 discussion, comments, or any questions that they  
13 may have of me or Mr. Spatz regarding the process  
14 or the Ordinance itself.

15          CHAIRPERSON CAPIZZI: Okay.

16          Go ahead.

17          COMMISSIONER VALDIVIA: Yes, can I ask  
18 counsel --

19          CHAIRPERSON CAPIZZI: Of course.

20          COMMISSIONER VALDIVIA: -- a question?

21          Being that I voted for this -- for the  
22 introduction at the Commissioners' meeting, is it  
23 appropriate for me to vote on it here?

24          MR. CHEWCASKIE: You can vote on it here,  
25 Commissioner, because you serve on this Board by

1 virtue of your office. And, therefore, you  
2 certainly can participate as a Board member.

3 COMMISSIONER VALDIVIA: Okay.

4 Thank you.

5 MR. CHEWCASKIE: Mr. Oseguera?

6 CHAIRPERSON CAPIZZI: Yes?

7 MR. OSEGUERA: So I reviewed the Ordinance  
8 a bit and, you know, I guess I'll probably be the  
9 dissenting view on the matter.

10 But I think going forward with a blanket  
11 prohibition, --

12 And this is not to say that I find the  
13 Ordinance inconsistent with the Master Plan, but  
14 to say that there was sort of an overwhelming  
15 public sentiment on this issue and there  
16 certainly wasn't a blanket prohibition.

17 I know from my conversations with the Mayor  
18 that the way that the City interacts with  
19 cannabis, normally, is through a public nuisance.

20 Somebody will call either the Police or the  
21 Mayor and say my neighbor is consuming cannabis,  
22 it's offensive to me and it's not something I  
23 like.

24 I think a blanket prohibition prevents the  
25 City of Union City from taking steps to mitigate

1 | this public nuisance.

2 |       What am I talking about?

3 |       I'm talking about establishments like  
4 | lounges, retail locations, where we could cordon  
5 | in the use of cannabis to certain spaces where it  
6 | would not be offensive to the public in general.

7 |       I know that there is certainly a division  
8 | in how people view the use of cannabis; probably  
9 | along generational lines.

10 |       And if the Board would sort of indulge me,  
11 | imagine that we're not in 2020 discussing  
12 | cannabis, but we're in 1920 discussing  
13 | prohibition and we're talking about an ordinance  
14 | to blanket prohibit the sale of alcohol in Union  
15 | City.

16 |       Fast-forward it to 2021, imagine that  
17 | that's the situation that we stand here today.

18 |       So, I would make -- if I could make any  
19 | recommendation, it would be to rethink the Class  
20 | 4 and Class 5 to maybe allow either the  
21 | distribution --

22 |       I understand we're a very densely populated  
23 | city; we could not accommodate a cultivator or  
24 | manufacturer, or probably not a wholesaler.

25 |       But, given the way that the City interacts

1 with cannabis, either as a crime or as a public  
2 nuisance, I think that a blanket prohibition  
3 certainly is not in the spirit of the vote that  
4 was just given and is not opening the doors to  
5 actually solve the problem of what we do with the  
6 consumption of cannabis.

7           You know, if we're being honest, at some  
8 point during this night somebody will have  
9 consumed cannabis somewhere in Union City. We  
10 have to be open to that reality and take steps,  
11 as a public board, to do things that make the  
12 quality of life for the residents of Union City  
13 better, not worse.

14           And so my recommendation would be sort of  
15 to see if there would be any possibility to  
16 rethink either Class 4 or Class 5 licenses. Or  
17 even Class 6, which for -- delivery, perhaps a  
18 definition would not be consumed or used in Union  
19 City.

20           MR. CHEWCASKIE: Just so that it's clear,  
21 those are points well -- well-made and well  
22 taken.

23           However, nothing will prohibit an  
24 individual from consuming the product in Union  
25 City, or would it prohibit a licensed delivery

1 service from delivering to Union City.

2 So it's not the use itself, it's permitting  
3 the establishments as classified under the  
4 statute.

5 MR. OSEGUERA: But -- but if I read it  
6 correctly, it would prohibit the establishment of  
7 one of these retail --

8 MR. CHEWCASKIE: Correct.

9 MR. OSEGUERA: -- in Union City, which I --  
10 which I think is still, --

11 MR. CHEWCASKIE: Correct.

12 MR. OSEGUERA: -- again, not in the spirit  
13 of the vote and not -- not the action that helps  
14 us take steps to prevent this in the future.

15 You know, going back to the prohibition  
16 analogy is if -- if we think about -- if we put  
17 this in alcohol a hundred years ago, I think that  
18 we would look at this very, very differently.

19 MR. CHEWCASKIE: I'm not disagreeing with  
20 any of your statements.

21 CHAIRPERSON CAPIZZI: Um-hum.

22 MR. CHEWCASKIE: But I wanted to make it  
23 clear, --

24 MR. OSEGUERA: Sure.

25 MR. CHEWCASKIE: -- that the statute allows

1 the use or the consum--

2 I shouldn't say the use.

3 -- the consumption of the product.

4 MR. OSEGUERA: Indeed.

5 Thank you.

6 CHAIRPERSON CAPIZZI: Anyone else?

7 Okay.

8 MR. CHEWCASKIE: All right.

9 If there are no further comments, Miss  
10 Capizzi, --

11 CHAIRPERSON CAPIZZI: Um-hum.

12 MR. CHEWCASKIE: -- I would suggest that  
13 someone make a motion that I be authorized to  
14 submit a letter that the Ordinance has been  
15 reviewed and that the Planning Board recommend  
16 adoption of it in its present form.

17 And that same is consistent with the City's  
18 Master Plan.

19 CHAIRPERSON CAPIZZI: I'll make the motion.

20 THE SECRETARY: Motion by Miss Capizzi to  
21 authorize --

22 MR. OSEGUERA: Second.

23 THE SECRETARY: -- the recommendation to  
24 the Board of Commissioners.

25 Seconded by Mr. Oseguera.



1 Roll call on the motion.

2 Miss Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 VICE CHAIRPERSON VELAZQUEZ: Yes.

6 THE SECRETARY: Commissioner Valdivia?

7 COMMISSIONER VALDIVIA: Yes.

8 THE SECRETARY: Miss Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Mr. Oseguera?

13 MR. OSEGUERA: Yes.

14 THE SECRETARY: Six in favor.

15 Motion carries.

16 MR. CHEWCASKIE: Okay.

17 As indicated, what I will do is tomorrow,  
18 based upon the action of the Board, I will be  
19 submitting a letter to the Board of Commissioners  
20 of this action.

21 That will be emailed to the City Clerk,  
22 Miss Knoedler.

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1   **ADJOURNMENT:**

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3           MR. CHEWCASKIE:   There being no other  
4 business, I guess it would be appropriate for a  
5 motion to adjourn.

6           CHAIRPERSON CAPIZZI:   Motion.

7           VICE CHAIRPERSON VELAZQUEZ:   Second.

8           MR. SPATZ:   To adjourn.

9           THE SECRETARY:   There being no other  
10 application on tonight's agenda, a motion to  
11 close the meeting by Miss Capizzi.

12           Seconded by Mr. Velazquez.

13           All in favor?

14

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

16

17           THE SECRETARY:   The ayes have it.

18           Thank you.

19           CHAIRPERSON CAPIZZI:   Thank you.

20           THE SECRETARY:   Let the record show that  
21 the meeting has ended.

22           Good night, everyone.

23           MR. SPATZ:   All right.

24           Good job.

25           All right.

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(Whereupon, the proceedings were concluded  
at 6:19 p.m.)

1 STATE OF NEW JERSEY :

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3 COUNTY OF ESSEX :

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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 SPECIAL  
8 MEETING of the UNION CITY PLANNING BOARD heard on  
9 Monday, May 17, 2021 and digitally recorded.

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25 Monitored by and proofread by: Deborah Dillon