

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
_____ :

Union City High School
Gymnasium
2500 Kennedy Boulevard
Union City, New Jersey

Tuesday, September 28, 2021
Commencing at 6:08 p.m.

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

CELIN VALDIVIA, Commissioner, (Arrived at 6:14 p.m.)
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
JOSE GUARENO, Alternate No. 1
HECTOR OSEGUERO, Alternate No. 2
ALEJANDRO VELAZQUEZ, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

CAROLINA FERNANDEZ
FRANKLIN MEDINA
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

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

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

ADOLFO L. LOPEZ, ESQ.,
Attorney for Juana De La Cruz

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 208 18th Street, LLC

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, Way to Win

BIANCA P. PEREIRAS, ESQ.,
Attorney for Applicant, 655 39th Street, LLC

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Juana De La Cruz
542 43rd Street

WITNESSPAGE

Orestes Valella

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I N D E X

655 39th Street, LLC
655 39th Street

WITNESSPAGE

Manuel Pereiras (Previously Sworn)

127

1 MS. DILLON: On the record.

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

4 Please take notice that on Tuesday,
5 September 28th, 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 is a meeting 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 follows:

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

22 Also, has been posted at the Union City
23 High School front entrance.

24 Before we call roll this evening, will
25 everybody kindly rise to salute the flag please?

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ROLL CALL:

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

THE SECRETARY: Thank you.

THE SECRETARY: Roll call for tonight's meeting.

Mayor Brian P. Stack?

Absent.

Miss Diane Capizzi?

CHAIRPERSON CAPIZZI: Here.

THE SECRETARY: Mr. Velazquez?

VICE CHAIRPERSON VELAZQUEZ: Here.

THE SECRETARY: Commissioner Valdivia is absent.

Miss Genao?

MS. GENAO: Yes.

THE SECRETARY: I just going to mention Miss Koehler, but she resigned, just for the record.

Miss Morejon?

MS. MOREJON: Yes.

1 THE SECRETARY: Carolina Fernandez is
2 absent.

3 Franklin Medina is absent.

4 Jose Guareno?

5 MR. GUARENO: Here.

6 THE SECRETARY: Hector Oseguera?

7 MR. OSEGUERA: Here.

8 THE SECRETARY: Let the record indicate
9 that six members present.

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1 **ADOPTION OF MINUTES:**

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3 Regular Meeting Held on July 27, 2021

4 Special Meeting Held on August 25, 2021

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6 THE SECRETARY: Adoption of Minutes.

7 Regular and a Special meeting held on July
8 27th, 2021 and August 25th, 2021.

9 Can I have a motion?

10 CHAIRPERSON CAPIZZI: Motion.

11 VICE CHAIRPERSON VELAZQUEZ: I make a
12 motion.

13 THE SECRETARY: Motion by Ms. Capizzi.

14 MS. MOREJON: Second.

15 THE SECRETARY: You cannot second.

16 You was absent, ma'am, on the --

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: -- on July --

19 MS. MOREJON: I was absent that day?

20 MS. GENAO: I second.

21 THE SECRETARY: You second, Miss -- Miss
22 Genao second.

23 MS. MOREJON: I wasn't absent on the last
24 meeting.

25 THE SECRETARY: Roll call on the motion.

1 Miss Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Mr. Velazquez?

4 VICE CHAIRPERSON VELAZQUEZ: Yes.

5 THE SECRETARY: Miss Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: Mr. Guareno?

8 MR. GUARENO: Yeah. Yes.

9 THE SECRETARY: Mr. Oseguera?

10 MR. OSEGUERA: Yes.

11 THE SECRETARY: Five in favor.

12 Motion carries.

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1 **Juana De La Cruz -**

2 **542 43rd Street:**

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4 THE SECRETARY: We are going to change a
5 little with tonight's agenda, the order.

6 We are going to move onto number 4, Juana
7 De La Cruz, 542 43rd Street.

8 Mr. Lopez, please?

9 MR. CHEWCASKIE: Thank you, Adolfo.

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

12 MR. CHEWCASKIE: Okay.

13 Can't talk.

14 I --

15 CHAIRPERSON CAPIZZI: Um-hum.

16 MR. CHEWCASKIE: I've had the opportunity
17 to review the affidavit of service and
18 publication provided by Mr. Lopez; the notice is
19 in order. The Board has jurisdiction to hear the
20 case.

21 CHAIRPERSON CAPIZZI: Good.

22 Perfect.

23 Thank you.

24 MR. LOPEZ: Thank you, Madam Chairwoman.

25 Madam Chairwoman, members of the Board, my

1 name is Adolfo Lopez.

2 I'm appearing on behalf of the applicant.

3 The project relates to the legalization of
4 an existing basement apartment at 542 43rd Street.

5 Just cut -- some slight clarification
6 before we begin.

7 I noticed the memo from Mr. Martinetti that
8 was submitted to the Board members, and there
9 seems to be a mistake on there.

10 I call the Board's attention to the -- to
11 the drawing or the diagram that appears as a part
12 of the tax records.

13 It is showing the property before it was
14 subdivided.

15 This is a property that fronts on one side
16 on Lincoln Street, and my client owns the part
17 that fronts on 43rd.

18 So, that diagram doesn't really show the
19 correct conditions of the property as they exist
20 today.

21 I think that's a 1973 assessment card for
22 the property.

23 But that's not correct. That's not what
24 the condition of the property is as of today.

25 This lot, I have a survey that was

1 submitted as part of my application.

2 And this is only the portion that fronts on
3 43rd Street.

4 So, I just wanted to clarify for the Board.

5

6 (Whereupon, Commissioner Celin J. Valdivia
7 arrived at 6:14 p.m.)

8

9 THE SECRETARY: All right.

10 Let's -- let -- may I have one second?

11 Let the record show that Commissioner
12 Valdivia --

13 CHAIRPERSON CAPIZZI: Um-hum.

14 THE SECRETARY: -- joined the meeting.

15 We have seven members now.

16 MR. LOPEZ: Should I proceed --

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. CHEWCASKIE: Yes.

19 MR. LOPEZ: -- and --

20 MR. CHEWCASKIE: I -- I don't have an issue
21 with it.

22 CHAIRPERSON CAPIZZI: No.

23 Okay.

24 MR. LOPEZ: Okay.

25 Thank you.

1 CHAIRPERSON CAPIZZI: Yes.

2 Thank you.

3 MR. LOPEZ: I would like to call Mr.
4 Valella, who is our expert today, as an
5 architect.

6 Mr. Valella has been previously sworn on --

7 CHAIRPERSON CAPIZZI: Yes.

8 MR. LOPEZ: -- numerous occasions --

9 CHAIRPERSON CAPIZZI: Thank you.

10 Yes.

11 MR. LOPEZ: -- before this Board.

12 Thank you, Madam Chairwoman.

13 Mr. Valella?

14 MR. CHEWCASKIE: We just need to --

15 MS. DILLON: Please raise your right hand.

16 MR. CHEWCASKIE: -- we need to swear him
17 in.

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

21 MR. VALELLA: I do.

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

24 MR. VALELLA: Absolutely.

25 Can I take my mask --

1 MR. LOPEZ: Ask them.

2 MR. VALELLA: Can I take my mask off?

3 MS. DILLON: You can take it off.

4 MR. VALELLA: Okay.

5 Do you mind?

6 MR. LOPEZ: Oh, no. No. Not at all.

7 MR. VALELLA: Good evening.

8 My name is Orestes Valella, V-A-L-E-L-L-A.

9 I'm a licensed architect in the States of
10 New York and New Jersey.

11 And I'm proud to say my offices are now at
12 507 43rd Street, in Union City.

13 CHAIRPERSON CAPIZZI: Excellent.

14 MR. CHEWCASKIE: Yay.

15 MR. VALELLA: So.

16 MR. LOPEZ: Mr. Valella, you're familiar
17 with this project.

18 Are you not?

19 MR. VALELLA: Yes.

20 MR. LOPEZ: And generally, it is a
21 legalization of an existing basement space.

22 Is that --

23 MR. VALELLA: Yes.

24 MR. LOPEZ: -- correct?

25 MR. VALELLA: Yes, it is.

1 MR. LOPEZ: You have some additional
2 corrections that you would like to note for the
3 Board relating to the application.

4 Could you put those on the record, please?

5 MR. VALELLA: Sure.

6 Well, as the tax records were thrown off, I
7 think I was thrown off as well.

8 The lot area -- this is a property, as
9 Counsel mentioned, it goes from 43rd and it backs
10 up on Lincoln.

11 And there are two buildings here.

12 There's our client's two-family that we're
13 proposing to go to a three.

14 And there is an existing adjacent structure
15 in the rear.

16 At some point this got subdivided.

17 MR. LOPEZ: That -- that other structure is
18 not owned by this applicant?

19 MR. VALELLA: No. No.

20 The lot area for our -- our client is --
21 has a lot area of 1,460 square feet, not the two
22 thousand seven hundred and so forth that is on my
23 drawing.

24 VICE CHAIRPERSON VELAZQUEZ: Okay.

25 MR. VALELLA: It's an irregular -- where we

1 have the fence on my site plan is where the
2 property terminates.

3 So, it's -- it's an undersized property.
4 It's 1,460.

5 It fronts on 43rd Street at 25 feet.

6 And then it goes back 56.61 and 61.25 feet
7 in lot depth.

8 MR. LOPEZ: Mr. Valella, our application
9 will do nothing to the footprint of the building.

10 It would be strictly internal
11 modifications.

12 Is that correct?

13 MR. VALELLA: Absolutely.

14 We're not proposing to alter any setbacks
15 or bulk variances, or anything like that.

16 Anything relating to the physical
17 boundaries and -- and the bulk of this house are
18 there and had been there for decades.

19 So, our intervention is on the inside.

20 And what is happening here is, we have a
21 two-and-a-half story home next to the firehouse.

22 You must be very familiar with the
23 location.

24 And it has a nice porch.

25 A lot of the houses are very similar along

1 43rd on the northern side of the property here.

2 And there's two apartments; one on the
3 ground floor and one on the second floor.

4 And those are existing dwelling units.

5 There are 843 and 755 square feet.

6 And those are in good shape, and we have
7 nothing to say about that.

8 Our apartment, which we're proposing, is an
9 existing dwelling unit which we call Apartment
10 Number 3, which is what we have before you.

11 And that is a -- has a 603 square foot
12 floor area.

13 It has a seven foot three ceiling height,
14 which is adequate.

15 We really don't bring anything before you,
16 anything less than seven feet, just because we
17 find it -- that is not acceptable.

18 The seven three, I'm more than comfortable.

19 Presently, the dwelling unit has three
20 bedrooms and a bathroom.

21 And when we got there, the first
22 recommendation we made is to eliminate one of the
23 bedrooms and turn that into a living kitchen.

24 And that, you can see in our proposed
25 basement plan, which is item number seven on our

1 sheet, on the lower right hand corner.

2 So, our intervention here is to eliminate a
3 bedroom.

4 So, at this point, we would have a two-
5 bedroom as opposed to a three.

6 And we would have a -- a kitchen.

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

9 MR. VALELLA: The next thing that would be
10 proposed here would be a fire suppression system.

11 You know, if you choose to approve it, we
12 would then be doing the engineering plans.

13 And part of that would be to introduce a
14 sprinkler system to protect the -- not only this
15 dwelling, but the entire -- the rest of the home.

16 There are three access points to the
17 apartment.

18 If you go in or out from the rear yard, you
19 can come in from the side yard which is what most
20 tenants would do.

21 There is a -- a side yard that provides
22 access to the dwelling unit.

23 And also, you could come down from the
24 ground floor or the first floor to the basement.

25 So, there's three access points.

1 The bedroom in the rear has a window to the
2 rear yard.

3 And the bedroom in the front has a window
4 to a side yard as well.

5 So, fireman's access in case of an
6 emergency is accommodated by the windows.

7 And that's about it.

8 I mean, this will need remedial work.

9 It's not in the best condition.

10 So, that's why I took it on.

11 If you should grant an approval, it's an
12 opportunity to bring it up to Code with regards
13 to the electrical system.

14 Obviously, with the kitchen, eliminating a
15 bedroom, and fire-rating the structure, and
16 installing, you know, the correct outlets and
17 smoke detectors, and so on.

18 So, it needs loving -- it needs a little
19 tender loving care.

20 But hopefully, you will allow me the
21 opportunity to do that.

22 With re --

23 I'm sorry.

24 MR. LOPEZ: I was going to say, your
25 proposed -- the proposed work, if it is approved,

1 | would also be an improvement to the building as a
2 | whole.

3 | Would it not?

4 | MR. VALELLA: Yes.

5 | It would be a safer structure once we
6 | finish with it.

7 | MR. LOPEZ: And this mechanical room which
8 | is shown on your drawings, that will remain in
9 | its current position?

10 | MR. VALELLA: Yeah.

11 | The mechanical room towards the front would
12 | remain.

13 | Your Building Department always makes us
14 | fire-rate and put smoke detection and so on in
15 | the mechanical room, which I welcome.

16 | So, you know, it all goes to life safety.

17 | But yes.

18 | And that's about it.

19 | This is a -- a two-family that's had a --
20 | an apartment in the basement that needs a little
21 | work.

22 | MR. LOPEZ: And just for the Board's
23 | knowledge, my client lives on the property.

24 | She bought this property in 2008.

25 | And she first learned that the basement

1 apartment that was there was illegal.

2 She went through the entire process of
3 vacating the tenants.

4 And at the suggestion of the Building
5 Department, makes this application.

6 But she's a resident of Union City.

7 She's a longtime resident of Union City.

8 And this will -- provides additional income
9 to her, and --

10 CHAIRPERSON CAPIZZI: Um-hum.

11 MR. LOPEZ: -- thus, the reason why she's
12 able to afford it.

13 So, we would ask your consideration.

14 Thank you.

15 MR. CHEWCASKIE: Okay.

16 Just -- just for the record, we'll mark as
17 A-1, Mr. Valella's drawings which are dated April
18 27th, 2020, consisting of one sheet.

19

20 (Whereupon, Plans, Dated April 27, 2020 (1
21 sheet), was received and marked as Exhibit A-1.)

22

23 MR. CHEWCASKIE: We also have a survey
24 which will be A-2, that's GB Engineering, which
25 is dated August 18th, 2021.

1
2 (Whereupon, Survey, GB Engineering, Dated
3 August 18, 2021, was received and marked as
4 Exhibit A-2.)

5
6 MR. CHEWCASKIE: Just for clarification,
7 Mr. Valella, your zoning table is based upon the
8 entire lot, not Lot 5.02, which this lot is
9 designated as.

10 Correct?

11 MR. VALELLA: Yes.

12 MR. CHEWCASKIE: So, based upon what I
13 heard you say earlier, the lot is roughly 25 by
14 40.

15 And what was it, 1043 square feet?

16 MR. VALELLA: No, no.

17 The -- the lot area for our property is
18 1,460.

19 MR. CHEWCASKIE: So, it's basically 25 by
20 about 48?

21 MR. VALELLA: 25 by 56 or 61.

22 MR. CHEWCASKIE: Oh, 56.

23 Okay.

24 So, I'm way off.

25 And then I believe, if I understood your

1 testimony, the existing dwelling in -- in the
2 back is -- or the existing building in the back
3 is not part of the application, and there is no
4 physical change to the footprint of the building?

5 MR. VALELLA: No.

6 Not so --

7 MR. CHEWCASKIE: Okay.

8 MR. VALELLA: None -- none whatsoever.

9 MR. CHEWCASKIE: All right.

10 Thank you.

11 MR. VALELLA: Okay.

12 CHAIRPERSON CAPIZZI: Does any Board member
13 have any questions?

14 VICE CHAIRPERSON VELAZQUEZ: If the -- if
15 the Board grants this application, would there be
16 any modifications, some to the front, like that
17 fence and all that?

18 MR. LOPEZ: Alex, we can't hear you.

19 MR. VALELLA: I can't hear you.

20 VICE CHAIRPERSON VELAZQUEZ: If the Board
21 approves this application, would there be any
22 kind of modifications, like the painting of that
23 fence and the columns?

24 MR. VALELLA: Yes.

25 Absolutely.

1 We -- that's the reason I took this project
2 on.

3 There are certain things; the cosmetics and
4 the life safety, painting of the railings,
5 lighting on the side yards with motion sensors,
6 smoke detection, sprinklers, and a proper
7 electrical system, that's all in our plan.

8 CHAIRPERSON CAPIZZI: Um-hum.

9 VICE CHAIRPERSON VELAZQUEZ: Okay.

10 CHAIRPERSON CAPIZZI: Any other question
11 from the Board?

12 Any questions from the public on this
13 application?

14 No?

15 Okay.

16 Seeing none.

17 I'll make a motion to approve.

18 THE SECRETARY: Motion on the table to
19 approve this application by Ms. Capizzi.

20 VICE CHAIRPERSON VELAZQUEZ: Second.

21 THE SECRETARY: Seconded by Mr. Velazquez.

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

24 Miss Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Mr. Velazquez?
2 VICE CHAIRPERSON VELAZQUEZ: Yes.
3 THE SECRETARY: Commissioner Valdivia?
4 COMMISSIONER VALDIVIA: Yes.
5 THE SECRETARY: Miss Genao?
6 MS. GENAO: Yes.
7 THE SECRETARY: Miss Morejon?
8 MS. MOREJON: Yes.
9 THE SECRETARY: Miss Morejon?
10 MS. MOREJON: Yes.
11 MR. SPATZ: Said yes.
12 THE SECRETARY: Sorry. Didn't hear you.
13 Yes.
14 Okay.
15 Mr. Guareno?
16 MR. GUARENO: Yes.
17 THE SECRETARY: Mr. Oseguera?
18 MR. OSEGUERA: Yes.
19 THE SECRETARY: Seven in favor.
20 Motion carries.
21 MR. VALELLA: Thank you.
22 MR. LOPEZ: Thank you --
23 THE SECRETARY: Thank you.
24 MR. LOPEZ: -- so much.
25 CHAIRPERSON CAPIZZI: Thank you.

1 THE SECRETARY: And good night.

2 MR. LOPEZ: Thank you.

3

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

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1 **208 18th Street, LLC -**

2 **208 18th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 208 18th Street.

6 Miss Pereiras, please?

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

9 MR. CHEWCASKIE: Miss Capizzi, I had the
10 opportunity to review the affidavit of service
11 that was provided to me by Miss Pereiras. Same
12 is in order.

13 The Board has jurisdiction to proceed with
14 the application.

15 CHAIRPERSON CAPIZZI: Thank you.

16 MS. PEREIRAS: Thank you, Counsel.

17 Good evening, Madam Chair, members of the
18 Board.

19 May it please the Board, Bianca Pereiras,
20 on behalf of the applicant, for property located
21 at 208 18th Street, also known as Lots 10 and 11
22 on Block 176.

23 As a matter of recap, because we've been in
24 front of this Board a few times on this matter,
25 but the project has been adjourned.

1 We are looking to construct two new three-
2 family homes at the direction and instruction of
3 this Board.

4 We had a meeting with your Technical Review
5 Committee, your attorney, and your planner, and
6 we modified the application.

7 So, originally we came in with the variance
8 free application, and at the Board's suggestion,
9 we modified it slightly.

10 So, now we trigger a few variances, but we
11 reserve the right to proceed on our variance free
12 application.

13 The Board may also recall that I adjourned
14 the matter at the last meeting because there was
15 a neighbor that had raised some concerns, and I
16 was giving him the opportunity to meet with us
17 via Zoom or in person to discuss the project.

18 For whatever reason, that meeting never
19 materialized.

20 So, we are looking to proceed this evening.

21 I'd like to begin tonight's presentation
22 with our architect, Mr. Manuel Pereiras.

23 MS. DILLON: Please raise your right hand.

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

1 MR. PEREIRAS: I do.

2 Manny Per --

3 MS. DILLON: Please state your name for the
4 record.

5 MR. PEREIRAS: Manny Pereiras, P-E-R-E-I-R-
6 A-S, with Pereiras Architects Ubiquitous, 1116
7 Summit Avenue, Union City.

8 MS. PEREIRAS: For purposes of the record,
9 Mr. Pereiras has testified before the Board in
10 the past.

11 And I ask that he be accepted as an expert
12 in the field of architecture.

13 CHAIRPERSON CAPIZZI: Yes.

14 MS. PEREIRAS: Thank you.

15 Mr. Pereiras, are you familiar with the
16 property at 208 18th Street?

17 MR. PEREIRAS: I am.

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

20 MR. PEREIRAS: I have.

21 MS. PEREIRAS: And would you kindly
22 describe the project for the Board?

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

24 MR. CHEWCASKIE: Manny, just mark those as
25 A-1.

1 I have, I guess, Z00 through Z05.

2 And last revised May 27th, 2021.

3 MR. PEREIRAS: That's correct, --

4 MR. CHEWCASKIE: Thank you.

5 MR. PEREIRAS: -- Counsel.

6

7 (Whereupon, Plans, Sheets Z00-Z05, Revised
8 May 27, 2021, was received and marked as Exhibit
9 A-1.)

10

11 MR. PEREIRAS: And the drawings that are to
12 my right on the easel, are the same drawings that
13 were submitted to the Board with one exception.

14 The first page of this is a colored version
15 of what the Board received in black and white.

16 MR. CHEWCASKIE: Okay. The --

17 CHAIRPERSON CAPIZZI: From -- and what are
18 those?

19 Pictures of what's currently there?

20 MS. PEREIRAS: Those are not ours, --

21 MR. PEREIRAS: So --

22 MS. PEREIRAS: -- Miss Capizzi.

23 CHAIRPERSON CAPIZZI: Oh.

24 Do you have a current picture of -- of what
25 we're going to demolish?

1 MR. PEREIRAS: Yes.

2 Ms. Capizzi, If you look at the cover
3 sheet, on Sheet Z -- actually Z01.

4 CHAIRPERSON CAPIZZI: Okay.

5 Where is it?

6 MR. PEREIRAS: There is a photograph right
7 in the middle here, of the site itself.

8 The site consists of 50 foot wide by a
9 hundred foot deep --

10 CHAIRPERSON CAPIZZI: Oh, okay.

11 MR. PEREIRAS: There is a parking area to
12 the left of the site.

13 And there is a two-family house to the
14 right of it.

15 CHAIRPERSON CAPIZZI: Um-hum.

16 Okay.

17 Thank you.

18 MR. PEREIRAS: Thank you.

19 For purposes of keeping the record very
20 clean, I'm going to be presenting from the
21 podium, whereas I normally present looking at the
22 board.

23 The acoustics in the room are very
24 difficult.

25 So, I'm going to try presenting here.

1 If you need me to go refer to something,
2 I'll be very happy to.

3 And if the public needs something, I could
4 always turn the board around and describe
5 something in greater detail for the public.

6 As Counsel mentioned, our original
7 application met a hundred percent with all the
8 requirements of the zone.

9 We had a variance free application.

10 That said, we wanted to meet the needs of
11 the neighborhood as much as we could.

12 We had a Technical Review meeting with the
13 Planning Board's Counsel, with Mr. David Spatz,
14 the Planner for the City. And we discussed these
15 projects at length.

16 And what we did is, we created several
17 modifications to the plan that reduced the size
18 of our building significantly.

19 However, in so doing, we also triggered
20 some new variances; two to be precise.

21 Because we reduced the size of our
22 building, the length of our building, we couldn't
23 fit the six cars that we normally have in the
24 Master Plan diagram that was -- that is -- the
25 diagram that is part of the Master Plan.

1 We could only fit five cars in this new
2 version.

3 So, we're requesting a parking variance for
4 that one car.

5 In addition to that, in order to make the
6 parking circulation within the building better,
7 instead of having two feet side yard setback
8 between the buildings, we did one foot six.

9 This allows for a full three foot between
10 the two buildings.

11 And that allows for the circulation of the
12 cars a lot better in -- within the parking area,
13 so that you can have two cars side by side and
14 have a little more wiggle room; six inches goes a
15 long way.

16 What we gave back to the City significantly
17 is that -- the rear yard, where we're only
18 required to have five feet, we're setting the
19 building back ten feet.

20 The front yard, instead of having four
21 stories going up along the front of the building,
22 what we did is we went two stories high to match
23 the adjacent structure that is -- the neighbor
24 that's here today.

25 And what we did is, once we hit those two

1 | stories, then we set our building back an
2 | additional five feet, and then went back up the
3 | additional two stories, so that our streetscape
4 | fits and matches very well with that -- that
5 | height line that is established by the existing
6 | house next to us.

7 | I'd like to speak a little bit more about
8 | the site in more detail.

9 | We have 50 feet wide in the front, a
10 | hundred foot depth.

11 | What we're creating is two lots, 25 by 100
12 | each.

13 | Twenty-five by 100 is conforming with our
14 | Ordinance.

15 | Twenty-five is the minimum lot width.

16 | That's what we have.

17 | A hundred feet deep is the minimum lot
18 | depth.

19 | That's what we have on the two lots.

20 | And 2500 square feet is the minimum lot
21 | area.

22 | That's what we have on both of these lots.

23 | The front yard requirement for our
24 | property, as established in the zone at the time
25 | of this application, is either ten feet or

1 prevailing.

2 The houses to each side, one has a zero
3 foot lot line, and the other one has a two foot
4 seven lot line.

5 And what we're doing is we're matching the
6 brick of our building, the brick of our façade,
7 with the lot line that is most recessed.

8 So that we have -- we continue the line of
9 that structure.

10 We have one portion of our building that is
11 at two feet front yard setback.

12 MR. CHEWCASKIE: Manny, what I'll do is,
13 I'll ask you this.

14 Since that's the colorized version, mark
15 that as A-2, please.

16 MR. PEREIRAS: I'll be happy to.

17 For purposes of the record, I'm going to
18 mark the top right hand corner with the numbers
19 -- the letter and number A-2, and I will provide
20 today's date.

21

22 (Whereupon, Color Rendering, Sheet Z00, was
23 received and marked as Exhibit A-2.)

24

25 MR. PEREIRAS: There are decorative

1 elements surrounding the doors, those piers,
2 extrude out an additional seven inches from the
3 brick façade that you see there.

4 And that's the two foot front yard setback
5 that we're requesting, which is also in
6 compliance, and we're not requesting a variance
7 for that.

8 The rear yard that I mentioned earlier, a
9 five foot cleared and unobstructed rear yard is
10 required.

11 We are providing a ten foot rear yard.

12 The side yard, one side yard is required to
13 be two feet; both together, are required to be
14 five feet.

15 We have two -- we have one foot six on one
16 side, and three feet on the other, for a total of
17 four foot seven.

18 Whereas, we're requesting a variance for
19 that for the reasons that I explained earlier.

20 The building height is permitted to be four
21 stories.

22 We have a four story building that we're
23 presenting for -- to you.

24 The building height is permitted to be 45
25 feet.

1 The building we're proposing to you is 45
2 feet.

3 The building coverage can be up to 85
4 percent of the site.

5 Because we're reducing the size of the
6 building significantly in all directions from the
7 rear, we are at 70 percent.

8 So, we greatly exceed the -- the minimum
9 there.

10 The maximum lot coverage is a hundred
11 percent.

12 We are at 91 percent.

13 So, we're providing nine percent of
14 pervious area which is the rear -- the rear yard,
15 which we're proposing grass and a small planter
16 next to the -- the doorway to the apartment along
17 the front of the building.

18 The off-street parking requirements are two
19 per unit.

20 This would be a requirement of six parking
21 spaces. And as I explained earlier, what we have
22 are five.

23 In tandem, two for each -- for two and two,
24 and then one additional one, as you could see in
25 the drawing that we have here.

1 And that is a result of reducing the size
2 of the building, creating the larger rear yard.

3 The application that we originally
4 submitted had all six cars fitting in there, as
5 per the -- the Master Plan.

6 Turning now to Sheet Z02, you could see the
7 ground floor parking scenario that we have.

8 You see that parks -- spaces one and three
9 are in tandem for one unit, one apartment
10 building (sic) -- one apartment unit.

11 Spaces two and four are in tandem for
12 another apartment unit.

13 And space five is for the third apartment
14 unit.

15 With -- as you could see, the additional
16 foot that we have of elbow room for those cars,
17 makes a big difference and gives enough ample
18 space to walk around the cars and enter in and
19 out comfortably.

20 As you could see from that diagram as well,
21 we have the rear corner of the building; we
22 created a closet to store garbage.

23 This will be a sealed area where garbage
24 containers and recycling containers could fit.

25 You could also see the rear stair.

1 In this property, we have two means of
2 egress for each of the buildings.

3 So, there is one stair along the rear, and
4 one stair along the front of the building.

5 We chose not to provide an elevator on this
6 building because an elevator would reduce the --
7 the ground foot floor plate and reduce the
8 ability to have more cars.

9 We have a driveway entrance that accesses
10 the parking.

11 And we have a pedestrian entrance with a
12 doorway that leads to the stairwell, that takes
13 you to the floors above.

14 Each floor plan on all the floors are very
15 close to the same, with minor differences.

16 The -- each apartment is 1,363 square feet
17 on the third -- on the second floor.

18 And on the third floor, it is 1,268 square
19 feet.

20 What we propose are three bedroom
21 apartments.

22 When you come up the stairs, you're open
23 into a living room, dining area, kitchen area.

24 This area is 21 feet two inches wide --
25 deep by 12 inches (sic) wide.

1 There are closets there; coat closets for
2 guests that come in.

3 The plan is an open plan, so that the
4 kitchen, dining room, and living room have no
5 walls dividing it.

6 And then there's a corridor that leads to
7 the second stair in the back, and that's the more
8 private area of the house where the three
9 bedrooms are.

10 The master bedroom has its own master
11 bathroom and two closets.

12 The other two bedrooms share a bathroom.

13 There is a washer and dryer in the hallway.

14 And there is a closet for mechanical
15 systems which includes an HVAC furnace and a hot
16 water heater.

17 There is an additional bathroom, small
18 bathroom, for one of the bedrooms.

19 The bedroom sizes vary.

20 They go from 12 foot by 12 foot three, to
21 the smaller one in the middle, at 11 by 12 foot
22 three.

23 And then the master, which is 15 eight by
24 12 foot seven.

25 The two stairwells extend the full height

1 of the building.

2 And one stairwell leads to the roof to
3 provide access to mechanical equipment on the
4 roof.

5 On the roof, because we have mechanical
6 equipment there, we have a parapet wall
7 surrounding the roof so that neighbors cannot see
8 the mechanical -- mechanical equipment on the
9 roof.

10 And it helps to reduce sound significantly
11 by having that parapet there.

12 As I said --

13 Oh, and as you go up to the -- the -- one
14 of the main reasons we have a reduction of square
15 footage as you go up, is because the top two
16 apartments are recessed from the front as we
17 mentioned before.

18 So, the apartment on the third floor is
19 able to have a balcony.

20 That balcony is the entire width of the
21 building, by a depth of six foot five inches,
22 which you'll be able to see better on the
23 elevations.

24 On that top left corner of the sheet of
25 paper that you have before you, is the front

1 façade of these buildings.

2 As you could see, the darker line weight,
3 the base of the building, the two stories that we
4 have, that is a brick façade with large window
5 openings, that you can see the garage door.

6 We have a synthetic wood so it looks
7 attractive, as well as a wood door for the front
8 of the building.

9 That -- that area where you enter that
10 front is a two-story space.

11 We carved that space out of the second
12 floor apartment so that you enter into a nice
13 beautiful two-story space with the stairs in
14 front of you.

15 And then you could see that the top
16 portion, the third and fourth floor -- third and
17 fourth floor, are recessed back from the front
18 façade.

19 And that is with siding, with also large
20 windows.

21 We capped this building with a simple
22 cornice. And that cornice is composed of stucco
23 and then a metal coping on top of that for a nice
24 finish.

25 And I'll leave you with the rendering.

1 Of course, this is an artistic rendering.

2 It's not perfect to dimension.

3 But it gives you a good idea and the
4 feeling of what these structures are.

5 I feel that they fit into the neighborhood
6 very well.

7 It is a neighborhood, and we have a planner
8 that's going to talk about this at much greater
9 length.

10 It is a short block that is characterized
11 by lots of different building types.

12 There's mixed uses on the block.

13 We have a lot of neighbors here that know
14 the block very well, as well as I do.

15 And we have a planner that could talk about
16 it at greater length.

17 But I feel that these structures will fit
18 very beautifully into the building, and
19 particularly nice with the structure immediately
20 next to it, the residential structure immediately
21 next to it.

22 That concludes my testimony for now.

23 CHAIRPERSON CAPIZZI: Thank you.

24 MS. PEREIRAS: Thank you.

25 If there are no questions of the architect

1 at this time, I'd like to proceed with our
2 Planner Mr. Michael Kauker.

3 MR. KAUKER: Good evening.

4 MS. DILLON: Please raise your right hand.

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

7 MR. KAUKER: Michael F. Kauker.

8 That --

9 MS. DILLON: Did you accept the oath?

10 MR. KAUKER: Excuse me?

11 MS. PEREIRAS: Did you accept the oath?

12 MR. KAUKER: Ah.

13 Oh, yes.

14 MS. PEREIRAS: Say yes.

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

18 MR. KAUKER: I do.

19 MS. DILLON: Thank you.

20 Please state your name and spell it for the
21 record.

22 MR. KAUKER: Michael F. Kauker.

23 That's spelled K-A-U-K-E-R.

24 MS. DILLON: Thank you.

25 MR. KAUKER: My offices are located at 356

1 Franklin Ave, in Wyckoff, New Jersey.

2 I've had the pleasure of testifying on
3 numerous occasions before your Zoning Board, but
4 this is the first time that I've had the honor of
5 presenting to you, the Planning Board.

6 I'm a professional planner.

7 I'm licensed in the State of New Jersey.

8 Our office has a practice as Kauker and
9 Kauker; the name of the firm since 1978.

10 I received my license in 1970.

11 Our firm currently serves approximately
12 eight municipalities in Northern New Jersey and
13 Rockland County.

14 And I've testified before Boards on
15 numerous occasions, essentially over the last 30
16 to 35 years.

17 MR. CHEWCASKIE: I'd recommend that the
18 Board accept --

19 CHAIRPERSON CAPIZZI: Sure.

20 MR. CHEWCASKIE: -- Mr. Kauker as an expert
21 in the field of planning.

22 CHAIRPERSON CAPIZZI: Accept.

23 MS. PEREIRAS: Thank you very much.

24 Mr. Kauker, are you familiar with the
25 property at 208 18th Street?

1 MR. KAUKER: Yes, I am.

2 MS. PEREIRAS: And did you have an
3 opportunity to review the drawings prepared by
4 Pereiras Architects?

5 MR. KAUKER: I have.

6 MS. PEREIRAS: And would you kindly
7 describe the project from your planning
8 perspective?

9 MR. KAUKER: The project is substantially
10 compliant as Mr. Pereiras has explained in detail
11 to you, but for the need for several variances.

12 The variances have essentially been created
13 in order to balance and improve the ability of
14 the buildings and their design to create a
15 project that has minimal impact and is consistent
16 and compatible with the immediate surrounding
17 uses, and substantially the neighborhood
18 surrounding those uses.

19 The nature of the variances that have been
20 presented to you by Mr. Pereiras, essentially are
21 C variances. And I would like to posit in
22 support of those variances.

23 A C-2 benefits outweigh detriment argument,
24 as it relates to justification for the Board's
25 consideration of these several variances.

1 The bulk variances are setback variances
2 that are asked for have produced on the other
3 side of the scale, certain yard dimensions that
4 both benefit the neighborhood, adjacent
5 properties, and are more important in comparison
6 to several side and front yard variances that
7 have been presented to you.

8 Those exceeding aspects of the application
9 are the maximum building coverage, wherein 91
10 percent is proposed, and a hundred perc -- a
11 hundred percent is allowed.

12 In that context, the mass of the buildings
13 have been reduced so as to better present the
14 buildings to the neighborhood.

15 The rear yard, as -- which is a product of
16 discussions with the Board, essentially produce a
17 five foot exceedance of that particular
18 requirement.

19 Again, related to the ability of the
20 structure to be a better neighbor as it relates
21 to surrounding uses.

22 The parking variance essentially is a
23 product of the maximum ability of each particular
24 lot to accept a building dimension that enables
25 the layout that you see before you, which

1 accommodates five parking spaces for each of the
2 three-unit buildings.

3 And in that context, the benefit created by
4 being able to maximize the number of spaces,
5 albeit still with a one-car variance for each of
6 the buildings, is the benefit that's created by
7 essentially minimizing the likelihood of parking
8 on-street demand for the proposed structures.

9 The number of spaces calculate out to 1.66
10 space per unit.

11 And that, in the light of the fact that we
12 do have public transportation in surrounding
13 area, it -- this being one of the less urban
14 densities in Union City, in a very nice mixed
15 neighborhood from a point of view of the varied
16 heights and the varied array of uses in the
17 surrounding neighborhood.

18 The height at 45 feet is what is permitted
19 as a maximum.

20 That height is comparable to the immediate
21 buildings to the right and the left of the
22 proposed structure.

23 And that it essentially is mitigated from a
24 point of view of architectural design, which very
25 artfully has the façade design produced by Manny

1 | Pereiras, appearing on its face as a -- as a two-
2 | story when, in fact, the façade itself
3 | accommodates five (sic) stories of --
4 | accommodates four stories with a garage entrance
5 | that on first blush and by virtue of artistic
6 | design, appearing as windows as opposed to garage
7 | openings to the street.

8 | The C-2 benefit that is -- that I've
9 | explained to you, must not be a benefit to the
10 | applicant himself, but a benefit to the
11 | surrounding neighborhood.

12 | And pursuant to my explanations to you, on
13 | sum, I feel that the application as a well
14 | thought out and creates a -- a new revitalized
15 | property that has a density that is certainly
16 | consistent with the prior zoning aspect of this
17 | property, which was accepted by the Board in
18 | terms of the time of application rule.

19 | That concludes my observations and opinion.

20 | I'd certainly be happy to answer any
21 | questions you may have.

22 | MS. PEREIRAS: Thank you, Mr. Kauker.

23 | MR. CHEWCASKIE: Any questions by the
24 | Board?

25 | CHAIRPERSON CAPIZZI: Does anybody have

1 questions?

2 No?

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

5 MR. PEREIRAS: I'd like to expand testimony
6 for one brief second.

7 There's something I missed explaining.

8 The second -- the third and fourth floor,
9 that are set back; I wanted to clarify that that
10 was not an arbitrary setback.

11 What we did is, we set it up to ten feet of
12 the front yard setback so that it meets the --
13 the Code in every way, even if there was no
14 prevailing setback.

15 So, that's the -- the distance that we set
16 back the third and fourth floors.

17 MS. PEREIRAS: Thank you, Mr. Pereiras.

18 And that would conclude our presentation at
19 this time.

20 And we're open for your questions and
21 comments.

22 VICE CHAIRPERSON VELAZQUEZ: What were you
23 saying?

24 CHAIRPERSON CAPIZZI: Hmm?

25 MR. CHEWCASKIE: You think if there are no

1 questions, open it to the public.

2 CHAIRPERSON CAPIZZI: Open to the public.
3 Want to hear from the public?

4 MS. DILLON: I'm sorry, --

5 CHAIRPERSON CAPIZZI: I think we --

6 MS. DILLON: -- I can't hear you.

7 CHAIRPERSON CAPIZZI: We'd like to open it
8 to the public.

9 THE SECRETARY: Open to the public, please.

10 Anybody from the public want to step up?

11 MR. CHEWCASKIE: Sir, if you'd come up to
12 the podium so that we can record the testimony.

13 MS. DILLON: Please raise your right hand.

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

16 MR. MAYERSOHN: I do.

17 MS. DILLON: Please state your name and
18 spell it for the record, and give your address.

19 MR. MAYERSOHN: Norman Mayersohn, M-A-Y-E-
20 R-S-O-H-N, 212 18th Street, Union City, New
21 Jersey.

22 MS. DILLON: Thank you.

23 Just keep your voice up because it's a
24 difficult room.

25 MR. MAYERSOHN: Okay.

1 Very good.

2 I will hold it this way.

3 I have with me tonight, a number of
4 neighbors here and a traffic and parking
5 engineer.

6 Would the Board prefer to hear from the
7 engineer first what -- how would we like to --

8 MR. CHEWCASKIE: Well, --

9 MR. MAYERSOHN: -- do this most logically?

10 MR. CHEWCASKIE: -- I believe earlier, I
11 think you indicated that what I see on the easel
12 to my right was something that you prepared or --

13 MR. MAYERSOHN: Correct.

14 MR. CHEWCASKIE: All right.

15 Are you going to reference that, or is the
16 traffic engineer?

17 MR. MAYERSOHN: I will -- the composites,
18 illustrations on the easels, I will talk about.

19 MR. CHEWCASKIE: Okay.

20 Why don't -- why don't you tell us what's
21 on the easel.

22 Then we can certainly hear from the traffic
23 engineer, so we know what --

24 MR. MAYERSOHN: Fine.

25 And I --

1 MR. CHEWCASKIE: And what --

2 MR. MAYERSOHN: -- I have other --

3 MR. CHEWCASKIE: -- what --

4 MR. MAYERSOHN: -- comments.

5 MR. CHEWCASKIE: -- and let me just ask you
6 a couple of questions.

7 So, I see --

8 MR. MAYERSOHN: Sure.

9 MR. CHEWCASKIE: -- a series of
10 photographs.

11 Did you take those photographs?

12 MR. MAYERSOHN: I did.

13 MR. CHEWCASKIE: And when were they taken?

14 MR. MAYERSOHN: They were taken before the
15 July meeting.

16 So, that would be early -- which was
17 adjourned; so, it was early July.

18 MR. CHEWCASKIE: Early July of this year?

19 MR. MAYERSOHN: Of --

20 MR. CHEWCASKIE: Now --

21 MR. MAYERSOHN: -- 2021.

22 MR. CHEWCASKIE: -- when I look at the
23 second tier of photographs, there is like two
24 boxes.

25 MR. MAYERSOHN: Correct.

1 MR. CHEWCASKIE: Could you tell us what
2 those are?

3 MR. MAYERSOHN: The intention here is to
4 give a representation of the completed height of
5 the proposed buildings.

6 So, we -- at the top we have what the
7 street looks like, and it's a composite
8 photograph.

9 I couldn't take a panorama of it all.

10 That's why the -- for instance, the -- the
11 sky is different shades.

12 And then below that, we wanted to show that
13 the adjacent buildings, it is nearly twice the
14 size.

15 The 45 foot structures, which are allowed
16 under the Ordinance, I understand, are twice as
17 high as the buildings to the left and right.

18 They are not comparable at all.

19 On that block, it is two-story structures
20 with half stories on a couple of buildings.

21 But anywhere on that stretch of 18th
22 Street, there is nothing higher than three
23 stories.

24 So, these two four-story buildings would be
25 out of scale to the neighborhood.

1 MS. PEREIRAS: I'm sorry to interrupt.

2 But I will raise for purposes of the
3 record, my objection to the fact that these seem
4 to be photographs that have been manipulated.

5 And I don't know the accuracy of those
6 whiteouts that the gentleman is presenting.

7 MR. CHEWCASKIE: Certainly we'll allow it
8 and give it whatever weight it -- it requires.

9 You know, Mr. Mayersohn --

10 Right?

11 MR. MAYERSOHN: Yes.

12 MR. CHEWCASKIE: -- Mayersohn indicated
13 that, you know, that he created the document.

14 That was his representation of what he
15 perceives the height to be based upon the
16 photographic exhibits.

17 I don't know if I said this; we'll mark the
18 photographic exhibit as O-1.

19

20 (Whereupon, Photograph Exhibit, was
21 received and marked as Exhibit O-1.)

22

23 MR. CHEWCASKIE: And basically what I think
24 Mr. Mayersohn is trying to show the Board is a
25 view of the area where the proposed two -- two

1 new homes would be.

2 And that's why I asked what the white was
3 supposed to symbolize.

4 Certainly, we can let Mr. Mayersohn finish
5 and you can certainly ask him how he determined
6 that would be the accurate --

7 MR. MAYERSOHN: Yeah, that's --

8 MR. CHEWCASKIE: -- height.

9 MR. MAYERSOHN: -- that's certainly --

10 MS. PEREIRAS: I was --

11 MR. MAYERSOHN: -- fair.

12 MS. PEREIRAS: -- just wanted to make sure

13 I raised --

14 MR. CHEWCASKIE: Right.

15 MS. PEREIRAS: -- my objection.

16 MR. MAYERSOHN: Yeah, that --

17 MR. CHEWCASKIE: But I --

18 MR. MAYERSOHN: -- that's -- that's --

19 MR. CHEWCASKIE: -- I think we should hear

20 Mr. Mayersohn's testimony first, so that it --

21 MR. MAYERSOHN: Sure.

22 MR. CHEWCASKIE: -- can conclude.

23 MR. MAYERSOHN: That's fair.

24 And -- and that becomes a factor because
25 the rendering that you are working from that

1 comes with the plans, shows the adjacent
2 buildings as approximately the same height --

3 CHAIRPERSON CAPIZZI: Um-hum.

4 MR. CHEWCASKIE: Um-hum.

5 MR. MAYERSOHN: -- as the proposed
6 buildings, which --

7 CHAIRPERSON CAPIZZI: Um-hum.

8 MR. MAYERSOHN: -- it's 45 feet versus 24
9 feet.

10 So, there's a considerable delta between
11 them.

12 And -- and that calls into question
13 appropriateness for the neighborhood and just the
14 scale of being in the neighborhood.

15 I'll say a few comments, and then I'll
16 bring Andrew.

17 MR. CHEWCASKIE: Cer -- certainly.

18 MR. MAYERSOHN: Okay.

19 I wanted to raise some concerns,
20 particularly parking, traffic congestion, and the
21 profound effects of the proposed structures on
22 the character of our neighborhood.

23 I've lived in this neighborhood at 212 18th
24 Street since buying that house in 1985.

25 So, and in more than 35 years here, myself

1 and Kay Magilavy who is here, raised our two
2 daughters in Union City.

3 It's fair to say we're deeply familiar with
4 the neighborhood and the great progress in Union
5 City over a number of decades, and -- and raised
6 our family here.

7 There's a couple of procedural points that
8 we can come back to regarding the application
9 itself.

10 For one point, the Board's completeness
11 checklist covers a number of required documents
12 that must be considered in the approval process.

13 Item K or Number 11 on the most recent
14 version of that checklist I've seen at the City
15 Clerk's Office, requires information on past site
16 remediation work, including copies of all filings
17 with NJDEP.

18 This was marked N/A on that completeness
19 checklist.

20 But, in fact, the lot at 210 18th Street
21 has had an oil tank removed in probably nine --
22 in 2018, before the house was sold to the current
23 owner.

24 And that documentation should be included
25 in the application package.

1 There's also a -- a question we can -- we
2 can address.

3 But you said you have looked at the
4 notification for the hearing.

5 There were recent sales that I'm not sure
6 were representa -- represented in the latest
7 batch of notifications.

8 1800 Palisade Avenue sold on September 2nd.

9 And that should have been notified.

10 And the sale of 1810 Palisade, 1-L
11 Apartment, took place on -- in May.

12 And I -- from the documentation in the
13 application package that I saw at the City
14 Clerk's Office, I could not determine whether
15 those people had been notified, this round.

16 MR. CHEWCASKIE: Maybe if I can just
17 provide an observation, Mr. Mayersohn.

18 In terms of completeness, Mr. Spatz will
19 review the application for completeness.

20 He has deemed it complete, so it can
21 proceed.

22 Depending what the Board does this evening,
23 I have a note about the oil tank, but that's --

24 MR. MAYERSOHN: Okay.

25 MR. CHEWCASKIE: -- something that would

1 have to be dealt with, with construction.

2 As with the sales, what is required is for
3 the applicant to obtain a property owner's list
4 from the Tax Assessor's Office.

5 And that is deemed appropriate notice.

6 Your -- the applicant's allowed to rely on
7 that list.

8 I would really doubt that if a property
9 sold the beginning of September, that that --
10 even if the City is aware that it's been sold,
11 based upon notification from the County Clerk.

12 MR. MAYERSOHN: Understood.

13 MR. CHEWCASKIE: However, I will tell you
14 that most residential real estate contracts
15 require a seller to advise the buyer of any
16 applications.

17 Can't speak to this one, but it's usually a
18 typical provision in a contract.

19 Whether that happened or not, I can't speak
20 to it.

21 But in terms of the Board's jurisdiction,
22 in terms of completeness and notice, it is
23 appropriate.

24 MR. MAYERSOHN: Okay.

25 MR. CHEWCASKIE: There may -- the --

1 | unfortunately, there are some quirks, as you say.

2 | This could change and then what happens,
3 | but just -- just as there can be a change, there
4 | are protections in place.

5 | MR. MAYERSOHN: Un -- understood.

6 | Here tonight is an expert witness, Andrew
7 | Feranda.

8 | He's a senior project manager and partner
9 | at Shropshire Associates, traffic and engineering
10 | and transportation planning firm.

11 | Mr. Feranda is a licensed professional
12 | traffic operations engineer, and a certified
13 | municipal engineer, with more than 25 years of
14 | experience in traffic impact and parking studies.

15 | If -- if Mr. Feranda --

16 | MR. CHEWCASKIE:

17 | All right.

18 | And just -- just one question, Mr.
19 | Mayersohn.

20 | Did you retain this individual to be --

21 | MR. MAYERSOHN: Yes.

22 | MR. CHEWCASKIE: -- a witness for --

23 | I just -- just wanted to make sure the
24 | record was clear.

25 | MR. MAYERSOHN: Sure.

1 MR. CHEWCASKIE: Certainly --

2 MR. MAYERSOHN: Mr. Feranda --

3 MR. CHEWCASKIE: -- we can have him --

4 MR. MAYERSOHN: -- if you would --

5 MR. CHEWCASKIE: -- come up and be sworn.

6 MS. DILLON: Just a moment.

7 Are you going to question him?

8 MR. MAYERSOHN: Yes.

9 MS. DILLON: Okay.

10 You're both going to need to stay at the
11 podium because of the microphone.

12 MR. MAYERSOHN: Okay.

13 Fine.

14 MS. DILLON: Sir, please approach.

15 Please raise your right hand.

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

18 MR. FERANDA: Yes, I do.

19 MS. DILLON: Please state your name and
20 spell it for the record.

21 MR. FERANDA: My name is Andrew Feranda, F-
22 E-R-A-N-D-A.

23 MS. DILLON: Thank you.

24 MR. MAYERSOHN: Mr. Feranda, would you give
25 us a -- give the Board a background of your

1 professional qualifications and education, so
2 that they can consider whether to accept you as
3 an expert?

4 MR. FERANDA: Sure.

5 I -- I have a Bachelor of Science in Civil
6 Engineering from Drexel University.

7 I'm a civil engineer, a professional
8 engineer, licensed in the State of New Jersey and
9 Pennsylvania. I'm also a certified municipal
10 engineer. And I'm a professional traffic
11 operations engineer. It's a higher certification
12 in traffic and transportation engineering.

13 I review traffic for municipalities such as
14 Cranbury Township, Exit 8A; Freehold Township,
15 Monmouth County.

16 And I've appeared before over a hundred
17 boards throughout the State in just about every
18 county.

19 I've appeared before boards in Newark.

20 MR. CHEWCASKIE: Certainly, I would
21 recommend Mr. Feranda as an expert.

22 CHAIRPERSON CAPIZZI: Accepted.

23 MR. FERANDA: Thank you.

24 MR. CHEWCASKIE: Mr. Feranda, just before
25 you continue, what firm are you with?

1 MR. FERANDA: With Shropshire.

2 And I'll spell that.

3 S-H-R-O-P-S-H-I-R-E, Associates.

4 MR. CHEWCASKIE: Thank you.

5 MR. FERANDA: And I'm a partner at that
6 firm.

7 MR. CHEWCASKIE: Okay.

8 Please continue, Mr. Mayersohn.

9 MR. MAYERSOHN: Mr. Feranda, have you
10 reviewed the plans for -- that are proposed in
11 this application?

12 MR. FERANDA: Yes, I have.

13 MR. MAYERSOHN: And have you done a site
14 inspection of --

15 MR. FERANDA: I have done a site --

16 MR. MAYERSOHN: -- that location?

17 MR. FERANDA: -- inspection of the existing
18 conditions.

19 MR. MAYERSOHN: Very good.

20 Please -- would you please, for the Board,
21 give us your thoughts on the proposed parking
22 layouts in the two buildings, and how they would
23 work and affect the neighborhood?

24 MR. FERANDA: Okay.

25 Let me start with a traffic -- a traffic

1 engineer's view of what I see as existing
2 conditions.

3 On site right now, there's an apartment.

4 There's a building with two apartments.

5 It has one driveway.

6 On street, there is two parking spaces in
7 front of the site, along with the driveway, which
8 is marked for no parking.

9 The street itself is one-way -- one-way and
10 I recall it, in the west direction --

11 MR. MAYERSOHN: Um-hum.

12 MR. FERANDA: -- towards the traffic
13 signal.

14 This is away from Manhattan Ave, which is a
15 major connector between Hoboken and Union City.

16 Manhattan Ave carries a volume based on
17 counts done by the DOT, New Jersey Department of
18 Transportation.

19 Carries average daily traffic of 6,000 to
20 7,000 vehicles roughly.

21 That's half in each direction; half going
22 towards Hoboken, and half coming from Hoboken.

23 What that would mean is roughly 3,000 to
24 3,500 vehicles would travel this route past the
25 one-way direction of the house; noting that there

1 are other alternatives, streets for this traffic
2 to travel.

3 But this is one of the major connectors.
4 This is a -- a wider street.

5 And this street has been used and is used
6 by that traffic traveling into Union City, and
7 parts to the north and to the west.

8 The site itself, again, has one driveway.
9 It's located in the middle of the block.

10 The block has commercial; a mix of
11 commercial as well as residential.

12 That commercial uses the parking during the
13 day when the residents are out at work.

14 Cars are parked for the commercial in the
15 daytime. And in the evening, the residents use
16 that same parking.

17 It's a nice mix.

18 That's what we typically like to do in
19 traffic engineering; have a good shared use of
20 parking. And this block seems to have that good
21 shared use.

22 For the proposed condition, you're looking
23 at two buildings; replacing the one building.

24 You're going from two apartment units to
25 now six apartment units; three in each of those

1 buildings.

2 In each of those buildings, there is a
3 garage.

4 That garage has a driveway.

5 Therefore, there's two driveways replacing
6 the one driveway that currently exists. With the
7 two driveways, there's less on-street parking.

8 What they would be asking you to do is to
9 lessen the on-street parking to allow them a
10 driveway.

11 These driveways would have to remain
12 unblocked because there's three families using
13 that garage; would be entering and exiting that
14 garage.

15 It was noted that they're looking for a
16 variance to have five parking spaces, where six
17 are required for the number of units.

18 What you're looking at with the reduction
19 of the two parking spaces, one on each of the
20 building, they're looking to increase the number
21 of parking spaces, cars, that will be using this
22 road backing in and -- or traveling in and out of
23 those garages.

24 What that does in traffic engineering, is
25 create conflict points.

1 The conflict points would be the movements
2 into and out of the drive -- driveways, that
3 would conflict with any of the traffic that would
4 be using 18th Street to get over to the west and
5 to the north using the traffic signal.

6 What you're looking at -- what they've
7 requested is variances.

8 And the variances as noted by the Planner,
9 are being requested for balance, for -- to
10 improve the design, and to minimize the impact to
11 the neighborhood.

12 They're asking for three apartments in each
13 of the two buildings where's there two now.

14 That's an increase of four apartment
15 buildings (sic) where there's two; increased from
16 two to six.

17 That's an impact to the community based on
18 parking, removing the parking spaces in front of
19 the building, the current building,

20 Increasing the number of driveways,
21 increasing the conflict points.

22 It will also add traffic to that street.
23 The street has speed humps.

24 Further to the east on the street, there's
25 a sign for pedestrians. I believe it also says

1 school children crossing.

2 Adding traffic to a roadway that has speed
3 humps, which that recognizes that there's traffic
4 that needs to be calmed.

5 Those speed humps are there to slow the
6 traffic, to tell the traffic that this is a
7 neighborhood.

8 This is an area where people can be walking
9 from the commercial on one side to the commercial
10 on the other side, from a residence to the
11 commercial on either side.

12 There was also a variance, and I didn't get
13 the exact distance, but I know it was mentioned
14 that the -- it was requested that the garages be
15 made wider so the space between the building had
16 to be tightened.

17 I believe it was six feet is the
18 requirement, and it's being reduced to three
19 feet.

20 The concern of the Board here should be any
21 reduction in ability to get front to back of
22 these buildings.

23 As a traffic engineer, I'm always
24 interested in pedestrians and safety, traffic
25 safety, and emergency response.

1 You would have first responders, fire
2 equipment, that if needed in the rear of the
3 building, certainly would need this space between
4 buildings for access, front to back.

5 So, that would be up to the Board to
6 determine how much space. But from what I
7 believe I heard, it was a six foot requirement
8 being reduced to three feet.

9 I believe it was mentioned six inches in
10 each of the garage, but if it were six inches in
11 each of the garage, that would be a foot total.

12 So, I -- I'm not exactly sure of the
13 numbers.

14 Maybe that could be clarified.

15 But any reduction in a requirement in the
16 space between the two buildings, certainly should
17 be weighed and considered by the Board for
18 emergency response.

19 I'm not an architect, and I'm not up on the
20 Building Code. I'm a traffic engineer.

21 Circulation to the garage.

22 You're looking to have three families, five
23 cars in that garage.

24 That's a shared garage, therefore, the
25 access, the aisle to the parking spaces within

1 | that garage, has to remain unblocked.

2 | Anybody -- any family in that garage has
3 | the right to use that garage.

4 | Therefore, this garage and garages -- we
5 | all know tend to gather stuff; a bicycle, a
6 | carriage.

7 | This is a four-story apartment.

8 | Somebody living -- four stories with three
9 | apartments above the garage; somebody living on
10 | the top or middle floors certainly is not going
11 | to be carrying wagons, baby carriages, bicycles,
12 | up and down the stairs to -- they would want to
13 | store it in the garage.

14 | I don't know that a lot of space is left
15 | within that garage with the way the parking is
16 | laid out.

17 | And I know your Ordinance has that parking
18 | layout, but it's shown as an example. It's not
19 | shown as something, this is what should be
20 | provided for each and every building that comes
21 | in before you for approval.

22 | Another thing I might note, within that
23 | garage there's gas meters, other meters.
24 | Typically in traffic engineering, those meters
25 | have to be protected.

1 Usually there's bollards around them to
2 make sure that there's no vehicles backing into
3 them or getting near the point where a gas meter
4 could be damaged.

5 And in this case, when you have multiple
6 families with five vehicles being parked in the
7 garage, you would certainly have to protect those
8 meters from any vehicle strikes.

9 And that is obviously a concern that the
10 Board should look at for access in and out of the
11 driveway -- or in and out of the garage from the
12 driveway.

13 Again, the driveway being used by the three
14 families of each building's apartments, the
15 driveways are not usable for guests and res --
16 guests of the residents, because any vehicle
17 parked in the driveway would block the other
18 family.

19 So, any space in the driveway is just
20 access to the garage. It's not usable for
21 parking. Or there would be certainly concerns of
22 the mul -- multiple families being able to access
23 their parking spaces.

24 And if that access were blocked, then they
25 would certainly be looking on the street for that

1 extra space where two spaces have now been
2 removed from in front of the house, and an extra
3 driveway has been provided which is unusable for
4 parking.

5 MR. MAYERSOHN: Could you address, Mr.
6 Feranda, the access to the stairways that are
7 near where the cars are parked?

8 MR. FERANDA: Sure.

9 The -- the parking as laid out, is again,
10 very tight in the garage. A -- the access to the
11 rear stairs has vehicles parked basically right
12 up to the staircase.

13 If there's a door that was to be provided
14 for the staircase, that would have to swing open.

15 That space would have to be available and
16 couldn't be parked in.

17 Obviously, it would have to be used for not
18 only routine access, but any emergency access.

19 As noted, there is one staircase in the front of
20 the building. This would be the alternate access
21 to each of the buildings, the rear staircase.

22 And if that were blocked by somebody
23 parking in front of it who are not able to open,
24 that could become an issue.

25 Again, I'm not an architect, and I'm a

1 traffic engineer. But I know that a vehicle
2 parked in front of a door or a vehicle parked in
3 front of staircase, could limit access.

4 And I don't know if that would meet ADA
5 compliance to have vehicles parked so close to a
6 staircase.

7 MR. MAYERSOHN: Would you have any insights
8 to share regarding traffic flow from cars going
9 in and out of the garage?

10 It would seem they either have to be backed
11 in or backed out.

12 Can you explain the impact of that on 18th
13 Street? Traffic --

14 MR. FERANDA: Correct.

15 MR. MAYERSOHN: -- and the traffic light
16 there?

17 MR. FERANDA: Vehicles would have to either
18 be backed in or backed out because there's not
19 the width to turn a car around.

20 What does that mean?

21 There's a sidewalk there. People use the
22 sidewalk. People use the sidewalk routinely.
23 I observed that as I was out at the location.

24 And backing over a sidewalk, although it
25 might be common in an area like this, we're

1 | talking about the impact of this development in
2 | this area.

3 | And what we're looking at, what they're
4 | requesting, is a variance for the impact of these
5 | six units to replace the two units.

6 | There is a driveway there. That driveway
7 | currently is wide enough that vehicles have the
8 | ability to turn around and would not have to back
9 | out.

10 | The current proposal, with the width of the
11 | driveway and the garage, certainly does not allow
12 | a vehicle to turn around.

13 | And that backing out crosses the sidewalk,
14 | and also would have to work its way into traffic.

15 | And again, I've noted the traffic for this
16 | roadway, based on DOT numbers, is in the range of
17 | 3,000 or so.

18 | Obviously not all of the traffic that
19 | travels Manhattan Ave is going to use just 18th
20 | Street. There are alternatives.

21 | But this is a major connector from
22 | Manhattan to the points west and north.

23 | MR. MAYERSOHN: Any other comments on --
24 | regarding the --

25 | MS. PEREIRAS: I just have a question.

1 MR. MAYERSON: -- the design?

2 I'm sorry.

3 Or, do you have any other comments
4 regarding the design or what you see in the
5 plans?

6 MR. FERANDA: No, but I -- I'd just like to
7 summarize the -- the impacts I see.

8 Again, the variances are being requested to
9 reduce the impacts on the neighborhood to improve
10 the design.

11 The impacts I see, you're adding four
12 units.

13 Where there's two, there will be six.

14 That's an increase of four units.

15 You're adding families.

16 You're adding from two families to four fam
17 -- four more families to six families.

18 The cars, you're adding cars into that
19 stream of traffic flow, which increases conflict
20 points.

21 Driveways, you have two driveways where
22 there was one.

23 I talked about conflict points.

24 Pedestrians, we talked about the sidewalk,
25 that you now have two driveways crossing the

1 sidewalk.

2 Parking demand, again, for the units, for
3 the two apartments that are there, the parking
4 requirement is four.

5 For the six proposed apartment units, the
6 parking requirement is 12.

7 So, the parking requirement for the area is
8 going up by eight.

9 Actually, they are only providing ten,
10 which means they're asking for the reduction of
11 your requirement by two parking spaces, in
12 addition to potentially taking away two street
13 parking spaces.

14 Then on the decrease side, the parking
15 on-site will obviously be decreased from your
16 requirement.

17 The other point, from a traffic point of
18 view, and it goes to safety.

19 Sight distance on the driveways, backing
20 out of the driveways, which if there is cars
21 parked along the street, 18th Street, sight
22 distance should be taken into account from those
23 driveways, so that anybody backing out can see a
24 -- a vehicle that's approaching from the east,
25 that's traveling towards the signal.

1 MR. MAYERSOHN: Very good.

2 Thank you, Mr. Feranda.

3 If the Board has any questions for him.

4 MR. CHEWCASKIE: If I may --

5 CHAIRPERSON CAPIZZI: Um-hum.

6 MR. CHEWCASKIE: -- Ms. Capizzi?

7 I don't have a question for you, sir.

8 I just have a question for Mr. Pereiras,
9 because I -- I just want to make sure that I'm
10 clear on something.

11 When I look at your drawings for the rear
12 staircase that's accessed from the outside, not
13 from inside the garage?

14 MR. PEREIRAS: That's correct, Mr.
15 Chewcaskie.

16 The garage is on the ground level, so no
17 one needs to access a stair to get out.

18 MR. CHEWCASKIE: I -- I just wanted to
19 clarify that, so you know, we didn't spend time
20 on it. I understand --

21 MR. MAYERSOHN: A good point.

22 MR. PEREIRAS: I would have covered it.

23 Thank you, Mr. Chewcaskie.

24 MR. CHEWCASKIE: -- Mr. Feranda's con --
25 Feranda's concern, but I just wanted to -- to

1 clarify that based upon my review.

2 I understand what you mean.

3 MR. FERANDA: I thank you for that
4 clarification.

5 My understanding was that somebody in the
6 garage would want to access the building, but I
7 guess in this case they would go outside --

8 MR. CHEWCASKIE: I --

9 MR. FERANDA: -- to go --

10 MR. CHEWCASKIE: -- I just wanted to make
11 it clear for the Board, because when I reviewed
12 it, I -- I saw that.

13 It's -- I didn't want to inter -- interrupt
14 the train, but just to correct the record.

15 MR. MAYERSOHN: Okay.

16 VICE CHAIRPERSON VELAZQUEZ: Mr. Feranda,
17 --

18 MR. FERANDA: Very good.

19 VICE CHAIRPERSON VELAZQUEZ: -- hold on.

20 MR. FERANDA: Yes.

21 VICE CHAIRPERSON VELAZQUEZ: When you were
22 conducting this study, did you take into account
23 that Hudson School's up the block?

24 MR. FERANDA: Did I take into account the
25 schools on the block?

1 I -- I -- my observations looked at the
2 schools, saw the pedestrian crossings. And
3 again, I note that there is a pedestrian
4 crossing. I believe it's -- also has a school
5 plaque on it for crossing on 18th Street.

6 VICE CHAIRPERSON VELAZQUEZ: Correct.

7 Okay.

8 Thank you.

9 MR. MAYERSOHN: Thank you.

10 As you note, there are two -- two schools
11 within one block, and one that's a half block
12 away, the Powell School.

13 VICE CHAIRPERSON VELAZQUEZ: Um-hum.

14 MR. MAYERSOHN: Is -- it is a intensive
15 amount of student traffic.

16 I -- should we take some comments from some
17 of the neighbors, and then I can sum up?

18 MR. CHEWCASKIE: I -- I think if you're
19 finished, sir, or perhaps before we get that, if
20 Ms. Capizzi and Ms. Pereiras has any questions of
21 Mr. Feranda.

22 We can certainly get everything on the
23 record.

24 And if there are other comments, we'll
25 certainly listen.

1 MR. MAYERSOHN: Okay.

2 MR. FERANDA: Yes.

3 MS. PEREIRAS: Very briefly.

4 Did you do any actual counts on the street?

5 MR. FERANDA: I used the NJDOT count data.

6 MS. PEREIRAS: Okay.

7 No actual counts yourself on the street?

8 MR. FERANDA: No.

9 And that count data was from 2017 --

10 MS. DILLON: One step closer to the
11 microphone --

12 MR. FERANDA: I'm sorry.

13 MS. DILLON: -- please.

14 MR. FERANDA: The count data was from 2017.
15 It's NJDOT data.

16 Traffic counts in the last year or two have
17 been irregular patterns due to the change in
18 Coronavirus and travel by residents.

19 So, what we would use is the traffic data
20 that's available to us, which is the NJDOT. It's
21 the best data available to us.

22 MS. PEREIRAS: That was my only question of
23 Mr. Feranda.

24 MR. CHEWCASKIE: All right.

25 CHAIRPERSON CAPIZZI: Um-hum.

1 MS. PEREIRAS: We can address some of his
2 comments, but I don't know if it's best to wait
3 until the other --

4 MR. CHEWCASKIE: I --

5 MS. PEREIRAS: -- public members --

6 MR. CHEWCASKIE: -- yeah.

7 I -- I'd like to hear from everyone --

8 CHAIRPERSON CAPIZZI: Um-hum.

9 MR. CHEWCASKIE: -- in the public --

10 MS. PEREIRAS: Sure.

11 MR. CHEWCASKIE: -- you know.

12 MR. FERANDA: Sure.

13 MR. CHEWCASKIE: It's -- Ms. Capizzi, I
14 guess, we can give Mr. Mayersohn less --

15 MR. MAYERSOHN: Jack (phonetic)?

16 MS. DILLON: Please raise your right hand.

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

19 MR. JIA: Yes.

20 MS. DILLON: Please state your name and
21 spell it for the record.

22 MR. JIA: Haotian Jia, H --

23 MS. DILLON: Spell it slowly, please.

24 MR. JIA: H-A-O-T-I-A-N.

25 MS. DILLON: H-A?

1 MR. JIA: H-A-O-T-I-A-N.

2 MS. DILLON: Right.

3 MR. JIA: Last name is J-I-A.

4 MS. DILLON: And your address, sir?

5 MR. JIA: 211 19th Street.

6 MS. DILLON: Thank you, sir.

7 And I'm just going to ask you to keep your
8 voice up.

9 MR. JIA: Okay.

10 MS. DILLON: Thank you.

11 MR. JIA: Yeah.

12 Our expert and Mr. Mayersohn have provided
13 some evidence.

14 I'm just adding some points from my
15 personal experience.

16 So, first thing is, I am the north side
17 neighbor of the proposed buildings.

18 So, these two buildings are more than more
19 twice as high as my -- my home.

20 And this is like putting up a high wall
21 that completely blocks the sunlight. It's going
22 to put my home completely in shadow.

23 So, for people who don't have the financial
24 capability to modify their house and match the
25 height, our life quality is put at a disadvantage

1 position.

2 And on the other side on the parking issue,
3 so, I have always offered a courtesy to the
4 community to let my neighbors on the street to
5 street park in front of my driveway.

6 So, they leave me their cell phone numbers,
7 and every time when I drive out, I call them to
8 move their car.

9 So, it's already so hard to secure a
10 parking spot every night, so that we have to
11 dynamically coordinate among ourselves.

12 This new buildings will make it even worse.

13 So, I think our community life quality is
14 -- is the cost of their capital return.

15 MR. OSEGUERA: Okay.

16 CHAIRPERSON CAPIZZI: Hmm.

17 MR. JIA: Yeah, that's my personal
18 experience.

19 Yeah, that's it.

20 CHAIRPERSON CAPIZZI: Thank you.

21 MR. CHEWCASKIE: Thank you.

22 CHAIRPERSON CAPIZZI: Thank you.

23 Is that his address? Nineteenth or 18th?

24 MR. CHEWCASKIE: He said 211 19th.

25 CHAIRPERSON CAPIZZI: What's he saying it's

1 next door?

2 MR. CHEWCASKIE: I think he's behind it.

3 CHAIRPERSON CAPIZZI: Oh, okay.

4 MS. DILLON: Hello.

5 MS. MAGILAVY: Hi.

6 MS. DILLON: Please raise your right hand.

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

9 MS. MAGILAVY: Yes, I do.

10 MS. DILLON: Would you please state your
11 name and spell it for the record?

12 MS. MAGILAVY: Yes.

13 Kay Magilavy. M as in Mary, A-G-I --

14 MS. DILLON: I'm sorry.

15 M-A-G?

16 MS. MAGILAVY: I-L-A, V as in Victor, Y.

17 MS. DILLON: Y?

18 MS. MAGILAVY: Y.

19 MS. DILLON: And your first name is Kay?

20 MS. MAGILAVY: K-A-Y.

21 MS. DILLON: K-A-Y.

22 And what's your address?

23 MS. MAGILAVY: 212 18th Street.

24 CHAIRPERSON CAPIZZI: What was that?

25 212 what?

1 MR. OSEGUERA: 212 18th.

2 MR. CHEWCASKIE: 18th Street.

3 CHAIRPERSON CAPIZZI: 18th?

4 Thank you.

5 MS. MAGILAVY: 212 18th Street.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MS. MAGILAVY: Um-hum.

8 MS. DILLON: Okay.

9 I'm just going to ask you to keep your
10 voice up.

11 MS. MAGILAVY: Okay, I will.

12 And I'm just going to (indiscernible) --

13 MR. MAYERSOHN: (Indiscernible).

14 MS. MAGILAVY: So, when --

15 MS. DILLON: No. You can't speak when
16 you're walking around.

17 Got to --

18 MR. CHEWCASKIE: Why don't --

19 MS. DILLON: -- speak at the podium.

20 MR. CHEWCASKIE: Ma'am, how many of those
21 photos do you have?

22 MS. MAGILAVY: I think I have 12.

23 MR. CHEWCASKIE: All right.

24 If you could --

25 MS. MAGILAVY: I think --

1 MR. CHEWCASKIE: -- also --

2 MS. MAGILAVY: -- they're --

3 MR. CHEWCASKIE: -- give one to Miss
4 Pereiras, too.

5 MS. MAGILAVY: I would be happy to.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MS. MAGILAVY: Yeah, thank you.

8 COMMISSIONER VALDIVIA: Be careful there.

9 MS. MAGILAVY: Yeah.

10 COMMISSIONER VALDIVIA: (Indiscernible).

11 VICE CHAIRPERSON VELAZQUEZ: Thank you.

12 MS. MAGILAVY: Two. Two.

13 MR. OSEGUERA: Thank you.

14 MS. PEREIRAS: Thank you.

15 CHAIRPERSON CAPIZZI: I guess that's her
16 garden.

17 MS. MAGILAVY: So, when Norman bought this
18 house in 1985, one of the biggest --

19 MR. CHEWCASKIE: You need to --

20 MS. DILLON: You have to stand --

21 MR. CHEWCASKIE: -- you need --

22 MS. DILLON: -- in front of the microphone,
23 please.

24 MS. MAGILAVY: Oh, I'm sorry.

25 Madam Chair, I -- I thank you for giving me

1 a few minutes to -- to talk about this because
2 it's quite important to me.

3 When Norman bought this house in 1985, one
4 of the things I loved about the neighborhood was
5 right proximity to the City.

6 But this was an open block pretty much.
7 Even the row houses had enough room in the
8 backyard for gardens.

9 And every year that we've lived there, I
10 planted a garden in our backyard.

11 That picture of the garden on the top of
12 that was taken this afternoon.

13 So, even late -- this late in the season,
14 we can harvest grapes, eggplants, beans.

15 It's -- it's a very diverse garden.

16 And I planted extra grain this year because
17 there is so little for the birds to eat that I'm
18 trying to do something to kind of offset
19 (indiscernible).

20 My kids grew up in that garden. They loved
21 it.

22 And -- but it doesn't take much
23 trigonometry to figure out that when you put a 45
24 foot building --

25

1 And I'm not sure if that actually includes
2 the parapets I just heard about tonight.

3 -- right next to our fence on the south
4 side, there will never ever be any more sun in
5 that backyard.

6 It's -- and even figuring in the middle of
7 July when the sun is at its highest, it will not
8 come to my far fence.

9 So, can I grow there?

10 Yes.

11 I can do moss. I can do ferns.

12 But there won't ever be another vegetable
13 garden in that -- in that yard.

14 Now, does this person that bought the lot
15 have the right to do this?

16 Absolutely.

17 You can do whatever you want to with your
18 property as long as you meet the Code.

19 And does -- but when I looked at the Master
20 Plan, the last one, it was adopted, I thought we
21 were sort of protected from that kind of
22 behavior. And I wasn't sure.

23 So, at any rate, I want you to know, my
24 granddaughter is on that. I had hoped that she
25 would enjoy growing up in such a garden.

1 And I think Union City needs more vegetable
2 gardens and less rental apartments that people
3 are going to come and go from and not be, you
4 know, have the opportunity to -- to stay and be
5 part of it, and raise their children there.

6 So, I -- I'm saying that does this person
7 have the right to do what he's doing?

8 Absolutely, and we should defend that.

9 But that doesn't make it right.

10 CHAIRPERSON CAPIZZI: Thank you.

11 MS. MOREJON: Thank you.

12 MS. GENAO: Thank you.

13 MR. CHEWCASKIE: So, just for the Board's
14 edification, we will mark this photograph as O-2.

15 It's to depict the garden.

16 CHAIRPERSON CAPIZZI: Um-hum.

17

18 (Whereupon, Garden Photograph, was received
19 and marked as Exhibit O-2.)

20

21 MS. MAGILAVY: All right.

22 Thank you.

23 MS. DILLON: I'm sorry?

24 It's a photograph of what?

25 MR. CHEWCASKIE: The garden.

1 CHAIRPERSON CAPIZZI: The garden.

2 MS. DILLON: Okay.

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

5 MS. DILLON: Sir, please raise your right
6 hand.

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

9 MR. SHIBLY: Yes.

10 MS. DILLON: Can you please state your name
11 and spell it for me?

12 MR. SHIBLY: Awad Shibly. A-W-A-D.

13 MS. DILLON: I'm sorry. A?

14 MR. SHIBLY: A-W-A-D.

15 MS. DILLON: Last name?

16 MR. SHIBLY: S-H-I-B --

17 MS. DILLON: I-V, as in Victor?

18 MR. SHIBLY: B as in boy.

19 MS. DILLON: Uh-huh.

20 MR. SHIBLY: L-Y.

21 MS. DILLON: O-Y?

22 MR. SHIBLY: L-Y, yes.

23 MS. DILLON: L-Y.

24 I'm sorry. It is the room.

25 MR. SHIBLY: That's all --

1 MS. DILLON: And your address?

2 MR. SHIBLY: 1800 Palisade Avenue.

3 MS. DILLON: Thank you.

4 Go ahead.

5 MR. SHIBLY: All right.

6 So, in addition to what everybody else has
7 said about the parking and the traffic that --
8 that building would create, my concern are the
9 two schools that we have next to us; Emerson and
10 Hudson.

11 My concern is that during the development
12 it will create even more traffic, especially with
13 the kids walking to school and out of school.

14 Currently, all the faculty staff park in
15 our street.

16 We have a business with a loading zone in
17 front of it, and sometimes the faculty will take
18 our loading zone.

19 With this development, it will decrease the
20 parking spaces. It will make it worse for the
21 teachers and the faculty of these two schools to
22 look for parking.

23 And after school when they are leaving, it
24 will create even more traffic from Hoboken and
25 from the whole area.

1 You know?

2 That's about it.

3 That's a main concern; just those -- the
4 two schools that we have.

5 That's all.

6 Thank you.

7 MR. CHEWCASKIE: Thank you.

8 CHAIRPERSON CAPIZZI: Thank you.

9 MS. DILLON: Please raise your right hand.

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

12 MS. WEISS: Yes.

13 MS. DILLON: Please state your name and
14 spell it for me.

15 MS. WEISS: Elizabeth Weiss, W-E-I-S-S.

16 MS. DILLON: And your address?

17 MS. WEISS: 1807 Palisade Avenue.

18 MS. DILLON: Thank you.

19 MS. WEISS: Okay.

20 I just wanted to add to what --

21 MS. DILLON: And you've got to keep your
22 voice up because it's a gymnasium.

23 MS. WEISS: Okay.

24 Hate doing this.

25 I wanted to add to what Kay and the

1 neighbor on 19th Street added.

2 Because, just on my personal note, I live
3 at 1807 Palisade, which is behind Emerson.

4 And around five to ten years ago, there was
5 a fire back there.

6 They took down the building.

7 And when they rebuilt, I foolishly assumed
8 that they were going to rebuild, you know, a two-
9 story, two-family, as was there previously.

10 And instead -- instead, I didn't go to a
11 meeting. I didn't research it.

12 And they built a large, you know, similar
13 to what is probably proposed here; just way too
14 big, very little setbacks.

15 Same as what they -- the blocking the
16 light, you know, sort of took it, stole all of
17 our air and our light, and you know, it's just
18 not as relaxing now.

19 When I look out my back window, I see
20 people in their house. You know, I see windows.

21 Before it was all open. It was -- I don't
22 know if they call it the doughnut here, but you
23 know.

24 So, okay.

25 I think that's it.

1 We still enjoy the yard, but it's just --
2 it's not the same.

3 CHAIRPERSON CAPIZZI: Hmm.

4 MS. WEISS: Kind of like he said, a big
5 wall there.

6 MS. DILLON: Please raise your right hand.

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

9 MS. BECKER: Yes.

10 MS. DILLON: And please state your name and
11 spell it for me.

12 MS. BECKER: Yes.

13 Grace Becker, B as in boy, E-C-K-E-R.

14 MS. DILLON: And your address, please?

15 MS. BECKER: 314 22nd Street.

16 MS. DILLON: I'm sorry?

17 MS. BECKER: 314 22nd Street.

18 MS. DILLON: Thank you.

19 MS. BECKER: So, not to belabor the traffic
20 issue, that was very well discussed.

21 I work -- I'm a registered nurse, and I
22 work in Hoboken.

23 And I now, when I -- the only way for me to
24 come home, especially when Hackensack Plank Road,
25 which I don't normally travel, but that was not

1 an option.

2 The only way to get home is to come up the
3 Via -- Viaduct and go north, and I would be in
4 that whole vicinity.

5 And -- and now, even with the building
6 that's going on, on the Viaduct, the traffic over
7 the years has gotten worse and worse.

8 Well, I have possibly the option as other
9 people, to go down Mountain Road to go through
10 all the neighborhoods to get to my house.

11 Okay, that's an option. I'm sure other
12 people will think of that. Because that is the
13 only way to get up from -- from where I work.

14 But the traffic, I'm concerned about the
15 global warming.

16 I mean, we're there in a line of cars
17 halfway up, and it's just getting out of hand.

18 I mean, I have grandchildren that are
19 living in Union City, and I would like them to
20 stay close by.

21 But I -- I've already had one grandson
22 who's just recovered from leukemia, living in
23 Union City.

24 And this, we can't do this. We're -- we're
25 literally destroying the planet. I mean, we got

1 to -- it's got to stop somewhere.

2 And if we can just slow it down and rethink
3 it, I'm sure there's options.

4 Thank you.

5 CHAIRPERSON CAPIZZI: Thank you.

6 MS. DILLON: Please raise your right hand.

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

9 MR. MOCKERT: Yes, it is.

10 MS. DILLON: Please state your name and
11 spell it for me.

12 MR. MOCKERT: Walter Mockert, M-O-C-K-E-R-
13 T.

14 MS. DILLON: M-O-C-K-E-R-T?

15 MR. MOCKERT: Correct.

16 MS. DILLON: And your address, sir?

17 MR. MOCKERT: 1809 Palisade Avenue.

18 MS. DILLON: Thank you, sir.

19 MR. MOCKERT: I appreciate the opportunity
20 to make a few comments here.

21 And I'm going to probably wander around a
22 bit, but it's all tied together.

23 Recently, we had a census.

24 Remember all the flyers that came to us
25 from Brian Stack, how important it is for

1 population of the city to be counted because his
2 feeling was, was woefully undercounted.

3 I see a lot of development now, such as
4 this proposed thing, that is going to increase
5 the crowding in this city.

6 I'm not against development if it's done
7 sensibly.

8 But we do see basement apartments, legal
9 and illegal.

10 We see developments like this being
11 proposed for narrow streets, where there already
12 isn't enough parking for the existing residents,
13 much less adding developments like this where
14 variances are requested which are only going to
15 exacerbate the problem.

16 Living at 1809, I can see other things that
17 go on.

18 We talk about losing parking spaces.

19 There was recently a new commercial
20 establishment opened directly across the street
21 from me.

22 Interestingly enough, for some strange
23 reason, two legal parking spaces were eliminated
24 to create a loading zone, a loading zone for the
25 business.

1 At the same time, you've added new traffic
2 lights, which are slowing down the movement of
3 traffic. And a business like the one that I've
4 just described to you, where you have people
5 coming from all over the place to get food for
6 takeout purposes, they're now doubled parking.

7 Double parking at the same time that you've
8 got traffic lights slowing down the flow of
9 traffic even more than it was before.

10 So, my concerns are quality of life for the
11 residents of this city.

12 While I was trying to listen to this, I
13 didn't hear any description as to whether this is
14 proposed to be a condominium development.

15 This is a rental.

16 All right.

17 So, if it's a rental and you say it's
18 three-family, there's really no guarantee that
19 it's going to be a family.

20 It could be three young guys all happily,
21 you know, now living in a somewhat less expensive
22 environment than let's say, Hoboken.

23 But they've got their cars. Those cars are
24 going to be all over the place.

25 And just as one of the other individuals

1 talked about concerns about the young children
2 going to the schools, I can say that that's a
3 very real concern.

4 And I hope that the Board will consider the
5 concerns of the existing residents as much or
6 more so than you think about the wants and
7 desires of developers looking to make money at
8 our expense.

9 Thank you.

10 CHAIRPERSON CAPIZZI: Thank you.

11 MR. MAYERSOHN: Thanks.

12 Thank you to everybody.

13 I had a lot of notes to myself regarding
14 the -- what the City and this Planning Board is
15 on record in terms of Master Plan and goals.
16 I don't think I need to go over that. You're all
17 very attentive and -- and aware. I can offer
18 some of that if you like.

19 I would say that the -- the quality of life
20 and the parking concerns are -- are well
21 addressed here by our neighbors.

22 The issues of architectural integrity of
23 the -- the consistency of the community and the
24 appropriateness, the scale of the proposed
25 buildings, are my main concerns and that I would

1 | like to sum up with.

2 | We do have concerns with the setbacks in
3 | terms of fire and first responder access, and the
4 | -- what is known in -- among first responders as
5 | the collapse zone.

6 | We certainly want the -- any existing
7 | building to be safe. And that is partly why
8 | there's a new Land Use Element and a new Master
9 | Plan, which I fully acknowledge is not ordinance
10 | yet.

11 | But why we are not going to have the three
12 | -- three-family units in neighborhoods like this
13 | going forward.

14 | The --

15 | Yeah, I would -- I would like to see our --
16 | the -- the little bit of open space we have and --
17 | - and the -- the block not be a solid wall.

18 | And we would not -- this Board has -- has
19 | many times expressed and been on the record with
20 | its concerns about building massing and issues
21 | like that.

22 | We're in a situation now where the
23 | governing body understood that the most recent --
24 | the 2019 Ordinance, which this application was
25 | submitted under, is not good for our

1 neighborhood, is not good for Union City, and
2 it's a hundred percent inconsistent with the
3 Master Plan.

4 And I, and my neighbors, and our community
5 would ask that this application be denied.

6 CHAIRPERSON CAPIZZI: Thank you.

7 MR. CHEWCASKIE: Do you have --

8 MS. PEREIRAS: I thank the public --

9 MR. CHEWCASKIE: -- anything to add, --

10 MS. PEREIRAS: -- for your comments.

11 MR. CHEWCASKIE: -- Ms. Pereiras?

12 MS. PEREIRAS: I apologize.

13 MR. CHEWCASKIE: Did you have anything to
14 add?

15 MS. PEREIRAS: Absolutely.

16 I think there was some valid comments made
17 by the neighbors.

18 So, I think I'd like to address some of
19 those concerns, particularly due to safety
20 issues.

21 Mr. Pereiras, if we could --

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

23 If I was a neighbor and I saw the document
24 to my left; if I was a Board member and I saw
25 that document, I would be very scared and think

1 | what is going on?

2 | The problem is, it's extremely inaccurate.

3 | Those two white towers are extremely out of
4 | scale.

5 | And -- and there were several things that
6 | were said that are simply just not accurate.

7 | The property immediately to the north of
8 | your house, I believe, sir, you said that it was
9 | 24 feet tall.

10 | I -- it may be 24 feet tall in the front,
11 | but then it steps back and then there's a gable
12 | that's a lot taller.

13 | And then it steps back, and there's a third
14 | story even on that, on your house. And that's
15 | about at least 34 feet tall.

16 | The house -- the building directly across
17 | the street, it's a three-story structure.

18 | However, the first story is significantly tall.

19 | And then if you look at the top story of the
20 | structure, it has a parapet wall that's over
21 | eight feet tall, plus. I'd say it's well over
22 | like 43 feet.

23 | I didn't measure it, but I'd say it's
24 | extremely comparable in size to our structure.

25 | That said, we are not requesting a height

1 variance. We are within our rights with our
2 height variance.

3 We're within our rights for a three-family
4 house of -- that we're proposing here.

5 The rear yard that is five feet required,
6 we're providing ten feet.

7 We are providing a lot more than what is
8 required at this property.

9 And that's the balance that we were talking
10 about that does trigger the two variances that
11 we're requesting, only because we're giving those
12 other things up.

13 The application, the original application
14 that we gave before the Board, is an as of right
15 application.

16 As far as safety, the traffic engineer
17 mentioned a lot of safety points.

18 Mr. Chewcaskie mentioned the first thing.

19 This egress stair, exits directly to the
20 outside.

21 There's no door that interferes with the
22 apartment building.

23 Gas meters are located on -- on the outside
24 of the building.

25 Electric meters are bollard appropriately.

1 This is a parking system that we've had in
2 Union City for several years now.

3 We've built many structures of this style.

4 Yes, cars back up over the sidewalk. We
5 know that. Every single driveway in Union City
6 has exactly the same scenario, that cars go over
7 the sidewalk.

8 Yes, we're increasing the size from a two-
9 family house to two three-families.

10 And we are within our rights to do so.

11 Did I miss anything?

12 MS. PEREIRAS: And just to wrap up.

13 Again, thank you for the opportunity to
14 present this project.

15 As you know, we adjourned it several times
16 to try to meet with the neighbors, and
17 unfortunately that was never reciprocated with
18 us.

19 We believe that this project, in working
20 with the Board, really meets the needs and
21 desires of the town.

22 As you know, we came in with variance-free.

23 We could have accommodated the six parking
24 spots within our structure.

25 We could have had no variances whatsoever.

1 But we agreed with this Board that there
2 was a give and a take.

3 And we believe that this is the best
4 project.

5 You heard from a traffic engineer on behalf
6 of the neighbors. The traffic engineer did not
7 do actual counts, but based it on DOT records.
8 The impact is typical throughout Union City.

9 In this case I don't think he took into
10 account our public transportation, as well as our
11 proximity to the City.

12 And therefore, I rest.

13 And I -- and I thank the Board for the
14 opportunity.

15 And we hope that you deem this project
16 favorable.

17 MR. CHEWCASKIE: Okay.

18 That's it.

19 CHAIRPERSON CAPIZZI: Can we take a recess
20 so we can talk?

21 Is it possible?

22 MR. CHEWCASKIE: Yeah.

23 Why don't we take five minutes --

24 CHAIRPERSON CAPIZZI: Yeah.

25 MR. CHEWCASKIE: -- so I can use the

1 | restroom.

2 | CHAIRPERSON CAPIZZI: So, let's talk.

3 | Let's take a recess and we'll talk.

4 | MR. CHEWCASKIE: Okay.

5 | The Board will take a five minute recess
6 | and then return.

7 |

8 | (Off the record at 7:51 p.m.)

9 | (On the record at 8:00 p.m.)

10 |

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

13 | MR. CHEWCASKIE: Okay, I'm ready.

14 | Let's go.

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

17 | CHAIRPERSON CAPIZZI: I'm ready.

18 | Let's start.

19 | THE SECRETARY: May I have your attention
20 | please?

21 | Back on record.

22 | Miss Capizzi?

23 | CHAIRPERSON CAPIZZI: Okay.

24 | The Board shares the concerns of the
25 | neighbors that we've heard from tonight in re --

1 in regard to quality of life, parking concerns,
2 traffic concerns, appropriateness of scale of
3 building, ability of first responders to access
4 these buildings, concerns for density,
5 deprivation of life.

6 Therefore, I vote to deny the application.

7 MR. CHEWCASKIE: So, this would be a motion
8 to deny, Miss --

9 CHAIRPERSON CAPIZZI: Motion to --

10 MR. CHEWCASKIE: -- Capizzi?

11 CHAIRPERSON CAPIZZI: -- deny.

12 THE SECRETARY: Motion --

13 CHAIRPERSON CAPIZZI: Yes.

14 THE SECRETARY: -- on the table to deny the
15 application by Miss Capizzi.

16 VICE CHAIRPERSON VELAZQUEZ: I second it.

17 MS. MOREJON: Second.

18 THE SECRETARY: Seconded by Mr. Velazquez.

19 Roll call on the motion to deny this
20 application.

21 Miss Capizzi?

22 CHAIRPERSON CAPIZZI: Yes.

23 THE SECRETARY: Mr. Velazquez?

24 VICE CHAIRPERSON VELAZQUEZ: Yes.

25 THE SECRETARY: Commissioner Valdivia?

1 COMMISSIONER VALDIVIA: Yes.

2 THE SECRETARY: Miss Genao?

3 MS. GENAO: Yes.

4 THE SECRETARY: Miss Morejon?

5 MS. MOREJON: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Mr. Oseguera?

9 MR. OSEGUERA: Yes.

10 THE SECRETARY: Seven in favor.

11 The application has been denied.

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

14 * * *

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1 **Way to Win -**

2 **1215 Morris Street:**

3

4 MR. CHEWCASKIE: This is Way to Win?

5 MS. PEREIRAS: Yes, it is.

6 MR. CHEWCASKIE: Got it.

7 THE SECRETARY: Next application on
8 tonight's agenda, Way to Win, 1215 Morris Street.
9 Miss Pereiras, please?

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

12 MR. CHEWCASKIE: Carlos, are you ready?

13 THE SECRETARY: Huh?

14 MR. CHEWCASKIE: Are you ready?

15 CHAIRPERSON CAPIZZI: Ready?

16 THE SECRETARY: Yeah.

17 I call already the application.

18 MR. CHEWCASKIE: Okay.

19 I've had the opportunity to review the
20 notice and the notice of publication, review the
21 affidavit of service. Same is in appropriate
22 form. And the Board has jurisdiction to hear the
23 application.

24 CHAIRPERSON CAPIZZI: Okay.

25 Proceed.

1 MS. PEREIRAS: Again, Bianca Pereiras, on
2 behalf of the applicant, for 1215 Morris Street,
3 also known as Lot 33 in Block 59.

4 The application before the Board is to
5 construct a new three-family home. As you are
6 aware, this application was submitted prior to
7 the change. So, at the time of application, this
8 three-family was a permitted use within this
9 area.

10 I'm actually very happy to present this
11 application.

12 If you look at Morris Street, it's actually
13 a nicely maintained street, except for this one
14 property that needs to be uplifted and renovated.
15 My client is eager to get going on this.

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

19 MR. PEREIRAS: Manny Pereiras.

20 I recognize that I am still under oath.

21 MS. PEREIRAS: Mr. Pereiras, are you
22 familiar with the property in question?

23 MR. PEREIRAS: I am.

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

1 MR. PEREIRAS: I did.

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

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

5 This is our second revision to these
6 drawings.

7 After speaking to the -- the Technical
8 Review Committee, we decided to take that fourth
9 floor and step it back a few feet.

10 Beyond that, we didn't make any other
11 changes to the application.

12 And we're not requesting any additional
13 variances.

14 We have a 25 by 100 lot that is compliant.

15 We have a building that we are setting back
16 ten feet in accordance with the Ordinance. It
17 actually works very perfectly in the site,
18 because the building to the north of it is right
19 on the property line. The building to the south
20 of it is a little bit set back even further than
21 about 15 feet. So, we're right in between the
22 two.

23 It actually makes up for a very nice lands
24 -- streetscape where the building step back
25 carefully instead of all at once.

1 And we are fully compliant there.

2 We have three feet side yard setback on one
3 side; two feet on the other; for a total of five
4 feet, which is compliant.

5 And we have a five foot rear yard setback
6 as well.

7 Our height of the building is compliant at
8 45 feet.

9 Our building coverage is at 66 percent.

10 Our lot coverage is at 97 percent.

11 We thought it was important to introduce
12 some landscaping on Morris Street.

13 It would be very beautiful to have a little
14 bit of landscaping on the street, so we created
15 three different planters along the front of the
16 building to activate that -- that sidewalk with
17 some -- some landscaping.

18 The building design above --

19 MR. CHEWCASKIE: Manny, why don't we just
20 mark your drawings as A-1, Z00 to Z04. And
21 that's revised as of July 15th, 2021.

22 Correct?

23 MR. PEREIRAS: For purposes of the record,
24 I marked the top right hand corner as A-1 with
25 today's date.

1
2 (Whereupon, Plans, Sheets Z00-Z04, Revised
3 July 15, 2021, was received and marked as Exhibit
4 A-1.)

5
6 MR. PEREIRAS: The first image is a
7 rendering of --

8 MR. CHEWCASKIE: Just one --

9 MR. PEREIRAS: -- the proposal --

10 MR. CHEWCASKIE: -- question, Manny.
11 That was last revised July 15th.

12 Correct?

13 MR. PEREIRAS: That is correct.

14 MR. CHEWCASKIE: Thank you.

15 MR. PEREIRAS: As you could see, we have
16 matching the Union City diagram in the Master
17 Plan.

18 We have parking for six vehicles.

19 If you look upstairs, we have three-bedroom
20 apartments on each of the floors.

21 The first two apartments are 1,405 square
22 feet.

23 The top most apartment is 1,302 square
24 feet, with a front terrace.

25 Each of the bedrooms are master, at 13 by

1 12 foot four.

2 The secondary bedroom is 12 nine by ten
3 six.

4 And the third bedroom is 12 nine by ten.

5 The kitchen, living room, dining room is an
6 open layout.

7 There are two stairs to access the roof.

8 And we are providing an elevator in this
9 building, which is very important, because it
10 provides handicap access and allows for these
11 apartments to really work well for families,
12 people with strollers, and -- and young children,
13 which I'm very happy to see every time a
14 applicant wants to add an elevator in the
15 building.

16 The façade of the building is mostly brick
17 along the -- the base of the building.

18 There is siding along the sides and a --
19 and a feature along the front.

20 There is a artistic feature made out of
21 stucco.

22 And we have a railing along the top for the
23 top terrace.

24 I'll keep my presentation concise.

25 I think this is a as of right application.

1 No variances.

2 I think it's exactly what we've been
3 talking about and going over with at the
4 Technical Review meetings.

5 And I'm open for your questions.

6 VICE CHAIRPERSON VELAZQUEZ: The third
7 floor looks like the size of the chicken coop
8 that was up there before.

9 I just got -- I just one -- one thing.

10 Like I say, these -- if this project goes
11 forward and all that.

12 We're going to be going into winter almost
13 and all that.

14 And we got -- I think going forward, and I
15 know, Bianca, we've dealt with this with some
16 properties and everything.

17 MS. PEREIRAS: Yes.

18 VICE CHAIRPERSON VELAZQUEZ: We've got to
19 make sure that they're doing this all work, and
20 if they get approved, that they still keep and
21 maintain these properties.

22 If not -- going like crazy. I was looking
23 for a lot of people and all that.

24 They get approvals from either -- either
25 Board, and then it just like falls through, and

1 now it's just sitting there as empty lots.

2 You got residents who did not come to these
3 meetings that want to show up to the meetings
4 about these other projects, so --

5 MS. PEREIRAS: Right.

6 VICE CHAIRPERSON VELAZQUEZ: -- but then
7 we're inundated with -- with calls and
8 complaints.

9 I just don't want this to be a project that
10 gets demoed and then sits there, and then weeds
11 and barrows that are growing.

12 And the guy next door puts another chicken
13 coop probably.

14 MS. MOREJON: That's right.

15 VICE CHAIRPERSON VELAZQUEZ: It can't
16 happen.

17 MS. PEREIRAS: Mr. Velazquez, I understand
18 your concern.

19 The applicant is actually here, and I know
20 he is hearing this as well.

21 And he's going to make every effort to
22 maintain this property --

23 MR. CHEWCASKIE: I --

24 MS. PEREIRAS: -- during and prior to
25 construction.

1 MR. CHEWCASKIE: I think if I -- if I may,
2 Ms. Capizzi?

3 This went through the Technical Review
4 meeting with Mr. Spatz and myself several months
5 back.

6 It was stepped back in order to address
7 concerns within the neighborhood.

8 And based upon your concern about
9 maintenance, we do have the list of standard
10 conditions.

11 With our resolutions we can certainly add
12 the maintenance provision to that. It's -- it's
13 a condition.

14 We just hope that they comply, because I
15 know we've had issues in the past.

16 VICE CHAIRPERSON VELAZQUEZ: Is there a way
17 -- would have to be passed by Ordinance with the
18 Commissioners if you'd say if it's not maintained
19 every three months, something -- something could
20 happen?

21 MR. CHEWCASKIE: I -- I can't -- this Board
22 cannot do anything but have a condition.

23 The enforcement is up to the Zoning Officer
24 or the Building Department.

25 VICE CHAIRPERSON VELAZQUEZ: So, we could

1 put conditions on all of them like that though.

2 MR. CHEWCASKIE: You can put a condition
3 that it's a requirement that once the property is
4 demolished, that the lot be maintained in
5 accordance with the appropriate standards.

6 VICE CHAIRPERSON VELAZQUEZ: That's nice,
7 because they're revitalizing that -- that
8 neighborhood a lot.

9 CHAIRPERSON CAPIZZI: Um-hum.

10 VICE CHAIRPERSON VELAZQUEZ: Was that on --
11 a motion?

12 MR. CHEWCASKIE: Well, I think --

13 VICE CHAIRPERSON VELAZQUEZ: Motion.

14 MR. CHEWCASKIE: -- we need to open --

15 CHAIRPERSON CAPIZZI: Does anyone --

16 MR. CHEWCASKIE: -- to the --

17 VICE CHAIRPERSON VELAZQUEZ: Oh, I'm sorry.

18 CHAIRPERSON CAPIZZI: -- anyone -- any
19 Board member have any questions or comments?

20 Any member of the public?

21 VICE CHAIRPERSON VELAZQUEZ: All right.

22 I make a motion to approve the project.

23 THE SECRETARY: Motion to?

24 VICE CHAIRPERSON VELAZQUEZ: Approve.

25 MR. SPATZ: Approve.

1 THE SECRETARY: Motion to approve.

2 Sorry, I didn't hear --

3 MR. OSEGUERA: Second.

4 THE SECRETARY: Motion to approve this
5 application.

6 MR. OSEGUERA: Second.

7 THE SECRETARY: Seconded by Mr. Oseguera.

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

10 Miss Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Mr. Velazquez?

13 VICE CHAIRPERSON VELAZQUEZ: Yes.

14 THE SECRETARY: Commissioner Valdivia?

15 COMMISSIONER VALDIVIA: Yes.

16 THE SECRETARY: Miss Genao?

17 MS. GENAO: Yes.

18 THE SECRETARY: Miss Morejon?

19 MS. MOREJON: Yes.

20 THE SECRETARY: Mr. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Mr. Oseguera?

23 MR. OSEGUERA: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 MS. PEREIRAS: Thank you all very much.

2 CHAIRPERSON CAPIZZI: You're welcome.

3 MS. PEREIRAS: Thank you.

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1 **655 39th Street, LLC -**

2 **655 39th Street:**

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4 THE SECRETARY: Next application on
5 tonight's agenda, 655 39th Street, LLC.

6 Miss Pereiras, please?

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

9 MR. CHEWCASKIE: Okay.

10 So, we -- if -- if I may?

11 CHAIRPERSON CAPIZZI: Um-hum.

12 MR. CHEWCASKIE: I have to bring the Board
13 back to July.

14 CHAIRPERSON CAPIZZI: Um-hum.

15 MR. CHEWCASKIE: In July, the Board heard
16 the application.

17 And there was a reserved decision.

18 This was a similar matter where it did go
19 through the Technical Review.

20 I reviewed Mr. Spatz's report.

21 The project is a conforming application.

22 And, Dave, if you want to just chime in.

23 My understanding is that there was a
24 redesign in the building to make it more
25 conformed with the neighborhood, based upon what

1 I'm reading in your report, but I'm --

2 MR. SPATZ: That -- that's correct.

3 Similar to the -- the other items that went
4 through the Technical Review Committee, this one
5 does not require any variances.

6 And there were adjustments made, again to
7 make the appearance of the building and the
8 façade, blend in more with the neighborhood as
9 has been the posture of the Board.

10 MR. CHEWCASKIE: And, Miss Pereiras, at the
11 request at the last meeting, also re-noticed --

12 CHAIRPERSON CAPIZZI: Um-hum.

13 MR. CHEWCASKIE: -- for this evening that
14 the Board would consider the application.

15 So, I've had the opportunity to look at the
16 notice. The same is appropriate. However, the
17 Board still has its continuing jurisdiction from
18 July.

19 CHAIRPERSON CAPIZZI: Okay.

20 So does that mean they have to --

21 MR. CHEWCASKIE: What it means we're up to
22 a vote.

23 CHAIRPERSON CAPIZZI: Oh, we are.

24 MR. CHEWCASKIE: But first, I would suggest
25 is that since there was re-notice, we would re --

1 | just reopen to the public to see if anyone's
2 | here.

3 | CHAIRPERSON CAPIZZI: So, is it this --
4 | this space that they're --

5 | MR. CHEWCASKIE: Why don't -- why don't we
6 | just ask Manny.

7 | CHAIRPERSON CAPIZZI: This is --

8 | MR. CHEWCASKIE: It's the one story --

9 | CHAIRPERSON CAPIZZI: -- the --

10 | MR. CHEWCASKIE: -- one story --

11 | CHAIRPERSON CAPIZZI: -- the mini market?

12 | VICE CHAIRPERSON VELAZQUEZ: It's a store.

13 | MR. CHEWCASKIE: -- mini mart.

14 | MR. PEREIRAS: Yes.

15 | CHAIRPERSON CAPIZZI: Is that what's --

16 | MR. OSEGUERA: Yup.

17 | MR. CHEWCASKIE: That's --

18 | CHAIRPERSON CAPIZZI: -- getting
19 | demolished?

20 | MR. PEREIRAS: We're demolishing that mini
21 | market that's in horrible disrepair.

22 | It's like all the way up on the front
23 | setback.

24 | We're demolishing that --

25 | MR. OSEGUERA: I was going to say, hey --

1 MR. PEREIRAS: -- and we're --

2 MR. OSEGUERA: -- that's a nice --

3 MR. PEREIRAS: -- replacing it with a --

4 MR. OSEGUERA: -- that --

5 MR. PEREIRAS: -- beautiful structure.

6 MR. OSEGUERA: -- that used to be a nice
7 bodega.

8 MS. PEREIRAS: Used to be.

9 MR. PEREIRAS: Yeah, it used to be.

10 MR. CHEWCASKIE: It used to be a nice
11 bodega.

12 VICE CHAIRPERSON VELAZQUEZ: Used to be.

13 CHAIRPERSON CAPIZZI: Back in 1972.

14 MR. CHEWCASKIE: Okay.

15 MR. PEREIRAS: Now it's dangerous.

16 MR. OSEGUERA: Yeah, now it's a habitat.

17 (Whereupon, there were multiple speakers.)

18 MR. OSEGUERA: Motion to approve.

19 MS. DILLON: Wait.

20 Is there an exhibit on this application?

21 MR. CHEWCASKIE: There -- this was all
22 testified to in July.

23 MS. DILLON: Okay.

24 I don't remember.

25 MR. CHEWCASKIE: Me too, but I -- I --

1 MS. DILLON: Just making sure.

2 MR. CHEWCASKIE: No, it was testified to in
3 at -- in July, so.

4 CHAIRPERSON CAPIZZI: We had a motion.

5 VICE CHAIRPERSON VELAZQUEZ: So we can --

6 MR. CHEWCASKIE: All right.

7 Is there -- I guess reopen to the public.
8 Right?

9 No public?

10 CHAIRPERSON CAPIZZI: Is there any public
11 comment?

12 MR. CHEWCASKIE: No?

13 Okay.

14 It would be appropriate for a motion.

15 VICE CHAIRPERSON VELAZQUEZ: Can we do it
16 with the condition too, like --

17 MR. CHEWCASKIE: Yes.

18 VICE CHAIRPERSON VELAZQUEZ: -- with the
19 condition of maintaining it.

20 MR. CHEWCASKIE: Yes.

21 CHAIRPERSON CAPIZZI: Um-hum.

22 VICE CHAIRPERSON VELAZQUEZ: Okay.

23 MR. OSEGUERA: Motion to approve under
24 condition that it's remain maintained.

25 VICE CHAIRPERSON VELAZQUEZ: Second.

1 CHAIRPERSON CAPIZZI: Okay.

2 MR. SPATZ: Motion from Mr. Oseguera.

3 Seconded by Alex.

4 THE SECRETARY: Motion on the table to
5 approve the application by Mr. Oseguera.

6 Seconded by Mr. Velazquez.

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

9 Miss Capizzi?

10 CHAIRPERSON CAPIZZI: Yes.

11 THE SECRETARY: Mr. Velazquez?

12 VICE CHAIRPERSON VELAZQUEZ: Yes.

13 THE SECRETARY: Commissioner Valdivia?

14 COMMISSIONER VALDIVIA: Yes.

15 THE SECRETARY: Miss Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Miss More --

18 I'm sorry.

19 Mr. Guareno?

20 MR. GUARENO: Yes.

21 THE SECRETARY: Mr. Oseguera?

22 MR. OSEGUERA: Yes.

23 THE SECRETARY: Six in favor.

24 Motion carries.

25 MS. PEREIRAS: Thank you all very much.

1 Have a good night.

2 THE SECRETARY: Thank you.

3 MR. PEREIRAS: Thank you everyone.

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1 **ADOPTION OF RESOLUTIONS:**

2

3 (1.) Valente & Valente. 804 Kennedy Boulevard.
4 Block 43. Lot 3. Applicant is requesting a 1
5 year extension. Resolution was adopted on
6 11-27-2018. **Denied**

7

8 THE SECRETARY: Now, we're going to
9 adoption of Resolutions.

10 We have four Resolutions for tonight's
11 agenda.

12 Resolution number 1.

13 Valente and Valente, 804 Kennedy Boulevard.

14 The application got denied at the previous
15 meeting.

16 Can I have a motion to memorialize this --

17 CHAIRPERSON CAPIZZI: I'll make --

18 THE SECRETARY: -- Resolution?

19 CHAIRPERSON CAPIZZI: -- a motion.

20 THE SECRETARY: Motion by Miss Capizzi.

21 VICE CHAIRPERSON VELAZQUEZ: Second.

22 THE SECRETARY: Seconded by Mr. Velazquez.

23 Roll call on the motion.

24 Miss Capizzi?

25 CHAIRPERSON CAPIZZI: Yes.

1 THE SECRETARY: Mr. Velazquez?

2 VICE CHAIRPERSON VELAZQUEZ: Yes.

3 THE SECRETARY: Commiss --

4 Miss Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Mr. Oseguera?

9 MR. OSEGUERA: Yes.

10 THE SECRETARY: Five in favor.

11 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2.) Palisades Vista, LLC. 2113-2115 Palisade
4 Avenue. Applicant proposes subdivision and (2)
5 new three family houses. **Denied**

6

7 THE SECRETARY: Resolution number 2.

8 Palisades Vista, LLC, 2113-2115 Palisade
9 Avenue.

10 This application was denied at the previous
11 meeting.

12 Can I have a motion to memorialize this --

13 CHAIRPERSON CAPIZZI: I'll make a motion.

14 THE SECRETARY: -- Resolution?

15 Motion by Miss Capizzi.

16 MR. OSEGUERA: Second.

17 THE SECRETARY: Seconded by Mr. Oseguera.

18 Roll call on the motion.

19 Miss Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 VICE CHAIRPERSON VELAZQUEZ: Yes.

23 THE SECRETARY: Miss Genao?

24 MS. GENAO: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Mr. Oseguera?

3 MR. OSEGUERA: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (3.) 910 Palisade Avenue, LLC. 910 Palisade
4 Avenue. Block 186. Lot 32. Applicant proposes
5 to construct a 3 family home. **Approved**

6

7 THE SECRETARY: We move to Resolution
8 number 3.

9 910 Palisade Avenue, LLC.

10 This application was approved at the
11 previous meeting.

12 Can I have a motion to memorialize this --

13 CHAIRPERSON CAPIZZI: I make --

14 THE SECRETARY: -- Resolution?

15 CHAIRPERSON CAPIZZI: -- a motion.

16 THE SECRETARY: Motion by Miss Capizzi.

17 VICE CHAIRPERSON VELAZQUEZ: Second.

18 THE SECRETARY: Seconded by Mr. Velazquez.

19 Roll call on the motion.

20 Miss Capizzi?

21 CHAIRPERSON CAPIZZI: Yes.

22 THE SECRETARY: Mr. Velazquez?

23 VICE CHAIRPERSON VELAZQUEZ: Yes.

24 THE SECRETARY: Miss Genao?

25 Miss Genao?

1 MS. GENAO: Yes.

2 THE SECRETARY: Mr. Guareno?

3 MR. GUARENO: Yes.

4 THE SECRETARY: Mr. Oseguera?

5 MR. OSEGUERA: Yes.

6 THE SECRETARY: Five in favor.

7 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (4.) 915 Palisade Avenue, LLC. 913-915 Palisade
4 Avenue. Block 49. Lots 6, 7. Applicant seeks
5 to subdivide the property into (2) conforming
6 lots with a (3) family structure on each newly
7 created lot. **Approved**

8

9 THE SECRETARY: Resolution number 4.

10 915 Palisade Avenue.

11 This application was approved at the
12 previous meeting -- meeting.

13 Can I have a motion?

14 CHAIRPERSON CAPIZZI: I make a motion.

15 THE SECRETARY: Motion by Miss Capizzi.

16 VICE CHAIRPERSON VELAZQUEZ: Second.

17 THE SECRETARY: Seconded by Mr. Velazquez.

18 Roll call on the motion.

19 Miss Capizzi?

20 CHAIRPERSON CAPIZZI: Yes.

21 THE SECRETARY: Mr. Velazquez?

22 VICE CHAIRPERSON VELAZQUEZ: Yes.

23 THE SECRETARY: Miss Genao?

24 MS. GENAO: Yes.

25 THE SECRETARY: Mr. Guareno?

1 MR. GUARENO: Yes.

2 THE SECRETARY: Mr. Oseguera?

3 MR. OSEGUERA: Yes.

4 THE SECRETARY: Five in favor.

5 Motion carries.

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1 **ADJOURNMENT:**

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

6 CHAIRPERSON CAPIZZI: Motion.

7 MS. MOREJON: Yes.

8 THE SECRETARY: Motion by Miss Capizzi.

9 MS. MOREJON: Second.

10 THE SECRETARY: Seconded by Miss Morejon.
11 All in favor?

12

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

14

15 THE SECRETARY: The ayes have it.

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

18 Thank you.

19 And good night, everyone.

20

21 (Whereupon, the proceedings were concluded
22 at 8:22 p.m.)

23

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25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5 I, DOREEN A. BOLOGNINI, assigned
6 transcriber, do hereby affirm that the foregoing
7 is a true and accurate transcript in the matter
8 of the REGULAR MEETING of the UNION CITY PLANNING
9 BOARD heard on Tuesday, September 28, 2021 and
10 digitally recorded.

11

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Doreen A. Bolognini

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25 Monitored by and proofread by: Deborah Dillon