

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
_____ :

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

Tuesday, October 26, 2021
Commencing at 6:02 p.m.

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

YDALIA GENAO, Mayor's Designee
ALICIA MOREJON
JOSE GUARENO, Alternate No. 1
HECTOR OSEGUERA, Alternate No. 2
ALEJANDRO VELAZQUEZ, Vice Chairperson
DIANE CAPIZZI, Chairperson

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

CELIN VALDIVIA, Commissioner
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.

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

3 MS. DILLON: Yes.

4 On the record.

5 THE SECRETARY: Please take notice that on
6 Tuesday, October 26th, 2021, at six p.m., Regular
7 Meeting is scheduled for the City of Union City
8 Planning Board to be held in the Union City High
9 School located at 2500 John F. Kennedy Boulevard,
10 Union City, New Jersey.

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

14 Adequate notice of this meeting has been
15 provided as follows:

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

24 Before we call roll for this evening, will
25 everybody kindly rise to salute --

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: the flag, please?

3

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

6

7 THE SECRETARY: Thank you.

8

9 **ROLL CALL:**

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

13 Mayor Brian P. Stack?

14 Absent.

15 Miss Capizzi?

16 CHAIRPERSON CAPIZZI: Here.

17 THE SECRETARY: Mr. Velazquez?

18 VICE CHAIRPERSON VELAZQUEZ: Here.

19 THE SECRETARY: Commissioner Valdivia is
20 absent.

21 Miss Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Miss Morejon?

24 MS. MOREJON: Yes.

25 THE SECRETARY: Miss Fernandez is absent.

1 Mr. Medina is absent.

2 Mr. Guareno?

3 MR. GUARENO: Present.

4 THE SECRETARY: Mr. Oseguera?

5 MR. OSEGUERA: Here.

6 THE SECRETARY: Let the record indicate
7 there are six present.

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1 **ADOPTION OF MINUTES:**

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3 Regular Meeting Held on September 28, 2021

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5 THE SECRETARY: All right.

6 Adoption of Regular Meeting held on

7 September 28th, 2021.

8 Can I have a motion?

9 CHAIRPERSON CAPIZZI: I'll make a motion.

10 VICE CHAIRPERSON VELAZQUEZ: I'll make a
11 motion.

12 THE SECRETARY: Motion by Miss Capizzi.

13 VICE CHAIRPERSON VELAZQUEZ: Second.

14 THE SECRETARY: Seconded by Mr. Velazquez.

15 Roll call on the motion.

16 Miss Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Mr. Velazquez?

19 VICE CHAIRPERSON VELAZQUEZ: Yes.

20 THE SECRETARY: Miss Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Miss Morejon?

23 MS. MOREJON: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Mr. Oseguera?

2 MR. OSEGUERA: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

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1 **SUPERIOR COURT ORDER FOR RECONSIDERATION:**

2 **814 15th Street UC, LLC -**

3 **814 15th Street:**

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5 THE SECRETARY: All right, we have the
6 first hearing.

7 We have a Superior Court Order for -- for
8 Reconsideration of 814 15th Street.

9 MR. CHEWCASKIE: Okay, if -- if I may, Ms.
10 Capizzi?

11 We learned shortly before the September
12 meeting that there was a decision in the case
13 regarding 814 15th Street UC, LLC. Property has
14 the same address. There was a proposed
15 construction of a three-family house.

16 The application was denied on July 28th,
17 2020.

18 Resolution was memorialized September 22nd,
19 2020.

20 The attorney for the applicant submitted a
21 letter to Mr. Vallejo; however, we were totally
22 unaware that this case was decided. So, what
23 occurred, is Judge Turula entered an order for
24 remand for the Board to reconsider its
25 determination of July 28th, 2020.

1 What the Court did is that the Court
2 ordered to make specific factual findings,
3 conclusion of law in support of its decision to
4 be memorialized in a supplemental Resolution.

5 The Court also ordered that there would be
6 no further testimony, no additional
7 documentation, et cetera.

8 And same was supposed to be concluded
9 within 60 days of the date of the order.

10 We are a little behind that date, but I did
11 speak with the attorney for the applicant and
12 indicated to him that this is what was going to
13 happen. We would consider this at the October
14 meeting; prior to doing that, please provide me a
15 transcript of the Judge's decision so that I
16 could make a determination as to what the
17 reasoning was.

18 In accordance with my discussions with the
19 Board Chairwoman, I prepared a Resolution
20 confirming the denial, and I also set forth the
21 reasons as indicated in the transcript and based
22 upon the decision that was made back in July of
23 2020.

24 So, there will be a Resolution which will
25 be Resolution Number 5 on adoptions tonight, but

1 I wanted to review that.

2 The attorney for the applicant was Adolfo
3 Lopez. I spoke to Mr. Lopez earlier today. Mr.
4 Lopez had a personal matter to attend to and he
5 could not be here. But I indicated there would
6 not be any argument of Counsel. There would be
7 no further testimony or evidence. It would only
8 be consideration of the Resolution.

9 So, we're going to act on it as Number 5. I
10 don't know if anyone has any questions of me at
11 this time. But I would suggest that we just act
12 on the Resolution as presented. That Resolution
13 was finalized yesterday. I asked Mr. Spatz to
14 review it. He did review it and agreed that it
15 was consistent --

16 MR. SPATZ: Right.

17 Right.

18 MR. CHEWCASKIE: -- with the Board's
19 determination at that point in time.

20 And I asked Carlos to circulate it to all
21 the Board members so that had it prior to
22 tonight's meeting.

23 So, I don't know if anybody has any
24 questions of me, but certainly we can deal with
25 that Resolution as Number 5.

1 CHAIRPERSON CAPIZZI: Questions?

2 MR. OSEGUERA: I would probably just ask
3 for a like a summary of the reasoning just to --

4 MR. CHEWCASKIE: Sure.

5 MR. OSEGUERA: -- because it was remanded
6 to us.

7 So, I guess there was something that they
8 wanted to fight us on and the Judge ruled on, so
9 I wanted to make sure that with this Resolution
10 it's not going to go back to another judge who
11 would remand it back --

12 MR. CHEWCASKIE: It --

13 MR. OSEGUERA: -- or have --

14 MR. CHEWCASKIE: -- it --

15 MR. OSEGUERA: -- some sort of adverse
16 decision.

17 MR. CHEWCASKIE: Right now, the Judge
18 wanted further findings, so clarification of the
19 Board's Resolution. So what we provided is that
20 the Board determined that what was going to be
21 replaced was an existing two-family home with a
22 three-family home, mid-block, on 15th Street,
23 where east and west and across the street from
24 the property were all two-family, two-story
25 homes. And that since variance relief was

1 required, that it would be inappropriate to grant
2 those variances.

3 The Board also determined that the property
4 could be put to another zone use because in that
5 zone, one, two, and three-families were
6 permitted. So that's pretty much the summary of
7 -- of what occurred.

8 So what this Resolution did based upon the
9 instructions that I received, was to confirm that
10 decision and clarify the reasoning that the Board
11 had.

12 MR. OSEGUERA: Cool.

13 Thank you.

14 CHAIRPERSON CAPIZZI: Do we have to open it
15 up to any discussion?

16 MR. CHEWCASKIE: No, not at --

17 CHAIRPERSON CAPIZZI: No.

18 MR. CHEWCASKIE: -- this time.

19 CHAIRPERSON CAPIZZI: Okay.

20 MR. CHEWCASKIE: We can go right into the
21 Resolutions.

22 CHAIRPERSON CAPIZZI: Okay.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (1.) 208 18th Street, LLC. 208 18th Street.

4 Block 176. Lots 10, 11. Applicant proposes (2)
5 new three-family houses.

6 **Denied**

7

8 THE SECRETARY: We're going to move to the
9 Resolutions?

10 MR. CHEWCASKIE: Yes.

11 THE SECRETARY: All right.

12 Resolution number 1.

13 208 18th Street, LLC.

14 MR. CHEWCASKIE: This Resolution was a
15 denial of the subdivision and site plan for the
16 properties located on 18th Street.

17 That Resolution has been submitted, and
18 it's consistent with the Board's determination.

19 THE SECRETARY: Can I have a motion to --

20 CHAIRPERSON CAPIZZI: I'll make a motion.

21 THE SECRETARY: -- adopt the Resolution?

22 Motion by Miss Capizzi.

23 CHAIRPERSON CAPIZZI: Um-hum.

24 VICE CHAIRPERSON VELAZQUEZ: Second.

25 THE SECRETARY: Seconded by Mr. Velazquez.

1 Roll call on the motion.

2 Miss Capizzi?

3 CHAIRPERSON CAPIZZI: Yes.

4 THE SECRETARY: Mr. Velazquez?

5 VICE CHAIRPERSON VELAZQUEZ: Yes.

6 THE SECRETARY: Miss Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Miss Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Mr. Guareno?

11 MR. GUARENO: Yes.

12 THE SECRETARY: Mr. Oseguera?

13 MR. OSEGUERA: Yes.

14 THE SECRETARY: Seven (sic) in favor.

15 Motion carries.

16 MR. CHEWCASKIE: Was it six or seven?

17 Did I miscount?

18 I thought it was six.

19 MR. SPATZ: Six.

20 THE SECRETARY: Oh, I'm sorry.

21 CHAIRPERSON CAPIZZI: Six.

22 THE SECRETARY: Six in favor.

23 Motion carries.

24 MR. CHEWCASKIE: Um-hum.

25 I thought it was.

1 THE SECRETARY: For clarification of the
2 records.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (2.) Way to Win. 1215 Morris Street. Block 59.
4 Lot 3. Applicant proposes to construct a new
5 three-family dwelling.

6 **Approved**

7

8 THE SECRETARY: We're moving to Resolution
9 number 2.

10 Way to Win, 1215 Morris Street.

11 MR. CHEWCASKIE: This was an application
12 for the construction of a new three-family
13 dwelling at 1215 Morris Street.

14 It was approved by the Board subject to the
15 conditions set forth in the Resolution, and that
16 the property be maintained during the period of
17 time of the approval and construction.

18 THE SECRETARY: Can I have a motion --

19 CHAIRPERSON CAPIZZI: I make a motion.

20 THE SECRETARY: -- to memorialize this
21 Resolution?

22 Motion made by Miss Capizzi.

23 MR. OSEGUERA: Second.

24 THE SECRETARY: Seconded by Mr. Velazquez
25 (sic).

1 VICE CHAIRPERSON VELAZQUEZ: Mr. Oseguera.
2 THE SECRETARY: Roll call on the motion.
3 CHAIRPERSON CAPIZZI: That was Mr. --
4 MR. CHEWCASKIE: Yeah, Hector.
5 CHAIRPERSON CAPIZZI: -- that was Hector.
6 THE SECRETARY: Oh, Mr. Oseguera?
7 CHAIRPERSON CAPIZZI: Yes.
8 THE SECRETARY: You see, that's what
9 happened, I get used to.
10 Motion by Miss Capizzi.
11 Seconded by Mr. Oseguera.
12 Roll call on the motion.
13 Miss Capizzi?
14 CHAIRPERSON CAPIZZI: Yes.
15 THE SECRETARY: Mr. Velazquez?
16 VICE CHAIRPERSON VELAZQUEZ: Yes.
17 THE SECRETARY: Miss Genao?
18 MS. GENAO: Yes.
19 THE SECRETARY: Miss Morejon?
20 MS. MOREJON: Yes.
21 THE SECRETARY: Mr. Guareno?
22 MR. GUARENO: Yes.
23 THE SECRETARY: Mr. Oseguera?
24 MR. OSEGUERA: Yes.
25 THE SECRETARY: Six in favor.

1 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (3.) 655 39th Street, LLC. 655 39th Street.
4 Block 261. Lot 26. Applicant proposes to
5 construct a new three-family dwelling.

6 **Approved**

7

8 THE SECRETARY: Resolution number 3.
9 655 39th Street, LLC.

10 CHAIRPERSON CAPIZZI: I make a motion.

11 THE SECRETARY: Motion on the table to
12 memorialize the Resolution by Miss Capizzi.

13 VICE CHAIRPERSON VELAZQUEZ: Second.

14 THE SECRETARY: Seconded by Mr. Velazquez.

15 Roll call on the motion.

16 Miss Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Mr. Velazquez?

19 VICE CHAIRPERSON VELAZQUEZ: Yes.

20 THE SECRETARY: Miss Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Miss Morejon?

23 MS. MOREJON: Yes.

24 THE SECRETARY: Mr. Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Mr. Oseguera?

2 MR. OSEGUERA: Yes.

3 THE SECRETARY: Six in favor.

4 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (4.) Juana De La Cruz. 542 43rd Street. Block
4 249. Lot 5.02. Legalization of an existing
5 apartment to go from a two family to a three
6 family home.

7 **Approved**

8 **(Revised plans received on 10-15-21)**

9

10 THE SECRETARY: We are going to Resolution
11 number 4.

12 Juana De La Cruz, 542 43rd Street.

13 MR. CHEWCASKIE: This was the legalization.
14 It was approved by the Board.

15 There were certain conditions.

16 There were revised plans received. Mr.
17 Spatz confirmed that those revised plans were
18 consistent with the Board's determination.

19 MR. SPATZ: Correct.

20 CHAIRPERSON CAPIZZI: I make a motion.

21 THE SECRETARY: Motion by Miss Capizzi.

22 CHAIRPERSON CAPIZZI: Um-hum.

23 MR. OSEGUERA: Second.

24 THE SECRETARY: Seconded by Mr. Oseguera.

25 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: Miss Morejon?

8 MS. MOREJON: Yes.

9 THE SECRETARY: Mr. Guareno?

10 MR. GUARENO: Yes.

11 THE SECRETARY: Mr. Oseguera?

12 MR. OSEGUERA: Yes.

13 THE SECRETARY: Six in favor.

14 Motion carries.

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1 **ADOPTION OF RESOLUTIONS:**

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3 (5.) The Planning Board of the City of Union City
4 Reaffirms the denial of the application for site
5 plans (sic) approval relating to the application
6 of 814 15th Street UC, LLC. 814 15th Street.
7 Block 80. Lot 10, for the reasons set forth
8 herein and the prior Resolution adopted September
9 22, 2020.

10

11 THE SECRETARY: We're going adoption of
12 Resolution Number 5.

13 Court Ordered for Reconsideration of 814
14 15th Street.

15 CHAIRPERSON CAPIZZI: I'll make a motion.

16 Oh, I'm sorry.

17 Do you --

18 MR. CHEWCASKIE: No, basically, unless
19 there are any other questions, we have the draft
20 of the Resolution which we believe is consistent
21 with the Board's determination which expands and
22 clarifies the reasons.

23 THE SECRETARY: Motion on the table by Miss
24 Capizzi.

25 VICE CHAIRPERSON VELAZQUEZ: Second.

1 THE SECRETARY: Seconded by Mr. Velazquez.
2 Roll call on the motion.
3 Miss Capizzi?
4 CHAIRPERSON CAPIZZI: Yes.
5 THE SECRETARY: Mr. Velazquez?
6 VICE CHAIRPERSON VELAZQUEZ: Yes.
7 THE SECRETARY: Miss Genao?
8 MS. GENAO: Yes.
9 THE SECRETARY: Miss Morejon?
10 MS. MOREJON: Yes.
11 THE SECRETARY: Mr. Guareno?
12 MR. GUARENO: Yes.
13 THE SECRETARY: Mr. Oseguera?
14 MR. OSEGUERA: Yes.
15 THE SECRETARY: Six in favor.
16 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 THE SECRETARY: Motion by Miss Capizzi.

8 VICE CHAIRPERSON VELAZQUEZ: Second.

9 THE SECRETARY: Seconded by Mr. Oseguera.
10 All in favor?

11

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

13

14 THE SECRETARY: The ayes have it.

15 Thank you.

16 Have a good night, everyone.

17 CHAIRPERSON CAPIZZI: Thank you.

18 You too.

19 MR. OSEGUERA: Good night.

20

21 (Whereupon, the proceedings were concluded
22 at 6:13 p.m.)

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1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

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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, October 26, 2021 and
10 digitally recorded.

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Doreen A. Bolognini

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25 Monitored by and proofread by: Deborah Dillon