

CITY OF UNION CITY
 HUDSON COUNTY, NEW JERSEY
 PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
 :
 : PROCEEDINGS
 :
 _____ :

City Hall
 3715 Palisade Avenue
 Union City, New Jersey

Tuesday, October 23, 2018
 Commencing at 6:01 p.m.

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

YDALIA GENAO, Mayor's Designee
 ALICIA MOREJON
 RUDY RIVERO
 FRANKLIN MEDINA
 JOSE GUARENO, Alternate No. 2
 JEANNE KOEHLER, Vice Chairperson
 DIANE CAPIZZI, Chairperson

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

BRIAN P. STACK, Mayor
 CELIN VALDIVIA, Commissioner
 CAROLINA FERNANDEZ
 ALEJANDRO VELAZQUEZ, Alternate No. 1

A L S O P R E S E N T:

CARLOS VALLEJO, Secretary to the Board

STERLING J. SANTAMARIA, ESQ.,
 Attorney for the Board

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

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

JAMES J. BURKE, ESQ.,
Attorney for Applicant,
804 Kennedy Blvd., Antonio Valente

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, 1713 Bergenline Avenue

LUIS E. DIAZ, ESQ.,
Attorney for Applicant, Osvaldo Toro

I N D E X

| | <u>PAGE</u> |
|--------------------------------------|-------------|
| CALL TO ORDER | 6 |
| SALUTE TO FLAG | 7 |
| ROLL CALL | 7 |
| | |
| ADOPTION OF MINUTES | 9 |
| | |
| HEARINGS | |
| | |
| 804 Kennedy Blvd. - Antonio Valente | 13 |
| Resolution of the City of Union City | 38 |
| 1713 Bergenline Avenue | 42 |
| Oswaldo Toro | 49 |
| | |
| RESOLUTIONS | 11 |
| | |
| ADJOURNMENT | 53 |

I N D E X

804 Kennedy Blvd. - Antonio Valente

| <u>WITNESS</u> | <u>PAGE</u> |
|-------------------------|-------------|
| Demetrios Kaltsis | 15 |
| <u>SWORN PUBLIC</u> | |
| Larry Price | 34 |

I N D E X

1713 Bergenline Avenue

WITNESS

PAGE

Abbas Shah

43

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

3 Please take notice that on Tuesday, October
4 23rd, 2018, at six p.m., a Regular Meeting is
5 scheduled for the City of Union City Planning
6 Board, to be held in the Municipal Chambers of
7 the City Hall, 3715 Palisade Avenue, Union City,
8 New Jersey.

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

12 Notice of this meeting has been provided as
13 follow:

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

21 Before we call roll for this evening
22 meeting, will everybody kindly rise to salute the
23 flag?

24

25

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

3

4 THE SECRETARY: Thank you.

5

6 **ROLL CALL:**

7

8 THE SECRETARY: Roll call for tonight's
9 meeting.

10 Mayor Brian P. Stack? Absent.

11 Diane Capizzi?

12 CHAIRPERSON CAPIZZI: Here.

13 THE SECRETARY: Jeanne Koehler?

14 VICE CHAIRPERSON KOEHLER: Here.

15 THE SECRETARY: Ydalia Genao?

16 MS. GENAO: Yes.

17 THE SECRETARY: Commissioner Celin
18 Valdivia? Absent.

19 Carolina Fernandez? Absent.

20 Rudy Rivero?

21 MR. RIVERO: Here.

22 THE SECRETARY: Franklin Medina?

23 MR. MEDINA: Here.

24 THE SECRETARY: Alicia Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Alejandro Velazquez?

2 Absent.

3 Jose Guareno?

4 MR. GUARENO: Here.

5 THE SECRETARY: Let the record indicate
6 there are seven present.

7 We have a full quorum for tonight's
8 meeting.

9 * * *

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADOPTION OF MINUTES:**

2

3 (1) Regular Meeting held on September 25, 2018

4

5 THE SECRETARY: Adoption of the previous
6 meeting held on September 25th, 2018.

7 Can I have a motion?

8 CHAIRPERSON CAPIZZI: I'll make a motion.

9 THE SECRETARY: Motion by Ms. Capizzi.

10 Any second the motion?

11 Motion on the table --

12 MR. GUARENO: Second.

13 THE SECRETARY: Mr. Guareno.

14 Roll call on the motion.

15 Ms. Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 Yes.

18 THE SECRETARY: Thank you.

19 Ms. Koehler?

20 VICE CHAIRPERSON KOEHLER: Yes.

21 THE SECRETARY: Ms. Genao?

22 MS. GENAO: Yes.

23 THE SECRETARY: Mr. Medina?

24 MR. MEDINA: Yes.

25 THE SECRETARY: Ms. Morejon?

1 MS. MOREJON: Yes.

2 THE SECRETARY: Mr. Rivero?

3 MR. RIVERO: Yes.

4 THE SECRETARY: Mr. Guareno?

5 MR. GUARENO: Yes.

6 THE SECRETARY: Seven in favor.

7 Motion carries.

8 * * *

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **RESOLUTIONS:**

2

3 (1) 14th Street Associates, LLC, 413-417 14th
4 Street, Block 64, Lots 22, 23, 24. Applicants
5 propose to construct a new three family dwelling
6 on each of the above noted vacant lots. **Approved**

7 (2) Jing Zhang, 1012 Palisade Ave., Block 186,
8 Lot 42. Applicant proposes the legalization of a
9 ground floor apartment to convert from a two
10 family to three families. Applicant also
11 proposes the addition of a stair bulkhead.

12 **Approved**

13

14 THE SECRETARY: We have two Resolution on
15 tonight's -- on tonight's agenda.

16 Resolution number 1.

17 14th Street Association (sic) LLC, 1413-
18 1417 (sic) 14th Street.

19 This Resolution has been carried to next
20 meeting, that will be on November 27.

21 (Whereupon, there was a pause in the
22 proceedings.)

23 THE SECRETARY: Resolution number 2.

24 1012 Palisade Avenue, Block 186, Lot 42.

25 Can I have a motion to adopt this

1 Resolution?

2 CHAIRPERSON CAPIZZI: I'll make a motion.

3 THE SECRETARY: Motion by Ms. Capizzi.

4 Any second the motion?

5 MR. GUARENO: Second.

6 THE SECRETARY: Mr. Guareno.

7 Roll call on the motion.

8 Ms. Capizzi?

9 CHAIRPERSON CAPIZZI: Yes.

10 THE SECRETARY: Ms. Koehler?

11 VICE CHAIRPERSON KOEHLER: Yes.

12 THE SECRETARY: Ms. Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Mr. Medina?

15 MR. MEDINA: Yes.

16 THE SECRETARY: Ms. Morejon?

17 MS. MOREJON: Yes.

18 THE SECRETARY: Mr. Rivero?

19 MR. RIVERO: Yes.

20 THE SECRETARY: Mr. Guareno?

21 MR. GUARENO: Yes.

22 THE SECRETARY: Seven in favor.

23 Motion carries.

24 * * *

25

1 **804 Kennedy Blvd. - Antonio Valente:**

2

3 THE SECRETARY: All right.

4 We have the first application on tonight's
5 agenda, 804 Kennedy Boulevard, Antonio Valente.

6 Mr. Burke, please?

7 MR. BURKE: Good evening.

8 MR. SANTAMARIA: Good evening.

9 MR. BURKE: Jim Burke. I'm representing
10 the applicant.

11 I'll hand the notices --

12 MR. SANTAMARIA: Yes.

13 MR. BURKE: We did send in the original to
14 the Board's Secretary.

15 MS. DILLON: Mr. Burke, if you could just
16 hold up one second --

17 MR. BURKE: Oh, I'm sorry.

18 MS. DILLON: -- until the siren passes.

19 MR. BURKE: Certainly.

20 (Whereupon, there was a pause in the
21 proceedings.)

22 MR. BURKE: Are we good?

23 MS. DILLON: Yes.

24 MR. BURKE: Okay. All right.

25 Thank you.

1 Again, I'm Jim Burke. I'm representing the
2 applicant.

3 And first, thank you for the courtesy of
4 allowing me to appear first, since I serve as the
5 Board Attorney for Weehawken, and we start at
6 seven o'clock, generally more like 7:30, but I'll
7 have plenty of time to get -- I hope to have
8 plenty of time to get over there.

9 The matter tonight is for a minor site
10 plan. And there's a number of preexisting
11 variances, but in essence, what the -- the
12 applicant proposes to do is take a two
13 residential, one commercial unit building,
14 convert that into a three residential building.

15 I understand the commercial use is
16 nonconforming in the zone at this point. And
17 basically, there's no other variances except the
18 -- the rear setback is already there, but it will
19 be intensified because the back of the building
20 will be rounded out and the -- the architect will
21 explain that in greater detail.

22 So, we have one witness tonight.

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

25 MS. DILLON: Please raise your right hand.

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

3 MR. KALTSIS: I do.

4 MS. DILLON: Please state your name and
5 spell it for the record.

6 MR. KALTSIS: It's Demetrios Kaltsis.
7 Last name is spelled K-A-L-T-S-I-S.

8 MS. DILLON: Thank you.

9 MR. BURKE: And you're a licensed architect
10 in the State of New Jersey.

11 MR. KALTSIS: Yes, I am.

12 MR. BURKE: And you've appeared before this
13 Board and other Boards in Hudson County.

14 MR. KALTSIS: Yes, I have.

15 MR. BURKE: All right.

16 I would ask that you accept him as an
17 expert in --

18 CHAIRPERSON CAPIZZI: Sure.

19 MR. BURKE: -- architecture.

20 CHAIRPERSON CAPIZZI: Yes.

21 MR. BURKE: All right.

22 CHAIRPERSON CAPIZZI: Thank you.

23 MR. BURKE: Thank you very much.

24 All right.

25 So, I've given a brief description. I'd

1 | like you to just walk through your plans and
2 | describe what's proposed.

3 | MR. KALTSIS: Sure.

4 | The -- this property is located on the
5 | eastern side of Kennedy Boulevard.

6 | The property is 25 feet wide by 84.75 feet
7 | in depth on the southern side, and 80 feet point
8 | nine six on the -- on the northern side.

9 | There's a -- an existing building on the
10 | property. It's a -- it's a three -- three unit
11 | mixed use building, consisting of two floors.
12 | Sheet A-1 has an existing building photo at the
13 | top of the page.

14 | THE SECRETARY: Mr. Burke, allow me one
15 | second, please.

16 | Go ahead, sir.

17 | MR. SANTAMARIA: Oh, yes.

18 | Thank you.

19 | So, Chairman, I have had an opportunity to
20 | review the submissions by counsel and everything
21 | seems to be in order, giving jurisdiction to this
22 | Board on this matter.

23 | MR. BURKE: Thank you.

24 | MR. SANTAMARIA: No problem.

25 | THE SECRETARY: Go ahead, Mr. Burke.

1 MR. KALTSIS: So, sheet A-1 depicts the --
2 the existing building on the top of the page.
3 It's a two story structure that has a brick
4 façade on the first floor and a white siding
5 finish on the second floor.

6 The building, on the first floor, has a
7 small retail or a commercial space that is
8 approximately 250 to 300 square feet. There's a
9 residential dwelling unit directly behind the
10 commercial space, consisting of one bedroom, one
11 bathroom.

12 And the second floor consists of one large
13 unit, with two bedrooms in the rear, one small
14 bedroom located towards the front, and then a
15 single bathroom.

16 This building has one -- one means of
17 egress, which is a central access stairway
18 leading to the entrance lobby in the front of the
19 building.

20 There's also an existing basement that is
21 currently unfinished and houses the utilities for
22 the building.

23 As was stated previously, this is a -- this
24 is a nonconforming use, as far -- with regards to
25 the -- the retail component or the commercial

1 space. And what we are proposing to do is to add
2 two -- two additional floors to the existing
3 structure, and convert from a mixed use building,
4 with one commercial space and two residential
5 units to three residential units.

6 And if I may, starting on sheet A-2, this
7 depicts the floor plans of the proposed
8 alteration.

9 The ground floor, which is seen here in the
10 center, has a separate entrance from the -- from
11 the front. There's essentially a large open
12 space -- space with an L shaped kitchen, dining
13 room area and living space in the front. And
14 then, two bedrooms in the rear, one of which is a
15 master bedroom suite that has a full bath and
16 walk-in closet. And the other bedroom has access
17 to a full bath located off of the common hallway
18 in the center.

19 There are also a washer and dryer,
20 stackable unit, in the center, directly behind
21 the -- the stairwell.

22 The other entrance door on the front façade
23 leads you to an entrance foyer, and then stairs
24 leading up to the second unit, which also has two
25 bedrooms located to the rear, but has one

1 additional bedroom in the front wall of the -- of
2 the footprint.

3 Also, we have a large open space, with an L
4 shaped kitchen, living room and dining room above
5 the -- the same areas on the first floor.

6 All of the bathrooms, as you could see
7 here, are also aligned as well. And it's a very
8 similar layout to the first floor.

9 Leading up -- continuing up on that same
10 stairwell and on the following page, on sheet
11 A-3, is the third unit, which is also similar in
12 -- in layout with all of the -- the bathrooms and
13 kitchen areas aligning with the floors below.

14 We also have some central utilities in this
15 area and then, also, a large open space in the
16 front with a kitchen, living, dining room area.
17 Again, two bedrooms in the back that aligns with
18 the units directly below.

19 We also have that additional floor that is
20 accessed from an interior stairwell from this
21 dwelling unit. And that you could see here.

22 Essentially, we have a master suite at this
23 floor, in the rear portion, with its own bath and
24 walk-in closet, and then just a sitting room area
25 directly in front, which has access to a rooftop

1 terrace that has views looking to the west.

2 Moving on to sheet A-4, this sheet depicts
3 the front side and rear elevations of the
4 proposed addition for the project. The only
5 difference with this plan, with what you have is
6 that this is a color rendition of the front
7 façade, just so you can get a sense of the
8 finished materials.

9 It is a modern finish that we're proposing
10 with -- with more contemporary materials. We
11 have large glass windows in the front. We have
12 an aluminum panel that frames those large --
13 large windows. An IPE wood finish on the ground
14 floor, and then a stucco finish, which defines
15 the entrance for the dwelling units.

16 This upper floor is set back from the --
17 from the lower floors, so even though in -- in
18 front elevation it looks to be a four story, in
19 -- in actuality, when you're standing on the
20 street here, you will not see this -- this upper
21 floor because it is set back significantly from
22 the front façade, as you could see here.

23 So, regards to the sides and the rear, we
24 just have a simple finish as far as the material.
25 It's just a siding finish and then a -- a stucco

1 finish on the ground floor.

2 With regards to the variances that we're
3 seeking relief for, all of them are preexisting
4 and nonconforming, and they include variance for
5 minimum lot width, where 50 feet is required. We
6 are -- we have only a width of 25 feet. Lot
7 depth of 100 feet. We currently have 80.86.
8 Minimum lot area, 5,000 is required, we have
9 2,070 square feet.

10 We need a variance for front, side and rear
11 yard setback, where the existing is 4.06 in the
12 front, .36 and .88 feet on the sides, and then
13 21.3 feet in the rear, all of which will remain
14 the same, with the exception of the rear, we are
15 -- we are actually increasing it slightly to
16 22.8, improving the rear yard setback.

17 Although we're expanding on the volume,
18 we're -- we're pushing it further away from the
19 property line in the rear.

20 And then, parking, where four parking
21 spaces is required, we have none, as the building
22 currently doesn't have any and we will continue
23 that, as well.

24 MR. BURKE: Just for that rear yard
25 setback, why don't you just -- if you can

1 demonstrate how you're sort of rounding that off
2 in the back, so the Board understands that.

3 MR. KALTSIS: So -- so the existing --

4 MR. BURKE: Presently, it's jutting out.
5 There's a piece jutting out.

6 Correct?

7 MR. KALTSIS: This is the existing
8 footprint of the structure. You could see this
9 -- this bump out here, on the left hand side, in
10 the back. This -- this piece here is 21.3 feet
11 away from the property line in the back. We are
12 essentially proposing to square this corner off,
13 but in doing so, we're going to move away from
14 the property line about a foot, so that we're
15 22.8 feet away from the property line in the
16 back.

17 MR. BURKE: All right.

18 And the benefit you see to this project
19 would be an attractive façade, it's a very
20 attractive building.

21 MR. KALTSIS: Yes.

22 We feel that this is a -- a significant
23 improvement over what's there now.

24 We're eliminating a nonconforming
25 commercial use, which -- which currently exists.

1 And we're replacing it with -- you know, an
2 outdated building with something that is -- that
3 is much nicer and I think, overall, is a
4 significant improvement.

5 MR. BURKE: And as far as rounding off the
6 back, you don't see any substantial detriment to
7 doing that, do you?

8 MR. KALTSIS: I do not.

9 MR. BURKE: Okay.

10 Thank you.

11 No other questions.

12 CHAIRPERSON CAPIZZI: And there's a means
13 of egress in the back of the building.

14 MR. KALTSIS: No -- no, there is not. It's
15 a --

16 CHAIRPERSON CAPIZZI: Where --

17 MR. KALTSIS: -- single -- single exit from
18 the front.

19 CHAIRPERSON CAPIZZI: Is there another
20 means of egress?

21 MR. KALTSIS: No, there's not.

22 We -- we don't exceed the maximum travel
23 distances required to have a structure with --
24 with a single means of egress. Although --
25 although that is the case, being that it's three

1 dwelling units, this will have a -- a sprinkler
2 system, as well as fire rated floor and wall
3 separations between the dwelling units, so it
4 would be a much safer building than what is there
5 -- what is there now.

6 CHAIRPERSON CAPIZZI: I understand that,
7 but I thought that buildings -- I don't know,
8 correct me if I'm wrong, do buildings have to
9 have two means of egress?

10 MR. SPATZ: Usually we would leave that up
11 to the Building Department to determine, based on
12 the --

13 CHAIRPERSON CAPIZZI: Okay.

14 MR. SPATZ: -- the composition of the
15 construction. If they require them to put in a
16 second means of --

17 CHAIRPERSON CAPIZZI: Okay.

18 MR. SPATZ: -- egress and they can do it
19 without changing any of the variances, then they
20 could handle that through the Building
21 Department. If it would cause them to make any
22 changes to the plans, then they'd have to come
23 back here.

24 CHAIRPERSON CAPIZZI: Come back?

25 Okay.

1 MR. SPATZ: But the Building Department
2 will -- will determine that.

3 CHAIRPERSON CAPIZZI: Any lighting in the
4 front or the back or the side?

5 MR. KALTSIS: We don't have any lighting on
6 the side. There's no room with -- with the side
7 yard setbacks.

8 There will be lighting in the front.
9 Although we do not show the -- the photometrics,
10 we will ensure that whatever lighting on the wall
11 is provided, the -- the lighting will not
12 overflow off the property line and it would be
13 solely directed to -- to the front yard.

14 CHAIRPERSON CAPIZZI: And why did you
15 choose stucco on the bottom, on the side?

16 MR. KALTSIS: It's not -- it's really just
17 a cement --

18 CHAIRPERSON CAPIZZI: Oh.

19 MR. KALTSIS: -- parge finish.

20 CHAIRPERSON CAPIZZI: Questions?

21 VICE CHAIRPERSON KOEHLER: I actually have
22 a question for David.

23 MR. SPATZ: Yes.

24 VICE CHAIRPERSON KOEHLER: If it's -- it's
25 now going to be a four story, so --

1 MR. SPATZ: Correct.

2 VICE CHAIRPERSON KOEHLER: -- at what point
3 does the requirement for a fire escape kick in?

4 MR. SPATZ: I'm -- I'm not sure.

5 Again that would be the --

6 VICE CHAIRPERSON KOEHLER: Okay.

7 MR. SPATZ: -- Building Department review.

8 And if they require them to put the fire escape
9 on, they can.

10 MS. MOREJON: They have to --

11 MR. SPATZ: They actually have sufficient
12 space in the backyard for that, but -- and again,
13 if it necessitated any need -- changes to the
14 plans that might effect the variances, they'd
15 have to come back here.

16 VICE CHAIRPERSON KOEHLER: Um hum.

17 MR. SPATZ: The Building Department would
18 send them back here.

19 VICE CHAIRPERSON KOEHLER: And then,
20 another question.

21 Is this -- are you demolishing what's
22 currently there and then building on that lot?

23 MR. KALTSIS: The -- the intent is to
24 maintain what we have.

25 VICE CHAIRPERSON KOEHLER: Just the --

1 MR. KALTSIS: And then reinforce --

2 VICE CHAIRPERSON KOEHLER: The core
3 structure.

4 MR. KALTSIS: -- as needed to support the
5 floors above.

6 VICE CHAIRPERSON KOEHLER: Okay.

7 MR. BURKE: The question --

8 MS. MOREJON: Excuse me?

9 MR. BURKE: The core structure.

10 MS. MOREJON: Is the building vacant?

11 MR. KALTSIS: Yes.

12 MR. BURKE: The question was, you're
13 keeping the core structure?

14 MR. KALTSIS: Yes.

15 MR. BURKE: Okay.

16 MS. MOREJON: Okay.

17 MR. KALTSIS: And you know, I mean, we're
18 -- we're going to investigate further the
19 existing structure. If there's a need to
20 reinforce, which I'm sure there will be, we will
21 accommodate.

22 MR. GUARENO: I have a question regarding
23 the basement.

24 The proposed -- you're going to have a full
25 bathroom there?

1 MR. KALTSIS: Yes.

2 MR. GUARENO: And it just --

3 MR. KALTSIS: I -- I forgot to mention that
4 before, but yes, we are proposing a utility space
5 and a full bath in the existing basement.

6 MR. GUARENO: An unfinished basement, what
7 is that basement going to be used for? Because
8 I'm a little concerned with a full bathroom, that
9 basically that's indicating somewhere down the
10 line, somebody's going to build --

11 MR. KALTSIS: Right.

12 MR. GUARENO: -- an apartment in there.

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

15 MR. KALTSIS: Take it out?

16 MR. VALENTE: But it's attached to the
17 first floor.

18 MR. KALTSIS: Yeah. I mean, the -- the
19 only access to that --

20 MR. VALENTE: There's only one means of
21 egress to get --

22 MR. KALTSIS: -- that lower level is from
23 that main -- main dwelling unit.

24 MR. VALENTE: There's only one means to get
25 to it.

1 MR. KALTSIS: So, there's no way that that
2 could possibly be rented to someone, but if the
3 Board feels the need to remove it, we don't
4 object to it.

5 MS. MOREJON: It would be better to remove
6 it.

7 MR. BURKE: Is that a yes?

8 MS. MOREJON: Where you going to keep the
9 garbage?

10 MR. KALTSIS: Well, the garbage will be --
11 will have to be provided, or taken out when it's
12 -- when the garbage is picked up.

13 CHAIRPERSON CAPIZZI: But where are you
14 putting it?

15 MS. MOREJON: No, no. Where you putting
16 the garbage?

17 CHAIRPERSON CAPIZZI: Where are you storing
18 it? It's a four story building.

19 MS. MOREJON: Yeah, --

20 MR. KALTSIS: Right.

21 MS. MOREJON: -- it's going to be a lot of
22 --

23 CHAIRPERSON CAPIZZI: So, there's going to
24 be a lot --

25 MS. MOREJON: -- people living --

1 CHAIRPERSON CAPIZZI: -- of garbage.

2 MS. MOREJON: -- in that building.

3 MR. KALTSIS: We -- we didn't -- we didn't
4 make any provision for it. But we do have a --

5 MS. MOREJON: That has to be done.

6 MR. KALTSIS: -- a set --

7 CHAIRPERSON CAPIZZI: No.

8 MR. KALTSIS: -- a setback in the front
9 yard.

10 CHAIRPERSON CAPIZZI: No. It has -- there
11 has to be some kind of provision for that.

12 MS. MOREJON: I have another question.

13 Is there a tree in front of the property?

14 MR. KALTSIS: I'm sorry?

15 MS. MOREJON: Is there a tree there? A
16 tree? Is this a tree over here? A tree?

17 MR. KALTSIS: A tree?

18 MR. BURKE: Yes.

19 MS. MOREJON: Yes.

20 Like this here, you going to remove that
21 tree?

22 MR. BURKE: Tree stays?

23 Tree stays.

24 MS. MOREJON: The tree is going to stay?

25 MR. BURKE: Stays. Yeah.

1 MS. MOREJON: Oh, okay.

2 Good. Good.

3 CHAIRPERSON CAPIZZI: But I think you have
4 to figure out something with the garbage.

5 MR. KALTSIS: Well, we actually have, at
6 the narrowest side, on -- on the southern side of
7 the front yard is the -- is the four feet. On
8 the -- on the northern side is -- is more than
9 seven and a half feet.

10 So, we -- we can accommodate a small
11 garbage enclosure within that area to accommodate
12 --

13 CHAIRPERSON CAPIZZI: In the front?

14 MR. KALTSIS: Yes. But it will be
15 concealed.

16 MR. GUARENO: Small.

17 MR. KALTSIS: It will be screened, it will
18 not be visible. That is one option.

19 MR. GUARENO: Each floor is one apartment?

20 MR. KALTSIS: Yes, with the exception of
21 the top two floors. It's like -- it's a duplex
22 type unit.

23 CHAIRPERSON CAPIZZI: Yeah, that's a lot of
24 garbage.

25 MR. BURKE: Three units. Three units in

1 total.

2 MR. GUARENO: That's going to generate
3 quite a bit of trash. So, I don't know if there
4 will be enough room in the front.

5 MS. MOREJON: So, everyone that live in
6 those apartment are going to have access to go in
7 the backyard and throw the garbage there.

8 MR. KALTSIS: No. The --

9 MS. MOREJON: Is that what you're saying?

10 MR. KALTSIS: -- the side yards don't allow
11 for access from the front to go to the back.

12 MS. MOREJON: So where is going to be the
13 garbage?

14 CHAIRPERSON CAPIZZI: Can you --

15 MR. SPATZ: Yeah.

16 MS. MOREJON: There have to be a place
17 where you can --

18 CHAIRPERSON CAPIZZI: Sure.

19 MR. SPATZ: Demetrios, is it possible in
20 the entranceway on the ground floor, you have a
21 -- sort of a little foyer there --

22 MR. KALTSIS: Right.

23 MR. SPATZ: -- to go up the stairs, is it
24 possible just to close off a portion of -- of
25 that?

1 MS. MOREJON: Under the stairs.

2 MR. SPATZ: Yeah. You know, whether it be
3 under the stairs --

4 MR. KALTSIS: In this area?

5 MR. SPATZ: -- or enclose -- enclose some
6 of that to -- you know, create a storage room in
7 there, to keep the -- the cans inside the
8 building?

9 MR. KALTSIS: Yes. We can actually extend
10 this corridor back and utilize the space either
11 in this area here, and they'll be completely
12 concealed and inside the building.

13 MR. SPATZ: Yeah, if you do that and then
14 they can revise the plans and before the
15 Resolution, we'll double check that and we can
16 comment to the Board at the next meeting.

17 CHAIRPERSON CAPIZZI: Okay. Okay.
18 Are you satisfied with that?

19 MS. MOREJON: Oh, yes.

20 CHAIRPERSON CAPIZZI: Okay.

21 MR. BURKE: The applicant agrees to that.

22 CHAIRPERSON CAPIZZI: Good.

23 Anyone else have any other questions?

24 Anyone from the public?

25 Sure.

1 MS. DILLON: Please raise your right hand.

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

4 MR. PRICE: I do.

5 MS. DILLON: Please state your name and
6 address for the record.

7 MR. PRICE: Larry Price, 1006 Palisade
8 Avenue.

9 MS. DILLON: Thank you.

10 MR. PRICE: Okay.

11 Question.

12 How tall is the building?

13 MR. KALTSIS: Currently?

14 Proposed?

15 MR. PRICE: Proposed, yeah.

16 MR. KALTSIS: It's at 40 feet.

17 MR. PRICE: Forty feet?

18 MR. KALTSIS: Yes.

19 MR. PRICE: Okay. Very good.

20 Thank you.

21 CHAIRPERSON CAPIZZI: Okay.

22 Anyone else?

23 Any other questions?

24 No?

25 Okay.

1 So seeing none, I'll make a motion to
2 approve the application with the proposed changes
3 that we discussed regarding the --

4 THE SECRETARY: Motion on the table to --

5 CHAIRPERSON CAPIZZI: -- garbage --

6 THE SECRETARY: -- approve this application
7 with the changes by Ms. Capizzi.

8 Any second the motion?

9 CHAIRPERSON CAPIZZI: And --

10 I'm sorry.

11 And the bathroom in the basement --

12 THE SECRETARY: Have to be removed.

13 CHAIRPERSON CAPIZZI: -- was to be removed.

14 THE SECRETARY: Yeah. They will need --

15 CHAIRPERSON CAPIZZI: Okay.

16 THE SECRETARY: -- to provide revised
17 plans.

18 CHAIRPERSON CAPIZZI: Thank you.

19 THE SECRETARY: Right. All right.

20 Motion on the table to approve this
21 application by Ms. Capizzi.

22 Any second the motion?

23 Second by Ms. Morejon.

24 Roll call on the motion.

25 Ms. Capizzi?

1 CHAIRPERSON CAPIZZI: Yes.

2 THE SECRETARY: Ms. Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Ms. Genao?

5 MS. GENAO: Yes.

6 THE SECRETARY: Mr. Medina?

7 MR. MEDINA: Yes.

8 THE SECRETARY: Ms. Morejon?

9 MS. MOREJON: Yes.

10 THE SECRETARY: Mr. Rivero?

11 MR. RIVERO: Yes.

12 THE SECRETARY: Mr. Guareno?

13 MR. GUARENO: Yes.

14 THE SECRETARY: Seven -- seven in favor.

15 Motion carries.

16 MR. BURKE: Okay.

17 Thank you very much.

18 CHAIRPERSON CAPIZZI: You're welcome.

19 THE SECRETARY: Please make sure to bring

20 the --

21 CHAIRPERSON CAPIZZI: You're welcome.

22 THE SECRETARY: -- revised plans at least

23 ten days before the next hearing date.

24 MR. BURKE: We will have that done.

25 THE SECRETARY: Thank you.

1 MR. BURKE: I wanted to just thank -- thank
2 you --

3 MR. KALTSIS: Thank you.

4 MR. BURKE: -- Board.

5 And also I'll mention, the last time I was
6 here, I didn't do so well. It was many years
7 ago. There was one objector. Only one. His
8 name was Congressman Menendez. So, my applicant
9 didn't do very well that night. He was -- he was
10 a congressman then, not a senator.

11 Anyway, thank you.

12 VICE CHAIRPERSON KOEHLER: Thank you.

13 * * *

14

15

16

17

18

19

20

21

22

23

24

25

1 Resolution of the City of Union City Authorizing
2 the Planning Board of the City of Union City to
3 conduct a preliminary investigation and make a
4 recommendation as to whether the property known
5 as 720 8th Street, City of Union City, New Jersey,
6 and identified on the tax map of the City as
7 Block 42, Lot 9 constitute an area in need of
8 Redevelopment pursuant to the Local Redevelopment
9 and Housing Law, N.J.S.A. 40A:12A-1 ET SEQ.:

10
11 THE SECRETARY: Item number 2 on the
12 application -- on tonight's agenda.

13 Resolution of the City of Union City
14 Authorizing the Planning Board of the City of
15 Union City to conduct a preliminary investigation
16 and make recommendation as to whether the
17 property known as 720 8th Street, City of Union
18 City, New Jersey, identified on the tax map of
19 the City as Block 42, Lot 9 constitute an area in
20 need of redevelopment pursuant to Local
21 Redevelopment and Housing Law, N.J.S.A. 40A:12A-1
22 et. seq.

23 Mr. Spatz, please?

24 MR. SPATZ: Okay.

25 Good evening.

1 The Board of Commissioners has, by
2 Resolution, asked the Planning Board to
3 investigate whether the 8th Street parking lot
4 would be considered a redevelopment area, under
5 the State statutes; a non -- a non-condemnation
6 redevelopment area.

7 So, no funds, no municipal funds will be
8 needed to purchase or develop that property.

9 Really, the only action that this Board
10 would take would be, if you see fit, is to
11 authorize me to prepare the report.

12 And then, I will have that report completed
13 for your November meeting, and I'll make a more
14 detailed presentation at that time.

15 So, that's really the only action I believe
16 needs to take place is to authorize me to do that
17 report. And then, I will do so.

18 CHAIRPERSON CAPIZZI: Okay.

19 So I'll make a motion to authorize --

20 THE SECRETARY: Motion --

21 CHAIRPERSON CAPIZZI: -- Mr. Spatz to write
22 the report or to --

23 THE SECRETARY: Yes.

24 CHAIRPERSON CAPIZZI: -- produce a report.

25 THE SECRETARY: Motion to authorize Mr.

1 Spatz to conduct the investigation and write the
2 report by Ms. Capizzi.

3 Any second on the motion?

4 Ms. Morejon.

5 MS. MOREJON: Yes.

6 THE SECRETARY: Roll call on the motion.

7 Ms. Capizzi?

8 CHAIRPERSON CAPIZZI: Yes.

9 THE SECRETARY: Ms. Koehler?

10 VICE CHAIRPERSON KOEHLER: Yes.

11 THE SECRETARY: Ms. Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Mr. Medina?

14 MR. MEDINA: Yes.

15 THE SECRETARY: Mr. Rivero?

16 MR. RIVERO: Yes.

17 THE SECRETARY: I called Ms. Morejon
18 already.

19 Right?

20 MS. MOREJON: Excuse me?

21 THE SECRETARY: Yes.

22 MS. MOREJON: Yes.

23 THE SECRETARY: Mr. Guareno?

24 MR. GUARENO: Yes.

25 THE SECRETARY: Seven in favor.

1 Motion carries.

2 Thank you.

3 That was quick.

4 MR. SPATZ: Um hum.

5 Told you I'd be quick.

6 * * *

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **1713 Bergenline Avenue:**

2

3 THE SECRETARY: Hearings and applications,
4 extension.

5 Number 3.

6 1713 Bergenline Avenue.

7 Mr. Diaz?

8 MR. DIAZ: Good evening, Board members.

9 Luis Diaz for the applicant.

10 The application goes under the name of
11 N.U.I. (sic) Trust. Mr. Shah is the principal.
12 He's present.

13 This application was approved by this Board
14 back in October of 2016.

15 It is 1713 Bergenline Avenue. Those that
16 remember the -- the neighborhood, this used to be
17 the parking garages for Melanca Trucking.

18 What was approved was the extension of the
19 building, three stories in the rear, and two
20 stories in the -- in the front.

21 Mr. Shah had a number of medical issues.
22 He had a bypass, was in the hospital and has not
23 been able to go forward with the -- with the
24 project.

25 What we need is, now that he's in much

1 | better health, one year extension so he can go
2 | forward and proceed with the -- with the project.

3 | CHAIRPERSON CAPIZZI: Um hum.

4 | MR. SANTAMARIA: Sure. I'd like to ask a
5 | question.

6 | CHAIRPERSON CAPIZZI: Sure.

7 | MR. SANTAMARIA: Where are we right now
8 | with the -- with the financing for this project?

9 | MR. DIAZ: Mr. Shah?

10 | Mr. Shah's an engineer. He has -- he has
11 | worked on this project and I think the plans are
12 | your baby?

13 | MR. SHAH: Yes.

14 | MS. DILLON: Let me swear him in.

15 | MR. DIAZ: Sure.

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

19 | MR. SHAH: I do.

20 | MS. DILLON: Would you please state your
21 | name and spell it for the record?

22 | MR. SHAH: Abbas Shah. First name
23 | A-B-B-A-S. Last name, Shah, S-H-A-H.

24 | MS. DILLON: Thank you.

25 | And just keep your voice up for me.

1 MR. SHAH: Sorry.

2 MR. DIAZ: The question was, the finance
3 for the project. What stage are you at?

4 MR. SHAH: Actually, when this job was
5 approved, I applied for the construction loan,
6 paid my application fee and everything. And
7 then, unfortunately, I came down with severe
8 kidney problems and I had trouble walking and all
9 that. So, in and out of the hospital, they did a
10 kidney biopsy and it kind of stabilized me for a
11 few months. That kind of took us to the middle
12 of last year.

13 Then, they also, unfortunately, discovered
14 that I had heart problem. So, September last
15 year, I received open heart surgery, triple
16 bypass, and unfortunately, it takes about a year
17 for rehab and therapy and all that, which kind of
18 brings us to now.

19 And I'm ready to pick up where I left
20 everything off and I would appreciate -- you
21 know, an extension so that I could complete my
22 dream project.

23 MR. DIAZ: Mr. Shah, you own that building.
24 Is that correct?

25 MR. SHAH: Yeah. It's owned by the trust,

1 | which is -- was set up years ago, in my kids
2 | name, and I use this -- the initial of my three
3 | kids.

4 | MR. DIAZ: So you have owned the -- you
5 | have owned that property for a number of years
6 | now.

7 | MR. SHAH: Yes, 19 -- I think next year
8 | will be 20 years.

9 | MR. SANTAMARIA: So, then, just to -- just
10 | to summarize, is the financing then still in
11 | place right now for that project to continue?

12 | MR. SHAH: It's not approved. I would have
13 | to just pick up where I left off. Like I said, I
14 | paid my fees, I did all the paperwork, but then
15 | there was some other things that I needed to do.
16 | I was practically bedridden. I was like
17 | ballooned up.

18 | And unfortunately, when they fixed me for
19 | that, this triple bypass came up. So I haven't
20 | really followed up, but I will.

21 | And obviously, if I know I have an
22 | extension, then I will very vigorously pursue
23 | that.

24 | MR. DIAZ: And if I may add, in order for
25 | Mr. Shah to be able to go to the -- to the

1 | lending institution that he had gone before, he
2 | needs the -- the approval.

3 | CHAIRPERSON CAPIZZI: Sure.

4 | MR. DIAZ: Otherwise, the bank will not
5 | even talk to him. So, you cannot put the -- the
6 | carriage before the horse.

7 | CHAIRPERSON CAPIZZI: Right.

8 | MR. DIAZ: You got to put the horse ahead
9 | and horse is getting the -- the extension.

10 | CHAIRPERSON CAPIZZI: Okay.

11 | All right?

12 | MR. SANTAMARIA: Nothing further.

13 | CHAIRPERSON CAPIZZI: Okay.

14 | MR. SANTAMARIA: No.

15 | CHAIRPERSON CAPIZZI: I'll make a motion to
16 | approve the -- the --

17 | THE SECRETARY: Motion to --

18 | CHAIRPERSON CAPIZZI: -- request for an
19 | extension.

20 | THE SECRETARY: -- approve the extension by
21 | --

22 | CHAIRPERSON CAPIZZI: Sure.

23 | THE SECRETARY: -- Ms. Capizzi.

24 | Second by Ms. Morejon.

25 | Roll call on the motion.

1 Ms. Capizzi?

2 CHAIRPERSON CAPIZZI: Yes.

3 THE SECRETARY: Ms. Koehler?

4 VICE CHAIRPERSON KOEHLER: Yes.

5 THE SECRETARY: Ms. Genao?

6 MS. GENAO: Yes.

7 THE SECRETARY: Mr. Medina?

8 MR. MEDINA: Yes.

9 THE SECRETARY: Ms. Morejon?

10 MS. MOREJON: Yes.

11 THE SECRETARY: Mr. Rivero?

12 MR. RIVERO: Yes.

13 THE SECRETARY: Mr. Guareno?

14 MR. GUARENO: Yes.

15 THE SECRETARY: Seven in favor.

16 Motion carries.

17 Thank you.

18 CHAIRPERSON CAPIZZI: Good luck.

19 MR. SHAH: Thank you.

20 Appreciate it --

21 MR. DIAZ: Thank you.

22 MR. SHAH: -- very much for the

23 opportunity.

24 MR. DIAZ: Mr. Shah, it's good to see you

25 again.

1 MR. SHAH: Thank you.

2 (Whereupon, there was a pause in the

3 proceedings.)

4 * * *

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **Oswaldo Toro - 537 27th Street:**

2

3 THE SECRETARY: Are you ready, Mr. Diaz?

4 MR. DIAZ: Yes.

5 THE SECRETARY: Next application on
6 tonight's agenda, Oswaldo Toro, 537 27th Street.

7 Mr. Diaz, --

8 MR. DIAZ: Good evening, Board members.

9 THE SECRETARY: -- please?

10 MR. DIAZ: Again, Luis Diaz for the
11 applicant.

12 Before I go forward, I'm going to give
13 counsel documents in order to obtain
14 jurisdiction.

15 CHAIRPERSON CAPIZZI: Thank you.

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

18 MR. SANTAMARIA: Chairman, I've had
19 opportunity to review the submissions by counsel
20 and everything seems to be in order, giving the
21 jurisdiction to this Board on this matter.

22 CHAIRPERSON CAPIZZI: Okay.

23 MR. DIAZ: Thank you.

24 Before I -- I wanted to explain a little
25 bit about what is being presented, but I'm going

1 | to ask for this -- this matter to be carried. I
2 | just got a call from Mr. Izquierdo who's the
3 | architect --

4 | CHAIRPERSON CAPIZZI: Right.

5 | MR. DIAZ: -- in the matter. I just got a
6 | few minutes ago --

7 | CHAIRPERSON CAPIZZI: Right.

8 | MR. DIAZ: -- that he had a problem and he
9 | could not make it, to please excuse him. But
10 | he's not able to -- to make it.

11 | I'm just going to give a small synopsis of
12 | what is being proposed.

13 | This is a legal, nonconforming use. Ground
14 | floor supposedly is or was commercial, with a
15 | three -- a three bedroom apartment on the second
16 | floor. It's a two floor building. Two family
17 | house.

18 | What is there now is a studio on the ground
19 | floor, with a one bedroom on the ground -- on the
20 | ground floor and the three bedroom on the second
21 | floor.

22 | So, in reality, the de facto use is the
23 | three family, which is a legal use and brings the
24 | property back into conformity.

25 | Again, I'm just giving the synopsis of what

1 the application is. It is owned by Mr. Toro.
2 His family has owned this since, I believe, 1988
3 and hopefully, at the next hearing, if you grant
4 the -- the continuance, then the full
5 presentation will be in front of you.

6 CHAIRPERSON CAPIZZI: Okay.

7 So, I'll make a motion to adjourn it.

8 When are we putting it on?

9 THE SECRETARY: Next meeting will be
10 November 27.

11 Motion on the table to adjourn this
12 application by Ms. Capizzi.

13 Any second the motion?

14 By Ms. Morejon.

15 Roll call to adjourn this application.

16 Ms. Capizzi?

17 CHAIRPERSON CAPIZZI: Yes.

18 THE SECRETARY: Ms. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Ms. Genao?

21 MS. GENAO: Yes.

22 THE SECRETARY: Mr. Medina?

23 MR. MEDINA: Yes.

24 THE SECRETARY: Ms. Morejon?

25 MS. MOREJON: Yes.

1 THE SECRETARY: Mr. Rivero?

2 MR. RIVERO: Yes.

3 THE SECRETARY: Mr. Guareno?

4 MR. GUARENO: Yes.

5 THE SECRETARY: Motion carries.

6 Seven in favor.

7 No new notice required.

8 MR. DIAZ: Thank you.

9 THE SECRETARY: Thank you, Mr. Diaz.

10 * * *

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 **ADJOURNMENT :**

2

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 Motion by Ms. Morejon.

7 Second by Ms. Capizzi.

8 MS. MOREJON: Want to go home.

9 THE SECRETARY: Roll call on the motion.

10 Ms. Capizzi?

11 CHAIRPERSON CAPIZZI: Yes.

12 THE SECRETARY: Ms. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Ms. Genao?

15 MS. GENAO: Yes.

16 THE SECRETARY: Mr. Rivero?

17 MR. RIVERO: Yes.

18 THE SECRETARY: Mr. Medina?

19 MR. MEDINA: Yes.

20 THE SECRETARY: Ms. Morejon?

21 MS. MOREJON: Yes.

22 THE SECRETARY: Mr. Guareno?

23 MR. GUARENO: Yes.

24 THE SECRETARY: Seven in favor.

25 Motion carries.

1 CHAIRPERSON CAPIZZI: So have a nice
2 Thanksgiving.

3 THE SECRETARY: Let the record show that
4 the meeting has ended.

5 VICE CHAIRPERSON KOEHLER: Yes.

6 THE SECRETARY: Thank you.

7 Good night, everyone.

8
9 (Whereupon, the proceedings were concluded
10 at 6:37 p.m.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, October 23, 2018 and digitally recorded.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 Monitored and proofread by: Deborah Dillon