

# **Town of West New York Hudson County, New Jersey**

## **Alcoholic Beverage Control Board**

Minutes of Regular Meeting  
(Regular Session)  
March 22, 2012

Joan Palazzo  
Julio C. Garcia  
Osvaldo Garcia  
Board of Alcoholic Beverage Control

**Alcoholic Beverage Control Board**

**March 22, 2012**  
***Regular Meeting***

**Reference is made to the official transcript of the March 22, 2012 which is incorporated into these minutes by specific reference thereto; if there is any inconsistency between the official transcript and these minutes, the official transcript is deemed to be controlling.**

Meeting starts 7 PM

Pledge to the flag  
Open Public Meetings Act Notice  
Roll Call:

Present

Member Palazzo  
Member Garcia  
Member Garcia

There is a quorum and the meeting continued

Also in attendance:

Board Attorney Frank R. Gioia, Esq., Sgt. Michael Clement, Board Secretary Milena Castaneda, and Board Prosecutor Marlene Caride

Meeting commenced at 7:20 pm

Chairwoman Palazzo made the following announcement regarding the **OPEN PUBLIC MEETING ACT**

This regular meeting of the ABC Board of the Town of West New York held Thursday, March 22, 2012 at 7:00 PM and it is publicly announced and directed that this announcement be placed in the minutes of this meeting that the notice requirements provided for in the "Open Public Meetings Act" have been satisfied. Notice of this meeting was properly given and published in the Jersey Journal, and Bergen Record and publicly posted on the Municipal Bulletin Board, Town Hall and filed with the Town Clerk. Copies are available to the public in accordance with the Law.

The Board Attorney pointed out that with regard to the Open Public Meetings Act Announcement, it had been brought to his attention by John O'Donnell, Esq., who represent Grandview I and II that the Town's website had the wrong location for the meeting. The Board Attorney explained that he had checked the website after hearing from Mr. O'Donnell and that he was correct and that the site for the meeting was listed as 428 60th Street. The Board Secretary had called the Webmaster and requested that the location be changed and was told that it would be done but it had not been changed. Mr.

## BOARD ACTION

### 1. R-1

#### Goldberg Realty Consulting, Inc. t/a Lusso Pizzeria Bar & Grill application for revision of a prior Board Resolution

The Board Attorney explained that the Board had adopted a motion on August 11, 2011 which required the Licensee to remove the original front door to the establishment. When the Licensee did not act to remove the door as directed by the Board, Mr. O'Donnell sent a letter to the Board requesting that it act to enforce its Resolution. Mr. Williams then set a letter to the Board explaining that removal of the door was a financial hardship and attached an estimate of nearly \$10,000 as cost of removal. The Board Attorney explained to the Board that had he been present during the August 11, 2011 meeting when the Resolution was adopted regarding removal of the door, he would have explained that there had been similar cases in the past when the Board did not require removal of a door but merely removal of hardware that would permit the door to be used as a means of egress and ingress. Mr. O'Donnell then advised the Board that his client, Grandview II was no longer seeking removal of the door but requested the Board to require that all hardware that permits the door to function as a door be removed and not be reinstalled and that the door cannot be used as a means of ingress or egress and that if there are violations in the future of these conditions the Board can require removal at that time.

Mr. Williams presented the Board Attorney with exhibits marked L-1 and L-2, which are pictures of the so-called "bad door" which was to be removed. The door was sealed and there is an interior table in front of the door which blocks it from being used.

Board Attorney requested a motion that the original front door need not be removed, and that all hardware is to be removed and will continue to be removed, and the door will not be permitted to be used as a needs of ingress or egress, and the original front door is not to be used in that matter or for any purpose whatsoever.

Motion to adopt by Member Palazzo;

Seconded by Vice-Chairman Garcia

All in favor; resolution adopted and will be considered R-1.

### 2. R-1(a) Goldberg Realty Consulting, Inc. t/a Lusso Pizzeria Bar & Grill application for Expansion of Premises

The Board Attorney discussed the application that had been filed and said that it was in order and that proper notice had been given with proper publication in a local newspaper. The Board Attorney explained that although the Board did not approve the original application to permit

Motion to adopt by Member Palazzo

Seconded by Vice-Chairman Garcia

All in favor. Application is approved.

3. Hearing on Son Cubano charges

The Board Attorney advised the Board that it needed to schedule a special hearing date for Charges filed against Son Cubano. The Board adopted a motion setting the hearing date for April 19, 2012 at 6 PM

Motion to adopt by Member Palazzo;

Seconded by Vice-Chairman Garcia

All in favor.

4. Transfer of Timmy's Tavern License

The Board Attorney discussed this application and advised the Board that the Board Secretary had not received a tax clearance certificate and that the matter could not proceed at this meeting and that the Board could not act on the application until the Certificate was received

5. Osvaldo Garcia was welcomed as a member of the ABC Board. He was appointed by Resolution of the Mayor and Board of Commissioners as indicated below:

RESOLUTION

RE: APPOINTMENT OF OSVALDO GARCIA AS MEMBER OF THE  
TOWN OF WEST NEW YORK  
ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, a vacancy exists on the Board of the West New York Board of Alcoholic Beverage Control; and

WHEREAS, OSVALDO GARCIA is qualified and available to serve as a member of the Town of West New York Board of Alcoholic Beverage Control;

WHEREAS, the Mayor as the Director of the Department of Public Safety desires the appointment of OSVALDO GARCIA to serve as a member of the Town of West New York Board of Alcoholic Beverage Control;

NOW, THEREFORE, be it resolved by the Mayor and Board of Commissioners of the Town of

OSVALDO GARCIA is appointed to serve as a member of the Town of West New York Board of Alcoholic Beverage Control, for a term commencing on February 15, 2012 and terminating January 20, 2015.

A copy of this resolution shall be placed on file and made available for public inspection in the Office of the Municipal Clerk.

**Public portion -**

Michael Hyung: 22 Avenue at Port Imperial # 204, West New York NJ 07093

Mr. Hyung stated that problems in the area started with Son Cubano, the restaurant that they thought operated as a nightclub and which created an incredible amount of disturbances. In that scenario, Lusso wanted to open up and residents believed that the “250 foot rule” was supposed to protect them from instances where similar types of establishments would be in a small area which would exacerbate the problem. He informed the Board that Lusso’s has been operating in a respectful way and with no complaints filed against them. He believes that they are ready to go back to a relationship of trust which was impossible last year because of everything that was going on.

Motion to adjourn made by Member Palazzo; seconded by Member Garcia and all voted in favor

Meeting adjourned at 8:00 pm

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Joan Palazzo, Chairwoman

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Julio Garcia, Vice Chairman

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Oswaldo Garcia, Member