

**ZONING BOARD OF ADJUSTMENT
TOWN OF WEST NEW YORK
COUNTY OF HUDSON**

MINUTES FOR MEETING OF THURSDAY, JANUARY 26, 2012

The Zoning Board held a meeting on Thursday, January 26, 2012, at 6:30 p.m. prevailing time in the Municipal Chambers at 428 60th Street in West New York, New Jersey. The reading of notice in compliance with Open Public Meetings Act was read.

1. Meeting called to order at approximately 6:30 p.m.

2. Roll call of the Board Members

Present: Chairman Kenneth Blane, and Members Armando Alvarez, Michael D'Amico, Pedro Marrero, Nelly Vasquez, David Rivera, Jason Gonzalez and Ramon Morejon.

Present: Board Attorney Luis Amaro, Jr. Esq.
Board Attorney Conflict Matters Anne Marie Rizzuto, Esq.
Board Planner Joseph J. Layton, P.P., AICP
Board Engineer Tom R. Lemanowicz, P.E., P.P., C.M.E.
Board Secretary Maria Varela

3. Minutes for approval: Meetings for October 27, 2011 and November 7, 2011- A motion to approve was made by Chairman Kenneth Blane and Board Member Michael D'Amico seconded. Minutes approved.

4. Communications, reports, and administrative matters - None

5. Payment Resolutions.

a. Metropolitan Court Reporting- A motion to approve was made by Chairman Kenneth Blane and Mr. Armando Alvarez Seconded. Resolution approved.

b. Jersey Journal- A motion to approve was made by Chairman Kenneth Blane and Mr. Armando Alvarez seconded. Resolution approved.

c. Maser Consulting- A motion to approve was made by Chairman Kenneth Blane and Mr. Armando Alvarez seconded. Resolution approved.

d. Remington & Vernick Engineers- A motion to approve was made by Chairman Kenneth Blane and Mr. Michael D'Amico seconded. Resolution approved.

6. Escrow Refund.

- a. Felipe Alvarenga for property located at 5409-11 Bergenline Ave., Block 84, Lot 18, Application #2006-61. Refund amount \$985.38.- A motion to approve was made by Chairman Kenneth Blane and Mr. Michael D'Amico seconded. Resolution approved

7. Resolutions.

- a. Memorializing Resolution for Application #2010-13, for Family Dollar Store, for property located at 5909 Park Avenue, Block 59, Lot 6. Applicant proposes to convert an existing one story commercial building into one retail store. Use, parking, and loading dock variances are requested.

Hearings were held on February 24, 2011 and March 24, 2011. Applicant agreed to carry the matter as of the meeting of April 28, 2011. Matter was carried until applicant received approval or denial from the Board of Commissioners for an on-street loading zone for tractor trailer on Park Avenue. Applicant has received initial approval.

Matter approved at the November 7, 2011 meeting.

Motion to approve was made by Chairman Kenneth Blane and Mr. Jason Gonzalez seconded. Matter approved.

8. New Business – Miscellaneous matters.

- a. Request for extension of time for Application #2009-13, Ricardo and Luisa Suarez, for property located at 565-67th St., Block 162, Lot 5. Resolution of approval was granted on June 7, 2010. Applicant is requesting a one-year extension of time.

Matter was adjourned until the February 23, 2012 meeting.

- b. Request for extension of time for Application #2007-11, Jose Camilo Rodas, for property located at 55-67th St., Block 21, Lots 6.01 and 6.02 Resolution of approval was granted on July 24, 2008. Applicant is requesting a one-year extension of time.

Motion to approve was made by Chairman Kenneth Blane and Mr. Armando Alvarez seconded. One-year extension of time approved.

9. Applications

- a. First Hearing in the matter of Application 2011-12, filed by Saka Management, LLC. for property located at 554-55th St., Block 117, Lot 22. Applicant seeks to construct a new eleven unit residential multifamily building with thirteen off street parking spaces. Property is located in the I-L zone. Applicant requires approval of use, height and parking variances.

Jurisdictional notice compliance was established at the November 7, 2011 meeting.

Anne Marie Rizzutto, Esq. Board Attorney for conflict matters. Mr. J. Alvaro Alonso, Esq. and Alberto Arencibia, architect for the applicant. Mr. Alonso addressed some comments pertaining to a memo from the Board Engineer requesting that some modifications be made to the plans.

Alberto Arencibia testified as to the project layout, the site plan, the floor plan, and the variances. He testified as to the complete building layout, the building design and building components, and the nearby buildings and neighborhood. Exhibits were marked A-1 for the record, and the Board Engineers and Board Planners comments were also addressed.

- b. First hearing in the matter of Application 2011-02, filed by Filmore Place Property, LLC, for property located at 6036 Filmore Place, Block 46, Lots 12 and 13. Applicant seeks legalization of an existing basement apartment, which converts this five-unit residential building into a six-unit residential building. Property is located in the RM zone. Applicant requires approval for expansion of pre-existing non-conforming use as well as other variances for existing conditions and parking.

Jurisdictional notice compliance was established at the June 13, 2011 meeting.

Marlene Caride, Esq. and Jose Carballo architect for the applicant. Mr. Carballo testified as to plans prepared by Orestes Valella, AIA. Mr. Carballo described the layout of the basement apartment, and that no changes were proposed. He also testified as to the floor plan, and the variances that are being sought, and the complete building layout. The Board Chairman required that the first floor windows be in conformity with the second floor windows. Applicant agreed to submit samples to the Town's Planner and Engineer and to secure approval from the change in windows before installing.

Motion to approve this matter was made by Chairman Kenneth Blane and Mr. Armando Alvarez seconded. Matter approved.

- c. First hearing in the matter of Application 2011-11, filed by Carmen Calle, for property located at 412-54th Street, Block 84, Lot 24. Applicant proposes to convert the ground floor (including garage) of a three-story dwelling into a child day care center. Property is located in the RM zone. Applicant requires a use variance for the day care use which is not permitted in that zone.

Jurisdictional notice compliance was established at the November 7, 2011 meeting.

Luis Diaz, Esq. and Jose Carballo architect for the applicant. Mr. Carballo testified as to the plans prepared by Orestes Valella, AIA. Mr. Carballo described the layout of the proposed daycare center, the site plan, the floor plan, and the variances. He testified as to the complete layout of the house, the design and the surrounding neighborhood.

Matter was later open to the public and a member of the public spoke. Member of the public had some comments with regards to the drop-off and pick-up. The matters were addressed.

Mr. Kollings, P.P. for the applicant testified as to the vast improvement that the area will incur with this proposed project. It will provide the community with this public benefit for additional child care options.

Ms. Carmen Calle, applicant also provided testimony regarding the hours of operation and staffing.

Motion to approve was made by Chairman Kenneth Blane and Mr. Armando Alvarez seconded. Matter approved.

- d. First hearing in the matter of Application 2012-02, filed by Jose C. Rodas, for property located at 515-67th Street, Block 161, Lot 9. Application proposes to legalize studio apartment. Property is located in the RM Zone. Applicant requires approval of depth, front, side, rear yard variances.

Wilfredo Ortiz, Esq. and Jose Carballo, AIA for the applicant. Mr. Carballo described the layout of the basement apartment. He also testified as to the floor plan, and the variances that are being sought, and the complete building layout. He also talked about the positive criteria in regards to legalizing this basement apartment.

Motion to approve was made by Board Member Jason Gonzalez and Mr. David Rivera seconded. Matter approved.

- e. First hearing in the matter of Application 2012-01 filed by Meridia Park Avenue, LLC, for property located at 6022, 6024, 6026, and 6028 Buchanan Place, and 6027-37 Park Avenue. Block 43, Lots 4, 5, 6, 6.01, 16 and 17. Applicant proposes a six-story mid-rise 125 residential units and commercial retail space. Applicant requires site plan approval to subdivide and merge the individual subject lots into one (1) lot. Prior approvals have been granted.

Applicant seeks continued approvals following the revised plans, for merger of adjacent lot 6.01 to the project. Preliminary and final site plan approval, variances for use, density, minimum lot area, maximum dwelling unit per acre, minimum lot width, front and side yard, maximum lot coverage by buildings, minimum loading spaces required, waivers regarding minimum parking space side and aisle width, and necessary variances, waivers, and approvals.

Henry C. Walentowicz, Esq. for the applicant. The applicant also presented testimony from Mr. Yogesh Mistry, AIA, and Mr. Patrick McClennan, P.E. who talked about the adjacent lot that they have acquired for this proposed project. An exhibit was marked A-1 for the record. Mr. Mistry testified as to the plans, and he clarified that no changes will be made to the ethics of the building. He also talked about the lighting around the outside of the structure, and comments regarding the trash removal were also identified.

The matter was later opened up to members of the public, and members came up for questions for these experts.

Mr. George D'Armas project manager also came up for testimony to address some questions that members of the public had.

Motion to approve this matter was made by Board Member David Rivera and Chairman Kenneth Blane seconded. Matter approved.

10. Open to public for comments on other matters. No member of the public spoke.
11. Motion to adjourn was made at 10:30 PM and the meeting was adjourned.

Respectfully submitted,

MARIA VARELA
Zoning Board Secretary
Town of West New York

Date approved: February 23_____, 2012