

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

**MINUTES FOR MEETING OF MONDAY, DECEMBER 3, 2012**

The Zoning Board held a meeting on Monday, December 3, 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 Julio Garcia, Armando Alvarez, Melissa Rodriguez, Nelly Vasquez, Ramon Morejon, David Rivera and David Jesus Alvarado  
  
Absent: Caridad Parets  
  
Present: Board Attorney Jennifer M. Carrillo-Perez, Esq.  
Board Planner Sanyogita Chavan, P.P., AICP  
Board Engineer Robert J. Russo, P.E., P.P., C.M.E.  
Former Board Planner Joseph J. Layton, P.P., AICP  
Board Secretary Maria Varela
3. Minutes for approval: Minutes for approval: October 25, 2012-Minutes adjourned until the January 24, 2013 meeting.
4. Communications, reports, and administrative matters.
5. Payment Resolutions:
  - a. Maser Consulting P.A.- A motion approve was made by Chairman Kenneth Blane and Board Member David Rivera seconded. Resolution approved.
  - b. Board Attorney, Escrow Billing- Adjourned until the January 24, 2013 meeting.
6. Escrow Refund: No pending escrow refunds.
  - a. Jesus & Civica Perez, application #2008-03 for property located at 323-329 56<sup>th</sup> St. Block 81, Lot 2. Refund amount \$735.00.

A motion to approve was made by Chairman Kenneth Blane and Board Member Ramon Morejon seconded. Resolution unanimously approved.

- b. Jesus & Civica Perez, application #2008-04 for property located at 318-320 56<sup>th</sup> St. Block 79, Lot 23. Refund amount \$272.29.

A motion to approve was made by Chairman Kenneth Blane and Board member David Rivera seconded. Resolution unanimously approved.

- c. Mario Urgiles, application #2007-13 for property located at 6123 Madison St. Block 141, Lot 17. Refund amount \$747.00.

A motion to approve was made by Chairman Kenneth Blane and Board Member Armando Alvarez seconded. Resolution unanimously approved.

- d. Mario Urgiles, application #2007-14 for property located at 6505 Madison St. Block 155, Lot 16. Refund amount \$162.09.

A motion to approve was made by Chairman Kenneth Blane and Board member Armando Alvarez seconded. Resolution unanimously approved.

- e. Celta Realty, application #2007-21 for property located at 6501 Broadway, Block 12, Lot 15. Refund amount \$575.00.

A motion to approve was made by Chairman Kenneth Blane and Board member David Rivera seconded. Resolution unanimously approved.

- f. Raul Coello, application #2007-21 for property located at 6015 Jackson St., Block143, Lot 13. Refund amount \$577.60.

A motion to approve was made by Chairman Kenneth Blane and Board member Armando Alvarez seconded. Resolution unanimously approved.

- g. Jorge Paneque, application #2007-16 for property located at 575-55<sup>th</sup> St., Block,114, Lot 5. Refund amount \$294.38.

A motion approve was made by Chairman Kenneth Blane and Board Member Armando Alvarez seconded. Resolution unanimously approved.

- h. Custom Locations, application #863 for property located at 4901 Bergenline Ave., Block107, Lot 35. Refund amount \$431.12.

A motion to approve was made by Chairman Kenneth Blane and Board Member David Rivera seconded. Resolution unanimously approved.

- 7. Resolutions: None

8. New Business – Miscellaneous matters: NONE

9. Applications:

First hearing in the matter of application #2012-16 filed by Silvio Acosta for property located at 6608 Lincoln Place, Block 3 and Lot 4. Applicant proposes to convert a two-family home into a five-family home and legalize a rear extension.

Luis Alum, Esq. and Manuel Pereira, Architect appeared on behalf of the applicant, Mr. Silvio Acosta. Mr. Pereira provided testimony on the existing structure and presented an exhibit, marked A1 that depicts the structure before and after the conversion.

Mr. Pereira testified as to the layout of the apartments including the second and third floors. He explained the means of egress, and the proposed fire safety regulations that need to be complied with. He also said that the basement apartment will be demolished and maintained vacant of any residential use.

Board Member David Rivera had a question for the applicant's expert relating to the fire escape ingress and egress, and as to when the extension to the house was constructed.

This matter was open for public comment and various members of the public came up to express their views on this matter.

Mr. Alum presented a second witness, David C. Kaufman, Professional Planner who provided testimony as to the positive and negative criteria to be analyzed in the approval of the pending application. He discussed the parking around the surrounding neighborhood, and mentioned the great availability of mass transportation for the residents.

Board Member David Rivera had various questions for this expert regarding the parking, and if there were similar multi-family dwellings in the surrounding neighborhood.

This matter was later open to the public and various members of the public came up for general comments pertaining to this matter.

Chairman Kenneth Blane then made a motion to approve the application with the following special conditions:

1. Any outstanding fines or penalties imposed on the Property or Applicant regarding the Property for violation of any Federal, State, County and local laws, ordinances, codes rules or regulations shall be resolved as a condition precedent to this Approval becoming operative; and

2. Removal of the basement apartment entirely. The basement apartment shall remain vacant with no residential occupancy permitted.

The motion to approve with the aforementioned special conditions was made by Chairman Kenneth Blane and seconded Board Member Armando Alvarez. The motion passed with six (6) affirmative votes.

- b. First hearing in the matter of application # 2012-08 filed by Marian Rys, for property located at 560-562-67<sup>th</sup> St., Block 165 and Lot 7. Applicant proposes to convert an existing commercial and three (3) unit residential building into a nine (9) one-bedroom residential units

Henry Wallentowicz, Esq., Patrick McClellan, Civil Engineer, and Paul Bauman Professional Planner appeared on behalf of the applicant, Marian Rys. Mr. McClellan testified as to the existing conditions of the site, specifically describing the lots, the existing structure, and the neighborhood. Mr. Bauman further testified as to the positive and negative criteria of this conversion and the impact same would have on the surrounding neighborhood. Mr. Bauman also defined the enhancements that will be made to the facade of the building.

The Applicant, Marian Rys, also provided testimony regarding the propose layout to the Board. At the Board's recommendation, Applicant moved to amend the application reducing the number of residential units to five (5) consisting of three (3) 3-bedroom units and two (2) 1-bedroom units. The Applicant also agreed to redesign the garage and parking area to allow for three (3) tandem parking spaces for the respective 3-bedroom units and two (2) individual off-street spaces for each respective 1-bedroom unit.

The motion to approve with the application, as amended, was made by Chairman Kenneth Blane and seconded Board Member Armando Alvarez. The motion to approve, as amended passed.

- c. First hearing in the matter of application #2012-11 filed by Alberto Tapia for property located at 406-56<sup>th</sup> St., Block 80 and Lot 31. Applicant proposes to construct a new residential 16 unit multi-family building with 15 off street parking spaces on each new lot.

This matter has been withdrawn.

- d. First hearing in the matter of application # 2012-15 filed by Joseph DeSalvo, for property located at 10-66<sup>th</sup> St., Block 2 and Lot 13. Applicant proposes to create a studio apartment within the first floor of the building.

Jurisdictional notice compliance was established at this meeting. This matter was adjourned until the January 24, 2013 meeting.

10. Open to public for comments on other matters. No member of the public spoke.
11. Motion to adjourn was made at 10:24 PM and the meeting was adjourned.

**Respectfully submitted,**

---

**MARIA VARELA**  
**Zoning Board Secretary**  
**Town of West New York**  
**Date approved: February \_\_\_\_\_, 2013**