

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

**MINUTES OF THE MEETING HELD ON THURSDAY, AUGUST 26, 2010**

1. Meeting called to order.
2. Pledge of Allegiance.
3. Roll call of the Board Members.

Chairman -	Kenneth Blane
Vice-Chairman -	Darryl Semple
Board Member-	Rosemary Sciacca
Board Member -	Michael D'Amico
Board Member -	Ernesto Munoz
Board Member -	Kenneth Furlong
Board Member -	Juan Jimenez
Board Member-	Michele Irimia (Absent)
Board Member-	Myra Real (Absent)
Board Secretary -	Maria Varela
Board Attorney -	Anne Marie Rizzuto, Esq.
Board Planner-	Joseph J. Layton PP, ACIP

4. Reading of notice in compliance with Open Public Meetings Act.
5. Minutes for meeting of August 26, 2010. Motion to approve made by Chairman Kenneth Blane and Mr. Ernesto Munoz seconded. Minutes approved.
6. Communications, reports and administrative matters. 2011 Meeting dates were discussed and no vote was taken at this time. Postponed until the October 28, 2010 meeting.
7. Memorializing Resolutions – Applications.
  - a. Memorializing Resolution in matter of Fabco Enterprises Inc., for property located at 5800-5804 Bergenline Avenue, Block 69, Lot 1, West New York, Application #2010-05. Applicant approved for a large front facade store sign and variance. C-R Zone. Board has jurisdiction where no Site Plan Approval is required. Matter was approved on July 22, 2010. Motion to approve resolution was made by Chairman Kenneth Blane and Mr. Ernesto Munoz seconded. Resolution approved.

- b. Memorializing Resolution in matter of Edmundo and Magdalena Vallejo, for property located at 128A 66<sup>th</sup> Street, Block 8, Lot 30, Application #2010-06. Applicant approved to convert an existing two-family residence to a three-family residence by legalizing the existing basement apartment. Applicant approved for site plan approval and variances for use, parking, and setbacks. Property is located in the R-M zone. Matter approved at meeting of July 22, 2010. Motion to approve was made by Chairman Kenneth Blane and Ms. Rosemary Sciacca seconded. Resolution approved.
  
- c. Memorializing Resolution in the matter of Hudson Funding LLC, for property located at 6610 Palisade Avenue, Block 15, Lot 6. Applicant approved for demolition of existing one-family residence and construction of new three-family residence. RM Zone. Applicant approved for use variance and other relief. Matter was approved at meeting of July 22, 2010. Motion to approve was made by Chairman Kenneth Blane and Ms. Rosemary Sciacca seconded.
  
- d. Alpy - pending.
  
- 8. Applications.
  - a. First hearing in matter of 5609 Palisade Ave, LLC, for property located at 5609-5615 Palisade Avenue, block 80 Lot 28. Existing building with four residential and one commercial space. Applicant seeks to renovate one commercial unit to create a second commercial unit within. Requires a use and other variance. RM zone.

Marlene Caride, Esq. and Ms. Carola Z. Rosas AIA, for the applicant. Ms. Rosas explained that the applicant hopes to sub-divide the commercial space on the ground floor of the present building, making it two commercial units. She depicted the grocery store that currently exists there now. Ms. Rosas explained the proposal to divide this one commercial space into two in order for the applicant to rent out the second space for some other type of establishment.

Ms. Rosas also provided the Board with color renderings that were marked as exhibits A1-A6 and exhibit A7 was a Zoning Table. These exhibits were passed around to Board Members as she referred to the floor plan and she also testified about the code upgrades will be made to the building.

A motion to approve this matter was made by Mr. Ernesto Munoz and Mr. Michael D'Amico seconded. Matter approved.

- b. Matter of Application ##2009-18 for Marisabel Morales for property located at 519-521 54<sup>th</sup> Street, Block 109 Lot 11. The property contains a vacant two-story industrial building in the IL Light Impact Industrial District. Applicant proposes to convert the second floor into a catering hall. New restrooms will be installed and the existing restrooms and a partition will be removed. A use variance and other variances are sought. Matter was heard at meeting of June 7, 2010 and was adjourned from July 22, 2010. To be carried until September 23, 2010.
  
- c. Second hearing for application #2010-08 for D.R. Mon Inc. for properties known as the Jaclyn Properties at various lots on Washing and Jefferson Streets. This is a requested Amendment #2 for existing approvals granted by the Board in June, 2009 and initially amended in December, 2010.

Applicant seeks to change the previous approvals. First, due to lack of education funding, the BOE will no longer seek rehabilitation of an existing building for Pre-K and Special Education at 5715 Jefferson Street, Block 130, Lot 3 and Part of Lot 4 (Proposed Lot 3.01). The applicant instead seeks to demolish the existing building and to construct a residential building with 28 for-sale condominium units and 60 parking spaces. The building will be a total of five stories consisting of four residential levels and one ground floor parking level.

The proposed lot and subdivision for this residential building is requested to be changed from the prior approval to exclude land. This building would now occupy only 5715 Jefferson Street, Part of Lot 4. A parcel known as Block 130, Lot 3 ("Nunez property") is requested to be eliminated and removed from any approvals.

The applicant seeks approval to abandon the required surface parking lot providing for fourteen (14) spaces that was approved for 5814-5816 Jefferson Street, Block 129, Lot 2.01. It would be removed from any approvals.

There are no changes to the approved residential buildings at the other project locations, except that the applicant seeks to assign parking in the proposed new building to the other sites. The application proposes that the provided excess parking is enough for the other sites.

The applicant requires use variance and other variances, as well as change of the approved subdivision line and cross-easements for parking.

Michael Fink, Esq. present for the applicant. Ms. Anne Marie Rizzuto, Board Attorney, asked the Board Members who were not present at the prior hearing to certify that they had read the transcripts that were provided to them. Members confirmed that they did.

Mr. Gregory J. Polyniak, PE, PP for the applicant testified as to his fifteen page Planner's Report that was viewed on a power-point presentation. Mr. Polyniak addressed the existing and proposed conditions of the project. He also discussed the different variances that are being sought. He talked about the positive and negative criteria and special reasons.

Mr. Polyniak testified as to the site plan, the streetscape, and the aesthetics of the building. He also described the zoning table and the surrounding zones. He testified about the characteristics of the surrounding neighborhood and the types of land uses. He discussed the storm water management regulations and standards. Parking sizes were also detailed.

The hearing was then opened for public commentary. There were various members who came up to speak and express their interests and concerns.

The matter was continued to a Special Meeting being held on the September 20, 2010.

9. Payment Resolutions.
  - a. Joseph J. Layton, PP – Escrow Billing. Postponed until next meeting.
  - b. Metropolitan Court Reporting. Motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded. Resolution approved.
  
10. Escrow Refund resolutions.
  - a. Application #2009-08 of Danelli Espinal for property located at 510-56<sup>th</sup> Street. Refund of unused portion of escrow balance. Motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded.

A motion to adjourn the meeting was made and the meeting was adjourned at 10:00 p.m.

**Respectfully submitted,**

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**MARIA VARELA, BOARD SECRETARY**  
**Town of West New York Zoning Board of Adjustment**

**Date approved: October 28, 2010**