

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

**MINUTES FOR MEETING OF THURSDAY, FEBRUARY 24, 2011**

The Zoning Board held a meeting on Thursday, February 24, 2011, 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 Michael D'Amico, Kenneth Furlong, Juan Jimenez, and Ernesto Munoz.

Absent: Vice Chair Darryl Semple and members Michele Irimia, Rosemary Sciacca, and Myra Real.

Present: Board Attorney Anne Marie Rizzuto, Esq.  
Board Planner Joseph J. Layton, P.P., AICP  
Board Secretary Maria Varela

3. A motion to approve the Minutes of the Meeting of December 13, 2010 was made by Chairman Kenneth Blane and Ernest Munoz seconded. The minutes were approved by the Board.

4. Resolutions –

a. Memorializing Resolution in matter of Application #2010-09, for applicant 521 60<sup>th</sup> Street WNY LLC, for property located at 521 60<sup>th</sup> Street, Block 127, Lot 3. Approved to legalize an existing illegal basement apartment. First hearing was held on October 28, 2010. Matter was approved at second hearing on December 13, 2010.

Resolution was carried to the March 24, 2011 meeting. No vote was taken at this time.

- b. Memorializing Resolution in matter of Application #2010-11 for Franklin Avenue Health Club, LLC (West New York Retro Fitness), for property located at 6402 Kennedy Boulevard West and Jefferson Street, Block 158, Lot 15, Block 158, Lots 9, 10 and 11, and Block 159, Lot 15. Applicant approved for a fitness center/gym facility. A motion to approve was made by Chairman Kenneth Blane and Mr. Michael D'Amico seconded. Resolution approved.
  
- c. Memorializing Resolution in matter of Application #2010-08 for D.R. Mon Inc. for properties known as the Jaclyn Properties at various lots on Washington and Jefferson Streets. Hearings were held on July 22, 2010, August 26, 2010, September 20, 2010, and the matter was approved by vote on October 28, 2010.

This is Amendment #2 for existing approvals granted by the Board in June, 2009 and initially amended in December, 2010. Applicant approved for demolition of existing building and construction of a residential building with 28 for-sale condominium units and 60 parking spaces at 5715 Jefferson Street, Block 130, Lot 3 and Part of Lot 4 (Proposed Lot 3.01). The approval also abandons the school originally proposed for this lot and grants other relief.

A motion to approve to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded. Motion passed. The Chairman then read a statement acknowledging the benefits that this project will have on the general public.

## 5. Applications.

- a. Matter of Application #2009-18 for Marisabel Morales for property located at 519-521 54<sup>th</sup> Street, Block 109, Lot 11. This matter was heard at the meeting of June 7, 2010, at which time the applicant was seeking approval for a catering hall. Applicant has amended the application to request approvals for unspecified retail sales and services and business and professional offices. Applicant requires use and parking variances. New notice has been provided. First hearing on amended application.

Discussion occurred with Counsel for applicant and the Board Planner. The applicant will revise the application to specify uses she is seeking for approval and revised plans to match. This Matter will be carried over to the April 29, 2011 meeting.

- b. Matter of Application #2010-14 for Miguel Fernandez, Dilenia Fernandez, and Eugenia Peralta, for property located at 122 67<sup>th</sup> Street, Block 6, Lot 14, West New York. Property is located in the RM zone. Applicant seeks to legalize a basement apartment, thereby making a two-family residential building into a three-family. Applicant also seeks approval for construction of an addition at the rear of the building, for which no permits were obtained. Applicant requires use, parking, and other variances.

J. Alvaro Alonso, Esq. and Jose Carballo, AIA, for the applicant. Mr. Carballo described the floor plan, the number of rooms, and size of each apartment. He also talked about the variances that they are seeking, and that those are pre-existing. A motion to approve this matter was made by Chairman Kenneth Blane and Mr. Ernesto Munoz seconded. Matter approved.

- c. Matter of Application #2010-16 for BHD Investment, LLC for property located at 214 58<sup>th</sup> Street, Block 8, Lot 10, West New York. The property is located in the RM zone. Applicant proposes to demolish the existing one-family home and construct a three-family home. Applicant requires use, parking, and other variances.

J. Alvaro Alonso, Esq. and Ms. Marta Rodriguez, AIA, for the applicant. Ms. Rodriguez testified as to the plans proposing to demolish the existing house in order to construct the brand new three-family building. She described the floor plan depicting the layout of the three apartments. Ms. Rodriguez also described the characteristics of the surrounding neighborhood and the variances being sought. The Chairman requested that Ms. Rodriguez try to incorporate some landscaping on the proposed project. Revised plans are expected.

A motion to approve this matter was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded. Matter approved.

- d. Matter of Application # 2010-13, for Family Dollar Store, for property located at 5909 Park Avenue, Block 59. Lot 6. Applicant requests a D-1 use variance and parking variances to convert an existing one story commercial building into one retail store.

J. Alvaro Alonso, Esq. and Mr. Gabriel J. Massa, AIA for the applicant. Mr. Massa described the existing structure which is currently being used as a parking garage. Mr. Massa testified as to the floor plans describing the layout, the façade, signage, and proposed setbacks. He also talked about the variances being sought and the characteristics of the neighborhood. He also stated that a designated loading zone at the street in front of the building is also being pursued. Exhibits were marked and submitted to the Board.

The hearing was open to the public and members of the public spoke. Members of the public shared their concerns over the parking. This portion of the hearing was closed, and the matter was carried to the March 24, 2010 meeting for continued hearing.

- e. Matter of Application #2010-17, for applicant Miralto at Park Avenue LLC, for property located between Buchanan Place and Park Avenue, known as Block 43, Lots 4, 5, 6, 7, 16 and 17. The project name has been changed to "Meridia Park Avenue". Applicant is seeking a second amendment of the existing approvals.

Applicant was approved by vote on October 26, 2006 for this project, but the resolution was not adopted until January 24, 2008. The applicant then filed for amendment of the approval, which was approved by vote on August 27, 2009 and memorialized by resolution on December 14, 2009.

In 2006, this project was originally approved for construction of one ten-story multi-family residential building providing 102 residential units and two commercial retail units. There were six residential levels providing 66 one-bedroom units and 36 two-bedroom units. The project called for four parking levels providing 92 parking spaces.

In 2009, the project was amended by application and re-approved for construction of one nine-story multi-family residential building providing 125 residential units and one commercial retail unit. There were five residential levels providing 50 one-bedroom with den units, 35 one-bedroom without den units, 5 studio apartment, and 35 two-bedroom apartments. The project called for four parking levels providing 174 spaces for residents and 37 spaces to be used by the WNY Parking Authority.

The present amendment seeks construction of one six-story multi-family residential building providing 125 residential units and two commercial units. There are four residential levels providing 65 one-bedroom units and 60 two-bedroom units.

There are two parking levels providing 176 total spaces for the residents. Of these, 80 spaces are arranged as tandem parking. Parking spaces are undersized. There are an additional 37 spaces to be used by the WNY Parking Authority.

This amendment provides for a lower building height because there is expanded acreage as the applicant has added another property.

Applicant seeks continued approvals following the revised plans, for merger of lots, preliminary and final site plan approval, use and other variances including tandem parking plan, undersized parking spaces, width of parking aisles, and no loading dock. There is also encroachment into the public right of way.

Henry Walentowicz, Esq. and Yogesh Mistry, AIA, for the applicant. Mr. Mistry testified as to the floor plans and he passed around aerial photos of the building to the Board members which were marked. He talked about the prior approvals and discussed the present changes to the proposed structure. Mr. Mistry gave full detail as to the amenities, the layout, and a breakdown of all the units. He also discussed aesthetics of the building, including implementing two commercial spaces at the front of the building.

The hearing was open to the public and members of the public spoke. Members of the public came up for questions of the expert. This portion of the hearing was closed, and the matter was carried to the March 15, 2011 for a special meeting.

6. Payment Resolutions
  - a. Metropolitan Court Reporting- A motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded.
  - b. Maser Consulting - A motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded.
  - c. Jersey Journal - A motion to approve was made by Chairman Kenneth Blane and Ernesto Munoz seconded.
  - d. Anne Marie Rizzuto, Esq. – Town services - A motion to approve both payment resolutions was made by Chairman Kenneth Blane and Ernesto Munoz seconded.
8. Open to public for comments on other matters. No member of the public spoke.
9. Motion to adjourn was made at 10:16 PM and the meeting was adjourned.

**Respectfully submitted,**

---

**MARIA VARELA  
Zoning Board Secretary  
Town of West New York**

**Date approved: March \_\_\_\_\_, 2011**