

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

**MINUTES FOR MEETING OF THURSDAY, APRIL 28, 2011**

The Zoning Board held a meeting on Thursday, April 28, 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, Michele Irimia, Rosemary Sciacca, Juan Jimenez and Ernesto Munoz

Absent: Vice Chair Darryl Semple and member 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 Special Meeting of March 15, 2011 and of the meeting of March 24, 2011 was made by Chairman Kenneth Blane and Kenneth Furlong seconded. The minutes were approved by the Board.

4. Resolutions

a. Memorializing Resolution in 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. Memorializing Resolution postponed until the May 26, 2011 meeting.

b. Memorializing Resolution in matter of Lexington Equities, LLC, for properties located at 6000-6002 Jefferson Street, Block 144,n Lots 1 and 2, Application #2010-15. Memorializing Resolution postponed until the May 26, 2011 meeting.

c. Memorializing Resolution in the matter of Juan Carlos Ramirez, for property located at 6028 Buchanan Place, Block 43, Lot 6.01, Application #2011-03. Memorializing Resolution postponed until the May 26, 2011 meeting.

5. Applications.

- a. No further hearing was held in matter of 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. The applicant's case is complete.

Board Attorney Anne Marie Rizzuto explained to the Board that the applicant has agreed to apply for and obtain the approval of a loading zone application from the Commissioners. Therefore, the matter will not be presented for vote until same is obtained and presented to this Zoning Board. Matter adjourned until further notice.

- b. No hearing was held in the 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 amended the application to request approvals for retail sales and services and business and professional offices and provided new notice. Applicant requires use and parking variances.

The application is not specific as to the proposed uses and parking requirements or other issues that might be generated by those uses. Therefore, Anne Marie Rizzuto, Board Attorney, advised the Board Members that the applicant has withdrawn this matter without prejudice.

- c. First hearing in matter of Miguel A. Hector, for property located at 525-527 51<sup>st</sup> Street, Block 107, Lot 13, West New York. Applicant seeks to add three additional residential apartments at the basement level of an existing multi-family five-story building that contains 21 residential units.

The building is located in the CH Heavy Impact Zone and the use as residential in non-conforming. The addition of three more residential units expands the non-conforming use and therefore, applicant requires a use variance. In addition, there is no parking on site, an existing non-conforming condition, which is being exacerbated, and therefore, applicant requires a variance. There are other existing non-conformities for bulk zoning requirements.

Applicant was previously approved in 1999 for an expansion of the 21-unit building into a building containing 35 units. This approval is expired.

Richard P. Venino Esq., for the applicant gave a brief description of the application. Mr. Venino addressed the prior expired approvals and overall explanation of the building.

Joseph Stagier, Traffic expert, PE. P.P., was sworn for the applicant. Mr. Stagier addressed the lack of need for parking in that area. He did various surveys throughout the months and discovered that parking could be accommodated for the tenants at the municipal parking lot on that street. The Chairman of the Board requested that an arrangement be made with the tenants prior to renting that they acquire a parking permit with the Parking Authority.

Alberto Arencibia, AIA, was sworn for the applicant. He testified as to the site plan for the building. He described the configuration of the new units. He explained that no change will occur to the footprint of the building. Mr. Arencibia also explained to the Board that a handicap accessible ramp will be added to the building. The ramp will provide access to one of the basement apartments in order to accommodate a tenant with special needs. As per discussion amongst Board Members, a lift will also be implemented at the basement level for the safety of the tenant.

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

6. Payment Resolutions
  - a. Metropolitan Court Reporting- two payment resolutions- A motion to approve was made by Chairman Kenneth Blane and Mr. Juan Jimenez seconded.
  - b. Jersey Journal - A motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded.
- 7 Escrow Refunds.
  - a. Ester Castrillion for property located at 5511 Bergenline Ave., Block 116, Lot 5, Application #2009-13. Refund amount \$2,380.00. A motion to approve was made by Chairman Kenneth Blane and Mr. Kenneth Furlong seconded.
8. Open to public for comments on other matters. No member of the public spoke.
9. Motion to adjourn was made at 7:45 PM and the meeting was adjourned.

**Respectfully submitted,**

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

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