MAYOR
ALBIO SIRES | PUBLIC SAFETY
COMMISSIONER
MARIELKA A. DIAZ | PUBLIC AFFAIRS

BOARD SECRETARY
JOSEPH E. ROQUE
BOARD ATTORNEY
JOSEPH R. MARINIELLO, ESQ.
BOARD ENGINEER
BERNARD MIRANDI, P.E., C.M.E.
BOARD PLANNER
DAVID SPATZ, P.P., AICP

TOWN OF WEST NEW YORK
COUNTY OF HUDSON, NEW JERSEY

DEPARTMENT OF PUBLIC AFFAIRS
ZONING BOARD OF ADJUSTMENT
428-60th STREET
WEST NEW YORK, NEW JERSEY 07093
(201).295.5009

RICKY SOLARES | CHAIRMAN
KATHARINE CHAO | 1ST VICE-CHAIRWOMAN
JEFFREY COURTNEY | 2ND VICE-CHAIRMAN
MICHAEL CALDERARA | BOARD MEMBER
EDUARDO ALVAREZ-DE LA PAZ | BOARD MEMBER
JAVIER SALGADO | BOARD MEMBER
LEON O. LONDONO | BOARD MEMBER
JUNIOR FERNANDEZ | ALT. BOARD MEMBER
XAVIER MURILLO | ALT. BOARD MEMBER

MINUTES FOR REGULAR MEETING THURSDAY SEPTEMBER 3, 2026

The Zoning Board of Adjustment has scheduled a regular meeting on **September 3, 2026,** at **6:30 P.M.** via Teleconference. Call-In Number – **(929) 205-6099** Meeting ID: **840 6989 8918** Password: **42860**

1. Meeting called to order by Chairman Solares. Time: 6:30 P.M.

2. Pledge of Allegiance:

3. Reading of notice in compliance with Open Public Meetings Act:

The Chairman read the Open Public Meeting Notice into the record: This is the regular meeting of **September 3, 2026,** of the Zoning Board of Adjustment of the Town of West New York. Adequate notice of this meeting was provided pursuant to the Open Public Meetings Act, by at least 48 hours prior to this meeting, giving the time, date, location and, to the extent known, the agenda further indicating that formal action may be taken and this notice was (1) prominently posted in at least one public place reserved for such or similar announcements; (2) mailed, telephoned or telecopied to at least two newspapers, which newspapers have been designated by the Governing Body of the Town of West New York to receive such notices, one of which is the official newspaper of the Town; and (3) filed with the Clerk of the Town. Electronic notice of any Zoning Board agenda is available by contacting the Zoning Board of Adjustment Secretary or the Town Clerk.

4. <u>Roll Call:</u>

	PRESENT	ABSENT
Chairman Solares	✓	
1st Vice-Chair Chao	✓	
2nd Vice-Chair Courtney	✓	
Member Calderara		✓
Member Alvarez-De La Paz		✓
Member Salgado	✓	
Member Londono	✓	
Alt. Member Fernandez	✓	
Alt. Member Murillo		✓

5. Communications, Reports, and Administrative Matters:

b. Appointing Leon O. Londono as a Board Member to the WNY Zoning Board of Adjustment (Term: January 26, 2023 – January 25, 2027)

Note: The oath of office was administered by Mr. Joseph R. Mariniello, Esq.

b. Resolution Regarding Non-attendance of Board Member Michael Calderara

Note: Board Counsel addressed the Board regarding the continued absence of Board Member Michael Calderara. He explained that Mr. Calderara had not attended Board meetings for several months and had not indicated an intention to resume participation. Counsel advised that Section 5-1 of the West New York Code requires the Board, under such circumstances, to adopt a resolution and forward it to the Board of Commissioners for consideration of appointing another member to serve the remainder of the unexpired term. Board Counsel further stated that Mr. Calderara's prolonged absence had affected the Board's ability to conduct its business, including maintaining a quorum and considering development applications that may require participation by a full complement of Board members. Counsel advised that he had prepared a resolution documenting the attendance issue and recommending that the matter be referred to the Mayor and Board of Commissioners for consideration of a replacement appointment.

RESOLUTION REGARDING THE NONATTENDANCE OF BOARD MEMBER MICHAEL CALDERARA

WHEREAS, the Zoning Board of Adjustment of the Town of West New York (the "Board") is a municipal agency established pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the ordinances of the Town of West New York (the "Town"); and

WHEREAS, the Board consists of seven regular members appointed by the governing body, together with such alternate members as may be authorized by law and ordinance; and

WHEREAS, N.J.S.A. 40:55D-6 defines a quorum as a majority of the full authorized membership of a municipal agency, and N.J.S.A. 40:55D-9 prohibits the Board from taking action at a meeting unless a quorum is present; and

WHEREAS, the regular and consistent attendance of Board members is necessary for the Board to maintain a quorum, conduct its business, hear and decide applications within applicable statutory periods, and discharge its responsibilities under the Municipal Land Use Law; and

Resolution (Cont'd)

WHEREAS, Section 5-1 of the Code of the Town of West New York provides, in pertinent part, that a member of a Town board or other municipal body who is absent from four consecutive regular meetings, or who fails to attend and participate in any meeting of that body for a period of eight consecutive weeks, whichever period is longer, and whose absences are neither attributable to legitimate illness nor otherwise excused by a majority of the remaining members, shall be subject to the procedure prescribed by that section; and

WHEREAS, Michael Calderara is a regular member of the Board; and

WHEREAS, the Board's records reflect that Mr. Calderara has been absent from Board meetings for approximately twelve months and has not attended any Board meeting held during calendar year 2026; and

WHEREAS, based upon the Board's records, Mr. Calderara's nonattendance exceeds the attendance
thresholds established by Section 5-1 of the Town Code; and

WHEREAS, Mr. Calderara's prolonged nonattendance has reduced the number of regular members available to establish a quorum, participate in hearings, and vote upon applications pending before the Board; and

WHEREAS, N.J.S.A. 40:55D-69 authorizes the governing body to remove a member of a zoning board of adjustment for cause, following a public hearing if requested by the member, and provides that a vacancy occurring other than by expiration of a term shall be filled for the remainder of the unexpired term; and

WHEREAS, the Board finds it appropriate to notify the Board of Commissioners of Mr. Calderara's prolonged nonattendance and to request that the Board of Commissioners take such action as is authorized by the Municipal Land Use Law and the Town Code.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Town of West New York, County of Hudson, State of New Jersey, as follows:

1. Findings Incorporated. The foregoing recitals are incorporated into and made part of this Resolution as though set forth at length herein.

2. Notice of Nonattendance. The Board hereby notifies the Board of Commissioners that Michael Calderara has been absent from Board meetings for approximately twelve months, has not attended any Board meeting held during calendar year 2026, and has exceeded the attendance thresholds set forth in Section 5-1 of the Town Code.

Resolution (Cont'd)

3. Request for Appropriate Action. The Board respectfully requests that the Board of Commissioners review the attendance record described herein and take such action as it determines appropriate and legally authorized under Section 5-1 of the Town Code and N.J.S.A. 40:55D-69, including providing Mr. Calderara with any notice and opportunity for a public hearing required by law.

4. Appointment to Unexpired Term. If the position is determined to be vacant following completion of the legally required process, the Board respectfully requests that the governing body appoint a qualified replacement to serve for the remainder of Mr. Calderara's unexpired term.

5. Transmission. The Board Secretary and other appropriate Board personnel are authorized and directed to transmit a certified copy of this Resolution, together with the relevant attendance records, to the Town Clerk and the Board of Commissioners promptly following its adoption.

6. Effective Date. This Resolution shall take effect immediately upon its adoption.

Motion to APPROVE/DENY Resolution

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono	✓			
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

September 3, 2026
Zoning Board of Adjustment Regular Meeting

a. <u>Zoning Board Docket #ZB 2019-17; 6509 Bergenline, LLC</u>
Request for a one-year extension for property located at 6509 Bergenline Avenue

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono	✓			
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

Note: Mr. J. Alvaro Alonso, Esq. addressed the Board regarding an application seeking an extension of a prior approval originally granted by resolution in October 2020. Counsel explained that the applicant had timely obtained the necessary permits following the approval and therefore had not previously required an extension. Counsel stated that the applicant, an attorney, completed the conversion of the former pharmacy space into a law office, obtained a Certificate of Occupancy for that portion of the project, and is presently occupying the space. Work on the upper floors was also commenced, permits were issued, rough construction was substantially completed, and several required inspections were successfully passed. Counsel further explained that, due to unforeseen circumstances arising after the COVID-19 pandemic, construction on the remaining portion of the project ceased for more than one year. As a result, the outstanding permits automatically expired. When the applicant later sought to complete the remaining inspections, the Building Department advised that the expired permits could not proceed without renewed Board approval.

September 3, 2026
Zoning Board of Adjustment Regular Meeting

6. **Minutes of Previous Meetings:** Motion to **APPROVE** the ***July 23, 2026*** Minutes

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono			✓	
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

7. **Payment Resolutions:** **None**

8. **Memorializing Resolutions:**

   a. **Memorializing Zoning Board Docket #ZB 2025-02; filed January 6, 2025:**
   6203 Hudson West New York LLC Site Plan – 6203-07 Hudson Avenue (Block: 32 Lot(s): 27, 28, & 29)

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono			✓	
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

September 3, 2026
Zoning Board of Adjustment Regular Meeting

b. <u>Memorializing Zoning Board Docket #ZB 2026-06; filed April 27, 2026:</u>
6001 Harrison, LLC Site Plan – 440-60th Street (Block: 57 Lot: 29)

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono			✓	
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

September 3, 2026
Zoning Board of Adjustment Regular Meeting

9. Acceptance/Completeness:

a. Zoning Board Docket #ZB 2026-07; filed August 11, 2026:
Jorge & Amparo Rivas Site Plan – 441-56th Street (Block: 82 Lot: 11)

The applicant is represented by J. Alvaro Alonso, Esq.
The applicant proposes to convert the commercial ground floor of an existing mixed-use building into a four-bedroom apartment; there will now be two apartments in the building. The property is located on the southern side of 56th Street, between Bergenline Avenue and Gaw Place, in the Town of West New York's C-R, Retail & Service Commercial Zone.

Motion to deem application ***COMPLETE/INCOMPLETE*** ***ZB 2026-07***

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono	✓			
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

Note: Upon the recommendation of our Planner, the application was deemed complete and scheduled for a hearing on October 8, 2026. (Public notices are required.)

10. Old Business – Applications: None

11. New Business: None

12. Privilege of the Floor: None

13. Adjournment:

Motion to Adjourn at 6:55 P.M.

Ricky Solares (RS)	Katherine Chao (KC)	Jeff Courtney (JC)	Michael Calderara (MC)	Eduardo Alvarez-De La Paz (ED)	Javier Salgado (JS)	Leon Londono (LL)	Junior Fernandez (JF)	Xavier Murillo (XM)

Motion:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**
Second:	**RS**	**KC**	**JC**	**MC**	**EA**	**JS**	**RT**	**JF**	**XM**

MEMBER	APPROVE	DENY	ABSTAIN	ABSENT
Chairman Solares	✓			
1st Vice-Chair Chao	✓			
2nd Vice-Chair Courtney	✓			
Member Calderara				✓
Member Alvarez-De La Paz				✓
Member Salgado	✓			
Member Londono	✓			
Alt. Member Fernandez	✓			
Alt. Member Murillo				✓

_____
Chairman Ricky Solares

Attest: _____
Joseph E. Roque
Board Secretary