Minutes of the meeting of the Linden Board of Adjustment, January 13, 2020 at 7 P.M.

BOARD MEMBERS PRESENT:

DONALD BLADZINSKI, CHAIRMAN
SUSANNE MISKIEWICZ, VICE-CHAIRMAN
NICHOLAS NIGRO
SAL RENNA
GREGORY S. CIERPIAL
ANTHONY PATTI
ANDREW BENO

BURTON ZITOMER, BOARD ATTORNEY
BRIAN FRITZSCHE, BOARD SECRETARY
PAUL RICCI, BOARD PLANNER

The Linden Board of Adjustment meeting was called to order by the Chairman at 7 P.M. on January 13, 2020. (Roll call). Flag salute.

A statement was made with regard to the meeting being held in accordance with the Open Public Meetings Act by Attorney Zitomer. Upon motion made and seconded and majority vote, the Board minutes of the previous meeting are approved.

Resolution Re: ZBA-08-2019, Universal Church, Inc., 116 North Wood Avenue for utilization of space within the commercial building for a place of worship. By motion made and seconded, Board members voted to memorialize the resolution.

The 2020 Organizational Appointments were voted and passed, Donald Bladzinski, Chairman; Susanne Miskiewicz, Vice-Chairman; Brian Fritzscze Board Secretary; Burton Zitomer, Esquire, Legal Counsel; Steven Merman, Esquire for Litigation Services and Virginia Guinta, Certified Court Reporter.

APPLICATION:  Bower Investments, LLC
PREMISES:  1301 Roselle Street
TO PERMIT:  To construct a three-story addition containing six residential units to an existing six unit residential building and onsite parking area.

Rejected:  Schedule of Limitations 31-4.1, 31-19.9a, minimum lot size, 31-19.9b, maximum lot coverage percentage; 31-19.9c, maximum number of
apartments per building, 31-19-9.d, maximum number of principal buildings per lot; 31-19.9.e, minimum side yard setback, 31-19.1f, open space; 31-4.1, minimum habitable floor area, minimum lot depth and lot size, RSIS, number of off-street parking.

Javerbaum Wurgaft Law Firm, Stephen F. Hehl, Esquire, appeared for the applicant for a three-story addition containing 6 residential units to an existing six unit residential building and site plan and parking. Mr. Hehl opened to the Board.

Mark P. Marcille, Architect, was sworn, testified on direct examination by Mr. Hehl. Mr. Marcille was qualified. Rendering is marked A-1. He described the area, testified there's no signage proposed attached to the building, that all comments by the professionals will be complied with.

Mr. Cierpial was concerned the new portion of the building will blend in with the older portion. Mr. Marcille testified the garage will be demolished and there will be parking, that a landscape plan will be provided for review and will be a condition of approval.

Harry Tuvel is sworn and qualified as an engineer and testified as to existing conditions, proposed site grading. Utility Plan is marked A-2. Photo of existing conditions is marked A-3.

(Refer to transcript.) He testified as to a trench drain that will be carried out to the existing storm drain on Roselle Street and referenced a trash encloser area. Mr. Hehl stated he reviewed the comments from an engineering point of view, that there is no problem complying.

Mr. Tuvel answered Mr. Renna's question that there are 14 parking spots. Mr. Hehl stated a drainage statement with calculations will be provided. A fence was discussed and Mr. Hehl stated that would be no problem.

Mr. Ricci requested the condensers be designed in a manner that's not impactful to the neighbors to the north.

Frank Assuncao, applicant, stated all the permits were obtained and the old tank removed and was inspected by the township. He answered the question regarding the brick and regarding landscaping, condensers and the sound, that he will work with the town.
Chairman Bladzinski questioned with regard to the height of the proposed second addition. Mr. Ricci questioned with regard to the landscaping plan that he requested it to be sensitive to hiding the view of the parking from the street and that was agreed.

Nicholas A. Graviano was sworn and qualified as a planner. Exhibit is marked A-4, Current Land Uses. He testified the applicant is seeking a D-3 conditional use variance to expand the building and a D-5 density variance to permit a greater density than what is permitted and a D-6 height variance.

Mr. Graviano testified that the site can accommodate any ills generated from the deviation to the conditional use standards and will use consistent building materials and will submit an extensive landscaping package and that these deviations do not cause a substantial impairment of the zone plan and zoning ordinance.

He testified the application advances Purpose A, to encourage municipal action to guide the appropriate use of lands which would promote the public health, safety and general welfare.

He testified the proposal enhances Purpose G, sufficient space and appropriate location for a variety of residential uses. He testified the site is one mile to the train station and close to retail and employment, and the application helps promote Purpose I, desirable visual environment through creative development techniques. He testified the application does not cause a substantial impairment to the zone plan or zoning ordinance.

With regard to the height variance, he testified it is in keeping with the neighborhood and that all variances could be granted.

Mr. Ricci stated that access to the building is a problem and there may be a problem getting to the garages. Mr. Ricci stated the Board has to evaluate putting a three-story building right on the property line, that the improvements to the site are significant and asked the Board to evaluate adding units but adding parking and is that parking being improved, and he proposed a landscape plan be a condition of approval prepared by a Certified Landscape Architect.

Mr. Patti suggested fencing the corner
where the two buildings meet to not create a hang-out area and have lighting, and Dr. Miskiewicz suggested cameras, and Mr. Zitomer stated those are conditions to approval.

Upon motion by Mr. Patti to grant the application, seconded by Mr. Beno, with the conditions as testified to, the application was approved by a vote of 7-0.

Whereupon, the meeting was adjourned at 8:14 P.M.

Respectfully submitted,

Secretary