

**In The Matter Of:**  
*Minutes of 1/13/2020*

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*January 13, 2020*

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*M. Virginia Guinta*  
*Certified Court Reporters*  
*P.O. Box 184*  
*Rocky Hill, New Jersey 08553*  
*(609) 477-9342*

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**Min-U-Script® with Word Index**

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

3 BOARD MEMBERS PRESENT:

4 DONALD BLADZINSKI, CHAIRMAN  
5 SUSANNE MISKIEWICZ, VICE-CHAIRMAN  
6 NICHOLAS NIGRO  
7 SAL RENNA  
8 GREGORY S. CIERPIAL  
9 ANTHONY PATTI  
10 ANDREW BENO

11 BURTON ZITOMER, BOARD ATTORNEY  
12 BRIAN FRITZSCHE, BOARD SECRETARY  
13 PAUL RICCI, BOARD PLANNER

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

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

23 Resolution Re: ZBA-08-2019, Universal  
24 Church, Inc., 116 North Wood Avenue for  
25 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 Fritzsche  
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

1 apartments per building, 31-19-9.d, maximum number  
2 of principal buildings per lot; 31-19.9.e, minimum  
3 side yard setback, 31-19.1f, open space; 31-4.1,  
4 minimum habitable floor area, minimum lot depth  
5 and lot size, RSIS, number of off-street parking.

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

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

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

25 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.

1 Chairman Bladzinski questioned with regard  
2 to the height of the proposed second addition.  
3 Mr. Ricci questioned with regard to the  
4 landscaping plan that he requested it to be  
5 sensitive to hiding the view of the parking from  
6 the street and that was agreed.

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

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

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

25 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

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

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

9 Whereupon, the meeting was adjourned at  
10 8:14 P.M.

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Respectfully submitted,

Secretary