

**In The Matter Of:**  
*105 Center Street SD746A*

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*June 09, 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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LINDEN PLANNING BOARD  
LINDEN, NEW JERSEY  
CASE NO. SD-746A-2020

IN THE MATTER OF THE APPLICATION) VIRTUAL  
OF 105 Center Street, 105 Center) TRANSCRIPT  
Street for Subdivision )  
Applicant. )

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June 9, 2020  
7 P.M.

B O A R D M E M B E R S P R E S E N T :

JOSEPH LaPLACA, CHAIRMAN  
ARMAND FIORLETTI, VICE-CHAIRMAN  
BARRY JAVICK, COUNCILMAN  
NICHOLAS PANTINA  
FELIPE CABEZAS  
CURTIS HUMPHREY  
NOYO EDEM  
ALEX LOSPINOSO, MAYOR'S DESIGNEE

ANTHONY D. RINALDO, JR., BOARD ATTORNEY  
PAUL RICCI, BOARD PLANNER  
MARILYN COPLAN, RECORDING SECRETARY

A P P E R A N C E :

GREGORY M. JUBA, ESQUIRE  
923 N. Wood Avenue  
Linden, New Jersey 07036  
Attorney for Applicant.

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1 MR. PANTINA: We're going to  
2 start the meeting now. If anyone else is  
3 chiming in, we'll see them as they come  
4 along. I'm counting members. Five. We  
5 might have a few more members once the cases  
6 come up. Can everybody hear me?

7 This is a meeting being held in  
8 accordance with the Open Public Meetings  
9 Act. The schedule of meetings is on file  
10 with the City of Linden Clerk's office and  
11 was posted on the bulletin board and mailed  
12 to the local sources and the Star Ledger.

13 I would raise a flag but that  
14 was too difficult.

15 Let's take a moment to pledge  
16 allegiance.

17 Marilyn, do you want to take  
18 roll call?

19 MS. COPLAN: Yes. Alex  
20 Lospinoso.

21 MR. LOSPINOSO: Here.

22 MS. COPLAN: Nick Pantina.

23 MR. PANTINA: Yes, here.

24 MS. COPLAN: Mr. Javick.

25 MR. JAVICK: Here.

1 MS. COPLAN: Mr. LaPlaca.

2 MR. LaPLACA: Here.

3 MS. COPLAN: Mr. Fiorletti.

4 MR. FORILETTI: Here.

5 MS. COPLAN: Mr. Hetem.

6 MR. HETEM: Here.

7 MS. COPLAN: Mrs. Edem. No.

8 Mr. Della Femina. No. Mr. Humphrey.

9 MR. HUMPHREY: here.

10 MS. COPLAN: Mr. Cabezas.

11 MR. PANTINA: Having

12 difficulty. He's not here.

13 MS. COPLAN: Mr. Anderson.

14 MR. PANTINA: Mr. Anderson

15 called in earlier and had some family stuff

16 and he won't be here.

17 Do we have a quorum?

18 MS. COPLAN: Yes, you do. One

19 two, three, four, five, six, seven.

20 MR. PANTINA: Has everybody got

21 a copy of the May minutes? Have you had any

22 issues with it? Could I have a motion to

23 approve the May minutes?

24 MR. FIORLETTI: I propose --

25 MR. PANTINA: Armand Fiorletti

1 makes a motion to approve the meeting  
2 minutes. Do I have a second?

3 MR. JAVICK: Second.

4 MR. PANTINA: Second by Barry  
5 Javick, I believe.

6 MS. COPLAN: Hard to hear.  
7 Make sure you repeat it.

8 MR. PANTINA: For the sake of  
9 the transcriber, everybody speak slowly.  
10 Okay.

11 If we see we have a hand waving  
12 it means you're going too fast. Okay. Ms.  
13 Coplan can call the roll.

14 MS. COPLAN: Mr. Lospinoso.

15 MR. LOSPINOSO: Yes.

16 MS. COPLAN: Mr. Pantina.

17 MR. PANTINA: Yes.

18 MS. COPLAN: Mr. Javick.

19 MR. JAVICK: Present.

20 MS. COPLAN: Mr. LaPlaca.

21 MR. LaPLACA: Yes.

22 MS. COPLAN: Mr. Fiorletti.

23 MR. FIORLETTI: Yes.

24 MS. COPLAN: Mr. Curtis.

25 MR. CURTIS HUMPHREY: Yes.

1 MR. PANTINA: Are you done with  
2 roll call?

3 MS. COPLAN: I just didn't get  
4 is Mr. Della Femina there?

5 MR. PANTINA: I don't believe  
6 so.

7 MS. COPLAN: Mr. Humphrey. He  
8 was here before.

9 MR. PANTINA: He was here  
10 before.

11 MS. COPLAN: Curtis Humphrey.

12 MR. HUMPHREY: Yes.

13 MS. COPLAN: Mr. Cabezas wasn't  
14 coming in before.

15 MR. PANTINA: I don't think  
16 he's here now either.

17 MS. COPLAN: Mr. Anderson.

18 MR. PANTINA: Mr. Anderson is  
19 not here tonight.

20 MS. COPLAN: Mr. Hetem.

21 MR. HETEM: Yes.

22 MS. COPLAN: We're good.

23 MR. CABEZAS: Can you guys hear  
24 me?

25 MR. PANTINA: Felipe is in.

1           That's Felipe.

2                       MR. RINALDO:   For the record,  
3           Frank Hetem is a new member.  We will be  
4           swearing him in at the next meeting.  You  
5           could listen to the cases tonight.  But no  
6           votes.  Okay?

7                       MR. HETEM:   Perfect.  Yes, I  
8           understand.

9                       MR. PANTINA:  I'm glad you're  
10          here.

11                      Are there any members of the  
12          public online right now?  I don't see  
13          anybody that I don't know.

14                      Charlie, can you do anything  
15          with Felipe?

16                      MR. CABEZAS:  I can barely hear  
17          you.

18                      MR. PANTINA:  We can hear you.  
19          We're going to go on to resolutions.

20                      First one up is SD-750-2020,  
21          Direct Access Developers.  Has everyone  
22          gotten a chance to review the resolution?

23                      BOARD MEMBERS:  Yes.

24                      MR. RINALDO:  It's been voted  
25          on.  We need a motion for the resolution.

1 MR. PANTINA: Can I have a  
2 motion to approve the resolution?

3 MR. FIORLETTI: I approve the  
4 Resolution No. SD-750-2020.

5 MR. PANTINA: Do I have a  
6 second?

7 MR. CABEZAS: Second. I could  
8 hardly hear you. My volume is all the way  
9 up.

10 MR. PANTINA: Can everybody  
11 hear me now?

12 MR. CABEZAS: Can you hear me?

13 MR. PANTINA: Take roll call,  
14 Marilyn.

15 MS. COPLAN: Mr. Lospinoso.

16 MR. LOSPINOSO: Yes.

17 MR. RINALDO: Mr. Lospinoso  
18 does not vote on this one. Abstain.

19 MS. COPLAN: Mr. Javick.

20 MR. JAVICK: Yes.

21 MS. COPLAN: MR. LaPlaca.

22 MR. PANTINA: Stop. Mr.  
23 Lospinoso is abstaining on this one, on this  
24 resolution.

25 MR. LOSPINOSO: I'll abstain,



1           yes. Is that because the Mayor voted on it?  
2           Abstain.

3                       MS. COPLAN: Mr. Fiorletti.

4                       MR. FIORLETTI: Yes.

5                       MS. COPLAN: Mr. Curtis.

6                       MR. CURTIS HUMPHREY: Yes.

7                       MS. COPLAN: Mr. Cabezas.

8                       MR. CABEZAS: Yes.

9                       MS. COPLAN: Mrs. Edem can't  
10           vote. We are good.

11                      MR. PANTINA: Next resolution  
12           is SP-1070-17 Safety Kleen System.

13                      MR. RINALDO: It was approved  
14           on May 12th. It is up for resolution and  
15           call the roll, please, Marilyn. Make a  
16           motion.

17                      MR. FIORLETTI: I make a motion  
18           we approve SP-1070 Safety Kleen.

19                      MR. PANTINA: Do I have a  
20           second?

21                      MR. LaPLACA: Second.

22                      MR. PANTINA: Second By Joseph  
23           LaPlaca. Marilyn, take the roll call.

24                      MS. COPLAN: Mr. Lospinoso.

25                      MR. LOSPINOSO: Okay.

1 MS. COPLAN: Mr. Pantina.  
2 MR. PANTINA: Yes.  
3 MS. COPLAN: Mr. Javick.  
4 MR. JAVICK: Yes.  
5 MS. COPLAN: Mr. LaPlaca.  
6 MR. LaPLACA: Yes.  
7 MS. COPLAN: Mr. Fiorletti.  
8 MR. FIORLETTI: Yes.  
9 MS. COPLAN: Mr. Curtis.  
10 MR. CURTIS HUMPHREY: Yes.  
11 MS. COPLAN: Mr. Cabezas.  
12 MR. CABEZAS: Yes.  
13 MS. EDEM: My name's not  
14 called. I been here.  
15 MS. COPLAN: I got you, Noyo.  
16 I can see you too.  
17 MS. EDEM: Yes.  
18 MR. PANTINA: We move on to new  
19 business. First case is SD 746A-2020, 105  
20 Center Street which was held over from last  
21 month. I am going to let Mr. Rinaldo take  
22 the floor.  
23 MR. RINALDO: Mr. Juba, correct  
24 me if I'm wrong, the last time we had some  
25 difficulty on your case because there was

1           some confusion as to whether or not there  
2           was a variance, no variances. You assured  
3           me that you had in February, when we spoke,  
4           you did file and publicize and you did  
5           notify those people within two hundred feet  
6           of the applicant's place that he was going  
7           to put the building on, is that correct?

8                         MR. JUBA: That's correct, and  
9           the proofs were given to Joe Chroback  
10          yesterday. They should be in Nick's office.

11                        MR. RINALDO: I received them  
12          from you. You sent me the affidavit, you  
13          sent me the publication. You did notify  
14          everyone that there were two small  
15          variances, I'm paraphrasing, one was 36 and  
16          change versus 35 feet and the other was 37  
17          feet and change versus thirty-five feet.

18                        MR. JUBA: That's correct.

19                        MR. RINALDO: Also some  
20          discussion between myself, the engineer and  
21          the city planner with regard to actually  
22          amending that particular matter with regard  
23          to be done, however, it got to be heard next  
24          week, however, before that is added, the  
25          publication requirement, I am going to

1 request, unless you want me not to request,  
2 it be voted upon favorably by the Board.  
3 I'm going to request the Board make a motion  
4 to approve this particular matter, and I  
5 will tonight approve and we'll read the  
6 resolution into the record. It will be  
7 approved as of this evening. Is that  
8 satisfactory to you?

9 MR. JUBA: Yes, it is  
10 satisfactory.

11 MR. RINALDO: Any member of the  
12 Board have any questions with regard to what  
13 I put on the record?

14 MR. PANTINA: I agree with Mr.  
15 Rinaldo. I want to make sure we have  
16 language in the resolution for the Shade  
17 Tree but you did get our letter for that,  
18 right?

19 MR. JUBA: We can stipulate  
20 that's acceptable and we are going to pay  
21 for those two trees. It's new but you will  
22 guide us through as to who and where the  
23 payment is made to.

24 MR. PANTINA: Very good.

25 MR. RINALDO: What we intned to

1 do from now on, you, Mr. Juba, also, if Mr.  
2 Klouser is on, Jeff Tandul, the Chairman of  
3 the Shade Tree Commission, has been on top  
4 of things, and you will be getting letters  
5 sooner than later as to what trees need to  
6 be replaced, caliper, et cetera, so  
7 everybody knows.

8 In your resolution I'm going to  
9 read, Mr. Juba, it does say, like it always  
10 does, subject to the Shade Tree Commission  
11 with regard to do anything.

12 MR. JUBA: That's acceptable,  
13 yes, it is.

14 MR. PANTINA: Can I have a  
15 motion to approve this application with the  
16 stipulation that is heard and with the Shade  
17 Tree language resolution, have a motion?

18 MR. CABEZAS: I would make the  
19 motion. I could hardly hear the attorney.

20 MR. RINALDO: You couldn't hear  
21 me?

22 MR. CABEZAS: I couldn't hear  
23 you.

24 MR. RINALDO: Wow, that's a new  
25 one, Felipe. They provided all the proofs,

1           that requirement posting in the newspaper,  
2           sending it out to members of the public  
3           within two hundred feet of the property in  
4           question, I am recommending the approval  
5           without any further discussion or testimony.  
6           Can you hear now?

7                       MR. CABEZAS:   Yes.

8                       MR. RINALDO:   Move for motion  
9           to be made.

10                      MR. CABEZAS:   I make the motion  
11           to approve SD-746A, 105 Center Street, LLC.

12                      MR. PANTINA:   I make the  
13           second.   Roll call.

14                      MS. COPLAN:   Mr. Lospinoso.

15                      MR. LOSPINOSO:   Yes.

16                      MS. COPLAN:   Mr. Pantina.

17                      MR. PANTINA:   Yes.

18                      MS. COPLAN:   Mr. Javick.

19                      MR. JAVICK:    Yes.

20                      MS. COPLAN:   Mr. LaPlaca.

21                      MR. LaPLACA:   Yes.

22                      MS. COPLAN:   Mr. Fiorletti.

23                      MR. FIORLETTI:   Yes.

24                      MS. COPLAN:   Mrs. Edem.

25                      MRS. EDEM:     Yes.

1 MS. COPLAN: Mr. Humphrey.

2 no answer.

3 MR. HUMPHREY: Yes.

4 MS. COPLAN: Mr. Cabezas.

5 MR. CANEZAS: Yes.

6 MS. COPLAN: That's it.

7 MR. RINADLO: I'm now going to  
8 read the resolution quickly. Ginny, I'll  
9 give you a copy, if you need it.

10 "WHEREAS 105 Center Street, LLC  
11 137 Brighton Avenue, belleville, New Jersey  
12 07019 appeared before the City of Linden  
13 Planning Board at a meetng on May 12, 2020  
14 to seek minor subdivison approval to allow a  
15 two-family, semi-detached dwelling located  
16 at 105 Center Street Block 460 Lot 1. The  
17 tract in question is 6951 square feet in  
18 area. The variance subdivision plans were  
19 prepared by AWZ Engineering, INC. and are  
20 last revised on 2/26/20. The proposed  
21 subdivision will result in the creation of a  
22 one-family dwelling attached to one other  
23 one-family dwelling by common vertical wall,  
24 with each dwelling on a separate lot;

25 WHEREAS, based upon a review of

1 the applicant's plans and supporting  
2 documentation, an evaluation of the site and  
3 adjacent area, and an analysis of the City's  
4 Land Development and Zoning Ordinance, the  
5 proposed subdivision does not comply with  
6 all of the zoning standards for residential  
7 development established with the City's  
8 Zonng Code; and

9 WHEREAS, the applicant now  
10 proposes one-car driveway widths for each  
11 unit, which results in front coverages of  
12 37.8 and 35.66, where 56.68% was previously  
13 proposed and where 35% is permitted. It  
14 appears that variances of a minor degree are  
15 required; and

16 WHEREAS, applicant has proved  
17 the following positive and negative criteria  
18 for bulk variance relief,

19 WHEREAS, Gregory Juba, Esq.  
20 appeared on behalf of the applicant, and  
21 Adnan Khan, a Licensed Professional Engineer  
22 of the State of New Jersey with AWZ  
23 Engineering, testified on behalf of the  
24 applicant,

25 WHEREAS, The Planning Board



1 finds the following facts:

2 The applicant's plans and  
3 supporting documentation, an evaluation of  
4 the site and adjacent area, and an analysis  
5 of the City's Land Development and Zoning  
6 Ordinance, the Planning Board finds that the  
7 proposed subdivision does not comply with  
8 all of the zoning standards under the City's  
9 Zoning Code, however, due to the fact it is  
10 a minor subdivision and it is a minor  
11 deviation from the ordinance, ordered, after  
12 presentation and careful consideration,  
13 approves the application with all the  
14 conditions set forth therein and subdivision  
15 are the same, including submission to the  
16 Planning Board Chairman and Secretary for  
17 approval and within 90 days, any public  
18 trees affected by the proposed development  
19 shall be subject to review by the Linden  
20 Shade Tree Commission, and they shall comply  
21 with all comments and directives set forth  
22 in the City Engineer's report dated May 8,  
23 2020, the directives of the City's Planning  
24 report, road opening permits must be  
25 obtained, sidewalk and curb permits must

1           also be obtained through the Linden  
2           Engineering Division; taxes must be paid in  
3           full, and the applicant shall post  
4           sufficient funds with the city to satisfy  
5           any deficiencies in the developer's escrow  
6           account.

7                           Certified resolution be duly  
8           adopted by the City of Linden on June 9,  
9           2020.

10                          Now we need a motion to adopt.

11                          MR. PANTINA: Can I have a  
12           motion to adopt the resolution Tony Rinaldo  
13           presented to the Board Members?

14                          MR. FIORLETTI: I made the  
15           motion.

16                          MR. PANTINA: Armand Fiorletti  
17           made the motion. Can I have a second?

18                          I make the second.

19                          MS. COPLAN: Alex Lospinoso.

20                          MR. LOSPINOSO: Yes.

21                          MS. COPLAN: Mr. Pantina.

22                          MR. PANTINA: Yes.

23                          MS. COPLAN: Mr. Javick.

24                          MR. JAVICK: Yes.

25                          MS. COPLAN: Mr. LaPlaca.

1 MR. LaPlaca: Yes.  
2 MS. COPLAN: Mr. Fiorletti.  
3 MR. FIORLETTI: Yes.  
4 MS. COPLAN: Mrs. Edem.  
5 MRS. EDEM: Yes.  
6 MS. COPLAN: Mr. Curtis.  
7 MR. CURTIS HUMPHREY: Yes.  
8 MS. COPLAN: Mr. Cabezas.  
9 MR. CABEZAS: Yes.  
10 MS. COPLAN: That's it.  
11 (Adjournment.)  
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C E R T I F I C A T E

I, M. VIRGINIA GUINTA, a Certified  
Court Reporter of the State of New Jersey,  
do hereby certify that the foregoing is a  
true and accurate transcript of proceedings  
had in this matter.

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M. VIRGIIA GUINTA, C.C.R.

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