

CITY OF LINDEN
ZONING BOARD OF ADJUSTMENT



ANNUAL SUMMARY REPORT
2012

TABLE OF CONTENTS

- **EXECUTIVE SUMMARY**
- **MEETING DATES**
- **BOARD MEMBERSHIP**
- **BOARD ATTENDANCE**
- **CASE LOG**
- **SUMMARY OF ACTIVITY AND ACTIONS TAKEN BY
THE BOARD OF ADJUSTMENT**



Brian C. Fritzsche
Secretary of the Board
(908) 298-3819

City of Linden

Union County, New Jersey

Board of Adjustment

Donald Bladzinski
CHAIRMAN

Frank Madar
VICE-CHAIRMAN

Burton Zitomer, Esq.
LEGAL COUNSEL

EXECUTIVE SUMMARY

The Linden Board of Adjustment was established for the purposes of hearing and deciding appeals regarding decisions or determinations made by the Building and Zoning Administrator in the enforcement of the Zoning Code. Subsequently, if the Administrator's literal translation of the Code is determined to have resulted in an unnecessary or undue hardship, the Board of Adjustment has the authority to grant certain variances within specific guidelines. The board consists of seven (7) regular members, and two (2) alternate members, whom have demonstrated their civic interest, general knowledge of the community, independent judgment, and availability to prepare for and attend meetings.

This annual brief enables the board of adjustment to bring to the attention of the planning board and governing body particular provisions of the zoning ordinance, which has created problems for the Board of Adjustment during the year.

Meetings are generally held on the second Monday of each month, at 7:00 p.m., in the Planning Board Room, 3rd Floor in City Hall.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian C. Fritzsche", written over a circular stamp or seal.

Brian C. Fritzsche
Member & Secretary of the Board



Board of Adjustment

RESOLUTION FIXING THE REGULAR MEETING DATES OF THE ZONING BOARD OF ADJUSTMENT FOR CALENDAR YEAR 2012

BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF LINDEN, that the Regular Meetings of the Linden Board of Adjustment will be held in the Planning Room, on the third floor of City Hall, Linden, New Jersey. All meetings shall be held on the second Monday of each month, (*) with the exception of February and October, convening at 7:00 PM, or as soon thereafter as the Board assembles.

Monday, January 09, 2012
Monday, February 06, 2012 (*)
Monday, March 12, 2012
Monday, April 09, 2012
Monday, May 14, 2012
Monday, June 11, 2012
Monday, July 09, 2012
Monday, August 13, 2012
Monday, September 10, 2012
Monday, October 15, 2012 (*)
Monday, November 12, 2012
Monday, December 10, 2012

PUBLIC HEARINGS BEGIN AT 7:00 P.M.

Be it further resolved, that the procedure at all meetings for the year 2012 shall be governed by Robert's Rule of the Order and are subject to the Open Public Meeting Act and conducted accordingly.

Brian C. Fritzsche
*Secretary of the Board
Linden Zoning Board of Adjustment*

Cc: Mayor's Office
City Clerk's Office
Department of Public Property
Worrall Community Newspaper

Ref: Membership, Linden Board of Adjustment

**BOARD OF ADJUSTMENT
CITY OF LINDEN 2012**

	NAME		TERM Expires
Chairman	Donald	Bladzinski	December 31, 2014
Vice-Chairman	Frank	Madar	December 31, 2015
Member	Michael	Minarchenko	December 31, 2013
Member	Thomas	Boland	December 31, 2015
Member	Rose	Mesaros	December 31, 2014
Member	Susanne	Miskiewicz	December 31, 2013
Secretary&Member	Brian	Fritzsche	December 31, 2012
Alt #1 Member	Richard	Guerra	December 31, 2013
Alt #2 Member			
Legal Counsel	Burton	Zitomer, Esq	N/A
CSR	Virginia	Guinta	N/A

ZONING BOARD OF ADJUSTMENT - CASE LOG - (YEAR 2012)

CASE#	NAME OF APPLICANT	USE	NONCON	BULK	SUBDIV	SITE	CPLAN	INTERP	EXT	STATUS
ZBA 10 2011	K & J NIEMCZYK	1		1		1				Granted
ZBA 08 2011	BAGDASAR BAS	1				1				DWP
ZBA 01 2012	LINDEN PROFESSIONAL TOWER, LLC	1		1		1				Granted
ZBA 02 2012	BAGDASAR BAS	1		1		1		1		Granted
SP 10 2011	K & J NIEMCZYK	1				1				Granted
ZBA 03 2012	GTS AMBULANCE	1				W				Granted
ZBA 04 2012	K & J NIEMCZYK	1		1		1				Open
ZBA 05 2012	VINSHU ENTERPRISES	1		1		1				Open

TOTALS	6	0	4	0	6	0	0	0	0
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37.50% 0.00% 25.00% 0.00% 37.50% 0.00% 0.00%

Denied:	0	0.00%
Approved:	5	62.50%
DWP:	1	12.50%
Moved PD:	0	0.00%
Open:	2	25.00%
CASES:	8	100.00%

DWP = Dismissal Without Prejudice
 "W" = Waived
 RD = Reserved Decision
 PBd = Application moved to the Planning Board
 Open = Case not heard or adjourned
 MTC = Motion to Carry
 AW = Application Withdrawn by the applicant

Zoning Board of Adjustment Cases – 2012

Case# ZBA-10-2011

(USE, Density, Area, Yard, Bulk and Building Height)

K & J NIEMCZYK

Represented by: Gregory M. Juba, Esq.

Property: 306-308 West Morris Avenue, Block 464 / Lot# 3.02, 34 and 35

Zone: R-2B

Proposed – Construct 9 unit multi-Family Dwelling

Rejected:

31-20: General Regulations

31-4.1: Schedule of Limitations, Height, Parking, Yard setbacks, Density

31-26.1: Site Plan Approval

STATUS: **GRANTED**

Case# ZBA-08-2011

(Use, for a 4 family house, Pre-existing building)

BAGDASAR BAS

Represented by: Pro-Se.

Property: 1930 South Wood Avenue, Block 550 / Lot# 12

Zone: ROC and R-2A

Proposed – Four (4) family dwelling (pre-existing building)

Rejected:

31-20.25 (a) Prohibited use in zone

31-26.1 Site Plan

31-20 General Regulations

STATUS: **Dismissal Without Prejudice**

Case# ZBA-01-2012

(Addition to Building, Height, Parking and Yard Setbacks)

LINDEN PROFESSIONAL TOWER, LLC

Represented by: Charles N. Winetsky, Esq

Property: 210 West St. George Avenue, Block 308 / Lot# 4 and 6

Zone: C-2 (100)

Proposed – Building Addition/Improvement

Rejected:

31-27.19 K

31-26.1: Site Plan Approval

STATUS: **GRANTED**

Case# ZBA-02-2012

(Use, for a 4 family house, Pre-existing building)

BAGDASAR BAS

Represented by: Joseph J. Galfy, Esq.

Property: 1930 South Wood Avenue, Block 550 / Lot# 12

Zone: ROC and R-2A

Proposed – Four (4) family-dwelling (pre-existing building)

Rejected:

31-20.25 (a) Prohibited use in zone

31-26.1 Concept Plan Residential

31-20 General Regulations

STATUS: **GRANTED**

Case# SP-ZBA-10-2011

(Final Site Plan)

K & J NIEMCZYK

Represented by: Gregory M. Juba, Esq.

Property: 306-308 West Morris Avenue, Block 464 / Lot# 3.02, 34 and 35

Zone: R-2B

Proposed – Construct 9 unit multi-Family Dwelling

Rejected:

31-26.1: Site Plan Approval

STATUS: **GRANTED**

Case# ZBA-03-2012

(Use Variance)

GTS AMBULANCE

Represented by: Gregory M. Juba, Esq.

Property: 1628 East Elizabeth Avenue, Block 39 / Lot# 4

Zone: L-I

Proposed – Use an existing building for an Ambulance Transportation Company

Rejected:

31-20 General Regulations

31-20.25 (a) Not a Permitted Use

31-26.1: Site Plan Approval (WAIVER REQUESTED)

STATUS: **GRANTED**

Case# ZBA-04-2012

(Use Variance for Apartment & Office Building)

Applicant: K & J NIEMSZYK

Represented by: Gregory M. Juba, Esq.

Property: 37 West Price Street, Block 253 / Lot# 40

Zone: SA-2

Proposed – Use for an Apartment and Office Building

Rejected:

31-45.2 (b) (8) (g) (2): SA-1, Permitted Principal Uses (Mixed use buildings / minimum lot size)

31-45.(b) (8) (b): Ground floor retail / no residential on ground floor

31-26.1: Site Plan Approval

STATUS: OPEN, to be heard January 2013

Case# ZBA-05-2012

(Use Variance for Professional Office & Residential Building)

Applicant: VISHNU ENTERPRISES

Represented by: Gregory M. Juba, Esq.

Property: 540 South Wood Avenue, Block 463 / Lot# 39

Zone: R-2A

Proposed – Use for an Professional Office & Residential Building

Rejected:

31-4.1 : District Regulations

31-20.19 (a) : Off-street parking

31-26.1: Site Plan Approval

STATUS: OPEN, to be heard January 2013

END OF REPORT