

CITY OF LINDEN
ZONING BOARD OF ADJUSTMENT



ANNUAL SUMMARY REPORT
2013

TABLE OF CONTENTS

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



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

City of Linden

Union County, New Jersey

Board of Adjustment

Donald Bladzinski
CHAIRMAN

Susanne Miskiewicz
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,

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 2013

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 October and November, convening at 7:00 PM, or as soon thereafter as the Board assembles.

Monday, January 14, 2013
Monday, February 11, 2013
Monday, March 11, 2013
Monday, April 08, 2013
Monday, May 13, 2013
Monday, June 10, 2013
Monday, July 08, 2013
Monday, August 12, 2013
Monday, September 09, 2013
Monday, October 21, 2013 (*)
Monday, November 18, 2013 (*)
Monday, December 09, 2013

PUBLIC HEARINGS BEGIN AT 7:00 P.M.

Be it further resolved, that the procedure at all meetings for the year 2013 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

Ref: Membership, Linden Board of Adjustment

**BOARD OF ADJUSTMENT
CITY OF LINDEN 2013**
Effective: July 2013

	NAME	ADDRESS	CITY	ST	ZIP	PHONE	e-Mail
Chairman	Donald	Bladzinski 1308 Sunnyfield Drive	Linden	NJ	07036	908-925-4491	bladzfamb@netscape.net
Member	Richard	Guerra 2512 Orchard Terrace	Linden	NJ	07036	908-868-7285	akquerra@verizon.net
Member	Michael	Minarchenko 235 Main Street	Linden	NJ	07036	908-862-6265	chank6980@yahoo.com
Member	Thomas	Boland 10 North Wood Ave, Apt# 608	Linden	NJ	07036	908-862-2741	thomasboland3@verizon.net
Member	Diego	Arias 2513 North Wood Avenue	Linden	NJ	07036	908-587-6454	diegoarias@gmail.com
Vice-Chairman	Susanne	Miskiewicz 43 Palisade Road	Linden	NJ	07036	908-486-0501	suem908@aol.com
Secretary&Member	Brian	Fritzsche 2515 Verona Avenue	Linden	NJ	07036	908-587-0355	brian.fritzsche@verizon.net
Alt #1 Member	Nicholas	Nigro 440 Ainsworth Street	Linden	NJ	07036	908-862-0194	nnbird@aol.com
Alt #2 Member	John	Langan 2001 N. Stiles Street	Linden	NJ	07036	908-925-7641	cap316@comcast.net
Legal Counsel	Burton	Zitomer, Esq 14 Pine Gove Road	Berkeley Heights	NJ	07922	(973) 805-7335	bzitomer@ucnj.org
CSR	Virginia	Guinta P.O. Box 184	Rocky Hill	NJ	08553	609-477-9342	mvg2946619@aol.com

CASE LOG

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

Status: Approved, (October-21-2013)

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

Status: Approved, (January-14-2013)

Case# ZBA-01-2013

(Area, Yard & Bulk, Undersized Lot)

Applicant: JOHN HORTIS

Represented by: Pro Se / Edward Dec, Professional Engineer

Property: 226 Pennsylvania Avenue, Block 440 / Lot# 05

Zone: R-2A

Proposed – Replace existing structure with a new single family dwelling

Status: Approved, (April-08-2013)

Case# ZBA-02-2013

(Use for Multi-family, Site Plan, Area, Yard & Bulk)

Applicant: JOSEPH PRINCIPATO

Represented by: Stephen C. Leonard, Esq.

Property: 813 North Wood Avenue, Block 241 / Lot# 03

Zone: OPT (Office-Professional Transitional)

Proposed – Use for multi-family in OTP zone

Status: Approved, (Oct-21-2013)

Case# ZBA-04-2013

(Maximum Height Allowed)

Applicant: DAVID CALLAHAN

Represented by: Pro Se

Property: 333 Birchwood Road, Block 328 / Lot# 17

Zone: R-1A

Proposed – Second story addition

Status: Approved, (May-13-2013)

Case# ZBA-05-2013

(Zoning Interpretation – Use for a Church in the SA-2 Zone)

Applicant: TM REAL ESTATE HOLDINGS, LLC

Represented by: Greg Tomczak, Esq. W/ Ambrosio & Tomczak

Property: 211 w. Elizabeth Avenue, Block 254 / Lot# 13

Zone: SA-2 (Station Area – Transit Residential)

Proposed – Use for Community Center Family Church

Status: Affirmed that the use for churches is permitted in the SA-I & SA-II zones,
(June-10-2013)

Case# ZBA-03-2013

(Expansion of a Non-Conforming Use / Site Plan)

Applicant: 2124 COMPANY, LLC (Krowicki-McCracken Funeral Home)

Represented by: Stephen C. Leonard, Esq.

Property: 813 North Wood Avenue, Block 01 / Lot# 04

Zone: R-1B

Proposed – Development of a vacant lot for parking

Status: Approved, (June-10-2013)

Case# ZBA-07-2013

(Use for a 30 Child Day Care Center)

Applicant: LINDEN PRESBYTERIAN CHURCH

Represented by: Charles N. Winetsky, Esq.

Property: 1506 Orchard Terrace, Block 236 / Lot# 12

Zone: R-1A

Proposed – The Church proposes to lease space to Candy Mountain Day Care Center

Status: Approved, (August-12-2013)

Case# ZBA-08-2013

(Use for an Attached single family home, Sub-division, Site Plan, Area, Yard & Bulk)

Applicant: DOMENICO & FELIX LETTINI

Represented by: Gregory M. Juba, Esq.

Property: 436 – 440 Brook Street, Block 248 / Lot# 20 and 21

Zone: R-2B

Proposed – Attached Single Family Home

Status: Open, moved to the 2014 docket

Case# ZBA-09-2013

(Multi-Business Uses on a non-residential lot)

Applicant: LINDEN REALTY ASSOCIATES, LLC (Yidel Weiss)

Represented by: Gregory M. Juba, Esq.

Property: 721 West Linden Avenue, Block 469 / Lot# 41

Zone: H-I (Heavy Industrial)

Proposed – Use for Multiple Business/Office Buildings on one lot

Status: Open, moved to the 2014 docket

ZONING BOARD OF ADJUSTMENT - CASE LOG - (YEAR 2013)

CASE#	NAME OF APPLICANT	USE	NONCON	BULK	SUBDIV	SITE	CPLAN	INTERP	EXT	STATUS	ZONE
ZBA 04 2012	K & J NIEMCZYK	1		1		1				Approved	SA-2
ZBA 05 2012	VINSHU ENTERPRISES	1		1		1				Approved	R-2A
ZBA 01 2013	JOHN HORTIS			1			1			Approved	R-2A
ZBA 02 2013	JOSEPH PRINCIPATO	1		1		1				Approved	OPT
ZBA 03 2013	2124 COMPANY LLC (Krowicki McGahen Funeral Home)		1		1					Approved	R-1B
ZBA 04 2013	DAVID CALLAHAN			1						Approved	R-1A
ZBA 05 2013	TM REAL ESTATE HOLDINGS, LLC			1				1		Approved	SA-2
ZBA 06 2013	K & J NIEMCZYK	1		1		1				AW	R-2B
ZBA 07 2013	LINDEN PRESBYTERIAN CHURCH	1		1						Approved	R-1A
ZBA 08 2013	DOMENICO & FELIX LETTINI	1		1		1				JAN '14	R-2B
ZBA 09 2013	LINDEN REALITY ASSOCIATES, LLC (Yidel Weiss)	1				1				MAR '14	H-I
ZBA 10 2013	LINDEN COMMONS RETAIL, LLC	1				1				FEB '14	C1-A
TOTALS		7	1	6	3	6	1	1	0		

28.00% 4.00% 24.00% 12.00% 24.00% 4.00% 4.00% 0.00%

Denied:	0	0.00%
Approved:	8	66.67%
DWP:	0	0.00%
Moved PD:	0	0.00%
Open:	3	25.00%
AW:	1	8.33%
CASES:	12	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

RECOMMENDATIONS

Section: 31-9.7 – Development Regulations for Single-Family Attached Homes

The current zoning code and Schedule of Limitations does not provide a schedule where this use is permitted / allowed.

Therefore, the Board of Adjustment suggests that the city council amend the Schedule of Limitations to indicate where Single-Family Attached Homes are permitted.

Because single-family attached structures are not a permitted use in the zone, a use variance was required. From a planning perspective, this variance is mostly technical in nature and is stemmed from the applicant's desire to construct a two-family style building with each unit on a separate piece of property. Building each unit on separate lots has several potential advantages which were considered by the Board.

For a two-family residence, the R-2b district requires a minimum lot area of 6,000 sq. ft., a minimum lot width of 60 feet, a minimum side yard (both) of 20 feet and a maximum height of 30 feet. As the applicant is seeking to develop the property as attached single-family units, bulk variances were also required to permit 0-foot side yard setbacks, for providing lot widths of 35 feet where 40 feet is requires and to permit a 27-foot tall building where a maximum of 26 feet is permitted.

The Board's recommends to grant this use in the R-2a and R-2b districts with conditions on the applicant to provide how the building will be maintained uniformly in future years, separate driveways for each unit and the subdividing of the properties. These conditions are to be listed on the deed of the units.

END OF REPORT