

UNION BOARD OF ADJUSTMENT  
MEETING

JUNE 15, 2016

The Board of Adjustment of the Township of Union convened its regular meeting on June 15, 2016, pursuant to the Sunshine Law of the State of New Jersey, at 7:30 p.m., and the following members were present: Petkov, Ciampi, Demovic, Howe, Wiley, Alexander and Saraiva. Absent were Galante and DiGiovanni. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Building Inspector; and Tiffany Abrantes, Meeting Clerk.

Mr. Petkov then asked for the approval of the minutes of the June 1, 2016 meeting and the minutes of that meeting were then moved by Mr. Ciampi and seconded by Mr. Demovic. All members present were in favor

Mr. Petkov then asked for communications and Mr. Monguso advised that none had been received, and, hence, there were none to be read.

The first matter to come to the attention of the Board was Calendar #3275, Sun of a Beach, for Resolution of Withdrawal. Mr. Pansulla had been directed by the Board to prepare a Resolution of Withdrawal, containing findings of fact and conclusions and had presented the Board with a Resolution of Withdrawal; copies of which had been distributed to the Board members for their review prior to the start of the meeting. Mr. Petkov then asked for a motion after there were no additions or corrections, and Mr. Howe then made a motion that the Board adopt the Resolution of Withdrawal as written as accurately memorializing the previous findings of the Board, which was seconded by Mr. Ciampi. On the vote: Petkov, yes; Ciampi, yes; Demovic, yes; Howe, yes; Wiley, yes; and Alexander, yes.

The next matter to come to the attention of the Board was Calendar No. 3086, 530 Chestnut Street, LLC for a one year extension. Before the matter began, Mr. Ciampi recused himself from hearing the matter.

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He advised that he lives within 200 feet of the applicants property. Mr. Pansulla advised that the Board received a letter from Hehl & Hehl, Esqs., which prompted the addition of this matter to the agenda. He advised that Mr. Hehl explained in the letter that the Permit Extension Act was going to expire at the end of June. He further advised that the letter stated that the Applicant did not proceed with the application due to economic conditions. He advised that the letter was asking that the time period be extended for a period of one year. Mr. Pansulla advised the Board that a motion would be needed to grant the extension of time for one year and a second and a roll call of the Board. Mr. Wiley then moved that the Board grant the applicant the one year extension and that motion was seconded by Mr. Howe. On the vote: Wiley, yes; Petkov, yes; Howe, yes; Demovic, yes; Alexander, yes; and Saraiva, yes. Mr. Pansulla will prepare a Resolution for the next meeting.

The next matter to come to the attention of the Board was Calendar No. 3276, Carlos Gameiro, for the use of a building for tile assembly/fabrication, warehouse, showroom and office. Joseph A. Paparo, Esq. came forward on behalf of the applicant. Mr. Paparo gave a brief overview of the matter and that he would be presenting three witnesses. Mr. Pansulla then marked into evidence the application, the architectural plans and the site plan. Carlos Gameiro came forward to testify. He advised he is the contract purchaser of the property and would like to relocate his tile business to Lehigh Avenue. He advised that the site is currently not being utilized. He advised he would like to renovate the interior to use it as a warehouse and storage along with a small office and showroom area. He further advised that approximately 1,000 square feet will be used for minor fabrication. He advised he will be polishing and finishing one or two counter tops a week. He advised five people per week will come to the premises.

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His hours of operation will be 7 to 3:30 p.m. and 8 to 1 on Saturday. There will be three employees and there will be one or two deliveries per week, by small trucks and not tractor-trailers. He advised when the vans are not in use, they will be parked in the garage. He testified that he will do some minor cutting and polishing of granite. The fabrication will not be noisy. He advised the present pylon sign will be removed, and signs will be on the building. 80 per cent of his business will be selling tile. After several clarifying questions by the Board, Mr. Petkov opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness. Mr. Paparo then called Edward Dec, a civil engineer and land surveyor, to testify. Mr. Dec gave his qualifications and was accepted to testify. Mr. Dec presented the plan to the Board and testified from same. He described the existing site and the structure to be built on the site. He also for the Board highlighted the existing non-conformities. He advised there will be eight parking spaces which will be striped. He advised there will be no changes to the grading or drainage. He advised that the applicant would comply with the comments of the Township Engineer. He advised that the applicant will not be using the shed that is in the back, which is on the railroads property. Mr. Pansulla noted that to the extent the shed becomes problematic, the applicant will have to address same. After several clarifying questions by the Board, Mr. Petkov opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness on the testimony given. Mr. Paparo then called Nicholas Graviano, a licensed planner, to testify. He gave his qualifications and was accepted to testify. He advised that the applicant is requesting to have a tile/counter showroom and workshop in an existing building located at 465 Lehigh Avenue. He described the properties in the area. He testified that the existing non-conforming conditions requiring variances fall under the C-1 category of bulk variances. He stated these are all due to existing and unique conditions affecting the piece of property.

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He advised these conditions are existing lawfully and the granting of the variances will not impair the intent and purpose of the zone plan and zoning ordinance. He advised that the subject parcel has been vacant for approximately 6 to 7 years. He advised the building has approximately 4,891 square feet of space. He advised the applicant's business will be very minimal in nature, with approximately five customers per week. He advised there will be 1 to 2 deliveries per week. He advised the hours of operation will be Monday to Friday, 7 to 3:30 p.m. and on Saturday, 8 to 12 by appointment. He advised that the granting of a D1 variance satisfies criteria G of the purposes of zoning listed in the MLUL as it provides sufficient space in an appropriate location for a variety of commercial uses to meet the needs of New Jersey citizens. He further testified that the property is particularly suited for the proposed use, in spite of the fact that the use is not permitted in the zone. He further advised that the proposed use is less intensive, from an employee and customer standpoint than many other permitted use in the zone. He advised that the proposed use will be environmentally friendly as opposed to automobile use. He said the proposed use will create less noise and traffic. In summary, he advised that granting the variance will not result in a substantial detriment to the public good and will not substantially impair the purpose of the zone plan of Union. He advised that an environmental investigation has been completed and passed inspection. He advised that the pylon sign will be removed and a conforming wall sign erected. After several questions by the Board, Mr. Petkov opened the witness to the public for cross-examination and no one came forward to question the witness on the testimony given. Mr. Papparo advised he had no further witnesses. Mr. Petkov then opened the matter for public comments and no one forward to testify for or against the application.

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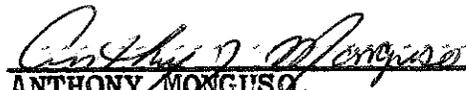
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Mr. Petkov then asked if Mr. Paparo would like to make a summation and Mr. Paparo advised he would waive the summation. The Board then went into conference on the matter. The Board felt it was a good application. They felt the variance was justified by showing that the property is particularly suited for the proposed use and that it would be beneficial to the community. They further felt that the positive and negative criteria had been met. Mr. Petkov then asked for a motion and Mr. Howe then made a motion that the Board grant the variances applicable to the application and that counsel is directed to prepare a Resolution consistent with the Board's decision, which was seconded by Mr. Ciampi. On the vote: Demovic, yes; Howe, yes; Ciampi, yes; Wiley, yes; Alexander, yes; and Saraiva, yes. The Resolution of Approval will be read at the July 6, 2016 meeting.

There being no further business to come to the attention of the Board, Mr. Demovic then made a motion to adjourn which was seconded by Mr. Howe. The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

  
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ANTHONY MONGUSO,  
BOARD OF ADJUSTMENT SECRETARY