

UNION BOARD OF ADJUSTMENT

MEETING

AUGUST 17, 2016

The Board of Adjustment of the Township of Union convened its regular meeting on August 17, 2016, pursuant to the Sunshine Law of the State of New Jersey, at 7:30 p.m., and the following members were present: Galante, Petkov, Ciampi, Demovic, Howe, DiGiovanni, Wiley, Alexander and Saraiva. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Building Inspector; and Tiffany Abrantes, Meeting Clerk.

Mr. Galante then asked for the approval of the minutes of the July 20, 2016 meeting and the minutes of that meeting were then moved by Mr. Ciampi which was seconded by Mr. Howe. All members were in favor with the exception of Mr. Wiley who abstained since he was not present for the July 20, 2016 meeting.

Mr. Galante 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 No. 3279, 410 Clermont Terrace Co, to expand commercial laundry use, carried for Resolution of Approval. Mr. Pansulla had been directed by the Board to prepare a Resolution of Approval, containing findings of fact and conclusions and had presented the Board with a Resolution of Approval; copies of which had been distributed to the Board members for their review prior to the start of the meeting. Mr. Galante then asked for a motion after there were no additions or corrections, and Mr. Petkov then made a motion that the Board adopt the Resolution of Approval as written as accurately memorializing the previous findings of the Board, which was seconded by Mr. DiGiovanni. On the vote: Demovic, yes; Petkov, yes; Ciampi, yes; Howe, yes; DiGiovanni, yes; Alexander, yes; and Galante, yes.

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The next matter to come to the attention of the Board was Calendar No. 3282, Architectural Graphics, Inc., for signage. Joseph A. Paparo, Esq. came forward on behalf of the applicant. Mr. Paparo then gave a brief overview of the application and that he would be calling one witness. Mr. Paparo then called Christine Langone, to testify. She was a representative of ABM Signs and has been so employed for five years. She advised the Board that the applicant is proposing additional secondary signage on the existing free standing signs located on the property; one on the Morris Avenue side and one on the Route 22 side. She advised that the existing signs will be for Sleepy's, Capital One Bank and Dress Barn. She advised that three additional signs are proposed for each free standing sign on the property, making a total of six new signs. She advised that a variance was required because the secondary signs exceed the code requirements. She advised the new signs will not create a visibility problem. It should be noted Mr. Pansulla marked the application, and an exhibit showing the sign detail and location. He also marked a sheet with two free-standing signs as they now exist. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness. Mr. Paparo advised he had no further witnesses. Mr. Galante opened the matter to the public and no one came forward to comment for or against the application. Mr. Paparo then gave a brief summation and urged the Board to grant the application. The Board then went into conference on the matter. The Board felt the signs would not be a detriment to the public good and that the applicant met the positive criteria. They felt there were no negatives whatsoever. Mr. Galante then asked for a motion and Mr. Petkov 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: Wiley, yes; Demovic, yes; Petkov, yes; Ciampi, yes; Howe, yes; DiGiovanni, yes; and Galante, yes. The Resolution of Approval will be read at the September 7, 2016 meeting.

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The next matter to come to the attention of the Board was Calendar No. 3280, Maxon Hyundai, Inc., to erect an addition to service center of existing auto dealership. Joseph A. Paparo, Esq. came forward on behalf of the applicant. Mr. Paparo gave a brief overview of the application and that he would be calling three witnesses. Mr. Paparo then called Anthony Terrezza to testify. Mr. Pansulla then marked the application, architectural plans and site plan into evidence. Mr. Terrezza was a representative of Maxon and is the General Manager. He advised that the applicant is proposing the construction of a 1,480 square foot building to the existing service center, which will include customer drive-in lanes and an open service area. He advised that the service center expansion will include two drive-in write up bays for customers to drive into, exit their vehicles and schedule their vehicle's service with a customer representative. He advised that the two existing write-up bays on the left hand side of the building shall be converted into "quick lane" service areas that provide such services as oil change, tire service and etc. He advised there will be a net increase of two new vehicle bays. He advised the proposed addition will contain a number of wall-mounted signs and a proposed canopy sign. He advised the proposed improvements are being driven by the manufacturer. He advised there will be eight designated parking spaces which will be sufficient. He advised there are a number of signs currently and they will remain. He advised there are currently six signs and two will be added. He advised that the applicant will comply with the comments of the Township Engineer. Mr. Paparo advised he had no further questions and the witness was then open to the public and no one came forward to question the witness on the testimony given. Mr. Paparo then called John G. Yakimik, a professional engineer, to testify.

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Mr. Yakimik gave his qualifications and was accepted to testify. He presented a number of exhibits from which he testified. He testified that the addition will be 1,480 square feet. He advised that the access to the service building will be through Lot 2.01 to get to Lot 5. There will not be any further improvements to the building. He advised there will be a re-configuring of the parking layout and new striping will be added. Also, there will be some fencing along the side. The lighting has been designed to conform with the code. No light will spill over on to adjacent properties. All lights will be shielded. The two existing bays will be converted into a customer service area and then four new bays will be constructed as part of the quick lube operation. He went over with the Board the comments of the Township Engineer and advised that the applicant would comply with same. He submitted several exhibits from which he testified. He advised there are six signs existing and two proposed. He advised there will be no need for easements since their property will only be used. He advised that a fire truck will be able to maneuver the property. After several clarifying questions by the Board, Mr. Galante opened the witness to the public and no one came forward to question the witness on the testimony given. Mr. Paparo then called Nicholas Craviano, a professional planner, to testify. He gave his qualifications and was accepted to testify. He advised that the variances are necessitated by the existing shape of the building and size of the property. These conditions have existed on the site since 1987 and there has been no showing of substantial detriment to the public good or substantial impairment of the zone plan. He advised the Board that a conditional use is a permitted use as long as the applicant meets all of the conditions in the ordinance. He advised the Board that the applicant seeking a conditional use variance is required to satisfy the positive and negative criteria.

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He advised that the positive criteria in a conditional use variance case is established if the applicant can demonstrate that the site continues to be a use appropriate for the conditional use notwithstanding the deviations from one or more conditions imposed by the ordinance. He advised that the applicant's engineer provided testimony regarding the building addition and its ability to be accommodated on site without any substantial detriment to the public good. He advised the applicant is proposing the improvements to enhance the customer service experience, to provide amenities that are now a commonplace in the industry and to meet the design and performance standards of the manufacturer. He further advised that no new employees or hours of operation are proposed. He testified that the Route 22 corridor is the home of an array of auto sales and service related uses. He testified that the granting of the conditional use variances will help accommodate the required modifications needed for the applicant to keep current in the industry. As far as signs, they are imperative for visibility as well as site navigation that the applicant's facility have clear signage delineating the various components of the operation. He stated that the recessed nature of the building coupled with the fact it is located in an area of numerous buildings make this variance necessary because the need for signage is due to the existing physical condition of the site. He concluded by stating that there has been no showing of substantial detriment to the public good or substantial impairment of the zone plan. After no questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness. Mr. Paparo advised he had no further witnesses. Mr. Galante then opened the matter for public comments and no one came forward to testify for or against the application. Mr. Paparo then gave a brief closing statement urging the Board to grant the application. The Board then went into conference on the matter.

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The Board felt there were a lot of positives to the application. They felt the proposed use will be a benefit to the public. They felt there were no negatives to the application, and it would be an improvement for the business and its customers. Mr. Galante then asked for a motion and Mr. Petkov then moved that the Board grant the variances applicable to the application and that counsel be directed to prepare a resolution consistent with the Board's decision, which was seconded by Mr. Ciampi. On the vote: Wiley, yes; Demovic, yes; Petkov, yes; Ciampi, yes; Howe, yes; DiGiovanni, yes; and Galante, yes. The Resolution of Approval will be read at the September 14, 2016 meeting.

There being no further business to come to the attention of the Board, Mr. DiGiovanni then made a motion to adjourn which was seconded by Mr. Demovic. The meeting was adjourned at 8:50 P.M.

Respectfully submitted,

  
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ANTHONY MONGUSO,  
BOARD OF ADJUSTMENT SECRETARY