

UNION BOARD OF ADJUSTMENT

MEETING

SEPTEMBER 21, 2016

The Board of Adjustment of the Township of Union convened its regular meeting on September 21, 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, DiGiovanni, Alexander, Howe, Wiley and Saraiva. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Menguso, Building Inspector; and Carmen Marano, Acting Meeting Clerk, on behalf of the absent Tiffany Abrantes, Meeting Clerk.

Mr. Galante asked for the approval of the minutes of the September 14, 2016 meeting and the minutes of that meeting were then moved by Mr. DiGiovanni and was seconded by Mr. Ciampi. All members present were in favor.

Mr. Galante then asked for communications and Mr. Menguso 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. 3283, Ana Rodrigues Dias, addition with insufficient side yard setbacks, 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 correction, 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. Ciampi. On the vote: Demovic, yes; Petkov, yes; Ciampi, 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. 3284, J.K. Holz Realty, LLC to renovate and do a conversion of an existing building for retail tenant and Dollar Tree Store. Stephen F. Hehl, Esq. came forward on behalf of the applicant. Mr. Hehl gave a brief overview of the application and that he would be calling six witnesses. Mr. Hehl first called Joseph Yannucci after Mr. Pansulla marked the application and site plan and several other exhibits. Mr. Yannucci gave his qualifications and was accepted to testify. He is an engineer with Langan Engineering. Mr. Yannucci advised that the applicant is proposing to reduce the size of the existing building and make renovations for retail tenants, and completely clear the remainder of the lot for the construction of a new building that will contain a "Dollar Tree" franchise. The one building will have four proposed tenants. The witness did not know the tenants that will be in the building. He advised the subject property is located at the corner of Morris Avenue and Rahway Avenue. Part of the existing building will be demolished and the rest of the building will be renovated for retail space. The building will no longer have two stories; the second floor will be removed. The applicant is proposing 91 parking spaces. A lot of landscaping will be provided. The drainage will be improved, with three new catch basins. He advised that the proposed building will require a rear yard setback and a side yard setback. The parking spaces will be 9 x 18 and 9 x 17. He advised that a WB-50 truck will be able to circulate the property. He advised that small trucks will be making deliveries. A fire truck will easily be able to circulate the property. He advised that the applicant would have no problem complying with the complying with the comments of the Township Engineer. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and William Gresham came forward to question the witness.

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The witness also commented on the questions by the Township Engineer and stated they would be complied with. It came out that there will be a screened dumpster supplied with a block wall surrounding the dumpster. Also, there will be many trees and shrubs added. Lighting will be provided with no spillage onto adjacent properties. It should be noted that Mr. Wiley had to leave the meeting due to an emergency. After Mr. Grehsam concluded his cross-examination of the witness, Mr. Hehl then called Charles P. Dietz, an architect, who gave his qualifications and was accepted to testify. He provided a drawing of the proposed buildings and facades, which was marked into evidence. He advised the second floor of the building will be taken out, but the height will be maintained. He described the improvements to the building and advised there could possibly be five tenants in the building or possibly only one. No tenants are known at this time. He advised the building will be beautiful and attractive. There will be lighting outside. When the stores are closed, the lighting will not shine all night. He advised that multiple signs are being proposed; maybe one sign per tenant. He advised there will be a monument sign which will be lit. The Dollar Store will have plexiglass letters which will be illuminated. The drainage will be maintained and no excess water will drain onto adjacent properties. Again, he did not know what the other tenants will be. After several clarifying questions by the Board, Mr. Galante opened the witness for cross-examination on the testimony given and no one came forward to question the witness. Mr. Hehl then called Kenneth Battiato, a representative of the owner. He described the property in question and the businesses on the property. He advised the building is dilapidated and needs repair. He felt by improving the building, it would be good for the Township. He advised that snow will be removed from the site, if necessary. He advised that the Dollar Store may be open from 8 a.m. to 8 p.m. He advised that deliveries will be twice per week. 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.

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Mr. Hehl then called Matthew Tamasco, a representative of Dollar Tree. He gave his qualifications and was accepted to testify. The hours of operation will be 8 a.m. to 10 p.m. There are two other Dollars Tree Stores in Union. He advised that the hours could be adjusted after opening. The Store will have between 3 and 8 employees. He advised small trucks will be used for deliveries. There will be two deliveries a week, or possibly once a week. He advised he does not want to see trucks on the premises during the day which will take away parking. Deliveries will be made during the off hours. The building will have security lights which will be dimmed after the store closes. The signs and interior lights will be turned down when closed. He advised the trash will not be a lot and the cardboard will be baled and recycled. After several clarifying questions by the Board, Mr. Galante opened thw witness to the public for cross-examination onthe testimony given and no one came forward to examine the witness. Mr. Hehl then called Elizabeth Dolan, a traffic engineer, who gave her qualifications and was accepted to testify. She described to the Board the road conditions in the area. She advised she performed counts on June 23, 2016 from 4:00 p.m. to 7:30 p.m. and June 25, 2016 from 11:00 a.m. to 2:00 p.m. She advised that the site will be accessed via two driveways along Rahway Avenue. Given the length of frontage along the roadway, two driveways are appropriate to distribute traffic to the parking area between the two buildings. She further advised that the on-site circulation system have been designed to accommodate parking maneuvers and delivery activity. She advised that the site has been designed to accommodate passenger vehicles, delivery vehicles and refuse trucks. Refuse will be picked up two times per week. She advised the majority of deliveries will be via UPS, or FedEx or small trucks. She advised 91 spaces are being provided, and will adequately accommodate customer demands. During peak hours, 145 vehicles will be entering and exiting.

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After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination and no one came forward to question the witness on the testimony given. Mr. Hehl then called Charles Heydt, a professional planner, who gave his qualifications and was accepted to testify. He described the property in question. He advised that a minimum side setback of 25 feet is required and 1.8 is proposed. He advised that a minimum rear setback of 50 feet is required and 6.4 feet is proposed. He advised that parking spaces will be 9 by 17 and 9 by 20 is required. He further advised that a minimum parking setback from buildings of 10 feet is required and 6.0 feet is proposed. He advised that use variances can be granted by the Board in particular cases and for special reasons. He advised that special reasons can be supported by the promotion of the general welfare if it is peculiarly fitted to the particular location for which the variance is sought. He felt granting the variance would not create any substantial detriment to the public good, and will not create any substantial impairment to the intent and purpose of the zone plan and zoning ordinance. He advised that retail use is more compatible with other uses in the vicinity. He advised that the design involves retaining a portion of an existing building which is a better alternative to demolishing a viable building. He advised that landscaping and trees are proposed to screen the proposed parking areas and add aesthetic value. He advised the proposed use will promote Purpose G and Purpose I of the Municipal Land Use Law. He felt there would be no substantial detriment to the public good. He stated that the positive and negative criteria had been met. He concluded that the proposed retail use is more consistent with the existing retail, office and residential uses within the immediate vicinity. He further stated the proposed building and parking design improves existing conditions and brings the overall site closer into conformity with the Zoning Ordinance. He also stated that there will be no substantial detriment to the public good and no substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

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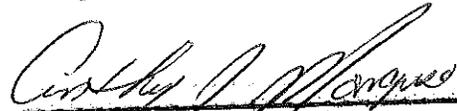
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He concluded by stating that the requested deviations had met the proof standards and are justified and can be granted. After several clarifying questions by the Board, Mr. Galante opened the witness for cross-examination on the testimony given and William Gresham came forward to question the witness on the testimony given. Mr. Hehl then advised that he had no further witnesses this evening. Mr. Hehl advised that he would request to carry the matter to another date to examine the issues that were raised this evening and to address the Police Department comments. Mr. Galante advised Mr. Hehl that the next available date would be October 19, 2016. Mr. DiGiovanni then made a motion that the matter be carried to October 19, 2016 which was seconded by Mr. Ciampi. All members were in favor. Mr. Hehl then waived the 120 day requirement, if need be.

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. Howe. The meeting was adjourned at 11:00 p.m.

Respectfully submitted



ANTHONY MONGUSO,
BOARD OF ADJUSTMENT SECRETARY