

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

February 8, 2023

THE FOLLOWING NOTES FROM THE MEETING ARE NOT INTENDED AS A VERBATIM TRANSCRIPT BUT RATHER AS A BRIEF SUMMARY OF THE WITNESSES AND ACTIONS OF THE ZONING BOARD

The Board of Adjustment of the Township of Union convened for its Conference Agenda at 7:00 p.m. and its regular meeting on February 8, 2023 consistent with the Sunshine Law of the State of New Jersey and Municipal Land Use Law at 7:30 p.m., and the following members were present: Alexander, Martins, Bentivegna, Scott, Johnsen, Graves and Ciampi. Absent were Wiley and McNeil. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Construction Official and Zoning Board Secretary; and Tiffany Abrantes, Board Meeting Clerk.

Mr. Ciampi asked for communications and Mr. Monguso advised there were no communications and hence, there were none to be read.

The first matter to come to the attention of the Board was Calendar No. 3410 Caliber Bodyworks of NJ, LLC., for property at 2260 Route 22 East, for a proposed automobile repair garage. Stephen F. Hehl, Esq. from the law offices of Javerbaum Wurgaft, et. al. came forward on behalf of the Applicant. Mr. Hehl gave a brief overview of the matter. Mr. Pansulla then marked into evidence the application, site plan, survey, architectural plan, traffic impact report and drainage report. Mr. Hehl then called his first witness Bret Flory, Architect, from Cross Architects, PLLC, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify. He gave a quick overview of the business. Mr. Flory summarized the colorized aerial rendering that was added into evidence. Mr. Flory explained the daily operations. After several clarifying questions by the Board, Mr. Ciampi opened the witness to the public for cross examination on the testimony given and no one from the public came forward.

Mr. Hehl then called his next witness Joshua Wirry, Engineer, from Dynamic Engineering, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify as an expert. He added into evidence an aerial map. Mr. Wirry gave a review of the existing conditions. He added into evidence a colorized site plan. He summarized the proposed parking. After several clarifying questions by the Board, Mr. Ciampi opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness.

Mr. Hehl then called his final witness, Alexander Dougherty, Planner, of Dougherty Planning and Development, who was duly sworn. The witness gave his qualifications and was accepted as an expert to testify. Mr. Dougherty added into evidence a planner's exhibit. He went over with the Board the details from the exhibit and offered support for the required variance relief, with legal reasons to justify that relief could be granted. Mr. Dougherty testified that there is no negative impact to the surrounding community or zone plan. After several clarifying questions by the Board, Mr. Ciampi opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness.

Mr. Ciampi then opened the matter up for public comments and no one came forward. Mr. Hehl then gave a brief closing statement asking the Board to grant this application. The Board then went into conference on the matter. The Board felt this was a good application, and that the appropriate criteria had been satisfied. Mr. Ciampi then asked for a motion and Mr. Bentivegna 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 Mrs. Alexander. On the vote: Bentivegna, yes; Johnsen, yes; Alexander, yes; Martins, yes; Scott, yes; Graves, yes and Ciampi, yes. The Resolution of Approval will be read at the March 1, 2023 meeting.

The final matter to come to the attention of the Board was Calendar No. 3411 Botera Union, LLC., 2290 Route 22, East, to operate a cannabis dispensary. Joseph A. Paparo, Esq. from the law offices of Porzio, Bromberg & Newman, P.C. came forward on behalf of the Applicant. Mr. Paparo gave a brief overview of the matter. Mr. Pansulla then marked into evidence the application, floor plan, aerial photos and signage proposal. Mr. Paparo then called his first witness Jemin Patel, Financial Manager, from Botera, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify. Mr. Patel gave an overview of Botera in the cannabis industry. He summarized the daily operations and deliveries. After several clarifying questions by the Board, Mr. Ciampi 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 his final witness, Thomas Ricci, Planner, of Stonefield, Engineering & Design, who was duly sworn. The witness gave his qualifications and was accepted as an expert to testify. Mr. Ricci added into evidence an aerial exhibit. He went over with the Board the details from the exhibit and offered support for the required variance relief, with legal reasons to justify that relief could be granted. Mr. Ricci testified that there is no negative impact to the surrounding community or zone plan. Mr. Ciampi opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness.

Mr. Ciampi then opened the matter up for public comments and no one came forward. Mr. Paparo then gave a brief closing statement asking the Board to grant this application. The Board then went into conference on the matter. The Board felt this was a good application, and that the appropriate criteria had been satisfied. Mr. Ciampi then asked for a motion and Mr. Bentivegna 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 Mrs. Alexander. On the vote: Bentivegna, yes; Johnsen, yes; Alexander, yes; Martins, yes; Scott, yes; Graves, yes and Ciampi, yes. The Resolution of Approval will be read at the February 22, 2023 meeting.

There being no further business to come to the attention of the Board, Ms. Martins then made a motion to adjourn which was seconded by Mr. Johnsen. The meeting was adjourned at 9:00 p.m.

Respectfully submitted,



Anthony Monguso, Bd. of Adjustment Secretary