

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

March 15, 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 at 7:30 p.m. on March 15, 2023 consistent with the Sunshine Law of the State of New Jersey and Municipal Land Use Law, and the following members were present: Alexander, Johnsen, Martins, Bentivegna, Scott, McNeil, Graves and Ciampi. Absent was Wiley. 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 then asked for the approval of the minutes of the February 22, 2023 and March 8, 2023 meeting dates and the minutes of those meetings were then moved by Mr. Bentivegna and seconded by Ms. Martins. All members present and eligible to vote were in favor.

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. 3412, Saad Shafik, for property at 1933 Williams Street, to maintain interior garage dimensions. Mr. Pansulla had been directed by the Board to prepare and presented a Resolution of Approval containing findings of fact and conclusions, copies of which had been distributed to the Board members for their review prior to the start of the meeting. Mr. Ciampi then asked for a motion after there were no additions or corrections and Mr. Bentivegna 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 Ms. Martins. On the vote: Bentivegna; yes, Johnsen; yes, Alexander; yes, Martins; yes, Scott; yes, McNeil; yes, and Ciampi; yes.

The final matter to come to the attention of the Board was Calendar No. 3414, Easton Coach Company, for property at 601 Lehigh Avenue, to have ADA paratransit transportation services for NJ Transit. Mr. Ciampi recused himself due to a close acquaintance who lives within the two hundred feet radius of the location having discussed the uses impacting the Property with him in the past. Donna Alexander would serve as Acting Chairwoman. Matthew E. Gilson, Esq. from the Weiner Law Group, LLP, came forward on behalf of the Applicant. Mr. Gilson gave a brief overview of the matter. Mr. Pansulla then marked into evidence the application, site plan, survey and traffic report. Mr. Gilson then called his first witness Mark Glatz, Executive Vice President, from Eaton Coach Company, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify. Mr. Glatz gave a review of the expected daily operations including how the vehicles were to be stored on the premises, and maintenance to be realized. He added into evidence a colorized photo of a typical vehicle. He summarized the intended hours of operations and number of expected staff on site using the Applicant's experiences from other sites to support the testimony, including one that had existed in Union for an extended period of time without incident. After several clarifying questions by the Board, Mrs. Alexander opened the witness to the public for cross-examination on the testimony given and no one came forward.

Mr. Gilson then called his next witness, Thomas Rybak, Architect, of T.M. Ryback and Associates, who was duly sworn. The witness gave his qualifications and was accepted to testify as an expert. Mr. Rybak summarized the photos that were added into evidence. He reviewed the proposed lighting and parking on site and supported the application through his area of expertise. All construction will be as per code to be confirmed during the permit process and maintained by the Applicant thereafter. The Applicant agreed to work cooperatively with the Township's professionals on all site details, including to satisfy all departmental comments as part of the record. There was assurance that no other tenants would be using the Property and the public would not be accessing the rides to be provided on site. Rather, the vehicles will always travel to the intended locations for pick-ups and drop-offs. After several clarifying questions by the Board, Mrs. Alexander opened the witness to the public for cross examination on the testimony given and no one from the public came forward.

Mr. Gilson then called upon his next witness, Lee Klein, Traffic Engineer, of Klein Traffic Consulting, to testify. The witness was duly sworn, gave his qualifications and accepted to testify as an expert. Mr. Klein gave a review of the traffic analysis performed, which focused on parking and the sufficiency of the site to satisfy the traffic demands safely and efficiently without a substantial negative impact for the area. After several clarifying questions by the Board, Mrs. Alexander opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness.

Mr. Gilson then called his final witness, Sean Moronski, Planner, of Langan Engineering and Environmental Services, who was duly sworn. The witness gave his qualifications and was accepted as an expert to testify. Mr. Moronski added an aerial map into evidence. He went over with the Board the variances, and provided legal reasons that relief could be granted. He testified that there is no negative impact to the surrounding community. He offered the testimony to support the variances. After several clarifying questions by the Board, Mrs. Alexander opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness.

Mrs. Alexander then opened the matter up for public comments and no one came forward. Mr. Gilson then gave a brief closing statement asking the Board to grant this application. Mr. Pansulla offered further legal summary and direction. The Board then went into conference on the matter. The Board felt this was a good application, and that the appropriate legal criteria had been satisfied. Mrs. Alexander 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 Ms. Martins. On the vote: Bentivegna, yes; Johnsen, yes; Martins, yes; Scott, yes; McNeil; yes, Graves, yes and Alexander, yes. The Resolution of Approval will be read at the April 5, 2023 meeting date.

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. Bentivegna. The meeting was adjourned at 8:40 p.m.

Respectfully submitted,



Anthony Monguso, Bd. of Adjustment Secretary