

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

April 13, 2022

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 its regular meeting on April 13, 2022 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: Wiley, Alexander, Martins, Bentivegna, Scott, McNeil, and Ciampi. Absent was DiGiovanni and Howe. 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 March 30, 2022 meeting date and the minutes of that meeting were then moved by Mr. Bentivegna and seconded by Ms. Martins. All members present and eligible to vote were in favor. Mr. Ciampi then asked for communications and Mr. Monguso advised there were no communications and hence, there were none to be read. Mr. Ciampi then made two announcements welcoming everyone back for in-person meetings for the first time since March, 2020. He also acknowledged the appointment of Mr. McNeil as Second Alternate to fill a vacancy on the Board, and the elevation of Ms. Scott to First Alternate.

The first matter to come to the attention of the Board was Calendar No. 3394 Maxon Hyundai, Inc., for property at 2329 Route 22 West and 1010 Gelb Street, 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 has 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. Ciampi then asked for a motion after there were no additions or corrections and Mrs. Alexander 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. Wiley. On the vote: Wiley, yes; Alexander, yes; Martins, yes; Bentivegna, yes; Scott, yes and Ciampi, yes.

The final matter to come to the attention of the Board was Calendar No. 3386, RHS Hospitality 1, LLC, for property at 1252 Stuyvesant Avenue, proposing an addition for Lager Restaurant through a covered outdoor patio structure. Stephen 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 revised site plan and correspondence that was provided as a summary of a meeting that occurred between the Applicant with the neighbors of the Property.

Mr. Hehl then called upon his first witness, Rodrigo DaSilva, as a representative of the Applicant, and owner of the Lager Restaurant to testify. Mr. DaSilva was duly sworn, and gave a brief history of the use of the Property with the proposed changes for the outdoor covered patio as a permanent structure, and how the business will utilize the lots next door and across the street owned by the Applicant for parking.

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After several clarifying questions by the Board, Mr. Ciampi opened the witness to the public for cross-examination on the testimony given and Angelique Harris and Delores Mallett-Brown came forward to question the witness on the parking and impact for the area.

Mr. Hehl then called his next witness Paulo Dantas, AIA, architect, from Dantas Carrete Architecture, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify. He acknowledged his testimony under oath from the first public meeting held virtually for this matter in April, 2021. He reiterated the improvements for the covered outdoor patio area, and described the locations of the proposed parking lots. He reviewed the plan for the outdoor enclosure and main floor plan to be compliant with all expect fire safety and building code expectations. 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 next witness, Connor Hughes, Traffic Engineer, of Dynamic Traffic, LLC, who was duly sworn. Mr. Hughes gave his qualifications and was accepted to testify. He gave a review of the traffic analysis he performed, which focused on the sufficiency of the Property to satisfy the parking demands safely and efficiently. 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, Elizabeth Waterbury, Planner, of EM Waterbury and Associates, who was duly sworn. The witness gave her qualifications and was accepted as an expert to testify. She went over with the Board the variances, and legal reasons that relief could be granted. She testified that there is no negative impact to the surrounding community. She offered the testimony to support the variances. 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 Angelique Harris came forward noting concerns for code enforcement and parking of vehicles. 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. The conditions were noted for the record, including through exhibit four as marked which was as a result of the meeting that the Applicant had with area neighbors. 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 Mr. Wiley.

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On the vote: Wiley, yes; Alexander, yes; Martins, yes; Bentivegna, yes; Scott, yes; McNeil, yes and Ciampi, yes. The Resolution of Approval will be read at the May 11, 2022 meeting.

There being no further business to come to the attention of the Board, Mrs. Alexander then made a motion to adjourn which was seconded by Mr. Wiley. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony J. Monguso".

Anthony Monguso, Bd. of Adjustment Secretary