

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

June 15, 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 June 15, 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: DiGiovanni, Howe, Wiley, Alexander, Martins, Bentivegna, Scott and Ciampi. Absent was 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 then asked for the approval of the minutes of the June 8, 2022 meeting date and the minutes of that meeting were then moved by Mr. Bentivegna and seconded by Mr. Howe. All members present and eligible to vote were in favor. Mr. DiGiovanni Mrs. Alexander, Ms. Martins, and Mr. Ciampi abstained since they were absent for the June 8, 2022 meeting.

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 a Resolution of Approval for Calendar No. 3396, Applicant HESP Solar, LLC, for property at 501 Green Lane. 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. Howe 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: Howe, yes; 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. 3398, New York SMSA Limited Partnership, for property at 2400 Morris Avenue, for an interpretation or alternative variance relief. Mr. Pansulla reminded the Board of the resolution from an earlier meeting as passed regarding timing to hear this matter. Jennifer Knarich, Esq., from Price, Meese, Shulman & D'Arminio, P.C., came forward as Counsel on behalf of the Applicant. Ms. Knarich gave a brief overview of the matter. Mr. Pansulla explained the request being made by the Applicant to reverse the opinion of the Zoning Officer through an interpretation. Mr. DiGiovanni made a motion to affirm the opinion of the Zoning Officer for the Applicant to obtain a variance as the use was not permitted for the zone, and thus felt it was not preempted under Federal Law, which was seconded by Mr. Howe. On the vote: Wiley, yes; DiGiovanni, yes; Howe, yes; Alexander, yes; Martins, yes; Bentivegna and Ciampi, yes. Ms. Knarich then called her first witness Jacob Minardi, Engineer, from Advantage Engineers, to testify in support of the alternative variance relief. The witness was duly sworn, gave his qualifications and was accepted to testify as an expert. Mr. Minardi gave an overview of the site plan that was submitted into evidence. He offered reasons to support the relief sought by the Applicant through variance for an expansion of a non-conforming use. 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.

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Mr. Ciampi then opened the matter up for public comments and no one came forward. Ms. Knarich 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 criteria had been satisfied. Mr. Ciampi then asked for a motion and Mr. DiGiovanni 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. Howe. On the vote: DiGiovanni, yes; Howe, yes; Wiley, yes; Alexander, yes; Martins, yes; Bentivegna, yes and Ciampi, yes. The Resolution of Approval will be read at the July 13, 2022 meeting.

There being no further business to come to the attention of the Board, Mr. Bentivegna then made a motion to adjourn which was seconded by Mr. Howe. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,



Anthony Monguso, Bd. of Adjustment Secretary