

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

September 21, 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 September 21, 2022 at 7:30 p.m. consistent with the Sunshine Law of the State of New Jersey and Municipal Land Use Law, and the following members were present: DiGiovanni, Wiley, Alexander, Bentivegna, Scott and McNeil. Absent were Martins and Ciampi. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Construction Official and Zoning Board Secretary; and Tiffany Abrantes, Board Meeting Clerk.

Mr. DiGiovanni then asked for the approval of the minutes of the September 14, 2022 meeting date and the minutes of that meeting were then moved by Mr. Bentivegna and seconded by Mrs. Alexander. All members present and eligible to vote were in favor.

Mr. DiGiovanni asked for communications and Mr. Monguso advised there was a communication relevant to the first matter to be call for new business that Counsel would address.

The first matter to come to the attention of the Board was Calendar No. 3403 NB Home Improvements, LLC. 1225-1227 Morris Avenue, to construct a mixed-use building with retail and multi-family residential. Steven H. Merman, Esq. from the law offices of Javerbaum Wurgaft, et. al. came forward on behalf of the Applicant. Mr. Merman summarized the request for an adjournment to further address professionals' comments and put forth the basis for the Board to consider it on the record. Counsel for the Applicant had sent in correspondence as was referenced in communications requesting that this case be carried to the October 19, 2022 meeting date of the Board without further public notice. Counsel also confirmed that the Applicant waived any time constraints confronting the Board to realize the adjournment. Mr. Pansulla explained the reasons for the adjournment were reasonable and addressed the public notice. Mrs. Alexander then made a motion to have this matter adjourned as originally requested by the Applicant, which was seconded by Mr. Bentivegna. On the vote: Wiley, yes; Alexander, yes; Bentivegna, yes; Scott, yes; McNeil, yes and DiGiovanni, yes. Mr. DiGiovanni then notified the public that this matter had been adjourned to October 19, 2022 meeting date without further public notice to be provided.

The final 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 amended site plan. Steven H. Merman, Esq. from the law offices of Javerbaum Wurgaft, et. al. came forward on behalf of the Applicant. Mr. Merman gave a brief overview of the matter. Mr. Pansulla then marked into evidence the letter from Counsel explaining the amendment, revised site plan, and relevant colorized portion of the site plan that was proposed to change from the recent prior approval of the Board. Mr. Merman then called his first witness Joshua Tiner, Engineer, from REDCOM Design & Construction, LLC, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify as an expert. Mr. Tiner provided a summary of the recent prior approval of the Board, and highlighted the changes in the revised site plan that prompted the variance relief needed and amended approval. He summarized the proposed parking changes in the lot and accommodations to be made by the Applicant for the public as customers.

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Mr. Tiner addressed all the variances through the comments from Collier Engineering & Design by going over their revised and updated correspondence addressing the application as made a part of the record, to be satisfied by the Applicant. 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. Merman indicated that both the Applicant's representative and Architect were in attendance and available to be sworn to answer any questions that the Board or public may have relative to the amended site plan. Mr. DiGiovanni then opened the matter up for public comments and no one came forward and there were no further questions from the Board. Mr. Merman then gave a brief closing statement asking the Board to grant this amendment to the prior approval of the Board. The Board then went into conference on the matter. The Board felt this was a simple amendment and further improvement off the recent prior approval. The appropriate criteria had been satisfied through the record as developed. The Applicant would satisfy any conditions, including as presented through the Township's Professionals' reviews and from the recent prior approval of the Board.

Mr. DiGiovanni then asked for a motion and Mr. Bentivegna then made a motion that the Board grant the amended site plan approval with 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: Wiley, yes; Alexander, yes; Bentivegna, yes; Scott, yes; McNeil, yes; and DiGiovanni, yes. The Resolution of Approval will be read at the October 12, 2022 meeting.

There being no further business to come to the attention of the Board, Mr. McNeil then made a motion to adjourn which was seconded by Mr. Wiley. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,



Anthony Monguso, Bd. of Adjustment Secretary