

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

January 16, 2019

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 January 16, 2019 pursuant to the Sunshine Law of the State of New Jersey, at 7:30 p.m., and the following members were present: DiGiovanni, Howe, Petkov, Demovic, Wiley, Alexander and Galante. Absent were Ciampi and Saraiva. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Construction Official; and Carmen Marano, Clerk to the Board, filling in for Tiffany Abrantes, Meeting Clerk.

Mr. Galante then asked for the approval of the minutes of the January 9, 2019 meeting and the minutes of that meeting were then moved by Mr. DiGiovanni and seconded by Mr. Howe. All members present and eligible to vote were in favor.

Mr. Galante then asked for communications and Mr. Monguso advised there was a letter that Counsel will address when called upon for Calendar No. 3331.

The first matter to come to the attention of the Board was Calendar No. 3331 American Landmark Development, LLC, for 1181 Morris Avenue, to construct a mixed use building. Mr. Hehl requested through the noted communication and in person that this case be carried to the January 23, 2019 meeting date to address the County's concerns. Counsel confirmed that the Applicant had waived any time constraints confronting the Board to realize the adjournment. Mr. DiGiovanni made a motion to have this matter moved to January 23, 2019 meeting date; seconded by Mr. Demovic. On the vote: DiGiovanni, yes; Howe, yes; Demovic, yes; Petkov, yes; Wiley, yes; Alexander, yes and Galante, yes. Mr. Galante then notified the public that this is the only public notification, there will be no further notification mailed, and the public hearing for this matter will be on January 23, 2019, at 7:30 p.m. which is the next available date for a regular meeting night of the Board.

The final matter to come to the attention of the Board was Calendar No. 3338 Jeffrey Webb, for property at 1071 Springfield Road, proposing a day-care and boarding center for dogs. Stephen F. Hehl, Esq. came forward on behalf of the applicant. Mr. Hehl gave a brief overview of the matter. Mr. Pansulla then marked into evidence the application with drawing, and site plan including the survey. Mr. Hehl then called his first witness Thomas J. Quinn, engineer, from EKA Associates, to testify. The witness gave his qualifications and was accepted to testify. Mr. Quinn gave a review of the zoning on the property and areas around. He also gave a review of the existing conditions including parking and landscaping. Mr. Quinn stated the applicant will occupy about half of the building. He advised there will be an external dog run area enclosed with vinyl fencing.

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After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and coming forward to question the witness was Daniel McCarthy, Esq., representing ShopRite. Through of representative of the owner in attendance, Counsel for the Applicant confirmed a condition that the existing fence will be maintained to prevent patrons from using the adjacent shopping center's parking spaces. Mr. Hehl called upon his next witness, Jeffrey Webb, applicant, from Camp Bow-Wow, to testify. Mr. Webb gave a review of the type of business proposed for the site. Mr. Webb gave an overview of the day to day activities including hours of operation and staffing. He also described where and how the dogs are lodged and regulated in the outdoor play areas. After several clarifying questions by the Board, Mr. Hehl called upon Nicole McFarland to clarify some questions. Ms. McFarland is a partner of Mr. Webb, and will be the manager at Camp BowWow. Mr. Galante opened the witnesses to the public for cross-examination on the testimony given and coming forward to question the witness was Daniel McCarthy, Esq. on behalf of Shoprite. Mr. Hehl called upon his final witness, James Watson, a surveyor and planner, from EKA Associates, P.A., to testify. The witness was qualified and accepted to testify as an expert. He addressed all the variances and applicable comments from Maser Consulting. He testified that there is no negative impact to the surrounding community and the statutory criteria is satisfied through this application to grant the variance relief being sought. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and Dan McCarthy, Esq., came forward to question the witness on behalf of Shoprite. Mr. Hehl advised he had no further witnesses. Mr. Galante then opened the matter up for public comments and Dan McCarthy, Esq., came forward on behalf of Shoprite. 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. Galante then asked for a motion and Mr. Petkov 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. DiGiovanni. On the vote: DiGiovanni, yes; Howe, yes; Petkov, yes; Demovic, yes; Wiley, yes; Alexander, yes and Galante, yes. The Resolution of Approval will be read at the February 13, 2019, meeting.

There being no further business to come to the attention of the Board, Mr. DiGiovanni then made a motion to adjourn which was seconded by Mr. Demovic. The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Anthony Monguso, Board of Adjustment Secretary