

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

February 1, 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 on February 1, 2023 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, Johnson, Martins, Bentivegna, Scott, Graves 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 January 18, 2023 meeting date and the minutes of that meeting was then moved by Mrs. Alexander and seconded by Mr. Bentivegna. All members present and eligible to vote were in favor. Mr. Wiley abstained since he was absent for the January 18, 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 Calendar No. 3409 Elrac, LLC, for property at 2088 Springfield Avenue, for “d” variance relief and site plan approval to allow a non-permitted use for an Enterprise Rent-A-Car brand rental business. Gregory J. Hock, Esq., from the law offices of D’Arcy, Johnson, Day, PC, came forward on behalf of the Applicant. Mr. Hock gave a brief overview of the matter. Mr. Pansulla then marked into evidence the application, site plan, survey and concept plan. Mr. Hock then called his first witness Richard Adelson, Professional Engineer and Planner, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify as an expert. Mr. Adelson summarized the colorized rendering and aerial images that were added into evidence. He reviewed the proposed parking and landscaping for this location. Mr. Adelson summarized the site plans. He went over with the Board the proposed variances. Mr. Adelson testified that there is no negative impact to the surrounding community but the Board and Construction Official had many questions relative to the intensity of the proposed operation with a concern raised about the resulting substantial negative impact for the area. 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.

Mr. Hock then called his next witness, Patrick Cosgrove, Facilities and Construction Manager familiar with the Applicant’s nearby Enterprise Rent-A-Car operation, to testify. The witness was duly sworn, gave his qualifications and was accepted to testify. Mr. Cosgrove clarified certain details from several questions by the Board, and his testimony confirmed that the concerns raised were legitimate. He testified about the expectation that there could be up to 40 vehicles available for rental, consistent with their experience although there was no the parking capability on site to capture such use. Several Board members pointed out the substantial negative impact that any overflow traffic and vehicular activity from the operation would have on the congested traffic in the area, and the adjacent residential zone.

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The area would be inundated with attempted parking and congestion. Mr. Ciampi opened the witness to the public for cross examination on the testimony given and no one from the public came forward.

Mr. Ciampi then opened the matter up for public comments and Bertha Mathews came forward noting the concerns from the neighborhood about the parking of vehicles, with a substantial negative impact resulting from the proposed operation that could not maintain the activity on-site. Mr. Hock 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 not a good application, and that the appropriate criteria had not been satisfied to grant "d" variance relief. As referenced through many Board members' and public comments, there was a concern that the overflow from traffic and the operations would have a substantial negative impact to the area, especially the nearby residences. The Township's zoning plan did not expect such use for the Property, and to allow it would defy the expectations especially since substantial negative impact was expected. Mr. Ciampi then asked for a motion and Mr. Bentivegna then made a motion that the Board deny 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. On the vote: Bentivegna, yes; Martins, yes; Alexander, yes; Scott, yes; Wiley, yes; Johnsen, yes; and Ciampi, yes. The Resolution of Denial will be read at the February 15, 2023, 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 Mrs. Alexander. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,



Anthony Monguso, Bd. of Adjustment Secretary