

UNION BOARD OF ADJUSTMENT

MEETING MINUTES

February 6, 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 February 6, 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, Ciampi, Petkov, Demovic, Wiley, Alexander, Saraiva and Galante. Also present were Robert J. Pansulla, Esq., Board Attorney; Anthony Monguso, Construction Official; and Tiffany Abrantes, Meeting Clerk.

Mr. Galante then asked for the approval of the minutes of the January 16, 2019 meeting and the minutes of that meeting were then moved by Mr. DiGiovanni and seconded by Mr. Ciampi. All members present and eligible to vote were in favor. Mr. Galante then asked for the approval of the minutes of the January 23, 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 were no communications and hence, there were none to be read.

The first matter to come to the attention of the Board was the 2018 Annual Report, for Resolution of Approval. Mr. Pansulla had been directed by the Board to prepare a Resolution of Approval as expected under the Municipal Land Use Law to summarize the Board's matters heard from 2018. Mr. Pansulla 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. Galante then asked for a motion after there were no additions or corrections and Mr. Petkov 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. Ciampi. On the vote: DiGiovanni, yes; Howe, yes; Ciampi, yes; Petkov, yes; Demovic, yes; Wiley, yes and Galante, yes. Mr. Pansulla directed that the Resolution be forwarded to the Township Committee through the Clerk, and Township Planning Board through its Secretary for distribution.

Mr. Pansulla also updated the public that prior to the start of the meeting, he updated the Board in Closed Session on matters involving him as legal counsel, including for threatened litigation concerning 580 North Avenue which is on tonight's agenda to pass a Resolution of Approval.

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The next matter to come to the attention of the Board was Calendar No. 3337 North Avenue Associates, LLC, 580 North Avenue, 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. Galante then asked for a motion after there were no additions or corrections and Mr. Petkov 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. Howe. On the vote: DiGiovanni, no; Howe, yes; Ciampi, yes; Petkov, yes; Demovic, yes; Alexander, yes and Galante, yes.

The next matter to come to the attention of the Board was Calendar No. 3339 John Goncalves, 600 Twain Place, 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. Galante then asked for a motion after there were no additions or corrections and Mr. Petkov 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. Howe. On the vote: DiGiovanni, yes; Howe, yes; Ciampi, yes; Demovic, yes; Petkov, yes; Wiley; yes and Galante, yes.

The next matter to come to the attention of the Board was Calendar No. 3343 Kyle Kazimir and Bridgette Higgins, 424 Burroughs Terrace, 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. Galante then asked for a motion after there were no additions or corrections and Mr. Petkov 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. DiGiovanni. On the vote: DiGiovanni, yes; Howe, yes; Ciampi, yes; Petkov, yes; Demovic, yes; Wiley; yes and Galante, yes.

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The final matter to come to the attention of the Board was Calendar No. 3340 All Star BJJ and Apex Wrestling Center, for property at 2175 Route 22, West, proposing a gymnasium use through wrestling, grappling and self-defense classes. Meredith Marcus, Esq. came forward on behalf of the applicants. Ms. Marcus gave a brief overview of the matter. Ms. Marcus then called her first witness Michael Pond, architect to testify. The witness gave his qualifications and was accepted to testify. Mr. Pansulla then marked into evidence the application and site plan. Mr. Pond described the interior and exterior of the building. He added into evidence a Google Map aerial view of the Property. He reviewed the parking lot and driveways. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross-examination on the testimony given and no one came forward to question the witness.

Ms. Marcus then called her next witness, Peter Robbins, representative of the landlord. The witness gave his qualifications and was accepted to testify. Mr. Robbins reviewed and summarized the past history for the parking, proposed drop off areas and existing interior space. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness on the testimony given.

Ms. Marcus then called her next witness, Jamal Patterson, as a representative of the applicants. The witness gave his qualifications and was accepted to testify. Mr. Patterson summarized the daily routine and type of business they have. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness on the testimony given.

Ms. Marcus then called her final witness, Nicholas A. Graviano, planner, of Graviano Design Group. The witness gave his qualifications and was accepted to testify. He went over with the Board the variances. He testified that there is no negative impact to the surrounding community. He addressed the legal criteria in support of the variance relief and site plan approval that was sought. After several clarifying questions by the Board, Mr. Galante opened the witness to the public for cross examination on the testimony given and no one came forward to question the witness on the testimony given.

Ms. Marcus advised she had no further witnesses. Mr. Galante then opened the matter up for public comments and no one came forward. Ms. Marcus 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.

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Mr. Galante then asked for a motion and Mr. Petkov 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. DiGiovanni. On the vote: DiGiovanni, yes; Howe, yes; Ciampi, yes; Petkov, yes; Demovic, yes; Wiley, yes and Galante, yes. The Resolution of Approval will be read at the February 20, 2018, 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. Howe. The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Anthony Monguso, Board of Adjustment Secretary