

## July 25, 2024, Planning Board/Board of Adjustment Meeting Minutes

*These minutes were approved at the August 22, 2024 meeting.*

**Call to Order and Notices:** Chair Ford called the regular meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00pm.

**Open Public Meetings Act Notice:** I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notice dated January 18, 2024, as published in the Hunterdon County Democrat and notice dated January 19, 2024, as published in the Courier News. A copy of the notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

### Flag Salute

**Members Present:** Mayor DeGiralamo, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Mr. Belden, Chair Ford, Mr. Lepore, Mr. Gatani, Mr. Tousignant, Mr. Glacken.

**Board Professionals Present:** Attorney Anderson, Joseph Brosnan, Engineer/Planner.

**Members Absent:** Committeewoman Cherney, Mr. Kastrud, Ms. Bartolomeo.

**Others Present:** For 2 Asher Smith Road: Attorney Gruenberg – applicant’s attorney, Shabana Pathan-applicant, Ali Rangwala-engineer, Marios Laconaros-architect.

**Approval of Minutes:** Mr. Lepore made a motion to approve the minutes of the June 13, 2024, regular meeting. Mr. Kirkpatrick seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Mr. Belden, Mr. Kirkpatrick, Chair Ford, Mr. Lepore, Mr. Gatani, Mr. Glacken. **Abstain:** Mayor DeGiralamo, Mr. Kirkpatrick, Mr. Glacken. **No Nays. Motion carried.**

### New and Pending Matters

- Cobb Industries, LLC (Sawyers Controls) – Resolution of Approval  
28 Route 173  
Block 11 Lots 23.02 & 23.03

Mr. Nace made a motion to approve the Resolution of Approval for Cobb Industries, LLC. Mr. Lepore seconded the motion. **Vote: Ayes:** Mr. Nace, Mr. Neary, Chair Ford, Mr. Gatani, Mr. Lepore, Mr. Tousignant. **Abstain: None. No Nays. Motion carried.**

- Pathan – Public Hearing  
2 Asher Smith Rd  
Block 27 Lot 3.16

Attorney Anderson found the notice to be in proper order. Attorney Gruenberg was present on behalf of the applicants, Kaiser and Shabana Pathan. He stated the applicant is proposing a two-story, 904 square foot addition with a 3-car garage. There is also a proposed gazebo, and walkways. The existing maximum impervious ratio is 3.19%, the proposed coverage is 3.98%. The zoning district maximum is 3%.

Attorney Gruenberg stated the witnesses are Shabana Pathan-applicant, Ali Rangwala-engineer, Marios Lachanaris-architect. Attorney Anderson swore in the witnesses.

Shabana Pathan stated that she lives in the current house with her husband and two children who drive. They have a total of 5 cars, of which 3 are parked on the driveway. She stated that the driveway is narrow, and it is difficult to maneuver the cars.

Attorney Gruenberg distributed a packet of 5 photos. These were marked as Exhibit A-1. Ms. Pathan described where the addition would be located from the pictures. She also described the narrowness of the driveway, and the cars parked on the driveway. She stated that other neighbors have garage additions, and the cars don't stick out. She stated that they are not able to widen the driveway, because existing mature trees line the driveway. She stated that she is concerned about emergency vehicles accessing the property when the vehicles are parked in the driveway.

Ms. Pathan stated that the second floor above the garage will be used for storage. There will not be an apartment, and there will be no water running to the building. The elevation of the garage addition will match the existing home. She stated that they have a finished basement and that they need storage for their belongings.

Attorney Gruenberg asked if the reason why there will be a breezeway with a covered walkway is due to the location of the air conditioning unit and the walk out basement. Ms. Pathan stated that it is the reason. She stated that the addition will not have an apartment and that it is only for storage and parking the cars. Attorney Gruenberg asked the applicant if she is willing to agree to a condition of approval that there be no living space or apartment in the addition. Ms. Pathan stated absolutely.

Mr. Brosnan stated adequate testimony was provided for the use of the second floor and noted that there would be no water or sewer. He had no additional questions.

There were no questions from the Board or the public of this witness.

Attorney Gruenberg called Ali Rangwala, engineer for the applicant. Mr. Rangwala was deemed to be a qualified expert by the Board. Mr. Rangwala described the proposed development of the site in terms of impervious coverage. He stated there will be a driveway extension, a proposed raised patio with pavers that will replace the existing pavers, and a covered gazebo behind the home. He stated that the existing impervious coverage is .0319 (11,530 square feet). The applicant is proposing .0398 (14, 410) square feet.

A Board Member asked how the applicant is proposing to address the increase in impervious coverage, and Mr. Rangwala stated that the applicant is proposing an infiltration basin designed for 100-year storms, meeting the State-mandated minimum requirements.

Mr. Gruenberg stated that the applicant is also proposing rainwater harvesting tanks, adding additional storage for stormwater. Mr. Gruenberg stated that the applicant is willing to comply with the Board Engineer's recommendation that additional soil testing of the infiltration basin be done.

A Board Member asked why the applicant is not proposing dry wells, and Mr. Rangwala explained that this is because of the way the property slopes, and that an infiltration basin was easier to plan. A Board Member expressed concern about standing water, and Mr. Rangwala reiterated that the infiltration basin is more economical.

There followed a brief discussion about the lack of a landscape plan. Mr. Gruenberg referenced Exhibit A-1, the photographs of the driveway, and stated that the Board could see that Mrs. Pathan is an avid gardener and the property is well-maintained with landscaping.

A Board Member asked what will happen to the existing flower garden along the driveway. Mr. Rangwala confirmed that it will be removed, and the proposed covered walkway will replace it.

The Board Engineer asked about the proposed rainwater connection overflow pipe for the proposed rainwater management system, and what happens if something gets clogged. The Board Engineer asked if there is a way to readily disconnect it. He also asked if the tank overflows, is there any concern about how to manage the overflow. Mr. Rangwala explained it should be very easy to connect and disconnect the pipe and offered to provide those details to the Board Engineer.

A Board Member asked if the applicant has considered using materials that would allow water to permeate, as opposed to 100% impervious materials and Mr. Rangwala explained that those materials require more maintenance and are more expensive. Mr. Rangwala emphasized that those materials did not seem feasible.

Chair Ford asked if there were any questions from the public of the witness.

An adjoining property owner asked about the distance of the proposed two-story structure to the side yard setback and also asked if there are any paved areas on the side beyond the garage. Mr. Rangwala stated that a portion of the driveway to turn around will be paved and located to the side of the existing dwelling.

Attorney Anderson swore in Marios Lachanaris, Architect for the applicant. He was deemed to be a qualified expert by the Board.

Mr. Lachanaris introduced architectural plans of the existing single-family dwelling and the proposed garage. These were marked as Exhibit A-2. He described the existing dwelling and stated it is a colonial style dwelling with 5 bedrooms. Mr. Lachanaris also introduced and reviewed Exhibit A-3, a picture of the existing dwelling.

Mr. Gruenberg asked Mr. Lachanaris what challenges he faced in designing the two-story structure, to be used as a three-car garage. Mr. Lachanaris explained the original design was to provide a one-story, three-car garage with a low roof, but it did not look compatible with the existing dwelling.

Mr. Lachanaris explained how they designed the two-story structure to be more compatible with the existing dwelling on the Property. A Board Member asked if the colors and the materials of the two-story structure are going to be the same as the existing dwelling and Mr. Lachanaris testified that they will be similar.

Exhibit A-4, a colorized version of the addition was introduced. Mr. Lachanaris reviewed the architectural plans for the two-story structure, including ingress and egress, stairways, and elevations.

Mr. Lachanaris explained the need for the covered walkway and how the proposed two-story structure is connected to the existing dwelling by that covered walkway and a fence.

Attorney Anderson asked what the pathway would be from the existing home to the proposed addition. Mr. Lachanaris introduced Exhibit A-5, which showed the outline of the existing dwelling. On the left-hand corner, it shows the outline of the existing two car garage. He stated the pathway would be for someone to open one of the two garage doors, go through the gate, and through the designated walkway towards the rear of the dwelling where there will be a new door. There will be an interior door which leads to the proposed three-car garage.

Mr. Lachanaris reviewed the access to the proposed two-story structure and explained that a roof connects the proposed structure with the existing dwelling. He also reviewed the windows on the second story, explaining they are for aesthetics, and other windows on the first floor, which are intentionally similar to the windows of the existing foyer of the dwelling on the Property.

Mr. Lachanaris stated that the Applicant is in compliance with height requirements of the Code for the proposed structure, it being 35 feet. Mr. Lachanaris reiterated the footprint of the proposed structure is 904 square feet.

A Board Member asked about elevations and Mr. Lachanaris reviewed the elevations in detail.

A Board Member asked what the roof is like on the proposed addition and Mr. Lachanaris stated that it is a hipped roof converging to a point at the top.

A Board Member asked if it was possible to provide access from the dwelling garage to the proposed two-story structure. Mr. Lachanaris explained that due to the elevation difference, that was not an optimal option.

The Board Attorney asked Mr. Lachanaris to describe what route someone would take coming from the house to the two-story structure, or vice versa. Mr. Lachanaris introduced Exhibit A-6, showing the outline of the existing dwelling and two-car garage, and used it to explain that someone would walk through the existing garage door, open the existing garage door, facing south, and use the designated walkway towards the rear of the dwelling to the proposed two-story structure. Mr. Lachanaris described several other possible routes.

A Board Member asked Mr. Lachanaris to describe the existing stairway and Mr. Lachanaris did so.

The Board Engineer explained that the Code defines an accessory building as one that is attached to the principal building in a substantial manner by a wall or roof.

The Board Engineer reviewed other relevant definitions in the Code and stated that the decision on how to interpret the proposed two-story addition is solely the Board's decision. The Board Engineer stated

that should the proposed addition not be considered an accessory building, then the Applicant would need to request a use variance.

The Board discussed definitions for an accessory building or structure and garage. A discussion ensued regarding the definition of accessory building with regards to a "substantial manner by wall or roof". They discussed whether the proposed structure meets this requirement. Since the structure is connected by beams and a covered walkway, the Board decided it met the requirements.

Mr. Kevin Sferra, resident, asked how far away the addition will be located relative to his lot. Mr. Lachanaris stated that the addition is 74 feet to the property line. Mr. Sferra asked if there would be any electricity to the addition. Mr. Lachanaris stated that electricity is proposed. Mr. Sferra also asked about any proposed floodlights. Mr. Lachanaris stated there are flood lights on the corner on the soffit. Mr. Sferra asked because currently there is light trespass onto his property. He asked that those lights be positioned downward.

A Board Member asked if any floodlights were being installed on the proposed two-story structure. Mr. Lachanaris stated that there would be floodlights on the corners, pointing down. Mr. Gruenberg stated that the applicant will ensure that any floodlights installed will be downward facing and shielded to avoid light from overflowing onto adjoining properties, and that they would be turned off at a certain time.

Chair Ford called for a recess at 8:07pm. At 8:11pm, the Board resumed the public hearing.

Mr. Gruenberg, Applicant's Attorney, commented on the legal issues of whether to interpret the proposed two-story structure as an addition to the principal dwelling or as an accessory structure. He stated that the proposed structure is connected to the principal dwelling with a 16 foot covered walkway and a substantial beamed roof connecting the two structures.

Attorney Gruenberg stated with the structure defined as an addition, the applicant is only requesting an impervious coverage variance. The applicant will work with the Board engineer's office to provide proof of the stormwater management system, and the details requested.

Chair Ford asked if there were any questions from the public. There were none. He asked if there were any comments from the public. There were none.

Mr. Kirkpatrick made a motion to approve the proposed project with the requested bulk variance with the following conditions:

1. The addition is not to be used for living space, and only for vehicles and for storage.
2. The applicant will provide soil permeability testing that demonstrates that the basin infiltration rate is not less than that which was testified to.
3. The Board waives the requirement for a landscaping plan.
4. The applicant will provide manufacturer details on the rainwater harvesting tank.
5. The applicant shall match the proposed gazebo roof to the material of the existing dwelling on the property, to the satisfaction of the Board Engineer
6. The Applicant shall use full cut-off light fixtures for any new light fixtures associated with this Application.

Mr. Nace seconded the motion. **Vote: Ayes:** Mayor DeGiralamo, Mr. Nace, Mr. Neary, Mr. Kirkpatrick, Mr. Belden, Chair Ford, Mr. Lepore, Mr. Gatanis, Mr. Tousignant. **No Nays. Motion carried.**

#### **Comments from the Public**

Chair Ford asked if there were any comments from the public. There were none.

#### **Other Discussion**

None

#### **Correspondence**

None

Mr. Kirkpatrick made a motion to go into executive session. Mr. Gatanis seconded the motion. **Vote: All Ayes. No Nays. Motion carried.**

#### **Resolution #2024-01**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by resolution;

NOW THEREFORE, BE IT RESOLVED that the Planning Board/Board of Adjustment of the Township of Union will convene in an Executive Session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to N.J.S.A. 10:4-12b. The general nature of the subject or subjects to be discussed in this session is as follows:

1. Litigation – Kal Freight, LLC

The matters discussed in this session will be disclosed to the public when the need for confidentiality no longer exists.

Formal action may be taken following the conclusion of the Executive Session.

BE IT FURTHER RESOLVED by the Planning Board/Board of Adjustment of the Township of Union assembled in public session on July 25, 2024, at 8:18 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

The Board reopened the public meeting at 8:24pm.

#### **Motion to Adjourn**

There being no further business to discuss, a motion to adjourn was made at 8:24pm by Mr. Lepore and seconded by Mr. Tousignant. **Vote: All Ayes. No Nays. Motion carried.**

Respectfully Submitted

Leigh Gronau – Board Secretary