

**ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING
MINUTES
JANUARY 23, 2023**

**CALL TO
ORDER**

The Reorganization meeting was called to order at 6:52 p.m.
1 City Hall Plaza
Rahway, NJ 07065

Adequate notice of this meeting, as required by the New Jersey Open Public Meetings Act, also known as the Sunshine Law, has been provided by an Annual Notice sent to the City's official newspaper NJ Star Ledger on January 12th, 2023 and posted on the bulletin board of the Municipal Complex, posted on the City website, and filed with the Clerk of the City.

FLAG SALUTE

The Board will then salute the flag.

ROLL CALL

On a call of the roll, the following Board Members and Officials should be present:

BOARD

Ms. Joann Gemenden, Commissioner
Mr. Brandon Givens, Commissioner
Mr. Adrian Zapotocky, Commissioner
Mr. James Heim, Commissioner
Ms. Robert Parson, 1st Alternate Commissioner
Mr. Richard Zdan, 2nd Alternate Commissioner
Mr. William Tomkiewicz, 3rd Alternate Commissioner
Mr. Roy, L. Smith, 4th Alternate Commissioner
Mr. James E. Pellettiere, Commissioner Vice Chairman
Mr. William Hering, Commissioner Chairman
Mr. Malcolm Thorpe, Esq, Board Attorney
Ms. Jacqueline Dirmann, Board Engineer
Mr. Kevin O'Brien, Board Planner
Mr. Steven Decker, Acting Board Secretary

Absent from this meeting was Commissioner Givens

SWEARING IN:

- Mr. James Heim
- Mr. William Hering
- Mr. Robert Parson
- Mr. William Tomkiewicz
- Mr. Roy Smith

REORGANIZATION MEETING: The meeting began at 6:52pm

REORGANIZATION MEETING:

A. Election of Chairman

Commissioner Zapotocky made a motion to nominate William Hering as Chairman to the Zoning Board of Adjustment. Commissioner Hering accepted the position as Chairman of the Zoning Board of Adjustment.

Motion: Commissioner Zapotocky

Second: Commissioner Gemenden

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Tomkiewicz, Smith, Pellettiere and Hering

No: none

Abstain: none

Absent: Commissioners Givens, Zdan

Commissioner Zdan was present at the meeting.

B. Election of Vice Chairman

Commissioner Zapotocky made a motion to nominate James Pellettiere as Vice Chairman to the Zoning Board of Adjustment. Commissioner Pellettiere accepted the position as Vice Chairman of the Zoning Board of Adjustment.

Motion: Commissioner Zapotocky

Second: Commissioner Gemenden

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering

No: none

Abstain: none

Absent: Commissioner Givens

C. Election of Secretary

Commissioner Hering made a motion to nominate Steven Decker as Secretary to the Zoning Board of Adjustment. Steven Decker accepted the position as Secretary of the Zoning Board of Adjustment.

Motion: Commissioner Hering

Second: Commissioner Zdan

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering

No: none

Abstain: none

Absent: Commissioner Givens

OTHER BUSINESS:

1. Adoption of resolution awarding Professional Services to:

Colliers Engineering & Design, Inc, Jacqueline Dirmann, and appointment as Board Engineer

McManimon, Scotland & Baumann, LLC., Malcolm Thorpe, Esq., and appointment as Board Attorney

Shamrock Enterprises, Kevin O'Brien, AICP, PP, and appointment as Zoning Board of Adjustment Planner

There was one resolution prepared for all three professionals referenced above. Motion was made by Commissioner Zdan and seconded by Commissioner Pellettiere.

Motion: Commissioner Zdan

Second: Commissioner Pellettiere

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering

No: none

Abstain: none

Absent: Commissioner Givens

2. Adoption of resolution approving the 2023 – 2024 Zoning Board meeting calendar

Motion: Commissioner Heim

Second: Commissioner Zdan

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering

No: none

Abstain: none

Absent: Commissioner Givens

The reorganization meeting ended at 7:00pm

REGULAR MEETING:

The Regular meeting began at 7:01pm

2265-2291 St. Georges Avenue, LLC

2265-2291 St. Georges Avenue

Application #13/22

Block 255 Lot 36

Applicant seeking Preliminary and Final Major Site Plan, Use "D" Variance and Bulk "C" Variance

Board Planner Mr. Kevin O'Brien discussed that this is a use variance and not allowed in the R-2 zone.

Mr. Christopher Kozlowski introduced the applicant. 2265-2291 St. Georges Avenue is seeking approval for various bulk "C" variances and a use "D" variance.

Anthony Gallerano of Harbor Consultants 320 N Ave. East Cranford NJ. was sworn in.

Board Professionals Engineer Jacqueline Dirmann and Planner Kevin O'Brien were sworn in.

Mr. Gallerano has appeared before this board previously and was accepted as an expert. Mr. Gallerano entered two exhibits: Exhibit A was a colorized site plan. Exhibit B was an aerial of the area. Mr. Gallerano displayed exhibit A and explained that the lot is 14,684 square feet. The site is irregularly shaped. The site has frontage of 81.66 ft along St. Georges Ave. and 24.09 ft frontage on Winfield Street. The green area on Exhibit A is the open space, the tan area is proposed town houses and the gray area is parking. This site is located in the R-2 zone. Townhouses are not permitted in this zone. The applicant is proposing three townhouse units, each townhouse is two stories tall. The two end units will be 3 bedrooms. The interior townhouse will have 2 bedrooms and a study. Mr. Gallerano addressed Mr. O'Brien's question of why a study or office and not a 3rd bedroom. This is due to the middle townhouse not having a window or egress in the third room. Each unit will have a single car garage. Seven parking spots are required at the site, nine will be provided. The driveway to the site will be from St. Georges Ave. Each unit will have a 5'x4' patio and privacy screening. The rear area will have open common space. The rear portion of the property will have an underground water detention system which will connect into Winfield Avenue.

The townhouses are oriented toward St. Georges and not sideways for multiple reasons. There are similar townhouses on the block that are oriented sideways. However, there were differences in the properties. The similar lot was wider and all conforming. This property tapers so there would not be enough room for parking and a back yard. The proposed set up allows each unit to have direct access to open rear yard space in the back.

Commissioner Zapotocky asked who will take care of trash removal. Mr. Gallerano stated that each owner will be responsible to take their own trash out. DPW stated they will pick up the trash curbside. The trash cans will be kept in the garage.

Commissioner Zapotocky also questioned who will be responsible for the care of the site. Mr. Gallerano stated there will be a Homeowners Association, they will contract landscaping, snow removal etc.

Mr. Zapotocky asked about the new lawn and shrubs that will be planted. Mr. Gallerano confirmed that there will be new grass and shrubs planted on the site. Mr. Gallerano stated the developer will be responsible until the units are sold and the Homeowner Association takes over the responsibility. The developer will be responsible until all 3 units are sold.

Attorney Thorpe confirmed that there needs to be over 75% ownership to turn over maintenance to a homeowner association.

Commissioner Parson asked if it is possible to park on St. Georges Ave. if the cars can't fit in the lot.

Commissioner Parson also asked if there is a barrier protecting the shrubs in the front area. Mr. Gallerano stated that there is curbing all along the driveway.

Commissioner Parson asked about rain runoff. Mr. Gallerano stated the water will be pitched away from the house and run into the detention basin.

Commissioner Pellettiere asked if the side and rear of the lots will be fenced in. It is not initially proposed to be fenced in.

Commissioner Zdan asked about the possibility of rotating the property and having the townhouses perpendicular to St. Georges. Mr. Gallerano stated it would use up more green space and increase impervious coverage if this was done.

Commissioner Zdan questioned the left and right-side setbacks, and that there will be no front yard, just a parking area. He is concerned there is not front yard and does not want to see this become a precedent and loss of green space of front yards in the R-2 district.

Commissioner Pellettiere and Commissioner Zdan believe that having two townhomes instead of three may be beneficial to the layout of the property.

Mr. Gallerano stated that with waivers for the driveway width and parking space sizes it could allow them to increase some green area in the front.

Exhibit B the aerial view of the area was shown. This is a mixed-use block on St. Georges Ave. There are only 2 single family houses on St. Georges Ave. in this area. There are many different types of housing and businesses on this side of the street.

Mr. Gallerano began Planner testimony. This is an oversized lot for a single family lot. Because of the shape it is difficult to subdivide this property. The proposal is consistent with the surrounding uses. It will be a residential use although not single family, and Mr. Gallerano does not believe it will have a negative impact on the neighborhood. He believes it meets positive criteria paragraph "G" use of space for various needs and positive use of land. A density variance is needed, 15,000 sq. ft. is required for 3 families, 14,684 sq. ft. are available for the site. This equates to 2.94 units for density. The Master Plan calls for new development on vacant and under utilized land, needs to fit with character of the neighborhood. Mr. Gallerano does not believe there is negative criteria.

Commissioner Zapotocky stated that if the parking spaces were reduced, cars may not be able to turn around in the parking lot. Mr. Gallerano addressed this statement that the 24' aisle is proposed which meets RSIS standards. Mr. Gallerano believes 22 ft. is sufficient for cars to back out and turn around. 18 ft. is sufficient for 2 cars to drive down a driveway. A standard parking spot is 9 ft., 8.5 ft is sufficient for a 3 unit development like this. It will not be a high traffic area.

Commissioner Parson asked about the Green Space on the right side of the driveway. Mr. Gallerano stated that some shrubs could be placed in that area.

Commissioner Gemenden agreed with the other commissioners that having a parking lot in the front

yard is not what neighbors would like to look at.

Commissioner Pellettiere asked about potential problems with a 3-unit homeowner association. Stating there could be issues if one homeowner does not pay.

Commissioner Zdan stated that there are no other properties in the neighborhood with a front yard parking lot. He believes that some of the hardships pointed out in the testimony are created by trying to create 3 units on the property instead of 2 units.

Mr. Gallerano addressed the side yard variances. The side yard setbacks are 9' & 7.5' in the front and 5 ft. in the back of house. If you turn the property the setback would still be very small.

Mr. Kevin O'Brien brought up comments in his report about adding some trees in the back of the property to give a buffer to Winfield Street. Mr. Gallerano agreed that could be added.

Planner O'Brien also asked about amenities proposed, (#4 in his report). He followed up asking that beyond the 10ft behind the townhouse unit, if the common space behind can be used. Mr. Gallerano stated that there are no other amenities proposed and if a homeowner wanted to add something to the back yard they would need the Homeowners Association to approve it; which would be set up in the bylaws.

Planner O'Brien asked the applicant to address #6 in his report about the lighting. The applicant agrees to have the lighting downward facing.

Engineer Dirmann addressed item #6 in her report, regarding the large number of pine trees on the boarder of the property. Mr. Kozlowski stated that the trees can be trimmed and permission was granted by the neighbor.

Ms. Jacqueline Dirmann brought up item #9 from her report. There is an existing sanitary sewer manhole located in the sidewalk of the proposed driveway apron. The Applicant shall ensure the manhole lid can support HS-20 loading. The applicant agreed to all conditions regarding the sewer manhole.

The applicant was also advised to review topography for additional hotspots for adjacent lot 37.

Mr. Gallerano referred to the drainage and grading plan. There is a drain in the parking lot. This and gutter system will drain to a detention system in the back. This storm system will connect to a storm drain on Winfield Street which will connect in at a new manhole.

There is a control flow in the detention system which will hold back and control the rate of water going into existing storm sewer on Winfield Street.

Ms. Dirmann stated that the existing system is in the right of way, and there are 2 trees in the front yard where the system is. Ms. Dirmann wanted to know if there is an easement. Mr. Gallerano stated that the connection point will be in the city right of way with least amount of disturbance. The pipe can be adjusted to create the smallest impact.

Engineer Dirmann addressed item #12, regarding permitting for curb and sidewalk replacement. The applicant will comply.

Ms. Dirmann does not believe it is a good idea to create smaller parking spaces or driveway as was previously discussed. She believes the site should use the RSIS standards for parking standards.

Ms. Dirmann asked if they would add shrubs on the south side of the site in between the cleanout. Mr. Gallerano stated this can be done.

The applicant would be willing to use grass pavers to replace the asphalt and keep a green look to the front that is also drivable.

Commissioner Zdan asked if it will be possible to run the line to the stormwater drain without damage to the trees on Winfield Street.

Mr. Kozlowski introduced Roger Winkle the architect for the project.

8:07pm Chairman Hering called a 5 minute break.

The meeting was reopened at 8:18pm. Reopened

Roll Call was taken:

Ms. Joann Gemenden, Commissioner
Mr. Brandon Givens, Commissioner
Mr. Adrian Zapotocky, Commissioner
Mr. James Heim, Commissioner
Ms. Robert Parson, 1st Alternate Commissioner
Mr. Richard Zdan, 2nd Alternate Commissioner
Mr. William Tomkiewicz, 3rd Alternate Commissioner
Mr. Roy, L. Smith, 4th Alternate Commissioner
Mr. James E. Pellettiere, Commissioner Vice Chairman
Mr. William Hering, Commissioner Chairman
Mr. Malcolm Thorpe, Esq, Board Attorney
Ms. Jacqueline Dirmann, Board Engineer
Mr. Kevin O'Brien, Board Planner
Mr. Steven Decker, Acting Board Secretary

Absent from this meeting was Commissioner Givens

Roger Winkle of Roger Winkle Architect 947 Park Avenue Plainfield, NJ was sworn in. Mr. Winkle has appeared before the board before and was accepted as an expert.

Mr. Winkle explain the 3 townhouses are all 19ft wide and 45 ft deep. Each unit has a single car garage. The entryway is next to the garage. The entrance area has a coat closet, utility area and a half bath. There is a family room, kitchen and dinette in the back. Each unit has a similar 1st floor plan. The stairs to the 2nd floor are near the garage entrance. There will be 617 sq ft of usable space on the first floor. The 2nd floor has a hallway, the rear has a bedroom and common bath. The center of the second floor for the two end units have another small bedroom. The front of the unit has a master bedroom with a master bathroom and walk in closet. The center unit is only 2 bedrooms and an office space in the center. A total of 1444 sq ft of space for each unit. The front elevation is a typical looking townhouse. 3 units, 3 garage doors and 3 entries. The lower floor will be a stone veneer on the exterior. The rest of townhouse will have vinyl siding and shingle roof. The height is 28'5". The colors were shown to be similar to the townhouses in exhibit C.

Exhibit C was a handout of the basic look of the outside.

Commissioner Parson asked if there was ever a consideration of making 2 longer units instead of 3 units. Not it wasn't considered.

Commissioner Zdan asked regarding the heating type. It will be forced air in the attic.

Mr. Greg Randazza of 94 Hillcrest Drive Clark, NJ 07066 was sworn in as the applicant. Mr. Randazza explained that the townhouses will be a homeowner association with common area instead of splitting the property into 3 small lots.

Mr. Randazza has developed over 280 properties and built 5 houses in Rahway recently.

Commissioner Pellettiere stated that the closet spaces, rooms, and townhouses are small. He questioned why the applicant is proposing 3 units instead of 2 units. Mr. Randazza believes the townhouses are substantial size and they are maximizing the units with the parking available.

The meeting was opened to the public.

Shara Cocuzza 2266 Winfield Street was sworn in. Ms. Cocuzza is concerned about water and flooding issues. She stated that they have dealt with water problems in the past. During Ida the storm drains couldn't handle the runoff and the area flooded.

Anthony Gallerano responded that the applicant is required to mitigate the additional runoff that will be caused by the development. The system holds back the water, and releases water to the storm drains to control the runoff, there will be no more runoff from the property than there currently is. The system will have to be inspected and maintained as part of the property maintenance.

Ms. Cocuzza provided exhibit D- consisting of 14 colored photos displaying flooding on Ms. Cocuzza's property from various time periods from 2000- Present.

Commissioner Zdan asked if the storm water runoff will be less than previous amount, or if there will be a reduction in the stormwater runoff. Mr. Gallerano stated it will be the same or possibly less than it currently is.

Ms. Cocuzza asked what the backyard will look like. Mr. Randazza stated that a fence can be put in, and shrubs will be planted in the back.

Public portion of the meeting was closed.

Mr. Kozlowski believes this applicant is consistent with the neighborhood, and less burdensome than other townhouses in the area.

Engineer Dirmann stated that in order to preserve the trees on Winfield Street she believes it would be in the best interest to go back to previous stormwater plan Harbor Consultants had originally presented and to connect into the storm drain on other side of the street.

Mr. Randazza proposed a fence along the back of the property. Mr. O'Brien stated that a fence could be put, but the gate would have to be able to accessed for emergency purposes. Mr. Randazza agreed to this.

Mr. O'Brien asked if a curb can be painted yellow to prevent parking in the back area that blocks the gate. This is something the city will discuss.

Commissioner Heim requested shrubs be added in front of the fence in the back of the property. Shrubs will be added in front of the fence area, and leave an opening for the gate. The applicant will comply with the boards recommendation for fencing and shrubs.

Commissioner Zdan believes he is not comfortable with the density in the area and the parking area.

Commissioner Zapotocky believe it is too much construction on a lot that is not conducive.

Commissioner Parson asked if the fence will interfere with the drainage system. Mr. Gallerano answered it will not.

Commissioner Parson stated he likes the townhouses.

Commissioner Heim told the board that he is ok with the townhouses.
Commissioner Tomkiewicz believes the size of the project may be a bit much for the property.

Commissioner Gemenden has reservations about the scope of this development.

Commissioner Pellettiere still has concerns about this application overall.

Commissioner Heim motioned to approve 2265-2291 St. Georges Ave. LLC. with all amendments.

Board Engineer Dirmann would like to add a condition of a fence and a gate in the back yard that will be 50ft from Winfield right away. Also conditions to not construct the overflow to the house opposite the property and instead install piping toward the south end of Winfield street. The applicant will also be required to place shrubs around fence in the rear area. Planner Kevin O'Brien added that the applicant must add green space to front area but keep the parking lot the same. Adding shrubs to north and south side of the parking lot. Mr. O'Brien and Ms. Dirmann added there will not be a recommendation for grass pavers to be added. All lighting will be downward facing and not shine onto neighbors.

Commissioner Heim agreed to all these conditions as part of the motion.

Motion: Commissioner Heim Second: Commissioner Parson

Yes: Commissioners Gemenden, Zapotocky, Heim, Parson

No: Commissioners Zdan, Pellettiere, Chairman Hering

Abstain: none

Absent: Commissioner Givens

Motion Denied

MINUTES: Any necessary changes to the Zoning Board of Adjustment meeting minutes of November 21, 2022 shall be made and approved by action of the Commissioners

Motion: Commissioner Zapotocky **Second: Commissioner Heim**
Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering
No: none
Abstain: none
Absent: Commissioner Givens

An update of the planning board was given.

A motion was made to adjourn the meeting:

Motion: Commissioner Zdan **Second: Commissioner Pellettiere**
Yes: Commissioners Gemenden, Zapotocky, Heim, Parson, Zdan, Tomkiewicz, Smith, Pellettiere and Hering
No: none
Abstain: none
Absent: Commissioner Givens

ADJOURN: There being no further business; the meeting was adjourned at 9:27pm.