

**ZONING BOARD OF ADJUSTMENT  
REORGANIZATION & REGULAR MEETING  
AGENDA  
JANUARY 24, 2022**

**CALL TO  
ORDER**

The Regular meeting shall be called to order at 6:57 p.m.  
Via ZOOM Teleconference Link:  
<https://us02web.zoom.us/j/89749179029>  
Meeting ID: 897 4917 9029  
Password: 225931

---

**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  
Ms. Jelsie Basso, Commissioner  
Mr. Adrian Zapotocky, Commissioner  
Mr. James Heim, Commissioner  
Ms. Robert Parson, 1<sup>st</sup> Alternate Commissioner  
Mr. Richard Zdan, 2<sup>nd</sup> Alternate Commissioner  
Mr. William Tomkiewicz, 3<sup>rd</sup> Alternate Commissioner  
Mr. Roy, L. Smith, 4th Alternate Commissioner  
Mr. James E. Pellettiere, Commissioner Vice Chairman  
Mr. William Hering, Commissioner Chairman  
Mr. Karl Kemm, Esq, Board Attorney  
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 were Commissioners Heim, Parson, and Zdan

**SWEARING IN:**

- Mr. James E. Pellettiere

**REORGANIZATION MEETING:**

**REORGANIZATION MEETING:**

**A. Election of Chairman**

Commissioner Pellettiere 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 Pellettiere**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

**B. Election of Vice Chairman**

Commissioner Hering 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 Hering**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

**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**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

**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., Karl P. Kemm, 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 Hering and seconded by Commissioner Gemenden.

**Motion: Commissioner Hering**

**Second: Commissioner Gemenden**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

**2. Adoption of resolution approving the 2022 – 2023 Zoning Board meeting calendar**

**Motion: Commissioner Givens**

**Second: Commissioner Pellettiere**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

The board had a discussion regarding having rules and regulations in place for the zoning board. Board attorney Karl Kemm stated the board should have rules and regulations. He will have them prepared for the next meeting.

The reorganization meeting ended at 7:17pm

**REGULAR MEETING:**

The Regular meeting began at 7:18pm

Manhattan Elite Property Group

Vacant Lot Iva St.

Application 14/21

Applicant is requesting a Bulk C Variance

Per request applicant has requested to be heard on future date, and an extension of deadline for board action. Board agreed to allow application to be moved to a future date.

Board Planner Kevin O'Brien asked if that application was carried in December. He believes we should set a deadline for the architectural plans. Believes we should have the plans by the 14<sup>th</sup> of February. The board should inform the applicant if it's not heard in February additional notice will be necessary.

Attorney Kemm agreed with this.

Board attorney Kemm provided an update on the conditions the board had put on the 1083 Pierpont application, specifically regarding the 2nd handicap ramp. There is a building code regulation that the requires the ramp needs to be installed. The ramp will be used for emergency use only. There is now an exception to the condition, that the ramp will be built if that is what the code requires.

Paulina Mancilla, 1044 Pierpont Street attended the meeting and asked to speak regarding 1083 Pierpont Street. She was unable to attend the meeting for Caring Inc., and wanted to let the board know that the neighbors believe the addition in the front is dangerous.

Karl Kemm informed her that for the application to be discussed it has to be noticed and the applicant has to be present.

Ms. Mancilla wanted to know if anything can be done for this to be revisited.

Mr. Kemm said if there is a change and the applicant has to come back to the board then it can be revisited. The only other option at this point is to file a lawsuit against the board.

**Memorialization for:**

A RESOLUTION OF THE ZONING BOARD OF THE CITY OF RAHWAY  
MEMORIALIZING THE ACTION OF THE BOARD ON THE APPLICATION OF CARING INC.  
1083 PIERPONT STREET.

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

**Motion Passed**

**MINUTES:** Any necessary changes to the Zoning Board of Adjustment meeting minutes of December 20, 2021 shall be made and approved by action of the Commissioners

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

Chairman Hering gave an update on the new city master plan that will be heard by the planning board.

Attorney Karl Kemm informed that council and planning are looking to make amendments to downtown area. The master plan will be reviewed and adopted if Planning Board approves.

A motion was made to adjourn the meeting:

**Motion: Commissioner Pellettiere**

**Second: Commissioner Gemenden**

**Yes: Commissioners Givens, Gemenden, Basso, Zapotocky, Tomkiewicz, Smith, Pellettiere and Hering**

**No: none**

**Abstain: none**

**Absent: Commissioners Heim, Parson, and Zdan**

**ADJOURN:** There being no further business; the meeting was adjourned at 7:39pm.