

**PLANNING BOARD  
REGULAR MEETING  
MINUTES**

**May 24, 2022**

**CALL TO  
ORDER**

The was called to order at 7:02p.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 8th, 2022 and posted on the bulletin board of the Municipal Complex, posted on the City website, and filed with the Clerk of the City.

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**FLAG SALUTE**

The Board will then salute the flag.

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**ROLL CALL**

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

**BOARD**

Mr. Raymond Giacobbe, Mayor; or,  
Mr. Eric Miles, Mayor's Designee  
Mr. Jeremy Mojica, Commissioner  
Mr. Frank Spallone, Commissioner  
Mr. Robert Simon, Commissioner  
Mr. Thomas O'Reilly, Commissioner  
Mr. Alexander Shipley, Commissioner  
Mr. William Cladek, 1<sup>st</sup> Alternate Commissioner  
Mr. Christopher Brown, 2<sup>nd</sup> Alternate Commissioner  
Mr. William Hering, Commissioner Vice Chairman  
Mr. Jeffrey Robinson, Commissioner Chairman  
Mr. Karl P. Kemm, Esq, Board Attorney  
Ms. Jacqueline Dirmann, Board Engineer  
Ms. Leigh Fleming, Board Planner  
Mr. Steven Decker, Board Secretary

Absent from this meeting: Commissioners Mojica, Spallone and Brown which were excused absences.

The meeting was called to order 7:02pm.

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record.

The following action took place.

The board professionals, Engineer Jacqueline Dirmann and Board Planner Leigh Fleming were sworn in.

## **Hearings**

Gyaan Ka Saagar  
1442 Witherspoon Street  
Application #10/21  
Block 349 Lot 33  
Applicant seeking Major Site Plan approval and Bulk "C" variance

Mr. Oswin Hadley the attorney for the applicant introduced the applicant. Gyaan Ka Saagar is a New Jersey nonprofit. The property at 1442 Witherspoon Street is a 17,800 sq ft lot, with 89 feet of frontage. The applicant is looking to convert a single-family dwelling to a house a worship which is a permitted use in the R2 zone. The applicant is going to remove a shed on the rear of property and add interior renovations. The applicant will also add 17 onsite parking spaces to the site.

Mr. Malcolm Misir, of 1442 Witherspoon Street Rahway, NJ was sworn in. Malcolm Misir is one of the trustees of Gyaan Ka Saagar. He explained that it is a small congregation with about 24-30 members. They will meet for service one time per week, every Sunday. The services will be held between 9am-11:30am. They will have special services throughout the year, which will be roughly five services in the evening. These will be held from 7pm to 9:30pm. The congregation will use the dining room and kitchen to feed families after the services. Mr. Hadley asked if they will be having any other events? Mr. Misir stated no it will only be a house of worship.

Chairman Robinson asked to clarify that services will be in the morning. Mr. Misir answered they will be except for the special services during the week.

Board Attorney Karl Kemm asked about an office for the priest, and if the priest will live there full time. The answer is no, no one will live at the property.

Adnan Khan of AWZ Engineering, 150 River Road Montville, NJ was sworn in. He was testifying as a licensed Engineer. The board accepted Mr. Khan as an expert. The property is in the R2 medium density single family zone. The lot area requires 30,000 sq feet and the proposed is 17800. The applicant is proposing a width of 89 ft where 100 is required. The front yard

required setback is 30 ft, applicant is proposing 28.6 ft, and side yard requirement is 20 ft. where 16.44 ft is proposed. These are all preexisting non-conforming variances. Also, the maximum lot coverage is 50% and the applicant is proposing 76%.

The current single-family two-story house will remain. The first-floor entrance will be in the front area off the street. The 2nd floor has a raised deck in the rear that will serve as an entrance to where services are held. The applicant is proposing 17 angled parking spaces, along with a buffer of evergreen around the property. There will be red maple trees in the parking island and in the western corner. One van accessible handicap space will be in the rear of the building. There will be a chair lift at the deck for ADA entrance to the prayer area on the second floor.

Mr. Khan then addressed the storm water management at the property. A pipe detention system will be installed that can hold up to 8000 gallons of water. They have exceeded the storm water management requirements. Any water on pavement areas will drain to the detention basin. This is an improvement to the property for collecting all stormwater runoff. The current house has all roof runoff onto the property and the detention basin. The applicant will also have 3 shade trees, and 49 9-10ft evergreen trees installed. There is currently a 6ft high vinyl fence which will remain. The applicant is proposing one light pole in the center of parking with two heads with LED lights fully screened and facing downward. Along the driveway entrance and exit there will be bollard lights. The light pole is 10 feet high, and they don't believe it will be shining towards the neighbors.

Mr. Khan addressed sheet A-2 the architectural plans as well. Some internal walls on the first floor will be demolished. Sheet A-3 was displayed. It showed that the back entrance from rear deck through 6 foot sliding door. The house of worship will be on the 2nd floor. The east side of the building will have stairs that lead down to the 1st floor. This will be equipped with a chairlift. There will be a bathroom and priest's office on the first floor, along with the kitchen and dining room area. There are two doors for entrance on the 1st floor.

Commissioner Shipley asked how old this house is. The applicant answered it was built around 1985. He also questioned about how frequently the lights will be used.

Commissioner Timmons asked about the type of lights and the span since they are higher than the fence and trees. Mr. Khan said they face downward and have guards. Also the evergreens will be the same height as the light pole.

Commissioner Timmons believes one handicap space may not be enough. Mr. Khan answered that this is the ADA requirements for the size of the lot.

Commissioner O'Reilly asked about the impervious lot cover, which is over about 25%, and if the stormwater management system will hold all the runoff. Mr. Khan believes it will be more than enough and is designed as if the lot is 100% impervious.

The board questioned if there will there be any outdoor events, and if have the applicant considered parking for that. Mr. Misir answered there will be no outdoor activities at the site.

Chairman Robinson asked if the house will look the same, and if there will be a sign. The applicant responded that the outside of the house will look the same, and there are no plans for a sign at this time.

Chairman Robinson is concerned about the large increase in impervious coverage since 3/4 of the property will now be impervious coverage.

Board Engineer Dirmann addressed the letter and wants to discuss the impact of parking on Witherspoon Street with this application.

Mr. Khan cited a traffic analysis that was done. The total peak hours trips anticipated are 12 trips over an hour, 6 in and 6 out. He believes it will be a negligible effect.

Colliers Engineering believes it will be 11 trips in and out for a total of 22 trips.

Mr Khan believes since there are two driveways an entrance and exit that there will not be an issue. Ms. Dirmann asked about the possibility of cars queuing in the area and the affect it may have on neighbors on Witherspoon Street.

Mr. Misir stated the attendance at services will be 25-30 attendees. Most are groups and families. It is one service each Sunday. He anticipates about 7 cars at the most. Mr. Misir believes that the cars will be coming and going over a period of 30-45 minutes.

Engineer Dirmann asked to explain the stormwater system and if it will be able to mitigate a storm the magnitude of Ida.

Mr. Khan does not believe it will hold an Ida sized storm and there might be an issue. Mr. Khan showed sheet C-05 in order to explain the stormwater system. The water enters the system and is stored and then slowly seeps out. The soil allows for permeability for the water to seep through. The requirement is the system must empty within 72 hours. Based on the calculations, it will drain in under 72 hours. The pipes are made of HDP and can be buried up to 10 ft down and handle truck traffic.

Board Engineer Dirmann asked if the applicant would consider green infrastructure permeable pavement in the parking lot area. The city of Rahway is asking major developments to use green infrastructure. Mr. Khan stated they will be willing to turn the parking lot area into permeable surface paving.

Mr. Hadley stated that the applicant will agree to use permeable asphalt.

Engineer Dirmann stated this will be in conjunction with the stormwater management system already on site.

Engineer Dirmann stated that the 10 ft width of the circulation aisle is tight fit especially with the number of cars.

Mr. Khan stated that average car is 6 to 6.5 ft wide. He believes the cars have enough room. Entrance is 12 ft, egress is 10. If it is widened it will impact the buffer and landscaping area.

Commissioner Timmons asked if the landscaping will impede on the driveway width. Mr. Khan stated that they are slim trees and will be pruned to avoid that issue.

Board Planner Leigh Fleming asked for confirmation that the lot is undersized, and if this is the only property owned.

Mr. Hadley answered there were no other lots available at the time.

Board Planner Leigh Fleming believes there are some hot spots with the lighting and if there will be any glare for the neighbors. Mr. Khan stated the lighting is negligible near the edge of property and landscaping and fencing will block the light.

Ms. Fleming asked if there are any existing street trees at the site, and if they will be staying or impact site lines. The applicant will be removing one existing street tree. Mr. Khan stated they are proposing 3 trees on the property to account for the street tree.

Ms. Fleming then asked if there is possibility of adding trees in the front. Applicant said there is no issue with that as long as it doesn't interfere with the utilities.

Commissioner Timmons asked if the 10ft will allow the tree.

Engineer Dirmann asked about the neighbor's driveway on the left side of the property. Mr. Khan said the exit will be 5ft from the neighboring driveway.

Attorney Kemm stated that some of the landscaping shrubs may need to be eliminated to increase site between the 2 driveways.

Board Planner Fleming asked if the rear light and bollard lights can be put on a timer. Mr. Khan confirmed that this is correct.

Chairman Robinson asked if the services have loud music. Mr. Misir said there will be music and singing, but it won't be very loud.

Attorney Kemm asked if they will agree to keep the congregation at 45 members or less for the current proposed seating. They agreed they will keep it at that capacity of 45.

Samuel Bellamy, of Dresdner Robin was sworn in as a licensed professional planner. The board accepted Mr. Bellamy as an expert.

Mr. Bellamy addressed the driveway and neighboring driveway. He stated that 349-5 A8 from the Rahway Municipal Code states there must be 50 ft between 2 driveways on same property and 2 ft from the property line, which they are meeting.

Mr. Bellamy will be addressing the variances. The lot area for single family residential require 5000 sq ft, but since this is a house of worship it is undersized for total lot area and width of the lot. However, he believes it is large enough space to accommodate the house of worship.

The front yard set back will not be changed and is consistent with neighboring properties.

The maximum impervious coverage is 50% and they are proposing 74.8%, however they are reducing the building coverage by demolishing a shed. The parking requirement is 15 spaces, where 17 are proposed. There will be one way driveway to circulate around the site. Mr. Bellamy is stating they are trying to minimize any impact on neighbors. The parking area will mitigate headlight glare. He believes the benefits of the site outweigh detriments. Places of worship are a permitted use, and they are keeping with the city ordinances. Mr. Bellamy believes they are keeping street scape intact; it will still appear as a single-family home.

Mr. Bellamy believes the application is beneficial based on the following criteria: Inherently promoting general welfare of a community, consistent with the master plan and meets all C2 criteria.

Board Engineer Dirmann noticed some of the sidewalks are lifting in the front area. She wants to know if they will replace the sidewalk. Yes, the applicant will fix the sidewalk area.

Ms. Dirmann would like a maintenance plan for the stormwater system and permeable asphalt. The applicant complied.

Meeting was opened to the public.

Laura Bellevue, 1340 Witherspoon had questions for the applicant. She would like to know how this property could affect her property value and if it could affect taxes at her property.

Attorney Hadley does not believe the applicant can answer this question.

Attorney Karl Kemm stated this isn't something the board can really answer.

Ms. Bellevue stated there was a three day event a few years ago that had 40 to 50 cars at. Her driveway will be next to the exit driveway. She would like to know where cars will go if the parking lot is filled up.

Mr. Khan stated they are now complying with the ordinance for parking.

Renee Williams, 887 East Hazelwood, stated that the previously stated event had blocked her driveway. Cars were lined up three houses down Witherspoon street. She does not want to have this application approved and in the neighborhood.

One of the trustees Gireeraj Beggs addressed the event. Mr. Beggs was sworn in. Gyaan Ka Saagar had received a zoning violation for this. He stated they are trying to comply with all requirements of the city. He stated there has been no events like this since. They received a violation and are now complying.

David Brown, 4th ward councilman came to address the application. He referred to the incident on Witherspoon Street. He believes that Houses or Worship were not permitted in that area in the city. Only single-family dwellings are allowed. Some of these homes in the area are owned by Senior Citizens and he is here to represent these homeowners. He does not think it is right to allow them to come into the city as a non profit, and would like to know if they had another lot that was next door and was sold.

Mr. Beggs stated that the property he was referring to was sold. It was sold to an investor that wanted to build a single family home on the property.

Attorney Kemm stated that Mr. Brown's testimony is as member of the community.

Attorney Kemm addressed the fact that a 503-1 ownership and taxes are not a concern of the board. This should not be considered. Attorney Kemm also stated that the use is permitted in the zone. It can be used as a house of worship. At the time of the event, they did not have the proper approvals so they could not use it as a house of worship at that point. The fact that there are other houses of worship in the area does not matter. The applicant is entitled to use property as a church.

Mr. Brown would like to ask that this matter is tabled and the ordinance can be studied.

The public portion of the meeting was closed.

Commissioner Shipley stated that all houses of worship in Rahway are in residential areas. Mr. Shipley would like to know when the incident at the building was and what the occasion was. Mr. Beggs answered that it took place in October 2018. The purpose of the event was the blessing of the building over a 3-day weekend. He stated there was a misprint in the invitation which was the reason for the large turnout, and they also did not understand the requirements at the time.

Commissioner Shipley asked why the vacant lot was sold. Mr. Beggs answered the property was sold to support the finances of the church.

Commissioner Miles asked what happened with the invitation that caused this problem. Mr. Beggs stated it was open to the public and not just members of the church.

Commissioner Simon stated that selling the adjacent property created the variance issues.

Mr. Beggs answered that this vacant property was not actually adjacent to 1442 Witherspoon Street.

Engineer Dirmann asked if the congregation is currently gathering in a different house of worship.

Mr. Beggs stated that they are not gathering in person, it is currently virtual. If they do have larger events, they will rent a different property. They do not currently have a house of worship. The congregation has shrunk since covid.

Mr. Beggs stated they will be limiting the invitations to members, to make sure they are complying with the city regulations.

Commissioner Timmons asked again how will parking be addressed if there is a bigger gathering, and how to avoid what happened at the October 2018 incident. Will they be adding extra day of service if the congregation grows.

Mr. Beggs stated if it does grow, they will rent parking from adjacent buildings, but their goal is to stay within the 45 members.

Commissioner Simon asked how many members in the congregation virtual or in person.

It is a total of 30 members.

Commissioner Shipley believes all House of Worship in the city have the same situation. He thinks it will benefit the town to have more members, and a nice building.

Chairman Robinson agreed with Commissioner Shipley's comments regarding the aesthetics of the building.

Vice Chairman Hering stated that according the ordinances in the city this application should be approved.

Commissioner Simon motioned to approve application #10/21 Gyaan Ka Saagar 1442 Witherspoon St. for a proposed place of worship with the conditions of permeable surfacing of parking area, also screened by evergreens 9-10ft high, and agree to planting 2 trees in the front yard to replace those cut down for the driveway, and agree to level and repair the front sidewalk in front.

Attorney Kemm added conditions of lighting motion sensors and timers, congregation limited to 45 members at service, and to work with Board Engineers about removing shrubs in site line with neighbor's driveway. Vice Chairman Hering added the condition of no outside events or loud music.

Commissioner Simon agreed with all the amendments for his motion.

Attorney Hadley would like to correct the conditions that the planting of trees in the front are subject to the utilities and being able to be planted.

The motion accepted a condition to try to acquire parking at nearby businesses in case of extra cars.

**Motion: Commissioner Simon                      Second: Commissioner Hering**  
**Yes: Commissioners Miles, Simon, Timmons, O'Reilly, Shipley, Cladek, Hering and**  
**Chairman Robinson**  
**No: None**  
**Absent: Commissioner Mojica, Spallone, and Brown**  
**Abstain: None**

**Motion was approved.**

### **Memorialization for Resolutions**

OV Builders  
382-386 West Grand Ave.  
Application #4/22  
Block 164 Lot 20

Applicant seeking Minor Site plan approval

Commissioner Simon made a motion was to memorialize the resolution for OV Builders PB #4/22 382-386 West Grand Ave.

**Motion: Commissioner Simon                      Second: Commissioner Shipley**  
**Yes: Commissioners Miles, Simon, Timmons, Shipley, and Chairman Robinson**  
**No: None**  
**Absent: Commissioners Mojica, Spallone and Brown**  
**Abstain: Commissioners O'Reilly, Cladek and Hering**

**Motion was approved.**

Any necessary changes to the Planning Board minutes of April 26th, 2022 and shall be made at this time and approved by action of the Commissioners.

Commissioner Simon motioned to approve the minutes from April 26th, 2022.

**Motion: Commissioner Simon                      Second: Commissioner Shipley**  
**Yes: Commissioners Miles, Simon, Timmons, Shipley, and Chairman Robinson**  
**No: None**  
**Absent: Commissioners Mojica, Spallone and Brown**  
**Abstain: O'Reilly, Cladek and Hering**

**Motion was approved.**

Vice chairman Hering gave an update of the Zoning Board, that there are two applications to be heard on June 20th.

Commissioner O'Reilly made a motion to adjourn the meeting.

**Motion: Commissioner O'Reilly                      Second: Commissioner Simon**  
**Yes: Commissioners Miles, Simon, Timmons, O'Reilly, Shipley, Cladek, Hering and Chairman Robinson**  
**No: None**  
**Absent: Commissioners Mojica, Spallone and Brown**  
**Abstain: None**

**Motion was approved.**

**Meeting was adjourned at 9:25pm.**