

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
June 20, 2022**

**CALL TO  
ORDER**

The Regular meeting shall be called to order at 7:02 p.m.  
1 City Hall Plaza  
Rahway, NJ 07065

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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**

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. 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 Basso, and Tomkiewicz which were excused absences.

\*Board Engineer Jacqueline Dirmann was unable to attend the meeting

**REGULAR MEETING:**

The meeting was called to order 7:02pm.

Chairman Hering opened the meeting with the salute to the flag, placing the Open Public Meeting Act notice and reading of the agenda into the record.

The following action took place.

The board professional, Planner Kevin O'Brien was sworn in.

There were two application on the agenda to be heard.

## Hearings

1204 New Brunswick Trust  
1204 New Brunswick Ave.  
Application #6/22  
Block 309 Lot 21

Applicant is requesting a Minor Subdivision with Use “D” Variance and Bulk “C” Variance

259 Elm Ave. LLC  
259 Elm Ave.  
Application #15/21  
Block 151 Lot 4

Applicant is requesting Preliminary and Final Major Site Plan and Bulk “C” Variance and Use “D” Variance

Applicant has asked to have the application carried to the July meeting. 259 Elm Avenue will be carried to the next meeting without further notice.

## Hearings

1204 New Brunswick Trust  
1204 New Brunswick Ave.  
Application #6/22  
Block 309 Lot 21

Applicant is requesting a Minor Subdivision with Use “D” Variance and Bulk “C” Variance

Maria Tsitsiragos, the applicant’s attorney introduced the application. The applicant is seeking minor subdivision, which has a one family existing house on the property. Also the applicant is proposing a new two family house on the newly formed second lot.

Anthony Gallerano, of Harbor Consultants was sworn in as a licensed engineer and planner and has appeared before the board before. Exhibit A is a color version of the subdivision plan. The property is located in the R2 zone. The property contains 100 feet of frontage, and a 108 foot depth. The single family home on the property has recently been renovated. The size of the first lot would be 8640 ft, and a width of 50 ft will be conforming. The only variance is the front yard setback requirement is only 16.7 ft where 20 ft are required. This is a preexisting non-conforming condition.

The newly formed second lot will be 5,058 square feet, and have a width of 50 ft. This lot will be conforming. A D1 variance is being requested for construction of a 2-family home. Each unit will have 3 bedrooms. The house will feature brick in front and vinyl siding. There will be a two-car garage and a two car driveway. A seepage pit is proposed for each of the lots. Two street trees will be added along with landscaping in the side yard and back. The property has an old well which will be filled and sealed. Harbor Consultants has verified there is a sewer main on New Brunswick Ave. in the middle of the street to tie into.

Mr. Gallerano presented Exhibit B- an aerial view of the property, and properties in the area. There are multiple two family houses on the same block and a townhouse development. There are also three two family dwellings that have been approved by the board. Mr. Gallerano believes it is a mixed-use area. He believes it is consistent with the usage. The lot is also larger than the required lots for the area.

Mr. Gallerano stated he believe there is no negative criteria, they will conform with all regulations.

This will be a more efficient use of land. It is consistent with the master plan to encourage development on unused or vacant land and keeps with neighborhood character.

The meeting was opened to the board.

Commissioner Zapotocky asked if the existing home is a single or two family home?

It is a single family home and will remain single family.

Ms. Tsitsiragos updated the board that 1144 New Brunswick Ave, which appeared before the board for three two family houses down the street has been approved and two of them already are receiving certificate of occupancies.

Board planner Mr. Kevin O'Brien referred to the Engineering report to ask about the caliper height of the proposed trees. Mr. Gallerano replied the applicant is proposing 2.5 inch caliper. The trees will be in the right of way.

Mr. O'Brien also wanted to confirm the old railroad well will be removed. Mr. Gallerano answered yes it will be removed.

The applicant agreed they will create a more concise driveway plan, and the applicant will replace any curbs and sidewalks that are needed in front of property.

Board planner Kevin O'Brien also asked about the landscaping regarding the trees and evergreens. Which the applicant agreed will be along the sides and back.

Mr. O'Brien asked when the well is capped, can the board engineer review it to ensure it was done properly. The applicant has agreed and has already submitted a plan to the board Engineer.

Mr. O'Brien asked if there is any access to the rear yard from the proposed house. The applicant does not want the second floor to have direct access to the backyard. The first floor will have access out of the side near the rear of the house.

Ms. Tsitsiragos said they want to have tenants in the house and this will help with the backyard.

The color of the house will be neutral and earth tones (beige/white). The bricks will be tan or regular brick. The existing dwelling has a beige siding.

Commissioner Zapotocky asked who will be responsible for the exterior maintenance and grounds of the building.

Mr. Gallerano answered the owner will be responsible for the exterior maintenance.

Mr. O'Brien stated the property owner is always ultimately responsible for the maintenance.

Commissioner Zapotocky is concerned about the maintenance of the property. Mr. O'Brien stated that when the city receives a complaint the owner is contacted.

Commissioner Zdan stated the property is not currently being properly maintained.

Commissioner Parson is concerned about not having an escape for the second family. Mr. Gallerano stated that all the rooms must have egress windows in the sleeping rooms according to code.

Mr. O'Brien confirmed the proposed house meets the code and is legal.

Commissioner Givens asked if there is a reason to not have a backdoor for the second floor tenant.

The applicant restated they did not want the 2<sup>nd</sup> floor tenant to have direct access from the rear of the house.

Commissioner Gemenden asked about the current status of on street parking on New Brunswick Ave. Are there any parking issues currently in the area?

There was not a parking study done. They are not looking for any variances for parking, and the proposed driveway and garage meet the requirements.

Commissioner Pellettiere questioned the backyard area and setbacks on the proposed building on the second lot. Ms. Tsitsiragos answered there is a 25 foot set back in the rear. The house will meet the backyard setback requirement.

Board Attorney Thorpe wanted to clarify if there are two doors for the proposed house. The 1<sup>st</sup> floor has a front and side door, the 2<sup>nd</sup> floor has only the front door.

Commissioner Zdan questioned the percentage of houses on the block that are multifamily. Mr. Gallerano stated there are 8 out of 23 houses that are multifamily. It is 1/3 of the block, with 3 houses currently being built.

Mr. Gallerano replied it is a mixed-use area. There is a school, church, and townhouses. He doesn't believe it has the character of a single family neighborhood and is a mixed use area.

The meeting was opened to the public.

The public portion of the meeting was closed.

Mr. O'Brien summarized the application as a D1 use variance. There is a burden of proof on the applicant.

Commissioner Givens made a motion in favor of the application, but would like to see a rear door exit added for the 2<sup>nd</sup> floor as a condition.

Commissioner Pellettiere asked if the board can ask for a condition or modification such as this.

Commissioner Zapotocky asked about the possibility of the owner providing a portable collapsible escape ladder.

Attorney Thorpe stated that this condition would have to apply to all subsequent owners. He believes this will become an enforcement issue.

Attorney Tsitsiragos stated that they have met all the requirements of the city ordinance regarding the code.

Commissioner Parson made a motion to approve the application, with the conditions of the existing well being filled, capped and reviewed by the board engineer, and all other requests by the engineer.

**Motion: Commissioner Parson                      Second: Commissioner Zapotocky**

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

**No: none**

**Abstain: none**

**Absent: Commissioners Basso and Tomkiewicz**

**The motion has been approved**

## **Memorialization of Resolutions**

Manhattan Elite Property Group  
Iva Street (Vacant Lot)  
Application #14/21  
Block 284 Lot 19  
Applicant is requesting a Bulk "C" Variance

Attorney Thorpe explained that the hearing for this application had ended and there can not be discussion without notice regarding the application.

Commissioner Gemenden motioned to memorialize the resolution for Manhattan Elite Property Group.

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

## **Resolution Memorialized**

**MINUTES:** Any necessary changes to the Zoning Board of Adjustment meeting minutes of May 16, 2022 shall be made and approved by action of the Commissioners

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

## **Minutes were approved**

Chairman Hering gave an update on the Planning Board.

A motion was made to adjourn the meeting.

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

**ADJOURN:** There being no further business; the meeting was adjourned at 8:11pm.