

**PLANNING BOARD  
REGULAR MEETING  
MINUTES**

**April 26, 2022**

**CALL TO  
ORDER**

The was called to order at 7:07p.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 O'Reilly, Cladek and Hering which were excused absences

The meeting was called to order 7:07pm.

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

The following action took place.

**Memorialization for Resolutions**

The meeting began with the memorialization of resolutions from the previous meeting.

329 New Brunswick Ave. Owners, LLC  
329 New Brunswick Avenue  
Application # 01/22  
B 276 L 10  
Final Site Plan Approval

Commissioner Simon made a motion was to memorialize the resolution for 329 New Brunswick Ave.

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

**Motion was approved.**

Merck Sharp & Dohme Corp.  
East Scott Ave & Montgomery St.  
Application # 3/22  
B 394 L 1  
Preliminary & Final Site Plan (Parking Lot)

Commissioner Simon made a motion was made to memorialize the resolution for Merck Sharp & Dohme Montgomery Street parking lot.

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

**Motion was approved.**

Any necessary changes to the Planning Board minutes of March 22nd, 2022 and shall be made at this time and approved by action of the Commissioners.

Commissioner Simon motioned to approve the minutes from March 22, 2022.

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

**Motion was approved.**

### **Hearings**

OV Builders  
382-386 West Grand Ave.  
Application #4/22  
Block 164 Lot 20  
Applicant seeking Minor Site plan approval

The board took a recess at 7:18pm to wait for the applicant's engineer.

At 7:31pm the meeting called back to order.

The applicant would like to start proceedings without the architect and engineer.

Board Attorney Karl Kemm stated that the application is ready to be heard.

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

Attorney Gary Goodman introduced the applicant. The owner and builder of the project would like to present the application for the board. This application involves the West Grand overlay zone. It is a mixed use proposal. The applicant is proposing three two bedroom apartments, and a 1200 square foot retail unit on the ground floor. It will have 10 parking spaces.

The variance is requested for the requirement of 75 foot wide property, but the lot is only 58 ft wide. The client is willing to do whatever the use allows. The hardship variance is for a preexisting non-conforming lot.

Victor Carvalho one of the owners and builder was sworn in by the board.

He explained that the project is going to have two 18 ft tall light poles with downward facing fixtures in the parking area. There is concern about the impacting neighboring properties. Attorney Goodman asked if the lights can they be dimmed and turned off.

Mr. Carvalho stated the lights can be put a timer if the board would like, this is something he is willing to do.

Attorney Goodman asked what the use of the commercial space will be.

Mr. Carvalho stated they are not currently sure, but possibly a retail store, laundry or grocery service. All deliveries to the commercial space will be from the rear area in one of the parking spots.

Victor Carvalho stated that the property is 180 ft. deep.

There is enough room to comply with 5 ft planting of evergreens between the parking lot and back property line. The applicant stated he will adhere to any ordinances of the city.

Gary Goodman asked about the proposal for handling trash and recyclables.

Mr. Carvalho stated they will have an area for trash and recyclables built in the back.

Mr. Carvalho then explained that the front of the building will be stone or brick. The 2<sup>nd</sup> floor will have shakes. The owner will be in charge of the upkeep of the building.

At the boards request the applicant will use crushed stone in the front of the building, and hardy plank in the back. The lighting will have a timer, and landscaping will be used as a buffer in the back area.

The applicant confirmed there will be a parking space provided for deliveries.

The meeting was then opened to the board members.

Commissioner Shipley asked if there are any ordinances regarding the timers for lighting.

Karl Kemm answered that the board can set a time that the timer will need to turn off.

Commissioner Shipley is concerned about the look of the building and would like to see a rendition. He believes the front of the building is going to look like the back.

Mr. Goodman answered that he believes the front of the building looks like the front of the building. He referred to the picture on page SK-2 of the plans.

Commissioner Brown asked what they are looking in the business on the first floor. Specifically, regarding dry cleaners he is concerned about that type of business.

Mr. Goodman said they are looking for a use that is permitted in the area. He doesn't think there is enough area for large retail space.

Some ideas offered were office space, insurance, and travel. Mr. Goodman stated the ordinance allows for many uses.

Commissioner Miles commented on the landscaping. He stated how the sides have evergreens, but a deciduous tree in the back. He does not want the tree to be bare half of the year when the leaves fall.

Mr. Goodman stated the ordinance requires evergreens, so they will be planting evergreens along the fence in the back.

Karl Kemm, asked if the evergreens stop down the side of the yard, or will they continue the full depth of the property.

The applicant complied with the request and they will continue the landscaping all the way down the side of the property.

Karl Kemm asked if there can be a condition of putting a shield on the lights if needed.

Attorney Goodman stated the applicant will consent to this. If there are any issues, this can be added.

Karl Kemm asked if they will agree that it will be 3 two bedroom apartments. They will not be allowed to turn the den into a 3<sup>rd</sup> bedroom to which the applicant agreed.

Commissioner Shipley asked if the parking lot will be marked for residential and commercial spaces.

Mr. Goodman stated this will be decided based on the nature of business. This can be determined in the future.

Board Planner Leigh Fleming advised the board that the applicant needs a variance for a street tree. The applicant had proposed a street tree on West Grand. However, there is not enough root area for a tree in this space. She asked the board grant this variance since the applicant planned to put the tree, but was told there was not enough room.

The board agreed to this stipulation.

It was then stated that the plans do show signage for residential parking and commercial parking.

Board Planner Fleming noted there were two deciduous trees in the back of the parking lot on the original plans. On the 2<sup>nd</sup> submission one of the trees was moved to the side. She would like to know why the tree was moved to the side. She is talking about the tree moved between the parking stall and fence. Ms. Fleming is proposing to move the tree back to the original spot if possible.

Attorney Karl Kemm said this will be discussed with the engineer, and if it can be moved back it will be.

The boards' assumption is the trees will be arborvitaes.

Ms. Fleming commented that 3 bedroom units are not permitted in this area. So although it is a condition of the approval, this is not permitted in the area.

Board Engineer Dirmann acknowledged that the applicant has gone through the TRC process. There were a lot of stormwater management questions. The board was provided the proposal that was requested, but no calculations and tests backup to prove that it works was given.

The city wants the two foot green space to be eliminated in the front on Grand Avenue. Requiring a new curb, sidewalk, and driveway. The city wants to eliminate the strip of grass, and make it a 6 ft sidewalk in this area.

The applicant agreed that they will place sidewalk instead of the grass strip.

Karl Kemm asked if there will be assigned parking spaces?

Mr. Goodman stated that there will be spaces for the residential units with signage.

Chairman Robinson asked if the applicant agreed to provide the stormwater calculations. This was agreed to, and will be placed in the resolution.

The meeting was opened to the public.

Daniel Savard, of 391 Seminary Avenue was sworn in. He had a question about signage on the building. Will there be signage on the back of the building to denote the commercial area. He prefers to not have any lighted signs in the back.

Mr. Goodman stated the plans do not have any signage on the back. There is no intent to have signage on the rear of the building.

Jane Savard, of 391 Seminary Avenue was sworn in. Ms. Savard was asking about garbage pick up. She would like to know if there will be a dumpster in the back or just cans.

Attorney Goodman advised that they will only have cans in the back for garbage.

Ms. Savard asked if the town will pick it up, or will there be a private hauler. She is concerned about the dumpsters being picked up, and it being loud.

Board Engineer Jacqueline Dirmann stated that page SK-1 shows a trash room in the back for 8 55 gallon trash bins. However, there will be no dumpsters.

Board Attorney Karl Kemm asked about putting a condition in the resolution that if there is a dumpster it will not be picked up before 8am in the morning.

Richard Zdan, of 397 Seminary Avenue was sworn in. Mr. Zdan stated that most of his concerns were addressed especially regarding the landscaping. He would like to see the lighting plan revisited after some time.

He is also concerned about the tenant in the commercial space. He saw on all the plans that it is for office space. However, the applicant mentioned other uses. He believes any type of retail would have more impact on the community. Asked if there can be a condition added to the resolution that the tenant on the first floor can be limited to office space.

Ms. Leigh Fleming said she does not believe it can be restricted to only office uses. Retail is permitted in the area.

Mr. Zdan asked if certain types of retail can be limited as part of the resolution.

Commissioner Simon stated he does not feel comfortable restricting or limiting the rights of the owner as long as it is legal in the city ordinances.

Karl Kemm commented that the uses can only be limited to the actual uses allowed in the ordinance.

Mr. Goodman read the permitted uses allowed for the area. They will make sure that the commercial space is a permitted use.

The public portion of the meeting was closed.

Commissioner Simon motioned to approve the application of OV Builders LLC., 382-386 West Grand Ave. with all of the conditions mentioned by the board.

