

**ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
MINUTES  
August 21, 2023**

**CALL TO  
ORDER**

The meeting was called to order at 7:01 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. Adrian Zapotocky, Commissioner  
Mr. James Heim, Commissioner  
Mr. William Tomkiewicz, Commissioner  
Mr. Richard Zdan, Commissioner  
Ms. Robert Parson, 1<sup>st</sup> Alternate Commissioner  
Mr. Roy L. Smith, 2<sup>nd</sup> Alternate Commissioner  
Ms. Courtney Anderson-Harvey, 3<sup>rd</sup> Alternate Commissioner  
Mr. James E. Pelletiere, Commissioner Vice Chairman  
Mr. William Hering, Commissioner Chairman  
Mr. Malcolm Thorpe, Esq, Board Attorney  
Mr. Kevin Boyer, Board Engineer  
Mr. Kevin O'Brien, Board Planner  
Mr. Steven Decker, Acting Board Secretary

Absent from this meeting was Commissioner Smith and Anderson-Harvey which were excused absences.

**REGULAR MEETING:**

The meeting was called to order 7:01pm.

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.

Board Planner Kevin O'Brien and Board Engineer Kevin Boyer were sworn in.

To be heard:

Mape-Jon Enterprises T/A Butch Kowals  
950 St. Georges Ave.  
Application #7/23  
Block 107 Lot 1,2,3,6,7  
Applicant seeking Use "D" Variance and Bulk "C" Variance

Board Planner Kevin O'Brien explained that this is for an expansion of a non-conforming use. The outdoor area was permitted, but it has now expanded the use with the possible addition of a tiki bar.

Chairman Hering noted that any approval will need be contingent upon approval of the ABC Board.

The applicant's attorney, Mr. Andrew Ingram introduced the application.

Peter Kowal, owner of Butch Kowals was sworn in as the applicant.

Mr. Kowal explained to the board that the tiki bar is being added to beautify the outdoor area and create a setting for outdoor beverages. The tiki bar has 6 seats. It will only have a bartender for certain events, roughly 30 per year. Alcohol will be delivered from inside the bar to the outside bar for those events.

The parking lot currently has 40 to 45 parking spaces. Mr. Kowal does not believe the addition of the tiki bar will affect the parking.

Mr. Kowal stated that the other variance is for a sign, which he considers to be more like a mural and has been on the building for 3 years.

Attorney Thorpe clarified that it is a sign not a mural and that this was not included as part of the previous application for the outside area.

Mr. Kowal explained that the building always had multiple billboard signs on the side of the building. He believed that the new sign was an upgrade of the site. Two photographs of the side of the building were placed into evidence. Exhibit 1 and Exhibit 2 contained the two photographs depicting the side of the building prior to the new sign that was put up. The pictures show how the property looked roughly 10 years ago.

Attorney Ingram asked regarding the hours of the Tiki Bar. Mr. Kowal responded that the hours will be 12pm to 12am.

Engineer Kevin Boyer questioned about the food truck locations in the back corner of the parking lot and the side near the building.

Mr. Kowal stated that the food trucks are from tenants of the building. There are 3 trucks, 2 are usually out at sites in New York, and 1 that goes to local events and works in the city of Rahway.

Commissioner Zdan asked about the food trucks on the lot.

The intent is to keep 1 truck parked in the parking lot of Butch Kowals. It will sometimes serve food at Butch Kowals event.

Board Planner Kevin O'Brien asked about item 2B from his letter. The variance stated the sign 1044 sq ft (72x14.5), which is not the size of the sign it was actually the size of façade.

The sign is 10 ft high and 14 foot long which is a total of 140 sq feet.

The sign is larger than the maximum sign size allowed, which is why they are looking for a variance.

Board Planner's letter item C mentioned that Lot 3 a lot is required to be 10,000 sqft. The site is total 14-15k square feet. Lot 3 is a non conforming lot, since it is below 10,000 square feet.

Engineer Boyer asked if the lots have any easements or cross sections and also recommends engineer Kevin Boyer that the lots be consolidated into 1 lot.

Mr. O'Brien stated the attorney would need to file for a reverse subdivision.

Mr. Kowal stated he is not looking to consolidate the lots.

There is a possibility that non-conforming lots are required to become consolidated under the Land Use laws.

Chairman Hering stated that this should have no bearing on the approval of this application.

Board Planner Kevin O'Brien explained that tonight's application can be approved and before the resolution is passed that can be added after an investigation into combining the lots.

Mr. O'Brien asked if there any other changes on the property since the 2020 approval that are not on the application. Mr. Kowal stated there are not.

Mr. Ingram stated if the board deems by law that the lots need to merge, Mr. Kowal will not have to appear before the board with another application to receive the authority to merge the lots. Will granting this resolution give him the authority to merge the lots.

Attorney Thrope explained that this will be looked into by the board.

Commissioner Zdan asked how the liquor from the outdoor bar will be stored when the bar is not open.

Mr. Kowal stated that when in use the bar will be stocked with drinks and then they will be moved back inside when the bar is closed at the end of the night. There will be no alcohol stored at the bar.

The meeting was opened to the public.

Randy Peterson of 478 Elm Ave. was sworn in. He is in favor of the application and believes it is a good thing.

The public portion of the meeting was closed.

Commissioner Gemenden motioned to approve the application for all variances and the tiki bar. Motion is contingent upon ABC Board approval and a possible lot merger if required by law. This approves the variance to allow the sign, and the non-conforming lot will stay unless forced to merge per council's recommendation.

**Motion: Commissioner Gemenden                      Second: Commissioner Tomkiewicz**  
**Yes: Commissioners Zdan, Gemenden, Tomkiewicz, Zapotocky, Heim, Pellettiere and Chairman Hering**

**No: none**  
**Abstain: Parson,**  
**Absent: Commissioner Anderson-Harvey and Smith**

**Motion Approved**

**MINUTES:** Any necessary changes to the Zoning Board of Adjustment meeting minutes of June 19, 2023 shall be made and approved by action of the Commissioners

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

**Minutes were approved**

An update of the planning board was given. A mural is going to be placed on the mint building along the train tracks and a façade added.

An update of upcoming Zoning Board applications was given.

Chairman Herin updated the board regarding a mural on the Storage building at Elizabeth Avenue that the board had approved.

Commissioner Zdan made a motion for a resolution of thanks in honor of Jacqueline Dirmann and her service to the board.

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

A motion was made to adjourn the meeting.

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

**ADJOURN:** There being no further business; the meeting was adjourned at 7:55 pm.