

**ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
MINUTES
September 18, 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, 1st Alternate Commissioner
Mr. Roy L. Smith, 2nd Alternate Commissioner
Ms. Courtney Anderson-Harvey, 3rd Alternate Commissioner
Mr. James E. Pellettiere, Commissioner Vice Chairman
Mr. William Hering, Commissioner Chairman
Mr. Malcolm Thorpe, Esq, Board Attorney
Ms. Marie Raffay, Board Engineer
Mr. Kevin O'Brien, Board Planner
Mr. Steven Decker, Acting Board Secretary

Absent from this meeting were Commissioners Gemenden, Tomkiewicz and Pellettiere 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.

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

MEMORIALIZATION:

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 Attorney Malcolm Thorpe explained to the boards that the lots on this property do not have to be combined.

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

Motion Approved

Commissioner Anderson-Harvey was in attendance at the meeting.

MINUTES: Any necessary changes to the Zoning Board of Adjustment meeting minutes of August 21, 2023 shall be made and approved by action of the Commissioners

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

Minutes Approved

Attorney John Jackson introduced the application. The applicant is adding a high speed diesel pump to the existing gas station. This is not a new fueling station, just the same pump will have high speed. This application is for a conditional use in the zone.

The current site is not for tractor trailers, this gas station is for box trucks and landscape trucks where clients need a high speed dispenser. Mr. Jackson and the applicant feel it is a reduction of the intensity of the use.

Mr. Jackson addressed a comment from the planning letter that the pump is located on the outside of the canopy. Mr. Jackson stated that the kiosk could be moved out and the pump slid over so it is under the canopy in the existing footprint.

Jasvinder Arjani from Bertin Engineering 66 Glen Rock Ave., Glen Rock, NJ was sworn in. He has been a licensed architect since 2009 and Mr. Arjani was accepted as an expert. He explained that this site is a Delta fueling station, it is located on a triangular lot with frontage on all sides (US-1 South, Turner Street, East Grand Ave.). There is a small building which is 210 sq ft under the canopy. Half of the building is for sales and half for bathrooms and storage. There is a kiosk with 4 dispensers. Only one pump has diesel, which pumps 9 gallons per minute. There are currently 2 parking spaces on site, and driveways on all 3 sides of the property. An entrance and exit on US-1 South, a driveway on Turner Street and East Grand Ave. The traffic moves counterclockwise around the site.

Mr. Arjani spoke about the turning template.

Exhibit 1 was distributed which was a 9-page power point presentation that depicts photos of the property and site plan and circulation maps.

Exhibit 2 was a drawing detail of the newly proposed trash enclosure. There is currently an 8x20 enclosure on the property. This is used to store equipment for maintenance of the lot. There was a dumpster outside the enclosure because it is not large enough to store in the enclosure with the other storage items. The dumpster's depth is 16ft. The front of the new enclosure will be for the dumpster, and the back can now be used for storage. It will be white brick with a metal gate. The height of the enclosure will be 7 feet tall.

The applicant is proposing to relocate the kiosk to the front and moving the pump over. The setbacks of the pump will not change, and the circulation will stay the same. There will be no change to the intensity or traffic at the site.

Mr. Arjani spoke about the turning templates. He showed the turning templates that depicted a garbage truck, and a box truck and how they can turn out onto Turner Street to E. Grand Ave. if it cannot exit back onto route 1.

The current pump dispenses 9 gallons per minute, the new pump dispenses 35 gallons per minute. This site cannot accommodate tractor trailers because it is a small site.

Board Engineer Raffay asked about the delivery truck on the turning template. She believes the truck is going over the 2 lanes when it turns on to US-1 South. Mr. Arjani explained that the trucks have to go into the 2nd lane in order to get onto US-1 South and avoid the jug handle.

Commissioner Zdan asked if the addition of the high-speed pump will change anything with the tanks or tank capacity. Mr. Arjani stated there will be no change to those tanks. He stated the current tanks are in good condition.

The applicant's planner John Taikina of 30 Newman Road Kendall Park, NJ was sworn in. He was accepted as an expert Planner. Mr. Taikina stated that this is a conditional use and the site does not satisfy many conditions, but this application does not change any of these conditions. The only change is the change from regular diesel pump to high capacity. Mr. Taikina believes the site remains appropriate in the B-3 zone. In 1992 this site received an approval for the trash and storage area. They believe it does remain appropriate for the area and has proved this because it has existed for so long. They do not believe this application will have any negative impact; it will actually be a positive to move trucks out of the site quicker.

Board Planner Kevin O'Brien asked Mr. Taikina to address his questions in the letter. The site operates from 5am to 11pm. There is a 24 hour option from the 1992 approval if business warrants. The employees of the gas station live in the neighborhood and walk to the site.

Mr. Taikina stated the retail store has the same hours as the gas station. It sells automobile supplies and small convenience store items.

Chairman Hering asked if many stations are putting in high speed diesel pumps. Mr. Ajani stated that trucks are being equipped with larger tanks and would like to have quicker fill up. He believes smaller gas stations are adding these to compete with bigger gas stations.

Board engineer Raffay asked if the signage at the site will change. It will not, the sign will be the same.

Commissioner Parson asked if the trucks will be able to exit safely onto US-1 South. Mr. Ajani stated they currently enter and exit from Rt. 1 safely. Mr. Parson also asked if there are any concerns about potential spills from these high speed pumps. Mr. Arjani stated that all new pumps are designed to shut down if there are any issues.

The applicant agreed to add more quick drying agent to the storage on the site in case of any spill, since these pumps work at a faster rate.

Commissioner Zdan motioned to approve this, with the conditions that additional drying agent will be retained on the site and that the location of this storage is shown on the site plan. Also, approval will be conditional that no changes in the signage is made and that all signed and sealed copies of the new garbage enclosure are submitted.

The meeting was opened to the public. The public portion of the meeting closed.

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

An update of recent zoning board applications were given by Board Planner O'Brien.

A motion was made to adjourn the meeting.

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

ADJOURN: There being no further business; the meeting was adjourned at 7:52 pm.