

**PLANNING BOARD
REGULAR MEETING
MINUTES**

September 26, 2023

**CALL TO
ORDER**

The Regular meeting was called to order at 7:05 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

Mr. Raymond Giacobbe, Mayor; or,
Mr. Eric Miles, Mayor's Designee
Mr. Jeremy Mojica, Commissioner
Mr. Kyle Gustofson, Commissioner
Mr. Robert Simon, Commissioner
Ms. Ruta Padulo, Commissioner
Mr. Alexander Shipley, Commissioner
Mr. William Cladek, 1st Alternate Commissioner
Mr. Christopher Brown, 2nd Alternate Commissioner
Mr. William Hering, Commissioner
Mr. Jeffrey Robinson, Commissioner
Mr. Karl P. Kemm, Esq, Board Attorney
Mr. Kevin Boyer, Board Engineer
Ms. Leigh Fleming, Board Planner
Mr. Steven Decker, Board Secretary

Absent from this meeting: Commissioners Robinson, Hering and Cladek with excused absences.

The meeting was called to order at 7:05pm.

Commissioner Simon filled in as chairman for Chairman Robinson.

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

Board Planner Leigh Fleming and Board Engineer Kevin Boyer was sworn in.

The following action took place.

REGULAR MEETING:

Moonstone Food, LLC.
667 East Milton Ave.
Application #5/23
Block 338 Lot 3.02
Preliminary & Final Major Site Plan with Bulk "C" Variances

Mr. Christopher Kozlowski the attorney for the applicant introduced the application. He explained there were original approvals obtained in 2008 for a future restaurant at the site lot 3.02. This is within a redevelopment area. The applicant is proposing to establish a new restaurant for eating and drinking at the site.

Gerard Gesario of Jarmel Kizel Architects and Engineers, Inc., 42 Okner Parkway, Livingston, New Jersey the Engineer for the application was accepted as an expert by the board. Mr. Gesario presented exhibit A1 which was an aerial image of the site. The site is 29,807 square feet. It is located on the south side of East Milton Ave, and bordered by Paterson Street and US 1 & 9 to the west. Home 2 suites borders the site to the east and Best Western to the south. This site was previously fully developed in 2007 and then became vacant.

Exhibit A2 a rendering of the proposed site was displayed. The applicant is seeking approval for an Arooga's Grille House and Sports Bar restaurant. The building is located in the Northwest corner of the property. There will be an outdoor seating area in the front. There will be two points of access to the building. The main driveway will be shared with the hotel from the east. The secondary access will be on the west side of the site at Paterson street. There will be 38 parking spaces provided on site. 79 parking spaces are required for the site. There will be a shared parking agreement between the restaurant and the hotel. The restaurant will have a total of 130 parking spaces available. There will be one charging station in the parking lot to comply with EV standards. Utilities will be brought in from East Milton Ave. The transformer will be located in the Southwest area of the property. There is a proposed masonry trash enclosure in the Southeast corner of the site. Trash removal will be performed by private hauler garbage trucks that can enter from either entrance. There is landscaping with an irrigation system proposed around the whole site. Lighting at the site will have- 3 pole mounted fixtures 20 ft high around the site. The rest of the lights are mounted on the building itself. This is a major storm water development. There will be porous pavement used for part of the parking lot to mitigate stormwater runoff. An underground storage bed of gravel will be supplied. Soil testing will be done at the site. There is not proposed ground mounted signage, the signs will be on the building.

There are variances requested at the site. 30,000 square feet of lot size is required and the site is 29,807 square feet. The lot coverage is 81.7% where 80% is permitted. The site is proposing 144 square feet of signage where **the maximum allowed is** 100ft.

Lot coverage- 81.7% 80% allowed

Façade signage- 144 sq ft proposed

The applicant agrees to comply with all comments from the Engineer's report. Board Engineer Kevin Boyer noted that there is some light spillage along the south line of the property. Mr. Gesario explained that they have proposed evergreens at that portion of the site to try to block some of the light spillage. There is a shield on the lights, and they can tilt them to have the minimum amount of spillage.

Engineer also Boyer asked about the lack of a loading zone on the site. Mr. Gesario said loading will occur during off hours, so there will be no parking spots taken up. It will only be box trucks not tractor trailers. Deliveries will typically be delivered around 10am to the rear door.

Kevin Boyer asked what the proposed hours of operation were? The restaurant will be on 11am-12pm on weekdays and weekends from 11am-2am.

Board Planner Leigh Fleming wanted to confirm that snow will not be stored in parking spaces. Mr. Gesario stated they may have to truck snow offsite, but for a regular storm there are areas to push snow that will not block parking spaces.

Mr. Gesario also stated that trash pickups will be as frequent as needed.

Attorney Kemm asked about the porous pavement. It is the rear parking area, and the parking in the front. Attorney Kemm asked if any light spillage will hit the Best Western building to the south. Mr. Gesario answered it will not, any spillage would only be in the parking area.

Does the applicant agree that the loading zone will only be used during the hours. Yes, they do agree.

Commissioner Shipley asked about the shared parking agreement. The traffic consultant will testify to this.

Mr. Lee D. Klein of 156 Walker Road West Orange New Jersey was sworn in as a traffic engineer. The board accepted Mr. Klein as an expert. Mr. Klein's analysis was based off the number of hotel rooms and seats in the restaurant. Hotel guests are generally parked during the overnight hours. The restaurant is busier at lunch, dinner, and then into the evening. Based on the projections, lunch time would typically have around 80-90 cars for the restaurant and 30 for the hotel. On Saturdays they project 86 restaurant and 35 for the hotel. This is below the total number of parking spaces. The maximum projections are 120 cars and the site will have 130 parking spaces proposed. Mr. Kline believes this will be adequate.

Board Planner Leigh Fleming informed the board that the restaurant and bar have a total seating of 199.

Commissioner Shipley is concerned about the parking late at night from 9pm-2am. Mr. Klein believes it will be below the peak dinnertime hour parking.

Commissioner Brown asked about the overnight hours on Friday and Saturday night. There are 71 bar seats.

Board Planner Leigh Fleming stated that it is permitted to use a shared parking agreement. The use of this agreement to address a shortfall is permitted.

Commissioner Mojica asked what would happen if the shared parking agreement ever falls through, if the hotel sells and does not want the agreement any longer.

Attorney Kemm stated it will be an easement agreement between the hotel and restaurant. They are using a shared aisle. The agreement could not be modified or terminated without the board's approval. This will be recorded.

It was clarified that this is currently the same owner, but in the future they would still be bound by the agreement.

Karolina Podkanowicz of Jarmel Kizel Architects and Engineers, Inc., 42 Okner Parkway, Livingston, New Jersey was sworn in as the architect for the applicant. Ms. Podkanowicz was accepted as an expert. The main entrance of the restaurant will face Milton Avenue. There will be a blue band on the building and blue awnings. The façade facing the street and hotel will have signs on them. A total of 3 signs with 2 on the front, and 1 facing US 1&9. Each sign individually meets the code requirement in terms of the sign. The site is proposing 144 square feet of signage where the max is 100 square feet.

The restaurant has three main parts, Bar, Main Seating area, and back of the house (kitchen, storage, office space). The outside area has seating for 29 guests. It is a covered area.

Ms. Fleming asked about the outside seating and if it is heated for year-round use or will be used seasonally. Ms. Podkanowicz stated that it is intended to be a seasonal seating area. There will be no heaters.

Planner Fleming asked if this meet Arooga's design standards. Yes, it does meet their standards.

The initial signs and façade need to match the renderings shown here and at the redevelopment board sheet SD-100.

Commissioner Shipley asked what the view from Route 1&9 will be. It will be blue tone fiber cement siding with a sign on the building.

Commissioner Brown asked about the total occupancy of the restaurant. It is 331 including back of house and outside seating.

Anthony Gallerano was sworn in as the Planner and was accepted as an expert. Mr. Gallerano showed exhibit A1. The site is located in Route 1 redevelopment area. The applicant agreed to eliminate 1 bar seat so the parking required would be 78 spaces. The parking variance is no longer requested. The lot area is a non-conforming condition of the site. The maximum lot coverage is 80% where 81.7% is being sought. Maximum total signage is 100 sq feet, where 144 square feet is being requested. The maximum size per sign is 50 square feet, the signs on the restaurant are 48 square feet per sign. Negative Criteria- Preexisting condition creates a 193 sq foot deficiency. The use of porous pavement and landscaping is being used to mitigate lot coverage.

Positive Criteria- It will attract patrons from the hotels. It adds some level of walkability. It provides a restaurant option to an area where there is not many options. This promotes the masterplan goals and objectives to protect residential neighborhoods and ensure development on vacant or underutilized property, encourage walkability.

Board Planner Leigh Fleming asked if there are logos on the proposed signage. Mr. Gallerano stated there was no logo just the Arooga's sign that was proposed, there are 3 total.

The applicant's architect Ms. Podkanowicz clarified that there are 3 signs on the building. The logo in the rendering does not exist and will be updated.

Commissioner Miles asked where the main entrance will be located? Mr. Gerard Gesario believes most traffic will use the Milton Ave entrance that is shared with the hotel.

Commissioner Shipley asked where people can park if the business is very crowded and parking lot is full. Mr. Klein stated there is parking permitted on Lennington Street along the back of the hotel.

Ms. Padulo asked about data on the hotel occupancy on the weekends.

Ms. Kirpa Patel the applicant and owner was sworn in. Ms. Patel stated the average occupancy is 80-85% on the weekends. Roughly 50 cars on the lot on weekend nights. Many of the hotel guests are from Merck, who come from the airport or travel together. Ms. Patel does not feel like parking will be an issue.

The meeting was opened to the public.

Thomas Hodge, of 2074 Church Street was sworn in. Mr. Hodge is a member of the Rahway Yacht Club. He stated that the incinerator on Paterson Street services roughly 1400 trucks per day and these trucks from the plant back up on the street. He is concerned this site will back cars up onto route 1 and could become a hazard especially because the timing of the light is short. He thinks the only entrance should be on Milton Avenue. The street already gets backed up by the garbage trucks. It will not be an issue during the evening time, more lunch on weekdays.

Mr. Gesario stated they anticipate the driveway on East Milton as the main driveway. If it is difficult to use the Paterson Street entrance they do not believe people will use it.

Alexander Parker, of 735 East Milton Ave. was sworn in. Mr. Parker is the councilman for the 1st ward. He believes you will not be able to get onto the street because of the traffic in the area. There are a lot of trucks in the area. Mr. Parker does not believe it is going to fit well in the neighborhood.

The public portion of the meeting was closed.

Commissioner Gustofson motioned to approve the application.

Motion: Commissioner Gustofson Second: Commissioner Padulo

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

Motion Approved

REPORT REVIEW AND RESOLUTIONS

A REVIEW TO DETERMINE WHETHER THE PROPERTY KNOWN AS 329 NEW BRUNSWICK AVE. (BLOCK 276 LOT 10) IS IN NEED OF REDEVELOPMENT INVESTIGATION REPORT

Planner Leigh Fleming introduced the report. This study is for 329 New Brunswick Avenue. This site is 25.6 acres. The property contains a 200,000 square foot building. It has 12 tenant spaces. The site was previously used for API Foils. It has now transitioned into a warehouse space and has been altered through multiple additions. This site is substandard and in poor condition. The roof and beams are deteriorating. Multiple areas of the building have water leaks. This includes the roof leaking and plumbing leaks. There are vacant areas of the building. The loading dock does not have appropriate space for forklifts to operate and there is water pooling at the bottom of the sloped loading areas. This creates an unsanitary condition and can also deteriorate the foundation of the building. Both criterion

A and D of the LRHL are both met based on these findings. The site has obsolete improvements such as loading in the front yard and also faulty arrangement and design, as well as insufficient space for vehicles to navigate. Utility poles have been hit at this site due to insufficient space. There is excessive land coverage from the building. There is no storm water management system. Ms. Fleming believes it is fit for redevelopment under both criterion A & D.

Commissioner Shipley believes this site probably does need to be redeveloped.

Commissioner Gustofson stated he is concerned that cars go around trucks that are waiting to go into the docks which creates a hazard on New Brunswick Ave. He is also believes there are many unsafe factors in the building.

Commissioner Mojica asked about the remediation that would be required to make improvements to the site.

Board Planner Leigh Fleming stated that site remediation would come into play based on the redevelopment plan. She also believes the installation of proper stormwater management will improve the site.

The meeting was opened to the public.

The public portion was closed.

Attorney Kemm stated the resolution would need to be recommended to city council. This is a non-condemnation area. The city does not have the right to take this property.

Commissioner Shipley motioned to approve the resolution to designate this site as an area in need of redevelopment.

Motion: Commissioner Shipley

Second: Commissioner Gustofson

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

Motion Approved

A REVIEW TO DETERMINE WHETHER THE PROPERTIES, KNOWN AS 66-73 E MILTON AVENUE (BLOCK 312, LOT 1.01), 97 E MILTON AVENUE (BLOCK 312, LOT 3), 1348 PIERCE STREET (BLOCK 312, LOT 4.01), 1340 PIERCE STREET (BLOCK 312, LOT 4.02), 1334 PIERCE STREET (BLOCK 312, LOT 4.03), AND 1349-53 FULTON STREET (BLOCK 312, LOT 4.04)(COLLECTIVELY THE “STUDY AREA”), QUALIFY AS AN “AREA IN NEED OF REDEVELOPMENT”

Susan Gruel, of Heyer Gruel and Associates, 236 Broad Street Red Bank, NJ was sworn in as a Planner and was accepted as an expert.

Attorney Kemm stated that this is a condemnation area. Ms. Gruel explained that the 6 parcels of land were studied. Four of the parcels meet criterion A. Block 312 (Lot 3 97 E. Milton), (4.01 1348 Pierce St), (4.02 1340 Pierce St) and (4.03 1334 Pierce Street). These sites are uninhabited and cannot be used. The structures are unsafe and interior hazards exist at these sites. The site is unsafe for emergency personnel to enter, and sewer and water lines were disconnected. Lot 4.04 1349-53 Fulton Street, which was formerly Mango’s grill meets criterion B: the discontinuance of the use of the building for at least two consecutive years. This building has been vacant for almost 4.5 years. Lot 1.01 65-73 East Milton Ave. is a 2 story mixed use building. It contains four retail tenants on the

ground floor and eight apartments on top. It also has 18 parking spaces on the site. This has been deemed section 3 of the statute, which is necessary for the effective redevelopment of the area. This parcel is surrounded by the other lots in the redevelopment study. It fronts on the area across from the train station. This property would be an important piece to the redevelopment. There is substantial evidence that 4 parcels meet criterion A and 1 parcel meets criterion B.

The meeting opened to the public.

The public portion closed.

Attorney Kemm explained there is a resolution based on this testimony. This is a condemnation area in need of redevelopment.

Commissioner Gustofson motioned to approve the resolution to designate this site as an area in need of redevelopment.

Motion: Commissioner Gustofson Second: Commissioner Brown

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

Motion Approved

MEMORIALIZE

Dornoch Rahway II Urban Renewal
84 Monroe Street
Application #9/23
Block 318.01 Lot 1.01
Amended Preliminary & Final Major Site Plan

Motion: Commissioner Mojica Second: Commissioner Padulo

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

Motion Approved

MINUTES: Any necessary changes to the Planning Board meeting minutes of July 25, 2023 shall be made and approved by action of the Commissioners

Motion: Commissioner Shipley Second: Commissioner Miles

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

Minutes Approved

Commissioner Miles made a motion to adjourn the meeting.

Motion: Commissioner Miles

Second: Commissioner Mojica

Yes: Commissioners Miles, Mojica, Padulo, Simon, Shipley, Gustofson, and Brown

No: None

Abstain: None

Absent: Commissioners Robinson, Hering and Cladek

ADJOURN: There being no further business; the meeting was adjourned at 9:08pm.