

**PLANNING BOARD  
MEETING MINUTES  
NOVEMBER 24, 2020**

**CALL TO  
ORDER**

The regular meeting shall be called to order at 7:02 p.m.

Via ZOOM Teleconference Link:

<https://us02web.zoom.us/j/7373206419?pwd=STZFRIBTRUVqTFk5MEp5Y1BhV2c0QT09>

Meeting ID: 737 320 6419

Password: 922644

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**FLAG SALUTE**

The Board saluted 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. Jeffrey Brooks, Mayor's Designee  
Mr. Michael Pakay, Commissioner  
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 Kemm, Esq, Board Attorney  
Ms. Jacqueline Dirmann, Board Engineer  
Ms. Leigh Fleming, interim Board Planner for November Meeting  
Ms. Ann Marie Williams, Board Secretary

\*Absent from this meeting were Commissioners Mojica, Spallone and O'Reilly. Mayor's designee represented the Mayor.

Chairman Robinson opened the meeting with the regulations and reading of the agenda into the record. The following action took place.

**SWEARING IN OF BOARD PROFESSIONALS:**

Chairman called upon attorney Thomas Malman representing Merck for their application requesting Preliminary Major and Final Major Site Plan approval.

City attorney confirmed that the applicant was ready to be heard. Malman described the application and called Nick Rotonda who was sworn in and accepted as Engineer. Rotonda went over Exhibit A1 which was an aerial of the entire site with a focus on the front entrance facing Scott Ave. Exhibit A2 depicted the proposed conditions that require no variances. Exhibit A3 was a color rendering of the site. Attorney and Engineer touched on all the points on the professional reports and agreed to all the conditions noted.

Floor opened to questions from the Board Commissioners.

Commissioner Shipley complimented the presentation from Merck and asked if they would consider extending the trees to Scott Avenue to update the appearance of that street. Engineer advised that the trees in the rendering are the same as what will be planted and as they grow you will see less of the lot on Scott Ave. There being no other questions, Malman gave his closing summary referencing the site as an improvement to the entrance and thanked the Board.

**Motion: Commissioner Hering                      Second: Commissioner Brooks**  
**Yes: Commissioners Brooks, Pakay, Simon, Shipley, Cladek, Brown, Hering and Robinson**  
**Absent: Commissioners Spallone, O'Reilly and Mojica**  
**Abstain: None**  
**Application was approved**

Board Attorney Kemm explained the procedures on how a closed session is handled.

**Motion: Commissioner Brooks                      Second: Commissioner Simon**  
**Yes: Commissioners Brooks, Pakay, Simon, Shipley, Cladek, Brown, Hering and Robinson**  
**Absent: Commissioners Spallone, O'Reilly and Mojica**  
**Abstain: None**  
**Motion made to move to closed session at 7:50pm**

Kemm explained that the applicant advised the professionals that he was not happy with the conditions agreed upon during the board meeting. They are asking for the meeting to be re opened to explain why the conditions they agreed to do not work. The Board can decide to allow them a new hearing; or, the Board can decide not to which means the resolution will be memorialized as is. The Board is within their right to keep the conditions and the law supports the decision

Commissioners discussed and it was decided that Bed Bath and More (52 Walters Street) would be allowed to come before the Board again to discuss the changes they propose to the resolution.

**Motion: Commissioner Simon                      Second: Commissioner Hering  
Yes: Commissioners Brooks, Pakay, Simon, Shipley, Cladek, Brown, Hering and Robinson  
Absent: Commissioners Spallone, O'Reilly and Mojica  
Abstain: None  
Motion made to have the applicant Bed Bath and More (52 Walters Street) return to the Board.**

Closed session was finished at 8:29 pm. Regular meeting resumed at 8:30 pm.

Board Attorney Kemm advised that the Board went into closed session to discuss a matter that fell under privilege. Resolution for Bed Bath and More (52 Walters Street) will not be memorialized at today's meeting.

Motion made to approve the resolution of the Planning Board of the City of Rahway memorializing the action of the board on the application of ACV Environmental Systems, Inc for amended preliminary and final major site plan approval.

**Motion: Commissioner Simon                      Second: Commissioner Hering  
Yes: Commissioners Brooks, Simon, Shipley, Brown, Hering and Robinson  
Absent: Commissioners Spallone, O'Reilly and Mojica  
Abstain: Commissioners Pakay and Cladek  
Resolution was memorialized**

Motion made to approve the minutes from the Planning Board June 9<sup>th</sup> 2020 Meeting.

**Motion: Commissioner Simon                      Second: Commissioner Brooks  
Yes: Commissioners Brooks, Pakay, Simon, Shipley, Brown, Hering and Robinson  
Absent: Commissioners Spallone, O'Reilly and Mojica  
Abstain: Cladek  
Minutes were approved**

Motion made to approve the minutes from the Planning Board October 27<sup>th</sup> 2020 Meeting.

**Motion: Commissioner Simon                      Second: Commissioner Shipley  
Yes: Commissioners Brooks, Simon, Shipley, Brown, Hering and Robinson  
Absent: Commissioners Spallone, O'Reilly and Mojica  
Abstain: Commissioners Pakay and Cladek  
Minutes were approved.**

**ADJOURN:** There being no further business; the meeting shall adjourn.

**Motion: Commissioner Simon**

**Second: Commissioner Brooks**

**Yes: Commissioners Brooks, Pakay, Simon, Shipley, Cladek, Brown, Hering and Robinson**

**Absent: Commissioners Spallone, O'Reilly and Mojica**

**Abstain: None**

**Meeting was adjourned**

Meeting ending at 8:39 pm

