

SP Zoning Bd. Receives Court Backing, Gives Approvals

By FRED T. ROSSI
Specially Written for The Scotch Plains-Fanwood Times

SCOTCH PLAINS — The township's zoning board of adjustment last week granted multiple approvals to residents and congratulated the board attorney for his efforts that resulted in a judge upholding the board's denial last year of an application by Cumberland Farms to expand and upgrade the Gulf gasoline station it owns on Route 22.

Board members congratulated board attorney Vincent Loughlin, who represented the zoning board in a suit filed last year by Cumberland Farms after the board rejected its application to renovate the Route 22 Gulf station.

Two years ago, in the face of neighborhood opposition, the zoning board had initially denied Cumberland Farms' application, which called for additional gas pumps and the installation of a canopy. Later in 2005, the board allowed the submission of a new application, but rejected it last year after hearing from neighborhood residents who spoke in opposition, saying the expanded station would be detrimental to the neighborhood and complaining about the way the property is maintained at present.

In a decision issued on April 16, Union County Superior Court Judge Ross Anzaldi noted that "[judicial] review of the decision of a Planning Board or Board of Adjustment ordinarily is limited," stating that "[a] board's decision is presumptively valid and is reversible only if arbitrary, capricious and unreasonable. This presumption of validity is extended to boards of adjustment recognizing that they possess special knowledge of local conditions and must be accorded wide latitude in the exercise of their discretion."

Noting that Cumberland Farms required a use variance in order to expand

a non-conforming use — given that the gas station is located in an R-2 residential zone — Judge Anzaldi said Cumberland needed to show that the proposed use "promotes the general welfare, and is particularly suited for the site." Cumberland also had to "show that the use will not substantially impair the purpose and intent of the zoning ordinance, or constitute a substantial detriment to the public good."

The judge stated, "The installation of a large, illuminated canopy and tripling of gas pumps is not decreasing nonconformity or increasing compatibility within the zone in question."

Cumberland Farms argued that the board had not presented its witnesses or experts to refute testimony regarding the proposed canopy, but Judge Anzaldi said that "the visual impact of the canopy upon neighboring residents...is not a scientific or technical issue that requires expert testimony," and is not "outside the acumen of lay persons."

Jeffrey and Tricia Noonan received approval to build a deck at the rear of their home at 2054 Algonquin Drive. A variance was required for the 20-by-12-foot deck because it would result in a rear-yard setback of 18 feet; the minimum is 30 feet. The Noonans told the board that the deck, which would sit two or three feet above ground level, would allow them to easily access a rear door to their home.

Board member Mary Thompson called it "a significant improvement" to the present situation, in which a ground-level concrete patio makes accessing the rear door difficult.

The board also granted a variance to Robert and Janet Morman of 1151 Cooper Road to retain an existing 12-by-20-foot shed on their property that does not meet the minimum side-yard setback of 30 feet.



Wayne Baker for The Scotch Plains-Fanwood Times
SPHYGMOMANOMETER IN USE...Health Department Nurse Susan Higgins checks Scotch Plains resident Ruth Grau's blood pressure at the Scotch Plains Library on Tuesday. Ms. Higgins visits the library monthly to check area residents' blood pressure. Similar programs exist in most area towns.

Fanwood Celebrates Arbor Day at Carriage House

FANWOOD — Fanwood Mayor Colleen Mahr and the Park Middle School Environmental Club participated in this year's Fanwood Arbor Day program held at Carriage House Park on May 2. Mayor Mahr spoke about the importance of trees in the suburban environment. She announced that for the 14th year in a row, Fanwood has been named a Tree City USA by the National Arbor Day Society.

At the event, the environmental club potted 50 eastern redbud seedlings that were given away to those in attendance. According to club

advisers Peggy Brown and Lori Skoller, the club is composed of 48 middle-school students who work on environmental projects each week after school.

The Arbor Day program was sponsored by the Fanwood Shade Tree Commission, which is a group of eight volunteers who oversee the maintenance of Fanwood's community suburban forest. Also on hand was certified tree expert Jeanne Kavinski, who answered questions about tree planting and maintenance. Fanwood Councilman Dave Valian was also present to lend his support.

Fanwood Council

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Mahr. "If we don't send out tax bills, we don't take in money, and we need [money] in order to keep the borough running smoothly."

Mrs. Mitchell said "actual" tax bills, rather than estimated ones, would be prepared as usual for the fourth quarter, plus or minus any difference when the third-quarter bills are revised.

"If you have any questions, you know you can just call us," the mayor said. A notice will also be published in the upcoming *Fanwoodian*.

In other business, Planning Board Chairman Greg Cummings spoke about the proposed Transfer of Development Rights (TDR) program during the meeting's public comment portion.

Mr. Cummings said the planning board wants to take its time in reviewing the TDR proposal.

"We have an obligation to look at a lot of details...we're trying to get through it as best we can," he said, adding that the TDR plan — if ultimately adopted — would be "a blueprint of where we see this community going in the future."

Mr. Cummings said the planning board has scheduled three upcoming meetings focusing on TDR-related issues and questions on May 14, June 18 and July 16.

Mayor Mahr said the development of a proposed TDR plan "is far from a rushed process," noting that it has been "close to two years in the making."

SP Council

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household waste at their curbs.

A \$140,000 bond ordinance was introduced to finance the purchase of a new police department communications center. Police Chief Brian Mahoney had recommended the purchase during the council's budget meetings three months ago, noting that the existing system had become outdated and would be difficult to move back into police headquarters from the department's temporary trailer once renovations to the municipal building are completed.

The council approved two resolutions releasing professional services funds to be used in conjunction with a tax appeal being pursued by Shackamaxon Country Club. BRB Valuation & Consulting Services will provide appraisal services for a fee not to exceed \$10,000, while Ferriero Engineering will provide environmental analysis and engineering studies for a fee not to exceed \$8,500.

At the beginning of the meeting, the council passed resolutions congratulating Justin Berger and Christopher Pflaum on achieving the rank of Eagle Scout in the Boy Scouts of America. Mayor Marks also issued a proclamation declaring today, May 10, as Robert H. Kraus Day in Scotch Plains. (See related story on Page 2.)

Altercation at WF Gathering Sends Man To Hospital

By SUZETTE F. STALKER
Specially Written for The Scotch Plains-Fanwood Times

WESTFIELD — Two men were arrested after police responded to a fight Saturday night at a party at an apartment building on the 400 block of Rahway Avenue in Westfield that sent one man to the hospital.

Sergeant Scott Rodger of the Westfield Police Department told *The Times* Tuesday that Westfield officers arrived at the scene after receiving a call at 9:54 p.m. regarding an undisclosed medical emergency.

When they arrived at the scene, the officers found "a large crowd" and multiple individuals engaged in a fight, as well as one adult male lying on the floor and bleeding inside the building, Sgt. Rodger said.

According to Sgt. Rodger, two NJ Transit officers were already on the premises when Westfield officers arrived, and were attempting to administer first aid to the victim, a 25-year-old Freehold man. He said the man had been assaulted by multiple unidentified individuals. Sgt. Rodger said he did not know if the NJ Transit officers were there in an official capacity or if they were guests at the party.

During an attempt by police to break up the fight, Freddie Melton, 24, of Rahway allegedly struck WPD Officer Joseph Martino twice in the face, causing the officer to fall and sustain a cut to his left arm. Melton also allegedly began fighting with other officers who attempted to arrest him.

Because of the size of the crowd,

Westfield police called for mutual aid to assist with the incident. Fanwood, Scotch Plains, Garwood, Mountainside, Clark and Union County units responded, according to Sgt. Rodger.

Melton was charged with aggravated assault on a police officer, resisting arrest and disorderly conduct. He was released on \$7,500 bail. A second man, Matthew Scaravaglione, 27, of Hoboken was charged with disorderly conduct and failure to disperse, and was released with a summons.

Captain Clifford Aucter of the Westfield Police Department also spoke to *The Times* about the incident, saying it took place "predominantly outside" the apartment building. He noted the injured Freehold man had been unconscious and was transported to University Hospital in Newark. Captain Aucter said the victim has since been discharged.

Westfield Volunteer Rescue Squad personnel and paramedics were called to the scene to treat those injured, including Officer Martino.

Sgt. Rodger said a man who lives at the address where the gathering was held reported that he was struck in the back of the head by another male during the altercation. The victim was treated at the scene and refused further medical attention.

Sgt. Rodger said no weapons were involved in the altercation.

Captain Aucter said the incident remains under police investigation and that he expects "there will be additional charges filed."

Police Arrest 4 for Defrauding 88-Year-Old WF Resident

WESTFIELD—Chief of Police John Parizeau of the Westfield Police Department (WPD) on Tuesday announced the arrest and charging of four individuals following theft investigations against an elderly Westfield resident. The WPD Detective Bureau worked in conjunction with Assistant Prosecutor Ann Rubin of the Union County Prosecutor's Office and the Elizabeth Police Department. Janet Garcia, 51, Richard Garcia, 26, Jacqueline Garcia, 31, and Lucia Heinz, 23, all of Pennington Street in Elizabeth, were arrested.

The arrests are a culmination of an ongoing investigation concerning the defrauding of an 88-year-old legally blind Westfield resident. The investigation uncovered that Richard Garcia befriended the victim on the pretense of trying to assist him with his day-to-day activities. During the course of their relationship, the suspects gained access to the victim's bank accounts, securities and personal property, bilking him out of more than \$100,000.

Janet Garcia was arrested and charged with conspiracy and theft by failure to make required disposition of property received, conspiracy and misapplication of entrusted property, conspiracy and theft.

Richard Garcia was arrested and charged with conspiracy and theft by failure to make required disposition of property received, conspiracy and misapplication of entrusted property, theft and theft by deception.

Jacqueline Garcia was arrested and charged with conspiracy and misapplication of entrusted property.

Heinz was arrested and charged with theft and theft by deception.

The suspects were processed and released.

On May 1, members of the Westfield and Elizabeth Police Department's detective bureaus executed a search warrant at Pennington Street and seized multiple items as evidence, including cash, computers and bank records.

The investigation is continuing, police said.



Fred K. Lecomte for The Scotch Plains-Fanwood Times
WHERE WOULD HE HAVE ENDED UP?...Loyal customers congratulate Helen and Peter Rentoulis, owners of Vicki's Diner in Westfield. Mrs. Rentoulis became suspicious when an 88-year-old customer appeared disheveled the last few times he stopped in, and described a newfound friend who was handling his finances along with running errands. Mrs. Rentoulis alerted the man's local bank and found out there were questionable activities. She alerted the police, and their work resulted in the arrest and charging of four Elizabeth residents with defrauding the elderly man.

POLICE BLOTTER

- Scotch Plains**
Tuesday, May 1, a custodian at McGinn School reported that someone damaged the picnic table located on school grounds.
Thursday, May 3, a patron at an East Second Street restaurant reported that someone stole his wallet from the table, while he stepped outside to talk to a friend. According to police, the wallet contained several hundred dollars in cash and several credit cards.
Thursday, May 3, a Park Avenue business owner reported that someone removed blank checks from his store and used them to withdraw money from his account. According to police, approximately \$200 worth of checks were cashed.
Friday, May 4, a resident of Mountain Avenue reported that someone scratched his vehicle while it was parked in front of his house.
Saturday, May 5, George Minor, 47, of Watchung was arrested and charged with possession of marijuana. According to police, officers responded to a disturbance call on Front Street and found Minor yelling in the street. After an investigation, the marijuana was discovered and Minor was taken into custody where he was processed and released, police said.
Sunday, May 6, Robert Henry, 44, of Plainfield was arrested for an outstanding warrant after a motor vehicle stop. Henry could not post bail and was transported to the Union County jail.
- Fanwood**
Wednesday, May 2, Jaunita Demory, 38, of Newark was arrested on an outstanding Newark warrant after a motor vehicle stop on Terrill Road.
Friday, May 4, Denise L. Strickland, 61, of Somerville was arrested following a motor vehicle stop for an outstanding Watchung warrant.
Friday, May 4, Luis A. Franco, 35, of Woodbridge was arrested for an outstanding Newark warrant after a motor vehicle stop.
Friday, May 4, a 15-year-old male juvenile was arrested and charged with possession of marijuana and a 14-year-old male juvenile from Scotch Plains was arrested and charged with disorderly conduct at the Fanwood Train Station after a field investigation.
Friday, May 4, sometime between the hours of 7 a.m. and 5:45 p.m., someone slashed the tires of three bicycles parked and locked at the Fanwood Train Station.
Saturday, May 5, Gerald Bishop, 50, of Newark was arrested on an outstanding Union County Sheriff's no-bail warrant after a motor vehicle stop. He was released to the Union County Sheriff's Department, police said.
Tuesday, May 8, Bill Vasbas, 47, of Scotch Plains was arrested on an outstanding Carlstadt warrant after a motor vehicle stop on South Avenue.
- Mad-Hatter Hits 14th Bank Since September**
AREA — New Jersey's mad-hatter bank robber hit again last Thursday afternoon at the Commerce Bank on Ridgedale Avenue in Cedar Knolls in Morris County. The robbery occurred at 12:50 p.m., according to the Union County Prosecutor's Office.
Based on surveillance photos taken at the bank, the prosecutor's office confirmed that it was the same man who has robbed a total of 14 banks in Union, Morris and Essex Counties since September 2006. Of the 14 banks, 10 have been Commerce Banks. The robber has also hit HSBC, Chase, Washington Mutual and Hudson City Savings banks.
The robber wore his trademark hat, this time a powder-blue baseball-style cap with an orange and blue emblem, authorities said. He also wore a powder-blue windbreaker and dark pants.
As he had in the past, the mad-hatter showed the teller a note demanding money, but did not show any kind of weapon. The teller gave him \$2,820. Authorities said he told the teller only "Hurry up. Hurry up."
- Mountainside**
Friday, May 4, Carlos Bolvito, 23, of Bound Brook was stopped for displaying passenger plates on a commercial vehicle and arrested for failure to provide proof of legal residence and proof of insurance.
Saturday, May 5, Matthew J. Reino, 18, of Berkeley Heights, and Adam M. Witzburg, 18, of Berkeley Heights were arrested and charged for possession of alcoholic beverages and being under the influence while under the age of 21.
Monday, May 7, Mark J. Depaola, 45, of Colonia was arrested and charged for refusal to submit to a breath test and later arrested for operating a vehicle while under the influence of alcohol. According to police, he was processed and released according to John's Law.
- Westfield**
Saturday, April 28, Brian C. Gatesy, 26, of Springfield was arrested and charged with driving while intoxicated (DWI) following a motor vehicle stop at Woodland Avenue and Cherry Street. He was held until sober.
Saturday, April 28, Susanne G. Prestinzi, 36, of Westfield was arrested and charged with possession of drug paraphernalia and possession of a hypodermic needle and syringe at South and Summit Avenues. She later was released with a court summons.
Saturday, April 28, Mike Martinez, 21, of Somerset and Andre Doyle, 21, of New Brunswick were arrested and charged with possession of less than 50 grams of marijuana following a motor vehicle stop at South Avenue, West, and Downer Street. Both were released on their own recognizance after receiving summonses.
Saturday, April 28, Alexander Wnorowski, 18, of Clark was arrested at Central Avenue and Vernon Street and charged with operating a motor vehicle after consumption of alcohol under age 21. A male juvenile who was a passenger in the vehicle also was taken into custody. Wnorowski was released to a responsible individual after receiving a summons. The juvenile was released to a parent.
Monday, April 30, Nathan Rhodes, 44, of Irvington was arrested at the Essex County jail on a criminal warrant issued by the Westfield Municipal Court, with bail set at \$182. Rhodes was committed on default of bail to the Union County jail.
Monday, April 30, Jaquon A. Larkin, 20, of Piscataway was arrested following a motor vehicle stop at Springfield Avenue and East Broad Street on an outstanding traffic warrant out of Piscataway. Larkin was released after posting \$145 bail.
Monday, April 30, Michael Stemler, 37, of Morristown was arrested and charged with DWI following a motor vehicle stop at Elm and East Broad Streets. He later was released to a responsible individual.
Tuesday, May 1, Michael Wewna, 23, of Garwood was arrested and charged with the theft of rolls of quarters totaling \$50 from his place of employment in the 100 block of Elm Street. Wewna was released on his own recognizance with a May 17 court date.
Wednesday, May 2, Brian Lederman, 22, of Westfield was arrested and charged with DWI at Central Avenue and Sycamore Street. He subsequently was released to a responsible individual.
Wednesday, May 2, Marquis Reif, 22, of Plainfield was arrested on the 200 block of Cacciola Place on a Plainfield traffic warrant. He was turned over to Plainfield police in lieu of \$433 bail.
Friday, May 4, Matthew Timko, 18, of Union Township was arrested in a municipal lot behind East Broad Street businesses and charged with possession of less than 50 grams of marijuana. He was released on his own recognizance.
Saturday, May 5, a resident of the 1200 block of Rahway Avenue reported that someone threw a glass bottle through the back windshield of her motor vehicle while it was parked in the street in front of her house.



Nordette N. Adams for The Scotch Plains-Fanwood Times
SWEARING IN...Scotch Plains-Fanwood School District Business Administration Administrator Anthony DeSordi, left, swears in, left to right, re-elected board member Robert O'Connor and newly elected members Nancy Bauer and Jane Costello.

SP-F Board of Education

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"got it right" on that policy.

In his remarks, Mr. Nowlin said, "I didn't realize I was in so many disagreements."

Board members applauded Mr. Russo for his fairness, guidance, bluntness and work on rewriting and updating district policies.

"We seldom saw eye-to-eye, but you were always patient to hear me out," board member Betty Anne Woerner told Mr. Russo.

Mrs. Nelson said Mr. Russo has an ability to look at issues from all angles, and that he brought a "really strong understanding" of the Scotch Plains-Fanwood community because "he was raised here."

Board member Sasha Slocum said she appreciated Mr. Russo's guidance, but also liked the way he would "cut to the chase and say exactly the way it is on the table" and how he feels.

Mr. O'Connor said he liked how Mr. Russo handled the public and gave everyone a chance to "speak their piece."

Others spoke of his sense of humor and said he is a good storyteller.

Per his statements in previous board meetings, Mr. Russo plans to work with the Scotch Plains-Fanwood Education Foundation to raise money for

the district now that he has retired from the board.

Scotch Plains Mayor Martin Marks stood during the public comments period and said that he sometimes watches "Dirty Jobs" on the Discovery Channel and has thought about calling the host to say, "You know, you might want consider being a board of education member for a week, especially during budget time."

He said it appears to be a thankless job, but that members get gratification by seeing the work they've accomplished. He thanked both Mr. Nowlin and Mr. Russo for their service and congratulated the new members who joined the board.

According to the mayor, Mr. Russo, who is an attorney, has worked as the Scotch Plains public defender and currently is the township prosecutor.

Mr. Russo said, "I learned something from every person with whom I served."

In regular board business, members heard a request from Scotch Plains resident John Devall, who wanted to use high-school facilities for a charity event. The administration previously denied his request to put on a family-oriented wrestling show through a fundraising group in order to raise money for another event presented by his own nonprofit group, the Newark Bait and Fly Casting Club (NBFC).

He said the NBFC provides a fishing field trip for children with physical and mental disabilities each year, and wanted to raise funds to offset the cost of the event.

Superintendent of Schools Margaret Hayes said the district sent Mr. Devall an e-mail detailing its reasons for the denial. According to Mrs. Hayes and Mr. DeSordi, district policy only allows groups directly affiliated with the schools to use its facilities, and while they applauded Mr. Devall's charitable efforts, they could not allow a third-party fundraising group access to facilities.

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