

**Planning Board Minutes
Borough of Kenilworth
February 12, 2015**

The meeting began with an affirmation of the Open Public Meetings Act. The schedule of meetings is on file in the Borough Clerks' office, was posted on the bulletin board, and has been mailed to the Cranford Chronicle, the Kenilworth Leader, and the Star Ledger.

Pledge of Allegiance was led by Rich Picerno.

Roll Call: Present: Ms. Bogus, Mr. A. Pugliese, Mr. S. Candarella, Mr. Cuppari, Mr. Mazzeo, Mr. Manee.

Approval of January 8, 2015 Minutes

Motion was made by Mr. Candarella, seconded by Mr. Pugliese. All in favor.

Approval to pay Recording Secretary

Motion was made by Mr. Cuppari, seconded by Mr. Pugliese. All in favor.

Communications: None

Resolutions:

Application #348 & 4-16, 50 Boright Avenue, Block 6, Lot 6, Site Plan and Variance.

Motion made by Mr. Candarella, seconded by Mr. Manee to approve this resolution for **Application #348 & #4-16**.

Roll Call: Ms. Bogus, Mr. A. Pugliese, Mr. Candarella, Mr. Cuppari, Mr. Mazzeo, and Mr. Manee.

Motion made by Mr. Candarella, seconded by Mr. Mazzeo to approve a resolution appointing **Ernest Bongiovanni** as Kenilworth Planning Board Attorney for year 2015. Roll Call: Ms. Bogus, Mr. A. Pugliese, Mr. Candarella, Mr. Cuppari, Mr. Mazzeo, and Mr. Manee.

Motion made by Mr. Candarella, seconded by Mr. Cuppari to approve a resolution appointing **Shamrock Enterprises** as Kenilworth Planning Board Planner for year 2015. Roll Call: Ms. Bogus, Mr. A. Pugliese, Mr. Candarella, Mr. Cuppari, Mr. Mazzeo, and Mr. Manee.

Motion made by Mr. Candarella, seconded by Mr. Manee to approve a resolution appointing **Harbor Consultants** as Kenilworth Planning Board Engineer for year 2015. Roll Call: Ms. Bogus, Mr. A. Pugliese, Mr. Candarella, Mr. Cuppari, Mr. Mazzeo, and Mr. Manee.

Mr. O'Brien and Mr. Gallerano were sworn in by Ernest Bongiovanni.

New Business:

Application #350 Site Plan & #4-19 Variance
JAF Gifts 40 Boright Avenue

Mr. Joseph Paparo, Hehl & Hehl

Mr. Papara appeared on behalf of the applicant, JAF Gifts, Inc.. The application is a request for Site Plan and Variance approvals in connection with the property located at 40 Boright Avenue. The property consists of a multi-tenant industrial building, the application is a change in tenancy. There is approximately 31,433 sq. ft. of space which the applicant is proposing to occupy to conduct its business which engages in the packaging and warehousing of home furnishing and gift items. He will have a representative of the company come forward and briefly explain the day to day operations, the hours and staffing. He said as far as variances, there is an existing non-conforming front yard set-back regarding the building and an existing non-conforming lot coverage. He said obviously both of those conditions exist today and are unaffected by this application, there is no significant construction. For site improvements there is a new concrete walkway leading to the front entrance that is proposed and there is also a rear exit door and stairs that will be discussed by the engineer. The building footprint is not increasing, there is no change to the size of the structure. Space will become available, there are two tenants in the building currently, one of the tenants is downsizing and taking less space which frees up some space for JAF Gifts to occupy. As circumstances would have it, the business that is in there now engages in a similar business so from a parking prospective, it is really apples and apples. That space which is utilized now by the present tenant Unified is taking less space and JAF is coming in doing essentially the same thing. The site currently has a parking deficiency, according to your code, based on the square footage, the industrial uses of your code requires a certain number of parking spaces and today that number is less than was required, no impact based on the usage, it is going to be a continuation of that status quo.

Mr. Paparo said you will hear the testimony from JAF Gifts that they have a limited number of employees and the fact that the majority of their business involves off site activity. They do not receive a lot of customers or vendors there is not a lot of activity to the site, that testimony will justify and warrant the granting of the parking variance that we have noted. He said that is pretty much the overview, he did receive the reports from your professionals and they are prepared this evening to address those issues. In response to Mr. O'Brien's report, he has two handouts that he provided since there were questions regarding the new door and what it would look like. He had an architect quickly put together a sketch. We will introduce that as an exhibit when the presentation warrants it. He said that is all he has and if anyone has any questions, he will certainly entertain them.

Michael Lanzafama, Engineer

Mr. Lanzafama said he is a licensed professional engineer in the State of New Jersey and he is a principal with the firm of Casey & Keller, Inc., 258 Main Street, Milburn, NJ. Mr. O'Brien said Mr. Lanzafama has appeared before this board on numerous prior occasions and if he is currently still licensed the board may wish to accept him as an expert in his field. Mr. Lanzafama said he is still licensed. Mr. Paparo asked Mr. Lanzafama if he worked in conjunction with this application to prepare the necessary site plan? Mr. Lanzafama said yes he was engaged to prepare an existing condition survey of the property as well as a site plan indicating the location of the new tenant within the building. The building is located at 40 Boright Ave, Lot 5, Block 6 and is located in the Industrial Zone. It is a 2.94 acre site located between Boright Avenue to the north and Lafayette to the south and it is some distance west of 14th Street. The building coverage overall is approximately 74,000 square feet which puts it at a building coverage of 57.81%. Your code limits the coverage within this zone to 55% so it currently exceeds the existing building coverage allowance by 2.81% but as Mr. Paparo pointed out there are no plans to expand the building at this time so this is an existing non-conforming condition. The overall lot coverage is just over 114,000 sq. ft. which puts us at 89.15% where 85% is allowed within this zone, again an existing condition that is non-conforming. He said however as part of this plan we will be removing some asphalt and proposing some new landscaping at the westerly driveway coming in off the cul-de-sac at the end of Boright. This will reduce the existing coverage somewhat. He said in Mr. O'Brien's memo he asked if we could remove even a little more asphalt and plant a little more green space in that area and we will be happy to do that and we will submit an amended plan to him for his review and approval.

The overall dimensions of the property, the frontage along Boright is over 522 ft., along Lafayette it is 500 ft. and it is about 262 ft. deep from Boright to Lafayette. The existing building set-back non-conformity that exists only occurs at the portion of the building immediately adjacent to the cul-de-sac. A 10 ft. front yard set-back is required under the code and this building is currently at 5.97 ft.

The majority of the building is set-back well in excess of the 10 ft. requirement, it is set-back over 33 ft. The building is also compliant with regard to side yard set-back as well as the set-back to Lafayette Avenue. He said the tenant on the eastern end was originally occupying the majority of the building, there is a carpet manufacturer/distributor called Pavor Associates located in 10,000 sq. ft. on the western end of the building. Due to the economy, this tenant has decided to reduce their operations and condense their space and that opened up about 31,433 sq. feet in the central portion of the building. The owner of the building, Mr. Rice was able to get JAF Gifts to lease the space, however to make it usable for them, they required a new front entrance which would be located off of Boright Avenue and a rear entrance into the loading docks. There are a number of loading docks, 2 are located immediately to the east of the new staircase at the rear and there is an additional loading space located on the western end of the tenant's space. The parking demand for this building under the code is 148 spaces, currently on site there is parking available for 71 cars but currently it is striped into a portion of the Lafayette Avenue right of way if you took advantage of those spaces, which practically they all do, it brings the available parking to 76. The Kenilworth ordinance when applied to parking, they apply it to manufacturing, industrial and warehouse type spaces unilaterally at 1 per 500 sq. ft. In researching the parking demands for basically warehouse uses which the majority of this building is, the parking demand under the ITE and the Urban Land Institute is about 1 car for every 1500 sq. ft. He said if you applied that parking requirement to this building, you would only need about 50 parking spaces, so 71 spaces should be more than adequate. In addition, in preparation for tonight's hearing and in consultation with the existing tenants, the landlord and JAF Gifts, they have indicated to him that the existing tenant has about 25 employees at any given time at their peak period, JAF Gifts will have about 10 maximum. He said we only need about 36/37 parking spaces where we have 71 on site. He said as a result of that, he does not believe the granting of this variance is a substantial detriment to the public good or the purpose of your zone plan. He said as a matter of fact, this is an opportunity to keep the building occupied and bring employment into the community. You will get some aesthetic improvements in the additional landscaping and the new front entrance.

In response to one of Mr. O'Brien's comments regarding the refuse area, we are willing to create an enclosed screened refuse area in the loading dock area on the south side of the building to address the current issue of much debris in the rear portion of the building, which will get the whole back area cleaned up. He said with these positives, he believes they certainly outweigh any negative associated with 1) continuing the existing non-conforming conditions and 2) granting the parking variance for this tenant to allow him to move in.

Mr. Paparo asked Mr. Lanzafama if, as part of the application, they requested a number of waivers and he replied yes. Mr. Paparo asked Mr. Lanzafama if both Mr. O'Brien and Harbor Consultants reviewed those waivers and commented in their reports on the appropriateness of granting those waivers. Mr. Lanzafama said yes they were in support of the majority of those waivers, the only one that Mr. O'Brien felt strongly about was the refuse enclosure and we would be happy to comply with that request. Mr. Paparo said there was another waiver that involved the building elevations where the new door, both front entry and rear door would be installed and in preparation for response, the owner of the building commissioned an architect to provide a sketch. He presented the front door entrance elevation as **Exhibit A-1**, dated 2/12/15 and the rear entrance elevation will be labeled **Exhibit A-2**.

Mr. Paparo asked Mr. Lanzafama if he has been referring to a mounted version of his plan that was submitted to the Board? Mr. Lanzafama said yes. Mr. Paparo asked if the plan has been doctored or altered in any way and it is the exact plan that was submitted? Mr. Lanzafama said yes. Mr. Paparo asked, regarding the refuse area, do you have a general idea of where that can be located? Mr. Lanzafama said there is an area just adjacent to a concrete pad at the rear of the tenant's space near a utility pole where we can put the refuse area. Mr. Paparo asked if there was any impact with circulation and Mr. Lanzafama replied no. Mr. Paparo asked Mr. Lanzafama if he had a chance to review the reports from both professionals and he replied yes. Mr. Paparo said he believes Mr. Lanzafama's testimony regarding parking included a discussion of what the industry standard for a typical warehouse would be, he asked if that opinion is shared by the Board Engineer as well? Mr. Lanzafama said yes in Harbor Consultants report, they made a similar observation as he did in their opinion review of the parking. Mr. Paparo said he believes their report substantiated the fact that this site could accommodate the use as proposed. Mr. Lanza said yes that is correct.

Mr. Paparo asked Mr. Lanzafama if he addressed for the Board the minor improvements, the removal of asphalt to put in new landscaping, identified the new walkway entrance to the applicant's space and the rear door, there were a few remaining comments regarding the condition of one of the existing doors and the railing, do you have any issues complying with those comments? Mr. Lanzafama said he had no issues complying with those issues. Mr. Paparo asked Mr. Lanzafama is there was any other site improvement that we have not identified? Mr. Lanzafama said no, he believes that is the extent of the proposal. Mr. Paparo asked Mr. Lanzafama was there changes to grading or drainage? Mr. Lanzafama said no.

Mr. Candarella asked if the tenant who is downsizing needed a loading dock and does he have access to a loading dock? Mr. Lanzafama said yes he needs them and yes he has them. He said there are three loading docks that are located immediately to the east of the new line that demarks the two spaces, so he will have 3 and the other will have 2 and he pointed to where the 3rd one will be.

Mr. Mazzeo said on the parking when he was at the site it wasn't clear whether or not they were stripped. Mr. Lanzafama said the stripping will have to be redone in the spring, he said Mr. O'Brien mentioned that in his report.

Mr. Mazzeo asked how do you quantify the additional landscaping or green area? Mr. Lanzafama said what they did was, because they were adding the walkway and did not want to increase the impervious coverage on the site, because we were already an existing non-conforming condition, he removed some of the asphalt in the area to plant a red maple. Mr. O'Brien said why don't you just take out a little more, it is not being used for anything so they said they will put grass there. Mr. Cuppari said there is paint peeling in several sections of the building façade. Mr. Paparo checked with the owner and he said wherever there is peeling paint, they will repair.

Mr. O'Brien said he has some questions for Mr. Lanzafama but he will wait for the last witness.

Joel Friedlander – Applicant

Mr. Friedlander was sworn in by Mr. Bongiovanni.

Mr. Paparo asked Mr. Friedlander if he was the representative for JAF Gifts and he replied yes. He asked if JAF Gifts is the proposed tenant in the space at 40 Boright Avenue and Mr. Friedlander said yes. Mr. Paparo asked Mr. Friedlander to give a brief overview of the nature of his business. Mr. Friedlander said it is basically an on-line retailer and he receives items in bulk and then ships them to users. Mr. Paparo asked if he receives bulk items, repackage the items and sends them out? Mr. Friedlander said most of the time he does not have to repackage, only sometimes, but basically we just have to divide them into separate pieces and send them out individually. Mr. Paparo asked Mr. Friedlander if the average number of employees fluctuates from busy season but the average number of employees at any given shift would be 10 and Mr. Friedlander replied yes. Mr. Friedlander said the hours are usually 9am to 6pm Monday thru Thursday, Friday is a short day and they finish at 2pm and Saturday they are closed and Sundays depends, during the 4th quarter they are open all the time on Sundays and other times they are partially open. Mr. Paparo said it is his understanding that the nature of the business is such that you don't receive a lot of activity from customers, vendors and those types of people. Mr. Friedlander said yes, basically we are an on-line business so we don't receive anyone. He said currently he is on the 8th floor in Brooklyn and no one came up there, rarely someone will come by and pick up something, everything goes by UPS.

Mr. Friedlander said he is relocating his business from Brooklyn to Kenilworth. Mr. Paparo asked Mr. Friedlander if he was familiar with the building and if he had visited the building many times and Mr. Friedlander said yes. He asked Mr. Friedlander if he viewed the available parking? Mr. Friedlander said yes and that he only needs about 3 or 4 parking spaces. Mr. Paparo asked Mr. Friedlander if he was comfortable that the parking that exists on the site today is more than adequate to meet your needs? Mr. Friedlander said yes.

Mr. Candarella asked Mr. Friedlander how he will be receiving his merchandise? Mr. Friedlander replied either UPS or it comes on flat trucks. Mr. Paparo asked how often would he receive a flat truck delivery and Mr. Friedlander replied about once or twice a week.

Ms. Bogus asked what kind of gifts? Mr. Friedlander said picture frames, crystal, silver stuff, seasonal decoration stuff and they come in boxes.

Mr. Cuppari said he knows how you receive items but how do you ship them out? Mr. Friedlander said usually UPS, Fed-Ex and the postal service, sometimes we have outgoing trucks.

Ms. Bogus asked if Mr. Friedlander ships on Sundays? He replied usually not but occasionally during the 4th quarter it could happen. He said he doesn't know how Jersey works but usually UPS picks up on Sundays.

Mr. O'Brien asked Mr. Friedlander why he moved from Brooklyn to Kenilworth? Mr. Friedlander said he saw Kenilworth a few times and the neighborhood is very good, quiet and the industrial area looks nice. He said it is totally different than Brooklyn, his business was on the 8th floor and was divided between a few buildings, part of the operation was in another building on the 4th floor, they did not have their own loading docks and there was no parking. He said it is totally different here. When he started it they had a small business but things have grown. Mr. O'Brien asked if there will be new employees hired from this area or are you bringing your own people? Mr. Friedlander said usually during the 4th quarter they need people so they would hire new people.

Mr. O'Brien said to Mr. Lanzafama that he made a suggestion regarding landscaping that they continue the existing street landscaping on Boright and he asked Mr. Lanzafama if he had a chance to consider that? Mr. Lanzafama asked if he was speaking of the shade trees, the sycamores that exist? Mr. O'Brien said yes. Mr. Lanzafama said there are a number that already exist the only place where you get a little broken area is where the concrete walkway exists. He said he spoke with the owner and they also talked about possibly some hedges along the walkway, the problem is there is no irrigation on the site and we are afraid that it is going to be money tossed out the window. He said since those trees are very mature along Boright Avenue he did not see the need for an additional tree, the only thing he could see is perhaps down on the far eastern edge possibly one additional tree. Mr. O'Brien said he thinks you would be pushing it there because they are pretty well spaced in that area. Mr. O'Brien said once you get passed where the proposed walkway is, there are no trees, when you look at the photographs, the only one there is right next to the building.

Mr. Lanzafama said he will take another look at that and see where that is, maybe he missed it. Mr. O'Brien said photograph #2 on page one shows there are no actual street trees beyond roughly where the proposed walkway is, there are three trees up against the building but none on the street. Mr. Lanzafama said there is another one near the pole. Mr. O'Brien said Mr. Lanzafama did not provide his e-mail address in his correspondence and Mr. Paparo said he should have provided that to Mr. O'Brien. Mr. Lanzafama said he will double check and if there is an open spot, he will take another look. Mr. O'Brien said there is a spot for roughly 2 trees. Mr. O'Brien also suggested that where you are taking the piece out of the parking lot and putting in a Red Maple and if you take a look at picture #5, you can see there is a utility pole with overhead wires where the Maple Tree is proposed and he suggested something a little more column like rather than spreading. Mr. Lanzafama said that is acceptable. Mr. O'Brien said to Mr. Lanzafama that he was going to expand that grassy area where the no parking area is and he asked Mr. Lanzafama if he had any thoughts about his suggestion about taking out the strip between the building and the end of the circle and grassing that as well? Mr. Lanzafama said there is another door there and he said yes we could remove some of the asphalt but there is a man door there. Mr. O'Brien said the man door is near the loading dock (Picture #7) and looks about 20 ft. away from the corner. Mr. Lanzafama said yes they could get rid of some of that asphalt. Mr. O'Brien said so that is acceptable to you and Mr. Lanzafama said yes. Mr. O'Brien said the stripping might need some retouching and he asked Mr. Lanzafama if he was amenable to doing the hairpin stripping? Mr. Lanzafama replied yes. Mr. O'Brien said he has no idea what shape the parking lot is in, he asked Mr. Gallerano if he saw it pre snow, Mr. Gallerano said it is in pretty good condition. Mr. O'Brien said he has no further questions.

Motion was made by Mr. Candarella, seconded by Mr. Cuppari to open the meeting to the public.

No one wished to speak.

Motion was made by Mr. Candarella, seconded by Mr. Pugliese to close the meeting to the public.

Mr. O'Brien said that the application that is in front of the Board this evening is for a site plan and associated variances. The site plan is one that may be approved by the Board unless there would be some major problem that is against the Master Plan and ordinances. In this case you have a site plan in front of you with the variances that are identified and the bulk variances can be granted on either a hardship basis or a basis that the benefits outweigh the detriments. There is no hardship to the land or to the property or to the building itself so then the Board would determine whether or not the benefits granting the variance for parking would outweigh the detriments. After that you would take a look at whether or not it meets the negative criteria and that there is no negative impact upon the neighbors or the Borough as a whole. He said unless the Board has questions, he has some conditions the Board may wish to consider.

Mr. O'Brien said they should 1) submit a revised landscaping plan 2) a revised site plan showing the new garbage enclosure 3) restripe the parking lot where needed 4) repaint the façade where needed.

Mr. Bongiovanni said he would like to make sure we have all the exhibits. He asked if the Secretary has a complete list of the exhibits so they can be described now by the applicant's attorney and he can move them into evidence.

Mr. O'Brien said on page 1 of the Planning Report is a list of all of the submissions.

Mr. Bongiovanni asked Mr. Lanzafama to move items #1-15 on Mr. O'Brien's Planning Report into evidence as well as Exhibits A-1 and A-2. Mr. Lanzafama agreed.

Motion was made by Mr. Candarella, seconded by Ms. Bogus to accept Application #350 & #4-16 with the conditions set forth by the Planner. Roll Call: Ms. Bogus voted yes, Mr. Pugliese voted yes, Mr. Candarella voted yes, Mr. Cuppari voted yes, Mr. Mazzeo voted yes and Mr. Manee voted yes.

Comments for the good of the Board

None.

Adjournment

Motion made by Sal Candarella, seconded by Mr. Pugliese to adjourn the meeting. All in favor.

Respectfully Submitted, Kathleen Moschitta, Recording Secretary

