

REORGANIZATION MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH  
HELD ON THURSDAY EVENING, JANUARY 14, 2021.

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 Local Source, and the Star Ledger.

Pledge of Allegiance was led by Ms. Moschitta

**APPOINTMENT OF NEW MEMBERS**

Mayor Karlovitch administered the Oaths of Office to:

Lawrence Clementi, Anthony Laudati, Nick Pantina, Michael Scuderi, Louis DeMondo, Anthony Deluca and Darrin McMahon.

**ROLL CALL:** Mayor Karlovitch, Mr. Picerno, Mr. David, Mr. Finistrella, Mr. Clementi, Mr. Mazzeo, Mr. Pantina, Mr. Calello, Mr. Laudati, Mr. Scuderi, Mr. Herbolario, Mr. DeMondo, Mr. Deluca and Mr. McMahon.

**Election of Officers**

Motion was made by David, seconded by Mr. Laudati to appoint Mr. Picerno as Chairman for the Planning Board. No other nominations.

Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.

Motion was made by Laudati, seconded by Clementi to appoint Mr. David as Vice Chairman for the Planning Board. No other nominations.

Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.

Motion was made by Picerno, seconded by Mr. Pantina to appoint Kathleen Moschitta as Recording Secretary. No other nominations.

Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.

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**APPROVAL OF MINUTES**

Motion made by Mayor Karlovitch, seconded by DeMondo to approve the minutes for the December 10, 2020 meeting and the Special Meeting Minutes of December 17, 2020. All in favor.

**COMMUNICATIONS:** None

**APPOINTMENT OF PROFESSIONALS**

**RESOLUTION NO. 1**

**Motion was made by David, seconded by Pantina to appoint Mr. Rago as the Planning Board Attorney. Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.**

**WHEREAS,** pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over \$17,500 per year:

**PLANNING BOARD ATTORNEY**

**NOW, THEREFORE, BE IT RESOLVED** after review of said proposals, the Mayor's nomination of **LOUIS P. RAGO** as **PLANNING BOARD ATTORNEY** for the Year 2020 at \$1,000 per meeting, be and the same is hereby confirmed.

**RESOLUTION NO. 2**

Motion was made by Mayor Karlovitch, seconded by Pantina to appoint Mr. Rago as the Planning Board Planner. Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.

**Kevin thanked the Board and said he looks forward to another successful year. He thanked the Board for their continued confidence.**

**WHEREAS,** pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over \$17,500 per year:

**BOROUGH PLANNER**

**NOW, THEREFORE, BE IT RESOLVED** after review of said proposals, the Planning Board's nomination of **SHAMROCK ENTERPRISES, LTD** as **BOROUGH PLANNER** for the Year 2020 at \$140.00 per hour, be and the same is hereby confirmed.

**Motion was made by David, seconded by Pantina to appoint Harbor Consultants as Planning Board Engineer. Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.**

**RESOLUTION NO. 3**

**WHEREAS**, pursuant to the Fair and Open Process Rule advertisements for proposals were published in the Local Source and posted on the Borough of Kenilworth's Web Site and proposals were received and reviewed for the following Professional Service for the Year 2021 which anticipated cost will be over \$17,500 per year:

**BOROUGH ENGINEER**

**NOW, THEREFORE, BE IT RESOLVED** after review of said proposals, the Planning Board's nomination of **HARBOR CONSULTANTS** as **PLANNING BOARD ENGINEER** for the Year 2021 at \$140.00 per hour, be and the same is hereby confirmed.

Roll Call: Mayor Karlovitch voted yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Finistrella voted yes, Mr. Clementi voted yes, Mr. Mazzeo voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Laudati voted yes, Mr. Scuderi voted yes, Mr. Herbolario voted yes, Mr. DeMondo vote yes, Mr. DeLuca voted yes and Mr. McMahon voted yes.

**RESOLUTION:** Zoning Appeal #4  
Kenilworth Pizza, LLC  
522 A Boulevard  
Block 82, Lot 8

**Mr. Rago** said this resolution is for the gas station on the Boulevard and North Michigan Avenue, 636 Boulevard LLC. The Board conducted two hearings on this application and at the last meeting by a 5/2 vote it was approved. The application included preliminary and final site plan approval, some dimensional variances and a use variance for conditions that could not be met. Since this resolution was circulated, Gary Goodman, attorney for the applicant, reviewed it with his engineer Ed Dec. Mr. Rago said he forwarded 4 comments that Mr. Goodman and Mr. Dec made to the numerous conditions that we had in this resolution. He said if the Board and our consultants, our planner and engineer, agree with these modifications, he has no problem, the Board can act on the resolution as amended tonight. He can revise the resolution and get it back to Kathi. If what Mr. Goodman has set forth as these proposed modifications does not sit well with the Board or if that is not their recollection, we can talk about it. He said he is wide open.

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Mr. Picerno said as the Board knows, we usually get resolutions with enough time so we can read through them and this Board would be able to pick up on certain things that could have been missed or not missed. He said, with respect to Mr. Rago, if any Board member go this late and they don't really know or understand what is going on tonight, he would then put off this resolution until the next hearing. He said if we feel that it is OK then we can move forward....he asked for Mr. David's opinion.

Mr. David said that is fine, he also got.....Mr. Rago said if he could make one comment, he spoke to the Chairman and Kathi about this and as the Board is aware, we had 29 conditions. And at the last meeting Kevin and I agreed to put our heads together and compare notes so that we didn't miss anything and it took into the beginning of this week for that to happen. The next step was to draft it and making sure it was tied down. He said we normally have these resolutions several days ahead of time, he apologized for this one, they just had to cross the T's and dot the I's on the conditions. As you can see there are some possible not disagreements .... but clarification that may be necessary.

Mr. Picerno said Mr. Rago did call him and he told Mr. Rago to get it out there, if we can do it, let's do it, if we can't we will relook at it, he only meant it that way Mr. Rago, he did not mean you were not on top of your game, he just wanted everyone to know that because we were in crunch time, we had the special meeting and you didn't have enough time to get things done. There are some things that could be talked about in that resolution but if this Board feels, as you so eloquently stated, he does not have a problem with it, but he can only say his opinion and he can't speak for the Board, that is why he reverts back to Mr. David for some help.

Mr. David said he received the email this afternoon so he certainly did not have time, but he has no objection, if our professionals want to take a few moments to review it, and he really means a FEW moments, to go over it and we can straighten it out, that is fine, if it is going to take a half hour to go through it then his opinion is that we postpone the actual memorialization until the next meeting. Mr. Rago said the meat of this resolution is in the conditions, the verbiage just discusses generally what Mr. Dec testified to and what Mr. Meeks testified to and what Mr. Singh testified to. The conditions are where the Board wanted to nail it down. Starting on page 5, some of them are normal conditions but others may need some fine tuning, it's up to the Board.

Mayor Karlovitch said perhaps if it is not ready, we should postpone until the next meeting. Mr. Picerno said the conditions were a very important part of the application, there were 29. He said Mr. Goodman and his client were very gracious in trying to get things done and agreed to a lot of things. However, if we go back to Mr. David's request that maybe our engineer and planner give us a brief overview, very brief, maybe we can get this through. Mr. David said he would defer to Kevin and Chris, do you feel you can hash this out quickly or do you need a good amount of time? Mr. Rago said as far as he is concerned, only 4 board members will be voting, there were 5 that voted for it and 1 member is not here. So there would be 4 members voting, if these are basically site plan suggestions or comments by Mr. Goodman, if Kevin and Chris say we have looked at these 4 proposed changes and we don't have a problem with them or they refresh our recollection then he can revise the resolution, not tonight but we can do it tonight and have it modified. He said if the Board is not comfortable or if those 4 members are not comfortable then we can carry it, it is up to you. He would ask Kevin and Chris if they reviewed this and have a thought.

Mr. O'Brien said he reviewed and he is prepared to discuss. Mr. Picerno said there are only 4 items, 11, 18, 16 and 21 pertains to the light, the garbage corral and the opening which he wanted to hear a little bit more about, from the 40 ft. to 24 ft. There is a statement in there that this was the Chairman's suggestion

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so if his name was being used in there at that time he would like to elaborate on that to clear and if we can get it done now, let's do it.

Mr. O'Brien said there was a discussion on that item which you should make a decision on. Mr. O'Brien said page 6, item 11 Mr. Goodman said the applicant is replacing the light that exists and said perhaps a revision can be made in that conditions so that all new sign lighting or all existing sign lighting, basically whatever they are replacing has to be shielded in accordance with the Boards wishes, whether it is new or replacement, he said maybe you want to reword that in such a way that would accommodate that. Mr. Rago said so there is no new lighting, it is existing lighting? Mr. O'Brien said there is going to be lighting on the building, he understood, and there is going to be new lighting on the canopy so a combination of new and.....Mr. Goodman says that he is replacing the light, he thinks he is referring to the corner light on the poll. Mr. Picerno said the corner light that is on the pole, moved and replaced. Mr. Rago asked if Mr. Goodman would like to clarify. Mr. Picerno said what he remembers is that the light, the pole, everything was being changed and that was going to be a new structure, Mr. Goodman said that is correct, so that is the way it should read, not just changing the light. Mr. O'Brien said page 6, item 18, Mr. Dec showed it on the plan already, he does not think he showed the exit, he showed the entrance of the truck, Mr. Cueto said that is correct, he only showed the truck coming in, not coming out. Mr. O'Brien said we take exception to that comment.....Mr. Rago said so we leave it as is, in and out. Mr. O'Brien said, page 6, Item 16, the brick shall be contained within the refuse enclosure which would be screened with a 6' solid fence. Mr. O'Brien said the site plan did indicate that there was a brick wall that did that so that passage can be revised to show there is existing. Mr. Rago said got it. Mr. O'Brien said page 7, Item 21, the driveway on North Michigan, there was discussion about eliminating that because it was immediately adjacent to the intersection and there was discussion and the Chairman and board members contributed to that, he said he thinks you walked away thinking that it was eliminated but please give us your remembrance of that conversation, we may have missed that. Mr. Picerno asked the engineer what they heard on that evening for the driveway entry and exist. Mr. Cueto said, just to be clear, we are talking about the one that is the northern most driveway. Mr. Cueto said they were going to reduce the width of the driveway, that was his recollection. Mr. Picerno said to the width of 24' and Mr. Cueto said yes. Mr. Picerno said there was talk that we would eliminate it but we did not. Mr. Mazzeo said he agrees that we did not agree to eliminate it. Mr. Rago said are we talking about both ingress and egress on that driveway. Mr. Cueto said we did not specify. Mr. Rago said just leave it as is? Mr. O'Brien said they can still make a left out of there if they dare. One of the planning board members said he thought we were going to put a sign there and then we discussed putting a pork chop in the road so they couldn't make the left. Mr. Picerno said, so for clarity, there is still going to be 4 entrances and egresses but it is going to be reduced. We did not get rid of the one on the Boulevard. Mr. Rago said the westerly one was tightened and the other one is ingress only, the easterly one....and signage? Mr. Cueto said we talked about possible signage like no left turn. Mr. Picerno asked if everyone was on board with that?

Mr. Rago said we have the resolution with approval with the conditions, if the Board feels comfortable acting tonight, the 4 members, can adopt the resolution and he will make the changes and provide them to Kathi. It will be memorialized as amended as we talked about tonight, the North Michigan drive will go from 40' to 24', no left turn sign, brick wall enclosure is fine, he will modify that, he will keep the radius template coming in and out and on the replacing light, will be new lights .....he asked Kevin if we were talking LED? .....Mr. O'Brien said we are waiting for a lighting plan, they would replace all the lights on site and we recommended LED, they would submit a plan for Christian. Mr. Rago said he will add a lighting plan.

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Motion was made by Mazzeo, seconded by Mr. Scuderi that Application #383, 636 Boulevard, LLC, Block 86, Lot 11 be approved with the amended conditions stated by Mr. Rago. Roll Call: Mr. Picerno voted yes, Mr. Mazzeo voted yes, Mr. Calello voted yes and Mr. Scuderi voted yes.

**Oath of Office – Professionals**

Mayor Karlovitch administered the Oath of Office to Mr. Rago, Planning Board Attorney, Mr. O'Brien, Planning Board Planner and Mr. Cueto, Borough engineer.

**Comments for the Good of the Board - None**

Mr. Picerno said he is thrilled to be your Chairman again. He said, as always, he is going to do everything in his power to do the best that he can and deliver good application decisions with this Board. He said last year, sometimes he was leaning one way because he thought that was the way to go but Board members made him see things another way and that is what a Board is all about. It is not about a one man show, its not about the Chairperson or the Vice chair, it is about everything that you guys have to offer to us so we can make the best decision for the Borough. There is no one here better than anyone else, without your help and support and without the people coming forward from the Borough we can't do our job properly. He said he sometimes gets anxious and aggravated when he hears things in the street but nobody shows up to voice their opinion which can help their own Borough. He congratulated Mr. David on his Vice Chairman position and on the appointment and Kathi as Recording Secretary and said without her we would not get through these things. He thanked Kevin, Christian, Lou and Victor for all their hard work they do. He said he can't wait to work with the new Board members. He welcomed Joe aboard and said we will work well together.

**Meeting Opened to the Public**

Motion made by Mr. David, seconded by Mayor Karlovitch to open the meeting to the public.  
All in favor.

Motion made by Mr. David, seconded by Mr. Laudati to close the meeting to the public.  
All in favor.

Mr. O'Brien said we have an application next month in February for FDV Realty, 460 Boulevard, they are requesting a use variance, preliminary final site plan for retail and residential at their location.

Ms. Moschitta said the applicant has postponed his application because he will be out of the Country.

Mr. Picerno asked the Board members to notify Kathi of their vacation plans during the year because if we don't have a quorum, we can't conduct the meetings. He said if we don't have an application that is one thing but we can still hold our workshop because there is a lot to do with our Planning Board Master Plan. Mr. David will help us out with that with the committee, we have to get that moving right away. The other thing we have to talk about is our start time. Tonight we started at 7:30 and went to 8:00. Our normal start time is 6:30 for our workshop and 7:00 for our

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meeting. However he came to the Council Meeting and he noticed that what they do is a work shop and then immediately following, the meeting. He noticed that in our work shop, we are there for 15 minutes an struggling for conversation. If we could do the same thing, he would like to do that. Mr. David does not have an objection but he wondered if that is doable, because if you advertise to the public that the public meeting begins at 7PM, then in his mind you cannot start until 7. Mayor Karlovitch said it has to be advertised that it is happening immediately after. The Planning Board Secretary said if you want to change the time, we can readvertise. Mr. Picerno said it would be a good idea to start at 6:30 and after our work shop, if it goes to 7 then it goes to 7 but we should stipulate that a 7 we will go there but it will immediately follow. He said however we should all stipulate that we will have a 5 minute recess. He said if we are done at 6:45, 5 minute recess just like they did and then they reconvened. Mr. David said does the Mayor and Council ever go beyond what would be considered the work session period and then the actual meeting, if you are advertising as it starts immediately after, if we decide to take an hour for our work session???.....the Mayor said it has sometimes gone over it depends what is on the agenda. Mr. David said, that is kind of a disadvantage to applicants that have to appear, we have applications that we have to hear which is different from the Mayor and Council. He said he is not really in favor of that, unless we can say the latest the actual meeting will start is 7PM. Mayor Karlovitch said the disadvantage would be if you go done really early and you had to hear an application and they were here, it would be difficult to tell specifically what time for someone to come. Mr. David said for the Planning Board it is different from Mayor and Council meetings because we have to cater to the applicants that are coming before us. Mr. Picerno said we should leave it the way it is, 6:30 work shop and 7:00 meeting.

Mayor Karlovitch asked everyone who had their Oath of Office tonight to please sign the oaths before they leave.

Adjournment

Motion to adjourn was made by Mr. David, seconded by Mr. Laudati. All in favor.

Respectfully submitted by:  
Kathleen Moschitta  
Recording Secretary