

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, MARCH 14, 2019. CHAIRMAN RICH PICERNO PRESIDED.

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 Chairman Picerno.

ROLL CALL

Mr. Picerno, Mr. Schielke, Mr. Grimaldi, Mr. David, Mr. Pantina, Mr. Ladauti, Mr. Calello, Mr. Cuppari, Mr. Jones. Mr. Mazzeo and Mr. Kenny were absent. Also present were Mr. Lou Rago, Esq., Mr. Kevin O'Brien, Planner and Mr. Christian Cueto, Engineer.

Approval of February 14, 2019 Minutes

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

Communications: Letter received on 2/26/19 from Mrs. Savian requesting postponement of Zoning Appeal for front yard fence.

Resolution: Application #374, 1-19 Site Plan/Variance
McDonald's USA, LLC
2402 US Route 22
Block 2, Lot 1 & 2

Motion was made by Mr. David seconded by Mr. Grimaldi, to approve the resolution for Application #374, 1-19. Roll Call: Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes, Mr. Jones voted yes.

Old Business: Application #369 Site Plan
ADHP Real Estate, LLC
1700 Galloping Hill Road
Block 182, Lot 2

Motion was made by Mr. David, seconded by Mr. Cuppari to postpone Application #369 to the April, 11, 2019 planning board meeting with no further notice. Roll Call: Mr. Picerno voted yes, Mr. Schielke voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Ladauti voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes, Mr. Jones voted yes.

New Business:

Motion was made by Mr. David seconded by Mr. Grimaldi to postpone Zoning Appeal for Mrs. Savian for front yard fence until the April 11, 2019 meeting. Mr. Picerno voted yes, Mr. Schielke voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Ladauti voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes, Mr. Jones voted yes.

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Zoning Appeal #2-2 – Office Warehouse to Office

Carl Vitale, 344-346 Monroe Avenue, Glock 27, Lot 8

Mr. Rago said the issue is that a permit was denied because Mr. Herbert thinks a minor site plan is required and Mr. Vitale is of the opposite opinion. The issue is whether to proceed without a minor site plan or does he need a minor site plan and that's as far as we go. If he needs one he has to come back, if he doesn't he goes ahead.

Mr. Herbert, Mr. O'Brien and Mr. Cueto were sworn in by Mr. Rago.

Mr. Herbert, Kenilworth Zoning Officer. Mr. Herbert said he is not prepared because until late last night he was not aware of this appeal. He is familiar with the case and said Mr. Vitale had a potential client and he explained to him that what he wanted to do was a permitted use but under our Minor Site Plan ordinance Article 12, 120-12.2, under definitions it gives a list of things that would trigger a minor site plan. In Article A6 it says "a change from one conforming use to another conforming use or one office use to another office use for which there is no other variance required. He would make the parking requirements so he would not need a variance but the discrepancy is the change of use, what he knows of the previous tenant it was a warehouse facility and the tenant did some type of tax preparation during tax season, every time he went by the building and the doors were open from the front to the back was boxes, he never saw an office so he classified it as a warehouse use. He said the new applicant wants to use it for an office to dispatch his limousine drivers which he assure him they are not going to be coming to that location, they will work from their homes, the tenant wants to use the office as a dispatch center, so it is a change of use. He said per Article 6 he feels he needed to apply for a minor site plan.

Mr. Picerno asked Mr. Herbert that when he said he saw a gentleman in there preparing taxes and saw some boxes could the boxes be files of his clients that he is preparing the taxes for?. Mr. Herbert said that is incorrect, the tax preparation was a little off business from the existing tenant, the existing tenant before was a warehouse and distribution for graduation gowns, that was the primary business there and then during tax season he did small tax preparation.

Mr. Picerno said, from what Mr. Herbert is saying, the tenant with the graduation gowns also had to or must have maintained an office in order to do that business of warehousing....is that correct? Mr. Herbert said possibly, but as he stated when he looked in the front door he never saw an office all he saw was boxes from floor to ceiling. He assumed it was all warehouse.

Mr. Rago asked if the applicant was proposing any modifications to the exterior? Mr. Herbert said no modifications at all. Mr. Rago said he is looking at the minor site plan section of the ordinance and it has six items, a couple of them are not a model of clarity, but they all seem to relate to some physical change in the building, the exterior, the site itself and #6 talks about change from one conforming to another conforming and if there are no variances required....he said do you think that presumes that someone is going to do some exterior changes but no variances are required.....because if there is no site work....he knows that is what the ordinance says but it doesn't make sense? Mr. Herbert said he totally agrees He does not know why it is in that section but as the Zoning Officer he has to go by the ordinance until it's changed. He said that is why he made his determination. He said he agrees that usually a site plan is alterations to the façade of the building or the site and if it does need a variance it

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triggers it to a major site plan but for some reason this language is in #6 and until somebody tells me my interpretation is incorrect or this ordinance has changed he has to go by what is in the book.

Mr. David said reading the applicants letter he says for the first 45 years the entire bottom floor were offices, the past 3 ½ years this space was office/warehouse, since February the space is vacant. The first floor has always legally been set up front back with separate utilities but only had one tenant renting the entire first floor since the building was built in 1962, two tenants in 56 years. He would like to make the front half of the building an office, the back half will remain office/warehouse. Mr. David said something seems inconsistent with what he is hearing now based on what the applicant has written in his letter. He did not hear that there would be 2 tenants. Mr. Rago said we will hear from Mr. Vitale on that.

Mr. Grimaldi asked if we know what the property is filed as.....is it office or warehouse.....he said wouldn't that be a difference in parking requirements? Mr. Picerno said yes of course it would but the thing is that there has been something going on there for a number of years and it looks like you have some type business working out of that structure, you are going to have an office space to either do your inventory, your payroll or whatever the case may be. He said there seems to be a combination of office environment and a warehouse, he doesn't deny either.

Mr. Grimaldi asked if there was another ordinance that states if it was under 1200 sq. ft. and it was an approved to an approved we would not have to be here for things like this? Mr. O'Brien said yes on the Boulevard.

Mr. Rago asked Mr. Herbert if he saw any difference in the parking requirements ??? Mr. Herbert said when he met with Mr. Vitale and his potential new tenant by his statement in the zoning application that he wanted an office for a limousine business and it would only be him and his car and there would be no other cars coming to that location, his driver's work from their homes so he felt there definitely was not any parking impact there. He said regarding Mr. Grimaldi's question about that change of ordinance from one use to another ... that was 1200 sq. ft. and it was only in the Boulevard district it is not through the whole Borough.

Mr. O'Brien said to Mr. Herbert...what part of the ordinance are you citing in turning this down? Mr. Herbert said 120-12.2 under the definitions of a minor site plan Article A section 6. Mr. O'Brien said that is different from your Zoning Permit denial. Mr. Herbert asked if it said 225 and Mr. O'Brien said yes. Mr. Herbert said he recently was informed that in March of 2018 we changed the ordinance code from 225 Chapter to 120 and he just found this out 2 weeks ago. He said he is the Zoning Officer and he's the last one to know anything especially when it pertains to Zoning. Now he uses 120 but if you look up 225 it cites the same language. He said if you look up that ordinance under 225 and then refer it to the 120-12.2 the language is identical from what he stated.

Mr. O'Brien said just for a point of information, all the ordinances were changed in September of 2018 when they were all renumbered and re-codified and the Clerk informed everyone but he guesses Mr. Herbert. Mr. Herbert said it happens, we are all human and we make honest mistakes and he firmly believes it was an honest mistake maybe someone was told to relay the message and it didn't get to him.....so that is a mistake on his part in citing 225 and he apologized.

Mr. Cueto said he went out to the site and everything was satisfactory.

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Mr. Vitale was sworn in by Mr. Rago.

Mr. Carl Vitale, 441 North 15th Street, Kenilworth, NJ – Mr. Vitale said that when the doors are open Bob is correct that you can see boxes, he said there is a side entrance where there is an office. He asked his tenant what he applied for when he moved in and he said office warehouse. Mr. Vitale said his sister does not live around here and she lives off the income so next door was vacant and he is renting her warehouse downstairs and made that his main warehouse, he has a partial warehouse in the back which he drew on the forms that you have.....I have how it is set up now because he is the occupant in the back and that is where his office is. He said there are really no changes at all being made what so ever. The only people that he has working for him are the same people that he had when he was on my side, even though his office is in the back, he works with one girl next door and then the other girl is in the office in the back where he is. He said he does not know if the Limousine guy is going to take the space because he couldn't put him through all this.....so he did it and he will take it as his office with the hope that in the future he can rent it and then he will rent it as an office. He said he is being very clear and is not trying to hide anything, that was his intention because he has tenants upstairs and he does not want anything that is noisy or the hours are bad and with Trim Style, he looked a long time and waited till he found a tenant that would not interfere with the privacy upstairs. Mr. Vitale said it was an office/warehouse before, whether he put his office in the front or the back.... He said the whole bottom has been rented for the whole time, his father built the building and the only two tenants he has are these two tenants.

Mr. Picerno said you have always had office space in that building in conjunction with warehouse space? Mr. Vitale said no for the 45 plus years it was all office. He was there 45 years and then he painted it and put new floors in and after that was done he looked carefully to get a new tenant so that is why when one came along that happened to be Trim Styles, he felt very comfortable with them and that is why he rented to him. He said two months after that is when this ordinance came out, about 3 ½ years ago is when they came up with that ordinance on change of use and he did not know that until when he applied. He said his father built the building in 1962 and the estate was settled in 2003, his father passed away in 1991 and it has been in the family the whole time.

Mr. David asked Mr. Vitale if there were any new partitions going up in the interior? Mr. Vitale said it's the same as it's been since day one.

Mr. Ladauti said...so the limousine service is not going in there? Mr. Vitale said he has not talked to him, he does not know if he is still interested. He said if he goes in there he will not have any cars on the premises. He said he would feel comfortable with him there. He said we have never had more than 7 cars, day or night, in the parking lot and he goes by there every day and every night. He said his sisters on both sides of him have the buildings and they live far away so he takes care of it.

Mr. Cuppari said so basically what you are saying is that the office use had already existed it's just the percent is less warehouse and more office and Mr. Vitale said yes. Mr. Vitale said that is what he mentioned to Bob, he understands his point that he has to go by the ordinance.

Mr. Picerno said to Mr. Vitale that he can ask Mr. Herbert any questions. Mr. Vitale did not have any questions for Mr. Herbert and said Mr. Herbert has been fair to him.

Mr. O'Brien said to Mr. Vitale, according to his sketch, the building appears to be 1,568 sq. ft. does that sound right? Mr. Vitale said yes. Mr. O'Brien said that's the entirety of the building and Mr. Vitale said

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yes. Mr. O'Brien said the entirety of the building has 13 parking spots total so when it was built in 1962, it was built as an office, the entire building? Mr. Vitale said yes but back then it was always setup split in half so that you had the option to go what is in the use in the commercial district, over the years some of the other buildings were warehouse, at one time there was a printing shop, there were several different things, now there are offices. Mr. O'Brien said so in 1962 it was built with 13 parking spaces for the 1,568 sq. ft. and it was an office at that time and 3 or 4 years ago somebody started doing some warehousing there? Mr. Vitale said yes, it was like pick and pack where they send out graduation things. Mr. O'Brien said parking did not change? Mr. O'Brien said so now you are proposing to put this back to an office where as the last use was office with stuff in it and before that it was office and all the uses we have discussed are allowed uses? Mr. Vitale said yes. Mr. O'Brien said you have sufficient parking, the parking for an office is 1 for 250 sq. ft. so that would be 7 parking spaces and you have 13. Mr. O'Brien said if it was solely a warehouse, you need 1 space per thousand so you would need 2 parking spaces so sufficient parking is provided. He said the use that you are proposing is a use that existed and it is one that is allowed.

Mr. Vitale thanked everyone as this is the first time before the Planning Board.

Mr. Herbert asked the Board if everyone had a copy of the ordinance in front of them? Mr. Herbert asked for everyone's attention and asked that they focus on what he is going to read.... from 120-12.2 Article A6 ... Article 6 says change from one conforming use to another conforming use, or one office use to another office use for which there is no other variance required...he understands the history of the building of warehouse and office and back to office, he gets that but the ordinance clearly says one office use to another office use and that is why we are here today. He said if he is interrupting it wrong, please let's clarify it tonight so we can help other businesses that want to come to our Borough.

Mr. Pantina said he thinks Mr. Herbert did what he was supposed to do, based on the language in the ordinance however he thinks from what Mr. Vitale mentioned and what Mr. O'Brien has confirmed, he does not think we need to do anything else....he said he does not think he needs a site plan.

Mr. O'Brien said that Mr. Herbert has accurately pointed out the minor site plan ordinance which carves out a number of situations in which preliminary and final site plans are not required, however there is another part of the ordinance that should probably guide the Board and this goes back to the entire Zoning Permit Section. When an applicant comes to the Zoning Officer and requests permission to do something, the Zoning Officer has in their power several courses of action, one of the courses of action is to decide what kind of relief is necessary and send it to the Board citing either you need minor or major or variance and that follows the decision of the Zoning Officer that a relief is necessary. He said prior to that decision, the Zoning Officer has the right to find that this could fit an exemption to the site plan ordinance. He said Section 120-9.1SIC and that part of the Zoning Permit process. When the Zoning permit is issued to the Zoning Officer, they have to decide what root this thing is going to take and as part of that decision, the Zoning Officer may find that the application is so minor that it is exempt from site plan review. In this particular case, citing that section...."All applications which involve a change in tenancy but not a change in use and/or minor alterations to the site or to one or more of the building renovations shall not be required to obtain site plan approval, the Zoning Officer shall issue a Zoning Permit, after consultation with the Chairperson of the Planning Board and after the application has been reviewed by the Planner and the Engineer to verify and confirm that no variances are required and that any improvements conform to applicable Borough standards". He said this is actually part of the Zoning permit process. He said when you take a look at the application that is in front of you, and you read that part about the minor site plan which says no change and then you come to this, prior to

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the minor site plan, if there is no change, no alterations, it's an allowed use, the Zoning Officer themselves have the ability to exempt this application from site plan review, meaning that they just issue the zoning permit.

Mr. Picerno said that's a good point and he thinks we have been down this road before where we have spoken about the difference in a change of tenancy and a change of use and this is a perfect example of just that. He said he can understand some of the confusion in the way things are written and the interpretation.

Mr. David said there is a conflict in the two sections of the code, maybe at some point we should recommend cleaning up some of the terminology.

Mr. Picerno said this is typical of what the Board is working on now...cleaning up some of the terminology and he is happy to hear that we have something in front of us right now and we have to make a decision on and that is going to tell us that we have to read the fine print in our committees to not be in conflict as to what step do you take next. He said if Mr. Herbert is supposed to be reading that first, the looking at the ordinance, it could have stopped there? Mr. O'Brien said yes. Mr. David said the key word is that it could have, he could have said the opposite.

Mr. Ladauti asked if this was going to set a precedent?

Mr. O'Brien said no because every application rises and falls on the particular facts of that application. He said someone could come in with something that maybe is similar but doesn't have the same facts to it.

Mr. Picerno said Mr. Herbert pretty went by what the ordinance said. He said he doesn't think that either Bob or Mr. Vitale is at fault.....it was a reasonable interpretationnow this Board has to figure out what to do.

Mr. David asked if this was an overturning vs. upholding situation?

Mr. Rago said this is an appeal, Mr. Herbert said Mr. Vitale could not do something and needed a minor site plan, he played the cards he was dealt, he looked at the ordinance, which he said before is a little dicey, Mr. Vitale said he likes Bob but he thinks he does not need a minor site plan, one conforming use to another conforming use, no variances, no exterior changes so those are the facts. He said but this does not make any sense because what this says is that if you don't have a variance, you need a minor site plan.....it doesn't address exterior changes. He said what Kevin said does but he is not big on having minor alterations to the site, because what is minor to us might not be minor to someone else and that leave a lot of discretion. He said he thinks we need to put this ordinance aside. He said the decision is whether to adopt Bobs interpretation, from what he heard from Bob he is looking for the Board to give him some help because if 10 of these come in tomorrow under Section 6 change from one to another he is going to rule the same way and we are going to have more appeals. He said it is within our power to say we think Mr. Vitale's interpretation is more accurate and come up with a ruling that, as part of that rational to guide Bob in the future in similar situations, if someone else comes in, his view would be if we have a situation where someone comes in like Mr. Vitale and says he is going for a conforming permitted use to another conforming permitted use, I don't need any variances and I am doing nothing to the exterior, to him he does not see where a minor site plan is needed. He said if part of this ruling is Bob has a similar circumstance and something changes, if it bumps up parking down the

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road with someone else or they are going to do a new exterior then that is different then what we are deciding now.....we are deciding a very narrow scope. He said he thinks if the Board is comfortable working off of this.....under these circumstances.....and exactly similar circumstances in the future when you have conforming, no variances, no changes...we don't feel that that justifies any Zoning Officer saying a minor site plan is needed. Mr. Herbert gave a "thumbs up". Mr. Rago said many zoning officers look for guidance and Bob is interpreting this by looking at this literally and that would mean there would be a need for a minor site plan but it doesn't make any sense and if it doesn't make any sense we should not buy into it. He said what Kevin said was accurate but that leaves the door open for different interpretations of minor site plans. We need to focus on this narrow corridor and if anything in the future fits in that Bob has the ability to say no minor site plan required.

Mr. Picerno said the ordinances does not make any sense, it contradicts itself, its conflicting with what Kevin read, he thinks Mr. Vitale is caught in the middle. He said this is something that this Board has to address immediately because he does not know if we will have 10 of these in front of us in the next 10 months but he knows another one will come up and we need to, as a Board, get this one going as quickly as possible to get it over to Council to say we need to change this verbiage and get it going here how we deem it necessary. He said the way that Kevin read the other side that some minor work can be done which it should be done but it needs to be clarified, minor needs to be defined. He said that is why we formed committees and this is the first order of business to get this off the table so Bob is not caught between a rock and a hard place and the applicant is not in the same position.

Mr. Schielke said he is in agreement with everything but he would like to add that what Kevin said, which is in the beginning of the ordinance, is that the zoning officer can stop right there, without even getting into the definition of a minor site plan...Mr. Rago said if they feel its minor. Mr. Schielke said, if he recalls, that it is at the discretion of the zoning officer.....so it is minor at the discretion of the zoning officer.....so it's the zoning officer discretion of what is minor or not.

Mr. Rago said the Zoning Officer is supposed to consult with the Chairman of the Planning Board. Mr. Pantina said that is exactly what he is doing now. Mr. Rago said the way it reads is that an application comes in, an appeal comes in, zoning officer consults with Rich and Kevin and Christianhe said he doesn't like meeting with the Chairman of the Planning Board before they even come up for a hearing. Mr. Picerno said he doesn't think a meeting.....the question from the zoning officer is a valid question to see if it needs to go further. Mr. David asked if it was appropriate to ask the Zoning Enforcement Officer he is not sure first if Mr. Herbert was aware of that section of the ordinance.....Mr. Herbert indicated that he was aware of that section of the ordinance.....Mr. David said although you were aware of that section you decided to bypass it? Mr. Herbert said he has spoken to Mr. O'Brien a couple of times in the last month with the same facts and he as a Zoning Officer took an oath to uphold the Municipal Land Use Laws...exactly what you guys are discussing.....he did not go to the Chairman because he feels in his opinion that this would be a conflict because once he discusses it with the Chairman and he says....no Bob you can't approve it, it's got to go for a minor site plan.....then he will hear the case and in his opinion that is a conflict so that is another thing we have to look at He has no problem going to the planner or the engineer. He said he spoke to Tony from Harbor and he said the way the ordinance is written, he felt it did need a minor site plan, he didn't agree with it, the same as I don't agree with but it is written. We had conflicting things and being part time, he looks out for the applicants and he looks out for the landlords who own these buildings. We can't slow down economics so we need a lot of common sense here and really go through these rules. He said when the Master Plan was adopted, he was not the Zoning Officer at the time, but he had a lot of concerns. He said to the Board any time anything comes in front of you and you have committees....you have to read word to

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word, page to page, that is the commitment to the community, don't just take someone's word that it is OK because this is what happens when we do this.....somebody didn't read something because he knows all of us are intelligent enough to catch that in that section, that tells him somebody overlooked something or made another honest mistake.

Mr. David said to Mr. Herbert.....you possibly would have used the section of the code that Kevin read but for the potential conflict created by consulting with the Chairman. Mr. Herbert said yes. Mr. David said it there and he gets that and he asked Mr. Herbert..... if it wasn't there how would he have decided that a minor site plan was not needed? Mr. Herbert asked if you are asking Kevin's section citing that the zoning officer is supposed to read the first part or the minor site plan? Mr. David said yes.....if Kevin's part was there but we are taking out the fact that you are supposed to consult with Chairman which you said, the reason you did not go that route is because you felt that was a conflict, so take that out of the code, would you have made the determination up front that this did not need a minor site plan approval. Mr. David said this is a hypothetical question Mr. Herbert asked Mr. David to repeat the question. Mr. David said Kevin spelled out how the code was supposed to be approached starting with the possibility of you making the determination whether it needs minor site plan or not.....you are saying you did not make that determination because it requires you to consult with the Chairman...Mr. David said if that was no longer in the code.....what would your ruling have been.....starting there? Would you have just given a permit or would you have said.....I'm sorry you have go get a minor site plan approval? Mr. Herbert said once he spoke with the planner and the engineer and got their input and if they felt he could use that exemption code he would have done that with this application....he said for the record the Chairman was on vacation and was not available.

OPEN MEETING TO THE PUBLIC

Motion was made by Mr. David, seconded by Mr. Ladauti to open the meeting to the public.

No one wished to speak.

Motion was made by Mr. David, seconded by Mr. Pantina to close the meeting to the public.

Mr. Picerno said he feels quite strongly that no site plan is necessary for this application. He stands by the ordinance that Kevin recited before this one that is somewhat confusing. He said he would enlighten the Board that this is the main reason why we have formed the committees to get some of this confusion out and he does not think our residents should be in the middle of some of the things that are not very clear.

Mr. Schielke said that however the vote goes, after that vote is over, he would like to chat as a Board real quick and give our Zoning Officer some verbal direction of how to handle this in the future.

Mr. Pantina said he thinks he did the right thing and with the language in the first section of the minor site plan which we will probably revise and/or the second one with the exception, Mr. Herbert has the expertise to use his resources of our professional staff if he needs it and if he feels that it falls into this very nill improvement where an exemption can be used, he does have the resources to use Kevin and Christian to get further advise so he does not think it will slip through the cracks.....he doesn't think he will go willy nilly and say no site plan.

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Mr. David asked Mr. O'Brien if it read that Mr. Herbert makes that determination in consultation with the engineer and the planner....he does not make it on his own. Mr. O'Brien said correct. Mr. Pantina said that caveat is only for exemption so he is at the point in this particular case, he had the choice of writing a letter....needs a site plan.....doesn't need a site plan and we would never see it but if he wanted to go for an exemption then

Mr. Picerno said he believes 100% that the Zoning Officer should never have any conversation with the Chair at any given time pertaining to anything like this....it should go to the professionals.

Mr. Schielke applauded the Zoning Officer for his diligence.

Motion was made by Mr. Schielke, seconded by Mr. Grimaldi to overturn the Zoning Officers ruling and allow the applicant to proceed without a minor site plan. Roll Call: Mr. Picerno voted yes, Mr. Schielke voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Ladauti voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes, Mr. Jones voted yes.

Mr. O'Brien said the motion will instruct the Zoning Officer to issue a Zoning permit allowing the change in tenancy to occur.

Mr. Herbert said to Mr. Vitale that he is not going to be charged a fee but he has to re-submit the application.

Comments for the Good of the Board

Mr. Picerno said he has not been here for a few weeks because he was on vacation but in his absence, he recognized the passing of John Beninati. He was a great member of the Planning Board and this is a great loss for our town.

OPEN MEETING TO THE PUBLIC

Motion made by Mr. David, seconded by Mr. Schielke to open the meeting to the public.

Mr. Herbert said April 11th is the next appeal case and he will be on vacation. He said he gave a full report and he thinks Mr. O'Brien will agree, answers every concern and question that was on her letter for the appeal.

Motion made by Mr. David, seconded by Mr. Ladauti to close the meeting to the public.

Mr. Schielke said that the Board should give Mr. Herbert some direction based on the action tonight as far as how he interrupts this ordinance until we get this cleaned up because it could take months to clean up and get passed.

Mr. Grimaldi said the Board spoke on both sides of thatthings could be let go and create other problems if they are not looked into. He agreed with the Chairman that this cannot be brought to him the only direction to Mr. Herbert would be, until we clean this up, consult with our professionals and go with the best advice at that point.

Mr. Picerno asked Mr. Herbert to follow the format of going first to the professionals and do the best you can with what you get.

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Mr. Herbert said when he is doubt of something he personally visits the site and when in doubt he reaches out to the professionals.

Adjournment

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

Respectfully,

Kathleen Moschitta
Recording Secretary