

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, APRIL 11, 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. Mazzeo, Mr. Ladauti, Mr. Calello, Mr. Cuppari, Mr. Jones and Mr. Kenny were absent. Also present were Mr. Lou Rago, Esq., Mr. Kevin O'Brien, Planner and Mr. Christian Cueto, Engineer.

Approval of March 14, 2019 Minutes

Motion was made by Mr. Grimaldi, seconded by Mr. Schielke. All in favor.

Communications: None

Resolution: None

Mr. Picerno stated there is a Zoning Appeal on the agenda tonight and he advised Mrs. Setta Savaian that our Zoning Officer was on vacation and would not be available for questions from Mrs. Savaian. He asked Mrs. Savaian if she would like to postpone the zoning appeal and she indicated that she would like to go ahead with the appeal.

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

Mr. Gary Goodman appeared on behalf of ADHP. He said he has had the opportunity to have the second technical review meeting with the professionals, they were kind enough to grant us the time. He said he understands from the comments of the Board the last time, we have a situation where what is essential to application is the medical trailer because the medical trailer provides the diagnostic capabilities which allow the radiology components of the offices that Dr. Patel wishes to install in this building to operate at their maximum efficiency. There was testimony indicating how expensive the equipment is, the equipment is generally leased by people and there is a \$40,000 per month maintenance just to keep this type of machinery in operation. In meeting with your planner Mr. O'Brien and your engineer Mr. Cueto, it was clear that the location of the trailer is at best awkward but he thinks what was demonstrated and which will be demonstrated in testimony and your engineer and your planner will have comments is that the trailer can come into the site and leave the site without any negative impact to the neighborhood. What happens on the site is going to be the responsibility of the applicant and he will have to work to make sure that there is minimal disruption to anyone visiting the site on the weekend. He said as technology improves things generally get smaller so the size of this medical trailer which is cumbersome may come down as the years go by. He said what has to be put forward is that this is not a building of accountants and lawyers, this is a building that will be dealing

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with medical technology and diagnostic activity that have to do with the detection and treatment of cancer. He said the weekend trailer is an essential piece of equipment that we need to have on site. Mr. Goodman said his witnesses are Mr. Ed Dec, architect Bob Zaccone and Mr. Kokkalis, Mr. Lee Kline.

Mr. Rago asked Mr. Goodman if he intended to submit anything new tonight.....anything that the Board has not seen and Mr. Goodman said no...not to his knowledge. He said tonight they will be finalizing the parking number.

Mr. Picerno said he would like everyone here tonight to know that the Board has an 11:00 curfew, if we get close to 11PM and we see that this is coming to a close, we will take a quick vote to see if we would like to stay a little extra and we will do so in the sake of getting this thing completed tonight. He said if we are half way there at 10:00, we probably will not be hearing any other cases after 10:30. He said to the other applicants if you see us approaching 10PM, we will pause and we will let you know that we will probably not going to be hearing anything else.

Mr. Picerno said he is in receipt of a March 27, 2019 letter from Mr. Petriello and there are some statements that are made in the letter that he needs to address. He said the letter attacks this Board in the way ADHP was handled and some personal issues that he takes issue with. He said he would like everyone in the room tonight to know that all the people on this Board are professionals we come from construction background, engineers, insurance backgrounds, teachers, architects and whatever our backgrounds are we understand the importance of moving things along. In January the paperwork that was presented to us was incomplete and we gave the applicant the opportunity to go back, without notice, and bring us the information that was required. He is not going to get nitpicky into the two or three other items but the one that screams to me is the one that says "the Board did not care about the time and money wasted, this is further evidence that the bias of the Board against women owned businesses", that strikes him quite hard. That is such a false accusation to him personally, he has been in business for 44 years, he understands what a WBE is and he has a wife, a daughter that are in the business and we respect women 100%. To say that this Board was holding back or costing the applicant money is absolutely inaccurate. This thing started in May, 2018 and we are still here. There are some things in this letter that are accusations toward our planner which are inaccurate. He said at this point we would like everyone to know that you are going to be treated fairly as you have always been...we have done everything that we possible could to make this run seamless. We are not in the business to run up anyone's bill for professionals. He said this Board is a good Board and we work with applicants all the time, we embrace new business in our town, the work that this applicant is doing is phenomenal, we just need to get it right and that is all we try to do. He asked Mr. Goodman to take a good look at the 4 paragraphs in the letter and see how damaging those statements are to the people on this Board who are respected and who have integrity.....these damaging statements hit home. He asked Mr. Goodman to contact Mr. Petriello and retract those statements. He said that you will have a fair decision tonight whichever way it goes....but those statements are inaccurate.

Mr. Goodman that Mr. Petriello is a principal of his own law firm. He said he has been involved with the application for a number of months and it is his understanding from the applicant that he has been involved in trying to do this project for 18 months. He worked with Mr. O'Brien in other towns and has worked with Christian and his firm and have always had a very positive relationship and in his dealings with your professionals, it has only been one of respect. He said applicants get frustrated and perhaps that frustration came out in that letter, he was not part of that and said he can't retract or apologize for that.

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Mr. Rago said the Chairman is not asking you to apologize but maybe you can pass it on. Mr. Rago said as frustrated as Mr. Patel is, he can tell you the Board has been equally as frustrated to not be able to get traction and not be able to look at everything and make a decision.

Mr. Goodman said he appreciates your professionals and the efforts they put in this application. He said Ed Dec and I and Mr. Zaccone, Mr. Kokkalis and Mr. Klein have tried our best to work with them and afford them the answers to their questions.

Mr. Picerno said those statements in the letter will not be a distraction to what goes on here tonight.

Mr. Ed Dec said his engineering license is valid. Mr. Dec said the original or current existing number of parking spaces is 251, the site plan is in front of you and last dated 2/25/19 and the revised shows 257 so 251 is the correct existing number for stalls. The proposed condition after improvements are made to the site is a total of 222 stalls are proposed, 45 of those are tandem. Mr. O'Brien asked if Mr. Dec had the number of required parking spaces and Mr. Dec said the number of required parking spaces as submitted by Mr. Klein remains the same, total number required that we calculated by the spaces by need is 188 and we have a surplus of 34. Mr. Rago asked Mr. Dec when you say need 188 is that the equivalent what the ordinance requires as a minimum? Mr. Dec said no the ordinance goes by the number of square footage of the building in most cases and in that respect the number that was generated and was shown on his plan was 289. Mr. Rago said 289 would be required by ordinance by specific square footage and the 188 need? Mr. Goodman said about the Adult Daycare and the people that come for dialysis that come in other cars that don't park there. Mr. Dec said in Harbor Consultants report #6, & & 8 they have no objection to that comment and they will make improvements to the condition of the pavement and the same with the fence wherever it is broken or misaligned and we will provide stop bars and stop signs with details of the driveway openings along Galloping Hill Road and said some are shown on the February 25th plan but throughout the site we will make sure that all the stop signs are accurately placed along with the painted line striping and stop bars. Mr. Goodman asked for Mr. Dec's testimony with regard to the changes that have been made in order to get the trailer in and out. Mr. Dec said on Sheet #3.....Mr. O'Brien said the sets that the Board has of Sheet #3 are not numbered or dated.....he said he pointed that out in his report. Mr. Dec said all his plans are numbered and dated and he did not know why it wouldn't be on the Board's plans. The Board members said they were cut off. Mr. Dec said what we did on sheet E3&5 we switched the location of the ground floor and the basement floor to make it easier to understand the site was arranged. He said to the ground floor or the surface floor, the trailer we are changing the angle parking on the north easterly corner, we are going to eliminate the island and the last stall #74 and that is shown on the traffic engineers plans that were submitted, Sheets 1,2,3&4 and on Sheet 4 we have that marked out and it will make it easier for the trailer to negotiate the turn. The other major change to the site to accommodate the trailer is that we wanted the trailer to come in the entrance way along the westerly side of the property and maneuver all the K-turns and turning movements. We had to open up an area that is 16 ft. so it made that 24 ft. and that will accommodate the turning movements for the size trailer that we are proposing. Mr. Goodman asked Mr. Dec to go into the waivers being requested. Mr. Dec on Grading and Storm water Management he said the elevations of the inlets that are at the islands and throughout the site, we don't show the connection between them, the site is not changing on the square footage or aerial view of impervious coverage, we are adding another unit on another story but it is currently a concrete area so there is no change in the amount of impervious coverage so we are asking the Board for a waiver because we feel that since there is no change and the storm system is functioning and we felt there is no change. Also the grading is not changing. Mr. Cueto said under Grading and Storm water Management #3, since you are going to have a drop off at the proposed radiology/dialysis ground floor,

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there is a little nook in between the buildings, based on the architectural plans it looks like that is where some of the dropping off patients are. Mr. Dec said that is correct and that will be used as a drop off area. Mr. Cueto asked if they could add some additional proposed grades longer to show that everything is ADA, especially if there is anyone with wheel chairs in that area? Mr. Dec said they can show that as a condition. Mr. Goodman said as far as the grading we are going to grade in compliance with ADA requirements for the trailer. Mr. Dec said yes. Mr. Goodman said the final waiver has to do with utilities? Mr. Dec said we show where the electric is coming in from off site to the telephone pole and from there it goes underground and services the building from that point for electrical. The gas, water service and sanitary sewer, there is no indication above grade for those three utilities but he is sure they are there and they are working. Mr. Cueto asked for the new building? Mr. Dec said for the new building the intent was, and he believes the architect could speak to that, that it will be all internally connected from the new building to the existing. Mr. Dec said a new sheet is added for the lighting plan, Sheet #4 and it shows the diagrams and foot candles throughout the site, there is one light that is going to be repaired and all of the lights on the site are going to be replaced with LED lighting. Mr. Goodman said we will apply to all the agencies for approval. Mr. Cueto said regarding comment #11 & 12 under the Site Plan, was mentioned during the meeting that you were going to put additional No Parking signs on Saturday and Sunday along the other side of the parking lot just so that when the truck comes in to drop off the trailer there won't be any obstruction for them to get in and out. Mr. Dec said that will be put on the plan. Mr. Cueto said, he thinks this was done at the last meeting but the landscaping should be warren teed for at least 1 year along the frontage. Mr. Dec said we would have a note on that. Mr. Cueto asked to have the existing and proposed finished floor elevations onto the plan? Mr. Dec said yes and that would be related to the ADA. Mr. Picerno asked Mr. Cueto if he was speaking to conditions or implementing something else on the plans? Mr. Cueto said conditions. Mr. Picerno asked how many conditions does that make and Mr. Cueto said they are in his report. Mr. Picerno said so you have 5 so far and Mr. Cueto said yes. Mr. Goodman said there is nothing in Christian Cueto's report/recommendations that we can't abide by. Mr. Dec said other than the waivers we will abide by those conditions set forth in his review letter. Mr. Grimaldi asked the professions if they saw anything in the waivers that would be detrimental. Mr. O'Brien said the waivers requested by the applicant are shown on page 10 of his report dated February 8, 2019 and they requested waivers from items 13, 14, 22, 24, 25, 28 & 30 which talks about storm drainage plans, easements, utility lines, sanitary sewer lines, water supply lines, existing and proposed contours and landscaping and he sees no problem. Mr. Cueto said he does not see any issues. Mr. David said during past testimony we heard that there was not going to be any changes to the storm sewer lines but he also thought that when started to question about the addition that was going on then there was discussion aboutthis might have to moved and that might need to be moved.....he asked if he missed that, if we are granting waivers? Mr. Cueto said they are stating that some of the proposed utilities are going to be connected internally for the electric, gas and sewer to the existing building. Mr. O'Brien said the service is shown to the building which is what the checklist requires and because it's there and existing we did not see a need to put it on the plans. Mr. Grimaldi asked if it was safe to say that on the plans that you have, there will be no other additions to accommodate mechanical or electrical plumbing systems that aren't shown on here and if they are they would be shielded or at least presented to the Board for our approval. He said we had a discussion about fresh air vents and venting of the basement and there was going to be further determination of what was needed. He said while you are here, you don't think you need any it will probably be the architect. He said there is a generator in the back right now and that was for the endoscopic surgery unit, this is now going to be a complete medical facility, typically they would want that same type of safe guard to their power system, he asked to your knowledge now is there going to be an additional generator placed on site and if so where? Mr. Dec said yes, at the last meeting we had that shown along with the air conditioning on the westerly side of the building but we are proposing

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another generator in the same area as the existing generator. Mr. Grimaldi apologized for not noticing that. Mr. Grimaldi asked if there was any shielding associated with it or is it sitting there just like the other one. Mr. Dec said the shielding is going to be placed, by the recommendation of Mr. O'Brien, around the dumpster area we are proposing a fence but Mr. O'Brien said it is required to have a masonry type of structure around it which we will revise on our plans but around the generator he does not know if it is recommended....he thinks it need air circulation. Mr. Grimaldi said maybe that could be addressed with some landscaping and Mr. Dec said yes.

Mr. O'Brien asked Mr. Zaccone if the 289 required include the various vacant spaces that are now in the building because child care was proposed and now it is away and he believes that is listed as a vacant space. Mr. Dec said that is a good point, that would reduce the number of parking stalls required by square footage because there is going to be a vacant. Mr. O'Brien said you still have to divide.... Mr. Dec said then it is still in there. Mr. O'Brien said the vacant spaces are included in the 289 required which covers the whole square footage for the entire building? Mr. Dec said that is correct. Mr. Dec said they are not planning on any new trash compactors he said that may be an issue that would have to be resolved by the owner and the management of the building. Mr. O'Brien asked if everyone in the building put their trash in those collectors in the back? Mr. Dec said he believes there are some medical waste pick ups that are done individually and separately and from the best of his knowledge that is the central location for the trash to be collected. Mr. O'Brien said so someone on the 4th floor in the front has to go down and back to drop off their trash. Mr. Dec said he guesses it is done by maintenance crews at night, he does not know the operation. Mr. Goodman said when the building fills up with tenants there will be an evolution of how the garbage is picked up but right now it is vacant so there is no problem. Mr. Goodman said there was comment with regard to the perpetuity in regard to the plantings and we agree to that. Mr. O'Brien asked Mr. Goodman to discuss whether the plantings are drought resistant or if watering is provided and said that is #5 on his supplemental, dated April 8th. Mr. Dec said he would defer on that and when we do the revision to the landscaping plan we can take a closer look and make sure that the plants we are proposing are adequate. Mr. Goodman said the applicant has contracted with a landscaper and he assumed the landscaper will be tending to the watering of these plants. Mr. Dec said if the plants have to be replaced if they die.....it would behoove the management to make sure that they are either watered or drought resistant. Mr. Dec and Mr. Goodman agreed to #6. Mr. Goodman said regarding #8, we have kicked around various alternatives right now the applicant chooses to move forward with locating the trailer in the location that we have depicted, that may change over time. He said he thought we all agreed that this thing has to be seen in operation to see how it goes, we all discussed the competency of the truck driver who is going to haul this thing in so it may be the case that a change may be made in the future if it turns out it is impractical and the guy is unsuccessful in doing this but he believes the consensus was that it is possible to get it in and out without any damage done to the neighborhood. If it turns out there is a problem it would be the applicants problem. Mr. O'Brien and Mr. Cueto have pointed out that if we could accommodate this thing in the front it might be an easier solution but right now the applicant is choosing to locate it there, primarily for its accessibility to the very services that the diagnostic medical is essential for. He said in answer to your question, we are applying for it in its present location but we take it under advisement that if it turns out we have problems that the front location may be a good alternative in the future. Mr. O'Brien said the Board should be aware that should it not work out in the back the applicant has to come back for a revision/amendment to the site plan, it may be helpful for the Board to know that if the front is even possible at this point because if it is not a possibility because it doesn't work then that would be off the table which means the trailer would go away if it doesn't work but if it is a possibility to put it in the front should the rear not work out at least the Board would be on notice that this could be a plan B down the line. Mr. Dec said it has the length to fit the tractor and the trailer in the stalls in front

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of the building, the only question is how would those people access it from different portions of the buildings, that is something we have not looked into. Mr. Grimaldi said you discussed reducing the island on the westerly portion so that the turning radius could be made but by reducing it only by a few feet. Mr. Dec said it is a good reduction from the existing conditions because not only is the width open but the location of the parking stalls are much closer to the building so you now have a two way isle all the way through....it is not only the width is longer but also the location of stalls. Mr. Grimaldi asked if you could just stripe the end one because if need be, if you have to come back and put the trailer in the front at least you don't have to physically do anything else later on, he knows that portion of the building, always in the past, been a problem with the water proofing in the basement because that is the edge of the basement and the grade and there were many water proofing systems done to that so if you do it then it may be advantageous to do it once. He said that would be you and your clients option but this way it makes it so that when you come back, if you had to come back, you would just be asking for it to be relocated and not have to do any work to it...but that is up to you. Mr. Dec asked if he was talking about the island to the north of that parking area or the one fronting on Galloping Hill? Mr. Dec said your suggestion is well taken because we are going to be doing a modification in this area anyway.

Mr. Robert Zaccone, Architect – Mr. Zaccone said since the last meeting and at the recommendation of the Board members, we have added to our elevations and architectural screening element that is on the roof of the proposed radiation addition to conceal any anticipated air condition unit etc. We have also eliminated, due to conflicts justified between the parking spaces that he indicated on his architectural plan verses traffic engineers Klein's drawings as well so he took out all references to his parking on his drawings, so those two elements were the main elements that he addressed. He said he there are a few factors that determined recommending the trailer in that location, one is the proximity and accessibility from the patients and staff from the trailer to the radiology suite, perhaps there could be a sharing of staff escorting patients into the trailer and out again, there is a separate waiting area for that purpose and we thought that was an advantage to that. He said this is something we passed by the Department of Health for their approval. He said there are no changes to the entrance and exits. Mr. Grimaldi asked if the right hand side of the sheet A5 is that facing Galloping Hill Road? Mr. Zaccone said yes. Mr. Grimaldi asked if there was a stair and elevator adding to the front of the building? Mr. Zaccone said that was the stair and elevator originally submitted to the State agencies. He said the elevator and the stair were to service part of the building program that is no longer allowed in this building, that being acute and sub-acute, those two elements can be and will be eliminated. He said there will be no addition on the south elevation. Mr. Cueto asked if the utilities are shown on Mr. Zaccone's plans? Mr. Zaccone said they are not shown on his plan.

Mr. Kokkalis, Planner – Mr. Kokkalis said he has seen this units put in places that are really really tight and hard to get into, they are very expensive and they have very qualified drivers. He said when they come and survey this if they can't get in and out of there without hurting their equipment, they are gone. Mr. Goodman asked Mr. Kokkalis to explain to the Board the essential nature of the equipment that is in the medical trailer. Mr. Kokkalis said the trailer is for MRI and a PET/CT, you go into a round room and there are x-rays that go through your body to a plate in the back as it rotates around and it gets into a very very fine field and by being able to do it from different locations in that circle, they are able to develop a 3D image of cells within your organs, that is how crystal clear this comes out, they can turn it around and look at it. The units are very expensive and expensive to maintain, no one buys them, they lease them and they are constantly changing. When we design them to go into a building we make a zipper wall that can come out very easily, we put them on the first floor, they take an immense amount of concrete to hold them, you have to make sure they are absolutely level, the trailer will be leveled. He said as time goes by they are all getting smaller but they have to be big enough to put the

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human body through it. The autronics are getting tighter, you can see everything quicker and in real time to see what the damages are. He said it is about being able to diagnose things on a quantum basis. Mr. Goodman asked Mr. Kokkalis to address how much time it takes for patients to go in and out of the Adult Daycare. Mr. Kokkalis said depending on how many people are in the van or the mini bus, it will take 5 to 10 minutes for 8 people to get out depending on their ability to move, some of them will come with aids in the van. They generally set them up so they know who they are picking up so they don't have one van full of everyone that needs help. They use the same system for dialysis but dialysis is a little quicker because people are a little more mobile only some are in wheelchairs. Mr. Cuppari said his biggest concern is about the pick-up and drop-off areas and he asked how are you dealing with 2 or 3 vans. Mr. Kokkalis said they cue up, there is enough room on the side of the building to cue up and there are going to be people down there making sure the people get off and the drivers will know where they are going and after a while it becomes a dance, so and so comes at this time and so and so comes at another time. He said they work very efficiently. He said as time goes on the Dialysis unit will be dropping people off and picking up at the same time. He said the other reason we coordinate it is the business aspect and a medical aspect, the medical staff is set up to treat people, they know who is coming, they get ready so they are on a time schedule. Mr. Picerno asked how many patients would be coming in during the course of one day? Mr. Kokkalis said he would not know off the top of his head.....Dr. Patel said 192 patients per day. They will not start out with that many but will grow into that. There are 40 dialysis units, there are two shifts with 80 people, you will have a lot of chairs empty for a long time and also the population changes dramatically because we lose those people, they are very ill people. Mr. O'Brien asked if there was a medical necessity that the trailer must be in the back of the building and there is no other location for it? Mr. Kokkalis said, as a designer, he would have it back there to be next to the unit and he would deem that to be medically necessary. Mr. Ladauti asked the hours of operation? Mr. O'Brien said that was covered in the previous meeting and there is a chart in your packet.

Mr. Rago said he wants to make sure we are all on the same page as to the relief you are seeking, is it preliminary and final site plan approval? Mr. Goodman said yes. Mr. Rago said the dimensional variances that he sees in Kevin's revised report of 2/8/19, the height issue is existing, it exceeds the permitted height of 40', the other two variances are impervious coverage, the maximum permitted is 80% and you are at 91.5 preexisting and the minimum open space, the requirement is 20% and you are about 8 ½% and that is pre-existing. He asked if there was anything else missing? Mr. Goodman said we are asking for the waivers and because our need for parking is different than the required under the ordinance, we are asking for a parking variance. Mr. Rago said from 289 required to 222. Mr. O'Brien said on page 10 that shows the relief we would remove the refuse area from the screen, they said they would do that and sight lighting should not allow glare and the lighting plan should be submitted and should the Board act favorably he suggests a post approval inspectionthey did not show the sign illumination...he did not think that was address? Mr. O'Brien said that since there is a variance required...would the Board like to leave it with Christian and I? Mr. Picerno said that since the gentleman is in the rest room we will come back to that.

Motion was made by Mr. David, seconded by Mr. Cuppari to open the meeting to the public on Application 369. All in favor.

No one wished to speak.

Motion was made by Mr. David, seconded by Mr. Ladauti to close the meeting to the public on Application 369. All in favor.

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Mr. Goodman said in summation there is a lot of positive things that this application brings in terms of the medical diagnostic treatment that can serve the residents of our area in Union County. He thinks those positives outweigh some of the difficulties that are presented in this site with regard to the medical trailer. He believes in these times with an aging population a lot of these new diagnostic techniques are essential to our population and he asks that you take that into consideration as you make your determinations. We ask for your approval and hope that this can be a good addition to the Kenilworth community.

Mr. O'Brien said this is a site plan application, there are pre-existing variances, there are some newly created ones which have been addressed through testimony, it is up to the Board as to whether or not this application meets the requirements of the site plan ordinance and whether you approve it or not.

Mr. Cueto said as long as they address comments that they said they were going to do and all the conditions in both our letters, he leaves it up to the Board to address any of the waivers they requested.

Mr. Picerno asked for a review of the conditions and waivers.

Mr. Grimaldi said regarding the waiver of drainage since we are possibly entertaining waiving that condition is it possible to get some type of confirmation that the drainage on site is in proper working order currently, can we make that a condition of granting that waiver? He said if that is in our preveue he is suggesting to the Board that they ask for that. Since we are waiving any drainage plan, that we get confirmation whether its scoping, a camera or something that the system is function properly now. He said if we are going to waive the documenting of drainage, let's just make sure it works. Mr. Goodman said the mechanics of that is that the building department and the township engineer that should take a look at that... how does that work? Mr. O'Brien said the Board may impose any reasonable condition that they wish. Mr. Picerno said Mr. Dec is the one to answer this. Mr. Dec said the best way to determine whether or not it is functioning is to be there when it is raining. Mr. Grimaldi said it floods in the back northwest corner. Mr. Dec said that is what we have to look at and then make recommendations. Mr. Picerno asked Mr. Goodman if the applicant would be opposed to having that scoped out? Mr. Goodman said no they will take a look at it and focus in on the area that floods and we will coordinate with the town engineer and come up with a plan to remediate. Mr. Goodman asked Robert if there was anything on the plan for illuminating the lighting. Mr. Zaccone said we have no signage proposed, if and when there is a proposal for signage takes place, we need a sign application and that will be executed. Mr. O'Brien said it is part of this application because you submitted it in your site plan. Mr. Zaccone said he has not prepared any signage change. Mr. Rago asked if it complies with the Borough ordinances in terms of size...or don't we know? Mr. O'Brien said in size but there was no lighting proposed so we don't know whether that complies or not. Mr. Picerno said we have a sign on the plan but we don't know the size or if it is illuminated. Mr. Dec said there are 3 signs on the plans, one is existing banner type sign on the 4th floor and has the phone number on it and then there are 2 directory signs on the first level and both of those 2 signs, not the big one, meet the Borough ordinance for signs, they are not illuminated either from the outside or internally. Kevin O'Brien said the proposed signs on the site plan, reading from page 7 of his February 8th report, under signage he states that the ones that are proposed on the site plan do conform to the ordinances. The banner sign was not part of the application. Mr. Goodman said the large sign is a temporary sign and it should be coming down. Mr. O'Brien said there is a time limit for temporary signs which is 30 days.

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Mr. Picerno said if we approve this plan we approve the plan and then something else is going to arise and he does not want to see this applicant suffer some type of delay again because of a sign so he is trying to get to a point where we can get to a point. Mr. O'Brien said if the applicant can state to the Board that they will comply with the sign ordinance in terms of lighting and allow that to be inspected by the staff as part of resolution compliance that might be a way forward.

Mr. Mazzeo said that narrowing it down between the waivers and the most recent technical review with the professionals that most of the things have been checked off the list, it seems like the biggest thing we are looking at is the parking variance and we are relying on the 70 parking space difference, are we OK with the ambiguity as to how it is calculated, we are not going with the square footage, it is a need requirement and we have to decide whether or not..... Mr. O'Brien said we are going with the square footage requirement because the ordinance requires to go to the maximum number whichever one is greater. We are going from 289 to 222 that is the variance. Mr. David said they were proposing 222 and they are saying they only need 189.

Mr. Picerno said we all recognize the parking waiver and how they are going to do it and the reason why is that there will be people coming in with a van and they won't be taking up all those spots. Let's list the conditions and the waivers.

Conditions

Mr. Rago said back in February it was indicated there would be no more daycare, if they want it they would have to come back to the Board. The lighting plan was submitted and from tonight all lights were going to be replaced by LED. Two of the major conditions are complying with Kevin and Christian's reports of which in those reports there are conditions and rather than going over them again, those reports will be required to be complied with. The south elevation, stairway and elevator are going to be eliminated, no additions on that side of the building, the 3 existing variances we don't have to do anything. The waivers, Kevin and Christian recommended that granting the waivers would not be the end of the world with the other condition that was raised about drainage would be scoped out and review in the flooding area and that would be coordinated with the Borough Engineer to remediate that so it functions and if there is any other construction to be done they would have to come back. All signage should comply with Borough ordinances in terms of size and lighting. The other thing to vote on in addition to yay or nay is the waivers that were set forth and they were not big deal except for the drainage which needs to be looked at. Mr. Rago said, assuming this is approved, he asked Mr. O'Brien and Mr. Cueto to scribble down your conditions in addition to the reports anything you think should be highlighted and should be in the resolution.

Mr. Picerno said he would like to hear the conditions now for the record, the waivers and the conditions so they are clear and there is no misunderstanding.

Mr. Picerno said because there are so many things going on at one time when the motion is going to be made we will refer to the following three statements.

Engineering

Mr. Cueto said the storm water....we agreed that the applicant would scope that, originally this was a waiver but we made it a condition. A waiver for a system to decrease run off. A waiver for showing of exiting utilities for the site. Mr. Cueto added other things that they said they were going to comply with that were not on his plan. Under Site Plan #6 they said they would replace any pavement that was damaged during construction to the satisfaction of the engineer, #7 replace fence that is damaged or in

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disrepair. #8 stop bars and stop signs along the driveway openings along Galloping Hill Road #9 the location of the proposed trailer to be shown on the engineers plan, #11 the additional no parking signs to be added along truck turning template. #12 the reduction of the island/stripping now of the islands that would need to be reduced or painted for the truck being able to enter or exit the site. #3 under stormwater management, the additional grading between the proposed radiology and dialysis building and the new building to show ADA compliance. #5 existing and proposed finished floor elevations to be added for the buildings.

Planning

In the supplemental Planning Report, dated April 8th both as conditions should be items #3 which discusses the enclosure around the dumpster, Item #5 concerning landscaping to show they will be maintained and address the watering of those. Item #6 the plans should be revised to show the curbed areas that are being removed are shown, whether they are going to be painted or removed. In his report dated February 8, on page 7 item #15 there are a number of elements shown on the plans but they are not explained, one turned out to be a generator which blocked the access isle on the east side so we would like those to be reflected in the revised plans. Item #16 the signage should be in the revised plan subject to inspection. Item #18, the parking lot stripping is faded and some areas should be repainted.

Mr. Picerno asked if there was any time frame given for the repairs for the asphalt or the line stripping or is that prior to the Certificate of Occupancy. Mr. O'Brien said all of the conditions will be post resolution which means after the resolutions is adopted by the Board before they even get to a construction part, prior to the Board Officer signing off on the site plan, all the conditions have to be met. After your signatures on the approved site plan then it goes to construction so nothing physical can occur until after all these changes are show on revised updated plans. Mr. Goodman said a point of information if you are going to repair the parking lot, these things are going to be wrecked during the construction period. Mr. O'Brien said they have to be shown on the site plan, Mr. Cueto and I will say they have addressed all of these conditions, after your signature, then it goes to the construction department and they insure that physically these changes are made on the site, its shown on the plans and then build it.

Mr. Picerno said in the past he has seen some establishments asking for a TCO while the pavement and stripping have not been done. Mr. O'Brien said there is no TCO until after the site plan has been signed by the Board Officers.

Mr. Rago said the waivers requested on pages 10 & 11 of your February 8th report, you said you did not see any issues with granting the waivers.....Mr. O'Brien said yes.

Mr. Goodman said we are talking about preliminary and final site plan approve, dimensional variances that pre-exist except the parking variance, we are requesting to go from 289 to 222 with 188 being the number that was testified to as the required need. We have the waivers with the conditions that we have been discussing.

Mr. David said there were a lot of concepts to get a handle on with this application because we heard a number of times.....its got to be up and running before we know if certain things would work and that is concerning and it is not often that we have to deal with an application that we don' know exactly how it is going to work after the fact, he can get beyond that, his one last concern is the parking and he does

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not know how that can be address, there are 289 required, they are proposing 222 that is short 67, they say they only need 188, they talked about the stacking, there will be 45 stacked and if you add that together with the 188, they really need 233 should be proposed because he does not buy into 45 people are going to be stacking their cars, because the first time somebody has to tell someone to move their car so they can get out, that will be the end of stacking, that is his concern about parking.

Mr. Grimaldi said the stacking actually works, he lived it for 15 years and it does work. We are going on the calculations of their experts testimony that this is how it should work but the thing that gets him is the vacant areas, there is a considerable amount of square footage that is vacant and has a number assigned to it. He said when a new facility comes into it since they are lacking in parkingif anything comes into that space are they in front of us because now it could affect that parking? Mr. Rago said if its permitted because all the square foot whether vacant or not is already factored into the 222. He said if this is approved and gets up and running and the tenants come in if the parking is overwhelming he said the applicant will be back before the Board to modify the parking.

Mr. Grimaldi said he appreciates their desire and your interest into what you are bringing into Kenilworth. He has a personal connection to that building because he worked there for 15 years. He hates the way it looks, he hates the fact that when you drive down Parkway southbound there is this big gray blob there, there used to be lights on the building, it was active and vital. He is an architect, he likes buildings that look nice. He is glad you are going something to the building and that you are doing it in Kenilworth and is glad the building is getting revitalized. He congratulated and thanked you for spending all this money in our Borough.

Motion was made by Mr. David, seconded by Mr. Grimaldi to approve Application #369 with the conditions previously stated. Roll Call: Mr. Picerno voted yes, Mr. Schielke vote yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted yes, Mr. Calello voted yes, Mr. Cuppari voted yes.

New Business: Zoning Appeal #1 – Front Yard Fence Denial
Setta Savaian
316 North 22nd Street
Block 18, Lot 6

Mr. Schielke stated that he has an ongoing relationship with the applicant and he recused himself.

Mrs. Savaian was sworn in by Mr. Rago.

Mr. Rago said we are here tonight because Mr. Herbert and you discussed a fence, he made a determination that part of it was OK and part was not OK. You too disagreed and you appealed his decision. Mr. Rago asked Ms. Savaian if that was correct so far and she said no....that he started off with an approval. Mr. Rago said we are here not for a variance, you are not seeking variance relief, what you are seeking is to have Mr. Herbert's decision reversed, that is the appeal. Ms. Savaian said she is not aware of what she filed....just as she was not aware of where her mistake was when she got the initial approval, only because there has been miscommunication throughout this whole ordeal. She has owned other homes however at that time she had a husband and now she is divorced and he dealt with all these things.....she is not a person that is aware of what exactly needs to be done as far as fencing goes. She asked the town and was told to apply for a permit which is what she did.....the permit was

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approved. Mr. Rago said you are getting into the case, which is fine, but he wanted everyone to understand, unlike the case we heard before we had to grant certain relief, the applicant was asking for permission to do certain things and we wound up granting it with certain conditions.....your application is under a different section of the Land Use Law, you have asked for this Board to consider all the facts and then reverse Mr. Herbert so that whatever he told you that you could not do.....Ms. Savaian said when she read the ordinance of what she was allowed it does state 4' her fence is not all the same height, she ended it where Mr. Herbert wanted it, by the house with the 8', her contractor also had told her that she was allowed 4' past that which is what she did, it is only 4 sections of 4'. Mr. Rago said that Mr. Herbert said you have to take that down.....right? Ms. Savaian said I have a violation of some sort.

Mr. Picerno said you first went to the Building Department and they should have or would have advised you that you had to go to the zoning application to bring your plan and show exactly what you were going to do.....at that point did he stamp that approved?.....Ms. Savaian said yes. Mr. Picerno said so you have an approved plan?....Ms. Savaian said yes. She said she put up the fence, paid the contractor, and then she got a violation notice. She said she panicked because she wanted to abide by the rules, she was not aware, nor was her contractor, that they did anything wrong because she did what she was supposed to do. She was told to call Mr. Schielke and he said he cannot help so he recommended her to Mr. Clementi who did not call her back for a little while and he told her to reapply, when she reapplied it was not approved. She paid 2 \$25 for an application.

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

Mr. O'Brien said the facts of the case are in his memo dated January 25th which the Board should have on page 3 at the very bottom. He asked Ms. Savaian if she had a copy of that and she said she did not receive a copy of the report. Mr. O'Brien said the facts of the case are laid out. Mr. Picerno asked if settasavaian.6setts@gmail.com was her email address? She said no. Mr. O'Brien said that was what was on the application. She said her name is not in front of the 6setts@gmail.com. Mr. O'Brien gave Ms. Savaian a his report for her to read. He said we should start by taking a look at what he listed and make sure that what he stated is correct or incorrect. He said if we all agree on the facts of the case then it is up to the Board to make a decision because the Zoning Ordinance needs an interpretation on this, there are 2 conflicting statements in the ordinance. Ms. Savaian asked if she should read the whole report or just the facts of the case? Mr. O'Brien said start with the facts of the case because if the facts are in agreement of what came across then we can start from there. Ms. Savaian said there are some additions to the facts of the case but in general it.... Mr. O'Brien said what Mr. Rago was trying to get to before was..... What is the issue in front of this Board? The issue in front of this Board is did the Zoning Officer make the correct decision in citing Ms. Savaian for a fence that was not permitted or did the Zoning Officer make a mistake?

Mr. Rago said the facts seem to indicate that there is a 6' fence from the front of your house going back to the rear. From what he understands, Mr. Herbert said that is fine, the issue is you put a 4' fence from the front of the house to the right of way in the front of your house. He said the 4' seems to be the issue. Ms. Savaian said she was under the impression that she only needed permission for a 6' fence, she did not need permission for a 4' fence.... Mr. Rago said Mr. Herbert said no to you just for the 4' section and that is why we are here.....right? Ms. Savaian said yes the 4' fence is the issue. Mr. Rago said to Mr. O'Brien he saw in the ordinance that in one place that says it was OK and another place maybe not.....he saw something with 3'what's going on there?

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Mr. O'Brien said in Section 120-22.11 which is fences and walls, and this is on page 4 of his report, Item A states that fences and walls are exempt from the yard requirement and then it goes on to B that says fences and walls shall not be allowed within any required front yard set-back. Then it goes on to say any fence in the front yard shall be no greater than 4' in height so those are contradictory statements. The fences and walls, the statement that they are not allowed in the required front yard set-back would indicate that when you measure a set-back from the right of way which is 20 or 25' or more depending upon the zone, that this piece of the ordinance says you can't have a fence.....but then in a subsequent sentence it says that any fence in a front yard cannot be greater than 4'. Mr. Rago asked if it could mean that a 4' fence or any fence in of itself is not permitted in the front yard, however if you come in for relief, a variance to put one up, it can't be more than 4'. Mr. David said that is the way he interpret it, however it should state it, he believes that was the intent of that but it is definitely not clear. Ms. Savaian said she is college educated and she thought she read it properly. Mr. Rago asked if the people who did the fence get the permits? Ms. Savaian said she got the permits but he said he does fences in Union County and he looked it over and was very meticulous about it, he looked over Mr. Herbert's approval for the whole thing.....he said you have to stop the 6' where he said but he said you can do a little 4' if you want. Mr. Rago asked if Mr. Herbert, specifically in writing approve the 4' section? Ms. Savaian said it was a drawing/survey for the 6' fence, the 4' was never addressed. Mr. Rago said we are looking a survey by Morgan Engineering and Ms. Savaian said yes.

Mr. David said to ask the resident to remove the fence given the ambiguity in the ordinance would be unfair, in his opinion the Board should overturn the Zoning Enforcement officers decision but at the same time send the ordinance to the Governing Body immediately to rectify the inconsistencies in the existing ordinances. He said the intent was that no fences are allowed in the front yard, with the caveat that if the Board ever approves a fence in the front yard set-back, and as was stated there are homes around Kenilworth where there are fences, some put up legally others were give permission to do so, if a fence is allowed then it cannot be more than 4' in the front yard. He said when Mr. Schielke comes back into the room we should make him aware as our liaison to the Governing Body that his needs to be rectified within our ordinances. He said he feels the applicant should be given the relief.

Mr. Picerno said we were confronted with something similar to this last month where it could have gone either way and at this point he concurs with Mr. David and he does not think the applicant is at fault, it clearly can be read either way. He said he read it the opposite way, the way she did.

Mr. Mazzeo said from a contractors point of view he said it is pretty common that the 6' fence stops at the front edge of the house and it steps down to a 4' for the front and he drove around last night and there are a ton of houses like that. Mr. O'Brien said, what Vice Chairman David is saying is that there is no fences in the front yard. Mr. David said that's what he believes the intent of the intent, based on his history in the town but maybe he is wrong, maybe at some point the decision was made that they want to allow fences there, he does not believe that but either way we need to check with the Governing Body, they write and approve they code so if they decide they want to allow 4 ft. fences in the front yard...then that is fine but take out the other stuff. Mr. Ladauti said, he knows personally that front fences are not allowed.

Mr. Rago said he thinks if the Board is going to go the route of overturning the Zoning Officer, he would like to stress in the resolution would be that this determination is only for this matter, many times when you reverse the Zoning Officer it sets a precedent for future similar situations and he thinks if we are going to recommend that the Council do something with that ordinance, which they should do, either

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say no or yes. We should indicate that what we are doing here is specific to this case and should not be used in the future.

Mr. David said his opinion is based on the fact that the fence is up and that would be a hardship, she has paid for the fence and to have it installed, so there will be additional cost in addition to losing out on the money already spent, there will be more cost to take it down, that is what his opinion is based on. If she was here asking for a variance to put a fence in the front yard, he has a different opinion. Mr. Cuppari said he does not like the white fence and he can imagine the neighbors not liking it.....what if every neighbor on that street put a 4' ft. white fence all the way down....it would look terrible. He can understand why they would not want it there but then he realized the house next to you is a corner house so basically there is a back, that fence is not one side to another house side, it's your side to someone's back so if they had put the fence on their side we would not be having this discussion but you put it there and you are abutting a back yard, not another side but down the street they driveways and islands and side to side it would look horrendous, your situation is you are going up against a back yard.

Mr. Cueto said the property is too far from the intersection to interfere with the sight triangle.

Motion was made by Mr. David, seconded by Mr. Mazzeo to overturn the Zoning Officer's decision on the fence based on what was previously stated. Roll Call: Mr. Picerno voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted no, Mr. Calello voted no, Mr. Cuppari voted yes.

Mr. Picerno said Mr. Herbert did not do anything wrong, he interrupted the ordinance the way he felt it was supposed to be read so this is something we need to clean up.

Application #375 & Application #376 & 2-20
Boright Realty, LLC
30 & 20 Boright Avenues
Block 6, Lot 4 and Block 6, Lot 3

Mr. Rago confirmed with Gary Falkin if it was OK to combine the two applications and Mr. Falkin agreed.

Mr. Rago confirmed publication notice and said there was a minor issue with the radius list but that worked out fine, our assessor indicated that it was accurate.

Gary Falkin, Esq., Donnelly, Minter & Kelly – Mr. Falkin said this application is for 2 properties, one for 20 Boright Avenue and one for 30 Boright Avenue. He has 2 witnesses this evening, Joseph Savino and Mike Lanzafama, Engineer, Planner.

Mr. Falkin said he submitted a Statement of principal points. On April 13, 2017 the Board approved resolution #356 and #1-17 which granted preliminary and final site plan approval on 20 Boright with variances for construction of a warehouse and that building has been constructed. In December, 20 Boright executed a lease agreement with a company called Alpha Flight US, Inc. for 34,074 square feet of the building for use as a flight kitchen facility and related uses. Alpha is related to Emirates Airline. The use was described in a letter dated February 8, 2019 from Mr. Savino. In order to accommodate the Alpha requirements we require an amendment to the preliminary and final site plan to add 2 loading docks and a trash compactor and interior building modification, essentially it's a mezzanine. He said

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that use necessitates some variance approval before the Board which Mr. Lanzafama will testify too. The separate application on 30 Boright is somewhat related to the 20 Boright application because 30 Boright and 20 Boright which has common ownership entered into a lease agreement for the use on 30 Boright of 20 parking spaces which are available for overage uses for the Alpha tenant. In addition there is some additional parking, as long as we are doing this, some of the existing tenants at 30 Boright had asked for so there are an additional 8 banked spaces that will be created, that is spaces that were previously banked that we are going to create into actual spaces. With respect to 30 Boright there were at least 3 prior resolutions that dealt with the existing tenants, the building is full and has 3 tenants and the resolutions were submitted with the application. He also submitted, on February 13, 2019, to Mr. Herbert, who requested letters from each of the tenants at 30 as to what their parking requirements were to make sure there was adequate parking availability for the use of the 20 spaces or 20 Boright. Part of that submission, including a chart which was a parking summary which sort of crystalizes the amount of leased space, the maximum employees per shift, the existing Kenilworth approvals per the prior resolutions and what was necessary for the existing tenancies.

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

Mr. Savino is the Chief Marketing Officer for Alpha US North America. Alpha is a sister company of Emirates Airlines and they do catering throughout the world, they have 64 catering units. This facility services Newark Airport. He said we have 24 ft. high low trucks that go to the aircraft, unload and bring the equipment back to the kitchen, cleanse the equipment, we stock the plane for the next flight. There are usually 2 shifts, 7 days per week, 365 days a year and depending on the flight schedules. He said we have 2 kitchens, one for halal and one for western food, because the airlines require one month's worth of supplies in the facility, each airline has 30 pallets of material, we require a lot of airline space and the mezzanine space is really for employee cafeteria, employee locker rooms and some offices and a big presentation room. They cater for 4 or 5 start airlines, they rarely do domestic airlines. The usual number of employees per shift, depending on the airline, would be no more than 30 per shift and there are usually 4 trucks in that shift. He said Newark is a major airport but it is basically United Airlines and there is not much international traffic like JFK so there is not much international traffic other than Emirates and a couple of other 4 start airlines. Mr. Savino said there are 30 employees per shift, two 8 hour shifts and there will be a skeleton crew and there will also be people in the building, the graveyard shift will be about 4 or 5 people. He said the number of guests would be about 4 or 5 tops who come in from the airline to do the tasting. Mr. Falkin said with respect to parking, the lease provides that you have 30 spaces on site and there is an arrangement with the Landlord for 20 spaces at 30 Boright. He asked if that number of parking spaces were adequate and Mr. Savino said that's more than enough and that would include shift changes. Mr. Savino said some family members carpool. Mr. Savino said they would be hiring 80 people from the area. Mr. Savino said they get deliveries 2 or 3 times per week, a Michael Lewis freezer truck of frozen foods or a C container once a month to unload their airline equipment. They have a bonded storage area, the material comes in, duty free because it goes into a bonded area and it goes out to the aircraft duty free, there is no tax, it is like a bonded warehouse. They have 4 to 6 high low trucks that are about 24 ft. long and are refrigerated. They need 2 loading docks because they do not want to cross contaminate their food so they 2 loading docks with a 30 yard soft contained compactor will be for the dish area, the dirties will come into the left side of the building, through the back of the building, the left side and the right side are only for the outbound, we do not like to contaminate dirties with clean. The trash compactor, because we are near the woods and there are birds, it is a brand new self-contained portable compactor, it has a door, you throw the trash in and close the door, push the button and it compacts the waste and once it is filled it goes to the local transfer station, we do not want open containers because it brings on raccoons or whatever. There are

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no odors we have 32 ft. high ceiling with venting. He said the budget on the building is 6 million to construct the inside.

Mr. Cueto asked if the food is premade or made there? Mr. Savino said they are a scratch kitchen unless the airline nominates a frozen food product, most airlines that they deal with do not have frozen foods.

Mr. Picerno asked if you have chefs? Mr. Savino said they have 2 chefs and one line cook per shift. Mr. David said so the majority of employees would not be categorized as minimum wage type jobs? Mr. Savino said even the drivers make \$24 or \$25 dollars per hour. He said we pay a premium because we are a premium service company and the airlines we deal with will pay for that. Mr. Savino said they do background checks on everyone, FBI checks on everyone, he said you can't enter the Aircraft Operations Area unless you get FBI clearance and Boarders and Customs clearance. He said everyone entering or leaving the facility and going into the airport will have had a background check and clearance because that is the standard procedure for our company.

Mr. Schielke asked where are the high-lo's stored? Mr. Savino said they 6 bays and there are only 6 trucks, there are 3 satellite vehicles like small jeeps that we use because there is a customer service rep that goes with the high low trucks to the aircraft. He said there is no parking on Boright Street? Mr. Savino said there is plenty of parking in the back, our fleet is not a big fleet, 6 would be the maximum. He said there are no tractor trailers; they are all 24 ft. high Hilo trucks. Mr. Rago asked if they provided food only for the airlines.....not to stores? Mr. Savino said we do a commissary business to the grab and go at Terminal C, sandwiches and wraps. He said they are secure facility with 60 camera's onsite and fences, when someone comes in we know about it. Mr. David asked about the status of the construction of the building.....the reason he is asking is because there were some conditions that were required for the approval of the building.....Mr. Savino said the construction is all done.....Mr. David said there were supposed to be some things done and he has not seen them done. Mr. Savino said we have not done anything to the building. Mr. David said he is talking about the exterior of the building. Mr. Falkin said we will deal with that with Mr. Lanzafama.

Mr. Michael Lanzafama was sworn in by Mr. Rago.

Mr. Lanzafama said he is a licensed engineer, land surveyor and planner and is licensed in the State of New Jersey and is a principal in the firm of Casey & Keller. Mr. O'Brien stated that Mr. Lanzafama has previously appeared before this Board.

Mr. Lanzafama said the application you have before you and the one on the easel is Sheet #3 in your set of plans with the date of 3/29/19. This shows the relationship between 20 & 30 Boright, 20 Boright is on the right hand side of the exhibit on the North side of Boright Avenue, it's about a 2 ½ acre site, to the west is 30 Boright and is 5.6 plus acre site. The need is for the loading bays and trash compactor area in the northwest corner of the building, the 2 easterly bays will be provided for the scissor trucks, they will bring the waste in, the trucks will be unloaded, the waste will be dumped directly into the compactor. In addition to the fit out for tenant space #1 they are also building about a 12,000 plus square ft. mezzanine, primarily for employees, a cafeteria area, office space, some conference rooms. As a result the addition the building square footage goes from 55,062 sq. ft. to 55, 312 sq. ft. or adds about 250 sq. ft. In addition they had to repave some areas to allow for the trucks to maneuver in and out of the site so the lot coverage went from 88,250 which was 79.8% or 80% as permitted in the zone to 80.92% or 89,473, that is a variance request of 1,020 sq. ft. sq. ft. In his opinion, that variance is akin to a C-2 variance because it allows for the operation for this tenant to occupy the building and advance the goals

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and objectives of the Master Plan to bring in the types of businesses that are high quality and also provide for jobs for the residents of Kenilworth. To offset the additional impervious coverage we have part of our original approval was a detention facility located parallel to the front of the building, that detention system is over designed to begin with so the additional 1,000 sq. ft. would be mitigated by that existing detention facility. As part of the initial submission for this application, we did not submit all of the original drawings for our approval but we will be applying those and by that Harbor Consulting had a number of questions about utilities, lighting and things of that sort, the plan is to complete the building in accordance with the prior approval. There is no proposal here to shirk any of our responsibilities. He said at this point there is a transformer proposed on the southwest side of the building, we held off on that because we wanted to see if we would get approval because this particular tenant has a much greater electrical demand than just a straight warehouse building. We also did not pave that southerly portion of the driveway yet. Those are a few of the things that have not occurred yet, also on site we have 17 cars along the west side and 20 cars on the eastside and there is also the ability, and what was part of the approval, are grass pavers that will accommodate additional parking and that has not been installed yet. The refuse area had been installed on the original plans where the refuse area was to serve the entire building, now this refuse area will serve proposed tenant space #2. The compactor will serve the remainder of the building. To facilitate parking, what the landlord who also controls 30 Boright did was he earmarked 20 spaces along the common boundary line that would go toward the new tenant so to compensate the existing tenants in the building, they are installing 16 spaces along the east side of the building and installing another 17 spaces in the northwest corner. He said what we are doing is bringing the parking count on 30 Boright from 135 spaces to 163 spaces. For 20 Boright we have the 47 that we are approved for plus the 20 at 30 Boright gives us a parking capacity of 67. He said the existing tenants, who were here many many months ago for a parking variance for 30 Boright where it was approved for 141 spaces so there were a few less spaces because we had come back in to get a drive in door approved at the northwest corner for one of the tenants and we were supposed to install some additional parking spots, that never happened because we knew this was coming so we figured we would hold off and address it all in one shot. As far as the parking demand goes under the ITE code, a warehouse of this type of building requires only .39 spaces on average for every 1,000 sq. ft., that would equate to 19 cars for the warehouse area on 20 Boright. For the light industrial or manufacturing portion the requirement is, under the ITE code, 1.85 cars per 1,000 sq. ft. so that would equate to 22, the office standard of 4 per 1,000 is consistent with the ITE so when you add those up, using the ITE standards you come up with 63 parking spaces. In his opinion they have sufficient for this use with the vehicles that are available at 20 Boright plus the additional vehicles that are being provided on 30 Boright. The existing building at 30 Boright, the required number of parking spaces calculates out to 258 and as he stated earlier we had been approved for 141 and we are proposing 163 on site and if you net out the 20 cars at 20 Boright that puts us at 143 so we are still in excess of what was approved in prior applications. Based upon our tenants, their experience, how their employment works and how their employees come to and from the site, he thinks the parking variances could be granted without a substantial detriment to public good or the intent and purpose of the zone plan. He believes that the benefit of not over parking is that you reduce the amount of impervious area on the site so in his opinion that could be granted. In addition to the lot coverage variance, there is also a reciprocal variance required for open space ratio, 20% is required and we are at 19.1% and shy by the 1,020 sq. ft. that we are over on impervious coverage. We are in receipt of Mr. O'Brien and Harbor Consultants reports and we don't have any issues in complying with those reports. Some of the information such as lighting and things like that were already submitted and we will go over that with Harbor and put everything together and make a final submission so that we meet all the standards of the ordinance as well as the conditions outlined in the reports. There were some waivers requested for landscaping, we did install some landscaping between the 2 properties, we put an evergreen hedge, we

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added a shade at the end of Boright Avenue to dress up the site. He said #4 of Kevin's report talked about the walkway. He said as part of the design there is an existing handicap ramp that is located on the southwest corner of the building and we stripped the cross walk area and are proposing some concrete side walk that would connect to the existing handicapped walk way that exists on 30 Boright. Also #6 of Mr. O'Brien's report talked about the landscape buffer between the 2 properties having 30 junipers, Mr. Lanzafama said they installed Sea Green junipers which tend to be more deer resistant than some of the others, we think they will work well in that area providing a sufficient buffer between the 2 properties. Mr. Lanzafama said when we are adding the parking spaces on 30 Boright, we are adding about 7,000 of additional impervious area so to mitigate that, what we did was we proposed for the expansion of the existing retention basin on the south side along Lafayette and that will alleviate the additional run off by reducing the size of the orifice so that will reduce the peak runoff rates so there are negative impact associated with that. We will be providing a maintenance manual for that facility as well as requested by Harbor. Mr. Schielke said you mentioned the drainage on Lafayette and he said that area is completely overgrownMr. Lanzafama said that is why we are developing a maintenance manual.....the area will be completely cleaned out of weeds and debris and we will landscape it and seed it. Mr. Schielke said you mentioned that on both sides of the new building 30 Boright we have the parking and that is all for the new tenant you are having....Mr. Lanzafama those grade out spaces are for the existing tenants, in other words we are borrowing from Peter to Paul. Mr. Schielke asked what happens when tenant #2 comes in? Mr. Lanzafama said we will have to look at the parking demand for that tenant based on what he gave you as far as numbers, that was based on the entire building not just tenant #2, he said we will need 63 cars for 20 Boright and that included the vacant section.

Mr. Cueto said, just for clarification, 37 spaces will be on 20 Boright? Mr. Lanzafama said 47 spaces, he said there are 37 that are currently stripped there will be additional spaces installed as part of the resolution of approval and they will be on grass pavers at the northeast corner and northwest corner and that will accommodate additional spaces.

Mr. Picerno said he likes what you are doing because the increase of the impervious coverage really helps it along, usually we have applicants that say they need and they want this and that but with no give back.....there is something coming back here which is a nice touch.

Mr. Falkin said he thinks the application should be granted because Alpha will be a great tenant and attribute to Kenilworth. It is obviously a very high quality facility. They need these changes in the plans.

Mr. David said he knows he said all the conditions of the original approval were going to be met, one of the key ones that he is interested in is that there was supposed to be banding on the façade of the building which to this point has not been put up. Mr. Lanzafama said he was not involved with the façade of the building so he would have to defer to the owner but if that was required on the original approval then it would have to be addressed. Mr. David said the original plan for the building was strictly warehouse and now it's shifting away from warehouse and yet we built a solid cement building with not a lot of architectural features and that was the thing that was asked by the Board to give it something and so far it's not there, he does not know how much of the exterior part of the building is completed but from his perspective it looks like it's pretty much complete and yet it's not there. Mr. O'Brien said that is an enforcement issue so we should refer that to the construction department so that they take the architectural plans, as approved by this Board, signed by the officers, and that's the building they are supposed to build.

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Meeting Opened to the Public

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

No one wished to speak.

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

Mr. O'Brien reminded the Board that both applications require waivers from Item #29 which is to show the location of all existing trees and Item #30 which is a landscaping and buffering plan showing the entire site because this improvement is limited to a very small area he thinks that those waivers are justified in this case. The relief requested for both applications is site plan approval, also maximum impervious coverage and minimal open space because of the increase in impervious coverage, parking variances and the non-residential development fee are required for both of these applications.

Mr. Cueto said they already agreed to address all comments in both letters.

Motion was made by Mr. Grimaldi, seconded by Mr. Schielke to approve Application #375 & #76 & 2-20 for 20 & 30 Boright Ave. including all the conditions and waivers as previously stated. Roll Call: Mr. Picerno voted yes, Mr. Schielke voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted yes, Mr. Calello voted yes and Mr. Cuppari voted yes.

Comments for the Good of the Board

None

OPEN MEETING TO THE PUBLIC

Motion made by Mr. Ladauti, seconded by Mr. Schielke to open the meeting to the public. All in favor.

No one wished to speak

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

Adjournment

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

Respectfully submitted by:
Kathleen Moschitta
Recording Secretary