

**Planning Board Minutes  
Borough of Kenilworth  
July 13, 2017**

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: Present: Mayor Deluca, Mr. Clementi, Mr. Picerno, Mr. David, Mr. Grimaldi, Mr. Schielke, Mr. Pantina, Mr. Mazzeo, Mr. Ladauti and Mr. Pinto. Also present were Mr. Bongiovanni, Planning Board Attorney, Kevin O'Brien, Planner and Nicholas Sotos from Harbor Engineering. Mr. Cuppari was present but was recused from Application 2-17.**

**Approval of June 8, 2017 Minutes**

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

**Communications:** None

**Resolutions:** Application #359 Kenilworth Pizza, LLC  
1 North 21<sup>st</sup> Street  
Block 82, Lot 6

Motion was made Mr. Picerno by seconded by Mr. Pinto to approve resolution approving application #359 Kenilworth Pizza. Roll Call: Mr. Picerno, Mr. Clementi, Mr. David, Mr. Schielke, Mr. Pantina, Mr. Mazzeo and Mr. Pinto all voted yes.

Oath of Office for Planning Board Alternate #1 was administered by Ernest Bongiovanni to Mr. Anthony Ladauti.

John Leoncavallo, Kevin O'Brien, Nicholas Sotas were sworn in by Mr. Bongiovanni.

**New Business:**

**Application Variance 2-17**

Rafaele Pugliese  
12 North 8<sup>th</sup> Street  
Block 72, Lot 23

**Mr. Gregory Juba, 923 North Wood Avenue, Linden, NJ** - Mr. Juba is representing applicant Rafaele Pugliese and is seeking a double D variance for use and density. Mr. Pugliese is seeking to erect a 2 family residential dwelling at 12 North 8<sup>th</sup> Street. The existing structure is in total disrepair. The street is a busy street and a truck route. Their expert Mr. John Leoncavallo, 388 Washington Road, Suite E, Sayreville, NJ will testify as a professional planner that the majority of the houses that are located on 8<sup>th</sup> Street are two-family residential dwellings.

**Mr. Leoncavallo** – Mr. Leoncavallo said he was hired by the applicant to investigate the property and to testify before the Board as to the necessary use variance and density for the site. Mr. Leoncavallo said the property is on 8<sup>th</sup> Street and is a truck route within the town and is located in the R5 medium density single family residential zone. The lot is 5,000 sq. ft., approximately 50 ft. wide by 100 ft. deep and is a vacant residential single family home. The application before you is for a two-family on that lot to reestablish the residential occupancy with the application. There is a D1 variance needed for proposing a nonconforming use to construct a two family as opposed to a one family. There are street improvements which would be made and also related to set-back requirements from the engineers information. The surrounding development patterns are mostly residential, on 8<sup>th</sup> Street and there are approximately 11 two-family homes which are non-conforming uses in the R5 zone right now, along with some single family residential. To the east they are residential, to the south is one commercial on the Boulevard and then the rest are residential and to the west are residential 1 and 2 family. The area on 8<sup>th</sup> Street consists of mostly 11 two family and 5 single family. He said that reflects the character of a two-family area. The Master Plan of 2011 talks about a number of objectives and the first would be to permit efficient residential opportunities and locations with access to services to help the Borough senior residents. These two family houses could do that with one unit being utilized as a single residential and also a senior suite. Another goal is to insure the new residential development is consistent and compatible with the existing neighborhood character... he said the neighborhood character has developed now as two family homes since they are in the majority of the uses on 8<sup>th</sup> Street and beyond into the Industrial area you have a couple of multi-family homes, one is on the left side with 8 units and there are also a number of light industrial uses also in the Industrial Zone. The goal of number 6 is to encourage preservation and maintenance of all residential properties, uniquely the two family, as he sees it, except for a couple of the older ones, are all very well maintained. Unfortunately the property in question is an older house and in the past 20 years has not been very well maintained. Under the housing element objectives, the Borough shall allow senior suites and two families are appropriate for one of those unites being a senior suite at some time in the near future. The application facilitates and promotes many of the objectives of the Master Plan with a number of unique circumstances. The permitted use in the R5 medium density is one family, two-family is compatible in his estimation with the one family, there is no significant effect on the zone itself. The basis for the variance is that it is particularly suited, in his estimation and fits the need for a particular location to promote the public good. It is located on a truck route, there are houses on both sides as you go down the street and then there is an Industrial zone. There is a trucking facility there that has a lot of trucks that go up and down 8<sup>th</sup> Street and has been designated by the County and by the Borough as a valid truck route.

Mr. Juba presented an aerial photograph of the surrounding neighborhood; houses in green are current two-family and asked for the photograph to be presented as Exhibit 1.

Mr. Bongiovanni said it has previously been submitted to the Board as Exhibit 1 but for tonight we will mark it as A-1.

Mr. O'Brien said it was the same thing that was submitted as part of the application.

Mr. Leoncavallo said the photograph shows the houses in and around the property in question which is located to the west of 8<sup>th</sup> Street. He said the one outlined in orange is the property and the highlighted shaded green/yellow are the two family homes. He said if you look at that area,

the lot is located on the truck route and with this application there is sufficient parking with each unit in the driveway and within the garage which is within the structure. It promotes a number of goals and objectives that we just talked about in the Master Plan. The lot size accommodates the zoning standards that are within the R5 residential zone. There is no negative and change in the quality, character of the neighborhood by this, in fact it adds positive aspects to the neighborhood. There is new residential construction which is under the Uniform Construction Code regulations which promote more safety than you have with the old structure from the 1930's, you remove outdated plumbing and electrical features while using the new construction code and it leaves a positive effect on the visual street environment along 8<sup>th</sup> Street. The special reasons that are involved with this application include providing a desirable visual environment as opposed to the present appearance of the old dwelling. The application will provide sufficient space in appropriate locations for a variety of residential uses. You have a number of areas that, he believes it is 2 or 3, that allows two family and they seem to be all taken up by existing two families so there is really no other properties in the Borough that can be developed as two families, unless you go through this approach. The application will promote an establishment of appropriate population density. This is a D5 for a density variance and is asking instead of one unit per lot, he is asking for two units per lot, this is unique because there is no other bulk variances required with this application. Usually when you develop a two family sometimes the lot may have side yard variance or rear yard variance and in this case there are no other bulk requirements that are not met, they are all met, including the parking requirement. The only variance that is here is for the nonconforming use variance of a two family use within a single family zone. He said he believes the Borough and the Planning Board looked at the Master Plan and decided at some point in the recent past not to change the R5 zone, they did change R5A to allow two family on about a 7500 sq. ft. lot. This is a 5,000 sq. ft. lot. The proof that this is a good use is that there are no bulk requirements required in association with this use variance. The site also accommodates doubling the density from one unit to two units and it does that without having any other standards that are invalidated by the proposal of the two family. The negative criteria is there is no substantial detriment to the public good from this application, the surrounding areas are mixed with residential uses and commercial uses. The proposal is an esthetic improvement to the existing dilapidated use which has design and location criteria questions and has been looked at in terms of what is there, safety, location, environmental criteria with the new proposal and thus general welfare is being protected and will not be not established by this application. The quality of life for residents is not negatively impacted by this application. The applicant is willing to put a buffer to the rear of the property of bushes or a low maintenance white vinyl fence. The variance will not substantially impair the intent and purpose of the zone plan and the zoning ordinance, the project will improve the existing condition of the property consistent with the intent and purpose of the zone plan and zoning ordinance. The visual improvements will be prominent in terms of the difference of what is there now as you will see in the elevation on the application for the new proposed two family, it has some stone work, some nice trim work, has two garages and driveways that go to the street. It is an adequate size lot, 50 x 100 and there are no other bulk variances that are needed. It has adequate formal parking, one garage inside the structure and two cars that can park out toward the sidewalk. Overall he said it is a good transitional use with the number of one families that are there, which are minor, not as many as the two families and the two families control the area now as to the character of the area. He said therefore the neighborhood character will be enhanced and positively affected by this application. There is nothing that lets the application fall, it promotes the theories of the Master Plan and the application will not be a detriment to the public good, we have new construction and regulations

in place with the Uniform Construction Code, there is no substantial impact on the neighborhood in terms of the residential character and there is no negative effect in regard to the mixed use of the neighborhood which are two family and a minor number of one families. He said since there are no C variances, we do not need justification under the positive criteria, if we did, the benefits outweigh the deviations. For Municipal Land Use purposes, under that would be that this would encourage municipal action that would promote the public safety, health, morals and general welfare, provide adequate light, air and open space if we needed it. There will be sufficient space in appropriate locations for a variety of residential uses both public and private to meet the needs of New Jersey citizens which include two families. The application would promote a desirable visual environment as opposed to what you have now which is an older obsolete structure.

Nick Pantina said he does not understand why you keep on saying there is only one variance when there is no variance for putting a two-family on a 5,000 sq. ft. lot where 7,500 sq. ft. is required. What are the special reasons why we should allow a two-family in a one family zone. He said you are going to say that the majority of it is two families but it is really not. He said there are 23 lots on that street between the Boulevard and Washington and 11 of them are two-family....so it is even.

Mr. Leoncavallo said your Master Plan says you should have compatibility in the neighborhood between their uses. The cluster of houses that are two family are around the property in question, across the street there are 3, and on the side of the existing property there are 8 so within that area, the greater compatibility is two family.

Mr. Pantina said so you are taking the neighborhood as just one block out of the whole zone. You are saying that the immediate neighborhood is one block, the zone is east or west of 8<sup>th</sup> to the Boulevard and most of them comply with the R5 zone. He asked what are the special reasons and why should we put a two family on that lot and grant a two family on any other lot in an R5 zone?

Mr. Leoncavallo said you have to have particular suitability for the D1 use variance, in terms of special reasons there are justifications to depart from the zoning requirements that you have in place, some of those are listed under the positive criteria which is special reasons under the Municipal Land Use Law and the application talks about providing a desirable visual environment and if you look at the visual environment that is there now it is one that is lacking for a residential neighborhood in terms of the house that is there, it is out of date, smaller house that is dated back from the 1930's. The new house will be updated with residential treatments, no flat roofs, they will be peaked roofs with white trim, stone trim, 1 car garage on each unit. Nothing will be exacerbated, side and rear yards will be respected and all the property bulk requirements including the parking meet the requirements and that is somewhat unusual in terms of a use variance where you may have one or two requirements that don't meet the requirements. The application provides sufficient space and the location for a variety of residential uses in this neighborhood and as you further go back from the neighborhood you start to get into the industrial lot which is different obviously than the residential properties and you have different uses in there. He said several years ago on the left side as you go north on the street which is across from an industrial use a 8 family was approved. He said you will with this application establish an appropriate population density requirement. We are not generating any bulk variances by doing this, all the bulk variances are intact, the intensity controls which you have in your ordinance under R5 are still in control when this is developed. The FAR stays

the same the variance is within the limits of the density and the height is below 35 ft.. He said with those situations there is a lessening cost for sufficient use of the property because we are using the property for two families rather than one family in an area where there is a significant number on the street and around the property that are two family.

Mr. Picerno asked Mr. Pantina if all his questions were answered and Mr. Pantina said yes.

Mr. Grimaldi said the special reasons that you came up with like visual eyesore now, all the benefits that you stated would be the same if this was a single family residence that was going there now. We are assuming that the applicant is the owner of the property and he also has the opportunity to remove the eyesore right now. The special benefits that you offered up on an argument for the exception, the variance for a two family house, all those reasoning's of benefiting of that lot are the same exact ones as if it would be a conforming use of a single family home, the eyesore would be gone, we would have a modern facility with modern plumbing and electric, architectural trim, stonework, proper use, proper convenience of the property. He said he has been walking by the house for the last few years and there is nothing happening and also for the last few months nothing has been happening with the new owner. He said he would like to see the eyesore removed.

Mr. Leoncavallo said in fairness to Mr. Pugliese for the past few months he could not get a quorum. He has been under advisement that the blue tarp needed to be rectified and he tried to do what he had to do.

Mr. Grimaldi said he could have filed a demo permit and taken the building down and removed the construction equipment off the residential property.

Mr. David said just for the record there was a quorum, there was just not 7 Board members..... the applicant made the decision not to have the case heard before a Board of less than 7 members, but there was a quorum.

Mr. Picerno said Mr. David is correct but in fairness to the applicant, they would want their odds a little bit better.

Mr. Grimaldi said what he is offering to us as a reason for the variation, his reason would be the same....based upon his special circumstances there is nothing special about the special circumstances that he has heard so far that a conforming application would not provide us.

Mr. Leoncavallo said the other thing you haven't look at and that he has looked at and you should look at is your Master Plan document. The Master Plan document is the framework for zoning. That document right now says in its objectives that to insure that new residential development is consistent and compatible with the existing neighborhood character, doesn't say you can't develop a single family home there, you absolutely can, you can do that without going to either board, he would just have to get a permit from the Construction Office. The problem is that the area has turned from a single family zone by usage to a two family zone and your Master Plan directs that you should be consistent and compatible with the existing residential character. The existing residential character for most of that area is two family so there is a reason to have a two family over a one family. He said he would not have a good argument if we could not provide no bulk variance, the answer is there are no bulk variances, we only need

A D1 non-conforming use variance so therefore I think you can give us special consideration and that is what the Board has to do under the D1 use variance anyway. He said it is true as you said, we can develop single family home but he does not want to develop a single family home given that most of the neighborhood is on a truck route, there are 11 two-family homes within the area.

Mr. Grimaldi said he has actually looked at the Master Plan. He said he doesn't know how you want to classify the neighborhood whether you want to classify it by the houses on both sides of 8<sup>th</sup> Street or 7<sup>th</sup> Street to 9<sup>th</sup> Street.....whichever fits your argument at the time of the neighborhood, if you take it purely on 8<sup>th</sup> Street as my fellow Board member said, it is basically a 50/50 split between 2 family and single family.....if you go just outside the block on 7<sup>th</sup> and 9<sup>th</sup> Streets it is significantly against your argument into single family vs. two family. He said he knows the neighborhood very well.

Mr. Leoncavallo said there are some two family house on those streets but they are not the majority and we are on 8<sup>th</sup> Street which is a truck route, a little different situation then some of the local residential streets. He is before you with a D1 use variance. He said your argument is correct in terms of we can do a single family home, he prefers not to do a single family home and to reflect the character that is in the existing area.

Mr. Grimaldi said his argument with you is your characterization about the character which is your view of the characteristics.....depending on how you want to frame it whether it's that street or the two blocks.....he feels that part of your argument is not valid. You have an opinion that it is and he has an opinion that it isn't. He said to Mr. Leoncavallo the lot just north of you is an oversized lot....has your client, the owner of the property, investigated talking to that owner and seeking a sub division and possibly getting some square footage from that owner?

Mr. Picerno asked which lot are you talking about and Mr. Grimaldi said 7222.

Mr. Leoncavallo said he believes the applicant could not get any other property from any other adjacent property owner. Mr. Grimaldi asked if he actively pursued it? Mr. Leoncavallo said as far as he can recall.....you can ask him directly. Mr. Grimaldi said he would ask the same thing about Block 7224 and 7225. Mr. Leoncavallo said he believes he could not get any adjacent property owners to share or divide any of the property.

Mr. Grimaldi said he would like to know the answer if it was pursued. He said he has not heard anything that the special reasons of why we would need to grant that variance based on the information you have given me so far but he thanked him for the information.

Mr. O'Brien said Mr. Leoncavallo mentioned earlier in his testimony concerning a senior suite, were you suggesting that one of the units would be a senior suite. Mr. Leoncavallo said he was suggesting that it may be a senior unit....there is no control that it can't be a senior unit. Mr. O'Brien said he asked a couple of questions in his report that there was very little information on the drawing concerning lighting, landscaping, accessory structures. Will you be revising that plan to show those or will you be testifying about them.

Mr. Leoncavallo said his conversation with the applicant and the attorney was that if there are any recommendations from the Board, they will be happy to entertain those suggestions and

comments. If it requires additional landscaping or any other thing such as lighting they would be happy to consider it and do it.

Mr. Sottos said there are no existing engineering problems that he can see on the site, however if this Board approves this application, the applicant is required to submit a very detailed plot plan before he can get a building permit. At that point in time issues of drainage, grading, landscaping and anything else associated with that would be addressed and reviewed by the professionals as well as the Code Official.

Mr. O'Brien asked Mr. Sottos if he would consider that to be a condition of the approval? Mr. Sottos said yes.

Mr. O'Brien asked Mr. Leoncavallo would the driveways be separated.....the garage doors are separated because the garage doors are separated on the plan. Mr. Leoncavallo said he believes the driveways are separated ...he is not sure if they are separated by a small wall .... they could be but he does not recall them being separated by anything but maybe space of concrete.

Mr. O'Brien asked no decks or stairways provided? Mr. Leoncavallo said there will be no decks in the rear or any attachments to the structure.

Mr. Picerno said those 11 two-family homes are obviously nonconforming and your argument is that by putting that two-family house alongside 7212 would look more in place because there is a two-family attached to it right there alongside that and there are 8 pieces on that stretch of 8<sup>th</sup> Street that would look more in uniformity.

Mr. Leoncavallo said yes he believes so, across the street there is a two-family and to the north 7222 is a two family....of course you can put a single family there but he thinks given the character of the neighborhood now and it being a truck route, it is appropriate to consider a two family.

Mr. Picerno asked if he said earlier that the single families that were on 7<sup>th</sup> Street and on 8<sup>th</sup> Street, have they been maintained?

Mr. Leoncavallo said he thinks they are, the only question is the property in question because it is very old and it looks like in the past 20 years it has not been maintained. There are two families on 7<sup>th</sup> Street but not the concentration of two families that are on 8<sup>th</sup> Street. He thinks that would have an impact on your decision in terms of what is there now and what has been developed.

Mr. Picerno asked how many two families are on 7<sup>th</sup> Street? Mr. Leoncavallo said 2, 3 or 4.

Mr. O'Brien said the Master Plan map of 2010 identifies only single family on 7<sup>th</sup> Street.

Mr. Grimaldi said he thinks there was one that may not have been a sanctioned home on that block but he said it has been changed. He said if you go down to Washington, that development which is a recent development are highly taxed single family homes. He said if you want to use an example of maintenance, single vs. two family, that would not be a good

argument because the two families may have more of a maintenance issue than most single family homes.

Mr. Leoncavallo said he is only saying that the indicated lot seems to have problems with maintenance in the past 20 years.

Mr. O'Brien said the pictures may be a help since you were talking about the maintenance of the surrounding properties, the one immediately to the north is of a style very similar to the property in question, just a little bit wider and that is in fairly good shape. The house across the street is a newer variety and the ones in the view of the photographs are all fairly well maintained.

Mr. David said he thought one of the objectives of the Master Plan was to promote single family residences in the Borough. He asked Mr. O'Brien if he had a copy of the Master Plan and if he could possibly look it up.

Mr. O'Brien said on page 22 under Goals and Objectives of the Master Plan from February 2011 states "among the goals and objectives page 22A residential...1) protect residential neighborhoods from none residential encroachments 2) preserve single family neighborhoods from any two family or multi-family encroachment.

Mr. Juba said the applicant has submitted a copy of the building plan and if there is any questions as to construction, he can have him sworn in, otherwise that is all he has.

**Motion was made by Mr. David, seconded by Mr. Pantina to open the meeting to the public on Application #2-17**

Mr. Rosabella Conti, North 9<sup>th</sup> Street – Mrs. Condi said it is all one family homes on her street which is North 9<sup>th</sup> Street and the Boulevard. She said the Boulevard is a truck route. She said it is a one side of the street parking and she has 4 vehicles and her driveway fits 3 cars and you are telling me there is sufficient parking for a two family which they can have many many adults and where are they all going to park. She said people when they come home from college from that street park on her street because it is a one side of the street parking. Mrs. Conti was also worried about the number of kids that will go to the schools.

Linda Rodrigues, 11 North 7<sup>th</sup> Street – Ms. Rodrigues said her home is directly behind the property and she has several concerns regarding a two-family home. She said she left Elizabeth to escape multifamily homes and where the tenants are not controlled. She does not want two family homes behind her home.

Mr. Picerno said he will give the attorney an opportunity respond to parking, tenant control, snow, and schooling.

Mr. Juba said to the best of his knowledge they have no parking variances, we have provided the sufficient parking that is required under the ordinance, again we are not asking for any parking variances which normally is the sort of variance that creates problems but we comply with parking. As to the number of people that might live in a particular house, again the objector said she has 5 cars, nobody can know who is going to move into a particular house and nobody can predict the number of cars that are going to be there. The ordinance says you have to supply a car in the driveway and a car in the garage for each dwelling unit and that is what we



are doing. The number of children that might be attending school, until you get a tenant in there it is not a large unit, you might get a tenant that has no children. He said there are going to be tenants there and under the housing code the owner has the responsibility to maintain the structure and if he doesn't maintain the structure then the Board of Health or the construction department is going to give them a summons.

Mr. David said he thinks his question may have been answered and the question was if the applicant was intending to keeping the property and renting both units not where some of the duplexes have been sold off as two separate units but in this case the applicant is keeping the property and renting both....correct.

Mr. Juba said as it is right now, it could be sold if someone wants to purchase it as a two family but it is not going to be condoed.

Mr. O'Brien said any change in the actual site regarding selling both halves would require further authorization from this Board.

Mrs. Conti - Mrs. Conti said she doesn't know if you realize this but it is one side of the street parking and there are other multi families there and they park on her street. She said 7<sup>th</sup> Street does not have any two family houses. She said every time she looks around the town is changing with all the duplexes and she asked when is it going to end. She said there are a lot more one family houses than two families.

**Motion was made by Mr. David, seconded by Mr. Mazzeo to close the meeting to the public on Application #2-17.**

Mr. O'Brien said should the Board be inclined to approve then we would recommend that a detailed plot plan be provided.

Mr. Picerno asked each Board Member about their gut feeling about this application so that we can determine where we are going with this.

Mr. Pantina – Mr. Pantina said he has only been in town for 15 years and he did part of the Master Plan and we kept it as an R5 to preserve the single family homes. He has not been satisfied with the special reasons and he supports Mr. Grimaldi's feelings because he does not think the neighborhood should be limited to one block. Mr. Pantina asked Mr. Picerno if he was asking for his decision right now? Mr. Picerno said he was not asking for his decision because that would be part of a vote...he is asking what his feeling is so that he knows how to present the motion.

Mr. David said we are not presenting a motion, at this point it is fine to ask each Board Member if they have any issues or their thoughts on the case but it is up to a Board Member or Board Members to decide to make a motion to either approve or deny and that is all we should be doing, we should not be trying to force people to gauge as to whether we should make a motion.

Mr. Bongiovanni said if a Board Member makes a motion, a Board Member can always ask for discussion on the motion.

Mr. Picerno said there are two ways to do it.....I can ask for a motion to accept this application or a motion to deny this application. He said in fairness he is trying to see what to propose.

Mr. David said he understands that but he said you should not ask for either, you should just say is anyone prepared to make a motion on the application and then see where it goes.

Mr. Bongiovanni said or do we need to discuss it further? Mr. Picerno said that is what he was trying to do but getting a discussion and dialogue going because it seems like two of us have the most to say about it and others have kept a little back so I was trying to get a feel, he can run it either way.

Mr. Pantina said a lot of work and time from a lot of people, himself included was put into the 2011 Master Plan and he agrees with it and that is where he is at.

Mr. Schielke said Mr. Pantina and Mr. Grimaldi had great questions and they were my questions to....the fact that they got them out first...thank you....his questions have been answered.

**Motion was made by Mr. Grimaldi to deny Application #2-17, seconded by Mr. Pantina. Roll Call: Mr. Picerno voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Schielke voted yes, Mr. Pantina voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted yes and Mr. Pinto voted yes.**

**Application Minor Site Plan #359**

Dana Development Co., LLC  
515 Springfield Road (rear)  
Block 3, Lot 9

Mr. Cory Klein, Hehl & Hehl on behalf of the applicant Dana Development Company – Mr. Klein said the property is located in the Industrial Zone and the proposed current use is permitted. The applicant is proposing to use the site for the detailing and storage of brand new Tesla vehicles, there will be no washing on the site, they will come off the trucks and go into the garage for detailing and vacuuming and then they get shipped off the site directly to the buyers. The relief sought is for minor site plan approval with variances, the variances are not new variances however there are C variances associated with the existing nonconformities at the site which our engineer will testify to. The existing and proposed outdoor storage is not visible from the roadway.

Mr. Picerno asked how can you detail a vehicle without washing it. Mr. Klein said he will let the tenant testify to that.

Mr. Kevin O'Brien, Mr. Nicholas Sottos, Mr. Richard Rucki, co-owner of LNR Services, 611 Highway 72, Wylie Texas and Mr. Zackery Chaplin were sworn in by Mr. Bongiovanni.

Mr. Zack Chaplin, Stonefield Engineering Design, 92 Park Avenue, Rutherford, NJ – Mr. Chaplin exhibited Exhibit A1 and said this is an aerial exhibit prepared by Stonefield Engineering and dated July 13, 2017. This is Block 3, Lot 9 flag lot, access to the site today is provided by an existing access easement that is shared by both Lot 10 and Lot 9. The applicant is looking to utilize this lot to detail new Tesla vehicles within the structure. Trucks will enter the site via the

access easement, they will unload the new cars onto the site which will get driven into the building to get detailed. He said we have a few variances that are existing. He referred to the site plan which was submitted, variances that we need are listed as lot frontage and since this is a flag lot there is no lot frontage access is provided via the easement. There is a side yard setback existing variance 4.9 ft. where 5 ft. is required which is very minimal and finally lot coverage where 85% is permitted and the coverage is listed at 100%. No new variances or waivers are being proposed, no changes to the grades.

Mr. Picerno asked how you detail a car without washing it?

Mr. Rucki said we get our transporters from Fremont, California on a long haul truck across country. We have places in Alabama, New York and in Illinois. He said they get dusty and rained on. This is a new wave of car delivery, you used to deliver cars to a lot and they would wash the car on the lot but now the car is shrink wrapped so the cars are generally very clean. We do not use chemicals, it is a quick once around, vacuum, put the plates on, connect the Ipod and then deliver to a home. They come in from our manufacturing facilities throughout the United States that we orchestrate. He said it is the new Amazon.

Mr. Picerno asked if the facility is opened in the winter? Mr. Rucki replied yes and the trailers come in as enclosed trailers. Mr. Picerno said in the winter time when you have rain and sleet you need to wash the vehicle? Mr. Rucki said there are different means of shipping them, they come inside a box in closed carriers. The cars are upwards of \$160,000 to \$170,000 a piece so we don't want road salt and other debris hitting the cars during the winter months so it is a very seasonal scenario. He said it is not an everyday process, it is more toward the end of the quarter or end of the month.

Mr. Cuppari said if they come in a little dusty, how do you clean it? Mr. Rucki said they a pressure machine to dust off and a micro fiber rag with wax. Mr. Cuppari said you have cars that are parked and sitting out there right now that if it rains right now or tree things fall on them....do you bring them in.....how do you clean them. He said what we are trying to get at is....every once in a while you have to spray something and hit it with a hose.....he asked if you have something in place to make sure it does not go into the stream or the park nearby?

Mr. Klein asked Mr. Rucki if he had a car sitting outside and it gets dirty do you have the option to wash it off site? Mr. Rucki said yes we can take it to a body shop. Mr. Rucki said we are not like a commercial car wash.

Mr. O'Brien said the application is for car detailing and they were asked specifically whether or not they would wash cars as part of the application and they said no. If they take a hose out and start to wash a car they are now a commercial car wash which has State statues associated with it with water reclamation as well as watching where the water goes so they cannot even take a hose out under the application unless they wish to change that. He said your purview tonight is car detailing. If they chose to wash a car they cannot under your authority because that is not part of this application.

Mr. Klein said prior to tonight he reviewed the report from Mr. O'Brien and he spoke to the applicant in terms of making it clear that water discharge and water runoff is not permitted at this site. He went through Kevin O'Brien's letter regarding his comments 1) suggest that the applicant provide a minimum 10 foot setback from the fence line for all parking, storage and any activity. Ten feet equals the required rear setback and is intended to provide a clear space at the lot border. The applicant agrees to this. 2) Applicant should provide landscaping along the western fence line to provide screening from the street. The current industrial use adjacent to the street may not be there forever. A row of evergreens along the western fence line would provide a buffer and place some greenery on this completely paved lot. Mr. Klein referred to the aerial Exhibit A-1 and he said this whole area is zoned for Industrial and he said he drove by the site and said you could not see the rear portion of the site. He added that applicant is using the rear portion of the site beyond the fence line is being used by the other tenant on the site who parks trucks and vehicles within that area. Even if we were to try and add greenery it would be blocked by these buildings as well as the vehicles that are parked there. The site is completely impervious today and we do not see the need to add greenery to buffer. 3) The applicant should discuss if the lot can be striped and whether curb stops or some other delineation of parking spaces is appropriate. This isn't a retail oriented use, the applicant utilizes the site on a daily basis, he is the one who is going to be moving all the vehicles and to add stripping is more typical for retail type of use and we do not feel that is necessary on a site like this. 4) Does the car detailing include the washing of cars? They already went over that. 5) The applicant should confirm that there will be no change of grade. That is confirmed. 6) The applicant should discuss the nature of the storage use and any other activities to take place on the lot. He said he thinks the applicant has done that but he can certainly come back during questions. 7) I discussed the application with Victor Vinegra, P.E., the Borough Engineer, who confirmed that there are no engineering comments based upon the fact that no structural renovations are proposed. He did express concern about any wastewater generated by the car detailing operation.

Mr. O'Brien said Mr. Sottos will have comments.

8) This application requires review by the Union County Planning Board due to the adjacent County lands. Proof of application to the County shall be provided prior to the hearing. Mr. Klein said we are in the process of submitting, they would agree to submit the County application as a condition of approval, he is not aware of whether it's been submitted at this point. Mr. O'Brien said the Borough has not received anything.

Mr. Schielke asked how many cars are you referring to, outside and inside? Mr. Klein said he will call the applicant as a witness and have him testify as to the number of cars.

Frank Mazzeo said if you agree to the 10 ft. set-back ...how will that be delineated? Because from what he saw it seems like the fence line goes right to the property line and it is tough to see what is going on with the aerial. Mr. Klein said the fence line that is actually a reference is, he believes, on Park property and it was asked that 10 ft. from that fence line we park vehicles.

Mr. O'Brien said he was actually referring to that fence ...so you are 10 ft. away from the fence line.

Mr. Mazzeo asked if the grading was changing? Mr. Klein said there have not been any major changes to the existing drainage patterns we are keeping what has been there for many years.

Mr. Picerno asked Mr. Klein to speak about the easement and what you plan to do there?

Mr. Klein said the easement is an existing condition that we are planning to keep today, it allows our applicant to gain access to the rear of the site since it is a different lot, we are going to continue to use that as part of this application for the flag lot.

Mr. Clementi asked Mr. O'Brien if he was strong on these landscaping suggestions?

Mr. O'Brien said the applicant is correct, you can see it up the little slot from Springfield, he really was not sure what they had intended in terms of fencing because there is no fence line across the Springfield Road side, he is satisfied with the explanation, Mr. Sottos is going to have some comments about the easements and access....perhaps we will see where it goes from there.

Mr. Mazzeo said he noticed a mobile office on site which he does not see here.....is there any issues with zoning on that? Is that something that needs to be addressed? Mr. Klein said he is not aware of any mobile office on site but if there was some kind of structure temporary or permanent that was not permitted on site, obviously we would need to return to the Board and ask for approval.

Mr. Mazzeo said it looks like a pretty permanent and fairly new office trailer that is 100 yards in front of the building just short of the gate to where the cars go into the parking area.

Mr. O'Brien said if it is not on the site plan it does not get approved.

Mr. Klein said if it is not supposed to be there then obviously it would have to be removed or we would need to return to the Board.

Mr. Sottos said he thinks the trailer was placed after the engineer did his site plan.

Mr. Picerno asked if the property to the left of the one story building...is that your property as well? Mr. Rucki said no.

Mr. Sottos said they have cleaned that place up from years ago, most of the surface is stone and paved and is relatively neat and has been graded properly and there are no drainage issues there in terms of water retained on the site. He said a possible issue is he does not think there is sufficient lighting for security purposes for the site. There are only two lights on the building. His recommendation is that a lighting plan be established. He said lighting is the best security you can have and that should be a consideration. He said it appears there have been some things that have gone on at this site subsequent to the preparation of the plan, the fence along the easterly property line has been removed and it seems some encroachment of vehicles into that lot on the easterly side of the site. The fence that is internal to the property about 60 ft. east of the westerly line is in a state of disrepair and it should be repaired, in fact fences all around are either non-existent or in a state of disrepair and they need to be replaced for security purposes. He said all the cars are electric cars there are no gas cars. He said he saw them cleaning today and they were dusting off a car and he saw a hose there trickling out, hardly anything to be concerned about. He said they should modify the plans to show that all the fences are going to be repaired and give us a lighting plan. He said you cannot see the site from the street so the landscaping thing might not be such a good idea. He said they park the cars in a very orderly fashion.

Mr. O'Brien said that Mr. Vinegra had commented to him earlier that he did not think that the easement was a good permanent solution to access the site of a sub division because then it would be a land locked site and down the road, should these properties be sold off, this one would have no access. Mr. Vinegra indicated that me but he will rely on Mr. Sottos for his comment on Mr. Vinegra's suggestion that the lots be merged.

Mr. Sottos said he can understand why you would want to do that.....the interesting thing about establishing a lot line there puts the lot number 10 and makes it a none compliant lot which it probably is not because you have a zero lot line on the northerly side. He said there are benefits for having a single lot made so it would become a subdivision at some future date. He said it has been that way forever. He said it would a convoluted lot line.

Mr. Picerno said but if we didn't do that we would have a land locked property and it would not be accessible.

Mr. Sottos said it is land locked now, it would have a frontage equal to the width of that easement so it would no longer be land locked, it would be a flag lot.

Mr. Picerno said but then the easement is being used.

Mr. Sottos said if you do subdivide and have that piece of property become part of the lot in question then you would still require it to be an easement for the use of lot 10 because they need to get to the rear of the building. You would succeed in one area and you now have an easement going back to lot 10 because lot 9 and 10 use this easement.

Mr. Picerno asked the Board if they can see the concern?

Mr. Klein said the applicants position as part of our request for variance relief that we maintain the lot that doesn't have any frontage along Springfield Avenue and the easement is a permanent recorded easement so it is not as if the lot would ever be inaccessible if the property owner were going to sell off one lot or the other that easement would still remain in place. He said as the engineer testified there is a benefit to keeping it the way it is as well as the obvious detriment that you pointed out so we would argue that the benefits outweigh the detriments and the applicant's preference is to keep it as it is today.

Mr. Picerno said he does not see it that way.

Mr. Sottos said that easement actually crosses over 3 properties, Lot 14, 10 and 9 and if you do a subdivision you would have to sub divide Lot 14 and 10 and both lots would still need that as an easement, he does not see what you would gain.

Mr. O'Brien said there are arguments to be made on both sides, when Mr. Vinegra and he discussed this the other day, he does not think he was aware of all the various pieces that Mr. Sottos has testified about, the easement is there, you can't take it away and if the Board is satisfied that it works as it is then there is an advantage to leaving it because that makes things simple.

Mr. Picerno said he wants the Board to understand that the property will be locked if we approve this application.

Mr. Mazzeo? ...What about lot 8?

Mr. O'Brien said it is current. Mr. Picerno said there is no turning back if you merge it.

Mr. Pantina said you are saying the easement is there but what Rich is saying is that if someone else buys that property the easement may not be there. Mr. Klein said that is not true, the easement would remain in place. Mr. Pantina asked does the easement off Springfield Road remain in place regardless who owns lot 14, lot 12, etc.

Mr. Klein said in order to eliminate that easement, it is a recorded easement, there would need to be the recording of document that would eliminate that easement and there would be no benefit to the other property owners to do that and even if there were no easement, he said legally there would be a prescriptive easement where you would have an as of right easement because otherwise the lot would be inaccessible but regardless it is the intention to keep the recorded easement in place.

Mr. Bongiovanni said the easements run with the land and the affected property owners themselves would have to agree to vacate the easement, he said he doesn't understand why they would.

Mr. O'Brien asked Mr. Bongiovanni if they could make the condition that any change of the easement has to come to the Board? Mr. Bongiovanni said if the applicant does not object to that. Mr. Klein said he does not have any objection to that.

Mr. Grimaldi said on the Exhibit you had the trucks in front of you, the trucks were on the outside of the fence but they are on your property, correct? Mr. Klein said that is correct. He said that is a separate tenant and has nothing to do with this? Mr. Klein said yes. Mr. Grimaldi said he does not think he would want the lighting, if anything he would want it on some type of motion detector because you have a park there. He said if you have bright lights there at night you will attract more of the bad doers than you will keep away. He said that should be discussed with the police department.

Mr. O'Brien asked Mr. Grimaldi if a condition to provide a lighting plan be sufficient. Mr. Grimaldi said yes. He said he agreed with Mr. Sottos, it would be interesting to see if there is any type of true functioning catch basins on that side of the property, he said he knows there never was because there used to be a waterfall coming right through the fence into Blackbrook. He said if the site is functioning then it should not need to be changed, if it doesn't function it should be repaired.

Richard Rucki – Mr. Klein asked Mr. Rucki how many vehicles are going to be stored on site. Mr. Rucki said the amount of vehicles come later in the quarter, we are actually coming out of that right now. He said the yard rotates pretty fast, we might drop 25 to 50 cars but it could hold up to 75 to 100 cars, we will rotate that out of there. Mr. Rucki said there could be a maximum of 100 cars. Mr. Rucki said the hours of operation are 8AM to 6PM, based on the neighbors he said he has a lot of consideration for the people in town, he had some concerns for the Park which was disgusting when he got there and he cleaned it up from the garbage that prior trucks left there. He said there will be 2 or 3 employees. He said his loading and unloading procedure is the trucks are unloaded and he pointed to an area on the exhibit that was not his property



and he doesn't park his vehicles there and said that was not his mess and asked that you do not put him involved with any of that mess...the people have a car carrier there that is rusted and that is not his truck.

Larry Clementi asked if he worked weekends? Mr. Rucki said he works about 2 hours on Saturday morning, there are no loud noises or grinding or anything like that. The hours on Saturday are 8AM to 12 noon.....he may stay a little later to clean things up. Mr. Clementi asked if there were deliveries on Saturday and Mr. Rucki said very rare and if it does it would be early in the morning sometimes we get UPS or Fed Ex. He said he holds the trucks off to be delivered Monday thru Friday but on rare occasions it may be on a Saturday.

Mr. David said there are a couple of spots on the plans that say...area to be utilized for storage of passenger vehicles and it also says and construction equipment and trucks, he said he just heard talk about trucks and he is assuming those are the trucks that are making deliveries...

Mr. Klein said Mr. Rucki is the tenant and he pointed to the space that Mr. Rucki will be leasing and the area to the left where there are additional vehicles stored is utilized by the landlord, he is not available to testify tonight but it is going to be the similar use which is the approved use which is vehicle storage.

Mr. David said the way he read the plan is was like that's part of your proposal that you are providing an area to be utilized for passenger vehicles, which again we heard a lot about, but then also construction equipment and trucks and he has not heard anything about that...you are saying that has nothing to do with.....Mr. Klein said it has nothing to do with this particular tenant but yes it is part of the plan.

Mr. O'Brien said to Mr. David that had been approved in 2013 so that is a previous approval that continues.

Mr. Pantina said asked if all the cars were coming in car carriers off Springfield Avenue and there are no issues pulling in from Springfield Avenue? Mr. Rucki said no issues, they come in off Rt. 22 and come right in, they do not go into town. Mr. Picerno said he is impressed; they have 100 cars coming in and 2 or 3 guys working them. Mr. Rucki said this is one of his smallest sites, he has another property that is 30 acres and he facilitates almost 3,000 cars at any given time. He said he is with Tesla nationwide and has close to 350 million dollars worth of product in his possession at all times through five sites throughout the country so it is not something that he is just practicing, he has his processing in order and everything is in place. Mr. Klein asked Mr. Rucki how much time it takes him to process 100 cars, is it monthly, quarterly? Mr. Rucki said go they through several a day, we prep them and they are directly shipped to homes. The bulk storage, he does not sit on the vehicles that long, they move, they come to him, he preps them and he ships them, he is not dismantling them, repairing them or maintaining them, he is just doing a home delivery service.

Mr. Klein said that is all the testimony he has.

Mr. Picerno said no one commented about the engineers concerns regarding the fencing, except for the lighting, Mr. Grimaldi said he was not too keen on.....so he would like to hear comments on are you going to repair the fence and are you going to take care of the lighting?

Mr. O'Brien said we have a list of conditions should the Board choose.

Mr. Rucki said with the development of the property and the approval stuff, it is holding him back from fixing the fence and the lighting, he has security in place. The lights that are existing are on timers from dusk to dawn, PSEG has lights that go dusk to dawn, that is already a service call and he wants to repair the fence, he put up blocks around the perimeter of the property so that these vehicles can't be driven into the lake, they are very secure with the landscaping block that is already there.

Mr. Picerno said so if the application is approved with the conditions, he is already agreeing to do those things?

Mr. Klein said he will let the engineer testify to the lighting plan and the fence.

Mr. Chaplin said he can prepare a lighting plan if the Board pleases.

Mr. O'Brien said he has developed a list as we have gone through testimony. The full list would be that any use not permitted in the zone is prohibited, to submit proof of the County submission, any change to access easement returns to the Board, provide a 10 ft. set-back from the east and south fence lines, provide lighting plan, repair or replace the fences, maximum 100 cars at a time.

Motion made by Mr. David, seconded by Mr. Picerno to open the meeting to the public on Application #360. All in favor.

Mr. Herbert, 14 North 12<sup>th</sup> Street – Mr. Herbert asked the engineer and attorney a couple of questions. He said in your testimony he heard that there is a site trailer office and possibly some encroachment of storage of cars and he asked to be shown on the map. He asked our professionals if they saw an office trailer. Mr. Sottos said he noticed that some cars seemed to be parked on the easterly side of the site, he said he spoke with the applicant and he told him they are there temporarily and they are going to be moved and apparently he has permission from the adjacent site owner to park temporarily while he finished up his site, he said he will move all those cars on his site. He said there were a number of things that were done there which the Engineer had no knowledge of because the plans came before that, he told him he will have to move those cars or he is going to have to extend his application, he said he moved the cars. Mr. Herbert said he is looking for clarification that there was an office trailer recently put there. Mr. Sottos said yes there is an office trailer there he said he thinks it is currently being processed for approval. He said there was definitely a trailer there with a skirt around it so it looks like a building. Mr. Herbert asked if he can ask the tenant if he recently put an office trailer there? Mr. Picerno said he has to be careful that you are speaking as the public and not as the Zoning Officer. Mr. Herbert said he is speaking as the public. Mr. Picerno said the questions can be asked.....he said yes there is a trailer there. Mr. Herbert asked if they can show where the encroachment of the vehicles are? Mr. Sottos pointed to the area, he said he spoke to him about those vehicles and he said he will move them and if he doesn't you can cite him. Mr. Herbert said he is here as a citizen right now. Mr. Herbert asked Mr. O'Brien if

storage of any vehicles can only be on the property where the business is occupied, otherwise that would trigger a variance. Mr. Sottos said yes and the applicant fully understands it. Mr. Herbert said he is just wanted clarification. Mr. Bongiovanni said we should let the attorney clarify.

Mr. Klein said the applicant is not the tenant, the tenant is here testifying as to the operations of the business, the applicant is the land lord, that site is owned by another property owner, the tenant that is here tonight is testifying as to the operation of the site, may have some kind of a deal with the landlord there and he said he thinks that is what was testified to by your professional but to the extent that that is not a permitted use, your Zoning Officer obviously has any right to enforce that and it sounds like your engineer has already spoke to the tenant of the application about that particular site and as he understands it from what he has heard so far, it sounds like it is being taken care of and if it is not, obviously that can be enforced.

Mr. Picerno said we are satisfied that is being taken care of at this point.

Mr. Bongiovanni said it is not part of the application... he is not looking for approval of that.

Mr. Herbert said he is a property owner and taxpayer in this town and he is concerned and that is one of the reasons why he attends these meetings, he pays just as much taxes as everyone else and all he asks is to give him his chance, don't demean him.

Motion was made by Mr. David, seconded by Mr. Picerno to close the meeting to the public on Application #360. All in favor.

Mr. O'Brien said this is a minor Site Plan and is something new that has come to you because of the changes in the Ordinance. A minor Site Plan is intended to accommodate "inconsequential changes to an existing site"...,so it does not require a full site plan review, the notice and as Mr. Bongiovanni pointed out before, the full hearing. This is supposed to accommodate business owners with inconsequential minor changes and as long as you find that his application before you is minor than you can approve it.

**Motion was made by Mr. Picerno, seconded by Mr. David to approve Application #360 with the conditions that were set forth by Mr. O'Brien. Roll Call: Councilman Clementi voted yes, Mr. Picerno voted yes, Mr. Cuppari voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Schielke voted yes, Mr. Pantina voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted yes and Mr. Pinto voted yes.**

Application #17-02 Minor Sub-Division  
Wayne Fennes  
112 South Michigan Avenue  
Block 129, Lot 1

Mr. Schielke recused himself.

Mr. Wayne Fennes, 47 Epping Drive, Kenilworth, NJ

Mr. Fennes and Mr. O'Brien and Mr. Sottos were sworn in by Mr. Bongiovanni.

Mr. O'Brien said it might help, before Mr. Fennes starts, for him to lay out what the application is before you. Mr. O'Brien said this is for a minor sub division which means that it doesn't require notice because everything is compliant with the ordinance. They are not asking for any relief What-so-ever, if they were, they could not apply for minor. He said everything you see on the plan in front of you conforms, there are, of course, some questions and some conditions which he suggested and maybe Mr. Fennes can speak about those and you can discuss whether or not it qualifies for minor sub division.

Mr. Fennes said it will be two conforming single family homes. The lots would end up being 50 x 125 which is 5000 for a single family home.

Mr. Picerno said presently you have a 100 x 125 and you are going to subdivide it into 2 50 x 125.

Mr. Fennes said the existing house will be knocked down and there would be 2 houses that would comply.

Mr. Bongiovanni asked if he read Mr. O'Brien's report?

Mr. Fennes said Mr. Dec made some changes after he made the recommendations; he made the changes that he asked.

Mr. O'Brien said Mr. Dec, Mr. Fennes and himself had conversations about this and we looked at the Ordinance and the design standards and Mr. Dec and Mr. Fennes made some changes to the plan to accommodate those standards. Among the changes that you made, you detailed the colors and the finishes on the plans and he asked Mr. Fennes if he feels that complies with the design standards? Mr. Fennes replied yes. Mr. O'Brien said you are also providing one street tree for each sub divided property which is required by the design standards....and Mr. Fennes said yes. Mr. O'Brien said you looked at the requirement that all HV equipment be buffered and be screened and you have agreed to screen and buffer those items.....Mr. Fennes said yes. Mr. O'Brien asked Mr. Fennes if all those items are reflected on the sub division plan you have before this Board.....Mr. Fennes replied yes. Mr. O'Brien asked if this minor sub division complies with all the requirements of the ordinance, does it advance the public good of the Borough of Kenilworth.....Mr. Fennes replied yes. Mr. O'Brien asked if it would have any negative impact upon any of your surrounding properties or upon the Borough .... Mr. Fennes replied no. Mr. O'Brien said he believes Mr. Fennes had answered all the questions on the report.

Mr. Pantina asked if you would consider either flipping the houses or putting the driveways as far apart as possible, as opposed to having two driveways 10 ft. apart? Mr. Fennes said he would have his builder answer that question.

Mr. Hany Elshiekh was sworn in by Mr. Bongiovanni.

Mr. Elshiekh said the answer to that question is simple, you have a situation right now which is you have an electric pole on the property and we are in the process of trying to get this pole moved to one side. In the event it comes to one side, it is possible for us to do two driveways the way you described it, one on the right and one on the left, it makes a lot of sense.

The way we propose it right now is because of the electric pole. The electric pole carries a line and that is the sticking point for the driveway.

Mr. Pantina said what if you moved the left driveway to the other side.

Mr. Picerno asked what would that gain.....why would you like to see it like that?

Mr. Pantina said he is just making a suggestion as opposed to having two driveways 10 ft. apart, it gives the other property owner a little bit more comfort. He said he is not telling you what to do....you are the builder.

Mr. Elshiekh said if it is possible they will do it.

Mr. O'Brien asked if the poles current position prevent that? Mr. Elshiekh said he was in the process of trying to get the pole removed because right now the pole is carrying wires across the property, 17 ft. in from the property line, which is something we discovered when we went to see the architect. He said they are talking to PSE&G and Comcast to get this removed.

Mr. Picerno said we are talking about a minor sub division and moving the driveway from one side to the other and the applicant already said he would like to do that, based on us approving the sub division at that point he submits his plan and then that plan can also be changed at that point at the building department level. This benefits the applicant at that point to move it over which he is already trying to do, he said not that it is a moot point but he thinks he already has that in his radar. He said he thinks we need to stick with the sub division at this point instead of the driveway location.

Mr. O'Brien asked if the Board wished to make a comment to request a separation, if possible, down the line or you don't want to address it at all.

Mr. Picerno said he thinks they can request that because it would make more sense to have them separated and Mr. Elshiekh has been forthcoming in saying he already knows about it and wants to do it, but to say you have to move it, he does not think we can because if they decide not to move that pole.... So it would be a request.

Mr. Grimaldi said he thinks why he is doing what he is doing is so that the houses are not totally identical, they are at least symmetrical but you are not having the same house and then the same house. He agreed whatever way works out better, the only thing he would ask is that you meet all your set-backs, maybe push the house back 5 ft. so you can get more cars in the driveway before the sidewalk.

Mr. Elshiekh said he is not sure where the right of way is but he is assuming they have at least 50 feet of driveway and the house itself it going to set back 25 ft. from the right of way. He said you can fit 4 cars.

Mr. Sottos said generally the grading planner admits in his notes that the final grading plans will be provided for on the final plot plan, the only thing he would make a recommendation is that

the plot plan not be separate pot plans for both buildings...rather a plot plan covering both buildings because grading and things like sediment control are very difficult to do on a separate basis when you have two side by side lots, so he has pretty much the basis for the plot plan and he would suggest that he stick with the same single plot plan for both buildings. It makes it easier for the contractor to know what he is doing. Mr. Elshiekh said he agrees. Mr. Sottos said he has to go to the County to get approval. He said the County has been kinda funny about driveways coming directly out to the street, you may end up having to put a hammer head in there. Mr. Elshiekh said he already reached out to the County and they made a determination about what we have to do and he made it clear that he wants a new curb, he wants to change the sidewalk. Mr. Sottos asked if they said anything about a hammer head and Mr. Elshiekh said no but if that what they want we will do it.

Motion was made by Mr. David, seconded by Mr. to open the meeting to the public on Application #17-02. All in favor.

No one wished to speak.

Motion was made by Mr. David, seconded by Mr. to close the meeting to the public on Application #17-02. All in favor.

**Motion was made by Mr. Picerno, seconded by Mr. David to approve Application #17-02 with the following conditions, provide final plot plan with both lots, request a further separation of the driveways if possible and subject to the County's approval.**

**Roll Call: Councilman Clementi voted yes, Mr. Picerno voted yes, Mr. Cuppari voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Mazzeo voted yes, Mr. Ladauti voted yes and Mr. Pinto voted yes.**

Comments for the Good of the Board - None

Meeting Open to the Public

Motion made by Mr. Clementi seconded by Mr. Grimaldi to open the meeting to the Public. All in favor.

No one wished to speak.

Motion made by Mr. David seconded by Mr. Picerno to open the meeting to the Public. All in favor.

Adjournment

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

Respectfully submitted by:  
Kathleen Moschitta  
Recording Secretary

