

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, OCTOBER 11, 2018. ANTHONY CUPPARI 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 Mr. Cuppari

Roll Call: Present: Mr. Schielke, Mr. Cuppari, Mr. Grimaldi, Mr. Pantina, Mr. Laudati, Mr. Callelo, Mr. Mazzeo, Mr. Jones, Mr. Kenny. Also present were Borough Planner, Kevin O'Brien, Louis Rago, Planning Board Attorney and Mr. Christian Cueto, Planning Board Engineer.

Approval of August 9, 2018 Minutes

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

Communications: None

New Business Application #18-01 – Minor Subdivision
Grunwald Properties, LLC
67 South 20th Street
Block 114, Lot 32

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

Mr. Jeffrey Chornoboy, representing Grunwald Properties who is the managing member of Grunwald Properties said Mr. Niemczyk and Mr. Quinn will testify.

Mr. Thomas Quinn was sworn in by Mr. Rago.

Mr. Thomas Quinn, 328 Park Avenue, Scotch Plains – Mr. Quinn is a 1993 graduate from NJIT and received his professional engineers license in New Jersey in 1997. Since then he has served as Board Engineer for about 8 or 10 Boards, mostly in Morris County. He has submitted applications and presented testimony before dozens of Boards mostly in Union County. Mr. O'Brien said he has worked with Mr. Quinn both appearing before him and also on private applications and provided his license is still current, he would recommend him to the Board. Mr. Quinn said his license is current.

Mr. Quinn said this is a fully conforming minor sub-division and it involves property notice tax lot 32, Block 114 which is an oversized lot almost an 11,000 sq. ft. lot with the R-5 zone which requires 5,000 sq. ft. The only other feature to note is that we have access provided on South 20th Street and the property is surrounded by residential homes on all sides. Mr. Quinn said these are the plans that have been submitted to the Board.

Mr. O'Brien asked residents if they wanted to come to the front on the room to better see the plans.

Mr. Quinn said the lot consists of a single family home, a separate masonry garage, the current impervious surface on the existing lot is less than what we are proposing following the

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minor sub division. They have a 15 ft. wide easement entirely located on the property that currently houses a sanitary sewer. This lot is in the middle of the house with the back half of the house and the rear yard flowing towards the west and the front half of the house and a portion of the driveway flowing to the east out to South 20th Street. Mr. Quinn said in the existing condition there is impervious coverage of 5,160 sq. ft., in the proposed condition we are proposing 5,020 so a reduction of 140 sq. ft. of impervious coverage relative to the way the property stands now. He said on Sheet 3 there is a grading plan and it shows the creation of the 2 lots. The northerly lot contains 5,918 sq. ft. and the southerly lot 5,000 sq. ft. and the reason we have proportioned more property to northerly lot is due to the 15 ft. wide easement that is entirely on our property. Mr. O'Brien brought up a question in his review letter, the cover sheet shows the easement split between our property and the adjacent property to the north but when they did the deed/title research it turns out the tax map is in error, we own the entire easement and that explains why we proportioned more property to the northerly lot. We show 2 conforming dwellings, 2 access driveways. All the utilities will be accessed off South 20th Street, we have a sanitary sewer and a storm drain and water and gas that can be utilized by the property. He said this is a subdivision so there is not a lot to talk about other than to respond to the professional's letters.

Mr. Grimaldi said he understands the off-set of the lot because of the easement but reading the schedule of the requirements and you said there were no variances for this? He said the rear width of the property is not 50 ft.does it have to be? Mr. Quinn said no it is his understanding that the lot width is measured at the front yardage. Mr. O'Brien said you get it both ways the width in the front and the square footage of the entire lot.

Mr. Quinn said in reference to Mr. O'Brien's September 8th letter, page 6, the easement is entirely on our property based on a title search and our deed. Mr. Quinn said he already answered Mr. O'Brien's question on the lot size difference and that is because of the presence of the easement. He said there was a question raised regarding the sliding doors out back, there is no impervious coverage shown out back, he spoke to the owner and they have enough impervious coverage at 140 sq. ft. so we can put 2 8 x 8 patios out back which will be ample size for a patio and still be below the impervious coverage limitations as well as preclude the need for drainage because we are not increasing the pervious surface. He said there is no patio reflected on the map. He said the lot coverage is well below what is allowed and he was surprised to see the Borough permits 75% lot coverage, we are nowhere near that, we are at 50 for the smaller lot and 42 for the lot to the north so we have room, per the ordinance. Mr. Rago asked if that would raise any variances issues in terms of set-backs? Mr. Quinn said no. Mr. Quinn said Kevin asked the applicant to provide testimony that the application will have no negative effect on the site or surrounding areas and that to him is the negative criteria associated with a planning variance and we have no variances. He said the issue and why there are residents here tonight is drainage. He said we are reducing impervious coverage so the drainage impact will be less and he will talk about that when he gets to the letter from the engineer about the actual drainage pattern and how we are going to address one or two of the comments in Mr. Vinegra's letter. Mr. Quinn asked Mr. O'Brien if he was happy with his synopsis of his letter, and if so he will move on.

Mr. O'Brien said there are 2 items to address, the bottom of page 5 concerning street trees. Mr. O'Brien said we show a total of 2 newly planted trees, there is a giant twin tree at the corner and he said the ordinance requires 3 street trees for every 30 ft. of lot frontage and that would equate to 3 along the property. He said this one being where it is, and it is a very healthy tree, we supplemented that with 2 so we have met the intent of the ordinance. What we did not realize was that we have placed these on the property line and Mr. O'Brien has asked that we

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slide them back so that the tree is entirely on the applicant's property.....we do not have a problem doing that. The only issue we with regard to the northerly tree is that there is some concern that the tree is planted within the easement, he cannot relocate that tree, the easement runs immediately off the house so, if acceptable to you, he would have to put the tree literally right on the driveway curb line and he is reticent to do that because as the tree grows it is going to create havoc with the curb line. He would have to eliminate the tree to move it unless there is some sort of contribution scheme that you have when an applicant cannot comply with the tree replacement. This tree is problematic because the easement is 3 ft. from the driveway... he said it is going to be a stretch for him to squeeze it in any other area. He said he understands that you don't like shade trees in easements and in this case we tried to comply with the intent of the ordinance but he does not know where else to put the tree.

Mr. Pantina asked why doesn't he flip the driveway on the northerly lot and put it on the right side and then you can shift the tree over. Mr. Quinn said that is up to the applicant but generally most developers do not like to have driveways that close to one another with garage next to garage. Mr. Pantina said it satisfies the other points that you are trying to get around. Mr. Quinn said if a contribution is not acceptable to you and you insist on having a tree which is obviously your right then he would have to ask the applicant if he is willing to flip the house. He will let the applicant testify to that. He said if that doesn't happen he is back to the situation as to where that tree is going to go, he said he doesn't know if it is typical for you to request contributions from people where planting a tree is not practical but he will leave that to the professionals. Mr. O'Brien said that is a design waiver the Board can certainly allow them not to plant that tree since Mr. Quinn's testimony is certainly compelling. Mr. Cuppari said he would like to see some of those requirements met somehow and plant them somewhere else. He said the tree is gigantic. Mr. Quinn said the lots are small and he can't reposition the house in any way and he has already taken as much as this lot frontage as he can so he does not have a lot of liberty to move things further away from the easement that is entirely on our property, he can easily plant it in there but he does not want to create a headache for the future owners of the property which placing it right next to the curb is likely to do. Mr. Cuppari said that Mr. Pantina brought up a good point about if you are not going to use that easement area you must make it a driveway. Mr. Pantina said no, his comment was to flip the house so that the driveway, rather than being close to the easement is where the stairs are now and then you can push the tree over to where the driveway was. Mr. Mazzeo said then you have 2 garages next to each other and you don't have any lawn, it doesn't look great from the street. Mr. Mazzeo asked if we have anything in place as far as sending it somewhere else in town? Kevin O'Brien said we don't but if the Board decides that this is not going to work because the driveways are now too close or the tree is in the easement and will bust up the driveway in a few years, maybe out of the goodness of their heart the applicant could donate a tree to Borough Hall. Mr. Cuppari said the when the street goes down from the top it builds up at the drain but then the 2 house across the street and these two were maybe built whenever....it goes higher so what happens to the water it goes the other way into the drain, it doesn't go into Cranford. He said he is concerned with the drainage and also seeing if the backyard goes into the other backyard. Mr. Quinn said if Mr. O'Brien is satisfied that he addressed all his comments he is done. Mr. O'Brien said on top of page 6, HVAC, there are no units proposed. Mr. Quinn said these are going to be in the rear yards, probably at opposite ends with two concrete pads and he understands the ordinance requirements is to screen those and we will show that on the revised plans submitted to the Board as a condition of approval if we are so lucky to get one. Mr. O'Brien asked if the coverage will count? Mr. Quinn said yes, we will count that coverage.

Mr. Quinn said for Harbor Consultants on items we don't specifically address we will agree with, he won't go through every item. He said on Mr. Vinegra's item #3 on page 2 curbing, the

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applicant has requested that he request you waive that based on the following, there is essentially no real curb line on the entire street. The only curbing that exists is railroad tie curbing so it would seem out of place in the development of the entire street to provide curbing along the site frontage when there is no real curbing anywhere down the street. Making that a little more difficult is the fact that we basically have no defined street, we will be defining with the driveways and the lawns but that curb could not be carried past the lot frontage because of the tree. The tree is very large and would preclude us from coming maybe to the driveway with curb, we could not go past the driveway which mean a piece here and a piece there of driveway. He does not know why it is warranted but it is your ordinance and it is your desire that I will follow but when driving down the road what I saw did not seem to merit the placement of the curbing, basically 2 pieces of curbing in front of the property. We are requesting a waiver. Mr. Cueto said he agrees that there is no curbing along the road however if the Borough ever goes and redoes the road and puts in curbing it will be assessed to the future owner, he has no issues granting a waiver. Mr. O'Brien said that is a design waiver, not a variance. Mr. Quinn said item #4 is about the air conditioner pads which we discussed where they are going to be in Kevin's report. Item #6 asks whether the application is going to be subdivided by plat or by deed, the minor subdivision is going to be by deed. Mr. Quinn said as far as grading and drainage...this is why all the people are here tonight. He said we are not providing any impound because we are not increasing impervious coverage but we will be making efforts to direct water away from adjacent lots wherever we can. In the existing conditions we have ½ of a house with gutter splash at grade traversing to the east and to the north and that is an existing condition. In the proposed condition the houses are pushed further back and the existing house sits forward which means there is a lot more back yard and a lot more dwelling potentially that could impact the rear yard. The trick to this is taking the roof leaders from the proposed dwelling and directing them toward the front, if he is able to do that he will greatly reduce the area of water that is running toward the existing neighbor's property because the existing house has no detention, the water is running onto the ground and into the back, hopefully that is evident to your engineer. The dwelling represents the largest proposed shedder of water. For this dwelling it is an easy matter to collect the roof leaders and take it directly into the pipe on the adjacent easement. The other lot is a little tricky because you don't want to create an easement to run a pipe through the adjacent yard into this so what he is suggesting could happen is that they have the lots graded so that there is a grade in the middle and he can either take the roof leaders to the street and run them in the right of way and tie into the inlet, some towns loath to have individual property owners drainage in the right of way, alternatively we could make this house, again, the gutters will run along the side center of the roof, the water sheds left and right, if the applicant/developer is able to lift the back gutter and create a low spot they can discharge those at grade and they will go directly to the street, those are the only scenario's he can offer. There is no way to collect these rear yards and get them into the sewer, he said that is not required because if we collect we will have reduced an area of runoff dramatically that the adjacent are seeing now. Mr. Cueto said in the existing condition the site, he is right, the front half drains towards South 20th and the middle to the back part of the property drains towards South 19th Street. He would recommend trying to put those roof leaders and connect it to the existing storm sewer that is along South 20th Street and that would probably help alleviate a lot of the drainage that is there now. Mr. Quinn asked Mr. Cueto if he had any compunctions about them running a roof leader in the right of way and tying to that inlet or would you prefer us not do that and just bring the roof leaders that discharge the middle of the house. Mr. Cueto said he would rather connect it into the inlet. Mr. Quinn said that can be done. Mr. Quinn said we will connect both dwellings, take their runoff away from impacting any adjacent neighbors and take it directly to the street. Mr. Mazzeo said so that ends up getting in the right of way, you are going to come out and somehow run it through the right of way so there is no need for additional easement? Mr. Quinn said there is no need for an easement.

Mr. Mazzeo said wouldn't it be better to extend an inlet to the property line.....would that make more sense? Mr. Mazzeo said he just can't see a scenario if it's a right angle where you are going to run that?.....say you do a 6" pvc and run it 100 ft.? Mr. Quinn said he would work at the grade and pitch the gutters so that there would be a downspout and he could run the downspout around into the right of way, run it along the right of way, he has sufficient invert to do that. That is done in some towns but other towns frown upon anything other than city infrastructure in the right of way, he has done it both ways. He said it is very doable to run the 6" along the right of way and tie it in. Mr. Mazzeo said a 90 degree at that point without some type of connection, especially for maintenance down the road, we at least have a small inlet. Mr. Quinn said he would use a sweep to get into that, so this would not be a hard 90 with the sweep and as your engineer pointed out we could put a clean out right there so that if anything gets clogged they can come in from the inlet or they can come at it from the other side. Mr. Cuppari asked how the back yard was going to be sloped, will it be sloped back toward the other houses down? Mr. Quinn said the backyards are going to be the same drainage pattern as now, the back yards will be sloped down. Mr. Cuppari asked if that would cause problems? Mr. Quinn said no, his testimony is that he can't eliminate all of the yard area from impacting them but he is reducing tremendously the amount of area and impervious coverage that is running off there, so there will be some run off but it will be dramatically reduced relative to what they are seeing now. Mr. Schielke said, to put it in laymans terms, you are moving the houses back in the property a little bit so there is not as much backyard where water could collect, all the water that goes on the roof of the house are going to be collected into downspouts straight out to the front of the house and straight into the storm sewer. He said it's not going to run into the street, it will go into a pipe and straight out. Mr. Quinn said that is correct. The only thing hitting the street is going to be what hits the grass and the driveway. Mr. Cueto said the way the driveway is now everything will drain towards South 20th Street and go towards the inlet there now. Mr. Grimaldi said the street definitely floods and he asked if the northwest corner of the corner of the property by the garage flood now? He said he is sure the public will let us know in a little while by if we have a 15 ft. storm easement and we have a storm pipe in there would you be opposed to putting an inlet in that northwest corner of the property, in the easement. Mr. Quinn said he could do that but he does not know what it will gain...the grading is such where he can't force the water that way, he can't make the existing grades go that way because it's going in the opposite direction. Mr. Grimaldi said he understands the tying of everything in, controlling it all underground and coming into the pipe but.....Mr. Quinn said if he could grade it to that corner...he thinks it would be a fine idea but it's not going to get us anywhere. Mr. Grimaldi said he didn't go there in the last good rain but when he went there about 12 hours after the last big rain, there was a considerable amount of water, you have a sanitary pipe and a storm easement and this could be preventative. Mr. Quinn said if there is a problem now he agrees with you he just doesn't know if there is a problem, he doesn't think anyone would object to placing an easement because if there is water there it is going to benefit the new property. Mr. Grimaldi said it's not that odd because at a property near his house there is the same type of easement that goes through, people have an inlet in their backyard and they never get flooded, as long as the existing sump sewer can handle it. Mr. Cueto said if he is suggesting it along the rear... Mr. Quinn said he didn't think that was the suggestion, he thought he was suggesting that there was water sitting.....if he looks at the topo if there is any flat spot it looks to be right on the easement but it looks like water is freely flowing off the property from the easement the south. He would have no problem putting in an inlet in the easementhe said we only have a 25 ft. rear yard so trapping inlets in the back yard is something most homeowners don't like to do, they don't like to see it and if something gets caught it's a problem. Mr. Grimaldi said not on their property but within the easement. Mr. Quinn said he has no objection to that suggestion. Mr. O'Brien asked what water would that draw? Mr. Quinn said

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people are telling him its water that just sits there, and if that's the case then popping an inlet there is going to take care of that localized water that sits there, it's not going to capture any other water. Mr. Cueto said there is not a whole lot of area that is going into there now, you have a highpoint $\frac{3}{4}$ of the way up from along that easement, $\frac{3}{4}$ of it now goes toward that inlet that is along South 20th Street. Mr. Quinn said in his professional opinion it is not going to grab a lot of water but if there is a localized problem an inlet is not going to hurt, he just does not know how much real benefit it is going to realize. Mr. O'Brien said currently there is a garage and a driveway back there when those items are removed and this all reverts to grass, how will that affect the drainage at that point compared to the current? Mr. Quinn said there is much less water that has the opportunity to pond there if in fact it does. Mr. Quinn said 3 professionals are saying is that really going to help and is the current layout going to reduce water that even hits that area? He said he does not want to be argumentative, he is happy to put the inlet there if it's going to relieve your worries but we all don't know how much good it is going to do. Mr. Cuppari said he understands it is not going to solve all the problem's but he thinks it is going to drastically reduce the runoff that is hitting the other neighbors so he definitely wants to do that. Mr. Cueto said from looking at the plans it looks like the lowest spot on the site or along the rear is at the southwest corner...where you are moving that tree. He said that seems to be the lowest area that the water drains to and if you put an inlet at that corner and connect it to the roof drain system.....could that work? Mr. Quinn said we don't like to introduce sediments soils, grass clippings into the roof leader system. He said to him that could potentially cause more harm than good in light of the fact that, as we all acknowledged here, we are reducing the drainage area in the back yard dramatically so he is reluctant to do that. Mr. Cueto said he does have a point and there might be some clogging issues. Mr. Cuppari said when those two houses are done which way is that backyard going to slope? Mr. Quinn said the drainage pattern is to the west and a portion of it goes to the south and where the garage is apparently water sits on the easement. Mr. O'Brien said it may help before a decision is made to hear from the neighbors as to what is going on. Mr. Cueto asked Mr. Quinn if he had any numbers on the amount of area right now, the square footage that drains towards that vs proposed? Mr. Quinn said no. Mr. Quinn said he doesn't have any objections to the rest of the comments.

John Niemczyk was sworn in by Mr. Rago. Mr. Niemczyk said he is the managing member of the LLC who owns the property. He said the houses are not going to identical cookie cutter houses. He said the houses are bi-level houses and will have two different roof lines in the front by changing the finishes of the exterior using stone in different portions on the different houses, they will use cultured stones on the stairwells and changing the type of siding of vinyl shakes on one side and the other would be six over six siding. When he submits the plans they will have 2 different facades, he can have them over to the planner soon. He said the question that was brought up about flipping the driveways and what he does not like about that is that it would be 4 driveways across. He said he wants to keep the driveways like the other driveways in the neighborhood. He said the tree at the end of the property is appealing and it ends the street and it is in good shape and he thinks it is better to keep the driveways the way they are. He said they put in an application to demolish the home and hopefully we will be taking the home down.

Motion was made by Grimaldi, seconded by Laudati to Open the Meeting to the Public on Application #18-01. All in favor.

Bob Herbert, 14 North 12th Street- Mr. Herbert said the driveway closer to Cranford...are you going to be expanding the roadway? Mr. Quinn said that is before the cul-de-sac. Mr. Rago said to Mr. Herbert are you eventually going to see the final plans, in the event the Board approves this, you will review it anyway? Mr. Herbert said he will review it but he has a couple

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of points. Mr. Rago said it is unusual for the zoning officer to jump into a hearing and ask questions. Mr. Herbert said he is looking at the numbers and if this is where the foundation is going to be they will not have a 25 ft. rear yard, it will only be 21 ft. because if you do the numbers, 25 ft. front yard set-back which it said on the plans and 25 ft. in the back is 50 ft. and the foundations is proposed a 54 ft. Mr. Quinn said the second floor has an overhang and where the building penetrates the ground it will be 25 ft. from the foundation.

Joseph Padula, 65 South 20th Street was sworn in by Mr. Rago – He said he is the neighbor adjacent to the lot. Mr. Schielke said if you are facing the existing house you are to the right? Mr. Padula said yes. Mr. Padula said the easement is to the left of his home and he showed pictures showing the flooding and most of the flooding is in the street concerning the 3 properties, his property, across the street which is 64 and 68 South 20th Street. He showed pictures from a 15 minute rain storm and from that rain storm he got a foot and a half of water at the storm sewer and across the street also gets it, the water comes up from the storm sewer and the water runs down South 20th Street to the one and only storm sewer. He said his concern is at the end of the block, he understands that there is one existing building there now and when they add another building then its going to put more water into the overloaded storm sewer. Mr. Cuppari said your point is that the storm sewer itself is overloaded. Mr. Padula said that someone said they were going to put a 6” pipe into that storm sewer and that is not going to help, he said that would hurt the existing new home because that system cannot handle the water.

Mr. Cueto said we are planning to do some storm sewer inspection along that pipe soon and we are hoping that we can find a solution to what’s been going on there. Mr. Cuppari said it comes from the very top of the road all the way down and he said he can’t believe that it goes to this little thing at the end, there is just too much going into one little spot. Mr. Padula said there is actually water that comes up before it goes down. He said he has seen the water go from half way up his driveway when he moved in 20 years ago and it’s now $\frac{3}{4}$ of the way up his driveway. Mr. Cuppari said he understands what he is saying but his point is that is happening now already and nothings been changed and he thinks the problem is what we do with the system and that is what Christian was trying to explain. Mr. Padula said he heard you talking about putting in a 6” pipe into the.....Mr. Cuppari said to make sure it gets off the street and out.....Mr. Padula said if it goes into that same pipe it will just add to that problem of the water not being able to go anywhere. Mr. Quinn said that’s a 15” pipe, the inlet itself is not a huge area, a 15” pipe is not small, if it clogs in 15 minutes then that indicates to him that there is a blockage or a crack. He asked Mr. Padula if, in his experience, if he had a slow long lasting rain event is it that intense....is it mostly thunderstorm events? Mr. Padula said it happens with heavy rains, half hour or 45 minute rain. Mr. Quinn asked if you have an all-day rain that is not overly heavy does it happen?....Mr. Padula said no. Mr. Quinn said that indicates that there is an obstruction or a crack in the pipe because it shouldn’t clog that fast after a short duration rain. He said they are reducing impervious cover on the overall site. He said he understands the concern about directing into the pipe but eventually whatever water....you have inlets all along the water from the property is making it into this pipe one way or another. Mr. Cueto said even in the existing condition, that is what is happening now but what they are trying to do is make it a little bit better. Mr. Padula said he understands that but that is one dwelling that is there now on the existing property. Mr. Cueto said in terms of impervious coverage they are putting less impervious area means less run off, more grass, less roof.....Mr. O’Brien said less square footage of building and driveway....they are smaller buildings, not as big as what is there now. Mr. Padula said but you are putting up another home and 2 patios. Mr. Cueto said it is still less. Mr. Quinn said the area of the property that’s covered by hardscapes which means surface that

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is not able to let the water penetrate is going to be equal to or less than what is there now and it won't be exacerbating the flow. He said the area of hardscape is more than the two dwellings and the two short driveways, even with the patio's, we won't be increasing impervious coverage. Mr. Rago said he doesn't think they can solve this tonight and we should move on, the Borough Engineer is going to have to look at that and if there is a crack or blockage they will take care of it. Mr. Schielke said the Council set aside some money to video the pipes and to fix them if need be and that is going to happen within the next 10 days, at least the video of it to figure out what is going on down there. Mr. Grimaldi said what we spoke to them about was controlling the rest of the water so that we know where it is going...obviously if there is something wrong with the storm piping and hopefully that will get repaired but right now let them control it so that when it gets fixed you are not worrying about....is it washing off the right way.... they are going to hard pipe it and connect it there to the pipe that is backing up right now but once that is fixed it won't be running across their properties, new house properties and making its way to the street, it will be going underground in a pipe directly in it, it is better to be controlled. He said when the homeowners get in who knows what they are going to be doing...but the piping will be controlled right now and you want it to be controlled, regardless to what the new homeowners may do to the property. Hopefully once the system gets repaired it's beneficial to everyone. Mr. Padula said what happens if it is just being overloaded? Mr. Cueto said then we have to look into that but we have to know what is happening first, we can't do every what if scenarios. Mr. Grimaldi said the new neighbor is not going to want his new property that he is sinking new money into to be flooded because he is going to have a hard time selling. Mr. Padula said he is hoping that when they build the houses that we don't get flooded. Mr. Cuppari said the worst case scenario maybe if they ran it out to the street and if it did back up it would back up on them and not you....but they will figure it out.

Motion was made by Schielke, seconded by Grimaldi to close the meeting to the public.

Mr. Chornoboy said that we are not adding to a problem, we are trying to resolve a problem and addressing it in an appropriate fashion, although there is some confusion in the public's eye as to what is actually going on.....they intent here is to reduce the flooding and to cooperate with the town in all necessary means that are appropriate so that we can work with them and reduce the problem as it exits and to prevent any new problems from developing. He thinks he has answered any questions but if there are any additional questions we will of course address those also.

Mr. Schielke said that even though there will be 2 houses, the grass area is actually going to be more than there is now so by demolishing and ripping out the concrete and the driveway and all the stuff that is existing now, it will have more grass when it's done than it has now.

Mr. Mazzeo said as far as the curb waiver he tends to agree, he does not see any reason why we would withhold that waiver, it makes sense based on what is there now. If the road ever gets improved it is going to be taken care of by an assessment.

Mr. Grimaldi said if it wasn't for how the end of the street is ill defined, he would say put it in but the street not being defined and if you mess around and do that do you destroy that tree.....so yes leave it. He asked why the tree can't be in the easement? Mr. Cueto said you can but if there are ever any issues the tree would have to come out anyway. Mr. O'Brien said the tree roots may damage the pipes. Mr. Laudati said he is Ok with minus one tree. Mr. Mazzeo said if we had something in place with the township where we could easily put that tree somewhere else it would be the perfect situation. Mr. O'Brien said they do have an opportunity to donate one to Borough Hall. Mr. Niemczyk asked where can he drop it off.

Mr. Rago summarized by stating the conditions he has are that we have recommendations in our consultant's reports and they were addressed and with maybe a couple of exceptions, the applicants will comply. He has the HVAC system in the rear yard will be buffered and they will submit a revised plan showing that buffering. Two 8' x 8' patios will be added to the rear, no problem with the curbing waiver, subdivision by deed, not a plat, roof leaders for both of the houses will be redirected toward the front of the house, the leaders will go directly into the storm sewer inlets in the streets. Mr. Pantina said that is for the one on the right, the one on the left is going toward the street. One is toward the easement and the other was going toward the front and then down the right of way and connect into the.... The northwest corner of the site within the easement, an inlet will be installed. Mr. Chombroy said the testimony presented by Mr. Quinn suggest that there is no need for that. Mr. Quinn said the pipe is surcharging and water is coming out of the street and if we add another inlet, he thought the purpose of that inlet was to evacuate surface water, we are not talking about surface water, we are talking about water bubbling up out of the inlet because there is some blockage in the pipe, adding an inlet there is not going to help anything under that circumstance, he would not recommend that based on what he is hearing. Mr. Pantina said we have a bubbler and an existing problem which the town is going to look at and try to resolve so we really don't know what the issue is, it could be a crack in the pipe or whatever. Once that is resolved we won't have any more headaches because the proposed dwellings will be controlled in some way or form so putting the inlet in the back what you just said isn't going to help it but it isn't going to hurt it either so maybe when the bubbler is fixed, in the future when that gets resolved, that extra inlet in the back isn't going to hurt. Mr. Quinn said he agrees it isn't going to hurt but the intent of proposing it in the first place was because we thought there was surface water, we all acknowledged there is not going to be a lot of surface water that is going to go into that inlet so it was of limited value. Mr. Pantina said the original conversation was that there was flooding on the street but we also assumed there was water in the back. Mr. Quinn said no, he has never seen it, the neighbor said there was water and he assumed since they were behind it, he didn't realize it was from Mr. Padula he thought we were talking about residents in the back. He thinks you are right if they fix the pipe then it's not going to hurt but it's not going to help a lot but what if they don't fix that pipe for 2 or 3 years, now we have introduced another bubbler area. If this had a lot of utility and there was a low area that was definitely taking surface water off he would say do it because it doesn't really matter but since it is of limited utility in getting surface water off and you have a surcharge pipe where water can easily back up for who knows how long it's going to be resolved, he would be reluctant to put it there. Mr. Pantina said the inlet in the back can or cannot hurt and whether it's going to do any benefit right now because we don't know why the inlet on the street is backing up, it could be backing up because there is a crack in the line somewhere down the easement, could be backing up because of somewhere else, Councilman Schielke said they are going to scope the pipe within the next two weeks? Mr. Schielke said yes but fixing it who knows? He said then you will be able to figure out whether there is a crack or something. He said is there a condition so that we want to see this inlet in the back because we feel it might help, now or along the line but we don't know whether that is cracked or not but if you are going to find out within the next couple of weeks, depending on what you find out can we have that hinged on putting the inlet in? If we put the inlet in and the pipe is cracked it's not going to do anything it could back up. Mr. Rago asked Christian if he thought by the next Board meeting we would have a better handle on that issue? Mr. Cueto said he is hoping but it did already get pushed back once so he is hesitant to do that, we were supposed to do it a couple of weeks ago. Mr. Mazzeo said from an engineering standpoint he agrees with what Mr. Quinn said that it is not going to help and is not going to serve an engineering purpose. The problem is what is happening on the street and the drainage and the back up, unless there is additional testimony for these backyards backing up and ponding which we have not heard anything like that so that

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is why he does not think we should complicate this any further especially not knowing when this pipe issue will be addressed. Mr. Rago said yes or no on the northwest corner inlet? Most of the Board said no. Mr. Rago said the other condition was the one tree donation per house and then the normal conditions and that is it.

Mr. O'Brien added conditions that the new architectural plans show the distinctiveness between the two redesigned homes and the condition that the subdivision be by deed. Mr. Rago said to Mr. O'Brien...you are going to give me a quickie memo on that between now and the next meeting in terms and conditions, he said he thinks he has them all but just in case. Mr. O'Brien said yes. Mr. Cueto asked if Mr. Rago had all the roof leaders connecting and he said yes.

Mr. Schielke said he looked really hard at this project and that the fact that it is giving us more grassy area after the project is done then before the project was done, he does not see a detriment.

Motion to approve Application #18-01 Grunwald Properties was made by Mr. Grimaldi as long as all the engineering requirements are met, seconded by Mr. Pantina.

ROLL CALL: Mr. Schielke voted yes, Mr. Cuppari voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Laudati voted yes, Mr. Callelo voted yes, Mr. Mazzeo voted yes, Mr. Jones voted yes and Kenny voted yes.

Motion was made by Mr. Grimaldi, seconded by Mr. Callelo to close the meeting for a 5 minute recess. All in favor.

Motion was made by Mazzeo, seconded by Mr. Jones to re-open the meeting. All in favor.

Application #372 Minor Site Plan
Arc of Union County
720 Lexington Avenue
Block 161, Lot 2

Mr. O'Brien, Borough Planner and Mr. Cueto, Borough Engineer were sworn in by Mr. Rago.

Mr. John Frieri, Frieri Law Group appeared on behalf of The Arc of Union County. Mr. Frieri said he was here for a minor site plan approval and said this is an adult educational center. He will be calling one witness, Mr. Frank Caragher, Executive Director from Arc.

Mr. O'Brien said we have been reviewing more and more of these minor site plans which means that they fall into a category that has been carved out of the ordinance so that applications with less than 500 additional sq. ft. or more parking area or significant changes to a lot don't have to go for a full site plan hearing and they don't have to notice. There is a relaxed standard of proof that is looked upon by the Board. In this particular case the Arc has a fully conforming site plan in front of you and it has been deemed minor because it is not making any significant physical changes to the lot. The use itself is an adult training center for people with mental disabilities. The lot on Lexington Avenue is going to be changed in a few ways that we discussed during our technical review process with the applicant. All of his comments have been satisfied over the last few months with them and the only thing he has left is to hear from them about what they wish to do about a sign. They are allowed a conforming sign and they can also come back later and ask for a sign but he thought it might be easier to throw it all into one application so that you can consider it all. His understanding from Mr. Frieri is that the executive director is going to tell

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you what goes on in this building and because it's fully conforming, it is up to the Board to make sure that there is no threat to the public health, morals or safety because if there is you can turn it down but under any other circumstances it is something that is typically approved.

Frank Caragher, Executive Director for The Arc of Union County was sworn in by Mr. Rago.

Mr. Frank Caragher said he has been the Executive Director for the Arc of Union County for 28 years. It is a 501C3 not for profit that is organized to provide services to people with developmental disabilities and other challenges in the County of Union. The main office is 70 Diamond Road, Springfield and we have been in the County for 70 years and their first office was on the Boulevard in Kenilworth. The program itself, the layout that you have on the drawing is something that he put together, the architect followed through his plans. Along the back wall there are instructional sections and there will be medial and classrooms set up along the way. There will be a small workshop that is in the far right corner as you are looking at the plan, that is where the warehouse is for the delivery bay and also where there will be a classroom but it's more piece work where they bring in things that they can assemble or disassemble. He said sometimes they get local business to give them jobs along the way. They have someone on staff who procures that kind of work. There are four different kinds of groups, one is the developmental disabled, funded by the Department of Labor and that is more to the piece work, there is training for people who are in supported employment and they will be getting more social skills and communication skills on how to get a job and hold it in the community, there will job placement and job training and coaching along the way. When you think about people who don't have those type of skills in the community learning how to remain in the community. A lot of their benefits, especially the higher functioning guys, with the changes that are happening in the Federal Government budget, they will have to have employment to maintain those benefits. That is why we are doing this. The other thing that is happening in this state is that the State of New Jersey does not want these programs to be segregated, stuck in the back of an old manufacturing building. This building is on a bus line and it allows us to be on the edge of residential and we think that is a big improvement. The building is about 13,400 sq. ft., normally he tries to get about 15,000 when he does a project like this, it's sprinkled with something that the state requires and it allows him adequate spacing to do the second means of egress on a ramp, the inside will be very professional because they will be bringing people in to show them that we can do work, convince them that we have employment, the people who can be employed in their companies. The training is going to be governed, we are licensed by the Department of Labor and nationally certified for the workshop. The budget has 16 employees but he does not think that will be the start, he thinks they will build to that and they are looking to be in by February or March and those positions may evolve into something else at this point but it will not be a heavily employed place, at the max there will be 16 and of the 16 there will be people who will be job coaches who will be out and job developers who will be out so he would think that the max they would be serving there will be about 50 people and half will be in the building for training and the workshop and the other half will be out at employment at various levels. They will pick the people up and take them to the jobs, there will not be private vehicles because none of them can drive. They have a history of running programs of this nature for the last 45 years but this is our first effort in Kenilworth. Mr. Pantina said so out of the 50 people you just said two things, the 50 people and then you said 14 people. Mr. Caragher said 14 employees and then trainees. Mr. Cuppari said he was at the Diamond Road location and there were mini busses. Mr. Caragher said we have 6 programs there for a much lower functioning group, he serves 150 people in that site. The building as you come out of that building across the street is the one that we are replacing and that's the one that is moving here. You may see paratransit for someone to get picked up or dropped off but they will not be bringing their own

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vehicles and the employees will be bringing their car and using our vehicles for deployment if they are not picking the people up at their houses.

Mr. Rago said to wrap up the improvements, he understands there will be interior improvements to the building and he asked what are you going to be doing with the parking lot? Mr. Frieri said there are 20 spaces and a handi cap space. There is not a lot of greenery and we will take care of that. The logo will be from whatever sign we put up which will be on the building and it will comply with Borough ordinances. Right now there are partial 6 letters on the wall of the previous owner. Mr. O'Brien said all of the improvements that have been discussed are shown on the current plans. Mr. Pantina asked if the loading zone affects the stripped walkway and Mr. Frieri said no, we are giving way one of the delivery bays to the accessible ramp going down and the other one comes out to the sidewalk, he said the ramp is up against the building. Mr. Pantina said he got that but where the existing one is going to stay is that going to effect the stripped walkway. Mr. Caragher said it is a pretty steep bay and our truck is 16'...we don't do that much business. He said we are not doing much to the outside it's mostly inside, we want to have a professional environment. Mr. Caragher said he sold both of his buildings in Cranford, we consolidated because there were times in the last administration that there was money not necessarily flowing to the programs and as such we had to cut back in certain places, we sold those two buildings because they were not going to conform with the new standards that we are facing and we consolidated those programs into Springfield which was a great deal. Mr. Cueto asked Mr. Caragher if he reviewed his letter dated October 4th. Mr. Caragher said as a condition of the approval they are going to agree to make the changes to the final site plan that you suggested in your letter. Mr. Rago asked Mr. Cueto if he was OK with the sanitary sewer flow? Mr. Cueto said it just needs a yes or no and Mr. Caragher said he will comply with the Rahway Valley Sewerage Authority permit. Mr. Cueto said are the proposed shrubs going to be potted...because it is all asphalt now. Mr. Caragher said it will be similar to what ever we do in the front of the building, it will not block vision and if we can plant them in the ground he would prefer that. Mr. Cueto asked if refuse and recycling will be kept in doors and Mr. Caragher said yes. Mr. Caragher said by the loading dock doors are there is a little foyer and they will have the garbage and recycling kept inside and we are working with the company that does our rubbish removal to be able to pick it up off the dock.

Motion was made by Laudati, seconded by Mazzeo to Open the Meeting to the Public. All in favor.

No one wished to speak

Motion was made by Pantina, seconded by Mazzeo to close the Meeting to the Public. All in favor.

Motion was made by Mazzeo, seconded by Mr. Grimaldi to approve Application #372, Arc of Union.

Roll Call: Mr. Schielke voted yes, Mr. Cuppari voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Laudati voted yes, Mr. Callelo voted yes, Mr. Mazzeo voted yes, Mr. Jones voted yes and Mr. Kenny voted yes.

Comments for the Good of the Board - None

None

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Meeting Opened to the Public

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

No one wished to speak.

Motion made by Mr. Schielke, seconded by Mr. Grimaldi to close the meeting to the public. All in favor.

Adjournment

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

Respectfully submitted by:
Kathleen Moschitta
Recording Secretary