

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, NOVEMBER 8, 2018. RICH PICERNO PRESIDED.

The meeting began with an affirmation of the Open Public Meetings Act. The schedule of meetings is on file in the Borough Clerks' office, was posted on the bulletin board, and has been mailed to the Local Source, and the Star Ledger.

Pledge of Allegiance was led by Mr. Picerno.

**Roll Call: Present: Mr. Schielke, Mr. Picerno, Mr. David, Mr. Grimaldi, Mr. Pantina, Mr. Laudati, Mr. Calleo, 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 October 11, 2018 Minutes**

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

**Communications:** None

**Resolution:** Application #18-01 – Minor Subdivision  
Grunwald Properties, LLC  
67 South 20<sup>th</sup> Street  
Block 114, Lot 32

Motion was made by Pantina, seconded by Grimaldi to approve the resolution for a minor sub-division, Application #18-01 Grunwald Properties, LLC. All in favor.

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

Motion was made by Mazzeo, seconded by Jones to approve the resolution for a minor site plan, Application #372 Arc of Union County. All in favor.

**New Business:** Application #364, 5-21 Site Plan & Variance  
LNR Auto Transport Services, LLC  
515 Springfield Road & 2 Mark Road  
Block 3, Lots 1,2,3,4,5 & 9

Meredith Marcus, appeared on behalf of the applicant LNR Auto Transport Services, LLC for a preliminary and final site plan and bulk variance approval. Ms. Marcus said she was here a year go for an application for Dana Development and this is basically the same application, LNR was the lessee on that application which is for the storage of Tesla cars. Storage is on one lot that was owned by Dana Development and now we are looking to do 3 more lots, same operation, storage of cars and a little bit of detailing, nothing major. She said there are so many lots included in the notice because at the time we filed the site plan, which was a year ago, there was other operations on the other properties and we did not know if we would trigger a

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parking variance because those properties were using the properties that we wanted to use for storage...so that is why we noticed for those other properties, we don't need to do that now so you can disregard the other properties at least for this application. The only lots we are concerned about are lots 4, 5 & 10. Lot 9 was already approved for the storage of cars in October, 2017. Ms. Marcus said there will be 3 witnesses tonight, their engineer, Zackery Chaplin, the applicant Rich Rukie and their planner Nicholas Graviano.

Mr. Picerno said there was some discussion about the lots being merged...are they all one lot?...is 4, 5 & 10 part of lot 9 as one lot or are they individual lots. Ms. Marcus said they are individual lots. Mr. Picerno said so they are not merged on the tax map? Ms. Marcus not to her knowledge.

Mr. Schielke said he noticed in the packet he received, maybe he is missing something, but there was a letter of authorization from Dana Development to let the applicant come but he did not see one from 530 LLC. Ms. Marcus said they had it in the initial packet when we filed in 2017, we included another one from Dana Development because we added lot 10, in September we filed an amendment. She said we have it and we can send it to the Board. Mr. Pantina said the plans that we have are still accurate? Should there have been an updated plan showing just 4, 5 and 10 because he thought on the application you talked about using part of the parking that was used for 3 or something like that.....wouldn't you be talking about 3 as well? Ms. Marcus said that is why we noticed for them and that's why we included them in our application but she does not think, and she would have to look at the site plan, she does not think they are outlined, the only ones that are outlined, and Zack will go through that, are the lots that we are talking about. She we received a lot of phone calls from some neighbors, why did you notice this and why did you notice that? She did not know if the Board had the same confusion so she wanted to clear it up. Mr. Picerno said its evident there is some confusion so when the witnesses come up we will speak further to that because 3 looks its part of your application. Ms. Marcus said Mr. Rucki knows the site because he is there every day and, Zack has been working on this for years.... we actually have the owner of Dana Development here in case you have any questions for him.

Mr. Zackery Chaplin was sworn in by Mr. Rago.

Mr. Chaplin is with the firm Stonefield Engineering, 92 Park Avenue, Rutherford, NJ and is a licensed professional engineer in New Jersey and his license is in good standing. He has been accepted as an expert witness for multiple boards throughout the State including this Board about a year ago on behalf of the same applicant. He has worked on similar types of projects throughout his experience as an engineer.

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

Mr. Chaplin said the site plan in front of him is the same site plan as part of the Boards packet and was last revised September 12, 2018. There are 3 sheets as part of the site plan, the first sheet is the site plan and shows the overall expanse of the area, Springfield Avenue on the west side and Michigan Avenue on the east side. We were here about a year ago for Block 3, Lot 9 located to the southwest, there is an access easement that allows access from Springfield Avenue onto Lot 9. He said we are here tonight, not for lot 9, but to expand the current use and operations to also Block 3, lot 4, Block 3, Lot 5 and Block 3, Lot 10. Block 3, Lot 4&5 end by the dash delineation and that is where we are delineating the vehicle storage. Block 3, Lot 3 is not part of this application and the existing land use that was here was not being utilized for parking

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or anything like that on the lots sitting east. He said they are solely focusing on Block 3, lots 4, 5 and 10, 9 is not included because we have approval for that from last year.

Mr. Picerno said so lot 3 is not part of this application at all?...so if this application is approved there will be absolutely no vehicles on lot 3. Mr. Chaplin said yes. Mr. Pantina asked Mr. Chaplin to point to the easterly lot line for Lots 4&5. Mr. Chaplin pointed out the lot line for lot 3. Mr. Picerno said so we are clear that no vehicles will ever be stored there if this application is approved.

Mr. Chaplin said on sheet 2 of the site plan, under the proposed conditions they are looking to expand that original area that was to be used for storage to include lots 4, 5 & 10. Car carrying vehicles would enter the site via the access easement and they would load and unload in Lot 9 which was previously approved but now cars would access 4 & 5 we are showing delineations of approximately how the cars would be stored. There are 20 ft. drive isles and 15 ft. lanes for the cars to be stored in head to head and 20 ft. drive isles in between, a total of 6 of those which would be used for Lots 4 & 5, Lot 10 they show a similar set-up with the 20 ft. drive isle and 15 ft. head-on parking which lays out east to west. He said they are here tonight for vehicle storage, the detailing occurs on Lot 9 and all they are here asking for tonight is to allow the Tesla vehicles to be stored on these lots 4, 5 & 10. Mr. Picerno asked what is the total number of vehicles stored on each of lots 4, 5 & 10? Mr. Chaplin said he does not want to answer that because we have the applicant here to provide further details. Mr. Picerno said if you have spots with driving lanes of 20 ft. in between and 15 ft. spacing you can delineate what those car totals will be, you should have that right in front of you. Mr. Chaplin said he can pull out a scale and approximate that, he does not have the number in front of him now, he did not calculate the exact number that we would anticipate. Mr. Picerno asked if the applicant will tell how many spots will be in those lots? Mr. Chaplin said yes. Mr. Pantina asked Mr. Chaplin what is going to occupy the easterly part of 4 & 5 where it looks like normal head to head parking? Mr. Chaplin said technically we are not asking for the vehicle storage on that area, we have outlined our area up to the vehicle storage there, he said it could be for employees. Mr. Pantina asked if that is for employees on this application or employees of everything else on lot 3?...so it's not going to be used by lot 3? Mr. Chaplin said it is his understanding that it would not be but the applicant is here to further clarify. Mr. Chaplin said there is existing lighting on the site...we prepared a lighting analysis, he said he believes it was not submitted with this application but it was previously submitted in terms of resolution compliance on the original application, its minimal lighting, it generally lights lot 9 as well as lots 4 & 5 and is suitable for the use of vehicle storage and provides enough lighting for security but it's not overly bright at the same time. This is 100% impervious, there is no landscaping on site today and we aren't looking to propose any. He said they have had multiple meetings with the Borough's professionals, the Board Engineer and the Board Planner at least 2 times. Mr. Vinegra visited the site and looked at the storm water management and he found the conditions to be acceptable.

Mr. Mazzeo asked what improvements are you proposing...are you stripping those spots? Mr. Chaplin said we are not going to strip. Mr. Mazzeo said the lines along the easterly property line between lot 3 and lot 4 looks like there is head to head parking...is that something that is already stripped? Mr. Chaplin said correct. Mr. Mazzeo asked if the travel lanes were conceptual but it's not something that is going to be delineated so if we were out there would there be any way to be able to tell if you are staying within the boundaries that you are marking on the site plan? Mr. Chaplin said with this type of use we wouldn't recommend stripping it out ....this is what these operators do ..... they know how to stack cars, he said this was a request from the engineers to show an approximate of what it might look like but these are professional operators who do this for a living and they know exactly how to store these vehicles on the

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property in the most optimal way, that is why he would want the applicant talk about that. Mr. Pantina said if you are not going to delineate the lot and you are not going to stripe the lot, the sliver on the right for the head to head parking is already stripped, and you get approval and you do your operations, how is the Board guaranteed that you don't infringe upon other areas or that you actually comply with what you are telling us about if there is nothing to be evident on the ground? Mr. Chaplin said we are delineating the area of the storage, we are constraining that, we are agreeing to the perimeter drive isles which will be clear at all times, but in terms of the interior where the cars are going...we would not store cars along the 20 ft. perimeter, it's not delineated but we would insure that it's not the case.

Mr. Picerno said in the past we have experienced applicants coming before us with a typical plan just like this and it says they are going to have a 15 ft. space with a 20 ft. freeway and we get there and everything is in tandem and it looks like the ship just came in and dropped all the cars down so if there is no delineation he can't imagine this Board saying yes...this looks like a great idea because we have to know the amount of cars that are going to be in that space in lots 4, 5 and 10 in any given time with the open space as you are providing. We have learned in the past that this was not carried out, he is not saying by Tesla, he is saying by other applicants as well that when you have an open book like that it tends to say we are just going to put it there because that's where we need them. Mr. Chaplin said we would be willing to commit to a number of vehicles stored on the property at the time. Mr. Picerno said or a concrete bollard for a space that would have them nose to nose and always keeping that free space open or something in that effect. Mr. Pantina said even if you did something on the perimeter outlining the area...this is where you are going to park....not I'm not going to park along the isle, something so we can have an assurance that what we may be approving is going to be exactly what is going to be implemented as opposed to a sketch. Mr. David said you could have something similar to a rental car return, when you go to a rental car return, they typically have lines delineating, they stack the cars as they come in but they have separate rows or flexible bollards or markers. Mr. Chaplin said this is not that kind of use where you have commercial/public cars.....these are trained professionals who do this for a living. Mr. Picerno said when you get that delivery in and you have to put them in that 20 ft. lane, that is where they are going. Mr. Pantina said if that is the story that you are presenting, you as a professional engineer supporting his team should be showing us how that is going to be in place...definitive, not this is how we are going to do it...we are just going to drive cars in there because we are professionals and we know how to do it....we should have some type of assurance.

Ms. Marcus said the applicant is going to have a lot more information about some of the questions you are asking.....she does not want to guess.....so if the Board doesn't mind she will call on the applicant.

Mr. Picerno asked Mr. Chaplin if he was done with his testimony or would he like to continue? Mr. Chaplin said he is finished.

Mr. Grimaldi said the applicant can give his testimony but you are the professional and there needs to be some delineations because if our zoning officer needs to go out there, he needs to be able to walk on the site and say...this looks like the piece of paper. If this is going to be paved it can be stripped even if it just stripped within what is drawn on here, not each individual spot, you may get an extra car in a lane...you might have a shorter one and a longer one here but that is a very inexpensive delineation. He would like to understand why the dimensions...we have 30 ft. wide of parking .....what are we parking 2 abreast, 3 abreast? He said that goes to the Chairman's question of how many cars are on the lot. He agrees with Mr. Pantina's inquiry

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from an engineering standpoint if the remainder of lot 4 and 5 is going to remain stripped like that...who is using it because they are not accessible from 4 and 5. At some point he would like clarification from Mr. Chaplin or the applicant as to where is loading and unloading happening or where is it supposed to be happening? Mr. Chaplin said on lot 9. Mr. Grimaldi said then it should not be happening anywhere but on Lot 9...it should not happen on Saturday morning in front of Otis Sputmeyer which is the building in front of it? Mr. Chaplin said he would defer to the applicant as to when it occurs but it is not going to occur on lots 4 and 5. Mr. Grimaldi said but it should happen on the property, not anywhere else on the adjacent property. Mr. Chaplin said the loading is occurring on lot 9. Mr. Picerno said that is where it is being loaded and offloaded right now on lot 9 and that is going to continue...not on 4, 5 or 10 and not on the street in front of the cookie guy.

Mr. Cueto said in regards to the parking spaces on lots 4 and 5 that are outside the vehicle storage...are any of those parking spaces accessed through Mark Road? Mr. Chaplin said there is no access. Mr. Cueto said so the way that people that get there would be through the access easement through Springfield Avenue? Mr. Chaplin said yes. Mr. Cueto said on the plans you said it was 100% impervious...he said he went out to the site today and it looks like gravel. Mr. Chaplin said yes it is gravel, it was impervious, but it is gravel and we can't change that on the plans. Mr. Picerno asked where the gravel came from? Mr. Chaplin said he thinks it has always been there but he can let the applicant speak about the history of the property. Mr. Cueto said he looked the site up in Google Maps and lots 4 & 5 are pretty green, although the picture may be a couple of years old but he would like some clarification of when that site went from green to gravel. Mr. Chaplin said gravel per the Boroughs code and State code is not considered impervious and therefore we don't trigger that state requirement of a ¼ acre or more but he has met with Mr. Vinegra and they talked about storm water management on site and we agreed that the conditions are acceptable as they are today. He said they may have been green at one point but the property has always been industrial..... it once was paved and a lot of it is overgrowth, he said that per his discussion with your office Mr. Vinegra said it was acceptable. Mr. Cueto said he might not have been aware that it was at one time green and his concern is that if you are going to be storing cars it has to be paved so if its gravel now it is going to be paved and that is changing.....Mr. Chaplin said they are not proposing it be paved. Mr. Cueto said according to the ordinance any parking areas have to be paved.

Ms. Marcus said since we have filed this application it wasn't green then...whether it was green 10 years ago is not relevant in this application because it is an industrial site. She said it's not a parking lot, it is a storage of cars. Mr. Cueto said if you are putting cars on a lot he would consider it parking, he said the Board members can make that judgement but that's what he would say. Ms. Marcus said that in the ordinance there is a provision in the industrial section that you are allowed to store vehicles and storage of vehicles is different than parking. Christian said if you are not going to pave it then there is nowhere to stripe it on gravel. Ms. Marcus said when we did the Dana Development application one year ago the same scenario .... the applicant will make the same statement here that he is leasing and has a 3 years lease and is 1 year into it so he has 2 more years left and he is not going to pave it because he leases it....so that is their position. Christian said if we are going to accept that a few years ago it was open space and now it is somehow gravel and there was no plan between then and now that would have probably triggered storm water...if this does get paved from gravel to pavement...it would trigger storm water. Mr. Picerno asked Ms. Marcus when you came before us for lot 9 was that piece of property green or gravel? Ms. Marcus said she believes it was gravel. Mr. O'Brien said that he and Mr. Cueto have been looking at Google earth images and sometime between October, 2014 and April, 2016 a large green area with trees disappeared on the site. Mr. Schielke said that was before the first application. Mr. Picerno said as Mr. Cueto said...we can't

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stripe gravel but we can delineate the parking lot if we chose to think about that with concrete stations/bollards/flags etc. Mr. Grimaldi asked if it was Mr. Chaplin's statement that the lot was covered with gravel right now? Mr. Chaplin said yes. Mr. Grimaldi asked if his office prepared the drawings.....and as you just testified, gravel is not impervious and Mr. Chaplin said correct. Mr. Grimaldi said your table is calling out the site to be 100% impervious. Mr. Chaplin said that is a mistake that can be changed. Mr. Grimaldi said you can also look into other ways to delineate.....like an old fire hose pinned into the ground it stays there....he is sure the comment of the bollards would be that the truck will knock it over. Mr. Grimaldi said there are 3 pages that say 100% and Victor Vinegra's letter calls out the fact that you are stating it's 100% and he has a question about that so even though you are stating that he may have seen it, he is questioning it in his report as Mr. Cueto did.

Mr. Richard Rucki was sworn in by Mr. Rago.

Mr. Rucki said he is one of the owners of LNRS Inc. which is the parent company of LNR Auto Transport. They are a distribution company for automobiles and they also do auto transportation for manufactures nationwide. Mr. Picerno asked if he was a principal owners of the LNR and Mr. Rucki said yes. The other principal owner resides in Dallas Texas Mr. Rucki said he runs the east coast operations up to the Mississippi River.

Mr. Rucki said the operations of LNR has not changed much from last year...its diminished from last year, lesser volumes, orders are based on the different production models. There are a lot of people concerned about long term storage, the parking spaces and fire lanes and all that other stuff really is not going to be applicable based on the company which is our customer partner basically the model is not to store cars ....it's to deliver cars. The site has become a distribution point because of the location and how many pre-ordered sales of the Model 3. He said they could not find a better location than Kenilworth, NJ based on Tesla's geographics of the tri-state area. The long term storage thing where it is going to need fire lanes, storages, parking spaces, lanes...its not a mall we are not doing shopping or getting groceries. He said tractor trailers and both smaller trucks and larger trucks come in off Rt. 22, we direct the traffic and correct the traffic so that it does not go into any residential areas off Michigan Avenue and stuff like that.....they come in off Rt. 22 they go back out on Springfield Avenue back to Rt. 22 and exit either westbound or eastbound to 78, 1&9 or turnpike. They are not coming in through the Boulevard, they are not coming in through north of Springfield off 78 and if that does happen that traffic is to a minimum and we correct it as soon as the truck comes on site. We come in through the easement, we already have the approved loading and unloading staging area on lot 9 in front of these 1, 2, 3, 4 & 5, that has not changed, the trucks still remain coming in that way, they do somewhat of a K turn, which was an obstacle based on the other tenants that were there. We are coming to the Board to expand the space so the other tenants are not an issue any more and it will make it a lot more controlled to our favor to not interrupt any other businesses. He said everything happens on Lot 9 which is the core of the business where we load and unload. He said there are inbound and outbound shoots, kind of a load lane, when the cars are going through a 3 step process basically unload, inspect, charge and park and then reverse so it's basically pull the car out, inspect, load and leave and that has not changed since the first approval. He said there is a 15' gate and they keep it open, a fire truck could come in and make its turn and come out to the existing piece. He said there is a paved area for parking for a business there and that's never going to change.

Mr. David said lot 4 and 5 extend beyond the dotted line but that is not part of their operation so that is what is confusing, you have drawn a dotted line down the center of it which looks like that is the end of those 2 lots but it's not, those lots go beyond that but they are not part of the

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application. Mr. Pantina said somewhere in one of the reports it mentions that you can't have stored vehicles and parked vehicles on the same lot? Mr. Cueto said he was asking for the parking area being paved. Mr. Pantina said half of it you are asking for storage and the other half will be parking on the same lot. Ms. Marcus said storage and parking are different. Mr. Rucki said in the rear lot, if we were to use it, and this is only an overflow issue, we try not to use the back lot if we don't have to that is not our intention to make this a long term storage so 99% of the time this is going to be a vacant nicely kept lot. He said we keep the place immaculate. Mr. Rucki pointed to the fire and to where there was no building as of right now but he believes you have a building going there in the future....Precision Escalators...they would keep off of that building because if there was a fire we want to have access to it as well and we move these cars around a lot. Mr. Picerno asked are you telling me that because that is what you are saying or is that part of your application ...that you are going to keep cars off there so a fire engine or an emergency vehicle could get back there.

Ms. Marcus said we have heard the Board talk about delineating and she asked Mr. Rucki how many cars does he expect because right now you don't know because you don't have storage.....how many cars do you expect to be there every week? Mr. Rucki said based on the new business model of Tesla and it changes daily, he can only speak on today and not tomorrow and yesterday...geographically what is going on prior, present and future...they are not in the business of storing cars, they partnered with port Newark so that functionality of being trained from California to port Newark they have obtained a much larger space there again the space .....when the cars come off the train they have plastic on them and they are dirty and they have been on trains 3,000 miles away, they have to get to your homes like if you were buying a new car...they have to do a once over programming and get it ready for delivery. Mr. Picerno said he can appreciate what has to be done to these vehicles, Tesla is a phenomenal vehicle and we love that Tesla is here but what we need to know at the end of the day is how many cars are going to be on lot 4, 5 and lot 10 at its capacity at any given time whether it has shrink wrap on it or not. Mr. Rucki said long term he cannot answer that...he said based on the measurement of cars with all the fire lanes and all your requirements to be legit, you are getting 200 cars in here on lot 4 & 5 & 10. Mr. Ryan said we are all speculating on the number of cars here, you are a businessman and you have done this for a number of years, you must have historical data based on previous months on the cars that have been on your lot. Mr. Rucki said things change on a daily basis. Mr. David said you have the dimensions of the lots and you know the size of the cars, you know the lanes that are there, calculate out the maximum number of cars and tell the Board.....it's very simple. We know it changes every day. Mr. Picerno said we have asked the engineer how many cars are going to be on these lots and he said he had to yield to Mr. Rucki so we need to know how many cars are going to be parked on those lots at its maximum at any given time keeping the lanes open for fire trucks and pathways. Mr. Rucki said 275 cars all properties combined. Mr. Chaplin said for lots 4 & 5 it's approximately 190 vehicles, he took away the 20 ft. on both sides and we basically have 6 rows of parking roughly 8 ft. for each space and 295 ft. was the length minus 40 ft. for the 20 ft. drive isle divided by 8 times 6 you are looking at roughly 190. Ms. Marcus said we are willing to commit no more than whatever number that the Board comes up with and a revised plan that shows that storage and the fire isles. Mr. Kenny said obviously they are electric cars are they going to be permanently charging in their stations? Mr. Rucki said no... there are no operations other than moving the cars into space and out of space on these two blocks and lots....no fixing, no tire changing, no service. He said any processing will be in lot 9 which was approved last year.

Ms. Marcus asked Mr. Rucki if every car that you have delivered to this site and is on the truck...are they preordered? Mr. Rucki said yes 99% of the cars are pre-ordered so when they make their trip from California to hear the clock is clicking and their vision is to deliver these cars

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from the date of production to the date it comes to your house in 11 days. Mr. Picerno said in that 11 days...how many days are on your lot? Mr. Rucki said 2 or 3 days. Ms. Marcus said what is the longest you have a car on the lot? Mr. Rucki said 10-12 days...you can go there today and it looks full and come back in 2 days and it looks like there is not even a business there. He said lot 10 had some of Mr. Slacks construction vehicles parked there and there will not be storage there at all it will just be employee parking....no vehicle storage.....the lines are for employee parking. Mr. O'Brien asked if you can live with a limit that there will be no parking on that lot? Ms. Marcus said no storage you are distinguishing storage and parking. Mr. O'Brien said he is taking the testimony and trying to nail jello to the wall. Ms. Marcus asked Mr. Rucki if there was no storage on 10? Mr. Rucki said there will be some storage maybe 25-50 cars...it can hold 50 cars. Mr. O'Brien asked the engineer if he concurred with those numbers? Mr. Picerno said there is some conflicting testimony, Rich is saying that that area is going to be for employee parking and Ms. Marcus is saying is it storage? ...also Ms. Marcus is saying are you considering that storage because not storage comes into play with no pavement or things like that so we can go back to that...we have to be very careful about our terminology...so is it employee parking and if so we look at that area differently then we look at storage.....that's what the Board needs to know. Mr. Rucki asked if we can call it a mixed use? Mr. Rago asked what would be the breakdown, 20 employees and 50 Teslas? Ms. Marcus asked Mr. Rucki to come up with a number that the Board is comfortable with.

Mr. Grimaldi said he is glad that LNR/Tesla is here and leasing a property in Kenilworth and we all know that the cars are not going to be sitting there for months.....nobody is questioning that. We have a drawing in front of us that you are looking for this Board to approve and we are talking about a lot of other stuff that is not on this document. He said he does not think he has heard from Kevin enough. He is suggesting that this set of drawings needs to be redone.....this set of drawing both from the standpoint of delineating your actual verbage of what is going in each spot, somehow delineating what the existing conditions...this is gravel ...this is pavement....the story has to get organized before we get onto the Board here so that the engineer who has prepared these drawings knows what the use is because he didn't...you explained it to us these parking spots, we need to know the access of it, if we are not going to have any fire access from Mark Road then these dead end corridors of your parking...he might want to see truck movements so that we can get a fire truck through there if we are not going to be able to access it. He said it seems like 15 ft. is arbitrary ....we need to know what your lot storage and what is existing capacity and what is new capacity, a breakdown on the drawing with what is there and what is proposed so we can easily see...we don't have to worry about what Ms. Marcus, the engineer or you are going to tell us....we need to have it on the document that is official and binding so the Zoning Officer can go and say I got 490 cars and there was only supposed to be 320....this is all vague.....he likes Kevin's analogy of nailing Jello to the wall because we are talking about a lot more than is on the drawing.

Mr. Rucki said there are three questions going on a once...so he said he wants to get the Jello one to stick to the wall. He showed where the storage area is and said it shows on those block the extra 50 cars he was proposing in capacity issues....Mr. Grimaldi said those 50 cars should be shown on the drawing....he said the drawings should be updated refined and complete. You guys are on the same page with what is happening with the remainder of lot 4 and 5 that it is being used by the warehouse that is mainly on block 3...access on that side....give us the story on the drawing.....in graphics and a chart. He said for us to manage this project and for our Zoning Officer to have the ability to do anything they need to give us a completed project because once this gets approved it is going to be one overall project and one use...they need to say previous and proposed. Give us some graphics so we can easily understand it because this does not do it.

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Mr. Picerno said the Board is unclear the way the plans are prepared, we don't have enough documentation at this point to say that you are parking 1, 190 or 250 ....we don't know how you are accessing these vehicles to get to 9, although 9 has already been approved by us...now 4 and 5 is impacting 9 by virtue of having to go through that easement to get to 9. He said we love Tesla and thinks highly of you and Mr. Slack and everyone else involved in this project but your information is vague to none at this point for us to make a decision which the decision is very difficult to make because we are all over the place. We are hoping you would consider coming back to us with the proper documentation that could make this very simple. He said the engineer or someone could have put on that plan...the use for lot 4 & 5 is going to be 190 cars and there will be a 20 ft. space for traffic to go in and out, there is going to be a buffer between the property behind so that emergency vehicles can get in, we are going to delineate 10 spaces on lot 10 for employee parking that we may have to pave and stripe it and put ADA parking lot maybe...he doesn't know all those questions ... he can't design the plan but these are some of the things he is hearing. It would behoove you to come back but you would have to tell me that is what you would like to do.....because right now you are not prepared to this.

Mr. Chaplin asked if he could address some of the questions now like gravel and the number of parking spaces.... we could definitely make those adjustments now? Mr. Picerno said the stone was there prior to so no one is going to be cracking the whip with that but it was there before you guys got there let's say.....we are not trying to make this difficult...we want to make it legible and enforceable so anybody can read it. Mr. Rucki pointed to an area on the map and said this area is all paved already and the employee parking that he was talking about is already lined and it is already designated for that...we are not using this space at all and we don't know if we will be needing that space. Mr. Picerno said you have to tell us what your proposal is so we can understand it.....put it on the plan. Mr. Grimaldi said to Mr. Rucki that we believe what you are saying but it's not on the plans. Mr. Chaplin said we are going to take a closer look at the plans and we will work together and we will get something very clear for everybody.

Mr. Picerno asked if we can get them back at the next meeting? Mr. Rago said we can carry it to the next meeting but the issue is can Kevin and Chris and the Board get the plans in time to do a meaningful review and get it to the Board. Mr. Rago asked Mr. Chaplin and Mr. Rucki if they can turn this around in 2 weeks. Ms. Marcus said she has their planner here tonight and she would like him to cover, the variances that are not going to change by reviewing any of these plans so he would like to have him speak just to have it on record and then he would not be back here at the next meeting. Mr. Rago said he would need to be asked questions by the public then if he was not coming back. Mr. David said his position is that we should carry this case and end it now and finish it next month....to continue it at this point seems... Mr. Picerno said you should have your professionals back given the latitude of what just went on here tonight.....this is pretty important to Tesla and its pretty important to the Municipality and we need to have everyone present.

Mr. Rago said to Ms. Marcus that in the application there was a rider attached and according to this rider, you are requesting a use variance...because of dual use parking? Mr. O'Brien answered by stating that Mr. Hehl, in an abundance of caution felt that they would notice for a use variance...in his opinion a use variance is not necessary because we do not have a prohibition of dual use in the industrial zone.

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, NOVEMBER 8, 2018. RICH PICERNO PRESIDED.

**Motion was made by David, seconded by Laudati for the Board to carry this application until the December 13, 2018 meeting at 7:30 in this room with no further notice.**

**Roll Call: Mr. Schielke vote yes, Mr. Picerno voted yes, Mr. David voted yes, Mr. Grimaldi voted yes, Mr. Pantina voted yes, Mr. Laudati voted yes, Mr. Callelo voted yes, Mr. Mazzeo voted yes and Mr. Jones voted yes and Mr. Kenny voted yes.**

Mr. Rago said we do not need to open the meeting to the public because that would be similar to having the planner testify.

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

None

**Meeting Opened to the Public**

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

Joe Padula, 65 South 20<sup>th</sup> Street – Mr. Padula said he was here last month on the sub division of the lot and you talked about having the storm sewer scoped due to the flooding and he asked if any progress has been made? Mr. Schielke said 70% of it has been scoped already and the lines are found to be clear on the Kenilworth side and a little bit into the Cranford side ...they could not finish the job because Cranford paved over the manhole covers and they are in the process of getting them opened up. There has been a little bit of debris in the pipes but nothing detrimental and there was no blockage...it was found that the pipes were 15". Mr. Cueto said the scope went from South 20<sup>th</sup> to South 19<sup>th</sup> and then 19<sup>th</sup> to 18<sup>th</sup> and 20<sup>th</sup> to 21<sup>st</sup> and we did not see anything. Mr. Padula asked if they can proceed with building on the lot? The Board said yes they can build with the conditions that were assigned by the Board.

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

**Adjournment**

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

Respectfully submitted by:  
Kathleen Moschitta  
Recording Secretary