

MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY
EVENING MARCH 13, 2025. PLANNING BOARD CHAIRMAN RICH PICERNO PRESIDED

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

The Pledge of Allegiance was led by Mr. Picerno.

ROLL CALL: Picerno, Pantina, Mazzeo, Scuderi, Grimaldi, Deluca, Pugliese and DeMondo. Also present, Planning Board Planner Kevin O'Brien, Planning Board Engineer Christian Cueto, Planning Board Attorney Lou Rago.

APPROVAL OF MINUTES:

Motion made by Deluca, seconded by Demondo to approve the minutes of the Planning Board meeting of February 27, 2025. All in favor.

COMMUNICATIONS:

1. Consistency Review request from the Governing Body to review Ordinance 2025-02 for consistency with Master Plan.
2. Letter received from Schiller, Pittenger & Galvin requesting an extension on Application #384, 50 Boright Avenue LLC.

Planner Kevin O'Brien stated the Board has the responsibility to review all proposed Land Use Ordinances that are drafted by the Council. The decision the Board has in front of them this evening is to review Ordinance No. 2025-02 and decide if the Borough's Land Use Ordinance is consistent or not consistent with the Borough's Master Plan. If the Board agrees that Ordinance 2025-02 is consistent with the Master Plan., the Planning Board Secretary will convey that decision to the Governing Body. The Chairman stated minor changes were made to the Ordinance regarding Veterinary establishments and pet daycare. Kevin stated the primary focus of the ordinance is houses of worship which are in bold and underlined in the Ordinance. The Borough is proposing to allow houses of worship in the C commercial zone. Currently houses of worship are allowed in the community serving district and limited to only a few places that reflect where the existing houses of worship are located. The Borough was concerned about future expansion and decided to allow the C commercial district to be available. Houses of worship currently are in the zone along with the PBA, Vets and other community service organizations. Any new houses of worship could go in the commercial zone C and have no effect on the existing ones.

Motion made by Grimaldi, seconded by DeMondo to approve that Ordinance 2025-02 is consistent with the Borough's Master Plan. Roll Call: Picerno voted yes, DeMondo voted yes, Pantina voted yes, Mazzeo voted yes, Scuderi voted yes, Deluca voted yes, Grimaldi voted yes, and Pugliese voted yes.

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Letter received from Schiller, Pittenger & Galvin requesting an extension on Application #384, 50 Boright Avenue LLC

Mr. John DeMassi, Attorney representing 50 Boright LLC – The applicant received site plan preliminary and final approval and a couple of C variances in 2022. Preliminary approval would have expired in January 2025 and final approval would have expired in January 2024. The pandemic affected his client's ability to start construction due to supply demands, but recently business has picked up and his client now has the financing available. The applicant is asking for a two-year extension from January 2024 until January 2026.

Mr. Rago, Planning Board Attorney, prepared a resolution extending the life of the final site plan to January 6, 2026.

Motion made by Scuderi, seconded by Deluca to accept the extension and go ahead with the resolution for 50 Boright Ave., L.L.C. Roll Call: Picerno voted yes, DeMondo voted yes, Pantina voted yes, Mazzeo voted yes, Scuderi voted yes, Deluca voted yes, Grimaldi voted yes, and Pugliese voted yes.

RESOLUTION – 50 BORIGHT AVE.

WHEREAS, the Borough of Kenilworth Planning Board (hereinafter designated the "Board") previously granted 50 Boright Avenue, L.L.C. (hereinafter designated the "Applicant") preliminary and final site plan approval with dimensional variances in connection with property located at 50 Boright Avenue, Borough of Kenilworth, New Jersey, and more specifically known as Block 6, Lot 6 on the Tax Map of the Borough of Kenilworth (hereinafter designated the "Borough"), Union County, New Jersey with the use being permitted in the I-Industrial Zone; and

WHEREAS, said Resolution of Approval was memorialized on January 6th, 2022 and;

WHEREAS, the Applicant has now requested that the Board consider an extension of the prior approval, up to and including January 6st, 2026 in that, pursuant to the Municipal Land Use Law, the period of protection from zone changes for the final site plan approval has expired.

NOW, THEREFORE, BEIT RESOLVED, that the Planning Board of the Borough of Kenilworth, County of Union and State of New Jersey, on the 13th day of March, 2025 made the following Findings of Facts and Conclusions of Law with regard to the Application:

1. The Applicant is represented by John DeMassi, Esq.
2. By correspondence dated January 2, 2025, Mr. DeMassi indicated to the Board that he is requesting an extension of the previously approved preliminary and final site plan for 50 Boright Avenue L.L.C up to and including January 6th, 2026 in order to

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enable his client to commence construction in compliance with the previous Resolution.

3. Pursuant to the letter of Mr. DeMassi, at the time of the original site plan approval his client was experiencing supply chain issues because of the Pandemic and also was experiencing significant delays regarding securing a contractor that was capable of completing the project. It was indicated that various construction companies were committed to other projects that were halted during the Pandemic. Further, and in accordance with the letter, a contractor has now been retained and will obtain building permits once final architectural plans are completed.
4. In addition to supply chain issues, the previous delay because of the Pandemic resulted in escalated interest rates, and the original finance provider withdrew its commitment for the construction. It has been indicated that financing is no longer an issue, and that the Applicant has secured appropriate funding.
5. The architect for the project, Larry Appel, estimated that approximately 4 months will be needed to complete the construction documents, subsequent permits will be obtained, and construction will commence
6. Without the Planning Board's grant of an extension, the previously granted approval may lose the protection from zoning changes
7. No members of the public commented either in favor of, or in opposition to, the request for an extension of the approval previously granted.

BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Kenilworth, in the County of Union and State of New Jersey, on the 13th day of March, 2025 upon the appropriate motion made and seconded, that the extension of the previously granted preliminary and final site plan approval, with variances, is hereby granted and shall extend up to and including February 6th, 2026.

1. The Applicant shall continue to be bound by all conditions of Approval previously set forth, all exhibits introduced, all representations made, and all testimony given before the Board at its previous meetings.

BE IT FURTHER RESOLVED, that the Board Secretary is hereby authorized and directed to cause a notice of this Resolution to be published in the appropriate newspaper, and to send a certified copy of this Resolution to the Applicant and to the Borough Clerk, Borough Engineer, and the Borough Assessor and make the same available to all other parties.

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Mr. Cueto confirmed that the applicant would submit resolution compliance plans and also schedule a pre-construction meeting regarding the conditions of the resolution.

Motion made by Mazzeo, seconded by Deluca to approve the resolution for 50 Boright Ave. Roll Call: Picerno voted yes, DeMondo voted yes, Pantina voted yes, Mazzeo voted yes, Scuderi voted yes, Deluca voted yes, Grimaldi voted yes, and Pugliese voted yes.

RESOLUTION: Application #22-004 Minor Subdivision
320 North 21st Street
Block 17, Lot 20

Mr. Rago stated this application is a two-lot subdivision on North 21st Street. The Board heard this application over a few meetings and there were a lot of revisions made, mainly to the rear of the property regarding storm water runoff, drainage, landscaping and the rest. In the February 13th meeting the board concluded there was no issue with the lookalike ordinance and everything else was set forth in the detailed reports that Kevin and Christian prepared for the reworking of the plans in the rear of the property so that lower level wouldn't flood.

The Chairman stated he was not here for the hearing and tonight the members that heard the application will vote on the resolution.

Motion made by Mazzeo, seconded by Pantina to approve the resolution for Application #22-004, 320 North 21st Street with the conditions stated in the resolution. Roll Call: Demondo voted yes, Pantina voted yes, Mazzeo voted yes, Scuderi voted yes, Grimaldi voted yes, Pugliese voted yes.

APPLICATION: Application #24-006 Site Plan
North Holdings NY L.L.C.
100-124 North 12th Street

Mr. Stephen Hehl, Esq. presented for North Holdings L.L.C. This application has no changes to the site other than the installation of additional bay doors. The applicant installed a new roof on the property and when they redo the building it will blend in with the site. It is permitted use in the zone. The applicant is not able to attend this evening due to a religious commitment. We have a site engineer and planner who will testify this evening. There are currently two tenants occupying the site with 5 to 10 employees working 9-5 Monday thru Friday with one or two tractor trailers per day and a few box trucks per day. They have an outdoor ancillary building about 5,000 sq. ft. The applicants have a facility in Jersey City and would like to relocate to Kenilworth.

Mr. O'Brien, Planning Board Planner and Mr. Cueto, Planning Board Engineer, were sworn in by Mr. Rago, Planning Board Attorney.

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Mr. James Mastronardy was sworn in by Mr. Rago.

Mr. Mastronardy, Engineer. Mr. O'Brien stated that Mr. Mastronardy has appeared a number of occasions and has been qualified by the board, providing his license is current and in good standing.

Mr. Mastronardy presented Exhibit A-1 and reviewed the site plan for the Board and the public. He agreed with all the comments in the Planning Board Planners report and the Planning Boards engineering reports. He reviewed where the existing bays are located and where the proposed bay doors will be location. There are 4 existing bay doors, and the applicant is proposing adding 7 bay doors. There was a lengthy discussion between Mr. Mastronardy and Planning Board members regarding the applicants installing signage to curtail large tractor trailer trucks coming onto 12th Street from Monroe Avenue.

Ms. Speyer, Planner was sworn in by Mr. Rago.

Ms. Speyer reviewed the Borough's Planner and Engineers report for the property. This is an existing warehouse in the I zone, a conforming use. The applicant is seeking approval for improvements to the parking lot that is adjacent to the building. All the variances they are looking for are related to the related conditions, there is no expansion to the building footprint. The proposal is to modernize the operations and provide better parking and loading solutions to the site. Ms. Speyer explained the variances that were detailed in Mr. O'Briens report. Ms. Speyer stated all the reliefs are totally appropriate under the C2 criteria of the Municipal Land Use Law. All the variances are technical in nature, better operations will be proposed with the loading.

OPEN MEETING TO THE PUBLIC

Motion made by Mazzeo, seconded by Pantina to open the meeting to the public on Application 24-006, 100-124 North 12th Street. All in favor.

Mr. Frank Stallings, Boulevard – Mr. Stallings stated that trucks come down 12th Street from 6AM to 7PM and the tractor trailers never slow down. He said he has been complaining about the traffic for the last four years and it is worse now than ever. He said there is a very bad safety issue on 12th Street and most of that involves tractor trailers.

Donna Frank, 52 North 12th Street – Ms. Frank lives very close to the property in question and stated there are many signs saying no trucks should be on 12th Street but no one follows those signs. There are many tractor trailers coming down the street.

Mr. Castania, 114 North 13th Street – Mr. C stated there were construction equipment in the parking lot and they were very loud starting at 6AM. He said there is a school close to 12th Street and all the trucks are dangerous.

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John Maines, 188 North 13th Street – Mr. Maines said trucks are running all night long, they start at 5AM to 8PM and he said this application will exacerbate traffic from tractor trailers. There are signs regarding no idling but the truckers do not adhere.

Motion made by Grimaldi, seconded by Scuderi to close the hearing on Application 24-006. All in favor.

Mr. Hehl stated the applicant will look into all the suggestions that the board made regarding lighting and landscaping. He asked if the Borough Planning Board professionals would be able to meet with his team at the site and the Chairman agreed.

Mr. O'Brien stated there are many items that have not been addressed, mostly technical in nature and he asked if they would consider kicking this application back to a Technical Review committee to review the site plan concerns. The Board agreed to a technical review.

Motion made by Grimaldi, seconded by Scuderi to carry Application #24-006 Site Plan North Holdings NY L.L.C., 100-124 North 12th Street to the April 10, 2025 Planning Board meeting. Roll Call: Picerno voted yes, Mazzeo voted yes, Pantina voted yes, Scuderi voted yes, Demondo voted yes, Deluca voted yes, Grimaldi voted yes and Pugliese voted yes.

The Chairman stated that Mr. Hehl's team will meet with our professionals within the next two weeks and go over everything we talked about this evening. The application will be heard on April 10, 2025, with no notice required. If the applicant is not ready by the April 10th meeting the Board will carry the application to the following month.

COMMENTS FOR THE GOOD OF THE BOARD

Mr. Picerno wished everyone a Happy Easter

OPEN MEETING TO THE PUBLIC

Motion made by Scuderi, seconded by Grimaldi to open the meeting to the public. All in favor.

No one wished to speak.

Motion made by Demondo seconded by Deluca to close the meeting to the public. All in favor.

ADJOURNMENT

The motion to adjourn was made by Scuderi, seconded by Mazzeo. All in favor.

Respectfully submitted by:
Kathleen Moschitta,

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Planning Board Secretary