

REGULAR MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON
TUESDAY EVENING JUNE 24, 2025. PLANNING BOARD CHAIRMAN RICH PICERNO PRESIDED

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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: Mayor Karlovitch, Picerno, Scorese, David, Clementi, Pantina, Mazzeo, Laudati, Calello, Grimaldi, Pugliese. Also present, Planning Board Engineer Christian Cueto, Planning Board Attorney Lou Rago and Planning Board Planner Kevin O'Brien.

APPROVAL OF MINUTES:

Motion was made by Grimaldi, seconded by Clementi to approve the minutes of the Planning Board Meeting of May 15 and May 27, 2025. All in favor.

COMMUNICATIONS:

1). Correspondence received from Mr. Lawrence Calli, Calli Law regarding prior approval for Amazon.com related to trailers stored on a portion of the property at 251 Monroe Avenue.

Mr. Rago stated the communication from Mr. Calli was in regard to a prior application/resolution which the planning board previously approved in June 2023 for 251 Monroe Avenue. He stated that apparently there is an issue with Amazon trucks parking on site. Mr. Calli's letter stated that authorization for trucks was previously covered in the 2023 resolution passed by the Planning Board. Mr. Rago stated he needs to sort out where these trailers are and he asked Mr. O'Brien for his input.

Mr. O'Brien stated the complaint came from the Construction Official and it has nothing to do with this board. He suggested that Mr. Rago respond to Mr. Calli's letter and advise him that the complaint came from the Construction Official and Mr. Calli should pursue the issue with the Construction Official. In the future if the board is called upon to make a determination or if they the applicant wishes to make an amendment to their site plan, they may do so at that time.

Mr. Picerno advised Mr. Rago that he can now respond to Mr. Calli's letter by stating that at this time it is not a planning board issue but rather a Construction complaint. Mr. O'Brien stated he has a draft response, and he will share that response with the Chairman. Mr. Picerno asked Mr. Rago to email him and the Planning Board Secretary a copy of the response letter before sending it out.

2). Email received from Mr. Frank Neri requesting the following applications be dismissed without prejudice. Application #24-010, 720 Boulevard and 730 Jefferson Avenue.

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Mr. O'Brien stated these two applications were submitted back in November 2024 and were deemed incomplete in December. He stated he has been in contact with the applicant multiple times asking for updates and as of one month ago has received no response despite repeated requests. The applicant has since advised they no longer wish to pursue these applications. He said the Board should pass two resolutions denying the applications without prejudice.

Motion made by David, seconded by Clementi to dismiss Application #24-010, 720 Boulevard without prejudice. Roll Call: David voted yes, Mayor Karlovitch voted yes, Councilman Scorese voted yes, Clementi voted yes, Mazzeo voted yes, Pantina voted yes, Laudati voted yes, Calello voted yes, Grimaldi voted yes, Pugliese voted yes.

Motion made by Pugliese, seconded by Clementi to dismiss Application #24-009, 730 Jefferson without prejudice. Roll Call: David voted yes, Mayor Karlovitch voted yes, Councilman Scorese voted yes, Clementi voted yes, Mazzeo voted yes, Pantina voted yes, Laudati voted yes, Calello voted yes, Grimaldi voted yes, Pugliese voted yes.

Chairman Picerno stated these resolutions will be presented at our September meeting.

PRESENTATION

Mr. Michael Mistretta, Licensed Professional Planner, Harbor Consultants, 320 North Avenue, Cranford, NJ.

Mr. Mistretta is the Borough's Affordable Housing Planner, and he presented to the Planning Board the Fourth Round Affordable Housing Plan. Mr. Mistretta handed the Board a summary of the Fourth Round Affordable Housing Plan which is posted on the Borough's website and is available for public viewing. The plan has been provided to the Borough Clerk. The handout is a summary and includes a power point of the plan. Mr. Mistretta explained the summary page by page and put it into as simple terms as he can.

Mr. Mistretta explained the Kenilworth Fair Share Housing Element and Fair Share Plan timeline. Governor Murphy signed the amended Fair Share Housing Act in March 2024, the DCA released their calculations for Kenilworth and the Borough Council, adopted a resolution committed to that number in January 15, 2025. The court memorialized that number on March 27, 2025, and at that time Mr. Mistretta started to work on the plan. He had a couple of zoom meetings with the Borough on April 16th and April 23rd where we talked about the outline of the plan and the plan was filed on June 13, 2025. The Plan was also filed with the State Advocacy Board, Union County Planning Board and notices were sent to adjoining municipalities and is on the website and is also available through the Planning Board and the Clerk's office. All of the public notices have been satisfied.

Under the law every municipality is required to adopt their fourth round housing element fair share prior to June 30, 2025. By adopting this plan this evening the Borough will be in compliance with the new amended fair housing act. The next step is the Council would need to adopt a

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resolution endorsing the Planning Boards resolution in support of the plan. The resolutions and the plan are then submitted to DCA through a portal, and they will be evaluated over the summer months. Comments, critiques, challenges, edits and suggestions by either the virtual housing center or the New Jersey Builders Association, the court or any interested party would respond with their comments by September 1, 2025. There are additional deadlines which extend to June 2026. There are three draft ordinances attached to the plan which need to be reviewed and edited by the Council and the Planning Board. The ordinances must be adopted and filed by March 15, 2026.

Mr. Mistretta went over the overview of the prior rounds. In 1987 and 1999 our obligation was set at 83 units. The third-round obligation 1999 and 2025 is 271 and the fourth-round need is 208. He presented a map, which shows the overlay plans for the Affordable Housing Plan.

There were many questions on the plan that were asked by the board members and answered by Mr. Mistretta. A lengthy discussion between the Planning Board Members and Mr. Mistretta on the ins and outs of the Fourth Round Housing Element and Fair Share Housing plan followed.

Mr. O'Brien said this document has to be adopted by June 30 so there are not a lot of options available other than to present a housing element to the state that has been endorsed by the Borough council. He said there are a number of things that are in the draft that can be changed in the near future. He said the Board has not been consulted about this plan since it was started by council in December. The plan was prepared without any input from the board and the board has already approved one affordable housing unit on the Boulevard at the Dunkin Donut site. Over the last 10 years the Board has been demanding, in our resolutions, the collection of affordable housing funds. He stated, as we have learned over the last year or two, some of those were ignored, but we have \$80,000.00 in the bank thanks to the diligence of this board. Mr. O'Brien stated that maybe over the next few months, the borough council and mayor, who are in charge of this, will see fit to let the planning board be part of the planning of this document so that the Planning Board voices can be heard and guide the plan because you are experts in land use and you know the ebbs and flow of applications.

OPEN TO THE PUBLIC

Motion made by David, seconded by Clementi to open the meeting to the public on the Fair Share Housing Plan. All in favor.

No one wished to speak.

Motion made by David, seconded by Clementi to close the meeting to the public on the Fair Share Housing Plan. All in favor.

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RESOLUTION:

Motion made by Grimaldi, seconded by Pantina to approve a resolution adopting a Fourth Round Housing Element and Fair Share Plan. Roll Call: Picerno voted yes, David voted yes, Mayor Karlovitch abstained, Councilman Scorese abstained, Clementi voted yes, Mazzeo voted yes, Pantina voted yes, Laudati voted no, Calello voted yes, Grimaldi voted yes, Pugliese voted yes.

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH ADOPTING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Borough adopted a "binding resolution" accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 15, 2025, establishing its Fourth Round Present Need of 35 and Prospective Need of 208; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 16, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Borough automatic, immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Borough did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Borough's Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 27, 2025, the Court entered an order establishing the Borough's Fourth Round Present Need of 35 and Prospective Need of 208; and

WHEREAS, now that the Borough has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Borough's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 24, 2025; and

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WHEREAS, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Kenilworth, County of Union, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

RESOLUTION:

Chairman Picerno stated a resolution for Application #24-002 was on the agenda this evening but the board, in their Work Session this evening discussed the Resolution for Application #24-002, Durham School Services and decided the resolution needed to include some of the applicants suggestions. The resolution will be presented at the next Planning Board meeting.

Motion made by Grimaldi, seconded by Pugliese, to move the resolution to the September meeting. All in favor.

NEW BUSINESS: Application 24-008 – Front Fence Variance
205 North 17th Street
Kenilworth, NJ 07033
Block 37, Lot 1.02

Mr. Quinton Rodriguez-Harrison, Kevin O'Brien and Christian Cueto were sworn in by Lou Rago, Esq.

Mr. Rodriguez-Harrison stated he is requesting a variance for a front yard fence at 205 North 17th Street. Quinton presented a slide show of his property and explained his request for a front yard fence. He stated relied on his builder who advised him that it was OK to have a front yard fence. He was unaware that the borough's ordinance prohibits front yard fencing and that he needed a permit and was surprised to receive a violation notice. He stated his wife is 100% permanently disabled and was an Air Force veteran for 17 years, serving three tours oversea and has PTSD and hyper vigilance. Having a front yard fence gives her a sense of security. He feels the fence is an emotional necessity and he presented to the board copies of a letter from Veterans Affairs and the counseling service regarding his wife's medical conditions (Exhibit A1). He stated he is willing to modify the placement of the fence to help satisfy the board's concerns. The Fair Housing Act prohibits discrimination based on disabilities. The board approved a front yard fence in 2001. Quinton is asking for the opportunity to retain the fence.

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There was a lengthy discussion between the board, the professionals and Mr. Rodriguez-Harrison on the placement of the fence and the required setbacks. The Planning Board Planner asked and Quinton answered the Master Plan questions regarding the application.

Mr. O'Brien stated that, as far as precedent, every application stands or falls on their individual specifics of each application and each application has to meet the burden of proof.

Motion made by Grimaldi, seconded by to approve Application #24-008, 205 North 17th Street, Kenilworth with the recommendation that the fence be moved 20 ft. from the front yard setback.

No one seconded the motion and the motion dies.

Motion was made by Mayor Karlovitch, seconded by Pugliese to approve Application 24-008 with the condition that the applicant move the fence 25 ft. from the property line and that the approval is nontransferable should the applicant sell the property. Roll Call: Picerno voted yes, Mayor Karlovitch voted yes, Councilman Scorese voted yes, Mr. David voted no, Clementi voted no, Pantina voted no, Mazzeo voted yes, Ladauti voted no, Calello voted yes.

Motion passes, five yes votes and four no votes.

Motion made by David, seconded by Mayor Karlovitch to take a five minute recess. All in favor.

APPLICATION: Application #24-006
North Holdings NY LLC
100-124 North 12th Street, Kenilworth
Block 59, Lot 1

Mr. Hehl stated this application was before the board a few months ago and at that time the applicants were not available, but they are present this evening. They are looking to clean up the site and add to the building and tonight they will have a brief testimony as to why. This is a large factory with warehouse distribution. Mr. Hehl will go through the changes the applicant made since their last meeting. They have had several TRC's with the board professionals. He will address all the memorandums and the recommended conditions from the board's professionals. Mr. Hehl stated he received notice today that there are fire violations and health violations, and his client will testify this evening regarding those violations.

Shlome Ereur Property Manager and Joel Teitelbaum, Partner/owner of the property were sworn in by Mr. Rago.

The applicants are here this evening to address the feedback they received from their Technical Review meetings. Sholome stated he is working with the Fire Department and the board of Health and have addressed most of the violations.

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The Chairman stated that should the board approve this application, conditions of the approval would be that the violations from Fire Code Official and the Board of Health be abated. The applicant would not be able to do anything unless this criteria is met prior to construction. Mr. Hehl advised the applicant to contact the Fire Official and make sure that Borough Officials have their correct contact information. Mr. Hehl stated that their engineer responded to three different letters (May 20th, June 6th) from the board professionals and the applicant/engineer have no issues complying with those requests and recommendations.

There were questions from the Board members regarding signage for No right turns the turning radius and handicap parking. The board members requested that the plans be updated with no turn signs. The Borough Engineer commented that the no right hand turn signs should be located on the property as well as the street. The applicant stated that they are instructing drivers to comply with the additional signage.

Mr. O'Brien stated that one of the recommendations from our TRC meeting, should this application be approved, that one of the conditions of the resolution be that the applicant should communicate with the Mayor and Council to suggest and encourage additional No Truck signage on 12th Street and Boulevard. He said that is a policy decision for the board to make.

Mr. Teitelbaum stated the property is 92,000 sq. ft. , 87,000 sq. ft., the main building and 5,000 sq. ft. for the side building. He stated there are three businesses in the building. The name of his company is Home4U and they import products from overseas and sell them on line to Walmart, Amazon and Target and Wayfair. They get deliveries from UPS, FEDEX, USPS and DHL and container trucks. The building will be basically warehouse distribution. The hours of operation are Monday to Friday 8:30 to 5:30, no weekends. There are two additional tenants in the building, NTO Logistics and Sky Mason.

The applicants engineer Mr. Nastriani stated that he is able to comply with all of Mr. O'Briens and Mr. Cueto's suggestions that were listed in there reports from May and June.

OPEN MEETING TO PUBLIC

Motion made by David, seconded by Clementi to open the meeting to the public. All in favor.

No one wished to speak.

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

Motion made by Grimaldi, seconded by Mazzeo to approve Application #24-006 North Holdings NY LLC 100-124 North 12th Street, Kenilworth, Block 59, Lot 1 with the following conditions: directionals at the entrance of the property, prior violations from the Board of Health, Fire Department and Zoning/Code Official be abated and the board to receive letters confirming same. The exterior and interior of the site be reviewed by Code Enforcement and the site gets cleaned up, encourage no truck signage through the Mayor and Council, No Truck sign on 12th

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Street, one EV spot on site, submit final plans before the resolution is presented, Borough professionals to go out before the next planning board meeting and provide a letter to the board on the conditions on the property. Roll Call: Picerno voted yes, Mayor Karlovitch voted yes,

Councilman Scorese voted yes, David voted yes, Clementi voted yes, Pantina voted yes, Mazzeo voted yes, Laudati voted yes, Calello voted yes.

COMMENTS FOR THE GOOD OF THE BOARD

No Comments.

OPEN MEETING TO THE PUBLIC

Motion made by David, seconded by Clementi to open the meeting to the public. All in favor.

No one wished to speak.

Motion made by David, seconded by Mayor Karlovitch to close the meeting to the public. All in favor.

ADJOURNMENT

The motion to adjourn was made by David seconded by Mayor Karlovitch. All in favor.

Respectfully submitted by:
Kathleen Moschitta, Recording Secretary

9:55