

MEETING OF THE PLANNING BOARD OF THE BOROUGH OF KENILWORTH HELD ON THURSDAY EVENING, NOVEMBER 9, 2023. 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

Mr. Picerno, Mr. David, Mr. Mauro, Mr. DeMondo, Mr. Clementi, Mr. Mazzeo, Mr. Laudati, Mr. Pantina. Mr. Calello and Mr. Scuderi are excused. Also present were Mr. Kevin O'Brien, Borough Planner, Mr. Lou Rago, Planning Board Attorney and Christian Cueto, Borough Engineer.

APPROVAL OF MINUTES

A motion was made by Mr. Mazzeo, seconded by Mr. Clementi to approve the minutes of October 12, 2023. All in favor.

COMMUNICATIONS: Letter from the Borough Clerk regarding Consistency Review of Ordinances 2023-26, 2023-27 and 2023-28.

RESOLUTIONS FOR RETURN OF ESCROW MONEY:

Applicant: William Mauro, 208 North 23rd Street, Kenilworth, NJ. , Amt. \$37.50

Applicant: James Duffy, 14 North 10th Street, Kenilworth, NJ, Amt. \$37.50

Applicant: Saveria DaSilva, 331 North 18th Street, Kenilworth, NJ Amt. \$5.00

Motion made by seconded by to Mazzeo, seconded by Mr. DeMondo to approve the return of the above-referenced escrow fees. Roll Call: Mr. Picerno voted yes, Mr. David voted yes, Mr. Mazzeo voted yes, Mr. Clementi voted yes, Mr. Laudati voted yes, Mr. Pantina voted yes and Mr. DeMondo voted yes. Mr. Mauro abstained.

CONSISTENCY REVIEW

Ordinance No. 2023-26 - AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 120, "LAND USE," PART 3, "ZONING," ARTICLE TWENTY-FOUR, "ACCESSORY USES, BUILDINGS AND STRUCTURES" SECTION 1 "REQUIREMENTS FOR RESIDENTIAL ACCESSORY USES AND STRUCTURES," OF THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.

Mr. Mauro stated we discussed this ordinance at our last meeting regarding the placement of air conditioners. This ordinance allows a resident to replace the air conditioning unit where it was even if it does not comply with the current zoning requirements should that unit be the same size. No other changes were made to the ordinance, just to allow for that exception.

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Motion made by Pantina, seconded by DeMondo to approve Ordinance No. 2023-26 as amended and that it is consistent with the Master Plan. Roll Call: Picerno voted yes, David voted yes, Mauro voted yes, DeMondo voted yes, Clementi voted yes, Mazzeo voted yes, Laudati voted yes and Pantina voted yes.

Ordinance No. 2023-27 – AN ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 120, “LAND USE,” PART 1, “ADMINISTRATION,” ARTICLE ONE, “TITLE, PURPOSE, SCOPE AND DEFINITIONS,” SECTION 1.4 “DEFINITIONS,” AND PART 3, “ZONING,” ARTICLE 22, “GENERAL REGULATIONS, EXCEPTIONS AND MODIFICATIONS,” TO INCLUDE SECTION 22.18 “SHORT-TERM RENTALS” AND ADOPTING CHAPTER 161, “SHORT-TERM RENTALS” TO THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH

Mr. Mauro explained Ordinance 2023-27 which addresses short-term rentals in the Borough. Currently short-term rentals do not have regulations such as registration, parking regulations, etc. There was a lengthy discussion among the Planning Board Members and Council Liaison Mr. Mauro regarding short-term rentals and air B&B’s. Mr. Picerno said the Planning Board needs more time to discuss this ordinance for consistency with the Master Plan.

Motion was made by David, seconded by Laudati to table the consistency review of Ordinance 2023-27 for further review until the Special Meeting on Tuesday, December 5, 2023, at 7PM. All in favor.

Kevin O’Brien stated there were several typing errors and missing words and he will highlight those instances and forward same to the Secretary.

Ordinance No. 2023-28 – AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, ARTICLE 30, CONDITIONAL USES, SECTION 120-30.5, LIST OF CONDITIONAL USES; ZONES WHERE PERMITTED, TO PROVIDE THAT NONPROFIT CHARTERED MEMBERSHIP ORGANIZATIONS ARE CONDITIONALLY PERMITTED IN RESIDENTIAL ZONES SUBJECT TO ADDITIONAL CONDITIONS, AND SECTION 120-30.6, NONPROFIT CHARTERED MEMBERSHIP ORGANIZATIONS, TO ESTABLISH ADDITIONAL CONDITIONS UPON WHICH NONPROFIT CHARTERED MEMBERSHP ORGANIZATIONS ARE PERMITTED IN RESIDENTIAL ZONES.

Mr. Mauro stated this ordinance puts limitations on current situations that go on. There are nonprofits and things like that that are permissible in the commercial zones and some by constitution of state and government of the federal level permissible in the residential zones as well and we can’t deny them. The none for profits exists and this ordinance is making sure they live in harmony with the residents on those blocks. We set new bulk standards to be applicable, and they are different in the commercial and residential zones. They put the requirements for

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parking and shrubbery and landscaping, setbacks and lot size. He said you just can't open up a nonprofit on anybody's block in Kenilworth without adhering to these standards.

There was a discussion between the Planning Board and Mr. Mauro on Ordinance 2023-28. Mr. Picerno suggested the Board table Ordinance 2023-28 along with Ordinance 2023-27 until their Special meeting on December 5, 2023 for further review. Mr. Picerno said the Board needs additional time to review both ordinances.

Motion made by David, seconded by Clementi to table the consistency review for Ordinance 2023-28 until the December 5, 2023, Special Meeting. All in favor.

COMMENTS FOR THE GOOD OF THE BOARD

Mr. David wished everyone a Happy Thanksgiving.

Mr. Picerno spoke about a letter he received from Mr. Paparo, Esq. regarding comments made by Mr. Mauro regarding an application for Dunkin Donuts. There was a lengthy discussion between all Board Members on whether an applicant can receive a fair hearing when a board member states his opinion on social media before the application is heard. Mr. Mauro stated he will recuse himself from the application. Mr. David stated the letter from the applicant's attorney stated his client was biased before his application was heard due to the 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 DeMondo, to close the meeting to the public. All in favor.

ADJOURNMENT

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

Respectfully submitted by:
Kathleen Moschitta
Recording Secretary