

Approved
@ 9/18/14
PB meeting

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Date: 09/08/2014 10:59 AM
Subject: Planning Board Minutes 8/21/14

BOROUGH OF RIVER EDGE PLANNING BOARD MINUTES

August 21, 2014

ROLL CALL PRESENT: Eileen Boland, James Arakelian, Lou Grasso, Mayor Moscaritolo, Vito Acquafredda, John Monroe, Jeff Gewirtz also present Daniel Steinhagen Esq.

Absent: Tom Behrens, Kevin Duerr, David Glass, Tom Kyritz, Mr. Costa, Ms. Bogart

CALL MEETING TO ORDER 8:00PM

Mayor Moscaritolo - called the Planning Board meeting to order at 8:00 p.m.

Salute to Flag

Sunshine Law (Open Public Meetings Act)

Adequate notice of this meeting has been provided by sending notices on December 20, 2013 to the Record and the Ridgewood News. By positioning on the Bulletin Board in the lobby of the Borough Hall and filing a notice of the same with the Municipal Clerk.

APPROVAL OF MINUTES JULY 17, 2014

ROLL CALL

James Arakelian makes a motion to approve the minutes, seconded by Eileen Boland all say Aye

Abstain - Vito Acquafredda

Minutes are approved.

MEMORIALIZATION

2014-04 HRS Consulting Group, L.L.C., 490 Kinderkamack Road, Block 804, Lot 9, 10.01 and 12.01 Approval for food handler's license for grocery store operation.

Mr. Steinhagen - Are there any question before I ask for a motion?

Member - About them delivering, I think that is going to have cars running in and out. Where are those cars going to park? There is terrible parking there now and they are going to be running a significant amount of what they do as a delivery service/grocery store.

Member - If I am not mistaken they said they would have a

van on site that would be in the back and loaded from the back and make the deliveries from there. She did say that they deliver to customers in the morning on Tuesdays, Wednesdays, and Fridays.

James Arakelian - This was a very quick part of the meeting because they had food operations previously in that spot and there was some question as to, if a store front had prior use of food that had a food license in place - would they be required to come back for a new food license? It was decided that they would come back and they did. There was no reason to deny the application.

Mayor Moscaritolo I would move the site plan approval for HRS Consulting L.L.C. seconded by Mr. Grasso.

ROLL CALL

Mr. Arakelian, Mayor Moscaritolo, Ms. Boland, Mr. Grasso -
Vote Yes.

Abstain - Mr. Acquafredda, Mr. Monroe, Mr. Gewirtz.

Motion passes.

2014-05 The Habit Restaurants, L.L.C. d/b/a/. Habit Burger Grill, 135 Kinderkamack Road, Block 1404, Lots 1.04,5 and 3.01 Approval to operate food establishment, amended approval for signage, and foodhandler's license.

Mr. Arakelian - This was a sign package equivalent. It was straight forward. It was an agreement that these chain type businesses are going to have their own signage. Like CVS, Habit Burger and we dealt with Total Wine. The only question that came up was the monument sign. We do need to look into that for the next meeting.

(Please let the record show that Mr. Duerr has arrived 8:15PM)

Mayor- On page 3 there are a few paragraphs that talk about the 2007 Resolution,

which talks about the 20% allocation for restaurant use and 10% in the total area to be used by fast food. Although this resolution has asked for approval there is a pending application to amend the 2007 resolution regarding the percentage allowable for fast food use. I do not see that as a stumbling block for approval of this particular resolution because this resolution only concerns 3,040 square feet of the allowable 13,000 square feet of restaurant usage.

James Arakelian - I will second the motion.

ROLL CALL

Mr. Arakelian, Mayor Moscaritolo, Mr. Duerr, Mr. Grasso, Ms. Boland - Vote Yes.

Abstain - Mr. Acquafredda, Mr. Monroe, Mr. Gewirtz

Motion is approved.

OPEN TO PUBLIC

CLOSE TO THE PUBLIC

Mayor - One agenda item was withdrawn about the proposal that is coming in about the adjustment that needs to be done for the fast food places versus the non-fast food.

The reason the item was withdrawn is because the applicant is going to submit a revised site plan that shows some different parking configuration to allow for another dumpster, moving some parking spaces to make the entrance wider.

The proposed application that is coming before us, probably the next meeting, rather than doing it in piece meal we suggested to the applicant that he come back with one plan for the remainder of all the food establishments in this building #2. We anticipate 4 food establishments Habit Burger, Dunkin Doughnuts, Mexican Fast Food, and California Tortea and we want them to handle them all together.

Jeff Gewirtz - What is the town's distinction of fast food

versus restaurant?

Member - In the original proposal from 2007 I think the board's interpretation if a restaurant had table service and fast food did not have table service. These 4 restaurants that are going in don't fit the definition of a classic restaurant because they do not have table service, they have counter service. We are saying that table service, which would be bringing the food, but when we have a distinction between a restaurant and a fast food what would change in terms of the requirement that the restaurant have?

Member - I think what it effects in my mind is that when you have fast food you have hire turn-over and probably have a greater need for parking. And less of a turn-over in a table service you have less need for parking. However, at the approval in 2007 we have allowed up to 50% of that middle building for food establishments. The restaurants that they anticipated having are going to be less than that.

Member - I had a concern about fast casual because it is not take-out when you think of how the Habit Burger works people have to sit and wait for their meal and I don't know how that will affect the parking lot.

Member - If the whole 13,000 feet, which they are allowed, was going to be fast food then there would be questions in my mind regarding a sufficient amount of parking. What the proposal is that we allow the 10,000 square feet for fast casual that we would cap it at that. If they had another tenant that is vacant they couldn't put a food place in there.

Member - With the other remaining space being vacant non-

food, is there a concern about the turn-over of vehicles and parking spaces taking more than their allotted space per square foot in those other 16,000 square feet?

James Arakelian - There is nothing we can do about it. You go with the fast food thing and we will limit that to 3000 square feet that is left. What if they come up with a dollar store?

James Arakelian - One more housekeeping issue. The council needs to act on the 24 hour ordinance. With all this new stuff coming in and all that is happening down there, there is nothing stopping them from saying we are open 24 hours. We need to put together an ordinance for that.

Member - One could make it a good argument because Mc

Donald's is open 24 hours and they are only a block away. You are now talking about sufficient police, etc.

Member - What would happen would people be grandfathered in or once an ordinance, everyone has to follow it?

Member - That would be a pre-existing use.

Member- If it is a condition in the resolution it is a discretionary decision on the part of the board. They can either waive it or not waive it.

Mr. Steinhagen - If you do it as a non-zoning ordinance

there are no exceptions. There is a provision built into the Municipal Lane Use Law that they are exempt from changes that come after you submit the application.

ADJOURNMENT 9:15PM

Mr. Duerr - I ask for a motion to close.

James Arakelian - So moved, all in favor say Aye. All say Aye.

Respectfully submitted by,

Marijane Brandau