Approved @ 4/18/13 pb meeting.

BOROUGH OF RIVER EDGE PLANNING BOARD
MINUTES
March 21, 2013

ROLL CALL PRESENT: Ed Mignone, Ellen Busteed, Mayor Moscaritolo, Kevin Duerr, Gerard Clarke, David Glass, Eileen Boland, Tom Kyritz, James Arakalian. Also present Arthur M. Neiss, Esq. Robert Costa P.E., Brigette Bogart Planner.

Absent: Mr. Nyman

CALL MEETING TO ORDER:
Kevin Duerr 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 21, 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.

AGENDA

APPROVAL OF MINUTES 2/21/13

Mayor Moscaritolo makes a motion to accept, seconded by Ed Mignone

ROLL CALL

Ed Mignone, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz – Vote Yes.

Appointment of Engineer

Appointment of Robert Costa of Costa Engineering Corp. as Board Engineer

ROLL CALL

Ed Mignone makes a motion to accept, seconded by James Arakalian

ROLL CALL

Mr. Mignone, Mr. Araklain, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz. All vote yes.

Motion passes.

Resolution of appointment of Brigette Bogart as Board Planner

Mayor Moscaritolo makes a motion to accept, seconded by Ms. Boland

ROLL CALL VOTE

Mr. Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz. – All vote yes.

Abstain: Mr. Mignone

Motion passes

MEMORIALIZATION OF RESOLUTION

2013-02 John Formoso, 725 Elm Avenue, Block 305/Lot 31 Approval, with conditions, of Major Soil Movement Permit Application

Mayor Moscaritolo, seconded by James Arakalian

ROLL CALL VOTE

Ed Mignone, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz – All vote Yes.

Motion passes.

DISCUSSION

Referral of Proposed Zoning Ordinance from Mayor and Council Pursuant to N.J.S. 40:55D-26: Discussion of Proposed "Duplex" Ordinance Change for Park Avenue Area Location.

Kevin Duerr – The Planning Board's consideration is advisory only. That being said with most of the boards professionals in attendance here tonight this is a unique opportunity for the resident to ask questions. I want to be very clear here these questions must be framed around the ordinance in question and its consistency with the Boro's Master Plan. Because of what the Board is required to consider on referral from the Mayor and Council this is not the correct venue for comments and direct opinions related to any specific duplex issue. The board is not taking testimony, but we will allow brief questions from the public because like you, you are all resident as well.

Please state you name and address.

Brigette Bogart – Everyone should have my report dated March 12, 2013 4 page report. I would like to walk you through it.

The first page of the report summarizes the Municipal Land Use Law and what this boards requirements are. Your job tonight is just to identify that the proposed ordinance is substantially consistent with the Master Plan and if it is not substantially consistent it just has to be designed to effectuate the goals and purposes of the Master Plan. And even if this board decides that it is neither one of those two the Mayor and Council can still adopt this ordinance, but they have to state on the record their reasons why for adopting the ordinance.

My report talks on the existing conditions of the area, the proposed ordinance and the Master Plan documents from 1984 up to today.

Starting on page 2 the existing conditions, from a borough planning prospective. When I looked at this area and the tax records and the zoning district I came to the conclusion that there are 3 significant facts. One is you look at the surrounding development pattern and its identified on the tax map, it is basically the tax map #2 and outlined in the gray and the blue is the commercial district and the M1 Public District. In the center of the map is the neighborhood we are discussing tonight and that is an R1 Residential District.

Outlined in Red the area which is subject to the ordinance tonight. I looked at the R1 Zone District and the residential laws between commercial zone and the public zone. We are just talking to the east side of Kinderkamack Road. When you look at this area there is a number of various land uses. The commercial uses that front on Kinderkamack Road then intermingled from Kinderkamack Road to the east you have a number of 2-family, 3-family and duplexes throughout the neighborhood. Then to the public zone district. From a planning prospective when you have this type of varying land uses it is what we consider a transitional area. It is an indicator that maybe this area needs to be looked at for a change in zoning requirements because maybe it is not thriving with what it is currently zoned for.

The second significant characteristics I found in this area is if you look at the subject area lot 213 versus the remaining of the R1 District in that section the lots in Block 213 are significantly oversized they have an average of approximately 8100 square feet, where all the lots west of there have an average lot area of 6700 square feet, which is less than the minimum required by ordinance. That is an indicator that maybe the lots on Block 213 are not being utilized in the same manner that the remainder of the area is. From a planning prospective that is also another significant concept that this board should be aware of.

Lastly, if you look at the topography east of lot 213 and the fact that it backs up to railroad right-away and public land that is also an indicator that any rezoning or modification to the zone district on that block would have less of an impact to the surrounding lots and the surrounding community because it is not backing into a residence, or to any additional land uses it is just purely public open space at this point.

Those are the three characteristics that I found were important for this board to review as they are considering this ordinance.

The second thing I looked at was the proposed ordinance itself on page 3 of my report. The proposed amendments have very similar area in bulk regulations. This shows any new development that is going to be constructed within this new ordinance is going to be very similar in scale and size to abide by the same setback, very similar lot area. You will have the same type of scale instruction with the new development as would the existing development. That is an indicator that the ordinance will promote development that was consisting complementary to the existing attorney development pattern. Also, the way the ordinance is set-up it shows that any attached single family homes would have to abide by these setback regulations, otherwise, they would require a D Variance. A D-Variance is a substantial burden on the applicant that doesn't comply with those regulations. That gives the borough and this board some sight into this matter when they are reviewing the attached housing that would result from this ordinance.

I think that they way the ordinance is set-up that it gives appropriate control to this board.

I looked at borough's Master Plan Document, I went back to 1984 the reason I did that is because in 1984 was the first time that the borough actually prepared a comprehensive Master Plan. From that document on the borough just re-examined that report every six years in accordance with state requirements. One of the most significant provisions in the Master Plan documents was in 1984 plan and it states that there is a objective to study and define a mixture of housing types indicating to provide a wider range of housing types and also determine compatibility throughout the neighborhood. It is looking to serve different populations not only with single family residence, but also with different housing types. It doesn't indicate what type is going to be required or promoted that is the statement that is in that 1984 document. From that point on all the re-examined reports reiterate that goal. Never defining is specifically what that means, but it does say to encourage a variety of housing. I looked at the 1990, 1996, 2003 and 2009 reports and all those papers say the same thing.

Given the existing conditions, the existing neighborhood, the proposed ordinance and the Master Plan goal to provide a variety of housing types, I feel that the proposed ordinance is consistent with your Master Plan documents.

On Page 4 of my report and given those facts I feel that this board are in the rights to provide a recommendation to the Mayor & Council that the ordinance is substantially consistent with the Master Plan documents.

Member – Why wouldn't we look to using just what is in the code for 2-family?

Ms. Bogart – I did not review that. I would have to look into that.

Mr. Costa – If the Mayor and Council are going to pursue this I think from a planning standpoint a duplex is at a higher level. Side by side it is more independent living. In my opinion I think it is a much better goal is to go toward the duplex living then towards a 2-family home. From that

prospective I think the Mayor & Council should whether it is a conditional zone or re-zone, however, they ultimately decide to do it. I think it would be better served if it was a duplex. From an engineering standpoint the streets are developed, these particular lots not only back into the public space, or the compost facility down there, but they are separated by a commuter rail that travels seven days a week both to and from. With that if you go back to the State Master Plan says that you should put density around the train station to remove capacity on our roadways. From a density standpoint it certainly makes sense to take this zone and make more density to it in order to wrap your arms around the state level. A developer would have to put in sidewalks in accordance with the residential site improvements standards. To build down there you made mention to how steep those lots are, retaining walls would have to be built and it is very costly, but there is a significant cost factor to develop the lots that are there. We have plenty of sewer capacity.

Member – Would you say that building a retaining wall along that sloped area would be a benefit to the town itself?

Mr. Costa – I think for the people that are there you would create open space for them to use. It would be safer. Do I think all of the above would be better – Yes? Whether or not it comes back to the town, is it better for the town to have a wall there, - I don't think that is the case.

Member – When the discussion came up in reference to two-family house and duplex – would you think that a duplex would attract more of a home owner situation versus a rental situation or 2-family where it is up and down?

Mr. Costa – I think it is more of a townhouse look.

Member – These lots are still developable even if you don't put retaining walls up. The slopes are there now and houses exist on these lots there is nothing to say you have to have a level backyard.

Mr. Costa – the ordinance is very specific. You can only have 2 ½ stories. If you don't build a wall and you don't raise the grade and you have a walkout basement or you use the structure itself as the retaining wall, when you go into the backyard they are 3 ½ to 4 stories high.

Member – But there is nothing behind there.

Mr. Costa – It doesn't meet the ordinance.

Member – You could modify the ordinance to allow 2 ½ stories like we have on Kinderkamack, which we did with the Cryzel property.

Mr. Costa – Correct. If the Mayor and Council decides to craft this ordinance differently than it is right now. If it does not and leaves it the way it is in it's currently form you could not build a duplex as a conditional use and, therefore, you would be forced to the board of adjustment where they would have to seek a D variance.

Member – This is to Ms. Bogart, the planning justifications you provided, the size of the lots, the topography, would those be strong arguments before a zoning board?

Ms. Bogart – If you look at the way the ordinance was setup, it was setup for lots that were 70 feet wide and for a specific size house, I think an applicant would be hard pressed to come in there with a lot that is only 50 feet wide, and if they wanted a duplex that would be a hard burden to overcome. One of the reasons I feel the ordinance is applicable to block 213 is because you have the larger lots.

Member – There are lots that are 125 feet wide in this area, based on a 30% footprint you can have a structure, which is twice the size that would be on the 70 foot lot.

Member – Tell us something about the setbacks.

Ms. Bogart – Anyone that would re-construct a new dwelling or attached single family homes would have to abide by the 20 foot setback or they would be going to the zoning board for a D Variance.

Mr. Durr- I am going to call up the Tax Assessor James Ansanino.

Mr. Ansanino – I am the Tax Assessor for the Borough of River Edge as well as other communities. One being Palisades Park. I am going to re-hash a few things that were said. There are 21 units; the maximum number of homes that can be built on a 70 foot frontage are 12. Out of these homes you have two multi-family homes one is on a 50 foot lot, which would be non-conforming. The others an 8 family home, the name we have for these is one family semi-detached town homes.

James Arakalian – You are talking about those two white buildings? I believe they are 5 and 5.

Mr. Ansanino – I saw 8 and 6. If you backed out the single family units, if the single family homes are approved that would be a maximum of 24 units, 5 on the one and the one 2 family so it is 6 units on a conforming lot so it brings it down to about 18. I know Palisades Park is nothing compared to River Edge. The concept, however, seems to have been very popular, very well maintained. If it is situated nicely I think you will see an increase in the market value.

Member – How would that affect the houses that are across the street?

Mr. Ansanino – I don't think it would because they are not in the zone for the duplex.

Member – Speaking in general would that raise the appraisal standpoint.

Mr. Ansanino – If the neighborhood becomes more valuable then there is a possibility that the homes across might be worth more money. Sometimes that is hard to determine.

OPEN TO THE PUBLIC

Mr. Duerr – I will ask for a motion to open this portion of the meeting to the public.

James Arakalian makes a motion to open to the public, seconded by Tom Kyritz. All in favor say Aye – All say Aye.

John Miller, 885 Park Avenue – Thank you for explaining your report, when the planner was tasked to do this report she already had another report that rubber stamped this idea of changing our entire fabric of our neighborhood. By putting in a big red line across the whole east section of Park Avenue, you brought up the question where else have you looked except these duplexes and she wasn't tasked to say is this the correct use of the Master Plan. The Master Plan goes back to 1984 and the few 2-families that are in the neighborhood those have been here and those apartment buildings those have probably been there since the 30's or 40's that was before zoning laws even happened. The idea that you are going to put more density in our neighborhood meaning we are going to be squished in. On our street we have already asked the Police Chief to do a good job where he made it that you have to make a left hand turn and it cut down tremendously on the cut through streets.

There are actually 22 lots and we don't understand part of the planning is that you have to have a certain boundary line and on the plan it shows a paper street going through. The other boundary line would be the train station; the question that the planner came up with some of the three reasons why this would meet the Master Plan is it says the neighborhood is not thriving. I pay my tax bills. It must be thriving to pay it because the neighborhood again has the 2-family's already existing in the neighborhood and now you are going to put more density and use that criteria when something is already existing. The idea that some of these lots are smaller then what the proposed proposal is that you could get someone to buy 3 of these lots and put three additional units on by changing the property by going before the board and asking them to merge the properties.

George Barns, 745 Center Avenue – I am also a developer fairly prominent in Bergen County have built houses in Palisades Park as well and those two houses on Gates Avenue that three family was ours when we sold that to Newman. That is a good example of I think it was a D Variance at the time, it worked out good for everybody. I have some questions because what I don't understand just for consistency with the Master Plan it looks to me like lots 4, 7, 10, 11, 14,16, 18,20,21 and 22 are actually undersized even for R1. Is that correct?

Ms. Bogart – Yes.

Mr. Burns – How it could be in keeping with the Master Plan to take 10 lots that are undersized for an R1 Zone and put them into a 2-family zone. These lots seem to be dispersed in between the larger lots. To subject a 50 foot land owner to a 2-family tax bases on assessed value. Is that what would happen? If you have an empty piece of property 50 foot and it is zoned for 2-family are you now subject to 2-family taxes? Isn't the ordinance to change the entire zoning to 2-family? It's an overlay.

Ms. Bogart – Addressed questions – not audible.

Mr. Burns – I just don't think the ordinance is written correctly because you are just talking about putting it up for 6 or 7 months. I just don't understand in its current form if it complies with the Master Plan.

Marjorie Miller, 7th grader in the middle school. When you say we are all part of the community I really take that to heart. First of all, we learned how to write an essay in school and I believe if you were to write that essay on New Jersey all of the prompts that say this is good you would get a 6. What you wrote I wouldn't like it. I don't know where my point lies, but I love my neighborhood, I love my town, I love how it looks and I love our single story homes. What I don't like if I was to look out my window and to see what I just saw in that picture I don't want to see that outside my bedroom window. I don't want to see more cars in my neighborhood, more children in our schools, taxes going up stop picking on the small guys.

Jim? 818 Park Avenue – I have lived here 32 years. I am going to be looking at one of these outside my bedroom window. I am not happy. The neighborhood is simply going to look ridiculous. What you are going to end up with is lots with sidewalks which lead to the side of my driveway and nobody is going to be able to use them. We have no sidewalk on that side of the street. If you are going to put something there allow the 15 foot setback and forget the sidewalks. Was somebody suggesting that they should change the plans so that you can build a duplex on a 50 foot lot?

Ms. Bogart responds – not audible.

Jim – I am a real estate person and yes the value would increase across the street if you put a $500,000.00 three bedroom houses on this side of the street, the house across would increase.

Dave Robinowitz, 44 Gates Avenue. – I am curious as to what the Chief was going mention tonight? Does anyone know?

Mayor Moscaritolo – I asked the Chief to make an appearance and talk about the effect on traffic, but since the Chief is not here I will make sure the Chief is at the Mayor and Council meeting during the public hearing.

Dave Robinowitz – Currently on the street the one-way that was instituted a few years back, maybe you have an idea of how it works and see that many cars follow that, living there they don't. The one-way does not work.

Debra Powell, 69 Christie Avenue – I have a list on it shows 14 in the 1984 document it has a list of single family residential, second item single family townhouse residential, multi-family residential, the area in discussion is all noted as single family. Residential Land Use – The residential land use proposes no new areas for single family or multi-family development. All existing residential neighborhoods are to be maintained. Maintained not changed. We all know about the development pressures in our state, I have lived here 31 years, I would hate to see it turn into like other towns where there is high density changes from single family.

David Hawthorne, 70 Bloomfield Avenue – I'll start by saying you ended your report that the Planning Board that it is within their right to endorse the proposal and I guess you later clarified the path that you were given when you wrote your report, but I have to ask the Planning Board is it a good idea? Is this a proper endorsement for you to agree with the Mayor & Council that what is being proposed actually conforms to the Master Plan. When I reviewed the report it says on the front page, Ms. Bogart telling what the statutory criteria is, she made clear in her comments that she was hired to look at the proposed ordinance and to determine whether it could be seen as conforming, but the task that the state gave you that she sites here is that you will produce a report including identification of any provisions in the proposed development regulation, etc., which are inconsistent with the Master Plan. Yet the report doesn't have a word in it that describes something inconsistent. I am surprised that if you embraced a study of the ordinance that you wouldn't find anything. You brought out a copy of cases earlier and I guess I could convince you to read the definition of spot zoning, but it would be my statement that if somebody did read it – it looks a lot like what is being described here. So that little purple house #788 which is the 22nd lot for it to be excluded from the other 21 is a pretty good illustration of the whole notion that you are going to take ½ of one side of one street and create a new zone. It is spot zoning.

The existing conditions that are described here says there are unique characteristics about this block and then I read the reasons why there are unique characteristics and one of them is that the north end of it is a city owned lot. At the south end you said that it was a budding the train station, but the Mayor & Council has put a little purple house as a buffer zone to the train station. On the east side it slopes down to a different use, which is the railroad right-a-way. On the west side that the lots are smaller. When I thought about what you wrote it seemed to me that when I looked at Summit Avenue has on the north end has Midland Avenue. I don't think these unique characteristics are really very unique. The Master Plan has in it what Jim was talking about the Master Plan tells you how to go about changing it in the future. It was written in the 80's, but it tells you all the information that should be made available. People should analysis it.

Mr. Costa –(Not audible)

Mr. Neiss – To move this discussion along I would agree with Mr. Costa. This body is advisory only. The Chairman said that right at the beginning. The Mayor & Council in my estimation is where you need to appear before because they are the decision makers. For purposes of tonight we, the board, agreed to hear members of the public, not because there was an obligation to, but simply we wanted to give you an opportunity. I think the board has your position and if I may I think I would like to thank you and we would like to move on.

Mike Craig 879 Park Avenue – In your advisory capacity is the statement that you are planning on making a pure yes it meets the Master Plan or no is doesn't or is there additional commentary that you might make.

Mr. Neiss – I don't think the board has made any decision or has any recommendation as of yet.

Mike Craig – What I am asking is your answer going to be yes it does or no it doesn't. The purpose of this is if it meets the Master Plan or this does not meet the Master Plan?

Mr. Neiss – The board is sitting here listening to its professionals, the tax assessor and listening to you folks because it wants to absorb as much information as it can.

Mike Craig – I am still confused why tax revenue and tax assessment. Why did you invite the tax assessor? Ms. Bogart spoke about some of the language in the Master Plan objectives and goals. One of them which I did not hear her say part of the charter is to determine the compatibility with the existing residential fabric of the municipality. That is part of the assessment and whether it meets the Master Plan or not. I want to make sure that I understand something some of the things that are in this conditional use. It allows for a 32 foot curb cut on a 70 foot wide property. Is that accurate?

Member – I think it is.

Mike Craig – It allows an 18 foot wide driveway for each unit with a 3 foot median strip on a 70 foot wide property. Effectively, we are going to be paving 65% of the front yard. The front yard is a drive-way from the curb to the garage is that accurate? Even with that 3 foot strip you are still talking about 39 feet worth of drive-way. You got a little 15 foot planter on either side of the property line. Is that consistent with the fabric of the residential community that we live in right now that allows for a 12 foot curb cut? Do you find that consistent?

Mr. Neiss – I would say that there is case law that says that the consistency with the Master Plan need not be perfect. There doesn't have to be one to one correspondence with the Master Plan. That has already been determined by courts.

Mike Craig – Well it says we don't have to pay attention to that that's fine, but the charge here is for you to examine the Master Plan and make a reasonable determination that the impact you are going to have on us is consistent with those goals and objectives. When I live in a neighborhood that has front lawns and you talking about developing parking lots are that really something you consider consistent with the Master Plan. I appreciate the fact that everyone is devoting their time voluntarily and we appreciate that. At the same time when you are talking about changing the zoning of a neighborhood you are talking about changing the charter of this town forever through this neighborhood. This neighborhood these houses of these people, these are our lives. We have worked our whole lives to pay for these houses, please don't be cavalier. You have a charter to make the best decision for this town and these people. We are asking the questions. Traffic impact, erosion all of the things that we are asking to be studied, from what we understand from the process there has been a reading it goes to you, it goes back. I would like you to determine these 3 things. Doubling the density of housing and population in a constricted zone is that really consistent with the Master Plan? Changing the aesthetic nature of a neighborhood is that really consistent with the objectives and goals of the Master Plan. I have a document, which I think is from the town code that has criteria for duplex housing already. I think is requires an 80 foot frontage it has much different criteria. I understand if you want to drive some duplex housing for whatever reason, but I don't understand why we would change zoning.

CLOSE PUBLIC PORTION

James Arakalian – I will make a motion to close, seconded by Ms. Boland.

ROLL CALL VOTE

All in favor say Aye – All say Aye.

Ms. Bogart is speaking – Not audible

Ms. Boland – I want to be clear whether one of us likes this plan or hates this plan or indifferent to this plan our charge is whether or not it is consistent with the Master Plan.

Mr. Neiss – Yes. As to whether or not you want to make a recommendation about whether or not this proposed zoning ordinance is substantially consistent with the Master Plan. The MLUL Municipal Lane Use Law says that Section 26 is prior to the adoption of a development regulation, revision or amendment there to, the Planning Board shall make and transmit to the governing body within 35 days after referral a report including identification of any provision in the proposed development regulation, revision or amendment, which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the board deems appropriate. The way that has been understood is the function of the board acting in its advisory capacity to the Mayor & Council makes a recommendation as to whether or not the proposed zoning ordinance is substantially consistent with the Master Plan. It doesn't have to be perfect; it doesn't have to be one to one correspondence, but substantially consistent with the Master Plan. Based on what I have heard, you have the report of your planner and you have heard folks here today and certainly would not want to discount what you have heard from the public, but your charge is if you are willing to, there is nothing that says you must, but if you are willing to make a recommendation to the Mayor & Council concerning whether or not this ordinance is substantially consistent with the Master Plan as it currently exists in this borough.

James Arakalian – I would like to ask Ms. Bogart a question, you read the definition of spot zoning you said that the 21 lots in the block that we are discussing, that is not spot zoning. What about the one that is left out? If by leaving that out in the new zoning are you basically spot zoning that one?

Ms. Bogart – I think that it was just an error that it was left out.

Member – I do think that if we go back and review our notes from our November session, I think originally it was 1 through 22.

Ms. Busteed – I just want to thank everyone for coming tonight both professionals and the public it is really important to hear from all of you. Clearly, this deliberation is a difficult one and I think that what it says to me and I have mentioned this at other planning discussions is there is a lack of specifics in our Master Plan from 1984 and in our re-examinations and I would urge our governing body to make a review of the Master Plan a priority so that future planning issues have clearer blue prints for discussion. I just wanted to make that comment.

Mayor Moscaritolo – There was a comment tonight as to why our assessor was here and there was a question about the Police Chief and I took it upon myself to invite them based on the comments at the public council meeting that there were concerns regarding traffic, property values. I know that is not the charge of the Planning Board to discuss those issues, therefore, the Police Chief will be back at the public meeting to address various concerns. I did hear the planners report she made three good points. One being in this overlay area there are a variety of different housing types, there is unique topography, the fact that the property is backed up to public open space unlike Summit Avenue, the second point that was made was the bulk requirements that are in the proposed overlay are extremely consistent with any builder who gets a building permit on any lot in town, the impervious surface area, the coverage area it's all very consistent. When the planner spoke of the Master Plan documents encourage a variety of housing types and this being very consistent with that then I think that it is substantially consistent with the Borough's Master Plan. I know that the board can make recommendations regarding issues that were raised about the driveway width and other bulk requirements that if the board chooses to, I know in November when the plan came to us we did tweak some of the bulk requirements the drive-way width reason that we did that is because we wanted to bring more traffic off street parking, sidewalks for safety. If those are not good recommendations, the board is more the capable to make those decisions regarding the bulk requirements, but those are the reasons I am trying to explain to the public why we tried to have the sidewalks included in the bulk requirements. Why we had the driveway width including in the bulk requirements so that we could have less on street parking.

Ed Mignone – I think the problem starts with the attorney's of the world to come up with these phrases like substantially consistent, which means people can read into it basically whatever they want to and Ms. Busteed is correct, out Master Plan is not as specific as it probably could be. I am looking at the zoning ordinance and under the legislative intent it says the zoning ordinance for the Borough of River Edge shall be considered a permissible ordinance. Meaning that if it says you can do it, you can do it. If it says you can't do it you can't do it. If it doesn't say you can it means you can't do it. I think we should take the same approach with the Master Plan. To say that we are going to say it is consistent because in 1984 they said we should have a study on alternative density, which never really happened. I think that is where we should be taking our lead and based on that I think connection to say that this is a substantially consistent ordinance with the Master Plan I think this is just tenuous. I don't think it is.

Member – We did have this discussion back in November and we are here again tonight on it and I think we have had ample opportunity to question and get information on our own, I think it is only fair that we again, as we did in November vote for a motion to be made as to whether or not we agree that this current ordinance is an in fact substantially consistent with the Master Plan after reviewing both Dick Mehman's Report and Ms. Bogarts Report I would like to ask for a motion to be made.

Mayor Moscaritolo – I will make that motion, but I would like to add 2 recommendations one is that we add lot 22 and the second recommendation is that the bulk requirement remain at 30 feet, but change from 2 ½ to 3 stories, which is consistent with the other properties in the neighborhood. And add Ms. Bogart's Report with our recommendation. James Arakalian seconds the motion.

ROLL CALL

Councilman Mignone, Ms. Boland – No

Mr. Arakalian, Ms. Busteed, Mayor Moscaritolo, Kevin Duerr, Mr. Clark, Mr. Glass. Mr. Kyritz – Vote Yes.

The motion passes.

Mr. Neiss – It will be the recommendation of the Planning Board to the Mayor & Council that the determination is that this proposed ordinance is substantially consistent with the Master Plan. I will draft a letter, with your permission; I will circulate it to the member of this board within the next several days incorporating the qualifications that were made as part of this. Lot 22 be added that the bulk remain at 30 feet, but the change in the height from 2 ½ to 3 stories and a copy of Ms. Bogart's report will be attached to the recommendation to the Mayor & Council.

Member – For all the years that Mr. Mehman served maybe we should offer him a plaque or a certificate for his time spent guiding this board. We know he did a wonderful job and I know Brigette had her hands full with this.

Member – In all fairness, we had that discussion. The Mayor did address that he is still involved in several projects in town.

Mr. Neiss – I think is sent to you the Capital Budget Memo and I circulated that to all of you, does anyone have any comments about the Capital Budget?

James Arakalian – I think it has always come before us and I think we have always offered resolution to endorse it. It doesn't pertain to us at all. They have to forward it for an endorsement so if you like I will entertain that motion to endorse the Capital Budget as written. Mr. Duerr seconds the motion.

All in favor say Aye – All say Aye.

Mr. Neiss – I also sent a proposed letter to the Mayor & Council at the suggestion of Ms. Busteed, with regard to pedestrian and bicycle safety being considered as part of site plan review. I don't know if you have had a chance to review it. I open to all comments.

Kevin Duerr – There is a site plan check list that goes around and I would like to make a suggestion that the pedestrian traffic portion of it be added to the site plan check list.

ADJOUNMENT 10:15PM

Respectfully submitted by,

Marijane Brandau