

Official

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**Date:** 07/12/2013 09:42 AM  
**Subject:** Planning Board Minutes June 20, 2013

correct "Arakalian" to  
 "Barakalian"  
 "Burns" to "Bohrens"

BOROUGH OF RIVER EDGE PLANNING BOARD MINUTES

June 20, 2013

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

**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.

**Approval of Minutes May 16, 2012**

Mayor Moscaritolo makes a motion to approve the minutes as amended, seconded by Tom Kyritz.

**ROLL CALL**

Councilman Mignone, James Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz. - All vote Yes

Motion passes.

**MEMORIALIZATION OF RESOLUTION**

2013-03 Site Plan Approval - Use of premses for restaurant - Le & Rao, LLC., 474-478 Kinderkamack Road - Block 804, Lots 13 and 14

**Kevin Duerr - Any Comments**

James Arakalian - I will make a motion that we accept the memorialization as written by our attorney, seconded by Tom Kyritz.

**ROLL CALL**

Councilman Mignone, James Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz. - All vote Yes

Motion passes.

**2013-04 Soil Movement Permit approval for 318 cubic yards, Timothy & Kara O'Donnell, 150 Voorhis Avenue. Block 802/Lot 22**

Mayor Moscaritolo makes a motion to approve, seconded by Kevin Duerr

#### **ROLL CALL**

Councilman Mignone, James Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Clarke, Mr. Glass, Ms. Boland, Mr. Kyritz. - All vote Yes

Motion Passes.

**2013-05 First Real Estate Investment Trust of New Jersey, 505 Main Street, Hackensack, NJ 07661 Block 1306, Lot 4**

Arthur Neiss - The Stuben Arms Apartments on Main Street, we had a discussion there was confusion concerning that the plans that were presented to the board during the work

session did not reflect certain numbers concerning setback, however, we had a discussion about that in the hall and it was clarified and the professionals will be giving us the correct numbers.

I don't know that we deemed this application complete and based on the recommendation of our engineer and deem the application complete so it can be heard by the board.

Robert Costa - We did have a conversation in the hall. The plans were submitted with the application. At the work session 2 weeks ago the coverage was not on that plan. Ms. Bogert asked for that number to be provided, it has not been provided, but will be provided into evidence tonight.

Mr. Asrailian - We were asked to provide coverage through testimony, which we are prepared to do. The current coverage is 20.7% with the 1139 square feet it goes from 20.7% to 21.3%, including the bump out to accommodate the new boiler room and hot water heaters taking them from the basement to the grade level.

With respect to the building setback, all of the setbacks conformed at the time the project was constructed some 60 years ago. The one building that didn't was Building C it did then, but does not now. The non conformity came about because of a road taking for the widening of Hackensack Avenue by the county so it made that building non-conforming. There is approximately a 16 foot setback from the new roadway. The bump out at one corner reduces that to 15 feet.

Mr, Costa - If the board wants to deem it complete there is no variance by coverage it is only the setback on the one

building, which is for one variance.

Attorney for Applicant - It currently has 140 parking spaces, which was conforming at the time it was built. Parking codes have changed since then. Ms. Bogert said, when we spoke earlier she said that she had driven the area and was satisfied that there was a lot of empty parking spaces. These are 100 - 1 bedroom apartments. We are restriping areas that are already paved and can accommodate parking spaces. We are dropping from 140 spaces to 139 spaces.

Bob Costa - If the board approves it and the dimensions are wrong they are in the same position, they would have to come back and re-open the hearing. You can't grant the variance unless you have the number.

Mr. Duerr - Do they have that number tonight?

Attorney for Applicant - Yes.

James Arakalian - Deems the applicant's plans are complete, Tom Kyritz seconded.

All in favor say - Aye - All say aye.

Tibor Latinicsics (Engineer) with Conklin Assoc. 29 Church Street, Ramsey, NJ

Mr. Asrailian - Mr. Latinicsics please give us the

information on the Site Plan, dates, etc.

Mr. Latincsics - The Title is the Site Plan proposed boiler room and sales office, Lot 4, Block 1306, dated 5/23/2013. 6/20/13 up date (lot coverage) Exhibit A1 Site survey of the property and indicates the 3 proposed additions to accommodate the boiler rooms and the sales office.

The addition to the plan since the original plan was submitted to the board specifically was a more detailed survey to focus on building and lot coverage and a chart has been added to the plan detailing the impervious coverage. The building coverage is 20.7 the cumulative lot coverage is 63.3. The proposed building coverage will increase to 21.3, but the total lot coverage will remain the same because those three bump out additions are over paved impervious coverage. Building coverage is increasing slightly, lot coverage is not increasing.

Regards to the setbacks which have been discussed, the setback to the existing building C is indicated on the plan that is measured to the current right of way line, which is inside the original right a way line due to the taking and that distance is 18.4 feet. However, due to the converging sideline of the building and the right of way line, the new sideyard set back to the addition would be 15 feet from the corner of the addition to the current right of way.

Mr. Asrailian - Tell the board where the right a way was when this project began and how it conformed to the setback from Hackensack Avenue.

Mr. Latincsics - I am tracing the front yard setback and then you can see it approaches the property line. Now I am

tracing the original right of way line, however, there was a taking to accommodate the jug handle so unfortunately the property line moved in on the right of way of when Hackensack Avenue was expanded.

Mr. Asrailian - But for that taking the building C and the proposed bump out would have conformed.

Mr. Latincsics - Yes.

Mr. Asrailian Mr. Asrailian - I have no further questions those were the issues when we were last here and we have addressed. Tibor will submit by Monday sufficient copies of the plans showing the dimensions he just testified to. Everything but the one dimension from the setback of the addition is on the plan already including the coverage issues.

Kevin Duerr - Any questions from the board?

Ed Mignone - Is that a drive by around that corner?

Mr. Latincisics - It is not a 2 way drive isle, but it is accessible for cars.

Ed Mignone - Is it marked as one way?

Mr. Latincisics - I have to check my notes. It is the underlying survey for Exhibit A1, which is entitled

topographic survey for the site plan I will mark it A2.

Mr. Neiss - Mr. Tbor - What is the actual name of that drawing and drawing number?

Mr. T - Topographic Survey Lot 4 Block 1306 Hackensack Avenue & Main Street, River Edge, New Jersey, Bergen County New Jersey for Hekebian & Company 6-19-13. It shows the future additions in brown and it identifies the coverage testified to.

Ellen Busteed - Could you repeat what you said the impact would be if the county project does go through with the jug handle?

Mr. T - What is proposed and Mr. Costa could answer it better than I since he is the engineer on behalf of the county, but the county is proposing to vacate the jug handle and  $\frac{1}{2}$  of that property would go to the adjacent property owner, which is the applicants property.

Mr. Costa - Let me clarify this for the record, the property line that you are taking this dimension to is current.

Kevin Duerr - So what you are saying is that Building C is actually going to get narrower.

Mr. Costa - Yes.

Member - Less than 15 feet?

Mr. Costa - That is what we asked 2 weeks ago.

Lawyer - Should that occur where they do take where it reduces it further we would apply for one way traffic or come up with another scheme.

Ed Mignone - You can't get a car around it, under current conditions.

Lawyer - There is still 15 feet of residential driveway is 10 to 12 feet is it workable; yes.

Ed Mignone - So if another car is parked there would another care be able to make it around?

Mr. Costa - The encroaching into the right away with their parking.

Mr. Costa - If you look closely at the plan you see where it says sidewalk, that is the curb line. There 3 or 4 feet into the right away.

Member - When the county gets rid of the jug handle and we discussed that the current opening is going to be accessible how will that impact traffic coming in to the apartments.

Mr. Costa - Where the main access is now off the jug handle,

that gets aligned with Grand Avenue, there will be a traffic signal there. You will no longer be allowed to go around this building. That will turn into green area.

Kevin Duerr - So all this back here will not be accessible from the front.

Mr. Costa - I think they will have to go through the county for approval. The county plans are not into evidence.

Mr. Asrailian - I will have Mr. Kevin Spink, Architect for Kensany Architects, 80 East Ridgewood Avenue, Paramus, NJ, licensed in the State of New Jersey 18138. I have testified before boards in New Jersey.

Mr. Asrailian - Would you read off the plans that were prepared and submitted by your office. Mr. Asrailian - Would you read off the plans that were prepared and submitted by your office.

Mr. Spink - The project name is Alteration and addition to Stubin Arms Apartments, Hackensack Avenue, River Edge, NJ 07661. There are 4 sheets to the set A-1 - A-4.

A-1 Site and Elevation, A-2 Plans & Elevations, A-3 Plans & Elevations, A-4 Plans & Elevations.

Arthur Neiss - These drawings are marked A-1 through A-4 and they are going to have a different A number on the record. These documents were prepared by your office. 5-10-13. These are marked A-3, A-4, A-5 & A-6.

Mr. Asrailian - In design did you review the buildings to determine the best location and are they indicated on the plans?

Mr. Spink - Yes. We were taking into account the locations of the existing flues, chimney system and the connections of the boiler to the existing mains inside the building.

Mr. Asrailian - There was a question as to building C why it could not be located elsewhere on the site?

Mr. Spink - To place it on the opposite corner where there would not be any setback issue would require significant reconstruction inside the building for the water lines to be re-run.

Mr. Asrailian - Go through exhibit A-4 and describe what is being proposed for the building there.

Mr. Spink - This is a 2 part portion of the building. The first design is to build the boiler room itself, which is a 20 x 17.9  $\frac{3}{4}$  foot room and it would be going into the corner. The second portion of the project is to increase the esthetic quality of the entire center on the entire jug handle face. All the building are going to have there faces redone by putting new porticos on, new columns, new hipped skirt roofs that are hipped. On all of the buildings new shutters.

Mr. Asrailian - Are the other buildings boiler rooms at

grade level.

Mr. Spink - They are.

Mr. Asrailian - Go to A-5 & A-3 just briefly describe what you have.

Mr. Spink - On this structure we would be adding a boiler room 14 x 16.10 foot as well as a small sales office that is 12.7 x 16.2 foot. We would be doing the same improvements.

Mr. Asrailian - These boiler rooms have flooded in the past.

Mr. Spink - I was informed that the former boiler rooms had flooded out three times. So therefore, these boilers are going to be elevated above the grad line by 2 steps.

James Arakalian - Are there any streetscape requirements on this location? Would we ask the applicant to supply the streetscape. Maybe we don't ask for it today, maybe we ask that it may be done when they are widening the road occurs. Is there a time frame on this project?

Mr. Costa - Right now the county is working on the signalization.

James Arakalian - There is property that the borough needs to purchase before this project can happen.

Mr. Asrailian - I am not aware of any plans the county has and some of it does include an area along Hackensack Avenue a landscape, which the county is proposing. The question of what land may be necessary in order to accomplish the overall scheme. That is what is before the board. I don't think it is the subject matter here to say that you give the property, and we go on our way. There is a procedure to follow and that is what we are endeavoring to do.

Kevin Duerr - The point that Mr. Arakalian made was that we have the authority to do require streetscape improvements.

James Arakalian - The reason you are not putting that boiler room under building C is economics.

Mr. Asrailian - There is an alternative is trust upon us because of the taking that made this non-conforming to begin with.

Arthur Neiss - Mr. Asrailian in my view makes a valid point this was created not by his client and certainly he doesn't want to get saddled with tremendous cost with this application, but I would also tell you Mr. Asrailian, this board in the past has experienced nothing short of cooperation from applicants who want to be good neighbors by providing matters like streetscape along Kinderkamack and along Main Street and they do so voluntarily because it betters the community.

Mr. Asrailian - I never said that a streetscape was not be acceptable, what I said is an imposition of a streetscape has to be reasonable for the condition and variance that we

are asking for.

Mr. Costa - Our typical streetscape consists of walks for pavers, decorative lights, curbing.

Ed Mignone - I would like to remind the board of the location. We are not talking Kinderkamack, we are talking Hackensack Avenue. The applicant is making considerable upgrades to these buildings to make it look more attractive.

Ms. Boland ~~Busteed~~ - Can we ask for a bond to be posted after the improvements get done?

Arthur Neiss - You are asking post a bond for the future improvements. I would have to create a developers agreement in order to bind the applicant. I don't think that is fair.

Ed Mignone - They are encroaching on Main Street so in the future if we wanted to do improvements on Main Street we would.

Arthur Neiss - It is possible that down the road, the applicant will acquire a greater amount of property from the county and the applicant will not have to account for what it does with the property. The county will put in whatever the owner wants at that point. Some pavement and parking spaces. The county will do that for the owner of that property. What is the basis for that? Why does the owner get that value at the expense of the county?

Member - In consideration for giving up a piece of land.

Member - What he is saying that the county is going to give him the land, give him the improvements and the town and the county gets nothing back for it.

Mr. Asrailian - Mr. Costa said the county needs a little corner of the applicant's property.

Mr. Neiss - Why does owner down the road get such a windfall.

Mr. Costa - They are getting a light.

Mr. Neiss - So in connection with that improvement the light.

James Arakalian - In closing I'm a little baffled that we can't ask them for streetscape because we don't know what is going to be there and yet all of our other applicants have agreed to do it I am wondering why we can't ask them to agreed to it once whatever is going to be there is done.

Mr. Costa - This application cannot get voted on tonight is subject to Bergen County approval.

**CLOSE TO THE BOARD AND OPEN TO THE PUBLIC**

comment at this time, it is the appropriate time to do so.  
No one stepped forward.

Arthur Neiss - Now would be the time to vote on whether the board wishes to grant the application.

James Arakalian -I would like to move forward with something that's been done by other applicants. One space, 2 spaces, handicapped spaces, etc. the fact is without variances tonight they are not going to be able to do what they want to do. I do believe it is for the betterment of their building, I do believe, except for the sales office it is for the betterment of the people that live there. I would like to see some kind of give back to the town.

Arthur Neiss - Mr. Asrailian, does your applicant have any response to that?

Mr. Asrailian - It is impossible for me to respond. I guess if we had talked about it at the work session I would have a response to you.

James Arakalian - What we have asked for in the past is that you work with our Borough Engineer and work as a team to put together plans.

Mr. Costa - I don't know how we can approve any application that includes an encroachment on our property, I just don't know what to do unless it is no further encroachment. How can we approve a plan that includes encroachments ?

Member - Do we go with a default?

James Arakalian - No. You have to apply for a default. You have to prove that it has been without the borough's knowledge.

Bob Costa - You have to quantify the variances for the board to vote on it.

Mr. Asrailian - I didn't raise the issue of adverse position they are on the plan they show that they encroach in the area. Frankly, I don't know what the site plan approval was and what the parking requirements were when this project was originally constructed. If the town has the records I guess I could go back and search exactly what it provided. I can do that if you want. If in fact it says you need 70 spaces or whatever it was then I am still grandfathered on that. I am not arguing about streetscape I just don't know what you are asking me to do. That's why I can't agree for something I don't know about.

James Arakalian - How about if we went with nice decorative lighting and some shrubbery.

Kevin Duerr - As a board what do we want to do?

Arthur Neiss - Bob, Can you define what it is that you would like to see on the plan so that we are clear. You said that the variance for parking spaces, the number of spaces, the setback.

Bob Costa - I think before you do that, when this was approved, they said that "X" amount of spaces needed be provided, if that number is 70 then regardless whether those spaces cause an encroachment he doesn't need them. If it is 140 and now he is going to 139 now the door has been opened. You need to quantify the variance, you can't write the variance without knowing the variance that you are breaking.

Mayor Moscaritolo - How many units do you have?

Mr. Asrailian - 100 1 bedroom apartments.

Bob Costa - I know you would like to move on this application, There are a couple of questions that are out there I don't think you can answer them tonight. I think they need to go back and get the answer with the EDA and get the answer take that variance number and make sure it is correct on the plan and quantify the variances.

Kevin Duerr - So we are not going to do anything with this tonight.

Arthur Neiss - What other facets of the application require clarification if any?

Bob Costa - The Mayor is saying show a plan that takes out the parking it's not their property.

Mr. Asrailian - You want a plan that shows the parking spaces without the parking spaces that encroach the right-a-way we will do a plan that does that. I would like to have the original resolution for the site plan approval for this property and determine how many parking spaces they were required to have.

James Arakalian - If we approve this tonight the way it is setup, it would not preclude the borough from saying you are parking on our property either buy it rent it or get out. What we do here tonight would not affect that at all?

Arthur Neiss - It is not presidential in that sense.

James Arakalian - As far as that part of the issue is concerned I don't think that should stand with our approving or non approving this tonight. If the borough decides sometime in the future that they want to address that issue then let the mayor & council address that issue and maybe tonight we look to approve this project because it is in the best interest to the borough and the people that live down there and may be as part of the a resolution you will agree to meet with Mr. Costa and maybe clean up that area down there. Maybe you just put in some nice plantings and down around the corner just to clean that area up. If you would agree to that I would feel better about this project.

Mr. Asrailian - I would agree to that and agree that we should meet again to discuss this further.

James Arakalian - In that case because we don't reflect on what the borough ultimately is going to do about the encroachment of the property. As the plans read with the parking that is in place I am going to move that we accept

this application as discussed.. Again, I am doing it for the betterment of the people that live down there so that they don't lose their heat during another storm.

Mr. Ed Migone - Would you also include confirming the EDA requirements and modifying the parking layout if that is a requirement.

James Arakalian - That would have to be.

Mr. Mignonge - If there is further changes then they would have to amend the Site Plan again.

Mr. Costa - That is the crux of the problem. If this board votes they go back and they have to restripe the lines and they have to put in van accessible parking spaces, 8 foot wide isles that is probably going to reduce that parking.

James Arakalian - How many spaces do you think that would take away?

Mr. Costa - You don't know until you lay it out.

James Arakalian - It could be as many as 10 spaces.

Arthur Neiss - Just so I am clear, if the board were to approve the application you would agree to that as a condition?

Mr. Asrailian - Yes I would come back and demonstrate either it is not required to install handicapped spaces or if I am what they are and what the impact is.

Arthur Neiss - Even though the possibility that it would require a variance and it might.

Mr. Asrailian - Mr. Mayor, I do understand your position, I understand what you are trying to do, the real problem is that we really need to leave everything the way it is or we are in great flux. We don't know what the expense is going to be.

Kevin Duerr - Do you think we should form a sub-committee to meet prior to make sure all the dots are in a row so the next public meeting in August we are ready to go. Do I have any volunteers? We will make it July 18<sup>th</sup>, Let the record show that Ms. Bogert just arrived.

Mr. Neiss - Is there someone in your office who you can send because my guess I think the sub-committee will address all of the issues that have come up and get those resolved because there has been so much coverage here tonight that most of the issues that arise.

Kevin Duerr - Does anyone else have any recommendations for this gentleman to determine what he needs to do.

Bridgett Bogert - I just wanted to know about the handicapped, but we want to know up dated information.

Arthur Neiss - I will make an announcement that this meeting will be carried to the next date july 18, 2013.

Kevin Duerr - I am looking for a motion to adjourn.

**ADJOURN 10:15pm**

James Arakalian - So moved, seconded by Ellen Busteed.

**ROLL CALL**

All in favor say Aye - All say Aye. The meeting is adjourned.

Respectfully submitted by,

Marijane Brandau