

BOROUGH OF RIVER EDGE PLANNING BOARD MINUTES
July 18, 2013

ROLL CALL PRESENT: Ellen Busteed, Kevin Duerr, Mr. John Ohr, David Glass, Eileen Boland, Tom Kyritz, James Arakalian, Mr. Behrens, Mayor Moscaritolo, Ms. Busteed, Robert Costa P.E., Brigitte Bogart Planner Also present Arthur Neiss Esq.

Absent: Ed Mignone, Gerard Clarke,

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, 2012 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 June 20, 2013

Mayor Moscaritolo corrects the spelling on the lawyer's name, Mr. Basrailian, Not Asrailian.

James Arakalian makes a motion to accept the minutes with the changes, Mr. Kyritz seconds the motion.

ROLL CALL

James Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Glass, Ms. Boland, Mr. Kyritz., Mr. Behrens – All vote Yes

Motion passes.

"NAPOLITANO" THROUGHOUT

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ROLL CALL

James Arakalian, Ms. Busteed, Mayor Moscaritolo, Mr. Duerr, Mr. Glass, Ms. Boland, Mr. Kyritz., Mr. Behrens – All vote Yes

Motion passes.

"NAPOLITANO" THROUGHOUT

James Arakalian moves to go into closed session, seconded by Ms. Boland,

ALL IN FAVOR SAY AYE

ALL SAY AYE.

(Not Recorded)

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

(Withdrawn)

2013-03 Le & Rao, LLC, 474-478 Kinderkamack Road, Block 804, Lot4

Amendment to the site plan review. Presentation of proposed signage.

John Montaro, architect. I have exhibits marked BP1 & BP2 dated 6/26/13 and the same drawings BP1 & PB2 colored with the same dates. What we are proposing here is a modification to the prior approval showing the signs that we are planning on putting up and the colors of the signs and the areas of the signage for each store. It goes from the left side all the way to the FMA Center signage to the south. The main element of the previously approved elevation is One Cuisine, which occupy's 3 stores and, therefore, has larger signage then all the other stores.

What we are looking at is also signage summary chart on BP2, which takes the frontage of the store, the height to come up with a total area of frontage and then shows the 20% of the façade, the allowable area and the one square foot of per lineal foot of frontage and then the maximum façade per ordinance 416-53C3. In essence all of the stores meet the 20 square feet per sign going down the list from Mazons Pizza down to FMA I am reading on PB2 the third column from the right, it is 19.83 for the Pizza store, refill store space #2 is 14 square feet, space #3 is 14 square feet, space #4 is 19.83 square feet, The Cuisine is 87.5 feet. Store #6 is 14 square feet. Store #7 is 14 square feet, store #8 is 10.85 square feet, store #9 is 19.83 square feet and #10 FMA is 13.2 square feet. All of those signs are under the 20 square feet maximum that are allowed, The Cuisine is 3 stores and if you compute height and the square foot area you come up with 20% of the façade is 130 square feet that would be permitted under 416-47D. Instead of 130 square feet we are providing 87.5 square feet. However, your ordinance says per sign there is

Tom Barrett – I had the opportunity to present to the board as well and the mention of the possibility for a variance. As I had mentioned at the public meeting in May, unfortunately I was not able to locate that section of the ordinance and that is 416-55. I have brought copies. It indicates you can approve anything that seems appropriate, notwithstanding, other constraints contained in the ordinance itself. Our request is that this be treated as an application under Comprehensive design. Marked as A3.

Bridgette Bogert – (not audible)

Mr. Barrett – The ordinance is inconsistent at best, on one hand it talks about, what the board should consider in Section C. It gives poor criteria.

Bridgette Bogert – (not audible)

Arthur Neiss – Are you suggesting then that this signage plan calls out variances, but because of the operation of this section, even though those variances represented on the signage plan, the comprehensive sign ordinance section permits of those types of variances under its global rubric so if the board feels that the entirety of the package variances included is an acceptable approach to a shopping center. It is within the power of the board to grant those variances.

Bridgette Bogert – (not audible)

Arthur Neiss – So does that mean that the board has a certain degree of veto authority. If the Cuisine Signage, if the board deemed that a little too big they could make a recommendation to the applicant to alter some of the signage, but the applicant would still be within the overall comprehensive sign design ordinance.

Bridgette Bogert – (not audible)

Ms. Boland – What is the fourth color?

John Montaro – We do not know yet.

Ms. Boland – Have you gone out to the tenants and asked them what color they want.

John Montaro – The colors that are represented on this elevation, Mr. Lu went out and asked each tenant what color they wanted.

Arthur Neiss – The board.

James Arakalian – What would be the hardship of it being a variance versus being an approval? Why would the applicant not want the variance versus an approval?

Arthur Neiss – That would mean the variance would have to be specified to the signage that is being presented here tonight.

Bridgette Bogert – (Not Audible)

Arthur Neiss – If we granted the application under 55, the application is what we see here. If there was a need for additional signage they would have to come back for an amended application.

John Montaro – Unless it was over 20 square feet. If it is under 20 square feet we wouldn't.

Arthur Neiss – That will be the defined parameter which is in the ordinance.

James Arakalian -- What is the difference between this board approving this application with a variance versus just approving this application?

Arthur Neiss – There is no difference.

Ms. Boland – The internal laminated sign will that be extinguished when the business hours end?

Tom Barrett – I think the ordinance says that around 11PM or at the close of business.

Member – The ground sign by looking at PB1 it looks like the westerly edge of the ground sign is only about 5 feet from the edge of Kinderkamack Road.

John Montaro – No. Here is the edge of the parking space, Kinderkamack Road is down here some place. The ground sign ends here so it is inside the area of the parking.

Kevin Duerr – I am asking for a motion that we open this portion to the public.

ROLL CALL

Ms. Bogert – Not audible.

Mr. Barrett – (not audible)

Arthur Neiss – In order to do that I would respectfully request that the movement of the motion determined whether or not that is something you wish to include.

James Arakalian – The applicant is supposed to provide us with a colored exhibit.

Member – The gray, red and black look attractive enough. When you introduce a 4th color, I don't know what color is going to go with the white, red and black. They are all primary colors.

James Arakalian – I'll second his motion

ROLL CALL

James Arakalian, Ms. Busteed, Mayor Moscaritolo, Kevin Duerr, Mr. Orth. Mr. Glass, Ms. Boland , Mr. Behress, Mr. Kyritz, – All vote Yes.

Motion passes.

2013-06 – 2013-07 The Rosenbaum Yeshiva of North Jersey, 666 Kinderkamack Road, Block 616, Lot 9. Seeks a major site plan approval with possible variances (2013-06) for the construction of an 8.026 Square feet addition to the front (west, or Kinderkamack Road Side) of the southerly building.

Applicant also seeks approval for soil permit (2013-07) for movement of 875 cubic yards of soil.

Tom Barrett – I am representing the school.

Rochelle Mandelbaum – (is sworn in) I currently serve as Vice President of the Board of Directors of Yeshiva of North Jersey.

Tom Barrett – Please tell the board what you need at this point in time.

Mr. Logan – I am President of ES&S Architects and Engineers, located in Montvale, NJ is sworn in.

The school came to us with the program of most of all the primary need the expansion of the gym and we satisfied them. A small expansion of 8,000 square feet the gym itself was expanded by about 1,500 square feet.

This is the color presentation marked D1, D2, & D3. D1 is actually A1 dated 6/21/13.

Bob Costa - (not audible)

OPEN TO THE PUBLIC

Ray Secial, 25 Tonley Avenue – if approved when would construction begin and how long would the duration be?

Mr. Logan – I am sympathetic to our children. In June when I bought my house in 2009 I had trucks driving up on my property, the dust and with a one year old child and another one on the way. This is a nightmare for me, this is a For Sale sign discussion between me and my wife.

Question from the public - According to your website your enrollment was increased by 3% and your anticipated 2% next year. I am concerned about traffic where I am at. I don't think it is going to benefit River Edge.

Steven Nabolitano – (Is sworn in) Engineer, 1 Paragon Drive, Montvale, NJ Y2 last revised 6/21/13 uncolored is on the easel. The property is located on Kinderkamack Road, 7.22 acres contains 2 buildings, parking, ingress and egress on Kinderkamack Road. The proposal calls for approximately 8,026 square foot one-story addition to be located in the front of the existing building. There are no new gas lines, water lines, nothing is being proposed outside of the building. We provided grading and drainage to accommodate the development. We will be submitting to Bergen Soil and Conservation and get their approval as well. No new lighting is proposed, no new parking. It is a one-story building addition to the existing building. The proposed finished floor is 61 square foot elevation

necessary to expand the size of a non-conforming structure where the addition does not add to the pre-existing non conformity, which is basically what we have here. Judge Harris in writing his opinion believe that a C Variance was necessary in order to expand that situation. Mr. Barrett is taking the position that this was approved way back when the two building were connected and there is a connection between the two buildings thus making it one building, which effectively neutralizes the intent of the ordinance.

Mr. Barrett – To get from one section to the other you don't have to go outside. You are always within the confines of the building.

Kevin Duerr – Any question from the board?

James Arakalian – What is the capacity of the school now? The allowed capacity.

Steven Naboliano - I don't know.

James Arakalian – With the addition that is being proposed how many addition people would be allowed in that building.

Steven Naboliano – About 30 per classroom

James Arakalian – With the increased capacity would there be an increased parking requirement?

Steven Naboliano – It meets the requirements.

Arthur Neiss – What is the age range and grades?

Rachelle Mandelbaum – Nursery through 8th grade, 4 years old through 14.

Member – The ingress and egress has that been resolved, they not going to use Tonley Avenue?

Bob Costa – My recommendation to the board is use Tonley strictly for emergencies. There is a gate there that is locked at all times.

Member – We are looking at what impact of the sewer line.

Bob Costa – You are looking at a 100 gallon increase.

Motion does not pass.

Mr. Barrett – I didn't hear any reason why this application should be denied.

Arthur Neiss – The soil Movement permit has been moved by the vote of the board on the site plan.

James Arakalian – I have a question for the Mayor where is the 24 hour ordinance?

Bob Costa – I sent that to the town attorney.

Adjournment 10:15PM

James Arakalian -- Makes a motion to adjourn, seconded by Kevin Duerr.

Respectfully submitted by,

Marijane Brandau