

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
August 19, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo ó here

Chairman, James Arakelian ó here

Vice Chairman, Dick Mehrman ó here

Lou Grasso ó here

Ryan Gibbons - here

Michael Krey ó here

Eileen Boland ó here

Chris Caslin- here

Alphonse Bartelloni ó Present (Recused himself from (PatDom, LLC)

Dario Chinigo ó Vacation

Gary Esposito ó here

ALSO PRESENT:

Marina Stinley, Esq.

Thomas Behrens, Planner

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about.

É **Memorialization 3 New Bridge Road**

To be made available at the next meeting.

É **Completeness review – Matthew Terhune, 206 Berkeley Rd., Block 902, Lot 18**

Installation of shed requiring setback requirements and relief for lot coverage. The applicant did not have the proper timing for the publication of the notice, he sent out all of his notices and then republished for the next meeting, therefore the Board does not have the authority to make any decisions on the application tonight but he can come back at the next meeting and present his application for completeness then. Completeness review was carried to next meeting of the Land Use Board.

É **Completeness review – PatDom, LLC, 259 Johnson Ave., Block, 1417, Lot 3**

Already has food licensing is coming before the Board for Outdoor seating & canopy a wheelchair ramp which triggers setback and parking issues. Tonight's meeting front yard setback on that piece.

Aiyana Gallardo, Esq. appearing on behalf of the applicant. Mr. Bartelloni recuses himself as he was an Associate at Waters McPherson years ago.

Ms. Stinley advises the Board that they have jurisdiction to proceed with the application.

Mr. Behrens also confirms that the application is complete.

Motion to deem complete ó Mr. Mehrman, second ó Mr. Gibbons. Roll call, Mayor Papaleo - yes; Mr. Arakelian -yes; Ms. Boland ó yes; Mr. Merhman ó yes; Mr. Grasso ó yes; Mr. Krey ó yes; Mr. Caslin ó yes; Mr. Gibbons ó yes and Mr. Esposito ó yes. Mr. Bartelloni (recused himself)

Chairman Arakelian ó addresses the Board regarding Bergen County historical Society on New Bridge piece. He has not heard from Mr. Barrett for awhile. He has been advised that he is away on vacation and hopefully he will have some information for the Board at the next meeting.

É **New Business – PatDom, LLC 259 Johnson Ave., Block, 1417, Lot 3 – Proposed outdoor seating with a canopy and a wheelchair ramp for front yard setback**

Ms. Gallardo gives the Board an overview of where the application is at the moment. They received site plan approval and food handlers license which was approved by Resolution in May. They are going through the improvements and are seeking a few minor variances. The initial improvement is the ADA approved wheelchair lift, they will also be increasing the number of permitted patrons from 100 to 165 and finally they are proposing to construct an outdoor seating area. Each of the proposed improvements have a few variances associated with them.

The first variance they are seeking is the minimum front yard setback variance, they are also seeking a parking variance, a parking stall dimension design waiver and accessory structure setback variance and an accessory structure dimensions variance.

É The ADA wheelchair lift is associated with the minimum front yard setback. When they were before the Board in April it was determined that the Board did not have jurisdiction to approve the proposed ADA wheelchair lift as it encroached into the Borough's property so they needed to prepare a franchise application which went before the Mayor and Council in June and was approved in July. They have received all associated approvals from the Borough to install the ADA wheelchair lift within the Borough's property but now they come before the Board seeking a front yard setback variance. 30 feet is required in this in the C2 zone the nonconformity here was created by an expansion of the right-

of-way and the majority of the intrusion into the setback is actually already grandfathered and it includes a concrete landscaping wall, the only small portion being newly approved would be to this ADA wheelchair lift which would be about 7.10 square feet. Again that is not before the Board this evening just the fact that there are no technical setbacks from the property line.

The second proposed improvement is the increase of the patrons at the restaurant. The applicant is proposing 120 indoor patrons which includes 24 bar patrons so there will be 20 seats at the downstairs bar and 4 at the upstairs bar and the remainder will be just tables a mixture primarily of 4 tops and 2 tops, there are a few 6 tops thrown in and there are a rather large booth bench seating situation on the second floor which hold approximately 10 patrons. On the outdoor seating area the applicant is looking to extend that for 45 patrons with a mix of 4 tops and 2 tops with one 3 top which would make 45 so in total that would be 165 patrons. Associated with that the Borough has an ordinance which requires 1 parking spot for every 2½ patrons at a restaurant so here they are required to have 66 parking spaces. There is limited on site parking only 16 parking spots which the applicant is keeping. He has entered into a valet services agreement (Paragon Parking) the entered into a lease agreement with the property located at 1 Kinderkamack Road, Hackensack or some off-site parking. They also have a parking agreement with the property owner next door. The applicant will have access to Block 417, Lot 3 and valet services will be available there. There will be some cleanup of the lot and they anticipate to fit 50 cars there. The property at 1 Kinderkamack Road will have an additional 30 spots bringing parking to a total of 96 parking spaces with the valet services agreement and the on site parking.

- É Approval from the City of Hackensack ó they have secured conditional approval to park at the Hackensack lot for six months and they are working on permanent approval. The lease agreement they have for 1 Kinderkamack Road is for a one year term with options to renew for 5 years each and the official terms of the agreement with the lot next door and upon completion they will forward same to the Board.
- É They need a design waiver for the parking dimensions, the Borough requires 9' x 18' and a few of the existing parking spots do not meet that minimum dimension requirement. All of the spots are existing. The applicant is not changing or adding they are existing spots on site they just don't conform to the requirements of the Borough.
- É Third approval they are seeking is the construction of the outdoor seating area. The proposed outdoor tent does not cut into any parking spots the 16 spaces that are on property are not near the tent they are in the back of the building on the right side. The applicant is proposing a permanent outdoor tent which is 33' x 16'.

Associated with this tent the applicant is asking for two variances the first being, an accessory structure setback as four feet is required and only 2 feet is proposed and the applicant is also requesting an accessory structure dimension variance as the Borough only permits 150 square feet of accessory structure as with this current tent it would be 528 square feet. The height is approximately 12 feet. There is nothing that the tent will disrupt. The applicant is proposing 45 outdoor patrons under the tent. The applicant is not making any changes to the approval, the hours of operation remain 12:00 p.m. To 2:00 a.m., the liquor license is in place - the only changes is the ADA wheelchair lift, the increase in patrons and the construction of the outdoor seating tent. The applicant confirms the following:

1. All 16 spots on the property are existing and they are not adding any additional spaces;
2. The parking lot will be having the lot seal coated, patched and relined striped;
3. No parking spots are near the proposed permanent tent;
4. The parking agreement with Paragon Parking has been entered into and signed by all parties;
5. There is a fully signed lease for the lot located at 1 Kinderkmack, Hackensack (although subject to change);
6. The applicant entered into an agreement with the owner of Lot 3 next door to use his lot for overflow parking from the restaurant and they will provide a final lease agreement to the Board upon final execution within two weeks;
7. The parking spot that went into the current right-of-way is not on the applicant's property it is on the property next door and the applicant has no parking spots on the lot that but into the right-of-way; and
8. The applicant will continue to pursue an approval from Hackensack if they decide to move forward with the Hackensack parking lot; and

É Exterior lighting ó two lights on the poles in front of the building, they are dust to dawn lights, the applicant is going to change them to LED lights, there are four outside lights in total. On the right side of the building there is a light that illuminates the entire parking lot.

Chairman Arakelian wanted a clarification on parking. Applicants attorney provided the following: 16 spaces on site; Lot 2.01 next door they are projecting 50 spaces; the Hackensack lot, 30 spaces.

Chairman Arakelian opens up questions to the Board. Parking spaces was a large issue. Stormwater run off in the area of the tent was discussed. The outdoor tent being opened on three sides as per Governor Murphy's executive order for outside dining was discussed. Applicant must comply with the state guidelines. Drop off and pick is on Johnson Avenue. Building permit for footings to be installed for the tent was discussed as a safety measure. Applicant explains that footings are not necessary because its a 6inch thick concrete pad that nothing can move, its 34' feet long and 17 and bolted to the pad. Screening of the tent on the side where the apartments are was discussed. Applicant has fencing that can be installed. Notification must be made to the Borough should the valet parking cease at any point. The Borough must be notified within sixty days and they have to let Board know of the new valet company.

Motion made to open to the public - Mr. Mehrman ó second ó Mr. Gibbons. All in favor -aye. Any opposed and abstained. Non one from the public present. Motion to close to the public ó Mr. Mehrman ó Second

Mr. Mehrman proposes the following Motion: 259 Johnson Avenue, Block 1417, Lot 3 which is requesting proposed outdoor seating and a canopy and a wheelchair ramp setback plus various parking release.

- É The ADA setback variance be adopted or agreed upon with a 0 foot setback as a result of installing this device and that a license has been pre-granted for the installation by the River Edge Mayor and Council. This variance is merely a formality for the resulting setback.

- É The structure ó (the canopy) ó for permanent outdoor dining is proposed at 16' x 33' approximately 520 square feet and is going to accommodate 45 seats. Applicant testifies that its going to be properly anchored and secured and the drawings for such will be submitted to the Borough Engineer for his review to insure that public safety is not compromised. Setback variance for the tent is requested at 2 feet versus the 4 foot required.

- É Parking ó that a design exception be granted for substandard parking stalls and substandard being less than the 9 x 18 foot standard stall. The parking variance for the number of cars works out that here will be 16 on site spaces, 48 spaces on Lot 2.01 and 2 adjacent, 33 proposed in Hackensack at 1 Kinderkamack Road and that the leases for any offsite parking including any leases for the adjacent lot 2.01 and 2 be submitted to the Board Attorney for review and that the fact that offsite and current parking is proposed to be valet parking and that any change in valet parking the Borough be notified immediately.

Chairman Arakelian suggests giving the applicant sixty days to rectify any of the parking issues in case he has to renegotiate with another company or anything else. Mr. Mehrman who made the Motion is in agreement with the amendment, and further until the Board attorney Marina reviews all the material for compliance with our Resolution that the signatures of the Resolution by the Board Chairman and the Board Secretary be withheld until notified by the Board attorney that they are acceptable.

Mr. Behrens wants to reference the statutory criteria ó sounds like if the Board is inclined to grant the variances that are being requested they should run over the justification that have been brought up to justify them so that the Board can approve them. Most of the variances fall under the C2 public benefits test that's namely whether or not the granting of the variances the public benefits outweigh the detriments. Mr. Behrens believes the front yard setback is obvious that it provides handicap access to the building, the license to go to the right-of-way has already been approved by the Borough council. The applicant came prepared to address the parking, he seems to have worked out a deal with the adjacent lots so where 66 spaces are provided he requested a variance for 64 spaces. The parking stall dimensions which are a design exception are really and existing condition and will be managed by the valet parking service. The accessory structure setback and the area of the structure which the applicants testified will be an aesthetic enhancement of the area and provide an outdoor dining option when such options are needed and limited in the Borough and will have no negative impacts. So to reiterate the public benefits the Board may determine outweigh any detriments which there doesn't seem to be too many and the use is permitted and the site has been developed for a number of years for the type of use that is being proposed. Second on the Motion ó Mr. Gibbons.

Roll call - Mayor Papaleo - yes; Mr. Arakelian -yes; Ms. Boland ó yes; Mr. Merhman ó yes; Mr. Grasso ó yes; Mr. Krey ó yes; Mr. Caslin ó yes; Mr. Gibbons ó yes and Mr. Esposito ó yes. Mr. Bartelloni (recused himself) ó Application approved.

Motion to close ó Mr. Mehrman Second ó Mr. Grasso. All in fair- aye ó any opposed any abstained.

É Meeting adjourned.