BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
ZOOM MEETING
August 12, 2026

NOTE – Public meetings of the Municipal Land Use Board of the Borough of River Edge will be held in person in the Council Chambers on the second floor of Borough Hall, 705 Kinderkamack Road, River Edge, NJ 07661 unless further notice is provided. Meetings will be held concurrently via ZOOM ,(Hybrid). Members of the public may attend meetings in person or via ZOOM. To join the ZOOM meeting via smart phone, computer or tablet. The log in information and a link to the meeting will be posted on the Borough's website at https://www.riveredgenj.org/landuse.

Vice Chairman Krey calls the Meeting to order at 7:30 p.m.

Roll call:

Mayor Papaleo –	Present	Chairman Caslin –	Excused
Ryan Gibbons –	Present	Councilman Glass -	Excused
Eileen Boland -	Excused	Mr. Chinigo –	Absent
Mr. Gautier -	Present	Mr. Salva -	Present
Michael Krey -	Present	Ms. Levine -	Present

ALSO PRESENT: Marina Brown, Esq., Mr. Depken (via Zoom), Mr. Flores (via Zoom), Jessica Hall and Lisa Ciavarella

APPROVAL OF MINUTES:

June 10, 2026 – Ms. Brown has a few edits as follows: The first page Councilman Glass was present; the Mellow Bagels & Café LLC, the term Food Handler's License is not used anymore because the County Health Department didn't like that so it's been changed to Site Plan Approval for Retail Food Establishment, so she changed that throughout. There were some notations that the recording secretary made saying that it was hard to hear so she just went through her notes and made sure the minutes reflected what occurred. There being no other changes and assuming the acceptance of the changes noted, Ms. Brown requests a motion to approve. So moved – Mr. Gibbons; Second- Mayor Papaleo. Those eligible to vote – Mr. Mayor – yes; Mr. Krey- yes; Mr. Gibbons – yes and Ms. Levine – yes. Motion passes.

June 24, 2026 - Ms. Brown has a few edits as follows: The first page it stated that Mr. Behrens was present, but it was actually Mr. Depken (via Zoom). In the section about a request for a letter of support to the DOT Ms. Brown just put a clarifying statement that -they were seeking a letter of support from either the Borough Council or the Land Use Board, and then just clearing up a few typos nothing substantive. With those changes Vice Chairman Krey asks for a Motion to approve the June 24, 2026, minutes. (a motion wasn't made it went right to vote) Those eligible to vote are Mayor Papaleo – yes; Mr. Salva – yes; Mr. Gautier- yes and Ms. Levine -yes. The motion passes.

July 8, 2026 - Ms. Brown has a few edits as follows: The same comment about the Food Handler's license to Site Plan Approval for Retail Food Establishment and she included who made the motion and second and the vote on that one. Ms. Brown thinks that was just missed and then some little typos and clarifying the recording secretary's notations. With those changes Vice Chairman Krey asks for a Motion to approve the July 8, 2026, minutes. So moved – Mr. Gibbons; Second – Ms. Levine. Vote – Mr. Krey; Mr. Gibbons – yes; Mr. Salva – yes; Ms. Levine – yes. The motion passes.

DISCUSSION ITEMS:

Sweetspot River Edge LLC
75 Rt. 4 East
Block 1415, Lot 1.01

Will be carried until the end of the meeting.

OLD BUSINESS:

Pacific Outdoor Advertising, LLC
14 Rt 4 West
Block 1402, Lot 4

The hearing is carried to August 26,2026, by Ms. Brown, no further notice will be made. They received that request from the applicant.

EXECUTIVE SESSION:

The Board at this time pauses for an Executive Session. Motion to go into executive session to discuss potential litigation matters – So Made- Mayor Papaleo; Second – Mr. Gautier. All in favor -aye. The time is 7:44 p.m. The Board returned from executive session at approximately 8:11 p.m. with all members present.

OLD BUSINESS (cont'd):

Michael & Melanie Schweiger
265 Adams Ave.
Block 506, Lot 3

Construction of an outdoor living space where none exists.

Ms. Brown states that there were prior hearings on this application on June 10^{th} and July 8^{th}. The matter was carried to July 22^{nd} but due to a lack of quorum it was automatically carried to tonight's meeting. Mr. and Mrs. Schweiger and their contractor, Mr. Scott, were previously sworn and remain under oath. Ms. Brown continues to state that at the prior meeting the applicants agreed to comply with the Borough engineers report and the storm water management recommendations as well as backyard screening – she asks if that is still accurate. Mr. & Mrs. Schweiger respond -yes.

Vice Chairman Krey addresses the Schweiger's regarding the nonconforming situation and the deck telling them that there are a couple of ways it can be addressed. The first is that the Board can go through whatever additional testimony is available this evening and vote on the approval or non - approval of the entire application that was submitted approving the existing non-conforming items as well as improving the new deck with the roof that you want to construct – if they do that as a whole, and it's not approved, that would mean that the applicants can't come back with either of those elements for approval in the future. They could not come back even for a similar application such as just a deck. He continues – the other option is to bifurcate the two issues and have the Board vote separately on the existing non-conforming items and then have a separate vote on the deck itself. Then in that case and the Board votes on the existing non-conforming they can also hold back the application on the deck and come back at a later date. Vice Chairman Krey asks what the applicants' thoughts are on those two suggestions.

Mr. Schweiger states that from what he has heard it sounds as if there would be no reason to not to vote separately because they will cover all the issues, if he heard correctly in both votes. Vice Chairman Krey states – right if they are covered separately, it means again, the existing non-conforming the Board would vote on that and if it passes, they would be good on that. Mr. Schweiger states – just to be clear the existing non-conforming is he speaking specifically about the lot coverage only. Vice Chairman Krey responds – the lot coverage and any of the items that did not match the original approval, that was supposed to be constructed. Mr. Schweiger continues so that means everything that they did not know about, that they just kind of inherited that has been cleared up. Vice Chairman Krey stated – effectively everything that is there that shouldn't have been there and what's not there that should have been there based on the original approved plans. Ms. Brown states that, that decision has to come from the applicants whether they ask the Board to technically amend the application to consider them separate. Mr. Schweiger responds that they have no issue with that whether they ask the Board to technically amend the application to consider them separately. Mr. Schweiger responds that they have no issue with that. Vice Chairman Krey asks about testimony. Ms. Brown states that she does not believe Mr. Flores was present at the last meeting, but she asked if he had any additional questions for the applicants about what's existing and what is proposed. Mayor Papaleo interjects – point of order – since its being bifurcated shouldn't the Board be dealing with only the question of the pre-existing and then question the deck? Ms. Brown responds – good point the Board should talk about just the existing non-conforming use first and if there are questions regarding that then either take a vote at that point or she thinks the Board should get testimony about both sections and then do the voting. Mr. Gautier stated that he would like to do the one and then do the other. The Mayor states he would too, as there has been a lot of testimony so it would be just questions at this time. Mr. Gibbons states that the Board doesn't need to hear what they have already heard. The Mayor states because it is part of the record and you can't be seated right now unless you have either been present or watched. Ms. Brown states that everyone present this evening has watched the videos if they were not here.

Mr. Flores asks about the Cultech in order to accommodate the addition of the proposed covered deck in the back – he asks if that is correct, to which Mr. Scott responds – correct. He further asks about the prior seepage pit – just to put it on the record he asks the applicants if they remember what the permeability of that soil testing was, to which Mr. Scott stated that they did not do the soil testing for the prior pit they are not the same contractor. Mr. Flores suggested soil testing to implement the infiltration system in the back. Mr. Scott states they plan on doing a PERC test. Mr. Flores had no further questions. There were no further questions from the Board members. No one is in the public. Vice Chairman Krey makes it clear that the applicants are requesting that they are bifurcating their application to cover non-existing versus the new deck to which Mr. Schweiger responds – yes. Vice Chairman Krey asks for a motion on the application to approve the existing non-conforming conditions that were present when the house was purchased and the CO was issued. Mr. Gibbons makes that motion that for Block 506, Lot 3 that the variance be given for existing non-conforming with side yard, combined side yard, building coverage, lot coverage excluding yard amenities and lot coverage including yard amenities. Mr. Gibbons states – to amend everything Ms. Brown just said to approve all of that to improve the current condition of the home- no conditions on that just what is existing; the Mayor adds an amendment that states that the Board acknowledges that this in no way is the Board approving of the behavior or improper actions or potential criminal actions by any parties involved who may or may not have mislead the Borough with certain pavers with documents or actions. Ms. Brown states yes- it doesn't limit Borough's ability to pursue any additional action as it sees fit. Mr. Gibbons agrees to the amendments. Second – Mr. Gautier. Vote - Mayor Papaleo – yes; Mr. Krey – yes; Mr. Gibbons – yes; Mr. Salva – yes; Mr. Gautier- yes and Ms. Levine -yes. The motion passes.

The second vote on the bifurcated variance request for the deck. Vice Chairman asks if there are any further questions from the Board members, Ms. Levine, Mr. Salva and Mr. Gibbons had no questions. Mayor Papaleo is still uncomfortable with the covered portion, he has no problem with the deck size or patio size, but he is not convinced regarding the positive or negative criteria would justify a covered deck or covered patio and he was wondering if the applicants would reconsider that as it is a concern. Mr. Schweiger responds that the covered portion serves several purposes; if it starts to pour and they are having company or cooking outside they are not drenched, number two – it's a very sunny area with very few trees around so they can have a little bit of shade and still be outside; three it allows the applicants to build the screen portion which is the extra part that Mr. Schweiger is excited about to not have flies and bees all over the food and hitting him in the face. The Mayor states that he gets that but an awning is also something they can consider, a retractable awning, that doesn't deal with the fly issue but it deals with the shade issue, whether it rains or not that affects every other home in not just River Edge but everywhere in the world and doesn't see how the applicants argument doesn't then out them at an obligation to grant that for everyone who comes forward and now the Borough would have nothing but permanently covered decks or patios and the Mayor further states it's not as if there is some type of medical condition for you or someone in your family or it doesn't rise to that level or at least that is how the Mayor sees it personally. The Mayor further states that he was glad that the Board was able to bifurcate because he thinks what happened to the applicants is very concerning and even though right now their proposed coverage is 43.2% of improved lot coverage and this would bring it up to 47.8% and he realizes that and that is way above what the Board normally does but he feels there is a hardship in the fact that what the applicants purchased was not what the town approved so he thinks he could find his way to vote for deck or patio that was uncovered but he just doesn't see that there is justification for a covered patio because he doesn't see what the hardship is that isn't the hardship for every other person in the world when it comes to rain or sun, awning are – his neighbor has one he does not he as an umbrella. So, that is what the Mayor is asking and that doesn't mean what everyone else on the Board wants, it's simply his concern. He doesn't think it raises the applicants' positive and negative criteria rises to a covered deck; it's just his concern.

Mr. Schweiger just wanted to remind everyone again that there is basically zero visibility to this so you'll never see it, no one from the outside will see it. He continues stating that this is their personal preference, it is a brand-new home, a very expensive home and he feels like a covered backyard is something they had in their old house and it would match the quality for the current home in the same type of style. Mrs. Schweiger states they also have an undersized lot and if they had a proper
Lot were they are at 6,000 sf where 7,500 sf is required.

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it is a brand-new home, a very expensive home and he feels like a covered backyard is something they had in their old house and it would match the quality for the current home in the same type of style. Mrs. Schweiger states they also have an undersized lot and if they had a proper lot where they are at 6,000 sf where 7,500 sf is required. The Mayor stated that he is not arguing that because as he said their current coverage is 43.2% when the Borough allows for 35%, the applicants want to move up to 47. 8% which is essentially 50%, they are going to do water management which is required of every single applicant the Board doesn't approve any applicant that doesn't do water management so that's not in his opinion an extra for accommodation because it's required of everyone but maybe the rest of the Board will see it differently, he doesn't see a justification for a covered patio. He further states that when the applicant states 6,000 sf - yes the applicants deserve an outside amenity – he pushed for this body to recommend to the council so they could change the rule to 5% which should have been part of the process to the builder who you brought from, so he gets where they are coming from. He does think they should have outdoor amenities he just doesn't think that the applicant's argument rises to the level of a covered patio. He thinks an awning would cover it- he can see that so it's not a question of the improved lot coverage he gets that the applicants deserve this given the current situation, for him it's just do we really want to be basically adding an extra room onto all of the properties in River Edge – even though the Board has to look at each application separately there is a question of what is our understanding as members and he is not talking about the Board itself but as each individual member. He thanks the applicants for their testimony.

Mr. Schweiger states that they are choosing a substantially expensive design, if people choose to build a certain deck with just pavers for a different price they are looking to more than double that to build something substantial and that is their personal preference. The Mayor states he gets that, but the Board is obligated to act accordingly to the land use laws, and it does not include how much people have paid for things. Ms. Brown states that is true. She further states that some of the items that the Board can consider the applicants have described such as the shielding, the storm water management and things like that but not price unfortunately. Mr. Scott wanted to reiterate that the proposed deck with roof cover is under the 5% that they should have been allotted when they brought the house as per the ordinance that was adopted by the Borough before they purchased the house – that's relevant.

Mr. Krey asks for clarification for himself he states that he doesn't' hear the Mayor opposing the deck it's the roof, to which the Mayor responds no – Mr. Krey continues it's not a coverage issue its a – the Mayor interjects that he thinks first the hardship was an undersized lot and second of all the situation they find themselves in now is not of their making he does not have a problem with the coverage because he thinks they should be given some sort of leeway with that – he thinks there is a very clear argument for that. Mr. Scott asks if it's not a coverage issue what grounds would he not approve the roof its either a building – the Mayor states that the Board does not normally approve what essentially becomes a separate extra room – he further states he appreciates it and he thinks they just see it differently. Mr. Scott states that he thinks this is something that would be approved if they had the 5%. The Mayor states that he would not personally vote for that. He further states of the argument was that they have a child that has an autoimmune disease and they want to have a covered deck so they can close it because the child has an autoimmune disease and we want to keep insects away that would then raise to the point where they would do a covered roof – essentially it's an outdoor amenity and that is how he sees it - others may see it differently. He asks the applicants again if they would consider an awning or something like that, they can choose to do that or not it's not a debate. Mr. Scott continues discussing the 5%. Ms. Brown states yes that is true if everything else was conforming this is a permitted use and a permitted structure in the Borough and there is nothing in the Borough code that states no covered decks. Mr. Gibbons states that he has been sitting on this Board for a while and he does not remember another application where the Board was asked to do this – he could be wrong. He doesn't see an epidemic of people asking for these. Mr. Schweiger addresses the Mayor stating that they designed and budgeted this Project (the applicant's dream space) before they even knew that they had to go through this process and that is what they wanted to build in the 5%. The Mayor responded that he gets it.

There being no one in the public, Vice Chairman Krey asks for a Motion of the application on the outdoor living space/deck for 265 Adams Avenue, Block 506, Lot 3. Mr. Gibbons makes a motion to approve the covered deck as planned; Second – Ms. Levine. The Mayor asks if it would be acceptable to have an amendment stating that at no time should this deck be enclosed. Mr. Gibbons states absolutely and Ms. Brown adds without seeking additional approval from the town. Mr. Gibbons adds it should never be enclosed living space. Ms. Brown also reiterates that the applicants agreed to the engineering, storm water working with the Borough engineer, and maintaining the screening in the rear yard landscaping. Vote - Mayor Papaleo- no; Mr. Krey – yes; Mr. Gibbons – yes; Mr. Salva – yes; Ms. Levine – yes; Mr. Gautier – yes. Motion passes

DISCUSSION ITEMS:

Sweetspot River Edge LLC
75 Rt. 4 East
Block 1415, Lot 1.01

Mayor Papaleo will be excused from this portion of the meeting as is the application involved a "d" variance. Ms. Brown states that would be appropriate because if any further application came before the Board on this he would also have to recuse himself.

Ms. Brown goes through the history of this application. The applicants came before the Board requesting signage relief and in that hearing process it was mentioned on order to alleviate the need for all of the signage maybe correct the source of the issue which is that you cannot access that lot from the farthest driveway, and so, it was suggested that maybe they go to the DOT to see what they can do about the driveway situation. That was part of the discussion at the signage application, and the Board did eventually approve additional signage on the lot. The Board received a request from the representative from Sweetspot Mr. Herbst asking the Land Use Board or the Borough council requesting if the Borough or the Board could submit a letter of support to NJDOT saying that we are supportive of the change egress and ingress to that third driveway and she believes they are asking for switching the third driveway from exit only to an entrance only so then people don't have to navigate the Ethan Allen and the other sites to get back to their property. Sweetspot's engineer submitted a letter to NJDOT making this request. Ms. Brown had followed up with Sweetspot to see if they had done any design, site pans, drawings and they had not. Ms. Brown asked the Chief to give her his initial comments, and he didn't have any initial comments but said he would have liked to have seen some drawings of what their actual plans are. It was discussed in passing during the signage application that anything that they do to the driveway or site circulation would have to come back to the Borough in some form of approvals. So, their request is just some sort of letter that the Board is supportive of the idea. Ms. Brown states that she is not sure how detailed the Board wants to be because they don't have all the information. Vice Chairman Krey asked if he wanted that from the Land Use Board or the council. Ms. Brown stated he wasn't specific, but he has been following up with her and Jessica a lot. Mr. Gautier adds that what he remembers the Board was going to ask the police department to weigh in on this issue. Ms. Brown stated that she did ask Chief Walker and he said he didn't see an issue, but he wanted to see some additional drawings and Ms. Brown followed up with Sweetspot and they do not have any drawings. Ms. Levine stated that she went into that entrance when it was Liberty Travel. Mr. Gibbons stated that he looked at all of the google images and he didn't see anything that had an arrow. Mr. Gibbons says its not turning into an in and out, its an in and out next to Ethan Allen – so its an in at the first spot, next to Memory Care and then its an out and now it's an out, so they want to turn the out to an in. Ms. Brown responds – yes. Ms. Levine asks – then they would go out – Mr. Gibbons states then they would go out he guesses in the back of the building. The Board discusses the in and out issue for a bit. They continue discussing that if a driver doesn't know where it is it's difficult. Ms. Levine adds that then that driveway is very soon by the turnoff. Mr. Gibbons states that the Board would have to approve it happening at the end of the day. Vice Chairman Krey states that assuming the Board approves the design and access that it would approve traffic. The Board hopes that they would get Chief Walker's opinion when they see actual plans on paper. Ms. Brown states that Chief Walker did participate in the actual application for the dispensary. Mr. Gibbons can see how the existing in and out is and it's hurting Sweetspot's business. It's hard to know if it's there unless you know it's there. Ms. Brown asks the Board if it's okay to do a letter just saying that the Board agrees to the conceptual plan but subject to additional Borough approvals, if needed police review, Board approvals that will be needed for the site plan change and that the Board would coordinate DOT if necessary, something like that. Ms. Brown asks if everyone is okay with that and they respond yes. There being no other business for the Board a Motion is made to adjourn the meeting – so made- M. Gibbons; Second – Mr. Gautier. All in favor – Aye. Meeting adjourned at 8:45 p.m.