

**BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
HYBRID MEETING
August 26, 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 – Present
Ryan Gibbons – Present	Councilman Glass - Present
Eileen Boland - Excused	Mr. Chinigo – Absent
Mr. Gautier - Excused	Mr. Salva - Excused
Michael Krey - Present	Ms. Levine - Present

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

APPROVAL OF MINUTES

August 12, 2026 – Ms. Brown had a few minor edits – one noting that the Executive Session ended at around 8:11 p.m. and noting the last name of the applicant as Schweiger and just a few typos. Chairman Caslin asks for a motion to approve the minutes. So Made – Mr. Krey; Second – Mr. Gibbons. Only those eligible to vote – Mr. Mayor – yes; Mr. Krey, Mr. Gibbons, and Ms. Levine. Motion passes.

Executive Session Minutes – No comments or changes being made Chairman Caslin ask for a motion to approve – So Made – Mr. Gibbons; Second – Mr. Krey. All in favor Aye. Chairman Caslin abstains as he was not present. Motion passes.

OLD BUSINESS

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

Preliminary and final minor site plan approval, with use, height and bulk variance relief to install and operate a two-sided “static” billboard.

Ms. Brown states that once the Mayor and Councilman have to leave the Board will be without a quorum so, the Board will not be able to hear this application. Although their professionals are here the Board will have to move the hearing to another date. She asks the professionals if there is another date that works for them. Mr. Falkenstern asks – what is the next meeting date to which Ms. Brown responded September 9th and there is one residential application on the agenda. Mr. Falkenstern asks if they cannot present any testimony and he is aware that they cannot take a vote, but can they get the engineer done and then come back on the 9th because there is a quorum now even though it is only four but technically seven is needed. Ms. Brown responded that once the disqualifying members leave the Board loses a quorum, the Board can't take any action and she would think that would also include closing the meeting, which could be problematic. Mr. Falkenstern states that he would just like to finish the engineer if possible as he only has – Ms. Brown states that if they want to proceed it will be at their own caution and there could not be a vote. Mr. Falkenstern states that he would only present the engineer so that they can get him done and then get back in on the 9th and try to get this done. He further states that he doesn't have a lot of testimony for the engineer and he's here. Okay so there will be some testimony later. Ms. Brown has a conflict and cannot make the September 9th meeting, but they have their conflict counsel here to fill in and provide the Board with additional advice.

DISCUSSION ITEMS:

River Dell Regional School District
230 Woodland Avenue
Block 313, Lot 34

Replacing an existing sign

There is a submission from the River Dell School District and their signage contractor American Wood Carving, LLC related to property located at 230 Woodland Avenue, Block 313, Lot 34 to replace an existing sign at the middle school. It doesn't appear that the school district center representative or their contractor are at the meeting but they did submit plans to the Board which were posted on the Borough's website indicating that there is an existing 8 x 4 monument sign in front of the middle school and it is proposed to be rehabbed in the same location and replaced with a single faced digital display of the same size. Ms. Brown continues stating that this is a courtesy review because under *N.J.S.A. 40:55D-31A and N.J.A.C. 6A:26-3.2C* in order to do a capital project government entries need to get review and recommendations by the Planning Board and although there is no testimony being presented the Board can still review the plans, provide any recommendations and make a determination about whether this plan is inconsistent with the Master Plan and any recommendations you have for the school or if the Board wants they can request that they come in a provide testimony but she does not think that is necessary in this case.

Mr. Behrens agrees with Ms. Brown's assessment, and he thinks the Board of Education's improvements appropriately made its way to the Board and they are to be reviewing everything they do in most instances and in any event, they proposed the sign as the latest improvement. He continues that Mr. Depken's memo accurately acknowledged the deviation as to what the Borough typically allows for signage but as Ms. Brown stated this is replacing an existing sign with the same dimensions and same location. He states that it's not perfectly clear that digital signs are allowed in all such instances, but it also does not say that we prohibit them. Nevertheless, the Board is not being asked to approve, deny or take any action they can only make recommendations. Mr. Behrens continues – based on that some recommendations the Board might offer in the context of a Board that has special knowledge in planning issues that impact

the neighbors in the residential zone, the Board might ask things like whether or not the sign needs to be illuminated all night or maybe up to a certain time; whether or not the illumination can be adjusted; some of these signs have louvers where you can see the message dead on but you can't see the lighting from the side; and then finally, whether or not any screening would be warranted along the frontage. Obviously, they do not want the sign to be invisible. It is set back so when you are going along the driveway you see the sign. Final thing – if it does become a nuisance if the Board of Education would be willing to reposition it to minimize any of that. Mr. Depken agrees totally with Mr. Behrens and the only other statement he wanted to make was he's seen a lot of digital signs that are moving so it's like a character of wording or pictures and things like that constantly moving it's not just a set document or wording that the sign would be lit up, so he would suggest that the Board review. Mr. Gibbons asked if they have to notice to which Ms. Brown responded no. The only issue Mr. Gibbons had is that it looks like it might be a video board that could be an issue to neighbors, but if it changes intermittently and Councilman Glass stated that he was struggling with Mr. Depken's letter he reads it a contents out loud stating that it does not comply with the Borough's code with a citation after it. He asks Mr. Depken to explain what the non-compliant condition is. Mr. Depken stated that he could not find anything in the codes that permitted a free-standing sign in a residential zone so that was what he was citing. Councilman Glass continues reading Mr. Depken's letter and the citation. Mr. Depken responds that the reason he stated that is because he doesn't say the neighbors across the street or anywhere in the residential zone he doesn't believe it would be permitted to put a sign like that on their property. Councilman Glass states – he thought this was proposed for a school property. Mr. Depken responds yes but it is in a residential zone. Councilman Glass continues that it says the following accessory signs are permitted in all zoning districts. Mr. Behrens states that you have to look under the heading of the ordinance which informs what this is about – granted the Councilman did not have that in front of him, but Mr. Behrens stated that he would endeavor to get as he scrolls down. That Section 416-56 of the ordinance which pertains to – a sign or bulletin for certain uses, so it's for certain uses in that zone limited to a school, church etc. and this is for a public-school property so, in that context the sign would be allowed but as Mr. Depken accurately points out that the sign that they are proposing exceeds that dimensional limitation. They are proposing a 32 sf sign. Councilman Glass continues questioning what is written and Mr. Behrens explains that is what the code permits, Mr. Depken is saying this is the code provision they don't comply with that. The Mayor states if you look at what it says– it states that the electronic portion is 48 x 96 but then there is a 16 inch cap on top of it so it's not being replaced by a 4 x 8 its being replaced by something larger according to that document. Mr. Behrens states that they should review any inconsistencies, but he will just note that the details they gave was 4 x 8. The Mayor continues explaining to show that they are not replacing it with the same size sign. The Board members continue discussing the discrepancy. Mr. Behrens reminds the Board that the Board doesn't have jurisdiction over it but it's appropriate to identify inconsistencies with the code to say that where the Borough does allow it this is the context under which it allows it just as a point of comparison to make a recommendation. He further states that for instance if the Board thought the approved sign size was appropriate, they can say that the Board of Education should consider amending the sign. He stated he was not saying that applies in this case but what the code allows becomes a point of reference that the Board can use to make recommendations. Councilman Glass continues that the existing sign is in non-compliance also and asks if they have a variance for that. Mr. Behrens stated that they technically do not need a variance – Section 31 of MLUL which requires such review which is called a capital review as a public school, if it's a private school he thinks they have to come before the Board for a variance, if they are public school they are exempt from site plan review but they are not exempt from capital review where the Board can opine and give recommendations and address the Master Plan if it applied.

The Mayor states - a couple of recommendations that have been suggested and he thinks should be part

of the record, he thinks the sign should go dark after 11:00 p.m. for the residents sake, that the illumination should be moderated after it is put in so the neighbors don't have something glaring into their living room windows, he also thinks the animation of the sign should be no more than every 10 or 20 seconds but it should be considered that there is not a constant animation. Mr. Behrens stated that billboards are regulated by the state and go every 8 seconds. So, the Mayor is recommending no more than 8 seconds. Mr. Gibbons stated that he doesn't think it should be on until 11:00 p.m. He thinks the intent of the sign is for people going in – he would say earlier than that. The Board discusses different times regarding the sign staying on until during different events amongst themselves. The Mayor wants the Board to make some type of recommendations for the record. He suggests 9:00 or upon conclusion of programming. Mr. Behrens thinks that is fine and he thinks the point the Board is trying to make is to minimize impact on neighbors and hopefully they have some control over the light intensity, what the messaging and hopefully employ some common sense. The Mayor also states for the record the two proposals do not match the proposal with the static top being different from the comparison proposal and the Board does not have any jurisdiction over that. Mr. Behrens asks if the Board has a preference. Mr. Gibbons stated that he would imagine they would want to do the one with the static on top. The Mayor agreed and said it would probably look nicer. Chairman Caslin stated the only recommendation he would have is to have the police department look at it from a traffic safety standpoint as well and to make any recommendations from that standpoint.

Ms. Brown goes through what the Board is going to recommend as follows: (1) that they clarify the design of the sign whether it is going to be the 8 x 4 with the additional 16 inch static topper; (2) any illumination should be moderated and dimmed if possible; (3) animation should not be constant and any changes should be no less than 8 seconds apart; (4) illumination should be turned off once after school programming has concluded or no later than 9:00 p.m. whichever is later; (5) the Board does not have a preference on the static section of the sign but recommends that the police look at the design and make any recommendations and if there are any issues consider installing landscaping or screening or repositioning the sign if possible. If the Board authorizes same, Ms. Brown will send a letter to the school board and the contractor with the recommendations. Motion made by the Mayor; Second – Councilman Glass. All in favor – Aye

OLD BUSINESS

Pacific Outdoor Advertising, LLC
14 Route 4 West
Block 14.02 Lot 4

Application seeking preliminary and final minor site plan approval with use height and variance relief to install and operate a two-sided static billboard.

Special conflict counsel, Erica A. Parlavecchio, Esq. of Chiesa Shahinian & Giantomasi PC, steps in for Ms. Brown.

Robert Falkenstern, Esq. appearing on behalf of the applicant. He has his engineer who previously completed his testimony, but they have a supplemental submission of a shadow study which they felt best to submit it this evening, and they will also submit it to the Board after the fact. Mr. Falkenstern calls Mr. Vogt. He has been previously sworn in. Mr. Vogt states that it was requested by the Board that they produce a shadow study. Mr. Falkenstern hands out Exhibit A3 Shadow Study Plan dated 8/24/26. The plan has four pictures on it. They took an analysis during the winter months (December) where the

days are the shortest, most of the vegetation is off of the trees and they only have shadows from the structures that are surrounding the area. They superimposed the billboard in each location – starting from the top left they have 10:00 a.m., 12:00 p.m., bottom left 2:00 p.m. and then the final one is 3:00 p.m. He continues stating that when you get to the 3:00 p.m. the darker image around 4:00 p.m. it starts getting pretty dark. So, what they did was in the morning hours the shadows of the building are somewhat in the northwest direction and same with the billboard they have a slight sliver across the residential homes to the northwest of us. At 12:00 p.m. the shadow is directly to the north and again there is a small sliver over the adjoining house that is two houses away from us to the north that's along Lakeview Drive. At 2:00 p.m. the shadow is shifting more to the northeast, there is a minor obstruction on the roof of the second property and then in the final 3:00 p.m. you can see the shadows are pretty far out on the opposite side of Lakeview Drive to the northeast and again there a slight sliver on the rooftop of one of the residential lots. They did not produce anything for the spring or summer as there would be a lot of vegetation on the trees that would catch shadows. He states if you look at the aerial of Exhibit A1 that was presented before – the photograph in Mr. Vogt's opinion from Google Earth is some time in the morning hours, he believes it looks like it represents closer to the 10:00 hour where the shadows are to the northwest. He continues stating that you can see in the aerial photograph the shadows from the existing vegetation, there are some significant mature trees in the area so there are shadows from the trees. In his opinion it was best to show the Board something in the winter months when there is not the impact from the trees. He states that was the point of the exhibit that was asked of them and what they provided.

Mr. Behrens asked for some clarification points – in the winter the sun is at its lowest angle and produces the longest shadows, he asks if they had a sense of the dimension of the length of the shadow. Mr. Vogt states that the first shadow based on the aerial which is at 50 scale that is at approximately 140 feet. Mr. Behrens states the length of the shadow from the billboard. Ms. Levine asks if that is the house with solar panels on it. Mr. Vogt responds no - the house with the solar panels (he is pointing to a house on his exhibit which cannot be seen by anyone on Zoom) Mr. Falkenstern asks what the width of that shadow would be – he states it's a V-shaped shadow in the first 10:00 a.m. study it overlaps the existing shadow from the building. The small sliver that goes through the house measures at its thickness five feet in width. Then he goes to the noon study and that shadow is going through that second house with the solar panels that house roughly from the center of the center point of the sign to the end of the rooftop is roughly 125 feet. Mr. Behrens asks that based on that dimension, how many homes are potentially impacted by that shadow throughout the day. Mr. Vogt responds it appears roughly four are impacted between the hours 10:00 a.m. and 3:00 p.m. Mr. Falkenstern clarified to be clear its not four at one time, to which Mr. Vogt responded no its shifting. Mr. Falkenstern asks if that would be similar as a shade tree in the area the shadow would move around. Mr. Behrens asked if the billboard has the same aesthetic impact as a shade tree? Mr. Behrens asks in Mr. Vogt's opinion, does the billboard have the same community benefit or aesthetic impact as a shade tree? Mr. Vogt asks if that is more of a planning question or - Mr. Behrens responds its more of a common sense question – is that an apples to apples comparison from an engineering perspective. Mr. Vogt responds from a structure it's one obstruction to another obstruction one is man made and one is nature he doesn't have an opinion on either one. Mr. Falkenstern asks if they depict what the shadow would be based on the size of it. Mr. Vogt responds anything whether its nature or man made its going to cast a shadow. Mr. Behrens states that at each of these angles it seems that somehow the shadow becomes a line when the only time that would occur is if they had a single plain and if the sun was dead on. Mr. Behrens continues that there is a situation where there is the monopole and two plains forming a “V” so if the sun is hitting one of the plains creating that vertical shadow, when it hits the other plain it must necessarily be creating a wider shadow. Mr. Behrens is not sure – he understands it in practice in every instance a shadow being cast is a perfectly straight line

throughout the day when you have a multi plain situation. Mr. Vogt states it isn't a straight line. On the first image you have the shadow of the billboard in the same spot as the shadow of the building and then at 12:00 you can see you have both sides of the sign. There is the easterly "V" that's over a portion of the house and then you have the westerly "V" in the backyard of the house and then the same at the 2:00 you can see the western "V" of the structure over the portion of the house and then the easterly part you can see the shadow cast out into Lakeview Drive. So, Mr. Vogt states that he thinks it is accurately depicting the "V" on the sign and they have the same thing showing at the 3:00 p.m. it's just at that hour it's getting close to being dark outside so there is quite the shadow area. Mr. Behrens goes over the exhibit with Mr. Vogt with a closer look. (They discuss the shadow plain/exhibit amongst themselves off to the side – none of what they are discussing is audible as they are not near a microphone) Mr. Behrens states that maybe what is confusing it are the shadows incorporated with the houses themselves because the shadow from a 65-foot structure than a shadow from a two-story house as far as impact he would think. So, they are combining them, so they get lost. Mr. Falkenstern states that it does accurately depict those shadows so it wouldn't be a different shadow, it would just be a smaller shadow. Mr. Behrens states that the intent of the shadow study was to understand the impacts of the shadows on those adjacent houses. So, Mr. Behrens thinks the question is the Board convinced that the analysis clearly demonstrates the impact.

Mr. Gibbons states that he is looking at Google Earth right down the street from the sign and seeing a large billboard he assumes of similar size creating a very large shadow in the middle of the street. Mr. Falkenstern asked Mr. Gibbons to identify the location of the billboard he is speaking about because he is not sure it is the same height. Mr. Gibbons responds that it is right on the border of River Edge and Hackensack along Route 4 westerly of the property. Mr. Falkenstern asks if it is digital. He also states one of them is 100 feet tall. Mr. Gibbons point is now that the Board is seeing it part of the shadow on here, he's looking at the shadow at 12:00 and then 2:00 watching that shadow go over the house that has solar panels. He thinks during 12:00 and 2:00 hours and maybe longer up to 3:00 this shadow could be blocking their solar panels. Mr. Vogt concurs that it will pass over that house. Mr. Falkenstern states to be clear it's only a portion of the roof it's not at any time blocking the entire roof. Mr. Vogt testified that they did not find any examples where it blocked the entire roof. In his opinion it's the 2:00 that has the largest shadow. Mr. Gibbons states that at 1:00 it's probably covering the whole house. He states if you take 1:00 and 2:00 and split the difference, it's probably covering the whole house. Mr. Vogt stated he can see if he can find an image from 1:00 if that satisfies the Board. Mr. Gibbons states the Board has to look at neighbors and he's seeing a shadow over this person's solar panels in the middle of the day potentially every day. Mr. Vogt states that the signs Mr. Gibbons was referring to earlier are larger signs. Mr. Gibbons stated that he is not saying it is the same shadow he is just saying it's creating a bigger shape than what he thinks he is seeing here. Mr. Behrens states Mr. Gibbons is acknowledging the shape of a standard billboard – a "V" shaped billboard seems to be different than what is being shown in the shadow analysis. Mr. Falkenstern just wants to be clear it's a billboard that may be almost double the size and almost double the height, some of them are up to 100 feet tall. Mr. Krey states that he is a bit confused as he states that if they are taking a sign that is in this shape (he makes a shape with his hands) with a light behind it he doesn't get one shadow going like that he gets shadow going like that (again using his hands to demonstrate direction) he further states that if he is looking at 10:00, there are three elements of the sign, there are two faces of the sign and then there is the pole. If he looks at their shadow it comes directly out of the top element and the other two show no shadow. He asks how there can be no shadow being created on the two elements of the sign, so he is baffled by Mr. Vogt saying that he is showing the entire shadow when there is just a single, linear line coming off of the point of the top element and the bottom element and the middle element magically have no shadow. Mr. Vogt responds that it will be in between the two structures that are casting shadows. He further states that what he can do is possibly change the color of the billboard shadow so it's a little clearer. Mr. Behrens states – its not clear and he

would offer maybe they change the color or if they can turn off the shadow from wherever they got the building footprints from, he is sure there is shadowless option he would think. Mr. Behrens clarifies stating that Mr. Vogt's point is that he is saying that the billboard shadows are mixed among the dwelling shadows so the Board cannot determine where the billboard shadows are so it doesn't help them understand the impact. Mr. Falkenstern states that if there is a shadow from a building that the billboard is over, would it be an additional shadow in Mr. Vogt's opinion or would the shadow be there whether or not the billboard was there or not. Mr. Vogt responds – yes if there is a shadow from an existing structure where the sign is also casting a shadow there going to be overlapping. He understands what Mr. Behrens is saying. Special counsel stated that what she thinks the ask would be is not to say that any of the other shadows in the area exist to Mr. Falkenstern's point, obviously they do, but she herself by looking at this where the shadows mix it's a little unclear. That's what the Board is saying. Mr. Vogt states – that is fair – Mr. Falkenstern states they will submit it with a color so the Board can see it better. Chairman Caslin states it needs to be a little more distinguishable. Mr. Gibbons adds and something at 1:00 because he thinks that will show completely covering that house with solar panels.

Mr. Behrens further states that it is surprising that in two instances there is just a sliver on a few of the rooftops – basic geometry would dictate that that in practice is not how that would work. Mr. Behrens continues that he thinks they have heard the Board and see what they can come back with. This is what the Board asked for and they delivered. Mr. Vogt states it was asked for and they provided it. Mr. Behrens stated that it would be good to get a definitive answer to understand how many hours the house with the solar panels will be impacted by. Mr. Vogt responds – has that resident been at any of these meetings. Mr. Behrens responded – is that a test for the Board to consider. Mr. Vogt states no, that he just wanted to know if this resident had asked a question about it. Mr. Gibbons states the Board needs to look at the impact on the neighborhood. Special counsel asked the applicant to send a PDF to Mr. Flores as he was unable to see the exhibit. Mr. Behrens asks Mr. Vogt what software he uses to create the shadow study to which is responded he will get him a list of what they used. Motion to open to the public – So moved - Mr. Gibbons; Second – Mr. Krey. All in favor – Aye. There being no one in the public a motion is made to close to the public by Mr. Gibbons; Second Mr. Krey. All in favor Aye. Mr. Falkenstern states that they will end here with the lack of members here and asked if they could get the September 9 date, they would prefer that. Special counsel advises that the application will be carried to the regular meeting of September 9th with no further notice, this is the notice and the meeting will be heard at 7:30 p.m. in this room.

Motion to adjourn the meeting – So Made – Mr. Gibbons; Second – M. Krey. All in favor – Aye.