

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

B U R G I S
A S S O C I A T E S , I N C .

PRINCIPALS:

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MEMORANDUM

To: Borough of River Edge Land Use Board
From: Thomas Behrens, Jr., PP, AICP
Subject: Minor Site Plan Application
JPS Company, LLC
259 Johnson Avenue
Block 1417 Lot 3
Date: October 13, 2026
BA#: 4401.07

INTRODUCTION

The applicant, JPS Company, LLC, is requesting site plan approval for the proposed change in ownership of the existing restaurant at the above-referenced site. In accordance with Section 350-4E of the Borough Code, *"notwithstanding the provisions of Section 350-5B(3), site plan approval shall be required for any building or structure (regardless of its previous use) which is to be used a restaurant for sit-down service or take-out service or as a fast-food establishment, or any other intended use where a beverage or food handlers' license is required."*

The site is located in the C-2 Zone wherein the existing/proposed restaurant is a permitted use. It is noted the property received prior site plan and variance approval for a 165-seat restaurant, the same number of seats as proposed, in the Board's Resolution of Approval memorialized September 16, 2020 submitted with the application. Except for signage, no exterior site improvements are proposed. The applicant shall confirm the extent to which the proposed parking arrangement is consistent with the previously granted parking variance relief.

SUBMISSION DETAILS

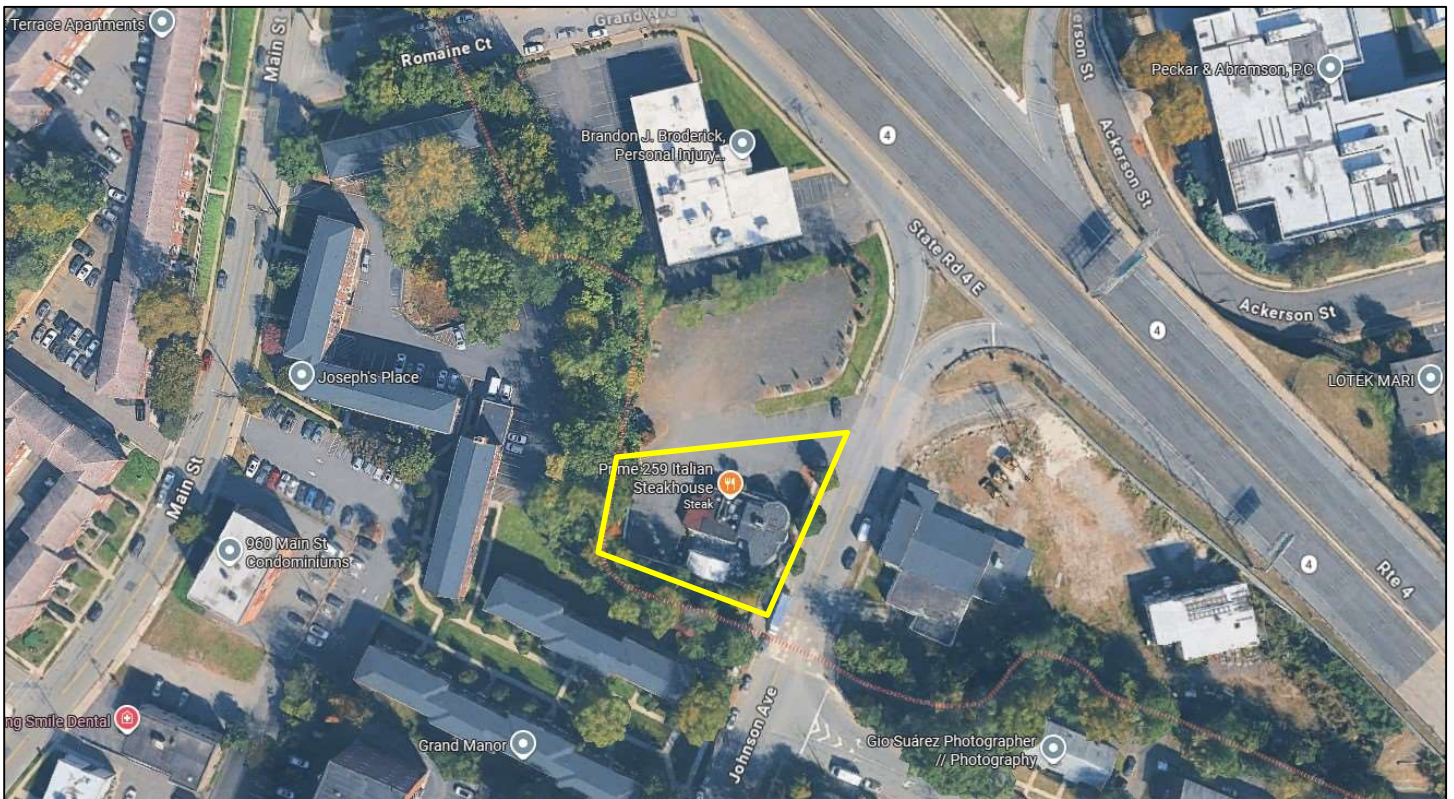
Our office is in receipt of the following:

1. Application materials and checklist.
2. Location survey prepared by Hubschman Engineering last revised November 3, 2014.
3. Site plan (1 sheet) prepared by Hubschman Engineering dated May 6, 2020.

PLANNING REVIEW

Property Description. The site, identified as Block 1417 Lot 3 in Borough tax records, is a 13,714 square foot (0.31 acre) parcel with 144.5 feet of frontage on Johnson Avenue south of the intersection with the Route 4 Marginal Road. The lot is developed as a restaurant with a two-story structure and associated paved and landscaped areas. Surrounding development includes an office building and Route 4 to the north, multifamily development to the south, commercial and multifamily uses to the east and multifamily uses to the west. Coles Brook runs along the south and west boundaries of the subject property. The aerial image below provides a general overview of the existing site conditions and surrounding development pattern.

Site Aerial Photograph



Source: Google Maps accessed October 13, 2026. Note: Lot lines are approximate.

Proposed Development. The applicant proposes to continue the site's use as a restaurant, including 65 first floor seats, 55 second floor seats and 45 outdoor seats. The applicant shall provide an overview of the proposed restaurant, including hours of operation, frequency of special events/parties, maximum number of employees and anticipated deliveries to the site. No exterior site improvements are proposed other than 1 wall-mounted and 1 freestanding sign.

1. Existing Conditions. The applicant shall confirm the existing site conditions as compared to the 2014 property survey, including the previously approved 15 ft x 30 ft tent/canopy in the southern side yard area which is shown as proposed on the site plan.
2. Prior Conditions of Approval. The applicant shall confirm compliance with prior conditions of approval or request modifications as determined to be necessary.

3. Parking. Vehicular site access is provided via a two-way driveway on Johnson Avenue. The 165-seat (120 indoor and 45 outdoor) restaurant requires a minimum of 66 parking stalls (1 space/2.5 seats). The prior resolution of approval included the same number of restaurant seats where the applicant provided 16 spaces on the subject lot and 48 additional parking spaces (64 spaces total) on Block 1417 Lot 1 (65 Route 4 E) and Block 1417 Lot 2.01 (277 Johnson Avenue) having received 'c' variance relief for a deficiency of 2 parking spaces. That application also included valet service.

The applicant shall confirm the proposed parking arrangement and consistency with the prior site plan approval.

4. Signage. Details are provided for a 72" x 32" (16 sf) wall mounted sign and approximately 60" x 45" (±18.75 sf) freestanding sign with a height of 72". The prior resolution of approval included a 16 sf wall sign and 20 sf freestanding sign at a height of 6 feet. The existing freestanding sign has a front yard setback of 0 feet from the front lot line. The applicant shall confirm the locations and illumination of the proposed signs in demonstrating compliance with the prior approval.
5. Lighting. No lighting improvements are indicated on the plans. To be confirmed by the applicant.
6. Landscaping. No landscape improvements are indicated on the plans. To be confirmed by the applicant.
7. Garbage and Recycling. The survey and site plan do not depict the location of dumpsters. A site inspection of the property confirmed there is a partially fenced dumpster area along the western side lot line. This area should be screened and facilities anchored as deemed necessary to mitigate impacts from flood events.

Zoning. The site is located in the C-2 Zone wherein the existing/proposed restaurant is a permitted principal use. There are no proposed exterior changes to the property, except for signage as indicated above. Therefore, the existing bulk conditions indicated on the zoning table on the site plan will not be revised or exacerbated.

Required Variance Relief. The application does not appear to request any variance relief. The applicant shall confirm the extent to which the proposal is consistent with the previously approved parking arrangement. Should it be determined through the course of testimony that 'c' variance relief is required for parking or otherwise, the applicant shall address the statutory criteria for 'c' variance relief as summarized below.

'c'(1)/'c'(2) Variance Relief

The statute provides two approaches to 'c' variance relief, commonly referred to as the 'physical features' test and the 'public benefits' test as described below. The applicant may apply one or both of these tests in providing justifications for their 'c' variance requests.

- A. **Physical Features Test:** An applicant may be granted 'c'(1) variance relief when it is demonstrated that the noncompliant condition is caused by 1) an exceptional narrowness, shallowness, or shape of the property, 2) exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or 3) by reason of extraordinary and exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon.

- B. Public Benefits Test: An applicant may be granted 'c'(2) variance relief where it can prove the following: 1) that the granting of the variance will advance the intents and purposes of the MLUL; 2) that the benefits of granting the variance substantially outweigh any potential detriments. The benefits are required to be public benefits rather than a benefit that simply accrues to the property owner.

In addition, the applicant must address the Negative Criteria of the statute. Specifically, the applicant must demonstrate: 1) the variance can be granted without substantial detriment to the public good; and 2) that granting the relief will not substantially impair the intent and purpose of the master plan and zoning ordinance.