JPS Company LLC
259 Johnson Avenue
Block 1417, Lot 3

BOROUGH OF RIVER EDGE MUNICIPAL LAND USE BOARD

RESOLUTION GRANTING SITE PLAN APPROVAL FOR RETAIL FOOD ESTABLISHMENT TO JPS COMPANY LLC FOR 259 JOHNSON AVENUE BLOCK 1417, LOT 3 RIVER EDGE, NEW JERSEY

WHEREAS, the Municipal Land Use Board of the Borough of River Edge is a duly constituted body authorized by statute with responsibility to supervise and be concerned with the orderly development and planning of the Borough, as authorized by the statutes and ordinances made and provided; and

WHEREAS, JPS Company LLC (hereinafter referred to as the "Applicant") filed an application with the Municipal Land Use Board of the Borough of River Edge (the "Board") for property known as Block 1417, Lot 3 on the tax map of the Borough of River Edge, located at 259 Johnson Avenue (the "Property"), for site plan approval for a retail food establishment based on a change in tenant; and

WHEREAS, Dominion Realty, Inc. is the owner of the Property and provided authorization for the Applicant to submit this application to the Board; and

WHEREAS, the Applicant proposes to operate a restaurant on the Property; and

WHEREAS, the Board deemed the application complete on October 14, 2026 and a public hearing was conducted on October 14, 2026 via hybrid meeting (in person and via Zoom video conference); and

WHEREAS, the Applicant was represented by Thomas J. Barrett, Esq. ("Mr. Barrett"), 912 Kinderkamack Road, Suite 1, River Edge, NJ 07661 and Mark Madaio, Esq. ("Mr. Madaio"), 29 Legion Drive, Bergenfield, NJ 07621; and

WHEREAS, Thomas Scuderi ("Mr. Scuderi") of Paramus, New Jersey, was duly sworn and provided fact testimony in support of the application; and

WHEREAS, the public was given notice of the application and had an opportunity to participate in the hearing and one (1) individual appeared to be heard; and

WHEREAS, the Applicant submitted proof of notification, by mail or personal service at least 10 days prior to the date set forth for public hearing on all persons owning properties within 200 feet from the extreme limits of the Property for the subject application, as set forth on a certified list of said owners furnished to the Applicant by the Tax Assessor of the Borough of River Edge and provided proof of service of such notice in accordance with the Zoning Ordinance of the Borough of River Edge, as amended and supplemented, and the Municipal Land Use Law (the "MLUL"), N.J.S.A. 40:55D-1 to -163; and

WHEREAS, the Applicant submitted proof that a copy of said notifications were published at least 10 days prior to the date set forth for public hearing in the official newspaper of the Borough of River Edge

in accordance with the Zoning Ordinance of the Borough of River Edge as amended and supplemented, and the MLUL; and

WHEREAS, all jurisdictional requirements of the applicable state statutes and local ordinance were met; and

WHEREAS, pursuant to §350-4(e) of the Code of the Borough of River Edge, site plan approval shall be required for any building or structure (regardless of its previous use), which is to be used as 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 handler's license is required; and

WHEREAS, in addition to the Application documents, the Applicant submitted the following:

1. Site Plans, entitled "Proposed A.D.A. Chairlift & Outdoor Dining Area, 259 Johnson Avenue, Borough of River Edge, Bergen County, New Jersey", consisting of one (1) sheet signed by Michael J. Hubschman, P.E., P.P. and Robert J. Mueller, P.L.S. of Hubschman Engineering, P.A., dated May 6, 2020; and
2. Survey, entitled "Location Survey, Borough of River Edge, Bergen County, New Jersey", consisting of one (1) sheet, signed by Robert J. Mueller, P.L.S. of Hubschman Engineering, dated October 29, 2014 and last revised November 2, 2014; and
3. Proposed signage schematic drawings, unsigned and undated; and
4. Prior Board Resolution, memorialized September 16, 2020, granting amended site plan approval to increase the number of restaurant seats; granting variances for minimum front yard setback, accessory structure setback, accessory structure dimensions, and number of parking spaces; and granting a parking design exception for Patdom, LLC, 259 Johnson Avene, Block 1417, Lot 3, River Edge, New Jersey.

WHEREAS, the Applicant submitted a Letter of Noncompliance issued by Stephen A. Depken, the Borough Construction Official / Zoning Officer, dated August 19, 2026; and

WHEREAS, the Board Engineer, Robert L. Costa, P.E., P.P. & C.M.E. ("Mr. Costa"), issued a report dated October 12, 2026; and

WHEREAS, the Board Planner, Thomas Behrens, Jr., P.P., AICP ("Mr. Behrens"), issued a report dated October 13, 2026; and

WHEREAS, the Board, after carefully considering the evidence and testimony presented by the Applicant, as well as the Letter of Noncompliance, the Engineering Review Letter issued by Mr. Costa, and the Planning Review Letter issued by Mr. Behrens, has made the following factual findings and conclusions:

The Proposal and Property

1. The Board reviewed the application and deemed it complete on October 14, 2026 during its work session. The Board held a public hearing on the application immediately following the work session via hybrid meeting (in person and via Zoom video conference).

2. The Applicant sought site plan approval for a retail food establishment for the operation of the Property as a restaurant. The application did not require any variance relief.

3. The Property is located in the C-2 Commercial Retail Zone wherein the proposed use is permitted. The Property was most recently formerly operated as Prime 259 Italian Steakhouse, which received approval for a similar restaurant use in September 2020.

4. The Property is bounded by Johnson Avenue to the east, macadam parking lot to the north and residential apartments to the west and south. The site is currently developed with an existing one-and-two-story stucco building, macadam parking lot, seasonal canopy, concrete and paver walkways, planting areas and site lighting.

5. No interior or site improvements are proposed as part of this application, only site plan approval for a retail food establishment and resurfacing of a wall sign and freestanding sign.

Public Hearing

6. Mr. Madaio explained that the Applicant sought site plan approval due to a change in ownership of the existing restaurant, which is located within the C-2 Zone, where the proposed use is permitted. The Applicant will be updating operations and making interior renovations, but everything from the prior approval will remain the same.

7. The Board heard testimony from the Applicant's representative, Mr. Scuderi, who was duly sworn. Mr. Scuderi testified that he is the sole owner and operator of JPS Company LLC, which is a single-asset entity for the purposes of operating the proposed restaurant. Mr. Scuderi testified that he has owned and operated several other restaurants and this restaurant will be a venture with his son.

8. Mr. Scuderi testified that the application does not have too many changes from prior approval. The Applicant will renovate and clean up the interior, but the floorplan and footprint will remain the same. The restaurant will serve Italian-American cuisine.

9. Mr. Scuderi testified that the leases for shared parking on the neighboring lots, which were identified in the prior Board approval, is being finalized. The Applicant agreed to provide copies of the finalized leases to the Board as a condition of any approval.

10. In response to questions from the Borough Engineer, Mr. Madaio confirmed that the conditions previously agreed to in the prior resolution, including requirements for valet parking would continue. The Applicant further agreed to install and maintain grease traps and to keep a maintenance log for inspection.

11. In response to questions from the Board Planner, David Novak, PP, AICP ("Mr. Novak"), the Applicant agreed to comply with conditions from the prior Board approval. Mr. Scuderi testified that the proposed freestanding sign would be the same location as the existing sign, but with updated text and illumination. The Applicant agreed that the sign illumination would comply with the Borough Code.

12. In response to additional questions from the Board Planner, the Applicant agreed to clean up the screened dumpster area and fencing.

13. In response to questions from the Board, Mr. Madaio advised that the finalized leases were anticipated within the next week. Mr. Scuderi testified that the ADA lift proposed in the prior resolution was never constructed and is not proposed in this application. The Applicant may install lifts internally if necessary.

14. The meeting was opened to members of the public for comment and one (1) individual appeared to be heard, as follows:

a. Yesenia Frias, business owner at 51 Madison Street, Hackensack, commented that she supported the application and was happy to have a new restaurant in the area.

15. The Applicant further confirmed that it would comply with the recommendations in the Board professionals' reports and with the prior approvals on the Property.

16. The Board then entertained a motion to grant the application requesting site plan approval for a retail food establishment. A motion to grant the application with conditions was made by Councilman Glass and seconded by Mr. Gautier. A vote was taken and the Board approved the application by a vote of 7 to 0, with 1 alternate seated to vote.

Justification for Relief

17. The Board found good cause to grant the Applicant's request for site plan approval for the change in tenant of the restaurant on the Property.

18. The application met the requirements of the Borough Ordinance and prior Board Resolutions associated with the Property and did not require variance relief.

19. The Board found that the proposed application would have a minimal impact, if any, on adjacent and neighboring properties because no site changes were proposed and one individual from the public appeared in support of the application. The Board further found that any potential impact could be mitigated by the conditions agreed to by the Applicant.

20. The Board determined that the Applicant addressed all issues raised by Mr. Behrens and Mr. Costa in their reports to the satisfaction of the Board.

NOW THEREFORE, BE IT RESOLVED that the Municipal Land Use Board of the Borough of River Edge hereby grants the Applicant minor site plan approval for a retail food establishment, with the following conditions:

1. The Applicant shall post all required application fees and provide sufficient funds with the Borough to satisfy any deficiency in the Applicant's escrow account. No permits or certificates will be issued, nor will any work be performed by Board professionals or staff at any time that the Applicant's escrow account balance is not paid current, which shall be set forth by certification by the Board Clerk. The Applicant will have a continuing duty to maintain a positive balance in all escrow accounts until all conditions have been satisfied and all charges have been paid.

2. Before any permits are applied for, it is the responsibility of the Applicant to see if there are any open permits or violations and to address and resolve those, if any, before a new permit may be issued. When applying for permits, a copy of the signed Resolution and Board-approved plans must accompany the permit application. No certificate of occupancy shall issue unless all inspections have been performed, passed, and all prior approvals have been satisfied, which includes compliance with all conditions imposed by the Board. Prior to the issuance of a certificate of occupancy, the Applicants shall satisfy all amounts due and owing to the Board's professionals.

3. Operation of the restaurant and use of the Property shall be consistent with testimony offered at the public hearing, the revised plans submitted with the application, the findings and conclusions of the Board stated herein, and the conditions set forth in this Resolution.

4. The Board's approval is expressly subject to all State, County and Borough statutes, ordinances, rules, regulations and requirements affecting development in the Borough, County and State. The Applicants shall comply with any and all Federal, State, County and local laws, ordinances, codes, rules and regulations with respect to all aspects of the project, property and proposed use, and with all such applicable laws and codes, and shall be responsible for all costs and fees associated therewith. The Applicants shall comply with all laws and regulations related to affordable housing and/or the payment of the non-residential development fee, if applicable.

5. The Applicant's obtaining of approvals from all outside agencies shall be a prerequisite for issuance of a building permit, including but not limited to, obtaining written final approval from the Bergen County Planning Board, Bergen County Soil Conservation District, New Jersey Department of Environmental Protection, and the Borough of River Edge, if applicable.

6. The Applicant shall apply for and obtain a soil movement permit from the Borough, to the extent same may be required, and shall comply with the reasonable recommendations of the Borough Engineer with respect to same. The Applicant shall comply with the reasonable advice and recommendations of the Borough Engineer with respect to any drainage and stormwater management required on the Property, if necessary.

7. Revised plans, to the extent necessary, shall be submitted to the Board and the Board professionals for review and approval, to the extent applicable.

8. The Applicant is granted site plan approval, as set forth in this Resolution, testimony stated on the record and subject to the following conditions agreed to by the Applicant:

a. The Applicant shall provide copies of the finalized leases for shared parking to the Board, which were provided prior to memorialization.

b. The Applicant shall install and maintain grease traps and keep a maintenance log for inspection.

c. The Applicant shall ensure that sign illumination on the Property complies with the Borough Code.

d. The Applicant shall clean up the screened dumpster area and fencing, subject to review and approval by the Board Planner.

e. The Applicant shall comply with all comments, reports and conditions imposed by the Board, the Board Planner and the Board Engineer, as stated on the record and as may be stated in this Resolution.

f. The Applicant shall adhere to all Borough Code requirements for any future change in lighting, signage or operations to include cooking or stoves and to submit a new or amended application to determine if additional Board approvals are required.

g. The Applicant's proposed operation and use of the Property shall conform to the requirements and conditions of any prior approvals issued by the Board and the Borough, which are not inconsistent with this Resolution.

9. The Applicant shall comply with all requirements of the Board Planner and the Board Engineer, subject to the reasonable satisfaction and approval of same and the Board, to the extent necessary.

10. If the Applicant commences work on the project, same shall constitute acceptance of the above conditions.

JPS Company LLC
259 Johnson Avenue
Block 1417, Lot 3

Vote on the Application

MEMBER	M	2D	YES	NO	RECUSE	ABSTAIN	ABSENT
Mayor Thomas Papaleo							X
Councilman Glass	X		X				
Chris Caslin			X				
Michael Krey			X				
Ryan Gibbons							X
Eileen Boland			X				
Joseph Gautier		X	X				
Jorge Salva			X				
Vacant							
Tracy Levine [Alternate #1]			X				
Vacant [Alternate #2]							

Vote on the Memorialization

MEMBER	M	2D	YES	NO	ABSTAIN	ABSENT	INELG
Mayor Thomas Papaleo							X
Councilman Glass			X				
Chris Caslin			X				
Michael Krey			X				
Ryan Gibbons							X
Eileen Boland	m		X				
Joseph Gautier						X	
Jorge Salva			X				
Vacant							
Tracy Levine [Alternate #1]		S	X				
Vacant [Alternate #2]							

BE IT FURTHER RESOLVED that the Resolution adopted on this 28th day of October, 2026 memorialized the action taken by the Board in accordance with N.J.S.A. 40:55D-10(g), as set forth above, at its October 14, 2026 meeting, and that **a copy of this Resolution be provided to the Applicant, the Borough Engineer, the Construction Code Official of the Borough of River Edge, and the Borough Health Department**, and a notice of this decision shall be published in accordance with the law.

Christopher Caslin, Chairman

CERTIFICATION

I, Michael Krey, Vice Chairman, do hereby certify that the above Resolution was adopted by the Board at its meeting held on October 28, 2026. This Resolution memorializes the Board's approval of this matter at its meeting held on October 14, 2026.

Michael Krey, Vice Chairman
Borough of River Edge
Municipal Land Use Board