

Borough of River Edge/ Municipal Land Use Board

Meeting Minutes

June 8, 2017

PRESENT:

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| Mayor | Edward J. Mignone |
| Chair | James Arakelian |
| Vice-Chair | Richard Mehrman |
| Secretary | Dr. Jeffrey Gewirtz (7:45) |
| Board Member | Eileen Boland |
| Board Member | Lou Grasso |
| Board Member | Chris Caslin (7:57) |
| Alt. Board Member | Michael Krey |
| Attorney | Steve Muhlstock (For Brian Chewcaskie) |
| Zoning Official | Mark Skerbetz |

ABSENT:

| | |
|---------------------|------------------------------------|
| Board Member | Councilman Vito Acquafredda |
| Board Member | John Monroe |
| Planner | Tom Behrens |
| Engineer | Robert Costa |

Opening

The Work Session Meeting of the Borough of River Edge/ Municipal Land Use Board was called to order at 7:35PM on June 8, 2017 by Chair James Arakelian.

Salute to Flag – Board Member Michael Krey

Sunshine Law (Open Public Meetings Act)

Adequate notice of this meeting has been provided by sending notices on December 23, 2016 to The Record and The Ridgewood News, by posting on the bulletin board in the lobby of the Borough Hall, and filing a notice of the same with the Municipal Clerk.

Roll Call by Attorney Muhlstock

Work Session

New Business

Approve the Minutes of May 25, 2017 – Motion by Mr. Krey, second by Vice-Chair Mehrman to accept these minutes.

All in favor 5-0 Mayor Mignone abstained – He was not at this meeting.

**A. Kelm - Application #2017-08
541 Monroe Court
701/8 Application for completeness**

Applicant, Howard Kelm, came forward (who resides at 541 Monroe Court). Chair Arakelian asked for a motion for completeness.

Motion by Mr. Krey, second by Vice-Chair Mehrman to accept application for completeness.

All in favor 6-0

Chair Arakelian asked for a motion to close the Work Session Meeting.

Motion by Vice-Chair Mehrman, second by Mr. Grasso to close the Work Session Meeting.

All in favor 6-0

Zoning Official Skerbetz stated that Mr. Kelm's plan is different from the plan that he reviewed.

Mayor Mignone asked Zoning Official Skerbetz if he had the original plan.

Zoning Official Skerbetz stated he did not.

Chair Arakelian asked Mr. Kelm if he had changed the plan.

Mr. Kelm said no he did not, and went back to his seat in the audience.

Chair Arakelian asked for a motion to reopen the Meeting, and welcomed everyone to the Regular Meeting of the MLU Board. He also informed everyone that they were here tonight to hear the Kelm Application.

**A. Kelm - Application #2017-08
541 Monroe Court
701/8 1 Bulk Variance needed for:
A. Lot coverage by impervious surfaces of appx. 39.86%**

Mr. Kelm came forward and was sworn in by attorney Muhlstock. He stated that his name was Howard Kelm and that he resides at 541 Monroe Court, River Edge, NJ.

Chair Arakelian stated that as they were doing the packet for completeness Zoning Official Skerbetz noticed that there was a discrepancy and asked if he had figured it out.

Zoning Official Skerbetz stated that the numbers had changed. He said if he had sited the numbers then there would have been 2 variances. One for lot coverage and one for impervious coverage. Because there was no date on the plan showing when the plan was received he couldn't tell when the revisions were made.

Mayor Mignone asked Zoning Official Skerbetz to see if the individual line items had changed. There is a 115 square foot difference between the two percentages. The architect has all the areas broken down, so if they were added up would it be the same.

Zoning Official Skerbetz stated that he would do that.

Chair Arakelian said to let the record show that Dr. Gewirtz showed up at 7:45PM.

Chair Arakelian asked if Zoning Official Skerbetz if he needed time and he said he did. Chair Arakelian asked for a motion to put this application aside for a few minutes, and move on to the items that need to be memorialized.

Motion by Mayor Mignone, second by Vice-Chair Mehrman to put this application aside for the moment, and move on to the items that need to be memorialized.

All in favor 6-0

Memorialization

- A. Talty – Application #2017-04**
 - 704/12 – 1 Bulk Variance needed for:**
 - Front Yard set back**

Chair Arakelian asked everyone to look it over and asked if anyone had any questions. No one had questions.

Motion by Dr. Gewirtz, second by Vice-Chair Mehrman, to accept this application for memorialization.

All in favor 6-0 – Mayor Mignone abstained because he was not at last meeting.

B. MacRae – Application 2017-06
773 5th Avenue
303/12 – 2 Bulk Variances needed for:
a. Lot coverage
b. Impervious coverage

Chair Arakelian asked everyone to look it over and asked if anyone had any questions.

Mayor Mignone stated that as a practice in the Resolutions, moving forward, it should state that if there was a witness who testified at the application hearing it should be indicated that they were duly sworn in, and who was sworn in. Because in this particular situation, it states that the applicants architect testified, but it doesn't state that he was sworn in. Mayor Mignone also stated that it is a matter of staying consistent.

Chair Arakelian stated based on the correction, he would like a motion to pass.

Motion by Mr. Grasso, second by Ms. Boland, to accept this memorialization, with the correction.

All in favor 6-0 – Mayor Mignone abstained because he was not at last meeting.

Chair Arakelian stated that the MLU Board will go back to the Kelm Application.

Attorney Muhlstock said that for the record, concerning Mr. Kelm's application, he did look at the proof of service for the 250' owners and that the green cards are in the file. He also stated that the notice was published in The Record on May 26, 2017. The MLU Board does have jurisdiction to hear this case because it was properly noticed and advertised.

Chair Arakelian said to Zoning Official Skerbetz, we are back to you.

Zoning Official Skerbetz stated that he has a zoning review plan that he marks up in red and he does not have it with him. What he does have is the same copy that everyone else has. Going through the numbers he sees their architect included their deck as lot coverage and it's not, because it doesn't have a roof, so it is impervious coverage. The lot coverage is fine, no variance needed. As far as the impervious coverage goes, Zoning Official Skerbetz doesn't count air conditioning units, or window wells, and in this case he didn't include side land. So everything is fine, and the only variance needed is for the impervious coverage.

Chair Arakelian asked Mr. Kelm to explain what he was going to do.

Mr. Kelm stated that he wanted to add a deck. He had some work done to his house a while ago and now he wanted to add a deck. He stated that he has sliders and to make it more functional he wanted to add the deck.

Chair Arakelian asked if there was a deck there now.

Mr. Kelm said no there is not.

Vice-Chair Mehrman said so the variance is a result of the proposed deck on the rear, and asked when house was built.

Mr. Kelm said it was built over the course of last year.

Vice-Chair Mehrman said so you built the house and now you are coming back to ask to put a deck on, which is perfectly fine, and now you need a variance.

Chair Arakelian asked to let the record show that Mr. Caslin came in at 7:57PM.

Mayor Mignone asked Zoning Official Skerbetz if there is a variance for lot coverage.

Zoning Official Skerbetz said no there is not.

Mayor Mignone said that they would ask Mr. Kelm's architect to resubmit a new plan reflecting the actual numbers.

Mayor Mignone asked what they were doing underneath the deck, are they going to put gravel down.

Mr. Kelm said absolutely.

Dr. Gewirtz said your lot has a run off towards Van Suan, downhill, is there anything at the edge of your property line and are there any drainage issues.

Mr. Kelm said there is a drainage plan existing already and he does not have any drainage issues.

Mayor Mignone asked about the rest of the property and was it landscaped.

Mr. Kelm said yes it is landscaped.

Chair Arakelian asked Zoning Official Skerbetz if he had any issues with this variance.

Zoning Official Skerbetz stated that it is a typical structure that is behind the house and that he doesn't see any issues with it.

Attorney Muhlstock asked Mr. Kelm if he saw any impact on his neighbors.

Mr. Kelm said no he doesn't see any issues with his neighbors and that he gets along well with his neighbors. He also said that there will be no impact on his neighbors.

Chair Arakelian asked for a motion on this application.

Motion by Vice-Chair Mehrman to approve this application, with the revised plan as discussed with the correct numbers, second by Mr. Grasso.

All in favor 6-0 – Mr. Caslin abstained because he came in after most of the application was being heard.

Chair Arakelian stated that they would try and have the resolution back to him in two weeks and then once the 45 days were up he could move forward with the deck.

Chair Arakelian also informed Mr. Kelm to bring the revised plans to Zoning Official Skerbetz.

Vice-Chair Mehrman asked that the minutes reflect that there was no one in the audience at this meeting.

Chair Arakelian stated that things were going to get busy soon because there were a couple of things coming up.

Dr. Gewirtz asked what was going on with the Hole in the Wall Tattoo Parlor.

Chair Arakelian stated that they were still revising their plans.

Vice-Chair Mehrman stated that the Planning Boards, in the past, suspended meeting for July and August, are they going to be doing that this year.

Chair Arakelian stated that there was a big application coming in, and he wanted to see what the timing of that was going to be, and then he would discuss this with the Mayor.

Mayor Mignone stated that going into this new role of Land Use Board he would think that one day a month would be devoted to the residential applications and "C" variances. He also said you don't want to have a long commercial application and then have a homeowner waiting 3 hours to do a deck.

Zoning Official Skerbetz said that as far as residential applications there are only one or two coming up and that he knows of two commercial applications.....the tattoo parlor and the residential units.

Mayor Mignone said that they are "D" variances, so they will be a while.

Chair Arakelian said he did know that the Shops at River Edge were going to be coming in pretty soon. Shops at River Edge is down on Hackensack Avenue where Bergen Batting use to be. There are three buildings there and they are going to ask the Board to merge them into one, and then put up a strip mall.

Mayor Mignone stated that it was not a variance on the lot, but a reverse subdivision. It is not a "D" variance.

Zoning Official Skerbetz stated that there is a sign application coming in at some point - 65 Route 4 East. There are two wall signs, 5 variances.

Mayor Mignone stated that at the beginning of the year he asked for a Sign Committee and it hasn't gotten off the ground yet and neither has the Master Plan Committee. He also stated that perhaps over the summer they could get some preliminary conversations going.

Zoning Official Skerbetz said that there are two illegal apartments in court - one on Kinderkamack.

Vice-Chair Mehrman asked if there was a chance they would come before the Board for a Use Change.

Zoning Official Skerbetz said he couldn't see that happening at this point because there are other violations.....safety violations, as well.

Vice-Chair Mehrman said if they did then it would be a Use Change.

Mayor Mignone said that they are not pre-existing and that there is no documentation of any pre-existing two families.

Zoning Official Skerbetz stated that sometimes the tax records will show single family plus.

Attorney Muhlstock said so on the tax record they wouldn't say two family.

Zoning Official Skerbetz stated that they would probably just say single family plus.

Mayor Mignone said not on the CO's.

Attorney Muhlstock said he understood, but if they are being taxed they would have an argument.

Mayor Mignone said that they would still have to come to the Board to get it rectified.

Meeting was adjourned at 8:10PM by Vice-Chair Mehrman, second by Dr. Gewirtz.

All in favor 7-0

Minutes submitted by: Carol Byrne

Approved on: June 22, 2017