

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
October 3, 2018

MEMBERS PRESENT:

James Arakelian, Chairman
Lou Grasso
Ryan Gibbons
George Siderias
Dick Mehrman, Vice Chairman
Michael Krey
Dario Chinigo
Dr. Jeffrey Gewirtz

Nylema Nabbie, Attorney

MEMBERS ABSENT:

Chris Caslin (Excused)
Eileen Boland (Excused)
Mayor Edward Mignone

ALSO PRESENT:

Thomas Behrens, Planner

Chairman Arakelian starts the meeting with the Pledge of Allegiance.

Chairman Arakelian - Adequate notice of this meeting is provided by posting on bulletin board at borough hall by email to the news, the record into submission by all parts of the town, the same as provided by law scheduling, including the date and time of this meeting. I'd like to remind all members of the public that we have three fire exits, one here behind me over here one behind you. In addition, we're being recorded both audio and video for purposes of creating a record during the public portion, any member of the public wishing to speak, all they need to do is identify themselves for the record and give their name and address and you can make a formal statement.

Roll call please:

James Arakelian, Chairman – here

Lou Grasso - here

Ryan Gibbons - here

George Siderias - here

Dick Mehrman, Vice Chairman - here

Michael Krey - here

Dario Chinigo - here

Dr. Jeffrey Gewirtz - here

Thomas Behrens, Planner - here

Nylema Nabbie, Attorney - here

Chris Caslin (Excused)

Eileen Boland (Excused)

Mayor Edward Mignone

First order of business is to approve the minutes of September 5, 2018. Vice Chairman Merhman - Chairman I have one comment. Yes sir. On the cover page, I'm Kevin Spink should be deleted. Cover page is for Borough related personnel and I've already spoken to the reporter. Perfect. Anybody else have any comments? Dr. Gerwitz - Just in terms of minutes those are signed so they're good. The resolutions that were necessary Chairman Arakelian - I have them hear we will take care of that after the meeting.

Something on page five. The last line after the 250 feet were difficult for the secretary to hear so it doesn't make any sense. The word says so it is 215. The whole tunnel starting with the word so. And I'm the next page and they were covered - delete that. Chairman Arakelian - I have no problem with that. Anything else. Vice Chairman - Mehrman - I'll make a motion to be approved the minutes as amended. We have a second - second - All in favor - Any opposed? Any abstain? (inaudible).

We have a memorialization tonight (Chairman Arakelian looking for copy) - that's right. I gave you my copy. Yep that's okay I'm good here. So, these are corrections that you made for them? I see some yellow highlights - there not Corrections there just checking points Okay. Does anybody have any

corrections on the resolution? (inaudible)

On third recital, I think there is a typo on Kevin Spinks name. Is that page three. The recital third, third, whereas - anybody else? A motion who can vote on this? Vice Chairman Mehrman - I'll make a motion that the resolution be approved as corrected. Mr. Krey Yes, Vice Chairman Mehrman, yes - Mr. Grasso, yes - Mr. Caslin - ye, Mr. Gibbons - yes, Mr. Siderias, - yes, Mr. Chinigo - yes.

Next up is Finn Rae. So, they've withdrawn their application. Attorney Nabbie - I have had multiple conversations with the applicant's attorney he said the issue with the code had not been resolved. As you can remember last time UCC requirement that the units be a minimum square footage of 220 and I believe that your code is 250 feet. Either way those units did not meet those requirements, so the applicant's attorneys suggested that he be allowed to appear here this evening and then have those conditions granted allowing them to go before the County or going to the Construction Board of Appeals. I did not agree with that this because this is a code issue not a zoning issue so as a consequence the application has been withdrawn. Is there a chance we will see them back? The issue is that they need a variation and it was very simple. I suggested that they go to the construction official first and see if they can get the variation (inaudible) they wanted to come here first and try to get approval and (inaudible).

Next up for completeness. Moe's Southwest Grill, 1061 Main Street, Block 1404, Lot 3.01. Mr. Cooriston here for the applicant. We're actually just getting into complete this point. Where is my planner hiding? So, the application we have before us at this point is really for food handler's license, which the ordinance requires a site plan application. There is a sign improvement which does fully comply with the prior approval. For this tenant space which was previously occupied by the California Tortilla restaurant. So, the sign is compliant with regard to its dimensions. So again, we're really evaluating and merits with food handler's license. Um, in terms of compliance materials, I understand there's an issue about certain documentation having been submitted.

We received a flurry of emails over the past couple of weeks at which during some point I think we received something that referenced the site planner had enough information where we could intelligently review the application and technically would be a required component, but the board is able to wave certain components of the checklist. It will be up to the board as to whether they have enough information sufficient to make a decision tonight. It would be my recommendation that there is enough to evaluate this particular matter. And, and what about the sign? The sign is a fully compliant. As I said, there is enough information to evaluate. We can approve that tonight as well. Yeah, we have the specifications enough to evaluate. Any questions. Do we have a Motion to deem it complete? Second Yes – Vice Chairman Mehrman, yes - Mr. Krey, yes - Mr. Caningo, yes - Mr. Gibbons, yes - Mr. Siderias, yes- Mr. Grasso, yes –Dr. Gerwitz – yes, Chairman Arakelian, yes -

Okay. The motion passes and we're going to go straight to the hearing again, putting the same applicant as Moe's Southwest Grill, 1061 Main Street, River Edge, New Jersey Block 1401, Lot 3.01 for food handlers license and for sign approval. Yes. Thank you. Chairman -Timothy Cooriston - . Basically, it's

a change in tenant, same number of seats, no sign variance required its already granted we have submitted proof of publication. Basically, just a change in tenancy. Just to remind you, any new foods operation that comes before the board, whether it's an existing space or not has to come back for us for this first site plan approval and again if they are going to change their sign they have to have approval for that as well. That's why the applicant is here this evening. Vice Chairman Mehrman - a Couple of comments, you can always make comment, but we haven't started the hearing yet. Oh, okay. Go ahead. So, we will let the applicant speak first and then we'll go from there. I have Mr. Kahn here. Mr. Kahn is sworn in. (address and spelling of name (inaudible))

Mr. Kahn I'm going to ask you to speak up when you talk so we can all hear you. Attorney Nebbie acknowledges proof of publication and other documents. Notice appears timely. Can you explain briefly your background and what to do? Mr. Kahn - we have been in business as a franchisee since 2008, God willing, this restaurant will be our tenth restaurant in New Jersey. The restaurant serves burritos, tacos, quesadillas as well as well as operationally I am hands on. I also have our director of operations here and between the two of us we handle the day to day operations. Within the store we will have a general manager, assistant manager. Am I correct that it (Not sure who is speaking) is going to be 54 seats the same as California Tocos? Just for the record can we get an overview as to the hours of operation type of restaurant service. It's typically a fast-casual restaurant that were opened up at 11:00 AM to 9:00 PM, Sunday through Thursday, and then Friday and Saturday typically 10:00

Can you repeat the closing again? (10:00 p.m. and then Friday and Saturday we close at 11:00 p.m. I'm sorry, let me just finish from Mr. Behrens report. Um, well I had given - submitted a letter of denial to the applicant, which basically talked about one point. It talks about the deviations of the parking issue, which they're now compliant with. So, the only other issue really is the fact that they have to be here by virtue of requesting a food handler's license. So there are no compliance issues to speak of at this point, but that an applicant has to come here for food handler's license gives, gives a board and the Borough an opportunity to understand the nature of the use and also discuss or evaluate whether there are any other site issues going on to explore issues and I'm not aware of any at the moment that were pointed out.

Now you mentioned that if I understand this correctly, California Tortilla obtained a variance for the sign. The original approval had a typical sign dimension of two feet high by 20 feet wide and 40 square feet. California Tortilla stayed within the parameter, 40 square feet but had a taller sign because of its trademark, Although Moe' similarly, has a somewhat the same sign, its slender and tails off, so it's a little bit taller than average, but it's compliant with that. Prior approval is within that 40 square foot threshold. These are channel letters. I'm going to building a lightbox sign. I believe their channel based on the exhibits, yes, the Moe's sign will be one piece and the southwest grill aspect will be channel.

Just to add one thing, to be clear, there are no window graphics or signs that would trigger just for the record. Dr. Gerwitz - question - in terms of the kitchen, there'll be no additional, uh, no changes in terms of stoves requiring additional grease traps and stuff like that. Um, so we are going to keep their existing hoods, existing grease traps, the fire suppression systems remaining intact and it's functional and we will have all that tested, and it will be subject to a permit and will be subject to our end of year review

and it'd be required the lines coming whatever the requirements are. Is there a delivery service Um, so that's a good question? We don't do delivery service per se, doing deliveries, however, we do, do a lot of catering do maybe one day. These days, you know, third party Apps, Uber drivers that deliver, Uber eats normal person coming in and parking in a parking spot they will come in to pick up an Uber eat order and take it to its destination.

Vice Chairman Mehrman - lets go back to the sign. The sign lighting is within? There are LED lights inside. When do you propose to shut off the sign lighting? Mr. Kahn - I don't know if there's any ordinance for the town. Think you guys have typically, I mean we have timers, so whatever. If you guys disagree with this we could put whatever time you like, usually had 1:00 AM or lights go out- I believe the ordinance is 11:00 p.m. If it is I can change that no problem, there. I'm just telling you in our previous restaurant, if it's 11:00 p.m. I have no problem. Vice Chairman Mehrman- So can I safely say you'll adhere to whatever the ordinance is. Yes. We'll have a timer there. Vice Chairman Mehrman - I just want to be on record.

Vice Chairman Mehrman - Let's go to the parking. I'm a little confused. According to the planner's report, it looks like your proposed seating was up 60 seats and it looks like with the prior you had 54 seats? We reduced it so there are no parking changes. I spoke with the planner and said we would work we said we would comply, and we reflected on the last resolution that was approved. That was okay. So, parking is fine. You don't. Don't require a variance as you said. Your dream, no variance. Vice Chairman Mehrman - Mr. Chairman may I suggest that we have a motion. I'll put it in the motion. The applicant has submitted an overhead area of the site. Its labeled site map in the upper left corner, I understand that the ordinance requires a site plan.

I'd like to suggest that the Board consider utilizing or accepting this site map in lieu of the site plan. I think that the reasonable considering the fact that they're basically coming in under somebody else's approval and the approval stay with the building anyway, so there's no changes so I'm amenable to that. Vice Chairman Mehrman - As we both know because we were involved in the original approvals that site plan is huge. Chairman Arakelian - no I'm fine with that - the rest of the Board? Everybody's okay with that. Ok that was recommended by our Planner too. Mr. Cooriston - Yes. You have submitted a combination seating plane and equipment layout? Yes. I noticed that the submitter, the architect is from Georgia.

Vice Chairman Mehrman - You saying that he's qualified in New Jersey? He's done all my stores. Okay. We'll get some clarification for you. Yes. Many architects, especially in fast food, have multiple registrations or a national certification which covers them. I propose or suggest you submit to the board his national certification or another design professional certified in New Jersey stamp the drawing. Mr. Cooriston, I didn't even notice that. Ms. Nabbie - Do you want the resolution without (inaudible) Vice Chairman Merhman - exactly where I was going to go. All right, so, we'll do it now. We can go through the resolution and if I make the motion and the resolution is not to be signed until we receive, or counsel receives that proof. I'm sure you'll give it to me tomorrow. I was going to say you're not going to be drawn up until the next meeting anyway. The one thing I did want to ask, I think we've done it in the

past - if the resolution is passed pending signature is it okay for the building department to issue permits so that we can begin construction even though we didn't get all (inaudible) - Chairman Arakelian - your rescued start tomorrow if you want. Thank you. Vice Chairman Mehrman - I think that's all I have. We did note in your opening statement, that we have basically three zoning changes to the two monument signs plus one over the establishment. Mr. Cooriston - Yes - no additional signs and we understand that if we have additional signs we would have to come back for additional variance. Vice Chairman Mehrman - likewise if you increase the seating you, you're coming back, correct? Yes. Okay. Because when I look at your architects layout it shows a revision or removal of seats, and it was well noted by me and sometimes, not pointing fingers - - later on those seats reappear. Mr. Cooriston - Mr. Kahn is well aware of the prior approvals and the parking situation as detailed. Vice Chairman Merhman - Ok I'll leave the statement as they have a tendency to reappear at some point. There's going to be some eyes on it. Record is clearly noted - okay. thank you. Vice Chairman Mehrman - I'm done.

Chairman Arakelian - great country we live n - Anybody else? Okay. I'm going to move to have the motion opened to the public please. Dr. Gerwitz Second. Second. All in favor. Any opposed any abstain? This is the public's opportunity to say anything then seeing nobody else in the public eye I ask for Motion to close - all in favor - any opposed? any abstained? Okay at this point. Unless there's any other questions from the board. I'm ready to entertain a motion on this application. Vice Chairman Mehrman - Alright. I'll make a motion that we accept the food handlers license application, which essentially, sign wise, was changed three signs two placards on monument signs already on site and the one over the establishment. Likewise, it's knowing that there is no additional parking requirement because the seats have been reduced to I believe it's 54 and that the applicant is going to resubmit his exhibit one which is the establishment and lay out for seating and equipment. He's going to resubmit it showing that the current architect, which is out of state does have a authority to practice in New Jersey or he will substitute another design professional so licensed in New Jersey and that the resolution, will not be signed until to the board Council can confirmed that we've received that. Chairman Arakelian - Do you got that - Mr. Cooriston to the last letter. Chairman Aakelian - Do I have a second on that motion. Second Yes. Mr. Mehrman - yes, Mr. Grasso - yes, Mr. Gibbons -yes, Mr. Siderias - yes, Mr. Krey -yes, Dr. Gerwitz - yes. Vice Chairman Mehrman - Excuse me. Do I see the motion that we're going to accept the except site map instead of the site plan? Chairman Arakelian - We have it in there.

Mr. Kahn welcome to the Borough of River Edge and we hope that number 10 is your most successful and you're coming into a beautiful community that likes to support our home team, so welcome to the town. Mr. Cooriston - thank you so much.

Now just some quick housekeeping. Again, as I mentioned earlier in a meeting before we started Sunday is River Edge Day at memorial park and I believe that the volunteers, including everybody on this Board will be served a piece of cake. Is that correct? Counselor? As I understand it - it is tradition So if you're around at that time, and you want to go down there probably around 2:00 is when they typically get everybody together and they give their speech, uh, you're welcomed to attend and partake in the volunteer cake.

Chairman Arakelian - We have two medical parking applications on track they're both going from a traditional use to medical which requires and triggers a parking variance for medical.

Chairman Arakelian - Uh, so that's coming up in probably the next, maybe the next meeting. I'm not sure. And we still haven't heard back from the New Jersey historical society, but hear they're getting ready to come in eventually and I know that the Borough is going to be coming in soon. I know that you have a meeting next week and the week after Tuesday, Tuesday. So, if anybody wants to see what the Borough's up to with the new community center, I understand some, some significant we're just recently made, you are welcomed to come to that meeting. Otherwise you can see Stephanie and Stephanie will have a copy and you can review it there. Otherwise we'll be on the same timeline as a typical application. We'll get those plans ahead of time, so we can review them again, this, this board only acts as an advisory for that particular application, but typically the Borough does take into strong consideration what we have to say, uh, anybody else have anything? So just so we will have a review of the plans here officially? - It does officially come before us - It's a courtesy that they come before us.

Chairman Arakelian - I'll take a motion to a to close. Dr. Gerwitz, Mr. Krey, Second - all in favor? any opposed any abstain?

Thank you everybody for coming.