

# **Borough of River Edge/ Municipal Land Use Board**

Meeting Minutes

October 26, 2017

## **PRESENT:**

<b>Chair</b>	<b>James Arakelian</b>
<b>Vice-Chair</b>	<b>Richard Mehrman</b>
<b>Secretary</b>	<b>Dr. Jeffrey Gewirtz (7:45)</b>
<b>Mayor</b>	<b>Edward J. Mignone</b>
<b>Board Member</b>	<b>Councilman Vito Acquafredda</b>
<b>Board Member</b>	<b>Eileen Boland</b>
<b>Board Member</b>	<b>Lou Grasso</b>
<b>Board Member</b>	<b>Chris Caslin</b>
<b>Attorney</b>	<b>Kara A. Kaczynski (For Brian Chewcaskie)</b>
<b>Planner</b>	<b>Tom Behrens</b>

## **ABSENT:**

<b>Alt. Board Member</b>	<b>Michael Krey</b>
<b>Board Member</b>	<b>John Monroe – Excused</b>
<b>Engineer</b>	<b>Robert Costa - Excused</b>
<b>Zoning Official</b>	<b>Mark Skerbetz - Excused</b>

## **Opening**

The Work Session Meeting of the Borough of River Edge/ Municipal Land Use Board was called to order at 7:30PM on October 26, 2017 by Chair Arakelian.

## **Salute to Flag – Board Member Vito Acquafredda**

## **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 Kara Kaczynski – A quorum was established.**

## **Work Session**

## **New Business**

**Approval of the Minutes of September 28, 2017** – Motion made by Vice Chairman Richard Mehrman, second by Eileen Boland.

**All in favor** (Mayor Mignone and Councilman Acquafredda abstained)

## **Memorialization**

### **Broderick -**

**65 Route 4 East**  
**Block- Lot 1417-1**  
2 new Signs

Chair Arakelian asked for comments. There being none Chair Arakelian asked for a motion to memorialize. Board member Grasso asked if terms for inspection had been included. Vice Chair Mehrman confirmed they had been.

Motion by Vice Chair Mehrman to approve the Memorialization, second by Board Member Caslin.

**All in Favor** (Mayor Mignone and Councilman Acquafredda abstained)

### **Kelm**

**175 Lozier Terrace Block 1210, Lot 8** – Revised plans distributed 10/5/17

Vice Chair Mehrman commented on the last page the board secretary's name was incorrect.

Vice Chair Mehrman stated let the record to show that the swimming pool and the pavers had been removed from the plan.

**Chair Arakelian asked for a motion to approve** – Motion by Vice Chair Mehrman, second by Eileen Boland.

**All in favor** Mayor Mignone and Councilman Acquafredda abstained, Mr. Grasso recused himself.

### **Thomas Behrens –**

**733 Williams Ave, Block-Lot 411-4** New Single Dwelling

Chair Arakelian asked for comments.

No Comments

**Chair Arakelian asked for a motion to approve.**

Motion by Vice Chair Mehrman, second by Chris Caslin

**Approved 5-0**

**Chair Arakelian stated let the record show Dr. Gewirtz joined the meeting at 7:45pm**

**Completeness Review**

**ILBJ, LLC – 335 Johnson Avenue Block 1405 Lot 3**  
Major Site Plan – New Construction. Possible “D” variance

Chair Arakelian stated that the board attorney and engineer ruled the applicant probably does not need a “D” variance. He asked if the applicant was present and if so if he would come forward.

Vice Chair Mehrman made a disclosure for the record that he has worked with the project architect before but not for his office but for the same client and all monies received came from that client.

Attorney Kara Kaczynski asked if Vice Chair Mehrman had any connection with this applicant and if he felt he could judge impartially.

He stated he did not have any connection.

Attorney Kaczynski stated she was satisfied.

Chair Arakelian stated he was satisfied.

Chair Arakelian asked Attorney Frank Devito who came forward for the applicant if he was satisfied.

He stated he was.

Frank Devito – 250 Moonachie Road, Moonachie New Jersey. Acting as Attorney on this project.

Mr. Devito said at one time this area was considered an area of redevelopment with the Total Wine across the way. This site shows commitment to the area. Commitment to River Edge. Mr. Devito suggested to the board that they deem the application complete and carry the hearing over to a special meeting Mr. Devito stated he and his architect had significant conflicts with the regular meeting date of November 9<sup>th</sup>.

The Leagues are Nov.13-17. Thanksgiving November 23. The council chamber unavailable on other days – Leaving only November 30<sup>th</sup> as a possible date. Board members checked their calendars. Mayor Mignone and Eileen Boland stated they were not available. Councilman Acquafredda stated he would have to check.

Chair Arakelian made note that a special meeting would be announced and published for November 30<sup>th</sup> at 7:30 pm. Mr. Devito asked for a motion to be made for the meeting on the 30<sup>th</sup>.

Chair Arakelian asked to vote to make application compete before making a motion for the special meeting. Chair Arakelian asked Mr. Devito to move forward and tell a little bit about the project.

Mr. Devito stated the project is being done by competent people who have done major construction before where financing is not an issue they are very responsible people. They are proposing to build a two story building with a Salon on the first floor and the Principals offices on the second. He happens to be the owner of one of the most successful salons on the state. If you have seen the elevation you can see it is a magnificent building with serious money going into the building. Because of the nature of this particular salon very high end. The variances are going to be sideways and center. Not an issue with height.

Chair Arakalien asked parking?

Mr. Devito responded depends on how you define it. If you define it as office -no, if you define it as retail –yes. There theoretically could be a parking variance but it is a matter of interpretation. My view of the world is you take a conservative view. I will assume it is a variance and advertise for it. There is no use in playing that game. I have advertised for all of the variances. If I do not need them I do not. If I do. I do.

The project itself is just a good, an exciting project. If anything will help standardize, or further more stabilize that area which at one time was designated an area of re-development. The salon which is down there used to be a ski shop about 30 years ago

which we all remember and then the salon for about 25 years and has become a well-known fixture. May it become another well-known fixture for another 30 years with your consent? I have nothing more to offer. In my humble opinion the application is complete and deserves your review.

Mayor Mignone commented that this property was never designated as part of a redevelopment area that it may have been part of a study. It was never declared one.

Char Arakelian - there were two comments made by the engineer that I will pass along to you now formally and we can talk more about it on Monday. One was that you only had one retention pit on your plan he thought that might be deficient so that he would like to see something better done with the storm water. The second is the wooden fence along the property is some kind of bone of contention.

Mr. Devito responded they are working with the neighbor regarding the fence and are not hostile. For the record Mr. Devito stated it is not a wood fence but a retaining wall constructed out soldier beams driven into the ground with wood in between functioning as a retaining wall. We have a common interest with the neighbor and by the time we get to you everyone will be happy.

Secretary Gewirtz commented he was not sure if they fell under those zoning requirements requiring a D variance.

Chair Arakelian responded discussion between Mr. Chewcaskie, the board's regular attorney and the planner were that technically since it was a mixed use building because professional and possibly retail use it doesn't really qualify because they are both accepted uses there. If it was going to be used as a residential component, and we know it is not, then it would be more of a zoning issue. This is considered more of a planning application than a zoning application. I think we need to get back to the basics with zoning versus planning when they come before the board.

Planner Behrens commented that after discussion it looks like all fall into a C variance.

Chair Arakelian – before we continue with the board lets continue with Mr. Behrens.

Mr. Behrens stated the applicant had pretty much submitted just about everything. The only few items left on the check list that the board could potentially grant waivers for are soil permits, sanitary flow calculations for the salon use and not necessarily a check list item but a recommendation that a parking analysis be provided in justification of the variance.

Mayor Mignone asked how much soil is going to be moved.

Mr. Devito replied he did not know

Mayor Mignone responded because it would behoove you to do that concurrently because if it is over a certain threshold you will need to come back.

Mr. Behrens – There is some considerable disturbances on the grading of the properties.

Mayor Mignone I would suggest you look at that.

Mr. Devito – Can I make a simultaneous application the same time so I don't have to come back

Chair Arakelian – you can amend your application, it will not hold up tonight.

Mr. Devito- is there a separate application for soil.

Chair Arakelian – there is

Planner Behrens – One other issue I want to clarify with regards to the plans. There seems to be some inconsistency with regard to the yard setback and coverage. The issue being with the principal building and the parking structure attached to it. This essentially becomes a part of the building. The setbacks should adhere to this. They are not reflected as such in the plans and should be amended at some point to reflect that.

Vice Chair Mehrman asked if all the paper work needed for tonight had been handed in to be given a go.

Chair Arakelian asked if everyone had received planner Behrens memo via email.

Chair Arakelian thanked Mr. Behrens

Chair Arkelian reminded the board the vote tonight was for completeness nothing else. He asked if there were any questions from the board.

Mayor Mignone asked what waivers are being asked for.

Mr. Behrens responded in terms of the check list not provided soil permits and sanitary flows.

Mayor Mignone asked if the adjacent buildings foot prints and driveway locations were shown on the site plans.

Chair Arakelian reminded Mr. Devito that a survey would be required for the meeting Monday night

Attorney Kara Kaczynski asked if the adjacent buildings were shown on the plans Mayor Mignone and Vice Chair Mehrman looked at the plans to confirm they were shown. It was stated they did.

Chair Arakelian asked if anyone had any more questions.

Mr. Mehrman stated he looked forward to the site plan review.

Chair Arakelian asked for a motion to deem the application complete.

A member of the public asked if he could speak.

**Chair Arakelian asked for a motion to open the meeting to public comment.**

Motion made and second

**All in favor**

Timothy, Corriston, Esquire from Connell, Foley LLP representing 41 Grand LLC and the Estate of Tamburelli – the owners of the neighboring property. He stated they are currently working out some issues with the property and are waiting to see what comments are made at the site plan meeting. His client’s primary concern is the building at Grand Avenue.

Chair Arakelian reminded Mr. Foley that a site plan meeting it is for the applicant only and that his comments can be heard on November 30<sup>th</sup>.

Chair Arakelian made a motion to approve subject to waiver and date extension of November 30<sup>th</sup> at 7:30pm as stated.

Roll call

**Approved 7-0**

**Tarak OK – 364 Lee Ave**  
**Block 1002, Lot 54 – Six foot high white vinyl fence**

Chair Arakelian stated this application before us back in June and just re surfaced. The applicant is not here.

Vice Chair Mehrman – I have some confusion on my part. The application says 6 foot fence to replace 6 foot vinyl fence but the diagram in my packet shows a three foot high

existing fence and undescribed line marked along the front boundaries. I am not ready to consider this approved until this is clarified.

Chair Arakelian suggested that the item be tabled since the applicant is not present.

Vice Chair Merhman requested that someone to notify the applicant.

Attorney Kara Kaczynski stated she has a note that the applicant has retained an attorney so he may be notified of the questions.

Vice Chair Merhman pointed out a marking on the current drawing in the lower corner that says approved June 2016. Please ask Brian to research this if something had previously been approved.

There was discussion among the board members with regard to the diagram provided.

Attorney Kara Kaczynski suggests that a motion be made to deem the application not complete and ask the applicant to clarify what is being requested, what the diagram represents – an accurate and clear diagram needs to be provided- as well as the applicant to be present.

Chair Arakelian asked for a motion to not approve and table to the November 9<sup>th</sup> meeting requesting the applicant be present.

**Councilman Vito Acquafredda moved to rule the Tarak Ok application not complete for the reasons stated.**

Secretary Gerwitz second

**Motion approved 7-0**

Chair Arakelian stated before we go to the regular meeting to discuss the Historic preservation. A little housekeeping. As I mentioned a little while ago even though we are one board hearing both planning and zoning issues we should be able to delineate which is a planning issue and which is a zoning issue. So you do not have to sit in the audience all night. I am going to work with our professional on that. I am going to ask you Tom to work with our zoning officer and if our zoning officer has to appear he will know ahead of time he has to appear.

Mayor Mignone asked planner Behrens if he may know of any seminar or 1-2 hour courses on zoning. I would think it may be beneficial for any board members who may want to attend one.

Mr. Behrens responded

Chair Arakelian directed the boards attention to a letter to the board received from Gregory Moscorotollo an attorney who is a neighbor to Mr. Kang – the corner of Wayne and Kinderkamack. He came in for relief of a condition on a subdivision from 20 years age. It got tabled at the request of the applicant and continues to be tabled as of this meeting. The neighbor has an objection and is asking for a change in the request. I have spoken to both Mr. Moscorotollo and the attorney for the applicant and I asked them to try and work out their differences and this (referring to letter) is kind of what they came up with.

Mayor Mignone commented he did not like the idea of the two parties negotiating outside the board. Present your plan and the board will decide. He stated he felt the letter was testimony and should not have been distributed.

Attorney Kara Kaczynski stated you, the board have the opportunity to cross examine or ask questions.

Chair Arakelian stated the way it was left is for the present your plan to the board and if it something we will agree with. We are not going to negotiate .Submit the plan and we will let you know.

Mayor Mignone stated I think this is something that maybe should be referred back to the Historic Commission. They have not looked at this site for over 20 plus years. That was the crux of the original approval. Since Mrs. D'Angelo was on the commission then and still is she would remember what happened then and now. By code we are supposed to send them all applications.

Chair Arakelian stated he will instruct our attorney to do so. I think we should ask the historic commission what their opinion is on this particular problem.

Attorney Kaczynski stated this needs to done before the November 9<sup>th</sup> meeting as this is when we are carrying this to.

Mayor Mignone stated he did not think the historic commission will meet before then. I just think they should let the board know if it was considered historic at the time and what or if they see a need for it to be preserved.

Attorney Kaczynski stated what you can do is adjourn it to the November 9<sup>th</sup> meeting and continue it and raise these issues at the meeting and then table it for the historic commission.

Vice Chair Merhman asked if anyone was representing this applicant tonight.

Chair Arakelian stated he is speaking of the correspondence as an FYI for the board as part of old business.

Mayor Mignone stated he felt that Brian, the board's attorney should decide if a letter from a resident should be distributed among the board.

Chair Arakelian agreed.

Attorney Kaczynski made notification for the public that this matter will be adjourned to the November 9<sup>th</sup> meeting of the board.

**Chair Arakelian asked for a motion to close the work session, Mayor Mignone made the motion, Vice Chair Merhman second.**

Meeting adjourned at 8:29

**Chair Arakelian called to order the Regular Meeting of the Municipal Land Use Board at 8:30 pm.**

#### **Roll Call**

#### **PRESENT:**

<b>Chair</b>	<b>James Arakelian</b>
<b>Vice-Chair</b>	<b>Richard Mehrman</b>
<b>Mayor</b>	<b>Edward J. Mignone</b>
<b>Secretary</b>	<b>Dr. Jeffrey Gewirtz</b>
<b>Board Member</b>	<b>Councilman Vito Acquafredda</b>
<b>Board Member</b>	<b>Eileen Boland</b>
<b>Board Member</b>	<b>Lou Grasso</b>
<b>Board Member</b>	<b>Chris Caslin</b>
<b>Attorney</b>	<b>Kara A. Kaczynski (For Brian Chewcaskie)</b>
<b>Planner</b>	<b>Tom Behrens</b>

#### **ABSENT:**

<b>Alt. Board Member</b>	<b>Michael Krey</b>
<b>Board Member</b>	<b>John Monroe – Excused</b>

**Zoning Official  
Engineer**

**Mark Skerbetz – Excused  
Robert Costa - Excused**

Chair Arakelian stated the meeting stating all received a copy of the Historic plan put together by our past planner. This was put together June 30, 2015 by Brigette Bogart. It is a historic presentation addition to the master plan.

Mayor Mignone stated there were procedural errors the first two times we are here to correct that defect.

Mayor Mignone asked planner Behrens to give an over view, even though he did not prepare the plan.

Planner Behrens stated I do have somewhat of a recollection. Mrs. Bogart worked closely with the historic commission in preparing this report. As the title states it becomes an element of the master plan. It becomes a policy document to help guide the Borough in its decisions. It is meant to help the Land Use Board in its decision making if any buildings development would impact any of the various sites. Some goals of the report are to facilitate the protection of those sites identified as historic significance. Several are located at New Bridge Landing area, The Von Stuben House, Borough Hall to list a few. There about 13 specific sites listed.

Planner Behrens stated it was his understanding that nothing has changed at these particular sites and the Board can adapt them as is.

Mayor Mignone stated it looks like they imbedded our Historic al Preservation ordinance with in it.

Planner Behrens confirmed it does reference it and the adaptation of the plan does support the ordinance.

Chair Arakelian asked for any questions or comments.

Vice Chair Mehrman asked what were the deficiencies the first time around that this is before the board again.

Mayor Mignone responded the deficiency was lack of notice to certain entities.

Vice Chair Merhaman asked if that had been corrected.

Mayor Mignone responded Yes.

Board Member Grasso asked if the plan is going to put any properties in the plan that were not listed as historic before.

Mayor Mignone responded no. New properties would have to follow the requirements of the ordinance.

Chair Arakelian asked if there were any additional comments.

Planner Behrens stated that there was no one present from the historic commission but they did endorse the plan. It does help to reinforce the ordinance.

Attorney Kara A. Kaczynski confirmed procedurally we are on course.

**Chair Arakelian asked for a motion to open the meeting to the public.** Motion by Mayor Mignone, Second by Vice Chair Mehrman.

**Approved**

Chair Arakelian stated there was no one in the public and asked for a motion to close the meeting.

Vice chair Mehrman asked that the record show no one was present from the historic commission.

**Motion to close the meeting to the public made by Mayor Mignone, second by Vice Chair Merhman**

**Approved**

**Chair Arakelian state he was prepared to accept a motion on the historic element to the master plan dated June 30, 2015 prepared by our past planner Brigette Bogart to be incorporated into the master plan.**

**Councilman Vito Aquafredda made a motion as stated, Secretary Gerwitz second.**

**All in Favor 6-0** Vice Chair Merhman abstained

Chair Arakelian stated he asked the board's attorney to investigate ordinances requiring new food establishments or new owners taking over existing establishments. After researching he determined that any existing food license that is transferred to a new owner must come before the board with a site plan. There has been one applicant that partially filled out an application. The application has been sent back, I am sure we will

hear from the applicant shortly. It is the supermarket on Kinderkamack road. I have instructed the zoning inspector to keep an eye out for anyone coming in for a CO for a food establishment.

Vice Chair Merhman asked if there was a second one at the former Babylon restaurant.

Chair Arakelian stated that was under investigation. Only if you have a change in ownership does the entity have to come before the board.

Secretary Gerwitz asked to clarify if a restaurant moves from one property location to another do they need to come before the board?

Chair Arakelian replied that is correct. From speaking to the attorney the Litmus test is: if they need a new CO then they need to come before the board.

Chair Arakelian stated he has asked the zoning and code officers to keep an eye out for new signs as well. They must come before the board as well.

Chair Arakelian asked if there were any other issues to discuss.

**There being none Councilman Acquafredda made a motion to adjourn, Vice Chair Merhamm second.**

**All in Favor**

Meeting adjourned at 8:50pm

Minutes submitted by: Tybe Manzelli

Approved 12/14/17

