

## **Borough of River Edge/ Planning Board**

Meeting Minutes

January 12, 2017

### **PRESENT:**

<b>Chair</b>	<b>James Arakelian</b>
<b>Secretary</b>	<b>Dr. Jeffrey Gewirtz</b>
<b>Board Member</b>	<b>Lou Grasso</b>
<b>Board Member</b>	<b>Richard Mehrman</b>
<b>Board Member</b>	<b>John Monroe</b>
<b>Alt. Board Member</b>	<b>Michael Krey</b>
<b>Attorney</b>	<b>Nylema Nabbie (for Brian Chewcaskie)</b>
<b>Planner</b>	<b>Tom Behrens</b>
<b>Engineer</b>	<b>Robert Costa</b>

### **ABSENT:**

<b>Mayor</b>	<b>Edward J. Mignone</b>
<b>Board Member</b>	<b>Eileen Boland</b>
<b>Board Member</b>	<b>Councilmen Vito Acquafredda</b>
<b>Board Member</b>	<b>Chris Caslin</b>

### **Opening**

The regular meeting of the Borough of River Edge/ Planning Board was called to order at 8:00PM on January 12, 2017 by Chair James Arakelian.

### **Salute to Flag**

### **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 Nylema Nabbie

Chair James Arakelian stated that Mayor Ed Mignone, Eileen Boland, Councilmen Acquafredda and Chris Caslin were all excused from the meeting. Chair James Arakelian also thanked David Glass for his service on the Board and welcomed Richard Mehrman back to the Planning Board. Attorney Nabbie then swore Richard Mehrman in as a Planning Board Member.

### **Reorganization of the Board**

Approve the re-appointment of James Arakelian as the Planning Board Chair. Motion by Dr. Jeffrey Gewirtz and second by Lou Grasso.

All in favor 5-0

Approve the appointment of Richard Mehrman as the Vice-Chair. Motion by Chair James Arakelian and second by Lou Grasso.

All in favor 5-0

Approve the re-appointment of Dr. Jeffrey Gewirtz as the Planning Board Secretary. Motion by Chair James Arakelian and second by Lou Grasso.

All in favor 5-0

Approve the re-appointment of Robert Costa as the Planning Board Engineer. Motion by Chair James Arakelian second by Dr. Jeffrey Gewirtz.

All in favor 6-0

Approve the re-appointment of Tom Behrens as the Planning Board Planner. Motion by Chair James Arakelian second by John Monroe.

All in favor 6-0

Approve the re-appointment of Brian Chewcaskie as the Planning Board Attorney. Motion by Chair James Arakelian second by Dr. Jeffrey Gewirtz.

All in favor 6-0

Chair James Arakelian stated that both he and Mayor Mignone would like to form two (2) Ad Hoc Committees. The first committee would be a Sign Committee which would oversee the sign ordinances in the borough and the possibility of rewriting them. Chair James Arakelian said he would like to include in this committee Councilmen Acquafredda as the Chair, Richard Mehrman, Lou Grasso, Robert Costa, and Tom Behrens, those in attendance accepted. The second committee would review the Master Plan Committee. Chair James Arakelian said he would like to include Mayor Ed Mignone as the Chair, Richard Mehrman, Chris Caslin, Robert Costa and Tom Behrens. Those in attendance accepted. Chair James Arakelian stated he would ask Chris Caslin.

## **New Business**

Dr. Jeffrey Gewirtz would like to state that his original appointment date on the Planning Board is incorrect. Chair James Arakelian stated he would check with Nicole Florio.

Approval of the Minutes from the November 10, 2016 meeting. Motion by Dr. Jeffrey Gewirtz second by Michael Krey. John Monroe abstained because he was not at the meeting. Richard Mehrman could not vote because he was not on the Board at that time.

All in favor 4-0-2

### **Peja Corp. – 2017-01**

**259 Johnson Avenue**

**Block 1417/Lot 3**

**Amend the previous approved site plan to reduce parking for the applicant.**

Justin DeCrescente, attorney for applicant, stated that they are seeking an amendment to the resolution that was adopted on February 11, 2016. Within that resolution was a requirement for parking for the restaurant known as Rugova. The rent for parking has been strangling them financially and if they don't terminate the lease at some point and catch up financially it's possible that the restaurant will not be able to stay open, in which case not only will the lot be empty but the building will be empty as well. The restaurant is averaging 30 customers at a time. The parking requirement was based on 100 seats. The resolution in February reduced the seats from 148 to 100, but they are seeing about 30 customers at a time and the bar business has been reduced significantly as well. They would like to eliminate the need for the lease parking portion of the current parking lot which would leave 17 spots for the existing business. The owner of the restaurant Skender Gjeducakj was sworn in. Dr. Jeffrey Gewirtz stated that currently the restaurant seats 100 with 34 spaces per the resolution, which is what they currently have with the additional parking lot. If they are only seating 30 customers then they are saying they only need 15 spaces. What would happen with the parking situation if business picks up? Justin DeCrescente said that even though the restaurant could sit 100 seats it only has about 40 seats which includes the bar area. The upstairs was used only about 10 or 12 times. John Monroe asked what would happen if they rent out the upstairs those 10 or 12 times a year - where do people park? Skender Gjeducakj said they would park in the street or they would provide valet parking. Richard Mehrman asked if they were presenting any traffic people. Skender Gjeducakj said no they were not. Attorney DeCrescente said that this was basically a hardship case. Richard Mehrman asked about the tent area, which is approximately 20x30. This has been used in the past as part of the restaurant's

operations. He also stated that recognizing that there were spaces there before, if these parking spaces were restored, they would be helping themselves. He asked if the resolution was approved would they be willing to restore these spaces. Skender Gjeducakaj stated that yes they would be willing to restore these spaces. Richard Mehrman also asked if relief was granted tonight would it be temporary or permanent. Justin DeCrescente said they would prefer if it was permanent. Attorney Nabbie suggested that it could be deferred for one year, and if business picked up, then the board and municipality would still be protected because that condition is still in place. Chair James Arakelian stated that if there were a transfer of ownership then the deferment ends. Justin DeCrescente said that they would be open to a deferment but asked for a two year deferment instead of one year. Chair Jim Arakelian stated that the deferment would begin at the date of the termination of the lease and the owner would have to notify the Planning Board by certified letter (with the date on it) that the lease had been terminated and that the date would not go any further then the two year period they are asking for. It will be for a year from time of termination and renewable to the same applicant. Also included would be Valet Parking for when the second floor was being used, and built into the resolution the applicant would be required to return in two years and show the board that the parking situation is working appropriately. Justin DeCrescente verified that based on what the Board was saying the applicant would have to come back a year from the date the parking is reduced to either show that they have provided more parking or show that they continue to need a reduction, the burden would be on them and not on the Board. Chair James Arakelian said yes that was correct, burden would be on them not the Borough or the Board. Attorney Nabbie suggested that if the Board, at any point, determines that the parking is unsatisfactory, in the sole opinion of the Borough of River Edge, then the Borough reserves the right to require additional parking or to call the applicant back in. Planner Tom Behrens stated that with the 17 spaces available and the restaurant seating 40 customers at a time they have met the parking requirement (because the Borough's standards is that each parking space averages about 2.5 customers). He also stated there would be Valet Parking when the 2<sup>nd</sup> floor is in use, and that there are a few on street parking spaces; therefore, they have done all they can do to meet the parking requirement. Also, they are doing nothing to the site except taking down the tent for a few more spaces. Borough Engineer Robert Costa stated that as a Borough we need to think about how we can make everything work for everybody. It creates a hardship for anyone who wants to have a business there because they are subject to the adjacent property and they are at the will of that property owner.

**Meeting opened to public.** Motion by John Monroe second by Richard Mehrman.

Attorney Nabbie swore in Calvin Weedo, the owner of the adjacent lot. Calvin Weedo asked if he could put up a temporary barrier because Skender Gjeducakaj is not paying rent. He also asked where the dumpsters would go and how would the fire trucks get through if

the parking was reduced. He said that the applicant doesn't have enough spaces and that they put their dumpsters on his land. He said it cannot work with the amount of spaces they can provide. Chair James Arakelian said he certainly understands his concerns, and that the Board would like nothing more than seeing neighbors getting along and working things out. He also said that what he is getting from the applicant is that nothing can be worked out that they consider fair. He said River Edge is unique because of the fact that we are only a mile square, we are a transit village, and we only have a handful of restaurants. He further stated that it would be an injustice to see a business go out of business because of a parking problem. Calvin Weedo stated that he was not given adequate notice of the meeting. Attorney Nabbie verified that proper notification was given to Calvin Weedo.

**Meeting closed to public.** Motion by Lou Grasso second by Doctor Jeffrey Gewirtz.

All in favor: 6-0

Justin Decrescente wanted to address the access to the rear of the building. He stated that the original Garden State Survey did have additional spaces along the northerly side of the building which would have impacted cars coming around the back of the building. However, the Hubschman Engineering Survey, which is the more current Survey, is what they are going off of. This current survey eliminated spots for that reason, so now there is room for cars to go around. There are only 3 spots on that north side of building now—spots 15, 16 17, 18 and 19 (from the Garden State Survey) have been removed. Second a barricade would probably not be allowed because there is an easement there. Finally he wanted to let the board know that his clients did try to reach out to Mr. Weedo by telephone, but received no reply.

Planner Tom Behrens stated that the ultimate question is can they proceed to operate with the parking spaces they are asking for. If a new owner comes in, they have to come back to the Board. Chair James Arakelian restated that it is up to the current owner to inform the Board by certified letter that there is a transfer of ownership.

Robert Costa asked if there is a conflict of interest because he did work for Calvin Weedo some time ago. Attorney Nabbie said there was no conflict of interest. He stated that there was an easement that was created, and he suggested that perhaps it should be staked out to see where it is. He also stated that he didn't think Calvin Weedo could put a fence up.

Chair James Arakelian stated that if Calvin Weedo is allowed to erect a fence then let him erect a fence and that it should be up to the Courts to decide not up to the Planning Board. He also stated that the fence should not hold up a vote.

Robert Costa said prior to memorialization proper documents should be pulled to see what is written.

**Meeting opened to Public.** Motion by John Monroe second by Michael Krey.

All in favor 6-0

Calvin Weedo stated that the applicant expanded their building on those 3 or 4 parking spaces where the tent is. He also said he knows he can't build on the easement, but he can build on his own property.

**Meeting closed to public.** Motion by John Monroe second by Doctor Jeffrey Gewirtz.

All in favor 6-0

Chair James Arakelian strongly advised neighbors to restart dialogue because no one knows where this deferment is going to go. He urges business people within the town to get together and try and work things out amongst themselves.

John Monroe asked if Robert Costa could take a look at drawing and say there are 17 spaces. Robert Costa said there are 17 spaces.

Review of application – Attorney Nabbie read the conditions - A one year deferment from termination of existing lease with adjacent property owner. The applicant will notify the Board and Board Attorney of date of termination or if business is sold via certified mail. Valet parking will be required when second floor is in use. Deferment will end if the business or property is sold or otherwise transferred. Removal of existing tent and restoration of parking spaces for use by staff. Deferment will be revisited within two years to document parking status and to make sure that the parking situation is working correctly with the loss of the 12 adjacent parking spaces. If at any time in the future, the parking becomes unsatisfactory, the Borough may step in notwithstanding anything contained in the body of the resolution. The Borough must be notified via certified mail if there is a transfer of ownership or the business is sold. The existing easement will be staked out prior to the memorialization of the amendment. The applicant will mark out the existing easement. Applicant will stake out where the property line is and the 5 foot mark is. There is a 10 foot easement to be provided to the Board Attorney and the Borough Engineer prior to the adoption of the resolution.

Motion by Richard Mehrman second by Michael Krey.

All in favor 6-0

**Motion carries**

Adoption of the 2017 Borough Planning Board Calendar with regular meeting on second Thursday, and work session on fourth Thursday, but they can be transferred if needed.

Motion by Richard Mehrman second by Doctor Jeff Gewirtz

All in favor 6-0

Meeting was adjourned at 9:25PM by John Monroe second by Richard Mehrman

All in favor 6-0

Minutes submitted by: Carol Byrne

Approved on: February 23, 2017