BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
September 2, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo - Here
Chairman, James Arakelian - Here
Vice Chairman, Dick Mehrman - Here
Lou Grasso - Here
Ryan Gibbons - Absent
Michael Krey – Here
Eileen Boland – Excused
Chris Caslin- Here
Alphonse Bartelloni – Absent
Dario Chinigo – Here
Gary Esposito – Here

ALSO PRESENT:

Marina Stinley, Esq.
Thomas Behrens, Planner

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about.
Minutes for August 5, 2020 – Motion to accept minutes – Mr. Mehrman, Second – Mr. Krey
Minutes approved.

- **Memorialization of PatDom, LLC, 259 Johnson Avenue, Block 1417, Lot 3** - front yard setback and parking because they were approved some outside seating as well. Outdoor seating is not related to Covid – this is permanent.

Ms. Stinley advises the Board that she did not receive the documentation required in the Resolution from PatDom, LLC the Board can either decide to carry the memorization or the Board can authorize signature of the Resolution upon receipt of the documents and then can go ahead and ratify the signatures at the next meeting. Chairman Arakelian suggests the second option as being the most prudent. Chairman Arakelian suggests the Board ratify the approval and he will hold off on his signature until he receives confirmation from the clerk that everything is in place and then they will ratify the signatures at the next meeting.

Documents that are missing are – Lease documents, valet agreement and the plans for the tent. Councilman Chinigo raises the point that he doesn't see why they just don't carry this to the next meeting. He doesn't feel it hurts anyone one way or another, and he would like to see everything one at once.

Mr. Mehrman also addresses the fact that the plans for the tent were to be submitted to Mr. Costa. Mr. Merhman agrees with Councilman Chinigo to hold off until the next meeting. Mr. Mehrman makes the following motion – PatDom, LLC, 259 Johnson Avenue, Block 1417, Lot 3, that the drafted Resolution be carried to the next regular meeting due to the fact that the applicant has not submitted the requested materials in a timely fashion. Councilman Chinigo, second.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent; Mr. Esposito – yes. This will be carried to the September 16, 2020. No further notices are required.

- **3 New Bridge Road – Food handler's license and parking relief.**

Mr. Mehrman makes Motion - to adopt memorialization - there being no other comments Mr. Mehrman makes the Motion to accept the resolution for a food handlers license and parking relief for 3 New Bridge Road, Block 1303, Lot 4. Second – Mr. Krey.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – (Abstained); Councilman Chinigo – yes; Mr. Gibbons (Absent; Mr. Esposito – yes. Resolution passed

<u>Completeness review</u>

- **Matthew Terhune, 206 Berkley Road, Block 902, Lot 18**, proposal to construct a shed which violates lot coverage and setback requirements.

Ms. Stinley reviewed the publication and notice provided by the applicant and everything was correct, and the Board has jurisdiction to proceed on the application.

Mr. Behrens has also reviewed the documentation and has determined that the application is complete.

Motion to move forward – Councilman Chinigo- so moved; Second – Mr. Esposito.

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. Completeness passed.

- **7-11, 584 Kinderkamack Road, Block 619, Lot 3** – Food Handler's License

Ms. Stinley reviewed the publication and notice provided by the applicant and everything was correct, and the Board has jurisdiction to proceed on the application.

Mr. Behrens has also reviewed the documentation and has determined that the application is complete.

Motion to move to hearing - Mr. Mehrman – so moved; Mr. Krey - Second

Roll Call : Mayor Papaleo -yes; Chairman Arakelian - yes; Ms. Boland (Absent); Mr. Bartelloni (Absent); Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Gibbons (Absent); Mr. Esposito – yes. Completeness passed.

New Business

- 7-11, 584 Kinderkamack Road, Block 619, Lot 3

The current owner of the 7-11 is sworn in by Ms. Stinley. Mr. Manandhar 128 Eagle Avenue, New Milford, NJ. (new owners). No changes are being made they are just taking over the business as is.

Mr.Behrens he has reviewed the prior approval, Resolution and site plan and it appears everything on the site is in accordance with those approvals. Landscaping and maintenance should be addressed to some extent. At a minimum there appears to have been a few trees that have died and are in need of replacement – just sprucing up the property. No other issues with the site.

New owners agree to do the landscaping and sprucing up that is necessary. Chairman Arakelian opens comments from the Board.

Mr. Mehrman requests clarification as to the transfer of the property; i.e property owner or franchisee. He wants to add to Mr. Behrens list after his review of the property today besides the landscaping mentioned earlier, he feels the rest of the property needs a cleanup especially in the dumpster area.

Councilman Chinigo addresses the need to adhere to the noise ordinances especially during the later delivery times. Chairman Arakelian asks the applicant if they will be keeping the delivery and everything else as was previously approved. The applicants say they will keep everything the same.

Motion to open to the public - Mr. Merhman. Second- Mr. Caslin. A message was left asking the Board to make sure the noise stays under control and that the signage is proper. Chairman Arakelian tells the Board that the applicant will have to conform to whatever was approved in the prior approvals and the two things brought up by the Board at this meeting the landscaping and the garbage and they will work with the Planner to make sure that is done properly and the applicants have agreed to that. Signage will stay as the existing signage. Motion to close to the public – Councilman Chinigo, Second - Mr. Grasso.

Motion to move on the application is made by Mr. Mehrman regarding the convenience store changing ownership of the franchise and that the food handler's license be approved for the new operator, there are not site changes, the applicant has conformed to all proper approvals for this site and that the landscaping repair be incorporated and the Board is looking forward to the new franchisee doing a thorough general clean-up to the entire site. Councilman Chinigo, Second.

Roll Call: Mayor Papaleo -yes; Chairman Arakelian - yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Esposito – yes. Completeness passed. Application approved.

- **Matthew Terhune -206 Berkley Road, Block 902, Lot 18- Shed construction which violates maximum lot coverage and setback requirements.**

Applicant was sworn in. The applicant is looking to put an 8 x 12 shed in the southeast corner of his property. Only has a one car garage which and has run out of space for storage. The shed will allow for extra storage.

Mr. Berhens concurs with the applicant's statement; the Board has received a copy of the property survey showing the approximate location of the shed. Being proposed is an 8 x 12 foot shed about 96 square feet. The variance relief that is being requested/required is the maximum approved lot coverage or impervious coverage will be increased 39. 8% the maximum lot coverage or building coverage will be increased to 26.7% where 25% is the maximum and where the shed will be located within four feet of the lot line where the minimum setback is four feet. Mr. Behrens asks the applicant if there are other areas on the property that would accommodate the shed with a four-foot setback in the rear yard. Mr. Terhune states he has looked at other areas, but this is the most ideal spot for the shed. He did note that both his property and his neighbor's property have fences so while it won't be proposed to be setback within four feet there are two separate fences between my property and my neighbor.

Mr. Behrens points out the following – detrimental impacts 96 square feet of coverage and whether or not the shed in the proposed location is an issue or not and that will be for the Board to deliberate.

Chairman Arakelian opens up to the Board for questions. Mr. Caslin would like to know the approximate distance between the house and the shed. Mr. Terhune advises that it is about ten feet which is the issue of him having a four-foot setback.

Mr. Krey inquires as to why the shed cannot be placed in the back right corner. Applicant responds it would just look out of place.

Mr. Merhman – by installing the shed in your proposed location will you be removing any of the large evergreens along that sideyard? Mr. Terhune – Not touching landscaping. Mr. Mehrman asks the applicant what the height of the shed will be. Applicant responds approximately eight feet. Mr. Mehrman would like the applicant to consider planting a screening of evergreen or two perhaps replacing the two bushes that are there now so in a year or two it would hide the projection of four feet or more of the current fence. Applicant's intention is to get matching siding of the fence to the house so from an aesthetic standpoint when you view when you come around Berkley Road it would almost from an appearance standpoint blend perfectly into the house because shingles would be the same color of the house and the siding would be the exact same siding I used on the house. Mr. Mehrman's main concern is screening the shed from view from the street. Applicant agrees to look into ways to screen he shed.

Motion to open to the public – Mr. Caslin – Second – Mr. Esposito. No one from the public is present. Motion to close to the public. Mr. Caslin – Second – Mr. Grasso.

Motion on the application – Mr. Mehrman - 206 Berkley Road, Block 902, Lot 18- Shed construction which violates maximum lot coverage and setback requirements makes a motion that the Board consider approval of the improved lot coverage from 35% permitted to 39.8% likewise the maximum lot coverage from 25% permitted to 26.7% and that the shed in itself have a setback of less than 1 foot approximately 6 inches where the required setback is 4 foot and the applicant agrees to provide some front yard screening to visually block the roof of the shed from the street line. Second – Mr. Caslin.

Roll Call: Mayor Papaleo -yes; Chairman Arakelian - yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey - yes; Mr. Caslin – yes; Councilman Chinigo – yes; Mr. Esposito – yes. Application approved.

Chairman Arakelian updates the Board on the Bergen County Historic Society application. He spoke with Mr. Barrett who advised that he had a meeting with the State and basically it was left off don't call me I'll call you. So, there's some work Mr. Barrett has to do with dealing with the State, the parking and so forth so the Board will just keep holding it in abeyance. As things are right now it is still on hold.

The Mayor announces that Channel 33 on Verizon is pretty much up and running, the cameras are ready to go and Cablevision hopefully will give the Borough a channel so when they return to in person meetings the Borough will be fully live. All work that needs to be done in the Borough is being done and things are progressing as should be. Mr. Mehrman makes a motion to close the meeting – Second – Mr. Grasso

Meeting adjourned.