



**B U R G I S**  
A S S O C I A T E S , I N C .

LETTER OF NONCOMPLIANCE

February 13, 2020

Dominique Teta  
389 Poets Way  
Mahwah, NJ 07430

Re: Borough of River Edge – Zoning Permit Review  
259 Johnson Avenue, Block 1417 Lot 3 – Restaurant Use

Dear Ms. Teta,

Your application for zoning officer review to continue the existing restaurant use under new ownership at 259 Johnson Avenue, Block 1417 Lot 3 in the Borough of River Edge, New Jersey cannot be approved as the proposed change in ownership for a use involving a food handler's license requires a site plan application to the River Edge Land Use Board as noted below.

1. In accordance with §350-4E of the Borough Code, *"notwithstanding the provisions of § 350-5B(3), site plan approval shall be required for any building or structure (regardless of its previous use) which is to be used as a restaurant for sit-down service or take-out service or as a fast-food establishment, or any other intended use where a beverage or food handlers' license is required."* **A site plan application to the River Edge Land Use Board is required as the proposed restaurant under new ownership involves a food handlers' license.**
2. The application shall be required to show the number of proposed indoor and outdoor seats to determine the restaurant's parking requirement. In accordance with Section 350-25A of the Borough Ordinance, 1 parking space is required for each 2.5 restaurant seats. Any change in the number of restaurant seats from the current operation shall be confirmed. Any proposed parking not located on the subject lot shall be included as part the Land Use Board application with sufficient public notice. Any further deviation from the Borough's parking requirements and/or prior site approvals shall require variance relief.
3. Any site plan application to the Land Use Board should include a description of the proposed use including, but not limited to, hours of operation, number of employees, number of seats, and a floor plan of entire building and any outdoor seating.
4. Any proposed site improvements or easements shall be indicated on the site plans. Parking and circulation shall be appropriately striped and indicated on the site plans. Any proposed changes in building coverage, improved lot coverage or setbacks, among other considerations, shall be subject to review and compliance with Borough Ordinance standards. Any deviations from Borough Ordinance requirements or prior approvals shall require variance relief.

5. Any proposed signage shall conform to prior approvals and/or Chapter 416, Article X, Signs and Signage in the Borough Ordinance. Alternatively, variance relief may be requested for any proposed signage deviations.

You may appeal this decision to the River Edge Land Use Board should you believe that your proposal does not violate the aforementioned Borough Ordinance provisions. Alternatively, you may submit a site plan application to the Land Use Board per the aforementioned food handler's license requirement, including a request for any variance relief, and/or design exceptions, as determined to be necessary. If you wish to appeal and/or apply for a variance, please contact the River Edge Municipal Land Use Clerk at 201-599-6307.

Should you have any questions about this matter, please do not hesitate to contact me at 201-666-1811.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Tom Behrens', written over a horizontal line.

Tom Behrens, PP, AICP