

BOROUGH OF RIVER EDGE
LAND USE BOARD
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 7, 2018

MEMBERS PRESENT:

James Arakelian, Chairman
Lou Grasso
Richard Mehrman
Michael Krey, Alt. 1
Mayor Edward Mignone
Eileen Boland
Chris Caslin

MEMBERS ABSENT:

Vito Acquafredda
Dr. Jeffrey Gewirtz

ALSO PRESENT:

Tom Burns, Planner
Robert Costa, Engineer

Minutes Prepared by
Dorothy Bernice

Following the roll call the Arakelian asked for the approval of the minutes of January 3, 2018. It was pointed out that James Arakelian is listed incorrectly as the Secretary and Chairman and he should only be the Chairman. Also Both Mr. Burns and Mr. Chewcaskie were not present at the meeting but had substitutes. It was also pointed out that the minutes called on the Planner to submit an annual report for 2017 and since no report has been submitted, it was asked that the minutes record that the report has been requested. Caslin said that he wanted to clarify that on page 2 of the minutes that he did not work for the applicant but that the company he works for represents the applicant. The minutes were moved for approval as corrected and approved.

Mr. Mehrman moved the Memorialization of the Resolution for the Estate of Tamburelli, Mr. Krey seconded:

James Arakelian	Yes
Eileen Boland	Abstain
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Abstain
Lou Grasso	Yes
Chris Caslin	Recused

The memorialization was approved as presented.

The next order of business is the completeness review of Michael & Jennifer Tota of 143 Valley Road, Block 1101 Lot 25. It was moved that the application was complete by Mayor Mignone and seconded by Mehrman.

James Arakelian	Yes
Eileen Boland	Yes
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Yes
Lou Grasso	Yes
Chris Caslin	Yes

Arakelian advised the Tota's that their application was deemed complete and they would be heard in a few minutes.

The next completeness application was for John Manocchio, 824 Summit Avenue, Block 206, Lot 15. Ms. Boland said she had to recuse herself as she has property within 200 feet. Mayor Mignone moved that the application was complete and it was seconded by Mehrman.

James Arakelian	Yes
Eileen Boland	Recused
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Yes
Lou Grasso	Yes
Chris Caslin	Yes

The resident was advised the application was complete and they would be called up on later.

The Tota's were recalled to present their application. Michael Tota testified that he worked in the schools system for 18 years and has lived in the house at 143 Valley Road for 14 years. He said he loves his neighbors and the town which he and his wife have volunteered in for many years. Jennifer Tota testified that she had a large family which comes to their house for every holiday. What they wanted to do was modernize their home by squaring off the back of the house.

Zoning Officer Skerbitz commented that the three variances that were required were deminimus.

Mehrman commented that it looked to him like the house was a ranch style house and the plans submitted squared off the kitchen area. The applicants agreed with that. Mehrman then questioned the use of the office that would be located over the garage. Jennifer Tota testified that she had a job at Memorial Sloan Kettering Hospital which required her to be on call for work and that she often has conference calls and the like which she has to do when she is not in her office in the hospital. Mehrman asked if the office would need extra parking and he was assured it would not. He then noted that the rear property line followed the wood tie wall but the fence seemed to encroach onto Borough land. He stated that if he moved the application he would ask the residents to move that fence onto their own property. The attorney read the language that she had used for moving the fence and Mehrman said it was okay. The applicant said it was an old fence and it helped keep the wild life on the flood land and not in their yard. They said they did not have an objection to moving the fence. The attorney noted that the letter of

denial only mentioned two variances and yet he stated that there were three. Skerbetz said that there was a corrected denial and that three were actually needed. Mehrman moved the application with the stipulation the fence had to be moved off of Borough property and Mayor Mignone seconded it.

James Arakelian	Yes
Eileen Boland	Yes
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Yes
Lou Grasso	Yes
Chris Caslin	Yes

The Mayor then asked for a five minute recess as he was asking for the Board to pass a resolution on this application tonight.

Upon returning to the open session Arakelian asked if everyone had a chance to read the resolution as prepared by the attorney and if there were any questions. Mehrman asked if they were to vote on the resolution now and he was advised that they were. Mehrman moved the resolution and Caslin seconded it.

James Arakelian	Yes
Eileen Boland	Yes
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Yes
Lou Grasso	Yes
Chris Caslin	Yes

Arakelian reminded the applicant that the memorialization would be published sometime next week and they had 45 days in which someone could object to the resolution. Building plans had to be submitted and when approved they could begin before the 45 days but it would be your responsibility if someone objects.

The next application to be heard is from John Manacchio, 824 Summit Ave., Block 1405; Lot 3 front portico variance is being requested. Arakelian noted that Eileen Boland owned a home in the 200 Ft. radius of the application and had gone to sit in the audience as she recused herself. Manocchio testified that he and his wife wanted to put the front portico on the house to beautify their home. Skerbetz

commented that the reason this application was denied was because it was over the permitted square footage of 35 feet. The Manachio's plans call for 40 square feet. Mehrman noted that there was no impact on the side yard. No other board members had any comments. Robert Costa who is the Planner for the town and also a resident who lives in the 200 foot radius of this application commented that these were outstanding neighbors and if he could vote for approval of their application he would. Mayor Mignone moved the approval of this application and Krey seconded. The Board unanimously approved the application. Arakelian then asked for a five minute recess.

The board returned at 7:30 pm and Mayor Mignone moved the approval of the resolution as submitted by the attorney with a second by Krey.

James Arakelian	Yes
Eileen Boland	Recused
Richard Mehrman	Yes
Michael Krey	Yes
Mayor Edward Mignone	Yes
Lou Grasso	Yes
Chris Caslin	Yes

Arakelian reminded the applicant that the same provisions applied to this application as with the previous approval regarding the 45 days after the publication.

At this point Arakelian thanked Skerbetz for his attendance and asked Robert Costa to come and take his seat. He also welcomed Boland back to the dais.

The Chair said that the next order of business was the major site plan application ILBJ, LLC, 335 Johnson Avenue, Block 1405, Lot 3. Frank DeVito came forward and said that he had been before the board for a subdivision some time ago and this application was for a two story structure of 14,867 square feet with a parking area.

He called his first witness which was John Montoro of Montoro Architectural Group located in Saddle River. The board accepted Mr. Montoro's qualifications as he has testified previously. Montoro explained that the plans he would be using in his presentation were the same as the plans that were given to the board except they were colorized to enhance his testimony and make it easier for the board to understand the topography of the site. He explained that there was

a 5' retaining wall which holding up the property located on the property in question which will be eliminated if the proposal is approved. He said the topography of the property was not flat and it would not be practical to make it flat so they were proposing to construct a split level building with one level down from the street and one level up from the street. They were proposing pushing the building to the rear of the lot so that the parking lot could be located in the front of the building on the existing grade. He said that rear parking would become confusing to people as they would not know how to enter the building. Both levels of parking are handicap accessible and to each other. He said that the building abuts the property line on the side yard and the property owner has been contacted and they are onboard with the current plan. The total square footage of the office space, hallways and section where the cafeteria might be totals 14,867. The modern stone and metal exterior will feature two signs. One will be in the front and the second in the rear of the building. The front wall of the building is 1,200 square feet. The front wall sign could be 120 square feet but the two proposed signs will be less than that. Montoro continued that the signs are readable and therefore not a safety problem. There is a small area with tables and benches in case the occupants want to eat lunch outside. He summarized by saying that there would be no detriment to the neighborhood and by taking down the wooden retaining walls it will make the area look better. He said that the modern design of the building compliments the surroundings. The height of the building is less than allowed and he thought it was a great project.

Arakelian then called on the town planner, Robert Costa. Costa questioned if the architect had reviewed his letter of January 6th. Montoro commented that they had addressed the comments that were made in that letter. Costa noted that what had been previously marked for a specific tenant was just marked retail space and he questioned where the delivery area would be in the new plan. Montoro commented that the delivery area was still in the basement. There was also a question about the dumpsters and the board was advised they would not be visible from the exterior. Costa noted that he believed the project would need a soil movement permit. Montoro said it was in the plan to submit one. The board questioned whether Montoro had actually read the redevelopment plan as this particular site is not an area of redevelopment. The Board member said that he felt that this project was not conducive to the neighborhood setting and that the parking would make it look industrialized. Montoro said that the parking would not be visible from the street and that was not the board members opinion. Mehrman also questioned if emergency equipment had accessibility to the building. The board determined that the ramp did not have the height to allow the equipment egress from the building. The next question was regarding the signage in the rear of the

building. It was pointed out that the lot to the rear of the building was empty and once there is something built there, the proposed signs will not be visible. Montoro testified that the lot has been vacant for 40 years and there are no current plans for this property. He said he had to work with the existing conditions not what may happen in the future because it may never happen. The mayor asked the comparison of the height of the existing structure to the proposed and Montoro said the structures would be approximately the same height. It was pointed out that the applicant has to replace three trees and they agreed. It was suggested that the applicant contact the tree commission. The board then pointed out that the applicant is proposing two large signs on the parapets in the front and rear of the building and two smaller signs on the lower level. The one in the rear is below grade and useless and the one in the front is unnecessary so I am asking that the smaller sign be removed. Montoro agreed that the sign in the rear could be removed but he felt that the sign in the front was directional. Mayor Mignone said it his opinion the sign on the rear of the building should be eliminated as you could only see it if you were riding westbound on Route 4. Montoro was asked if the parapets would provide sufficient coverage for the utilities and he advised they would. He was reminded by the board that if the use changed to something that required food handling, the applicant would have to return to the board for a site plan approval. Boland asked if the signs would go off at 11 p.m. and she was told they would and Montero said it could be made part of the resolution. Montoro responded to question about the signs by stating they would be individual letters that were internally illuminated. In response to night security for the building he said there would be lighting and it would be open just as the other buildings in the zone were.

The next witness was Brian Shortino who gave his credentials and was accepted as an engineer to appear before the board. Shortino commented that the project had been summarized by the architect. He said his office did the civil engineering on the site which included the drainage, landscaping, lighting, and grading. He spoke about the connection to the laterals on Johnson Avenue. He testified that he had incorporated Costa's suggestions for the inlets that would go into a retention basin and overflow that will be built. The owner of the building currently uses the Grand Avenue lateral which is on the southeast corner of the property. He has never had a problem with this and is requesting to be able to continue using it. They are adding lighting along Johnson Avenue and there are detailed landscape plans which are shown on the colorized plans. A board member commented that the original loading zone was 22 feet and the new plans showed an 18 foot one. He was advised that because the delivery trucks would be small the smaller space was designed. Shortino advised that he had complied with Costa's

request for turning ratios. Costa commented that he did not want the building to tie into any existing laterals. It's a new building; it should have its own new lateral. Costa also commented that with the retaining wall being taken away when the neighbor has its parking area plowed, the snow could be dumped onto the proposed parking lot. It was also pointed out that the difference in parking if the lower area became retail there would be a greater deficit. The attorney explained that the applicant would have to return to the board even if the property became mixed use for a site plan approval. There were some questions about the how many employees would be in the building. The board was advised that employees would fluctuate. Costa said a soil movement application has to be done. It should have been in the packets and it is different than soil erosion. The board attorney supplied a form that was dated November 7, 2017. It was noted that he owed \$150 for the soil movement fee. After looking at the application Costa said that the route should be two right turns onto Route 4. That way the soil would not pass any schools. The pump system would have to have a generator to insure it would work. Mr. Merhman asked that a Developers Agreement which would include indemnification so that the town would not be held liable for any water damage that might occur on this property be added to this resolution. A boiler plate of a storm water drainage license agreement will be added to the developer's agreement and supplied by Costa. It was suggested that the streets should be repaved after the sewer is put in.

Professional Planner Lisa Phillips credentials were accepted. She described a series of 8 photos depicting the site from many angles and the buildings that are on the same block. I looked through the redevelopment study but since this site is not in that plan. She explained how she felt the project adhered to the master plan. She said there would be no aesthetic impact because of the parking from the neighboring properties. She said the drainage system which has been discussed would handle the run off. There are some design waivers which are needed. The delivery system would be small vendor vans so the proposal would accommodate the deliveries. 74 parking spaces are required. Most towns would require 65 parking spaces. There are 61 parking spaces on site. Front yard parking is a design waiver. The photographs show the buildings in the area have parking in the front yard. So this kind of parking exists at this time in the area. She said she believed the proposal is in keeping with the architectural plan that the redevelopment plan had suggested for this area. It suggests that office, retail and ancillary establishments be developed in this area which is definitely what this plan offers. Since we are conforming to the suggestions of the master plan, this project would have no detriment to the surrounding area.

Costa said that he did not think the building could be brought into compliance with the board's requests as the ramp is just not long enough. The applicant moved it as far back as they could but still had problems with getting the emergency equipment out. Mr. Devito said they would cut two feet off the building to bring it into compliance. There was a discussion of the ability to vote on the resolution saying the applicant would bring everything into compliance with the two foot shortening of the width of the building. Costa pointed out that taking two feet off the building would change the coverage, parking requirements and setbacks. The Board Attorney said the change would be substantial and would require a return to the board so therefore the application would be carried until March 7th at 7:30 p.m.

Arakalian said in summary the applicant must take care of the dry well; sanitary line; results of the soil testing, streetscape plans including three tree pits, curbs and sidewalks (no lighting); supply the necessary information needed with the reduction in the size of the building (coverage, setbacks and parking); the redesign of the ramps to accommodate emergency equipment. Arakalian said the big issue with the ramp is geometry; we can handle the surface issues and other problems next month. The attorney announced that the application was being carried to the March 7th meeting at 7:30 p.m. There will be no further notice from the applicant or the board regarding this hearing.

Arakalian asked the Board's indulgence to continue the hearings as the next applicant waited quite some time to be heard. The Board agreed to hear New York Mart, 625 Kinderkamack Road, Block 6, Lot 802. Barry, the applicant's attorney said that he had been before the board in September of last year and he asked the board if they had received the letter from landlord. Arakalian said he couldn't understand what the letter meant because it said we should come to an agreement with the tenant and the tenant and the landlord would come to an agreement on what the governing body determined. Does that mean she could act as the agent for the landlord? The attorney for the landlord definitely says that his client is unavailable. There was some question as to the ownership of the building and if a new C.O. was required. The Board Attorney said there are two kinds of conditions which the Board could require. There were conditions which are internal and easily done by the tenant without the landlord's need of approval or there is the condition that carts have to have a special fenced in area adjacent to the doorway. This would require the landlord's approval. The Board questioned whether they could subpoena the landlord. The attorney said they could but do they want to take that action? Could the Health Department issue a Temporary Food Handlers License? This action was also not recommended by the attorney. Costa said there

are some Fire conditions which have not been met. He also noted that there is some non-conformities which should be addressed by the landlord. The removal of trees is a minor issue. The Mayor asked if all the debris that was in the parking lot had been removed and pictures were provided to show it had been cleaned.

It was noted that interior alterations have been done and the tenant's vans have been parking in the parking lot in the evening. One of the Board members read the town ordinance which prohibits the parking overnight unless they are in a garage. There needs to be a site plan to approve. The town wants the store to open up but the town wants the site to be cleaned up. Everyone is getting frustrated that the site is not getting cleaned up and used.

The Board Attorney commented that the application does not have a disclosure as to who the owner is. The tenant said the inside of the market would be ready to open in a month. The applicant would like the sign to be approved. The applicant is just replacing the sign with the same size sign. The board said it would like to include that in the site plan. Arakalian said he would entertain a motion to carry the application and make sure that the tenant has a copy of the site plan with the markings of where the dumpsters are going to be placed. The meeting was opened to the public and no one spoke and it was closed. The Board attorney is going to write to the applicant's attorney to officially notify him that it is being carried to March 7th at 7:30 p.m. If the applicant's attorney is unable to confirm that the landlord will attend he is to notify the board and a subpoena will be issued. The meeting was adjourned.