

BOROUGH OF RIVER EDGE

LAND USE BOARD

MEETING MINUTES

COUNCIL CHAMBERS

July 17, 2019



MEMBERS PRESENT: Chairman, James Arakelian  
Vice Chairman, Dick Merhman  
Michael Krey  
Lou Grasso  
Thomas Papaleo  
Ryan Gibbons

Maryanne Groh, Attorney

MEMBERS ABSENT: Eileen Bolan  
Alphonse Bartelomi  
Chris Caslin

ALSO PRESENT: Thomas Behrens, Planner

Pledge of Allegiance.

Chairman Arakelian- Adequate notice of this meeting is provided by posting on the bulletin board at Borough Hall to the news, the record into submissions by all parts of the town, the same as provided by law scheduling, including the date and time of this meeting. I would like to remind all members of the public that we have three fire exits, one here behind me, over there and one behind you. In addition, we're being recorded both audio and video for purposes of creating a record during the public portion, any member of the public wishing to speak, all they need to do is identify themselves for the record and give their name and address and you can make a formal statement.

Roll call please: James Arakelian, Chairman – here  
Dick Merhman, Vice Chairman – here  
Ms. Boland  
Mr. Grasso  
Mr. Krey  
Mr. Gibbons  
Mayor Mignone

Absent: Mr. Bartelomi  
Mr. Caslin

Unfortunately, the first 13 minutes of the meeting I had no sound – not sure what happened I will start these minutes from where sound begins. Also did not get the name of Ms. Alfano's professional.

New Business:

Mary Alfano -915 Poplar Avenue, River Edge, NJ, Block 106, Lot 8 before the Board to erect an attached Carport – impervious coverage, front yard setback, open space, and side yard setback variances requested.

Mary Alfano - When I started this process in the summer of 2018 my husband was terminally ill. My husband could not help to shovel during a snowstorm or clean off a car. I did the shoveling and the cleaning of the snow off the car. My husband required much care and I was his primary care giver. I needed a place to protect the car from the elements. There was no garage on the property. My husband has recently passed away, however I still need a place to protect my car during the storms. I find the shoveling and the cleaning the car after a storm extremely difficult. My husband's illness of ten years has taken its toll on me. He suffered from Alzheimer dementia. I would find it most helpful to have a carport to protect my car from the elements. Thank you for your kind attention in my case.

Chairman Arakelian – Ms. Alfano speaking for the Board I'm sorry for your loss. Tom – Mr. Behrens – one quick question for the architect for the applicant – you have two sort of rectangles (inaudible) what are they? Architect – you are looking at the site plan Mr. Behrens – correct. Architect – looking at the site plan where there's the mention of 22 feet for a cross hatch – hatching at an angle that's the carport itself, at the back of the house where you see vertical patching that's existing deck, that's not covered. Mr. Behrens – can you just come over here for



a second - these two rectangles – architect – oh I'm sorry – the one small rectangle, the darker square – that's an interior chimney and the other rectangle in back of that in the rear yard is an air conditioner. Mr. Behrens - I'm just going to move down to the variances that are being requested. Let's talk about the justification – you mentioned that the lot is undersized relative to the current zone standards of 75 x 100 feet this lot is at 5500 feet – are there any other features of the property such that would impact the existing front yard situation – for instance I believe the house is set back in a non-conforming location and the carport itself is even set back further. Is that true? Architect – yes that is correct. What you are requiring is a front yard setback of 30 feet, the existing house, the house itself is 24.6 feet that doesn't even include that front platform and step and the carport we're stepping back 1 foot from the front of the house so that's going to be 25.6 feet to make it the 30 feet just really has the front of the car that is pushing on to the rear of the yard. Mr. Behrens – and relative to the house towards the left in this case to the south, it appears to be set back even to the street. Would you suggest that the proposed front yard setback is within keeping consistent with the neighborhood? Architect – yes, it is consistent with the neighborhood even looking at additional homes. Mr. Behrens - With regard to lot coverage – it looks like the area of the carport is not much greater than existing area of impervious coverage that they have now. Do you have any idea or approximation of how much coverage that is? Architect - .8% the additional coverage. Mr. Behrens – how many square feet is that? Architect – about 40 square feet. Mr. Behrens – so again your covering at least a part of an area that is already paved, you're not adding tremendous amount of lot coverage in this case, its 40 square feet. Are you directing the water flow in any particular direction? Architect – we are not – we are not proposing a gutter on that as well. Mr. Behrens – relative to the combined side yard variance 12 feet is required for both yards – your requesting 8.1 in this case the carport will have a 2-foot setback, but my understanding is that the carport will not be enclosed – is that correct? Architect – that's correct it's open on all three sides – Mr. Behrens – so does that make a difference whether it was an enclosed garage in terms of visual impact? Architect – visually since its open and this is of course raised up, it's not going to have the same impact as if you would have an enclosed side up against that adjacent structure - Mr. Behrens – and it won't pose any safety issues? Architect – I don't believe it will pose any safety issues as it is open. Mr. Behrens – so the last question I have is I think that what's being used now is like a temporary canopy or covering if you will, so would this permanent structure (1) be a better alternative from a visual standpoint for the neighborhood as opposed to a tented structure? Architect – you're looking at a tent as what had been previously existing and what's existing now I believe I know had been damaged but was replaced – but in seeing that you're looking at a tent in your side yard and to see something more permanent, a more durable structure and remain open I think is definitely going to be a positive look on that side yard as opposed to a tent. Mr. Behrens – one final comment – I think in general garages and carports are a modern amenity and on this street in particular most maybe a few do not have such features such as this one at the moment and if you were to install a garage at this location it would require variances possibly more than this particular carport. So I think you heard some of the justifications in terms of whatever hardships there may be with the existing conditions and if there are any public benefits of what's being proposed I think that's what the Board needs to take into consideration.



Chairman Arakelian – so carports would generally fall under the same type ordinance as a garage – there's nothing in our ordinances that doesn't allow it is that correct? Mr. Behrens – that doesn't allow carports? Not that I'm aware of. Chairman Aakelian – okay so is that the end of your testimony? Architect – yes, I believe so. Chairman Arakelian – okay I'll open it to the Board – I'll start on my left. Councilman first – I'm satisfied.

Mr. Grasso – I have one question – what is the measurement – the existing driveway how much further to the left is the carport going to be then the existing driveway? Mr. Grasso – it's on an angle as you go further in because its heading south? Architect – its heading further north actually – it's going towards the house. Mr. Grasso – so that two-foot measurement to the edge of the property line that's the area that's the closest? Architect – that's correct – that's the closest and that's at the carport itself then the driveway is just in about six inches which angles further in – Mr. Grasso – so the most it's going to be is an additional is six inches to the left - in addition to the driveway it's going to be an additional six inches? Architect – in addition to the driveway it's going to be six inches to an increase of fifteen inches to sixteen inches because of the angle of the driveway. Mr. Grasso – so the sixteen inches will be in the front – Architect- the six inches would be in the front and the sixteen inches would be in the back. Mr. Grasso - I'm just trying to figure out at what point is it going to be the closest to the neighboring house. Architect – at that point the carport itself is going to be parallel to the property line so that's going to be consistent lines and then what happens is the driveway itself starts at an area about six inches in so 2' 6” in and then as you go back down the driveway toward the rear yard it will increase to a little over 3'. Mr. Grasso – do you know at the part where its closest to the property line what the distance is from that to the neighbor's home? Architect – I guess its six feet – Mr. Grasso – six feet. Mr. Behrens – you know I do have one question – I didn't mean to cut you off – in terms of functionality what's clearance between the driveway and the girder – Architect – the girder and the beam that's going to be running off the front – you looking at height? - Mr. Behrens – yes – the distance from the pavement to - Architect - is 8 feet. Mr. Grasso – I don't have the plan in front of me but did the carport – is it going to have any gutter on it? Architect – no we are not proposing any gutter – Mr. Grasso the roof is flat? Architect – no actually it's a pitched roof – so this way it isn't collecting snow – we want to get a pitch which is about a 4 and 12 pitch so for every 12 inches you go out – you're going up 4 inches – Mr. Grasso – the pitch is in what direction? Architect – towards the neighbor's yard it has to be away from the house. Mr. Grasso – okay so with that six feet of clearance you're not anticipating any rain where its pitched going towards the neighbor's house – Architect – no I don't think there's that much of a run off – and the pitch of the house does run towards the back. Mr. Grasso -okay I'm good. Mr. Krey – have you discussed this with your neighbor at all? Ms. Alfano - Yes. And they have been noticed. Chairman Arakelian – Ryan – Mr. Gibbons – I have no questions.

Chairman Arakelian – Mr. Mehrman – I have a couple. Ms. Alfano, I recognize your need and hardship. I have one concern and that concern is once you exit this residence there's a tendency for this structure to be enclosed and become a room and with that there's also a tendency to (inaudible). I would propose or recommend that your variance for this be granted, that the structure be considered temporary to be removed after you exit the property and that's up for discussion. Mr. Gibbons – could there be something in there stating that it cannot be built further



upon? Because it's obviously going to be a sell able asset to the property to the next people who purchase the property, could you restrict it from being enclosed and being built further upon without a variance? Mr. Merhman – you could recognize you're looking at the plan, its two feet from the property line, it's not ten feet – it's two feet, you're well into the side yard and my experience has been that with time all restrictions tend to disappear okay – especially municipal. Not on purpose so I would recommend that this structure be considered temporary- once you sell or exit the house it is removed. Mr. Behrens – I'd like to throw a few things out there. There are situations the Board can grant temporary variances, I think we should think about the mechanism in terms of – I agree with you and I know that things like that happen where people will add on in the future and so forth so I'm just wondering the best way to do it and my thought is if we're saying that these variances are okay today in a physical sense I think that rational would carry over to the new property owners. So, what might the mechanism be that we can control further – I completely agree with you – but what's the best way to deal with it is my question and enforcement becomes an issue too. Mr. Grasso – I don't see it – if we're granting a variance for the side yard setback for the carport, if somebody wanted to come and put an addition there they would still have to come back for a variance for the setback because this is not granting them to being able to build -Mr. Behrens – I think the concern is that, that would be enclosed without proper approval after- Mr. Mehrman – if I understand your question – answer it as a layman – you can have a deed restriction – which I don't think is needed in this case. There is a property card which I believe maybe is in the municipal office where something like that could be recorded or some other (inaudible) to trigger the Building Department – that Building Department could change five times over by the time the house is vacated. So those are my two points from the legal standpoint – Mr. Behrens – I'm just throwing it out – it's up the Board how they want to – Mr. Mehrman as far as I'm concern I fully understand her need as far as I'm concerned right now you have convinced me that it should remain permanently and I think we can – Chairman Arakelian – So I – as you drive up and down the streets of River Edge Tom and I have spoken about it very briefly the other day there's construction going on almost every street, it's incredible – people are knocking on the door of River Edge quite ferociously – so enforcement actions like this even if we did make it a condition, I think it would be very difficult to follow through down the road and the fact that we're only approving a carport versus a garage where a garage could conceivably happen the way you said where they could turn it into a room or quietly build on top of it – there will be no building on top of a carport and I think we can all agree on that, so my feeling is because it is a carport because it's not going to be a massive structure by any sense and I think it might provide more of a hardship for the homeowner if she has to get rid of it before she tries to sell the house I would recommend that we have specific wording on the approval that it remains only a carport - same enforcement because if they changed the carport it either gets enforced or it doesn't get enforced, if she moves it either gets approved or it doesn't get enforced there's no mechanism to follow through either way. So I think it would be in the best interest of the homeowner if we didn't impose that restriction and we say – look it's a carport and its always going to be a carport, if you want make it garage you have to come back here – if you want to build on top of it-I don't know how they're going to do that but I think you get my point.



Architect – If I may just make a clarification with regard to that cross girder in front the average at the front is about 7 feet (inaudible) slopes to the back about nine feet so the average is about 8 – toward that because the driveway is much lower than the main floor of the house it is at two different levels (inaudible) split level if you were going to enclose that so now if you're looking on how you are going to do the structure in getting into the house which is something we had discussed so that you would have direct access in – you would need a platform, you would need steps getting in – that's not a convenient way of doing it. Structurally we're putting this on posts so physically you would not be able to support a second floor (inaudible) either way you would have to come back before the Board because it's an enforcement issue - Chairman Arakelian - my biggest concern is that it doesn't fly away tonight- Mr. Mehrman – I don't think that's a 100% true – I don't think what you stated is 100% true. Because I could simply put another column in that in that long girder and make it work structurally – sure. Architect- then if you're putting in – Mr. Mehrman cuts in – another post – Architect then if you are putting in another post then you would need a building permit in order to do it. Mr. Mehrman - that's what I'm afraid of my major fear this will crept into a closed room. Architect – I understand your concern. Mr. Mehrman with the possibility of going up. Architect – it wouldn't be the first time either. Chairman Arakelian -I think if we word the memorialization correctly if anyone were to come in a buy this house or if even she came in to pull a permit for a bathroom whoever the building department person was at the time is going to review what we approved in the past and will do a drive by and make sure it hasn't changed – I think that's the best case for enforcement action – so again to have something to allow a structure like this and then force somebody to take it down – again my own personal opinion it creates more of a hardship then its worth. Mr. Gibbons – I would agree – Mr. Arakelian – I never go against you by the way. Mr. Gibbons -I thinks it's an enforcement issue are we going to keep track of the for-sale records that the property was sold and who is going to go down there and tell them to take it down. This is a hardship here – this is needed but I think putting in the wording like Mr. Arakelian said that this is the only thing that can be done on this property – yes someone can try to skirt the rules but we have this in writing that this is the way it is intended it's going to be a carport and going forward - this property were going to be - it adds value to the property and I would not be for telling the next people that they have to knock it down. Again, it's all about enforcement -Chairman Arakelian – that's only a perk and that will make everybody happy and that's all you want so then it will make everybody happy. I would like to entertain a motion to – anybody else have anything? Okay then I would like to entertain a motion to open to the public – so moved – second – all in favor aye – any opposed any abstained? This is the public's opportunity to voice on this application – anything you want to ask? No one – okay a motion to close so moved - -second – all in favor – aye – any opposed any abstained? Do you have anything else you want to add before we move forward? Tom? Anyone on the Board? Mr. Mehrman – you need a motion. Mr. Mehrman – I'll make a motion that the application for a carport be granted along with the variances cited and that this carport is to remain open at all times and is not to be enclosed or further improved and that this restriction of non-enclosure be recorded within the Borough where it is deemed necessary and (inaudible) to the public officials and not limited to them but such places as the property card whatever record there are so future building department action – Mr. Arakelian – the property card is automatically updated at the time of the completion so that's not an issue and it will



become a part of the record – Mr. Mehrman – okay – do I have second – Councilman Papaleo – roll call - Councilman Papaleo – yes, Chairman Arakelian - yes, Vice Chairman Mehrman – yes ,Mr. Grasso- yes, Mr. Key – yes and Mr. Gibbons – yes. Chairman Arakelian– I thank you – best of luck.

Chairman Arakelian – our next application is Ian and Michelle Bressack, 708 Millbrook Road, Block 305, Lot 40 for a deck extension – Lot & impervious coverage variance. Attorney Groh – sir will you raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you god? Mr. Bressack - We currently have an existing and enclosed deck and we are seeking a variance to attach that portion of the deck to the current side of the house and we are seeking I think its 2% of the property proposed layout to increase that. We do have an undersized lot probably the smallest yard in River Edge if not one of the smallness – we don't enjoy it – it's a sloped back yard that looks kind of back into the park and into someone else's back yard so we want to open that existing closed in deck and extend it to the side of the house that is currently there would not impede on the 25 feet property line or the 7 /1/2 on each side that we are currently restricted to its just connecting the house and we are going to put a slider on that existing portion of the house that would connect the deck for us to walk around and go to the kitchen so our backyard would basically be our deck. Chairman Arakelian – Not uncommon in River Edge. Mr. Bressack - But when we bought it, it was a great idea but now we want more space.

Chairman Arakelian – Mr. Behrens- So as you heard from the applicant there are two variances – one for maximum lot coverage they're over about 2% which translates to approximately 113.5 square feet and they're over about 2% also on the maximum approved lot coverage which includes impervious surfaces in addition to the structure itself – so again I pointed out the area that the area you are going to remove and replace or a portion thereof is going to be enclosed which means it will have walls and a roof so what you are proposing is essentially open air with railings - Mr. Bressack – correct its dilapidated and it's an eyesore. Mr. Behrens – it needs the setbacks as far as I've been able to calculate -you mentioned you have a sloped yard so from your main living level to let's say the backyard – what kind of distance are we talking about? Mr. Bressack – from the extended part of the house? Mr. Behrens – like if you were to go out from – let's say there's a door right here where's the drop to your backyard? Mr. Bressack– probably eight feet. Because if I'm standing in my backyard my house is literally three stories because the back portion that's the extended portion of the house there's a basement with a door that leads right under that and we're going to put some pavers underneath and make that look nice – its crumpled stone right now and not very nice on the eyes – Mr. Behrens and having just the patio is my point is a great distance between the main living level of the house if you were to say just have a patio – Mr. Bressack yes it's like 8 to 13 steps down – it's pretty sloped. We have current steps right now that wrap around that's about five steps but that's even with the door on the side so that's five just to get down to that portion which is the corner of the house. Mr. Behrens – we're talking again about an increase of about 113.5 maximum square feet – you have a depth that's approximately 25x12 just doing some rough calculations if you were to get down to a purported size you would be at 25 x 8 which 8 could be considered a little tight – I guess if you were trying to get a table or otherwise – Mr. Bressack – and I don't think we would be able to



put a slider there I don't think. Mr. Berhrens – so it may reduce your options so a general question we would ask is why can't you conform and that may be one justification to other considerations the test or the criteria for granting a variance relief is one and I know you heard it before - you have an undersized lot the width being 56.75 feet with a requirement of 75 feet and also you have a sloping yard that creates that distance from the main living level to your backyard and the other test is rather what is known as the public benefits test so is there a benefit in replacing this step and having the project move forward and having it back in that location versus having it enclosed area of the house in terms of viability and impacts or even functionally to neighbors so – I think that's the criteria – so your replacing an enclosed somewhat (inaudible) space in terms of volume versus a deck so does that have any benefits – granted the deck is larger in that space – is there a benefit in that replacement and that's kind of where we're at so I don't know if the Board has any questions at this point in terms again of conformity. Mr. Bressack - I would say again with respect to the hardship the deck is very old I don't know the exact date of the deck, you guys might know more than that - I have a neighbor whose been around for almost fifty years and he says it's been there for as long as he can remember and its showing it. We pieced meal, repainted, we've done everything we can so our next step is to basically tear that down and then we're left with stairs going down to a backyard which is not very much a backyard – it's kind of where we are at. Chairman Arakelian – Tom – Mr. Papaleo – Sure – certainly your neighbors have been noticed – what's been their reaction. Mr. Bressack – positive from the two neighbors who I have spoken to – to the right and left of me. Chairman Arakelian – Mr. Grasso – No I have nothing. Mr. Krey – the new decking you proposed your basically bringing it out so it's in line with the existing - and you want it to be more open visually then whats there now. Mr. Bressack – correct. Mr. Krey – some sort of a site line (inaudible) is going to Mr. Bressack – the way it looks now the enclosed porch and then the bump out so no one can really see the center of my house even if you walk by the side you're still seeing the enclosed porch. I guess what you would see is an extra two feet. (Inaudible). Mr. Gibbons – I have no issue. Mr. Mehrman – did I see a set of stairs going to a lower level? Mr. Bressack – yes- Mr. Mehrman – that's going to be decked over? Mr. Bressack– we're going to redo that and those current stairs now will be the steps up to the deck. Mr. Mehrman – so you'll still have a means of egress from the basement? Mr. Bressack – yes. Mr. Mehrman – okay – no further questions.

Chairman Arakelian – these applications that are 2%, 3% I like to have the council maybe revisit in the future and maybe allow us some latitude with our zoning officer to look at this project and instead of coming up here for a 2% addition maybe give our professional a little latitude. We've talked about this before at other meetings. So maybe Tom and I will get together and discuss it and see where we can go with that. Mr. Papaleo – do you want this body to make a motion that a formal request be made of council and (inaudible) – Mr. Arakelian – let's do it informality first and we will bounce it around a little bit and then we can always do that because we have to work on the Master Plan as well. It's just when I see these minor variances that are coming before the Board and having to drag somebody up for this when Tom can just use his discretion - again I'm not talking about 10% or not even 5% - 1 - 2% as we talked about before as I discussed with the last zoning officer we have maybe given them a little latitude down the road so he can just make that decision. Mr. Papaleo – so it would be improper for me to speak for the council but for myself I think this is a good idea. Chairman Arakelian – Thanks Tom. Mr. Arakelian – I'd like to



open to the public. Mr Merhman – second – Mr. Gibbons. All in favor – Aye. Any opposed any abstained? Motion to close to the public – Mr. Gibbons -so moved – Second (?) Tom – anything else. I'd like to entertain a motion on this application. Mr. Gibbons – I so move to grant the variances as requested – Chairman Arakelian – do I have a second – Mr. Grasso – second- Chairman Arakelian – roll call please. Councilman Papaleo – yes, Chairman Arakelian – yes, Vice Chairman Mehrman – yes, Mr. Grasso – yes, Mr. Krey – yes, Mr. Gibbons, yes. Chairman Arakleian – Motion passed- I wish you luck – enjoy your new deck. Mr. Bressack – Thank you and if I can ask if you get that 1-% can you name that after us. (Laughter) – It would be the Arakelian Law (more laughter).

Chairman Arakelian – just a little update there are a lot of houses being built, there are people coming in for these types of approvals so I'm going to try to gang everything up for a meeting in August so we don't have two meetings in August so we can enjoy our summer – we'll take that as it comes. I know there has been some talk about the south end of town Downton Avenue structure for non-housing which I think is very positive, it would be a commercial structure I'm not exactly sure of the whole nature so I'm not going to go into – so we are going to have that coming up but I think I have to visit the Mayor and Council first for some relief there. Other than that – I'll entertain a motion – anyone else – Mr. Mehrman – you're switching the meeting dates for August – just be reminded that I am going to be out of town August 16 through the 26<sup>th</sup> . Chairman Arakelin – anybody else have anything? A Motion to close – Mr. Gibbons – so moved, Second – Mr. Papaleo. All in favor - aye. Any opposed – thank you.