

BOROUGH OF RIVER EDGE

LAND USE BOARD

MEETING MINUTES

COUNCIL CHAMBERS

December 4, 2019

MEMBERS PRESENT: Chairman, James Arakelian
Vice Chairman, Dick Mehrman
Lou Grasso
Mayor Elect, Thomas Papaleo
Eileen Boland
Ryan Gibbons
Nylema Nabbie, Attorney

MEMBERS ABSENT: Alphonse Bartelomi
Chris Caslin - Excused
Michael Krey
Ellen Busted - Excused

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 public record of this meeting, if any of the members of the public wishing to be recorded, you need only to identify yourself by stating your full name and address for the record, and you can make your statement and the cameras are there.

Roll call please:

- Chairman, James Arakelian - Here
- Vice Chairman, Dick Mehrman - Here
- Lou Grasso - Here
- Mayor Elect, Thomas Papaleo ó Here
- Ryan Gibbons - Here
- Eileen Boland ó Here
- Alphonse Bartelomi ó Absent
- Chris Caslin ó Excused
- Michael Krey ó Absent
- Ellen Busted - Excused

Chairman Arakelian ó First order of business is the approval of the October 16 meeting minutes and that would be myself, Mr. Mehrman, Mr. Grasso and Mr. Papaleo and that would be it. Although if anyone has any comments, they are welcome to make them. Mr. Mehrman ó Mr. Chairman I have reviewed the minutes and I recommend them for approval. Chairman Arakelian ó do I have a second? Second ó Mr. Gibbons. Chairman Arakelian ó all in favor ó Aye, Any opposed any abstained? Okay Mr. Mehrman ó didn't we also have the October 2nd minutes we just did the 16th Chairman Arakelian ó yep I didn't even see those ó Mr. Mehrman ó shame on you. Chairman Arakelian ó so that would be the October 2 minutes as well. So that would be Mr. Mehrman, myself, Mr. Grasso, Mayor Elect Papaleo, Ryan Gibbons and Mr. Krey. Anybody have any comments? Mr. Mehrman ó No Mr. Chairman and I'll recommend that the October the 2nd minutes submitted be approved. Chairman Arakelian - Do I have a second ó Mr. Gibbons. All in favor ó aye. Any opposed any abstained? I would just like to point out that our Board Secretary ó I can't remember the last time I've gone through several months of minutes without some sort of correction, so we thank you for your accuracy ó you do a wonderful job, so thank you. Mr. Mehrman ó now she can ask for a raise (laughter).

Chairman Arakelian ó so next up ó we'll skip over the Master Plan until the end of the meeting. We'll go for completeness review - Mr. Cha and Ms. Cha you want to come up. Good evening folks how are? Have a seat. So at this point what we're going to do is go over your application and make sure everything is in order and its complete for a hearing. So ó Tom ó Mr. Behrens ó I went over the application ó to be honest I don't have (shuffling papers cannot hear him) ó Chairman Arakelian ó and they're looking to do a driveway expansion, a retaining wall and a fence. Any specific questions on the application from the Board? Okay at that point I will look for a motion to deem this complete for hearing. Mr. Gibbons ó so moved ó Mr. Mehrman ó second. Role call please ó Mayor Papaleo ó yes; Chair Arakelian - yes; Ms. Boland- yes; Mr. Mehrman ó yes; Mr. Grasso- yes and Mr. Gibbons - yes. Chairman Arakelian ó okay folks I'll be calling you back in a few minutes.

Chairman Arakelian ó the next application is Sendai Sushi, LLC -651 Kinderkamack Road, Block 614, Lot 8.02 for a sushi restaurant. Good evening counselor ó Thomas Barrett, Esq. for the applicant. They are looking to convert what was the gift store in the strip mall into a sushi restaurant and Korean and Japanese restaurant. The space has been vacant for close to two years now and my client currently operates a sushi restaurant in Emerson but that area is being redeveloped and as a result he needs to relocate. Mr. Behrens ó I have reviewed the application and I think we have enough to move forward and I say that because I think the applicant (shuffling papers ó inaudible) Chairman Arakelian ó Counselor ó Ms. Nabbie - I have reviewed the notice and it is sufficient and this Board has jurisdiction. Chairman Arakelian ó wonderful ó I'd like to make a motion to move this forward. Mr. Gibbons ó So moved ó Mr. Mehrman ó second. Roll call please ó Mayor Elect Papaleo -yes; Chair Arakelian -yes; Ms. Boland ó yes; Mr. Bartelomi is absent; Mr. Mehrman -yes; Mr. Gibbons- yes; and Mr. Grasso ó yes. Chairman Arakelian ó I apologize I should have asked you ó is the notice and everything in order as well. Ms. Nabbie ó it is. Chairman Arakelian ó I apologize for that. Ms. Nabbie ó no that's quite alright I was going to make that statement at some point.

Chairman Arakelian ó okay so with that Mr. and Mrs. Cha you can come back up again. So welcome. What we like to do in the beginning is to get brief description of what you are looking to accomplish. Ms. Nabbie ó raise your right hand ó you swear that the testimony you are about to give is the truth the whole truth and nothing but the truth? The Cha's ó yes. Ms. Nabbie ó please state your names for the record. Jason Cha ó Hannah Cha. Mr. Cha ó well thank you for having us ó good evening everyone. As outlined in the plans we are seeking a variance for (inaudible because of shuffling) two ordinances One is for maximum coverage and the second is fence height. Just to give you a quick summary/background ó we brought our home about four years ago, and when we brought the home it was a renovated home but what was not done was the backyard. So it was just dirt and they just threw some seed on it and at this point ultimately what we were able to take that up and so we have (inaudible) Adams Avenue ó 269 Adams Avenue which is a sloping street and so as part of that the main thing we needed to do was to build s retaining wall between our house and the house next to us which is (inaudible). So we did that ó its about 3 ½ ó 4 feet retaining wall. We also did retaining wall on the other side but that's more for just in keeping the property line a well as the dirt, rain and movement of (inaudible) over time. So there was cinder block there that was all broken up, that was put in place on both sides about thirty plus years ago, so it was all broken down and moved, so we had to fix that, so that was the priority. So we also leveled out the ground to get rid of the slope because we have two young kids which now gives them a place to play because before that it was declining. The highest part was probably about three feet in levelness, so we leveled it off and so the main part from our house to the home that is lower than us that retaining wall is flush with our backyard. His ground is about 3 ½ ó 4 feet below that and so we want to build a fence there so ó again it's level with their ground so we want a fence there for safety reasons so no one can fall over that and then, on the other side we want to put a fence as well because their home is actually ó by the top of Fifth Avenue ó I guess the maximum from their home to our level is 200 feet and there are trees going over as well. So those are the two main things sir before the Board. So, we want to seek approval for the fence next to the wall and yes also as part of the backyard we want approval for a small patio area. Right now we have steps that go out of the back door ó there's two steps going to the backyard ground. There we want to build pavers and build a patio so that's the backyard situation. Then the front yard we have a driveway that is 11 feet wide and we want approval to expand

that so that we can have two cars side-by-side, also when our (inaudible) come by so we want to be able to park in the driveway and not on the street.

Mr. Behrens ó So Mr. Cha thank you for the good introduction, that was a nice summary of the proposal. So as you mentioned, there are two aspects of the application and I'll begin with the fence and the reason we're here for a variance is as Mr. Cha explained it basically replaced the existing retaining walls with conforming retaining walls, one of the walls is about four feet tall and absolutely needs a fence as required by code which automatically puts the wall above the maximum permitted six foot height and the ordinance isn't really clear in terms of how that six feet is measured. I think in one case the fence is actually on top of the wall bringing it six feet ó I think there's been flexibility in the past that there's been a setback between the fence and the wall, that's there's enough differentiation but when its either directly adjacent to our top, that six foot limitation applies. So in the one case the smaller wall adjacent to the patio is about two feet in height and the six foot fence brings it up to a maximum of about eight feet, I think its lower in some places but about a maximum of about eight feet high. Then you have the other wall which is a height of about four feet and I believe it's a six foot fence on top ó so directly adjacent to the wall would bring it to about the appearance of about ten foot wall which again, they need some type of fencing I think code - I forget I think its 36 inches or Mr. Mehrman ó 42. Mr. Behrens ó so by default they need a safety fence to keep people from falling off of the wall. So that's the one issue and the impervious coverage issue has to do with ó I know they purchased the house where the developer basically maxed out the impervious coverage. They have a driveway and steps out to the backyard, they are proposing a 383 square foot patio in the rear and a driveway expansion of I think a new maximum width of 18.5 feet which increases that driveway from 450 square feet to 762 square feet, which is an increase of 300 square feet ó in total the increase is about 696 square feet on a 6,000 square foot lot. The one recommendation I would have in considering the driveway is that if the Board is inclined to approve the 18 foot and the increase in impervious coverage that they maintain a minimum two foot setback from the property line, its required by ordinance technically, I thinks its achievable here ó it would go into the paver walkway a little bit but it would give the neighbor a little bit more room and again, its a requirement. So, on the once hand with the fence you do have a sloping property, so there seems to be somewhat of a hardship there and then I guess there's just the question of whether or not the fences are impactful or not ó and again, on the one side you absolutely need the fence because of the fall hazard. So I believe in the vicinity of that property there are other retaining walls with fences on top so its not an unusual condition on that sloping property. That goes essentially down from Fifth Avenue to Elm. With regard to the impervious coverage again, the lot's maxed out there's an opportunity to possibly get some additional cars off of the street. I believe you have a seepage pit already as per the survey. I don't think it shows it on this plan. You said there's one on the front too? Mr, Cha ó yes I believe so. Mr. Behrens ó So (Mrs. Cha is speaking but its inaudible) Mr. Behrens ó So if the Board's inclined to approve this to whatever extent that may be something to review to make sure that there is adequate in terms of capturing any additional run-off. In River Edge its common to have an outdoor patio area and I guess a safe entrance into the rear of the house, so I guess its just a question of size- is that additional 383 square feet cause any impact or is it consistent with this home. I think those are the issues at hand. Chairman Arakelian ó To me it looks like there's a significant increase in coverage from what's allowable, 35 is allowable, they started out with 34.7 which is like you said is pretty much maxed out, and now they're looking to get to 43 to 43 ½ so that's a sizeable coverage for River Edge but let's discuss it. I'll start with Ryan. Mr. Gibbons ó So the side ó I'm just trying to get a vision of this so I'll

start with the fencing. I assume the side with potentially a ten foot high fence is the one going toward your downward neighbor? Mr. Cha ó yes. Mr. Gibbons ó so its a four foot retaining wall that we basically had to have to make that safe ó Mr. Cha ó right four foot from the other property side making it flush with our property from our side. Mr. Gibbons ó So its more going to be a feeling of a ten foot fence from their side not technically ó Mr. Cha ó only six from our side ó Mr. Gibbons ó from your side its just because that wall is four feet from the neighbors side. Mr. Cha ó right. Mr. Gibbons ó okay so then have you considered not using a six foot fence ó a four foot fence ó to kind of not have that ten foot space? Mr. Cha ó I guess part of it is ó so we're (inaudible) by 1, 2, 3 maybe 3 ½ portion of another home (inaudible) The home that's directly adjacent to the rear part of our lot, they have a six foot wooden fence. So, aesthetically I think its more aesthetic at this point we do need a wall to your question can it be a four foot ó six foot, aesthetically we did want to cover from our property that wooden fence on the back side of the wall to match the side part of our lot. Mr. Gibbons ó so you didn't want ó Mr. Cha ó to match. Mr. Gibbons ó okay so that's my main question for now. I'm sure Mr. Mehrman has some more questions.

Chairman Arakelian ó I usually like to keep you for last ó Mr. Mehrmn ó go ahead no no. Chairman Arakelian ó go ahead. Mr. Merhman ó I will admit that I am confused. Your drawing shows, I'm referring to the drawing that you had prepared by your mason - shows the remains of a masonry wall on the uphill side which is the west side. It goes from basically ó well along the left side of the residence toward the street for some distance. Is that being replace or is it replaced already? Mr. Cha ó the retaining wall, the new retaining wall was only partially along the property line, so from the rear of our home, the back so that would be the south part -Mr. Mehrman ó so as I look at the house its the right side. Mr. Cha ó right. Mr. Mehrman ó okay. Mr. Cha ó to the right all the way to the back only up to where it says fence. Mr. Mehrman ó okay so that would be a new retaining wall. Mr. Cha ó we replaced the broken down retaining wall, it is now new. Mr. Mehrman ó it's already in place? Mr. Cha ó yes sir, we got the approval for that. Mr. Mehrman ó you got the approval for that okay. Mr. Behrens ó that was done by permit. Mr. Mehrman ó okay that's fine it was part of my confusion Now your drawing as I said shows remains of masonry wall again on the right side from the end of what you just stated was replaced towards the street and it doesn't give the extent as to where it ends towards the street. Is that remaining in place or is that being replaced? Mr. Cha ó those were removed but not replaced. It was only replaced up to - so from the back up to where ó Mr. Mehrman ó I see that. No we're going beyond that towards the street. The drawing says ó remains of masonry wall. What's happening to that wall? Mr. Cha ó So, those were broken down and so those are cleaned up but not replaced. Mr. Mehrman ó so you're requesting to replace that wall? Mr. Cha ó no sir. Mr. Mehrman ó okay so fine. So it stays as is. No let's go over to the other side. The downhill side. Are there any new walls proposed along that property line? Mr. Cha ó no new walls sir. Mr. Mehrman ó they're already in place. Ok Now ó lets stick with the walls. Chairman Arakelian ó one second ó were those walls put up by the builder of the house or were they there previously? Mr. Cha ó The builder of the house left ó Mr. Arakelian ó So those are previous walls. Mr. Cha ó right but what we did was replace them now because we already received the permits for the retaining walls ó Mr. Arakelian ó so they are all replaced. Sorry (to Mr. Mehrman). Mr. Mehrman ó No, no so now you know why I was confused and I still am. Let's talk fencing along that side. From the ground to the top of the fence, lets look at the left side, excuse me lets look at the right side which is the uphill side. How high is the fence itself from the ground to the top of the fence that you're proposing. Mr. Cha - from the ground - Mr. Mehrman ó to the top of the fence forget about the height of the refill

ó Mr. Cha ó It will be about eight feet. Mr. Mehrman ó so you're looking for an eight foot side yard ó Tom what's the max along the side yard? - six? Mr. Behrens ó Six and if its the length that your talking about next to the patio I believe ó Mr. Mehrman ó its the right side. The west side. So your requesting eight foot fence ó Mr. Cha ó there will be a six foot fence from ó Mr. Mehrman ó we want the fence height ó so your talking an eight foot high fence and that fence would extend from where to where? From the rear corner? Mr Cha ó yes rear corner ó Mr. Mehrman ó all the way to ó Mr. Cha ó to where the wall is. Mr. Mehrman ó okay ó Mr. Cha ó May I distribute these photos. Chairman Arakelian ó let the attorney mark them as evidence. Ms. Nabbie ó I'll mark them as A1. Why don't we do this ó we'll mark the first set as A1 ó they being all the same photos and am going to ask you what these photos depict, who took them and when they were taken and we'll go from there and bring up the rest. Mr. Cha ó okay so those photos were taken today and my wife asked me to pick them up on my way home from work - so they're hot off the presses. So Mr. Mehrman ó to your questioning ó that's the right side of our property line ó Mr. Mehrman ó I'm looking at the up hill side. The west side. Mr. Cha ó So that's the existing wall. Mr. Mehrman ó So this is the wall that has been replaced basically in the back yard. Mr. Cha ó That wall basically comes up to where their property ends and where we begin, so theirs is about two feet higher than our property so that's the wall. You will notice that there is a whole bunch of trees on the other property's line, their property continues to slope upwards where their home is actually twenty feet higher than where the wall is, Their trees are approximately ten to twelve feet higher the wall. Even with the ó the reason why we wanted a six foot fence on top of the level of the wall was again ó their property with the trees will far exceed where the fence is and for aesthetic reasons we do want to try to cover some of that. They said they planted them maybe 10/20 years ago and they have become pretty big and so that's really what we are dealing with on the west side. Mr. Mehrman ó so can I paraphrase what you just told me. Mr. Cha ó please. Mr. Mehrman- Normally we permit six feet high side yard fences and you're requesting to put in an eight foot high and the reason you want that is you really don't want to look at this ó I'll be kind mess. Mayor Papaleo ó I'm confused ó I thought you said the fence is six ó Mr. Mehrman ó No ó six is permitted ó Mayor Papaleo ó yeah no this is where I think its confusing. Is the fence itself six or is the fence itself eight? Chairman Arakelian ó so it's a combination of the wall and the fence ó Mr. Cha ó which makes it eight. Mr. Mehrman ó okay ó so you want to put a six foot high fence there? - Mr. Cha ó yes sir on top of the wall ó Mr. Mehrman ó okay which is good ó Chairman Arakelian ó It's just going to have the appearance of eight because it has the wall underneath it. Mr. Mehrman - So as far as I'm concern he does not need really need a variance for the fence ó the fence is self standing. Mr. Grasso ó is the statute that it has to be six foot from the ground or it has to be six foot? Mr. Behrens ó The dominance is not very clear so, there are two parts to this one is the yard regulations of the ordinance which talks about ó it says ó self supporting fences and walls may project into any required yard area provided that any accessory retaining fence or wall is not higher than allowed per the section that allows a maximum fence height of six feet. Typically they way that would be viewed is that again, when there on top of each other they would be viewed in conjunction. If there was a setback there would be a little more flexibility. If you don't think there is ó Mr. Mehrman ó So you're saying that your interpretation is that the fence height I added to the wall height to give you a total height. Mr. Behrens - It's not explicit in the ordinance but typically it would be viewed as such. Mr. Mehrman ó I've never seen that before in various towns. Chairman Arakelian ó the only thing that I'm going to interject here is with Mr. Behrens is saying, whats to stop from somebody from putting up a five foot wall and then putting up a six foot fence on top of it if you're not going to go from the base of the property to the top of the fence so realistically even though its a six foot fence, its being elevated

by a two foot wall which we don't have an ordinance for so when you are putting it on top of it I can see where Mr. Behrens would think that a variance would be required otherwise again, I'll put a six foot wall up and put a six foot fence on top of that and I only have six foot fence. Mayor Papaleo ó it has to be the obstruction. Mr. Gibbons ó but technically this fence is not going on top of the wall. It's going on the other side of the wall. Mr. Behrens ó on the one hand it is actually going on top because the wall runs along the property line and you can't have it below that so ó Mr. Gibbonsó so it's actually going to be into the concrete or whatever these stones are. Mr. Behrens ó the one is actually going to be on top of the wall, the one on the west side, the smaller wall ó its going to be on top and that's the one in my opinion impacts really them, it doesn't impact the neighbor so much. The other one I believe is going to be adjacent to the wall not directly on top of the wall. Admittedly it is not perfectly clear so ó Chairman Arakelian ó I would err on the side of caution if we are going to grant that relief that we grant it as such with the height. Mr. Mehrman - So your proposing a six foot high fence ó vinyl okay which will be mounted on top of this wall ó alright ó under the circumstances I agree that its aiding a function of screening purposes - alright so much for that. So if there is a variance involved on that section I have no problem - okay I'm not going to go into further discussions about measuring ó Mr. Behrens ó one of the reasons we're discussing this too is that they had to come for the impervious coverage variance anyway so the issue becomes if they come in for a permit down the road this may or may not become an issue ó so they're here anyway so if we determine that there is relief necessary this helps them in the future. Mr. Mehrman ó so let's go to the other side the downhill side you have a wall up there already ó are you putting a fence there also. Mr. Cha ó yes sir from the back corner up to where the AC units ó so the proposal is to put a fence wrap it around. Mr. Mehrman ó so that fence is going to be mounted where? On top of the wall or behind the wall? Mr. Cha ó it will be on our property our side ó Mr. Mehrman ó behind the wall? And how high is that proposed? Mr. Cha ó six feet. Mr. Mehrman ó so a six foot high fence Mr. Behrens is permissible on the side yard. Okay so the only issue with fences we have right now is the height on the uphill side. Are you fencing in anything else? Mr. Cha ó so the vinyl fencing will continue to wrap around until the back. Mr. Mehrman ó and that's going to be mounted where? Mr. Cha ó into the ground.

Ms. Nabbie ó Mr. Mehrman ó if I may just interject for a moment the applicant just handed a series of photographs that are all thr same and I have marked them A2 ó do you want to describe what these photos are intended to depict? Mrs. Cha ó This is our backyard if you look over to the left that's our neighbor who is lower than us and the ground is rock at this point (inaudible Mr. Mehrman speaking at the same time) Mr. Mehrman ó So your proposing also to put a six foot high self standing fence along the rear of your property line okay. So you are going to screen out an existing fence ó okay, no problem there. Chairman Arakelian ó and that's your neighbor's fence the green fence? Mr. Mehrman ó No that's a board a batten (everyone speaking at once) Mrs. Cha is speaking (inaudible ó Mr. Mehrman speaking with at the same time) Mr. Mehrman ó okay that takes care of fencing and walls. Imperious coverage I believe you have according to what I have heard 34.7% of coverage right now before you do anything and your planning on putting in additional impervious which is a driveway width increase and a patio roughly three foot square in the backyard and that will take you to what percentage? I think you said 43.5. Alright percentage wise you're (inaudible) my personal threshold under this scenario I'm not really worried. The driveway drop curb which is the curb that you come onto the driveway with. Is that 18 ½ feet now or are you proposing it to be 18 ½ feet? Mrs. Cha ó I'm sorry the curb itself won't be increasing. Mr. Mehrman -your new pavement where it meets the curb is 18 ½ feet on the drawing. Is that going to

be the new opening of the drop curb? Mr. Cha so can we asked Steve our contractor to join us? Mr. Mehrman okay we have to swear him in now. Ms. Nabbie please raise your right hand. Do you swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth? Please state your full name for the record.

Steven Slackman, president of Steve's Masonry 30 Sephar Lane, Chestnut Ridge, New York. Mr. Mehrman Steve, are you increasing the width of the drop curb? Mr. Slackman yes. Mr. Mehrman and the new drop curb your proposing 18 1/2. Mrs. Cha no I'm sorry Steve actually isn't going to do the driveway, but we're not increasing the curb Mr. Slackman the curb cut is remaining the same. Mr. Mehrman the curb cut does not change. That's all I need to know that was my question. Mr. Slackman if I can provide any clarification Mr. Mehrman so he does the pavers and the wall okay. So we established that the curb cut remains as is and all you're doing is putting additional impervious area to park vehicles. Okay so we have no issue with the curb cut. Mr. Arakelian and the driveway will be made of pavers or asphalt? Mr. Cha asphalt. Mr. Mehrman and that roughly for the Board's edifice their showing 18 1/2 wide pavement and that's just about what you are going to have at a minimum to get two cars side by side so, we really can't reduce that - its not excessive let's put it that way. Mayor Papaleo right now they have two car capability and they are asking for four car capability. Mr. Mehrman I guess I'm no longer confused. Chairman Arakelian just for clarification when you said the 43.5 percent coverage was that within what Mr. Mehrman my personal it's at my personal threshold. I'm not going to pull out a couple of pavers to Chairman Arakelian okay so your goo? Mr. Mehrman I'm good. Mayor.

Mayor Papaleo So um. I agree with the fencing. I don't have any issues with the fencing. I think the fencing is practical and reasonable. I do have some concerns about going from 34.7 to 43.5. For me, my personal limit would be 42 that's 20% above the Borough's ordinance. The real issue for me is and correct me if I'm wrong and certainly elaborate if you like, but its a bit of a slope on that street Mr. Cha yes, it is. Mayor Papaleo so you're asking to go to 43.5 on a street that already has rather dramatic slope so, my concern is that's a lot of water moving down the street on a normal day, but by going up more than 20% from the Borough's ordinance I'm concerned for your neighbors, the neighbor next to you on the east side and the neighbor after that on the east and the neighbor after that because you are increasing impervious coverage in the back of the yard and in the front of the yard and I feel free speak to it but I'm not really comfortable going more than 20% on a street that slopes so greatly when it could have very obvious negative impact on your neighbors two, three four lots down. So, I haven't decided how I'm going to vote on that but feel free to talk to that. Mr. Cha sure I'll try my best (chatting among each other) Mr. Slackman comes up to speak.

Mr. Slackman On the site currently we installed the new retainer walls, using when installing retainer walls you want to put gravel behind the walls. We installed perforated piping so in theory any water that rakes the pressure ff the walls an keeps the water moving. In the past the walls that were there were failing walls so there was no drainage in place to absorb to pick up any of the water. So now were in the plus now. We put in the new walls with perforated piping and gravel so the water can perforate into that gravel, so the only different institution is theoretically the water at its highest where the patio is will migrate across the property theoretically that water would go into the gravel Mayor Papaleo that would be in the backyard? Mr. Slackman yes. Mayor Papaleo what about the front yard? Mr. Slackman the front yard - the wall does continue from the back yard all the way towards the road it

becomes minimal with the elevation of the wall as it approaches the front road ó there is a drainage system all behind the whole wall which was discussed. Mayor Papaleo ó so you're saying because it doesn't show on either one of the documents we have, you're saying there's drainage from the rear of the property all the way to the curb - - not the curb, the sidewalk. Mr. Slackman ó yes perforated schedule 35 piping with gravel behind the whole wall. Mr. Mehrman ó that's behind the wall. So it's not the whole length of the property. Mr. Slackman ó no the wall starts in the back property and it comes all the way out to the sidewalk pavers. Mayor Papaleo ó So, can you please just come up for second ó you're saying we have perforated pipe from here too here ó well that actually leads me to two more questions. So, if that's the case aren't you going to be covering that up when you widen the road? Mr. Slackman ó there's a 2 point setback you guys are between the retaining wall ó okay so that's not on the plans ó we talked about it about it hasn't been ó Mr. Slackman ó assuming that we can leave 2% and put some type of river rock stone or something. Mayor Papaleo ó so that would mean you're not widening it to 18.5 you're widening it to 16.5. The curb cut is going to remain the same but if we can shift it over two feet to the right possibly, making it 18 ½. You really need that nine at least nine feet to have two cars side-by-side. Mayor Papaleo ó so your suggesting a compromise if the rest of the Board is interested in this - is that we shift this two feet to this two feet and that way we can maintain the piping that is already there and its usefulness. Mr. Slackman ó yes exactly right now there's grass there but on that two feet what I can do is put perforated rock stone over there between the wall river rock stone and then the driveway just to make it look nice, and the water will percolate into that. Mayor Papaleo ó we'll that certainly helps a lot. Now, I don't see on these plans nor did I read it, I'm not an expert in this area ó you say there's a seepage pit, but its not listed anywhere ó it doesn't seem that we have evidence of it. Mr. Cha ó so my wife saw the architectural plans which I believe is on file here in this building and we did retain a copy of it ó Mr. Behrens ó I can vouch for it ó they did come to look at the approved plans for when the house was built and it showed a seepage pit in the ó somewhere in the vicinity of the patio. I believe because the property has since been leveled a little bit, that it may be underground which is okay because its a subsurface structure ó I haven't seen it myself I believe that of it was a condition of approval ó I don't appear to assume anything but ó it probably was reviewed at some point internally by the Building Department. Again, I haven't seen it myself. Mayor Papaleo ó so when we put the patio in there would be a requirement that leader pipes not get covered by the patio ó is that correct? Mr. Behrens ó well the way that it works from the roof there's a gutter and the leader pipes that go to this basically a bin ó Mayor Papaleo ó so its feeding from the house? Mr. Behrens ó yes its feeding from the house not from the patio itself. The roof drainage. As far as the patio goes, the back yard is fairly level so it pretty much drains onto the backyard with minimal slope. Chairman Arakelian ó I'm just going to interrupt this for a minute with a quick question. So you got the water trending down toward the wall, that has the piping in it and the gravel and when you have the water percolating into the ground where does the water go from there? Mr. Slackman - the water will percolate into the ground. Chairman Arakelian ó I mean ó because of the typography of the property ó waters going to be ó Mr. Slackman ó the whole purpose ó correct me if I'm wrong ó water accumulates on the area and it goes into the ground. The ground absorbs it. Mr. Grasso ó would it be advantageous instead of that along with the perforated pipe and the gravel instead to have a pipe go into the seepage pit? Mr. Slackman ó that's up to you. Mr. Grasso ó would that work better than asking the ground to absorb so much water just in the one spot that is at the edge of the property line? Mr. Slackman ó when I was doing the job and I spoke with the Municipal Engineer and he felt that it was adequate the way ó Chairman Arakelian ó any approval is going to be subject to his review anyway so. Mayor Papaleo ó So, I'm confused a little again because

this is not my area of expertise, you're saying there's a pipe that's buried underground and there's no stone above it ó Mr. Slackman ó no there's stone above the whole pipe ó Mayor Papaleo ó what purpose does the pipe serve? Mr. Slackman ó it directs the flow of the water ó Mayor Papaleo ó to where? Mr. Slackman ó directs the flow of the water ó it goes into the ground. Mr. Grasso ó because its perforated all around. Mr. Mehreman ó so there's no outlet on that perforated pipe? Mr. Slackman ó there's no ó I asked the Borough Engineer and he said to back fill with tons of gravel and to install the pipe. Mayor Papaleo ó so when he was doing that he was basically approving that before the patio and before the widening of the driveway. So, this is a new situation. Chairman Arakelian ó I think we'll get some better direction from Ms. Boland. Ms. Boland ó I think what would happen if there is a lot of flow, eventually it will go through the wall. If you direct too much to it it will just end up on the neighbor once it overflows. Mr. Slackman ó I agree but regardless, everybody going to ó its height alone, we're uphill and the neighbors downhill and so on and so on. Ms. Boland ó I'm just not sure the gravel is going to help as far as enough storage to make a difference. A seepage pit a larger area. Mr. Slackman ó I assume the seepage pits, leader storm drains and then the wall ó Ms. Boland ó the Borough Engineer may require a third seepage pit for the new increase in impervious. Chairman Arakelian ó again, all of our approvals are subject to review by our Borough Engineer for water management, so that's automatic. Ms. Boland ó I do take issue with the wall the side that you haven't put the fence on yet where your affecting the neighbor and its the four feet plus the six feet because he's the one most affected by the ten foot wall, it looks like a ten foot fence. I think that if maybe you offset it with enough space that you can do some planting so that would break up the wall and the fence just as you have some plantings with your neighbor on the upside has some planting. I think that would look great. Mrs. Cha is speaking ó but (Mr. Mehrman and the Mayor are talking among themselves drowning out Mrs. Cha) something about the gravel. I've seen a lot of properties in River Edge that whenever your on those streets like Adams, all the presidents as they are sloping down because (inaudible too much shuffling of papers). Ms. Boland ó that's just my opinion ó that if you gave it a little more space the plantings would do a better job. Mr. Cha ó are you saying that between the retaining wall on the east side? Ms. Boland ó that's correct. You only see the fence but your neighbor sees the fence and the wall so the plantings between wall and the fence would not be such an impact on your neighbor. Mr. Slackman ó (inaudible) the backyard is pretty small if we were to have the wall and then plant some ivy or something like that. My client ó as you drive up and down the hill you can see into their whole back yard and they would like to it to be as private as possible. You don't want everybody looking into your back yard. Ms. Boland ó I'm sorry who are you worrying about? Ms. Slackman ó I'm just saying if you can put some type of planting like ivy growing on the exterior of the wall to benefit the neighbor below (inaudible) ó Mayor Papaleo ó you would have to put it on the wall or you would have to (inaudible someone coughing) because you have a pipe there and you can't put it in the pipe. Mr. Cha ó part of the reason (cannot hear him ó Mr. Mehrman is speaking to the Mayor drowning out Mr. Cha) the AC units are right next to our home so between the AC units and the home, that space is only about four feet (Mr. Mehrman still talking ó cannot hear Mr. Cha) to get around from the front to the back vice versa. (The Board is now talking among themselves) Mr. Cha ó its a small lot ad we are trying to maximize what we can do with the lot that we have. So, if we move the fence in further we'll loose ó Ms. Boland ó accept now your neighbors affected because instead of you being affected their affected. That's my only comment.

Mr. Grasso ó my comment is on the wall where you have the perforated pipe my only concerned is based on the impervious coverage of the lot that the ground is not going to be able to percolate that

amount of water in that spot and maybe either hooking it into one of the existing seepage pits or like Ms. Boland suggested an additional seepage pit. I think a review by the Borough engineer he would definitely know better, I'm just concerned with the amount of the impervious coverage if that ground there becomes saturated the water is still going to end up going to the neighbor. Mr. Slackman ó keep in mind the patio is roughly 383 square feet ó think about a 20 x 20 area. It's not that big if you look at this room and you were to measure 20 x 20 somewhere like if you square this off it's really not that big of an area. Mr. Grasso ó do you have any issues in your yard now? If we get a torrential rain is there a problem? Mr. Mehrman ó no because it goes to their neighbor ó Mr. Cha ó there is no pooling of any water on our property. Mr. Grasso ó because I know in flat areas ó my own back yard when there is a huge rain I probably get a couple of inches of water just sitting there ó we're flat so we're not giving it to the neighbors. Mr. Cha ó even though our property does slope ó the front of the home ó the white portion next to the asphalt rectangle that does slope but the asphalt is actually level. So that portion of the property is flat as well as through our walkway. So, just that grass area does slope ó it sloped a lot more in the back but we leveled it off. But even with the level ground, the driveway and walkway to the home, there is no pooling of water.

Chairman Arakelian ó I have two concerns. One is I think we have a slippery slope when it comes to the fencing, what's to stop the next homeowner from saying okay let me build a six foot wall and then throw a six foot fence over it and stay within the ordinance. So I see that as an issue and granting relief on that concerns me. Our ordinances are there for a reason and because of the lot sizes on some of these properties are already maxed out by the builders who are building these new homes, we have people coming in for relief all the time and each time we start bouncing off the ordinance again. I'm not feeling very comfortable with that. Secondly, when it comes to coverage, I agree with the Mayor the 20% is more than generous to me again, I am getting very concerned with water management in this town. Only a few years ago it became mandatory training for everybody on this Board to learn about water management and we're taking what we learned and saying well we feel sorry for the homemaker because he's stuck and he can't do what he wants with his property, but at the same time we are screwing up water management in our town. So, this is what I think. I think that at this particular time because of the fence being what it is and the wall is already there, and this is just speaking personally, I'm okay with that for today something that I'd like to get together with our planner and the mayor and discuss that in the future. As far as the coverage is concerned, that I'm not comfortable with unfortunately. So then it becomes a want versus a need and I look at your need of widening the driveway versus the want of having a patio in the backyard and to me I think there should be some give and I think the give would have to be more than likely with the patio. So, I don't know if you're willing to shrink the patio down ó I'm not overly crazy about the 20% but I'll go along with the Mayor's recommendation on that ó Mayor Papaleo ó I'm okay with the 20%, I'm saying that's my personal limit, if there's just cause. Chairman Arakelian ó so again, going back to want versus needs, I would like to hear from you as to what your wants versus needs are. If there was a choice between widening your driveway or getting the patio ó Mr. Cha ó I'll leave that up to her. Chairman Arakelian ó and I'm sorry for putting you on the spot but unfortunately this is what these builders are doing and it's getting thrown back on us and I hear month after month and again our heart goes out to our homeowners. Your my neighbor but in the same token the person that lives next to you they're my neighbor too. Mayor Papaleo ó and we love the fact that you are improving your property. We do but we have to be concerned about the people down the block. Chairman Arakelian ó so if there was a choice between widening your driveway so you can get the cars

side by side as opposed to in tandem versus a deck in the backyard so you have a place to put your grill, I'm curious to hear what your choice would be. Mrs. Cha ó It's a hard choice but I think for us to widen the driveway only makes sense so we can fit cars side-by-side. I know that Tom mentioned the two feet setback, so if we were to do the two feet set back it would come about to 42 ó Chairman Arakelian - but he's allowing the two feet on the other side so just shifting it over. So in other words instead of being directly up against your neighbor, you're going two feet over but then it ended you're going two feet more. Am I right Tom? Mr. Behrens ó the idea is to maintain the functional 18 ½ ó Chairman Arakelian ó otherwise it doesn't make sense. So we want you to be able to go side-by-side with your car but we also don't want you to be too close to your neighbor with asphalt.

Mr. Mehrman ó Mr. Chairman can I make a suggestion? The suggestion is put a small cold tech unit which is a half moon plastic subsurface drainage pit and they're probably two feet high by eight feet long, you set them in stone. Its basically a horizontal seepage pit. If you put a small unit in the backyard, drain the patio to that, you've taken water and put in the ground. Mr. Slackman ó its a different dry well system. Mr. Mehrman ó yes its a horizontal dry well. You can use your river rock on the side, collect the water, pipe it into your cold tech. Mr. Slackman ó you know what I can do, I can run a service pipe to the two foot area of the driveway ó Mr. Mehrman ó I'm more concerned by the patio ó put a piece of cold tech in there and stone, provide for the water to get into the system, that way the water from the patio is underground. I don't think it's that expensive. You have a back hoe, if not your cousin's got one and you can do an easy installation. It alleviates our concerns about excessive drainage flowing into other people ó Chairman Arakelian ó the only thing it doesn't alleviate is the concern that I have of going over that 20%. Mr. Mehrman the reason you're going over the 20% percent. Mr. Mehrman ó the reason you're going over that 20% and that's because of the surface drainage. You're taking almost 380 square feet you're putting it underground. Chairman Arakelian ó the reason that this is happening is that the builders are maxing out these homes and then leaving it up to homeowners to come up here and try to get what should have been there to begin with. That's the real problem. Mr. Mehrman ó yeah ó but now we have to solve the problem. Chairman Arakelian ó okay and I agree. If the Board is willing to go along with your fix for this, I would probably be in favor of that as well. Mr. Gibbons ó we do have builders that are doing this and its not unreasonable for people to be able to park two cars next to each other. Chairman Arakelian ó not at all. Mr. Gibbons ó I'm in a home in a very similar situation its not like its a terrible hardship but it's something we should reasonably expected to have is some type of outdoor sitting area. Chairman Arakelian ó honestly I wouldn't mind seeing the ordinance changed to require side-by-side in the future, especially on a how ó how many square feet? A 3,500 square foot house and you got one car driveway ó again it's the builder not taking responsibility for what he should be doing. Mr, Gibbons ó We definitely have to be looking at how these new houses are being allowed to do that and leaving a two foot patio in the back. Chairman Arakelian ó okay at this point ó anyone else from the Board before I go to the public? Motion to open to the public ó Mr. Gibbons ó so moved ó second, Mr. Mehrman. All in favor ó aye. Any opposed any abstained? I'm going to go the first row ó does anyone have anything to say? The second row ó anybody have anything to say ó any questions? I don't see any other rows occupied. A motion to close to the public ó Mr. Gibbons ó so moved. Mr. Mehrman ó second. Okay Tom.

Mr. Behrens ó I believe the Board has a good handle on the conditions they want to impose here. I think the justification for the fence variance is that the walls are there ó the replacement of previously existing walls, the walls themselves are conforming. The property does have a pretty substantial slope and the

fence on the one side is needed so they're technically over what's permitted anyway. In terms of the impervious coverage it's needed for the driveway to be functional in terms of the two car driveway. I think they're agreeable to maintaining the required two foot set back, so there's a benefit there. I guess if there is any other way to alleviate surface run-off that would also be a benefit that's about it. Chairman Arakelian folks you'd be in agreement to that fix Mr. Mehrman suggested. Mr. Cha we're open to that. Thank you very much. Anyone else on the Board. Mayor Papaleo you're also agreeable to moving the driveway two feet to the west. Mr. Cha yes sir. Mr. Gibbons just a point of clarification on this smaller wall that you had the concern with Mr. Chairman is there anyway that we can put in to relieve your concern that this was allowed because this was a pre-existing needed retaining wall it's not a cosmetic wall its needed because of the slope that they had to put this in for drainage safety purposes and we are allowing it because it was there to prevent someone putting on that six foot and say now I want to go over it. This was something that was needed, was approved. Chairman Arakelian excellent point Ryan. That is part of I guess part of the discussion. Mr. Gibbons It's a point of clarification as to why we allowed it. Ms. Nabbie it will be part of the Board's factual findings in connection with this application - but before you have a motion and a second I'm not sure I got all the conditions correctly so lets read them off. Based on a comment by Tom the applicant is to maintain a minimum of two feet to the property line is that correct? Mr. Mehrman the driveway east side east side driveway pavement. The east edge of the driveway to the property line Mayor Papaleo - and the understanding is, is this is to maintain the drainage so any alteration of that drainage would invalidate Mr. Mehrman I believe the applicant proposed in that two feet to put a we're calling river rock collector. Ms. Nabbie we'll I have some other conditions Mr. Mehrman I have about three of them here. We'll then you can help me clarify this there was some review by the Borough Engineer with regard to the seepage pits and whether or not they are adequate, that's going to be at the discretion of the Borough Engineer. Chairman Arakelian and if he makes further requirements (inaudible) Ms. Nabbie that's condition number 4 so let's get to number 3 first river stone is to be placed between the driveway -Mr. Mehrman its called the river stone collector Ms. Nabbie okay then let me write that down river stone collector between what? Mr. Mehrman between the pavement it's in that two foot strip. Ms. Nabbie okay got that. Mayor Pappleo and the retaining wall because you said the retaining wall goes all the way to the sidewalk right? Mr. Slackman just for clarification you have the retaining wall the face of the wall is the property line say the wall comes back over 18 inches, then you want the two feet strip right? Mr. Mehrman yes two foot from the edge of pavement east side pavement two foot river rock collector strip. Now if there's a wall after that? Mr. Slackman okay. Ms. Nabbie lets go to condition number 4 - if there are any issues relating to drainage subject to approval of the Borough Engineer if necessary the applicant will install additional seepage pit. Mr. Mehrman No no Ms. Nabbie I have the terms with regard to the cold tech Mr. Mehrman -oh you have that so you want to strike out that one? Mr. Mehrman No Ms. Nabbie its subject to review and approval by the Borough Mr. Mehrman- my understanding of drainage improvements is the river rock collector that's in the driveway an additional cold tech seepage pit in the backyard for the patio Ms. Nabbie I have those two Mr. Mehrman and that will have a similar river rock perimeter collector to hook into the cold tech. River rock acts as catch basin sort of speak. Chairman Arakelian and I think the wording subject to the review of the Borough Engineer and if it requires further water management it will be taken care of. Mr. Mehrman correct and Ms. Nabbie and I also have at your suggestion Mr. Mehrman the applicant will install a small cold tech unit and that will drain the patio and then I also added this I think plans should be submitted incorporating the Board's comments, either to the Board or

the Billing Department and it definitely comes back to the Board. Mr. Mehrman ó can you repeat that one. Ms. Nabbie ó typically when revisions are made on the record we get some form of a plan submitted and we don't really have a plan here I think it was a survey written on so does the Board want ó the applicant should really be required to submit plans whether its to the Board or the Building Department ó Mr. Mehrman ó let them submit whatever engineering documents or sketches the need to the Borough Engineer to review because its all going to be on drainage. Mr. Slackman ó is it adequate for me to amend the drawing that's there? Mr. Mehrman ó satisfy the Borough Engineer ó Chairman Arakelian ó and Planner ó Mr. Behrens ó we'll review whatever revised plan. Ms. Nabbie ó and the driveway will be moved two feet to the left ó correct? Mr. Mehrman ó correct. Mr. Mehrman ó and the maximum curb cut existing or new will not exceed 18 ½ feet -drop curb. Mayor Papaleo - the drop curb I thought you said it was going to be the same. (Board going back and forth among themselves) Mr. Mehrman ó the maximum drop curb will not exceed 18 ½ feet. Chairman Arakelian ó so if they're moving it they might as well have it so they can fit the two cars instead of having to go like this to go in. Mr. Slackman ó so do we have the option to change and modify he curb to 18 ½ feet ó Chairman Arakelian ó you have that option ó you can go to 18 ½ feet or leave it the way it is. Mr. Mehrman ó Now if we're going to have this river stone that means at least on the east side there's no Belgium block curbs or anything you understand that, I want your client to understand that also ó alright ó there's no curbing, there's no curbs on your driveway so the water can flow. You saved an engineering drawing and we just did it for you. Chairman Arakelian ó okay excellent suggestions from everybody ó at this point I'm willing to accept a motion ó Mr. Merhman ó okay I'll make a motion that whatever we said is the motion ó basically the motion will include from a drainage standpoint a two foot river rock collector on the east side of the driveway and the driveway asphalt will be moved sufficiently to include that two foot- um the proposed patio drainage in the rear yard will consist of a cold tech subsurface system and that water will be collected by a river rock patio perimeter. Chairman Arakelian ó I think you can jut say subject to what she has ó approval subject to ó Mr. Mehrman and the Borough Engineer will review, make filed inspections, whatever he needs. Mr. Arakelian ó yes it's in there ó Chairman Arakelian ó do I have a second. Ms. Nabbie -before we do that I want to speak to the applicants. Do you understand and accept the conditions? Mr. Cha ó yes we do. Ms. Nabbie ó now understand that these are some of the conditions but not all. There are other standard conditions you'll see that in the resolution of approval. Chairman Arakelian ó do have a second ó Mr. Gibbons- second. Chairman Arakelian ó roll call please. Ms. Nabbie ó Mayor Elect Papaleo ó yes; Chair Arakelian ó yes; Ms Boland ó I'm afraid I am going to say no because of the height of the fence wall combination; Mr. Mehrman ó yes; Mr. Grasso ó yes and Mr. Gibbons ó yes. Chairman Arakelian ó okay congratulations folks. Mr. Cha ó thank you so much. Chairman Arakelian ó I hope you understand there were a lot of give and takes here. Mr. Cha ó yes ó thank you to the Board.

Chairman Arakelian ó Next one up ó Sendai Sushi, LLC they're looking for site plan approval which is required by the Borough of River Edge, for a food license Block 614, Lot 8.02, 651 Kinderkamack Road, River Edge, New Jersey. Representing his client Tom Barrett. Chairman Arakelian ó Good evening Mr. Barrett (handing out floor plan). Chairman Arakelian -as we review these plans ó Mr. Barrett is well aware sometimes when an applicant comes in especially when for a property like this with different types of uses we make sure that the landlord is in compliance with everything he has agreed to in the past and he may be required to do some things in the future to make the property up to date, so that would be something that you and the landlord would have to work out if we made it a

condition of the approval. I would like to say that the landlord has been very good in taking our suggestions. There was one thing that you and I discussed on the phone. Mr. Barrett ó I went by there today and there's actually nothing wrong with that portion of the fence ó Chairman Arakelian ó except that it's old and it doesn't match the other one. Mr. Barrett ó yes that's right but that's the only thing- Chairman Arakelian ó no they did a beautiful job and I think the neighbors are very appreciative of what was done there it's just kind of odd for another thirty feet so ó Mr. Barrett ó I think we can do something there. Chairman Arakelian ó the clothing bins are gone I'm very happy about that and certainly the site has been cleaned up. So go ahead. Mr. Barrett ó (inaudible everyone shuffling papers and Mr. Barrett is away from microphone). Chairman Arakelian ó sounds like a plan. Ms. Nabbie ó Good Evening ó you swear the testimony you are about to give is the truth the whole truth and nothing but the truth. I do ó State your full name for the record ó Tanveer Hassan ó Mr. Barrett ó you want to operate a sushi restaurant is that correct? Yes ó It will be a combination sushi restaurant and Korean restaurant basically with Japanese cuisine ó Mr. Barrett ó so how do you accomplish that ? Mr. Hassan ó so we'll have Japanese restaurant, Sushi, Shashimi and all that stuff and that takes care of the Japanese side and then we have the Korean barbecue (inaudible shuffling papers by the Board) Mr. Barrett ó there will be 85 seats it looks like you have 71 seats. Mr. Hassan -Hours of operation Monday through Thursday are 10:30 a.m. To 10:30 p.m. and then Friday, Saturday and Sunday until 11:00 p.m. Mr. Barrett ó And when do you get deliveries ó Mr. Hassan ó deliveries are between 10:00 a.m. And 4:00 p.m. Mr Barrett ó and what kind of truck a box truck ó Mr. Hassan ó like one of those small trucks ó not a tractor trailer. Mr, Barrett ó Then as far as lunch do you anticipate doing a large lunch business or is it primarily - Mr. Hassan ó primarily evening. Mr. Barrett ó (inaudible ó something about his neighbors hours) (talking about other people in the strip malls hours inaudible) so for the most part your primary use of the parking area will occur when the other stores close and your neighbor the pizzeria which is limited to take out. I had a conversation with the landlord today about the empty space he is continuing to negotiate with Dollar Tree but as yet there is no agreement and in fact I mentioned with my client and I think with Tom as well he advertises that space every week in the Record if any one of you happen to look in the real estate section of the Record and he's still advertising so he doesn't have tenant yet. So based on our conversation he doesn't feel there will be any conflict regarding parking. Chairman Arakrlsin ó if you had a Dollar Tree and a restaurant and they were open at the same time I think that would create somewhat of a conflict ó because if they open at the same times the Dollar Tree is not going to close at 6:00 at night ó Mr. Barret ó no I think they're primary ó other than this time of year the holidays ó Chairman Arakelian ó it sounds like it's a moot point but we don't know if they're coming in or not so. We have an open- what is it 12,000 square feet available ó Mr. Behrens ó I think it's a 13,000 square feet. Chairman Arakelian ó so the Board will have to take that into consideration for parking ó general retail which that mall is zoned for and we'll just move from there. Sorry I didn't mean to interrupt. Mr. Barrett ó we have an engineer he will come up. Chairman Arakelian ó can we open to the public ó Ms. Nabbie ó yes. Chairman Arakelina ó motion to open to the public ó Mr. Gibbons ó so moved ó Mayor Papaleo ó second. All in favor Aye. Any opposed any abstained? Anybody wish to speak? Mr. Behrens ó Do you intend to keep any commercial vehicles on the site? Mr. Hassan ó no ó Mr. Behrens ó will you ever have special events or parties of any sort. Mr. Hassan (inaudible) Chairman Arakelian ó a motion to close to the public. Mr. Gibbons ó so moved. Second ó Mr. Grasso. All in favor ó Aye. Any opposed any abstained? I should have asked the Board if they wanted to ask any questions first. Mr. Mehrman ó we have an architect. Mr. Arakelian ó right let's get him up here.

Ms. Nabbie ó good evening ó do you swear and affirm that the testimony you are about to give is the truth the whole truth and nothing but the truth? Yes I do ó please state your full name for the record. Andrew Fethes 613 Oradell Avenue, Oradell, New Jersey. Ms. Nabbie - thank you and you are the project architect ó correct? Counselor ó Mr. Barrett ó please give us your background - Mr. Fethes ó yes ó I'm a licensed architect in New Jersey, New York and Connecticut I've been in practice working for other architects and myself since 1991, I have designed dozens of restaurants and commercial spaces, I've appeared before Boards in New Jersey, including this Board at times throughout my career ó Chairman Arakelian ó welcome. Mr. Barrett ó tell us how you came up with the floor plan that the Board has in front of them.

Mr. Fethes ó what I have prepared is a floor plan design dated 4/7/19 and represents the floor plan of the existing space and the proposed layout for the restaurant. Do you want to mark that AI? Ms. Nabbie ó certainly. So obviously we are taking the existing floor plan of the space 651 Kinderkamack Road which is the northern most space on the strip mall. It's approximately 1,750 square feet of floor space we divided into a somewhat traditional restaurant with seating and a dining area sort of department store which is to the east, kitchen is to the back of the house which is to the west on the back approximately 1,250 square feet of dining area and about 510 square feet of kitchen and back of house area. The dining space I divided into sort of mixed seating ó along the south side of the space is banquet seating with table and chairs against that. On the east side which is the store front also has banquet seating with table and chairs in the middle of the space is just table and chairs and on the northern side adjacent to a kind of reception welcome area is the sushi bar. There are a variety of seats and tables, I can give you the break down if you like or basically summarize that there are 64 seats, table and chairs, and banquet and seven seats at the sushi bar. The back half of the restaurant is mostly kitchen and service area ó the northwest corner is kitchen, dish washing those kind of functions as well as a serving counter for service to pick up meals and deliver them to the tables. In the southwest corner there's also two bathrooms. The entry to the restaurant is to be moved from its current position which is currently in the center of the space. By way of background at one point this was two separate tenancies and the landlord had taken out the dividing wall and created one tenant space. The entry way is moved to the north side of the store front with a small sort of vestibule reception area and then in the back of the building there is an existing windows and doors which will be sealed and the service entrance secondary means of egress is moving southward in the space. I think that's all I have to say.

Mr. Gibbons ó one question about that backdoor you mentioned. Is that an emergency exit or is that easily in and out for anyone is that an open door? Mr. Fethes ó at this point we're looking at it more like an emergency exit secondary as a service entry to bring supplies in. I think from a control point of view most of the diners ó it's a reservation type restaurant so people won't just be wondering in from the back. Mr. Gibbons ó so no one is parking in the back and coming in that way? Mr. Fethes ó no ó it's not intended that way. Chairman Arakelian ó Mr. Behrens. Mr. Behrens ó I don't have much for the architect just from looking at the floor plan here I guess there's sufficient space here for the people waiting ó Mr. Fethes ó yes ó Mr. Behrens ó you're the expert here. I don't really have many questions ó not for the architect. Ms. Boland ó No. Mr. Grasso ó no I' good. Mr. Gibbons ó I don't think so, no besides that door. Mr. Mehrman ó talk to me about your cooking. Are you going to have deep fryers or fryers or hoods or Ansul systems or what? Mr. Fethes ó I probably would refer to my client on those specific issues. Mr. Hassan - So basically the Japanese cuisine section is going to be based inside the kitchen and the Korean barbecue will be on the table. We have the grill right in the center of the table and we

have the fire suppression system at each table and exhaust. Mr. Mehrman ó a fire suppression system at each table ó Mr. Hassan ó because there are barbecue grills on each table, this is table side cooking and pretty much that's all there is in the dining area. Everything else comes out of the kitchen. Mr. Mehrman ó kitchen wise ó do you have a hood. Hoods in the kitchen? Mr. Hassan ó so there's a 20 foot hood and we would have ranges, a couple of deep fryers, prep top and (inaudible) grill and possibly a wok area. Mr. Mehrman ó and that will be Ansul? He's shaking his head yes - let the record show that. What are you exhausting to? Your hoods. Mr. Fethes ó the hoods will go to a rooftop exhaust, grease filters on all the hoods, the side vent will most likely require make-up air ó Mr. Mehrman ó what are you doing for odor? Exhaust odors. Mr. Hassan ó so on top of the exhaust there will be filtration system, a filter so that takes care of the cooking smells coming up. Mr. Mehrman - what's the general frequency of changing those filters? Mr. Hassan ó probably once or twice month, it depends on how busy we are. Mr. Mehrman ó I understand, okay. So they're not charcoal? Are they charcoal or are they just some type of disposable filter? Mr. Hassan ó that I'm not sure. Mr. Mehrman ó okay. But you do have an odor suppression ó okay. Chairman Arakelian ó we're keeping in mind that you're backing up to a residential zone. Mr. Hassan ó so basically we have these grease filters that takes care of grease smells and then a secondary filter right at the top of the exhaust that will take care of the odors. Chairman Arakelian ó I would just like to ask the architect ó are you familiar with filtration systems at all for this kind of restaurant? Mr. Fethes ó yes. Chairman Arakelian ó okay so would you say that the system that your client is planning on installing is considered one of the best? Mr. Fethes ó yes I would. The latest technology correct. Chairman Arakelian ó okay coming from the professional, I'm good with that. Mr. Mehrman ó seating you're talking 71 seats I see according to your breakdown on the drawing. Mr. Fethes ó that's correct. Mr. Mehrman ó let's look at the parking requirements for that seating. Chairman Arakelian ó you know what let's get to the engineer on that. Mr. Mehrman ó oh you have an engineer, I didn't realize that okay, fine. Chairman Arakelian ó so let's just keep right now where we are, on the inside. Mr. Mehrman ó Let's talk about signage. Is the architect ó Mr. Barrett ó I submitted ó Mr. Mehrman ó is this the gentleman ó Mr. Barrett ó I submitted the proposed ó what is it that you want to know? It's easier - tell me what you want to know ó Mr. Mehrman ó and you'll agree okay. (laughter) You have an existing sign box. Mr. Barrett - correct. Mr. Mehrman ó the sign that you are proposing is going to be installed within that existing sign box correct? Mr. Barrett ó Correct. Mr. Mehrman ó that's what I want to hear. Okay and you're offering as suggestion the sign that you submitted which will now fit within that sign box. Mr. Barrett ó correct. Mr. Mehrman ó the lighting for the sign ó Mr. Hassan ó LED ó Mr. Mehran ó interior? Mr. Hassan ó yes interior. Mr. Mehrman ó okay so no goose necks or anything? So it will conform with the rest of the comprehensive sign? Okay. You're bathrooms don't look like they're handicapped. Is that a false reading or do you have a reason? Mr. Fethes ó False reading I wouldn't say that it was intentionally false, I'm not here to misrepresent anything, we just didn't show the grab bars and the radius circle. We thought that might be somewhat confusing ó Chairman Arakelian ó they wouldn't get a CO without that anyway. Mr. Fethes ó right those are building code items that we would have to comply with. Mr. Mehrman ó so your proposed bathrooms are handicapped accessible. Mr. Fethes ó that is correct. I still want to talk about the seating and the parking but I guess ó Chairman Arakelian ó with the engineer. Mayor ó Mayor Papaleo ó so the way you currently have the access to the men's toilet and the women's toilet the door opens into the hallway ó doesn't that obstruct the hallway. Mr. Fethes ó the doors swing in the direction of travel so there are obstructions to the hallway. The building code allows you to be able to ó if the door was open at any moment to push it in order to get out. It's a conflict we face all the time with any facility where we can't open the door into an ADA

restroom in the event someone was to fall off of their chair and obstruct the door, you couldn't physically get in, so the door always has to open out. They're opening in the way that in the direction of travel which is toward the back of the store it can be closed shut in that situation. Charmin Arakelian ó funny I didn't know that. Mayor Papaleo ó I didn't know because I'm in school and we have ADA bathrooms and they open in ó so someone's traveling from the dining area to the bathroom and if the door opens suddenly you get smacked by the door ó but you're saying that's required by law. Mr. Fethes - Mayor Papaleo ó that's what I was concerned about. Mr. Mehrman ó one more further question ó I see the basement stairs what is the basement function? Mr. Fethes ó the basement's function is storage, walk in boxes, employee lockers, some prep area a small business office. All functions that are ancillary to running a restaurant. I don't know what Mr. Costa's comments are but I imagine that he addresses grease traps and all. Chairman Arakelian ó he has that all in his report and this will be incorporated on any approval. Mr. Gibbons ó I had a further question because I never realized - there's food prep at every table? Or the barbecue will be happening at all these tables? So they'll be a flat top on these tables or something that's removable ó Mr. Hassan ó (inaudible) Mr. Gibbons - and that is removal or does that stay on the table ó Mr. Hassan ó it stays on the table. So is there enough room there between these tables for that chef or whoever is preparing that food to be next to these other tables and there's enough room for all this to be happening ó Mr. Fethes ó yes there is. And I would like to point out just to clarify there are four tables in the center that are marked as in person tables those are just standard tables. So the ones that are separated ó the six and six and the ones along the wall would be having this barbecue prepared for them. And is this consistent with what you have in Emerson in terms of size? Mr. Hassan ó We have a Japanese and sushi and shashimi -Mr. Gibbons ó so this would be a bigger operation ó and just one other question on the bathrooms ó is it sufficient for 71 seats? Mr. Fethes ó yes it is. Mr. Gibbons ó so that's acceptable having one toilet per bathroom Chairman Arakelian ó Mayor ó Mayor Papaleo ó two more questions ó in many restaurants they create mood lighting which is totally acceptable ó I would hope that there would be some type of expectation that the hall leading to the bathrooms would be well lit. Is that something we can require? Chairman Arakelian - think that the Building Department will see to that as far as any compliance issues. Mr. Behrens ó I tend to think it's a code issue ó Chairman Arakelian same thing with the size of the bathrooms, that's all going to go to building code. Mayor Papaleo ó so my other questions is ó this also goes to building code ó in public schools we are basically designated all the bathrooms as single use bathrooms and therefore they are no longer being designated as men and women, that way it creates a better flow. I don't know if it's men's and women's because that's what you've always done or is that because there is a code. Mr. Fethes ó probably to be very honest it just ended up on the plans from sort of being there for many, many years. Literally the trend now is to go to unisex or non-gender and I would imagine this would be the case. So it wouldn't be specifically labeled. Chairman Arakelian ó your side sir. Mr. Grasso - going back to what Tom was speaking to before, I'm trying to remember but going into many restaurants, correct me if I'm wrong but is it customary for doors to open on a lot of bathrooms in restaurants ó I'm just trying to think of ones that I went to. Mr. Fethes ó I think it's a function of the size of the handicapped bathroom ó Mr. Grasso ó so if you have enough square footage you could have the door go in but if it's tight you have to go out because I just ó just as Tom said I see a potential problem, if somebody ó if it's not too off the wall but the way people drive around here and the way their attitudes are if somebody is in hurry and they come out of the men's room and they fly the door open and somebody's walking down the hallway, the door and the person's head is going to connect and ó Chairman Arakelian ó I'm just going to throw this out there, whatever our building code requires on interior is what is really going to

ultimately judge this. The Board doesn't really have a lot of jurisdiction on interior ó Mr. Fethes ó I would add though ó I would add that it would be our preference to open the door into the bathroom for certain and we would make every effort possible within the realm within the space that we have available and the space we have available to do that if the building code allows. Mr. Grasso ó so its not so much the square feet, I mean somehow if the bathroom ó I'm just throwing this out but if possible the toilet and the sink were on the same wall then you might have the ability to make the door swing in? Mr. Fethes ó the answer is yes. I don't want to get into a whole dissertation on ADA designs for bathrooms, I'm happy if you would like to, there are limits on how close fixtures can be next to each other so a person in a wheelchair can wheel up to the commode and be able to shift their body onto the toilet and you typically need somewhere about five feet either side of the toilet. Chairman Arakelian ó I think its safe to say that you'll stipulate whatever the code requires you'll comply. Mr. Fethes ó we'll comply and I'll go further to say if the doors can be remade to swing inwards we will make every effort to do that. Chairman Arakelian ó I would think for his benefit safety wise it probably is a much better choice, but at the end of the day whatever is required by the Borough you are going to have to do. Mr. Fethes ó these particular doors have closers on them- a typical restaurant that doesn't have a closer might stay open - these we would never want that to be the case so there would be a closer on it that has a little bit of a push to it so you can never really swing the door open ó you'd have to really push it out. Ms. Boland ó no comment. Chairman Arakelian- did you want to wait until we get the engineer up because that's more within our pervue. Let's open to the public real quick ó Mr. Mehrman ó I'll make a motion, Second Mr. Gibbons. All in favor ó aye - Any opposed any abstained? Anybody in the public wish to speak on this? Okay ó closed to the public ó Mr. Mehrman ó motion, second Mr. Gibbons. All in favor ó aye. Any opposed any abstained? Okay bring your next witness up.

Ms. Nabbie ó do you swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth ó yes. State your full name. Sean McClellan. I graduated from NJIT in 1997 (inaudible Board is shuffling papers n front of the microphones) New Jersey 2004. I have appeared before various Boards in Bergen and Passaic Counties (inaudible shuffling of papers) Chairman Arakelian ó I've been advise by our attorney that she gives you a two thumbs up I believe that would be sufficient for the Board ó correct? Mr. McClellan ó now I'm feeling a lot of pressure. Chairman Arakelian ó fire away. Mr. McClellan ó as we already said we are proposing a sushi restaurant. The square footage of the sushi restaurant is approximately 1,660 square feet the total building is 21, 537 square feet and on site parking is 105 parking spaces. As far as the impervious coverage its basically 100% (inaudible) as previously testified we are also looking to relocate the door and we are looking to put a small glass enclosure (inaudible too much shuffling of papers) north end there ó Chairman Arakelian ó just on that there you'll stipulate that whatever our Borough Engineer requires as far as an enclosure, self enclosing and so forth that you'll comply. We will comply.

Mr. Behrens ó From a planning standpoint we are here for two reasons as the Board knows for every food handlers license that automatically triggers a site plan application, that's one aspect of it and also because of the parking on the site. The developed site has six different spaces one is occupied by that larger vacant space of 13,510 square feet, there's the La Toscano Pizzeria which has no seating, the Blooming Nail Salon, the River Edge Cleaners, Istanbul which I estimated approximately 60 seats and now the proposed restaurant modified from approximately 85 to 71 seats. So in calculating the estimated parking there's 105 spaces available including I think two handicapped spaces I've estimated a range of requirement and I say a range of the La Toscana space ó on the one hand you can technically

call it a fast food restaurant, I understand it's a pizzeria but it could technically fall under that pervue however, when they were here and they took over for the Carousel Convenience store I'm not sure that we applied that standard ó I don't recall specifically. So however, this is a new application and we consider ó Chairman Arakelian ó I think when we made that approval we made it based on it strictly for take out, so it will fall under that. Mr. Behrens ó correct so based on that standard there is no range and the number that I calculated is approximately 450 spaces required and again that's based on the estimated 60 seats at Istanbul and the remainder of the spaces would be considered ó Chairman Arakelian ó so 154 is what required and what do they have? Mr. Behrens ó 105 ó Chairman Arakelian ó so that would be 49 parking deficiency. Okay. Mr. Mehrman ó so the total is 49 for the whole site? Chairman Arakelian ó and I do know there's some question as to whether this property falls under the strip mall versus (someone spoke but inaudible) right and our ordinance is different for shopping center is that correct? Mr. Behrens ó again that isn't really clear but I believe our office has made a determination that it technically does not or at least part of it does not fall under that and the reason is because the term shopping center is only defined in the signed ordinance and I have it singled out because I was afraid this would come up ó so a shopping center is hereby defined to mean and include any concentration of over two retail stores and service establishments under one property ownership or management having common off street parking facilities, off street sidewalks, pedestrian walkways an ingress from and egress to a public street. So on the one hand the site does have all that based on common planning definitions and I have one from noted planning guru Harvey Moskowitz ó You know what Tom let me make it easy ó would it be prudent to say that we could waive that if we were to give this variance we could weigh the fact that it was considered a strip mall or a shopping center, that they would fall within the realm of - Mr. Behrens ó the Board has that discretion to consider the site and the mix of uses ó Chairman Arakelian ó and again its obvious that the town has parking deficiencies just about everywhere. Mr. Behrens ó it's a developed site, it's been developed for decades. Chairman Arakelian ó is there anything else you wanted to add Tom? Mr. Behrens ó they only issue I see is the parking, if it's an issue. Chairman Arakelian -Mr. Costa's report he's got the sewage EBT, the normal stuff you need to do for a restaurant. We're going to incorporate his review letter into the ó Mr. Barrett -we did have conversation with the landlord this afternoon, just so the Board understands ó there are three separate sewer lines, the sewer line and the north end actually each stores has their own sewer lines from the back of the store from the west side and they join up in some sort of a junction box under the bilco doors under Istanbul, then they go out to the street. There are two other separate lines that service the other stores both of these sewer lines were recently cleaned but we have no problem ó Chairman Arakelian ó whatever Mr. Costa requires ó Mr. Barrett ó I just wanted to put that out there ó Chairman Arakelian ó and its good to know that they have been cleaned. Mr. Barrett (inaudible) Chairman Arakelian ó we're going to incorporate his letter into our approval and whatever is in this letter you have to ó I'm sure you read it already. Mr. Barrett ó and one of his other comments was that he wanted to know about employee parking. I spoke with my client and asked him who he anticipates will be his employees. He said at the Emerson location there are a number of students or recent graduates from Riverdale. He has a connection there with one of the counselors who send him these students. A lot of them don't even drive yet so they get dropped off. The chefs obviously will drive, the others though will be taking public transportation or somebody will be dropping them off. Chairman Arakelian ó I will say that using Riverdale students most of the Board would applaud that. Thank you for that. We have to keep those kids working. Mr. Hassan ó yes we have been doing that for the past four to five years. Chairman Arakelian ó well thank you for that. Tom anything else?

Mr. Mehrman ó Just one question for Tom. 71 seats if it were a stand alone what would be the required spaces? Mr. Behrens ó 29. Chairman Arakelian ó Ryan ó Mr. Gibbons ó so we're looking at this as the overall project needs 150 spaces ó is that how we are to be looking at this, not necessarily the 28 because obviously there's more than that. Do we have any idea of how much traffic is happening at Istanbul during the dinner hours, how many of these spots they are actually using? Mr. Fethes ó I just drove through there one more time to see the property one more time and it didn't appear to be more than fifteen cars, there were a couple in the back that I assume were employees, it wasn't a great sample because the larger store is currently vacant and what is it a Wednesday night ó it did not seem like that much traffic. Chairman Arakelian ó I would just like to interject for a moment ó it would be prudent upon your client not your client but the landlord to start being more enforceable on the parking because they're taking advantage of that lot and they're not River Edge commuters. Mr. Barrett ó ever since they left ó Chairman Arakelian ó yes ever since they left so the Borough has an ordinance - you put the ordinance in the sign, you put the sign up and then you send the tow trucks in and it will stop. But that besides the point. Mr. Gibbons ó I think you have issues on an overall site problem with across the street as well. I certainly see people crossing the street to go to other restaurants in town. To be unnamed. That's it for now. Chairman Arakelian ó it's going to be it because he's our last witness. Mr. Behrens ó in terms of the one variance that I've calculated there seems to be a few aspects that the Board should evaluate if they wanted to grant the variance ó on the one hand the site is developed this one space if it was a retail space it would require eleven spaces the restaurant bumps it up to 28 or 29 so you're looking at an increase of 17 or 18 spaces and from the testimony of the applicant the site can accommodate that increase so there are no perceived detriments from the applicants prospective. Chairman Arakelian ó any comments from the Board? Ms. Nabbie ó Tom I marked plan with today's date ó Chairman Arakelian ó Tom I would like that fence issue revisited so its completed so it doesn't look piece meal, remind him that its part of our town ó Mr. Barrett ó it might have to wait to the spring ó Chairman Arakelian ó I'm okay with that as long as I have his word like I did last time. The enclosures again as Mr. Costa is going to require ó Mr. Barrett (inaudible) Chairman Arakelian ó as long as its self closing and the tops on the dumpsters are self-closing so we don't have seagulls. Okay Mr. Barrett ó excuse me Mr. Chairman I just have one item ó Mr. Costa did say that the ADA parking spaces should be provided. There are two. Chairman Arakelian ó can I just stop you before you go whatever is going to be required by code its going to have to be. If the code requires it ó Mr. Barrett ó here's the issue the ADA the ADA (inaudible) the parking lot is re-striped you have to comply. So I looked up the definition of re-striping and that's to change the space markings in the parking lot. We don't intend to change any of the markings. The lines have been refreshed by painting ó not re-striping ó re-striping would be to ó Chairman Arakelian ó okay so I'm going to throw out the old your preaching to the choir and what Mr. Costa requires ó okay that's why he makes the big bucks and he's in Florida tonight so with his letter incorporated ó I'll give you a copy counselor if you don't have it. Mayor Papaleo ó wouldn't it be appropriate to also to put into the resolution and expectation that the filters be changed no less than once a month? Chairman Arakelian ó I think that's fair and a good idea. We are in a heavy residential zone ó we don't want your mouth watering at 10:00 at night. And the last thing I'm going to throw out to is with regard to signage ó I don't want to see any neon signs in the window. Whatever is code Tom will take care of but just venture carefully on your windows. Ms. Nabbie - do you want to make that a condition? Chairman ó no whatever is allowable is allowable. Tom will make sure its enforced. Okay I'll entertain a Motion on this application. Mr. Mehrman ó so I'll make a motion that the Board grant the food handlers license based on the site plan approval. Ms. Nabbie ó applicant shall comply wit the report of the Board

Engineer and that report is dated December 3, 2018 ó it should say 19 - there is also a condition and comment by the chair and the rest of the Board that dumpsters shall be self-closing and the ballards shall be installed as required by Mr. Costa and the third condition is that the filters shall be changed no less than one a month by the owner/operator. Mr. Mehrman ó and the new signage will fit the existing sign box. Ms. Nabbie ó I had that also. Chairman Arakelian ó Tom will follow up on that. Mr. Grasso ó I think if it's possible with the bathrooms even if it involves making the men's room larger to have the doors swing in. Chairman Arakelian ó Again, I'm going to say that's a code issue ó so they know that they have to follow the code ó whatever it is it is. If you want to take the recommendation of the Mayor on unisex bathrooms that's up to you. That's a code issue it's not a Board issue. So I have a motion. I need a second. Mr. Gibbons ó second. Roll call please. Ms. Nabbie ó Mayor Elect Papaleo ó yes; Chairman Arakelian ó yes; Ms. Boland ó yes; Mr. Mehrman ó yes; Mr. Grasso ó yes; Mr. Gibbons- yes. Chairman Arakelian ó congratulations sir and we wish you much luck and I will out throw this out to you for our Mayor I am sure he would love to come and cut the ribbon . If you notify our Borough Clerk and let her know when you intend to open. Mr. Mehrman ó Mr. Barrett ó Historical Society can you give us a status on that? (talking among all the Board members) Mr. Barrett ó the state of New Jersey is preparing a parking agreement as you requested. However, we're working on it. I was promised a draft hopefully by the end of the year. Now this has been going on for three months. Mr. Basralian ó he's another one. I don't call him everyday, I only call him once a week. Mr Mehrman ó so bottom line you need an extension. Mr. Barrett ó yes we do. But to be on the safe side sixty days ó Ms. Nabbie ó sixty, ninety it's up to the Board. Chairman Arakelian ó we can give you ninety. Ms.Nabbie and I'm sorry were are you with the sanitary sewerage agreement ó Mr. Mehrman ó they're hammering it out. Mr. Barrett ó we have an agreement and Mr. Basralian suggested certain changes so we made them, one of them which was we would incorporate (someone is coughing could not hear Mr. Barrett) record them, so he agreed to that and now I just have to talk to my client. (Everybody wrapping up ó wishing each other happy holidays)

Chairman Arakelian ó I know the Chairman of our sub-committee for our Master Plan has met with our Planner and has a quick update for us. I know its getting late just bear with me. We'll have slight schedule for the rest of the year I can promise you that.

Mr. Mehrman ó Tom and I had a sit down November 13th basically what we did is we took the current update and we went over it with the Board information the same elements that were in the current update which is basically the format of the new one so you have to go through all of those and we went through that the best we could, we did a quick mark up also identified some additional information that we might need basically what has been accomplished the past ten years and I refer him to Mr. Costa probably the most knowledgeable in that and what I would like you to think about as individuals - we have a big title that basically states ó specific recommended Master Plan and/or development regulation changes. Basically if the people can think about that and when we get to the point where we are reviewing or at any point I guess give us what your thinking. Chairman Arakelian ó I think it would be prudent for the Board to have a work session in January. Mr. Mehrman ó Tom is still working on it, he said probably next week. Maybe we can get that to a point where we can give the Board a draft copy in early January. Just for information we had a committee designated at some point ó we couldn't find a record of it. Chairman Arakelian ó so in as much as you have already taken the helm I would like you to continue, Mr. Behrens of course and Mr. Costa are automatic. Mayor would you like to be part of that Master Plan review. We have to be careful with that ó I don' know of this is a legal thing ó any more than three

constitutes ó Chairman Arakelian ó yes but those are members, only your the member the two others are professionals that doesn't constitute anything.

Ms. Nabbie ó I just have two questions ó Tom in Hillsdale we are looking to update our Master Plan as well. It is my understanding that charging stations for electric vehicles are required elements ó is that going to be part of the updated Master Plan as well? Mr. Mehrman - we haven't discussed that. We can throw that in there. Mr. Behrens ó did go over the existing one I do have part of the re-examination process ó its reviewing policy changes and assumptions so that would be something that would fall under that category. Ms. Nabbie ó one other thing ó the year end review ó is that being handled ó Mr. Behrens ó last year Ed Alter and I we'll provide that.

Mr. Gibbons ó is that Master Plan a review of anything discussed ó Chairman Arakelian ó so what will happen you guys will get together you'll figure out what needs attention and then we'll have a work session and we'll go over it together. Mr. Gibbons ó so just as an example, the builder is building 34.7% and ó Chairman Arakelian ó that will be something that the Board ó Mr. Mehrman ó that's something we can put in what I just said that item 5. Chairman Arakelian ó but I think test would have to go for an ordinance change as well. Mr. Gibbons ó It's something to discuss, I think its something that needs some attention. Mr. Mehrman ó well it would be a policy thing because they're coming in for a variance. Chairman Arakelian ó right but if the Borough were to change the ordinance from 35 to 30 that would give us that little bit of flexibility that we need where were not going to 45/5. Mr. Mehrman - That's probably true but the main problem you have this town is almost totally developed. Chairman Arakelian ó not with the houses, these guys are grabbing up theses ó Mr. Mehrman ó I realize that (Mr. Mehrman and Chairman Arakelian talking over each other) Mayor Papaleo ó I mean people who put things within permits ó it doesn't seem and I could be wrong because this is a new role that I'm taking on. But it appears that when they go for a CO there doesn't seem to be review where they're looking at what the property was and what the property is. And so if you get a contractor to do it without a permit and then they come to us ó Mr. Mehrman ó the hardship 's there already ó Mayor Papaleo ó but its an illegal hardship and to me and again I'm not an expert we would need to create a policy that the Building Department cannot grant a CO to an illegally improved property without it coming to us. Mr. Mehrman ó how can I put this diplomatically ó the Building Department ó my opinion has cut out their nitch ó what they do and what they don't do. A good example is they basically do not review or inspect site improvements.

(The Board continues to discuss a multitude of items regarding the Master Plan, CO's etc. people doing improvements illegally) (The conversion continues for quite a bit about a lot of things) (Wishng wach other Merry Christmas)

Sub-Committee for Master Plan ó Mr. Mehrman, Mrs. Gibbons and Mayor Papaleo.

Chairman Arakelian ó again I would be remiss if I didn't thank our secretary ó I didn't know that you work for Paul - Paul and I have known each other for 15 years - so we appreciate what you do and I specifically wanted to say that. So on that note -Motion to adjourn. Mr. Gibbons ó so moved, second Mr. Mehrman. All in favor - Any opposed any abstained? Wonderful.