

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
July 1, 2020

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

Roll call please:

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

ALSO PRESENT:

Marina Stinley, Esq.

Chairman Arakelian made the required announcement concerning the Open Public Meetings Act: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, by the Bergen Record and people who are interested in this meeting. No flag salute. No fire exits to worry about.

- Approval of minutes 6/17/20 – No comments were made as to the minutes. Motion to accept made by Mr. Mehrman; Second – Mr. Gibbons. All in favor – aye; any opposed any obtained (no)
- **Master Plan – Fair Housing (Mayor & Counsel meeting) Mr. Behrens to address Board regarding that meeting.**

Mr. Behrens – The purpose of tonight's meeting is a Master Plan consistency review of Ordinance 20-10 which was introduced by the Borough Counsel on June 8, 2020 and the Ordinance creates the New Bridge Road overlay zone which is a component of the Borough's Fair Share plan to address a portion of the Borough's third round affordable housing obligation and this plan component is part of the court approved Settlement Agreement with Fair Share Housing Center and is also a part of the Borough's housing element and fair share plan adopted by this Board. The Borough is now in the compliance phase of the affordable housing process whereby the Borough

must implement the various plan mechanisms to address its affordable housing obligations as set forth in the Settlement Agreement and the housing element Fair Share Plan. The Municipal land use law requires specifically Section 26, Referral of Powers that prior to adoption of a development regulation, revision or amendment thereto, the Planning Board shall make and transmit to the governing body within thirty-five (35) days after referral a report including identification of any provisions and a proposed development regulation, revision or amendment which are inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the Board deems appropriate. The charge of the Board this evening is to determine whether or not this Ordinance is inconsistent with the Master Plan to note by those inconsistencies and then finally make a recommendation to the Mayor and Council who can then choose to adopt the Ordinance at their July 13, 2020 meeting, again adhering to the Court's compliance process.

- **Brief Over view of the Ordinance**

To create an overlay zone along New Bridge Road which encompasses the parcels known as Block 1303, Lots 3,4 and 5 which is a 3 acre area in the Borough fronting New Bridge Road and Main Street currently dissolved with the BP gas station, former batting cages property and Ethan Allan. It's in a unique area of the Borough, to the north is the Hackensack River and marsh land, to the west is the train station and to the east is the historic society property and to the south is commercial development and the site itself is within walking distance to the New Bridge Landing train station so there is an opportunity for transit oriented development which is what this Ordinance allows for. The Ordinance itself does not eliminate the underlying C1 zone destination, that zoning can remain so the current property owners will get to retain their current development rights. This gives them an added develop option to develop multiple family or mixed use development again for the purpose of creating an opportunity to create additional affordable housing in the Borough. This residential component has a maximum density 20 units per acre, over a 3 acre area this could yield potentially up to 60 units with a required 20% affordable housing set aside. The ordinance also provides the bulk criteria, the maximum heights of the building, the setbacks, buffers etc. It also provides some amount of design criteria in terms of what the building and site should look like. In terms of Ordinances consistency with the Master Plan, Mr. Behrens will refer to the Borough's most recent Master Plan dated 1984.

- **Goals and objectives of 1984 Master Plan which are applicable to this Ordinance**

This use for multifamily development being contemplated does seem to fit in to its location and in Mr. Behrens opinion it is within an appropriate area of the Borough for such type of development. Again, in proximity to the New Bridge Landing train station.

Next objective is improving where necessary the aesthetic character of the existing commercial development by employing zoning controls and encouraging maintenance. So here we have an opportunity to reinvent or redevelopment obsolete commercial uses to create new buildings, improve the site and with some new uses which may or may not include commercial component so it would seem to further this Master Plan objective. The next objective is to concentrate future commercial development office and retail in the existing commercial area in order to create a community focal point and minimize conflicting land uses, while the Ordinance may or may not contribute to new commercial development, Mr. Behrens does think that it helps with the goal of creating communal focal point in terms of pitting people near the train station, it may include mix use develop and it could serve as a nice development is really a gateway to the community.

Another objective is to encourage the consolidation of underutilized blocks in the commercial areas, provide improved forms of commercial development. Again, this may or may not include commercial development but there is an opportunity to consolidate at least two or three parcels and have one unified development that contributes to the character of the Borough and provides a useful mix housing and/or commercial uses.

Last but not least, the objective of requiring adequate off-street parking facilities in all new commercial developments and multifamily residential developments. Anything developed in accordance with this Ordinance would have to comply with the parking requirements established therein which included adherence to the residential site improvement standards for the residential component.

It is Mr. Behrens opinion that this Ordinance is not only not inconsistent but is substantially consistent with a number of the Borough Master Plan goals and objectives. This Ordinance is a component of the court approved Settlement Agreement, it is a part of the housing element and Fair Share Plan adopted by this Board which is an element of the Master Plan, so at this point the Board can discuss the Ordinance make a determination as to whether or not the Ordinance is inconsistent with the Master Plan and if so, can make any recommendation to the Council moving forward. Mr. Behrens completes his presentation.

Chairman Arakelian opens to the Board for their comments.

- Mayor Papaleo – Has no questions and is satisfied.
- Ms. Boland – No comments.
- Mr. Grasso - No comments.
- Mr. Caslin – No comments.
- Councilman Chinigo – No comments.
- Mr. Krey – One question – The overlay zone has the potential for 60 units, and you said 20% of those would have to be set aside so a potential for 12 is that correct? Mr. Behrens – Correct. That was part of Fair Share Housing negotiations. They actually wanted a higher density and we were compromised at 20 units per acre which is fitting for the type of development that is contemplated there.
- Mr. Gibbons – Just one point for clarification. So that can be any type of housing, apartment, condo, single family, multi family. Mr. Behrens – It would have to be in the context of a multi-family or apartment type of development. The units themselves could be for sale or rental. They cannot be townhouse; they cannot be single family houses.
- Mr. Esposito - No comments.
- Mr. Mehrman – Mr. Mehrman states that he does not see anywhere the geographic location being the blocks and lots appearing in the within the written Resolution and he believes it should be inserted. (It is requested that Ms. Stinley put that in the adoption) The other issue

Mr. Mehrman raises is regarding if a group of objectors came in and stated that you are in essence committing a spot zoning he requested an explanation other than the affordable housing what the Borough's defense would be.

- Mr. Behrens – as I sort of touched on I think this area in particular is a very unique location within the Borough again, that it is sort of bisected by the rail line, it is adjacent to the Hackensack River to the north, environmental, it has the historical property across the street, and again is close to the train station, it's about three total acres and when you consider the entire site in its totality it really creates a unique opportunity which again would lend itself to transit oriented development given its about two blocks from the train station. So, I think in a lot of ways it makes sense it stands on its own as a unique development site.
- Mr. Mehrman agreed with Mr. Behrens but wants to make sure that, that statement appears within the minutes recorded so if we do have anyone objecting, we do have a written format already. (*The statements made above by Mr. Behrens are verbatim*).
- Mr. Mehrman had one general comment – he is just putting it forward and he is sure that the Mayor and Council may be aware of it but he's not so sure if the other Board members are that this particular parcel or overlay area right now is not served by a municipal sanitary sewer which now becomes an off site development for this parcel development for the 60 dwelling units or whatever they wind up coming up with I want the Mayor and all to be aware of that so that if they get to a position where there negotiating with a potential developer that, that developer pays for all the offsite municipal improvements that are required to dispose of the sanitary from this development. It is Mr. Mehrman's belief that right now the River Edge taxpayers should not have to provide that capital expenditure to enhance a private developer.

Mayor Papaleo requests that Mr. Behrens make note of that in a memo to the Council in that regard. Mr. Behrens agree to do said memo.

- Chairman Arakelian – With the addition of Ms. Stinley on paragraph 2 giving the location of the overlay, that should satisfy what we are going to do next. Motion to open to the public – Ms. Boland – Second – Mr. Merhman – there is no one from the public – Motion to close to the public – Mr. Mehrman – so made – second – Mr. Esposito – all in favor – aye.
- Chairman Arakelian – We need a motion to state that this is not inconsistent with the Master Plan. Can I get a motion on that – Mr. Grasso makes a motion that it is not inconsistent with the Master Plan – Second – Mr. Merhman – as amended, I will second it.

Roll call – Mayor Papaleo – yes; Mr. Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni -absent; Mr. Mehrman – yes; Mr Grasso – yes; Mr. Krey- yes; Mr. Caslin – yes, Councilman Chinigo -yes; Mr. Gibbons – yes and Mr. Esposito – yes.

- Chairman Arakelian – tells the Board that they should have received a copy of the Resolution a few days ago and the reason that we expedited this is because the Borough is

under a time constraint so he asked Ms. Stinley to execute a document and if the Board had to make any changes, they would make them and then they would vote of those changes to the Resolution then both Chairman Arakelian and the Secretary would sign it which is expected to be done tomorrow. So, with the correction made Paragraph 2 noting both the addresses – Chairman Arakelian asks if there are any questions or comments.

- Mr. Grasso – He believes that when he made the motion possibly for technical reasons it has to be done again because he did not mention the word Resolution. Chairman Arakelian explains that he was not approving the Resolution that the Board is just approving exactly what Mr. Grasso said.
- Chairman Arakelian - a motion to open to the public – Mr. Gibbons – Second – Mr. Krey – no public in attendance. Motion to close to the public – Mr. Gibbons- Second – Mr. Caslin – all in favor – aye – any opposed any abstained?
- Chairman Arakelian is looking for a motion to approve the Resolution as corrected. Mr. Krey had a question – The resolution and he overlay zone as it is created does not require residential development there it allows it. If someone opted to do pure commercial development, there that's not prohibited – is that correct? Mr. Behrens – Correct – it creates an opportunity to create affordable housing as an extra option. Chairman Arakelian – Motion on the Resolution to approve it - Mr. Mehrman makes a motion that the land use board approve the overlay zone AH1 as written and amended to show the Block 1303, Lots 3,4 and 5, Second – Ms. Boland.

Roll call – Mayor Papaleo – yes; Mr. Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni -absent; Mr. Mehrman – yes; Mr Grasso – yes; Mr. Krey- yes; Mr. Caslin – yes, Councilman Chinigo -yes; Mr. Gibbons – yes and Mr. Esposito – yes.

- Housekeeping – Properties coming before the Board in August – Food license requiring a site plan review for a golf center. Sonny G's two separate applications. There is discussion regarding the parking at Sonny G's and insurance issues. Ms. Stinley will look into all questions before they come before the Board at the next meeting. Two food licenses are in the works – one in the new strip mall and the other is Feather's they changed hands so they will be coming in for a food license as well. Chairman Arakelian thanks the Mayor and Council for working so hard to get outside dinning in place for the businesses in town. He also thanks Councilwoman Kaufman for helping the Board with the Zoom meetings.
- Chairman Arakelian – do I have a motion to close – Mr. Gibbons – Second – Mr. Krey. All in favor – aye – any opposed and abstained?
- Meeting adjourned