

**BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
May 20, 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 ó here
Eileen Boland ó Absent (Excused)
Chris Caslin- here
Alphonse Bartelloni - here
Dario Chinigo ó here
Gary Esposito ó here

ALSO PRESENT: Thomas Behrens, Planner
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 4/15/20 –

Comments (not sure who was speaking as there is no video just audio) ó Page 2 change needed to be made regarding voting on the adoption of the Fair Housing element. Minutes stated that the person speaking abstained from the vote on the Fair Housing element, but he actually did vote on the Fair Housing element (he voted yes) and abstained in the following application (Jersey Mikes). Change will be made by Ms. Stinley's office. Motion on corrected minutes ó so moved (Mr. Gibbons) second ó (Mr. Grasso). Dick Merhman was absent so he abstained. (Another person abstained also not sure who)

Memorializations

1. Pat Dom, LLC ó 259 Johnson Avenue, Block 1417, Lot 3- Food Handler's License.

Approved at April 15, 2020 meeting.

Applicant is deficient in his escrow. Ms. Stinley spoke with the applicant's attorneys and they agreed to the escrow deposit for the additional fees. Per Mr. Arakelian nothing as been received yet. Mr. Arakelian asks counsel if they can go ahead with a vote. Counsel advises ó yes.

Motion on memorialization ó So moved (Mr. Gibbons); Second (Mr. Krey). Roll call: Mayor ó yes; Chairman Arakelian ó yes; Ms. Boland is absent tonight; Mr. Bartelloni and Mr. Mehrman were absent at that meeting; Mr. Grasso ó Yes; Mr. Krey- yes; Mr. Caslin ó yes; Councilman Chinigo - yes; Mr. Gibbons ó yes and Mr. Esposito - yes. Motion passes

2. Joe Carchi ó Joseph's Pizzeria ó 486 Kinderkamack Road, Block 804, Lots 13 & 14 ó Food Handler's License.

Approved at April 15, 2020 meeting.

Motion on memorialization ó So moved ó (Mr. Krey; Second (Mr. Caslin). Roll Call Mayor ó yes; Chairman Arakelian ó yes; Ms. Boland is absent tonight; Mr. Bartelloni and Mr. Mehrman were absent at that meeting; Mr. Grasso ó Yes; Mr. Krey- yes; Mr. Caslin ó yes; Councilman Chinigo - yes; Mr. Gibbons ó yes and Mr. Esposito - yes. Motion passes.

Completeness:

1. Ben Shin ó 186 Reservoir Ave., Block 1209, Lot 47 -Seeking a variance on lot coverage - Install a new rear yard patio ó violates maximum improved lot coverage.
Mr. Behrens ó has reviewed the application and materials and states the application can be deemed complete and can be heard this evening.

Ms. Stinley ó The applicant meets the minimum requirements required by law for the Board to proceed tonight.

Mr. Grasso asked if Mr. Behrens and Ms. Stinley had different (updated) documents then he had in front of him. Ms. Stinley advised yes she and Mr. Behrens had signed corrected documents.

Motion to move the application forward ó So moved (Mr. Gibbons), Second (Mr. Mehrman).
Roll Call - Mayor ó yes; Chairman Arakelian ó yes; Ms. Boland is absent tonight; Mr. Bartelloni- yes, Mr. Mehrman - yes; Mr. Grasso ó Yes; Mr. Krey- yes; Mr. Caslin ó yes; Councilman Chinigo - yes; Mr. Gibbons ó yes and Mr. Esposito - yes. Motion passes.

The applicant is looking for lot coverage relief. The Borough allows 35% and the applicant is looking for 46.9% of lot coverage.

Applicant is sworn in. Mr. Shin would like to expand his backyard patio to provide a safer area for his children to play because Reservoir Avenue is a very busy road and his concern is if he put a basketball hoop in the front, his son might run into the street and there may be a car going 40 mph when they should obviously be going much slower and they might hit his son and there is going to be tragedy. So he wants to enhance his backyard so he does not have to worry about his kids and they have a safe place to play along with the neighborhood kids.

Mr. Behrens ó The lot itself is approximately 7,536 square feet, the existing coverage is approximately 34.3% not including the patio. If you include the patio 12' x 20' or 240 square feet your up at 37.5% that is the total existing property as it is today. The plan before the Board shows a proposed patio of 20.9 x 45', its approximately 945 square feet and that would bring the total coverage to about 46% in change. In terms of addressing the variance relief the applicant has to provide a justification as to the

public benefits versus any detriments and make a demonstration that the granting of a variance is not inconsistent with the intent and purpose of the Master Plan and zoning ordinance.

Mr. Mehrman will not entertain anything over 40% unless he is convinced otherwise.

Mr. Grasso asked about the pitch of the backyard. Applicant has no water issues.

Mr. Krey goes over numbers stating that what is being requested by the applicant is basically 5 times bigger than what it is now. Other than the traffic being a hardship Mr. Krey asks applicant if there are other issues. Applicant explains that the majority of the expansion is for the kids.

Mr. Caslin asks the applicant how he came up with the dimensions that he is requesting. Mr. Behrens chimes in stating that he spoke with the applicant and that they actually moved the patio in the required five feet from the rear yard, so it is conforming in terms of setbacks. So, it has been reduced.

Councilman Chinigo asks if the hoop is going to be portable to which applicant answered yes.

Mr. Gibbons - His main concern is that it's a lot of coverage. He understands his concerns but it's a lot of coverage.

Mr. Esposito Same concerns the lot coverage is a lot.

Mayor Papaleo Goes over the dimensions of Mr. Shins property. He understands the applicants concerns but cannot see the Board going higher than 40 especially given the traffic on Reservoir compared to some of the towns more busy streets.

Chairman Arakelian agrees with Mr. Mehrman and the Mayor. He is also concerned about the water issue. He too is very hesitant to go over the 40% and Chairman Arakelian asks applicant if he would accept the 40% and if that would help him in what he was trying to achieve in his backyard. He asks applicant if he would rather have them vote on his proposal or would he like them to vote on the 40% that would be more likely to pass.

Councilman Chinigo suggests putting a little more effort into the drainage issue to make sure there is no extra water accumulation and he knows a lot of backyards get water pulled in and to fix it up it costs a lot of money and maybe something like this might help other homeowners as well.

Mr. Behrens joins in going over the numbers again. Existing patio is 240 square feet, proposed 945. At 40% you'd have a patio of 450 square feet and any adjustment percentage wise of 1% is about an extra 75 feet.

Chairman Arakelian asks the applicant that if the Board were to approve the application at 42% would he be willing to amend his application with the stipulation that any water retention recommendations that are made by the Planner and Engineer would that be something you would look at or do you want to go ahead with your plan. Applicant would be amenable the 42% if the Board were to approve it.

Mr. Mehrman Strongly suggest that the application be amended for subsurface disposal system for the increased amount as a minimum and that it be resubmitted and reviewed and approved by the Borough Engineer and that would include the installation.

Mayor Papaleo finds Mr. Mehrman's suggestion acceptable.

Chairman Arakelian states that he is a proponent of 40% but this is a rare type property because of the driveway so under the circumstances he can see himself clear to 42% if applicant agrees to that.

Mr. Bartelloni is asking about the cost to the applicant to have the system that needs to be put in and that he should know that cost.

Mr. Behrens says that it depends on different variables. He is explaining the procedure and says the applicant will be looking at a couple thousand dollars but there may be an opportunity to tie into what is already there and capture the patio surface area.

Mr. Krey is asking if there is a water problem and drainage. (Audio is going in out hard to hear the exchanges going on) it will be for the review of the Borough Engineer and whatever he decides that is what needs to be done.

Counsel explains the procedure on moving forward today. Mr. Shin states that according to counsel he needs to submit a revised proposal but, in the meantime, he can continue his project with the potential of there being an objection to it. Mr. Behrens explains that it would be a permit application with the Building Department for the patio. There would be an application, an application fee of about \$50.00 and generally it's a revised sketch including a survey and proposed patio.

Motion to open to the public ó So moved (?) Second Mr. Mehrman. All in favor ó Aye. No one from the public. Motion to close to the public ó so moved (Mr. Mehrman) Second Mr. Grasso.

Mr. Shin ó proposes the 42% sized patio with the revised stipulation for additional drainage if same be required by the Borough Engineer.

Counsel advises that that would be one of the conditions in the Resolution and if the applicant agrees to them then the Board can make a motion on that amended application.

Motion on the application- Mr. Merhman makes a motion that the Board amend the application for Shin residence at 186 Reservoir Ave., Block 1209, Lot 47 such that the maximum improved lot coverage does not exceed 42% and that the applicant submit subsurface drainage improvements or improvements to the existing as may be deemed by the Borough Engineer ó Second (Mr. Gibbons). Roll Call - Mayor ó yes; Chairman Arakelian ó yes; Ms. Boland is absent tonight; Mr. Bartelloni- yes; Mr. Mehrman - yes; Mr. Grasso ó Yes; Mr. Krey- yes; Mr. Caslin ó yes; Councilman Chinigo - yes; Mr. Gibbons ó yes and Mr. Esposito - yes. Motion passes. Application is approved with exceptions.

Chairman Arakelian ó goes over some housekeeping and what might be coming up. (He is fading in and out hard to hear) Quick update as to the Historical Society application.

Thanks all for attending ó meeting is adjourned.