



COMMUNITY PLANNING  
LAND DEVELOPMENT AND DESIGN  
LANDSCAPE ARCHITECTURE

PRINCIPALS:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*

## LETTER OF NONCOMPLIANCE

SENT VIA EMAIL

July 9, 2020

PatDom, LLC  
c/o Aiyana Gallardo, Esq.  
Waters, McPherson, McNeill, P.C.  
300 Lighting Way, 7<sup>th</sup> Floor, Secaucus, NJ 07096

Re: Borough of River Edge – Zoning Permit Review  
259 Johnson Avenue, Block 1417 Lots 3 and 2.02 – Amended Site Plan Application

Dear Ms. Gallardo,

Your Client's application for amended site plan approval for improvements to the above-referenced property are in violation of the following Borough of River Edge Ordinance requirements:

1. Note: The subject parcel and all lots providing supplemental parking should be made part of the application with proper public notice made in advance of the public hearing on this matter. Also, at a minimum, the property boundary of lot 2.02 where the supplemental parking is proposed should be included on the site plan.
2. Minimum front yard setback. The proposed ADA chairlift addition in the front yard which received Borough Council approval for a license technically requires variance relief for the proposed 0 ft front yard setback where the C-2 Zone requires a minimum front yard setback of 30 feet.
3. Parking. The site plan application has been amended to include a total of 165 restaurant seats (120 indoor and 45 outdoor) where the applicant received previous approval for 100 seats. In accordance with Section 350-25A of the Borough Ordinance, 1 parking space is required for each 2.5 restaurant seats, or 66 parking spaces where the revised site plan depicts a total of 33 parking spaces, many of which do not comply with the Borough's minimum parking stall dimensions. The 1 space which extends into the Borough's Johnson Avenue right-of-way cannot be counted and is not within the jurisdiction of the Land Use Board. The number and location(s) of any additional off-site parking shall be provided for consideration. Variance relief is required.
4. Parking stall dimensions. In accordance with Section 350-25D(1), parking stalls shall be minimally 9 feet by 18 feet where many of the parking spaces on the site plan are less than this minimum dimension. A design exception is required.

5. Accessory structure setback. The proposed outdoor seating canopy has a minimum setback of approximately 2 feet from the side lot line where Section 416-27C(2) requires a minimum accessory structure setback of 4 feet from all lot lines. Variance relief is required.
6. Accessory structure dimensions. The proposed outdoor seating canopy is 450 square feet in area where Section 416-27C permits a maximum accessory structure area of 150 square feet. Variance relief is required. Should the proposed canopy height exceed the maximum permitted accessory structure height of 12 feet additional relief will be required.
7. All leases, easements or other instruments providing a record of supplemental parking arrangements shall be provided to the Board for review.
8. The details for all proposed exterior lighting fixtures shall be provided for review to determine ordinance compliance.

You may appeal this decision to the River Edge Land Use Board should you believe that your proposal does not violate the aforementioned Borough Ordinance provisions. Alternatively, you may submit a site plan application to the Land Use Board per the aforementioned food handler's license requirement, including a request for any variance relief, and/or design exceptions, as determined to be necessary. If you wish to appeal and/or apply for a variance, please contact the River Edge Municipal Land Use Clerk at 201-599-6307.

Should you have any questions about this matter, please do not hesitate to contact me at 201-666-1811.

Sincerely,



Tom Behrens, PP, AICP