



# BOROUGH OF EAST RUTHERFORD PLANNING BOARD MEETING MINUTES FEBRUARY 13, 2017

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A meeting of the East Rutherford Planning Board was held on **February 13, 2017** at 7:00pm at the Borough Hall, located at 1 Everett Place, East Rutherford.

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## **ROLL CALL**

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| <input checked="" type="checkbox"/> Carmen Polifronio, Chairman | <input checked="" type="checkbox"/> John Giancaspro, Secretary |
| <input type="checkbox"/> Kaz Dabek, Vice-Chairman               | <input checked="" type="checkbox"/> James Novello, Attorney    |
| <input type="checkbox"/> Mayor James L. Cassella                | <input checked="" type="checkbox"/> Mark Everett, Planner      |
| <input checked="" type="checkbox"/> Councilman Saverio Stallone | <input type="checkbox"/> Glenn Beckmeyer, Engineer             |
| <input checked="" type="checkbox"/> Robert Roth                 |  |
| <input checked="" type="checkbox"/> Joseph Morris               |  |
| <input checked="" type="checkbox"/> John Fusco                  |  |
| <input checked="" type="checkbox"/> Michael Homaychak           |  |

*Denotes in Attendance*

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The meeting was called to order by Chairman Carmen Polifronio, followed by the Pledge of Allegiance.

Mr. Novello announced that the 10 Morton Street application would not be heard at this meeting, as the Applicant requested time to revise plans based on the Applicant's meeting with Borough professionals, following the February 1, 2017 hearing. Mr. Novello noted that there would be a 30-day extension to act.

## **APPROVAL OF PREVIOUS MINUTES**

A motion was made by Councilman Stallone, seconded by Mr. Morris to approve the meeting minutes of February 1, 2017. Mr. Fusco abstained from voting, all others were in favor.

## **APPOINTMENT OF BOARD PLANNER**

The Board was in receipt of responses to the Request for Qualifications for the position of Planning Board Planner. Councilman Stallone moved to appoint Remington, Vernick, & Arango. Mr. Morris seconded the motion. All were in favor.

## HEARING OF APPLICANTS

### DOCKET #16-008

#### Application for Minor Subdivision

#### North Jersey Builders Group

23 & 29 Prospect Terrace

Block 60 Lot 1.01 & 2

Mr. David Crook, Attorney for the Applicant, reintroduced the application to the Board. Mr. Crook submitted the following additional exhibits:

- A-10: License Agreement with the neighboring property
- A-11: Engineering details related to the retaining walls
- A-12: Minor Subdivision dated December 17, 2016

Mr. Crook explained the Applicant was seeking relief to construct a one-family home on a lot that was 4,979 square feet, where 5,000 square feet is required. He noted relief would be needed for lot depth and area.

Mr. Crook explained that the License Agreement obtained has been changed to irrevocable and is currently pending, awaiting signatures.

Mr. John Bezuyen, Engineer for the Applicant, came forward to provide testimony regarding the revised site plan. He noted that the neighbor's house was added to the plan and the R-2 bulk table was also added to the sheet.

Mr. Crook explained that he had been in contact with the Board's Engineer Glenn Beckmeyer regarding the details of the retaining walls, and he and Mr. Beckmeyer agreed that the Applicant would provide the details during the construction phase.

Mr. Everett noted that he interpreted the Borough's ordinance to require a 6,000-square foot lot in the R-2 Zone. He further explained that he analyzed the application to point out variances needed from the Board. Mr. Everett then asked the Applicant his opinion as to why the lots had not been previously developed.

Mr. Anthony Guidetti of North Jersey Builders explained to the Board that the lots are difficult to develop due to their grade. He noted that it was a difficult street to work on and he chose to make an investment to improve the area. He further noted that the parking in the area is limited.

Mr. Fusco asked about the conditions of the existing wall and if any improvements are needed. Mr. Guidetti stated that the existing wall will be taken down and rebuilt to reinforce it. He noted that it will be built in the same manner to maintain the aesthetics. He further noted that the wall also needs to be removed for access to necessary utility work.

Mr. Crook recapped that the Applicant was seeking variances for the Lot Area and Lot Depth, and the issue regarding the lot size within the R-2 Zone would need to be interpreted if 6,000 square feet was required for the one family home. He also noted a variance for the wall height would be needed, as it would be a maximum of eight feet.

Mr. Polifronio asked why the Applicant did not choose to subdivide the property into two, 5,500 square foot lots and construct two, one family homes. Mr. Guidetti explained that given the financial constraints of construction, it made the most financial sense to subdivide and construct in this manner.

Mr. Fusco asked about the grade and size of the driveway, and whether it could accommodate all parking. Mr. Guidetti responded that the size and grade were appropriate, and a garage would be providing two parking spaces.

Mr. Homyachak asked if the one family lot is conforming in size. Mr. Crook stated it was not in compliance because it was undersized. Mr. Homyachak asked if the setbacks were compliant, to which Mr. Crook responded that the lot required a 14-foot setback, where 16.9 feet is being proposed.

Mr. Polifronio asked about the impacts to parking. Mr. Guidetti explained that there would be a loss of two parking spaces because of the aprons, but four parking spaces would be gained.

Mr. Fusco moved to open the meeting to the Public. The motion was seconded by Mr. Homyachak and all were in favor.

Ms. Susan Krause of 36 Prospect Terrace came forward and expressed her support of the application. She noted that Mr. Guidetti has been good neighbor while developing other lots and has added significant value to the neighborhood.

Mr. Fusco moved to close the meeting to the Public. The motion was seconded by Mr. Morris and all were in favor.

Mr. Fusco moved to approve the Minor Subdivision with relief for lot area, lot depth, and wall height and conditioned the approval on execution of a license agreement with the neighboring property.

Motion Roll Call:

MEMBER	AYE	NO	ABSTAIN	NOT PRESENT
Polifronio	X			
Dabek				X
Cassella				X
Stallone			X	
Roth	X			
Morris	X			
Fusco	X			
Homaychak	X			

The motion was approved.

**DOCKET #16-007**

**Eros Café**

168 Union Avenue

Block 8, Lot 4

Mr. David Crook, Attorney for the Applicant, introduced the application to the Board. He submitted the following exhibits:

- A-1: Application
- A-2: Tax Collector Certification
- A-3: Notice of Publication
- A-4: Site Plan dated June 22, 2016
- A-5: Site Survey
- A-6: Title Policy with Driveway Easements
- A-7: Property Deed dated April 8, 2016
- A-8: Consent Agreement for Driveway Use
- A-9: License Agreement between Eros and the Borough of East Rutherford
- A-10: Zoning Denial Letter
- A-11: Review Letter from the Court Appointed Special Monitor Robert Regan
- A-12: Review Letter from Mr. Everett

Mr. Crook explained that the application was for approval to build a rear patio area.

Mr. Jimmy Valavanas, owner of Eros Café, came forward to give testimony regarding the application. He explained that Eros Café previously operated in the Borough of Rutherford on Park Avenue until the business was lost due to a fire. He explained that the business then moved to its current location at 168 Union Avenue and has been doing well, and there have been improvements made to the building since it opened. He noted that as part of the proposed project, he will also be upgrading the bathrooms to be ADA compliant.

Mr. Valvanas explained that he was seeking to construct an outside patio area to add seating. He noted that the patio area would affect parking, but he had made arrangements with the neighboring property owner to place the spots along the adjacent property's building, the Railroad Café, and if done so, would still be able to maintain the easement and a 13-foot aisle way. He noted that the business markets to commuters using New Jersey Transit via the Rutherford Station.

Mr. Valvanas testified that the patio area would be covered and have removable side panels. The patio would accommodate 24 seats, on top of the current 64 existing seats. He explained that the project would also include ADA upgrades to the bathrooms.

Mr. Polifronio asked about the current parking conditions. Mr. Crook and Mr. Valvanas explained that currently there are 17 parking spaces where 40 are required, but there are no opportunities to expand the parking area. Mr. Valvanas noted that parking has not been an issue and he promotes use of Railroad Avenue to customers.

Mr. Sam Awad of Summit, New Jersey, Architect for the Applicant, was sworn in to give testimony regarding the application. Mr. Awad explained the proposed patio area and noted that the bathrooms would be upgraded to be ADA compliant. He further explained that decorative planters would be provided between the patio area and the existing driveway, along with bollard protection, approximately every four feet. Mr. Awad also pointed out the three parking spaces that would be relocated along the Railroad Café.

Mr. Homaychak asked if the planters along the Railroad Café would be removed, to which Mr. Awad stated the planters would remain in place.

Mr. Awad explained the patio would create approximately 620 square feet in new space, and the dimensions were roughly 15 feet off the back of the existing structure, and 65 feet in length. He pointed out the emergency access and responded to Councilman Stallone's question regarding access to the area by noting there would be access from both the exterior and interior of the existing structure.

Mr. Fusco asked about the aesthetics of the patio, to which Mr. Valvanas responded the patio would be covered with a plastic or canvas material with removable or roll-up sides. He noted that he had not made a final decision on the material or type.

There was a discussion regarding whether smoking was permitted in the patio area due to its open nature on three sides. The Board agreed that Eros would have to comply with State laws regarding the matter.

Mr. Polifronio asked about the trash location and pick-up. Mr. Valvanas responded that trash was placed in three containers in a collection area shared by Eros and the Railroad Café. He explained that pick-ups take place around 8:00am and there are no anticipated access restrictions due to the reconfiguration of parking.

Mr. Polifronio asked if there were any opportunities for shared parking with the Railroad Café. Mr. Valvanas stated he would be interested in doing so, but there was no present opportunity.

Councilman Stallone asked about the composition of the decorative planters and inclusion of bollards. Mr. Valvanas explained the planters would be wood and bollards would be permanently installed in between them. He noted that bollards were also previously installed around the front of the building, consisting of metal filled with concrete, three feet below and above grade. He explained the rear bollards would be similar.

Mr. Polifronio asked if the Applicant felt there would be any negative impact to the area. Mr. Valvanas and Mr. Awad explained that they felt there would be no negative impact and it would be an improvement to the area. Mr. Valvanas explained additional lighting would also be installed along the rear driveway area to improve conditions.

Mr. Homyachak asked about the hours of operation, specifying he believed the patio area would be required to close at 11:00pm. There was a question whether the 11:00pm restriction would apply when the patio sides were in place.

Mr. Awad noted that he would add lighting on the columns of the patio to illuminate the rear area, and add a “No Entry” sign in the rear.

Mr. Fusco moved to open the meeting to the Public. Councilman Stallone seconded the motion and all were in favor.

With no member of the Public wishing to be heard on the application, Mr. Homyachak moved to close the meeting to the Public. Councilman Stallone seconded the motion and all were in favor.

Councilman Stallone moved to approve the application with the changes previously specified, and with the condition that the Applicant provide one ADA compliant parking space. Mr. Crook stipulated to the Councilman’s condition, but asked if the parking requirement could be a total of 14 instead of 17, with the reasoning that those 14 spaces are provided on the property, and in the instance the use of the three spots are lost on the adjacent property, Eros would remain in compliance. Councilman Stallone agreed with the suggestion and moved forward with his motion. Mr. Homyachak noted his disagreement with reducing the parking requirement. Mr. Roth seconded the motion.

Motion Roll Call:

MEMBER	AYE	NO	ABSTAIN	NOT PRESENT
Polifronio	<b>X</b>			
Dabek				<b>X</b>
Cassella				<b>X</b>
Stallone	<b>X</b>			
Roth	<b>X</b>			
Morris	<b>X</b>			
Fusco	<b>X</b>			
Homyachak		<b>X</b>		

With no further business before the Board, a motion was made by Councilman Stallone, seconded by Mr. Morris to adjourn the meeting.

Minutes By:  
John Giancaspro  
Board Secretary