

RIVERALE PLANNING BOARD

April 26, 2007

The Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p.m. Chairman Steven Loesner read the sunshine law

ROLL CALL: Present: Mayor William Budesheim
Councilman Joseph Falkoski
Bradley Clinton
Al Heimall
Glenn Venza
George Lang
Vice-Chairman Brendan Magennis
Chairman Steven Loesner

Absent: Vincent Pellegrini
Michael Reilly (Alt 2)

Also present is John Barbarula Esquire, Board Attorney, Paul Darmofalski P.E., Board Engineer, and Donna Holmqvist, Board Planner

APPROVAL OF MINUTES:

Thereupon Vice-Chairman Brendan Magennis set forth the motion seconded by Al Heimall to approve the minutes of April 5, 2007 as written

ROLL CALL: Ayes: Magennis, Heimall, Budesheim, Venza, Clinton, Loesner
Nays: None
Abstain: Falkoski, Lang
(6 Ayes – 0 Nays – 2 Abstain - Motion Carried)

APPROVAL OF BILLS:

The Board Secretary stated that the monies are available. Thereupon Bradley Clinton set forth the motion seconded by Glenn Venza to approve payment of four bills totaling \$2,375.00 as listed on the agenda

ROLL CALL: Ayes: Clinton, Venza, Budesheim, Falkoski, Heimall, Lang, Magennis, Loesner
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

MAJOR SUB-DIVISION AND SITE PLAN APPLICATIONS:

1. Application No. MSD11012006 / Leon Shepherd II & Berit Belyea / 69 Mathews Avenue / Block 12.01 Lot 37.01

This application is being transcribed by a court stenographer. A copy of the transcripts will be attached and made part of these minutes

At the conclusion of the testimony, thereupon Al Heimall set forth the motion seconded by George Lang to carry this application to the May 24, 2007 meeting

ALL IN FAVOR

If nothing changes, this hearing will be carried to the May 24, 2007 meeting. There will be no further notices however; if the application changes and the application would be required to be heard by a different board, new notices will be sent.

2. Application No. MSP1122006 / Peter Camamis / 79 Newark Pompton Turnpike / Block 26 Lot 21.01

Attorney James Clarkin came forward for the applicant Peter Camamis. The property at this time is the site of an abandoned gas station. The applicant would like to turn this site into an attractive property with a use that conforms to the Borough Ordinance, (an office building). There is a request for a height variance and that is only for the clock tower which is aesthetically pleasing to this type of building and it is a very small part of the site. The clock tower is approximately 2' higher than the ordinance allows. One of the two hardships on this property is the shape of the site. There is a JCP&L. easement on this property which provides access to their substation in the rear of the site. In addition to the hardship theory, they believe that all of the variances that they are requesting can be justified during the testimony. Mr. Clarkin stated the application as a whole will reap many benefits to the town. The plans have been revised per the board engineer's requests.

Mohammed El-Hawwat, P.E. came forward and was sworn in by the Board Attorney. After listing his education and qualifications, the board accepts him as a professional. Mr. El-Hawwat reviewed the site for the board. A three story building is proposed with a clock tower in the center of the building which is a variance for 2' above the ordinance. The entrance to the property is on the right of the building and the driveway continues around to the exit which is on the left of the building. The plans the board has are different than the ones the engineer is referring to. After a short recess the plans were given to the board.

The Mayor asked how many people own the easement. Mr. Clarkin stated that there is only one owner of the easement and that is JCP&L. Mr. Clarkin stated that JCP&L. wanted to be sure that the aisle was large enough to accommodate their trucks bringing equipment to their site. After discussion the testimony was that the trucks would have to back out of the site due to the exit aisle being too narrow to accommodate the trucks. Vice-Chairman Magennis asked about the fire trucks and how they would maneuver in that tight a spot as well. Mr. Hawwat stated he did not think the aisle would be large enough for a ladder truck. Backing a truck out of the site onto Newark Pompton Turnpike would not be a benefit to the traffic.

There would be shielding along the left side of the property for the residences. The lighting would also accommodate for the residences. Mr. Clarkin stated he would be covering some of the questions on the planner's report, however; most of the questions would be answered by the architect and the other witnesses.

Mr. Hawwat reviewed the questions by the Planner and the Engineer. One of the questions was who would occupy the building, and at this time the owners do not know who the potential occupants would be; however; if a physician would like to rent space it would cause a problem with the parking. There is not enough parking to accommodate a doctor's office, and if a doctor were to inquire about a space there, he or she would have to come to the Zoning Board for a variance for parking. The Mayor stated the board should keep that point in mind. Chairman Loesner stated that all parking must be contained on the lot.

The signage would be a monument sign that is 8' x 5' or a total of 40' square feet. Mr. Hawwat stated that they would need a larger sign because the building is so large. The sign would be 10' above grade and be set back approximately 20' from the property line. Mr. Hawwat showed a rendering of the sign to the board. (This was marked A-1) Councilman Falkoski asked if that was a visual obstruction to the traffic coming out of the building. Mr. Hawwat stated he did not think so. Also Mr. Hawwat stated there would be no trees around the sign and the sign would not be internally illuminated.

Mr. Clarkin asked Mr. Hawwat if most of the office buildings he is affiliated with have many tractor trailer deliveries. Mr. Hawwat stated they do not. Mr. Hawwat reviewed the landscaping plan for the board. The rear of the building is paved. The rear of the building will have a 5' buffer except by the gate. There are 75 parking spaces available, however; this requires a variance. The next few items will be covered by the architect.

The dumpster will be enclosed on a pad. Councilman Falkoski stated he was not happy with the location of the dumpster and felt it would better in a different location. After discussion the dumpster plan will remain as is. Mr. Hawwat reviewed the final lighting and landscaping plans. There are three bins for recycling. Bradley Clinton asked how many feet are between the two islands in the southeast section of the lot. Mr. Hawwat stated they were striped islands and not raised. Paul Darmofalski asked Mr. Hawwat about the roof of the building and how he was going to provide adequate cover of the air-conditioning units and pipes that are on the roof. There is an overflow of drainage that has to be addressed as well. The drainage issue has to be resolved to his satisfaction.

George Scott Monro came forward and was sworn in by the Board Attorney. Mr. Monro is the architect for this project. Mr. Monro was accepted as an expert witness. Mr. Monro stated that there is a revision to the plan that was submitted. Mr. Monro reviewed his plan for the board. The façade of the building would be brick and stucco to keep a colonial feel to the building as per the master plan. They would be using stencil work under the eaves which is very similar to the school down the street. Chairman Loesner stated he disagreed with the colonial feel of the building, he felt it looked more like a federal building. Mr. Monro stated the whole street is very eclectic and he was trying to stay with the colonial. Mr. Clarkin stated that this is not an enforceable detail of the ordinance. Chairman Loesner stated he agreed, however, this is not colonial. Mr. Monro stated he believed the façade and the tower would add character to the building. There is a 1' parapet. There is no clock tower in the rear of the building, just a tower to coincide with the front of the building.

Donna Holmqvist asked about the windows. Mr. Monro stated if he structured the windows as per Ms. Holmqvist's request it would increase the height of the building. The condensers would be in the center of the roof and they would hope that would hide the equipment. Paul Darmofalski asked if the 1' parapet would conceal the equipment. Mr. Monro stated he thought so. Vice-Chairman Magennis stated a 1' parapet would not shield the equipment on the roof. The condensers and other equipment are much higher. Mr. Monro stated he is not an electrical engineer and doesn't know the answers to those questions. Mr. Monro stated maybe the equipment could be stored in the units themselves. This would have to be looked at. Mr. Monro stated that it would be possible to lower the ceilings of the building and thereby pick up a couple of feet for the parapet and thereby shielding the equipment on the roof. The plans would have to be redrawn.

Mr. Monro stated there are tech rooms on each floor that are the size of closets. The Mayor stated he feels this is a massive building for this area. The Mayor stated at this time the applicant is limited to no medical use, and maybe should think about downsizing the building to accommodate medical practices. Looking at Newark Pompton Turnpike, most of the offices are medical offices.

The applicant requests a short recess.

Mr. Clarkin stated during the break, the applicant had a conversation in reference to the building. Mr. Monro stated that the height of each floor is approximately 11' complete, and if they downsize that to 10' complete, that would pick up 3' extra and would definitely hide anything on the roof. That 3' plus the parapet would give them approximately 5' to shield the mechanical equipment on the roof.

Mr. Thomas Bogdan came forward and was sworn in by the Board Attorney. Mr. Bogdan was accepted as an expert witness in planning. Mr. Bogdan stated he has reviewed the Borough Ordinance and he feels the height variance is a "C" variance due to it being below 10%. The basis to keep the variance is the benefit to the Borough due to the screening the building provides from the JCP&L station and the aesthetic conditions of the building. There is a variance required for the amount of parking spaces by one space stated Mr. Bogdan, however an additional space could be provided. Mr. Bogdan stated when you look at the overall project and the benefits to be gained, it is a sound project.

Mayor Budesheim stated that if the building was downsized there would be no need for variances. Even though you are complying with the level of the law, it is the spirit of this Borough that we are looking for, and that is what I find in conflict stated the Mayor. Even if the first tenant comes in and is medical, there is a problem right away stated the Mayor. Chairman Loesner asked how you justify any variance on a clean slate, except for the easement, all of the variances are self-imposed.

Donna Holmqvist asked Mr. Bogdan the dimensions of the property. Mr. Bogdan stated he anticipated her questions and he understands why the questions were being asked, however, regardless of the testimony, the building could be downsized, however, this is the plan the applicant has set forth. After further discussion between Ms. Holmqvist and Mr. Bogdan, Mr. Clarkin asked for a short recess to confer with his client.

Chairman Loesner opened the application to the public. No one from the public came forward, thereupon Mayor William Budesheim set forth the motion seconded by Councilman Joseph Falkoski to close the public portion of the application.
ALL IN FAVOR

Mr. Clarkin came forward and asked if the application could be carried to give his client time to address the comments of the board and possibly downsize the building.

Thereupon Al Heimall set forth the motion seconded by Bradley Clinton to carry this application until the June 7, 2007 meeting.
ALL IN FAVOR

Chairman Loesner announced that if anyone was in the audience for this application, it will be carried to the June 7, 2007 meeting at 7:30 p.m. and there will be no new notices sent.

CASTLE ROCK GEOTECHNICAL:

Paul Darmofalski stated that he is having a meeting on May 7, 2007 at his office with the people from Castle Rock. Mr. Darmofalski stated he has a geotechnical expert on staff and does not feel the board should hire anyone else at this time.

The Board agreed and they will not hire anyone else at this time.

ADJOURNMENT:

Thereupon Glenn Venza set forth the motion seconded by Al Heimall to adjourn the meeting.

ALL IN FAVOR

Meeting adjourned at 10:46 p.m.

Respectfully submitted by:

Linda Roetman
Board Secretary

RIVERDALE PLANNING BOARD

May 3, 2007

The Workshop/Regular meeting of the Riverdale Planning Board opened on the above date at 7:30 p m Chairman Steven Loesner read the sunshine law

ROLL CALL: Present: Mayor William Budesheim (arrived at 7:50 pm)
Councilman Joseph Falkoski (arrived at 7:50 pm)
Al Heimall
Glenn Venza
George Lang
Vincent Pellegrini
Michael Reilly (Alt No 2)
Vice-Chairman Brendan Magennis
Chairman Steven Loesner

Absent: Bradley Clinton

Also present is John Barbarula, Esq Board Attorney, Paul Darmofalski P.E , Board Engineer, and Donna Holmqvist, Board Planner.

APPROVAL OF MINUTES:

The minutes for April 26, 2007 are not available; thereupon Chairman Steven Loesner set forth the motion seconded by Al Heimall to carry the minutes for April 26, 2007 to the May 24, 2007 meeting

ALL IN FAVOR

WORKSHOP:

Chairman Loesner asked if anyone was in the audience for the workshop. No one came forward. The board has one item to discuss and that is the Site Plan Application review. Paul Darmofalski stated that a formal application should be given to the board administrator and therefore she would make certain that there are funds in escrow. There are a lot of applicants that submit paperwork to the professionals before it is given to the board administrator.

After discussion, the board agreed that all applications will be given to the board administrator for distribution. At the time the board deems an application complete, the board will instruct the board administrator whether the application should be sent to the Planner or other professionals.

Thereupon Al Heimall set forth the motion seconded by Glenn Venza to close the workshop portion of the application

ALL IN FAVOR

THE BOARD TAKES A SHORT RECESS TO ALLOW TIME FOR THE MAYOR TO ATTEND THE MEETING.

AFTER A SHORI RECESS THE MAYOR AND COUNCILMAN ARE IN ATTENDANCE AT 7:50 PM.

SITE PLAN APPLICATION:

**1. Application No. MSP01232007 / Riverdale Square / Route 23 North / Block 40
Lots 4.03, 4.04, and 4.05**

Councilman Falkoski has to step down on this application due to owning property within 200' of the site

This is an application for a connector road. Kevin Harkins Esquire, attorney for the applicant came forward. Mr. Harkins stated that he had three witnesses this evening.

Mr. Michael Duffy came forward and was sworn in by the board attorney. Mr. Duffy stated his position is to manage and develop properties in North Jersey. Mr. Duffy stated his company takes sites that are rundown and are in need of a facelift. They have owned the site since 1991, it is an L-shaped center, and at this time there are a number of vacancies. Mr. Duffy stated they have high-end stores that are interested in renting, however; they would like to know that the connector road is going to take place, so that these stores are not stranded on one site. Mr. Duffy stated they would like as many connections as possible. The connector road would run from the front by Rupperts, along the road to Target. The connector road would also alleviate the traffic on Route 23 as well. The present tenants need this road as well as the new tenants for survival.

Mr. Charles Thomas came forward and was sworn in by the Board Attorney. Mr. Thomas is a civil engineer. Mr. Thomas listed his qualifications and was accepted by the board as an expert witness. Mr. Thomas reviewed the connector road specifications. Mr. Thomas stated that Target has approved the plan as submitted. Mr. Thomas stated they have a traffic engineer in attendance and he will testify later. The connector road is approximately 24' wide. It will start at the corner by Rupperts and there would be an approximate 4' height limit to the steepness of the road coming into Target and also the traffic coming from Target into Riverdale Square. Mr. Thomas stated they will lose three parking spaces with this plan, but they do not feel this would have a negative impact of the site. Mr. Thomas stated they are also installing a water detention system. There is a water quality treatment device that will be installed as well. These installations are due to the drainage problems. Mr. Thomas reviewed how the water treatment would work and where it would be placed.

Mr. Thomas discussed the landscaping for the site. They will be planting shrubs and trees to hide the wall. They are installing two lights, which will be the type that shines down. As for the parking, the spaces that would be lost would not be a problem, due to the hours of operation of the diverse uses in the Riverdale Square. With respect to coming into the site, at this time they only have the one entrance/exit off of Route 23. Target will continue to stay as is with no variances. Mr. Thomas stated that completes his testimony on the improvements of the site and Mr. Voinier is here to testify as to the traffic on the site.

Mayor Budesheim asked if the connector road could be used as only entering and not existing? The Mayor asked about the one-way only into the Riverdale Square site, due to people could go back onto Route 23 and enter Target that way. Mr. Thomas stated they thought about that, however; they like the idea of being able to have dinner at Rupperts and going on to shop at Target. That is the whole point of the connector road. Mr. Thomas stated they were trying to alleviate the traffic on 23. The Mayor stated that he was afraid of people making a short cut into Riverdale Square to get to Target if the traffic gets heavy on 23.

Mr. Thomas stated that was a possibility and maybe some signage would help. Chairman Loesner asked if there were any other alternatives they looked at. Mr. Thomas stated they looked at going out the back of the property, but that would entail building a bridge due to the sloping of the area. Mr. Thomas reviewed the alternatives they looked at and stated this was the best plan. The traffic pattern is not to be changed.

Ms. Holmqvist asked about the dimensions of the aisles where it looks like they are less than 24'. Mr. Thomas stated that they are pretty standard. Ms. Holmqvist stated with additional uses she was concerned about the traffic on that site. The Mayor asked if they would be changing the light fixtures in the main part of the store. Mr. Duffy stated they are replacing the lights with the halogen lights that glare downward and make it much more user friendly and very attractive. Mayor Budesheim asked if they would consider using the lights the town has on Newark Pompton Turnpike to keep with the feel of the town. Mr. Duffy stated they would be open to that. The Mayor stated he doesn't understand why major retailers won't consider renting there without a connector road. Mr. Duffy stated they want as much exposure as possible and the connector road would accommodate that. Mr. Duffy stated that they are not ruling out the idea of another road going out of the back of the site. Mr. Duffy stated that he would like to see this site be as accessible as possible to all of the surrounding retailers. The Mayor stated he was surprised that major retailers would look for connector roads, when out on Route 10 the retailers are isolated but apparently do rather well.

Chairman Loesner asked the board engineer what the status of the service road is at this time. Mr. Darmofalski stated that the DEP has scheduled a meeting with all the parties involved for later this month. Chairman Loesner stated looking at this plan, he sees major problems with traffic and back-ups and circulation, the turning radiuses look too tight and he does not feel confident with this plan. Chairman Loesner stated the board envisioned the connector road out of the back, and this is what the board wanted to see. The difference in elevation in the back is approximately 20' between the road and the Riverdale Square site, so there would have to be a bridge. The transition is a wide margin and a connector road would be impossible. Mr. Darmofalski stated that the actual location for the connector road is not matching with what Target has there, and the site grade on the Horton site is one of the points of discussion for the DEP meeting. Mr. Darmofalski stated he is working on the environmental stages of the project and then he will work on the grading of the project. Mr. Darmofalski stated he does not believe the grading differences are as severe as the applicant is showing on the plans.

There are additional walls that have to be constructed where the service road is, stated Paul Darmofalski, and the elevations will be different. Mr. Darmofalski stated he would keep the board informed, however; at this time before anything is said, he would rather wait for the meeting with DEP. Mr. Darmofalski stated that the difference between the lower connector road and the incoming road to Target seem to be too close. This is going to be a very busy area and a lot of confusion and he was concerned with the two roadways being too close. The elevations between the sites are between 8' and 9' difference.

Paul Darmofalski stated from the previous application and the comments and review from the board, the board clearly would like the connector road to be in the back of the building and that is what he would like to try and accomplish with the help of the professionals and the DEP.

Chairman Loesner stated that we have reviewed this before and that was the direction the board gave the owners of Riverdale Square. Chairman Loesner stated the board would like all the options to have the road in the rear of the property exhausted before considering an alternate plan.

Mr. Duffy came forward and stated he had been thinking about the suggestion the Mayor had and make the connector road a one-way road from Target into the Riverdale Square site, because that would discourage people from using the road as a "short cut". Mr. Duffy stated he wonders what the DEP would think of the plan and we won't know that until the meeting later this month, which he will be attending as well as his engineer

Mr. Darmofalski stated this road has been a project for this board for many years and he will do everything in his power to make this road a reality. He stated he is concerned with the 70' connection between the two roadways, however he is not sure that the plan submitted is the correct way to go

Randall Voinier came forward and was sworn in by the Board Attorney Mr. Voinier has testified before this board previously and is an accepted expert witness in traffic. Mr. Voinier stated that the circulation would remain as is at the site. The turn on the two-way road would have difficulty turning and so three spaces were removed to accommodate the connector road. The rest of the site would remain as is. Mr. Voinier stated the offset of 70' could create an inconvenience for people. Some people are courteous and some are not, however; this should not cause a problem at this site. Mr. Voinier stated he felt signage such as "DO NOT BLOCK INTERSECTION" would help, but of course not everyone heeds the signs. Making the road a one-way would cut down considerably the traffic between the two sites. On busy nights and weekends, there could be one hundred or more cars on the connector road. Mr. Voinier stated he feels with the inclusion of the connector road a noticeable amount of traffic off the highway. Mr. Voinier stated with the more popular tenants the site would become a popular connection between all the sites. Al Heimall asked if there was two-way traffic behind Rupperts and if this would be a problem to turn onto the connector road. Mr. Voinier stated he did not think this would be a problem.

After discussion, Mr. Duffy and his attorney came forward and asked the board to carry this application in order to give their professionals more time to review the comments from the board and to incorporate some of the concerns from the board into their plans. Also the meeting with the DEP might shed some light on this project as well.

Thereupon Al Heimall set forth the motion seconded by George Lang to carry this application until June 28, 2007.

ALL IN FAVOR

THE BOARD ATTORNEY STATED TO THE MEMBERS OF THE PUBLIC IN ATTENDANCE THAT THIS APPLICATION HAS BEEN CARRIED TO THE JUNE 28, 2007 MEETING AND THERE WILL BE NO NEW NOTICES SENT.

ADJOURNMENT:

Thereupon Vincent Pellegrini set forth the motion seconded by George Lang to adjourn the meeting

ALL IN FAVOR

Meeting Adjourned at 9:58 p.m.

Respectfully submitted by,

Linda Roetman
Board Secretary