

**PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
REORGANIZATION /REGULAR MEETING
MINUTES
January 8, 2014**

The Reorganization / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date January 8, 2014 at 7:30 p.m. The Sunshine Law was read.

SWEARING IN OF MEMBERS:

Vincent Pellegrini	-	Brad Clinton's Unexpired Term
Glenn Venza	-	Four Year Appointment
Sal Poli	-	Two Year Appointment
James Hatfield	-	One Year Appointment
Brad Clinton	-	One Year Appointment Class II

ROLL CALL: Present: Mayor William Budesheim
Glenn Venza
Vincent Pellegrini
Bradley Clinton
Michael Reilly
Bobby Roberts
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Brendan Magennis

Absent: Al Heimall
Councilman Ted Guis

Also present is John Barbarula, Board Attorney.

REORGANIZATION:

THE CHAIR HEARS NOMINATIONS FOR:

1. CHAIRMAN

Thereupon Glenn Venza set forth the motion seconded by Bradley Clinton to nominate Al Heimall for Chairman. There were no other nominations offered.

ROLL CALL: Ayes: Venza, Clinton, Budesheim, Pellegrini, Reilly, Roberts, Poli, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

2. VICE-CHAIRMAN

Thereupon Brendan Magennis set forth the motion seconded by Michael Reilly to nominate Glenn Venza for Vice-Chairman. There were no other nominations offered.

ROLL CALL: Ayes: Magennis, Reilly, Budesheim, Venza, Pellegrini, Clinton, Roberts, Poli, Hatfield
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

3. SECRETARY

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by James Hatfield to nominate Vincent Pellegrini for Secretary. No other nominations were offered.

ROLL CALL: Ayes: Venza, Hatfield, Budesheim, Pellegrini, Clinton, Reilly, Roberts, Poli, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

4. ATTORNEY

Thereupon Michael Reilly set forth the motion seconded by Sal Poli to nominate John Barbarula for board attorney. No other nominations were offered.

ROLL CALL: Ayes: Reilly, Poli, Budesheim, Venza, Pellegrini, Clinton, Roberts, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

5. ENGINEER

Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Glenn Venza to nominate Paul Darmofalski for board engineer. No other nominations were offered.

ROLL CALL: Ayes: Roberts, Venza, Budesheim, Pellegrini, Clinton, Reilly, Poli, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

6. PLANNER

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Vincent Pellegrini to nominate Donna Holmqvist for board planner. No other nominations were offered.

ROLL CALL: Ayes: Venza, Pellegrini, Budesheim, Clinton, Reilly, Roberts, Poli, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

7. LEGAL NEWSPAPER AND ALTERNATIVE NEWSPAPER:

Thereupon Vincent Pellegrini set forth the motion seconded by Michael Reilly to nominate the Trends as legal newspaper and the Star Ledger as the alternative legal newspaper. No other nominations were offered.

ROLL CALL: Ayes: Pellegrini, Reilly, Budesheim, Venza, Clinton, Roberts, Poli, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

8. MEETING NIGHTS AND TIME

Thereupon Vincent Pellegrini set forth the motion seconded by Vice-Chairman Glenn Venza to nominate the first and fourth Thursday nights from January through October and the meetings in November and December will be the first and second Thursdays. All meetings will begin at 7:30 p.m. No other nominations were offered.

ROLL CALL: Ayes: Pellegrini, Venza, Budesheim, Clinton, Reilly, Roberts, Poli, Hatfield, Magennis
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Thereupon Michael Reilly set forth the motion seconded by Vincent Pellegrini to adjourn the first part of the meeting:
ALL IN FAVOR / Motion Carried

**Planning Board / Zoning Board of Adjustment
Regular Meeting January 8, 2014**

ROLL CALL: Present: Mayor William Budesheim
Vincent Pellegrini
Bradley Clinton
Michael Reilly
Brendan Magennis
Bobby Roberts
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Vice-Chairman Glenn Venza

Absent: Councilman Ted Guis
Chairman Al Heimall

APPROVAL OF MINUTES: 12/12/2013
Thereupon Vice-Chairman Glenn Venza set forth the motion seconded Bradley Clinton to approve the minutes from the December 12, 2013 meeting as written and submitted.

ROLL CALL: Ayes: Venza, Clinton, Budesheim, Pellegrini, Roberts, Poli, Hatfield, Magennis
Nays: None
Abstain: Reilly
(8 Ayes – 0 Nays – 1 Abstain – Motion Carried)

ADJOURNMENT:
Thereupon Michael Reilly set forth the motion seconded by Vincent Pellegrini to adjourn the meeting.
ALL IN FAVOR / Motion Carried / Meeting Adjourned at 7:40 p.m.

Respectfully submitted by:

Vincent Pellegrini

**PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
February 6, 2014**

The Workshop / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date February 6, 2014 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

**ROLL CALL: Present: Mayor William Budesheim
Councilman Ted Guis
Vincent Pellegrini / Secretary
Bradley Clinton
Michael Reilly
Bobby Roberts
Brendan Magennis
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall**

Also present is John Barbarula, Board Attorney and Paul Darmofalski, Board Engineer.

Chairman Heimall thanked the board for appointing him Chairman.

For the record, Attorney Barbarula stated that everyone has signed the Oath of Office Certificate.

WORKSHOP:

No one was present in the audience.

APPROVAL OF MINUTES: January 8, 2014

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to approve the minutes from the January 8, 2014 meeting as written and submitted.

**ROLL CALL: Ayes: Clinton, Venza, Budesheim, Pellegrini, Reilly, Roberts,
Magennis, Poli, Hatfield
Abstain: Guis, Heimall
(9 Ayes – 0 Nays – 2 Abstain – Motion Carried)**

ZONING REVIEW:

A copy of the Zoning Ordinance was submitted to the board members prior to the meeting. John Barbarula explained to Councilman Guis that the board has reviewed the ordinance and as each paragraph was reviewed questions were asked and the board voted on each section and this is the compilation and result of the past meetings.

Councilman Guis stated he had a question on page fourteen. Councilman Guis stated 168-23B – total paved area shall not exceed % of the front yard area. I would assume there should be a number in there stated Councilman Guis. Mayor Budesheim stated it should be 35%.

The board felt it would be a better idea to take the ordinance home and as any questions arise, to contact Linda and she will make a note of any changes or questions to bring to the board at the next meeting.

Councilman Guis said he had a couple of comments, such as what is the definition of a vehicle; it is not listed in the definitions. Councilman Guis stated it is listed as one commercial vehicle, if a guy has a truck and a trailer, does that mean it is illegal. If it is a commercial trailer and a commercial truck it would be two vehicles. Attorney Barbarula stated for a landscaper, a dump truck would be one and the low-boy would be a second commercial vehicle. Councilman Guis stated does that mean this is illegal. On Curtis Street he has a commercial trailer and a truck, so that would not be permitted with this ordinance correct? Mr. Barbarula stated he would have a year to obtain a permit, because when he moved them in there this ordinance was not in effect. It would be the same as a CCO. If it is non-conforming he would have one year to obtain the permit. Vice-Chairman Venza asked how the public will know about the new ordinances. John Barbarula stated they will know because it would be published after the Mayor and Council passes it. It will be published and posted to the web-site, so they will see the notices. You do not have to notice everyone individually about the ordinances stated Mr. Barbarula. Councilman Guis stated in reality, the average person will know about this when they get a ticket. John Barbarula stated as a liaison to the council, there should be a short article in the newsletter about the ordinances being changed.

Chairman Heimall asked are these ordinances going to be enforced by complaint only or is it going to be someone riding around. Mr. Barbarula stated the zoning officer or deputy zoning officer can do that. Mr. Barbarula stated the one thing Mr. Guis mentions is do we want to define since there is no definition of a vehicle. Bradley Clinton stated he thought there was a discussion about the covering of a vehicle. Chairman Heimall stated the vehicle can be stored in a full covered garage in section D. After discussion the board decided a definition of vehicle should be added. Michael Reilly stated if you look at H. on page 14, it says vehicle as defined; there is no definition, and Ted has a good point. Ted Guis stated we should add both of those definitions, commercial vehicles and vehicles. John Barbarula stated maybe what we need is recreational vehicle, commercial vehicle and everything else that is not recreational or commercial is a regular vehicle. Councilman Guis stated he was trying to get clarification on some of these points because people will be asking these questions and we should try to make it as clear as possible. John Barbarula stated as far as he was concerned, if you said you had four quads that would be four recreational vehicles. Ted Guis asked what if he had four snowmobiles on a snowmobile trailer, is that five recreational vehicles or one. John Barbarula stated he would say its five, and Ted Guis stated he would say it's one. Chairman Heimall stated if they were on a trailer, he would say it's one. Chairman Heimall stated if the quads were in a closed trailer it would be a moot point. John Barbarula stated the open trailer is subject to your neighbor seeing it and that's the whole idea to keep your neighbors yard from becoming a junk yard. Because of the size of the lots in certain areas, stated Mr. Barbarula, you can't have eighteen vehicles on a small lot. The Mayor stated here is the definition he had for a commercial vehicle; any vehicle used for or designed to be used for commercial purposes on a highway, roadway or construction, whether or not said vehicle is registered as or bears commercial type license plates.

The Mayor stated a recreational vehicle is defined as a vehicular type of portable structure which may be towed, hauled or driven and which is primarily designed as a temporary living accommodation, recreational, camping, travel including but not limited to travel trailers, trucks, campers, camping trailers and self propelled motor homes, for the purpose of regulating use both motorcycles, ATVs, snowmobiles and similar equipment including trailers used to transport same to also be included in that.

The board would like the definition of the scenario having four quads on one trailer being considered one recreational vehicle. Michael Reilly stated the problem is what your neighbor is going to be looking at. Vincent Pellegrini asked if there is a problem in town at this time. John Barbarula stated there is someone in Butler that has four wave runners in the center of the trailer and he has six kayaks and he parks the trailer in the front of the villa. The Mayor asked John Barbarula, if a car carrier goes through a toll booth does he pay for one truck or for every car on the trailer.

ZONING REVIEW:

Vice-Chairman Glenn Venza asked if everyone had reviewed the zoning ordinance and if everyone had received a copy of the notes submitted by Councilman Guis. Bradley Clinton asked if the hand written notes were written by Ted. Vice-Chairman Venza stated he was really in agreement with Mr. Guis about the definitions that we were missing; however he didn't agree with anything else. Vice-Chairman Venza stated he was in favor of adding the definitions and he asked Mayor Budesheim if he had added the definitions. Mayor Budesheim stated he added the definitions the following day. Linda sent the corrected ordinance on the seventh stated John Barbarula. There were a couple of additions stated Mayor Budesheim such as the definitions of vehicle repairs major and minor. The board reviewed the comments written by Ted Guis. After discussion the board did not make any other changes other than the definitions.

John Barbarula stated the board should keep in mind that after the Planning Board passes the ordinance to the Mayor and Council, they can make any changes they would like. Mr. Barbarula stated unfortunately Mr. Guis is not here this evening however; he can make changes on the Mayor and Council level after the ordinance is passed to them.

The Mayor stated one of Mr. Guis's comments was major vehicle repairs are strictly prohibited unless fully enclosed. Vice-Chairman Venza stated that was fine, however; Mayor Budesheim did not agree with that. Mayor Budesheim stated you either allow them or you don't, because we have them in Butler and the garage doors are always open and what are you going to do, drive around and see if the garage doors are open. It always spills out into the driveway. If it is in the garage and it is enclosed nobody really cares stated the Mayor. The board members agreed with the Mayor. Vice-Chairman Venza stated they would hash it out on the Mayor and council level. The neon signs in the window, the board members felt were okay, due to so many being in the windows at this point.

Michael Reilly stated I don't see what the rush to do this is about, because we have a new board member who made suggestions and it seems as though we are dismissing that and I am not comfortable with that. Bradley Clinton stated we are not dismissing all of them just the ones that seem kind of trivial. Vice-Chairman Venza stated to Mr. Reilly that this ordinance would be passed along to the Mayor and Council and they can discuss it and make any changes. Vincent Pellegrini stated that Mr. Guis will have every opportunity to bring any changes or suggestions to the Mayor and Council and have it done then.

For the record this is not being opened to the public because there is no public present. Thereupon Sal Poli set forth the motion to change the definitions as discussed and to pass the rest of the ordinance as it stands per the copy sent by e-mail on February 7th to all the board members. Bradley Clinton seconded the motion.

**ROLL CALL: Ayes: Poli, Clinton, Budesheim, Pellegrini, Hatfield, Venza
 Nays: Reilly (Mr. Reilly stated he voted no for a few reasons)
 (6 Ayes – 1 Nay – Motion Carried)**

The Zoning Ordinance will be sent to the Mayor and Council for approval.

OTHER BUSINESS:

There is a completion review for next Thursday however; that is the only item on the agenda at this moment. If there is a difference, the meeting could possibly be cancelled.

ADJOURNMENT:

Thereupon Vincent Pellegrini set forth the motion seconded by Sal Poli to adjourn the meeting.

Meeting adjourned at 8:02 pm

Respectfully submitted by:

Vincent Pellegrini
Board Secretary

Vice-Chairman Venza asked how level the lot is. Mr. Genberg stated it is a tiny slope from Mathews Avenue down to the back, so my front door is just about grade level like a little 4" step up in the front but in the back of the house I have five steps up. Vice-Chairman Venza stated so it's about a 3' difference. Mr. Genberg stated yes. Mr. Reilly asked if there is a separate entrance. Mr. Genberg stated there are two entrances into that living room so my pets can get in and out. I wouldn't even have a door on it stated Mr. Genberg; however my parents are allergic to animals. The entrance is to both living areas.

Sal Poli asked with the door separating the two units what's to stop this from being sold as a two-family house. Mr. Genberg stated the fact there is no way of cooking. Mr. Poli stated if he eliminates the door he would be more inclined to be favorable. Mr. Genberg stated the door is for the cats being separated from his parents but he will do that if the board states it is necessary. Mr. Barbarula stated to prevent that from happening is the CO, the fire inspection and the records have to reflect this is a one family house with a variance for an in-law suite, and as long as the CO is issued that way it will be in the resolution. For financing you have to show the CO and the tax search would show this is a one family house with an in-law suite.

Mr. Reilly asked what is involved in a kitchenette. Mr. Genberg stated a sink, a couple of cabinets and a refrigerator. Mr. Pellegrini stated so basically it's a bar sink. Mr. Reilly stated so it's a sink and a refrigerator. Mr. Genberg stated that was correct. Mr. Reilly asked if a microwave is to be used. Mr. Genberg stated if it is allowed. Vice-Chairman Venza stated you should figure a microwave and a toaster and a coffee pot. Sal Poli stated we are going to end up with a two-family house. Mr. Poli stated as long as we can protect ourselves from that. Mr. Barbarula stated as long as the records show this is a single family home with an in-law suite you are protected. The in-law suite has been encouraged for the last fifteen years stated Mr. Barbarula.

Vice-Chairman Venza stated he has two questions, you say you scale back to about 3' down to your existing porch, the house will extend another 27' from the porch. Mr. Genberg stated right now he has an existing bilco door and it's hard to get things in and out, and I would prefer to have a solid door, so the way I have it designed frame wise it would be a five foot door in there so I can maintain grade and not fall down into. Vice-Chairman Venza stated if this drawing is true to dimensionals you are about five feet down. Mr. Genberg stated the foundation would be about four foot above grade. The addition will be on a full basement.

MR. BARBARULA STATED IF ANYONE IS IN THE AUDIENCE FOR THE 69 NEWARK POMPTON APPLICATION, THAT APPLICATION HAS BEEN ADJOURNED UNTIL MAY DUE TO A PROBLEM WITH THE NOTICES. NEW NOTICES WILL BE SENT.

Mr. Reilly asked John Barbarula to let's say this was done and five years down the line this is actually converted to a two-family home, they wouldn't be above to sell it like that could they. Mr. Barbarula stated no they can not. The rule is the buyer would have to check with town hall as to the legal status. Mr. Reilly stated he sees this as an addition.

Chairman Heimall opened this application to the public. No one from the public came forward; thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the public portion of the application.
ALL IN FAVOR / Motion Carried

Michael Reilly stated there is three variances is that right. Mr. Barbarula stated there are three existing variances, lot area, lot frontage and lot depth. The variances proposed are side yard variance, and the building coverage of 7%. There are two variances.

Michael Reilly stated he has a problem with the in-law suite and feels better if it were a family suite. Vice-Chairman Venza asked about the electrical power to the addition. Mr. Genberg stated there would be one electrical meter for the entire house and one water meter for the entire house. There will be no separate meters.

Bradley Clinton stated if the resolution approves the variance for an in-law suite, he would have more flexibility with a cooktop and so on. Mr. Barbarula stated that is correct and later on if the parents leave and his son is there he can remove the cooktop. If his parents want a cooktop they can have it. Mr. Genberg stated it would be easier if I just leave it out.

Michael Reilly stated if we could just change this to a family suite, I have no problem.

Thereupon Michael Reilly set forth the motion to approve this application for a family suite with single meters and all of the conditions set forth above. Sal Poli seconded the motion.

ROLL CALL: Ayes: Reilly, Poli, Pellegrini, Clinton, Hatfield, Venza,
Heimall
Nays: None
(7 Ayes -0 Nays – Motion Carried)

Resolution will be read at the meeting April 3, 2014.

APPROVAL OF MINUTES: February 27, 2014

Thereupon Michael Reilly set forth the motion seconded by Sal Poli to approve the minutes for the February 27, 2014 meeting as written and submitted.

ROLL CALL: Ayes: Reilly, Poli, Pellegrini, Clinton, Hatfield, Venza
Nays: None
Abstain: Heimall
(6 Ayes – 0 Nays – 1 Abstain - Motion Carried)

APPROVAL OF BILLS:

There are no bills on the agenda

ADJOURNMENT:

Thereupon Sal Poli set forth the motion seconded by Bradley Clinton to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Meeting adjourned at: 8:05 p.m.

Respectfully submitted by:

Vincent Pellegrini , Board Secretary

**RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
April 3, 2014**

The Workshop meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above day April 3, 2014 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

**ROLL CALL: Present: Mayor William Budesheim
Councilman Ted Guis (arrived 7:37 pm)
Vincent Pellegrini
Bradley Clinton
Michael Reilly
Brendan Magennis
Bobby Roberts
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall**

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: March 27, 2014

Bradley Clinton stated there is a correction on the minutes on page one paragraph three line eight. A typo at the end of the sentence 7' should be 7%. There is one other correction at the beginning of members present, the minutes should list Brendan Magennis as absent, not present.

Thereupon Bradley Clinton set forth the motion seconded by Chairman Al Heimall to approve the minutes with the corrections stated above.

**ROLL CALL: Ayes: Clinton, Heimall, Pellegrini, Reilly, Poli, Hatfield, Venza
Nays: None
Abstain: Magennis
(7 Ayes – 0 Nays – 1 Abstain - Motion Carried)**

COUNCILMAN TED GUIIS IS IN ATTENDANCE AT 7:37 PM.

RESOLUTION:

1. Application No. BOA02252014 / William Genberg / 15 Mathews Avenue / Block 12 Lot 12 / R15Zone

Board Attorney, John Barbarula read the resolution into the record. The board members received a copy of the resolution prior to the meeting.

Thereupon Glenn Venza set forth the motion seconded by Bradley Clinton to approve the resolution as written and submitted.

**ROLL CALL: Ayes: Venza, Clinton, Pellegrini, Reilly, Poli, Hatfield, Heimall
Nays: None
(7 Ayes – 0 Nays – Motion Carried)**

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the regular portion of the meeting and enter into the workshop portion of the meeting.

ALL IN FAVOR / Motion Carried

WORKSHOP:

Mr. Sam Bernhaut came forward and stated he is a broker with CBRE and he is here with his client Doctor Alban with the doctors office Urgent Care and his partner Dr. Orlando. The reason why we are here stated Mr. Bernhaut is the Staples had approached the landlord to reduce the size of their store, and in doing so their broker went out to market to get one tenant which was Panera Bread and that is going on the left end cap (approximately 5,000 square feet). Then Staples came back requested to give up additional space. We looked for another tenant and our client is interested in taking that space for the Urgent Care center. We are in a deal with the landlord, but before going any further we came to Linda Roetman to discuss any potential parking issues that their use could arise and by looking at the ordinance, our determination was that more or less we are within code of the parking ratios. John Barbarula asked if the determination was made if the uses were right for the zone. Linda Roetman stated that all three are permitted uses for the Highway Business Zone. John Barbarula asked how many doctors would be at this facility. Dr. Alban stated one doctor would be at this facility and one medical assistant at any given time. There are typically four treatment rooms, a lab, an x-ray room, office and a supply room. John Barbarula asked if each one of the facilities has a lab. Dr. Alban stated yes. Mr. Barbarula asked what type of lab work is done there. Dr. Alban stated point of care testing, which involves throat swabs, urine dips, and then they draw labs on patients that are picked up for overnight lab analysis off site. Mr. Barbarula stated one doctor would generate eight parking spots plus one for patients and employees. The Mayor asked Linda how many spaces were at Staples. Linda Roetman stated there are 125 spaces at this location. Mr. Bernhaut stated the parking ratio was 5 to 1.

There was a discussion on the handicap spaces and where they were located in front of the building. No new handicap spaces would be required for the new uses. The spaces that are in existence now are all that are required. The doors for the three uses would be in the front of the building and there will be three rear doors, one for each of the uses as well. 125 spaces are more than the required amount by ordinance. The Mayor stated if there was a problem with parking, the doctor could always park in the Home Depot lot. Mr. Barbarula stated he didn't think anyone would want to walk from the Home Depot lot over to the Urgent Care center. If it became an issue the option is there stated Mr. Bernhaut.

The Mayor asked if it is a fire lane behind the building. We didn't have an answer to that question. Mr. Bernhaut stated he had examples of the Urgent Care facilities in other locations in the book he gave to the board members. Councilman Guis stated he did not see any issues with the project and it sounded as if everything was in full compliance. Mr. Barbarula stated they may have to re-stripe the parking area. Mr. Poli stated they are in full compliance and would not need to re-stripe the parking area. Mr. Poli stated as long as the amount of parking spaces is not changing there is no requirement for re-striping. Every use will have its own storefront entrance.

Mr. Poli asked if there will be any other type of doctor at the location. Dr. Alban stated no, just the urgent care physician. One of the board members asked why they were here for the workshop.

Linda Roetman stated she knew they were in compliance and could have given them approval to move into the building, however; she felt that this was a major change to the building going from one business to three very different uses and she wanted the board to be aware of the changes and also to recommend any conditions they felt might be necessary.

Mr. Barbarula stated a backdoor is required in the building. Mr. Bernhaut stated there will be three back doors, one for each use. Mayor Budesheim stated the CCO should have a requirement that the board engineer must approve the parking area schematics before approval of the CCO.

Mr. Reilly asked what the time frame is for this project. Mr. Bernhaut stated that Staples plans to give up their space in October. Both the Urgent Care and Panera Bread would like to be in as soon as possible. Mr. Bernhaut stated Panera Bread was the first on board with this project.

OTHER BUSINESS:

The Mayor stated at the next board meeting he would like the board to review the zoning ordinance with the changes from the Council. The next meeting on April 24th, 2014 will be to discuss the zoning ordinance changes.

ADJOURNMENT:

Thereupon Sal Poli set forth the motion seconded by Vice-Chairman Glenn Venza to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Time of Adjournment: 8:56 pm

Respectfully submitted by:

Vincent Pellegrini
Board Secretary

**RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 5, 2014**

The Workshop / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment is opening on the above date June 5, 2014 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **PRESENT:** Mayor William Budesheim (arrived 7:34 p.m.)
Vincent Pellegrini
Bradley Clinton
Bobby Roberts
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

ABSENT: Councilman Ted Guis
Michael Reilly
Brendan Magennis

Also present is John Barbarula, Board Attorney, and Paul Darmofalski, Board Engineer.

WORKSHOP:

Chairman Heimall opened the meeting for the workshop. No one came forward; thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the workshop portion of the meeting.

ALL IN FAVOR / Motion Carried

APPROVAL OF MINUTES: **April 24, 2014**

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to approve the minutes from the April 24, 2014 as written and submitted.

ROLL CALL: **Ayes: Clinton, Venza, Pellegrini, Roberts, Poli, Hatfield, Heimall**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

There is one bill totaling \$240.00 payable to Darmofalski Engineering Associates, Inc. for Pio Costa Windbeam project. The funds are available. Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to approve the bill in the amount of \$240.00

ROLL CALL: **Ayes: Clinton, Venza, Budesheim, Pellegrini, Roberts, Poli,**
Hatfield, Heimall
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

ZONING BOARD APPLICATION FOR COMPLETENESS:

1. Application No. BOA05192014 / Dustin Sokoloff / 20 Munn Avenue / Block 23 Lot 32 / R7.5. Zone

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to deem this application complete per the zoning official's recommendation and to set a hearing date of June 26, 2014.

ROLL CALL: **Ayes: Clinton, Venza, Pellegrini, Roberts, Poli, Hatfield, Heimall**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

SITE PLAN APPLICATION:

1. Application No. SP02192014 / OakTree Realty Riverdale LLC / 69 Newark Pompton Turnpike / Block 26 Lot 19.02 / Professional Office Zone

Attorney John Barbarula stated the notices and advertisements were in order giving the board jurisdiction to hear this application.

James LaSala the attorney for the applicant came forward. Mr. La Sala explained this application is to build a two-story office building. The second floor would be the North Jersey Physical Therapy, who is currently occupying a storefront on the Hamburg Turnpike. They have several witnesses to testify from Physical Therapy Associates, Dr. Struble from Physical Therapy, Robert Alexander, the project manager, Mr. Cutillo, the architect, and Manny from MAP Engineering. Mr. LaSala stated they had received a letter from Darmofalski Engineering Associates, Inc. listing a number of comments and they will all be addressed them all. Mr. LaSala stated they are asking the board to leave the details to Mr. Darmofalski for review, however; they will be addressing to a modest extent, drainage and lighting, which all of the detail are in compliance with the Borough's requirements. If there are any issues about that at the end of the meeting stated Mr. LaSala they simply ask Mr. Darmofalski will have the ability to review any other modifications that might be necessary, so that they can have his approval on behalf of the board.

Dr. Gary Steven Struble came forward and was sworn in by the board attorney. Dr. Struble stated he is a doctor of physical therapy and he has been practicing for fifteen years, and has worked with Physical Therapy Associates for approximately eleven years. New Jersey Physical Therapy is one on one care with their patients, one therapist and one patient at one time. The office is open twelve hours a day during the week and a half session on Saturday. There are five physical therapists on staff and five support staff on the premises. There are maybe twenty people on the premises on any one time. Dr. Struble stated they would be located on the second floor because of the view. There is a full basement in the building and that would be used for storage. Dr. Struble stated the first floor would be a lease space or an open room that could be used for therapy on young athletes. Dr. Struble stated the number of doctors would remain the same, and they do not anticipate hiring more therapists because of the larger space. At the present location the doctor stated they have three parking spots in the back of the office and eight parking spots all together with no handicap spaces. At this location there will be almost fifty parking spots. Dr. Struble stated the volume of patients will remain the same as it is at the present. There may be a possibility of one other physical therapist but no more than six therapists at one time, otherwise you lose the intimacy of the one on one. Sal Poli asked why they were going to be on the second floor instead of the first floor. Dr. Struble stated they like the idea of having a view and there is an elevator, so it is not an accessibility issue, and they like the idea of not having anyone above them for noise issues. The Mayor asked if they were affiliated with HIPPA. Dr. Struble stated they are and all medical records are contained. The Mayor asked if you allowed to treat people in the open without them being sequestered from the rest of the people. Dr. Struble stated yes, it is no different than a doctor's waiting room. Currently they do not have the room and the tables are much closer than they would like them to be, where the new space will give them much more room.

Chairman Al Heimall opened this portion of the application to the public. No one from the public came forward, thereupon Chairman Al Heimall set forth the motion seconded by Bradley Clinton to close the public portion for this witness.

ALL IN FAVOR / Motion Carried

Mr. Emanuel Vasilescu from MAP Engineering came forward and was sworn in by the board attorney. Mr. Vasilescu reviewed his qualifications and was accepted as a professional witness. Mr. Vasilescu stated he is the civil engineer for this project. Mr. Vasilescu stated the plans with the revision date of May first are the plans for review. Mr. Vasilescu stated page number two of eight depicts the site layout plan showing the proposed entrance. Currently the site is a residence with a detached garage. Mr. Vasilescu stated page 8 of 8 shows the survey of the current conditions. It is a relatively level lot however slopes toward the back. The drainage at this time flows toward the back left hand corner. Going back to page 2 of 8, stated Mr. Vasilescu the proposed medical two story office is depicted with room for six professional practitioners and according to Municipal Codes forty-eight parking spaces have to be provided.

The layout shows the forty-eight spaces as well as the traffic pattern and the route of egress and ingress. The square footage of the proposed building is 5,100 square feet per floor. There is a single driveway and therefore the applicant is requesting a waiver for the single driveway. The width of the proposed driveway is twenty-four feet which is adequate for two-way traffic stated Mr. Vasilescu. Mr. Vasilescu review the traffic flow for the board. The neighboring properties are to the left and in the rear of the property there are existing residential dwellings and to the right is a professional office building.

Mr. Vasilescu stated sheet 3 of 8 is a grading and construction plan showing the grades and the access to the back of the property and the drainage system proposed. Mr. Vasilescu stated the proposed drainage improvements are much more beneficial than the present system. The present system sends the surface drainage to the lower back sections of the property and the proposed condition would control the run-off, through curbing, inlets converting the run-off underground to underground storage basins, capable of infiltrating, detain runoff up to 100 year storm. There is a clean run-off storage system for the clean roof run-off. Mr. Vasilescu stated there would be no drainage effect on the neighbors next door due to the Belgian block curbing being installed and the drainage inlets underground. The discharge to the back of the property will discharge into the existing easement drainage 15" pipe and the rate of flow here would be 20% less than the run-off today. The surface run-off is dramatically decreased.

Mr. Vasilescu reviewed the lighting for this site. The lighting for the site are shielded lights. The architect will describe the lights in more detail. Mr. Vasilescu stated the foot candle for the lights would be .5 foot or less, and he foresaw no problem with the neighbors. The series of light poles would be directed toward the property. If there are any problems with the neighbors in the back of the property there is landscaping that can be done and would be approved by the town engineer for approval.

Page 6 and 7 of eight pages depicts details and notes on seepage pits, parking stalls, handicapped ramps and stormwater devices. Mr. Vasilescu reviewed the two pages in detail. During the presentation, it was explained that the parking stalls would not be a variance due to the 9' x 18' stalls are allowed in Riverdale.

The Mayor stated spaces nos. 45,46,and 47, especially 45, seems awkward and very hard to park there. You would have to drive against the traffic, and Mr. Vasilescu stated those spots could be used for employees. The Mayor asked Paul Darmofalski if he felt all these spaces are required. Mr. Darmofalski stated the calculations were based on number of professionals; eight per professional, six professional times eight, you would need 48 spaces. The engineer has come up with 48 spaces. Paul Darmofalski stated he recommends to the board you would put landbanking spaces. I don't think they are necessary and will never be needed stated Mr. Darmofalski. Mr. Darmofalski stated he feel the three spaces in question, 17, 18, 45, 46, & 47 should be landbanked and if in fact the site required more spots, they would be used; however they are exit spots. Chairman Heimall stated handicapped people and people who are going for physical therapy; they need the most space they can possible get to get out of their cars. They can't swing their doors all the way open if they are have a problem with getting out of the car. Mr. LaSala stated if the board could relax the amount of spaces they could come up with a better layout closer to the building. Sal Poli asked what would happen if the rent out the first floor. Mr. Darmofalski stated the calculation is for the entire building.

The landscaping plan is done to preserve the trees and to access the flow of the traffic. The board attorney stated if the board members were to look upon this application favorably they should allow forty-one spaces, and that you add handicap spaces where possible. Mr. Darmofalski stated some of the curbing is very tight and was not in favor of the two curb returns on the one way, what not just stripe and provide more room. Mr. Darmofalski stated his prediction was that three of four years down the road, the curbing would be destroyed by, plowing, etc. Landscaping would be a hazard for the motorist; therefore he felt striping would be best for all concerns.

The fire trucks were discussed. The specs and plans along with the application was given to the fire marshal and to the fire chief and no one had any comments on the application. The Mayor asked about the entrance and the location. Mr. Vasilescu stated that due to the placement of the fire hydrant and the utility pole, they had no choice but to use the space they chose. Mr. Darmofalski stated he thinks it would be okay, however; Mr. Darmofalski stated he had one more

comment, when people enter the site they will need directions to move about the space; therefore Mr. Darmofalski recommended internal signage to give people guidance to maneuver the lot. Mr. Darmofalski stated the drainage review indicates that it is in compliance with all the county requirement, State requirements and Riverdale's requirements for drainage control. It does tie into a municipal system into an easement that lies through the back of that property and as does the adjacent piece of property also. There is a slotted drain on the easement that Riverdale controls that gets full of leaves sometimes. It is a maintenance problem and that cleaning should be discussed as to who is in charge of that. The system is adequate stated Mr. Darmofalski. Mr. Darmofalski stated these plans are actually improving the drainage on this property.

Chairman Al Heimall opened this portion of the application to the public. Warren Sheps, 67 Newark Pompton Turnpike came forward. Mr. Sheps stated he was concerned with sheet number 3. Mr. Sheps stated obviously he owns the adjacent property and he would like to offer photographs to the board members of the drainage on his property from this Mr. Sheps was sworn in by the board attorney. Mr. Barbarula stated Mr. Sheps handed a group of five photographs and he asked if Mr. Sheps had taken these photographs. Mr. Sheps stated he did take the photographs sometime in early May and they are taken to depict the conditions of his property as to the drainage. Mr. Sheps stated he did look at the original plans and he doesn't see where the water can collect. Mr. Vasilescu stated under existing conditions the water just flows wherever it likes, it's not controlled by any structural means. Under the proposed conditions, we have the curbing that would contain all the water and the inlets would collect the water underground, so there would be no water flowing directly onto your property or staying on the property at all. The curbing is Belgian block curbing and it will catch all the water. The way the grading is done all the water from the roof will flow into the underground inlets and bins. Mr. Sheps asked if there could be an inlet further back on the property to collect the water flowing that way. Mr. Vasilescu stated there would not be the water due to the drainage inlets that would be in place. There is no barrier currently in place stated Mr. Vasilescu. The applicant agreed to extend the piping from the street to the rear of the property, although the engineer did not feel it was necessary. After a discussion, the Borough engineer stated he felt the new inlets and underground drainage piping would eliminate all the neighbor problems. Mr. Sheps asked for a fence between the two properties. The Borough Attorney stated you can ask questions, Mr. Sheps, you cannot ask for fences.

No one else from the public came forward thereupon; Bradley Clinton set forth the motion seconded by Bobby Roberts to close the public portion of the application.

ALL IN FAVOR / Motion Carried

Mr. Darmofalski stated they are installing a 6" curb on the property and he was not sure an extension of the pipe was necessary, but if the applicant wants to do that it won't harm but it won't do any good either. The system is designed to hold that water but will change with the curb in place. Mr. Darmofalski stated in answer to a fence, page 4 of 8 pages depicts the trees and how the trees are to be preserved and he feels this is the right thing to do and he does not recommend that a fence be installed. Mr. Darmofalski stated you would have to cut down a number of trees to install a fence and he felt this would be inappropriate. Screening should be done with shrubbery stated Mr. Darmofalski. Mr. Darmofalski stated he would make it a personal commitment to make sure everything is done to keep the drainage from the neighboring property.

James Cutillo came forward and was sworn in by the board attorney. Mr. Cutillo was accepted as a expert witness. Mr. Cutillo present and reviewed the drawings that were submitted to the board members prior to the meeting. The building will be in earth tone colors that will match the office building next door. There will be some stucco and stone pillars. Because of saving the trees, the building will be set in a natural environment. We are trying to create a modern building, but we also want to keep it very natural looking. Mr. Cutillo reviewed the floor plans and footprint of the building. There is a pool on the floor plan; however there is talk of eliminating the pool stated Mr. Cutillo. The Mayor asked about the balcony and asked if there would be a bunch of Cinzano umbrellas out there. Mr. Cutillo stated no, there would be nothing on the balcony. Vice-Chairman Venza asked if the back door was an emergency exit or an entrance. The Mayor asked if the finish would be the same for the entire building. Mr. Cutillo stated it would be the same and that all the materials will be the same. Mr. Cutillo reviewed the lighting with the shields and if there is a problem with the lighting the shields can be adjusted. There is no lighting directly on the building.

Chairman Heimall opened the application to the public. No one from the public came forward; thereupon Sal Poli set forth the motion seconded by Bradley Clinton to close the public portion of this application.

ALL IN FAVOR / Motion Carried

Vincent Pellegrini asked due to there being no loading area where are the trucks going to unload? The FedEx Trucks would unload at the main entrance. The delivery trucks are to be unloaded after hours so it would not interfere with the patients.

Chairman Heimall opened this application to the public. No one from the public came forward; thereupon Bradley Clinton set forth the motion seconded Bobby Roberts to close the public portion of the application.

ALL IN FAVOR / Motion Carried

John Barbarula stated taking in all the comments from the Mayor and the board members, he did not want the board to design this project, but certainly it is necessary in the resolution. Mr. Barbarula stated if anyone was to look at this application favorably and is going to make a favorable motion, that they make a motion saying that parking spaces shall be reduced to forty-one. That they should add to handicap spaces where available make them 10 x 18 versus 9 x 18, that they add internal directional signs for drop off and parking, that the height of the canopy be adjusted at per the board engineers decision. Drainage between the subject property and the residential property be reviewed between the engineers to determine what extension or additions may be necessary. Finally Mr. Barbarula stated he believes that because the applicant will be tying into the town's drainage easement that Mr. Oosdyk want a builder's agreement to cover the cost of repair and making sure it is bonded. The town's attorney would normally have an agreement with the builder for the drainage easement. There are three waivers proposed that are listed on the plans. Those are the conditions that someone looking favorable on this application should keep in mind. The Mayor asked if the building is currently connected to the sewer system. Paul Darmofalski stated it is. Mr. Darmofalski stated the applicant should make a sewer application at the time of the construction and then we would determine the amount of the difference in the increase of use. The Mayor stated as part of the resolution he would like to see the spaces as Glenn brought out and the 10,11 and 12 , that the fifteen foot clearance be maintained for emergency vehicles. Mr. Barbarula stated right now they have forty-eight spaces and he had to be eliminated spaces 10, 11, 12, 45, 46, 47 and 17. The buffer to be increased where the spaces are eliminated. The garbage pad is in the rear.

Mr. Barbarula stated the buffer to be increased to fifteen feet on the southern property line as allowed. Thereupon Sal Poli set forth the motion seconded by Bobby Roberts to approve this application with the conditions listed above by John Barbarula.

ROLL CALL: Ayes: Poli, Roberts, Budesheim, Pellegrini, Clinton, Hatfield, Venza, Heimall

Nays: None

(8 Ayes – 0 Nays – Motion Carried)

The Resolution could possibly be read on June 26, 2014.

CORRESPONDENCE:

Chairman Heimall received a letter from member Vincent Pellegrini resigning as Planning Board Secretary. Chairman Heimall accepted the resignation. Attorney Barbarula stated that the board now has a vacancy for the position of recording secretary. Mr. Barbarula stated the Mayor has to appoint a replacement for the recording secretary. Mr. Barbarula stated he checked the statute and there is no prohibition for the administrative secretary to be appointed as a recording secretary. As a matter of fact, Mr. Barbarula stated it was written that it is preferable because of the accessibility of the administrative secretary. Mr. Pellegrini should be signing anything up to this moment. The Mayor nominated Linda Roetman as secretary. Mr. Barbarula stated the record reflect that effective as of June 5, 2015, Linda Roetman is now the administrative and recording secretary.

ADJOURNMENT:

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to adjourn the meeting.

Meeting Adjourned: 8:39 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary

Mr. Sokoloff stated he would like the deck to be 12' x 20'. The board secretary stated the board of health had signed approval for this application. Mr. Sokoloff stated his septic is in the back of the house. The plans were submitted to the board members prior to the application. The variance would be 23.5' proposed where 30' is required. Vice-Chairman Glenn Venza asked about the left side yard and distance from the deck. Mr. Sokoloff stated the steps would be on that left side, creating a side yard setback of approximately 27', with a side yard requirement of 10', so there is not variance required.

Chairman Al Heimall opened this application to the public. No one from the public came forward, thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to close the public portion of the application.

John Barbarula reviewed the application for the board members. Thereupon Michael Reilly set forth the motion seconded by Bobby Roberts to approve the variance for 23.5' where 30' is required.

ROLL CALL: Ayes: Reilly, Roberts, Pellegrini, Magennis, Hatfield, Venza, Heimall
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

The Resolution will be read at the July 24, 2014 meeting.

JULY 3RD, 2014 MEETING:

The board secretary stated there is no agenda for July 3rd and there are quite a few people on vacation that weekend as well.

Thereupon Bobby Roberts set forth the motion seconded by Chairman Al Heimall to cancel the July 3rd, 2014 meeting due to lack of agenda.

ROLL CALL: Ayes: Roberts, Heimall, Budesheim, Pellegrini, Reilly, Magennis,
Hatfield, Venza
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

ADJOURNMENT:

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Michael Reilly to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Meeting adjourned at 7:42 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary

for both a use variance and a certificate of use. We are confronted with a use variance because if one looks at the permitted uses in the I-1 zone the proposed use is not listed as a contemplated permitted use. It is not listed as a prohibited use, and there is nowhere that I have in the entire ordinance a specific provision for this kind of use, and so this application is kind of unique in that sense and there is a concept called inherently beneficial use. Uses such as this, religious in nature are inherently beneficial that means that the positive criteria that an applicant ordinarily has to bring to a board of adjustment, are no long needed because the law recognizes inherently beneficial uses. This application not only does not have a negative effect on the community but actually has a positive effect on the community. Religious and ethnic uses are also protected by the law, however they still have to come before the board. It will need a five affirmative votes to carry this application.

John Barbarula stated that a bifurcation of this application is appropriate and therefore we would need a motion to do so. Thereupon Sal Poli set forth the motion seconded by James Hatfield to bifurcate the application as reviewed by the attorneys.

ROLL CALL: Ayes: Poli, Hatfield, Clinton, Magennis, Reilly, Roberts, Venza
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

John Barbarula asked if the notice was for both. The board secretary stated the notices were for both. John Barbarula reviewed for the board what inherently beneficial uses are.

Thereupon Vice-Chairman Glenn Venza set forth the motion that this application be treated as a use variance, and was seconded by James Hatfield.

ROLL CALL: Ayes: Venza, Hatfield, Clinton, Magennis, Reilly, Roberts, Poli
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

After discussion the applicant will have some testimony tonight, however; it will be limited until the next meeting when Paul Darmofalski will be present. The foundation of the application can be presented this evening. The board agreed.

John Barbarula swore in the first witness Mr. Argjent Mena. Mr. Mena is the facilities director for AAF. Mr. Vogel submitted a packet of papers to the board members marked A-1. Mr. Mena stated there is a mission statement in the packet. The mission of the organization is to preserve Albanian culture, traditions, language through volunteer work and membership and is non-profit organization. The functions that we provide is weekly classes and cultural events. Weekly classrooms with dancing for the kids and religious services one a week on Friday from 1:00 pm to 2:00 pm. Currently we 135 members which represents 135 families. Seventy percent of the families are from Pompton Lakes, Riverdale and Wayne communities. This is a centralized location that would easily accessible to our current membership. Our current location is in Paterson and is a difficult location to get to. There will be monthly board meetings from 6 to 9 at the new facility and other nightly uses would be various events. The floor plan was submitted to the board prior to the meeting and labeled with the uses for each room. Mr. Mena reviewed the rooms and there function. The classrooms are for the children to learn cultural and religious history and the ages of the children are from 6 to 13 years of age. There is a dance room where Albanian Folk dance is taught. The meeting room is for the monthly board meetings. The prayer room is for the weekly prayer service. There would be ceremonial weddings rarely but not full blown out weddings. There will be no kitchen in this building, therefore all events will have to be catered. All and every affair will be catered. There is a proposed gym that would be there for the association not for the public. The women's auditorium with a stage for large meetings. There will be day care for the members if there is a need for it. Mr. Mena reviewed the many aspects for the children's education at the facility. There are also class trips for the children as seen in the photographs submitted in the booklet marked A-1. Mr. Mena stated that these children attend school in the towns that they reside, this is a cultural center for education outside of the normal education from the public school.

Mr. Mena stated the facility in Paterson has only 30 parking spaces. Mr. Mena stated it could be a possibility that the facility might be used by Riverdale seniors that might need a meeting place.

Mr. Mena stated this would be a less intense use than if the building was used for industrial use. There won't be trucks going back and forth and the building would be closed more than open.

Mr. Barbarula asked Mr. Mena if this would be replacing the Paterson facility. Mr. Mena stated it will. The Paterson facility will be closing.

Sal Poli asked about the day care center and if it will open every day. Mr. Mena stated if that is what is needed by the membership it would be open every day and not open to the public. Vice-Chairman Venza asked about the frequency of use for the building. Mr. Mena stated that basically they have the monthly board meetings, the weekly prayer service, and the weekly school sessions from 1 – 3 on Sundays. There will be nothing held outside the building. Sal Poli asked if they would be having weddings, parties, and other large functions. Mr. Mena stated rehearsal dinners and things that would be catered. We have never had functions with a DJ and don't think we would be doing that now. John Barbarula stated you have to look at this way, this is a cultural center, and there is a lot of room that could be utilized to its fullest potential. You have to take your own life experience, you have to assume it is going to be utilized. Mr. Vogel stated he thinks people will look at this once it becomes part of the community, and people would want to have a party here and I think the answer would be yes and not no due to the realistic nature of the people.

Mr. Mena stated we also have Catholic members as well in the AAF. There is no intention to change the exterior of the building. Michael Reilly asked what the membership requirements are for the AAF. Mr. Mena stated a member has to have Albanian heritage or nationality. There is a yearly fee. Mr. Magennis asked if they would be expecting to invite other Albanian organizations for possibly events that are occurring simultaneously. Mr. Mena stated he did not think so but it could happen, and it would be coordinated. Mr. Barbarula stated the facility could be utilized just like other facilities of this nature. Mr. Reilly asked if there is a specific church other than the center in Paterson. Mr. Mena stated no. Mr. Poli asked about the inherently beneficial uses and can't understand how this fits in to this. Mr. Barbarula stated it is clearly within the corners of an inherently beneficial use. Mr. Vogel stated all the things that were mentioned, parties, weddings, etc. are all adjunct of the mission of the building and that is the same as any religious or cultural institution which is inherently beneficial.

Vice-Chairman Glenn Venza opened this portion of the application to the public. No one from the public came forward, thereupon Bobby Roberts set forth the motion seconded by Bradley Clinton to close the public portion of the application.

ALL IN FAVOR / Motion Carried

Mr. Vogel stated he has his engineer here and he is prepared to review the building for the board, however; he will not go into the aspects that Paul Darmofalski will be sending his report on. The board decided to listen to the testimony of the witness.

Mark Palus came forward and was sworn in by the board attorney. Mr. Vogel stated that Mr. Palus will be testifying on October 2nd as well. Mr. Palus review the location of the building, the property surrounding the building, and the nature of the building. The building is approximately 57,000 square feet. The building has been vacant for many years except for a small portion that was rented out for newspaper distribution. There is an existing parking lot with 198 parking currently. Mr. Palus stated the building needs work from being vacant for so many years, however the external walls are in good shape. Mr. Palus stated the building goes well beyond the needs of the applicant. Mr. Palus stated that based on the testimony of the applicant the building is a less intense use than an industrial use. Mr. Pauls stated there are no negatives for this use of the property.

Vice-Chairman Venza asked if Riverdale Road and the bridge into Pompton Lakes be able to handle that kind of volume of traffic. Mr. Palus stated the traffic would be no different than when all the industrial buildings were in business and the five o'clock bell went off. The different time periods of usage according to the testimony are Friday afternoon and Sunday nights are an improvement over what could be there if it were an industrial use.

Brendan Magennis asked if every space was occupied for the different intended use, have you determined how many people would actually occupy that space or how many people can fit in the building. Mr. Palus stated that would have to be a fire code however, he did do a study on the parking required for the space. Mr. Palus stated that none of those uses are listed in the ordinances of the Borough, however under the assembly parking requirements it would be about 347 spaces

for the assembly area and 27 spaces for classrooms. The proposed use doesn't clearly fit with any of the ordinances. Mr. Palus stated they are not looking to utilize all of these rooms at one time. Mr. Magennis stated so the parking is not adequate for the size of the building. Mr. Palus stated that isn't a fair statement because all of the rooms will not be completely full at the same time. The AAF would have to grow six-fold to reach the limit at this site stated Mr. Palus. Mr. Magennis stated people want to use the space and attract more members and I'm sure they will want the building used for its full capacity. Mr. Vogel stated that in the beginning of his opening statement he explained that there is no ordinance that is close to this type of use, so that we are trying to do the best possible solution. Mr. Vogel stated if every space in this building was occupied 100% there would not be enough parking, so you are correct, but that is not rational in human experience. John Barbarula stated you also have fire code guidelines for occupancy. Sal Poli stated he agrees with Brendan, you are going to make this big beautiful center for all you members to come and enjoy it, and what are you going to do, you are going to have more members come so they enjoy it, help reduce costs, and bring more and more families and the membership is going to grow no matter how you look at it. Sal Poli stated he is looking to anticipate for that because it is going to happen. If we looked at just 135 families we would be doing our residents a disservice because this place is going to grow stated Mr. Poli. Mr. Vogel stated take a look at your house of worship and see how members they have and how many people come to worship and you will find that through all human experience that you do not get a 100% of the people showing up. Vice-Chairman Venza stated in reference to the parking, this being a cultural center, is was brought up about dance or sports competitions, you will be drawing a lot of people from a lot of different areas. That will be an issue for the parking. Brendan Magennis stated exactly and the overflow from the people attending these events will have a very negative effect on our residents and an overflow on the community. It is very possible stated Mr. Magennis that all of the parking spaces will be exceeded and the overflow would be a big problem to our residents.

Mr. Vogel stated he has confronted that concern in other circumstances and it was resolved by shared parking. For instance, the Baptist Church in Wayne, they grew so big, they outgrew their parking, and the arrangement that was made for that church was to have the use during your prayer services and that took place when the movie theatre was not busy, so the shared parking works quite well. Mr. Vogel stated if the board has a concern about the parking and it happens that the parking is insufficient, there could be a condition of approval that the applicant enter into some kind of shared parking arrangement with an offset parking facility. John Barbarula stated when you look at special events, you still have to understand there are limits from the code for the maximum amount of people in the facility. John Barbarula stated Paul Darmofalski may have other insights as to the parking and we should wait for his testimony on the 2nd of October. Mr. Reilly asked how big the current facility.

Mr. Urim Shabani, the secretary of the came forward and was sworn in by the board attorney. Mr. Shabani stated the current facility is 5,000 square feet. Mr. Reilly asked what you would be offering in the new facility that is not being offered in the current facility. Mr. Shabani stated a gym, a playroom, and we don't have a day care center at the current facility. A lot of the things that are drawn on the plan are in addition to what we offer at this location. Mr. Reilly asked if there are any social functions held at the current facility. Mr. Shabani stated no we don't. Mr. Reilly asked if there is a kitchen at the current facility. Mr. Shabani stated there is a pantry with a coffee maker. Roughly on a packed house night, how many people would you have at your current facility asked Mr. Reilly. Mr. Shabani stated eighty to ninety people, definitely less than 100. Vice-Chairman Venza asked if that holds true for the classrooms as well. Vice-Chairman Venza asked if you stagger the classrooms now due to space. Mr. Shabani stated yes we do. Currently we have thirty-eight children total for classes.

Mr. Reilly stated he is having a problem with the fact that you are going from a 5,000 square feet which I can understand that you have outgrown but that you are moving into a 57,000 square foot building. Mr. Shabani stated I understand that this is much bigger than we need, however; it gives us the opportunity to offer more services to the members and keep the kids interested in participating. Mr. Reilly asked what if this goes forward and down the road a little bit, a year or two, you find that you are not able to sustain the facility financially, would you consider breaking this up and sub-leasing the spaces. Mr. Shabani stated yes, and to being with, they are anticipating the Bergen Record stay there for the foreseeable future if they would like. Mr. Reilly asked how many square feet the Bergen Record occupies. Mr. Shabani stated approximately 10,000 square feet. Mr. Reilly stated that opens up a whole new can of worms in reference to the parking and traffic.

John Barbarula stated he has a problem. Mr. Barbarula stated you are applying for a use variance for an inherently beneficial use and now you are saying you are sub-leasing it out for commercial use. That doesn't appear on the application anywhere. Mr. Vogel stated that use doesn't require a variance. Mr. Barbarula stated that is true, however; but the plans reflect total utilization of the space. Mr. Vogel stated yes that is what we applied for and what this application is all about. Mr. Shabani stated that is not what we are applying for and if the building is purchased by the AAF the Bergen Record will have to leave the premises. Mr. Mena stated the AAF has not made a final decision about renting out the hall either, they are still discussing whether it would more of a problem to rent or to just leave it for the membership only. Mr. Vogel stated this is not different than any other house of worship that have halls that have been rented to people, and I have never seen a problem about parking and other problems. There are industrial uses in this zone and they would not be used when parking is required for this facility and so maybe a parking arrangement could be made if it comes to that stated Mr. Vogel.

Vice-Chairman Venza stated the problem with that is that the closest lot is across the street at the Alexan apartments and we can't have you folks parking there. Mr. Poli stated that is something that should be made prior to an approval. Mr. Barbarula stated again the board has to hear the testimony from their engineer and planner, Paul Darmofalski.

Vice-Chairman Glenn Venza opened this portion of the application to the public. No one from the public came forward, thereupon Vice-Chairman Glenn Venza set forth the motions seconded by Bradley Clinton to close the public portion of the application.

ALL IN FAVOR / Motion Carried

Thereupon Sal Poli set forth the motion seconded by Bradley Clinton to carry this application to the first meeting in October. The hearing date is October 2, 2014 at 7:30 p.m. No new notices will be required.

ROLL CALL: Ayes: Poli, Clinton, Magennis, Reilly, Roberts, Hatfield, Venza
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

ADJOURNMENT:

Thereupon Bradley Clinton set forth the motion seconded by Sal Poli to adjourn the meeting.

Meeting adjourned at: 9:10 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary

**BOROUGH OF RIVERDALE
MINUTES
October 2, 2014**

The Workshop / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **Present:** **Vincent Pellegrini**
 Bradley Clinton
 Brendan Magennis
 Michael Reilly
 Sal Poli (Alt. No. 1)
 James Hatfield (Alt. No. 2)
 Vice-Chairman Glenn Venza
 Chairman Al Heimall

Absent: **Mayor William Budesheim**
 Councilman Ted Guis
 Bobby Roberts

Also present is John Barbarula, Board Attorney and Paul Darmofalski P.E., Board Engineer.

WORKSHOP:

Chairman Heimall opened the meeting to the public for the workshop. No one from the public came forward and there were no comments from the board, thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the workshop portion of the meeting.

ALL IN FAVOR / Motion Carried

APPROVAL OF MINUTES: September 4, 2014

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to approve the minutes of the September 4, 2014 meeting as written and submitted.

ROLL CALL: **Ayes: Clinton, Venza, Magennis, Reilly, Poli, Hatfield**
 Nays: None
 Abstain: Pellegrini, Heimall
 (6 Ayes – 0 Nays – 2 Abstain – Motion Carried)

APPROVAL OF BILLS:

There is one bill as listed on the agenda in the amount of \$120.00 for Oaktree payable to Darmofalski Engineering Associates, Inc. The money is available.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to approve the payment of one bill as listed above.

ROLL CALL: **Ayes: Venza, Clinton, Pellegrini, Magennis, Reilly, Poli, Hatfield,**
 Heimall
 Nays: None
 (8 Ayes – 0 Nays – Motion Carried)

APPLICATION FOR SITE PLAN/USE VARIANCE:

1. Application No. SP06242014 / Albanian Associated Fund, Inc. / 90 Riverdale Road / Block 19 Lots 8.01 and 8.03 / Industrial Zone

Attorney for the applicant Jerome Vogel came forward to represent the AAF. Mr. Vogel stated this is a continuation of the application. Mr. Vogel stated a significant issue that arose at the last meeting was questions from the board that related to the number of parking spaces. As a result of that they had the engineer Mr. Paulus who testified last meeting to go out and actually count the parking spaces and provide to the board a revised drawing so the first order of business is to have Mr. Paulus come forward and describe the revised drawing and the basis upon which he drafted the letter. Mr. Paulus came forward and is still under oath. Mr. Paulus stated they had a new boundary survey done on the property and the first plan submitted there was about 189 spaces delineated by striping. The parking lot is a little older and the striping was a little light. When the parking issue became a concern, we drew another plan with restriping and at this point came up with 252 parking spaces. There will be no increase in the asphalt. The parking is what it used to be, but the restriping will make extra parking spaces on the property. Mr. Paulus stated there are multiple uses in the building, the prayer room, the class rooms, the gym, the computer room, so the concern was what if all of these facilities were in use at the exact same time. Mr. Paulus stated he tried to relay to the board at the last meeting that was not going to be the case. There are not that many people in the organization to be have each one of these rooms occupied at the same time. Based on the historical use of this building that is not what is happening at this time either. We asked a representative from the AAF to break down what the uses would be and the peak times. The first one we looked at was during an annual based holiday where they would expect approximately 150 people to attend. That 150 people would sit in 150 seats if the facility were set up with seating which it is not. The ordinance provides one parking space per 3 seats. So those 150 people would be 50 parking spaces required. On their busiest day they need 50 spaces and they have 252. Then we looked at another potential peak use would be the classroom use.. They anticipated a peak number of students at 65 students. The way the parking ordinance in Riverdale is set up it looks at how many teachers are required to teach those students. 54 students would need 5 teachers. Six spots would be needed for those teachers. What if each of those 65 students was driven by a separate parent who chose to stay during the process. That would be 65 more spaces, and the ordinance doesn't mandate that you do it this way, I'm trying to be conservative. 65 spaces for students and 6 spaces for teachers that would be 71 spaces and again there are 252 spaces available. It is important to note the classes are not being held on an annual holiday, they are all at different times. The weekly prayers are on Friday afternoons from 1:00 pm to 2:00 pm. Classroom education is on the weekend. These are all staggered at different times. Mr. Vogel asked that the revised drawing (9/16/14) be marked into evidence as (September 16, 2014) A2 and the letter from Mr. Paulus be marked A3.

Paul Darmofalski stated he reviewed the revised plan and there are 252 spaces. This building was completely offices at the time of construction and the use after that was a processing plant and that was completely occupied at that time with three shifts of employees. Under the conditions of the parking, Mr. Paulus has taken the most liberal interpretation as to how this building could be used. The assembly use in Riverdale is a very tight ordinance and that it requires one space for every hundred square foot. When you do that math, you would need 345 parking spaces just for the assembly use. When he reviewed the 8 ½ x 11 floor plans, stated Mr. Darmofalski, he doesn't come up with the that square footage for assembly use. Mr. Darmofalski stated he would like the applicant to explain the square footage calculations. Mr. Darmofalski stated the classrooms on Sunday would be a bit of a mix and he felt the fifty spaces for 150 people may be a little light, however; those calculations and the gym and the other rooms he felt required a bit more explanation. Lastly, Mr. Darmofalski stated under our parking regulations they have the ability to present to the board the reasons why the parking rules are unnecessary and excessive. That is what Mr. Darmofalski felt should be presented to the board. Mr. Darmofalski stated he would like to have the comparison of the 374 spaces that he felt are required. Mr. Vogel stated they felt the broadest and most conservative estimate of parking, we just took the entire building and looked at it as assembly space, because your ordinance does not contemplate all these specific different uses to be incorporated in one building. Mr. Vogel stated what they did was give you the conservative number and the testimony we gave last occasion was that none of these would be operating coextensively, so you would have them all operating at the same time. For instance, the testimony indicated that people may come for worship and bring their children with them so that they would be in classes and therefore there was just one car. What we did was give you gross number and when you break it down and you have a dance area, computer room, prayer room, which none of these are listed in your ordinance and we tried to give you in the broadest sense what the maximum

capacity could possibly be, and the other part of it is if you look at any religious institution, that has multiple uses, they are not occupied at the same time.

Mr. Paulus stated when he first prepared the plans and tried to do the parking calculations, of course he went to the ordinance and found twenty different uses listed but nothing that incorporated a gym, a women's auditorium, but we are not proposing seats, so it's not like a church where you would have pews or a synagogue where you have seats, in this case there are no seats. Mr. Paulus stated he lumps the daycare and the classroom together. That is how he came up with the 2500 square feet of computer center, the storage area that is attached to it on the first floor, as well as the daycare center. Moving to the second floor, he took the classroom area on the right side of the drawing and added those together and that is how he got 22,296 square feet of classroom and daycare. Mr. Paulus stated the building is about 56,000 square feet. There is nothing in the ordinance that is remotely close so the only thing he could come up with is an assembly hall. So we ended up treating the rest of the building as an assembly hall, which is one parking space per hundred square feet. That is the maximum you can have. This is almost like packing people in for a concert situation. This isn't realistic at all, however for absence of anything at all that is what he came up with. The building isn't going to have that many people in it because they only have 132 members, but this is what we calculated the parking spaces on.

Mr. Vogel stated the number of parking spaces has to satisfy the board members based upon the use of the building. You as the members of the board have to be satisfied and at your discretion, and what you are doing is the right thing based upon what the proposed use of the building is. Notwithstanding growth, a lot of what we are talking about is self-limiting. If they came here and felt that they were going to have a problem with parking, they wouldn't be buying the building. And I understand from your point of view what happens if everybody shows up for every use in the building. All of your concerns are legitimate, but in the context of this kind of use, are they realistic? Mr. Vogel stated he respectfully makes the suggestion that they are not. The required parking spaces for full occupancy of the dance room the prayer room, the classrooms, the women's room, etc.; to assume they are all going to be occupied at the same time is not realistic, it is legitimate, but not realistic. There are over 200 spaces and that is so much beyond what is needed and adequate, it is difficult to say here is a suggestive criteria. The testimony given is truthful, self-limiting and it is not going to have an adverse effect on the surrounding properties.

Mr. Darmofalski stated he understands they have made a conservative approach because it is like putting a round peg in a square hole, but he looks at the first floor, and he feels that is where the assembly use is, and it really is a combo use of a gym and a women's auditorium, and if you add those two together, that is 150 spaces, and he didn't feel that they would have the whole building used as an assembly hall and Mr. Darmofalski stated he felt that was not correct. In the ordinance we do have regulations for an assembly and it is one space for every three seats. If you look at the 252 spaces, they could accommodate 756 seats and they are not fitting that in that space. In the ordinance we have churches or houses of worship and that is one space for every four seats, and that means the 252 spaces could accommodate over 1,000 seats, and that is not what the applicant is proposing. Traditionally with planning when someone comes in with a religious use, you take the number of seats or the number of seats that can fit in a sanctuary divided by three and that is how many parking spaces you will need. Sunday school, dance classes afterwards, whatever they are going to be doing after the traditional service is always included in that. The planning code looks at that as you are not going to the service alone, Mr. Darmofalski stated there is no other building in the industrial zone with that amount of parking spaces, the testimony being there is adequate parking spaces and as a professional, I agree with that..

Mr. Magennis stated that what they testified to was that it was a cultural assembly place where they would get involved in dance competitions and all sorts of other things, and my concern is that when you have 50,000 square feet of space, that can be a magnet that can draw a lot of people for cultural type of events. What you suggested and what the applicant has testified to is a normal day to day operation of the building and that it won't be overtaxed, but if they begin to host other events, you can see lots of people coming here and most of them or all of them are going to be driving, so in the event you are going to grow and these events happen, when that happens, do we have enough parking. Mr. Darmofalski stated he can't answer that. The applicant testified to they go to the competitions and with this type of facility the competitions are likely to be held here. Vice-Chairman Venza stated on the web-site there are pictures of cultural events and they are talking about thousands of people. Mr. Darmofalski stated obviously we cannot accommodate

that at this location. Mr. Darmofalski stated he can answer questions that he does not have facts on.

Mr. Vogel stated the occupancy of the building can be limited by the board and in the event that there would be occupancy over and above the limit at any given point, an application would be made to the zoning officer and a provision made for additional parking. In the event we don't have that, then we can't have it occupied by any more than the number the board sets. Mr. Vogel stated he is convinced that the occupancy would never exceed the number set by the board.

Mr. Magennis asked if someone has a commercial building with a parking lot and they decide to have a corporate picnic, can they use their parking lot for that and is there any limitations on how that can be used. John Barbarula stated that if the last company that occupied the building had a company picnic and there were 300 people that worked there for three shifts, and they all brought their wives or their husbands or significant others that would be 600 and they all brought two kids that would be 1200 and brought their Aunt Sadie and they brought 2,000 people to the site, who's going to stop them. One of the things that you are forgetting is that each room has to have a limiting capacity set by the fire marshal. If there is an event in the parking where would they park asked Mr. Magennis. John Barbarula stated there is a prayer room, or mosque, however, there are three main religions in this case, you have orthodox Christians, you have Christian and you have Muslim, and they indicated through their testimony that the Albanians associated with this building are all three faiths. The limitation on these rooms is that there is a capacity set by the fire marshal. Each room has a maximum capacity. We have a plan on the logical uses of the property, and I will say that if you could limit an inherently beneficial properties criteria about the site. This site is an industrial zone. Does it have any adverse effect on the residential area and what is around this at the peak times that was testified by the applicant? Monday through Friday we still have a lot of industrial uses on Riverdale Road. Saturday and Sunday not so much. I understand your point and it is well taken, because we have a site today that has multiple restaurants that are all permitted uses and they happen to be popular and we have an overflow of cars trying to park. John Barbarula stated if you have an event such as a dance competition, and your daughter is in the competition, you would be driving, but with the space available you could have 500 kids. The spaces available could produce 1,000 people. You have to look at common sense about these uses stated Mr. Barbarula. One of the things is very simply you could impose conditions. If you're going to have a special event where they would be drawing more than 500 people, they would have to come in for a permit, and show that they have made an arrangement for parking of the excess people. Remember, stated Mr. Barbarula this board has had that before with the Armory. A condition of approval would limit the occupancy.

Mr. Vogel stated this is not unusual in planning. Mr. Vogel stated he was the attorney for Bograds and they came in every year for a special permit for their tent sales. They even arranged for parking at the old Slater's Mill. Mr. Vogel stated he may be misinterpreting what the board is saying, but he doesn't think the board has a problem with day to day use, they have a problem with special events with people coming from other organizations. Mr. Vogel stated so if that is the case set a number of people and set a condition on the use. Mr. Vogel stated the board should talk to their professionals to come up with a number. If you set a number like just for instance 350 and they think it may go over that number they would need a special permit. Mr. Vogel stated he felt that was the concern of the board.

Bradley Clinton stated the word planning was mentioned two or three times and in all due respect to Paul, he stated he would feel more comfortable with our own planner Donna Holmqvist. Chairman Heimall stated Paul is a planner. Paul Darmofalski stated the only thing she could add to the picture would be any experience she has had with this type of application. Paul Darmofalski asked the board if the problem is all about the parking. Chairman Heimall and Mr. Clinton stated no that is not the only problem. Mr. Darmofalski stated there were police hired for special events. Ralph Perrino was given the plans for this application and we are waiting for his response.

Sal Poli asked if the applicant had an architect and if there was an occupancy load through the architect. Michael Reilly stated what he is worried about is if this site should change hands and the AAF sells the building, we now have an approved site plan and now a church comes in and we have 750 people come in to the building. John Barbarula stated you are going way down the road and yes the approval stays with the land, but this is basically a request to be approved because it has an inherently beneficial component. However; when it changes hands and is sold say four

years from now and they sell it to a church and make significant changes inside, that would trigger a different use of the property and a new application to the board. John Barbarula stated the board has to look at this application and what is proposed. John Barbarula stated you have to look at this as inherently beneficial component. Vice-Chairman Venza stated this is a private club, how can you say this is inherently beneficial when it's a private club. Mr. Barbarula stated because it is a church and a daycare. Vice-Chairman Venza stated it is a private daycare. Mr. Barbarula stated to is St. Mary's Catholic school. Mr. Reilly stated that is not true because anyone can go to St. Mary's school, you do not have to be a member of the church. Mr. Reilly stated this is more than just a church and daycare it is a multi-use facility, and this what the board is referring to. Mr. Barbarula stated at times the church is more attended than normal like Christmas, everyone comes to mass at Christmas. Vice-Chairman Venza stated our church doesn't charge \$200.00 for membership.

Mr. Vogel stated when he first came here tonight he thought the basic issue was parking, and there is an undercurrent here that really disturbs me. Mr. Vogel stated he didn't want to touch on it and he didn't think it was a reason, but if you go to a Catholic church you are Catholic, if you go to a synagogue you are Jewish, and so on, this is a place for Albanians to worship and to have their cultural people come together, and if you want to vote against it because of that I invite you to do it, but you have to live with your own conscience, number one and number two they are protected by the law, it is an inherently beneficial use, as your attorney told you that. The law is clear. It is inherently beneficial for Catholics, Jews, and Protestants as well as Albanians.

Chairman Heimall asked if this was a lecture because it is inappropriate. Mr. Vogel said you can take it any way you want to. Attorney Barbarula stated he disagrees that there is an undertone of any kind, what you have to vote on is the site and if it is suitable for the uses stated on the application and that is the positive criteria.

Bradley Clinton stated first of all he completely resents Mr. Vogel's insinuation, but number two isn't Riverdale Road a county road. Mr. Darmofalski stated yes it is. Mr. Clinton stated besides the parking and the entrances of Riverdale Road, are they capable of handling 250 cars all leaving at the same time, and that is why I would like our planner to be here. Mr. Clinton stated he has traffic questions as well, all the 250 cars would be leaving at the same time and there are no traffic lights on either of those corners. Mr. Clinton stated he belongs to a non-profit club himself and they try to fill the building as often as we can because that is where we get our money from.

Mr. Barbarula stated that if a warehouse went into the building tomorrow knowing there are 250 parking spaces, and the warehouse had two shifts of 252 employees, it is an approved site. It has been approved and it has 252 spaces and they all leave at the same time, it is an approved site. You are missing the point that this is an already approved site, with that many parking spaces, and it did operate and it have shifts and they did all leave at the same time. Mr. Barbarula stated he has been here over thirty years and he remembers when the building was constructed and the site was approved. Mr. Clinton stated when that building was constructed the Alexan apartments were not there, and I want our planner to have input. Mr. Vogel stated in addition to the planner you may need a traffic expert. Mr. Clinton stated he agrees with that.

Mr. Vogel stated he would hire a traffic person and the board could chose who they would like. Mr. Darmofalski stated Mr. Judd Rocciola is still a traffic expert. Mr. Darmofalski stated if the board would like other professionals to give them guidance they have every right to do so. Mr. Darmofalski stated with all due respect, traffic is pretty simple, and that the board would ask for an impact statement. Sal Poli stated he would like an architect review for the inside of the building and he would like an occupancy load for the whole building. Mr. Barbarula stated the entire board should agree as to who they would like to hire.

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to hire a planner and a traffic expert. Michael Reilly asked if we could have a discussion before the vote. Mr. Reilly stated he is going to oppose that motion because I think the way this applicant had proposed, I don't see the parking as being an issue. I think bringing in a planner and traffic expert is going to hold up the vote and is not necessary. Sal Poli stated he did not agree with the motion either, as John said it is an inherently beneficial use, it's proven, and what we need to do is place conditions on it, the professional we have here stated the traffic has already been approved, and

we have the opportunity here to put conditions on an inherently beneficial use that could help our community as well as theirs.

ROLL CALL: **Ayes: Clinton, Venza, Pellegrini,**
 Nays: Magennis (I have confidence in our professional here and they
have made a reasonable attempt to address a special circumstances that they may have with
the cultural side of it and the day to day operation is not going to be an issue in my opinion),
Reilly (for the reasons stated), Poli (for previously stated reasons), Hatfield, Heimall (because
I have confidence in the professionals that are here and the only other report I would like to
hear is from the fire marshal)
 (3 Ayes – 5 Nays – Motion Denied)

Paul Darmofalski asked the board if there is anything he can do or research to make the board more comfortable with the decision they are facing. Chairman Heimall asked if we are still considering the fact that the Record is going to be there or not. Mr. Barbarula stated if the Record is there a portion of the building does not become tax exempt, and that portion that is not tax exempt in business can then be parking related to what we have in the ordinance. If the applicant is going to leave that portion of the building for the Record, we have to know with certainty if this is going to remain. This is a very important factor in this application. Mr. Vogel stated the last time this came up, I said that was not part of my application, and it's not, however; would they like to leave the newspaper in place and get the income from this, they would like to do it, but if it's a factory the newspaper would be out and they would have to do without the income. Mr. Barbarula stated he would like to have in writing a letter from Mr. Vogel with his intentions for the Record, whether it will stay or go. We would like to have the letter by Friday, the tenth. Mr. Vogel stated either way would be on a temporary basis, and they would not be replaced.

Thereupon Sal Poli set forth the motion seconded by Vice-Chairman Glenn Venza to carry this application to the November 6, 2014 date.

ROLL CALL: **Ayes: Poli, Venza, Pellegrini, Clinton, Magennis, Reilly, Hatfield,**
 Heimall
 Nays: None
 (8 Ayes – 0 Nays – Motion Carried)

Chairman Al Heimall opened this application to the public. Thomas Batelli, 712 Cannella Way, came forward and stated he represents 200 senior citizens that are worried about getting their taxes raised because this property will be non-profit. John Barbarula stated that question is inappropriate. Mr. Batelli asked how is this beneficial when the taxes would be raised. John Barbarula stated the question is not appropriate.

Keith Hamilton, 14 Van Dwyne Avenue, came forward, and asked what will happen on the 6th. Mr. Barbarula stated if the testimony is completed and all the evidence is brought forward, then a decision could possibly be reached on the 6th. Mr. Hamilton stated he just wanted to understand the process.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the public portion of the meeting.
ALL IN FAVOR / Motion Carried

Mr. Vogel stated that Mr. Paulus cannot attend the meeting on the 6th of November. Unless the board has more questions, he will not be able to attend the meeting.

ADJOURNMENT:

Thereupon Bradley Clinton set forth the motion seconded by Vice-Chairman Glenn Venza to adjourn the meeting.

Meeting adjourned at: 9:00 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary

**RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES:**

December 3, 2014

This is a Special meeting of the Riverdale Zoning Board of Adjustment opening on the above date December 3, 2014 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

**ROLL CALL: Present: Mayor William Budesheim
Vincent Pellegrini
Bradley Clinton
Brendan Magennis
Michael Reilly
Bobby Roberts
Sal Poli (Alt. No. 1)
James Hatfield (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall**

Absent: Councilman Ted Guis

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

APPLICATION FOR SITE PLAN / USE VARIANCE:

1. Application No. SP06242014 / Albanian Associates Fund, Inc. / 90 Riverdale Road / Block 19 Lots 8.01 and 8.03 / Industrial Zone

Mr. Jerome Vogel, the attorney for the applicant came forward with opening statements. Mr. Vogel stated he had several witnesses for this evening beginning with Jill Hartman.

Mr. Barbarula stated that member Bobby Roberts has listened to the tape of the meeting that he missed and Mr. Vogel stated that was acceptable. The Mayor stepped down from the dais due to this being a Board of Adjustment hearing.

After a brief discussion it was decided that Ms. Hartman testify first and then Ms. Holmqvist will ask Ms. Hartman the questions that were raised in her memo.

Jill Hartman, 21 Sparrow Wood Drive, Mahwah, NJ, came forward and was accepted by the board as a professional witness. Ms. Hartman stated she reviewed the site, the application and the components of the application and she understands this is a bifurcated application so she reviewed the use variance request and the issues that were raised with the ability of the site to handle the proposed use and prepared an opinion on the review. Ms. Hartman stated what the board has is a 4.3 acre site that is located on the north side of Riverdale Road, and the northeast corner of Kenner Court. It is an existing 57,000 + square foot two story light industrial office building that is presently being occupied (only 10,000 square feet) by the Record. The parking associated with this property is located in the side yard and the surrounding land uses are an industrial neighborhood, and a multi-family residential complex and to the west is a recycling facility. Ms. Hartman stated she look at the application to convert the 57,000 + square foot building into the Albanian American Cultural Center. This will provide a variety of services including a day care facility, a prayer room with an associated pastor and secretary offices, a school that will have eight classrooms with associated offices, and offices for the officers of the association, a computer room, a dance room, a meeting room, a conference room, a game room, as well as a women's auditorium and a gym. There are no plans to eliminate the Record at this time. This is not a permitted use and a use variance is required.

Ms. Hartman stated in 2009 the MLUL added a definition for inherently beneficial uses. They defined an inherently beneficial use as a use which is universally considered of value to the community because it fundamentally serves the public good and promotes the general welfare.

They listed some of the uses that were included in that and they say they are included but not limited to and they include a hospital, a child care center, group home, wind or solar energy facility, and additional uses have been defined schools, public housing, community shelters, certain public utilities, churches and houses of worship, as well as school bus businesses that serve regional needs as well as seeing eye dog facilities.

Ms. Hartman stated that some of the components of this use are inherently beneficial. Positive criteria has been established for inherently beneficial uses, and now negative criteria must be fulfilled stated Ms. Hartman. The inherently beneficial uses of this application stated Ms. Hartman are the house of worship, along with the associated offices, the school and their offices as well as the day care. All the positive criteria have been met and now Ms. Hartman stated she would review the negative criteria. The nature of the negative criteria, the board has to identify what the public interest is, and it is Ms. Hartman's opinion that the public interest served here is to provide a local non-profit inherently beneficial organization with adequate space for its membership that permits a variety of uses as listed above, and also permits an expansion of that use. It also meets one of the master plan facilities elements goals which is to provide adequate facilities for community groups and cultural activities. This absolutely meets that goal. The second requirement is that the board has to identify any detrimental effects that will ensue the grant of the use variance. It is Ms. Hartman's opinion that there are no detrimental effects from the grant of the use variance. Ms. Hartman stated she understood there were questions on the parking, however; the engineer has prepared a site plan that depicts the spaces that are required. The applicant must comply with local and state noise standards. Traffic should not be a concern, the site is located on a major collector roadway that provides access to Route 23 and subsequently 287. The traffic was reviewed however; Ms. Hartman stated she is not a traffic expert.

There will be no negative effect from the utilization of this building for the proposed use. The building façade will be improved and there will be landscaping as well. Possible changes to the neighborhood, there will be no impact on the character of the existing non-residential neighborhood that it is associated with. Ms. Hartman stated the board should impose conditions that are reasonable to this use and weigh the positive and negative effects.

Donna Holmqvist asked about the inherently beneficial uses and this is being defined as a cultural center and not house of worship. Ms. Holmqvist stated she didn't hear in the testimony reference to house of worship and if the cultural center is inherently beneficial.

Ms. Hartman stated that in her past reviews she has found that cultural centers are synonymous with houses of worship and therefore are inherently beneficial. Ms. Holmqvist stated at the present time there is no case law in New Jersey defining a cultural center as being inherently beneficial use. Ms. Holmqvist and Ms. Hartman reviewed the testimony given.

Ms. Holmqvist stated for the record that she would like to have more definitive testimony on the hours of the day care, the religious services, and the school functions. Mr. Vogel stated he would have witnesses that will testify on this.

Ms. Hartman stated the expansion she referred to was the building and the membership, and there was no clarification on this statement. The signage would come with site plan approval. The existing floor plan is industrial warehouse and a significant amount is office space stated Ms. Hartman. There are no anticipated changes to the height of the building stated Ms. Hartman.

Ms. Holmqvist asked about the 10,000 sq. ft. that is being rented by the Record. There was testimony in reference to the rental. At the end of testimony it was stated by Mr. Vogel that if the board does not want this use to remain they will be vacated. Ms. Holmqvist stated that the 10,000 sq. ft. is not shown on the plans and she would like to know where it is located. Ms. Hartman stated it is on the north side.

Mr. Vogel stated for this application, the board should look at this for just the AAF and not the rental, if and only if the board approves the use variance, at that time, Mr. Vogel will come back to the board with a separate application for the sub-let rental on its own merit. Thus the rental will have nothing to do with this application at all. The entire 57,000+ square feet will be for the AAF.

Ms. Holmqvist asked if the prayer room provides seats or prayer rugs. Ms. Hartman stated prayer rugs are used. Ms. Hartman stated there is adequate parking for this use, and that the times of prayer are from 1 to 2 on Friday afternoon. Mr. Vogel stated a complete site plan will be submitted if the board approves the use variance.

Vice-Chairman Venza stated this site is 11 times the size of the building they are in now. Ms. Hartman stated that is correct however; this building will have a variety of facilities that they do not have now. Mr. Clinton asked Ms. Hartman why she felt this would not affect the traffic in this area. Ms. Hartman stated this is a major collector road and leads very quickly to 23 and 287 and is designed to carry this traffic, and this traffic would be off peak from this site. Ms. Hartman stated she is not a traffic expert. Mr. Vogel stated there is a provision that could be made to hire police to direct traffic if there is an event and he would ask the board to make such a provision.

Mr. Magennis asked about having large events with thousands of people and he has an issue as to what they are going to promote, and he wants to hear how the parking for those types of events are going to be addressed. Mr. Vogel stated he knows Riverdale has to have permits for larger events and he stated whenever there was a special permit there would also be police to direct traffic, however; he does not believe they intend to have any of these events, and the board can place restrictions on these events. Mr. Barbarula stated there was a document from the applicant that stated they would not have these types of large events.

A question was asked about inherently beneficial uses; Ms. Hartman stated inherently beneficial use is a use that in fact services or serves the general public welfare and not necessarily a specific community, however; Ms. Hartman states that Riverdale's master plan in its cultural facilities element talks about providing space for cultural groups and community groups, so it doesn't say everybody, it's actually a very progressive statement.

Vice-Chairman Venza read the MLUL definition of inherently beneficial use: "A use which is universally considered to be of value to the community because it fundamentally serves the public good and promotes the general welfare." Vice-Chairman Venza stated we are the PB of Riverdale. Ms. Hartman stated public good does not mean just this municipality, it also means the region and quite frankly some of the members of the AAF are Riverdale residents. Mr. Venza stated he would like to know how many AAF members are from Riverdale. Mr. Vogel stated that will come in future testimony.

Sal Poli asked Ms. Holmqvist if this is an inherently beneficial use. Ms. Holmqvist stated her issue with this application is that the uses are vague and at this time she is on the fence about if this is inherently beneficial or not. Ms. Hartman stated having all the uses under one roof is a plus due to all the uses are interrelated.

Mr. Reilly stated he is having a problem with the fact that this is open to one group, and not the municipality. A hospital is open to the public, so is a school. This is a very small amount of people and how to justify the fact that it is inherently beneficial. Ms. Hartman stated the public good is not just the municipality and there are many houses of worship such as Hindu Temples and Jewish Synagogues that are also inherently beneficial for general welfare. Public good is associated with those types of uses stated Ms. Hartman.

Mr. Vogel stated that it is apparent that we are not going to finish this application tonight and he feels it is up to him to write a memorandum for the board to attempt to answer the questions that the board has asked. It is really a legal question, whether or not the context of the state statute as to what an inherently beneficial use is, and whether it contemplates what they are proposing, and he feels it is incumbent on him to give the board some legal background on the cases that have been decided to help the board answer that question. Mr. Vogel stated he will submit a legal memorandum to the board and hope it will help the board reach a conclusion.

Chairman Heimall opened the meeting to the public. Mr. Keith Hamilton, 14 Van Dwyne Avenue, came forward and asked if this building has been purchased or under contract. Mr. Vogel stated it is under contract. Mr. Hamilton asked about the day care center and the hours of operation. Ms. Hartman stated usually day care centers have specific hours however; the details of this day care center have not been set yet and is waiting for the approval of the use. Mr. Hamilton stated he did not see an area dedicated to outdoor play that is required by the state. Ms. Hartman stated that will

be part of the site plan approval. Mr. Hamilton asked how many parking spaces that will take. Ms. Hartman stated she has not worked on that yet. Mr. Hamilton asked if they have received the licenses required by the State. Ms. Hartman stated no they have not nor can anyone receive that type of approval because you must have approvals for your day care facility before you can get your licenses, so until they get approval from this board they can't apply for licenses from the State. Mr. Hamilton asked if the board approved the application and the State rejected the day care center, would that change the application and would one of the inherently beneficial uses be taken away, would that change anything. Ms. Hartman stated she could not answer that question and that they didn't anticipate that at this time. Mr. Hamilton asked if we know what was on that site prior to the present building. Ms. Hartman stated the building has been there for quite a long time. Mr. Hamilton asked about soil testing and if it has been done. There was no soil testing done.

Pat Reese, 5 William Street, came forward. Ms. Reese stated she is close to this site. Ms. Reese asked about inherent beneficial and asked Ms. Hartman if she said that the definition written in the MLUL law does not apply to Riverdale. Ms. Hartman stated she did not say that or imply that. Ms. Hartman stated public good in general welfare is not specific to the Borough of Riverdale and that this is a public good and general welfare aspect of the application that is regional and that that is what is what the municipal land use law talks to. It doesn't speak to being a public good only to Riverdale, it speaks to being a public good period for the State, and region. Ms. Reese stated so we cannot depend on the definition of the MLUL law with regard to us as a municipality. Ms. Hartman stated no, what I'm saying is that is the definition, it is regional view not a micro view.

Jeff Romaine, 23 Greenwich Street, came forward and asked how it is beneficial when you are going into the heart of an industrial park. Ms. Hartman stated we are determining that it is inherently beneficial, the use itself, as far as my testimony was the impact on the surrounding neighborhood, and this type of use has very little negative impact on the surrounding neighborhood. Mr. Romaine asked if Ms. Hartman still feels this is a safe location for this type of use. Ms. Hartman stated absolutely.

Allen Lewis, 16 Morris Street, came forward and stated it was said there are 252 parking spots, and that is more than enough to accommodate the use. Ms. Hartman stated yes it is enough to accommodate the use as it is presented. Mr. Lewis asked if the parking lot is in the flood plain. Ms. Hartman stated it is in the flood plain. Mr. Lewis stated you want to propose a day care there and there are active members there now, you do run out of spots, so what happens if you run out of spots. Mr. Lewis stated he felt this will be the state of the art center and everybody is going to want to come there, and at what point to cut out the members. The question is this will be the best of the best and where will people park when the membership grows substantially. Ms. Hartman stated they have outgrown their spot in Paterson and that you can't have more people in the facility than is allowed. If the parking lot is flooded no one would come stated Ms. Hartman.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bradley Clinton to close the public portion of this witness.

ALL IN FAVOR / Motion Carried

Romazan Zuberi came forward and was sworn in by the board attorney. Mr. Zuberi is a member of the association which is the applicant. Mr. Zuberi stated the association is to teach Albanian heritage, language, culture and traditions and to maintain that. Mr. Zuberi stated he was brought up with these values and his children are attending the same classes as he did. Mr. Zuberi stated the number of current members is 135 families. Mr. Zuberi stated there is an anticipated growth due to the size of the building and facilities that we can offer, however; there is no way to know how much will be available. Mr. Zuberi stated that approximately 80% of the members live in the surrounding areas, Pompton Lakes, Riverdale, Wayne, Pompton Plains, Fairfield, so they are within close proximity of the building. Mr. Zuberi stated it was chosen basically not only for the convenience, because we did do some shopping around and it seemed like this was the only building available. Mr. Zuberi stated this building is much larger than what the current needs are for the AAF, however we chose to buy this building because it provides for a lot of opportunity, growth, and expansion. Mr. Zuberi stated the members are of Albanian heritage and culture, except for the spouses of some of the Albanian members are American and they are members of the AAF as well. Mr. Zuberi stated the majority of the members are Islamic faith, some are Catholics, and some are Orthodox. The prayer activities stated Mr. Zuberi, specific to the Islamic faith, there is five times a day prayer, there is a Friday afternoon congregational prayer from 1 to

2 p.m. and that is pretty much the extent of it with the exception of once a year there are major holidays, one major holiday where all the members congregate and that is once a year. Eighty to hundred members will show up for weekly prayer services on Friday. Mr. Zuberi stated there have never been any activities running concurrent to the prayer services. Mr. Zuberi stated the dance room is to be utilized to prepare the children for dance competitions and to clarify an earlier question, major events do not occur on the premises. We are preparing the children for these activities or competitions that are held elsewhere, be it auditoriums, catering halls, and whatever. Mr. Zuberi stated they would never hold competitions at this location or any activity that would bring in a great deal of people. The classrooms are mainly for language, heritage, history, and tradition and afterwards there is religious classes from 10 am to 12 pm and from 12:30 pm to 2 pm would be the dance classes. The classes would be held on Sundays. Currently give or take we have twenty to fifty kids that participate in the classes stated Mr. Zuberi. Mr. Zuberi stated the meeting rooms would be utilized for monthly meetings, occasionally we get delegates from overseas and stay for bit, we have gatherings, and it depends on what is going on at the present time. Depending on what the meetings are for, stated Mr. Zuberi, if it is a general monthly meeting, I would say an average of thirty people attend the meeting, if it is a delegate from overseas, I would say closer to eighty to hundred members would attend the meeting. Those meetings would be planned probably mid to late afternoons on any given day. Mr. Zuberi stated the women's auditorium is used for bridal showers, baby showers, and once a year we have a women's day, where strictly women congregate. Mr. Zuberi stated the AAF has never held competitions, or any events at their location and there is no plan to begin doing that now. At this site the children would be prepared for sporting or dance competitions that are held elsewhere and not at this facility.

Mr. Zuberi stated in regard to the religion, and the practice of the faith, the Islamic portion of the religion are the classes offered on Sundays. Mr. Zuberi stated the prayer room would be for the religious services from 1 to 2 p.m. held on Friday afternoons. The dance room will be used weekly for children ages 6 to 13 on Sundays. The classroom would be for children ages 6 to 13 for cultural religion and that would be weekly from 1 to 3 p.m. on Sundays. The meeting rooms would be used monthly or if an emergency arises, it would be scheduled. The square footage that is not utilized would most likely not be rented out stated Mr. Zuberi.

Ms. Holmqvist asked about the members attending the meetings. Mr. Zuberi stated the number of members attending the meetings would be 30 at a regular meeting and 80 to 100 at a special meeting with delegates from overseas. Mr. Zuberi stated the daily prayers are generally held in your home, however the Friday services are pretty much mandatory. Ms. Holmqvist stated in her religion anyone can walk in to the church any time of the day, and Mr. Zuberi stated it is the same concept in his religion. Mr. Zuberi stated there is one major event, where the congregation has the month of fasting known as Ramadan, and after that is the day of feast, where everyone gets together, entire families celebrate the feast, which would be catered. Ms. Holmqvist asked if you count four or five people per family, it would be approximately 400 to 500 people, does that sound correct. Mr. Zuberi stated that that many people have never been there at one time, and that is the major holiday of the year. Ms. Holmqvist asked about the dance class and the possible future use of the dance room. Mr. Zuberi stated that refers to the close proximity of the building now that the kids would have a better opportunity to arrive at the building rather than traveling to Paterson. The Paterson area and neighborhood made an unsafe environment for the children and this would be a much better area and closer with easier access. Not all of the students that participate in the classroom, participate in the dance class. Mr. Zuberi stated there are ceremonial weddings that occur at the site, not what you would experience at a catered hall or a large restaurant. The religious leader would come to the facility with a few people, but not a full wedding that you would normally see elsewhere stated Mr. Zuberi. Weddings are scheduled at different times and you can't predict the time. The most people you would see at a wedding would be fifty to one hundred stated Mr. Zuberi. Mr. Zuberi stated the gym would be used for the members of the AAF, however; there has been discussion about opening the facility to Riverdale residents, but I would defer that to a member who is more knowledgeable on the subject.

Ms. Holmqvist stated the testimony is that the center would be open 6:00 am to 9:00 pm. Mr. Zuberi stated it is pretty much for the kids and to provide activities for them, sporting etc. There would be volunteers available to look after the children. Ms. Holmqvist stated that Ms. Hartman testified in reference to the day care center and other than that, there has been no other testimony in reference to the day care center, and if it will be a traditional day care center where the times of

pick up and drop off are different per child. Ms. Holmqvist stated she was concerned after she heard that testimony, because this opened a lot of questions in her mind like how the site would function and the amount of traffic generation. Mr. Zuberi stated that is a work in progress, and there is no set plans for the day care center at this point, and that they do not have the approvals for this project. Mr. Zuberi stated if the approvals are given and the day care is opened the AAF would have no problem opening the day care to Riverdale community and not just members. Ms. Holmqvist stated she sees this as a major issue; we don't have any indication how this will operate or how many square feet will be dedicated to this use. Mr. Zuberi stated all of these issues would have to be reviewed and decisions made.

Mr. Barbarula asked about the prayer room and the prayer rugs that are used. Mr. Zuberi stated the room will already be carpeted. An individual prayer rug is 4' x 6', however; people stand next to each other and you can fit a lot of people in the room.

Mr. Darmofalski asked Mr. Zuberi if he was on the site selection committee. Mr. Zuberi stated he came later on. Mr. Darmofalski stated he was going to ask about the flooding and how that might affect the center. Mr. Zuberi stated if there was a flood, his answer would be to cancel the activities for that day. Mr. Zuberi stated they have a system in place where a general message is sent to all the members in the event that services or events were cancelled or postponed. In Paterson there were a few times we had to use that service due to snow weather.

Vice-Chairman Venza asked about the growth and he understands you can't predict what you are going to get, but how long have you been with the organization? Mr. Zuberi stated he has been a member since he was a child. Vice-Chairman Venza stated so you can give me an idea as to what the growth has been in the past five years. Mr. Zuberi stated he was not actively involved with the membership, some members maintain the membership for the sake of maintaining it, and I wasn't a fully active participant up until just recently so I haven't really watched the growth. Someone will be testifying that will be able to answer the question. Vice-Chairman Venza asked about the prayer services that you have on Fridays, can anyone attend that; is it open to the general public or closed to you Muslims right there. Mr. Zuberi stated anyone is welcome to come and observe, the doors of the Mosque cannot be closed. There is no problem for guests to come and observe the religious prayer. Vice-Chairman Venza asked for a breakdown of how many members are from each town. Mr. Zuberi stated he did not have the answer to that question, however, a report can be prepared.

Mr. Magennis asked Mr. Zuberi if he has been to other facilities that are Albanian associations. Mr. Zuberi stated yes he has visited many other facilities. Mr. Zuberi stated he has not been to a facility that is 57,000 sq. ft. Mr. Magennis asked what the typical size of a facility such as this one is. Mr. Zuberi stated approximately 10,000 square feet give or take. Mr. Magennis asked where the sporting and dance competitions are currently held. Mr. Zuberi stated competitions are held at Lehman College and a place in New York and at restaurants; however he has not been involved with the sporting events. Mr. Zuberi stated absolutely no competitions will be held at this site. Mr. Magennis asked if there any other Albanian events where other Albanian associations would come together but not necessarily at Lehman. Mr. Zuberi stated there is one event, November 28th, that is the day of the flag, again those are not held on the premises, they are held pretty much elsewhere in a large cater hall, restaurant, or hotel. The number of people that would attend that would be approximately 200 to 250 people.

Sal Poli stated there are many other Albanian associations around, you are going to have 57,000 square feet and will probably be the largest in the area, regarding to the other associations, and they would want to share the facility; would you deny them that. Mr. Zuberi stated that would be a questions for the President and secretaries, but if it did not present an issue with parking, I don't see a problem. Sal Poli stated he was talking about a large wedding or other associations taking part in this state of the art facility on maybe the major holiday you are talking about; are you going to allow other associations to take part of the holiday at your facility or are you going to rent the building out to another association. Mr. Zuberi stated that is more of a question for the president of the association than him. Mr. Zuberi stated that he could not answer that question. Mr. Clinton stated I'm sure the answer would be yes because you testified before that you have attended other Albanian facilities and surely other Albanians would be able to come to your facility. Mr. Zuberia stated he was saying the facilities he visited were not Albanian associated facilities, they were for competitions.

How many other Albanian facilities are there in the New York Metropolitan area? Mr. Zuberia stated he has done that research but doesn't have that in front of him at this moment. Mr. Zuberia said at a guess he would feel maybe five to seven.

Mr. Clinton asked if there is a day care offered at the current facility. Mr. Zuberi stated no they do not. Mr. Clinton stated he is asking the question because the usage and the volumes would be probably during peak rush hour times as far as drop offs go, as far as pick-ups go, and he knows the planner spoke to it earlier, but those two intersections on both sides, the two main intersections on both sides of that location are backed up a long way and the cars sit there for a long time. So if you're going to add 135 families, I know you are going to hope to grow that number, it is going to have a substantial effect on the community at both sides of the intersection stated Mr. Clinton. Mr. Zuberi stated you mean with the day care center? Mr. Clinton stated yes both the day care and also the growth of the association, because you have the room. Mr. Zuberi stated that is a goal of any association. Mr. Clinton stated the dance contests and trainings, how old are the children that attend those. Mr. Zuberi stated 6 to 13 years of age. The older children don't have the time for that yet, stated Mr. Zuberi, but they are hoping that they will have the older kids participate. Mr. Clinton stated the Friday services that most of the members attend, and you told Donna that approximately 80 people attend the services, doing the math that means about 25 or 30 families compared to total membership of 135. That doesn't sound like most of the families stated Mr. Clinton. Mr. Zuberi stated that is why he said give or take because the Paterson location has become a great discouragement and is killing the motivation to attend the services. The participation has decreased because of the location. Mostly men are the ones that participate in the Friday services stated Mr. Zuberi.

Mr. Reilly asked of the 135 families, he would imagine, there is a membership and then there is an active membership, what number would you approximate to an active membership, fifty active families, seventy-five active families. Mr. Zuberi stated he would like to defer that answer to the president of the association. Mr. Reilly stated something that the witness testified to is a bit conflicting and he was wondering if it could be straightened out. The center was going to be for the members, which he can appreciate, and you have talked about you would be open to having Riverdale use the gym or the day care, is this something that you are looking for personally or has it been discussed by your board. Mr. Zuberi stated it has been a discussion to open the facility to the Riverdale community. Mr. Reilly stated the last question he has is the fact that you were pretty adamant about your answer that there will not be any dance competitions at this facility. This is a pretty big facility and it sounds like you are positive that there will not be competitions at this site. Mr. Zuberi stated because they are to prepare the children for competitions and they are held elsewhere. We go wherever the competitions are scheduled, we do not schedule competitions stated Mr. Zuberi. We do not entertain hosting a competition stated Mr. Zuberi.

Chairman Al Heimall opened the application for questions of this witness to the public. Mary Gambino, from Riverdale came forward and stated she has lived in Riverdale 16 years. Ms. Gambino stated you have 135 families and you're having a dance, so what if I bring a friend, now there's more people, then there is more people than what your are saying. Mr. Zuberi stated anyone is welcome to come to observe the dance for competition.

Allen Lewis, 16 Morris Avenue, came forward and asked are there other groups that are in your situation being in Paterson that have asked you to merge with them. Mr. Zuberi stated no.

**AT THIS TIME A SHORT RECESS IS TAKEN. 10:00 P.M.
MEETING RESUMES AT 10:10 P.M.**

Fred Post, 144 Riverview Terrace came forward and asked what the current occupancy of the facility in Paterson is. Mr. Zuberi stated he does not have that information. Mr. Vogel stated it is 5,000 square feet. Mr. Post stated a fire marshal would have to tell you how many people can occupy the space safely. Mr. Post stated the building being so large, you are going to have a lot more people in it; how big of a prayer room would you say you guys would have, like 20,000 square feet? Mr. Zuberi stated 3,800 square feet is scheduled for the prayer room. Mr. Post asked if you increase the number of people, then it goes back to the number of parking spaces, in a flood area, are you prepared to knock down part of the building to accommodate additional parking. Mr. Zuberi stated he doubts that the number of people would ever reach that. Mr. Zuberi stated if that ever happens they would have to take the necessary steps for improvement.

OTHER BUSINESS:

1. Mayor Budesheim stated the reason he voted no on the Donahue escrow bill is because this was for the application across the street at 88 Newark Pompton Turnpike, the Golden Sakura. The present property owner has a parking lot that went with the restaurant and while he was looking for a tenant for the restaurant he wanted to park cars there. The engineer submitted a bill for \$2,100.00 and Linda talked to him and brought the price down to \$1,440.00. The Mayor stated he thought this was absurd and he felt it was thievery to look at a parking lot to park cars that is existing. I don't want to see anyone get ripped off and I think we should set a price not to exceed a set amount for some of these applications stated the Mayor. I don't know how he could possibly justify such a charge. In addition stated the Mayor his recommendation was to hire a planner on top of this charge. The members asked why they weren't told about the charge before they voted. Ms. Roetman stated we couldn't hire Paul because he is within 200' of the application. Ms. Roetman stated she talked to Mr. Darmofalski and he felt the charge was high and he would speak to Mr. Donahue as well. Mr. Darmofalski stated that Mr. Donahue does not know the ordinances like Paul does and he had to do a great deal of research and he charged for conversations with all the people associated with the application. The board felt this firm should not be hired again. Ms. Roetman stated in light of the charges from Mr. Donahue, he would never be hired by this board again.

Ms. Roetman stated Mark Paulus is the engineer she would normally have called and we have had no problems with him; however, he is the engineer for the applicant. Paul Darmofalski did recommend Mr. Donahue and he charged the same amount as Paul \$120.00 an hour.

Sal Poli asked if the money is in escrow and if this was going to cost the Borough anything. Ms. Roetman stated the money is in escrow and will not cost the Borough anything. Vice-Chairman Venza stated it will not cost us anything except good will. Michael Reilly asked if we can rescind the vote and not pay the invoice. The bill still has to be paid and he sent an itemized bill for the charges. John Barbarula stated Paul and he being long term employees of Riverdale don't charge the Borough what someone else would charge. Mr. Barbarula stated he believes the amount of time charged for phone calls. Ms. Roetman stated he had charged for his time to come to this office to pick up the application and the time spent in conference with Paul as well as the phone calls referenced before.

The Mayor stated first of all he did not know what we expected to get from him, because it is a parking lot and he is going to park cars. The Mayor stated he did not know why this had to go for engineering review. Mr. Barbarula stated the board should not discuss the merits of the application. The Mayor stated the application has been withdrawn, and he is talking about procedures at this time, and he knows Linda was following procedure, however; if he resubmits this application I hope it's not going to be sent to another engineer. The report from Mr. Donahue stated the application was incomplete and that his recommendation was to hire a planner for this application. Moving forward stated Chairman Heimall we will look closely at all future bills. Ms. Roetman stated this is really the first time this has occurred. Michael Reilly stated if we have someone new, we will look very closely at the invoice.

2. Sal Poli stated the parking at Blues Ale House is atrocious and we should be a lot more conservative with the parking on applications. Mr. Roberts stated it is really bad. Mr. Barbarula stated he didn't know how they got valet parking because they don't have the right to do valet and take up spots. The Mayor stated they have made arrangements. Mr. Magennis asked where they are bringing the cars. One member stated they are bringing them behind the building. Mr. Magennis asked if they were renting space from Target. Mr. Barbarula stated they are valeting cars to another spot and it doesn't matter however there are cones out there and we did not approve the fact that they can valet park. Vice-Chairman Venza stated the buffet is very popular and Mangia has changed hands already. Mr. Barbarula stated the new signs are up already. Mr. Barbarula stated unless they came back here and got approval to fence off ten spots with cones that is wrong. Mr. Reilly asked about the Home Depot and the tent sales. Ms. Roetman stated they have to pay \$50.00 per week for a special permit to hold tent sales and they also have to pay the fire marshal for his inspections of the tents. Mr. Barbarula stated they had valet in the summer

and tonight they had cones all over. Mr. Poli stated he just wanted to bring it to the board's attention.

The Mayor stated the owners of the mall were told they cannot have more CCO's, Gold's is 12,000 square feet and you have one or two others that are vacant and they will not get any more CCO's until the parking issue is taken care of. There was a discussion in reference to the tables outside of Blues. The tables on one side are approved as when Ruppert's had the tables there. There has to be at least four feet on the sidewalk so a wheelchair can pass.

3. Mr. Reilly stated anytime there has to be a special meeting it should be held on Thursdays. Mr. Reilly stated we have been going on several meetings and to change the day of the meeting just to suit one person is not right.

ADJOURNMENT:

Thereupon Vincent Pellegrini set forth the motion seconded by Vice-Chairman Glenn Venza to adjourn the meeting.

Meeting adjourned at 8:03 p.m.

Respectfully submitted by:

Linda Roetman, Board Secretary