RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
January 14, 2015

The Reorganization / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the 14th day of January, 2015 at 7:30 pm. Al Heimall read the Sunshine Law.

SWEARING IN OF MEMBERS: Warren Sheps, Michael Reilly, and Dan Sturm, Sal Poli, James Hatfield and Councilman Gary Mastrangelo took the Oath of Office.

ROLL CALL: **Present:** **Mayor William Budesheim**
Councilman Gary Mastrangelo
Bobby Roberts
Michael Reilly
Dan Sturm
James Hatfield
Sal Poli
Warren Sheps (Alt. No. 2)
Glenn Venza
Al Heimall

Absent: **Chris Scilingo (Alt. No. 1)**

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

REORGANIZATION:

1. CHAIRMAN
The acting board attorney requests nominations for Chairman. Thereupon Glenn Venza set forth the motion seconded by Councilman Gary Mastrangelo to nominate Al Heimall for Chairman. Hearing no other nominations, the acting board attorney closes the nomination for Chair.

ROLL CALL: **Ayes: Venza, Mastrangelo, Budesheim, Roberts, Reilly, Sturm, Hatfield, Poli, Sheps**
Nays: None
Abstain: Heimall
(9Ayes – 0 Nays – 1 Abstain – Motion Carried)

2. VICE-CHAIRMAN
Chairman Al Heimall requests nominations for Vice-Chairman. Thereupon Chairman Al Heimall nominates Glenn Venza for Vice-Chairman seconded by Michael Reilly. Hearing no other nominations the Chairman closes the nominations for Vice-Chairman.

ROLL CALL: **Ayes: Heimall, Reilly, Budesheim, Mastrangelo, Roberts, Sturm, Hatfield, Poli, Sheps**
Nays: None
Abstain: Venza
(9 Ayes – 0 Nays – Motion Carried)

3. SECRETARY

Chairman Al Heimall requests nominations for Secretary. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to nominate Linda Roetman for secretary. Hearing no other nominations the chair closes the nominations for secretary.

ROLL CALL: **Ayes: Venza, Roberts, Budesheim, Mastrangelo, Reilly, Sturm, Hatfield, Poli, Sheps, Heimall**
Nays: None
(10 Ayes – 0 Nays – Motion Carried)

4. ATTORNEY

Chairman Al Heimall requests nominations for Board Attorney. Secretary Linda Roetman stated she received a proposal from John Barbarula, at the same terms and rates as the previous year, and had not received proposals from other attorneys. Thereupon Chairman Al Heimall nominates John Barbarula for Board Attorney, seconded by Bobby Roberts. Hearing no other nominations the chair closes the nominations for attorney.

ROLL CALL: **Ayes: Heimall, Roberts, Budesheim, Mastrangelo, Reilly, Sturm, Hatfield, Poli, Sheps, Venza**
Nays: None
(10 Ayes – 0 Nays – Motion Carried)

5. ENGINEER

Chairman Al Heimall requests nominations for Board Engineer. Secretary Linda Roetman stated she received a proposal from Paul Darmofalski, Darmofalski Engineering Associates, Inc., at the same terms and rates as the previous year, and there were no other proposals received. Thereupon Sal Poli set forth the motion to nominate Paul Darmofalski for Board Engineer, seconded by Michael Reilly. Hearing no other nominations, the chair closes the nominations for engineer.

ROLL CALL: **Ayes: Poli, Reilly, Budesheim, Mastrangelo, Roberts, Sturm, Hatfield, Sheps, Venza, Heimall**
Nays: None
(10 Ayes – 0 Nays – Motion Carried)

6. PLANNER

Chairman Al Heimall requests nominations for Board Planner. Secretary Linda Roetman stated she had not received any proposal from a planner. Burgis will be sending a proposal this week. The board attorney stated the board will have to appoint Donna Holmqvist in the interim for this application. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to appoint Donna Holmqvist for planner for the AFF application.

ROLL CALL: **Ayes: Venza, Roberts, Budesheim, Mastrangelo, Reilly, Sturm, Hatfield, Poli, Sheps, Heimall**
Nays: None
(10 – Ayes – 0 Nays – Motion Carried)

7. LEGAL NEWSPAPER AND ATLERNATIVE NEWSPAPER

Chairman Al Heimall requests nominations for Legal Newspaper and Alternative Newspaper. There upon Chairman Al Heimall nominates the Suburban Trends for legal newspaper and the Star Ledger for alternative legal newspaper, seconded by Vice-Chairman Glenn Venza. Hearing no other nominations the chair closes the nominations for legal newspaper and alternative newspaper.

ROLL CALL: **Ayes: Heimall, Venza, Budesheim, Mastrangelo, Roberts, Reilly, Sturm, Hatfield, Poli, Sheps**
Nays: None
(10 Ayes – 0 Nays – Motion Carried)

8. MEETING NIGHTS AND TIME

Chairman Al Heimall requests nominations for meeting nights and time. Thereupon Chairman Al Heimall nominates the first and fourth Thursdays of the month for January through October and the first and second Thursdays of the month for November and December, seconded by Vice-Chairman Glenn Venza. Hearing no other nominations, the chair closes the nominations for meeting nights and time.

ROLL CALL: **Ayes: Heimall, Venza, Budesheim, Mastrangelo, Roberts, Reilly, Sturm, Hatfield, Poli, Sheps**
Nays: None
(10 Ayes – 0 Nays – Motion Carried)

CHAIRMAN AL HEIMALL REQUESTS A MOTION TO ADJOURN THE REORGANIZATION PORTION OF THE MEETING AND ENTER THE REGULAR PORTION OF THE MEETING.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to adjourn the Reorganization portion of the meeting and enter into the regular portion of the meeting. **ALL IN FAVOR / Motion Carried**

This is a Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opening on January 14, 2015 at 7:38 pm. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **Present:** **Mayor William Budesheim**
Councilman Gary Mastrangelo
Bobby Roberts
Michael Reilly
Dan Sturm
James Hatfield
Sal Poli
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

Absent: **Chris Scilingo (Alt. No. 1)**

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

WORKSHOP:

Chairman Al Heimall opened the meeting for the workshop. Mr. Matt Oswald, 9 Cotluss Road came forward and stated he lodged a complaint with the zoning officer about a vehicle illegally parked on a commercial property in Riverdale. The zoning officer sent a letter of abatement and was stopped because a clarification of the zoning ordinance was requested by the Mayor. Mr. Oswald stated he is here tonight to hear and see if the clarification is being done tonight and if the vehicle is illegally parked, I would like to have it removed and if it isn't then obviously he has a right to have it stay there.

Mayor Budesheim stated he spoke to the Borough attorney on this issue and it's section 168-26, this is parking vehicles in non-residential districts and I don't know if the board will remember, when we were redoing the ordinance, the council representative on the board at the time requested this be put in the ordinance that states commercial vehicles, recreational vehicles, buses, ambulances, vans, limousines, trucks, trailers, and construction equipment and similar vehicles shall not be permitted to be stored in any non-residential district, unless owned by the property owner of a permitted use in the zoning district. The operative word here is permitted use and I spoke to the Borough Attorney and our intention was if you're a pre-existing non-conforming use, if you are a legal use, if you have a use variance that has been approved by the planning board and you decide to store such a vehicle that is an expansion of a non-conforming use, and could trigger another site plan or another hearing, so I was just asking that if the Board of Adjustment would like to interpret permitted use to include all legal uses where they are pre-existing, non-conforming or those that have a use variance. The use is a legal use in one form or another if they want to park one of these types of vehicles that they own on a property that they own, if they would be able to.

Matt Oswald stated he begged to differ, because a permitted use is a use in that zoning area, and one does he own the vehicle, because if he doesn't own the vehicle this is a moot point, and it needs to be moved, and two if it's LLC it's more than one owner that owns the property, so now if there is eight people that own the property are they all allowed to have one or two vehicles parked there, because now we have a parking lot for illegals. The permitted use for that area not of all the areas of Riverdale because where does it end. We have rules and regulations and we need to go by them stated Mr. Oswald. If they are going to change the laws they should be held to the letter of the law, because where does it end.

Mr. Oswald stated does the owner of the property have the right drainage and buffer zone for a parking lot and is this going to decrease the property value of our properties. This are questions that have to be answered because the laws should be followed.

The Board Attorney stated that Mayor has discussed this with the Borough Attorney and this would have to be scheduled for a hearing with the Zoning Board of Adjustment for an interpretation, this cannot be done at a workshop. Attorney Barbarula stated the zoning board has to interpret the ordinance and this should be scheduled at a regular meeting and discuss whether or not the use is permitted. The meeting of February 26, 2015 will list on the agenda the interpretation of the ordinance by the Zoning Board of Adjustment. Notices will be sent.

Thereupon vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to close the Workshop portion of the meeting.
ALL IN FAVOR / Motion Carried

APPLICATION FOR SITE PLAN/USE VARIANCE:

1. Application No. SPO6242014 / Albanian Associated Fund, Inc. / 90 Riverdale Road / Block 19 Lots 8.01 and 8.03 / Industrial Zone

The Mayor and Councilman are stepping down from the dais due to this being a Zoning Board of Adjustment hearing.

Mr. Vogel, the attorney for the applicant came forward. Mr. Vogel stated he had spoken to the board secretary and realized there are only six voting members eligible to hear the application due to the board changes. Mr. Vogel stated he would like to have seven people eligible to vote due to the fact that the applicant requires five affirmative votes to pass. Mr. Vogel stated he does not wish to put this off, however; he would continue with the application this evening but he would like the other three members of the board to listen to the tapes, and read the transcripts and documentation for the next hearing so that he would have at least seven or eight eligible people to be able to vote as opposed to only six. Mr. Vogel stated he felt the new members would have enough time to listen and read all of the information and sign the affidavit. Mr. Vogel stated this is his suggestion and request to the board.

Attorney Barbarula stated he did not feel comfortable continuing with the application tonight without the new members listening to the tapes and reading the documentation of the past hearings. Mr. Barbarula stated he feels we now have three new members and it is a disservice to them to not have an opportunity to listen to the tapes and know what went on because I feel that they would be not sitting here as fully participating members. This has been an extensive application with a number of different reports, a number of different witnesses, and for the three new members to be able to really participate, I don't think it would be the appropriate way to go. My recommendation is to request all three of the new members to listen to the tapes and read the documentation for the hearing next time. I think that those members would be more valuable to the applicant and to the board to have all the information that all the board members have. Mr. Barbarula stated he feels Mr. Vogel is correct.

Chairman Heimall stated he felt the same way as Mr. Barbarula. The members should have the advantage of knowing everything that happened at the previous meetings and that would make more sense to the new members. Mr. Barbarula stated Mr. Vogel stated he would like to complete the testimony tonight and come back for the vote after the new members have listened to the tapes, however; Mr. Barbarula stated he felt the testimony should not be heard tonight and should be presented at the next meeting after the new members have completed listening to the tapes, however; the extension should be granted. Mr. Vogel stated he agreed with Mr. Barbarula that it would be better to have the new members fully apprised of what happened before, that they have read the transcripts and have listened to the tapes, he only made the suggestion that he would be willing to go ahead tonight for one reason. Mr. Vogel stated we had at least one night where we didn't do anything and because he asked for the matter to be continued because Ms. Holmqvist wasn't here and everybody got upset. We all showed up, the public showed up and everybody said there is the lawyer, he's putting it off again, and he just wants the board to know that's not his

reason. He feels Mr. Barbarula is right, as a matter of law, as a matter of procedure and as a matter of substance, but he didn't want to be accused of putting it off, but it is the better practice to do as Mr. Barbarula suggested.

Thereupon Chairman Al Heimall set forth the motion that the new members listen to the tapes and read the documentation from all of the past hearings, seconded by Michael Reilly.

ROLL CALL: **Ayes: Heimall, Reilly, Roberts, Sturm, Hatfield, Poli, Sheps,**
Nays: Venza
(7 Ayes – 1 – Nay – Motion Carried)

Mr. Vogel asked about the date, and he requested a special meeting on a Wednesday for this application. John Barbarula stated the first Thursday of February, however; Chairman Heimall will not be in attendance. After discussion January 29, 2015 was a date when everyone was available. January 29, 2015 will be the next hearing date for the application.

Thereupon Sal Poli set forth the motion seconded by Chairman Al Heimall to carry this application to the 29th of January 2015.

ROLL CALL: **Ayes: Poli, Heimall, Roberts, Reilly, Sturm, Hatfield, Sheps**
Nays: Venza
(7 Ayes – 1 Nay – Motion Carried)

Mr. Barbarula stated he would like to take care of a little housekeeping and he stated that he submitted to Mr. Vogel and the applicant a copy of the decision tree that I now make part of the record for the board. Also a copy of the memo from Mr. Vogel would be made part of the record. Mr. Barbarula stated that he also submitted to Mr. Vogel an e-mail chain that was a response to your case to us and that is one of three pages that I have given to you and that is part of the record. Mr. Barbarula stated he has also indicated to Mr. Vogel that he is submitting the Chai Lifeline Inc. which was discussed and also the Westchester Day School which is also being made part of the record.

Mr. Vogel stated the e-mail response from a board member that came from Mr. Venza and he wanted to ask Mr. Venza if he has prejudged this application based upon his comment. If he has prejudged it and has already reached his conclusion, I feel that it would be improper for him to sit on the balance of the case. Mr. Barbarula stated he does not believe that the comment was his interpretation of this case, but the case that was sent to him, and I don't believe it is any evidence of prejudging and that he has always told the board that they can't make a decision on any case until everything is in, I don't believe it is appropriate for him to step down based on this e-mail. Chairman Heimall stated he agreed with Mr. Barbarula.

Mr. Barbarula stated to the audience that every applicant is entitled to have seven members vote because in a use variance they must get five affirmative votes for approval. So the case law in the State of New Jersey indicates that boards should try to do everything possible to afford an applicant to represent and have their case decided by five of seven members. Tonight is no ones fault. Because an applications goes from one year to the next, people and positions change. As you know in this case we have had two members of the planning board be elected to Council and this is a very unusual situation. As a result those two members have created a situation where we have three new members of the board and we apologize but it happens. It is not something that was caused but it happened, and so the hearing will be carried to January 29, 2015 here in the council chambers at 7:30 p.m.

Thereupon Bobby Roberts set forth the motion seconded by Sal Poli to close this application.
ALL IN FAVOR / Motion Carried

OTHER BUSINESS:

There is no agenda for the meeting on January 22, 2015, Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Glenn Venza to cancel the January 22, 2015 meeting.
ALL IN FAVOR / Motion Carried

ADJOURNMENT:

Thereupon Glenn Venza set forth the motion seconded by Bobby Roberts to adjourn the meeting.

Meeting adjourned at: 8:15 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary

BOROUGH OF RIVERDALE
PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
January 29, 2015

The Special / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date January 29, 2015 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

SWEARING IN OF NEW MEMBERS: Chris Scilingo

AS A MATTER OF RECORD TWO OF THE MEMBERS OF THE ZONING BOARD OF ADJUSTMENT SWORE UNDER OATH THAT THEY HAD LISTENED TO OR READ THE TRANSCRIPTS FROM ALL OF THE PRIOR MEETINGS WITH THE ALBANIAN FUND. THE MEMBERS THAT TOOK THE OATH WERE DAN STURM AND WARREN SHEPS. THIS GIVES THE APPLICANT EIGHT MEMBERS THAT ARE ELIGIBLE TO VOTE ON THIS APPLICATION (ONE ALTERNATE). FIVE AFFIRMATIVE VOTES OUT OF SEVEN ARE REQUIRED FOR APPROVAL OF THE APPLICATION. MR. VOGEL, THE ATTORNEY FOR THE APPLICANT WAS SATISFIED WITH THE OATHS.

ROLL CALL: Present:
Mayor William Budesheim
Councilman Gary Mastrangelo
Bobby Roberts
Michael Reilly
Dan Sturm
James Hatfield
Sal Poli
Chris Scilingo (Alt. No. 1)
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

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

REORGANIZATION:

The Chairman hears nominations for board planner. The Board Secretary stated the she received the proposal from Burgis Associates and it is for the same monetary amount as the previous 2014 contract. Thereupon Chairman Al Heimall set forth the motion seconded by Bobby Roberts to nominate Burgis Associates for board planner. Hearing no other nominations, the chair closed the nominations.

ROLL CALL: Ayes: Heimall, Roberts, Budesheim, Mastrangelo, Reilly, Sturm, Hatfield, Poli, Venza
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

APPLICATION FOR SITE PLAN / USE VARIANCE:

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

THE MAYOR AND COUNCILMAN ARE STEPPING DOWN FROM THE DAIS DUE TO THIS BEING A ZONING BOARD OF ADJUSTMENT.

For the record member Chris Scilingo is a new member and has not been able to review the documents and tapes from the previous meetings, and therefore will be unable to vote on this application.

Mr. Jerry Vogel came forward representing the applicant. Mr. Vogel stated he has completed the testimony for this application, however; he does have an added witness and also a previous witness (applicant) to go over some areas that were raised as questions. Mr. Vogel stated as he viewed this application, almost invariably the applications revolve around the fact that somebody is trying to squeeze too much onto a piece of property, and the property is too small for what they want to do. I would suspect that your experience on the board has been the same as mine. WE have the reverse here, different kind of situation, the questions that have been raised are this building is too big for what you are saying or want. You only have 135 members so why do you need such a big building for. The witness Mr. Vogel is calling will have the insight as to why this building was chosen and the reasoning behind the building. Mr. Vogel stated he is confident that the testimony will be completed this evening.

Mr. Vogel called his witness Mr. Urim Shabani. Mr. Shabani came forward, his address is 499 Cotluss Road, in Riverdale. Mr. Shabani is the secretary of the Albanian Fund board for the past two years. Mr. Shabani stated they are a non-profit organization and they have been doing this for the last thirty years. The present location has been there for 1985. It is about cultural and religious nature and they have always concentrated on providing historical background and education for their kids. They try to instill in them the values and traditions of the old country and their heritage. Mr. Shabani stated the religious services are held primarily on Fridays from 1:00 pm and for the most part we have between thirty and sixty attendees on Fridays. We have an hour of Sunday School on Sundays for our children. Altogether there are forty to sixty kids that attend the classes, some don't, they come only for the dance class.

Mr. Shabani stated they have been looking for a site for a long time, and most of our members live in Riverdale, Pompton Plains, Wayne, Kinnelon, and it just seems like a central location, the price was right. The building has been on the market for a long time and that is the primary reason we chose this location. Mr. Shabani stated the building is actually larger than our needs are, however; we didn't choose the location for the size, we just chose it for the location itself. Mr. Vogel stated the applicant has submitted to the board a plan of all the different rooms in the building and asked if there would be events happening in those rooms at the same time. Mr. Shabani stated no, and he would like to clear this up, because any of the events that we have ever done, we have tried to schedule them ahead of time so that there would be no events held simultaneously. The uses here would never take place at the same time stated Mr. Shabani. Mr. Vogel asked about what type of growth they were anticipating. Mr.; Shabani stated he has looked at all the mailing lists, all the people that they are aware that live in this area, and together with some of the board members, we have tried to determine what type of growth there would be. At the most we anticipate would be thirty to fifty families, or members.

Mr. Vogel asked if this building would be used for a regional purpose that is for people outside the community that would be members of your association. Mr. Shabani stated no, he does not see that happening at all. Mr. Shabani stated there would be no flea markets or fairs of any kind, we have never done that and the reason being the dancing events are always at the College as we have testified before. Mr. Shabani stated he would like the board to know he has lived at 499 Cotluss Road for the last fifteen years and his children go to the Riverdale School. Mr. Shabani stated they are members of this community, and some of the members are teachers at the Pompton Plains schools. We have police officers that are members as well. Mr. Vogel stated the issue has come up before about if there is sufficient parking spaces. Mr. Shabani stated they contacted the next door neighbors and they were lucky enough to talk to Scott Berkowitz, the owner of EVS Metal and he was kind enough to offer parking on his property if we needed it. Mr. Vogel submitted a letter from EVS Metal, Scott Berkowitz, Kenner Court, across the parking way from the building. The letter is marked into evidence by the board attorney and is marked 1/29/15 A.

Mr. Vogel stated he had made previous arrangements when Bograd came into town to have special permits for tent sales and parking for those events, and he would like to make the same idea here, and have any events that the board wishes to have permits and special parking available for the event.

Mr. Vogel stated he was the attorney for Sun Tan Lake and they had to obtain special permits for events as well which always worked well.

Mr. Vogel stated Mr. Berkowitz is in the audience.

Ms. Holmqvist stated there is still a discrepancy of the 20,000 square feet and she does not know what to make of that. Mr. Vogel stated the Record occupies 20,000 square feet and they are on lease and if at the site plan hearing the board allows they to stay so be it, however; if the board does not allow them the space then they will have to leave. Mr. Vogel stated he does understand her concern. Ms. Holmqvist stated the board asked for more detail information on membership location and the number of members and our office never saw that information; has that been submitted to the board. Mr. Vogel stated he had Mr. Shabani testify about where the members come from and why they found this building. Mr. Shabani stated the members live in Riverdale, Butler, Pompton Plains, Wayne, Pompton Lakes and surrounding areas. Vice-Chairman Venza asked for the list. Mr. Shabani has a list that shows the members names and addresses. Vice-Chairman Venza stated that is a mailing list with the people's addresses. Attorney Barbarula stated it was not appropriate to have names and mailing lists. Attorney Barbarula stated if someone wants to go over the list and count the names and addresses they can. Ms. Holmqvist stated in the memo if things pick up and the building becomes more attractive and with the amount of square footage, the board has to evaluate the building there has to be more information due to there could be a very sizeable enrollment. The only way the Borough would be aware of an issue is if there were complaints and safety concerns. Then something will have to be done about it. There doesn't seem to be a very large intent for nighttime use, but when I reviewed this site in the dark it is not well lit and the plans should show lighting in the parking lot. The use that is specified as inherently beneficial, the definition was cited in the testimony. It is typical that a house of worship, a school and a day care facility would be considered inherently beneficial. There is case law on that, and is fairly accepted. The other uses, the athletic uses, the cultural uses, the applicant wants that all on this site, however; what they might occupy this entire building with remains to be seen. This is a big unanswered question.

Attorney Barbarula stated that a parking agreement should be entered into if the board looks favorably on this application. Attorney Barbarula stated he recommends that Mr. Berkowitz should come forward and testify in reference to the letter submitted to the board.

Vice-Chairman Venza stated he has asked numerous times to have a break down by town of your membership and it has never been given to the board, and secondly he stated he has also asked for the growth of the organization for the past five years. Vice-Chairman Venza stated he is going to assume and he hopes this is incorrect that your membership is based upon immigrants is that correct? Vice-Chairman Venza asked how that has grown in the past five years. Mr. Shabani stated ever since the organization has been formed membership has been around the same. In the late 80's early 90's the membership grew to about 200 members. It hasn't grown since there are other centers in the State and wouldn't come here unless they live in the area. Vice-Chairman Venza stated what you are saying now is that you have lost 30% of your membership in the past ten years, is that correct. Mr. Shabani stated again the membership always moves a little bit up and down, with an average of about 135 to 150 members. In the late 80's there were a lot more immigrants coming to this country than before. Vice-Chairman Venza stated that depends on political issues that are going on over there, correct, so it's a very volatile area to begin with. Mr. Shabani stated he doesn't see it as that volatile at this point, and doesn't see any issues at this time.

Mr. Poli asked if there are 135 members or 135 families. Mr. Shabani stated the membership is based on families.

Vice-Chairman Venza asked about the holiday Ramadan and when the actual date of the holiday is. Mr. Shabani stated is isn't a set date, however it is around July. The celebration is during the day. Vice-Chairman Venza stated he is trying to ask what day of the week, the time of the day that you would have the most cars in your parking lot. Mr. Shabani stated it would be at the end of Ramadan, which would be the 18th of July in the morning around 8:00 am to 10:00 am. Mr. Shabani stated he thought July 18th might be a Wednesday. Vice-Chairman Venza stated about leaving the building vacant, what are we dealing with, the plans that were submitted that showed every square foot being utilized or parts of the building being vacant. The 18th of July is actually on a Saturday. Vice-Chairman Venza stated so back to the last question, are we going to be filling the entire building or are we leaving a lot of it empty. Mr. Vogel stated the plan that they filed was to show the ultimate use of the entire building, so that you would have a clear indication that if the application was granted, how the building could ultimately be used so we didn't hold back.

What we said in the testimony was that there was 20,000 square feet of the building of the 57,000 square feet that wouldn't be used and we agree with that, but we gave you a plan that was the ultimate use of the building, in case the board asked how would you use the building if the Record moved out, and they might move out tomorrow.

Board member Sheps asked Mr. Shabani about the kitchen and the use of the kitchen. Mr. Shabani stated that they would not be preparing food in any commercial sense and all foods would be catered and not in the kitchen, it is more of a pantry. How many staff members would be on site at any one time asked member Sheps? Mr. Sheps asked how many staff employees would be on staff. Mr. Shabani stated when school is in session, we have two teachers and two assistants. Usually some of the board members would be on hand, so six to eight people. On Fridays there are more people when the prayers are in session. There will always be two full time members on the premises when the building is open. Mr. Shabani stated there are handicap facilities on premises and one elevator as well. Mr. Vogel stated if the board grants the use, they will be coming back with a site plan, and your planner raised the issue of lighting in the parking area, and that will be addressed with the site plan, along with all the requirements of the A.D.A as well. The question was asked if the applicant owns their own bus or van. Mr. Shabani stated they do not however; they have rented them if necessary. Mr. Sheps asked Mr. Vogel, the application specified it would be used as a community center, and nowhere in the testimony is there any mention of a community center, and it is not even synonymous with cultural center or anything else. Mr. Vogel stated in a memo that was sent to Mr. Barbarula, you can call it anything you want, this is the Albanian Association, it is going to be a community center for their association, a cultural center for their association, it is going to be a religious center for their association, you could put whatever adjective you want to put in there, and call it whatever you want, we have had testimony as to the use and the use is very clear.

Chairman Heimall opened this witness testimony to the public. Mr. Dave Desai came forward and stated he thought the question might have been asked once before, but he missed that meeting. Mr. Desai stated you mentioned a school and a day care, have you gotten approval for that use from the County. Mr. Shabani stated they have not gotten approval from the County. Mr. Desai stated his understanding is that it is a rigorous application, environmental testing, structural testing, and a lot of things that need to go on and it is a long drawn out process. Mr. Vogel stated you are right. Mr. Desai asked what happens if you don't get approval. Mr. Vogel stated then we don't use that portion for a day care. Mr. Desai asked so can that be considered as an inherently beneficial use then, the school and the day care. Mr. Vogel stated day care, is an inherently beneficial use as is schools and worship and that day care can be granted by a board subject to State approval. Mr. Vogel stated you can't go to the State unless you have use of the property approved by the board. The State sets the criteria and if they don't meet all the criteria, you don't get a license to operate. Mr. Barbarula stated the use is inherently beneficial stated our planner, upon conditions subsequent.

Allen Lewis came forward and asked Mr. Shabani, you are coming from Paterson which is 5,000 square feet and do you have any members that are from that area. Mr. Shabani stated at the present time there are maybe two. Mr. Lewis asked about when they started. Mr. Shabani stated in the beginning the majority of the membership was from that area. Mr. Lewis stated his question is, do you think that when you move into this building and you make this building unbelievable that these previous members aren't going to want to join. Mr. Shabani stated the original members that were there in the beginning are the ones that have moved into this area. Mr. Shabani stated the best case scenario would be another 30 to 50 members. The driving force for us to find a new location, stated Mr. Shabani is that the majority of the membership all live in this area now. Is there a place where kids can go for recess asked Mr. Lewis. Mr. Shabani stated that will be presented with the site plan. Mr. Lewis stated that location is in a flood zone, does the additional parking you were talking about get flooded as well. Mr. Shabani stated even it does, what difference would it make. Mr. Lewis stated flooding gets worse and he wanted to know if you were aware of the flooding. Mr. Shabani stated the members are not going to live in the building, and if it floods the members would be in their homes and not use the building.

Barbara Pascal came forward and stated she heard the public good in the changing of the zone. Mr. Barbarula stated the statute states and in the statute it says it serves the public good and promotes the general welfare. Ms. Pascal stated she doesn't understand how any of this does any of that for Riverdale. Ms. Pascal stated from what she understands and she stated she could be

wrong, that a day care, a school, the activities are closed to just your group, so we have no opportunities for jobs or using the day care and she does not see the benefit for Riverdale that balances out the change and expense that it brings to Riverdale. Mr. Vogel stated in all due respect, you could say the same thing about any house of worship, or any ethnic group. Chairman Heimall stated not to go there. Ms. Pascal stated this is not an ethnic issue, this is my taxes are going up and if we change a ratable into a tax free zone, if it was a church that was any religious group that was going into an area that was already zoned for that purpose, the way the town was organized originally, I couldn't have a problem with it, and I wouldn't have a problem with it. My problem is the change of the zoning and how does that bring benefit to Riverdale. Mr. Barbarula stated the fact that any applicant comes before a board with an inherently beneficial use that is tax exempt is not an issue that the board can consider, so if it were a synagogue, church or anything else, or purely a mosque with no other aspects, that is not something that we can consider. The other aspect is that you're having a hard time with the definition of public good. Public good is not limited to the Borough of Riverdale, and Ms. Holmqvist basically in her first report indicated that when talking about State wide regional satisfaction of public good and inherently beneficial use, so it's not a quid pro quo, if you take away taxes from Riverdale, what am I getting in return. It's a very sophisticated legal argument but it is what the law is and that's why I read to, there is a school which could be for Jehovah's Witnesses, so unless you are a Jehovah Witness you aren't going to that school. If one is proposed however; it's coming off the tax records. These members of the board cannot consider whether or not a school for Jehovah's Witnesses can take that building off the tax records, that's not a consideration for the board. Mr. Shabani stated if it came to it where the day care was approved, any person that is qualified to work there would be considered and they do not have to be necessarily Albanian or belong to the Organization.

Vice-Chairman Glenn Venza set forth the motion to close the public portion of the hearing, seconded by Bobby Roberts.
ALL IN FAVOR / Motion Carried

Mr. Barbarula stated to the Chairman that a number of members would like to have Mr. Berkowitz testify to the letter he has submitted to the board in reference to parking.

Vice-Chairman Venza asked Mr. Shabani based on what he just said, about hiring people other than members, for the day care, are you saying the day care would not be part of your cultural heritage. Mr. Shabani stated he was not sure he could answer that correctly, however; what he meant was that anybody that was a qualified teacher to work in a day care would be someone we could hire. Mr. Vogel stated they have to be certified by the State so in order to do that they might be somebody who is not from the association. Chairman Heimall stated there was previous testimony that the day care center would possibly be open to the surrounding neighbors and not of Albanian descent is that true. Mr. Vogel stated that is true and is a requirement of the State.

Mr. Scott Berkowitz came forward and was sworn in by the board attorney. Mr. Berkowitz stated he is the president of EVS Metal and is located in four locations, 101 Riverdale Road and 1 Kenner Court being the primary headquarters. 1 Kenner Court is adjoined to the applicant's property. Mr. Berkowitz stated he was approached by the Albanian Association in reference to the parking lot. Mr. Berkowitz stated they have approximately 140 spaces over the two buildings and the hours are 7:am to 4:30 pm and a skeleton crew until 2:am. Mr. Berkowitz stated they use the spaces when they are operating. There are no operations on the weekends. Mr. Berkowitz stated when his parking lot is available he has no problem with the Association parking in his lot. Mr. Berkowitz stated he wrote the letter which has been marked exhibit A with today's date on it.

Vice-Chairman Venza stated you have 140 spaces in both locations. Mr. Berkowitz stated it is probably more, he didn't count them. On Kenner Court they have 90 spaces. Vice-Chairman Venza stated he has a family member who works for EVS and he says the parking lot is usually over full. Mr. Berkowitz stated that is true and he hoped to have a reciprocal agreement with the Albanian Association, because he was not able to make that deal with the present owner. Vice-Chairman Venza stated they are talking about the religious thing happening at 1:00 pm on Friday, your lot would be full. Mr. Berkowitz stated not really, they work four ten hour days and half a day on Friday. Vice-Chairman Venza stated it would still be full at 1:00 pm, and if the Feast of Ramadan falls on a Wednesday and they need to fill the place up there is going to be a problem right. Mr. Berkowitz stated realistically there's 240 spaces in their parking lot and it is not realistic that it would be full, however; if it was full and my lot was full, I would call Steve Mullen and ask

if I can park over there for the day and I know he would say yes. Mr. Berkowitz stated he had already discussed this with Mr. Mullen and there was no problem, I didn't realize how important it was, and he does have an additional 100 spaces.

Paul Darmofalski asked Mr. Berkowitz if his lot floods. Mr. Berkowitz stated it does and they even have small fish but no water in the building.

Member Reilly asked if Mr. Berkowitz had any agreements for parking at this time with Mr. Mullen. Mr. Berkowitz stated no, it had just come up today, however, he had talked to him previously.

Chairman Heimall opened this witness testimony to the public. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to close the public portion of the meeting.
ALL IN FAVOR / Motion Carried

Mr. Vogel stated that is the last witness on behalf of this proposal.

Chairman Heimall opened the application to the public for statements on this application.

Dave Desai came forward and stated that one of the concerns that he had was that if you change the land use and put a school or church or anything else that you have public people there, that it might play into a future use of one of the industrial lots adjoining it and he was concerned that if somebody wanted to put a factory that would create a lot of jobs or something like that and one of the adjoining lots might not be able to do it because of the existence of a school right next door.

Mr. Scott Berkowitz came forward and stated that his chief IT guy is from Serbia, he speaks slow, distinctive, and can be arrogant at times, doesn't listen to him even though he pays him and he is my friend. We have a building across the street that is about to self-demolish. It's been vacant for approximately fourteen years and there is nothing good in the structure except the cement that's holding it up. The people making this application will have to put a tremendous effort to resurrect that property, that otherwise in time would probably be demolished and lost to us anyway. The property itself is not conducive to most operations because of the narrowness of the building as well as the distance of the parking, the flood area as well as the recyclers/garbage collector behind them. These people have found a chance to come out here and hopefully do something better for all of us by cleaning up that property. They have done a little bit of a disservice to themselves because like my IT guy they didn't come forward and greet the community, shake hands and say we are your friends and your families, we teach your children, we feed your friends, we raise our kids, and we are Americans first. We try to help the people back home through some terrible situations, we try to keep a culture without constant remembering of what has gone on in the past would be lost. We shouldn't segregate them out as a cultural center but a group of people trying to show us a different part of the world. I'm ashamed to admit something to you, but I will, I am not a very good Jew. I don't follow any of my religious that I should, on the high holy days, I put the shades down and eat Chinese food. But when I see the gentlemen, the Jewish guys in the black shirts and whatever, I at least respect the fact that they have the guts to stand up and do what they need to do, and if I was segregated and made to feel that I was not worthy of that then I would feel a sense of animosity towards the people that can't see me as what I am, as just an American. What they are going to do in that building, well they tried to phrase it and tell the truth as best they can, they could have gone around the whole planning situation, by simply lying and saying this is a Mosque, and it would have had to be approved based on the rules, but instead, they tried to show you that this is not about religion or a specific item, they are trying to show you that they want to show their culture, and they are proud of their heritage, and what they should be saying to us, which I didn't hear unfortunately I wasn't here enough, is that they welcome all of us in to see what it is like to be in this part of the world, to understand to walk a mile in their footsteps. They go in there and they stand there in these difficult times and say we are this group, they have no fear of what may happen to them, standing up for what they believe in and I applaud that. I'm across the street from them and I wish them well. EVS Metal hires tons of different ethnicities in our operation. It is almost funny that you can go to different departments and you can have different food based on where those people came from. But foremost they are all Americans. We hope to blow out of parking lot and hopefully make a reciprocal agreement with these gentlemen, and if we can't we will make a reciprocal agreement with Steven Mullen or other business owners, because we are going to do everything we can to grow and be big. We have 160 employees at any

one time, they all go out at 3:00 p.m. and there has never been a problem. The building used to be International Check Cashing and also the Environmental and it was stuffed with cubes and people and it never presented an issue back then. We were concerned a long time ago when we built those buildings over there by Trammel Crowe that originally they were going to be condos, and because of economic downturn and conditions they turned into apartments and we were concerned that low income people would come in, it wasn't said but it was said. Well those low income people are there and you know what, they are part of our community and you know what we are part of those low income people these days sometimes. It's been a struggle for all of us and the bottom line is that we shouldn't allow some of our prejudice or fears to get in the way of welcoming another group of individuals to us. I hope the board votes in favor of these people and this application because it's whats everything good about being American. My wife's parents happily report they are off the boat from Germany, and they would do everything for America. The live it and they love it, and I do too, so I appreciate your attention and you giving me this time and I hope that all of you come by EVS Metal and see what we are doing, because it's amazing what goes on in there. The amount of manufacturing and the amount of pride and the amount of work, and I hope you will all come by. Thank you very much.

Thomas Batelli came forward, 712 Canella Way, Riverdale, and stated he does not think this application is about anything this gentleman just said, and he stated he has no prejudice or animosity towards anyone or anybody in my whole entire life. What it is about, stated Mr. Batelli is what is inherently beneficial to Riverdale. I know what the attorney has said about it, but what is truly beneficial toward Riverdale. What is truly beneficial towards the person who is on a fixed income who is now going to have to pay more taxes in this town? What is beneficial toward Riverdale? It is not to put a piece of property that was no paying its own way in taxes, to be a piece of property that isn't going to be paying any taxes. We have a Planner, we had a plan, this is what the town was going to be built out for, and I moved to this town because of the taxes because I retired and now I am looking at more and more taxes for something that is inherently beneficial to some people but not to others. Thank you.

No other audience member came forward and thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to close the public portion of the hearing.
ALL IN FAVOR / Motion Carried

Mr. Vogel stated thank you for putting up with me and listening to the witnesses. It's the kind of application that puts you to the task of what every member of a board of adjustment has to face sooner or later, that is a difficult question as to how to apply the law to a specific set of facts. Mr. Vogel stated he would suggest to you that this doesn't present a problem, it really presents an opportunity. In that sense the opportunity resides in the fact that this is a building that has been vacant for fifteen years and has been deteriorated and unused. When people talk about taxes stated Mr. Vogel, which Mr. Barbarula has said is not an issue, but it has been the subject of tax appeals, because it is not utilized. The fact of the matter is that is that we now have an opportunity to take a building that is an anachronism no longer reasonably usable consistent for what it is zoned for, as the last witness said, and as is evident from the fact that it has remained in disuse for nye on to fifteen years. This opportunity is to welcome to the community a group of people who want to preserve their heritage and their religion. It would seem to me stated Mr. Vogel in that simple context, this use which is recognized as being inherently beneficial. Mr. Vogel stated it presumptively satisfies the positive criteria for granting of use variance. It occupies a special status in the consideration of a use variance. It is universally considered a value to the community because it fundamentally serves the public good and promotes the general welfare. What better than having a group preserve the heritage they have and worship in consistent with what the heritage is than this application before you? Mr. Vogel spoke in reference to the parking and that there is sufficient parking for the use that is being sought. All of the functions that are in the building will not be done at the same time. Think of the multiple uses that are in this building and all the boards that meet in the same building. What happens if all the boards met on the same time and the same day, this does not happen? In this particular case there is no testimony on the record from any credible source because no one did testify that the uses will be operating contemporaneously at the same time. Mr. Vogel stated that the board could place in the resolution to impose a favorable condition to have special permits if there is a question about the parking. Mr. Vogel stated the board's planner has indicated in her report that this use is subject to the religious land use and institutionalized persons act and if you refer to her report dated November 6, 2014, you will see that what was said in the letter at page 8, the municipal land use law defines

inherently beneficial use. Mr. Vogel quoted several parts of Ms. Holmqvist report. Mr. Vogel stated he wrote the board a letter defining inherently beneficial use on November 7, 2014, because there was a question on the definition. In that letter stated Mr. Vogel he cited what the courts have said and the courts have said church usage as merely ancillary to a dominant use that is to other uses that is to others a church use. The courts have said we decline to endorse reasoning which recognizes the benefits of dual use zoning treatment for churches with substantial followings while rejecting far more limited dual usage by a small religious group which does not swim in the locally recognized main stream. That is applicable here. These are people who just want to gather together and they want to pray and preserve their heritage and that was the American way is about. We are virtually all of us products of immigration. The problem is we lose touch with the ethnic background we came from and these people are trying to preserve theirs. The court reminded us of the rich diversity of our religious beliefs and that by accommodating all forms of religious expression governmental action has followed the best of our traditions and respected the religious nature of our people. This gives you an opportunity to welcome these people into your neighborhood. You do have the ability to impose conditions on this use. Thank you for your attention.

Paul Darmofalski stated the site plan is not an issue today because the application has been bifurcated. Mr. Darmofalski stated the parking area must be restriped and flooding is something that occurs in this neighborhood and nothing can change that. It existed before and will again. Mr. Darmofalski stated he does not think the flooding issue should enter into your discussions today because it is not part of what is important on this application. From engineering aspect there are many issues on this site because it has been vacant for so long and must be corrected. The lighting is a major problem and someone will have to spend a lot of money to get this building up to speed.

Attorney Barbarula stated he submitted the decision tree to the board previously. Mr. Barbarula stated we had the services of Donna Holmqvist and that gave us a breakdown on page 3 of what Ms. Holmqvist reports. Mr. Barbarula stated he would like the board to realize what you are deciding. You are deciding a use variance, you are not deciding whether or not the parking spaces are 9 x 18, 10 x 20, whether or not the lights are this way or that way, you are deciding whether or not this particular property is appropriate for this use variance and that is that it has been labeled a cultural center, you have had testimony and it has been stated by our planner of all the uses that are in there. All the courts clearly indicate what the beneficial aspects are of the application. You can't discuss this application until there is a motion and a second and then you can have a discussion on the motion and the second. You have heard from this applicant that they have agreed that they would be subject to a special permitting process for special events. This is something that I also experienced in the 32 years that I have had the pleasure of serving the boards in this town. We have had that with the Armory, coming in for special events, various things with cars, things with ham radio, and also have had with Bograd's and other places. That's part of the limiting factors because if you have and you agree with our planner and you determine that based on our planners testimony and the applicants testimony that it is inherently beneficial you have to look at the negative aspects and when you talk about negative aspects, you have to say well how can I control that. In this dominate membership it has been testified to that there is a major event at the end of Ramadan, just like any other major religious event, people show up when it's a special occasion. This applicant has agreed to go through a special permitting process for anytime there would be a large amount of vehicles. I believe that that would be at that time because that would be the most celebrated portion of the Muslim calendar, and I also think that it would be foolish to think that if they build a new facility of this nature that they wouldn't have utilization of this facility. They have also agreed that if they do have anything, they would also come in for a special permit, so maybe they have a basketball tournament, in the gym or a dance competition that would also require special permitting for overflow parking. The other aspect is is that you have heard testimony and there are questions whether the building would be used at night, the apartments across the way and whether there would be a conflict, you have the right to limit that, like a special time after which there would be special events. In the cases that I gave you stated Mr. Barbarula, unfortunately Mr. Vogel, and I could not find a reported case. There are unpublished opinions that you have had from both sides, and also from our planner. So it is not like I could tell you look to the case Smith and that is the reported decision and that's what you have to do. You have to look at what I gave you in the decision tree, decide whether it's inherently beneficial, and if it is then you have to decide is the negative, what is there that the negative outweigh the inherently beneficial

aspect, or you can decide that in spite of everything you have heard that it's not inherently beneficial, then you're down to weighing the positive and negative criteria and how do you weigh those two. That is where you are at and what you have to decide. You are not deciding lighting, drainage, parking or anything else on a site plan. The use variance is what you are deciding and that alone. Mr. Chairman you must call for a motion to either approve or deny this application. Whatever you say please give a detailed reason of why you are saying it.

Thereupon Sal Poli set forth the motion to approve the application with the condition of 50% of the building be used. They have only demonstrated to me that they are not ready to take the whole building, they don't need the whole building, and I am willing to give the 50% of the building and that is my motion, and there is conditions that for special meetings, the board should have the opportunity to put the special conditions that it deems necessary. Chairman Al Heimall seconded the motion. Chairman Heimall stated he feels the property should be self-sustainable as far as its own parking.

Sal Poli stated he would like to elaborate on his motion. Mr. Poli stated the reason he said that is he feels the use is inherently beneficial, they have proved that to me, they have not proved to me that they need the entire building. I believe there should be the conditions on it that with special events as you said before John, all those conditions, I believe that they should be imposed. Special events, special permitted police being used to control traffic and if it does go over the parking, we should also have an agreement in place. Chairman Heimall stated part of his second was the building be self-sustainable on parking. Mr. Poli stated so be it, with utilizing 50% of the building that should be no problem.

Mr. Michael Reilly stated presently the Record has leasing space in the building, how will that affect the motion. Mr. Poli stated he feels they should stay there, the taxable revenue from that space will help will bring some of that revenue from the building. This way it is not a total loss. John Barbarula stated as you heard from the applicant's attorney basically this is a situation of being developed. If you are approving this to 50% stated Mr. Barbarula, the remaining 50% has to be utilized accordance with the existing zoning. It doesn't matter about taxes, however; and this is a tangent, is has to be utilized commercially that is still taxable. Vice-Chairman Venza asked if the Record leaves and the space is vacant, is it still taxable? Mr. Barbarula stated absolutely, and is subject to a tax appeal. Mr. Barbarula stated it could be used for any other condition that is allowed in the zone. Mr. Barbarula stated if the board is only approving 50% for the use variance, if and when the applicant would like to occupy more of the building than the 50%, they have to come back to the board.

Michael Reilly asked to be clear the 50% of the building would be open to commercial approve use in that zone.

John Barbarula stated the motion is that the applicant has proven inherently beneficial use, however, they have not proven because of assuming you are talking about Donna's report, there is still a lot of open items, that it is only 50% of the building, that you are going to accept the applicant's offer of special permitting and one of the special permits for security would be the end of Ramadan and if there were to competitions or anything else where most of the parking lot would be utilized that the parking lot would have to be upgraded so that the site could accommodate the parking within their site because you are accepting the chair's amendment to your motion. Mr. Poli stated that is correct. That is the motion gentlemen stated Mr. Barbarula.

ROLL CALL: Ayes: Roberts (I say yes, I think it also only deserves half of the building) Reilly (I would like to make a couple of comments before my vote, the application was made as a Community Center, and I know that Mr. Vogel has said it doesn't really matter what was written on this piece of paper, but nowhere in this application does it talk about anything other than a Community Center. The only time that this has been talked about a Community Center was in the application. The entire testimony since September dealt with Cultural Center, Mosques, school, and the Albanian Community. I have no problem with the Albanian Community, I have no problem with anyone, that's not an issue, my issue happens to come with I feel as though this application was actually put before the board in a false pretense, my opinion, regardless how accurate or not, the application also talks about I think makes some assumptions that I don't agree with. Basically it says that the building is worthless, it's useless in its present state. I don't particularly agree with that.

I actually think that the owner is very wrong in letting that building go into disarray, perhaps even Riverdale should be responsible for not making someone maintain the building. But regardless of that I don't believe that this is an inherently beneficial use, based upon my interpretation and my reading of what inherently beneficial means. With that said the proposal that Sal made was very intriguing to me, I think it actually helped me come to grips with some issues that I had in my mind. Scott your comments were very compelling to me, and I appreciate you saying those things. With that said I am going to vote yes on the motion, but I do want to say that I think this application was brought before the board on a false pretense.) Sturm (Yes I vote yes on this motion, I feel strongly that the building needs to be upgraded for safety matters, and it has been a long time coming, so yes) Hatfield, (Yes, I believe they have met the inherently beneficial requirements), Heimall, (yes), Poli (Yes)

Nays: Venza (This application as my esteemed colleague has pointed out was for a Community Center and Riverdale has a Community Center and the Community Center that Riverdale has is used by every member of the Riverdale community, not by people from Paterson, not by people from Wayne, or Pompton Plains, maybe one or two from Pompton Lakes, but it's used mainly by the people in the town of Riverdale. I don't believe the criteria for inherently beneficial has been met. It's universal value to the community is a statement that means it's of good to all the community and it is not good to all of the community of Riverdale. I'm sitting on the Riverdale Planning Board and this is the town that I have to deal with, not Pompton Plains, not Pequannock, not Paterson, not Wayne, it's Riverdale that I have to deal with. I don't believe that the application serves the Riverdale public good, another reason for it not being inherently beneficial, and I also don't, general welfare which no one has defined, is taking care of every citizen, every citizen of this community will not be taken care of with this application, so the general welfare in not promoted by this application, and therefore I don't believe that it is inherently beneficial. I vote no.

(6 Ayes – 1 Nays – Motion Carried)

Mr. Barbarula stated the Resolution will be read on February 26, 2015. Sal Poli asked about the site plan, and Mr. Vogel stated the site plan condition will be cited in the Resolution.

ADJOURNMENT:

Thereupon Vice-Chairman Venza set forth the motion seconded by Bobby Roberts to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Meeting adjourned at 9:26 p.m.

Respectfully submitted by:

_____
Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
February 26, 2015

This is a regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opening on the above date February 26, 2015 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law:

ROLL CALL: **Present:** **Mayor William Budesheim**
Councilman Gary Mastrangelo
Michael Reilly
Dan Sturm
James Hatfield
Sal Poli
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

Absent: **Bobby Roberts**
Chris Scilingo (Alt. No. 1)

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: **12/3/14 / 12/4/14/ / 1/14/15 / 1/29/15**

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to approve the minutes for the 12/3/14 and 12/4/14 meetings as written and submitted.

ROLL CALL: **Ayes: Venza, Poli, Budesheim, Reilly, Hatfield, Heimall**
Nays: None
(6 Ayes – 0 Nays – Motion Carried)

Vice-Chairman Venza stated he had a correction on the minutes of January 29, 2015. Page 10, Vice-Chairman Venza stated he had voted nay and that was not noted. The correction will be made on the minutes. Thereupon Vice-Chairman Venza set forth the motion to approve the minutes with the correction on the 29th , seconded by Chairman Heimall.

ROLL CALL: **Ayes: Venza, Heimall, Budesheim, Reilly, Sturm, Hatfield, Poli, Sheps**
Nays: None
Abstain: Mastrangelo
(8 Ayes – 0 Nays – 1 Abstain – Motion Carried)

PAYEMENT OF BILLS:

The money is available for the five bills totaling $5,487.50 as listed on the agenda. Thereupon Chairman Al Heimall set forth the motion seconded by Vice-Chairman Glenn Venza to approve the payment of the bills as listed on the agenda, one bill for Burgis Associates, three bills for Darmofalski Engineering Associates, Inc. , and one for Barbarula Law Offices.

Thereupon Chairman Al Heimall set forth the motion seconded by Vice-Chairman Glenn Venza to pay the bills totaling $5,487.50.

ROLL CALL: **Ayes: Heimall, Venza, Mastrangelo, Reilly, Sturm, Hatfield, Poli, Sheps**
Nays: Budesheim
(8 Ayes – 1 Nays – Motion Carried)

RESOLUTION:

1. Application No. SPO6242014 / Albanian Associated Fund, Inc. / 90 Riverdale Road / Block 19 Lots 8.01 and 8.03 / Industrial Zone

The Resolution was submitted to the board members prior to the meeting. Thereupon Sal Poli set forth the motion seconded by Chairman Al Heimall to approve the Resolution as written and submitted.

ROLL CALL: **Ayes: Poli, Heimall, Reilly, Sturm, Hatfield**
Nays: None
(5 Ayes – 0 Nays – Motion Carried)

INTERPRETATION OF ZONING ORDINANCE:

1. Zoning Board of Adjustment hearing on an interpretation of Ordinance 168-26: Parking of Vehicles in Non-Residential Districts:
Commercial vehicles, recreational vehicles, buses, ambulances, vans, limousines, trucks, trailers and construction equipment and similar vehicles shall not be permitted to be stored in any nonresidential district unless owned by the property owner of a permitted use in the zoning district. Storage and/or parking of all vehicles shall be on an asphalt paved, concrete or concrete paver surface and must meet the minimum required setbacks for accessory structure per the particular zone. All such vehicles must be stored/parked in the rear yard area only.

Mayor Budesheim stated if the chair would like he would give a brief history of this matter. Mayor Budesheim stated this was put in at the request of Ted Guis who was the Council representative on the board, and there was discussion on this board and on the council level, and his argument was that if a person owns a piece of property, a commercial piece of property, he should be allowed to park his own recreational vehicle, or a truck or the things listed in the ordinance. Up until then they weren't permitted and so everybody agreed that if you owned a property you should be able to park one vehicle there. The one word that is sticking is that on a permitted use and Linda, the Zoning Officer isn't trying to issue a summons because it's an illegal use it is in effect a permitted use, whether it is through a pre-existing non-conforming use, board of adjustment and so forth. Even those who have board of adjustment approvals, if they were to park these vehicles and it is not under approval, that would be an expansion of a non-conforming use and I don't think we are looking to get into that. So we did this for a purpose and need clarification on that word permitted, if that would include anybody who owns the property parking one vehicle on that property.

Sal Poli stated if the man owns the property and the vehicle is owned by the property owner, then it is legal. Linda Roetman stated the owner of the property did come in and present the registration of the vehicle and he is the owner of the property and the vehicle.

Chairman Heimall opened the meeting to the public. Matt Oswald, Cotluss Road came forward, and stated he doesn't understand the way the law is written it doesn't seem like it's an allowed use. It might be a word thing, but it should be enforced the way it is written in the book. Where do you draw the line then, because this is not an allowable use in that zone. It says it has to be allowed in that zone, but it is a restaurant and it should not allow a vehicle to park there, and I hope you enforce it that way.

No one else came forward thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to close the public portion of the hearing.
ALL IN FAVOR / Motion Carried

Michael Reilly asked for more details from the Mayor. The Mayor stated Mr. Oswald stated this is a restaurant and it is not a permitted use parking a vehicle there, but this section makes a permitted use, and the word that needs interpreting is permitted use, and so he is asking that if the building for the use is there and it's not an illegal use, in other words, Linda is not saying you have an illegal use there and issuing a notice of violation, and that person is allowed to operate his business, be there, he should be allowed to park his own vehicle there. That was the whole purpose of this ordinance. The person paying taxes on that property, should be allowed to park his one personal vehicle, whether it be a boat, or whatever, you do see them around. Vice-Chairman Venza asked Mr. Oswald if it is only one vehicle. Mr. Oswald stated it was two vehicles until Linda told him he was only allowed one vehicle, so he moved one of them off the property.

Vice-Chairman Venza stated zoning is an unusual thing, you can apply to have a use in a district that does not accompany that use. Vice-Chairman Venza stated the restaurant is a permitted use in a zone that does not permit a restaurant. Mr. Oswald stated so in theory right now it is zoned a restaurant so it's not a permitted use, there is nothing in a restaurant that says you can park a car behind the restaurant. Chairman Heimall stated no but it does say that the owner of the restaurant or the owner of the property can park one of his own vehicles there. Chairman Heimall stated the restaurant is a legal use, the man owns the property and he owns the vehicle so he is allowed to park that vehicle there. Mr. Oswald stated this is not a permitted use. Vice-Chairman Venza stated it is a non-conforming use, and it is a non-conforming permitted use.

Chairman Heimall opened the hearing to the public. Mr. Oswald came forward for the second time. There was a question by Michael Reilly in reference to a parking variance for a certain amount of spaces and all of a sudden the owner says I want to park my vehicle there and leave it there, and I'm only going to have nine spaces now for my business to operate, because we allowed ten spaces for the business to operate. Vice-Chairman Venza stated if it turns into a non-conformance yes you're right. Mr. Oswald stated what if it is a corporation or an LLC and there are eight owners, does that mean they can have eight vehicles. The ordinance states one vehicle. Mr. Oswald stated it is not a permitted use it is a restaurant, and he can't park anything back there. Mr. Reilly stated when this came up I was against this ordinance, however; at this point in time the restaurant is a permitted use. Mr. Reilly stated the owner of the property has a vehicle and he wants to park it in the back of the restaurant. Mr. Oswald stated but it is not a permitted use. Mr. Poli stated once the board gives approval for the use it is permitted. Therefore the restaurant was given approval many years ago and it is a non-conforming approved permitted use, whether it was two days ago or a hundred years ago it is still a permitted use. Mr. Oswald stated he doesn't agree it is a permitted use in that zone. If the owner had not cut down the trees unlawfully, I would not see it from my bedroom window. The Mayor stated this should not become site specific, it is an interpretation of an ordinance. The Mayor stated there are properties all over this town under your interpretation that are in violation, so we are focusing on one.

No one else came forward thereupon, Vice-Chairman Glenn Venza set forth the motion seconded by Michael Reilly to close the public portion of the hearing.
ALL IN FAVOR / Motion Carried

Mayor Budesheim stated he was just asking that the owner of a permitted use to be applied to any allowable use so again as long as it is not in violation of the zoning ordinance in any way, if it is a pre-existing non-conforming use, if it has a use variance or it is a natural permitted use, then this ordinance will apply. Thereupon Dan Sturm set forth the motion that the word permitted would be interpreted to mean all allowable uses, whether it be conforming, non-conforming, use variance or natural permitted use. The motion was seconded by James Hatfield.

Sal Poli stated he doesn't think he wants to see boats, and bulldozers and things behind places. Councilman Mastrangelo asked why we can't just leave it alone. He stated he didn't understand where the confusion was, because it states unless it is owned by the property owner, it is very clear. There was no other discussion.

ROLL CALL: **Ayes: Sturm, Hatfield, Sheps, Venza, Heimall**
Nays: Reilly, Poli

Attorney Barbarula stated if there is a problem with this ordinance we should ask the council liaison to bring that suggestion to the Mayor and Council. Councilman Mastrangelo stated he would do that.

Thereupon Sal Poli set forth the motion that the council look into the ordinance to possibly repeal this ordinance. Michael Reilly seconded the motion.

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

OTHER BUSINESS:

1. Michael Reilly stated he didn't want to get into a big discussion with this, but Mr. Oswald had stated that trees were illegally cut down and I have no idea if that is true or accurate or not, but there is a site plan approved whenever that was approved. John Barbarula stated that was approved before there was a board.

Linda Roetman stated the owner of the property came in for a permit to cut down the trees, submitted a survey of the property and paid the fee to cut down the trees which were on his property. Mr. Reilly stated the answer is there was a permit issued to the owner of the property. Ms. Roetman stated that is correct. Councilman Mastrangelo stated the permit is legal, end of discussion.

2. Councilman Gary Mastrangelo asked if the sign on Route 23 at the Riverdale Square was legal. He stated the scrolling sign at the bottom is distracting for the driver coming up Route 23. Linda Roetman stated the board gave their approval for the sign when the square came in for a site plan approval. The members of the board stated they did give approval for the sign.

ADJOURNMENT:

Thereupon Glenn Venza set forth the motion seconded by Chairman Al Heimall to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Meeting adjourned at 8:16 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
March 5, 2015

This is a Workshop/Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment meeting opening on March 5, 2015 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL:	**Present:**	**Mayor William Budesheim** **Dan Sturm** **James Hatfield** **Sal Poli** **Chris Scilingo (Alt. No. 1)** **Warren Sheps (Alt. No. 2)** **Vice-Chairman Glenn Venza** **Chairman Al Heimall**
	Absent:	**Councilman Gary Mastrangelo** **Michael Reilly** **Bobby Roberts**

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: **February 26, 2015**

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to accept the minutes as written and submitted.

ALL IN FAVOR / Motion Carried

CERTIFICATE ON NON-CONFORMANCE:

1. Application No. CNC021602015 / MTCZJS Properties, LLC / 105 Newark Pompton Turnpike / Block 26 Lot 24.02 / Professional Office Zone

Mark Charnet, the managing member of MTCZJS came forward and was sworn in by the Board Attorney. Chelsea Charnet came forward and was sworn in by the Board Attorney. All the notices are in order giving the board full jurisdiction to hear this application.

Attorney John Barbarula stated as a point of procedure, the Mayor is not sitting on this board as a member. The Mayor is operating the recording machine so the secretary did not have to come in due to the inclement weather. The Mayor is not entitled to vote or deliberate on this application and the attorney wanted to make sure the applicants had no objection to the Mayor substituting for the secretary. The applicants had no objections and the hearing proceeded.

Mr. Charnet stated he had purchased the house in 2009 as a two family house, it was advertised as a two-family house and the taxes charged are for a two-family house. I went to sell the house to my daughter and found out from the bank after an appraisal that it is not listed in the town records as a legal two-family house. John Barbarula stated unfortunately the previous owner of the house was supposed to come to the Borough Hall and take care of this formality. Mr. Charnet had a picture he had taken of the two meters on the house. The tax assessor's records are also submitted. The picture of the meters is marked A-1 3/5/2015. The tax assessor's records show the house as a two family house. Mr. Charnet stated ever since he has owned the house and both floors have been rented since then and before he owned it. The government records show the two-family status as of 1969. Mr. Barbarula stated after looking at the tax assessors records that the house was built in 1948 and since that time and 1969 it was converted to a two family house. Ms. Charnet stated she is going to live on the first floor and rent out the second floor.

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

Thereupon Vice-Chairman Glenn Venza set forth the motion to approve the certificate of non-conformance that 105 Newark Pompton Turnpike is a two-family property.

ROLL CALL: **Ayes: Venza, Heimall, Sturm, Hatfield, Poli, Scilingo, Sheps**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

John Barbarula stated the resolution will be read at the meeting on March 26, 2015.

ADJOURNMENT:

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

Meeting adjourned at 7:46 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
Minutes
March 26, 2015

The Regular meeting of the Riverdale Planning board / Zoning Board of Adjustment opened on the above date March 26, 2015 at 7:30 p.m. Al Heimall read the Sunshine Law.

ROLL CALL: **Present:**
Mayor William Budesheim
Councilman Gary Mastrangelo
Dan Sturm
Bobby Roberts
Chris Scilingo (Alt. No. 1)
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

Absent:
Michael Reilly
James Hatfield
Sal Poli

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: **March 5, 2015**

Thereupon Vice-Chairman Glenn Venza set forth the motion to approve the minutes from the March 5, 2015 meeting as written and submitted. Warren Sheps seconded the motion.

ROLL CALL:
Ayes: Venza, Sheps, Budesheim, Sturm, Scilingo, Heimall
Nays: None
Abstain: Mastrangelo, Roberts
(6 Ayes – 0 Nays – 2 Abstain – Motion Carried)

APPROVAL OF BILLS:

There are two bills totaling $870.00 as listed on the agenda. The money is available. Thereupon Bobby Roberts set forth the motion seconded by Chairman Al Heimall to approve payment of bills in the amount of $870.00.

ROLL CALL:
Ayes: Roberts, Heimall, Budesheim, Mastrangelo, Sturm, Scilingo, Sheps, Venza
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

RESOLUTION:

1. Application No. CNC02162015 / MTCJS Properties, LLC / 105 Newark Pompton Turnpike / block 26 Lot 24.02 / Professional Office Zone

A copy of the Resolution was submitted to the Board members prior to the meeting. Thereupon Chairman Al Heimall set forth the motion seconded by Vice-chairman Glenn Venza to approve the Resolution as written and submitted.

ROLL CALL:
Ayes: Heimall, Venza, Sturm, Scilingo, Sheps
Nays: None
(5 Ayes – 0 Nays – Motion Carried)

OTHER BUSINESS:

Attorney John Barbarula stated he would like to ask the board that in reviewing an ordinance he thinks that they should recommend to the Mayor and Council that section 37-43 Appeals from the Zoning Board of Adjustment to the Governing Body, be recommended to be eliminated by the Mayor and Council due to the current state of the law is that generally

you go straight to the Superior Court if you don't like our decisions. Mr. Barbarula stated he feels that this provision that is in our ordinances should be eliminated. Vice-Chairman Venza asked which one this is. Mr. Barbarula stated the ordinance allows the applicant if he or she is unhappy with the board's decision can go to the Mayor and Council first. After a brief discussion it was decided that a copy of the ordinance will be e-mailed to the board members and they will discuss it at the next meeting.

There is another ordinance stated Mr. Barbarula that should also be reviewed and that is if a use isn't used for a year and a day that it is abandoned, that ordinance should be eliminated as well stated Mr. Barbarula. A copy of that ordinance will be sent to the members as well and discussed at the next meeting.

CANCEL APRIL 2, 2015 MEETING:

Chairman Heimall stated there is no agenda for the April 2, 2015 meeting, and he would like a motion to cancel the meeting. Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Glenn Venza to cancel the April 2, 2015 meeting due to lack of agenda.

ALL IN FAVOR / Motion Carried

OTHER BUSINESS:

Chairman Heimall stated he had one thing to add and that is after looking at Burgis Associates rates, the next time we need a Planner, we should look into asking her to lower her rates or try to find someone else with a more reasonable rate. Chairman Heimall stated he had a problem with if for some reason the client doesn't pay the bill, the Borough of Riverdale is stuck with bill. Vice-Chairman Venza asked why the bill states we are 60 and 90 days with the bill. Linda Roetman stated the $500.00 was not our bill, it was work the planner did for the town and not the client, and that bill was paid. The other bill was 60 days due to asking Burgis for a breakdown of the charges because the bills seemed rather high. The $500.00 was paid by the town and the 60 day amount was paid after the last meeting when it was approved. Ms. Roetman stated this bill came in the day the other bill was paid. There was a discussion on the travel time the other charges. The Mayor stated we should try and renegotiate and not pay for travel time, because the applicants are residents and the charges are very high.

ADJOURNMENT:

Thereupon Bobby Roberts set forth the motion seconded by Chairman Al Heimall to adjourn the meeting.
ALL IN FAVOR / Motion Carried

The meeting was adjourned at 7:42 p.m.

Respectfully submitted by:

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Linda Roetman
Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
Minutes
April 23, 2015

This is a Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **Present:** **Mayor William Budesheim**
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Chris Scilingo (Alt. No. 1)
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

Absent: **Councilman Gary Mastrangelo**
Sal Poli

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: **March 27, 2015**

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by bobby Roberts to approve the minutes as written and submitted.

ROLL CALL: **Ayes: Venza, Roberts, Budesheim, Sturm, Scilingo, Sheps, Heimall**
Nays: None
Abstain: Reilly, Hatfield
(7 Ayes – 0 Nays – 2 Abstain – Motion Carried)

APPLICATION TO BE DEEMED COMPLETE OR INCOMPLETE:

1. Application No. SP04102015 / Albanian Associated Fund / 90 Riverdale Road / Block 19 Lot 8.01 / Industrial Zone

Prior to this evening a letter from Darmofalski Engineering Associates, Inc. recommending completeness was received and submitted to the board members.

Thereupon Chairman Al Heimall set forth the motion seconded by James Hatfield to deem this application complete as per the letter received from Paul Darmofalski, and a hearing date will be set for May 28, 2015.

ROLL CALL: **Ayes: Heimall, Hatfield, Budesheim, Sturm, Reilly, Roberts, Scilingo, Sheps, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Mayor Budesheim stated he had a procedural question for Mr. Barbarula. The Mayor asked Mr. Barbarula, if the check writing company wanted to go back into that building, and they applied for their CCO and occupied the building, because they were approved uses. Now we have a non-approved use that got a use variance to go into that building, why do they then have to come for a site plan. What are we going to be voting on? Mr. Barbarula stated they separated their application for site plan and use variance, and they represented during the hearing that they be able to put enough parking in and change the upgrade to the lighting and everything for the use. And that is what was separated and why. Basically they just have to come in with a site plan. The other aspect was that they were going to make up their minds as to whether they were going to have a day care, which has certain requirements for outdoor space. Mr. Barbarula stated he hasn't seen the plans yet so I don't know if they put that on the plans. The Mayor stated he looked at the plans today and they show 248 parking spaces and we are looking at that plus the lighting, and drainage, whether or not they have all the requirements needed to put in a day care center. The board stated

these are the uses you want to put in the building, however you have to show us what you want. The nature of the parking would change with the usage of the building. The Mayor stated it doesn't look there are any changes from the floor plan they submitted in the beginning.

Mr. Barbarula stated that this is a whole new application for a site plan and therefore the Mayor, the Councilman and Vice-Chairman Glenn Venza, even though he voted no for the first application, will be sitting in on this application. The Mayor stated he understands that he will be sitting in on this application, and he would like to know what he will be looking for. The drainage would be engineering, and Paul deemed it complete so I don't understand. Mr. Barbarula stated the day care is not shown and all of that has to be shown so the plans are incorrect as well as the application which references a cultural center and not a community center. Mr. Barbarula stated we separated this application because we didn't want them to go through the expense of the site plan if the application for the use was denied. The Mayor stated just on the procedural aspect of getting this application, the scenario that I described, if the check writing company came back, and everything was there and it still is, what is the difference. Mr. Barbarula stated every time you get a use variance and you separate the site plan from the use, the site plan has to show how that use is accommodated on the site. Once that is done, then what you are saying is absolutely true. If it goes from the Albanian Society to the Knights of Columbus after that, it would be true. The Mayor stated okay he just wanted to know what he should be looking for. Technical questions should be asked of Paul Darmofalski.

Linda Roetman stated that Paul Darmofalski asked her to ask the board if the planner has to be on this application. The board stated no there is no need for a planner.

Vice-Chairman Glenn Venza stated he has a problem with this application, and that Mr. Vogel sent a copy of the unsigned original resolution and not the revised resolution that we voted on. The correct resolution reflects the words Community Center and not Cultural Center. The Mayor stated he found another error on the application and it is more than likely a secretarial error about the square footage of the ground floor and it doesn't mention the second floor. The secretary had the correct Resolution and made copies for the board members. The board members agreed the application should be corrected as well as the plans.

After a lengthy discussion the board attorney stated the board should modify the motion made to deem this application complete. Thereupon Chairman Al Heimall set forth the motion to modify his original motion, the application is deemed complete, however; the architectural plans for the building are not in accordance to what we approved on our resolution; it is not 50% of the building, therefore, the application has to be revised as well and so the plans will have to be submitted ten days prior to the May 28th, the hearing date. James Hatfield seconded the motion.

ROLL CALL: **Ayes: Heimall, Hatfield, Budesheim, Sturm, Reilly (Mr. Reilly stated yes, but he does not agree with this. He stated he would have rather had the application be right from the beginning, from day one. He stated he would personally rather see this rescinded, but if the pleasure of the board and the motion is to modify, I will vote yes to modify), Roberts (he agrees, the application should be rescinded, however, he will vote yes, Scilingo, Sheps, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

The board attorney stated this document should be labeled not approved. The board secretary was requested to call the attorney for the Albanian Fund and have the application (the wording is not correct) and plans revised and the new paperwork submitted to the board no later than ten days prior to the May 28th hearing date. If the paperwork is not submitted by that date, the hearing date will be set for a later date.

The board secretary will call Paul Darmofalski and Mr. Vogel in the morning.

REVIEW OF ORDINANCES:

The board secretary stated that one of the ordinances §168-35 has already been revised and is now §168-29. The other ordinance is part of the land use ordinance. 37-43 is archaic. The board has already acted on this in March. This will be sent to the Borough Clerk in the morning.

ADJOURNMENT:

Thereupon Dan Sturm set forth the motion seconded by Bobby Roberts to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Time of Adjournment: 8:33 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary

That they have met the `RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
May 28, 2015

The Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date May 28, 2015 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **Present:**
Mayor William Budesheim
Councilman Gary Mastrangelo
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Sal Poli
Chris Scilingo (Alt. No. 1)
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

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

APPROVAL OF MINUTES: **April 23, 2015**

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Bobby Roberts to approve the minutes for the April 23, 2015 meeting as written and submitted.

ROLL CALL: **Ayes: Venza, Roberts, Budesheim, Sturm, Poli, Hatfield, Scilingo, Sheps, Heimall**
Nays: NoneWoskshop
(9 Ayes – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

There is a total of one bill for the Albanian Associated Fund from Darmofalski Engineering Associates, Inc. in the amount of $120.00. The money is available. Thereupon Chairman Al Heimall set forth the motion seconded by Vice-Chairman Glenn Venza to approve payment of the bill as listed above.

ROLL CALL: **Ayes: Heimall, Venza, Budesheim, Mastrangelo, Sturm, Reilly, Roberts, Hatfield, Poli**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

PLANNING BOARD APPLICATION:

1. Application No. SPO4102015 / Albanian Associated Fund / 90 Riverdale Road / Block 19 Lot 8.01 / Industrial Zone

The notices and newspaper affidavit is in order giving the board full jurisdiction to hear this application.

Board Attorney John Barbarula stated this was originally a Board of Adjustment application and bifurcated. Since there is a number of different aspects to this application he recommends that the Mayor and Councilman have a conflict and because it is part of one application he would rather not have anyone criticize that they should not have been part of this application. Mr. Barbarula stated we have always err on the side of extreme caution and there is more than enough members to vote on this application and due to the Mayor and Councilman not sitting on the original application, they should step down from this one. Chairman Heimall asked the Mayor his opinion. Mayor Budesheim stated he would like to vote on the application but will do as the board feels is right. John Barbarula stated he feels we should act on the precautionary side.

Chairman Heimall set forth his opinion that the board has always followed legal counsel and should do so in this case as well. Each board member stated that they felt it was better to err on the side of caution and the Mayor and Councilman stepped down from the dais.

The attorney for the applicant Jerome Vogel came forward. Mr. Vogel stated this application is for the site plan and is the function of the resolution that the board adopted on February 26, 2015. It was a bifurcated application for a use variance in general terms without reciting all the aspects of the resolution, provided that this building could be occupied by 50% by the Albanian Association and the other 50% to utilize in accordance with the terms of the zoning ordinance. There is an existing tenant in the building and has been there for a number of years and utilizes a portion of the building for newspaper distribution. What you will see on the plan and the testimony, is that the Albanian Association is determining to use the second floor, so as to separate the 50% in a very discreet way. There are on the ground floor some common areas and there is also some space as was previously discussed for a day care center. The day care center is not now before you, in the event it becomes viable we will have to come back before you for the approvals. You will recall that the testimony was in order for a day care center to be approved for the site it would first have to go to the State, the interior would have to be designed, and indeed the day care center would not be solely for the Albanian Association, it would be open to the public. We have reserved a space for that and have yet to move before the State. The State wanted to have the site plan and building resolved with the Borough of Riverdale board and then perhaps they will go to file with the State. As you see it on the plan it does say proposed; however it is not part of the site plan application as such. Mr. Vogel stated they have received Mr. Darmofalski's report of May 22nd, 2015 and he did not find a problem with any of Mr. Darmofalski's requirements. They are all reasonable and they are all consistent with the use of the property and they have no argument with anything stated in that report. Mr. Vogel called his engineer to the witness stand.

Mr. Mark Palus came forward and was sworn in by the board attorney. Mr. Palus has previously testified before this board and is considered and expert witness. Mr. Palus reviewed the overview of the existing building. Mr. Palus stated what they are proposing to do is very minimal exterior improvement to the building. The parking lot will be reused in its current configuration. The only difference is it will be surface coated and restriped to help the parking. Some of the lines are just about gone at this point. So as part of the restriping we are proposing to make the spaces 9x18 as well as numerous handicap spots. There will be 248 parking spaces which are proposed on site. The only improvement to the building showing on our plan is the addition of a sidewalk, which will help provide pedestrian access from the main parking lot to the front of the building. In addition there is an area designated for a playground associated with the proposed day care center. The particulars would be reviewed when and if the day care center is submitted to the board, and again at this time is a proposed use and not before the board tonight. There is a lighting diagram depicting the lighting of the parking lot, it is not and intense lighting diagram due to this not being an intense use of this property. The lighting shown is adequate. Mr. Palus stated he had reviewed Mr. Darmofalski's report dated 5/22/15. The first comment was to show and entrance and exit signage; this was agreed to and will be shown on the revision to be submitted to the engineer for review. Number 2 is a stop sign should be installed at the driveways; this was agreed to and will be on the revision. Number 3 is the pavement patching should be inspected and it is agreed that it will be inspected. In addition stated Mr. Palus some of the decaying curbing will also be replaced. This will be part of the pavement restoration process. Number 4 is a guard rail outside the fence of the day care playground; Mr. Palus stated this will be done if the playground and day care are ever approved by this board; the guard rail will be place on the revision. Number 5 is the addition of the sidewalk which has already been taken care of on the plans. Item 6 is requires that the handicap spaces stipe per ADA regulations which will be complied with stated Mr. Palus, and the proper postings will also be done. Item 7 is that we upgrade the lighting plan which Mr. Darmofalski found to be adequate. There was some discussion stated Mr. Vogel in reference to the lighting at the use variance hearing. Mr. Palus stated there are multiple building mounted lights on the existing building and then there are pole mounted lights in the parking area. All those lights will remain, however the question Mr. Darmofalski had was the hours of the lights. Mr. Palus stated he would designate the hours of lighting operation on the plan but at this point in time the hours have not be established. Item 8 is the parking calculations should be corrected to match the architect's plans for the difference of 890 square feet between the two plans. Mr. Palus stated he would review it with Mr. Cutillo to see where the difference is. There is more than the required

amount of parking by about 22 spaces stated Mr. Palus. Item 9 is in reference to the day care and Mr. Vogel stated as he reviewed in the beginning of the evening the applicant is not prepared to

bring the day care center to the board at this time. If and when the applicant is ready to bring the day care to the board they would have to make a separate application to the board at that time. All of Mr. Darmofalski's comments will be addressed if and when a day care center is proposed. Mr. Vogel stated he would ask Mr. Barbarula to incorporate this in a resolution if the board finds this favorable, that the applicant must come back to the board with a separate application for a day care center if one is brought to the application. Item 10 is about the labeling and square footage on the plans, which will be taken care of and fully addressed on the revised plans. There is no intention to change the partitions that are depicted on the plan. Item 11 is the fire department's comment on the parking area access and turning radius in the parking lot; I don't know if there has been a fire department report in respect to that. Mr. Vogel stated he didn't imagine that there would be anything that would be contrary to what is shown on the plan, giving the fact that this parking lot has been in existence for all these years and it was totally occupied when it was the check processing use. Item 12 is that the owner should provide an access easement to the Pequannock River for maintenance purposes, and we have no objection to doing that. The revised plan will incorporate the comments made by Paul Darmofalski. Mr. Vogel stated that is their application in regard to the site plan.

Attorney Barbarula stated he agrees with Mr. Vogel that this application should be reviewed without the day care center due to the requirements from the State that have to be obtained before a day care can be at the location and the applicant would have to return to the board for the approval of a day care center. Chairman Heimall asked if the board is voting on the floor plan because the square footage is different. Paul Darmofalski stated he noticed that as well and the floor plans have to be revised with the correct square footage. There is a discrepancy stated Mr. Darmofalski, however 1,606 is the correct square footage. The plans have to be fixed before a resolution is approved. Mr. Vogel stated if the board adopts a resolution in favor of the site plan, we will submit a revised plan responding to everything that has been discussed this evening, or that is in Mr. Darmofalski's report before you have the resolution on your agenda for adoption.

Michael Reilly stated he had a question on the day care center. Mr. Reilly asked if the applicant is proposing or suggesting that if and when this day care would come to fruition, that it would be part and parcel of the Albanian Fund? Mr. Vogel stated no, it would be open to the public. Mr., Reilly asked who the owner would be. Mr. Vogel stated the Albanian Fund owns the building, and they would lease it out to a company that runs day care centers or a corporation that would be run by the State. Mr. Vogel stated whoever leases the space the day care would be open to the public. Mr. Reilly stated he would feel more comfortable if that were labeled proposed tenant and not proposed day care center. Mr. Vogel stated he was very careful about putting proposed day center but if you would feel better with the word tenant, he didn't have a problem with that. Mr. Barbarula stated a day care center still has to come back to the board, and it is in the 50% because it is to be leased and not operated by the Albanian Fund. Sal Poli asked about the signage and them using the existing sign. Mr. Vogel stated he feels the signage would be adequate. If and when the day care center comes back to the board, they would review the sign at that point. Mr. Palus reviewed where the sign is located. The size of the playground does not seem adequate stated Warren Sheps. Mr. Palus stated in his design it would be adequate. Vice-chairman Venza asked how many children this was based upon. Mr. Palus stated he did not. That question would be answered if and when a day care is proposed.

Chairman Heimall opened this application to the public. Mr. Dave Desai came forward, 22 Cotluss Road. Mr. Desai stated he heard that the day care center would not be part of the 50% split that was allocated to the cultural center. Chairman Heimall stated that is correct it would be part of the commercial use, and would be part of the taxable portion of the property. Mr. Darmofalski clarified the square footage that would be utilized by the day care.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to close the public portion of the application.

ALL IN FAVOR / Motion Carried

Mr. Barbarula stated the board should review the following: No.1, the applicant has agreed that the square footage on the plan proposed for a day care center is not approved and would be subject to further approval by the board and the State of New Jersey. No. 2 is that all of the corrections

listed in Mr. Darmofalski's review letter will be shown on a revised drawing with the modifications incorporated. Mr. Darmofalski stated he felt it would be prudent to label the playground for future

proposed playground. Mr. Vogel stated he would label it future approval for day care. Sal Poli stated he would like it removed from the plan. Mr. Vogel stated they required it on the plan before they go to the State. After a brief discussion it was decided that the area will be labeled area for future approval of day care. Michael Reilly stated he would like the entire day care center removed completely.

Thereupon Sal Poli set forth the motion to approve the application with the two recommendations that Mr. Barbarula stated: the day care is not specifically approved and all the changes shall be completed within ten days of the reading of the resolution, and all the labeling as Mr. Darmofalski indicated for the future proposed day care center. Dan Sturm seconded the motion.

ROLL CALL: **Ayes: Poli, Sturm, Roberts, Hatfield, Venza, Heimall**
Nays: Reilly (I voted no because I would like to see the day care removed and call it a tenant space because the day care originally was part and parcel of the Albanian Fund site plan and if it is not part of the site plan right now and it is going to be an owner operated and it is going to be considered or referred to as a tenant space it should be labeled as such)
(6 Ayes – 1 Nay – Motion Carried)

ZONING BOARD OF ADJUSTMENT APPLICATION:

1. Application No. SPO4222015 / Verizon Wireless NY SMSA Limited Partnership / 48 State Route 23 North / block 13 Lot 29 / Highway Business Zone

All notices and newspaper affidavit is in order.

Greg Meese, the attorney for the applicant came forward. This is an application for Verizon Wireless for a network node. This is a unique facility that is designed to handle a small discreet area where there is a high capacity demand. In this case and the coverage need is at the Walmart site on Route 23 North. This application is for two panel antennas on the roof of the building as well as two small equipment cabinets on the roof of the building. The height of the equipment is not an issue due to one of the antennas is flush with the building and the other below the parapet of the building. There are photo simulations of actually what you won't be able to see, because the node is so small. This is a permitted use in the zone. There are three witnesses this evening. Mr. Meese reviewed the reason for the application including a zoning officer's denial for two uses on the property.

Mario Iannelli came forward and reviewed his background in civil engineering. The board accepted him as an expert witness. Mr. Iannelli reviewed the submission of an aerial review of the site which is labeled A1-5/29/2015 a view of the site which is approximately 45 acres. Mr. Iannelli reviewed the site with the surrounding stores and buildings. Mr. Iannelli referred to sheet 5 which is labeled A2-5/28/2015, which shows where the node will be located on the roof of the building and where the equipment will be located as well. There are no site improvements on the ground at this location, the only equipment will be located on the roof of the building. The conduit that comes down the side of the building will be joined with the existing conduit. Mr. Iannelli stated his office has conducted a structural test to make sure all the equipment on the roof will be supported. There will be no impact whatsoever with this equipment. Someone usually checks on the equipment once every few weeks. The highest antenna is 7' off the roof and the other is mounted on the face of the roof below the parapet line. The equipment will be brought to the location by crane and hoist. Mr. Poli asked what the expandability of this equipment is, is Verizon going to come back in a few months and expand it or make it taller. Mr. Iannelli showed the page z6 the elevation plan of the application that was submitted. Mr. Sheps asked about the access to the roof. Mr. Iannelli stated the access is as it is now through the common hallway hatch in the center of the building. 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 Sal Poli to close the public portion of the application.
ALL IN FAVOR / Motion Carried

Susanne Schnaars came forward and reviewed her background in the field of radio frequency engineering. Ms. Schnaars stated existing in Riverdale at this time (exhibit A2-5/28/2015 / an

aerial view of the site) and they are all larger facilities. The node is required in this area due to a gap in the frequency. The existing coverage and the demand increases and as technology increases the present coverage is exhausted and there is a definite gap in coverage. Ms. Schnaars reviewed the exhibit and showed the existing coverage and where the coverage is adequate. Because of the gap, people will not be able to use the phones, ipads, or any handheld devices. With the new technology we are trying to stay a head up on the coverage that will be required. Ms. Schnaars stated she reviewed the surrounding sites to see if there were any municipal properties in that area that would serve as a location for this facility. Ms. Schnaars stated one of the things that is key about a small cell is that you can see the macro sites differ when traveling a lot further distances have a lot bigger height. Some of these towers are 120' to 150'. With the macro we really are going on tops of buildings of existing structures. For instance the Riverdale Walmart is around 35 to 40' and we are using existing structures to place our small cells and one of the things that is important about a small cell is that it doesn't have as much power as a macro does so you really want to place the equipment where the users are. You want to stay close to the users and that is why it is important to stay on locations where you can get the most frequency power. The diameter of the coverage you would get from a small cell is about 1,000 feet. The chart shows where the gap is and the cell would be located in the center of the gap and would greatly improve the coverage. Ms. Schnaars reviewed the location of the small node on the roof and also reviewed that Verizon is acting on all State standards of communication. Ms. Schnaars stated the report from Millennium Engineering was prepared accurately. Chairman Heimall asked how this would affect the Route 23 corridor. Ms. Schnaars stated it would improve the coverage and reviewed the reasons for the upgrade. Attorney Barbarula asked about the municipal sites due to Ms. Schnaars did not answer the question; Ms. Schnaars stated the only location for the node to be placed to fill the gap created is the Walmart roof. There is no other site within 1,000 feet to place the node to fill the gap. Mr. Darmofalski asked if there will be fill the need for additional macro towers. Ms. Schnaars stated she doesn't think they will ever go away, this area is terrain challenged and its difficult to cover. The capability for the node would allow 400 additional users through technology and when they upgrade the software the number could read 1200 additional users. It is a huge capacity with a minimal construction and minimal impact to the area.

Chairman Heimall opened the application to the public. No one from the public came forward, thereupon Vice-Chairman Venza set forth the motion seconded by Sal Poli to close the public portion of the application.

ALL IN FAVOR / Motion Carried

Tseia Adar came forward and reviewed her background. Chairman Heimall accepted Ms. Adar as an expert witness in the field of professional planning. Ms. Adar is the senior planner with Dewberry in Parsippany. Ms. Adar stated she reviewed the township ordinance and zoning report. Ms. Adar stated she took photos of the area and submitted to the board. Sheps stated she added an aerial photo to give the board reference to the site. Ms. Adar reviewed the site. Ms. Adar stated the highest antenna would be approximately 1 ½ ft. below the roof of the Walmart and out of the view. The code allows equipment to be 900 sq. ft. and here we are proposing 64 sq. ft. well below the code. Ms. Adar stated the whole facility is much smaller than a full scale site, you have two small cabinet as opposed to the large cabinets that is usually the case. Ms. Adar stated she did not agree with the zoning report that this is a secondary use. The ordinance requires site plan approval. Ms. Adar stated this should not require a use variance. Ms. Adar submitted A3-5/28/15 a supplemental photo to the board. Ms. Adar stated the exhibit is an aerial photo of the site and the second page is Pellegrini1 is from the back parking lot, on the left side and on the right side to show how the node will look. The equipment will not be seen because it is hidden behind the parapet. Ms. Adar stated the node is not visible from the parking area or the residences in the Grande. Ms. Adar reviewed the dimensions of the node and equipment on the site. In this case you have the equipment closing the gap without a visual impact. Ms. Adar also reviewed the master plan and it has a goal of preservation of open space and this is an alternative than having an environmental impact. Attorney Barbarula stated this application has shown we have a slight problem with our ordinance 168-60 and we will have to review the ordinance at a later date.
Attorney Barbarula stated if we have a lot of this technology coming to the board we should look to see how to fix that. Because they need certification or something short of a long application to show it is not a use variance. They still would have to come in for a site plan, but in this case, her testimony as a matter of law from our ordinance would be that it is not necessary for a use variance.

It does create a problem and should be addressed at a workshop. The board should consider stated Mr. Barbarula that based upon the testimony of the frequency engineer that they had met the preliminary requirements of 168-60 showing that there is no available parkland or open space and therefore it is an accessory which is just a regular planning board issue and site plan. Based upon the coverage that they need, we still need testimony to that fact. The way our ordinance is written it would be a conditional use. Paul Darmofalski stated all the questions asked in his letter have been addressed and he had no problem with the application. 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 Sal Poli to close the public portion of the application.
ALL IN FAVOR / Motion Carried

Thereupon Chairman Al Heimall set forth the motion seconded by Sal Poli to approve the application.

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

OTHER BUSINESS:

1. Cancel meeting for June 5, 2015

The secretary stated there is no agenda for the meeting on the 5th of June, thereupon Bobby Roberts set forth the motion seconded by Chairman Al Heimall to cancel the June 5, 2015 meeting due to lack of agenda.

ROLL CALL: **Ayes: Roberts, Heimall, Sturm, Reilly, Hatfield, Poli, Scilingo, Sheps, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

2. The board secretary stated she is having problem with complaints about chickens and she would like the attorney to please look into a farming law that was passed supersedes the Borough Ordinance.

3. The board secretary stated as the zoning official she is having difficulty with the Blu Ale House. Ms. Roetman read a letter she received from the Chief of Police in reference to the many violations at this site. Ms. Roetman stated there was a meeting last week with the owner of the Riverdale Square and the Blu Ale House, the fire marshal, the Mayor, the Borough Attorney and zoning official. The fire marshal has requested that the fire zones be restriped. There was additional discussion.

ADJOURNMENT:

Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Glenn Venza to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Meeting adjourned at 9:36 p.m.

Respectfully submitted:

_____

Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
June 25, 2015

This is a Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on June 25, 2015 at 7:30 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL:	**Present:**	**Mayor William Budesheim** **Dan Sturm** **Michael Reilly** **Bobby Roberts (arrived at 7:34 p.m.)** **James Hatfield** **Warren Sheps (Alt. No. 2)** **Vice-Chairman Glenn Venza** **Chairman Al Heimall**
	Absent:	**Councilman Gary Mastrangelo** **Sal Poli** **Chris Scilingo (Alt. No. 1)**

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

APPROVAL OF MINUTES:

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Chairman Al Heimall to approve the minutes for the May 28th, 2015 meeting as written and submitted.

ROLL CALL: **Ayes: Venza, Heimall, Budesheim, Sturm, Reilly, Hatfield, Sheps**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

There are a total of four bills in the amount of $2, 040.00. The funds are available. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Dan Sturm to approve payment of the bills as listed on the agenda.

ROLL CALL: **Ayes: Venza, Sturm, Budesheim, Reilly, Hatfield, Sheps, Heimall**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

RESOLUTIONS:

1. Application No. SPO4102015 / Albanian Associated Fund / 90 Riverdale Road / Block 19 Lot 8.01 / Industrial Zone

This Resolution was submitted to the board members prior to the meeting for review. Thereupon Vice-Chairman Glenn Venza set forth the motion to approve the Resolution as written and submitted, seconded by James Hatfield.

ROLL CALL: **Ayes: Venza, Hatfield, Sturm, Sheps, Heimall, Roberts**
Nays: None
(6 Ayes – 0 Nays – Motion Carried)

2. Application No. SPO4222015 / Verizon Wireless NY SMSA Limited Partnership / 48 State Route 23 North / Block 13 Lot 29 / Highway Business Zone

This Resolution was submitted to the board members prior to the meeting for review. Thereupon Michael Reilly set forth the motion seconded by Dan Sturm to approve the Resolution as written and submitted.

ROLL CALL: **Ayes: Reilly, Sturm, Roberts, Hatfield, Sheps, Venza, Heimall**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

OTHER BUSINESS:

1. Meeting July 2, 2015

The board secretary stated there is no agenda for the meeting scheduled for July 2, 2015. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by James Hatfield to cancel the meeting for July 2, 2015 due to lack of agenda.

ALL IN FAVOR / Motion Carried

2. Dan Sturm asked what the findings were from the chicken law that the board attorney was going to look up. Mr. Barbarula did not find anything that would overrule the town ordinance. In order to have chickens on someone's property the ordinance would have to be amended. A new ordinance would have to be brought to the Mayor and Council and to adopt the ordinance the Mayor and Council would have to place it on the agenda and they would refer it to the Zoning Board for review and amendment.

The keeping of animals ordinance was just adopted in April of 2014 a short time ago. The Mayor asked if we amended the zoning ordinance which says you are allowed one chicken per acre and amended to say that a household is allowed 3 chickens or whatever, would that put this chicken thing to bed rather than having this whole thing of adopting a farm ordinance, when a zoning ordinance which prohibits it now could be amended. Mr. Barbarula stated you could modify the ordinance but that is not my jurisdiction, you would have to ask Bob Oostdyk. The Mayor stated this is a Planning issue not a zoning ordinance. John Barbarula stated when it comes to ordinances, and the creation of ordinances that is purely Mayor and Council. There was a discussion on the chicken ordinance and Mr. Barbarula stated the board would have to discuss the ordinance and make a recommendation to the Mayor and Council.

At the end of the discussion, the board agreed to discuss the ordinance and make a recommendation to the Mayor and Council. The board secretary will submit the farm act and the surrounding towns ordinance's to the board members before the next board meeting for the discussion by the board for the chicken ordinance. The board agreed that this would be involved and there should be research on this issue.

Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Chairman Al Heimall to close the regular session of the meeting and open the Workshop portion of the meeting.

ALL IN FAVOR / Motion Carried

1. Chairman Al Heimall turned the meeting over to Paul Darmofalski. Mr. Darmofalski stated he is here with the managers and the engineer from Riverdale Square in response to the letter from the police chief and the complaints about some of the issues at the location such as fire safety, etc. The gentlemen are here this evening to discuss possible solutions to the parking problems and to improve the circulation and maintain proper fire safety. The members were given a copy of the plan that has been done for the Square. Mr. Charles Thomas, engineer from Omland Engineering Associates stated there is a parking problem on site that is due to the fact the restaurants can peak at the same time and that also more people show up than the restaurants can handle and you see people standing outside, so more people show up than can fit in the restaurants. The owner is aware and is very sensitive to this and we sat down with the plan and your ordinance and tried to do something with this. One of the things we considered was the lane width from 24' to 22'. Fire code requires a minimum of 18', so we exceed the minimum code however; you always try to make sure that circulation is possible for the vehicles anyway. We would bring in a template and show the configuration for the trucks circulation. The other thing we were looking at is a deviation from your ordinance in that landscaped islands and landscaped parking lots are required. Right now there are landscaped islands at the end of each isle and we would eliminate them to create additional spaces toward the end of each isle. This would give us a little more room and maybe

four spaces that aren't there now. That was all in the front, we are also proposing as you go around to the back on the plan is to have stacked or valet parking so that would solely be for valet for Blu and that would allow them to double stack the cars. You see this all the time were there is valet parking and it is not uncommon. Their peak hour is a little bit later into the night and the Chinese restaurant is a little bit earlier, but they do overlap just a bit. What we like to offer, is we would come back if the board feels this is worth hearing a full application, and bring in a traffic expert with a parking study and do a presentation to you as well. One other deficiency stated Mr. Thomas is the angle parking in the corner of the back lot, there is a narrow 18' isle there which is a deficiency from your 24' standard because we have perpendicular parking back there. Again this might be used for employee parking and we would mark it as such or we would have that for valet. Those are the ideas, this change is relatively simple but it could bring us up to sixty additional spaces including some reworking of the parking on the right. Mr. Thomas said obviously the parking in the back is only during valet times and people would use those during non-peak times and not valet times. That would be our presentation stated Mr. Thomas.

Chairman Heimall stated you do have valet parking already correct? Mr. Thomas stated yes we do. Chairman Heimall stated he went to the site five minutes before this meeting and it is crazy, there are no parking spaces anywhere. You have cars parked in the front of dumpsters in the grass area in the corner and they are all blocked by vehicles. The fenced in area where the dumpsters are supposed to be is a wreck, and he can't see how anyone could get to it to put garbage in it. Chairman Heimall stated he can't understand how you could come up with sixty more parking spaces, and people are fighting to get into a parking space and believe me there are none. Dan Sturm stated he has a problem with the ten spaces in the back that are used for table storage not parking and there is no way that our ladder truck which requires 24' of turning is going to make that turn with the addition of these seven spots. Mr. Thomas stated the owner had no idea about the tables being stored there and that is a very big concern and we would have to definitely look into that, there is no question. When there is a band or special event the tables are stored in the parking spaces in the back. That issue will be addressed stated Mr. Thomas. The Mayor stated they take out tables when they have the mechanical bull. The ten spaces are in the back of the Blu dining area. The Mayor stated you would have to make it clear that the tables cannot be stored in the back of the building in parking spaces. The Mayor asked how big the dumpster area is. Paul Darmofalski stated the drawing submitted is not to scale, however, the length is approximately 50'. The Mayor asked about a single compactor, Mr. Steven Brown stated there is a 30 yard compactor and a cardboard compactor as well. The Mayor stated if there is a 30 yard compactor and at the Grande there is 558 residential units, they have a 30 yard compactor that is picked up twice a week and there are no problems, so I don't understand why you need all those dumpsters. You have a 30 yard compactor and that would free up spaces. Mr. Brown stated the cardboard is the problem. Everyone uses the compactor except the N.J. Buffet and they use the dumpsters in the back on the grass area. The Mayor asked what was in the sealed container. Mr. Brown said the yellow container is owned by Make Your Own Wine and is filled with storage of supplies. Mr. Barbarula asked how did valet parking happen because you did not get approval for that. Mr. Darmofalski stated that is why he asked these gentlemen to come to the meeting, so they can hear first-hand the complaints the board has. The valet parking blocks the road and the traffic and there was no approval for that stated Mr. Barbarula. The Mayor stated before the meeting, the board attorney and he drove to the site and asked Paul Darmofalski, in the drainage it looks like riprap with mesh over it, if we were to but gravel over that and use those areas for strictly valet parking would that be possible. Mr. Darmofalski asked what area of the property he was talking about. The Mayor stated the back of the building. Mr. Darmofalski stated that unfortunately that is Target's property. The Mayor stated there is similar situation back behind the Chinese Restaurant and Weight Watchers. Mr. Darmofalski stated he encouraged valet and stack parking to solve some issues. The stack spaces would be for employees and valet parking because we are running out of room and they are the victim of their own success. The parking is one issue stated Mr. Darmofalski, the consolidation of the dumpsters is a good idea, storage of material and equipment in parking spaces just can't be done.

Mr. Barbarula stated we have a container that has magically appeared with alcohol fermenting in the back of the parking lot. Mr. Brown stated that is not used for alcohol it is used for supplies. There is enough violations and you have to have some common sense. Everything seems to magically appear at this site, valet parking, dumpsters, containers, what else. Mr. Brown stated that is why they are here. The dumpster area is shameful stated Mr. Barbarula. If you cleaned that up and used some of that area for parking and that would be a great idea. Mr. Thomas said it was

a great idea coming to the board and he would be going back to Mr. Darmofalski and address the problems that we heard tonight. Mr. Barbarula stated the fire chief is here on the board and he is telling you about the tables being stored, and that has to be addressed.

Mr. Darmofalski stated in the isles we would be losing 2' and he is not against that, and as far as the islands, he would rather see the spaces instead of the islands. Mr. Brown stated they have tried to talk to Target, but they will not talk to him. Mr. Brown stated they approached them to lease parking spaces from Target, but they refuse to do that, they have also tried to purchase the spot to the right of the square, but they will not sell the property to them. Vice-Chairman Venza stated when people start to leave, after a few that 2' will seem like a lot. Dan Sturm stated they have to have 24' and they do not have that on the sides or in the back right now.

The valet parking is for everyone in the square although Blu manager is paying for it. The valet is free however you have to pay for the tipping. Mr. Darmofalski stated he recommends that valet parking should be in a designated area. The two dumpsters in the rear of the N.J. Buffet is for that restaurant only and it is on the grass and close to the drainage and has to be addressed. Mr. Darmofalski stated he would like to make a recommendation to the owner and engineer to take some of these comments, let's get the fire department turning radii and see what we can do about the dumpsters. Mr. Darmofalski asked the board members if anyone had a problem with the 22' isles versus the 24'. No one had a problem. Vice-Chairman Venza stated the only thing he foresees is a lot of broken tail lights,, but he had no problem with the 22' isles, he just said it could happen. The Mayor asked what the length of the average car is. Paul Darmofalski stated less than 16'. Handicap spaces are by regulations. Vice-Chairman Venza stated just a suggestion, there are about a dozen spaces on the east edge from the corner to the corner of the building, if you eliminate those, everything could move a little bit.

Mr. Darmofalski stated with all due respect with all the comments and suggestions made, he would like the gentlemen to come for another work session because this is a work in progress. This was agreed to by the board. Michael Reilly stated pictures would be appreciated. Mr. Thomas stated they will be doing research and will be back with updates.

2. Bradley Clinton, Wilson Avenue, came forward and stated he had a question. Mr. Clinton asked Paul Darmofalski when the whole development was planned back there years ago, wasn't the service road that was supposed to go out the back of Riverdale Square. Mr. Darmofalski stated it was never designed that way. In the development stage it was looked at but some kind of trestle or something would have to be built and it was decided it would be a negative. It never worked with the drainage and was not feasible. Mr. Clinton stated he didn't think they were trying hard enough to reach Target or the lot next door.

3. Meg Sturm, 10 Munn Avenue came forward and stated she would like to talk about the chicken situation. Ms. Sturm stated her daughter has a problem with nutrition and there are many things she cannot eat. Ms. Sturm stated by having the chickens and knowing what they are eating she would feel safe that her daughter could eat something that is five times the price that she consume to keep her healthy. Sheps has a problem since she was eleven years old and has been in the hospital five times. It's important for her as a Mom to be able to have these options. Ms. Sturm stated she feels the ordinance is excessive. Chickens don't bring vermin, what brings vermin is open food. Leaving cat food or dog food outside the door is the same thing. Ms. Sturm urged the board members to review the ordinances in the surrounding towns.

Chairman Al Heimall stated this is being reviewed and will be discussed at a future workshop meeting.

4. Mike Moratto from Hillside Ave., came forward. Mr. Moratto stated that the Petracca land is for sale and it is a large piece of land. Mr. Moratto stated he had an idea to possibly fix the whole place. Mr. Moratto stated there is a lake on the property, and Riverdale had in the past two lakes, the town needs water for the fire department, and there is the lake and the town should consider purchasing the lake for the fire department, take the property that is left over, do intense test holes on it, from one end to the other, see what is actually there, clean it up and develop it. His feel is to put 55 and older age restricted up there in a cluster form. The units would be 10 to 15 feet from each other. There was a brief discussion. Mr. Moratto stated he felt fifteen units would be perfect for that area. Mr. Moratto stated he felt this was a good idea. The Mayor stated he had more

information on this piece of property. The Mayor stated behind that ten acre parcel is 105 acres that are essentially landlocked and the owners have been trying to get access. These properties were landlocked by way of 287, one is Pio Costa and the other is Robin LaHue and Allenwood Property. The Mayor stated we are concerned about that. We had someone come in that would like to put a shopping center up there, 600,000 square foot shopping center. When I started to laugh, the attorney stated well the Mayor is laughing so there is no sense in continuing with this idea. Jerry Vogel brought this person and they were very serious. We had another developer that wanted to put seven hundred town houses up there. The Petracca property is the key to getting back to those properties. The Mayor stated that is my concern, that if we can some sort of a use for that property that would continually maintain those other properties as landlocked and open space, it would be beneficial as long as it doesn't negatively impact the rest of the neighborhood. The major concern is trying to get out on Route 23. There is no acceleration lane and you have a short line of sight because of the bend in the highway. We don't need more traffic coming out of there. I'm afraid if that property ever becomes available what would be done. Dan Sturm stated he would not pump out of that lake right now.

Paul Darmofalski stated Mr. Moratto should come up with some type of proposed plan, however; stated Mr. Darmofalski there have been thousands of trucks of soil delivered and that has to be checked to be sure you would be able to do anything there at all. A conservation easement may be the way to go as well. Dan Sturm stated his problem is the water supply for houses that are so close together. Mr. Moratto stated there is a lot of water up there that no one knows.

The Mayor spoke about the real estate signs up there on the highway and they are looking to put self storage units and commercial property and the Mayor is worried that this might be the last open space and it would be gone.

Augustin Pagen came forward and stated he had a problem with the building of units up on that property. He was afraid of the cul-de-sac being destroyed and a lot of traffic going through the area.

Bradley Clinton came forward and stated the board should keep in mind, there is only one way in and one way out of that area. This is a dangerous intersection.

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

CHAIRMAN AL HEIMALL ANNOUNCED THAT HE WILL BE RESIGNING FROM THE BOARD DUE TO HE IS MOVING TO FLORIDA. HIS LAST MEETING WILL BE THE END OF JULY.

ADJOURNMENT:

Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Glenn Venza to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Time of Adjournment: 8:53 p.m.

Respectfully submitted by:

_____
Linda Roetman Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
July 23, 2015

The Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date at 7:00 p.m. Chairman Al Heimall read the Sunshine Law.

ROLL CALL: **Present:** **Mayor William Budesheim**
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Sal Poli
Warren Sheps (Alt. No. 2)
Vice-Chairman Glenn Venza
Chairman Al Heimall

Absent: **Councilman Gary Mastrangelo**
Chris Scilingo (Alt. No. 1)

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

APPROVAL OF MINUTES: **June 25, 2015**

Vice-Chairman Glenn Venza stated there was a correction on page 4 paragraph item no. 3. There is a typo error the work Sheps should be the work She. The secretary stated she would correct the minutes. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Chairman Al Heimall to approve the minutes with the correction as stated.

ROLL CALL: **Ayes: Venza, Heimall, Budesheim, Sturm, Reilly, Hatfield, Poli, Sheps**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

There are three bills listed on the agenda totaling $720.00. The money is available. Thereupon Vice-Chairman Glenn Venza set forth the motion seconded by Sal Poli to approve the payment of the bills as listed.

ROLL CALL: **Ayes: Venza, Poli, Budesheim, Sturm, Reilly, Hatfield, Sheps, Heimall**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

OTHER BUSINESS:

This is Chairman Al Heimall's last meeting before retiring from the board. Thereupon Chairman Heimall opened the floor for nomination for Chairman. Chairman Heimall nominated Glenn Venza for Chairman, seconded by Michael Reilly. There were no other nominations.

ROLL CALL: **Ayes: Heimall, Reilly, Budesheim, Sturm, Hatfield, Poli, Sheps, Venza**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

Thereupon Chairman Glenn Venza opened the floor for nomination for Vice-Chairman. Chairman Venza nominated Sal Poli for Vice-Chairman, seconded by Dan Sturm. There were no other nominations.

ROLL CALL: **Ayes: Venza, Sturm, Budesheim, Reilly, Hatfield, Poli, Sheps**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
7/23/2015

Michael Reilly stated he had a question about the Advanced Sports Medicine building on Newark Pompton Turnpike. Mr. Reilly stated there was a sign on the front lawn stating that the fitness center open to the public was now open. Mr. Reilly stated he did not believe that they were given permission to have a fitness center open to the public. That would create a lot more traffic than a center for rehabilitation and the fact that the fitness center was supposedly for the patients of the facility only. There is a major difference in the two.

Linda Roetman stated she would have the sign removed by the next day and explain to the doctor that the fitness center was approved for patients only.

ADJOURNMENT:

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

ALL IN FAVOR / Motion Carried
Meet adjourned at 7:11 p.m.

Respectfully submitted by:

_____
Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
AGENDA
August 6, 2015

The Workshop / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment is opened on the above date August 6, 2015 at 7:30 p.m. Chairman Glenn Venza read the Sunshine Law.

OATHS OF OFFICE:

Chris Scilingo	**Class IV Member**	**Unexpired**	**12/31/2017**
Glenn Venza	**Class IV Member**	**Chairman**	**12/31/2017**
Rick Malanga	**Class IV Member**	**Alt. Member**	**12/31/2016**
Sal Poli (absent)			

ROLL CALL: **Present:** **Mayor William Budesheim**
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Chris Scilingo
Rick Malanga (Alt. No. 1)
Warren Sheps (Alt. No. 2)
Chairman Glenn Venza

Absent: **Councilman Gary Mastrangelo**
Vice-Chairman Sal Poli

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

DISCUSSION OF ORDINANCE: The Mayor and Council introduced an Ordinance for the REVISED GENERAL ORDINANCES OF THE BOROUGH OF RIVERDALE AND AMENDING THE REQUIREMENTS FOR THE KEEPING OF CHICKENS. A copy of the ordinance was submitted to the Planning Board members prior to the meeting.

Chairman Glenn Venza stated this ordinance was sent to this board by the Mayor and Council for review. Mayor Budesheim stated he would like some clarifications in the ordinance. The Mayor stated he didn't know much about animals and thought chickens were females and roosters were male, however; he found out that this has to be clarified. If you are going to allow chickens, you would allow hens and not roosters, and that must be clear. Chairman Venza stated so instead of saying chickens only under animals it would say hens or pullets? The Mayor asked what the difference is between a hen and a pullet. Bobby Roberts stated the age is the difference. The Mayor stated why don't we just say female chickens. The board members agreed. The Mayor stated another point is the setback, make it ten feet instead of 25' because if you have a 50' lot the setbacks wouldn't leave you much room. Chairman Venza stated we would have to change that 100' as well, the existing ordinance states that any keeping of animals will be 100' from a neighboring dwelling and at least 50' from the dwelling on the lot. The Mayor stated that is existing. Chairman Venza stated right and that is why it will have to be amended. The Mayor stated why not state the ordinance excluding dogs, cats and female chickens. Rick Malanga asked why would you allow someone to keep chickens

closer to what you already have to someone else's home, because I want chickens, maybe my neighbor doesn't want them or smell them. The Mayor stated he understood but he didn't know if ten or twenty-five feet would have any sound or if you would need a buffer. Rick Malanga stated that is not what he is saying, when you start changing the distance to the next dwelling, I think you have more so than a setback, and just because you have a smaller lot maybe you shouldn't have chickens.

The Mayor stated he understands that but chickens are now treated like household pets. Chairman Venza stated we really have to review this more thoroughly because people will be selling eggs, on their front yard and we have to limit that. We can't have people slaughtering the chickens either stated Chairman Venza. There are a lot of things we have to deal with that perhaps we should create another section in the zoning ordinance. Chairman Venza stated he didn't know if the Mayor would have the time to review this tonight. Mr. Roberts asked if chickens were potential health hazards. The Health Department would take care of health hazards. The Mayor stated he doesn't care how the board handles this ordinance, he just didn't want to see a bureaucracy. The Mayor stated if you allow chickens let them have three chickens and the rest as far as cleanliness would be covered by the health department regulations. The Mayor stated he doesn't know what could be more annoying, three chickens or three dogs. Barking, getting loose, maybe dogs would be more annoying. The Mayor stated the Bloomingdale Ordinance on chickens is not enforceable. Rick Malanga stated he had been to chicken farms and they smell as well. Rick Malanga stated he was not opposed to people having chickens, but the neighbors should be protected as well. Chairman Venza stated the only way to do that would be to have them on larger lots. Unfortunately stated the Mayor the people on the smaller lots are the people who have the chickens. The Mayor stated if you are against the chicken ordinance just send a note to the council rejecting the ordinance. Rick Malanga asked if chickens were considered farm animals. The Mayor stated he thought so and so did several of the board members. John Barbarula stated he believes that chickens are domesticated, because nobody can stop a person from keeping a chicken in the house. The question of how a chicken reproduces was discussed and that a chicken lays eggs without a rooster, however a rooster is required for reproduction.

After discussion Chairman Venza asked for a motion. Michael Reilly stated either we are going to allow chickens or we are not, personally stated Mr. Reilly having three chickens on a small lot, which most of us live on small lots, (50' x 150'), and if both of my neighbors had chickens, I have six chickens and I would not be happy. Linda Roetman stated don't forget that is how I found the people with chickens, because the neighbors complained. Mr. Reilly stated a lot of people in town think they live on an acre of land, but they don't and they have to live in the size of the lot. Michael Reilly stated dogs and cats get licenses maybe we should have chickens get licenses as well.

The Mayor stated why don't we decide if the board wants chickens and if they don't we're done with it. The Mayor stated Mike's Feed Farm sells these chickens and they don't pass the regulations for them. John Barbarula stated from a legal standpoint it is a nightmare.

Rick Malanga asked if anyone on the board has had farm animals on their property or on an adjoining property because he has had and it was not a good situation, and he feels this is a mistake.

Michael Reilly stated we have a board member who is not here tonight who is very much in favor of this ordinance. Unfortunately, this ordinance review has to be sent back to the Mayor and Council within thirty days and we do not have another meeting within the thirty days. Michael Reilly stated he would be in favor of the chicken ordinance with significant restrictions on it. Chairman Venza stated we have to send a review back to the Mayor and Council.

The following changes to the ordinance were discussed, female chickens only, no roosters is the first point, second the chickens have to be housed 100 feet from the neighboring dwelling on either side, and third you must obtain a zoning permit for the location of the housing for the chickens and meet the standards of an accessory building. Rick Malanga stated he was not saying that chickens should not be allowed he was trying to say that the surrounding neighbors should be protected.

Thereupon James Hatfield set forth the motion seconded by Michael Reilly to send a memo to the Mayor and Council with the following recommendations:

1. Female chickens only / no roosters

2. Chickens to be housed 100' from the neighboring dwelling on either side.
3. Zoning Permit – A zoning permit is required for the location of the housing and it would be an accessory building.

ROLL CALL: **Ayes: Hatfield, Reilly, Roberts, Scilingo, Malanga, Sheps, Venza**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

The board secretary will forward a memo to the Mayor and Council informing them of the board review.

WORKSHOP:

Chairman Venza opened the workshop portion of the meeting. Mr. Christopher Meier came forward and is the owner of Curly's Ice Cream Store on Route 23 in Riverdale. Mr. Meier stated he would like to build on the property. Mr. Meier stated he has an existing trailer located beyond the fence line and he would like to remove that and build a mason building, not sure what size but definitely larger than the trailer for storage. The business has expanded and they can no longer accommodate their space for the business. He would like to construct a building for production and storage, so he would need it large enough so he wouldn't have to do it again. Recently the gas station next door is building a convenience store and they ran all the sewer lines that were required and he would be able to connect to the sewer. John Barbarula stated first of all you are connected to the lot with the liquor store. Mr. Barbarula stated you would have to do a site plan with the liquor store and anything that is on that one block and lot.

John Barbarula and Paul Darmofalski explained to Mr. Meier that his problems are basically with the DEP and not the Borough of Riverdale. They explained what Mr. Meier had to do and gave him the names of engineers that are knowledgeable with the DEP regulations, and DOT regulations.

Mr. Meier stated he had a plan B, if he could express that as well. Mr. Meier stated in the rear of the building he has a walk-in box in the back of the building. Mr. Meier wanted to put a walk-in box next to it to round off the back of the building with a small shed. John Barbarula stated sheds are prohibited and you would still need a site plan for expansion of building. Mr. Meier stated the walk-in box would go right to the brick end and then where the overhang is a 4' wide x 6' deep shed for storage for dry goods. The shed would not eliminate the trailer. Behind the fence there is a bank that drops about 30' and it is just weeds and grown in woods back there. Mr. Meier stated he has a plan to replace the fence with shrubs. John Barbarula stated Mr. Meier would have to go to an engineer and more than likely have to apply for variances.

Mr. Meier stated he will not rebuild the building because he doesn't want to lose the charm of the existing building and it is a landmark that has been there for sixty years and he doesn't want to tear it down, so he will have to look somewhere else to do his production.

Chairman Glenn Venza told Mr. Meier when he has everything in order the board looks forward to him coming back with a site plan and that we would be more than happy to work with him and to keep the business in town.

Thereupon Bobby Roberts set forth the motion seconded by James Hatfield to close the public portion of the workshop.

ALL IN FAVOR / Motion Carried

APPROVAL OF MINUTES:

Thereupon Chairman Glenn Venza set forth the motion seconded by James Hatfield to approve the minutes from the July 23, 2015 meeting as written and submitted.

ROLL CALL: **Ayes: Venza, Hatfield, Reilly, Roberts, Sheps**
Nays: None
Abstain: Scilingo, Malanga
(5 Ayes – 0 Nays – 2 Abstain – Motion Carried)

POSSIBILITY OF CANCELING MEETING:

At the present time there is nothing for the agenda for August 27, 2015, stated the board secretary.

Thereupon Chairman Glenn Venza set forth the motion seconded by James Hatfield to give permission to the board secretary to cancel the meeting for August 27, 2015 if there is no agenda ten days prior to the meeting date.
ALL IN FAVOR / Motion Carried

OTHER BUSINESS:

Linda Roetman stated she had a meeting that morning with the owner of the N. J .Buffet and the manager of the Riverdale Square to discuss the dumpsters in the rear of the restaurant. The N.J. Buffet moved their dumpsters back in the parking spots. Three spaces are being taken up by the dumpsters. Ms. Roetman stated she asked why they had their own dumpsters and was told that it is in his lease. Ms. Roetman

asked Mr. Brown if there is a clause in the lease that explains to the tenants that the dumpsters have to be placed in the enclosure in the back of the building. Mr. Brown stated there is no such clause in the lease. Ms. Roetman stated she told him to have these instructions in the lease so the tenants understand where the dumpsters have to be placed and also he has to make room for the dumpsters the tenants have to provide for themselves. At this time the N.J. Buffet has two pick-ups a week and three dumpsters, due to the fact that there is only room for two dumpsters in the enclosure, the N.J. Buffet will have two dumpsters and three pick-ups a week. Ms. Roetman explained all of the changes have to be completed by August 24, 2015 without fail or a summons would be issued.

Mr. Brown also stated to Ms. Roetman that he would be back to the board the second meeting in September for a workshop and a site plan. Ms. Roetman asked if Paul Darmofalski would be available for that meeting. Mr. Darmofalski stated he would be available.

Mr. Brown also stated he would have a concrete pad poured in the back for the dumpster location. Ms. Roetman explained that he could not do that without board approval first.

OTHER BUSINESS:

1. Chairman Glenn Venza stated he has an issue with KIA 23. Beyond the parking problem there is a signage issue. In the front of the building they have an air balloon and banners and they are prohibited. Ms. Roetman stated they have permanent signage that were approved by Mr. Darmofalski and herself. Ms. Roetman stated she does give them a leeway when they first open to give them a little head start which she does with any new business, however, they are told that the banners and flags are not prohibited and would have to be removed within a couple of weeks of the opening.

2. Chairman Venza stated the four businesses, Riverdale South, NAPA, Select a Ticket and KIA 23, should be reminded that their property is where their business occurs and not on the streets as per the ordinance.

ADJOURNMENT:

Thereupon James Hatfield set forth the motion seconded by Bobby Roberts to adjourn the meeting.

ALL IN FAVOR / Motion Carried

Time of adjournment: 8:25 p.m.

Respectfully submitted by:

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Linda Roetman / Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 24, 2015

The Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date September 24, 2015 at 7:30 p.m. Chairman Glenn Venza read the Sunshine Law.

OATH OF OFFICE:

Sal Poli	**Class IV Member**	**Vice-Chairman**	**12/31/2018**

ROLL CALL: Present: **Mayor William Budesheim**
Councilman Gary Mastrangelo
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Chris Scilingo
Rick Malanga (Alternate No. 1) arrived at 7:48 p.m.
Warren Sheps (Alternate No. 2)
Vice-Chairman Sal Poli
Chairman Glenn Venza

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

APPROVAL OF MINUTES:

Thereupon Michael Reilly set forth the motion seconded by James Hatfield to approve the minutes from the August 6, 2015 meeting as written and submitted.

ROLL CALL: Ayes: Reilly, Hatfield, Sturm, Roberts, Scilingo, Sheps, Venza
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

The money is available for the payment of the two bills as listed on the agenda for payment to Darmofalski Engineering Associates, Inc.

Thereupon Chairman Glenn Venza set forth the motion seconded by Vice-Chairman Sal Poli to approve the payment of two bills as listed on the agenda in the amount of $480.00.

ROLL CALL: Ayes: Venza, Poli, Budesheim, Mastrangelo, Sturm, Reilly, Roberts, Hatfield, Scilingo
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

THE NEXT PORTION OF THE MEETING IS IN REFERENCE TO A WORKSHOP FOR RIVERDALE SQUARE.

THEREUPON COUNCILMAN GARY MASTRANGELO SET FORTH THE MOTION SECONDED BY MICHAEL REILLY TO ENTER IN WORKSHOP SESSION.
ALL IN FAVOR / Motion Carried

1. Riverdale Square / 92 Route 23 North / Block 40 Lot 4.05

This is now a workshop.

Stephen Brown management from Riverdale Square and Frank Russo from Omland Engineering came forward. Mr. Russo stated there are problems at this site due to two overly successful tenants. Mr. Russo stated what we have done in hopes to come back with a full site plan is in essence redo the entire front parking lot, dig out all of the islands, and restripe it and with that we will pick up 21 spaces. The aisle widths will be variable, a little smaller than what currently exists, but are adequate. We are also proposing to add non-valet parking stalls along the northeast edge of the property, and the right back corner of the property. (the grayed out areas) With full valet the site would have 379 parking stalls total. We will have an increase of 35 spaces. There are 315 striped spaces at this moment.

Mr. Russo stated they did a traffic study on a Friday and Saturday night a few weeks ago and there were parking stalls available but they were the furthest ones from any door. WE also found that the buffet and the ale house peaks are staggered. Where the buffet starts to peter out patron wise, 9:00 -9:30 pm and they close at 10:00, where the ale house really starts to pick up 9:30 – 10:00 pm. Those spaces that the buffet are using tend to free up at the time the ale house starts to kick in. We also found that on Fridays it seems to be more than after work crowd, where everyone is coming from work to the bar, where on a Saturday people come together so there are less cars on a Saturday. There were 12 spaces available but they were way in the back where people just don't want to walk. The peak was the same for both days. 7:00 pm was the peak parking and there were 256 cars in the whole parking lot. The study was started at 4:00 pm and ended at 9:30 pm. The Mayor stated it would interesting to find out the other hours because he has been to the WalMart when they opened and all the parking spaces closest to the store are occupied and there are no customers in there, is that what is happening here and the employees are parking in the prime spots. The Mayor stated he understands there have been issues with the back doors, that don't work or they are not secured and some of the merchants can't even use their back doors, so they have to park in the front so they don't have to walk around the building at night. There are concerns about safety. Mr. Brown stated he didn't know any conditions about the back door, but he will look into it. Mr. Brown stated in the lease they have stated the merchants and employees have to park in the back of the property. Mr. Brown stated that every tenant is told they cannot have dumpsters anywhere but in the enclosure.

John Barbarula suggested a sticker program for the tenants of the mall, but Mr. Brown said it would be too hard to enforce. The Mayor asked Mr. Brown how much of the building was vacant out of the 69,000 + square feet of the building. Mr.

Brown stated approximately 17,000 square feet was vacant. The Mayor stated even with the vacant stores we still don't have enough parking. The Mayor stated we are trying to make this work with the square footage of usage you have and quite frankly I can't foresee you ever being able to rent out the vacant spots. The Board Secretary stated she informed Mr. Brown that no further rentals would be approved at this location now or in the immediate future. Vice-Chairman Poli stated his problem is that when he rode past there last week there were twenty spaces in the front of the mall that were coned off.

The record notes that member Rick Malanga has arrived and is taking his seat on the dais at 7:48 pm.

Chairman Venza stated he was at the mall just before this meeting started, and there were eleven spots coned off at that time, and as he drove through there, and there were two vehicles parked behind the building, nothing else back there and the cars were parked right up against the building and eleven spaces in the front between Blu and Route 23 block off. This is uncalled for stated the Chairman. Councilman Mastrangelo stated you have to remember all the other businesses open in that mall and it is a real concern. Mr. Brown stated the valet people are not always responsive to the things they tell him to do. Chairman Venza asked the valet answers to you is that correct? Mr. Brown stated he answers to us but goes through Blu, because they pay him. Vice-Chairman Poli stated then Blu should be here.

Paul Darmofalski stated the way he reads this plan, they are saying that there will be no more blocking of spaces and that the spaces in the rear of the building will be designated just for the valet parking so that there will be no need for the blocking. Chairman Venza stated that is with the addition of these spots, there is no reason why that can't be done now. There was a discussion in reference to where the tenants currently park, and the Mayor stated the tenants and their employees should all park in the back of the building. Mr. Brown stated all the employees that work in the NJ Buffet arrive at the mall in a van. A van transports the employees for the restaurant to and from the mall. Mr. Brown stated there are no cars for these people. Mr. Russo stated we are also proposing from the Buffet to where the dumpsters are is not short and we would like to construct another dumpster enclosure in the left rear corner of the property, 60' from the back of the Buffet. Currently they are keeping their dumpster in our enclosure and it is quite a distance. Chairman Venza stated it is quite a distance for Blu as well. Michael Reilly stated he has a problem with the units that are empty and could be rented and the employees that come in a van is a problem as well, because what happens with the this place if the employees are not bused in and that could change in a heartbeat. The Mayor stated people are not going to be too pleased when the valet driver has to run to the back corner of the building to get a car, which could take a long time. There is only one point of drop off, by the Blu. John Barbarula stated Blu should be here due to they are the ones paying the valet and they should be the ones here to discuss the safety issues on the site as far as the valets. Vice-Chairman Poli stated the drop off point for the cars should be delineated on the site plan and it isn't.

Councilman Mastrangelo stated looking at the plan it appears there are 35 valet spots, but only 20 are grayed off. John Barbarula stated what happens if the Vibe

has an affair and the parking becomes a worse problem than it already is. Dan Sturm stated that there have been times where the valet parked cars in the back of the property and the fire truck couldn't get through because of the parked cars with no drivers present and the truck had to be backed down out of the property which makes this very unsafe.

Paul Darmofalski asked if he could make a few comments. Mr. Darmofalski stated they have made some progress since the last time they were here. They took care of the dumpsters, which we do have positives on that. We did talk about the stacked parking for valet or employee. They have shaded those spaces in the back. Mr. Darmofalski stated there have been some positive steps taken. The other valet spots are in the loading area where they are showing temporary spots where the loading is not necessary. At times those spots will not be available. Mr. Darmofalski stated concentrating on the restriping plan, I think professionally it is acceptable, the aisles are 23' which is better than 22'. Removing the islands is also a positive step. Mr. Darmofalski stated he feels the fire chief should take a look at the new plan for the ratio for the fire trucks and the circulation capabilities for the trucks. Dan Sturm stated the fire connections are right where the stacked parking is and he wouldn't be able to get near there. Mr. Brown stated there is no stacking there and the connections were open. Mr. Sturm stated he was looking at the wrong thing and he understands where it is now. Chairman Venza stated the connections are wide open. Mr. Darmofalski stated the fire department has to review the plans and be able to be happy with the configuration; the fire department and the applicant's engineer should review the plans together to make sure the calculations are correct, this is very important stated Mr. Darmofalski.

Mr. Sturm stated he agrees and it is more important for the owner of Blu to be here to represent the valet parking. Mr. Darmofalski stated it is even more important that this property does not rent any other spaces in this mall. Councilman Mastrangelo asked about indoor parking and the spaces that are available, however that is not feasible.

Mr. Brown stated he is still trying to buy the property next door on the highway, but the person still won't sell it.

The Mayor stated he doesn't know what kind of a decision we are supposed to be making here, but when you come back we can either approve or deny, we are not asking to pave anymore, it is the restriping and without we get no additional spaces and we are trying to solve the problem. Maybe we can work with the engineer and figure something out. Mr. Darmofalski stated there has been restriping done in the best. John Barbarula stated when you are changing traffic patterns and reducing the size of the aisles, that is changing the site plan and that has to be brought to the board for a site plan amendment. The Mayor stated if is improving the site you would have to approve it, especially if the fire chief and the sub-code official agree that it is an improvement over what we have in place now.

Councilman Mastrangelo asked about the grassy area next to 23 and if that could be used for parking. Mr. Brown stated it cannot be used for parking because of the DOT setbacks from the highway, and we talked about that once before.

Michael Reilly stated he agrees with the Mayor that the proposed plan will increase parking spaces and we are all in agreement that we need more parking spaces and that the valet should be addressed. Mr. Reilly stated he also agrees with Mr. Darmofalski that we have squeezed all the parking we can out of this and his issue is that we still have a parking problem and there is no answer. Bobby Roberts asked about Target or the property next door and Mr. Brown stated they are not interested in working with the Riverdale Square.

The Mayor stated in reference to the space issue so there is no misunderstanding and to perfectly clear, due to the parking problems no other spaces in the mall are to be rented. Linda Roetman stated she had sent a notice to the management company and made it clear in writing that she would not approve any additional rentals at that space. The empty spaces that are there now will remain unoccupied.

Chairman Venza opened this portion of the workshop to the public. Brad Clinton came forward, Wilson Avenue East, and had a question of the building management company. Mr. Clinton asked who hires the valets. Mr. Brown stated they interview the valets, but they are currently paid by Blu. In the beginning the valets were supposed to stack cars in the rear of the building, and in the beginning the building management paid for the valets. The money to pay the valets came from the tenants pockets. Michael Reilly asked if there was a contract with the valet. Mr. Brown stated no there was not, and that this is the third or fourth valet since they began. Mr. Reilly asked if there is an invoice that the valet company sends every month. Mr. Brown stated no. Mr. Reilly asked if there was any paperwork that connects the valet company or a paper trail of some sort. Mr. Brown stated he is not aware of any formal invoicing. Mr. Brown stated the current valet has been there for the past 5 months to a year. Brad Clinton asked if you interview the valet companies, who do they end up eventually taking instructions from, the people who pay them or the people who hire them. Mr. Brown stated the people who pay them. Mr. Brown stated he talks to them if there are any issues and that's about it. Mr. Brown stated he will be talking to them about the cones.

Mr. Clinton stated so you have the authority to give them instructions like changing the cones but you don't pay them. Mr. Brown stated that is correct.

John Barbarula stated they can come in for approval of a site plan and with it approval of a valet parking, however; the board can't approve that because the owner of the mall does not pay for a valet. Mr. Barbarula stated legally the board cannot approve a valet unless the owner of the complex is the one responsible for the valet parking. Mr. Barbarula stated the board's problem is to try to resolve this parking problem so the merchants in this town can continue to survive and do well. The Mayor stated since the owner has stated he is not responsible for the valet, we would have to omit the spaces designated on the plan for valet spots, if he is not willing to pay for it. If the valet continued it would become a zoning violation stated Vice-Chairman Poli. Mr. Barbarula stated he feels this is an issue the landlord has to resolve before he comes back because the problem can't be solved unless this issue is resolved. The Mayor stated if they continue to valet park then they cannot stack the cars because there is no approval, so they would have to use existing legal spaces only. Mr. Clinton stated another problem with the valet is that one group

of people is hiring them and another group of people is paying them, so there is confusion about where to take direction from.

The Mayor stated the landlord should have this issue resolved before them come back to this board. Mr. Brown stated he would speak to the owners. Chairman Venza stated during that time he would like the Fire Chief and the engineer from the applicant to review the plans to make sure there is enough room for the fire truck. Chief Sturm stated he has a problem now with the fire truck and the way the cars are stacked in the back. When the applicant does come back, stated Mr. Reilly and he would like to know the q-time and what the average q-time is.

The Mayor asked about the configuration of the parking that was submitted and if it had any difference in the lighting of the property. Mr. Brown stated there is one of the lights that was relocated to the new island.

Sandy Nouri came forward and she and her husband are the owners of Santino's Restaurant located at this mall. Ms. Nouri stated they pay for the valet and she gets billed monthly for the valet. Mr. Nouri stated when they first opened they used to pack the place and because of no parking, we lost most of our customers. You can ask the customers and they will tell you they will not come back because of the parking. WE have great chefs and everything in place except no parking. Mr. Nouri stated the owner of Blu and the complex are both nice gentlemen, however we can't survive the way the parking is there. Mr. and Mrs. Nouri listed the complaints they have with the parking and why it is what it is. Mr. Nouri stated he feels the Mayor of the town should be responsible for the merchants in the town and to keep them happy, and it is not good that one business dominates the parking at the complex. Mr. Nouri stated he hired his own valet and he did a great job, but that didn't work with Blu. Mr. Nouri stated when VIBE has a party the parking is non-existent. Councilman Mastrangelo stated if you were the Mayor of the town, what you do to remedy this problem. Mr. Nouri stated number one what he would do is try to accommodate my tenants with the financing. Ms. Nouri stated right now Blu has the valet, what is entitling them to coning off twenty-five spots, because they can pay the bill? Councilman Mastrangelo stated no, I don't think it has anything to do with that. Ms. Nouri stated why can't the landlord pay for valet parking for the entire mall and not raise the charges and make it come out of his pocket until he can come up with a situation. Chairman Venza stated some of these problems are between the tenants and landlord and not this board. Mr. Nouvi stated he can't even sell his business because of the parking. Michael Reilly stated he felt that all employees should park in the back of the building and that would help.

Chairman Venza stated we have reached a point where your landlord is very aware of your problems and dissatisfaction. Chairman Venza stated he heard from one of the tenants that a new business AT&T was renting a store in the mall, is that true Mr. Brown. Mr. Brown stated no we are not.

Randi Lovett came forward and she is the franchise owner of the Pearle Vision at Riverdale Square, and the longest tenant there. Ms. Lovett stated we were happy that the new tenants came here but now I am down 25% because of the parking and two of her employees almost got hit by a car from the racing of the valet

parking people. Ms. Lovett stated she works late some nights and she would like to park in the back of the building; however she is afraid because there is a man out there by her car smoking a big bong and it is unsafe. Our businesses are going down and we hope you can do something about the parking. Chairman Venza stated it is not this board's fault for all of these problems, and he knows for a fact that the police presents are more pronounced now, and we are trying to do what we can to help this situation.

John Morley, Ramapo Court came forward and stated he personally won't go there on Thursday nights because there has been fights in the parking lot and he feels he is in the inner area and he won't go there unless police is more prominent and the element of people are chaotic. The Mayor stated the police are there now and if Mr. Morley does go there and the police are not to let the Mayor know.

Councilman Mastrangelo stated the police presents is supposed to be later in the night he thought from the Mayor and Council meeting, more like 11:00 p.m. Mr. Morley stated it should be around 10:00 pm when it is really bad, and fighting is taking place and he doesn't want to be one of those people.

Vice-Chairman Sal Poli set forth the motion to close the public portion of the meeting seconded by Councilman Gary Mastrangelo.
ALL IN FAVOR / Motion Carried

Rick Malanga stated he was trying to come up with something to make it better, but it doesn't seem that there is any. There was discussion on the liquor license and if there was a way to pull the license, and the ABC regulations, however; John Barbarula stated he would have to refer to the Borough Attorney Bob Oostdyk.

Councilman Mastrangelo stated at this time the only way to help this situation is to approve the restriping and no new tenants. It may not be the best solution but it's all we have.

Mr. Russo asked the fire chief for the calculations and Mr. Sturm stated he would get the figures to him as soon as possible.

Vice-Chairman Sal Poli stated he has other comments to make that is not about Riverdale Square and he thanked the gentlemen from Riverdale Square for coming.

2. Vice-Chairman Sal Poli stated he does not like being lied to and he is referring to 18 Newark Pompton Turnpike, Advanced Sports. That place has become a gym and he did not give permission for that to become a gym. They are selling memberships, the place is a full blown out gym, and we did not give permission for that to become a gym. That place is a chiropractic rehabilitation center and that is it stated Vice-Chairman Poli. Chairman Venza asked if it is a gym, why isn't anybody using it, he drove past there tonight and there was nobody on any of the machines. Vice-Chairman Poli stated the neighbors didn't want this place open on weekends and all hours, and it is not a permitted use in this area. Dan Sturm stated they contacted the fire department about memberships for the fire department volunteers.

Linda Roetman stated there have been no complaints about parking or accidents at this site at all. The Mayor stated he read the resolution and the minutes and there was nothing in there about restrictions. Vice-Chairman Sal Poli stated we gave them a parking variance to be a medical place number one not a gym and number two is it a permitted use in that area. The Mayor stated there are no restrictions in the resolution. Vice-Chairman Poli stated this is a gym, go visit it, they are selling memberships. Bradley Clinton stated this is not a gym, my daughter broke her foot and. Vice-Chairman Poli stated this is a gym, when did we give permission for this, I didn't.

Chairman Venza stated he would like to read from the minutes, Planning Board minutes January 9th, 2013, "Mr. Barbarula stated once a facility is approved, it can expand to whatever the legal hours are and whatever the parking lot can accommodate. " Vice-Chairman Poli stated that has nothing to do with the use. The use doesn't supply the parking stated Vice-chairman Poli. Chairman Venza stated apparently it does since there have been no complaints.

Michael Reilly asked the Mayor where in the minutes did it say they were going to open a public gym, cause I know what I approved and it wasn't that. Vice-Chairman Poli stated I DIDN'T APPROVE A PUBLIC GYM. Chairman Venza asked the Vice-Chairman to please lower his voice. The Mayor stated he sat through the meeting and the whole night was spent trying to determine the definition of a legal professional, a licensed professional. You approved the site plan, the architectures had all the equipment in there, it had the showers in there, and everything that is there now is on that approved plan that you gave him. Vice-Chairman Poli stated except for the use, and I didn't approve a gym. The Mayor asked who did you expect was going to use the equipment. Vice-Chairman Poli stated the people who are going there to become rehabilitated for injury or medical use. Chairman Venza stated that is exactly what this is, the bottom section of the brochure states team training, pre-injury screening, return to play program, athletic training, this is for injured players.

The Mayor stated that if your felt there should be restrictions to it as to who could use it, because it was a use variance then it should be reflected in the resolution. Michael Reilly stated that was not one thing mentioned by the applicants that they had any intention in the world going to public use or opening a public gym. Every bit of testimony that I recall, was centered purely around clinical diagnosis or physical therapy of their own patients. It had zero to do with I want to walk down the street and spend a $100.00 to join a gym. Mr. Reilly stated that was not my intention. Vice-Chairman Poli stated he did not give permission for a gym or club there. The Mayor stated when you approve a site you have to be sure that any restrictions or conditions that you have or are contemplating as part of this approval have to be listed in the resolution. Vice-chairman Poli stated we did not approve a use variance for a gym, and asked John Barbarula for his comments.

The Mayor stated your problem is not the gym is being used but who is using it. Bradley Clinton stated it was a step up program to a gym. Vice-Chairman Poli stated to Mr. Clinton that he has no say in this matter right now. Vice-Chairman Poli stated it says on the brochure club membership, that is not a rehab place, and I am done, we gave them approval for a rehabilitation place and that is what they should have.

Vice-Chairman Poli stated to Mr. Clinton that he had no say in this matter, and all I know stated Poli is this states CLUB MEMBERSHIP, that is not what I approved.

John Barbarula stated the use variance was for a site plan, expansion of a building and it was for medical purposes. Michael Reilly stated he brought this up to Linda a meeting and a half ago because of a sign that was up and it said open gym and she made them take it down that day. Linda Roetman stated because it was an illegal sign. Paul Darmofalski stated that variance was for parking lot was extended in a residential zone. Vice-Chairman Sal Poli stated this is a use variance, this is a gym, this is a club. Mayor Budesheim asked do you want to shut them down? Vice-Chairman Poli stated he wants them to come back here. The Mayor asked what would you do? Vice-Chairman Poli stated either grant the use variance or shut the club down because they don't make parking and it doesn't meet the use. The Mayor stated if you are a chiropractic patient there and my two sons are or you just come in without first becoming a chiropractic patient, how does that effect the parking. Vice-Chairman Poli stated if you go to Planet Fitness and look at the problem they are having at the A &P. That is a gym and they are having problems stated Vice-Chairman Poli.

The Mayor stated it seems that if you have a successful business in Riverdale, you should be penalized but if your business is failing it doesn't matter. Michael Reilly stated he respectfully disagreed, however Mr. Reilly stated he does feel the problem is with this board because we are diligent about a lot of things. Mr. Reilly stated we should have been more diligent in the Riverdale Square matter. Mr. Reilly stated as far as this gym is concerned, I do not remember one word of testimony that said they were going to open up a gym.

The Mayor stated with all due respect in your mind that that was supposed to be restricted just for chiropractic patients and building a gymnasium, you problem is who is using it. Mr. Reilly stated number one they didn't say I'm building a gymnasium, they stated they were building a physical therapy facility. I never, ever once remember them saying they have a gymnasium. Mr. Barbarula stated the issue was how was the extension of a commercial enterprise going to effect the residents and they did specify it would only be for patients and very limited access on Saturday and Sunday and it will be very easy on weekends and that was his testimony and he never ever said one word that he was going to open up the building to other than patients and the difference of that would be when you are dealing with a use variance in both a commercial and residential that would have been an important factor. The Mayor stated John, if you believe that was his testimony then that should have been listed in the resolution specifically. Mr. Barbarula stated no because what he asked for in his application is what he got. Mr. Barbarula stated an applicant comes before us and asks to expand into a residential zone, he in writing asked for a larger building and increase the floor space for rehabilitation. The Mayor asked did the board approve the building as it is now with the showers, the lockers, and the equipment. The board members stated they did. The Mayor stated so the problem is who is using it. Vice-Chairman Poli stated it is open to the public. John Barbarula stated the board has the same problem as once before when the board approved an office space and it wound up apartments. John Barbarula stated yes the board approved the gym, the showers, the difference is the testimony of the applicant was limited to what he said in terms

of the use. Vice-Chairman Poli set forth the motion to bring the applicant back, seconded by Michael Reilly.

ROLL CALL: AYES: Poli, Reilly,
NAYS: Budesheim, Roberts, Hatfield, Venza
ABSTAIN: Mastrangelo, Sturm, Scilingo, Malanga, Sheps
(2 Ayes – 4 Nays – 5 Abstain – Motion Denied)

The minutes will be given to the board members. The members would like to listen to the CD.

OTHER BUSINESS:

1. Meeting for October 1, 2015

The Board Secretary stated there is no agenda for the October 1st meeting. Thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Sal Poli to cancel the October 1, 2015 meeting due to lack of agenda.

ROLL CALL: Ayes: Roberts, Poli, Budesheim, Mastrangelo, Sturm, Reilly, Hatfield, Scilingo, Venza
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

ADJOURNMENT:

Thereupon James Hatfield set forth the motion seconded by Bobby Roberts to adjourn the meeting.

Meeting adjourned at: 9:25 p.m.

Respectfully submitted by:

_____

Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
10/22/2015

This is a Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opening at 7:30 p.m. on October 22, 2015. Chairman Glenn Venza read the Sunshine Law.

ROLL CALL: Present: **Mayor William Budesheim (arrived at 7:35 p.m.)**
Dan Sturm
Michael Reilly
Bobby Roberts
James Hatfield
Chris Scilingo
Rick Malanga (Alt. 1) (arrived at 7:40 p.m.)
Warren Sheps (Alt. 2)
Chairman Glenn Venza

Absent: **Councilman Gary Mastrangelo**
Vice-Chairman Sal Poli

Also present is John Barbarula, board attorney arriving at 7:50 p.m. and Paul Darmofalski Board Engineer.

APPROVAL OF MINUTES: **September 24, 2015**

Michael Reilly stated he had two corrections on the minutes, on page 8 of 10,second paragraph, Venza read from the minutes and stated what the illegal hours were and that should be legal, and the second correction is 9 of 10 paragraph two where Mr. Reilly disrespectfully disagreed should be respectfully.

Chairman Venza stated that at the last meeting he had stated that we could get copies of the recordings for the Advanced Sports, the first issue is we are not legally bound to keep the recordings for longer than a year and the second issue, we have gotten new computers and the new computers can't play the old recordings. That is the reasons why the members got the minutes of the meetings that we had spoken about. **The record notes that Mayor Budesheim is in attendance.**

Thereupon Michael Reilly set forth the motion seconded by James Hatfield to approve the minutes from the September 24, 2015 meeting with the corrections as stated above.

ROLL CALL: **Ayes: Reilly, Hatfield, Budesheim, Sturm, Roberts, Scilingo, Sheps, Venza**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

Planning Board Minutes / October 22, 2015

APPROVAL OF BILLS:

There is one bill for Darmofalski Engineering Associates, Inc. in the amount of $240.00, the funds are available for payment.

Thereupon Chairman Glenn Venza set forth the motion to approve payment of the bill in the amount of $240.00 as listed on the agenda. Bobby Roberts seconded the motion.

ROLL CALL: **Ayes: Venza, Roberts, Budesheim, Sturm, Hatfield, Scilingo, Sheps, Reilly**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

CHAIRMAN GLENN VENZA STATED AT THIS TIME WE ARE ENTERING INTO WORKSHOP DUE TO OUR NORMAL WORKSHOP MEETING WAS CANCELED, THEREFORE BOBBY ROBERTS SET FORTH THE MOTION SECONDED BY JAMES HATFIELD TO GO INTO WORKSHOP SESSION.
ALL IN FAVOR / Motion Carried

1. Dan Salemeno came forward and stated he had preliminary plans for his property on 4 Morris Avenue and would like the board's opinion and input on the project he is proposing for that site. Mr. Salemeno submitted pictures of the town houses he is proposing and pictures of the site itself and the surrounding areas. Mr. Salemeno is proposing seven town homes on the property with the existing structure (a house) being removed. Mr. Salemeno stated he felt this would be an improvement for the Borough.
THE RECORD NOTES THAT RICK MALANGA IS IN ATTENDANCE AT 7:40 P.M.

Mr. Salemeno stated in the beginning he was proposing ten town homes and then it was dropped to eight, and after working with the professionals, it seemed better for everyone to build not more than seven town houses and this would be a beautiful little development there. This is the first thing you see when you enter Riverdale, and we feel this would be a welcome addition. The soil tests were done and the soil there is really good and the runoff is excellent.

The board members were disturbed at the amount of parking spaces and the fact that there were only three spaces for visitor parking. Chairman Venza asked about the architecture of the development. Mr. Salemeno stated he would like to have an American Flag and a welcome to Riverdale sign, and make it beautiful. Mr. Darmofalski stated the drainage on the area is actually very good however guest parking is really not adequate, because Morris Avenue is very limited parking. Mr. Darmofalski stated he was never a fan of dumpsters and if you go with regular trash pickup, the dumpster location could be made into at least two extra visitor parking spaces. The other thing he was thinking of was there is a very nice setback almost 50' to the Hamburg Turnpike, from that edge of the building. If you push that over a bit, you might gain a few more spots. Mr. Salemeno stated there is a big retaining wall on the Hamburg Turnpike side and that is going to be coming down. This will be going to the ground level, and a smaller retaining wall going around to the back

of the property. Chairman Venza stated if you did move the building a few feet toward the Hamburg Turnpike side you could but a berm through with vegetation to give a buffer to the Hamburg Turnpike. That would solve the architectural issue as well. Mr. Sheps asked if one of the residents has a social affair, five spaces would be inadequate and they can't park on Morris Avenue or the Hamburg Turnpike. There was a discussion about the room in back of the garage and how that could be made into a third bedroom. The layout for the house shows an office beyond the garage. There were suggestions what should be done with that space.

Rick Malanga stated he lives on Morris Avenue and is concerned about the traffic. This street is so narrow that there is always a problem with traffic entering and exiting that street.

THE RECORD REFLECTS THAT JOHN BARBARULA THE BOARD ATTORNEY IS IN ATTENDANCE AT 7:50 P.M.

Mr. Darmofalski stated this property is not in the flood plain but happens to fall into the buffer for the Pequannock River, so they control some of the vegetation and it would have to be replaced. The driveway was discussed and it would be an improvement if there was a turning lane on Morris Avenue, but that would be up to the County. The sight at that corner will be improved by the removal of the wall. This should alleviate the problem a bit. Mr. Salemeno stated this is all preliminary and with your approval we would like to proceed and submit an application when it is ready for submittal. Another point stated Mr. Darmofalski is that the applicant should talk to his architect and have sprinkler systems in the buildings. The board attorney explained to Mr. Salemeno that you can ask for the boards input; however you cannot take a straw poll, it is not allowed.

After further discussion Mr. Salemeno stated he would take all of the boards opinions and suggestions and they will be back to file a formal application.

2. Linda Roetman stated the Riverdale Square was supposed to come tonight for the workshop, however, their attorney called today and stated they would not be coming to the workshop due to they are submitting a formal application for the parking restriping, for the November 12th meeting. They applied for a certified list and requested a one day turn around. The Mayor stated that this is due to Linda not approving a CCO application for the AT&T store at the Riverdale Square. The gentleman has already signed a lease with Riverdale Square before he obtained a CCO from the Borough. Mr. Reilly stated he was told the last time he was here that there would be no CCO's issued for this location. Linda stated she knows however, the board told that to Steven Brown, the manager of the property, the owner of the property stated to Linda that he was told that there would be no CCO's issued, but as the owner of the property he says who goes, comes and he has the final say and he had already had the lease signed.

John Barbarula stated he feels that sounds like it may be a future litigation and therefore the board should enter in executive session.

Thereupon Bobby Roberts set forth the motion seconded by James Hatfield to go into executive session.

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ROLL CALL: **Ayes: Roberts, Hatfield, Budesheim, Sturm, Reilly, Scilingo, Malanga, Sheps, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Thereupon Rick Malanga set forth the motion seconded by Bobby Roberts to close executive session and resume regular session. 8:55 p.m.

REGULAR SESSION:

Chairman Glenn Venza asked for a motion to form a sub-committee to investigate the issues at Riverdale Square.

Thereupon Bobby Roberts set forth the motion seconded by Dan Sturm to form a sub-committee for the review of the documents from Riverdale Square.

ROLL CALL: **Ayes: Roberts, Sturm, Budesheim, Reilly, Hatfield, Scilingo, Malanga, Sheps, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

Chairman Venza stated he will be on the committee and asked for volunteers for the committee. Chairman Venza stated the sub-committee will be Michael Reilly, Rick Malanga, and Dan Sturm.

Paul Darmofalski stated for that committee, the minute he gets a plan, we will have a meeting as soon as possible, whatever is easier, at his office or the Borough Hall, whichever the board prefers.

Paul Darmofalski stated he would like to see the plans first, that is most important, and the last time we had a site plan was when Target and Riverdale Square came in with the roadway between the two stores.

OTHER BUSINESS:

1. Linda Roetman stated that she received an application for a building permit from the Albanian Association and the plans that the building department were given are not the plans that this board approved. Ms. Roetman stated due to that she would like to bring every building department permit application to the planning board for approval. Linda and Paul Darmofalski will review the plans prior to the board meeting, however nothing will be passed until the board approves the plans for each permit application.

The construction has begun, however, after we made the building official aware of what is going on, a cease work order for the building is in effect at this time. The modified plan that was presented to the board at the time of the hearing is the one

that we are comparing to the plans that were presented to the building department. Paul Darmofalski stated in order for the building department to issue a permit there has to be zoning approval and engineering approval, and what Linda is saying is she is not approving the plans that were submitted from a zoning level and I am not approving the plans from an engineering level, because they are significantly different.

2. Chairman Glenn Venza opened for discussion the Advanced Sports Medicine, at 18 Newark Pompton Turnpike, and asked if everyone read the minutes. Rick Malanga stated after reading the minutes and not being here he doesn't understand why there is any discussion about it. Mr. Malanga stated in the minutes the doctor stated he was expanding the building not the business. It was for the same as he was doing, he didn't have a health club before so it isn't an issue. He is doing something he isn't supposed to be doing. Why are we addressing this? Chairman Venza stated because we will have to call him back in. Mr. Malanga stated no just stop him from what he is doing. If everyone is okay with it then he should come back in and submit plans for the health club, I'm not saying I'm against it.

Chairman Glenn Venza stated we don't want to shut him down, we just want him to be approved for the use. Selling memberships should be shut down, however not the gym for the rehabilitation for his patients. John Barbarula stated he felt a summons should be issued for violation and then the judge will tell him to stop it or come to the board for use variance, or the judge would agree with him. Linda Roetman stated she can understand a letter of abatement, but not a summons with a court appearance at the beginning.

The board directed Linda Roetman, the zoning official to send a letter of abatement for site plan violation.

THERE WAS A MOMENT OF SILENCE IN PRAYER FOR THE RECOVERY OF CHAIRMAN GLENN VENZA'S GRANDSON.

ADJOURNMENT:

Thereupon Rick Malanga set forth the motion seconded by Michael Reilly to adjourn the meeting.

Meeting adjourned at: 9:23 p.m.

Respectfully submitted by:

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Linda Roetman, Board Secretary

RIVERDALE PLANNING BOARD / ZONING BOARD OF ADJUSTMENT
MINUTES
November 5, 2015

The Workshop / Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date November 5, 2015 at 7:30 p.m. Chairman Glenn Venza read the Sunshine Law.

ROLL CALL: **Present:** **Mayor William Budesheim**
Councilman Gary Mastrangelo (arrived 7:33 p.m.)
Dan Sturm
Michael Reilly
James Hatfield
Chris Scilingo
Rick Malanga (Alt. No. 1) arrived 7:33 p.m.
Warren Sheps (Alt. No. 2)
Vice-Chairman Sal Poli
Chairman Glenn Venza

Absent: **Bobby Roberts**

Also present is John Barbarula, Board Attorney.

APPROVAL OF MINUTES: **October 22, 2015**

Thereupon James Hatfield set forth the motion seconded by Dan Sturm to approve the minutes from the October 22, 2015 meeting as written and submitted.

ROLL CALL: **Ayes: Hatfield, Sturm, Budesheim, Reilly, Scilingo, Sheps, Venza**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

WORKSHOP:

Chairman Venza asked if there was anyone present for the workshop portion of the meeting.
THE RECORD NOTES THAT THE RICK MALANGA AND COUNCILMAN GARY MASTRANGELO ARE IN ATTENDANCE AT 7:33 P.M.

Upon no one coming forward for the workshop there will be no workshop at this time.

OTHER BUSINESS:

1. Albanian American Cultural Center / 90 Riverdale Road / Block 19 Lot 8.01

Secretary Linda Roetman stated that Paul Darmofalski and she had a meeting in reference to the building department plans. Upon the findings of the plans there were changes made from the approved plans. A letter was sent to Mr. Vogel listing

the changes from the approved plans (the letter was read to the board, and a copy of the letter is attached to these minutes). A letter was received from Mr. Vogel in response stating he didn't feel the changes were that significant and that if the board chooses to have them come back to please send him a date for the hearing.

Linda stated that the December 3rd meeting is available if the board chooses to have the Albanian Association come back to the board.

The board members asked if there was additional square footage besides the 50% of the building they are allowed. The answer is no the total square footage is the same. There was a question on the fountain being on the first floor and the answer is the fountain is on the second floor in the foyer outside the prayer room. John Barbarula stated we can have the plans made for the board members and discuss in at a workshop meeting in December. Chairman Venza stated that would make them hold construction for an entire month. John Barbarula stated that is what you could do. Mayor Budesheim stated the square footage is the same and I don't ever remember us getting involved in the interior of the project. James Hatfield stated he didn't not feel that way either. Chairman Venza stated as long as the entire square footage is the same I don't care if they make the whole thing a fountain. Vice-Chairman Poli stated as long as they comply with the rest of the resolution, I have no problem with that. Chairman Venza stated in his opinion it is the same with any of the businesses that we have given approval to. They come to us with plans, interior plans, things change during the course of construction, and you go in there and look around and it is not what we approved but it is sticking to the general idea of what we approved, as long as they stick to half of that building.

Warren Sheps asked about the proposed day care center. Linda stated they would come back to the board when and if they rent it out. The Albanian Association does not want to run a day care center, however they would not mind renting to one, but they would not run the day to day business. They would rent the space to someone else who would run the day care center. That would be in the 50% that would be rented out.

John Barbarula stated that only part he is concerned with is that they would change part of the plans to include a morgue. Is that eliminated now from the plans? Linda stated Paul and she did not see plans for a morgue on the submitted plans. The Planning Board members were adamant about that not happening at the center. The board secretary stated she would obtain from their attorney a sworn affidavit that there will be no morgue located at this building. John Barbarula stated they have that at religious buildings in New York, and temples and mosques. Chairman Venza stated he was glad to have that point brought up so we can make sure that does not happen in that building.

Rick Malanga stated make sure you have no expansion of the prayer room as well in the letter. John Barbarula stated make sure the letter states there will be no other uses and no further expansion of the prayer room.

The board was in complete agreement with a sworn affidavit from the attorney stating there would be no further uses, such as a morgue and there will be no expansions done on either the men's or women's prayer rooms.

2. Advanced Sports Medicine / 18 Newark Pompton Turnpike / Block 52 Lot 14.01

Linda stated as the board requested, she sent a letter of abatement to the Advanced Sport Medicine referencing they were in site plan violation and that something had to be done within a ten day period. Linda stated she received a letter with a few days from the attorney that they would be sending an application for an amended resolution. She gave a copy of the both applications (Advanced Sports and Riverdale Sq) to the board members for review. Paul Darmofalski will be sending a letter of review and completion by Monday. If the board deems the application complete by 11/12, we can set the hearing for 12/3/15. A use variance is required. John Barbarula explained what is required for a use variance for this application.

Linda stated Paul Darmofalski should have a completeness review Advanced on Monday, if the board deems the application complete we can schedule the hearing for December 3rd. Linda stated that the December 10th meeting she was holding for Bob Michaels for an affordable housing review that he would like to present to the board before January.

The board will wait to hear the review from Paul Darmofalski and made a decision on the completeness at the next meeting on 11/12.

3. Riverdale Square / 92 Route 23 North / Block 40 Lot 4.05 / Highway Business

The board secretary apologized however there was a miscommunication with the attorney for Riverdale Square. The secretary explained that the Riverdale Square would be on the agenda for a completeness review on 11/12, however they didn't understand and sent out the notices that they would be heard on 11/12. John Barbarula stated it is not a problem, if they are not heard that evening the board has to open the application and there would be a statement that would carry the application to the next meeting and therefore the notices would not have to be redone by the applicant.

Chairman Glenn Venza stated there would not be a problem and they would be ready for them to appear next Thursday. Chairman Venza stated he would like the board secretary to please place them last on the agenda for the 12th.

The Mayor asked as long as the fire department is satisfied that the safety isn't compromised then would do you do. If you vote no to you tell someone they have to leave? John Barbarula stated he would feel better if this wasn't discussed at this time. The Mayor stated he wasn't discussing, he was asking a question. Mr. Barbarula stated he didn't want to talk about it. You as a board have to make it the best you can, and that is it. The Chairman asked what the owner's name is. Glenmore is the management company. The secretary stated his first name is Alex.

The Mayor asked if this is a planning board issue or a board of adjustment issue. John Barbarula stated he doesn't know because he has not reviewed yet. Mr. Barbarula stated if is a parking variance and it would probably be a planning board application. The Mayor stated you would be giving us our instructions at the beginning of the process so we know what our options are, yes, no maybe so, cause it's not our job to redesign the parking. The Mayor stated you can instruct us to either vote yes grant the variance or vote no and everything stays the same. Mr. Barbarula stated we open the application read it and then I will tell you what the choices are at that time. The Mayor asked if it is not a board of adjustment how many conditions are you allowed to request. Mr. Barbarula stated you can do as many conditions as you want. Mr. Barbarula stated the conditions are not because of Board of Adjustment, conditions on an application are written by a board in order to make sure that the application adequately meets the ordinances as in compliance with the master plan and does not adversely affect the safety, health and welfare of the citizens of Riverdale. John Barbarula stated in a Planning Board variance that if there are appropriate conditions that they are allowed. I don't know if there is any case law that says two conditions is too much. The Mayor stated that is not what he was asking, he was asking about types of conditions. John Barbarula stated he doesn't think there are any laws that prohibits planning board from giving approval with conditions. There was a brief discussion on what type of conditions could be allowed. Mr. Barbarula stated he didn't not think this is open for discussion at this time.

ADJOURNMENT:

Thereupon Vice-chairman Sal Poli set forth the motion seconded by Dan Sturm to adjourn the meeting.
ALL IN FAVOR / Motion Carried

Meeting Adjourned at: 8:19 p.m.
Respectfully submitted by:

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Linda Roetman, Board Secretary

PLANNING BOARD MINUTES
11/12/2015

The Regular meeting of the Riverdale Planning Board / Zoning Board of Adjustment opened on the above date November 12, 2015 at 7:30 p.m. Chairman Glenn Venza read the Sunshine Law.

ROLL CALL: Present: **Mayor William Budesheim**
Dan Sturm
Michael Reilly
James Hatfield
Bobby Roberts
Rick Malanga (Alt. No. 1) arrived at 7:45 p.m.
Warren Sheps (Alt. No. 2)
Vice-Chairman Sal Poli
Chairman Glenn Venza

Absent: **Councilman Gary Mastrangelo**
Chris Scilingo

Also present is John Barbarula, board attorney arriving at 8:15 p.m. and Paul Darmofalski, board engineer.

APPROVAL OF MINUTES: **November 5, 2015**

Thereupon Dan Sturm set forth the motion seconded by James Hatfield to approve the minutes from the November 5, 2015 meeting as written and submitted.

ROLL CALL: **Ayes: Sturm, Hatfield, Budesheim, Reilly, Malanga, Sheps, Poli, Venza**
Nays: None
Abstain: Roberts
(8 Ayes – 0 Nays – 1 Abstain – Motion Carried)

APPROVAL OF BILLS:

There are three bills as listed on the agenda for Darmofalski Engineering Associates, Inc. in the above of $840.00. The money is available for payment.

Thereupon Chairman Glenn Venza set forth the motion seconded by Vice-Chairman Sal Poli to approve payment of the bills as listed in the amount of $840.00.

ROLL CALL: **Ayes: Venza, Poli, Budesheim, Sturm, Reilly, Roberts, Hatfield, Sheps**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

APPLICATIONS TO BE DEEMED COMPLETE OR INCOMPLETE:

1. Application No. AMR10312015 / Advances Sports Medicine / 18 Newark Pompton Turnpike / Block 14.01 Lot 52 / PO

Thereupon Vice-Chairman Sal Poli set forth the motion seconded by James Hatfield to deem the application complete as per Paul Darmofalski's recommendation letter dated November 9, 2015.

ROLL CALL: **Ayes: Poli, Hatfield, Sturm, Reilly, Roberts, Sheps, Venza**
Nays: None
(7 Ayes – 0 Nays – Motion Carried)

The hearing will be on December 3, 2015 at 7:30 p.m.

Engineer Paul Darmofalski stated that Advanced Sports delivered an as-built of the site and the variance that was granted by this board for the site plan shows the building is off by 7", so that will be part of the application. Mr. Darmofalski stated that would be a modification to the requirements of the use. That is the only issue on the site plan. Chairman Venza stated he thought there were plantings shown on the plan that didn't make it to the site. Mr. Darmofalski stated he still will guarantee the plantings but they are still working on the site improvements including the landscaping.

2. Application No. ASP10302015 / Riverdale Square / 92 Route 23 North / Block 40 Lot 4.05 / Highway Business

Thereupon Michael Reilly set forth the motion seconded by James Hatfield to deem this application complete as per Paul Darmofalski's letter dated November 9, 2015 recommending completeness.

ROLL CALL: **Ayes: Reilly, Hatfield, Budesheim, Sturm, Roberts, Sheps, Poli, Venza**
Nays: None
(8 Ayes – 0 Nays – Motion Carried)

PLANNING BOARD APPLICATION:

1. Application No. ASP10302015 / Riverdale Square / 92 Route 23 North / Block 40 Lot 4.05 / Highway Business

Ms. Ursula Leo, the attorney for the applicant came forward, and asked about the board attorney. Chairman Venza explained that Mr. Barbarula would be late, but he is on his way. Ms. Leo was concerned about Mr. Barbarula not hearing the testimony, however the board assured her that Mr. Barbarula would listen to the recording.

Ms. Leo reviewed the logistics of Riverdale Square and stated that they are here tonight for the reconfiguration of the front parking lot as well as some additions to the rear. Two variances are in play tonight stated Ms. Leo, the first is regarding parking and the second is regarding impervious coverage. Currently on the site stated Ms. Leo, as approved by the prior site plan are 315 spaces and what you will hear about tonight will be an additional 28 parking spaces to bring the total up to 343 spaces, and what you will also hear is our proposal tonight on top of that 343 an addition 27 parking spaces for valet, bringing the spaces up to 370. Also we need impervious coverage, what exists currently is 80.8% because of the reconfiguration of the parking lot it will increase 1.1% bring the total to 81.9%. Ms. Leo stated this is minimal but a variance all the same. The improvements are to existing conditions that have been approved, given the concerns by the Borough and the professionals the applicant has been working hard with their engineer and traffic engineer to propose tonight for that reason those are the variances they will be seeking.

The first witness is Frank Russo who is sworn in and lists his qualifications as an expert witness in engineering. Mr. Russo stated his exhibit marked A1-11/12/2015 is a colorized version of the parking spaces. Currently there are wide aisles in the front of the mall, excessively wide aisles. They propose to remove the curved islands and restripe the 9x18 stalls. The lighting is not shown at the present time due to they wanted the board to approve the proposal before we do the lighting. Mr. Russo stated they are adding spaces in the back for employees and they are proposing to stack in front of those spaces for the valet parking. In the corner they were proposing a dumpster pad for four dumpsters.

The record reflects that member Rick Malanga is on the dais at 7:45 p.m.

Mr. Russo stated they reworked the curbing in the northeast corner presently there is three parallel parking spaces which are not desirable in a shopping center atmosphere and we have improved on that. We will be using the drains that are there. In front of the building we will be providing an ADA accessible ramp by Blu. That is the extent of the improvement. Mr. Russo stated they picked by 21 spaces by narrowing the aisles and restriping the stalls. Mr. Malanga asked if any of the new spots will go beyond where the concrete curbs are. Mr. Russo stated no, by removing the concrete islands it allows us a little more easier turning movements. Mr. Russo stated it will definitely help plowing. The Mayor stated you don't have the lighting plan on there, how will the lighting fixtures affect the parking spaces. Mr. Russo stated some of the lighting will end up in the stalls, not too dissimilar from what exists now. Mr. Russo stated right now, some of the lights are in the curbed aisles and we are going to remove some of them. If we put them in little diamonds it will extend the longevity of the lights, and raise the bases up. The length of the parking spaces are 18'. Every corner of the stall with the lighting fixtures would lose about 12". The footings for the fixtures will be raised usually 2' to 30". Ms. Leo stated the traffic engineer would testify more on this in greater details. The Mayor stated he would like to see the lighting for this site. Chairman Venza asked about the possibility of there not being valet parking. Chairman Venza asked if there is no valet parking what happens to the double stacking. Ms. Leo stated the traffic engineer will discuss that, however if they are not valet they would be single spaces, which is why we are giving you all these crazy numbers. It

is 28 parking spaces and then the valet, it is basically double utilizing them. He will explain that in his testimony. Paul Darmofalski stated he had conversations with the engineering firm and asked them not to do the lighting at this stage of the game because the configuration might change depending on the results of the board's decision. The lighting can be resolved by relighting the whole front stated Mr. Darmofalski and some interior lights and the diamonds that will be in the parking area. The lighting is because of me, and I do agree that the lighting needs work.

Ms. Leo stated that as a condition of approval they would put sufficient lighting as per the board's engineer's recommendations. A plan was submitted for the turning plan for the fire trucks and marked Exhibit A1-11/12/15. We understand the fire truck couldn't quite make what the computer said could be made and according to Mr. Darmofalski there are four spaces that may have to be removed to make room for the turning. The island in the parking lot would have to be removed. Chairman Venza stated another point was the very last row by Route 23. The swing off of Route 23 was an issue. Mr. Malanga stated he wanted to be sure they are not extending the length of the rows. Mr. Russo stated no they are not. They will not exceed where the curbs are. Ms. Leo stated so we agree as a condition that the rows will extend no further than the bounds that are there.

Chairman Venza stated maybe a sloped curb to replace the step curbing that they have will deter the parking. Mr. Malanga asked about Title 39 and this property is not covered by Title 39. Without Title 39 you can't tow cars or give summonses. The Mayor stated we could make that a condition of approval. That process has been streamlined. Mr. Malanga stated without enforcement there is a problem. Ms. Leo stated as far as her client is concerned for safety concerns the police can always come in, so if Title 39 will help, she understands the difference. Ms. Leo stated that will address that.

Mr. Venza asked if anyone had questions for the engineer. Mr. Sturm had questions on the location of the light stanchions. Ms. Leo stated they would make a condition of approval that the fire chief must be involved in the lighting plan with the board engineer to make sure the plan is done correctly the first time.

Chairman Venza opened this portion of the hearing to the public. No one come forward; thereupon Dan Sturm set forth the motion seconded by Michael Reilly to close the public portion.
ALL IN FAVOR / Motion Carried

Mr. Lee Klein came forward and was sworn in. He is a profession engineer in the State of New Jersey and was accepted by the board as an expert witness. Mr. Klein stated on Friday July 10 and Saturday July 11, he was at the site and did a parking study. He went through starting at 4:00 p.m. and went through every half hour through the parking lot counting the number of the either the parked cars or the vacant spaces. Mr. Klein stated he did it again this past weekend in November the 6th and 7th again from 4 to 9 pm. Mr. Klein detailed his work and basically the peak period parking for Friday and Saturday in July and November was around one space per 180 square feet, which is what the Borough's requirements are for a shopping center with ten or more tenants. So we are in line with that, and with this proposal we are trying to get more parking in the front because of the configuration of the

front doors. Mr. Klein stated we are looking to put in about 21 more parking spaces in the front. The buffet people usually park in the back. Mr. Klein stated additional spaces could be made in the back. They fit ten spaces and another twelve or nine depending if the dumpsters go there, for the employees and the valet parking. They also looked at the northeast corner and they picked up five more there, and realigning the roads we picked up nine on the end. Mr. Klein stated the valets had cones in the back where not many people would park, and we are trying to make the back of the building more efficient. There were still vacant spaces during the periods he studied along the back of the building. Mr. Klein stated the one day he studied there were two parties at VIBE and there were people picking up the kids and the evening party that started at 8 pm. The peak hour stated Mr. Klein is about 7:30 – 8:00 pm range. There were 302 people parked on the 7th of July, 310 on July 10th, 256 July 11th at 7:00 p.m. Nov. 6, 267 cars at 7:30 p.m., and 296 at 7:00 pm on November 7th. At no time on the days that he studied were there more than 314 cars at one time, never completely full. The Mayor stated so where is the parking problem. Mr. Klein stated when you don't have the valet you are not utilizing the spaces in the back corners. The buffet people didn't have a problem parking in the back. The door to Blu is as far as you can get from the back corner and most people use the valet for parking. Mr. Klein suggested the double stacking parking and it would be a more efficient use of the parking to have the employees and the valet parking only in the back of the building. Vice-Chairman Poli asked how many square feet are left in the building vacant. 15,000 s.f. and 22,000 s.f. where Golds Gym was. Vice-Chairman Poli asked in his professional opinion if you were to put another successful business in the vacant spots, would that parking lot be able to withstand. Mr. Klein stated it couldn't be a restaurant it would have to be a low generated store like a furniture store. A day care center would work. The Mayor asked if there were other months that would generate more traffic than July or November.

The record notes that John Barbarula our board attorney is in attendance.

Mr. Klein stated the highest count he got was 7 pm on Friday night, and the peak times were consistent. April and October are usually average months, so these times were pretty average. There can be a lot of different parking factors. Mr. Sheps asked about the time it takes for a valet to return your car. There was no study on this; however it seemed these guys were doing a good job. Ms. Leo stated they are trying to do what they can to accommodate the parking. Chairman Venza stated that one of the tenants Santina's came to this board and said they had to go out of business because of the parking situation. Ms. Leo stated that according to the testimony as you have heard we are trying to improve the present parking conditions. Michael Reilly stated he thinks we have to come to an understanding that there is a parking problem, for the twenty hours Mr. Russo spent in a parking lot and then come back and say there is no problem is ridiculous. Ms. Leo stated she is not saying that. Mr. Russo stated he was just giving the valet another 21 spaces to park, instead of just the presently striped spaces.

The Mayor asked if there was a study done on how many of the cars in the back of the building were employees. Mr. Russo stated no. There was testimony that was unclear due to voices speaking at once.

Mr. Russo stated if there were more spaces for valet parking and more valets, he feels the parking would be better. Chairman Venza stated he asks Mr. Russo what happens if the valet is no longer on the table and you have these stacking spaces. Mr. Russo stated if the valet was no longer there, the spaces would not be available. You would lose nineteen spaces of the double stack. We are still providing 8 more plus all the ones in the front of the building. Mr. Malanga stated we can't count the valet spots. Mr. Barbarula stated that the Italian restaurant that is in there did come before us and the owner discussed the traffic study, did they tell you about the three restaurants that are in there and what happens if a fourth comes or are you recommending that there not be another restaurant. Mr. Klein stated that he considered it a shopping center and did not do calculations on the type of establishments were there. Shopping centers vary stated Mr. Klein. Mr. Klein stated he did not look at the spaces per square foot. 17,000 square feet would be approximately 83 spaces. The gross square footage of the building is approximately 69,000 square feet. Mr. Klein stated he did review the parking ordinance for the borough and the requirements for strip malls is one space for every 180 sq. ft. if the shopping center has ten or more tenants. 372 spaces would be required by code and what exists is 315 and what they are proposing depends on the valet, but you are talking 28 which would give you 343 spaces. Ms. Leo stated 315 exists, and we are proposing 343 spaces, straight out without valet. Mr. Reilly stated he does not so much care about the amount of spaces as he is concerned about the safety and fire issues. Mr. Klein stated he feels using the valet would balance it. Ms. Leo stated if the concern is with the valet parking, I can make it a very simple proposal, it is that there exists 315 spaces and they are proposing an additional 28 to make it 343 and forget about valet, take valet out of the equation. Ms. Leo stated we are to make it safer and more welcoming and if removing the valet is going to do that we will remove the valet. The owner of the square stated that is what they would do if the board feels it is necessary, they will eliminate the valet parking. Ms. Leo stated the valet parking was hired to help with the parking. Chairman Venza stated the valet spot is a very dangerous spot. The elimination of the valet would run with the land. Ms. Leo stated a tenant leaving due to the parking was news to her. Ms. Leo stated that they are trying to work with the borough in producing more spaces.

Paul Darmofalski asked the engineer that it was the suggestion of a slanted curb, do you have an opinion on that. Mr. Klein stated the idea of the striping versus the full height vertical curb are two quite different things. The mountable curb or the sloped curb in place of the striped areas that may be another deterrent from people parking, but we need to take a closer look at the dimensions of what is left of the striping. The answer is it definitely could work. Mr. Darmofalski stated his observation is that when people are parking in the back, that they have to walk in the driving aisle, would a striped area for a pedestrian along both sides of the building be a safety enhancement for this site. Mr. Klein stated that was a good idea and it would be a safety enhancement, as long as the board is okay with the striping because it is only 23' from the building to the wall, and a guide rail. Paul Darmofalski stated he understands that but he feels that the pedestrians need a place to walk that would be safe, and the motorists know that it is a walkway. The Mayor asked Paul if it would be an advantage to have those rumble strips to let the cars know this is a non-vehicle area. Chairman Venza stated it will be shared. Mr. Klein stated the cars would have to stay away from the striping when pedestrians are present. At least there would be a striped area for the pedestrians. The lighting

on the side of the building is okay. The line would encourage the pedestrians to use the lane and maybe feel more confident parking in the rear of the building stated Paul Darmofalski. Bobby Roberts asked if there could be a walkway in the back through the space that was Gold's Gym through the front of the building. There was a discussion about this suggestion and the result was it would not be a good idea, for safety reasons and other reasons. The Mayor asked about Mr. Sheps question about the one way traffic around the building. The Mayor felt if the traffic was one-way it would be safer. Mr. Klein stated it would be inconvenient for people if the traffic was one-way. It makes more movements and as long as there is 24' around the building there is no reason for one way traffic. Deliveries, garbage pickup would all be factors in reference to one way traffic, and there are issues with people going out of the way and causing problems. The Mayor stated if the traffic was one way it seem it would be safer.

Chairman Venza opened this portion of the hearing to the public for questions of this witness. The owner of the Elements massage, Riverdale came forward (his name was unclear) one of the tenants in the Square. He stated he was surprised at what he heard about the spaces and he has seen himself there are many times when there are no spaces available and double parking was there. He wanted to know how bringing in another tenant is going to help the fact there is no parking now, when our businesses are hurting because of the parking problem. His business is supposed to be Saturdays and it is dead because there is no parking. His clients won't come in because of the non-parking issue. The gentleman asked if there is something else that can be done to validate the issue to the board. Mr., Klein stated this was done multiple times where normally he would only visit once or twice. Mr. Klein stated with this particular mix of businesses there will be peak hours and different times when there will be problems. The extra aisle of nine spaces in the front should alleviate some of the problems. Chairman Venza asked if the islands are going to become spaces. The answer is yes they will; however not to exceed the curb as was the testimony prior.

The owner of the Red Mango came forward (his name was unclear). The owner stated the beginning of the islands would not be encroached. Ms. Leo showed the gentleman the plans and explained where the striping would begin and end and where the spaces would begin and end. The spots are 9'x18' and they will remain 9'x18'. The configuration will add the spaces stated Mr. Klein. Chairman Venza stated the driving aisles also add room for more spaces as well. Paul Darmofalski explained to the gentleman there would be 21 more spaces in the front and more in the back. The owner asked if the plans presented are for the square footage of the entire building or for the square footage that is already rented at this time. The site is 180 times the square footage stated Mr. Barbarula. Mr. Barbarula stated the owner started giving testimony and that can't be allowed until later in the hearing. At that time the owner can make any statements he would like.

Jim Nouri, the owner of Santina's came forward and spoke about the valet parking. Chairman Venza stated that is not an issue anymore because the testimony moments ago has eliminated the valet parking.

No one else came forward; thereupon Vice-Chairman Sal Poli set forth the motion seconded by Dan Sturm to close the public portion.

ALL IN FAVOR / Motion Carried

Mr. Stephen Browne came forward and was sworn in by the Board Attorney. Mr. Browne is the property manager of the Square and as such is in charge of the day to day operation of the property. Mr. Browne stated he agrees with the condition of the lighting plans being made by the board engineer and the fire chief, and the striping of the lot for pedestrian safety. Mr. Browne stated he agrees with the spaces being eliminated for the fire truck turning radii, and he agrees to eliminate the valet parking, bringing a total of an additional 28 spaces with a total of 343 spaces. Mr. Browne stated the purpose of this application is to add additional parking to Riverdale Square. The Mayor stated standard practice when an applicant comes before the board for additional parking space, the question asked if there is adjoining properties that are available that you can use to satisfy your use and the lack of space. There is vacant property right next door, has you company done anything to try and get the additional space, I know it's for lease. Mr. Browne stated they have tried to purchase the property and the owners will not sell the property to them. The Mayor stated they are offering a ground lease correct? Mr. Browne stated that is correct. The Mayor stated that would open the leasing of the additional space in your building. Ms. Leo stated from a legal standpoint she understood the Mayor's question, however the owner has tried to purchase the property and have been unsuccessful.

Mr. Roberts stated he was thinking about the question prior about opening a walkway through the building for the gym had been. Mr. Browne stated it would be impossible to do that because the electrical panels are back there. There was a discussion in reference to this suggestion and it was closed.

Paul Darmofalski stated the plan is showing is showing 343 spaces with a net increase of 28 spaces, and the creation of the aisle in the front of the building would be an improvement. The geometry works and the slanted curbs is a good idea. If the board approves this plan he recommends a line parallel on the east and west side to direct the pedestrians to walk there as a safety improvement over what it is today. As far as the lighting is concerned, once this geometry plan is set the lighting is going to be relatively simple to solve and we will make sure it is well lit.

The Mayor asked if there any prospective tenants for this space. Mr. Browne stated aside from AT&T, there are no other prospective tenants. Mr. Reilly stated would the owner consider a commitment to not bringing in another restaurant or heavily used tenant. Mr. Browne stated he know fully well they cannot bring a tenant that would be a high volume parking problem. A furniture store, an adult day care center has looked at the property but there are no prospective tenants at this time. Mr. Barbarula asked if the AT&T gets board approval this evening how many square feet are left in the building that would be open. Mr. Browne state 15,000 square feet. Mr. Roberts asked what the amount of spaces that would be required for this square footage of the center. Paul Darmofalski stated 372 spaces would be required for this strip mall 1 to 180, the count is significantly higher than that when you do calculations based on the two major restaurants there that take up quite a bit of the spaces. Mr. Darmofalski stated let us no lose sight of what we are here for, you are hearing an application for an amended site plan, the site plan that is on record was approved by this board only two years ago. When they came in for

the signs that was right after you approved the connecting driveway to the Target driveway, it changed the whole site and allowed the owner to bring very successful operations to this site, but at that time you're taking an approved site plan and you are amending it. The amendment is going from 315 spaces on site and amending it to 343 spaces, based on final conditions. That is a variance that you would be granting to this owner based on the site plan that is there and you can impose any conditions you want, based on the facts that are presented to you this evening. You do have control over that. Mr. Malanga asked if you can limit what they can do with the existing space like no more restaurants. Mr. Barbarula stated the empty space could be controlled, this application brings back the control of this site to the board, the number of spaces for the restaurants which is required by seat is not calculated in this parking plan. Mr. Barbarula stated he sees no reason why the board cannot condition the empty space available to prohibit restaurant use whatsoever. Mr. Malanga stated he would go further than that and say to high use business. Mr. Barbarula stated you can't say that because they could rent to a Disney shop there that would be very high use. We have specific uses now and restrictions are appropriate, the health safety and welfare of the Borough is in the board's decision. There are actually four restaurants in this strip.

Chairman Venza opened the hearing to the public for questions of Mr. Browne. Brad Clinton, Clinton Avenue, came forward and asked about Mr. Roberts' idea about the walkway through the building. There was another discussion in reference to this idea, however; Mr. Reilly stated that is not going to give us more spaces. The testimony at this point is unclear due to several voices at once. Mr. Reilly stated he feels the safety of a walkway through the building would be more of a safety concern.

No one else came forward thereupon Bobby Roberts set forth the motion seconded by Vice-Chairman Sal Poli to close the public portion.
ALL IN FAVOR / Motion Carried

Ms. Leo stated she would like to ask Mr. Browne a few questions if the board agrees. Ms. Leo asked Mr. Browne about the property next door and if the only option was the leasing. Mr. Browne stated that is correct, at one point he was trying to sell it, but he wouldn't accept their offer. The acquiring of that property would allow the merging of the two properties. Ms. Leo asked how many properties you manage currently. Mr. Browne stated besides Riverdale square, six or seven others. They are not all strip malls, of the strip malls he has managed there were none that have inside walkways because it is not feasible for rental or usage and a safety issue at night.

The Mayor stated for the leasing of the property next door being $150,000 a year that would benefit the existing tenants and future tenants. Ms. Leo stated the applicant has made good faith efforts, they have made business decisions, but they have complied with the land use law of the Borough, there are certain restrictions upon leasing a property and what uses are permitted on that property also.

John Barbarula stated based upon the new questions and answers by Mr. Browne the application is again opened to the public by Chairman Venza.

No one came forward and thereupon Vice-Chairman Sal Poli set forth the motion seconded by James Hatfield to close the public portion of the hearing for questions of Mr. Browne.
ALL IN FAVOR / Motion Carried

Chairman Venza opened this application to the public for statements, etc. Jim Nouri came forward, (owner of Santina's Restaurant). Mr. Nouri stated the rumor of the restaurant going out of business is not true. They are basically looking to sell, and move on, but not going out of business. He lost $150,000 so far, out of his pocket, and got slammed with different things, including the parking. Some of the statements he heard this evening are shocking, when he took over the restaurant he was current with his rent, because they were busy. The valet parking went passed his place an around the building and he has video to prove it, and so his clients had no place to park. A few times there were accidents because of the people trying to park. I was six or seven months in the rear on my rent because of losing the business due to parking, however; I took out a loan and paid the $75,000 in full for rent. Today I am current with the rent. I am looking to sell and move on. We don't have parking and that is why my business is going down. Everyone knew there was a parking problem and I trusted the landlord to supply sufficient parking. My problem is every one of you gentlemen know there is a parking problem there. There was a problem when I was there that the parking lot was a gridlock. Every aisle was full of cars. I have video of that. I've seen the fire truck and goes slower than it should when seconds count. I am not going out of business, I want to sell the business and move on and the headaches would be theirs. I am not getting any help from anyone. So you eliminated the valet parking tonight that is after the fact. You guys have to have the answer for us. This is not fair to put in hours of work and lose money. I have the videos.

Mr. Sheps stated this was a restaurant before that had difficulties and you became the successor tenant, and you stated you have other businesses. As a business man wouldn't you say it would be prudent to check the parking at a potential business site stated Mr. Sheps. Mr. Nouri stated absolutely it was and I was there in September and the parking was empty at that time. Mr. Nouri stated he won this business in court because the owner owned him money. Mr. Nouri stated he knows nothing about kitchens or food. But I was pushed into this business and we never knew there was a parking problem. Mr. Nouri stated there was no problem fifteen months ago.

Sonny Shakhawala came forward and is the owner of Red Mango. Sonny stated it is a valid point to make that there was no parking problem, and he would like to address the parking engineer's testimony of the four times he was at the site. It is hard to make the call in reference to the parking. Part of being a businessman and I see no fault on you gentlemen, but obviously there is a parking shortage based on the square footage of the building per schedule Eursken of the zoning code. I tis also even more clear that there is a shortage of parking when you consider what types of businesses we are. I think that while we did make our decisions of going into business for ourselves, I think if there is a clear shortage of parking spaces without recognizing what businesses we are and even more when you do recognize the businesses coming in, it is unfair. Passing no blame, but coming into business and I put everything I had into this business and I am not succeeding and that if I

had known about the parking shortage I would not have done this. I should have been warned by somebody, whether from the town or the landlord there is just not enough parking.

Mr. Barbarula stated we cannot give advice about whether a site is working or not, the Municipality did the legal process issuing the CO.

Peter Stratis came forward and was sworn in by the Borough Attorney. Mr. Stratis he owns Elements Massage, at the Square, and he would like to make a statement. Mr. Stratis stated there were a couple of things, he has leased the space for a year and a half now, and where before he had three locations he was looking at, and when we made our choice he had already gone six times a day to look at the parking, before Blu opened and Red Mango opened. Mr. Stratis stated he never had to look for a space, no one would ever had thought there was a parking problem now. I am not even breaking even and it is due to the parking problem. My days of Friday and Saturday and Sunday are peak hours, and my clients won't come in because they can't park in the lot. That is what we are encountering at this time. It is a big issue. I don't think the 23 spaces are going to take care of the problem. I know it's something at least a little bit but I don't think it's going to fix the problem. I'm concerned with that and I don't want to be concerned about going out of business, but it certainly is an issue. I appreciate the landlord is trying, but this will not fix the problem.

No one else came forward, thereupon Vice-Chairman Sal Poli set forth the motion seconded by James Hatfield to close the public portion of the hearing.
All IN FAVOR / Motion Carried

John Barbarula stated the situation is that because the site plan is back in front of you, because they are asking for variances, you can place reasonable conditions on site. At this point the applicant's counsel has the right to sum up the application. Ms. Leo stated as you heard tonight, we are here at the request of the board and the Borough. The applicant has come in and attempt to resolve some issues with the parking. We have heard different testimony tonight about people who come in the front have issues with parking. No questions that is why we are here. We have also heard that according to our traffic engineer and the manager there are spaces in the back and we are trying to utilize those spaces. That is what we are trying to do in a reasonable manner so that we have an increase in parking spaces. Before you tonight is a proposal, a site plan to increase the 315 spaces that have been previously approved by site plan, by 28 spaces for a total of 343 spaces. Given the feedback that we are hearing, the proposal is eliminate the valet, we are seeking C variance relief for the parking and the impervious coverage. Impervious coverage is increasing just 1.1% due to the reconfiguration of the parking and changing of the curbing. The shopping center has existed, the original time was in 2007 and again in 2013 for the signage. We have come to you in June, and September with different concept plans for your input. The plan before you is our preliminary and final site plan approval. The variances all relate to the additional parking, the HB zone permits general retail and restaurants. We are not proposing any change to the use, we are simply addressing the parking. You heard from our parking engineer, traffic engineer and manager and business owners who are frustrated. My client also bought this property in hope that it would be a successful

business owner, and has made attempts to purchase the adjoining property, he is trying to improve it and he wants the businesses located in this center to be successful. Any decisions this board makes tonight run with the property, and not the tenant. It runs with the property as a whole moving forward, so what we are proposing is the additional 28 parking spaces. We agree to do the lighting as per the board engineer and the fire chief, we agree to paint the aisle 3 feet wide around that the board engineer requested for pedestrians. If the parking spaces have to be reduced for the fire truck turning radius, we agree to that, and the elimination of the valet. Under the "C" variance relief where there is a lawfully existing structure which is what we have in this case, and it shown that there is an exceptional situation uniquely affecting this piece of property, that would result in a hardship, the variance should be granted. Also when there is no substantial determent to the public good and it doesn't impair the intent of the zone plan or zoning ordinance, in this case we are here solely to improve the property, something that is legally and lawfully existing. Ms. Leo stated she did an OPRA request for the three years of police reports and there were eleven, which did not have any problem with the parking, but other issues. Therefore we are asking for an amended final site plan approval as well as the "C" variance relief related to the parking and the impervious coverage. What I would also ask if Mr. Barbarula is and we don't know how this is normally handled, but we would like to fix this problem as soon as we can, so I would ask if the board is so inclined to approve a waiver of the resolution in order that we can pull our permits and start to address the situation as soon as possible.

John Barbarula stated what you have before you is an application that is very difficult situation. To do nothing is problematic, to be not cognizant of the problems with public safety and health and welfare is also problematic. As a result you as a board member must decide that in granting this variance for the parking which obviously is more than what was there. There was 315 and there was supposed to be 320. There is five less than the approved site plan was supposed to be. The calculations that you have heard shows with the restaurants, Paul's calculations come up to over 500 parking spaces. It is pretty dramatic of a difference. If you take out the fact that we have a pending application coming in here with a retail type establishment, there is still 15,000 square feet to be rented. I believe the board has in their power to impose reasonable restrictions on that 15,000 square feet. Mr. Barbarula stated he fully believes that the adverse effect on the public gives you sufficient right to decide what restrictions you want, and I believe they would be as long as they are directly related to the parking, they would be sustained. He further believes that something permanent has to be done here. This may not be adequate, as I sit here and listen to what the Mayor stated in reference to the dollar per square foot issue if they would rent next door and that is a real issue that again brings back the issues with the parking problems. You can do a number of things, you can do an account that says allow the permits to be issued pending the resolution, not that you don't do a resolution, you also could if you are not satisfied with the plan, you can also give preliminary approval tonight and have them come back for a final approval. You could also give preliminary and final approval tonight, if you feel you have sufficient information. In any motion what you have to do is you have to be specific. The motion has to state preliminary and final, and list the variances that requested, approval or denial, I am also asking for this restrictions or no restrictions and then once a motion is made and

seconded, then the board can discuss it before there is an actual vote. That is the guidance I can give you. You have sufficient information to make a decision.

After discussion Mr. Barbarula stated the board could impose a restriction that the 15,000 square feet that is not rented cannot be rented to a restaurant. Mr. Malanga asked if the board can restrict further rentals until the parking is improved, because it is so deficient now. Mr. Barbarula stated you can do that, however; I don't recommend that because at this point, you have an applicant before you trying to remedy the situation, and we have tenants here that are stating what the situation is. Mr. Malanga stated so we are basically allowing square footage to be rented when we know what the issues are. Mr. Barbarula stated that his recommendation is no more restaurants period, and if any of them leave, and the space becomes vacant, a restaurant would not be allowed. The appropriate restriction stated Mr. Barbarula is no more restaurants at this site. Any other restrictions would be inappropriate and is not recommended stated Mr. Barbarula.

There are ordinances for a change of use that would allow a denial of a change of use if there is a problem with the health, welfare and safety of the Borough. There has to be a policing power as well.

Ms. Leo stated she wanted the board to understand this is site is lawfully existing pursuant to an improved site plan, and the uses are permitted according to the Borough code. Anything that prohibits the use of my client's property is spot zoning and unique use. The health, safety and welfare was testified to by Ms. Leo's engineer for the project, the traffic engineer for the project and the project manager. Given the exceptional situation on this uniquely existing structure, I believe the relief has to be granted and given that my client has occupied the property for eight years, any conditions of approval as well as the resolution of approval itself runs with the land regardless of who the tenants are, and any restriction on that would be contrary to the law.

Chairman Venza called for a motion. Thereupon Rick Malanga set forth the motion to approve the application with restrictions that no further restaurants be allowed, and the conditions that were discussed, the lighting, the walkways, elimination of the valet. Chairman Venza asked Mr. Malanga if he would amend his motion to include no rental to gyms as that would be a high usage for parking. Mr. Malanga stated he amends his motion to include no gyms. The motion is to approve as presented which may mean a few spaces because of the fire turning radius, however the engineer and fire chief would have that approval. James Hatfield seconded the motion. The Mayor asked if Title 39 was supposed to part of the motion. Mr. Malanga stated yes. The Mayor asked procedurally if we grant this application and the applicant feels it is too restrictive, and they don't implement any parts of this application approval that would be in violation correct. John Barbarula stated once this is approved and if and any part of the resolution is not abided, the site would be in violation, the zoning officer would then have to deny any future CO's for the site. The Mayor asked about signage that was supposed to be up in the back, directional signs were never put up, for the record, the Mayor stated the Borough has never, ever, adopted an ordinance eliminating what you refer to as the requirement to appear before the board for a change in occupancy,

it has never changed. It was never on the books and never an ordinance. Mr. Malanga stated Title 39 is part of the motion. James Hatfield seconded the motion. Ms. Leo stated she objects to any statements that there has been anything unsafe and she asked again for a waiver prior to the resolution being adopted. The board secretary stated the resolution would be read at the December 10th meeting. Mr. Malanga stated he agreed to the waiver that would allow permits to be issued prior to the resolution being adopted. James Hatfield again seconded the motion including the waiver. The slanted curbing would be part of the lighting plans.

ROLL CALL: **Ayes: Malanga,**

Hatfield,

Budesheim (we have to increase the amount of parking spaces. I do not believe this and I have said this all along, is a public safety issue, I believe the lack of parking does not make it public safety, I think it is a self-regulating condition as a few of these tenants have stated, that people are not coming because of the lack of parking, so it intends to be self-regulating. Willowbrook at Christmas time, there is no parking, they turn people away, so I don't think we have the right to restrict which type of tenants go in there, but trying to move forward to try and improve the situation in a timely manner, I am voting yes),

Sturm,

Reilly (I want to thank the owner for coming up with the plan they came up with, I happen to agree with the Mayor that the plan is better than doing nothing, and I still think we are falling short in the sense that parking is still an issue here, and where I disagree with the Mayor at this point, is that I do believe that although it is not always a life safety issue, I think it certainly can become one, and I think if we allow high volume tenants to come into that space without ample parking, I can see a potential happening and I can see the required safety trucks not being able to get around without a fire and someone going to die, so I do see it as a potential life saving issue, but I commend you for putting forth the effort for what you did and I vote yes,

Roberts (I too am going to vote yes, but I really think the applicant has to do something to alleviate the situation. One thing we failed to mention was double deck parking, which is also a possibility, but I recognize the fact that we tried by saying yes)

Sheps (yes with a comment. I think the management has shown they are making an effort to do everything they possibly can to maximize the use of the parking area they have. The adjacent property owner demolished the building that was there, and whatever their plans are for future development, we don't know, and they may be trying to take advantage of you by throwing astronomical lease figures at you but I think you increase the number of cars, and you increase the number of potential traffic problems and pedestrian problems. The walkway along the side of the building is good denoting that should be an area, but myself I have driven around that building one day in fact there was construction going on and there were trucks parked in the back of the building immediately adjacent to the building and it was just barely room for me to get through with the car. So I think there is a potential for problems in the area to the west behind the building. I think you do have to make, you owe it to your tenants to make a reasonable obligation to get that property next door and increase the potential parking for the tenants that are there now and future tenants. The vacant space you may not be able to rent it for a restaurant,, but there are other tenants that are high volume tenants and they would bring in and add to the parking problem so again I commend the management for making efforts to accommodate the tenants as best they can and I am voting yes.)

Poli (Sir you have heard your tenants, and I hope going forward you are a responsible landlord and who you rent to not to further damage their businesses and to create any other issues)

Venza (I am going to vote yes. I feel like we are putting a band-aid on an arterial bleed. There is major problems with parking here. Your tenants are going crazy here, they are going out of business, and losing business and money hand over fist because they don't have parking. Something needs to be done and I hope you will really give some thought to doing something for your tenants)

(9 Ayes – 0 Nays – Motion Carried)

Michael Reilly set forth the motion for a five minute recess, seconded by Vice-Chairman Poli.

Meeting has returned to open session.

Thereupon Michael Reilly set forth the motion seconded by James Hatfield to extend the hours of the meeting until no later than 11:00 p.m.
ALL IN FAVOR / Motion Carried

CHANGE OF USE/OCCUPANCY APPLICATION:

1. COU/11012015 / AT&T Mobility / 92 Route 23 North / Block 40 Lot 4.05 / Highway Business

Ken Rose the attorney for the applicant came forward. Mr. Rose stated Wireless Choice has looked at a lot of locations and decided on this location in Riverdale. It is a low volume business, we have 1 – 2 employees and we are looking to rent 2,280 square feet. We actually did not know about the parking issues, however our operation is very limited and the peak hours are actually Saturday mornings which is low volume.

Mr. Barbarula swore in the applicants. Michael Almosbbh is the president of the company and Joshua Castro is the manager of the store. The applicant is an AT&T provider store and will do cell phones, etc. You will have two employees possibly 3 and the hours are as on the application and the deliveries will be once a month by UPS or FEDEX truck. The only vehicles that have would be the employees. Mr. Rose stated that this site was visited by AT&T many times and it meets their specifications.

Vice-Chairman Poli stated you just heard what went on here and you aren't going to come back to us and tell us that the parking is terrible are you. The applicant stated they would not.

Chairman Venza opened the application to the public. No one came forward, thereupon bobby Roberts set forth the motion seconded by Vice-Chairman Sal Poli to close the public portion of the application.
ALL IN FAVOR / Motion Carried

Mr. Barbarula reviewed the application for the board. Mr. Malanga stated you say you are a low volume store, however I find these types of stores to just the opposite. The applicant stated that because they are in between high volume stores in other locations, this store is the go between. The hours will not be any different from the application. There was a discussion on tractor-trailers that did not affect the application.

Thereupon Michael Reilly set forth the motion seconded by James Hatfield to approve the application as presented by the applicant.

ROLL CALL: **Ayes: Reilly, Hatfield, Budesheim, Sturm, Roberts, Sheps, Malanga, Poli, Venza**
Nays: None
(9 Ayes – 0 Nays – Motion Carried)

ADJOURNMENT:

Thereupon Michael Reilly set forth the motion seconded by Vice-Chairman Sal Poli to adjourn the meeting.
Meeting is adjourned at: 10:38 p.m.