

**RIVERDALE PLANNING BOARD  
MINUTES  
OCTOBER 27, 2022**

**The Regular meeting of the Riverdale Planning Board opened on October 27, 2022 at 7:30 p.m. Chairman Scott Trowse read the Sunshine Law.**

**ROLL CALL: Present: Mayor Paul Carelli  
Sal Poli  
Bobby Roberts  
Michael Reilly  
Christopher Scilingo  
Kevin Bulger (Alt No. 1)  
James Talerico (Alt. No. 2)  
Vice-Chairman Warren Sheps  
Chairman Scott Trowse**

**Absent: Council Pres. Vincent Pellegrini (excused absence)  
Rick Malanga (excused absence)**

**Also present is John Barbarula, Board Attorney and Tom Boorady, Board Engineer.**

**APPROVAL OF MINUTES: September 22, 2022**

Thereupon Vice-Chairman Warren Sheps set forth the motion seconded by James Talerico to approve the minutes from the September 22, 2022 meeting as written and submitted.

**ROLL CALL: Ayes: Sheps, Talerico, Carelli, Poli, Roberts, Reilly, Scilingo,  
Trowse  
Nays: None  
(8 Ayes – 0 Nays – Motion Carried)**

**APPROVAL OF BILLS:**

Thereupon Chairman Scott Trowse set forth the motion seconded by Bobby Roberts to approve payment of six bills as listed on the agenda in the total amount of \$3,750.00.

**ROLL CALL: Ayes: Trowse, Roberts, Carelli, Poli, Reilly, Scilingo, Bulger,  
Talerico, Sheps  
Nays: None  
9 Ayes – 0 Nays – Motion Carried)**

**APPLICATION FOR HEARING:**

**1. Application No. SP06132022 / 69 Paterson Hamburg Turnpike / DAK Realty / CRD Zone**

**The notices are in order giving the board jurisdiction to hear this application. This is a full board application.**

Attorney for the applicant Mr. Steven Schepis came forward. Mr. Schepis made his opening remarks and reviewed the application before the board. The proposed use which is conditionally permitted use is a business on the first floor and two apartments on the second floor.

Attorney Barbarula stated when you have an application where all the conditions are met, it is not a Board of Adjustment matter it is a full board matter therefore everyone present can vote on this application.

Mr. Schepis stated the board will hear testimony in reference to a number of pre-existing non-conforming conditions regarding the lot, lot area, depth, etc. The applicant is looking to continue those non-conforming conditions. There is an existing two and half story building on the property, it's not in good condition, we are looking to bring it down just to the exterior frame level first floor and reconstruct a two and a half story building with commercial space on the first floor, one of the applicant's owns a jewelry store in town and we are proposing two new one-bedroom apartments on the second floor, new parking lot, and basically bring life to this project.

Mr. Schepis called his first witness, Mr. Tyler VanderValk, employed by Houser Engineering, 1141 Greenwood Lake Turnpike, Ringwood, NJ. Mr. VanderValk reviewed his educational and professional background for the board and the board members accepted him as a professional engineer.

Mr. VanderValk stated this is 69 Paterson Hamburg Turnpike, Block 15 Lot 3, and we are in the CRD Zone. The property in its current state consists of 9,236 square feet, the CRD zone permits retail space, office space, restaurants, packaging, and it also permits certain accessory and conditional uses, including garages, schools, churches and second story apartments. The subject property is a corner lot, we have frontage on both Paterson Hamburg Turnpike as well as Drace Place. Mr. VanderValk stated the lot is generally rectangular and about 65' wide by 150' deep, and the lot is entirely surrounded by the same CRD Zone with varying surrounding uses. Directly to the south of us on lot 6 we have a single family home that is not a permitted use in the zone. Across Drace Place to the east we have a two-story building, a commercial building that is operating right now as a yoga studio. They have associate parking in the rear of the building and there is also a detached garage on that property. Immediately to the west of the property is the Sunoco station on the corner. Across Hamburg Turnpike we have the shopping center, Boniello's, Dunkin Donuts, etc. The subject property right now consists of two and a half story building, located generally closer to Hamburg Turnpike, and on the lot historically consisted of commercial space on the first floor and a single apartment on the second floor. There is also a detached garage located at the southwest corner of the property towards the rear. Right now the property has access from a couple of different points, we have a one way driveway which comes off of Hamburg Turnpike on the west side of the building and that continues to the rear parking area and we also have access off of Drace Place. In addition this has been historically a depressed curb all the way along the frontage, because parking was done up against the front of the building where cards were required to back on to. The applicant proposes to refurbish and expand the building to provide for a continuing retail use on the first floor and two one-bedroom apartments on the

second floor. The applicant is proposing to eliminate the parking in the front to eliminate an unsafe condition where vehicles are backing onto Hamburg Turnpike. There is all new curbing and some of that work is already being done. The new sidewalk wraps around the frontage and Drace Place. All new access will be from Drace Place. We have a two way driveway proposed there with a parking lot in the rear of the building.

As part of the project we'll need to dedicate some frontage to the county along the Hamburg Turnpike in order to get the sidewalk and everything within the County right-of-way, currently the property line is right along the curb, which doesn't give for any space outside the travelled way. This dedication will result in a decrease in property area which is part of the reason we have a number of variances as far as lot geometry and conditions from the current non-conforming conditions because of that dedication. That amounts to 545 square feet. As far as the bulk requirements for this zone you will see the required lot area is 15,000 square feet and the current condition is just over 9200 square feet and after the dedication to the County we have 8691 square feet, so we require a variance for that reduced lot area, again just due to the dedication of the County. Lot frontage requirements for the zone is 100' for each frontage and we have an existing non-conforming frontage on Hamburg Turnpike of only 68' and that will be reduced by about 2" through the dedication and that is the second variance. Lot frontage on Drace Place is conforming at over 100' even with the reduction of the dedication. The front yard and rear yard setback are both supposed to be 25' in this zone and you can see we are far from the rear yard, however, the front yard on both we have variances.

Mr. VanderValk continued to review the conditions presently and reviewed the variances that the applicant is requesting. Front yard on Hamburg Turnpike of 9.3' and then on Drace Place 5.9', again from the bottom step. The rear yard will be compliant, side yard will also be compliant and that side yard is to the west, we have two front yards in this case. Building coverage permitted 30% in the zone, we will be compliant on that at 23.4% and then with total impervious coverage we have an existing non-conforming 72.3% where 70% is required. We would be reducing the coverage to below the 70% if it wasn't for the dedication, so this project will have an overall reduction in impervious coverage on the property, however; we would still require the variance since we are at 72%, but again this coverage number of 6254 square feet if using the original lot area, with the dedication would actually fall under the 70%, so there was an effort to be compliant. Building height will be compliant at two and a half stories. We have a minimum floor area of 1,000 square feet and we are providing 2745. As far as the layout of the site, when the building is generally kept in the same location with some expansion out to Hamburg and a slight bump out on Drace Place as well and then in the back we have a second story addition that will be supported by columns with the access ramp and walkway into the building will be underneath that portion of the overhang on the second story. Adjacent to that we have the sidewalk along the front 6' wide to allow access from the parking lot into the building and we have eleven stalls proposed in that parking lot including ADA van accessible stall. Eleven spaces is the requirement for uses in the building. Again 14,005 square feet of retail space and two one-bedroom apartment upstairs brings us to eleven stalls required which we are providing. As far as access to the building we have a pedestrian sidewalk which comes off the main sidewalk on the County Road, and that will

come to a covered front porch at the top of the stairs. For ADA access we have a ramp which circles around the building and some of this will be highlighted on Jim's plans. This way if people park in the back and have access to the building without the need for stairs. We are providing for a refuse area on the side of the building, this enclosure is intended to utilize cans rather than a dumpster, just cause the uses we have here we don't see and intense expectancy of volume of waste, so this enclosure can hold up to eight cans comfortably. They will have a private pick up which will be able to grab those cans and empty them in the truck.

As far as the signs, we are proposing two signs, one on the easterly façade of the building and one on the northerly side of the building, so one facing each street. The one facing Hamburg will be 29 square feet and the one facing Drace Place will be 23 square feet for a total of 52 square feet and requires a variance for total signage, which is not to exceed 25 square feet in this zone. Because we have two frontages we believe it is warranted to have two separate signs and for visibility purposes that brings us to 52 square feet.

We are proposing fencing stated Mr. VanderValk, and we have provided for here is in the existing condition there is a chain link fence between this property and the gas station which has the light privacy slats in the fence. The gas station property ends approximately 15' short of their rear lot, so that's where that fence ends, our intent was to continue that same style fence towards the corner in order to complete that fence line to shield the parking areas specifically from lot 4. That being said lot 6, the residential property they have a 4' solid vinyl fence, both along their rear line which would be the westerly side and then they have a portion on the easterly side wrapping on the northerly side. What they did was they tied in that fence to the garage which is on our property, so there is a bit of an encroachment there, but once we take that garage down, we will have a gap in the fence, so what we had on the plan was we would continue that chain link fence all the way around the corner until we meet up with their piece of the fence that ties in with our garage. Now that I'm reviewing Mr. Boorady's letter maybe it makes more sense to replace the section on the rear to match their style of fence and have a transition there and there was a discussion with the board in reference to the fencing.

Mr. VanderValk stated the property is served by public utilities and most of you can see that the utilities have had some work already to replace some of the utilities and again due to the road opening situation and the road paving.

As far as storm water management is concerned we are reducing the impervious coverage as part of this project so naturally that will be a reduction and that being said, we are providing for underground recharge stormwater both from the roof leaders and from the parking lot in order to further offset any impact, especially because we are requiring a variance here. This Friday's report mentioned how we have two separate systems, we have a system alongside the left side of the building as well as in its parking lot and the one along the west side might not be as usable but the suggestion was to combine them, it makes good sense. Mr. VanderValk stated the plans would be updated to show the differences that were discussed this evening.

Mr. VanderValk stated as far as landscaping light of course as part of the project. The revision date is 8/22/2022. As far as lighting for the project, Mr. VanderValk reviewed the lighting. Mr. VanderValk pointed out and clarified for the board the allowances and variances the applicant is requesting.

There was a discussion in reference to the dedication and the variances required and being requested. Mr. VanderValk reviewed the setbacks for the property. As far as total impervious coverage, as I mentioned earlier we are seeing a reduction in impervious coverage on the site and a reduction in the percentage and even giving the fact that we have this dedication counted. This is an improvement on this site and if it wasn't for the dedication we would actually be compliant on impervious coverage.

Chairman Trowse asked on the application it says the maximum impervious coverage permitted is 72% and you are asking for proposed variance for 12%, shouldn't that be 2%? Mr. VanderValk stated yes it should be 2% and that that may be a typo on the application, but it is supposed to be 2%.

Mr. VanderValk stated the setback for parking was not in Mr. Boorady's report and it is not in his report either. This came up on the fire safety application about a year ago and I think the parking is supposed to meet the accessory setback which is the side yard 10' and the rear yard 20', at least it was on that application and that was the same zone. I think we should ask for those variances here to cover that. We have very limited area to alleviate the parking. ON the side yard we have 2.1' and the rear yard we have 2.6' where 10' and 20' are required. This will be consistent with the other application.

The question was asked about what type of fence they are proposing. As discussed previously, the fences will be consistent with the fences that are on site, a 6' chain link fence with white slats by the gas station. Tom Boorady reviewed the points in his letter dated August 29, 2022 with Mr. VanderValk.

Mr. Boorady discussed where the HVAC and AC units would be placed and it was agreed that the units will be placed on the side or rear of the property and not in the front. The garbage was also discussed at length and Tom asked for updated plans with the revisions that were discussed this evening being on the plans. Mr. Boorady discussed the one EV space that has to appear on the site due to the Governor's ruling. Mr. Boorady asked about the letter from the County and that the applicant has to resubmit to the County.

After discussion and review of Mr. Boorady's letter, Chairman Trowse opened the application to the public to ask questions in reference to Mr. VanderValk's testimony only.

Sal Poli had one question for clarity in reference to the signage. Is the variance for the square footage of the signs or the amount? The answer is both there are two signs and the square footage is over the maximum. Vice-Chairman Sheps asked about the side sign, how far back from the Hamburg Turnpike is that mounted on the building. Mr. VanderValk stated the architect would be able to answer that

better. However, it is about 35' from the curb. Vice-Chairman Sheps stated he is questioning the need for the sign because Drace Place being so narrow, and not high volume in traffic, he didn't see where that sign would be visible from Hamburg Turnpike. The Yoga Studio might block the sign. Mr. VanderValk stated that would be a discussion with the applicant.

Michael Reilly asked about a dumpster at a later date. There was a discussion in reference to a dumpster and the option but any change in the site plan would have to be brought to the board.

James Talerico asked about the tenants upstairs and if there would be designated parking spaces. Mr. VanderValk stated they hadn't thought about that at this point, however if the need arises, they would do that, however there is sufficient parking at this site as it is proposed.

No one from the public came forward, thereupon Chairman Scott Trowse set forth the motion seconded by James Talerico to close the public portion of the testimony.

**ALL IN FAVOR / Motion Carried**

Mr. James Cutillo came forward and was sworn in by the Board Attorney. Mr. Cutillo has testified before this board in the past and his license in the State of New Jersey is still in effect. Therefore the board members accepted Mr. Cutillo as an expert witness. Mr. Cutillo references the plans and specs the board members should have.

Mr. Cutillo stated there is an existing 2 ½ story structure on the site, used commercially on the first floor and an apartment on the second floor. There is an attic area and a lot of that stuff has to come down stated Mr. Cutillo. Mr. Cutillo stated they would be taking down the structure to the foundation level and utilizing quite a bit of the first floor structure. Basically stated Mr. Cutillo on the first floor there is an older style front porch there, we're going to be taking that down structurally there are some issues with it, and then we are going to extend the front a little bit to where the current parking is now that has to back out onto the street, which we are eliminating. Then stated Mr. Cutillo, in the back there's some older structure which again we are taking down and we are going to create some open structure there, so part of that back area will be covered, so there will be a covered back area to the entrance of the business and you will go up the ramp and there will be a partial coverage there and then there will be a door that goes upstairs to the two apartments and then just beyond that along the street there will be a ramp that goes to the main entrance to the commercial area, and then there is also steps that would go down to the corner. So the expansion of the building primarily is just towards the front, a little bit of reduction in the back. The parking lot is in the back of the building. So on the first floor it is retail area, we have it broken up into two different areas, a little over 500 square feet in the back room and 900 square feet which will be a jewelry store showroom area in the front. There is a door that will go down into the existing basement, we are not planning on using the basement for anything, but just so you realize that the basement area was never under the front porch area, so the existing basement area is in the back of the structure so it is not the full size of the first floor.

Mr. Cutillo stated again you would go upstairs, get to the top of the stairs and you have two separate one-bedroom apartments and they are both identical and they are 750 square feet each. On the bottom of the page there is a breakdown of the areas in terms of the total areas square footage of the first floor and the second floor and the business and that breaks out as well. The total occupancy because of the showcases and everything else you would never have that many people in the building, but that is what it is designed for. Mr. Cutillo stated the first page of the elevations showing all four sides, the right side is the westerly elevation and there is not much going on there, that's adjacent to the gas station. The rear is adjacent to the parking lot, the front faces Hamburg Turnpike and the left side faces the side street Drace Place. Mr. Cutillo reviewed the signage and the lighting including the gooseneck lighting that is proposed. Mr. Cutillo stated wherever there is a door there will be a light fixture. Chairman Trowse asked about the lighting and LED lights. Mr. Cutillo stated it would be a standard residential light fixture and no high power fixtures.

There was discussion in reference to the trees that were taken down for the installation of the sewer system. The color of the building will be Navajo Beige and the trim will be white so it will be very traditional in style and colors.

Tom Boorady asked what the sign will say. Mr. Cutillo stated it would be a solid sign with a couple of gooseneck lights and will be attractive. Chairman Trowse stated maybe the owner/applicant will have more information on the signage.

Chairman Scott Trowse opened this part of the hearing to the public. No one from the public came forward, thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to close the public portion of the hearing.

**ALL IN FAVOR / Motion Carried**

Mrs. Dawn Kessarlis came forward and was sworn in by the board attorney. Mrs. Kessarlis stated her address is Hamburg Turnpike, Riverdale, NJ. Mrs. Kessarlis stated her and her husband own DAK Realty Company and are the owners of the subject property and will be the tenants of the jewelry store. Mrs. Kessarlis stated she has owned the jewelry store for 34 years and at this time it is located at 45 Hamburg Turnpike in Riverdale. This is approximately 500 feet from the property if the application. Mrs. Kessarlis stated at the present she has no parking and it has become dangerous for her customers that have children or handicaps and seniors. This move stated Mrs. Kessarlis would improve her business. Mrs. Kessarlis submitted her business card and the signs will have Diamonds by Dawn with the diamond in the background and that will be what the sign will look like. The business card was submitted to the board as exhibit A-1.

Mrs. Kessarlis reviewed the trash situation and the days and hours of operation for the store and also the usage of the basement. Sal Poli asked if the storage in the basement was for the store or the apartment tenants. Mrs. Kessarlis stated the storage in the basement was for the store only. Mr. Reilly asked about the trash truck and there was a brief discussion on that.

Hearing to further questions, Chairman Scott Trowse opened this portion of the testimony to the public. No one from the public came forward, thereupon

Chairman Scott Trowse set forth the motion seconded by Sal Poli to close the public portion of the hearing.

**ALL IN FAVOR / Motion Carried**

Mr. Anthony Kessarlis came forward and was sworn by the board attorney. Mr. Kessarlis is the other owner of the property. The Mayor asked if the owners knew of the time frame for the installation of the infrastructure before the paving of the Hamburg Turnpike. Mr. Kessarlis stated he is just waiting for the Mr. Ryden's approval and everything would be done. Mr. Kessarlis stated Mr. Ryden has had the plans for two weeks. Mr. Boorady stated he would look into that.

Chairman Trowse opened this part of the testimony to the public. No one from the public came forward, thereupon Chairman Trowse set forth the motion seconded by Mayor Carelli to close the public portion of the hearing.

**ALL IN FAVOR / Motion Carried**

Chairman Scott Trowse opened this hearing to the public for general questions or comments of this application. No one from the public came forward, thereupon Chairman Scott Trowse set forth the motion seconded by Vice-Chairman Warren Sheps to close the public portion of the hearing.

**ALL IN FAVOR / Motion Carried**

Mr. Schepis gave his closing arguments on the application.

Attorney John Barbarula stated the board has in front of them is a condition use that requires bulk variances. Part of the conditions are compliance of our engineer's letter, also that the engineer for the applicant resubmits revised drawings showing the zoning table update impervious coverage updated, the location of the AC units as located, the description of the fence as the board had worked out back and forth with the applicant, so that there is not issue with the site as indicated by the Mayor, we don't want to have any issues with the siting. Also that the architect will modify the plans to show appropriate lighting at the garbage corral, the signage will be stipulated in the resolution to be static with external lights and that will be turned off on a timer, that also there will be no retail use in the basement, the sign variance granting as indicated two signs, where one sign is permitted, and the sign total square footage. In addition to all of those, Tom Boorady indicated in his correspondence, Morris County Planning Board, Morris County Soil Conservation, and Morris County is requiring a deed of dedication which will require an updated survey, which was also mentioned by our engineer. So with all of those and the inclusion when the plans are modified by the engineer of the EV space, this application has the equivalent of twelve parking spaces, excess of what is required and all of those bulk variances that has limited there. If anyone makes an affirmative motion I ask that you specify that the stipulations I reviewed would be incorporated.

Thereupon Sal Poli set forth the motion to approve the application with the conditions listed by our attorney John Barbarula. The motion was seconded by Bobby Roberts.

**ROLL CALL: Ayes: Poli, Roberts, Carelli, Reilly, Scilingo, Bulger, Talerico,  
Sheps, Trowse  
Nays: None  
(9 Ayes – 0 Nays – Motion Carried)**

**The Resolution will be read on December 1, 2022.**

**CANCEL MEETING FOR NOVEMBER 10, 2022:**

Thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to cancel the meeting for November 10, 2022 due to lack of agenda.

**ALL IN FAVOR / Motion Carried**

**ADJOURNMENT:**

Thereupon Chairman Scott Trowse set forth the motion seconded by James Talerico to adjourn the meeting.

**ALL IN FAVOR / Motion Carried**

**Meeting adjourned at 9:14 p.m.**

Respectfully submitted by:

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Linda Roetman, Planning Board Secretary