

BOROUGH OF RIVERDALE

MORRIS COUNTY, NEW JERSEY

Paul M. Carelli
Mayor

Abubakar T. Jalloh
Registered Municipal
Clerk



**RIVERDALE PLANNING BOARD
MINUTES
MARCH 28, 2024**

The Regular Meeting of the Riverdale Planning Board is opening on March 28, 2024 at 7:30 p.m. Adequate notice of this meeting was published in the Morris Daily Record and also posted on the bulletin board in the Borough Hall Foyer. No new testimony will be heard after 10:00 p.m. and the meeting will be adjourned by 10:30 p.m.

ROLL CALL:	Present:	Mayor Paul Carelli Council Pres. Vincent Pellegrini Sal Poli Bobby Roberts Rick Malanga – 7:34PM Michael Reilly Vice Chairman Warren Sheps Chairman Scott Trowse James Talerico (Alt. No. 2)
	Absent:	Christopher Scilingo Kevin Bulger (Alt. No. 1)

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

APPROVAL OF MINUTES: February 22, 2024

Thereupon Vice Chairman Warren Sheps set forth the motion seconded by Michael Reilly to approve the minutes from February 22, 2024.

ROLL CALL:	Ayes:	Sheps, Reilly, Pellegrini, Reilly, Carelli
	Abstained:	Roberts
	Nays:	None
		(5 Ayes – 1 Abstained – 0 Nays – Motion Carried)

APPROVAL OF BILLS:

Thereupon Chairman Scott Trowse set forth the motion seconded by Sal Poli to approve one bill for Darmofalski Engineering Associates, Inc. in the amount of \$1,950.00 for 10-12 Newark Pompton Turnpike.

ROLL CALL:	Ayes:	Trowse, Poli, Carelli, Pelligrini, Roberts, Malanga, Reilly, Sheps, Talerico
	Nays :	None

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(9 Ayes – 0 Nays – Motion Carried)

APPLICATION HEARING:

1. Application No. SD10312023 / F&S Enterprise / 10 Newark Pompton Turnpike / Block 14 Lot 15.01 / PO Zone

Mr. Rubin, Attorney at Law, office is at 53 Hamburg Turnpike, Wayne Township representing F&S Enterprises the owner and applicant for the application for the minor subdivision at 10 Newark Pompton Turnpike. Mr. Barbarula stated that the notices have been reviewed and they are all in order.

The board attorney Mr. Barbarula swore in Glen Foss, owner of F&S Enterprises, business address is 18 Newark Pompton Turnpike, Riverdale, NJ.

Mr. Foss stated that at 10-12 Newark Pompton Turnpike, a non-conforming lot, they are looking to make it a conforming lot by adding three single family homes and removing a multi-tenant building and single family that are currently on the lot. He had an informal discussion to build possibly a professional building or townhomes there but he was given the guidance to put single-family home there to make it a conforming use. Mr. Foss continued the buildings currently there are dilapidated and to bring them back would not be cost effective, he would remove the multi-tenant building, single family home and the well house in front of the single-family home.

Mr. Foss stated that a few months ago Mayor Carelli reached out to him and said there are parking issues on the street. Mr. Rubin asked about the parking on the lot in question. Mr. Foss stated that there is concern that the lot is being strictly used for employee parking. There are employees parking there he has owned to property for a long time, just recently the employees have been notified, in writing, that they cannot park in the lot any longer. The discussion continued about the parking lot and who was parking there.

Mr. Rubin asked if there are long term leases, Mr. Foss responded there are not they are all month to month. Mr. Rubin continued that if the subdivision is approved the two buildings will be demolished along with the parking lot in the back, being the landlord of the other building, those tenants have been notified in writing that they cannot park in the lot any longer. Mr. Foss stated that as far as the parking lot it has nothing to do with the other building. Mr. Foss agreed with Mr. Rubin that one tax bill is received for the two buildings and parking lot in question and that it is non-conforming.

Chairman Trowse opened questions up to the DAIS.

Mr. Poli asked how many tenants are currently in the multi-tenant building. Mr. Foss answered seven, the building has 4 apartments and then there is a single-family home on the lot.

Mr. Barbarula said that the property (lot 15.01) in question has the large structure Victorian home and the single-family blue home and the parking lot in the back everything on the lot will

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be removed and subdivided into three separate residential homes. There has been a lot of discussion about another property, the board must be cognizant that we are dealing with the issues on this property.

Mr. Poli asked if he will be selling or building and renting. Mr. Foss answered that he will set the lots up and sell them to homeowners or builders.

Chairman Trowse opened the meeting to the public to ask questions about the testimony.

Brian Hicks, 2 Arlington Place, questioned the parking lot in the back of the building, and changing the subdivision to 2 lots with a parking lot instead of three lots.

Mr. Foss responded that the parking lot was always in the back of the building and they had to redo it when they had an insurance report with updates that needed to be made. A three-lot subdivision is cost effective compared to two lots. Mr. Rubin stated that to legally make the property a parking lot they would have to come to the Board for a site plan and use variance. He has to copy of the letters that were sent to the two tenants in the commercial building to add as exhibits, A-1 and A-2.

Keith Hamilton, 14 Van Duyne Ave, presented questions regarding parking on the street and in the "overflow" lot.

Mr. Foss said he was unaware of the parking issues, he found out about it the previous week through a text message. Neither tenant has responded to the letter that was sent.

Mr. Barbarula asked if the cars are parked illegally, the police can be called if they are. Hamilton stated that with the lots full there are cars parked on both sides of Van Duyne where there are no sidewalk and there are a lot of kids on the street. Mr. Barbarula stated that this issue needs to be addressed with the Mayor and Council, the parking issues are with the site plan for 18 Newark Pompton Turnpike.

Lisa Ferrara, 15 Newbury Place, questioned the paperwork being available in the office.

Mr. Barbarula answered that all of the paper has been available at Borough Hall 10 days prior to the hearing, the other property that is being brought up would be available by OPRA request. Ferrara asked the legal requirement for notifying residents. Mr. Barbarula asked 200 feet and it is in the paper.

Thereupon Chairman Scott Trowse set forth a motion seconded by Sal Poli to close the public portion on Mr. Foss's testimony.

ALL IN FAVOR / Motion Carried

Thereupon Chairman Scott Trowse set forth a motion seconded by James Talerico to open the public portion on Mr. Foss's testimony.

ALL IN FAVOR / Motion Carried

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Keith Hamilton, 14 Van Duyne Ave, questioned the process for a hearing.

Mr. Barbarula stated that the process is that there is applicant testimony, being the owner or any member of the general public that are not experts. Since they are asking for a subdivision, they have to have a licensed approved professional, generally an engineer. Not in this type of case a planner would be needed. In this case Mr. Rubin had the owner then he is going to have the engineer speak, after the engineer the public can ask questions to the engineer. After the testimony the public can come up and make any comments they would like about the application. Finally, the applicant gets to speak last.

Josephine Varela, 25 Van Duyne Ave, asked who determines if the variances get approved and have there been this many variances approved at one before.

Mr. Barbarula stated that the Board determines approval on each individual basis. Each application must stand on its own feet, it's a matter of what can be proved.

Thereupon Chairman Scott Trowse set forth a motion seconded by Sal Poli to close the public portion of Mr. Foss's testimony.

ALL IN FAVOR / Motion Carried

Mr. Barbarula swore in Joseph F. Miannecki Jr., 9 Midvale Ave, Towaco, NJ 07082, professional engineer and planner. Mr. Miannecki listed his qualifications and was accepted by the Board. Mr. Miannecki stated that the survey has been submitted to the Board. The property is a corner lot that runs on Newark Pompton Turnpike containing two structures a multi-family and single family with a large parking lot in the back. There are essentially three uses on the lot that are contrary to the zoning plan. All of these uses would be removed with what they are proposing. The minor subdivision map has been submitted to the Board. They are proposing three lots, one fronting on Newark Pompton Turnpike, a requirement as part of the ordinance. The two additional proposed lots are slightly undersized for the zone at 59' lot width where 75' is required. The lot on Newark Pompton would be 69' wide. They are three conforming homes there are no setbacks and no impervious coverage variance, each lot is being developed independently. Removing the parking lot would reduce the impervious coverage. They will each have individual drive ways, wider than usual to allow 3-4 cars. The homes are adequate size, 42' deep by 28 ½' wide. Mr. Rubin asked if it is comparable to the homes in the neighborhood. Mr. Miannecki stated that the homes are compatible, the one facing Newark Pompton is bigger but it is fronting Newark Pompton not Greenwich. Mr. Miannecki has the zoning map, exhibit A-3, the narrowest lot they are proposing is 59' wide, on the street all of the lots are 50' wide except the last house and the house diagonal. On Van Duyne the lots are wider. The lot area on the 2 lots is 0.153 on the street they vary between 0.2-0.15, so the lots are compatible with the lot development in the area. Mr. Miannecki referred to the storm water management on page 2 that has been submitted to the board. There would be no adverse effect on storm water management on the neighboring houses of Borough streets if the homes

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were developed. Mr. Mianecki explained where the water and sewer services would come from for the houses.

Mr. Rubin asked if according to the Master Plan and Zoning Ordinance does this fit and doing away with the non-conformities and parking enhance the application. Mr. Mianecki stated that it does fit and furthers the purpose of the MLUL and Master Plan.

Chairman Trowse asked about the easement on the property for the corner lot. Mr. Rubin stated that the owner of the home would be responsible for the easement on the driveway. Mr. Boorady stated that the curb is very wide at the road, could the driveway width internally and not have the easement on the property.

Chairman Trowse asked about the storm water management on the existing property as it stands today. Mr. Mianecki stated there is no storm water management currently.

Rick Malanga asked how long the driveways are. Mr. Mianecki stated the driveway is about 32 feet and if you go to the curb line it is about 45'. The distance from the curb of Newark Pompton to the first driveway is about 45', to the curb drop of 38'. Michael Reilly stated that Greenwich is a busy street and he is concerned about the driveway being that close to the corner.

Jim Talerico questioned the zone that the house would be in. The properties would remain PO Zone as they are currently. If the two properties were in the R7.5 Zone the houses would be able to be bigger since the set back for the side yard would be smaller. Mr. Talerico asked to go over all of the variances for the lot. Mr. Mianecki reviewed all of the variances on the three lots, the corner lot on Newark Pompton would have one variance, the two lots on Greenwich there are two variances the same, the lots are identical. Mr. Talerico asked if there was any chance that one of those lots could become commercial at any point since it is still zoned PO. Mr. Boorady stated that they could not be a Professional Office without coming to the Board for a use variance, 15,000 square feet is required for PO.

Mr. Boorady asked if all of the changes with the driveway he had in his report can be met. The applicant is asking for larger curb cuts on the driveways which is an additional variance.

Chairman Trowse requested a 5-minute recess at 9:26PM

Chairman Trowse opened this portion of the meeting to the public to ask questions about Mr. Mianecki's testimony.

Brian Hicks, 2 Arlington Drive, questioned the zoning of the properties.

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Mr. Boorady stated the Board does not have to power to rezone that property right now. Sal Poli stated that, that is called spot zoning which is illegal in the State of New Jersey.

Keith Hamilton, 14 Van Duyne Ave, questioned the drawings of the dwellings and that the applicant is just asking for the subdivision. Mr. Miannecki stated that there is not much flexibility with the footprint of the houses, they have to fit in the envelope. Mr. Poli stated that if the builder went outside of that envelope they would have to come back for a variance.

Thereupon Chairman Trowse set forth the motion seconded by Sal Poli to close the public portion on the engineering testimony.

ALL IN FAVOR / Motion Carried

Mr. Rubin stated that is all of the witnesses he has for this application.

Chairman Trowse opened the public portion of the meeting to make statements.

Thereupon Chairman Trowse set forth a motion seconded by Sal Poli to close the public portion.

Mr. Reilly questioned the location of a driveway, drainage and location of the homes. Mr. Barbarula stated that the would be able to make it smaller not bigger they would have to come to the Board for a variance.

Chairman Trowse opened the public portion of the meeting to make statements.

Keith Hamilton, 14 Van Duyne Ave, stated that Greenwich and Van Duyne are two of the narrowest streets in town with the commercial building there the tenants cannot be stopped from parking on the streets, it is outside of anyone's control. The solution to the parking on the street was to create the sidewalk to bring the two parcels of land together. There will be an impact that the subdivision will have on the parking. During the day there are cars in the lot when the tenants are at work. Once the parking lot is gone which was a cure to the other property's parking problem the cars will move to the narrow streets in the area, Van Duyne, Greenwich, and Arlington. There are many children on the street and it is dangerous with the cars on the street.

Brian Hicks, 2 Arlington Drive, there are rules that have to be followed, boards and ordinances said that there must be 75 feet in front yard, 100 in backyard, the board is being asked the throw that out the window for him to make more money. Financials cannot be taken into account by the Board if you look at it logically it should be subdivided into 2 lots. It was mentioned by someone that if it was 2 lots we would not be here. There are a lot of kids on the street, the turnout on the street was mentioned, there can be changes to the plan, is there an ordinance

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that says the driveway has to be a certain number of feet from the street. The other property use issues needed to be resolved before making a decision.

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

ALL IN FAVOR / Motion Carried

Mr. Rubin made his closing arguments and asked for an approval from the Board for the application.

Mr. Barbarula goes over the conditions for the application for Board approval.

Three driveway variances, 31.5', 31.5', 34' where 20' is allowed, Mayor and Council approval must be obtained

Lot 15.011 lot depth needs a variance

Lot 15.012 lot area variance, lot frontage and lot width variance

Lot 15.013 lot area variance, lot frontage and lot width variance

Engineering recommendation to remove the easement to be required as a condition

Performance bond for opening the street must be posted

Borough Attorney must determine if a builder's agreement is required

Three Exhibits – A-1 and A-2 tenant letters, A-3 the tax map which was presented by Mr. Mianecki

Mr. Barbarula stated that Rick Malanga can deliberate but he cannot vote since he had to leave the room to respond to emergency work calls.

Thereupon Sal Poli stated that he heard the public and respects what they have to say, if Keith went to the proper public officials they would help him with the issue. Brian, the difference between the 2-3 lots the parking lot is gone either way. There are structures there that are a disaster where you could have three beautiful homes. It is an improvement to the neighborhood; the enforcement of the other building is a separate issue with the right enforcement it will police itself and we will help police it. Poli believes they met their burden; it will conform with the rest of the houses. Thereupon Sal Poli sets forth a motion to approve the application with the conditions stated about engineer and attorney.

Mr. Barbarula stated that the motion will adopt the removal of the pavement, the utilities and curb openings be installed at one time, that the performance bond be done before deeds are signed and that the Borough Attorney will determine what agreements, if any, to accomplish both of those, and all the variance as listed.

Vice Chairman Warren Sheps seconded the motion, we are trying to improve Riverdale by eliminating the eye sores that are there now, and will be beneficial to the area. The parking situation that has gone on for a while is not in our jurisdiction to handle it, it must be addressed

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by the governing body and police. There will not be traffic on Van Duyne and Greenwich and the project will benefit the area.

ROLL CALL:

Ayes: Poli, Sheps,
Carelli, yes, for the same reasons that Sal and Warren stated with the same stipulations.

Roberts, I listened to the pros and cons and I believe the community is served by this and I vote yes with all of the revisions into the resolution.

Nays: Pelligrini, I understand I only have to look at this project, but I am also up here for the residents of Riverdale and they are concerned about it and if there is a problem there and for the reason, I vote no.

Reilly, No, we are replacing three non-conforming uses and we are replacing them with 2 non-conforming uses. The additional traffic that will be caused on the corner with Richard’s and the bus stop, the was not talked about. I am in favor of the improvements but not as they stand.

Talerico, I like the application it is better than what is there now. But I feel that upholding the ordinances I would have rather seen 2 lots so I am voting no.

Trouse, as far as what this does, I think it helps the neighborhood but it also has issues with the neighborhood, my feelings as that there are more things that could be addressed with the application at this point, I am going to vote no.

Mr. Barbarula stated that with a tie the application is denied.

ADJOURNMENT:

Thereupon Sal Poli set forth the motion seconded by Chairman Scott Trowse to adjourn the meeting.

ALL IN FAVOR / MOTION CARRIED

Meeting adjourned at 10:23 PM.

Respectfully submitted by:

Stephanie Colella, Planning Board Secretary