

**BOROUGH OF BERGENFIELD  
PLANNING BOARD  
MEETING MINUTES  
May 18, 2020**

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**To join by phone:**

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**Dial 795474619@boroughofbergenfield.my.webex.com**

**Meeting number (access code): 795 474 619**

**Meeting password: QPzufYgw553 (77988949 from phones and video systems)**

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Chairman Rivas called the meeting to order at 7:30 PM.

**ROLL CALL**

**Present:** Mayor Amatorio, Mr. Rivas, Mr. Berger, Mr. Cabrera, Mr. Knowles, Councilman Lodato, Mr. Naylis, Mr. Acosta (joined at 7:57pm), Mr. Vasquez (joined at 7:57pm) and Mr. Polandick

**Absent:** Mr. Abenoja

**Also Present:** Ron Mondello, Planning Board Attorney, Joseph Pomante, Planning Board Engineer, Hilda Tavitian, Planning Board Clerk, and John Smith, Zoning Board of Adjustment Liaison

**PLEDGE OF ALLEGIANCE**

Led by Councilman Lodato.

**OATH OF OFFICE TO REAPPOINTED MEMBERS**

The following members were sworn in by Board attorney Ron Mondello:

Mr. Jerald Berger

Mr. Ben Cabrera

Mr. Jerald Naylis

Mr. Greg Polandick

**APPROVE MINUTES OF PREVIOUS MEETING – January 27, 2020**

**Motion by:** Mr. Polandick

**Second by:** Mr. Berger

**All ayes. None Opposed.**

**CORRESPONDENCE**

1. Letter received from Bergen County Soil Conservation District (dated 4/2/20) – Application for sediment control plan certification received for 56 Marcotte Lane, Block: 85.03 Lot: 268 single-family dwelling

**VERBAL COMMUNICATIONS**

Any resident may comment or question any subject not on the agenda.

No one came forward.

## **OLD BUSINESS**

### Appointments of Standing Committees

1. Liaison to Board of Adjustment
  - a. Michael Knowles – He hasn't been to a meeting because of the current situation. He will try to cover the next meeting. This is a new experience for him.
  - b.
  
2. Site Plan
  - a.
  - b.
  
3. Master Plan
  - a. Jerry Naylis
  - b. Ernesto Acosta
  - c.
  - d.
  
4. Parking/Legal
  - a.
  - b.

Mr. Rivas stated the rest of the committees do not have liaisons. The various board members have been very shy about volunteering. There were only three members that said what committee they would like to serve on.

Board clerk Hilda Tavitian stated Jerry Naylis and Ernesto Acosta want to serve on the master plan committee.

Mr. Rivas inquired about the land use brochures requested the borough to purchase for the board members. Mr. Rivas inquired if the board is supposed to share the one set. Mr. Rivas suggested a final statement be requested from borough administrator if the borough can afford the expenditure or will have to ask the board members to pay for a copy.

Ms. Tavitian stated she purchased one set. It's going to be costly if one set is purchased for every board member. She stated she can ask the borough administrator if the borough can cover the cost and see what he says. Each copy costs \$50. She will also check the planning board budget to see if there is enough to cover the cost of the books.

## **NEW BUSINESS**

**Hearing of this application began at 8:00pm.**

1. The Porada Development Group, LLC  
111 Hallberg Avenue  
Block: 219 Lot: 20  
Minor Subdivision – 2 Lots with Variance Relief

Mr. Mondello stated he reviewed the notices sent to residents within 200 feet and the notice published in the newspaper. He deemed the application complete. There are some questions written in the Boswell review letter on page 3 that the application may be a major subdivision. Mr. Mondello explained the board has always taken the position, as long as there are three or less lots to be subdivided with a variance, the application is ruled a minor subdivision not a major subdivision. Mr. Mondello stated his advice to the board is to treat this application as a minor subdivision.

Councilman Lodato stated the board has routinely granted applications, such as this, to be minor subdivisions.

Mr. Rivas stated the board engineer was not speaking merely about the lots. Mr. Rivas read from the engineer's report that the definition of a minor subdivision is "any subdivision that does not adversely affect the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the master plan, official map, or the zoning ordinance of this chapter". It has nothing to do with the number of lots.

Board engineer Pomante stated the subdivision variance is supposed to be consistent.

Stephen Sinisi, attorney for applicant from Two Sears Drive, Paramus, NJ, stated it is imperative to clarify the sufficiency and accuracy of the notice. Mr. Sinisi stated when they noticed for 8pm, they noticed according to correspondent they received from the board on May 4, 2020 indicating to notice for 8pm. Subsequently, it was changed after the notice was released. Mr. Sinisi stated he appreciates the time taken earlier to go over administrative items on the agenda so there would be no noticing in starting at 8:01pm. The applicant did not mistakenly notice. Mr. Sinisi stated the premises is 111 Hallberg Avenue which is at the intersection of Hallberg Avenue and Barry Place. It is located in the R-5 residential zoning district. They are seeking the board's approval for the subdivision of property with two variances, lot width and front yard dimensions.

Mr. Rivas, stated he would like everyone to be on the same page before proceeding with whether the application is a minor or major subdivision.

Mr. Sinisi suggested the board be polled on the subject. Mr. Sinisi stated he wanted to be clear and advised the board that the Irving v. Planning Board case propositions with prior practices to warrant consideration and interpretation as it has over time with dealing with similar situations. They will be referring to this case should this issue arise again.

Mr. Mondello stated Mr. Pomante should address it again. Mr. Pomante has been this board's engineer for many years and probably going to attest to the fact of what this board has chosen to do.

Mr. Pomante stated the note fits the specific definition of a minor subdivision because there are variances associated with this subdivision and there are two lots. The board has set precedent with numerous previous applications to consider this a minor subdivision. This has consistently been the position the board has taken. Mr. Pomante stated he reviewed the application as a minor subdivision and feels comfortable proceeding with the review as a minor subdivision. The variances are a conflict in that the lot width and front yard deviate from the zoning ordinance. Mr. Pomante stated the two lots will have a deficient lot width.

Mr. Rivas stated they will continue to do as it was done in the past.

Thomas G. Stearns III, NJ licensed engineer and land surveyor, 144 Jule Street, Garfield, NJ, stated the existing lot is 100 ft. frontage by 125 ft. depth and is 12,500 sq. ft. It is currently a one-story one family

dwelling. It has a large in-ground pool with concrete in the rear of the property. The surrounding area consists of several 50 x 100 lots fronting on Hallberg Avenue and two lots fronting on Alice Place. There is a larger lot of 75 x 100 lot which is directly behind 111 Hallberg Avenue. Barry Place is a dirt roadway and the only person who accesses Barry Place is lot 21. Mr. Stearns stated they will split the lot in half. They are proposing two lots both with 50 ft. frontages and 125 ft. deep giving lot sizes of 6,250 sq. ft. The two lots will be fronting on Hallberg Avenue. The existing dwelling has close to 5 ft. setback on Barry Place. The front yard setbacks on Barry Place are 574 ft. and 579 ft. respectively. After splitting the lots, they are proposing 2 two-story single-family dwellings that will have 7.5 ft. side yard offsets, with 27 ft. front yards and the rear yards are 3.33 ft. The bulk requirements in the R-5 zone is 5,000 sq. ft. lots with 50 ft. frontages. Mr. Stearns stated their lots are larger with proposed 6,250 sq. ft., the requirement for the area of 6,000 sq. ft. Lot coverage required is 30% and improved lot coverage is 35%. The building height required is 30 ft. and two story. The only variance on the existing parcel is the existing front yard on Barry Place which is 5.74 ft. They are proposing 7.5 ft. front yard on Barry Place. The other variance is the 60 ft. width requirement. The required is 6,000 sq. ft. and they are at 6,250 sq. ft. The lot required is 60 ft. and they are at 50 ft. Mr. Stearns stated there were two sets of drainage calculations done dated 2/5/20. Currently, the existing parcel has no drainage facilities. All of the runoff from the roof goes directly into Barry Place and Hallberg Avenue city system in place. Mr. Stearns explained they compared the existing RSIS requirements production factors to the proposed. They are required to restore the increase in runoff. There will be two seepage pits on each site. It will be an improvement from what is currently there and there won't be any detriment.

Mr. Stearns stated the entire dwelling, the platform, and the walk in the front will be removed. The adjacent driveway and the rear walkway, and the inground pool along with the surrounding concrete will be removed or filled in depending on what the requirements are. Mr. Stearns stated he did not have any prior discussion with the borough regarding the project designation of major versus minor subdivision. Mr. Stearns stated he was aware the construction official in the denial letter referred to this application as a minor subdivision. Mr. Stearns stated the applicant has not submitted an application to the Bergen County Planning Board for approval at this time. They will submit it upon approval from this Planning Board. They will submit application to the Bergen County Soil Conservation once approval is granted by the Planning Board. Mr. Stearns addressed some of the comments made by Mr. Pomante in his review report of the application. The proposed project will fit in the neighborhood and will be conforming. There are no detriments. It will be an improvement to the neighborhood.

Councilman Lodato inquired what the length of the driveway is from the garage door to the street. He inquired if two cars can fit in the driveway with one in the back and one in the front and if two cars can fit next to each other. He inquired what the proposed design of the driveway is to accommodate the cars.

Mr. Stearns stated the length of the driveway from the door of the garage to the curb is 43 ft. Two cars can fit in the driveway. The width of the driveway is 16 ft. Mr. Stearns stated it is a squeeze but two cars could be parked next to each other in the driveway. They are proposing one car in the garage and one car in the driveway. There is another space behind that. The height is currently a one-story structure that is 18 ft. It is going to be replaced with a 30 ft. structure.

Mr. Acosta inquired what the height of the existing structure is.

Mr. Rivas inquired if Mr. Stearns looked at the houses across the street and saw what the frontage of those lots were.

Mr. Stearns stated he doesn't know specifically what they were. Mr. Stearns stated the dwelling to the right of the lot, house #103, has a similar front yard. The R5 zone requirements are really for R6 zone due to the size of the lots.

**Questions from residents within 200 feet:**

Andrea Brescia, 120 Hallberg Avenue, inquired how the runoff going underground will affect the water table and the neighbors that are further south down the hill. She inquired if that will raise the water table. Ms. Brescia inquired how the capacity of water is tested.

Mr. Stearns stated it will not affect the water table. The path the water takes from the seepage pits does not go into other properties. It's a requirement by the state. Boswell engineering wants the ground tested before the pits are installed. Test pits are done at the locations. Mr. Stearns stated soil samples are taken and assures the water pumps in the ground are at a certain depth. They have to redesign the systems if that's not the case. The RSIS requires them to analyze three different storms and compare existing to proposed. They go beyond that and restore 2-inch runoff.

Brian Motechin, 82 Hallberg Avenue, inquired how many trees are being cut and how old they are. Mr. Motechin inquired how cutting down the trees will not impact the drainage.

Mr. Stearns stated they are removing 7 trees in total. Mr. Stearns stated it is required by the borough that they meet the requirements of the RSIS. They have to improve the situation with the new construction. Mr. Stearns stated whatever is installed will be inspected by the borough engineer. Mr. Stearns stated cutting down the trees will not impact the drainage.

**Questions from any residents:**

John Smith, 50 Hallberg Avenue, inquired if the left of the driveway is the sidewalk or the road. Mr. Smith stated that street has sidewalks. Mr. Smith stated he has seen sump pumps in that area because they are getting water in their basements and the water goes to the road. Mr. Smith inquired how many bedrooms there will be.

Mr. Stearns stated there is no sidewalk at the location. Mr. Stearns stated when they do the soil testing, they will utilize the seepage pits to make it work beforehand. If it doesn't work, they will adjust the system and redesign it. They will touch base and coordinate with the board engineer. The two houses will be facing Hallberg Avenue. The garages will face Hallberg Avenue and will be sloping down. They are within allowable pitch.

Avi Retter, 72 Hallberg Avenue, inquired if the houses will be facing Hallberg Avenue or Barry Place. Mr. Retter inquired if the garages will be sloping down.

Jay Berger, 94 Spring Avenue, stated the road on Hallberg Avenue has become terrible and is falling apart. He has concerns about flooding especially since it is a sloped street. If there are another two houses being built, there will be flooding issues and neither side of the street has sidewalks. Mr. Berger explained that this is an area where there are lots of children that go to the park throughout the day at the end of the block. There are kids on scooters, bikes, and parents pushing strollers with massive potholes on street. Mr. Berger inquired if they are looking for permission to deviate from code of construction and subdivision, wouldn't it be fair for the neighbors to ask in return for them to do something for the neighbors to make sure they are safe.

Mr. Stearns stated they are meeting the state requirements, exceeding them, and have to be in accordance with the board engineer. They will be improving the situation. There currently isn't a drainage system for the existing dwelling. Mr. Stearns explained they have no control over the roadway. There are no sidewalks proposed.

Mr. Mondello stated typically the Mayor and council decide which roads need to be paved. Mr. Mondello stated it's not unusual when an applicant is seeking variances, the board does impose reasonable conditions. However, to ask the applicant to fix the road, would be drastically unreasonable, in Mr. Mondello's opinion. Mr. Mondello stated the board might have a different opinion on that.

Mr. Sinisi stated the land use law limits the imposition of offtrack improvements pursuant to the relative sections of the MLUL. Mr. Sinisi stated they can't impose on a specific property the burden of taking on the improvement of Hallberg Avenue or the roadway. It is a capital improvement that is addressed by the governing body over time.

Mr. Smith inquired how many of the trees that are going to be removed are in the borough's right of way. Mr. Smith stated when a borough tree gets cut down without permission, it costs a lot of money that is paid to the borough to replace the tree. Mr. Smith stated any digging of the road is the applicant's responsibility to repair the road in front of the property.

Mr. Stearns doesn't think there aren't any trees that are in the borough's right of way. There's one tree that's close which is on the property side. Mr. Stearns stated he needs to do a closer analysis of the tree to determine which side it is on.

Mr. Naylis stated there are two addresses for Hallberg Avenue. Mr. Naylis stated there shouldn't be a front yard variance for Barry Place.

Mr. Stearns stated when there is a property that fronts on two streets, there are two front yards. There is frontage on Hallberg Avenue and the other corner is on Barry Place. The balance of the corner lot would have a side yard. There would be two frontages if it's a corner lot.

Mr. Acosta inquired if there are two parking spots in the driveway. There isn't enough room in the driveway for two cars.

Mr. Stearns stated the parking spots are one in the garage and the other in the driveway.

Cheryl Dym, 110 Spring Avenue, stated the proposed homes are out of place with the surrounding area homes. Ms. Dym stated there are only 4 lots that are similar.

Mr. Mondello stated based on the lots and frontage, there are lots that have more and lots that have less in the area.

Mr. Stearns stated the two adjacent dwellings to the east are both 50 x 100 and along Alice Place there are two additional 50 x 100 lots. Mr. Stearns stated the lots across the street are deeper and wider lots but directly adjacent, the lots are similar to the proposed lots. They are meeting the 50 ft. width. There are some larger lots.

Mr. Sinisi stated the planner would be able to address Ms. Dym's concerns and the characteristics of the surrounding neighborhood.

David Gross, 41 Van Valkenburgh Avenue, inquired why the applicant needs to increase the height of the house to 30 ft. He thought the maximum height was 28 ft.

Mr. Mondello stated the Mayor and council increased the maximum height burden.

Russell Bodnar, licensed architect, stated applicant requested two homes be built that are 2 stories with a basement. The homes will have a garage in the basement along with a recreation room and a nanny suite. The main floor will have a dining room, living room, kitchen, a possible in-law suite, and another living room. The second floor will consist of five bedrooms and three bathrooms. Mr. Bodnar stated both houses will be aesthetically pleasing with stone and cement siding. The height of the building will be within 30 ft. to make the house aesthetically more pleasing and to give the roof pitch more appeal. The proposed dwelling is in compliance with the height requirements for the zoning district. The proposed plan complies with the RSIS. Mr. Bodnar stated there is one parking space in the garage and one parking space guaranteed in the driveway, which is 16 ft. wide. RSIS requires 9 ft. Two cars can be parked in the driveway. The parking complies with the requirements. Mr. Bodnar stated they took into account the other lots, which mostly are 50 x 100, in the surrounding area. This area would be able to handle the two homes and would be a nice improvement. Mr. Bodnar stated cement board siding will be used for the exterior of the building. It has a more durable and realistic wood-like quality. They will be adding culture stone to the base with wood trim. The client, the engineer, and himself have done a great job in maximizing the lot as aesthetically pleasing as possible.

Councilman Lodato inquired what the calculation for parking spaces according to the RSIS standards is per house. Councilman Lodato inquired if the adjoining three-bedroom house on a 50 ft. lot has the same parking requirements as this proposed house. Councilman Lodato stated there will be a lot of people living in the proposed house. Councilman Lodato inquired what is going to happen, later on, with all of the cars. Councilman Lodato inquired what the standard is for an apartment complex.

Mr. Bodnar stated it is two parking spaces to a dwelling for the RSIS. Mr. Bodnar's response was yes. Mr. Bodnar stated the nanny suite or the in-law suite might end up just being an office or a guest room. Mr. Bodnar doesn't know how many people would be living in the house.

Mr. Mondello stated he agrees with Mr. Bodnar. The RSIS for a single-family home is very different than an apartment complex.

Mr. Sinisi stated the professional planner would be able to address the RSIS topic and the sufficiency of parking for the proposed dwellings.

Mr. Acosta inquired if Mr. Bodnar considered having the homes face the other street and they would probably be able to get the setbacks.

Mr. Bodnar stated they looked at the streets. Mr. Bodnar explained that since the streets were not improved, there were some issues with what they would be able to do and not do on that side. There were also some grading concerns.

Board engineer Joe Pomante stated the house is very close to the 30 ft. The homes on the site plan would have to be approved and reviewed by the building department prior to permits being issued. Mr. Pomante wants to make sure the surveys done of the dwelling are carried through and the ridge does not exceed 30 ft. He would like to see that memorialized should the board approve the application. Mr. Pomante stated he would like the surveyor to confirm the location of the tree that is on the property line and memorialize that also.

Mr. Cabrera stated his biggest concern is the parking.

Mr. Acosta suggested the window well would be better in the recreation room instead of the bedroom.

Mr. Bodnar stated it is not required by code to have a window well in a basement recreation room.

**Questions from residents within 200 feet:**

Brian Motechin, 82 Hallberg Avenue, inquired if the architect can discuss what his intent was for deviating from the code and if he thought it was appropriate to deviate from the code. Mr. Motechin wanted to confirm that in Mr. Bodnar's opinion, the homes would be enhancing the neighborhood by deviating from the code.

Mr. Bodnar stated he has done several homes in Bergenfield in the last year. They were similar in size and design with these homes. The deviation is more on the site side than the architectural side, in terms of setbacks. The architectural design is within the code. It's unusual in your town that you categorize zones by square footage, not by location. Mr. Bodnar stated it's an enhancement by what they are trying to do, by making new homes for potential new people to move in or relocating from one home in Bergenfield to another.

**Questions from any residents:**

John Smith, 50 Hallberg Avenue, stated it is written in chapter 17.27 that only two spaces are required. However, it is also written if the parking spaces that are needed is increased by 15%. There is going to be an increase with that many rooms and should have been taken into consideration with the parking requirements. Bergenfield does have no overnight street parking. People are not using their driveways with the parking ban suspended during the coronavirus. Mr. Smith inquired where people are going to park their cars. Mr. Smith stated they are putting an oversized building on an undersized lot. Mr. Smith stated they are changing the neighborhood drastically by making the buildings bigger. Mr. Smith stated there is going to be water pumping out of the ground during a heavy rain when water goes into the garage. Mr. Smith inquired where the cars are going to be parked.

Mr. Bodnar stated there are 2 parking spaces and 1 car can be parked in the garage. Mr. Bodnar stated the two homes are single-family. Mr. Bodnar stated he did not do any landscaping. The site engineer might have done a landscaping plan.

Avi Retter, 72 Hallberg Avenue, inquired if the homes are single-family.

David Gross, 41 Van Valkenburgh Avenue, inquired if there will be any trees replaced.

Mr. Sinisi stated Mr. Stearns could be recalled to address the landscaping. The plans have been on file and show what they show.

Helen Postelnek, 100 Hallberg Avenue, inquired if the setback will not be the same as the other houses on the street and the other houses on the other side of the street. If it will be closer to the street? Ms. Postelnek stated removing the trees and building two large homes does not improve the quality of the street. The trees make the street beautiful and desirable to live on.

Mr. Bodnar stated the house itself is 25 ft. from the right of way. The adjacent house is about 27 or 28 ft. back and the rest of the houses vary from 25-28 ft. Mr. Bodnar stated the developer was interested in



putting together two homes on the lot. Mr. Bodnar stated most of the houses he's seen have two cars in the driveway. There isn't a way to do a side entrance with this property.

Andrea Brescia, 120 Hallberg Avenue, inquired if the architect considered building only one house on the lot. Ms. Brescia inquired if Mr. Bodnar had taken into consideration how it would look aesthetically with two cars stacked in the driveway.

Yossi Cohn, inquired if the landscaping plan includes planting trees. Mr. Cohn stated it was mentioned there was a landscaping plan.

Mr. Bodnar stated the plan shows 7 bedrooms but there will definitely be 5 bedrooms on the second floor. Mr. Bodnar stated they technically do not know what will be on the first floor and the basement. Mr. Bodnar stated what he designed is completely code compliant. Mr. Bodnar stated there is only one curb cut. They would not be able to get two cars side by side. Mr. Bodnar stated having the whole lot as a driveway would be excessive.

Councilman Lodato inquired if the bedroom in the basement was eliminated, would it be possible to incorporate another garage to have a two car garage and accommodate two cars in the driveway. Councilman Lodato stated they would have to request a wider curb cut in each lot.

Mr. Stearns stated there is no landscaping plan. There wasn't one prepared. There's just the existing conditions and the proposed plan with the dwellings. They do show the trees on the site and the trees that will be removed. There will be 7 trees to be removed. Mr. Stearns stated he never said there was a landscaping plan. Mr. Stearns stated he did not state they were going to add trees. Mr. Stearns stated he does not know what the client is going to do with the landscaping.

Mr. Sinisi stated it was a misunderstanding. Mr. Bodnar had stated he thought Mr. Stearns had done a landscaping plan.

Mr. Pomante confirmed that 8 trees are going to be removed and the application is a minor subdivision plan.

Mr. Acosta inquired if the 7 bedrooms would affect the town's existing sewer lines.

Mr. Bodnar stated it should not affect it. Every house has the same exact line. Mr. Bodnar stated all of the bathrooms will not be used at the same time. There's a ratio for all houses.

Mr. Mondello stated the building department wouldn't issue a permit if they thought the sewage capacity wouldn't be able to be handled with this house.

Matthew Seckler, professional engineer and expert planner of Stonefield Engineering, 92 Park Avenue, Rutherford, NJ, stated prior to the current quarantine he had driven in the surrounding area and vicinity. He is familiar with the existing improvements to the subject property. The applicant is proposing to subdivide what is currently an oversized lot, 100 x 125. They are looking to split it down the middle to create two lots both for a single-family house. The property is located in the R5 zone, in which there are bulk requirements. The R5 zone allows for single-family houses with a minimum lot area of 5,000 sq. ft. or two-family houses with lot area of 10,000 sq. ft. The applicant is seeking lot width deviation where required is 60 ft. lot width and front yard setback variance. There are not seeking a variance for lot area. The size of the lots are not undersized in any way. Mr. Seckler explained the lot width variance they are seeking is 50 ft. There is too much square footage and is not the controlling factor. It being over 6,000 sq. ft. becomes a hindrance to the applicant in terms of creating lot width. The front yard setback along Barry

Place is recognized on the tax map as a street but it serves as a quasi public/private access drive. They would be required to have a 25 ft. setback to the street on Barry Place and they will be at 7 ½ ft. The current structure is actually 5 ¾ ft. from the Barry Place right of way. Mr. Seckler stated with negative criteria they look at deviations the application has. Mr. Seckler stated they looked at the negative impact of the narrow lot width and the front yard setback on Barry Place would have on the general public, the master plan and the zoning ordinances if the variances are allowed. The positive criteria is that the project benefits the health, safety, and welfare of the residents of the building. They are providing a light air and open space. They are not seeking a variance as it relates to lot size or building coverage. They are seeking variance because they have a lot that is too big. Another positive criteria is the visual environment. The houses being built are of good quality. The applicant is willing to work with the board's engineer to look for additional opportunities to add trees to the property to enhance visual appeal. The lot even when subdivided is not undersized. The whole community has a varying amount of lots. The lot meets the zoning ordinance of minimum lot requirements. There isn't a negative aspect when looking at the surrounding area. The only cars that will be going down Barry Place will be lot 21. The street will open up light and there will be airy space on Barry Place. They are not violating the height ordinance. They are not violating lot size, structure height, or the building coverage. There are no negative effects to the 3 variances they are seeking. There is no substantial detriment to the public if the variances are granted. Mr. Seckler stated he noticed there was a goal to discourage deviations from existing land use patterns in the master plan. Mr. Seckler stated the project is consistent with the existing land use patterns of the town and are not seeking a use or density variance. Mr. Seckler agreed with the board engineer's comments regarding the variances sought.

The municipalities' requirement is 2 parking spaces per unit. The driveway and garage for two parking spaces would be met according to the local ordinance. Mr. Seckler stated the RSIS for a single 5-bedroom house requires three parking spaces. The RSIS allows for deviations. It looks like a lot of houses in the surrounding area have a 16 ft. driveway in which two cars could be parked side by side if needed. The board can grant the variances based on the negative criteria, negative aspects of the 3 variances, the two lot width and the one front yard setback are not substantial detriments. It is a beneficial application from a zoning and land use law perspective. The application satisfies the positive criteria. It embodies good civic design. Mr. Seckler stated the quirk in the municipal zoning ordinance allows a similar structure to be built in a 5,000 sq. ft. lot as opposed to a 6,250 sq. ft. lot and does not make a substantial impact.

Mr. Mondello stated it is up to the chairman to determine when to end the meeting. They can conclude here and bring back Mr. Seckler for questions from the board and the public.

Mr. Rivas stated he will be cutting off the meeting at 11:00pm without starting any questions from anyone. They will resume at the next agreed meeting date.

Brian Motechin stated the people that live on Hallberg Avenue were all left notes on their door that no one was home. This was a time where every single member of Hallberg was home. The notices were never brought back for people to sign for them. Mr. Motechin stated that was done in bad faith. There is a whole list of people who live on Hallberg that did not receive notice. 100% of the people are in some type of quarantine in their houses and 0% of the people received the notice. He requested that the board looks into Mr. Sinisi's actions.

Mr. Sinisi stated that is incorrect. They have the proofs of having followed the borough's lists of property owners within 200 feet as well as public utilities that service the borough that was sent to all of the individuals and have been stamped by the post office. It was sent to the board secretary. Mr. Sinisi stated they received green cards and receipts back. Mr. Mondello indicated at the outset of the meeting that he had reviewed the documentation regarding the sufficiency of notice. Mr. Sinisi stated he doesn't know what happened to the postal person who delivered the certified letters.

Mr. Mondello stated according to the municipal land use law, an applicant need not send the green cards. They only have to certify the mail. Almost every applicant takes the extra step and does the green cards. It's not a legal requirement to get a signature. As to the people who didn't get the green cards or signed, let us know who it is, but hopefully you are attending this meeting. The next meeting is June 15<sup>th</sup>. There isn't any additional notice. The link to this site will be posted on the borough's website. The meeting will be carried to next month. Mr. Mondello stated he can't locate Mr. Polandick and may not be on any longer and is not eligible to vote on the application.

Mr. Mondello stated Mr. Vasquez has been here the entire meeting. The meeting will be carried to June 15, 2020 and will commence at 8:00pm. There will be an opportunity for the residents to question Mr. Seckler and then another opportunity for the residents to comment at the next meeting. There are at least 13 folks that have signed in to this meeting.

Mayor Amatorio inquired if Mr. Seckler will be the only witness who will be at the June 15<sup>th</sup> meeting. He explained the clarification is for the benefit of the public to expect witnesses.

Mr. Mondello stated during the meeting he had inquired if there were any other questions for Mr. Stearns and Mr. Bodnar several times and there weren't any. They do not have to return unless Mr. Sinisi sees it imperative for them to return.

Mr. Rivas stated it is Mr. Sinisi's choice to bring back all of the witnesses.

Mr. Sinisi stated once they finish with a witness and the public has had an opportunity to examine the witness, the witness is excused. Applications can be very expensive and asking professionals to appear again and testify is an expense. Mr. Sinisi stated he is thinking just to return with Mr. Seckler.

Mr. Mondello stated if the board wants them to come back, they will come back.

Mr. Rivas stated the understanding is that there will only be Mr. Seckler returning unless it can be arranged to have the other two available.

#### **MOTION TO ADJOURN MEETING**

**Motion by:** Mr. Cabrera

**Second by:** Mr. Berger

**All ayes. None opposed.**

Meeting adjourned at 11:00 PM.

NOTE: No applications will be heard by the Board that were not on the agenda at the time of publications release to the newspaper or applications that do not comply with Article VIII title "Hearings contained in the By-Laws of the Bergenfield Board".

Respectfully Submitted,

Hilda Tavitian  
Planning Board Clerk