

**BOROUGH OF BERGENFIELD
PLANNING BOARD TELECONFERENCE
MEETING VIA ZOOM
MEETING MINUTES
DECEMBER 21, 2020**

Chairman Rivas called the meeting to order at 8:04 PM.

ROLL CALL

Present: Mayor Amatorio, Mr. Rivas, Mr. Berger (joined at 8:08pm), Mr. Cabrera, Mr. Knowles, Councilman Lodato, Mr. Naylis (joined at 8:09pm), and Mr. Acosta

Absent: Mr. Abenoja, Mr. Polandick, and Mr. Vasquez

Also Present: Ron Mondello, Planning Board Attorney, Joseph Pomante, Planning Board Engineer, Steven Lydon, Borough Planner, and Hilda Tavitian, Planning Board Clerk

PLEDGE OF ALLEGIANCE

Led by Mr. Cabrera.

APPROVE MINUTES OF PREVIOUS MEETING – September 21, 2020

Motion by: Mr. Cabrera

Second by: Mr. Knowles

All ayes. None Opposed.

CORRESPONDENCE

Bergen County Soil Conservation District – Two applications for soil erosion and sediment control plan certification.

1. Eran Shouolman, 84 & 86 Levitt Avenue, – 2 lot subdivision
2. Cheryl Nunberg, 43 Hallberg Avenue – single family dwelling

Both applications were approved.

VERBAL COMMUNICATIONS

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

No one came forward.

Motion to Close Verbal Communications

Motion By: Councilman Lodato

Second By: Mr. Knowles

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – Mr. Rivas stated there is one scheduled for January 17th, 2021 on the property next to the school.
2. Parking/Legal – No report
3. Capital Improvements – No report

4. Master Plan – Housing Element & Fair Share Plan resolution on agenda for adoption

5. Liaison to Board of Adjustment – Mr. Knowles stated the Board of Adjustment has been busy. On August 19, 2020, a permit was issued for 132 Highview Ave to convert a garage into living space. The borough shut the job down as the project was almost done. They went before the Board of Adjustment and they gave the okay to complete the job. The permit was issued against the ordinance and was a mistake. There was an application for 46 Greenwich Drive for a sunroom. The application was approved. There was an application for 60 Portland Ave in which applicant wanted to open a massage parlor and nail salon business. The application was denied. The Board of Adjustment is now hearing 145 West Main Street which has gone through several meetings. One of the meetings was from 7pm-11pm and is being carried over to the January 4th, 2021 meeting. Mr. Knowles recommended Planning Board members tune into this meeting because it is a result of the subdivision that was previously approved by the Planning Board. The applicant wants to put in a 16 unit apartment building. There is a lot of interest from the public.

Mr. Mondello stated he had to convert the Zoom meeting and purchase another package for a webinar type format. There were over 100 attendees and it was difficult to manage 100 plus folks trying to speak. The webinar format is working well for the residents and for zoning board and the professionals. Mr. Mondello stated he would only suggest going to that format if there is a large number of attendees. The first Zoom meeting had to be adjourned because there were 100 people and more people were trying to join. He had to increase it to 500 people.

OLD BUSINESS

Resolution – 2020 Housing Element & Fair Share Plan

Mr. Mondello stated the Housing Element and Fair Share Plan was discussed at the July 20th, 2020 meeting. Mr. Mondello stated he didn't realize the notice for the Housing Element and Fair Share Plan was the same as the master plan. Mr. Mondello stated for that reason a do over was being done. Mr. Lydon, the borough planner, is joining the meeting tonight if anyone has any questions.

Mr. Steve Lydon, borough planner, stated the draft plan dated June 9, 2020 replaces an earlier plan dated 2013. The draft 2020 plan includes all the elements that are mandatory in housing and fair share plan. It focuses on the production of affordable housing of low and moderate income households. Mr. Lydon explained affordable housing obligations have three components. The first one is rehabilitation and the second two deal with new construction obligation. They break that down into time periods, but that is not really significant because all of the requirements are the same regardless of what time frame you are trying to solve. Bergenfield's cumulative affordable housing obligation lays out as 129 units of rehabilitation. Mr. Lydon stated prior round obligation from 1987-1999 was established as 87 units. The third round obligation from 2000-2025 is established as 140 dwelling units. The borough does not have the land resource to create that many units. The borough has an option available, called the vacant land adjustment. In using this option, it took the 227 new construction obligation and reduced it down by 18 units. The unmet need requirement is 209 units. Mr. Lydon stated what municipalities need to focus on is the RDP, went from 227 units to 18 units. Mr. Lydon stated they will be applying credits and bonus credits from the Landmark Equity site and 51 E. Main Street site which will solve the RDP. Bergenfield doesn't have to go out to bond for affordable housing and does not need to be rezoned.

Mr. Lydon stated the borough's obligation is 209 units and they are proposing to meet that obligation in a number of ways. There are a number of group homes in Bergenfield that the borough gets credit for. There are 20 bedrooms that credits will be received for the need obligation of 20 units. Two overlay districts will be created pursuant to the plan. The first one will be applied to Foster Village. Mr. Lydon stated if they seek to they can put housing at the site. They would have to mitigate 15% of those units for

affordable housing for 30 years. If it was a for sale element, they would have to make 20% of the units available for affordable housing for 30 years. They are also proposing in the plan that Bergenfield create an overlay zone over the portions of the B1 and B2 zone. This was done to provide affordable housing where potential customers for the central business district could be easily found, for local sales, and there is bus service there. It is a way to address affordable housing without disrupting the residential neighborhoods. Mr. Lydon stated if there ever is a development that has five or more units, there would be a mandatory set aside for the affordable housing element. Bergenfield meets the vacant land obligation and has gotten credit for the unmet need obligation. The judge has already looked at the proposal plan and has found the methodology and the number of units proposed is fair and reasonable to households of low and moderate income housing. The settlement agreement has been signed by the judge. One of the conditions in the agreement is that the borough adopt the housing element. Mr. Lydon stated assuming the Planning Board adopts this plan, the Mayor and Council would be asked to enforce the plan.

Board member Berger inquired how the 16 unit application currently before the zoning board of adjustment committee will be affected by what is agreed upon tonight.

Mr. Lydon stated if the zoning board of adjustment approves a development of five units or more, that site would have an affordable housing obligation.

Mr. Mondello stated that is exactly the approach the zoning board is taking. If the development meets the number of units, 15% if it's rental and 20% if it is going to be purchased outright. The governing body has now passed a development ordinance where a developer is assessed if it is not for a single family home. Mr. Mondello inquired how does the development fee relate to the affordable housing situation.

Mr. Lydon stated you can't charge both the development fee for development and make them do affordable housing. The development fee ordinance is meant to address an applicant that has four units of affordable housing units and has to contribute a certain amount of money based on the value of the development. The development fee ordinance is also applied to nonresidential developments. If the 16 unit building the Board of Adjustment is reviewing is approved, they may provide affordable housing directly and also may be making an affordable housing contribution to the borough's fund if it's approved. The affordable housing fund can only be used for affordable housing purposes in Bergenfield. If the number came out to 3.0, then you would require the developer provide the 3 units. If it was a fractional number, then the developer would be charged for only the fraction.

Any Comments/Questions from Public:

No one came forward.

Motion to Memorialize Resolution

Motion By: Mr. Berger

Second By: Mr. Knowles

Robert Rivas	Yes	Councilman Lodato	Yes
Romeo Abenoja	Absent	Gerald Naylis	No
Jerald Berger	Yes	Ernesto Acosta	No
Ben Cabrera	Yes	Mayor Amatorio	Yes
Michael Knowles	Yes		

Chairman Rivas stated the RFQ's for the board attorney position and board engineer position have been submitted to the clerk.

Board member Naylis inquired if all of the RFQ's were received and if the dateline has passed.

Board clerk Tavitian stated all of the RFQ's were received. The deadline was December 8th, 2020. She has them and if anyone wants a copy, she will provide it to them.

MOTION TO ADJOURN MEETING

Motion by: Mr. Berger

Second by: Mr. Cabrera

All ayes. None opposed.

Meeting adjourned at 8:33 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