

**BOROUGH OF BERGENFIELD
PLANNING BOARD TELECONFERENCE
MEETING VIA ZOOM
MEETING MINUTES
MARCH 15, 2021**

Chairman Rivas called the meeting to order at 8:09 PM.

OPEN PUBLIC MEETING STATEMENT

In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on two municipal public notice bulletin boards and posted on the borough website. Notice of this meeting via the March 5, 2021 Sunshine notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and the borough website.

PLEDGE OF ALLEGIANCE

Led by Board member Acosta.

ROLL CALL

Present: Mayor Amatorio, Mr. Byrnes Jr., Mr. Rivas, Mr. Knowles, Mr. Abenoja, Mr. Berger, Mr. Acosta, and Mr. Bergman

Absent: Councilman Lodato, Mr. Cabrera, Mr. Vasquez, and Councilman Rivera

Also Present: Ron Mondello, Previous Planning Board Attorney, Gloria Oh, New Planning Board Attorney, Carlos Fuentes, Planning Board Engineer, John Smith, Zoning Board Liaison, and Hilda Tavitian, Planning Board Clerk

APPROVE MINUTES OF PREVIOUS MEETING – February 22, 2021

Motion by: Mr. Berger

Second by: Mr. Knowles

All ayes. None Opposed.

CORRESPONDENCE

None

VERBAL COMMUNICATIONS

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

John Smith, liaison to Zoning Board, stated he wanted to discuss Ordinance 19-2556 regarding the overlay zone for fair share housing and if the board members had looked at it. The overlay and density needs to be looked at again.

Mr. Mondello speculated that board members reviewed that when it was distributed by Hilda many months ago. Other than that, there hasn't been any other review or discussion.

Chairman Rivas stated Mr. Mondello's statement was correct.

Mayor Amatorio stated the Mayor and council had notified everyone that they are in the process of hiring a new planner. The hiring of a new planner would be able to give the governing body guidance as to what Mr. Smith has been alluding to, for a review of the overlay zone.

Mr. Smith inquired if Ms. Oh received the email he had sent her regarding the zoning board. Mr. Smith stated he had spoken with Mr. Mondello about an issue and he had suggested Mr. Smith speak with Ms. Oh regarding it.

Mr. Rivas stated Mr. Smith should speak to Ms. Oh outside the confines of this meeting.

Ms. Oh stated she will look for Mr. Smith's email and will respond to him.

Mary Hernandez, 25 Birch Avenue, requested if the meetings are going to be via Zoom to add that to the calendar. She stated it is tricky to find it on the website. She didn't see the agenda and went to borough hall thinking the meeting was in-person. Mrs. Hernandez inquired if the amount of parking available to a five bedroom home is taken into consideration when a particular site comes before the planning board. A family with 4-5 children grow up to become teenagers, who all will have cars and drive. She inquired if the planning board only reviews businesses. Mrs. Hernandez inquired if applications for townhouses and apartments buildings go to the planning board or jumps to the zoning board. Mrs. Hernandez stated she saw the board deny an application for a massage parlor. Mrs. Hernandez inquired where the push for subdivisions are.

Mr. Mondello stated single family dwellings go to the zoning board. It could be lots that need to be subdivided. Mr. Mondello stated it could be a number of things. Mr. Mondello told Mrs. Hernandez that single family residences go to the zoning board. It could be multi-family apartments as long as it is a permitted use. Mr. Mondello stated a subdivision is a division of lots and is typically done in the planning board. Mr. Mondello stated a massage parlor, if it's a prohibited use, goes to the zoning board because it is a prohibited use. The application for the massage parlor was reviewed by the planning board because the area the massage parlor was going to be opened in was in a permitted use zone. If it's a zone where it is non-permitted use, it goes to the zoning board. Mr. Mondello stated it is not a push for subdivisions. The subdivision this evening is a matter of right. The board had no choice because there weren't variances involved.

Mayor Amatorio stated there is a lot of interest with what's going on with the town and he thinks this is a healthy discussion. Mayor Amatorio stated the questions are legitimate and welcome them. They will answer the questions the best they can because some of the questions refer to the jurisdiction and work of the planning board and the zoning board. The residents have a right to speak up and voice their opinions.

Mr. Mondello stated he agrees whole heartedly. There is no business, no new applications on the agenda this evening.

Jose Gonzalez, 45 S. Demarest Avenue, inquired if it is 129 units that is required by Housing Element and Fair Share plan and any building up to 18 units. He knows there were recommendations made how to utilize the Landmark and looking for empty lots in Bergenfield. Mr. Gonzalez inquired how many empty lots in Bergenfield were discussed to allow developers to build in Bergenfield. He inquired about how many buildings will be built in Bergenfield between now and 2025 to fulfill the 129 units requirement.

Mr. Mondello stated he can not answer those questions. He can't speculate how many developers are going to be interested and how many lots are available. Mr. Mondello stated the Mayor indicated they are hiring a new planner. Some of those questions may be best suited for the governing body.

Mayor Amatorio stated it's hard to project how many buildings will be built in the future because they are not putting a quota. The Fair Housing Act that is required and the units they are supposed to provide is something that was negotiated with the court and mandated by the state. They want to comply as much as possible with those regulations. Mayor Amatorio explained if someone comes here and wants to buy a property along Washington Avenue and wants to develop or redevelop a certain building, the facilities and infrastructure has to be looked at. If a developer wants to come to Bergenfield and wants to build a certain number of units, they speak with the planner, the engineer, the different stake holders and based on their proposal, they will find out the number of units allotted for a fair share, if the building is approved or area designated for redevelopment. The Mayor and council can't just pick a number. They can't project and don't know how many developers are interested in coming to Bergenfield. It could be 0, 1, 5. These are private entities coming to Bergenfield. They established Washington Avenue and some areas in Bergenfield as overlay zones that could be developed as businesses at the same time as residential. The purpose of the planning board endorsing the master plan is to redevelop the areas.

Mr. Gonzalez states he understands development of Washington Avenue. There are concerns about the 145 W. Main Street application being built in a residential area and why the planning board doesn't deny it. Mr. Gonzalez stated Washington Ave is a large county road. This can become precedence for a developer coming to town, knocking down homes to construct a building on Hickory Avenue. It is creating a hardship for the homeowners and is not fair to anyone in the community. The planning board can raise an issue with a developer and the developer will go to the zoning board for variance. It is easier for an applicant to present to the zoning board and be approved. The zoning board has to consider the hardship, even if it creates a hardship for even just one resident.

Mayor Amatorio stated he knows Mr. Gonzalez is very passionate about the issue. They will try to accommodate and answer his questions as much as they can but that issue is before the zoning board. It would be unfair to the planning board.

Board attorney Mondello stated Mr. Gonzalez is speaking about the positive and negative criteria that the zoning board goes through and they're very different than the planning board. The zoning board act in a quasi-judicial capacity. If a development negatively affects one resident, that is not legal ground to deny the application. He appreciates the comments. Some of those comments are best asked to the zoning board. Mr. Mondello suggested addressing Mr. Ravenda and Mr. Madaio first and revisit the public comment portion in about 15-20 minutes.

Chairman Rivas stated that would be great. Mr. Rivas stated if the bulk of the questions are for the zoning board, it is still misplaced. Mr. Rivas stated they are not the zoning board and will accept comments and questions on planning board matters. Mr. Rivas stated there is absolutely nothing the planning board can do about the zoning board. Mr. Rivas stated he doesn't want to cut off anybody from the public wishing to express planning board concerns. If it's planning board and then slide into zoning board, he will have to cut it off.

Mr. Gonzalez apologized for what he wanted to express. He thanked everyone.

Mary Jean Yadao, 142 Ames Avenue, inquired why a planner was hired. Ms. Yadao inquired about what is the difference between the planning board and the zoning board.

Mr. Rivas stated the planning board did not hire a planner. The governing body did. Mr. Rivas stated they don't have the time to go into that.

Mr. Mondello stated single family residences that need a variance go to the zoning board. The multi-family application being referred to is before the zoning board because multi-family is prohibited. Most everything else goes to the planning board.

Mario Delarche, 85 Levitt Avenue, inquired if the impact on the population of schools is considered when a subdivision application is presented to the planning board. She inquired about what the threshold would be and what board would take that into consideration. She inquired if a school being overcrowded is not a basis for denial.

Mr. Mondello stated there was a subdivision of two lots before the planning board at the last meeting. There would not be a consideration of the number of children because it's a subdivision as of right. The planning board had no authority to deny it because they were lots that conformed to the parameters that the governing body has set up for that particular area. Mr. Mondello stated Ms. Delarche is probably thinking about a large multi-family complex and that goes before the zoning board if the use is not permitted, and the planning board if it is permitted. It would not be a basis to deny it outright. But, there would be some questions. Mr. Mondello's response was no. The Board of Education would have to build another school.

Janet Rosado, 135 W. Main Street, asked how it benefits the town when a developer is approved for an apartment building. Mrs. Rosado inquired before an application goes to the zoning board, does it go to the planning board first. Mrs. Rosado stated she thought that application would come before the planning board because of the affordable housing.

Mr. Mondello stated her question should be presented to the planner at the zoning board who will be testifying on the application that is close to her home. There are a lot of reasons that are found in the municipal land use law and there are benefits that the planning board or the zoning board would consider.

Chairman Rivas stated that it is not to be answered here because use is solely the province of the zoning board whether it is a use that is in the ordinances. The ordinance sets it down in the master plan. It states where residential is, where commercial is, etc. Mr. Rivas stated if it is a permitted use, then it can be moved forward if they meet the requirements of that use. If it is not a permitted use, like a bus depot or gasoline station in the middle of a residential area, then it goes to the zoning board. Mr. Rivas stated it goes to the town. The construction code official will determine whether it will go forward from his point of view. If he decides it's not a permitted use, then they will have to go to the zoning board.

Mayor Amatorio stated the application first goes to the building department. If the application is conforming to the use, the building department will approve the application. If the construction official determines it is not conforming, he will deny the application. The applicant has the option to make changes based on the recommendation of the building department or go to a particular board. For example, the zoning board for a particular variance. The construction official denied the application for the apartment building and they went to the zoning board for permission to get the permits. Mayor Amatorio stated there will be people who say there will be benefits and others will say there are no benefits. Mayor Amatorio stated regardless of the affordable housing, that has nothing to do with the merits of the case. They are not approved just because of the affordable housing component and are not denied just for that sake. There are other factors that are needed to be weighed. Mayor Amatorio stated, as a town, they are obliged to comply with the affordable housing and any board will not approve an application just to comply with affordable housing. That's not going to happen.

Motion to Suspend Verbal Communication Portion Until the End of the Meeting

Motion By: Mr. Berger

Second By: Mr. Knowles

All members present voting in favor. None opposed.

OLD BUSINESS

Resolution: Eli Skoczylas, 88 Hallberg Avenue, Minor Subdivision

Mr. Rivas stated the board had received a letter from Mr. Ravenda, zoning officer, regarding his concerns about the application for 88 Hallberg Avenue.

Mr. Mike Ravenda, zoning officer, stated as a zoning officer he comes across a lot of things that go on. One of the things he saw on the subdivision application was that they made one of the properties 50x119. Mr. Ravenda stated he consulted with the borough attorney after Mr. Madaio had sent a letter in response to his letter. The borough attorney had informed him that the vote was the vote. Mr. Ravenda stated he still needs to have the planning board understand how he feels and maybe in the future they won't let something like this happen again. It is in the master plan that when there is a lot this is 200x200, that instead of dividing it a lot that is 50x119 and building a R5 and then build a R15 on the other property. Mr. Ravenda stated they are going to build a pretty, big house on the 50x119 lot in comparison to what they could build if it was a 60x100 lot. The size of the house itself can be bigger. Mr. Ravenda stated he had an example on the bottom of the page he had sent to the board members.

Board member Berger stated that at the meeting the issue came up as to any consideration be given to what will done going forward on it and the applicant didn't present any plans or idea/thought about what they were going to do with it. The board members did not present any restrictions. Mr. Berger stated he doesn't see how this is relevant to the issue. Mr. Berger stated, then if is, then maybe at the time of the application is when any objections or thoughts should be presented. Mr. Berger stated they never gave any type of consideration. Mr. Ravenda was about of go into what type of house could be built. The board didn't address anything along those lines. Mr. Berger inquired why the zoning officer doesn't wait until a application comes up and then express his concerns.

Mr. Rivas stated that you may have heard Mr. Ravenda started by saying that he consulted the borough's attorney. He now realizes the vote is the vote and he has no illusions about overturning what that vote was. Mr. Rivas stated when they get a application to subdivide, it is a question of what is done with the land. Mr. Rivas stated they do not discuss structures. This was an application without any variances requested. They weren't going to talk about structures and haven't gotten to that state yet. Mr. Rivas explained that the only question was where there are things the board could grant, which they had to grant as it is a subdivision as of right. Mr. Rivas stated there isn't any issue now. He is giving their zoning officer the courtesy of telling the board what his concerns are for the future. Mr. Rivas stated he was going to ask Mr. Ravenda if he has any concerns about applications that come before the board to say them ahead of time. The board will always give him space and time on the day the application is being made.

Mayor Amatorio stated he had communicated with the borough administrator that if any application submitted by the planning board or zoning board is to provide information to the zoning official so any comments or information he wishes to convey, should be conveyed timely. Mayor Amatorio stated Mr. Rivas and the other board members are right in that the vote right now is to memorialize the resolution, not the actual vote on the application.

Mr. Berger stated even in the future, if someone comes before the board, if they are dealing with a subdivision of right, nothing is presented of what the future land will be used. It is not something the board has to give consideration.

Mr. Rivas stated it is clear to Mr. Ravenda now. He is still entitled to tell us what it is that is of concern to him.

Mr. Ravenda apologized for any board members who felt he had stepped out of line. He thought that at the time, they could stop the resolution but found out later that can't be done. Mr. Ravenda explained that he doesn't want to change anybody's vote or change what was already done. He just wanted to make a point of what has happened because of those lots. A house that is 1750 sq. ft. can be built on the R5 lot, which is 50x100. You can build a structure that is 2,082.5 sq. ft. that is on a R5 lot that is 50x119. The structure of the house in the R6 lot that is 57x120 or 6800 sq. ft., still has to be smaller than it is on a R5 lot that is 50x119. They may have not brought to the board what their intentions were, but he has seen this happen before. It was too late yesterday when he had realized what had happened. He wants to make sure everyone is aware of what is going to happen if they keep allowing something like this to continue to happen. The planning board builds the master plan along with the new planner and should consider something like this not to happen.

Mr. Rivas stated they do not take offense when their own construction official and zoning officer wishes to share concerns with them. They will always listen and give Mr. Ravenda the courtesy of being heard even if the board may not agree with him.

Mr. Madaio stated Mr. Ravenda is right. Mr. Madaio stated unless the zoning ordinance is changed, the ordinance that exists can only be applied. If a 6,000 plus lot is created, then the R6 requirements kick in. Mr. Madaio stated his clients chose not to break 6,000 sq. ft. so they would only apply the R5 standards only in the R5 zone. Mr. Madaio stated the subdivision is non-conforming with no variances.

Motion to Memorialize Resolution for 88 Hallberg Avenue

Motion by: Mr. Knowles

Second by: Mr. Berger

Mayor Amatorio	<i>aye</i>	Mr. Abenoja	<i>aye</i>
Mr. Byrnes, Jr.	<i>aye</i>	Mr. Berger	<i>aye</i>
Councilman Lodato	<i>absent</i>	Mr. Cabrera	<i>absent</i>
Mr. Rivas	<i>aye</i>	Mr. Acosta	<i>aye</i>
Mr. Knowles	<i>aye</i>		

Mr. Mondello stated he received an email from board member Cabrera stating he had a last minute work engagement.

Mr. Rivas stated he got the same message. He is excused, not absent.

Appointment of Board Attorney:

Gloria Oh

Motion By: Mayor Amatorio

Second By: Mr. Bergman

Mayor Amatorio	<i>aye</i>	Mr. Abenoja	<i>aye</i>
Mr. Byrnes, Jr.	<i>aye</i>	Mr. Berger	<i>nay</i>
Councilman Lodato	<i>absent</i>	Mr. Cabrera	<i>absent</i>

Mr. Rivas	<i>aye</i>	Mr. Acosta	<i>nay</i>
Mr. Knowles	<i>nay</i>	Mr. Bergman	<i>aye</i>

Mr. Berger stated he was pleased with the four qualifying applications and glad there are a lot of people interested in serving as the board attorney. He has been on the board a number of years and finds Mr. Mondello always being there for the board. Mr. Berger doesn't see any reason why they should change it if it's going along good.

Mr. Knowles stated Mr. Mondello has been the board attorney for at least 12 years. He's done an admirable job and he should continue on as the board attorney.

Mayor Amatorio stated he respects Mr. Mondello's service and thanked him for his years of service. He believes the board needs to move on and welcome someone new. Everyone has to leave the board at some point. Mayor Amatorio stated it is good for a new person to come in.

Ms. Gloria Oh thanked everyone for the vote of confidence and looks forward to working with planning board members and residents. She will do her best to help move the town forward and is here to service everyone.

Mayor Amatorio reiterated his appreciation for Mr. Mondello's services.

Mr. Mondello stated it's always been his pleasure.

Mr. Rivas stated it's been a pleasure having Mr. Mondello as the board attorney.

NEW BUSINESS

None.

CONTINUATION WITH VERBAL COMMUNICATION

Maria Ng, 160 Graphic Blvd, inquired why a new planner is being hired and if it has anything to do with the master plan. Ms. Ng inquired how it will take to hire a planner.

Mayor Amatorio stated it is all of the above. The town always has a planner. There are a lot of things going on with the town, including reviewing the master plan, and the overlay zone. The planner is not being hired for a particular application but to provide professional services for the planning board, zoning board, and the Mayor and council meetings. Mayor Amatorio stated it is on the Mayor and council agenda for tomorrow's meeting. He can not preempt the decision of the council. But, if the council approves the appointment of the planner, then they will have a planner tomorrow.

Jacqueline Romney, resident, inquired if there has been any consideration given to the present traffic issues before the projects go into planning. Ms. Romney inquired if the traffic statistics are presented to the planning board and looked at before a project is approved or moved on to the next stage. Ms. Romney inquired if the board has the current statistics and traffic reports and how it impacts the quality of life of the residents of Bergenfield. Ms. Romney inquired if the traffic reports have been presented to the zoning board for the three residential projects. Ms. Romney stated there's 145, the rooftop, and another one on Hickory.

Mayor Amatorio stated traffic issues are always a part of the discussion whether an application is before the planning board or the zoning board.

Mr. Rivas stated he has been on the planning board on and off since 1996. He always asks for traffic studies whether new applicants for new construction of buildings come up and he always gets outvoted. There is an opportunity for traffic studies to be done and is paid for by the applicant. Mr. Rivas stated they usually wait if there is an application for the construction of a building and ask for a traffic study if one is obviously needed. Mr. Rivas stated he doesn't know which three projects Ms. Romney is talking about. Mr. Rivas that the Hickory application is going to the zoning board because it involves a non-permitted use. Mr. Rivas stated they haven't had any opportunities to consider any traffic studies in any of the subdivisions they have approved this past year.

Mr. Berger stated he remembers 2-3 applications where traffic issues were paramount and a study was done.

Ms. Romney stated she feels that traffic safety is a big issue in the community and it is frustrating to see all of the new developments.

Mr. Rivas stated you can't order thousands of dollars of traffic studies until there is a particular piece of property that's going to be developed and you want to know what the traffic impact is going to be on that particular property. They have to wait until that application is made and determine whether a traffic study is needed.

Mary Jean Yadao inquired about who pays for the traffic studies. Ms. Yadao inquired if the proposed application by Franklin school is approved by the zoning board, can the Mayor reverse it for the good of the people who voted for him. Ms. Yadao stated it is for their peace, order, and safety of their kids. Ms. Yadao inquired about what can the people do to reverse the decision made if the application is approved and what assurance can be given to the people about the resident concerns. Ms. Yadao inquired if there is a way to go back and change the law or the ordinance.

Mr. Rivas stated it is always the applicant, never the taxpayer.

Mayor Amatorio stated no. The zoning board is an independent, quasi-judicial body and neither the Mayor or any member of the council have the authority, jurisdiction, and power to even suggest or intervene with the decision of the zoning board. They are allowed to make their decision based on the merits of the case. Mayor Amatorio stated assuming the zoning board decides to deny that application, that doesn't end there. The applicant has the option to go to the board and have the decision of the zoning board reviewed by the court. It is a process. Residents are given the opportunity to voice their opinions. Mayor Amatorio stated the Mayor or any member of the council do not have the authority to make suggestions or reverse the decision of the zoning board. Mayor Amatorio stated they have to follow the law. If the zoning board approves the application, then they can build. If the zoning board denies, they can not build until they appeal it and the decision of the board is reversed. Mayor Amatorio stated even if the law is changed, there is such a thing as grandfathered. Those approved under the old law can not be changed just because there is a new law.

Mary Hernandez, resident, stated she has been attending many town council meetings, Shade Tree committee meetings, zoning board meetings. She's told at every meeting that she has to go somewhere else and that is the frustration that the board is seeing from the community. They keep hearing from other people that they have to go to a different board to get answers to their questions. She would like to get a better understanding of what the planning board does and what they have to do with the master plan. Jacqueline, who just spoke, is an expert on the number of accidents in town. She's done studies, gotten information from the police department, and she can name the top six accidents, one being on Central Ave and another on Hickory Ave. She inquired if it's in the master plan that they want to watch places, like Hickory Ave, for development and not overdeveloping. Ms. Hernandez inquired why there aren't

orange or red zones. Jacqueline was asking if the master plan was being kept in mind when considering the applications. Ms. Hernandez inquired when will the master plan be looked at. Mrs. Hernandez stated there is a weird loophole that depending on how a lot is divided, you end up with a much bigger house without needing a variance than dividing it up differently. She inquired if the loophole will be removed.

Mr. Rivas stated they will keep that in mind the next time they review the master plan. They hired a planner to help them in that process and will make sure they take Mrs. Hernandez's concerns into consideration. Mr. Rivas stated the master plan is reviewed every 10 years and doesn't know when the last one was done. Mr. Rivas stated the loophole will be considered as well. Councilman Lodato has been advocating for that for 20 years.

Jose Gonzalez, 25 S. Demarest Street, stated he is glad the Mayor mentioned that this is not the end for the applicants. The town has the power to hire a lawyer to protect the residents in the community. The governing body has the money and resources to protect the residents.

Mayor Amatorio stated if the zoning board denies an application and then the application is appealed by the applicant to the court, the town will defend the decision of the board. He explained either the existing attorney for the board will be the one to litigate against the applicant or the town has the option to get a professional expert to litigate and defend the decision of the zoning board.

Carolyn Schmelz, resident, inquired if the planning board is considered to be an autonomous board. She inquired if council members, maybe the Mayor, were at this meeting, would they be able to voice their opinions or concerns on a specific project. Mrs. Schmelz gave the voting for the attorney tonight as an example, and if a couple of council members came and voiced their opinions on why they wanted the old one or a new one. She inquired if that would be a fair thing to do.

Mr. Rivas' response was yes. Mr. Rivas asked at what meeting. Mr. Rivas stated they have every right to speak up on planning board matters only. Mr. Rivas's response was no, if a couple of council members who weren't part of the planning board.

Edgard Hernandez, resident, stated when there are large projects like this and especially when using affordable housing as a justification, the only thing you are gaining are two units. It is disheartening. When you do ask a question about what the actual price is for those units, it has not been explained and that is one of the problems he has. He agrees with everyone that it drives things in the wrong direction and there will be too much traffic.

Ms. Oh stated she thinks Mr. Hernandez is speaking about the application in front of the zoning board. He needs to ask those questions at the special zoning board meeting this Wednesday.

Matt Doyle, 75 Hillside Ave, thanked Mr. Mondello in going a great job addressing residents' concerns. It's a shame he will not be continuing on either the planning board or the zoning board. It's a great disservice to the residents that it's not going to continue. Mr. Doyle inquired how autonomous can a body be when every year the Mayor can pick and choose who gets removed and put on these boards. Mr. Doyle inquired how long are those terms. Mr. Doyle stated there was a strong argument made to keep Mr. Mondello and the opposing argument from the Mayor was that it is good to have someone new once in a while. Mr. Doyle stated everyone saw how the vote went and they know what's going on. Mr. Doyle inquired if anyone knows what holiday it is the day of the zoning meeting on Wednesday.

Mr. Berger stated there are fixed terms that members are appointed for and you can't be removed until the end of that term. It can be 2 years, 3 years.

Mr. Rivas stated he's been appointed by both types of administrations, democratic and republican. Most of the questions and issues should be addressed to the governing body, unless it refers to the planning board.

Ms. Oh stated Wednesday is St. Patrick's Day.

John Smith, resident, stated there is a lot of confusion even though Ron and Mr. Madaio gave an explanation about what goes on before the planning board and the zoning board. He is a member of the zoning board and also the liaison to the planning board. Mr. Smith stated Mr. Berger had made a statement that they take and review the traffic reports. A couple of years ago, the Ohr Ha Torah application before the zoning board went on for 3 ½ years. They dropped one variance and it went before the planning board and within an hour and a half, the application was approved over him. The attorney for the planning board and the other members stated they can't take that into consideration the traffic report because it was done by the Bergenfield police department. Mr. Smith stated if you are going to make a statement, then make the right statement because that is why the residents are getting confused. Mr. Smith stated what the residents don't understand is that they can't make comments until the end. They are making statements during the zoning board meeting and right away the attorney and chairman will tell them it's not a question and they can't answer that. They don't know the procedures and it has to be explained slowly to them. Mr. Smith stated he has been fighting for the R5 issues as long as Councilman Lodato has. Mr. Smith requested being patient with the residents and to explain things politely to them. Mr. Smith stated he had asked his question about why the board did not take into consideration the police department traffic report regarding Ohr Ha Torah, but he had never gotten an answer. He's agrees with the Mayor that it is time for change.

Mr. Berger stated they give Mr. Smith all the time he wants to say something no matter how many times he says it and it having nothing to do with what they are discussing. They listen to what Mr. Smith says and then make up their own minds. Mr. Berger stated he had heard what Mr. Smith had said, took it into account, and voted anyhow. He, of course, took the police traffic report into consideration.

Jose Gonzalez, resident, stated a couple of month ago he had presented at the Mayor and council meeting a process that had more transparency to the community. Tenafly had the application available online for residents who want to apply for various appointed boards. Mr. Gonzalez stated in Bergenfield, you have to go to the council liaison of a board if you want to be appointed to a board. They find you and choose you. He has a plan written down and would like to have opportunity to present it to the council so the process can be done fairly. It should be an online process where residents can apply easily.

Mayor Amatorio stated that one of the issues raised was the autonomy and independence of the board. There was a question of how the board voted. Mayor Amatorio stated he had only made one appointment amongst the current composition of the board members, which refers to the employee of the borough, Mr. Byrnes. He explained that to allude that he has influence over the appointments, people should understand he only appointed Mr. Byrnes and the rest were all previous appointments. The board has an independent mind and they make their own decisions. It's up to the merits presented to them. He stated they don't change the board every year. The board members have terms and when the terms come up, that's the only time the appointing authority may nominate or appoint the person to the position.

Mr. Rivas stated the board can't just go off and make decisions just because they think it should be, even though they are an independent board. The board is bound by ordinances and the zoning laws. They can't change it. They have to follow the laws passed by the Mayor and council.

Janet Rosado, resident, reiterated what Mr. Smith stated. She's written letters to the Mayor and council and the zoning board because she feels like a ping pong. There hasn't been any clarity for her, especially

as she is a concerned resident. She doesn't get any straight answers as they keep referring her to a different board. She is a taxpaying resident who purchased a home looking to live in a suburban area with her family. She lives in the area for its history and feels she is being robbed. Mrs. Rosado stated she is frustrated as she does not get any answers from the leaders. She is sorry for taking up the board's time. But, they are reaching out to the board because they are the representatives for the residents. The residents feel they don't have any support. She stated someone has to step up and support the residents, think about the safety of the children, and hire a traffic expert. It's not fair to the residents and the community.

Matt Doyle, inquired who the Mayor appointed to the board last year. He inquired how Bergman got on the board. The Mayor has put 3 people on the board since he was appointed. Mr. Doyle inquired about Mr. Acosta. Mr. Doyle stated the Mayor put 3 people on the board in the two years in this term and he has two years left. He inquired how more guys is he going to put on. He is going to change the whole board in four years.

Mr. Rivas stated Naylis was replaced by Byrnes. The Mayor nominates the person and the council votes on it. Mr. Bergman voted tonight because of quorum questions.

Mayor Amatorio stated Mr. Byrnes is a regular voting member and Mr. Bergman is an alternate. Mr. Bergman replaced an expiring alternate member who wasn't attending the meetings. Mayor Amatorio stated if there are expiring members, it's his prerogative who he appoints. Mayor Amatorio stated that's how government works and it was the same way when Norman Schmelz was the Mayor sitting on the planning board. He got to choose who he wanted to appoint.

Mimi Parente stated this same situation in the past was handled respectfully and appropriately. It was a totally different world back then because there was respect. The Mayor should not have brought Norman Schmelz into the conversation. He did because he realizes that Mr. Schmelz really worked for the town and his heart and family was in it. There are no minutes from meetings when she was before the Mayor and council on any level in reference to trying to squash the deal from across her house from going up into apartments. It was a ludicrous situation. The people in the town are uniting over this situation that she hasn't seen in years. It is for the genuine sincerity of concern. There is no respect and no common sense. She would like to see some of the people in charge of the town to do what is right for the town.

Mayor Amatorio stated he didn't mean to bring up the name of the previous Mayor. He just mentioned his name to drive a point. Most of the present board members were appointed by the previous Mayor.

MOTION TO ADJOURN MEETING

Motion by: Mr. Berger

Second by: Mr. Knowles

All ayes. None opposed.

Meeting adjourned at 10:30 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