

**BOROUGH OF BERGENFIELD  
PLANNING BOARD TELECONFERENCE  
MEETING VIA ZOOM  
MEETING MINUTES  
OCTOBER 18, 2021**

Chairman Rivas called the meeting to order at 8:01 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 October 1, 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 Abenoja.

**ROLL CALL**

**Present:** Mayor Amatorio (joined at 8:21pm), Mr. Byrnes Jr., Chairman Rivas, Mr. Knowles, Mr. Abenoja, Mr. Cabrera, Mr. Acosta, and Mr. Bergman

**Absent:** Councilman Lodato (excused) and Mr. Vasquez

**Also Present:** Gloria Oh, Planning Board Attorney, Carlos Fuentes, Planning Board Engineer, Brian Intindola and David Juzmeski, Borough Planners, Corey Gallo, Borough Administrator, and Hilda Tavitian, Planning Board Clerk

**APPROVE MINUTES OF PREVIOUS MEETING – August 16, 2021**

**Motion by:** Mr. Abenoja

**Second by:** Mr. Cabrera

**All ayes. None Opposed.**

**CORRESPONDENCE**

None.

**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:** Mr. Knowles

**Second By:** Mr. Cabrera

**All ayes. None opposed.**

**COMMITTEE REPORTS**

1. Site Plan – Nothing

2. Parking Legal – Nothing
3. Capital Improvements - Nothing
4. Master Plan - Nothing
5. Liaison to Board of Adjustment – Mr. Knowles stated 372-378 S. Washington Avenue is a mixed use building. A new owner has purchased it and under the old ownership it was done according to ordinance, where commercial was downstairs and apartments were upstairs. The new owner was asking for variance relief to make one of the commercial units an apartment. It was granted with a lot of stipulations because the residents living behind had a lot of concerns with the conditions of the property. The next application was for 51-59 Bedford Avenue that was approved in 2014 but nothing was done. The approval they were looking for were for 6 condominiums and 1 ADA apartment. It was an interesting architectural plan for this property along the tracks. That was approved.

**OLD BUSINESS**

1. Resolution – Congregation Bais Medrash, 381 & 385 S. Prospect Avenue, Alteration/Addition

Mr. Byres, Jr.	<i>yes</i>	Mr. Abenoja	<i>yes</i>
Mr. Rivas	<i>yes</i>	Mr. Acosta	<i>yes</i>
Mr. Knowles	<i>yes</i>	Mr. Cabrera	<i>yes</i>

**NEW BUSINESS**

1. Ordinance No. 21-2586 Amending Bond Ordinance No. 21-2527

Board attorney Oh stated the ordinance is before the board only for review. There was an email to the board clerk, the Chairman, and herself. In order to adopt the ordinance, the governing body is required to share the information with the Planning Board for review and recommendations. The Planning Board is not required to provide a resolution.

Chairman Rivas stated a resolution of findings and conclusions from the last time they did this was also included in the email. All they were going to do last time was rehabilitate the old building. Chairman Rivas stated they are now building a new building. The last one was July 16, 2018. Mr. Abenoja, Mr. Knowles, and Mr. Cabrera were present at that meeting and he was out ill. In that resolution, there were conclusions and determinations. He recalled the borough administrator had given testimony last time along was an architect from RSC Architects.

Mr. Knowles suggested waiting until someone from the council or the Mayor to speak about it and stated perhaps someone will join the meeting later to talk about it.

Mayor Amatorio stated the bond ordinance was sent to the Planning Board to review is to be in compliance with the rules. He stated any capital improvements, especially since the borough is building a new borough hall, need to go to the Planning Board before the governing body can proceed.

Chairman Rivas stated the last time something like this came before the board, the board issued a resolution of findings and conclusions. They need somebody to tell the board things they can find and conclude.

Mayor Amatorio stated what they have done before is similar. The governing body passed a bond ordinance and needed the Planning Board to make comments. There is no difference in what was done before.

Chairman Rivas stated in 2018 Chairman Castellucci had repeatedly said nothing was changing, just the inside of the building. Now, a new building is going to be built and the old one will be destroyed.

Board member Acosta inquired if the cost of building a new building was cheaper than renovating it. Mr. Acosta inquired if the new building will be bigger.

Mayor Amatorio stated the gap is very small. Originally, the Mayor and council were considering renovation, but as they moved along, they found out there was a small gap between renovation and a new building. The building is 100 years old and the borough is spending a lot of money trying to keep up with the heat and plumbing. Repairs to the building are done every year. The square footage is almost the same.

Borough administrator Gallo stated the gap between renovating the existing building and building a new building was significantly closing as they did the study. They initially bonded \$12 million to renovate the existing building. The cost to build the structure of the new building is \$15.3-\$15.4 million. Mr. Gallo explained they need to have some soft costs and add other factors in, which is why the bond is going to be higher. They have to change the cell tower as it expires. The new building will not have a basement. They are building a foundation slab steel frame building three floors high. Currently, they don't use the fourth floor in the old building and half of the floors in the basement aren't utilized, as well. Mr. Gallo stated when the existing structure is looked at, there is a lot of unused space and a lot of nonefficient space. The windows are old, the electrical is bad, and there's asbestos in the building. There are other structural issues in the basement that are concerning. The new building will be built on slab with a steel frame. Mr. Gallo stated 30-40 years from now, if something becomes obsolete, it can be ripped out and be reconfigured. It will be a simple building to maintain. Mr. Gallo stated there are a lot of things that are bad with the building, such as technology and efficiencies. You can't open up a wall and know what's behind it. The \$12 million is without the unknown. It didn't make financial sense in the long run. They are also being more efficient by building right behind the current building as the staff do not have to move out of the building. The existing staff will be moved into the new building and after that's done, the old building will be demolished. The parking lot will be where the existing building is.

Board member Knowles inquired if they have gone out to bid yet.

Mr. Gallo stated there were five bids within half a million dollars, which is a major reason why the pricing is believed to be competitive. The last bids came down \$1 million plus from where that cluster was last time.

Board member Acosta inquired if it will be in the same spot.

Mr. Gallo stated it will be built in the space between the DPW and borough hall.

Board member Cabrera inquired if the construction will be identical to the last design presented to the Planning Board.

Mr. Gallo stated all of the business of the police department will be behind a closed set of doors unlike now. It makes him uncomfortable when people are standing and conducting their business out in the lobby of the borough hall. Under the attorney general guidelines, they had to put in a sally port, which is a car port. He explained this is where a person who is arrested has to go. Everything has to be videotaped

along with every room in the police department. The rules have changed and unfortunately whenever the code changes, they have to build to code. Mr. Gallo stated they have 60 days from the time the bids came in for the borough to award because of those restrictions. They are not using wood and are building using steel. Steel prices have not fluctuated as much. The metals have stayed relatively consistent in pricing. They have to lock the price in by November 5, 2021 or the contractors will not be able to hold their price.

Mr. Cabrera stated given the recent inflation, he inquired how recent all the numbers are and if they are cost effective. Mr. Cabrera inquired if anybody has looked at the beginning bond price they had in Dumont and what they ended up with in final cost.

Mr. Gallo stated they had overruns. Their overruns were a result of their unknowns. They built on their existing blueprint. Mr. Gallo explained when they dug out, they had to build. Their structure is ground level but below it, in the back, is deeper. There were extra unknowns they had to deal with. They bonded for all their operational matters. They thought they were going to be \$14-15 million and ended up being over \$20 million. Mr. Gallo stated the scenario here is completely different. The borough is in a much better bond rating. They may even qualify for Triple A. The borough's fiscal position has significantly improved. The auditors reviewed this project. Mr. Gallo stated he didn't want this project to impact future budgets. There have been several O's and only two tax increases in six years. Surplus has grown and the tax rate has improved. They want to continue doing all the capital improvements they've been doing. Mr. Gallo stated because they are so aggressive in paying down the debt, the net exposure on their debt currently is \$13 million and there is \$10.2 million in surplus. They are planning to bond for \$18 million and the net exposure will be for 20 years.

Mr. Cabrera stated in the document the board was sent to review, it shows appropriation of \$18 million and the use of life for 30 years.

Mr. Gallo stated that's just the bond. The self life of the building could be in excess of 100 years. There's isn't a need for piling and can pour straight into the foundation.

Chairman Rivas inquired where the air conditioning materials would be. He inquired if the pipes will be on the roof also. The last time they did this, the findings were that there wasn't an Office of Emergency Management since a pipe had burst. Mr. Rivas stated he remembers in 1999, typhoon Floyd had flooded the basement. He was concerned all the sensitive equipment was going to be covered in water.

Mr. Gallo stated the air conditioning will be on the roof. The boiler room will be in the back of the first floor. They are going to create a state of the art war room for emergency management. Mr. Gallo stated they are building a room, adjacent to the council chambers, that will have the technology to turn to a war room. There will also be a balcony so it could hold people. Mr. Gallo stated should it become a long term event, they have the ability to put an outdoor cover on the balcony and create a canopy area for another work area.

Board member Acosta inquired if there will be any solar.

Mr. Gallo stated the costs associated with putting the solar versus what the town would receive back was not cost efficient. The cost of what the town would receive based on where the sun was in the building was not cost efficient. They looked at the roof systems to do that. They met with the grant writers and are working with the state for any benefits (heating and lighting efficiencies with PSE&G) The water fixtures now with COVID-19 are going to be without handles. The sinks will be with sensors and they will have flushless toilets. They are trying to ensure having an efficient building.

Board member Cabrera inquired if they will have the LEEDS ratings for efficiency.

Mr. Gallo stated they are going to do everything they can, but they are not going to do the LEEDS rating because it would probably put another \$1.5 million of cost into the project.

Board engineer Fuentes inquired what the time frame is for the construction.

Mr. Gallo stated if they execute the contract by November 5<sup>th</sup>, 2021 based on the passing of the second bond ordinance at tomorrow night's meeting, the contractor will start doing some outside ground work in November. The time line to complete the work is 18 months from when they start digging the foundation. It's six months more for the demolition.

Motion to Approve Bond Ordinance No. 21-2586

Motion By: Mr. Byrnes, Jr.

Second By: Mr. Cabrera

Mayor Amatorio	<i>yes</i>	Mr. Abenoja	<i>yes</i>
Mr. Byres, Jr.	<i>yes</i>	Mr. Acosta	<i>yes</i>
Mr. Rivas	<i>yes</i>	Mr. Cabrera	<i>yes</i>
Mr. Knowles	<i>yes</i>	Mr. Bergman	<i>yes</i>

Public Comments regarding Bond Ordinance 21-2586

No one came forward.

Chairman Rivas thanked the borough administrator for taking the time and giving the board something to put in their findings and conclusion in the resolution. Mr. Rivas advised the wife of former chairman, Lou Castellucci, passed away last Friday. The funeral is tomorrow in Hasbrouck Heights.

## 2. 2021 Redevelopment Report

Brian Intindola, borough planner from Neglia Engineering, stated they have submitted to the borough council and the Planning Board a report delineating areas that could be considered for area in need of redevelopment. There was a referring resolution to this board to consider that and determine if they want to move forward with individual studies of area in need of redevelopment. Mr. Juzmeski will give an overview of potential sites for specific and individual development studies.

Chairman Rivas stated the areas in need of redevelopment have already been delineated. The members of the board have never experienced such a process. The board was planning to learn from the experts what is expected of the board.

David Juzmeski, borough planner from Neglia Engineering, stated the first step is for the Mayor and Council to identify potential areas that may qualify as an area in need of redevelopment. The Planning Board's role is once those areas have been identified, is through resolution, authorize the planners to perform a study on the properties that have been identified. The resolution will state whether or not the municipality wants to exercise condemnation powers with respect to the area in need of redevelopment. Mr. Juzmeski explained, in this case, based on the resolution passed, the municipality will not exercise those powers of condemnation. Once the Planning Board authorizes the planners to perform these studies, the planner prepares and submits the studies to the Planning Board, does a presentation, and public notices will be provided. The Planning Board provides the Mayor and Council recommendations. Those recommendations could add or remove lots or recommend the area is not in need of redevelopment. If the

recommendation is to adopt the area in need, then the Mayor and Council have the opportunity to prepare a redevelopment plan. Mr. Juzmeski explained the redevelopment plan sets the new zoning standards for those lots. The redevelopment plan would identify building height, density, parking requirements, setbacks, and uses. That report would come back to the Planning Board and again the board has the opportunity to comment. At that point, the board can recommend back to the Mayor and Council whether or not to adopt the redevelopment plan or make any changes or recommendations. The Mayor and Council will ultimately adopt the redevelopment plan, but it doesn't finish the board's job. Mr. Juzmeski stated if and when a developer or property owner comes and wants to develop the individual properties identified, they still have to come to the Planning Board and submit an application.

The Mayor and council have identified certain areas they think may qualify as an area in needs. Mr. Juzmeski stated they submitted a report earlier in June 28, 2021. In the report, they identified areas A through H.

Area A – 3 lots on the corner of Front Street and 16 Main Street

Area B – 314 S. Washington Avenue (former car dealership)

Area C – 358 S. Washington Avenue

Area D – 45 W. Main Street (mini mall)

Area E – vicinity of Portland Avenue, S. Washington Avenue, and W. Clinton Avenue

Area F – areas along W. Church Street frontage

Area G – areas long Woodbine Street frontage

Area H - areas along Legion Drive

Mr. Juzmeski stated for an area to be designated as an area in need of redevelopment, it needs to qualify under local redevelopment of 8 criteria. The first criteria A is where the generality of buildings are substandard, unsafe, unsanitary, dilapidated, obsolete, or possess a lack of light air and open space. Criteria B is a discontinuance of the use of buildings previously used for commercial manufacturing or industrial purposes, abandonment of buildings or is in disrepair. Criteria C is land that is owned by a municipality, a county, local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of 10 years. Criteria D is areas where buildings by reason of dilapidation, overcrowding, arrangement of design, lack of ventilation are detrimental to the health, safety, and welfare of the community. Criteria E is the growing total lack of proper utilization of areas cause by the condition of diverse ownership or title. Criteria F is areas in excess of continuous acres that have been destroyed or consumed by prior demolished, or altered by action of storm, cycle, tornado, earthquake or other natural disaster. Criteria G is any area within an urban enterprise zone can be automatically verified as area in need. Criteria H is the property in itself is in a smart growth planning area based on the state's policy planning and map. Mr. Juzmeski stated Section 3 of the criteria N.J.S.C.A. 40:12A-3 states if the properties in area H consists of multiple lots and if not all the properties qualify under the first 8 criteria, under section 3, it states that the inclusion of that lot will promote the overall well being of the development of that area as a whole.

Chairman Rivas stated he is trying to determine which comes first. It sounds like a study is the first thing. Mr. Rivas inquired if the study needs to be done with or without the consent of the owner. Chairman Rivas inquired if the Planning Board authorizes the study of the old bank building, the person doing the study can simply tell the owner to let him in walk around. Mr. Rivas stated if and when the study is done, it comes back to the Planning Board. Mr. Rivas inquired if it the owner that initiates the process. Mr. Rivas stated he wants to know what the Planning Board is supposed to do, how the board starts things, or are things to be brought to the board.

Mr. Juzmeski stated that is correct. Mr. Juzmeski stated the owner does not need to consent but will be notified as part of the public process and public notice. Any area can be identified by the Mayor and

council as a potential area in need of redevelopment. Mr. Juzmeski stated he can request it and they can deny him, but the owners do have a say. Their say is done through the public hearings. They would be notified as part of the area in need study process. The governing body initiates the process.

Mr. Intindola stated you can have the current property owner initiate the process. He can bring it to the Mayor and council or request the Planning Board to authorize the study or it can be the Mayor and council identifying sites that are not in keeping with their vision and refer it to the Planning Board. There are many ways to get to where they are going. Mr. Intindola stated the Planning Board's role is that the board members are the experts on land use for the borough. The Mayor and council is asking the Planning Board to investigate these areas that are believed can be areas of rehabilitation or redevelopment without condemnation. The council considers what the Planning Board's considerations are and goes to a redevelopment plan. The Planning Board then reviews what is received from the Mayor and council.

Chairman Rivas stated now that the eight areas have been designated, the Planning Board can start ordering studies of all eight properties. Mr. Rivas inquired after the study is received, the board waits to see if the current owners want to do something about it or should they be getting developers based on the study.

Mr. Intindola stated there will be an area in needs study done for the parcels in question. He and David will present to the Planning Board at a public hearing. Mr. Intindola stated there might be a property owner that says it is the best thing that ever happened to the property.

Mayor Amatorio stated the vision of the Mayor and council with the help of the Planning Board is to identify the areas that may be designated as areas for redevelopment. The Planning Board has the power to initiate and order the planners to conduct the study for redevelopment. If the Planning Board agrees with the vision, all that needs to be done is allow the planner to continue the work. Mayor Amatorio stated he would like to clarify that the Mayor and council have no plans to condemn any of the properties. This is a gift for the property owner to have their property redesignated as area for development. Mayor Amatorio explained either the property owner will initiate it or a developer asking to purchase the property or be a partner with the property owner will. Mayor Amatorio stated what they need tonight is the Planning Board to agree to conduct further studies for the areas identified for redevelopment.

### **Motion to Approve 8 Areas Identified for Potential Redevelopment in Redevelopment Study**

**Motion By:** Mayor Amatorio

**Second By:** Mr. Cabrera

Mayor Amatorio	<i>yes</i>	Mr. Abenoja	<i>yes</i>
Mr. Byrnes, Jr.	<i>yes</i>	Mr. Cabrera	<i>yes</i>
Chairman Rivas	<i>yes</i>	Mr. Acosta	<i>yes</i>
Mr. Knowles	<i>yes</i>	Mr. Bergman	<i>yes</i>

Mr. Juzmeski stated their intent is to present 2-3 studies in one night to the board. They will conduct the studies and hopefully by next month they might be able to present some of them to the board for review and recommendation.

Mr. Intindola stated the initial report was designed so there would be minimal wasted effort so they could pull out from their larger study a lot of the work that was already done. They look forward to presenting. In the past, they have given the borough the redevelopment process, the housing law, and the individual housing studies to post for people to read beforehand and understand the process. Mr. Intindola stated they have been through this before, and the board is at the cusp of some great changes in the land use. It's

an education for everyone and they try to facilitate it so that it's available to everyone and the process is understood. He stated they don't proceed until there is a good understanding by all the board members and the people involved.

Chairman Rivas stated this is the first level the general public has access to. It's a lot easier for people to come to these meetings than to go to Trenton or Washington D.C. The board needs as much information as possibly can be given so they answer the public's questions. Any assistance that can be given by the planners is always welcome.

Mr. Intindola stated that's the dynamic of democracy.

**MOTION TO ADJOURN MEETING**

**Motion by:** Mr. Knowles

**Second by:** Mr. Byrnes Jr.

**All ayes. None opposed.**

Meeting adjourned at 9:23 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