

**BERGENFIELD PLANNING BOARD
REORGANIZATION MEETING MINUTES
TELECONFERENCE VIA ZOOM
January 24, 2022**

Chairman Robert Rivas called the meeting to order at 8:02 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliances 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 published on the borough website. Notice of this meeting via the January 11, 2022 Sunshine Notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and the Borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on this matter.

ROLL CALL

Present: Mayor Amatorio, Robert Byrnes, Jr., Councilman Lodato, Robert Rivas, Romeo Abenoja, Ben Cabrera, Ernesto Acosta, Jason Bergman (joined at 8:10pm), and Miguel Vasquez

Absent: Councilman Rivera

Also Present: Gloria Oh, Planning Board Attorney, Carlos Fuentes, Planning Board Engineer and Hilda Tavitian, Planning Board Clerk

PLEDGE OF ALLEGIANCE

Led by Mayor Amatorio.

RE-APPOINTMENT/APPOINTMENT OF PLANNING BOARD MEMBERS

Robert Byrnes Jr., Class II Member
Councilman Thomas Lodato, Class III Member
Councilman Hernando Rivera, Class III Alternate Member
Romeo Abenoja, Class IV Member
Ben Cabrera, Class IV Member
Jason Bergman, Class IV Member
Miguel Vasquez, Class IV Member

Oath of office was administered to Mr. Byrnes, Jr., Councilman Lodato, Mr. Abenoja, Mr. Cabrera, Mr. Bergman, and Mr. Vasquez by Board Attorney Gloria Oh.

Nomination of Chair:

Robert Rivas

Motion by: Mayor Amatorio

Second by: Mr. Acosta

All ayes. None opposed.

Nomination of Vice-Chair:

Ben Cabrera

Motion by: Mayor Amatorio

Second by: Mr. Abenoja

All ayes. None opposed.

Nomination of Secretary:

Councilman Lodato

Motion by: Mayor Amatorio

Second by: Mr. Cabrera

All ayes. None opposed.

Nomination of Board Attorney:

Gloria Oh

Motion by: Mayor Amatorio

Second by: Mr. Abenoja

All Ayes. None opposed.

Nomination of Board Engineer:

Pennoni Engineering

Motion By: Mayor Amatorio

Second By: Mr. Acosta

All ayes. None opposed.

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Mayor Amatorio

Second by: Mr. Abenoja

All ayes. None opposed.

Accept By-Laws:

Motion By: Mr. Abenoja

Second By: Mr. Cabrera

All ayes. None opposed.

Accept 2022 Meeting Dates:

Motion By: Mr. Bergman

Second By: Mr. Abenoja

All ayes. None opposed.

APPOINTMENTS OF STANDING COMMITTEES:

Liaison to Board of Adjustment:

- a. Councilman Lodato

Site Plan:

- a. Robert Rivas
- b.

Master Plan:

- a. Mayor Amatorio
- b. Robert Rivas
- c. Jason Bergman
- d.

Parking/Legal:

- a. Mayor Amatorio
- b. Councilman Lodato

APPROVE MINUTES OF PREVIOUS MEETING – December 27, 2021

Motion By: Mr. Cabrera
Second By: Mr. Bergman
All ayes. None opposed.

CORRESPONDENCE

Bergen County Planning Board – 111 Hallberg Avenue subdivision application doesn't need any further approvals.

Bergen County Soil Erosion & Sediment Control – Applications received for 45 Sylvamdur, 94 Highgate Terrace, 1 Norfolk Avenue, 111 Hallberg Avenue, 114 Hallberg Avenue, and 83 Hickory Avenue

VERBAL COMMUNICATION

Comments by members of audience on matters not on evening's agenda

Diana Flagg, resident, stated the application for the marijuana farm at the former Sears location will eventually be on the Planning Board agenda. She stated she is a resident who is concerned about marijuana coming to town. The board shouldn't even consider that the income received from this would assist with taxes. Ms. Flagg stated this is a family community and the town doesn't need a marijuana growing establishment.

Close Verbal Communication:

Motion By: Mr. Acosta
Second By: Mr. Bergman
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 – Nothing

OLD BUSINESS

Resolutions:

- 1. Area in Need of Redevelopment for Area A (60 W. Main Street, 16 S. Front Street & 11 Van Houten Street)

All ayes. None opposed.

- 2. Area in Need of Redevelopment for Area B (314 S. Washington Ave)

All ayes. None opposed.

- 3. Area in Need of Redevelopment for Area C (358 S. Washington Avenue)

All ayes. None opposed.

4. Authorizing Neglia Engineering Associates to Conduct Preliminary Investigation for Areas along Woodbine Street frontage and Legion Drive

All ayes. None opposed.

NEW BUSINESS

1. Report for Areas D, E, and F - Redevelopment Study

David Juzmeski, planner from Neglia Engineering, shared on the screen a small slide which consolidated the report on the Areas D, E, and F that are in need of redevelopment. He stated the report for areas D, E, and F were submitted on January 11, 2022 to the board clerk for public viewing. The areas in need presented are non-condemnation, which means the municipality will not exercise the powers of condemnation on any of the lots within the area in need of redevelopment report. Area D is Block 127 and Block 126. He requested the board pay close attention to the shape of the lot. The board has the power to make recommendations to the Mayor and Council to either add lots or remove them from the area in need. Mr. Juzmeski explained that Block 127 Lots 5.01 and 5.02 are carved out and should be included in the area of need. Area E contains Block 130 Lots 1-6 and has frontage on W. Clinton Avenue, S. Washington Avenue, and Portland Avenue. Area F is Block 125 and has frontage along W. Church Street. Mr. Juzmeski stated in order to qualify for an area in need of redevelopment, the area needs to be analyzed accordingly based on criteria A through H. If there is a property that is not obsolete or dilapidated, it could still be included because its inclusion will be important in the overall development of the site. It is called provision 3 of the Redevelopment Housing Law.

AREA D

Mr. Juzmeski explained the first property in Area D is 45 W. Main Street, Block 127 Lot 5, with an area of 0.82 acres. It consists of a strip mall, that includes Elite Cleaners, Rite-Aid Pharmacy, Wine and Liquor Store, among other uses. The property applies to criteria D and H. The property does not conform to current zoning side yard, rear yard, and front yard setbacks. The facility itself doesn't meet current ADA accessibility with respect to the entrances. The quality of the parking lot doesn't comply with the ordinance standards. Direct access and circulation from the parking lot into the building for ADA accessibility is substandard. The existing dumpsters are currently out in the open. Mr. Juzmeski stated usually dumpsters are enclosed. The circulation pattern has loading and pedestrians intermingling in the same driveways without having any separation. He explained that a portion of the parking lot is in a separate lot. He recommended lots 5.01 and 5.02 be included in the area in need of redevelopment.

Board member Cabrera stated that's a pizzeria that has sustained some damage in recent storms the past couple of years. He stated it makes a lot of sense to include the area.

Mayor Amatorio stated Mr. Juzmeski had suggested a portion of the property and the parking be included in the area of need of redevelopment. Mayor Amatorio stated he knows that the corner and the other side of the street on Portland Avenue is residential and inquired why it can't be included also.

Mr. Juzmeski stated the Planning Board has the option of making recommendations to include or exclude certain areas.

Mayor Amatorio stated it would make sense to include it. If the property owner wants to keep the property or sell it to the developer who wants to develop the whole area, at least they have the option.

Mr. Juzmeski stated the corner lot would qualify for an area in need because they have direct parking off of Portland Avenue. It's a dangerous condition and most municipalities do not permit that. Mr. Juzmeski stated Block 126 Lot 9 has an area of 0.34 acres and applies to criteria D and H. The lot doesn't comply with the current standards of parking. It is faulty and detrimental. The lot is sloped from Portland Avenue to the properties. They are currently not in ADA compliance even though the vehicles are angle parked. The cars back out to the sidewalk area causing potential issues with pedestrians utilizing the sidewalk. Criterion D applies to this property. The next property is 24-30 S. Washington Avenue, Block 126 Lot 10, and has an area of 0.36 acres. Criteria A, B, D and H can be applied to this property. An internal inspection was done and there was extensive water damage to the ceiling, vertical and horizontal basement wall cracking, and efflorescence on basement walls, which is an indication there is moisture in the basement. Some of the uses have been discontinued and the buildings do not conform with rear yard setback requirements within the use zone.

The next property is 22 and 23 South Washington Avenue, Block 126, Lot 11, an area of 0.20 acres. It has a vacant first floor commercial. The second floor has apartments. Criteria B, D, and H can be applied to this property due to discontinuance of the building previously used for commercial uses and due to water damage. Mr. Juzmeski stated the property has non-conforming front and side yard setbacks. The next property is Block 126, Lot 12, with an area of 0.23 acres. There is faulty arrangement which falls under Criteria D and H. Mr. Juzmeski showed on the screen 4 South Washington Avenue, Block 126, Lot 14, which has a larger storefront that is vacant and was previously occupied by Fitness II. The smaller storefront is occupied by a jewelry store. Criteria A, B, D, and H can be applied to this property. There is some internal leaking and water damage, vertical foundational cracking formation of voids in basement walls, and substandard conditions. There is discontinuance of buildings previously used for commercial use and non-conforming nature of the front and side yard setback. 6-12 South Washington Avenue, Block 126, Lot 15, can be applied to Criteria A, D, and H. There are substandard conditions with respect to water damage, vertical and horizontal foundational cracking and formation of voids in foundational walls. There is non-conformance with the front and side yard setbacks for the zone.

Chairman Rivas inquired if Mr. Juzmeski knew if the building department advised the occupants with the cracked walls to remediate that. Mr. Rivas inquired if the buildings are structurally deficient.

Mr. Juzmeski stated he didn't know. Mr. Juzmeski stated his firm did not look at the structural integrity of the buildings.

Board member Acosta stated he has been to a similar building that is across the street and stated most of the cracks are caused by moisture getting into the building.

Mr. Juzmeski agreed with Mr. Acosta in that there is moisture entering the foundation walls.

Mr. Juzmeski stated the last property in Area D is 18 South Washington Avenue. Criteria A, B, D, and H can be applied to this property. There is some water damage, foundation cracking, and standing water on the site. Criteria B can be applied due to vacancy and criteria D due to the non-conforming nature of the front, side, and rear yard setbacks.

Area E

Mr. Juzmeski stated the first property in Area E is 101 Portland Avenue, Block 130, Lot 1, an area of 0.63 acres, with storefronts that includes Zoods Cleaners, A Pizza Shop, and Apna Bazaar Supermarket. The other storefront is vacant. Criteria A, B, D, and H can be applied to this site. The current site has exterior conditions exhibiting dilapidated pavement sections and missing asphalt in areas that can create tripping

hazards. The parking lot does not conform with the current standards. Criteria B applies due to the partial discontinuance of the use of buildings previously used for commercial purposes. Criteria D applies due to non-conforming side and rear setbacks and the required parking spaces does not comply with the current standards. The next property is 96 South Washington Avenue, Block 130, Lot 2, with an area of 0.11 acres. The building itself has non-forming front, side, and rear yard setbacks, and does not have adequate ADA access. The next site is 100 South Washington Avenue, Block 130, Lot 3. The first-floor is tenanted by a beauty salon and the second-floor is an occupied apartment. Criteria D can be applied due to the non-conforming front, side, and rear yard setbacks. Even though it is fully occupied, provision 3 can be applied as the inclusion of this would improve the overall development of the block in question. Mr. Juzmeski stated the next location is 108 South Washington Avenue, Block 130, Lot 4. It has two storefronts that includes Passaic Leather Factory Outlet and Bergenfield Physical Therapy. Criteria D can be applied due to non-conforming front, side, and rear yard setback as well as provision 3. The next property is 112 South Washington Avenue. Criteria B, D, E, and H can be applied even though the façade of the building is relatively new. There are two vacant storefronts, non-conforming front and side yard setbacks, and diverse ownership of the surrounding properties. Mr. Juzmeski stated the last site in Area E is 7 West Clinton Avenue, Block 130, Lot 6. There is a storefront on S. Washington Avenue, which is New Ocean Spa and accounting services. Criteria D and H can be applied where there is non-conforming front, side, and rear yard setbacks. It surpassed the maximum allowed building height of two stories and there isn't proper ADA access to the site.

Board member Acosta stated the parking and setbacks are existing and even if the properties are redeveloped, he is not sure if the parking requirements will be met.

Mr. Juzmeski stated the intent for the next step in this process is redevelopment planning of those areas. The next step is how they would apply the standards of the municipality to the area, which would include the potential parking and parking issues for the redevelopment area. He stated they would look at how they can modify the current zoning to improve the zoning or the bulk standards to improve the overall area.

Area F

Mr. Juzmeski stated the first property in area F is 48 West Church Street, Block 125, Lot 8, with an area of 0.12 acres. It includes two structures. The larger structure is a multi-story dwelling and the smaller structure is vacant that was previously occupied by Thai Food Restaurant. Criteria B, D, and H can be applied to this property. Criterion B applies due to the discontinuance of the use of the building previously used for commercial use and Criterion D is applicable since residential dwellings are not a permitted, accessory, or conditional use within the zone and the site does not comply with ADA standards. The next property is 40 West Church Street, Block 125, Lot 9. It is the Elks Lodge location. Criteria D and H can be applied. The associated asphalt parking area has a deficient number in ADA parking stalls that comply with ADA design standards. The building is non-conforming with side and rear yard standards. Mr. Juzmeski stated the next property is 32 West Church Street, Block 125, Lot 10, with an area of 0.42 acres. The parcel is occupied by a two-story apartment building. The building is deficient in minimum side yard setback, parking and circulation is a concern, and accessibility to the buildings. The next property is Block 125, Lot 11. Criteria D and H can be applied to this property. It doesn't comply with the zoning standards and with current ADA standards for accessibility. 20 West Church Street, Block 125, Lot 12, is a three-story apartment building. Criteria D and H can be applied to this property with respect to setbacks and ADA accessibility. The last property in Area F is 34-46 North Washington Avenue, Block 125, Lot 13. This site has six storefronts with an area of 0.28 acres. Criteria A, D and H can be applied to this location. The building has outdated storefronts, aging awnings, and various cracks along the structure's walls. Criterion D can be applied with respect to deficiency in side yard setback requirements.

Mr. Juzmeski stated in conclusion, based on the study areas heard tonight, they all qualify as areas in need. They recommend lots 5.01, 5.02, and the enclosure on lot 126 in Area D to be included. This is non-condemnation areas in need of redevelopment. Mr. Juzmeski stated not every one of the areas is in a dilapidated condition.

Mayor Amatorio stated if all the buildings were condemned, there would be no business district. Most of the buildings are in need of redevelopment.

Chairman Rivas stated if the cracks in the buildings come down on people, it would be negligence if nothing was done about it. The building department should check to see the buildings are structurally sound. Mr. Rivas stated they blamed the sea air and the proximity to the water for parts of the building that came down in Florida. Mr. Rivas stated his only concern is if the buildings start to come down.

Mayor Amatorio stated when all the reports are submitted to the borough, they can discuss with the building department if the buildings can be inspected.

Board member Cabrera inquired how the areas were identified. He stated if you look across the street on Washington Avenue in Area F, some of those buildings are in similar condition.

Mr. Juzmeski stated the municipality identified these areas and they did the study based on their interest to redevelop those areas. Mr. Juzmeski stated the other side of Washington Avenue has been discussed with their office. It's just the start of the process and there will be other areas. In the future, they will be looking at a majority of the buildings along Washington Avenue.

Chairman Rivas inquired if the owners of the lots have been given notice. He inquired if it's the borough or the planners that give the owners notice.

Mr. Juzmeski stated the borough does.

Board engineer Fuentes stated he is in agreement with Mr. Juzmeski with adding the two lots in Block 127 to be included in the areas of redevelopment as well as lot 13, which is across the street. The residential use of lot 13 is non-compliant in the B-2 zone. Mr. Fuentes stated all the lots within Areas E and F are within the standard explained by Mr. Juzmeski.

Public Comment:

Norman Schmelz, resident, stated it seems like you don't want people out of town to own buildings.

Chairman Rivas stated he wants people to take care of their building. People from out of town should be concerned and take care of cracks in their building.

Mr. Schmelz stated he understands Mr. Rivas' point. People will be coming from out of town to develop these areas and you don't know if these people are going to do the same thing. Mr. Schmelz suggested they should open it up to only developers in Bergenfield. This way they can really get a hometown feel in getting only Bergenfield developers to develop these areas. He was in agreement with Mr. Cabrera in that the other side of the avenue is far worse than the west side. Mr. Schmelz stated he has a hard time seeing why the Elks building is part of the redevelopment plan. The Elks do great things for everyone in Bergenfield, including the veterans, children, special needs, etc. He stated to put that in there is scary even if it is only to consider. It can be a bad issue of communication for the town and would make the Mayor and Council and everyone on the Planning Board look extremely bad. He suggested rethinking it.

Chairman Rivas stated this is a non-condemnation proceeding. Nobody is going to demolish the Elks building. He would like the Elks continue to do great things for Americanism.

Mayor Amatorio stated the designation would help the Elks if they want to improve their building. It would make the building more compliant and more modern. It gives them the ability to take advantage of the designation. Mayor Amatorio stated the owners are not obliged to do something if they don't want to. It's their choice.

Mr. Schmelz inquired why you wouldn't redevelop the whole avenue. Every one of the buildings on the avenue do not have enough parking spaces and have coverage that is not up to today's standards. He suggested including the VFW and the DAV halls in the areas in need of redevelopment report.

Mayor Amatorio stated the council had discussions with the planner and they identified the areas that are in the master plan. The reason why these buildings are prioritized is because there were interests in the buildings. It doesn't mean redesignation begins from these buildings. In the near future, the other side of Washington Avenue can be done, as well. It would be a disservice to Bergenfield if they only allow Bergenfield developers.

Chairman Rivas stated it would be illegal and unconstitutional to only have developers from town.

Motion to Accept Areas D, E, and F as Areas in Need of Redevelopment including Suggestions and Amendments

Motion By: Mayor Amatorio

Second By: Mr. Cabrera

All ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Mr. Abenoja

Second By: Mr. Cabrera

All ayes. None opposed.

Meeting was adjourned at 9:27 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Planning Board