

**BERGENFIELD PLANNING BOARD
REGULAR MEETING MINUTES
TELECONFERENCE VIA ZOOM
March 21, 2022**

Chairman Robert Rivas called the meeting to order at 8:04 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 March 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: Robert Byrnes, Jr., Councilman Lodato, Robert Rivas, Romeo Abenoja, Jason Bergman, Ben Cabrera

Absent: Mayor Amatorio, Ernesto Acosta, Miguel Vasquez, and Councilman Rivera

Also Present: Gloria Oh, Planning Board Attorney, Carlos Fuentes, Planning Board Engineer, David Juzmeski, planner from Neglia Associates, and Hilda Tavitian, Planning Board Clerk

PLEDGE OF ALLEGIANCE

Led by Mr. Bergman.

APPROVE MINUTES OF PREVIOUS MEETING – February 28, 2022

Motion By: Mr. Cabrera

Second By: Mr. Abenoja

All ayes. None opposed.

CORRESPONDENCE

Councilman Lodato stated a letter dated 3/17/22 was received from Hubschman Engineering. It is to inform property owners within 200' of 140 Woodbine Street of an application submitted to NJDEP on behalf of the property owner. It is for the bank construction along Hirschfield Brook, which was damaged during Hurricane Ida. They are only rebuilding and reconstructing what was there before the hurricane.

VERBAL COMMUNICATIONS

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

No one came forward.

Motion to Close Verbal Communication

Motion By: Councilman Lodato

Second By: Mr. Cabrera

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – There is a meeting scheduled on April 11, 2022 regarding 220 S. Washington Avenue. It is a proposed addition to the auto service facility.
2. Parking Legal – No report
3. Capital Improvements – The borough hall is going to be built.
4. Master Plan – No report
5. Liaison to Board of Adjustment – Councilman Lodato stated he attended the Zoning Board reorganization meeting on March 7, 2022. There were four applications on, two were heard and two were carried. The ones heard were residential applications for additions, which were granted. One was for 39 E. Central Ave and the other was 438 Wildrose Ave. Each were seeking lot coverage variances that were granted. There was another residential application for 16 Glenwood Drive but there was an issue with the notice and had to be carried to the April meeting. The Dunkin Donuts application was on but was also carried to the April meeting. They did address the issue of res judicata. Dunkin Donuts had been before the board in 2002 seeking to put a drive through. That application was denied. After 20 years, they are back seeking a drive through. The board by 5-0 vote deemed this new application to be significantly different and res judicata did not apply. The hearing for the application will begin at the next meeting.

OLD BUSINESS

None.

NEW BUSINESS

1. Report for Areas G & H – Areas in Need of Redevelopment Study

David Juzmeski, planner from Neglia Engineering Associates, stated they submitted documentation on March 2022 along with a map illustrating the areas that will be discussed. He stated area G is areas along Woodbine Street frontage. Area H includes the area along Legion Drive frontage. One of the benefits of the redevelopment designation and the first step being the area in need is to promote and stimulate the reutilization of the properties within the area in need. It gives the municipality increased control over development patterns and allows them to get into a contractual agreement with potentially private development of properties and obtain grant funding. It allows modification and revision to municipal ordinances based on the redevelopment plan area. This is an area in needs study that will be non-condemnation area in needs study. The municipality won't utilize their condemnation powers for the properties in question. Mr. Juzmeski stated Area G contains 31 lots, almost 23 acres and includes the M, B1, and R40 zone. Area H contains 18 lots, just over 4 acres, and are within the B2 and R5 zones. Mr. Juzmeski stated most of the properties within the two study areas are underutilized, have obsolete or faulty designs, and some substandard conditions.

Area G

Mr. Juzmeski stated Area G includes Block 227, 229, and 228. This is a continuation of Woodbine Street up to New Bridge Rd. Area H includes areas on either side of Legion Drive, including Block 162 and 161. In order for a lot to be considered under the area in need umbrella, it needs to comply with two of the

criteria outlined. He reviewed criteria A through H and section 3. There are several non-conforming lots within Area G. These lots include Block 227 Lots 1 and 3.01, Block 228 Lots 2,4,6, 8, 9, 11 and 12, Block 229 Lots 1, 81, 71, and 76. These specific properties do not comply with the front, side, and rear setbacks. They exceed the maximum lot coverage within the permitted zone. Some of them don't meet the minimum lot area, some are deficient in parking, and some properties do not have adequate ADA accessibility to the buildings or to the site in question. In addition, several of the lots fall within a flood area of the Hirschfield stream. The noncompliance of the zoning relates to criteria D, where the layouts are obsolete or the properties exhibit excessive land coverage while there are faulty arrangements and design criteria. Mr. Juzmeski stated several of the lots within area G are non-conforming in respect to actual uses, including Block 227 Lots 2, and 3.02, Block 228 Lots 2.01 and 7, and Block 229 Lots 2 and 3. In addition to there being non-permitted uses within area G, it is part of criteria D. Some of the lots are within the flood plain. Some of the properties with area G correlate to criterion A, where the areas have become dilapidated, there are issues with pavement and asphalt creating tripping hazards. These properties include Block 228 Lot 5, Block 229 Lots 79 and 80. Mr. Juzmeski stated some of the parking areas exhibit complete deterioration. There are other properties within Area G that fall under criterion E, where there is a lack of proper utilization. There is excessive impervious coverage lots utilized just for loading or storage of materials. Those include Block 227 Lot 2, Block 228 Lot 10, and Block 229 Lots 82 and 80.

Area H

Mr. Juzmeski stated Area H is similar to discussing Area G. There are several lots that qualify under criterion D. Many of the properties within Legion Drive, specifically Block 162, Lots 9 and 16, 17, 17.01, 18, and 19, and Block 161 Lots 7.01, 7 8.01 and 9, have one or multiple setbacks that do not comply. Most of them surpass the maximum or minimum lot coverage within the zone. Some of the properties don't meet the minimum required lot area. A lot of the properties are deficient in parking and most of the properties do not meet adequate ADA accessibility to the structure or within the property themselves. All of the properties qualify under criterion D and are within the SMART growth area. In addition, there are several properties within Area H that do not have permitted uses within the property. These properties include: Block 162 Lot 20 and Block 161 Lots 3,4, and 5. Mr. Juzmeski stated Block 162 Lots 14 and 15 qualify under criterion A with respect to dilapidated pavement sections and missing asphalt creating substandard and unsafe conditions. Block 161 Lot 8 qualifies under criterion E due to the lack of proper utilization of the property. In addition, some of the properties that are within Areas G and H, although the properties may not qualify, are included as the inclusion would be important for the overall development of the area in need discussed. These properties include: Block 228 Lot 3, Block 229 Lots 4, 3, and 2, and Block 162 Lot 21. Mr. Juzmeski stated one other area that should be considered to include is Block 161 Lot 2 (37 Palisade Ave). The master plan specifically indicates one of the goals is to develop a program to identify the development potential remain undeveloped parcels through the zoning ordinance of development and redevelopment options at a scale consistent with the borough's pattern of development. One of the first steps is to identify an area in need. The next step is the crux of the master plan and the planning component of what is appropriate in these areas. These areas along Area G require further plans to see what type of uses are appropriate in those areas. It's more of an industrial area and maybe the planning would move towards industrial or increase commercial uses that could benefit that area as a whole. Mr. Juzmeski stated, in conclusion, the area in need report has been prepared for the board and the governing body in accordance with the local redevelopment housing law. They applied section 3 in some cases. Mr. Juzmeski explained for some buildings and lots that may not qualify under the criteria, but their inclusion, would benefit the area in need overall. The study is in keeping with the current reexamination of the master plan.

Chairman Rivas stated there are certain sections with an asterisk and said FEMA flood plain. He inquired if the properties are submerged whenever there is rain. Mr. Rivas inquired if it is because of rain or breaks

in the banks of Hirschfield Brook. Chairman Rivas inquired if they can get FEMA funds to fix the property since they are on the FEMA flood list. The biggest and worst flooding he experienced in Bergenfield was in 1999 with hurricane Floyd. The entire area of Woodbine Street was under water. He inquired if those properties applied for FEMA funding.

Mr. Juzmeski stated some of them are partially and some of them are entirely submerged. It can be a factor of things. It can be the volume of the rain, the capacity of the brook itself, or both. It would have to be analyzed further to see what's creating those flooding conditions. Mr. Juzmeski stated it would depend on how much and what portion of the site is impacted by the flood plain. If the building itself is in the flood plain, then they can get FEMA funding for it. Mr. Juzmeski stated he does not know.

Board member Cabrera inquired if it is difficult for development in areas that are in flood plains.

Mr. Juzmeski stated the requirements to develop in flood plains are more stringent. They are eliminating any basements and there needs to be a one-foot elevation on the first floor. The livable area would have to be above the flood plain. There are substantial improvements with limitations, but there still is opportunity to build in flood plains to a certain extent.

Councilman Lodato stated he understands the inclusion of the Legion Drive properties, especially those on the west side. He does not understand why Woodbine Street is included as the buildings are 50-60 years old and are fully functional. The properties on the east side close to the street requiring trucks to maneuver on the right of way have been doing it for 50 years. Although there may be asphalt conditions requiring replacement of pavement, there is nothing else that makes those properties substandard. He inquired if there are any other specific conditions Mr. Juzmeski is aware of. It's always has been an active section of town.

Mr. Juzmeski stated there are some vacancies. They are not completely dilapidated as there is in some other areas, but it doesn't mean they can't be improved in some way. There are some areas that are beginning to show some wear. This process doesn't necessarily mean that area is intended for substantial modification or redevelopment. It could be the inclusion of additional uses to help promote further growth.

Councilman Lodato stated he is concerned about zoning changes they are providing and if there is going to be overdevelopment in the town.

Mr. Juzmeski stated they are not necessarily changing the zoning area yet. It is an option for the governing body to look at to potentially improve it if it needs it in the future. This is the first step. The next step is to do the redevelopment plan. If there is no interest in potentially improving or developing that area, sometimes it stops there.

Chairman Rivas stated there is no conscious effort not to include the one side of Washington Avenue.

Mr. Juzmeski stated they are moving towards that. It's a bigger study with a long stretch of properties that might be coming up within the next few months.

Board engineer Fuentes stated Mr. Juzmeski did a thorough, detailed presentation. It demonstrated how the properties within the redevelopment area fits at least one of the criteria for designation of redevelopment and is something the board should consider. Mr. Fuentes stated the only open item is Block 161 Lot 2 in Area H in which Mr. Juzmeski had asked the board to consider including it in the designation. It would be to keep the continuity of the area.

Mr. Juzmeski stated that was 37 Palisade Avenue that should be included, even if it may just qualify under section 3. It would be within the SMART growth planning area.

Councilman Lodato stated that property is Mr. Knowles' property.

Chairman Rivas stated these are just suggestions. No one is going to take these properties away and there is no condemnation.

Public Comments for Areas G and H:

No one came forward.

Close Public Comment

Motion to Approve Area G as Area in Need of Redevelopment

Motion By: Mr. Jason Bergman

Second By: Mr. Robert Byrnes, Jr.

Mayor Amatorio	<i>absent</i>	Mr. Romeo Abenoja	<i>yes</i>
Mr. Robert Byrnes Jr.	<i>yes</i>	Mr. Jason Bergman	<i>yes</i>
Councilman Lodato	<i>no</i>	Mr. Ben Cabrera	<i>no</i>
Chairman Rivas	<i>yes</i>	Mr. Miguel Vasquez	<i>absent</i>
M. Ernesto Acosta	<i>absent</i>		

Motion to Approve Area H as Area in Need of Redevelopment

Motion By: Mr. Robert Byrnes, Jr.

Second By: Mr. Jason Bergman

Mayor Amatorio	<i>absent</i>	Mr. Romeo Abenoja	<i>yes</i>
Mr. Robert Byrnes Jr.	<i>yes</i>	Mr. Jason Bergman	<i>yes</i>
Councilman Lodato	<i>yes</i>	Mr. Ben Cabrera	<i>yes</i>
Chairman Rivas	<i>yes</i>	Mr. Miguel Vasquez	<i>absent</i>
Mr. Ernesto Acosta	<i>absent</i>		

2. Ordinance 22-2598 – An Ordinance to Amend, Supplement and Revise the Code of the Borough of Bergenfield, Chapter 186 Entitled “Zoning”

Board attorney Oh stated on March 15, 2022, the Mayor and Council introduced ordinance no. 22-2598 pertaining to the affordable housing overlay zone. There are three major revisions. Ms. Oh reviewed the three revisions in the ordinance and read them into the record. Ms. Oh stated this ordinance is pertaining to the municipal land use and the Planning Board members were asked to review it, take a vote, and let the Mayor and Council know whether it is consistent with the master plan.

Board engineer Fuentes stated the master plan includes the affordable housing conditions. The conditions set upon here differ than what is currently enforced in the borough. The ordinance does not go against the master plan. It only provides a guideline for having the affordable housing set aside. It doesn't say what percentage would be within the regulations.

Chairman Rivas stated this ordinance expands on that. He inquired if there is a conflict.

Mr. Fuentes responded yes, it does. No, there's no conflict.

Councilman Lodato stated he is opposed to an increase in densities.

Motion That Ordinance No. 22-2598 is Consistent with the Master Plan

Motion By: Mr. Romeo Abenoja

Second By: Mr. Ben Cabrera

Mayor Amatorio	<i>absent</i>	Mr. Romeo Abenoja	<i>yes</i>
Mr. Robert Byrnes Jr.	<i>yes</i>	Mr. Jason Bergman	<i>yes</i>
Councilman Lodato	<i>no</i>	Mr. Ben Cabrera	<i>yes</i>
Chairman Rivas	<i>yes</i>	Mr. Miguel Vasquez	<i>absent</i>
M. Ernesto Acosta	<i>absent</i>		

Chairman Rivas stated he was asked to poll the members of the board to return to meeting in-person. He inquired if anyone feels strongly about not meeting in-person. He inquired if they should start in-person meetings in April.

Board attorney Oh stated to be consistent with the Zoning Board, she recommended they return to in-person meetings in May, unless any board member objected.

Chairman Rivas stated they will have in-person meetings starting in May, subject to any borough regulations about safety and health concerns. Mr. Rivas inquired if a board member wants to continue joining on zoom, can that be done. He inquired if monitors can be set up in front of them at borough hall.

Ms. Oh stated she would have to look into that.

Councilman Lodato stated if a council member is not present, there isn't a method for him to join by Zoom. It's either you are there or not.

MOTION TO ADJOURN MEETING


Motion By: Mr. Bergman

Second By: Mr. Abenoja

All ayes. None opposed.

Meeting was adjourned at 9:13pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Planning Board