

**BERGENFIELD PLANNING BOARD  
REGULAR MEETING MINUTES  
February 27, 2023**

Chairman Robert Rivas called the meeting to order at 8:01 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.

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:** Councilman Lodato, Robert Rivas, Romeo Abenoja, Ernesto Acosta, Ben Cabrera, Jason Bergman, Miguel Vasquez, and Praveen Joseph

**Absent:** Mayor Amatorio (Excused), Robert Byrnes, Jr., and Councilman Rivera

**Also Present:** Gloria Oh, Planning Board Attorney, Robert Yuro, Planning Board Engineer and Hilda Tavitian, Planning Board Clerk

**PLEDGE OF ALLEGIANCE**

Led by Mr. Cabrera.

**APPOINTMENTS OF STANDING COMMITTEES**

Liaison to Board of Adjustment

- a. Jason Bergman

Site Plan

- a. Ernesto Acosta
- b. Robert Byrnes, Jr.
- c. Chairman Robert Rivas

Master Plan

- a. Mayor Arvin Amatorio
- b. Councilman Thomas Lodato
- c. Chairman Robert Rivas

Parking/Legal

- a. Mayor Arvin Amatorio
- b. Councilman Thomas Lodato

**APPROVE MINUTES OF PREVIOUS MEETING – January 30, 2023**

**Motion By:** Mr. Bergman

**Second By:** Mr. Abenoja

**All ayes. None opposed.**

## CORRESPONDENCE

None.

## VERBAL COMMUNICATION

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

No one came forward.

### **Close Verbal Communication:**

**Motion By:** Mr. Bergman

**Second By:** Mr. Cabrera

**All ayes. None opposed.**

## COMMITTEE REPORTS

None.

## OLD BUSINESS

1. Resolution - Area in Need of Redevelopment Study – 60-90 West Church Street, 11-43 Tyson Place, 22-24 North Front Street, and 31 North Demarest Avenue

### **Motion to Adopt Resolution**

**Motion By:** Mr. Bergman

**Second By:** Mr. Vasquez

**All ayes. None opposed.**

## NEW BUSINESS

1. Site Plan Application – Samiron Group, LLC  
136 School Street  
Proposed Addition to Existing Building  
Tabled from January Meeting

Sophy Sedarat, attorney from McDonnell & Whitaker LLC, stated the property is located in the M zone and is a one-story brick front building. The applicant is seeking preliminary and final site plan approval and requests bulk variances for a two-story addition. The bulk variances being requested are: improved lot coverage, where 70% maximum is permitted, 71.74% is existing and 74.34% is proposed, front yard setback, where 25 ft. minimum is required, 10.16 ft. is existing, and 10.16 ft. is proposed, rear yard setback is 25 ft. minimum required, 24.48 ft. is existing and 24.48 is proposed. Lastly, side yard setback is 15 ft. minimum required, 10.72 ft. is existing, and 10.72 ft. is being proposed. The proposed addition will serve as ancillary storage to the existing building and will have an accompanying loading dock. The addition will fill an already paved, unused space between the principal structure and the gravel parking lot. Ms. Sedarat stated the proposal is modest in size and doesn't overburden the property. All four variances being requested are already pre-existing to non-conformity. The increase in coverage, 2.5% is di minimus. Building coverage is fully conforming and still under the requirement. The proposal is also appropriate under C2 justification. The variances can be granted without substantial detriment to the public good. There will be no infringement on any neighboring property or neighborhood. The addition does not impose beyond the front or rear of the parking lot lines. Ms. Sedarat stated this business is the largest employer in town with close to 200 employees, most of them being Bergenfield residents. The

applicant's business repairs, refurbishes, and upgrades sophisticated power systems used in nuclear submarines, aircraft carriers, and radars that provide U.S. naval defense.

Steven Koestner, Koestner Associates, 61 Hudson Street, Hackensack, NJ, licensed engineer, stated the property is located in the M zone. Mr. Koestner stated the applicant is seeking improved lot coverage of 74.34%, where 70% is maximum required, maximum lot coverage for the building is 40% and will be 29.17% with the addition of 1,580 sq. ft. The maximum permitted height is 35 ft. and the building's height is 34.58 ft. Mr. Koestner stated, where 25 ft. minimum is required for front yard setback, 10.16 ft. is existing, and 10.16 ft. is proposed, where rear yard setback is 25 ft. minimum is required, 24.48 ft. is existing and 24.48 is proposed. The side yard setback, where 15 ft. minimum is required, 10.72 ft. is existing, and 10.72 ft. is being proposed. Mr. Koestner stated 8 parking spaces are required and 14 parking space are proposed. In addition to the current building drainage system for water runoff, 6 underground chambers will be installed to adequately capture any additional roof runoff. There will be gutters and leaders to catch the runoff. The required soil test will be done to ensure the ground is permeable, to measure the ground water and to provide a buffer. The drainage is more than adequate. They will comply with all ADA and NJDEP requirements.

Board engineer Yuro inquired if the U shape configuration provides proper circulation for the establishment. He recommended that the entire area be paved and stated he is concerned about how the gravel spaces will be striped. He inquired about handicapped accessibility to the building. Mr. Yuro inquired if the shipping containers will remain onsite. Two of them are on the property line and the drainage easement going to the street, which need to be removed. He suggested the applicant consider placing bumper blocks at the heads of all parking stalls. Mr. Yuro stated he has some concerns with the lack of soil borings that are used as an infiltration system. He recommended the board require the applicant's engineer to provide a calculation of the projected sanitary sewer flow prior to making a decision or before any construction is started. Mr. Yuro stated he is OK with it being put in the resolution as a condition if that's what the board desires. It also has to be reviewed by the DEP and he will have the chance to review their submittal and ensure the borings are done before construction. The DEP may knock it down or put restrictions/conditions as there are going to be new, stricter rules that will be effective May 2023. Mr. Yuro inquired about what material will be used on the north side of the property between the building and parking spaces 1-5. He requested the impervious coverage be removed and also to remove the gravel between parking spaces 9 and 10 and make it grass which would bring the coverage to almost what the existing coverage is. Mr. Yuro recommended not putting grass in the square area, but to get grass in the strip to bring down the impervious coverage. Mr. Yuro recommended installing pole lighting. Mr. Yuro inquired if the chain fence will be removed. Mr. Yuro requested testimony for the general operational use for the additional proposed space.

Mr. Koestner stated they will provide an additional area of 40 ft. to be able to pull in and pull out. There is a paved path from the spot to the main access to the building. Mr. Koestner stated the containers will remain onsite. Mr. Koestner stated lighting could be provided along the building. Mr. Koestner stated there is no fence.

Ms. Sedarat stated it is passive use, strictly for storage. The number of employees will remain the same. It's only to utilize storage and a loading dock.

Board member Acosta inquired if the business services any hazardous materials.

Ms. Sedarat stated there are no hazardous materials or munitions, strictly electronic parts, nothing nuclear.

Board member Cabrera stated the loading dock is 5 ft. recessed from the front. He inquired what is the typical size of the trucks making delivers and how many trucks are there at one time.

Mr. Koestner stated they are like UPS trucks.

Board member Joseph inquired what is the turn around time for NJDEP approval.

Board engineer Yuro stated they have 90 days to render a decision. It now takes 4-6 months to be rendered.

**Questions from Residents within 200' and Beyond:**

Julio Pacheco, 35 Elm Street, inquired with the 200 sq. ft. of grass, how much water is consumed when the street is flooded with 12 inches of water. He inquired about the decrease in runoff. He inquired how many parking spots are there going to be for 200 employees and if it will be increased.

Mr. Koestner stated 35%. He stated the runoff will not exacerbate flooding.

Ms. Sedarat stated the 200 employees includes the other two buildings in town. The parking spaces being provided is more than what the ordinance requires, 8 are required and they are providing 14 parking spaces.

Aron Levy, owner/CEO of Samiron Group LLC, 136 School Street, stated there are 18 employees at this building. The frequency of delivery trucks is 4-6 times a month. There is daily pick up by UPS. Mr. Levy stated he has no control over the size of the truck the company sends. They are usually 12 ft. and if it is larger, it would be brought to 100 School Street. Mr. Levy stated since 1995, his business has expanded. He is satisfied with being in Bergenfield and has employed many Bergenfield residents.

**Questions from Residents within 200' and Beyond:**

Ray Keim, 34 W. Broad Street, stated there are tractor trailers blocking the whole street, some that are 38-40 ft. long. He inquired if the expansion is going to be just for storage or for export. He inquired if there will be more trailers.

Mr. Levy stated it is for storage. The storage has been exacerbated. The force supply chain due to COVID is the reason for the proposal. The complaints about the trucks pertain to 100 School Street, which was there way before Mr. Keim came.

Jacob Solomon, 13-25 Plaza Rd, Fairlawn, architect, presented Exhibit A-1, dated 5/3/22 of the proposed two-story building addition with a loading dock in front. The two-story addition will consist of a second-floor mezzanine/storage with windows and open space for storage, a first-floor loading/receiving area and a single loading dock with an overhead door. The exterior will be stucco siding and windows along the parking lot side. The materials are common to other houses in the neighborhood and is aesthetically compatible.

Chairman Rivas inquired if it's going to be built right next to the existing structure.

Mr. Solomon's response was yes, sharing a wall.

Board member Acosta inquired about handicap accessibility. He inquired if this building will be higher than the existing building.

Mr. Solomon stated the main entrance is handicap accessible. There will be a minor ramp. Mr. Solomon's response was yes.

Board member Cabrera inquired about the fire escapes.

Mr. Solomon showed on the diagram where the proposed fire escapes would be.

Board member Acosta inquired about lighting.

Mr. Solomon stated there will be egress lighting.

Ms. Sedarat stated they will discuss with the engineer how to illuminate the parking lot.

Board member Joseph inquired if there will be any disruptions in the operation of the business during construction.

Mr. Solomon stated there will be minimal disruption.

Councilman Lodato inquired if the front was setback by 5 ft. to accommodate traffic.

Mr. Solomon's response was yes, to accommodate vehicular traffic.

Ms. Sedarat stated the increase in the current conditions are di minimus. The only variance that is being exacerbated is only by 2.5% and will now be decreased more by installing a grass surface across a strip of land that is 250 sq. ft. They would like to consider the application from where it sits now. The runoff system proposed surpasses that what is required based on the square footage being added. Ms. Sedarat stated the concerns with drainage and runoff can be stipulated as a condition of approval that soil tests are done and drainage is to the satisfaction of the board and NJDEP regulations. This is a lawfully existing structure that predates the zoning code. The applicant is cooperative with all the notes made.

**Public Comments:**

Julio Pacheco, 35 Elm Street, stated the whole project has to be looked at. Elm Street and School Street are almost a catch basin and no matter the runoff, there will be flooding. There are 10 cars that park between Elm and Broad Street, making it tight for trucks to come in. There are 10 cars that park between School Street and the adjacent apartment building. There are 20 cars parked on both sides of the street within two blocks. He requested the board to take everything into consideration.

Ray Keim, 34 W, Broad Street, stated he was at the last board meeting and the applicant did clean up as required at the time by the board. The parking is a big problem. Mr. Keim stated the company starts at 6:00am and leave at 6:00pm Monday through Friday and on Saturdays from 6:00am to 3:00pm. There is no where to park if residents have guests. Mr. Keim stated if it's snowing, they are parked on the street until 6:00pm even if there is an emergency, making it difficult for the plows to get through and he has to plow in front of his street to get into his home. His property has been flooding since the last addition that was done by the applicant. It's hurtful when a business owner is more concerned with his business than the neighboring residents. If the building goes up, there are going to be more cars parked further down the street, blocking more streets, which are narrow.

Board member Cabrera inquired if there are any cars parked right now in the existing area between 100 and 136.

Ms. Sedarat's response was no.

**Motion to Approve Application with the Following Conditions:**

- 1. Bumper blocks installed for parking area**
- 2. Handicapped spaces be paved**

3. **Drainage borings have to be to the satisfaction of board engineer**
4. **Trucks won't protrude onto street**
5. **Gravel between structure and parking will be replaced with grass strip**
6. **Paved sidewalk for handicap accessibility**

**Motion By:** Mr. Bergman

**Second By:** Mr. Vasquez

**6 ayes. 2 nays.**

2. Ordinance 23-2611 – An Ordinance Amending Chapter 186 of the Code of the Borough of Bergenfield, Entitled “Land Development”

Chairman Rivas inquired if this ordinance is just raising fee.

Councilman Lodato's response was yes.

**Motion to Accept Ordinance**

**Motion By:** Mr. Bergman

**Second By:** Mr. Acosta

**All ayes. None opposed.**

3. Letter – NJDEP Green Acres Urban Parks Program Application

Chairman Rivas stated they would like to get more money from Green Acres to build the football field.

Councilman Lodato stated Twin Boro Park is being renovated and the application is for that. He stated he is in favor of it.

**Motion to Accept Letter**

**Motion By:** Mr. Bergman

**Second By:** Mr. Cabrera

**All ayes. None opposed.**

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Bergman

**Second By:** Mr. Vasquez

**All ayes. None opposed.**

Meeting was adjourned at 10:02 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk  
Planning Board