

**BOROUGH OF BERGENFIELD
PLANNING BOARD TELECONFERENCE
MEETING VIA ZOOM
MEETING MINUTES
FEBRUARY 22, 2021**

Chairman Rivas called the meeting to order at 8:03 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 February 10, 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 Mr. Cabrera.

ROLL CALL

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

Absent:

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

APPROVE MINUTES OF PREVIOUS MEETING – January 25, 2021

Motion by: Mr. Acosta

Second by: Mr. Knowles

All ayes. None Opposed.

CORRESPONDENCE

Bergen County Soil Conservation District – Application dated 2/16/21 for soil erosion and sediment control plan certification.

1. 50 Marcotte Lane – Approved. No action required by board.

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 zone for fair share housing. Mr. Smith stated this ordinance needs to be looked at again because it only benefits the businesses north of Clinton Avenue with the amount of apartments that can be built. Mr. Smith stated even with the B1 and B2 overlay, there still is going to be a parking problem on Washington Avenue that is north of Clinton Avenue. They amended schedule B of the zoning table. The density has to be looked at and the other business areas in town, which includes south of Clinton Avenue. There are businesses on New Bride Rd. There are businesses for sale and the contractors south of Clinton Avenue are at a disadvantage because they can't build more than four units on that property because of the size of the lots.

Mr. Smith requested the planning board to look at the ordinance again and advise the governing body some changes need to be made. They have to address the parking issue.

Board attorney Mondello stated the planning board members already reviewed the ordinance and sent suggestions. Some folks on the planning board may agree with you and some may not. Mr. Mondello stated Mr. Smith can always go to the Mayor and council and express his dissatisfaction with the overlay zone. Mr. Smith knows where a developer who is seeking more than the 4 units winds up.

Mr. Smith stated they have to take that into consideration and he thinks the governing body rushed through this because of the fair housing. It is a good ordinance but they didn't take everything into consideration. Mr. Smith stated if the planning board suggests to the governing body to take another look at the ordinance, then might take another look at the ordinance. Mr. Smith stated everyone in town can benefit from this ordinance. The car wash and the Nissan lot on Washington Ave are good examples. According to the developers, they can't do it there because they did not increase the density in all of the business districts.

Motion to Close Verbal Communications

Motion By: Mr. Berger

Second By: Mr. Cabrera

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – Mr. Rivas stated there has not been a meeting. There is one coming up March 4th, 2021.
2. Parking/Legal – No report
3. Capital Improvements – No report
4. Master Plan – No report
5. Liaison to Board of Adjustment – Mr. Knowles stated the Board of Adjustment had a meeting on February 1, 2021. The first applicant was 304 Merritt Avenue. The applicant wanted to put in an in-ground pool that was approved. The second applicant wanted to enlarge a deck at 40 Hampton Ct. That was also approved. 145 W. Main Street is going to be continued until this coming Wednesday night, February 24, 2021. Mr. Knowles recommended people tune in as this was one of the planning board's subdivisions. Shanty, LLC, 51 E. Main Street requested an extension that was granted.

OLD BUSINESS

Mr. Rivas asked the board clerk if anything was received from Gloria Oh Law Group. Mr. Rivas inquired if the one received could be sent to the board members in the meantime. Mr. Rivas inquired if Mr. Mondello's application is still there. Mr. Rivas stated he agrees with Mr. Knowles. However, they can't appoint an attorney until they have the RFQ's and have had an opportunity to review it. The next meeting date is March 15th, 2021.

Board clerk Tavitian stated the RFQ from Gloria Oh was received. The deadline to submit the RFQ for board attorney is March 2, 2021.

Mr. Knowles recommended having a meeting next month to resolve the issue with the planning board attorney being the deadline is March 2nd, 2021 regardless of having an application or not.

NEW BUSINESS

Eli Skoczylas

88 Hallberg Avenue
Block: 283 Lot: 59
Minor Subdivision

Mark Madaio, 31 Legion Drive, Bergenfield, NJ, attorney for applicant on 88 Hallberg Avenue. The application is for a fully conforming minor subdivision. Mr. Madaio stated in the case of a fully conforming minor subdivision, notice to the public is not required. However, they did send it anyway. They are taking the property at 88 Hallberg Avenue, which is an oversized lot of approximately 23,000 sq. ft. and creating two lots. One lot will be 5,950 sq. ft. and the other lot will be 17,600 sq. ft. The remainder lot will still be nearly 18,000 sq. ft. As a result, one lot will be 10% oversized and the other lot will be 300% oversized. No variances are required.

Mike Hubschman, licensed engineer, 263 S. Washington Avenue, Bergenfield, NJ stated the lot is 23,560 sq. ft. It is 200 ft. deep and is on the south side of Hallberg Avenue. It's in the R5 zone. The lot is flat with an existing house, garage, and driveway that's proposed to be removed. Mr. Hubschman explained any lots over 6,000 sq. ft. have to comply with the R6 zone requirements. The lot to the left would be 50x119 ft. The remainder lot is 17,610 ft. Both are very buildable lots for the area. There is a lot of redevelopment in the neighborhood. There are no variances proposed. Mr. Hubschman stated he received the review letter dated February 18, 2021 from the board engineer, Carlos Fuentes. There are no issues with the recommendations. They will be filing deeds.

Mr. Madaio stated they anticipate raising the house prior to the time period to record the deed's lapsing. In the event they are unable to raise the house prior to recording the deeds, they would post the appropriate bond. Mr. Madaio stated they have every intention to have the house down before they record the subdivision deeds.

Chairman Rivas inquired how many houses are going to be constructed on the lots.

Mr. Hubschman stated there will a house on each lot, two new houses. There will be nothing in the back lot. There won't be a flag lot.

Questions from residents within 200 feet and beyond:

Mr. Smith inquired about the measurements for both lots. Mr. Smith stated it looks like a flag lot to him. Mr. Smith inquired if there are buyers for the two houses. Mr. Smith inquired why the two lots are not divided equally. Mr. Smith stated he doesn't see a problem with the 2 ft. His concern is with building a 7 bedroom home and then having parking problem.

Mr. Hubschman stated 50 ft. wide is the smaller lot, 50 x 119 ft. and the larger lot is 67.8 x 200 ft.

Mr. Madaio stated it's not a flag lot. There is no flag pole. A flag lot is a lot behind other lots that gets connected to the street by the flag pole. This lot fronts on the street. It is by definition, not a flag lot.

Mr. Hubschman stated dividing the two lots equally would require a variance. They would both be over 6,000 sq. ft. and they don't have 120 ft. of frontage. They have 117 ft. There would be a 2.2 ft. variance requirement.

Mr. Berger inquired if it is incumbent on the applicant to make any commitments of any sort.

Mr. Mondello stated that Mr. Smith's question to Mr. Hubschman is if houses are going to be built, would any variances be required.

Mr. Hubschman stated there isn't anything designed at this point but he didn't think there would be variances required for the lots.

Mr. Smith stated the only variance he came up with was the 2 ft. one. It's a good plan. He just hopes it's not going to be a 7 bedroom home.

Andrea Brescia, 120 Hallberg Avenue, inquired if the plan for the stream at the back of the property is to keep it as is and open. Ms. Brescia inquired if they would be putting large French drains on the property for the houses.

Mr. Hubschman stated there's a swell that runs along the rear and to the west. They would have to maintain that if it drains to other neighbors. They can't just block it. Mr. Hubschman stated they would put in seepage pits more towards the front. There is a drain in the street that would hook to any overflow. There would probably use seepage pits for the roof leaders.

Board engineer Fuentes stated he reviewed the application for the minor subdivision. The minor subdivision is within compliance of the code. They didn't find anything that wasn't within the regulations. Mr. Fuentes stated the one concern is as to the future proposed use of the lots. Mr. Fuentes stated the R5 zone allows for single family homes as well as two family homes. He was wondering if they already have the information available and would be willing to share it for the benefit of the board and the public.

Mr. Madaio stated they have nothing designed. They are here solely for a subdivision, draw lines on a map.

Mayor Amatorio stated there are two houses proposed to be built on the two lots. He inquired if there is a chance the developer will come back to the zoning board or to the planning board.

Mr. Madaio stated in the event those houses require a variance, they will go to the board of adjustment. In the event those homes won't require variances, a building permit will be issued by the building department.

Mr. Rivas inquired if density gets discussed with this application. Mr. Rivas stated the fact that street is getting more crowded, doesn't enter into this.

Mr. Mondello's response was no. This is a plain minor subdivision as of right. Mr. Mondello stated depending on what is constructed down the road for the two lots will determine if they go to the zoning board or simply get a permit from the building department as Mr. Madaio indicated. Mr. Mondello stated it does not.

Motion to Approve Minor Subdivision Application

Motion By: Mr. Knowles

Second By: Mr. Abenoja

Mayor Amatorio	yes	Romeo Abenoja	yes
Robert Byrnes Jr.	yes	Jerry Berger	yes
Councilman Lodato	yes	Ben Cabrera	yes
Robert Rivas	yes	Ernesto Acosta	yes
Michael Knowles	yes		

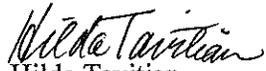
MOTION TO ADJOURN MEETING

Motion by: Mr. Acosta
Second by: Mr. Cabrera
All ayes. None opposed.

Meeting adjourned at 8:39 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