

**BOROUGH OF BERGENFIELD
PLANNING BOARD TELECONFERENCE
MEETING VIA WEBEX
MEETING MINUTES
JUNE 15, 2020**

Chairman Rivas called the meeting to order at 8:03 PM.

ROLL CALL

Present: Mayor Amatorio, Mr. Rivas, Mr. Abenoja, Mr. Berger, Mr. Cabrera, Mr. Knowles, Councilman Lodato, Mr. Naylis, and Mr. Acosta (joined at 8:06pm)

Absent: Mr. Vasquez and Mr. Polandick

Also Present: Ron Mondello, Planning Board Attorney, Joseph Pomante, Planning Board Engineer, Hilda Tavitian, Planning Board Clerk, and John Smith, Zoning Board of Adjustment Liaison

PLEDGE OF ALLEGIANCE

Led by Mayor Amatorio.

APPROVE MINUTES OF PREVIOUS MEETING – May 18, 2020

Motion by: Mr. Berger

Second by: Mayor Amatorio

All ayes. None Opposed.

CORRESPONDENCE

Review of \$4,000,000 Multipurpose Bond Ordinance

Board attorney Ron Mondello stated the board is to review the ordinance to see if it comports or conflicts with the master plan. In his opinion, the ordinance does not conflict with the master plan.

Board member Naylis inquired if it would be appropriate to ask the board clerk to circulate it to the board members and if anyone identifies something to notify the attorney. He suggested a time frame of one week to get back to Mr. Mondello.

Chairman Rivas stated that was one of the things Hilda sent to the board, which is included in the packet. The board members will report back within a week.

VERBAL COMMUNICATIONS

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

John Smith, Zoning Board liaison, stated the board members should make a decision about the bond ordinance to the governing body. He doesn't think the town should be looking for any type of money with everything that is going on with the pandemic. The board members should look at everything including problems that would arise when reviewing subdivisions. Mr. Smith inquired why ordinances are being passed by the governing body when they are not being enforced.

OLD BUSINESS

Appointments of Standing Committees

1. Liaison to Board of Adjustment

- a. Michael Knowles
 - b.
2. Site Plan
 - a. Robert Rivas
 - b.
 3. Master Plan
 - a. Jerry Naylis
 - b. Ernesto Acosta
 - c. Mayor Amatorio
 - d.
 4. Parking/Legal
 - a. Councilman Lodato
 - b.
 5. Capital Improvements
 - a. Mayor Amatorio

Mr. Rivas stated he had inquired a while ago about the pamphlets for the board members and still is in limbo. He would like to purchase one for himself. Mr. Rivas stated the minutes indicate they were \$50 per pamphlet. If anyone else is interested in purchasing one to let the board clerk know.

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 at the Zoning Board meeting there was an application for 155 Sussex Rd looking for two variances to redesign the second floor, a cantilever version overhanging the first story. There were problems with unsigned survey and math calculations but the application was approved. There was an application for 36 Greenbriar St to enlarge the porch. That was approved. The last application was for 205-207 N. Washington Ave. It was proposed to change the first story medical space to four one-bedroom apartments to match the four apartments on the second floor. It was approved with stipulation of 15% be set aside for low income to comply with fair share housing.

2. The Porada Development Group, LLC
 - 111 Hallberg Avenue
 - Block: 219 Lot: 20
 - Minor Subdivision – 2 Lots with Variance Relief

Mr. Stephen Sinisi, attorney for applicant at 2 Sears Drive, Paramus, NJ, stated the application is for a minor subdivision for 111 Hallberg Avenue and seeking two variances for minimum lot width requirements and minimum front yard setback for one of the properties that will be subdivided. Three witnesses have already testified, including the project architect. The project architect was not required to but had submitted floor plans indicating two single family dwellings in order to be completely transparent. The project engineer had discussed the minor subdivision plat and the drainage calculations. The drainage calculations had confirmed there would be no adverse impact to the property or to adjacent properties if subdivision were to be granted. The applicant has a burden of proof to demonstrate its

entitlement to variance relief. Mr. Matthew Seckler, a licensed planner, professional engineer and traffic consultant, had discussed his findings and conclusions that there was a qualified basis to grant the minor subdivision sought as well as the applicant satisfying the negative criteria of there not being any substantial detriment to the public or impairment to the master plan or zoning ordinances.

Mr. Mondello stated the majority of the board members had requested the board retain a planner and he is present, Mr. Jeff Morris. He will give his credentials when sworn in and he may just have questions at this time.

Mr. Knowles inquired if there are any lots on Barry Place. Borough owned does not mean it's not buildable.

Mr. Seckler stated the only other lot is behind the current house. Mr. Seckler stated the property across the street is borough owned and are wetlands. He has not done an environmental analysis of the property but stated it is heavily wooded and are some streams that go through the property. The property also has frontage on another street.

Mr. Morris stated the drawing shows additional variances and waivers that were not addressed. Mr. Morris stated his primary concern was the lot coverage variance and the RSIS parking waiver requirement.

Mr. Seckler stated the lot width and front yard variances were the only ones on the plans. Mr. Seckler stated they are below the 35% maximum requirement of improved lot coverage. One of the lots is exactly at 35% and the other lot is 34.9%. Mr. Seckler stated the overall lot coverage calculation ordinance is 30% and they are below that. Mr. Seckler explained, based on the number of bedrooms provided, the RSIS goes up to only five-bedroom houses that would require three parking spaces. As per the RSIS requirement, they would not be able to provide 3 parking spaces per the dimensions of the driveway. However, they would be able to fit three cars in the driveway and garage functionally, based on the width and length of the driveway and other similar driveways in the neighborhood. A waiver would be needed for an exception from the RSIS requirements.

Mr. Sinisi stated the zoning officer in his 3/6/20 review letter had called out the two variances they are seeking. There were no other variances.

Board member Jerry Berger inquired, considering the application is a minor subdivision, if issues regarding the construction of the house are relevant to the proposal.

Mr. Mondello stated the applicant could have simply come in with a survey and spoke of the variances required.

Questions from residents within 200 feet:

John Smith, resident, inquired what the hardship is and why the applicant is seeking the variances.

Mr. Sinini stated he had used hardship as an example of what would justify the granting of a variance.

Mr. Seckler stated if there was 251 sq. ft. less property, they would have done away with the lot width waivers. They would still be seeking the front yard variance. He stated there would be no detrimental impact to grant the variances being sought. The application is consistent with the master plan and the building patterns on the north side of the street. It advances the purposes of the land use law.

Mr. Smith stated he is confused because the borough land is leased to the boy and girl scouts of Bergenfield. The streams are on the back side of the property that is New Milford, not Bergenfield. Mr. Smith stated the borough ordinance states the width of a driveway to be 19 ft. The width of the driveways that have cars parked side by side are wider than 19 ft. He inquired if Mr. Seckler measured the length of the driveways with cars parked side by side and if they met the requirements of the borough ordinance.

Mr. Seckler stated he did not measure any neighboring driveways. He stated the borough ordinance allows 19 ft. wide driveways or 40% of the lot width, whichever is greater with a maximum of 25 ft. There are some properties nearby that may have enough lot width to be permitted to have 25 ft. wide driveway. Mr. Seckler explained they are seeking a compliant driveway and two cars can fit side by side in a 19 ft. driveway.

Mr. Cabrera inquired what the total sq. ft. of the house is. He stated it looks like it is more than 4,000 sq. ft. He would like to know the exact number.

Mr. Bodnar stated the house is about 4,000 sq. ft. in total.

Questions from any residents:

Brian Motechin, 82 Hallberg Avenue, inquired how the architect does not know the square footage of the house.

Mayor Amatorio stated he received an email from a resident raising issues they had about flooding in the area and privacy of trees. He sent the email to the board clerk, Hilda. Hilda can forward it to the board members.

Mr. Mondello stated Mr. Sinisi would prefer whoever authored those emails would ask those questions of the professionals so he could cross examine whoever wrote the email. The better practice would be for that author to speak up and ask those questions now.

Mr. Sinisi stated if there was correspondence received by the board or any member, he should have gotten copies.

Mr. Acosta inquired if they can change the orientation of the building to face Barry Place. They can then have the set back in the back and in the front. Last time, the architect had said the road conditions are bad. The Mayor had addressed that stating they are going to fix the road.

Mr. Bodnar stated the sq. ft. is 3,555. The basement is another 1,300 sq. ft. The other road is just a paper street. Mr. Bodnar stated he was not counting the garage in with the basement area. It is 5,100-5,200 sq. ft. in total. Most people do not count the basement.

Mr. Naylis wanted to confirm that the garage is not being counted as part of the basement area.

Mr. Cabrera stated there is a recreation room and a bedroom in the basement. It is going to be a finished basement.

Mr. Morris, licensed planner and engineer from Boswell Engineering, 330 Phillips Avenue, S. Hackensack, NJ stated none of the lots immediately surrounding the area are developed in the same intensity as the one being proposed. The closest lot is past Alice Place. The construction official had stated the lot coverage is 38% which is over what is allowed. It is not in compliance with impervious coverage and still utilizing a larger area. It will make a big impact in the neighborhood. Mr. Morris stated it is going to be difficult to park two cars side by side with a 16 ft. driveway with 4 ft. high walls on either

side. The neighborhood is older and is redeveloping. Mr. Morris stated he doesn't think there is justification for the additional impervious area located on the lot. Mr. Morris agreed there are other 50 ft. lots in the area.

Councilman Lodato asked Mr. Morris to explain what the RSIS regulation is for parking. Councilman Lodato inquired if the ratio for the RSIS requirement for a 7-bedroom house would be 4.2 parking spaces. Councilman Lodato stated the RSIS doesn't say any amount of bedrooms above 5 only have to meet the requirement of 5 bedrooms. Councilman Lodato asked Mr. Morris if he has an opinion whether or not the proposal for the two 5,100 sq. ft. houses is a good plan for the neighborhood.

Mr. Morris stated the RSIS requirements for the state of New Jersey are applicable to every residential development in the state. They have specific parking space and size requirements. Mr. Morris explained the parking requirements for a 5-bedroom house would be 3 parking spaces, 1 in garage and 1 in the driveway with a lot width of 18 ft. This driveway is 16 ft. wide. Mr. Morris stated the RSIS does not address anything over five bedrooms. It just says 5 bedrooms. It is an overdevelopment for the area. Mr. Morris stated he finds seven bedrooms in such an area to be excessive.

Mr. Cabrera inquired how many homes in Bergenfield are in excess of 5,000 sq. ft. in a 50 ft. wide lot. Mr. Cabrera asked Mr. Morris if he finds a 7 bedroom house on a 50 ft. lot to be excessive.

Mr. Berger inquired if Mr. Morris concurs with the applicant's testimony that if they had 250 less sq. ft. on the lot they would be able to compose their exact plan of not having any variances.

Mr. Morris stated they still would have a side yard for Barry Place and the parking requirements. The construction official will send them back for the variances and waivers if they want to develop their plan. Mr. Morris stated he couldn't testify to the number of acceptable bedrooms because they would have to meet the zoning criteria and appropriate coverage.

Mayor Amatorio inquired what would be an acceptable number of bedrooms if the applicant wanted to revise their plan of having seven bedrooms.

Mr. Rivas inquired if he agrees that there are a good number of 50 ft. lot frontages on Hallberg Avenue, 11 of them. Mr. Rivas asked Mr. Morris to explain further what he meant about overdevelopment in the area.

Mr. Morris' response was yes depending on which side of Hallberg Avenue. There are currently 43 lots on Hallberg Avenue. The 11 50 ft. lots make up 25% of the 43 lots on Hallberg Avenue. There are 27 lots that have more than 50 ft. lots. Mr. Morris stated the proposal is an overdevelopment of the area in comparison to the area around it. It is an older style of development of older homes. It would be overpowering to the homeowners in the area and lead to similar developments in the area. There would be tear downs of existing homes. There are only 4-5 homes left with 100 ft. frontage.

Mr. Sinisi asked to what extent does paver stones come into the equation or calculate the overall coverage issue. Mr. Sinini inquired what the proposed percentage would be for the proposed plans.

Mr. Morris stated it would be a 10% bonus for pavers. It would be less than a quarter. He does not know if basements are counted. The first and second floor counted is about 3,550 sq. ft.

Questions from residents:

No one came forward.

Board engineer Joe Pomante reiterated that they have no exceptions to the drainage calculations that were submitted. The seepage pits were not designed to handle a basement sump pump connection and problems may arise as a result.

Comments from residents:

John Smith, 50 Hallberg Avenue, stated he liked what the board planner said about it being an overdevelopment on an undersized lot. The board should listen to the planner. In the past there have been mistakes made by the building department and the zoning board because they don't look at the lot coverage and the other variances. Mr. Smith stated he stands by the NJ Stormwater rule and the lack of parking. The project will have a negative effect on the community and the environment. There is water being pumped out because of flooding. The overdevelopment needs to stop. The planner and engineer estimated and do not have the right numbers. The basement is going to be living quarters. Mr. Smith stated he spoke with the zoning officer and he stated the basement is calculated in the square footage. Councilman Lodato raised good points about the parking and brought up reducing the number of rooms. Mr. Smith stated he didn't hear the applicant say they are willing to reduce the number of rooms to get the subdivision application approved.

Cheryl Dym, 110 Spring Avenue, stated the neighbors are concerned about the beauty of the neighborhood and the build being consistent with the neighborhood. The intensity of the development is not the same as the homes in the immediate area. Ms. Dym stated 7 out of 45 lots on Hallberg Ave have homes on lots smaller than 7,000 sq. ft. The letter the Mayor was talking about was one that she sent. There are concerns of flooding, the beauty of the area, trees that will be cut down, and privacy. She suggested adding trees to the property could help.

Brian Motechin, 82 Hallberg Avenue, stated there are laws that protect the citizens of Bergenfield in their entirety. He stated he keeps hearing things people want to do that are not consistent with the regulations. He stated it is appropriate for the burden of proof be on the people who want to deviate from the regulations. Everyone here who is protected by the law doesn't want this to happen. The rules should be followed and there should be no exceptions.

David Gross, resident, stated he would like the trees taken down to be replaced.

Mr. Sinisi stated their application has been pending for some time and the application is governed by the time of the application and doesn't apply at the time of the decision. Secondly, the application is a minor subdivision and they went above and beyond in preparing plans for the board to see as to what it could be. The primary purpose of the application is for minor subdivision of land approval and not to lose focus of what the application is about. The neighborhood does reflect a significant amount of 50 ft. or plus lots. There would be no adverse impact to the property or surrounding properties in regards to drainage.

Mr. Berger inquired if it is ordinances at the time of application or at the time of votes. Mr. Berger stated the applicant chose to give extra transparency issues. Mr. Berger inquired if the board can consider the extra information, whether or not to grant the motion of the subdivision or be concerned with all of the issues.

Mr. Mondello stated it's at the time of application unless the ordinance actually helps the developer. The ordinance Mr. Sinisi was talking about was adopted in May. Mr. Mondello stated that is not an easy question to answer because the applicant submitted all of the extra information to the board for consideration. It's part of the record. They could have just come with a survey and there are still variances.

Mr. Naylis inquired if the application would be considered a subdivision of right.

Mr. Mondello stated a subdivision of right is when the applicant comes in and seeks no variances. No, they wouldn't have to go before the zoning board. The board would be approving the minor subdivision with the variances.

Mayor Amatorio inquired if the board approves the subdivision based on the issues raised by Mr. Sinisi, will they then go before the zoning board for the building.

Mr. Acosta inquired if the approval would be just for the subdivision and not for the building.

Mr. Mondello stated approval would be for the subdivision, the land variances the applicant is seeking and the building. If the application is approved, they can build as presented.

MOTION TO DENY APPLICATION

Motion By: Mr. Naylis

Second By: Mr. Knowles

Mr. Rivas:	<i>aye</i>	Councilman Lodato:	<i>aye</i>
Mr. Abenoja:	<i>aye</i>	Mr. Naylis:	<i>aye</i>
Mr. Berger:	<i>aye</i>	Mr. Acosta:	<i>aye</i>
Mr. Cabrera:	<i>aye</i>	Mayor Amatorio:	<i>aye</i>
Mr. Knowles:	<i>aye</i>		

Mr. Mondello stated the Planning Board's role is to review the ordinance and see if it comports or conflicts with the master plan. The ordinance speaks about vehicles, recreation, and the library. He doesn't see how it would conflict with the master plan. Typically, they would vote on it. The members can reply with their position on the ordinance to Mr. Mondello. Mr. Mondello will let Hilda know and will provide a response to the council.

MOTION TO ADJOURN MEETING

Motion by: Mr. Berger

Second by: Mr. Naylis

All ayes. None opposed.

Meeting adjourned at 10:22 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