

**BOROUGH OF BERGENFIELD
PLANNING BOARD TELECONFERENCE
MEETING VIA ZOOM
MEETING MINUTES
OCTOBER 25, 2021**

Chairman Rivas called the meeting to order at 8:00 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 October 8, 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 Board Member Cabrera.

ROLL CALL

Present: Mayor Amatorio, Councilman Lodato, Chairman Rivas, Mr. Knowles, Mr. Abenoja, Mr. Cabrera, Mr. Acosta (joined at 8:13 pm), and Mr. Bergman

Absent: Mr. Byrnes, Jr. and Mr. Vasquez

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

Chairman Rivas requested a moment of silence in honor and memory of former board member, Jerald Berger, who passed away two Fridays ago.

APPROVE MINUTES OF PREVIOUS MEETING

CORRESPONDENCE

VERBAL COMMUNICATIONS

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

No one came forward.

Motion to Close Verbal Communications

Motion By: Mr. Cabrera

Second By: Mr. Knowles

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – None.
2. Parking Legal – None.

3. Capital Improvements – Mayor Amatorio stated the governing body has approved the construction of borough hall. They are expecting to start the construction before the end of the year. They are still using the current borough hall during the construction of the new building, which will be built behind the current borough hall. They will be saving a lot of money from not having to move out and then move back in. Mayor Amatorio stated once the new building is done, they will move in, and then demolish the old building. There is no specific date. They will be formally signing the agreement this November.

Councilman Lodato stated they are proceeding with remediation work by the PAL field. The engineers are reviewing it and will be presenting new plans.

4. Master Plan – None.
5. Liaison to Board of Adjustment – None.

OLD BUSINESS

NEW BUSINESS

Application - Porada Development Group, LLC
111 Hallberg Avenue
Minor Subdivision

Stephen Sinisi, attorney for applicant, 2 Sears Drive, Paramus, NJ, stated they are here pursuant to an application filed for 111 Hallberg Avenue, designated as Block: 219, Lot: 20. The applicant is proposing to demolish the existing improvements on the subject property in order to subdivide the property into two conforming lots for the purposes of erecting residences that would be consistent with the zoning district requirements applicable to the property. The zoning district in which the property is situated is the R5 zoning district. Mr. Sinisi explained by virtue of footnote 4, in the R5 zoning district requirements, the R6 bulk requirements apply for 6,000 sq. ft. One of the proposed lots will be 5,900 sq. ft. and the other will be 6,600 sq. ft. As Mr. Intindola had pointed out in his planning review, this is totally conforming with one 1 family dwelling on each lot. Mr. Sinisi stated there no variances sought. They are looking for approval of a lot line to create a minor subdivision. Mr. Sinisi stated they responded to all of the board engineer's requests point by point. Mr. Fuentes' letter was received on October 19th, 2021 and a letter was submitted to Mr. Fuentes on October 21st, 2021 answering all of the questions in ten bullet points. Mr. Sinisi stated part of what contributed to reconfiguring the plan was comments and recommendations made by the board members and the public, and the increase in building costs.

Ms. Brigitte Bogart shared on the screen five photographs showing the existing condition of the site and the surrounding area. Ms. Bogart explained they originally had a subdivision facing Hallberg Avenue that needed a number of variances. It was recommended by the board professionals to turn it so it would fit better with the neighborhood. They changed the frontage onto Barry Place for both dwellings, which was shown in one of the photographs. One of the photographs presented showed what the dwellings will look like.

Thomas Stearns, licensed engineer, president of GB Engineering, LLC, shared on the screen three photographs of some residences their client has built in close proximity of this property and what they have in mind for the location if the subdivision is approved. The photographs showed the front entry, the construction, and style of homes built. Mr. Stearns stated they rotated the subdivision so instead of the two dwellings on the lots facing Hallberg Avenue, they will front west on Barry Place. Barry Place was recently improved with new pavement, curb, and sidewalk. There is existing sewer and utilities on Barry

Place. Mr. Stearns shared on the screen the revised plan dated 9/23/21. The existing dwelling was fronting on Hallberg Avenue very close to Barry Place with a side yard setback of 5.74 ft. On Barry Place it was 34 ft., 76 ft., in the front, and 26.02 on the right. There was an in-ground pool in the back. The house was in disrepair. The proposal is to create two new lots. The first lot on the south will be 66 ft. wide by 100 ft. deep. The second lot will be 59 ft. wide by 100 ft. deep also fronting on Barry Place. They are variance free in the zone chart. They are proposing two dwellings. Dwelling #1 will have an 18 ft. setback off of Hallberg Avenue, 25 ft. off of Barry Place, and an 8 ft. side yard to the left of the dwelling. The rear yard will be 31.42 ft. and the lot size will be 6,600 sq. ft. The lot coverage allowed is 30%, where they are at 26.8%. The impervious coverage required is 35%, where they are at 34.9%. They are also under the height requirement which includes the grading of the site. The second lot, #7, is a 59 ft. wide lot at 5,900 sq. ft. There is 25 ft. frontage, 8 ft. side yard, a combined side yard of 19 ft., where 15 ft. is required, and rear yard is 31.42 ft. where 25 ft. is required. Mr. Stearns explained since this lot is analyzed in the R5 zoning, lot coverage allowed is 40% and they are at 39%, 30% for building, they are at 29.9%. They are fully in conformance with the zoning. The board's planner agrees with his testimony that was written in his report.

Mr. Sinisi inquired if Mr. Stearns had prepared drainage calculations.

Mr. Stearns stated he had prepared the drainage calculation with each lot following RSIS standards that requires some conservative reduction factors for residential uses. They followed the reduction factors and compared them with the existing conditions. He stated for lot #1, they stored the entire dwelling during a rainfall event and did the same for house #7. They compared the pool and the surrounding concrete features with the new dwelling, driveway, and front porch. They followed the reduction factors from the RSIS and came up with a number. They have proposed seepage pits in the rear of each property that will store the runoff for the entire dwelling.

Mr. Sinisi asked Mr. Stearns if he has designed these kind of drainage systems before. Mr. Sinisi inquired if the drawing plan and the drainage calculations prepared present or oppose any adverse potential negative impacts to the property or adjacent properties. Mr. Sinisi stated the board engineer has asked the applicant to reply to the comments he had raised point by point.

Mr. Stearns stated he has all the time in several counties of New Jersey. Mr. Stearns stated no. The applicant will have to follow the required percolation test for the area. Mr. Stearns felt this was a good solution/design, assuming the percolation test comes back positive or agreeable. Mr. Stearns stated he had responded to Mr. Fuentes' comments raised point by point and read his response to Mr. Fuentes' letter into the record. Mr. Stearns stated the proposed minor subdivision is not a detriment to the public.

Board member Acosta stated the proposed setback on Barry Place is 25 ft. and 18 ft. on Hallberg Avenue. It is a corner lot and according to the chart on schedule B, it's supposed to be 25 ft. front setback. Mr. Acosta asked Mr. Stearns where he had seen the 15 ft. as he didn't see it on his chart. There are two frontages. Mr. Acosta stated it has to be 25 ft. and side yard is 15 ft. and 30 ft. that applies to the second property. The corner lot has to always have two frontages.

Mr. Stearns stated on Hallberg Avenue, they found that 15 ft. was required as a second front yard. They show 15 ft. in the zone chart and they are at 18 ft. Mr. Stearns stated they came up with 15 ft. and it was agreeable. The front yard has allowance for 15 ft.

Board engineer Fuentes stated the borough ordinance for the bulk standards has footnote #2 which indicates corner lots in the R5 zone requiring 15 ft. front yard. 25 ft. front yard would be required for the front entrances. The side front yard would only need to be 15 ft. He concurs with the testimony from Mr. Stearns.

Councilman Lodato stated the plans indicate having a driveway with a width of 18 ft. on each side. He inquired if that would be sufficient to accommodate two cars. Councilman Lodato inquired if there is a one car garage, with of a total of 3 cars being able to be parked on the property for a total of three cars per lot. Councilman Lodato stated there is a note in Pennoni's letter that the residential site improvement standards indicate that 3 parking spaces are required for a 5 bedroom house. He inquired if each of the houses is going to be five bedrooms. Councilman Lodato inquired what the parking requirement would be for a 6 or 7 bedroom house.

Mr. Stearns stated it is sufficient. Mr. Stearns' response was yes. Mr. Stearns stated yes, that was the testimony. Mr. Stearns stated it might be 4 parking spaces for a 6 bedroom house.

Mayor Amatorio inquired if the houses are not facing a new street. He inquired if there is a new sewer on the street.

Mr. Stearns stated there is an existing sewer that has sufficient depth.

Mr. Fuentes requested clarification whether the sewer is a storm or sanitary sewer. Mr. Fuentes stated drainage is a big concern. They reviewed the submitted drainage report and find it to be satisfactory. The applicant is reducing the peak rate of stormwater runoff leaving the site. They have done an analysis from the existing conditions and compared it with the proposed conditions. Based on the inclusion of the seepage pit on each lot, they are reducing the stormwater runoff leaving the site. Mr. Fuentes stated their plans and calculations divided the lot into two lots. He would like to get a better understanding of the overall coverage for both lots. Mr. Fuentes stated his next concern was the sanitary sewer. Mr. Fuentes stated prior to making any new connections, the applicant will have to go through the necessary application and permitting approval process to be able to connect them to the existing sewer on Barry Place. He inquired what the total number of trees will be removed and the total number of proposed trees to be planted. Mr. Fuentes stated he agrees with Mr. Stearn's testimony regarding the parking. There is sufficient space provided for 2 cars in the driveway and 1 car in the garage, for a total of 3 cars for each lot. The minimum width for each car is 9 ft. per borough ordinance. The 18 ft. driveway should be sufficient for two cars parked in the driveway.

Mr. Stearns stated it is a sanitary sewer. There is a manhole at the intersection. There is a 8 inch sewer going down Barry Place. Mr. Stearns stated the total increase in impervious from existing to proposed is 369 sq. ft. There are approximately 7 trees to be removed and they are proposing to plant 8 trees.

Mayor Amatorio stated they need to clarify what the subject matter is so the public can understand the scope of the testimony given by both engineers. There might be some misconception that they are already proposing to build a building. The public needs to understand that this is a subdivision hearing and why Mr. Sinisi is not having anyone else testify.

Mr. Sinisi stated it is the subdivision of the land. The footprints shown are for the purposes of assuaging any concerns by any member of the board or the professional staff whether or not what is proposed for the building would in some way constitute a deviation from the bulk requirements. They can come in with nothing other than the subdivision of land. The plans would then be referred to the building department where the features would be discussed. The building department would say whether it complies or does not comply and it is the building department's jurisdiction. Mr. Sinisi stated this is a minor subdivision of land as of right since no variances are necessary.

Brian Intindola, borough planner, stated this is a minor subdivision as defined by the borough ordinance as well as the municipal land use law. This could be voted on by a committee recommendation and just go

forward to the building department. The applicant is presenting a minor subdivision that is fully conforming to the borough ordinance. It says corner lots in the R5 zone require 15 ft. front yard on a side street which is part of the land use code. The applicant has volunteered to put the footprint of the proposed building. Mr. Intindola stated the board is getting a fully conforming application and a foreshadow of what the building envelopes can be. The applicant can come to his board, get an approval for a subdivision, and then show up to the zoning board for a building envelope that may not be conforming. There are no D or C variances. It's a straight forward subdivision, taking a larger lot, folding it up and making it into two conforming lots for future development that will also be fully engineered, reviewed by Mr. Fuentes and his staff.

Chairman Rivas stated since there are no variances being requested, there is no need to get into positive and negative criteria.

Mr. Intindola stated that is correct. It is not called for since there is no context to call for.

Mayor Amatorio stated it's been discussed in the plan that the applicant is planning to put a pit in for the water. Mayor Amatorio inquired if the building department making sure the testings have been compliant or not would be part of the subdivision or would it come later. Mayor Amatorio inquired in making a decision tonight, is the board to consider the retention of water in the area. Mayor Amatorio stated even if the subdivision is approved, the borough has the ability to make sure the water retention would be implemented when the applicant proposes to build a structure.

Chairman Rivas stated that would come later.

Mr. Intindola stated the board can request it to come back to them or it can go to the building department. Mr. Intindola stated Mr. Stearns has begun the process of promising to hold the water that is going to be designed. It's ultimately what the board engineer wants and not what the applicant wants in terms of drainage. He explained that further review in the next round of submissions is when that will be covered. Mr. Intindola stated right now there is an indication to hold back some of the water, but that has to be designed. Mr. Intindola stated that is correct.

Board engineer Fuentes stated typically the board puts in a condition of approval for the application. If the applicant is not able to meet that condition, they would return to the board to present something different.

Chairman Rivas stated those conditions are contained in the board engineer's letter. Mr. Stearns testified that all of the conditions will be met.

Questions from residents:

Abe Moses, 15 Barry Place, inquired about what sewage improvements were made on Barry Place. They just paved the road and did not improve the sewage. Mr. Moses stated he lives on the street and has already had two sewage backups from that 8 inch sewer. There were no improvements made to the sewage and the sewage is already inadequate. Mr. Moses asked what the approval process is and the requirements for moving an address and the front door of a house that used to be on Hallberg Avenue and now putting two new addresses that did not exist previously, never zoned, to having a new address on Barry Place. Mr. Moses stated they have seen an increase in flooding. The old trees are going to be replaced with baby trees that will not help with handling the flooding.

Mr. Stearns stated there is an existing 8 inch standard sewer line running down Barry Place. They are not improving that, but just tying into that. Mr. Stearns stated curbing and asphalt was added.

Board attorney Oh stated the front of the house can be changed as the property is a corner property and has the required front setback. Ms. Oh explained in this case, the shape of the property and being on the corner has all the requirements of the setback and they are able to change the address to Barry Place.

Ben Turin, 58 Spring Avenue, inquired if any studies or evidence has been provided to the board on the general strain on the Bergenfield resources on taking one lot and turning it into two. Mr. Turin stated they have noticed a trend causing a strain on the schools and utilities. Mr. Turin stated just viewing this lot as a minor piece of land is a pretext to what the next step is going to be and inquired what precautions are being taken. He stated it feels like this is a loophole and what steps are in place.

Chairman Rivas stated as far as a strain on the community, there is no need for those studies to be presented by the applicant since all this is is a minor subdivision of a lot. If the governing body wants to entertain strain studies, it can amend the ordinance to include all sorts of requirements for strain studies.

Mayor Amatorio stated the property is a big lot and the application they have now is to subdivide it into two lots. The majority of the lots in Bergenfield are either categorized as R5 and R6. Some of them are 5,000 sq. ft. and some of them are 6,000 sq. ft. In this case, this is a big lot they want to subdivide into two lots to conform either with the R5 or R6 type of lot. Mayor Amatorio explained the reason there is no deviation or variance is because they are conforming to the lots allowed by the zoning ordinance. If the applicant wants to build a house three months from now and the house is bigger than should fit in the R5 or R6 zone, they will either go to the zoning board or the planning board depending on the issues raised.

Mr. Turin inquired if the approval requested today is conditional based on whether passing the proper draining requirements and other items of that nature. Mr. Turin asked if the public's questions are to be posed in proper form as it is in court. He inquired if there is an opportunity for the public to preserve objections against the line of questioning. Mr. Turin inquired if there is any part of the plan showing maximum of five bedrooms and other space for three cars for future plans by the developer.

Mayor Amatorio stated as to the size of the lot, he doesn't believe they are conditional. It conforms to the zoning ordinance and are permanent. Mr. Fuentes had made recommendation that in the future if they apply for development or improvement on the property, they have to comply with the conditions set by the board. He explained when the Planning Board has the resolution for the approval, those conditions will be included. Mayor Amatorio stated it would be just like this. The public would have the opportunity to ask questions. You will be notified if they make improvements on the property just like you did for this hearing. Mayor Amatorio stated he didn't refer to the decision of the Planning Board. He was talking about the improvement. If the applicant wanted to make an improvement on the property, and for instance proposed to build a structure with variances needed, they would either go to the zoning board or planning board and the public would have the same opportunity to ask questions as they have now. Mayor Amatorio stated there are none. The only application before the planning board is the subdivision of the lot.

Mr. Sinisi stated should this application be approved, if there are 1 or 2 conditions and are included, the public doesn't then have the opportunity to be heard if there is an application to the building department with a set of construction plans.

David Gross, Van Valkenburg Avenue, asked if a second or third seepage pit is needed, would it go to a different committee. Mr. Gross inquired if he is walking down Hallberg Avenue, would he see the side of the house or would they have to make it look like it's facing more towards the main street, which is Hallberg Avenue, just even by aesthetics.

Mr. Sinisi stated it would be the engineer.

Chairman Rivas's response was no, they don't have to. That's for another board and another time.

Cheryl Dym, 110 Spring Avenue, inquired if they can get confirmation right now that the trees will be included and not changed since they help with handling the water. She inquired if the trees would be conditional upon approval.

Board attorney Oh stated the application for subdivision is subject to certain things the borough engineer is recommending, such as the seepage pit and drainage. Mr. Fuentes can speak about the trees if he wants to. This application tonight is to vote on the subdivision of the land.

Board engineer Fuentes stated 7 trees will be taken out and 8 trees will be planted as is allowed per the borough ordinance. Mr. Fuentes stated he will leave it up to the board as to whether it can be included as a condition.

Mr. Sinisi stated there is a commission that exercises review, oversight, and jurisdiction in regards to trees and they will be in communications with the commission. They already put on the plan the landscaping plan and tree replacement and removal calculations to be totally transparent. The boards typically put in provisions in their resolutions of approval based on the board professional's recommendations and/or comments that is accepted by the applicant and are incorporated as part of the resolution. Mr. Sinisi stated there is no suggestion from their engineer and the board's engineer's letter to suggest the situation, if it were developed to two single family responses, would create a drainage problem. Mr. Fuentes pointed out and made it his recommendation that the seepage pits be tested and if there would be any deviation caused by the calculation of removal of trees. Mr. Sinisi stated they have a design that works. If it were not to work, Mr. Fuentes within his jurisdiction can tell the applicant no he wants this changed, enhanced, or ask for a third seepage pit to contain drainage onsite.

Motion to Approve Application

Motion by: Mr. Knowles

Second By: Mr. Cabrera

Mayor Amatorio	yes	Mr. Abenoja	yes
Councilman Lodato	yes	Mr. Cabrera	yes
Chairman Rivas	yes	Mr. Acosta	yes
Mr. Knowles	yes	Mr. Bergman	yes

MOTION TO ADJOURN MEETING

Motion by: Mr. Abenoja

Second by: Mr. Bergman

All ayes. None opposed.

Meeting adjourned at 9:54 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