

**BERGENFIELD PLANNING BOARD  
REGULAR MEETING MINUTES  
June 27, 2022**

Chairman Robert Rivas called the meeting to order at 8:05 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:** Mayor Amatorio, Robert Byrnes, Jr., Robert Rivas, Romeo Abenoja, Ernesto Acosta, Jason Bergman, and Ben Cabrera

**Absent:** Councilman Lodato and Miguel Vasquez

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

**PLEDGE OF ALLEGIANCE**

Led by Mr. Cabrera.

**APPROVE MINUTES OF PREVIOUS MEETING – May 16, 2022**

**Motion By:** Mr. Bergman

**Second By:** Mr. Abenoja

**All ayes. None opposed.**

**CORRESPONDENCE**

None.

**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:** Mr. Bergman

**Second By:** Mr. Byrnes, Jr.

**All ayes. None opposed.**

**COMMITTEE REPORTS**

1. Site Plan – No report.

2. Parking Legal – Mayor Amatorio stated the council has been contemplating on passing an ordinance to make changes on parking. The committee is still meeting and there are no new regulations. The commercial vehicle ordinance is being implemented and is working. The borough had spoken with the residents and the vehicle owners. There has been substantial compliance with the ordinance. It was changed to help the resident and not to make it difficult for them.
3. Capital Improvements – Mayor Amatorio stated they are submitting for bond ordinance approval. The Mayor and Council approved a bond ordinance for \$2.3 million for the construction of Twin Boro Field. It is to build a multi-purpose facility for football, soccer, and baseball. Hopefully, the contract will be signed by July or August. Mayor Amatorio stated a study was done by T&M Engineers and they have a proposal to clean up Metzler’s Brook. It’s not to solve the flooding 100%, but is a step to clear the water. They will be filing an application with the state that should be approved within 8 months. They are also meeting with surrounding towns to address the flooding issue on a regional level. Most of the flooding last time came from Tenafly and Cresskill. He explained if they address the issue here, but if it is not addressed in other areas, there will still be flooding. The goal is to dig 5 basins around town. He stated they have been trying to communicate with the DEP, but it has been a difficult process.
4. Master Plan – No report
5. Liaison to Board of Adjustment – Mr. Bergman stated a few resolutions were memorialized at the last meeting. There were two new applications that were also approved. The zoning board has been listening to the Dunkin Donuts application for a drive through. Mr. Madaio had requested the hearing be carried to the August meeting.

## **OLD BUSINESS**

None.

## **NEW BUSINESS**

1. Bond Ordinance 22-2602 - Bond Ordinance to Authorize the Making of Various Public Improvements, In, By and for the Borough of Bergenfield, in the County of Bergen, State of New Jersey, to Appropriate the Sum of \$2,300,000 to Pay the Cost Thereof, to Make a Down Payment, to Authorize the Issuance of Bond to Finance Such Appropriation and to Provide for the Issuance of Bond Anticipation Notes in Anticipation of the Issuance of Such Bonds

Mayor Amatorio stated this is the bond ordinance he had mentioned earlier that the council passed for the construction of Twin Boro field. The bidding was completed but was delayed due to covid. Mayor Amatorio explained prior to covid, the bid came in at \$3.2 million. The new price came in as \$4.6 million. The \$2 million was approved through the state by a grant. They need more facilities for the kids in town.

Board attorney Oh stated the board was asked to review the ordinance and make any recommendations.

### **Motion to Approve Bond Ordinance**

**Motion By:** Mr. Bergman

**Second By:** Mr. Abenoja

**All ayes. None opposed.**

2. Amended Housing Element and Fair Share Plan

Steven Lydon, planner from Burgis Associates, stated the last time he was before the board was in December 2020. He stated they are about 90% of where they did to be in the process. There are some minor adjustments in the plan. If it is approved by the board tonight, it will be sent to the Mayor and Council for endorsement. The new plan dated June 7, 2022 was sent to the county and the Office of Planning and Advocacy. This plan will replace the previous plan. Mr. Burgis explained that Bergenfield's obligation was 129 units and has been reduced to 5 units. It was reduced by doing a windshield survey. Bergenfield received credit for the ongoing rehabilitation work at Brookside Gardens. They were able to reduce the obligation by 124 units. Mr. Lydon stated the earlier plan sought credits for 20 group homes. He stated because these units were to meet unmet needs, they suggested the overlay zones, being B1 and B2 zone on Washington Avenue and Foster Village. There are 35 units there. Lastly, the new plan changes the affordable housing set aside. Instead of 15% or 20% set aside per state guidelines for sale or rental use, it will be a flat 20% affordable housing set aside for both sales and rentals. The borough would get credit for new units built at Foster Village, but not for units currently existent. The changes in the plan are not getting credit for the group homes and the reduction of the obligation from 129 units to 5 units. 20% is the norm.

Chairman Rivas inquired if the affordable housing trust fund is a sizeable trust fund. Mr. Rivas stated the trust fund will be dependant on the adoption of this development fee ordinance. There needs to be a lot of redevelopment done.

Mr. Lydon stated it will be. He stated under COAH regulations, the town is also supposed to rehabilitate rental units. Mr. Lydon stated that is true, but the town's obligation decreased from 129 to 5 units. It went from 129 to 36 based on Brookside Gardens and then was reduced again by 31 units with the windshield survey.

Mayor Amatorio inquired what would happen if the town completes the obligation with the numbers. He inquired if the town still needs to follow the set aside if the town is in compliance with the numbers.

Mr. Lydon stated this plan if adopted will expire in June 2025. The state or Fair Share Housing will generate affordable housing new numbers and distribute them to the municipalities. Mr. Lydon explained because of Bergenfield's status, the town may not get a new obligation but would just need to address the rehab number. He stated the rehab number is now 5 and doesn't think that will change. He stated when this plan is done, Bergenfield will not have much of a future housing obligation, unless they change the rules. He doesn't believe there will be a dramatic change in the regulations in June 2025. Mr. Lydon stated if Bergenfield met its obligation, he doesn't see why the set aside can't be reduced to 15%.

Mayor Amatorio stated they just redesignated the Avenue as Area of Redevelopment. If it's not financially viable for the developer to build, then there will be a stalemate. If the set aside is 20%, would they then ask for a pilot program to make it financially viable.

Mr. Lydon stated they will try to shift the burden to the borough.

Mayor Amatorio stated one of the reasons they want to redevelop the Avenue, is not just to ease the numbers of set aside, but also change the dilapidated buildings in the business district. He inquired if the obligation is met, is there a way to make adjustments so it is less burdensome on the developer.

Mr. Lydon stated if they follow previous plans, it may be in the cards and is doable if the regulations are not changed.

**Motion to Approve Amended Housing Element and Fair Share Plan**

Motion By: Mr. Bergman

Second By: Mr. Cabrera

**All ayes. None opposed.**

Mr. Lydon stated the next thing the Planning Board will receive will be for the changes in the ordinance for density. The board will have to make recommendation for consistency review.

3. Site Plan Application: ETD Discount Tire  
220 S. Washington Avenue  
An addition

Mark Madaio, attorney for applicant, stated the application is regarding the Good Year tire dealership, Block 249 Lot 11. The building is located in the automotive tire business section. The building is not well suited for modern tire service. The intent is to leave the property entirely the same way. Mr. Madaio stated access will be the same, along with gas, water, and parking. They are seeking to make the area where the tires are serviced deeper by 8 ½ feet and have a 42 ft. length. It is already on existing impervious coverage. Their intention is to make the surface bay area deeper. It is a small application on a large property. The way they change tires today has changed over the past 50 years. Industries are changing.

John Boyl, President of ETD Tire, stated he founded the company. He stated he currently has 8 locations. He has already purchased the property. ETD is the company, but they sell all kinds of tires. They are a retailer of multi-brands and provide auto service. Mr. Boyl stated they limit their services to brakes, wheel alignments, and oil changes. Mr. Boyl stated they will only be moving the rear wall back for more surface area. The 8 ½ ft. down the center of the building will give them the opportunity to put some more equipment in for diagnostic purposes. More equipment is needed today for vehicles than 50 years ago. It will also allow them to operate safely.

Mayor Amatorio inquired if they make the building more spacious, will there be an increase in sales as a result in modernizing. He inquired how much additional installation and sales of tire there will be. He inquired if there is a projection. Mayor Amatorio inquired if the ETD brand is the same one located in Englewood. He wanted to clarify that Mr. Boyl bought the property, is the new owner, and this location will be operated the same way the Englewood location is operated. He inquired when they expand, how far will it be from the property line.

Mr. Boyl stated right now there are no sales at the building. Mr. Boyl stated they don't have a projection. It takes a little while to build up a business when they open up a new location. Mr. Boyl's response was yes.

Mr. Madaio stated the expansion doesn't make it any closer to the property line, except in the rear where it is 76 ft.

Mayor Amatorio inquired if they expect to have any impact in the traffic on Washington Avenue. He inquired if there will be multiple entrances.

Mr. Madaio stated it will be busier than the abandoned building there. The site has extra parking spaces. The area is zoned for this kind of use.

Mr. Boyl stated the entrance will be on Washington Avenue and the exit will be from W. Broad Street.

Board member Bergman wanted to clarify there will no side or back door added to the building.

Mr. Madaio stated it will be exactly the same building, but a little bigger.

Board member Acosta inquired if they will be changing the façade of the building.

Mr. Boyl stated they are going to completely change the shop and office. They already put a new roof. He stated they will make it modern with signage. They will leave the Good Year sign in the front of the building and take off the Good Year sign on the south side of the building. The parking lot will be cleaned up.

Chairman Rivas inquired how they will discourage people from backing out onto Washington Avenue.

Mr. Bergman stated the mechanics are in control of having the cars pull in and out of the bay areas in the garage.

Board member Cabrera stated their 3 bay facility is smaller than other facilities. He inquired about the volume and how many parking spaces they will lose due to the expansion.

Mr. Boyl stated there are 6 bays and they are not going to lose any parking spaces.

Mr. Madaio stated they are before the board for site plan approval and no variances. The lot coverage has gone from 30 to 31. It is a fully permitted use. They hope to have a thriving facility in Bergenfield.

Mike Hubschman, licensed engineer, requested the county approval of in and out access on Washington Avenue be marked as Exhibit A2. Mr. Hubschman stated the existing building has three garage doors in the front and three in the back with 6 bays. The surface counters are on the north side. The car parking circulation stays the same. The rear parking remains the same. The 8 ft. expansion will be in the rear of the building. They will mill, repave, and restripe the lot. It will be a new, modern site. There will be a small area in the front for a small garden area. The lighting will remain the same. The water runs to W. Broad Ave with a little berm. They will repair some of the damaged sidewalk and curbing.

Mr. Cabrera inquired if they will need to make any changes for oil recovery.

Mr. Boyl stated a licensed company takes the oil away and is in compliance.

Chairman Rivas stated at the site plan meeting, Mr. Hubschman was asked if the existing sprinkler system would extend to the new section, and his response was that he believed it did. Mr. Rivas requested clarification that it does. Mr. Rivas stated the neighbors may not want to be right next to an auto repair facility. He inquired about plantings being a buffer to residential properties. At the site plan meeting, they were told plantings would provide a buffer.

Mr. Hubschman stated they will have to extend it and that it's a requirement. Mr. Hubschman stated there is an existing fence and a wooden fence to the rear of the property.

Mr. Boyl stated they can plant some trees. They want it to look nice, also.

Board member Acosta inquired if the plantings would impact the parking.

Mr. Hubschman stated it won't affect parking.

Board engineer Beringer inquired about the limits of the milling and paving and how thick it will be. He stated if it exceeds a ¼ of an acre, it will trigger the borough's stormwater main development. He requested identifying the limits.

Mr. Hubschman stated the milling would not increase the surface.

Mr. Boyl stated the large existing Good Year sign will stay the same. The signage over the bays will be reduced. The banner signs will be replaced with ETD Tires. The Good Year sign on the south side of the building will be changed to ETD Tire. The current sign is 75 ft and the new one will be 64 ft. The pole sign, which is internally illuminated, will remain the same size.

Chairman Rivas inquired if this is a new application, how things that are non-conforming allowed to stay.

Board attorney Oh stated it is a continuation of non-conforming variance.

Mr. Madaio stated the use is fully permitted. It is a continuation of a non-conforming structure. They are here for a slight modification in site plan.

**Motion to Approve Site Plan Application**

**Motion By:** Mr. Bergman

**Second By:** Mr. Byrnes, Jr.

All ayes. None opposed.

**MOTION TO ADJOURN MEETING**

**Motion By:** Mr. Bergman

**Second By:** Mr. Cabrera

All ayes. None opposed.

Meeting was adjourned at 9:35 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk  
Planning Board