

**BERGENFIELD PLANNING BOARD
REORGANIZATION & REGULAR MEETING MINUTES
January 30, 2023**

Chairman Robert Rivas called the meeting to order at 8:07 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 Byrnes, Jr., Robert Rivas, Romeo Abenoja, Ben Cabrera, Jason Bergman (arrived at 8:25pm), Miguel Vasquez, and Praveen Joseph

Absent: Mayor Amatorio, Ernesto Acosta, 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. Byrnes.

Chairman Rivas stated the application for 136 School Street has been adjourned to the February 27th, 2023 meeting at 8:00pm. There will be no further notice. The applicant asked for the adjournment.

RE-APPOINTMENT/APPOINTMENT OF PLANNING BOARD MEMBERS

Robert Byrnes Jr., Class II Member
Councilman Thomas Lodato, Class III Member
Jason Bergman, Class IV Member
Praveen Joseph, Alternate #1 Member

Oath of office was administered to Mr. Byrnes, Jr., Councilman Lodato, Mr. Bergman, and Mr. Joseph by Board Attorney Gloria Oh.

Nomination of Chairman:

Robert Rivas

Motion by: Mr. Cabrera

Second by: Mr. Abenoja

All ayes. None opposed.

Nomination of Vice-Chairman:

Ben Cabrera

Motion by: Mr. Abenoja

Second by: Councilman Lodato

All ayes. None opposed.

Nomination of Secretary:
Councilman Lodato

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

Nomination of Board Attorney:
Gloria Oh

Motion by: Councilman Lodato
Second by: Mr. Abenoja
All Ayes. None opposed.

Nomination of Board Engineer:
T&M Associates

Motion By: Councilman Lodato
Second By: Mr. Abenoja
All ayes. None opposed.

Nomination of Board Clerk:
Hilda Tavitian

Motion by: Mr. Abenoja
Second by: Mr. Vasquez
All ayes. None opposed.

Accept By-Laws:

Motion By: Mr. Abenoja
Second By: Mr. Cabrera
All ayes. None opposed.

Accept 2023 Meeting Dates:

Motion By: Mr. Cabrera
Second By: Mr. Abenoja
All ayes. None opposed.

APPOINTMENTS OF STANDING COMMITTEES - Tabled

Liaison to Board of Adjustment
Site Plan
Master Plan
Parking/Legal

APPROVE MINUTES OF PREVIOUS MEETING – November 21, 2022

Motion By: Mr. Byrnes
Second By: Mr. Abenoja
All ayes. None opposed.

CORRESPONDENCE

Bergen County Soil Conservation District – Applications for Soil Erosion and Sediment Control Plan Certification received for 15 Regent Street, 145 W. Main Street, and 16 Thames Boulevard. All were approved and sent to the Planning Board as advisory. No action required.

VERBAL COMMUNICATION

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

No one came forward.

Close Verbal Communication:

Motion By: Councilman Lodato

Second By: Mr. Vasquez

All ayes. None opposed.

COMMITTEE REPORTS

1. Site Plan – No report.
2. Parking/Legal – No report.
3. Capital Improvements – Councilman Lodato stated the new municipal building has walls on the north and south side. It is on track to be completed by end of September 2023/ beginning of October 2023.
4. Master Plan – No report.
5. Liaison to Board of Adjustment – No report.

OLD BUSINESS

None

NEW BUSINESS

1. 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

Lyndsay Knight, Director of Planning and professional planner from Neglia Engineering, stated Neglia Group was retained by the governing body to determine whether certain block and lots would qualify as an Area in Need of Redevelopment. They used the entire area of Block 122, which included lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14. The Planning Board is authorized to investigate the study area as Area in Need of Redevelopment pursuant to the two resolutions passed by the Mayor and Council in December. Ms. Knight explained the purpose of a redevelopment designation is to stimulate re-utilization of the area in a manner more conducive to the needs of the municipality and its residents. The benefits would be to increase control over development patterns for the properties within the redevelopment area, enter a contractual agreement with a private developer to stimulate the revitalization of the redevelopment area, apply for grant funding specific to the redevelopment area, revise municipal ordinances and regulations to reflect the intent of the redevelopment plan, and study the recommendations of the planning board or governing body for redevelopment of the area. Ms. Knight explained it's a two-step process. The first step is to do an investigation and study the area to determine the needs and criteria set forth by the state. This is an area in need of redevelopment without condemnation. No property will be taken and is totally up to the property owners, once it's designated, to do what they want. After an area is designated, a redevelopment plan is put in place. The redevelopment plan would supersede the zoning in the area.

Ms. Knight stated the study area contains fourteen lots, 3.0 acres, and within the B2 (Business and Professional) and R5 (One and Two-Family Residential Dwelling) zone. A significant portion of the areas are underutilized, have obsolete or faulty arrangement, excessive land coverage, and some of the facilities are vacant. She reviewed Criteria A, D, H, and section 3 for which the study area lots fell under.

80 West Church Street, Block 122, Lot 5 – This area meets criteria D and H. It is occupied by a three-story single-family home. The site is non-conforming with the permitted principal use within the B-2 zone. It does not meet minimum width, minimum lot area, and minimum side yard requirements. In addition, the driveway is too close to the property line. There is outdoor storage that is not permitted by the borough. Criterion H applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

90 West Church Street, Block 122, Lot 4 – This is a parcel with one on-site building occupied by the Nissan Service Center and accessory surface parking in the B-2 zone. It meets criterion D due to it being non-conforming to the maximum impervious coverage, front yard and side yard setback requirements. There is no buffer between the adjacent residential and commercial uses as required. The parking lot is not striped and the roof leaders from the building discharge directly on to the pavement creating icy conditions during the winter months. The pavement shows signs of cracking and potholes creating tripping hazards. The parking area in front is too small and not large for vehicles to maneuver within the site, vehicles have to back out. Criterion H also applies as the State's Taking Care of Business Site Evaluator mapping system indicates that the entirety of the study area is located within a Smart Growth area.

31 North Demarest Avenue, Block 122, Lot 3 – This parcel is occupied by a two-story commercial building and is in the B-2 zone. It meets criterion D as it is non-conforming to the maximum impervious coverage, minimum lot area, minimum lot width, minimum front yard setback, minimum rear yard setback, and side yard setback. There is no buffer between this site and the adjacent residential and commercial uses. The roof leaders directly discharge onto the asphalt and the brick façade shows signs of cracking and disrepair. It also meets criterion H.

43 Tyson Place, Block 122, Lot 2 – This parcel is occupied by a two-story, one-family dwelling unit with a driveway along North Demarest Avenue. It meets criterion H and section 3.

41 Tyson Place, Block 122, Lot 1 – This parcel is occupied by a three-story, mixed-use building. It is non-conforming permitted use as there is both residential use along with an office on the first floor. It does not meet minimum lot width, minimum lot area, minimum front yard setback, minimum side yard setback, and maximum improved lot coverage. In addition, there is overgrown landscaping, roof leaders draining directly on to asphalt, and a dilapidated roof showing signs of wear. It meets criterion H and section 3.

21 Tyson Place, Block 122, Lot 14 – This parcel is occupied by a two-story, single-family residential building in the B-2 zone. The parcel meets criterion D as it is non-conforming to the permitted principal use, minimum lot area, minimum lot width, minimum front yard setback and minimum side yard setback. It meets criterion H and section 3.

19 Tyson Place, Block 122, Lot 13 – This parcel is occupied by a two-story, commercial building and is in the B-2 zone. It meets criterion D as it is non-conforming to the minimum lot area, minimum lot width, maximum improved lot coverage, minimum front yard setback, minimum side yard setback, and minimum rear yard setback. It does not provide a buffer between the adjacent residential home as required by the borough. The parking area is not large enough for vehicles to maneuver, making it unsafe for egress. In addition, the site has overgrown landscaping making site lines difficult for egress. It also meets criterion H as it is located within a Smart Growth area.

15 Tyson Place, Block 122, Lot 12 – This parcel is occupied by a two-story, single-family residential building and is in the B-2 zone. It is non-conforming to the permitted principal use, minimum lot area,

minimum lot width, minimum front yard setback and minimum side yard setback. It meets criterion H and section 3.

11 Tyson Place, Block 122, Lot 11 – It is in the B-2 zone and is occupied by a two-story, two-family residential building. It is non-conforming to the permitted use, minimum lot area, minimum lot width, maximum improved lot coverage, minimum front yard setback, and minimum side yard setback. It meets criterion H and section 3.

22-24 North Front Street, Block 122, Lot 10 – This site is occupied by a two-story, mixed use building and is in the B-2 zone. It has a bar restaurant on the first floor and residences on the second floor. The façade has multiple repairs and experiencing some wear. The refuse area is located in the middle of the parking lot and is not maintained. The parking area has unsuitable line sites for egress, creating potential safety concerns. These all fall under criterion A. Under criterion D, this is a non-conforming permitted use as the borough does not allow residential above a restaurant. It doesn't meet the lot setback, minimum lot area, and building coverage requirements. It doesn't have a buffer between residential as required. The roof leaders are draining directly on to the asphalt and the roof is showing signs of wear. It meets criterion H as it is within the SMART Growth area.

60 West Church Street, Block 122, Lot 9 – This site is occupied by a two-story, mixed use building and is in the B-2 zone. It has a brick facade with multiple point repairs and the roof leaders draining directly on to the asphalt. The parking area consists of head in parking, creating potential safety concerns. All this meets criterion A. It meets criterion D as it is non-conforming to the minimum front yard setback, minimum rear yard setback, maximum improved lot coverage, and minimum lot area. There is no buffer between the adjacent residential uses. Criterion H also applies as the entirety of the study area is located within a Smart Growth area.

70 West Church Street, Block 122, Lot 8 – This parcel is occupied by a two-story, single-family residential building and is in the B-2 district. This is non-conforming to the permitted principal use, minimum lot area, minimum lot width, and minimum side yard setback, meeting criterion D. It meets criterion H and section 3.

74 West Church Street, Block 122, Lot 7 – This parcel is occupied by a two-story, single-family residential building and is in the B-2 zone. It's non-conforming to the permitted principal use, minimum lot area, minimum lot width, and minimum side yard setback, meeting criterion D. Criterion H also applies and is included in section 3.

78 West Church Street, Block 122, Lot 6 – This parcel is occupied by a two-story, single-family building and is in the B-2 zone. The parcel is non-conforming to the permitted principal use, minimum lot area, minimum lot width, and minimum side yard setback, meeting criterion D. It meets criterion H and section 3.

Ms. Knight stated the overall redevelopment study was prepared at the request of the Borough of Bergenfield Mayor and Council along with the Planning Board. She stated "section 3" is a provision set forth under N.J.S.A. 40A:12A-3, which states in part that "a redevelopment area may include lands, buildings, or improvements which of themselves are not detrimental to public health, safety or welfare, but the inclusion of which is found necessary, with or without change in this condition, for the effective redevelopment of the area of which they are a part". The goals and objectives of the 2005 Master Plan and 2015 Master Plan Reexamination would be further advanced and further accomplished by designating these areas as "Areas in Need of Redevelopment".

Chairman Rivas stated there was one property mentioned that fell under criterion A that is detrimental to public safety.

Ms. Knight stated there are two properties that fell under criterion A. The parking areas have safety issues with pedestrians walking on the sidewalk and egress is a blind egress. There is no traffic control as there is no striping on the site. Ms. Knight stated when they visited the site, cars were parked haphazardly and refuse containers were out in the open in the parking lot creating an unsafe situation. The buildings themselves show signs of disrepair. The roof had shingles missing. Ms. Knight explained if the board decides the study meets the requirement, a recommendation will be made to the Mayor and Council that this area be an area in need of redevelopment. Once it's designated, then a redevelopment plan will be drafted and would supersede the existing zoning. All of the properties are already non-conforming and with the new plan, things can be brought into conformance.

Board engineer Yuro stated the study is for redevelopment without condemnation, which is a key aspect. No one will be forced out of their homes or businesses. They can sell their homes or businesses, but do not have to.

Ms. Knight stated the buildings can stay as is. The homes can continue to exist exactly as they are, unless the residents decide to redevelop.

Motion to Recommend the Area in the Study an Area in Need of Redevelopment

Motion By: Mr. Bergman

Second By: Mr. Byrnes

All ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Mr. Bergman

Second By: Mr. Byrnes

All ayes. None opposed.

Meeting was adjourned at 8:52 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Planning Board