

**BERGENFIELD PLANNING BOARD
REGULAR MEETING MINUTES
AUGUST 21, 2023**

Chairman Robert Rivas called the meeting to order at 8:04 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: Phil Neville, Councilman Lodato (arrived at 8:15 pm), Robert Rivas, Romeo Abenoja, Ernesto Acosta, Jason Bergman, Ben Cabrera, and Praveen Joseph

Absent: Mayor Amatorio (excused) and Miguel Vasquez

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

PLEDGE OF ALLEGIANCE

Led by board member Bergman.

APPROVE MINUTES OF PREVIOUS MEETING – July 24, 2023

Motion By: Mr. Bergman

Second By: Mr. Cabrera

All ayes. None opposed.

CORRESPONDENCE

Chairman Rivas stated there was one letter addressed to him regarding being Age Friendly in the Future of the town.

COMMITTEE REPORTS

1. Site Plan – No report.
2. Parking Legal – No report
3. Capital Improvements – Chairman Rivas stated he was told the new borough hall would open in October.
4. Master Plan – No report
5. Liaison to Board of Adjustment – Mr. Bergman stated there was one application presented to the board at the last meeting and it was approved.

OLD BUSINESS

None.

NEW BUSINESS

1. Application: OEM Enterprises LLC
22 Homestead Place
Minor Subdivision

Bruce Rosenberg, Winne Banta Basralian & Kahn, 21 Main Street, Hackensack, NJ, attorney for applicant, stated the applicant is for a minor subdivision. There currently is a single-family house on the property. The property would be subdivided into two lots. The property is in the R-6 zone which requires 6,000 sq. ft. minimum lot sizes. Mr. Rosenberg stated this lot is 12,069 sq. ft. The two lots will be conforming to lot size of 6,000 sq. ft. minimum and will also be conforming in all respects other than lot frontage. Lot frontage must be 60 ft. Mr. Rosenberg stated each of the proposed lots will be 50 ft. in width. The applicant is proposing to construct a new single-family home on one of the lots and the other home, which has existed for many years is a two-family non-conforming home. The applicant has agreed to have the home remain a single-family home, which will be in greater conformity with the ordinances.

Steven Koestner, licensed engineer and land use surveyor, Koestner Associates, 61 Hudson Street, Hackensack, NJ stated Exhibit A-1 is the subdivision plan, revised May 12, 2023, for 22 Homestead Place. Mr. Koestner stated each conforming lot will be 6,032 sq. ft. The existing home is proposed to remain. It is a two-family home that will be converted into a single-family home. The driveway would be reduced in size, decreasing impervious coverage. The right yard, side yard, and rear yard setbacks will all be conforming. He stated both the existing home and the new proposed home will comply with the requirements of the zoning ordinance, except for the 50 ft. front coverage. Park Road is the paver street that is not part of the property. It is 30 feet in width. Half of the right of way being used is not part of the calculation. The applicant will abide by the lot line. Mr. Koestner stated lot 5 on Homestead Place is 50 ft. in width, lot 4 is 75 ft. in width, lot 3 is 50 ft. in width, lot 9 is 50 ft. in width, and there are lots that are 5,000 sq. ft. in lot size. He stated creating two 50 ft. lot widths fit in with the neighborhood and are compatible.

Board member Joseph inquired if there is any risk in reducing the width from 60 ft. to 50 ft. and why 60 ft. is recommended.

Mr. Koestner stated the lot is 100 ft. in width and when the property is divided in half, each lot would be 50 ft. in width.

Mr. Bergman inquired if there will be any safety detriments or problems if the lots will be 10 ft. less than what's required.

Mr. Koestner stated he doesn't see there being any problems. There are other neighboring homes that are 50 ft. in width. It is a safe application.

Board member Cabrera inquired if the trees on the property will be cut down.

Mr. Koestner stated the two oak trees in the front and the four trees in the rear will remain. The one 44' oak tree will be removed.

Councilman Lodato inquired if they will maintain the 7.5 ft. side yard setbacks.

Mr. Koestner stated they can keep the 7.75 ft. side yard in the east and west.

Board engineer Yuro inquired if there is any possibility of accessing the property from the paper street, access from the rear. He inquired if they would object to a deed restriction.

Mr. Rosenberg stated they would have no objections to a deed restriction.

Mr. Koestner stated there will be a 6x6 seepage pit that will be 6,000 gallons and will be connected to the roof leaders to anticipate water runoff. They will provide a soil permeation test.

Board member Cabrera inquired if there are any water table and flooding concerns. He inquired if the second building will have a basement.

Mr. Koestner stated the nearest stream is three blocks away. The runoff will go back into the ground.

Chairman Rivas stated Mr. Koestner had said that the proposed subdivision is not out of character with the neighborhood. There are four properties that are in excess of 50 ft. frontages and currently three properties on that side of the street that have 50 ft. frontage. He inquired how proposing to make it six to three will not change the character of the neighborhood. If all the properties on the north and south end were taken, there would be seven properties beyond 50 ft. frontage and seven properties that are at 50 ft. frontage. He inquired if you take one of the properties that is 100 ft. and split it into two, making two more 50 ft. frontage, does it not change it.

Mr. Koestner stated there already are 50 ft. frontage homes. He stated it is not significantly changing the character.

Questions from Residents Within 200'

Barbara Gerin, 41 Homestead Place, inquired what type of house is going to be built and if it is going to be too close to hers.

Mr. Koestner stated the house proposed is going to have more than 7.5 ft. side setback, be 25 ft. off the front, and 8.7 ft. off the rear. The building height would also be conforming.

Cynthia Hutson, 18 Homestead Place, inquired if the driveway will be shared by the two homes and if it will be on the other side.

Mr. Koestner stated the existing driveway would be removed and replaced with permeable pavers. Each home would have its own driveway.

Michael Corr, 48 Melrose Avenue, inquired why the lots that used to be 60 ft. wide are being changed. Every time someone moves, the houses are being built wider, wider, and closer together. The houses are being sandwiched in. The reason he moved from New York is because of the space and the beautiful homes. He's concerned if they are able to have 50 ft widths, then they will go from 50 ft. to 40 ft. and is worried about the future.

Mr. Koestner stated the requirements of the zone is 60 ft. The lots in the area vary.

Ian Hutson, 18 Homestead Place, inquired how trees will be cut down on the property.

Mr. Koestner stated there is one tree that will be removed. The two trees along the front and the four in the rear will remain.

Francis Rodriguez, 33 Homestead Place, inquired how many stories the house will be and the area.

Mr. Koestner stated the dwelling will be two and a half stories with an area of 34.5 ft. x 52 ft.

Board member Cabrera inquired if there will be a seepage pit.

Mr. Koestner stated the seepage pit will be in the rear.

Board member Acosta inquired if they would be able to replant a new tree to replace the one that is going to be cut down.

Mr. Rosenberg stated yes, they would work along with the board engineer to determine an adequate tree to be planted.

Mr. Cabrera inquired about the square footage, the number of bedrooms and how many occupants there will be. He inquired about how many cars can be parked. A house with four bedrooms is going to have more than two cars and is concerned that cars are going to stick out on the road.

Mr. Rosenberg stated there will be four bedrooms and will completely comply with all of the requirements of the borough. Two cars are required by code. Two parking spaces will be provided. There will be parking for one car in the garage and one spot on Homestead Place.

Councilman Lodato stated this is the third time this application is being heard. Many years ago, the owner had come before the board and was denied. He stated another 12-13 years went by, and another attorney had brought the application before the board stating it was a different application, and the application was granted. Councilman Lodato inquired if the board is bound by the prior approval.

Chairman Rivas stated the application will be adjourned until the September 18th, 2023 meeting with no further notice necessary.

Mr. Rosenberg stated they did a title search and were not aware there were prior hearings for the same application. Minor subdivisions have to be perfected within 190 days and for some reason the applicant did not do that. It's not res judicata. He requested an adjournment so they be able to research the records of the borough.

Board Chairman Rivas inquired if Councilman Lodato was suggesting a type of stare decisis by the board past 190 days. He stated if it wasn't perfected past a certain number of days, then it's gone.

Mr. Rosenberg stated they would be able to provide three parking spaces, but they would go over their impervious coverage.

Mr. Cabrera stated he's been on the board over a decade and concerns of flooding and parking have always been the issue.

Board member Bergman agreed with Mr. Cabrera. A proposed garage is not parking space as people don't park their cars in garages anymore. School age children eventually grow up, learn to drive, and have their own car.

Board engineer Yuro stated there are three-four 50 ft. wide lots in the surrounding blocks. There are also 60 ft. wide and 75 ft. wide lots in the surrounding area. The proposed subdivision is in character with the surrounding properties. He stated the applicant meets the parking requirements according to the town's

ordinance. In reality, the garage is not used for parking and agreed with comments made by the board members. If a third parking space were to be provided, he would need the attorney's assurance that impervious coverage would remain below 35% and would hate to see drainage issues with the neighbors.

Comments from Residents

Jacquelyn Schaffner, 30 Homestead Place, stated their home and street is perfect partly because of this lot. She stated she and her parents grew up in Bergenfield. They have seen countless homes being squeezed into oversized lots. There are no sidewalks for children to play or pedestrians to walk on. The construction is going to be destructive, and she will have to deal with the noise while working from home. The tree that is going to be removed provides shade for the entire street. She is shocked to hear the new house will be four bedrooms, which does not match with the other homes on the street. As a Bergenfield resident, she requested all of their opinions to be considered.

Cynthia Hutson, 18 Homestead Place, stated they own the home next to the proposed home in the application which has beautiful Tudor touches. The kids love playing on the street. The one huge home built on the street is an eyesore and with no backyard, their kids play on the street. They moved to Bergenfield for the space, the beauty, and the trees. She stated putting another house there will feel like she's back in Brooklyn. There are many animals living there, including birds and an owl in the trees.

There was a five-minute recess taken at 9:05 p.m. The meeting resumed at 9:10 p.m.

Board member Cabrera inquired if they are willing to shift the house back to be able to improve the seepage.

Mr. Rosenberg stated yes. Mr. Koestner had suggested there was a possibility to shift the house back to provide additional parking and increase the seepage. Mr. Rosenberg stated they would like to move forward with the application and have a vote taken. If for some reason, after the redesign and variance was triggered, they would come back to request the variance. The applicant has agreed to shift the home back in order to provide three parking spaces, landscaping, and provide soil and seepage calculations. Mr. Rosenberg stated the lot is extremely oversized and the applicant can build a much larger dwelling, but that is not the intent of the applicant.

Board engineer Yuro stated if the house is shifted back and have setback of 38 ft., they would need a front yard setback variance.

Chairman Rivas stated he would like a clear plan for the board to vote on as opposed to it being based on contingencies.

Mr. Rosenberg requested an adjournment to revise the plan.

Chairman Rivas stated the application will be adjourned until the September 18th, 2023 meeting with no further notice necessary.

2. Ordinance 23-2612 – An Ordinance to Amend Chapter 268, Entitled “Stormwater Management” of the Revised General Ordinances of the Borough of Bergenfield

The ordinance will be reviewed at the September 18th, 2023 meeting.

MOTION TO ADJOURN MEETING

Motion By: Mr. Bergman
Second By: Mr. Joseph
All ayes. None opposed.

Meeting was adjourned at 9:25 pm.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Hilda Tavitian".

Hilda Tavitian, Clerk
Planning Board