

**BERGENFIELD PLANNING BOARD
REGULAR MEETING MINUTES
July 15, 2024**

Chairman Robert Rivas called the meeting to order at 8:00 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 from participating in any discussion on this matter.

ROLL CALL

Present: Phil Neville, Councilman Lodato, Robert Rivas, Romeo Abenoja, Ernesto Acosta, and Praveen Joseph

Absent: Mayor Amatorio (excused), Jason Bergman (excused), Joel Nunez, and Miquel 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 Joseph.

APPROVE MINUTES OF PREVIOUS MEETING – May 20, 2024

Motion By: Mr. Abenoja

Second By: Mr. Joseph

All ayes. None opposed.

CORRESPONDENCE

Two letters received from Bergen County Soil Conservation District regarding 24 Homestead Place and 41 Glenwood Drive. Application for soil erosion and sediment control was approved. No action needed.

VERBAL COMMUNICATION

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

No one came forward.

Motion to Close Verbal Communication

Motion By: Mr. Abenoja

Second By: Mr. Joseph

All ayes. None Opposed

COMMITTEE REPORTS

1. Site Plan – No report.
2. Parking/Legal – No report.
3. Capital Improvements – No report.
4. Master Plan – No report.
5. Liaison to Board of Adjustment – No report.

OLD BUSINESS

None.

NEW BUSINESS

1. Application: Bais Medrash
385 South Prospect Avenue
Proposing to Construct a Security Fence and Shed

Benjamin Wine, attorney from Prime Tuvel & Micelli, 1 University Plaza Drive, Hackensack, NJ, stated they are before the Board for a minor site plan requiring two bulk variances to install a security fence around the perimeter of the House of Worship property. The first variance is for the location of the front portion of the fence located along the front property line, within 25 ft. of the public right of way. The second variance is for the proposal of a small shed in the rear of the synagogue building to house outdoor equipment and furniture. It is for very slight coverage, going from 83.4% existing coverage to 84.7%, a 288 sq. ft. increase. The application is for security measure. Mr. Wine stated the applicant received a grant from Homeland Security to install and construct additional security measures within their synagogue. The mass majority of improvements takes place in the interior of the building and does not require site plan approval. The specific recommendation was made jointly by the Bergen County Prosecutor's Office and Bergenfield Police Department and a result of the investigation was done by both agencies.

Kiersten Osterkorn, professional engineer and planner from Omland & Osterkorn, Inc, 42 Central Avenue, Midland Park, NJ, stated currently there is an existing chain link fencing on the north and east side along with a retaining wall. All of the fencing on the property is not the applicant's fencing. There is a vinyl fence on the south side with some fencing on the north side. Ms. Osterkorn stated lot 33 is flat. She stated for this development, there is drainage in place with underground retention system. They are proposing security fencing along the entire perimeter of the properties. Along the north side, east and west side, up until the parking area, there will be 6 ft. chain link fencing. They are proposing a 6 ft. aluminum fence by the south side parking area and along the entire west side that crosses S. Prospect Avenue. All of the driveway entrances have gates. The variance they are asking for is 6 inches in from the property line along the entire frontage on S. Prospect Avenue. The other variance being sought is the shed in the rear. It is to house equipment and patio furniture. The existing coverage is 83.4%, with an increase of 288 sq. ft., coverage will be 84.7%. The increase is a de minimus exception to a variance. Ms. Osterkorn stated she doesn't foresee any flooding occurrences and any negative impacts with installing the security fencing. The line of sight is all open and can be seen through it, with 50% of it being open. The positive criteria is providing the safety for the property. Ms. Osterkorn stated there are no concerns in complying with the engineer's review letter.

Board engineer Yuro requested more clarification regarding the location of the chain aluminum fence, where it starts and stops. He inquired if all the properties are owned by the same entity. He requested that the zoning table to be revised. Everything else has been addressed to his satisfaction. Mr. Yuro agreed the shed is a de minimus increase in coverage. He inquired if there will be a drainage impact to the neighbors.

Ms. Osterkorn stated there will be no impact. There will no negative impact to prior conditions.

Mr. Wine stated all four properties are the same entity. He stated all prior conditions will carry through. There will be no changes in operations, hours, vehicular traffic, or number of people attending the facility.

Board member Acosta stated on the plan it shows the fence being 4 ft high, not 6 ft.

Ms. Osterkorn stated that's wrong, it's 6 ft. high, which she will fix.

Chairman Rivas inquired if the 6 ft. is a requirement from Secretary Mayorkas. He inquired if it was also recommended by the Bergenfield Police Department. Chairman Rivas inquired why their plan shows 3 ft.

Mr. Wine stated the report outlines the directive and recommendation that the fencing being proposed at 6 ft. is what is recommended for this particular site. It's a joint report and not sure which agency exactly made the recommendation and wrote each line of the report.

Ms. Osterkorn stated a lot of the commercial areas that have to do with the line of sight would call for 3 ft. She looked at the driver's line of sight and sight line distance when she visited the site. They are not trying to block anything off to create privacy, the fence is for security. The front side of the fence will be aluminum decorative fencing. It has more gaps in it than the chain link does. You will still see the synagogue and the playground through the fence. If someone is climbing a 6 ft. fence, it will be noticed. The look of the buildings and welcoming feeling will remain the same. The aluminum is painted a powder coated black and is not shiny.

Mr. Wine stated 6 ft. is standard and is taller than the average person. The 3 ft. fence would not provide security.

Jonathon Ezra, resident, stated there are ambulances that currently use the drive aisle to park. They have a relationship with BVAC. At the time of installation of the fence, there will be a pedestrian gate. BVAC will no longer be using the drive aisle to charge their vehicles or store it. They have an arrangement in which the concrete driveway that is open to the street can be used instead once the security fence is installed.

Ms. Osterkorn stated the swing gate will not encroach on the public right of way. The vinyl fence belongs to the neighbor. There will be no lighting on the fence.

Questions from Residents within 200' and beyond:

Kirin Hart, 305 Manning Place, stated she has been residing in her home for almost 20 years and prior to the synagogue being built, she never had any flooding. She stated every time it rains, her basement floods and has spent over \$25,000 for remediation. Ms. Hart inquired if there is any way they can document that the synagogue is not the cause of the flooding. There is nowhere for the water to runoff other than down her property. She's concerned the pavers won't absorb the water. She stated what used to be trees, plants, and flowers is now building and there is going to be more building. Her yard and basement have become unusable.

Ms. Osterkorn stated years ago when the site plan was done there was an underground retention system that takes all of the roof water, goes into the leaders, and into that retention system. She stated based on the proposed location of the proposed shed, the runoff will go either towards the paver lot or to the rear of that lot.

Mr. Wine stated there is already sufficient drainage on the property. They are willing to bring in a professional and make sure it is functioning as it is supposed to. If it is functioning properly, you shouldn't be getting any runoff as a result of this property.

Ms. Hart stated she would love to have someone come in to take a look at her basement and get the results. There is a direct correlation between the synagogue and her basement flooding.

Board engineer Yuro inquired what the size of the shed will be. He inquired if there is any other impervious on the property that will reduce the coverage of the shed.

Ms. Osterkorn stated the proposed shed will be 288 sq. ft., 12x24.

Mr. Ezra stated they will scale back the stone driveway to the extend necessary to preserve the shed.

Mr. Yuro stated he is ok with that, but it is up to the Board to decide. If they scale back, the 288 sq. ft. variance would be eliminated. There will be no overall increase in the impervious coverage on the property.

Mr. Wine stated the existing stone driveway would be replaced with grass. He stated they will make sure there is no added runoff on Ms. Hart's side of the property.

Hunter Lerma, 306 Schoolcraft Road, stated he's been living in Bergenfield for 24 years before the synagogue was built. He stated he at the meeting for the proposal to build the synagogue and they assured there would be no issues with traffic, but it is hard to get out of their street. He too gets water in his basement sometimes.

Mr. Yuro stated they are going to remove 288 sq. ft. of impervious, which will offset the shed. The fence will be identified clearly where it will change. He has no other issues with the application. A water study is not needed since it is such a small area and will not impact the neighbors.

Public Comments:

Barry Greenbaum, 382 S. Prospect Avenue, stated they are at an unfortunate time in society where Houses of Worships are forced to increase security measures to protect the congregants. He has no issue with the fence. Mr. Greenbaum stated keeping the synagogue safe also keeps its neighbors safe.

Kirin Hart stated it would be worth holding off doing any construction work for a little while until the investigation on the drainage is done. She is all for the fence.

Mr. Wine stated as a condition of approval of the application, the location of the shed won't be added to the site until a professional confirms their site is functioning as per to the engineer's standards. They are requesting the security fence be installed prior to performing the investigation. The shed will not be placed until the results are received.

Motion to Approve Application

Motion By: Mr. Joseph

Second By: Mr. Neville

All ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Mr. Abenoja

Second By: Mr. Joseph

All ayes. None opposed.

Meeting was adjourned at 9:20 pm.

Respectfully Submitted,

Hilda Tavitian

Hilda Tavitian, Clerk
Planning Board