

BOROUGH OF BERGENFIELD
MAYOR & COUNCIL REGULAR MEETING
OCTOBER 17, 2023
8:00 P.M.

PRESENT: Mayor Arvin Amatorio, Council President Marc Pascual and Council members Thomas Lodato, Buddy Deauna, Domingo Almonte, and Ora Kornbluth

ABSENT: Council member Hernando Rivera

ALSO PRESENT: Borough Administrator Corey Gallo
Borough Attorney John Schettino
Deputy Borough Clerk Hilda Tavitian

Mayor Amatorio called the meeting to order at 8:00 p.m. with the reading of the Open Public Meetings Act Statement, "In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates for the year are confirmed at the Annual Meeting. The Annual Notice is sent to the Record, Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk. Notice of this meeting dated Friday, October 13, 2023 was published in the Record and sent to the Star Ledger, Twin Boro News, and Cablevision, placed on two Municipal Bulletin Boards and is on file in the Office of the Borough Clerk."

The Salute to the Flag was led by Councilperson Lodato.

There was a moment of silence to honor the victims of violence in Israel, Gaza, and Ukraine.

AGENDA CHANGES

Motion made by Council President Pascual to add In Recognition of Challenger Program Directors to Presentations, Resolution 23-334 To Approve Update to Employee Policies and Procedures Manual be added to the Consent Agenda, and Best Practices Inventory be added to New Business. Councilperson Kornbluth seconded the motion. All present voting in favor, none opposed.

APPROVAL OF MINUTES

Motion by Council President Pascual to approve minutes of the September 19, 2023 Regular Public Meeting and September 19, 2023 Closed Session Meeting (not to be released), October 3, 2023 Work Session Meeting and October 3, 2023 Closed Session Meeting (not to be released). Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

VERBAL COMMUNICATIONS I

Mayor Amatorio opened the meeting and invited the public for comments on agenda items only, limited to five minutes per speaker.

John Smith, resident, stated Ordinance 23-2620 is redundant and contradictory when dealing with retail use versus residential use on the first floor. It violates the master plan in terms of maximum coverage, maximum impervious coverage, and set back. Also, he inquired how would parking work with residents of the building versus parking for retail. Mr. Smith stated Englewood residents are suing due to the overlay district and this will happen in Bergenfield. The master plan and schedule B need to be changed first. He suggested tabling the ordinance, do more research, and consult the master plan and schedule B for zoning.

Fred Sahlberg, resident, agreed with Mr. Smith about Ordinance 23-2620 being redundant and contradictory. He stated it should be tabled and corrected. Mr. Sahlberg inquired about who helped write the ordinance.

Mary Sullivan, resident, expressed her concern with the height of the building, six stories 75 feet along Portland Avenue, and four stories at 55 feet along Washington Avenue. She stated the clock section will add an additional 10 feet to the building. Ms. Sullivan inquired if there will be additional items on top of the roof and suggested tabling the ordinance.

Barry Doll, resident, stated he is hesitant with all of the issues brought up by previous speakers. He stated it is important all information is correct to avoid lawsuits. There should be serious consideration about the valid points made and concerns brought up.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications I.

Borough Attorney John Schettino stated the state legislature allows municipalities to designate areas in need of redevelopment if they meet a certain criterion. This section of Washington Avenue has been designated for redevelopment. Mr. Schettino explained the ordinance gives a blue print for what can be developed here and does not translate to any other part of town. He stated, in regards to the heights and setbacks, it has to do with the topographical aspects of the property, as it slopes back 10 feet back from Washington Avenue. The developer wanted more units and a higher building, but the governing body thought it was excessive, and had it downsized. This ordinance was developed by the Borough's professional planner and a team of three from Neglia Engineers. Mr. Schettino stated the designation as an area of redevelopment has encouraged someone to develop the property. Otherwise, there would still be empty store fronts. The clock tower is just for esthetics. The governing body wanted this to be a flagship for the rest of Washington Avenue and spur the development of the area.

Mayor Arvin Amatorio stated this ordinance has not been rushed. It has been discussed for months and has been endorsed by the Planning Board. The property in question encompasses Washington Avenue from the corner of Main Street to Tommy Fox's. Mayor Amatorio stated there are a lot of empty store fronts that have been vacant for a long time. The owner of the property came to the Borough to apply for permits to redevelop, which was the beginning of designating the area for redevelopment. He explained the ordinance was sent to the Planning Board and they endorsed it.

Borough Administrator Corey Gallo stated Lindsay Knight from Neglia Engineers is here and will address the engineer's report. The setbacks will make a significant difference as it will allow the sidewalk to be wider and cars can be parked on the west side of Washington Avenue.

Lindsay Knight, professional planner from Neglia Engineers, stated there is a 0 setback that does not include the right of way. The right of way is the sidewalk and where you drive your vehicle. The building will be far enough back and wide enough to allow parallel parking. Ms. Knight stated the change in the heights is due to the change in grade. There's significant change in grade from Washington Avenue to Portland Avenue. She explained residential is going to be the predominant use and retail will be an accessory use. You can't have retail use without residential use and is meant to be a mixed-use building. Ms. Knight stated the development will be a catalyst for growth. The whole plan has an entire street scape guideline intended to be a further catalyst for the enhancement of the downtown business district. The master plan will guide development in the future for Bergenfield. At this time, it is just the zoning that be being proposed. There is no actual building being propose. Ms. Knight stated when a building is going to be proposed, it will need to be presented before the Planning Board.

PRESENTATIONS

A. Proclamations

1. Baseball Team Award Winners

Mayor Amatorio congratulated the players, their parents, and coaches for their hard work.

Mayor Amatorio read the proclamation for the 16U team into the record and presented a citation to each team member.

Mayor Amatorio read the proclamation for the 13U team into the record and presented a citation to each team member.

2. Wrestling Award Winners

Mayor Amatorio read into the record the citation that was presented to the wrestling award winners.

3. In Recognition of Challenger Program Directors

Motion by Councilperson Kornbluth, seconded by Council President Pascual for a five-minute recess at 8:50 p.m. The meeting reconvened at 8:55 p.m.

CORRESPONDENCE

a). Naylis/Board of Fire
Officers

RE: Personnel Action Letter dated October 12, 2023

Motion by Councilperson Lodato to accept Correspondence Item A. Councilperson Deauna seconded the motion. All present voting in favor, none opposed.

ORDINANCES

A. Adoption of Ordinance

The following ordinance published herewith was first read by title only on March 21, 2023 and posted on the bulletin board of the municipal center.

ORDINANCE 23-2620 – AN ORDINANCE OF THE BOROUGH OF BERGENFIELD, COUNTY OF BERGEN, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR BLOCK 126, LOTS 9-12, AND 14-16, AND BLOCK 127, LOTS 5, 5.01, AND 5.02 – WASHINGTON AVE. AND MAIN STREET (INTRODUCED 9/5/23)

Public comments on Ordinance 23-2620.

Barry Doll, resident, inquired if other properties in town designated as areas in need of redevelopment are being developed and if this ordinance has any effect on those properties.

Diana Flagg, resident, stated Park Ridge had built an apartment building with retail underneath, but no one is renting the apartments and stores. This development would bring more than 200 people to this town, and inquired how this would affect school sizes and over population. This increase of people also increases the commuter traffic within town. The plans are drawn up for the owner of the property at the tax payers' expense.

Fred Sahlberg, resident, stated the planner mentions the development would make Bergenfield a regional center and inquired if this is going to take more property than what is proposed. He inquired if redevelopment supersedes the town's ordinances. Mr. Sahlberg stated tabling the ordinance would allow the residents time to research it and find the problems. He inquired if the increase in apartments mean more water use and more cars in Bergenfield.

Mary Sullivan, resident, inquired how high the stories for the proposed development will be, what will be on top of the building, and if the clock tower will be the highest point. She inquired what the height of the building on Washington Avenue and Portland Avenue will be.

Kathy Sahlberg, resident, stated tabling the ordinance gives everyone a chance to ask questions and receive the answers to the proposed development. She inquired how many bedrooms will each unit have. She inquired if this development will have an impact on the school district where this building is going to be built and if the infrastructure will be able to handle the additional traffic.

Ms. Knight stated there is no building being proposed right now. It's just the maximum number of units it can have if someone came forward with an application. This is just a guideline.

Board attorney Schettino stated two-bedroom apartments don't generate too many children nowadays because the second bedroom is used as an office since people are working from home. Mr. Schettino stated if you look at any development in Bergen County that has the same type of development, you will see there are less than 10 children. There are children, not all of them will be in the same grade. They will be spread out over several grades. One or two students will not affect the school system. This is the first project on Washington Avenue and if it successful, the rest of Washington Avenue will develop in a similar way, but the Planning Board and governing body will have the opportunity to either allow or stop any project.

John Smith, resident, stated last time it was discussed he had asked what was the height the firetrucks can reach right now, because they are going to need to purchase new fire trucks to reach the higher height for this building. Mr. Smith stated there is confusion of which board these variances will go before. He inquired what are the credentials of the planner who is proposing the development. The increase of children is going to have adverse problems. He inquired which council members did the research on this plan. The Planning Board approves it and does whatever the Mayor tells them to do so they are reappointed. Mr. Smith inquired who is paying for the plan and who will pay the developer to knock down the building. It's going to be the tax payers' money. Mr. Smith inquired why the ordinance was not provided to the public to review after it was published. The ordinance should be tabled.

Council President Marc Pascual stated the height of the fire trucks was a concern of his also. They have been assured that the fire trucks can reach the building. They also have shared services with surrounding towns.

Motion by Council President Pascual, seconded by Councilperson Kornbluth to close public comments on Ordinance 23-2620. All present, voting in favor.

Borough Attorney Schettino stated the state adopted the legislation that allows the town to designate areas in need of redevelopment.

Borough Administrator Gallo stated each area designed will be different and the specs will be different. He stated since 2015, he's heard complaints about no improvements being done on Washington Avenue. The owner of the property has been here for years, seen the positive changes taking place, and has now decided to move forward with a potential idea plan.

Ms. Lindsey Knight read her qualifications, her prior areas of work, and her ability to be a witness as an expert in planning. She holds a Master's Degree from the University of Colorado in urban and regional planning with 10 years of experience in urban planning, working in small and large towns around North, Central, and South Jersey. Ms. Knight stated the allowed height of the building on Washington Avenue would be 4 stories, 55 ft. maximum, and on West Main Street, it goes to 5 stories 65 ft. maximum because of the change in grade. The clock tower is there for design purposes

only. The roof would only be for building mechanical equipment. There would be a power pit to screen the equipment, which will be a maximum of 15 feet. She stated, in terms of school aged children, census data from 2018-2023 shows there's been a major change that shows one-two bedroom apartments are not housing families with children and are being as a home office. The infrastructure will not be affected because traditional commuting times have changed. It will be in waves and there isn't one mass leaving. She stated the maximum lot coverage permitted is 70 percent. The parking space is 1.5 per unit. The parking for retail will have its own separate parking requirement, which is 3 spaces per 1,000 square feet, including the parallel parking spaces that would be created. Ms. Knight stated part of the application process would be to require a parking lot management from any applicant. There is no building application currently. During the site plan review process, the applicant would bring traffic information and submit plans showing the floors of the building. The building would have to be ADA compliant, compliant with existing building code and New Jersey standards. The parking management plan explains how the parking spaces would be distributed. The most cost-effective parking for residential parking would be underneath, the bottom two floors. All of the required parking will be contained on the site. She stated parking and line of sight will have to be included in the site plan review and be in compliance with the existing building code. There is no standard code for width of the street and height of the building. Ms. Knight stated there hasn't been any movement on the existing zoning and has been stagnant. In order to entice the downtown, get a catalyst, and achieve the master plan goals, this area was designated as an area of redevelopment.

Councilperson Lodato stated during the review for this proposal, the parking must be contained onsite for anyone using this building. The parking will only be used on the lot. He stated when previously discussed with the council, they had agreed to extend the height of the building to three stories with retail on the first floor, medical/business offices on the second floor, and residential on the third floor. This development will not increase parking for Bergenfield. Councilperson Lodato stated this does not fit in with the current narrow confines of Washington Avenue and inquired why this development cannot be developed following the current conforming structure. He stated Bergenfield will be stuck with whatever this developer does.

Motion by Council President Pascual, seconded by Councilperson Deauna, to pass Ordinance 23-2620 on second and final reading and is hereby adopted and notice of same shall be published according to law as amended.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>nay</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Almonte:	<i>aye</i>	Council President Pascual:	<i>aye</i>

A. CONSENT AGENDA

CONSENT RESOLUTION 23-328. All matters listed below are considered by the Governing Body to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Governing Body, that item will be removed from the Consent Agenda and considered separately.

- a. **23-329/To Approve Bill List**
- b. **23-330/To Authorize the Request for Qualifications for 2024 Professional Services**
- c. **23-331/To Approve Veteran's Tax Exemption – 101 Merritt Avenue**
- d. **23-332/To Approve Insertion of a Special Item of Revenue in the 2023 Budget – DOT FY2023 Roosevelt Avenue Improvements Grant – Chapter 159**
- e. **23-333/To Authorize Grantee - Rain Garden Project Grant Agreement – New Jersey Department of Environmental Protection**
- f. **23-334/To Approve Update to Employee Policies and Procedures Manual**

Motion by Councilperson Lodato, seconded by Councilperson Deauna to approve Consent Resolution #23-328 as amended.

On a roll call, the vote was recorded as follows:

Councilperson Lodato:	<i>aye</i>	Councilperson Kornbluth:	<i>aye</i>
Councilperson Deauna:	<i>aye</i>	Councilperson Rivera:	<i>absent</i>
Councilperson Almonte:	<i>aye</i>	Council President Pascual:	<i>aye</i>

UNFINISHED BUSINESS

None.

NEW BUSINESS

A. Best Practices Inventory

Borough Administrator Gallo stated the borough is required by the Division of Local Government Services to conduct a best practice survey every year. The CFO does the inventory in conjunction with all the professionals. The survey was completed and submitted. The town received a score of 38 out of a total of 42 points. Mr. Gallo explained it covers shared services, compliance, purchasing, cybersecurity, and other areas.

Committee/Department Reports

Motion offered by Council President Pascual that the Committee/Department Reports be spread upon the minutes in full and filed. Councilperson Deauna seconded the motion. All in favor, none opposed.

VERBAL COMMUNICATIONS II

Mayor Amatorio opened the meeting to Verbal Communications II and invited the public to comment on any subject, limited to five minutes per speaker.

Fred Sahlberg, resident, appreciated the OEM Director answering his question at a previous meeting of how and why ambulances are stationed in particular areas. Mr. Sahlberg stated he understood that there were issues with the flags being flown at Borough Hall and it was a result of an issue with the bucket truck. He requested the Israel flag be flown until the new Borough Hall is opened. He stated there was a mistake made when KIA flag was removed and replaced with the Italian Flag.

John Smith, resident, stated the residents should be able to ask the professionals questions. Mr. Smith stated the council is not taking parking seriously with the development and nothing is being done with the current parking on Washington Avenue. He hoped the ordinance would have been tabled and thanked Councilperson Lodato for voting against it. He asked what the overage is on the current municipal building construction.

Diana Flagg, resident, inquired if the height of the apartments includes the parking lot. She stated she had submitted an OPRA request on March 8th because a building inspector had contacted her about not having a house number and it was required by code. The OPRA request was for what houses had been contacted for not having house numbers and it was only been one side of town. She inquired why the other half of town has not been visited by code enforcement. She stated a school board candidate has signs on the town's right of way, which she reported and has not been removed. She had submitted an additional OPRA request for a list of the calls made to the police

department requesting overnight parking. She received a response that there are no records pertaining to the request via phone and that residents were using the portal via online, on the police department's page to request overnight parking. She thanked Councilperson Lodato for his no vote on the ordinance and requested foreign flags not be flown on the borough building.

Mary Sullivan, resident, stated the "Welcome to Bergenfield" sign on Clinton Avenue is no longer readable.

Cathy Sahlberg, resident, thanked Councilperson Lodato on his no vote on the ordinance. She agreed there needs to be development in town, but the height should be lower, and felt the process had been rushed. Mrs. Sahlberg stated the train will affect people entering/exiting the development from Portland Avenue and will add to traffic. She gave the Borough Administrator credit for the terrific work done for the Moving Wall over Labor Day weekend.

Borough Administrator Gallo stated he will look into the mistake made with taking down the wrong flag. The governing body has been discussing and reviewing the ordinance passed tonight since November of 2022. It has been in the works for years. Mr. Gallo stated they hired Neglia to provide plans. It's gone before the Planning Board, the governing body set the stipulations, and the governing body has vetted it. He stated the master plan has not worked and was not enough for development. There is demand for housing in Bergenfield and this is the time for opportunity. This development will be a solid staple, with a fully thought-out plan. There are three proposals for the bank building they are looking into.

There being no one else who wishes to be heard, Mayor Amatorio closed Verbal Communications II.

Motion by Councilperson Kornbluth, seconded by Council President to close Verbal Communications II. All present, voting in favor. None opposed.

COUNCIL COMMENTS

Councilperson Lodato thanked all for coming to the meeting.

Councilperson Deauna stated this ordinance was long overdue, it was a long time coming. This area needs improving. It is the defining movement to change the town and will change the big picture for the better.

Councilperson Kornbluth thanked everyone who has reached out and for their support the past week after the attack on Israel.

Council President Pascual stated today was the last day to register to vote.

Mayor Amatorio thanked everyone for coming out and wished all a good night.

CLOSED SESSION

RESOLUTION **23-335**/Authorizing the Governing Body to Enter into Closed Executive Session to discuss:

A. Attorney-Client Privilege

1. Knickerbocker Country Club v. Borough of Bergenfield Litigation Update
2. Massey v. Borough of Bergenfield Litigation Update

Minutes will be taken of the meeting and released to the public at the time that the matter is resolved. After Closed Executive Session, the Mayor and Council will reconvene in the Executive Chambers to adjourn this public meeting.

On a motion by Councilperson Kornbluth, second by Council President Pascual, and all present voting in favor, the meeting was adjourned to the Closed Session in the Executive Chambers at 10:30 p.m.

ADJOURNMENT

There being no further business to come before the Mayor and Council, on a motion by Councilperson Kornbluth, second by Council President Pascual, and unanimously carried, the meeting was adjourned at 10:55 p.m.



Hilda Tavitian
Deputy Borough Clerk