

**BERGENFIELD PLANNING BOARD
REGULAR MEETING MINUTES
June 23, 2025**

Chairman Robert Rivas called the meeting to order at 8:08 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 a municipal public notice bulletin board 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.

PLEDGE OF ALLEGIANCE

Led By Councilman Lodato.

ROLL CALL

Present: Mayor Amatorio (arrived at 8:13 pm), Councilman Lodato, Robert Rivas, Jason Bergman, and Edgar Dimaren

Absent: Romeo Abenoja, Ernesto Acosta, Joel Nunez, and Praveen Joseph

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

APPROVE MINUTES OF PREVIOUS MEETING – January 27, 2025

Motion By: Board member Bergman

Second By: Board member Dimaren

All present, voting in favor. None opposed.

CORRESPONDENCE

Two letters received from Bergen County Soil Conservation District regarding 10 Belvin Court and 75 Westview Drive. Applications for soil erosion and sediment control were approved. No action needed, just advisory.

VERBAL COMMUNICATION

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

None.

COMMITTEE REPORTS

1. Site Plan – No report
2. Parking Legal – Councilman Lodato stated construction of the parking lot is in progress.
3. Capital Improvements – No report
4. Master Plan – No report
5. Liaison to Board of Adjustment – Board member Bergman stated the Zoning Board appointed a planner at the last meeting.

OLD BUSINESS

None.

NEW BUSINESS

1. 2025 Housing Element & Fair Share Plan

Steven Lydon, planner from Burgis Associates, Inc., stated he will give a brief presentation on the fourth round Affordable Housing obligation for Bergenfield. He stated since the mid 70's New Jersey municipalities have a constitutional obligation to provide a realistic opportunity for the production and construction of affordable housing. This obligation has been modified through the decades. The plan being reviewed tonight is designed to provide Bergenfield with immunity from affordable housing lawsuits through the end of the fourth round, which is 2035. Mr. Lydon stated Bergenfield was successfully protected against builders' lawsuits during the third round housing cycle through its participation in the judgement process set up by the courts. Mr. Lydon stated that all changed in March 2024 when Governor Murphy signed amendments to the Fair Housing Act. He stated the 2024 amendments to the Fair Housing Act dramatically changed the affordable housing landscape. COAH's former obligations were shifted to DCA. The new amendments shortened the time frames municipalities had to prepare the Housing Element & Fair Share Plan. Towns had to either accept or reject nonbinding numbers DCA published by the end of January. Objectors had a month to look at the plans and resolutions. Towns had until March to resolve the issues. Some of the towns did not get their numbers until mid-May. The plans need to be adopted by June 30, 2025.

Mr. Lydon stated the housing plan for Bergenfield was done and is dated April 28, 2025. Judge Jacobson in the third round had established a hybrid methodology. Her methodology was accepted by higher level courts and has been incorporated into the fourth round rules. DCA calculated and assigned affordable housing obligations first in six housing regions in the state and then from those housing regions they were allocated to municipalities. DCA assigned Bergenfield a present need of rehabilitation obligation of 137 units. DCA further assigned Bergenfield a prospective need obligation – new construction obligation of 0 units. Mr. Lydon stated with the new construction prospective obligation there is a check the town can do called the vacant land adjustment. It wasn't needed since the obligation was 0. He stated for the rehabilitation number, there's also a check that can be done, called a structural condition survey. Mr. Lydon stated 137 units assigned to Bergenfield is too high of a number. He had asked Mr. Gallo to have the construction code official prepare a structural condition survey. The survey showed 36 housing units of a deteriorated nature. It's 100 units shy of what the state came up with. Mr. Lydon stated they are proposing 36 units be the rehabilitation number, not the 137.

Mayor Amatorio inquired if they are going back to the state to have the number revised.

Mr. Lydon stated they have accepted the construction code official's analysis in the plan and are going to amend the spending plan to call for that number of affordable housing units. Once the plan is adopted, it will be presented to the courts and placed on the borough website within 48 hours. Mr. Lydon explained if there are no objections, the dispute program is supposed to look at the plan and approve it. He stated from there it goes to a county level housing judge. They will hold a hearing and if no one objects, it will most likely be approved. It will be subject to certification for 10 years. Mr. Lydon stated he is not sure if asking for the 0 number is the wisest thing to do. Also, money the borough is collecting from the development fee ordinance has to be spent on affordable housing purposes within 4 years. If it does not, it goes to Trenton.

Mayor Amatorio stated since there is 0 obligation for new construction and if there are 4-5 projects in the future, he isn't suggesting there shouldn't be a number, but they can because there is no new construction obligation.

Mr. Lydon stated, down the pipeline, a developer wants to develop more than 5 units, there would be a mandatory set aside of 20%. The town would be able to get some credits that way, but the new construction obligation remains 0. Mr. Lydon stated they should stay with an obligation of 18-20.

Mayor Amatorio inquired if the town can use the credit in the future. A lot of developers are asking for a pilot program. They can lower the set aside and give them lower pilot program numbers.

Mr. Lydon's response was no. The number will only be good until 2035. The good thing about using developer's fee money is it is paid for by developers and improves existing housing for the residents. Mr. Lydon stated the board should think about a spending plan.

Mayor Amatorio inquired if the board needs to approve the Housing Plan presented.

Mr. Lydon's response was yes, the new fourth round legislation Governor Murphy signed requires the housing plans be adopted by June 30, 2025. The good news is there is 0 obligation for new construction and the windshield survey showed the state's numbers were 100 units too high. The drawing needs to be included with the housing plan and sent to the Office of the Courts and posted on the borough website within 48 hours.

Motion to Approve 2025 Housing Element & Fair Share Plan

Motion By: Mayor Amatorio

Second By: Board member Bergman

All present, voting in favor. None opposed.

Motion to Adopt 2025 Housing Element & Fair Share Plan Resolution

Motion By: Board member Bergman

Second By: Mayor Amatorio

All present, voting in favor. None opposed.

2. Area in Need of Redevelopment – 150 S. Washington Avenue

Brian Intindola, planner from Neglia Associates, stated 150 S. Washington Avenue is a commercial property that has come to the end of a useful life and now can be declared an area in need of rehabilitation non-condemnation. If the Board looks favorably and it is consistent with the master plan, then it can go forward to be declared that with the action of the Mayor and Council, and then move forward to see what can be done. There's a contractor parking in the back. Parking in the front is sometimes used. Mr. Intindola stated there a number of reasons to declare this an area in need of redevelopment. They typically look at criteria A through H for redevelopment areas. Specifically, criteria D, which are areas with buildings or improvements, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors are detrimental to the safety, health, morals, or welfare of the community. Mr. Intindola stated with the dilapidated state right next to the middle school with the justification in Area D is exactly why the statute was written for municipalities to designate areas of rehabilitation or redevelopment. Criteria H states the designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. Mr. Intindola stated they don't know what this will be in terms of a redevelopment plan. The borough can voice their opinion through the Mayor and Council and hopefully it attracts a developer.

Mr. Intindola stated the property is zoned in a business zone with many uses. A redevelopment plan can be written with the borough's vision. He stated they are emphasizing Criteria D and H in the study.

Criteria A, B, and C can apply. It's an older building, has broken windows and mold, it's a valuable property on S. Washington Avenue.

Chairman Rivas inquired if this presentation requires a public hearing. Chairman Rivas read in the report that 6B states the Planning Board shall prepare a map showing the boundaries of the proposed redevelopment area. He inquired if that's been done.

Mr. Intindola stated what he is presenting tonight is what the Planning Board has to determine is consistent with the master plan by taking a vote tonight and then the board attorney putting it together in a resolution. The map was already prepared.

Mayor Amatorio stated they are agreeing to designate this area as an area in need of redevelopment or rehabilitation area.

Councilman Lodato inquired if there are any recommendations going to be made for the bulk standards.

Mr. Intindola stated not right now, but can be rewritten as an overlay standard. A designated developer presents a plan and is usually what the borough is asking for.

Mayor Amatorio stated whoever is interested will approach the Mayor and Council with a plan.

Mr. Intindola stated it may or may not need a pilot. The council and the Planning Board can announce their vision and request proposals from people interested in 150 S. Washington Avenue or the developer can present their visions.

Board member Dimaren inquired if there are any plans to expand the middle school, any if it will interfere with any future plans.

Board member Bergman stated it's currently zoned as B-2. He explained any business classified as B-2 can be put there without having the approval of the Planning Board of Zoning Board of Adjustment. He stated by designating the property as an area in need of redevelopment, they are telling developers this is an area that doesn't attract much people and that someone should rebuild the area. The middle school is setback too far from this they are not looking to expand the ballfield at this time.

Mr. Intindola stated this doesn't pre-exempt them. The school is aware of it.

Motion to Approve Area in Need of Redevelopment Study for 150 S. Washington Avenue

Motion By: Board member Bergman

Second By: Mayor Amatorio

All present, voting in favor. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Board member Bergman

Second By: Mayor Amatorio

All present, voting in favor. None opposed.

Meeting was adjourned at 8:50 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk Planning Board