

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TELECONFERENCE VIA ZOOM
December 7, 2020**

Chairman Shimmy Stein called the meeting to order at 7:06 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. Notice of this meeting via the November 30, 2020 Sunshine Notice has been sent to the Record, Star Ledger, and Cablevision, posted on two municipal bulletin boards and 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 Chairman Shimmy Stein.

INTRODUCTORY STATEMENT

Read by Board member Friedman

Welcome to the Zoning Board of Adjustment. Let me briefly explain what we do. We are appointed by the Bergenfield Council to decide when a property owner should get relief from the strict application of the zoning code requirements. Typically, we hear two types of variances. The first is whether an applicant can vary from land restrictions including rules on sideline distance, height, and lot coverage. That is commonly called a bulk variance. The second is a use variance, where an applicant wants to use the property for a purpose not permitted under the zoning ordinance in that zone.

In these cases, the applicant has the burden of meeting certain criteria set forth in the Municipal Land Use Act. We carefully listen to the testimony, including objectors, and review all relevant documents. If a majority of the Board concludes that the applicant has satisfied those criteria, we must grant the requested variance.

Mr. Friedman added to the statement any misconceptions that may exist. The zoning board doesn't change or modify the zoning. Mr. Friedman stated only the council can do that. The zoning ordinance can only be changed by the council. The zoning board's job is to determine only whether a section or part of a zoning code provision should be relaxed for a particular applicant. The board members here take their obligations extremely seriously.

ROLL CALL

Present: Shimmy Stein, Richard Morf, Sara Berger, John Smith, Joel Nunez, Charles Steinel, Amnon Wenger, Marc Friedman, and Joel Berkowitz

Also Present: Ronald Mondello, Esq., Zoning Board Attorney, Frank Rotonda, Zoning Board Engineer, Asher Forst, Moderator, Michael Knowles, Planning Board Liaison, Councilman Marte, Council Liaison, and Hilda Tavitian, Board Clerk

Absent: no one

APPROVE MINUTES OF PREVIOUS MEETING – November 18, 2020

Motion By: John Smith

Second By: Sara Berger

All ayes. None opposed.

Moment of Silence – Anniversary of Pearl Harbor Day

Motion By: John Smith

Second By: Shimmy Stein

All ayes. None opposed.

Everyone wished Board member Joel Nunez a happy birthday.

CORRESPONDENCE

Borough attorney Mondello stated the first correspondence that came in on November 5, 2020 was by Preserve Bergenfield Alliance. They are in attendance this evening. It's a lengthy letter that was sent to the board members. Mr. Mondello stated he had sent it to Mr. Capizzi also. Mr. Mondello stated they don't need to read it into the record but the Preserve Bergenfield Alliance is welcome to read it during the public comment portion of the meeting. The second correspondence received was between the construction code official, Phil Neville, and Scott Jezequel dealing with the easement. The zoning board doesn't deal with easements, only the governing body can grant or deny the applicant to pave over the easement. Mr. Mondello stated he leaves it to the borough engineer and the applicant's engineer to resolve those issues. If they don't resolve those issues even if the board were to look favorably on this application and the governing body denies paving over the easement, the zoning board's approval would be meaningless.

VERBAL COMMUNICATIONS

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

No one came forward.

OLD BUSINESS

Resolutions:

34 Highgate Terrace LLC., 34 Highgate Terrace, Build new single family home

Motion By: Shimmy Stein

Second By: Sara Berger

All ayes. None opposed.

Dr. Jason Suss, 179 S. Prospect Avenue, Requesting extension

Motion By: John Smith

Second By: Charles Steinel

All ayes. None opposed.

Application: 145 West Main Street, LLC
145 West Main Street
Change of use to a multi-family dwelling R-5 zone to RM zone

Chairman Stein stated that board member Steinel who wasn't here for the last meeting requested and listened to the audio recording of the last meeting. He is up to date on the issue.

Mr. Steinel stated he listened to the AI transcript of the meeting.

Mr. Stein told the audience they are going to hear witnesses testify and give testimony on different aspects of the application. Mr. Stein stated it is questions only tonight. There will be no commentary on anything heard tonight. They will be directed to the professional that can best answer their question. There are 97 people attending the webinar. Repetition will not be helpful for anyone and there is no need to repeat the same question.

Matthew Capizzi, attorney for applicant, 11 Hillside Avenue, Tenafly, NJ stated this is an application for a use variance and site plan approval. The presentation was started on November 18, 2020. The board heard testimony from the site engineer, Michael Hubschman, who was questioned by members of the board and the public. The board engineer also spoke about his review letter and some of the testimony provided by Mr. Hubschman, and some commentary that was raised by members of the public. Testimony from Chris Blake, architect, and Lou Luglio, traffic engineer, will be provided tonight. The issue of the easement remains under review. Mr. Hubschman has been trying to get in contact with representatives of the DPW to discuss the easement and see what can be done. They hope to have an answer as to what would be permitted to improve with the easement at the subsequent meeting.

Chris Blake, architect, 24 New Bridge Rd, Bergenfield, NJ, stated he prepared the architectural plans and has visited the site and surrounding area. Mr. Blake shared the plan, consisting of 6 sheets (Exhibit A-3), that was submitted to the board on the screen. There are two additional elevation sheets (Exhibit A-4) that Mr. Blake is presenting this evening. Mr. Blake stated the property is on the northeast corner of N. Franklin Avenue and West Main Street. The building is approximately 120 ft x 55 ft and will be placed on the middle of the property. The building is three stories with parking, lobby, two stairwells, mechanical room, trash room, and an elevator on the first level. There is a two lane drive aisle that makes a perpendicular turn to the left. It wraps on the northern and eastern sides. The handicapped parking is underneath the building, making it easier to enter into the lobby, mechanical room, and trash room on the first floor. It is a L shaped plan. The ceiling height of the garage level is at least 8 ft. (at least 96 inches). Mr. Blake stated the lobby is accessible from the street and from the interior of the parking. There will be LED recess lighting in the ceiling with safety and security measures in the garage level. The trash room will be located near the lobby and is accessible from the front and the rear.

Mr. Blake stated the second and third floors will be the apartments and are exactly the same. On each floor, there will be 6 one bedroom layouts and 2 two bedroom layouts at the corners of the building. There are two fire escapes going up and down the building with an elevator in the center of the building. Each apartment is modest in size. The two bedroom apartments are up to 900 sq. ft. and the one bedroom apartments are in the 650-700 sq. ft. range. The two bedroom will have just one bathroom. Each unit has a washer/dryer room, small mechanical closet, one or two bedrooms, a kitchen, and living room. The PTEC wall units, supplementing the heating, will be underneath the windows on the exterior of the building. The corridors will need to be ventilated and are still working that out. Mr. Blake stated the building will be fully sprinklered, including the parking level and will be according to the code of New

Jersey. The exterior of the building has been designed to face Main Street to create an entry on the lower level as well as the parking entrance. As you move up on N. Franklin Avenue, the natural grade/slope of the land is higher. Therefore, some of the parking area will be partially submersed underground. Mr. Blake explained the upper two floors will have double hung windows with grills and a peaked roof. The top of the roof will be sloped. One of the variances needed is for the height. The height requirement is 30 ft. and they are proposing 33 ft., three ft. over the allowable. The higher floors are not any higher or bulkier than a traditional single family house. The columns, peaks and roof lines add character and gives a residential look. There will be stones on the bottom and siding around the building. Mr. Blake stated the intent of the three big peaks was to present the characteristics of three single family houses. It blends in with the character of 50 x 100 properties in the surrounding area. The massing remains in line and is similar in keeping with three single family homes. They are over slightly in height by 3 ft. The aesthetics are the best option they have and would have minimal impact. Mr. Blake stated they are setting the building back 15 feet and a single family home would be only 12 ½ feet. The building is compatible with the neighbors next door. Sheet A8 shows a shadow of the building. The shadow cast by the building in the morning and afternoon won't be more than a single one family house and there would be minor effects.

Chairman Stein stated the side yard setback for a single family home is 5 ft. in a R5 zone and requested clarification from Mr. Blake stating that the proposed building will have setback of 15 ft. where 12 ½ ft. required.

Mr. Capizzi stated the resolution from when the church obtained the major subdivision approval for this lot, when the easement was discussed in the application, the Planning Board had said the side yard setback was being enhanced on the lot to account for the easement. The board conditionally approved a right yard side setback of 12.5 ft. and left yard side setback of 2.5 ft. He can provide the board a copy of the Planning Board resolution with the setbacks for the lot.

Board engineer Rotonda stated at the last meeting there were some concerns about the proximity of the sanitary sewer easement and the drainage conditions. Mr. Rotonda stated the applicant's engineer is responsible to satisfy those things even if granted relief by the zoning board. Mr. Rotonda inquired if they will be amending the application prior to proceeding in light of the comments incurred due to the drainage limitations and the sanitary sewer constraints that affects this property. Mr. Rotonda stated they might need to modify the building size and might want to reconsider the design before proceeding. Mr. Rotonda stated he doesn't have any questions with the design of the building.

Mr. Capizzi stated Mr. Hubschman is best suited to answer Mr. Rotonda's question. Mr. Capizzi stated they will proceed with the application. Mr. Hubschman is still working through the issues and if there is a need for an adjustment, they would have to address it at that point. Mr. Hubschman is still reviewing the issues and will have worked through them when they come back before the board at the next meeting. They are seeking preliminary and final as well as variance approval. Mr. Capizzi stated it's their desire to meet with the DPW now before the board votes on the application.

Mr. Friedman inquired if it is feasible for three single family homes to be built on the three parcels if the use variance is denied. Mr. Friedman inquired how many trees are going to be removed.

Mr. Blake stated yes. It is possible. Mr. Blake stated he doesn't know how many trees will be removed and would have to ask the engineer.

Mr. Stein stated there are 22 trees that will be removed. Mr. Stein stated that Mr. Capizzi had stated at the previous meeting that an equal amount of trees would have to be removed if three single family homes were built on the property.

Mr. Capizzi stated that was from Mr. Hubschman. Mr. Hubschman can elaborate on that further when he comes back at the next hearing.

Mr. Smith inquired about the size of the trash room and if it is going to be big enough to hold all of the trash cans and recyclable bins. The 95 gallon trash bins are big. Mr. Smith inquired what the height of the building is from the ground level to the top of the roof. Mr. Smith stated he measured it and his measurements come out to be higher than 33 feet. Mr. Smith inquired about the line of sight at the entrance and exit of the building.

Mr. Blake stated it's approximately 12 x 8 ft. There is a mechanical room next to it that's probably 30 x 8 feet. Those two rooms are more than adequate in size. They have the ability to make the trash room grow. Mr. Blake stated the 33 feet is the height from the average grade. The average grade has a slope from one side of the building, 75.5 ft., to the lower point of the floor which is 71 ft. The ridge is 105 which is 33 ft. above the average grade. It would be 105 minus 71 which would be 34.21 ft, to be exact, at the right hand side. The traffic engineer is more qualified to answer questions about line of sight. He doesn't see a problem with line of sight and stated it would be the same as a single family house.

Mr. Mondello stated unfortunately, Mr. Steinel has been having technical problems with having to restart his computer. He informed Mr. Steinel that he will have to listen to the recording and the AI transcript for the portions of the meeting he has missed.

Mr. Berkowitz stated that it appears to him that if someone opens the trash room door at the same time as someone opening the lobby door, the two doors would bang into one another. Mr. Berkowitz stated there are no doors to the staircase and assumed it was for fire reasons.

Mr. Blake stated he can correct that. Mr. Blake stated there will have to be a door there somewhere along there. It can be on a electronic release that is with the fire code of the building. It makes it more inviting to go upstairs. They will make it work with the fire code. Mr. Blake stated there is a lot of space on Main Street and won't be a issue. There is more than 100 feet of curb on Main Street even with the driveway. He can review that with Mr. Hubschman.

Mr. Steinel stated the borough ordinance requires six clear feet for each barrel for garbage pick up at the curb. Mr. Steinel stated there is going to be 9 garbage barrels and inquired if there will be enough footage between each of the barrels to line them up on the sidewalk. DPW goes out of their way to accommodate property owners to pick up garbage but they don't have to. Mr. Steinel stated clear footage is lost with poles and street signs being in the way. Mr. Steinel suggested measuring that again as 54 feet will be used just with garbage cans.

Mr. Capizzi stated at the last hearing, Mr. Hubschman had stated there would be 4-5 barrels for the building based on the experience he's had with similar buildings.

Mr. Steinel stated the ordinance is based on the number of bedrooms, 1 barrel for every three bedrooms. Twenty-five bedrooms equates to 9 barrels and you are entitled to buy more. The zoning board does not control the ordinance.

Mr. Stein inquired if in the event of a fire, there is no need to get a fire truck underneath the building and if there is access on all four sides.

Mr. Blake stated there is access on all sides and the fire trucks do not need to go underneath the building for any reason.

Questions from residents within 200 feet:

Janet Rosado, 135 W. Main Street, inquired how the smell of the trash will be handled and will the trash bins on the sidewalk obstruct the view of driver's coming in and out of the parking lot.

Mr. Capizzi stated Mr. Hubschman will address her concerns.

Mr. Mondello inquired if the extra 3 feet in the height of the building is going to interfere with Ms. Rosado's sunlight.

Mr. Blake stated the extra 3 ft. is only at the peak of the building and 3 ft. wide strip down the middle of the building. They will move the building away from her property and will be closer to N. Franklin Avenue which doesn't have a neighbor. They are trying to provide more light, space, and air that will make up the difference of the peak of the building being 3 feet higher. There will probably be 20-25 feet between the two buildings, which is substantial.

Mr. Rotonda suggested Mr. Capizzi and Mr. Blake provide an illustration for the board's and public's consideration to show how the proposed building compares to the neighboring buildings. Other communities which have heard similar arguments have required such renderings. She's having trouble expressing her concern since she is not a professional.

Mr. Capizzi stated they will take Mr. Rotonda's suggestion under consideration.

Nelson Reynoso, 14 S. Franklin Avenue, stated there have been a lot of apartment fires in the area and inquired how does this design take into consideration the newer and tougher building codes in New Jersey. Mr. Reynoso inquired if the many wood framed complexes throughout New Jersey have violated building codes and as a result have caught fire.

Mr. Blake stated the building will be built according to the building codes in New Jersey and the Bergenfield ordinance. The building department will enforce that. The building will be fully sprinklered and provide all the fire safety regulations the building code has. The building will be built to and above the applicable building code as required today and make sure it's up to the latest building codes.

Mr. Capizzi stated they can't comment about other projects. This building will be built in accordance with all applicable building codes.

Jose Gonzalez, 45 S. Demarest Avenue, inquired if there was an assessment done about the sewer system in Bergenfield and any record of communication with any office about heavy traffic.

Mr. Mondello stated Mr. Blake didn't speak about sewers, but spoke about the building. Mr. Gonzalez's question would be best addressed by the engineer. The questions for Mr. Blake should be based on his testimony. The sewer was testified to by Mr. Hubschman.

Mr. Stein stated Mr. Hubschman had given a full assessment of the sewer at the last meeting. Mr. Gonzalez can go through the minutes of the last meeting, the answer to his question is there.

Alexis Michel, lived at 46 N. Prospect Avenue for 40 years and now resides at 15 Homestead Place, stated she has questions about traffic and when she can ask them.

Mr. Stein stated the traffic engineer will be testifying afterwards. They will be taking a short break after this segment and then the traffic engineer will testify.

George Kapitanelis, 15 Homestead Place, inquired how is it possible that this building with all these apartments can cast the same shadow as a single occupancy home.

Mr. Blake stated he was referring to shadow being cast onto the neighbors to the east, 135 W. Main Street. The face of the building on that side can be similar to a single family building based on that side. The whole building will have a bigger shadow to the rear. The bigger shadow will always be to the rear and never cast a shadow onto the street. The shadow will always be behind it.

Questions from any residents:

Edward Roman, 55 River Edge Rd, inquired if the windows are larger than most houses and are there more windows than homes would have. Mr. Roman inquired how many windows will be facing Franklin School and the neighbors in the back.

Mr. Blake stated the windows are similar in shape and size of a single family dwelling with double hung windows, with 1 or 2 windows per bedroom. There isn't an abundance of windows. The sides of the building are sparse with windows. There are six windows facing the Franklin School.

Mary Hernandez, 25 Birch Avenue, inquired what the longest shadow the building will have on each side. Ms. Hernandez inquired if Mr. Blake is comparing the building to a normal single family home or a larger single family home requiring variances. Ms. Hernandez inquired how many apartment buildings Mr. Blake has done. Ms. Hernandez inquired what is being done to ensure privacy and noise as the apartments are small. Ms. Hernandez inquired if there are sight lines between Franklin School in the apartment building. Ms. Hernandez inquired how many votes are needed to approve this application.

Mr. Blake stated it is infinite. The sun moves all day long. There is no way to show it on an exhibit. Mr. Blake stated he is comparing the building with a building built to a maximum the zoning ordinance allows. Mr. Blake stated he has done 6-7 apartment buildings. This is the smallest one. Mr. Blake stated there is a state code regarding noise transmission between apartments that needs to be followed. There is sound installation and all kinds of material that can be used. Some part of the building has to be next to the elevator. They will use installation, sheetrock, and other materials to address the noise issues. Mr. Blake stated Franklin school will be more than 100 ft. away. There is a minimal amount of windows facing the school. A single family house would have the same situation. They could plant trees and landscaping between the school and the apartment building.

Mr. Stein stated 5 out of 7 votes are needed to approve this application. The alternates can ask questions but they can not vote.

Mr. Friedman stated he is an alternate member and because one of the regular members was absent during the first meeting, he will become a voting member.

Mr. Stein stated that is not correct because Mr. Steinel listened to the tapes of the previous meeting and is caught up with the original members.

Mr. Capizzi stated that the question would be which board members would be eligible to vote at the time the board takes a vote. If there are seven regular members, then they would only be permitted to vote.

Bochy Lora, 28 East Central Avenue, inquired if there will be background checks done on the people renting the apartments. Mr. Lora inquired who is responsible for checking the sexual predator list before the apartment is given to someone.

Mr. Capizzi stated they can not discriminate with the people they place in the apartments. There would be some sort of credit check and whatever is standard in the industry would be applied.

Mr. Stein stated New York City no longer allows to check criminal records. He doesn't know if that is the same in New Jersey. There is a list of sexual predators that is public and can be checked.

Mr. Mondello stated it is prejudicial and discriminatory to do criminal background checks. There are three tiers with respect to Meghan's Law. Based on that tier, they need to tell police where they move from location to location. As they move up within the tiers, they are prevented to live within x amount of feet from a school. The police monitor that.

Mr. Smith stated the council had passed an ordinance on fair sharing housing. The person the borough hires needs to do a check on everything for those apartments that fall under the affordable housing the borough is responsible for.

Tinmary Stirling, 260 W. Clinton Avenue, inquired if Mr. Blake can confirm the appliances in each apartment.

Mr. Blake stated each apartment would have a dishwasher, 30 inch range, refrigerator, Ptec heating and air conditioning unit, stackable washer and dryer, and a hot water heater.

Nelson Reynoso, 14 S. Franklin Avenue, inquired if there will be fire prevention units installed in the apartments and in the attic.

Mr. Stein stated the entire building is sprinklered.

Mr. Blake stated there will be sprinklers in every cavity that is 4 ft. tall. There will be smoke detectors, heat detectors, carbon monoxide detectors, and all safety equipment required by the state code.

Margaret Casper, 69 Meyns Place, inquired if the fire department would be able to get into the garage. Ms. Casper inquired if there would be two people living in the one bedroom apartments and four people living in the two bedroom apartments.

Mr. Stein stated it was testified that there is enough space on all four sides and the entire building is sprinklered, there would be no need for a fire truck to go underneath the building. Mr. Steinel is a fireman lieutenant and he would be able to answer Ms. Casper's question.

Mr. Steinel stated you would never go inside the building with a fire truck. It is the same with going underneath a building. It is not necessary.

Mr. Blake stated it is not up to him to decide the number of people living in the apartments. There could be 1 or 2 people living in the one bedroom apartments. It would be surprising if there were four people in the two bedroom apartments. It could be 2-3 people. He has no control over that or any way of knowing that.

Jose Gonzalez, 45 S. Demarest Avenue, inquired what is the level, angle, or view is from anyone living in the apartments of Ms. Rosario's home. Mr. Gonzalez inquired what the height of the building is.

Mr. Blake stated it would be exactly the same as a single family house. The second floor of the building would be similar to the second floor of a single family house. The third floor would be similar to the attic floor. The property is on a hill and there is a slight grading down to the east. The height of the building is 33 ft. The top of the second floor window above average grade will be about 18 ft. and the top of the third floor window above average grade will be 27.5 ft.

Yudi Susana, 3 S. Franklin Avenue, inquired what amount of light will be produced in the residential part if all of the lights were on in the building in comparison to three homes.

Mr. Blake stated if all of the lights were on in the building, it would be more than three single family homes. There would be 10-15% more light coming from the windows.

A recess was taken at 8:56pm. Everyone returned to the meeting at 9:05pm.

Lou Luglio, traffic engineer, 30 Montgomery Street, Jersey City, NJ, stated he looked at the application from a vehicular traffic standpoint, pedestrian circulation, and a parking aspect. He reviewed the site plan, visited the site a number of occasions, and conducted his own observations on the site and prepared a report. There is a revised report dated 10/16/20. As far as traffic and parking, he utilized the Institute of Industry Engineer's manual to forecast the number of vehicle trips generated any type of land use. Mr. Luglio stated he utilized the Institute of Industry Engineer's manual also for parking generation, looked at Urban Land Institute for parking ratios, and US Census updated information to look at vehicle ownership and percentage of people that use public transportation. It is common place to look at and refer to the manuals. Mr. Luglio shared on the screen Figure 1 showing the existing aerial view of the site earlier in the year. The next slide he shared was a combination of the site plan superimposed on top of the existing aerial view along with the landscaping plan was superimposed in front of the building along W. Main Street. There will be 25 parking spaces, two are ADA accessible parking spaces. There is physical space for cars to enter and exit the site and park. There is a physical distance of 280 ft. that a person sitting in their vehicle can see to the right and does not interfere with any of the proposed landscape elements. There is 240 ft. of sight distance available looking to the left. Mr. Luglio stated that meets the required sight distance to make a left or a right turn. There is no restriction in making a left or right turn on W. Main Street other than the double yellow line. The proposed driveway is approximately 110 ft. away from the closest part of the crosswalk along W. Main Street.

Mr. Luglio stated he looked at the traffic patterns and historical data. Due to the COVID-19, there is no way they can collect reasonable traffic data at this point. It's not reasonable to collect pedestrian traffic walking along W. Main Street because Franklin school is operating under a modified schedule. Mr. Luglio stated Figure 3 shows and displays a vehicle making a right turn going into the driveway and a vehicle making a left turn going into the driveway which both can be accomplished. Figure 4 shows a vehicle coming out of the proposed driveway, either making a right turn or coming across W. Main Street making a left turn. Mr. Luglio stated he tried to superimpose a vehicle exiting the driveway from across the street (backing out of the driveway onto W. Main Street). Mr. Luglio explained a vehicle backing out of the driveway across the street would not interfere with a vehicle coming out of the proposed driveway. There is one singular access on W. Main Street with no access on Franklin Street. Three single family plots would have three driveways, one that would be on N. Franklin Avenue. The next slide shared was of 12 one bedroom units and 4 two bedroom units for a total of 30 required spaces per RSIS. They are proposing 20 parking spaces plus 5 guest parking spaces. There are parking spaces on Franklin Avenue that can be used for guest parking after 5-6pm. Mr. Luglio stated there isn't going to be a significant amount of vehicles going in and out of the proposed building. The nearest bus transportation is within walking distance, approximately 7 minutes, along W. Main Street and Washington Avenue. The sight distance of 15 ft. back from the curb is an adequate distance for a person in the vehicle to see oncoming traffic from both directions. Mr. Luglio stated they can place pedestrian signals on either side of the driveway so it would act like a traffic signal. It would be for pedestrians crossing in both directions, with the pedestrian having the right of way. The am peak occurs from 7:45am to 8:45am in the morning that coincides with school in operation and students walking to school from 8:10am to 8:45am. There is an overlap of the peak hour of the roadway and the peak hour of the school in the am, not as much in the pm. There are usually other activities in the pm, pre COVID-19 times where not all the students are leaving at the same time. Mr. Luglio stated he had a conversation with Mr. Thompson, the principal of Franklin school on November 20, 2020 about school operations, what is happening with school activities, and the number of students inside the school. It's down to a 20% level on a daily basis because of the hybrid schedule.

There could be a traffic buildup along W. Main street, in the vicinity of the frontage of the school and could build in front of the frontage of the proposed property. Mr. Luglio stated it could happen but has not witnessed it first-hand. The majority of the students walk to the school. There would not be a negative affect of the vehicles coming in and out in the morning if there were approximately 100 students walking to school. Mr. Luglio stated the pedestrian signal would add a level of pedestrian safety. Mr. Luglio stated this is a low generator of vehicle trips since it is only 16 units. The number of trips proposed has to do with how many or what intersections they do an analysis for. They are not able to collect data due to COVID-19 to do an analysis. Based on the low levels of vehicles coming in and out of the site, it does not generate enough traffic to warrant doing an analysis at the intersection or the driveway. There is no requirement. There are 8% of people that don't own a vehicle and up to 15% that utilize public transportation. Mr. Luglio stated the trend right now and the past few years has been for less auto ownership and more use of rideshares. A person may own a vehicle but not take it out to work every day. Although the parking space would still be required, the number of vehicles coming in and out on a daily basis would also go down. Based on the low intensity of a residential use, this project even compared to three single family homes, would have a little bit more of vehicles coming in and out of the site. The number of driveways consolidated into one would be beneficial regarding the traffic flow being focused into one driveway. The sight distance of 280 ft. to the right and 240 ft. to the left complies with the design criteria of the Bergen county standards. Mr. Luglio stated 30 parking spaces are required by the RSIS standard. They are proposing 1 parking space per 1 one bedroom unit and 2 parking spaces for

each two bedroom apartment, making it 20 parking spaces for the residents leaving 5 spaces onsite for guest parking or additional non-designated residential parking. Thirty parking spaces are required by the RSIS standard. There would be parking spaces available for guest parking along Franklin Avenue in the evening. The parking is adequate. There would be no significant conflict associated with the proposed driveway and the driveways along W. Main Street that are across the frontage of the proposed site.

Mr. Luglio stated an air quality study is not required for a project this size. A UPS or Fed Ex truck would not be able to go underneath the building. They would park along W. Main Street and drop packages off at the lobby entrance as they would for any other property along W. Main Street. Mr. Luglio's recommendation is to have a private hauler for trash pick up as it is something they can control. A vehicle would be able to pull into the driveway portion of the site. The receptacles would be positioned closer to the building and not at the curb on the street. It would ease the concern of the bins on the curb.

Board engineer Frank Rotonda inquired where the statistic of 8% of people not having vehicles came from. Mr. Rotonda inquired if the statistics is specific to Bergenfield. Mr. Rotonda requested Mr. Luglio explain why he was not able to present a capacity analysis. Mr. Rotonda asked Mr. Luglio if he can explain what RSIS is and why it is relevant to this project.

Mr. Luglio stated the statistic comes from the 2010 U.S. census data that gets updated every 2-3 years based on new information and forecasting. They look at the census track for Bergenfield to gather information. The 8% is who responded to the census from Bergenfield specifically from the census track within Bergenfield. Mr. Luglio stated he believes 8% is a realistic number. Mr. Luglio stated that normally they would go to the intersection and count the number of vehicles traveling in each direction of the intersection and any movements in each direction. They would take the information and run analysis for the am, the pm, the peak hour on Saturday, and/or during school dismissal. Mr. Luglio stated a capacity analysis shows how well the intersection processes traffic at each one of the approaches. They would do the analysis for the existing condition and then add the anticipated traffic for the built condition. There are not a lot of people traveling, on the roadway, and the school has a reduced capacity on a daily basis due to COVID-19. They are not able to collect reasonable data due to COVID-19. Mr. Luglio stated RSIS stands for Residential Site and Improvement Standards. The state of New Jersey put this together for guidance and regulation for residential sites. In addition to the parking spaces required, they looked at what the roadways should look like on a residential street, and how many lanes. RSIS is only applicable to the state of New Jersey and is specific for residential projects. Mr. Luglio explained each municipality has its own parking requirement for different land uses. The standard is relevant for this site. Mr. Luglio stated there would be at least 3 parking spaces available along Franklin Ave after 6pm.

Board member Marc Friedman wanted Mr. Luglio to confirm he has stated that guests or residents would be able to use N. Franklin Avenue to park their vehicles. Mr. Friedman inquired if Mr. Luglio had taken into consideration the no parking overnight borough ordinance between 2am-6am, which includes N. Franklin Avenue. Mr. Friedman inquired where would residents, who needed an additional space park if it's not available within the 25 spaces within the project. Mr. Friedman stated they can't count on having parking spaces on N. Franklin Avenue available for overflow. Mr. Friedman inquired if the analysis would be more reliable if they had information available that was not affected by COVID-19, where the traffic has not been depressed by COVID-19. Mr. Friedman inquired if Mr. Luglio's opinion stand on firmer ground if it were based upon an analysis of the automotive and pedestrian school traffic after the lockdowns end.

Mr. Luglio stated guests would only be able to park on N. Franklin Avenue 6pm-11pm. Mr. Luglio stated guests would not be able to park on Franklin Avenue overnight. Mr. Luglio stated according to RSIS standards, the 30 required parking spaces includes guest parking. They are short 5 parking spaces. Mr. Luglio explained they are accommodating all of the residents onsite. It's just 5 guest parking spaces that are not accommodated onsite. The RSIS states if there is on street parking available for guest parking, it could be added into the analysis. Mr. Luglio stated they can have a count on pedestrian and vehicle traffic, but when would that happen. Mr. Luglio stated that would not be a reliable sample until September. The historical data is not at the intersection here and there isn't a great source of data. The site doesn't generate enough traffic for it to have a significant affect on the operation of the intersection. Mr. Luglio stated he could estimate numbers of the intersection approaches as a baseline and then show additional vehicles in the morning and in the afternoon. It would not make a difference in the capacity analysis.

Board member Sara Berger stated she is concerned about USP and FedEx deliveries and the flow of traffic. Ms. Berger inquired if there is a way to have a curbside cutout so the vehicles can park during their deliveries.

Mr. Luglio stated they didn't think about that. It might be accomplished on the left side of the driveway, between the driveway and the intersection. They would have to push in the sidewalk. Mr. Luglio stated it is something they can look into.

Board member John Smith inquired if Mr. Luglio got his data from the county. He inquired if the NJDOT gets their data from the county. Mr. Smith stated he hasn't seen NJDOT in town in the 30 years he's been living in Bergenfield. Mr. Smith stated the garbage cans will affect the line of sight of vehicles pulling out of the driveway. Mr. Smith inquired what Mr. Luglio considers trip generation to be very minor. Mr. Smith inquired if Mr. Luglio compared in the NJDOT and county statistics, statistics for Bergenfield and what the population of Bergenfield is? The population has gone up quite a bit from the 2010 census. Mr. Smith stated Mr. Luglio had stated the sight distance required is achievable is 25 miles per hour and inquired what is the average speed of the vehicles going on Main Street and the average speed on Franklin Avenue. Mr. Smith stated the average speed was not take, it was estimated. Mr. Smith explained that two weeks down, the speed limit is posted. Everyone is going faster than 25 miles and inquired what that does to the assessment. Mr. Smith inquired where a guest would park if they are staying overnight. Mr. Smith inquired if Mr. Luglio reached out the to Bergenfield police department for a traffic study. Mr. Smith inquired if Mr. Luglio had read the recommendations from the site plan committee and about the traffic inflow. Mr. Smith stated Mr. Luglio should look at the accident reports and speeding tickets for that block as it does have an impact.

Mr. Luglio stated the information is a combination of both Bergen county and NJDOT. NJDOT gets their information from both the county and the state. The state hires people. Mr. Luglio agreed with Mr. Smith in that the garbage cans will be affecting the line of sight of vehicles pulling out of the driveway. Mr. Luglio stated he would consider anything under 50-60 vehicles that are generated in a peak hour to be minor. Mr. Luglio stated he doesn't have information for what the Bergenfield population is. The 2010 census is the basis and it gets updated every two years. The same distance is based on the posted speed limit. Mr. Luglio explained that that is an existing condition and won't do anything to the assessment. Vehicles coming out of the site have a certain amount of distance they can visually see. If vehicles are doing more than the posted speed limit, it becomes an enforcement issue. Mr. Luglio stated a guest would not be able to park overnight. Mr. Luglio explained the number of vehicles generated during the peak hours are not significant enough to have any impact along W. Main Street or the

intersection. The site itself doesn't generate enough traffic to warrant any additional study. Mr. Luglio stated he did not reach out to the Bergenfield police department for a traffic study. Mr. Luglio stated he has that information but did not rely on it for this study. Mr. Luglio stated that is an existing issue and would not have an impact.

Board member Charles Steinel stated the amount of foot traffic that comes past the site on a daily basis, even with the lower numbers in school, causes a tremendous amount of traffic backup. The driver will not have a line of sight to the roadway and needs to wait until the pedestrian is clear 100 feet from the center line of the driveway before they have a clear view of the street based on where the driveway is located. Mr. Steinel stated Mr. Luglio needs to physically go there and look at it.

Mr. Luglio stated a pedestrian crossing or walking along the line of sight is not the same as a physical impediment to the driver not being able to see. You can see around the pedestrian moving and is not a line of sight issue.

Board member Joel Berkowitz inquired if Mr. Luglio took into consideration that there is a limited number of stores in the area and the nearest supermarket is close to a mile. This would increase the number of cars necessary for people to function properly in the area. In addition, he doesn't know how many handicapped tenants there will be. There will two dead spots people can't park in due to the two handicapped spots. Mr. Berkowitz stated it increases the estimated number of spots necessary and reduces the number of spots estimated there actually will be.

Mr. Luglio stated every unit would have a parking space and the two bedroom units would have two parking spaces. They have the required ADA parking spaces. The ADA space is not only for the residents of the building, but also residents that may have a guest that needs a ADA space that is built in into the ratio. There would be an assigned space for every unit. There would be 16 spaces assigned and the rest would be unassigned.

Mr. Stein stated the next meeting is January 4, 2021 at 8:00pm. The application will be brought back and there will be no further notification. It will be placed on the municipal bulletin board. There are two other applications that will be reviewed at the January meeting also. He wished everyone a happy holiday and a happy new year. Mr. Stein thanked Mr. Forst for helping with moderating the meeting.

MOTION TO ADJOURN MEETING

Motion By: John Smith

Second By: Shimmy Stein

All ayes. None opposed.

Meeting was adjourned at 11:02 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk

Zoning Board of Adjustment