

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING MINUTES
TELECONFERENCE VIA ZOOM
January 11, 2021**

Chairman Shimmy Stein called the meeting to order at 7:30 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 January 25, 2021 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 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 state the zoning board doesn't change or modify the zoning requirements. Those are set forth in the municipal ordinance adopted by the borough council. Those requirements can only be changed by the borough council. The zoning board's role is to determine only whether a section of the municipal zoning code should be relaxed for a particular applicant. The board members here take their obligations extremely seriously.

RE-APPOINTMENT/APPOINTMENT OF ZONING BOARD MEMBERS

Amnon Wenger, Member
Jose Morel, Alternate #2

Oath of office was administered to Mr. Wenger and Mr. Morel by Board Attorney Ron Mondello.

Mr. Stein stated Joel Berkowitz is no longer on the board. Mr. Stein thanked Mr. Berkowitz for his service on the board. He was an asset and was appreciated. He asked a lot of good questions and had good insight.

ROLL CALL

Present: Shimmy Stein, Richard Morf, Sara Berger, John Smith, Charles Steinel, Joel Nunez (joined at 8:05pm), Amnon Wenger, Marc Friedman, and Jose Morel

Also Present: Ron Mondello, Zoning Board Attorney, Frank Rotonda, Zoning Board Engineer, Councilman Thomas Lodato, Councilman Marte, Council Liaison, Michael Knowles, Planning Board Liaison, and Hilda Tavitian, Zoning Board Clerk

Mr. Stein stated he has not seen any RFQ's for professionals, but understands there are several. He inquired if anyone else has seen the RFQ's for professionals. As a courtesy, especially due to COVID-19 times, they are going to extend the time to accept RFQ's for the professionals. Since he and other board members have not seen any RFQ's, he made a motion to authorize Hilda to readvertise for RFQ's with a deadline being February 15th, 2021 and an additional motion to extend the time for new RFQ's. The RFQ's that are there now will be extended until the board can be examine them and new RFQ's will be accepted until February 15th, 2021.

Mr. Smith stated he had picked up RFQ's for himself and 3 other board members. Those who wanted to get them could get them, and those who didn't want them didn't have to get them.

Mr. Mondello suggested there should first be a motion and seconded to extend the RFQ process in and of itself. Mr. Mondello stated there is now a new board member, Jose Morel. It would be unfair to Mr. Morel to bind him to a decision that the 2020 board made. Mr. Mondello stated he is suggesting if the board is inclined to. The board may want to go with the RFQ's right now or revisit them.

Mr. Smith stated the board at the last meeting had decided not to look at RFQ's. Mr. Smith inquired if they are now going to take into consideration looking at RFQ's. That means changing what they have done. In the past, most of the board members did not want to look at RFQ's. Mr. Smith inquired if they vote to advertise for RFQ's, would they have to do the same every year after that.

Mr. Stein stated that is why he made a motion to review RFQ's. Mr. Stein stated every year is independent and up to the board.

Mr. Mondello stated they should break these into small compartments. Mr. Mondello inquired if there is a motion to review RFQ's.

Motion to Review RFQ's:
Motion By: Shimmy Stein
Second By: Marc Friedman
4 ayes. 3 nays.

Motion to Extend Time Period Within Which Professionals Can File RFQ's:
Motion By: Shimmy Stein
Second By: Amnon Wenger
5 ayes. 2 nays.

Mr. Stein stated the ones already submitted will remain submitted. The new RFQ's deadline would be February 15th, 2021.

Mr. Wenger stated they will be keeping the current experts until such time to review the RFQ's.

Mr. Mondello stated that would be another motion.

Motion to Carry Over Professionals until February 2nd, 2021 & Compensate Them Pro-Rata based on Last Year's Compensation:

Motion By: Shimmy Stein

Second By: Amnon Wenger

5 ayes. 2 nays.

Mr. Mondello inquired if the board has authorized Hilda to advertise on behalf of the board with a deadline of February 15th, 2021.

Mr. Stein stated he had acknowledged that already. The borough will be responsible to distribute the RFQ's.

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Shimmy Stein

Second by: Amnon Wenger

All ayes. None opposed.

Nomination of Chair:

Shimmy Stein

Motion by: Sara Berger

Second by: Amnon Wenger

6 ayes. 1 Nay.

Nomination of Vice-Chair:

Amnon Wenger

Motion by: Shimmy Stein

Second by: Sara Berger

4 ayes. 1 abstain.

Nomination of Secretary:

Marc Friedman

Motion by: Shimmy Stein

Second by: Amnon Wenger

All ayes. None opposed.

Mr. Smith inquired if the secretary or the board clerk signs the resolutions. He doesn't have a problem with him but needs some explanation. It was the secretary who signed the resolutions in the past and now recently it's Hilda signing the resolutions. He doesn't want any repercussions of the wrong person signing it. Mr. Smith stated he is just concerned with the terminology and doesn't want to get in trouble for.

Mr. Mondello stated boards handle this differently. The past practice of this board was typically the chairman and the board secretary. For other boards, it's the chairman and the board clerk. There are no hard and fast rules. The past practice of this board was the chairman and the secretary. It's morphed into Hilda because she has to distribute it to seven different people.

Mr. Friedman stated it makes no difference to him if he signs the resolutions. At the beginning, he had signed some and it changed midcourse. Anything the board wants is fine with him. Mr. Friedman stated it makes for sense for Hilda to sign them than himself since Hilda is taking copious notes throughout the meetings which become the minutes. She has resources at her fingertips that are probably better than what he has to determine what needs to be signed.

Mr. Mondello stated Hilda is only signing that this was the resolution that was memorialized on such a date.

APPROVE MINUTES OF PREVIOUS MEETING – December 7, 2020

Motion By: John Smith
Second By: Annon Wenger
All ayes. None opposed.

Accept By-Laws:
Motion By: John Smith
Second By: Annon Wenger
All ayes. None opposed.

Accept 2021 Meeting Dates:
Motion By: John Smith
Second By: Shimmy Stein
All ayes. None opposed.

CORRESPONDENCE

Mr. Dean Stamos – Requesting one-year extension for Shanty, LLC, 51 E. Main Street

Brian Shanahan, applicant, 51 E. Main Street, stated everything doubled on his timeline when the COVID-19 hit. He got his county approvals about three weeks ago. The engineering took twice as long as it should have. All of the coordination between the engineers, attorneys, and architects doubled on the timeline. They are on target but is going slower than expected. Mr. Shanahan stated they haven't put the shovel in the ground yet. They are about a month to a month a half out. Mr. Shanahan stated they are about five months behind from where they expected to be at this point.

Mr. Stein stated they heard this before. At the November 2nd, 2020 meeting, there was an applicant that had stated his suppliers were backed up. Mr. Stein inquired if he had put the shovel into the ground yet. Mr. Stein inquired how far behind is Mr. Shanahan from the start.

To Grant Extension for One-Year until January 10, 2022
Motion By: Shimmy Stein
Second By: John Smith
All ayes. None opposed.

VERBAL COMMUNICATION

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

Julie Nuesch, 138 W. Church Street, inquired what an RFQ is in this circumstance and how RFQ's affect the workings of the board.

Mr. Stein stated there is a board attorney and a board engineer. The board picks them based on their RFQ. The RFQ tells the board their licenses, qualifications, and what their experiences are. It is more efficient to have licensed professionals than to just have lay people. The professionals are the safety net the board has.

Mary Sullivan, resident, asked that it is repeated on how people can raise their hand to ask a question if they are calling in.

Mr. Mondello stated they have to press *9 to raise their hand and *6 to unmute.

Mary Hernandez, 25 Birch Avenue, requested clarification of when an alternate member would be able to vote on a application. Ms. Hernandez inquired how it would have been done prior to Zoom.

Mr. Stein stated Mr. Nunez was late today but he has been here. Mr. Stein stated an alternate would be able to vote when a board member is absent. Marc Friedman, alternate #1, voted prior to Joel Nunez joining the meeting. Mr. Stein explained when an application is heard in one night and the board member is not there for all or part of it, he can not vote on it. However, with an application such as 145 West Main Street that carries over several meetings, the board member can listen to the recording of the meeting and can vote once he is caught up. If he does not listen to the recording of the meeting and is not caught up, the alternate will take over assuming the alternate was present at all the meetings. The meetings are always taped.

Mr. Mondello stated if one of the regular board members misses 3 meetings and they certify they have listened to the audio tapes or read transcripts, they are the ones eligible to vote, not an alternate member. Mr. Mondello stated the board member would catch up in the same manner prior to Zoom meetings, by listening to the audio recording. Mr. Mondello stated all of the meetings, even prior to Zoom are recorded.

Edward Roman, 55 River Edge Rd, inquired if the role of the board is to represent the people in Bergenfield or does the board play a neutral role.

Mr. Stein stated the board's job is to see if the application is worthy of deviating from the town ordinance. The board is neutral and can go either way. They are not defending the town or the applicant. They look at the ordinance and what the application is looking. If the criteria proves it should deviate, the board votes yes. The board is not bound to anybody.

Mr. Mondello stated the board does not represent the people of Bergenfield. If an objector doesn't like a particular application, you can either object on your own or hire an attorney to represent your interests and perhaps the interest of other residents in the neighborhood.

NEW BUSINESS

1. Genevieve McCarthy
78 Lake Street
An addition

Tom Mesuk, 197 Valley Boulevard, Wood-Ridge, NJ, licensed architect/planner, stated they are looking to add a small, second floor addition. The addition will be 227.1 sq. ft. Most of the addition is over an existing kitchen. The issue is that the existing lot is undersized. The existing lot is 4,000 sq. ft. and the zoning requirement is 5,000 sq. ft. They are requesting variance relief from that section of the code. The second-floor addition will give the applicants a master bedroom suite they currently do not have.

Mr. Stein stated everything is either conforming or existing. The only reason they had to come before the zoning board is because the lot is undersized.

Mr. Rotonda stated there aren't any issues with the application. He had issued a report which had the standard type of concerns that had to do with storm drainage. The property has an existing side yard setback variance. Mr. Rotonda stated by adding a second floor you do not create a new variance. He Rotonda stated passing an approval of the applicant would be considered as a C variance.

Mr. Steinel stated the applicant is not expanding their lot coverage and inquired why they are concerned about seepage pits and runoff, especially since it has not been a problem. Mr. Steinel stated why put a huge burden on a property owner. He can't see how more water will end up going into the ground by putting in the addition.

Mr. Rotonda stated they routinely attempt to get each applicant do what they can to minimize runoff into the street. It's become a standard practice when you try to add impervious coverage to a property that you mitigate it with storm drainage. Other applicants that came before this board were required to place a seepage pit in. Mr. Rotonda stated whether the applicant puts in a seepage pit will weigh on the board's decision in terms of how the property would look to the neighbors. The seepage pit would be an underground improvement and wouldn't change the way the building would look.

Mr. Steinel stated he would have no issue of putting in a seepage pit if they were expanding lot coverage. Their coverage is the same. The property has been this way for a long time and will putting an added burden on the resident for no reason at all.

Mr. Stein agreed with Mr. Steinel but also stated that over the years people have built houses and did not have sufficient ability to deal with runoff. It is just correcting something that may or may not be a bad situation to makes things better in regards to runoff. Mr. Stein suggested when the motion to approve the application is made, Mr. Steinel can accept it without the seepage pit.

Mr. Smith stated he feels the same as Mr. Steinel. It is an undersized lot and there isn't any flooding in that area.

Mr. Friedman stated this applicant is before the board as a technical matter. Mr. Friedman agreed with Mr. Steinel in that it may be fundamentally unfair to the applicant to use this application for a variance where there is no additional lot coverage to require the imposition of additional conditions unrelated to a structure that's been proposed.

Mr. Wenger stated he agrees with all three board members.

Mr. Rotonda stated he has no objection with the removal of the seepage pit. Although, the construction code official has the final say in granting a building permit.

Questions from residents within 200 feet:

No one came forward.

Questions from any residents:

No one came forward.

Motion to approve application as is without seepage pit:

Motion By: John Smith

Second By: Charles Steinel

All ayes. None opposed.

2. Samuel Moer
40 Laurel Court

An addition/alteration

Board member Wenger recused himself from hearing the application as he resides within 200 feet.

Albert Zaccone, 6 Casson Lane, N. Haledon, NJ, licensed architect, stated the property is an unusual shape. Most of the variances they are seeking deal with an existing condition. The lot is about 9,500 sq. ft. There are some existing non-conforming setbacks, particularly with the side yard. One of the side yards is 5 ft where 7.5 ft. is required. There is a lot coverage issue which required is 35%, existing is 51.5%, and they are proposing to reduce it to 49.3%. The lot width, required is 60 ft., existing is 50 ft. They are proposing to put a second-floor addition over the first floor on the left side, the southerly side of the house. They will be removing a portion at the back of the house that's part of the paved area. They are proposing to put a one-story addition in that section and a small deck which leads to an existing pool. The second story they are proposing is going to extend beyond the existing roof line but still conform to the height limitations. They will be increasing the size of the kitchen and provide a powder room on the first floor. They are proposing to create three bedrooms on the second floor. There will be five bedrooms in total along with an office. They will be reducing the lot area.

Board engineer Rotonda stated there is no issue because they are adding onto an existing building structure. It has more to do with the visual and aesthetics. Mr. Rotonda stated the installation of a seepage pit could be substituted for direct connection to a storm drain. There isn't a lot of concern. It is a single family house with an addition on it.

Mr. Friedman stated he is confused about the chart with the zoning information, under minimum side yard, it states the proposed is 8.6 ft. and 5.1 ft. Mr. Friedman stated when he looks at the plan, instead of showing 8.6 ft, it shows 9.9 ft. and 9.8 ft. Mr. Friedman inquired if that was just a mistake.

Mr. Zaccone stated at the northerly side, with the front of the house and the drive, is the existing house that is 8 ft. 7 inches (8.6 ft.). That's the side yard setback. The 5.1 ft, on the southerly side, is existing and they are going straight up on the addition.

Mr. Friedman stated it is 5.1 ft in the corner, where 7.5 ft. is required. Mr. Friedman stated Mr. Zaccone had testified that underneath the new second floor addition there is another first-floor structure, the corner of which is 5.1 ft. from the side line.

Mr. Smith stated there is concrete, a walkway, over the easement in the backyard. Mr. Smith inquired if they intend to move that off of the easement. Mr. Smith inquired when it was put in. Mr. Smith stated the lot coverage can be helped by removing the concrete and putting in pavers or grass.

Mr. Zaccone stated no, that would not be part of their proposal. The pool was put in some time ago as well as the concrete that surrounded it.

Mr. Moer stated he bought the house that way in 2013.

Mr. Zaccone stated the shape of the concrete around the pool is consistent with what's being done. A lot of it would be cut off if the concrete is cut off along the drainage easement. The concrete along the easement area is 132 sq. ft. which would reduce the overall lot coverage, bringing it to 45.3%. It's not a substantial difference. They would like to maintain what they have.

Mr. Smith inquired if there is any way they can shrink the kitchen and powder room by a couple of feet. Mr. Smith inquired where the seepage pit would be placed.

Mr. Zaccone stated they are aligning with a section of the house that extends out in the back which is a porch area right now. They are aligning on the left side, the interior wall of the widened kitchen. It would be wide enough to get an aisle in the design. It won't have an impact on the lot coverage. Mr. Zaccone stated if a seepage pit was necessary, it would be tied into the drainage system. Mr. Zaccone stated he would rather use the area as a rain garden and let any drainage from the roof from the addition drain into the rain garden than put in a seepage pit. They would take the runoff from the addition and run it in to pipe in the area that's creating a rain garden. A natural well or retention system will allow the additional water to drain out into an area that would be a planting bed. It would all be retained within.

Mr. Smith stated that area has a high water table. The easement goes all the way down to Rector Court. There will be more runoff from the addition on the house. The seepage pit has to go someplace. Mr. Smith inquired if that runoff would go onto the neighbor's property.

Mr. Rotonda stated it sounds like an excellent idea. The seepage pit is often problematic when there is groundwater. Mr. Zaccone has stated that a rain garden would be an acceptable substitution to a seepage pit because of the anticipation of shallow ground water. Mr. Rotonda stated water is still being percolated into the ground and that is a very desirable thing in New Jersey.

Mr. Zaccone stated on a small addition he prefers not to increase that much runoff and to have a natural solution and why take out good dirt, good soil. It is more beneficial to keep it as a natural habitat. A rain garden is an area where you extend the runoff into a natural earth pit, almost like a pit, that is going to percolate and be serviced by having natural materials, flowers, grass, and small shrubs. The runoff will feed the natural materials.

Mr. Stein requested Mr. Zaccone explain what a rain garden is. Mr. Stein inquired if the pool was included in the calculations for runoff. Mr. Stein stated with the rain garden and the pool, there won't be much extra water. It would mitigate any issues caused by the construction.

Mr. Rotonda stated the swimming pool has to take a lot of rain before it overflows. According to the zoning ordinance, it is considered an impervious surface area. The pool absorbs water for a long time before it overflows when it rains.

Mr. Morel inquired what would be the size of the rain garden considering it would be close to the easement.

Mr. Zaccone stated it would be placed close to the addition they are proposing. It will be away from the easement and closer to the house. It will have a configuration of about 150 sq. ft.

Mr. Smith stated he doesn't think the rain water will be enough to hold the water. It will still puddle because the water floods in that area.

Mr. Mondello told Mr. Zaccone if the board were to grant relief sought by the applicant, he would place a condition in the resolution that they would have to notify the governing body of the violation of the easement. The zoning board has no authority to order the applicant to remove the concrete. The governing body does. They might grant some kind of lease to keep the concrete there or the governing body might decide the applicant needs to remove it. He is suggesting that the governing body must be made aware of the violation.

Mr. Zaccone stated he and his client understand that.

Mr. Nunez inquired if the mechanical system, where the heat pump is, is existing or new. Mr. Nunez inquired if they would have to make adjustments with the second-floor addition due to the neighbor's trees.

Mr. Zaccone stated it is existing. Mr. Zaccone stated he didn't see any interference of trees. There would be more distance as the neighbor's property is also an odd shape.

Mr. Moer, applicant, 40 Laurel Court, stated the neighbor recently cut down all of the trees. There shouldn't be any issues with the trees.

Mr. Mondello stated there was a comment made by someone who labels themselves as "taxpayer". They asked why is it that some board members don't have their video on. If they were sitting at borough hall, they would be able to see the facial expressions of board members. There is no requirement for board members to do that. Mr. Mondello stated it is required to have your video on if you are going to give testimony or ask questions.

Mr. Friedman requested that Mr. Moer explain what he meant when he wrote "increased family needs" on the application for the reason he is seeking a variance.

Mr. Moer stated they just had their fifth child and they currently have three bedrooms. They are quickly growing out of space. They do not have a space in the kitchen to utilize for eating. Dinnertime was getting a little chaotic with all the children. Mr. Moer stated having the space to put a table in the kitchen and have dinner in an orderly fashion with the kids would be helpful. It's magnified itself with the COVID-19 and having everyone at home so much.

Mr. Morf inquired if there are gratings in the drainage system that leads to a pipe. There's got to be something underneath the easement that leads to a storm drain. It would make more sense than a rain garden. The rain garden is going to puddle into other people's yards in the spring when there is a lot of rain. Mr. Morf suggested they should look to see how they can connect into the drainage pipe. Mr. Morf suggested having a seepage pit in the front would be the answer. Mr. Morf stated he doesn't believe a rain pond would be effective in that area. Mr. Morf stated it should be investigated if there is a pipe running into the easement to connect to it as an overflow or find a way to connect to a storm drain, if there is one, on Laurel Court.

Mr. Zaccone stated he is not aware of any grates there may be. They will review with the borough engineer and see what would be the best way of doing it.

Mr. Rotonda stated he had requested an updated topographic survey be provided. The surveyor would then find a storm drain. Mr. Rotonda inquired if the applicant would agree to having that survey done and if a storm drain exists would they agree to connect up to it.

Mr. Moer's response was yes.

Mr. Stein stated should they decide to approve the application, they can make the topographical survey and any ability to connect to the storm system part of the resolution.

Questions from residents within 200 feet:

No one came forward.

Questions from any residents:

No one came forward.

**Approve Application with Stipulations Made By Board Engineer for a Topographical Survey,
Whether they Connect to the Storm System or a Seepage Pit**

Motion By: Shimmy Stein

Second By: Sara Berger

6 ayes. 1 nay. 1 recuse

A recess was taken at 9:13pm and was resumed at 9:20pm.

OLD BUSINESS

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

Matthew Capizzi, 11 Hillside Avenue, Tenafly, attorney for applicant, stated this was an application before the board on two prior occasions, 11/18/20 and 12/7/20. During the first and second hearings, the engineer Mike Hubschman, architect Chris Blake, and traffic engineer Lou Luglio testified. Mr. Capizzi stated it is their intention to recall Mr. Hubschman to speak about the revised plan set. If time permits, they will recall Mr. Blake to discuss revisions to his plans. The board and members of the public raised some questions that have resulted in plan amendments to address some of the concerns raised. There were some comments relative to the location of the building and proximity to some of the nearby properties, overall massing of the building, and trash. Mr. Capizzi stated they have reduced the size of the building, took 10 feet out of the length of the building, and removed two units. The project was originally proposed as a 16 unit development and was revised to 14 units. It will provide 12 one-bedroom units and 2 two-bedroom units. The required parking spaces are 26, where they are providing 24. They are providing more parking than they previously proposed. The right-side yard setback is now dramatically overconforming. There are no improvements located in the easement area. The landscaping has been significantly enhanced on W. Main Street. The height of the building has been reduced from 33 ft. to 32 ft., where 30 ft. is the maximum. The garbage will be hauled by a private carter. All the cans and pails would stay within the trash room. A private carter would come to the site 2-3 times per week, hauling to the driveway, remove the pails from the trash room, dispose of the trash, and bring them back. There would be no pails along the sidewalk to disrupt people walking within the area or potentially interrupt site distances. Mr. Capizzi stated the building coverage is now conforming. The massing anticipated with 3 single family homes is now mimicked in the proposed building because they are no longer seeking a building covered variance. The improved pervious coverage number has gone down as a result of the reduction of the size of the building. The bulk variances have changed as a result of the revisions in the plan.

Mr. Steinel stated he is caught up with reviewing the transcripts.

Mr. Stein stated Mr. Morel can contact Hilda to get the recordings of the prior meetings. Should he be called upon if needed for a vote, he will be eligible.

Michael Hubschman, licensed architect, stated revised plans dated 12/22/20 were submitted to the zoning board. The density of the building was reduced from 16 units to 14 units and shrunk by 10 feet. While speaking with Phil Neville, he had preferred everything be taken out of the easement on the right side. Mr. Hubschman stated the easement will now have lawn area over it. The entrance/exit shifted approximately 10 feet to the left. The parking arrangement under the building stayed the same. There are now 24 parking spaces, where 25 is required. They are 1 short of the requirement. There is arbor vitae planting on the right side and the rear. There are hollies, other bushes, and ground covers. They are

proposing 4 shade trees along the street frontage. The right side setback is now conforming. It was 15 ft. and they are now at 25 ft. The building coverage went down to 39.9% because the 10 ft. width was reduced. The impervious went down to 4% and the height of the building was lowered ½ a foot to 32.1 ft., where 30 ft. is required. The 55 ft. depth from front to back was pushed 1 more foot towards Main Street in order to gain a foot in the back. The front setback is 23.1 feet on the right than on the left because it is an angled front yard and 27 ft. on the left, where 25 ft. is required. Mr. Hubschman stated the front of the building is non-conforming 15 ft. on the right. The right of way area is about 20 ft. It's a wide front yard. A private hauler will wheel the pails out from the trash room, dump them, and put them back in the trash room. No changes were made to the drainage plan. The pipe was removed from the easement. There will be 2 fire hydrants, one on the corner of Harrington Street and W. Main Street and the second one on N. Franklin in front of the school. They are both close to the site and within the code requirement of 400 ft. The impervious coverage is 66.3%, the height is 2.1 ft in excess of 30 ft., the front yard at W. Main Street is 23.1 ft. and required to have 25 ft., the rear yard is 21 ft. versus 25 ft., and they are providing 24 parking spaces where 26 is required. There will be two less units.

Questions from Residents within 200 Feet for Mr. Lou Luglio

Reverend Oswaldo Nuesch, 138 W. Church Street, inquired if Mr. Luglio had spoken with the church administrator. He inquired if Mr. Luglio knew what the occupancy of the historic sanctuary was. There isn't sufficient space to accommodate 400 worshippers. They share the block with three other buildings. He inquired if Mr. Luglio walked around the parking lot for the church. The church does not have a parking lot. He inquired if Mr. Luglio is aware there is a AA group that meets once a week, a dance school that meets 2-3 afternoons/evenings a week, a boy scout group that meets every Thursday night, and a Bible study group.

Mr. Luglio's response was no. It would not be required for the traffic study. Mr. Luglio stated he walked around the area at the site but did not walk around the parking lot of the church.

Mr. Capizzi acknowledged they don't know anything about the operations of the church.

Catherine O'Shea, 178 S. Prospect Avenue, inquired if Mr. Luglio had done a study of the impact of traffic on N. Prospect Avenue. Ms. O'Shea inquired if Mr. Luglio has experienced that this does affect traffic in an area that's not had a study done.

Mr. Luglio stated as a result of the small number of vehicles that would be generated by this proposed use, they are not required to study any of the intersections. They did not do a study of any of the intersections in the area. They have done before and after studies for many different sites and different types of uses. The barometer they utilize is a state standard and a Bergen county standard. If the proposed development generates more than 100 vehicle trips in any of the peak hours, then they would consider that particular intersection as a study location. Mr. Luglio stated there were 12 vehicles at a peak hour and 11 vehicles on a Saturday. There isn't a high number of vehicles that would be coming in and out of the site. Mr. Luglio stated there would be 8 vehicles in the morning peak hour compared to 7 vehicles for three single family homes. There would be 12 vehicles during the pm peak hour for 16 units compared to 4 for three single family homes and Saturday would be similar. The pm peak hour is from 5:30-6:30pm. The school peak is 2:30-3:30pm.

Rosemarie Socorro-Garcia, 27 S. Franklin Avenue, inquired about the date and time Mr. Luglio spoke with Mr. Thompson, principal of Franklin School. Ms. Garcia inquired about what was the principal's comments regarding the traffic.

Mr. Luglio stated he spoke with Mr. Thompson on November 20, 2020. Mr. Luglio stated the principal didn't have any comments about traffic to share with him. The purpose of the call was to inquire about

school operation on a daily basis and whether the school was in full attendance, partial attendance, or complete virtual learning. The discussion they had was that there are 364 students and about 80% of them were not on school grounds during a typical day. They talked about how many students walk to school. A good proportion of them walk to school. The am drop off seems to be more of an issue compared to the pm pick up. Mr. Luglio's response was no. Traveling around the roadways is an existing condition and they're not adding a significant amount of traffic to the roadways. It's something that would not be taken into account regardless. The test is the number of vehicles that are generated by the proposed project and what impact, if any, that would have on the roadway and the intersections around it. Mr. Luglio explained when they are looking at very few vehicles coming in and out of the site, there is no potential impact associated with the roadway or intersections beyond the existing conditions that are out there today.

Ms. Garcia inquired if Mr. Thompson had advised Mr. Luglio about the Pre-K program at the school which many belong in other areas in Bergenfield and travel by buses. Ms. Garcia stated if Mr. Luglio has taken that into consideration for observation. Ms. Garcia inquired if Mr. Luglio has considered contacting the Board of Education and the crossing guards as they are the ones that are on the roads and can attest to the numerous accidents that occur in the area. Ms. Garcia inquired when do they get the supplemental report. She is unaware of that.

Mr. Luglio stated they would not contact the crossing guards for information. He did request the last three years of crash data for the intersection and the section of W. Main Street frontage of proposed property. They have that information and tabulated that information into a supplemental report.

Mr. Capizzi stated the report was filed by his office on December 30, 2020 and should have been posted online by the board secretary.

Mr. Stein stated that's public record and inquired if it was posted on the website.

Ms. Tavitian, board clerk, stated it was posted on the website.

Eric Batista, 14 N. Taylor Street, inquired if Mr. Luglio considered the train passing at anonymous hours. Mr. Batista inquired if Mr. Luglio has considered making W. Main Street a four lane street.

Mr. Luglio stated the peak hours take into account the existing traffic, which includes the train traffic, in the roadway. If this site generated even more than 50 vehicles at a peak hour, then they would look at adjacent intersections. It doesn't meet the test of enough vehicles coming in and out of the site to warrant study of other locations for a change in its operation. Mr. Luglio explained whatever the existing operations are now is not going to change as a result of this project. Mr. Luglio stated the traffic is an existing condition the county or municipality would have to deal with. This project would be generating less than 12 vehicles during any peak hour. It's not enough traffic to consider widening of the roadway.

Janet Rosado, 135 West Main Street, inquired if there is a safety plan in place for the pedestrian walkway. There are a lot of vehicles coming in and out the driveway and there are children that walk to and from school. Ms. Rosado inquired if the photos are in the plans. Ms. Rosado inquired if it's safe for her to cross a double yellow line if there are cars parked in front of her home. Ms. Rosado inquired about where the delivery vehicles would park.

Mr. Luglio stated they will be installing pedestrian signal heads on either side of the driveway and a stop light for vehicles coming out of the driveway. The pedestrian would have the right of way. It has not been shown on the plan yet and were going to submit photos to the board. They are going to submit photos of a location similar in Bergen county, Cliffside Park, that utilizes pedestrian signals. Mr. Luglio stated there

is no parking on W. Main Street. There are 24 parking spaces and based on how they would allocate the parking, they would only need 23 parking spaces. There's no parking that's allowed in front of the property and could park onsite that includes visitors. Mr. Luglio stated each of the one-bedroom units would have one parking space assigned to it and the two bedroom units would have two parking spaces assigned. There would be 16 parking spaces for the residents and another 7 spaces for guest parking which is a RSIS requirement for ½ a space per unit for guest parking. It's a total of 23 parking spaces that would be required. Based on the RSIS standards, 26 parking spaces are required. There is no parking that's allowed on W. Main Street. There is no way to control how delivery services work. It would work the same way as any residential property along W. Main Street. The vehicle would stop along W. Main Street, deliver the packages to the lobby, and then get back in the vehicle. He does not believe that to be a problem. Mr. Luglio stated it is very similar to a set of three single family buildings that might be there. It would be a bit more intensive because there are more residential units but about the same number of bedrooms. There might be 1-2 additional delivery trucks than there would be for three single family homes on a daily basis throughout the entire day.

Mr. Capizzi stated Mr. Luglio has not had a chance to testify on his revised plans yet.

Idelfonso Class, 135 W. Main Street, inquired where all the cars in the neighbor's driveways are in the diagram Mr. Luglio had provided previously. Mr. Class inquired if Mr. Luglio had seen the freight train when he was doing his study.

Mr. Luglio stated he was there during the morning peak and witnessed the train stopping the traffic. He's been at the site at all different times during the day. A proposed residential use such as this, even though it may have 8 vehicles during the am peak hour, is just during the peak hour. The hour before that, it might be 5 vehicles. The hour after that might be 4 vehicles. Over a course of a couple hours in the morning, it probably is more than 8. The number of vehicles coming in and out of the site is low enough, not significant enough, to cause any significant impact to the roadway based on the roadway's existing conditions. There isn't enough traffic to warrant an analysis or suggest it would have a detrimental impact based on the existing conditions. Aerials are usually done during the day. Vehicles are usually out during the day.

Edward Roman, 55 River Edge Road, inquired when the data was collected. Mr. Roman inquired if there was any data specific to Bergenfield. Mr. Roman inquired if Mr. Luglio came across data pertaining to traffic by any schools and residents regarding speeding. Mr. Roman inquired why specific traffic data that included elementary schools was not used.

Mr. Luglio stated the data collected in the original report did not collect data for the site. They basically are estimating what the new site would generate in terms of vehicle trips coming in and out of the site based on industry standards on how they arrive at what a particular land use would generate in terms of the number of vehicles during the peak hour in the morning, in the evening, and on a weekend. Mr. Luglio stated they didn't correct any traffic data in the original report specific to this site or roadway. There wasn't any data collected in the original study. They looked at historical data that was either DOT or Bergen county data collected in the vicinity of the site to get an idea of when the peak hours occurred in the am and the pm. Mr. Luglio stated subsequent to the last hearing, they went to the intersection of Franklin and W. Main Street and conducted a count just during the am peak hour to get an idea of what the volumes were. He was going to present that later tonight during his testimony. Mr. Luglio stated the recent data collected was on December 21, 2020 in the morning. Traffic volumes are down everywhere due to COVID-19. The other data looked for historical purposes was from April and June 2019. They wouldn't collect any data on speed data. There is a speed sign that monitors speed along W. Main Street going eastbound. Speeding would not be an issue if there is a lot of congestion in the area. Mr. Luglio stated there is no data set for elementary school for traffic.

Mr. Rotonda inquired if the amended drawings were submitted. He doesn't recall seeing them. Mr. Rotonda stated due to the COVID-19 he has not been to the office.

Mr. Capizzi stated a copy of the revised plans was overnighted to your office. Mr. Capizzi stated he will email Mr. Rotonda a copy of the revised plans.

Abraham Matute, 144 W. Main Street, inquired what kind of lane and cars are they using. There is no to get out his driveway without crossing the west bound lane. Mr. Matute stated moving the driveway makes it closer to their property.

Mr. Luglio stated they use a 20 foot long vehicle as the design vehicle. Mr. Luglio stated backing out of the driveway, you should be able to back out and stay in the east lane direction. The driveway was moved closer to Franklin Avenue.

Mr. Capizzi stated they have an exhibit they haven't presented yet because Mr. Luglio has not had the opportunity to testify yet that may address Mr. Matute's concern.

Jose Gonzalez, 45 S. Demarest Avenue, inquired Mr. Luglio has the expertise to produce an accurate traffic study. Mr. Gonzalez inquired if Mr. Luglio did a traffic study or just an assessment. Mr. Gonzalez inquired if Mr. Luglio if he traveled in the school area during drop off and pickup time before the pandemic. Mr. Gonzalez inquired if Mr. Luglio thinks it is fair to compare three single family homes with 16 units.

Mr. Stein stated that was previously established when Mr. Luglio was first sworn in.

Mr. Luglio stated they are one and the same. Mr. Luglio's response was no. The comparisons is what could be placed at the site which is three single family homes versus what the proposal is. Yes.

Mr. Stein stated Mr. Luglio will come back and give his new testimony at the beginning of the next meeting. The next meeting is February 1st, 2021. There will be no further notice. /.

Start Time for February 1, 2021 Meeting:

Shimmy Stein – 7:30pm	Joel Nunez- 8pm	Charlie Steinel – doesn't matter to him
Richard Morf – 8:00pm	John Smith – 8pm	Amnon Wenger – no preference
Sara Berger - 7:30pm	Marc Friedman – doesn't care	Jose Morel – 8pm

February 1, 2021 meeting will begin at 8:00pm.

MOTION TO ADJOURN MEETING

Motion By: Charles Steinel

Second By: Shimmy Stein

All ayes. None opposed.

Meeting was adjourned at 10:41 pm.

Respectfully Submitted,

Hilda Tavitian, Clerk
Zoning Board of Adjustment