

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
TELECONFERENCE VIA ZOOM
February 1, 2021**

Chairman Shimmy Stein called the meeting to order at 8:05 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 Board member Smith.

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.

ROLL CALL

Present: Shimmy Stein, Sara Berger, John Smith, Charles Steinel, Joel Nunez, Amnon Wenger, Marc Friedman, and Jose Morel

Absent: Richard Morf

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

Mr. Stein stated Marc Friedman will be stepping in for Richard Morf.

APPROVE MINUTES OF PREVIOUS MEETING – January 11, 2021

Motion By: John Smith

Second By: Sara Berger

All ayes. None opposed.

CORRESPONDENCE

None

VERBAL COMMUNICATION

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

Mary Sullivan, resident, requested it be repeated at each meeting how people joining the meeting by telephone can raise their hand by pressing *9 and to unmute themselves by pressing *6.

NEW BUSINESS

1. Adrian & Debra Maldonado
304 Merritt Avenue
In-ground Swimming Pool

Debra Maldonado, 304 Merritt Avenue, stated they are looking to have an in-ground swimming pool put in for her kids and to enjoy their yard, especially with all that's going on.

Board engineer Rotonda stated he reviewed the survey and drawing for the in-ground swimming pool. He has no comments or objections.

Mr. Stein stated it is a rather large variance, covering almost 62% where 35% is permitted. In the last few applications for swimming pools, it was discussed that swimming pools are different than buildings. A swimming pool needs 6 inches of water for it to flow over and hold water effectively.

Mr. Friedman inquired what the depth of the pool is going to be both at the shallow end and the deep end.

Ms. Maldonado stated it is going to be 3 feet in the shallow end and 6 feet in the deep end.

Mr. Steinel inquired if it is possible to remove the existing concrete pad to cut down on the lot coverage.

Ms. Maldonado stated they are going to have the pad removed.

Ms. Berger stated this is a good application and has no problems with it.

Mr. Wenger agreed with Ms. Berger in the application being a good application. Mr. Wenger stated by definition, any swimming pool application is going to have to list major variance needs and thinks it's a good thing to grant it in this case.

Mr. Nunez inquired if the kitchen is existing or if they are going to put in new grills. The application states a proposed outdoor kitchen and bar. Mr. Nunez inquired if there is anything going to be in the shaded area.

Ms. Maldonado stated it is an existing kitchen. Nothing is going to be moved. There isn't going to be anything new. Ms. Maldonado stated there is a countertop that they might shorten. Ms. Maldonado stated her husband had stated the kitchen area was going to be removed. Ms. Maldonado stated there will be nothing else in the area besides the pool.

Mr. Maldonado stated it will be all grass in the shaded area. Everything is going to be level and flat.

Mr. Smith requested clarification about the concrete being removed.

Ms. Maldonado's response was yes, it is going to be removed.

Mr. Morel inquired about the depth and size of the storm water chamber system. He inquired how they will be connecting to the system and if it is going to be a seepage system.

Mr. Maldonado stated he believes the pool company will make that determination once they start the digging. He doesn't know where they are going to pipe the water to.

Mr. Stein stated they are going to have to make that determination with the borough engineer and the building department. Mr. Stein stated should the application be approved, that will be a stipulation in the resolution.

Questions from residents within 200 feet:

No one came forward.

Questions from any residents beyond 200 feet:

No one came forward.

Motion to approve application:

Motion By: Amnon Wenger

Second By: John Smith

All ayes. None opposed.

2. David Landman
40 Hampton Court
Build a deck

David Landman, 40 Hampton Court, stated they want to build a deck. They moved to Bergenfield from Ohio a few months ago. There is a small, existing deck they would like to expand.

Mr. Stein stated they are going from 35% to 42.5%. Mr. Stein stated he can not see the dimensions even with a magnifying glass and requested that Mr. Landman go over the dimensions.

Mr. Landman stated the plan is to expand 15 feet even from the back of the house and 22 feet will be the width. There will be another 19 feet from the deck to the end of the property line. Mr. Landman stated they are calling it the rear yard but if you are looking at the house from the front it is the side yard.

Mr. Stein stated there are two front yards. They are asking for 7% improved coverage. Mr. Stein inquired if it is the dining room that is coming out. Mr. Stein inquired what is underneath the deck.

Mr. Landman stated the door from the kitchen leads out to the deck. It won't protrude beyond the rear or front of the house. There will be grass underneath the deck.

Mr. Rotonda stated he doesn't have any concerns. The building department will need to be satisfied. There might be something more required by the building department than by this board. Mr. Rotonda stated it looks like the rainwater will run through the slats to the ground under the deck.

Ms. Berger inquired what the deck will be made out of.

Mr. Landman stated it will be a composite material.

Mr. Nunez inquired if the deck will interfere with AC units or anything they have in the backyard.

Mr. Landman stated those are on the other side of the house.

Questions from residents within 200 feet:

No one came forward.

Questions from any residents beyond 200 feet:

No one came forward.

Motion Approve Application for Deck:

Motion By: John Smith

Second By: Amnon Wenger

All ayes. None opposed.

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 is the fourth hearing on the matter. There were hearings on 11/18/20 at which time the site engineer, Mr. Hubschman, gave testimony and was questioned by board members and the public. Mr. Capizzi stated on December 7, 2020, they heard from Chris Blake, the applicant's architect, who was questioned by the board and the public. Louis Luglio, the traffic engineer, was questioned by members of the board. On January 11th, Mr. Luglio continued to be asked questions by the public. There were a few members of the public who were able to ask Mr. Luglio their questions. Mr. Hubschman gave his testimony on the revised plans. They had filed a revised submission on December 30, 2020 modifying the building units from 16 to 14.

Mr. Stein stated Mr. Morel was the only board member who was not at the last meeting and inquired if he had the opportunity to listen to the recording. Every board member present tonight is caught up. Mr. Stein stated they will let Mr. Morf know he will have to listen to tonight's audio and read the minutes in order to vote when the time comes.

Mr. Morel stated he is caught up through audio.

Mr. Capizzi requested there be a special meeting in order to get through tonight's testimony and if an entire agenda was allocated to this application, they could finish up and the board can possibly take a vote.

Mr. Stein stated the board will take a vote. Hilda needs to let us know what nights are available, either tonight or via email and then they can take a vote whether they should have one and when that should be. Mr. Stein stated they will decide on the date of the special meeting towards the end of the meeting.

Board attorney Mondello stated any night is available. They don't need a room.

Mr. Capizzi stated at the January meeting they had submitted two revised exhibits, marked A6 and A7. Mr. Hubschman had testified. Mr. Luglio had just started his testimony and had marked his exhibit A5 and may make reference to A5 when he testifies tonight. He also has some additional slides that were filed on December 30, 2020 and some recent material that was uploaded to the municipal website on January 27th, 2021.

Louis Luglio, traffic engineer, stated the letter dated 12/30/20 will be marked as exhibit A8. It's 3 pages with a letter titled "Supplemental trafficking and parking assessment". It covers five different areas: proposed vehicle trips generated, adequacy of onsite parking, use of private trash carter, findings based on receipt of accident data, and revised driveway location. Mr. Luglio stated the table indicates peak hour trips anticipated, the trip generation for 16 units, 14 units, and then compared to three single family homes. For the am peak hour, there are 8 vehicle trips, for the pm hour 12 vehicles, and for the Saturday peak hour 11 vehicles. Mr. Luglio explained that goes to 7 in the am, 10 in the pm, and 10 to Saturday. Mr. Luglio explained that was compared to three single family homes, which is 7 in the am, 4 in the pm, and 21 vehicles on a Saturday. It is to give the board an idea of the original plan at 16 units and the current plan with 14 units. There is a slight decrease in the number of vehicles that would be generated during each of the peak hours. If 7 peak hour trips are looked at, 5 are going out and 2 are coming in. Five vehicles that would be exiting the proposed site over the course of the entire hour. In other hearings, this is a very low generator of traffic in residential uses and the number of vehicles generated here continues to be low. Mr. Luglio stated onsite parking provides for 24 parking spaces, including 1 ADA accessible space. The RSIS requires 26 parking spaces. The calculation is based on 1.8 parking spaces for one bedroom unit and 2 parking spaces for a two unit bedroom. There would be a 2 parking space variance that would be required. Each one bedroom would have one parking space (12 parking spaces) and the proposed two bedroom unit would two parking spaces for a total of 16 parking spaces. Eight parking spaces would be available for guests and other residents parking that would happen onsite. Mr. Luglio stated it would be beneficial to use a private trash carter that wouldn't interfere with the driver's line of sight when leaving the driveway. Mr. Luglio explained crash information was obtained from the Bergenfield police department. They were looking for the 3 most recent years of data, 2019, 2018, and 2017. Mr. Luglio stated Figure 1 shows a diagram of different locations with different colors. These were the crash reports over the three year period and the types of crash incidents that were reported. This is not a significant number of crashes that occurred over a three year period in this area. The information was something the board had wanted them to look at. Mr. Luglio stated the proposed driveway location along West Main Street is closer to the intersection with Franklin Avenue. It was shifted to the west.

Mr. Luglio stated the pm peak hour is between 5-6pm. The am peak hour is 7:45-8:45am. A number less than 50 vehicles generated by a particular site, no matter what the land use is, does not have a measurable affect in traffic operation over the course of 60 minutes in the peak hour. The information is based on a combination of ITE and the state and local government. Mr. Luglio explained for NJDOT, it would have 100 or more vehicles passing through an intersection that would be new to qualify as a study section. Bergen county looks at it at 50 vehicles added to an intersection for it to be studied. It is far less here over the course of an hour.

Mr. Capizzi inquired if there is any conflict anticipated with children leaving the school and the pm peak hour.

Mr. Luglio stated people would be leaving during the peak hour from 7:45-8:45am and they would be returning from 5-6pm. Mr. Luglio stated Figure 1 (Exhibit A9) titled "Driveway locations" dated 1/27/21 shows the trip generation and the site distance of the 14 proposed unit development versus three single family homes. Figure 2 (Exhibit A10) titled "Backout Conflicts" is a zoomed in version of the two single family homes. The backout maneuvers limit the visibility of the driver and cause additional conflicts with the pedestrians as the driver backs out. The vehicle would back out to a certain point for the motorist to be able to see along the sidewalk and the walkway. Figure 3 (Exhibit A11) titled "Turning Out" dated 1/27/21 is more detail of a vehicle coming out of the proposed driveway either making a right turn or a left turn. The driver's vision extends to the left and right as well as the entire roadway in front of the driver. The design vehicle is 20 feet in length. The utility pole across the street is approximately four feet away from the driveway apron. A vehicle should be able to back out of the driveway. It does not have an affect on vehicles coming out of the proposed driveway. Figure 4 (A12) titled "Traffic and Pedestrian Count" dated 1/4/21 shows traffic and pedestrian counts at the intersection. It was a day in December and occurred from 7:30-9:30am when school was on a hybrid schedule. The peak hour was from 8:00-9:00am. They looked at the number of vehicles going through the intersection and the number of pedestrians crossing during the peak hour. There were 176 vehicles in total traveling through the intersection from 8:00-9:00am. 16 vehicles made the left hand turn. Mr. Luglio stated there were 8 people who were crossing over the course of the hour. This is not a measurable impact to make in the intersection itself.

Board engineer Rotonda stated the additional information is helpful. It seems to address a good number of the concerns heard by the board before.

Mr. Steinel stated he had sent Mr. Capizzi some questions about the line of sight and if he had forwarded them to Mr. Luglio.

Mr. Luglio stated there is parking allowed on W. Main Street on the north side for a 2-3 block span. It's not allowed on the south side. There is no signing at all on the north side. Based on the width of the roadway, there should not be any parking allowed on the north side. Mr. Luglio stated when he looked at aerials going back a few years, you can see that the parking that does occur usually half of the vehicles are on the side walk and half are in the roadway. It's not a safe condition to have. There would have to be a drop curb from the extension coming out. Mr. Luglio stated approximately 10 feet on either side, there would have to be a painted yellow curb so that there would be some availability of having line of sight. They would also recommend having no parking along the stretch of W. Main Street, if the application was approved.

Mr. Steinel inquired how that affects the line of sight of a driver exiting from the driveway on the north side. Mr. Steinel inquired how does allowing parking, not on the sidewalk, along W. Main Street impact the line of sight for the building. Mr. Steinel stated having 10 feet of the curb on either side of the driveway painted yellow is a matter for the governing body. Mr. Steinel inquired if they don't approve that, then what would that do to the line of sight.

Mr. Luglio stated if there were vehicles along W. Main Street, it would impact the line of sight to some degree. The person in the vehicle would be able to see beyond wherever the vehicle is parked. The line of sight would be somewhat obscured but not to the point where it would be totally blocked. Mr. Luglio stated if this board approves the project, there would be no parking along the extension of the drop curb. There should be no parking for certain distance beyond the curb return. That is a function of basic geometry and design. The parking along W. Main Street and the line of sight is an existing condition. It is preferable to have a head out movement.

Board member Berger stated that in the figure, the vehicle trip generation for three single family homes is

21 trips for Sunday peak hour trips. She inquired if that number is correct. Ms. Berger inquired if the garbage truck would go in head first, pick up the garbage, and then make a u turn to go out.

Mr. Luglio stated that is a correct number. There is more in and out activity. It also depends on the number of bedrooms. Mr. Luglio stated the number of bedrooms doesn't matter for trip generation. There's more traffic that comes from in and out from a single family home on a Saturday compared to a smaller 1 or 2 bedroom unit. Mr. Luglio stated the garbage truck would be stationed along W. Main Street. The pails would be brought out, dumped in, and then be carted away. The vehicle would then leave. The receptacles from being along the curb would be positioned somewhere internal or external to the building. Mr. Luglio stated either the property manager or actual cart hauler would be able to move the barrels, dump them, and then bring them back.

Mr. Capizzi stated it is their intention to have the hauler have access to the trash room. They will be able to unlock the door to have access to the pails at any time.

Board member Nunez inquired at what time the hauler will be picking up the garbage. Mr. Nunez stated there is no staircase at the back of the parking lot. Mr. Nunez inquired if there is an exit.

Mr. Luglio stated they don't know the details and it would have to be worked out. It would not be overnight and it would be outside of school drop off and pick up hours. It would most likely be after 8:45am. Mr. Luglio stated there is no exit in the back of the parking lot for vehicles. He would have to look at the site plan in more detail to see if there is an exit for pedestrians. Mr. Luglio stated there isn't any proposal for stairs or any open access for pedestrians along the back. There are two different staircases at the back of the building. There is a means of egress at two different locations.

Mr. Capizzi stated the parking stalls along the rear and along the right side are not covered. It would be easy for someone to get to an uncovered area. The building is fully sprinklered, including the parking level.

Board member Smith inquired what was the number and date from the census that was used for the traffic study. Mr. Smith requested an explanation of the four parts of the N.J.A.C. 5:21.3.1 (g) statute from Mr. Luglio which he had asked the previous month as well. Mr. Smith stated the statute impacts the traffic study and would like Mr. Luglio to address it at the next meeting. Mr. Smith inquired if he looked at other communities with a similar population as Bergenfield for the traffic study. Mr. Smith inquired how cars are in the vicinity of W. Main Street and Franklin. Mr. Smith inquired where he got the 8% from. Mr. Smith inquired if the information shows if a company car that is based in New York is allowed to be driven home is reported. It's not registered, but the resident parks it there. If a resident responds no to having a car, but he does because he has the company car. Mr. Smith inquired how long will the garbage truck be illegally parked on Main Street when picking up the garbage because the curb will be painted yellow. Mr. Smith inquired if the hauler is going to take care of 14 units in less than five minutes. Mr. Smith inquired how traffic would be impacted if there were two houses on Franklin Ave and only one house on W. Main Street. Mr. Smith stated it is possible. Mr. Smith inquired what happens if a husband and wife both have a car in a one bedroom apartment and only have one parking space. Mr. Smith inquired what will happen when a couple's child turns 16, gets a car and needs a space to park the car. Mr. Smith inquired what would happen to the traffic study's numbers if school was in full force. Mr. Smith stated the school has a nursery that goes to 6:00pm. There would be cars there after 5:00pm as a result of parents picking up their kids from nursery.

Mr. Luglio stated the census information was dated October 15, 2020 and was revised October 16, 2020. They looked at the census information for the percentage of residents in the census track that own a

vehicle and also those that take mass transportation to work. The census information is collected every ten years. The data is from the 2010 census data. But, it's then updated every 1-2 years depending on the municipality or the county. Mr. Luglio stated the latest information was updated in 2018. Mr. Luligo stated he does not remember Mr. Smith's question about the statute and inquired if it is from the RSIS. Mr. Luglio stated he does not have the four parts of the statute in front of him to refer to and that is perhaps something the planner might talk about. Mr. Luglio stated the census track information is similar to this area. That is the most unique information to take it from. Mr. Luglio stated he would have to go back and look at the data. It's broken down into vehicle ownership for homes that are owned and homes that are rented. Mr. Luglio stated the 8% is the overall number of both owned and rented. It's the total number of vehicles owned based on population in the census track. It's basically what the resident reported. Mr. Luglio stated the garbage truck will be parked five minutes or less. Mr. Luglio stated that would change the image in the first drawing. He doesn't know if it would be feasible to lay them out that way. Mr. Luglio stated the number of vehicles coming in and out of the site is so low, there wouldn't be any measurable impact associated with traffic along W. Main Street or the intersection. Mr. Luglio stated whatever the existing condition is with W. Main Street and the school, it would continue to happen. Mr. Luglio explained with an additional 10 vehicles in the pm peak, there would be no measurable difference.

Mr. Capizzi stated this is rental property. The landlord will control the parking allocation to each unit. If someone needs the ability to park two vehicles and are only allocated one, they would not be renting here. The lease, the marketing material and everything associated with a tenant's ability to determine whether to rent here would be clear on its face and the tenant would know what the parking limitations are.

Board member Morel inquired what is considered to be the Saturday peak hour. Mr. Morel wanted clarification from Mr. Luglio that he is expecting three single homes to take 21 trips within a 3 hour period. It sounds like an extensive number of vehicle trips taken within an hour. At the same time, it's hard to believe no one barely moves from the 14 unit apartment. There seems to be something inaccurate about the data. Mr. Morel inquired if the ITE information could be provided to the group. Mr. Morel inquired if W. Main Street is a county road.

Mr. Luglio stated the Saturday peak hour is anytime between 11:00am and 2:00pm. Mr. Luglio stated that is within the peak hour. The peak hour occurs some time between 11:00am and 2:00pm. It could be any hour in between. The peak hour is always a 60 minute period. Mr. Luglio explained within that 60 minute peak hour, there would be 21 vehicle trips both in and out for the three single family homes. It's 7 times 3 for each home. There is nothing inaccurate about the data. This is based on thousands of studies from the ITE for single family homes and multi-family units during that peak hour on a Saturday. Mr. Luglio stated the ITE information could be provided to the board. In the peak, there could be someone dropping off a child, come back, and then leave to pick up the child. Mr. Luglio stated he believes W. Main Street to be a county road, route #70.

A five minute recess was taken at 9:49pm. The meeting resumed at 9:55pm.

Questions from residents within 200 feet:

Rose Socorra-Garcia, 27 S. Franklin Avenue, inquired if the committee had the opportunity to address the rebuttal letter sent from Principal Thompson regarding the conversation he had with Mr. Luglio.

Mr. Capizzi stated the board is not in the position to accept letters due to New Jersey case law and municipal land use regulations. If someone wishes to speak out about an application, they would have to come before the board and be sworn in. They would be able to speak in the public comment section or ask questions. A letter can not be cross-examined.

Mr. Mondello stated he agrees with Mr. Capizzi. Although the DCA doesn't have the ability to regulate land use boards, they are passing some regulations that would permit such a letter. Mr. Mondello stated up to this point, the board has reviewed those regulations and have not adopted those regulations. It would be unconstitutional to read someone's letter into the record. Mr. Mondello inquired how Mr. Capizzi would be able to cross examine a piece of paper. The DCA, in these pandemic times, has adopted some rules that would allow for such a vehicle. However, the board has not adopted or accepted those rules.

Ms. Socorra-Garcia inquired what happens if the owner decides in the distant future to use public works to have the trash removed from the property. Ms. Socorra-Garcia inquired what would have if an applicant does not claim another vehicle on the lease which means they would park the extra vehicle outside of the landlord's view and is going to infringe on the parking spaces of the nearby vicinity of the project. She stated it has taken place. The rules are lax during the summer time. Ms. Socorra-Garcia inquired if there were only six accidents listed. She inquired if violations and summonses were included. The majority of the incidents that have occurred near the school has been mostly violations, not stopping in time for the crossing guard and speeding, Ms. Socorra-Garcia stated the crossing guards could provide more information than any data. She inquired if the building is designed to appeal to millennials. Millennials will be generating more trips than a single family home. She inquired if the ITE data provided was taken during the pandemic or prior to it. Ms. Socorra-Garcia inquired if the architect and the engineer will be returning for questions.

Mr. Capizzi stated if the board were to vote and approve the application, it would be a condition of the approval that would last into perpetuity. It would last forever.

Mr. Luglio stated he is aware that overnight parking is not permitted within the vicinity of the project site. Mr. Luglio stated he is not aware of the changes of the rules in the summer time. If there is no overnight parking, that would be difficult to do. Mr. Luglio stated they only received information for six reports. Mr. Luglio stated his understanding was the board wanted him to look at crash and accident data that occurred in the vicinity along the frontage the property and the intersection. Mr. Luglio stated the building is marketed for one bedroom units. Millennials, increasingly over the last five years, do not own a car. They take UBER and public transportation. The ITE may have up to 100 different land uses and thousands of studies that have been conducted over the last 20-30 years. It's a combination of all the different studies conducted for each land use. This is the basis for the formula to come up with how many new trips would be generated of a particular land use.

Mr. Capizzi stated the architect and the engineer will be returning for questions.

Janet Rosado, 135 W. Main Street, inquired what safety measures will be taken entering and exiting the parking lot for the pedestrians walking by. Ms. Rosado inquired why it has not been implemented in the plans yet. Ms. Rosado inquired if the plans can be changed or altered after it is approved. Ms. Rosado inquired how traffic will be impacted when the garbage truck is illegally parked while picking up the trash. Ms. Rosado inquired what the evaluation of three single family homes versus a building with 14 units was based on. Ms. Rosado inquired if the crossing guards were considered when doing the evaluation. Ms. Rosado inquired if Mr. Luglio will be doing another evaluation. Ms. Rosado inquired how many times Mr. Luglio has been to W. Main Street and at what times.

Mr. Luglio stated they will be proposing a pedestrian signal on either side of the driveway with a signal head with the vehicles coming out of the parking area. There would be push buttons and signal heads for the pedestrians.

Mr. Stein stated, should the board approve the application, it will be a stipulation that the pedestrian signal be included. It is on record already. All of the things that has been discussed will be included in the

resolution. Mr. Stein stated it is carved in stone. Mr. Stein stated should the application be approved, they can not go back to the original plan. Mr. Stein suggested to Mr. Capizzi to have the developer speak to a garbage company and find how often they would pick up the garbage for a building like the one being proposed. It will be very helpful to the people in the neighborhood.

Mr. Luglio stated during the time of garbage pickup, it could be a larger vehicle like the garbage truck that Bergenfield has. It could be a smaller vehicle that happens more frequently. It would be positioned in front of the driveway or before the driveway. It would not be there for a long period of time. Mr. Luglio stated they could speak to a few of the haulers to get more information. It wouldn't be something to block Ms. Rosado's driveway or her ability to get out. It would be similar to the garbage pick up that exists today if they use a larger truck. Mr. Luglio stated the three family units would have a certain trip generation in the am, pm, and Saturday compared to a multi-family building. It is based on the ITE. It depends on the land use code but it's either hundreds or thousands of studies conducted to come up with that formula. Mr. Luglio stated what Ms. Rosado was mentioning (railroad crossing, school traffic, etc.) is all existing conditions that are happening right now. There will be 10 additional coming in and out of the site that will not have any substantial affect on traffic operations. It's not enough traffic to be measurable. They have not done counts during non COVID-19 time, nor do they have to because there isn't enough traffic generated from the proposed project. Mr. Luglio stated another evaluation is not needed. He has been at W. Main Street to observe on ten different occasions in the am, school pm, peak, pm peak and on a Saturday.

Abraham Matute, 140 W. Main Street, inquired why exiting the building and crossing the double yellow to make a left turn is not ok. Mr. Matute inquired if it is legal to make a left turn while crossing a double line. Mr. Matute inquired if Mr. Luglio had seen any vehicles exiting the driveways from any of the houses while he was observing W. Main Street. Mr. Matute inquired if Mr. Luglio saw other vehicles crossing the double lane to go east.

Mr. Luglio stated backing out across a double yellow line is not a safe maneuver because of limited visibility. If pulling out head first, you have the entire cone of vision in front of you to see in both directions. If you are traveling in the forward direction and want to make a left, crossing double yellow lines to get into any driveway, you can do that as long as there no signs saying you can't do that. Mr. Luglio stated he doesn't recall seeing any vehicles exiting from Mr. Matute's driveway. He did see other vehicles backing out of driveways from properties onto W. Main Street. He did see vehicles back out into the other lane of traffic. Mr. Luglio stated that is not a safe maneuver. He has seen vehicles come out of driveways and go in the east bound direction. He has not seen vehicles coming out of a driveway, going in the same direction, and cross the double yellow line. Mr. Luglio stated the design vehicle is 20 foot long. A vehicle can back out of a driveway and stay within the travel lane to go in the eastbound direction.

Mr. Luglio shared on the screen a similar existing condition of a proposed driveway. There is a pedestrian signal head on either side. The traffic signal was posted outside.

Mary Hernandez, 25 Birch Avenue, inquired how often does Mr. Luglio look at a potential project and determine it to be unsafe. If so, what is the percentage of times he has recommended a project to occur and recommended not to occur. Ms. Hernandez inquired if there is a time Mr. Luglio states it is unsafe or does he just give his statistics. Ms. Hernandez inquired if Mr. Luglio was aware there is an afterschool program where students stay in school until 6:00pm. Ms. Hernandez inquired if Mr. Luglio was aware that there are 200 children enrolled for afterschool and 80% of them get picked up between 5:00-6:00pm. She inquired why the number of children being picked up during these times is not reflected in Mr. Luglio's numbers.

Mr. Luglio stated he is not in the position to recommend if a project moves forward or not. He looks at a project from a safety and operational characteristics both onsite and its interaction with the street network in front of it. Mr. Luglio stated there are certain proposed projects that he recommends modifications for. Mr. Luglio stated he knows there is an afterschool program. The majority of the students get out before the 5:00-6:00pm peak hour. Mr. Luglio stated the number of vehicles that would be generated by this project does not represent any significant change to the intersection or the roadway. The existing school population and operation of the school whether it works or doesn't work is an existing condition. Mr. Luglio stated he would do an analysis of the site if there were 50 or more vehicles coming out of the site to determine what the existing and future conditions would be.

Questions from residents beyond 200 feet:

Jose Gonzalez, 145 S. Demarest Avenue, shared a video of W. Main Street.

Mr. Capizzi inquired who prepared the video and who made the statements in the video.

Mr. Stein stated more information is needed regarding the video.

Mr. Gonzalez inquired if Mr. Luglio collected traffic information on a Saturday around 2:00pm. Mr. Gonzalez inquired if Mr. Luglio studied the traffic pattern on Main Street when the train was passing by. Mr. Gonzalez stated the video was filmed at 2:00pm on a Saturday. He can not provide any information regarding the video due to privacy.

Mr. Luglio stated he did not. The traffic count performed on December 15th, 2020 was from 7:30-8:30am. The train did pass during that time period.

Mr. Rondello requested Mr. Gonzalez to email the video to the clerk. It will be sent to Mr. Capizzi and Mr. Luglio may have some additional comments.

Mr. Stein stated they need the source of the video along with some facts about it (when it was done, date, who the voice on the video was). It's not fair to the applicant to put out a video just like that. Mr. Stein stated he needs to know the source of the video.

Mr. Mondello stated Mr. Gonzalez has not asked the video be admitted as evidence. He showed it as preface to his question. The video was interesting and the members of the board will give it its due weight.

Mr. Capizzi stated the video can't be weighed if it is not evidence. If they are not going to enter the video as evidence and have a foundation for it, they should not have the video for any purpose.

Mr. Stein stated he agrees with Mr. Capizzi. If they introduce the video into evidence, they should know everything about it or they just ignore the video.

Mr. Mondello stated the board members are going to make believe they didn't see the video if Mr. Gonzalez can't tell the board members who made it and when it was made. Mr. Mondello stated this is not a courthouse. The board members are quasi-judicial judges. Although the rules of evidence are relaxed, they are not thrown out the window. Mr. Capizzi has the right to know who the speaker was, who took the footage, and other simple questions about the video. Mr. Mondello stated he is going to direct the board to ignore the video if Mr. Gonzalez is unable to provide answers to those questions.

Mr. Capizzi stated they can discuss the video once they have some foundational information about it. Mr. Capizzi stated they need to know on whose behalf it was prepared, who prepared it, who edited it, when it was filmed, etc. so they can have a knowledgeable discussion on it.

Mr. Gonzalez inquired if this is a courthouse. The video can be found on the web. Mr. Gonzalez reserved his comments.

Mr. Mondello instructed the board to ignore the video.

Edward Roman, 55 River Edge Rd, inquired what was the focus of the environment for the data taken. Mr. Roman inquired if it is possible to compare Bergenfield with Hackensack.

Mr. Luglio stated it was general urban/suburban. It's general, not specific. All of the land uses start out with general urban/suburban and they get more refined if data is available for that. Mr. Luglio stated Bergenfield and Hackensack are considered urban areas. Bergenfield is considered to be a urban area, not a suburban area. It doesn't matter from a trip generation standpoint for single family homes.

Eric Batista, 14 N. Taylor Street, inquired if the traffic study done was going to be available to the residents. Mr. Batista inquired if the decision is finalized and if they go ahead with the project, what type of recourse does the public have if it's not followed. Mr. Batista inquired how accountable can Mr. Luglio be held. It's just words.

Mr. Capizzi stated the report has been available online for about a month.

Mr. Stein stated they have to follow the inspections required by the building department. Everything needs to be signed off. If they deviate, they will be shut down. Mr. Stein stated they can't just build what they want.

Mr. Mondello stated it's not words. Mr. Luglio is an expert. The board will weigh his credibility, what they believe and don't believe. The residents can pull their resources and hire an expert. Mr. Mondello stated that that expert might have a different take on the traffic than Mr. Luglio. Mr. Luglio has a license and is an expert. He is giving testimony to the benefit of the applicant. The board will decide what they want to believe and not believe.

**February 24, 2021 - Special Meeting to Continue Hearing for 145 West Main Street Only 8-11pm
All ayes. None opposed.**

Hold Over Mr. Ron Mondello & Mr. Frank Rotonda Until February 24, 2021:

Motion By: Shimmy Stein

Second By: Amnon Wenger

All ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Charles Steinel

Second By: Sara Berger

All ayes. None opposed.

Meeting was adjourned at 11:01 pm.

Respectfully Submitted,

Hilda Tavitian

Hilda Tavitian, Clerk
Zoning Board of Adjustment