

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING MINUTES  
TELECONFERENCE VIA ZOOM  
March 17, 2021**

Chairman Shimmy Stein called the meeting to order at 8:01 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 March 2, 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.

Members of the public calling in to the meeting who would like to ask a question or make a comment, can press \*9 to raise their hand and \*6 to unmute themselves.

**PLEDGE OF ALLEGIANCE**

Led by Board member Smith.

**INTRODUCTORY STATEMENT**

**Read by Board member Wenger**

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.

**ROLL CALL**

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

**Absent:**

**Also Present:** Ron Mondello, Zoning Board Attorney, Sam Agresta, AFE Engineering, Councilman Marte, Council Liaison, Michael Knowles, Planning Board Liaison, and Hilda Tavitian, Zoning Board Clerk

**CORRESPONDENCE**

Board attorney Mondello stated there is a letter from Mr. Jose Gonzalez dated March 3, 2021, titled "zoning board inappropriate comments". It's a letter concerning what he deems as inappropriate

comments made towards folks of Irish ethnicity. Mr. Mondello stated on the last page of the letter, he asks for chairman Stein to resign, zoning board members take sensitivity training, and the zoning board to apologize to the Irish community. There is another letter from Maria Ng where she speaks about the chairman's demeanor and indicates that she was frustrated that hard copies of the revised site plan for this application was not provided. Mr. Mondello stated he knows electronic versions are available and are supposed to be available. The borough is doing the best it can by uploading the electronic versions of site plans given the pandemic. The professionals show their screens to show those updated, revised plans. Mr. Mondello stated Ms. Ng speaks also about, in her opinion, racism towards those of Irish descent. Finally, she asks the chairman and board members be replaced. Mr. Mondello stated he also received an email from Mr. Gonzalez on March 7, 2021. He speaks about the zoning board conducting meetings virtually and would like to see them done in person. Mr. Mondello stated Mr. Gonzalez misinterprets Governor Murphy's executive order. It relates solely to political activities. He indicated to Mr. Gonzalez that there is no disadvantage to virtual meetings. In this case, it affords more due process protections. If this meeting was held with 111 people, they would not be able to do it at borough hall. There are board members extremely concerned about their health. Some board members have been hospitalized as a result of COVID-19. It's the board's prerogative and decision.

Mr. Stein stated it is unfortunate that people in the community, and he is sorry, took the good-natured joking around the way wrong. There was nothing malicious, prejudicial, or discriminatory meant by it. He apologized if people took it the wrong way. Mr. Stein stated tonight's meeting is strictly for 145 West Main Street. Mr. Stein stated in order to move it along as quickly as possible, they will take all verbal communications at the last 15 minutes of the meeting. Verbal communications are for anything that's not on tonight's agenda.

Mr. Mondello shared on the screen the law with respect to the Open Public Meetings Act. There is supposed a portion of the meeting set aside for public comment. As the statute indicates, that is only for a municipal governing board or a board of education. Mr. Mondello stated this zoning board and planning board, on their own, have adopted the practice of public comment even though it's not legally required. Mr. Mondello then shared on the screen the Zoning Board By-laws and the only time there is a public comment period is at the annual reorganization meeting. The chairman can make the decision to have the public comment period at the end of the hearing.

Mr. Stein stated the meeting will end at 11:00pm. At 10:45pm, the hearing on the application will be stopped and they will then have public comment.

## **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  
(Carried over from January 11, 2021 meeting)

Matthew Capizzi, 11 Hillside Avenue, Tenaflly, attorney for applicant, stated they were previously before the board on February 24, 2021. They concluded the testimony of the civil engineer, Mr. Hubschmann. A hard copy of his revised plan was filed with the borough on December 30, 2020 along with 18 copies were provided to the board secretary. Mr. Capizzi stated they filed hard copies of the revised architectural plans that Mr. Blake will be speaking about tonight and some materials from Mr. Luglio, who will speak after Mr. Blake. Mr. Capizzi stated any materials they will be speaking about have been filed virtually with the board's secretary well in advance of tonight's meeting and hard copies have been filed more than 10 days in advance of today's meeting.

Mr. Stein stated Mr. Rotonda couldn't make it tonight. Mr. Sam Agresta is the board engineer for tonight.

Mr. Blake stated the plans are similar to the plans he had sent before, sheets A1-A6, with the revisions dated 2/25/21. The trash room and the three-bedroom apartment have been altered. They are the same plans filed with the board on March 4, 2021. The revised plans, consisting of 6 sheets, will be entered as exhibit A-14. Mr. Blake stated the basement parking plan indicates the parking area underneath the building as well as the lobby, trash room, mechanical room, sprinkler room, the two staircases, and the elevator. Mr. Blake stated they contacted trash consultants and determined that 2 three-yard containers would be needed for the trash and recyclables for a building of this nature. Mr. Blake stated he had researched the compactor to find out the exact size and shape needed for a building of this size. Multiple companies have indicated that the size and shape of the compactor on the floorplan would service the building adequately. The trash room would be 20 ft x 8 ft. It is on the same level as the sidewalk and the rear sidewalk. All of the trash containers and the compactor would fit in the room. The revised plan shows doors to the front walk and the door to the garage has been widened. The two trash room doors are near the front entry doors, that are wide enough to easily roll in and out the containers. Mr. Blake stated the three-bedroom unit has a kitchen, living room, a bathroom, and three bathrooms each with an egress window and a closet. The two bedroom unit has the same square footage as the three bedroom unit. The three bedroom unit was added as a stipulation of the affordable housing.

Board chairman Stein inquired if the compactor will be used full time and if the size of the containers will adequately take care of the trash for 14 apartments or 14 families living there and requested clarification that there won't be more garbage pick ups than the town has.

Mr. Blake stated that is correct.

Mr. Capizzi stated Mr. Luglio was going to speak about the frequency of the garbage pick up.

Board member Berger inquired about the recyclables. Mrs. Berger inquired if the recyclables will be picked up once a week and the other garbage twice a week.

Mr. Blake stated one of the containers would be for recyclables and the other container for garbage.

Board member Friedman stated he doesn't recall who testified with respect to the times at which the trash is going to be picked up by the hauler. He inquired if Mr. Blake knows what time of the day the hauler intends to pick up the trash.

#### **Questions from residents from 200 feet and beyond:**

Mary Hernandez, resident, asked that the layout of the three bedroom unit be shared on the screen again. She inquired if there is any way she can see a copy of it.

Mr. Mondello asked Hilda if this is up on the website.

Board clerk Hilda Tavitian responded, yes, it is posted on the website on the zoning board page.

Mr. Capizzi stated it's been on the website since late February and filed since March 4<sup>th</sup>, 2021.

Janet Rosado, 135 W. Main Street, inquired if the building will have a generator since there will be a elevator. Mrs. Rosado inquired about the type of fuel the generator runs on. Mrs. Rosado inquired if the location of the generator is indicated in the final deed or is it a possibility the location of the generator will be moved. Mrs. Rosado inquired if the generator will be located in the middle of the building or

closer to her property. Mrs. Rosado requested some further information be provided regarding the generator, such as if it is loud.

Mr. Blake stated the back up generator will be at the back of the building. Mr. Blake stated it will have natural gas hook up. The location is indicated on the site plan by the engineer and it will be built in the location that is indicated on the plan. Mr. Blake stated he doesn't know exactly where the generator is located. The engineer would be able to answer that question.

Mr. Capizzi stated it would have to comply with all of the applicable noise regulations. The information will be provided when they apply for a building permit.

Stephen Carmona, 20 Momar Drive, inquired what the reason for the variance is and why the project needs a variance.

Mr. Mondello stated that question is for Mr. David Spatz, the planner.

Norman Schmelz, resident, stated the three bedroom unit wasn't part of the original plan and inquired why that was added. He inquired if that was added to accommodate affordable housing. Mr. Schmelz stated generators have to be started from time to time on a cycle. He inquired if the architect knows what that cycle is.

Mr. Capizzi stated David Spatz will speak about the affordable housing. The generator is going to be located on the N. Franklin Ave portion of the property and will be away from Mrs. Rosado. The cycling will be in accordance with the manufacturer's specifications. It has not been speeded out yet. It's a routine part that's dealt with the permit process.

Lucilla Iturralde-Rachev, resident, inquired what were the dates the traffic patterns were established. She inquired at what meeting would she be able to ask these questions and voice her concerns. Ms. Rachev requested clarification if David Spatz will be attending a meeting at some point before a decision is made.

Mr. Stein stated her question is for the traffic engineer.

Mr. Mondello stated questions should be only about the trash, dumpsters, containers, trash compactor, or the units Mr. Blake had spoken about. Some of those other things were not covered in Mr. Blake's testimony this evening. Mr. Mondello stated it's this meeting. Everyone needs to listen to the testimony and ask questions as to the testimony. However, there is going to be a portion where the resident can simply make a comment. But, the comment period starts when the applicant is finished with his testimony. Mr. Mondello stated we're not there yet. We're trying to get through Mr. Blake. The traffic expert is next and at some point the planner is going to testify. Mr. Mondello stated when all that is over, there will be a comment period when the residents can make comments and voice concerns.

Mr. Capizzi stated they intend to present the testimony of the planner in support of the application.

Board member Friedman inquired if the generator is going to be placed on the side of the building along Franklin Avenue. He inquired when and in what format that is going to be supplied.

Mr. Capizzi stated the actual location is not plotted on the plan. It's something they have to get to the board. Mr. Capizzi stated he hopes Mr. Hubschman and Mr. Luglio speak with one another so that when Mr. Luglio speaks has a sketch available and is ready for discussion this evening.

Chris Brown, 19 Blauvelt Avenue, inquired what happens with the trash on overflow days and holidays. He inquired if that is going to be stored outside.

Mr. Capizzi stated Mr. Luglio will speak about the trash operations when he testifies.

Board member Smith inquired how the compactor will be picked up. Mr. Smith inquired if the hauler is going to be able to lift the compactor safely and still be able to dump it in the back of the pick up truck. Mr. Smith stated he is looking at a picture of the pick up truck that was provided to the board. Most pick up trucks from the ground to the top of the cab is 6 feet. Mr. Smith stated the top of the cab, from the picture, is another 2-3 feet. Mr. Blake is the architect and should have taken into consideration the height of the truck and the height inside of the building. Mr. Smith requested clarification if the generator is going to be placed on Franklin Avenue. Mr. Smith inquired if the undeveloped land was taken into consideration what could be developed on that empty lot. Mr. Smith stated undeveloped land is supposed to be taken into consideration for future development. Mr. Smith stated the generator can be placed somewhere that impacts future development of a residential house and there will be a problem with the school. Mr. Smith stated Mr. Blake should not have made the statement that the truck is going to fit underneath the building if he is just presuming that it will.

Mr. Blake stated the compactor is a machine that compresses the trash and puts it in the container. The container will be manipulated out of the room, underneath the building, and put into a vehicle. Mr. Blake stated Mr. Luglio will go into those details. Mr. Blake stated the compactor will fit. The height of the pick up truck is less than 8 feet. Mr. Blake stated this is similar to any other architectural project. A single family house has a generator these days.

Mr. Capizzi's response was yes and that Mr. Luglio was going to discuss the placement of the generator.

Mr. Stein inquired how often is the generator going to go off.

Mary Hernandez, resident, inquired if there was a reason Mr. Blake didn't show all of the apartment levels. She believes there is a difference because of the two bedroom unit versus the one bedroom unit. The other floor plans aren't included. Mrs. Hernandez inquired what date that would be as they are not altogether. Mrs. Hernandez inquired how these apartments compare to other apartments in the area. Mrs. Hernandez inquired about the sound proof of the apartments.

Mr. Capizzi stated they previously discussed all of the sheets. The only reason they had that one section was because that was the only portion of the floor plans that was revised.

Mr. Blake stated they were included in the previous set. The drawings were dated 12/22/20 and is not sure what the borough has done with them. Mr. Blake stated it was 16 units back in July and 14 in December. It became 14 units with a 3 bedroom unit in February. Mr. Blake stated Mrs. Hernandez needs to look at the December file to get a true definition of the third floor with a three bedroom apartment. Mr. Blake stated the apartments are very similar. He has worked on apartments at Hickory Manor and Legion Manor in Bergenfield. They are similar in size, being between 650-700 sq. ft. for a one bedroom apartment. Two bedroom apartments are closer to 900-1,000 sq. ft. He has seen smaller units in Paterson where two bedroom units are 600-650 sq. ft. Mr. Blake stated larger units can be designed in Englewood and Tenafly. Mr. Blake stated they are before the zoning board to obtain approval of an apartment building where single family residences are allowed. Once that is done, they will maintain all the sound and compliant rules required. It will be up to the code required by the state of New Jersey.

Jose Gonzalez, resident, inquired why Mr. Capizzi is asking the engineer not to respond to questions from the community. Mr. Gonzalez inquired how 14 units is going to generate the same quantity of garbage of

one single family house. Mr. Gonzalez inquired how 14 units utilizing the generator is the same as a single family home utilizing a generator.

Mr. Blake stated he has spoken with experts who deal with trash pick up from apartment buildings every single day of their working lives. Mr. Blake stated 14 units will typically produce enough garbage that can fit in a 2-3 yard container and fit in a trash room with a compactor in the size and shape he has designed. There are buildings that have more apartments that have smaller trash rooms in Bergenfield that work successfully. This is more than industry standard. Mr. Blake stated the amount of power will not determine how long it's going to run or how noisy it's going to be. The machine and unit itself will have standards and specifics that will meet the state requirements. He doesn't know what it will be like compared to a single family home and is not trying to compare it to a single family home. Mr. Blake stated it will meet the requirements for a generator of this size and building. The generator is for emergency use only.

Mr. Stein stated the building is not being run on the generator. The generator is only for when the power goes out.

Mimi Parente, Wayne, NJ, inquired how often and how long the generator will run each day, each week, just to reboot.

Mr. Blake stated he believes it would run for 10-15 minutes one time per week. The generator is meant to be an emergency back up for the elevator, the exterior, and a few of the emergency lights on the inside. It's not for every individual unit.

A 8 minute recess taken at 9:10pm. The meeting resumed at 9:18pm.

Lou Luglio, traffic engineer, stated he consulted with Mr. Hubschman regarding the generator and it will be placed on Franklin Avenue next to parking space #1 or #19. The generator would only be for emergency use and will run once a week for 10-15 minutes. Mr. Luglio stated information with more detail will be provided to the building department and engineer. Mr. Luglio stated he had spoken with trash haulers that pick up trash for apartment buildings that are similar in size to the proposed apartment building. They had stated using 3 cubic yard containers would adequately service the building of this size. Mr. Luglio stated most of the traffic data that is done on a periodic basis, either NJDOT or Bergen county is done on a three day cycle. Most of the time it's not on the weekends. The purpose is to see what the existing data looks like regardless where it is, as long as it within a few miles of the site or along the main roadway, just to get an idea of when the peak occurs. The data taken from May 1, 2019 identifies the peak hour between 7:45am-8:45am, which is consistent with what they thought it would be. There were two peaks, one at 2:00pm and then another at 5:00pm. There would be a peak between 2:30pm-3:30pm when kids would be getting out of school and the pm peak from people coming back home from work during non-covid times. Mr. Luglio stated the data he mentioned was in the February 19, 2021 supplemental report. Mr. Luglio stated the pedestrian signal would operate that the actual vehicle coming out of the driveway would have a red signal all the time. The pedestrian would be able to walk and have a walk sign across the cross walk. The pedestrian has the right of way or the benefit when there's an intersection like this. Mr. Luglio explained in the proposed case and in the case with Cliffside Park, the signal rests with the pedestrians being able to walk back and forth and the signal is red for vehicles coming out. As vehicles approach this area and start to come out of the driveway itself, the vehicle still has the red signal but the signal knows the vehicle is now there, and will start to flash yellow, then red. The pedestrian should not be crossing if the signal is red. The vehicle has a green signal to exit the driveway. Mr. Luglio stated the distance back to the building and driveway is similar to the screen he shared showing Cliffside Park.

Mr. Capizzi stated the proposed project is about 35 feet from the sidewalk.

Mr. Luglio stated the proposed project is definitely further back. Mr. Luglio stated there is an existing utility pole that was elected to be left in place instead of being moved. It doesn't have an effect on vehicles coming in and out of the site.

Mrs. Berger stated she doesn't understand how a pedestrian walking on the sidewalk is able to see the signal. It seems to be on the side. Mrs. Berger stated a child would not see it unless he/she was looking up.

Mr. Luglio showed on the screen the panel that the pedestrian would see while walking. Mr. Luglio stated a child would still see the push button. This is overdesigned for a driveway.

Mr. Steinel stated going back there was an application for a cell site in a residential neighborhood. The applicant had explained that the generator they had to have to run the site in the event of a power failure. Mr. Steinel explained with generators, there are sound standards. There is one that is the highest standard, known as hospital grade. Mr. Steinel inquired, since this generator has not been speeded out, would there be any objection, if the application were to be approved, a stipulation would be put in that that is the quality of generators used. Mr. Steinel stated it would be difficult to sell the other lots in the future if there a large, clunky generator in their side yard.

Mr. Luglio stated the generator is for emergency use mainly for the operation of the elevator and some emergency lighting. It's not to run any of the apartments. Mr. Luglio stated he wouldn't recommend having an industrial or hospital grade generator. Mr. Luglio stated for a cell tower to have a back up generator requires a much larger generator then running an elevator and some emergency lighting. That's probably suitable for a cell tower, but not for a residential building of 14 units. He doesn't recommend it.

Mr. Smith stated he would like Mr. Luglio to explain the last sentence from the study done dated February 19, 2021. He read the sentence he was referring to. Mr. Smith inquired what study was done by Mr. Luglio to include what Mr. Smith was referring to and if Mr. Luglio considers Bergenfield to be suburban or urban. Mr. Smith inquired if Mr. Luglio disagrees with the NY Times article that considers Bergenfield to be a suburban community. Mr. Smith stated the number of bedrooms were included in the trip generation study. Mr. Smith stated the data is from 2010. Mr. Smith stated the data provided for Graphic Blvd and the other information was handwritten in ink and was dated 2019. Mr. Smith inquired if future analysis of the land use was taken for that area. Mr. Smith read from Mr. Luglio's assessment. Mr. Smith stated Mr. Luglio had shown the picture of the building in Cliffside Park and stated it was a similar building. However, he doesn't consider Cliffside Park as the same setting as Bergenfield with 14 units. Mr. Smith stated he googled Bergenfield and it came up as suburban. The picture given of Cliffside Park was from google. Mr. Smith inquired if all of the data collected was not taken into consideration for future development.

Mr. Luglio stated Bergenfield is an urban area. Mr. Luglio stated from a traffic engineering standpoint and from a land use planning standpoint, this is an urban area. The density of traffic and population classifies this as an urban area. Trip generation from ITE only looks at the number of units. That's the date it was done by DOT. Mr. Luglio stated it is from 4/30/19 to 5/2/19. He was looking at the 5/1/19 full set of data and it is from the DOT's website. It's a map that's provides location of data. Mr. Luglio stated that's not the job they are supposed to be at. The application stands on itself. The overall look at the transportation and land use planning lies with the planning board and the borough. Mr. Luglio explained that there isn't a lot of data for certain categories in residential. Information should be collected and provided to ITE so that information can be included in the data sets. Mr. Luglio stated every time they do a traffic study, they do a traffic count, and go back to do an occupancy count. They provide the

information to ITE so the data can be refined. They are all considered urban when you look at other suburban areas. Mr. Luglio stated he is not using google as any kind of data for any of the analysis. Mr. Luglio stated he didn't collect data for future development because it was not warranted due to the extremely low number of trip generator. It is not required for this site.

Mr. Friedman inquired if the bins are going to be brought to the street to the truck or is the truck going to go underneath and around so the bins can be emptied into the truck underneath the project. Mr. Friedman inquired if it is Mr. Luglio's testimony that there will never be trash or trash containers along W. Main Street generated by the residents in the building. Mr. Friedman inquired if there is sufficient room in the driveway within the building in the area for the truck to turn around so it doesn't have to back out of the driveway but instead come out of the driveway front first. Mr. Friedman stated Mr. Luglio had stated the two windows the trash may be picked up is between 7:00am and 8:30am, and perhaps some time later in the morning or early afternoon. Mr. Friedman stated his concern is that the school day begins at 8:30am which means that in at least part of the window Mr. Luglio is speaking about, from 7:00am-8:30am, there are going to be a lot of kids walking along W. Main Street to get to school. It is a matter of serious concern if the trash bins had to be brought to the street to be emptied or if the truck could not turn around underneath the building. Mr. Friedman stated he would like them to stipulate to that time and perhaps Ron could add it into the resolution, should the application for variance be approved.

Mr. Luglio stated the vehicle would be able to go underneath the building and the bins would be rolled out to the back of the pick up truck in the aisle of the parking spaces. It would not be on Main Street. Mr. Luglio stated there will never be any trash or trash bins along the street in front of the street. All of the trash, even if it's bulk, would have to be scheduled and picked up and might have to be a separate trip. Mr. Luglio stated there is sufficient room. There is a 24 ft. drive aisle. He would rather not take out a parking space. The cross hatch by the ADA handicapped parking space would be the perfect areas the truck can use to turn around so it heads face out. Mr. Luglio stated 10am-1:00pm could be another window. Mr. Luglio assured Mr. Friedman that the pick up would be able to turn around in the back of the site and they would never have garbage or garbage bins in the front. Mr. Luglio stated he is in agreement that the 7:00am-8:00am window might conflict with kids going to school. There would be a later window of pick up between 10:00am-12:00pm. They could stipulate to that.

Mr. Smith inquired if the garbage pick up is going to be done in the inside or the outside. Mr. Smith stated it is not going to be in the 8 ft. area outside the compactor room. Mr. Smith stated it would still be in the garage. Mr. Smith doesn't see how the compactor is going to be picked up and put inside the back of the truck.

Mr. Luglio stated it's outside in the parking area. The garbage will be picked in the rear parking area, not in the drive aisle. Mr. Luglio stated that's correct. Mr. Luglio stated it would still be underneath the building. Mr. Luglio shared sheet 2 of the February 26, 2021 on the screen. A typical 3 yard container is about 6 ft x 4 ft x 3 ½ ft. The truck itself is 7-7 ½ feet. The bins will not be picked up from off the ground. The trash will be taken out of the bins and thrown into the truck.

Mr. Morel asked Mr. Luglio to expand on his explanation and go over the steps of how the trash compactor will operate, how the trash will be put in the compactor, who operates the compactor, how the removal of the trash will go from the compactor into the trash bins, and then from the bin to the trucks.

Mr. Luglio stated he is not 100% sure a compactor is needed for the site. The whole operation would be managed by whoever is going to manage the property itself, who would be there everyday at some point. It might be a combination of the building maintenance operating the compactor to compact what's in there and also the garbage hauler coming every other day or third day.



Mr. Stein stated there was discussion in a prior meeting that the compactor would be a default situation. The garbage could be reduced by 75% if a compactor was used and that's why that size container could be used.

Mr. Luglio stated most of the time a compactor is automatic once it fills up to a certain point. It does free up a lot of space. It is not a back up system like the generator.

Mr. Stein stated the compactor is not a backup system. It is the system.

Mr. Morel inquired about how the functionality of the compactor works.

Mr. Luglio stated the top of the bin that goes into the compactor is where residents put the trash. Mr. Luglio explained what is coming out from the other side is compacted material that will go into the bin. The bin will be rolled out and that material will be put on the pick up truck. The bin is connected to the compactor.

Mr. Morf inquired if the trash room will be locked so kids can't get in there and play with the compactor.

Mr. Luglio stated the doors of the garbage room would be similar to most of the doors in the building where you would need a key fob or a code to get in. It would be that type of system to get in as it would be the same way you would to get into the lobby. Mr. Luglio stated if a child had the key fob, they would be able to get it. It's hard to eliminate everything, but they will try.

Mr. Agresta inquired if any consideration has been given for any type of screenings or fencing to enclose the generator.

Mr. Luglio stated he and Mr. Hubschman Had spoken about this. Mr. Luglio stated, depending where it would go, part of it would be screened by a retaining wall that is proposed there. The rest of it would have to be screened, something that would match the materials of the building. It could be PVC, a wood type structure, whatever the board would like they would utilize.

#### **Questions from residents within 200 feet and beyond:**

Nelson Reynoso, resident, inquired if Mr. Luglio's statement made in the traffic generation of 2 cars being able to go in and five cars going out with 34 tenants living in the building, is an accurate statement. Mr. Reynoso requested clarification that a traffic volume count wasn't done because it wasn't necessary. Mr. Reynoso inquired if there is going to be additional traffic post COVID-19. Mr. Reynoso inquired how tenants will get rid of bulk items.

Mr. Luglio stated the hour before the peak can have 6 vehicles and the hour after the peak can have another 5-7 vehicles. The peak number during the 60 minute period doesn't mean everyone will be leaving and coming in during that hour, just a portion of the people. It's usually about half, anywhere from 33-50% depending on what time people leave. Mr. Luglio stated they didn't do a traffic vehicle count because of the low nature of the residential use. They did go out and had presented at the January 4<sup>th</sup>, 2021 meeting, a traffic and pedestrian count done December 15, 2020. They did a am count from 7:30am-9:30am. They counted cars and people. Mr. Luglio stated the only issue with that count was that it was not done during normal times. Traffic volumes are lower than expected during non-COVID-19 times. Mr. Luglio stated there are people writing articles about this. The traffic volume they had seen before COVID-19 will probably get back to 80-85% of the pre-COVID-19 time. Mr. Luglio stated bulk items will have to be scheduled with the building maintenance. They can take the furniture down at the

date and time the building management says that is the time it's going to be picked up or they could be assisted with building management so that they might be able to assist with getting it from the hallway.

Marisol Fernandez, 128 N. Prospect Avenue, inquired if the data used included N. Prospect Avenue between Central Avenue and Banta Place. Mrs. Fernandez stated the school is between Church Street and Main Street. She inquired if the data includes that area also. It doesn't include the school if you look on a map and it doesn't include school traffic. Mrs. Fernandez inquired if cars will be able to make a left turn on Main Street or just a right turn. Mrs. Fernandez inquired if Mr. Luglio took into consideration that there would be 2 cars within each family, making an overflow of cars parked on the street. Mrs. Fernandez inquired if he took into consideration if more traffic was being generated, now that people are home more, going in and out, due to the pandemic.

Mr. Luglio stated the data information was to look at what the peak hour was in the am. Mr. Luglio stated he only looked at where data was available and from whatever year was available to get a sense of what the peak hour was in the morning. Mr. Luglio stated he doesn't know if it includes school traffic. The data is historic and was only to identify the peak hour in the morning. Mr. Luglio stated tenants would be able to make a left turn into the driveway and a left turn out. However, the owner would consider just having a right turn out of the site so that it would be easier for the neighbors across the street and easier for vehicles to go in only one direction. Mr. Luglio stated 26 parking spaces are required and 24 parking spaces are being provided. There are very so close to what is required by RSIS standards. Each of the one bedroom units would have one parking space for 12 units and the other two units would have two parking spaces. Mr. Luglio stated 16 parking spaces would be designated for residents, 7 parking spaces for visitors, and 1 ADA parking space. Mr. Luglio stated the site is just too small in terms of trips going in and out to have a measurable effect. He has been involved in more global and regional studies to look at what the pandemic effect is going to be and did not look at Bergenfield.

Mr. Friedman requested clarification as to the number of parking spaces designated for the residents and the number of parking spaces that would be designated for visitors.

Mr. Luglio stated 16 parking spaces are designated for residents and the balance would be for residents and/or visitors depending on who will be utilizing them during the day. The 8 spaces would be open for both.

Katherine Mendoza, East Church Street, inquired if there was any data collected for historic hourly traffic analysis between S. Prospect Avenue and W. Main Street.

Mr. Luglio stated all of the data he provided was the data that was available.

Diana Flagg, resident, stated the ordinance of Bergenfield states that no private hauler can pick up trash before 8:00am in the morning. Mrs. Flagg stated Mr. Blake had stated at the February meeting that the generator would be in the rear of the property and would be more than 15 feet of the property line. Ms. Flagg stated to her, the rear of the building is facing the homeowner and the front of the building is facing Franklin Avenue. Ms. Flagg inquired if the apartment dwellers would automatically assume the generator is for the apartments when there is a power outage in Bergenfield.

Mr. Stein stated Mr. Steinel had brought that up in the last meeting and she is 100% correct. The applicant understands that trash can't be picked up before 8:00am no matter what.

Mr. Luglio stated the front of the building will be facing W. Main Street.

Mr. Capizzi stated the generator will be in the N. Franklin Avenue portion of the property on the parking level. The generator is not an amenity for the tenants. It's for the elevator and emergency lighting.

Carolyn Schmelz, resident, inquired if there is a compactor. Mrs. Schmelz requested clarification on how the garbage was going to be taken out to the truck. She inquired how they are going to maintain the occupancy maximum in the units.

Mr. Luglio stated yes, there is a compactor. Mr. Luglio stated it's just heavier. They are blocks of trash.

Mr. Capizzi stated it will be like every other property within the borough, just like a single family house is to be occupied by one family. The borough will police this just like any other building in the borough.

## **VERBAL COMMUNICATION**

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

Jacqueline Romney, resident, inquired about what traffic studies have been done by the zoning board of adjustment to see what's contributing to the high number of car crashes in the community.

Mr. Mondello stated he is familiar with this question, as having asked the same question at the planning board member. Chairman Rivas had given you the answer and he has the same answer. Mr. Mondello stated the board doesn't go off and do traffic studies. Otherwise, the tax payer's property taxes would triple. Mr. Mondello explained when there is an application before the zoning board, if it's a prohibited use, and the board decides if they want to go out and hire their own traffic expert to do a neutral study, that's what occurs. Mr. Mondello stated the board doesn't just go out do studies because they like doing studies. The board waits for an application. If the application warrants the board hiring an independent traffic expert, that's what the board does.

Mary Sullivan, resident, stated it is now March and she has not yet seen the 2020 annual report on the website. She inquired when that will be available. Mrs. Sullivan stated she had submitted an excel spreadsheet before the last meeting. Mr. Mondello had stated it was received but wasn't sure what it was about. She wasn't called upon at the last meeting and wants to make sure everyone has it.

Mr. Mondello stated he doesn't know. He is not the board attorney. They have to figure it out since things have changed. He has asked his secretary to start working on it. Mr. Mondello stated he got it. Mrs. Sullivan can ask Hilda to resubmit it. Mr. Capizzi stated he and the traffic expert might want to look at it and address it.

Diana Flagg, resident, stated she is complaining about what transpired at the previous meeting. Mrs. Flagg stated the Mayor and council had told them last night that the board will be receiving diversity training. She inquired when the training is going to occur.

Mr. Mondello stated his understanding is that the borough attorney had determined there were no inappropriate comments. However, if the governing body feels that the zoning board needs diversity training, they can't order the board members to do that. Mr. Mondello stated if the governing body suggests it, then he would suggest the board members do that.

Marion Delarche, resident, inquired if there will another opportunity at another meeting to ask Mr. Luglio questions. Mrs. Delarche inquired how much account is taken into consideration of the number of children expected to live in a new building, especially a larger building or subdivision and how it will impact the number of children in schools. Mrs. Delarche stated that's problematic and seems short sighted.

Mr. Mondello's response was yes. Mr. Mondello stated he remembers her question from the planning board meeting. It's not carved into the land use. Mr. Mondello stated if the law requires a 100 apartment unit complex get passed because they met the positive criteria, then it's passed. It's then up to the Board of Education to determine if they need more buildings.

Jose Gonzalez, resident, stated he is an immigrant and was offended by the previous comments made from some members of the zoning board. He thinks it is bigotry and very inappropriate coming from people that represent the town. Mr. Gonzalez stated he had requested the tape from that meeting. He wanted to clarify that one of the comments Mr. Stein had made was that he was trying to discredit the zoning board and wanted to make clear that is on record. Mr. Gonzalez stated he comes from a culture, that background, that hurt him a lot. Mr. Gonzalez stated Mr. Stein was the one who put himself in those shoes and it wasn't him or the community. Yesterday, there were many people of Irish heritage and residents at the Mayor and council meeting speaking about the issue and asked the Mayor and council for action be taken. He is glad that the Mayor and council apologized for the behavior of some of the zoning board members.

Mr. Stein stated the application heard tonight will be carried to the next zoning board meeting on April 5, 2021.

Mr. Smith stated people are calling and complaining about what was said at the last meeting. But, look at how the meeting started tonight. Mr. Smith stated he took offense to the remarks made by a resident, calling the chairman racist. Mr. Smith stated the residents need to back down also before it gets heated up and ugly.

Mr. Stein stated the board members are volunteers that spend countless hours to represent the town. They do the best they can and they have to be impartial. Mr. Stein stated they have been doing this a long time. He appreciated John's support and wished that the residents, as most do, would show the same amount of support and respect the board members deserve.

#### **MOTION TO ADJOURN MEETING**

**Motion By:** Sara Berger

**Second By:** John Smith

**All ayes. None opposed.**

Meeting was adjourned at 11:01 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk

Zoning Board of Adjustment