

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
May 5, 2025**

Chairman Ben Cabrera called the meeting to order at 8:00 P.M.

OPEN PUBLIC MEETING STATEMENT

In compliance with the Open Public Meetings Act, the notice requirements have been satisfied. Meeting dates are confirmed at the Annual Meeting. Notice of this meeting was provided to the Record, Star Ledger, and Cablevision, posted on a municipal public notice bulletin board and published on the borough website.

Any board member having a conflict of interest involving any matter to come before the board this evening is reminded they must recuse himself/herself from participating in any discussion on this matter.

PLEDGE OF ALLEGIANCE

Led by Board member Smith.

ROLL CALL

Present: John Smith, Amnon Wenger, Jose Morel, Jason Bergman, Ben Cabrera, Yitz Novak, Richard Morf, and Oriole Familia

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

Absent: Antonios Panagopoulos, Board Engineer

INTRODUCTORY STATEMENT

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 regulations that are set forth in Bergenfield's zoning ordinance. Typically, we hear two types of variances. The first is whether an applicant can vary from land use restrictions including rules on sideline distance, height, and lot coverage. That is commonly called a bulk variance. The second type of variance 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 Law, which is available online. 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 for a bulk variance, we must grant the requested variance. Approval of a use variance requires five affirmative votes.

APPROVE MINUTES OF PREVIOUS MEETING – April 7, 2025

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

Comments by members of audience on matters not on evening’s agenda
None.

OLD BUSINESS

1. **Resolutions:** Yitzchak Yosef Cohn, 67 Hallberg Avenue, Pool and Spa

Motion By: Board member Bergman

Second By: Board member Morel

5 ayes. None opposed.

Mary Villa, 176 E. Main Street, Pavers

Board attorney Oh stated since the last hearing, the applicant has agreed to have one more condition added to the application, to bring back coverage to 40% when she sells the home prior to getting a certificate of occupancy.

Chairman Cabrera stated he wanted to confirm Mrs. Villa is in agreement and if she has any questions. He expressed his gratitude for her willingness to comply. It’s a fair balance.

Ms. Oh told Mrs. Villa’s daughter that before she sells the property and applies for a certificate of occupancy, she needs to remove a certain number of the pavers to bring down the coverage to 40%.

Mrs. Villa’s daughter acknowledged that her mother understands that.

Board member Wenger inquired if there is precedent for having a variance rolled back.

Ms. Oh’s response was not really. Every application is a case by case basis. She explained, in this situation, the board wants to be fair to everybody in the community. The board wants to work with the family as well as have the interest of the overall community.

Chairman Cabrera stated his concerns are being able to help the family with their needs and have the interest of the town. If they leave it this way, other residents can come and request the same thing.

Board member Wenger stated he is worried about the legality and not sure if you can put expiring conditions or conditions that take place down the road on a variance like this. His second concern is the precedence that would set. Any variance they give no longer runs with the land and can expire upon sale. It’s a bad precedent to set in all cases going forward. It changes the concept of a variance from being need based variance to being a personal variance.

Ms. Oh stated the application was approved at the last meeting. If there is at least one vote to adopt the resolution, it’s a go. The consensus of the board was to have the additional condition.

Board member Smith stated hardship is for the land, not for an individual. It’s a different situation here. He had checked with two land use attorneys and was told the board can put what they want in the resolution to be granted. The applicant has to abide by what is in the resolution. He didn’t think there was going to be a problem.

Motion to Approve Amendment to Resolution

Motion By: Board member Smith

Second By: Board member Familia

All present, voting in favor.

Motion to Adopt Resolution

Motion By: Board member Bergman

Second By: Board member Smith

All present, voting in favor.

2. Discussion of Board Planner

1. RFQ's for Board Planner

Board Clerk, Hilda Tavitian, stated the Mayor and Council need to approve the RFQ for Board Planner prior to it being advertised. It is on tomorrow night's agenda for approval. It's usually a month. She didn't have the dates yet., but will email to all once she has the dates.

Board member Smith inquired what the deadline is to receive the RFQ's. The borough planner will be used in the interim. They won't be able to appoint a planner until the July meeting, unless there is a special meeting.

Chairman Cabrera stated once the RFQ is released, and they have 30 days to send, it will be June by the time the board sees the responses. He wants to make sure there is sufficient time to review the RFQ's.

Board Attorney Oh stated you only need a planner if there is a use variance.

2. Appointment of Interim Board Planner to Review 52 E. Johnson Ave Application

Motion to Appoint Steve Lydon

Motion By: Board member Bergman

Second By: Board member Wenger

6 ayes. 1 nay.

NEW BUSINESS

None.

MOTION TO ADJOURN MEETING


Motion By: Board member Smith

Second By: Board member Bergman

All ayes. None opposed.

Meeting was adjourned at 8:21 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment