

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
June 9, 2025**

Chairman Ben Cabrera called the meeting to order at 8:04 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, Jason Bergman, Ben Cabrera, Yitz Novak, and Richard Morf

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

Absent: Jose Morel and Oriole Familia

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 – May 5, 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. Appointment of Board Planner – T&M Associates

Chairman Cabrera stated in May the Borough of Bergenfield released a RFQ for a Board Planner for a one-year appointment. Three responses were received from three different entities. All the board members received the RFQ’s for review. They will select a planner tonight.

Board member Smith stated don’t fix something that isn’t broken.

Appointment of Board Planner – T&M Associates

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

Chairman Cabrera stated he reviewed the RFQ’s in detail and felt T&M’s was the most complete, the best, and quite detailed out of the three.

NEW BUSINESS

- 1. Applications:** Thach Le
128 N. First Street
2-Story Addition & In-Ground Pool

Jacob Solomon, architect, 14-25 Plaza Rd, Fairlawn, NJ 07410, stated the proposal is for a 2-story, rear addition. The current garage is in disrepair. The project is to remove it and build a two-car garage as well as second floor above. The existing non-conforming front yard setback is 20.5 ft, where 25 ft is required and will not be exacerbated. The angled, existing property line is 7.5 ft. and decreases to 5 ft. as it tapers to the back. They are requesting a variance for 5 ft. due to the angle of the lot line. The side yards are 14.5 ft, where 15 ft. is required. The proposed addition, which includes a rear pool and apron, will increase the building coverage from 17.4% to 32.2%, where 30% is permitted. Mr. Solomon stated it will increase the lot coverage from 36.1% to 54.6%, where 35% is permitted. The first floor of the addition will have the two-car garage, family room. There will be a full basement. There will be a partially unfinished attic on the second floor, a partially finished side, 4 bedrooms, and a bathroom. The proposed addition will be conforming in height that is permitted in the zone.

Board engineer Panagopoulos stated there was an error in his letter. He had written there was no garage proposed, however, there is a garage proposed. He requested item #5 in his letter be disregarded. Everything else in his letter is accurate.

Mr. Solomon stated they are proposing pervious pavers to reduce the lot coverage. They will provide the board engineer the additional information regarding the pavers.

Chairman Cabrera inquired if they have the calculations for the pervious paver coverage.

Mr. Panagopoulos stated the professionals have just been picking 50% credit for pavers. He explained that’s not what the manufacturer’s specifications provide. It can be anywhere from 8% to 40% depending on the paver. It’s the actual opening he has been looking at as the impervious area. If the credit is 50%, it

would be 51.5% coverage, making a difference of 207 sq. ft. He stated, in his opinion, the variance should be for 54.6%.

Board member Smith inquired about fencing.

Mr. Panagopoulos stated it's a UCC requirement that they need to have a locking fence around the pool. They need to get approval from the building department.

Thach Le, applicant, stated there currently is a 6 ft. fence and will continue to have it wrapped around the pool.

Mr. Panagopoulos inquired if there was any consideration of making the patio around the pool and the patio on the right side smaller, in order to reduce some of the impervious coverage and eliminate a variance. It would bring the coverage closer to the 35%. He stated, should the application be approved, the cut sheet of the paver needs to be provided, revised calculations for the drainage system, percolation and testing. He recommended reducing the lot coverage. He inquired about the landscaping plan.

Mr. Le stated they can plant another fruit tree in the backyard when the construction is completed.

Mr. Panagopoulos stated the lot drains toward the rear and inquired if there is a way to redirect the water to the front. The concern is if there was an overflow, the water would not go towards the back. There needs to be some pressure relief.

Board member Smith stated everything should be directed to the retention basin in the rear.

Mr. Solomon agreed to addressing the board engineer's comments to satisfaction.

Chairman Cabrera stated the Board has the day-to-day challenge to help the residents with having nicer homes, being able to do what they want with their property, as long as it stays within the context of the law. The challenge is they live in a town that has flooding problems that keeps getting worse. There is nowhere for the water to go if not absorbed into the ground due to increased lot coverage. He has some significant reservations with the proposed application. He doesn't have an issue with the building itself, but 51.6% is not acceptable.

Mr. Le stated he is willing to cut back where feasible. The driveway is asphalt.

Board member Smith inquired if the driveway is pavers. If the driveway is changed to pavers, it can help with the lot coverage. He inquired how many bedrooms there will be. He only sees three. There's an office and study which can become a bedroom. The application doesn't identify four bedrooms. The zoning officer had written that in the denial letter. Mr. Smith stated he was there Friday and today. He observed DPW could not get through because there was a car parked on the same side of the house and he was parked on the other side. No one uses their garages to park their car.

Mr. Solomon stated there's an office on the first floor.

Chairman Cabrera stated there is a requirement for sufficient parking. He stated even if there are four bedrooms, there's still sufficient parking.

Mr. Le stated he is making his garage bigger so he can park his cars in tandem. He will change the asphalt in the driveway to pavers to gain the additional allowance. He will do the back patio in pavers also, if it helps.

Board member Wenger stated it's already pre-existing non-conforming of 43%. It's making it worse from what it already is.

Mr. Panagopoulos stated if they would consider cutting a few feet from the back walkway and side patio.

Mr. Wenger stated if the 750 sq. ft. driveway is removed, they could get a credit of 50%, and bring down coverage to 46.1%.

Mr. Le stated they can get rid of the storage shed.

Board member Novak inquired if the walkway behind the pool can be removed.

Chairman Cabrera stated they need to discuss what would be an acceptable total lot coverage the board is willing to work with. He stated it's 43% no matter is done right now.

Motion by Board member Bergman, second by Board member Wenger for a five-minute recess at 8:40 p.m. All present, voting in favor. None opposed. The meeting was resumed at 8:45 p.m.

Mr. Solomon stated they can eliminate the 12x12 side patio, which is 144 sq. ft. and make the 756 sq. ft. driveway pavers. They will eliminate the rear walkway in the rear of the pool, 96 sq. ft. The stairway will remain. The shed, 36 sq. ft., will also be removed. Mr. Solomon stated lot coverage will be close to 46%.

Chairman Cabrera inquired approximately how much would the total lot coverage be. The proposal is to remove the patio except for the 18 sq. ft. landing. It would be grass behind the pool, and the driveway would be pavers.

Questions and Public Comments from Residents:

Venus Carpenter, 1 E. Johnson Avenue, stated she is concerned about drainage issues. She stated she wants people to stay in Bergenfield and stated she is on his side.

Board member Smith stated the engineer proposed they do something so the water doesn't go to the rear or the side of the property. It will be in the proposal.

Motion to Approve Application with the Engineer's/Board Members Proposals

Motion by: Board member Smith

Second by: Board member Novak

All present, voting in favor. None opposed.

Jason Chouake
66 John Place
Rear House Addition

Matthew Capizzi, attorney, stated this is a single family dwelling at the end of the John Place cul-de-sac. The applicant lives there with their five children and have grandparents that routinely visit. The proposal is for a 2-story addition along the rear of the house to provide for a music room on the first floor and additional bedrooms on the second floor. The addition will require side and rear yard setbacks. The building coverage conforms. The lot coverage is 42.56%, where 35% is the maximum, and they are proposing to increase it to 45.41%. The deck is an important structure for the applicant to have for religious observances during certain times of the year. The area below the deck will be uncovered dirt.

Board engineer Panagopoulos stated there was an error in his review letter. He stated in item #1 there was a side yard variance for the deck and should be disregarded. The only variance is the lot coverage. He doesn't disagree with the deck coverage not being actual coverage.

Mr. Capizzi stated if the deck was not included in the lot coverage calculation, it would be at 42.3%, where 42.56% is existing today, almost maintenance of the existing condition. There is an existing patio along the back left corner that will be removed as part of the proposal.

Steven Koestner, 61 Hudson Street, Hackensack, NJ, civil engineer, stated the application is proposing to add a 2-story addition in the rear. The addition is approximately 16 ft. by 23 ft. in the rear. It will be built at grade and the floor will be level. There will be an additional 500 gallon seepage pit that will be located towards the rear addition. The roof leaders would be tied into them with PVC connection. Mr. Koestner explained the window well will be relocated, driveway would remain the same, and there will be no trees removed from the property. There is a landscaping buffer along the rear of the property. Lot coverage is at 45.41%, where 35% is required. However, it is less than a 3% increase. He stated details of the drainage systems is on the plan. The driveway is pitched towards the house so the water wouldn't go to the neighbors the way it is naturally designed and built. The proposed deck is 12 ft. x 17 ft. The side yard setback of the house is presently 8.5 ft. and the proposed deck is 8.67 ft. The rear yard setback is 28.66 ft. and is conforming. The area below the deck will be pervious. The water will run into the ground as it does naturally. Mr. Koestner stated they will be removing a existing stone patio of 170 sq. ft. that will help with impervious coverage. There are no issues in addressing the engineer's comments. There will be no negative detriment to the neighbor's properties.

Board engineer Panagopoulos stated, in his opinion, decks are not impervious. He had only counted five bedrooms, but noticed there will be seven bedrooms that will require five parking spaces. There will be sufficient parking provided with the 2 car garage and the double wide driveway.

Questions and Comments from Residents:

No one came forward.

Susan Berman, 496 Northumberland Rd, Teaneck, NJ, licensed architect, stated the garage is a two car garage. She stated the driveway length is larger since it is on the cul-de-sac. There will be storage rooms created in the basement. The family room on the main level will double as guest space (office) when the grandparents come to visit. Ms. Berman stated a music room will be added in the back. It's not a formal bedroom. Two bedrooms will be added to the second floor, but will lose one bedroom, and an extra hall bathroom is proposed.

Board member Smith inquired how many bedrooms will there be altogether. He sees eight bedrooms. The basement already has a bedroom. The first floor will have the office. The second floor will be the parent's bedroom, bedroom 1, bedroom 2, bedroom 3, bedroom 4, and bedroom 5. There is a full bath in the office that can be considered as a bedroom. Mr. Smith stated there isn't enough parking spaces for the number of bedrooms proposed.

Ms. Berman stated there will be a total of six bedrooms.

Mr. Capizzi stated RSIS goes only up to a five bedroom house.

Mr. Smith stated the borough passed an ordinance in January regarding parking spaces required for homes with more than five bedrooms. He saw three cars in the driveway when he passed by the home and one of the cars was partially in the street.

Chairman Cabrera stated he counted six parking spots and inquired if six parking spots would fulfill the requirement for a home with eight bedrooms.

Board engineer Panagopoulos stated 6 parking spots would be sufficient.

Mr. Capizzi stated the zoning officer had not written a parking variance was needed in the denial letter.

Board member Wenger stated he doesn't believe there is a parking issue, even if there will be eight bedrooms. Mr. Wenger read from the borough ordinance that 0.5 parking spot is required for each bedroom in excess of five bedrooms.

Mr. Panagopoulos stated for 1-5 bedrooms, 3 parking spots are required, for 5 and 6 bedrooms, 4 parking spots are required, for 7 and 8 bedrooms, 5 parking spaces are required. They have 6 parking spaces.

Mr. Smith stated he has requested the board members and applicants attend Mayor and Council meetings and listen to the residents complain about the parking. No one is taking into consideration that the parking is getting out of hand.

Board member Bergman stated he agrees with board member Smith that no one parks their car in the garage. He had proposed there shouldn't be a garage ordinance, but was turned down.

Questions and Comments from Public:

No one came forward.

Motion to Approve Application

Motion By: Board member Bergman

Second By: Board member Wenger

1 nay. 5 ayes.

MOTION TO ADJOURN MEETING

Motion By: Board member Bergman

Second By: Board member Wenger

All present, voting in favor. None opposed.

Meeting was adjourned at 9:22 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment