

**BERGENFIELD ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING MINUTES  
October 20, 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 themselves from participating in any discussion on this matter.

**PLEDGE OF ALLEGIANCE**

Led by Board member Smith.

**ROLL CALL**

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

**Also Present:** Gloria Oh, Zoning Board Attorney, Antonios Panagopoulos, Zoning Board Engineer, Chelsea Gleis, Planner from Burgis Associates, Councilman Lodato, Council Liaison, and Hilda Tavitian, Zoning Board Clerk

**Absent:** Amnon Wenger (excused)

**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 – September 8, 2025**

**Motion By:** Board member Novak

**Second By:** Board member Bergman

**All present, voting in favor. None opposed.**

**CORRESPONDENCE**

None.

## **PUBLIC COMMENT**

No one came forward.

## **OLD BUSINESS**

**Resolution:** Ron Filera, 92 Somers Avenue, In-Ground Pool

**Motion By:** Chairman Cabrera

**Second By:** Board member Morel

**5 ayes. 1 recuse.**

**Application:** Muslim Cultural Center  
52 East Johnson Avenue  
Addition to Existing House of Worship  
Carried from September Meeting

Mark Madaio, 29 Legion Drive, Bergenfield, NJ, attorney on behalf of applicant, stated this is the third hearing for this application that is being continued from the previous month. The architect, engineer, and the Borough's fire department, police department, BVAC, and EMS had testified at the last meeting. Mr. Madaio stated they are prepared to commence with the parking and traffic expert and planner.

Board member Smith stated there were some people from the public from the last meeting that had questions for the imam but did not have the opportunity to ask.

### **Questions from Residents:**

Mary Sullivan, resident, inquired if there will be any loudspeakers calling people to prayer during the day.

Imam Abraham Saad stated there are no loudspeakers outside the mosque, just inside.

Sabina Vega, 65 E. Johnson Avenue, inquired how he intends to have the parishioners be good neighbors and communicate with them. Her driveway has been blocked on multiple occasions.

Mr. Saad stated they have a commitment to the neighbors. He stated since the last meeting, they put cones at the corners to ensure no one parks on the yellow lines. He is sorry to hear about her issues. If any neighbor is having an issue, they are welcome to come to the mosque to have the issue addressed. One of the members of the mosque attended the council meeting to suggest having alternate side street parking. They will help in providing videos and help identify cars if they are blocking someone's driveway. The imam stated they are willing to work together, regardless of the application, to avoid any harm to the neighbors.

Chairman Cabrera stated, at the end of the day besides members of the mosque acting in good faith commitment, the Borough's police need to be proactive and need to take action.

Jim Guillen, 73 N. Taylor Street, inquired what is the number of people that attend the House of Worship daily and how do you control them. There were two cars in different directions and they did not want to move.

Mr. Saad stated they had mentioned the number of attendees at the last meeting. They have a small congregation with prayers taking place five times a day. He stated, on average, there are 10-20 people during each session. He stated all the cars parked in the street do not belong to the people who attend the mosque. They are not responsible for people driving in the street. People from one family drive together in one car.

Chairman Cabrera stated the number of attendees was addressed at an earlier meeting. The number of people that can come based on building size doesn't mean there will be that many people.

Mr. Saad stated their biggest gathering of 100-150 people is on Friday, once a week for 45 minutes from 1:15 pm to 2:00 pm. He stated during that time, they will put cones and will make sure no one blocks the neighbor's driveways and blocks the yellow ones. There will not an increase in the number of attendees with the expansion of the mosque. He stated even if 1 woman attends, they need to provide her the space.

Board member Bergman stated the capacity will be based on what the fire official says and won't know what it will be after the building is built. It's comparing apples to oranges at the moment.

Stephanie Liriano, 45 E. Johnson Avenue, inquired why they are proposing to expand the building so large instead of just renovating the existing building. She inquired why they have to fit 500 people.

Mr. Saad stated they don't have access for women. There is only one main hall which is just for men. They only have the basement with low ceilings, which is not safe for the women and children. Many of them don't come due to that reason. They want to provide better quality for all their congregants. It's a community center that they provide various activities, i.e. Sunday school and gatherings.

Mr. Madaio stated for a Houses of Worship, it is common to have a condition of the resolution: 1. Sign at the entry with: "Do Not Block Driveway", "Do Not Park Illegally" 2. Remind people in emails or flyers 3. Provide the phone number of a contact person should any member of the public have a complaint or problem.

Mr. Smith stated what the mosque did with the cones on both sides of the street will eliminate the parking issue on E. Johnson Avenue and Taylor Street. It's a good step in the right direction.

Elizabeth Dolan, Dolan & Dean Consulting Engineering, 181 W. High Street, Somerville, NJ, licensed traffic engineer, stated her report dated 4/25/25, Exhibit A-7, was previously submitted. Ms. Dolan stated they had consulted with the mosque regarding attendance levels and what time people were coming and going. There were 25-30 attendees for morning prayer, 10-20 attendees for midday prayers, 10-20 people for afternoon prayers, and 15-25 attendees for sunset prayer. The big event for the week is Friday afternoon. The imam had stated there are approximately 150 attendees at their biggest gathering during a typical week. She went to the location on Friday, April 25, 2025 and counted 132 attendees. Ms. Dolan stated she had tallied up the parking in the blocks surrounding E. Johnson Avenue, east and west of Taylor Road, Taylor Road, and north and south of Johnson Avenue and came up with a demand specifically for the mosque of 77 spaces on the streets. There were other cars parked before the attendees of the mosque arrived. The demand was 79 as there were two spaces onsite. Ms. Dolan explained not all spaces will be 100% occupied at once and not all spaces within the building may be used any one time. The actual required parking is 182 spaces. 207 spaces are comprised of 64 occupants in the existing prayer room. The basement prayer area was 40 and 103. If there was a theoretical increase of about 20% attendance after the building is built would be 95, which is close to 103. Although the ordinance requires 1 per 3, the actual demand is more like 1 per 2. She stated while it is possible to have over 500 people based on fire rating capacity and the architect's testimony, it's not how Houses of Worship work. The imam has gone through that in great depth. She agreed alternate side street parking is the way to go.

Board member Smith inquired if she recalls any House of Worship having met the parking requirements. He congratulated Ms. Dolan for doing the study with her feet on the ground. He inquired if the 132 people she observed stayed. It's nowhere near 500 people.

Ms. Dolan's response was no. She stated they stayed.

Board engineer Panagopoulos stated the numbers make sense.

Board member Morel inquired about the number of attendees during Ramadan.

Ms. Dolan stated it's the same schedule during Ramadan, but it goes 1-2 hours later. It's the same level or slightly higher.

A recess was taken at 8:50 pm. The meeting resumed at 9:00 pm.

David Spatz, planner at Community Housing and Planning Associates, 60 Friend Terrace, Harrington Park, NJ, stated he had submitted a revised memo dated 9/8/25, Exhibit A-8. Mr. Spatz had prepared a list of 15 Houses of Worship in Bergenfield comparing lot area versus parking, labelled as Exhibit A-9. The R-5 zone permits Houses of Worship, but they need to have a minimum lot area of 15,000 sq. ft. A use variance is needed since the property is less than 15,000 sq. ft. There is one additional D variance for building height and a number of C variances related to size of property and the existing building. Houses of Worship are considered by the Municipal Land Use law to be inherently beneficial uses. The positive criteria are met. It's been a House of Worship for many, many years and the lack of parking has been an issue since that time. The improvements are to better serve the mosque. A detrimental impact would be the impact of the amount of parking required. The new building does increase the impervious coverage, causing drainage issues. The engineer provided testimony that drainage improvements are being provided. Testimony was provided by the traffic consultant and representatives of the mosque that the neighborhood already has the traffic conditions and it was previously discussed recommending changing the traffic pattern. The positive outweighs the negative. The size of the mosque is typical with other Houses of Worship within Bergenfield. Mr. Spatz stated he looked at tax records, visited each House of Worship on the list, and reviewed property size versus parking. The site is well suited for the expansion. The height of the building is affected by the need to connect the addition with the existing building regarding handicap accessibility to the building. Federal law, Religious Land Use and Institutional Persons Act (R-LUPA) was adopted by Congress in 2000. It prohibits zoning laws that substantially burden the religious exercise of Houses of Worship and religious institutions. Mr. Spatz stated what is being proposed meets that standard. It was indicated by the applicant and the architect of the need for the improvement of the building. It would be difficult to serve the members of the mosque if the application was not approved. It will enhance the use of the building.

Chelsea Gleis, planner from Burgis Associates, stated she wanted to ensure they went through the 4 step test and all the criteria. It's up to the Board to determine whether they have met those four points test in terms of identifying the negative criteria.

**Questions from Residents:**

Resident from 93 N. Taylor Street inquired if they purchased the structure on E. Johnson Avenue or N. Taylor Street. She inquired about what is going to happen with the house on N. Taylor Street. She asked how many churches on the list have parking lots.

Mr. Spatz stated it's the property on E. Johnson Avenue. Fifteen have parking lots, only a couple of them meet the parking requirements.

Mr. Madaio stated they don't have anything to do with the structure on N. Taylor Street.

**Public Comments**

Stephanie Liriano, 45 E. Johnson Avenue, stated she is a life long resident. She stated just last week, someone was blocking her neighbor's driveway. She told him he had to move his car, which he did, but they don't have any respect for the residents. Ms. Liriano stated their services are constant all day during

the day and night, in and out all day that is dangerous especially if there are little kids playing outside. The windows are open when they are having early morning services and she hears everything. It is disrespectful when communicating outside, talking loudly, and slamming car doors when people are trying to sleep at 6:00 am. The building size should not be allowed in a residential area. It's overshadowing the current houses there. If they need to improve the inside of the building, why do they need to expand it. The residents' lives are going to be disrupted during the construction. It will cause more traffic and hazards.

Mary Sullivan, resident, stated the problem with the illegal parking is that the police are not enforcing the parking rules. The imam can submit the schedule of when the five services take place to the police chief. It can be distributed to the police officers that are on patrol for that area. They can go down during those times and give out tickets.

Leslie Lepre, resident, stated PEW research estimates that the Muslim religion is the fastest growing religion in the United States and in 25 years, it will be the second largest religion in the United States. The largest mosque in New Jersey is in Paterson and has considerably outgrown its parking capacity and is now parking in residential areas. They are facing issues that we will be facing. Besides the families that reside on the block, there are commuters that park on E. Johnson Avenue. The mosque has not provided any provisions for parking. There is nothing in their plans for parking. She stated E. Johnson Avenue is not accessible on Friday afternoons because of the parking on both sides. The building is a danger to the residents because emergency vehicles are not able to get through. The building will overwhelm the residential neighborhood. As soon as they have the bigger space, the capacity will be four times larger. If you build it, they will come. She requested the expansion be rejected.

Resident from 93 N. Taylor Street, stated the imam and the mosque folks have always been very respectful to them and has not had any bad interactions with them. There are good people in every religion. Many of the homes didn't even exist. Many people didn't have multiple cars until the 1960's or 1970's. Public safety is an issue. She stated to go from 150 to 500 capacity is a huge leap and that number of people will bring too much congestion, waste pollution, and gas emission. The residents love people and want to be together, but they know the mosque is going to expand. They want to keep the character of the homes in the neighborhood.

Chairman Cabrera stated House of Worship applications are generally the most challenging that come before the Zoning Board. The applications are treated differently under the law, on a federal and state level. Chairman Cabrera stated there is an established precedence in Bergenfield where other House of Worship applications have been approved with similar circumstances. The results they find in public situations is that applications have been denied beyond safety and have been overturned by the courts. Everyone on the Board is a town resident and understands how it impacts the town. A primary concern of this application is safety. The town has committed to alternate side street parking that will make the situation worse as members of the mosque will have to park further away. Mr. Cabrera stated on the other hand, it will address significant safety issues with respect with emergency vehicles being able to get in and out. It's not any easy decision. Houses of Worship are a positive thing.

Board member Smith stated win or lose, someone will not be happy. The residents complain about certain problems, but he doesn't see them go to Mayor and Council meetings to express their concerns. The parking situation is not bad for only the religious organizations in town, it's the same with the businesses. There isn't a House of Worship that meets the parking requirements. It's not the people of the mosque only violating the laws, it's the residents also. No one calls the police.

Chairman Cabrera stated there is no single solution. The question is how do we work as a community to address this. The police have to enforce the law. The rule of law includes safety for our children and

members of our community. Chairman Cabrera explained that includes ticketing and towing. Those people who ignore the rule of law should be penalized. It requires team effort with everyone working together. It requires the imam and the members of the mosque sending the message within their community, members who attend the mosque recognizing the rule of law, and it requires the residents enforcing it.

**Motion to Approve Application with Recommendation of Parking Changes to Mayor and Council**

**Motion By:** Board member Smith

**Second By:** Board member Bergman

**All Board members present, voting in favor. None opposed.**

**NEW BUSINESS**

**Application:** Marina & Andrew Gutwein  
58 Dudley Drive  
Proposed addition and alteration

Mark Madaio, 29 Legion Drive, Bergenfield, NJ, attorney on behalf of applicant, stated the proposal is for a one-story addition to the rear. The existing home has side yard setback variances. The addition does not and has been moved in to comply with the zoning. The total side yards for the existing home is a pre-existing condition. The addition does not have any yard variances. The deviation they are seeking is for impervious coverage.

Sean McClellan, McClellan Engineering, 84 Gettysburg Way, Lincoln Park, NJ, engineer, stated to the best of his knowledge, there are no deed restrictions. There is a 20 ft. easement on the property.

Board member Smith inquired if there is an easement or a right of way on the property.

Mr. Madaio stated it's not an easement, it's a right of way that runs along the side of the property.

Mr. Panagopoulos stated it's not an easement, it's owned by the borough.

Mr. Smith stated when the person bought the house they built it up to 30 ft. It's the same thing with the walkway, it's all grass all the way to the property line now. He inquired who removed the walkway. The neighbor said the landscaper did it. He was told the builder wanted to buy the property and was told no. There's a sewer line running right along the side.

Mr. Panagopoulos stated it's called a paper street, town owned property that is an actual street on paper, but not in reality. The borough would want to maintain ownership since there is a sanitary sewer line in case there ever is an issue in the future.

Mr. Madaio stated it's not on our property.

Mr. Smith stated there a lot of things with this. There's no retention basin to catch the water.

Sean McClellan stated the town owns the 20 ft. right of way that runs through the property towards Glenwood Drive. Currently, there is a two-story single family house with a two-car garage. There is an existing deck in the rear and slopes from south to north. The current house doesn't have a drainage system. The roof leaders run over to the grass and driveway. Mr. McClellan stated they are proposing a addition in the rear. The front left corner of existing house is 4.3 ft. from the property line and front right corner is only 6.5 ft. from the property line, where 7.5 ft. is required. It's an existing non-conformity. The

combined side yards are supposed to be 15 ft. and they only have 10.8 ft. They comply with the front yard setback of 25 ft. The covered porch is 20 ft., which is also an existing nonconformity. The addition is in the rear of the home. The addition is fully conforming. The existing drainage is not captured. Mr. McClellan explained the one deviation is the impervious coverage, existing is 33.2%, where 35% is allowed. They are proposing 38.8%. He used a 50% reduction, when he should have used a 10% reduction. The 38.8% should actually be 39.7% impervious coverage being sought. It will be 460 sq. ft. of impervious coverage with the 10% reduction. The proposed drainage will handle 1,756 gallons. It was designed not only for the addition, but the two rear roof leaders can go into the addition to reduce the runoff on the property. The addition only requires a 521 gallon capacity. Drainage will be better than it is now. 322 sq. ft. of the impervious coverage is the deck, which allows water to drain into the ground. The walks are going to percolate into the ground. They will provide whatever is needed per percolation test. There will be less water runoff post construction. Mr. McClellan stated there won't be any trees removed. The rear is well landscaped. It would be a good idea to have some on the side to have some buffer with the neighbors.

Chairman Cabrera inquired what the purpose of the silt fence detail towards the back on the right side is.

Mr. McClellan stated it catches water.

Mr. Panagopoulos stated the silt fence is there to prevent and control erosion. The lot is flat, but the general slope goes from left to right. He inquired if there would be any objection in taking the drop from the left side of the house, turn it 180 degrees and put it towards the grass so it doesn't go over the driveway. You want to get as much water away from the middle.

Mr. McClellan stated sure, it wouldn't be a problem. They can grade the front a little bit to keep it away from the neighbor.

Mr. Panagopoulos stated a little swell would help guide the water. Decks are considered to be impervious as written in the ordinance. His number reflects the deck as impervious and has to follow the ordinance and DEP regulations. He agrees with the statements made, it's not net zero but it's a better situation than what it is now. It will benefit the neighborhood.

Mr. Smith stated the front leaders will remain. He sees there is moss growing on the leader that is coming off the porch that goes towards the house and right to the neighbor. It's the same thing on the right side of the house. All of the molding is rotted away. The gutters aren't doing their jobs. There was water in the next 2-3 houses to the applicant's and it wasn't even raining. The backyard is higher than the other ones. Mr. Smith stated there is a big water problem that needs to be addressed.

Mr. McClellan stated they are going to regrade the front so it goes into the street. Right now, the entire house drains off the property. He stated after the addition, there will be less water going off the property post construction than pre-construction.

Mr. Panagopoulos stated from an engineer's point, 1% or 2% is considered to be flat.

Greg Martin, 62 Dudley Drive, stated the drains do drain onto his lot and has a river coming down his driveway going into the street from the houses above him and the drain next door. The front of the house is sloped down towards his home. Mr. Martin stated before they built the house, the land was high so the water wouldn't go onto his property. His yard gets flooded and he gets water in his garage and on one side of his basement.

Mr. McClellan stated the roof leader at the rear of the house is 6.5 ft. away from the neighbor's property. When it rains, the water comes down the roof, down the gutter, and shoots right off the property. The roof leader will be put into the drainage system and will no longer drain into the neighbor's property. They will regrade the front, if necessary. A berm can be built along the side of the property. They are doing more than required to make this better post construction.

Board member Smith inquired if the generator and the AC unit will be placed on a concrete slab. He inquired if it is included in the coverage calculation.

Lanny Lerner, project architect, responded yes. Mr. Lerner's response was yes.

Mr. McClellan stated the two AC pads and the generator pad are 32 sq. ft.

Mr. Smith stated in the zoning calculations, the existing rear steps and deck are 354 sq. ft. and they are proposing nothing. He inquired about the height of the building.

Mr. Lerner stated that is correct. The existing rear steps and deck will be removed. The height of the building is going to be considerably lower.

Board engineer Panagopoulos inquired approximately where the roof pitch will direct water to the front and back and what percentage of the water will go to the front versus the back of the house.

Mr. Lerner showed on the plan where the break point will be. It will be approximately 50/50.

Mr. Panagopoulos stated this is making the situation better for the drainage. They are providing more than required to make the area better, will add a swell, and a berm between the properties, if necessary.

**Motion to Approve Application with Following Conditions:**

1. Address engineering comments
2. The roof leader from the front left side of the property will be switched from the driveway to the grass.
3. On the front side of the property, the leader will be turned towards the front and install a swell to carry the water from the right side of the property to the street.
4. A berm will be installed on the right side to prevent water from going to the side, if needed.

**Motion By:** Board member Bergman

**Second By:** Board member Familia

**All ayes. None opposed.**

**MOTION TO ADJOURN MEETING**


**Motion By:** Board member Bergman

**Second By:** Board member Morel

**All present, voting in favor. None opposed.**

Meeting was adjourned at 10:50 pm.

Respectfully Submitted,

  
Hilda Tavitian, Clerk  
Zoning Board of Adjustment