

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
November 3, 2025**

Chairman Ben Cabrera called the meeting to order at 8:05 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, 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) and Jason Bergman (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 – October 20, 2025

Motion By: Board member Smith

Second By: Board member Novak

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

No one came forward.

OLD BUSINESS

Resolution: Muslim Cultural Center, 52 East Johnson Avenue, Addition to Existing House of Worship

Motion By: Board member Smith

Second By: Board member Morf

All present, voting in favor. None opposed.

Resolution: Marina & Andrew Gutwein, 58 Dudley Drive, Proposed addition and alteration

Motion By: Board member Smith

Second By: Chairman Cabrera

All present, voting in favor. None opposed.

NEW BUSINESS

1. Applications: Jonathan Isser
38 Frederick Place
Proposed Addition/Alteration

Board member Novak recused himself.

Piero Gabucci, principal architect, Axis Architectural Group, 16 Highwood Avenue, Englewood, NJ, stated they are seeking four variances. The first variance is the front yard setback where 25 ft. is required and seeking 19 ft. The second variance is for maximum improved lot coverage, where 40% is allowed, current coverage is over 44.9%, seeking relief for 53.9%. The third variance is maximum building coverage, where 35% is the maximum, they are looking for a small increase to 37.1%. The final variance is for three required parking spaces on the property. There currently is parking space for two cars and no garage. They will remove some of the long driveway for coverage issues. Mr. Gabucci stated there is an existing porch in the front yard of the house that protrudes 4 ft. They will be extending that and push out to 6 ft. on each side. Anything added will be considered in the setback. The front porch is already in the setback.

Board member Smith requested clarification why they are requesting the setback to be 19 ft. rather than 25 ft. The drawing doesn't show it.

Mr. Gabucci stated the setback of the house is 25 ft. The actual porch is 3-4 ft. forward to that. The current setback is 21-22 ft. They want to make the existing porch larger. The owner had hired an engineer to do the pervious coverage and drainage calculations. Anything less than 6 ft. is unusable. The board engineer had recognized they were looking at the 10% allowance credit. Mr. Gabucci stated they were proposing to take a 50% decrease for the pavers. The drainage is 52.9%, which is an improvement and will be getting better with the pavers.

Chairman Cabrera stated according to the engineer's report, the coverage is 51.48%.

Board member Panagopoulos stated the way the ordinance is written, there isn't 50% credit, it's a 10% credit if it could be shown the pavers are 10% opening pavers. The DEP looks at pavers as impervious and the ordinance says you can take a 10% credit. He needs to follow the ordinance.

Chairman Cabrera stated there are serious flooding problems in town. The lot coverage and anything that involves flooding is a tough topic.

Mr. Gabucci stated the design the engineer came up will help alleviate some of the surface water. They are 108 sq. ft. over in the building coverage, from 35% to 37.1%. There would be a substantial change in the house if there was a reduction in the size of the house. The parking requirement is for three parking spaces, but there is not garage, there's only two parking spaces in the front with a widened driveway. They will maintain the lower portion and redesign the second floor. All of the houses in Bergenfield are getting bigger and bigger.

Board member Smith inquired what does this do to the rest of the neighborhood.

Chairman Cabrera stated the house would stand out. He stated whatever he asks the Board to do, the Board has to apply the same to future applicants. He inquired about the drawings inside of the house, especially the addition.

Mr. Panagopoulos stated what the Board may have is the submission of the most updated sheets and not possibly a full set of plans, which were probably submitted in the first round of submissions. He had reviewed the full set of architectural plans, but doesn't see it here.

Chairman Cabrera stated they can cover some of the points tonight, but won't be able to complete the application as he needs to see the drawings. He inquired how many bedrooms are there.

Mr. Gabucci stated they are proposing five bedrooms.

Mr. Cabrera stated he has concerns about the parking. If you look at the current makeup of the lot, there is a fence, but the paved portion goes all the way back and can probably park five cars. The proposal will be reducing that to only two parking spaces. Children grow up and become teenagers that require cars. There are few families in Bergenfield that have only one car. Also, who buys the house next.

Mr. Gabucci stated with the addition, they are looking to remove some of the impervious coverage.

Board member Smith inquired if there is any way to shrink the addition a little to help with the variances. The Board is willing to work with the applicant if they are willing to compromise. There are parking, flooding, and some other issues. He has a problem with the side and front setbacks.

Chairman Cabrera stated if they can keep the driveway, move the house, and align it with the current size of the house, they would be able to park three-four cars. The front setback doesn't align with the character of the neighborhood.

Board member Morel stated they would be able to fit another car if the side of the house was rearranged. There is room for modification. The architectural design needs to be tweaked. It's a give and take as there is a sizeable patio in the back.

Chairman Cabrera inquired if they can move the side entrance further back, they would be able to pick up at least one car length.

Mr. Gabucci stated the concern is that it would be increasing impervious coverage.

Jonathan Isser, 38 Frederick Place, applicant, thanked the Board for considering the application. He and his wife moved to Bergenfield 7 years ago. At the time, they had two children and are now expecting their

fourth child. He didn't know how many of their children will have cars in the future, but has heard the Board's concerns about parking. Mr. Isser stated the reason there isn't a proposed garage is because there isn't an existing garage currently and they are trying to be cost mindful of not bringing the entire house down. It would be complicated to put a garage in. All of the existing impervious coverage created by the asphalt in the driveway runs all the way back that is not accessible. They park the cars front to back and can't fit a third car as it is very narrow. He stated moving the cars is challenging, therefore wanting to have a 19 ft. wide driveway, but were unable to get a garage onto the renovation plan. Some of the conceptual ideas being presented in reality is not how they would be able to function as it is existing today.

Chairman Cabrera stated he is looking at the photo and is able to see parking for three cars in the driveway right now. He stated being grandfathered helps the applicant. The Board is not asking to widen the driveway, they are asking to move the side entrance to the back as there will be parking for the third vehicle and pick up an extra nine feet. It's just an example how to address the issue.

Board member Smith inquired if the driveway is 22 feet wide and 25 feet long, how many vehicles can be parked there. He stated by giving feedback, some of the variances can be done away with.

Board engineer Panagopoulos stated you would be able to park two cars. You don't need 22 feet wide. The town allows 19 feet driveways. There is no sidewalk in front of the house. He stated only a couple of more feet is needed to show two cars can fit on the left side.

Chairman Cabrera stated there wasn't a single word mentioned about a garage, but are required by ordinance to drive the garage concept.

Mr. Panagopoulos stated the side entrance does not need to be moved. They can take advantage of the front property line.

Mr. Isser stated there are four variances presented. They will go back and look at the plans to see what can be changed.

Chairman Cabrera stated they need to present to the Board a plan to show where three cars can park. He inquired if there are any bedrooms or bathrooms in the basement.

Board member Smith stated they should make sure the engineer is present at the next meeting.

Mr. Gabucci stated they are not currently proposing any plans for the basement. It will ultimately be a finished basement. There isn't a basement plan.

Mr. Panagopoulos stated you can't have a bedroom without egress. He stated what was designed assumes the 51.48% and will only be getting 10% credit.

Board member Morel stated the engineer should speak about the systems.

The application will be carried to next month's meeting with no further notice being required.

Marc Rubin
56 Sylvandur Avenue
Proposed Alteration/Addition & One Car Garage

Marc Rubin, applicant, stated he has been living in Bergenfield for eleven years. His family has been growing and it is less than an ideal property, needing more space.

Lawrence Quirk, licensed architect, 15 Union Avenue, Rutherford, NJ, stated the site is an irregular undersized, corner lot at Sylvamdur Avenue and Henrietta Avenue. It's 4,461 sq. ft., short 539 sq. ft. Mr. Quirk stated currently existing is a one-story dwelling with a front uncovered porch and a detached one-car garage in the back. There is a small driveway and a large patio. They are proposing to remove the existing detached garage and build a new attached garage to the back of the house with a new driveway, eliminate the large patio in the back, and cover the porch. They will add two-story additions, one in the front left corner and one in the rear left corner. Mr. Quirk stated they will not be encroaching on the property line to the right, to Henrietta Avenue, or to the front. The variances being requested are: minimum second street side yard addition along Henrietta Avenue required is 15 ft., they are proposing the new second story addition of 4.57 ft. at the house and 10 ft. at the garage, front yard covered porch variance along Sylvamdur Avenue, required is 25 ft. and proposed is 16.5 ft., improved lot coverage, where maximum is 40% and they are requesting 47.5%, it's less than 3% than what currently exists. The next variance, maximum lot coverage is 30%, proposed is 40.59% and required rear yard setback is 25 ft., where 23 ft. is being requested, and required front yard setback is 25 ft. and is currently 16.5 ft. which will not be changed. Lastly, they are requesting a second front yard setback, required is 15 ft. and proposed is 2.62 ft. which is currently existing. The house is not parallel to Henrietta Avenue.

Chairman Cabrera stated it looks like if the maximum improved lot coverage is 40%, proposed is 47%, and it's coming down from 50%, and if the second minimum front yard is 15 ft. and the proposed is 2.62 ft., that stays static. He stated that is grandfathered and questioned why the Board is even talking about this.

Board engineer Panagopoulos stated it is pre-existing nonconforming. He stated when they build up, it's still a new building that is going against the variance. The second floor is making the building more nonconforming. They are not coming closer to the property line, but there will be more building at that setback.

Mr. Quirk stated the street is at an angle creating a variance along that side. Sheet A-1 shows a basement plan. They are going to remove the existing bedroom. There will be only five new bedrooms upstairs. There's either going to be an exercise room or library in the basement.

Board member Smith stated as long as there is a bathroom, it can be turned into a bedroom.

Board engineer Panagopoulos inquired how they are going to prevent it from becoming a bedroom.

Mr. Quirk stated the walls would be removed entirely. The design of the exterior blends in with the neighborhood. They have demonstrated that no matter what or where you expand on the property is go to trigger variances.

Chairman Cabrera stated the drawing shows they are going to keep the existing bedroom in the basement.

Mr. Quirk stated they will remove it and it can be a condition of approval of the application. The front porch is a concrete slab. They will be adding columns and a roof. The front porch will not exceed what it is now or get closer to Sylvamdur Avenue. It will be an open, covered porch. It will give the front of the house a lot more definition.

Board engineer Panagopoulos stated they are only providing one parking space. It's pre-existing non-conforming and there's a hardship of the undersized lot. There's only a one-car garage parking spot, no other spots to park onsite. Theoretically, two cars can be parked if the garage is used.

Mr. Quirk stated the existing driveway is much smaller than the proposed driveway. The proposed driveway doesn't meet the requirements of Bergenfield's parking space. The front of the garage to the curb is 18 ft. The opposite part of the driveway is 21 ft. They will be able to park two cars.

Chairman Cabrera stated they can park two cars and one in the garage, if used, for a total of three cars. It's tight, but they can park side to side.

Mr. Panagopoulos stated it's still going to require a variance for two cars. He always recommends if they go over the allowable percentage, that drainage is installed to cover the extra. As a condition of approval, he will review the drainage plans.

Mr. Quirk stated there will be a seepage pit in the rear, right corner of the property.

Questions from Residents within 200' and beyond:

Rosalyn Balazon, 577 S. Prospect Avenue, inquired if there will be any drainage issues and wants to make sure nothing will be affected.

Mr. Panagopoulos stated they are not regrading the property. It's not going to change the water pattern. The footprint is not changing much which gives water more room to flow and will be directed away from her property.

Motion to Approve Application Subject to:

- 1. Removing the Wall and Bedroom in Basement**
- 2. Board Engineer to Review Drainage Calculations**
- 3. Provide 3 Parking Spaces**

Motion By: Board member Smith

Second By: Board member Morel

5 ayes. 1 recuse.

2. RFQ's for 2026 Board Professionals

Chairman Cabrera stated the RFQ's have been released. The deadline to submit is December 5, 2025.

MOTION TO ADJOURN MEETING


Motion By: Board member Novak

Second By: Board member Morel

All present, voting in favor. None opposed.

Meeting was adjourned at 9:28 pm.

Respectfully Submitted,


Hilda Tavitian, Clerk
Zoning Board of Adjustment