

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
December 1, 2025**

Chairman Ben Cabrera called the meeting to order at 8:02 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, Amnon Wenger, Jose Morel, Ben Cabrera, and Richard Morf

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

Absent: Jason Bergman (excused), Yitz Novak (excused), 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 – November 3, 2025

Motion By: Board member Smith

Second By: Board member Morf

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

Board member Wenger stated there are five Board members present. Three out of five affirmative votes are required for an application to be approved.

OLD BUSINESS

Resolution: Marc Rubin, 56 Sylvamdur Avenue, Proposed Alteration/Addition & One-Car Garage

Motion By: Board member Smith

Second By: Chairman Cabrera

All present, voting in favor. None opposed.

Applications: Jonathan Isser
38 Frederick Place
Proposed Addition/Alteration
Carried from November meeting

Piero Gabucci, principal architect, Axis Architectural Group, 16 Highwood Avenue, Englewood, NJ, stated they modified the application based on the recommendations made by the Board at last month's meeting. They are seeking variances for setback, building coverage, impervious coverage, and parking. They reduced the footprint to 1,750 sq. ft. eliminating one variance. Mr. Gabucci stated, last time they were proposing a new front porch that was 6 ft. off the entire face of the house. They went back and looked at the current porch that is already 21 ft. back and decided to keep the porch where it is. The side of the house will be pushed back a couple of feet to add more depth. He stated cosmetically, they are rebuilding the porch by slightly widening it 3 ft. on one side (towards the driveway side). It allows a little more driveway and added interior garage space. There will be two parking spaces in the driveway and one in the garage. Two cars can now be parked in tandem in the driveway, which will be 19 ft. wide.

Board member Smith inquired if the garage door goes up or opens out.

Mr. Gabucci stated the garage door goes up. They reduced the impervious coverage from 53.9% to 52.8% and took the 10% credit allowed.

Mr. Smith inquired if the egress window well is pre-existing. He inquired if it can be put in the rear of the house because there will be problems if it is on the side. He inquired about the total number of bedrooms. Mr. Smith stated the office/den can potentially be another bedroom due to the size of the room and it being right off the bathroom. He counted more bedrooms than the proposed eight bedrooms. There are five bedrooms on the second floor. There's the two guestrooms, the big play room, and a big family room on the first floor that all have bathrooms.

Mr. Gabucci stated that was new. They can put it in the back. There are five bedrooms on the second floor and potentially one in the basement.

Chairman Cabrera stated if there is going to be a full bath, then it can be set up as two bedrooms in the basement. He stated the Board's job is not to stop residents from achieving the home they would like to have. Their job is to make sure it is within the town's ordinances and meets all requirements in the ordinance. His challenge here is that there are three-four additional bedrooms. The next people who buy the house will be able to use it any way they want and going to need a CO.

Board member Smith stated it will increase the number of parking spaces needed. It's too many rooms for a property that is not so big. He's looking at what's happening in town. There are parking problems, people don't park in their garages, leaving their cars on the streets and the streets are narrow. Mr. Smith stated he counted eight bedrooms, without counting the first floor.

Board engineer Panagopoulos stated the question is how many parking spaces are needed. He counted six bedrooms altogether, five on the second floor and one in the basement. If there are six bedrooms, a fourth space is required and another parking space if there are eight bedrooms. A variance of two parking spaces would be required. He stated since there is no sidewalk, there is a longer driveway and space to park a second car lengthwise.

Mr. Smith stated he looked at the property. There was a car parked in the driveway. If there is another vehicle the same size, they wouldn't be able to park it in the driveway. They won't be able to park three vehicles even when the driveway is widened. The second car would be a foot into the street.

Mr. Panagopoulos stated they are widening the driveway.

Mr. Gabucci stated the owner is able to park cars in tandem now, in front of each other.

Chairman Cabrera inquired what the distance is from the front of the house to the street.

Mr. Gabucci stated it's 35 or 36 ft.

Mr. Smith stated 10 ft. of that is the borough's right of way, it's actually 25 ft.

Mr. Panagopoulos stated it would still be a variance. It's a 19 ft. driveway and you need 18 ft. to park the cars next to each other. He doesn't know if they would be able to park both cars with the expansion of the porch. They would have to pull the first car all the way up to the house in order to fit, as long as they are not trucks or SUV's.

Board member Wenger stated technically it's shown on the drawing, they don't need it. It is because they are recharacterizing three of the rooms as bedrooms. If doing that, then you can give them a little credit. Legally, you are required to give credit for the garage.

Mr. Smith stated he had mentioned giving credit for the garage.

Chairman Cabrera stated based on the standard size of a vehicle, 9x18, they should be able to fit four cars. The porch is a concern. It cuts in where the driveway begins and might be tight.

Mr. Panagopoulos stated it still requires a variance, but theoretically, can fit.

Questions from Residents within 200' and beyond:

Bergenfield resident, stated she has a two-car garage and parks both of her cars in the garage.

Michela Maguire, project manager from Stonefield Engineering & Design, 92 Park Avenue, Rutherford, NJ, stated they submitted the grading and drainage plan dated 11/17/25. Ms. Maguire stated they looked at two things: ensure they were meeting any local stormwater, any soil erosion or any NJDEP standards that applied to the application and ensure there was no negative impact to any of the adjacent properties or to any of the infrastructure. Ms. Maguire stated there are two different stormwater infrastructure or BMP's onsite being proposed to mitigate any additional impervious coverage being proposed and any impervious coverage over the allowable. The existing impervious coverage onsite was a nonconformity of 246 sq. ft. over, about 44.9% and the maximum allowable is 40%. They are proposing 2,640 sq. ft. of impervious coverage, which is about 52.8%, 12% over in coverage, increasing about 400 sq. ft. She stated in order to mitigate the 400 sq. ft., they are using two different stormwater systems, permeable pavers in the driveway and in the patio area in the rear. The total sq. ft. for the paver system is 913 sq. ft., 18% of the property. The second mitigation item that will be utilized is a drywell/seepage pit in the rear designed

to mitigate 400 of the additional square feet of impervious coverage being proposed. It holds 45 cubic feet of volume (6-7 bathtubs). Ms. Maguire stated they reviewed the engineering letter from T&M Associates and there isn't anything they can't comply with. She stated they agree to work with T&M Associates on the specific design and detailing of the seepage pit and the permeable pavers.

Questions from Residents within 200' and Beyond:

No one came forward.

Board member Morel inquired if the window well in the basement should be relocated to the rear of the house.

Mr. Panagopoulos stated as long as the building department is happy with it, he is. The property is nicely sloped and they can grade it as they want around the house and away from the other properties.

Board member Smith inquired if the roof leaders will be connected to the retention basin.

Ms. Maguire stated right now they are showing just one roof leader as a place holder. The plan is to send the entirety of the building to that retention system.

Mr. Panagopoulos stated they are not to use the soil excavated on the site and it be taken off the site. The overflow from the roof leaders should go on the grass than to the street.

Mr. Gabucci stated the room in the basement is a guest room. He stated by moving the egress window to the back, it eliminates the potential for a second bedroom in the basement. There isn't any egress window or windows in the playroom. The room on the first floor is very small, has no closet, and not intended to be a bedroom. There are a total of six bedrooms.

Chairman Cabrera stated they have four parking spaces total, including the garage. If there is 18 ft in the driveway, they would be able to park two cars in tandem, which gives them the allowed parking spaces.

Mr. Gabucci stated from the edge of the porch to the property line, they can get two cars parked next to each other.

Board member Wenger stated he appreciates the applicant for hearing the comments made at the last meeting and came back with revised plan to eliminate some of the variances and to improve some of the other ones being sought.

Chairman Cabrera stated there is an additional parking variance required for six bedrooms. There are a total of three variances.

Board member Smith stated he went to the property three times. He stated all the houses are in a straight line right now. If they grant the application, there no longer will be a straight line and what is going to happen when the next person who comes to the Board. They will be changing the graphic of the property on the street. He inquired if any of the Board members went to look at the house.

Chairman Cabrera stated he is currently looking at the street on his laptop with the homes in a straight line and there are existing homes with the same look that doesn't make it perfectly straight.

Board member Morel stated they are utilizing the frontage without a curb that normally is used for parking. The requested maximum improved lot coverage is 52.8% and the required is 40%.

Board member Wenger stated they have come back and made it better than what was previously requested.

Board member Smith stated they keep granting the variances, and people keep coming back wanting more. It's nice to have big homes and can see granting 5% or 5 ft., but how much lot coverage over are they going to grant.

Chairman Cabrera stated there appears to be one home already on the block that is along these lines, 30 Fredrick Place. It seems a similar situation and didn't know when the house was built.

Motion to Approve Variance Application with Following Conditions:

1. Relocate window well to rear of house

Motion By: Board member Wenger

Second By: Board member Morel

4 ayes. 1 nay.

A five-minute recess was taken at 8:58 pm. The meeting resumed at 9:07 pm.

NEW BUSINESS

Application: Francine Mermelstein
80 Norfolk Street
An addition

Board attorney Oh stated the notarization on the affidavit of publication of the notice for the hearing she received was notarized by someone from Wisconsin and inquired how that happened.

Richard Bienenfeld, architect from Richard Bienenfeld Architecture, 270 North Avenue, New Rochelle, NY, assumed it was someone from the Bergen Record and was unaware who they went to for the notarization.

Board member Wenger stated it's likely that the Bergen Record is owned by Gannett Company, which owns newspapers all over the country as well. It was probably sent to their legal department and the person who notarized the affidavit is probably in Wisconsin.

Mr. Bienenfeld stated the project is a vertical extension above the existing garage to provide more room for an existing kitchen and family room. There are some moving around of the interior walls, but there won't be much change of use for any of the rooms. The house is currently U shaped and there is an entrance courtyard in the middle of the U. The entrance courtyard is deep and dark that forces everyone in the house to walk around it to get from one wing of the house to the other. Mr. Bienenfeld explained by enclosing that space will make it much easier to navigate and will give the owner a nice indoor foyer, instead of an outdoor foyer. The top of the sheet on page A-101 shows the entrance to the house. The plan shows the existing conditions and the courtyard. The entrance is 15 ft. back from where it will be. Also, the rendering on the cover sheet shows where the new entrance is. It's the filling of the courtyard that is creating the need for relief from the zoning restrictions they are seeking. Mr. Bienenfeld stated filling the courtyard is about 240 sq. ft. of space, creating an extension of the existing non-compliance. Most of the non-compliance was addressed about ten years by this Board and was granted. The extension of the non-compliance is minimal compared to the rest of the lot coverage, area coverage, and improved lot coverage sought.

Board member Smith stated it was checked no on the application for the question asking if they had come before the Board previously. The municipal land use law states that nonconforming lots can not be

increased anymore that it is. He requested clarification why they are proposing to increase the nonconformity.

Mr. Bienenfeld stated the house has been in the existing use for the past ten years thanks to the granting of the variance and relief from the Zoning Board at that time. This is a small extension of that nonconforming. The required limit in the code is 35% lot coverage and they are seeking a little over 50%. It's at 49% right now, the increase is minimal. It provides a tremendous amount of added enjoyment for the owners. It connects the house that is necessary for a much better flow and makes the house better. There is a large driveway and whatever square footage of impervious surface being added to the property can be made up by adding pervious pavers to the driveway. It would take care of the added stormwater runoff and take away any negative impact.

Mr. Smith stated they are proposing to increase the lot coverage by 15%, which is not a small increase.

Chairman Cabrera inquired about the number of bedrooms currently.

Mr. Bienenfeld stated there currently are seven bedrooms. They are not being touched, only adding a couple of bathrooms to create ensuite bedrooms.

Board engineer Panagopoulos stated he counted nine bedrooms. He inquired about the material to be used for the courtyard.

Mr. Bienenfeld stated there is a paved walkway and on the sides of the paved walkway are two 4 foot wide planking beds. Most of the courtyard now is impervious. The only improvement proposed in the cellar is making it easier to get from the garage up to the first floor with a new staircase. There is an existing bedroom.

Mr. Smith stated he sees two bedrooms in the basement.

Mr. Panagopoulos stated there are no egress windows in the basement, which is an issue.

Chairman Cabrera stated the drawing shows no change to the existing exercise room, but observed there is a closet. Usually a room that has closets, ends up being a room.

Mr. Bienenfeld stated it is an exercise room and the closet is used for exercise equipment. There are two bedrooms on the cellar level, shown on sheet A-100, the existing maid room and existing bedroom #1. Sheet A-101 shows three existing bedrooms, the master bedroom, bedroom #1, and bedroom #2 on the first floor. Sheet A-102 shows the bedrooms on the second floor, bedrooms #3, #4, and #5.

Chairman Cabrera stated there are a total of eight bedrooms, including the maid's room. The existing exercise room is not a bedroom.

Mr. Smith requested an explanation of the existing mechanical rooms.

Mr. Bienenfeld stated the mechanical rooms have mechanical equipment, including water heaters, boilers, furnaces, and air conditioners.

Board engineer Panagopoulos stated whether it's eight or nine bedrooms, five parking spaces are required. They need a variance, since on paper, there's only two parking spaces. They have to look at it from a lot line perspective.

Chairman Cabrera stated they already have it. There's a two-car garage and they can easily park four cars in the driveway. There is no sidewalk on the block.

Mr. Smith stated when he was at the property, there were cars parked back-to-back. He stated if they park the vehicles closer to the garage, there wouldn't be any cars sticking out of the driveway. Mr. Smith stated that nonconformity can't be increased and the Board ten years ago approved everything.

Board member Wenger stated the property is 5 ft. from Teaneck and they can legally park on the street in Teaneck. Mr. Wenger stated, ten years ago, pavers were not counted as lot coverage.

Board member Morel inquired if they have the calculations for the pavers. He asked the board engineer if he has the calculations.

Mr. Bienenfeld stated they can provide that information to the building department.

Mr. Panagopoulos stated it would be 2,007 sq. ft. of the 35% allowed. He recommended they put the pervious pavers and a drainage basin to cover the 2,007 sq. ft.

Questions from Residents within 200' and beyond:

No one came forward.

Board member Morel stated the egress in the basement is an issue that needs to be discussed.

Mr. Panagopoulos stated they will get stuck in the building department if they don't meet the requirement. The zoning official can address that. He does recommend some kind of drainage, as per the building code requirements, to cover the increase in lot coverage over the 35%.

Board member Smith stated there is a retention problem as there is mold and moss growing on the building. Something needs to be done about the water coming off the building. The water dripping from the trees is going to cause problems with the pavers.

Mr. Panagopoulos stated any soil that is excavated needs to be removed. Percolation testing is needed and the roof leaders need to be directed away from the neighboring properties, and any overflow should be directed to the grass towards the street.

Mr. Bienenfeld stated there is ample egress through the garage to the front. The basement floor is a walk out.

Motion to Approve Variance Application with the Following Conditions:

1. Provide Drainage Plan & Calculations to Board Engineer for Review
2. Ensure Compliance with Egress Window for Basement
3. Roof leaders Connect to Drainage System directed Towards Grass

Motion By: Board member Smith

Second By: Board member Wenger

5 ayes. None opposed.

MOTION TO ADJOURN MEETING

Motion By: Board member Wenger

Second By: Board member Morel

All present, voting in favor. None opposed.

Meeting was adjourned at 9:56 pm.

Respectfully Submitted,

Hilda Tavitian
Hilda Tavitian, Clerk
Zoning Board of Adjustment