

**BERGENFIELD ZONING BOARD OF ADJUSTMENT
REORGANIZATION & REGULAR MEETING MINUTES
January 5, 2026**

Mr. Ben Cabrera called the Reorganization 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.

OATH OF OFFICE TO APPOINTED MEMBERS

Richard Morf

Jose Morel - Absent

Oath of office administered to board member Richard Morf by Board Attorney Gloria Oh.

ROLL CALL

Present: John Smith, Amnon Wenger, Jason Bergman, Ben Cabrera, Yitz Novak (came at 8:10pm), and Richard Morf

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

Absent: Jose Morel (excused)

Nomination of Chairman:

Ben Cabrera

Motion By: Board member Smith

Second By: Board member Wenger

All present, voting in favor. None opposed.

Nomination of Vice-Chairman:

Amnon Wenger

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Secretary:

John Smith

Motion by: Board member Bergman

Second by: Chairman Cabrera

All present, voting in favor. None opposed.

Nomination of Board Attorney:

Gloria Oh

Motion by: Board member Bergman

Second by: Board member Morf

All present, voting in favor. None Opposed.

Nomination of Board Engineer:

T&M Associates

Motion by: Board member Smith

Second by: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Board Planner:

T&M Associates

Motion by: Board member Smith

Second by: Board member Bergman

All present, voting in favor. None opposed.

Nomination of Board Clerk:

Hilda Tavitian

Motion by: Chairman Cabrera

Second by: Board member Bergman

All present, voting in favor. None opposed.

Accept By-Laws:

Motion By: Board member Bergman

Second By: Board member Wenger

All present, voting in favor. None opposed.

Accept 2026 Meeting Dates with following Amendments - Meeting Date for July 2026 changed to Monday, July 13, 2026 and November 2026 meeting changed to Monday, November 9, 2026

Motion By: Board member Smith

Second By: Board member Bergman

All present, voting in favor. None opposed.

APPROVE MINUTES OF PREVIOUS MEETING – December 1, 2025

Motion By: Board member Smith

Second By: Board member Wenger

All present, voting in favor. None opposed.

CORRESPONDENCE

None.

PUBLIC COMMENT

Comments by members of audience on matters not on evening's agenda

No one came forward.

OLD BUSINESS

Resolutions: Jonathan Isser, 38 Frederick Place, Proposed Alteration/Addition & One-Car Garage

Motion By: Board member Morf
Second By: Board member Wenger
Two ayes. One recuse. One nay.

Francine Mermelstein, 80 Norfolk Street, Proposed Addition

Motion By: Board member Smith
Second By: Board member Wenger
All ayes. None opposed.

NEW BUSINESS

Applications: Lorraine Daulton
191 New York Avenue
Proposed Addition

William Severino, William G. Severino Architect, LLC, 104 Summit Circle, Little Ferry, NJ, licensed architect, stated the Daulton residence is currently a single cape with a small portion in the back. The house has an open cover over the front door. They are seeking impervious coverage, there's existing front yard setback and existing side yard setbacks. He stated they are proposing three small additions. The front vestibule will have a closet for coats and shoes. The side addition will align with the kitchen to expand it to make it more functional and usable. Mr. Severino stated they are proposing to add a rear dormer. There currently is a front dormer. The house has only two bedrooms in the front and a closet. There will be a master closet and a bathroom on the second floor. There will be a couple of lights in the front and rear. There are no negative criteria. They are expanding the residence to make it livable. The rear dormers are enclosed entries. They are keeping the existing front yard setback, required is 25 ft and they are at 24.7 ft., with the proposed vestibule it becomes 20.7 ft. The existing side yard is 4.7 ft, where required is 5 ft, and will remain at 4.7 ft. as there won't be any work done on that side. The walkway will add 30 sq. ft. of impervious coverage.

Chairman Cabrera inquired if the basement is unfinished.

Mr. Severino stated the basement is unfinished. Nothing is going to change in the basement.

Board member Smith stated if they can get rid of the concrete under the window, they can do away with one variance. He stated there is enough room for parking since the gate opens up.

Board engineer Panagopoulos inquired if the applicant uses the concrete space for anything.

Mr. Severino stated they can take the concrete out and it can be made as a condition of approval.

Mr. Panagopoulos stated there's an existing easement along the west side of the property. It's not going to be encroached upon. He doesn't see any issues as they are not expanding into it. No new improvement can happen on the easement.

Questions from Residents:

No one came forward.

Motion to Approve Application with Condition of Removing the Concrete

Motion By: Board member Smith
Second By: Board member Wenger
All board members present, voting in favor. None opposed.

Jonathan & Rebecca Odinsky
102 Dudley Drive
Proposed Addition and Renovation

Mark Madaio, 29 Legion Drive, Bergenfield, NJ, attorney for applicant, stated the house is already under construction and is being built in a conforming manner. Permits were already obtained. They are before the Board for a 2.3 ft. side yard variance to construct a garage. A 2.3 ft. sliver of the garage crosses the side yard setback line. Mr. Madaio stated a side yard of 7.5 ft. is not maintained and a side yard of 5.2 ft. is proposed. That's only for the length of the garage. The entire rest of the structure is conforming. The addition is conforming. The addition was placed in a manner that the two side yards total the correct total side yard. Mr. Madaio stated they are before the Board for the sliver of 2.3 ft. wide section of the right side of the garage, which will cross over the setback line. The lot is deficient in width, existing is 50 ft. wide and is supposed to be 60 ft. wide. It's a pre-existing non-conformity and is an oversized lot. The property has an existing front yard setback, that will not be changed and is pre-existing. Mr. Madaio stated the coverage will be reduced. The existing improved lot coverage is 43.1% and will be lowered to 37.6%, nearly by 5%. The proposal will decrease impervious coverage on the site. The applicant is proposing to install stormwater management measures for the entire roof of the proposed dwelling. Mr. Madaio stated there is an ordinance requiring garages on all new construction and requiring people not take away garages and use it as living area.

Board engineer Panagopoulos stated there's a pre-existing nonconforming side yard setback of 4.6 ft. on the east side of the property and what's proposed is 5.2 ft. on the west side of the property, where each side would be required to be 7.5 ft. A total of 15 ft. would be required where 9.8 ft. is proposed. It should be an extra variance.

Noah Adler, Noah Harris Adler Architect, LLC, 233 Whitman Street, Haworth, NJ, licensed architect, on Exhibit A-1, drew a line on the sliver of 2.3 ft. of the garage for the variance being sought. The house itself is setback 10.5 ft and a total combined setback of 15 ft. for one story. Mr. Adler stated the width of the garage is about the minimum clear width of the inside to allow a car to be parked and be able to open the doors.

Mr. Madaio stated they are reducing the impervious coverage by 4.5% and have setback the bulk of the structure so that the combined side yards are conforming to the 15 ft.

Board member Smith stated he is concerned there isn't enough space if there is a fire.

Mr. Adler stated per the building code, as long as the structure is more than 5 ft. from the property line, you don't need to do any fire rating.

Mr. Madaio stated they are fire code compliant. The two non-conformities are not being changed. The one side yard that is over 2 ft., just for the length of the garage is to meet the ordinance requirement of having a garage. A variance will be required for the side yard, which is 5.2 ft, instead of 7.5 ft. and for the total, which is now nonconforming for the length of the garage but intentionally left excess behind the garage so that it is conforming for the entire rest of the addition. The actual improvement is 25%, where 30% is permitted.

Board member Smith inquired what the existing combined side yard is. He stated they are proposing 9.8 ft. They are going from 20 ft. to 9.8 ft.

Mr. Madaio stated 10.5 ft. and 4.6 ft.

Mr. Adler stated currently it is 20.1 ft. combined before construction. Mr. Adler stated the existing house, before the construction, is 20.1 ft. combined. The remainder of the addition is fully compliant. The permit for the addition was issued a few months ago. They started the work for a compliant addition to the house and have the construction permits for everything, but the garage.

Mr. Madaio stated right now, the addition is there.

Chairman Cabrera stated it looks like they are basically ripping everything out.

Mr. Smith stated they started the work on the house months ago.

Board engineer Panagopoulos stated they already testified that they have permits right now to start construction on anything that is compliant to code, everything is by right. Tonight, they are looking for a waiver of a variance for the garage.

Mr. Madaio stated there is no garage above this garage and there is no living space.

Chairman Cabrera stated there are some concerns with the basement area, especially with the location of the window well and two large rooms and a full bathroom with a shower. This leads to the possibility of additional bedrooms in the basement.

Mr. Madaio stated the only thing they are before the Board is for the 2.3 ft. sliver of the garage because the rest of everything is fully permitted.

Mr. Smith inquired how is the lot coverage going to be reduced.

Mr. Madaio stated they don't need a variance if they are going to reduce the lot coverage for a pre-existing nonconforming. A deviation is needed for the side yard. The single side yard deviation is 2 ft. The total side yard deviation doesn't start at 20 ft., required is 15 ft. and they are at 9.6 ft. The left side of the house is 4.6 ft. and the right side of the house is 5.2 ft. for a total of 9.8 ft, where 15 ft. is required. They are lessening improved lot coverage, adding a total drainage package that doesn't currently exist, adding a garage the borough ordinance requires, and making the site better.

Chairman Cabrera stated the Board reserves the right to bring anything back up and don't solely rely on the inspector. There is a home office, the gym, and a full bathroom that is indicative of a space that can become much more than a workout space. He inquired about the window well and what is future habitable space.

Mr. Adler stated it's finished recreational space for their kids to get light and air.

Mr. Madaio stated they can eliminate the shower and make it a half bath in the basement and they can take the wall down.

Chairman Cabrera stated neither the gym or the playroom have closet space. The wall can remain.

Board member Wenger stated they are better off separating the gym equipment from the children.

Mr. Madaio stated there are no bedrooms in the basement, just a playroom.

Board member Smith stated if the application is approved, it be a condition the living space in the basement never becomes bedrooms.

Mr. Madaio stated that would be a condition freely volunteered, freely enforceable. Bergenfield is a town that requires CO on transfer and is not a problem, half bath in the basement, standard playroom, and no bedrooms, never sleeping quarters in the basement.

Mr. Adler stated the window well is new. The construction official approved the window well.

Mr. Madaio stated if the window well is counted as setback, it too is the same setback as the proposed garage.

Mr. Adler stated there is a small portion that is over the garage on the second floor. It is fully conforming. There is no setback, no garage, and no window well on the second floor.

Chairman Cabrera stated the ordinance requires for any new construction or expansions to include a garage. It's a bit of catch 22. He inquired how can you add a garage when you don't have the space. If you use the space, then a variance is needed on the side.

Board member Smith inquired if they can put the garage under the house.

Mr. Madaio stated they are seeking a reasonable setback variance to conform with the law.

Sean McClellan, licensed engineer, stated he prepared Exhibit A-2, the site plan. The existing nonconformity on the left side is 4.6 ft. There is a covered porch that is about a foot off the property line that will be removed and will make the left side more accessible. The required front yard setback is 25 ft. and they are at 24.9 ft. The impervious coverage will be reduced by 385 sq. ft. Mr. McClellan stated, typically, if impervious coverage is reduced on site, they won't propose any drainage. They will be providing drainage for the entire structure. They will be adding three 1,000 gallon Cultec chambers, where only 2,000 gallons of drainage is required for the entire house. The length of the garage is 22 ft. 4 inches. The rear yard is supposed to be 25 ft and they have 60 ft., the total side yard is conforming except for the 22 ft. of the garage length, and the right side is conforming except for the 22 ft. of the garage length.

Mr. Madaio stated the total square footage of the structure that's over the line would be 22 ft. times 2.3.

Mr. McClellan stated it's approximately 50 sq. ft.

Board member Smith inquired if the garage could be moved to the left.

Mr. Madaio stated the garage is not in the basement, it's on the first floor. He is asking if the first floor can be made narrower and would have to ask the architect.

Board engineer Panagopoulos inquired as a condition of approval of the application, would they agree to provide the information requested in his review letter. He requested explanation how the impervious coverage will be reduced.

Mr. McClellan's response was yes. He stated existing building coverage is at 19.7% and will go to 25.5%. There are two sheds that are 344 sq. ft. that will be removed. The driveway goes from 994 sq. ft. down to 439 sq. ft. The existing deck is 456 sq. ft. and the proposed deck is 207 sq. ft.

Questions from Residents:

No one came forward.

Mr. Adler stated they would have to put in a new foundation if they brought the garage in and made the house narrower, costing almost \$100,000 more of additional, unfair unnecessary construction for the owner. They will just put the garage up against the existing exterior wall of the house. It's not practical or feasible to push it in.

Chairman Cabrera stated he is concerned with the homes being so close to each other and if there is a fire with one, there can be a domino effect with the others catching fire. The fire code itself is 3 ft.

Mr. Madaio stated in the R-5 zone, 5 ft. is permitted. The zoning ordinance then would have to be changed in the entire R-5 zone.

Motion to Approve Application with Condition for Only a Half Bath in Basement

Motion By: Board member Wenger

Second By: Board member Bergman

4 ayes. 2 nays

MOTION TO ADJOURN MEETING

Motion By: Board member Bergman

Second By: Board member Novak

All ayes. None opposed.

Meeting was adjourned at 9:29 pm.

Respectfully Submitted,



Hilda Tavitian, Clerk
Zoning Board of Adjustment